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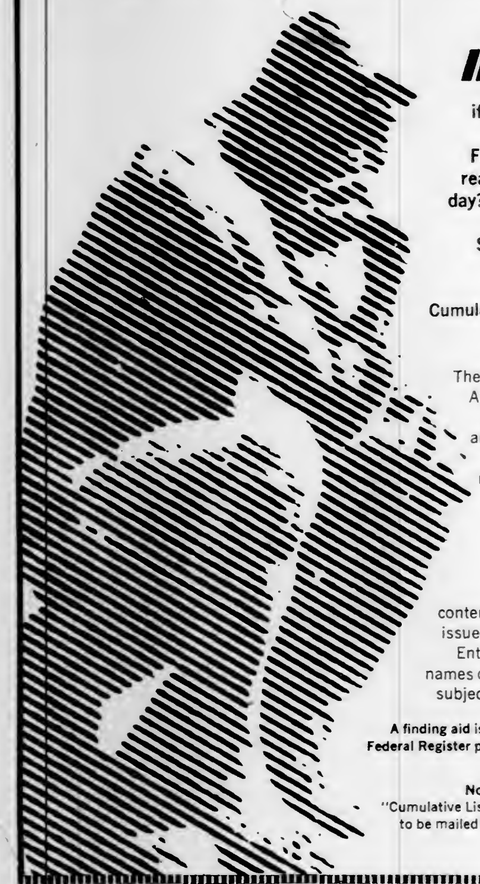

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INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Rose Steinman, with Uriel Schoenbach and Carol Blanchard as Chief Editors. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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52.590	(c)(2) amended	29541
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1-1.1603-1 Revised 44138
1-1.2300—1-1.2302-5 (Subpart 1-1.23) Added 36339
1-2.201 (a)(29) and (30) removed 44138
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1-3.410-2 Redesignated as 1-3.410-3; new 1-3.410-2 added 27655
1-3.410-3 Added; redesignated from 1-3.410-2 27655
1-3.600 Revised 44138
1-3.602 (d) revised 44138
1-3.603-1 (a) and (d) revised 44138
1-3.604-1 Revised 44139
1-3.604-4 (a)(6) added 44139
1-3.604-5 (a) revised 44139
1-3.605-2 (a)(3)(i) revised; (b)(3) and (4) added 44139
1-3.606-5 (f) revised; (i) added. 44139
1-3.805-1 Introductory text and (a)(1) revised 44139
1-3.814-2 (c) revised 44139
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1-3.1202-1 Added 60021
1-3.1203 (a) amended; (g) revised; (i) added 60021
1-3.1204 Heading revised 60022
1-3.1204-2 Added 60022
1-3.1205 (b) and (c) revised; (d) added 60022
1-3.1207 (a) and (c) introductory text revised; (c)(3) added 60023
1-3.1208 Heading and (a) revised; (b) amended 60023
1-3.1212 Added 60023
1-3.1213 Added 60024
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1-3.1220 (b) (34) through (37) added 60025
1-3.1220-8 Added 60025
1-3.1220-9 Added 60027
1-4.404 (b) revised 44139
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1-4.411-1 (a)(2) revised 44140
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1-7.203-24 Added 44504
1-7.204-5 Redesignated from 1-7.202-22 ..... △22817
1-7.302-34 Added 36341
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1-7.303-65 Added 44504
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1-7.600—1-7.604-1 (Subpart 1-7.6) Revised ..... △19313
1-7.601-5 Added 36341
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1-8.700-2 (a)(1) revised 44140
1-9.107-5 (g) and (h)(1)(iii) corrected 28068
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1-12.1102-2 Amended 44140
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3-3.606-5 (a) revised; (e) and (g) added 29719
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36.101—36.121 (Subpart H) Added ---------- 53143
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51 Removed ---------- △23852
51.101—51.105 (Subpart B) Revised ---------- △8039
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51a.133 Redesignated as 51a.143 ---------- 54103
51a.201—51a.317 (Subparts B and C) Removed---------- 54107
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53.111 (f)(1) revised; (i) and (j) redesignated as (j) and (k); new (i) added---------- 46203
54 Revised ---------- △26908
54.1—54.7 (Subpart A) Redesignated as 45 Part 415------- △26908
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54b.102 (a) revised---------- △26012
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57.2209 (c), (d) and (e) redesignated as (d), (e), and (f)-- △26685
(b) revised; new (c) added-- △26685
57.2301—57.2314 (Subpart X) Added ---------- 56665
57.2801–57.2812 (Subpart CC) Added ---------- △17907
67 Added ---------- △5226
101.101 (a) amended; (c) added ---------- △17865
101.103 Amended ---------- △17865
101.104 Introductory text revised ---------- △17865
101.1401—101.1406 (Subpart N) Added ---------- △7878
110.801—110.808 (Subpart H) Added ---------- 50213
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2 Appendix A amended--------- 57671
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20 Appendix C revised--------- 58295
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2920.0–5 (d) revised; (f) and (g) added ---------- △22940
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3520.1–3 Redesignated from 3520.1–2 ---------- △22053
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3521.2–5 (a) revised---------- △22054
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174.190—174.192 (Subpart F–1) Redesignated from Subpart F and revised ---- △15695
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177.42 (d) removed; (e) redesignated as (d) ..... △4500
177.44 (a) through (f) redesignated as (1) through (6); undesignated paragraph redesignated as (a); (b) added ..... △4500
177.49 (b) revised ..... △4500
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205.40 (c) added ..... △12014
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250.18 (f) redesignated from 250.20 (b)(2) and revised ..... △23673
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250.30 (d) revised 52021
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250.80 (a)(5) revised ..... △13585
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801 Appendix A amended 51444

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1060.2-2 (d)(2) table amended ..... △16445
1061.20-1—1061.20-11 Revised ..... △20530
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1076.5-1—1076.5-11 (Subpart) Added 45436
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1100—1115 (Subchapter A) Added 51196
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1221.2 (a) revised ..... △10229
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1222 Added 57217
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4.13–5—4.13–40 Removed; CFR correction 58306
5.30–1 (c) amended 57672
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5.50–5—5.50–10 Removed; CFR correction 58306
12.02–9 (a) amended 57673
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30—40 (Subchapter D) Note added 48288
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30.10–2 Added ..... △3842
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30.10–19a Added ..... △3843
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32.53–1—32.53–85 (Subpart 32.-53) Added ..... △3843
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33.01–30 (f) revised 58454
33.25–10 (b) note revised 58454
34 Effective date added ..... △4826
34.20–1 (a) revised ..... △3846
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42.35–1 Table revised; (d) amended 57218
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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

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USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NTIS—National Technical Information Service
Patent—Patent Office
TS—Travel Service

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency
DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHA—Federal Highway Administration
FRA—Federal Railroad Administration
HMOO—Hazardous Materials Operations Office
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

AT&F—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

presidential documents

Title 3—The President

Executive Order 11916 • May 28, 1976

Amending Executive Order No. 11649,[1] Regulations Governing the Seals of the President and the Vice President of the United States

By virtue of the authority vested in me by section 713(b) of title 18 of the United States Code, subsection (b) of section 1 of Executive Order No. 11649 is amended to read as follows:

"(b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency;".

Gerald R. Ford

THE WHITE HOUSE,
May 28, 1976.

[FR Doc.76–16035 Filed 5–28–76;12:10 pm]

[1] 37 FR 3625; 3A CFR, 1972 Comp., p. 150.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
1200–1499	4.50
1500-end	6.90
8	2.40
9	6.80
10 Parts:	
0–199	4.60
200–end	4.90
12 Parts:	
1–299	11.00
300–end	7.50
13	3.60
14 Parts:	
1–59	5.30
60–199	5.60
200–1199	6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	6.80

CFR Unit (Rev. as of April 1, 1976):

Title	Price
20 Parts:	
1–399	$2.45
21 Parts:	
1–9	2.60
200–299	2.10
600–1299	2.75
1300–end	1.90
26 Parts:	
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.501–1.640)	4.05
300–499	3.60
600–end	2.20

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of July 1, 1975):

Title	Price
28	$2.70
29 Parts:	
0–499	5.90
500–1899	6.85
1900–1919	7.35
1920–end	3.50
30	5.80
31	4.90
32 Parts:	
40–399	5.99
400–589	4.90
590–699	2.35
700–799	7.55
800–999	5.35
1000–1399	2.05
1400–1599	3.65
1600–end	1.80
32A	2.85
33 Parts:	
1–199	5.95
200–end	4.60
34	1.70
35	3.90
36	3.55
37	2.10
38	7.10
39	3.10
40 Parts:	
0–49	2.90
50–69	6.90
70–99	4.15
100–end	8.35
41 Chapters:	
1–2	6.75
3–6	6.05
7	1.80
8	1.80
9 (Rev. 11–1–75)	3.90
10–17	3.85
18 (Retain CFR Vol. Rev. 7–1–74)	7.60
19–100	3.25
101–end	6.20
General Index	3.05
CFR Unit (Rev. as of Oct. 1, 1975):	
42	$5.15
43 Parts:	
1–999	$2.90
1000-end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55
500–end	4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	1.85
100–199	6.80
200–999	5.90
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Middlesex and Worcester Counties in Massachusetts and Cheshire and Rockingham Counties in New Hampshire from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in the State of Massachusetts remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respects:

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1. In § 76.2, paragraph (e) (2) relating to the State of New Hampshire is amended to read:

(2) *New Hampshire.* All of Hillsborough County.

2. In § 76.2, paragraph (e) (3) relating to the State of Massachusetts is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective May 26, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of May, 1976.

F. W. HANSEN, JR.,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-15770 Filed 5-28-76;8:45 am]

PART 78—BRUCELLOSIS

Brucellosis Areas

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): McDonald and Wright Counties in Missouri; Bee, Calhoun, Callahan, Cameron, Foard, Harris, Hidalgo, Jasper, Orange, Stephens, Tyler, and Uvalde Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Chambers, Cherokee, Hopkins, Houston, Karnes, Nueces, Red River, Refugio, Upshur, and Winkler Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Cerro Gordo, Dallas, Linn, Marshall, and Polk Counties in Iowa.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Socarro County in New Mexico; Brookings and Edmunds Counties in South Dakota.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.*

Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Lee, Russell.

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Conway, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crawley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clearwater, Custer, Elmore, Fremont, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Sac, Scott, Shelby, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Adair, Audrain, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Hidalgo, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Bute, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

Texas. Brewster, Childress, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Mason, Newton, Pecos, Reagan, Reeves, Roberts, Sterling, Terrell, Val Verde, Ward.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Pieddras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.*

Alaska, Louisiana, Nebraska, Oklahoma.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Chicot, Clark, Cleburne, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pope, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

Colorado. Kiowa, Pueblo, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwannee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Clark, Franklin, Gem.

Illinois. Brown, Effingham, Hardin, Pike, Pope, Wayne, Williamson.

Iowa. Allamakee, Appanoose, Benton, Cerro Gordo, Crawford, Dallas, Davis, Decatur, Guthrie, Jackson, Linn, Marshall, Polk, Pottawattamie, Poweshiek, Ringgold, Sioux, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshal, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Beadle, Jones, Marshall, Stanley.

Tennessee. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence,

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Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harrison, Haskell, Hays, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Shelby, Smith, Somervell, Starr, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Upshur, Upton, Van Zandt, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified Areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.*

(b) *Specific Counties Within States.*

Missouri. McDonald, Wright.

Puerto Rico. Vieques.

Texas. Bee, Calhoun, Callahan, Cameron, Foard, Goliad, Harris, Hidalgo, Jasper, Jefferson, Liberty, Live Oak, Orange, Stephens, Tyler, Uvalde, Victoria.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

Effective date: The foregoing amendments shall become effective June 1, 1976.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of May, 1976.

F. W. HANSEN, Jr.,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.76–15771 Filed 5–28–76;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 700—CONDUCT OF EMPLOYEES

Supplementary Statements of Employment and Financial Interests

The Energy Research and Development Administration (ERDA) is amending Part 700 of its regulations, "Conduct of Employees," to change the date for filing required supplementary confidential statements of employment and financial interests.

ERDA adopted the Conduct of Employees regulation, 10 CFR Part 0, of its predecessor, the Atomic Energy Commission, and redesignated the regulation as 10 CFR Part 700, as set forth in 40 FR 8794, March 3, 1975.

The filing date, previously June 30, is changed to September 30 of each year to adjust the ERDA reporting period to the new Federal fiscal year.

Because these amendments constitute a matter relating to agency management and personnel, it has been determined that the provisions of 5 U.S.C. 553 requiring advance notice of proposed rule making and public procedure thereon do not apply.

In 10 CFR Part 700, § 700.735–28(d)(5) is revised to read as follows:

(5) *Supplementary statements.* Changes in, or additions to, the information contained in a regular Government employee's statement shall be reported by the employee in a supplementary statement as of September 30 each year, filed within 10 days thereof. Changes in, or additions to, the information contained in a special Government employee's statement shall be reported by the special Government employee in a supplementary statement within 10 days following the end of the calendar quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. The forms prescribed in paragraph (d)(1) of this section shall be used for this purpose and plainly marked "Supplementary". The changes and additions shall be identified in terms of the specific part(s) of the statement being modified. All changes or additions occurring during the reporting period are to be reported, not merely employment and financial interests status as of the reporting date. If there are no changes in or additions to a special Government employee's statement, a negative quarterly report is not required. However, for the purpose of annual review, a supplementary statement by regular and special Government employees, negative or otherwise, is required as of September 30 of each year. The employee shall submit his supplementary statement to the official who would be the recipient of an initial statement from the employee, as identified in paragraph (h) of this section. Notwithstanding the filing of the report(s) required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or this Part 700.

Effective date: June 1, 1976.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.76–15844 Filed 5–28–76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI–326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Aurora, Colo.

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Aurora, Colorado. Map No. H 080002 11 indicates that portions of Kingsborough Subdivision, Filing No. 6, Aurora, Colorado, as recorded in Book 29, Page 1, in the office of the Clerk and Recorder of Arapahoe County, Colorado, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Kingsborough Subdivision Filing No. 6, Aurora, Colorado, is not within the Special Flood Hazard Area. Accordingly, Map No. H 080002 11 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15794 Filed 5–28–76;8:45 am]

[Docket No. FI–410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with special hazard areas which included Anne Arundel County, Maryland. Map No. H 240008 19 indicates that Lot 38, Mount Pleasant Beach, being 7572 Beach Drive, Anne Arundel County, Maryland, as recorded in Liber 2823, Pages 76 and 77 in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland, is partially within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 240008 19 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15799 Filed 5–28–76;8:45 am]

[Docket No. FI–321]

PART 1920—PROCEDURE FOR CAMP CORRECTION

Letter of Map Amendment for the Borough of Stafford Springs, Conn.

On August 6, 1974, in 39 FR 28251, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Borough of Stafford Springs, Connecticut. Map No. H 090113 01 indicates that Lots 25 and 26, as shown on a Subdivision Plan of Riverview Acres, Stafford Springs, Connecticut, prepared for Xenophon Zorba on July 24, 1972, as recorded in Map Volume 10, Page 27, in the office of the Town Clerk of Stafford, Connecticut, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 090113 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 28, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15795 Filed 5–28–76;8:45 am]

[Docket No. FI–880]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Virginia

On February 13, 1976, in 41 FR 6738, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Chesapeake, Virginia. Map No. H 510034A 08 indicates that Lot 4, Block 69, Norfolk Highlands Subdivision No. 1, Chesapeake, Virginia as recorded in Map Book 10, Pages 63 through 65 in the office of the Clerk of the Circuit Court of Chesapeake, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 510034A 08 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on June 18, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15805 Filed 5–28–76;8:45 am]

[Docket No. FI–1191]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Columbus, Georgia

On October 30, 1970, in 35 FR 16800, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Columbus, Georgia. Map No. H 135158 12 indicates that Lots 40 through 44, and 48 through 53, Block F, Regency Park, Section Four, Columbus, Georgia, as recorded in Plat Book 52, Folio 82–B, in the office of the Clerk of Courts of Muscogee County, Georgia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures of Lots 40 through 44, and 49 through 53, Block F, are within Zone C, and are not within the Special Flood Hazard Area. The existing structure on Lot 48, Block F, is in Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 135158 12 is hereby corrected to reflect that the above structures are not within the Special Flood Hazard Area identified on October 30, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15797 Filed 5–28–76;8:45 am]

[Docket No. FI–277]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Franklin, Wisconsin

On January 9, 1974, in 39 FR 1436, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Franklin, Wisconsin. Map No. H 550273 06 indicates that Lots 5, 10, and 13, Block 2; and Lots 12 and 13, Block 3, Hawthorn Glen Subdivision, Franklin, Wisconsin, as recorded in Plat Volume 102, Pages 37 and 38, in the office of the Register of Deeds of Milwaukee County, Wisconsin, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above property are

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not within the Special Flood Hazard Area. Accordingly, Map No. H 550273 06 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area identified on December 28, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15807 Filed 5-28-76;8:45 am]

[Docket No. FI-880]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Grandview, Missouri

On February 13, 1976, in 41 FR 6736, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Grandview, Missouri. Map No. H 290171A 04 indicates that Lots 1 through 16, Block 1; Lots 1 through 17, Block 2; Lots 1 through 10, 15, 22 through 25 and 30 through 32, Block 3; Lots 1 through 17, Block 4; Lots 1 through 34, Block 5; Lots 1 through 3, 9, 10, and 13 through 15, Block 6; Lots 1, 2, and 5 through 8, Block 7; and Lots 1 through 3, Block 8, River Oaks First Plat, Grandview, Missouri, as recorded in Book 33, Page 86, in the office of the Recorder of Deeds of Jackson County, Missouri, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned lots, with the exception of Lot 15, Block 3, are not within the Special Flood Hazard Area. Lot 15, Block 3, would be partially inundated by a flood having a one-percent chance of occurrence in any given year, however, the existing structure is not within the Special Flood Hazard Area. Accordingly, Map No. H 290171A 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 19, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15801 Filed 5-28-76;8:45 am]

[Docket No. FI-270]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Indianapolis, Indiana

On May 17, 1974, in 39 FR 17518, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Indianapolis, Indiana. Map No. H 180159 33 and 34 indicates that the property located at the junction of I–74 and I–465, Indianapolis, Indiana, which is the area indicated by cross-hatching on the plat map recorded as Instrument No. 75–26729 in the office of the Recorder of Marion County, Indiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 180159 33 and 34 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 17, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15798 Filed 5-28-76;8:45 am]

[Docket No. FI-232]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Shrewsbury, Missouri

On April 1, 1974, in 39 FR 11899, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Shrewsbury, Missouri. Map No. H 290386 01 indicates that Lot 36 and the West ½ of Lot 35, Block 17, Shrewsbury Park 3rd Subdivision, Shrewsbury, Missouri, as recorded in Record Plat Book 2, Page 93, in the office of the Recorder of Deeds of St. Louis County, Missouri, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 290386 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 29, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15802 Filed 5-28-76;8:45 am]

[Docket No. FI-128]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of St. Louis Park, Minnesota

On May 17, 1973, in 38 FR 12916, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of St. Louis Park, Minnesota. Map No. H 270184 03 indicates that Lots 35 and 36, Block 141, Rearrangement of St. Louis Park, St. Louis Park, Minnesota, as recorded in Volume 1743, Page 525827, in the office of the Registrar of Titles of Hennepin County, Minnesota, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 270184 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 25, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15800 Filed 5-28-76;8:45 am]

[Docket No. FI-1190]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Pinellas, Fla.

On June 18, 1971, in 36 FR 11729, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Pinellas, Florida. Map No. H 125139A 05 indicates that Bardmoor Golf View Estates Fourth Addition, Pinellas County, Florida, as recorded in Plat Book 75, Page 18, in the office of the Clerk of the Circuit Court of Pinellas County, Florida, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 125139A 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 18, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15796 Filed 5-28-76;8:45 am]

[Docket No. FI-352]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Canal Winchester, Ohio

On September 12, 1974, in 39 FR 32889, the Federal Insurance Administrator published a list of communities with special hazard areas which included the Village of Canal Winchester, Ohio. Map No. H 390169 02 indicates that Lot 47, Washington Knoll Subdivision, Canal Winchester, Ohio, as recorded in Plat Book 48, Page 11 in the office of the Recorder of Franklin County, Ohio, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 390169 02 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on January 25, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15804 Filed 5-28-76;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 04 indicates that Lot No. 12–L, Block 324, Brookfields, Ridgewood, New Jersey, as recorded in Book 5485, Pages 39 and 40, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 340067 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15803 Filed 5-28-76;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Wood County, West Virginia

On January 24, 1975, in 40 FR 3782, the Federal Insurance Administrator published a list of communities with special hazard areas which included Wood County, West Virginia. Map No. H 540213 02 indicates that Lots 204 and 207, Vienna Improvement Company Addition, Wood County, West Virginia, as recorded in Book 627, Page 260, and Book 641, Page 62, respectively, in the office of the Clerk of the Court of Wood County, West Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 540213 02 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area identified on January 17, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15806 Filed 5-28-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Sexually Oriented Advertisements Increased Cost of List of Persons

By Notice of Proposed Rulemaking published in the FEDERAL REGISTER on March 4, 1976 (41 F.R. 9395), the Postal Service proposed amendments to 123.523, 123.524 and 123.541–123.543 of the Postal Service Manual, Chapter I of which is incorporated by reference in the FEDERAL REGISTER. See 39 C.F.R. III. The purpose of these amendments is primarily to change the method of recovering the costs of making available the list of persons who wish not to receive sexually oriented advertisements (hereinafter the SOA list) as provided in 39 U.S.C. 3010–3011.

The statutory scheme defines a category of advertisements as "sexually oriented" and permits any person, for himself and for his minor children, to request inclusion on a list of persons who do not wish to receive through the mail sexually oriented advertisements as so defined. A person who mails such advertisements is prohibited from sending them to a person whose name has been on this SOA list for more than 30 days. Copies of the list are made available to the public upon terms prescribed by the Postal Service for the sole purpose of ensuring that mailing lists used by mailers of sexually oriented advertisements do not include the names of persons on the SOA list. The statutes contemplated that the Postal Service would charge for copies of the SOA list a fee that would cover the costs of compiling it and making it available for this purpose.

As initially adopted in 1971, the regulations implementing 39 U.S.C. 3010–3011 made the SOA list available only by subscription at an annual rate to be determined at the close of the year by dividing actual costs by the total number of subscribers up to a maximum amount of $10,000. 36 F.R. 1469, Jan. 30, 1971. These regulations were challenged substantively and procedurally in civil actions in United States District Court in the Eastern District of New York and the Central District of California. While these actions were pending the Postal Service adopted revised regulations

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which, *inter alia*, permitted a mailer the choice of purchasing the SOA list and monthly supplements in the form of a computer print-out at ½¢ a page or of subscribing on an annual basis at the previously established rate. 36 F.R. 8373, May 5, 1971. The effect of this change was that within a year all persons obtaining the list did so by the monthly purchase option. The revised regulations will eliminate this option, which experience has shown covers only a small fraction of the costs of maintaining the SOA list, and substitute an annual service fee based on the previous year's experience as the sole method of obtaining the list. For 1976 the feel will be set at an annual rate of $1,500, which will then be prorated from the effective date of the change to the end of the year.

To provide interested advertisers an opportunity to participate in this rulemaking process, the Postal Service, in addition to publishing the Notice of Proposed Rulemaking, sent individual copies of the Notice to each of the purchasers of the SOA list. Comments were received from three persons. All three objected to the amount of the fee as being excessive, two suggesting that such a charge would be contrary to the constitutional rights of the advertisers. One relied on *Universal Specialties, Inc.* v. *Blount*, 331 F. Supp. 52 (C.D. Cal. 1971), in support of this view. It appears, however, that the language relied upon was to the effect that two of the judges of a three-judge court were not satisfied that the Postal Service had justified the imposition of the original $10,000 subscription price. The more definitive and carefully reasoned conclusion of this issue, moreover, appears to be that in *Pent-R-Books, Inc.* v. *United States Postal Service*, 328 F. Supp. 297 (E.D. N.Y. 1971), in which a unanimous three-judge court concluded that on the facts before it an annual charge of between $5,000 and $10,000 was not unduly burdensome.

Inasmuch as the new service fee to be charged is considerably less than the previous subscription charge, is based on the cost experience of the Postal Service and meets the criteria established by Congress for accommodating the conflicting interests of commercial mailers and the unwilling recipients of sexually oriented advertisements, we have concluded that the fee is not unlawful.

Furthermore, the persons submitting comments have not seen fit to include in their comments "supporting data as to any economic impact of the proposed changes on their operations" as suggested in the Notice of Proposed Rulemaking, 41 F.R. 9396, other than in one instance to indicate the number of names on an advertiser's mailing list. As a result the Postal Service is left to consider these objections as simply conclusions.

One person commented unfavorably on the organization of the SOA list, objecting to the duplication of listings with the same address and surname. This duplication, however, is a consequence of the need for the individual listing of the names of family members residing together to ensure that undesired sexually oriented advertisements will not be mailed to the family home under names of members who do not appear on the list and for the separate listing of the variations in the names of persons listed. The Postal Service recognizes that a reduction in the number of listings could lead to some cost savings and so would be desirable if it could be accomplished without detriment to the protection of individuals provided by the present organization of the list. Specific suggestions for restructuring the list to achieve this result within the present general list format would be welcome.

Finally, one person raised the point that there is no provision for making available to customers information concerning fluctuation in cots. If by this it is meant that the data relied upon by the Postal Service in ascertaining the total cost attributable to the SOA list for future years should be made available to advertisers wishing to obtain the list, there seems no need for special provision in these regulations since that data is available to any member of the public to the extent required by the Freedom of Information Act. 5 U.S.C. 552; 39 U.S.C. 410. See 39 C.F.R. Part 265.

All of the comments received by the Postal Service have been carefully considered. The Postal Service has concluded that the proposed amendments to chapter 1 of the Postal Service Manual should be adopted effective July 1, 1976.

Accordingly, in section 123.5 of the Postal Service Manual revise .523 and .524 and .541–.543 to read as follows:

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED, AND GRAPHIC MATTER

* * * * *

123.5 Sexually oriented advertisements

* * * * *

.52 Application for listing.

* * * * *

.523 Each postmaster shall transmit all applications received at his post office to the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260 on a weekly basis.

.524 The Office of Mail Classification, Rate and Classification Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, and the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. This information will be processed and the List updated monthly. The 30-day period provided by section 3010(b) starts on the effective date of the List on which the person's name first appears.

* * * * *

.54 Availability of postal service lists.

.541 Copies of the List and/or periodic amendments thereto shall be available to any person upon payment of the annual service fee necessary to defray the cost of compiling and maintaining the list and making it available for uses permitted by section 3010 (c). A program year runs from January 1 through December 31. Buyers will receive a copy of the List and monthly updates of additions and deletions to the List for the year in which the purchase is made. The List may be ordered in the form of reduced reproduction of computer printout or magnetic tape. Further information on the format of the tapes may be obtained from the Director, Office of Mail Classification.

.542 **The annual service fee will be determined by dividing the number of buyers for the previous calendar year into the total** cost to the Postal Service for the previous calendar year of compiling, processing, printing and distributing the List. The service fee for program year 1976 has been determined to be $1,500 per list buyer. This fee for 1976 will be pro rated for the period from the effective date of this section until the end of the program year.

.543 **Requests for the List shall be submitted** to the Director, Office of Mail Classification, Rates & Classification Department, U.S. Postal Service, Washington, D.C. 20260. A certified or cashier's check must accompany the request. All checks must be payable to the U.S. Postal Service.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER through an appropriate amendment to 39 C.F.R. 111.3.

(39 U.S.C. 401, 3010)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-15733 Filed 5-28-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-26—CONTRACT MODIFICATIONS

Processing Novation and Change of Name Agreements

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. Subpart 3-26.4 Novation and Change of Name Agreements is amended to incorporate an administrative change in paragraph (a) of § 3-26.404.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves an internal administrative procedure. Therefore, the public rule making process is deemed unnecessary in this instance.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective Date: This amendment shall be effective on June 1, 1976.

Dated: May 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

1. Section 3-26.404, *Processing novation and change of name agreements* is amended by revising paragraph (a) to read as follows:

§ 3-26.404 Processing novation and change of name agreements.

(a) Any Health, Education, and Welfare procuring activity upon being notified of a successor in interest to, or change of name of, one of its contractors, shall promptly report such information by letter through appropriate procurement channels to the Director, Division of Procurement Policy and Regulations Development, OGPM, OASAM.

* * * * *

[FR Doc. 76-15849 Filed 5-28-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination That Six Species of Butterflies are Endangered Species

The Director, U.S. Fish and Wildlife Service (hereinafter the Director and the Service, respectively) hereby issues a Rulemaking pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884; hereinafter the Act) which determines the following butterflies to be Endangered species:

Lotis Blue (*Lycaeides argyrognomon lotis*)
El Segundo Blue (*Shijimiaeoides battoides allyni*)
Smith's Blue (*Shijimiaeoides enoptes smithi*)
Mission Blue (*Icaricia icarioides missionensis*)
San Bruno Elfin (*Callophrys mossi bayensis*)
Lange's Metalmark (*Apodemia mormo langei*)

BACKGROUND

On March 20, 1975, the Service published a Notice of Review for 41 U.S. butterflies in the FEDERAL REGISTER (40 FR 1269) advising that sufficient evidence was on file to warrant a status review of the species with regard to their possible qualification for determination as Endangered or Threatened species under provisions of the Act. The six subject butterflies in this Final Rule were among the 41 reviewed.

Subsequently, on October 14, 1975, the Service published Proposed Rules in the FEDERAL REGISTER (40 FR 48139–48140) advising that sufficient evidence was on file to support proposing a determination that the six subject butterfly species were Endangered species as provided for by the Act. That proposal summarized the factors thought to be contributing to the likelihood that each species could become extinct within the foreseeable future; specified the prohibitions which would be applicable to each species if such a determination were made; and solicited comments, suggestions, objections and factual information from any interested person.

Section 4(b)(1)(A) of the Act requires that the Governor of each State within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened Species or an Endangered species. A letter was sent to the Governor of California on March 17, 1975, notifying him of the Review of Status Notice which included, among others, the six butterflies. As a direct result of this letter a report was prepared for the California Department of Food and Agriculture by Mr. Julian Donahue, Curator of Entomology at the Natural History Museum of Los Angeles County. Eighteen prominent professional and amateur California lepidopterists contributed data and opinions which contributed to the formulation of this report. The final report was submitted to the California Department of Food and Agriculture on May 22, 1975. This report recommended that of 24 California species included in the Review of Status Notice, 6 butterflies be considered Endangered, and 7 be considered Threatened. The El Segundo Blue, Mission Blue, San Bruno Elfin, and Lange's Metalmark were among those thought to qualify as Endangered, while the Lotis Blue and Smith's Blue were among those thought to be Threatened.

In a June 20, 1975 letter from Director Fullerton of the California Department of Fish and Game to the Director, the San Bruno Elfin, Mission Blue, El Segundo Blue, and Lange's Metalmark were recommended for Endangered species determination.

On September 11, 1975, Acting Director, Harold O'Connor responded to Mr. Fullerton stating the Office of Endangered Species staff was concerned with the State's recommendation, and that in addition, because of information not available to the State during their evaluation process, the Lotis Blue and Smith's Blue were felt to qualify as candidates for Endangered species determination.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a "* * * summary of all comments and recommendations received * * *" be published in the FEDERAL REGISTER prior to adding any species to or removing any species from the "List of Endangered and Threatened Wildlife."

In the March 20, 1975, FEDERAL REGISTER Notice (40 FR 12691) and the associated February 18, 1975, News Release, all interested parties were invited to submit factual reports or information which might contribute to the Review of Status for the included butterfly species.

The October 14, 1975, Proposed Rulemaking which appeared in the FEDERAL REGISTER (40 FR 48139–48140) constituted the onset of the official 60-day public comment period. This period expired on December 12, 1975. An associated News Release was made available on September 7, 1975, and erroneously stated that November 3, 1975, was the final date for receipt of public comments.

Because response from the public was sought on two occasions, all comments specifically pertaining to the 6 subject butterflies received during the period February 18, 1975, to December 12, 1975, were considered.

Letters from 25 persons, including official representatives of 3 conservation organizations, and the U.S. Department of Agriculture were received.

Comments from 18 persons (including 6 biologists and the 3 conservation organizations) fully supported the proposed rule; seven persons, including the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, objected to the proposed determination.

Eighteen persons, including 4 of those in opposition, specifically mentioned habitat preservation or protection as the key to the continued survival of these 6 butterflies.

In its June 20, 1975, letter (see above), the State of California, as represented by Mr. E. C. Fullerton, Director of the State's Department of Fish and Game, stated that those butterflies classified as Threatened in Mr. Donahue's report "not be given threatened status until in-depth studies can be completed on them." Mr. Fullerton also urged "that Federal funding be provided as soon as possible to gather the baseline knowledge needed to avert extinction of endangered forms and to better assess those which may be approaching endangerment."

In addition, Mr. Fullerton sent a second letter, also dated June 20, 1975, which expressed a number of concerns, primarily relating to the application of the Act to "insects, Arthropods, and lower Phyla," as well as a number of matters not properly under the purview of Federal Endangered Species legislation. Mr. Fullerton suggested that the Director provide clarification on these issues to the States prior to the "listing of any butterflies * * *." The Director responded to Mr. Fullerton's concerns in a letter dated March 30, 1976. Since neither the concerns expressed nor the Director's response relate directly to the subject species, they will not be summarized. However, these letters are on file at the Office of Endangered Species, 1612 K St., N.W., Washington, D.C., and may be examined by interested parties.

In a letter dated January 7, 1976, Mr. Fullerton requested the information which led to the Director's inclusion of the Lotis Blue and Smith's Blue in the Proposed Rule of October 14, 1975 (40 FR 48139–48140). A summary of this information was also included in the March 30, 1976 letter from the Director to Mr. Fullerton. This information is summarized in this Final Rule, and is dealt with in further detail in an Environmental Impact Assessment on file at the Office of Endangered Species.

In a letter dated December 8, 1975, which was addressed to the Director, Dr. H. S. Shirakawa, Acting Director, National Program Planning Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, specifically commented on the qualifications of the 6 subject species for determination under provisions of the Act. Dr. Shirakawa suggests that "no scientific case has been made for listing any of the six proposed species." This assessment was made primarily because no biometric or population surveys exist for any of the species. In addition, he asserts that the data for the Lotis Blue is vague. He states further that the host plant of Lange's Metalmark, *Eriogonum nudum* ssp., should be listed instead of the butterfly itself, since the butterfly cannot exist on other subspecies of *E.*

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nudum. With regard to the San Bruno Elfin, he states that "its habitat is an excellent real estate area with a high human population density," and that "there is some confusion as to what species and subgenus this butterfly belongs." For the El Segundo Blue he mentions the fact that the caterpillar host plant has a range many times that of the butterfly, and implies that the entire range of the plant may not have been adequately surveyed for the butterfly.

With regard to the adequacy of data employed in the status assessment for the six subject species Section 4(b)(1) of the Act states "The Secretary shall make determinations required by subsection (a) of the section on the basis of the best scientific and commercial data available to him * * *." Thus, even though accurate population estimates for all these species may not be available, their determination is not precluded. In Fact, the small limits of ranges of these butterflies and potential threats to their continued existence, rather than their absolute population numbers, constitute the chief basis for their determination as Endangered.

With regard to the Lotis Blue, the status of one population is known, while that of another has not been recently documented. The Lange's Metalmark feeds only on *Eriogonum nudum* var. *pauciflorum*, the only *Eriogonum* which exists on its range. Although the Antioch population (Contra Costa County, California) of this plant appears to be differentiated, that variety ranges from southern Oregon to southern California according to Dr. James Reveal, the expert botanist knowledgeable about this group of plants. Lange's Metalmark is an isolated subspecies of a widespread butterfly which feeds on many species of *Eriogonum* throughout its range. Thus, determination of the host plant as Endangered or Threatened would not serve the plight of the insect, and it is not justified on the basis of present biological and taxonomic information.

The San Bruno Elfin's habitat does not presently have a high population density, although portions of its range, those which are not too steep, might have potential real estate value. In any event, neither of these factors is pertinent to the determination of Endangered or Threatened species according to the stipulations of Section 4 of the Act. With regard to the San Bruno Elfin's scientific name, the butterfly has been most recently considered to belong to the subgenus *Incisalia* of the genus *Callophrys*. Relegation to the species *mossi* is based upon the recent discovery that it is not conspecific with *Callophrys* (*Incisalia*) *fotis*.

Eriogonum parvifolium, the El Segundo Blue's host, is a plant of southern California's coastal sand dune ecosystems. Most sand dunes where this plant occurs have been sampled for butterflies, and the El Segundo Blue has been found only on remnants of the El Segundo Dune ecosystem.

Among the individuals who disapproved of the proposal all were either amateur or professional lepidopterists who were concerned with the taking prohibitions for listed species. Most of these individuals cited the fact that many individuals of most of the candidates could be collected in a single day with no apparent ill effect on the populations' long-term survival. This fact was used as an argument against a proposed Endangered determination together with the mandatory application of the Act's Section 9 taking prohibition. An examination of the available data summarized in another part of this Final Rule indicates factors other than collecting are responsible for the present Endangered state of the six subject species. Once determined to be Endangered, taking of these butterflies for scientific purposes, or to enhance their propagational or survival could be allowed by permit. For any species as narrowly delimited as those under present consideration any further significant reduction of their population numbers might bring about a serious loss of genetic variability and a concomitant loss of evolutionary adaptability.

Other opposing comments related to the proposition that subspecies should not be determined under the Act; that the Final Rule might be prejudicial against amateur, as opposed to professional, lepidopterists; and that determination of Endangered species that occur on private property is an attempt to control or confiscate these lands.

The first point is not germane. The Act defines the term "species" as follows:

> The term "species" includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or small taxa in common spatial arrangement that interbreed when mature.

Thus subspecies of wildlife in the nomenclatorial sense are considered as species in the legal intent of the Act.

That professional biologists might be more likely to obtain a permit for taking of the subject species than would amateur lepidopterists is not true, as the qualifications for prospective permittees do not include stipulations of professional or educational standing. It should be noted that such permits are granted for scientific purposes or to increase the likelihood of survival or propagation, and are not issued for the accumulation of specimens of taxa already adequately represented in scientific collections.

Although land acquisition on behalf of Endangered or threatened species is provided for through provisions detailed in Section 5 of the Act, such acquisition does not constitute confiscation or Federal control of private lands.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that the Lotis Blue, El Segundo Blue, Smith's Blue, Mission Blue, San Bruno Elfin, and Lange's Metalmark are in danger of extinction throughout all or a significant portion of their range due to one or more of the factors described in Section 4(a) of the Act. This review amplifies and substantiates the description of those factors included in the Proposed Rulemaking (40 FR 48139–48140). Those factors were described as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*

San Bruno elfin. This butterfly is limited in occurrence to a few moist canyons in San Mateo County, California. Proposed development poses a serious threat to its continued existence. The occurrence of the butterfly is dependent upon present topographic configuration and floristic elements, the most important of which is its caterpillar food plant, stop-crop (*Sedum spathulifolium*).

Lotis blue. At present this butterfly is definitely known to occur only in a few isolated bogs in Mendocino County, California. The principal portion of the butterfly's habitat occurs on a powerline right-of-way. Formerly, a population of the Lotis blue occured at Point Arena, Mendocino County, California, but it has not been found there for over 30 years, and the population is presumed to be extirpated.

Mission blue. This butterfly is limited in distribution to two small isolated populations which occur on the summits of Twin Peaks, San Francisco County, and the San Bruno Mountains, San Mateo County, California. In San Francisco County, the Mission blue was formerly more widespread on the higher hills within the county, but due to expansion of the city and plantings of exotic plants, such as eucalyptus, is now reduced to a tiny remnant on Twin Peaks and may soon become extirpated. In the San Bruno Mountains, the species is uncommon, and proposed developments there would probably eliminate the butterfly.

Smith's blue. This butterfly is known from coastal sand dunes in Monterey County California. Its largest population occurs on the most coastal portion of the Monterey dune complex at Seaside and probably Fort Ord (U.S. Army), Monterey County, California. The Seaside and Marina populations have been almost extirpated by housing developments and highway construction, while the Fort Ord populations have been most seriously impacted by heavy foot and vehicular traffic, as well as the spread of introduced ice-plant (*Mesembryanthemum* spp.)

El Segundo blue. This butterfly was formerly widespread on the El Segundo sand hills (96 sq. km.), Los Angeles County, California. Now, due to public and private development, the El Segundo blue is limited to a few acres near El Segundo and a larger area at the west end of the Los Angeles International Airport. Any further development on these few remaining sites could well bring about the species' extinction.

Lange's metalmark. Originally from sand dunes from near Antioch and Oakley, Contra Costa County, California. The butterfly has not been found at Oakley for more than 30 years. Near Antioch, the populations are now largely restricted to a few acres north of Wilbur Road. Alteration of the species' habitat has been due largely to industrial and agricultural development.

2. *Overutilization for commercial, sporting scientific, or educational purposes.*

Not applicable for any of the species.

3. *Disease or predation.*

Not applicable for any of the species.

4. *The inadequacy of existing regulatory mechanisms.*

There currently exist no regulations pertaining to the protection and conservation of any of these species.

5. *Other natural or man-made factors affecting its continued existence.*

Not applicable for any of the species.

Effect of the Rulemaking

The effects of these determinations and this rulemaking include, but not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. The regulations referred to above, which pertain to Endangered Species, are found at Section 17.21 of Title 50 and, for the convenience of the reader, are reprinted below:

§ *17.21 Prohibitions.* (a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, taken endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

The determination set forth in these Rules also makes all six species eligible for the consideration provided by Section 7 of the Act. That Section reads as follows:

Interagency cooperation

Section 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

Although no "Critical Habitat" has yet been determincd for any of the six subject species, the other provisions of Section 7 are applicable.

Regulations which appear in Section 17, Title 50 of the Code of Federal Regulations were first published in the Federal Register of September 26, 1975 (40 FR 44412), and provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species.

Effect Upon the States

The determination that these six species are Endangered Species will require the State of California to consider these species when it is negotiating to enter into Cooperative Agreements pursuant to Section 6 of the Act.

California has State laws which recognize the List of Threatened or Endangered Wildlife promulgated pursuant to the Act and provide State protection to these species. This determination will make these six species eligible for such consideration as those State laws provide.

Effect Internationally

In addition to the protection provided by the Act, the Service will review these six species to determine whether they should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether they should be considered under other, appropriate international agreements.

National Environmental Policy Act

An Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves all six butterflies. The assessment is the basis for a decision that these determinations are not major Federal actions which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Format

These final Rules are published in a format different from that set forth in the Proposed Rulemaking. This new format was adopted by Rules published in the Federal Register of September 26, 1975 (40 FR 44412) and represents no substantive change.

Effective Date

Considering the long period during which the public has had notice of the Proposal to determine these species to be Endangered, and in view of the precarious status of the species and in view of the fact that the adult flights of four of these insects will closely follow the publication date, it has been determined that there is good cause to make this rulemaking effective on June 8, 1976.

Dated: May 26, 1976.

Lynn A. Greenwalt,
Director,
Fish and Wildlife Service.

Accordingly, § 17.11 of Part 17 of Chapter 1 of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding the Lotis Blue, El Segundo Blue, Smith's Blue, Mission Blue, San Bruno Elfin, and the Lange's Metalmark to the list under "Insects," to § 17.11(h) as indicated below:

§ 17.11 Endangered and threatened wildlife.

(h) * * *

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Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
INSECTS							
Butterfly, Lotis blue	*Lycaeides argyrognomon lotis*	Not available	United States of America (California).	Entire	E	14	Not available.
Butterfly, El Segundo blue	*Shijimiaeoides battoides allyni*	do	do	do	E	14	Do.
Butterfly, Smith's blue	*Shijimiaeoides enoptes smithi*	do	do	do	E	14	Do.
Butterfly, mission blue	*Icaricia icaroides missionensis*	do	do	do	E	14	Do.
Butterfly, San Bruno Elfin	*Callophrys mossi bayensis*	do	do	do	E	14	Do.
Butterfly, Lange's metalmark	*Apodemia mormo langei*	do	do	do	E	14	Do.

[FR Doc.76-15788 Filed 5-28-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-3-AD; Amdt. 39-2620]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 214, B200, R201, R202 and R203 Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) requiring initial and repetitive inspections of the wood blades used in Beech Models 214, B200, R201, R202 and R203 propellers, was published in the FEDERAL REGISTER on March 11, 1976 (41 FR 10447).

Interested persons have been afforded an opportunity to participate in the making of the amendment. Only one comment was received. The commentator recommended the maximum time interval for inspection of the blade shanks be three years instead of the five years proposed in the notice, because he believes the problem is related to time in service rather than operational factors. The available evidence does not indicate that blade failures to date are primarily related to aging of the wood. In addition, there is evidence that the blades are experiencing heavy mechanical loads due to acceleration of the propeller by the engine. The FAA believes that sufficient information will be obtained during the first inspection to either prove the accuracy of the five year interval or establish the necessity for a shorter interval. Accordingly, for the present, the five year inspection interval will be retained in the adopted rule.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Beech Aircraft Corporation B200, R201, R202, R203, and 214 Series wood blade propellers having Beech Aircraft Corporation manufactured B200, R201, R203, 214 or 272 Series blades installed. (These propellers were installed originally on Beech Models 35, A35, B35, C35, D35, E35, 35R, 45 (Military YT-34), and 50 (Military L-23A) airplanes, but may be installed on other airplanes.)

Compliance: Required as indicated, unless already accomplished.

To prevent failure of wood blades in these propellers, accomplish the following:

(A) Within the next 100 hours' time in service or one year, whichever comes first, after the effective date of this AD, and thereafter at intervals not to exceed 300 hours' time in service or five years, whichever comes first, from the last inspection, visually inspect the blades as follows:

1. Carefully remove the plastic coating to expose the shank of the blade for a minimum distance of 4½" outboard of the ferrule.

2. Using a 10-power glass, visually inspect the blade surface for cracks and separation as shown on the reproduction of a deteriorated blade in Figure 1.

3. If no deterioration is found, reinstall the plastic film over the exposed area in accordance with Univair Process (P-200) or an FAA-approved equivalent procedure.

4. If the blade shows any sign of deterioration prior to further flight, remove it from service and replace it with an eligible airworthy blade.

5. Only an approved propeller repair station is authorized to accomplish the inspection required in this paragraph.

(B) Within the next 100 hours' time in service or one year, which ever comes first, after the effective date of this AD and at each annual inspection thereafter, visually inspect the blade leading edge and tips as follows:

1. Using a 10-power magnifying glass examine the tipping area for cracks in the plastic coating coming from under the tipping.

2. Check for looseness of the tip and leading edge sheathing by holding the blade securely and gripping the sheathing by hand and attempting to flex the tipping while visually observing for relative motion between the piece to which force is applied and adjacent sheathing and blade.

3. If any of the above conditions are noted, prior to further flight, replace the blade with an eligible airworthy blade.

NOTE.—(Beech Aircraft Corporation no longer manufactures Beech Models 214, B200, R201, R202 and R203 propellers; however, propellers and replacement blades as hereinafter listed may be installed on the indicated airplane models.)

REPLACEMENT UNIVAIR WOOD BLADES

Univair blade model	*Beech propeller assembly models*
FA203-218 or FA 203-219	R200-100/R201-217-88 and R203-218-88.
FA200-244 or FA 200-245	B200-105/B200-220-88 and B200-100/B200-220-88 and B200-100/B200-244-88 and B200-100/B200-234-88 and B200-100/B200-264-88.

NOTE.—See Propeller Specification P-875 for further information.

REPLACEMENT METAL BLADE PROPELLER ASSEMBLIES

Eligible propeller assemblies	*Aircraft models*
Beech 215-109/215-207-88	35, A35, B35, C35, D35, E35, 35R.
Beech 215-109/215-213-84 or Beech 215-107/215-213-84	A35, B35, C35, D35, E35, F35, G35.
Beech 215-107/215-207-88	35, A35, B35, C35, D35, E35, 35R.
Hartzell HC12X20-7 (B, C or D) or Hartzell HCD2X20-7/8433-0	35, A35, B35, C35, D35, E35, 35R.
Beech 215-102/272-234-98	Model 50.

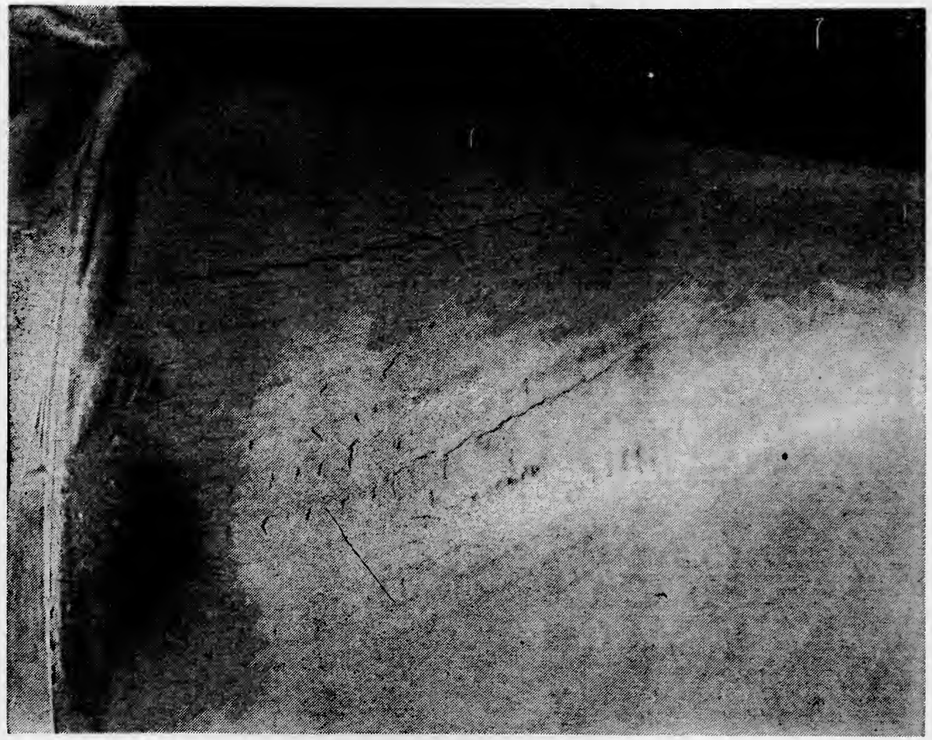
NOTE.—See Aircraft Type Certificate Data Sheet and/or Propeller Specifications for approval of specific airplane propeller engine combinations.

This amendment becomes effective June 2, 1976.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on May 14, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.



[FR Doc.76-15680 Filed 5-27-76;8:45 am]

[Docket No. 76-CE-19EAD; Amdt. 39-2621]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 336 and 337 Series Airplanes

Amendment 39-1594, AD 73-04-02, published in the FEDERAL REGISTER on February 22, 1973, and corrected in the FEDERAL REGISTER on March 12, 1973, is an Airworthiness Directive (AD) applicable to Cessna 336 and 337 series airplanes with more than 5,000 hours' time in service (10,000 hours' time in service for pressurized models). AD 73-04-02 requires repetitive eddy current inspections of certain locations on the wing front spar lower caps for cracks and replacement of the spar if cracks are found. Subsequent to the issuance of AD 73-04-02 the agency has determined that additional areas on the wing front spar lower cap may develop fatigue cracks and must be inspected. In addition, fatigue tests have disclosed that certain locations on the wing rear spar lower cap may develop fatigue cracks which require inspection. The manufacturer has commenced installing a wing having structurally improved front and rear spars on current production aircraft which do not require repetitive inspections for fatigue cracks at this time. As a result of the foregoing, AD 73-04-02 is being superseded by a new AD, applicable to Cessna 336 and 337 airplanes, that will require repetitive inspections at certain locations on both the wing front and rear spar lower caps for cracks on Cessna 336 and 337 series airplanes, except those current production airplanes equipped with wings having the improved spars.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Model 336 (Serial Numbers 336-0001 thru 336-0195), 337, M337B and T337 series (Serial Numbers 337-00001 thru 337-01548), and Model T337G (Serial Numbers P337-0001 thru P337-0138) airplanes.

Compliance: Required as indicated, unless already accomplished.

To detect cracking of the wing front and rear spar lower caps:

I. A. On all airplanes (except pressurized airplanes) with 5,000 or more hours' time in service, or upon the accumulation of the first 5,000 hours' time in service (see Note 2), and

B. On all pressurized airplanes with 10,000 or more hours' time in service, or upon the accumulation of the first 10,000 hours' time in service:

1. Within the next 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 500 hours' time in service, accomplish the following:

a. Left and right wing front spar lower cap inspection.

1. Inspect three fastener holes on the left wing and three fastener holes on the right wing for wing spar cracks using eddy current inspection procedures outlined in Cessna Service Letter ME76-3, Supplement No. 1, dated March 5, 1976, or later approved revisions. Figure 1 shows the area involved and the three fasteners (two NAS 221 screws at W.S. 64.41 and the jack point bolt hole at W.S. 68.45) that are to be inspected.

2. Remove the two NAS 221 screws at Wing Station 64.41 one at a time for this inspection

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and hold the boom fairing firmly against underlying thicknesses of material to insure proper eddy current probe depth settings during this inspection. A cross-section with the screws at W.S. 64.41 removed is shown in Figure 2. Figure 3 shows the spar assembly (less boom and wing skins) and the relationship of the lower cap to the other parts at the strut attachment. Figure 4 shows the spar cross-section thru the jack point bolt hole.

b. Left and right wing rear spar lower cap inspection.

I. Dye penetrant inspect the lower spar cap area between two and three inches (2nd rivet outboard of W.S. 66.00 rib) outboard of wing station 66.00 rib for spar cap cracks originating in rivet hole in accordance with Cessna Service Letter ME76-3, Supplement No. 1, dated March 5, 1976, or later approved revisions. Figures 5, 6, and 7 show the location of the area on the rear spar lower cap to be inspected.

II. If cracks are found in either the right or left wing front spar lower cap during any inspection required by this AD, prior to further flight, replace the front spar lower cap in both the right and left wing; and if cracks are found in either the right or left wing rear spar lower cap during any inspection required by this AD, prior to further flight, replace rear spar lower cap in both the right and left wing. However, aircraft found to have cracked spars during the required inspections may be flown in accordance with FAR 21.197 to a base where the spar replacement can be accomplished.

III. Cessna Service Letter ME76-3, dated January 9, 1976, or later approved revisions, provides an alternate method of preparing the aircraft for inspection of the front spar lower cap screw holes at W.S. 64.41 that will reduce time and cost entailed in performing the required repetitive inspections.

IV. Aircraft that have had the front wing spar lower cap inspections in accordance with AD 73-04-02 within the past 100 hours' time in service need not have the front spar repetitive inspection repeated until the next rear spar repetitive inspection is due. Aircraft with more than 100 hours' time in service since the last front spar lower cap inspection in accordance with AD 73-04-02 must have the front and rear spars inspected in accordance with this AD.

V. Repetitive inspections required by this AD must also be accomplished on those spar caps replaced in accordance with this AD upon the accumulation of 5,000 hours' time in service and at 500 hour intervals thereafter, except for pressurized aircraft which must be inspected upon accumulation of 10,000 hours' time in service, and at 500 hour intervals thereafter.

VI. Notify in writing the Chief, Engineering and Manufacturing Branch, FAA, Central Region, of the location and length of any crack found during inspections required by this AD and also the total time in service of the component at the time the crack was discovered. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

VII. The time interval between the repetitive front and rear spar inspections required by this AD, after initial inspection of the front and rear spars in accordance with this AD, can be adjusted ±25 hours to coordinate these inspections with regular scheduled maintenance or inspections.

VIII. Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

NOTE.—(1) Cessna Service Letters ME76-3 dated January 9, 1976, and ME76-3, Supplement No. 1, dated March 5, 1976, or later approved revisions, cover the subject matter of this AD.

NOTE.—(2) For those operators/owners who have engaged in contour or terrain following operations at low altitudes, such as, power/pipeline patrol, fish or game spotting, aerial applications, police patrol, livestock management, etc., Cessna recommends and FAA strongly urges initiation of these inspections at 3,000 hours and each 300 hours thereafter in accordance with the service letter. The location and length of any cracks found during inspections at 3,000 or more hours' time in service or reptitive inspections should be reported to the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes Amendment 39-1594, AD 73-04-02.

This amendment becomes effective June 2, 1976.

This amendment is made under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on May 14, 1976.

C. R. MELUGIN, JR.,
Director, Central Region.

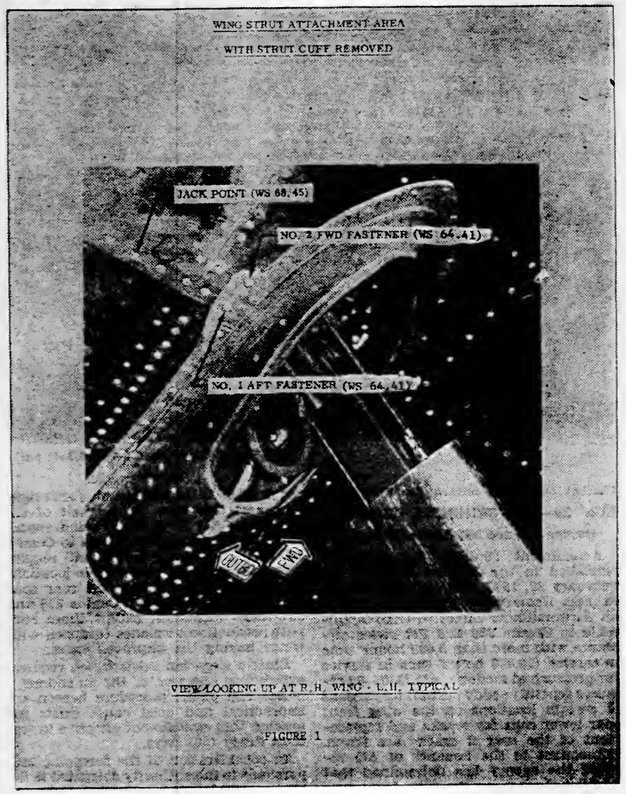
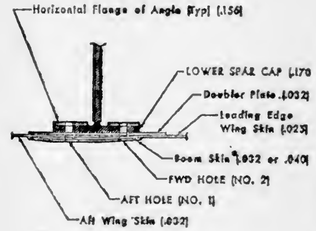


FIGURE 1

LOWER SPAR CAP AT FASTENERS
Wing Station 64.41



*.032 THRU SN 337-0755
.040 SN 337-0756 AND ON

Fig. 2

FRONT WING SPAR-BOOM & STRUT ATTACHMENT AREA
L.H. Shown - R.H. Typical

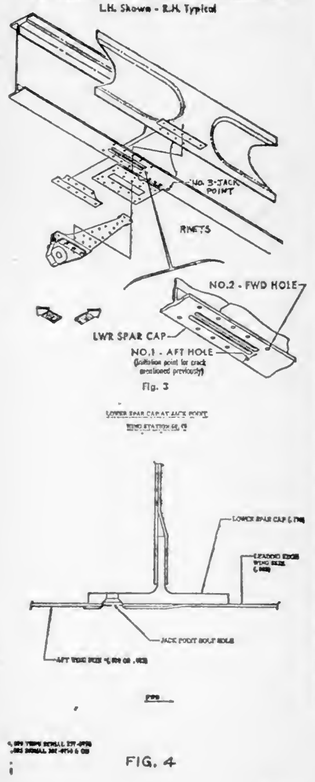
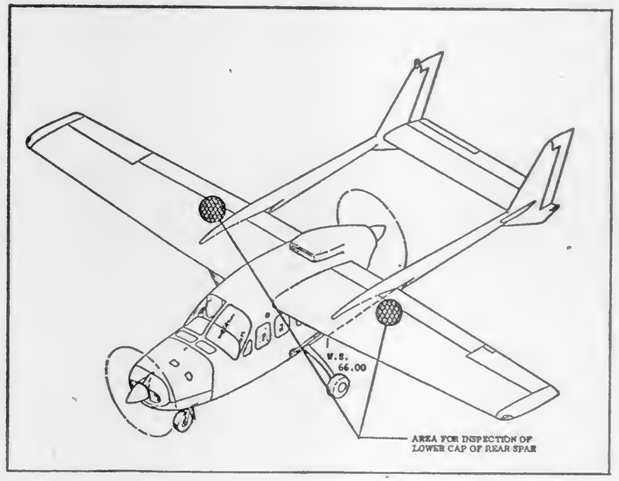
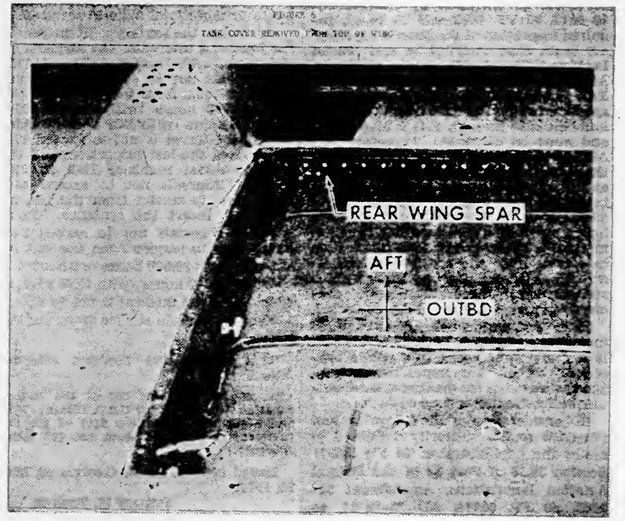


Fig. 3

FIG. 4





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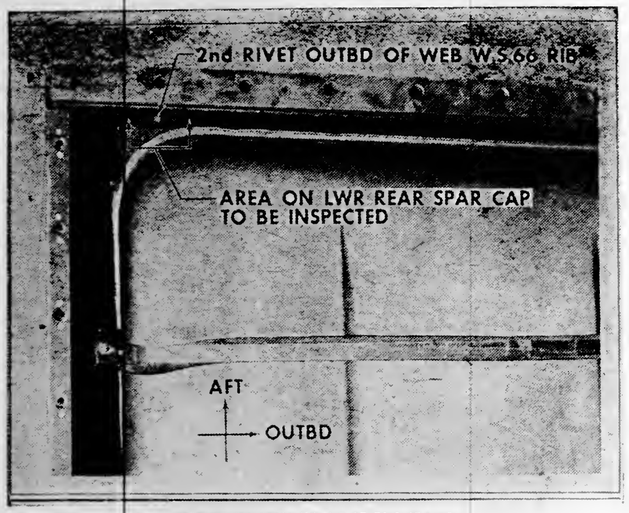

[FR Doc.76-15681 Filed 5-27-76;8:45 am]

[Docket No. 75-SO-143; Amdt. 39-2625]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

Amendment 39-2362, 40 FR 50544, AD 75-19-02, as amended by Amendment 39-2513, 41 FR 7088, AD 75-19-02, required inspection of the outer wing lower aft beam caps at OWS 54 and 108 on Lockheed Model 382 series airplanes. After issuing Amendment 39-2513, the FAA determined that the repetitive inspection interval of 6300 hours for serial numbers 4299 through 4541 is inadequate and must be decreased. Therefore, the AD is being amended to require inspection of serial numbers 4299 through 4541 at intervals not to exceed 3400 hours time in service from the last inspection until 20,000 hours, (without ECP 954) or 24,000 hours, (with ECP 954) at which time the interval is not to exceed 1700 hours time in service from the last inspection. An error was also noted in the airplane serialization in the first paragraph, second sentence, which will be corrected.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2362, 40 FR 50544, AD 75-19-02, as amended by Amendment 39-2513, 41 FR 7088, AD 75-19-02 is amended as follows:

(1) In the first paragraph, second sentence, revise the phrase, "and on airplane serial numbers 4298 through 4541 with 12,600 hours or more total time in service," to read, "and on airplane serial numbers 4299 through 4541 with 12,600 hours or more total time in service."

(2) Delete the sentence, "Reinspect at the following intervals: (A) airplane serial numbers 3946 and 4101 through 4298, at intervals not to exceed 3400 hours time in service from the last inspection until 20,000 hours (without ECP 954) or 24,000 hours (with ECP 954) at which time the interval is not to exceed 1700 hours from the last inspection, and (B) airplane serial numbers 4299 through 4541 at intervals not to exceed 6300 hours time in service from the last inspection." Insert the sentence, "Reinspect at intervals not to exceed 3400 hours time in service from the last inspection until 20,000 hours (without ECP 954), or 24,000 hours (with ECP 954), at which time the interval is not to exceed 1700 hours time in service from the last inspection."

This amendment becomes effective June 4, 1976.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia on May 20, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-15722 Filed 5-28-76;8:45 am]

[Docket No. 76-EA-26; Amdt. 39-2628]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-23 type airplanes.

There have been reports that the activation of the landing or taxi lights or heater can cause a deviation of up to 25 degrees in the magnetic compass.

Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which requires an inspection and alteration where necessary of the affected wiring.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) section 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER.—Applies to Model PA-23-250 (6 place) S/Ns 27-3837, 27-3944 to 27-7554092 inclusive; 27-7554094 to 27-7554159 inclusive; 27-7554161 to 27-7654018 inclusive; 27-7654020 to 27-7654024 inclusive; 27-7654026 to 27-7654036 inclusive.

Compliance required within the next 100 hours' time in service after the effective date of this AD unless already accomplished. To prevent the hazards associated with the excess magnetic compass deviations when the landing/taxi lights and/or heater are turned on, accomplish the following:

(a) Check the magnetic compass function to ascertain operation of the magnetic compass within acceptable limits in accordance with the instructions given in Service Bulletin No. 493, dated March 25, 1976, or with an approved alternate method.

(b) If compass deviation exceeds 10 degrees, a wiring modification is required in accordance with the referenced service bulletin or an approved alternate method.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, who must also approve alternate methods of compliance. (Piper Service Bulletin No. 493, dated March 25, 1976, covers this subject).

This amendment is effective June 4, 1976.

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on May 21, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-15723 Filed 5-28-76;8:45 am]

[Docket No. 76-EA-29; Amdt. 39-2629]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31P type airplanes.

There has been a report of an alternator switch bus bar link contacting an adjacent fuselage bulkhead, and shortening out the system. Because of the possible fire and electrical damage, an airworthiness directive is being issued which will require an alteration of the bus bar link insulation.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] section 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER.—Applies to Model PA-31P, S/Ns 31P-1 to 31P-7630001 inclusive, and 31P-7630003.

Compliance required within the next 100 hours in service after the effective date of this AD unless already accomplished. To prevent the hazards associated with the possibility of the alternator switch bus bar link shorting to the adjacent fuselage bulkhead, accomplish the following:

(a) Alter the existing switch bus bar link insulation in accordance with the "Instructions" paragraph in Service Bulletin No. 473, dated March 24, 1976, or with an approved alternate method.

(b) Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region who must also approve any alternate alteration.

This amendment is effective June 4, 1976.

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on May 21, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-15724 Filed 5-28-76;8:45 am]

[Docket No. 15729; Amdt. 39-2633]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault—Breguet Aviation Model Falcon 10 Airplanes

There have been reports of starter-generator failures occurring on Avions Marcel Dassault—Breguet Aviation (AMD/BA) Model Falcon 10 airplanes that could result in a loss of electrical power to the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires repetitive inspection of generator brushes and bearings and replacement of the brushes or generator, as necessary, on certain AMD/BA Model Falcon 10 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Sec. 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT — BREGUET AVIATION (AMD/BA). Applies to Model Falcon 10 airplanes, certificated in all categories, which incorporate General Electric (GE) Model 2CM504D1 or 2CM504D1A starter-generators.

Compliance is required as indicated.

To prevent a possible loss of electrical power to the airplane, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished within the last 40 hours time in service, and thereafter at intervals not to exceed 50 hours time in service from the last inspection, comply with the following:

(1) Remove the starter-generator, GE Model 2CM504D1, or 2CM504D1A.

(2) Inspect the brushes, and replace them as necessary, in accordance with paragraph 2.B. of GE Service Bulletin No. 2CM504D1/D1A-24-01, dated May 15, 1975, or an FAA-approved equivalent.

(3) Inspect the drive-end bearing for radial play in accordance with the procedures specified in paragraphs 2.A.(1) through 2.A.(4) of the section entitled "Accomplishment Instructions" of GE Service Bulletin No. 2CM504D1/D1A-24-01, dated May 15, 1975, or an FAA-approved equivalent, and determine the average radial play for the three measurements required.

(b) If the average radial play determined in accordance with an inspection specified in paragraph (a)(3) of this AD, exceeds 0.0020 inch (0.051 mm), before further flight, replace the starter-generator with either—

(1) A serviceable starter-generator GE Model 2CM504D1 or 2CM504D1A or an FAA-approved equivalent part. Prior to installation, inspect the replacement starter-generator in accordance with paragraph (a) of this AD, and, thereafter, continue to inspect in accordance with that paragraph; or

(2) A starter-generator of improved design, GE Model 2CM504D1D, or an FAA-approved equivalent part.

(c) The inspections specified in paragraph (a) of this AD may be discontinued upon the installation of a starter-generator GE Model 2CM504D1D or an FAA-approved equivalent part.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o U.S. Embassy, A.P.O. New York, N.Y. 09667, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

This amendment becomes effective June 15, 1976.

Issued in Washington, D.C. on May 25, 1976.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc 76-15725 Filed 5-28-76;8:45 am]

[Docket No. 76-EA-31; Amdt. 39-2624]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 75-27-08. Since publication there has been some misunderstanding in the application of the AD. It was not intended that a repair should be accomplished upon a finding, only, of an alignment of rivets. A penetration of the vertical rivets was also intended. Therefore a clarifying amendment is being issued.

Since the amendment is clarifying in nature and less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 75-27-08 as follows:

In paragraph (c), delete all before the first comma and insert in lieu thereof "If more than one rivet is so aligned and there is a penetration of more than one of five forward vertical rivets."

Change Piper Service Bulletin No. 464 to Piper Service Bulletin No. 464A.

This amendment is effective June 3, 1976.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y. on May 20, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc 76-15675 Filed 5-28-76;8:45 am]

[Airworthiness Docket No. 75-WE-15-AD; Amdt. 39-2627]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

Amendment 39-2166 (40 FR 16189), AD 75-08-14, as amended by Amendment 39-2201, (40 FR 20816), requires inspections and replacements, as necessary, of the C-1, C-2 and C-3 cargo doors upper

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hooks on Lockheed-California Company L–1011–385 series airplanes. After issuing AD 75–08–14, as amended, stress corrosion failures of upper and lower hooks and related upper and lower components occurred on the cargo doors necessitating issuance of Amendment 39–2590 (41 FR 17875), AD 76–09–03, requiring additional inspections and modification. AD 76–09–03 Paragraph (d), provides for permanent corrective modifications of hooks and related components on the C–1, C–2 and C–3 cargo doors. The terminating action of the AD 76–09–03 is also a terminating action for the repetitive inspection requirements of AD 75–08–14, therefore the agency has determined that the AD 75–08–14 should be amended to reflect this terminating action.

Since this amendment provides an alternate means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2166, (40 FR 16189), AD 75–08–14, as amended by Amendment 39–2201, (40 FR 20816), is further amended, in pertinent part, as follows:

1. Add a new paragraph (d) to read:

(d) The repetitive inspections required by paragraph (b) of this AD may be discontinued after accomplishment of modifications and checks in accordance with PAA-approved Lockheed-California Company Service Bulletin 093–52–087, dated March 11, 1976, or later FAA-approved by the visions or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. (Reference: Paragraph (f), AD 76–09–03).

2. Redesignate existing paragraphs (d) and (e) as new paragraphs (e) and (f), respectively.

This amendment becomes effective June 7, 1976.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on May 20, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76–15676 Filed 5–28–76;8:45 am]

[Docket No. 15722; Amdt. 39–2631]

PART 39—AIRWORTHINESS DIRECTIVES

Dornier GmbH Model Do 28D–1 Airplanes

There have been reports of engine control teleflex cables chafing electrical cables on Dornier Model Do 28D–1 airplanes which have resulted in electrical shorts that could cause smoke and in-flight fires. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires a visual inspection of electrical cables for chafing and the installation of cable wear protection material on Dornier Model Do 28D–1 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DORNIER GmbH. Applies to Model Do 28D–1 airplanes certificated in all categories, serial numbers 4001 through 4039.

Compliance is required as indicated, unless already accomplished.

To prevent smoke and fire resulting from the chafing of teleflex engine control cables against electrical cables, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, visually inspect the electrical cable insulation under each engine for chafing damage at those points where the throttle and mixture control teleflex cables cross the electrical cables. Actuate the teleflex cables during the inspection. If a chafed electrical cable is found, repair the cable in accordance with paragraph (c) of this AD before further flight.

(b) Within the next 100 hours time in service after the effective date of this AD, unless earlier compliance is required pursuant to paragraph (a) of this Ad, comply with paragraph (c) of this AD.

(c) Wrap helical Rapidon wear protection material, or FAA-approved equivalent material, around the electrical cables and teleflex cables under each engine in accordance with Dornier Service Bulletin 1031–1901, dated March 25, 1971, or an FAA approved equivalent.

This amendment becomes effective June 15, 1976.

Issued in Washington, D.C on May 21, 1976.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc.76–15677 Filed 5–28–76;8:45 am]

[Airspace Docket No. 76–NW–15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

● The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to eliminate redundancy in controlled airspace designation by deleting a portion of the Moses Lake, Washington, Transition Area. ●

A review of controlled airspace around Moses Lake, Washington, disclosed that a portion of the Moses Lake Transition Area designated 5500 feet AGL is presently overlapped by the Ellensburg, Washington, 1200-foot Transition Area, and the remainder is to be overlapped by the Yakima, Washington, 1200-foot AGL Transition Area. The Moses Lake, Washington, Transition Area is amended, therefore, by deleting the last portion of the description which reads:

That airspace southwest of Moses Lake extending upward from 5500 feet MSL bounded on the east by longitude 120°00'00" W., on the southeast by the northwest edge of V–448, on the west by the east edge of V–25, and on the north by latitude 47°00'00" N.

Since this amendment is essentially editorial in nature and will not effect users of the airspace in which the public is interested, notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations, Section 71.181 (41 FR 551) Moses Lake, Washington, Transition Area is amended effective 0901 GMT July 15, 1976, to read as follows:

MOSES LAKE, WASHINGTON

That airspace extending upward from 700 feet above the surface within a 19-mile radius of Grant County Airport (Latitude 47°12'29" N., Longitude 119°19'05" W.), within 7 miles southeast and 12 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line beginning at Latitude 47°45'00" N., Longitude 120°00'00" W., extending eastwardly along Latitude 47°45'00" N. to intersect the arc of the 52-mile radius circle, on the southeast by the northwest edge of V–112W, on the south by V–298, on the west by Longitude 120°00'00" to point of beginning.

(Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, on May 21, 1976.

C. B. WALK, Jr.
Director, Northwest Region.

[FR Doc.76–15721 Filed 5–28–76;8:45 am]

[Airspace Docket No. 76–GL–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

● The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Akron, Ohio, control zone. ●

The Akron, Ohio Municipal Airport Control Tower is presently operating continuously. The Tower will be closed during the night hours from 2300 to 0700 local time daily effective September 9, 1976. The Akron control zone is dependent upon the Tower for required weather reporting and communications with airport traffic. Thus, the control zone will have to be discontinued during the hours

the Tower is closed. To make this possible, a change is required in the designation of the control zone to allow part time operation.

Since this alternation is minor in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 9, 1976, as hereinafter set forth:

In § 71.171 (41 FR 355), the following control zone is amended as follows:

AKRON, OHIO (AKRON MUNICIPAL AIRPORT)

Add: "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual".

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on May 10, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76–15678 Filed 5–28–76;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE B—REGULATIONS RELATING TO PUBLIC LANDS

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2393]

PART 3520—COMPETITIVE COAL LEASING

Coal Leasing Procedures

On March 16, 1976, proposed rulemaking was published in the FEDERAL REGISTER (41 FR 11035) to clarify procedures in the Department of the Interior's program for competitive leasing of Federal coal in accordance with the Energy Minerals Activity Recommendation System (EMARS). EMARS is a system of procedures which fully considers both resource development and environmental protection in the Federal coal leasing decision process. EMARS combines nominations of potential leasing areas, multiple resource planning, environmental analysis and tract evaluation into a system by which lease decisions can be made.

In accordance with the Department's policy on public participation in rulemaking, a comment period of 30 days, ending on April 15, 1976, was announced. However, comments received through May 4 have been given full consideration in formulating the final rulemaking.

Comments were received from 38 soures as follows: Federal agencies—8, State agencies—7, Local governments—2, Mining and Energy Industry—11, News Media—1, Special Interest Groups—7, Individuals—2. In addition, comments were received from the Western Governors' Regional Energy Policy Office.

Several comments expressed the view that the proposed rulemaking was vague and too general. An effort has been made in final rulemaking to more carefully specify the steps and procedures involved in EMARS. It should be noted that the EMARS process utilizes the existing Bureau of Land Management land use planning process (Bureau's Manual 1601–1608) including Management Framework Planning and the provisions of the National Environmental Policy Act (NEPA). More detailed explanations of the Management Framework Planning and environmental impact statement processes may be found in those documents.

The single most significant change in the final rulemaking is the return to a one-tier nominations system. In the proposed rulemaking, nominations were to be received from industry, whereupon they would be published and a subsequent opportunity would be provided for comments and indications by the States and the public of areas which should not be leased. Several comments indicated that the two-tier procedure would not give the public adequate time or information to effectively comment on the industry nominations. In the final rulemaking, we have eliminated this second tier in the nominations process. Both industry, the public and the States will be asked to comment at the same time. In addition, to ensure effective public input, the public and the States are offered the opportunity to comment at a later stage in the planning process, after the nominations are received and multiple resource values are analyzed. A public meeting will be held for this purpose (43 CFR § 3520.1–3(a)(1)). Under these revised procedures, the public and the States will be able to make more informed comments on industry nominations than would have been possible under the two-tier system in the proposed rulemaking.

The comments also expressed concern that environmental considerations were not given sufficient emphasis in the proposed rulemaking. We believe the EMARS process will inject environmental considerations into the earliest stages of the coal leasing decision process by requiring that coal lease nominations be analyzed in conjunction with other resource values through the planning process. Environmental impact statements are then undertaken on the basis of proposed lease tract recommendations arising out of this comparative resource analysis. In the event that the proposed action is deemed not to be a major Federal action significantly affecting the quality of the human environment, an environmental analysis record (EAR) will be prepared. The Bureau will conduct public meetings in conjunction with the coal leasing EAR's. We believe these steps will help assure maximum environmental consideration in the lease decisions.

The comments also suggested that clarification was needed in defining the role of State governments in the EMARS process. The final rulemaking provides that State governments will be invited to participate in the analysis of nominations, in inventory data gathering and review of the multiple resource analysis and recommendations, and in the proposed tract recommendation phase. In addition, the Bureau's Management Framework Planning process requires public meetings in which the States are invited to participate. The States will also be consulted in the preparation of any environmental impact statement. Moreover, after publication of a draft regional environmental impact statment, there will be a public hearing in which the States may participate. State governments will be invited to participate in the actual preparation of any environmental impact statements. Finally, the Secretary will consult with State governors immediately prior to any lease sale decision. We believe these requirements will afford State governments ample opportunity to participate in the lease decision process.

It was also suggested that the objectives of EMARS should be changed to emphasize resource development. There is no intent to emphasize resource development or environmental protection. The objective in this system is to arrive at a balance in which coal development and environmental protection are given equal weight and full consideration.

On April 29, 1976, the Secretary directed the preparation of ten (10) regional environmental impact statements covering the following areas: Sweetwater-Kemmerer area of Wyoming, Northern Powder River Basin in Montana, West Central North Dakota, Central Utah, Southern Utah, Hanna Basin-Atlantic Rim area of Wyoming, West Central Colorado, the Stat Lake-Bisti area of New Mexico, North Central Alabama, and East Central Oklahoma. The regional environmental impact statement will cover all significant coal-related activities within the region designated. However, the boundaries outlined may be subject to adjustment as further information, such as nominations, becomes available. With respect to regions, the EMARS process will be carried out as follows:

DESCRIPTION OF THE PROCESS

Nominations. The Department will issue a call for nominations, in which industry, State governments and the public will be invited to indicate which areas the Department should or should not lease. Nominations of such areas may be submitted during a sixty day period. At the close of that period, the Bureau of Land Management will prepare maps depicting the nominated areas. It is anticipated that it will take thirty days for the preparation of these maps. The maps will be furnished to appropriate State agencies and will be available for review by the public at appropriate BLM offices.

Existing competitive lease applications will be treated as nominations in this process. Management Framework Plans are important sources of information which the public and industry should use in formulating nominations.

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BLM Planning Process. The nominations received will be analyzed in conjunction with the BLM planning process, including Management Framework Planning (BLM Manual 1601–1608). State governments will be invited to participate in this initial analysis of nominations. The nominations will be compared against other resource data identified through the Multiple Resource Inventory and Analysis stage of the Management Framework Planning process. In that effort, the Bureau seeks information from other Federal agencies, State agencies and from the public concerning the various resources within the Management Framework Planning area. In cases where a Management Framework Plan already exists, the nominations will be compared with the multiple resource data prior to the development of proposed tract recommendations. In those instances where a Management Framework Plan does not exist or is not adequate at the time the nominations are received, the Bureau will complete a multiple resource inventory/analysis of the various resources within the defined Management Framework Planning area for comparison with the coal lease nominations. The Management Framework Plan also includes socio-economic information.

The Bureau of Land Management will make available appropriate planning information for use by the public in considering coal-related Management Framework Plan recommendations. A meeting will then be held in which the public and States are invited to consider and comment on the coal lease nominations together with the multiple resource inventory/analysis. This step will afford public consideration of the comparative resource and land use values. Management Framework Plans will be continuously revised or supplemented to include information from nominations, U.S. Geological Survey coal mapping information, and data on reclamation potential from site studies carried out under the Department's Energy Minerals Rehabilitation Inventory and Analysis program.

After the public meeting phase, the Bureau of Land Management, in conjunction with the U.S. Geological Survey and after consultation with appropriate State officials will select proposed tract recommendations from Proposed Coal Leasing Areas identified through the nominations process and land use planning process.

Environmental Impact Statements. The proposed tract recommendations arising out of the Management Framework Planning process will be identified in a regional environmental impact statement as defined in the Secretary's memorandum of April 29, 1976. These regional environmental impact statements will consider not only proposed coal lease tract recommendations, but other coal related activities as well, including pending mining plans, rights-of-way, etc.

Information and assistance will be sought from appropriate Federal agencies and State governments in the preparation of a draft environmental impact statement. The draft will then be published for public review and comment in accordance with the provisions of the National Environmental Policy Act and the Departmental guidelines pursuant thereto. After publication of the draft environmental impact statement, the Department will conduct hearings in which the public and the States will be invited to comment on the statement and the proposed actions and alternatives described therein.

After making any necessary revisions arising out of the comment/hearing process, the Department will publish a final environmental impact statement. The Department will receive specific recommendations on tentative coal lease tracts for a period of 30 days following publication of the final statement.

Secretary's Decision Process. Prior to a decision by the Secretary to offer a tract for lease, the U.S. Geological Survey will conduct an evaluation of the coal resource within the tentative lease tract. Prior to actual leasing, a determination of fair market value, against which actual bids would be measured, will be completed for each specific lease tract.

A technical examination will also be undertaken to determine whether specific reclamation requirements are needed and to identify tracts requiring special environmental consideration, or special stipulations. The procedures governing this technical examination are found in 43 CFR 3041.2, 3041.2–1.

After completion of the final environmental impact statement, the Director of the Bureau of Land Management will recommend to the Secretary specific lease sales. The Department will receive recommendations for or against leasing of specific tracts for a period of thirty days following publication of the environmental impact statement. Prior to any decision on the proposed lease sales, the Secretary will consult with the affected State governors to consider the specific leasing actions contemplated.

After consultation with the affected governors, the Secretary will decide whether the proposed lease sale or sales should be held. Should the Secretary decide to hold such a sale, a sale notice will be published indicating the precise tracts to be offered and the time and place at which the lease sale will be held. Lease terms and conditions, including rentals, royalties, and reclamation requirements will also be made available at this time. The regulations authorize the use of bidding competition between tracts, when and if the Bureau of Land Management and the U.S. Geological Survey determine it is in the public interest. The Department will complete a policy paper describing intertract bidding and the circumstances in which it may be used.

We are attaching a diagram illustrating the EMARS process as it will be carried out in those areas in which regional environmental impact statements will be prepared.

It should be noted that the steps indicated above are not necessarily sequential. For example, the Bureau has in many cases already begun the Management Framework Plans and, in some instances, the plans are complete and adequate. The Department is also beginning to prepare regional environmental impact statements. However, information obtained from nominations must be considered in conjunction with a completed management Framework Plan, and recommendations arising out of the planning process will be included, as appropriate, in the regional environmental impact statements. All steps must be completed before leasing can occur.

We believe that the changes incorporated in the final rulemaking as well as the description provided in this preamble satisfy the majority of comments received as a result of publishing of the proposed rulemaking. However, additional comments were received concerning acreage limitations, confidentiality of information and bid acceptance.

Section 3520.1–2(d) provides that nominations be limited to 2,560 acres except where a desired logical mining unit (as defined in 43 CFR 3500.0–5(d)) requires acreage greater than 2,560 acres. This limitation is intended to ensure specificity in the nomination in order that comparative resource consideration can be carefully and specifically made. The limitation should discourage blanket nominations. The use of common map type and scale will facilitate comparative analysis of mineralized areas to areas of ecological or environmental importance.

With respect to the confidentiality of information received under the EMARS leasing process, the Freedom of Information Act provides for the withholding of trade secrets, commercial information, and geological and geophysical data. While the areas nominated under EMARS will be made public, supporting information including identification of the nominator, covered by the above exemptions will be withheld, unless permission to disclose is granted by the party submitting the information.

Numerous comments were received regarding the acceptance of a bid. The flexibility to reject a bid is retained in the regulations in the event that the high bidder is determined not to be qualified (43 CFR Part 3502), or in the event that all bids fall below a level determined to be the fair market value or which are not sufficient to win a lease under intertract competition.

All comments received were analyzed and compared with the appropriate sections of the proposed rulemaking and the proposed regulations have been amended to reflect those comments.

On May 17, the Department published as final rulemaking the regulations governing surface mining operations and regulations (43 CFR 3041 and 30 CFR 211). The Department has also published as proposed rulemaking new regulations governing testing for Federally owned minerals. Under these proposed regulations, permits may be obtained by individuals or groups of individuals for securing geologic and environmental data about Federal minerals.

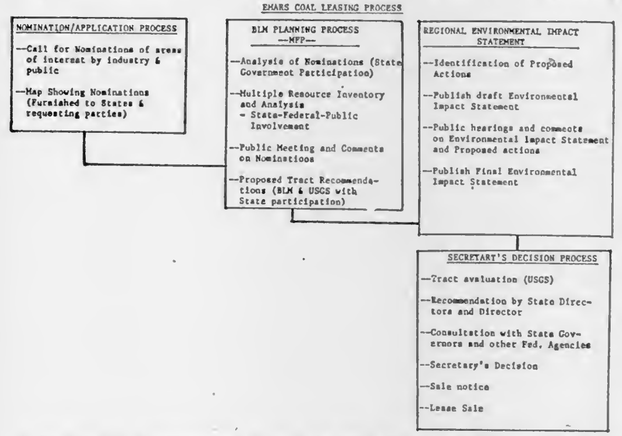
The Department has determined that this proposed amendment will not have a significant inflationary impact. No inflationary impact statement will be issued pursuant to Executive Order 11821 (39 FR 41501) and Office of Management and Budget Circular A–107.

Pursuant to the authority contained in the Mineral Leasing Act of 1920 (30 U.S.C. 181), 43 CFR 3520 is amended as set forth below.

Effective date: June 1, 1976.

Signed at Washington, D.C., on May 24, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.



1. Section 3520 is amended by adding § 3520.0–4 to read as follows:

§ 3520.0–4 Objectives.

The objectives of the Department's coal leasing process, called Energy Minerals Activity Recommendation System (EMARS), include: the orderly and timely development of Federally-owned coal; appropriate uses of the resources; effective environmental protection; and a fair market return to the public for the resources sold. The program consists of three principal elements: nominations; multiple resource planning; and environmental analysis. Nominations provide the first indication of tracts which should or should not be leased. The nominations received are then compared with resource values through the Bureau's planning process, including Management Framework Plans. From these phases, proposed tract recommendations will be made. Environmental analysis will then be undertaken on the proposed coal lease tracts. The integration of these three elements; nominations, multiple resource planning, and environmental analysis—each of which will be undertaken with State and public participation—will produce specific coal lease recommendations for Secretarial decision.

2. Section 3520.1–2 is renumbered 3520.1–3 and a new section 3520.1–2 is inserted to read:

§ 3520.1–2 Request for information on areas of interest.

(a) *Purpose.* This section establishes a procedure by which industry, the general public, and state and local governments can inform the Department of the Interior of their views on coal leasing in particular areas. The Department will incorporate the information it receives into its internal planning processes for Federal coal leasing tract selections.

(b) *Description of process.* The Director will request information on an annual basis, or as necessary. The Request for Information on Areas of Interest will consist of two stages.

(1) Industry Nominations—nominations from industry of tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased.

(2) Areas of Public Concern—concurrently with Industry Nominations, State and local governments and the general public are requested to submit Areas of Public Concern covering tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased.

(c) *Use of nominations.* Information obtained through the nominations process will be analyzed and compared with multiple resource opportunities identified in the Management Framework Planning process. Proposed coal lease tracts will then be developed on the basis of nominations and multiple resource information.

(d) *Description of nominations.* All nominations or statements of information for or opposed to leasing shall:

(1) (i) Describe the lands by legal subdivisions, section, township, and range; or in the case of land covered only by protracted surveys, by section, township, and range according to an approved protraction diagram; or

(ii) Use the Bureau of Land Management's Surface/Minerals Management Quads (minerals ownership maps) to indicate nominated areas. A readily discernible line on these maps conforming to legal subdivision and section lines will be accepted as to description required in subparagraph (1) (i) of this paragraph. The maps are available for sale at BLM State and most District Offices.

(2) Describe reasonably compact areas, which will be assumed to include all Federal coal within the boundaries described, and shall not exceed 2,560 acres, or the acreage of a proposed logical mining unit, if greater than 2,560 acres.

(e) *Multiple nominations.* If a person submits two or more nominations for leasing or two or more nominations against leasing, choices shall be ranked in order of importance and shall be numbered consecutively. Nominations should be ranked on a nationwide basis.

(f) *Public inspection of records.* Geological and geophysical information and data, including maps, that may be used to calculate coal reserves in place, and trade secrets and commercial and financial information, including the source of nominations for leasing, obtained under this section and identified as privileged or confidential shall not be available for public inspection without the consent of the person submitting the nomination.

(g) *Notice of requests for nominations on areas of interest.* (1) Notice of each Request for Information on Areas of Interest will be published in the FEDERAL REGISTER and in a newspaper(s) of general circulation in the State affected and will specify the area or areas covered by the call, the size and ranking of nominations, the period of time in which to submit nominations, and the addresses to which the nominations are to be submitted. (2) Nominations will be accepted only for those lands that are eligible for coal leasing. Lands not subject to leasing include: (i) lands not subject to the provisions of the Mineral Leasing Act such as lands acquired under the Appalachian Forest Act, and those in incorporated cities, towns and villages and in national parks and monuments (30 U.S.C. 181); (ii) lands withdrawn from coal leasing or otherwise not subject to the provisions of the Mineral Leasing Act; and (iii) land subject to a coal lease, permit, or preference right lease application. (3) As

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a matter of policy, the Department does not intend to issue coal leases in National Wildlife Refuges, units of the National Park System, Wilderness Areas and areas designated by the Bureau of Land Management as primitive areas.

(h) Management Framework Plans and multiple land use management plans of other Federal agencies, as appropriate, will be available for inspection at the appropriate Bureau or agency office. Upon the request of the Governor of a State affected by coal lease actions, the Bureau of Land Management State Director will make available for his review the Management Framework Plans for that State and, as appropriate, adjacent States.

3. Section 3520.1–3, renumbered section 3520.1–2, is revised to read:

§ 3520.1–3 Competitive leases: Procedures.

(a) Coal land or deposits shall be divided into suitable leasing tracts and leased competitively. The Energy Minerals Activity Recommendation System (EMARS) shall be used to identify tracts suitable for leasing through nominations and multiple-use land management planning. Under EMARS, the following actions will be taken in the order described in this section except certain steps, such as preparation of Management Framework Plans, may be undertaken simultaneously ad in conjunction with a request for nominations or environmental analysis. However, all steps must be completed before leasing can occur, except where coal leases may be issued under the Department's short-term leasing criteria.

(1) A Management Framework Plan, in accordance with Bureau of Land Management procedures, or the appropriate multiple use land management plan of the surface management agency, will be completed, the land to be leased will be included in a known coal leasing area (KCLA) and a request for nominations will be made pursuant to § 3520.1. The land-use planning process evaluates resource information from Federal agencies and State and local governments and nominations, and identifies areas from which proposed coal lease tracts may be selected. Prior to identifying proposed coal lease tracts as provided in paragraph (a)(2) of this section, the Bureau of Land Management will hold a meeting to receive public comments on nominations and other resource uses identified in the Management Framework Planning process. Management Framework Plans will be continuously revised or supplemented to include information from nominations, U.S. Geological Survey coal mapping information, and data on reclamation potential from site studies carried out under the Department's Energy Minerals Rehabilitation Inventory and Analysis program.

(2) Proposed tracts will be selected by the Bureau of Land Management, United States Geological Survey field offices, affected State governments and other surface management agencies, if other than the Bureau of Land Management, based upon relevant information, including information from the appropriate land use plan, from nominations, and from competitive coal lease applications on file.

(3) The selection of proposed lease tracts will include, but is not limited to, consideration of such criteria as: Depth, quality, thickness and extent of the coal resource; water resource availability; relationship to existing communities; potential impacts on economic structure (e.g., employment, available services, etc.); service and access corridors; aesthetic qualities such as scenic, cultural, wildlife, and vegetative values; rehabilitation potential and such other criteria as the Secretary may develop for withholding lands from leasing as unsuitable for mining.

(4) The National Environmental Policy Act will be complied with as follows: If several proposed leasing units have significant related characteristics and would sustain similar or related environmental impacts, as determined by the Secretary, they may be covered by a single regional environmental impact statement. Where leasing actions are adequately covered in a regional impact statement, no additional impact statement need be prepared. A public hearing will be held after publication of a draft regional environmental impact statement. An environmental analysis record or an impact statement, as appropriate, will be prepared for proposed leasing actions not included in a regional impact statement. The Department will provide public notice and an opportunity for a public meeting on an environmental analysis record for a coal leasing proposal that indicates that an environmental impact statement is not required.

(5) A technical examination in accordance with the procedures in 43 CFR 3041.2 and 3041.2–1 will be completed on each unit to identify specific reclamation requirements and tracts requiring special environmental consideration and to prepare bonding requirements and stipulations to minimize impacts upon the environment and other resources, land uses, or programs. Reclamation requirements will be imposed in accordance with 43 CFR 3041. The technical examination will include an evaluation of the proposed leasing unit to balance the value of the coal against the cost of mining, the cost of mitigation of environmental damage, and the significance of unmitigatable environmental damages.

(6) The State Director, after State government and surface management agency consultation, will recommend suitable tentative coal lease tracts to the Director. The Director will consolidate approved field recommendations into a proposed Coal Lease Sale Schedule for review and approval by the Secretary. Prior to the Secretary's approval, the Secretary wil consult with the Governor of the State affected by the lease sale and the Secretary of Agriculture, where appropriate.

(7) Notice of sale or sale schedules shall be published in the FEDERAL REGISTER and in a newspaper of general circulation in the State affected.

(8) A presale evaluation of the resource in the tentative coal lease tract shall be conducted.

(9) After the sale, a post-sale evaluation of the bids shall be conducted.

4. Section 3521.2–1(a)(1) is amended by adding subparagraph (vi) to read as follows:

§ 3521.2–1 Application or Bureau—motion.

(a) *Application—(1) Forms—(i)* • • •

(vi) Applications for competitive coal leases will be accepted for information purposes, but all leasing units will be established in accordance with § 3520.–1–2.

• • • • •

5. Section 3521.2–5(a) is revised to read as follows:

§ 3521.2–5 Award of lease (competitive).

(a) *Notification of Award.* Bids will be received only until the hour on the date specified in the notice of competitive leasing. All bids submitted after the hour will be rejected. The authorized officer will read all sealed bids. If the procedure calls for sealed bids followed by oral bids, the oral bidding will begin at the level of the highest sealed bid received which must at least equal the fair market value determination of the U.S. Geological Survey. After the oral bidding has ceased, the highest bid will be announced. No decision to accept or reject the high bid will be made at this time. The sale will be adjourned and the sale panel will convene to determine if the high bid adequately reflects fair market value. The recommendations of the panel will be sent to the authorized officer who will make the final decision to accept a bid or reject all bids, as soon as possible, after the sale date. The successful bidder will begin to be notified in writing. The Department reserves the right to reject any and all bids.

(b) The use of bidding competition between tracts (intertract bidding) is hereby authorized when and if the Bureau of Land Management and the U.S. Geological Survey determine it is needed in the public interest. The authorization to utilize intertract competition does not preclude the use of any other form of competitive bidding procedure.

[FR Doc.76–15564 Filed 5–28–76;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MEDICAL ASSISTANCE PROGRAMS

Inpatient Psychiatric Hospital Services for Individuals Under 21; Corrections

Final regulations with respect to inpatient psychiatric services for individuals under age 21, furnished under the Medical Assistance Program (Medicaid), Title XIX of the Social Security Act,

were published in the FEDERAL REGISTER on January 14, 1976 (41 FR 2198). They implemented section 1905(a)(16) of the Act, added by section 299B of the Social Security amendments of 1972. A major provision of the final regulations was inclusion of qualified psychiatric "facilities" as providers of this service rather than only psychiatric "hospitals." A similar change needs to be made in other areas of that regulation and in other Medicaid regulations, where reference is made to services under section 1905(a)(16). Accordingly, the purpose of the amendments set forth below is to make the appropriate changes. The basis for the corrections is the need to conform technical references in various regulations to the governing terminology contained in the January 14, regulations.

Chapter II, Title 45, Code of Federal Regulations is amended as set forth below.

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

1. Part 248 is amended by revising § 248.1(c)(iv) to read as follows:

§ 248.1 State plan requirements and options for coverage under the medical assistance program.

• • • • •

(c) *Options for coverage of categorically needy.* • • •

(iv) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan; or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions, or in subsidized adoptions, for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable. Individuals under age 21 who are in intermediate care facilities or in psychiatric facilities, also constitute a reasonable classification.

• • • • •

2. Section 248.10(b)(2)(iv) is revised as follows.

§ 248.10 Coverage and conditions of eligibility for medical assistance.

• • • • •

(b) *State plan requirements.* • • •

(2) • • •

(iv) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan; or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions, or in subsidized adoptions, for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable. Individuals under age 21 who are in intermediate care facilities or in psychiatric facilities, also constitute a reasonable classification.

• • • • •

3. Section 248.60 is amended by revising paragraphs (a)(2) and (a)(3)(iv) as follows.

§ 248.60 Institutional status.

(a) *Federal financial participation.* • • •

(2) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases, except for an individual under age 22 who is receiving inpatient psychiatric facility services pursuant to § 249.10(b)(16) of this chapter.

(3) • • •

(iv) An individual on conditional release or convalescent leave from an institution for mental diseases is not considered to be a patient in such institution except that such an individual under age 22 who was previously receiving inpatient psychiatric facility services pursuant to § 249.10(b)(16) of this chapter may be considered to be a patient in such institution until he is unconditionally released or, if earlier, the date such individual attains age 22.

• • • • •

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

4. Section 249.10(a)(6)(iii) is revised to read as follows:

§ 249.10 Amount, duration and scope of medical assistance.

(a) *State plan requirements.* • • •

(6) • • •

(iii) Inpatient psychiatric facility services as provided in section 1905(a)(16) of the act may be limited to individuals under age 21 (or under age 22 for individuals receiving such services immediately prior to attaining age 21), as specified in section 1905(a)(16) of the act and paragraph (b)(16) of this section;

• • • • •

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

5. Section 250.23 is amended by revising paragraphs (a)(1), (a)(1)(i) and (iv) to read as follows:

§ 250.23 Periodic medical review and inspections in skilled nursing facilities and institutions for mental diseases.

(a) *State plan requirements; medical review.* • • •

(1) Provide, with respect to patients eligible under the State plan who are admitted to a skilled nursing facility or who make application while in such a facility, for a medical review (including medical evaluation) of the need for care in such a facility, a written plan of care and, where applicable, a plan of rehabilitation; and if the State plan includes medical assistance in behalf of individuals 65 years of age or older, in institutions for mental diseases or under age 21 in psychiatric facilities, provide, with respect to patients eligible under the State plan who are admitted to or make application while in a mental hospital or psychiatric facility, for a medical review (including medical evaluation) of the need for such care, and a written plan of care. Such a review and plans would be made by the patient's attending physician with respect to care in skilled nursing facilities, and by the attending physician or staff physician with respect to care in mental hospitals, for individuals age 65 or over. In the case of individuals under age 21 who are admitted to psychiatric facilities, the review must be made by a team in accordance with § 249.10(b)(16)(iii), and the plan of care must be made by a team as specified in § 249.10(b)(16)(v). Provisions required by this subparagraph shall include descriptions of methods and procedures to be followed in each case which assure that prior to admission or prior to authorization of payments, as may be appropriate:

(i) Each patient receives a complete medical evaluation which includes diagnoses, summary of present medical findings, medical history, mental and physical functional capacity, prognosis and an explicit recommendation by the physician with respect to admission to, or, in the case of persons who make application while inpatients in a skilled nursing facility or mental hospital, or such psychiatric facility, continued care in such skilled nursing facility or mental hospital or such psychiatric facility;

• • • • •

(iv) In the case of patients over 65 in mental hospitals or in skilled nursing facilities which are institutions for mental diseases or patients under 21 in psychiatric facilities, the evaluation also includes psychiatric and social evaluations which are entered in the patient's record at the time of admission or immediately upon completion;

• • • • •

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: May 25, 1976.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.76–15848 Filed 5–28–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20588; FCC 76–473]

PART 73—RADIO BROADCAST SERVICES

Logging of Promotional Announcements

In the matter of amendment of note 3 of §§ 73.112, 73.282, and 73.670 of the Commission's rules concerning the logging of promotional announcements.

By the Commission: Commissioner Hooks concurring in the result; Commissioner Robinson concurring in part and

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dissenting in part and issuing a statement.

1. This proceeding was initiated by a Notice of Inquiry and Notice of Proposed Rule Making (Notice) adopted September 5, 1975 (FCC 75-1008). The closing dates for the filing of comments and reply comments were October 22, 1975 and November 3, 1975, respectively, which were extended by subsequent Order to November 24, 1975, for comments, and December 19, 1975, for reply comments. Publication was made in the Federal Register on September 22, 1975 (40 FR 43514) and on October 30, 1975 (40 FR 50546).

2. The Commission's current interest in the questions involved in this proceeding was generated by a letter of inquiry written on behalf of Broadcasters Promotion Association, Inc. by A. Lee Pocock, a member of the Board of Directors of that Association. In substance, Mr. Pocock stated that in the 400 member Association there appeared "to be a great deal of confusion as to how a promotion is logged when it is a cross-plug effort for a sister station." An example was given of the case where an AM or FM station broadcasts for its sister television station (licensed to the same entity which is the licensee of the AM or FM station) an announcement such as "tonight be sure and watch the Channel 7 News followed at 8 by Mannix, where Mannix defends his brother-in-law against a pending threat to his life, and at 9:30 'I Love Lucy,' where Lucy falls in love with the barber . . ." Typically, such announcements do not mention the name of a sponsor other than the call letters and/or channel or frequency assignment of the station being promoted.

3. As stated in the Notices of this proceeding, the Commission might have issued an interpretative ruling forthwith, but by reason of the novelty of the question and the fact that established industry practices might be in conflict with the ruling, the Commission determined that the present proceeding would be more appropriate.

A. The Questions Presented

4. Briefly stated, this proceeding raised two questions for comment: (1) Whether announcements cross-plugging various broadcast stations, radio and/or television, located in the same market and owned by the same licensee (sister-station announcements), should be logged as commercial announcements; and (2) whether announcements of self-promotion by a single station (same-station announcements), should be reclassified as commercial announcements.[1]

B. Sister-Station Promotional Announcements

5. We have chosen to present several comments which we believe are generally representative of those received in favor of or opposed to a requirement that sister-station promotional announcements be logged and counted as commercial matter. Some comments took neither side on the issue, but raised procedural questions or offered counsel for resolution of the matter; such comments are also presented. The National Radio Broadcasters Association (NRBA) states that it is comprised of over 500 broadcast licensees in the United States and that it finds merit in the Commission's proposal. NRBA states that the principle underlying the Commission's policy against use of broadcast facilities unfairly to promote a licensee's nonbroadcast business should be equally applicable to the use of a broadcast interest to promote another separable broadcast interest of the licensee in the same market; the contention is that such a disposition will serve to minimize the anticompetitive effects of common ownership.[2] Gateway Communications, Inc., the licensee of four television stations, states that it presently enters into trade-outs with other stations for promotional announcements and classifies such announcements as commercial, and believes that its commonly owned competitors should be required to do no less. It further states that in two areas served by its stations, it is in competition with commonly owned AM–FM–TV combinations which are not restricted in any way from cross-plugging. Westinghouse Broadcasting Company, Inc. is in agreement with the Commission's tentative proposal. It states that there is no persuasive reason to differentiate between announcements broadcast on behalf of other stations in the same market area promoting their programming activities simply because the stations are licensed to the same entity.[3] Westinghouse is the licensee of multiple services in that same community. By joint comment, WAVI Broadcasting Corporation, Mooney Broadcasting Corporation, and Capitol Broadcasting Co. (all licensees of multiple services in a community) submit the view that promotions for sister stations should be logged as commercial in light of the unfair advantage that such stations enjoy over those stations that are not commonly owned. It is said that such sister stations may unleash a barrage of announcements, each supporting the other commonly owned facility, which a competitor could not afford to offset. A further statement is made in regard to rating periods to the effect that sister stations enjoy an automatic advantage when both stations are being promoted in different services, causing the viewer or listener to confuse the origination of the program and thus credit a station with viewing or listening even though it is not the station tuned. This comment states that although the adoption of the Commission's tentative proposal will do no more than effectively place strictures on the number of such announcements, it would nevertheless lessen anticompetitive, unfair practices which allegedly would flow from unrestrained utilization of cross-promotional announcements. The comments of KCOP Television, Inc., the holder of one broadcast license in the highly competitive Los Angeles market, may be summarized in the statement that, in view of the already powerful competitive advantages which stem from common ownership of more than one station in a single market, the Commission should not permit a practice (not logging sister-station promotions as commercial) to continue which does nothing more than implement and aggrevate this competitive advantage.

6. It is of interest to note that six multiple station licensees have made it a practice to log promotional announcements for their sister stations as commercial announcements. American Broadcasting Companies, Inc., CBS, Inc., Metromedia, Inc., NBC, Inc., Nationwide Communications, Inc., and Storer Broadcasting Company. However, their practices are not in each case consonant with their comments on the merits of the Commission's suggestion regarding sister-station announcements. While ABC, Metromedia, and Nationwide believe that sister-station promotional announcements should be logged as commercial announcements, CBS and NBC do not support this position. Their views are best expressed by excerpts from their comments. NBC states:

> However, certain elements being considered in the Notice are less objectionable than others. The least objectionable proposal is that which would require that promotional announcements by a TV station on behalf of a commonly-owned AM or FM station (or vice versa) be logged and counted as commercial announcements. Such a procedure would actually be consistent with NBC's current practice pursuant to which such announcements are treated as ordinary commercials for logging purposes. [footnote omitted] However, NBC does not believe that because it already follows the practice the Commission proposes to adopt, that fact has caused it to carry fewer such announcements than it otherwise would have done. In other words, the supposed inhibition of logging and counting these announcements as "commercial matter" has not affected its policies and practices in the carrying of such announcements. Therefore, judging by our own experience, there seems little or no purpose or logic in Commission intrusion into a new area of regulation. NBC thus objects to a requirement to log as commercial all announcements made by a station promoting its own programming or that of its commonly owned stations.

Additionally, NBC goes on to state that the proposal would have a counter-productive effect on smaller stations. CBS states:

> Despite the fact that CBS practices are already in accord with the logging rule proposed by the Commission, CBS questions the need to impose such a rule. Although the Commission has indicated that the practice of broadcasting promotional announcements on behalf of sister stations 'is not uncommon', CBS believes, absent a showing of abuse or anticompetitive effect, that stations should be able to log announcements for sister stations as 'promotional announcements,' if so desired.

Storer (a licensee of multiple services in the same community) expresses no objection to the proposal that promotional announcements for sister stations be logged as commercial and that such an interpretation be codified in Note 3 to Sections 73.112, 73.282, and 73.670 of the Commission's Rules. However, Storer indicates that such action seems unnecessary in that the matter lacks substance and import.

7. General Electric (GE) Broadcasting Company, Inc. states that it is its understanding that presently sister-station promotional announcements need not be logged as commercial and that it is not aware that this approach has been harmful in the sense that it has resulted in either unfair competitive advantage or excess promotion. It questions the need for this regulatory proposal, but has no objection to a requirement that such announcements be logged as commercial. It acknowledges the Commission's policy that announcements promoting a nonbroadcast business of a licensee must be logged as commercial, even in the absence of "consideration," and states that the Commission's proposal is an extension of that concept. In several cities, GE is the licensee of stations in different broadcast services serving the same community and does, from time to time, promote its sister stations. Other licensees in the same position as GE follow the same practice and express the same view. Heart O' Wisconsin Broadcasters, Inc., by common ownership or control is affiliated with entities having more than one broadcast service in the same community. It takes the position that there is no objection to classifying sister-station promotional announcements as commercial as between visual and aural media, but not so in the case of promotions between commonly owned AM and FM stations. It states that the Commission has encouraged such stations to offer real program diversity within the context of common ownership, so that, in the case of many stations, the AM format and programming is different from and complements the format and programming of the FM station. The contention is that it makes no sense to penalize these stations for informing the public of this diverse and complementary programming.

8. Haley, Bader & Potts filed comments reflecting the views of many of its broadcast clients. Prefatorily, the firm states that regulatory action should not be taken which appreciably increases governmental intrusion into the everyday business affairs of licensees and augments the burden of licensees. Its view is that the proposal is an unnecessary burden on licensees and reflects a willingness to engage in such governmental intrusion. The comments question the interest which the Commission "ostensibly seeks to protect" in this proceeding, stating that if the Commission's concern is with the competitive advantage of a single station in not being able to promote itself free of charge on another facility, then the Commission is posting itself as the arbiter of competitive parity in a free enterprise system of commercial broadcasting. It is contended that for the Commission to decide this matter with reference to other "advantages" of commonly owned stations, it would be regulating on a scale of benefits, which it characterizes as "not responsible regulation." Additionally, the view is expressed that even if the Commission could conclude that there would be consideration in the benefit received by a station airing a reciprocal promotional announcement, the determination would be fraught with difficult questions as to what is reciprocal; that is, whether reciprocity need be established by one agreement, one transaction, or by many transactions at different times. It is contended that there would then be added the remaining problem of dealing with arrangements between sister stations where there would be no reciprocity.

9. Greater Media, Inc. believes that present definitional standards should be continued. Its view is that if any promotional announcements are to be classified as commercial, most, if not all, stations will curtail promotional announcements rather than suffer curtailment of revenue. It admits that commonly owned stations in the same market often enjoy substantial advantages over individual stations and that the competitive disparities are enormous. However, it adds that the net advantages derive from cross-promotion are "miniscule" in comparison with the other competitive disparities built into the broadcast industry, as might be found in differences in power, frequencies, and factors bearing upon economic strength. It requests that the Commission take no action in this proceeding and that the proceeding be terminated. Sonderling Broadcasting Corporation (Sonderling) sees no reason for the commencement of this proceeding and, in substance, states that it is contrary to policies of "deregulation." A substantial number of comments expressed similar views to the effect that a need should be demonstrated for any change in existing practices to support a finding of public interest and that in the absence of such a showing any change would be inconsistent with deregulation. In this connection, several of the comments stated that this proceeding should be confined to an inquiry as to the existence of such need.

10. Dow, Lohnes & Albertson filed comments on behalf of several licensees in the form of joint comments.[4] The comments state that this proceeding is premature, and that the underlying question is whether a need exists for a departure from past policy, that is, the need to limit the use of sister-station announcements. The suggestion is that the Commission should first decide this policy question, and then, if answered in the affirmative, specific proposals should be formulated and put out for comment as proposed rules. The Commission is urged not to attempt to fit such a change within the present definition of a commercial announcement contained in Note 3 of the Rules on program logs. In substance, it is stated that under traditional concepts of "consideration" this cannot be done and that the existence of "consideration" should not be assumed simply because a benefit is received. It is acknowledged that some confusion exists on how sister-station announcements should be logged and that there is a desire for clarification. The parties to these comments, in opposing a requirement that the sister-station announcements be classified as commercial, call the Commission's attention to a multitude of factors, such as (1) there has been a conscious and long-standing Commission recognition that promotional announcements are not comparable to conventional commercial announcements; (2) promotional announcements are presently regulated by the forces of a free market, where programming must be attractive to the public to sustain listening or viewing; (3) television stations have only a few "windows" to promote programming, while radio has more but is also much more competitive; (4) these announcements serve a valuable purpose in informing the public of important news and public affairs programming and in assisting struggling UHF and FM stations, as well as second or new services in a community; (5) licensees would be forced to reduce promotional announcements to retain income-producing commercial inventory; and (6) there is no evidence that the use of sister-station announcements has been abused or adversely affects other broadcast operations and should such abuse arise, then the Commission can deal with it under the public interest standard on a case-by-case basis.

C. Discussion

11. The Commission notes the following facts which were adduced by the inquiry: (1) Industry practice is not consistent as to the logging of sister-station announcements.

(2) A considerable number of stations operating in highly competitive markets with above average time charges are, and have been, logging sister-station announcements as commercial matter.

(3) The consensus of the commenting parties was not in opposition to a requirement that the announcements be logged as commercial matter.

12. The NBC comment is of particular interest. NBC, Inc. is the licensee of multiple broadcast services in New York City, Chicago, San Francisco, and Washington, D.C. It has been following the practice of logging sister-station announcements as commercial matter and states that this practice has not caused it to carry fewer such announcements than it otherwise would have done. However, several other comments were to the effect that the number of sister-station announcements would be seri-

[1] A list of the parties who field comments is attached as Appendix A.

[2] NRBA would also have the Commission act to prohibit discrimination against announcements sought by a station not commonly owned, which is a matter not within the purview of this proceeding.

[3] Westinghouse would exempt announcements made during periods of simulcasting.

[4] Cox Broadcasting Corporation, Multimedia, Inc., WCSC, Inc., Turner Broadcasting Corporation, Palladium Publishing Company, Plough Broadcasting Company, Inc., Belton Broadcasters, Inc., Big C. Broadcasting Corporation, Metro Broadcasting Corporation, and Providence Journal Company.

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ously curtailed. The Commission believes that the commercial classification may have some restraining effect on some licensees in limited areas of the broadcast week. It may be expected that to that extent the anticompetitive effect which would flow from the unrestrained utilization of cross-promotional announcements would be lessened.

13. The most common objection to the logging of cross-promotions as commercial matter was that no evidence was presented of the need for such a determination. In the absence of such evidence the comments were either in the form of recommending termination of the proceeding, or that the proceeding be limited to the determination of such need, or that, if the need did exist in certain circumstances, the matter be handled on a case-by-case basis. When this matter of the lack of necessity was presented, the comments alleged lack of evidence indicating a public outcry against the abusive use of such announcements or lack of evidence indicating that such broadcasts were harmful to other broadcast interests. However, the comments themselves have furnished substantial evidence that licensees operating one service in a community have felt the harmful effects of unfettered use of sister-station announcements.

14. The commenting parties which were most forcefully in favor of the requirement that sister-station announcements be logged as commercial called attention to the Commission's policy that announcements promoting a licensee's non-broadcast business are required to be logged as commercial. This policy has been expressed in *Waterman Broadcasting Corporation of Texas*, 28 FCC 2d 348, 21 RR 2d 555 (1970); *Fuqua Communications, Inc.*, 30 FCC 2d 94, 22 RR 2d 173 (1971); *Carolinas Advertising, Incorporated*, 42 FCC 2d 1027, 28 RR 2d 659 (1973); and *In re Anthony R. Martin-Trigona*, 17 RR 2d 1104 (1969). These parties acknowledged that the policy and its application in the foregoing cases involevd the promotion of non-broadcast businesses of a licensee, not the promotion of a broadcast interest owned by the licensee. However, they feel that there is no justifiable basis for a differentiation between a non-broadcast interest and a broadcast interest. The contention is that the same type of advantage accrues to an AM station, for example, whether the station is promoting another commercial enterprise or a sister FM station. The use of the license in either case may confer a substantial benefit upon the sister station equal in effect to that conferred upon another type of commercial enterprise of the licensee. As against other licensees licensed only for the service being promoted, these parties see an unfair competitive advantage. They take the position that logging sister-station announcements as commercial will limit the competitive advantage possessed by competing multiple owners.[5]

[5] As to the Commission's views on the advantages of multiple owners, see *In re AM, FM and TV Broadcasting Stations*, 58 FCC 2d 189, 191 (1976).

15. We are of the opinion that the licensee of sister stations realizes a substantial benefit and advantage in the use of cross promotions that is not available to the licensee of a single station in a community. The principle of nurturing full competition underlies many established policies of the Commission which were adopted to advance the public interest. In making the determination that these sister-station promotional announcements should be logged as commercial matter, we follow the suggestion of several of the comments that we need not be strapped by the traditional concepts of consideration. On this basis, the matter of reciprocity need not be considered; the same result occurs whether there is an exchange of cross promotions between the separable interests or whether one interest simply promotes the other. The comments received in this proceeding disclose sufficient need for the determination that sister-station promotional announcements should be logged as commercial matter.

16. While Westinghouse indicated agreement with the suggestion that sister-station promotions be logged as commercial matter, it stated that such announcements made during periods of simulcasting should not be so classified. However, no reasons for such exclusion were cited. We believe that such announcements made during simulcasting deserve special treatment. Several situations are presented which, we believe, are typical of station promotion during simulcasting. In the case of simulcasts by a daytime AM station and its sister FM station, the AM listening audience is told to switch to the FM frequency when the AM operation ceases. Another situation involves the broadcast, during simulcasting, of an announcement informing listeners to tune to a future program either on the AM frequency or the FM frequency, where the future program will not be simulcast. If the future program is to be broadcast by the AM station only, then the announcement transmitted on the FM frequency is a promotion for the sister AM station. If the future program is to be broadcast by the FM station only, then the announcement broadcast on the AM frequency is a promotion made for the sister FM station. We are unable to see any valid grounds for treating the foregoing situations differently from the situation where announcements are made by sister stations promoting the other station during separate operations. In the first situation above-described the AM station should enter the announcement in its program log as commercial matter; in the second situation, the entry should be made in the FM log; and in the third, in the AM log. A different type of situation exists when the future program will be broadcast on both the AM frequency and the FM frequency. In this situation we believe that the announcement is a same-station type of promotion. As such, it is not commercial matter and need not be logged.

D. Conclusion

17. As hereinabove discussed and for the reasons we have outlined, we have determined to amend Part 73 of our rules to require that promotional announcements broadcast by any TV, AM, or FM broadcast station for or on behalf of another commonly owned or controlled broadcast station serving the same community shall be entered as a commercial announcement in the program log of the station broadcasting the announcement. This requirement shall not be applicable to educational stations. In the case of simulcasting, if the announcement relates to future programming which is not to be simulcast, the announcement shall be entered as commercial matter in the log of the station not scheduled to broadcast the future programming. The specific texts of the amendments effecting this determination are set forth below.[6]

E. Same-Station Promotional Announcements

18. All comments opposed classifying same-station promotional announcements as commercial matter. We are persuaded not to change our rules in this area, primarily because the informational value of such announcements outweighs any detriment that may flow from their excessive use and because practices which may adversely affect competition are not involved.

19. Accordingly, it is ordered, effective July 2, 1976, That Part 73 of the Rules and Regulations is amended below.

20. Authority for this rule amendment is found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

21. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,[6]
VINCENT J. MULLINS,
Secretary.

Adopted: May 19, 1976.

Released: May 25, 1976.

Part 73 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Note 3 of §§ 73.112, 73.282 and 73.670 (introductory paragraph) is amended and a new paragraph (c) is added to read as follows:

§ 73.___ Program log.

• • • • •

NOTE 3. *Definition of commercial matter* (CM) includes commercial continuity (network and nonnetwork), commercial announcements (network and nonnetwork), and announcements described in paragraph (c) of this Note, as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish the two types of commercial matters when logging.)

• • • • •

(c) Promotional announcements broadcast by any AM, FM or TV broadcast station for or on behalf of another commonly owned or controlled broadcast station serving the same community.

• • • • •

APPENDIX A—PARTIES FILING COMMENTS

Station KTLQ
Stations KPRL and KPRA
Sonderling Broadcasting Corporation
Gateway Communications, Inc.
Southern Broadcasting Company
Central California Communications Corporation
Adelphi University
Station KRE and KRE-FM
Station KPOW
Carthage Broadcasting Company
Tape Networks, Inc.
Station WYCL
Nebraska Broadcasters Association
Haley, Bader & Potts
CBS, Inc.
National Association of Broadcasters
Bonneville International Corporation
KQED, Inc.
The Corinthian Stations
The Orion Stations
The Donrey Stations
National Radio Broadcasters Association
National Broadcasting Company, Inc.
Greater Media, Inc.
Combined Communications Corporation
Combined Communications Corporation of Oklahoma, Inc.
Combined Communications Corporation of Kentucky, Inc.
Pacific and Southern Company, Inc.
Eleven-Fifty Corp.
The Evening News Association
Universal Communications Corporation
Gaylord Broadcasting Company
WTVY, Inc.
Storer Broadcasting Company
Lotus Communications Corp.
Heart O'Wisconsin Broadcasters, Inc.
American Broadcasting Companies, Inc.
Mooney Broadcasting Corporation
WAVI Broadcasting Corporation
Capitol Broadcasting Co.
Strafford Broadcasting Corporation
Hercules Broadcasting Company
Guaranty Broadcasting Corporation
Summit Radio Corporation
Group One Broadcasting Co. of Texas
Group One Broadcasting Co.-West
Community Broadcasters, Inc.
Broad Street Communications Corporation
Guy Gannett Broadcasting Services
Mid-America Television Company, Inc.
The WHYN Stations Corporation
WINZ, Inc.
RadiOhio, Inc.
State Telecasting Company, Inc.
North Carolina Association of Broadcasters
Palmer Broadcasting Company
Cox Broadcasting Corporation
Multimedia, Inc.
The Palladium Publishing Company
Plough Broadcasting Company
WCSC, Inc.
Turner Broadcasting Corporation
Belvon Broadcasters, Inc.
Big C Broadcasting Corporation
Metro Broadcasting Corporation
Public Broadcasting Service
Metromedia, Inc.
General Electric Broadcasting Company, Inc.
Westinghouse Broadcasting Company, Inc.
Newhouse Broadcasting Corporation
KCOP Television, Inc.
Nationwide Communications, Inc.
McGraw-Hill Broadcasting Company, Inc.
Providence Journal Company
Missouri Broadcasters Association
Wycom Corporation
Bloomington Broadcasting Corporation (Reply Comment)

[FR Doc.76-15831 Filed 5-28-76;8:45 am]

[6] Statement of Commissioner Robinson filed as part of the original document in the Office of the Federal Register.

[FCC 76-454, Docket No. 19544; RM-1838]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Inquiry Into Problems of Public Coast Radiotelegraph Stations; Memorandum Opinion and Order

By the Commission: Commissioners Wiley, Chairman; and Reid concurring in the result; Commissioner Robinson dissenting and issuing a statement.

1. This proceeding was instituted by a Notice of Inquiry on July 12, 1972, to which three extensions of time were granted to file comments and reply comments. An Order and an Erratum were also released. Subsequently, a Second Notice of Inquiry was released to which one extension of time was granted to file comments and reply comments. References to these documents are as follows:

FCC document	Release date	Published in FEDERAL REGISTER	FEDERAL REGISTER reference
Notice of Inquiry.	July 20, 1972	July 28, 1972	37 F.R. 15197
Extension of time.	Oct. 19, 1972	Oct. 28, 1972	37 F.R. 23126
Extension of time.	Dec. 1, 1972	Dec. 8, 1972	37 F.R. 26150
Order	Dec. 18, 1972	Dec. 21, 1972	37 F.R. 28138
Erratum	Jan. 2, 1973	Jan. 15, 1973	38 F.R. 1505
Extension of time.	Jan. 22, 1973	Jan. 31, 1973	38 F.R. 3003
2d notice of inquiry.	Mar. 8, 1974	Mar. 19, 1974	39 F.R. 10284
Extension of time.	Apr. 17, 1974	Apr. 23, 1974	39 F.R. 14377

2. Persons filing comments in this proceeding are set forth in the attached Appendix 1. These comments include the views of one or more persons from the various user groups employing or requiring service from public coast radiotelegraph stations. In addition to the extensive information set forth in the comments filed, the Commission during 1974 conducted inspection of RCA Global Communications, Inc. (RCA) stations WPA, WSC, KPH, WOE and WCC; ITT World Communications, Inc. (ITT) stations KLC, WSL, KFC, KOK and KLS; and TRT Telecommunications Corporation (TRT) stations WAX and WNU. To afford opportunity for maximum exposure, the Commission contracted with Advanced Technology Systems, Inc. (ATS) to: (1) contact the licensees of public coast radiotelegraph stations for further information, where needed; and (2) review and report on the comments filed, plus whatever additional information was obtained from those licensees. Thereafter, the Commission released its Second Notice of Inquiry, in which we requested additional information. To that Second Notice we attached the ATS report for study and comment. Lastly, on November 12, 1974, a meeting was convened on various aspects of this matter. In consequence of this meeting, definitive comments were filed by a substantial number of users and licensees regarding various matters pertinent to this proceeding.

Overview

3. The proceedings in this docket were initiated for the reasons stated in the July 1972 Notice of Inquiry with the expectation that an in-depth review of the total complex of public radiotelegraph coast station operations and related matters would provide a more firm basis upon which the Commission could address overall remedies to apparent economic, operational, and technical problems associated with public radiotelegraph coast stations and act upon the pending applications for closure of certain of those stations. An important factor highlighted during this proceeding is that the users perceive a need for a minimum number of coast stations to furnish the long range high frequency (HF) service but for an adequate number of coast stations to assure coverage in the medium range medium frequency (MF) service. While much time and effort has been expended by all parties to this proceeding and a record has been assembled representing the most complete study of this segment of the industry completed to date, the actions we will take herein will not by themselves resolve the host of complex problems confronting both the users of the service and the licensees providing the service. Our endeavor here is to discuss those areas which we believe most contribute to those problems and reach conclusions which will provide a basis to proceed with the steps toward improvement. Many of the measures we will prescribe cannot be accomplished independently of each other, but will require the development of a structured program by each of the licensees with definitive milestones established to implement an overall plan. While we are unable to make the required statutory findings required to authorize any of the pending closure applications, we are of the opinion that with the dedication and cooperation of the licensees and the users, a program may be developed by each of the licensees that will serve as the basis to reevaluate the need for a specific number of coast stations while improving service. Towards this goal we will terminate the proceedings in this docket, but in so doing we direct the Chief, Safety and Special Radio Services Bureau and Chief, Common Carrier Bureau to work with the licensees and the users in carrying out the measures prescribed herein. Where immediate action can be taken and is so ordered herein, we of course expect the licensees to proceed expeditiously and will require that they report to the staff the progress being made on a regular basis. While the problems are complex and the solutions are not simple, we believe the course prescribed herein will serve the best interest of the public and enhance the ability of the licensees to perform their duty to the public.

4. Many of the measures we prescribe are directed primarily to the International Record Carriers (IRC's), RCA, ITT and TRT, who are also licensees of

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radiotelegraph coast stations and collectively handle approximately 95 per cent of the total maritime mobile telegraphy traffic. There is presently no substitute for the essential services provided by these carriers and the using public is dependent upon this service for the conduct of its business and social communication requirements. While our major effort must be directed towards those operations effecting the vast majority of the using public, we believe that steps must be taken at the same time to ensure that the total facilities available to the public can be utilized on an efficient and convenient basis at reasonable charges. As we will discuss in greater detail below, it is our opinion that arrangements exist which hinder the user's ability to make maximum use of the facilities available. We propose to institute arrangements which will provide the user with greater flexibility and opportunity to use the total communication facilities and services now available on a more convenient basis. We will therefore prescribe necessary interconnection arrangements and require that those arrangements be included in the licensees overall plan for improvement and, in our view, such arrangements are vital to the consideration of the closure of any existing public coast station licensed to the IRC's now providing the bulk of the service to the public.

5. Although the measures we prescribe as being necessary are directed predominantly towards the IRC's operations, they also affect the independent coast station licensees and the provisions required under our rules, i.e., requirements for type acceptance of equipment in part 81.137(d)[1] of the rules is equally applicable to the independent coast station licensees.

Previous Actions

6. During the course of this proceeding the Commission has taken separate actions which are directly related to the consideration of this docket. By Order released December 18, 1972, the Commission amended Section 81.137(d), Part 81, to suspend the applicability of the provisions of that section to certain transmitters at public coast radiotelegraph stations pending release of a further order, based on information derived from the instant proceeding. This suspension of Section 81.137(d) was responsive to the request of RCA, dated July 26, 1972; that Section 81.137(d) be waived until eight months after conclusion of the instant proceeding which includes applications of RCA, among others, to close certain of their stations. It was RCA's view, in which we concurred, that the transmitters at stations proposed to be closed should not be required to be modified or replaced prior to a Commission decision on the pending applications for closure.[2]

7. As a separate matter, by Memorandum Opinion and Order, released January 10, 1975 (FCC 74–1319), RCA was granted authority to continue the use of an "inverted L" antenna at public coast radiotelegraph station WPA pending further action by the Commission in Docket No. 19544. The Commission's action was in response to a request by RCA in a letter dated July 31, 1974. In their letter, RCA called attention to their pending application to close station WPA and expressed the view, in which we concurred, that they not be required to reerect the 200 foot vertical antenna until the Commission had reached a decision on their pending application. Also by Memorandum Opinion and Order, released May 27, 1974, the Commission authorized TRT to temporarily suspend operation of station WAX for a period of 60 days. In actions subsequent thereto, the Commission, pursuant to requests of TRT, has authorized TRT to continue the suspension of operation of station WAX pending a Commission decision in this proceeding. Also by Memorandum Opinion and Order (FCC 74M–372), released April 5, 1974, the Commission authorized Great Lakes Marine Radio, Inc. to permanently discontinue radiotelegraph service at station WBL.

DISCUSSION

ADEQUACY OF SERVICE

8. The comments filed by the users confirm the Commission's concern that the service rendered by most of the public coast radiotelegraph stations is generally below an acceptable user level. With regard to those coast stations, the record is replete with reports of understaffing of operating positions; of operators expected to function efficiently while attempting to provide service on a large number of frequency bands or, in some cases, a mixture of radio and land line facilities; of partial or complete discontinuance of the listening watch on one or more of the ship station calling bands; of poorly maintained transmitting and receiving antennas which are less effective than operating without an antenna.[3] The users have emphasized the continuing need for both the world-wide high frequency as well as the coastal medium frequency radiotelegraphy services.

9. In view of this situation it can be expected, and the record so reflects, that operators aboard ship experience extended delays in contacting most coast stations. This condition, we believe, is the consequence of understaffing during all working shifts, partial or complete discontinuance of watches, antiquated operating procedures and the poorly maintained condition of equipment. These conditions force the shipboard operator to engage in repeated call attempts on a diverse number of calling frequencies, which in turn increases the congestion in the calling bands, with the overall result that service to all ships is further deteriorated.

10. Additionally, the ship operators have a problem in routing their traffic since they may be instructed by the owner or agent of the vessel (who is usually the addressee) to route the traffic to a certain coast station depending upon the particular arrangement the ship owner or agent has with a coast station for routing traffic. A large number of ship owners or agents have at least one teleprinter machine in their office provided by an IRC, and the ship operator is directed to use the coast station operated by the IRC licensee providing the teleprinter machine. Therefore, the ship station operators are often precluded from using the coast station best able to provide the service at a given time, but must await the availability of the particular coast station associated with the owner's or agent's machine. Should the operator elect to route traffic to a non-IRC coast station or to another coast station operated by a different IRC than the one providing the office machine the traffic cannot be delivered on that machine. The traffic must therefore be delivered by domestic telegram, which usually adds a delay in the receipt of the message. The traffic may also be delivered by telephone, TWX or domestic teleprinter, at an additional cost to the addressee (provided the addressee has TWX and/or domestic teleprinter in addition to the IRC teleprinter machine). As a result, most owners or agents insist that ship operators send their traffic to one particular coast station, but in so doing, invite significant delay as a result of the conditions specified in paragraph 9. Some owners or agents who manage a large number of ships actually have a teleprinter machine furnished by each IRC plus a domestic teleprinter and TWX in their offices to give themselves and the ship operators the flexibility to select any coast station that is available to send traffic expeditiously.

11. Long delays in the receipt of traffic by ship stations present a severe problem to the ship operators and the vessel owners or agents. Since the owner or agent routes traffic to a designated coast station, the ship operator is quite often at the mercy of that coast station as to when the traffic will be delivered. The ship station operator must monitor the traffic list[4] transmitted by the coast station holding traffic destined to that ship

[1] Part 81, Sections 81.137(d) and 81.139(d), as amended by the Report and Order in Docket No. 18577 (FCC 70–1177, released November 9, 1970; published in the FEDERAL REGISTER on November 13, 1970, (35 F.R. 17412)), required that "each transmitter operating on frequencies below 27.5 MHz and authorized for use at coast radiotelegraph stations after January 1, 1971, must be of a type which has been type accepted by the Commission". A period of two years was provided, until January 1, 1973, for licensees of coast radiotelegraph stations to bring existing transmitters into conformity with amended Sections 81.137(d) and 81.139(d).

[2] Based on station inspection on October 24, 1974. See paragraph 24 herein.

[3] A "traffic list" is an alphabetical listing of the call signs of those ship stations that have a message addressed to them. Each coast station transmits a traffic list on a frequency in each band. The commencement time and interval of transmission of traffic lists varies from coast station to coast station.

in order to be informed of any pending messages. He then proceeds to call that coast station for the message at which time he experiences the problems outlined above. These problems may be compounded by radio interference and poor propagation conditions. The ship station may very well be in range of another coast station that could provide an available circuit. There would be no point however in calling a different coast station since it neither has the message to deliver to the ship nor are there now any arrangements for one coast station to have access to the traffic held by another coast station. In the event the vessel owner or agent has vital traffic to send to the ship station, the course followed may be to place the traffic with two or more coast stations in order to increase the chances of timely delivery. This course of action is costly and redundant.

12. In paragraphs 10 and 11 above, reference was made to various procedures that a user may employ to give the ship operator the versatility of receiving traffic from more than one coast station. They are, (1) the use of domestic teleprinter, TWX and IRC teleprinter machines in their offices to access any coast station to route traffic to their ships, and; (2) routing vital traffic simultaneously to two or more coast stations. Neither of these procedures serves to cure the problem for several reasons, including the fact that each coast station transmits its respective traffic list on a frequency used only by it so that the ship station can receive the traffic list of only one station at any given time. The ship operator usually listens to the traffic list transmitted from that coast station designated by the user. Should a message to the ship be routed via a coast station other than the one normally monitored by the ship operator it could get delivered only if the ship operator listened to the traffic list of that station. To listen to other traffic lists the operator must tune to the different frequencies employed by the various coast stations. However, the time periods for transmitting the traffic lists at various coast stations may overlap, making it almost impossible to monitor the traffic list of any station adequately. Should someone unaware of the prior arrangement the ship station has with a designated coast station attempt to send a personal or business message to a crew member aboard a particular vessel, he finds it virtually impossible to communicate with that ship station unless he coincidentally chooses the right coast station. Traffic lists are transmitted by coast stations using one of the working frequencies in each frequency band allocated and used by that coast station for sending and receiving regular traffic, and, therefore, the use of that frequency for regular traffic is lost during the time the traffic list is transmitted. Although the amount of time required by each coast station to transmit a traffic list varies, many hours per day are dedicated to the transmission of traffic lists if we add together the total number of coast stations and number of frequency bands used at each station.

13. The arrangement that TRT, RCA and ITT have with owners or agents of various United States, Panamanian, and Liberian registered vessels provides an end to end service. This arrangement, however, has its disadvantages in that the effect is to essentially lock the ship station into using a particular coast station operated by the licensee that also provides the teleprinter office equipment. These tie-in arrangements contribute to the congestion at certain coast stations and as a practical matter deprives the user of the flexibility of accessing other coast stations for the routing of its traffic.

User's Access to Coast Stations During Non-Business Hours

14. The users are concerned that in the event a coast station(s) is permitted to close, they would lose the convenient nighttime, Saturday, Sunday and holiday (NSS&H) service and local access that is now available to them. The NSS&H service that the coast station licensees provide permits a user to telephone the coast station, during non-business hours, to either place or receive a message. The user also instructs the coast station licensee to deliver a message during non-business hours, by phone to a certain person or persons or to an answering service. Although, this service is not specifically covered by tariff, it has been rendered by all coast station licensees from the outset of the maritime mobile radiotelegraphy service. In regard to the NSS&H service presently being rendered, the Commission finds that this facet of a coast station's operation is very demanding on the coast station's operating personnel and quite often is the reason a message is delayed or is incorrectly delivered. The coast station licensees receive numerous instructions from the various users as to when, where and how a message should be delivered after hours. We are of the opinion that steps can and should be taken to minimize and hopefully eliminate the present situation and institute procedures that will simplify the operations at coast stations and at the same time provide the users with a more efficient service. The manner in which this particular service is being rendered now is unique to public coast station operations. The alternatives available to the users and the licensees are not novel and have been employed in other services for sometime on a satisfactory basis. We believe the alternatives described here, when implemented, will alleviate the concerns expressed by many of the users in losing the NSS&H and local access service.

15. The user has available the option to employ a local full time (24 hours a day, 365 days a year) answering service (LFAS). The LFAS could be the intermediary between the user and any coast station for the flow of inbound and outbound messages during nonworking hours. The utilization of a local full time answering service will facilitate operations for both the user and coast station licensees. The user's instructions to a coast station licensee for the delivery of a message will be simplified to one address to be used during business hours and one address to be used after hours.[4] Selection by the users of an LFAS that is equipped with telephone, TWX and domestic telex would further facilitate matters, since the measures set forth below require that all coast stations be equipped with TWX and domestic telex so that inbound or outbound messages can be delivered with a minimum amount of delay by routing messages to the addressee's office or their designated answering service. Another measure set forth below will require the IRC's to develop interconnection arrangements which will permit those users equipped with an IRC teleprinter machine to access any coast station for sending or receiving messages. The net result of coast stations being equipped with TWX, domestic telex and the IRC interconnection coupled with the users employment of an LFAS, will in essence provide the users with a speedy NSS&H and local access service through any coast station. Moreover, a ship station, regardless of where it is located, will be able to employ MF and/or HF bands to access any coast station and route a message to the addressee's business office or designated answering service.

16. The users should also consider employing a device on their TWX or telex machine which will automatically route an incoming message to another machine. This other machine could be located at the local fulltime answering service employed by the user. This would require that only one address be used by the ship station operator and/or the coast station personnel to forward a message. It is essential, in our opinion that all coast stations be capable of delivering a message to an addressee equipped with a TWX, domestic telex, or IRC telex machine, and when necessary by telephone. We believe that the marine radiotelegraph community will increasingly employ marine narrow-band teleprinters (marine telex) and the methods discussed above will very readily accommodate manual and fully automatic marine teleprinter operations as well as improving present procedures.

Requests for Closure of Certain Radiotelegraph Stations

17. At the start of this proceeding the Commission had on file five applications for closures of public coast stations: RCA's for station WOE; ITT's for stations WSF, KLC and KFS; and the Maryland Port Administration's (MPA) for station WMH. During the course of the instant proceeding MPA withdrew their application for closure of station WMH, and TRT submitted an application for the closure of station WAX Additionally, RCA and ITT have requested that stations WSC and WPA

[4] The user could further help simplify the coast station's handling of a message by instructing the radio operator of their ship station to address the message, depending upon what time of the day the message is being sent, to either the user's business office or to a designated answering service.

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(RCA) and KOK and KLB (ITT) also be permitted to close. Table 1 of Appendix 2 lists the stations currently authorized and, under the heading "Kind of Application" whether the licensee has requested closure. Table 2 of Appendix 2 indicates the stations which would remain if all applications for closure were granted.

18. In support of their requests for closure, RCA, ITT and TRT express the view that they are suffering severe economic loss from operation of their public coast radiotelegraph stations. Information regarding the economics of public coast radiotelegraph station operation was requested in the Notice of Inquiry and in the Second Notice of Inquiry. In addition, the report by ATS includes additional information on the same subject. The total of this information does not provide a basis upon which we can conclude that RCA, ITT and TRT are suffering severe economic loss from the operation of public coast radiotelegraph stations. In view of our actions herein we see no reason at this time to make conclusions regarding the economic situation at the various coast stations nor do we have the factual information to do so.

19. The financial information submitted by the licensees of public radiotelegraph coast stations in the instant proceeding has been examined and found to have wide variances in some important cost items from licensee to licensee. The various licensees do not report direct costs and allocated expenses on a uniform basis. For example, one licensee's allocated expenses, as a percentage of direct cost, greatly exceed those of other licensees. Another licensee's salary expenses at one station, as a percentage of direct cost, greatly exceeds that of any other similar sized station. Substantial revenues accrue to the licensees from collection and delivery of messages over landlines. The charges for the collection and delivery of messages over landlines are handled differently by the licensees. Some licensees do not include such charges in the revenue they report from the operation of their coast stations, other licensees do. Increased costs have been allocated to coast station operations at sites shared with international point-to-point fixed service facilities. Additionally, the semi-annual reports that licensees are required to submit to the Commission are not sufficiently applicable to the maritime mobile radiotelegraph coast station service. For these reasons it is our view that the present accounting procedures and forms used in the maritime mobile radiotelegraph coast station service deserve more attention and the matter is presently under active study.

20. In paragraph 5 of its Second Notice of Inquiry, the Commission asked RCA, ITT and TRT to describe their plans to effect expansion of the remaining stations so as to absorb the thousands of messages which are presently handled by the stations proposed to be closed. We also requested information regarding new equipment, services and/or facilities, and additional staffing that would be required at the remaining stations to provide an improved quality of service to the users. In addition, in our letter to RCA, ITT and TRT of November 29, 1974, we requested "specific detailed information on your proposed plans and how they will offset the loss of the station proposed to be closed".

21. The replies of RCA, ITT and TRT are inadequate in that none provide the detailed definitive plan necessary to assure that the traffic displaced as a result of the closures proposed would be handled by the remaining stations. In our opinion the situation existing today can only be assumed to further deteriorate with the closing of stations absent positive and concrete action for the expansion and improvement of the remaining stations. While we consider the RCA reply to be a positive effort to be responsive, we point out however, that the suggested increase in manpower at the remaining stations would be at a level that existed five years ago and its plan does not provide for more efficient use of manpower during a 24 hour period nor does it address the question of how service now being provided on medium frequency bands (MF) would be provided upon closure of the proposed RCA stations.

Vertical Antenna at WPA

22. The authorization granted RCA to continue use of an "inverted L" antenna at station WPA, described in paragraph (4), above, was for an interim period pending Commission decision on an application to close station WPA. On the basis of the record on file, including inspection of WPA by the Commission's Field Operations Bureau, it is our view: (1) that service available from station WPA with the "inverted L" antenna is substantially less than that with the 200 foot vertical antenna; and (2) that if service at WPA is to be brought into accord with the station authorization, it is necessary that the 200 foot vertical antenna be restored to service.

Emergency Discontinuance of Service at Station WAX

23. The Commission authorized TRT to temporarily suspend operation of public coast radiotelegraph station WAX located at Ojus and Lauderhill, Florida for a period of 60 days by Memorandum Opinion and Order and Authorization released May 27, 1975 (file no. T-D-21178-1). Such authority has been continued pending a decision in Docket 19544. To place this matter in proper perspective reference is made to our May 27, 1975 decision treating TRT's request for emergency closure wherein we found:

> The course of action followed in this matter does not demonstrate a proper view of its duties to the public which TRT serves or the procedures and Rules specified by and under the Communications Act of 1934. However, regardless of the wisdom of the decision to sell the land on which WAX's transmitters were located, the facts as represented by TRT are that the land has been sold and TRT can be compelled by law to vacate this land, WAX will, therefore, ultimately leave the air whether or not TRT is granted authority to suspend operations by this Commission. Consequently, while denial of the instant request would cause the cessation of operation of WAX to be in contravention of Section 214 and the Commission's Rules, it will not prevent closure if TRT must by law vacate the land in question.
>
> Our primary concern is that the public be adequately served. We cannot in this proceeding act on TRT's formal application to close WAX permanently. We also find that TRT's instant request does not adequately demonstrate that TRT will be able to provide service comparable to that now provided by WAX and WNU combined should WAX cease operation.

Since the proceedings in Docket 19544 are directly related to the question of adequate service, and the application for permanent authority to close station WAX is a part of this proceeding, the matter of the disposition of station WAX must be treated in the context of this Order. The measures we will prescribe as necessary and required to be implemented by the coast station licensees apply to TRT as licensee of stations WAX and WNU. Also our finding herein that none of the pending applications for closure can be granted at this time equally applies to the application for the closure of station WAX. We will therefore deny TRT's pending application for permanent closure of station WAX without prejudice to the filing of a future application by TRT that meets the terms and conditions set forth in paragraph 42e of this Order. As fully set forth in the May 27 Order, the authority for emergency temporary suspension of operations at station WAX was made contingent upon TRT accepting the conditions specified in that Order. One such condition requires that—"TRT shall reinstitute service via WAX by means of an alternate transmitter location and shall make such station operational as expeditiously as possible should the Commission order such reinstitution of service on either a temporary or a permanent basis". To provide a reasonable time period in which TRT can take the necessary steps to reinstitute service via WAX by means of an alternate transmitter location we will continue the present authority to temporarily suspend operations at station WAX for a period of six months after the release of this Order.

Receiving Antennas at WSC

24. On the basis of information accumulated during the course of the instant proceeding, followed up by the Commission's inspection of the station,[6] the receiving antennas at station WSC are inefficient and ineffective. Of the six receiving antennas available four deliver a signal which we regard as unacceptable and two provide an adequate signal. It is clear that station WSC cannot provide service in accordance with the station authorization with four of its authorized six receive antennas operating at an unacceptable level. To provide service of an acceptable level, as required by Section 81.104 of the Commission's Rules, the receiving antennas must be made efficient.

[6] FCC inspection on October 24, 1975.

Discontinuance of Authorized Operating Frequencies at WPA, KLC, WSC, WOE, KOK and KLB

25. Inspection by the Commission's Field Operations Bureau during mid-1974 of the public coast radiotelegraph stations of RCA, ITT and TRT shows that service prescribed by the station authorization has been discontinued as follows:

WPA: 16 and 22 MHz
KLC: 6 and 22 MHz
WSC: 4, 6, 16 and 22 MHz
WOE: 4 and 22 MHz
KOK: 4 and 22 MHz
KLB: 22 MHz

The licensees of these stations have not sought authority from the Commission to discontinue the use of these frequency bands. To the extent that this discontinuance contributes to the overall situation leading to our finding that service now being provided by radiotelegraph public coast stations is inadequate the Commission finds that service on the above frequency bands must be restored.

Inadequate Operator Staffing

26. We have noted that at some stations there may be only a single operator on watch during certain times of the day, at times during the week, or during weekends. During these times the operator is required to stand watch on 500 kHz and handle traffic on the various frequency bands—500 kHz, 4, 6, 8, 12, 16 and 22 MHz; to work the telephone and landline telegraph facilities; to prepare traffic lists and to carry out other essential functions. A work schedule of this magnitude is unrealistic, and the service which an operator can render under these conditions does not meet the requirements of the public interest, convenience and necessity. Accordingly, each licensee shall adequately staff their respective station(s) during the time each station is authorized to operate.

Reinstatement of Type Acceptance

27. As set forth in paragraph 6 above, in an Order released December 18, 1972, we suspended the requirement for type acceptance of transmitters at public coast radiotelegraph stations pending release of a further order, based on information derived from the instant proceeding. In view of the decisions set forth in this Memorandum Opinion and Order, it is appropriate to remove the suspension provided by our Order of December 18, 1972, and to reinstate the requirement that transmitters used at public coast radiotelegraph stations conform to the Commission's type acceptance program.

28. While we are requiring that transmitters at public coast radiotelegraph stations conform to type acceptance, there are several tests in the case of transmitters installed prior to January 1, 1971, which we believe would be burdensome to the licensees, if they were applied without change, and which would not be of particular benefit to the public. We are not therefore requiring:

(a) that the tests be made over an ambient temperature range of −20° to +50° centigrade;

(b) that the tests be made with input (primary) supply variations of + and −15%; or

(c) the tests for spurious emissions Section 2.993, Subpart J of Part 2.

On the other hand, a licensee desiring to do so may employ the procedures set forth in Subpart J of Part 2. We will not grant exceptions to the standard technical requirements set forth in Subpart E of Part 81.

29. In lieu of temperature variation, we could accept tests made at normal temperature of the room in which the transmitter will be operated. For frequency stability, for example, we could accept measurements made twice daily, separated by 12 hours, over a period of one month, with no interim corrections. In lieu of primary supply variations, the voltage at which the transmitter normally operates could be used. For spurious emissions, the requirements of Section 2.991, Part 2, could be applied without change. In summary, in lieu of the tests prescribed by Subpart J, Part 2, in the three areas specified in paragraph 28 above, we expect the concerned licensees to submit to the Commission alternative test procedures which would be used in testing transmitters of the licensee installed at public coast radiotelegraph stations prior to January 1, 1971. Upon approval by the Commission, we would then expect those test procedures to be applied in the testing of the concerned transmitters. In regard to time required to complete testing and equipment modification, where required, a period of one year appears to be adequate.

30. In the comments filed in this proceeding and the proceeding in Docket No. 18577 (see footnote to paragraph 6 above) a number of commenters expressed the view that compliance with the provisions of amended Section 81.137 (d), Part 81, would necessitate the replacement of the older transmitters. This would seem to us to be an overstatement of the actual situation. On the basis of our inspection of the stations during mid-1974, most of the transmitters affected operate on only one frequency and it should be feasible to adequately suppress the spurious emissions by the use of filters. As concerns frequency stability it may be necessary to replace the oscillator section of some of these transmitters, however, the filter and replacement oscillators are a mere fraction of the cost of replacing the transmitters. Excellent solid state oscillator and buffer sections, packaged as a unit and temperature compensated, are available from a number of manufacturers at nominal cost. The amended Section 81.137(d) is set forth in Appendix 3, attached.

New Station—Savannah, Georgia

31. The application (File No. 939-M-L-80) of Alpha B. Martin (Martin) for a new public coast radiotelegraph station at Savannah, Georgia, was included in and made a part of the instant proceeding. No opposition was filed to this application. This station would provide MF and HF communications, the area of service would be along the East Coast, and would be generally comparable to other independent stations at Tampa, Florida (WPD), Mobile, Alabama (WLO), Rogers City, Michigan (WLC). The closest station to the north (575 miles) would be Baltimore, Maryland (WMH) and to the south (430 miles) would be Hialeah, Florida (WAX). The station should be capable of augmenting and enhancing the radiotelegraph service currently available to the ports of Jacksonville, Florida; Savannah, Georgia; Charleston, South Carolina; Wilmington, North Carolina; and possibly others.

32. The Commission finds that a station at Savannah, Georgia, as requested by Martin appears to be in the public interest; however, the application submitted by Martin is presently defective and requires modification in regard to several matters due to changes in the rules which have occurred since the application was filed in 1970 and in view of the actions taken herein. We are, therefore allowing a period of ninety days from the date of release of this Memorandum Opinion and Order for Martin to amend his application to bring it into accord with the rules.

Application for Limited Coast Radiotelegraph Station

33. Part 81 of the Commission's Rules (Sections 81.203, 81.204 and 81.205) make provision for the licensing of limited coast radiotelegraph stations. This provision has been in the rules since 1951 but no authorizations have been issued for such stations since there have not been enough radiotelegraph frequencies available for assignment to limited coast stations. Included in this proceeding is the application of J. Ray McDermott (McDermott) for a limited coast radiotelegraph station at Harvey, Louisiana. The service which would be rendered under the requested authorization would be to vessels owned or operated by McDermott and would be indistinguishable from the service which would be rendered to the general public by public coast radiotelegraph stations. McDermott claims that the desired grade of service (narrow-band direct-printing telegraphy and data transmission) is not available from public coast radiotelegraph stations. We agree that at the time of filing of McDermott's application there was no established or regular radioteleprinter/data service available, although station WLO at Mobile, Alabama was in the process of establishing such service on a regular basis and TRT Telecommunications Corporation had offered such service to McDermott from its station WNU at New Orleans, Louisiana.

34. Subsequent to the filing of McDermott's application narrow-band di-

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rect-printing telegraph and data transmission service has become available at station WLO. Additionally, RCA in conjunction with the U.S. Maritime Administration (MARAD) is presently testing and evaluating a system of high frequency (HF) radio teleprinter communications between ships and RCA's coast station KPH located in San Francisco, California, using digital selective calling, error-correction teleprinter equipment and unattended teleprinter operation. RCA also provides telex service using codex or non-error-correcting equipment at station KPH.

35. In view of the current and future needs of public coast radiotelegraph stations of additional frequencies for manual and unattended teleprinter operations, it does not appear that radiotelegraph frequencies are now or will in the foreseeable future be available for assignment to limited coast radiotelegraph stations. Furthermore, it is our view that the congestion which presently prevails on limited radiotelephone coast station frequencies[1] would not be technically acceptable on radiotelegraph frequencies for use of narrow-band direct-printing telegraph and data transmissions by limited coast stations. It is our view that the public coast station system of communications will provide the best means for the management of radiotelegraph frequencies on an equitable, disciplined and reliable basis and would best serve the public interest.

36. Accordingly, we find that a grant of McDermott's application for a limited coast radiotelegraph station would not serve the public interest, convenience or necessity. Rulemaking to delete various sections in Part 81 which provide for licensing of limited coast radiotelegraph stations will be initiated as a separate proceeding.

Other Matters

37. The petition of Steffan Sorenson, RM-1838,[2] was made a part of the proceeding in Docket No. 19544. In his petition Mr. Sorenson urges that changes be made in the radiotelegraph operating procedures and in the intervals between transmission of traffic lists. Mr. Sorenson's suggested changes to the radiotelegraph calling procedures were, to a major degree, incorporated into the ITU Radio Regulations by the World Maritime Administrative Radio Conference, Geneva, April–June 1974. It is anticipated that these new procedures will be incorporated into the Commission's rules in an appropriate future rulemaking proceeding. Mr. Sorenson's suggestion that the interval between transmission of traffic lists by coast stations be decreased was also incorporated into the Radio Regulations by the 1974 WMARC and is being included in the rules in a separate proceeding.

Findings

38. Upon consideration of the information contained in Docket 19544 and in view of the foregoing discussion, we find that the service now being rendered by radiotelegraph public coast stations operated by RCA, ITT and TRT is inadequate and those licensees have not made the necessary showing upon which the Commission can make a finding pursuant to Section 214 of the Communications Act that neither the present nor future public convenience and necessity will be adversely affected by a grant of the pending applications for closure. To the contrary, it appears to us that the record in this proceeding amply supports a finding that the existing public coast station facilities are inadequate for the expeditious and efficient performance by the licensees of their service as common carriers, and that measures must be prescribed by the Commission so that the licensees may take the necessary steps to correct the existing situation and provide an improved level of service to the public.

39. In making this finding we are not of the opinion that additional coast stations are required to be established by the IRC's. Rather our finding that existing facilities are inadequate relates to the manner in which the existing facilities are now being utilized and maintained and the procedures presently employed by the licensees in rendering service to the public. Our action herein is not intended to foreclose the consideration of applications for closure of certain public coast stations in the future nor do we believe that the future closure of stations would be inconsistent with our findings so long as the carrier filing for closure is able to demonstrate to our satisfaction that such closures would not adversely affect the public interest. By taking the measures prescribed herein it is our belief that the licensees will be in a better position to formulate a positive and definitive program for improved service to the public and at the same time demonstrate that the level of service required can be achieved with fewer coast stations. In so doing, we do not believe that the expense involved will impair the ability of the carrier to perform its duty to the public.

40. Therefore, in order to provide a firm basis upon which the licensees can proceed to make the necessary changes and provide an improved level of service to the public, we find that the following measures are required in the public interest, convenience and necessity and that each licensee must take the necessary steps to implement these measures, particularly RCA, ITT and TRT, the licensees of public radiotelegraph coast stations providing the vast majority of the services utilized by the public.

41. The present methods employed in the handling of traffic lists must be reviewed by each licensee for the purpose of improving those methods and developing a uniform procedure of transmitting traffic lists from the various public coast stations. While a final specific procedure will not be established at this time, it may be feasible to develop a procedure to provide for more frequent transmission of traffic lists using the same designated frequency in each band by each coast station or by using other methods. In such cases the frequencies should be dedicated solely for the scheduled transmission of traffic lists from the various coast stations. In order to develop this concept in greater detail we will institute a separate inquiry on this subject in the near future and comments will be solicited at that time.

Prescribed Measures

42. (a) In order to provide the users with the necessary flexibility of selecting any coast station for the sending or receiving of messages and having these messages sent or received by use of its teleprinter machine regardless of the IRC providing that equipment, it is necessary that each IRC licensee develop and submit appropriate interconnection arrangements to the Commission. Further, it is necessary that the independent public coast station licensees have the opportunity of entering into appropriate interconnection arrangements with the IRC's so that the users of those coast stations may also send or receive messages by use of teleprinter machines provided by the IRC licensees. The IRC interconnection arrangements shall be filed with the Commission within 60 days following release of this Order. The Chief, Common Carrier Bureau and the Chief, Safety and Special Radio Services Bureau shall have the responsibility of reviewing these arrangements and working with the licensees in resolving any problems that arise so that appropriate interconnection arrangements may proceed to be implemented no later than 120 days following release of this Order.

(b) Each public coast station must have the capability to directly send or receive messages by use of TWX and domestic telex with those users who employ either TWX and/or domestic telex. Accordingly, within 45 days from date of release of this Order, the coast station licensees shall make provision at each of their stations to directly send or receive messages by TWX and domestic telex.

(c) Specific arrangements must be made whereby any ship Station operator after being notified by a particular coast station that a message destined to that ship station has been filed and after attempting to obtain that message in a reasonable period of time may then request another available coast station to retrieve such message from the coast station holding it and transmit the message to the ship station. While we are of the opinion that a speed of service standard not to exceed four hours is a reasonable period to normally effect delivery, and we are adopting such a standard on an interim basis, we will direct the staff to establish a speed of service standard

[1] There are over 1000 limited coast radiotelephone stations sharing the presently assigned frequencies and congestion and interference is a problem.

[2] The number of this rulemaking request was listed erroneously as "RM-1938" in the Notice of Inquiry, released July 20, 1972.

after having reviewed reports of the licensees describing procedures employed to accomplish the exchange of messages and any recommendations the users and the licensees may wish to make concerning a reasonable time standard. In order to gain experience with the new procedures we are providing a six month period to develop and implement such procedure. A report from each licensee on the message relay procedure adopted is required at the end of the six month period.

(d) Each licensee must undertake to develop a comprehensive program for the implementation of a high quality radioteleprinter service and the institution of a selective calling system at the earliest possible date. Other improvements such as five unit-to-morse converters to expedite the routing of lengthy messages; use of video data terminals or teleprinters for copying messages from ship stations; automate the compiling and transmission of traffic lists utilizing information covering ship radio officers' watch time, zone and frequency indicators; teleprinter to TWX converters should be implemented. In this regard, reference is made to RCA's letter dated April 1, 1975, which is in reply to the Commission's letter of November 29, 1974. RCA's letter illustrates and serves as an example of the kind of teleprinter program and other improvements needed to be undertaken by the coast station licensees.

(e) With regard to service being provided on the medium frequency bands each licensee filing a future application for closure of a public radiotelegraph coast station must show how it proposes to continue to provide such service by the operation of a remote control station operating on the MF frequency bands in the area of the station to be closed or by some other proposed means or make a showing that such operations are not required and that the public interest, convenience and necessity will not be adversely affected by the discontinuance of such service. The showing must specially address the effect that any coast station closure would have on the adequate coverage of the international distress frequency, 500 kHz, due to the fact that the watch required by Part 81 of the Commission's Rules on 500 kHz would be discontinued as a result of the station closure. Each licensee filing a closure application is required to submit a chart of sufficient scale and detail showing the MF coverage area from each of the coast stations operated by the licensee including the station or stations proposed to be closed. This information will be used along with other information available to the Commission to properly assess the loss of MF coverage by the proposed station closures and the ability of remaining stations to provide the necessary coverage on 500 kHz for distress purposes.

Order

43. It is hereby ordered, that, pursuant to Sections 4(i), 214 and 403 of the Communications Act of 1934, the pending applications filed by RCA, ITT and TRT for closure of the radiotelegraph public coast stations referred to herein ARE DENIED WITHOUT PREJUDICE to filing a future application for closure of such stations provided that such applications are accompanied by a detailed report addressing each of the matters discussed herein showing the steps taken to implement the measures for improvement prescribed above and that the stations not proposed to be closed will be capable of providing a service that will satisfy the public interest, convenience and necessity. The filing of such application for closure will not relieve a licensee from complying with the requirements of paragraphs 44, 45 and 46 of this Memorandum Opinion and Order.

44. It is further ordered, that, the requirements specified in paragraphs 22, 23, 24, 25 and 26 shall become effective six months after the release of this order.

45. It is further ordered, that, any licensee filing a future application for closure of a radiotelegraph public coast station shall comply with the requirements contained in paragraph 42 herein.

46. It is further ordered, that, a) transmitters at public coast radiotelegraph stations shall be type accepted, as discussed in paragraphs 27 through 30 above, within a period of one year from release of this Memorandum Opinion and Order, and, b) Section 81.137(d), Part 81 of the Commission's Rules and Regulations, is hereby amended as set forth below, June 30, 1976.

47. It is further ordered, that, the licensees shall file written monthly reports to the Commission on the progress being made pursuant to paragraphs 22, 23, 24, 25, 26 and 42 herein.

48. It is further ordered, that, the application of J. Ray McDermott for a limited radiotelegraph coast station, File No. 990-M-L-61, at Harvey, Louisiana is to remain in file pending rulemaking as discussed in paragraph 36.

49. It is further ordered, that, the petition for Rulemaking (RM-1838) submitted by Steffan Sorenson is granted to the extent discussed in paragraph 37 and denied in all other respects.

50. It is further ordered, that, action on the application (File No. 939-M-L-80) filed by Alpha B. Martin be withheld for a period not to exceed 90 days to permit the filing of appropriate amendments consistent with this Order and the Commission's Rules.

51. It is further ordered, that, the proceeding in Docket No. 19544 is HEREBY TERMINATED recognizing that several matters remain to be completed by licensees and Commission staff.

(Secs. 4, 214, 403, 48 Stat., as amended, 1066, 1075, 1094; 47 U.S.C. 154, 214, 403.)

Adopted: May 17, 1976.

Released: May 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[3] Dissenting statement of Commissioner Robinson filed as part of the original.

Part 81 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

Section 81.137(d) is revised to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

* * * * * * *

(d) Each radiotelegraph transmitter operating on frequencies below 27.5 MHz and authorized for use at coast radiotelegraph stations (other than transmitters authorized solely for developmental stations) must be of a type which has been type accepted by the Commission.

* * * * * * *

APPENDIX 1—LIST OF COMMENTERS

A. Alvevizos
Abrams, Anton, Robbins, Resnick & Schneider, P.A.
Aeronautical Communications Equipment, Inc.
American Communications Association
American Institute of Merchant Shipping
American Maritime Association
American Radio Association
Arthur D. Carroll
Atlantic Richfield Co.
Ayers Steamship Co., Inc.
Biehl & Company (Galveston, Texas)
Biehl & Company (Houston, Texas)
C. E. Fredrickson
Central Radio Telegraph Co.
Central Committee on Communication Facilities of the American Petroleum Institute
Communications Workers of America
Communications Associates, Inc.
Continental Electronics Mfg. Co.
Clara Lee Warner Wood
Dix Shipping Company, Inc. (Brownsville, Texas)
Dix Shipping Company, Inc. (Corpus Christi, Texas)
Dodd, Barker, Boudreaux, Lamy & Gardner
Don C. Wilson
Edward S. Cameron
Eugene L. Bershad
E. S. Binnings, Inc.
Exxon Communications, Inc.
Farrel Lines
Fried, Frank, Harris, Shriver & Kampelman
Great Lakes Marine Radio, Inc.
Hansen & Tideman, Inc.
Hellenic Lines Limited
Horace E. Seay
H. O. Zahn (Col.)
Irvin C. Cohen
ITT World Communications, Inc.
Jacksonville Maritime Association, Inc.
John C. Anderson
John C. Iciak
John W. Waterloo
Joint comments of the Maritime User Community (7 associations, 97 shipping companies, and 2 unions)
Kenneth Cossaboom, Robert Smith, Charles Karafotias, Eugene Kauder, Joseph Penot, Lester Parnell and John Chow
KPH Shop Committee (Messrs. Smith, Mc-loney and Martin)
Kuckenbach Steamship Company, Inc.
Lykes Bros. Steamship Co., Inc.
Maryland Department of Transportation
Max Grossman
M/S Nordic Prince
Moran Shipping Agencies, Inc.
New Orleans Steamship Association
Oceans International Corporation
Pacific Far East Line, Inc.
Pacific Merchant Shipping Association
Phillips-Parr, Inc.
Ramsay Scarlett & Co., Inc.
RCA Global Communications, Inc.

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RF Communications Division, Harris Intertype Corp.
Roberts Steamship Agency, Inc.
Robert S. Yerkes
Robert W. Ennis
Salvatore T. Ciofalo
Smith & Kelly Company
Southern Electronic Association
Sovereign Marine Lines, Inc.
Sparta Electronic Corp.
Staff of WSC (Messrs. Brooks, White, Stillwagon, Ciofalo, Dale and Parker)
States Shipping Agency, Inc.
Steffen Sorensen
Stolt-Nielsen, Inc.
Strachlan Shipping Company
Texas Transport & Terminal Co., Inc.
The Port of Port Arthur
T. J. Stevenson & Co.
Transoceanic Freighting Services
TRT Telecommunications Corp.
U.S. Department of Commerce, National Weather Service
Walter P. Lindner
West Gulf Maritime Association
Western Union International, Inc.
Wilkenson Electronics, Inc.
Wilmington Shipping Company
WLO Mobile Marine Radio, Inc.

APPENDIX 2

TABLE 1.—*Before closures, marine radiotelegraph public coast stations*

Area	Call	Location	Licensee or applicant [1]	Kind of application	File No.
North Atlantic coast	WCC	Chatham, Mass	RCA		
	WSL	Amagansett, Long Island, N.Y.	ITT		
	WSF	New York, N.Y.	ITT	Close	T-D-17509
	WSC	Tuckerton, N.J.	RCA	do	
	WMH	Baltimore, Md.	MPA		
South Atlantic coast	WOE	Lantana, Fla.	RCA	Close	T-D-17603
	WAX	Hialeah, Fla.	ITT	do	T-D-21178
Gulf coast	WPD	Tampa, Fla.	Wood		
	WLO	Mobile, Ala.	MMR		
	WNU	New Orleans, La.	TRT		
	WPA	Port Arthur, Tex.	RCA	Close	
	KLC	Arcadia, Tex.	ITT	do	T-D-18305
Pacific coast	KOK	Los Angeles, Calif.	ITT	do	
	KFS	San Francisco, Calif.	ITT	do	T-D-18384
	KPH	do	RCA		
	KLB	Seattle, Wash.	ITT	Close	
Great Lakes	WLC	Rogers City, Mich.	CRT		

[1] RCA=RCA Global Communications, Inc.; ITT=ITT World Communications Inc.; MPA=Maryland Port Authority; Wood=Clark Lee Warner Wood; MMR=Mobile Marine Radio; TRT=Telecommunications, Inc.; CRT=Central Radio Telegraph Co.

TABLE 2.—*After closure, marine radiotelegraph public coast stations*

Area	Call	Location	Licensee or applicant [1]	Kind of application	File No.
North Atlantic coast	WCC	Chatham, Mass.	RCA		
	WSL	Amagansett, Long Island, N.Y.	ITT		
	WMH	Baltimore, Md.	MPA		
South Atlantic coast, Gulf coast	WPD	Tampa, Fla.	Wood		
	WLO	Mobile, Ala.	MMR		
	WNU	New Orleans, La.	TRT		
Pacific coast	KPH	San Francisco, Calif.	RCA		
Great Lakes	WLC	Rogers City, Mich.	CRT		

[1] RCA=RCA Global Communications, Inc.; ITT=ITT World Communications Inc.; MPA=Maryland Port Authority; Wood=Clark Lee Warner Wood; MMR=Mobile Marine Radio; TRT=Telecommunications, Inc.; CRT=Central Radio Telegraph Co.

[FR Doc.76-15832 Filed 5-28-76;8:45 am]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 87—AVIATION SERVICES

Assignment of Licenses

In the Matter of editorial amendment of the rules to provide a new form for assignment of authorizations for stations on land in the Maritime Services and Alaska Public Fixed Stations (Part 81) and for land stations in the Aviation Services (Part 87).

1. The Safety and Special Radio Services Bureau wishes to adopt a consistent system and set of forms for assignment of licenses in its various services.

2. Accordingly, appropriate rule sections will be hereby editorially amended, as indicated below.

3. The effect of these amendments is to abolish the use of the Form 702 for assignments under Part 81 of the rules and to provide for the use of a Form 503 in lieu thereof. A Form 406 will be used for this purpose under Part 87. Under both parts, in addition to the forms just mentioned, the holder of a station authorization desiring to assign it to another person shall submit a letter setting forth his desire and indicating that he will submit his authorization for cancellation upon completion of the assignment. In lieu of this letter, the assignor may complete and sign an FCC Form 1046.

4. Accordingly, § 81.42 is amended and a new § 87.22 is added effective June 9, 1976.

5. Authority for this action is delegated to the Executive Director by Section 0.231(d) of the rules. Because the amendment is editorial in nature, the public notice, procedure and effective date requirements of 5 USC 553, do not apply.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: May 25, 1976.

Released: May 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Parts 81 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 81.42 of the rules, the headnote and paragraph (a)(1) are amended to read as follows:

§ 81.42 Applications for consent to assignment of station license or for consent to transfer of control of corporation holding same.

(a) *Voluntary.* (1) Except for fixed stations using frequencies above 952 MHz, the holder of a station authorization desiring to assign to another person the privilege to construct or use a radio station, shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 503 prepared by and in the name of the person to whom the station is being assigned. Fixed stations using frequencies above 952 MHz shall use FCC Form 402, "Application for Microwave Station Authorization in the Safety and Special Radio Services", for this purpose. In lieu of the letter the assignor may complete and sign an FCC Form 1046.

* * * * *

2. A new § 87.22 is added to read as follows:

§ 87.22 Assignment of fixed stations in the Aviation Service.

When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 406 prepared by and in the name of the person to whom the station is being assigned. In lieu of the letter, the assignor may complete and sign an FCC Form 1046.

[FR Doc.76-15833 Filed 5-28-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Service Order No. 1102, Amdt. 9]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. and Consolidated Rail Corp.

MAY 26, 1976.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of May 1976.

Upon further consideration of Service Order No. 1102 (37 FR 13697, 28634; 38 FR 17843, 33086, 33302; 39 FR 18655, 41853; 40 FR 24005 and 55860; and 41 FR 15414), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1102 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1102 Service Order No. 1102.

(a) *Delaware and Hudson Railway Company and Consolidated Rail Corporation authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York.* * * *

* * * * *

(e) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne and William J. Love. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15862 Filed 5-28-76;8:45 am]

[Service Order No. 1163, Amdt. 5]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co.

MAY 26, 1976.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of May 1976.

Upon further consideration of Service Order No. 1163 (38 FR 32259; 39 FR 18280, 41845; 40 FR 24005 and 56443), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1163 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1163 Service Order No. 1163.

(a) *Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company.* * * *

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members, Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15863 Filed 5-28-76;8:45 am]

[Ex Parte No. MC-88]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Detention of Motor Vehicles—Nationwide

It appearing, That the Commission, by notice and order dated May 22, 1973, instituted this rulemaking proceeding under authority of part II of the Interstate Commerce Act, 49 U.S.C. 301 *et seq.* (1970), including sections 204(b), 208(a), 216 (b) and (d), 217 (a), (b), and 222(a), thereof and pursuant to the Administrative Procedure Act, §§ 4 and 10, 5 U.S.C. § 553 and 559 (1970), with the view to adopting the proposed regulations appearing in appendix IV of the accompanying reports also filed on this date in order to provide uniform nationwide rules and charges for the detention of motor vehicle.

It further appearing, That by said notice of proposed rulemaking all motor common carriers subject to the Interstate Commerce Act, except those transporting exclusively: (1) household goods, (2) commodities in bulk in tank trucks, (3) heavy and specialized commodities or articles requiring special handling, and (4) articles picked up from or delivered to railroad cars having prior or subsequent transportation by rail, were made respondents, the Commission's Bureau of Enforcement was directed to participate, and any other interested party was invited to participate with regard to the proposed regulations set forth therein; that a copy of the proposed rulemaking was served on each respondent therein, given by mail to the governor of every State having jurisdiction over transportation, deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. and delivered for publication in the June 29, 1973 issue of the FEDERAL REGISTER (38 FR 17254).

It further appearing, That various parties submitted their views and suggestions regarding the proposed rules, and various petitions and replies thereto, and the Commission has considered such representation, and on the date hereof, has made and filed its report containing its findings of fact and conclusion thereon, which report is hereby referred to and made a part hereof;

It is ordered, That the petition to correct of the Southern Motor Carriers Rate Conference, Inc., filed September 12, 1974 be, and it is hereby granted, and that the motion to strike or for clarification of the Drug and Toilet Preparation Traffic Conference, Eastern Industrial Traffic League, Inc. and The National Small Shipments Traffic Conference, Inc. be, and it is hereby denied.

It is further ordered, That the Commission hereby adopt the regulations set forth in appendix V of said report;

It is further ordered, That the regulations adopted herein be published in the FEDERAL REGISTER and in the Code of Federal Regulations.

It is further ordered, That the regulations adopted herein shall take effect 60 days after the date of publication in the FEDERAL REGISTER and remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C.

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This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

Amend 49 CFR § 1307.35 "terminal and special services," by adding thereto as 1307.35(e) the following:

§ 1307.35 Terminal and special services.

* * * * *

(e) *Detention of vehicles.* The following rules apply to all shipments except shipments of household goods; commodities transported in bulk in tank truck, dump trucks, vehicles pneumatically unloaded and other self-unloading mechanized vehicles; heavy and specialized commodities or articles requiring special equipment or handling outside the scope of the certificates of general-commodities motor common carriers; livestock other than ordinary; articles picked up or delivered to railroad care having prior or subsequent transportation by rail; and shipments to consignors and consignees of waterborne commerce at marine terminal facilities to the extent that the marine terminal operator would be liable to the motor common carrier for truck detention under any applicable detention rule promulgated pursuant to the authority of the Federal Maritime Commission.

All common carriers of property by motor vehicle subject to Interstate Commerce Act excepting those specifically excluded, *supra*, shall publish the below rule entitled "Detention-Vehicles With Power Units" and all such carriers engaging in the practice of spotting shall also publish the below rule entitled "Detention-Vehicle Without Power Units." The wording of the following rules may not be varied except where clearly warranted by exceptional circumstances, and where appropriate, the word "rule" may be substituted for the word "item."

(1) *Detention-vehicles with power units.* This item applies when carrier's vehicles with power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

Section 1. General provisions. (a) This item applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. For the purposes of this item, the term truckload rates shall be considered to include shipments moving on a rate subject to a stated minimum weight of 10,000 pounds or more when not designated as a truckload rate, and, where applicable, shipments which are assessed charges based on the provisions of a Capacity Load Rule or are accorded Exclusive Use of Vehicle Service or Expedited Service.

(b) This item applies only when vehicles are delayed or detained at the premises of pickup or delivery and only when such delay or detention is not attributable to the carrier.

(c) Free time for each vehicle will be as provided in section 4. After the expiration of free time, charges will be assessed as provided in section 5.

(d) The detention charges due the carrier will be assessed against the consignor in the case of loading and against the consignee in the case of unloading, irrespective of whether line-haul charges are prepaid or collect. When detention charges are attributable to others who are not parties to the Bill of Lading contract, the charges will be assessed against the shipment. (See Note A.)

(e) When carrier's employee assists in loading, unloading, or checking the freight, this item will apply whether or not the power unit is actually detained.

(f) Nothing in this item shall require a carrier to pick up or deliver freight at hours other than carrier's normal business hours. This shall not be construed to restrict a carrier's ability to accept pickup and delivery schedules at hours other than its normal business hours.

Section 2. Definitions. The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means straight trucks or tractor-trailer combinations used for the transportation of property.

(b) "Loading" includes furnishing carrier with the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order."

(2) Payment of lawful charges to the carrier when required prior to delivery of the shipment.

(3) Notification to the carrier that vehicle is unloaded, and

(4) Signing of the delivery receipt.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Normal nonworking periods" means meal, coffee, and rest breaks.

(g) "Pallet" means pallets, platforms, shipping racks, or skids with or without standing sides or ends, but without tops.

Section 3. Computation of time. (a) Commencement and termination: (1) The time per vehicle shall begin to run upon actual notification by carrier's employee to a responsible representative of consignor, consignee, or other designated party at the premises of pickup or delivery of the arrival of the vehicle for loading or unloading. Upon such notification, the responsible representative of consignor, consignee, or other designated party may enter the time of arrival onto the carrier's detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding upon each party.

(2) Time shall end upon completion of loading or unloading except as provided for in paragraph (c) of this section. Upon such completion, a responsible representative of consignor, consignee, or other designated party may enter the time of completion onto the carriers' detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding.

(b) Prearranged scheduling: (1) Subject to the provisions of item *, and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for arrival of the vehicle for loading or unloading.

(2) When the carrier enters into a prearranged schedule with consignor, consignee, or others designated by them for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule, then carrier and consignor, consignee, or other party designated by them have the option to agree to a mutually convenient and prompt alternative arrival time or in the event such agreement cannot be reached, to compute detention time against consignor, consignee, or other party designated by them from carrier's actual arrival time subject to an extension of 15 minutes for each 15 minutes, or fraction thereof, the vehicle is delayed beyond the originally scheduled arrival time; in no case shall such extended free time exceed 60 minutes.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(c) Conditions governing the computation of time: (1) Computations of time are subject to and are to be made within the normal business hours at the designated place of pickup or delivery. If carrier is permitted to work beyond this period, such working time shall also be included.

(2) When loading or unloading is not completed at the end of normal business hours at the designated place, consignor, consignee, or other party designated by them shall have the option: (i) to request that the vehicle without power remain at its premises subject to the provisions of section 4(d); or

(ii) to request that the vehicle with power be returned to carrier without being subject to charges for storage or redelivery so long as free time has not yet expired. When the vehicle is returned for completion of loading or unloading the computation of any remaining free time will resume. If free time has expired and detention has begun to accrue, storage or redelivery charges as may otherwise be provided will be assessed.

(3) When carrier's employee interrupts loading or unloading by the taking of any normal nonworking periods, any such time will be excluded from the computation of free time, or will be excluded from the computation of time in excess of free time.

Section 4. Free time. (a) Free time shall be computed as follows:

Actual weight in pounds per vehicle stop (see note B):	*Free time in minutes per vehicle stop*
Less than 10,000	120
10,000 but less than 20,000	180
20,000 but less than 28,000	240
28,000 but less than 36,000	300
36,000 or more	360

(b) When at least 90 percent of the shipment weight (exclusively of pallet weight) is loaded on pallets, or when shipment is loaded on flat-bed or other open-top equipment, free time shall be one-half that amount normally applicable for the weight.

(c) When more than one truckload shipment or a truckload shipment and one or more less-than-truckload (LTL) or any quantity (AQ) shipments are loaded on one vehicle at the premises of consignor or when more than one truckload shipment or a truckload shipment and one or more LTL or AQ shipments are unloaded from one vehicle at the premises of consignee or other designated party, the combined weight will be used to determine free time; in all other instances the individual shipment weight will be used.

(d) When a vehicle with power is changed to a vehicle without power at the request of consignor, consignee, or other party designated by them, the free time and detention

charges will be applied as follows: (1) If the change is requested and made before the expiration of free time for a vehicle with power, free time will cease immediately at the time the request is made, and detention charges for vehicles without power will immediately commence with no further free time allowed.

(2) If the change is requested and made after the expiration of free time for a vehicle with power, free time and detention charges will be computed on the basis of a vehicle with power up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for vehicles without power with no further free time allowed.

(e) When a vehicle is both unloaded and reloaded, each transaction will be treated independently of the other, except that when loading is begun before unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(f) Loading or unloading at more than one site at or on the premises of consignor, consignee, or other designated party shall constitute one vehicle stop.

Section 5. Charges. When the delay per vehicle beyond free time is 1 hour or less the charge will be $18. For each additional 30 minutes or fraction thereof, the charge will be $9.

Section 6. Records. A written record of the following information must be maintained by the carrier on all truckload shipments, and such record must be kept available at all times:

(a) Name and address of consignor, consignee, or other party at whose premises freight is loaded or unloaded;

(b) Identification of vehicle tendered for loading or unloading;

(c) Date and time of notification of arrival of the vehicle for loading or unloading;

(d) Date and time loading or unloading is begun;

(e) Date and time loading or unloading is completed;

(f) Date and time vehicle is released by consignor, consignee, or other party at place of pickup or delivery after loading or unloading is completed;

(g) Actual time of nonworking periods;

(h) Total actual weight of shipment or shipments loaded or unloaded;

(i) Whether articles are tendered under a prearranged schedule for loading or unloading;

(j) Date and time specified for vehicles tendered under a prearranged schedule;

(k) Alternative arrangement made when a vehicle is tendered under a prearranged schedule that was not adhered to.

NOTE A.—At those marine terminal facilities where Federal Maritime Commission detention charges apply, carrier charges pursuant to this rule will be assessed against the shipment to the extent such charges exceed those of the Federal Maritime Commission.

NOTE B.—Also applies to the last vehicle used in transporting overflow truckload shipments, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading.

(2) *Detention-vehicles without power units spotting or dropping of trailers* (Note).—This item applies when carrier's vehicles without power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

Section 1. General provisions. (a) Subject to the availability of equipment, carrier will spot empty or loaded trailers for loading or unloading on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit.

(b) Loading or unloading will be performed by consignor, consignee, or other party designated by them. When carrier's employee assists in loading, unloading, or checking the freight, the detention provisions governing vehicles with power units will apply. In the case of spotting for loading the Bill of Lading must show "Shipper Load and Count."

(c) Carrier responsibility for safeguarding shipments loaded into trailers spotted under the provisions of this item shall begin when loading has been completed and possession thereof is taken by the carrier.

(d) Carrier responsibility for safeguarding shipments unloaded from trailers spotted under the provisions of this item shall cease when the trailer is spotted at or on the site designated by consignee.

(e) Free time for each vehicle will be as provided in section 3. After the expiration of free time charges will be assessed as provided in section 4.

(f) The detention charges due the carrier will be assessed against the consignor in the case of spotting for loading and against the consignee in the case of spotting for unloading irrespective of whether charges are prepaid or collect.

(g) Nothing in this item shall require a carrier to pickup or deliver spotted trailers at hours other than carrier's normal business hours. This shall not be construed as a restriction on carrier's ability to pick up or deliver spotted trailers at hours other than its normal business hours.

Section 2. Definitions. The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means tractor-trailer combinations used for the transportation of property, where: (1) "Trailer" means mobile units used to transport property, and

(2) "Tractor" means a mechanically powered unit used to propel or draw a trailer or trailers upon the highways.

(b) "Loading" includes: (1) Furnishing of the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment to the carrier, and

(2) Notification to the carrier that the vehicle is loaded and ready for forwarding.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order."

(2) Payment of lawful charges to the carrier when required prior to delivery of the shipment.

(3) Notification to the carrier that vehicle is unloaded and ready for forwarding, and

(4) Signing of delivery receipt.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Spotting" means the placing of a trailer at a specific site designated by consignor, consignee, or other party designated by them, detaching the trailer, and leaving the trailer in full possession of consignor, or other designated party unattended by carrier's employee and unaccompanied by power unit. Carrier will not move the trailer until such time as it has received notification, pursuant to section 3, that the trailer is ready for pickup. Consignor, consignee, or other designated party may shift the spotted trailer with its own power units at its own expense and risk for the purpose of loading or unloading.

Section 3: Computation of free time. (a) Commencement of spotting and free time:

(1) Spotted trailers will be allowed 24 consecutive hours of free time for loading or unloading. Such period shall commence at the time of placement of the trailer at the site designated by consignor consignee, or other party designated by them. Upon the expiration of the 24 hours of free time, detention charges will accrue as provided in section 4.

(2) When any portion of the 24-hour free time extends into a Saturday, Sunday, or holiday (national, State, or municipal), the computation of time for such portion shall resume at 12:01 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(3) Free time shall not begin on a Saturday, Sunday, or holiday (national, State or municipal), but at 8 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(4) When a trailer is both unloaded and reloaded, each transaction will be treated independently of the other, except that when unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(b) Termination of spotting and notification: (1) Consignor, consignee, or other party designated by them shall notify carrier when loading or unloading has been completed and the trailer is available for pickup. The trailer will be deemed to be spotted and detention charges will accrue until such time as he receives notification. Notification by telephone if convenient and practical, otherwise by telegraph or mail shall be given by consignor, consignee, or other party designated by them at their own expense, to carrier or other party designated by carrier for the purpose of advising such carrier or other party that the spotted trailer has been loaded or unloaded and is ready for pickup. If notification is by telephone, carrier may require written confirmation.

(2) When a spotted trailer is changed to a vehicle with power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows:

(i) If the change is requested and made before the expiration of free time for a spotted trailer, free time will cease immediately at the time the request is made, and detention charges for vehicles with power will immediately commence with no further free time allowed.

(ii) If the change is requested and made after the expiration of free time for a spotted trailer, free time and detention charges will be computed on the basis of a spotted trailer up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for a vehicle with power with no further free time allowed.

(c) Prearranged scheduling: (1) Subject to the provisions of item *, and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for the arrival of trailes of spotting.

(2) If carrier's vehicle arrives later than the scheduled time, time shall begin to run from actual time spotting commences.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time spotting commences, whichever is earlier.

Section 4. Charges. (a) General detention charges: After the expiration of free time as provided in section 3(a) of this item, charges for detaining a trailer will be assessed as follows:

	Charge
(1) For each of the first and second 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	$26

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	Charge
(2) For each of the third and fourth 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	$35
(3) For the fifth and each succeeding 24-hour period or fraction thereof (Saturdays, Sundays, and holidays included)	50

(b) Delay in trailer pickup charge: No additional charge will be made for picking up trailers spotted under this item when such pickup can be performed within 30 minutes after arrival of driver and power unit at premises of consignor, consignee, or other party designated by them. When a delay of more than 30 minutes is encountered, detention charges for vehicles with power will commence from the time of arrival as specified in item*.

(c) Strike interference charge: When because of a strike of its employees, it is impossible for consignor, consignee, or other party designated by them to make available for movement by carrier any partially loaded, or empty trailers detained on their premises, a detention charge of $25 per day or fraction thereof, per trailer will be made following expiration of free time, Saturdays, Sundays, and holidays shall be included after the 4th day of charges.

Section 5. Records. A written record of the following information must be maintained by the carrier on all spotted trailers, and such record must be kept available at all times: (a) Name and address of consignor, consignee, or other party at whose premises the trailer is spotted;

(b) Identification of spotted trailer;

(c) Date and time of arrival of the trailer for spotting;

(d) Date and time notification that the spotted trailer is ready for pickup was received by carrier;

(e) Date and time of arrival and departure of power unit for pickup;

(f) Total actual weight of shipment when pickup is delayed in excess of 30 minutes;

(g) The duration of any strike induced delay on the premises of consignor, consignee, or other designated party which resulted in carrier's inability to obtain the release of any trailer, and any actions taken to hasten the release;

(h) Whether trailers are spotted under a prearranged schedule;

(i) When trailers are spotted under a prearranged schedule, the date and time specified therefor.

NOTE.—For the purposes of this item the terms spotting and dropping are considered to be synonymous and are used interchangeably.

[FR Doc.76-15865 Filed 5-28-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 1]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Consideration of New Program Areas

Interim regulations governing the operation of the Special Supplemental Food Program for Women, Infants and Children (WIC Program) were published on January 12, 1976, in the FEDERAL REGISTER (41 F.R. 1743). Under the regulations, State agencies are required to recommend new local agencies to FNS for approval, giving first consideration to areas which wish to terminate Supplemental Food Programs (SFP) or Pilot Food Certificate Programs (FCP). Second consideration is required to be given to those areas which have the highest incidence of factors such as, but not limited to, infant mortality, low birth weight, and low income.

Early in the year State agencies were notified that SFP or FCP areas had to apply before April 1, 1976, in order to receive this priority. Since the priority policy is no longer in effect, the regulations are amended to delete the requirement of § 246.3(a)(5) that SFP or FCP areas get first consideration for new area approvals.

In § 246.3, paragraph (a)(5) is revised to read as follows:

§ 246.3 State agency application and operation.

(a) • • •

(5) The State agency shall ensure that programs begin in those areas which are most in need of supplemental food. As funds become available, the State agency shall recommend new local agencies to FNS for approval, giving first consideration to those areas which have the highest incidence of factors such as, but not limited to, infant mortality, low birth weight, and low income. Such local agencies shall have been determined by the State agency to be eligible to participate in the WIC Program.

• • • • •

Effective date: This amendment is effective as of April 1, 1976.

Signed at Washington, D.C., on May 27, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-16008 Filed 5-28-76;9:11 am]

PART 265—PILOT FOOD CERTIFICATE PROGRAM

Revocation of Part

State agencies were previously notified that, during the fiscal year 1976, the Pilot Food Certificate Program (FCP) could be incorporated into the Special Supplemental Food Program for Women, Infants and Children (WIC Program, 7 CFR Part 246). All three FCP areas are now in the process of converting to the WIC Program. The conversion shall be completed as soon as possible, but no later than June 30, 1976. No certificates shall be issued under the FCP after June 30, 1976, but, consistent with current FNS instructions, an additional 30 days is allowed subsequent to this date for acceptance and redemption of certificates by authorized retailers and wholesalers.

Accordingly, Part 265 of Chapter II of Title 7 of the Code of Federal Regulations is revoked, effective July 31, 1976. (5 U.S.C. 301)

Dated: May 25, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-15911 Filed 5-28-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, AND NUTS), DEPARTMENT OF AGRICULTURE

PART 916—NECTARINES GROWN IN CALIFORNIA

Exemptions

This document amends the Subpart—Rules and Regulations (7 CFR Part 916.102 *et seq.*) currently in effect pursuant to the applicable provisions of the amended marketing agreement and the amended Marketing Order No. 916 (7 CFR Part 916) hereinafter referred to collectively as the "order." Said amendment permits a handler to handle not more than 100 pounds, net weight, of nectarines during any one day to any one person exempt from § 916.41 *Assessments*, § 916.52 *Issuance of regulations*, § 916.53 *Modification, suspension, or termination of regulations*, § 916.55 *Inspection and certification* and § 916.60 *Reports* and the requirements issued thereunder, provided that certian specified conditions and safeguards are met as hereinafter set forth.

The current minimum quantity exemption is contained in paragraph (b) of § 916.110 of the order and provides that not more than 50 pounds of nectarines may be handled during any day to any person or to the occupants of one vehicle, exempt from inspection and certification requirements of the order. This amendment would exempt nectarines handled in quantities of 100 pounds or less from assessment, minimum grade, size, container and pack, and reporting requirements which would otherwise be applicable to such shipments of nectarines under the order in addition to the current exemption from inspection and certification.

Provisions of this amendment prescribe safeguards and minimum quality and size requirements for nectarines to assure shipment of mature and acceptable-quality fruit which satisfies the demand of the particular market outlet. This amendment is designed to maintain orderly marketing conditions in the interest of consumers and producers.

The order regulates the handling of nectarines grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment was recommended by the Nectarine Administrative Committee, which is established pursuant to the order to administer the terms and provisions thereof.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C.) because (1) shipments of nectarines are now in progress; (2) handlers who so desire should be afforded the earliest opportunity to handle nectarines pursuant to this recommended amendment; (3) information on the minimum quantity exemption has been disseminated to handlers of nectarines; and (4) no useful purpose will be served by postponing the effective date of such amendment.

It is hereby further found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act.

Revise the title of § 916.110 and revise paragraph (b) thereof to read as follows:

§ 916.110 Exemptions.

• • • • •

(b) *Minimum quantities.* Notwithstanding any other provision of this section, nectarines may be handled without regard to the provisions of §§ 916.41, 916.52, 916.53, 916.55, and 916.60 under the following conditions:

(1) Such nectarines meet the grade requirements set forth in Article 30 of the Food and Agriculture Code of California.

(2) Such nectarines measure at least 2 inches in diameter, ring measurement, except that not to exceed 5 percent of the nectarines in any container may be smaller than 2 inches.

(3) Such nectarines are for home use and not for resale.

(4) The net weight of such nectarines to any one person during any one day does not exceed 100 pounds.

(5) Such nectarines are handled by the person who produced them; and the handling takes place (i) on the premises where grown, or (ii) at a packinghouse, or retail stand nearby which is operated by said handler.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 26, 1976, to become effective May 28, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-15860 Filed 5-28-76;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Exemptions

This document amends the Subpart—Rules and Regulations (7 CFR Part 917.100 *et seq.*) currently in effect pursuant to the applicable provisions of the amended marketing agreement and the amended Marketing Order No. 917 (7 CFR Part 917; 41 FR 17528) hereinafter referred to collectively as the "order." Said amendment permits a handler to handle not more than 100 pounds, net weight, of plums, and not more than 200 pounds, net weight, of peaches during any one day to any one person exempt from § 917.37 *Assessments*, § 917.41 *Issuance of Regulations*, § 917.42 *Modification, suspension, or termination of regulations*, § 917.45 *Inspection and Certification* and § 917.50 *Reports* and the requirements issued thereunder, provided that certain specified conditions and safeguards are met as hereinafter set forth.

The current minimum quantity exemption is contained in paragraph (b) of § 917.143 of the order and provides that not more than 50 pounds of plums may be handled during any day to any person or the occupants of one vehicle, exempt from inspection and certification requirements of the order. No minimum quantity exemption is currently provided for shipments of peaches under the order. The amendment therefore increases the quantity of plums which may be handled under said exemption provisions and establishes a maximum quantity of peaches which may be so handled. This amendment would exempt plums handled in quantities of 100 pounds or less from assessment, minimum grade, size, container and pack, and reporting requirements which would otherwise be applicable to such shipments of plums under the order in addition to the current exemption from inspection and certification. Such exemptions would also apply to peaches handled in quantities of 200 pounds or less.

Provisions of this amendment prescribe safeguards and minimum quality and size requirements for plums and peaches to assure shipment of mature and acceptable-quality fruit which satisfies the demand of the particular market outlet. This amendment is designed to maintain orderly marketing conditions in the interest of consumers and producers.

The order regulates the handling of fresh pears, plums, and peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment was recommended by the Plum and Peach Commodity Committees which are established pursuant to the order to administer the terms and provisions thereof.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the Federal Register (5 U.S.C.) because (1) peach shipments are currently underway and plum shipments are expected to begin on or about May 23, 1976; (2) handlers who so desire should be afforded the earliest opportunity to handle peaches and plums pursuant to this recommended amendment; (3) information on the minimum quantity exemptions has been disseminated to handlers; and (4) no useful purpose will be served by postponing the effective date of such amendment.

It is hereby further found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act.

(1) Revise the title of § 917.143 and revise paragraph (b) thereof to read as follows:

§ 917.143 Exemptions.

• • • • •

(b) *Minimum quantities.* Notwithstanding any other provision of this section, plums and peaches may be handled without regard to the provisions of §§ 917.37, 917.41, 917.42, 917.45 and 917.50 under the following conditions:

(1) Such plums and peaches meet the grade requirements set forth in Articles 38 and 34 of the Food and Agriculture Code of California.

(2) Such plums and peaches meet the following applicable minimum diameter requirements as measured by a rigid ring except that not to exceed 5 percent of the plums and peaches in any container may be smaller than such minimum diameters:

(i) Plums shall measure not less than $1\frac{1}{16}$ inches in diameter.

(ii) Peaches handled prior to June 16 of any crop year shall measure not less than 2 inches in diameter.

(iii) Peaches handled on or after June 16 of any crop year shall measure not less than $2\frac{1}{4}$ inches in diameter.

(3) Such plums and peaches are for home use and not for resale.

(4) The shipment does not exceed 100 pounds, net weight, of plums and 200 pounds, net weight, of peaches to any one person during any one day.

(5) Such plums and peaches are handled by the person who produced them; and the handling takes place (i) on the premises where grown, or (ii) at a packinghouse or retail stand nearby which is operated by said handler.

§ 917.141 [Removed]

(2) Delete § 917.141 *Exemptions.*

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 24, 1976, to become effective May 28, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 76-15744 Filed 5-28-76;8:45 am]

PART 953—POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

This document authorizes the Southeastern Potato Committee to spend not more than $11,125 for its operations during the fiscal period ending March 31, 1977, and to collect one-third cent ($0.0033) per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 104 and Order No. 953, both as amended, regulating the handling of potatoes grown in designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the April 30, 1976, FEDERAL REGISTER (41 FR 18090) regarding the proposal. It afforded inter-

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ested persons an opportunity to submit written comments not later than May 17, 1976. None was received.

After consideration of all relevant matters, including the proposal in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular period shall apply to all assessable potatoes from the beginning of such period.

The regulation follows:

§ 953.213 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred during the fiscal period ending March 31, 1977, by the Southeastern Potato Committee for its maintenance and functioning will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-third cent ($0.0033) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period: *Provided*, That potatoes for canning, freezing, and other processing shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: May 24, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–15743 Filed 5–28–76;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Expenses and Rate of Assessment

This document authorizes the National Potato Promotion Board to spend not more than $2,109,000 for its operations during the fiscal period beginning July 1, 1976, and to collect one cent ($0.01) per hundredweight on assessable potatoes handled by designated handlers to defray expenses.

The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR Part 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

Notice was published in the May 6 FEDERAL REGISTER (41 FR 18679) regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than May 20, 1976. None was received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

The regulation follows:

§ 1207.405 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1976, and ending June 30, 1977, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $2,109,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent ($0.01) per hundredweight of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Title III of P.L. 91–670; 84 Stat. 2041; 7 U.S.C. 2611–2627).

Dated May 25, 1976 to become effective July 1, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76–15746 Filed 5–28–76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposal To Determine 2 Birds, 1 Lizard, 3 Snails, and 1 Insect, all Indigenous to the California Channel Islands, To Be Endangered Species

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C., 1531–1543, 87 Stat. 884; hereinafter the Act), which would determine 7 U.S. animals to be Endangered Species. These species, which are all members of the same ecosystem on San Clemente Island, California, are as follows: San Clemente Loggerhead Shrike (*Lanius Ludovicianus mearnsi*), San Clemente Sage Sparrow (*Amphispiza belli clementae*), Island Night Lizard (*Klauberina riversiana*), Wreathed Island Snail (*Micrarionta redimita*), Horseshoe Snail (*Micrarionta intercisa*), Gabb's Snail (*Micrarionta gabbi*), and San Clemente Coenonycha (*Coenonycha clementina*). The Island Night Lizard is also found on the nearby San Nicolas and Santa Barbara Islands.

BACKGROUND

Section 4(a) of the Act states:

General.—The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:
(1) The present or threatened destruction, modification, or curtailment of its habitat or range;
(2) Overutilization for commercial, sporting, scientific or educational purposes;
(3) Disease or predation;
(4) The inadequacy of existing regulatory mechanisms; or
(5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

On June 1, 1973, the Service entered into a contract with the Sierra Club, San Francisco, California, to investigate the status of California land snails. A final report dated August 25, 1975, contained information indicating that the three land snails proposed herein, among others, were Endangered Species as provided for by the Act.

On March 20, 1974, the Service entered into a contract with the James Ford Bell Museum of Natural History, University of Minnesota, Minneapolis, to investigate the status of the Island Night Lizard. During October 1974 a final report was received and contained data which suggested that the Island Night Lizard was an Endangered Species as provide for by the Act. A third contract report submitted by the Point Reyes Bird Observatory, Bolinas, California, contained data supporting a proposed Endangered status for the San Clemente Loggerhead Shrike and the San Clemente Sage Sparrow.

Finally, information supplied by a staff member of the California Department of Food and Agriculture, Sacramento, California, indicates that a bettle, the San Clemente Coenonycha, is Endangered as defined by the Act.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein. Since the threats faced by each species are similar they are described under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the San Clemente Loggerhead Shrike, San Clemente Sage Sparrow, Island Night Lizard, Wreathed Island Snail, Horseshoe Snail, Gabb's Snail, and San Clemente Coenonycha (beetle) are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* All of the proposed species occur on San Clemente Island, Los Angeles County, California. In addition, the Island Night Lizard occurs on San Nicolas and Santa Barbara Islands, Los Angeles County, California.

On San Clemente Island the habitat of each of the species herein proposed has been severely degraded by the grazing of introduced animals not native to the island, particularly goats, swine, and black-tailed deer.

Prior to the introduction of these animals to the island by man, San Clemente was covered with native woodland and sagebrush scrub habitat. Now, due in large part to the depredations of the introduced animals, woodland is almost entirely absent and sagebrush scrub occurs only in a few rugged, relatively inaccessible canyons. In addition, removal of native vegetation by the introduced animals has resulted in top soil and litter erosion which further degrades the habitat upon which the survival of the species herein proposed is dependent. The extinction of all these species is likely in the foreseeable future, as their population levels have become critically low due to habitat degredation caused, among other things, by introduced animals.

Population levels of the Island Night Lizard, although relatively high on San Clemente Island, are critically reduced on San Nicolas and San Barbara Islands due to habitat alterations caused by farming, fire, grazing by introduced animals, and invasion by exotic plants which have occurred on one or both islands.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not known to be applicable to any of the subject species.

3. *Disease or predation.* This factor may apply to the San Clemente Loggerhead Shrike, San Clemente Sage Sparrow, and Island Night Lizard. Depredation by feral housecats (*Felis catus*) on San Clemente Island is thought to be a factor in the reduced population levels of these three birds.

4. *The inadequacy of existing regulatory mechanisms.* The San Clemente Loggerhead Shrike and the San Clemente Sage Sparrow are protected by the Migratory Bird Treaty Act and by California State law. The Island Night Lizard population on Santa Barbara Island is provided legal protection by its existence in the Channel Islands National Monument (U.S.N.P.S.). There currently exist no regulations pertaining to the protection and conservation of the other 4 species for the fact that access to their habitat is controlled by the U.S. Navy.

5. *Other natural or man-made factors affecting their continued existence.* Each species herein proposed faces the additional threat of being deleteriously affected by the further introduction of exotic species to their habitats. Competition from species with similar ecological adaptations is the most serious of these threats. Since native wildlife populations, particularly those peculiar to island ecosystems such as those of the California Channel Islands, are often affected detrimentally by the accidental or intentional introduction of nonnative species, any further such introductions should be prevented by all possible means.

EFFECT OF THE RULEMAKING

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Part 17 of Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. The regulations referred to above, which pertain to Endangered Species, are found at Section 17.21 and, for the convenience of the reader, are reprinted below:

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§ 17.21 *Prohibitions.* (a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

transporting an illegally taken whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane, the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commerical activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Regulations published in 50 C.F.R. §§ 17.22–17.23 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstance. Such permits involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

The determination herein proposed would also make each of the subject species eligible for the considcration provided by Section 7 of the Act. That Section reads as follows:

INTERAGENCY COOPERATION

Section 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

Although no "Critical Habitat" has yet been determined for any of the seven subject species, the other provisions of Section 7 will be applicable.

No determination of "Critical Habitat" presently is proposed for any of the species named herein. However, the Director recognizes that loss of habitat is the principal threat faced by these species and may propose the determination of Critical Habitat for some or all in the near future. A further elaboration of the concept of Critical Habitat was published in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764–17765).

The Act requires inclusion of the "• • • scientific and common name or names, if any, • • •" upon the list of those species determined to be Threatened or Endangered. No generally recognized common name exists for the snails and beetle herein discussed. In such cases common names have been assigned to the animal. As usage of common names varies considerably, it should be recognized that only the scientific names carry legal significance. Comments and data toward improving the accuracy of common names are requested.

Pursuant to Section 4(b) of the Act, the Director will notify the Governor of the State of California with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. The existence of any other living individuals of these species;

2. Biological or other relevant data concerning any threat (or the lack thereof) to any species included on the following list;

3. The location of and reasons why any habitat of any species named herein should be determined to be "Critical Habitat" as provided for by Section 7 of the Act;

4. Improved scientific or common names for any species on the following list;

5. Additional information concerning the range and distribution of any of these species.

Final promulgation of these proposed rules will take into consideration the comments and any additional information received by the Director and such communications may lead him to withdraw all or part of the proposal or to adopt final rules that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal, is on file in the Service's Office of Endangered Species and International Activities, 1612 K Street, N.W., Washington, D.C. 20240, and may be examined there during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All revelant comments and materials received no later than August 2, 1976, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

Dated: May 26, 1976.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend § 17.11(h) by adding the following in alphabetical order:

§ 17.11 Endangered and threatened wildlife.

• • • • • •

(h) • • •

Species		Population	Range		Status	When listed	Special rules
Common name	Scientific name		Known distribution	Portion of range where threatened or endangered			
(a) Molluses							
(1) Snail, wreathed island	*Micrarionta redimita*	Not available	San Clemente Island, Los Angeles County, Calif.	Entire	E		Not available.
(2) Snail, horseshoe	*Micrarionta intercisa*	do	do	do	E		Do.
(3) Snail, gabb's	*Micrarionta gabbi*	do	do	do	E		Do.
(b) Insects							
(4) Beetle, San Clemente Coenonycha.	*Coenonycha clementina*	do	do	do	E		Do.
(c) Birds							
(5) Shrike, San Clemente loggerhead.	*Lanius ludovicianus mearnsi*	do	do	do	E		Do.
(6) Sparrow, San Clemente sage.	*Amphispiza belli clementae*	do	do	do	E		Do.
(d) Reptiles							
(7) Lizard, island night	*Klauberina riversiana*	do	San Clemente Island, Santa Barbara Island, San Nicolas Island, Los Angeles County, Calif.	do	E		Do.

[FR Doc.15789 Filed 5-28-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for the 1976–77 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expense of $167,500, a rate of assessment of $0.175 per bushel of avocados, and the carryover as a reserve of unexpended funds to support the activities of the Avocado Administrative Committee for the 1976–77 fiscal year under Marketing Order No. 915.

Consideration is being given to the following proposal submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That the expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period from April 1, 1976, through March 31, 1977, will amount to $167,500;

(2) That the rate of assessment for such period, payable by each handler in accordance with § 915.41 be fixed at $0.175 per bushel of avocados; and

(3) Unexpended assessment funds in the amount of approximately $112,223, which are in excess of expenses incurred during the fiscal year ended March 31, 1976, shall be carried over as a reserve in accordance with §§ 915.42 and 915.205 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 15, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 24, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 76-15742 Filed 5-28-76;8:45 am]

[7 CFR Part 981]

[Docket No. AO–214–A5]

ALMONDS GROWN IN CALIFORNIA

Decision on Proposed Further Amendment of the Marketing Agreement and Order

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), (hereinafter referred to collectively as the "order") regulating the handling of almonds grown in California. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Sacramento, California, on November 18 and 19, 1975, pursuant to notice thereof issued on November 6, 1975.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, on April 9, 1976 (41 FR 15341) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. An exception was filed by one person.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. In Material Issue 1(g), two new paragraphs are added following paragraph 2.

2. In Material Issue 6, two new paragraphs are added following paragraph 4 and paragraph 5 is revised.

Material Issues. The material issues of record are as follows:

(1) Revising the definition of (a) "almonds", (b) "edible kernel", (c) "inedible kernel", (d) "handler", (e) "handler carryover", (f) "trade demand", and (g) "Control Board";

(2) Establishing quality controls by providing for (a) incoming determination of inedible almonds in grower deliveries to handlers and disposition of these almonds, and (b) the authority to

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prescribe outgoing minimum quality inspection requirements for almonds;

(3) Changing the bases for establishing salable and reserve percentages;

(4) Revising the provisions for a handler's disposition of almonds for reserve credit;

(5) Deleting the bonding provision for reserve almonds;

(6) Clarifying the treatment of collected assessments attributable to creditable advertising with respect to refunds and operating reserve;

(7) Revising the provision pertaining to the varietal shelling ratios for unshelled almonds;

(8) Changing the composition of the Board and the nomination procedures;

(9) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

(1) (a) The definition of "almonds" as contained in § 981.4 of the marketing agreement and order (hereinafter, in this text of the *Findings and Conclusions*, collectively referred to as the "order") should be changed by redefining "almonds" to mean (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California, and for the purposes of research includes almond shells and hulls. Currently, production and marketing research is permitted under § 981.41 for activities which are designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of almonds. Research to find new and more profitable uses for, or better methods of, handling shells and hulls should be permitted under the order. Currently, hulls are used mainly for livestock feed, while shells have some use as roughage in livestock feed and for fireplace briquettes. Shells and hulls together weigh approximately three times the kernelweight of almonds. Since the annual production of almonds on a kernelweight basis is about 200 million pounds, a sizable quantity of shells and hulls is produced annually and represents a significant economic factor. The testimony is that grower returns could be improved if more profitable outlets or better methods of handling can be found for shells and hulls.

The proposal to revise the definition of almonds published in the Notice of Hearing contained the words "and for the purposes of § 981.41 includes almond shells and hulls". However, testimony indicated that the Board should not undertake any marketing promotion including advertising activity for shells and hulls, and therefore those words should not be included in § 981.4. Also, no testimony was given in support of the proposal to revise § 981.41 by adding, "For the purposes of this section, the term almonds includes almond shells and hulls". Therefore, the proposal should not be adopted.

(b) Section 981.7 currently defines the term "edible kernel". The definition of this term should be revised to mean a kernel, piece, or particle of almond kernel that is not inedible. This change should be made in conjunction with the revision of the definition of the term "inedible kernel" in § 981.8.

(c) Section 981.8 currently defines the term "inedible kernel" to mean that which is not an edible kernel. As discussed in Material Issue 2, the order should provide for the control of inedible almonds and it is therefore necessary that the term "inedible kernel" be redefined so that handlers may know which defective almonds will be scored as inedible kernels. The term "inedible kernel" should mean a kernel, piece, or particle of almond kernel with any defect scored as serious damage, or damage due to mold, gum, shrivel, or brown spot, as defined in the U.S. Standards for Shelled Almonds, or which has embedded dirt not easily removed by washing. Section 981.8 should also authorize the Board, with the approval of the Secretary, to modify the definition of "inedible kernel". However, the Board should submit any recommendation for modification to the Secretary not later than August 1 of any crop year.

This definition would be consistent with widely accepted industry practice. Handlers have been picking out certain almonds with defects which would be scored as damaged under the U.S. Standards. These defects include (1) gum, covering one-tighth of the surface or more, (2) brown spot in an aggregate greater than a one-eighth inch circle, and (3) shrivel where the pellicle is less than three-fourths filled. Testimony was also presented that handlers have been scoring embedded dirt not easily removed as a defect. The scoring of these defects in receipts from growers has become common and the almonds affected with these defects have been excluded from handlers' redetermination weights by the Board. Under the U.S. Standards, mold is included in the scoring for damage, but this defect was not included in the listing of the defects comprising damage published in the Notice of Hearing. Testimony was presented that this defect should be included.

During the blanching process, the skin, or pellicle, covering the kernel is removed. A question was raised at the hearing whether these skins would be considered kernels and hence were within the proposed definition. The proponents indicated that it was not the intent of the testimony to consider skins as edible or inedible almonds. In order to clarify the matter, proponents proposed a sentence to be included in the definition of "inedible kernel" indicating that when the skin is removed from the kernel, it shall not be considered as a piece or particle of almond kernel. However, this sentence is unnecessary. It is clear from the testimony that detached skins are not kernels and do not fall within the meaning of edible or inedible kernels.

In order to permit the industry to update the definition of "inedible kernel" on the basis of operating experience, or to cope with marketing problems which the industry may encounter in the future, the Board, with the approval of the Secretary, should be authorized to modify that definition. Any modification would be by rulemaking procedure. So that any modification may be applied uniformly throughout a crop year, and to avoid any inequities that may result if changes are made during a crop year, the Board should submit its recommendation on modification to the Secretary not later than August 1 of any crop year. This would provide time to make the modification effective before almonds are received by handlers from growers in volume, and should afford the industry ample time to make any necessary preparations. August 1 should be used as the deadline date because, not later than that date, the Board must furnish the Secretary with certain estimates and recommendations to aid the Secretary in fixing the salable and reserve percentages for the crop year. The Board generally meets the latter part of July to formulate these estimates and recommendations. Any recommendation to modify the definition of "inedible kernel" should be made at this meeting. However, this limitation should not preclude the Secretary from making any necessary modification during a crop year. For example, in the event the applicable definitions in the U.S. Standards are changed after August 1, it may be desirable to retain the definitions applicable at the beginning of the season in order to achieve the equity and uniformity testified to at the hearing.

(d) The definition of "handler" in § 981.13 should be revised to exclude from the definition any person receiving almonds from growers and other persons and delivering these almonds to a handler. The persons to be excluded from the definition are referred to in the industry as accumulators. Currently, these persons are regulated under the order as handlers. However, when they transfer their receipts to another handler by means of interhandler transfers pursuant to § 981.55 they are relieved of all order requirements except those relating to reporting receipts and interhandler transfers. The evidence is that this reporting is not essential for compilation of industry data because that data also appear in the reports of the handler who receives the almonds, processes them, and places them into trade channels. Moreover, under another proposal, discussed in Material Issue 2, handlers would remove and dispose of inedible kernels in excess of a given percentage in the incoming receipts. Accumulators do not process almonds nor do they have facilities to remove inedible kernels.

An accumulator buys almonds in small lots from spare-time growers or gleaners. He accumulates these receipts and delivers them to a processing handler. Gleaners are persons, other than growers, who gather almonds from such sources as backyard or roadside trees, or from orchards after normal harvesting has been completed. The term "gleaners" was included in the proposed definition appearing in the Notice of Hearing, although the term itself was not defined. The term "other persons" should be used in lieu of "gleaners".

Accumulators and gleaners should not be excluded from the definition of "handlers" on any almonds which they do not deliver to a handler. If they place any almonds into the current of commerce within the meaning of § 981.16, they should be handlers for those almonds and subject to order requirements.

As proposed in the Notice of Hearing, the exclusion would have been applicable to almonds delivered to "a handler of record with the Board". However, the evidence is that the exclusion would extend to almonds delivered to any handler, whether or not the handler was then on record with the Board. The order applies to all almond handlers and regulates their activities, whether or not they are on record with the Board at any given time, and it is the obligation of the Board to know at all times who is handling almonds. Therefore, the term "on record with the Board" is unnecessary and should not be included in the definition.

(e) The definition of "handler carryover" in § 981.20 should be revised by deleting the words "(except those held as certified reserve)" to conform with the 1970 amendment of the order (35 FR 11372). These words no longer are applicable. After that amendment, physical setaside, including inspection and certification, of reserve almonds upon withholding was unnecessary. The Notice of Hearing included one proposal to delete the words "for their own accounts" in § 981.20. However, no testimony was presented to support this deletion, and therefore these words should be retained.

(f) The definition of "trade demand" in § 981.21 should be revised so that in recommending the salable and reserve percentages for any crop year, the Board may include, with the approval of the Secretary, export outlets for almonds. The term "trade demand" is used in computing salable and reserve percentages for any crop year. Currently, trade demand means the quantity of almonds which will be acquired by the domestic trade in the United States, Puerto Rico and the Canal Zone. For the reasons discussed in Material Issue 3, the Board should be authorized to include export outlets when estimating trade demand for certain crop years, when arriving at its estimates and recommendations required in § 981.49.

(g) The name of the "Almond Control Board" should be changed to the "Almond Board of California." Section 981.22 should provide that "Board" means the "Almond Board of California" which is the administrative agency established by the order. Also, the center caption preceding § 981.30 should be revised to read "ALMOND BOARD OF CALIFORNIA", and "Control" should be deleted wherever it appears before "Board" in the order.

The word "Control" is objectionable to some, and this change should enhance the value of the Board's name in public relations and consumer education activity. The Board and the industry should be permitted to use previously printed stationery and forms bearing the name "Almond Control Board". This would avoid loss and permit a phasing out of the name "Almond Control Board".

The exception was filed by the Board. It stated that § 981.22, as recommended to be amended is not consistent with the evidence of record because the section fails to state that the new name, "Almond Board of California," is synonymous with 'Almond Control Board." The Board contended that the names should be made synonymous for administrative and communication continuity. The Board expressed concern that failure to do so would enable persons to contend that an unqualified name change means they cannot be held liable for falsifying documents, thereby creating problems in enforcing the certifications pursuant to 18 U.S.C. 1001. The Board also contended that the statement appearing in the recommended decision implying that use of forms bearing the name "Almond Control Board" should be permitted, has no merit unless authority is granted in the order.

The certifications in question appear on various documents submitted to the Board. These documents are authorized by the order. In general, the persons executing the documents certify to the Board and the Secretary of Agriculture as to the completeness and correctness of the information being submitted. These certifications are to the agency established under the order for program operations, as well as to the Secretary, and thus whether the certifications on those documents refer to the Almond Control Board or the Almond Board of California is immaterial. Moreover it is unnecessary to prescribe specific authority in the order for the Board to use up forms bearing "Almond Control Board" in the event the Board's name is changed.

(2) A new § 981.42 should be included in the order to authorize certain methods of quality control. Until now, this authority was deemed unnecessary to ensure a quality product to consumers. Most almond sales have been to industrial users who buy on specifications and, in turn, must market a product acceptable to consumers. However, as a result of increased production, it was testified that handlers will have to sell more of the almond crop directly to consumers. These sales will not be according to specification buying of industrial users. Also, the percentage of defective kernels in the crop has increased in recent years, and scrutiny by regulatory agencies of the quality of food offered consumers is increasing.

Therefore, § 981.42 should require handlers to cause to be determined, through the inspection agency, and at the handler's expense, the percent of inedible kernels in each variety received by him, and shall report the determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernelweight received should constitute a weight obligation to be accumulated in the course of processing and should be delivered to the Board, or to Board accepted crushers, feed manufacturers, or feeders. In order to achieve uniform determinations, each handler should be required to use the inspection agency defined in § 981.17 to sample, analyze, and report, either directly or through handler personnel working under inspection agency guidance, the percentage of inedible kernels in each variety delivered by each grower. Inedible kernels would be those defined in § 981.8, as discussed in Material Issue 1(c).

The sampling and inspection requirements should be applicable to all almonds received by a handler, including the deliveries of a handler's own production. A person engaged in the commercial production of almonds generally will make several deliveries, and each delivery may be made up of more than one variety. Each of these deliveries should be sampled, and the inedible kernel content of each variety determined by, or under the supervision of, a third party. Testimony was presented that this determination is not new because most handlers now sample each delivery to provide the basis for payments to growers. However, handlers should be permitted to accumulate small quantities received as door lots until there is a quantity large enough to permit sampling and a determination of the inedible kernel content in the accumulated receipts.

Inedible kernels accumulated in the course of processing should be delivered to the Board, or to Board accepted oil crushers, feed manufacturers, or feeders. This change from wording proposed in the Notice of Hearing should be made to recognize that, in a handler's plant, inedible kernels are accumulated from blanching, manufacturing processes, and other processes. The two percent level should provide a practical means of requiring inedible kernels to be accumulated by each handler to satisfy his weight obligation. Requiring handlers to meet this obligation should ensure that each handler's outgoing shipments of almonds are relatively free of almonds with serious damage, and the number of kernels with minor damage should be minimal.

The inedible kernel content of receipts should be determined by variety so that those varieties that normally have an inedible kernel content of less than two percent cannot be used to cancel out the obligation of the higher testing varieties. For example, 100,000 pounds of variety X with one percent inedible kernels should not be added to 100,000 pounds of variety Y with three percent inedible kernels to produce an average of two percent, and hence no disposition obligation. On the other hand, the evidence is that it would not be practical or necessary to require a varietal or qualitative determination of the material disposed of in satisfaction of an obligation. The

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objective is to remove inedible kernels from the pack and this would be achieved by totalling all of a handler's obligations and allowing him to satisfy the total from pickouts, rejects, and any other material unsuitable for human consumption. While it is conceivable that some edible almonds could be included in material delivered in satisfaction of an obligation, it was testified that the economics of delivering $1.00 per pound material to a $.10 per pound outlet would keep this to a minimum. However, a handler may receive a lot which is so poor that the entire lot must be dumped. In that case, the weight of the entire lot should be credited to the handler.

Since disposition would be to crushers, feed manufacturers, or feeders acceptable to the Board, the word "approved" appearing in the Notice of Hearing should be changed to "accepted". This would be consistent with current procedures providing for establishment of a list of users acceptable to the Board.

Section 981.42 should also authorize the Board, with the approval of the Secretary, to change the two percent exemption for any crop year, to authorize additional outlets, and to establish rules and regulations as may be necessary or incidental to the administration of the provision. This would include, but not be limited to, the method of determining inedible kernel content and satisfaction of the disposition obligation. This would permit timely adjustment of the provision to changing conditions, improvement in the procedures, or correction of any deficiencies or errors that may develop in its application.

It is possible that some small-sized handlers may not, in the course of processing beyond the removal of inedible kernels, generate sufficient material to meet the computed obligation. For example, some handlers may not blanch almonds or process them into manufactured items. Thus, § 981.42 should authorize the Board, for good cause, to waive portions of the obligation for handlers not generating inedible kernels from such sources as blanching or manufacturing. "Good cause" should be proof that the handler attempted to meet his obligation but was unable to because of nonrecoverable losses in shelling or for some other reason. Also, many accumulations of inedible kernels will have varying amounts of shell or other foreign material comingled with the almond meat. In order to give credit for the weight of almond meat in each disposition, the meat content should be determined by procedures prescribed by the Board, and this weight reported to the Board. The quantity disposed of should be deducted from the handlers receipts.

Section 981.42 should also provide authority for outgoing quality inspection. The evidence is that this is intended as a contingency for use only if the incoming regulation should prove inadequate for industry needs. For example, other regulatory agencies may establish regulations which would apply to packed almonds or almond products. This authority should provide that for any crop year the Board may establish, with the approval of the Secretary, such minimum quality and inspection requirements applicable to almonds to be handled or to be processed into manufactured products, as will contribute to orderly marketing or be in the public interest. Section 981.42 should also provide that in a crop year when these requirements are in effect, no handler shall handle or process almonds unless they meet the applicable requirements as evidenced by certifications acceptable to the Board.

Testimony was presented that the Board's interest would be only in setting a minimum level of quality for almonds to be handled as almonds or processed into almond products. Handlers should be permitted to sell almonds which equal or exceed the minimum quality. It was also testified that the minimum quality could apply to a quality factor, such as the level of aflatoxin, which the inspection agency defined in § 981.17 ordinarily does not test. In that case, the determination would have to be made by the Department or a laboratory approved by the Department. On the other hand, if the outgoing regulation would require a determination of such factors as the inedible kernel content, this determination should be made by the inspection agency.

In connection with any outgoing regulation, the Board, with the approval of the Secretary, should be authorized to establish rules and regulations necessary and incidental to the administration of that regulation.

(3) Section 981.47 provides the method for establishing salable and reserve percentages by the Secretary. In order to aid the Secretary in fixing these percentages, § 981.49 requires the Board to submit certain estimates and recommendations to the Secretary not later than August 1. In computing prior percentages, estimates of total production were used. However, data show that the marketable quantities packed out by handlers are as much as five percent less than the quantities delivered by growers. About 40 percent of the weight loss is due to the removal of defective (i.e., inedible) kernels, which are disposed of in oil or feed outlets. The balance is due to moisture loss during storage and to processing losses, such as shelling and conversion into cut forms. The evidence is that an estimate of the marketable quantity should be used by the Board and the Secretary in computing salable and reserve percentages. Therefore, "marketable" should be inserted before "almonds" in the third sentence of § 981.47 and in § 981.49(a). The term "marketable" should exclude that portion of the production which is received by a handler but is not handled by him or any other handler. However, in some crop years, almonds diverted to oil or feed may be eligible for reserve satisfaction, as discussed in Material Issue 4. For the purpose of computing salable and reserve percentages in those crop years, an estimate of the quantity to be diverted to those outlets should be included with the marketable quantity in the total quantity allocated to trade demand and other outlets. This total quantity should be referred to as the allocation quantity.

As discussed in Material Issue 1(f), the term "trade demand" should be revised so that in recommending the salable and reserve percentages for any crop year, the Board may include, with the approval of the Secretary, export outlets for almonds in its estimate of trade demand. As indicated in that issue, trade demand currently means the quantity of almonds which will be acquired by the domestic trade. This meaning was satisfactory so long as the salable quantity (i.e., domestic shipments) constituted the major portion of the annual movement, and f.o.b. prices, point of origin, for salable almonds were higher than for almonds exported for reserve credit. However, in four of the six crop years beginning with the 1969–70 crop year, the quantity sold in export exceeded domestic sales. No reserve percentages have been in effect for the last three crop years, including the 1975–76 crop year, and there have been no established differences between domestic and export (f.a.s.) prices. During these years, it was unnecessary to establish a reserve percentage to allocate part of the supply to the export market.

However, production of almonds, both in California and worldwide, is increasing, and some form of volume regulation will be necessary to achieve price stability and develop new uses and outlets, including new geographical areas. Testimony was that a reserve percentage of five to 10 percent may be enough to accomplish this. However, the formula for computing the salable and reserve percentages does not permit this because domestic needs (i.e., salable almonds) constitute about 50 percent or less of the supply subject to regulation, and thereby resulting in a reserve percentage of about 50 percent or more. So that the industry can establish a modest reserve percentage, the order should permit exports to be included in the trade demand estimate.

Testimony was also presented that exports should not be removed as a reserve outlet permanently because the marketing outlook for California almonds is unclear. It may be necessary again for the California almond industry to compute the percentages under the current provisions of the order if marketing conditions in export necessitate resumption of the use of minimum export prices.

To conform with the recommendation to permit the trade demand estimate to include domestic and export sales, the last sentence in § 981.66(d) should provide that the Board may dispose of or authorize the disposition of, reserve almonds in noncompetitive outlets in any crop year in which the quantity exceeds that needed for export or the export quantity is included in salable almonds. Also, the title of paragraph (c) of § 981.66 should be revised by substituting

the word "salable" instead of "domestic". When exports are part of the salable supply, there would be no export portion in the reserve.

The third sentence in § 981.47 should be revised so that the correct quantity of carryover on June 30 of a crop year available to satisfy trade demand in the succeeding crop year would be used to compute the salable (and hence, also the reserve) percentage for that year. As discussed in Material Issue 1(e), certification of reserve no longer was necessary after the 1970 amendment of the order. Since then, all carryover has been construed as meeting the definition of "handler carryover". However, if part of the carryover as of June 30 represents unexported reserve obligation, this quantity is not available to satisfy domestic trade demand in the succeeding crop year. Or, as discussed in this Material Issue, if export tonnage is included in trade demand for a crop year, the unexported reserve obligation, from the previous year, would satisfy part of that trade demand. Consequently, there should be flexibility in applying the formula for computation of the salable percentage so that all, or a portion, of the handler carryover, is used.

Under the proposal, four situations are possible when computing the salable percentage: (1) There is a carryover of unexported reserve tonnage and trade demand of the new crop year is to be domestic only; (2) there is a carryover of unexported reserve tonnage and the trade demand of the new crop year is to be both domestic and export; (3) there was no reserve in the prior crop year, the carryover is all salable but a large quantity is committed to export, and the trade demand of the new crop year is to be domestic only; and (4) the carryover situation is the same as (3), except that trade demand is to be both domestic and export.

It was testified that when trade demand of the new crop year is to be domestic only, the unexported reserve or commitments to export would not be available to satisfy trade demand and hence should be subtracted from the carryover. However, all carryover should be available for trade demand when both domestic and export requirements are included in trade demand.

The third sentence of § 981.47 should therefore be modified, in part, to provide, that in establishing the salable and reserve percentages, the Secretary shall give consideration to the ratio of the estimated trade demand, either domestic or domestic plus export less the handler carryover available to satisfy trade demand plus the desirable handler carryover at the end of the crop year, to the estimated production of marketable almonds, or the allocation quanity, whichever is applicable.

(4) Section 981.51 prescribes certain requirements for reserve. The provisions of that section are based on the marketing and regulatory conditions of 1956 when each handler was required to meet his reserve obligation by physically setting aside lots meeting grade requirements prescribed in paragraphs (a), (b), and (c), of that section. The necessity for physical setaside of reserve almonds was deleted by the 1970 amendment, and the grade requirements therefore are obsolete and should be deleted.

Section 981.51 also limits the weight that may be certified and credited as reserve to the kernel weight less any inedible kernel weight in excess of three percent of its edible kernel content. This tolerance would lose its significance if the incoming quality regulation necessitates the removal of inedible kernels in excess of two percent in a lot and disposition in non-human consumption outlets. It was testified that most packs for human consumption would have very few, if any inedible kernels. Therefore, inspection of almonds disposed of as reserve almonds in non-human consumption outlets would be unnecessary. In view of this, the requirements for outgoing inspection of reserve almonds should be deleted except in those crop years when the agency agreement authorized in § 981.67 provides that all export sales must be made at minimum prices. In that event, the inspection would be necessary in order to establish the grade and size of each lot, thereby determining whether the sales price is equal to or better than the minimum price for the grade and size being shipped. Inspection and certification of reserve almonds for human consumption should also be required if outgoing quality requirements are established pursuant to proposed § 981.42(b).

As discussed in Material Issue 3, in some crop years almonds diverted to oil or feed should be eligible for reserve satisfaction, and an estimate of this quantity should be included in the total quantity allocated to trade demand and other outlets (i.e., the allocation quantity). This estimate should be included with the estimates and recommendations furnished by the Board to the Secretary pursuant to § 981.49. In connection with the proposed revision of § 981.51, it was testified that in those years when a reserve is established and a portion of the reserve obligation may be satisfied by diversion of almonds in oil or feed outlets, the quantity diverted should be credited against the handler's reserve obligation and, as currently provided, deducted from his receipts. This should include any inedible kernels disposed of by the handler in satisfaction of any disposition obligation incurred pursuant to § 981.42(a). Handlers should be afforded this as an incentive to keep low quality material out of normal trade channels.

The provisions of § 981.51 should be deleted except for the modification and grade authority in the last sentence. The new provisions of § 981.51 should provide that each handler may satisfy his reserve obligation with such almonds specified in the terms of the agency agreement authorized in § 981.67, including all applicable inspection and certification requirements. Disposition of reserve almonds by handlers is pursuant to § 981.67 of the order. Section 981.67 provides, in part, for the Board to authorize handlers to act as its agents by means of an agency agreement. In the event a handler does not become an agent of the Board, § 981.51 should provide that this handler may receive credit by similarly delivering almonds to the Board or its designees. It was testified that the incoming quality control would require a handler to process his receipts and remove inedible kernels to meet any disposition obligation incurred pursuant to § 981.42 (a), and thus, a non-agent would have about the same grade of almonds as an agent to satisfy his reserve obligation.

Revision of § 981.51 would necessitate conforming changes in other sections of the order. The third sentence in § 981.61 should be revised so that the redetermined kernelweight of each handler's receipts, as of any date during the crop year, shall be his carryover as of that date plus the weight of almonds delivered or used in products minus the carryover at the beginning of the crop year, the weight on which another handler has assumed the obligations, and the weight delivered to exempt outlets. Since the order no longer requires a physical setaside of a handler's reserve obligation, the undisposed portion of reserve can no longer be readily separated from the total carryover as of December 31, March 31, or June 30, and determining the portion of the carryover that is reserve should not be done until the redetermined weight is known. Consequently, redetermination should be computed on the basis of the total inventory plus the total deliveries and usage in products.

Since the quantity of reserve almonds disposed of in oil or feed outlets would be deducted from a handler's receipts, the words "and which are not reserve almonds" appearing in the first sentence of § 981.50 should be deleted as a conforming change. In that same provision, the words "disposed of in" should be changed to "delivered to" to conform with the third sentence of § 981.61. Thus, upon delivery to an accepted user, the handler should be able to claim the applicable credit. It should be the Board's responsibility to maintain surveillance over users to assure that they dispose of the almonds through crushing or feeding.

(5) Section 981.53 should be deleted. Section 981.53 authorizes a handler to defer withholding reserve to any date desired by the handler, but not later than May 15 of the crop year, by means of a written undertaking secured by a bond or bonds. This provision has not been used since the 1970 amendment.

The purpose of the deferment was to permit handlers to use early receipts to meet market needs. With larger crops and the need to hold inventories to service year-round customers, it is no longer necessary for most handlers to defer withholding to meet their reserve obligations. For those handlers who do not sell the year-round, the withholding requirement must be met by them while they still have almonds. These handlers cannot be permitted to defer the withholding until May 15.

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As a conforming change, item (a) in § 981.52 reading: "Any quantity for which he has a temporary deferment pursuant to § 981.53," should be deleted and items (b) and (c) should be redesignated as (a) and (b) respectively. Also, the words "the time for withholding has been deferred pursuant to § 981.53 or" in the second sentence of the same section should be deleted.

(6) Section 981.80 authorizes the Board to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the Board, including the accumulation and maintenance of an operating reserve fund, and for such purposes as the Secretary may, pursuant to the provisions of the order, determine to be appropriate. Section 981.81(a) requires handlers to pay to the Board, by way of assessments, such sum, less any amounts credited pursuant to § 981.41, as the Secretary finds is necessary to provide funds to meet the authorized Board expenses and the operating reserve requirements, and establishes for the crop year. Section 981.41(c) authorizes the Board, with the approval of the Secretary, to provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. That paragraph also provides that no handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising. The provisions of §§ 981.80 and 981.81 on establishment and maintenance of an operating reserve fund, and of § 981.41 on marketing promotion including paid advertising were included in the order in the 1972 amendment.

Testimony was presented that paragraphs (b) and (c) of § 981.81 should be modified. The modification should establish that advertising assessments carried into a new crop year do not become a part of the operating reserve fund immediately. The operating reserve should be a pool of funds available to pay the costs of authorized activities of the Board during any part of the crop year when assessment income permits. Furthermore, withdrawals from the operating reserve should be replaced so that an adequate reserve is available to service the needs of the next crop year.

It should also be clear that the Board may spend any money collected from handlers as the uncredited portion of the assessment rate attributable to marketing promotion and paid advertising. Since this money generally is not available until a crop year has ended, the only time the Board can spend this money is in the succeeding crop year. Moreover, that money should not be available for spending by the Board and simultaneously used to create a reserve.

Based on the Board's experience with the provision included in the order in 1972, its fiscal affairs may be broken down into four accounts; administrative, research, creditable advertising, and consumer education. For the purpose of preparing budgets, determining assessments, and establishing limits in the operating reserve fund, the Board should be able to use two major classifications; "administrative-research" and "marketing promotion". The latter classification would include creditable advertising and consumer education.

The Board further commented that the first and second sentences of § 981.81 (b), as recommended, are not consistent with the evidence of record. In both cases, the limiting words "administrative-research" have been inserted. This is not as proposed by the Board, and is inconsistent with the classification of some consumer education funds under the classification administrative-research. The Board asserts that in the early weeks of a crop year, the carryover assessment funds in hand must be available for all Board expenses, administrative, research and consumer education. Also, the practice of funding portions of the consumer education budget from direct assessment funds instead of unspent advertising assessment funds, should be recognized. Such unspent advertising assessment funds are not available until several weeks into the crop year, and in some years may be inadequate.

As recommended, § 981.81(b) provides, in part, that any money collected as assessments for either the administrative (maintenance and functioning) or research activities of the Board and not used for the expenses of the applicable crop year, may be used in paying the Board's administrative-research expenses of the first four months of the succeeding crop year. No later than the fifth month, the amount not expended in the previous crop year for administrative-research shall be retained in the operating reserve fund. The provision only has the effect of limiting the use of funds collected pursuant to the advertising crediting provisions of § 981.41 for the Board's marketing promotion activities. In order to clarify this point, the words "administrative-research" are deleted in the first sentence of § 981.81(b), and the second sentence of § 981.81(b) is revised so that no later than the fifth month, the amount not expended from assessments collected for administrative-research in the previous crop year shall be retained in the operating reserve fund.

Therefore, paragraph (b) of § 981.81 should provide that any money collected as assessments for either the administrative (maintenance and functioning) or research activities of the Board and not used for the expenses of the applicable crop year, may be used in paying the Board's expenses of the first four months of the succeeding crop year. No later than the fifth month the amount not expended from assessments collected for administrative-research in the previous crop year shall be retained in the operating reserve fund. Paragraph (b) should also provide that any amounts not credited pursuant to § 981.41 for a crop year may be used by the Board for its marketing promotion expenses of the succeeding crop year, and any unexpended portion of those amounts at the end of that crop year shall be retained in the marketing promotion portion of the operating reserve fund. The Board should not accumulate money in excess of its needs. Therefore, any money in each portion of the operating reserve fund in excess of the level authorized pursuant to paragraph (c) shall be refunded to handlers or used to reduce the assessment rate of the subsequent crop year, as the Board may determine. Each handler's share of a refund shall be the amount by which his payment of assessments exceeds his pro rata share of the two major classifications of Board expenses. For the purpose of computing any refund from the marketing promotion portion, each handler's payment of assessments shall include any amount credited to the handler pursuant to § 981.41. In lieu of a refund, each handler may have the amount due him credited to his assessment obligation of the crop year in which the amount would be refunded.

Consistent with the revision of paragraph (b), paragraph (c) of § 981.81 should provide that the Board may maintain an operating reserve fund consisting of an administrative-research portion and a marketing promotion portion. The amount in each portion shall not exceed approximately six-months budget for the activity area or such lower amount as the Board may establish with the approval of the Secretary. However, this limitation shall not restrict the temporary retention of excess funds for the purpose of stabilizing or reducing the assessment rate of a crop year. To the extent that funds from current crop year assessments are inadequate, funds in the operating reserve may be used for the authorized activities of the crop year. Funds so used, and not exceeding the six-month limitation, shall be replaced to the extent practicable from assessments subsequently collected for the crop year.

(7) In § 981.62(a), the designation of "major varieties" and "minor varieties" should be deleted, and the list of almond varieties and their corresponding percentages should be rearranged in a unified list in descending order according to the varietal shelling ratio. The ratios are used to compute the kernel weight of almonds which are handled unshelled.

In the notice of hearing the proposal was to redesignate five almond varieties as either "major varieties" or "minor varieties." It was testified, however, that the "major" and "minor" designations can be confusing, and there is no useful purpose in continuing these designations.

(8) Testimony on several proposals pertaining to the Board, including establishment, membership representation, and nominations, was presented at the hearing. These included Proposals 19, 20, 21, and 22 in the Notice of Hearing, and one introduced at the hearing. For the reason stated in this Material Issue, all of these proposals should be denied.

Proposal 19 would divide the production area into two districts and assign an independent grower member and alternate member to each district so that growers and their representatives would be closer to each other. The proponent indicated that, currently, growers in the southern San Joaquin Valley are about 400 miles from their representative on the Board.

Another proponent submitted Proposals 20, 21, and 22. The proponent stated that the proposals are necessary for several reasons. Since the promulgation of the order in 1950, the composition of the Board, nomination of its members, or the groups they represent, have not been changed, even though the almond industry has changed in the past 25 years and more changes can be expected in the future. Under the proposal, each segment of the industry would have an opportunity to be represented on the Board by a direct vote and, to be as "democratic" as possible, it was further proposed that the cooperative and other than cooperative designated Board positions would be removed. It was contended that such a division encourages members of the Board to act on a personal rather than an industry-wide basis. Proposal 20 would establish a Board of 12 members (instead of 10, as currently provided), with an alternate for each member. Six members and their alternates would represent growers and six members and alternates would represent handlers. It would divide the production area into three districts and assign two grower members and their alternates to each district. Proposal 21 would prescribe qualifications for members and their alternates to serve on the Board. Each grower member and alternate member, at the time of his selection and during his term of office would have to be a grower within the district for which selected. Each grower member and alternate member would be prohibited from handling almonds either in a proprietary capacity or as a director, officer, or employer; each handler member and alternate member would have to be a director, officer, or employee of a handler. Proposal 22 would revise the nomination procedures for membership on the Board. Each grower could vote only in one district. Each grower would be able to vote for two candidates. The person receiving the greatest number of votes, by number, and the person receiving the greatest number of votes, by tonnage, would be the member nominees. Handlers would vote for members and alternate members separately, and each handler's vote would be weighted by the quantity of almonds handled during a designated period. A handler would be able to divide his vote among candidates in each category assigning to each vote the portion of the weighting available to him as he may choose. The member nominees would be those six persons receiving the highest weighted vote.

A fourth proposal submitted at the hearing was not included in the Notice of Hearing. It would increase the membership of the Board to 11 members and their alternates. This additional member would be assigned to cooperative and independent handlers, none of which individually handled more than three percent of the almonds delivered by growers. The proponent offered this proposal to give small handlers representation on the Board.

Opposition to all of these proposals was presented at the hearing, with emphasis on Proposals 20, 21, and 22. In summation, the opponent stated that the success of the order and the Board's administration of it cannot be equalled in any other industry, and this history is the strongest recommendation for maintaining the current makeup of the Board.

That the success of the order and its administration by the Board over the years has proven successful appears evident to many in the industry. However, acceptance alone should not necessarily justify the status quo. As testified, the almond industry has changed considerably since the order was promulgated. Since then, almond production increased from about 40 million pounds, kernel weight basis, to 217.7 million pounds, kernel weight basis, in 1974. Almond acreage increased from about 90,500 bearing acres and about 18,000 nonbearing acres in 1950, to about 230,000 bearing acres and about 74,000 nonbearing acres in 1974. In 1950, almond production in California was confined largely to the Sacramento Valley and adjacent counties. Today, California's almond production extends from the southern part of the San Joaquin Valley to the Sacramento Valley.

Although these changes may lend credence to the two proposals for a division of the area into districts, at least for the purpose of obtaining producer nominees who do not market their production through cooperative handlers, the testimony presented on both was insufficient to enable recommending one over the other. The same applies to the proposals for the creation of an 11-member and a 12-member committee, and the proposals on division of membership between five producer members and six handler members, or six producer members and six handler members. In addition, serious potential difficulties in Proposals 21 and 22 were uncovered by the opposition testimony which should preclude their adoption.

However, for the purposes of this recommended decision, any further analysis of the relative strength and weaknesses of the four proposals is unnecessary. It is clear from all of the testimony presented on the four proposals that the industry is not in agreement on the appropriate provisions covering Board composition, representation, and nominations. It is essential that there be substantial agreement within all segments of any industry on matters of this sort. The diversity of testimony presented on these matters indicate a need for further study by the almond industry and agreement on any changes to be presented at an amendatory hearing.

(9) Some of the amendatory actions included in this recommended decision cause the need to make certain conforming changes so that the order, as amended, will be in conformity with those actions. Any such changes are discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed December 29, 1975, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. On December 23, 1975, the time for filing such documents was extended to January 9, 1976.

Briefs and proposed findings and conclusions were filed on behalf of certain interested persons. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of almonds grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of almonds grown in the production area which make necesssary different terms and provisions

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applicable to different parts of such area; and

(6) All handling of almonds grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Almonds Grown in California," and "Order Amending the Order, as Amended, Regulating the Handling of Almonds Grown in California," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be amended, regulating the handling of Almonds Grown in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the (production or marketing) area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be July 1, 1975 through March 31, 1976.

The agent of the Secretary to conduct such referendum is hereby designated to be William B. Blackburn, Gilbert Muck and William J. Higgins.

Signed at Washington, D.C. on May 26, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] amending the order, as amended, regulating the handling of almonds grown in California

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determination are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of almonds grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of almonds grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of almonds grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of almonds grown in California shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Acting Deputy Administrator on April 6, 1976, and published in the FEDERAL REGISTER on April 12, 1976 (41 F.R. 15341), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following revision:

The first two sentences of § 981.81(b) are changed.

1. Revise § 981.4 to read as follows:

§ 981.4 Almonds.

"Almonds" means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California, and for the purposes of research includes almond shells and hulls.

2. Revise § 981.7 to read as follows:

§ 981.7 Edible kernel.

"Edible kernel" means a kernel, piece, or particle of almond kernel that is not inedible.

3. Revise § 981.8 to read as follows:

§ 981.8 Inedible kernel.

"Inedible kernel" means a kernel, piece, or particle of almond kernel with any defect scored as serious damage, or damage due to mold, gum, shrivel, or brown spot, as defined in the United States Standards for Shelled Almonds, or which has embedded dirt not easily removed by washing. This definition may be modified by the Board with the approval of the Secretary: *Provided,* That the Board shall submit any recommendation for modification to the Secretary not later than August 1.

4. Revise § 981.13 to read as follows:

§ 981.13 Handler.

"Handler" means any person handling almonds during any crop year, except that such term shall not include either a grower who sells only almonds of his own production at retail at a roadside stand operated by him, or a person receiving almonds from growers and other persons and delivering these almonds to a handler.

5. Revise § 981.20 to read as follows:

§ 981.20 Handler carryover.

"Handler carryover" as of any given date means all almonds, wherever located, then held by handlers for their own accounts (whether or not sold) but not including any almond products.

6. Revise § 981.21 to read as follows:

§ 981.21 Trade demand.

"Trade demand" means the quantity of almonds (kernel weight basis) which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in the United States, Puerto Rico, and the Canal Zone: *Provided,* That in recommending the salable and reserve percentages for any crop year, the Board may include, with the approval of the Secretary, export outlets for almonds.

7. Amend § 981.22 by changing "Control Board" to "Board" and revising the definition to read as follows:

§ 981.22 Board.

"Board" means the Almond Board of California which is the administrative agency established by this subpart.

§ 981.30 [Amended]

8. Revise the center caption preceding § 981.30 to read "ALMOND BOARD OF CALIFORNIA" and delete "Control" wherever it appears in the order.

9. Add § 981.42 to read as follows:

§ 981.42 Quality control.

(a) *Incoming.* Each handler shall cause to be determined, through the inspection agency, and at handler expense, the percent of inedible kernels in each variety received by him, and shall report the determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernel weight received, shall constitute a weight obligation to be accumulated in the course of processing and shall be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. The Board, with the approval of the Secretary, may change this percentage for any crop year, may authorize additional outlets, and may establish rules and regulations necessary and incidental to the administration of this provision, including the method of determining inedible kernel content and satisfaction of the disposition obligation. The Board for good cause may waive portions of obligations for those handlers not generating inedible material from such sources as blanching or manufacturing.

(b) *Outgoing.* For any crop year the Board may establish, with the approval of the Secretary, such minimum quality and inspection requirements applicable to almonds to be handled or to be processed into manufactured products, as will contribute to orderly marketing or be in the public interest. In such crop year, no handler shall handle or process almonds into manufactured items or products unless they meet the applicable requirements as evidenced by certification acceptable to the Board. The Board, with the approval of the Secretary, may establish rules and regulations necessary and incidental to the administration of this provision.

10. Revise § 981.47 to read as follows:

§ 981.47 Method of establishing salable and reserve percentages.

Whenever the Secretary finds, from the recommendations and supporting information supplied by the Board or from any other available information, that to designate the percentages of almonds during any crop year which shall be salable almonds and reserve almonds would tend to effectuate the declared policy of the act, he shall designate such percentages. Except as provided in § 981.50 the salable and reserve percentages shall each be applied to the kernel weight of almonds received by a handler for his own account during the crop year. In establishing such salable and reserve percentages, the Secretary shall give consideration to the ratio of estimated trade demand (either domestic or domestic plus export, less the handler carryover available to satisfy trade demand plus the desirable handler carryover at the end of the crop year) to the estimated production of marketable almonds (all expressed in terms of kernel weight) or the allocation quantity (marketable production plus almonds diverted to oil or feed when eligible for reserve satisfaction) whichever is applicable; the recommendation submitted to him by the Board; and such other information as he deems appropriate. The total of the salable and reserve percentages established each crop year shall equal 100 percent.

§ 981.49 [Amended]

11. Revise § 981.49(a) by inserting the word "marketable" before "almonds".

12. Revise § 981.50 to read as follows:

§ 981.50 Reserve obligation.

Whenever salable and reserve percentages are in effect for a crop year, each handler shall withhold from handling a quantity of almonds having a kernel weight equal to the reserve percentage of the kernel weight of all almonds such handler receives for his own account during the crop year: *Provided,* That any quantity of almonds delivered to outlets such as poultry or animal feed or crushing into oil, in a manner permitting accountability to the Board, shall not be included in such receipts. The quantity of almonds hereby required to be withheld from handling shall constitute, and may be referred to as the "reserve" or "reserve obligation" of a handler. The almonds handled as salable almonds by any handler, in accordance with the provisions of this part, shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

13. Revise § 981.51 to read as follows:

§ 981.51 Requirements for reserve.

Each handler may satisfy his reserve obligation with such almonds specified in the terms of the agency agreement authorized in § 981.67, including all applicable inspection and certification requirements. Any handler who does not become an agent may receive credit by similarly delivering almonds to the Board or its designees. These requirements may be established by the Board, with the approval of the Secretary, and from time to time so modified, and may include grade requirements for reserve almonds delivered to human consumption outlets.

§ 981.53 [Reserved]

14. Delete § 981.53 and make conforming changes in § 981.52. As so revised, § 981.52 reads as follows:

§ 981.52 Holding requirement and delivery.

Each handler shall, at all times, hold in his possession or under his control, in proper storage for the account of the Board, the quantity of almonds necessary to meet his reserve obligation less: (a) Any quantity which was disposed of by him pursuant to §981.67; and (b) any quantity for which he is otherwise relieved by the Board of responsibility to so hold almonds. Upon demand of the Board reserve almonds shall be delivered to the Board f.o.b. handler's warehouse or point of storage, except that the Board shall not make such demand upon a handler with respect to reserve almonds for which he has agreed to undertake disposition pursuant to § 981.67. Any handler who does not act as agent for the Board in the disposition of reserve almonds shall be subject to the applicable inspection and certification requirements prescribed by the Board pursuant to § 981.67.

15. Revise § 981.61 to read as follows:

§ 981.61 Redetermination of kernel weight.

The Board, on the basis of reports by handlers, shall redetermine the kernel weight of almonds received by each handler for his own account during each crop year through each of the following dates: December 31, March 31, and June 30. Such redetermined kernel weight for each handler shall be the basis for computing his reserve obligation for the crop year through such dates, except that adjustment shall be made for almonds on which the obligation has been assumed by another handler. The redetermined kernel weight of each handler's receipts, as of any date during the crop year, shall be his carryover as of that date plus the weight of almonds delivered or used in products minus the carryover at the beginning of the crop year, the weight on which another handler has assumed the obligations, and the weight delivered to exempt outlets. Weights used in such computations for various classifications of almonds shall be: (a) For unshelled almonds, the kernel weight computed by application of shelling ratios authorized pursuant to § 981.62; (b) for shelled almonds, the net weight; and (c) for shelled almonds used in production of almond products, the net weight of such almonds.

16. Revise § 981.62 (a) to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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§ 981.62 Varietal shelling ratios for unshelled almonds.

(a) The varietal shelling ratios applicable to unshelled almonds for determination of kernel weight are as follows:

Varieties:	Percent
Jordanolo	60
Kaperell	60
Merced	60
Nonpareil	60
Thompson	60
Bigelow	55
Harparell	55
Eureka	54
Baker	53
Trembath	53
Ballico	50
Davey	50
IXL	50
Long IXL	50
Ne Plus Ultra	50
Ruby	50
Smith (Smith's XL)	48
Lewelling (Lewelling's Prolific)	47
Walton	41
Drake	40
Emerald	40
Mission	40
Ripon	40
Standard	38
Sultana	36
Peerless	35
Tarragona	33
Hardshell	30
Bidwell	30

* * * * *

§ 981.66 [Amended]

17. Revise § 981.66 by substituting the word "salable" for the word "domestic" in the title of § 981.66(c), and by revising the last sentence of § 981.66(d) to read as follows: "The Board may dispose of reserve almonds in non-competitive outlets in any crop year in which the quantity exceeds that needed for export or the export quantity is included in salable almonds".

18. Revise § 981.81 (b) and (c) to read as follows:

§ 981.81 Assessment.

(a) * * *

(b) Refunds. Any money collected as assessments for either the administrative (maintenance and functioning) or research activities of the Board and not used for the expenses of the applicable crop year, may be used in paying the Board's expenses of the first four months of the succeeding crop year. No later than the fifth month the amount not expended from assessments collected for administrative-research in the previous crop year shall be retained in the operating reserve fund. Any amounts, not credited pursuant to § 981.41 for a crop year may be used by the Board for its marketing promotion expenses of the succeeding crop year, and any unexpended portion of those amounts at the end of that crop year shall be retained in the marketing promotion portion of the operating reserve fund. Any funds in each portion of the operating reserve fund in excess of the level authorized pursuant to paragraph (c) of this section shall be refunded to handlers or used to reduce the assessment rate of the subsequent crop year, as the Board may determine. Each handler's share of a refund shall be the amount by which his payment of assessments exceeds his pro rata share of the two major classifications of Board expenses. For the purpose of computing any refund from the marketing promotion portion, each handler's payment of assessments shall include any amount credited to the handler pursuant to § 981.41. In lieu of a refund, each handler may have the amount due him credited to his assessment obligation of the crop year in which the amount would be refunded.

(c) *Reserves.* The Board may maintain an operating reserve fund consisting of an administrative-research portion and a marketing promotion portion. The amount in each portion shall not exceed approximately six-months' budget for the activity area or such lower amount as the Board may establish with the approval of the Secretary: *Provided,* That this limitation shall not restrict the temporary retention of excess funds for the purpose of stabilizing or reducing the assessment rate of a crop year. To the extent that funds from current crop year assessments are inadequate, funds in the operating reserve may be used for the authorized activities of the crop year. Funds so used, and not exceeding the six-month limitation, shall be replaced to the extent practicable from assessments subsequently collected for the crop year.

* * * * *

[FR Doc.76-15861 Filed 5-28-76;8:45 am]

[7 CFR Part 984]

[Docket No. AO-192-A6]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984) regulating the handling of walnuts grown in California, Oregon, and Washington.

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by June 16, 1976. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedures governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement—This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at San Francisco, California, January 27-28, 1976. Notice of the hearing was published in the January 13, 1976, issue of the FEDERAL REGISTER (41 FR 1916). The proposals contained in the notice of hearing were submitted by the Walnut Marketing Board, Valley Walnut Growers Cooperative, Mr. Milburn Ziegler, and the Fruit and Vegetable Division, Agricultural Marketing Service. The material issues of record are as follows:

(1) Reducing the "area of production" to the State of California and changing certain related provisions specified in the order;

(2) Revising the definitions of "To handle", "surplus walnuts", and "hold"; deleting the definition of "withholding factor"; and adding a definition for the term "To certify";

(3) Revising the Board nomination provisions for cooperative handlers;

(4) Changing the concept of volume regulation from that of surplus to reserve; changing the word "surplus" to "reserve" throughout the order; and adding authority for recommending the percentage of reserve walnuts that may be exported;

(5) Revising provisions on minimum grade and size regulations;

(6) Revising provisions on inspection and certification of walnuts;

(7) Making changes in Board representation and nomination provisions to bring them into conformity with the recommended change in the basis of determining a handler's reserve and assessment obligations; and deleting related obsolete provisions;

(8) Revising the basis of a handler's reserve obligation and the method of computing this obligation; replacing holding requirements for surplus walnuts with similar requirements for reserve walnuts; providing for the control and disposition of reserve walnuts; and moving provisions on transfer of excess credits to another section of the order;

(9) Deleting the provisions authorizing handlers to declare a specified quantity of walnuts for handling and satisfying the applicable surplus and assessment obligations;

(10) Making conforming changes in provisions on interhandler transfers;

(11) Revising provisions on the disposition of substandard walnuts, Board assistance in meeting reserve obligations, and exemptions;

(12) Revising provisions on Board expenses and handler assessments;

(13) Revising provisions on verification of reports; and

(14) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions—The following findings and conclusions on the material issues are based on the record of the hearing:

(1) The current "area of production", defined in § 984.4, covers the States of California, Oregon, and Washington. This area should be reduced to cover only the State of California.

The current order became effective in 1948. During the first five years under the order, commercial walnut production in Oregon and Washington averaged 16.2 million pounds, and in California the average was 137.6 million pounds. Over the years, as commercial production in California steadily increased, the production in Oregon and Washington steadily declined. The 1975 commercial production in California totaled a record 393.4 million pounds. However, in Oregon and Washington, it was only 1.7 million pounds, or less than 0.5 percent of the total United States commercial production (California, Oregon, and Washington) of 395.1 million pounds. Production of walnuts in Washington has been so insignificant in recent years that the U.S. Department of Agriculture has not published any data on it.

The increase in California commercial walnut production is mainly due to the development of higher-yielding varieties, additional acreage, and more efficient cultural practices. In Oregon and Washington, prevailing bad weather during the harvest season and natural climatic conditions causing Oregon and Washington production to be at least one month later for market than California production have discouraged development of new varieties, and encouraged the steady decline in production. This decline is expected to continue. Hence, any sudden upsurge in walnut production in Oregon and Washington after their removal from the production area is not anticipated.

Without adequate supplies to market, the number of handlers in Oregon and Washington has also substantially declined. All but one of the inshell packing facilities have gone out of business. Testimony revealed that only three shelling facilities are still handling walnuts, but as production continues its decline these three may also go out of business.

About 50 percent of the small volume of walnuts produced in Oregon and Washington is generally sold in local and direct consumer markets. Should any of these walnuts be sold outside of Oregon and Washington, they are not expected to affect the marketing of California walnuts. Therefore, the failure to control the marketing of Oregon and Washington walnuts will not interfere with the marketing of California walnuts.

Occasionally, some orchard-run walnuts from Northern California have been trucked to handlers in Oregon for processing, packing, and marketing. Currently, this movement is not handling and is free from order obligations (inspection, volume and assessment). However, the recommended exclusion of Oregon and Washington from the production area covered by the order would make such a movement an act of handling. Thereafter, anyone shipping walnuts from California to Oregon or Washington would be subject to the order obligations before the walnuts left California. No compliance problems are foreseen if this movement continues.

In as much as California is now the only significant commercial walnut producer in the United States, no practical purpose, including compliance with marketing program provisions, would be served by keeping Oregon and Washington in the area of production. Moreover, the recommended reduction in area would limit application of the program to the smallest regional production area practicable, consistent with carrying out the declared policy of the act.

Certain provisions in the order which make reference to the States of Oregon and Washington and nonvoting delegate representation from these two states on the Walnut Marketing Board (the administrative agency of the order) should be deleted to reflect the recommended exclusion of Oregon and Washington from the area of production.

The definitions of the terms walnuts (§ 984.8), and part and subpart (§ 984.-31), make reference to walnuts grown in the States of Oregon and Washington. Since it is recommended that Oregon and Washington be removed from the production area, the references to Oregon and Washington in both of these definitions are not needed, and therefore should be deleted.

Section 984.35(a) (5) and (6) provide grower representation on the Board for growers from two grower districts. Group (5) includes growers in District 1 marketing through independent handlers in California and those who market through independent or cooperative handlers in Oregon and Washington. District 1 is made up of the States of Oregon and Washington and the walnut producing counties in the State of California, that lie north of a line drawn on the south boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties. Group (6) includes growers in District 2 who market their walnuts through independent handlers. District 2 is made up of all of the walnut producing counties in California south of that boundary line. Section 984.35(a) (7) provides representation on the Board for Oregon and Washington handlers by a nonvoting delegate. Since Oregon and Washington are recommended to be removed from the production area and coverage under the marketing order programs, growers and handlers from these two states should not be afforded representation on the Board. Thus, the representation afforded Oregon and Washington growers and handlers from Groups (5) and (7) respectively, should be deleted to reflect the recommended change in production area. Also, in connection with the recommended change in production area, the States of Oregon and Washington should be removed from District 1. Continuing grower districts (1) and (2) would facilitate nominations of the two grower members from Groups (5) and (6) by giving growers in the southern and northern portions of California a better opportunity to be represented on the Board. These districts are relatively equal with respect to walnut acreage and production and divided along established boundary lines. The reference to voting members in § 984.35 (b) should be deleted since California would be the only state included in the production area and all members on the Board would be voting members.

Any reference to nonvoting delegates or voting members in §§ 984.36 (Term of office), 984.37 (Nominations), 984.38 (Eligibility), 984.39 (Qualify by acceptance), 984.40 (Alternate), 984.41 (Vacancy), 984.42 (Expenses) and 984.84 (Personal liability) should be deleted to reflect the reduced production area. Section 984.40(b) also provides that cooperative grower and handler groups from the same state shall be considered as the same group when a temporary substitution of a member is necessary. The words "from the same state" are no longer needed because of the recommended reduction in the production area and they should be deleted from the last sentence.

Sections 984.48 and 984.49 provide for the recommendation and establishment of volume regulation for Oregon and Washington. The recommended reduction in the production area makes the inclusion of these two states unnecessary and they should be deleted.

A report of shipments between the States of California, Oregon, and Washington is required pursuant to § 984.74. The recommended reduction of the production area would make this report unnecessary and therefore § 984.74 should be deleted from the order.

Section 984.89(b) (3) specifies the producer majority required in a termination referendum. Since Oregon and Washington would be removed from the area of production, the inclusion of these two states is unnecessary and they should be deleted from § 984.89(b) (3).

(2) The exception in the definition of the term "To handle" in § 984.13 should be revised to read: "Except, that the term 'to handle' shall not include sales and deliveries within the area of production by growers to handlers." The exception in current definition provides that the disposition of surplus or substandard walnuts is not an act of handling. Consequently, such walnuts are not used in calculating a handler's base under the volume regulation or in his assessment requirements. It was proposed in the notice of hearing that this part of the exception in the current definition should be deleted since the basis for applying the volume regulations and assessment obligations would be changed. Therefore, for the reasons discussed in Material Issue (8) the purpose of the change would be to bring this definition into conformity with the change from a surplus concept to a reserve concept. In making such a change, any walnuts certified as merchantable and disposed of

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as reserve walnuts would be considered an act of handling. Consequently, reserve walnuts (currently surplus walnuts) that are certified as merchantable would be included as a part of the new volume regulation base. As further discussed in Material Issue (3) the basis of these program requirements is recommended to be changed to the quantity of walnuts certified as merchantable. The exclusion of substandard walnuts from the definition is necessary since the disposition of such walnuts is to be covered in another section of the order.

Section 984.26 defines the term "surplus walnuts" to mean walnuts which are held to meet a surplus obligation. The term "hold" is defined in § 984.33 to specify the conditions of holding walnuts to meet a surplus obligation. A later recommendation, discussed in Material Issue (4) would amend the order to recognize a different supply and export situation by changing from a surplus concept to a reserve concept. Hence, the word, "reserve" should be substituted for "surplus" wherever it apears in these two sections to reflect this change. Also, the definition of the term "hold" should be revised to make it clear that handlers would be required to hold certified merchantable walnuts to meet a reserve obligation under the proosed change of the order.

Current § 984.32 defines the term "withholding factor" as the quotient, expressed as a percentage rounded to the nearest one-tenth, resulting from dividing the surplus percentage by the free percentage established by the Secretary pursuant to § 984.49. The factor has been used by handlers to determine their surplus obligations in years of volume control by applying the factor to the weight of walnuts handled or declared for handling. The recommendation to change the basis for order obligations from the volume of walnuts handled or declared for handling to merchantable certifications and the change in the method of computing such obligations makes the use of this factor unnecessary. Hence, the term "withholding factor", in § 984.32 and the authority for its establishment in § 984.40(b) should be deleted.

In the notice of hearing, it was proposed that the term "certified" be defined to mean the issuance of a certification of inspection of walnuts by the Inspection service. However, to make the definition more grammatically correct and to clarify its intent, the term "To certify" should be used. The term "To certify" should be defined to make its meaning clearly apparent. The term "certified" is used in §§ 984.35, 984.37, 984.51, 984.54, and 984.69 (recommended to be revised) of the order, dealing with Board representation, nominations, inspection and certification of inshell and shelled walnuts, establishment of obligation and program assessments, repectively.

(3) The notice of hearing contained a proposal to revise provisions regarding the method of voting handler membership to the Walnut Marketing Board to give the second largest cooperative in California one of the two cooperative handler positions on the Board. The proposal further provided that the second largest cooperative qualify for this position by handling at least five percent of the preceding year's crop.

The order currently provides cooperative handlers and their growers two handler members and alternate members, and two grower members and alternate members on the Board. It also provides for a grower member and an alternate member to represent either independent growers or cooperative growers depending upon the quantity of walnuts handled by the independent or cooperative handlers in the State of California during a specified period. Cooperative growers currently qualify for this position on the Board. Consequently, the cooperative handlers and their growers are represented on the Board by a total of three grower members and alternate members and two handler members and members.

The current provisions for nominating persons to fill these five positions provide for weighting the vote of each cooperative handler in California by the kernelweight of merchantable walnuts which it handled (recommended to be changed to the kernelweight of walnuts certified as merchantable) during the marketing year preceding the year in which Board nominations are held. Therefore, the cooperative handling the largest share of the California crop can nominate persons to fill the five positions which the cooperative handlers and their growers are currently entitled.

The record evidence revealed that the larger of the two walnut marketing cooperatives in California handled about 54 percent of the total California walnut crop for the past ten marketing years. Hence, these handlings are about eleven times larger than the qualification percentage of the proposal. Moreover, these handlings indicate that the larger cooperative which is made up of a large number of growers, has substantial experience in handling and marketing walnuts.

The proponent (the smaller of the two cooperatives) of the modified provisions contended that since a larger portion of its shipments are to foreign countries, that any Board decision arrived at during a meeting on limiting exports of reserve walnuts should not be made without its views.

All Board meetings are open meetings and any person is allowed to attend and express their views on matters discussed. Hence, no person including the proponent, is precluded from making its views known to the Board. All such views are considered by the Board.

The proponent also contended that its proposal would make the cooperative nomination provisions consistent with those for nominating independent handlers to serve on the Board. Currently, each independent handler in California votes for two independent nominees to fill the two positions allocated to such handlers on the Board. However, no independent handler may have more than one representative on the Board.

There are about 30 independent handlers in California representing about 40 percent of the California walnut crop. Several of these handle more walnuts than the proponent and yet they are not assured individual representation on the Board under the current order or under the order as recommended to be amended. Hence, it would not be equitable to these handlers if the proponent is allowed representation on the Board.

Since all of the Board meetings are open meetings and the larger cooperative handles the much larger portion of the total crop as aforementioned, and since individual independent handlers in the industry are not assured representation on the Board, the current handler nomination provisions in this respect should not be changed. Therefore, the proposal is not adopted.

(4) In the early years of the program the export market was virtually nonexistent. However, the necessity to find a good secondary market for rapidly increasing domestic walnut production, caused the industry to develop this market in recent years to such an extent that a large volume of walnuts has been exported to foreign countries. There appears to be a reasonable prospect that the export market will continue to take an increasing amount of domestic walnut production. It is estimated that exports of inshell walnuts for the 1975–76 marketing year will exceed 70 million pounds, and shelled exports will exceed 4 million pounds. If these volumes are exported, total industry exports would climb to an all time record high.

Therefore, the export market should be considered an important secondary market; a reserve market meriting an effort to stabilize supplies destined to such outlet. Hence, the portion of the domestic walnut production excluded from the domestic market (United States, Puerto Rico, and the Canal Zone) and earmarked for export or noncompetitive outlets should be referred to as the reserve. The method of control and disposition of the reserve is discussed in Material Issue (8).

The order should be changed to recognize the changed supply and export situation by changing from a surplus to a reserve concept. Hence, the entire order should reflect this change by substituting the word "reserve" for "surplus" throughout the order. Also, the heading preceding § 984.54 should be changed from "Surplus Walnuts" to "Reserve Walnuts" to further reflect this change.

Currently the order provides a method for limiting the quantity of walnuts that can be marketed in domestic markets (United States, Puerto Rico, and the Canal Zone). These walnuts are referred to as free walnuts. The order also designates the portion of domestic production in excess of domestic needs as surplus and provides for its disposition in export and other noncompetitive outlets. The export market has become more important to the industry so it is now desirable

to add some stability to supplies of walnuts moving into this market.

The production of walnuts has increased rapidly in the last eight years from growth of established bearing trees and increased bearing acreage. This expansion is expected to continue from newly planted acreage. The average production for the four-year period 1967–1970 was 194.7 million pounds, and in the 1971–74 period it increased to 291.9 million pounds. It is projected that the production in 1980 could be as high as 586 million pounds.

The industry has had substantial success in expanding domestic markets to absorb some of the increased production. However, production continues to exceed domestic demand by a substantial amount. The industry also conducted considerable export development efforts which have partially offset increases in the quantities in excess of domestic needs. However, even with continued development efforts, supplies as large as those projected for 1980 may be too large to manage effectively without some type of export volume control. Another factor involved is that a significant portion of the industry's exports are to countries which are a part of the European Economic Community. Because a few of the European Economic Community countries are walnut producers, the industry is concerned that the European Economic Community may take action at some time to limit U.S. walnut exports into these countries.

Hence, supplies for export could be larger than needed and attempts to move excessive walnut supplies into that market could cause weak market conditions including depressed prices. Therefore, § 984.48 should be revised to give the Board authority to recommend the percentage of reserve walnuts that may be exported pursuant to § 984.56, when it determines that the quantity of reserve walnuts that may be exported should be limited. Whenever the Board recommends an export percentage pursuant to § 984.48(a)(7), the Secretary should establish a percentage if he finds it would tend to effectuate the declared policy of the act. The establishment of an export percentage pursuant to revised § 984.49 would keep the reserve walnuts in excess of those needed for export out of the export market. To do so would permit orderly marketing of adequate supplies at stable prices. The expected increase in walnut production may result in excess supplies which should be disposed of in outlets noncompetitive with developed domestic and export markets for merchantable walnuts. Maintaining adequate supplies and stable prices would contribute toward the protection of the domestic and export markets and the protection of grower returns.

However, it should be provided that walnuts withheld from export could be later released during the marketing year at any time prior to July 1, as they may be needed to meet unanticipated export demand. Thus, provision should be made for increasing the export percentage to release additional reserve walnuts to meet export demand if the need arises. Therefore, revised § 984.49 should specify that any time prior to July 1, the Board may recommend an increase in the export percentage, if it finds that there is an insufficient volume of reserve walnuts available for export and additionl demand exists, which would not adversely affect the disposition of the oncoming crop. Upon the basis of the Board's recommendation, or other information, the Secretary could then modify the percentage.

Between the effective period of the initial export percentage and July 1, information will normally become available to permit improved estimates of supplies and export requirements prior to the new crop. A Board recommendation to release additional reserve walnuts to export should not be delayed beyond the time when the reserve walnuts are needed for export since it is necessary to satisfy export demand while it exists. Thus, providing such authority would conform with the desirable objective of keeping the export market adequately supplied, but not oversupplied.

Once the initial export percentage of reserve walnuts of a marketing year is established, it should not be decreased because a handler may have already committed all of his reserve walnuts previously authorized for export or more reserve walnuts than provided by the reduced export percentage. Similarly, if the free percentage is increased on or prior to February 15 pursuant to revised § 984.49, the export percentage should also be increased, so that the quantity of reserve authorized for export would not be reduced by the export percentage.

The proposed revision of the first sentence in § 984.49(a) in the notice of hearing provided that "Whenever the Secretary finds, on the basis of the Board's recommendations or other information, that limiting the quantity of walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for California a free percentage to prescribe the portion of such walnuts which may be handled in normal markets, and a reserve percentage to prescribe the portion that must be withheld from such handling, and similarly for Oregon and Washington except that the reserve percentage shall be one-half that of California." At the hearing, the proponents supported substitution of the words "as free walnuts" for "normal markets" because the term "free walnuts" as defined in the order would be more specific. The record also supported deletion of the words "from such handling" immediately following the word "withheld", because the disposition of reserve walnuts would become an act of handling. It is also necessary to revise the sentence to recognize the recommended reduction in the area of production and to make it clear that the phrase "limiting the quantity of walnuts which may be handled" refers to the quantity of walnuts handled in domestic markets.

Hence, the first sentence should read: "Whenever the Secretary finds, on the basis of the Board's recommendations or other information, that limiting the quantity of walnuts which may be handled in domestic markets for merchantable free walnuts during a marketing year would tend to effectuate the declared policy of the Act, he shall establish a free percentage to prescribe the portion of such walnuts which may be handled as free walnuts, and a reserve percentage to prescribe the portion that must be withheld as reserve walnuts."

The final date for recommending an increase in the free precentage and a reduction in the reserve percentage should be February 15, rather than prior to February 15. This change would give the Board one more day to make such a recommendation. In a particular year, this extra day could be needed to prepare for and make such a recommendation.

In the notice of hearing, the proposed provisions of § 984.49(b)(2) stated that the revision of export percentage to release additional reserve walnuts for export should be permitted at any time during the marketing year. At the hearing, the proposal was modified to enable the Board to recommend a revision of the export percentage at any time prior to July 1. This proposal should be adopted.

Under normal rulemaking procedures, a minimum of three weeks will elapse between the time when the Board's recommendation is submitted to the Secretary for revision of the export percentage and the Department's action in establishing any revised percentage. Thus, if the Board's recommendation to increase the export percentage were made later than July 1, as proposed in the notice of hearing, the establishment of the revision would not occur until after July 31, the date when all reserve walnuts are proposed to be pooled by the Board. Hence, any recommended release of additional reserve walnuts into export markets after July 1 could not be made in time.

(5) The minimum grade and size regulations for the handling of inshell and shelled walnuts under the order are contained in § 984.50 (a) and (b), respectively. As discussed earlier, the recommended change in the definition of the term "To handle" would make the disposition of substandard walnuts an act of handling. Making such a change would require that substandard walnuts be subject to requirements of § 984.50 (a) and (b). However, substandard walnuts should not be covered under § 984.50 (a) and (b) because such walnuts, as defined in § 984.12 of the order, are walnuts of a quality below these minimum grade and size regulations. This change should be made by beginning the first sentences of paragraphs (a) and (b) with the words "Except as provided in § 984.64,".

Section 984.50(e) provides that the Board, with the approval of the Secretary, may specify the minimum kernel content and related requirements for

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any walnuts acceptable in satisfaction of a surplus obligation. This paragraph should be revised by changing the word "surplus" to "reserve" wherever it appears in this paragraph. This revision would bring this paragraph into conformity with the recommended change in the order of changing from a surplus concept to a reserve concept. It should also be revised by replacing the words "in satisfaction of" with the words "for disposition for credit against". Under the recommended amendment of the order, handlers would be required to hold certified merchantable walnuts to meet a reserve obligation. However, lots of walnuts meeting the minimum requirements for reserve in § 984.50(e) would be acceptable for disposition for credit against a reserve obligation and such disposition would be a permissible reduction in the quantity of reserve walnuts a handler would be required to hold. The paragraph heading "Minimum requirements for surplus" was not included in the notice of hearing. This paragraph heading should be included but with the word "surplus" changed to "reserve" as a conforming change.

(6) In the notice of hearing, the proposed revision of § 984.51(a) required inspection and certification before or upon the handling of any walnuts or the disposition of any reserve walnuts. However, the record evidence revealed that under the order as recommended to be amended, all walnut sales, shipments, or dispositions by handlers are to be considered acts of handling and a distinction between handling and disposition of reserve is not needed. Also, only walnuts for use as free or reserve walnuts, including substandard walnuts which are offered as credit against a handler's reserve obligation, should be inspected and certified. Therefore, the proposed revision of the first sentence of paragraph (a) should be changed to provide that "Before or upon handling of any walnuts for use as free or reserve walnuts, each handler at his own expense shall cause such walnuts to be inspected to determine whether they meet the then applicable grade and size regulations." The revision of this paragraph would further bring the order into conformity with the recomended change from a surplus concept to a reserve concept. Revision is also necessary to conform with the change in the basis of a reserve obligation from handlings or declarations for handling to merchantable certifications which is discussed in Material Issue (8).

The proposed revision of the last sentence of paragraph (a) in the notice of hearing provided that the Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part. The evidence of record indicates that this should be done through rulemaking.

Paragraph (b) of § 984.51 should be revised to provide that inshell merchantable walnuts certified shall be converted to the kernelweight equivalent at 45 percent of their inshell weight. To recognize changes which may occur from time to time, such as the introduction of new varieties, the authority for the Board, with the approval of the Secretary, to change this conversion percentage should be continued in effect.

Paragraph (c) of § 984.51 should be revised to provide that upon inspection, all walnuts for use as free and reserve walnuts shall be identified by tags, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or of a designated inspector, and such identification shall not be altered or removed except as directed by the Board. The proposal as published in the notice of hearing required all walnuts to be identified in such manner. However, the hearing evidence indicated that only free and reserve walnuts including substandard walnuts which are to be used for reserve credit needed to be identified in this manner. Identification of these walnuts is necessary for the Board to determine compliance with the quality, size, minimum kernel content requirements and volume regulations of the program.

The assessment requirements in § 984.69, as well as the holding requirements in § 984.54(b) should be incurred at the time walnuts are certified as merchantable. However, if a handler who had inshell walnuts certified as merchantable and for some reason subsequently decided to shell the lot, he should notify the Board of his intention to shell the lot, have the certification for the lot of inshell walnuts cancelled by the Board and his reserve and assessment obligations adjusted accordingly. After the walnuts were shelled, the handler would be required to have a new inspection and his reserve and assessment obligations recomputed on the basis of the kernelweight of shelled walnuts certified as merchantable.

The record evidence indicated that the grade and size regulations for walnuts moving into domestic and export markets should be the same to prevent inequities in applying any established volume regualtion.

(7) Section 984.35(a)(4) currently provides for a grower member and an alternate member to represent either independent growers or cooperative growers depending upon the volume of walnuts handled by the independent or cooperative handlers in California during a specified period. Section 984.37 (a) and (c) provide for the votes for each position on the Board of cooperative growers, and independent and cooperative handlers to be weighted by the quantity of the kernelweight of the merchantable walnuts handled during a specified period. These representation and nomination provisions should be changed to provide for weighting the vote of each of these groups, by the kernelweight of the walnuts certified as merchantable so that these provisions conform to the recommended change in the volume and assessment obligation base.

Section 984.37(g) provides a transition from the membership of the Walnut Control Board to the membership of the Walnut Marketing Board. This paragraph is obsolete and should be deleted.

(8) Section 984.54 should be revised to provide that whenever free and reserve percentages are in effect for a marketing year, each handler shall withhold a kernelweight of walnuts equal to the application of the reserve percentage to the kernelweight of merchantable walnuts certified. The kernelweight of certified merchantable walnuts handlers are required to withhold shall be designated as the "reserve obligation". Walnuts handled as free walnuts by any handler in accordance with the requirements of Part 984 shall be deemed to be that handler's quota fixed by the Secretary within the meaning of Section 8(a)(5) of the act.

The revision would change the basis of a handler's reserve obligation from the kernelweight of walnuts handled or declared for handling to the kernelweight of walnuts certified as merchantable. Also, the quantity of walnuts required to be withheld would be computed by applying the reserve percentage to the kernelweight of walnuts certified as merchantable rather than by dividing the surplus of percentage by the free percentage and applying the resultant withholding factor rounded to the nearest one-tenth of one percent, to the kernelweight of walnuts handled or declared for handling. These two changes should be made for the following reasons.

Handlers generally obtain inspection and certification of large lots of walnuts to have them available for later shipment in smaller quantities with a minimum of delay. Under the current provisions, a handler's surplus obligation is not known to him until he handles these walnuts or declares them for handling and it sometimes happens that a great deal of time elapses between inspection and certification, and handling. It is desirable that a handler know his reserve obligation sooner, namely at the time his walnuts are certified as merchantable, so that he can better plan his operations under any established volume regulation. Furthermore, the expansion of export markets and the likelihood of their continued growth are expected to cause some handlers to begin concentrating solely on exporting walnuts.

Under the current provisions of the order, such exported walnuts are free of surplus obligations as well as assessment obligations if the disposition credits are transferred to another handler with a withholding obligation because the disposition of surplus walnuts is not handling and not a part of the withholding obligation base. However, walnuts moving to export pursuant to this proposed provision and other provisions of the order would be regulated by these provisions since walnuts exported would be required to be certified as merchantable quality. As such, the handlers of these walnuts would be required to meet reserve obligations as well as assessment obligations established during a marketing year on these walnuts. Furthermore, in years when the percentage of reserve

walnuts for export is established all handlers would contribute pro rata to the pool established to divert walnuts from the domestic markets for merchantable free walnuts and export markets, and greater uniformity would be achieved in applying this volume regulation. More importantly, any percentage limitation on exports of reserve walnuts would prevent overloading the export market with excess supplies. The change in the basis of program assessments is discussed later in Material Issue (12).

Section 984.54(b) currently requires that each handler shall at all times hold in his possession or under his control in proper storage the quantity of walnuts necessary to meet his surplus obligation. Section 984.54(b) should be changed to provide that each handler shall, at all times, hold in his possession or under his control in proper storage the kernelweight of certified merchantable walnuts necessary to meet his reserve obligation. Requiring handlers to meet their holding requirements at the time of certification with certified merchantable walnuts will facilitate compliance because a handler's obligation can be determined as soon as the inspection is complete and the certification made available to the Board, shortly after inspection.

For the purposes of reserve management and handler compliance, § 984.54 should set forth the permissible reductions in the quantity of reserve walnuts a handler is required to hold. A handler's holding requirement should be reduced by any quantity disposed of by him in eligible reserve markets pursuant to § 984.56 and by any quantity for which he is otherwise relieved by the Board to so hold. For instance, the Board may relieve a handler from the holding requirements when he obtains credits for disposition in excess of a reserve obligation from another handler, when a handler delivers walnuts to the Board for disposition in reserve markets and crediting against his reserve obligation, or loss of reserve walnuts through conditions beyond the handler's control, such as through fire, flood, or earthquake.

Section 984.56 should specify the conditions governing the disposition of reserve walnuts. It should specifically provide that the Board has power and authority to sell or dispose of any and all reserve walnuts withheld upon the best terms and at the highest return obtainable consistent with the ultimate complete disposition of reserve. The Board may authorize disposition to government agencies, or export the quantity of reserve walnuts permitted to be exported by the export percentage established pursuant to § 984.49(b) to destinations outside the United States, Puerto Rico, and the Canal Zone. Reserve walnuts may be exported through handlers acting as agents of the Board under the terms and conditions specified by the Board.

Provisions should be included in § 984.56 specifically authorizing handlers to deliver walnuts to the Board for pooling at any time during the marketing year (August 1–July 31). Currently, the Board cannot accept delivery of surplus walnuts for pooling and disposition prior to making a determination, on or before December 15 of any marketing year, of the percentage of a handler's surplus obligation acceptable for pooling and disposition prior to February 15 of such year. This determination is no longer needed. Currently substandard walnuts which are of low quality, constituting a sanitation problem on the handler's premises, are delivered for pooling prior to February 15 of the marketing year. Since such lots of walnuts cannot be sold during the marketing year in commercial markets for merchantable walnuts without costly reconditioning, accepting such walnuts for pooling in excess of a handler's accrued reserve obligation on or prior to February 15 should cause no inequities to handlers even in years when initial volume percentages are revised to make more walnuts available to domestic markets for merchantable free walnuts. Currently, any surplus remaining unsold as of August 31, or for which a handler is not relieved by the Board of responsibility to hold, must be pooled and disposed of by the Board as soon as practicable through the most readily available surplus outlets. The record evidence indicates the pooling date should be changed to July 31. That is, any reserve walnuts that the handler as agent of the Board has not disposed of during the marketing year should be delivered to the Board for pooling on demand pursuant to § 984.56 (c). The quantity of reserve walnuts pooled would include the reserve walnuts in excess of those needed for export.

The evidence of record indicated that reserve walnuts not authorized for export should be available to supply export markets during the early part of the following marketing year if prospective market conditions indicate that additional walnuts would be needed. However, the requirement to pool reserve walnuts after July 31, the end of the marketing year, would prevent handler's from using such walnuts for this purpose. Therefore, the request is denied for this reason. The Board should be authorized to rent and operate or arrange for the use of facilities for storage and disposition of reserve walnuts delivered to it.

The proposed revision of § 984.56 in the notice of hearing omitted authority to permit handlers to act as agents of the Board to sell reserve walnuts to government agencies, charitable institutions, and other noncompetitive outlets, or make donations to such outlets as agents of the Board. However, the record indicates that the authority for handlers to sell reserve walnuts to government agencies as agents of the Board should remain in effect to facilitate government surplus removal purchases. Thus, § 984.56 should provide that the Board may dispose of reserve walnuts through handlers acting as agents of the Board under the terms and conditions specified by the Board. This will retain much of the flexibility given the Board in selling or disposing of reserve walnuts contained in the current § 984.56.

The record further indicates that authority to dispose of reserve walnuts in any new market(s) should be included in the administrative rules and regulations. Hence, any new market(s) would be specifically described in such rules and the reference to normal markets should be changed to markets noncompetitive with markets for merchantable free walnuts. Hence, the last sentence of paragraph (c) in the notice of hearing should be revised to read: "The Board shall dispose of these walnuts for use in the following outlets: Government agencies, charitable institutions, poultry or animal feed, walnut oil or other markets noncompetitive with markets for merchantable free walnuts."

The kernelweight of any walnuts disposed of in accordance with § 984.56 should be credited against the handler's reserve obligation. The proposal in the notice of hearing provided that at any time up to September 15 of the following marketing year, upon a handler's written request, the Board should transfer a part or all of the handler's disposition credit in excess of his reserve obligation to any handler he designates. However, the earlier proposal requiring the pooling of any undisposed reserve walnuts on demand after July 31 would make it impossible to transfer as late as September 15. Hence, this provision should be changed to limit such transfers to any time during the marketing year. This provision replaces similar provisions currently specified in § 984.58, and transferring it to § 984.56 improves order organization. Hence, § 984.58 should be deleted.

The proceeds remaining after the payment of all expenses required by the Board in receiving, holding, and disposing of pooled walnuts should be distributed pro rata by the Board to each handler in proportion to his contribution thereto, measured in kernelweight, or such other basis as the Board may adopt with the approval of the Secretary. Under the current order, the Board has disposed of all pooled walnuts in oil and feed outlets where the quality of walnuts makes little difference in the sales price. However, with larger production expected from established bearing trees and newly planted acreage, it is probable that walnuts of a quality better than substandard walnuts may be pooled and sold in outlets which pay a higher price than oil and feed outlets. For instance, some pooled walnuts may be sold in export or newly developed noncompetitive markets at much higher prices than returns from oil and feed outlets. Under such conditions, it would be desirable to treat each quality category of walnuts as a separate pool, charge each pool the applicable expense incurred by the Board in receiving, holding, and disposing of pooled walnuts, and distribute the remaining proceeds to the respective handlers whose walnuts were sold from each pool. Hence, different methods of distributing the remaining proceeds may be needed to assure equity.

Moreover, § 984.56 should also provide authority for the Board, with the appro-

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val of the Secretary, to recommend necessary rules and regulations to carry-out the provisions of the section. The recommended provisions are designed to meet current needs, but changes in the industry, impossible to anticipate such as the development of new marketing opportunities, may necessitate a revision of these provisions. Currently, § 984.56 contains provisions authorizing handlers as agents of the Board to donate surplus walnuts to charitable institutions and noncompetitive outlets; specifying the dates by a handler as agent of the Board must file his intention to dispose of and ship surplus walnuts; providing that surplus disposition shall be made with safeguards to prevent them from entering normal markets and specifying that the Board shall not demand delivery of surplus walnuts which a handler has agreed to undertake disposition under the Board's authority, indicating where and how delivery of pooled surplus walnuts is to be made. Obviously, the matters covered by these provisions are very complex and changes brought about by revision of § 984.56 venture into new areas which make it impossible to determine at this time what problems and situations may arise as a result of this revision. The evidence of record indicates that the aforementioned provisions should be handled through rulemaking. Hence, they should be deleted from the order, and in the interest of flexibility, placed in the rules and regulations.

(9) Section 984.57, "Declaration privilege", currently provides handlers with an option as to whether or not walnuts being carried into the next marketing year should be subject to the volume and assessment regulations of the current marketing year or the next marketing year. As discussed earlier under Material Issue (6), reserve and assessment obligations would be incurred at the time walnuts are certified as merchantable. Thus, a handler who desired carryover walnuts to be subject to the requirements of the then current marketing year merely has to grade them and arrange to have them inspected and certified as merchantable. If he does not want the obligations of the then current marketing year to apply, he could defer having the walnuts inspected until the next marketing year. Hence, the order, as recommended to be amended, provides handlers the same option as currently provided by § 984.57. Thus, § 984.57 should be deleted.

(10) In view of the recommended change in the order from a surplus concept to reserve concept, it is necessary to make conforming changes in the interhandler provisions in § 984.59. In paragraph (b) the word "surplus" should be changed to "reserve" wherever it appears. The proposed revision in § 984.59 in the notice of hearing removed the authority of the Board, with the approval of the Secretary, to establish methods and procedures for interhandler transfers. The record discloses that this flexibility is necessary for proper administration of the interhandler transfer provisions and that the authority should be retained in paragraph (b). The proponents also proposed that it should be made clear that the buyer assumes any outstanding assessment and reserve obligations, and inspection requirements with respect to walnuts transferred. The evidence of record indicates that this proposal should be adopted.

(11) Section 984.64, "Disposition of substandard walnuts", should be revised to provide that substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Board determines to be noncompetitive with existing domestic and export markets for merchantable walnuts. It should also require that such disposition be made with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in existing domestic markets for merchantable free walnuts and export markets. Whenever free and reserve percentages are in effect, any walnuts meeting the minimum kernel content requirements effective pursuant to § 984.50(e), may be pooled and the disposition credited to the handler's reserve obligation pursuant to § 984.56. The authority for this practice has been implicit in the order since the inception of overall volume regulation in 1954 on inshell and shelled walnuts. The authority should be expressly stated in § 984.64. Furthermore, the provisions currently in § 984.75 on reports of disposition of substandard walnuts should be placed in revised § 984.64 to improve order organization. Hence, Section 984.75, "Reports of disposition of substandard walnuts" is no longer needed under the order as recommended for amendment and should be deleted.

In the notice of hearing, the proposal to revise § 984.64 contained the term "normal markets". The hearing record discloses that this term refers to existing domestic markets and export markets for merchantable walnuts and that these more specific terms should be used in place of "normal markets".

Current § 984.66, "Assistance of Board in meeting surplus obligation", should be retitled "Assistance of Board in meeting reserve obligation" and the word "surplus" should be changed to "reserve" wherever it appears in this section to reflect the recommended change in the order from a surplus concept to reserve concept.

The word "surplus" should be changed to "reserve" wherever it appears in § 984.67, "Exemptions". This is to bring this section into conformity with the change in the order from a surplus concept to a reserve concept.

(12) Section 984.68 requires the Board to file a proposed budget of total expenses and rates of assessment with the Secretary as soon as practicable after the beginning of each marketing year.

Currently, § 984.68 provides that the budget be allocated between inshell and shelled walnuts handled or declared for handling on the basis of estimated costs of the respective operations. Such apportionment was necessary as a basis for establishing assessment rates pursuant to § 984.69, levied on inshell walnuts handled or declared for handling and shelled walnuts handled or declared for handling, respectively. At one time only inshell walnuts were regulated under the order. After 1954, when authority for regulating shelled walnuts was added to the order there were two distinct operations carried out under one marketing program. Volume regulation now applies equally to both inshell and shelled walnuts. Hence, there is no reason to continue the apportionment between inshell and shelled operations in § 984.68, or the establishment of separate assessment rates for inshell and shelled walnuts required in current § 984.69.

The provisions of program assessments in § 984.69 should also be revised to change the basis for determination of the burden of expenses by handlers. Currently, the basis is the quantity of inshell and shelled walnuts handled or declared for handling. This basis should be changed to the kernelweight of certified merchantable inshell or shelled walnuts handled. This change is necessary to conform the basis for program assessments to the basis for volume regulation. The new basis will provide a practical and realistic method of computing handlers' pro rata shares of expenses in operating the program. For practical administration, the assessment obligation should accrue at the time that walnuts are certified as merchantable and the weight of inshell walnuts certified as merchantable should be converted to the kernelweight equivalent at the conversion percentage established pursuant to § 984.51(b).

(13) The provisions of § 984.77, "Verification of reports", should be revised to more accurately reflect their purpose of authorizing the check and verification of reports filed by handlers, or the operations of handlers. At the hearing, the proponents proposed several changes in the proposed revision contained in the notice of hearing. The proposed revision in the notice of hearing gave the Board access to any handler's premises wherein walnuts may be held by such handler. However, it was brought out at the hearing that if a handler maintained his records at a premise different from where the walnuts were held, these records would not be covered under this provision and the Board could be denied access to them. Since all records are needed for verifying and checking reports filed by handlers or the operations of handlers, the proponents proposed that the provisions be revised so that the Board would have access to any premises where walnuts or records pertaining to walnuts are held. This proposal should be adopted, in accordance with the record evidence.

Proponents also proposed that the provisions be brought into conformity with § 984.80 which directs a handler to maintain books and records of walnuts received, held, and disposed of by him, and expressly states the right of the Secretary to verify such handler records. This should be adopted particularly since the proposed revision of § 984.77 did not provide for reports of handler receipts or expressly state the rights of the Secretary. Also, the proponents proposed that the Board, with the approval of the Secretary, be authorized to establish methods or procedures for verification of reports. For instance, if a handler refuses authorized representatives of the Secretary access to his wanuts or records, the Board could disallow the handler credit against his reserve obligation until he allowed authorized representatives access to his records or walnuts.

In the notice of hearing, the last two sentences of current §984.77 were omitted. The proponents proposed that the two sentences be retained, with the exception of the words "restricted" and "surplus" in the last sentence which should be deleted since the word "restricted" is not used in the current order, and the word "surplus" would not be used in the order as recommended to be amended. Each of these proposals should be adopted for the reasons stated.

(14) Some of the amendatory actions herein cause the need to make certain conforming changes, as hereinafter set forth, in the provisions of the order so that the order as amended, will be in conformity with those actions. Such changes are discussed herein with the issues to which pertinent. All such changes should be incorporated herein.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed March 5, 1976, as the final date for interested person to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing.

One brief was filed on behalf of interested persons. This brief and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed.

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of walnuts grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby to be further amended, are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of walnuts grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of walnuts grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

RECOMMENDED AMENDMENT OF THE MARKETING AGREEMENT AND ORDER

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Revise § 984.4 to read:

§ 984.4 Area of production.

"Area of production" means the State of California.

2. Revise § 984.8 to read:

§ 984.8 Walnuts.

"Walnuts" means only walnuts of the "English" (Juglans regia) varieties grown in California.

§ 984.13 [Amended]

3. Amend § 984.13 by deleting "(a)" and the words, "or (b) the authorized disposition of surplus or substandard walnuts", in the exception.

§ 984.21 [Amended]

4. Amend § 984.21 by changing the word "surplus" to "reserve".

5. Revise § 984.26 to read:

§ 984.26 Reserve walnuts.

"Reserve walnuts" means those walnuts which are held to meet a reserve obligation.

6. Revise § 984.31 to read.

§ 984.31 Part and subpart.

"Part" means the order regulating the handling of walnuts grown in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California shall be a "subpart" of such part.

7. Revise § 984.32 to read:

§ 984.32 To certify.

"To certify" means the issuance of a certification of inspection of walnuts by the inspection service.

8. Revise § 984.33 to read:

§ 984.33 Hold.

"Hold" means to maintain possession or keep control of, in proper storage at all times, the kernelweight of certified merchantable walnuts necessary to meet a reserve obligation.

9. Revise § 984.35 to read:

§ 984.35 Walnut Marketing Board.

(a) A Walnut Marketing Board is hereby established consisting of 10 members selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member. The members and their alternates shall be selected by the Secretary from nominees submitted by each of the following groups or from other eligible persons belonging to such groups:

(1) Two members to represent cooperative handlers;

(2) Two members to represent independent handlers;

(3) Two members to represent growers who market their walnuts through cooperative handlers;

(4) One member to represent growers who market their walnuts through cooperative handlers or independent handlers, whichever category of such handlers had certified as merchantable more than 50 percent of the kernelweight of all walnuts certified as merchantable by all handlers during the two marketing years preceding the year in which nominations were made—the member representing growers who market their walnuts through independent handlers shall be nominated at large in the State of California;

(5) One member to represent growers from District 1 who market their walnuts through independent handlers; and

(6) One member to represent growers from District 2 who market their walnuts through independent handlers.

(b) The tenth member and alternate shall be selected after the selection of the nine members from the groups specified in paragraph (a) of this section and after the opportunity for such members to nominate the tenth member and alternate. The tenth member and his alternate shall be neither a walnut grower nor a handler.

(c) Grower Districts:

(1) *District 1.* District 1 encompasses the counties in the State of California that lie north of a line drawn on the south boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties.

(2) *District 2.* District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line set forth in subparagraph (1) of this paragraph.

(3) The Secretary on the basis of a recommendation of the Board or other

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information may establish different districts within the area of production.

§ 984.36 [Amended]

10. Amend § 984.36 by deleting the words "nonvoting delegate" immediately preceding the words "and their alternates".

§ 984.37 [Amended]

11. Amend § 984.37 as follows:

(a) In paragraph (a), revise the second sentence to read: The vote of each such handler shall be weighted by the kernelweight of the walnuts certified as merchantable during the preceding marketing year for each such handler.

(b) In the first sentence of paragraph (c), delete the words "and the nonvoting delegate" immediately after the words "Nominations for all handler members". Also, revise the second sentence to read as follows: "All handlers' votes shall be weighted by the kernelweight of walnuts certified as merchantable by each handler during the preceding marketing year".

(c) In paragraph (d) delete the word "voting" wherever it appears.

(d) Delete paragraph (g).

12. Revise § 984.38 to read:

§ 984.38 Eligibility.

No person shall be selected or continue to serve as a member or alternate to represent one of the groups specified in § 984.35(a) (1) through (6), unless he is engaged in the business he is to represent, or represents, either in his own behalf or as an officer or employee of the business unit engaged in such business. Also, each member or alternate member representing growers in District 1 or District 2 shall be a grower, or officer or employee of the group he is to represent.

§ 984.39 [Amended]

13. Amend § 984.39 by deleting the words, "nonvoting delegate," immediately after the words "Each person selected by the Secretary as a member" and change the word "practical" to "practicable".

14. Amend § 984.40 by revising paragraph (a) and by deleting the words "in the same state" immediately after the words "cooperative grower group" in the last sentence of paragraph (b). Revised paragraph (a) reads as follows:

§ 984.40 Alternate.

(a) An alternate for a member of the Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

* * * * *

§ 984.41 [Amended]

15. Amend § 984.41 by deleting the words, "nonvoting delegate", wherever they appear.

§ 984.42 [Amended]

16. Amend § 984.42 by deleting the words, "nonvoting delegate,".

17. Revise § 984.48(a)(6), renumber § 984.48(a)(7) and (8) as § 984.48(a)(8) and (9) respectively, and add a new subparagraph § 984.48(a)(7) to read:

§ 984.48 Marketing estimates and recommendations.

(a) * * *

(6) Its recommendation as to the free and reserve percentages to be established for walnuts;

(7) Its recommendation of the percentage of reserve walnuts that may be exported pursuant to § 984.56, when it determines that the quantity of reserve walnuts that may be exported should be limited;

* * * * *

18. Revise § 984.49 to read:

§ 984.49 Volume regulation.

(a) *Free, reserve, and export percentages.* Whenever the Secretary finds, on the basis of the Board's recommendation or other information, that limiting the quantity of walnuts that may be handled in domestic markets for merchantable free walnuts during a marketing year will tend to effectuate the declared policy of the act, he shall establish a free percentage to prescribe the portion of such walnuts which may be handled as free walnuts, and a reserve percentage to prescribe the portion that must be withheld as reserve walnuts. Whenever the Board recommends an export percentage pursuant to § 984.48(a)(7), the Secretary shall establish a percentage if he finds it would tend to effectuate the declared policy of the act.

(b) *Revision of percentages.* (1) On or before February 15 of the marketing year, the Board may recommend that the free percentage be increased and the reserve percentage be decreased. On the basis of the Board's recommendation or other information the Secretary may establish such revisions. If the reserve percentage is reduced when an export percentage is in effect, an increase shall be made in the export percentage so that the quantity previously authorized for export will not be reduced. If the revised reserve quantity is less than the quantity previously authorized for export the export percentage shall be 100 percent. Upon revision, all reserve obligations that are theretofore accrued on merchantable walnuts certified during such year on the basis of the previously effective percentages shall be adjusted accordingly.

(2) Any time prior to July 1, the Board may recommend an increase in the export percentage, if it finds that there is an insufficient volume of reserve walnuts available for export and additional demand exists, which would not adversely affect the disposition of the oncoming crop. On the basis of the Board's recommendation or other information, the Secretary may establish such revision.

19. Revise § 984.50 (a), (b), and (e) to read:

§ 984.50 Grade and size regulations.

(a) *Minimum standard for inshell walnuts.* Except as provided in § 984.64, no handler shall handle inshell walnuts unless such walnuts are equal to or better than the requirements of U.S. No. 2 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

(b) *Minimum standard for shelled walnuts.* Except as provided in § 984.64, no handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U.S. Commercial grade as defined in the then effective United States Standards for Shelled Walnuts (Juglans regia) and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening 6/64 inch in diameter. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

* * * * *

(e) *Minimum requirements for reserve.* The Board, with the approval of the Secretary, may specify the minimum kernel content and related requirements for any lot of walnuts acceptable for disposition for credit against a reserve obligation: *Provided,* That reserve walnuts exported must meet the requirements of paragraph (a) of this section if inshell, or paragraph (b) of this section if shelled.

20. Revise § 984.51 (a), (b), and (c) to read:

§ 984.51 Inspection and certification of inshell and shelled walnuts.

(a) Before or upon handling of any walnuts for use as free or reserve walnuts, each handler at his own expense shall cause such walnuts to be inspected to determine whether they meet the then applicable grade and size regulations. Such inspection shall be performed by the inspection service designated by the Board with the approval of the Secretary. Handlers shall obtain a certificate for each inspection and cause a copy of each certificate issued by the inspection service to be furnished to the Board. Each certificate shall show the identity of the handler, quantity of walnuts, the date of inspection, and for inshell walnuts the grate and size of such walnuts as set forth in the United States Standards for Walnuts (Juglans regia) in the Shell. Certificates covering reserve shelled walnuts for export shall also show the grade, size, and color of such walnuts as set forth in the United States Standards for Shelled Walnuts (Juglans regia). The Board, with the approval of the Secretary, may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part.

(b) Inshell merchantable walnuts certified shall be converted to the kernelweight equivalent at 45 percent of their inshell weight. This conversion percentage may be changed by the Board with the approval of the Secretary.

(c) Upon inspection, all walnuts for use as free or reserve walnuts shall be identified by tags, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or of a designated inspector and such identification shall not be altered or removed except as directed by the Board. The assessment requirements in § 984.69 shall be incurred at the time of certification.

* * * * *

21. Revise the center heading preceding § 984.54 to read "Reserve Walnuts", and revise § 984.54 to read:

RESERVE WALNUTS

§ 984.54 Establishment of obligation.

(a) *Reserve obligation.* Whenever free and reserve percentages are in effect for a marketing year, each handler shall withhold a kernelweight of certified merchantable walnuts equal to a quantity derived by the application of the reserve percentage to the kernelweight of merchantable walnuts certified. The kernelweight of certified merchantable walnuts which handlers are required to withhold shall be the "reserve obligation." The walnuts handled for use as free walnuts by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8(a)(5) of the act.

(b) *Holding requirements.* Each handler shall at all times hold in his possession or under his control in proper storage the kernelweight of certified merchantable walnuts necessary to meet his reserve obligation less: (1) Any quantity which was disposed of by him pursuant to § 984.56; and (2) any quantity for which he is otherwise relieved by the Board of responsibility to so hold walnuts.

22. Revise § 984.56 to read:

§ 984.56 Disposition of reserve walnuts.

(a) *General.* The Board shall have power and authority to sell or dispose of any and all reserve walnuts withheld upon the best terms and at the highest returns obtainable consistent with the ultimate complete disposition of reserve, subject to all conditions of this section. The Board may dispose of reserve walnuts through handlers acting as agents of the Board under the terms and conditions specified by the Board.

(b) *Export.* The Board may export or authorize the disposition in export to the destinations outside the United States, Puerto Rico, and the Canal Zone, the quantity of reserve walnuts permitted to be exported by the export percentage establishment pursuant to § 984.49. Reserve walnuts may be exported by any handler as an agent of the Board under the terms and conditions specified by the Board.

(c) *Pooling.* At any time during the marketing year a handler may deliver reserve walnuts and any substandard walnuts meeting the minimum kernel content requirements effective pursuant to § 984.50(e) to the Board for pooling and crediting against his reserve obligation. Any reserve walnuts that the handler as agent of the Board has not disposed of by the end of the marketing year shall thereafter be delivered to the Board for pooling on demand. The Board shall dispose of these walnuts for use in the following outlets: Government agencies, charitable institutions, poultry or animal feed, walnut oil or other markets noncompetitive with markets for merchantable free walnuts. The Board may rent and operate or arrange the use of facilities for storage and disposition of reserve walnuts delivered to it.

(d) *Crediting.* The kernelweight of walnuts disposed of in accordance with this section shall be credited to the handler's reserve obligation. At any time during the marketing year, upon a handler's written request, the Board shall transfer part or all of the handler's credit in excess of his reserve obligation to any handler he designates.

(e) *Pool proceeds.* The proceeds remaining after the payment of all expenses incurred by the Board in receiving, holding and disposing of pooled walnuts shall be distributed pro rata by the Board to each handler in proportion to his contribution thereto, measured in kernelweight, or such other basis as the Board may adopt with the approval of the Secretary.

(f) *Rules and regulations.* The Board, with the approval of the Secretary, may prescribe such rules and regulations as are necessary to carry out the provisions of this section.

§ 984.57 [Reserved]

23. Delete § 984.57.

§ 984.58 [Reserved]

24. Delete § 984.58.

25. Revise §984.59(b) to read:

§ 984.59 Interhandler transfers.

* * * * *

(b) A handler may, for the purpose of meeting his reserve obligation, acquire walnuts for another handler, and any assessments, reserve obligations, and inspection requirements with respect to walnuts so transferred, shall be assumed by the buying handler. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

* * * * *

26. Revise § 984.64 to read:

§ 984.64 Disposition of substandard walnuts.

Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or such other uses as the Board determines to be noncompetitive with existing domestic and export markets for merchantable walnuts and with proper safeguards to prevent such walnuts from thereafter entering channels of trade in such markets. Wherever free and reserve percentages are in effect, the kernelweight of any walnuts meeting the minimum kernel content requirements effective pursuant to § 984.50(e), may be pooled and the disposition credited to the handler's reserve obligation pursuant to § 984.56. Each handler shall submit, in such form and at such intervals as the Board may determine, reports of (a) his production and holdings of substandard walnuts and (b) the disposition of all substandard walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Board may specify.

27. Revise § 984.66 to read:

§ 984.66 Assistance of the Board in meeting reserve obligation.

The Board may assist any handler in accounting for his reserve obligation and may aid any handler in acquiring walnuts to meet any deficiency in his reserve obligation, or in accounting for, or disposing of reserve walnuts.

28. Revise § 984.67(a) to read:

§ 984.67 Exemptions.

(a) *Exemption from volume regulation.* Reserve percentages shall not apply to lots of merchantable inshell walnuts which are of mammoth size or larger as defined in the then effective United States Standards for Walnuts in the Shell, or to such quantities as the Board may, with the approval of the Secretary, prescribe.

* * * * *

29. Revise § 984.68 to read:

§ 984.68 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. The Board shall file a proposed budget of expenses and a rate of assessment with the Secretary as soon as practicable after the beginning of each marketing year.

30. Revise § 984.69 (a) and (b) to read:

§ 984.69 Assessments.

(a) *Requirement for payment.* Each handler shall pay the Board, on demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per kernelweight pound of walnuts fixed by the Secretary times the kernelweight of merchantable walnuts he has certified. At any time during or after the marketing year the Secretary may increase the assessment rate as necessary to cover authorized expenses and each handler's pro rata share shall be adjusted accordingly.

(b) *Reserve walnut pool expenses.* The Board is authorized temporary use of funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in

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disposing of reserve walnuts pooled. All such expenses shall be deducted from the proceeds obtained by the Board from the sale or other disposal of pooled reserve walnuts.

§ 984.74 [Reserved]

. . . . .

31. Delete § 984.74.

§ 984.75 [Reserved]

32. Delete § 984.75.

33. Revise § 984.77 to read:

§ 984.77 Verification of reports.

For the purpose of verifying and checking reports filed by handlers or the operations of handlers, the Secretary and the Board through its duly authorized representatives shall have access to any premises where walnuts and walnut records are held. Such access shall be available at any time during reasonable business hours. Authorized representatives shall be permitted to inspect any walnuts held and any and all records of the handler with respect to matters within the purview of this part. Each handler shall maintain complete records on the receiving, holding, and disposition of both inshell and shelled walnuts. Each handler shall furnish all labor necessary to facilitate such inspections at no expense to the Board or the Secretary. Each handler shall store all walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or disposed of theretofore. The Board, with the approval of the Secretary, may establish any methods and procedures needed to verify reports.

§ 984.84 [Amended]

34. Amend § 984.84 by deleting the words "nonvoting delegate," wherever they appear.

§ 984.89 [Amended]

35. Amend § 984.89(b)(3) by changing the word "States" to "State" and by deleting the words "Oregon and Washington" immediately preceding the proviso.

Signed in Washington, D.C. on May 25, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc 76-15747 Filed 5-28-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 206 and 207]

MISCELLANEOUS FEES AND STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL APPLICATION HEARINGS

Extension of Comment Period

In FR Doc. 76-12229 appearing in the FEDERAL REGISTER on April 28, 1976, (41 FR 17750) notice of proposed rulemaking was given covering revision of miscellaneous fees and procedures for furnishing statistical data under Subpart A of Part 206 of Title 46 of the Code of Federal Regulations, inviting comment thereon by Wednesday, May 12, 1976.

In FR Doc. 76-14036, appearing in the FEDERAL REGISTER on May 13, 1976 (41 FR 19651) said notice of proposed rulemaking was amended to extend the date of submission of written comments to the close of business May 26, 1976.

Said notice is further amended to extend the date of submission of written comments to close of business on Wednesday, June 9, 1976, with the understanding that there will be no further extensions.

By order of the Maritime Subsidy Board, Maritime Administration.

Dated: May 26, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-15875 Filed 5-28-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 15728]

AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Ltd. DH-104 Airplanes

Amendment 289 to Part 507 of the Regulations of the Administrator (ROA) (26 FR 4395), AD 61-11-3, as amended by Amendment 585 (28 FR 7394) and Amendment 662 (28 FR 14238), imposes mandatory retirement lives for certain structural components of the wing and fuselage center section and the entire wing assembly on Hawker Siddeley Aviation Ltd. Model DH-104 airplanes. After issuing these amendments, due to service experience, the FAA has determined that further reductions in the retirement lives specified are necessary. Therefore, the FAA is considering superseding Amendment 289 to Part 507 of the ROA as amended, with a new AD that would reduce the retirement lives for certain wing and fuselage center section structural components of the Hawker Siddeley Aviation Ltd. Model DH-104 airplanes. In addition, the superseding AD would contain a provision to provide for extensions of the specified retirement lives if justified by the operator.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before July 1, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to deHavilland Model DH-104 "Dove" airplanes, all series, certificated in all categories. Compliance is required as indicated.

To prevent possible fatigue failure of the wing structure, accomplish the following:

(a) Irrespective of the incorporation of Hawker Siddeley Aviation Ltd. (HSA) Modification 539, for wings which have not had HSA Modification 780 incorporated, within the next 25 hours time in service after the effective date of this AD or prior to accumulation of 3400 hours' total time in service, whichever occurs later, and thereafter at intervals not to exceed 3400 hours time in service, replace the wing lower spar boom with a serviceable boom of the same part number or an FAA-approved equivalent.

(b) For wings which incorporate HSA Modification 780, replace the wing lower spar boom with a serviceable boom of the same part number or an FAA-approved equivalent.

(1) For Series 1A, 2A, 5A, 5BA, 6A, and 6BA airplanes, prior to the accumulation of 20,000 hours total time in service, including the time in service prior to incorporation of the modification; and

(2) For Series 7A and 8A airplanes, prior to the accumulation of 16,000 hours total time in service on the boom including the time in service prior to incorporation of the modification.

(c) For airplanes which do not incorporate HSA Modification 538 in the area of the fuselage center section, within the next 25 hours time in service after the effective date of this AD or prior to the accumulation of 1800 hours total time in service, whichever occurs later, and thereafter, at intervals not to exceed 1800 hours time in service, replace the fuselage center section lower spar boom with a serviceable boom of the same part number or an FAA-approved equivalent.

(d) For airplanes which incorporate HSA Modification 538 in the area of the fuselage center section, within the next 25 hours time in service after the effective date of this AD or prior to the accumulation of 6700 hours total time in service, including time in service prior to incorporation of the modification, whichever occurs later, and thereafter at intervals not to exceed 6700 hours time in service, replace the fuselage center section lower spar boom with a serviceable boom of the same part number or an FAA-approved equivalent.

NOTE.—For airplanes which incorporate HSA Modification 779 in the area of the fuselage center section, no mandatory retirement time is imposed on the fuselage center section lower spar boom.

(e) Upon the request of an operator, the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East region may adjust a replacement interval specified in paragraphs (a), (c), or (d) of this AD, if the request contains substantiating data to indicate that the average operating spectrum of the particular airplane is less severe than the operating spectrum upon which the specified replacement times are based and that the adjustment requested is justified. Forward requests to FAA, Chief, Aircraft Certification Staff, c/o American Embassy, APO New York, N.Y. 09667.

NOTE.—Appendix 1 of HSA Technical News Sheet (TNS) No. 119, Issue 10, dated July 19, 1971, contains information with respect to data needed to determine an average operating spectrum.

(f) Unless already accomplished, on airplanes converted to series 7AXC or 8AXC in accordance with HSA TNS No. 181, Issue 3, dated November 21, 1966, replace the wings prior to the accumulation of 16,000 hours total time in service since new plus one-fifth of the hours time in service prior to the conversion as determined in accordance with the instructions in paragraph 7 of HSA TNS No. 181, Issue 3, dated November 21, 1966, or an FAA-approved equivalent.

This amendment would supersede Amendment 289 to Part 507 of the Regulations of the Administrator (26 FR 4395), AD 61-11-3, as amended by Amendment 585 (28 FR 7394) and Amendment 662 (28 FR 14238).

Issued in Washington, D.C. on May 24, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-15679 Filed 5-28-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WA-4]

ALTERATION OF TERMINAL CONTROL AREA

Denver, Colorado: Correction

In FR Doc. 76-13006 on page 18683 in the FEDERAL REGISTER of May 6, 1976, the following corrections are made:

Area A

1. In line ten delete "17L" and substitute "17R".

2. In line 11 delete "35L to along" and substitute "35L to and west along" therefor.

3. In line 26 delete "R-26" and substitute "P-26" therefor.

Area B

1. In line five delete "west of Denver VORTAC 180°T radial" and substitute "west by Denver VORTAC 180°T (167° M) radial" therefor.

Issued in Washington, D.C., on May 24, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-15726 Filed 5-28-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-9]

FEDERAL AIRWAYS

Extension and Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate V-380 from O'Neill, Nebr., to Mankato, Kans., and extend V-71 from Columbus, Nebr., to Bismarck, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before July 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APO-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would designate V-380 from O'Neill, Nebr., direct Wolbach, Nebr., direct Grand Island, Nebr., direct Hastings, Nebr., to Mankato, Kans. Also, V-71 would be extended from Columbus, Nebr., direct O'Neill, direct Winner, S. Dak., direct Pierre, S. Dak., direct Bismarck, N. Dak.

The two airways would shorten routes from North and South Dakota locations to Nebraska and Kansas locations and would contribute to a more efficient traffic flow by providing an additional north/south route to relieve traffic converging over Omaha.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and Sec. 6(c) of the Department of Transportation (49 U.S.C. 1655(c)).)

Issued in Washington, D. C., on May 24, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-15727 Filed 5-28-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76-WA-6]

JET ROUTES

Extension and Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would establish nine jet routes and extend five existing jet routes.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before July 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would establish the following jet routes:

1. J-196 from Bryce Canyon, Utah, via INT Bryce Canyon 048°T(033°M) and Meeker, Colo., 247°T(232°M); to Meeker.

2. J-197 from Gunnison, Colo., via INT Gunnison 083°T(069°M) and Goodland, Kans., 251°T(239°M); Goodland; Wolbach, Nebr.; to Sioux Falls, S. Dak.

3. J-198 from Linden, Calif., via INT Linden 063°T(046°M) and Mina, Nev., 298°T (281°); Mina; Wilson Creek, Nev.; INT Wilson Creek 075°T(059°M) and Meeker, Colo., 247°T(232°M); to Meeker.

4. J-199 from Wilson Creek, Nev., via Delta, Utah; INT Delta 068°T(052°M) and Meeker, Colo. 262°T(247°M); to Meeker.

5. J-200 from Linden, Calif., via INT Linden 021°T(004°M) and Sacramento, Calif., 048°T(029°M); INT Sacramento 048°T (029°M) and Battle Mountain, Nev., 253°T (235°M); to Battle Mountain.

6. J-201 from Myton, Utah, via INT Myton 056°T(040°M) and Rock Springs, Wyo., 084°T(068°M); to Scottsbluff, Nebr.

7. J-202 from Fairfield, Utah, via INT Fairfield 026°T(010°M) and Rock Springs, Wyo., 249°T(233°M); Rock Springs; to Casper, Wyo.

8. J-203 from Billings, Mont., via INT Billings 347°T(330°M) and Great Falls, Mont., 092°T(073°M); to Great Falls.

9. J-204 from Dupree, S. Dak., via Miles City, Mont.; INT Miles City 295°T(280°M) and Great Falls, Mont., 092°T(073°M); to Great Falls.

The proposed amendment would extend the following jet routes:

1. J-36 from Dickinson, N. Dak., via Great Falls, Mont., to Mullan Pass, Idaho.

2. J-136 from Spokane, Wash., via Mullan Pass, Idaho; INT Mullan Pass 101°T(081°M) and Billings, Mont., 301°T(284°M); to Billings.

3. J-151 from Billings, Mont., via INT Billings 266°T(249°M) and Whitehall, Mont., 103°T(085°M); to Whitehall.

4. J-154 from Battle Mountain, Nev., via INT Battle Mountain 253°T(235°M) and Sacramento, Calif., 048°T(029°M); to Sacramento.

5. J-158 from Malad City, Idaho, via INT Malad City 087°T(070°M) and Casper, Wyo., 241°T(226°M); Casper; Rapid City, S. Dak.; to Aberdeen.

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The routes proposed in this proposal would increase the number of charted routes available for use when certain meteorological conditions (mountain wave turbulence) exist.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 25, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-15728 Filed 5-28-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 372a]

[SPDR-44; Docket 28063; Dated May 18, 1976]

POST-FLIGHT ACCOUNTING REPORTS

Proposed Elimination of Requirement

Correction

In FR Doc. 76-14965, appearing on page 20894 of the issue of Friday, May 21, 1976, the headings should read as set forth above.

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

HEALTH BENEFITS

Application for Approval of Health Benefits Plans

Correction

In FR Doc. 76-15348 appearing on page 21359 in the FEDERAL REGISTER of Tuesday, May 25, 1976, in the second column, in § 890.301(d)(2), the eighth line should read, "of this part for participation ef-".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 78]

[FCC 76-529; Docket No. 20816]

FREQUENCY ASSIGNMENTS

Notice of Proposed Rulemaking

In the matter of amendment of part 78 of the Commission's rules and regulations to establish guidelines for the selection of Group K channels, and to amend the channel boundaries of certain Group C and D channels.

By the Commission: 1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. In the Cable Television Relay Service (CARS) we are concerned that the present rules may not insure the most efficient use of the spectrum when applicants propose to use multiple Group K channels. The CARS band is divided into several overlapping channel groups, including 20 Group K (12.5 MHz) channels and 10 Group A (25 MHz) channels. By selecting 10 Group K channels, e.g., every other channel, an applicant could effectively preclude the use of all Group A channels by a subsequent applicant desiring to operate a CARS system in the same area. Since such use of the spectrum would not be efficient, we are proposing rules which would require that an applicant for Group K channels select adjacent channels and that the channels selected overlap the least possible number of Group A channels.

3. We also propose to amend the channel boundaries of four vestigial sideband AM channels. Channels C07–C1ϕ and D07–D1ϕ presently have a 24 MHz bandwidth and are generally used to relay the entire 20 MHz FM broadcast radio band. We propose to reduce the bandwidth of channels C1ϕ and D1ϕ from 6 MHz to 2 MHz, thereby reducing the total bandwidth of channels C07–71ϕ and D07–D1ϕ to 20 MHz, which is all that is required to relay the entire FM band. We propose to allocate the remaining 4 MHz from channels C1ϕ and D1ϕ to channels C11 and D11, which presently have 2 MHz bandwidths. The 6 MHz bandwidths would enable channels C11 and D11 to be used to relay television signals.

4. Authority for these proposed amendments, as set forth in the appendix, is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments concerning the proposed rules contained in the attached appendix on or before July 2, 1976 and rely comments on or before July 12, 1976. All relevant and timely comments and reply comments will be considered by the Commission before any final action is taken. Comments should clearly specify the particular matter being addressed. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

6. In accordance with the provisions of Section 1.419 of the Rules, an original and elevent (11) copies of all comments, replies, pleadings, briefs or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room at its headquarters in Washington, D.C. (Room 239, 1919 M Street, N.W.).

Adopted: May 19, 1976.

Released: May 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

It is proposed to amend Part 78 of Chapter I of Title 47 of the code of Federal Regulations as follows:

1. In § 78.18 paragraph (a)(2), the channel boundaries of channels C1ϕ, C11 D1ϕ and D11 are amended and a new paragraph (l) is added to read as follows:

§ 78.18 Frequency Assignments.

(a) • • •

(2) Cable television relay stations using vestigial sideband AM transmission:

C1ϕ [1]	12.7525–12.7545
C11 [1]	12.7545–12.7605
D1ϕ [1]	12.8117–12.8137
D11 [1]	12.8137–12.8197

(l) Applicants for Group K channels shall apply for adjacent channels and the requested channels shall overlap the least possible number of Group A channels, except that different channel arrangements may be authorized upon an adequate showing that the foregoing arrangement cannot be used or would be contrary to the public interest, or in order to avoid potential interference or to permit a more efficient use.

[FR Doc.76-15834 Filed 5-28-76;8:45 am]

[47 CFR Parts 89, 91 and 93]

[FCC 76-465; Docket No. 20815]

BASE/MOBILE FREQUENCIES

Inquiry and Notice of Proposed Rule Making

Adopted: May 19, 1976.

Released: May 25, 1976.

In the Matter of amendment of Parts 89, 91, and 93 of the Commission's Rules to expand the secondary fixed use of base/mobile frequencies in the 450–470 MHz band.

By the Commission: 1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Present rules for secondary use of base/mobile frequencies for fixed point-to-point operations in the 450–470 MHz band were adopted in Docket 13847. In the First Notice of Proposed Rule Making in that proceeding (10 FCC 2d 885), the Commission proposed to prohibit all fixed uses in this band, except for certain control station operations. The comments received in response to the proceeding, however, opposed this proposal. As a result, the Commission and the Advisory Committee for the Land Mobile Radio Services (ACLMRS) established a special task force in order to further study the problem. This group's recommendations, with certain modifications, were adopted in the Commission's Second Report and Order in that proceeding (11 FCC 2d 648).[1] It was the task force's findings that judicious use of the 450–470 MHz frequencies for fixed, point-to-point operations should be permitted since it would improve overall spectrum utilization. The Committee noted, however, that the 450–470 MHz

[1] The task force's findings are outlined in the Report of the Advisory Committee for the Land Mobile Radio Services, Volume II, Part 2, Section 15.

frequencies were rapidly becoming congested in and around large metropolitan areas. Consequently, the Committee recommended the Commission adopt steps to insure maximum channel availability in the future for the primary use of these frequencies (base/mobile operations) in the vicinity of the nation's most populated geographic areas. Furthermore, the task force concluded any such plan to insure the channel availability for base/mobile operations should be both easy to administer and flexible enough to incorporate changing conditions. Since the greatest frequency congestion was found usually to coincide with the more populated metropolitan areas, the task force recommended that secondary fixed point-to-point operations be precluded within or near urbanized areas of 200,000 or more population.[2] It was the Committee's conclusion, at that time, that urbanized areas of this size had reached a level where frequency congestion existed and the congestion probably would continue to increase due to the increasing tendency for people to locate in urbanized areas.[3] Also, they felt that facilities on other than the 450–470 MHz radio channels were generally available in cities of this size to satisfy any existing or future point-to-point requirements. The Commission, in general, agreed with these conclusions, and, consequently, adopted this Urbanized Area Concept with some slight modifications.

3. In the past few months, we have had several requests asking that the time provision, grandfathering fixed operations inside these protected areas, be extended.[4] None of the systems in question are located in or near the most heavily populated urbanized centers where frequency shortages are an immediate problem. However, these systems are located within 100 miles of the center of the smaller urbanized areas that are protected. In addition to these requests, there has been an increasing demand for telemetry operations on frequencies in the 450 MHz band, mostly for environmental monitoring purposes. This demand has resulted, for the most part, from the growing concern in our society over pollution control. Federal, as well as state agencies, are imposing rigid requirements in the area of environmental protection. Because of these requirements and the current interest to protect the environment, we believe the need for environmental monitoring systems will continue to accelerate. It is for these reasons, that the Commission is looking into the possibility of expanding secondary fixed use in the 450 MHz band.

4. In order to analyze the problem, the Commission sampled the loading on frequencies in the 450–470 MHz band in several of the 87 protected areas according to their rank in population. We attempted to assess the loading and usage of frequencies inside the 100 mile radius circles in terms of distance from the center of the protected area, in hopes that the area could possibly be reduced or, in some cases, even eliminated. We also looked at whether point-to-point systems would contribute to frequency congestion in these presently protected areas. It proved impossible, however, to quantify the actual degradation of mobile systems caused by fixed point-to-point operations. To do this would require a case-by-case study of all operations in the areas of interest taking into account interaction among other co-channel and adjacent channel operations. As for the loading study, frequency usage followed population concentration just as we expected. We discovered in our limited analysis that the usage of frequencies did not become so extensive as to approach congestion on all or nearly all available channels until the population in the urbanized area approached 600,000.[5] This population concentration exists in the nation's 40 largest urbanized areas. Again, in the more heavily populated urbanized areas (more than 600,000 population), we found a frequency congestion problem. However, in the lesser populated urbanized areas, although frequency allocations in certain of the radio services may have been heavily loaded, not all of the 276 frequency pairs available for base/mobile operations were congested or in some cases even used. This was especially true in regions outside the centers of the less populated protected areas where there was hardly any use of the UHF channels. The only exception to this observation occurred when the area in question overlapped another protected urbanized area or large Standard Metropolitan Statistical Area (SMSA). In these cases, frequency usage increased due to the additional population concentrated in the area of interest. Therefore, continuing our policy to maximize spectrum utilization, we are proposing to eliminate the less populated urbanized areas from the restricted list and only preclude point-to-point operations within 100 miles from the center of the top 40 urbanized areas.[6] This should make available large sparsely populated areas, which are relatively free of mobile usage, where applicants can meet their relatively limited point-to-point requirements more economically than using microwave and yet be free from the restrictions imposed on operations in the 72–76 MHz band. Since any fixed operations on these 450 MHz frequencies will still be on a secondary basis, we believe licensees wishing to satisfy point-to-point requirements in the centers of population of these previously protected areas, where UHF mobile systems are in operation and expected to grow, will use the frequencies in other bands which are primarily available for fixed operations.

5. Therefore, on the basis of our limited study and for the purposes of this proceeding, we are proposing to protect only the top 40 urbanized areas. However, in the end, we realize it may be necessary to look at each of the 87 cities individually to determine exactly where secondary use of the 450 MHz frequencies should be permitted. Therefore, in order to comprehensively evaluate the matter at this time, we request comments as to whether the 100 or 75 miles radius circles surrounding the top 40 urbanized areas could be reduced and if so, how much.

6. In regard to the grandfather provision in the 40 remaining protected areas, we are not proposing renewals beyond the November 1, 1976 date. The additional five years already granted should have provided an adequate period to amortize and replace equipment for compliance with requirements without economic hardship.

7. Notice is hereby given on our proposal to adopt Rules as set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before July 28, 1976 and reply comments on or before August 27, 1976. Relevant and timely comments will be considered by the Commission before final action in this proceeding. In reaching its final decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of Section 1.419 of the Commission's Rules an original and eleven copies of all statements and comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: May 19, 1976.

Released: May 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS.
Secretary.

Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended as follows:

1. Part 89 is amended as follows:
Section 89.101(p) is revised as follows:

[2] According to the 1960 census, there were 87 urbanized areas with a population of 200,000 or more.

[3] An Electronic Industries Association study revealed that over 50% of all licensed transmitters are concentrated in less than 8% of the land area of the Continental United States. Further, slightly more than 50% of the nation's population occupies only 2.18% of the nation's land area.

[4] In the Report and Order, existing licensees operating fixed systems in these protected areas had until November 1, 1971, before changing frequencies. However, a waiver of the cut-off-date was granted September 1, 1971. The new date was changed to November 1, 1976.

[5] There were some exceptions to this such as the oil fields in the Gulf of Mexico.

[6] Since areas of population have changed since 1960, we propose to use the 1970 census in determining the top 40 urbanized areas. As before, the center of these areas should be determined from the coordinates set forth in the U.S. Department of Commerce Publication "Airline Distance Between Cities in the United States".

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§ 89.101 Frequencies.

. . . . . .

(p) The following frequencies may be assigned to fixed stations in the Public Safety Radio Services on a secondary non-interference basis to land mobile operations in the Industrial (except Business) and Land Transportation Radio Services. All such use of these frequencies for fixed systems is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 600,000 or more population are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States." Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Vol. 1, Table 20, Page 1–74.

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2. Part 91 is amended as follows:

Section 91.254(b)(26) is revised as follows:

§ 91.254 Frequencies available.

. . . . . .

(b) . . .

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations on the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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Section 91.304(b)(29) is revised as follows:

§ 91.304 Frequencies available.

. . . . . .

(b) . . .

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226 of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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Section 91.354(b)(29) is revised as follows:

§ 91.354 Frequencies available.

. . . . . .

(b) . . .

(29) This frequency may be assigned to fix stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

. . . . . .

Section 91.504(b)(26) is revised as follows:

§ 91.504 Frequencies available.

. . . . . .

(b) . . .

(26) This frequency may be assigned to fix stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226 of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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Section 91.554(b)(38) is revised as follows:

§ 91.554 Frequencies available.

. . . . . .

(b) . . .

(38) This frequency may be assigned to fixed stations in the Business Radio Service. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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Section 91.730(b)(14) is revised as follows:

§ 91.730 Frequencies available.

. . . . . .

(b) . . .

(14) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226 of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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Section 91.754(b)(10) is revised as follows:

§ 91.754 Frequencies available.

. . . . . .

(b) . . .

(10) This frequency may be assigned to fixed stations on a secondary non-

interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226 of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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3. Part 93 of the Rules is revised as follows:

Section 93.101(b) is amended as follows:

§ 93.101 Frequencies.

. . . . . .

(b) The following frequencies may be assigned to fixed stations in the Land Transportation Radio Service on a secondary non-interference basis to land mobile stations in the Public Safety and Industrial Radio Services. All such use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1–74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

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[FR Doc.76-15835 Filed 5-28-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 704]

CALCULATION OF DEPRECIATION DEDUCTION FOR REFUNDS UNDER FULL WARRANTIES ON CONSUMER PRODUCTS

Notice of Proceeding on Proposed Rule With Public Hearings and Invitation To Comment on Proposed Rule

Section 101(12) of the Magnuson-Moss Warranty Act, Pub. L. 93-637 (15 USC 2301) hereinafter, "the Act", authorizes the Federal Trade Commission to prescribe rules permitting a warrantor of a consumer product with a "full warranty" to make a deduction for depreciation based on actual use when fulfilling its duty to refund the actual purchase price of a consumer product under section 104(a) of the Act.

The proposed rule is intended to permit a deduction for depreciation based on actual use where the consumer has enjoyed the use of the product prior to refund. The proposed rule would establish the method by which the deduction for depreciation based on actual use shall be calculated and would set forth requirements for disclosing the terms and conditions of refund in the written warranty. The warrantor's election to make a deduction for depreciation would be conditioned on the warrantor's compliance with the proposed rule.

Section 101(12) does not authorize the Commission to require that a warrantor make a deduction for depreciation based on actual use when refunding the actual purchase price. Only those warrantors who choose to make a deduction for depreciation must comply with the requirements prescribed in the proposed rule.

In consideration of the foregoing, the Commission proposes the following rule to implement section 101(12) of the Act and to amend Title 16, Chapter 1, Subchapter G, Rules, Regulations, Statements and Interpretations under Magnuson-Moss Warranty Act, by adding a new Part 704 to read as follows:

PART 704—CALCULATION OF DEPRECIATION DEDUCTION FOR REFUNDS UNDER FULL WARRANTIES ON CONSUMER PRODUCTS

Sec.
704.1 Definitions.
704.2 Scope.
704.3 Requirements.

AUTHORITY: 15 U.S.C. 2301(12) and 2309

§ 704.1 Definitions.

(a) "The Act" means the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, Pub. L. 93-637 (15 U.S.C. 2301, et seq.).

(b) "Refund" means refunding the actual purchase price.

(c) "Actual purchase price" means the total amount paid for a consumer product by the first buyer at retail, including the value of any personal property exchanged in the purchase of the consumer product, installation charges, delivery charges, and federal, State and local taxes.

(d) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed).

(e) "Consumer" means a buyer (other than for purposes of resale) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty applicable to the product, and any other person who is entitled by the terms of such warranty or under applicable State law to enforce against the warrantor the obligations of the warranty.

(f) "Amount of use" means the length of time or other appropriate measure of usage from the date on which the first buyer at retail or any donee(s) designated by the buyer to the seller takes delivery or the date on which the consumer product is installed, whichever is later, to the date of notification of a defect, malfunction or failure to conform with the written warranty except that where the defect, malfunction or failure to conform with the written warranty is remedied, the length of time or other appropriate measure of usage from the date of remedy to the next date of receipt of notification of a defect, malfunction or failure to conform with the written warranty shall be included in the amount of use if the product has performed as warranted during the interim.

(g) "Warrantor" means any supplier or other person who gives or offers to give a written warranty or who is or may be obligated under an implied warranty.

(h) "Supplier" means any person engaged in the business of making a consumer product directly or indirectly available to consumers. This includes sellers, wholesalers, distributors, jobbers and any other parts of the product distribution system.

(i) "Seller" means any person who sells or offers for sale for purposes other than resale any consumer product.

(j) "Useful life" means the warrantor's estimate of the average service life expectancy of the warranted class or model of consumer product(s) expressed in number of years or other appropriate measure of life.

(k) "Average service life expectancy" means the arithmetic mean of the number of years or other appropriate measure of life that the class or model of consumer product(s) remains in personal, family or household service under all owners.

(l) "Full warranty" means a written warranty which meets or is deemed to meet the Federal minimum standards under section 2304 of the Act.

§ 704.2 Scope.

This part establishes conditions under which a warrantor who designates a written warranty applicable to a consumer product as a "full warranty" is permitted to make a deduction for reasonable depreciation based on actual use when fulfilling its duty to refund under the Act. The conditions include disclosure requirements for warrantors who make such deductions and calculation of such deductions in accordance with the method established by § 704.3. This part applies only to those warrantors who elect to make a deduction from the amount of refund. This part is intended to supplement the requirements for warrantors contained in Part 701 of this subchapter.

§ 704.3 Requirements.

In fulfilling any duty to remedy a consumer product under a "full warranty" a warrantor may not make any deduction from the actual purchase price

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unless it complies with the requirements set forth in paragraphs (a) and (b) of this section.

(a) *Warranty disclosures.* In addition to the disclosures required under Part 701 of this subchapter, the following information shall be fully and conspicously disclosed in simple and readily understood language in the written warranty:

(1) The fact that a charge for the use of the product will be deducted from the purchase price; and

(2) An explanation of the method by which the amount of refund will be calculated.

(b) *Method for calculating amount of deduction.* (1) The amount of the deduction shall be based on the amount of use derived from the product expressed in units of time or other relevant measure of usage as a proportion of the useful life figure and shall be computed on the actual purchase price as follows:

$$\frac{\text{Amount of use}}{\text{Useful life figure}} \times \text{Actual purchase price} = \text{Deduction}$$

(2) For the purpose of calculating the amount of deduction, a warrantor shall adopt a figure(s) which is no less than the useful life of its product(s). The figure adopted must be substantiated by a reasonable basis which shall consist of competent and reliable scientific test(s), competent and reliable consumer or market survey(s), or other competent and reliable objective materials, including opinions of scientific, engineering or other experts who are qualified by professional training and experience to render competent judgments in such matters. In determining whether the figure for useful life is substantiated by a reasonable basis, there shall be taken into account the nature and extent of the substantiation that is possible given the state of the art, as well as the nature and extent of the substantiation actually relied upon. Accurate records which consist of the documentation constituting the reasonable basis and which demonstrate reliance on such reasonable basis in adopting the useful life figure must be maintained by the warrantor for a period of three (3) years from the date on which such figure is last disclosed in the written warranty and must be made available for inspection by the Commission's staff upon reasonable notice. If a portion of the substantiation is in the form of expert opinion, such opinion should be reduced to writing which should include a statement of the conclusion or opinion relied upon along with a full description of the basis of the opinion and the statement of when such conclusion or opinion was first rendered and the name, title, and current location of the person to whom the opinion was directly rendered. The writing should be signed by the person whose opinion is relied upon and such person should be identified by title and current location and the qualifications of the individual giving the opinion should be described.

EXAMPLE: The following is an example of the method of calculating the amount of deduction permitted by this part:

A consumer purchases a refrigerator with a full 2-year warranty for $303.30 including State tax and delivery charge. The refrigerator is delivered on January 2 and proves to be defective. Notification of the defect is received by the warrantor on July 2. Repair is not commercially practicable. The consumer elects a refund. The useful life figure on which the refund is calculated is 15 years.

$$\frac{\text{6 mos. (amount of use)}}{\text{15 yrs. (useful life figure)}} \times \frac{\text{\$303.30 (actual purchase price)}}{} = \text{\$10.10 (deduction)}$$

Amount of refund is $293.20.

The documents supporting the proposed rule, and a report of the Commission's staff discussing the proposed rule and the supporting documents, are available for examination by interested persons in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C.

All interested persons are hereby notified that they may file written data, views or arguments concerning the proposed rule with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, not later than August 2, 1976.

All interested persons are also given notice of the opportunity to orally present data, views or arguments with respect to the proposed rule at a public hearing to be held commencing at 9 a.m., e.d.t., August 9, 1976 in Room 332 of the Federal Trade Commission Building, Sixth and Pennsylvania Avenue, Northwest, Washington, D.C.

Any person desiring to orally present his or her views at the hearing should so inform the Special Assistant Director for Rulemaking not later than August 2, 1976, and state the estimated time required for his or her oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all persons desiring to deliver a prepared statement at the hearing should file such statement together with supporting factual material with the Special Assistant Director for Rulemaking not later than August 2, 1976. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit five copies, except that supporting materials need not be duplicated.

The data, views or arguments presented with respect to the proposed rule will be available for examination by interested persons in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in its determination to issue a final version of the proposed rule. All interested persons are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Comments are invited with respect to all aspects of the proposed rule. The Commission invites comments particularly with respect to the following:

1. The proposed rule applies only to "full warranties". Should the principle of the rule, i.e., permitting a deduction for reasonable depreciation based on actual use from the actual purchase price, be applied to other warranty situations?

2. Should the proposed rule be revised to include a provision for a full refund of the actual purchase price if the product contains a defect or malfunction or fails to conform with the written warranty at or shortly after delivery?

3. "Amount of use", as defined in § 704.1(f), is measured from the date of delivery or date of installation, whichever is later. Should the consumer be allowed to present evidence to show that actual use of the consumer product began at a time later than that prescribed in the proposed rule? In what situations?

4. The definition of "actual purchase price" set forth in § 704.1(c) represents an expansive interpretation of that term. Should this definition be revised? In what manner and for what reasons? With respect to the inclusion of installation costs, are there circumstances in which the refunding of such costs would be inequitable? If so, should the cost of installation be allocated between the warrantor and the consumer? By what method? Would it be equitable to require a consumer to assume the cost incurred in the installation of a product which contains a defect(s) or malfunction(s) which cannot be remedied? In what circumstances and for what reasons? Where the warranted consumer product is installed by a party other than the warrantor or its agent, should the warrantor be allowed to require, as a condition of inclusion in the amount of refund, that such installation costs be reasonable and substantiated by some evidence of payment?

5. As presently proposed, § 704.3(b)(2) would require a warrantor to adopt a figure which is no less than the useful life of its product as that term is defined in § 704.1(j). Is the requirement that "useful life" represent the average service life expectancy of the product feasible in terms of the availability of data necessary to make such calculation and the cost of compliance? Are there alternative methods of defining and measuring "reasonable depreciation based on actual use"?

6. "Average service life expectancy", as defined in § 704.1(k), will represent the arithmetic mean value. Would the median be the more appropriate measure of central value? In what circumstances and for what reasons?

7. Section 704.3(b)(2) would require that the useful life figure which is adopted by the warrantor be substantiated by a reasonable basis. That section defines the type and quality of evidence which would constitute a reasonable basis for an estimate of the useful life of a consumer product. Are there other forms of evidence, presently existing or being developed, which would provide a reasonable basis for the useful life figure?

Issued: June 1, 1976.

By the direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-15623 Filed 5-28-76;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

[20 CFR Part 901]

ENROLLMENT OF ACTUARIES

Proposed Procedures and Requirements

Correction

In FR Doc. 76-14445, appearing at page 20424, in the FEDERAL REGISTER of Tuesday, May 18, 1976, the following changes are made:

1. On page 20425, column one, in § 901.13(a), the 5th and 6th lines should read: "tion, the basic actuarial knowledge requirement of paragraph (c) of".

2. On page 20425, column one, in § 901.13(c)(3), the 4th word in line 4 should read: "completion".

3. In § 901.13(c)(3)(ii) the 6th line should read as follows: "agraph (c)(3)(i) of this section."

4. In §901.13(d)(1), 2nd column, second line, the first word should read "actuarial".

5. In § 901.13(d)(2) the 12th line should read as follows: "graph (d)(1) of this section".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release No. IA-516, Filed No. S7 632]

INVESTMENT ADVISERS

Proposed Rules Concerning General Requirements for Papers and Applications, and Procedure With Respect Thereto

Notice is hereby given That the Securities and Exchange Commission has under consideration the adoption of new Rules 0-4, 0-5, and 0-6 [17 CFR § 275.0-4, 17 CFR 275.0-5, and 17 CFR 275.0-6, respectively] under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.] (the "Advisers Act") for the purpose of facilitating the processing of applications for orders under the provisions of the Advisers Act and the rules promulgated thereunder.[1] The Commission is also considering a related clarifying amendment of the title of Rule 204-1 [17 CFR § 275.204-1] under the Advisers Act. The foregoing actions would be taken by the Commission pursuant to Sections 203 [15 U.S.C. 80b-3], 204 [15 U.S.C. 80b-4], and 211 [15 U.S.C. 80b-11] of the Advisers Act and Title V of the Independent Offices Appropriations Act, 1952 [31 U.S.C. 483a].

At present, there are no rules under the Advisers Act relating to the filing and processing of applications for orders under the provisions of the Advisers Act and the rules promulgated thereunder. As a result, the papers and applications that are filed for such orders may not provide sufficient information for the Commission to render an appropriate decision, and, even where they do provide all necessary information, they may not present the kind of formal record normally required as the basis for Commission action. The rules under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] (the "Investment Company Act") now provide formal requirements for the filing and processing of papers and applications for orders under the provisions of the Investment Company Act and the rules thereunder; the Commission now proposes to adopt similar provisions under the Advisers Act with certain changes to make them consistent with the present rules under the Advisers Act.

Proposed Rule 0-4 under the Advisers Act would contain general requirements of papers and applications filed pursuant to the Advisers Act and any rule or regulation thereunder, including, among other things, the method for filing such papers and formal specifications respecting the form in which applications should be filed and their contents, including a statement as to the authority of the persons signing the application, a statement of the grounds for the application, and the address of the applicant.

Proposed Rule 0-5 under the Advisers Act would specify the procedure of the Commission with regard to proceedings initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Advisers Act or any rule or regulation thereunder, unless in the particular circumstances a different procedure is provided. It encompasses a requirement for notice of the initiation of the proceedings in the FEDERAL REGISTER, a period of time during which interested persons might request a hearing, a provision for the issuance of orders, including orders for hearings, and a requirement of a $150 application fee. The $150 fee would not be required where an applicant for an order under the Advisers Act also applies for an order under the Investment Company Act in the same application, since a $500 application fee would then be required pursuant to Rule 0-5(d) [17 CFR § 270.0-5(d)] under the Investment Company Act.

Proposed Rule 0-6 under the Advisers Act would provide for incorporation by reference in applications filed under the Advisers Act of all or a part of other documents, including financial statements, filed with the Commission pursuant to any Act administered by the brevity of other reports currently re-Commission. In view of the relative quired to be filed with the Commission under the Advisers Act, incorporation by reference in such documents would appear to be unnecessary at this time.

The term "application," as used in proposed Rules 0-4, 0-5, and 0-6, would be defined as "any application for an order of the Commission under the Act amendments to applications for registration as an investment adviser."

The Commission also proposes to amend the title to Rule 204-1 to make it clear that that rule relates only to amendments to applications for registration and not to amendments to other kinds of applications.

PROPOSED COMMISSION ACTION

As proposed to be adopted, Rules 0-4, 0-5, and 0-6 under the Advisers Act (17 CFR 275.0-4, 275.0-5, 275.0-6) would read as follows:

§ 275.0-4 General requirements of papers and applications.

(a) *Filing of papers.* All papers required to be filed with the Commission shall, unless otherwise provided by the rules and regulations in this part, be delivered through the mails or otherwise to the Securities and Exchange Commission, Washington, D.C. 20549. Except as otherwise provided by the rules and regulations in this part, such papers shall be deemed to have been filed with the Securities and Exchange

[1] Clause (F) of Section 202(a)(11) [15 U.S.C. 80b-2(a)(11)(F)] of the Advisers Act excludes from the definition of "investment adviser" such persons not within the intent of the definitional paragraph "as the Commission may designate by rules and regulations or order."

Section 206A [15 U.S.C. 80b-6(A)] of the Act provides as follows:

"The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

Section 210(a) [15 U.S.C. 80b-10(a)] of the Act provides in part as follows:

"The information contained in any registration application or report or amendment thereto filed with the Commission pursuant to any provision of this title shall be made available to the public, unless and except insofar as the Commission, by rules and regulations upon its own motion, or by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Section 211 [15 U.S.C. 80b-11] of the Act provides in part as follows:

"(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title * * *."

* * * * *

"(c) Orders of the Commission under this title shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or certified mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the FEDERAL REGISTER.

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Commission on the date when they are actually received by it.

(b) *Formal specifications respecting applications.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed, and every amendment to such application shall be filed in quintuplicate. One copy shall be signed by the applicant, but the other four copies may have facsimile or typed signatures. Such applications shall be on paper approximately 8½ by 13 inches in size, except that tables, charts, and other documents may be larger if folded to approximately that size. The left margin should be at least 1½ inches wide, and, if the application is bound, it should be bound on the left side. All typewritten or printed matter (including deficits in financial statements) should be set forth in black so as to permit photocopying.

(c) *Authorization respecting applications.* (1) Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and which is executed by a corporation, partnership, or other company and filed with the Commission, shall contain a concise statement of the applicable provisions of the articles of incorporation, bylaws, or similar documents, relating to the right of the person signing and filing such application to take such action on behalf of the applicant, and a statement that all such requirements have been complied with and that the person signing and filing the same is fully authorized to do so. If such authorization is dependent on resolutions of stockholders, directors, or other bodies, such resolutions shall be attached as an exhibit to, or the pertinent provisions thereof shall be quoted in, the application.

(2) If an amendment to any such application shall be filed, such amendment shall contain a similar statement or, in lieu thereof, shall state that the authorization described in the original application is applicable to the individual who signs such amendment and that such authorization still remains in effect.

(3) When any such application or amendment is signed by an agent or attorney, the power of attorney evidencing his authority to sign shall contain similar statements and shall be filed with the Commission.

(d) *Verification of applications and statements of fact.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and every amendment to such application, and every statement of fact formally filed in support of, or in opposition to, any application or declaration shall be verified by the person executing the same. An instrument executed on behalf of a corporation shall be verified in substantially the following form, but suitable changes may be made in such form for other kinds of companies and for individuals:

STATE OF_____
COUNTY OF_____ ss:

The undersigned being duly sworn deposes and says that he has duly executed the attached_____dated_____, 19__, for and on behalf of_____;
(Name of company)
that he is the_____
(Title of officer)
of such company; and that all action by stockholders, directors, and other bodies necessary to authorize deponent to execute and file such instrument has been taken. Deponent further says that he is familiar with such instrument, and the contents thereof, and that the facts therein set forth are true to the best of his knowledge, information and belief.

_____
(Signature)
_____
(Type or print name beneath)
Subscribed and sworn to before me a _____ this _____
(Title of Officer)
day of _____, 19__.
[Official Seal]_____
My commission expires_____

(e) *Statement of grounds for application.* Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the rules and regulations under which application is made.

(f) *Name and address.* Every application shall contain the name and address of each applicant and the name and address of any person to whom any applicant wishes any question regarding the application to be directed.

(g) *Proposed Notice.* A proposed notice of the proceeding initiated by the filing of the application shall accompany each application as an exhibit thereto and, if necessary, shall be modified to reflect any amendments to such application.

(h) *Definition of Application.* For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

§ 275.0–5 Procedure with respect to applications and other matters.

The procedure hereinbelow set forth will be followed with respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Act or any rule or regulation thereunder, unless in the particular case a different procedure is provided:

(a) Notice of the initiation of the proceeding will be published in the FEDERAL REGISTER and will indicate the earliest date upon which an order disposing of the matter may be entered. The notice will also provide that any interested person may, within the period of time specified therein, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, stating his reasons therefor and the nature of his interest in the matter.

(b) An order disposing of the matter will be issued as of course following the expiration of the period of time referred to in paragraph (a), unless the Commission thereafter orders a hearing on the matter.

(c) The Commission will order a hearing on the matter, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors, (1) upon the request of any interested person or (2) upon its own motion.

(d) At the time of filing an application under the Act, the applicant or applicants shall pay to the Commission, in the manner specified in paragraph (b) of Rule 203–3 [17 CFR § 275.203–3(b)] under the Act, a total fee of $150, no part of which shall be refunded. This fee shall not be required where a single application is filed under both the Act and the Investment Company Act of 1940.

(e) Definition of Application. For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

§ 275.0–6 Incorporation by reference in applications.

(a) A person filing an application may, subject to the limitations of § 201.24 of this chapter, incorporate by reference as an exhibit to such application any document or part thereof, including any financial statement or part thereof, previously or concurrently filed with the Commission pursuant to any act administered by the Commission. The incorporation may be made whether the matter incorporated was filed by such applicant or any other person. If any modification has occurred in the text of any such document since the filing thereof, the applicant shall file with the reference a statement containing the text of any such modification and the date thereof. If the number of copies of any document previously or concurrently filed with the Commission is less than the number required to be filed with the application which incorporates such document, the applicant shall file therewith as many additional copies of the document as may be necessary to meet the requirements of the application.

(b) Notwithstanding paragraph (a) of this rule, a certificate of an independent public accountant or accountants previously or concurrently filed may not be incorporated by reference in any application unless the written consent of the accountant or accountants to such incorporation is filed with the application.

(c) In each case of incorporation by reference, the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated in the application at the particular place where the inforamtion is required.

(d) Notwithstanding paragraph (a) of this rule, no application shall incorporate by reference any exhibit or financial statement which (1) has been withdrawn, or (2) was filed under any act administered by the Commission in connection with a registration which has ceased to be effective, or (3) is contained in an application for registration, registration statement, or report subject, at the time of the incorporation by reference, to pending proceedings under Section 8(b) [15 U.S.C. 77a–8(b)] or 8(d) [15 U.S.C. 77a–8(d)] of the Securities Act of 1933 [15 U.S.C. 77a–1 et seq.], Section 8(e) [15 U.S.C. 8a–(e)] of the Investment Company Act of 1940, Section 15(b)(4)(A) [15 U.S.C. 7a–15(b)(4)(A)] of the Securities Exchange Act of 1934 [15 U.S.C. 78a–1 et seq.], Section 23(e)(1) [15 U.S.C. 80b–3(e)(1)] of the Investment Advisers Act of 1940 or to an order entered under any of those Sections.

(e) Notwithstanding paragraph (a) of this rule, the Commission may refuse to permit incorporation by reference in any case in which in its judgment such incorporation would render an application incomplete, unclear, or confusing.

(f) Definition of Application. For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

§ 275.204–1 [Amended]

§ 275.204–1 under the Investment Advisers Act of 1940 is presently entitled, "Amendments to application." In order to make it clear that that rule relates only to amendments to applications for registration, the Commission proposes to amend its title to read, "Amendments to applications for registration."

All interested persons are invited to submit their views on the foregoing proposals, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, to be received on or before July 15, 1976. All such communications will be available for public inspection and should refer to file No. S7–632.

By the Commission.

Dated: MAY 13, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–15815 Filed 5–28–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

BUSINESS LOAN POLICY

Charges and Interest Rates

The Small Business Administration (SBA) proposes to amend its Business Loan Policy Regulations to permit fluctuations in the interest rate to occur as frequently as quarterly on those immediate participation and guaranty loans to small business utilizing a fluctuating rate of interest. Heretofore, such fluctuations have been allowed to be effective no oftener then semi-annually.

This proposed amendment will allow lenders participating with SBA to establish in their leading instruments (with the concurrence of the small business borrowers) authority for adjusting interest rates on their fluctuating-interest rate loans quarterly, semiannually, or upon the expiration of any interval that has a duration of three months or more. The result will be that this type of SBA participation loan may be administered by private lenders more generally in keeping with the methods they employ in non-SBA commercial lending.

Comments with respect to this proposed amendment may be sent to the Associate Administrator for Finance and Investment, SBA, 1441 L Street, N.W., Washington, D.C. 20416. All material received on or before June 16, 1976 will be considered.

Pursuant to the authority of Section 5 of the Small Business Act, 72 Stat. 385, 15 U.S.C. 634, and Section 7 of such Act, as amended, 72 Stat. 387, 15 U.S.C. 636, it is proposed to amend Part 120 by revising subdivisions (ii) and (iii) of subparagraph 120.3(b)(2) thereof to read as follows:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * *

(b) *Charges and interest rates.* * * *

(2) * * *

(ii) Subject to the approval of SBA, a participating financial institution may establish such rate of interest on its share of an immediate participation loan as shall be legal and reasonable. A lending institution may be given the option of utilizing a fluctuating rate of interest on its share of an immediate participation loan. The fluctuations may occur no more often than quarterly, and must rise or fall on the same basis.

(iii) Subject to the approval of SBA, the interest rate on guaranteed loans may be established by the participating financial institution at a rate that shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more often than quarterly, and must rise or fall on the same basis.

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: May 24, 1976.

MITCHEL P. KOBELINSKI,
Administrator.

[FR Doc.76–15714 Filed 5–28–76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS' BENEFITS

Federal Employees' Compensation—Concurrent Benefits

The Administrator of Veterans' Affairs proposes regulatory changes to clarify provisions relating to concurrent eligibility to benefits under the Federal Employees' Compensation Act (Chapter 81, Title 5, U.S.C.) and benefits payable under laws administered by the Veterans' Administration.

Prior to January 1, 1957, benefits under the Federal Employees' Compensation Act were payable for disability or death of a reservist incurred in service during peacetime. Pub. L. 881, 84th Congress (70 Stat. 857), effective January 1, 1957, repealed the provisions for paying benefits under the Federal Employees' Compensation Act for disability or death of reservists. Currently, cases are occasionally encountered where the Veterans' Administration determines the disability or death was due to military service and the Office of Workers' Compensation Programs, which administers the Federal Employees' Compensation Act, determines that the same disability or death was due to the veteran's civilian Federal employment. When this occurs and benefits are payable by both agencies, the claimant must elect which benefit he or she wishes to receive since benefits may not be paid by both agencies concurrently, based on the same disability or death. There is no prohibition against a claimant receiving concurrent benefits from both agencies when the two benefits are not based on the same disability or death.

Regulatory provisions relating to concurrent entitlement to benefits under the Federal Employees' Compensation Act and benefits aunder laws administered by the Veterans' Administration are contained in § 3.708 of Title 38, Code of Federal Regulations. These provisions require an election of benefits when the dual entitlement is based on the same disability or death. It is proposed to incorporate in § 3.708 a specific provision stating the prohibition against payment of concurrent benefits does not apply when the dual entitlement is not based on the same disability or death. This amendment to the regulations is made for clarification only and does not effect any change in benefits or change in current policy or procedure. Minor editorial changes are included in this section to reflect a reorganization and change of name of the agency administering the Federal Employees' Compensation Act. Editorial changes are made in § 3.711 to delete references to Indian War veterans since the last known Indian War veteran died June 18, 1973.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before July 1, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

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Notice is given that the proposed changes will be effective the date of final approval.

1. In § 3.707, paragraph (b) is revised as set forth below:

§ 3.707 Dependents' education assistance.

. . . . .

(b) *Spouse or surviving spouse.* There is no bar to the payment of pension, compensation or dependency and indemnity compensaton to a spouse or surviving spouse concurrently with educational assistance allowance under 38 U.S.C. ch. 35.

2. In § 3.708, paragraphs (a) (1), (2) and (3) and (b) are revised as set forth below:

§ 3.708 Office of Federal Employees' Compensation.

(a) *Military service*—(1) *Initial election.* Where a person is entitled to compensation from the Office of Workers' Compensation Programs, under the Federal Employees' Compensation Act (FECA) based upon disability or death due to service in the Armed Forces and is also entitled based upon service in the Armed Forces to pension, compensation or dependency and indemnity compensation under the laws administered by the Veterans' Administration, the claimant will elect which benefit he or she will receive. Pension, compensation, or dependency and indemnity compensation may not be paid in such instaces by the Veteras' Administration concurrently with compensation from the Office of Workers' Compensation Programs. Benefits are not payable by the Office of Workers' Compensation Programs for disability or death incurred on or after January 1, 1957, based on military service.

(2) *Right of reelection.* Persons receiving compensation from the Office of Workers' Compensation Programs based on death due to military service may elect to receive dependency and indemnity compensation at any time. Once payment of dependency and indemnity compensation has been grated, all further right to FECA benefits is extinguished and only dependency and indemnity compensation is payable thereafter.

(3) *Rights of children.* Where primary title is vested in the widow of widower, the claimant's election controls the rights of any of the veteran's children, regardless of whether they are in the claimant's custody and regardless of the fact that such children may not be eligible to receive benefits under laws administered by the Office of Workers' compensation Programs. A child who is eligible for dependency and indemnity compensation or other benefits independent of the widow's or widower's entitlement may receive such benefits concurrently with payment of FECA benefits to the widow or widower.

. . . . .

(b) *Civilian employment*—(1) *Same disability or death.* Where a person is entitled to compensation from the Office of Workers' Compensation Programs based upon civilian employment and is also entitled to compensation or dependency and indemnity compensation under laws administered by the Veterans' Administration for the same disability or death, the claimant will elect which benefit he or she will receive. On or after September 13, 1960, an award cannot be approved for payment of compensation or dependency and indemnity compensation concurrently with compensation from the Office of Workers' Compensation Programs in such instances and an election to receive benefits from either agency is final. See § 3.958. There is no right of reelection. (5 U.S.C. 8116(b)) A child who is eligible for dependency and indemnity compensation or other benefits independent of the widow's or widower's entitlement may receive such benefits concurrently with payment of FECA benefits to the widow or widower.

(2) *Not the same disability or death.* There is no prohibition against payment of benefits under the Federal Employees' Compensation Act concurrently with other benefits administered by the Veterans' Administration when such benefits are not based on the same disability or death.

3. In § 3.711, paragraph (b) is revised as set forth below:

§ 3.711 Public Law 86–211.

. . . . .

(b) *Service prior to World War I*—(1) *General.* Veterans of the Spanish-American War who meet the service requirements of 38 U.S.C. 512(a) may elect to receive pension under 38 U.S.C. 521. Any widow or widower eligible for pension under 38 U.S.C. 536 may elect to receive pension under 38 U.S.C. 541. An election of pension under 38 U.S.C. 521 or 541 is final, except as provided in paragraph (b) (2) of this section, when the payee (or his or her fiduciary) has negotiated one check for this benefit. There is no right of reelection.

(2) *Aid and attendance.* Any veteran who meets the service requirements of paragraph (b) (1) of this section and who is receiving or entitled to receive pension based on need of regular aid and attendance will be paid whichever is greater: the monthly rate authorized by 38 U.S.C. 512(a), or the monthly rate authorized by 38 U.S.C. 521. A widow or widower of a veteran of the Spanish-American War who is receiving or entitled to receive pension based on a need of regular aid and attendance will be paid whichever is the greater: the monthly rate authorized by 38 U.S.C. 536 (a) and (b) and 544, or the monthly rate authorized by 38 U.S.C. 541 and 544. Elections are not required for these purposes. The change in rate will be effectice of the first day of the month in which the facts warrant such change.

(38 U.S.C. 512, 536, 541, 544)

Approved: May 25, 1976.

By direction of the Administrator:

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc 76 15843 Filed 5-28-76,8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 157 and 250]

[Docket No. RM76–15]

REGULATION OF SMALL PRODUCERS

Notice of Proposed Rulemaking

MAY 25, 1976.

Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, et seq., and the Natural Gas Act. Sections 4, 5, 7, 8, 10, 14, 15, and 16 (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 15 U.S.C. 717c, 717d, 717f, 717g, 717i, 717m, 717n, 717o), that the Federal Power Commission (Commission) proposes to amend §§ 157.40,[1] 250.10 and 250.11 of its regulations to clarify and modify the rules and regulations pertaining to small producers.

We propose to modify and clarify the existing regulations to take care of certain problems which have arisen in the administration of the small producer program since the issuance of Order No. 428. These changes will operate prospectively only, and any cases now pending will be decided on the merits under the regulations as they now exist. One of the principal areas of concern involves the situation where a small producer acquires reserves developed in place from a large producer. The application filed by Suburban Propane Gas Corporation[2] in Docket No. CS75–396 brought this question into particular focus for the Commission.

Suburban, which had been a large producer, applied for certification as a small producer. In granting its application because the company's annual jurisdictional sales had fallen below the 10,000,000 Mcf limit, the Commission conditioned the exemption such that reserves developed by Suburban as a large producer would not qualify for small producer treatment. Suburban objected to this condition as contrary to the meaning of § 157.40(c), which applies, according to the company, only to reserves that are "purchased" from a large producer, which was not the case with Suburban. The *Suburban* case will be decided on the merits based on the current language in § 157.40(c).

In addition to the *Suburban*-type situation, there are other possible circumstances outside the purview of § 157.40(c) when a small producer might hold reserves developed in place by a large producer, yet not acquire them by "purchase." Examples include (a) a large producer which sells some or all of its interests in order to fall within the ten million Mcf annual jurisdictional sales limitation, (b) a small producer lessor to which reserves developed by a large producer lessee revert upon expiration of the lease, and (c) a producer who becomes a small producer upon severance of affiliation with a large producer.

It is believed that the definition of a "small producer" must be clarified and modified so that everyone may know just who may be classified as such and for how long. From this, definitions of "small producer reserves" and "small producer sales" can have clearer meaning. Adoption of the proposed revised § 157.40(a) (1) should accomplish this purpose, for it will gear a producer's status as a large or small producer to the total jurisdictional volumes of gas sold by that producer and its affiliates during the immediately preceding calendar year, regardless of the producer's certificate status. That is to say, even if a producer continues to hold a small producer certificate to cover valid "small producer sales," that producer would be considered to be a large producer commencing with January 1 of the year following that in which its jurisdictional sales exceeded 10,000,000 Mcf,[3] and any sales from reserves thereafter developed would not be "small producer sales." The reverse would also be true, however, so that a former large producer would assume small producer status commencing January 1 of the year following that in which its sales drop below the 10,000,000 Mcf limit. While in the latter case the producer would not be entitled to make any "small producer sales" prior to its filing of an application for a small producer certificate, it nevertheless would be assured that sales from any reserves developed while it was in a small producer status could be made under its small producer certificate upon application.

Where a small producer merges with, acquires, is acquired by, or otherwise becomes affiliated with another producer and the total jurisdictional sales volumes of such parties exceeds 10,000,000 Mcf in the immediately preceding calendar year, the small producer's status as such should terminate effective as of the date of such merger, acquisition, etc. The reason for this is basically that the producer would no longer have the characteristic of "smallness." If the producer were allowed to retain small producer status even while operating as a subsidiary of a large producer it would provide a means, at least during an interim period, by which the large producer could funnel its exploration and development funds through such subsidiary to develop "small producer reserves" from which "small producer sales" could be made.

The next question is whether limited-term and emergency sales volumes count as part of a producer's total annual jurisdictional sales in determining a producer's status as a large or small producer. The present regulations are not specific on this point, but in the only two such cases decided thus far, the Commission's action indicated that limited-term volumes, at least, should be included.[4] The regulations here proposed would specifically include emergency sales and limited-term sales volumes as part of a producer's total annual jurisdictional sales.

With respect to emergency sales, we are not aware of any past case where the question of including the volumes as part of total sales has been raised. However, in at least one pending application this issue is present.[5] It is believed proper to include emergency sales volumes since in many cases such sales may extend well beyond the normal 60-day emergency period, pursuant to Commission Opinion No. 699–B, and are followed immediately by certificate authorization for sales from the same properties. Moreover, although parties making emergency sales are exempted from certain filing requirements, the sales are nevertheless jurisdictional.

Clarification is needed as to whether affiliations formed by participation in limited partnership would bring all limited partners under the definition of "affiliated producers" as set forth in § 157.40(a) (2). Since the basic criterion for affiliation as used there is whether a party, either directly or indirectly, controls, is controlled by, or is under common control with another party, it is believed that limited partnerships may, under certain circumstances, qualify as small producers even if certain of the limited partners are large producers or affiliates thereof. The basis for this is that while limited partners have a financial stake in a limited partnership, such partnership is under the control of the general partner. And absent some other basis of affiliation, the general partner does not control any of the limited partners themselves, nor does any limited partner control the general partner.

Therefore, it is proposed that, assuming no affiliations among the parties exist outside of the limited partnership, a limited partnership be allowed to qualify for a small producer certificate where the general partner is a small producer and the interests of large producers and affiliates thereof, including officers, directors, etc., in such partnership do not total more than 12½ percent. Since in some cases a limited partnership has hundreds of limited partners, it is believed that the partnership should file an affidavit to the effect that interests of large producers do not total in excess of 12½ percent, and should list all limited partners having interests of 10 percent or more, as well as all general partners, and show their respective percentages of ownership.

This raises a further question as to which volumes should count toward the jurisdictional sales volumes of which partners in a limited partnership. Since the general partner is in control, it is proposed that the total volumes sold by the partnership be attributed to the general partner (or general partners, if more than one), and none to the limited partners. Thus, if the partnership sold 5,000,000 Mcf of jurisdictional gas in one calendar year and the general partner thereof made other jurisdictional sales during that same year of 6,000,000 Mcf, the general partner would lose its small producer status. By the same token, however, if the various limited partners each made separate jurisdictional sales, such sales would not be considered sales by affiliates of the partnership and thus would not have a bearing on the 10,000,000 Mcf limitation of the partnership.

To avoid the possibility, however, that a particular party may utilize limited partnerships as a device to circumvent the rate limitations applicable to large producer sales, such as where some limited partners own majority interests, the Commission will consider prohibiting a small producer certificate issued to a limited partnership from covering the interests of any limited partner whose interests in sales under that and other limited partnerships totaled in excess of 10,000,000 Mcf in the calendar year immediately preceding that in which the small producer application is filed by the subject limited partnership.

The proposed revised definition of a "small producer" dictates, at least in part, a change in the definition of "small producer sales." Thus, "small producer sales" are proposed to be defined as those made from "small producer reserves," which in turn are proposed to be defined as:

(i) Reserves developed by a producer while it was in the status of a small producer; and

(ii) Developed reserves held on March 17, 1971, by a small producer, as defined in § 157.40(a) (1), regardless of whether such reserves were developed by a large or small producer.

As in the present regulations, this definition would apply regardless of whether the sales were made under a small producer's own contract or the contract of any other party.

In addition, elimination is proposed for that portion of the present definition

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[1] The amendments proposed herein would have to be altered to accommodate any changes that would result should the Commission adopt the amendments to § 157.40 proposed by the Notice of Proposed Rulemaking issued on August 28, 1975, in Docket No. RM76–5. Since the issues raised in that proceeding are independent of the modifications proposed herein, both rulemaking proceedings can continue separately.

[2] Suburban Propane Gas Corporation, Docket No, CS75–396, —— FPC —— (November 19, 1975), rehearing granted, —— FPC —— (January 15, 1976).

[3] A small producer certificate will be considered to have terminated as of December 31 of the year in which its jurisdictional sales first exceeded the 10,000,000 Mcf limit, or as of the effective date of affiliation (by merger, acquisition, etc.) with a large producer or a jurisdictional pipeline company where the latter situation is involved.

[4] The Dow Chemical Company, Docket No. CI72–657, order issued May 25, 1972; and Docket No. CI73–75, order issued September 19, 1972.

[5] Docket No. CS75–470, in which Texas Oil & Gas Corp. and two of its affiliates, Tonkawa Gas Processing Company and The Nueces Company, whose aggregate sales volumes previously exceeded 10,000,000 Mcf, are applying for a small producer certificate based upon sales during 1974 of 9,125,350 Mcf. However, such volume does not include emergency sales of 426,099 Mcf made by Texas Oil & Gas Corp. in that year (per § 157.29) and of 13,051,276 Mcf made by its wholly-owned intrastate pipeline affiliate, Delhi Gas Pipeline Corporation (per § 2.68).

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of "small producer sales" which provides that they include

(ii) Sales of all interests under a small producer's contract if producers not qualifying as small producers have interests which in the aggregate are no greater than 12½ percent; * * *

It may be noted that a troublesome feature of allowing coverage of large producer working interests under a small producer's certificate is that a large producer's interests in sales under the small producer's contract may vary considerably from year to year as new wells begin and old wells cease to produce, where the large producer's percentage of interest varies with each well. For example, a large producer may own a 5 percent interest in the initial well from which sales are made under a small producer's contract and a 50 percent interest in a second well developed much later and with much greater production, so that the large producer's aggregate interest in total sales under the contract might then jump to, say, 30 percent. The question arises as to what portion, if any, of the large producer's interest can continue to be sold under the small producer's certificate. Such situations are practically impossible to monitor, particularly without a much more detailed annual report form for small producers.

Because of the Commission's lack of jurisdiction over royalty interests,[4] and the treatment of overriding royalty interests noted below, it is proposed that the 12½ percent provision be deleted in its entirety, since there is no apparent justification for allowing large producer working interests also to be covered by small producers' certificates. The fact that such coverage lessens the number of large producer filings does not justify large producers collecting small producer rates. It may be noted that the 12½ percent provision was inserted when small producer regulations were first established (Order No. 308, issued October 29, 1965, in Docket No. R–279, 34 FPC 1202), at which time there was no substantial difference between large and small producer rates.

It is proposed that an overriding royalty interest be treated the same as the working interest to which it is related. When a large producer converts an overriding interest to a working interest, however, the new working interest should be subject to the regulations applicable to large producer sales. This will avoid the possible abuse of the small producer regulations by attempts to circumvent large producer rate limitations.

Additionally, the proposed regulations specify that a small producer certificate may cover sales to a jurisdictional natural gas pipeline company or its affiliate from reserves which were developed by that pipeline company or any affiliate thereof, but that any such sales from reserves developed on or after March 18, 1971, would not qualify as "small producer sales" and also would be subject to such rate limitations as would otherwise apply.

Pursuant to § 157.40(b) of the regulations, "small producers may apply for a blanket certificate to cover all *existing* and *all future* jurisdictional sales * * *" (emphasis added). However, because of the language in paragraph (c) of this section regarding rate regulation of sales from developed reserves acquired from a large producer, it has heretofore been considered a prerequisite that a specific waiver of the latter paragraph be granted, upon request, before sales from "large producer reserves" could be covered by a small producer certificate, even though subject to the rate limitations applicable to large producer sales.

It is proposed to permit small producers to make sales from "large producer reserves" under small producer certificates, thereby eliminating separate certificate applications and rate filings, but with the rates for such sales limited to the area or nationwide rates applicable to comparable large producer sales. In order to provide proper notice to affected parties, however, it is proposed that the small producer under such circumstances be required to file with the Commission a certification of election to have the former large producer sale to which it has succeeded included under the small producer's certificate and to furnish copies of any such certification to its buyer and any other affected parties. The certification can then be merely acknowledged by letter from the Secretary and made part of the small producer docket file of the small producer.

Present subparagraph (2), proposed to be redesignated as subparagraph (3), of § 157.40(b) requires that an applicant list sales for which it holds no certificates or has no rate schedules on file with the Commission, but the present application form does not specifically provide space for such listing. The proposed form, hereinafter discussed, does provide space therefor.

A modification of § 157.40(c) is proposed to conform the language to the proposed definitions of a "small producer" and "small producer sales." The proposed language would eliminate the problems associated with interpreting the intent of the present wording, "acquired by the purchase of developed reserves in place from a large producer," when dealing with situations like Suburban Propane, supra, where a former large producer's sales dropped below 10,000,000 Mcf per year, or where a large producer became a small producer upon severance of its affiliation with a large producer.

The small producer regulations should be modified to provide for automatic termination on a specific date of a small producer certificate as to sales from newly developed or acquired reserves when the small producer no longer qualifies as such, rather than to rely on the Commission to determine the appropriate cutoff date on a case-by-case basis under the present regulations. The establishment of an automatic cutoff date now appears to be warranted, for the following reasons:

(1) Total volume information for sales by a small producer and/or all of its affiliates often is not available on a timely basis. In some cases, information that a small producer's annual sales exceeded the 10,000,000 Mcf limit has not become available until one or more years after the limit has been exceeded, thus leaving in doubt whether or not new sales commenced in the interim are large producer or small producer sales. Under present procedure, if the Commission fails to establish retroactive termination dates in situations of this type, and the sales commenced in the interim are allowed to continue as small producer sales, there is incentive for small producers to withhold or delay reporting of their volumes as long as possible if they have reached the limit.

(2) In some instances, parties who are affiliated within the meaning of the present small producer regulations (§ 157.40 (a)(2)) either do not recognize, or they ignore or disagree with the applicability of the definition of "affiliated producer" in their case, and as a result they do not include their affiliates' volumes in their annual reports. In quite a few cases, the Commission is not aware of affiliations. The result is that slippage in terminating small producer certificates is inevitable and in some cases can be severe if retroactive termination dates are not established. Policing of affiliations has been all the more difficult because the present application form, FPC Form No. 314–A, is not designed in a way to require sufficient disclosure. The new form proposed would, we believe, help rectify this.

(3) If an automatic termination date is provided for, everyone is equally on notice that any sales commenced and/or reserves developed after such date cannot be treated as small producer sales or reserves. This would provide pipeline purchasers greater certainty in the rates which they pay.

Accordingly, it is proposed that a small producer's certificate be automatically terminated as of the date it loses its small producer status (i.e., December 31 of the calendar year in which a small producer's jurisdictional sales, including sales by affiliates, first exceed the 10,000,000 Mcf limit[7] or as of the date of merger or acquisition (a) where the producer merges with, acquires, is acquired by, or otherwise becomes affiliated with another producer and the combined sales of the parties, together with those of their affiliates, exceeded that limit in the preceding calendar year, or (b) where the merger or acquisition involves a jurisdictional pipeline company). This would be consistent with the definition of a "small producer" being proposed herein.

The small producer certificate would not be terminated with respect to existing sales from "small producer reserves," or from other than "small producer reserves" where the prices are limited to those for comparable large producer sales or are otherwise limited.

No substantive changes are proposed in paragraphs (e) and (i) of § 157.40.

The situation has arisen in a few cases where a large producer succeeds to interests covered by a small producer certificate. In such cases, the Commission has interpreted the regulations as requiring the large producer to obtain regular certificate authorization, with the price limited to the area or national rate applicable to a large producer sale. It is realized that this contrasts with the situation where a small producer becomes a large producer but is allowed to retain its small producer certificate for its sales being made while a small producer, but presumably without such an incentive the small producer might not have even commenced the sale.

Under the regulations being here proposed, a large producer would still be required to obtain separate certificate authorization and file a rate schedule to cover its sales from acquired "small producer reserves," but would be allowed to collect the same rate that a small producer could collect under a small producer certificate for sales from such reserves, subject, however, to the following limitations:

(a) The rate charged by the large producer could not exceed the applicable small producer just and reasonable rate.

(b) The rate for sales by a large producer from a working interest acquired as a result of conversion of an overriding royalty interest held in "small producer reserves" could not exceed the applicable large producer just and reasonable rate.

The bases for permitting a large producer to collect small producer rates, subject to the above-stated limitations, are principally these:

(a) It would be advantageous to small producers for it would expand the market for their sales of developed reserves in place, which in turn could result in earlier recoupment of their investment and re-use of their money for further exploration.

(b) Presumably, a large producer buying developed reserves in place from a small producer would have to pay a price which reflected the price which a small producer could get if it produced the gas itself and sold it directly to a pipeline purchaser.

The proposed limitation to the small producer just and reasonable rate is believed necessary to discourage run-away purchase prices for reserves in place. Also, the limitation would offset the possibility of a large producer's using an advantage it may have in another situation as a lever for negotiating a contract rate above the applicable small producer just and reasonable rate.

To help the analysis of new small producer contracts and amendments filed pursuant to § 157.40(g) of the regulations, it is proposed that the pipeline purchaser indicate in its submittal the small producer just and reasonable rate applicable to the sale to which the filing pertains and the docket number of the small producer certificate involved.

To avoid any possible confusion, it is also proposed that, rather than show the specific interest rate required on refunds which may be required under § 157.40 (h), the interest rate merely be keyed to that prescribed in § 154.102 of the regulations. As it now stands, the interest rate prescribed in § 154.102 is 9 percent pursuant to Order No. 513, issued October 21, 1974, whereas the interest rate shown in § 157.40(h) as presently codified as of April 1, 1975, is 7 percent.

The present Form No. 314–A has certain deficiencies, particularly with respect to providing information on affiliations and sales under contracts not filed with the Commission as rate schedules, which result in an applicant's furnishing incomplete information and cause the Staff additional processing problems. For example, the present form requires that the applicant list, in Items 8 and 9, all owners of more than 10 percent interest in the applicant and their respective interests in other natural gas companies, but does not require a showing of any interests in natural gas companies owned by the applicant itself (other than affiliated purchasers from applicant, in Item 10). Further, as heretofore noted, space is not provided on the form for listing gas sales contracts of the applicant which are not on file as rate schedules, which listing is required by § 157.40(b)(2). The proposed new form and clarifying instructions attached thereto are intended to cure deficiencies by providing the Commission with the necessary information outlined above. The new form would also incorporate the requisite verification instead of its being on a separate form.

At present, small producers are required by § 154.104 of the regulations to submit by April 1 of each year statements of jurisdictional sales for the preceding calendar year on FPC Form No. 314–B, prescribed in § 250.11. Instruction 2 at the top of the present form states that the amount of natural gas stated in the certifying statement shall be equal to the sum of the detailed volumes reported. However, the form is not designed properly for the listing of affiliates and their respective jurisdictional sales volumes, particularly where the affiliates' sales are not made under the reporting producer's small producer certificate. In order to facilitate monitoring of total sales by affiliates, it is believed that such a listing is essential. The proposed listings would also serve to supplement the small producer applications already on file since the form which has been in use is not designed to provide for full disclosure of affiliations. Accordingly, it is proposed that Form No. 314–B be revised per the attachment, which also provides for the separate listing of sales made by the small producer which are not covered by the small producer certificate, such as limited-term sales, emergency sales and sales under the optional certificate procedure.

The instructions for this proposed form advise the producer of the filing requirements under section 7(b) of the Act with respect to any sales previously made but no longer being made at the time the report is filed. Where the producing properties have been transferred to another party, the producer should furnish the date of transfer and the name and address of the successor-in-interest. These instructions on the form can save considerable correspondence.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than July 9, 1976, data, views, and comments or suggestions in writing concerning the proposed revised regulations and revised forms, and replies thereto not later than July 29, 1976. Written submittals will be placed in the Commission's public files and be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, and mailing address of the person to whom correspondence with regard to the proposal should be addressed and whether the person filing submissions requests a conference with the Staff of the Federal Power Commission to discuss the proposed amended regulations and accompanying forms. The Staff, in its discretion, may grant or deny requests for conference.

Additionally, copies must be served on all participants in this proceeding who appear on the current Secretary's Service List, and each submittal must contain the following statement signed by the person filing or authorizing the filing: "I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of § 1.17 of the rules of practice and procedure. Dated at _____ this _____ day of _____, 19____. Signature." All comments shall be under oath and acknowledged by a notary public or comparable official, as follows: "_____ (Name) _____ being duly sworn, deposes and says [that he is (title and organization, if filing in a representative capacity)]; that he is authorized to verify and file this document; that he has examined the statements contained therein, and that all such statements are true and correct to the best of his knowledge, information, and belief."

The proposed amendments to Part 157 of the Commission's Regulations, Applications For Certificates Of Public Convenience And Necessity And For Orders Permitting And Approving Abandonment

[4] *Mobil Oil Corp.* v *F.P.C.*, 463 F. 2d 256 (D.C. Cir. 1971), cert. denied, 406 U.S. 976 (1972).

[7] Where a small producer had previously been a large producer, of course, this would apply to the first calendar year in which sales exceeded 10,000,000 Mcf after the producer had acquired small producer status.

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Under Section 7 of the Natural Gas Act, and Part 250, Forms, would be made pursuant to the authority granted the Commission by the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, 14, 15, and 16 (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 15 U.S.C. 717c, 717d, 717f, 717i, 717m, 717n, 717o).

Accordingly, the Commission proposes to amend Part 157, Applications For Certificate Of Public Convenience And Necessity And For Orders Permitting And Approving Abandonment Under Section 7 Of The Natural Gas Act, in § 157.40, Chapter I, Title 18 of the Code of Federal Regulations, by substituting therefor the revised language set forth below.

The Commission also proposes to amend Part 250, Forms, in §§ 250.10 and 250.11, Form Nos. 314–A and 314–B, Application For Small Producer Exemption And Annual Statement For Independent Producers Holding Small Producer Exemptions, respectively, Chapter I, Title 18 of the Code of Federal Regulations, by substituting for the present FPC Form Nos. 314–A and 314–B the amended versions of those forms as set out below.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

1. Section 157.40 is revised to read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

(a) *Definitions.* (1)(i) A "Small Producer" is an independent producer of natural gas as defined in § 154.91 of this chapter who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of "affiliated producers," were not in excess of 10,000,000 Mcf at 14.65 psia during the the preceding calendar year. As used in this section, the term "jurisdictional sales" includes emergency sales and sales made under limited-term certificates, as well as volumes of gas paid for but not taken under prepayment clauses and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within this section has an interest in such sales, but does not include sales made pursuant to percentage sales contracts.

(ii) A small producer as defined above will retain small producer status through December 31 of the calendar year in which its total jurisdictional sales (including sales by affiliates) first exceed the 10,000,000 Mcf limitation, except that if a small producer merges with, acquires, is acquired by, or otherwise becomes affiliated with (i) another producer and the total jurisdictional sales volumes of such parties exceeded 10,000,000 Mcf in the immediately preceding calendar year, or (ii) a jurisdictional pipeline company, said small producer's status as such will terminate effective as of the date of such merger, acquisition or other type of affiliation. Upon termination of small producer status, the producer or its survivor (successor) will be considered to be a large producer, notwithstanding the fact that it may still hold a blanket small producer certificate (§ 157.40(b)) which may continue to cover its then-existing "small producer sales" as well as any other sales previously allowed to be covered thereby (subject to rate limitations as to the latter as set forth in paragraphs (b) and (c) of this section).

(iii) For the purposes of this section, a limited partnership will be considered as a small producer, as defined herein, if no general partner is a large producer and if the large producer interests, including affiliates, do not total more than 12½ percent of the partnership itself.

(iv) Where dissolution, divestiture or other severing of affiliation occurs, a surviving party will be considered as having small producer status as of the date of such occurrence provided that jurisdictional sales of natural gas during the preceding calendar year attributable to the reserves acquired or retained by such surviving party as a result of such dissolution, divestiture or other severance, together with any other jurisdictional sales it made in that year, did not exceed 10,000,000 Mcf, and the producer meets the other qualifications also.

(2) "Affiliated producers" are persons who, directly or indirectly, control, or are controlled by, or are under common control with, the applicant producer. Such control exists if the producer has the power to direct or cause the direction of, or as a matter of actual practice does direct, the management and policies of another producer, whether such power is exercised alone or through one or more intermediary companies, or pursuant to an agreement, and whether such power or practice is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, associated companies, relationship of blood or marriage, or any other direct or indirect means. For the further purposes of this section, the term "agreement" shall not include any agreement for the operation of a natural gas producing property or a plant processing natural gas or any joint venture, partnership, nominee, or other type of agreement pertaining to the joint exploration for and development and operation of oil and gas properties, unless such agreement otherwise establishes the power of one producer to direct or cause the direction of the management and policy of another producer. On this basis, the general partners in limited partnerships are considered affiliated with their respective partnerships, but the limited and general partners are not considered affiliated with each other where no affiliations exist outside of the partnerships. Also, for the further purposes of this section, the existence of one or more directors of an applicant producer in common with another producer shall be deemed a conclusive presumption of affiliation and control.

(3) "Small producer sales" are sales of natural gas made pursuant to authorization granted under this section from "small producer reserves," hereby defined as: (i) Reserves developed by a natural gas company while in the status of a "small producer" as defined in paragraph (a)(1) of this section; and (ii) developed reserves held on March 17, 1971, by a "small producer," regardless of whether such reserves were developed by a large or small producer. Such sales are considered as "small producer sales" whether made under a small producer's or any other party's contract. Under no circumstances shall a sale from reserves developed on or after March 18, 1971, by a jurisdictional natural gas pipeline company or an affiliate thereof qualify as a "small producer sale," but such sale may be made under a small producer certificate subject to the rate limitations which would otherwise apply.

(b) *Procedure for securing blanket small producer certificate.* (1) A small producer may apply for a blanket certificate to cover existing and future jurisdictional sales, except as to those sales authorized pursuant to Sections 2.70 and 2.75 of the Commission's General Policy and Interpretations, that do not raise the producer's total jurisdictional sales on a nationwide basis above 10,000,000 Mcf during any calendar year. An application by such a producer shall include the following information: (i) Total jurisdictional sales on a nationwide basis for the calendar year preceding the application; (ii) a list of outstanding certificates and rate schedules together with names and percentages of interest of other interest owners under such rate schedules, with clear identification of those interests intended to be covered by the applicant's small producer certificate; (iii) a list of outstanding rate schedules of others in which applicant owns an interest together with applicant's percentage of interest; and (iv) the names of all owners (stockholders, partners, joint venturers, etc.) of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company, and any positions such owners may hold with another natural gas company.

(2) The applicant should clearly identify any sales reported pursuant to (1) above which are not "small producer sales" but which are proposed to be covered by the small producer certificate. These will be subject to the rate limitations applicable to comparable large producer sales or otherwise applicable, as set forth in paragraph (c) of this section. If after filing a small producer application the producer desires to have its small producer certificate cover additional sales which are other than "small producer sales" but which are not otherwise prohibited from being covered, it need only submit to the Commission a certification to that effect and furnish copies of such certification to affected parties. No further action by the Commission will be necessary other than acknowledgment by the Secretary. Such coverage will be effective as of the date of filing of the aforesaid certification with the Commission, unless otherwise ordered.

(3) An applicant for a blanket small producer certificate who has contracted for jurisdictional sales of gas for which there is no outstanding certificate issued by, or rate schedule filed with, this Commission shall include the following information in his application: (i) A list of all such contracts; (ii) source of production, total rate and the annual volume delivery obligations of the producer under each such contract, together with names and percentages of interest of other interest owners under each such contract, with clear identification of those interests intended to be covered by the applicant's small producer certificate; and (iii) a list of owners of the applicant with an interest of 10 percent or more, their percentages of ownership in the applicant and in any other natural gas company and any positions such owners may hold with other natural gas companies.

(4) The application shall contain the information required by the form set out in § 250.10 of this chapter. A conformed copy shall be served upon each of the applicant's purchasers.

(c) *Rate and certificate regulation under blanket certificate.* Small producers certificated hereunder shall be authorized to make "small producer sales" nationwide pursuant to existing and future contracts at the price specified in each such contract. If the contractually authorized rate does not exceed 130 percent of the Commission-determined base ceiling rate applicable to a comparable large producer sale, subject to any adjustments permitted or required under the particular order of general applicability involved, the rate may be charged and received by the small producer and paid by the purchaser as the lawful, just and reasonable rate approved by the Commission pursuant to sections 4, 5 and 7 of the Act. Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer under its small producer certificate other than its "small producer sales" as defined in paragraph (a)(3) of this section. Any such other sales shall be subject to the rate limitations applicable to comparable large producer sales or otherwise applicable. Nothing done hereunder shall be recognized by the Commission as triggering any escalation clause in an existing contract involving a producer not covered by a small producer certificate, except as provided in paragraph (f) of this section. No small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale regulated hereunder.

(d) *Duration of the exemption.* The exemption authorized hereunder shall remain in effect for each small producer until the producer no longer qualifies as a "small producer" (i.e., until December 31 of the calendar year in which the producer's jurisdictional sales first exceed the 10,000,000 Mcf limitation, or until the producer otherwise loses its small producer status as set forth in paragraph (a)(1) of this section) or fails to comply with the terms of the exemption. Upon termination of the exemption, the producer will be required to file separate certificate applications and individual rate schedules for future sales but the exemption will still be effective as to those sales previously covered by the small producer certificate, including sales other than "small producer sales" made at rates limited to those allowed for comparable large producer sales or otherwise limited.

(e) *Limitation on contractual provisions.* No small producer granted exemption under paragraph (c) of this section shall charge or collect any rate for a "small producer sale" of natural gas in excess of the just and reasonable rate prescribed in that paragraph where the contractual right to such rate is based upon any contractual provision which would not be permitted by paragraphs (a), (b), (b–1) and (c) of § 154.93 of this chapter. For the purpose of this limitation, it shall make no difference whether the contract was executed prior to or subsequent to April 3, 1962.

(f) *Filings by large producers with respect to related resales and sales from "small producer reserves" acquired in place.* A large producer may file for the price specified in its related contract for the resale of any natural gas sold to it by a small producer pursuant to the exemption authorized hereunder. In determining whether to accept or suspend such a filing, we shall be guided by the just and reasonable rate for small producers established in paragraph (c) of this section and the size of the differential between the purchase and resale price. In the event the proposed rate is suspended because of the rate level paid to a small producer, the same standards set forth in paragraph (i) of this section with respect to pipeline purchases shall apply to the purchase by the large producer. A large producer under an area rate clause in its resale contract may file for the rate paid by it for gas purchased from a small producer as long as the rate does not exceed the just and reasonable rate prescribed in paragraph (c) of this section. Where a large producer acquires "small producer reserves" in place and makes appropriate certificate and rate filings, it may collect the lesser of its contract rate or the just and reasonable rate for small producers prescribed in the aforesaid paragraph (c).

(g) *Filing of contracts and notification of abandonment.* Pipeline purchasers and large producer purchasers shall file, within 60 days of the execution thereof, each new contract and each contract amendment dated on or after March 18, 1971, for the sale of natural gas to them by a small producer pursuant to the exemption authorized hereunder, together with an estimate of the purchase volumes, the applicable small producer just and reasonable rate as prescribed in paragraph (c) of this section, and the rate to be charged for the first full year after the commencement of deliveries with respect to each new contract and each contract amendment dedicating additional natural gas, and shall notify this Commission of the cessation of deliveries made by a small producer pursuant to the exemption authorized hereunder within 60 days of such cessation. Any submittal required under this paragraph shall show the docket number of the small producer certificate involved.

(h) *Resale authorization for large producer.* A large producer who has filed on or after July 15, 1971, an application for a certificate of public convenience and necessity for the resale of natural gas purchased from a small producer authorized to sell such gas pursuant to the blanket small producer certificate provisions in paragraph (c) of this section may resell such gas at any time after the filing of such certificate application pending final Commission action thereon. Any amounts collected by a large producer for resales made pursuant to this paragraph in excess of the rate finally determined to be required by the public convenience and necessity for such resales shall be subject to refund with interest at the rate prescribed in § 154.102 of this chapter.

(i) *Pipeline purchases.* If a pipeline company purchases gas from a producer who is selling such gas pursuant to a small producer certificate at a rate in excess of the just and reasonable rate established in paragraph (c) of this section, then the pipeline purchaser must show that the rate paid to the small producer is just and reasonable before it may include any amount in excess of the just and reasonable rate in said paragraph (c) in its cost of service. In determining whether the small producer's rate is just and reasonable in such a situation, the Commission will consider all relevant factors including (1) producer's costs, (2) the pipeline's need for gas, (3) the availability of other gas supplies, (4) the amount of gas dedicated under the contract, (5) the rates of other recent small producer sales previously approved for flow through and (6) comparison with appropriate market prices.

2. Section 250.10 (FPC Form No. 314–A) is revised to read as follows:

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CERTIFICATES AND RATE SCHEDULES OF APPLICANT

APPLICANT	DOCKET NUMBER	RATE SCHEDULE NUMBER	INTEREST OWNERSHIP UNDER RATE SCHEDULE NAME	PERCENT INTEREST

APPLICANTS SALES UNDER CERTIFICATES AND/OR RATE SCHEDULES OF OTHERS

OTHER SELLER	DOCKET NUMBER	RATE SCHEDULE NUMBER	APPLICANTS PERCENT INTEREST IN RATE SCHEDULE

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APPLICANTS JURISDICTIONAL GAS SALES CONTRACTS WHERE NO CERTIFICATE ISSUED OR RATE SCHEDULE FILED WITH COMMISSION

DATE	PURCHASER AND SOURCE OF PRODUCTION	ANNUAL DELIVERY OBLIGATIONS	TOTAL RATE (¢ per Mcf) 14.73 PSIA	OTHER INTEREST OWNERS NAME	PERCENT INTEREST

NOTE: Place an asterisk (*) after each rate schedule, contract or purchaser's name where the sale or interest in a sale is not to be covered by the small producer certificate applied for.

State of _____ }
County of _____ } ss.

The undersigned, being first duly sworn, states that he is the applicant or is the _____ (County, title of officers, etc.)

of the applicant in the foregoing application; that he has signed said application as or on behalf of said applicant with full authority so to do; that he has read said application and knows the contents thereof; that all of the statements contained therein are true to the best of his knowledge and belief; and that a conformed copy of the application has been served upon each of applicant's purchasers.

(Signature)

Sworn to and subscribed before me a notary public in and for said county and state, this _____ day of _____, 19__.

(Notary Public)

My commission expires _____
(Seal)

§ 250.10 Application for small producer exemptions.

Approved by OMB

DOCKET NO. CP _____

FEDERAL POWER COMMISSION
FPC Form 314-A
Rev. (6-76)
Item No.

APPLICATION FOR SMALL PRODUCER CERTIFICATE
(See § 157.40(a) of the Commission's Regulations under the Natural Gas Act)

PLEASE READ ATTACHED INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

1. NAME OF APPLICANT

2. STATE OF ORGANIZATION

3. LOCATION OF PRINCIPAL PLACE OF BUSINESS

4. TYPE OF ORGANIZATION (Corporation, Partnership, Etc.)

5. PERSON RESPONSIBLE FOR APPLICATION
a. NAME AND TITLE
b. MAILING ADDRESS

6. TOTAL JURISDICTIONAL SALES VOLUMES AT 14.65 PSIA FOR CALENDAR YEAR PRECEDING APPLICATION BY APPLICANT AND ALL AFFILIATES.
a. Applicant –
b. Affiliates (list separately) –
c. Total Volumes –

7. LISTS OF CERTIFICATES, RATE SCHEDULES AND CONTRACTS (See reverse side for reporting)
a. OWNERS OF 10 PERCENT OR MORE INTEREST IN APPLICANT: (i) INDIVIDUAL NAME, (ii) PERCENT OF OWNERSHIP, AND (iii) POSITION HELD, IF ANY.

b. OFFICERS, DIRECTORS, TRUSTEES, ETC., OF APPLICANT: (i) INDIVIDUAL NAME, (ii) PERCENT OF OWNERSHIP, AND (iii) POSITION HELD.

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c. RELATIVES OF APPLICANT WHO ARE "AFFILIATED PRODUCERS,"

d. OWNERSHIP AND/OR POSITIONS HELD BY APPLICANT AND AFFILIATES IN OTHER NATURAL GAS COMPANIES: (i) NAME, (ii) PERCENT OF OWNERSHIP, AND (iii) POSITION HELD, IF ANY. (Identify purchasers from applicant or affiliates by an asterisk(*))

INSTRUCTIONS FOR FPC FORM 314–A, APPLICATION FOR SMALL PRODUCER CERTIFICATE (SECTION 157.40 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT)

General: An independent producer who is is a "Small Producer" as defined in § 157.40 (a)(1) of the Commission's regulations under the Natural Gas Act (i.e., a producer who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of "affiliated producers," as defined in §157.40(a)(2) of the regulations, are not in excess of 10,000,000 Mcf at 14.65 psia during the preceding calendar year) may apply for a small producer certificate by completing FPC Form 314–A and filing with the Commission an original and three copies thereof. Copies should also be served on each purchaser and other affected parties. If insufficient space is given for a complete answer with respect to a particular item on the form, continue the answer on a separate sheet, noting the relevant item number. Pursuant to the Commission's small producer regulations, as promulgated by its Order No. 428, as amended, and Opinion No. 742 in Docket No. R–393, a producer who applies for small producer exemption may, subject to the limitations set forth in the regulations, commence new jurisdictional sales and collect its contract rates for existing or new sales as of the date of filing of its application, regardless of pricing area, without further filings with the Commission.

In general, a working interest owner who is not a large producer and who is covered by a small producer's gas sales contract may likewise be covered by the latter's small producer certificate for that particular sale. Such certificate would not, however, cover any other sales made by that working interest owner. Royalty and overriding royalty interests in sales made by small producers are considered covered by their small producer certificates.

Item 1: Name of Applicant—If more than one applicant is involved, a separate form should be submitted for each unless they are affiliated. In any event, each applicant should be identified, and information required on the form should be supplied for each.

Item 2: State of Organization—If applicable.

Item 3: Location of Principal Place of Business—Give city and state.

Item 4: Type of Organization—State whether applicant is a corporation, partnership, trust, or other entity. Briefly describe organizational structure if other than an individual or corporation if not evident from other information furnished in the form. Ordinarily, parties engaged in joint ventures but which are not affiliated should each file a separate application.

Item 5: Person Responsible for Application—Give name, title and address, as indicated on the form. Notify the Commission of any change of address within 30 days thereof.

Item 6: Total Jurisdictional Sales Volumes for Calendar Year Preceding Application by Applicant and All Affiliates—Give volumes in Mcf at 14.65 psia, in total, including volumes sold by all affiliated parties, and separately for each such affiliated party, whether or not it is a joint applicant. Include volumes of gas paid for but not taken under prepayment (e.g., take-or-pay) clauses, volumes sold under limited-term certificates, emergency sales volumes and volumes of gas sold under rate schedules of other parties covering jurisdictional sales, in the proportion that the applicant and affiliates have interests in such sales. Do not include volumes sold pursuant to percentage sales contracts (§ 154.91(e)). Where the applicant is a limited partnership, include jurisdictional volumes sold by all general partners thereof outside of the partnership, but not outside sales by the limited partners. Similarly, where an applicant who is a general partner in a limited partnership is applying for a small producer certificate to cover sales outside of the partnership, the applicant must include the jurisdictional sales volumes of the partnership as part of the applicant's total jurisdictional sales.

Item 7: (A) *List of Certificates and Rate Schedules of Applicant*—List all certificates presently held by the applicant by docket number and all contracts presently on file with the Commission as rate schedules by rate schedule name (if different from applicant's) and number. List all interest owners whose sales are covered by such certificates and/or rate schedules and their respective percentages of ownership. Identify clearly each sale and each interest in each sale which is to be covered by the small producer certificate. Note that sales from reserves other than "small producer reserves," as defined in § 157.40(a)(3) of the regulations, may be covered by the small producer certificate subject to the rate limitations applicable to comparable sales by large producers or otherwise applicable (§ 157.40(c)).

(B) *List of Other Producers' Certificates and Rate Schedules Under Which Applicant's Gas Is Being Sold*—List the names, certificate docket numbers and rate schedule numbers of such other sellers and the applicant's percent interest in each such sale.

(C) *List of Gas Sales Contracts, Where Applicant Has No Outstanding Certificate Issued by, or Rate Schedule Filed with the Commission* (*§ 157.40(b)(3)*)—For each such contract, give the date, purchaser, source of production, total rate (in cents per Mcf at 14.73 psia), annual delivery obligations, and the names and percentages of interests of the other interest owners. Identify clearly each sale and each interest in each sale which is to be covered by the small producer certificate.

Item 8: (A) *Owners of Applicant*—List all owners of 10 percent or more interest in the applicant, giving their names, percentages of interest held, and positions held, if any. If ownership is by other than an individual, furnish details as to ownership and organizational structure of such owner or incorporate such information by reference to information already on file with the Commission. Where the applicant is a limited partnership, all general partners should also be listed, with their percentages of ownership, even if less than 10 percent, and an affidavit should be submitted certifying that the interests of large producers in the partnership do not total in excess of 12½ percent. (As noted above as to Item 6, volumes sold by a limited partner apart from the partnership will not be counted as sales by the partnership, absent some other affiliation between a limited partner and the general partner.)

(B) *Officers, Directors, Trustees, etc., of Applicant*—List all officers, directors, trustees, partners, and any other parties who exercise control over the applicant who are not listed in 8(A), and show their positions and percentages of ownership of applicant.

(C) *Independent Producer Relatives of Applicant*—List all independent producers who are related to the applicant by blood or marriage and who control, are controlled by, or are under common control with the applicant within the meaning of § 157.40(a)(2) of the regulations.

Item 9: Ownership and/or Positions Held by Applicant and Affiliates in Other Natural Gas Companies—List all interests owned and/or positions held by the applicant and the parties listed in Item 8 in other jurisdic-

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PART B – OTHER SALES MADE BY THE SMALL PRODUCER CERTIFICATE HOLDER (Sales from own interests only)

DATE OF CONTRACT (a)	SOURCE OF GAS: STATE (b)	SOURCE OF GAS: COUNTY (c)	DOCKET NUMBER (d)	RATE SCHED. NO. (e)	PURCHASER (f)	PERCENT INTEREST (g)	VOLUME MCF (1000 cu. ft.) (h)	REVENUE (i)
						SUBTOTAL		

PART C – SALES UNDER OTHER PRODUCERS' CERTIFICATES AND/OR RATE SCHEDULES

List, in summary, your interest in the volumes of natural gas sold and corresponding revenues received during the reporting period under other producers' certificates and/or FPC Gas Rate Schedules.

NAME OF AFFILIATE (a)	INTEREST IN VOLUME (DEC)	REVENUE RECEIVED (c)
SUBTOTAL		

PART D – AFFILIATES' SALES

NAME OF AFFILIATE (a)	VOLUME MCF (1000 cu. ft.) (b)	REVENUE RECEIVED (c)
SUBTOTAL		

INSTRUCTIONS FOR FPC FORM 314-B, ANNUAL STATEMENT BY INDEPENDENT PRODUCER HOLDING SMALL PRODUCER CERTIFICATE

General: Pursuant to § 154.104 of the Commission's regulations under the Natural Gas Act, annual statements certifying to the matters enumerated in FPC Form 314–B shall **be filed by all independent producers, either** individually or by groups, who have been exempted under the provisions of § 157.40 of the regulations. The statements shall be submitted by April 1 of each year for the preceding calendar year. Where two or more producers jointly hold a small producer certificate in the same docket but are not affiliated with each other within the meaning of § 157.40(a)(2), each shall file a separate annual statement. All volumes must be reported on a CALENDAR YEAR basis at a pressure base of 14.73 psia. The amount of natural gas stated in the certifying statement shall be equal to the sum of the detailed volumes shown in Parts A through D of the form.

With respect to any contracts listed for which you previously reported sales data and are now reporting zero sales, include an explanation. If the sale has terminated, advise whether abandonment authorization has been obtained or has been applied for, pursuant to section 7(b) of the Natural Gas Act and § 157.30 of the Commission's regulations thereunder, giving the docket number and or date of filing of the application, if any. If the gas producing properties involved have been transferred to another party, furnish the date of transfer and the name and address of the successor-in-interest and any other pertinent information available.

If additional space is needed, use the back of the form, attach extra pages or submit a request to the Federal Power Commission, Bureau of Natural Gas, Producer Data Unit, Washington, D.C. 20426, for extra copies.

PART A—SALES MADE BY SMALL PRODUCER UNDER SMALL PRODUCER CERTIFICATE IN SUBJECT DOCKET

List all sales made under the small producer certificate held in the subject docket. The dates of the contracts under which the small producer certificate holder sold natural gas should be listed in column (a). The origin of the gas should be shown separately by state and county in columns (b) and (c). If the gas sold under a contract originates in different states counties then use a separate line to segregate those amounts attributable to the different states and counties. In columns (d) and (e), identify the certificate docket and rate schedule, if any, under which each listed sale was made prior to its being covered by the small producer certificate. Enter the name of the purchaser of the gas in column (f), the percentage of interest of the reporting producer in sales made under the listed contract in column (g), and the volume sold during the reporting year attributable to the reporting producer's interest and corresponding revenues received in columns (h) and (i), respectively.

PART B—OTHER SALES MADE BY THE SMALL PRODUCER CERTIFICATE HOLDER

List all jurisdictional sales made by the holder of the small producer certificate pursuant to other authorizations (e.g., emergency sales and sales made under limited-term certificates and optional procedure certificates). The information required is the same as in Part A, except that the certificate docket and rate schedule shown should be those under which each listed sale is still covered. Where the sales were emergency sales, however, place an "E" in column (d) and leave colume (e) blank.

PART C—SALES UNDER OTHER PRODUCERS' CERTIFICATES AND/OR RATE SCHEDULES

See the instructions on the form.

PART D—AFFILIATES' SALES

List in column (a) all affiliates who made jurisdictional sales of gas during the reporting year and, in summary for each affiliate, in columns (b) and (c), the total jurisdictional sales made and corresponding revenues received by such affiliate.

[FR Doc.76-15751 Filed 5-28-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 552-5; PP6E1746 P26]

PESTICIDE PROGRAMS

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

PROPOSED TOLERANCE FOR THE PESTICIDE CHEMICAL 2-METHYL-4-CHLOROPHENOXYACETIC ACID

Dr. C. C. Compton, Coordiator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP6E1746) to the Environmental Protection Agency on behalf of the IR–4 Technical Committee and the State Agricultural Experiment Station of California. This petition requests that the Administrator, pursuant to section 408 (e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid in or on the raw agricultural commodity group seed and pod vegetables (180.34) at 0.1 part per million (ppm) resulting from application of the herbicide in its acid form or in its sodium salt, amine salt, or ester formulations.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerance established by amending 40 CFR 180.339 will protect the public health. There is no reasonable expectation of residues in eggs, milk, and the meat, fat, and meat byproducts of livestock as delineated in 40 CFR 180.6(a)(3). It is proposed, therefore, that the tolerance be established as set forth below, and that since the raw agricultural commodity peas is included in the group seed and pod vegetables, its tolerance be deleted concurrently.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before June 11, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before June 11, 1976, and should bear a notation indicating both the subject and the petition/document control number "PP6E1746/P26". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register section from 8:30 a.m. to 4 p.m. Monday through Friday.

The comment period has been reduced from 30 days to 10 days, pursuant to 5 U.S.C. 553(d)(3), to facilitate the use of this pesticide within the current growing season on seed and pod vegetables, thereby reducing the likelihood of a substantially reduced crop yield.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

It is proposed that Part 180, Subpart C, § 180.339 be amended (1) by alphabetically inserting a tolerance of 0.1 ppm for the raw agricultural commodity group seed and pod vegetables in paragraph (a) and (2) by deleting the tolerance for peas in paragraph (a) to read as follows:

§ 180.339 2-methyl-4-chlorophenoxyacetic acid; tolerances for residues.

(a) * * *

Commodity:	Parts per million
* * * * * *	
Vegetables, seed and pod	0.1
* * * * * *	

[FR Doc.76-16022 Filed 5-28-76;9:57 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.35]

DIRECTOR, REGIONAL TECHNICAL AIDS CENTER, MEXICO

Redelegation of Authority Regarding Contracting Functions

In FR Document 76-8603 appearing at page 12719 in the FEDERAL REGISTER of March 26, 1976, the ninth and tenth lines of the first paragraph are corrected to read as follows:

"paragraph 4. as follows:
"4. Grants (other than grants to for-".

Dated: May 17, 1976.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc.76-15826 Filed 5-28-76;8:45 am]

[Redelegation 99.1 22, Amendment No. 2]

AID REPRESENTATIVE, KOREA

Redelegation of Contracting Authority

Pursuant to the authority delegated to me by Redelegation 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services, Redelegation 99.1.22 (38 FR 27849), as amended, is hereby further amended to delete reference to "Mission Director, USAID, Korea" wherever it appears, and to substitute reference to "AID Representative to Korea" in its place. Redelegation 99.1.22 is otherwise unchanged.

This amendment shall be effective immediately.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to Redelegation 99.1.22 are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the AID Representative, Korea.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

Dated: May 14, 1976.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.76-15827 Filed 5-28-76;8:45 am]

DIRECTOR, OFFICE OF PROJECT DEVELOPMENT BUREAU FOR ASIA

Redelegation of Authority

MAY 5, 1976.

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 F.R. 449), as amended, with respect to Loan Agreements; No. 38, dated April 10, 1964 (29 F.R. 5280), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 F.R. 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 F.R. 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Director, Office of Project Development, Bureau for Asia, authority to exercise any of the following functions assigned to me for countries within my area of responsibility, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund, including the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities herein redelegated may be exercised by a person who is performing the functions of Director in an "Acting" capacity within the Office of Project Development.

The authorities enumerated above may be redelegated to Mission Directors for countries within my area of responsibility in whole or in part as may be deemed necessary or desirable, or, in countries with no missions, to the principal A.I.D. official or principal diplomatic officer there.

The redelegations of Authority from the Assistant Administrator for Supporting Assistance to the Director, Office of Capital and Commercial Development, Bureau for Supporting Assistance dated May 7, 1973 (38 F.R. 13035) and to the Director, Office of Technical Development, Bureau for Supporting Assistance dated May 1, 1973 (38 F.R. 12136), are hereby revoked.

All existing authorities within Missions with respect to loans and grants remain in full force and effect.

This redelegation does not affect existing authorities in other A.I.D. Washington offices with respect to loans and grants, including authorities with respect to Project Implementation Orders—Participants (PIO/P) and Project Implementation Orders—Commodities (PIO/C).

This redelegation of authority is effective immediately.

Dated: May 5, 1976.

ARTHUR Z. GARDINER, JR.,
Assistant Administrator,
Bureau for Asia.

[FR Doc.76 15708 Filed 5-28 76;8:45 am]

[No. 115]

ITALIAN DISASTER RELIEF

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961 (26 FR 10608), as amended, I hereby delegate to Director, Office of American Schools and Hospitals Abroad authority, without power to redelegate, to (a) sign grants for disaster relief and rehabilitation activities concerning Italy, and (b) to sign agreements with other U.S. Government agencies for the provision of services in connection with such activities.

This delegation of authority shall be effective immediately.

Dated: May 24, 1976.

DANIEL PARKER,
Administrator.

[FR Doc.76-15707 Filed 5-28-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

COTTON YARN FROM BRAZIL

Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on March 9, 1976, alleging that payments or bestowals, conferred by the Government of Brazil upon the manufacture, production or exportation of cotton yarn from Brazil constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The cotton yarn is provided for in the Tariff Schedules of the United States under item numbers 300.60 through 302.

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than September 9, 1976, as to whether or not the alleged payments or bestowals, conferred by the Government of Brazil upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than March 9, 1977.

This notice is published pursuant to section 303(a)(3) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)) and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: May 21, 1976.
DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-15613 Filed 5-28-76;8:45 am]

BICYCLES FROM THE REPUBLIC OF CHINA

Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on April 19, 1976, alleging that payments or bestowals, conferred by the Government of the Republic of China (Taiwan) upon the manufacture, production or exportation of bicycles from Taiwan constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than October 19, 1976, as to whether or not the alleged payments or bestowals conferred by the Government of the Republic of China upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than April 19, 1977.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)) and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: May 21, 1976.
DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-15614 Filed 5-28-76; 8:45 am]

Internal Revenue Service

DEPARTMENT OF LABOR

Labor-Management Services Administration

EMPLOYEE BENEFIT PLANS

Citizens and Southern National Bank Retirement Trust, et al.

Correction

In FR Doc. 76-15199, appearing at page 21383, in the issue for Tuesday, May 25, 1976, change the headings to read as set forth above.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Notice of Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., June 24, 1976, in the Regency Imperial Room of the Fresno Hilton, 1055 Van Ness Avenue, Fresno, California.

The purpose of the meeting is to: Review payment rates for containers used for storage of reserve tonnage raisins; receive a report of the International Sultana Conference meeting; and receive reports on miscellaneous program matters. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California 93720; telephone 209-268-5666.

Dated: May 25, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76-15745 Filed 5-28-76;8:45 am]

Forest Service

PROPOSED TIMBER MANAGEMENT PLAN, BOISE NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Proposed Timber Management Plan, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-76-16.

The purpose of the environmental statement is to evaluate the primary and secondary effects of the proposed Boise National Forest Timber Management Plan.

The major objective of the plan is to provide an orderly and sustained timber management program for developing the timber resource potential and yield capability of the Boise National Forest.

This draft environmental statement was transmitted to CEQ on May 24, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
Regional Planning Office, U.S. Forest Service, Federal Building, Room 4408, 324 25th Street, Ogden, Utah 84401.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by July 22, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: May 24, 1976.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.76-15823 Filed 5-28-76;8:45 am]

Soil Conservation Service

GROVE RIVER WATERSHED, GEORGIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of

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1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Grove River Watershed, Banks and Jackson Counties, Georgia.

The environmental assessment of this federal action indicates that this portion will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, USDA, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601, has determined that the preparation and review of an environmental impact statement is not needed for this portion of this project.

The project concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement, as described in the negative declaration, include the remaining conservation land treatment, remaining critical area planting, floodwater retarding structure No. 33, and multiple-purpose structure No. 51–M.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until June 16, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 21, 1976.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-15704 Filed 5-28-76;8:45 am]

PRYOR CREEK WATERSHED, OKLAHOMA

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Pryor Creek Watershed Project, Mayes, Rogers, and Craig Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by this negative declaration include conservation land treatment supplemented by eleven floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until June 16, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 19, 1976.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-15824 Filed 5-28-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON THE ASIAN AND PACIFIC AMERICANS POPULATION FOR THE 1980 CENSUS

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Public Law 92–463) and Office of Management and Budget Circular A–63 (Revised March 27, 1974), and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will provide an organized and continuing channel of communication between the Asian and Pacific Americans population and the Bureau of the Census on the problems and opportunities of the Twentieth Decennial Census as they relate to the Asian and Pacific Americans population of the United States. Major efforts to improve decennial census data are necessary since such data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication will be helpful to the Census Bureau in its efforts to develop the procedures and techniques which might yield the necessary improvements. To the extent that these efforts are successful, there will be direct and substantial gain to the Asian and Pacific Americans population.

The Committee will draw on the knowledge and expertise of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, recommending subject content and tabulations of especial use of the Asian and Pacific Americans population, expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community, and generally maximizing the usefulness of the census product.

The Committee will consist of 21 members appointed by the Secretary of Commerce from among a broad spectrum of community leaders, such as neighborhood council members, elected public officials, executives of minority organizations and academics. The Committee will report and be responsible to the Director, Bureau of the Census.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 (Revised March 27, 1974). Its charter will be filed under the Act, 15 days from the date of the publication of this notice.

Dated: May 24, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-15713 Filed 5-28-76;8:45 am]

Domestic and International Business Administration

FRIEDRICH ABEL, ET AL.

Export Privileges Restored

In the Matter of:

1. Abel, Friedrich, Abel, Rudolph, Metalimport, S.A.R.L., Metalimport Trust.
2. Abou-Hadid Freres, Hadid Freres, Abou.
3. Attijara-Societe, Aron Berger, Bermal Importation-Exportation, S.A.R.L., Comptoir European D'Exportation et D'Importation, CEEI.
4. Ban-Ling, Chang, Oversea Trading Co., Tsong, C.S.
5. Beydoun, Ihsan M.
6. Brandes, Ralph Harry.
7. Bramall, R. E., MacDonald, Hall & Co.
8. Jesus Canales.
9. C.H. Pharmacy, Well Lu Trading, Chanwit Kunothai.
10. Cohen, Nissan Simon.

11. Compadimex, D'Importation et D'Exportation Cie., De Metz, Rene, Van Der Zanden, Hendrik Frans.
12. KESCO GmbH, Hans Kessler Jr., Hans Kessler Sr., South Sea Trading Co., Ltd.
13. Paul Comptoir, Paul Stevens, Stevens & Co., S.A.
14. Corti, Dante, Societa Italiana Gestione Immobiliari (S.I.G.I.).
15. Del Bo, Giacinto Leopoldo.
16. Elimex, Fleschner, Richard, Fraenkel, Mrs. Chista, Hans Wolff.
17. Felix, Mario, dba Internationale Transporte, Internationale Transporte.

EXPORT PRIVILEGES RESTORED

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. § 2021 et seq., and § 2401 et seq., certain parties were denied full export privileges; their names appear on the Table of Denial and Probation Orders, 15 CFR Part 388, Supp. I & II. The current activities of those parties have been scrutinized with view to restoring their export privileges.

The Director, Compliance Division, reported that no party listed above is suspect or is known to have failed to comply with the terms of probation.

The Hearing Commissioner, in view of the Compliance Division's report, recommends the respondents be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report relative to the respondents he has recommended for restoration and there are none presently suspect in connection with any violations of the United States export laws or U.S. Department of Commerce export regulations. It is fair, fitting and proper that respondents who have so manifested their intentions to comply and are in compliance with the export regulations, be restored to full export privileges. Restoration is in accord with the purpose and intent of the law, the regulations and the policies of this Department. Therefore, it is

ORDERED

The parties listed above are hereby unconditionally restored to all United States export privileges.

Dated: May 24, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76-15825 Filed 5-28-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

GRANTS FOR VACCINATION PROGRAMS AND OTHER DISEASE CONTROL PROGRAMS

Delegations of Authority

Notice is hereby given that the following delegation and redelegations have been made effective May 24, 1976, under Section 317 of the Public Health Service Act, as amended, regarding grants for vaccination programs and other disease control programs.

1. Delegation from the Secretary to the Assistant Secretary for Health, with authority to redelegate, of all the authorities vested in the Secretary of Health, Education, and Welfare by Section 317 of the Public Health Service Act, as amended, with the exception of authority to issue regulations and submit reports to the President and the Congress.

This delegation supersedes all of the Secretary's previous delegations of authority under Section 317 of the Public Health Service Act. Redelegations made under the Secretary's previous delegations may continue for no more than 90 days from the effective date of this delegation.

2. Delegation from the Assistant Secretary for Health to the Regional Health Administrators of the authority delegated to the Assistant Secretary for Health for awarding grants to States and, with the approval of the State health authority, to political subdivision or instrumentalities of the States for communicable and other disease control programs, excluding the 1976 National Influenza Immunization Program. This authority may be redelegated.

This delegation supersedes all previous delegations to the Regional Health Administrators of authority under Section 317 of the Public Health Service Act, as amended.

3. Delegation from the Assistant Secretary for Health to the Director, Center for Disease Control, of the authority delegated to the Assistant Secretary for Health under Section 317 of the Public Health Service Act, as amended, relating to communicable and other disease control programs, with the exception of the authority delegated by the Assistant Secretary for Health to the Regional Health Administrators for awarding grants under this Section.

The authority delegated to the Director, Center for Disease Control, specifically includes the authority to award grants under the 1976 National Influenza Immunization Program. The authority to award grants under the 1976 National Influenza Immunization Program may not be redelegated. Otherwise, this authority may be redelegated.

This delegation supersedes all previous delegations to the Director, Center for Disease Control, of authority under Section 317 of the Public Health Service Act, as amended.

Redelegations of authority under Section 317 of the Public Health Service Act, as amended, which are in effect within the Center for Disease Control may continue in effect for no longer than 90 days from the effect date of this delegation.

Dated: May 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-15847 Filed 5-28-76;8:45 am]

Food and Drug Administration

[Docket No. 75N–0103]

LASER RADIATION BIOLOGICAL EFFECTS

Notice of Meeting

The Food and Drug Administration (FDA) announces that an open public meeting on laser radiation biological effects will be held on July 13, 1976, from 9 a.m. to 5 p.m. at the Bureau of Radiological Health, Rm. T–416, 12720 Twinbrook Parkway, Rockville, MD.

A radiation safety performance standard for laser products was published in the FEDERAL REGISTER of July 31, 1975 (40 FR 32252), with an effective-date of August 2, 1976. Biological effects research has continued, and several groups have indicated to FDA that new data that will further help define laser hazards are becoming available. An open public meeting will be held to give interested parties an opportunity to present new biological effects data about laser radiation safety levels. Of special interest are data related to the hazards of laser radiation in the red, blue, and ultraviolet portions of the electromagnetic spectrum.

Information on the biological basis for the laser performance standard has been filed with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Copies of the following two reports, included in the information, may be requested from Dr. Alan Andersen at his address given below:

1. "Biological Bases For and Other Aspects of a Performance Standard for Laser Products," FDA 75–8004.

2. "A Review of Selected Bioeffects Thresholds for Various Spectral Ranges of Light," FDA 74–8010.

Observers from the public are invited to attend and participate in the meeting, but attendance will be limited to space available. A verbatim transcript of the meeting will be made after the meeting and will be filed with the office of the Hearing Clerk, Food and Drug Administration.

For additional information and to reserve time for presentations, contact Dr. Alan Andersen, Division of Biological Effects, Bureau of Radiological Health (HFX–120), 5600 Fishers Lane, Rockville, MD 20852, telephone (301) 443–2296. Written presentations may be submitted for inclusion in the official transcript of the meeting. Requests for presentation time and submissions of written material should be made by June 25, 1976.

Dated: May 25, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-15739 Filed 5-28-76;8:45 am]

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Health Services Administration

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Notice to Physicians Rescinding Prior Notices and Intention To Enter Into Agreement Designating PSRO Area IV of the State of New Jersey

Notice is hereby given that the Notices of March 25, 1976 (41 FR 12327) and May 7, 1976 (41 FR 18899) regarding the intention of the Secretary of Health, Education, and Welfare to enter into an agreement designating the Essex Physicians' Review Organization as the Professional Standards Review Organization for PSRO Area IV are hereby rescinded. The reasons for the rescission of the Notices and the issuance of the new notification to doctors of medicine and osteopathy in PSRO Area IV of New Jersey set forth below are as follows:

Through a clerical error, the Notice of March 25, 1976, incorrectly stated that the number of doctors of medicine and osteopathy which had been determined by the Secretary to be engaged in active practice in PSRO Area IV of New Jersey was 1,831. The number which had in fact been so determined was, and is, 2,709. In view of the magnitude of this error, it was considered desirable to extend the period for filing objections an additional 15 days beyond the 30 days afforded by the March 25 Notice. This was done by a Notice published in the FEDERAL REGISTER on May 7, 1976. Although the May 7 Notice represented an effort to provide an equitable solution to the problems caused by the earlier error, it is recognized that the regulations (42 CFR Part 101, Subpart B) contain no explicit authority for such a 15-day extension of time for objection. In order to avoid possible legal controversy which might result from this irregularity and inordinately delay the implementation of the PSRO program in Area IV, it has been concluded that the better course is to begin anew with a Notice setting forth the correct number of doctors in the area and otherwise meeting the requirements of 42 CFR 101.104.

Accordingly, notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Essex Physicians' Review Organization, Inc. for PSRO Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.34.

The Secretary has determined that the Essex Physicians' Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the law of the State of New Jersey, as a non-profit professional organization whose membership is voluntary and its membership comprises at least 25 percent of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New Jersey.

As stipulated in its Articles of Incorporation, the principal officers of the Essex Physicians' Review Organization, Inc. are:

Name and Office Held

1. Arthur Bernstein, M.D., President.
2. George L. Benz, M.D., Vice President.
3. A. E. Bythewood, M.D., Secretary.
4. John A. Ferrara, D.O., Treasurer.

The official address of the corporation is 144 South Harrison Street, East Orange, New Jersey 07018.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New Jersey who objects to the Secretary's entering into an agreement with the Essex Physicians' Review Organization, Inc., on the grounds that this organization is not representative of doctors in such area may, within 30 days from the date of publication of this Notice, mail such objection in writing to the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's home and office addresses, legibly printed full name, signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in the medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,709 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area IV of the State of New Jersey. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Essex Physicians' Review Organization, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 USC 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Only objections received after the date of the publication of this Notice and postmarked prior to the expiration of 30 days from the date of such publication will be tabulated for the purposes of determining the number of objections under 42 CFR 101.105.

Copies of the list of physicians who have been determined by the Secretary to be in active practice in the PSRO area will be mailed to those persons who make written request for such mailing to the Secretary at the above listed address after those requesting such list have completed a form assuring that such list will be used solely for purposes of verification of the number of physicians in active practice in the area. Such list will also be available for inspection during regular business hours at Crossley Surveys, Inc., 909 Third Avenue, New York, New York to any person who requests such inspection in writing at least two days (excluding weekends and holidays) prior to the date the inspection is to be made and who completes a form as described above.

Dated: May 25, 1976.

ROBERT VAN HOEK,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-15878 Filed 5-28-76;8:45 am]

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, P.L. 92-634, that the seventh meeting of the Community Education Advisory Council will be held June 18 and 19, 1976. The Friday meeting will be held at the Governor's House Motel, located at 2705 E. South Boulevard in Montgomery, Alabama. On Friday, the Council meeting will start at 9 a.m. in the Director's Room. At 10 a.m. the Council will joint the Alabama Community Education Association for a series of workshops ending at 12 Noon.

Friday afternoon the Council will travel to Tuskegee, Alabama for the remainder of their meeting. This meeting will be at Tuskegee Institute, Room 110 of the Robert Russa Moton Hall, and will begin at 3:15 p.m. and end at 5:15 p.m. The Saturday meeting will begin at 8:45 a.m. and end at 4:30 p.m.

The Community Education Advisory Council is authorized under Public Law 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Procedures for evaluation.
(2) Needs assessment review.
(3) Future role of Advisory Council.
(4) Status of activities of the Federal Community Education Program.

(5) Reports and studies to be made by Council.

(6) Other administrative matters and related business.

(7) Visitation of Macon County programs.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on May 21, 1976.

JULIE ENGLUND,
Director, Community
Education Program.

[FR Doc.76-15829 Filed 5-28-76;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Revision of Health Service Areas

Section 1511 of the Public Health Service Act, as added by the National Health Planning and Resources Development Act of 1974 (Public Law 93-641), requires that there shall be established by the Secretary of Health, Education, and Welfare, in accordance with the requirements of that section, health service areas throughout the United States. In accordance with section 1511(b)(1) of the Act, the Governors of the fifty States and the Commonwealth of Puerto Rico and the Mayor of the District of Columbia were notified by letter dated January 21, 1975, of the initiation of proceedings to establish health service areas. In response to the health service area designation plans submitted by Governors in accordance with guidelines published by the Department, health service areas were designated and a listing published as a notice in the FEDERAL REGISTER of September 2, 1975 (40 FR 40306-40315). (A later correction notice also was published in the FEDERAL REGISTER of January 5, 1976 (41 FR 804-805).)

The Governor of Pennsylvania indicated to the Secretary of Health, Education, and Welfare subsequent to the initial designation of health services areas on September 2, 1975, that the five-county health service area in southeastern Pennsylvania (Area 1) as originally proposed by him and designated by the Secretary was, upon further consideration, not an appropriate geographic region for the effective planning and development of health services.

The Secretary in turn reviewed the boundaries of that area as initially designated and concluded that they were not appropriate because (1) of the need that the boundaries of health service areas in that part of the State be identical with those of the existing PSRO areas and (2) the effective cooperation of local elected officials essential to the establishment and functioning of Health Systems Agencies would be more readily assured if health service area boundaries more nearly corresponded with local political jurisdictions in the Metropolitan Philadelphia region.

Accordingly, pursuant to section 1511 of the Act, the following shall constitute the revised health service areas in southeastern Pennsylvania, upon their publication in the FEDERAL REGISTER (June 1, 1976):

PENNSYLVANIA

Health Service Area number *1* is the geographic area comprised of the counties of: The single county of Philadelphia.

Area 10

Bucks Montgomery

Area 11

Chester Delaware

Dated: April 14, 1976.

R. MOURE,
Acting Assistant
Secretary for Health.

Approved: May 26, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-15921 Filed 5-28-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-332; FDAA-503 DR]

TERRITORY OF GUAM

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 22, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Territory of Guam resulting from Typhoon Pamela beginning about May 20, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in Guam.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area in the Territory of Guam to have been adversely affected by this declared major disaster:

TERRITORY OF GUAM

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 22, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.76-15791 Filed 5-28-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORTS DISTRICT OFFICE; ENGINEERING AND MANUFACTURING DISTRICT OFFICE, CLEVELAND, OHIO

Notice of Relocation

Notice is hereby given that on or about June 15, 1976, the Airports District Office presently located at 21010 Center Ridge Road, Rocky River, Ohio 44116; and the Engineering and Manufacturing District Office, presently located at 5241 Wilson Mills Road, Suite 27, Richmond Heights, Ohio 44104, will be moving to the Federal Facilities Building, Cleveland Hopkins International Airport, Cleveland, Ohio 44104.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Des Plaines, Illinois, on May 19, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-15729 Filed 5-28-76;8:45 am]

FLIGHT STANDARDS DISTRICT OFFICE, CLEVELAND, OHIO

Notice of Relocation

Notice is hereby given that on or about June 15, 1976, the Flight Standards District Office presently located at 21046 Brookpark Road, Cleveland, Ohio 44135, will be moving to the Federal Facilities Building, Cleveland Hopkins International Airport, Cleveland, Ohio 44104.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Des Plaines, Illinois, on May 19, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-15730 Filed 5-28-76;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-76-4]

CURTIS MILBURN AND EASTERN RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Curtis Milburn and Eastern Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting

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written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–76–4, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before June 28, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on May 24, 1976.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel Safety Regulation Division, Federal Railroad Administration.

[FR Doc.76–15790 Filed 5–28–76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92–463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800) that on June 1, 1976, at 8:00 p.m., a public information meeting will be held at the Civic Auditorium, La Crosse, Wisconsin. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed U.S. Postal Service construction and demolition project in La Crosse as it affects the Old La Crosse Post Office, 4th and State Streets, La Crosse, Wisconsin, a property determined eligible for inclusion in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Advisory Council.

II. An explanation of the undertaking and an evaluation of its effects on the property by the U.S. Postal Service.

III. A statement by the Wisconsin State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005. (202–254–3380).

It is necessary to depart from the normal 15-day notice policy because the request for the Council's comment came after the undertaking affecting the National Register property had already begun and construction has been halted until the public information meeting can be held and the review process completed. Because of these circumstances, the Executive Director of the Council has determined that it is in the public interest to hold the public information meeting at the earliest possible date.

The record for this meeting will be held open until 5:00 p.m. on Friday, June 4, 1976. The Council will accept written or telegraphic communications at its headquarters.

JOHN D. MCDERMOTT,
Acting Executive Director.

[FR Doc.76–15822 Filed 5–28–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28744; Order 76–5–120]

CONTINENTAL AIR LINES, INC.
Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of May, 1976.

Application of Continental Air Lines, Inc., for authority to suspend service temporarily over segment 3 of route 29—Docket 28744; agreement between Continental Air Lines, Inc., and Rio Airways, Inc.—Agreement CAB 25762.

ORDER SETTING APPLICATION FOR HEARING

On January 12, 1976, Continental Air Lines filed an application, pursuant to section 401(j) of the Act and Part 205 of the Economic Regulations, for an authorization to suspend service temporarily over segment 3 of route 29[1] for a period of 5 years. In addition, the carrier requests approval, pursuant to section 412 of the Act, of a service agreement between Continental and Rio Airways, under which Rio would provide four daily round trips over the suspended portion of segment 3. Finally, pursuant to section 416(b) of the Act, Continental requests that Rio be granted exemption authority from the provisions of section 401 of the Act and Part 298 of the Economic Regulations to the extent required to permit it to engage in the transportation of mail as contemplated in the service agreement.

In support of its application, Continental alleges, *inter alia*, that: within the confines of its severely prescribed authority, it has attempted to maximize traffic development over the route, but without success;[2] much needed traffic support for Continental's multistop schedule is not available; [3] actual losses for the first 10 months of 1975 on the Midland-Tulsa services over segment 3 exceeded $1.5 million; and to insure that the segment 3 route would receive a sufficient level of service to accommodate demand, Continental has agreed to underwrite a four-daily-round-trip service pattern by Rio [4] which is designed to serve the intermediate markets on segment 3 and also provide better connections at all of the points situated on this segment. Moreover, the carrier states that the resulting agreement between Continental and Rio is a 5-year experiment to determine whether the segment 3 route can be served more effectively and efficiently with small aircraft better suited to the traffic moving over the route; and that approval of the substitute service agreement will (a) provide the public with more responsive service in the local markets and significantly improve connecting opportunities, (b) enable Continental to reduce its losses, and (c) save 1.7 million gallons of fuel per year. Finally, Continental states that it is requesting permission to suspend its entire Tulsa-Midland operation over segment 3 rather than merely suspend service at Lawton/Fort Sill and Wichita Falls because (1) the continuation of its flights 290 and 291 overflying the two points would result in a projected loss of $800,000 and (2) if Continental were to maintain service on the segment without serving the two points, Rio's service would never have a chance of becoming successful.[5]

[1] Segment 3 extends between the terminal point Tulsa, Okla., the intermediate points Oklahoma City and Lawton/Fort Sill, Okla., Wichita Falls and Lubbock, Tex., and (a) beyond Lubbock, the intermediate point Midland-Odessa, Tex., and the terminal point El Paso, Tex., and (b) beyond Lubbock, the terminal point Albuquerque, N. Mex. At the present time, however, the flights over segment 3 which Continental intends to terminate originate at Midland/Odessa and terminate at Tulsa (and vice versa), extending neither to Albuquerque nor to El Paso. Consequently, Continental only needs authority to suspend the Midland/Odessa-Tulsa portion of segment 3 to effectuate its prpposal. The carrier's request entails a suspension of its entire operations at Lawton/Fort Sill and Wichita Falls, inasmuch as Continental only authority at these two points is on segment 3.

[2] Continental states that the operational difficulties inherent in a six-point segment are compounded by its certificate restriction (5) which prohibits it from using Kansas City traffic for support without also operating the flight through to Albuquerque or El Paso.

[3] The carrier indicates that the Dallas/Fort Worth gateway attracts a significant portion of the local traffic moving between Lubbock and Midland/Odessa, on the one hand, and Tulsa and Oklahoma City, on the other. Also, Continental's single round-trip multistop service is not significantly used by Midland/Odessa, Lubbock, Wichita Falls, Oklahoma City, or Tulsa for connections to beyond markets.

[4] In return for the service substitution, Continental will guarantee Rio $95,000 net profit each year for the 5-year term of the agreement. Continental will also guarantee the repurchase of the two Beech 99 aircraft which Rio will obtain for this substitute service.

[5] Continental estimates that overflight service by it would deprive Rio of approximately $742,000 of the $1.5 million in passenger revenue it expects to generate with its services.

Answers to Continental's application have been filed by numerous parties. The City of Wichita Falls [6] and the City of Tulsa [7] support the request. The Texas Aeronautics Commission supports the arrangement subject to certain joint-fare conditions. The Lubbock Chamber of Commerce Civic Parties, the Midland/Odessa Parties (Midland),[8] the Air Line Pilots Association (ALPA), Trinity Airways, and Frontier Airlines oppose the application and request a hearing.

Specifically, Midland contends that Continental proposes to suspend without hearing and replace trunkline service over a 537-mile linear route with a subsidized Beech 99 operation conducted by an uncertificated air taxi operator; that Midland-Oklahoma City/Tulsa traffic, strangled by Continental's service neglect, has stagnated at levels achieved two decades ago; that Midland is one of the major oil producing areas in the world,[9] and the need for air service between Midland and Oklahoma points has been magnified in recent years by the energy crisis; that traffic volume over segment 3 is much too great to be handled by 15-passenger Beech 99 flights; that expedited services over segment 3 without stops at Lawton/Fort Sill and Wichita Falls would produce a profit; and that in two major investigations held in 1963 and 1969 involving service over segment 3, Continental blocked awards to other carriers by urging that it wanted to continue serving the points and would provide good schedules.

ALPA contends that a favorable decision could have long-range effects of major consequence on the service of trunks to unprofitable and marginal points. Trinity, an air taxi operator providing service in the Lawton/Fort Sill-Oklahoma City/Dallas/Fort Worth markets, believes that the proposed agreement between Continental and Rio would result in unfair and unreasonable competition to Trinity and others as a result of the substantial subsidy Rio would receive from Continental. Frontier is concerned about the proposed service between Lawton/Fort Sill and Oklahoma City, a market Frontier serves on a subsidized basis. The carrier is further concerned with the possibility that Rio might provide Lawton/Fort Sill-Dallas/Fort Worth service, also in competition with Frontier. The carrier does not believe that the Board should permit Continental to subsidize Rio's services in order to facilitate its providing competitive service in either market.

[6] Lawton/Fort Sill, the second point on segment 3 at which Continental's entire services would be suspended, did not respond to the application.

[7] The answer filed by Tulsa was accompanied by a motion to file a late-filed document. We will grant the motion.

[8] Cities and Chambers of Commerce of Midland and Odessa, Tex.

[9] Midland states that the Permian Basin contains 11 percent of the world's oil reserves and 25 percent of the United States' oil reserves and generates over 50 percent of the petroleum production of Texas.

Continental filed a reply to Midland's answer,[10] stating that it does not believe that a hearing on its application would accomplish any meaningful objective, particularly if it is folded into a broad-scale Midland/Odessa service investigation in which the question of service to Lawton/Fort Sill and Wichita Falls would be submerged. Continental feels that the substitute service agreement is the only apparent workable solution to the problem of provding economical and efficient service over the multistop route.[11]

Upon consideration of the pleadings and all the relevant facts, we have decided to set Continental's application for hearing. In view of the conflicting contentions of the parties, we find that the disputed facts and issues can best be resolved on the basis of an evidentiary record after hearing. We note that there are controversial issues involved here which are not usually presented in more limited suspension/replacement arrangements. Specifically, Continental's application involves the unusual issue of whether a suspension/replacement arrangement between a trunkline carrier and a commuter carrier should be approved and the issue of permitting Continental to subsidize Rio's services, some of which would directly compete with federally subsidized services.

The issues to be considered at the hearing should include the following: (a) whether Continental's authority to serve the Midland/Odessa-Tulsa portion of segment 3 [12] of route 29 should be suspended or deleted; (b) what conditions, if any, should be attached to any suspension which may be found to be required (including a requirement for air taxi replacement service); and (c) whether Agreement CAB 25762 should be approved and, if so, what conditions, if any, should be attached to such approval.

Finally, Continental has not submitted sufficient information for us to determine the environmental consequences of the proposed suspension/replacement at this time. Therefore, we will require the carrier to file the information set forth in Part 312 of the Board's Procedural Regulations within 25 days of the date of adoption of this order.

Accordingly, *it is ordered*, That:

1. The application of Continental Air Lines, Inc., in docket 28744, be and it hereby is set down for hearing before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted in paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require that the authority of Continental Air Lines, Inc., to serve the Midland/Odessa-Tulsa portion of segment 3 of route 29 [13] be suspended or deleted? If so, what conditions, if any, should be attached to any suspension found to be required?

(b) Should Agreement CAB 25762 between Continental Air Lines, Inc., and Rio Airways, Inc., be approved and, if so, what conditions, if any, should be attached to such approval?

3. The motions of Continental Air Lines, Inc., and the City of Tulsa for leave to file late-filed documents be and they hereby are granted;

4. Petitions for reconsideration of this order shall be filed 20 days from the date of adoption of this order, and answers thereto shall be filed 10 days thereafter;

5. Continental Air Lines, Inc., shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 25 days of this order;

6. Frontier Airlines, Trinity Airways, the City of Midland, the Midland Chamber of Commerce, the City of Odessa, the Odessa Chamber of Commerce, the City of Lubbock, the Tulsa Chamber of Commerce Civic Partics, the City of Wichita Falls, the Texas Aeronautics Commission, and the Air Line Pilots Association be and they hereby are made parties to docket 28744; and

7. A copy of this order shall be served upon persons listed in Continental's certificate of service in docket 28744 and the following: Mayor, City of El Paso; Mayor, City of Albuquerque; Airport Manager, El Paso International Airport; Airport Manager, Albuquerque International Airport; the El Paso Chamber of Commerce; and the Albuquerque Chamber of Commerce.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–15854 Filed 5–28–76;8:45 am]

[Docket 28732; Order 76–5–114]

JUGOSLOVENSKI AEROTRANSPORT
Foreign Air Carrier Permit; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of May 1976.

On January 7, 1976, Jugoslovenski Aerotransport (JAT) filed in Docket 26078 an application for amendment by show cause of its foreign air carrier permit issued pursuant to Order 70–6–118 (approved June 19, 1970), as amended by

[10] The reply was accompanied by a motion for leave to file an otherwise unauthorized document. Since replies are authorized pursuant to sec. 205.4 of the Economic Regulations, we will grant Continental leave to file a late-filed reply. The reply, which would have been due Mar. 3, 1976, was actually filed on Mar. 26, 1976.

[11] Continental states that if the matter is set for hearing, the carrier will promptly file a petition under sec. 401 of the Act for amendment of segment 3 to retain only the El Paso/Albuquerque-Oklahoma City/Tulsa portion of the authority.

[12] The affected portion of segment 3 would be as follows: the terminal point Tulsa, the intermediate points Oklahoma City, Lawton/Fort Sill, Wichita Falls, and Lubbock, and beyond Lubbock, the intermediate point Midland/Odessa. Thus, two markets—Albuquerque-Lubbock and Midland/Odessa-El Paso—would not be at issue in the proceeding.

[13] See n. 12, *supra*.

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Order 74-9-23 (approved September 5, 1974). JAT presently is authorized to engage in charter foreign air transportation of persons and property between Yugoslavia and the United States. It seeks authority to operate, temporarily, scheduled air service between the coterminal points Belgrade, Yugoslavia/Zagreb, Yugoslavia and New York City, New York, and New York City-Zagreb/Belgrade and requests that the permit be effective as soon as possible and terminate on March 31, 1977, or at such earlier date as the Governments of the United States and Yugoslavia may provide for by agreement.

Pan American World Airways filed an answer on January 16, 1976, opposing action on JAT's application by show cause order but it is the Board's understanding that the objection has been withdrawn. No other answers have been filed.

JAT incorporates by reference its prior exhibits [1] in Dockets 25581 and 26078 in which JAT was issued a renewed and amended permit pursuant to Order 74-9-23. The Board, at that time, found that JAT was substantially owned and effectively controlled by citizens of Yugoslavia, that it was financially and operationally fit, and that it was in the public interest to renew and amend JAT's certificate. JAT states in its application in Docket 28732 that there have been no changes in its structure or operations to require modification of any information in these exhibits. Furthermore, JAT states in its application that Pan American has the authority from the Government of Yugoslavia to operate scheduled air service between the United States and Belgrade, Yugoslavia, via intermediate points and will offer such scheduled service commencing May 20, 1976. Finally, the authority requested by JAT conforms to the exchange of notes between the Governments of the United States and Yugoslavia of May 14, 1976, regarding scheduled air service.[2]

The Board finds that it is in the public interest to direct interested persons to show cause why the applicant should not be issued a foreign air carrier permit without a hearing authorizing JAT to engage in scheduled air service. Therefore, it is tentatively found and concluded that:

(a) Jugoslovenski Aerotransport is fit, willing and able properly to perform the foreign air transportation authorized by the specimen permit attached hereto and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder;

(b) Jugoslovenski Aerotransport is substantially owned and effectively controlled by citizens of Yugoslavia;

(c) It is in the public interest to issue a foreign air carrier permit to Jugoslovenski Aerotransport to authorize scheduled air service for a period terminating March 31, 1977 or such earlier date as the Governments of the United States and Yugoslavia may provide by agreement; [3]

(d) The public interest requires that the exercise of the privileges granted by said permit be subject to the terms, conditions and limitations contained in the specimen permit attached hereto [4] and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board; and

(e) A hearing on the application of Jugoslovenski Aerotransport is not required in the public interest.

All interested persons will be given 15 days following the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analyses. If an evidentiary hearing is requested, each objector should name the specific markets or other issues with respect to which a hearing is requested and should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. Vague, general, or unsupported objections will not be entertained.

Accordingly, *it is ordered*, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act, (a) issuing a foreign air carrier permit to Jugoslovenski Aerotransport in the specimen form attached hereto, and (b) limiting the authority granted to Jugoslovenski Aerotransport under its permit issued pursuant to Order 74-9-23 (approved September 5, 1974) to operate no more than 80 revenue charter aircraft movements to or from the United States during the 12-month period expiring March 31, 1977, unless prior approval to operate a specific higher number of revenue charter aircraft movements is obtained from the Board;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions herein or to the issuance of the proposed renewed foreign air carrier permit shall, within 15 days after adoption of this order, file with the Board and serve on the persons named in paragraph 5 a statement of objections specifying the part or parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections hereto are filed, full consideration will be accorded the matters or issues raised therein before further action is taken by the Board: Provided, that the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing; [5]

4. In the event no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein; and

5. This order shall be served upon Jugoslovenski Aerotransport, Pan American World Airways, Inc., the Ambassador of the Socialist Federal Republic of Yugoslavia, and the Department of State.

This order shall be published in the FEDERAL REGISTER and transmitted to the President.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

PERMIT TO FOREIGN AIR CARRIER: SPECIMEN

Jugoslovenski Aerotransport is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, as amended, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation (except charter air transportation) with respect to persons, property and mail, as follows:

Between the coterminal points Belgrade and Zagreb, Yugoslavia; and the terminal point New York City, New York.

This permit shall be subject to the following terms, conditions, and limitations:

(1) The holder will appoint Pan American World Airways, Inc., as its general sales agent in the United States and airport ground handling agent at New York. Sales of scheduled air transportation by JAT in the United States for carriage on JAT's direct services between the United States and Yugoslavia and on its other services between the United States and Yugoslavia operating via Frankfurt where JAT is the carrier on any portion of the journey may be made by JAT directly using Pan American transportation documents, and in its discretion, through its agents using Pan American transportation documents. All other sales of scheduled air transportation by JAT in the United States will be made through Pan American using Pan American transportation documents. Any such general sales agency and airport ground handling arrangement shall be immediately reduced to writing and filed with the Board for approval, subject to such conditions as may be required in the public interest.

(2) Except as the Board may otherwise provide, with or without hearing, by prior authorization, the holder shall not operate over the described route more than two B-707 round-trip frequencies per week in scheduled service. Requests by the holder for approval of additional frequencies shall be made by filing the proposed schedule through diplomatic channels at least 45 days before its proposed effective date and requests for extra sections will be made by filing through diplomatic channels at least 30 days before the proposed date of operation.

The holder shall not commence service authorized herein except pursuant to an initial tariff setting forth rates, fares and charges no lower than rates, fares or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Socialist Federal Republic of Yugoslavia international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Socialist Federal Republic of Yugoslavia shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts of liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on _____ and shall terminate on March 31, 1977, or such earlier date as the Governments of the United States and Yugoslavia may provide by agreement.[4]

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto on the _____.

By the Civil Aeronautics Board

[SEAL] _____
Acting Secretary.

Issuance of this permit to the holder approved by the President of the United States on _____ in Order _____.

[FR Doc.76-15852 Filed 5-28-76;8:45 am]

[Dockets 28683, 28684, 28685; Order 76-5-129]

NORTHWEST AIRLINES, INC.

Transpacific Cargo Rates; Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By Order 76-3-111, March 16, 1976, the Board rejected tariff revisions filed by Northwest Airlines, Inc. (Northwest) proposing a new cargo rate structure for North/Central Pacific traffic. Northwest proposed to cancel all specific commodity rates, although it stated it was in the process of developing "genuinely promotional" commodity rates for later filing increase minimum charges; and reduce general cargo container rates to establish a rate incentive for high-density traffic.[5] The Board found Northwest's tariff justification to be deficient in that it was impossible to properly evaluate Northwest's forecast of traffic distribution and revenues under the new rates; and that the carrier's forecast of operating expenses and investment did not meet minimum standards of economic documentation and support. The Board stated, in summary, that while it encouraged Northwest's move toward a more rational, cost-related structure of Pacific rates applicable to all commodities, it was nevertheless compelled to reject the proposed rates due to the demonstrated shortcomings of Northwest's justification.

Northwest has now petitioned the Board for reconsideration of its order of rejection. Answers opposing the petition have been submitted by Pan American World Airways, Inc. (Pan American) and jointly by China Airlines, Ltd. (CAL), The Flying Tiger Line Inc. (Tiger), Japan Air Lines Company, Ltd. (JAL), and Philippine Air Lines, Inc. (PAL).[6] An answer supporting Northwest's petition has been filed by General Instrument Corporation (GIC).

In support of its petition, Northwest alleges that the Board has based its rejection on invalid assumptions, or misinformation furnished by complainants; that its forecast maintenance expenses for B-747F aircraft, which the Board stated appeared to be understated, are correct and cannot properly be compared to maintenance costs of other carriers such as Tiger, because Northwest's B-747F planes are new all-cargo aircraft while Tiger's B-747F planes are converted combination aircraft; [7] that the Board's expressed doubts whether any revenue improvement would be achieved under Northwest's proposal are faulty, because virtually all Hong Kong/Taipei-U.S. traffic presently moves under specific commodity rates for Item 9902, which would experience yield increases at all densities under Northwest's proposed rates, or Item 2211 which moves only at low densities where it also would experience increases under Northwest's rates; [8] that the Board's criticism of Northwest's forecast 20 percent increase in specific commodity traffic is invalid since the historical and forecast periods were separated by six months and thus the forecast is very realistic; and that the Board's comments relating to the competitive effects of Northwest's proposal do not demonstrate any shortcoming in Northwest's justification, since the proposal was put forth on its own merits.

Pan American, in opposition to Northwest's petition, asserts that the petitioner has raised nothing which would suggest any proper basis for the Board to reconsider its rejection of Northwest's tariff; that even if Northwest's forecast B-747F maintenance expenses were based on six rather than two weeks' experience, it would not alter the Board's finding that the forecast fails to meet minimum standards; that Northwest overlooks the facts that rates must be set on the basis of industry average costs; that Northwest's arguments in reference to traffic from Taipei/Hong Kong is not responsive to the Board's finding of considerable doubt whether Northwest's proposal would achieve any revenue improvement; and that Northwest has yet to explain how it could achieve increased yields and increased traffic simultaneously.

The Joint Carriers submit that while Northwest has focused on three areas of Order 76-3-111 to support its petition, it has completely ignored the other shortcomings listed by the Board; that a forecast of maintenance expenses based

[1] See Exhibits (JAT) Nos. T-1, 103, 104, 200, 201, 309, and supplementary exhibits nos. 304 A-1, 304 A-2, and 308-A.

[2] The exchange of notes serves as a provisional arrangement because the Yugoslav Government desired an early initiation of scheduled air service and it was not possible to conclude a full air transport agreement in the time available.

[3] The authority granted herein is not one relating to an activity of a continuing nature as that term is used in 5 U.S.C. 558(c). Accordingly, the automatic extension privileges of 5 U.S.C. 558(c) will not be applicable.

[4] We have included the initial tariff condition which the Board has recently included in permits of foreign carriers. The condition permits the Board to deal with such initial tariffs as to which Board suspension power is more limited under the recent amendments to the Federal Aviation Act authorizing the Board generally to suspend fares in foreign air transportation. (P.L. 92-259, March 22, 1972.)

[5] Since provisions is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] The authority granted herein is not one relating to an activity of a continuing nature as that term is used in 5 U.S.C. 558(c). Accordingly, the automatic extension privileges of 5 U.S.C. 558(c) will not be applicable.

[2] The tariffs were originally filed for effectiveness January 15, 1976, but were later postponed to May 15, 1976 due to apparent reservations on the part of various foreign governments.

[3] Hereinafter referred to as the "Joint Carriers." Pan American and the Joint Carriers filed complaints against the original Northwest tariff filing.

[4] Northwest also asserts that while the Board stated Northwest's forecast B-747F maintenance expenses were based on only two weeks of operations, they were actually based on six weeks' experience.

[5] In Order 76-3-111 the Board stated that the data submitted indicated that high-density traffic would divert to Northwest's container rates at reduced yields while low-density traffic would continue to move on existing specific commodity rates (SCR's).

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on six weeks' experience is perhaps better than one based on two weeks', but does not alter the validity of the Board's conclusions; that if Northwest's B–747F maintenance expenses differ from Tiger's they should still be comparable to those of JAL which is also operating new B–747F equipment, and has experienced maintenance costs of $1.518 per revenue aircraft-mile compared to Northwest's forecast of 21.96 cents; that although Northwest alleges that Item 2211 (Yarn, Thread and/or Fibers, etc.) specific commodity traffic from Taipei/Hong Kong does not achieve densities such that Northwest's rates would undercut existing rates, the petitioner has not supplied any specific information as to the actual densities of this traffic, and the Joint Carriers' experience is that this traffic is sufficiently dense to permit present rates to be undercut by Northwest's proposed rates; that the Board correctly concluded that low-density traffic would continue to move on SCR rates which are lower than Northwest's rates, and were the Board to approve Northwest's rates, the IATA carriers could well withdraw a pending agreement to increase the relevant SCR rates; and that the Board's Economic Regulations, which obligate carriers to support tariff proposals with certain economic data deemed essential to a proper evaluation, obviously require more than a pro forma submission, and this requirement would have been rendered meaningless were the Board to have overlooked the severe shortcomings of Northwest's justification.

GIC, which in a separate case has urged the Board to disapprove an IATA agreement which includes increases in specific commodity rates for electronic parts, alleges that if the Board approves those increases, it should also approve the Northwest rates. GIC further contends, in support of Northwest, that while Northwest's rates are, allegedly, somewhat higher than existing rates for high-density traffic, they are much lower than the electronic commodity rates proposed by IATA, and are fully justified for high-density traffic such as the parts shipped by GIC; that the Board's Chairman has testified before the U.S. Senate Aviation Subcommittee in favor of more reliance on competitive market forces in regulation of domestic transportation and GIC sees no reason to follow a different policy internationally or why Northwest should not be permitted to undercut the rates established by the IATA "cartel"; that by the technique of rejecting Northwest's filing for technical noncompliance with the Board's Regulations when the real reason was, allegedly, disagreement with the substance of the carrier's justification, the Board has circumvented the statutory safeguards of the Act, which empowers the Board to suspend tariffs only pending investigation and subject to Presidential approval, and thus the Board has deprived Northwest and GIC of important legal rights.

After careful review of Northwest's petition and the answers thereto, the Board has concluded that the petition does not set forth facts sufficient to warrant reconsideration of the Board's action in Order 76–3–111 and it will, therefore, be denied. We would first point out that Northwest's original justification for its tariff filing omitted data specifically required by the Board's Economic Regulations setting forth the requirements for tariff justifications, i.e., data showing present and proposed rates per mile or revenue ton-mile, as well as the effect of the proposal on the carrier's traffic. The tariff revisions could have been rejected outright on this basis alone. As indicated in Order 76–3–111, however, the Board was encouraged by Northwest's move toward a rational, more cost-related structure of Pacific rates applicable to all commodities in place of the present reliance on a discriminatory pattern of specific commodity rates, and accordingly requested Northwest to submit the additional required data on yields, traffic and revenue distribution by rate category so that a proper evaluation could be made of Northwest's proposal.

The additional data, however, did not permit a proper evaluation of the filing. The Board's order pointed out that Northwest's revenue and traffic distribution forecast showed a yield improvement from 25.04 to 29.71 cents per revenue ton-mile (rtm), but left unclear just how such an improvement was to be accomplished. For example, specific commodity rate yield was forecast to increase from 25.93 to 37.36 cents per rtm in conjunction with a 20 percent traffic increase, but Northwest's proposed rate structure included no specific commodity rates; and container rate yield was forecast to increase from 20.97 to 24.65 cents per rtm although, as explained above, the only traffic moving on the new container rates would be high density goods at a yield reduced from present levels. The justification contained other anomalies which made it impossible to determine whether the proposed structure would in fact achieve Northwest's stated objectives.

Northwest's petition contains no new material which would cause the Board to alter its conclusions in Order 76–3–111. Northwest has focused only on the issues of B–747F maintenance costs, Hong Kong/Taipei-U.S. traffic on SCR Items 2211 and 9902,[5] and its SCR traffic forecast, but has not responded to the deficiencies with respect to noncapacity costs, investment, and density figures noted in Order 76–3–111. Regarding B–747F maintenance costs, while it is true that the text of Northwest's justification states that forecast B–747F expenses were based on July/August 1975 experience (i.e., six weeks), Attachment II setting forth the actual cost figures indicates that the period January–July 1975 was used (i.e., two weeks, since this equipment began service only in late July 1975).[6] With respect to SRC traffic from Hong Kong/Taipei, which Northwest contends would experience yield improvements under its proposal, although it is true that Northwest's proposed rates are higher than existing Item 9902 rates at all densities, Northwest's petition leaves unexplained how, considering the continued existence of lower SRC's for this item, Northwest's proposed rates could attract traffic at higher yields. Regarding Northwest's argument that Item 2211 traffic would not achieve densities where the proposed rates represent a yield reduction, this is a mere allegation completely unsupported by actual density figures or any other facts, and moreover is inconsistent with Northwest's stated objective in its original justification of increasing traffic density to the greatest extent possible.[7] As to Northwest's contentions about the validity of its SCR traffic forecast, the Board cannot accept a forecast of traffic or revenue under rates which are not included in a carrier's tariff.

Concerning the comments of GIC and Airborne, these parties are aware that the Board has consistently supported the same objectives alleged by Northwest to have inspired its filing, objectives in which both GIC and Airborne appear to concur, i.e., the development of a cost-related structure of general commodity rates to replace the present, outmoded system of specific commodity rates. Order 76–3–111 made clear the Board's support for Northwest's efforts in this direction. However, the carrier's justification left too many questions unanswered and the Board was unable to make a proper evaluation of the proposed rates. We cannot agree with GIC that anyone in this case has been denied "important legal rights" because the Board did not suspend the rates.[8] The Board clearly did not make a substantive judgements on the merits of the proposal, as indicated above and in Order 76–3–111. GIC seems to have the impression that the Board's rejection of the filing has permanently foreclosed Northwest's proposal. On the contrary, Order 76–3–111 clearly left the door open for Northwest to review its proposal and justification with a view toward resubmission in light of the Board's comments and the competitive situation at the time.

Accordingly, *It is ordered*, That:

The petition of Northwest Airlines, Inc. for reconsideration of Order 76–3–111 be and hereby is denied.

[5] Item 9902 is a "basket" classification covering many diverse commodities.

[6] In any event, neither two nor six weeks' experience with new aircraft just introduced into service is adequate justification for a forecast of maintenance expenses.

[7] Further, traffic from Hong Kong/Taipei represents only two eastbound segments of a large market.

[8] We would note that GIC did not file any comments in support of Northwest's tariff filing, and their answer in support of Northwest's petition is the first indication that they had any interest in the case.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15855 Filed 5-28-76;8:45 am]

[Docket 21162; Order 76-5-121]

OHIO/INDIANA POINTS NONSTOP SERVICE INVESTIGATION

Order Granting Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of May, 1976.

Western Air Lines, Inc., has filed a timely motion to consolidate its application, Docket 28951, with the Ohio/Indiana Points Nonstop Service Investigation, Docket 21162. Western's application conforms to the issues in the instant proceeding and meets the criteria for consolidation set forth in Rule 12 of the Board's Rules of Practice. Thus, consolidation of Western's application with the instant investigation will be conducive to the dispatch of the Board's business and to the ends of justice, and will not unduly delay the proceeding.

Accordingly, *it is ordered*:

That the application of Western Air Lines, Inc., Docket 28951, be and it hereby is consolidated for hearing and decision with the Ohio/Indiana Points Nonstop Service Investigation, Docket 21162.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15851 Filed 5-28-76;8:45 am]

[Docket 29143; Order 76-5-119]

OLYMPIC AIRWAYS, S.A.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of May, 1976.

By tariff revisions[1] marked to become effective May 14, 1976, Olympic Airways, S.A. (Olympic) implemented, pursuant to order of the Government of Greece, an increase in the level of previously effective affinity and nonaffinity group fares between North America and Greece by $12, and decreased the advance payment and ticketing-time limits from fifteen days to five days prior to commencement of travel.

A complaint has been filed by Trans World Airlines, Inc. (TWA) which requests that the Board suspend Olympic's entire nonaffinity group fare tariff, as well as the change in the advance payment and ticketing requirement as it would apply to the affinity-group fares. TWA cites its initial complaint (Docket 24853), filed in the latter part of 1972, which requested suspension of Olympic's original tariff, filed to implement the nonaffinity-group fare ordered by the Greek Government, because of its concern that the fares were uneconomic and would induce comparable action by other governments and their national carriers. TWA alleges that the Board has not acted on its prior complaint,[2] and contends that intervening experience clearly bears out their prediction that the fares are uneconomic and have generated reactive responses by other foreign governments and carriers. Accordingly, it is argued that the Board should suspend the nonaffinity-group fares not only to improve the economics of operations between the United States and Greece, but also to stem motivation for introduction of similar fares to other countries.

TWA alleges that its experience in the U.S.-Greece market provides a clear indication as to the diseconomy of the nonaffinity fare to date, citing the fact that almost 30 percent of its total traffic has used either the affinity or nonaffinity-group fares, clearly diverting traffic from higher economy-class fares. If nonaffinity-group fares comparable to those to Greece were to be implemented generally, the redistribution of traffic would result in a reduction in revenue of $23.5 million over the Atlantic. TWA estimates that with continuation of open commission rates, the impact would be upwards of $34.5 million annually. Finally, TWA argues that it favors economically and soundly based low fares for scheduled service and, to this end, has supported APEX fares which are designed by their restrictions to be financially beneficial to the carriers. On the other hand, the minimal restrictions applicable to the nonaffinity-group fares are allegedly simply not sufficient to prevent uneconomic and unjustified revenue dilution.

In response Olympic alleges that, since introduction of the nonaffinity fare, four years ago, its level has been increased 90 percent, while existing IATA fares were increased by no more than 35 percent; that the nonaffinity-group fare is $12 higher than the IATA-agreed APEX fare; and that there can be no valid comparison between the fare ordered by Portugal and the fare to Greece because of a significant difference in level. The fare to Greece is alleged to bear an historical relationship between Athens and other Middle East points, and the change in the rules governing advance payment and ticketing is the result of recent similar changes in the rules governing Israel group fares. Elimination of the affinity-group fares would, it is contended, force passengers to the APEX fare or to charter services, each of which produces a lower yield and since the Canadian Government has approved the Greek Government order, diversion through Canada could result if the proposed fares were not correspondingly available from the United States. Finally, Olympic contends that the issue of commission rates is irrelevant.

Upon consideration of the complaint and answer thereto, we have decided to permit Olympic's tariffs to remain in effect for this season. The levels of the affinity- and nonaffinity-group fares, although slightly increased, are admittedly marginal, although somewhat higher than the U.S.-Greece APEX fares agreed to by IATA (including the complainant TWA) and approved by the Board (Order 76-4-175). The peak season New York-Athens APEX fare, which has been approved by the Board is $598, as compared with the affinity- and nonaffinity-group fares of $600 and $610, respectively. Moreover, we cannot ignore the fact that the fares, ordered by the Government of Greece, have been a part of the fare structure for several years. In these circumstances, and recognizing that we are approaching the threshold of this summer's peak travel season, the Board is most reluctant to take any action which might be disruptive, accepting the practicable assumption that many travelers have already booked on these fares.

Despite our dismissal of TWA's complaint in these particular circumstances, we nevertheless again continue to stress the opinion that such substantially reduced fares for groups of only 10 passengers, subject only to the minimal restriction of a 5-day advance ticketing and payment requirement, cannot be considered an appropriate fare for scheduled service, notwithstanding that the yield remains somewhat higher than that received from charter service.

The Board is not unaware of or, indeed, unsympathetic to the carriers' desire for a charter-competitive fare on scheduled service. We would not oppose one which is carefully delineated to achieve this marketing objective while, at the same time, preserving the economic integrity of scheduled service. It is axiomatic, however, that seat-mile cost on a charter flight permits lower fares than can be sustained on scheduled service, because of the inherent difference in average load factor. During recent years, the Board and various European authorities have fostered the development of charter service in the interest of providing low-cost travel for a broad spectrum of the public. Carriers authorized to provide scheduled service can and do compete by also operating charters. However, they continue to press for a fare on scheduled service which approaches charter levels. The Board does not oppose such a fare per se. It does, however, object to the de facto cross-subsidization of very low promotional fares by prices charged for economy and other higher-rated classes of service. As indicated recently (Order 76-4-175), the Board does not intend to further countenance such a burden on economy-class travelers.

[1] Rule 222 on 7th Revised Pages 70-A and 70-B, and Table 305 on 23rd Revised Page 260 to Passenger Fares Tariff No. PF-4, C.A.B. No. 44, issued by Air Tariffs Corporation, Agent.

[2] In fact, by Order 73-2-104 dated February 14, 1973 the Board dismissed the complaint in Docket 24853.

[3] TWA cites a recent tariff filing by Transportes Aereos Portugueses S.A.R.L. (TAP) suspended by the Board by Order 76 4-143 April 16, 1976.

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The IATA carriers are currently attempting to agree on a charter-competitive promotional fare which will accommodate the varied perceptions by each carrier of its own particular marketing needs. A number of carriers have proposed nonaffinity-group fares, at charter prices and with substantially charter conditions. Others, one of them being TWA, press for a version of APEX. TWA, in effect, argues that the advance-purchase excursion fare is the answer to charter competition, citing the fact that APEX is a capacity-controlled fare, sold on an individual basis. On the other hand, group fares are usually formed by agents or tour operators which, TWA suggests, adds to the cost of service and further dilutes the revenues of the direct carriers.[4]

The Board has historically preferred promotional fares which are offered on an individual basis, for a number of reasons. Experience has indicated that the conditions on affinity-group fares, for example, have not always been honored, and that the carriers have not always received the tariff fares for transportation of groups formed by tour operators or other third-party assemblers. Perhaps more circumspect adherence to group-fare tariff conditions can be expected by virtue of the sanctions now available pursuant to the order of the New York District Court.[5]

Nevertheless, even with efficacious enforcement of tariff conditions and full collection of fares, a charter-competitive fare must stand on its own economically. This would seem to require an effective capacity-control mechanism, lest the fare downgrade the quality of service that higher-fare paying passengers rightfully should expect. If higher-priced fares will no longer subsidize charter-competitive fares set at levels below fully allocated costs, capacity must be limited for the flight or the overall operation will not be profitable. An intelligent capacity-control mechanism would involve judicious allocation of space, related closely to lower load-factor flights, rather than an automatic allocation of the permissible maximum space for sale at such fares.

In summary, we are not unsympathetic to the establishment of a low promotional fare to compete with charters. However, the price must reflect the economics of scheduled service; the applicable conditions must be significantly and appropriately restrictive; and the fare should be directed to individuals rather than group travel so as to eliminate the obvious abuses which have long been generally associated with the latter.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

The complaint in Docket 29143 is hereby dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15853 Filed 5-28-76;8:45 am]

[4] We are concerned with recent reports published in the trade press that, to compete for nonaffinity-group traffic to Greece, TWA intends to pay the retail agent $35 in addition to the customary 8½ percent commission.

[5] In our October 1975 fare policy statement, as well as in Order 76-4-175, the Board noted that the prime avenue of increased revenues in the North Atlantic market was strict adherence to tariff requirements.

[Docket No. 28036]

SOUTH PACIFIC SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 30, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., May 24, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-15850 Filed 5-28-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 515-3; FIFRA Docket Nos. 246, et al.]

CHAPMAN CHEMICAL CO., ET AL.

Consolidated Mercury Cancellation Hearing

Correction

In FR Doc. 76-10932 appearing at page 16497 in the FEDERAL REGISTER of Monday, April 19, 1976 the following corrections should be made:

1. On page 16498, third column, second paragraph, after the last word "Conclusions" insert a colon.

2. On page 16499 several words should have been italicized:

(a) First column, sixth full paragraph, third line, the word "any".

(b) First column, seventh full paragraph, second line, the word "any".

(c) Second column, third line from the top, the word "some".

(d) Second column, section C, the second paragraph, fourth and fifth lines, the words "only if there are no substitutes for it".

(e) Second column, section C, third paragraph, second line from the bottom, the word "need".

(f) Second column, section C, fifth paragraph, second line, the word "solely".

(g) Third column, third and fifth lines, the words "pivotal" and "sole".

(h) Third column, section E, third paragraph, first line, the word "some".

(i) Third column, section E, fourth paragraph, second and fifth lines, the words "above" and "below".

3. On page 16500, several words should have been italicized:

(a) First column, first paragraph, fourth line from bottom, the word "not".

(b) First column, second paragraph, first and seventh lines, the words "some" and "met".

(c) First column, last paragraph, tenth line from the bottom, the word "increased".

4. On page 16501, first column, in footnote 25, ninth line, the word "Plants" should read "Paints".

5. On page 16501, second column, paragraph B, last line, the words "per se" should be italicized.

6. On page 16503, second column, fourth full paragraph, thirteenth and twentieth lines, italicize "under limited winter snowfall" and "are".

7. On page 16506, first column, first five lines at top should be transferred to page 16508 at the top of the first column.

8. On page 16506, second column, between the paragraph which begins "The use of methylmercury" and the one beginning "It is a most difficult task" insert five asterisks.

9. On page 16510 several words should have been italicized:

(a) Second column, seventh full paragraph, second and fifth lines, the words "under limited winter snowfall" and "mainstay of the substitutes".

(b) Third column, fourth full paragraph, eighth line from the bottom the word "can".

(c) Third column, last paragraph, eighth and ninth lines, the words "recovered" and "applied".

10. On page 16511, third column, second full paragraph, fourth line from the bottom, first word should read *"Alternaria"*.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-468, Docket No. 20814]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the Matter of American Telephone and Telegraph Company Charges for Private Line Services, Revisions of Tariff F.C.C. Nos. 260, 264 and 266, filed in Transmittal No. 12546 (Series 2000/3000); Charges for Private Line Services, Revisions of Tariff F.C.C. No. 260, filed in Transmittal No. 12547 (Series 5000).

By the Commission: Commissioner Hooks concurring in the result.

1. We here consider petitions for suspension and petitions for rejection of the above-captioned tariff filings.[1] The Series 2000/3000 filing introduces American Telephone and Telegraph Company's (AT&T) Multi-Schedule Private Line (MPL) rate scheme; the Series 5000 filing applies the MPL rates to TELPAK single voice grade facilities, either two-point or sections of a multi-point service, 25 miles or less in length. These filings were made in response to our Decision and Memorandum Opinion and Order in Docket No. 19919 (Hi-Lo), 58 FCC 2d 362 (1976). That decision held that AT&T had failed to carry its burden of proof to establish the justness and reasonableness of the rates there at issue. Consequently, we found the Hi-Lo rates to be violative of §§ 201(b) and 202(a) of the Communications Act, 47 U.S.C. §§ 201(b), 202(a), and ordered AT&T to file a replacement tariff, on not less than 7 days notice, to become effective upon the effective date of that decision, 58 FCC 2d 362, 371. The decision was to become effective ninety days after publication in the FEDERAL REGISTER. In response to a petition the effective date of the decision was postponed to May 20, 1976, 113 days after its publication in the FEDERAL REGISTER, to allow the filing to be made on thirty days' notice. (FCC 76-293, released April 13, 1976.)[2]

2. Besides the general requirements of Section 61.38 of our Rules, 47 C.F.R. § 61.38, for the submission of data supporting the tariff filing, detailed guidelines were set out in paragraphs 74-75 of our Interim Decision in Docket No. 19919, 55 F.C.C. 2d 224, 246-248 (1975). These guidelines established the showing deemed requisite to justification of the rates AT&T chose to set forth in its replacement tariff. Realizing the effort required to compile all the necessary information within the time allowed for the filing of the replacement tariff, we stated that:

> Although AT&T must accompany its revised filing with its cost justification and as many of the supporting work papers and other material as can be put in proper form at that time * * * we are affording AT&T an additional 60 days to supplement its filing.

58 FCC 2d at 370. Consequently the results of AT&T's three-year projections of traffic, revenue and costs were not provided until May 14, 1976, and the following material will not be submitted until June 20, 1976, sixty days after the April filing:

1. 12 Month Retrospective Cost Study with Estimated Market Effects;
2. Cost of Service Study for 12 Month Retrospective Period Using Fully Distributed Cost Methods 2, 6 and 7;
3. Analysis of Costs by Rate Element for the 12 month Retrospective Period;
4. Sensitivity Studies;
5. Descriptions Explaining the Derivation and Use of Fully Distributed Cost Translators and Unit Investments;
6. Descriptions Explaining the Derivation and Use of Long Range Incremental Cost Translators and Unit Investments.

We here consider the matter, before submission of the June 20th material, because we wish to preserve the continuity of the charges by passing on the petitions for suspension before the tariff's May 20 effective date.

I. SERIES 2000/3000 (TRANSMITTAL NO. 12546)

A. DESCRIPTION OF THE FILING

3. The MPL rate structure is substantially different from the Hi-Lo plan. It is based on dividing all private line rate centers into two categories. "A" rate centers are, generally, those major terminal locations which are served by radio or coaxial facilities utilizing two master-groups of a radio channel or coaxial tube pair arranged to derive voice grade channels, with local distribution facilities suitable for extending service to customer premises and linked by like interexchange facilities to other category A rate centers. All other rate centers are category "B" rate centers.

4. MPL contains three rate schedules: Schedule I applies to services between A rate centers and has the lowest rates per interexchange channel mile per state step; Schedule II applies to services between an A rate center and a B rate center; and Schedule III, which has the highest rates per interexchange channel mile per rate step, applies to services between B rate centers. Unlike the Hi-Lo rate scheme, under MPL only one rate schedule can apply between any pair of service points. The Hi-Lo plan requires the customer to specify the routing of the service, naming the various communications links to be used to make up his point-to-point service. The charge for the circuit could vary depending on the route chosen. MPL, however, adopts a point-to-point pricing approach which applies one rate to the entire circuit regardless of routing. MPL also discards the Hi-Lo approach of using a separate short haul rate schedule for services 25 miles or less in length, but rather incorporates short mileage services within its basic schedules. Each of the three MPL schedules, however, imposes a fixed charge for the first mile of service which is significantly greater than the charge for additional miles. As the length of the channel increases the per mile charge decreases in stepped mileage bands. The Hi-Lo tariff, on the other hand, has a flat per mile rate, with no mileage bands or steps.

5. Within each of the three MPL schedules are two types of rate element: station terminal charges, which impose a flat fee for each termination, regardless of the length of the circuit, and interexchange channel charges, which are distance sensitive. The Hi-Lo tariff used a third rate element, channel terminal charges. The latter is abandoned under MPL, however, and the channel termination charges are incorporated into the fixed portion of the graduated interexchange channel charges. A fixed charge is imposed on every point-to-point circuit; multipoint networks must pay the charge for each two-point channel section connected by the network.

6. AT&T's calculations show that the institution of the MPL rate plan will result in rate increases for 15,314 customers, decreases for 4,134 customers, and unchanged rates for 727 customers. Over 11,000 of the approximately 20,000 customers will receive rate increases of 25% or more; almost 5000 of those will receive increases of more than 50%. The greatest increases will go to users of relatively short mileage channels in all three schedules.

B. CONTENTIONS OF THE PARTIES

7. The arguments of the petitioners seeking suspension or rejection of the MPL tariff filing can be divided into three main categories: (1) claims that the MPL plan is unlawfully discriminatory; (2) claims that the supporting material not yet submitted is so crucial that the tariff should not be allowed to become effective until the material can be examined; and (3) claims that the supporting material filed with the tariff is erroneous, misleading or inadequate.

8. Those contending unlawful discrimination argue that the MPL plan discriminates in the same manner as the Hi-Lo scheme and thus imposes the same burden of proof on AT&T to show that the discriminations are justified. Discrimination is seen in the differing charges between the schedules, in the differing charges between the mileage bands within each schedule, and in the imposition on multi-point users of two-point interexchange channel charges for each pair of service points. The petitioners claiming that the tariff should not be allowed to become effective until submission of all the supporting material contend either that the material said to be in preparation will not fulfill the requirements of 47 C.F.R. § 61.38 or that an evaluation of the lawfulness of the tariff cannot be made by the petitioners or this Commission without an examination of that material.

9. Several reasons are advanced to support the claim that the material submitted is not adequately supportive of the tariff. They include claims that Fully Distributed Cost Method 1 should

[1] Petitions for Suspension of the revisions filed in Transmittal No. 12546 (Series 2000/3000) were filed by The Automotive Dismantlers and Recyclers of America, Inc. (ADRA); United Press International, Inc. (UPI); jointly by The American Newspaper Publishers Association, The Associated Press, Commodity News Service, Inc., Dow Jones & Company, Inc., Missouri Network, Inc., and Reuters, Ltd. (collectively "the Press Parties"); The Executive Agencies of the United States (The Executive Agencies); Southern Pacific Communications Company (SPCC); and jointly by, MCI Telecommunications, Inc., Microwave Communications, Inc., and N-Triple-C, Inc. (collectively "MCI Carriers"). Petitions for Rejection of those revisions were filed by SPCC and the MCI Carriers. Petitions for Suspension of the revisions filed in Transmittal No. 12547 (Series 5000) were filed by Aeronautical Radio, Inc. (ARINC), ADRA, UPI, the Press Parties, the Executive Agencies and the MCI Carriers. A Petition for Rejection of those revisions was filed by the MCI Carriers. In response to these petitions AT&T filed a Reply to the petitions for suspension of the tariff revisions filed under Transmittal No. 12546, a Reply to the petitions for suspension of the tariff revisions filed under Transmittal No. 12547, and an Opposition to the petitions for rejection of the revisions filed under Transmittal No. 12546. SPCC also filed a Motion, addressed to the Chief, Common Carrier Bureau, requesting a thirty day deferment of the effective date of the revisions in Transmittal No. 12546. AT&T filed an Opposition to this motion. The request is mooted by the action taken herein and is hereby dismissed.

[2] The filings herein were made on April 19, 1976, to become effective May 19, 1976, and subsequently deferred for one day at the request of the Chief, Common Carrier Bureau.

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not have been the sole method relied on, that AT&T failed to show that the rates accurately reflect costs, that the requirements of the Hi-Lo Interim Decision are not met, that AT&T failed to show that no cross-subsidies will flow from one service to another or from one Schedule to another within the service, that the cost analysis submitted conflicts with earlier cost analyses submitted by AT&T in other proceedings, that the cost studies contain errors or misallocations of costs or expenses, and that the MPL rate structure would permit unwarranted increases in local distribution facilities provided to other common carriers.

10. Other miscellaneous arguments advanced include contentions that the magnitude of the rate increases are unjust and unreasonable per se; that although our Specialized Common Carrier decision (29 FCC 2d 870 (1971)) approved AT&T's departure from the nationwide averaging of rates in some instances, this particular deviation has never been justified; that the needs of the press are unique and that this industry will be particularly damaged by application to it of the MPL rate plan; that all AT&T rate increases require a hearing until the Private Line Rate Case, Docket No. 18128, and the AT&T Investigation—Phase II, Docket No. 19129, are decided; that AT&T has failed in its duty to provide adequate service by not offering simplex service in this filing; that the rate of return indicated by AT&T, alleged to be 11.5 percent, must result in either a cross-subsidy to another service or revenues in excess of the overall rate of return; and that the MPL rate structure is anticompetitive and predatory.

C. DISCUSSION

11. Without judging the merits of any specific contention, we agree that substantial questions have been raised concerning the lawfulness of the MPL rate structure. An entirely new rate scheme of this type requires an extensive examination of the tariff and its accompanying support material. This is particularly true in light of the magnitude and scope of the rate increases included in this tariff filing and the nature of the support material not yet submitted. Some of the specific features of the tariff which need close scrutiny are, among others, the increases in the charges for services of 25 miles or less in length, the high charge for the first mile of service, the possible anticompetitive implications of the decreases in charges for long haul services, and the possibility of unlawful discrimination between users. Therefore, we find it necessary to institute an investigation into the lawfulness of the MPL tariff filing made under Transmittal No. 12546.

II. SERIES 5000 (TRANSMITTAL NO. 12547)

12. The Series 5000 filing, made concurrently with the Series 2000/3000 MPL filing, charges MPL rates for two-point and multi-point services using interexchange channels furnished under Series 5000 (TELPAK) wherein service terminals are located twenty-five miles or less apart.[2] This change in the method of rate computation will result in increased charges for the Series 5000 services involved. These revisions were filed, according to AT&T, in order to conform the rates to the Series 2000/3000 MPL rates. Conformity between the two is desired, it is claimed, because the facility and cost characteristics are said to be similar.

13. The petitions requesting rejection or suspension of the revisions to Series 5000 argue that, since the revisions apply MPL rates they suffer from the same infirmities as are alleged against the Series 2000/3000 filing. Additionally, it is contended that several factors differ between the services and thus material supportive of one is not necessarily supportive of the other.

14. We agree that the lawfulness of this filing, which incorporates the MPL rate structure, is dependent upon the lawfulness of the MPL tariff filing in Series 2000/3000. The investigation which we have instituted herein will therefore include the revisions filed under AT&T Transmittal No. 12547. The claim that costs of the services differ significantly may be made in that proceeding; we do not pass on it here.

III. SUSPENSION OF THE SERIES 2000/3000 AND SERIES 5000 TARIFF FILINGS

15. All the petitioners have requested that we suspend the instant tariff filings, most for the full three months permitted by Section 204 of the Act. The petitioners who are users of the services have requested an accounting order pending the outcome of the investigation instituted herein. Some of the parties ask that during the suspension period the present Hi-Lo rates remain in effect while others have suggested that the pre-Hi-Lo rates be reinstituted. The petitioners are unanimous, however, in their belief that the MPL tariff filing is more harmful to them than the Hi-Lo tariff. Customers point to the increases in short haul rates, competitors to the decreases in long haul rates.

16. We agree that the MPL rate structure shows even greater variations in rates than does the Hi-Lo tariff. If these variations are found to be unjust and unreasonable discriminations between like communications services, as similar ones were in Hi-Lo, the discrimination could be more damaging to the public interest than these found to be unjustified in Hi-Lo. In that event the need for all the supporting materials would become paramount in order to determine whether the discrimination is justified by costs or competitive necessity. This possibility necessitates our suspension of the MPL tariff for the maximum three month period. 47 U.S.C. § 204.

17. Some of the petitioners have argued that the pre-Hi-Lo rates should be reinstituted during the pendency of the suspension period. Others have sought only the extension of the Hi-Lo rates. It appears that the public interest is best served by extending the Hi-Lo rates for the three month suspension period. Although we have found them to be unlawfully discriminatory and expressed our desire to minimize the duration of their effectiveness, we believe the confusion and administrative difficulties inherent in a change from the present Hi-Lo rates to the pre-Hi-Lo rates for three months, followed by the effectiveness of the MPL tariff or a replacement for it, outweigh any harm done by extending the life of the Hi-Lo tariff for three months.

18. Since three months is not sufficient time to conduct even an expedited hearing, it seems likely that the MPL tariff filing will become effective before a final decision is reached on its lawfulness. In order to protect the public we will order AT&T to keep accurate account of all monies received by it by reason of the increased rates under the MPL tariff, so that refunds may be made should any charges under the tariff be found unlawful.

19. *Accordingly, it is ordered*, That pursuant to the provisions of Sections 4 (i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 201–205, 403, an investigation is instituted into the lawfulness of the revisions to AT&T's Tariff F.C.C. Nos. 260, 264 and 266, filed under Transmittal Nos. 12546 and 12547. The specific procedures to be followed in this hearing and the specific issues and subissues to be examined therein will be set forth in a Commission order which will be issued following staff scrutiny of the material to be filed on June 20, 1976.

20. *It is further ordered*, That, without in any way limiting the scope of the proceeding, it shall include consideration of the following:

(1) Whether any of the charges, classifications, regulations, or practices contained in the subject tariff revisions are or will be unjust or unreasonable within the meaning of Section 201(b) of the Communications Act;

(2) Whether such revisions will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of Section 202(a) of the Communications Act;

(3) Whether such revisions have been filed in full compliance with Section 203 of the Communications Act governing the filing of tariff schedules, and Part 61 of the Commission's Rules adopted thereunder;

(4) Whether such charges, regulations, practices, and classifications are in conformity with the requirements of our Final Decision in Docket No. 19919, 58 FCC 2d 362, and with such ratemaking principles and guidelines as may be adopted by this Commission in the Private Line Rate Case, Docket No. 18128;

[2] Pending a decision in *Commodity News Services, Inc.* v. *FCC*, No. 75-2057 (D.C. Cir), MPL rates have not been filed in connection with Series 5000 individual channel extensions.

(5) Whether such charges, regulations, practices and classifications are in conformity with the regulatory policies and objectives adopted by this Commission in its Specialized Common Carrier decisions in Docket No. 18920;

(6) Whether this Commission should prescribe just and reasonable charges, classifications, regulations and practices to be followed hereafter with respect to the service governed by such tariff revisions and, if so, what charges, classifications, regulations and practices should be prescribed.

21. *It is further ordered*, That, pursuant to section 4(i), 4(j), and 204 of the Communications Act, the tariff revisions filed by AT&T under Transmittal Nos. 12546 and 12547 are suspended until August 20, 1976.

22. *It is further ordered*, That AT&T shall, in the case of all increased charges made pursuant to the tariff revisions filed with Transmittal Nos. 12546 and 12547, until further order of this Commission, keep accurate account of all monies received by reason of such increases, specifying by whom and in whose behalf such amounts are paid.[4]

23. *It is further ordered*, That, the effective date of our Final Decision and Memorandum Opinion and Order in Docket No. 19919, 58 FCC 2d 362 (1976), is postponed until August 20, 1976.

24. *It is further ordered*, That the petitions for rejection of the subject tariff revisions, listed above, are denied.

25. *It is further ordered*, That the petitions and investigation, listed above, are granted as is consistent herewith and are otherwise denied.

26. *It is further ordered*, That AT&T is the party-respondent herein and that the petitioners listed in footnote 1 above, and any other party filing a notice of intent to participate in this proceeding within 10 days of the publication of this Memorandum Opinion and Order in the FEDERAL REGISTER, are designated parties hereto.

Adopted: May 19, 1976.

Released: May 20, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-15837 Filed 5-28-76;8:45 am]

[Docket No. 20682]

CHANGES IN THE ENTERTAINMENT FORMATS OF BROADCAST STATIONS

Development of Policy

1. On December 22, 1975, the Comission adopted a Notice of Inquiry (Notice) in the above-entitled proceeding (41 Fed. Reg. 2859). The dates originally set for the filing of comments and reply comments were February 19 and March 3, 1976, respectively. On February 18, 1976, an Order extending the time for filing comments and reply comments (41 Fed. Reg. 8213) was granted to April 5 and May 5, 1976, respectively, and a further Order was granted (41 Fed. Reg. 14595) on March 31, 1976, extending the filing of comments and reply comments to April 20 and May 20, 1976, respectively. The Commission has received comments from thirty-seven parties in response to its Notice.

2. On May 10, 1976, Citizens Communications Center (CCC) filed a Motion For Extension of Time To File Reply Comments and For Further Relief, requesting that the time for filing reply comments be extended to and including July 20, 1976. CCC states that many of the comments are voluminous, some containing outside studies, and thus require considerable time and thought for the preparation of reply comments. CCC also states that it is preparing: (1) a reply brief in the appeal of the Commission's multiple ownership rules, due May 20, 1976; (2) comments in the Commission's clear channel proceeding, due May 21, 1976; and (3) an initial brief in the appeal of the Commission's Fairness Report, due July 2, 1976, necessitating significant expenditure of time at this point. The extension is also deemed necessary by CCC because two legal holidays and summer vacations make coordination among parties interested in filing extremely difficult and time consuming.

3. Aside from these reasons, CCC alleges this proceeding is not one of utmost Commission urgency or expedition since the Commission waited over a year after the decision in *Citizens Committee to Save WEFM* v. *FCC*, 506 F. 2d 246 (D.C. Cir. 1974) (WEFM), to issue the Notice, and then did not release the Notice until a month after its adoption. CCC believes that further delay will prejudice no party since WEFM controls adjudicatory consideration at this point. In addition, CCC asserts that the Commission has failed to inform citizens groups of this proceeding or to encourage their participation. Accordingly, CCC asserts that the Commission should: (a) send its Notice, together with CCC's Petition to Reconsider, Rescind, Suspend or Redirect Inquiry and the Commission's response thereto, to all groups which have participated in adjudicatory cases involving change of format since 1970; (b) contract for an independent study of the marketplace to provide citizens groups with information they are unable to develop due to costs and allow a reasonable time for comments thereon; and, (c) issue a Notice of Rulemaking in this docket. CCC believes that these measures, together with the requested extension, may result in a more balanced number of reply comments between broadcasters and citizen groups rather than the large disparity in favor of broadcasters which occurred in the filing of comments. Finally, CCC requests that the Commission schedule oral arguments or panel discussions, as done in the newspaper-television cross ownership, pay cable and prime time access proceedings, a procedure, allegedly, more likely to develop the meaningful data upon which to base a decision in this matter than the course the Commission is presently following.

4. The Commisson believes that the voluminous, and sometimes complex, nature of the comments filed herein warrant, alleged by CCC, some additional period of time within which to prepare meaningful and helpful reply comments. We do not believe, however, that the lengthy extension requested by CCC is required to accommodate this end. The ninety day period of time allowed for the filing of comments provided ample time for parties to familiarize themselves with the issues and matters under consideration herein and to gather the information and material believed necessary to deal with those concerns. The need to develop new material for reply comments should, therefore, be minimal, and analysis of the comments received should require substantially less time than provided for their filing. Additionally, the Commission has set, as indicated in its publicly distributed "Three-Month Calendar", released May 3, 1976, a target date of July 28, 1976, for action in this docket. The period of time requested by CCC would severely jeopardize our ability to meet what we believe is an appropriate date for resolution of this proceeding. Under these circumstances, an additional period of time to time to and including June 3, 1976, will be granted for the filing of reply comments in this docket. We do not contemplate issuing any further extensions.[1]

5. We do not believe the other matters raised by CCC support its requested lengthy extension of time. We have previously considered and rejected, in our Memorandum Opinion and Order denying CCC's Petition to Reconsider, Rescind, suspend or Redirect Inquiry in this Docket, 36 RR 2d 902, CCC's request that we contract for an independent study of markets and issue a Notice of Proposed Rulemaking herein, and CCC has submitted no new data requiring reconsideration of this request. Nor do we believe the failure of more public interest groups to file comments in this proceeding is the result of Commission failure to adequately encourage or inform. In

[4] When large numbers of customers receive relatively small increases, such as the increases in message telephone service charges recently designated for hearing in Docket No. 20732, 58 FCC 2d 1 (1976), the costs of keeping individual accounts and making individual refunds often exceed the amount refunded. Since those costs are expenses ultimately borne by the ratepayer, the public interest is best served by the use of a class accounting order which minimizes the cost of refunds (the costs of keeping the accounts are virtually identical whether class or individual). In the instance case, however, we have chosen to require AT&T to keep accounts by customer instead of by service class or subclass because of the relatively small number of customers and the large increases incurred by many of them.

[1] We do not believe that the schedule adopted herein is indicative of treatment resembling "utmost urgency or expedition." Rather, we believe that the important matters under consideration here may be properly dealt with in the time allotted and in keeping with our desire to act on significant proceedings within a reasonable amount of time.

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addition to publication of this proceeding in the FEDERAL REGISTER and through Commission public notices, notification of this proceeding was published in the Commission's "Action Alert" service. This service is specifically designed to inform public interest and consumer groups of Commission proceedings. Any such group interested enough in our proceedings need only request to be put on the "Action Alert" mailing list and in fact, over 300 such groups and individuals do receive this service. As for CCC's request that we schedule oral argument or panel discussions in this docket, such action is premature at this stage of the proceeding. If, after all comments have been received, the Commission believes it still needs additional information before reaching ultimate conclusions, methods for obtaining that information will then be considered.

6. Accordingly, *it is ordered*, That the above Motion For Extension of Time to File Comments and For Further Relief, filed by Citizens Communications Center, is Granted to the extent that the date for filing reply comments is extended to June 3, 1976, and *is denied* in all other respects.

7. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-15836 Filed 5-28-76;8:45 am]

[FCC 76-430; Docket No. 20801]

MIDWESTERN RELAY CO.

Memorandum Opinion and Order Instituting Investigation

By the Commission: Commissioner Reid absent.

1. The Commission has before it Transmittal No. 11 of Midwestern Relay Company (Midwestern) and the accompanying revised tariff pages filed on March 15, 1976 to become effective May 14, 1976. A petition to suspend, investigate, and order an accounting with respect to the proposed tariffs was filed by Community Video, Inc. operator of cable television sytems in Wisconsin Rapids, Grand Rapids, Grant, and Port Edwards, Wisconsin. A petition for rejection was filed jointly by American Broadcasting Companies, Inc., (ABC) and CBS Inc, (CBS). Midwestern has replied to both petitions.

2. Midwestern provides point-to-point microwave radio service to cable television and broadcast customers in Northern Illinois, Wisconsin, Eastern Minnesota and Northeastern Iowa. Midwestern's Class A service consists of both full-time and occasional protected network transmission service. The full-time service is provided to ABC, CBS and NBC for their affiliates throughout Midwestern's service area. The facilities for occasional service are utilized to interconnect television stations on Midwestern's system with other points along the system or with other common carriers, and to transmit programming from points of service to the national networks for inclusion in network programming. Midwestern's Class B service includes unprotected, point-to-point transmission of video and audio channels between designated origination and receiving points. This service is utilized by the State of Wisconsin's educational television network. Class C service consists of unprotected transmission of distant television signals from off-the-air pickup points to cable television systems along Midwestern's service route.

3. The proposed revisions filed by Midwestern result in increased charges of varying amounts for all the components listed below which comprise the rate structures for the services offered pursuant to this tariff. The rate structure for Class A service is based on charges for the following: city-to-city channel (computed by number of miles between the two cities), market connection, local station loop, and local remote loop. Charges for Class B service are determined by the number of miles between the point of transmission to the point of reception and by the number of receivers at the point of reception. The rate structure for cable television service consists of a channel connection charge and a monthly service charge. This service charge has been revised by the subject tariff filing as follows:

	Number of subscribers	Rate per subscriber
Level:		
I	0 to 1,000	$0.15
II	1,000 to 5,000	.10
III	5,001 and over	.05

Midwestern states that its rate increases are necessary due to unanticipated losses of almost $3 million between 1972 and 1975. These deficits were experienced as a result of a series of construction difficulties and adverse economic conditions. Despite capital contributions,[1] the losses and resultant financial drain to Midwestern have continued. According to its Support Data supplied pursuant to § 61.38 of the Commission's rules, Midwestern's debt to equity ratio for 1973 was 77.3 percent to 22.7 percent, for 1974, 76.6 percent to 23.4 percent, and for 1975, 56.5 percent to 43.5 percent. Midwestern reports that its actual return in 1975 was 2.3 percent and, assuming the instant rate increases become effective, its return in 1976 will be 7.3 percent; in 1977, 9.1 percent; and in 1978, 9.6 percent. Midwestern claims that the allowable rate of return on its investment should be between 12.8 percent and 13.1 percent.

4. Community Video maintains that Midwestern's rate structure for Class C service is basically the same as those being considered by the Commission in American Television Relay, Inc., Docket No. 19609, 37 FCC 2d 751 (1972), Western Tele-communications, Inc., Docket No. 20493, 55 FCC 2d 203 (1975), and *Mountain Microwave Corp.*, Docket No. 20493, 56 FCC 2d 63 (1975). Thus, Community Video urges the Commission to suspend and investigate Midwestern's tariff revisions, deferring a hearing pending the outcome of ATR, and possibly WTCI and MMC. In support of its position, Community Video claims that Midwestern has not supplied sufficient information to justify its rate increases. Specifically, Community Video argues that the debt-equity ratios employed are theoretical and therefore the costs set forth by Midwestern has no basis. Also, Community Video maintains that the rates of return are unjustified. In regard to the rate structure, Community Video argues that the number of subscribers served bears no relation to the carrier's costs of service and that the rates to some cable customers farther from the signal source are lower than Community Video's. As a result of Midwestern's rate structure, Community Video alleges that the customers for Class C service are subsidizing the network service. Community Video also argues that the tariff revisions unilaterally modify the terms of the agreement between Midwestern and Community Video.

5. Midwestern responds to the above arguments by stating that they are general and conclusory and unsupported by fact. Midwestern defends its support data as exceeding the required justification. Midwestern also claims that its rate-making methodology is adequately explained. In regard to the challenge to its per-subscriber charge for Class C service, Midwestern argues that its charge provides a "rational means of reducing the maximum allowable charge to reflect the size of the groups actually using the service." Midwestern also attempts to distinguish its rate structure from those proposed by ATR, WTCI and MMC. It claims that its Class C rate structure has been in existence for over three years and that the present revisions result in a small rate increase. On the other hand, Midwestern argues that the other proceedings involve major revisions involving novel rate structures, new pricing policies and substantial increases. Also, Midwestern points out that charges are based on actual cable subscribers rather than population of the community served. Finally, Midwestern notes the absence of allegations of intra-class discrimination.

6. We are of the opinion that specific questions are raised as to whether certain aspects of Midwestern's proposed tariff revisions are lawful within the meaning of sections 201(b) and 202(a) of the Communications Act and that further investigation and hearing on these

[1] Midwestern was organized as a partnership between The Journal Company and American Microwave and Communications, Inc. in 1969. In 1975, Midwestern Relay, Inc., a wholly-owned subsidiary of The Journal Company, purchased American Microwave's interest. The Journal Company has reportedly made contributions to offset Midwestern's operating losses.

limited issues is warranted. First, questions are raised as to the appropriate capital rate structure and rate of return for Midwestern's overall services provided in its Tariff F.C.C. No. 1. For example, in its support data (Schedule VIII), Midwestern shows equity of $2,600,000 and debt of $8,500,000 or a 23.4 percent/76.6 percent equity/debt ratio for 1974. However, in its FCC Form P for 1974, Midwestern shows equity of $301,453 and debt of $8,500,000 or a 3.4 percent/96.6 percent equity/debt ratio. Even though The Journal Company is reported to have made capital contributions to Midwestern, Midwestern's financial statement does not disclose how such contributions were reflected for accounting and ratemaking purposes. Second, Midwestern's rate structure for Class C service embodies concepts which deviate from traditional cost of service ratemaking principles. Although Midwestern's structure is not identical to those proposed by ATR, they are similar in principle and raise similar questions of lawfulness. Therefore, we will defer a hearing on Midwestern's tariff filing pending completion of proceedings in Docket No. 19609. It is anticipated that a final decision in that proceeding will be forthcoming in the near future. We see no need to defer this proceeding pending completion of the WTCI and MMC case also. Specific procedures and issues for the hearing in this case will be designated by subsequent Commission order.

7. We shall suspend Midwestern's proposed rate increases for all the services covered by the subject tariff revisions for a period of one day and impose an accounting order. It is apparent that Midwestern is in need of rate relief, since it has sustained operating losses since 1972 and projects losses of approximately $400,000 per year under its current level of rates. Therefore, a suspension for the maximum statutory period is not warranted.

8. We find that ABC and CBS have not made the showing of prima facie unlawfulness necessary to warrant rejection of Midwestern's tariff revisions for Class A service.[2] Petitioners' claim that we must reject the tariff filing because it would frustrate our policy of competition is without merit. Furthermore, we find merit in Midwestern's contention that the networks have benefited and will continue to benefit economically from Midwestern's service. Petitioners' contention that their contracts with Midwestern supersede the subject tariff filings is also without merit. We stated the following in regard to carrier service offerings to non-carrier customers:

> • • • the effective rates, practices, and regulations are those which appear in the carrier's tariff on file with the Commission and such tariff, the Commission's Rules, and the Act itself, are applicable as a matter of law, notwithstanding any conflicting provision appearing in the agreement executed by the carrier with its customers. United Video, Inc., 49 FCC 2d at 880.

Thus, a carrier is obligated pursuant to Sections 201, 202 and 203 of the Act to provide rates by tariff that are cost justified and not unduly discriminatory. We are obligated under the above provisions of the Act to require tariffs to be filed and, likewise, we must have authority over the terms and conditions of service provided by carriers to customers. Contrary to petitioners' contentions, the Court's holding in *Bell Telephone Company of Pa. v. F.C.C.*, 503 F.2d 1250 (3d Cir. 1974), cert. denied, 422 U.S. 1026 (1975), was limited to contracts between common carriers and did not encompass contracts between carriers and customers, such as the agreements between Midwestern and the networks. The only contracts before the Court were contracts between common carriers. Our reasoning for the determination that the Court's holding was clearly limited to carrier-carrier contracts is set forth in United Video, Inc., 55 FCC 2d at 517. The only factual distinction between the contracts at issue here and in United Video is that the contracts between Midwestern and the networks contain no provision recognizing the carrier's right to alter the terms of service by tariff. This fact cannot be used as a barrier to a cost justified rate increase by tariff. A carrier cannot be restricted to a particular rate, especially for a five year period. Such a restriction operates, in point of fact, as a moratorium on rate increases. We have already stated our opposition to such arrangements in International Record Carrier's Scope of Operations, Docket No. 19660, 55 FCC 2d 96 (1975) recon. granted on other grounds, 55 FCC 2d 782 (1975). In that proceeding, we rejected a provision in a settlement agreement which contemplated a moratorium until January 1, 1978 on Western Union seeking any further increases in landline haul divisions and making certain changes in its telex tariff. In rejecting this provision, we stated that our statutory and public interest obligations are to a large part dependent on the public, common carriers as well as their customers, bringing to our attention by tariff filings or other appropriate means matters which may affect the public interest. We also held that such provisions hinder our ability to receive facts upon which to fulfill our statutory obligations and therefore are contrary to the public interest. We find the instant situation to be even more compelling, since it involves a longer period of time and is between carrier and customers.

9. Accordingly *it is ordered*, That, pursuant to sections 4(i), 4(j), 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by Midwestern Relay Company with Transmittal No. 11, subject to the schedules and procedures specified herein;

10. *It is further ordered*, That, pursuant to the provisions of section 204 of the Act, the revised tariff schedules filed by Midwestern with Transmittal No. 11 are hereby suspended until May 15, 1976 and that Midwestern, as to the operation of such tariff schedules shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increases, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision herein, the Commission may by further order, require the refund thereof, with interest, pursuant to section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as the Chief, Common Carrier Bureau shall require;

11. *It is further ordered*, That, pursuant to sections 4(i) and 4(j) of the Act hearings in this investigation are deferred during the pendency of Commission proceedings in Docket No. 19609 or until further Commission order;

12. *It is further amended*, That, Midwestern is made a party Respondent herein and that Community Video, Inc. and the Trial Staff are made parties pursuant to Section 1.221(d) of the Commission's Rules, and that all other interested persons wishing to participate may do so by filing a notice of intention to participate within 30 days of the date of publication of this order in the FEDERAL REGISTER;

13. *It is further ordered*, That, the petition for rejection filed by ABC and CBS is denied;

14. *It is further ordered*, That, the petition for suspension, investigation and order of accounting is granted to the extent indicated herein and is otherwise denied;

15. *It is further ordered*, That, the Secretary shall send a copy of this order by certified mail, return receipt requested, to the parties identified in paragraph 16 above, and shall cause a copy to be published in the FEDERAL REGISTER.

Adopted: May 11, 1976.

Released: May 20, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-15838 Filed 5-28-76;8:45 am]

[2] The controlling legal principles were recently set forth in United Video, Inc., 49 FCC 2d 878 (1974), recon. denied, 55 FCC 2d 516 (1975).

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

Members of Special Committee No. 65 "Ship Radar": Notice of 47th Meeting, Wednesday, June 16, 1976—1:30 p.m. Con-

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ference Room 8210, 2025 M Street NW., Washington, D.C.

Formal Meeting Schedule for SC–65 Working Groups To be Held at 2025 M Street NW., Washington, D.C.

Working group	Room	Date	Time (a.m.)
Reliability	8210	June 15	9:30
Collision avoidance	8210	June 16	9:30

If other Working Group meetings are scheduled, Group Members will be notified.

Agenda for June 16, 1976.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.
2. Acceptance of SC–65 Summary Records; Appointment of Rapporteur.
3. Progress Reports of Working Groups on: (a) Reliability; and (b) Collision Avoidance Systems.
4. Status Reports on Other Working Groups.
5. Other business.
6. Establishment of next meeting date.

Irvin Hurwitz, Chairman, SC–65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632–7197.

Special Committee No. 68, "Marine Radiotelephone Operator Education": Notice of 15th Meeting, Tuesday, June 15, 1976—9:30 a.m. Conference Room A–205, 1229 20th Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC–68 Summary Records.
4. Review printing proposals for Handbook.
5. Make vendor recommendation.
6. Establish cover price and discount structure.
7. Review promotion plans for Handbook.
8. Review proposed feature stories.
9. Establishment of next meeting date.

A. Newell Garden, Chairman, SC–68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, Phone: (617) 862–6600 (Ext. 414).

RTCM SC 69/FCC WARC–79 Advisory Committee for Maritime Mobile Service: Ninth Meeting, 2025 M Street, N.W., Washington, D.C., Room 8210, 9:30 a.m. to 12:30 p.m., Tuesday, June 29, 1976.

AGENDA

1. Call of the Agenda.
2. Chairman's Opening Remarks.
3. Reports of the Task Forces.
4. Review work to be accomplished.
5. Further Business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian, Chairman SC 69, COMSAT General, 950 L'Enfant Plaza, S.W., Washington, D.C. 20024, Phone: (202) 554–6829.

8. Report of Finance Committee.
9. Approval of SC–64 Foreword.
10. Report on 1977 Assembly Meeting.
11. Summary Reports and Announcements.
12. New Business.
13. Establishment of next meeting date.

To: RTCM Officers, Executive Committee Representatives and Alternates, and Special Committee Chairmen.

Subject: Executive Committee Meeting, Thursday, June 17, 1976.

The next Executive Committee Meeting will be on Thursday, June 17, 1976, at 10:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on Other Committees.
6. Review of Terms of Reference for Special Committees.
7. New Membership Applications for Executive Committee Approval.

To comply with the advance notice requirements of Public Law 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632–6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-15922 Filed 5-28-76;8:45 am]

[Docket OFU–047, Edge Moor Powerplant No. 4]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

Notice of Intention To Modify Order

On June 30, 1975 the Federal Energy Administration, pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (P.L. 93–319), ordered that Powerplant No. 4 of the Edge Moor Generating Station in Wilmington, Delaware, owned and operated by Delmarva Power and Light Company, be prohibited from burning natural gas and petroleum products as its primary energy source. The order will be effective on the date stated in a Notice of Effectiveness which will be served on the powerplant by FEA.

The FEA hereby gives notice of its intention to modify this order on its own initiative, pursuant to 10 C.F.R. 303.130 *et seq.*, to permit burning of petroleum products by the powerplant to the extent necessary to permit the undertaking of a solid waste energy and materials recovery project for which state and Federal funds have been committed. The project, to be funded by grants from the Delaware Department of Natural Resources and Environmental Control and the United States Environmental Protection Agency, is designed to demonstrate the feasibility of co-firing processed solid waste with fuel oil in existing steam-electric boilers. This project was not the subject of binding commitments at the time the order was issued. EPA has, however, informed the EPA that the commitments necesary to permit the project to proceed have now been made and that the only remaining impediment to the project is the FEA restriction upon use of petroleum products. EPA has further informed FEA that the project is important from both fuel oil conservation and solid waste disposal considerations, and has emphasized the importance to EPA programs and objectives of FEA taking actions necessary to permit the project to proceed.

FEA has concluded that, in view of the binding commitments now made to the project, and in view of the consistency of the project with the purposes of FSECA, it appears to be appropriate to modify the order. FEA regulations permit modification of orders to accommodate significantly changed circumstances, (10 C.F.R. 303.136(b)(2)), including a substantial change in the facts or circumstances on which the order was based, which change occurs after the order is issued.

Copies of the proposed modification decision and order may be obtained from Alan H. Carpien, Office of Coal Utilization, Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, telephone 202–961–6006.

Interested persons are invited to submit written data, views and arguments with respect to the proposed modification, to Executive Communications, Federal Energy Administration, Box GX, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Modification of Prohibition Order: OFU–047." Fifteen copies should be submitted. All comments received on or before June 14, 1976, and other relevant information will be considered by FEA.

Issued at Washington, D.C., May 25, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-15731 Filed 5-26-76;10:07 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALL FOR INDUSTRY NOMINATIONS AND AREAS OF PUBLIC CONCERN

Request for Information on Areas of Interest With Respect to Areas Suitable or Unsuitable for Federal Coal Leasing

This call for nominations and request for information is directed primarily to industry but includes all organizations and individuals who have interests or concern regarding the leasing of Federal coal lands. Industry, environmental groups, State and local governments, and the public-at-large are urged to nominate areas which they feel should or should not be leased by the Federal Government to industry for coal development. Industry Nominations are being requested at this time to determine specific tracts of interest for the leasing of Federal coal. Indications from the public and State governments on areas for or opposed to coal leasing may also be submitted at this time. Nominated areas both for and against leasing and information describing the rationale for these nominations will be used by the Department of the Interior's Bureau of Land Management to determine in large measure the selection of specific lease tracts and where and when future competitive coal lease sales will be held.

Nominations and any accompanying narrative may be submitted to the Director, Bureau of Land Management until July 23, 1976.

Nominations and information are requested for specific coal areas in the principal States which contain major areas of federally-owned coal: North Dakota, Montana, Wyoming, Colorado, Utah, and New Mexico. However, coal areas containing federally-owned coal in other States (e.g., Oklahoma, Alabama) should also be considered.

Lands subject to this call for information include those areas where the Federal Government owns both the coal resources and the land surface, and those areas where the Federal Government owns the coal resources (Federal mineral estate) but not the land surface (i.e., much of Western North Dakota). Nominations will be accepted only for those lands that are eligible for coal leasing. For example, nominations will not be accepted for lands that are not subject to the provisions of the Mineral Leasing Act such as lands acquired under the Appalachian Forest Act, and those in incorporated cities, towns and villages and in national parks and monuments (30 U.S.C. 181). In addition, nominations will not be accepted for land that is withdrawn from coal leasing or otherwise not subject to the provisions of the Mineral Leasing Act. Finally, nominations will not be accepted for land that is subject to a coal lease, permit, or preference right lease application. As a matter of policy, the Department does not intend to issue coal leases in National Wildlife Refuges, units of the National Parks System, Wilderness Areas and areas designated by the Bureau of Land Management as primitive areas. Comments should not be made concerning areas where the coal is not owned by the Federal Government except where non-Federal coal would necessarily be included in the economic development of Federal coal due to irregular or scattered ownership. Management Framework Plans are important sources of information which the public and industry should use in formulating nominations.

To provide the Bureau of Land Management with the most useful information and for administrative ease in handling, industry Nominations and Areas of Public Concern are requested as follows:

(1) Each nomination is limited in size to a minimum of 160 acres and a maximum of 2560, except where a desired logical mining unit (as defined in 43 CFR 3500.05(d)) requires acreage greater than 2560 acres, in which this nomination would consist of the proposed LMU.

(2) The number of nominations submitted, including resubmitted applications, will not be limited but each must be assigned a ranking number which is not elsewhere duplicated in the nominations submitted.

(3) Since nominations may be of two different types, (a) Industry Nominations and (b) Areas of Public Concern, two ranking methods are required to reflect nominator's views:

(a) Industry Nominations should be ranked starting with the most suitable development area (number one priority) and ending with least desirable development areas.

(b) Areas of Public Concern should be ranked by degree of environmental hazard or impact of coal development from the area of most concern (number one priority) to areas of lesser concern.

Nominators may elect to submit either Industry Nominations or Areas of Public Concern. Generally Industry Nominations will indicate areas desired for leasing. However, separate listings portraying Industry Nominations against leasing along with rationale will be accepted. Similarly, Areas of Public Concern will generally depict areas where leasing should not occur. However, separate listings portraying areas amenable to leasing as determined by the public or State governments will be accepted.

(4) Rationale supporting both Industry Nominations and Areas of Public Concern is required to assist the Department and State governments in selecting coal lease units. Those nominations with specific reasons for or against leasing will be considered more significant since they will aid the Bureau of Land Management in its land use decision process covering Federal lands and mineral estate.

(a) Industry Nominations—Rationale accompanying Industry Nominations and in support of leasing may include such items as development plans, projected end use of the coal, and reserve requirements. In addition, nominators may include discussions on lease size desired by listing the priorities of the nominated tracts forming a logical mining unit. In the event industry nominators choose to nominate two or more tracts as a unit, rationale should be included which indicates why the particular acreage was selected and why it conforms to a logical mining unit.

(b) Areas of Public Concern—Rationale which details reasons for not leasing in certain nominated areas of concern may include such determinants as identification of endangered species habitat, descriptions of the archeological values of the area, details of possible watershed disruption, losses of range land and descriptions of undesired socio-economic impacts.

(5) Nominations of both types, as previously stated, will be limited to those areas eligible for leasing but it should also be noted that competitive leasing, except under the short-term criteria, will occur only in:

(a) Known Coal Leasing Areas as classified by the U.S. Geological Survey's Conservation Division;

(b) Areas of completed Management Framework Plans (land use plans) derived by the Bureau of Land Management, or Cooperative Land Use Plans prepared by the Bureau with State and local governments; and,

(c) Areas covered by regional coal environmental impact statements or, where regional statements are not required, by an environmental analysis or site specific environmental impact statement.

Known Coal Leasing Areas (KCLA's) have been identified covering approximately 10 million acres of western coal lands. These acreages encompass the prime Federal coal estate and additional classification work is continuing by the USGS. Thus, nominations should not be restricted to areas classified as KCLA's since classification work will, in part, be directed at areas nominated by industry which have thus far not been covered by KCLA determinations.

Regional coal environmental impact statements are being undertaken or have been scheduled for the following areas: Eastern Powder River (Wyoming), Northwest Colorado, West Central North Dakota, Sweetwater-Kemmerer (Wyoming), Northern Powder River (Montana), Central Utah, Southern Utah, Hanna Basin-Atlantic Rim (Wyoming), Star Lake-Bisti area (New Mexico), North Central Alabama, and East Central Oklahoma. Any initial leasing, except under the short-term criteria, will generally take place within those regions. However, nominations are also encouraged in areas outside those regions. Boundary adjustments may be made on the regions selected if nominations indicate significant interest in leasing in areas adjacent to but not presently included within the proposed regions. Moreover, nominations not adjacent to the proposed regions will be used by Bureau of Land Management to set schedules for preparing Management Framework Plans, etc., and by the U.S. Geological Survey in conducting its resource evaluation studies.

(6) Source of Industry Nominations and Areas of Public Concern will be held as confidential by the Department, Geological and geophysical information and data, including maps, that may be used to calculate coal resources in place, and

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trade secrets and commercial and financial information obtained through the Call for Industry Nominations and Areas of Public Concern and identified as privileged or confidential shall not be available for public inspection without the consent of the person submitting the nomination. Individual nominators will not be identified with nominated areas. Only aggregate portrayals of all nominations received will become part of the public record. Since confidentiality will be maintained, nominators should feel free to identify specific areas of interest or concern with detailed accompanying rationale (such as geological and geophysical data concerning Industry Nominations or periodicity of stream flow in the case of Areas of Public Concern) in support of or contesting the leasing of Federal coal.

(7) Nominations will supplement the Bureau's land use planning system and together they comprise the primary driving force behind the new competitive coal leasing process termed the Energy Minerals Activity Recommendation System. Coal lease tracts will be considered and selected through the land use planning and environmental analysis processes, in general, only where Industry Nominations have been received. To a large extent, Industry Nominations will be used by the U.S. Geological Survey and Bureau of Land Management, with State government participation, to determine the configuration and size of coal lease tracts. Areas of Public Concern, also requested at this time, will serve as checks to the completeness and accuracy of specific resource values which may override the use of land for coal development as analyzed in the Bureau of Land Management's multiple use planning process.

Specific factors considered in the rating and selection of coal lease tracts from nominated areas will include such items as: resource accessability, competitive situation, conflicting legal issues, value of existing land use, relationship to existing communities, potential impacts on economic structure (e.g., employment, available services), service and access corridors, and reclamation potential. Proposed tracts derived from the land use planning nominations process are included within environmental analyses of regional and/or local scope and will be included within the Bureau of Land Management's coal lease sale schedule if the environmental analyses determine tracts to be suitable for leasing and development.

(8) Duplicate nominations or more than one list of nominations from the same company, organization or individual will not be considered.

(9) For this call, competitive coal lease applications on file in Bureau of Land Management offices should be resubmitted as Industry Nominations and ranked as described above, but lease applicants are encouraged to nominate additional areas of specific interest.

(10) The frequency and scope of calls for nominations and information on areas of interest will be determined at the discretion of the Secretary of the Interior. Such calls will not be made more frequently than annually.

(11) The Bureau of Land Management's Surface/Minerals Management Quads (½"=1 mile mineral ownership maps, 5 x 6 townships) are recommended, but not required, as the vehicle on which to portray both Industry Nominations and Areas of Public Concern for and against leasing. The BLM ownership maps cover all Known Coal Leasing Areas and all other significant western coal deposits. A readily discernible line conforming to legal subdivision and section lines will be accepted as the description on these maps. Priority ranking as determined by the nominator should be placed within each nominated block. Again, nominated blocks should embrace the coal lease tract desired, in the case of Industry Nominations, or should encompass the area of environmental or other resource hazard, in the case of Areas of Public Concern. The BLM Surface Mineral Management Quads are available for sale at BLM State and most District Offices in the area served at a cost of $2 per quad. Maps depict surface ownership in color and ownership of the mineral estate by line symbols and cross hatching.

(12) If BLM maps are not yet published or if it is not desired to use maps, legal land descriptions will be accepted of nominated tracts for or opposed to leasing.

Nominations not portrayed on BLM mineral ownership maps shall describe coal estate by legal subdivision, section, township, and range; or, in the case of protracted surveys, by section, township and range. If lands have not been surveyed under the public land rectangular system, each nomination shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature.

The Bureau of Land Management ownership maps are not yet available for eastern States where the Federal Government administers mineral estate. However, a list of Federal coal ownership covering lands in Alabama is available from the Bureau of Land Management's Eastern States Office.

(13) Industry Nominations and Areas of Public Concern received in this call will be appropriately portrayed and made available to State and local governments so that they may plan for possible coal lease tract selection and leasing in areas nominated for leasing. Nominations from industry, State and local governments and the general public with respect to coal leasing will supplement public inputs across the broader range of BLM resource management responsibilities which the Bureau routinely requests throughout its land use planning process.

(14) Nominations should be sent to the appropriate State Director, at the following addresses:

Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Montana State Office (includes N. and S. Dakota), Federal Building & U.S. Courthouse, 316 N. 26th Street, Billings, Montana 59101.

Eastern States Office (including all States bordering and east of the Mississippi River), 7981 Eastern Avenue, Silver Spring, Maryland 20910.

New Mexico State Office (includes Oklahoma), U.S. Post Office and Federal Bldg., South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501.

Oregon State Office (includes Washington), 729 N.E. Oregon Street, P.O. Box 2965, Portland, Oregon 97208.

Utah State Office, Federal Building, 125 South State, P.O. Box 11505, Salt Lake City, Utah 84111.

Wyoming State Office, Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

The envelope containing nominations should be labeled Industry Nominations and Areas of Public Concern.

This call is issued this the 1st day of June 1976.

THOMAS S. KLEPPE,
Secretary.

MAY 24, 1976.

[FR Doc.76-15565 Filed 5-28-76;8:45 am]

CALIFORNIA AND NEVADA

Modification of Administrative District Office Boundaries, Jurisdictions, and Grazing Districts

Pursuant to the authority vested in the Secretary of the Interior, as delegated to the Director, Bureau of Land Management by 235 DM 1.1, the following modifications of administrative and grazing district boundaries and jurisdictions in California and Nevada are announced. These changes become effective July 1, 1976. This order is applicable to all Federal lands in the described areas not withdrawn for and administered by other Federal agencies. Also included in the areas under Bureau of Land Management jurisdiction are those lands and resources withdrawn by other Federal agencies, but which by law or interagency agreement are administered by the Bureau of Land Management. The following lands will be excluded from Nevada Grazing District No. 3 and added to California Grazing District No. 1:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 21 E., all of the township east of the Alpine-Mono County line;
T. 8 N., R. 22 E., Sec. 1, Secs. 12 to 14, Secs. 23 to 26, and Secs. 35 and 36 inclusive;
T. 9 N., R. 22 E., all;
T. 10 N., R. 22 E., all of the township not within the national forest, except Sec. 7 and that portion of Sec. 17 in Alpine County between VonSchmidt Line (1873) and the California-Nevada State line;
T. 8 N., R. 23 E., SW¼ Sec. 3, Secs. 4 to 9, inclusive, W½ Sec. 10, W½ Sec. 15, Secs. 16 to 21, inclusive, W½ Sec. 22, Secs. 28 to 32, inclusive;
T. 9 N., R. 23 E., all of the township not within a national forest;
T. 4 N., R. 24 E., Secs. 1 and 2, N½, SE¼ Sec. 11, Secs. 12 and 13, E½ Sec. 14, NE¼ Sec. 23, Secs. 24, 25, and 36;
T. 5 N., R. 24 E., Secs. 13, 24, 25, 26, 35, and 36;
T. 2 N., R. 25 E., Secs. 1, 2, 11, 12, 13, and 24;
T. 3 N., R. 25 E., Secs. 1 to 4, Secs. 9 to 16, Secs. 21 to 27, and Secs. 34 to 36, inclusive;
T. 4 N., R. 25 E., all;
T. 5 N., R. 25 E., lots 1, 2, 3, and 4 Sec. 1; lots 1, 2, 3, and 4, Sec. 2; lots 1, 2, 3, and 4, Sec. 3; lots 1, 2, 3, and 4 Sec. 4; SE¼ Sec. 7, S½ Sec. 8, Secs. 9 to 36, inclusive;
T. 2 N., R. 26 E., Secs. 1 to 11 and Secs. 14 to 23, inclusive;
T. 3 N., R. 26 E., all;
T. 4 N., R. 26 E., all;
T. 5 N., R. 26 E., all;
T. 6 N., R. 26 E., Secs. 32 to 36, inclusive;
T. 2 N., R. 27 E., Secs. 1 and 6 (fractional);
T. 3 N., R. 27 E., all;
T. 4 N., R. 27 E., all;
T. 5 N., R. 27 E., all;
T. 2 N., R. 28 E., Secs. 1 to 17, inclusive;
T. 3 N., R. 28 E., all;
T. 4 N., R. 28 E., Secs. 4 to 10, lots 1, 2, 3, 4, W½SW¼, SE¼SW¼ Sec. 14, Secs. 15 to 22, W½ Sec. 23, Secs. 25 to 36, inclusive;
T. 5 N., R. 28 E., all;
T. 2 N., R. 29 E., Secs. 4 to 8, inclusive, N½, SW¼ Sec. 9, W½ Sec. 17, Sec. 18;
T. 3 N., R. 29 E., Secs. 4 to 9, Secs. 16 to 21, and Secs. 28 to 33, inclusive;
T. 4 N., R. 29 E., Sec. 31.

Dated: May 20, 1976.

GEORGE L. TURCOTT,
Acting Director.

[FR Doc.76-15702 Filed 5-28-76;8:45 am]

CASPER DISTRICT ADVISORY BOARD

Notice of Meeting

MAY 24, 1976.

Notice is hereby given that the Casper District Multiple-Use Advisory Board will hold a meeting in Gillette, Wyoming at the Campbell County Recreation Center on June 23 and 24, 1976. Beginning at 8:00 a.m. on Wednesday, June 23, 1976, a field tour of the Fortification Creek Area of the Powder River Breaks will be conducted. Beginning at 9:00 a.m. on Thursday, June 24, 1976, the board will gather to discuss management alternatives for the Fortification Creek Area. Reports by the Casper District Manager will also be heard on the following topics: Wyoming State Advisory Board Meeting of April 1 and 2, 1976; Goldeneye Wildlife and Recreation Area; BLM Organic Act; North Fork Primitive Area proposal; and the Department of the Interior Coal Leasing Policy.

All meetings of the board will be open to the public. Members of the public wishing to participate in the field tour will have to furnish their own transportation.

Time will be made available on Thursday, June 24, for brief oral statements by members of the public. Such statements should not exceed ten minutes and must be germane to the topics under consideration. Additionally, such statements may be reduced to writing and two copies filed with the board chairman at the meeting. Anyone wishing to make an oral statement should notify Scott Bates, Environmental Coordinator, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82602, before the close of business on Friday, June 18, 1976. Such notification should specify the topic to be addressed.

Also, any interested person or organization may file a written statement with the board for its consideration. These may be submitted at the meeting or mailed to the Casper District of the Bureau of Land Management at the above address. Early mailing of written statements is encouraged to insure adequate opportunity for board consideration.

Further information concerning the meeting may be obtained from Scott Bates, Environmental Coordinator, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82602. The phone number is (307) 265-5550, extension 5244.

ROBERT E. WILBER,
District Manager.

[FR Doc.76-15830 Filed 5-28-76;8:45 am]

National Park Service

ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS SUBCOMMITTEE ON RECREATION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Subcommittee on Recreation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will be held on Wednesday, June 16, and Tuesday, June 29, 1976, commencing at 9:00 A.M. in the conference room of the Recreation Plan Association, 235 East 45th Street, New York, New York.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935. The Subcommittee on Recreation considers and advises on matters relating to the administration of areas in the National Park System in the recreation area category of management.

The members of the Subcommittee are Linden Pettys, Ludington, Michigan; Marian S. Heiskell, New York, New York; and Fred Smith, New York, New York.

The purpose of both meetings is to discuss and consider the planning process for the Gateway National Recreation Area and to consider elements of the Gateway general management plan.

The meetings will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meetings, or who wish to submit written statements, may contact Joseph Antosca, Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code 212, 252-9150.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building, and at offices of the National Park Service, Room 3126, Department of the Interior, Washington, D.C. 20240.

Dated: May 24, 1976.

ROBERT M. LANDAU,
Liaison Officer,
Advisory Commissions.

[FR Doc 76-15808 Filed 5-28-76;8:45 am]

JOSHUA TREE NATIONAL MONUMENT, CALIFORNIA DEVELOPMENT AND MANAGEMENT PLANS FOR BLACK ROCK CANYON CAMPGROUND

Intent To Hold Public Workshop

Notice is hereby given that the National Park Service will hold a public workshop in late June 1976, to provide for public involvement in formulation of development and management plans for Black Rock Canyon Campground, Joshua Tree National Monument.

The public workshop will be held from 7:30 to 10 p.m. (PDT), Tuesday, June 29, 1976, in the Recreation Hall-Ranger Station, Black Rock Canyon Campground. The campground is located five miles south of the intersection of Joshua Tree Lane and California State Route No. 62, Yucca Valley, California.

Prior to and concurrent with this public workshop will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of the workshop and consultations is to provide for extensive public involvement, including comments from individuals and organizations on the future development and management of the Black Rock Canyon Campground which was recently acquired by the National Park Service.

Anyone wanting additional information on the public workshop, the National Park Service planning process, or wishing to submit comments on the development and management of the Black Rock Canyon Campground may write to the Superintendent, Joshue Tree National Monument, 74485 Palm Vista Drive, Twentynine Palms, CA 92277. The record will remain open for written comments until July 29, 1976.

Dated: May 18, 1976.

JOHN H. DAVIS,
Deputy Regional Administrator,
Western Region, National
Park Service.

[FR Doc.76-15809 Filed 5-28-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 10, 1976, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that cer-

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tain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since May 4, 1976. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

ALABAMA

Fayette County

Fayette, *Fayette County Courthouse District*, Roughly area between Peyton and Caine Sts., and Luxapalila St. and RR. tracks (4-30-76).

Jackson County

Stevenson, *Stevenson Railroad Depot and Hotel*, Main St. (5-13-76).

Mobile County

Bay Minette vicinity, *Fort Louis de la Louisiane, Fort Louis de la Mobile*, 14 mi. NW of Bay Minette on Mobile River (5-6-76).

Montgomery County

Montgomery, *Opp Cottage*, 33 W. Jefferson Davis Ave. (5-4-76).

Russell County

Phenix vicinity, *Fort No. 5 (Confederate Breastwork)*, W of Phenix on Opelika Hwy. (5-6-76).

St. Clair County

St Clair Springs, *St. Clair Springs*, AL 23 (4-26-76).

ARIZONA

Yavapai County

Prescott vicinity, *Palace Station District*, 23 mi. S of Prescott in Prescott National Forest (4-30-76).

ARKANSAS

Calhoun County

Hampton vicinity, *Dunn House*, W of Hampton on AR 4 (5-4-76).

Conway County

Morrilton, *Aycock House*, 410 W. Church (5-13-76).

Crawford County

Van Buren, *Burns, Bob, House* 821 Jefferson (4-30-76).

Van Buren, *Dunham, Joseph Starr, House*, 418 Broadway (5-3-76).

Van Buren, *Van Buren Historic District*, Main Street, bounded by Cane Hill St. and the Arkansas River (4-30-76).

Franklin County

Altus vicinity, *Our Lady of Perpetual Help Church*, N of Altus (5-3-76).

Garland County

Hot Springs, *Short-Dodson House*, 755 Park Ave. (5-3-76).

Hot Springs, *Stitt House*, 824 Park Ave. (5-3-76).

Hempstead County

Hope, *McRae, K. G., House*, 3rd and Edgewood Sts. (5-4-76).

Hope, *St. Mark's Episcopal Church*, 3rd and Elm St. (5-6-76).

Hot Spring County

Social Hill vicinity, *Blakely House*, W. of Social Hill on AR 84 (5-3-76).

Howard County

Center Point vicinity, *Boyd, Adm, House*, E. of Center Point on AR 26 (5-13-76).

Center Point vicinity, *Russey House*, S. of Center Point on AR 4 (5-4-76).

Nashville, *First Presbyterian Church*, 2nd and Hempstead Sts. (5-4-76).

Independence County

Newark, *Dearing House*, AR 122 (5-3-76).

Logan County

New Blaine, *Elizabeth Hall*, off AR 22 (5-4-76).

Monroe County

Blackton vicinity, *Palmer House*, SE of Blackton, off US 49 (5-4-76).

Indian Bay, *Baytown Site*, off AR 1/17 (5-13-76).

Pike County

Daisy vicinity, *O'Neel-Blackburn House*, W of Daisy, off U.S. 70 (5-3-76).

Pulaski County

Little Rock, *Main Building, Arkansas Baptist College*, 1600 Main St. (4-30-76).

Little Rock, *Trinity Episcopal Cathedral*, 310 W. 17th St. (5-13-76).

Little Rock, *Vinson House*, 2123 Broadway (5-6-76).

North Little Rock, *St. Joseph's Home*, Camp Robinson Rd. off AR 176 (5-4-76).

CALIFORNIA

Los Angeles County

Beverly Hills, *Doheny Estate/Greystone*, 905 Loma Vista Dr. (4-23-76).

Los Angeles, *1300 Block of Carroll Avenue*, Carroll Avenue between Edgeware and Douglas Sts. (4-22-76 HABS.

Monterey County

Jolon vicinity, *San Antonio de Padua Mission*, NW of Jolon off Del Venturi Rd. (4-26-76) HABS.

Riverside County

Perris vicinity, *Buttercup Farms Pictograph/Rock Shelter Area*, 1 mi. NW of Perris on U.S. 395 (5-3-76).

San Francisco County

San Francisco, *Pumping Station No. 2, San Francisco Fire Department Auxiliary Water Supply System*, N of Van Ness Ave. (5-13-76) HAER.

San Francisco, *Whittier Mansion*, 2090 Jackson St. (4-26-76).

Siskiyou County

Fort Jones, *Fort Jones House (Louis Heller Studio)* Main St. (4-22-76).

Ventura County

Santa Susana vicinity, *Burro Flats Painted Cave*, 3 mi. S of Santa Susana (5-5-76).

CONNECTICUT

Fairfield County

Danbury, *Ives, Charles, House*, 7 Mountainville Ave. (4-26-76)

Hartford County

Suffield vicinity, *King, Alexander, House*, 232 S. Main St. (4-26-76) HABS

Litchfield County

Colebrook, *Colebrook Store*, CT 183 (4-26-76) HABS

Milton, *Trinity Church*, Milton Rd. (4-23-76)

New Milford vicinity, *Boardman's Bridge*, Boardman Rd. at Housatonic River, NW of New Milford (5-13-76) HAER

New Milford vicinity, *Lover's Leap Bridge*, S of New Milford on Pumpkin Hill Rd. (5-13-76) HAER

Middlesex County

Portland, *Williams and Stancliff Octagon Houses*, 26 and 28 Marlborough St. (4-22-76)

New London County

New London, *Barns, Acors, House*, 68 Federal St. (4-22-76)

Norwich vicinity, *Long Society Meetinghouse*, E of Norwich off CT 165 on Long Society Rd. (4-22-76)

DELAWARE

Sussex County

Clarksville vicinity, *Spring Banke*, NE of Clarksville on DE 26 and Irons Lane (4-30-76).

Lewes, *Hall, Col. David, House*, 107 King's Highway (4-26-76) HABS.

FLORIDA

Duval County

Jacksonville, *Brewster Hospital*, 915 W. Monroe St. (5-13-76) HABS.

Jacksonville, *Centennial Hall—Edward Waters College*, 1658 Kings Rd. (5-4-76).

Jacksonville, *Porter, Thomas V., House*, 510 Julia St. (5-13-76).

Jacksonville, *St. Andrew's Episcopal Church*, 317 Florida Ave. (5-4-76) HABS.

Jacksonville, *St. James Building*, 117 W. Duval St. (5-3-76).

Lee County

Estero, *Koreshan Unity Settlement Historic District*, U.S. 41 at Estero River (5-4-76).

Orange County

Orlando, *Old Orlando Railroad Depot*, Depot Place and W. Church St. (4-22-76)

Polk County

Fort Meade, *Christ Church (Episcopal)*, 526 N. Oak (5-6-76).

Wakulla County

Crawfordville, *Old Wakulla County Courthouse*, Church St. (5-3-76).

GEORGIA

Fulton County

Atlanta, *Oakland Cemetery*, 248 Oakland Ave., SE (4-28-76)

GUAM

Talofofo vicinity, *Asquiroga Cave*, N of Talofofo off Insular Rte. 4 (5-6-76)

HAWAII

Honolulu County

Honolulu, *Palama Fire Station*, 879 N. King St. (4-21-76)

IDAHO

Ada County

Boise, *Boise Capitol Area District*, roughly bounded by 6th and Bannock, N 8th, 8th, State, 5th and Jefferson Sts. (5-12-76)

Bear Lake County

Saint Charles, *Nelson, Wilhelmina, House and Cabins*, U.S. 89 (5-3-76)

Canyon County

Nampa, *First Security Bank (Nampa Public Library)*, 101 11th Ave. S. (5-13-76)

Idaho County

Kamiah vicinity, *First Presbyterian Church*, U.S. 12, SE of Kamiah (5-13-76)

Owyhee County

Silver City vicinity, *Delamar Historic District*, 6 mi. W of Silver City (5-13-76)

Washington County

Weiser, *Knights of Pythias Lodge Hall*, 30 E. Idaho St. (5-13-76)

ILLINOIS

Cook County

Chicago, *Dearborn Station*, 47 W. Polk St. (3-26-76) HABS

Kane County

Aurora, *Fox River House*, 116 W. Galena, (5-4-76)

Macoupin County

Carlinville, *Carlinville Historic District*, roughly bounded by Oak, Mulberry, Morgan, and E. city limits (5-17-76)

INDIANA

Henry County

New Castle vicinity, *New Castle Archeological Site*, N of New Castle (4-26-76)

Steuben County

Angola, *Steuben County Jail*, 201 S. Wayne (4-2-76)

IOWA

Polk County

Des Moines, *Bankers Trust Building*, 605 Locust St. (4-22-76)

KANSAS

Greenwood County

Madison vicinity, *Leon Cone Site*, W of Madison (5-17-76)

Marion County

Marion vicinity, *Marion Archeological District*, N and S of Marion (4-21-76).

Pawnee County

Larned vicinity, *Lewis Site*, SW of Larned, off U.S. 56 (5-3-76).

Rice County

Saxman vicinity, *Saxman Site*, S of Saxman (5-3-76).

Saline County

Salina, *Prescott, John H., House*, 211 W. Prescott Ave. (5-17-76)

KENTUCKY

Adair County

Columbia vicinity, *Zion Meetinghouse and School*, SE of Columbia on KY 55 (5-13-76)

Boyle County

Danville vicinity, *Waveland (Willis Green House)*, S of Danville on Houstonville Pike (5-6-76).

Campbell County

Newport, *Bellevue (Gen. James Taylor House)*, 335 E. 3rd St. (4-22-76)

Clark County

Winchester vicinity, *Providence Baptist Church*, 6 mi. SW of Winchester off KY 627 (5-13-76).

Fayette County

Lexington, *Elsmere Park Historic District*, off N. Broadway, between W. 6th and 7th Sts. (4-26-76).

Lexington vicinity, *Hurricane Hall (Quarles-Thomson House)*, N of Lexington off U.S. 25 (4-22-76).

Lexington vicinity, *Lewis Manor*, NW of Lexington on Viley Rd. (4-26-76).

Franklin County

Frankfort, *Zeigler, Rev. Jesse R., House*, 509 Shelby St. (5-3-76).

Fulton County

Hickman, *Fulton County Courthouse*, off KY 94 (4-22-76).

Grayson County

Leitchfield, *Thomas, Jack, House*, 108 E. Main St. (4-21-76).

Jefferson County

Louisville, *Church of the Messiah (First Unitarian Church)*, 805 S. 4th St. (4-21-76).

Lee County

Beattyville, *St. Thomas Episcopal Church*, Hill St. (4-21-76).

Lincoln County

Shelby City vicinity, *Arcadia (Isaac Shelby, Jr., Plantation)*, S of Shelby City on U.S. 127 (5-4-76).

Shelby City vicinity, *Traveler's Rest (Gov. Isaac Shelby Plantation) and Cemetery*, S of Shelby City off KY 300 (5-3-76).

Stanford, *Lincoln County Courthouse*, Main and Lancaster Sts. (4-22-76).

Logan County

Russellville vicinity, *McGready, Rev. James, House*, W of Russellville off U.S. 68 (4-21-76).

Owen County

Owenton, *Owen County Courthouse and Jail*, N. Thomas and N. Madison Sts. (5-4-76).

Washington County

Springfield, *Pope, John, House*, 207 Walnut St. (5-13-76).

LOUISIANA

Avoyelles Parish

Mansura, *Des Fosse, Dr. Jules Charles, House*, L'Eglise St. (4-23-76).

MAINE

Androscoggin County

Auburn, *Little, Edward, House*, 217 Main St. (5-12-76).

Cumberland County

Scarborough, *Hunniwell, Richard, House*, W of Scarborough at Winnock's Neck and Old County Rds. (5-12-76).

Franklin County

Kingfield, *Winter, Amos G., House*, Winter's Hill off ME 27 (5-3-76).

York County

Kennebunkport, *Kennebunkport Historic District*, bounded roughly by South, Maine, North, and Lock Sts., and the Kennebunkport River (5-6-76).

MARYLAND

Charles County

Bryan's Road vicinity, *Marshall Hall*, 5 mi. N of MD 210 on MD 227 (5-12-76).

Howard County

Ellicott City vicinity, *Temora*, 4252 Columbia Rd. (4-30-76).

Kent County

Chestertown vicinity, *The Reward; Tilden's Farm*, S. of Chestertown, off MD 289 on Walnut Point Rd. (5-6-76).

Prince Georges County

Mitchellville, *Pleasant Prospect*, 12806 Woodmore Rd. (4-30-76).

St. Mary's County

Oakley vicinity, *The River View*, SE of Oakley on Burch Rd. (5-4-76).

Washington County

Hagerstown, *Western Maryland Railway Station*, Burhans Blvd. (4-22-76).

MASSACHUSETTS

Barnstable County

Brewster vicinity, *Dillingham House*, W of Brewster on MA 6A (4-30-76).

North Eastham vicinity, *French Cable Hut*, E of North Eastham at jct. of Cable Rd. and Ocean View Dr. (4-22-76).

Essex County

Danvers, *Putnam, Gen. Israel, House*, 431 Maple St. (4-30-76) HABS.

Gloucester vicinity, *Beauport*, Eastern Point Blvd. (4-26-76).

Marblehead, *Hooper, Robert "King," Mansion*, 8 Hooper St. (5-12-76) HABS.

Newburyport, *Superior Courthouse and Bartlett Mall*, bounded by High, Pond Auburn, and Greenleaf Sts. (4-30-76).

North Andover vicinity, *Kunhardt, George, Estate (Campion Hall)*, 1518 Great Pond Rd. (4-22-76).

Salem, *Derby Waterfront District*, Derby St. from Herbert St. to Block House Sq., waterfront sts. between Kosciusko and Blaney Sts. (5-17-76) HABS.

Salem, *Salem Common Historic District*, bounded roughly by St. Peter's, Bridge, and Derby Sts. and Collins Cove (5-12-76) HABS.

Hampden County

East Longmeadow, *Burt, Elijah, House*, 201 Chestnut St. (4-26-76).

Springfield, *McKnight District*, roughly bounded by Penn Central, State St., the Armory, and includes both sides of Campus Pl., and Dartmouth St. (4-26-76).

Springfield, *Maple-Union Corners*, 77, 83, 76-78, 80-84 Maple St. (4-26-76).

Springfield, *State Armory*, 29 Howard St. (5-3-76).

Springfield, *South Congregational Church*, 45 Maple St. (4-30-76).

Hampshire County

Northampton, *Northampton Downtown Historic District*, roughly bounded by Hampton, Pearl, Strong, Bedford, Elm, MA 66, and railroad tracks (5-17-76).

Northampton, *Smith Alumnae Gymnasium*, Smith College campus, Green St. (4-30-76).

Middlesex County

Cambridge, *Sands, Hiram, House*, 22 Putnam Ave. (4-30-76).

Lexington, *Follen Community Church*, 755 Massachusetts Ave. (4-30-76) HABS.

Lexington, *Lexington Green Historic District*, bounded by Massachusetts Ave., Bedford St., and Harrington Rd. (4-30-76) HABS.

Lexington, *Sanderson House and Munroe*

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Tavern, 1314 and 1332 Massachusetts Ave. (4–26–76) HABS.
Lexington, *Stone Building*, 735 Massachusetts Ave. (4–30–76) HABS.
Medford, *Albree-Hall-Lawrence House*, 353 Lawrence Rd. (4–30–76) HABS.
Medford, *Fernald, George P., House*, 12 Rock Hill St. (4–30–76).
Newton, *Durant, Capt. Edward, House*, 286 Waverley Ave. (5–13–76) HABS.

Norfolk County

Cohasset, *Lothrop, Caleb House*, 14 Summer St. (5–3–76).
Randolph, *Belcher, Jonathan, House*, 360 N. Main St. (4–30–76).
Wellesley, *Eaton-Moulton Mill*, 37 Walnut St. (5–13–76).
Wellesley, *Wellesley Town Hall*, 525 Washington St. (4–30–76).

Plymouth County

Middleboro, *Peirce, Peter, Store*, N. Main and Jackson Sts. (4–30–76).
North Abington, *North Abington Depot*, Railroad St. (5–13–76).
Plymouth, *Bartlett-Russell-Hedge House*, 32 Court St. (4–30–76).

Worcester County

Barre, *Barre Common District*, bounded roughly by South, Exchange, Main, Pleasant, Broad, School, and Grove Sts. (5–4–76).
Charlton, *Spurr, John, House*, Main St. (4–26–76).
Shrewsbury, *Ward, General Artemas, Homestead*, Main St., opposite Dean Park (5–4–76).
Worcester, *Oxford-Crown Historic District*, roughly bounded by Chatham, Congress, Crown, Pleasant, Oxford Sts. and Oxford Pl. (5–6–76).
Worcester, *Paine, Timothy, House*, 140 Lincoln St. (4–30–76).

MICHIGAN

Antrim County

Elk Rapids, *Hughes House*, 19 Elm St. (5–6–76).

Ingham County

Lansing, *North Lansing Historic Commercial District*, E. Grand River Ave. and Turner St. (4–30–76).

Wayne County

Detroit, *Farwell Building*, 1249 Griswold St. (4–30–76).

MINNESOTA

Chisago County

Franconia, *Munch, Paul, House*, block 21, lots 1 and 2 (5–4–76).

Nicollet County

St. Peter, *Old Main–Gustavus Adolphus College*, Gustavus Adolphus College Campus (5–12–76).

MISSISSIPPI

Alcorn County

Corinth, *Battle of Corinth, Confederate Assault Position*, Shiloh Rd. (4–30–76).

Hinds County

Jackson, *Smith Park Architectural District*, irregular pattern along N. West and N. Congress Sts. between Capitol St. and State Capitol (4–23–76).

Leflore County

Money vicinity, *Lane's Chapel Site*, NW of Money on the Tallahatchie River (5–4–76).
Whaley vicinity, *Neill Archeological Site*, W of Whaley (4–26–76).

Oktibbeha County

Starkville vicinity, *Lyon's Bluff Site*, N of Starkville (4–22–76).

MISSOURI

St. Louis County

Florissant, *Aubuchon, Baptiste G., House*, 450 rue St. Jacques (5–6–76).

NEVADA

Ormsby County

Carson City vicinity, *Raycroft Ranch*, N of Carson City, on U.S. 395 (5–4–76).

NEW HAMPSHIRE

Cheshire County

Keene, *Dinsmoor-Hale House*, Main and Winchester Sts. (4–26–76).
Keene, *Elliot House*, 305 Main St. (4–30–76).
Keene, *Fiske, Catherine, Seminary for Young Ladies*, 251 Main St. (5–3–76).

NEW JERSEY

Burlington County

Crosswicks, *Crosswicks*, roughly bounded by Bordertown-Crosswicks and Ellisdale Rds. and Buttonwood, Front, and Main Sts., and Ward Ave. (5–3–76).

Cumberland County

Bridgeton, *Seeley, Samuel W., House*, 274 E. Commerce St. (5–13–76) HABS.

Gloucester County

Gibbstown, *Nothnagle, C. A. Log House*, Swedesboro–Paulsboro Rd (4–23–76) HABS

Passaic County

Wayne, *Ailsa Farms (Halcdon Hall)*, 300 Pompton Rd. (4–30–76)

Salem County

Salem vicinity, *Brick, Richard, House*, NE of Salem off NJ 45 on Compromise Rd. (5–13–76)

NEW MEXICO

Catron County

Horse Springs vicinity, *Bat Cave*, S of Horse Springs (4–23–76)

NEW YORK

Rockland County

West Haverstraw, *Fraser-Hoyer House*, Treason Hill, off U.S. 9W (4–22–76)

NORTH CAROLINA

Burke County

Morganton, *Gaither House*, 102 N. Anderson St. (4–23–76)

Chowan County

Edenton, *Albania*, U.S. 17 W of jct. with NC 32 (5–13–76)
Edenton vicinity, *Mulberry Hill*, SE of Edenton on SR 1114 (5–13–76) HABS
Somer vicinity, *Greenfield Plantation*, E of Edenton on SR 1109 (5–6–76)

Cumberland County

Fayetteville, *First Presbyterian Church*, Ann and Bow Sts. (4–30–76) HABS

Forsyth County

Winston-Salem, *Shell Service Station*, Sprague and Peachtree Sts. (5–13–76) HAER
Winston-Salem vicinity, *Bethania Historic District*, N of Winston-Salem on NC 65, SR 1611, 1628, and 1688 (5–3–76).

Mecklenburg County

Huntersville vicinity, *Davidson, Benjamin W., House*, W of Huntersville on S.R. 2138 (4–26–76)

Robeson County

Pembroke, *Old Main, Pembroke State University*, W of jct. of NC 711 and SR 1340 (5–13–76)

Rowan County

Mill Bridge vicinity, *Kerr Mill*, W of Mill Bridge, on Sloan Rd, S of NC 1768 (5–11–76).

Wake County

Zebulon, *Wakelon School (Zebulon Elementary School)*, Arendell St. (5–13–76)

Washington County

Skinnersville vicinity, *Rehoboth Methodist Church*, U.S. 64, E of Skinnersville (5–13–76)

OHIO

Ashland County

Hayesville, *The Hayesville Opera House*, 1 E. Main St. (5–6–76).

Butler County

Oxford, *Oxford Female Institute*, High St. and College Ave. (4–26–76)

Crawford County

Crestline vicinity, *Heckler Farmhouse*, N of Crestline off OH 61 on Oldfield Rd. (5–3–76).
Galion vicinity, *Hosford House*, 6288 Hosford Rd. (4–30–76)

Cuyahoga County

Berea, *Buehl House*, 118 E. Bridge St. (4–30–76)
Cleveland, *Forest City Brewery*, 6920–6922 Union Ave. (5–3–76).
Valley View, *Frazee, Stephen, House*, 7733 Canal Rd. (5–4–76).

Fairfield County

Lancaster, *Tallmadge-Mithoff House*, 720 Lincoln Ave. (5–6–76).
Rock Mill, *Rock Mill Covered Bridge*, SR 41 (4–26–76)

Franklin County

Groveport, *Groveport Log Houses*, Wirt Rd. (5–6–76).

Hamilton County

Cincinnati, *Spring Grove Cemetery*, 4521 Spring Grove Ave. (5–13–76)
Dunlap vicinity, *Colerain Works Archeological District*, W of Dunlap (4–26–76)

Huron County

Peru, *The Macksville Tavern*, Peru Hollow Rd. (5–3–76).

Lake County

Madison, *Winans, Dr. J. C., House*, 143 River St. (4–26–76)

Licking County

Granville, *St. Luke's Episcopal Church*, 111 E. Broadway St. (4–26–76) HABS

Lucas County

Toledo, *East Side Commercial Block*, 107–117 Main St. (5–3–76).
Toledo, *Secor Hotel*, 413–423 Jefferson Ave. (4–30–76)

Madison County

Plain City vicinity, *Cary Village Site* SE of Plain City (5–13–76)

Mahoning County

Poland, *Kirtland, Jared P., House*, 113 W. McKinley Way (5–13–76)

Medina County

Lodi vicinity, *Black River Viaduct, Baltimore and Ohio Railroad*, 1 mi. W of Lodi, off OH 421. (5–6–76)

Lodi vicinity, *Burr, George, House*, 740 Wooster Rd. (5–3–76).

Mercer County

Maria Stein vicinity, *Maria Stein Convent*, St. John's and Rolfes Rds. (5–6–76).

Montgomery County

Dayton, *Women's Christian Association*, 800 W. 5th St. (5–13–76)
Germantown, *Gunckel's Town Plan Historic District*, roughly bounded by Mulberry and Walnut Sts., and Warren and Market Sts. (includes properties on both sides of streets) (5–13–76)

Ottawa County

Port Clinton vicinity, *Mo-John, Betsy, Cabin*, 4 mi. E of Port Clinton, off OH 53 (5–6–76).

Pike County

Jasper, *Jones-Cutler House*, Bridge St. (4–26–76) HABS

Portage County

Palmyra, *Palmyra Center Hotel*, OH 225 and SR 18 (4–30–76)

Richland County

Bellville, *Gurney-Kochheiser House*, 174 Main St. (4–30–76)

Ross County

Chillicothe, *Macomb, Mary Worthington, House*, 490 S. Paint St. (4–26–76)

Summit County

Munroe Falls, *Thornton–Guise Kitchen and House*, 147 S Main St. (5–6–76)

OREGON

Multnomah County

Portland, *Paramount Theatre*, 1037 SW Broadway (4–22–76)

Tillamook County

Manzanita vicinity, *Wentz, Harry F., Studio/Bungalow*, N of Manzanita off U.S. 101 (4–22–76)

PENNSYLVANIA

Allegheny County

Pittsburgh, *Old Heidelberg Apartments*, Braddock Ave. at Waverly St. (5–4–76)
Pittsburgh, *Pennsylvania Railroad Station*, 1101 Liberty Ave. (4–22–76)
Pittsburgh, *Snyder, William Penn, House*, 852 Ridge Ave. (5–3–76).

Armstrong County

Dayton, *Marshall, Thomas, House*, State St. (4–22–76)

Chester County

Kimberton, *Kimberton Village Historic District*, both sides of Hares Hill Rd. between Kimberton and Cold Stream Rds. (5–6–76).
Phoenixville vicinity, *Fagley House*, W of Phoenixville on Art School Rd. (5–3–76).

Crawford County

Little's Corners, *Mosier, Dr. J. R., Office*, PA 198 (5–13–76)

Franklin County

Blue Ridge Summit, *Monterey Historic District*, off PA 16 (4–22–76)

Monroe County

Sciota vicinity, *Fenner–Snyder Mill*, U.S. 209, N of Sciota (5–13–76)

Montgomery County

Erdenheim, *Springfield Mill*, Northwestern Ave. between Germantown Ave. and Bethlehem Pike (5–13–76)

RHODE ISLAND

Providence County

East Providence, *Crescent Park Carousel*, Bullock's Point Ave. (4–21–76)
Pawtucket, *Pawtucket Post Office*, 56 High St. (4–30–76)

SOUTH CAROLINA

Calhoun County

St. Matthews vicinity, *Cherokee Path, Sterling Land Grant*, 5 mi. SE of St. Matthews on NC 6 (5–13–76)

Sumter County

Wedgefield vicinity, *Singleton's Graveyard*, off SC 261, 6 mi. S of Wedgefield (5–13–76)

SOUTH DAKOTA

Gregory County

Pickstown vicinity, *Fort Randall*, 3 mi. SW of Pickstown (4–22–76)

Lawrence County

Spearfish, *Episcopal Church of All Angels*, 129 W. Michigan (4–22–76)

TENNESSEE

Benton County

Camden vicinity, *Thompson, William, House*, S of Camden, off TN 69 (5–6–76).

Montgomery County

Clarksville, *Clarksville Architectural District*, Public Square, Legion, 3rd Franklin, Commerce Sts. (5–13–76).
Clarksville, *Clarksville Industrial District*, bounded by Washington St., Crossland Ave., the ICG RR. and the Cumberland River (4–30–76).
Clarksville, *First Presbyterian Church*, 213 Main St. (4–30–76).
Clarksville, *Madison Street Methodist Church*, 319 Madison St. (5–13–76).

TEXAS

Cameron County

Port Isabel, *Point Isabel Lighthouse*, off TX 100 (4–30–76) HABS.

Colorado County

Columbus vicinity, *Stafford, John, House*, S of Columbus on U.S. 71 (5–3–76).

Crockett County

Sheffield vicinity, *Live Oak Creek Archeological District*, about 10 mi. E of Sheffield (4–2–76) (also in Pecos and Terrell Counties).

El Paso County

El Paso, *Castner Range Archeological District*, U.S. 54 (4–22–76).
El Paso vicinity, *Hot Well Archeological Site*, 1 mi. S of Hot Well (4–30–76).

Galveston County

Galveston, *The McKinney-McDonald House*, 926 Winnie St. (5–4–76).

Harris County

Houston, *1879 Houston Waterworks*, 27 Artesian St. (5–6–76).

Uvalde County

Uvalde vicinity, *Leona River Archeological Site*, N of Uvalde (5–6–76).
Uvalde vicinity, *Taylor Slough Archeological Site*, 4 mi. NE of Uvalde off U.S. 83 (5–4–76).
Uvalde vicinity, *Willingham Site* (41 UV 47), N of Uvalde (4–26–76).

Victoria County

Victoria, *Victoria Grist Windmill*, Memorial Park in Victoria (4–30–76).

UTAH

Garfield County

Hanksville vicinity, *Starr Ranch*, 46 mi. S of Hanksville (4–23–76)

Iron County

Parowan, *Parowan Meetinghouse*, Ctr. block of Main St., between Center and 100 S. St. (5–6–76).

Millard County

Hinckley vicinity, *Gunnison Massacre Site*, 6 mi SW of Hinckley on the Sevier River (4–30–76).

Salt Lake County

Salt Lake City, *L.D.S. First Ward Meetinghouse*, 760 S. 8th E. (4–30–76).
Salt Lake City, *Wheeler, Henry J., Farm*, 6343 S. 900 St. (5–4–76).

Sanpete County

Fountain Green, *Olsen, Hans Peter House*, UT 11 (4–22–76).

VIRGINIA

Albemarle County

Charlottesville vicinity, *Blenheim*, S of Charlottesville on VA 727 (5–17–76).

Culpeper County

Brandy Station vicinity, *Farley*, N of Brandy Station on VA 679, S of Hazel River (5–6–76).

Dinwiddie County

McKenney vicinity, *Sappony Church*, S of Sappony Creek, off VA 692 (4–30–76) HABS.
Petersburg vicinity, *Burlington*, W of Petersburg, off VA 600 (4–30–76) HABS.

Floyd County

Floyd, *Floyd Presbyterian Church*, U.S. 221 (5–17–76).

Lynchburg (independent city)

Miller-Claytor House, Treasure Island Rd. at Miller-Claytor Lane (5–6–76).

Richmond (independent city)

Blues Armory, 6th and Marshall Sts. (5–17–76).
Wilton, S of Richmond, on N bank of James River (4–30–76) HABS.

Shenandoah County

Orkney Springs, *Orkney Springs Hotel*, VA 263, W of jct with VA 610 (4–22–76)

Surry County

Spring Grove vicinity, *Glebe House of Southwark Parish*, E of Spring Grove on VA 10 (5–17–76)

Winchester (independent city)

Kurtz, Adam, House (Washington's Headquarters), Braddock and Cork Sts. (5–17–76)

WASHINGTON

Asotin County

Asotin vicinity, *Snake River Archeologic District*, includes both banks of Snake River from Asotin to Oregon border (5–13–76)

Benton County

Richland vicinity, *Rattlesnake Springs Sites*, 25 mi. NW of Richland (5–4–76).
Richland vicinity, *Ryegrass Archeological District*, In Hanford Works Reservation, along Columbia River (1–31–76).

Jefferson County

Port Townsend vicinity, *Fort Flagler*, SE of Port Townsend on Marrowstone Is. (5–3–76).

King County

Seattle, *Hill, Samuel, House*, 814 E. Highland Dr. (5–3–76)

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Seattle, *Rainier Club*, 810 4th Ave. (4-22-76)
Seattle, *Stimson-Green House*, 1204 Minor Ave. (5-4-76).
Seattle, *Triangle Hotel and Bar*, 551 1st. Ave. South (5-3-76).
Seattle, *Turner-Koepf House (Jefferson Park Ladies Improvement Club)*, 2336 15th Ave., S (4-22-76)
Seattle, *Volunteer Park*, between E. Prospect and E. Galer Sts., and Federal and E. 15th Aves. (5-3-76).
Snoqualmie vicinity, *Snoqualmie Falls Cavity Generating Station*, N of Snoqualmie on Snoqualmie River (4-23-76)

Pacific County

Oysterville, *Oysterville Historic District*, WA 103 (4-21-76)

Pierce County

Tacoma, *Northern Pacific Office Building*, NE corner of 7th St. and Pacific Ave. (5-4-76).

Skagit County

Concrete vicinity, *Baker River Bridge*, on WA 20, over Skagit River (5-4-76).

Snohomish County

Marysville vicinity, *Indian Shaker Church*, W of Marysville, Tulalip Reservation, N. Meridian Ave. (5-4-76)
Marysville vicinity, *Tulalip Indian Agency Office*, 3901 Mission Beach Rd., Tulalip Reservation (5-3-76).

Wahkiakum County

Skamokawa, *Skamokawa Historic District*, WA 4 (4-21-76)

Whitman County

Rosalia vicinity, *Steptoe Battlefield Site*, SE of Rosalia (5-6-76).

WEST VIRGINIA

Greenbrier County

Lewisburg vicinity, *Arbuckle, Alexander W., I, House (Baker, Michael, House)*, 2 mi. N of Lewisburg on Arbuckle Lane (5-3-76).

Monroe County

Union vicinity, *Elmwood (Hugh Caperton House)*, N of Union off U.S. 219 (5-13-76)

Pendleton County

Petersburg vicinity, *Old Judy Church*, about 10 mi. S of Petersburg on U.S. 220 (5-13-76)

Pocahontas County

Marlinton, *Hunter, Frank and Anna, House*, U.S. 219 (5-13-76)

WISCONSIN

Juneau County

Mauston, *Boorman, Benjamin, House, The*, 211 North Union St. (5-4-76)

* * * * *

The following is a list of corrections to properties previously listed in the "Federal Register":

ARIZONA

Maricopa County

Phoenix, *Rosson, Dr. Roland Lee, House*, 139 N. 6th St. (6-3-71) HABS

MASSACHUSETTS

Middlesex County

Waltham, *The Vale (Theodore Lyman Estate)*, Lyman and Beaver Sts. (12-30-70) NHL

NEBRASKA

Hall County

Grand Island, *Stolley Homestead/Site of Ft. Independence*, Stolley Park (3-16-72) (formerly listed as Stolley State Park Historic District)

* * * * *

The following properties have been either demolished or removed from the National Register of Historic Places.

CALIFORNIA

Orange County

Santa Ana, *Howe-Waffle House and Carriage House*, 702 Bush St.

MARYLAND

Baltimore (independent city)

St. Mary's Seminary Building, 600 N. Paca St.

* * * * *

The following property was omitted from the February 10, 1976, listing of properties in the "Federal Register."

NEW YORK

Clinton County

Adirondack Forest Preserve (also in Essex, Franklin, Fulton, Hamilton, Herkimer, St. Lawrence, and Warren Counties) (5-23-63)

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Apache County

Flattop Site, Petrified Forest National Park.
Newspaper Rock Petroglyphs Archeological District, Petrified Forest National Park.
Puerco Ruin and Petroglyph, Petrified Forest National Park.
Twin Buttes Archeological District, Petrified Forest National Park.
Grand Canyon National Park, *Old Post Office.*

Coconino County

House Rock Springs, Upper Houserock Valley
Paria Plateau Archeological District

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,257.*
Colorado City vicinity, *Short Creek Reservoir No. 1, Site 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Skunk Creek Archeological District.

Navajo County

Painted Desert Petroglyphs and Ruins Archeological District, Petrified Forest National Park.
Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Armory Park Historic District.*
Tucson, *Convento Site.*
Tucson vicinity, *Old Santan*, NW of Tucson.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites *3VB49-3VB51*, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Point Lobos Archeological Sites, Golden Gate National Recreation Area.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoney ford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld-58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Gamlin Cabin, King's Canyon National Park.
Helms Pumped Storage Archeological Sites, Sierra National Forest.
Muir Hut, Kings Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction project.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeologocial Site HJ-1.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

CA-MAD 176-185, Lower China Crossing, and New Site, in Hidden Dam-Hensley Lake Project Area, Fresno River.

Marin County

Point Reyes, *Olena Lime Kilns*, Point Reyes National Sea Shore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261, Napa River Flood Control Project.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Alcatraz.*

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Farrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabin, Sequoia National Park.
Quinn River Station Tharp's Log Smithsonian Institution Shelters Squatter's Cabin.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Site 5 LR-257, Boxelder Watershed Project.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Hartford, *Colt Factory Housing*, Huyshope Ave., between Sequassen and Weehasset Sts.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe St. between Hendriessen Ave. and Locust St.
Hartford, *Colt Park*, bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.
Hartford, *Colt, Col. Samuel, Armory, and related factory buildings*, Van Dyke Ave.
Hartford, *Flat-Iron Building (Motto Building)*, Congress St. and Maple Ave.
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.
Southington, *Louis, Sally, House*, 500 N Main St.

Middlesex County

Middleton, *Mather - Douglas - Santangelo House*, 11 S. Main St.

New London County

New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SW, between 4th and 6th Sts. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, 516 Ott Street.
Savannah, 908 Wheaton Street.
Savannah, 914 Wheaton Street.
Savannah, 920 Wheaton Street.
Savannah, 928 Wheaton Street.
Savannah, 930 Wheaton Street.

Chatooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

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Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fiz Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *McCarthy Building (Landfield Building)*, NE corner of Dearborn and Washington Sts.
Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Louisa County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

MAINE

Washington County

Machiasport, *Libby Island Light Station.*

MARYLAND

Allegany County

Flintstone, vicinity, *Martin-Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Carroll County

Bridge No. 1-141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*. Chesapeake Bay-Middle Hooper Island.

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.
Truro, *Highland House*, Cape Code Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Berkshire County

Adams, *Quaker Meetinghouse*, Maple Street Cemetery.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S. of Blackduct in Chippewa National Forest.

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Tishomingo County

Tennessee—Tombigbee Waterway

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.

MONTANA

Big Horn County

Fort Smith, *Big Horn Canal Headgate.*

Carbon County

Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1–9 New Ocean Ave.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.,
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Saratoga County

Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hosital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Durham County

Durham, *St. Joseph's A.M.F. Church*, Fayetteville St. at the Durham Expwy.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

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OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S Washington St.

Warren County

Corwin, *Shafer Mound*, S of New Burlington Rd.
Harveysburg, *F. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, Camp Comanche Site, E range on Cache Creek.
Fort Sill, *Chief's Knoll, Post Cemetery*, N of

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station*.

Curry County

Port Orford, *Cape Blanco Light Station*.

Douglas County

Winchester Bay, *Umpqua River Lighthouse*.

Gilliam County

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir Area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lane County

Roosevelt Beach, *Heceta Head Lighthouse*.
Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yaquina Head Lighthouse*.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettsysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn* on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara, St.

Delaware County

I 476 Historic Sites (20 Historic Sites) Mid-County Expwy. (also in Montgomery County.)

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg 13N., Main St.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Tremont Mills*, Wingohocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Cross Creek Village, Cross Creek watershed.
Somerset Township, *Wright No. 22 Covered Bridge.*

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House* Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

UTAH

Emery County

Site ML-2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Karrick Building (Leyson-Pearsoll Building)*, 236 S. Main St.
Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Windsor County

Windsor, *Post Office Building.*

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Ohio County

Wheeling, *B & O Railroad Freight Station and Train Shed.*

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, *Aetna Station No. 5*, 193 N. Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

WYOMING

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.76-15811 Filed 5-28-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 21, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 7, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Colbert County

Tuscumbia vicinity, *The Oaks (Abraham Ricks House)*, SE of Tuscumbia off AL 157 on Ricks Lane

Franklin County

Russellville vicinity, *Alabama Iron Works*, S of Russellville off U.S. 43

ALASKA

Aleutian Islands Division

Unalaska vicinity, *Sitka Spruce Plantation*, Amaknak Island, Dutch Harbor

Bristol Bay Division

Kanatak vicinity, *Archeological Site 40 Aj 3*, N of Kanatak on Katmai National Monument
Kanatak vicinity, *Archeological Site 40 Mk 10*, N of Kanatak on Katmai National Monument
Kanatak vicinity, *Kaguyak Village Site*, N of Kanatak on Katmai National Monument
Kanatak vicinity, *Takli Island Archeological District*, N of Kanatak on Katmai National Monument
Naknek vicinity, *Brooks River Archeological District*, E of Naknek on Katmai National Monument
Naknek vicinity, *Old Savonoski*, E of Naknek on Katmai National Monument
Naknek vicinity, *Savonoski River Archeological District*, E of Naknek on Katmai National Monument

Kenai-Cook Inlet Division

Homer vicinity, *Cottonwood Creek Archeological Site*, NE of Homer on Kachemak Bay

Southeast Fairbanks Division

Big Delta, *Rika's Landing Site*, Mile 252, Old Richardson Highway

Upper Yukon Division

Arctic Village, *Mission Church*, E fork Chandalar River

ARIZONA

Cochise County

Douglas, *Grand Theatre*, 1139–1149 G Avenue

Pima County

Tucson, *El Presidio Historic District*, lies between W. Alameda, W. 6th, N. Stone, and I–10

ARKANSAS

Polk County

Mena vicinity, *State Line Marker*, 17 mi. NW of Mena at jct. of OK 1 and AR 88

CALIFORNIA

Los Angeles County

San Pedro, *S.S. Catalina*, Berth 96, Los Angeles Harbor

Mendocino County

Fort Bragg, *Weller House*, 524 Stewart St.

San Francisco County

San Francisco, *Point Lobos Archeological Sites*, Point Lobos

Siskiyou County

Sawyers Bar, *St. Joseph's Catholic Church*, Klamath National Forest

Tuolumne County

Sonora, *Tuolumne County Jail*, 156 W. Bradford St.

COLORADO

Mineral County

Creede vicinity, *Wagon Wheel Gap Railroad Station*, SE of Creede at Wagon Wheel Gap, off CO 149

Pueblo County

Pueblo, *Quaker Flour Mill*, 102 S. Oneida St.

Yuma County

Wray vicinity, *Beecher Island Battleground*, 16.5 mi. SE of Wray on Beecher Rd.

DELAWARE

Kent County

Dover, *Dover Green Historic District*, bounded by North, South, and East Sts. and Grovernors Ave.
Masten's Corner *vicinity, Vogl House*, W of Masten's Corners on CR 78

New Castle County

Wilmington, *Rockwood*, 610 Shipley Rd.

ILLINOIS

Cook County

Chicago, *Lakeview Historic District*, bounded roughly by Wrightwood, Lakeview, Sheridan, Belmont, Halsted, Wellington, Racine, and George
Chicago, *Nickerson, Samuel, House*, 40 E. Erie
Evanston, *Grosse Point Lighthouse*, 2535 Sheridan Rd.

Peoria County

Peoria, *West Bluff Historic District*, Randolph, High, and Moss, E of Western and parts of adjoining Sts.

Pope County

Golconda, *Golconda Historic District*, IL 146

IOWA

Blackhawk County

LaPorte City, *Laporte Town Hall*, 413 Chestnut

Floyd County

Charles City, *Central Park-North Main Street Historic District*, N. Main St. from Riverside to Blunt St., N. Jackson from Kelly to Blunt St.

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Madison County

Winterset, *Bevington, C. D., House and Stone Barn*, 805 S. 2nd Ave.

Pottawattamie County

Council Bluffs, *Beresheim, August, House*, 621 3rd St.

Scott County

Long Grove, *Brownlie, Alexander, House*, 206 Pine St.

Warren County

Indianola vicinity, *Polled Hereford Breed Origin Site*, SW of Indianola off U.S. 65

Webster County

Fort Dodge, *Corpus Christi Church*, 416 N 8th St.

KENTUCKY

Fayette County

Lexington vicinity, *Fairlawn (Greentree)*, 6 mi. NE of Lexington on U.S. 68

Madison County

Richmond vicinity, *Bogie Houses and Mill Site*, about 8 mi. W of Richmond

Robertson County

Mt. Olivet vicinity, *Johnson Creek Covered Bridge*, NE of Mt. Olivet on Ky 1029

Spencer County

Taylorsville vicinity, *Beechland (Jacob Yoker House)*, 2.5 mi. N of Taylorsville

MAINE

Sagadahoc County

Georgetown vicinity, *Seguin Island Light Station*, S of Georgetown

MARYLAND

Cecil County

Rising Sun vicinity, *West Nottingham Meetinghouse*, SW of Rising Sun at jct. of Cox and Cowen Rds.
Rising Sun vicinity, *East Nottingham Friends Meetinghouse (Brick Meetinghouse)*, E of Rising Sun at jct of MD 272 and MD 273

Charles County

La Plata, *La Grange*, MD 6, 0.5 mi. W of U.S. 301

MASSACHUSETTS

Barnstable County

North Truro vicinity, *Pilgrim Spring Archeological Site*, N of N. Truro on Cape Cod National Seashore

MICHIGAN

Tuscola County

Mayville, *Randall House*, 5927 Treasurer Rd.

MISSISSIPPI

Adams County

Natchez, *The Elms*, 215 S. Pine St.

MISSOURI

Greene County

Springfield, *Day House*, 614 South St.
Springfield, *Landers Theater*, 311 E. Walnut

Ripley County

Doniphan, *Barrett, Randolph Columbus, House*, 209 Plum Street
Doniphan, *Ripley County Courthouse*, Courthouse Circle

NEBRASKA

Gage County

Filley vicinity, *Filley, Elijah, Stone Barn*, S of Filley off U.S. 136

Saunders County

Ashland vicinity, *Beetison, Israel, House*, SE of Ashland

NEW HAMPSHIRE

Cheshire County

Marlborough vicinity, *Rhodes Tavern*, SW of Marlborough on Hill St.
Winchester vicinity, *Coombs Covered Bridge*, N of Winchester off NH 10

Coos County

Columbia, *Columbia Covered Bridge*, U.S. 3
Lancaster vicinity, *Mount Orne Covered Bridge*, SW of Lancaster off NH 135

Grafton County

Bath, *Bath Covered Bridge*, off U.S. 302 NH 10
Bath vicinity, *Swiftwater Covered Bridge*, S of Bath on Valley Rd.
Woodsville, *Haverhill-Bath Covered Bridge*, NH 135

Merrimack County

Bradford, *Bement Covered Bridge*, Center Rd.
Warner, *Dalton Covered Bridge*, Joppa Rd.
Waterloo, *Waterloo Covered Bridge*, Newmarket Rd.
W. Hopkinton, *Rowell's Covered Bridge*, Clement Hill Rd.

Sullivan County

Cornish City vicinity, *Cornish-Windsor Covered Bridge*, NH 12A W of Cornish City
Newport vicinity, *Corbin Covered Bridge*, NW of Newport off NH 10

NEW MEXICO

Bernalillo County

Albuquerque, *First Methodist Episcopal Church*, 3rd and Lead Ave.

NEW YORK

Cortland County

Homer, *Lenticular Truss Bridges*, Wall St., Water St., and Pine St.
Solon, *Hatheway Homestead*, NY 41

Onondaga County

Syracuse vicinity, *Alvord House*, N of Syracuse on Berwick Road

Westchester County

New Rochelle, *Leland Castle*, 29 Castle Place

NORTH CAROLINA

Buncombe County

Asheville, *Asheville City Hall*, City County Plaza.
Asheville, *Church of St. Lawrence*, 97 Haywood St.
Asheville, *First Baptist Church*, Oak and Woodfin Sts.
Asheville, *S & W Cafeteria*, Patton Ave.

Burke County

Morganton vicinity, *Forney, Jacob Jr. House*, NNW of Morganton

Caswell County

Milton vicinity, *Longwood*, SW of Milton on NC 62

Gaston County

Gastonia vicinity, *Wilson, William J., House*, S of Gastonia off SR 1109

Halifax County

Roanoke Rapids and vicinity, *Roanoke Canal*, Roanoke Rapids SE to Weldon

Surry County

Rockford, *Rockford Historic District*, SR 2221

OKLAHOMA

Cherokee County

Tahlequah, *Indian University*, 320 Academy

Comanche County

Lawton, *Carnegie Library*, B Ave. and 5th St.

Oklahoma County

Oklahoma City, *Colcord Building*, Robinson and Sheridan

RHODE ISLAND

Providence County

Providence, *Butler Hospital*, 333 Grotto Ave.
Providence, *Dexter, Jeremiah, House*, 957 N. Main St.

SOUTH CAROLINA

Charleston County

Charleston, *St. Mary's Roman Catholic Church*, 93 Hasell St.

Kershaw County

Camden vicinity, *Wateree Archeological District*, W and S of Camden

Oconee County

Westminster, *Southern Railway Passenger Station*, 129 Main St.

Orangeburg County

Eutawville vicinity, *Rocks Plantation*, 7 mi. NE of Eutawville off NC 6

Spartanburg County

Spartanburg, *Bon Haven (John B. Cleveland House)*, 728 N. Church St.
Spartanburg, *Duncan, Bishop William Wallace, House*, 249 N. Church St.

UTAH

Sevier County

Salina vicinity, *Nawthis Village Site*, S of Salina on Fishlake National Forest

VERMONT

Chittenden County

Burlington, *Carnegie Building of the Fletcher Free Library*, College and S. Winooski Ave.

Rutland County

Poultney, *Poultney Central School*, Main Street

[FR Doc.76-15810 Filed 5-28-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-439]

J. & M. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. §861(c) (1970), J. & M. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1 and 2 Mines, Campbell County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

The proposed modification applies to all the mining machines in operation in the subject mines. The coal seams in the mines range in height from 20 to 28 inches. Due to the low ceilings in the mines, the installation of canopies on the mining machines would be impractical and would, in fact, create hazards.

The installation of canopies would require the operator of the equipment to lean out of his machine in order to achieve proper vision. By leaning out of the machine the operator would expose himself to additional hazards. For this reason, Petitioner requests a waiver of the application of section 75.1710 to the foregoing mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 24, 1976.

[FR Doc.76-15711 Filed 5-28-76;8:45 am]

[Docket No. M 76-434]

NATIONAL MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), National Mines Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its National Pocahontas Mine, Wyoming County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the acitve workings of each underground coal mine on and after January 1, 1973, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6 of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

(1) Petitioner respectfully requests the modification of the application of the mandatory safety standard 30 CFR 75.-1710–1(a) with respect to the subject mines for reason that the application of such standard will result in a reduction of safety to the miners.

(2) Petitioner avers that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further avers that based upon its recent experience with presently available canopies, the use of these canopies results in a reduction of safety to the miners in the above-named mines. Petitioner's experience indicated the following:

(a) Petitioner operates in the Pocahontas No. 3 coal seam averaging from 36 to 46 inches in height and at present is operating mining equipment averaging 30 to 35 inches in height. The above-named equipment is the lowest available at the present for seams of this height.

(b) While canopies of the type specified had the necessary height clearance in some instances under normal mining conditions, the necessary clearance diminished to zero when rolls of frequent adverse conditions were encountered.

(c) When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and all other persons in the working area.

(d) Due to the combination of the severely limited vision and close confinement in the cab, apendages of the operator's body, such as his head and limbs hang out in such manner that they are in jeopardy of being crushed between the equipment and the coal rib.

(e) Ingress and egress from the cab is so limited that the operator is held captive and cannot escape when the action of the roof clearly would warrant a retreat.

(f) Because of close confinement in the cab and severely limited ingress to and egress from the canopies, it is felt that the operator will attempt to control the equipment from outside the protection of the canopies and in doing so creates the hazard of being crushed between the equipment and the rib.

(g) In case of machine malfunction, cable damage, or power failure of any kind, or in the event of a machine fire, the operators of the equipment would be held captive by the canopy for an indefinite period depending on the circumstances.

(h) The operators of this type of equipment are under fully supported roof at all times provided by an approved roof control plan. Such roof support is deemed satisfactory for all other personnel in the mine including the helpers on self-propelled electric face equipment such as the continuous miner and the roof bolter. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support. Hence, the addition of canopies of this type presently available rather than providing additional safety for the operator, introduces a dangerous instrument capable of inflicting serious bodily harm or death.

(i) We are using 36 to 48 inch resin type roof bolts. Previous company used conventional type bolts only.

(j) Due to rolls and adverse conditions, the canopies were constantly striking the roof bolts and were shearing or destroying the torque of the roof bolts on the section and reducing them to an inefficient state, thus exposing all employees to the hazard of a roof fall from damaged support.

(3) Petitioner avers that with respect to low-ceiling mines, the use of currently available canopies with mobile electric face equipment severely diminishes rather than increases the overall safety of the miners.

Petitioner refers the Secretary to West Virginia State Law, Chapter 22, Article 2, Section 28, which gives the Director of the West Virginia Department of Mines the authority to require in any coal mine

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where the height of the coalbed permits that electric face equipment including shuttle cars, be provided with substantially constructed canopies or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls. At the present, the Director has not required cabs or canopies on electric face equipment on coal producing sections having mining heights less than 60 inches.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 24, 1976.

[FR Doc.76-15711 Filed 5-28-76;8:45 am]

[Docket No. M 76-230]

WESTMORELAND COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Westmoreland Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Wentz No. 2, Bullitt, Derby-Parsons, and No. 5 Mines, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representatives of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunciton with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

Petitioner requests the modification of the application of the mandatory safety standard 30 CFR 75.1710–1(a) with respect to the subject mine for the reason that the application of such standard will result in a diminution of safety to the miners.

Petitioner avers that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further avers that based upon its recent experience with presently available canopies, the use of these canopies resulted in a diminution of safety to the miners in said mines. Petitioner's experience indicated the following:

(a) While canopies of the type specified had the necessary height clearance most of the time during mining under normal conditions, the necessary clearance diminished to zero when either the bottom or the full seam undulated or when rolls in the coal seam were encountered. While in such instances the operators of the equipment quite miraculously escaped harm, the further use of these canopies inevitably will cause injuries to the operators.

(b) When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and to all other persons in the working area.

(c) Due to the combination of the severely limited vision and close confinement in the cab, appendages of the operator's body, such as his hands or feet or his buttocks or head, hang out in such manner that they are in jeopardy of being crushed between the equipment, posts or the coal rib.

(d) Ingress to and egress from the cab is so limited that the operator is held captive, and cannot escape when the action of the roof clearly would warrant such retreat.

(e) Because of close confinement in the cabs, severely limited ingress to and egress from the cab under the canopies, and lack of vision, operators attempt to manipulate the controls from outside the equipment while standing between the equipment and the rib, thus incurring the risk of being crushed.

(f) In case of machine malfunction, cable damage, or power failure of any kind, the operators of the equipment may be held captive by the canopies for an indefinite period, depending on the circumstances.

(g) The operators of this type of equipment are under fully supported roof at all times provided by an approved full-roof bolting plan or a combination of roof bolts and posts. Such roof support is deemed satisfactory for all other personnel in the mine, including helpers on self-propelled electric face equipment, such as the continuous miner and the bolter. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support. Hence the addition of canopies of the type presently available rather than providing additional safety for the operators, introduces an instrument capable of inflicting serious bodily harm or death when visibility and the necessary clearance are reduced to zero.

(h) Cutting machine operators and continuous miner operators cannot see the last row of roof bolts because the canopies impair their vision; such operators may, as a result, inadvertently go inby supported roof.

(i) Cutting machine operators and continuous miner operators cannot see the cutter lines nor the cutter bar or cutter head due to impaired vision, and places may be cut too wide and off center thus weakening the roof and creating roof fall hazards.

(j) Technical support personnel from MESA, representatives of the miners, equipment operators, mine health and safety committees, and representatives of Petitioner have worked together to attempt to modify the canopies in order to comply with the regulation. Such modifications created additional hazards to the miners and resulted in a diminution in safety.

Petitioner avers that with respect to low-ceiling mines, the use of currently available canopies with mobile electrical face equipment severely diminishes rather than increases the overall safety of the miners.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 1, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 24, 1976.

[FR Doc.76-15710 Filed 5-28-76;8:45 am]

Office of the Secretary

DISASTER WARNINGS

Delegation of Authority

This Notice is published in accordance with the provisions of 5 U.S.C. 552(a)(1). The Acting Secretary of the Interior has issued a new delegation of authority to the Director, Geological Survey regarding disaster warnings for earthquake, volcanic eruptions, landslides, mudslides, or other geological catastrophes. Such authority was granted to the Secretary of the Interior by the Secretary of Housing and Urban Development (40 FR 52927, November 13, 1975) pursuant to Executive Order No. 11795 and the Disaster Relief Act of 1974 (PL 93–288).

The delegation of authority was issued by Department of the Interior Manual Release No. 1883 dated May 3, 1976, and is published in its entirety below. The numbering system shown is that of the Departmental Manual. Further information regarding the delegation of authority can be obtained from the Chief, Branch of Management Analysis, Administrative Division, Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia, 22092, telephone 703–860–7211.

Dated: May 24, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

DELEGATION—PART 220 GEOLOGICAL SURVEY

CHAPTER 8 DISASTER WARNINGS—220.8.1

.1 *Delegation of Authority.* Subject to the general policy guidance and coordination of the Assistant Secretary—Energy and Minerals, the Director, Geological Survey, is empowered to exercise the authority, functions and powers granted by Section 202 of the Disaster Relief Act of 1974 with respect to disaster warnings for an earthquake, volcanic eruption, landslide, mudslide or other geological catastrophe. This delegation is limited to that authority conferred upon the Secretary of the Interior by the Secretary, U.S. Department of Housing and Urban Development (40 F.R. 52927, November 13, 1975), pursuant to the authority of that Department conferred by Section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 F.R. 25939, July 11, 1974). Executive Order 11795 delegates to the Department of Housing and Urban Development the authority to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance.

[FR Doc.76-15705 Filed 5-28-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC–12]

FIRST SAVINGS & LOAN ASSOCIATION, UVALDE, TEXAS

Approval of Conversion (Final Action)

MAY 21, 1976.

Notice is hereby given that on May 21, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76–378, approved the application of First Savings and Loan Association, Uvalde, Texas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

Dated: MAY 21, 1976.

By the Federal Home Loan Bank Board,

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-15816 Filed 5-28-76;8:45 am]

[No. AC–13]

PIONEER SAVINGS & TRUST ASSOCIATION ROSWELL, NEW MEXICO

Approval of Conversion (Final Action)

MAY 21, 1976.

Notice is hereby given that on May 21, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76–379, approved the application of Pioneer Savings and Trust Association, Roswell, New Mexico, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

Dated: MAY 21, 1976.

By the Federal Home Loan Bank Board,

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-15817 Filed 5-28-76;8:45 am]

FEDERAL MARITIME COMMISSION

INDIANA PORT COMMISSION AND CERES, INC.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 21, 1976. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

John Hardy, Jr., Esquire, Patton, Boggs & Blow, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

Agreement No. T–3310, between the Indiana Port Commission (Port) and Ceres, Incorporated (Ceres), provides for the five-year lease (with a five-year renewal option) to Ceres of Transit Shed No. 2 at Burns Waterway Harbor together with the free, unimpeded and exclusive use of the wharfage and trucking concourse adjacent to the leased premises. The facility is to be operated as a ship, barge, railroad and truck terminal and warehouse. As compensation, the Port is to receive $100,000 annually. Ceres is also required to collect and pay to the Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff.

Agreement No. T–3311, also between the Port and Ceres, provides for the five-year lease (with two five-year renewal options) to Ceres of Outside Storage Area No. 2 (which consists of 4.36 acres) at Burns Waterway Harbor together with the free, unimpeded and exclusive use of the leased premises. The facility is to be operated as a ship, barge, railroad, and truck terminal and storage facility. As compensation, the Port is to receive $20,000 annually. Ceres is also required to collect and pay to the Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff. Agreement No. T–3311 is subject to a concurrent right of the Levy Corporation to use a portion of the leased premises until the Port makes other wharfage and dockage facilities available to the Levy Corporation elsewhere at the port.

By Order of the Federal Maritime Commission.

Dated: May 25, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15856 Filed 5-28-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1596]

LASCO CONTAINER SERVICE, INC.

Order of Revocation

By letter dated April 26, 1976, Lasco Container Service, Inc., P.O. Box 4092, Jacksonville, Florida 32201, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1596 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 21, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Or-

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der 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Lasco Container Service, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 6.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1596 issued to Lasco Container Service, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1596 be and is hereby revoked effective May 21, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Lasco Container Service, Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-15856 Filed 5-28-76;8:45 am]

[No. 76-30]

PAN AMERICAN HEALTH ORGANIZATION V. PRUDENTIAL LINES, INC.

Filing of Complaint

MAY 25, 1976.

Notice is hereby given that a complaint filed by Pan American Health Organization against Prudential Lines, Inc. was served May 25, 1976. The complaint alleges that complainant has been subjected to payment of charges for transportation in excess of those lawfully applicable in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before November 25, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15858 Filed 5-28-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1181]

VEN-AIR SERVICE, INC.

Order of Revocation

By letter dated April 27, 1976, Ven-Air Service, Inc., P.O. Box 371, Biscayne Annex, Miami, Florida 33152, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1181 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 24, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Ven-Air Service, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

IT IS ORDERED, that Independent Ocean Freight Forwarder License No. 1181 issued to Ven-Air Service, Inc. be returned to the Commission for cancellation.

IT IS FURTHER ORDERED, that Independent Ocean Freight Forwarder License No. 1181 be and is hereby revoked effective May 24, 1976.

IT IS FURTHER ORDERED, that a copy of this Order be published in the FEDERAL REGISTER and served upon Ven-Air Service, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-15857 Filed 5-28-76;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

Order Granting in Part and Denying in Part Applications for Exemption From Annual Charges

MAY 17, 1976.

The Power Authority of the State of New York (PASNY) has applied for exemption from payment of annual charges for calendar years 1962 through 1974 for its St. Lawrence River Project No. 2000. The applications were filed pursuant to the terms of Section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) and the Commission's Rules and Regulations thereunder.

PASNY initially requested total exemption from annual charges for its St. Lawrence River Project No. 2000. However, by letter dated March 1, 1966, PASNY stated that it no longer claimed total exemption for Project No. 2000 but it did request partial exemption for the power used for state or municipal purposes in 1962, 1963 and 1964. PASNY has continued to request partial exemption for Project No. 2000 for each subsequent year.

BACKGROUND

The St. Lawrence River Project No. 2000, licensed on July 15, 1953,[1] has 16 generating units of 57,000 kilowatts (kW) each for a total of 912,000 kW. Its total authorized installed capacity is 1,216,000 horsepower (hp). The last generating unit was placed in service in July 1959.

Following the receipt of billing for annual charges for 1958, PASNY made several applications beginning on April 30, 1959, for total exemptions from such charges on the following grounds: (1) the project was primarily intended to improve navigation; (2) that all power produced by PASNY either was used for State or municipal purposes or was sold to the public without profit for the years 1958 through 1961; and (3) the project was under construction during the years 1958 through 1960.

After a hearing and decision rendered by an Examiner, the Commission denied both PASNY claims for total exemption for the period July 17, 1958, through December 31, 1961.[2] An exemption in the amount of $9,621.70 was allowed. PASNY's application for rehearing was denied.[3]

In *Power Authority of the State of New York* v. *Federal Power Commission*, 339 F. 2d 269 (2d Cir. 1964), certiorari denied, 381 U.S. 933 (1965), the Court of Appeals affirmed the Commission's order holding that there was substantial evidence to support the Commission's findings that the project works constructed by PASNY were not primarily intended to improve navigation. The Court also agreed with the Commission that PASNY's sales of power were for profit for the years claimed.

APPLICABLE SECTIONS OF ACT, REGULATIONS, AND LICENSE

Among the terms and conditions of the license for Project No. 2000 is an article providing for the payment of annual charges by PASNY to the United States.[4] The Commission's authority to include such terms and conditions in a license derives from Section 10(e) of the Federal Power Act (Act),[5] which requires,

[1] Opinion No. 255, St. Lawrence River Project No. 2000, Power Authority of the State of New York, 12 F.P.C. 172 (1953), aff'd *sub nom Lake Ontario Land Development, and Beach Protection Association, Inc.* v. *F.P.C., et al.*, 212 F. 2d 227 (D.C. Cir. 1954), cert. den. 347 U.S. 1015 (1954).

[2] Opinion And Order Granting In Part And Denying In Part Exemptions From Payment Of Anual Charges, Power Authority of the State of New York, Project No. 2000, 31 FPC 93 (1964).

[3] Order Rejecting Application For Rehearing, Power Authority of the State of New York, Project No. 2000, 31 FPC 467 (1964).

[4] Applicable License Article for Project No. 2000 is: Article 27. The Licensee shall pay to the United States the annual charges: For the purpose of reimbursing the United States for the costs of administration of Part 1 of the Act, a reasonable annual charge in accordance with the provisions of Part 11 of the Commission's Regulations (18 C.F.R. 11.20(b)). The authorized installed capacity for such purpose is 1,216,000 horsepower. (24 FPC 404)

[5] Section 10. All licenses issued under this Part shall be on the following conditions: (e) That the licensee shall pay to the United States reasonabe annual charges in an amount to be fixed by the Commission for the purpose of reimbursing the United States for the costs of the administration of this Part; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the Commission shall seek to avoid increasing the price to the consumers of power by such charges, and any such charges may be adjusted from time to time by the Commission as conditions may require: * * *

inter alia, any Licensee to pay to the United States reasonable annual charges in an amount to be fixed by the Commission for the purpose of reimbursing the United States for the costs of administering Part 1 of the Act.

Section 10(e) of the Act also provides for exemption from payment of annual charges for those projects constructed by states or municipalities meeting certain requirements.[6] PASNY has requested, in part, such exemption from payment of annual charges pursuant to that part of Section 10(e) which provides that "licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit."

Pursuant to the provision of Section 309 of the Act, we have adopted and promulgated rules and regulations implementing the statutory provisions of the Act. With regard to the establishment and billing of annual charges to municipal and State Licensees to reimburse the Commission for administration of Part 1 of the Act, Section 11.20(b)(2) of the Commission's Regulations states:

> For each calendar year such total actual cost of administration as determined under subparagraph (1) of this paragraph shall be assessed against each such licensee in the proportion that the authorized horsepower installed capacity of each such project bears to the total such capacity under all such outstanding licenses.

Section 11.24 of the Commission's Regulations list those criteria which are applicable in granting exemptions from payment of annual charges to State or municipal licensees. In applying these criteria to Project No. 2000, we can make a determination as to whether PASNY should be granted any exemptions as requested pursuant to Section 10(e) of the Act.

PAST BILLINGS

The Commission has billed PASNY annual administrative charges for each of the years PASNY has filed its application for exemption. These charges have been paid by PASNY for each of the respective years. The total amount billed from calendar year 1962 through calendar year 1974 excluding calendar year 1968 for the St. Lawrence River Project No. 2000 is $559,811.00.

Under Section 10(e) of the Act and Section 11.24 of the Regulations, any of the grounds for exemption, if established by a Licensee, would warrant the requested exemption. However, whether an exemption should be granted is a question of fact to be established by the Licensee. (18 CFR 11.24(e)).[7]

As previously noted, PASNY by letter dated March 1, 1966, released its claim for total exemption for its St. Lawrence River Project No. 2000 but did request partial exemptions for power used for state or municipal purposes in 1962, 1963 and 1964. PASNY has continued to request partial exemption for each year thereafter. The amount claimed by PASNY for Project No. 2000 and that computed by our Staff differs by $1,983.01 as shown on Table 1 (attached hereto). As discussed below, for the calendar years 1962 through 1974 excluding calendar year 1968 we have determined that PASNY is entitled to a refund for the exemptions claimed for Project No. 2000 totalling $10,230.74.

It should be noted that the 1968 charge and exemption for Project No. 2000 are not included in Table No. 1 nor in the above totals. PASNY was late in payment of the 1968 charges for both Project Nos. 2000 and No. 2216. In the case of Project No. 2000, a 5% penalty amounting to $1938.45 was added to the annual charge of $38,769 and was paid by PASNY. The exemption determined by Staff for 1968 amounted to $1,117.94. Since the exemption was not subject to penalty PASNY was entitled to a refund of 5% of $1,117.94 or $55.90. PASNY was refunded $1,173.84 and through oversight $39,533.61 (annual charge plus penalty less refund) was removed from "escrow" and entered into the general funds of the U.S. Treasury. Also through oversight, PASNY's payments for both 1970 and 1971 were credited to the general funds of the U.S. Treasury.

DISCUSSION

Preliminarily, we would note that the Licensee's formal filings, FPC Form Nos. 94 and 12, and the applications were used in arriving at the computations that are later discussed. In addition, when computing the actual dollar figures allowed, the "exemption factor" was used. The "exemption factor" is the ratio of annual project net energy (gross energy minus losses and municipal uses) to project annual gross energy. This factor times the annual charges as billed equals the annual charges due and payable.

For the years 1964 through 1969, PASNY's claims for exemption identified allowable exemptable items on an item by item and a project by project basis. These items have been delineated in five general categories as shown in Table 1 attached hereto.

Commencing in 1970 and thereafter through 1974, PASNY ceased to identify allowable exemptable items and listed two items only ("Total Deliveries and Balance of Generation") upon which calculations for exemption were based. We do not regard this as sufficient justification to allow the exemptions as claimed.

It should also be noted that prior to 1970, the items claimed as exemptable could be identified in PASNY's annually filed Form 12 Power System Statements. Beginning in 1970, however, PASNY started to report Form 12 data on a system-wide basis and identification of exemptable items on a project by project basis, other than energy used for station purposes, became impossible.

By using a combination of the data reported on Form 12 and Form 94 (Application for Exemption), Staff was able to prorate and allow exemptions in a combined figure for transmission losses and losses unaccounted for. The basis for this prorating is shown in Table 2 attached hereto.

While Staff has performed the calculations and prorations as noted above, and exemptions are being accordingly allowed, it is noted that this burden initially rests with the Licensee. Hence, it it not intended that claims for exemptions in future years will be allowed unless such claims are fully and completely delineated and justified. It is further noted that PASNY not only has the same information available to Staff, the information is available to PASNY on a much more timely basis.

The Commission finds: (1) The Licensee is a municipality within the meaning of Section 3(7) of the Act, and is entitled to claim exemption from payment of annual charges under Section 10(e) of the Act.

(2) For its St. Lawrence River Project No. 2000, PASNY is exempted from the payment of annual charges for that power shown to be used for State and municipal purposes during the years 1962 through 1967 and 1969 through 1974, such exemption of annual charges amounting to $10,230.74.

(3) For its St. Lawrence Project No. 2000, the Licensee has not justified exemption from annual charges for the remaining portion of power available for sale in the years 1962 through 1967 and 1969 through 1974.

The Commission orders: (A) For its St. Lawrence River Project No. 2000, PASNY is exempted from the payment of annual charges for that amount of power used for State or municipal purposes for which PASNY was billed for the periods 1962 through 1967 and 1969 through 1974, such exemption amounting to $10,230.74.

(B) PASNY shall be refunded $10,230.74 from the amount held in the special deposit account as allowed under (A) above.

(C) The amount currently being held in special deposits for Project No. 2000 as of January 1, 1976, shall be released to the United States Treasury after payment of the refund in (B) above.

(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313(a) of the Act, and failure to file such application shall constitute acceptance of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[6] Section 10(e) * * * *Provided further*, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation, licenses therefor shall be issued without charge; * * *."

[7] See also, Central Nebraska Public Power & Irrigation District, 5 FPC 165, aff'd, *Central Nebraska Pub. P.I.* v. *F.P.C.*, 160 F. 2d 782 (9th Cir. 1947), cert. den. 332 U.S. 765 (1947); PASNY, 31 FPC 93, aff'd, *PASNY* v. *F.P.C.*, 339 F. 2d 269 (2nd Cir. 1964), cert. den. 381 U.S. 833 (1965).

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TABLE No. 1 *Power authority of the State of New York, Project No. 2000—St. Lawrence project, annual charges exemptions calculations*

[All energy data is stated in megawatt hours]

	1962	1963	1964	1965	1966	1967	1969	1970	1971	1972	1973	1974	Totals
Gross generation	5,763,180	5,618,756	5,445,385	5,391,917	6,034,059	6,379,668	6,981,480	6,634,976	6,785,192	7,220,259	7,705,719	7,608,439	
Less exemptable energy [1]	169,393	128,153	137,839	92,500	137,745	181,432	105,500	84,158	86,346	103,133	87,049	110,562	
Net generation	5,533,787	5,490,603	5,307,546	5,299,417	5,896,314	6,198,256	6,875,980	6,550,818	6,698,846	7,117,126	7,618,670	7,497,877	
Annual charge paid by Power Authority of the State of New York	$38,810.00	$40,200.00	$45,650.00	$53,652.00	$59,811.00	$37,151.00	$37,100.00	$15,895.00	$39,008.00	$58,362.00	$59,501.00	$72,416.00	$559,811.00
Exemption factor (item 3 divided by item 6)	0.970288	0.977191	0.974687	0.982841	0.977172	0.971560	0.984888	0.987316	0.987474	0.985716	0.988703	0.985469	
Annual charge after exemption (item 4 multiplied by item 5)	$37,675.27	$39,275.41	$44,491.46	$52,731.55	$58,465.82	$36,096.32	$36,832.32	$15,693.98	$38,511.58	$57,557.83	$58,850.22	$71,403.29	$540,580.76
Amount of exemption allowed	1,152.73	983.09	1,155.54	920.45	988.81	1,054.68	266.68	201.10	496.42	804.17	651.78	1,012.71	10,230.71
Amount of exemption claimed by Power Authority of the State of New York	1,058.14	807.12	1,034.07	757.14	790.13	870.16	871.92	837.94	711.35	1,588.14	1,212.48	1,933.60	12,213.7
Seaway, parks, and highway uses	6,059	6,212	6,129	6,226	5,783	6,163	5,172						
Transmission losses	111,542	70,387	87,712	41,737	69,881	112,772	84,142	68,130	170,182	87,500	72,389	197,824	
Losses unaccounted for	35,766	34,367	27,799	24,411	26,316								
Municipal uses						14,694	318						
Station uses	15,736	17,187	16,208	17,156	15,762	17,803	15,568	16,028	16,164	15,531	14,160	12,738	
Total exemptable energy	169,303	128,153	137,839	92,500	137,745	181,432	105,500	81,158	86,346	103,133	87,049	110,562	

[1] Exemptable energy, broken out by item, carried forward to item 2 above.
[2] See table No. 2 for these computations.

NOTE.—Calendar year 1968 is omitted from this table—refer to discussion in body of accompanying order.

TABLE No. 2.—*Power Authority of the State of New York, project No. 2000—St. Lawrence project, proration of system transmission and unaccounted for losses*

	1970	1971	1972	1973	1974
1 System Generation (in megawatt hours):					
2 Project No. 2000 [1]	6,634,976	6,785,192	7,220,259	7,705,719	7,608,439
3 Project No. 2216 [1]	15,301,706	15,465,584	16,616,039	18,077,068	17,909,682
4 Project No. 2685 [1]	0	0	0	453,038	1,226,957
5 Nonproject [2]	124,749	324,938	280,793	177,082	211,982
6 System total	22,061,431	22,575,714	24,117,091	26,412,907	26,948,060
7 Percent of system total generation for proration purposes:					
8 Project No. 2000 (line 2 divided by line 6)	30.0750	30.0553	29.9384	29.1740	28.2337
9 Project No. 2216 (line 3 divided by line 6)	69.3595	68.5054	68.8974	68.4402	66.4267
10 Project No. 2685 (line 4 divided by line 6)	0	0	0	1.7153	4.5530
11 Nonproject (line 5 divided by line 6)	.5655	1.4393	1.1642	.6705	.7866
12 Total	100.0	100.0	100.0	100.0	100.0
13 To be prorated:					
14 Transmission and unaccounted for losses [1]	226,533	233,508	292,598	249,842	346,479
15 Proration (carried to table No. 1, line 10):					
16 Project No. 2000 (line 15 multiplied by line 9)	68,130	70,182	87,599	72,889	97,824
17 Project No. 2216 (line 15 multiplied by line 10)	157,122	159,966	201,593	170,992	230,155
18 Project No. 2685 (line 15 multiplied by line 11)	0	0	0	4,286	15,775
19 Nonproject (line 15 multiplied by line 12)	1,284	3,360	3,406	1,675	2,725
20 Total	226,533	233,508	292,598	249,842	346,479

[1] Source of data—FPC form 12. [2] Source of data—FPO form 94. [3] Purchases plus interchanges.

[FR Doc.76-15589 Filed 5-28-76;8:45 am]

[Docket Nos. CS76-751, et al.]

APPLICATIONS FOR "SMALL PRODUCER" CERTIFICATES [1]

MAY 20, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-751	Apr. 19, 1976	Roger Adams, d.b.a. Adams Drilling, P.O. Box 368, Racine, Ohio 45771.
CS76-752	....do....	Paragon Resources, Inc., P.O. Box 1814, Shreveport, La. 71166.
CS76-753	....do....	Paramount Drilling Co., Inc., P.O. Box 1747, Shreveport, La. 71166.
CS76-754	....do....	Cooperative Oil Investments, Inc., P.O. Box 228, Spencer, W. Va. 25276.
CS76-755	....do....	Tom D. White Estate, P.O. Box 82, Midland, Tex. 79701.
CS76-756	....do....	Randolph Speight, P.O. Box 82, Midland, Tex. 79701.
CS76-757	....do....	Cheryl Derrick, P.O. Box 82, Midland, Tex. 79701.
CS76-758	....do....	Key Trust, 1st National Bank in Dallas, Trust Oil Department, P.O. Box 6031, Dallas, Tex. 75283.
CS76-759	....do....	Stag Oil Producers, Inc., 3029 Aspen Dr., Casper, Wyo. 82601.
CS76-760	Apr. 20, 1976	Donovan Maddox, P.O. Box 82, Midland, Tex. 79701.
CS76-761	....do....	Peter P. Hanagan, P.O. Box 82, Midland, Tex. 79701.
CS76-762	....do....	Briercrest Oil Co., P.O. Box 1110, Dalhart, Tex. 79022.
CS76-763	Apr. 21, 1976	Kenneth Nelson and Margaret Nelson, 7675 West 14th Ave., Lakewood, Colo. 80215.
CS76-764	Apr. 22, 1976	Willow Pipe Line Co., Route No. 5, Box 74, Norman, Okla. 73069.
CS76-765	Apr. 21, 1976	Energy Development Corp., P.O. Box 1183, Bluefield, W. Va. 24701.
CS76-766	....do....	Ellis Hnullik, 604 South 14th St., Artesia, N. Mex. 88210.
CS76-767	Apr. 22, 1976	Dora L. McKnight, estate of N. T. Lewis, P.O. Box 82, Midland, Tex. 79701.
CS76-768	....do....	Do.
CS76-769	....do....	Dora L. McKnight, P.O. Box 82, Midland, Tex. 79701.
CS76-770	....do....	New Mexico Western Minerals, Inc., P.O. Box 82, Midland, Tex. 79701.
CS76-771	....do....	J. L. Davis, an individual, 229 Western United Life Bldg., Midland, Tex. 79701.
CS76-772	Apr. 23, 1976	Frontier Pipeline Co., Inc., 49 Via Roma, Wichita, Kans. 67230.
CS76-773	Apr. 21, 1976	R. L. Taylor, 1206 Tower Petroleum Bldg., Dallas, Tex. 75201.
CS76-774	Apr. 23, 1976	James C. Roberts, 808 Beck Bldg., Shreveport, La. 71101.
CS76-775	....do....	Cactus Drilling Corp. of Texas, P.O. Box 1239, Richardson, Tex. 75080.
CS76-776	Apr. 26, 1976	Jeffrey R. Power, 74 Beach St., Cohasset, Mass. 02025.
CS76-777	....do....	Trio Petroleum Corp., Route 76, Box 35E, Glenville, W. Va. 26351.
CS76-778	....do....	J. Philip Boyle, Jr., et al., 2030 Liberty Tower, Oklahoma City, Okla. 73102.
CS76-779	Apr. 28, 1976	R. & S. Gas Co., Route 4, Box 36-13, Weston, W. Va. 26452.
CS76-780	....do....	William Quentin Pigford, 2370 Bellaire, Denver, Colo. 80207.
CS76-781	Apr. 29, 1976	OEHL, Inc., P.O. Box 961, Norman, Okla. 73070.
CS76-782	....do....	Joe L. Thompson, 2222 Liberty Tower, Oklahoma City, Okla. 73102.
CS76-783	....do....	E. W. Sauder, Box 731, Emporia, Kans. 66801.
CS76-784	....do....	Leonard T. May, 304B North Canyon, Carlsbad, N. Mex. 88220.
CS76-785	....do....	Roy G. Barton, P.O. Box 978, Hobbs, N. Mex. 88240.
CS76-786	Apr. 28, 1976	Chrisman Drilling Co., P.O. Box 146, Gassaway, W. Va. 26624.
CS76-788	May 3, 1976	J. A. Dougherty, Box 1659, Midland, Tex. 79701.
CS76-789	....do....	Ethel Jo Davis, Box 1659, Midland, Tex. 79701.
CS76-790	....do....	D. H. Thornbury, Box 1659, Midland, Tex. 79701.
CS76-791	....do....	K. W. Davis, Jr., Box 1659, Midland, Tex. 79701.
CS76-792	....do....	Warren Scarborough Estate, Box 1659, Midland, Tex. 79701.
CS76-793	....do....	Kent Glasgow, P.O. Box 32126, Oklahoma City, Okla. 73132.
CS76-794	....do....	Baker & Taylor Drilling Co., P.O. Box 2748, Amarillo, Tex. 79105.
CS76-795	May 4, 1976	West Virginia-Kentucky Ltd., 22 Zane St., Wheeling, W. Va. 26003.
CS76-796	....do....	Jouneo Projects of Texas, 4701 East Floral Dr., Los Angeles, Calif. 90022.
CS76-797	May 5, 1976	Mrs. Prentice F. Brown, Melrose Hotel, Box 59, Dallas, Tex. 75221.
CS76-798	....do....	Lark Oil Co., 2400 Colorado State Bank Bldg., Denver, Colo. 80202.
CS76-799	May 6, 1976	Kenmar Ltd., 22 Zane St., Wheeling, W. Va. 26003.
CS76-800	....do....	Johnson-Mizel Venture No. 5, 3500 South Yosemite, Suite 910, Denver, Colo. 80237.
CS76-801	....do....	Royal Resources Corp., 612 Country Club Rd., Fairmont, W. Va.
CS76-802	....do....	Jay D. Swanson, 850 Sutton Place, Wichita, Kans. 67202.
CS76-803	....do....	Mark I Ltd., Suite 606, 240 Capitol St., Charleston, W. Va. 25301.
CS76-804	....do....	Edwin T. Stitt, 612 Country Club Rd., Fairmont, W. Va.
CS76-805	May 10, 1976	Pacific Oil & Gas Co., Suite 501, The Oil Center, 2601 NW. Expressway, Oklahoma City, Okla. 73112.
CS76-806	....do....	W. D. Stinson, P.O. Box 487, Mt. Pleasant, Tex. 75455.
CS76-807	....do....	James A. Brown et al., representing James A. Brown and Evelyn G. Brown and James A. Brown and Evelyn Ellen Mills, trustee, 14 Alpine Dr., Greenwich, Conn.
CS76-808	....do....	Texas Gas Corp., P.O. Box 2806, Corpus Christi, Tex. 78403.
CS76-809	....do....	Dallas C. Biggers, 2400 Republic Bank Tower, Dallas, Tex.
CS76-811	....do....	Eva Jane Cacio, P.O. Box 454, Weston, W. Va. 26452.
CS76-810	....do....	T. F. Voiles, Box 676, Hooker, Okla.
CS76-812	May 7, 1976	Norman Krugman, Munday, W. Va. 26152.
CS76-787	Apr. 30, 1976	R. C. Slack, Drawer 820, Pecos, Tex. 79772.

[FR Doc.76-15588 Filed 5-28-76;8:45 am]

[Docket No. ID-1785]

THOMAS J. BROSNAN
Notice of Application

MAY 21, 1976.

Take notice that on April 19, 1976, Thomas J. Brosnan (Applicant), filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Vice President Empire State Power Resources, Inc., Public Utility.

Director, Niagara Mohawk Power Corporation, Public Utility.

Niagara Mohawk is an electric and gas corporation organized and existing under the Transportations Corporations Law of the State of New York. Its electric and gas service area extends from the Pennsylvania line near Jamestown eastward to the Massachusetts boundary beyond Albany and north to the Canadian border. Niagara Mohawk renders electric service to approximately 1,284,000 customers in 37 of New York State's 63 counties, which include 31 cities and 639 towns and villages. The principal cities are Buffalo, Syracuse, Albany, Utica, Schenectady, Niagara Falls and Troy. Natural gas service is provided to approximately 419,000 customers in 15 counties in central, eastern and northern New York, nearly all within Niagara bany, Utica, Schenectady, Niagara Falls Mohawk's electric service area. Gas service is provided in 21 cities and 169 municipalities, including, among others, the cities of Syracuse, Watertown, Albany, Utica, Schenectady, Troy and Hudson. Niagara Mohawk owns 100 percent of the common stock of Canadian Niagara Power Company, and existing under the laws of the Province of Ontario, Canada; 100 percent of the common stock of St. Lawrence Power Company, an electric distributing company organized and existing under the laws of the Dominion of Canada; 82.78 percent of the common stock of Beebee Island Corporation, organized and existing under the laws of the State of New York, which owns and operates a hydro-electric generating station located in the city of Watertown, Jefferson County, New York and 66⅔ percent of the common stock of Moreau Manufacturing Corporation, organized and existing under the laws of the State of New York, which owns and operates a hydro-electric generating station located in the Town of Moreau, Saratoga County, New York. Niagara Mohawk also owns 33.1 percent of the common stock of Indian River Company, a corporation organized and existing under the laws of the State of New York which maintains and operates a dam at the foot of Indian Lake in the County of Hamilton, State of New York.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the

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Company and will own substantially all of its capital stock.

Any person desiring to be heard to to make any protest with reference to said application should on or before June 18, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-15779 Filed 5-28-76;8:45 am]

[Docket No. ER76-329]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Supplemental Filing

MAY 24, 1976.

Take notice that on May 13, 1976, the Central Vermont Public Service Corporation (Central Vermont) tendered for filing substitute rate schedule sheets in response to the Commission's letter of April 9, 1976 informing the company that its filing of December 2, 1975, was still assessed as deficient. The company states that the substitute sheets are intended to bring Central Vermont's proposed fuel clause into conformity with Order No 517.

Central Vermont requests that the fuel clause compliance filing, including the substituted sheets, be permitted to become effective as of January 1, 1976.

The company states that copies of this filing have been sent to all affected customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15778 Filed 5-28-76;8:45 am]

[Docket No. RP72-134 (DCA76-2a)]

EASTERN SHORE NATURAL GAS CO.

Notice of Revised Tariff Sheets

MAY 24, 1976.

Take notice that on May 17, 1976, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing Substitute Thirtieth Revised Sheet No. 2A and Substitute Thirtieth Revised PGA–1 to its FPC Gas Tariff, Original No. 1. Eastern Shore states that these tariff sheets reflect changes related to the recoupment of demand charge credits .

Eastern Shore requests waiver of Section 154.22 of the Commission's Regulations and Section 20.2 of the General Terms and Conditions of its tariff in order to permit these tariff sheets to become effective June 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-15776 Filed 5-28-76;8:45 am]

GEORGIA POWER CO.

[Docket No. ER76-587]

Order Granting Intervention and Denying Motion for Summary Disposition and Request for Five Month Suspension

MAY 24, 1976.

On April 26, 1976, the Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia (City of Dalton) filed a petition for leave to intervene out of time in the above captioned proceedings. On April 30, 1976, Oglethorpe Electric Membership Corporation (Oglethorpe) filed a Motion for summary disposition of the rate filing made in this docket, or, in the alternative, a motion to suspend the proposed increase for five months. We shall grant intervention to the City of Dalton and, for the reasons hereinafter discussed, deny the motions of Oglethorpe.

On March 31, 1976 Georgia Power Company tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 2, which would increase revenues from jurisdictional partial requirements sales and service by 17,943,000 (15.5%) based on the twelve-month period following the proposed effective date of May 1, 1976.

Oglethorpe and another party filed timely petitions to intervene. Oglethorpe also filed a protest and request that the Commission order a five month suspension and a hearing in the instant docket. A response to Oglethorpe's petition was filed on April 22, 1976. By order issued April 30, 1976, the Commission accepted Georgia Power's submittal for filing, suspended it for three months, or until August 1, 1976, granted intervention to the petitioning parties, denied Oglethorpe's request for a five month suspension, set the matter for hearing and established procedures.

Having reviewed the petition of the City of Dalton, the Commission concludes that they have an interest in this proceeding which is sufficient to warrant untimely intervention herein.

Oglethorpe contends that Georgia Power is presently earning a more than adequate rate of return and that therefore its rate filing should be summarily disposed of. The adequacy of a company's rate of return is peculiarly a matter of fact, raising complex factual questions which must be decided on the basis of a full evidentiary hearing and not on the basis of the pleadings. We shall, therefore, deny Oglethorpe's Motion for Summary Disposition.

In the alternative, Oglethorpe argues that two adjustments should be made to Georgia Power's cost of service-elimination of certain transmission facilities and expenses and of certain administrative and general expenses—which would then make the requested increase "so grossly excessive" as to warrant the full statutory suspension period. Again, adjustments to cost of service are questions of fact which must be established at a full evidentiary hearing. Our decision to suspend for three months was based on our review of Georgia Power's filing, the testimony and exhibits in support thereof and the pleadings of the intervenors. Based on such review we exercised our independent judgment in light of our expertise in this area and concluded that a three month suspension was sufficient to protect the public interest and the parties to this proceeding. Upon further review, we reaffirm our prior order and conclude that the three month suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. *Municipal Light Boards* v. *F.P.C.*, 450 F.2d 1341, 1352 (1971).

The Commission finds: (1) It is desirable and in the public interest to permit the City of Dalton to intervene in the instant proceedings, provided that such intervention is conditioned as hereinafter ordered.

(2) Good cause exists to deny Oglethorpe's motion for summary disposition.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be

limited to matters affecting asserted rights and interests and specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The motions of Oglethorpe hereinabove discussed are denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15784 Filed 5-28-76;8:45 am]

[Project No. 2513]

GREEN MOUNTAIN POWER CORP.

Notice of Application for Approval of Revised Exhibit R

MAY 21, 1976.

Public notice is hereby given that an application was filed on May 3, 1973, and supplemented on January 11, 1974, and June 26, 1974, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Green Mountain Power Corporation (Correspondence to: Mr. E. G. Whitney, Sr., Vice President, Eng. and Opr., Green Mountain Power Corporation, 1 Main Street, Burlington, Vermont 05401, and Richard M. Merriman, Esq. and Richard T. Witt, Esq., Reid & Priest, 1701 K Street, N.W., Washington, D.C. 20006) for Commission approval of a licensed Exhibit R for constructed Essex Project No. 2513.

The project is located on the Winooski River in Chittenden County, Vermont, between the Town of Essex and the Town of Williston. Licensee seeks approval of an Exhibit R filed in accordance with Article 28 of the project license issued on January 21, 1969. The future recreational development as delineated in Exhibit R would include a proposed overlook and picnic area to be coordinated with future State highway construction, and a proposed picnic area and canoe launching area to be coordinated with the development of the Winooski Regional Park by Chittenden County.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1976 file with the Federal Power Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15782 Filed 5-28-76;8:45 am]

[Docket No. ES76-47]

IOWA ELECTRIC LIGHT AND POWER CO.

Order Authorizing the Issuance of Common Stock

MAY 21, 1976.

Iowa Electric Light and Power Company (Applicant) on April 5, 1976, filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue and sell 950,000 additional shares of common stock, par value $2.50 per share, via competitive bidding.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office at Cedar Rapids, Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The common stock is to be issued on approximately June 17, 1976, and is subject to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock. The price to the Company for the Common Stock will be determined by competitive bidding on the basis of the person or persons offering the highest price to the Company.

According to Applicant, the purpose for which the common stock is to be used is for the repayment of outstanding long-term promissory notes, which notes were issued to obtain funds for the Applicant's construction program, principally the construction of a nuclear-fueled generating station near Palo, Iowa, during 1972–1974.

Written notice of the application has been given to the Iowa State Commerce Commission, Minnesota Public Service Commission, Nebraska Public Service Commission, Colorado Public Service Commission and to the Governor of each of those States. Notice has also been given by publication in the FEDERAL REGISTER, stating that any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1976, file petitions or protests with the Federal Power Commission, Washington, D.C. 20426. No protest, petition or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) Applicant, a corporation, is a public utility within the meaning of Section 204 of the Federal Power Act, subject to the jurisdiction of the Commission as heretofore described and set forth in the Commission's order issued March 25, 1966, Iowa Electric Light and Power Company, Docket No. E–7446 (35 FPC 414).

(2) The proposed issuance of common stock, as described above, will constitute an issuance of securities within the purview of Section 204 of the Act.

(3) Applicant is not organized and operating in a State under the laws of which the security issue here involved is regulated by a State Commission within the meaning of Section 204(f) of the Act; and the proposed issuance of securities is, therefore, not exempt by virtue of that Section from the requirements of Section 204 of the Act.

(4) The proposed issuance and sale of securities as hereinafter authorized will be for a lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is appropriate for and consistent with the proper performance by applicant of service as a public utility and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(5) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The proposed issuance and sale of 950,000 additional shares of common stock, par value $2.50 per share, is hereby authorized subject to the provisions of this order.

(B) If, pursuant to a public invitation, at least two independent proposals for the purchase or underwriting of the issuance of 950,000 additional shares of common stock, par value $2.50 per share are received, the Applicant may without further order of or filing with the Commission, issue or sell the said common stock in accordance with the terms contained in the application, provided the common stock is sold (1) in the case of common stock sold on a rights offering to the bidder or bidders specifying the lowest aggregate amount of compensation to be paid by the issuer, or (2) in the case of common stock sold on a straight sale and not on a rights offering to the bidder or bidders specifying the highest total price to be paid to the Company.

(C) Applicant shall amend its application pursuant to the requirements of Section 34.9(c) of the Commission's Regulations under the Federal Power Act, within 10 days after the consummation of the above-mentioned transaction.

(D) This authorization shall expire unless the transaction hereby authorized is consummated within 90 days from the date of this order.

(E) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates, or determinations of costs, or any other matter whatsoever now pending or which may come before this Commission.

(F) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States

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with respect to any securities to which this order relates.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15780 Filed 5-28-76;8:45 am]

[Docket No. RP76-77]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Granting Interventions

On April 1, 1976 Mississippi River Transmission Corporation (MRT) tendered for filing proposed revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1. The Commission accepted the proposed revised sheets for filing and suspended them for five months by its order issued April 26, 1976. Public notice of MRT's tender was issued on April 12, 1976 with comments, protests or petitions to intervene due on or before April 23, 1976. Petitions to intervene due on or before April 23, 1976. Petitions to intervene were filed by Arkansas Louisiana Gas Company on April 20, 1976; Illinois Power Company on April 16, 1976; Laclede Gas Company on April 21, 1976; Arkansas-Missouri Power Company on April 23, 1976; and, Union Electric Company on April 23, 1976. All petitions state that these companies are customers of MRT and that their interests may be affected by the outcome of this proceeding.

The Commission finds: Good cause exists to grant the interventions of the above-named petitioners.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15781 Filed 5-28-76;8:45 am]

[Docket No. E-9046]

MONTAUP ELECTRIC CO.

Notice of Filing of Settlement Agreement

MAY 24, 1976.

Take notice that on May 20, 1976, the Montaup Electric Company (Montaup) tendered for filing a Settlement Agreement and motion to the Presiding Administrative Law Judge for initial decision approving same or certifying the Agreement to the Commission for approval. Montaup states that the Agreement, which leaves the originally proposed reorganization of the power supply arrangements intact but reduced the proposed rate increase, has been signed by all intervenors to this proceeding. This Agreement proposes to resolve all issues raised in this proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 4, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc 76-15783 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating Changes in FPC Representation to Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base and initial membership for this task force.

1. FPC Representation. A new FPC Coordinating Representative and Secretary to the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

David F. Morehouse, Geologist—BNG.

Mr. Morehouse replaces Edwin D. Goebel as Coordinating Representative and Secretary.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15753 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating Members and Removing Members From the Transmission, Distribution & Storage Technical Advisory Task Force-Impact of Gas Shortage on Consumers

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Thomas Clarke, U.S. Bureau of Mines, Washington, D.C.

Jack M. Campbell, The Appalachian Regional Commission, Washington, D.C.

Mr. Campbell replaces Winifred Flaherty of the Appalachian Regional Commission and Mr. Clarke replaces Ronald Balazik of the Bureau of Mines on this task force.

Resignations have been received from the following members who are hereby removed from the task force:

L. G. Brackeen, E. I. duPont de Nemours & Company, Inc., Wilmington, Delaware.

Norman Harvey, U.S. Department of Labor, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15754 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating Members and Changes in FPC Representation to the Curtailment Strategies-Technical Advisory Committee

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Curtailment Strategies-Technical Advisory Committee and initial membership for this Committee.

1. Membership. New members to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Robert Reinsel, Department of Agriculture, Washington, D.C.

Raymond Attebery, National Distillers & Chemical Corporation, New York, New York.

Thomas Clarke, U.S. Bureau of Mines, Washington, D.C.

Ronald Kutscher, U.S. Department of Labor, Washington, D.C.

Mr. Clarke replaces Ronald Balazik of the U.S. Bureau of Mines and Mr. Kutscher replaces Norman Harvey of the U.S. Department of Labor.

2. FPC Representation. A new FPC coordinating Representative and Secretary to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Franklin W. Lipshultz, Geologist—BNG.

Mr. Lipshultz replaces Leon H. Friedlander as Coordinating Representative and Secretary.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15755 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating Change in FPC Representation to the Research & Development Technical Advisory Committee

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Research & Development-Technical Advisory Committee and initial membership for this Committee.

1. FPC Representation. A new FPC Representative to the Research & Development-Technical Advisory Committee as selected by the Chairman of the Commission, is as follows:

Thomas Jennings, Petroleum Engineer—NGS.

Mr. Jennings replaces Edwin D. Goebel as a FPC Representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15756 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Removing Member From the Transmission, Distribution & Storage-Technical Advisory Committee

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Transmission, Distribution & Storage-Technical Advisory Committee and initial membership for this Committee.

1. Membership. Resignation has been received from the following member who is hereby removed from the Committee:

Mildred Clark, Audubon Naturalist Society, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15757 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating New Member and Changes in FPC Representation to the Coordinating Committee

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Coordinating Committee and initial membership for the Committee.

1. Membership. A new member to the Coordinating Committee as selected by the Chairman with the approval of the Commission is as follows:

Robert B. Rosenberg, Institute of Gas Technology, Chicago, Illinois.

Dr. Rosenberg replaces Mr. Berg in this assignment.

2. FPC Representation. New FPC Representatives to the Coordinating Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Allan R. Rexinger, Staff Attorney—OGC.

Thomas Jennings, Petroleum Engineer—NGS.

Mr. Rexinger replaces Russell B. Mamone as Coordinating Representative and Secretary, and Mr. Jennings replaces Edwin D. Goebel as a FPC Representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15758 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating New Members to the Finance-Technical Advisory Committee

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Finance-Technical Advisory Committee and initial membership for this Committee.

1. Membership. A new member to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Robert E. Brady, First National City Bank New York, New York.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.15759 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating New Members and Changes in FPC Representation to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources and initial membership for this task force.

1. Membership. New members to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

W. E. Matthews IV, Southern Natural Gas Co., Birmingham, Alabama.

George H. Denton, Lykes Resources, Inc., Pittsburgh, Pennsylvania.

Frank C. Schora, Institute of Gas Technology, Chicago, Illinois.

Maurice Deul, U.S. Bureau of Mines, Pittsburgh, Pennsylvania.

Milford Skow, U.S. Bureau of Mines, Pittsburgh, Pennsylvania.

Wallace DeWitt, Jr., U.S. Geological Survey, Reston, Virginia.

William K. Overbey, Jr., U.S. Energy Research and Development Administration, Morgantown, West Virginia

Sidney S. Galpin, Consolidated Gas Supply Corporation, Charleston, West Virginia

Mr. Galpin replaces Clifton Heathcote on this task force.

2. FPC Representation. New FPC Coordinating Representative and Secretary to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Thomas Jennings, Petroleum Engineer—NGS.

Mr. Jennings replaces Edwin D. Goebel as Coordinating Representative and Secretary.

A new FPC representative as selected by the Chairman of the Commission with the approval of the Commission is as follows:

Thomas J. Brownfield, Jr., Energy Systems Analyst—OES.

Mr. Brownfield replaces Robert L. Kane as representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15760 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating New Member and Chairman to the Conservation-Technical Advisory Committee

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Conservation-Technical Advisory Committee and initial membership for this Committee.

1. Membership. New member to the Conservation-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Robert Rosenberg, Institute of Gas Technology, Chicago, Illinois.

Dr. Rosenberg replaces Charles Berg as Chairman of this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary*

[FR Doc.76-15761 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Removing Member From the Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Energy Systems

MAY 24, 1976

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Energy Systems and initial membership for this Committee.

1. Membership. Resignation has been received from the following members who are hereby removed from the task force:

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Kirkland C. Mead, The MITRE Corporation, Bedford, Massachusetts.
David W. Holmes, California Public Utilities Comm., San Francisco, California.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15762 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Removing Member From and Designating Change in FPC Representation to Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry of the National Gas Survey.

1. Membership. Resignation has been received from the following member who is hereby removed from the task force:

Clarence B. Folsom, North Dakota Geological Survey.

2. FPC Representation. A new FPC Representative to the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry as selected by the Chairman of the Commission with the approval of the Commission is as follows:

Thomas Jennings, Petroleum Engineer—NGS.

Mr. Jennings replaces Edwin D. Goebel as FPC Representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15763 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating New Members and Changes in FPC Representation to the Supply-Technical Advisory Committee

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initial membership for this Committee.

1. Membership. New members to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Kenneth L. Cornwell, E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware.
Richard F. Meyer, U.S. Geological Survey, Reston, Virginia.
Mr. Cornwell replaces Mr. L. G. Brackeen of E. I. du Dupont de Nemours & Company, Inc. on this Committee.

Resignation has been received from the following member who is hereby removed from the Committee:

Albert P. Bass, Federal Energy Agency, Washington, D.C.

2. FPC Representation. New FPC Coordinating Represenative and Secretary to the Supply-Technical Advisory Committee as selected to by the Chairman of the Commission with the approval of the Comission, are as follows:

William J. McCabe, Senior Staff Geologist—NGS.
Mr. McCabe replaces Edwin D. Goebel as Coordinating Representative and Secretary.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15764 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating Members to and Removing Member From the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force Efficiency In Use of Gas of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Francis X. Murray, Georgetown University, Washington, D.C.
James J. Tanner, Pacific Gas & Electric Company, San Francisco, California.
Jack M. Campbell, The Appalachian Regional Commission, Washington, D.C.
Gregory A. Thomas, Sierra Club, Washington, D.C.
John Albright, Bureau of Mines, Washington, D.C.
Jack Langmead, Gas Appliance Manufacturers Association, Arlington, Virginia.
Mr. Albright replaces Ronald Balazik and Mr. Campbell replaces Winifred Flaherty on this task force.

Resignation has been received from the following member who is hereby removed from the task force:

Kirtland C. Mead, The MITRE Corporation, Bedford, Massachusetts.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15765 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating New Members and Changes in FPC Representation to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels and initial membership for this task force.

1. Membership. New members to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Kenneth L. Cornwell, E. I. du Pont de Nemours & Co. Inc., Wilmington, Delaware.
Ralph Kienker, Monsanto Company, St. Louis, Missouri.
Bernard S. Lee, Institute of Gas Technology, Chicago, Illinois.

2. FPC Representative. A new FPC representative to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman with the approval of the Commission is as follows:

Walter Lusby, Federal Power Commission.
Mr. Lusby replaces Richard E. Rowberg as FPC representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15766 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Removing Member From the Transmission Distribution & Storage-Technical Advisory Task Force-Rate Design

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design of the National Gas Survey.

1. Membership. Resignation has been received from the following member who is hereby removed from the Task Force:

Kirtland C. Mead, MITRE Corporation, Bedford, Massachusetts.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15767 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating Vice Chairman to and Removing Member From the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution and Storage

MAY 24, 1976.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution & Storage of the National Gas Survey.

1. Membership. Resignation has been received from the following member who is hereby removed from the task force:

Charles H. Batten, National Transportation Safety Board, Washington, D.C.

2. Vice Chairman. The following member previously appointed to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution & Storage is designated as Vice Chairman.

Everett Morris, Public Service Electric & Gas Company, Newark, New Jersey.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15768 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY

Order Designating New Member of the Supply Technical Advisory Task Force-Regulatory Aspects of Substitute Gas

MAY 24, 1976.

The Federal Power Commission By Order issued September 15, 1975 announced a new program for the National Gas Survey Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas and initial membership for this task force.

1. Membership. A new member of the Supply-Technical Advisory Task Force-Regulatory Aspects of Substittue Gas as selected by the Chairman of the Commission with the approval of the Commission is as follows:

C. Roger Hoffman, Texaco, Inc., Houston, Texas.

Mr. Hoffman replaces Kirk W. Weinert of Teaxco, Inc. on this task force.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15769 Filed 5-28-76;8:45 am]

[Docket No. RP71-107 (PGA76-2)]

NORTHERN NATURAL GAS CO.

Order Granting Intervention

MAY 21, 1976.

On March 25, 1976, Northern Natural Gas Company (Northern) tendered for filing revised tariff sheets to its FPC Gas tariff which would increase by 10.10c per Mcf the commodity portion of all jurisdictional rates, effective July 1, 1976. Northern's filing was noticed on April 5, 1976, with all protests, comments and petitions to intervene due on or before April 20, 1976.

Timely petitions to intervene were filed by Wisconsin Gas Company on April 12, 1976, Kansas-Nebraska Natural Gas Company, Inc. on April 16, 1976, and Metropolitan Utility District of Omaha on April 19, 1976.

Upon consideration to the petitions to intervene filed on behalf of these petitioners, we find good cause exists to grant the petitions to intervene.

The Commission finds: Participation by the above-named petitioners in these proceedings may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in this proceeding as hereinbefore discussed, subject to the Rules and Regulations of the Commissions; *Provided*, however, that the participation of such intervenors shall be limited to matters affecting rights and interest specifically set forth in the petitions to intervene; *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc 76-15774 Filed 5-28-76;8:45 am]

[Docket No. RP71-107 (PGA76-1)]

NORTHERN NATURAL GAS CO.

Notice of Extension of Time

MAY 21, 1976.

On May 7, 1976, Staff Counsel filed a motion to compel Northern Natural Gas Company (Northern) to furnish the information requested by letter dated April 8, 1976 in the above dockets. The motion also requested an extension of the time provided in the Notice of the Secretary issued April 5, 1976 to comment on Northern's data submitted on March 25, 1976.

Upon consideration, notice is hereby given that the time is extended to 45 days after disposition of the above motion by the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15775 Filed 5-28-76;8:45 am]

[Docket No. CP76-367]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MAY 24, 1976.

Take notice that on May 12, 1976, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76-367 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 2,336 feet of 6-inch pipeline, together with certain measuring and regulating equipment associated therewith, maintained for emergency service to Western Kentucky Gas Company (Western) in Barren County, Kentucky, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon facilities at the southern terminus of its Glasgow 6-inch pipeline east of the northern city limits of Glasgow, Kentucky. Applicant states that it has an 8-inch pipeline and meter station to serve Western's needs for the City of Glasgow and environs and that since such facilities were placed in service in 1968 the facilities proposed to be abandoned have been maintained for emergency service to Western. It is stated that the facilities proposed to be abandoned are no longer necessary, that they were constructed in 1930, and that they have deteriorated to a point where replacement would be necessary if they were continued to be operated.

The application states that there would be no change in the contract demand or quantity entitlements of Western as a result of the proposed abandonment. The application states further that the proposed abandonment would have no adverse effect on service to Western or other customers of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice nad Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessary. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15786 Filed 5-28-76;8:45 am]

[Docket Nos. RP72-99, RP73-69 and RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Tariff Filing

MAY 21, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 7, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 to become effective April 1, 1976, May 1, 1976 and May 2, 1976.

V41I106 JUN 1 76 UMI

Transco states that the purpose of its filing is to provide changes necessary to reflect (1) the elimination of unrecoverable advance payments from rate base as provided by Commission Order in Docket No. RP73-69; (2) actual cost of emergency natural gas purchases for the period November 16, 1975 though March 3, 1976 in accordance with the terms of its tariff; and (3) elimination from the tariff sheets to be effective May 1, 1976 of costs related to the Price Freeze issue as provided by Commission Order issued April 30, 1976 in Docket Nos. RP73-3, et al.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-15772 Filed 5-28-76;8:45 am]

[Docket No. CP76-368]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 24, 1976.

Take notice that on May 14, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-368 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 7.2 miles of 24-inch pipeline and related facilities in the West Cameron Area, offshore Louisiana, by sale to Stingray Pipeline Company (Stingray), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the pipeline, which extends between Blocks 587 and 565 in the West Cameron Area, is not an integral part of Applicant's pipeline system and was constructed and is operated to transport gas, purchased by Applicant in Block 587, to Stingray in Block 565 for transportation for Applicant. It is stated that Applicant does not anticipate that it would purchase any gas other than that which it now purchases in Block 587 that could be transported through the pipeline proposed to be abandoned and that therefore, Applicant would have no use for the pipeline when deliveries from Block 587 cease.

The application states that subsequent to the abandonment the pipeline would become an integral part of Stingray's offshore pipeline system and would continue to be used to transport gas for Applicant as well as be used to transport gas for Stingray's other transportation customers. Applicant states that it believes that the pipeline would be more fully used by Stingray as part of its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-15785 Filed 5-28-76;8:45 am]

[Docket No. RP72-133 (PGA76-2a)]

UNITED GAS PIPE LINE CO.

Notice of Filing of Revised Tariff Sheet

MAY 24, 1976.

Take notice that on May 17, 1976, United Gas Pipe Line Company (United) tendered for filing Substitute Twenty-Ninth Revised Sheet No. 4 as a part of its FPC Gas Tariff, First Revised Volume No. 1.

The proposed tariff sheet is being filed pursuant to Federal Power Commission order issued April 30, 1976, which required United to file revised rates to reflect the elimination from both the deferred account and current cost of gas account increases reflected in United's March 31, 1976 special PGA filing which were not incurred by May 1, 1976.

A copy of the proposed tariff sheet and supporting data will be mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-15777 Filed 5-28-76;8:45 am]

[Docket Nos. RP73-94; PGA 76-2]

VALLEY GAS TRANSMISSION, INC.

Notice of Purchased Gas Cost Adjustment Filing

MAY 21, 1976.

Valley Gas Transmission, Inc. (Valley), on May 14, 1976, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 1, its proposed Seventh Revised Sheet No. 2A. The proposed effective date is July 1, 1976.

Valley states that this tariff sheet is filed pursuant to its Purchased Gas Cost Provision. The proposed changes involve Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment". Both such adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-15773 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY, SUPPLY-TECHNICAL ADVISORY TASK FORCE—REGULATORY ASPECTS OF SUBSTITUTE GAS

Study Subgroup II: Coal Based-Substitute Gas; Meeting

Meeting to be held in Conference Room 3200, Federal Power Commission, Union Center Plaza Building, 941 North Capitol Street, NE., (North Building), Washington, D.C. 20426, on June 16, 1976, at 9:00 a.m.

Presiding: Mr. Michael C. Bachman, FPC Coordinating Representative and Secretary, National Gas Survey.

1—Call to Order—Mr. Michael C. Bachman.

2—Introductory Remarks—Mr. Earl V. Fisher, Texas Eastern Transmission Corporation, Houston, Texas.

3—Review of Subgroup Report to Task Force—Mr. Earl V. Fisher.

4—Other Business.

5—Adjournment—Mr. Michael C. Bachman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-15981 Filed 5-28-76;8:45 am]

NATIONAL GAS SURVEY, SUPPLY-TECHNICAL ADVISORY TASK FORCE—REGULATORY ASPECTS OF SUBSTITUTE GAS

Study Subgroup I: Substitute Pipeline Gas and LNG; Meeting

Meetings to be held in Conference Room 5200, Federal Power Commission, Union Plaza Building, 941 North Capitol Street, NE. (North Building), Washington, D.C. 20426, on June 16, 1976, at 9:00 a.m.

Presiding: Mr. Michael C. Bachman, FPC Coordinating Representative and Secretary, National Gas Survey.

1—Call to Order—Mr. Michael C. Bachman.

2—Introductory Remarks—Mr. G. Scott Cuming, Senior Vice President & General Counsel, El Paso Natural Gas Company, Houston, Texas.

3—Review of Subgroup Draft Report to Task Force.

4—Discussion of Other Matters.

5—Adjournment—Mr. Michael C. Bachman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15982 Filed 5-28-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 19]

APPLICATIONS AND REPORTS

Actions Received During the Week Ending May 8, 1976

ACTIONS OF THE BOARD

Statement by Chairman Arthur F. Burns before the Senate Committee on Banking, Housing and Urban Affairs on the course of monetary policy for the year ahead.

Report on bill H.R. 13211, the "International Banking Act of 1976", letter to Chairman Reuss, House Committee on Banking, Currency and Housing, offering the Board's strong support for the enactment of the bill.

Issuance of subordinated capital notes by The Jackson State Bank, Jackson, Wyoming.

The Board announced agreement with the GAO on guidelines for a study by the GAO of the Federal Reserve's discharge of its bank supervisory responsibilities.

Citizens Bancorp, Albany, Oregon, extension to time to September 9, 1976, within which to acquire shares of Citizens Valley Bank and Citizens Development Company, Albany, Oregon.[1]

Mercantile Bancorporation, Inc., St. Louis, Missouri, additional extension of time, from May 12, 1976, through July 12, 1976, within which to acquire 90 percent of the voting shares of Shelbina Bank, Shelbina, Missouri.[1]

SYB Corporation, Oklahoma City, Oklahoma, extension of time to June 7, 1976, within which to consummate the acquisition of the Stock Yards Bank, Oklahoma City, Oklahoma.[1]

Traer Shares, Incorporated, Traer, Iowa, extension of time to June 7, 1976, within which to acquire Farmers Savings Bank, Traer, Iowa.[1]

Huntington Bank of Wood County, Bowling Green, Ohio, to make an investment in bank premises.[1]

Perry County Bank, New Lexington, Ohio, to make an investment in bank premises.[1]

State Bank of Anoka, Anoka, Minnesota, to make an investment in bank premises.[1]

Bank of Byromville, Byromville, Georgia, proposed merger with Exchange Bank of Unadilla, Unadilla, Georgia; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Bank of Virginia-Southwest, Bristol, Virginia, proposed merger with Bank of Virginia-Galax, Galax, Virginia; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Casco Bank & Trust Company, Portland, Maine, proposed merger with Casco-Northern National Bank, Augusta, Maine; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Central Counties Bank, State College, Pennsylvania, proposed merger with first National Bank of Lewistown, Lewistown, Pennsylvania; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Merchants National Bank of St. Johnsbury, St. Johnsbury, Vermont, proposed merger with The First National Bank of Springfield, Springfield, Vermont; report to the Comptroller of the Currency on competitive factors.[1]

Peoples National Bank of Plymouth, Plymouth, Ohio, proposed merger with First National Bank of Mansfield, Mansfield, Ohio; report to the Comptroller of the Currency on competitive factors.[1]

Columbia Bank of Tampa, Tampa, Florida, extension of time to September 1, 1976, within which to establish a remote facility at Adamo Drive and 21st Street, Tampa, Florida.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act

APPROVED

Georgia Railroad Bank & Trust Company, Augusta, Georgia, Branch to be established at the Dwight David Eisenhower Medical Center, Fort Gordon, Georgia.[2]

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956

APPROVED

Gilman Corporation, Gilman, Wisconsin, for approval to acquire 86.4 per cent of the voting shares of State Bank of Gilman, Gilman, Wisconsin.[2]

BUYA CORP., Wakefield, Nebraska, for approval to acquire 80 per cent or more of the voting shares of the Wakefield National Bank, Wakefield, Nebraska.[2]

Weleetka Bancshares, Inc., Weleetka, Oklahoma, for approval to acquire 80 per cent or more of the voting shares of The State National Bank of Weleetka, Weleetka, Oklahoma.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956

APPROVED

Valley of Virginia Bankshares, Inc., Harrisonburg, Virginia, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Troutville, Troutville, Virginia.[2]

First Banc Group, Inc., Creve Coeur, Missouri, for approval to acquire 50 per cent or more of the voting shares of American State Bank of Flat River, Flat River, Missouri.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

DELAYED

Security New York State Corporation, Rochester, New York, notification of intent to relocate de novo activities (computer services and data processing activities) from Rochester and Auburn, New York to Henrietta, New York, through its subsidiary, Griffin Computer Services, Inc. Direct contact with the public will take place at the offices of Security New York State Corporation: Security Trust Company of Rochester, Rochester, New York; First Trust Union Bank, Wellsville, New York; First Bank and Trust Company of Corning, Corning, New York; The State Bank of Seneca Falls, Seneca Falls, New York; The Citizens Bank, Attica, New York; The Bank of LeRoy, LeRoy, New York; The National Bank of Auburn, Auburn, New York; First National Bank and Trust Company of Ithaca, Ithaca, New York; and Glen National Bank and Trust Company, Watkins Glen, New York (5/5/76).[2]

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank in behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notification processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

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United Jersey Banks, Princeton, New Jersey, notification of intent to engage in de novo activities (leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where such property is acquired by the lessor at the request of the lessee for business purposes and where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property) at Princeton Station, Office Park, 14 Washington Road, Princeton, New Jersey, through its subsidiary, United Jersey Leasing Company (5/5/76)[3]

BancOklahoma Corp., Tulsa, Oklahoma, notification of intent to engage in de novo activities (making, acquiring, and/or servicing for the account of BancOklahoma Service Corp. or for the account of others, secured and unsecured consumer loans and other extensions of credit to include home improvement loans and revolving lines of credit and to provide factoring accounts receivables, acceptances and other commercial paper, and credit instruments) at 321 South Boston, Tulsa, Oklahoma, through a subsidiary, BancOklahoma Service Corp. (5/5/76)[3]

REACTIVATED

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (origination, sales, and servicing of residential mortgages) at 300 Duncan Street, Clearwater, Florida, 1443 West Schaumburg Road, Schaumburg, Illinois, and 5813 Melton Drive, Oklahoma City, Oklahoma, through its subsidiary, Mortgage Associates, Inc. (5/6/76)[3]

PERMITTED

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to relocate de novo activities (mortgage banking, including the making and selling of mortgages for its own account and the accounts of others) from 1401 W. Paces Ferry Road NW., Atlanta, Georgia to 1900 Century Boulevard, Suite 5, Atlanta, Georgia, through its wholly-owned subsidiary, The Kissell Company, Springfield, Ohio (5/6/76)[3]

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (mortgage banking, including the making and selling of mortgages for its own account and the accounts of others) at Suite 7, Central Plaza, 3630 Central Avenue, Riverside, California, through its wholly-owned subsidiary, The Kissell Company, Springfield, Ohio (5/2/76)[3]

Alabama Bancorporation, Birmingham, Alabama, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts) such as would be made by a factoring company, a commercial finance company, or a mortgage company; servicing loans and other extensions of credit for any person; leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property; and additionally, as an incident to its lending activities and if requested by its customers, such subsidiary will make provision with an insurance carrier for credit life and accident and health insurance that is directly related to loans to such customers) at 2971 Flowers Road, South, De Kalb County, Georgia, through a subsidiary, Alabanc Financial Corporation (5/6/76)[3]

Walter E. Heller International Corporation, Chicago, Illinois, notification of intent to engage in de novo activities (to engage in the business of commecial finance) at 101 Park Center Plaza, Suite 1108, San Jose, California, through its subsidiary, National Acceptance Company of California (5/2/76)[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit in connection with the financing of personal property and equipment and real property; and the leasing of such real property or the acting as agent, broker, or adviser in the leasing/or financing of such property provided the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property, the property to be leased is acquired specifically for the leasing transaction under consideration or was acquired specifically for an earlier leasing transaction, the lease is on a non-operating basis and where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, the servicing of such financings and/or leases of real or personal property) at One Embarcadero Center, Suite 710, San Francisco, California, through its subsidiary, Security Pacific Leasing Corporation (5/6/76).[3]

WITHDRAWN

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (acting as insurance agent or broker with respect to credit life insurance, credit accident and health insurance, and/or mortgage redemption insurance which insurance is directly related to an extension of credit by Mellon National Corporation, its subsidiaries, or affiliates) at Mellon Bank Building, Mellon Square, Pittsburgh, Pennsylvania and 6400 Steubenville Pike, Robinson Township, McKees Rocks, Pennsylvania, through a wholly-owned subsidiary, Laurel Insurance Agency, Inc. (5/7/76)[3]

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956

PERMITTED

H.F. Ahmanson & Company, Beverly Hills, California, notification of intent to acquire Heritage Savings and Loan Association, Bakersfield, California, through the subsidiary, Home Savings and Loan Association (5/2/76)[3]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act

American Bank of Orange County, Orlando, Florida. Branch to be established at the intersection of Silver Star Road, and Pine Hills Road, Orlando.

Metropolitan Bank, Tampa, Florida. Branch to be established at 4202 West Kennedy Boulevard, Tampa.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Park Financial Corporation, St. Louis Park, Minnesota, for approval to acquire 80 per cent or more of the voting shares of Park National Bank of St. Louis Park, St. Louis Park, Minnesota.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956

M & S BanCorp, Janesville, Wisconsin, for approval to acquire 98.83 per cent of the voting shares of Merchants Bank of Evansville, Evansville, Wisconsin, a proposed new bank.

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To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; and acting as broker for the sale of consumer credit related life/accident and health insurance and consumer credit related property and casualty insurance; if this proposal is effected, Nationwide Financial Corporation of California will offer to sell insurance as follows: group credit life/accident and health insurance to cover the outstanding balances of loans to borrowers in the event of their death, or, to make the contractual monthly payments on the loans in the event of the borrowers' disability; and individual physical damage insurance on personal property subject to security agreements including liability only when such insurance is sold as part of an insurance package on such property; further, in regard to the sale of credit related insurance, Nationwide Financial Corporation of California will not offer insurance counseling) from 964 S. Euclid Avenue, Anaheim, California to 1022 North Tustin Avenue, Orange, California, through its subsidiary, Nationwide Financial Corporation of California (5/3/76)[3]

Fidelcor, Inc., Philadelphia, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals, including second mortgage loans, servicing these loans and possibly other loans secured by mortgages on properties in Florida where the loans are owned by direct or indirect subsidiaries of Fidelcor; engaging in a general consumer finance business; purchasing installment contracts arising from sale of personal property and services; and, with respect to all of the above, selling credit life and credit accident and health insurance, mortgage life and disability insurance, accidental death insurance, and casualty insurance on the collateral; and through Master Life Insurance Company, an indirect subsidiary of Fidelcor, reinsuring consumer type credit life insurance and credit accident and health insurance sold) from 1450 8th Avenue, Vero Beach, Florida to Bay No. 6, 2345 14th Avenue, Vero Beach, Florida, through its subsidiary, Fidelcor Financial Centers, Inc. (4/23/76)[3]

Fidelcor, Inc., Philadelphia, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals, including second mortgage loans, servicing these loans and possibly other loans secured by mortgages on properties in North Carolina where the loans are owned by direct or indirect subsidiaries of Fidelcor; engaging in a general consumer finance business; purchasing installment contracts arising from sale of personal property and services; and, with respect to all of the above, selling credit life and credit accident and health insurance, mortgage life and disability insurance, accidental death insurance, and casualty insurance on the collateral; and through Master Life Insurance Company, an indirect subsidiary of Fidelcor, reinsuring consumer type credit life insurance and credit accident and health insurance sold) from 121 N. LaFayette Street, Shelby, North Carolina to 205 West Dixon Boulevard, Shelby, North Carolina, through its subsidiary, Fidelcor Financial Center of Shelby, Inc. (4/23/76)[3]

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (acting as insurance agent or broker with respect to credit life insurance, credit accident and health insurance, and/or mortgage redemption insurance which insurance is directly related to an extension of credit by Mellon National Corporation, its subsidiaries, or affiliates; specifically such insurance will be associated with extensions of credit made by the various branch offices of Mellon Bank, N.A., at Mellon Bank Building, Mellon Square, Pittsburgh, Pennsylvania) at 6400 Steubenville Pike, Robinson Township, McKees Rocks, Pennsylvania, through a wholly-owned subsidiary, Laurel Insurance Agency, Inc. (5/4/76)[3]

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (making or acquiring, for its own account or the account of others, loans and other extensions of credit such as would be made by a mortgage company; acting as insurance agency in connection with credit life and disability insurance and mortgage redemption insurance which is directly related to the extension of credit or provision of other financial services by Carruth Mortgage Corporation) at 10001 Lake Forest Boulevard, New Orleans, Louisiana, through its wholly-owned subsidiary, Carruth Mortgage Corporation (5/3/76)[3]

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (mortgage banking including the making, acquiring, and servicing for its own account or the accounts of others, loans and other extensions of credit) at Suite 309, 14044 Ventura Boulevard, Sherman Oaks, California, through its wholly-owned subsidiary, The Kissell Company, Springfield, Ohio (5/6/76)[3]

D. H. Baldwin Company, Cincinnati, Ohio, for approval to engage de novo in leveraged leasing of personal property through a subsidiary, FMC—Baldwin Leasing Company, Chicago, Illinois.[3]

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Berkshire Hathaway Inc., New Bedford, Massachusetts, notification of intent to acquire more than 5 per cent of the outstanding voting stock of American Credit Corp., Charlotte, North Carolina, engaged in consumer loans, financing of retail purchases, factoring and commercial financing, automobile leasing, writing of fire and casualty, credit life and accident and health insurance, mainly in connection with finance operations (5/6/76)[3]

Registration Statement Filed Pursuant to Section 12(g) of the Securities Exchange Act

The Bank of Eden, Eden, North Carolina

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Current Report Filed Pursuant to Section 13 of the Securities Exchange Act

Southwest Bank of St. Louis, St. Louis, Missouri

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PETITION FOR RULEMAKING

None

Board of Governors of the Federal Reserve System, May 26, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-15846 Filed 5-28-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 21, 1976. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the FTC and FEA submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Becaue of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 21, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL TRADE COMMISSION

FTC requests an extension on change clearance of its "Pre-Merger Notification Program: Special Report Forms." The special report form provides for compulsory Pre-Notification and filing of Special Reports whenever a company acquires a manufacturing company with sales or assets of $10 million or more and the combined sales or assets exceed $250 million, or when a company acquires a nonmanufacturing company with assets of $10 million or more and the combined assets exceed $250 million. Special Report forms are sent to all potential acquiring companies and are mandatory pursuant to FTC Act Section 6(b). FTC estimates respondent burden as 50 hours per response.

FEDERAL ENERGY ADMINISTRATION

FEA requests clearance of its new single time Form U517-S-O "Corporate Indentification Survey." This form will collect energy consumption data from all manufacturing corporations which consume at least one trillion BTU's of energy per year. This report is mandatory under the Energy Policy and Conservation Act of 1975 (P.L. 94-163) Title III Part D, and the Federal Energy Administration Act of 1974 (P.L. 93-275) Section 13. FEA estimates burden to be 24 hours for each response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-15819 Filed 5-28-76;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt and Approval of a Proposed Report

The following request for clearance of proposed reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 19, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

SECURITIES AND EXCHANGE COMMISSION

The SEC requested clearance of three survey questionnaires comprising a 1976 Proxy Survey. The survey questionnaires are new and relate to the manner in which issuers transmit communications to their shareowners both directly and through intermediaries such as broker-dealers and banks. The questionnaires

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are part of the Commission's ongoing Study of the Practice of Registering Securities in Other than the Name of the Beneficial Owner of such securities pursuant to Section 12(m) of the Securities Exchange Act of 1934 (15 U.S.C. 781 (m)).

To assure that the data derived from the questionnaires would be relatively free from bias and would accurately depict the current communications system, SEC felt it was essential that the specific contents of the questionnaires not be made known prior to the commencement of the survey. Accordingly, the Commission requested that the issuer, bank and broker questionnaires not be made available for public inspection.

GAO agreed with the SEC position and reviewed the questionnaires without making them available to the general public. On April 30, 1976, GAO provided clearance under number B-181231 (S76020).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-15820 Filed 5-26-76;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt and Approval of a Proposed Report

The following request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 5, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL POWER COMMISSION

The Federal Power Commision requests clearance of a revision to FPC Form 69, Report of the Alternate Fuel Demand of Direct End Use Customers of Interstate Pipeline Companies Due to Natural Gas Curtailments, which is to be filed by all interstate pipeline companies. The revised form is required to determine the alternate fuel supplies that will be needed to meet the requirements of those end-use customers who will not be able to continue to satisfy their requirements with natural gas due to the imposition of increasing levels of curtailment upon such customers by interstate pipeline companies or foreign suppliers of natural gas. There will be approximately 115 respondents and it is estimated than an average of 115 manhours will be required per response.

The Federal Power Commission requested emergency clearance because it had notified respondents in April 1976 not to file the old Form 69 in anticipation of having a revised form cleared and ready for use. Therefore, the Federal Power Commission did not receive any quarterly information in April. The Federal Power Commission stated the need for this information on the revised form was imperative and it was needed as soon as possible so that it could evaluate upcoming summer curtailments and take appropriate action in a timely manner. Additionally, the Federal Power Commission stated that it was necessary for the FPC form to be compatible with a companion FEA form (G101-P-1) and that it was also important that both forms collect information at the same time so that comparative analysis could be done on the information submitted to both agencies.

GAO agreed with the emergency need for the FPC revised form and agreed to clear it in an expeditious manner. Our approval was given on May 14, 1976, under number B-180228 (RO206).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-15821 Filed 5-28-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-388]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in intrastate telephone rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205 (d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission, involving the application of the Illinois Bell Telephone Company for increases in its intrastate rates and charges (Docket No. 76-0200).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Services.

MAY 20, 1976.

[FR Doc.76-15703 Filed 5-28-76;8:45 am]

PRIVACY ACT OF 1974

Notice of Changes to Systems of Records

On August 27, 1975, there was published in the FEDERAL REGISTER (40 FR 39137 through 39195) notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a. This notice deletes two systems of records and amends one system of records.

The system of records identified as "Attorney Evaluations, GSA/OGC 1" is deleted.

The system of records identified as "Confidential Statements of Employment and Financial Interests, GSA/OGC 3" is deleted. (Note: This system is subsumed within the system designated "CSC/GOVT-2 Confidential Employment and Financial Interest Statements," which is under the authority of the United States Civil Service Commission and notice of which was published in the FEDERAL REGISTER on August 27, 1975, 40 FR 39245.)

The system of records identified as "Attorney Placement, GSA/OGC 2" is amended as follows:

1. The phrase "5 unique systems" is changed to "6 unique systems" wherever that phrase appears.

2. System location: Insert "Region 1" in the list of Offices of Regional Counsels.

3. Categories of records in the system: Insert "Region 1" in the list of Regional Counsel employees covered by the system.

4. System managers: Insert "Region 1" in the list of Regional Counsels who are system managers.

Dated at Washington, D.C., on May 24, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76-15715 Filed 5-28-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

AMERICAN STATISTICAL ASSOCIATION ADVISORY COMMITTEE ON STATISTICAL POLICY

Extension

Determination Pursuant to Executive Order 11769 (Advisory Committee Management) and Public Law 92-463 (Federal Advisory Committee Act).

In the determination order of the Director of the Bureau of the Budget, dated September 26, 1962, it was determined that the formation and continued use of the American Statistical Association Advisory Committee on Statistical Policy as an advisory committee to the Bureau of the Budget (now Office of Management and Budget) was in the public interest.

There has been no significant change in the facts relied upon to support the above mentioned determination order. The need for the Advisory Committee on Statistical Policy continues. Therefore, and for the reasons set forth in that Order, it is hereby determined that it would be in the public interest to extend the life of the American Statistical Association Advisory Committee on Statistical Policy.

The American Statistical Association Advisory Committee on Statistical Policy is hereby extended until June 30, 1978. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Advisory Committee on Statistical Policy is hereby delegated to the Deputy Associate Director for Statistical Policy. That authority may be redelegated. All other terms and conditions of the above mentioned determination order remain in effect.

Dated: May 24, 1976.

JAMES T. LYNN,
Director.

[FR Doc.76-15906 Filed 5-28-76;8:45 am]

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Extension

Determination Pursuant to Executive Order 11769 (Advisory Committee Management) and Public Law 92-463 (Federal Advisory Committee Act).

I have determined that the continued use of the Business Advisory Council on Federal Reports as an advisory committee to the Office of Management and Budget is necessary and in the public interest. This committee is necessary to assist me in carrying out more effectively the objectives and responsibilities designated to me in the Federal Reports Act, the Budget and Accounting Act of 1950, and Executive Order No. 8248, September 1939, especially as they relate to the business community.

The function of the Business Advisory Council on Federal Reports is to develop lists of businessmen and women who are expert in the recordkeeping practices of their particular industries and who are willing to make this expertise as to problems which may be encountered in obtaining answers to Federal Government inquiries available to the Office of Management and Budget at their own expense.

The Business Advisory Council on Federal Reports is hereby extended until June 30, 1978. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Business Advisory Council is hereby delegated to the Deputy Associate Director for Statistical Policy. That authority may be redelegated. All other terms and conditions of the above mentioned determination order remain in effect.

Dated: May 24, 1976.

JAMES T. LYNN,
Director.

[FR Doc.76-15907 Filed 5-28-76;8:45 am]

LABOR ADVISORY COMMITTEE ON STATISTICS

Extension

Determination Pursuant to Executive Order 11769 (Advisory Committee Management) and Public Law 92-463 (Federal Advisory Committee Act).

It is determined that the continued use of the Labor Advisory Committee on Statistics as an advisory committee to the Office of Management and Budget is necessary and in the public interest. This committee is necessary to assist me in carrying out more effectively the objectives and responsibilities designated by the Federal Reports Act, the Budget and Accounting Act of 1950, and Executive Order No. 8248, September 1939, especially as they relate to organized labor.

The function of the Labor Advisory Committee on Statistics is to advise me of the needs of organized labor for statisical information and on matters affecting the usefulness of statistics compiled by the Federal Government in relation to those needs.

The Labor Advisory Committee on Statistics is hereby extended until June 30, 1978. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Labor Advisory Committee on Statistics is hereby delegated to the Deputy Associate Director for Statistical Policy. That authority may be redelegated. All other terms and conditions of the above mentioned determination order remain in effect.

Dated: May 24, 1976.

JAMES T. LYNN,
Director.

[FR Doc.76-15908 Filed 5-28-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY GROUP ON ANTICIPATED ADVANCES IN SCIENCE AND TECHNOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Group on Anticipated Advances in Science and Technology.

Date: June 17, 1976.

Time: 9:00 a.m. to 4:00 p.m.

Place: Rm. 2008, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.

Type of meeting: Open.

Contact person: Mr. William Montgomery, Special Assistant to the Director of Operations, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4061. Anyone planning to attend the meeting should contact Mr. Montgomery by June 10, 1976.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel & Mgmt., Rm. 212, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory group: To provide advice on developments that may take place in science and engineering and examine the national policy implications of these developments. This group will consider these subjects in a manner which will facilitate the planning for the new Office of Science and Technology Policy.

Agenda: 0900—Convene, Chairman's remarks; 0910—Final Report—Food and Nutrition Subgroup—H. Mark, et al.; 1000—Materials—J. Baldeschweiler; 1030—Basic Research, report of subgroup—C. Slichter; 1100—Discussion of issues—committee members; 1200—Lunch; 1245—Continue issue discussion; 1600—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 26, 1976.

[FR Doc.76-15737 Filed 5-28-76;8:45 am]

ADVISORY GROUP ON CONTRIBUTIONS OF TECHNOLOGY TO ECONOMIC STRENGTH

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Group on Contributions of Technology to Economic Strength.

Date: June 18, 1976.

Time: 9:00 a.m. to 4:00 p.m.

Place: Rm. 2008, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.

Type of meeting: Open.

Contact person: Mr. William Montgomery, Special Assistant to the Director of Operations, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4061. Anyone planning to attend the meeting should contact Mr. Montgomery by June 11, 1976.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Div. of Personnel & Management, Rm. 212, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory group: To provide issues that may lead to policy supporting an improved utilization of technology and fostering economic strength. This group will consider these subjects in a manner which will facilitate the planning for the new Office of Science and Technology Policy.

Agenda: 0900—Convene, Chairman's remarks. 0910—Export of Technology; report of Defense Science Board Task Force — Charles Phipps, Corporate Development, Texas Instruments and Honorable Betsy Ancker-Johnson, Assistant Secretary of Commerce for Science and Technology. 1000—Foreign Licensing—Jack Baranson, President, Developing World Industry and Technology, Inc. 1020—Regulation for Health and Safety; report of subgroup—A. Bueche, et al. 1115—Discussion of issues—Committee members. 1200—Lunch. 1245—Continue issue discussion. 1600—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 26, 1976.

[FR Doc.76-15738 Filed 5-28-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Order for Modification of License

In the Matter of Pacific Gas and Electric Company, Humboldt Bay Power Plant, Unit No. 3.

I. Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106 (licensee), is the holder of Operating License No. DPR-7 which authorizes the operation of nuclear power reactor Unit No. 3 at the Humboldt Bay Power Plant near Eureka, California, under certain conditions specified therein.

II. Appendix A (Technical Specifications) of the above referenced license requires that the nuclear steam supply system components, including the reactor vessel and its internals, shall be designed

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to withstand and be able to operate under a seismic loading of 0.25 g. This seismic design criterion, based on a static loading method of analysis, was found acceptable by the former Atomic Energy Commission (predecessor to NRC) on August 28, 1962 and a provisional operating license was issued to the licensee. In connection with the Advisory Committee on Reactor Safeguards and AEC staff review of the licensee's application for a Full-Term Operating License, the licensee agreed to perform an updated seismic review to define the proper seismic accelerations and spectra applicable to the plant site and, if necessary, to perform a dynamic analysis of safety related components.

Following issuance of Full-Term Operating License No. DPR–7 on January 21, 1969, the licensee submitted updated geologic and seismic studies in April 1969 and a report on soil structure interaction was completed and submitted in May 1971. During the course of the review of the licensee's reports by the AEC staff (and its consultants, the U.S. Geological Survey and the National Oceanic and Atmospheric Administration) several areas were identified which required further study. These were discussed with the licensee and its consultants and were reflected in publicly available correspondence between the AEC staff and the licensee. Based on the AEC staff review of the seismic studies performed for the Humboldt Bay plant through 1973, it was determined that a seismic event of 0.25 g was appropriate as the Operating Basis Earthquake (OBE) for this site and that the dynamic response of the facility, as a result of a 0.25 g event could result in actual loads greater than those calculated for design purposes using a 0.25 g static load factor. Accordingly, an update of the seismic design analysis of safety related structures, systems, and components for this facility for the 0.25 g OBE was required. In addition, it was requested that the licensee provide additional data for geological and seismological determinations of the magnitude and location for the Safe Shutdown Earthquake (SSE), and data for determining the geological significance of the Little Salmon fault and the Bay Entrance fault.

The NRC staff has reviewed the reports submitted by the licensee during the conduct of the above programs. We have also evaluated pertinent information submitted by interested parties, concerning new interpretations of geologic evidence. Concurrently, the U.S. Geological Survey is also reviewing the seismicity and geology of the Humboldt Bay area.

Based on our review and evaluation the NRC staff has concluded that seismic qualification to the 0.25 g OBE of the safety related equipment currently addressed in the licensee's seismic design upgrading program should be completed in a timely manner. The licensee has stated its intent to perform the necessary modifications during the next refueling outage. The NRC staff has also concluded that, in the absence of seismic qualification of this equipment to the 0.25 g OBE, operation of the Humboldt Bay Nuclear Power Plant, Unit No. 3 should not be allowed beyond the next refueling outage. In addition, recently developed information indicates that the geological character of the Humboldt area may be substantially different than what was believed at the time of license issuance. Additional and timely investigations are needed to resolve the following concerns:

1. Determination of the location and the capability of the Bay Entrance and Little Salmon faults according to Section IIIg of Appendix A to 10 CFR Part 100;

2. The tectonic significance of the offsets in the ravine at Humboldt Hill and the quarry at Fields Landing;

3. The tectonic significance of the Freshwater and Table Bluff fault; and

4. The distribution of earthquakes in the region and their relationship to faulting.

During meetings with the licensee held in Bethesda on April 20 and 28, 1976, the NRC staff identified these geologic/seismic concerns and the specific information needed to resolve these issues. In addition the staff informed the licensee of its views concerning the importance of resolving these issues and completing the seismic design upgrading program for the 0.25 g OBE prior to returning Humboldt Bay Unit No. 3 to power from the next refueling outage. Additionally, it is expected that the Safe Shutdown Earthquake can be established following submittal of the information needed to resolve the above identified geologic/seismic concerns.

By letter dated May 11, 1976, the licensee stated its commitment to carry out additional studies to address the staff's geologic and seismic concerns, to seismically qualify the Humboldt Bay Power Plant's safety related equipment and to obtain the staff's approval with respect to the satisfactory resolution of these items prior to power operation following the 1976 refueling outage of the facility. In addition, the licensee committed to a July 2, 1976, commencement date for this outage.

The NRC staff has reviewed the licensee's submittal of May 11, 1976, and the commitments contained therein, and has concluded that the licensee's commitments adequately provide for the actions necessary for the resolution of the NRC staff's concerns. The NRC staff believes that the licensee's commitments, under the circumstances, are appropriate and that these commitments should be confirmed by NRC Order.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2, 50, and 100, It is ordered, That Facility Operating License No. DPR–7 is hereby amended by adding the following new provision as paragraph E:

E. By reason of the circumstances outlined in the Order for Modification of License, dated May 21, 1976 the licensee shall:

1. Using currently applicable methods, qualify by analysis and/or testing and modify or replace as necessary the safety related structures, systems and components of the facility to meet current regulatory requirements with respect to withstanding the effects of the Operating Basis Earthquake of 0.25 g. Structures, systems and components subject to this requirement are:

a. Reactor Coolant Pressure Boundary.
b. Reactor Core and Vessel Internals.
c. Low Pressure Core Spray System.
d. Emergency Condenser System.
e. Reactor Vent Valve System.
f. Reactor Scram System.
g. Liquid Poison System.
h. Spent Fuel Pool Cooling System.
i. Portions of Steam Systems from the Outermost Containment Isolation Valves up to or including the First Valve.
j. Emergency A–C Engine Generator Propane Tank and Fuel System.
k. Electrical and Mechanical Devices and Circuitry Involved in Generating Signals that Initiate Protective Action.
l. Systems required for Monitoring and/or Actuation of Systems Important to Safety.
m. Spent Fuel Storage.
n. Two Portable Gasoline Engine Driven Pumps.
o. Control Room.
p. Primary and Secondary Reactor Containment.
q. Radioactive Waste Systems.
r. Electrical Systems that Provide the Emergency Electric Power needed for Functioning of Plant Features Included in Items a through q Above.
s. Ventilation Stack.
t. Station Building.
u. Turbine Pedestal.
v. Structures or Components Whose Continued Function is not Required but Whose Failure Could Reduce the Function of above Items.

2. Conduct a geologic and seismic investigation program for which satisfactory completion will provide the following:

a. The Bay Entrance fault must be accurately located at its closest approach to the plant site. The attitude, extent, amount of displacement, and age of most recent movement on this fault must be determined. If this fault cannot be shown to be noncapable within the meaning of Appendix A, Section IIIg(1) it must be demonstrated that movement on it cannot be expected to cause surface displacement within the plant area.

b. The location and age of the Little Salmon fault must be clearly defined. In order to show the attitude of the fault plane it must be observed at a sufficient number of points to accurately determine its geometry. Its location with respect to the plant site must be determined and assurance that it is capped by a datable stratigraphic unit must be provided. The existence and configuration of the erosion surface at the base of the upper Carlotta formation, which is interpreted to truncate the fault, must be thoroughly demonstrated. An upper limit for the age of last movement on the fault must be established by reliable dating techniques sufficient to demonstrate that the fault is noncapable.

c. Definitive evidence must be provided to show that the displacements in the ravine at Humboldt Hill and the quarry at Fields Landing are not of tectonic origin.

d. The Freshwater and Table Bluff faults must be investigated in sufficient detail to determine their seismic potential and relationship to the regional tectonic framework. If these faults cannot be shown to be noncapable within the meaning of Appendix A, Section IIIg, their structural relationship to the Little Salmon-Yager fault must be determined sufficient to demonstrate that movement on the Freshwater or Table Bluff faults could not be reasonably expected to be accompanied by movement on the Little Salmon-Yager fault (Appendix A, Section IIIg(3)).

e. The seismic monitoring network must be reinstated. One station of the reinstated seismic network must be located as close as possible to the Humboldt Plant and still maintain a background noise level similar to that of other stations in the network. The preferred location would be within 2 miles of the plant; e.g. a site between the plant and Buhne point. Deeper than normal burial should be considered as a possible means of reducing background noise. The purpose of this instrument is to resolve whether poorly recorded events are occurring close to the plant.

f. All earthquakes from past and future monitoring, must be listed, regardless of size, whose P–S intervals indicate possible location on the Bay entrance or other faults in the vicinity of the plant. If an event can be shown not to have occurred in the vicinity of the plant site (e.g. intersections of three P–S circles are distant from the site) so indicate and provide the alternative epicenters including an error estimate.

3. Commence a controlled shutdown of the facility by July 2, 1976, to begin the 1976 refueling outage. Commission approval by amendment to the license, with respect to the satisfactory completion of the requirements listed in items 1 and 2 a, b, c, e, and f above, is required prior to power operation following the 1976 refueling outage. The results of the licensee's investigations for item 2d above will be submitted by the end of 1976 but need not necessarily be completed or found acceptable prior to return to power operation.

This order shall become effective immediately upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 21st day of May 1976.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–15718 Filed 5–28–76;8:45 am]

[Docket No. 50–333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–59 issued to the Power Authority of the State of New York and the Niagara Mohawk Power Corporation which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to provide for a reduction in the operating minimum critical power ratio consistent with low core exposure while preserving the existing safety margin.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment submitted by letter dated May 5, 1976, (2) Amendment No. 18 to License No. DPR–59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of May 1976.

FOR THE NUCLEAR REGULATORY COMMISSION.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76–15779 Filed 5–28–76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 6, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 6, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. These two guides were revised to update the listings of acceptable Code Cases.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 24th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–15720 Filed 5–28–76;8:45 am]

POSTAL RATE COMMISSION

MARKET RESEARCH DIVISION

Visit to Postal Facilities

MAY 25, 1976.

Notice is hereby given that employees of the Postal Rate Commission will be visiting the Market Research Division, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, West, on June 3, 1976, for the general purpose of obtaining information on market research studies conducted by the Postal Service.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

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A report of the visit will be on file in the Commission's Docket room.

By direction of the Commission.

DAVID F. HARRIS,
Acting Secretary
of the Commission.

[FR Doc.76-15709 Filed 5-28-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File Nos. 3-4754; 581-187]

HOTEL TAFT ASSOCIATES

Application and Opportunity for Hearing

MAY 19, 1976.

Notice is hereby given that Hotel Taft Associates ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports on Forms 10-Q and 10-K pursuant to Section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 13 provides that each issuer of a security which is registered pursuant to Section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, certain annual, current, and quarterly reports.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of Section 13 if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

(1) Applicant, a New York general partnership, was formed in 1957 to acquire title to the Hotel Taft and the land on which that hotel is situated (together referred to hereinafter as the "Hotel").

(2) In 1958, Applicant made a public offering of participations in general partnership interests registered under the Securities Act of 1933. In 1965, the participations were registered under Section 12(g) of the 1934 Act.

(3) In 1974, Applicant sold the Hotel. The terms of the sale were the assumption by the purchaser of the existing first mortgage on the Hotel and the issuance by the purchaser of a $500,000 promisory note secured by a second mortgage on the Hotel. In 1975, the holder of the first mortgage on the Hotel brought an action to foreclose on its mortgage. As Applicant does not intend to contest the action, it is probable that its second mortgage will be cancelled and it will receive no further payments of interest or principal on the note.

(4) Applicant's only other assets are notes of Longchamps, Inc., a corporation now in reorganization under Chapter XI of the Bankruptcy Act. There is no assurance that any payments on those notes will be received in the future.

(5) Applicant has sent to holders of its participations an annual report for the year ending December 31, 1975, with certified financial statements for that period.

(6) Applicant intends to continue to file current reports on Form 8-K.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the year ending December 31, 1975 and all reports on Forms 10-Q and 10-K due subsequently.

Applicant contends that it has no income to defray the cost of preparation of such reports.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than June 14, 1976 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, and order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15813 Filed 5-28-76;8:45 am]

[Release No. 19543; 70-5864]

GEORGIA POWER CO.

Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

MAY 24, 1976.

In the Matter of Georgia Power Company, 270 Peachtree Street, NW., Atlanta, Georgia 30303.

Notice is hereby given that Georgia Power Company ("Georgia"), an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $50,000,000 principal amount of its First Mortgage Bonds, % Series. The proposed series of bonds will bear a maturity date within the range of 5 to 30 years, such maturity date will be determined by Georgia after the date of public invitation for proposals. The interest rate and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 98% nor more than 102¾% of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1976, which includes a prohibition until July 1, 1981, against refunding the bonds with or in anticipation of the proceeds from borrowings at a lower effective interest cost. Georgia further states it may request, by amendment, the sale of its bonds be excepted from the competitive bidding requirements of Rule 50.

Georgia further proposes to issue up to 2,000,000 shares of Class A Preferred Stock and to sell, at competitive bidding, such securities for the best price obtainable but for a price to Georgia of not less than $25 per share nor more than $25.50 per share, which shall also be the public offering price of such shares. In addition, Georgia proposes to pay the purchasers of the preferred stock compensation for their services in purchasing and making a public offering of such shares. The terms of the Class A Preferred Stock will be established by amendment to the Charter of Georgia which will include a prohibition against redeeming said stock prior to July 1, 1981, if such redemption is for the purpose or in anticipation of refunding the stock with funds obtained at a lower cost of money. Georgia also proposes to make provision for a cumulative sinking fund for the benefit of the Class A Preferred Stock which would retire not more than 5% annually of the number of shares initially issued, commencing five years after the sale, with the noncumulative option on any sinking fund date, commencing five years or later after the sale, of redeeming an additional like number of shares. Georgia further states that it may request by amendment that the sale of preferred stock be excepted from the competitive bidding requirements of Rule 50.

Georgia will apply the proceeds from the sale of the bonds and preferred stock, together with (1) cash contributions to capital of $50,900,000 by Southern during 1976 (File No. 70-5797), (2) the proceeds from the sales of certain properties to Oglethorpe Electric Membership Corporation and others, (3) funds provided through the issuance of tax-exempt revenue bonds by public authorities for construction of certain pollution control

facilities; (4) any excess cash on hand to finance in part its 1976 construction program (estimated at $409,509,000) and to pay notes payable incurred for construction purposes. Georgia estimates that it will not be necessary to sell any additional securities in 1976 for construction purposes except for the issuance and sale of short-term notes to banks. Georgia estimates that no notes payable will be outstanding at December 31, 1976.

It is stated that Georgia Public Service Commission has jurisdiction over the proposed issuance and sale of the bonds and preferred stock of Georgia. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than June 17, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said dates, the application as filed or as it may be amended, may be granted effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15812 Filed 5-28-76;8:45 am]

[Release No. 34-12478; File No. SR-NYSE-76-31]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 14, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NYSE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The recent amendments to the Securities Exchange Act of 1934 require, effective December 1, 1975, that the Exchange adopt rules, in accordance with specific standards, providing a fair procedure for determining whether an applicant will be approved or rejected as a member or person associated with a member, or prohibited as a member or person associated with a member, or prohibited from or granted only limited access to services offered by the Exchange or any member.

The 1975 amendments require that, at a minimum, these procedures provide for notification to the applicant; an opportunity to be heard on the application and, if denied, the specific grounds for denial; the right to appeal to the SEC; and the maintenance of a record of the proceeding.

2. NYSE'S STATEMENT OF PURPOSE OF THE PROPOSED RULES

The Securities Acts Amendments of 1975 (the 1975 Amendments) require that the Exchange adopt rules providing a fair procedure for determining whether an applicant will be approved or rejected as a member or person associated with a member, or prohibited from or granted only limited access to services offered by the Exchange or any member thereof.

The Exchange has reviewed the exciting procedures for approval of applicants in light of the 1975 Amendments and has concluded that the current procedures should be supplemented to meet certain of the minimum standards set forth therein. The Exchange believes the most practical means of complying with the new legislative requirements in this area would be to adopt rules which provide for the following:

(1) Approval of all applications by the staff in cases where no problem exists.

(2) Where a problem does exist, review by an Acceptability Committee of three Exchange officers; and

(3) Specific provision for review of decisions of the Acceptability Committee by the Board of Directors.

3. NYSE'S STATEMENT OF BASIS UNDER THE ACT

The amendments referred to herein are based on Sections 6(b)(7) and 6(d)(2) of the Securities Exchange Act of 1934 (the Act).

(i) The amendments referred to herein relate to the Exchange's capacity and ability to carry out the purposes of the Act by establishing procedures in compliance with Section 6(b)(7) and 6(d)(2) of the Act. These procedures are as follows:

All member, associated person and accessee applications would be submitted to the appropriate departments of the Exchange for investigation and review. Where no problem of acceptability exists, the staff would approve the application. In this regard, the amendments to the Constitution which reduce from two-thirds to a simple majority, the vote of directors required to approve members, allied members, and approved persons will enable the Exchange's Board of Directors to delegate to the staff the ability to make such decisions. The reduction of from a two-thirds to a majority vote was necessary under New York law in order to enable the Board to delegate responsibility for approving applications to the staff.

Where, after investigation, the staff of the Exchange determines that a serious question exists as to an applicant's acceptability, all relevant information would then be forwarded to the appropriate officer of the Exchange. If that officer is unwilling to approve the application on the basis of the information presented, the matter would then be referred to an Acceptability Committee composed of three Exchange officers to be appointed from time to time by the Chairman of the Board of Directors of the Exchange.

In conformity with the procedures set forth in Rule 308, the Acceptability Committee would, upon notice to and opportunity for the applicant to be heard, consider all relevant material and testimony bearing on the issue of the applicant's acceptability, approve or disapprove the application—by majority vote—and prepare a detailed statement explaining the reason for the decision in each case. A record would be kept of all such hearings.

Notification of an Acceptability Committee's decision would be sent promptly to all interested parties, including the applicant, the member or member organization involved, the Board, and the appropriate Exchange department.

Decisions of an Acceptability Committee would be reviewable by the Board in accordance with the procedures set forth in Rule 308; thus disputed questions would continue to be resolved by the Board.

If found unacceptable, an applicant would not be eligible to reapply to the Exchange for approval in a similar capacity for a period of three years unless the Exchange specifies a different period. All reapplications by persons previously found unacceptable in accordance with the procedures contained in Rule 308 may not be found acceptable on a reapplication except pursuant to a decision by an Acceptability Committee or the Board on review thereof.

(ii) The amendments referred to herein relate to the ability of persons to become members or associated persons of members by establishing fair procedures to be used in situations where the Exchange may seek to deny or limit the ability of a person to become a member or person associated with a member.

(iii) Inapplicable.

(iv) Inapplicable.

(v) Inapplicable.

(vi) Inapplicable.

(vii) As discussed hereinabove, the amendments are designed to comply with the requirements of Section 6(b)(7) and 6(d)(2) of the Act by establishing fair procedures to be used in all proceedings brought to determine whether a person shall be denied membership, barred from

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becoming associated with a member, or prohibited or limited with respect to access to services offered by the Exchange. These amendments provide for all the due process required by Section 6(d)(2).

4. COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE

No comments were solicited or received with respect to the amendments filed herewith.

5. BURDEN ON COMPETITION

Inapplicable.

On or before July 6, 1976, or within such longer period (i) as the Commission may designate on or before August 30, 1976, if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 24, 1976.

TEXT OF RULE 308—ACCEPTABILITY PROCEEDINGS

(a) The Exchange may disapprove (i) the application of a prospective member or member organization; or (ii) the application for employment or association with a member or member organization, any prospective member, allied member, approved person, registered representative, or other person required by the Constitution or Rules thereunder to be approved by the Exchange; or (iii) any change in the status of any person which change requires approval of the Exchange; or (iv) the application of any non-member broker/dealer accessee as provided for in the Exchange Constitution and rules thereunder, or in the Securities Exchange Act of 1934, as amended.

(b) Prior to disapproval of any such application, the Exchange shall conduct a proceeding which shall be instituted by the preparation of a written memorandum setting forth the pertinent information relevant to the issue of the applicant's acceptability, including the specific grounds for disapproval under consideration, and shall furnish a copy thereof to the applicant and to an Acceptability Committee referred to herein. The applicant shall be given not less than 15 days prior written notice of the date on which the Acceptability Committee is to consider disapproving the application. A written record shall be kept of the proceedings before any Acceptability Committee.

(c) Any Acceptability Committee under this Rule shall be comprised of three Exchange officers, at least two of whom shall be officers of the Regulation & Surveillance Group, appointed from time to time by the Chairman of the Board of Directors.

(1) The membership of each Acceptability Committee shall designate from among themselves that person who shall serve as Chairman.

(2) The decision of a majority of the members of an Acceptability Committee shall be final, except as provided in paragraph (f) below.

(d) If the application is disapproved, the applicant may not reapply to the Exchange for approval in a similar capacity for a period of three years unless otherwise permitted by the Acceptability Committee or the Exchange.

(e) The determination of an Acceptability Committee shall become final twenty days after notification thereof to the applicant, provided, however, that if a request for review of such determination is filed as hereinafter provided, the determination shall be stayed pending the outcome of that review.

(f) Any person whose application, has been disapproved by an Acceptability Committee, or any member of the Board of Directors of the Exchange may require a review by the Board of any determination of an Acceptability Committee. A request for review shall be made by filing with the Secretary of the Exchange a written request therefor, within twenty days after notification of the determination of the Acceptability Committee. Upon review, the Board of Directors may sustain any determinationfi or may modify or reverse any such determination as it deems appropriate. The determination of the Board of Directors shall be final and conclusive action by the Exchange.

(*New language in italics*, Delcted language in brackets [ ])

TEXT OF AMENDMENTS TO RULE 301—SUPPLEMENTARY MATERIAL

.20 Approval by Board of Directors.—A transfer of a membership in the Exchange requires approval of the Board of Directors [by the affirmative vote of two-thirds of the Directors present at a meeting of the Board] (Art. XI, Sec. 1 (¶1501).)

Other pertinent provisions of the Constitution are as follows:

Eligibility for membership and procedure on election, Article IX [¶1401–1416]

Dues, Article X [¶1451–1457]

Transfer of membership and disposition of proceeds, Article XI [¶1501–1513]

Gratuity Fund—Payments and benefits, Article XVI [¶1751–1758]

.24

. . . . .

A casual social or business acquaintance is not sufficient basis to qualify a member or an allied member as a sponsor.

The sponsors are required to read and sign the candidate's application and [ordinarily, are also] *may be* required to appear with an applicant at the time the applicant is presented for consideration.

.26 Posting—The Constitution provides that at least ten days must elapse between posting of a notice of a proposed transfer of membership and [balloting by the Board of Directors] *consideration* [by the Board] *of the proposed transfer.* (Art. XI, Sec. 1 [§ 1501]). Notice of a proposed transfer is posted on the bulletin board of the Exchange and published in the Weekly Bulletin of the Exchange upon the submission, in proper form, of all required documents. [The notice is ordinarily posted after the appearance of the applicant.]

.27 Payments to be made on day of *approval of the transfer* [election.] — On the day on which the *application* [Board of Directors] is scheduled to *be considered,* [ballot on his application] the proposed member must deposit with the Exchange the balance of the purchase price of his membership, an initiation fee of $7,500 to the Exchange (Art. IX, Sec. 4 [(§ 1404]), an initial contribution to the Gratuity Fund of $15 (Art. XVI, Sec. 1 [§ 17511]), and the unexpired portion of the transferor's dues for the then current quarter. (Art. X, Sec. 4 [§ 1454].)

TEXT OF AMENDMENTS TO RULE 345

Rule 345

(a) No member or member organization shall

(1) Permit any person to perform regularly the duties customarily performed by a registered representative, unles ssuch person shall have been registered with and is acceptable to the Exchange;

(2) Permit any registered representative or other person in a nominal position because of the business obtained by such person, or

(3) Employ any person not otherwise required to be registered with and approved by the Exchange prior to obtaining the approval of the Exchange if such member of member organization knows, or in the exercise of reasonable care should know, that such person is subject to one or more statutory disqualifications referred to in the Securities Exchange Act of 1934, as amended.

(b) No member corporation shall permit any person to assume the duties of an officer unless such corporation has

filed an application with and received the approval of the Exchange.

[(c) The Exchange may disapprove the employment of any person.]

[(d)]c(1) If the Exchange determines that any employee [or prospective employee] of a member or member organization (aa) has violated any provision of the Constitution or of any rule adopted by the Board of Directors, (bb) has violated any of his agreements with the Exchange, (cc) has made any misstatement to the Exchange, or (dd) has been guilty of (i) conduct inconsistent with just and equitable principles of trade, (ii) acts detrimental to the interest or welfare of the Exchange, or (iii) conduct contrary to an established practice of the Exchange, the Exchange may withhold, suspend or bar such person from employment by a member or member organization; may fine such employee [or prospective employee $5,000] for each such violation, misstatement, or act or omission for which he has been found guilty; and may direct that he be censured. The Exchange shall disclose publicly bars or suspensions of employees and former employees. The Exchange may, in its discretion, disclose publicly censures and fines, censures or fines. The total of the fines which may be imposed upon any employee or [prospective employee] at any one time shall not exceed $25,000.

(2) Disciplinary proceedings in which charges are brought against a registered employee, or non-registered employee [or prospective employee] shall be held before a Hearing Panel consisting of at least three persons: a Hearing Officer, who shall be Chairman of the Panel, with the remainder of the Panel being members of the Hearing Board who shall be registered employees and/or non-registered employees of members, member firms and member corporations who are not members, allied members or approved persons. For all purposes of this Rule, the decision of a majority of the Panel shall be the decision of the Panel and shall be final and conclusive, except as hereinafter provided.

An accusation, charging a registered employee, or non-registered employee [or prospective employee] before a Hearing Panel with having committed an offense, shall be in writing; it shall specify the charge or charges against such registered employee, or non-registered employee [or prospective employee] with reasonable detail, and shall be signed by the person or persons making the charge or charges. A copy of such charge or charges, together with a copy of any transcript of testimony or other documents which the person or persons making the charge or charges intends to furnish to the Panel prior to the hearing of such charge or charges, shall be served upon the accused registered employee, or non-registered employee [or prospective employee] personally, or by leaving the same during business hours at the office address of the registered employee, or non-registered employee [or prospective employee] or by mailing it to him at his place of residence. The accused shall have twenty days from the date of such service to answer the same, or such further time as the Exchange may deem proper. The answer shall be in writing, signed by or on behalf of the accused and filed with the Secretary of the Exchange. The answer shall indicate specifically which statements of alleged fact contained in the charge or charges are denied and which are admitted.

Any such statements in the charge or charges not specifically denied shall be deemed to be admitted. The answer shall also contain in reasonable detail any affirmative defense which the accused wishes to submit and shall include any documents which the accused intends to submit in support of the answer. Upon the answer being filed, or if the accused shall refuse or neglect to make answer as hereinbefore provided, the Panel shall, at a hearing called for that purpose, proceed to consider the charge or charges. Notice of such hearing shall be sent to the accused, who shall be entitled to be personally present thereat. The Hearing Officer shall determine the specific facts put into issue by the charge or charges and the answer, and with respect to those facts only, the person or persons making the charge or charges may produce witnesses and any other evidence and the accused may examine and cross-examine any witnesses so produced; the accused may also present such testimony or other evidence with respect to the facts so designated by the Hearing Officer as well as such testimony, defense or explanation as the accused may deem proper with respect to the charge or charges. Any witnesses produced by the accused, shall be subject to cross examination. After hearing all the witnesses and the accused, if the accused desires to be heard, the Panel shall determine whether the accused is guilty of the offense or offenses charged. If it determines that the accused is guilty, the Panel may fix and impose the penalty and a written notice of the result shall be served upon the accused in the manner hereinbefore provided. The determination of the Hearing Panel and any penalty imposed shall become final and conclusive twenty days after notification thereof to the accused, provided, however, that if a request for review of such determination or penalty, or both is filed as hereinafter provided, the penalty shall be stayed pending the outcome of such review.

Any accused registered employee or non-registered employee [or prospective employee], the party bringing the charges or any member of the Board of Directors of the Exchange may require a review by the Board of any determination or penalty, or both, imposed by a Hearing Panel.

A request for review shall be made by filing with the Secretary of the Exchange a written request therefor, within twenty days after notification of the determination and penalty, if any, is given to the accused.

Upon review, the Board of Directors, by the affirmative vote of a majority of the Directors then in office, may sustain any determination or penalty imposed, or both, may modify or reverse any such determination and may increase, decrease or eliminate any such penalty, or impose any penalty permitted under the provisions of this Rule, as it deems appropriate. The determination and penalty, if any, of the Board of Directors after review shall be final and conclusive.

In addition to the foregoing, a Hearing Panel at a hearing called for that purpose may determine whether any registered employee or non-registered employee [or prospective employee] is guilty of having committed an offense on the basis of a written stipulation of facts and consent to a specified penalty entered into between the accused and any officer of the Exchange. In any such case, the Panel may fix and impose the penalty agreed to in such stipulation and consent or any lesser penalty, or reject such consent, and a written notice of the result shall be served upon the accused in the manner hereinabove provided. The determination of the Hearing Panel and any penalty imposed shall become final and conclusive twenty days after notification thereof to the accused, provided, however, that if a request for review of such determination or penalty, or both, is filed as hereinafter provided, the penalty shall be stayed pending the outcome of the review.

Any member of the Board of Directors of the Exchange may require a review by the Board of any determination or penalty, or both, imposed by the Hearing Panel in connection with a written stipulation of facts and consent to a specified penalty. A request for review shall be made by filing with the Secretary of the Exchange a written request therefor within twenty days after notification of the determination and penalty, if any, is given to the accused. Upon review, the Board of Directors by the affirmative vote of a majority of the Directors, then in office, may fix and impose the penalty agreed to in such stipulation and consent or any lesser penalty, or reject such consent as it deems appropriate. The determination and penalty, if any, of the Board of Directors after review shall be final and conclusive.

Any registered employee, or non-registered employee [or prospective employee]'shall have the right to be represented by legal or other counsel in any hearing and review held pursuant to the provisions of this Rule and in any investigation before any committee officer or employee of the Exchange authorized by the Board of Directors.

(*d*) [(e)] Whenever a person who is a registered * * *

. . . . .

1.15 Acceptability.—

A. Officers: In determining an individual's acceptability for approval as an officer, the Exchange looks for evidence of the integrity of the individual and record of high standards of business con-

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duct, as shown in the Exchange's investigations and in the investigations and observations of his member corporation employer, previous employers, education institutions attended, etc.

B. Registered Representatives: In determining a candidate's acceptability for registration, the Exchange looks for evidence of:

(1) The integrity of the candidate and his record of high standards of business conduct, as shown in the Exchange investigations and in the investigations and observations of his member firm employer, previous employers, educational institutions attended, etc.

(2) His potential ability to perform creditably the duties of a registered representative, as shown by an employment period of specific training for these duties in a member firm office or equivalent other experience in the securities business.

(3) His preparation in the areas of knowledge necessary for a registered representative as demonstrated in an Exchange examination.

Age.—A candidate for registration must be at least 21 years of age.]

.15 Training—The usual requirements for training candidates without previous actual experience is four months.

The training period may be reduced or waived by the Exchange if the candidate for registration has had some previous actual experience in the securities business as a principal or employee, or in a closely allied field (such as a bank trust officer).

TEXT OF AMENDMENTS TO ARTICLE IX, SECTIONS 3, 7(a), 15

Sec. 3. [The affirmative vote of two-thirds of the Directors present at a meeting of the Board shall be necessary to elect to membership or to reinstate a member suspended for insolvency, except that the affirmative vote of two-thirds of the Directors then in office shall be required for the readmission of a person who has been expelled from the Exchange or declared ineligible for reinstatement.] *The Board of Directors may approve as a member any person eligible for membership or reinstate a member suspended for insolvency or readmit a person who has been expelled from the Exchange.*

. . . . . .

§ 7. (a) No partnership or corporation shall become or remain a member firm or member corporation and no person shall become or remain an allied member or approved person unless approved by the Board of Directors. [The affirmative vote of two-thirds of the Directors present at a meeting of the Board shall be required for any approval required by this Section other than any approval required by subsection (g) of this Section, except that the affirmative vote of two-thirds of the Directors then in office shall be required to approve any person who has been expelled from the Exchange or declared ineligible for reinstatement or whose approval has been previously withdrawn.]

. . . . . .

Sec. 15. The Board of Directors, may, [by the affirmative vote of two-thirds of the Directors present at a meeting of the Board] on the request of a member who, in time of national emergency for this country,

(a) Is on active duty in the armed forces of the United States, or

(b) Is on active duty in the armed forces of any nation or State which is then allied or associated with the United States, or

(c) Is engaged in any public service incident to the national defense,

authorize a general partner of such member or a holder of voting stock in the member corporation in which such member is a holder of voting stock to transact in the place and stead of such member the usual business of such member on the Floor of the Exchange, under such terms and conditions and to such extent as the Board may prescribe. Every contract made on the Floor by any alternate shall have the same force and effect as if it had been made by the member for whom he is acting, and a member for whom an alternate is acting shall be liable to the same discipline and penalties for any act or omission of such alternate as for his own personal act or omission.

The Board of Directors may, [by the affirmative vote of two-thirds of the Directors present at a meeting of the Board,] withdraw such privilege for any cause or without cause.

Sec. 1. A transfer of membership may be made upon [submission of the name of the candidate to the Board of Directors and] the approval of the transfer by the [affirmative vote of two-thirds of the Directors present at a meeting of the] Board. Notice of the proposed transfer shall be posted on the bulletin board for at least ten days prior to transfer, which notice shall specify the date on which the proposed transfer will be considered. [by the Board of Directors.] Consideration of a proposed transfer may be postponed from time to time [by the Board]. Notice of the date of such postponed consideration shall be posted promptly on the bulletin board.

TEXT OF AMENDMENTS TO ARTICLE XIII, SECTIONS 5 AND 6

Sec. 5. A member, allied member, member firm or member corporation suspended under the provisions of this Article may, at any time, be reinstated by the [affirmative vote of two-thirds of the Directors present at a meeting of the] Board of Directors.

[Sec. 6. Whenever the Board of Directors shall determine, following a procedure substantially similar to that provided for in Section 14 of Article XIV that a member or allied member suspended under the provisions of this Article has been guilty, of irregularities or unbusinesslike dealing, such member or allied member may, by the affirmative vote of two-thirds of the Directors then in office, be declared ineligible for reinstatement.]

[FR Doc.76-15814 Filed 5-28-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

SAN DIEGO DISTRICT ADVISORY COUNCIL

Public Meeting

No. 71778, Pauley, J. E., 5-28-76

The Small Business Administration San Diego District Advisory Council will hold a public meeting at 4:00 p.m., Thursday, June 17, 1976, at the Small Business Administration office, 110 W. C Street, Suite 705, San Diego, California 92101, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information write or call F. D. Sergent at the above address, (714) 895-5430.

MARY LOU GRIER,
Deputy Advocate for Advisory Council.

MAY 18, 1976.

[FR Doc.76-15706 Filed 5-28-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances, that on June 22, 1976, at 1:30, the VA Center, Togus, Maine, Station Committee on Educational Allowances shall at building 205, Room 306G, VA Center, Togus, Maine, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Northeast School of the Bible, South Berwick, Maine, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met, or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: May 24, 1976.

R. H. WALLACE,
Director, VA Center.

[FR Doc.76-15828 Filed 5-28-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting and Request for Information

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on June 28, 29 and 30, 1976, in Sacramento, California at 9:00 a.m. each day. The meeting will be held in the Camellia Room, Quality Inn/Woodlake, 500 Leisure Lane, Sacramento, California.

The meeting shall be open to the public. It is planned that subgroups will meet on the following topics: education, oversight, the definition of "agricultural operations," and anhydrous ammonia. The committee will meet in full session to obtain reports on the activities of the subgroups. It is possible that the full committee will also consider the final recommendations of the Subgroup on electrical hazards. It is planned that on June 29 the committee will tour local agricultural operations after hearing presentations by State and local authorities on related agricultural safety and health issues.

The Committee herein requests information, preferably documented, concerning educational programs which would be suitable for inclusion in a standard as well as recommendations on the kind of educational package which would be appropriate to accompany an OSHA standard. The Committee also solicits comment on any of the items under discussion, particularly the definition of "agricultural operations."

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, preferably with 20 duplicate copies, with the Committee Management Officer. Such submissions will be provided to the members of the Committee and be included in the record of the meeting.

The Committee Chairperson may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such requests will be provided to the Committee Chairperson for consideration.

Communications and questions about the proceedings should be addressed to:

Jeanne C. Werner, OSHA Committee Management Officer, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Room N-3635, Washington, D.C. 20210, Phone: (202) 523-8024.

All materials which have been submitted to or developed by the Committee since the beginning of the deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 26th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-16002 Filed 5-28-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 59]

ASSIGNMENT OF HEARINGS

MAY 26, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 41404 Sub-122, Argo Collier Truck Lines, now assigned July 27, 1976 (1 day) at New Orleans, Louisiana is canceled and transfered to Modified Procedure.

No. 36340, *The Salt River Project Agricultural Improvement and Power District* v. *The Atchison, Topeka & Santa Fe Railway Company* and No. 36340 Sub-1, *The Salt River Project Agricultural Improvement and Power District* v. *Southern Pacific Transportation Company* now being assigned September 14, 1976 (4 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 141722, Norm's Delivery Service, Inc. now assigned July 8, 1976 (2 days) at Los Angeles, California in a hearing room to be later designated

MC 125433 (Sub-No. 62), F-B Truck Line Company, now assigned June 2, 1976, at Portland, Oreg., is canceled and application dismissed.

MC 56679 (Sub-No. 84), Brown Transport Corp. now assigned June 7, 1976 (2 weeks) at Chattanooga,. Tennessee and will be held at the Holiday Inn, Interstate 24.

MC 125433 Sub-71, F-B Truck Line Company, A Corporation, now being assigned July 23, 1976 (1 day), at San Francisco, Calif., in a hearing room to be later designated.

MC 139495 Sub-128, National Carriers, Inc., and MC 138635 Sub-21, Carolina-Western Express, Inc., now being assigned August 2, 1976 (1 Week), at San Francisco, Calif., in a hearing room to be later designated

MC 130253 (Sub-No. 1), Douglas Stoffers and Micheal J. O'Meara, a Partnership, now assigned June 8, 1976, at Madison, Wis is postponed indefinitely.

MC 141021, Petroleum Transport, Inc., now assigned June 28, 1976, at Baton Rouge, La. is canceled and application dismissed

MC 113325 (Sub-141), Slay Transportation Co., Inc. now assigned July 26, 1976 (2 days) at Chicago, Illinois is canceled, application dismissed.

I&S M 28971, Increased Passenger Fares, Hudson Transit Lines, Inc. now assigned June 21, 1976 (1 week) at New York, New York and will be held in Room E-2222 Federal Building, Federal Plaza.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15872 Filed 5-28-76;8:45 am]

[Rule 19, Ex Parte No. 241; Amdt. No. 1, Exemption No. 121]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Exemption Under Provisions of Mandatory Car Service Rules

To: The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, Western Maryland Railway Company.

Upon further consideration of Exemption No. 121 issued March 29, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 121 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc 76-15869 Filed 5-28-76;8:45 am]

[Rule 19, Ex Parte No. 241; Amdt. No. 1, Exemption No. 122]

BALTIMORE & OHIO RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To: The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Consolidated Rail Corporation, Western Maryland Railway Company.

Upon further consideration of Exemption No. 122 issued April 2, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 122 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc 76-15873 Filed 5-28-76;8:45 am]

[Rule 19, Ex Parte No. 241; Amdt. No. 1, Exemption No. 108]

CHICAGO & EASTERN ILLINOIS RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To: Chicago & Eastern Illinois Railroad Company, Consolidated Rail Corporation, Missouri-Illinois Railroad Company, Missouri Pacific Railroad Company, The Texas and Pacific Railway Company.

Upon further consideration of Exemption No. 108 issued March 1, 1976.

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It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 108 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15806 Filed 5-28-76;8:45 am]

[Rule 19, Ex Parte No. 241; Amdt. No. 7, Exemption No. 93]

GRAND TRUNK WESTERN RAILROAD CO. AND CONSOLIDATED RAIL CORPORATION

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 93 issue January 15, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 93 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15807 Filed 5-28-76;8:45 am]

[Rule 19, Ex Parte No. 241; Amdt. No. 2, Exemption No. 109]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 109 issued March 2, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 109 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15807 Filed 5-28-76;8:45 am]

[Rule 19, Ex Parte No. 241; Amdt. No. 14, Exemption 55]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C. May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc 76-15874 Filed 5-28-76;8:45 am]

[Notice No. 261]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76532, filed May 12, 1976. Transferee: TROWBRIDGE STORAGE COMPANY, 1513 Alum Creek Drive, Columbus, Ohio 43209. Transferor: ATLAS MOVING & STORAGE COMPANY, 1513 Alum Creek Drive, Columbus, Ohio 43209. Applicants' representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 74745 and MC 74745 (Sub-No. 2), issued April 4, 1961, and November 17, 1969, respectively as follows: MC 74745—*Household goods*, as defined by the Commission, between points in Franklin County, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Pennsylvania, West Virginia, Kentucky, and Ohio. MC 74745 (Sub-No. 2)—*Used household goods*, between points in Delaware, Fairfield, Franklin, Guernsey, Licking, Madison, Muskingum, Pickaway, and Union Counties, Ohio, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Applicants are filing concurrently herewith an Elimination of Gateway application. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 61614. Application has not been filed for temporary authority under Section 210a(b).

No. MC 76541 (Correction), filed May 9, 1976. Transferee: RICHARD J. STEIGERWALT, R. D. No. 5, Box 76–C, Skyline Drive, Leighton, Pennsylvania 18234. Transferor: MICHAEL C. NARO, R. D. No. 1, Gouldsboro, Pennsylvania 18424. Applicants' representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pennsylvania 18517. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 138836 (Sub-No. 1), issued May 3, 1976, as follows: Scrap iron and scrap metals, not in containers, from Scranton and Archbald, Pa., to Newark, High Bridge, Harrison, Jersey City, Phillipsburg, New Brunswick, Mahwah, and Trenton, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b). The purpose of this republication is to show the correct authority proposed for transfer. Replies are due June 16, 1976.

No. MC–FC–76544, filed April 26, 1976. Transferee: WALLKILL AIR FREIGHT CORPORATION, RD. 3, Box 5, Wallkill, N.Y. 12589. Transferor: CLARE SCHNEPP, Box 222, Wawarsing, N.Y. 12489. Applicants' representative: Ronald I. Shaps, 450 7th Avenue, New York, N.Y. 10001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Ceritficate No. MC 70695 and Subs thereunder, issued September 20, 1945, July 26, 1946, December 6, 1949 and June 19, 1952, respectively, as follows: (1) evaporated milk, from specified points in New York, to points in New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, and the New York, N.Y., Commercial Zone as defined, (2) pasteurized cream, from Boonville, N.Y., to Boston, Mass., (3) paper labels, from New York, N.Y., to Walton, N.Y., (4) milk sugar, from Walton, N.Y., to New York, N.Y., (5) household goods, between New York, N.Y., and Fleishmanns, N.Y., serving various intermediate points, (6) groceries, butter, eggs, and perishable merchandise, from New York, N.Y., to Fleischmanns, N.Y., and various intermediate and off route points, (7) wine, from New York, N.Y., to Newburgh, N.Y., (8) cauliflower, from Fleischmanns, N.Y., to Boston, Mass., (9) coal, from Forest City, Pa., to Fleischmanns, N.Y., (10) general commodities, between specified New York points, traversing New Jersey for operating convenience only, (11) wooden pallets, from Arkville, N.Y., to specified points in New Jersey, Connecticut, and New York. Transferee is presently authorized to operate as a common carrier under No. MC 136006TA.

No. MC–FC–76553, filed May 14, 1976. Transferee: PRINTERS-PUBLISHERS TRANSPORT, INC., 118 Hollywood Street, Goodlettsville, Tennessee 37072. Transferor: CAPE AIR FREIGHT, INC., P.O. Box 161, Shawnee Mission, Kansas 66202. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Kentucky 42101. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 134906 (Sub-No. 6), issued April 16, 1973 as follows: (1) Printed matter, and (2) paper in mixed loads with printed matter, between Shepherdsville, Kentucky, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Lower Peninsula of Michigan, Minnesota, Missouri, Wisconsin, and Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76581, filed May 24, 1976. Transferee: CLAUDE HAYES, Cole Camp, Missouri 65235. Transferor: PETE J. OTTEN, doing business as OTTEN TRUCK LINE, Route 3, Eldon, Missouri 65026. Applicants' representative: Claude Hayes, Route 3, Eldon, Missouri 65026. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 70090, issued July 22, 1969, as follows: General commodities, with specified exceptions, between Cole Camp, Mo., and Sedalia, Mo., serving all intermediate points, over specified highways; and livestock, from Cole Camp, Mo., and points within 10 miles thereof, to Kansas City, Kans.; and feed, fertilizer, oil, and grease in containers, and livestock, from Kansas City, Kans., to Cole Camp, Mo., and points within 10 miles thereof. transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76582, filed May 21, 1976. Transferee: KOHL'S MAMARONECK MOVERS, INC., 125 Sunset Road, Mamaroneck, New York 10543. Transferor: CARRIER VAN LINES, INC., 239 East 169th Street, Bronx, New York 10456. Applicants' attorney: ARTHUR J. PIKEN, ESQ., PIKEN & ROBBINS, 1 Lefrak City Plaza, Flushing, New York 11368. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 86922 (Sub-No. 1), issued September 11, 1968, as follows: Household goods, between points in Westchester County, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Jersey, Pennsylvania, Delaware, Maryland, New Hampshire, and the District of Columbia. Transferee holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15870 Filed 5-28-76;8:45 am]

[Notice No. 260]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 1, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 21, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76322. By order of April 21, 1976 the Motor Carrier Board approved the transfer to Swing Transport, Inc., Lexington, North Carolina, of the operating rights set forth in Permits Nos. MC 115176 (Sub-No. 1), MC 115176 (Sub-No. 2), MC 115176 (Sub-No. 3), MC 115176 (Sub-No. 4), and MC 115176 (Sub-No. 5), issued by the Commission, August 25, 1961, May 24, 1968, March 27, 1969, October 24, 1972, and February 27, 1974, respectively, to Maybelle Transport Company and acquired by transferor herein pursuant to No. MC–F–12353, approved May 1, 1975, and consummated July 1, 1975, authorizing the transportation of paper and paper products, from two specified plantsites in North Carolina to points in Georgia, South Carolina, Virginia, and Tennessee, and ceramic products from Lexington, North Carolina, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Jersey, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia and from a single origin in each of the States of New Jersey, Tennessee, Georgia, and Pennsylvania to Lexington, North Carolina. William P. Sullivan, Sullivan, Dubin & Kingsley, 1819 H Street, N.W., Washington, D.C. 20006; Harlan Dodson III, Hooker, Keeble, Dodson & Harris, P.O. Box 2524, Nashville, Tennessee, 37219, attorneys for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15871 Filed 5-28-76;8:45 am]

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federal register

TUESDAY, JUNE 1, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

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HUMAN DRUGS

Current Good Manufacturing Practice in Manufacture, Processing, Packing or Holding of Large Volume Parenterals, and Request for Comments Regarding Small Volume Parenterals

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 212]

[Docket No. 76N-0099]

HUMAN DRUGS

Current Good Manufacturing Practice in the Manufacture, Processing, Packing, or Holding of Large Volume Parenterals

The Food and Drug Administration (FDA) is proposing to establish current good manufacturing practice (CGMP) regulations for large volume parenteral (LVP) drug products for human use. As defined in these proposed regulations, LVP's include drug products such as intravenous solutions, irrigating solutions, peritoneal dialysates, and blood-collecting units containing an anticoagulant solution. They are packaged in single-dose containers with a capacity of 100 milliliters or more and are terminally sterilized. Interested persons have until September 29, 1976, to submit comments.

In the FEDERAL REGISTER of February 13, 1976 (41 FR 6878) the Commissioner of Food and Drugs proposed substantial revisions in the CGMP regulations for finished human and veterinary drug products. In that proposal, the Commissioner also announced his intention to propose at future times further CGMP requirements for specific types of drug products, either by class or for individual products. One of the classes of drug products anticipated in that proposal as needing specific CGMP regulations is that of large volume parenteral drug products. LVP's constitute a relatively specialized class of drugs based upon their unique characteristics in both use and production. The primary use of many such products is not based upon traditional drug therapy, but rather upon a paramount need of a patient for basic body constituents when the patient is unable to consume, produce, or maintain medically necessary amounts. Because LVP drug products are usually administered to seriously weakened persons and generally large volumes of such products must be prescribed, a drug quality level of the highest magnitude is required. Furthermore, because the drugs in this class are administered parenterally, the risks arising from nonsterility are heightened. Thus, the smallest problem relating to the quality, strength, purity, or sterility of an LVP drug product can jeopardize the life of a patient. On the production side, LVP's are currently manufactured in the United States by a very few firms, each of which prepares enormous amounts of drugs in this class. As discussed later in this preamble, recent problems within the LVP industry have suggested a need for priority action and, at the same time, they provide an opportunity for quickly raising all suppliers to the level of current good manufacturing practice. Therefore, FDA has developed specific criteria for the manufacture, processing, packing, or holding of LVP drug products to assure the highest possible standards for the finished product.

These criteria are already generally well known to the affected industry through various contacts between FDA and the industry during the development of this proposal. Some of these contacts resulted from several extensive recalls of marketed LVP drug products that failed to meet standards of quality or purity. Such recalls have involved individual lots of drug products and, in some instances, the entire LVP drug product production where significant manufacturing deficiencies in the plant were found by FDA during a plant inspection. As a result, the affected firms made changes in their manufacturing procedures and plant design after consulting with FDA. During such consultations, the criteria proposed herein were made known to the firms.

In addition, the Commissioner released an earlier draft of this proposal to the public on February 14, 1975 (40 FR 6811).

While these proposed provisions are not yet requirements, the Commissioner believes that current practices of LVP drug product manufacturers already comply with most of these provisions. Where there are differences, the Commissioner believes that manufacturers are developing the data necessary to effect changes to comply with the proposed requirements.

Because of the critical nature of both the production and use of LVP drug products and evidence that not all manufacturers could assure the level of microbiological quality required for LVP drug products, FDA, in late 1971, began an intensive review and evaluation of LVP production. This review was first limited to specific, individual manufacturing or container-closure problems. In 1973, the review expanded to a broad survey of the industry that included extensive sampling of LVP drug products, comprehensive drug establishment inspections by specially trained investigator-engineer-microbiologist teams, and detailed discussions between the industry and FDA. These discussions with LVP drug product manufacturers have provided the industry an opportunity to comment, both orally and in writing, on the technical aspects of LVP drug product production that FDA considered pertinent to good manufacturing practice. In addition, since certain LVP drug products are new drugs, the Commissioner has been able to consider information submitted under the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act. Specifically, FDA has reviewed information in new drug applications (21 CFR Part 314)) regarding the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of LVP drug products. The information developed by FDA during this 4-year period, including industry discussions, is the basis for this proposal.

Copies of documents relating to the discussions with industry are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Such documentation includes the initial points for discussion and summary minutes of the meetings.

This proposal includes for the first time in CGMP drug regulations specific well-defined process standards. The Commissioner has already established comparable precise standards for certain biological products (21 CFR Subchapter F) and for low-acid foods in hermetically sealed containers (21 CFR Part 128b). It is important to realize that explicit detail is necessary to provide assurance that the methods and facilities used and the conditions of production are adequate in design and application to preclude microbiological and pyrogenic contamination of LVP drug products. The industry and FDA both recognize that sampling and testing of finished products alone cannot provide the necessary assurance of drug product quality. Without standardized procedures of demonstrated reliability of production and sterilization processes, assurance of quality could only be obtained through full testing of every unit. Testing to this extent is, of course, not practicable.

The Commissioner intends for CGMP regulations to become binding specific requirements that must be complied with; failure to do so shall render an LVP drug product adulterated under section 501 (a) (2) (B) of the act. Section 701(a) of the act empowers the Commissioner to promulgate substantive rules to facilitate enforcement of the act's other provisions. *National Nutritional Foods Ass'n* v. *Weinberger*, 512 F. 2d 688 (2d Cir. 1975); *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973); *CIBA Corp.* v. *Weinberger*, 412 U.S. 640 (1973); *Weinberger* v. *Bentex Pharm. Inc.*, 412 U.S. 645 (1973). Publication of proposed regulations establishing current good manufacturing practice in the manufacture, processing, packing or holding of large volume parenterals for human use will allow all members of the industry an opportunity to participate in their preparation and to note the level of performance expected of them. Binding regulations will also serve to inform courts of expert judgments of FDA regarding current good manufacturing practice for LVP drugs in the United States; this will expedite and assist enforcement proceedings to assure compliance with section 501(a) (2) (B) of the act. The legal status of the CGMP regulations is set forth in § 210.1, proposed in the FEDERAL REGISTER of February 13, 1976 (41 FR 6878).

RELATION TO CURRENT GOOD MANUFACTURING PRACTICE REGULATIONS IN PARTS 210 AND 211

Section 212.1 provides a specific statement regarding the applicability and relationship of the more general CGMP regulations in Parts 210 and 211 to manufacturers of LVP drug products. Unless otherwise explicitly provided, the regulations in 21 CFR Part 210—Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding of Drugs: General; and 21 CFR Part 211—Current Good Manufacturing Practice for Drug Products are applicable to all drug products, including LVP drug products. Therefore, it must be clearly understood that the regulations proposed

at this time will be in addition to, and supplement, the more general CGMP regulations of Parts 210 and 211 as proposed in the FEDERAL REGISTER of February 13, 1976. To determine the requirements for complying with current good manufacturing practice for LVP drug products, both the general CGMP regulations and the specific CGMP regulations for LVP drug products must be applied. Provisions in the general CGMP regulations are not repeated in the specific CGMP regulations for LVP drug products. However, a provision in Part 212 that supplements a corresponding requirement in Part 210 or 211 is keyed numerically to the regulations in Part 210 or 211. To trace a corresponding section, refer to the last portion of the section number. For example, definitions are in §§ 210.3, 211.3, and 212.3; requirements regarding responsibilities of the quality control unit are in §§ 211.22 and 212.22.

RELATION TO MANUFACTURING PRACTICES SUBJECT TO APPROVED NEW DRUG APPLICATIONS

A significant number of LVP's are subject to new drug applications (NDA's) that were approved under earlier and possibly less specific or less rigorous standards. The LVP current good manufacturing practice regulations are issued under section 501(a) (2) (B) of the act and are applicable to all LVP drug products, regardless of their "new drug" status. Failure to comply with the CGMP specifications renders the product adulterated and subject to regulatory action. New drug applications are covered by section 505 of the act. The "manufacturing controls" portion of an NDA contains the commitments of a manufacturer regarding the methods he will use in the manufacture, processing, packing, and holding of the product. Failure to abide by these commitments takes the product outside the marketing privilege conferred by the NDA and renders the product subject to regulatory action as a "new drug" not covered by an approved NDA. It is the position of FDA that an LVP drug product must be manufactured in accordance with the higher standard or more rigorous specification applicable to the product under the CGMP regulations and the NDA commitments. If, for example, the sterilization process standard proposed in these CGMP regulations is adopted and exceeds the sterilization process commitment undertaken in an approved NDA, the product will be deemed adulterated unless the CGMP standard is met, notwithstanding compliance with the NDA commitment. At the same time, if the same NDA sets forth requirements for the LVP product container and closure system that are more rigorous than those in the CGMP regulations for LVP's, the product will be deemed to be outside the NDA and subject to regulatory action if the NDA standards are not met, notwithstanding compliance with CGMP regulations.

This result is intended by the act, which subjects all drugs to the "current good" standards of manufacturing, even though they were approved for marketing on the basis of earlier, lesser standards. Indeed, FDA has long permitted persons holding an approved NDA for a drug to implement changes in the methods, facilities, and controls used in manufacturing without prior approval if the changes give increased assurance that the drug will have the characteristics of identity, strength, quality, and purity that it purports to possess (21 CFR 314.8 (d) (3)). NDA specifications higher than CGMP standards, on the other hand, are adopted by the manufacturer presumably because he and FDA believe them necessary or desirable to assure the quality of his product; changes in these specifications that will not provide increased assurances of product quality may not be implemented without prior authorization of FDA (21 CFR 314.8(c)).

These proposed regulations specify some of the facilities, types of equipment, processes, and controls that must be used to obtain a desired result for the LVP drug product. It is not the intent of FDA, however, to curtail technological advance in the form of new facilities, types of equipment, processes, or controls where such advance accomplishes at least the results attainable by strict compliance with these regulations. Nor is it the intent to require compliance when to do so would lead to the alteration, degradation, or instability of the end product. The Commissioner realizes that in rare cases it may not be possible for an LVP drug product to be made in compliance with the proposed CGMP regulations, particularly the sterilization process in § 212.240, because of unique characteristics in the drug product that would be impaired, altered, or destroyed if full compliance were attained. The Commissioner has not attempted, however, to determine which specific drug products, if any, cannot be processed in compliance with the proposed regulations. It is the responsibility of every manufacturer of an LVP drug product to determine whether compliance is feasible, and, if not, to have data to support any exceptions from the proposed minimal sterilization process. For those drug products that must be processed under lesser standards than those proposed in these CGMP regulations and that are the subject of a new drug application approved on the basis of those lesser standards, a supplement to the NDA is required establishing the need for lesser standards. If the supplement is approved, the drug product is exempted from the CGMP regulations for that process or other requirement. For LVP drug products manufactured under different standards that are equal to or exceed these proposed CGMP regulations and are subjects of existing approved NDA's, the NDA requirements continue as a commitment. For drug products not able to meet the minimal sterilization process and not subject to section 505 of the act, the Commissioner advises that at this time the data to support any such exceptions shall be maintained by the manufacturer and will be reviewed and evaluated during factory inspections conducted under section 704 of the act. The proposed § 212.5 sets forth the foregoing policy.

In order to determine whether exceptions to this policy are anticipated, the Commissioner requests specific information regarding those LVP drug products that cannot withstand the proposed sterilization process. Therefore, each manufacturer should, during the time period provided for comments on these proposed regulations, identify any of his LVP drug products, whether or not now covered by an approved NDA, that cannot be manufactured in compliance with the proposed minimal sterilization process. The Commissioner will evaluate the need for particular deviations during the preparation of the final regulations on this proposal.

GENERAL PROVISIONS (SUBPART A)

1. In proposed § 212.3(b)(1) the term "large volume parenteral" is defined as a terminally sterilized aqueous drug product packaged in a single-dose container with a capacity of 100 milliliters or more and intended to be administered or used in humans. This includes intravenous infusions, irrigating solutions, peritoneal dialysates and blood collecting units with anticoagulant. While large volume parenteral drug products are considered by some to be only for intravenous use, there is no universally accepted definition that limits such drug products to intravenous use. For the purposes of this part, the meaning of LVP drug product is broadened to include several kinds of sterile fluids that are used under circumstances where failure to meet standards of microbiological quality place the patient at risk.

These proposed regulations apply only to LVP drugs for human use. This differs from the general CGMP regulations in Parts 210 and 211, which apply to both human and veterinary drugs. Almost all contacts and discussions with the industry during development of this proposal involved drugs for human use. Thus, the proposed regulations are based on information specific to LVP drug products for humans. In addition, the Commissioner notes that a significant portion of LVP drug products intended solely for veterinary use are sterilized by means other than those covered in this proposal, and that certain other requirements for such veterinary products differ significantly from those for human-use products, e.g., veterinary LVP drugs need not be pyrogen-free. For these reasons, CGMP regulations for veterinary LVP drug products are not included in this proposal and will be considered at a later time.

Biological drug products are not included in the term "large volume parenteral" because they are not terminally sterilized, and many of the proposed requirements would not be appropriate for the manufacture of such products. Biological drug products are regulated under section 351 of the Public Health Service Act (42 U.S.C. 262) and are subject to the general CGMP regulations in Parts 210 and 211 as well as the stand-

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ards set forth in Parts 600 through 680 (21 CFR Parts 600 through 680).

2. Proposed § 212.3(b)(2) defines the term "controlled environment area." The weighing, mixing, filling, transfer, and gowning areas must be environmentally controlled in accordance with the standards of air quality and the requirements for lighting and construction that are specified in this part to minimize contamination from air-borne particulates, including microorganisms.

3. In proposed § 212.3(b)(3), (5), (6), and (12) the terms "F_o," "heat distribution study," "heat penetration study," and "sterilization process," are defined for use in testing procedures to determine the adequacy of the sterilization process.

4. In proposed § 212.3(b)(4) and (7) the terms "HEPA filter" and "laminar flow" are defined. Elsewhere in the regulations, in §§ 212.77 and 212.222 are requirements for high efficiency particulate air (HEPA)-filtered, laminar-flow air equipment to be used at the filling line and microbiological testing area. Air of this high quality in these critical areas of drug product exposure is already widely used throughout the industry.

ORGANIZATION AND PERSONNEL (SUBPART B)

1. Proposed § 212.22 establishes specific responsibilities for the quality control unit. The proposed regulations require that before a plant, process, procedure, or container-closure system is used in LVP drug product production, it must be tested and accepted or rejected by the quality control unit. The quality control unit has the responsibility and authority to accept or reject the design, engineering, and physical facilities of the plant, the equipment, the manufacturing processes and procedures, and the container-closure system. In addition, modifications in production systems must first be approved by the quality control unit before implementation.

2. Proposed § 212.29 establishes requirements to be followed by personnel when entering or leaving a controlled environment area. Appropriate nonlinting garments are required to be worn while in the controlled environment area and are prohibited from being worn outside of the controlled environment area, including the changing area. The basic provisions of this proposed section are already extensively practiced by the LVP drug product industry.

BUILDINGS AND FACILITIES (SUBPART C)

1. Proposed § 212.42 sets forth general design and construction features for LVP drug manufacturing facilities as well as specific construction features for controlled environment areas within these facilities. To preclude the physical features from becoming a source of contamination by particulates, the Commissioner believes the walls, floors, ceilings, fixtures, and partitions in controlled environment areas must have surfaces that resist flaking and other deterioration and are suitable for cleaning. To preclude possible contamination, this section prohibits fixed pipes or conduits over exposed components, in-process materials, drug products, and drug product contact surfaces, including drug product containers and closures after final rinse. All pipes or conduits for air or liquid in each physically separated area are required to be identified by name, color code, or other suitable means as to their content. Manufacturers have long recognized the importance of using materials that are easily cleaned and that will not flake or deteriorate. For the most part, plant, equipment, and facilities already have been designed and constructed to meet the proposed requirements. Therefore, the Commissioner believes that the majority of firms already conform to this proposed section.

2. Proposed § 212.44 requires lighting fixtures in controlled environment areas to be constructed and installed in a manner to prevent any accumulation of dust and to facilitate cleaning. Such fixtures must also be enclosed to prevent scattering of any material in case of breakage. The Commissioner believes that building construction in most plants currently incorporates the features proposed here.

3. Proposed § 212.45 establishes specific requirements for locating and equipping gowning areas. This requirement is designed to assure that robing accommodations will minimize the likelihood of particulate contamination of the special garments to be worn in controlled environment areas.

4. Proposed § 212.47 requires that the facilities used for LVP production include a compressed-air processing and distribution system. The air produced by such a system shall meet certain requirements, which are set forth in § 212.223 and discussed at length in this preamble under Subpart L.

5. In proposed § 212.49 specific requirements are added for systems handling water and other liquids to ensure the quality of the material handled. Pipelines for the transmission of water for injection and other liquid components are required to be of welded stainless steel equipped for sterilization with steam, except that sanitary stainless steel lines with fittings capable of disassembly may be immediately adjacent to the equipment or valves that must be removed from the lines for servicing. Pipelines capable of disassembly for manual cleaning may be used for liquid in-process materials.

This section would also prohibit filters at any point in the piping system carrying water for manufacturing or final rinse to prevent microbial or pyrogen contamination attributed to improperly maintained in-line filters.

In the FEDERAL REGISTER of March 14, 1975 (40 FR 11865), the Commission published final regulations regarding fibers, particularly asbestos-form particles, in drugs for parenteral injection. These requirements are now in the CGMP regulations in §§ 211.40(j) and 211.55 (21 CFR 211.40(j) and 211.55) (and in §§ 211.72 and 211.94(c) in the proposed revisions of the CGMP regulations published in the FEDERAL REGISTER of February 13, 1976). In part, the existing CGMP regulations require that containers for parenteral drugs be cleansed with water that has been filtered through a nonfiber-releasing filter of maximum pore size of 0.22 micron (or 0.45 micron if the manufacturing conditions so dictate).

The requirements for parenteral drug products regarding filtration to remove fibers apply to all parenteral drug products including LVP drug products. Because of the high quality standards for final rinse water that are being proposed for LVP drug products, the Commissioner is seeking sufficient information to determine whether filtration of the final rinse water should continue to be required. Therefore, he finds it appropriate to request information and comments regarding the need to filter the final rinse water to remove fibers and the placement of filters if such filtration is desirable.

6. In proposed § 212.49(c) the length of unused piping in systems handling water for manufacturing and final rinse and other liquid components is restricted to prevent the accumulation of stagnant fluid and possible subsequent bacterial buildup that could contaminate the fluid system. The proposed limits on the pipe length will allow sufficient turbulence and interchange of fluid when there is flow in the principal line. This phenomenon of turbulence and fluid interchange is an engineering principle that is well recognized. The proposal for LVP pipelines is based on similar kinds of requirements; for example, sanitary standards for bulk transport of milk set forth in "3-A Sanitary Standards For Stainless Steel Automotive Milk and Milk Products Transportation Tanks For Bulk Delivery and/or Farm Pick-Up Service," *Journal of Milk and Food Technology*, Vol. 34 No. 11, November 1971 (on file in the office of the Hearing Clerk, Food and Drug Administration).

7. Proposed § 212.51 draws attention to potential problems of microbiological contamination resulting from improperly designed drainage systems. Plumbing must be designed to prevent backflow of production or sanitary wastes from occurring.

EQUIPMENT (SUBPART D)

1. Proposed § 212.63 requires that equipment such as guide rails, diverters, and transfer mechanisms that contact glass bottles shall be designed to prevent damage to the bottles. Rough handling of bottles can result in small cracks or chips that might allow the drug product to become contaminated. This problem is already well recognized by manufacturers, and equipment today is generally designed to protect against this kind of damage.

2. Proposed § 212.65 requires that equipment be constructed so that its surfaces shall not affect the safety, identity, strength, quality, or purity of the LVP drug product.

3. Proposed § 212.67 discusses the requirements for equipment cleaning and maintenance that must be followed and included in a written procedure and

cleaning schedule. One of the requirements is the provision that all equipment and surfaces that contact components, in-process materials, drug products, or drug product contact surfaces be rinsed with water meeting the quality standards for water used as a component of the LVP drug product immediately prior to such contact.

4. Proposed § 212.68 discusses the equipment used in the manufacture, processing, packing, and holding of large volume parenterals that is sophisticated and must function with great precision. This equipment must be periodically checked, calibrated, examined, or tested for proper functioning and accuracy. Therefore, the Commissioner proposes that all such equipment be examined according to written schedules and procedures and that the results of such work be recorded.

5. In proposed § 212.72, there is a requirement that the integrity of air and solution filters be established before they are used. In addition, the integrity of filters used for filtering LVP drug products are required to be verified before and after the filtering operation. If a solution filter used for any lot of an LVP drug product fails the test, all materials filtered through it shall be rejected. However, the Commissioner believes that refiltration can be permitted as long as the entire process does not exceed the 8-hour process time specified in § 212.111 and so proposes. Solution filters are required to be sterile at the time of installation.

6. Proposed §§ 212.73, 212.74, and 212.75 set forth specific requirements for the equipment used in sterilization of LVP drug products. Large volume parenteral products can only have the quality characteristics that are commensurate with the quality of the components and equipment used. The sterilization procedure is a critical step in the production of sterile and pyrogen-free LVP drug products. The quality of these products can be assured only by employing sterilization equipment and procedures that are capable of accurately reproducing the microbial lethality desired.

These proposed sections establish requirements for sterilization equipment that recognize the three most widely used methods of heat sterilization: steam or air-steam mixtures (§ 212.73), superheated water (§ 212.74), and steam with hydrostatic pressure (§ 212.75). The equipment requirements for each method are described in detail to assure uniformity of temperatures and pressure during sterilization.

Although this subpart discusses the requirements for three different heat sterilization procedures, alternative procedures may be used as provided for in § 212.5. Irrespective of the sterilization procedure, it may not be used for LVP drug products until it has been tested and approved by the quality control unit.

7. Proposed § 212.76 establishes criteria for heat exchangers. The pressure differential of heat exchangers must be monitored and monitoring records must be maintained. Again, the purpose of this requirement is to contribute to the assurance of microbial quality.

8. Proposed § 212.77 requires that HEPA-filtered, laminar-flow air be used over the filling line and in the area where microbiological testing is performed because air may be a significant source of contamination. Air in both areas must be of the highest quality. In the filling area, the containers are open and thus vulnerable to contamination. To rely on the test results with a high degree of confidence, it is also essential that the microbiological testing have high quality air. This section also requires that the laminar-flow equipment be monitored according to a written program and records be maintained of the test and any resultant corrective actions. Generally, the LVP drug product industry already meets these standards.

9. Proposed § 212.78 requires that air vents of all stills and tanks that hold water for manufacturing or final rinsing, water for cooling the drug product after sterilization, liquid components, and in-process solutions be equipped with nonfiber-releasing sterilizable filters capable of preventnig microbial contamination of the contents. Such filters shall be sterilized and installed aseptically.

10. Proposed § 212.79 requires that pumps moving water for manufacturing or final rinsing, water for cooling the drug after sterilization, and in-process or drug product solutions be designed to utilize water for injection as a lubricant for the seals.

CONTROL OF COMPONENTS, DRUG PRODUCT CONTAINERS, CLOSURES, AND IN-PROCESS MATERIALS (SUBPART E)

1. Proposed § 212.84 prescribes requirements applicable to the testing and approval or rejection of components, containers, and closures. All components must periodically be subjected to microbiological examinations and be free of heat-resistant spores or other microbiological contaminants that may affect the quality of an LVP drug product.

In addition, because of the nature of LVP drug products, the Commissioner concludes that special protection must be provided to assure a pyrogen-free product. Therefore, in addition to requiring the pyrogen test on the final drug product, the Commissioner is proposing to require that each shipment of each lot of components, drug product containers, and closures be tested for pyrogenic properties prior to release by the quality control unit. Lots of materials that produce a pyrogenic reaction shall be rejected, but may be reprocessed. This is in accord with current good manufacturing practice in the LVP industry.

2. Proposed § 212.94 supplements § 212.84 with respect to chemical and physical characteristics of the container-closure system. Because of the critical nature of the container-closure system, which must protect the sterility of the drug after that state has been achieved, it is essential that containers and closures be of optimal quality. Since containers and closures employed in the manufacture of LVP drug products are unique to this industry, the Commissioner concludes that special procedures utilized in some LVP manufacturing today should be required for the control of all LVP drug product quality. This proposed section sets forth such requirements.

Before any container-closure system may be used for LVP drug products, it must first be tested and approved by the quality control unit. As with other systems that have been so evaluated and accepted, changes may not be made until the proposed changes are reviewed and approved by the quality control unit.

In view of the importance of the container-closure system, the Commissioner proposes to require that each shipment of each lot of containers and closures be sampled and tested for physical characteristics according to a statistically valid sampling plan. Thus, even if containers from the same manufactured lot are received at two different times, this section requires each shipment to be sampled and tested for physical characteristics. If the supplier of the containers or closures is changed, 100 percent inspection for physical defects shall be performed until the reliability of the new supplier has been established.

PRODUCTION AND PROCESS CONTROLS (SUBPART F)

Many of the requirements proposed in this subpart are matters that are specific to parenteral production but have their conceptual roots in the general requirements for finished pharmaceuticals in Part 211. For example, the requirement that procedures be written and documented is found throughout Part 211; however, the requirement for a procedure for flushing static lines is specific to parenterals and therefore appears in this proposal.

The more significant proposed requirements that are specific for LVP drug products are as follows:

1. Proposed § 212.100(a) requires that the processes and procedures used in the production of the drug product be tested and determined adequate by the quality control unit.

2. In proposed § 212.100(b) written procedures are required for flushing all static lines to prevent any growths of microorganisms from being added to the production system. In addition, procedures must be established to specify the action to be taken with regard to the material in the sterilizer when the automatic system fails or the alarm signals a malfunction.

3. In proposed § 212.104 requirements regarding calculation of yield have been expanded over the more general CGMP regulations to take into account procedures peculiar to LVP drug production such as drug product loss due to line flushing.

4. Proposed § 212.111 establishes maximum production time limits. To prevent excessive growth of microorganisms prior to sterilization, and to protect against generation of pyrogens, the Commissioner proposes that specific time limitations be placed on certain production

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phases. Although the industry survey revealed no specific industry practice in this area, all firms felt that time had to be limited. It is, therefore, proposed that an 8-hour limit be established as the maximum permissible time between addition of water for manufacturing (frequently termed "product make-up water") to the mix tank and the exposure of the last container to the sterilization process.

5. In proposed § 212.116 there is a requirement that prior to filling, LVP drug products must be filtered through a filter system having a final mean porosity of 0.45 micron. However, the Commissioner recognizes that this limitation may not be practicable for viscous drug products and proposes to permit a larger porosity filter to be used to achieve a flow rate consistent with the maximum production time limitation. The length of time a filtration system can be used without cleaning or filter replacement is limited to 8 hours.

6. Proposed § 212.117 requires that after the sterilization process and before release for marketing, all LVP drug products be visually examined for particulate matter. Alternate methods of examination may be used provided such methods are as effective as a visual examination. Any drug product found to contain particulate matter must be rejected.

7. Proposed § 212.118 permits reuse of sterilized glass containers during production operations. Such containers usually come from lots that have been sterilized but do not meet some specification that does not affect the integrity of the container itself.

This section proposes careful evaluation of such containers, including data concerning the effects of repeated sterilization on the container.

PACKAGING AND LABELING CONTROL (SUBPART G)

Proposed § 212.130 is intended to recognize the importance of suitable packaging for shipping sterile, large volume drug products covered by these regulations.

HOLDING AND DISTRIBUTION (SUBPART H)

1. Proposed § 212.142 requires that written procedures describing the storage of LVP drug products include specific directions regarding the stacking of cases. Limitations of stacking height, for example, will eliminate undue stress on the container-closure system.

2. Proposed § 212.150 requires manufacturers to establish and follow proper shipping procedures and to discontinue the services of transportation companies that are found to routinely mishandle LVP drug products in a way that could jeopardize the integrity of the products. While this may be a relatively new concept to some manufacturers, the Commissioner is aware that a number of drug manufacturers routinely monitor the conditions under which their products are shipped.

LABORATORY CONTROLS (SUBPART I)

In proposed § 212.167, laboratory controls, which supplement the broader requirements in the general CGMP regulations, relate specifically to testing for pyrogens, particulate matter, and sterility.

First, pyrogen testing is proposed to be performed at certain specific times in the manufacture of LVP drug products. This would be at the times of the filling of the first and last containers in a batch and when containers are filled after resumption of operations following any significant stoppage of production. The Commissioner believes that samples drawn at these points will reflect "worst" conditions, and if these are found satisfactory, the material produced in the interim can be expected to be of suitable quality. The pyrogen test method proposed is the United States Pharmacopeia (U.S.P.) method; however, any method that is equivalent to the U.S.P. method may be used. The pooling of material for testing is not permitted except where there is insufficient material to test. Such cases should be the extreme exception.

The U.S.P. in the first supplement to its 19th revision has included a method for determining the degree of contamination with, and limit for, particulate matter for large volume single-dose intravenous infusions, one type of LVP drug product. The method and standards in the U.S.P. for particulate matter are proposed; however, alternative methodology may be used if equivalent to the U.S.P. method.

The third test proposed is for sterility of the lot. Again, the U.S.P. testing procedures (membrane filtration) or equivalent is proposed.

RECORDS AND REPORTS (SUBPART J)

Generally, this proposed subpart summarizes the records and reports required to be maintained and, for convenience, cites cross-references to pertinent sections elsewhere in the proposed regulations.

AIR AND WATER QUALITY (SUBPART L)

1. Proposed § 212.220 establishes general requirements for air and water quality. In considering the need for requirements relating to the manufacturing and processing of LVP's, the Commissioner recognizes the importance of high quality air and water.

No article is used more extensively in the manufacture of LVP drug products than is water. Since the problems associated with LVP's in the past have been microbiologically oriented, it is mandatory that microbiological quality limits be established for water, which, when exceeded, require the initiation of corrective action.

Before the intensified efforts of the last several years, industry had not considered the air in LVP plants as a source of microbial contamination except in the area directly over the filling line. Since microbial control is essential throughout the plant, it is only prudent that attention be given to environmental air in production areas and that quality limits be proposed for air in critical areas.

This section therefore proposes general requirements for air and water quality and requires written procedures to specify appropriate corrective action when established specifications are not met.

2. Proposed §§ 212.221, 212.222, and 212.223 identify air quality requirements for a number of specific plant areas where there is a potential for LVP drug product contamination. The Commissioner notes that other Federal Government organizations have had considerable experience with "contamination control" in areas not related to drug manufacture. Examples are found in the Contamination Control of Aerospace Facilities, U.S. Air Force Technical Order (T.O.) 00-25-203, Warner Robins ALC/MMSTD, Warner Robins AFB, GA-31098 and Clean Room and Work Station Requirements, Controlled Environment (Fed. Std. No. 209B), General Services Administration Specifications Activity, Printed Materials Supply Division, Bldg. 197, Naval Weapons Plant, Washington, DC 20407 (on file in the office of the Hearing Clerk, Food and Drug Administration). In considering these Federal requirements for nondrug facilities and the current practices of the LVP drug industry, the Commissioner concludes that many of these requirements for nondrug facilities are clearly applicable to drug production facilities. Therefore, as a starting point for this proposal, the air quality for critical areas of possible drug product exposure is defined in these proposed sections. The principle is that air coming into contact with a vulnerable product or process must be of a quality that will not unduly jeopardize the product by contributing significant undetected contamination. Monitoring of air quality on a regular, routine basis is essential to maintaining appropriate air quality. Air over filling lines has generally been HEPA filtered; however, it has not been monitored by industry to demonstrate that it meets the requirements of a class standard. It is therefore proposed that such air be HEPA filtered and that it be monitored for particulates during production so that standards can be set, deviation from the norm can be detected, and remedial action taken when necessary. The Commissioner believes that the proposed air quality requirements are broad enough to provide reasonable latitude for all firms to comply and yet be a meaningful quality assurance standard. As additional experience is gained with regard to the relationship of air quality to drug quality, the Commissioner will consider revisions in these proposed CGMP regulations.

Attention must also be given to compressed air. It is proposed that compressed air be filtered to meet the air quality requirements at the point of use.

The industry has suggested that filtration will produce air of the particulate quality desired and will not necessitate the expensive replacement of compressors and distribution lines. Compressed air is presently being dehumidified by the industry to prevent condensation and thus possible microbial contamination in the distribution lines. The Commissioner also proposes that compressed air be supplied by an oil-free compressor and be free of oil and oil vapor unless such compressed air is vented to a noncontrolled-environment area. The Commissioner believes that compressed air must be supplied free of oil and oil vapor because he is not aware of filters that can remove oil vapor. However, the Commissioner recognizes that some compressed-air-operated equipment cannot be operated without a lubricant. Therefore, the proposed regulations would allow for the use of compressed air containing oil and oil vapor when such air is vented directly to a noncontrolled environment area.

3. Proposed § 212.224 establishes quality standards for water that is used for cleansing or initially rinsing drug product containers and closures, and drug product contact surfaces or equipment. Such wash and rinse water need not have the same requirements as final rinse water because of the further rinsing effect imparted by the subsequent use of the higher quality final rinse water. The proposed microbial limit for water for cleansing and initial rinsing is 50 microorganisms per 100 milliliters in three consecutive samples.

The 1973 industry survey revealed that setting specifications and monitoring this water for conformity to specifications was not a general industry practice. Testing such water at that time showed that some plants had significant contamination. Although monitoring and controlling this water is today an industry practice, the microbial limit established may vary among individual firms. As with other specifications in these proposed regulations, the Commissioner invites comments on reasonable limits for microbial content of this water that will demonstrate control of the system producing the water and that will result in assurance of quality of the LVP drug product.

4. Proposed § 212.225 contains specific standards for water used as a component of an LVP drug product or as a final rinse for equipment or drug product contact surfaces. Water for injection, as defined in the U.S.P., is the ingredient of greatest volume used to prepare LVP drug products and is the basis for the proposed requirements for water used as a component of such parenterals. Because the Commissioner recognizes the need to build quality into the product by means of knowing the quality of component parts associated with its manufacture, he is also proposing certain microbiological quality levels as specifications for water used for certain critical purposes. Microbial limits, proposed in this section and in §§ 212.224 and 212.226, are new to CGMP regulations. However, some manufacturers already meet these limits, and virtually all manufacturers have established microbial limits for water used in the manufacture and cooling of LVP drug products and the cleaning and rinsing of drug product contact surfaces. Therefore, the Commissioner has concluded that a reasonable, finite level of microbiological population in water should be established to determine when water quality is unacceptable and the production process can no longer assure a safe and sterile end product. The Commissioner welcomes comments on these proposed microbial limits and invites the submission of alternative specific limits, together with information supporting them or challenging the limits proposed in this notice.

The microbiological quality limit proposed for water for manufacturing or final rinsing is not more than 10 microorganisms per 100 milliliters in three consecutive samples of 250 milliliters or more taken from the same site. This microbial level was selected because data from LVP manufacturers reviewed during the 1973 survey indicated that this limit is reasonable and can be consistently met. Allowance for three consecutive samples from the same site to exceed the limit before action must be taken will permit sampling and testing errors to be identified as such. Thus, the results of one test will not condemn the system. When produced with such a quality, it is expected that such water will be stored and handled in a manner that will maintain that level of quality. Thus, it is proposed that the water be stored in a system at temperatures of at least 80° C under continuous circulation, or, if stored at ambient temperatures or lower, that the water be dumped to drain at least every 24 hours. The Commissioner believes that almost all manufacturers have adopted similar requirements for adequate handling and storage of this high quality water.

5. Proposed § 212.226 contains microbial standards for water for drug product cooling. This section proposes that water used for cooling the product after sterilization be treated by an appropriate method (i.e., chlorination or sterilization) to reduce the microbial population to one viable organism per 100 milliliters in three consecutive samples of 1 liter or more from the same site. The Commissioner finds that drug product cooling water must be of extremely high quality to eliminate the possibility of introducing microorganisms from contaminated cooling water into the LVP drug product after the sterilization process is complete. While the 1973 survey revealed that it was not universal industry practice to test such cooling water for microbial contamination, recent information indicates that most manufacturers recognize the importance of using a high quality cooling water and have established microbial standards for such water.

6. Proposed § 212.227 prohibits the use of volatile additives in boilers that supply steam that contacts drug product contact surfaces. Because steam is used extensively throughout the production of LVP drug products, it is necessary to be assured that such steam does not contaminate the drug product.

7. Proposed §§ 212.231, 212.232, and 212.233 require monitoring of air and water quality. To control the microbial flora of the environment, there must be some knowledge of what is present. The 1973 survey showed that industry had very little information in this area. Since that time, firms have established programs and have generated data to identify the normal microbial experience in each plant. Section 212.231 requires that the microbial flora of the plant be monitored according to a sampling and testing program designed to determine whether the plant and equipment, manufacturing processes, and control procedures continue to be effective for LVP drug production. One of the main purposes of such a program is to obtain data as to the probable contribution to the total load of contamination made by each integral part of the process. Specifically in §§ 212.232 and 212.233, the air and water quality must be monitored to provide assurance that the quality standards proposed elsewhere in the regulations are being met.

STERILIZATION (SUBPART M)

The sterilization process, with its capability to destroy microorganisms, is probably the single most important process in all of LVP drug product manufacture. Therefore, an entire subpart is devoted to the details of how appropriate assurance of sterility is obtained. It enumerates the many factors to be considered in the design of the process and those required for proving that the process is uniform and consistently reproducible.

For the first time in drug CGMP regulations, FDA is establishing a process standard. This standard for the sterilization process is a lethality factor (termed F_o) of 8. For information regarding the calculation of F_o the following references, on file in the office of the Hearing Clerk, Food and Drug Administration, may be useful:

REFERENCES

(1) National Canners Association. "Laboratory Manual for Food Canners and Processors," Vol. 1, Avi Publishing Co., Westport, CN, pp. 220–251, 1968.

(2) Stumbo. C. R., "Thermobacteriology in Food Processing," Academic Press, 1973.

(3) "Industrial Sterilization," Edited by Philips, G. B. and W. S. Miller, Duke University Press, Durham, NC, pp. 239–282, 1973.

(4) Pflug. I. J., "Heat Sterilization," in "Industrial Sterilization," Edited by Phillips, G. B. and W. S. Miller, Duke University Press, Durham, NC, 1973.

The survey of 1973 showed that the industry traditionally applied to its products during the sterilization process a degree of heat treatment that was minimal by today's standards and knowledge. While the extent of heating used at the time of the survey was satisfactory for

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low concentrations of heat-sensitive microorganisms, the sterilization cycles employed did not provide suitable margins of safety, and there was no way to assure that some very small levels of contamination did not survive the sterilization process. Such risks are considered unnecessary in light of current sterilization technology.

Classical sterilization techniques using pure steam under pressure provided a lethality factor of 12 to 15, which has long been used as a recommended standard. However, such an amount of lethality in the form of heat may also be detrimental to the chemistry and stability of these products. After considering the process of sterilization as it applies to the production of safe and effective LVP drug products, the Commissioner believes that a manufacturing process for terminal sterilization of an LVP drug product may employ steam, mixtures of air and steam, or superheated water as the sterilizing medium, provided the procedure has been shown to deliver an F_0 of 8 or more. As discussed earlier, provisions are proposed in § 212.5 for alternative facilities, equipment, processes, or control procedures and specifically in § 212.5(d) for a sterilization process delivering an F_0 of less than 8.

When sterilization under conditions producing an F_0 of 8 or more is coupled with all of the other control features proposed in this regulation, a generous margin of safety is provided even when fluctuations in microbial flora are encountered. The proposed F_0 value of 8 has been known to be under consideration since the draft proposal was publicly released in April 1975. FDA has evidence that industry has been moving toward the establishment of more stringent sterilization processes in view of the expectation that this lethality factor would become a requirement. Some plants already employ such processes; and, therefore, the use of an F_0 factor of 8 can already be considered a current good manufacturing practice.

2. Proposed § 212.243 requires that the sterilization process be tested and approved by the quality control unit. The testing of the sterlization process must include heat distribution studies and heat penetration studies.

The Commissioner believes these studies are necessary to demonstrate that the process is uniform and reproducible within certain limits. Such studies must be repeated when any changes that may affect the heat delivered to the product are made in the equipment or in the sterilization process. Heat distribution studies are necessary to document that the sterilizing medium is uniform. Heat peneration studies are performed to document that the product being sterilized is subjected to the required process standard regardless of its location in the sterilizing chamber. Sufficient studies must be performed to establish that the prescribed F_0 is delivered consistently throughout the sterilizer. It is important that every manufacturer use data derived from the same processing parameters. Therefore, the Commissioner proposes that the data employed to calculate the F_0 value be derived beginning when the sterilizer environment has stabilized and ending when cooling is initiated.

The Commissioner further proposes that heat penetration studies use temperature sensors, i.e., thermocouples, and suitable biological indicators as added assurance that the sterilization process is capable of microbial destruction. The indicators shall be placed in the same containers where temperature sensors are used. The Commissioner believes that biological indicators are used to some extent by all manufacturers of LVP drug products. Furthermore, the Commissioner is aware that some manufacturers use biological indicators throughout production and process development and as added assurance of sterilization in every sterilizer load. Other manufacturers, however, appear to strongly oppose such widespread use of biological indicators. The Commissioner has concluded that more information is needed before he can determine the "current good" practice of the industry and whether biological indicators in every sterilizer load are necessary to assure satisfactory sterilization. Therefore, the Commissioner requests specific comments regarding the use of biological indicators in each sterilizer load as an additional means of verifying the sterilization process. These comments, along with other information currently being developed by FDA should materially assist the Commissioner in determining the role of biological indicators in the manufacture of LVP drug products.

3. Proposed § 212.244 sets forth a number of pertinent factors that must be included in the design of a sterilization process. One of the most important of these is uniform heat distribution. If one container of an LVP drug product is to be of the same quality as any other container in the lot, then all must have been exposed to virtually the same process and have the same sterilization history. It is, therefore, proposed that the temperature of the sterilizing medium vary no more than ± 0.5 C or $\pm 1°$ F from the specified temperature once the product achieves process temperature.

Other factors such as the loading pattern of the sterilizer, the initial temperature of the product and sterilizer, venting time, product come-up time, and cooling time are discussed in this proposed section.

4. Proposed § 212.245 establishes certain controls that need to be employed during the sterilization process. Such controls include placement and periodic checking of equipment used to measure and record the temperature, times, and pressures, ensuring that bleeders on sterilizers are functioning, or assuring that water levels, where required, are maintained. Of importance in this proposed section is a determination of the microbial population and the relative heat resistance of the organism prior to sterilization. Such determination is based on samples collected at the beginning and at the end of the filling operation. There should be no evidence of significant microbial growth having occurred during the time of the filling operation nor should the microbial level or microbial heat resistance exceed those levels established during the testing and approval of the manufacturing process and control procedure. Again, this is in accordance with current good manufacturing practice.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by EO 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 506, 507, 701, 52 Stat. 1049–1053 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 351, 352, 355, 356, 357, 371)) and under the authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that a new 21 CFR Part 212 be established as follows:

PART 212—CURRENT GOOD MANUFACTURING PRACTICE IN THE MANUFACTURE, PROCESSING, PACKING, OR HOLDING OF LARGE VOLUME PARENTERALS FOR HUMAN USE

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AUTHORITY: Secs. 501, 502, 505, 506, 507, 701, 52 Stat. 1049–1053 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 351, 352, 355, 356, 357, 371).

Subpart A—General Provisions

§ 212.1 Scope of Part 212.

(a) The regulations set forth in Parts 210, 211, and 212 of this chapter describe the minimum current good manufacturing practice for methods to be used in, and the facilities and controls to be used for, the manufacture, processing, packing, or holding of a large volume parenteral drug product for human use, to assure that such drug product meets the requirements of the act as to safety, and has the identity, strength, quality, and plicity stated otherwise. Therefore, to is represented to possess.

(b) The regulations in this part supplement the regulations in Parts 210 and 211 of this chapter except where explicitly stated otherwise. Therefore, to determine the requirements of current good manufacturing practice for large volume parenteral drug products, the regulations in Parts 210, 211, and 212 of this chapter must be applied together. In the event it is impossible to comply with applicable regulations both in this part and in Part 211 of this chapter, the regulations in this part shall supersede the regulations in Part 211. Where requirements in this part supplement corresponding requirements in Part 211 of this chapter, the same section heading is used and is keyed numerically to the regulation in Part 211. To trace a corresponding section, refer to the last portion of the section number. For example, definitions are found in §§ 210.3, 211.3, and 212.3 of this chapter; requirements regarding responsibilities of the quality control unit are in §§ 211.22 and 212.22 of this chapter.

§ 212.3 Definitions.

(a) The terms defined in § 210.3 of this chapter have the same meaning in this part.

(b) As used in this part:

(1) "Large volume parenteral" means a terminally sterilized aqueous drug product packaged in a single-dose container with a capacity of 100 milliliters or more and intended to be administered or used in man. It includes intravenous infusions, irrigating solutions, peritoneal dialysates, and blood collecting units with anticoagulant. The term "large volume parenteral" does not include any biological drug product subject to section 351 of the Public Health Service Act (42 U.S.C. 262).

(2) "Controlled environment area" means any area in which the manufacture, processing, packing, or holding of a larger volume parenteral drug product occurs and in which environmental factors such as humidity, temperature, particulate and microbial quality of the air must be controlled to assure that the drug product has the purity characteristics that it purports or is represented to possess. Under §§ 212.29(c) and 212.81, areas in which the weighing, mixing, or filling of large volume parenteral drug products occurs, transfer areas (defined in paragraph (b)(13) of this section), and areas in which gowning occurs must be environmentally controlled. Sections 212.29, 212.42, 212.44, 212.45, 212.221, 212.223, and 212.232 establish the requirements for environmental control to be followed.

(3) "F_0" means the equivalent amount of time, in minutes at 121° C or 250° F, which has been delivered to a product by the sterilization process. The "F_0" may be calculated by several methods. One method is to integrate the time the product is exposed to heat in terms of equivalent time at 121° C or 250° F. For such calculation, a "z" value of 10° C or 18° F is assumed; the term "z" value means the slope of the thermal death time curve and may be expressed as the number of degrees Fahrenheit required to bring about a tenfold change in the death rate. A second method of determining the F_0 is based on data obtained by the use of biological indicators. (For further background regarding the F_0 value see "Laboratory Manual for Food Canners and Processors," Vol. 1, National Canners Association, Avi Publishing Co., Westport, CT, 1968, pp. 220–251; "Industrial Sterilization," Phillips & Miller, Duke University Press, Durham, NC, 1973, pp. 239–282; or "Thermobacteriology in Food Processing," C. R. Stumbo, Academic Press, 1973.)

(4) "HEPA filter" means a high efficiency particulate air filter with the capability of retaining 99.97 percent of particulates greater than 0.3 micron in diameter.

(5) "Heat distribution study" means a study designed to ascertain whether or not the sterilizing medium in the sterilizer is uniform during the sterilization process.

(6) "Heat penetration study" means a study designed to indicate the amount of heat received by the drug product during the sterilization process.

(7) "Laminar flow" means the movement of an entire body of air within a confined area with uniform planar velocity along parallel flow lines.

(8) "Per day" or "daily" means a time period of 24 hours on days when manufacturing processes are being performed.

(9) "Particulate matter" means mobile, undissolved substances, other than gas bubbles, unintentionally present in a large volume parenteral drug product.

(10) "Pyrogen" means a substance in a large volume parenteral drug product that can cause a febrile or fever-producing reaction in man.

(11) "Static line" means any pipe containing liquid that is not emptied or circulated at least once every 24 hours.

(12) "Sterilization process" means the application of heat to sealed containers under specific conditions of time, temperature, and pressure.

(13) "Transfer area" means any area of the manufacturing plant, other than weighing, mixing, or filling areas, where the components, in-process materials, drug products, and drug product contact surfaces of equipment, containers, and closures after final rinse of such surfaces are exposed to the plant environment.

§ 212.5 Alternative facilities, equipment, processes, or control procedures; relation to new drug applications.

(a) The regulations in this part specify some of the facilities, types of equipment, processes, and controls that must be used to obtain a desired result for the final large volume parenteral drug product. These requirements set forth what the Food and Drug Administration has found

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to be the current good manufacturing practice for the manufacture, processing, packing, and holding of large volume parenteral drug products. It is not the intent of the Food and Drug Administration, however, to curtail technological advance in the form of new facilities, types of equipment, processes, or controls, where such advance accomplishes at least the results attainable by strict compliance with these regulations. Nor is it the intent to require compliance when to do so would lead to the alteration, degradation, or instability of the end product.

(b) Alternative facilities, types of equipment, processes, or controls may be used by a manufacturer if he has adequate data establishing that the alternative is equal or superior to that required in this part in terms of assuring that the large volume parenteral drug product meets the requirements of the act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess. The burden shall be on the manufacturer to show that the alternative can deliver the same result as, or a better result than, that attained by strict compliance with these regulations.

(1) For any large volume parenteral drug product subject to section 505 of the act:

(i) The use of any such alternative described in the application or supplement approved on or before (insert effective date of final regulation) shall continue as a commitment of the holder of the application until modified pursuant to a supplemental application under § 314.8 (c) or (d) of this chapter.

(ii) The introduction of any such alternative after (insert effective date of final regulation) shall be subject to a supplemental application (including the data described in paragraph (b) of this section) under § 314.8(d) of this chapter.

(2) For any large volume parenteral drug product not subject to section 505 of the act, the use of any such alternative shall be conditioned upon the manufacturer having in his files the data described in paragraph (b) of this section and available upon request from the Food and Drug Administration.

(c) Except as provided in paragraphs (d) and (e) of this section, the requirements of this part supersede any commitments contained in a new drug application approved on or before (insert effective date of final regulation) regarding any alternative facilities, types of equipment, processes, or controls that are not equal or superior to that required in this part in terms of assuring that the large volume parenteral drug product meets the requirements of the act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess.

(d) Any large volume parenteral drug product that would be affected, degraded, or rendered unstable in terms of its safety, identity, strength, quality or purity if made in strict compliance with the minimal sterilization process specified in § 212.240 may be processed at an F_o of less than 8 under the following conditions:

(1) There is documented evidence, including data and information, showing that the requirements of § 212.240 will affect, degrade, or render the product unstable in terms of its safety, identity, strength, quality, or purity.

(2) There is adequate data that establishes the maximum F_o that can be tolerated by the drug product.

(3) There is evidence, including results of microbiological challenge, that such alternative F_o value is adequate for the sterilization process.

(4) For large volume parenteral drug products that are subject to section 505 of the act, approval for an alternative sterilization process shall be obtained through approval of a new drug application or supplemental new drug application on or after (insert effective date of final regulation).

(5) For large volume parenteral drug products not subject to section 505 of the act, the manufacturer shall maintain for inspection under section 704 of the act any data, evidence, or other information in support of the sterilization process used in lieu of the process in § 212.240.

(e) For large volume parenteral drug product subject to section 505 of the act that would be affected, degraded, or rendered unstable in terms of its safety, identity, strength, quality or purity if made in strict compliance with the requirements of this part, other than those regarding the minimum sterilization process specified in § 212.240, shall be subject to a suplemental new drug application under § 314.8(c) of this chapter approved after (insert date of final regulation). Such application shall describe the reasons for such effect, degradation or instability; shall set forth the alternative facilities, types of equipment, processes, or controls proposed to be used, or proposed to be continued in use; and subject to a supplemental new drug apalternatives

Subpart B—Organization and Personnel

§ 212.22 Responsibilities of quality control unit.

(a) The quality control unit shall have the responsibility and authority to test and accept or reject the design, engineering, and physical facilities of the plant, the equipment, and the manufacturing process and control procedures to be used in the manufacture, processing, packing, and holding of each large volume parenteral drug product. The quality control unit shall reject any such plant, equipment, process, or procedure if it does not comply with the provisions of this part or if, in the opinion of the quality control unit, it is not suitable or adequate to assure that the drug product has the characteristics it purports or is represented to possess.

(b) The quality control unit shall have the responsibility and authority to test and accept or reject the container-closure system, and the delivery system if attached, to be used in the manufacture, processing, packing, and holding of the intended large volume parenteral drug product. The quality control unit shall reject any such system if it does not comply with the provisions of this part, in particular the requirements of § 212.94, or if, in the opinion of the quality control unit, it is not capable of holding the product invulnerable to contamination under the intended or contemplated conditions of shipment, storage, and use.

(c) The quality control unit shall have the responsibility and authority to test and approve or reject any changes in previously approved plant, equipment, processes, procedures, and container-closures and delivery systems before utilization in the manufacture, processing, packing, and holding of a large volume parenteral drug product.

§ 212.29 Personnel responsibilities in controlled environment areas.

(a) Procedures for entering and leaving any controlled environment area shall be written. Access to a controlled environment area shall be limited to persons trained in procedures for entering, maintaining the environmental integrity of, and leaving such areas.

(b) Prior to entering a controlled environment area (other than a gowning area), personnel shall remove jewelry and unnecessary cosmetics and shall don protective gowns and footwear meeting the following standards:

(1) Gowns shall be designed appropriately to cover the head and body. Gowns may replace or cover plant uniform apparel.

(2) Gowns shall be made of nonlinting materials.

(3) Gowns may be either reuseable or disposable. If disposable, a new gown shall be donned for each entry or reentry into a controlled environment area. If reuseable, a laundered gown shall be donned for such entry or reentry.

(4) Gowns shall be clean and shall be stored and handled to minimize microbial contamination and the accumulation of particulates.

(c) Donning of gowns and footwear, and washing preparatory to entering a controlled environment area (other than a gowning area), shall be performed in specifically designated gowning areas that shall meet the requirements for a controlled environment area as defined in § 212.3(b)(2).

Subpart C—Buildings and Facilities

§ 212.42 Design and construction features.

(a) Walls, floors, ceilings, fixtures, and partitions in controlled environment areas shall:

(1) Have a smooth, cleanable finish that is impervious to water and to cleaning and santitizing solutions;

(2) Be constructed of materials that resist chipping, flaking, oxidizing, or other deterioration.

(b) Floors that are cleaned by flooding or floors that are in areas where operations discharge water or liquid product waste onto the floor shall be curved (coved) at the floor-wall junction. Floors

shall be sloped to a drain and sealed to facilitate cleaning.

(c) There shall not be horizontal fixed pipes or conduits over exposed components, in-process materials, drug products, and drug product contact surfaces, including drug product containers and closures after the final rinse.

(d) In each physically separated area, pipes or conduits for air or liquids shall be identified as to their contents. Such identification shall be by name, color code, or other suitable means.

§ 212.43 Sterilization areas.

Sterilization areas shall be designed and equipped to prevent intermingling of sterilized and unsterilized material or drug products.

§ 212.44 Lighting.

Lighting fixtures in controlled environment areas shall:

(a) Be constructed in a manner to prevent any accumulation of dust and to facilitate cleaning.

(b) Be covered to prevent scattering of any material in case of breakage.

§ 212.45 Gowning area.

There shall be a gowning area that is:

(a) Located immediately adjacent to the controlled environment work areas served;

(b) Supplied with air so that the area has a negative air pressure relative to any controlled environment work area served and has a positive air pressure relative to the atmosphere and to any adjacent noncontrolled environment area; the requirements for air in controlled environment areas are found in § 212.221. The air pressure differential shall be monitored;

(c) The sole means of personnel entry and exit at each controlled environment work area served, except for emergencies;

(d) Equipped with receptacles for disposal of used garments;

(e) Equipped with surgical type handwashing facilities and warm-air handdrying equipment.

§ 212.47 Compressed air.

Each building shall include a compressed-air processing and distribution system capable of supplying compressed air meeting the requirements of § 212.223 to sites where needed.

§ 212.49 Water and other liquid-handling systems.

(a) Filters may not be used at any point in the water for manufacturing or final rinse piping system.

(b) Backflow of liquids shall be prevented at points of interconnection of different systems.

(c) Pipelines for the transmission of water for manufacturing or final rinse and other liquid components shall:

(1) Be constructed of welded stainless steel (nonrusting grade) equipped for sterilization with steam, except that sanitary stainless steel lines with fittings capable of disassembly may be immediately adjacent to the equipment or valves that must be removed from the lines for servicing and replacement.

(2) Be sloped to provide for complete drainage.

(3) Not have an unused portion greater in length than six diameters of the unused pipe measured from the axis of the pipe in use.

(d) Pipelines for the transmission of liquid in-process materials and drug products shall meet the requirements of paragraph (c) of this section except that pipelines capable of disassembly for manual cleaning may be used in lieu of the requirements of paragraph (c)(1) of this section.

§ 212.51 Production waste liquids.

(a) Drainage systems for production waste liquids shall not be utilized for sanitary waste. A means to prevent backflow of sanitary wastes into the process waste lines shall be provided and shall be located outside of the immediate building where production occurs.

(b) Waste liquids shall be introduced to sewers through trapped drains. Drains from equipment shall be designed with an atmospheric break to prevent backsiphonage.

Subpart D—Equipment

§ 212.63 Equipment design, size, and location.

Equipment such as guide rails, diverters, and transfer mechanisms that contact glass bottles shall be designed to prevent damage, i.e., breakage, cracking, or chipping, to the bottles.

§ 212.65 Equipment construction.

Equipment shall be constructed so that surfaces that contact components, in-process materials, drug products, or the drug product contact area of containers or closures shall not affect the safety, identity, strength, quality, or purity of the large volume parenteral drug product.

§ 212.67 Equipment cleaning and maintenance.

The following requirements shall be included in written procedures and cleaning schedules:

(a) All equipment and surfaces that contact components, in-process materials, drug products, or drug product contact surfaces such as containers and closures shall be cleaned and rinsed with water meeting the quality requirements stated in § 212.224.

(b) Immediately prior to such contact, equipment and surfaces specified in paragraph (a) of this section shall be given a final rinse with water meeting the quality requirements stated in § 212.225.

(c) Steam used to sterilize liquid-handling systems or equipment shall be free of additives used for boiler control.

(d) Procedures for maintaining and cleaning dust-removal systems shall prevent the dispersion of dust into the plant environment.

§ 212.68 Equipment calibration.

(a) Procedures shall be written and followed designating schedules and assigning responsibility for testing or monitoring the performance or accuracy of automatic or continuously operating equipment, devices, apparatus, or mechanisms such as, but not limited to, the following:

(1) Alarms and controls on sterilizing equipment.

(2) Temperature-recording devices on sterilizers.

(3) Pressure gauges.

(4) Mechanisms for maintaining sterilizing medium uniformity.

(5) Chain speed recorder.

(6) Heat exchanger pressure differential monitor.

(7) Mercury-in-glass thermometer.

(b) Written records of such calibrations, checks, examinations, or inspections shall be maintained, as specified in § 212.183.

§ 212.72 Filters.

(a) The integrity of all air filters shall be verified upon installation and maintained throughout use. A written testing program adequate to monitor integrity of filters shall be established and followed. Results shall be recorded and maintained as specified in § 212.183.

(b) Solution filters shall be sterilized and installed aseptically. The integrity of solution filters shall be verified by an appropriate test, both prior to any large volume parenteral solution filtering operation and at the conclusion of such operation before the filters are discarded. If the filter assembly fails the test at the conclusion of the filtering operation, all materials filtered through it during that filtering operation shall be rejected. Rejected materials may be refiltered using filters whose integrity has been verified provided that the additional time required for refiltration does not result in a total process time that exceeds the limitations specified in § 212.111. Results of each test shall be recorded and maintained as required in § 212.188(e).

§ 212.73 Sterilizers employing steam or air-steam mixtures.

Sterilizers employing steam or air-steam mixtures shall include the following features:

(a) *Mercury-in-glass thermometer.* Each sterilizer shall be equipped with at least one mercury-in-glass thermometer of known accuracy having a temperature range that spans not more than 56° C or 100° F in the processing range on a scale at least 18 centimeters or 7 inches in length. The scale divisions shall be in increments of no more than 1° C or 2° F. These thermometers shall be installed where they can be accurately and easily read. Bulbs of thermometers shall be installed either within the sterilizer shell or in external wells attached to the sterilizer. External wells or pipes shall be connected to the sterilizer through at least a ¾-inch diameter opening, and shall be equipped with a 1/16-inch or larger bleeder opening located to provide a full flow of the sterilizing medium past the length of the thermometer bulb.

(b) *Temperature-recording device.* Each sterilizer shall be equipped with an

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accurate temperature-recording device adjusted to agree within 0.5° C or 1° F of a known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 1° C or 2° F within a range of 5° C or 10° F of the processing temperature. Each chart shall have a working scale of not more than 30° C or 50° F per inch within a range of 10° C or 20° F of the processing temperature. This recorder may be a recording-controlling instrument. The temperature recorder sensor shall have a response time not greater than 2 seconds for a 90 percent scale response. The temperature recorder sensor shall be installed either within the sterilizer shell or in a well attached to the shell, located to provide a full flow of the sterilizing medium past the length of the recorder sensor. External wells or pipes shall be connected to the sterilizer through at least a ¾-inch diameter opening, and shall be equipped with a 1/16-inch or larger bleeder opening.

(c) *Pressure gauges.* Each sterilizer shall be equipped with a pressure gauge having a scale graduated in increments of no more than 2 pounds per square inch of mercury (psi). All pressure gauges shall be equipped with a watertight pressure-transmitting diaphragm unless the gauge is connected directly to the sterilizer, or a connecting line by a straight, self-draining pipe or tube no more than 10 centimeters or 4 inches in length.

(d) *Air and steam controls.* (1) Each sterilizer shall be equipped with a steam controller to maintain the sterilizer temperature.

(2) The steam controller shall be designed to be activated by temperature variation rather than by pressure variation, and shall be designed to prevent unauthorized changes.

(3) The steam controller may be combined with a recording thermometer. For sterilizers using air-steam mixtures, there shall be mechanisms capable of establishing and maintaining the degree of temperature uniformity required for the sterilization process, the testing of which is required in § 212.243, and a means of automatically controlling and recording the ratio of air and steam introduced into the vessel so that the prescribed air-steam ratio is maintained.

(e) *Steam introduction.* Steam may enter either the top or bottom of the sterilizer. The steam inlet shall be located in that portion of the sterilizer opposite the vent and shall be large enough to provide sufficient steam for proper operation of the sterilizer.

(f) *Steam and air-steam distribution.* The distribution of steam or an air-steam mixture in the sterilizer shall be accomplished in a manner adequate to provide uniform heat distribution throughout the sterilizer. Steam spreader pipes from the steam line inside the sterilizer shall, individually, be no larger than the steam inlet line. Steam spreaders shall extend along the length of the sterilizer. The perforations shall be along a 90° sector of the spreader and shall direct steam toward the central longitudinal axis of the sterilizer. Horizontal steam sterilizers over 30 feet long shall have at least two steam inlets connected to the spreader. The total cross-sectional area of the perforations shall be equal to 1½ to 2 times the cross-sectional area of the steam inlet line. Any mechanical device utilized to maintain uniformity of the sterilizing medium within the sterilizer shall be equipped with both audio and visual alarms to signal improper operation.

(g) *Bleeders.* Bleeders, except those for thermometer and temperature recorder sensor wells, shall be ⅛ inch or larger. Bleeders shall be located within approximately 1 foot of each end of the sterilizer. At least one bleeder shall be located so that the operator can observe whether bleeders are functioning properly during processing.

(h) *Air overpressure.* The sterilizer shall be supplied with a source of compressed air meeting the requirements of § 212.223. The sterilizer shall have a mechanism to ensure that overpressure is established before cooling begins and a means of controlling the overpressure within established limits.

(i) *Water level controls and indicator.* The sterilizer shall be equipped with an apparatus to control the level of water within the sterilizer so that the water does not come into contact with the lowest container in the vessel. The apparatus shall be so constructed that when a predetermined water level is reached, it automatically opens a drain valve. There shall be an audio and visual alarm system, independent of the water-level controlling apparatus, which is activated if the water exceeds the predetermined level. There shall be a visual means of observing the water level in the sterilizer during its operation.

(j) *Vents.* Vents shall be installed so that before they are closed all air is removed from steam sterilizers and excess air is removed from sterilizers employing air-steam mixtures. Vents shall be controlled by gate, plug cock, or other suitable types of valves that can be fully opened to permit rapid discharge of air from the sterilizer during the venting period. Vents shall not be connected directly to a closed drainage system without an atmospheric break. If an overflow pipe is used as a vent, there shall be an atmospheric break in the line before it connects to a closed drain. Where several vent pipes from a single sterilizer are connected to a manifold, venting through the manifold shall be controlled by a gate, plug cock, or other suitable type of valve that can be fully opened to permit rapid discharge of air from the sterilizer during the venting period. The cross-sectional area of the manifold shall be larger than the total cross-sectional area of all connecting vent pipes. The manifold shall not be directly connected to a closed drain without an atmospheric break in the line. A header connecting vent pipes or manifolds from several sterilizers shall lead to the atmosphere, and the venting shall be controlled by valves in the manifold or vent pipes for each sterilizer. The header shall not be controlled by a valve and shall be of such a size that the cross-sectional area of the header is at least equal to the total cross-sectional area of all connecting vent or manifold pipes from all sterilizers venting simultaneously.

(k) *Drain valves.* A nonclogging watertight valve such as a ball or plug type shall be used. Screens shall be installed over all drain openings.

(l) *Cooling equipment.* (1) Sterilizers using air, as referred to in § 212.223, for pressure cooling shall be equipped with a ball or gate valve or suitable valve and piping arrangement on the air line to prevent air leakage into the sterilizer during processing.

(2) Lines transmitting water (the requirements for which are stated in § 212.226) to the sterilizer for cooling the drug product after sterilization, including any connected heat exchangers, shall be designed so they can be drained and sterilized. They shall provide a separate loop for each sterilizer. The system shall include a means for treating the cooling water to eliminate microorganisms; however, filtration shall not be used as a means for such treatment. The cooling lines shall not be connected to a drain without an atmospheric break. Interconnections between water cooling systems and all other systems, such as compressed air, shall be designed with a means of preventing backflow. A pump may be used for circulating cooling water. Any additional cooling water added to the circulating water shall be introduced into the suction side of the pump.

§ 212.74 Sterilizers employing superheated water.

Sterilizers employing superheated water shall conform to the requirements of § 212.73(a), (b), (c), (j), (k), and (l) and shall include the following additional features:

(a) *Steam introduction.* In horizontal sterilizers the steam distributor shall extend the length of the bottom of the sterilizer with perforations distributed uniformly along the upper part of the pipe.

(b) *Water quality.* The water used in this sterilization process shall meet the requirements of § 212.224.

(c) *Water level controls and indicator.* There shall be an automatic method of controlling water level to assure that all containers are covered, and it shall be provided with an audio and visual alarm system to signal any malfunction. There shall be a means of observing the water level in the sterilizer during its operation.

(d) *Air supply and controls.* A means shall be provided for introducing compressed air, as described in § 212.223, at the proper pressure and rate. The pressure shall be controlled by an automatic pressure control unit. If compressed air is used to promote circulation, it shall be introduced into the steam line at a point between the sterilizer and the steam control valve at the bottom of the sterilizer.

(e) *Water circulation.* When a water circulation system is used for heat distribution, it shall be installed in such a manner that water will be drawn from the bottom of the sterilizer through a suction manifold and discharged through a spreader that extends the length of the top of the sterilizer. The holes in the water spreader shall be uniformly distributed and shall have an aggregate area not greater than the cross-sectional area of the outlet line from the pump. The suction outlets shall be protected with nonclogging screens to keep debris from entering the circulation system. The pump shall be equipped with a bleeder to remove air when starting operations and with an audio and visual alarm system to signal any malfunction.

(f) *Cooling water supply.* The water, as described in § 212.226, used to cool the drug product after sterilization shall be introduced at the top of the sterilizer and above the top of the containers. If cooling is done by complete submersion of the containers, the water for cooling shall be introduced below the water level.

§ 212.75 Hydrostatic sterilizers employing steam under pressure.

Hydrostatic sterilizers employing steam under pressure shall conform to the requirements of § 212.73(c), (d), (i), (j), (k), and (l) and shall include the following additional features:

(a) *Mercury-in-glass thermometer.* Each sterilizer shall be equipped with at least one mercury-in-glass thermometer with a temperature range of not more than 56° C or 100° F in the processing range on a scale at least 18 centimeters or 7 inches in length. The mercury-in-glass thermometers shall be located near the bottom automatic recorder so that they can be accurately and easily read.

(b) *Temperature recorder device.* Each sterilizer shall be equipped with an accurate temperature-recording device adjusted to agree within 0.5° C or 1° F of a known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. The chart graduations shall not exceed 1° C or 2° F within a range of 5° C or 10° F of the processing temperature. Each chart shall have a working scale of not more than 30° C or 50° F per inch within a range of 10° C or 20° F of the processing temperature. The temperature recorder sensor shall have a response time not greater than 2 seconds for a 90 percent scale response and may be installed either within the steam dome or in a well attached to the dome. Sensor wells shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the entire processing period. Additional sensors shall be installed in the hydrostatic water legs if the sterilization process specifies maintenance of particular temperatures in the hydrostatic water legs.

(c) *Steam introduction.* Steam may enter either to top or bottom of the steam dome of the sterilizer. The steam inlet shall be located in that portion of the sterilizer opposite the vent and shall be large enough to provide sufficient steam for proper operation of the sterilizer.

(d) *Bleeders.* Bleeder openings ¼ inch or larger shall be located in the steam dome opposite from the point of steam entry.

(e) *Chain speed.* The sterilizer shall be equipped with an automatic device that will stop the product container conveyor chain when the dome temperature drops below that specified in the sterilization process. A means of preventing unauthorized speed changes and a means of recording speeds shall be provided.

§ 212.76 Heat exchangers.

Heat exchangers, other than the welded double-concentric-tube type or double-tube sheet type, must employ a pressure differential and a means for monitoring the differential. The pressure differential shall be such that the fluid requiring a higher microbial quality shall be that with the greater pressure. Written records of the pressure differential monitoring shall be maintained as required in § 212.183.

§ 212.77 Laminar flow control equipment.

Equipment at the filling line and microbiological testing area shall provide HEPA-filtered laminar flow air. Such equipment shall:

(a) Have hood or air flow direction panels and working surface areas that are constructed of a smooth, durable, nonflaking material such as glass, plastic, or stainless steel.

(b) Have prefilters that are disposable or fabricated from a material that can be properly cleaned and reused.

(c) Have HEPA final filters that have been tested to assure leak proof construction and installation.

(d) Provide a laminar air flow with an average velocity of 90 feet per minute over the entire air exit area. The velocity shall not drop below 75 or exceed 105 feet per minute at any point.

(e) Provide shadowless illumination with a minimum intensity of 100 foot-candles at the working level.

(f) Be in operation for at least 15 minutes before beginning filling or microbial-testing operations.

(g) Be monitored according to a written program and schedule for compliance with the requirements of paragraphs (c), (d), and (e) of this section and as stated in § 212.231. Written records shall be maintained of all test results and any corrective measures taken, as required in § 212.183.

§ 212.78 Air vents.

All stills and tanks holding liquid requiring microbial control shall have air vents with non-fiber-releasing sterilizable filters capable of preventing microbial contamination of the contents. Such filters shall be designed and installed so that they do not become wet. Filters shall be sterilized and installed aseptically. Tanks requiring air vents with filters include those holding water for manufacturing or final rinsing, water for cooling the drug product after sterilization, liquid components, and in-process solutions.

§ 212.79 Pumps.

Pumps moving water for manufacturing or final rinsing, water for cooling the drug product after sterilization, and in-process or drug product solutions shall be designed to utilize water for injection as a lubricant for the seals.

Supart E—Control of Components, Drug Product Containers, Closures, and In-Process Materials

§ 212.81 Operations requiring controlled environment.

The weighing, mixing, or filling of large volume parenteral drug products and transfer operations, as described in § 212.3(b)(13), shall be performed in specifically designated areas that shall meet the requirements for a controlled environment area as defined in § 212.3(b)(2).

§ 212.84 Testing and approval or rejection of components, drug product containers, and closures.

(a) Representative samples of all components, even though not generally considered liable to microbiological contamination, shall be periodically subjected to microbiological examinations on a scheduled basis according to a written program. Components shall not contain heat resistant spores or other microbiological contaminants that are objectionable in view of the use of the component and the manufacturing process to which it will be subjected. Component specifications shall include microbiological limits based on data that have been obtained from the periodical microbiological testing program. Such limits shall be approved by the quality control unit as part of component specifications.

(b) Representative samples of each shipment of each manufacturer's lot of components, drug product containers, and closures shall be tested for pyrogenic properties prior to release by the quality control unit for use in production, as required in § 212.167(a). Those lots that do not conform to established specifications shall be rejected. Rejected lots of components, containers, and closures may be reprocessed to remove the pyrogenic properties provided there is assurance that the reprocessed material will meet appropriate standards, specifications and characteristics.

(c) Water used as a component shall meet the requirements of § 212.225 of this part.

§ 212.94 Drug product containers and closures.

(a) The quality control unit shall test the drug product container-closure system to be employed for a large volume parenteral drug product, and the delivery system if attached, by chemical and physical tests and biological challenges to determine whether it is capable of holding the product invulnerable to contamination under the intended or contemplated conditions of shipment, stor-

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age, and use. Any such system that is found incapable of so holding the product shall not be used. Written records of all testing under this paragraph shall be maintained as required in § 212.180.

(b) Each shipment of each lot of containers and closures shall be sampled and tested for physical characteristics according to a statistically valid sampling plan. Samples shall be examined by the quality control unit. If the reliability of the supplier has not been established or if the physical characteristics of containers or closures are changed, 100 percent inspection for physical defects shall be conducted until adequate data are collected to demonstrate the assurance of quality of these articles.

(1) When 100 percent inspection is performed, it shall be followed by the selection of a representative sample drawn according to a statistically valid sampling plan. This sample shall be examined by the quality control unit. If the results are satisfactory to the quality control unit, the lot may be approved for use.

(2) If the results of the examination of the statistically drawn sample are not satisfactory to the quality control unit, the lot shall be rejected. Additional 100 percent reinspections of the lot may be performed as long as each one is followed by the selection of another statistically valid sample and examination by the quality control unit.

(c) A drug product container or closure shall not be used in the packaging of a drug product unless cleaned and initially rinsed with water meeting the requirements of § 212.224 and finally rinsed with water meeting the requirements of § 212.225.

Subpart F—Production and Process Controls

§ 212.100 Written procedures; deviations.

(a) The quality control unit shall test the manufacturing processes and control procedures to be used in the manufacture, processing, packing, and holding of a large volume parenteral drug product to determine whether they comply with the provisions of this part and are otherwise adequate to assure that the drug product has the characteristics it purports or is represented to possess. Any process or procedure that is found not to so comply or not to be so adequate shall not be utilized. Written records of all testing under this paragraph shall be maintained, as required in § 212.180.

(b) Written procedures shall be established, and shall be followed. Such procedures shall:

(1) Ensure that all static lines are flushed prior to use. Such procedures shall require that flushing produce a turbulent flow for 5 minutes and that all valves on the line are opened and closed repeatedly to flush the valve interior.

(2) Describe the action to be taken with regard to the drug product in the sterilizer if the automatic controls fail or the alarm systems signal a malfunction during sterilization operations.

§ 212.104 Accounting for losses in manufacturing.

Losses occuring in the manufacture of each batch, such as those due to breakage, improper fill volumes, in-process tests, and loss of bulk solution employed to flush solution lines and filling equipment, shall be identified, estimated in amount, and recorded.

§ 212.105 Equipment identification.

All sterilizer baskets, trucks, carts, crates, or any other contrivance used to hold a drug product during the sterilization process shall:

(a) Be plainly and conspicuously marked with a heat-sensitive indicator or other effective means to visually indicate whether or not they have been exposed to the sterilization process; and

(b) Be identified as to batch and lot. Such identification shall be retained in the batch production records, described in § 212.188.

§ 212.110 Sampling of in-process materials and drug products.

(a) Written procedures and schedules shall be established for statistically valid sampling and testing to include the following:

(1) Adequacy of mixing prior to filling.

(2) Identity and strength of the product.

(3) Levels of fill (net content).

(4) Vacuum, where applicable, or other indices of closure tightness.

(5) Solution clarity.

(6) pH.

(7) Microbial population.

(8) Pyrogenicity.

(9) Particulate matter.

(b) In-process materials and drug products not meeting established specifications shall be rejected.

§ 212.111 Time limitations on production.

The time elapsing between the addition of water for manufacturing (product make-up water) to the mixing tank and the exposure of the last unit filled to the start of sterilization cycle may not exceed 8 hours.

§ 212.116 Filtration.

(a) Prior to filling, large volume parenteral drug products shall be filtered through systems having a final mean porosity of no more than 0.45 micron; except, however, a final filter with a mean porosity of greater than 0.45 micron may be used for viscous products if necessary to provide a flow rate that will keep the production time in conformity with § 212.111. When it is necessary to use a filter with a porosity of greater than 0.45 micron because of solution viscosity, such filter shall be the minimum porosity that will provide a flow rate to keep production time in conformity with § 212.111.

(b) Final filtration of solutions shall be performed immediately prior to filling. Process specifications shall indicate the maximum time during which a filtration system may be used. Such time length shall preclude microbial build-up to levels that may affect the biological quality of the large volume parenteral, and in no case shall it exceed 8 hours.

(c) Filters shall be tested as specified in § 212.72.

§ 212.117 Drug product inspection for particulate matter.

(a) All large volume parenteral drug products shall be visually examined for particulate matter against black and white backgrounds after sterilization. The source and direction of light should enhance the visibility of particulate matter. An alternate method of examination may be employed if data are available that demonstrate that the alternate method is at least as sensitive and accurate as the visual examination.

(b) Any drug product found to contain visual particulate matter shall be rejected.

(c) Records of the examination performed shall be maintained as specified in § 212.188(i).

§ 212.118 Reuse of sterilized glass.

Written procedures shall be established and followed for the reuse of glass that has previously been subjected to the sterilization process. Such procedures shall include:

(a) Data from studies performed showing the effect of repeated sterilization upon the capability of the containers to meet all established specifications;

(b) The number of times that any drug product container may be subjected to sterilization processes;

(c) Written records as specified in § 212.184.

Subpart G—Packaging and Labeling Control

§ 212.130 Packaging and labeling operations.

The materials employed to package large volume parenteral drug products for shipment shall be adequate to protect the containers and container-closure systems from damage during customary conditions of shipment and handling.

Subpart H—Holding and Distribution

§ 212.142 Warehousing procedures.

The written procedures describing warehousing of large volume parenteral drug products shall include specific directions concerning stacking of cases so that storage does not jeopardize the identity, strength, quality, or purity of the drug product.

§ 212.150 Distribution procedures.

Written procedures that provide for proper handling of large volume parenteral drug products during shipment shall be established and followed. The services of any carriers who are found routinely to handle large volume parenteral drug products in a manner that may affect the identity, strength, quality or purity of these drug products shall be discontinued.

Subpart I—Laboratory Controls

§ 212.167 Special testing requirements.

(a) For each batch of a large volume parenteral drug product and prior to sterilization, there shall be laboratory testing to determine whether or not it meets the requirements for the absence of pyrogens when tested according to the method prescribed in the U.S.P. An alternate test method may be employed provided that data are available to demonstrate that the alternate method is as sensitive and accurate as the U.S.P. method.

(1) Containers from among the first and last containers filled in a batch shall be examined for pyrogens.

(2) A pyrogen test shall be performed on the first container filled following any significant stoppage during filling, e.g., when filters are changed.

(3) Samples for pyrogen testing may be combined or pooled only when the quantity of material in a container does not provide sufficient material with which to perform the test.

(b) For each lot of large volume parenteral drug product there shall be laboratory testing of filled containers after sterilization to determine the degree of contamination with particulate matter. The sampling and testing conducted shall be sufficient to assure that the entire lot conforms to standards specified in the U.S.P. for particulate matter in large volume injections for single-dose infusion drug products. Alternative methodology may be used if data are available to demonstrate that the alternative method is equivalent to the U.S.P. method.

(c) For each lot of large volume parenteral drug product there shall be laboratory testing for sterility of filled containers after sterilization. The test procedures for membrane filtration specified in the U.S.P. or an equivalent sterility testing method shall be used.

(d) HEPA laminar flow hoods meeting the specifications of §§ 212.77 and 212.222 shall be used in the performance of microbiological tests.

Subpart J—Records and Reports

§ 212.180 General requirements.

Records documenting the testing by, and approval of, the quality control unit regarding the design, engineering, and physical facilities of the plant, the equipment, process and control procedures, and the container-closure systems used in the manufacture, processing, packing, and holding of a large volume parenteral drug product, shall be available for inspection at the establishment where such manufacture, processing, packing, or holding occurs. Such records shall be maintained for at least 2 years after the expiration date of each batch of drug product manufactured, processed, packed, or held in such plant, by such equipment, process or procedure, or with such container-closure system.

§ 212.182 Equipment cleaning and use log.

(a) Written records of the corrective action taken pursuant to §§ 212.224 (a) and (c), and 212.225 (a) and (b), including validation of the effectiveness of the action, shall be maintained.

(b) Written records of equipment usage shall include documentation of the length of time the equipment was in use as indicated in § 212.111.

(c) Written records demonstrating a positive pressure differential, as described in and required by § 212.76, shall be maintained.

(d) For hydrostatic sterilizers, written records of usage shall also contain the chain speed chart as indicated by § 212.245(h) and the temperature charts for the various portions as indicated by § 212.245(g) identified with the names and lot numbers of material processed.

(e) For filtration equipment or devices, written records documenting the installation, replacement, and sterilization (where appropriate) of filters such as those indicated in §§ 212.72, 212.77(b) and (c), 212.78, and 212.222(a) shall be maintained.

§ 212.183 Equipment calibration and monitoring records.

Written records of calibration and monitoring tests and readings performed shall be maintained for at least 2 years after the expiration date of each batch of drug product produced by the equipment.

(a) Calibration records shall include:

(1) A description of the equipment.

(2) The date the equipment was purchased.

(3) The operating limits of the equipment.

(4) The date, time, and type of each test.

(5) The results of each test.

(6) The signature of each person performing a test.

(7) The date the equipment was installed.

(b) Monitoring records shall include:

(1) A description of the equipment.

(2) The date the equipment was installed.

(3) The date the equipment was last calibrated, if appropriate.

(4) The operating limits of the equipment.

(5) The date and time of the recording.

(6) The reading.

(7) The signature of each person performing the monitoring.

(c) Corrective measures employed to bring the equipment into compliance with its operating specifications shall be:

(1) Recorded in the appropriate equipment log.

(2) Noted in the calibration and/or monitoring record.

(3) Immediately followed by testing to assure that the corrective measures were adequate to restore the required operating characteristics.

§ 212.184 Component, drug product container, closure, and labeling records.

Inventory records of any reused component, container, closure, or in-process material shall be maintained. Such records shall include the results of any examination or testing performed to determine the acceptability of any such article for reuse.

§ 212.188 Batch production and control records.

These records shall include the following information where appropriate:

(a) Time and temperature data from the sterilization process employed, as indicated by §§ 212.73 (a) and (b), 212.74, 212.75 (a) and (b), and 212.245 (d) and (g), identified with the date and batch number of large volume parenteral produced.

(b) Data produced when an air-steam mixture is the sterilizing medium as indicated by § 212.73(d).

(c) Documentation that overpressure was established prior to the initiation of cooling and maintained as indicated in §§ 212.73(h) and 212.74(d).

(d) Records of the sterilizer chain speed as indicated in §§ 212.75(e) and 212.245(h), identified with the date and the batch number of the material processed.

(e) Data from tests or checks made to show that the filter assembly was intact as indicated in § 212.72(b).

(f) The amount of time elapsed for significant phases of production as indicated in § 212.111.

(g) Information indicating what portion of a batch was sterilized in a specific sterilizer, along with the identification used on each basket, truck, cart, crate or other contrivance used to hold the drug product during the sterilization process as indicated in § 212.105.

(h) The results and data from in-process tests as performed in accordance with § 212.110.

(i) The number of units inspected, rejected, and accepted, and the classification of the defects causing rejection such as indicated in § 212.117.

(j) The quantities of reused components, drug product containers, and closures, or in-process materials used in the manufacture of a batch.

(k) The results of the aerobic plate counts and relative heat resistance tests as indicated in § 212.245(e).

(l) Verification that static lines were flushed prior to use according to established written procedures in § 212.100(b).

(m) Complete information on the action taken if automatic sterilizer controls fail or alarms are activated during sterilization of a batch as indicated in § 212.100(b).

(n) The results of checks made to determine that bleeders are operating satisfactorily during the sterilization of a batch as required in § 212.245(c).

§ 212.190 Air and water monitoring records.

Written records of the air and water monitoring test results, readings, and corrective measures taken shall be maintained for at least 2 years after the expiration date of each batch of drug product produced in the area being monitored or containing the water as a component.

The record shall include, at a minimum, the following information:

(a) Identity of the material being monitored.

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(b) Each characteristic being monitored.
(c) Each specification limit.
(d) Each testing method used.
(e) Site sampled or monitored.
(f) The date and time of each monitoring or testing.
(g) The result of each test or monitoring reading.
(h) Batch number and expiration date of the drug product being processed in the area or equipment, or to which the component is being added at the time of monitoring or sampling.
(i) Corrective measures employed to bring the area, component or product into compliance with specifications.
(j) Retesting results to verify the adequacy of the corrective measures.

§ 212.192 Production record review.

The review and approval of production and control records by the quality control unit shall extend to those records not directly related to the manufacture, processing, packing, or holding of a specific batch of large volume parenteral drug product but which have a bearing on the quality of batches being produced. Such indirectly related records shall include:
(a) Those dealing with equipment calibration or standardization.
(b) Those demonstrating control of the sterilization process.
(c) Those demonstrating the quality of water produced by various processing systems.
(d) Those demonstrating the quality of air produced by various systems.

Subpart K—[Reserved]

Subpart L—Air and Water Quality

§ 212.220 General requirements.

(a) Air or water as described in this part may not be used until the plant, processes, and procedures used in producing and distributing it have been tested and approved by the quality control unit as capable of consistently producing air or water meeting the requirements set forth in this subpart.
(b) In addition to the requirements of this subpart, air and water quality shall be monitored as specified in Subpart J.
(c) The results of all testing and data generated shall be recorded and maintained as required by § 212.180.
(d) Procedures designating schedules, assigning responsibility, and describing in detail the action to be taken to assure that the systems produce and deliver air and water that conform to the requirements set forth in this subpart shall be written. Such procedures shall also specify the corrective action to be taken when testing reveals that the established standards are not being met. Records of corrective actions shall be maintained, as specified in § 212.190.

§ 212.221 Air in controlled environment areas.

Air in controlled environment areas shall have:
(a) A per-cubic-foot particle count of not more than 100,000 in a size range of 0.5 micron and larger when measured with automatic counters, or 700 particles in a size range of 5.0 microns or larger when measured by a manual microscopic method.
(b) A temperature of 72° F±5° or 22° C±3°.
(c) A maximum relative humidity of 50 percent and a minimum of 30 percent.
(d) A positive pressure differential of at least 0.05 inch of water with all doors closed in relation to less clean adjacent areas.
(e) At least 20 air changes per hour.

§ 212.222 Air over filling lines and at microbiological testing sites.

Air over filling lines and at microbiological testing sites shall:
(a) Have a per-cubic-foot particle count of not more than 100 in a size range of 0.5 micron and larger throughout the entire work area upstream of the work piece.
(b) Be supplied at the point of use as specified in § 212.77.

§ 212.223 Compressed air.

Compressed air used in manufacturing and processing operations, including the sterilization process, shall be:
(a) Filtered at points of use to meet the requirements of the area:
(1) Compressed air to be used in the sterilizer after the sterilization process shall meet the requirements of § 212.222 (a) for particle count and size.
(2) Compressed air to be used at the filling line or microbiological testing area shall meet the requirements of § 212.222(a) for particle count and size.
(3) Compressed air to be used in controlled environment areas shall meet the requirements of § 212.221(a) for particle count and size.
(b) Supplied by an oil-free compressor and be free of oil and oil vapor unless vented directly to a noncontrolled environment area.
(c) Dehumidified to prevent condensation of water vapor in the pipes.

§ 212.224 Water for cleaning or initial rinsing.

Water used to cleanse or initially rinse drug product contact surfaces such as containers, closures, and equipment shall:
(a) Meet the standards prescribed in the Public Health Service Drinking Water Standards set forth in Subpart J of 42 CFR Part 72;
(b) Be subjected to a process such as chlorination for control of microbial population;
(c) Contain not more than 50 microorganisms per 100 milliliters in three consecutive samples from the same sampling site when tested by the method specified in § 212.225(b) after neutralizing bacteriocidal agents, if present.

§ 212.225 Water for manufacturing or final rinsing.

Water used as a component or as a final rinse for equipment or product contact surfaces shall:
(a) Conform to the specifications in the U.S.P. for "Water for Injection":
(b) Contain not more than 10 microorganisms per 100 milliliters in three consecutive samples from the same site when samples of 250 milliliters or more are tested for total aerobic count by the plate method set forth in Microbial Limit Tests in the current revision of the U.S.P. Alternate methodology may be used provided that data are available to demonstrate that the alternate method is equivalent to the official method. When the microbial quality falls below that specified in this section, use of such water shall cease, and corrective action shall be taken to clean and sterilize the system so that the water conforms to the limit.
(c) Be stored in a suitable vessel or system including a piping network for distribution to points of use:
(1) At a temperature of at least 80° C under continuous circulation, or
(2) At ambient or lower temperatures for not longer than 24 hours, after which time such water shall be discarded to drain.

§ 212.226 Water for drug product cooling.

Water used in the sterilizer as a drug product cooling medium shall:
(a) Be treated to eliminate microorganisms;
(b) Contain not more than one microorganism per 100 milliliters in three consecutive samples from the same sampling site when one liter or more are tested for total aerobic count by a membrane filtration method and placing each membrane filter on appropriate nutrient media after neutralizing any bacteriocidal agents present in the water samples.

§ 212.227 Boiler feed water.

Feed water for boilers supplying steam that contacts components, in-process materials, drug products, and drug product contact surfaces shall not contain volatile additives such as amines or hydrazines.

§ 212.231 Monitoring of air and water quality.

(a) After the plant, equipment, manufacturing processes, and control procedures have been tested and approved by the quality control unit, there shall be performed in accordance with written procedures and schedules a sampling and testing program that is designed to monitor the microbial flora of the plant and its environment. The design of the sampling and testing program shall include monitoring of air and water quality in accordance with requirements set forth in this subpart and taking corrective action when such requirements are not met.
(b) If the results of any one sample of air or water exceed the quality limits specified in this subpart, more frequent sampling and testing shall be required to determine the need for corrective action.
(c) Representative colonies of microorganisms found by the monitoring required in this section shall be identified by genus. The colonies shall be quantified.
(d) Written records of all test findings and any resultant corrective measures

taken shall be maintained, as specified in § 212.190.

§ 212.232 Air quality program design.

The air quality shall be monitored:
(a) At least once a day and shall include weekly sampling at all sampling ports or points of use in the compressed air distribution system.
(b) At HEPA filter laminar flow equipment.
(c) At the filling lines while filling is in progress and at the same level as the container opening.
(d) In controlled environment areas to assure that the requirements of § 212.221 (a) through (d) are met.

§ 212.233 Water quality program design.

(a) Water quality monitoring shall include:
(1) Sampling and testing of water for manufacturing or final rinsing at least once a day. All sampling ports or points of use in the distribution system shall be sampled at least weekly.
(2) Sampling water for drug product cooling at a point just before entry into the sterilizer at least once each sterilizer cycle and testing by the method described in § 212.226.
(3) Sampling and testing water for cleaning or initial rinsing at least once a week. All sampling ports or points of use in the distribution system shall be sampled at least monthly.
(b) Boiler feed water shall be sampled and tested periodically for the presence of volatile additives.
(c) If three consecutive samples of drug product cooling water exceed microbial limits, the sterilizer loads shall be rejected and shall not be reprocessed.

Subpart M—Sterilization

§ 212.240 Methods of sterilization; minimal processing.

A manufacturing process for terminal sterilization of a large volume parenteral drug product may employ steam, mixtures of air and steam, or superheated water as the sterilizing medium, provided the procedure has been shown to deliver an F_0 of 8 or more.

§ 212.243 Testing of sterilization processes.

(a) The quality control unit shall test the sterilization process to be used in the manufacture or processing of a large volume parenteral drug product in accordance with the requirements of this section. Written records of all testing under this section shall be maintained as specified in § 212.180. Any sterilization process not meeting the requirements of § 212.240 shall not be used. For any sterilization process that it approves, the quality control unit shall establish a maximum microbial count and a maximum microbial heat resistance for filled containers prior to sterilization.
(b) *Heat distribution studies.* Such studies shall be performed on every sterilizer, for each loading configuration, and for every container size. Enough studies shall be performed to confirm that the heat distribution in each autoclave is uniform and reproducible. Each study shall employ a minimum of 10 temperature sensors (calibrated both before and after the study) that are exposed to the sterilizing medium inside of the sterilizer. Heat distribution studies shall be repeated whenever there is any change in the loading pattern or any change in the sterilizer that may affect heat distribution.
(c) *Heat penetration studies.* Such studies shall be performed on each size container within the sterilizing medium to be utilized during production. Such studies shall be performed on large volume parenteral drug products at least as viscous as the most viscous solution to be packaged in the container studied. The studies shall be designed to determine the location of the slowest heating point in the container and to indicate how much time is required to bring the solution at that point to the prescribed processing temperature. Each study shall employ a minimum of 10 containers each with a suitable biological indicator and a temperature sensor submerged in fluid at the previously determined optimal location. In lieu of testing each rigid container size, interpolation may be employed for products in rigid containers if data are available to support interpolation on the types and sizes of containers involved. Heat penetration studies shall be performed on every container size for products in nonrigid containers. Sufficient studies shall be performed to determine whether or not the prescribed F_0 is delivered consistently throughout the sterilizer. The data employed to calculate the F_0 value shall be those data derived beginning when the sterilizer environment has stabilized as shown by reproducible heat distribution studies and the specified sterilizer temperature has been achieved, and ending when cooling is initiated.

§ 212.244 Sterilization process design.

The following factors shall be included in the design of sterilization processes:
(a) *Procedures required to establish uniform heat distribution in the sterilizing medium in the vessel.* Such procedures shall be capable of holding temperatures throughout the sterilizer to within ±0.5° C or ±1° F from the time the product achieves process temperature until the heating portion of the cycle ceases.
(b) *Loading pattern of the sterilizer.* The uniformity of heat distribution shall be independently verified for every loading pattern utilized. The loading pattern must control any contact between containers.
(c) *Initial temperature of the product and sterilizer.* Such temperatures shall not fall below the minimum that has been established for the prescribed sterilization process.
(d) *Venting time.* The time required for venting the sterilizer shall be sufficient to purge it of air and establish a uniform sterilizing medium. This factor is not applicable to water immersion sterilization procedures.
(e) *Product come-up time.* The time required to heat the slowest heating container in the sterilizer to a specified "hold" temperature shall be determined in accordance with § 212.243(c).
(f) *Cooling time.* The initial temperature of the cooling water and the required rate of cooling shall be established.

§ 212.245 Sterilization process controls.

The following procedures and controls shall be applied to the sterilization process employed:
(a) The mercury-in-glass thermometer on each sterilizer shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once every 3 months therefter. Any thermometer found at any time to have a divided mercury column shall be immediately replaced. In the event that there is a variance of 0.5° C or 1° F or more between a recording thermometer and the mercury-in-glass thermometer with which it should agree, both thermometers shall be checked at the conclusion of the cycle. The bleeder for any external thermometer well must emit steam continuously during the entire processing period. The mercury-in-glass thermometer, not the recorder chart, shall be the reference instrument for indicating the chamber temperature unless it is known to have become defective during the sterilization cycle in question. Records shall be maintained reflecting all thermometer calibrations, recalibrations, checking, or replacements in accordance with § 212.183.
(b) Pressure gauges used on sterilizers shall be checked for accuracy at least once every 3 months; such checks shall be recorded in accordance with § 212.183.
(c) Bleeders on sterilizers so equipped shall be wide open during the entire sterilization process. They shall be checked regularly to ensure that they are functioning properly; such checks shall be recorded in accordance with § 212.188 (n).
(d) A minimum of two containers in each sterilizer lot shall be equipped with a suitable means for detecting the F_0 delivered to the solution within. Such data shall be recorded and retained in appropriate batch production records.
(e) The first few containers filled in each batch shall be taken and held under conditions comparable to those under which the remainder of the batch is held until the entire batch is sterilized. These filled containers shall be used to determine the aerobic plate count and the relative heat resistance of the microbial population present. Similarly, the last few containers filled shall be taken and subjected to the same tests. If the microbial count or the microbial heat resistance for the last containers exceeds the maximum level established by the quality control unit in accordance with § 212.243 (a), or if there is a significant increase in the microbial count between the first units collected and the last, the batch shall not be released. The data generated shall be recorded in appropriate batch production and control records in accordance with § 212.188(k).
(f) In the operation of a water-immersion type sterilizer, all containers

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shall be submerged during the entire heating, processing, and cooling periods. The head space necessary to control the pressure shall be maintained between the water level and the top of the sterilizer shell. Water circulation shall be maintained continuously during the heating, processing, and cooling periods.

(g) In the operation of a hydrostatic sterilizer, temperatures shall be recorded by an automatic recorder or recorders at the following points:

(1) In the steam chamber between the steam-water interface and the lowest container position.

(2) Near the top and the bottom of each hydrostatic water leg if the process specifies maintenance of particular temperatures in the legs. The data generated shall be recorded in appropriate batch records as indicated in §§ 212.182(d) and 212.188(a).

(h) The speed of the container conveyor chain on hydrostatic sterilizers shall be recorded continuously and such data shall be included in batch production records as indicated in § 212.188(d).

(i) If steam or mixtures of air and steam are used as the sterilizing medium, timing of the sterilization process shall not begin until the sterilizer has been vented and the processing temperature in both the chamber and the drug product solution has been achieved.

(j) If water is used as the sterilizing medium, timing of the sterilization process shall not begin until the processing temperature in the drug product solution has been achieved.

(k) Whenever a batch is subdivided for purposes of sterilization, the lot or control number shall be sufficiently specific to identify the sterilizer in which processing occurred.

Interested persons may, on or before September 29, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday. Ordinarily, 60 days is provided for comment on a proposal, although the Commissioner can reduce or extend this time period for good cause. Because of the nature and extent of the regulations being proposed, the Commissioner has concluded that 120 days should be allowed for public comment. In the absence of extraordinary circumstances, no extension of time for comment will be granted.

Dated: May 21, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–15585 Filed 5–28–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N–0100]

INJECTABLE DRUG PRODUCTS

Request for Comments and Information Regarding Small Volume Parenteral Drug Products

The Food and Drug Administration is requesting comments and information regarding the applicability of proposed large volume parenteral regulations to small volume parenteral drug products; comments by August 30, 1976.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner of Food and Drugs is proposing to amend Chapter I of Title 21 of the Code of Federal Regulations by adding new Part 212. The proposal sets forth requirements for current good manufacturing practice (CGMP) in the manufacture, processing, packing, or holding of large volume parenteral (LVP) drug products for human use.

Although these proposed regulations are directed at terminally sterilized single-dose containers of 100 milliliters or more, the Commissioner considers that many of the proposed requirements for LVP drug products will eventually be applied to all terminally sterilized single-dose injectable drug products, regardless of the volume of the container. This will necessitate issuing a proposal at a future date for similar regulations for small volume injectable drug products. The Commissioner therefore invites comments at this time from all interested persons, and particularly from manufacturers of injectable drug products, regarding the applicability of the proposed Part 212 to terminally sterilized single-dose injectable drug products for human use that are less than 100 milliliters in volume.

In addition, the Commissioner invites comments and information regarding current manufacturing practices for any terminally sterilized small volume parenteral drug product, regardless of the sterilization process used.

The Commissioner requests that information submitted include brief descriptions with flow diagrams of the processes involved and descriptions of the types of drug product containers used.

Any comments or other information should be forwarded on or before August 30, 1976 to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: May 21, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–15584 Filed 5–28–76;8:45 am]

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federal register

TUESDAY, JUNE 1, 1976

PART III:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Financial Assistance to Railroads

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 258]

[Docket No. 76-01; Notice 1]

REGULATIONS GOVERNING APPLICATIONS UNDER SECTION 505(a)(1) OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (the "Act") directs the Secretary of Transportation (the "Secretary" to study the rail transportation system and capital needs of the Class I railroads and creates two programs to provide financial assistance to the railroads. The Secretary has delegated his powers and duties under Title V, except those contained in section 506(c), to the Administrator of the Federal Railroad Administration (the "Administrator").

The Federal Railroad Administration is considering the adoption of regulations governing the procedures to be used in applying for financial assistance under section 505(a)(1) of the Act. Applications for assistance under that subsection for the purpose set forth in section 517 of the Act, improvement of intercity rail passenger service on lines owned by the applicant and located outside the Northeast Corridor (as defined in section 701(c) of the Act), must be filed in accordance with these regulations. Proposed regulations governing applications for assistance under section 505(a)(2) will be issued under a separate notice.

PROVISIONS OF ACT HAVING BEARING ON TITLE V FINANCIAL ASSISTANCE PROGRAMS

Assistance to railroads under Title V must be viewed in light of the overall purposes of the Act, in particular "the encouragement of efforts to restructure the [rail] system on a more economically justified basis . . ." and the creation of "financing mechanisms that will assure adequate rehabilitation and improvement of facilities and equipment . . ." (section 101(a)(2) and (3), respectively). In its declaration of policy with respect to this legislation, Congress gave highest priority to (1) balancing the needs of carriers, shippers, and the public, and (2) fostering competition, promoting more adequate and efficient transportation services, and increasing the attractiveness of investing in railroads and rail-service-related enterprises (Section 101(b)). To carry out these purposes and policies, Congress provided new and revised merger procedures, mandated a host of studies to ascertain the physical and financial needs of the railroads, and established two financial assistance programs, which may be used either separately or in combination, to meet those needs and carry out its purposes and policies.

STUDIES REQUIRED BY TITLE V

Section 503 requires that the Administrator issue preliminary classifications and designations of main and branch lines of the Class I railroads, as so designated by the Interstate Commerce Commission, within 180 days after enactment of the Act (which would be August 3, 1976), and final classifications and designations within 360 days after enactment (which would be January 30, 1977). These classifications and designations are to be based on the level of usage of the lines and their contribution to the economic viability of both the railroad that controls them and other railroads that participate in traffic originating on them.

At the same time that the lines are being categorized, section 504 directs the Administrator to consider the railroads' needs for capital to rehabilitate and improve their facilities through 1985, and to recommend the amount and type of equity and other financing needed and the means by which the Federal share, if any, of such financing should be provided. These recommendations, which must be transmitted to Congress not later than July 29, 1977, are to be based on the Administrator's analysis of information supplied by the Class I railroads concerning their deferred maintenance and delayed capital expenditures as of December 31, 1975, their projected needs for maintenance and capital expenditures through 1985, including the projected sources of and uses for the funds required by the railroads for their projected programs, the classifications and designations of lines under section 503, and any other information the Administrator deems appropriate.

TITLE V FINANCIAL ASSISTANCE PROGRAMS

Title V provides two distinct financial assistance programs, the Railroad Rehabilitation and Improvement Fund (the "Rail Fund") in section 505 and the obligation guarantee fund in section 511. Section 517 authorizes the Administrator to provide financial assistance under sections 505 and 511, in an aggregate sum of up to $200 million, to any railroad or railroads for the purpose of improving intercity rail passenger service on any lines of such railroad or railroads which are located outside the Northeast Corridor (as defined in section 701(c) of the Act).

A. Section 511:

Section 511 authorizes the Administrator to guarantee and make commitments to guarantee the payment of the principal balance of, and interest on, obligations of an applicant if the proceeds of such obligations have been or will be used to acquire or to rehabilitate and improve facilities or equipment, as defined by the Act. The aggregate unpaid principal amounts of obligations that may be guaranteed may not exceed $1 billion at any one time. Applications for such guarantees must be submitted in accordance with rules prescribed by the Secretary, and they may be approved only when certain prerequisites and conditions set forth in the section have been met. Proposed regulations governing the applications under section 511 will be issued separately.

B. Section 505:

The Rail Fund in section 505 provides for purchase of a railroad's redeemable preference shares (or, in the case of a bankrupt railroad, trustee certificates) with funds made available to the Administrator from the sale to the Secretary of the Treasury of Fund anticipation notes. The Secretary of the Treasury is directed, to the extent of appropriated funds, to purchase such notes until September 30, 1978, in an amount not to exceed $600 million. The Administrator has assessed the inflationary impact that would result from purchase of $600 million of redeemable preference shares and has determined that the potential for stimulating additional inflation is slight and the danger is outweighed by the need to provide capital funds for the rail system.

To benefit from the studies of railroad needs mandated by the Act, Congress provided that, while railroads could apply, following the promulgation of regulations, for assistance for any purpose that the Administrator would approve (section 505(a)(1)), applications for facilities rehabilitation and improvement projects (section 505(a)(2)) could not be funded until after completion of the classification and designation of rail lines under section 503 (January 30, 1977).

The Administrator may approve an application under section 505 if he determines that the requested assistance is in the public interest. In making this determination the Administrator is directed to consider:

(1) The availability of funds from other sources at a cost which is reasonable under principles of prudent railroad management in light of the railroad's projected rate of return for the project to be financed;

(2) The interest of the public in supplementing other funds which may be available in order to increase the total amount of funds available for railroad financing; and

(3) The public benefits to be realized from the project to be financed in relation to public costs of such financing and whether the proposed project will return public benefits sufficient to justify such public costs.

The section further directs the Administrator to assign the highest priority among applications which would return equal public benefits to those that would use the funds for safety improvements and signals, including underpasses and overpasses at crossings at which injury or loss of life has occurred or is likely to occur.

In determining whether funds are available from other sources at a reasonable cost, the Administrator will compare the anticipated rate of return on the project itself to the cost of any available capital and will evaluate the overall financial strength of the applicant in order to assess the applicant's ability to afford available capital. The Administrator will consider such factors as the timing of the anticipated flows of costs and benefits from the project compared to the schedule for repayment of other financing means as well as any terms governing repayment of capital from sources other than section 505. Other sources of funds that applicants should explore include public or private placement of funded or unfunded debt, bank loans or loans from shippers and manufacturers, advances from parent companies, sales of assets, and equity financing. An additional factor the Administrator will review in deciding whether other funds are available at a reasonable cost is whether a project could be financed if a guarantee or commitment to guarantee were extended under section 511 or if sections 505 and 511 were used in combination. Applicants must therefore examine thoroughly the possibility of financing their project in whole or in part with the assistance of a section 511 guarantee and must demonstrate that financing available in the private capital markets either cannot be obtained at a reasonable rate of interest or is otherwise inappropriate for the project. Extending obligation guarantees whenever possible will maximize public benefits first by providing financial assistance for railroad projects at the lowest cost to the public and second by applying funds available under section 505 to projects that are in the public interest but cannot be financed at a reasonable rate of interest. Only through the appropriate use of assistance from both sections 505 and 511 can the assistance available to the railroads through Title V be maximized.

In order to assure that assistance is provided in a manner that best carries out the purposes and policies of the Act, assistance will be provided for those projects that best serve to increase the ability of the rail system to provide adequate and efficient transportation services, rather than merely to preserve the status quo. Therefore, in determining the extent to which projects will provide public benefits, the highest priority will be given those projects that would facilitate or encourage consolidation or coordination of rail facilities where economically beneficial. Second in order of priority would be projects that facilitate competition in a major market where such competition is economically justified, followed by projects that would enhance the applicant's ability to provide essential passenger or freight service. In assessing the eligibility of projects, the Administrator will consider the classifications and designations made pursuant to section 503 of the Act. Additionally, consideration will be given to the financial justification for the project, its anticipated return on investment and the time period in which such return is achieved. As required by section 505, among projects having equal public benefits, priority will be given to those that also provide safety improvements and signals.

C. Projects Eligible for Assistance under Section 505:

Section 505(a)(1) of the Act permits any railroad, once regulations have been promulgated, to apply for and receive such financial assistance as may be approved by the Administrator, except that aid for facilities rehabilitation and improvements may, under section 505(a)(2), be approved only after rail lines will have been finally classified and designated under section 503.

Within this framework, it is necessary to delineate what projects constitute facilities rehabilitation and improvement in order to determine those projects that may be funded immediately. Facilities, as defined in section 501(3), comprise a railroad's fixed plant (its track, communication and power transmission systems and machinery, signals, terminal and yard facilities, shop and repair facilities, and related structures) and the property used to move rolling stock over water. Neither "rehabilitation" or "improvement" is defined in the Act, but the Senate Commerce Committee Report describes such work as "deferred maintenance, capital improvements heretofore delayed because of inadequate funds or unavailability of financing, and other capital improvements." S. Rep. No. 94-499, 94th Cong., 1st Sess. p. 23 (1975). Rehabilitation therefore is the extensive repair and replacement of materials needed to restore a facility to the physical condition necessary to provide adequate service when maintenance levels have been so low that the property has deteriorated substantially below that condition. Repairs which would result in a condition superior to the property's most recent rehabilitated or improved condition are considered to be an improvement. Rehabilitation does not include ordinary or routine maintenance performed regularly to correct critical defects and to make high priority repairs or cyclical replacement of materials needed to continue operating on track at its current track Class standard. Improvement of facilities is upgrading of fixed plant to a level better than its condition when rehabilitated. Examples of improvements include installation of welded or heavier weight rail or of other track components, a better quality of ballast, better track alignment and surface, a better signal system, upgrading a bridge structure for capacity or clearance purposes, roadbed upgrading, and replacement of shops and service facilities.

The purposes for which financial assistance would be available under section 505(a)(1) include acquisition of facilities and construction of new facilities where the construction is not an integral part of rehabilitation or improvement of an existing facility. In determining whether a new construction project will qualify for assistance under section 505(a)(1), consideration will be given both to the extent to which the new facility would increase the capacity of the applicant, rather than replacing existing capacity, and to the operational relationship of the new facility to similar existing facilities on the applicant's system. An example of a construction project that might receive financial assistance under section 505(a)(1) would be the building of a new line to connect existing lines in order to implement a joint use of tracks, or the building of new facilities when existing facilities continue to operate at their normal capacity. In administering secton 505(a)(1), the Administrator intends, consistent with the overall objectives of the Act described above and the need to await the results of studies mandated by the Act, to maximize the ability of railroads to carry out those projects that will most significantly increase the capability of applicants to meet rail transportation service needs. It is the policy of the Administrator not to provide assistance to prevent a railroad from entering into reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) except where such assistance is necessary to effectuate a merger or consolidation of facilities. The Administrator will approve financial assistance for regular maintenance of facilities only when a strong public interest justification for such financing is established in accordance with the priorities discussed above. Although purchase, rebuilding, or repair of equipment is an eligible use of section 505(a)(1) assistance, the approval of such a project would be contingent upon its being sufficiently in the public interest considering the cost of funds from other sources in light of the projected rate of return on the project.

D. Financing Agreements:

If the Administrator approves an application under section 505, the section requires that he enter into an agreement with the railroad to provide financing in such amounts and at such times as he deems necessary for the project for which assistance is sought. The section also provides that the agreement shall include terms and conditions which the Administrator deems necessary to assure that the financing is used for the purposes approved by the Administrator.

Financial assistance under section 505 to a railroad not in reorganization shall, according to section 505(d)(1), consist of the purchase of redeemable preference shares at par, as described in section 506. When a railroad applying for assistance is in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205), section 505(d)(2)(A) permits the Administrator to agree to purchase redeemable preference shares issued by the railroad as part of a reorganization plan approved by the court having jurisdiction over the railroad.

The redeemable preference shares must meet the conditions set forth in section 506. The shares must be nonvoting and must be issued at a par value of $10,000. Redemption of principal of a share must begin not earlier than the sixth nor later than the eleventh anniversary of the share's issuance, and must be completed no later than thirty years after issuance. The dividends on a share

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begin to accrue on the tenth anniversary after issuance of a share and must bear a rate that, when principal and dividends are added together, returns over the life of the share at least 150 percent of the redemption payments on the share. Installments of principal and interest on the shares are to be paid annually and are to be structured so that the payments are as level as possible. Within this framework, the Administrator has discretion to set the schedule for principal redemption and the schedule and amount of dividend payments. In establishing terms on the shares he will set combinations of dividend and redemption schedules that equal the cost of money to the government. He may, in exceptional circumstances, deviate from these terms when the public benefit from the project clearly warrants a lower financial cost to the applicant.

Section 505(d)(2)(B) also permits the Administrator to provide financial assistance to railroads in reorganization by purchasing from them up to an aggregate amount of $100 million in trustee certificates issued pursuant to section 77(c)(3) of the Bankruptcy Act (11 U.S.C. 205(c)(3)). Before such certificates may be purchased, the section requires that the Administrator find in writing:

(1) That such certificates cannot otherwise be sold at a reasonable interest rate;

(2) That the project can reasonably be expected to be maintained as part of a financially self-sustaining railroad system; and

(3) That the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

PURPOSE OF PROPOSED SECTION 505(a)(1) REGULATIONS

The regulations that are being proposed under this notice establish the procedures for applications by railroads in applying for financial assistance under section 505(a)(1). They set forth in detail the form and type of information which must be submitted in support of a request for financial assistance. They do not, however, discuss other provisions of law to which a railroad may be subject if an application is approved. Applicants should note in particular that they must comply with the provisions for labor protection in section 516 of the Act.

In accordance with subsection 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) and paragraph 7(g) of DOT Order No. 5610.-1B (39 FR 35234, September 30, 1974), the Administrator has determined that certain projects financed under section 505(a)(1) will have no significant environmental impact and has issued a negative declaration for those projects. The negative declaration is available to the public upon request. For projects that involve a major change in land use or a major increase in railroad related activities in an area, assessments of environmental impact must be prepared.

If an application is approved and redeemable preference shares are purchased by the Administrator, the railroad will become subject to the civil rights provisions of section 905 of the Act and to any other applicable laws.

The Federal Railroad Administration wishes to encourage public participation in the development of these regulations. Accordingly, on June 11, 1976 from 9 a.m. until 12:30 p.m., a public meeting will be held in Room 435, 800 Independence Avenue SW., Washington, D.C. at which the Administrator will discuss the interpretation and administration of section 505, and the regulations proposed in this notice. The purpose of the meeting is to explain the Federal Railroad Administration's interpretation of the Act and to answer questions on the regulations. The agenda for this meeting is as follows:

9 a.m.	Discussion of the relationship of section 505 to other provisions in the Railroad Revitalization and Regulatory Reform Act of 1976.
9:30 a.m.	Explanation of section 505. Discussion of proposed regulations for section 505.
10 a.m.	Panel: Question and Answer Session to include the following topics: Eligible projects and applicants. Factors determining approval or rejection of applications. Information required in an application. Terms of redeemable preference shares.

Any interested persons or organizations are invited to attend this meeting. Questions that interested parties wish to have answered at the meeting may be submitted in advance to the Acting Associate Administrator, Federal Assistance, Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590. Other questions raised by members of the audience will also be addressed.

In addition to the public meeting, any person or organization may participate by submitting written data, views, or comments to the Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All material received on or before July 1, 1976, will be considered by the Federal Railroad Administration before taking final action on the proposed regulations. All comments received will be available for examination at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The proposals contained in this notice may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Chapter II of Title 49 of the Code of Federal Regulations by adding a new Part 258 as follows:

PART 258—REGULATIONS GOVERNING APPLICATIONS UNDER SECTION 505(a)(1) OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Sec.

258.1 Applicability.
258.3 Definitions.
258.5 Eligibility.
258.7 Form and content of application.
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258.11 Preapplication and application procedure.
258.13 General instructions.
258.15 Record, audit, and examination.
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AUTHORITY: Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210; the Department of Transportation Act, 49 U.S.C. 1651 et seq., Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(u).

§ 258.1 Applicability.

This part prescribes the guidelines and procedures governing applications by railroads for financial assistance pursuant to section 505(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976. These guidelines and procedures also govern applications for assistance for the purpose set forth in section 517 of that Act, improvement of intercity rail passenger service on lines owned by the applicant and located outside the Northeast Corridor as defined in section 701(c) of that Act.

§ 258.3 Definitions.

As used in this part:

(a) "Act" means the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210, February 5, 1976).

(b) "Administrator" means the Federal Railroad Administrator, or his delegate.

(c) "Applicant" means any railroad that submits an application for financial assistance pursuant to this part.

(d) "Commission" means the Interstate Commerce Commission.

(e) "Equipment" means any type of new or rebuilt standard guage locomotive, caboose, or general service railroad freight car the use of which is not limited to any specialized purpose by particular equipment, design, or other features, or any other type of car designated by the Administrator upon a written finding that such designation is consistent with the purposes of the Act. General service railroad freight car includes a boxcar, gondola, open-top or covered hopper car, and flatcar.

(f) "Facilities" means:

(1) Track, roadbed, and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, trestles, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, enginehouses, and public improvements used or usable for rail service operations;

(2) Communication and power transmission systems, including electronic, microwave, wireless, communication, and automatic data processing systems, electrical transmission systems, powerplants, power transmission systems, powerplant machinery and equipment, structures, and facilities for the transmission of electricity for use by railroads;

(3) Signals, including signals and interlockers;

(4) Terminal or yard facilities, including trailer-on-flat-car and container-on-flat-car terminals, express or railroad terminal and switching facilities, and services to express companies and railroads and their shippers, including ferries, tugs, carfloats, and related shoreside facilities designed for the transportation of equipment by water; or

(5) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving, and expediting the movement of equipment.

(g) "Including" means including but not limited to.

(h) "Project" means the purpose for which the applicant seeks financial assistance under this part, including acquisition or maintenance of facilities or equipment, rehabilitation or improvement of equipment, and new construction of facilities where such construction is not an integral part of rehabilitation or improvement of existing facilities.

(i) "Railroad" means a common carrier by railroad or express as defined in section 1(3) of Part I of the Interstate Commerce Act (49 U.S.C. 1(3)), and includes the National Railroad Passenger Corporation and the Alaska Railroad.

(j) "Railroad in reorganization" means a railroad being reorganized under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(k) "Redeemable preference shares" means shares acquired by the Administrator under section 505(d) of the Act that conform to the requirements set forth in section 506 of the Act.

(l) "Trustee" means the trustee, or trustees if more than one trustee has been appointed, of a railroad in reorganization.

(m) "Trustee certificates" means certificates issued under section 77(c)(3) of the Bankruptcy Act (11 U.S.C. 205(c)(3)).

§ 258.5 Eligibility.

Any railroad may apply to the Administrator under section 505(a)(1) for such financial assistance as the Administrator may approve, except financial assistance for facilities rehabilitation and improvement.

§ 258.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

(1) Full and correct name and principal business address of the applicant;

(2) Date of applicant's incorporation, and name of the government, state, or territory under the laws of which it was incorporated or organized. If applicant is a trustee, the name and address of the reorganization court under the direction of which the applicant is acting, and the docket number of the proceeding;

(3) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(4) Detailed description of the amount and timing of financial assistance that is being sought and its purpose or purposes, including:

(A) Total amount of financing being requested, date or dates on which applicant desires to have the funds made available and schedule according to which applicant desires to redeem preference shares purchased pursuant to this part and make dividend payments thereon;

(B) Any part(s) or sub-part(s) into which the project may reasonably be divided, and the priority and schedule of financial assistance needed for such part(s) or sub-part(s);

(C) Estimated rate of return on the project calculated by determining the discount rate for which the present value of the benefits associated with and over the life of the project equals the present value of the costs associated with and over the life of the project. The detailed stream of project costs (including any increase in labor costs that will result from the labor protection arrangements required by section 516 of the Act) and project benefits used to calculated the rate of return, and a statement of the assumptions and bases for calculations behind each of the items of the detailed streams must be provided; and in estimate of the impact of the project on applicant's corporate rate of return for the year in which the project is scheduled to be completed and for each of the five years thereafter, with supporting data showing the assumptions behind and the manner in which such corporate rate of return was calculated;

(D) Evaluation of the expected impact of the project on the applicant's ability to provide essential rail services; and

(E) Statement of whether the project involves another railroad, through joint execution, coordination or otherwise; if so, description of the relative participation of applicant and such other railroad, including statement of financing arrangements of each participant, portion of the work to be performed by each, and contemplated level of usage of the equipment or facility by each participant when the work is completed;

(5) Full and complete statement, together with supporting evidence, of how public benefits to be realized from the project will justify public costs. Public benefits include providing essential freight or passenger services at safe and adequate levels, decreased costs of service through joint use of tracks or coordination between carriers, mergers, consolidations, and improved economic efficiency and productivity;

(6) Statement as to how the project will contribute to or enhance the safe operation of the railroad, considering such factors as the occupational safety and health of employees and the improvement of physical or other conditions that have caused or may cause serious injury or loss of life to the public and to users of the railroad's services;

(7) Statement as to whether applicant can secure the necessary funds, in whole or in part, from any other public or private source, including shippers, affiliated companies, or through the guarantee or commitment to guarantee obligations under section 511 of the Act, and, if so, upon what terms. If the necessary funds cannot be secured elsewhere, a statement as to the efforts which have been made to secure such funds, the reasons for the failure to secure funds elsewhere, and full details of all negotiations undertaken;

(8) Statement as to whether any railroad affiliated with applicant or any railroad which will be involved with applicant in the project has applied for, intends to apply for, or has received assistance under Title V of the Act. If such railroad has applied, intends to apply, or has received such assistance, full particulars should be given;

(9) Detailed statement as to whether the project will involve a major change in land use or will result in a major change in the intensity of railroad related activities on existing corridors or at other locations, and, if so, assessment of the impact of the project on the environment, including:

(A) Description of the environment in the area of the project before commencement of such project, together with statement of other Federal activities in the area;

(B) Statement of population and growth characteristics of area and of any population and growth assumptions made by applicant in planning the project. Such statement should use the rates of growth in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture;

(C) Statement of the project's relationship to proposed land use plans, policies, and controls of affected communities. Where the project is inconsistent with any such plans, policies, or controls, the statement should describe and explain the reasons for such inconsistency in detail;

(D) Statement of the positive and negative effects of the project on the environment, including effects on air and water, soil quality, and noise level;

(E) Statement of relationship to any applicable Air Quality Implementation Plan under the Clean Air Act (42 U.S.C. 1857);

(F) Description of any alternatives to the project;

(G) Discussion of problems and objections raised by other Federal, State or local agencies, and citizens;

(H) Statement of the relationship between local short-term uses of the environment by the project and the long-term effects on the environment; and

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(I) Statement of any irreversible or irretrievable commitments of resources, including impact on public parks, recreational areas, wildlife refuges, historic sites, and similar areas referenced in section 4(f) of the Department of Transportation Act;

(10) Statement of the estimated economic impact of the project on the railroad's employees, including affected seniority districts and number of affected employees, and copy of the transmittal letter submitting such information to the representatives of applicant's employees, together with statement of the status of negotiations between applicant and representatives of its employees for labor protection arrangements required by section 516 of the Act; and

(11) Any other information which the Administrator may deem necessary concerning an application filed under this part.

(b) When applicant is a trustee and the form of proposed assistance is purchase by the Administrator of trustee certificates, the application shall provide all of the information required in paragraph (a) above, and in addition shall provide:

(1) Statement on behalf of the trustee, together with supporting evidence, that such certificates cannot otherwise be sold at a reasonable rate of interest;

(2) Full and complete statement, together with supporting evidence, demonstrating that the project can reasonably be expected to be maintained as a part of a financially self-sustaining railroad system; and

(3) Full and complete statement, together with supporting evidence, that the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

§ 258.9 Required exhibits.

There shall be filed with and made a part of each application and copy thereof the following exhibits, except that exhibits filed with and made a part of any related application filed with the Administrator under sections 505(a)(2) or 511 of the Act may be incorporated in and made part of the application filed under this Part by reference. While an application is pending, when an applicant receives actual figures for the pro forma statements required in Exhibits L, O, R, and S, it must promptly report those actual figures to the Administrator in the form required in the appropriate exhibit.

(a) *Exhibit A* (with the original application only): Copy of applicant's charter or articles of incorporation, with amendments to date, and copy of by-laws, with amendments to date, duly certified by the appropriate public officer; if applicant is a trustee, copy of duly certified order of the court authorizing the bankruptcy proceeding and appointing the trustee.

(b) *Exhibit B:* (1) Copies of all resolutions of directors authorizing the issuance of redeemable preference shares;

(2) If the charter or by-laws require approval by stockholders, copies of resolutions of stockholders authorizing such issuance, and copies of the minutes of the meetings at which those resolutions were adopted;

(3) Copies of resolutions of stockholders or directors, or duly authorized committee thereof, authenticated by a proper officer of applicant, designating by name and for that purpose the executive officer by whom the application is signed, verified, and filed on behalf of the applicant; and

(4) If applicant is a trustee, a certified copy of the order of the court having jurisdiction authorizing the sale of trustee certificates or redeemable preference shares and the filing of the application. All documents required by this exhibit must be certified by the appropriate officer of the applicant.

(c) *Exhibit C:* Opinion of counsel that he is familiar with the corporate powers of the applicant and that the applicant is authorized to make the application and to execute and deliver the redeemable preference shares. Such opinion shall also cover the priority of such shares.

(d) *Exhibit D:* Map of applicant's existing railroad with location of project indicated, if appropriate.

(e) *Exhibit E:* (1) Statement showing miles of line owned, leased, operated, and maintained;

(2) Number of locomotive units owned or leased in five year age increments, by service type (road, road-switches, and switch) and horsepower;

(3) Number of freight cars owned or leased in five year age increments, by service type and capacity; number and age of passenger cars in service owned or leased, excluding cars used for commuter service; and

(4) Top ten principal commodities carried ranked by tons.

(f) *Exhibit F:* Statement showing to the latest available date but in any event to a date no less recent than the end of the second month preceding the date of filing of the application:

(1) Maximum number of miles of track under slow orders and ratio of such track to total track miles of applicant for each month of the last three years and the current calendar year;

(2) Maximum number of locomotive units out of service during each month due to business conditions, maximum number of locomotive units out of service during each month due to mechanical defects, and ratio of aggregate of such locomotive units to total ownership monthly for each of the last three calendar years and the current calendar year; and

(3) Maximum number of freight cars out of service due to business conditions during each month and maximum number of freight cars out of service due to mechanical defects during each month, and ratio of aggregate of such cars to total number of freight cars owned by applicant monthly for each of the last three calendar years and the current calendar year.

(g) *Exhibit G:* A copy of applicant's general balance sheet as of a date no less recent than the end of the second month preceding the date of filing of the application, in account form and detail as required in schedule 200 of the Commission's annual report R–1 or R–2, as appropriate, together with the following schedules:

(1) Particulars of account 704, loans and notes receivable in form and detail as required in schedule 201 of annual report R–1 for the Class I railroads, and in similar form for the Class II railroads except that for Class II railroads loans and notes receivable that are each less than $25,000 may be combined into a single amount;

(2) Particulars of investments in affiliated companies and other investments in form and detail as required in Schedules 205 and 206 of annual report R–1, or Schedules 1001 and 1002 of R–2, as appropriate;

(3) Particulars of balances in accounts 741, Other Assets, and 743, Other Deferred Charges, in form and detail required by schedule 216 of annual report R–1 or schedule 1703 of annual report R–2, as appropriate;

(4) Particulars of loans and notes payable in form and detail required in schedule 223 of annual report R–1, or schedule 1701 of R–2, as appropriate, as well as information, as to bank loans, including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and security, if any; (5) Particulars of long-term debt in form and detail required in schedules 218 and 219 of annual report R–1 or schedules 670, 695, 901, 902 and 1702 of annual report R–2, as appropriate, together with a brief statement concerning each mortgage, pledge, and other lien, indicating the property or securities encumbered, the mortgage limit per mile, if any, and particulars as to priority;

(6) Particulars of balance in account 784, Other Deferred Credits, in form and detail as required in schedule 225 of annual report R–1 or schedule 1704 of annual report R–2, as appropriate; and

(7) Particulars as to capital stock in form and detail as required in schedules 228, 229, and 230 of annual report R–1 or schedule 690 in R–2, as appropriate.

(h) *Exhibit H:* Statement showing comparative balance sheets as of December 31 for each of the five years preceding the year in which the application is filed, in account form and detail as required in schedule 200 of annual report R–1 or R–2, as appropriate.

(i) *Exhibit I:* Copy of applicant's report to its stockholders, together with statement of total dividends declared and total dividends paid, for each of the past five years and for the calendar year to date and particulars as to contingent assets and liabilities if not included in such report; if aplicant is part of a holding company, the Annual Report filed pursuant to section 13 or 15(a) of the Securities Exchange Act of 1934 (Form 10–K or 12–K) as required by the Securities and Exchange Commission of applicant or of its parent company, whichever company files such form for each of the five years preceding the year in which the application is filed.

(j) *Exhibit J:* Comparative income statement for each of the twelve months preceding the date of the balance sheet in Exhibit G, in account form similar to that required in column (a) of schedule 300 of of annual report R–1 or R–2 as appropriate.

(k) *Exhibit K:* Comparative income statement showing data for each of the last five years preceding the year in which the application is filed in account form and detail similar to that required in column (a) of schedule 300 of annual report R–1 or R–2, as appropriate.

(l) *Exhibit L:* Pro forma income statement showing estimated income account for each of the months remaining in the calendar year after those months reported in the income statement in Exhibit J and for each quarter of the four subsequent years both before and after giving effect to the proceeds of the assistance requested in the application, in account form and detail similar to that required in column (a) of schedule 300 of annual report R–1 or R–2, as appropriate, together with a statement setting forth the basis for such estimates.

(m) *Exhibit M:* Comparative statement, as of a date no less recent than two months preceding the filing of the the application, of total expenditures for maintenance of (1) way and structures and (2) equipment for each of the preceding twelve months with the information separated between capital and operating expenses in accordance with the accounting rules in the Commission's Uniform System of Accounts.

(n) *Exhibit N:* Comparative statement of total expenditures for maintenance of (1) way and structures and (2) equipment for each of the five years preceding the filing of the application, with the information separated between capital and operating expenses in accordance with the accounting rules in the Commission's Uniform System of Accounts.

(o) *Exhibit O:* Pro forma comparative statement of total expenditures for maintenance of (1) way and structures and (2) equipment monthly for each of the months remaining after the statement furnished in Exhibit M of the calendar year in which the application is filed and quarterly for each of the four calendar years subsequent thereto, with the information separated between capital and operating expenses in accordance with the accounting rules in the Commission's Uniform System of Accounts both before and after giving effect to any funds requested in the application and including a statement showing the basis for such estimates.

(p) *Exhibit P:* Statement of changes in financial position for each of the last five years preceding the year in which the application is filed, in account form and detail required in schedule 309 of annual report R–1 for Class I railroads and in similar form and detail for Class II railroads.

(q) *Exhibit Q:* Statement of changes in financial position for the twelve months preceding the date of the income statement furnished in Exhibit J, in account form and detail required in schedule 309 of annual report R–1 for Class I railroads and in similar form and detail for Class II railroads.

(r) *Exhibit R:* Pro forma statement of changes in financial position for each of the four calendar years following the filing of the application, both before and after giving effect to any funds requested in the application and including a statement showing the bases for such estimates, in account form and detail as required in schedule 309 of the annual report R–1 for Class I railroads and in similar form and detail for Class II railroads.

(s) *Exhibit S:* Statement showing actual beginning cash balance, cash receipts, cash disbursements, and ending cash balance for each month of the twelve month period preceding the month in which the application is made, together with a monthly forecast, both before and after giving effect to the use of the funds requested in the application, for the balance of the current year after the application date and the year subsequent thereto.

(t) *Exhibit T:* If the application is with respect to equipment to be rehabilitated, improved, maintained, or acquired, a statement indicating number of units and in-service or out-of-service status and, if appropriate:

(1) For locomotives, service type, age, size, horsepower, name of builder, description of work, and unit cost of proposed work; and

(2) For freight cars or intermodal equipment, information as to service type (box, gondola, flat, etc.), age, capacity, description of work, and unit costs of proposed work.

Such statement shall show the total cost of the project and distribution of such cost by primary accounts of the Commission's Uniform System of Accounts separated where applicable between material and labor, the ownership of all equipment which is the subject of the project, and the dates on which work is to be commenced or completed. Direct labor and material costs and any applicable overhead expenses that are included in the total cost of the project should be shown separately and identified.

(u) *Exhibit U:* If the application is with respect to the maintenance, acquisition, or construction of facilities, a statement showing, if applicable:

(1) Track standard under which each line on which maintenance is proposed has been generally operating and the reasons therefor, and the track standards and signal requirements necessary to provide safe, essential rail services;

(2) Date work is proposed to be commenced and completed; and

(3) Types and quantities of work items, unit costs, and total cost of project and distribution of such total cost by primary accounts of the Commission's Uniform System of Accounts, separated where applicable between material and labor. Direct labor and material costs and any applicable overhead expenses that are included in the total cost of the project should be shown separately and identified.

(v) *Exhibit V:* List and description of the portion(s), if any, of the project being or to be performed by outside contractor(s).

NOTE: The account forms referred to in the exhibits are those of the Commission's Uniform System of Accounts for Railroad Companies in use on February 15, 1976. However, the information required in any of the exhibits shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the application.

§ 258.11 Preapplication and application procedure.

(a) When a railroad has developed plans for a project for which it may wish to seek assistance under this part, that railroad shall notify the Associate Administrator for Federal Assistance of the Federal Railroad Administration at the address shown in paragraph (b)(3) of this section. The Associate Administrator will then schedule a meeting at which the railroad will present to representatives of the Federal Railroad Administration the project and discuss with them information which must be submitted in the application and the type of terms and conditions and financing documents that will be utilized in connection with financial assistance provided under section 505(a)(1).

(b) The following procedure shall govern the execution and filing of the application:

(1) The original application shall bear the date of execution and be signed with ink by or on behalf of the applicant and shall bear the corporate seal. Execution shall be by the applicant's president or other duly authorized officer having knowledge of the matters therein set forth. Persons signing the application on behalf of the applicant shall also sign a certificate in form as follows:

_____ certifies that he
(Name of official)
is the _____ of the
(Title of official)
_____ that he is au-
(Name of railroad)
thorized on the part of said applicant to sign and file with the Administrator this application and exhibits attached thereto; that the consent of all parties whose consent is required, by law or by binding commitment of the applicant, in order to make this application and issue the redeemable preference shares has been given; that he has carefully examined all of the statements contained in such application and the exhibits attached thereto and made a part thereof relating to the _____;
(Name of railroad)
that he has knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

_____
(Name of official)
_____
(Date)

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(2) There shall be made a part of the original application the following certificate by the Chief Financial Officer of the applicant:

_____ certifies that he
(Name of officer)
is _____ of
(Title of officer)
_____; that he has
(Name of railroad applicant)

supervision over the books of account and other financial records of the railroad applicant and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of the Interstate Commerce Commission; that such accounts are adequate to assure that proceeds from the financing being undertaken are used solely and specifically for the purposes authorized; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account; and that, other than the matters set forth in the exceptions attached to such statements, those financial statements and supporting schedules represent a true and complete statement of the financial position of the railroad applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the railroad applicant.

_____
(Name of official)

_____
(Date)

(3) The original application and supporting papers, and ten (10) copies thereof, shall be filed with the Associate Administrator for Federal Assistance of the Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed.

§ 258.13 General instructions.

(a) If the application is approved by the Administrator, the following documents must be deposited with the Administrator before the transaction is closed:

(1) Certified copies of resolutions of the board of directors, and where necessary of the executive committee of the applicant, and of the stockholders, and certified copies of the minutes of the meetings at which those resolutions were adopted, authorizing the execution of a financing agreement with the Administrator and delivery of such redeemable preference shares as are incident to the application thereof, in conformity with such terms as may be prescribed by the Administrator, and authorizing the designated officer to receive and give a receipt for the proceeds from the purchase of the redeemable preference shares;

(2) Certified statement by the applicant that it has complied with the provisions of section 516 of the Act with respect to employee protection;

(3) Certified copy of the most recent detailed report by applicant's public accounting firm; and

(4) In respect of assistance to a trustee, certified copies of the court orders and decrees authorizing him to execute and deliver the trustee certificates or redeemable preference shares.

(b) After the documents required in paragraph (a) of this section have been deposited with the Administrator, the Administrator will enter into an agreement with the applicant to provide financing at such times and in such amounts as the Administrator deems necessary to meet the reasonable cost of the project. Such agreement shall contain such terms and conditions as the Administrator deems necessary or appropriate to assure that the financing will be used only in the manner, and for the purposes, approved by the Administrator, including a requirement that funds received from the sale of redeemable preference shares be placed in and disbursed from a separate account.

§ 258.15 Record, audit, and examination.

(a) Each recipient of financial assistance under this part, whether in the form of redeemable preference shares, trustee certificates, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator and the Comptroller General shall prescribe, including records that fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any accounts, books, documents, papers, reports, files and records of such receipts which in the opinion of the Administrator or the Comptroller General may be related or pertinent to the redeemable preference shares, trustee certificates, contracts, or other arrangements referred to in paragraph (a). Representatives of the Administrator or the Comptroller General shall be afforded full facilities for verifying the transactions.

§ 258.17 Access to information.

If an applicant desires that any information submitted in an application or supplement thereto not be released by the Administrator upon request from a member of the public, the applicant must so state and must set forth any reasons why such information should not be released, including particulars as to any competitive harm which would probably result from release of such information. The Administrator will keep such information confidential as permitted by law.

§ 258.19 Waiver and modification.

The Administrator, upon good cause shown, may waive or modify any requirement of this part not required by law, or make any additional requirements he deems necessary.

I certify that inflationary impact of proposed regulations implementing section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 has been evaluated in accordance with Executive Order 11821 of November 21, 1974 and Department of Transportation Order 2050.4 of February 2, 1976.

Dated: May 26, 1976.

ASAPH H. HALL,
Administrator,
Federal Railroad Administration.

[FR Doc.76-15876 Filed 5-28-76;8:45 am]

[49 CFR Part 260]

[Docket No. 76-02; Notice 1]

REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (the "Act") creates two programs under which the Secretary of Transportation (the "Secretary") may provide financial assistance to railroads, one through the purchase of redeemable preference shares issued by railroads (section 505) and the other through the guarantee of obligations (section 511). The Secretary has delegated his powers and duties under Title V, except those powers contained in section 506(c), to the Administrator of the Federal Railroad Administration (the "Administrator").

The Administrator is publishing proposed regulations concerning procedures to be used by railroads in applying for financial assistance under section 505(a)(1) of the Act, accompanied by a discussion of the manner in which the program will be administered. Regulations governing procedures for applications under section 505(a)(2) will be published under a separate notice.

Pursuant to the provisions of section 511(a), the Administrator is now considering the adoption of regulations for procedures to be used in applying for a commitment to guarantee and guarantee (hereinafter both a commitment to and a guarantee are referred to jointly as a "guarantee") of obligations under section 511 of the Act. These regulations will also govern applications under section 511 for guarantee of obligations of the Consolidated Rail Corporation ("ConRail") for electrification of high-density mainline routes, as provided in section 211(i) of the Regional Rail Reorganization Act of 1973, as amended ("RRRA"), and for guarantee of obligations to improve intercity rail passenger service on lines owned by the applicant and located outside the Northeast Corridor (defined in section 701(c) of the Act), as provided in section 517 of the Act. Applications for the purposes set forth in section 517 may also be filed under section 505 of the Act. The Administrator has determined that the obligation guarantee program created by section 511 is not a major proposal under Executive Order 11821, November 27, 1974, or Department of Transportation Order 20504, February 2, 1976, requiring an inflationary impact evaluation.

The Administrator is also considering the adoption of standards under section 511(i) governing the maintenance of facilities by recipients of guarantees of obligations.

PROVISIONS OF SECTION 511

A. *Obligations That May Be Guaranteed.*

Under section 511, the Administrator can guarantee the payment of the principal balance of, and any interest on, an obligation of an applicant prior to, on, or after the date of execution or disbursement of such obligation if the proceeds of such obligation shall be or have been used to acquire or to rehabilitate and improve facilities or equipment used in rail services. Section 511(a) provides for the Administrator to grant applications for such guarantees in whole or in part, if he determines that the obligation is eligible for such guarantee. Therefore, the prerequisites that must be met under section 511(h) (see B below) and the conditions mandated by section 511(j) (see D below) are of primary importance.

Neither "rehabilitation" nor "improvement" is defined in the Act, but the Senate Commerce Committee Report describes such work as "deferred maintenance, capital improvements heretofore delayed because of inadequate funds or unavailability of financing, and other capital improvements." S. Rep. No. 94-499, 94th Cong., 1st Sess., 23 (1975). Rehabilitation therefore is the extensive repair and replacement of materials needed to restore a facility to the physical condition necessary to provide adequate service when maintenance levels have been so low that the property has deteriorated substantially below that condition. Repairs which would result in a condition superior to the property's most recent rehabilitated or improved condition are considered to be an improvement. Rehabilitation does not include ordinary or routine maintenance performed regularly to correct critical defects and to make high priority repairs or cyclical replacement of materials needed to continue operating on track at its current track Class standard. Improvement of facilities is upgrading of fixed plant to a level better than its condition would be when merely rehabilitated. Such projects include installation of welded or heavier weight rail or of other track components, a better quality of ballast, better track alignment and surface, a better signal system, upgrading a bridge structure for capacity or clearance purposes, roadbed upgrading, and replacement of shops and service facilities.

Section 501(6) defines an obligation as a bond, note, conditional sale agreement, equipment trust certificate, security agreement, or other obligation issued or granted to finance or refinance equipment or facilities acquisition, construction, rehabilitation or improvement. Because this definition specifically mentions among eligible obligations those that are issued to finance or refinance construction, guarantees may be extended for such obligations.

"Applicant" is defined by section 501(1) to mean any railroad or other person (including a governmental entity) which submits an application to the Administrator for the guarantee of an obligation under which it is an obligor (the debtor under the obligation and any successor or assignee of such obligor who is approved by the Administrator). Under this definition of "applicant", State and local governments may apply for and receive guarantees. However, it will be the policy of the Administrator not to guarantee tax-exempt obligations unless the applicant can demonstrate compelling reasons why such a guarantee should be extended.

B. *Prerequisites to Guarantees.*

Section 511(h) lists as prerequisites to any guarantee six findings the Administrator must make in writing:

(1) That an obligation for equipment acquisition, rehabilitation, or improvement is secured by such equipment;

(2) That payment of the obligation is, by the terms of such obligation, required to be made within 25 years from the date of its execution;

(3) That the financing is justified by present and probable future demand for rail services to be rendered by the applicant and will serve to meet demonstrable rail service needs and to provide shippers with improved service;

(4) That the applicant has given reasonable assurances that the facilities or equipment being acquired, rehabilitated, or improved with the proceeds of the obligation will be economically and efficiently utilized;

(5) That the probable value of any equipment or facilities to be improved, rehabilitated or acquired is sufficient to provide the United States with reasonable security and protection in the event of default by the obligor, in the case of repossession by the holder of the obligation, or in the case of possession or purchase by the Administrator; and

(6) That the transaction will result in an improvement in the ability of any affected railroad to transport freight or passengers.

In order to be considered, an application must contain sufficient information to enable the Administrator to make these section 511(h) findings.

C. *Section 115(i) Standards.*

Section 511(i) requires that recipients of guarantees shall, consistent with their capital resources, maintain their facilities in accordance with standards to be issued by the Administrator. The purpose of these standards is twofold: first, to protect the security interest of the United States for the time the obligation is outstanding by assuring that the value of the collateral is not reduced; and second, to insure that the facilities for which the Administrator has supplied financing are maintained in a condition in which they can meet passengers' or shippers' demand for the recipient's rail service. Therefore, the proposed standards are designed to prevent deferred maintenance on the facilities which are the subject of a guarantee. The Administrator may waive the standards if a guarantee recipient demonstrates in writing that it does not have sufficient capital resources to meet the standards or establishes that changed circumstances may justify a waiver.

These standards are designed not to duplicate other laws or regulations to which recipients of guarantees may be subject. Although these standards are based in certain respects on the safety regulations enforced by the Federal Railroad Administration, the proposed standards are separate from the safety regulations.

D. *Section 511(j) Conditions.*

Section 511(j) requires that before a guarantee of an obligation may be approved the obligor must agree in writing that so long as any principal or interest is due and payable on such obligation:

(1) there will not be any increase in discretionary dividend payments over the average ratio which such payments bore to earnings for the applicable fiscal period during the five years preceding such proposed increase without the prior approval of the Administrator;

(2) the obligor will not use any assets or revenues (except cash) related to or derived from railroad operations in non-rail enterprises without the prior approval of the Administrator; and

(3) the obligor will take all reasonable and practicable steps possible to improve the equitable distribution and efficient and expeditious use of all equipment and facilities to improve rail service in accordance with guidelines established by the Administrator.

Approval of an increase in dividend payments or use of assets and revenues related to or derived from railroad operations in non-rail enterprises under paragraphs (1) and (2), respectively, may be granted if the Administrator makes a written finding, after a public hearing, that such increase in dividends or use of assets or revenues will not materially affect the ability of the obligor to comply with the requirements of section 511. The Administrator will, at a later date, publish a statement of requirements necessary for approval of such an increase in dividends or use of assets. The guidelines governing distribution and use of equipment and facilities referred to in paragraph (3) will be placed in the terms and conditions of guarantee agreements.

E. *Charges to be Assessed and Rate of Interest.*

The Administrator will, as provided in section 511(*l*), charge an amount he deems reasonable for the investigation of any application, for appraisal of the value of the equipment or facilities involved, and for making determinations and findings necessary under this part. The application must contain a certification that the applicant will pay such charges as the Administrator may assess. Such charges may not aggregate more than one half of one percent of the

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principal amount of the obligation for which a guarantee is sought. They will be assessed periodically as the Administrator incurs expenses in reviewing the application.

In addition, section 511(m) provides that the Administrator shall assess and collect from the obligor an annual premium charge on each obligation guaranteed in an amount not to exceed an annual rate of one percent on the unpaid principal balance of such obligation at the time payment is due. Payment is due initially when the obligation is guaranteed, and, thereafter, on the anniversary date of such guarantee.

Section 511(f) provides that the rate of interest (exclusive of premium charges and service fees) which shall be paid on the unpaid principal baalnce of each obligation guaranteed shall not exceed an annual percentage rate which the Administrator determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.

F. *Financing Agreements.*

If the Administrator approves an application under section 511, the section requires that he agree to guarantee an obligation under such terms and conditions and pursuant to such regulations as he deems appropriate, consistent with the purposes of Title V. Guarantee agreements will, among other things, require that the recipient of the guarantee establish and adhere to a normalized maintenance program for the facilities or equipment that is the subject of the obligation. Guarantees must be extended in accordance with the provisions of sections 511 through 513 of Title V and with such rules as the Administrator may deem necessary to protect the interests of the United States.

Section 511(d) permits the Administrator to approve any modification of any provision of a guarantee of an obligation, including the rate of interest, payment schedule of interest or principal, security, or any other term, if he finds in writing that such modification is equitable and in the overall best interests of the United States under Title V and that the holder of the obligation consents to such modification.

G. *Amount of Obligations Which May Be Guaranteed*

The aggregate unpaid principal amounts of obligations which the Administrator may guarantee may not exceed $1 billion at any one time, of which not to exceed $150 million may be guaranteed to finance improvements in the Northeast Corridor. Section 606 of the Act provides that within the $1 billion of guarantee authority up to $200 million in obligations of ConRail may be guaranteed for the electrification of high-density mainline routes upon request by ConRail pursuant to section 211 (i) of the RRRA, when such electrification will return operating and financial benefits to ConRail and will facilitate compatibility with existing or renewed electrification systems. Finally, the Administrator is authorized by section 517 to provide financial assistance, in the aggregate sum of up to $200 million, through the financial assistance provisions of and within the authorizations of Title V, either under section 505 or section 511, to any railroad for the purpose of improving intercity rail passenger service on any lines of such railroad which are located outside of the Northeast Corridor, as defined in 701(c) of the Act.

PURPOSE OF PROPOSED SECTION 511 REGULATIONS

The regulations proposed under this notice as subpart A of part 260 of the Code of Federal Regulations establish the procedures governing applications for guarantees under section 511. They set forth in detail the form and type of information which must be submitted in an application and explain the process the Federal Railroad Administration will go through in handling applications. In addition, the requirements of the National Environmental Policy Act of 1969 have been observed in the regulations. The Federal Railroad Administrator has issued a negative declaration stating that most projects being financed by obligations guaranteed under section .511 have no significant environmental impact, but an assessment of the environmental impact of the project must be prepared for projects that involve a major change in land use or a major increase in railroad related activities on an existing corridor or at another location.

These procedural regulations do not address any legal requirements other than those which directly concern the application process. In this regard, applicants should note that the provisions in section 516 of the Act relating to labor protection must be adhered to. Furthermore, if a guarantee or commitment to guarantee an obligation is extended, the recipient will become subject to the civil rights provisions of section 905 of the Act and to any other applicable Federal laws.

The regulations proposed under this notice as subpart B of part 260 of the Code of Federal Regulations establish the standards under section 511(i) governing the maintenance of facilities by recipients of guarantees of obligations.

The Administrator wishes to encourage the broadest public participation in connection with the development of these regulations. Accordingly, on June 11, 1976 in Room 435, at 800 Independence Avenue, SW., Washington, D.C., from 2 p.m. until 5 p.m., a public meeting will be held at which the Administrator and his staff will discuss and answer questions concerning the proposed regulations for section 511. The agenda for the meeting will be:

2 p.m.	Discussion of section 511 and its relationship to other provisions of the Act.
2:30 p.m.	Discussion of proposed regulations for application procedures under section 511 and for maintenance standards under section 511(i).
3 p.m.	Panel: Question and Answer Session, with discussion of the following topics: Eligibility of applicants and projects. Requirements for security. Conditions imposed by section 511(j). Proposed maintenance standards.

Questions that interested persons wish to have answered at the meeting may be submitted in advance to the Acting Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590. Other issues raised by questions from the audience will also be addressed. Any interested persons or organizations are invited to attend.

Any person or organization may also participate by submitting written data, views, or comments to the Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All material received on or before July 1, 1976, will be considered by the Federal Railroad Administration before taking final action on the proposed regulations. All comments received will be available for examination at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The proposals contained in this notice may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Chapter II of Title 49 of the Code of Federal Regulations by adding a new part 260 as follows:

PART 260—REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Subpart A—Procedures for Application for Commitment to Guarantee or Guarantee of Obligations

Sec.
260.1 Applicability.
260.3 Definitions.
260.5 Eligibility.
260.7 Form and content of application.
260.9 Required exhibits.
260.11 Preapplication and application procedure.
260.13 General instructions.
260.15 Information requests.
260.17 Records, audits, and examinations.
260.19 Waivers and modifications.

Subpart B—Standards for Maintenance of Facilities by Recipients of Obligation Guarantees

260.21 Applicability.
260.23 Definitions.
260.25 Standards.
260.27 Inspection and reporting.
260.29 Waiver.
260.31 Impact on other laws.
260.33 Penalties.

AUTHORITY: Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210; The Department of Transportation Act, 49 U.S.C. 1651 et seq., Regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(u).

Subpart A—Procedures for Application for Commitment to Guarantee or Guarantee of Obligations

§ 260.1 Applicability.

This subpart prescribes the procedures governing applications for a commitment to guarantee or a guarantee of the payment of the principal balance of, and any interest on, an obligation of an applicant under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("the Act"). Applications for a commitment to guarantee or a guarantee of obligations of the Consolidated Rail Corporation for electrification of high-density mainline routes must be filed in accordance with these procedures, as provided in section 211(i) of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721). These procedures also govern applications for a commitment to guarantee or guarantee of obligations incurred for the purpose set forth in section 517 of the Act, improvement of intercity rail passenger service on lines of the applicant located outside the Northeast Corridor (defined in section 701(c) of the Act).

§ 260.3 Definitions.

As used in this part:

(a) "Act" means the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210, February 5, 1976).

(b) "Administrator" means the Federal Railroad Administrator, or his delegate.

(c) "Applicant" means any railroad, or other person (including a governmental entity) that submits an application to the Administrator for the guarantee of an obligation under which it is an obligor or for a commitment to guarantee such an obligation.

(d) "Commission" means the Interstate Commerce Commission.

(e) "Equipment" means any type of new or rebuilt standard gauge locomotive, caboose, or general service railroad freight car the use of which is not limited to any specialized purpose by particular equipment, design, or other features, or any other type of car designated by the Administrator upon a written finding that such designation is consistent with the purposes of the Act. General service railroad freight car includes a boxcar, gondola, open-top or covered hopper car, and flatcar.

(f) "Facilities" means:

(1) Track, roadbed, and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, trestles, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, enginehouses, and public improvements used or usable for rail service operations;

(2) Communication and power transmission systems, including electronic, microwave, wireless, communication, and automatic data processing systems, electrical transmission systems, powerplants, power transmission systems, powerplant machinery and equipment, structures, and facilities for the transmission of electricity for use by railroads;

(3) Signals, including signals and interlockers;

(4) Terminal or yard facilities, including trailer-on-flat-car and container-on-flat-car terminals, express or railroad terminal and switching facilities, and services to express companies and railroads and their shippers, including ferries, tugs, carfloats, and related shoreside facilities designed for the transportation of equipment by water; or

(5) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving, and expediting the movement of equipment.

(g) "Including" means including but not limited to.

(h) "Holder" means the obligee or creditor under an obligation, except that when a bank or trust company is acting as agent or trustee for such an obligee or creditor pursuant to an agreement to which the obligor is a part, the term refers to such bank or trust company.

(i) "Obligation" means a bond, note, conditional sale agreement, equipment trust certificate, security agreement, or other obligation issued or granted to finance or refinance equipment or facilities acquisition, construction, rehabilitation, or improvement.

(j) "Obligor" means the debtor under an obligation, including the original obligor and any successor or assignee of such obligor who is approved by the Administrator.

(k) "Project" means the use of the proceeds of the obligation for which a guarantee or guarantee commitment is sought.

(l) "Railroad" means a common carrier by railroad or express as defined in section 1(3) of Part I of the Interstate Commerce Act (49 U.S.C. 1(3)), including the National Railroad Passenger Corporation and the Alaska Railroad.

(m) "Trustee" means the trustee, or trustees if more than one trustee has been appointed, of an applicant in bankruptcy.

§ 260.5 Eligibility.

Under section 511 the Administrator may guarantee and make commitments to guarantee the payment of the principal balance of, and any interest on, an obligation of any applicant prior to, on, or after the date of execution or the date of disbursement of such obligation, if the proceeds of such obligation shall be or have been used to acquire or to rehabilitate and improve facilities or equipment.

§ 260.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

(1) Applicant's full and correct name and principal business address;

(2) Date of applicant's incorporation, or organization if not a corporation, and name of the government, state, or territory under the laws of which it was incorporated or organized. If applicant is a trustee, the name and address of the bankruptcy court under the direction of which applicant is acting, and the docket number of the proceeding. If applicant is a partnership, association, or other form of organization other than a corporation, a full description of the organization should be furnished;

(3) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(4) Certified copy of proposed or executed obligation agreement, including any related agreements or other documents, and detailed description of the obligation and of the series or issue of which the obligation is a part, including—

(A) Total amount of the obligation;

(B) Detailed description of the project, including—

(i) Estimated timing of the expenditure of the proceeds of the obligation;

(ii) Any part(s) or sub-part(s) into which the project may reasonably be divided, the priority and schedule of expenditure for such part(s) or subpart(s); and

(iii) Statement of whether the project involves another railroad, through joint execution, coordination, or otherwise; if so, description of the relative participation of applicant and such other railroad, including statement of financing arrangements of each participant, portion of the work to be performed by each participant, and contemplated level of usage of the equipment or facility by each participant when the work is completed;

(C) Effective date;

(D) Schedule for repayment of principal;

(E) Description of the interest in facilities or equipment to be financed or refinanced by the obligation for which a guarantee is sought that would be pledged to the Administrator, and applicant's opinion of the value of this security interest and the basis for such opinion; and

(F) Where the obligation for which a guarantee is sought is outstanding, actual effective rate of interest; or where the applicant has discussed with a potential holder the terms of the obligation, the proposed effective rate of interest;

(5) Statement, in summary form, showing financial obligations to or claims against the United States, if any, by applicant or any affiliated entity as of the date of the application, including:

(A) Balance on any direct loans or loans under which the United States is guarantor;

(B) Status of any claims under litigation; and

(C) Any other debits or credits existing between the applicant and the United States, showing the department or agency involved in such loans, claims and other debts;

(6) An analysis that includes:

(A) Statement, together with supporting evidence including copies of all market analyses and studies that have been performed to determine present and future demand of rail services, that the financing is justified by present and future demand for rail services, will meet

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existing needs for such services, and will provide shippers with improved service;

(B) Description of the impact of the financing upon the projected traffic to be originated, terminated, or carried by the obligor for at least the five years immediately following completion of the project; and

(C) Description of any other benefit which would accrue to the applicant from the proceeds of the obligation;

(7) Statement, together with supporting evidence, that the facilities or equipment being acquired, rehabilitated or improved will be efficiently and economically utilized, including:

(A) Estimated rate of return on the project calculated by determining the discount rate for which the present value of the benefits associated with and over the life of the project equals the present value of the costs associated with and over the life of the project. The detailed stream of project costs (including any increase in labor costs that will result from the labor protection arrangements required by section 516 of the Act) and project benefits used to calculate the rate of return, and a statement of the assumptions and bases for calculations behind each of the items of the detailed streams must be provided; and estimate of the impact of the project on the corporate rate of return of the affected railroad for the year in which the project is scheduled to be completed and for each of the five years thereafter, with supporting data showing the assumptions behind and the manner in which such corporate rate of return was calculated;

(B) Explanation of the manner in which the project will increase the economical and efficient utilization of equipment and facilities; and

(C) Documentation of any other improvements in service including service reliability between origin and destination point pairs and reduction in time from load to load car cycle by car type;

(8) Statement, together with supporting evidence, that the transaction will improve the ability of affected railroads to transport passengers or freight;

(9) Statement of applicant's maintenance program for its entire rail system and planned maintenance program for the equipment or facilities financed by the proceeds of the obligation;

(10) Certified statement that applicant will pay the Administrator whatever investigation fees the Administrator assesses;

(11) With respect to each existing holder or proposed prospective holder, a statement as to:

(A) Full and correct name and principal business address;

(B) Reference to applicable provisions of law and the charter or other governing instruments conferring authority on the holder to accept the obligation;

(C) Brief statement of the circumstances and negotiations leading to the agreement by the holder to take the proposed obligation;

(D) Brief statement of the nature and extent of any affiliation or business relationship between the existing or prospective holder and any of its directors, partners, or principal executive officers, on the one hand, and, on the other, the applicant and any of its directors, partners, or principal executive officers, or any person or persons whose name is required to be furnished under subparagraph (E) of this paragraph; and

(E) Full and complete statement of all sums to be given by the holder in connection with the proposed obligation including:

(i) Name and address of each person to whom the payment has been made or will be made and nature of any affiliation, association, or prior business relationship between any person named in this paragraph and the holder or any of its directors, partners, or officers;

(ii) Amount of the cash payment, or the nature and value of other consideration; and

(iii) Any condition upon the obligation of the obligee to make such payment;

(12) Detailed statement as to whether any entity affiliated with applicant or any railroad which will be a participant with applicant in the project or with which this project will be coordinated has applied for, intends to apply for, or has received assistance under Title V of the Act;

(13) Detailed statement as to whether the project will, directly or indirectly, cause a major change in land use or a major change in the intensity of railroad related activities on existing corridors or at other locations, and, if so, an assessment of the impact of such use on the environment, including:

(A) Description of the environment in the area of the project before commencement of the project, together with statement of other Federal activities in the area;

(B) Statement of population and growth characteristics of the area and of any population and growth assumptions made by applicant in planning the project. Such statement should use the rates of growth in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture;

(C) Statement of the relationship of the project to proposed land use plans, policies, and controls of affected com- and explain the reasons for such inconsistent with any such plans, policies, or controls, the statement should describe and explain the reasons fo rsuch inconsistency in detail;

(D) Statement of the positive and negative effects of the project on the environment, including effects on air and water, soil quality, and noise level;

(E) Statement of the relationship to any applicable Air Quality Implementation Plan under the Clean Air Act (42 U.S.C. 1857);

(F) Description of any alternatives to the project;

(G) Discussion of problems and objections raised by other Federal, State or local agencies, and citizens;

(H) Statement of the relationship between local short-term uses of the environment by the project and the long-term effects on the environment; and

(I) Statement of any irreversible or irretrievable commitments of natural resources, including impact on public parks, recreational areas, wildlife refuges, historic sites, and similar areas referenced in section 4(f) of the Department of Transportation Act;

(14) Statement of the estimated economic impact of the use of the proceeds on the railroad's employees, including affected seniority districts and number of affected employees, and copy of transmittal letter submitting such information to the representatives of applicant's employees, together with statement of the status of negotiations between applicant and representatives of its employees for labor protection arrangements required by section 516 of the Act; and

(15) Any other information which the Administrator may deem necessary or useful concerning an application filed under this part.

(b) When applicant is a trustee, the application shall provide all of the information required in paragraph (a) above, and in addition shall provide a full and complete statement, together with supporting evidence, demonstrating that applicant can reasonably be expected to become self-sustaining within a reasonable period of time.

§ 260.9 Required exhibits.

There shall be filed with and made a part of each application and copy thereof the following exhibits, except that exhibits filed with and made a part of any related application filed with the Administrator under section 505(a)(1) or 505(a)(2) of the Act may, where timely, be incorporated in and made part of the application filed under this part by reference. While the application is pending, when applicant receives actual figures for the pro forma statements required in Exhibits L, O, R, and S, it must report the actual figures to the Administrator in the form required in the appropriate exhibit.

(a) *Exhibit A* (with the original application only): Copy of applicant's charter or articles of incorporation with amendments to date, and copy of by-laws with amendments to date; if applicant is not a corporation, copy of articles of agreement or association, or other agreement, evidencing organization; if applicant is a trustee, copy of order of the court appointing applicant as trustee. All documents required in this exhibit shall be duly certified by the appropriate public officer.

(b) *Exhibit B:*

(1) Copies of all resolutions of directors authorizing issuance of the obligation;

(2) If applicant's charter or by-laws require approval by stockholders, copies of resolutions of stockholders authorizing such issuance and copies of the minutes of the meetings at which those resolutions were adopted;

(3) Copies of resolutions of stockholders or directors, or duly authorized committee thereof, authenticated by a proper officer of applicant, designating by name and for that purpose the executive officer by whom the application is signed, verified, and filed on behalf of the applicant;

(4) If applicant is not a corporation, documentary evidence showing authorization of the obligation and designation of the individual signing, verifying, and filing the application on behalf of the applicant;

(5) If applicant is a trustee, certified copy of the order of the court having jurisdiction, authorizing the filing of the application and sale of the obligation; and

(6) If applicant is a state or local public body or agency thereof, copy of resolution of the appropriate body together with a copy of the applicable laws and regulations permitting applicant to incur such obligation.

All documents required to be submitted in this exhibit shall be certified by the appropriate official of applicant.

(c) *Exhibit C:* Opinion of counsel that he is familiar with the corporate or other organizational powers of the applicant and that the applicant is authorized to make the application, to incur the obligation, and to enter into an agreement with the Administrator for the commitment to guarantee or the guarantee of such obligation.

(d) *Exhibit D:* Map of affected railroad market to show the location of the project, if appropriate.

(e) *Exhibit E:* (1) Statement showing miles of line owned, leased, operated, and maintained;

(2) Number of locomotive units owned or leased in five year age increments, by service type (road, road-switches, and switch) and horsepower;

(3) Number of freight cars owned or leased in five year age increments, by service type and capacity; number and age of passenger cars in service owned or leased, excluding cars used for commuter service; and

(4) Top ten principal commodities carried ranked by tons.

(f) *Exhibit F:* Statement showing to the latest available date but in any event to a date no less recent than the end of the second month preceding the date of filing of the application:

(1) Maximum number of miles of track under slow orders and ratio of such track to total track miles of applicant for each month of the last three years and the current calendar year;

(2) Maximum number of locomotive units out of service during each month due to business conditions, maximum number of locomotive units out of service during each month due to mechanical defects, and ratio of aggregate of such locomotive units to total ownership monthly for each of the last three calendar years and the current calendar year; and

(3) Maximum number of freight cars out of service due to business conditions during each month and maximum number of freight cars out of service due to mechanical defects during each month, and ratio of aggregate of such cars to total number of freight cars owned by applicant monthly for each of the last three calendar years and the current calendar year.

(g) Exhibit G: Copy of applicant's general balance sheet as of a date no less recent than the end of the second month preceding the date of filing of the application, in account form and detail as required in schedule 200 of the Commission's annual report R–1 or R–2, as appropriate, together with the following schedules:

(1) Particulars of account 704, loans and notes receivable, in form and detail as required in schedule 201 of annual report R–1 for Class I railroads, and in similar form for the Class II railroads except that for Class II railroads items amounting to less than $25,000 each may be combined into a single amount;

(2) Particulars of investments in affiliated companies and other investments, in form and detail as required in schedules 205 and 206 of annual report R–1, or schedules 1001 and 1002 of R–2, as appropriate;

(3) Particulars of balance in accounts 741, Other Assets, and 743, Other Deferred Charges, in form and detail as required in schedule 216 of annual report R–1, or schedule 1703 of R–2, as appropriate;

(4) Particulars of loans and notes payable in form and detail required in schedule 223 of annual report R–1, or schedule 1701 of R–2, as appropriate, as well as information as to bank loans, including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and security, if any;

(5) Particulars of long-term debt in form and detail required in schedules 218 and 219 of annual report R–1 or schedules 670, 695, 901, 902, and 1702 of annual report R–2, as appropriate, together with a brief statement concerning each mortgage, pledge, and other lien, indicating the property or securities encumbered, the mortgage limit per mile, if any, particulars as to priority, particulars as to after-acquired clauses, and whether such mortgage is "open-end";

(6) Particulars of balance in account 784, Other Deferred Credits, in form and detail as required in schedule 225 of annual report R–1, or schedule 1704 of annual report R–2, as appropriate; and

(7) Particulars as to capital stock in form and detail as required in schedules 228, 229, and 230 of annual report R–1 or schedule 690 in R–2, as appropriate.

(h) *Exhibit H:* Statement showing comparative balance sheets as of December 31 for each of the five years preceding the year in which the application is filed in account form and detail as required in schedule 200 of the annual report R–1 or R–2, as appropriate.

(i) *Exhibit I:* If applicant is a corporation, copy of applicant's report to its stockholders for each of the five years preceding the year in which the application is filed, together with statement of total dividends declared and total dividends paid for each of these years and for the calendar year to date and particulars as to contingent assets and liabilities if not included in such report; if applicant is part of a holding company, the Annual Report filed pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 (Form 10–K or 12–K) as required by the Securities and Exchange Commission of applicant or of its parent company, whichever company files such Form, for each of the five years preceding the year in which the application is filed.

(j) *Exhibit J:* Comparative income statement for each of the twelve months preceding the date of the balance sheet in Exhibit G, in account form similar to that required in column (a) of schedule 300 of annual report R–1 or R–2, as appropriate.

(k) *Exhibit K:* Comparative income statement for each of the last five calendar years preceding the year in which the application is filed in account form and detail similar to that required in column (a) of schedule 300 of annual report R–1 or R–2, as appropriate.

(l) *Exhibit L:* Pro forma income statement showing estimated income account for each of the months remaining in the calendar year after those months reported in the income statement in Exhibit J and for each quarter of the four subsequent years both before and after giving effect to the proceeds of the obligation for which a guarantee is requested in account form and detail similar to that required in column (a) of schedule 300 of annual report R–1 or R–2, as appropriate, together with a statement setting forth the basis for such estimates.

(m) *Exhibit M:* Comparative statement, as of the date of the balance sheet in Exhibit G, of total expenditures for maintenance of (1) way and structures and (2) equipment for each of the preceding twelve months with the information separated between capital and operating expenses in accordance with the accounting rules of the Commission's Uniform System of Accounts.

(n) *Exhibit N:* Comparative statement of total expenditures of maintenance of (1) way and structures and (2) equipment for each of the five years preceding the filing of the application, with the information separated between capital and operating expenses in accordance with the accounting rules of the Commission's Uniform System of Accounts.

(o) *Exhibit O:* Pro forma comparative statement of total expenditures for maintenance of (1) way and structures and (2) equipment for each of the remaining months of the calendar year in which the application is filed, and quarterly for each of the four calendar years subsequent thereto, with the information separated between capital and operating expenses in accordance with the accounting rules of the Commission's Uniform System of Accounts, both before and after giving effect to the proceeds of the obligation for which a guarantee is requested and including a statement showing the basis for such estimates.

(p) *Exhibit P:* Statement of changes in financial position for each of the last

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five years preceding the year in which the application is filed, in form and detail required in schedule 309 of annual report R–1 for Class I railroads and in similar form and detail for Class II railroads.

(q) *Exhibit Q:* Statement of changes in financial position for the twelve months preceding the date of the balance sheet furnished in Exhibit G in account form and detail required in schedule 309 of annual report R–1 for Class I railroads, and in similar form and detail for Class II railroads.

(r) *Exhibit R:* Pro forma statement of changes in financial position for the calendar year in which the application is filed and for each of the four calendar years following the filing of the application, both before and after giving effect to the proceeds of the obligation for which a guarantee is requested and including a statement showing the basis for such estimates, in account form and detail as required in schedule 309 of the annual report R–1 for Class I railroads, and in similar form and detail for Class II railroads.

(s) *Exhibit S:* Statement showing actual beginning cash balance, cash receipts, cash disbursements, and ending cash balance for each month of the twelve-month period preceding the month in which the application is filed together with a monthly forecast, both before and after giving effect to the proceeds of the obligation for which a guarantee is sought, for each remaining month of such calendar year and the year subsequent thereto.

(t) *Exhibit T:* If the proceeds of the obligation have been or will be used to acquire or to rehabilitate and improve equipment, a statement indicating number of units and in-service or out-of-service status and, if appropriate:

(1) For locomotives, service type, age, size, horsepower, name of builder, description of work, and unit cost of proposed work; and

(2) For freight cars or intermodal equipment information as to service type (box, gondola, flat, etc.), age, capacity, description of work, and unit costs of proposed work.

Such statement shall show the total cost of the project and distribution of such cost by primary accounts of the Commission's Uniform System of Accounts separated where applicable between material and labor, the ownership of all equipment which is the subject of the project, and the dates on which work is to be commenced or completed. Direct labor and material costs and any applicable overhead expenses that are included in the total cost of the project should be shown separately and identified.

(u) *Exhibit U:* If the proceeds of the obligation have been or will be used to acquire or to rehabilitate and improve facilities, a statement showing, if applicable:

(1) Track class, as defined by the Federal Railroad Administration Track Safety Standards in part 213 of this chapter, at which each line being acquired or rehabilitated and improved has been generally operating and the reasons therefor; the track class and signal requirements necessary to provide safe, essential rail services; and the highest track class at which each such line will be desginated when the proposed project is completed;

(2) Date work is proposed to be commenced and completed; and

(3) Types and quantities of work items, unit costs, and total cost of project and distribution of such total cost by primary accounts of the Commission's Uniform System of Accounts, separated where applicable between material and labor. Direct labor and material costs and any applicable overhead expenses that are included in the total cost of the project should be shown separately and identified.

(v) *Exhibit V:* List and description of the portion(s), if any, or rehabilitation or improvement being or to be performed by outside contractor(s).

NOTE.—The account forms referred to in the exhibits are those of the Commission's Uniform System of Accounts for Railroad Companies in use on February 15, 1976. However, the information required in any of the exhibits shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the loan application.

§ 260.11 Preapplication and application procedure.

(a) When a railroad or any other person has developed plans for a project for which it may wish to seek assistance under this part, that railroad or other person shall notify the Associate Administrator for Federal Assistance of the Federal Railroad Administration in writing at the address shown in paragraph (b)(3) of this section. The Associate Administrator will then schedule a meeting at which representaives of the railroad or other person will discuss with representatives of the Federal Railroad Administration the proposed project, information which must be submitted in the application, and the type of terms and conditions and financing documents that will be utilized in connection with financial assistance provided under section 511.

(b) The following procedure shall govern the execution and filing of the application:

(1) The original application shall bear the date of execution, be signed with ink by or on behalf of the applicant, and shall bear the corporate seal in the case of an applicant which is a corporation. Execution shall be by all partners if a partnership, unless satisfactory evidence is furnished of the authority of a partner to bind the partnership, or if a corporation, an association or other similar form of organization, by its president or other executive officer having knowledge of the matters therein set forth. Persons signing the application on behalf of the applicant shall also sign a certificate in form as follows:

---------- certifies that he
(Name of official)
is the ---------- of the
(Title of official)
----------; that he is authorized on the part of the applicant to sign and file with the Administrator this application and exhibits attached thereto; that the consent of all parties whose consent is required, by law or by binding commitment of the applicant, in order to make this application and accept the requested guarantee or guarantee commitment has been given; that he has carefully examined all of the statements contained in such application and the exhibits attached thereto and made a part thereof relating to the aforesaid ----------; that he has
(Name of applicant)
knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

(Name of official)

(Date)

(2) There shall be made a part of the original application the following certificate by the Chief Financial Officer or equivalent officer of the applicant:

---------- certifies that he
(Name of officer)
is ---------- of ----------
(Title of officer)
----------; that he has supervision over
(Name of railroad applicant)
the books of account and other financial records of the affected railroad and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of the Interstate Commerce Commission; that such accounts are adequate to assure that proceeds from the financing being undertaken are used solely and specifically for the purposes authorized; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief those statements accurately reflect the accounts as stated in the books of account; and that, other than the matters set forth in the exceptions attached to such statements, those financial statements and supporting schedules represent a true and complete statement of the financial position of the applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the applicant.

(Name of official)

(Date)

(3) The original application and supporting papers, and ten copies thereof for the use of the Administrator, shall be filed with the Associate Administrator for Federal Assistance of the Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed.

§ 260.13 General instructions.

(a) After a complete application and supporting exhibits have been filed with the Administrator, together with any other information the Administrator may request, the Administrator will:

(1) Place a notice of the filing of such application in the FEDERAL REGISTER and afford interested persons an opportunity to submit comments on such application; and

(2) Make a determination of the value of the facilities or equipment to be financed by the obligation, as required by section 511(c) of the Act.

(b) The Administrator will charge an applicant for expenses incurred in investigating an application, including appraisal of equipment or facilities to be secured and making the necessary determinations and findings. Such charges will be assessed and collected as expenses are incurred during the period in which the application is being reviewed.

(c) If the Administrator determines that an application is eligible for a guarantee or guarantee commitment, the following documents must be deposited with the Administrator before the transaction is closed:

(1) Certified copies of resolutions of the directors, and where necessary, of the executive committee of the applicant, and of the stockholders, and certified copies of the minutes of the meetings at which those resolutions were adopted, authorizing the obligation, in conformity with such terms as may be prescribed by the Administrator, and authorizing the designated officers to receive, and give a receipt for, the proceeds from the obligation and to enter into the agreement for guarantee of the obligation;

(2) Certified statement that applicant will comply with the maintenance of facilities standards set forth in subpart B of this part.

(3) Certified statement by the applicant that, if a guarantee or commitment to guarantee an obligation is approved, granted or extended, as long as any principal or interest is owing on such obligation:

(A) There will be no increase in discretionary dividend payments by the applicant over the average ratio which such payments bore to the earnings of the applicant for the applicable fiscal period during the five years preceding such proposed increase, without prior written approval of the Administrator;

(B) The applicant will not use assets or revenues (other than cash) related to or derived from railroad operations in non-railroad enterprises, without prior written approval from the Administrator; and

(C) The applicant will take all reasonable and practicable steps possible, in accordance with such guidelines as may be established by the Administrator in the guarantee agreement, to improve the equitable distribution and efficient and expeditious use of all equipment and facilities in order to improve rail service;

(4) Certified statement signed by the applicant and representatives of applicant's employees that the provisions of section 516 of the Act with respect to employee protection have been met; and

(5) Certified copy of the most recent detailed report by applicant's public accounting firm.

(d) If a guarantee or commitment to guarantee is extended, the Administrator will enter into an agreement with the applicant. That agreement shall contain the terms and conditions the Administrator deems appropriate to carry out the purposes of section 511 and to secure adequately the interests of the United States, including a maintenance schedule for the equipment or facilities financed by the guaranteed obligation. The agreement will require that the proceeds of the obligation be placed in and disbursed from an account separate from other funds of the recipient. The Administrator will also assess and collect from the obligor an annual premium charge which will not exceed one percent of the principal balance outstanding at the time the payment is due. Such charge will be payable when the guarantee is made and annually thereafter.

§ 260.15 Record, audit, and examination.

(a) Each recipient of financial assistance under this part, whether in the form of guarantee of obligations, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator and the Comptroller General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any accounts, books, documents, papers, reports, files and records of such receipts which in the opinion of the Administrator or the Comptroler General may be related or pertinent to the guarantee of the obligation, or to contracts, or other arrangements referred to in this part. Representatives of the Administrator or the Comptroller General shall be afforded full facilities for verifying the transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such property of such person or entity shall, to the extent practicable, remain in the possession and custody of such person or entity.

§ 260.17 Information requests.

If an applicant desires that any information submitted in an application or supplement thereto not be released by the Administrator upon request from a member of the public, the applicant must so state and must set forth any reasons why such information should not be released, including particulars as to any competitive harm which would probably result from release of such information. The Administrator will keep such information confidential as permitted by law.

§ 260.19 Waivers and modifications.

The Administrator may, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary.

Subpart B—Standards for Maintenance of Facilities by Recipients of Obligation Guarantees

§ 260.21 Applicability.

This subpart prescribes standards governing the maintenance of facilities, as defined in Subpart A of this part, that are being acquired or rehabilitated or improved with the proceeds of an obligation guaranteed, by the recipient of such guarantee for the period during which any portion of the principal or interest of such obligation remains unpaid.

§ 260.23 Definitions.

The terms defined in subpart A of this part shall have the same meaning that such terms are given in § 260.3 for the purposes of this subpart.

§ 260.25 Standards.

(a) When the proceeds of an obligation guaranteed by the Administrator are used to acquire or to rehabilitate and improve track, roadbed, and related structures, the guarantee recipient shall, as long as any portion of the principal or interest of such obligation remains unpaid, maintain such facilities in at least the highest track Class, as defined by Federal Railroad Administration Track Safety Standards in Part 213 of this chapter, as that Class in which the rehabilitated or improved track is designated upon completion of the project for which the obligation was guaranteed unless a waiver is granted in accordance with § 260.29 of this subpart.

(b) When the proceeds of an obligation guaranteed by the Administrator are used in facilities, including those mentioned in paragraph (a) of this section the recipient shall, during the period in which any portion of the principal or interest in such obligation remains unpaid, maintain such facilities in a manner consistent with sound engineering and maintenance practices and in a condition that will permit the level of use that existed upon completion of the acquisition or rehabilitation and improvement of such facilities unless a waiver is granted in accordance with § 260.2 of this subpart.

§ 260.27 Inspection.

(a) The facilities subject to the provisions of this subpart shall be inspected at such regular intervals as the Administrator deems necessary to assure com-

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pliance with the standards set forth in § 260.25 of this subpart. Each recipient shall permit representatives of the Federal Railroad Administration to enter upon its property to inspect and examine such facilities at reasonable times and in a reasonable manner. Such representatives shall be permitted to use such testing devices as the Administrator deems necessary to insure that the maintenance standards imposed by this subpart are being followed.

(b) Each recipient shall submit to the Administrator annually financial records and other documents detailing the maintenance performed and the inspections conducted which demonstrate that the recipient has complied with the standards in § 260.25 of this subpart.

§ 260.29 Waiver.

Any recipient of a guarantee may petition the Administrator in writing for relief from any or all requirements imposed by this subpart. The Administrator may, for good cause shown, waive or modify any requirements of this part. Good cause may include, but is not limited to, insufficient capital resources of the recipient to comply with these maintenance standards or changes in the level granted in accordance with § 260.29 of this subpart.

§ 260.31 Impact on other laws.

Sandards issued under this subpart shall not be construed to relieve the recipient of any obligation to comply with any other Federal, State, or local law or regulations.

§ 260.33 Penalties.

If the Administrator finds that a guarantee recipient has violated the requirements of this subpart, such recipient will be subject to civil action for injunction to cease activities which violate this subpart and for any other appropriate civil or criminal relief, including termination, suspension, and punitive damages.

Dated: May 26, 1976.

ASAPH H. HALL,
Administrator, Federal Railroad Administration.

[FR Doc.76-15877 Filed 5-28-76;8:45 am]

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(Revised as of April 1, 1976)

Title 21—Food and Drugs (Parts 600–1299)---------- $2.75

Title 26—Internal Revenue (Parts 300–499)---------- 3.60

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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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National Petroleum Council Committee on Future Energy Prospects; Washington, D.C. (open), 6–11–76. 21229; 5–24–76

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NASA Research and Technology Advisory Council Panel on Research; Washington, D.C. (open with restrictions), 6–7 and 6–8–76 ..... 20930; 5–21–76
Space Program Advisory Council/Space Systems Committee, New Orleans, La. (open), 6–7 and 6–8–76. 13419; 3–30–76

NATIONAL CREDIT UNION ADMINISTRATION
National Credit Union Board; Washington, D.C. (open), 6–10 and 6–11–76. 21413; 5–25–76

NATIONAL SCIENCE FOUNDATION
Advisory Panel for Economics; Washington, D.C. (closed), 6–10 and 6–11–76. 21228; 5–24–76
Neurobiology and Psychobiology Advisory Panels (joint meeting); Washington, D.C. (closed), 6–10 and 6–11–76..... 21413; 5–25–76
Regulatory Biology Advisory Panel; Washington, D.C. (closed), 6–7 thru 6–9–76..... 20931; 5–21–76
Research Applications Policy Advisory Committee; Washington, D.C. (open), 6–8 and 6–9–76.... 20931; 5–21–76
Subgroup on Regulation; Washington, D.C. (open), 6–11–76..... 21228; 5–24–76

SMALL BUSINESS ADMINISTRATION
Seattle District Advisory Council; Seattle, Wash. (open), 6–11–76..... 18568; 5–5–76

TRANSPORTATION DEPARTMENT
Coast Guard—
Ship Structure Committee; Washington, D.C. (open), 6–8–76. 20203; 5–17–76
Federal Aviation Administration—
Federal Aviation Administration Air Traffic Procedures Advisory Committee; Washington, D.C. (open), 6–11–76..... 19155; 5–10–76
U.S. Advisory Committee on Visual Aids to Approach and Landing; Washington, D.C. (open), 6–10–76. 20204; 5–17–76
Federal Railroad Administration—
Railroad Operating Rules Advisory Committee; Kansas City, Mo. (open), 6–9–76... 21216; 5–24–76

TREASURY DEPARTMENT
Bureau of Alcohol, Tobacco and Firearms—
Technical Subcommittee of the Advisory Committee on Explosives Tagging; Washington, D.C. (closed), 6–9–76..... 19232; 5–11–76

VETERANS ADMINISTRATION
Station Committee on Educational Allowances; Seattle, Wash. (open), 6–8–76..... 19279; 5–11–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

presidential documents

Title 3—The President

PROCLAMATION 4444

National Good Neighbor Day, 1976

By the President of the United States of America

A Proclamation

Our Nation's struggle for independence succeeded because the people of thirteen colonies set aside their separate interests and united for a common purpose. Over the years, our Nation expanded because our pioneer ancestors, though independent and self-reliant, recognized the need to work together and to extend a helping hand.

This Bicentennial Year is an appropriate time to emphasize that only by accepting our individual responsibility to be good neighbors can we survive as a strong, united Nation. By recognizing our dependence on each other, we preserve our independence as a people.

As we teach our children the cherished ideal of government by and for the people, let us begin by teaching them to know and care about the people next door. We must not only help each other, we must be willing to learn from each other so that we may remain forever united. Each individual American must make his or her own special effort to be a good neighbor.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the fourth Sunday in September, the 26th of September, 1976 as National Good Neighbor Day.

I call upon every American man, woman, and child to be a good neighbor to those around them. I urge schools, churches, civic and community groups to engage in activities that will remind, encourage, and help each of us to be a good neighbor. And I call upon governors and mayors to urge their citizens to renew the good neighbor spirit.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-16146 Filed 6-1-76;11:30 am]

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Executive Order 11917 May 28, 1976

Amending Executive Order No. 11643 of February 8, 1972,[1] Relating to Environmental Safeguards on Activities for Animal Damage Control on Federal Lands

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et. seq.*), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 *et. seq.*), and in view of the findings (40 F.R. 44726–44739, September 29, 1975) of the Administrator of the Environmental Protection Agency that the use of sodium cyanide is permissible under conditions prescribed by the Agency, Executive Order No. 11643 of February 8, 1972, as amended by Executive Order No. 11870 of July 18, 1975, is further amended by adding the following subsection to Section 3:

"(d) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the operational use of sodium cyanide in Federal programs or on Federal lands, but only in accordance with regulations and on the terms and subject to all the restrictions which may now or hereafter be prescribed by the Environmental Protection Agency; provided that, such use of sodium cyanide is prohibited in (1) areas where endangered or threatened animal species might be adversely affected; (2) areas of the National Park System; (3) areas of the National Wildlife Refuge System; (4) areas of the National Wilderness Preservation System; (5) areas within national forests or other Federal lands specifically set aside for recreational use; (6) prairie dog towns; (7) National Monument areas; and (8) any areas where exposure to the public and family pets is probable.".

Gerald R. Ford

THE WHITE HOUSE,
May 28, 1976.

[FR Doc.76–16088 Filed 5–28–76;4:24 pm]

[1] 37 FR 2875; 3A CFR, 1972 Comp., p. 140.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 400—DEFINITIONS

PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Addition of Part; Miscellaneous Amendments

Correction

FR Doc. 76-11137, appearing at page 16135 in the FEDERAL REGISTER for Friday, April 16, 1976 contained several typographical errors and omissions. The corrections are set forth below and do not in any way alter or revise the Standard originally published.

1. On page 16136, in the center column, the words now appearing as "casual" should be changed to read "causal" in the following places:

a. In the third line from the top of the column;

b. In the first complete paragraph of the column, in the fourth and eighth lines;

c. In the third complete paragraph of the column, in the fifth line from the bottom.

2. On page 16136, in the third column, in the fifth line from the top, insert the word "base" between the words "input" and "would".

3. On page 16137, in the second column, beneath the center heading "2. A Transition Provision", in the eighth line, the third word should read "transition".

4. On page 16138, in the first column, strike the word "cost" and insert the word "suspense" in the following places:

a. In the fourth paragraph, in the 12th line;

b. In the fifth paragraph, in the 1st, 11th, 14th, and 18th lines.

5. On page 16138, in the first column, in the fourth paragraph, in the last line, insert the word "cost" between the words "accounting" and "period".

6. On page 16139, in the center column, in the fourth line from the top, the symbol between the "G" and the "A" should be "&".

7. On page 16139, in the center column, in the sixth line of the first complete paragraph, insert the words "of expense. The Standard now provides" between the words "type" and "explicitly".

8. On page 16139, in the third column in the first line beneath the center heading "6. Allocation of • • •", the word first should read "Commentators".

9. On page 16142, make the following changes:

a. In § 410.50(d), in the 11th line, the last word should read "represents";

b. In § 410.50(d)(2), in the 7th line, the first word should read "than";

c. In § 410.50(g)(1), in the center column in the eighth line, "C&A" should read "G&A";

d. In § 410.60(a), in the ninth line, the fourth word should read "satisfy".

10. In Appendix A, make the following changes:

a. On page 16144, in the first column, in paragraph (6), in the third line, insert "suspense" between the words "inventory" and "account".

b. On page 16144, in the first column, in paragraph (7), in the 7th line, the third word should read "allocation".

PART 400—DEFINITIONS

PART 414—COST ACCOUNTING STANDARD—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Miscellaneous Amendments

The Standard on Cost of Money as an Element of the Cost of Facilities Capital being published today is one of a series being promulgated by the Cost Accounting Standards Board (Board) pursuant to section 719 of the Defense Production Act of 1950, as amended (Pub. L. 91-379, 50 U.S.C. App. 2168), which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

Performance under negotiated contracts usually requires the use of facilities which represent significant contractor investments. Accounting principles applicable to financial reporting do not provide for any explicit recognition of the cost of capital committed to facilities. The Board has long been interested in identifying, as a contract cost, a part of the contractor's total cost of capital. The Board distributed three research papers dealing with the cost of capital in connection with negotiated contracts. These mailings were in June 1974, April 1975, and December 1975. The responses received to all three of those research mailings were useful in the development of the proposal published by the Board on March 5, 1976 (41 FR 9562).

The Board supplemented that March 5 FEDERAL REGISTER request for comments by sending copies of the FEDERAL REGISTER material directly to organizations and individuals who were expected to be interested. The Board has received 82 comments on the March 5 proposal. All of these comments have been carefully considered. The Board appreciates the helpful suggestions and criticisms which have been furnished.

The comments below summarize the major issues discussed by respondents and the significant changes which have been made from the March 5 version of the proposed Standard.

A. GENERAL COMMENTS

(1) *Impact on Contract Prices.* Commentators who represented contractors and the accounting profession tended to favor the proposal, while those who represented some Government agencies were opposed. Government representatives were joined by some other commentators who expressed the belief that the cost of money as an element of the cost of capital committed to facilities should remain, explicit or otherwise, a consideration in determining contract profit compensation, rather than be treated as an element of cost. The Board's early research into the broad question of measurement of the costs related to capital commitment included a number of inquiries about the propriety of a change in the basic concepts of contract cost to include this element.

The cost to be measured, even though imputed, is real and is relevant for contract costing. The Board is persuaded that there has not been adequate agreement on techniques for measuring it. A Cost Accounting Standard is, therefore, appropriate.

Some commentators have expressed concern that contract profit levels may be reduced when this new element of contract cost is recognized, and that there will thus be no real financial benefit from the issuance of the Standard. Such comments are based on a misunderstanding of the Board's mission. The Standard is intended to improve contract cost measurement and understanding by the contracting parties and to provide for greater uniformity by specifying techniques appropriate to types of circumstances actually encountered. Capital asset commitment varies widely among contracts. The Board has developed a technique that takes explicit account of such differences in capital intensity. The procurement agencies are now considering their pricing policies and the Board expects the agencies in doing this to give appropriate recognition to this Standard.

(2) *Exclusion of Working Capital.* As the Board pointed out in its publication on March 5, 1976, its staff has investigated the problems related to measurement of the costs related to investments

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in operating, or working, capital. Most commentators, while generally favoring the Board's proposal as to the cost of facilities capital, urged that the final promulgation include explicit cost recognition based on the contractor's investment in working capital. The Board is not prepared at this time to make determinations on all the issues related to working capital. The economic impact of contractor investment in facilities is, by itself, important enough to warrant recognition as a contract cost without delay. The Board will seek to resolve the problems related to measurement of the contract cost attributable to the investment in working capital.

(3) *Withdrawal of Proposed CAS No. 413.* A number of commentators expressed regret that the Board had withdrawn its proposed Cost Accounting Standard No. 413 on Adjustment of Historical Depreciation Costs for Inflation, which was published on October 9, 1975. As the Board pointed out in its March 5, 1976 publication, inflation has an impact on interest rates. Research shows that over time there is a strong correlation between interest rates and the rate of change of the price level. The interest rates which were available for measuring the cost of capital would unavoidably include some allowance for inflation. Although a number of respondents denied any overlap, the promulgation of both CAS No. 413 and CAS No. 414 as proposed would have resulted in some duplication of coverage.

The accounting profession continues to consider various approaches to the financial reporting problems related to inflation. The Board will continue to observe the various efforts within the profession, and will consider the usefulness for contract costing purposes of each new statement of generally accepted accounting principles related to inflation.

Should the Board consider it appropriate at some future time to measure the impact of inflation in some other way for contracts, it will, of course, reconsider the rate as well as the method selected for measurement of the cost of money as an element of the cost of facilities capital.

B. Content of the Standard

(1) *The Renegotiation Board Rate.* The Board's March 5 publication specified the use of the semiannual interest rate established in accordance with Public Law 92–41 to serve as a cost of money rate for determining the imputed cost of capital committed to facilities. That law requires that the "rate shall be determined by the Secretary of the Treasury, taking into consideration current private commercial rates of interest for new loans maturing in approximately five years." (section 2, 85 Stat. 97).

Some commentators have pointed out that the interest rate specified under Pub. L. 92–41 was, during 1973–1974, less than the actually experienced rate of general inflation, and thus could not have realistically reflected the rate of inflation. The rate includes provision for the expected impacts of future inflation. In the future as in the past, inflationary expectation may indeed be less than the rate of inflation subsequently experienced; but at times it may also be greater.

Obviously the single interest rate specified under Pub. L. 92–41 and used as a cost of money rate in this Standard will rarely be the precise borrowing rate of any particular contractor.

(2) *Allocation of Facilities.* For contract costing purposes, the cost of capital committed to facilities must be related to contracts. The following three subsections deal with the techniques proposed to establish this relationship.

Simplified Procedure: The Standard being promulgated today is based on allocation to negotiated contracts of an appropriate share of the total cost of money which can be identified with the facilities employes in a business unit. This allocation is made by first identifying the total facilities capital associated with each indirect cost pool. The imputed interest cost is then assigned to contracts on the basis of the same measures used to allocate other costs from those indirect cost pools.

Interested parties almost universally accepted this basic approach. A few have expressed concern, however, that the proposed procedure might entail more effort than would be warranted by the improved precision obtained as compared with a much simpler procedure to approximate the desired allocation.

The March 5 proposal included a provision for a simple allocation technique, based on the established procedure for distribution of G&A expenses. This alternative was to be used "only where the contracting parties agree that the results are not likely to differ materially from those which would be produced under the procedure (otherwise described in the proposed Standard)."

Critics of the proposal suggest that the only way the two parties could agree to use the alternative simple procedure would be to recreate the detail of an allocation using the "regular" method as a comparison. But if the "regular" method must thereby be applied in any case, then there would be no reason to pursue the alternative. The Board has confidence in the reasonableness of the contracting parties in finding ways to achieve the purpose of this Standard. Where the total amount of facilities capital is minor in relation to the estimated incurred cost, for example, the parties could be expected to agree in advance to use the simpler alternative procedure. Similarly, if the contractor has a variety of service centers and other indirect cost pools, which are generally used to serve all productive activities, and which do not individually involve significant facility investments, the alternative procedure could be expected to provide significant administrative convenience, and should probably be used. The situation would be different if a relatively significant portion of the total facilities investment were identified with a service center which is obviously not used with the same intensity for all final cost objectives of the contractor; the imputed cost related to such an investment should be assigned on the basis of the use of the facilities rather than on the basis of some overall allocation procedure.

The instructions in the Standard have been modified slightly to clarify the available flexibility. The Board expects that administrative convenience and the likelihood of significant distortion will be considered in decisions about the use of the simplified alternative procedure permitted.

Basic Allocation Technique. Some commentators criticized the complexity of the regular procedure provided in the March 5 publication. The instructions called for the identification of assets to pools "on any reasonable basis that approximates the actual absorption of depreciation and the related costs of such facilities. The basis of allocation of undistributed assets in each business unit between, for example, the engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are absorbed in the two overhead rates. The choice of the basis for allocation is up to the contractor within the limits stated above." Those critics who feel that the instructions require too much detailed analysis in the case of elaborate overhead distribution systems seem not to have understood the intent of the quoted portion. Consolidation and simplification to a limited number of pools and allocation bases is justified in the typical situation where there are many service centers. Minor editorial changes have been made in the instructions, but the Board has not seen the need for any major change in this regard.

Application to Process Cost Systems. The Standard provides a means for allocating the imputed cost to final cost objectives by developing facilities capital cost factors for indirect cost pools. To determine the cost of money applicable to a given final cost objective, these factors must be multiplied by the corresponding allocation base units identified with the final cost objective. A few commentators questioned the technique for applying this procedure for process cost systems.

In a process cost system all the production costs, including overhead costs, are usually accumulated in cost pools associated with "process cost centers" and are then allocated to final cost objectives or products by means of an individual cost center "charging rate." The procedures outlined in this Standard for developing facilities capital cost of money factors for overhead and G&A expense pools are equally applicable to "process cost centers" in case of a process cost system. However, difficulties may arise in computing the appropriate amount of cost of money applicable to each cost objective or product. The difficulties will emerge where the cost records of individual contracts or other final cost objectives do not, as a matter of course, identify any amount of allocation base units related to these final cost objectives in the various "process cost centers." In those circumstances it is anticipated that

the contracting parties could agree upon one of several possible acceptable courses of action. Thus it should not be difficult to develop an acceptable allocation basis using statistical methods where appropriate. In addition, the "alternative method," described in instructions to Form CASB–CMF, could be applied in suitable circumstances.

(3) *Inclusion in "Cost Input".* A few commentators questioned whether the imputed cost of capital committed to facilities should be included in the cost input typically to be used as the basis for distribution of G&A expenses under the terms of Cost Accounting Standard No. 410. This element of contract cost is indeed a part of total cost. The term "cost input" is defined as "the cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period." In principle, the cost of capital committed to facilities, other than those facilities identified with the G&A expense pool, should be included in the total cost input base.

The Board believes that as a practical matter the allocation of the cost of money for the cost accounting period (See. Col. 5 Form CASB–CMF) would not be materially affected by the inclusion or exclusion of cost of money from "cost input." The cost of money for the business unit as a whole would not change. However, to the extent that cost input is used as an allocation base some difference in the allocation to individual contracts can be anticipated. As indicated earlier, however, this difference generally should be immaterial.

In view of the amount of cost accounting data that may be affected by the introduction of cost of money as an element of contract cost and the idiosyncracies of the systems designed to handle that data, the Board believes that administrative expediency should not be ignored. Therefore, at this time it does not prescribe whether this element of cost should be included in or excluded from the cost input allocation base. Although the imputed cost of capital committed to facilities should be included in the total cost input allocation base whenever practicable, exclusion of this element will be acceptable whenever the contractor chooses such exclusion on the basis of reasonable administrative convenience. The illustration in Appendix B is prepared showing the inclusion of this cost and also, as an alternative, showing the exclusion of this element of cost from the measure used as an allocation base for G&A expenses.

C. Administration

(1) *Accounting Records.* The Board's March 5 proposal included the acknowledgement that the imputed cost to be recognized has not been treated under the generally accepted accounting principles applicable to external financial reporting. Even so, several commentators felt the need to point out to the Board that the proposal would involve a cost not currently recognized in published corporate financial reports.

The Board has often emphasized that memorandum records, not necessarily a part of the contractor's formal accounting system, can furnish adequate accounting support for contract purposes, where these purposes differ from those for which the accounting system was developed. The imputed cost to be recognized under this Standard is no exception. The Standard provides the techniques by which this cost will be measured, starting with data already in the accounting records.

(2) *Preparation of Estimates.* The March 5 proposal included the provisions that "where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published * * *." Some commentators urged that the Standard make more clear the relationship of the published rate to the rate to be used in estimates. Some urged that the published rate be required, and others asked for the publication of official forecasts, which should be used for estimates.

Other commentators pointed out that the determination of the cost of money applicable to a proposed contract requires estimation of a number of asset values and allocation rates. They asked that the Board provide clear instructions as to prospective application.

The Board has never undertaken to advise the contracting parties as to techniques for estimating or for agreeing upon specific amounts of estimated costs. In the case of the imputed cost of capital committed to facilities, as for other elements of cost, the clear determination of the procedure by which "actual" cost will later be measured can eliminate confusion as to the nature of the estimate. The parties may, of course, use any techniques which seem appropriate for agreeing on the numeric values to be included in contract cost estimates.

(3) *Compliance with Standard No. 401.* The Board has earlier promulgated a Standard (4 CFR 401) which requires that the practices used in pricing a proposal (estimating) shall be consistent with the cost accounting practices used in accumulating and reporting costs. One of the essential features of that Standard is the requirement that any significant element of cost in the estimate can be compared with the corresponding actual cost. A number of commentators have expressed concern about the applicability of that Standard to an imputed cost.

For the purposes of complying with Standard No. 401 the Board believes that any reasonable estimating technique which establishes the cost of money as a separate amount is acceptable. It is not necessary in estimating to follow precisely the procedures, including Form CASB–CMF, incorporated in the Standard.

D. Applicability

(1) *Use Rates.* Contractors are sometimes compensated for the use of facilities by means of "use rates" authorized under Government procurement policies. These rates may cover various elements of ownership costs, including depreciation. The March 5 publication contained a proposed exemption for situations where such use charges were included in contract costs. A number of commentators criticized that proposed exemption.

The Board does not intend to interfere with the process of establishing "use rates" nor is it prepared to define at this time the factors that should be taken into account when they are formulated. The Board believes that the cost of money is a valid economic cost, and that it is as relevant to a contractor employing a use rate as it is to one using depreciation. Existing schedules of use rates have presumably included appropriate consideration of all elements of the total cost to be considered in developing such rates. The proposed exemption for those covered by use charges is accordingly retained.

(2) *Existing Covered Contracts.* Many commentators urged revision of § 414.70 of the March 5 proposal to delete the exemption of contracts and subcontracts entered into prior to the effective date of the Standard. Such contracts were negotiated under the provisions of Government procurement regulations. In all such regulations, any interest costs incurred by the contractor have been specifically designated as unallowable costs. Furthermore, none of these regulations has recognized any imputed cost of capital committed to facilities. The agreement of the parties, embodied in such prior contracts, has necessarily been reached in light of the cost principles existing at the time the contracts were entered into. The Board therefore concludes that this Standard should not be applied to existing contracts and the Board has consequently retained the exemption in § 414.70.

E. Benefits and Costs

With respect to Cost Accounting Standards, the Board's primary goal is to issue clearly stated Standards to achieve (1) an increased degree of uniformity in accounting practices among Government contractors and (2) consistency in accounting treatment of costs by individual Government contractors. Increased uniformity and consistency are desirable to the extent that they improve understanding and communication.

Contract costs currently do not include any measurement of the cost of money, which is undeniably a cost related to contract performance. The result is that contract cost measurements have made no distinction between contracts with equal amounts of total incurred cost but with vast differences in amounts of facilities investment.

This Standard need have no impact in the aggregate prices paid by the Government but will reflect specific identifiable cost of money as an element of the cost of facilities capital in individual negotiated contracts. Previously, these costs presumably were reflected in nonidentifiable amounts in the profits or fees included in the total contract prices.

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By reflecting specific costs of money attributable to contractor investments in facilities, this Standard will provide for greater consistency in negotiating total contract prices. The Board understands that procurement agencies expect to take this Standard into account in their current reconsideration of pricing policies. The Standard also will assist the procurement agencies to discriminate more effectively between contracts in which the cost of money is significant and those in which it is not.

The Nation's mobilization base depends on its facilities. These may be more effectively modernized because of the explicit cost recognition provided by this Standard, which will help to eliminate the existing disincentives which have hampered contractor investments in facilities. Also, to the extent that the Standard results in investment in cost-reducing equipment, the Government will be able to procure goods and services at lower prices.

Some commentators have suggested that the Board's issuance of Cost Accounting Standard No. 409 caused the need for recognition of this element of cost of facilities capital, and that the Standard being promulgated should be judged in that context. The Board does not agree. The Standard on depreciation was justified by the need for improved criteria with respect to depreciation expense identified with contract performance. Some critics of that Standard argued, in effect, that it should not have been promulgated because, even though it would improve depreciation accounting, there were economic costs not yet being recognized, and that improper depreciation could be justified as an acceptable technique for meeting the economic need. The Board was not and is not persuaded by such reasoning.

The Board has considered the administrative costs related to implementation of this Standard. The most significant potential problems mentioned by commentators were related to features of the proposal which have been modified in response to those comments. The Standard as promulgated today is not expected to involve any significant administrative difficulty, either for contractors or for the Government.

In summary, the Board finds that the benefits of this Standard, which are significant, outweigh the costs, including any inflationary impact.

F. MISCELLANEOUS

The Board expects that this Standard will become effective on October 1, 1976.

There is also being published today an amendment to Part 400, *Definitions*, to incorporate in that part terms defined in § 414.30(a) of this Cost Accounting Standard.

1. Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) • • •

Cost of Capital Committed to Facilities. An imputed cost determined by applying a cost of money rate to facilities capital.

• • • • • •

Facilities Capital. The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

• • • • • •

Intangible Capital Asset. An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

• • • • • •

(84 Stat. 796, Sec. 108 (50 USC App 2168).)

2. Part 414 is adopted as set forth below:

Sec.
414.10 General applicability.
414.20 Purpose.
414.30 Definitions.
414.40 Fundamental requirement.
414.50 Technique for application.
414.60 Illustrations.
414.70 Exemptions.
414.80 Effective date.

AUTHORITY. Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 USC App. 2168.

§ 414.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 414.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria for the measurement and allocation of the cost of capital committed to facilities as an element of contract cost. Consistent application of these criteria will improve cost measurement by providing for allocation of cost of contractor investment in facilities capital to negotiated contracts.

§ 414.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Business Unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(2) *Cost of Capital Committed to Facilities.* An imputed cost determined by applying a cost of money rate to facilities capital.

(3) *Facilities Capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(4) *Intangible Capital Asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

(5) *Tangible Capital Asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 414.40 Fundamental requirement.

(a) A contractor's facilities capital shall be measured and allocated in accordance with the criteria set forth in this Standard. The allocated amount shall be used as a base to which a cost of money rate is applied.

(b) The cost of money rate shall be based on interest rates determined by the Secretary of the Treasury, pursuant to Pub. L. 92-41 (85 Stat. 97).

(c) The cost of capital committed to facilities shall be separately computed for each contract using facilities capital cost of money factors computed for each cost accounting period.

§ 414.50 Techniques for application.

(a) The investment base used in computing the cost of money for facilities capital shall be computed from accounting data used for contract cost purposes. The form and instructions stipulated in this Standard shall be used to make the computation.

(b) The cost of money rate for any cost accounting period shall be the arithmetic mean of the interest rates specified by the Secretary of the Treasury pursuant to Pub. L. 92-41 (85 Stat 97). Where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published by the Secretary of the Treasury.

(c) (1) A facilities capital cost of money factor shall be determined for each indirect cost pool to which a significant amount of facilities capital has been allocated and which is used to allocate indirect costs to final cost objectives.

(2) The facilities capital cost of money factor for an indirect cost pool shall be determined in accordance with Form CASB-CMF, and its instructions which are set forth in Appendix A. One form will serve for all the indirect cost pools of a business unit.

(3) For each CAS-covered contract, the applicable cost of capital committed to facilities for a given cost accounting period is the sum of the products obtained by multiplying the amount of allocation base units (such as direct labor hours, or dollars of total cost input) identified with the contract for the cost accounting period by the facilities capital cost of money factor for the corresponding indirect cost pool. In the case of process cost accounting systems the contracting parties may agree to substitute an appropriate statistical measure for the allocation base units identified with the contract.

§ 414.60 Illustrations.

The use of Form CASB-CMF and other computations anticipated for this Cost Accounting Standard are illustrated in Appendix B.

§ 414.70 Exemption.

(a) This Standard shall not apply to any prime contract or subcontract providing that (i) the date of award of such contract, or (ii) if the contractor has submitted cost or pricing data, the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data, precedes the effective date of this Standard.

(b) This Standard shall not apply where compensation for the use of tangible capital assets is based on use rates or allowances such as provided by the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions), Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), § 15.402-1(a) of the Armed Services Procurement Regulation, or other appropriate Federal procurement regulations.

§ 414.80 Effective date.

The effective date of this Cost Accounting Standard is [Reserved].

FORM CASB-CMF

APPENDIX A

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION

CONTRACTOR'S BUSINESS UNIT: ADDRESS:

COST ACCOUNTING PERIOD: 1. APPLICABLE COST OF MONEY RATE ——— %

		2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTOR
			BASIS OF ALLOCATION	COLUMNS 2 + 3	COLUMNS 1×4	IN UNITS OF MEASURE	COLUMNS 5 ÷ 6
BUSINESS UNIT FACILITIES CAPITAL	RECORDED						
	LEASED PROPERTY						
	CORPORATE OR GROUP						
	TOTAL						
	UNDISTRIBUTED						
	DISTRIBUTED						
OVERHEAD POOLS							
G&A EXPENSE POOLS							
TOTAL						//////////	//////////

APPENDIX A

INSTRUCTIONS FOR FORM CASB-CMF

Purpose

The purpose of this form is to (a) accumulate total facilities capital net book values allocated to each business unit for the contractor cost accounting period and (b) convert those values to facilities capital cost of money factors applicable to each overhead or G&A expense allocation base employed within a business unit.

Basis

All data pertain to the cost accounting period for which the contractor prepares overhead and G&A expense allocations. The cost of money computations should be compatible with those allocation procedures. More specifically, facilities capital values used should be the same values that are used to generate depreciation or amortization that is allowed for Federal Government contract costing purposes; land which is integral to the regular operation of the business unit shall be included.

Applicable Cost of Money Rate (Col. 1)

Enter here the rate as computed in accordance with § 414.50(b).

Accumulation and Direct Distribution of Net Book Value (Col. 2)

Recorded, Leased Property, Corporate.—The net book value of facilities capital items in this column shall represent the average balances outstanding during the cost accounting period. This applies both to items that are subject to periodic depreciation or amortization and also to such items as land that are not subject to periodic write-offs. Unless there is a major fluctuation, it will be adequate to ascertain the net book of these assets at the beginning and end of each cost accounting period, and to compute an average of those two sets of figures. "Recorded" facilities are the facilities capital items owned by the contractor, carried on the books of the business unit and used in its regular business activity. "Leased property" is the capitalized value of leases for which constructive costs of ownership are allowed in lieu of rental costs under Government procurement regulations. Corporate or group facilities are the business unit's allocable share of corporate-owned and leased facilities. The net book value of items of facilities capital which are held or controlled by the home office shall be allocated to the business unit on a basis consistent with the home office expense allocation.

Distributed and Undistributed.—All facilities capital items that are identified in the contractor's records as solely applicable to an organizational unit corresponding to a specific overhead, G&A or other indirect cost pool which is used to allocate indirect costs to final cost objectives, are listed against the applicable pools and are classified as "distributed." "Undistributed" is the remainder of the business unit's facilities capital. The sum of "distributed" and "undistributed" must also correspond to the amount shown on the "total" line.

Allocation of Distributed.—List in the narrative column all the overhead and G&A expense pools to which "distributed" facilities capital items have been allocated. Enter the corresponding amounts in (Col. 2). The sum of all the amounts shown against specific overhead and G&A expense pools must correspond to the amount shown in the "distributed" line.

Allocation of Undistributed (Col. 3)

Business unit "undistributed" facilities are allocated to overhead and the G&A expense pools on any reasonable basis that approximates the actual absorption of depreciation or amortization of such facilities. For instance, the basis of allocation of undistributed assets in each business unit between, e.g., engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are allocated between the two overhead pools. Detailed analysis of this allocation is not required where essentially the same results can be obtained by other means. Where the cost accounting system for purposes of Government contract costing uses more than one "charging rate" for allocating indirect costs accumulated in a single cost pool, one representative base may be substituted for the multiplicity of bases used in the allocation process. The net book value of service center facilities capital items appropriately allocated should be included in this column. The sum of the entries in Column 3 is equal to the entry in the undistributed line, Column 2.

A supporting work sheet of this allocation should be prepared if there is more than one service center or other similar "intermediate" cost objective involved in the reallocation process.

Alternative Allocation Process—As an alternative to the above allocation process all the undistributed assets for one or more service centers or similar intermediate cost objectives may be allocated to the G&A expense pool. Consequently, the cost of money for these undistributed assets will be distributed to the final cost objectives on the same basis that is used to allocate G&A expense. This procedure may be adopted for any cost accounting period only when the contracting parties agree (a) that the depreciation or amortization generated by these undistributed assets is immaterial or (b) that the results of this alternative procedure are not likely to differ materially from those which would be obtained under the "regular" allocation process described previously.

Total Net Book Value (Col. 4)

The sum of Columns 2 and 3. The total of this column should agree with the business unit's total shown in Column 2.

Cost of Money for the Cost Accounting Period (Col. 5)

Multiply the amounts in Column 4 by the percentage rate in Column 1.

Allocation Base for the Period (Col. 6)

Show here the total units of measure used to allocate overhead and G&A expense pools

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(e.g., direct labor dollars, machine hours, total cost input, etc.). Include service centers that make charges to final cost objectives. Each base unit-of-measure must be compatible with the bases used for applying overhead in the Federal Government contract cost computation.

The total base unit of measure used for allocation in this column refers to all work done in an organizational unit associated with the indirect cost pool and not to Government work alone.

Facilities Capital Cost of Money Factors (Col. 7)

The quotients of cost of money for the cost accounting period (Col. 5) separately divided by the corresponding overhead or G&A expense allocation bases (Col. 6). Carry each computation to five decimal places. This factor represents the cost of money applicable to facilities capital allocated to each unit of measure of the overhead or G&A expense allocation base.

APPENDIX B

EXAMPLE.—ABC CORPORATION

ABC Corporation has a home office that controls three operating divisions (Business Units A, B & C). The home office includes an administrative computer center whose costs are allocated separately to the business units. The separate allocation conforms to the requirements specified in the Cost Accounting Standard No. 403. Tables I through VI deal with home office expense allocations to business units.

The A Division is a business unit as defined by the CASB, and it uses one engineering and one manufacturing overhead pool to accumulate costs for charging overhead to final cost objectives. In addition the indirect cost allocation process also uses two "service centers" with their own indirect cost pools: occupancy and technical computer center.

The costs accumulated in the occupancy pool are allocated among manufacturing overhead, engineering overhead, and the technical computer center on the basis of floor space occupied. The costs accumulated in the technical computer center cost pool are allocated to users on the basis of a CPU hourly rate. Some of these allocations are made to engineering or manufacturing overhead while others are allocated direct to final cost objectives.

At the business unit level, all the indirect expense incurred is regarded either as an engineering or manufacturing expense. Thus the sole item that enters into the business unit G&A expense pool is the allocation received by the A Division from the home office.

Operating results for the A Division are given in Table VII. Facilities capital items for the division are given in Table IX.

The example is based on a single set of illustrative contract cost data given in Table VIII. Since two methods, the "regular" and the "alternative" method, are potentially available for computing cost of money on facilities capital items two sets of different results can be considered.

In addition, total cost input is used in the example as the allocation base for the G&A expense. Two variations of this example have been prepared to illustrate the impact of excluding or including cost of money from total cost input. Variation I, summarized in Table XIII, excludes cost of money from the cost input allocation base. Variation II, summarized in Tables XVII and XVIII, includes cost of money in the cost input allocation base.

Throughout the example, where appropriate, cross references have been made to the text of the relevant parts of the Standard.

VARIATION I.—TOTAL COST INPUT ALLOCATION BASE EXCLUDES COST OF MONEY

TABLE I.—*Net book value of home office facilities capital*

	Dec. 31, 1974	Dec. 31, 1975
Administrative computer center facilities capital	$550,000	$450,000
Other home office facilities capital	420,000	380,000
Total	970,000	830,000

The assets in the above table generate allowable depreciation or amortization, as explained in Instructions for Form CASB-CMF (Basis). Thus they should be included in the asset base for cost of money computation.

TABLE II.—*Home office facilities capital annual average balances*

Administrative computer center facilities capital	$500,000
Other home office facilities capital	400,000
Total	900,000

The above averages are based on data in Table I computed in accordance with the criteria in Instructions for Form CASB-CMF (Recorded, Leased Property, Corporate).

$970,000+$830,000=$1,800,000÷2=$900,000

TABLE III.—*Home office depreciation and amortization for 1975*

Administrative computer center facilities capital	$100,000
Other home office facilities capital	40,000
Total	140,000

TABLE IV.—*Allocation of ABC home office expenses to divisions (business units)*

	Total expense	Allocation to business units		
		A	B	C
Administrative computer center	$1,800,000	$900,000	$900,000	
Other home office	4,800,000	2,400,000	1,200,000	$1,200,000
Total	6,600,000	3,300,000	2,100,000	1,200,000

The above allocation is carried out in accordance with 4 CFR Part 403. The expense allocated to individual business units above includes depreciation and amortization as reflected in Table V.

TABLE V.—*Depreciation and amortization component of ABC home office expense*

	Total depreciation and amortization expense	Allocation to business units		
		A	B	C
Administrative computer center	$100,000	$50,000	$50,000	
Other home office	40,000	20,000	10,000	$10,000
Total	140,000	70,000	60,000	10,000

TABLE VI.—*Allocation of home office facilities capital to business units*

(a) Depreciation and amortization allocation in Table V converted to percentages.

	Total depreciation and amortization expense (in percent)	Allocation to business units (in percent)		
		A	B	C
Administrative computer center	100	50	50	
Other home office	100	50	25	25

(b) Application of percentages in (a) to average net book values in Table II, in accordance with criteria in Instructions for Form CASB-CMF (Recorded, Leased Property, Corporate).

	Total net book value	Allocation to business units		
		A	B	C
Administrative computer center facilities capital	$500,000	$250,000	$250,000	
Other home office facilities capital	400,000	200,000	100,000	$100,000
Total	900,000	450,000	350,000	100,000

TABLE V.—*"A" division 1975 operating results*

	Total cost input and G. & A.	Fixed price, CAS-covered contracts	Cost reimbursement, CAS-covered contracts	Commercial and other work
Direct material:				
Purchased parts	$2,000,000	$100,000	$100,000	$1,800,000
Subcontract items	21,530,000	11,750,000	7,205,000	2,575,000
Total	23,530,000	11,850,000	7,305,000	4,375,000
Direct labor and overhead:				
Engineering labor	2,000,000	1,500,000	500,000	
Engineering overhead (80 pct of direct engineering labor)	1,600,000	1,200,000	400,000	
Manufacturing labor	3,000,000	1,200,000	200,000	1,600,000
Manufacturing overhead (200 pct of direct management labor)	6,000,000	2,100,000	100,000	3,200,000
Other direct charges:				
Technical computer center direct charge—2,280 h at $250/h	570,000	200,000	370,000	
Total cost input (excluding cost of money)	36,700,000	18,350,000	9,175,000	9,175,000
G. & A. (8.99 pct of cost input)	3,300,000	1,650,000	825,000	825,000
Total	40,000,000	20,000,000	10,000,000	10,000,000

TABLE VIII.—*Cost data for the contract*

Purchased parts	$85,000
Subcontract items	990,000
Technical computer time 280 h at $250/h	70,000
Engineering labor	330,000
Engineering overhead at 80 pct	264,000
Manufacturing labor	1,210,000
Manufacturing overhead at 200 pct	2,420,000
Total cost input (excluding cost of money)	5,369,000
G. & A. at 8.99 pct	483,000
Total cost input and G. & A. (excluding cost of money)	5,852,000

TABLE IX.—*Division A facilities capital*

Average net book values are computed in accordance with Instructions to Form CASB-CMF. Average figures only are given, the underlying beginning and ending balances for 1975 have not been reproduced.

Name of indirect cost pool the asset is associated with	Average net book value	Annual depreciation
Engineering overhead	$320,000	$40,000
Manufacturing overhead	4,500,000	900,000
Technical computer center	450,000	90,000
Occupancy	3,000,000	200,000
Facilities capital recorded by division A (see form CASB-CMF instructions for description of recorded)	8,270,000	1,230,000
Allocated from home office, table VI	450,000	
Total division A	8,720,000	

TABLE X.—*Allocation of undistributed facilities capital*

(a) *Occupancy Pool Assets.* Total occupancy pool expenses are assumed to be $1,000,000 of which $200,000 is depreciation per Table IX. Allocation of the $3,000,000 net book value of assets per Table IX is performed on the basis of floor space utilization.

Indirect cost pool	Occupancy expense and depreciation allocation	Percent of total floor space utilized	Asset allocation
Engineering	$200,000	20	$600,000
Manufacturing	750,000	75	2,250,000
Technical computer	50,000	5	150,000
Total	$1,000,000	100	$3,000,000

(b) *Technical Computer Center Assets.* Total technical computer center expenses for the year are assumed to be $770,000 including $50,000 depreciation per Table IX and $50,000 charge from the occupancy pool per (a) above. A charging rate of $250 per hour is computed assuming a total of 3,080 chargeable CPU hours per annum. The net book value of assets amounting to $600,000 [$450,000 per Table IX plus the $150,000 allocated per (a) above] is allocated on the basis of CPU hours utilized.

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TABLE X.—*Allocation of undistributed facilities capital*—Continued

Overhead pool or cost objective	Hours charged	Amount charged	Percent	Asset allocation
Fixed price contracts, table VII	800	$200,000	26	$156,000
Cost reimbursement contracts, table VII	1,480	370,000	48	288,000
Engineering overhead pool	800	200,000	26	156,000
Total	3,080	770,000	100	600,000

(c) *Summary of Undistributed Facilities Capital Allocation.* Undistributed (per Table IX).

Technical computer center	$450,000
Occupancy	3,000,000
Total	3,450,000

Distribution per (a) or (b) above of balances to overhead pools that result in charges direct to final cost objectives.

Overhead pool	(a)	(b)	Total
Engineering	$600,000	$156,000	$756,000
Manufacturing	2,250,000		2,250,000
Technical computer center (direct charge to contracts)		444,000	444,000
Total	2,850,000	600,000	3,450,000

FORM CASB-CMF

TABLE XI

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Regular" Method - Cost of Money Excluded from Total Cost Input)

CONTRACTOR, BUSINESS UNIT: ABC Corp., A Division — ADDRESS:

COST ACCOUNTING PERIOD: Y.E. 12/31/75

		2. APPLICABLE COST OF MONEY RATE—%	3. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	4. ALLOCATION OF UNDISTRIBUTED	5. TOTAL NET BOOK VALUE	6. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	7. ALLOCATION BASE FOR THE PERIOD	8. FACILITIES CAPITAL COST OF MONEY FACTORS
			COLUMN 3 + 4	BASIS OF ALLOCATION	COLUMNS 3 + 4	COLUMN 5 × 6	IN UNITS OF MEASURE	COLUMN 7 ÷ 4
BUSINESS UNIT FACILITIES CAPITAL	RECORDED Table IX		8,270,000					
	LEASED PROPERTY							
	CORPORATE OR GROUP Table VI		450,000	Worksheet Table X			Table VII	
	TOTAL		8,720,000					
	UNDISTRIBUTED		3,450,000					
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering Table IX		320,000	756,000	1,076,000	86,000	$2,000,000	.04304
	Manufacturing Table IX		4,500,000	2,250,000	6,750,000	640,000	$3,000,000	.18
	Technical Computer			444,000	444,000	35,520	2,280 hr	15.57895
G&A EXPENSE POOLS	G&A Expense Table VI		450,000		450,000	36,000	$36,700,000	.00098
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

FORM CASB-CMF

TABLE XII

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Alternative" Method - Cost of Money Excluded from Total Cost Input)

CONTRACTOR, BUSINESS UNIT: ABC Corp., A Division — ADDRESS:

COST ACCOUNTING PERIOD: Y.E. 12/31/75

		2. APPLICABLE COST OF MONEY RATE—%	3. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	4. ALLOCATION OF UNDISTRIBUTED	5. TOTAL NET BOOK VALUE	6. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	8. ALLOCATION BASE FOR THE PERIOD	9. FACILITIES CAPITAL COST OF MONEY FACTORS
				BASIS OF ALLOCATION	COLUMNS 3 + 4	COLUMNS 1×6	IN UNITS OF MEASURE	COLUMNS 8 ÷ 5
BUSINESS UNIT FACILITIES CAPITAL	RECORDED Table IX		8,270,000					
	LEASED PROPERTY							
	CORPORATE OR GROUP Table VI		450,000	All to G&A Expense Pool			Table VII	
	TOTAL		8,720,000					
	UNDISTRIBUTED		3,450,000					
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering Table IX		320,000		320,000	25,600	$2,000,000	.0128
	Manufacturing Table IX		4,500,000		4,500,000	360,000	$3,000,000	.12
G&A EXPENSE POOLS	G&A Expense Table VI		450,000	3,450,000	3,900,000	312,000	$36,700,000	.00850
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

TABLE XIII.—*Summary of cost of money computation on facilities capital (cost of money excluded from total cost input)*

Allocation base	Allocated to contract table VIII	Computation using regular facilities capital cost of money factor, table XI	Amount	Computation using alternative facilities capital, cost of money factor, table XII	Amount
Engineering labor	$330,000	0.04304	$14,203	0.0128	$4,224
Manufacturing labor	$1,210,000	.18	217,800	.12	145,200
Technical computer time	1,280	15.57895	4,362		45,626
Cost input	$5,309,000	.00098	5,261	.00850	
Total cost of money on facilities capital			241,626		195,000

[1] Hours.

VARIATION II. TOTAL COST INPUT ALLOCATION BASE INCLUDES COST OF MONEY

TABLE XIV.—*Recomputation of "A" division total cost input to reflect inclusion of cost of money*

(a) Regular method:	
Total cost input per table VII	$36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in column 5, table XV	661,600
Total cost input including cost of money	37,361,600
(b) Alternative method:	
Total cost input per table VII	36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in column 5, table XVI	385,600
Total cost input including cost of money	37,085,600

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TABLE XV

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Regular" Method - Cost of Money Included in Total Cost Input)

CONTRACTOR: ABC Corp. ADDRESS:
BUSINESS UNIT: A Division

COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. APPLICABLE COST OF MONEY RATE R =	2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTORS
			COLUMN 2 + 3	BASIS OF ALLOCATION	COLUMNS 2 + 3	COLUMNS 1X4	IN UNITS OF MEASURE	COLUMNS 5 ÷ 6
BUSINESS UNIT FACILITIES CAPITAL	RECORDED Table IX		8,270,000					
	LEASED PROPERTY							
	CORPORATE OR GROUP Table VI		450,000	Worksheet Table X				
	TOTAL		8,720,000					
	UNDISTRIBUTED		3,450,000				Table VII & Table XIV	
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering Table IX		320,000	755,000	1,076,000	86,080	$2,000,000	.04304
	Manufacturing Table IX		4,500,000	2,250,000	6,750,000	540,000	$3,000,000	.18
	Technical Computer			444,000	444,000	35,520	2,280 hr	15.57895
	Subtotal: Cost of Money to be included in Total Cost Input					661,600		
G&A EXPENSE POOL	G&A Expense Table VI		450,000		450,000	36,000	$37,361,600	.00096
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

TABLE XVI

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Alternative" Method - Cost of Money Included in Total Cost Input)

CONTRACTOR: ABC Corp. ADDRESS:
BUSINESS UNIT: A Division

COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. APPLICABLE COST OF MONEY RATE =	2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTORS
			COLUMNS 2 + 3	BASIS OF ALLOCATION	COLUMNS 2 + 3	COLUMNS 1X4	IN UNITS OF MEASURE	COLUMNS 5 ÷ 6
BUSINESS UNIT FACILITIES CAPITAL	RECORDED Table IX		8,270,000					
	LEASED PROPERTY							
	CORPORATE OR GROUP Table VI		450,000	All to G&A Expense Pool				
	TOTAL		8,720,000				Table VII & Table XIV	
	UNDISTRIBUTED		3,450,000					
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering Table IX		320,000		320,000	25,600	$2,000,000	.0128
	Manufacturing Table IX		4,500,000		4,500,000	360,000	$3,000,000	.12
	Subtotal: Cost of Money to be included in Total Cost Input					385,600		
G&A EXPENSE POOL	G&A Expense Table VI		450,000	3,450,000	3,900,000	312,000	$37,985,600	.00821
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

TABLE XVII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—regular method)*

Allocation base	Allocated to contract, table VIII	Computation using regular facilities, capital cost of money factor, table XV	Amount
Engineering labor	$330,000	0.04304	$14,203
Manufacturing labor	$1,210,000	.18	217,800
Technical computer time	[1] 280	15.57895	4,362
Cost of money related to overheads			236,365
Cost of money above to be included in cost input	$230,365		
Cost input, table VIII	$5,369,000		
Cost input including cost of money	$5,605,365	.00096	5,381
Total cost of money on facilities capital			241,746

[1] Hours.

TABLE XVIII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—alternative method)*

Allocation base	Allocated to contract, table VIII	Computation using alternative facilities, capital cost of money factor, table XVI	Amount
Engineering labor	$330,000	0.0128	$4,224
Manufacturing labor	1,210,000	.12	145,200
Cost of money related to overheads			149,424
Cost of money above to be included in cost input	$149,424		
Cost input, table VIII	5,369,000		
Cost input including cost of money	$5,518,424	.00841	46,410
Total cost of money on facilities capital			195,834

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.76-15736 Filed 6-1-76;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 75]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

SUGARCANE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.135 of the Federal Crop Insurance Regulations contained in 7 CFR Part 401, is amended effective beginning with the 1977 crop year in the following respects:

1. Section 5(a) is amended to read as follows:

5. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") must be submitted to the Corporation on a form prescribed by the Corporation, no later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

2. Section 5(f), in the fourth line thereof, strike the word "harvested" immediately after the word "any", and immediately before the word "sugarcane".

3. Section 8 "Annual Premium." Strike this entire section.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The above amendment will more clearly define the meaning of time allowable for filing a claim for loss. The proposed amendment will also eliminate the word "harvested" from that portion of section 5(f) inasmuch as the current language refers to sugarcane production to be counted which has been damaged by freeze occurring during the insurance period. It may not be economically feasible to harvest such freeze damaged sugarcane which may have no value. It is desirable that section 5(f) be made applicable not only to harvested, but unharvested sugarcane, and this will be accomplished by removing the word "harvested" from the endorsement.

In section 8 of the current sugarcane endorsement, provisions are made whereby premium discounts shall not be applicable if at any time the cumulative indemnities paid exceed the cumulative premiums earned, and shall remain inapplicable until the cumulative earned premiums equal or exceed the cumulative indemnities. A similar provision has been incorporated into the Standard Policy by Amendment No. 73 to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years which amends section 6 of § 401.111 of 7 CFR, Part 401 (41 FR 5105–5106, February 4, 1976), making section 8 of the current sugarcane endorsement no longer necessary. The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A–107.

The proposed amendment contains no substantive changes which would adversely affect the policyholders. It is desirable that the proposed amendment become effective with the 1977 crop year, and notice of changes must be placed on file by July 15, 1976. In addition, applications for sugarcane crop insurance for the 1977 crop year are now being accepted, and considerable administrative work must be accomplished to notify existing policyholders of the new provisions of the sugarcane endorsement. In view of the above, the Board of Directors found that it would be impracticable, unnecessary, and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on May 27, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-16003 Filed 6-1-76;8:45 am]

[Amdt. No. 74]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

SUGAR BEET ENDORSEMENT (APPLICABLE ONLY IN ARIZONA AND CALIFORNIA)

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.149 of the Federal Crop Insurance Regulations contained in 7 CFR, Part 401, is revised effective beginning with the 1977 crop year to read as follows:

§ 401.149 The Sugar Beet Endorsement (Applicable only in Arizona and California) for the 1977 and Succeeding Crop Years.

The provisions of the Sugar Beet Endorsement (Applicable only in Arizona and California) for the 1977 and Succeeding Crop Years are as follows:

1. *Insured crop.* The crop insured shall be sugar beets grown under a contract with a processor for processing as sugar. Item (1) of the second sentence of subsection 2(c) of the policy shall not be applicable to sugar beets.

Insurance shall not attach or be considered to have attached to any acreage (1) excluded from the processor contract for, or during, the crop year, and (2) unless otherwise provided on the county actuarial table, planted to sugar beets the two preceding crop years.

2. *Production guarantees.* The applicable production guarantees in tons per acre shall be those shown on the county actuarial table (hereinafter called "actuarial table") and are progressive as follows:

(1) *The First Stage*—from planting until thinning or 90 days after planting, whichever occurs first, and to any acreage that the Corporation determines was damaged in this stage to the extent that growers in the area usually would not further care for the crop.

(2) *The Second Stage*—from thinning or the 91st day after planting, whichever occurs first, until 15 percent of the per acre production guarantee for the third stage has been harvested.

(3) *The Third Stage*—after 15 percent of the per acre production guarantee for this stage has been harvested.

The stage of production applicable in any case shall not be determined to be the same for an entire insurance unit unless the entire unit meets the requirements for the same stage. When the entire unit does not meet the requirements for the same stage, the stages of production shall be determined for the various portions of the unit.

3. *Acreage insured.* Notwithstanding the provisions of section 2 of the policy, upon acceptance by the Corporation of an application for sugar beet insurance the acreage insured shall be (a) all insurable acreage planted after the filing of the application and (b) any acreage planted before the filing of the application, or reinstatement request, that is inspected by the Corporation after a normal stand had been obtained and designated in writing as approved by the Corporation for insurance for the crop year.

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4. *Insurance Period.* Insurance on any insured acreage shall attach or be considered to have attached at the time the sugar beets are planted and shall cease upon the earlier of (a) harvesting or (b) July 15 for Arizona and Imperial County, California or the last day of the 12th calendar month after planting of the acreage for all other counties, unless a written request from the insured for an extension of the insurance period is received prior to such date and is approved by the Corporation.

5. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") must be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It is the responsibility of the insured to provide complete information of all production from the unit, to establish that the loss claimed was caused during the insurance period by one or more of the hazards insured against, and to furnish such other information about the loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of sugar beets on the unit by the applicable production guarantee per acre; which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the product obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his insurable acreage or interest, the amount of loss shall be determined with respect to all of his insurable acreage and interest, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That for unharvested acreage or acreage not qualifying for the third stage production guarantee only the amount of appraised and harvested production in excess of the difference between the third stage production guarantee and the production guarantee applicable to such acreage shall be counted except that for acreage abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause, not less than the applicable production guarantee shall be counted.

(d) Any harvested production of sugar beets shall be adjusted by the factor (rounded to three decimal places) obtained by dividing the average percentage of sugar in the sugar beets, as determined from individual tests made at the time of delivery to the processor, by the percentage of sugar shown on the actuarial table: *Provided, however*, That if individual tests of sugar content are not made by the processor at the time of delivery of the sugar beets, the factor to be used shall be 1.000: *Provided, further*, That for harvested sugar beets which are not acceptable under the contract with a processor due to an insurable cause of loss occurring within the insurance period, the Corporation will determine the production to be counted by dividing the value of the beets, as determined by the Corporation, by the value of undamaged beets containing the percentage of sugar shown on the actuarial table and multiplying the result obtained by the tons of beets harvested: *Provided, further*, That any Corporation appraisals made pursuant to the second paragraph of section 5(c) shall be the tons appraised with no adjustment for quality.

6. *Cancellation and termination for indebtedness dates.* That portion of item (1) of section 13(b) of the policy which reads, "other than the premium due on a crop normally harvested in the calendar year in which the termination date for indebtedness for that crop occurs," shall not be applicable with respect to sugar beet crop insurance in any county in Arizona or California.

The cancellation date shall be July 15, for all counties, preceding the beginning of the crop year for which such cancellation becomes effective.

The termination date for indebtedness shall be the August 31 preceding the beginning of the crop year for Arizona and Imperial County, California and for all other counties shall be the date the insured begins planting for the next crop year unless prior to such date the insured has made arrangements satisfactory to the Corporation for payment of the premium owed the Corporation.

7. *Meaning of terms.* (a) "Harvest" means the lifting and topping of the sugar beets for the purpose of delivery to a processor.

(b) "Crop years", notwithstanding section 19(c) of the policy, shall be the period from planting until the applicable date for the end of the insurance period and shall be designated by reference to the calendar year in which planted if planted by July 15, and if planted after July 15, by reference to the next calendar year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment provides for a few minor and non-substantive changes to the Sugar Beet Endorsement to include the addition of Arizona to those states where sugar beet crop insurance is currently being offered to provide for future expansion into that state, to make the contractual language more consistent and correct in section 5, to include Arizona in section 6 of the endorsement, and to change the cancellation date in the second paragraph thereof from June 15 to July 15 in order to conform to the normal pattern of farming practices. Section 7 of the current endorsement has been eliminated, since this section, dealing with Annual Premium is now provided for in the Standard Policy, whose revision was approved by the Board of Directors at a recent meeting, and in the final section of the endorsement, to change the crop year date to coincide with the cancellation date, from June 15 to July 15.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A–107.

It is desirable that this amendment be made effective with the 1977 crop year. Notice of changes must be given to insureds on or before June 15, 1976. It would therefore be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes before June 15, 1976. Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on May 27, 1976.
EARL L. BUTZ,
Secretary.

[FR Doc.76–16004 Filed 6–1–76;8:45 am]

PART 402—RAISIN CROP INSURANCE

Regulations for the 1976 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Raisin Crop Insurance Regulations for the 1966 and Succeeding Crop Years, as amended, are hereby amended for the 1976 and Succeeding Crop Years as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous raisin crop insurance contracts as they relate to the 1976 and Succeeding Crop Years.

Sec.
402.1 Availability of raisin crop insurance.
402.2 Premium rates and amounts of insurance.
402.3 Application for insurance.
402.4 Public notice of indemnities paid.

Sec.
402.5 Creditors.
402.6 The Application and policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516).

§ 402.1 Availability of raisin crop insurance.

Raisin crop insurance shall be offered for the 1976 and Succeeding Crop Years under the provisions of § 402.1 through § 402.6 in counties in California within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for raisin crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 402.2 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per ton which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amount of insurance may be changed from year to year.

§ 402.3 Application for insurance.

The application for insurance, provided for in § 402.6 of this chapter, shall be submitted to the office for the county for the Corporation on or before the July 31 of the first crop year for which insurance is to be in effect, or such earlier day as may be established by the Corporation for any county in any year upon its determination that the insurance risk involved is excessive.

§ 402.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 402.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 402.6.

§ 402.6 The application and policy.

The provisions of the Application and Policy for Raisin Crop Insurance for the 1976 and Succeeding Crop Years are as follows:

Application and Policy
Form FCI–812–Raisin

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

CALIFORNIA APPLICATION AND POLICY FOR RAISIN INSURANCE (FOR 19__ AND SUCCEEDING CROP YEARS)

(FOR 19__ AND SUCCEEDING CROP YEARS)

(Name of Insured) (Policy Number)

(Address of Insured) (Zip Code)

(County) (Identification Number)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on his interest in the insurable raisins named below located in the above-identified county. The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per ton are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per ton by notifying the office for the county by the July 31 immediately preceding the crop year for which the change is to become effective. Unless the contract of insurance is canceled or terminated pursuant to the terms hereof, the amount of insurance per ton in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per ton shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per ton for a crop year shall be the amount prescribed by the Corporation. This application when executed by an individual shall not cover his interest in a crop produced by a partnership or other entity. Amount of insurance elected $------ per ton.

2. *Cause of loss insured against.* Insurance applied for and the insurance provided is against unavoidable damage or loss resulting from rainfall on the raisins during the insurance period while in the field on trays, or in rolls, for drying.

3. *Insurable raisins.* Only raisins while in the field on trays, or in rolls, for drying of the varieties (1) Thompson seedless, (2) Muscats, (3) Monukkas, and (4) Sultanas produced by the insured on the insurance unit (hereafter called "unit") are insurable raisins: *Provided*, That insurance shall not attach to (a) raisins which are first placed on trays after September 20 for those raisins drying in east/west rows, or the date specified on the actuarial table for those raisins drying in north/south rows, in any crop year, as determined by the Corporation, or (b) any raisins produced from acreage shown as noninsurable on the actuarial table.

4. *Supplements to application showing identification of vineyards, varieties, acres, estimated tonnages and interest.* The insured at the time of filing this application shall also file a supplement hereto, on a form prescribed by the Corporation, which shall be part of this application. The insured shall show on such supplement, in accordance with instructions thereon, the location of vineyards, varieties, acres, estimated tonnage of insurable raisins to be produced and his interest in each variety. Such information may be revised by the insured not later than August 25 of any crop year, by giving notice in writing to the office for the county of the Corporation: *Provided, however*, That downward revisions of estimated tonnage after August 25 of any crop year for premium adjustment purposes for any unit may be allowed if requested not later than the March 31 immediately following the crop year involved, but shall be limited to the most accurate determination the Corporation can make of the insurable tonnage placed on trays from records acceptable to the Corporation. Any such downward revisions shall be made only after satisfactory evidence is provided to the Corporation. When an earned annual premium is recomputed on the basis of a downward revision made after August 25 of any crop year, as provided herein, such premium shall be increased $10.00.

An acceptable revision shall be a part of the application, in lieu of any supplement previously filed, and shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the tonnage of raisins insured under the contract, or on any unit, and the insured's interest therein. The tonnage and interest insured shall be the tonnage and interest reported by the insured or as determined by the Corporation.

5. *The contract.* Upon acceptance of this application by the Corporation the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until terminated in accordance with the provisions of the contract. This application and policy, endorsements and supplements thereto, if any, and the actuarial tables for each crop year on file in the office for the above county shall constitute the contract for raisin insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year, insurance attaches at the time the raisins insured are placed on trays for drying, provided they are so placed by September 20 for those raisins drying in east/west rows, or the date specified on the actuarial table for those raisins drying in north/south rows, of such year as determined by the Corporation, and continues throughout the drying season while the raisins are in the field and ceases on October 25, or upon the raisins being permanently removed from the field, or boxed, whichever first occurs.

7. *Annual Premium.* (a) The annual premium for each unit shall be earned and payable at the time insurance attaches and shall be determined by multiplying the insured tonnage as reported by the insured or as determined by the Corporation pursuant to section 4, by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the

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discounts provided herein and adding thereto any increase provided in section 4.

(b) Except as otherwise provided in this subsection, the total annual premium for the insured crop on all insurance units shall be reduced as follows for consecutive years of insurance without a loss for which an indemnity was paid on any insurance unit immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction:	*Consecutive insurance years with no loss*
5 percent after	5
7 percent after	6
9 percent after	7
11 percent after	8
13 percent after	9
15 percent after	10
17 percent after	11
19 percent after	12
21 percent after	13
23 percent after	14
25 percent after	15+

If an insured has a loss on a crop for which an indemnity is paid, the number of consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 5 years, except that, where the insured has 15 or more such years, a reduction to 10 shall be made and where the insured has 5 or less such years, a reduction to zero shall be made.

If at any time the cumulative indemnities paid on a crop exceed the cumulative premiums earned from the start of the insuring experience through the previous crop year, the premium discounts in this section shall not thereafter be applicable until such cumulative premiums equal or exceed the cumulative indemnities. (Premiums and indemnities used for this determination shall be in dollars.)

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Premium note:* In consideration hereof, the insured promisee to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

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(Code No.) (Witness to Signature)

---------- ------, 19--
(Signature of Applicant) (Date)

9. Recommended for acceptance by:

---------- ------, 19--
(Corporation Representative) (Date)

10.

Address of Office for the County:

Phone: ----------

Location of headquarters:

Phone: ----------

11. *Life of contract.* This contract is noncancelable the first crop year and shall, subject to the provisions of this Section and the termination provisions of section 17 hereof, continue in effect for each succeeding crop year until either the insured, or the Corporation, cancels the contract by giving written notice to the other by June 30 of the crop year for which the cancellation is to become effective. The contract shall, however, terminate for nonpayment of premium if such premium is not paid by July 31, following the crop year in which the premium was earned. This contract shall terminate if no premium is earned for three consecutive crop years.

12. *Contract changes.* After the first crop year, the Corporation reserves the right to amend or change the terms and conditions of this contract from year to year. Notice thereof shall be mailed to the insured, or be made available at the office for the county, not later than June 15 of any crop year. Acceptance of the changes will be conclusive in the absence of any notice from the insured to cancel the contract as provided in paragraph 11, above.

13. *Notice of damage or loss.* The insured shall report each damage to the raisins insured resulting from rainfall to the office for the county immediately after such damage becomes apparent. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report.

14. *Amount of loss and proof of loss.* (a) The amount of loss insured against shall be determined and adjusted separately for each unit by multiplying the tonnage of raisins insured by the applicable amount of insurance per ton and multiplying such product by the insured interest in the raisins and deducting from such result the insured interest in the value, as determined by the Corporation, of the damaged and undamaged insured raisin tonnage produced on the unit. Undamaged raisins shall be valued at the market value or the amount of insurance, whichever is higher.

Raisins damaged by rainfall, but which are reconditioned so that they may be marketed the same as undamaged raisins, shall be valued at the market value or the applicable amount of insurance, whichever is higher, except that the cost of reconditioning shall be deducted from such value as herein provided.

Raisins damaged by rainfall, but which, as determined by the Corporation, cannot be reconditioned so that they may be marketed as undamaged raisins, shall be valued at the highest price obtainable, except that the cost of reconditioning, if any, shall be deducted from such value as herein provided.

The maximum which shall be allowed for any one reconditioning as a result of an insurable cause of damage shall be (a) $35.00 per ton for a dry reconditioning; or (b) $45.00 per ton for a wash and dry reconditioning; but such reconditioning allowance, or the aggregate thereof, shall not exceed the value of the raisins put through the reconditioning process, as determined by the Corporation. Artificial drying for only the purpose of removing excess moisture shall not constitute a reconditioning.

Raisins damaged solely by uninsured causes shall be valued at the market value of undamaged raisins or the applicable amount of insurance, whichever is higher.

Raisins damaged partially by uninsured causes and partially by rainfall shall be valued at the highest prices obtainable, subject to an adjustment for any reduction in value due to uninsured causes.

(b) In the case of any insured raisins damaged by rainfall which have not been put through the reconditioning process, the Corporation shall have the right to require the insured, at the insured's expense, to recondition representative samples of such raisins to determine whether they may be profitably reconditioned. If it is so determined, the Corporation may require the insured to recondition all of such raisins. Compliance by the insured with any requirements made pursuant to this paragraph shall be a condition precedent to the right of the insured to any indemnity hereunder on the unit involved.

(c) Notwithstanding any other provision hereof, the Corporation shall have the right, at its election, to take and acquire all of the right, title, and interest of the insured in and to any raisins damaged by rainfall. In such event, in determining the amount of loss, such raisins shall be valued at zero. The Corporation's representatives and employees shall have the right to ingress and egress on the insured's farm to the extent necessary to take possession of, care for, and remove such raisins pursuant to the provisions hereof.

(d) If, for the unit insured fails to report all his interest in, or tonnage of, insurable raisins, the Corporation may elect to determine the amount of loss with respect to all his insurable interest and tonnage as determined by the Corporation on either a tonnage or premium ratio basis, and reduce the amount of loss under the contract proportionately. All insurable tonnage picked and placed on trays by September 20, or the date stated on the actuarial table, shall for the purposes of this determination be treated as insurable raisins.

(e) If the tonnage reported of raisins insured is more than the tonnage determined by the Corporation, or the Corporation determines the interest of the insured in the raisins insured to be less than as reported, the indemnity shall be computed on the basis of the determined tonnage and interest and the excess premium, computed without regard to the increase provided for in section 4, shall be refunded.

(f) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the production, weight and handling of the raisins insured and the manner and extent of loss. The insured hereby authorizes the Corporation to examine and obtain any records pertaining to the production and/or marketing of the insured crop under this contract from the raisin packer, raisin reconditioner, and/or the Raisin Administrative Committee established under orders issued by the United States Department of Agriculture pursuant to the Agriculture Marketing Agreement Act of 1937, as amended. If production from two or more units is commingled, or insurable and uninsurable tonnage is commingled, and satisfactory records are not made available to establish the facts, the Corporation reserves the right to deny liability or to allocate the production in such manner as it deems appropriate for the purpose of computing any indemnity involved. Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not more than 30 days after total destruction in the field or after the records required herein are available to the insured but not later than the April 30 immediately following the normal harvesting period. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(g) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Other insurance.* If the insured in any crop year has any other insurance on any unit against rainfall damage or loss while the raisins are on the trays for drying, this contract shall be void as to such unit and the Corporation shall refund any paid premium thereon.

16. *Causes of loss not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good raisin practices, including the care of damaged raisins, or to any cause other than the one specified in section 2. There shall be no liability hereunder for any damage resulting from failure properly to prepare the land to allow for the run-off of water.

17. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) for the purposes of paragraph (b) of this section hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons have a joint interest are insured jointly, death of one of the parties shall dissolve the joint insured interest.

18. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall be the interest of the insured at the time damage becomes apparent in the tonnage of raisins insured as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

19. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

20. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to the crop on which any such act or omission occurred.

21. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

22. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

23. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

24. *Meaning of terms.* For the purposes of insurance on raisins in California:

(a) "County actuarial table" means the forms and related material (including crop insurance maps where applicable) which are approved by the Corporation which are on file for public inspection in the office for the county and which show the amounts of insurance, premium rates, and related information with respect to raisin crop insurance for each crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which the raisins insured are placed on trays for drying.

(e) "Insurance unit" or "unit" as to each insured variety of raisins means all vineyard acreage in the county having insured raisins thereon that is acreage (a) in which the insured has 100 percent interest as owner or operator, or (b) which is owned by one person(s) and operated by the insured as a share tenant, or (c) which is owned by the insured and rented to a share tenant: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable vineyard acreage of raisins in the county into two or more units, taking into consideration separate and distinct farm operations. Vineyard acreage having insured raisins thereon rented for cash or a fixed commodity payment, or for any consideration other than a share in the crop on such land only, shall be considered as being owned by the lessee.

(f) "Per Ton" and "Tonnage" means a ton (2,000 pounds) of raisins placed on trays. When deemed appropriate the Corporation may determine raisin tonnage computed on the basis of one ton of raisins insured for every four tons of fresh grapes when first placed on trays for drying.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

The proposed regulations for insuring raisins in California will correct some inequities that existed under the old regulations that became effective for the 1966 and Succeeding Crop Years. Specifically, the changes would provide for (a) an allowance for space in which to enter the applicant's social security number in the application and policy heading, (b) including as insurable raisins those which are drying on trays in north/south rows by making provisions on the county actuarial tables for an earlier date than that designated for raisins drying on trays in east/west rows since a longer period of sunshine is required for drying, (c) elimination of the 10 percent penalty for any unpaid premiums not paid by January 31 following the crop year in which such premiums were earned, (d) revision of that section of the application and policy designated for the applicants signature and Corporation acceptance to reflect reorganization titles within the Corporation, (e) raising the reconditioning allowance to reflect the changing economic conditions and higher costs and to provide for changes in the reconditioning practices, and allow premium discounts for good insuring experience similar to all other crops insured, (f) incorporating a previous amendment dealing with conditions precedent to payment of claims (Amendment No. 1, June 18, 1970, 35 FR 9997), (g) clarification of the definition of ownership by lessee on cash rented land, and (h) provide the Corporation with access to marketing order records.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

It is desirable that the proposed Raisin Crop Insurance Regulations become effective with the 1976 crop year. Notice of changes must be given to present raisin insureds by May 31, 1976. It would therefore be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of these regulations and to comply with the contractual provisions with respect to filing such changes before May 31, 1976.

In view of the above, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on May 27, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-16005 Filed 6-1-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.10]

PART 1824—GUIDELINES FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS FOR COMMUNITY SERVICES PROGRAMS

Redesignation of Part

Part 1824, "Guidelines for Preparing Environmental Impact Statements for

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Community Services Programs," (37 FR 17460) is hereby revised, transferred to new Part 1901, "Program-Related Instructions," and redesignated as Subpart G, "Environmental Impact Statements," Part 1824 is hereby vacated and reserved.

AUTHORITY: (7 U.S.C. 1989); (42 U.S.C. 1480); (5 U.S.C. 301); Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Effective date. This redesignation shall become effective on June 2, 1976.

Dated: May 24, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-15987 Filed 6-1-76;8:45 am]

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Environmental Impact Statements

ADOPTION—REDESIGNATION-REVISION

There is hereby established under Chapter XVIII, Title 7, a new Subchapter H—"General," Part 1901, "Program-Related Instructions," Subparts A through M, in the Code of Federal Regulations. Subpart G, "Environmental Impact Statements," (§§ 1901.301-1901.350) of this new Part is revised, transferred and redesignated from Part 1824 of this Chapter XVIII.

On December 22, 1975, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 59214-59218) preparing to revise and transfer Part 1824 of this Chapter, including a change in title, in order to provide for compliance with the National Environmental Policy Act and related guidelines issued by the Council on Environmental Quality for all FmHA programs.

Interested persons were given the opportunity to submit, not later than January 21, 1976, comments, suggestions or objections regarding the proposed regulation. Comments and suggestions were received and given due consideration and, in concurrence with guidelines and advice from the Council on Environmental Quality, have been incorporated as appropriate.

Accordingly, new Subpart G of Part 1901 is set forth below.

Subpart G—Environmental Impact Statements

Sec.
1901.301 Purpose.
1901.302 Policy.
1901.306 Scope.
1901.304 Identifying actions that may significantly affect the environment.
1901.305 Environmental impact assessments.
1901.306 Coordination with other agencies.
1901.307 Draft and final Environmental Impact Statements.
1901.308 State and local agency review of Environmental Impact Statements.
1901.309 Emergency circumstances.
Exhibit A—Assessing Environmental Impact.
Exhibit B—Cover page for Environmental Impact Statements.
Exhibit C—Summary to accompany Environmental Impact Statements.
Exhibit D—Content of Environmental Impact Statements.

AUTHORITY: (7 U.S.C. 1989); (42 U.S.C. 1480); (5 U.S.C. 301); Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

§ 1901.301 Purpose.

This subpart provides agency policies, procedures, and guidelines for compliance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Guidelines for Environmental Impact Statements, August 1, 1973, and the Secretary of Agriculture's Memorandum 1695, Supplement 4 (revised). Such compliance includes the preparation of environmental assessments and when needed, the preparation, circulation, and review of Environmental Impact Statements (EIS). Since policies and goals set forth in NEPA are supplementary to those in agency authorizations, to the fullest extent possible, agency policies, regulations and authorities will be administered in accordance with the Act. This subpart is therefore developed in a manner consistent with CEQ guidelines with advice, counsel and concurrence from CEQ.

§ 1901.302 Policy.

(a) The Farmers Home Administration (FmHA) will consult with appropriate Federal, State, and local agencies and other organizations and individuals to assess environmental impact of any proposed FmHA actions that the State Director determines may significantly affect the environment. The agency will act to avoid or minimize adverse environmental effects, including secondary effects, and restore or enhance environmental quality.

(b) The requirements of this subpart will be complied with at the earliest possible time before any agency decision is made about legislation or agency action is completed on making, modifying or establishing regulations, procedures and policy, approving loans or grants, and before funds are made available to a borrower or grantee.

(c) FmHA will assess experience in implementing section 102(2)(C) of NEPA to assure compliance with NEPA requirements and that environmental safeguards are executed according to plan. Training and guidance will be provided as needed as an integral part of program administration. As appropriate, the Department of Agriculture and CEQ will be informed of problems encountered, and suggestions will be made for additional criteria and guidance needed for full compliance with the NEPA process.

§ 1901.303 Scope.

This subpart covers the following types of actions: new and continuing program activities; recommendations or favorable reports on legislation including requests for appropriations; and making, modifying or establishing regulations, procedures, and policy.

(a) *Program actions requiring an environmental assessment.* Specifically, the following agency actions are presumed to possibly be significant actions under NEPA and, therefore, will require an environmental assessment. If it is determined that the action will have a significant environmental impact, an EIS will be prepared before any funds are committed to the action.

(1) Loans and grants for the development of business and industry.

(2) Loans for multiple housing projects of more than 50 units.

(3) Loans for more than 25 one- to four-family-dwelling units in a subdivision.

(4) Loans in rural areas to construct, enlarge, extend, or otherwise improve:

(i) Community water, sanitary sewage, solid waste disposal, and storm waste water disposal systems.

(ii) Other essential community facilities such as fire and rescue, health, safety, public buildings, schools, transportation, traffic, and law enforcement.

(b) *Legislation.* The CEQ and the Office of Management and Budget (OMB) will provide guidance as needed to assist in identifying the need for EIS and for recommendations or favorable reports on legislation including requests for appropriations. When needed, EIS will be prepared before submitting legislative proposals to OMB. The final EIS, along with comments received on the draft statement, will be made available to the Congress and to the public for consideration in connection with the proposed legislation or report. When the scheduling of Congressional hearings on legislation does not allow adequate time, a draft environmental statement may be provided pending transmittal of comments received and a final statement.

(c) *Program regulations, procedures, and policies.* Environmental assessments and impact statements, when needed, will be prepared when making, modifying or establishing regulations, procedures and policy and for ongoing projects and programs to avoid or minimize adverse environmental effects. Attention should be given to significant environmental considerations not fully evaluated at the time prior loans were made including those prior to enactment of NEPA. Before any additional or subsequent financial assistance is extended in such cases, appropriate action will be taken when needed to mitigate to the extent possible any adverse environmental effects.

(d) *Program actions not requiring an environmental assessment.* The following agency actions are generally presumed to be significant actions under NEPA and will therefore not usually require an environmental assessment. However, when the circumstances of a specific case indicate a possible significant environmental effect, or that the action might become a controversial issue, and an environmental assessment

results in a determination of significant effect, an EIS will be made.

(1) Loans to individual farmers in rural areas for the purchase, development, and operation of family farms.

(2) Loans to individual families in rural areas for the purchase, construction, or improvement of single residences.

(3) Loans in multiple housing facilities of not more than 50 dwelling units.

(4) Loans in housing subdivisions of not more than 25 one- to four-family-dwelling units.

(5) Loans to family farmers and other rural residents to develop land, water, and other related resources for increased production of food and fiber crops, improved pastures, feed crops and water facilities for livestock, and improved habitats for fish and wildlife.

(6) Emergency loans to farmers in declared or designated areas as a result of a major or natural disaster.

§ 1901.304 Identifying actions that may significantly affect the environment.

(a) In assessing significant environmental impact of a proposed action, all aspects of environmental impact will be considered, including those listed in Exhibit A of this subpart. A Federal action significantly affecting the quality of the human environment must be viewed as to the overall, cumulative impact of the proposed action, related Federal actions in the area, and further actions contemplated. Significant impacts may include both beneficial and detrimental effects, even if on balance, the effect will be beneficial. Secondary effects such as associated investments and changed patterns of social and economic activities may, through their impact on existing community facilities and activities, be more significant than the primary action. Adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment and serve the short term, to the disadvantage of long-term environmental goals.

(b) An action which significantly affects the quality of the human environment may directly or indirectly affect human beings through effects on the cultural and natural environment. Significant environmental effects, however, may sometimes be difficult to define precisely and uniformly due to variation of social, economic, political and ecological conditions. Therefore, sound judgment must be used in determining when environmental statements are required.

(c) Controversy also is a factor to consider in determining if a proposed action is significant. For example, is the action likely to involve the public in an active controversy based upon environmental issues? Will the action have a significant effect on normal economic, social, and political processes?

§ 1901.305 Environmental impact assessments.

(a) The FmHA official who receives a preapplication or application for a loan or grant that might have a significant impact on the environment will as an essential and concurrent part of the processing action:

(1) Request the applicant to complete Form FmHA 449-10, "Applicant's Environmental Impact Evaluation."

(2) Complete Form FmHA 440-46, "Environmental Impact Assessment," based upon Form FmHA 449-10 and other information.

(3) Submit both forms and other related information, as a part or the preapplication or application to the State Director.

(b) Applicants may be requested to provide analyses and information for use in making environmental impact assessments and statements. However, in all cases, evaluation of the environmental issues, completion of an environmental assessment and, if needed, preparation of draft and final environmental impact statements will be the responsibility of agency officials.

(c) The State Director will determine the need for an EIS in connection with the loan or grant applied for based upon the material received including comments related to or as the result of clearinghouse actions in accordance with OMB Circular A-95 and any additional information needed for a proper assessment. Appropriate officials of other Federal agencies from which funds also may be obtained should assist in making the assessment.

(d) If the State Director determines that an EIS is not needed, then the clearinghouse and Federal, State and local agencies (having jurisdiction by law or special expertise or authority to develop and enforce environmental standards), and the applicant will be advised that the loan or grant requested will have no significant impact on the environment. A draft EIS will not be prepared unless additional information or subsequent action indicates the need for one. The State Office will keep a record of "determinations of no significant effect." A summary report on assessments will be made available to interested parties upon request.

§ 1901.306 Coordination with other agencies.

(a) When other agencies are directly involved in an FmHA action that requires an EIS, the State Director will contact the agencies concerned to determine if a joint statement will be prepared and if a single lead agency will assume primary responsibility for preparing a statement. As necessary, the Office of the Coordinator of Environmental Quality Activities, USDA, will be consulted and, if appropriate, assistance will be obtained from CEQ. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their involvement, and their expertise with respect to the proposed activity and related impacts.

(b) When a lead agency is agreed upon other than FmHA, FmHA will provide that agency with information about its respective areas of jurisdiction and expertise. The lead agency will discuss the development of statements with FmHA and other agencies and submit working drafts to them for comments and suggestions. Statements will indicate agency participation and concurrence. Such statements should contain an environmental assessment of the full range of Federal actions involved, reflect the views of all participating agencies, and be prepared before major or irreversible actions have been taken by any of the participating agencies.

§ 1901.307 Draft and final Environmental Impact Statements.

(a) *Explanation of EIS format.* A draft EIS is the first formal statement for filing with CEQ and for review and comment by other agencies and the public. It must fulfill and satisfy, to the fullest extent possible, the requirements established for a final EIS by section 102(2)(C) and other responsibilities set out in section 2 and Title I of NEPA. A final EIS reflects the results of the draft review process. It also is filed with CEQ.

(1) Exhibit B shows the format of the cover page for an EIS, Exhibit C is a guide for preparing a summary sheet that must accompany each EIS, and Exhibit D indicates the information needed in an EIS.

(2) No action that requires an EIS will be taken by FmHA before 90 days has elapsed after the date CEQ publishes the notice of public availability of such statements in the FEDERAL REGISTER or 30 days has elapsed after publishing the notice for final statement. These periods may run concurrently to the extent that they overlap.

(b) *Preparation of EIS by another agency.* If an EIS is needed for a project involving another Federal agency, the State Director will contact that agency to determine agency relationships and responsibilities in the preparation of the statement in accordance with § 1901.306. If the EIS will be prepared by a lead agency other than FmHA, the State Director will so notify the clearinghouse and the County Supervisor.

(c) *Preparation of EIS by FmHA.* If no other agency is involved or FmHA is the lead agency for the preparation of the EIS, the State Director will notify the clearinghouse that, based upon an environmental assessment of the loan or grant requested, a determination has been made that an EIS will be prepared by FmHA.

(1) The State Director will request the District Director and County Supervisor to provide information needed for the preparation of the statement, including a report on site visits when possible.

(2) The County Supervisor will notify the applicant in writing that an EIS will be prepared, and that action will not be taken on the application until such statement has been prepared in accordance with this subpart.

(3) On receiving the needed information, the State Director will prepare and process the draft EIS. The State Director will send 25 copies to the National Office, 5 copies to the clearinghouse, and a copy to regional offices of the Environmental Protection Agency (EPA) as well as to other appropriate Federal agencies and

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interested organizations and individuals. Comments on the draft will be requested within 45 days. To the extent possible all major points of view on the environmental effects of the proposed action and its alternatives will be considered and discussed during preparation of the Draft EIS and results alluded to in the draft statement. The draft or final statement may be supplemented at any time particularly when substantial changes are made in places for which agency actions are being processed or significant additional information is obtained relative to adverse environmental effects from the proposed agency action. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other pertinent information considered in preparing the statement including any cost benefit analyses prepared by the agency and reports of any consulting agencies under the Fish and Wildlife, Coordination Act and the National Historic Preservation Act of 1966 where such consultation has taken place. When a request is received for extension of time for comments on an environmental impact statement the magnitude and complexity of the statement and the extent of citizen interest in the proposed action for which FmHA assistance is requested will be considered in determining any needed extension of time which will normally not exceed 15 days. The CEQ may be consulted relative to these matters when necessary for their expedient resolution.

(4) The State Director will prepare and process the final EIS taking into consideration comments received on the final statement and any other pertinent information. The final EIS will include reference to comments received on the draft EIS and the agency response to issues raised. Copies of comments may be included as part of the final statement or may be summarized. Any comments received on the final statement that warrant further consideration before loan or grant closing should be referred to the Administrator for instructions on actions to be taken.

(5) The State Director will send 5 copies of draft and final impact statements to CEQ and to the state clearinghouse and a copy of each to the applicant. Two copies of the summary sheet will be sent to the Office of Management and Finance (OMF) of USDA for referral to OMB. Copies of final statements with copies of comments received on the draft EIS shall be sent to all Federal, State and local agencies and private organizations that made comments on the draft statement and to others who requested a copy of the final statement and to the applicant whose project is the subject of the statement. Copies of final statements shall be sent to the Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act. Where the numbers or volume of comments on a draft EIS might make their inclusion and distribution with the final EIS appear to be impracticable, the agency may consult with CEQ concerning alternative arrangements for distribution of the statement. If an acceptable summary digest of the comments can be developed such might be distributed with the statement with the notation that the full comments are available for review at the designated FmHA office(s).

(6) If the proposed action to be financed with loan or grant funds is highly controversial and there is strong indication that a public hearing might be appropriate for providing the public with relevant information, the State Director will consider:

(i) The magnitude of the proposal in terms of economic costs, the geographic area, and uniqueness or size of commitment of resources;

(ii) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(iii) The complexity of the issue and the likelihood that information will be presented at the hearing that will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(iv) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and written comments on the proposed action.

(7) If a determination is made that a public hearing is appropriate, then the applicant will be advised that an EIS is required and that a public hearing is requested regarding the environmental aspects of the proposed action. A draft EIS will be prepared and made available to the public at least 15 days before such hearings.

(8) Necessary attention will be given to appropriate consultation and coordination with appropriate officials of Federal and State agencies including clearinghouses in accordance with the requirements of the Fish and Wildlife Coordination Act or the Wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act, relative to properties included in or eligible for inclusion in the national register of historic places and section 4(f) of the Department of Transportation Act 49 U.S.C. 1653(f), Water Pollution Control and Clean Air Acts. To the extent possible statements or findings required by these statutes concerning environmental impact should be combined with the EIS requirements of section 102(2)(C) of NEPA to yield a single document which meets all applicable requirements.

(d) *Public participation.* Public participation in the impact statement process at the earliest possible time in application processing will be encouraged. Every effort will be made to provide timely public information in order to obtain views of interested parties. In addition to making information available through the clearinghouse process the State Director may arrange to have notice of environmental assessments and statements made available through the normal manner of publicizing activities of interest in the area involved. This may include publicizing the existence of assessments and statements in local newspapers and to groups including relevant conservation commissions known to be interested in such activities. The applicant will be advised of the actions required by NEPA in accordance with this procedure and requested to assist as needed in providing needed information and obtaining views and participation of interested parties in the process.

§ 1901.308 State and local agency review of Environmental Impact Statements.

(a) The system of clearinghouses described in OMB Circular A-95 provides for obtaining the views of State and local environmental agencies on proposed FmHA projects to which the Circular applies. Under Part I of A-95, review of the proposed project in the case of Federally assisted projects generally takes place before preparing the impact statement. Therefore, comments obtained on the environmental effects of the proposed project represent inputs to the EIS.

(b) Comments made on environmental effects of proposed Federal or Federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A-95 review, should be attached to the draft EIS when it is circulated for review.

(c) Copies of the draft statement should be sent to the agencies making such comments, so that they may comment again if they wish.

(d) The clearinghouses also may be used, by mutual agreement, for obtaining reviews of the draft EIS. However, FmHA may wish to deal directly with appropriate State or local agencies in the review of statements. In some cases, the Governor may have designated a specific agency other than the clearinghouse for such reviews. In any case, the clearinghouses should be sent both draft and final copies of the statements.

(e) To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested.

§ 1901.309 Emergency circumstances.

(a) If an emergency makes it necessary to take an action with significant environmental impact without observing the minimum periods for agency review and advance availability of EIS, the State Director will submit to the Administrator:

(1) Complete documentation of the emergency circumstances, and

(2) Recommendations for consulting with CEQ about alternative arrangements.

(b) When there are overriding considerations of expense to the Government or impaired program effectiveness, the Administrator will consult with CEQ about appropriate modifications of mini-

mum periods for review of draft and final EIS.

(c) The FmHA shall be responsive to requests by the council for reports and other information dealing with issues arising in connection with the implementation of agency procedures related to compliance with NEPA and in particular to requests by CEQ for the preparation and circulation of an environmental impact statement. If the FmHA State Director determines by an assessment of relevant considerations that environmental statements are not needed a summary report of the assessment including reasons for the determination will be sent to the National Office FmHA, State Clearinghouse, EPA, CEQ and to other concerned parties upon request.

EXHIBIT A

(FmHA Instruction 1901-G)

ASSESSING ENVIRONMENTAL IMPACT

In assessing the environmental impact of a proposed action, all environmental aspects including social and economic effects as well as physical, will be considered such as:

A. *Air*—How and to what extent will the action affect the air quality? Will it contribute to a degradation of air quality? Will it cause changes in chemical and physical composition?

B. *Water*—How and to what extent will the action affect the availability, supply, use and quality of water?

1. Will the action cause marine pollution or affect commercial fishery and shellfish sanitation?

2. Will it affect waterway regulation and stream modification activities?

3. Will the action divert water from one basin to another and have a significant effect on the quality or quantity of water in either basin?

4. Will the action contribute to a significant depletion or degradation of ground or surface water?

C. *Fish and wildlife*—How and to what extent will the action affect biological and economic considerations related to effective management of fish and wildlife?

D. *Solid Waste*—How will the proposed action affect activities related to the creation, management, and disposal of solid waste materials? What type of solid waste will be generated as a result of the action?

E. *Noise*—Will the proposed action result in the exposure of people, either within the project or in the immediate and outlying areas, to noise levels having adverse effects on their health and welfare?

F. *Radiation*—Will the proposed action create heat, noise, energy waves, electrical or radioactive effects, physical vibrations, or other thermal, electrical or microwave activity that will be disturbing or a nuisance or create interference in the immediate and outlying areas?

G. *Hazardous substances*—Will the proposed action create or generate any substances, materials, or activities that are dangerous because of toxicity, flammability, combustible or explosive tendencies or characteristics. Will it create or generate substances that might result in contamination of food, clothing, or other materials?

H. *Energy supply and natural resources development*—

1. Electric energy development, generation, transmission and use.

2. Petroleum development, extraction, refining, transport and use.

3. Natural gas development, production, transmission and use.

4. Coal and minerals development, mining, conversion, processing, transport and use.

5. Renewable resource development, production, management, harvest, transport and use.

6. Energy and natural resources conservation.

7. Allocation and utilization of energy.

I. *Land use and management*—

1. Land use changes, planning, and regulation of land development.

2. Public land management.

J. *Protection of environmentally critical areas*—Floodplains, wetlands, beaches and dunes, unstable soils, steep slopes, aquifer recharge areas.

K. *Land use in coastal areas.*

L. *Redevelopment and construction in builtup areas.*

M. *Density and congestion mitigation.*

N. *Neighborhood character and continuity.*

O. *Impacts on low-income populations.*

P. *Historic, architectural, and archeological preservation*—Will the action have a significant effect on areas of recognized archeological value or properties listed on, or being considered for nomination to, the National Register or Historical Places?

Q. *Soil and plant conservation and hydrology.*

R. *Community recreation facilities—indoor-outdoor*—Will the action have a significant effect on public parks or other areas of recognized scenic or recreational value?

S. *Settlement patterns.*

T. *Changes in utility requirements and delivery systems.*

U. *Changes in social service demands.*

V. *Population movements—immigration-emigration.*

W. *Commercial and industrial complexities.*

X. *Educational facilities and delivery systems.*

Y. *Health and medical facilities and delivery systems.*

Z. *Transportation and communication systems and networks*—highways, roads, streets, railroads, airports, TV, radio, telephone, telegraph, microwave, signals.

EXHIBIT B

(FmHA Instruction 1901-G)

COVER PAGE FOR ENVIRONMENTAL IMPACT STATEMENTS

Each environmental impact statement will have a cover page with information similar to that shown in the box. (Headings in the left column are for guidance only and should not be listed.)

	Cover page
Report No.	USDA-FmHA-EIS-ADM-ALA-75-1.[1]
Title of project	Beaver Creek Community, Ford, Ala., water and sewer system.
Subtitle	(Draft) or (final) environmental statement.
Name, title, address, and telephone number of FmHA official who prepared statement.	John A. Garrett, State Director, 474 South Court St., Montgomery, Ala. 36104. FTS: 205-263-7302, Com: 205-265-5611, Ext. 302.
Applicant's name and address	Beaver Creek Community, Ford, Ala. 36104.
Date prepared	Feb. 29, 1975.
Sponsoring agency (name and address)	Prepared by USDA—Farmers Home Administration, U.S. Department of Agriculture, Farmers Home Administration, 474 South Court St., Montgomery, Ala. 36104.

[1] U.S. Department of Agriculture, Farmers Home Administration, Environmental Impact Statement (Administrative), State Fiscal Year 1975, sequential number 1 within the year. Draft (D) and final (F) statements for the same project should be designated as "D" or "F" and assigned identical report numbers even though the final statement may be prepared in a subsequent fiscal year.

EXHIBIT C

(FmHA Instruction 1901-G)

SUMMARY TO ACCOMPANY ENVIRONMENTAL IMPACT STATEMENTS

Each environmental impact statement will include a summary sheet with information in the following format:

Summary Sheet

Environmental Impact Statement
Prepared in Accordance with Section 102 (2) (C) of P.L. 91-190
United States Department of Agriculture
Farmers Home Administration
Prepared by Name—Title—Address—Telephone
Title of Statement
(name of proposed action and applicant)
Draft Statement ☐ Final statement ☐
Administrative Action ☐
Legislative Action ☐

Brief description of action and its purpose; location of activity; State and county, kind and amount of assistance requested from FmHA and other sources, if any; estimated total cost of activity; kind of facility or activity to be developed; estimated dates for starting and completing development. Indicate any other proposed Federal actions in the area that are related to and discussed in the statement, if any.

Summary of environmental impacts and adverse environmental effects.

Summary of major alternatives considered.

For draft statements list all Federal, State, and local agencies and other parties from which comments were requested.

For draft statements list all Federal, State, and local agencies and other parties from which comments were received.

This statement sent to CEQ on _____ (Date)

Draft statement sent to CEQ on _____ (Date)

(Enter only on final EIS).

EXHIBIT D

(FmHA Instruction 1901-G)

CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

Information should be presented in a form easily understood, giving attention to the substance of the information rather than to the particular form, length, or details of the statement. A systematic, interdisciplinary approach integrating the natural and social sciences and environmental design arts will be used. Information need not always occupy a

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distinct section of the Statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives. Environmental impact statements will include the following headings in the order listed:

Environmental Impact Statement

United States Department of Agriculture

Farmers Home Administration

Prepared by Name—Title—Address—Telephone

Title of Statement

(name of proposed action and applicant)

Draft Statement ☐ Final Statement ☐

Administrative Action ☐

Legislative Action ☐

Description. Describe the proposed action clearly including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Highly technical and specialized analyses and data should, if needed, be attached to this statement. Where appropriate, describe the present environment, location, size, land ownership and status, physiograph, ecosystems, climate, and other special features. Where relevant, provide maps or other graphic material. Give the objectives and purposes of the proposal, along with other relevant background information.

The interrelationship of the proposed action with other projects and possible cumulative effects should be presented. Identify growth characteristics of the affected area and any population and growth assumptions used. Use OBERS Projections (compiled by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture for the Water Resources Council) if available.

Describe the relationship of the proposal to proposed and approval land use plans, policies, and controls for the affected area. If conflicts exist, the proposed resolution of these conflicts of the reasons why they cannot be resolved must be thoroughly addressed.

Environmental impacts. Analyze and describe both the anticipated favorable and adverse impacts of the proposed action as it affects the environment. Where appropriate, assess international environmental impacts. Include the natural, social, and economic aspects of the environment in the assessment. Air, water, land use, wildlife, civil rights, minority groups, and persons with low incomes, for example, may be affected by a proposed action. (See Exhibit A for examples of other physical, social, and economic aspects of the environment to be considered in assessing environmental impact.)

Consider primary, secondary, and cumulative effects in the analysis. Measures to minimize the adverse environmental impacts of the proposal should be discussed. Include summaries of the probable adverse effects that cannot be avoided such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, and health hazards. Interests and considerations of Federal policy that might offset the adverse environmental effects should be indicated.

Relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. Assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

Irreversible and irretrievable commitment of natural, cultural, and other resources. Identify the extent to which the action curtails the range of beneficial use of the environment. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance some or all of the adverse environmental effects, is essential. In each case the analysis should be sufficiently detailed to reveal the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative.

Alternatives to the proposed action. Alternatives to accomplish an objective should be identified and effects evaluated as part of the planning process. Evaluation must be sufficient to determine benefits, costs, and risks. The "best" alternative is selected as the proposed action or several alternatives are presented, pending selection of the best alternative, and presented to others for review and criticism. The impacts and consequences of each alternative should be presented so that others may form an independent view of the worth of the proposed action and possible alternative courses of action. In reviewing the draft statement, additional viable alternatives may be identified. Alternatives may include those not within the existing authority of the agency. A "no action" alternative will generally have to be evaluated, along with other alternatives such as different designs, locations, or new approaches to accomplishing the objectives.

Available benefit/cost information for the proposed action and each alternative should be either appended to the EIS or made available to the public.

Consultation with appropriate Federal agencies and review by State and local agencies and public involvement. The draft EIS should describe consultation and involvement and a summary of the results of this action, including a list of those consulted.

Attach all substantive comments received on the draft EIS (or summaries of the draft where response has been exceptionally heavy) to the final EIS, whether or not each such comment is thought to merit individual discussion by the agency in the text of the EIS.

Cover sheet and summary sheet for environmental impact statements. Include for all EIS a cover page and a summary sheet as shown in Exhibits B and C of this subpart.

All comments should be submitted in writing to (name and address of the FmHA official who prepared the EIS) within (45 days for draft statements) and (30 days for final statements). Comments on the draft statement (will be) (were) considered in the development of the final statement.

No final action will be taken by the Farmers Home Administration before (90 days for draft statements) and (30 days for final statements) from the date CEQ published the notice of public availability of this statement in the FEDERAL REGISTER.

Copies of this EIS are being made available to the Council on Environmental Quality, The Environmental Protection Agency, interested Federal and State agencies, and other organizations and parties known to have a direct interest in the action.

Copies of the statement are available from the agency official who prepared it or from the Administrator, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Date Statement Prepared _____

Effective date. This regulation shall become effective on June 2, 1976.

Dated: May 24, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-15988 Filed 6-1-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities of Bank Holding Companies

The Board of Governors has interpreted its Regulation Y as imposing a continuing obligation upon a bank holding company engaging in the activity of underwriting (reinsuring) credit life and credit accident and health (disability) insurance to maintain a public benefit on a continuing basis.

Section 225.135 is being added to read as follows:

§ 225.135 Acting as underwriter (reinsurer) for credit life and credit accident and health (disability) insurance—assuring continuing public benefits.

(a) Under the provisions of section 4(c)(8) of the Bank Holding Company Act of 1956, as amended ["Act"] (12 U.S.C. § 1843), a bank holding company may acquire shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In making its determination, the Board is required to consider whether the performance of a particular activity by an affiliate of a holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) On December 11, 1972, pursuant to this authority, the Board amended its Regulation Y, by adding § 225.4(a)(10), to authorize as a permissible activity for bank holding companies the underwriting of credit life insurance and credit accident and health insurance that is directly related to extensions of credit by the bank holding company system. In authorizing this activity, the Board, in a footnote to section 225.4(a)(10) of Regulation Y (fn. 7), stated:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits to bank holding company performance of this service.

(c) In the course of considering a recent application, the Board became aware of pending legislation in the applicant's State that, if adopted, would provide new, lower premium rate standards applicable to the sale of such credit-related insurance. Because the applicant had already proposed, as one of the public benefits of its application, that it would offer premium rates below the then-existing State rates generally being charged by others, enactment of the legislation would have had the effect of nullifying the proposed public benefits unless the applicant were to commit to lower its rates, concurrently, so as to assure the continuation of meaningful public benefits. Accordingly, the Board's Order granting the application made clear that the applicant's obligation to offer lower rates was a continuing one.

(d) While the Board does assure that such a public benefit exists at the time of approval of a credit insurance underwriting application, the Board is also concerned that this public benefit be maintained on a *continuing* basis, not only by new applicants, but by those applicants who have heretofore received approval of such applications. In the event that a State's insurance regulations were amended to provide for new premium rate standards that would establish new, and possibly lower, *prima facie* rates, it is possible that the public benefit involved in a prepiously approved application could be nullified unless the bank holding company, in light of such new premium rate standards, continued to offer this insurance to their customers at reduced rates. The Board believes that without such a continuing public benefit, a bank holding company's continuing to engage in the activity of underwriting credit insurance would be contrary to the requirements of the Act. In order to avoid such a situation, the Board has interpreted section 4(c)(8) of the Act and § 225.4(a)(10) of Regulation Y and its accompanying footnote as imposing a continuing obligation upon all bank holding companies authorized to underwrite such credit insurance pursuant to section 4(c)(8) of the Act and the Board's Regulation Y, to maintain a public benefit such as was anticipated and considered by the Board at the time of the original approval of each application, and was envisioned by the Board when this activity was adopted as a permissible nonbanking activity under section 4(c)(8) of the Act.[1]

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc.76-15572 Filed 6-1-76;8:45 am]

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Deferred Availability of Information

At a meeting on May 18, 1976 the Federal Open Market Committee decided to reduce the delay in publication of records of policy actions taken at its monthly meetings. The policy record for a meeting will be released a few days after the next regularly scheduled meeting, rather than 45 days after the meeting to which the record relates. Incident to this action, the Committee amended § 271.5(a) of its Rules Regarding Availability of Information by deleting the second sentence.

As amended § 271.5(a) reads as follows:

§ 271.5 Deferment of availability of certain information.

(a) *Deferred availability of information.*—In some instances, certain types of information of the Committee are not published in the FEDERAL REGISTER or made available for public inspection or copying until after such period of time as the Committee may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section or as may otherwise be necessary to prevent impairment of the effective discharge of the Committee's statutory responsibilities.

* * * * * *

By order of the Federal Open Market Committee, May 24, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-15991 Filed 6-1-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Certain Preparations Containing Iron; Child-Resistant Packaging Standards

● The purpose of this document is to amend provisions of the regulations under the Poison Prevention Packaging Act of 1970 (PPPA) (Pub. L. 91-601, 84 Stat. 1670-1674, (15 U.S.C. 1471-1475)) to require "special packaging" for certain animal and human drugs and dietary supplements that provide an equivalent of 500 milligrams (mg) or more elemental iron per package by adding the new provisions, 16 CFR 1700.1(a)(3), and 1700.14(a)(12), (13). ●

BACKGROUND

The Poison Prevention Packaging Act of 1970 authorizes the Secretary of the Department of Health, Education, and Welfare to promulgate standards for the special packaging of any household substance, as defined in the act if he finds that the degree or nature of the hazard to children in the availability of such substance by reason of its packaging is such that special packaging is required to protect children from serious injury or serious illness resulting from handling, using, or ingesting such substance.

Effective May 14, 1973, functions under the PPPA were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; (15 U.S.C. 2079(a))).

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the PPPA from 21 CFR Part 295 to 16 CFR Part 1700.

In the FEDERAL REGISTER of January 16, 1975 (40 FR 2827), the Commission proposed child-protection packaging standards for certain preparations containing iron (16 CFR 1700.1(a)(3), 1700.14(a)(12)).

RESPONSE TO PROPOSAL

In response to the proposal, comments were received from a pharmacist, four medical doctors, a medical society, the Subcommittee on Accidental Poisoning of the American Academy of Pediatrics, the American Society of Hospital Pharmacists, the clinical director of a poison control center in a major university, a manufacturer of child-resistant packaging, ten manufacturers of certain iron preparations including dietary supplements, four associations representing manufacturers of iron preparations, four individual consumers, a consumer organization, the State of Georgia, the Office of Consumer Affairs of the Department of Health, Education, and Welfare, and the State of Washington Technical Advisory Committee on Poison Prevention Packaging.

Two of the 32 comments which were received supported the proposal as published. The principal issues raised in the remainder of the comments and the Commission's conclusions thereon are as follows:

A. Use by elderly and handicapped. 1. A number of comments express concern that elderly and handicapped persons might encounter difficulty in opening iron preparations in child-resistant packaging. Others, while recognizing that the PPPA itself provides the opportunity for such persons to obtain regulated products in conventional packaging, indicate that many consumers are unaware of this option and that the Commission should inform the public of its availability.

In passing the PPPA, Congress recognized that certain aged or infirm individuals might encounter difficulty in gaining access to products contained in special packaging. Section 4(a) of the act allows a manufacturer or packager of a regulated product supplied in special packaging to produce a single size of the product in conventional packaging, provided it is conspicuously labeled, "This package for households without young children." Labeling of non-complying packaging must comply with the requirements of the regulation at 16 CFR 1700.5 which specify type size, placement, and conspicuousness. In addition, section 4(b) allows prescription drugs subject to a standard to be dispensed in conventional packaging if requested by the purchaser or ordered by the prescriber. In recognition of the fact that consumers may be unaware of the availability of these options, the Commission is currently preparing a national information campaign on this subject which should

[1] It should be noted that every Board Order granting approval under section 4(c)(8) of the Act contains the following paragraph:

"This determination is subject * * * to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof."

The Board believes that, even apart from this Interpretation, this language preserves the authority of the Board to require the revisions contemplated in this Interpretation.

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serve to alleviate the concerns expressed by these commentors.

2. To qualify as "special packaging" a package must resist the attempts of 85 percent of a panel of 200 children, evenly divided by age and sex, to gain access to the contents during an initial 5-minute period of testing. During a second 5-minute period, the package must also resist the attempts of 80 percent of the children to gain access after a demonstration of the proper method of opening to those children previously unable to gain access (section 1700.15(b) and section 1700.20(a) (1) and (2)). Section 1700.20(a)(4) also requires testing of the packaging with adults. The effectiveness specifications require 90 percent of a panel of 100 adults between the ages of 18 and 45 (70 percent of whom must be women) to be able to open and properly resecure the safety feature during a 5-minute period using only the written instructions provided with the package.

A comment on behalf of elderly and retired persons suggested that the adult testing panels required by section 1700.20(a)(4) be comprised of at least a 25 percent representation of elderly persons to ensure that they too will be able to use special packaging. The comment further urged more stringent enforcement of the effectiveness standards by increased compliance testing and that consideration be given to requiring premarket certification.

As previously noted, the PPPA specifically provides for those persons unable to use special packaging. While it would be desirable to have special packaging which all adults could use, a change in the composition of the adult panel to accommodate certain physical limitations of the elderly could have the adverse effect of making it too easy for children under five to gain access to the contents of a package. Therefore, the benefits to be derived from any such change must be carefully weighed against the potential adverse effects, and, at this time, the Commission declines to alter the testing protocol. The Commission intends, however, to conduct a review of the protocol in the future, at which time interested parties will have an opportunity to recommend revisions.

In reference to the second part of this comment regarding compliance testing and pre-market certification, the Commission will continue to enforce its regulations under the act and will conduct compliance testing whenever it believes that a package fails to meet prescribed effectiveness specifications. Since, however, the current protocol includes only adults between the ages of 18 and 45 years, the Commission recognizes that increased testing may not necessarily result in packages which the elderly and handicapped can manipulate more easily. Finally, the Commission notes that it has no present legal authority under the PPPA to require pre-market certification for special packaging.

3. One commentor contends that products intended and promoted solely for use by the elderly should be exempted from the requirements for the special packaging of iron preparations, provided that the package is labeled, "This package for households without young children." Among the reasons stated in support of this contention is the argument that, since the purchasers of these products are among those who experience difficulty in using special packaging and do not normally have young children in their households, there will be no demand for special packaging. Consequently, inclusion of these products in the standard would cause unnecessary costs to be passed on to these elderly purchasers.

The legislative history of the PPPA indicates that Congress intended that noncomplying packaging be the exception, rather than the rule (Conference Rept., H.R. Rep. No. 1755, 91st Cong., 2nd Sess., 7 (1970)). It is also clear that the labeling, "This package intended for households without young children" was intended to give consumers the information with which to make a choice between complying and non-complying packaging. Therefore, if geriatric products were only available in non-complying packaging consumers would obviously not have this choice, labeling notwithstanding. While it is true that many elderly persons are unlikely to have young children living in their households, an exemption based on this consideration would not take into account the many cases where young children have gained access to potentially harmful substances while visiting or being visited by elderly persons. In view of this, those elderly persons who can use special packaging might desire the protection afforded by it.

As discussed above, the exemption provided by section 4(a) of the act is still available for the products covered by this regulation. Manufacturers are free to provide such supplies of their products in conventional packaging as are reasonably calculated to satisfy demand by persons unable to use special packaging. For the above reasons, the requested exemption is not adopted.

B. *Ingestion potential.* 1. The proposed regulation would have required that all animal and human drugs, except injectables, and all human dietary supplements containing the equivalent of 500 mg or more elemental iron per total package be marketed in special packaging.

Several commentors suggest that factors such as flavor, intended purpose of the product (i.e. therapeutic or nutritional), attractiveness, of the product, and form of the product (i.e. tablet, powder, gelatin capsule) may affect the likelihood that a young child would ingest a toxic amount. Therefore, they request that these factors be considered as the basis for narrowing the scope of coverage.

The extent of coverage of this standard is based on the aggregate amount of iron which might cause serious personal injury or serious illness to young children. Although the concentration of iron in a single dose may be low, nutritional products such as dietary supplements may contain a harmful amount of iron in the package. Consequently the Commission declines to make this standard applicable only to those preparations intended to provide a therapeutic amount of iron in a single dose.

The Commission acknowledges that flavor and attractiveness of the product may act as an inducement to young children to ingest excessive amounts. There is, however, no data indicating that the absence of flavor or lack of attractiveness acts as a deterrent to accidental ingestion. Reports of accidental ingestions to the National Clearinghouse for Poison Control Centers implicate both flavored and unflavored iron preparations, as well as those preparations in standard tablet form as opposed to those molded in forms attractive to young children. Further, incidents reported to the Clearinghouse include the ingestion of such products as bleach, turpentine, ammonia, and lye, none of which can be described as having a pleasant flavor or as being in a form which would be more likely to attract young children than other forms. Consequently, the Commission declines to limit the scope of this regulation on the basis of flavor and attractiveness.

The Commission recognizes that certain physical forms of a product, such as liquids or powders with low concentrations of iron, may be such that young children could not easily ingest a sufficient amount to be harmed. Accordingly, the Commission has revised the proposed standard to exclude those liquid and solid iron containing preparations which do not contain a sufficient concentration of iron to cause serious personal injury or serious illness should a child ingest the maximum foreseeable amount of such a product.

2. Commentors on behalf of the manufacturers of dietary supplements question the requirements for special packaging for their products, noting that the Food and Drug Administration requires no cautionary labeling instructing users to keep dietary supplements out of reach of children. Others suggest that cautionary labeling alone would resolve the problem of the accidental ingestion of dietary supplements by young children.

The Commission has no authority under the PPPA to require any cautionary labeling for foods and drugs other than that prescribed by § 4(a) of the act. The PPPA was passed in recognition that prior efforts to deal with accidental poisonings had not adequately protected young children from the dangers of accidental ingestion (S. Rep. No. 845, 91st Cong. 2d Sess. 3 (1970)). Among such prior efforts were the requirements for cautionary labeling under the Federal Hazardous Substances Act for many of the substances which the Senate noted had caused injury and illness to young children. The first regulation passed under the PPPA involved aspirin preparations, many if not all of which are required by the Food, Drug, and Cosmetic Act to bear the warning, "Keep out of reach of children." Ingestion data for those products demonstrated that the warning statement did not contribute significantly to the prevenion of accidental ingestions. Also, prescription drugs,

many of which may be very harmful to young children who accidentally ingest them, normally do not bear such cautionary labeling when they are dispensed to consumers. Consequently, the failure of the Food and Drug Administration to require cautionary labeling is not indicative of lack of need for special packaging. Further, based on past history, there is no indication that the addition of cautionary labeling alone would be adequate to deter accidental ingestions.

3. Several commentors contend that the injury information contained in the proposal was inadequate because it failed to disclose information such as potency of ingested material, dosage form, types of products, packaging information, range of tablets ingested, presence or absence of warning statements, and preexisting conditions of children involved in ingestion episodes. One commentor suggests that such information would normally be available to the Commission and therefore, should have been included in the proposal.

The data mentioned above are rarely available in reports from either the Food and Drug Administration's National Clearinghouse for Poison Control Centers or from other Commission data bases. However, in view of the numerous reports of ingestion of the products covered by this regulation and toxicity information in the medical literature indicating a serious degree of hazard to young children, the Commission does not believe that the absence of this information detracts from its findings that special packaging is necessary.

4. Some commentors suggest that, because the recorded instance of serious injury or illness involving dietary supplements is very low in comparison with the large number of units marketed annually, these supplements should be exempted from coverage. In general, reported data do not reflect all incidents of accidental ingestions among young children. For example, data collecting programs do not in all instances include cases treated by private physicians and nonparticipating hospitals. It is estimated that only 1 in 7 incidents is actually reported to the National Clearinghouse for Poison Control Centers.

The PPPA requires that ingestion data be considered in establishing standards. Although injury may be infrequent when compared with the number of marketed units, the Commission may issue a standard, particularly where ingestion may result in severe injury or death and the incidence of ingestion is frequent. The proposal noted that acute iron poisoning may produce a corrosion of the gastrointestinal tract and death may occur from shock within 4 to 6 hours or from cardiovascular collapse within one to three days. Data from the National Center for Health Statistics, Division of Vital Statistics, Mortality Statistics Branch, indicate that for the period 1969–73, 48 children under 5 years of age died as a result of accidental poisoning from iron preparations.

For the period 1969–73 data from the National Clearinghouse for Poison Control Centers on accidental ingestions of iron preparations by children under 5 years of age show 2,001 ingestions of which 543 cases required hospitalization of approximately 1–9 days. Of these victims, 272 exhibited symptomatology such as coma, convulsions, lethargy, nausea, vomiting, jaundice, black loose stools, diarrhea, abdominal pain, fever in excess of 101° F, hypotension and blood in vomit and stools.

Data from the National Electronic Injury Surveillance System (NEISS) indicate that for FY 1975 there were 29 ingestions resulting in 9 hospitalizations of children under 5 years of age as a result of ingesting preparations containing iron. From FY 1973–75 NEISS indicates 3 deaths of children under 5 years of age as a result of iron ingestion.

The data discussed above clearly indicate that special packaging is necessary to protect young children from serious personal injury.

C. *Level of iron per total package.* The PPPA provides that special packaging may be required for substances which present a threat of serious personal injury or serious illness to young children. On the basis that a three-gram dose of ferrous sulfate could be fatal to a human being, in the proposed standard the Commission estimated that a one-gram dose of elemental iron could produce death in a child younger than five years of age. Accordingly, the proposal covered packages containing 500 mg or more elemental iron in order to provide an adequate margin of safety. At the same time, the proposal invited interested parties to submit data which would enable the Commission to establish a more precise level. Many comments were received in response to the Commission's invitation. Some agreed that the 500-mg level was necessary and appropriate, while others suggested both higher and lower levels.

Several commentors believe that the 500 mg level should be lowered and one, in support thereof, offered an injury report concerning an incident involving siblings (ages 2 and 3) who ingested a total dose of 504 mg of elemental iron between them. They required hospitalization and showed iron levels above 300 micrograms-percent (normal range is 40–180 micrograms-percent). Both children developed acidosis and required intravenous therapy. Another case study showed that two siblings who ingested a total of 960 mg elemental iron between them evidenced the same symptoms and required similar treatment. A poison control center submitted references to show that as little as 600 mg elemental iron could cause intoxication.

Another commentor claims that the estimate in the proposal that a one-gram dose could be fatal to a young child was erroneously computed and that 600 mg is the correct estimate of the fatal dose.

The initial estimate in the proposal of the fatal dose was based on anhydrous ferrous sulfate which contains 37 percent by weight elemental iron. As the comment notes, the form of ferrous sulfate most commonly used in the preparations which would be subject to this standard, ferrous sulfate heptahydrate, contains 20 percent by weight elemental iron. Consequently, the correct estimate of the fatal dose of elemental iron should have been 600 mg.

While these comments tend to support the need to lower the level of iron for which special packaging would be required, none provided data adequate to establish a precise level. As discussed below, in conjunction with a separate matter, the Commission is studying the problem and will render a decision as soon as that study is completed.

2. Some comments advocate computing the level of coverage on the basis of daily nutritional need or the pediatric replacement dose. The Commission agrees that this is one method by which levels could be established. However, the amount of iron required to satisfy human nutritional need is not necessarily related to the amount of iron in a toxic dose. Therefore, nutritional amounts do not provide a valid means for arriving at an accurate estimate of the level of iron which should be regulated.

Several comments recommend establishing the level of iron by relying on factors which would take into account the age, weight, and physical condition of infants (6–12 mos.). On this basis, the comments recommended that packages containing 100 mg or more of elemental iron be regulated. In the references contained in one of these comments, it was estimated that the toxic dose of iron is "in the range of 20–60 mg elemental iron per kg of body weight, or as little as 1 gm of ferrous sulfate." Accordingly, this comment contained an estimate that 100 mg of elemental iron would be the minimum toxic dose for a 12-pound, six-month old child. However, this comment noted at the same time, that "the truly safe dose may well be less than 100 mg." In addition, the reference upon which the estimate was based also states that the minimum dose may be as little as 1 gram of ferrous sulphate (or 200 mg of elemental iron).

The Commission has evaluated the data submitted in support of each suggested specified lower level. While there may be merit in lowering the level, the Commission reiterates its view that the data available at this time are insufficient to provide a basis which would support a change to a specific lower level. Therefore, based on the revised estimate of 600 mg elemental iron as the potential lethal dose to children, references submitted by commentors indicating that serious injury or illness has occurred at levels at and below 600 mg of elemental iron, and an additional report in the medical literature indicating that a 650 mg dose of elemental iron (ten 5 gram ferrous sulphate tablets) was fatal to a young child (Arena: "Poisoning," 3rd Edition, Charles C. Thomas, Publisher), the Commission concludes that the proposed 500 mg level should be adopted.

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As alluded to above, the Commission has pending before it a petition from the Washington State Technical Advisory Committee on Poison Prevention Packaging to amend this regulation by lowering the level of coverage to 250 mg per package. In consideration of this petition the Commission will collect and review all relevant information which might enable it to determine whether a lower level should be established, and, if so, what that level should be. The Commission invites interested persons to submit documentation and relevant information which will assist the Commission in making this determination.

5. Several comments suggest that the level contained in the proposal should be higher than 500 mg. In support of this position, the comments provided references from various sources indicating that the oral lethal dose (expressed as an LD–50) of elemental iron might range from 200 mg/kg to 1,000 mg/kg of body weight. On the basis of extrapolation from this animal data, the commentors further suggest that the lethal dose for a child weighing 10 kg would be 2,000 mg or more elemental iron. One comment questioned whether the three-gram dose mentioned in the proposal as being fatal to a human was administered orally or intravenously, noting that the intravenous route is fifty times more toxic than the oral.

Extreme caution must be exercised in extrapolating acute animal data to humans, especially when such data are contradicted by human experience. Variation in lethality among animal species is well known. The 1974 Toxic Substances List, for example, indicates that the oral LD–50 for ferrous sulfate for the rat is 1,480 mg/kg, while the LD–50 for the mouse is 1,170 mg/kg. Critical factors which may affect lethal dose estimates include the number of animals tested per dosage level, the choice of a statistical method for analyzing the data, and the time after administration at which lethality is measured. These factors do not always appear in toxicity listings. Therefore, while the references provided by the commentors provide some indication of the relative toxicity of iron preparations, the human experience data available to the Commission in this instance indicate that such references are not sufficiently reliable to provide a means by which a level of iron which would not present a threat of serious injury or serious illness to young children could be established. In response to the inquiry concerning the method of administration of the three-gram dose specified in the proposed regulation, the method of administration was oral.

D. *Products covered.* 1. As proposed, an iron preparation would have been subject to the regulation regardless of the quantity of the product required to attain the 500 mg level and the intended purpose of iron in the preparation. Several commentors object to the failure of the proposal to set a limit on the maximum quantity to be regulated. The primary concern was that packages containing more of a substance than a child could conceivably ingest would be unnecessarily covered. As a remedy, the commentors suggest the following: (a) imposing an absolute size limitation, such as one pound or one pint for solids and liquids; (b) adding a minimum concentration factor of 0.2 percent; and (c) exempting tablets containing 3 mg or less elemental iron or tablets containing less than 25 mg elemental iron in unit dose packaging.

In response to these comments, the Commission investigated the question of what maximum amount of substance, liquid or solid, a five-year-old child could conceivably consume within a reasonable amount of time. Among others, the Commission consulted with those members of the Technical Advisory Committee on Poison Prevention Packaging who are pediatricians and requested data on this question. While specific data were generally not available it was the unanimous opinion of these physicians—all of whom have been actively associated with major poison control centers—that a child could reasonably be expected to ingest no more than one pound of a solid or one quart of a liquid at one time. The Commission has clarified the scope of coverage in the final amendment issued below to exclude those non-liquid products containing less than 500 mg of elemental iron per 500 grams of product (less than 0.10 percent by weight) and those liquid iron-containing preparations containing less than 500 mg of elemental iron per liter of product (less than 0.05 percent by weight/volume). The Commisson declines to adopt several alternate suggestions for limiting the scope of coverage. A minimum concentration factor of 0.2 percent would expose a child to a potentially harmful amount of elemental iron after the ingestion of 250 mg of solid product (approximately 8 ounces) or ¼ of a liter of a liquid (approximately ½ pint). A limitation based on the amount of iron per tablet, as one commentor recommends, would not take into account such factors as size and weight of the tablet and therefore would not have provided sufficient assurance that a child would not ingest a potentially harmful amount of iron.

2. Two commentors questioned whether the proposal was intended to include all iron or only that iron present in the preparation as the active ingredient. These comments suggested that relatively insoluble iron salts, such as ferric oxide, present only as coloring agents, should not be included in computing the total amount of iron per package.

The proposed regulation was intended to cover two classes of products: (1) drugs, whether animal or human, containing iron as an active ingredient; and (2) dietary supplements for human use containing iron. However, the language of the proposal can be construed to extend the scope of coverage beyond that which was intended.

For those preparations which contain iron as a colorant, only one iron salt, synthetic ferric oxide, is authorized by the Food and Drug Administration for use as a coloring agent in animal foods and human and animal drugs. This salt, in comparison with other iron salts such as ferrous sulfate, has a relatively low solubility and bioavailability and therefore should not be used as a basis for regulating those products in which it is the sole source of iron. However, while the presence of synthetic ferric oxide would not significantly increase the toxicity of iron-containing products, analytical methods presently known to the Commission do not permit differentiation of the various sources of elemental iron contained within a single preparation. Consequently, § 1700.14(a) (12) and (13) as promulgated below will include only those products in which iron is present as an active ingredient. This will have the effect of excluding products in which the sole source of iron is contributed by ferric oxide present as a colorant. However, the amount of elemental iron in products subject to the regulation is to be computed on the basis of the total amount of iron present in a package, without regard to solubility or oxidation state.

3. One commentor recommends exempting animal feed used as a vehicle for administering drugs. As noted above, the proposed regulation was intended to cover those drugs in which iron is present as an active ingredient. However, some animal feeds containing iron for nutritional purposes are technically classified as drugs because of their use as vehicles for administering drugs and, as such, unintentionally fall within the scope of the coverage of the proposed regulation. The Commission concludes that a clarification to the regulation will preclude confusion concerning the status of these products. Accordingly, the Commission has divided § 1700.14(a) (12), as proposed, into two sections: § 1700.14(a) (12) below, applies to human and animal drugs in which iron is present as an active ingredient of the drug itself and excludes animal feeds, and; § 1700.14(a) (13) below, covers human dietary supplements containing iron.

E. *Effective date.* Section 9 of the PPPA provides, in part, that no standard issued under the act shall go into effect sooner than December 9, 1976 or later than June 2, 1977. The proposed regulation covering iron indicated that because of the serious danger posed by these preparations the Commission intended the final order to go into effect six months after its publication and invited comments on this aspect of the proposal.

One commentor supports the proposed effective date. Other comments were received urging the Commission to make this regulation applicable to those products packaged more than one year after publication of the final regulation. The principal arguments advanced in support of the longer effective date are related to the need for stability and compatibility testing, lack of availability of special packaging, and lengthy lead times necessary to convert existing packages and line equipment to comply.

The commentors on stability contend that the six-month proposed effective date is an insufficient period in which to establish that special packaging will adequately maintain the integrity of iron containing products and they recommend that up to one year be allowed in order to perform the necessary stability tests. Three commentors support this contention by making reference to an incident in which a recall of a prescription drug packaged in special packaging was instituted after several units were found to be below required potency. All three alleged that the subpotency resulted from the use of special packaging. Other comments suggested that additional time was necessary to ensure that special packaging would comply with the proposed requirements of the U.S. Pharmacopeia (USP) and the FDA for tightly-closed containers.

The USP, one of the official compendia whose requirements for drugs are incorporated in the Food, Drug, and Cosmetic Act, requires that drugs listed therein be packaged in either "tightly-closed" or "well-closed" containers to maintain stability of the product.

The proposed USP official standards to which the commentors refer specify moisture-vapor permeation levels which containers cannot exceed if they are to meet compendial requirements for "tightly-closed" and "well-closed" containers. These standards are scheduled to become mandatory in April, 1977. Many of the products which would be subject to this regulation require "tightly-closed" containers. At present, information available to the Commission indicates that threaded glass containers with continuous threaded child-resistant closures and appropriate liners satisfactorily meet the requirements for "tightly-closed" containers. Further, information available to the Commission indicates that the incident in which a drug recall was mandated by subpotency was related to the failure of the manufacturer to apply the closure tightly enough rather than to inadequate stability testing. Consequently, while the use of container-closure systems which meet the requirements for "tightly-closed" containers might necessitate a change in packaging the Commission is unable to conclude that those requirements dictate an extension of the proposed 6-month effective date, especially when those requirements will not go into effect until April, 1977.

The Commission recognizes that special packaging, in addition to resisting access by children, must conform to FDA standards governing the compatibility and stability of foods and drugs with their packages. In many instances, FDA may require that supportive data be submitted. The amount of testing necessary to establish compatibility will vary from product to product.

Many products which will be subject to this regulation require labeling with an expiration date to ensure that they maintain their labeled potency. It is the policy of the Food & Drug Administration to allow the amount of time for labeled expiration date of a new drug to exceed the actual amount of time during which stability studies have been conducted by 6 to 9 months, provided accelerated stability testing data are submitted in support of the extended time period. Further, stability testing must be conducted on products which are not new drugs. Thus, under FDA guidelines, a manufacturer who wished to label or market a product with an 18-month expiration date would be required to submit or maintain data on actual studies conducted for nine months to one year.

The Commission recognizes that many of the products subject to this regulation contain components such as vitamins which are unusually susceptible to decomposition unless their packaging affords adequate protection. In addition, the expiration date or life expectancy of a product must allow sufficient time for the product to be distributed to retailers, sold, and consumed. Extensive stability testing will be necessary to ensure that these products maintain labeled potency prior to their expiration dates or consumption. In some cases, a complete packaging change may be necessary in order to comply with the regulation. This will result in a change in packaging components coming into contact with the product. Compatibility and stability studies will be necessary to ensure that the change in packaging is not detrimental to the integrity of such products. Consequently, the Commission is establishing the effective date of this regulation at one year after its publication in the FEDERAL REGISTER. The one-year date recognizes that a manufacturer subject to this standard may be unable to make firm commitments to obtain adequate supplies of special packaging until compatibility studies have been completed. Small packagers requiring new capping and line machinery to bring their products into compliance with the standards will require the time provided to convert machinery and to obtain special packaging.

In establishing the one-year effective date, the Commission notes that the lack of availability of packaging for products subject to this regulation was not a sufficient reason to extend the proposed six month effective date. In December, 1975, the Commission conducted a survey of several packaging manufacturers to determine the current availability of special packaging for iron preparations. The results of the survey indicate that an aggregate mold capacity of 400 million units for child-resistant closures of varying sizes is currently uncommitted. Further, should additional mold capacity be necessary, reports indicate that sufficient capacity could also be produced and operating within a four- to six-month period. Documentation submitted by one commentor indicated a lead time for delivery of child-resistant packaging to be five to seven weeks as of May, 1975.

Some commentors requested an extended effective date because special packaging is not available in specific sizes or in forms for use with existing containers such as apothecary jars or wide mouthed containers. The PPPA contains no requirement that the Commission find that special packaging be immediately available for use with existing containers. Therefore, the necessity for some manufacturers to alter their existing packages to comply with these standards is not, in itself, sufficient reason to extend the effective date when alternate designs of packaging could have been available in production quantities within the time period specified in the proposed standard. Having considered the comments and other available information, the Commission concludes that iron containing preparations subject to this regulation and which are packaged one year or more after its publication, must comply.

F. *Responsibility of the packager.* One commentor suggests that the Commission clarify the responsibility of the manufacturer of a prescription drug to provide special packaging when the package in which the drug is packaged by that manufacturer is intended for use by an ultimate consumer.

In the view of the Commission, the individual or firm that places a product subject to a special packaging standard in a package intended to enter the household is responsible for providing special packaging. In the case of prescription drugs, the manufacturer has the primary responsibility when that manufacturer places the drug in a container clearly intended to be utilized in dispensing the drug for use in the home. When the pharmacist transfers a drug from a bulk dispensing container into a prescription container for consumer use, the responsibility shifts to the pharmacist. The fact that a manufacturer has an obligation to provide special packaging for a drug which it packages in a container intended to be dispensed to the consumer does not, however, relieve the dispenser of the drug from the obligation to provide special packaging when the manufacturer fails to provide such packaging.

G. *Clarification of products covered* 1. One commentator recommends that section 1700.14(a) of the the proposed standard be amended to specifically apply only to household substances. Since regulations under the PPPA can only apply to those substances which are intended for use in or about the household, and not to substances for industrial or institutional use, the suggested revision to the proposed regulation is superfluous and is not adopted.

2. Another comment suggests that this proposed regulation apply only to non-prescription drugs and human dietary supplements, avoiding overlapping coverage of prescription iron preparations under this standard and 16 CFR 1700.14 (a) (10). This would also preclude any implication that prescription iron preparations subject to the regulation requiring special packaging for oral prescription drugs are exempted from that standard when they contain less than 500 mg iron per package. Since this regulation does not explicitly amend the prescription drug standard, iron preparations subject to that regulation remain covered. While both regulations cover oral prescription drugs containing iron,

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the prescription drug regulation covers those packages containing less than 500 mg total iron, while this regulation covers non-oral prescription preparations containing iron. Since the two standards are not identical in their coverage, the Commission declines to adopt the proposed revision.

H. *Request for hearing.* One commentor challenges the Commission's estimate of the proposed level of iron and the ingestion data upon which the Commission based its finding of necessity for special packaging. The commentor also questions the ability of special packaging to protect the integrity of iron preparations and the benefit to the consumer as opposed to the cost. The commentor requested that the Commission hold a hearing on the proposed regulation. The Administrative Procedure Act (5 U.S.C. 553) requires the Commission, after notice of proposed rulemaking, to give interested persons an opportunity to participate in the rulemaking through the submission of written data, views, or arguments with or without the opportunity for oral presentation. By its FEDERAL REGISTER notice of January 16, 1975, the Commission has given all interested parties the opportunity to submit written comments on this proposal. Those comments provide adequate information to assist the Commission in developing this standard and, in the opinion of the Commission, raised no issues necessitating an administrative hearing. Since all of the comments upon which the request for a hearing was based have been addressed in this preamble, the Commission denies the request.

SECTION 3(a) (1) AND (2) FINDINGS

As required by section 3(a) of the PPPA, the Commission has consulted with the Technical Advisory Committee on Poison Prevention Packaging during the development of this standard. After considering their comments and those from other interested parties, available scientific and medical data concerning childhood ingestions, injury and illness caused by iron containing preparations, and available engineering and scientific data concerning special packaging the Commission makes these findings in accordance with section 3(a) (1) and (2) of the PPPA.

A. *Special packaging needed to protect children from serious injury or illness resulting from handling, using or ingesting certain preparations containing iron.* The degree and nature of the hazard to children in the availability of non-injectable human and animal drugs (excluding animal feeds used as drug carriers) which provide 500 mg or more elemental iron per package for therapeutic or prophylactic purposes, and the degree and nature of the hazard to children in the availability of dietary supplements containing 500 mg or more elemental iron per package (except preparations in which iron is present solely as a colorant), by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from the handling, using, or ingesting of such substances containing elemental iron in concentrations of 0.1 percent or more on a weight to weight basis for non-liquids and 0.05 percent or more on a weight to volume basis for liquids.

In support of this finding the Commission refers the reader to its in-depth discussion on the degree and nature of these hazards contained above in section B entitled "Ingestion Potential."

B. *Technical feasibility, practicability and appropriateness of special packaging.* 1. The Commission finds that the special packaging for purposes of the amendments issued below is technically feasible on the basis of the fact that, to date, 23 firms have submitted summaries of data from tests conducted in accordance with 16 CFR 1700.20 indicating that one or more designs of special packaging suitable for use with iron preparations meet or exceed the effectiveness specifications of 16 CFR 1700.15(b). These designs include those adaptable to glass and plastic containers, and strip and blister packaging.

2. The Commission finds that the special packaging for purposes of the amendments issued below is practicable in that it is susceptible to modern mass production and assembly line techniques. Those designs used on many plastic or glass containers are adaptable to capping and filling equipment already being produced and used in the drug packaging industry, while filling and forming equipment presently exists to produce products packaged in child-resistant strip and blister designs.

3. The Commission finds that the special packaging for purposes of the amendments issued below is appropriate since the special packaging available will not interfere with the storage or use of iron containing preparations and is not detrimental to their integrity. Of the designs mentioned above, many utilize or can utilize the same packaging materials which come in contact with iron containing preparations in their present packages, and are capable of maintaining the stability of iron preparations.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the potential environmental impact of these amendments to 16 CFR 1700.1(a) and 1700.14(a) requiring the use of child-resistant closures for certain preparations containing iron has been made. The Commission concludes that there are no potentially significant environmental impacts associated with the amendments, and, therefore, there is no need for an environmental impact statement. A copy of the environmental assessment is on file at the Commission and may be inspected at the Office of the Secretary, 8th floor, 1750 K Street, NW., Washington, D.C.

CONCLUSION AND PROMULGATION

Having considered the proposal, the comments thereon, and other relevant material, the Commission concludes that the proposed amendments with changes, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; (15 U.S.C. 1471(4), 1472, 1474)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079 (a))), 16 CFR Part 1700 is amended as follows:

1. Section 1700.1 is amended by adding a new subparagraph (3) to § 1700.1(a), as follows:

§ 1700.1 Definitions.

(a) • • •

(3) "Dietary supplement" means any vitamin and/or mineral preparation offered in tablet, capsule, wafer, or other similar uniform unit form; in powder, granule, flake, or liquid form; or in the physical form of a conventional food but which is not a conventional food; and which purports or is represented to be for special dietary use by humans to supplement their diets by increasing the total dietary intake of one or more of the essential vitamins and/or minerals.

• • • • •

2. Section 1700.14(a) is amended by adding new paragraphs (12) and (13) as follows:

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* • • •

(1) • • •

(12) *Iron containing drugs.* With the exception of animal feeds used as vehicles for the administration of drugs, non-injectable animal and human drugs providing iron for therapeutic or prophylactic purposes, and containing a total amount of elemental iron, from any source, in a single package, equivalent to 500 mg or more elemental iron in a concentration of 0.05 percent or more on a weight to volume basis for liquids and 0.10 percent or more on a weight to weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

(13) *Dietary supplements containing iron.* With the exception of those preparations in which iron is present solely as a colorant, dietary supplements, as defined in §1700.1(a)(3), that contain an equivalent of 500 mg or more of elemental iron, from any source, in a single package in concentrations of 0.05 percent or more on a weight to volume basis for liquids, and 0.10 percent or more on a weight to weight basis for non-liquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of section 1700.15 (a), (b), and (c).

• • • • •

Effective date. The regulations promulgated above, 16 CFR 1700.1(a)(3) and 1700.14(a) (12) and (13) shall become effective on June 2, 1977.

(Pub. L. 91–601, secs. 2(4), 3, 5, 84 Stat. 1670–72; (15 U.S.C. 1471(4)), 1472, 1474, Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))).

Dated: May 27, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76–15935 Filed 6–1–76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76G–0095]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Roasted or Baked Glandless Cottonseed Kernels

Correction

In FR Doc. 76–14119 appearing on page 19933 of the issue for Friday, May 14, 1976, in the middle column, the word "glandless" in the twelfth line of the first paragraph should read as follows: "glanded."

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sponsors of Approved Applications

TYLOSIN

The Food and Drug Administration has evaluated a new animal drug application (103–089V) filed by Carl S. Akey, Inc., P.O. Box 259, Lewisburg, OH 45338, proposing safe and effective use of a tylosin premix for the manufacture of swine feed. The application is approved, effective June 2, 1976.

The Commissioner of Food and Drugs is amending §§ 510.600 and 558.625 (21 CFR 510.600 and 558.625) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

(1) • • •

Firm name and address:	*Drug listing No.*
• • • • •	
Carl S. Akey, Inc., P.O. Box 259, Lewisburg, Ohio 45338	017790
• • • • •	

(2) • • •

Drug listing No.	*Firm name and address*
• • • • •	
017790	Carl S. Akey, Inc., P.O Box 259, Lewisburg, Ohio 45338.
• • • • •	

2. In Part 558, § 558.625 is amended by adding paragraph (b)(48), to read as follows:

§ 558.625 Tylosin.

(b) • • •

(48) To 017790: 10 grams per pound; paragraph (f)(1)(vi) (*a*) of this section.

• • • • •

Effective date. This regulation shall be effective June 2, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 21, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76–15909 Filed 6–1–76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7420]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Requirements of a Domestic International Sales Corporation (DISC)

Correction

In FR Doc. 76–14844 appearing on page 20654 in the FEDERAL REGISTER of Thursday, May 20, 1976, in the third column, the third line of § 1.992–1(a)(6) should read, "in paragraph (i) of this section."

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[S–74–3]

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins; Deferral of Effective Date

On March 9, 1976, a final occupational safety and health standard concerning the guarding of farm field equipment, farmstead equipment, and cotton gins was published in the FEDERAL REGISTER (41 FR 10190) as 29 CFR 1928.57.

This standard provides a schedule of various effective dates for different parts of the standard. An effective date of June 7, 1976, ninety days after publication, was provided for most of the standard, to permit necessary modifications in equipment to be made and to insure that affected employers and employees would be informed of the existence of the standard and of its terms. A delay of the effective date until September 7, 1976, was provided for the requirements of paragraph (c)(5) concerning electrical disconnect means, and a delay until June 30, 1977, was provided for paragraph (d), concerning cotton ginning equipment, to allow the cotton ginning industry approximately two off-seasons to make the changes necessary for compliance with the final rule.

The Occupational Safety and Health Administration (OSHA) intended to have available at the time of publication of its final standard informational and educational materials concerning the contents of this standard. The material would consist of a written publication with illustrations and a slide and tape presentation explaining the standard in such a way as to facilitate understanding and compliance by farmers and ranchers. Copies of this material were to be distributed to the OSHA regional offices. OSHA also had agreed to send copies of the material to the U.S. Department of Agriculture (USDA) for distribution to their state safety specialists at the offices of the agricultural extension service. There was a delay in the printing of this material which affected the distribution schedule that was envisioned during the preparation of the final standard.

Various interested persons, including members of Congress, the Office of the Secretary of Agriculture, the American Farm Bureau Federation, the National Grange, and the OSHA Standards Advisory Committee on Agriculture, have submitted comments concerning the importance of the availability of the OSHA informational material.

In assessing the importance of the educational material to the employers and employees, it is necessary to consider the uniqueness of agriculture as regards occupational safety and health. In the past, few occupational safety and health standards have applied to agriculture. Moreover, agriculture is a very diffuse industry with a large number of small employers. Therefore, it is reasonable that a longer lead time is necessary to inform employers and employees about the coverage of an occupational safety and health standard than with other industries. This lead time for training is especially important in view of the need to make equipment modifications in order to comply with the standard.

It is now anticipated that the material will be available in approximately three

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weeks. Accordingly, it has been determined that the effective date of this standard should be October 25, 1976. This coincides with the scheduled effective date of the occupational safety and health standard for roll-over protective structures (ROPS), §§ 1928.51, 1928.52 and 1928.53 of this chapter.

The date specified in paragraph (a) (3) regarding application is being changed from June 7, 1976 to October 25, 1976.

The general effective date of this section is being changed from June 7, 1976 to October 25, 1976.

The effective date of paragraph (c) (5) concerning electrical disconnect means is changed from September 7, 1976 to October 25, 1976.

Accordingly, under section 6 and section 8(g) (1) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and Secretary of Labor's Order No. 8–76 Part 1928 of Title 29 of the Code of Federal Regulations is amended as set forth below. Public notice and procedure on the postponement is impracticable because of the need to provide immediate notice thereof to affected employers.

Section 1928.57 of 29 CFR Part 1928 is amended by changing the dates in paragraph (a) (3) and by revising paragraph (a) (4) to read as follows:

§ 1928.57 Guarding of farm field equipment, farmstead equipment, and cotton gins.

(a) *General.* * * *

(3) *Application.* This section applies to all farm field equipment, farmstead equipment, and cotton gins, except that paragraphs (b) (2), (b) (3), and (b) (4) (ii) (A), and (c) (2), (c) (3), and (c) (ii) (A) do not apply to equipment manufactured before October 25, 1976.

(4) *Effective date.* This section takes effect on October 25, 1976, except that paragraph (d) of this section is effective on June 30, 1977.

* * * * *

(Secs. 6, 8(g) (1), Pub. L. 91–596, 84 Stat. 1593, 1600; (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8–76.)

Signed at Washington, D.C. this 28th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-16069 Filed 6-1-76;8:45 am]

Title 32—National Defense

CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

PART 2000—ADMINISTRATIVE PROCEDURES

Submission of Reports and Appeals Procedures

In FR Doc. 76-3865 appearing at page 6068 in the FEDERAL REGISTER of Wednesday, February 11, 1976, the following changes should be made:

1. On page 6068, Table of Contents, Subparts B, C, and D the section numbers are corrected to read as follows:

Subpart B—National Security Information or Material Reports

Sec.
2000.10 Original classification authorities.
2000.11 Classification abuses.
2000.12 Unauthorized disclosures.
2000.13 Mandatory declassification review actions.
2000.14 Annual review lists.
2000.15 Annual declassification list.
2000.16 Quarterly summary.
2000.17 Listing of national security material requiring protection beyond 30 years.

Subpart C—Appeals Procedures

2000.20 Notice of an appeal.
2000.21 Exhaustion of other remedies.
2000.22 Acceptance of appeal.
2000.23 Consideration of appeal.
2000.24 ICRC review.
2000.25 Decision.

Subpart D—Forms

2000.30 Scope of Part.
2000.31 Standard Forms.

2. On pages 6069 and 6070, Subparts B, C, and D the section numbers should be changed to read as set forth above.

Dated: May 20, 1976.

JAMES B. RHOADS,
Acting Chairman.

[FR Doc.76-15923 Filed 6-1-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H-96]

ADMINISTRATIVE CHANGES

This regulation provides agencies and other interested parties with revised terminology used in the GSA utilization and disposal program; reflects changes in organizational names; includes American Samoa, Guam, and the Trust Territory of the Pacific Islands as domestic elements in the various personal property rehabilitation, excess, donation, and surplus disposal programs; and extends utilization screening periods for excess nonreported property and donable surplus property.

PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

1. Section 101–42.000 is revised as follows:

§ 101–42.000 Scope of part.

This part prescribes the policies and procedures governing the use by executive agencies of GSA regional term contracts, Federal Prison Industries, Inc., and Workshops for the Blind and Other Severely Handicapped for the maintenance, repair, rehabilitation, and reclamation of personal property and for the operation of facilities located within the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands performing such services. Military weapons systems, Specialized military support equipment, and specialized technical and scientific equipment are exempt from this part.

2. Section 101–32.001 through 101–42.001–4 are revised as follows:

§ 101–42.001 Definitions.

For the purposes of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101–42.001–1 Maintenance.

"Maintenance" means the scheduled cleaning, servicing, and adjustment necessary to keep an article in a serviceable or satisfactory operating condition.

§ 101–42.001–2 Repair.

"Repair" means the restoration of an article to a serviceable and/or operable condition.

§ 101–42.001–3 Rehabilitation.

"Rehabilitation" means the restoration, reconditioning, renovation, or repair of serviceable/unserviceable or operable/inoperable articles to a near new condition. The word "rehabilitation" is also used in a generic sense to encompass services covered by this Part 101–42.

§ 101–42.001–4 Reclamation.

"Reclamation" means the recovery from articles of personal property of precious metals or critical materials having intrinsic value.

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

1. The table of contents for Part 101–43 is amended to reserve § 101–43.104, delete §§ 101–43.104–1 through 101–43.104–21 and § 101–43.313–9a, and add the following new and revised entries:

Sec.
101–43.000 Scope of part.
101–43.001 Definitions.
101–43.001–1 Nuclear Regulatory Commission-controlled materials.
101–43.001–2 Combat materiel.
101–43.001–3 Contractor inventory.
101–43.001–4 Controlled substances.
101–43.001–5 Excess personal property.
101–43.001–6 Executive agency.
101–43.001–7 Federal agency.
101–43.001–8 Foreign excess personal property.
101–43.001–9 Holding agency.
101–43.001–10 Inspection.
101–43.001–11 Intangible personal property.
101–43.001–12 Materiel.
101–43.001–13 [Reserved]
101–43.001–14 Personal property.
101–43.001–15 Possessions.

Sec.
101–43.001–16 Related personal property.
101–43.001–17 Salvage.
101–43.001–18 Scrap.
101–43.001–19 Screening period.
101–43.001–20 Surplus personal property.
101–43.001–21 Surplus release date.
101–43.001–22 Trust territory.
101–43.001–23 Typewriters.
101–43.001–24 United States.
101–43.104 [Reserved]
101–43.313–7 Nuclear Regulatory Commission-controlled materials.
101–43.313–10 Medical shelf-life items held for national emergency purposes.
101–43.313–11 Nonappropriated fund property.

1. Section 101–43.000 is revised as follows:

§ 101–43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within and outside the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands, except that Subpart 101–32.3 prescribes the policies and procedures governing the worldwide reutilization of excess automatic data processing equipment and supplies.

2. Sections 101–43.001 through 101–43.001–24 are added as follows:

§ 101–43.001 Definitions.

For the purpose of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101–43.001–1 Nuclear Regulatory Commission-controlled materials.

"Nuclear Regulatory Commission-controlled materials" means those materials the possession, use, and transfer of which are subject to the regulatory controls of the Nuclear Regulatory Commission (NRC) pursuant to the Energy Reorganization Act of 1974. The materials are defined as follows:

(a) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. (See 10 CFR Part 30.)

(b) "Source material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form or (2) ores which contain by weight one-twentieth of 1 percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material. (See 10 CFR Part 40.)

(c) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which NRC, pursuant to the provisions of the Energy Reorganization Act of 1974, determines to be special nuclear material, but does not include source material or (2) any material artificially enriched by any of the foregoing. (See 10 CFR Part 70.)

§ 101–43.001–2 Combat materiel.

"Combat materiel" means arms, ammunition, and implements of war listed in currently effective designations (22 U.S.C. 1934).

§ 101–43.001–3 Contractor inventory.

"Contractor inventory" means any property acquired by and in the possession of a contractor or subcontractor (including Government furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of the contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

§ 101–43.001–4 Controlled substances.

"Controlled substances" means: (a) Any narcotic, depressant, stimulant, hallucinogenic drug, or any other drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812) except exempt chemical preparations and mixtures and excluded substances listed in 21 CFR Part 1308;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–43.001–5 Excess personal property.

"Excess personal property" means any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

§ 101–43.001–6 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

§ 101–43.001–7 Federal agency.

"Federal agency" means any executive agency or any establishment in the legislative or judical branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

§ 101–43.001–8 Foreign excess personal property.

"Foreign excess personal property" means any excess personal property located outside the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

§ 101–43.001–9 Holding agency.

"Holding agency" means the executive agency which has accountability for the property involved.

§ 101–43.001–10 Inspection.

"Inspection" means the critical examination of material to verify quantity, determine condition, or to compare actual characteristics with those given in applicable specifications. The term includes laboratory analyses and other technical testing operations which may be required.

§ 101–43.001–11 Intangible personal property.

"Intangible personal property" means personal property which includes but is not limited to such classes of personal property as patents, patent rights, processes, techniques, inventions, copyrights, negotiable instruments, money orders, bonds, shares of stock, and similar evidences of value, except as, in a given case or class of cases, may be excluded by the Administrator of General Services.

§ 101–43.001–12 Materiel.

"Materiel" means any item necessary for the equipment, maintenance, operation, and support of governmental activities without distinction regarding its use for administrative or operational purposes.

§ 101–43.001–13 [Reserved]

§ 101–43.001–14 Personal property.

"Personal property" means property of any kind or any interest therein, except real property, records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft-carriers, destroyers, and submarines.

§ 101–43.001–15 Possessions.

"Possessions" includes the Virgin Islands, the Canal Zone, Guam, American Samoa, Wake Island, Midway Island, and the Guano Islands, but does not include the Commonwealth of Puerto Rico.

§ 101–43.001–16 Related personal property.

"Related personal property" means personal property which is located on or is an integral part of real property, or used or useful in connection with such property or the productive capacity thereof, or determined by the Administrator of General Services to be otherwise related to the real property.

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§ 101–43.001–17 Salvage.

"Salvage" means personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit (either by the holding or other Federal agency), and its repair or rehabilitation for use as a unit is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "clearly impracticable" for purposes of this definition.

§ 101–43.001–18 Scrap.

"Scrap" means personal property that has no value except for its basic material content.

§ 101–43.001–19 Screening period.

"Screening period" means the calendar period of time measured, in the case of reportable excess personal property, from the day following receipt of a report, as prescribed by § 101–43.311–2, in the appropriate GSA office, or in the case of nonreportable excess personal property, from the day following the date of the determination by the holding agency that the property is available for screening as excess, to and including the day of the surplus release date.

§ 101–43.001–20 Surplus personal property.

"Surplus personal property" means any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

§ 101–43.001–21 Surplus release date.

"Surplus release date" means the predetermined date on which Federal utilization screening of excess personal property is terminated, and the property is considered available for disposition as surplus. The date signifies the transition of the property from excess to surplus status. In some publications concerned with personal property management procedures, the words "Automatic Release Date" or "ARD" are used to designate this date.

§ 101–43.001–22 Trust territory.

"Trust territory" means the Trust Territory of the Pacific Islands, which the United States administers pursuant to the trusteeship agreement approved by the President of the United States pursuant to the Act of July 18, 1947 (48 U.S.C. 1681 note).

§ 101–43.001–23 Typewriters.

"Typewriters" means the manually and electrically operated machines having standard or special keyboards designed to produce printed characters by impression of type upon paper through the medium of an inked ribbon. It includes the Vari-Typer, Hektowriter, proportional spacer, Flexowriter, Justowriter, and portable type machines but does not include bookkeeping, billing, or teletype machines.

§ 101–43.001–24 United States.

"United States" means in the geographical sense all the 50 States and the District of Columbia.

Subpart 101–43.1—General Provisions

§ 101–43.104 [Reserved]

§§ 101–43.104–1 through 101–43.104–21 [Removed]

Section 101–43.104 is deleted and reserved and §§ 101–43.104–1 through 101–43.104–21 are deleted.

Subpart 101–43.3—Utilization of Excess

1. Section 101–43.306 is revised as follows:

§ 101–43.306 Property not required to be reported.

Excess property which is not required to be reported to GSA in accordance with this Part 101–43 is a valuable source of supply for Federal agencies. Regional offices and area utilization officers of GSA are responsible for local screening of such property, for making it available to Federal agencies, and for consummating its expeditious transfer. Holding agencies shall cooperate with GSA representatives in making information available and in providing access to the nonreportable excess property. To the extent such property is not covered by GSA utilization screening processes, each agency shall make reasonable efforts to obtain utilization among other Federal agencies of property having utilization potential. In the case of controlled substances (as defined in § 101–43.001–4) solicitation shall be limited to those agencies listed in § 101–43.309.

2. Section 101–43.313–7 is revised as follows:

§ 101–43.313–7 Nuclear Regulatory Commission-controlled materials.

Nuclear Regulatory Commission-controlled materials (as defined in § 101–43.001–1) are exempt from reporting to GSA as excess personal property. Transfers of such materials shall be made in accordance with applicable regulations of NRC. (See 10 CFR Parts 30, 40, and 70.)

3. In § 101–43.313–9 pafagraphs (b), (f), and (j) are revised as follows:

§ 101–43.313–9 Shelf-life items.

* * * * *

(b) Drugs and biologicals requiring refrigeration or deep freeze, medical shelf-life items held for national emergency purposes (see § 101–43.313–10), subsistence items, and ammunition are excepted from the provisions of this section.

* * * * *

(f) Shelf-like items which have a remaining useful life of 3 or more months before reaching the expiration date, but which are not reported, shall be made available for utilization by other Federal agencies as provided in § 101–43.306. Documents listing such items shall identify the items by carrying the designating symbol "SL," shall show the expiration date, and in the case of items with an extendible-type expiration date, shall indicate whether the expiration date is the original or an extended date. A surplus release date shall be established by the holding agency upon determination that such items are excess so as to provide a minimum of 21 calendar days for selection or set-aside of the items for Federal utilization. The surplus release date may be extended by the holding agency when such items are selected by an authorized screener for transfer or set aside by a GSA representative for potential or actual transfer.

* * * * *

(j) Shelf-life items determined to be surplus in accordance with paragraph (i) of this section shall not be disposed of until a period of 21 calendar days has been afforded for donation program screening in accordance with Part 101–44. In the event that no donation action is initiated during the period afforded for donation screening, items may be offered for sale or other disposition at the termination of the donation screening period in accordance with Part 101–45.

4. Section 101–43.313–9a is redesignated as § 101–43.313–10 and is revised as follows:

§ 101–43.313–10 Medical shelf-life items held for national emergency purposes.

(a) Whenever the head of an executive agency determines that the remaining storage or shelf life of medical materials or supplies held for national emergency purposes is of too short duration of justify their continued retention for such purposes and that their transfer or disposal would be in the best interest of the United States, those materials or supplies shall be considered to be excess personal property. To the greatest extent practicable, the above determination shall be made at such time as to ensure that the medical materials or supplies can be transferred or otherwise disposed of in sufficient time to permit their use before the shelf life expires, and they are unfit for human use.

(b) Medical materials and supplies held by an agency for national emergency purposes and determined to be excess may be exchanged with another Federal agency without prior approval of GSA and without regard to the provisions of Part 101–46. Such exchanges, however, shall be only for other medical materials or supplies to be held for national emergency purposes.

(c) Medical shelf-life items held for national emergency purposes which have a remaining useful life of 3 or more months before the expiration date and which are not otherwise exchanged as provided in paragraph (b) of this section shall be reported as excess in accordance with § 101–43.311. Each agency may also report medical shelf-life items not required to be reported by § 101–43.311. The Standard Form 120, Report of Excess Personal Property, shall identify the items as medical shelf-life items held for national emergency purposes by carrying the designating symbol "MSL" and

by showing the shelf-life expiration date. Information shall also be furnished regarding whether the expiration date is the original or the extended date. Further, whenever medical shelf-life items held for national emergency purposes are reported as excess on Standard Form 120, any specialized storage requirements pertaining to the items listed thereon shall be noted on the report.

(d) Normally, medical shelf-life items held for national emergency purposes and reported in accordance with paragraph (c) of this section will be given a surplus release date effective 60 calendar days after the receipt of the report in the appropriate GSA office. This date may be shortened or extended according to utilization objectives and the remaining useful shelf life. However, CSA offices will handle the screening of medical shelf-life items to permit their use before the shelf life expires, and the items are unfit for human use.

(e) Medical shelf-life items held for national emergency purposes which have a remaining useful life of 3 or more months and which are not reportable in accordance with § 101–43.4901 shall be made available for use by another Federal agency as provided in § 101–43.306. Upon determination that such items are excess, a surplus release date shall be established by the holding agency providing a minimum of 21 calendar days for selection of the items for Federal use. In the instance of controlled substances (as defined in § 101–43.001–4), each agency shall comply with §§ 101–43.309 and 101–43.313–1.

(f) Transfers among Federal agencies of medical materials and supplies held for national emergency purposes and determined to be excess shall be accomplished in accordance with § 101–43.315, except that such transfers shall be made upon such terms and prices as shall be agreed to by the Federal agencies concerned (including the organizations specified in § 101–46.301). Proceeds from such transfers may be credited to the current applicable appropriation or fund of the transferring agency and shall be available only for the purchase of medical materials or supplies for national emergency purposes.

(g) Medical materials and supplies held for national emergency purposes and determined excess property, for which a surplus release date has been established in accordance with paragraphs (d) or (e) of this section, and which are not transferred to other agencies, shall become surplus at the close of business on the surplus release date.

(h) Medical materials and supplies held for national emergency purposes and determined to be surplus shall not be disposed of until after the 21 calendar days for donation program screening in accordance with Part 101–44. If no donation action is initiated during the period for donation screening, items shall be disposed of in accordance with Part 101–45.

5. Section 101–43.313–10 is redesignated as § 101–43.313–11 and is revised as follows:

§ 101–43.313–11 Nonappropriated fund property.

(a) Nonappropriated fund property determined to be excess shall be made available for transfer as provided in this Part 101–43.

(b) Transfers of excess nonappropriated fund property shall be made upon such terms as shall be agreed upon by the owning agency and the receiving agency. However, agencies offering such property for transfer shall not require reimbursement greater than the best estimate of the gross proceeds if the property were to be sold on a competitive bid or the dollar value offered on a trade-in.

6. Section 101–43.316–1(a)(4) is revised as follows:

§ 101–43.316–1 Utilization.

(a) * * *

(4) Nuclear Regulatory Commission-controlled materials.

* * * * *

7. Section 101–43.318–2 is revised as follows:

§ 101–43.318–2 Nonreportable property.

Property excepted from the reporting requirements of § 101–43.311 shall become surplus when, after determination by the holding agency that it is excess, the property has been held available for Federal use for a minimum of 21 calendar days in accordance with the provisions of § 101–43.306 and has not been selected for transfer to other Federal agencies. Holding agencies shall annotate property records in a manner that will indicate to authorized Federal agency representatives the date of the excess determination by the holding agency. The surplus release date will be the day on which the Federal utilization screening period ends, and the property will become surplus at the close of business on that day. The surplus release date will normally occur 21 calendar days after the holding agency determines the property to be available for screening as excess, unless extended by GSA. Authorized Federal agency representatives may request and, with the approval of GSA, holding agencies will grant additional time not to exceed 30 calendar days unless otherwise agreed to by the holding agency concerned to complete selection for Federal use when the time provided is insufficient. Any additional extension of time shall be as mutually agreed upon by the holding agency and the GSA regional office concerned. The release as surplus of property not transferred to other Federal agencies will be deferred by the same lengths of time. During the screening period following the determination that the property is excess, no holding agency shall take for its use any property in its custody which has been selected by a GSA area utilization officer for further screening or transfer for utilization, except with the approval of the appropriate GSA regional office; provided that holding activities may withdraw such property to meet their essential emergency requirements without this prior approval. The appropriate GSA regional office shall be notified of any such actions. This section is applicable to all nonreportable excess property other than perishables, dangerous property, classified property, trading stamps, and Nuclear Regulatory Commission-controlled materials.

Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

1. Section 101–43.400 is revised as follows:

§ 101–43.400 Scope of subpart.

This Subpart 101–43.4 prescribes the policies and methods for the utilization and transfer within the Government of forfeited or voluntarily abandoned personal property subject to the provisions of 40 U.S.C. 304 (f) through (m) and abandoned and other unclaimed property found on premises owned or leased by the Government subject to the provisions of 40 U.S.C. 484(m), which may come into the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands. Property in this category located elsewhere shall be utilized and transferred in accordance with the regulations of the agency having custody thereof.

2. Section 101–43.402–5 is amended as follows:

§ 101–43.402–5 Property required to be reported.

* * * * *

(d) * * *

(1) Controlled substances (as defined in § 101–43.001–4), regardless of quantity, condition, or acquisition cost, shall be reported to the Drug Enforcement Administration, Department of Justice, Washington, DC 20537.

* * * * *

PART 101–44—DONATION OF PERSONAL PROPERTY

1. The table of contents for Part 101–44 is amended to reserve Subpart 101–44.2 and § 101–44.706 and to add the following new entries:

Sec.

101–44.001	Definitions of terms.
101–44.001–1	Agricultural commodity.
101–44.001–2	Distilled spirits.
101–44.001–3	Donable property.
101–44.001–4	Donee.
101–44.001–5	Educational institution.
101–44.001–6	Eleemosynary institution.
101–44.001–7	Local government.
101–44.001–8	Malt beverage.
101–44.001–9	Motor vehicle.
101–44.001–10	No commercial value.
101–44.001–11	Public body.
101–44.001–12	Public health institution.
101–44.001–13	Service educational activity.
101–44.001–14	State.
101–44.001–15	State agency for surplus property.
101–44.001–16	Wine.

Subpart 101–44.2 [Reserved]

101–44.706 [Reserved]

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1. Section 101–44.000 is revised as follows:

§ 101–44.000 Scope of part.

This part prescribes policies and methods governing the donation of surplus personal property located within the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands, and the donation of foreign excess personal property designated for return to the United States.

2. Sections 101–44.001 through 101–44.001–16 are added as follows:

§ 101–44.001 Definitions of terms.

For the purposes of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101–44.001–1 Agricultural commodity.

"Agricultural commodity" means a product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

§ 101–44.001–2 Distilled spirits.

"Distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

§ 101–44.001–3 Donable property.

"Donable property" means surplus equipment, materials, books, or other supplies under the control of an executive agency (including surplus property in working capital funds established under 10 U.S.C. 2208, or in similar management-type funds) except:

(a) Such property as may be specified from time to time by the Administrator of General Services;

(b) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling to assist him in carrying out his responsibilities with respect to price support or stabilization;

(c) Property in trust funds; or

(d) Nonappropriated fund property.

§ 101–44.001–4 Donee.

"Donee" means a service educational activity; a State, political subdivision, municipality, or tax-supported institution acting on behalf of a public airport; an eligible educational, public health, or civil defense institution or organization, acting by and through a State agency for surplus property; the American National Red Cross; a public body; or an eleemosynary institution.

§ 101–44.001–5 Educational institution.

"Educational institution" means any tax-supported school system, school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station, and any nonprofit school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and any public library which serves free all residents of a community, district, State, or region, and receives its financial support in whole or in part from public funds.

§ 101–44.001–6 Eleemosynary institution.

"Eleemosynary institution" means a nonprofit institution organized and operated for charitable purposes, whose net income does not inure in whole or in part to the benefit of shareholders or individuals, which shall have filed with the Regional Administrator, GSA Region 3, a satisfactory statement establishing such status.

§ 101–44.001–7 Local government.

"Local government" means a government, or administration of a locality, within a State or a possession of the United States.

§ 101–44.001–8 Malt beverage.

"Malt beverage" means a potion made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops or their parts or products, and with or without other malted cereals, and with or without addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

§ 101–44.001–9 Motor vehicle.

"Motor vehicle" means a conveyance, self-propelled or drawn by mechanical power, designed to be principally operated on the streets and highways in the transportation of property or passengers.

§ 101–44.001–10 No commercial value.

"No commercial value" means personal property which is not usable and cannot economically be rehabilitated by anyone for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.

§ 101–44.001–11 Public body.

"Public body" means any State, territory, or possession of the United States, any political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, any agency or instrumentality of any of the foregoing, any Indian tribe, or any agency of the Federal Government.

§ 101–44.001–12 Public health institution.

"Public health institution" means any tax-supported medical institution, hospital, clinic, or health center, any other nonprofit medical institution, hospital, clinic, or health center which has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and any State department of health or other State agency designated by State law to receive property for and distribute it to such tax-supported and nonprofit medical institutions, hospitals, clinics, and health centers within the State.

§ 101–44.001–13 Service educational activity.

"Service educational activity" means any educational activity designated by the Secretary of Defense as being of special interest to the armed services; i.e., maritime academies or military, naval, Air Force, or Coast Guard preparatory schools.

§ 101–44.001–14 State.

"State" means the 50 States and the territories and possessions of the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

§ 101–44.001–15 State agency for surplus property.

"State agency for surplus property" means the agency designated by State law to receive surplus personal property for distribution to eligible educational, public health, and civil defense institutions or organizations.

§ 101–44.001–16 Wine.

"Wine" means: (a) The product defined in 26 U.S.C. 5381 and 5385 as now in force or hereafter amended; and

(b) Other alcoholic beverages not so defined, but made in the manner of wine (including sparkling and carbonated wine); wine made from condensed grape must; wine made from other agricultural products than the juice of sound, ripe grapes; imitation wine; and compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 percent and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

3. Subpart 101–44.2 is deleted and reserved as follows:

Subpart 101–44.2 [Reserved]

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

1. In § 101–44.304 paragraphs (a) and (b) are revised as follows:

§ 101–44.304 Donation screening period.

(a) A period of 21 calendar days following the surplus release date (see § 101–43.001–21) shall be provided to set aside surplus reportable and nonreportable property determined to be usable and necessary for donation purposes. Reportable surplus property will be set aside for donation when an application for donation is submitted to a GSA regional office for approval within the donation screening period, and an informational copy is sent to the holding agency. Nonreportable surplus property will be set aside for donation upon notification to a holding agency within the donation screening period by a responsible Federal official or by an authorized donee representative that the property is usable and necessary for donation purposes. Each holding agency shall annotate nonreportable property records to indicate to authorized donee representatives or responsible Federal officials the date of the surplus determination by the holding agency.

(b) During the prescribed 21-day donation screening period, applications for surplus personal property will be processed by GSA regional offices in accordance with the following sequence:

* * * * *

2. In § 101–44.319 paragraph (b) is revised as follows:

§ 101–44.319 Expedited donation screening of surplus electronic property.

* * * * *

(b) *Availability of electronic property.* Surplus electronic property for which the holding activity maintains accountability by weight or line item, and which is salvage or scrap (as defined in §§ 101–43.001–17 or 101–43.001–18) may be made available for donation screening. This property will be classified under FSC Groups 58, 59, 66, and 69 but may include similar electronic items classified under other FCS Groups. Items which are not electronic items such as aircraft and missile parts and components, test or laboratory equipment, or maintenance equipment and supplies will not be included in the screening.

* * * * *

3. In § 101–44.321 paragraph (a) is revised as follows:

§ 101–44.321 Drugs, biologicals, and reagents other than controlled substances.

(a) Surplus drugs, biologicals, and reagents in FSC 6505 which are not required to be destroyed as provided in § 101–45.505 may be donated for educational, public health, and civil defense purposes. If the report of excess or other communication from the holding activity listing the drugs, biologicals, and reagents indicates any items which are unfit for human use, GSA will not offer these items for donation. Controlled substances (as defined in § 101–43.001–4) shall not be donated for any purpose.

* * * * *

Subpart 101–44.6—Donation of Abandoned and Forfeited Personal Property

Section 101–44.600 is revised as follows:

§ 101–44.600 Scope.

This subpart prescribes the policies and methods governing the donation by Federal agencies of abandoned and forfeited property in their custody or control in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

Subpart 101–44.7—Donation of Foreign Excess Personal Property

1. Section 101–44.706 is deleted and reserved as follows:

§ 101–44.706 [Reserved]

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

1. The table of contents for Part 101–45 is amended to reserve Subpart 101–45.2 and to add the following new entries:

Sec.
101–45.001 Definitions of terms.
101–45.001–1 Auction.
101–45.001–2 Cotton or woolen goods.
101–45.001–3 Firearms.
101–45.001–4 Identical bids.
101–45.001–5 Line item.
101–45.001–6 Reviewing authority.
101–45.001–7 Small business concern.

Subpart 101–45.2 [Reserved]

2. Section 101–45.000 is revised as follows:

§ 101–45.000 Scope of part.

This part prescribes policies and methods governing the disposal by public sale, abandonment, or destruction of personal property (including salvage, scrap, and waste materials) owned by the Government when this property is no longer needed for use in authorized programs or is being replaced by a similar type of property and is located within the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

3. Sections 101–45.001 thru 45.001–7 are added as follows:

§ 101–45.001 Definitions of terms.

For the purposes of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 11–45.001–1 Auction.

"Auction" means a sale by outcry, orally soliciting bids by gradual increase using a rhythmic chant calling the amount bid and the increased amount being solicited until the highest bid is received.

§ 101–45.001–2 Cotton or woolen goods.

"Cotton or woolen goods" means any textile, article, or product resulting from the processing or manufacturing, in whole or in major part, of cotton or wool.

§ 101–45.001–3 Firearms.

"Firearms" means a weapon which is designed to expel a projectile or projectiles by the action of an explosive, and a muffler or silencer for the weapon.

§ 101–45.001–4 Identical bids.

"Identical bids" means two or more bids received for the same line item of an invitation for bids issued under formal advertising procedures which:

(a) Appear on the face of the bids to be identical as to unit price or total amount; or

(b) Are found, in the contracting agency's normal process of evaluating bids for award, to be identical as to unit price or total amount.

§ 101–45.001–5 Line item.

"Line item" means: (a) A single line entry on a reporting form which indicates a quantity of personal property located at any one activity having the same description, condition code, and unit cost; or

(b) An item of personal property specified in an invitation for bid which, under the terms of the invitation, is susceptible to a separate contract award.

§ 101–45.001–6 Reviewing authority.

"Reviewing authority" means a local, regional, or departmental board of review of an executive agency.

§ 101–45.001–7 Small business concern.

"Small business concern" means any concern or group of concerns which qualifies as a "small business concern" under governing standards of the Small Business Administration. (See 13 CFR Part 121.)

4. Subpart 101–45.2 is deleted and reserved as follows:

Subpart 101–45.2 [Reserved]

Subpart 101–45.3—Sale of Personal Property

In § 101–45.309–6 the introductory text is amended as follows:

§ 101–45.309–6 Controlled substances.

Surplus controlled substances (as defined in § 101–43.001–4) which are not required to be destroyed as provided in § 101–45.505 may be offered for sale by sealed bid in accordance with this Subpart 101–45.3 provided:

* * * * *

Subpart 101–45.4—Disposal of Abandoned and Forfeited Property

Section 101–45.400 is revised as follows:

§ 101–45.400 Scope of subpart.

This Subpart 101–45.4 prescribes the policies and methods governing the disposal of abandoned or other unclaimed, voluntarily abandoned, or forfeited personal property which may come into the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands. Property in this category located elsewhere shall be disposed of under the regulations of the agency having custody thereof.

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

1. The table of contents for Part 101–46 is amended to reserve Subpart 101–46.1 and to add the following new entries:

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Sec.
101-46.001 Definitions of terms.
101-46.001-1 Acquire.

Subpart 101-46.1 [Reserved]

2. Sections 101-46.001 and 101-46.001-1 are added as follows:

§ 101-46.001 Definitions of terms.

For the purpose of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101-46.001-1 Acquire.

"Acquire" means procure, purchase, or obtain in any manner, except by lease, including transfer, or manufacture, or production at Government-owned or operated plants or facilities.

3. Subpart 101-46.1 is deleted and reserved as follows:

Subpart 101-46.1 [Reserved]

Subpart 101-46.2—Authorization

Section 101-46.202(d)(6) is revised as follows:

§ 101-46.202 Restrictions and limitations.

. . . . . .

(d) • • •

(6) The sale, transfer, or exchange of Nuclear Regulatory Commission-controlled materials (as defined in § 101-43.001-1) except in accordance with applicable regulations of the Nuclear Regulatory Commission. (See 10 CFR Parts 30, 40, and 70.)

. . . . . .

Subpart 101-46.4—Disposal

Section 101-46.407 is revised as follows:

§ 101-46.407 Reports.

Within 90 calendar days after the close of each fiscal year, executive agencies shall submit a summary report in letter form on the transactions made under this part during the fiscal year except for transactions involving books and periodicals. Negative reports are required. Total acquisition cost for property exchanged and total acquisition cost for property sold shall be furnished by two-digit Federal Supply Classification Groups. These data shall be separated into two categories: (a) The States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands; and (b) all other areas of the world. The summaries shall not include any property that was initially designated for exchange/sale but which was transferred for further Federal utilization. Reports shall be addressed to the General Services Administration (FW), Washington, DC 20406. The report required by this regulation has been assigned Interagency Reports Control Number 1528-GSN-AN as set forth in Subpart 101-11.11 of this chapter.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 2, 1976.

Dated: May 21, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-15888 Filed 6-1-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-429]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Application Procedures

Correction

In FR Doc 76-14722, appearing on page 20660 of the issue for Thursday, May 20, 1976, in § 63.52(b), the word "Commissioner" appearing in the sixth line should read as follows: "Commission".

[FCC 76-427]

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

Revision and Consolidation of FCC Forms 402 and 402-S

Correction

In FR Doc. 76-14725 appearing in the issue for Thursday, May 20, 1976, on page 20679 in the third column, the second line of § 94.27(a)(1) the word "operation-fixed" should appear as follows: "operational-fixed".

[Docket No. 20508]

PART 76—CABLE TELEVISION SERVICES

Channel Capacity and Access Channel Requirements; Correction

In the matter of amendment of Part 76 of the Commission's rules and regulations concerning the cable television channel capacity and access channel requirements of § 76.251.

In the report and order in the above-entitled matter, FCC 76-313, adopted April 1, 1976, released May 13, 1976, and published in the FEDERAL REGISTER at 41 FR 20665, paragraph 8 of the Appendix is corrected to read as follows:

8. In § 76.305, paragraph (a)(7) is revised to read as follows and paragraph (c) is amended to delete, "§§ 76.95(d), 76.205(c), 76.251(a)(11), 76.253(b)(3), and 76.311(f)" after the words "periods specified in" and substitute "§§ 76.95(d), 76.205(c), 76.221(f), 76.225(a), 76.256(d), and 76.311(f)."

§ 76.305 Records to be maintained locally by cable television systems for public inspection.

(a) • • •

(7) A copy of all records which are required to be kept by § 76.95(d) (network program nonduplication private agreements); § 76.205(c) (origination cablecasts by candidates for public office); § 76.221(f) (sponsorship identification); § 76.225(a) (subscription cablecasting); § 76.256(d) (operating rules for access channels); § 76.311(f) (equal employment opportunities);

. . . . . .

Released: May 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-15398 Filed 6-1-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1215, Amdt. No. 2]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Soo Line Railroad Co.

MAY 27, 1976.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of May, 1976.

Upon further consideration of Service Order No. 1215 (40 FR 24906 and 40 FR 56444) and good cause appearing therefor:

It is ordered, That: Service Order No. 1215 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1215 Chicago and North Western Transportation Company authorized to operate over tracks of Soo Line Railroad Company.

. . . . . .

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

. . . . . .

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379,, 383, 384, as amended 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in

the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne and William J. Love. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16001 Filed 6-1-76;8:45 am]

[Ex Parte No. MC-85]

PART 1062—SPECIAL REGULATIONS FOR FOR-HIRE MOTOR CARRIERS ENGAGED IN THE TRANSPORTATION FOR RECYCLING OR REUSE OF "WASTE" PRODUCTS OF RECOGNIZED POLLUTION CONTROL PROGRAMS

General Motor Carrier Licensing

The Interstate Commerce Commission is concerned with our environment and with the deterioration of our natural surroundings caused by pollution and by the misuse and depletion of our land and natural resources. In response to this concern it instituted a proceeding to examine whether a streamlined application procedure is required to allow motor carriers to transport "waste" products for reuse and recycling in furtherance of a recognized pollution control program.

One of the major efforts presently underway to clean up the environment is the establishment of collection centers for containers, glass bottles, newspapers, and other items which have heretofor contributed to the Nation's serious litter problem. These items, however, can be returned to the manufacturing process for recycling and reuse. This prospect has the dual benefit of conserving natural resources by less dependence on virgin materials and by helping to alleviate the litter problem.

It is evident that transportation necessarily will play a large part in any effort to channel "waste" products back into the manufacturing cycle. It is often the case that these collection centers are not located in close proximity to the manufacturing plants where they can be recycled. Many sponsors of such recycling programs have indicated that the lack of adequate motor carrier transportation (the availability of for-hire motor carriers possessing the requisite authority to haul these commodities) has been a serious problem.

The Commission on its own motion instituted a proceeding in order to examine whether there was some action it could take among the for-hire motor carriers it regulates to encourage carriers to transport the recyclable commodities pursuant to the pollution control programs. It was recognized that the commodities involved are generally of low value and not that attractive to motor carriers, especially considering the procedures which are normally involved in obtaining authority for their transportation. It concluded that the best method for encouraging motor carriers to participate in the movement of "waste" products for reuse would be to substantially reduce the procedures and time which are normally required when a motor carrier applies for authority to transport a specific commodity over a specified route.

In order to do this, the Commission instituted a rulemaking proceeding pursuant to sections 204, 206, 207, 208, and 210 of the Interstate Commerce Act and sections 553 and 559 of the Administrative Procedure Act in order to determine prospectively whether the public convenience and necessity require adoption of the special procedures for motor carriers seeking authority to transport "waste" products in furtherance of recognized pollution control programs. The Commission has determined that the operations as proposed will serve a useful public purpose, responsive to a public demand or need; that it cannot be served as well by existing carriers, and that the new service can be instituted without endangering or impairing the operations of existing carriers. Consequently, a Special Certificate of Public Convenience and Necessity has been issued.

While the Commission has found that a public need exists for this new service, there are certain factual questions which must be examined before a motor carrier may transport traffic pursuant to this Special Certificate. Therefore, a carrier seeking to participate must file a sworn and notarized statement setting forth, among other things, a copy of the carrier's tariff pursuant to which the service authorized will be performed, a statement describing the pollution control program or programs in which the carrier intends to participate, a statement of operational feasibility, and a statement demonstrating applicant's fitness. In addition, the sponsors of pollution control programs in which a carrier intends to participate must also file a sworn and notarized statement indicating, among other things, the specific commodities they seek to have transported, whether these commodities have been transported in the past, and, if so, by what means of transportation, and whether there exists an organized and regular campaign against litter. Once these statements have been received, the Commission will publish a notice in the FEDERAL REGISTER indicating the carrier's intent to participate in the Special Certificate. Protests to the notice must be received by the Commission within 20 days of the date of that publication, and the carrier may commence operations within 30 days of publication unless notified by the Commission that it is ineligible to participate.

In order to encourage carriers to seek participation in this service, the traditional filing fee and the requirement to file an annual report are not required.

Issued at Washington, D.C., April 6, 1976.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of April 1976.

It appearing, That the Commission, on the date hereof has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It is ordered, That Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified by changing Part 1062 to read as set forth below.

And it is further ordered, That notice of regulations adopted in this report shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested persons.

[49 U.S.C. 304, 306, 307, 308, and 310, and 5 U.S.C. 553 and 559]

By the Commission.

ROBERT L. OSWALD,
Secretary.

Section 1062.1 is revised to read as follows:

§ 1062.1 Special procedures for for-hire motor carriers engaged in the transportation for recycling or reuse of "waste" products in furtherance of recognized pollution control programs.

(a) *Scope of special rules.* These special rules govern the filing and handling of applications seeking the right to operate pursuant to a special certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, by motor vehicle over irregular routes, of "waste" products for recycling or reuse in furtherance of recognized pollution control programs, between all points in the United States (including Alaska and Hawaii), subject to certain terms, conditions, and restrictions set forth in the certificate in paragraph (e) of this section.

(b) *Applications for a special certificate.* Motor carriers desiring to perform operations pursuant to the special certificate of public convenience and necessity set forth in paragraph (e) of this section must file with this Commission a sworn and notarized request (which may be in letter form) containing the following: (1) The name and address of the carrier's representative to whom inquiries may be made, (2) the designation of the carrier's statutory agent for service of process within each of the United States (Form BOC-3), (3) evidence of the carrier's insurance coverage (Forms BMC-90 and BMC-91) or a statement that such evidence is currently on file at this Commission, (4) a copy of the carrier's tariff (in addition to the three copies filed with this Commission's Bureau of Traffic) pursuant to which the service authorized by these rules will be performed, which tariff must specify (i) the territory or points to be served, (ii) the specific commodities to be transported, and (iii) the rates to be charged (said tariff cannot be made effective for at least 30 days after the date such tariff

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is filed with this Commission unless special permission has been granted), (5) a statement that all State regulatory agencies have been notified of the carrier's application to become a party to the special certificate embodied in paragraph (e) of this section, (6) a statement describing the pollution control program or programs in which the carrier intends to participate, (7) a statement of operational feasibility, and (8) a statement demonstrating the applicant's fitness to perform the involved service. In addition a sworn and notarized statement (which may also be in letter form) from the sponsors of the pollution control program or programs must be filed and it must contain the following information: (i) The identity of the sponsors of the recognized pollution control program, (ii) the specific commodities they seek to have transported, (iii) whether these commodities have been transported in the past, and, if so, by what means of transportation, and (iv) whether there exists an organized and regular campaign against litter, and, if so, a description of such goals, the standards to achieve such goals, and personnel continuously engaged in pursuit of these goals.

(c) *Waiver of certain filing requirement.* Section 220(a) of the act respecting the filing of annual reports is suspended as to the operations authorized in the special certificate set forth in paragraph (e) of this section.

(d) *Notice.* This Commission will publish a notice in the FEDERAL REGISTER indicating the carrier's intention to participate in the special certificate of public convenience and necessity. Protests to such notices must be received at the Commission at Washington, D.C., within 20 days of the date of that publication. If the carrier is not otherwise informed by this Commission, operations may commence within 30 days of the date of publication in the FEDERAL REGISTER.

(e) *Certification.* Appropriate acknowledgement letters will be issued to notify motor carriers that they have been found eligible to operate pursuant to the special certificate of public convenience and necessity which reads as follows:

SPECIAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; EX PARTE NO. MC–85

DESIGNATED MOTOR CARRIERS PARTICIPATING IN THE TRANSPORTATION OF "WASTE" PRODUCTS FOR RECYCLING OR REUSE IN FURTHERANCE OR RECOGNIZED POLLUTION CONTROL PROGRAMS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of April 1976.

After due investigation, It appearing that the described carriers have complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, having complied with all the requirements established by the Commission in its report in Ex Parte No. MC–85, entered April 6, 1976, are, therefore, entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as motor carriers; and the Commission so finding:

It is ordered, That the said carriers be, and they are hereby, granted this special certificate of public convenience and necessity as evidence of the authority of the holders to engage in transportation in interstate or foreign commerce as common carriers by motor vehicle subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carriers.

It is further ordered, And is made a condition of this certificate that the holders thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority granted, and that failure to do so shall constitute sufficient grounds for suspension, change, or revocation of this certificate as to any such holder.

And it is further ordered, That the transportation service to be performed by the said carriers in interstate or foreign commerce shall be as follows:

Between all points in the United States, in the Transportation of "waste" products for recycling or reuse in the furtherance of recognized pollution control programs.

TERMS, CONDITIONS, AND LIMITATIONS

The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by the said participating carrier shall not be construed as conferring more than one operating right.

Any motor carrier with contract carrier authority to transport commodities similar to those authorized in the above-described certificate for any of the shippers participating in pertinent pollution control programs shall not be permitted to transport the involved commodities for the same shipper as a common carrier under the authority granted herein. The right of the Commission to impose in the future such terms, conditions, or limitations as may be necessary to insure that any participating carrier's operations conform to the requirements of the Interstate Commerce Act, including section 210 thereof, is hereby expressly reserved.

The authority granted herein does not authorize the transportation of newly manufactured commodities or commodities not in the recycling process in furtherance of a recognized pollution control program.

The authority granted herein shall not hereinafter be severed by sale or otherwise.

The authority granted herein will expire 3 years from the date of approval unless a request for extension is submitted not earlier than 2 years after the date of issuance nor later than 90 days before the expiration date; and that such request for extension must include a performance report documenting (a) the commodities transported, (b) the quantity of traffic, (c) revenues derived therefrom, (d) origins and destinations of traffic handled, and (e) any other pertinent data; and that the present and future public convenience and necessity warrant granting the extension.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–16000 Filed 6–1–76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT, FEDERAL HOUSING COMMISSIONER, FEDERAL HOUSING ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–76–336]

PART 275—LOW RENT PUBLIC HOUSING PROTOTYPE COST LIMITS; KANSAS

New Prototype Cost Area

In the FEDERAL REGISTER issued June 10, 1975 (40 FR 24818), prototype per unit cost schedules were published pursuant to section 15(5) of the United States Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Topeka, Kansas Insuring Office indicates that a new prototype cost area should be established for Holton, Kansas.

Written data, views or statements should be filed with the Director, Office of Underwriting Standards, HUD Central Office, 451 7th Street, S.W., Room 6156, Washington, D.C. 20410, and a copy should be sent to the local HUD Area Office. The offices were listed in our publication of June 10, 1975.

The new prototype per unit cost schedule reflects cost limits as of May 1, 1976, for the new area, and will be included in the upcoming 1976 Annual Update of Prototype Cost Limits.

Accordingly, 24 CFR, Part 275 is amended as follows: Following Page 40 FR 24864, in the appendix, add a new prototype per unit cost schedule for Holton shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule—Region VII.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d).)

Effective date: This amendment is effective June 2, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

Prototype per unit cost schedule—region VII

	0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms	5 bedrooms	6 bedrooms
Holton, Kans.:							
Detached and semidetached	14,900	18,000	22,250	26,400	31,800	35,400	37,100
Row dwellings	12,950	15,450	19,200	22,800	27,500	30,700	32,000
Walk-up	10,850	13,600	17,250	20,300	23,550	26,050	27,200
Elevator-structure	13,450	21,400	27,050				

[FR Doc.76–15925 Filed 6–1–76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI–1192]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards, within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
•	•	•	•	•	•
Alabama	Russell	Phenix City, city of	May 24, 1976, emergency		010184
Arkansas	Pope	Dover, city of	do	Apr. 18, 1975	050321
Georgia	Jefferson	Stapleton, town of	do	Apr. 4, 1975	130433
Kentucky	Carroll	Worthville, city of	do	Jan. 23, 1974	210049
New Hampshire	Sullivan	Grantham, town of	do	Jan. 24, 1975	330158
Pennsylvania	Armstrong	Pine, township of	do	Sept. 20, 1974	421312
Do	Montgomery	Upper Salford, township of	do	Dec. 6, 1974	421918
West Virginia	Lincoln	Unincorporated areas	do	July 18, 1975	540068
•	•	•	•	•	•
Alabama	Pickens	Unincorporated areas	May 25, 1976, emergency	Jan. 17, 1975	010283
Georgia	Fayette	Fayetteville, city of	do	Apr. 25, 1975	130431
Michigan	Genesee	Goodrich, village of	do		260397
Nebraska	Butler	Linwood, village of	do	Oct. 25, 1974	310038A
New York	Chenango	North Norwich, town of	do	Feb. 21, 1975	361069
Ohio	Huron	Wake Man, village of	do	Nov. 8, 1973	390288
Oklahoma	Ottawa	Picher, city of	do		400159
Wisconsin	Waukesha	Lac LaBelle, village of	do	Jan. 31, 1975	550565
•	•	•	•	•	•
New York	Lewis	Port Leyden, village of	May 26, 1976, emergency	July 11, 1975	361064
•	•	•	•	•	•
Connecticut	New London	Lebanon, town of	May 27, 1976, emergency	Jan. 24, 1975	090155
Illinois	Pike	Florence, village of	do	Dec. 17, 1973	170552A
				Jan. 30, 1976	
Missouri	Barry	Exeter, city of	do	June 27, 1975	290590
New York	Columbia	Valatie, village of	do		361568A
North Dakota	Bottineau	Willow City, city of	do	Nov. 15, 1974	380011
•	•	•	•	•	•
Missouri	Worth	Grant City, city of	May 28, 1976, emergency	July 11, 1975	290738
New York	Cattaraugus	Mansfield, town of	do	May 31, 1974	360085
Do	St. Lawrence	Pierrepont, town of	do	Jan. 17, 1975	361427
North Carolina	Wilkes	Unincorporated areas	do	Dec. 20, 1974	370256
Ohio	Hamilton	Addyston, village of	do	Mar. 1, 1974	390295
Do	Trumbull	Orangeville, village of	do	Apr. 18, 1975	390751
Wyoming	Albany	Laramie, city of	do	Apr. 5, 1974 Feb. 6, 1976	560002A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: May 20, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15792 Filed 6–1–76;8:45 am]

DEPARTMENT OF HOUSING AND ... ria for flood plain management in identi-

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

HANDLING OF SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Grade, Size, Container Requirements

This notice proposes minimum grade, size, and container requirements for sweet cherries grown in central Washington for the period July 1, 1976, through June 30, 1977. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 16, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation reflects the Washington Cherry Marketing Committee's appraisal of the need for regulation and of the crop and current and prospective marketing conditions. It would become effective July 1, 1976, and is the same Cherry Regulation 14 (40 FR 27463) currently in effect through June 30, 1976. Shipments of sweet cherries from the production area will be in progress when the proposed requirements are to become effective.

Under the proposal, shipments of cherries would be required to grade U.S. No. 1 or better, except for a small increase in the tolerance for defects. The cherries would also need be $^{48}/_{64}$ inch in diameter or larger in all containers, except for those in face-packed containers, 20-pound containers or larger, or experimental containers, for which the minimum size would be $^{54}/_{64}$ inch. The proposed container requirements would specify the minimum amount of cherries, by weight, which need be in the various types of containers. Individual shipments of cherries up to 100 pounds sold for home use and not for resale would be excepted from the grade, size, and container requirements, if certain conditions were met to prevent their movement into commercial markets.

The proposed grade and size requirements are designed to ensure the shipment of ample supplies of cherries of the better grades and more desirable sizes in the interest of producers and consumers, and to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-sized cherries when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed container requirements are designed to prevent deceptive packaging practices and to promote buyer confidence.

Section 923.315 is proposed to read as follows:

§ 923.315 Cherry regulation 15.

(a) *Grade and sizes.* During the period July 1, 1976, through June 30, 1977, no handler shall handle, except as otherwise provided in paragraphs (b) and (c) of this section, any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) U.S. No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided*, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) At least 95 percent, by count, of the cherries in the lot shall measure not less than $^{48}/_{64}$ inch in diameter, except as hereinafter provided in paragraph (b)(2)(ii) and paragraph (a)(3) of this paragraph.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than $^{54}/_{64}$ inch in diameter and not more than 5 percent, by count, of such cherries may be less than $^{48}/_{64}$ inch in diameter.

(b) *Containers.* During the period July 1, 1976, through June 30, 1977, no handler shall handle any lot of cherries, unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of paragraphs (b)(2)(i) and (ii) hereof, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than $^{54}/_{64}$ inch in diameter, and not more than 5 percent, by count, of such cherries may be less than $^{48}/_{64}$ inch in diameter.

(c) *Exceptions.* Notwithstanding any other provisions of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) and (b) of this section, and of § 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(d) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (7 CFR 51.2646–51.2660); and "face-packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

Dated: May 27, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–15983 Filed 6–1–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI–1193]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

City of Manitowoc, Manitowoc County Wisconsin, Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Manitowoc, Manitowoc County, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the first floor Bulletin Board, City Hall, 817 Franklin Street, Manitowoc, Wisconsin 54220.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Anthony V. Dufek, 817 Franklin Street, Manitowoc, Wisconsin 54220. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Manitowoc River	Chicago & Northwestern R.R.	585	60	0
	Broadway St. (extended)	588	0	500
	North 41st St. (extended)	589	0	1,000
Little Manitowoc River.	Waldo Blvd.	588	60	0
	Cleveland Ave.	584	60	50
	At corporate limits	589	40	200
Silver Creek	South 10th St.	608	120	0
			Width in feet from shoreline to 100-yr flood boundary	
Lake Michigan	South of Green St.	584	At Shoreline.	
	North of Park St.	584	Do.	
	Commercial St.	584	20.	
	Columbus St. (extended)	584	20.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15793 Filed 6–1–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2002]

BOROUGH OF SADDLE RIVER, NEW JERSEY

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the borough of Saddle River.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Saddle River must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Municipal Building, East Allendale Road, Saddle River, New Jersey 07458.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Duncan H. Cameron,

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Municipal Building, East Allendale Road, Saddle River, New Jersey 07458. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Saddle River	Allendale Rd	144	275	175
	Lower Cross Rd	118	55	35

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15928 Filed 6-1-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[EDR-296A; Docket 29139]

PRIORITY RULES, DENIED-BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Reexamination of the Board's Policies Concerning Deliberate Overbooking and Oversales; Extension of Comment Period

MAY 27, 1976.

By Advance Notice of Proposed Rulemaking, EDR-296, 41 FR 16478, April 19, 1976, the Board gave notice that it has under consideration rulemaking action with respect to deliberate overbooking and oversales, including action to amend Part 250 of its Economic Regulations (14 CFR Part 250), so as to fully reexamine the Board's regulatory approach to these problems.

By telegraphic motion filed May 26, 1976, Trans World Airlines, Inc., (TWA) requested an extension of time for the filing of comments in response to EDR-296 until 10 days after the Board has acted on an earlier motion filed by TWA on May 19, 1976. The earlier motion, which is still pending, seeks to change the form of this proceeding from rulemaking to an investigation which would include an evidentiary hearing. Thus, TWA's present motion argues that if its motion of May 19, 1976 is granted, no rulemaking comments will be required, so that its requested extension would avoid the possibly unnecessary preparation of comments by interested persons.

Upon consideration of the foregoing, the undersigned finds that good cause has been shown for granting the relief requested. However, anticipating that a period of only 10 days after Board action on TWA's motion of May 19, 1976, could lead some of the parties to request a further extension of time after TWA's earlier motion has been decided by the Board, the undersigned has determined to extend the time for filing comments herein until 20 days after service of an order disposing of TWA's motion of May 19, 1976. It should be specifically noticed that, unless otherwise ordered by the Board, no further requests for extensions of time herein will be entertained.

Accordingly, pursuant to authority delegated in the Board's regulations contained in 14 CFR 385.20(d), the undersigned hereby extends the time for submitting comments in this proceeding until 20 days after the service of the Board order disposing of TWA's motion of May 19, 1976.

Procedures for seeking review of this action are set forth in the Board's regulations contained in 14 CFR 385.50 through 385.54.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 (49 U.S.C. 1324).)

[SEAL] SIMON J. EILENBERG,
Acting Associate General Council, Rules.

[FR Doc.76-15975 Filed 6-1-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20488; FCC 76-451]

BIOMEDICAL TELEMETRY EQUIPMENT

Standards for Design

1. On May 29, 1975, we released a notice of inquiry and proposed rule making (FCC 75-596, 40 FR 24742) in the above proceeding. We solicited comments on whether it was both necessary and appropriate to incorporate a standard for biomedical telemetry equipment design into our rules governing the Special Emergency Radio Service in the 460 MHz band, for the purpose of achieving nationwide compatibility, and if so, whether the standard proposed by the U.S. Interdepartmental Radio Advisory Committee (IRAC) was the proper one.

2. Biomedical telemetry equipment converts sensor readings of bodily functions, such as electrocardiograms, into a form suitable for electronic transmission, and sends this information, via radio or telephone circuits, to a hospital or other health care facility. Such equipment is used by emergency field personnel, e.g., paramedics, when attending a sick or injured person. These personnel receive instructions from experienced physicians on the care of the victim, based, at least in part, on the biomedical information sent.

3. The impetus for the proposed standard is the diversity of signal characteristics among the equipment produced by different companies for biomedical telemetry purposes. This has led to incompatibility between transmitters and receivers of different manufacture, with the result that a hospital receiver having technical characteristics different than those of the remote transmitter would be unable to receive the telemetry signal. In other words, a telemetry transmitter which is part of a biomedical telemetry system associated with one hospital, may be unable to communicate with another hospital system because of incompatible system characteristics. To alleviate this problem, the IRAC developed a standard for biomedical telemetry equipment which contains the minimum specifications necessary for operational intersystem compatibility. Subsequently, we were requested by the Office of Telecommunications Policy to consider incorporating this IRAC standard into our rules.

4. The IRAC standard requires that telemetry be transmitted on a subcarrier within a voice channel, and specifies the subcarrier frequency and deviation. It also gives the characteristics of the input signal, both voice and physiological, the composite output, voice signal, the maximum allowable levels of distortion and noise, the received signal processing characteristics, and the equipment calibration procedures. In addition, it incorporates by reference the Electronics Industries Association (EIA) Land Mobile Standards, and requires conformance to them.

5. Comments in response to the Notice were submitted by 14 parties.[1] Although some of the comments supported incorporating the proposed IRAC standard into our rules, the majority were opposed to this action. Telcom, Inc. suggested that only a sub-carrier frequency be specified in the rules, while Becton, Dickinson Electrodyne (B–D) submitted the only comment proposing a change in any element of the standard. It requested a sub-carrier frequency of either 1.3 kHz or 1.7 kHz in lieu of the specified 1.4 kHz.

6. We do not find merit in either the Telcom or the B–D suggestion. Specifying only the telemetry sub-carrier frequency will not lead to intersystem compatibility. Different modulation techniques, deviations, etc. results in incompatibility among equipments utilizing the identical sub-carrier frequency. With regard to specifying a different telemetry sub-carrier frequency, we note that the IRAC working group which developed the standard selected 1.4 kHz as the most appropriate after carefully analyzing all possible frequencies. In view of this and the fact that no other comment questioned the sub-carrier frequency, we do not feel justified in considering a different frequency. Hence, our decision in this proceeding will be whether to incorporate the IRAC standard as proposed into our rules.

[1] Comments were received from the American Hospital Association; the Associated Public-Safety Communications Officers, Inc.; Becton, Dickinson Electrodyne; the EMS Communications Interagency Work Group; the Emergency Medical Services Division of the Tennessee Department of Public Health; State of Florida; Department of Health, Education, and Welfare; State of Illinois; Motorola, Inc.; the National Ski Patrol System, Inc.; the New Jersey Hospital Association; Pioneer Medical Systems, Inc.; Telcom, Inc.; and Dr. Fred B. Vogt.

7. The parties who supported the adoption of the IRAC standard argued that uniformity in equipment design was required to assure intersystem compatibility. In its comments, the Federal EMS Communications Interagency Working Group asserted that "the proposed standard is a minimum performance standard for a multiplex or a non-multiplex voice telemetry system that assures compatibility and inter-operability." The Department of Health, Education, and Welfare noted that "incorporating the provisions of the subject biomedical telemetry standard into the rules of the FCC would provide a legal basis to assure complete compliance."

8. The comments opposing the incorporation of the standard into the Commission's rules contended that adopting the standard at the present time would deter advancements in the field of biomedical telemetry technology, which, they asserted, is young and changing. For example, APCO stated, "The telemetry standards here under consideration provide * * * for systems which are very basic in their design and capability. This greatly increases the possibility that these standards will soon prove a barrier to innovation if they are made a part of the federal regulatory framework." Similarly, Motorola said, "the EMS concept is still in its infancy, and as such, can be expected to be evolutionary in its development * * * one of the important features of an EMS system is the capability to both talk and send telemetry data over a single radio channel at the same time. This feature, called multiplexing, is not obtained without compromise, however, as the quality of the voice is noticeable degraded. There is current effort underway to develop new multiplex techniques which will not require the degree of compromise that is now necessary." Its conclusion is that "advances in the state-of-the-art, such as that just described, will be constrained by regulation. Such a result would not be in the public interest, and in fact must be avoided. This is particularly important for a service such as EMS, where the saving of a life is the prime purpose of the service."

9. This latter point was also emphasized by Pioneer Medical Systems, Inc. who pointed, "since the emergency medical services and pre-hospital patient care field is still in its infancy, it is absolutely essential for the ultimate benefit of the users that equipment development and introduction of new techniques continue * * *. It is believed that the introduction of an FCC standard for controlling biomedical telemetry equipment parameters would adversely affect the progress, and the introduction of new technologies."

10. As indicated from the comments, there is general agreement that the IRAC standard, if adopted, would contribute to achieving nationwide compatibility among biomedical telemetry systems. Moreover, most parties also agree that the IRAC standard is the best that can be developed at the present time. The primary controversy is whether it is now appropriate to specify a biomedical telemetry standard in our rules. The crux of this issue is that in adopting such a standard, we would also be inhibiting innovation in biomedical telemetry technology.

11. In this respect, the Commission agrees with those parties who urge that we provide full latitude for technological development in this field. The proposed standard necessarily contains very detailed specifications including signal levels and formats. As the telemetry technology develops, new techniques may arise, and in fact are already apparent, which makes one or more of those specifications obsolete when considered in the light of both the potential for adding life saving capability and of making the most effective use of the radio spectrum. Incorporating such changes could then only be accomplished by modification of the Rules standard. This in turn would be counter-productive to the goal of obtaining nationwide equipment compatibility. On the other hand, intersystem telemetry equipment compatibility can be accomplished on a regionalized basis through the mechanism of area-wide planning and coordination of medical response systems. This procedure is already contemplated in the Commission's rules and we note that the coordinated system approach is fast becoming a reality in medical radio operations throughout the country.

12. For these reasons, the Commission concludes that incorporating a biomedical telemetry equipment compatibility standard into our Rules at this time would not serve the public interest and we do not intend to propose rule making for this purpose. Nevertheless, the Commission fully supports efforts for intersystem equipment compatibility in this area. We strongly urge the development of area-wide medical radio systems, particularly those systems that incorporate central dispatch flexibility, consistent with the objectives of the IRAC standard. The Commission's staff, together with the many other Federal and State offices that are working together on these problems will continue to be available to provide guidance on developments in this area to the extent possible.

13. In consideration of the foregoing, *It is ordered*, That this proceeding is terminated.

Adopted: May 14, 1976.

Released: May 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc 76-15939 Filed 6-1-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20642]

STANDARD BROADCAST BAND

Clear Channel Broadcasting, Extending Time for Filing Comments and Reply Comments

1. In a notice of inquiry and notice of proposed rule making in the above-captioned proceeding (40 FR 58467), the dates for filing comments and reply comments were set at March 18, and April 19, 1976, respectively.

2. In an Order released March 10, 1976, those dates were extended to May 21 and June 25, 1976, respectively. The two-month extension of time was granted in response to a pleading of the Nebraska Broadcasters Association which requested a six-month extension. The Commission stated that while it sought to develop a sound record in this proceeding it found that a two-month extension would serve the public interest.

3. The Commission now has before it two motions: (1) Clear Channel Broadcasting Service (CCBS) requests an extension of time to September 21, 1976, for comments and November 22, 1976, for reply comments; and (2) the Association for Broadcast Engineering Standards, Inc. (ABES) requests that the dates be extended to September 21, 1976, and October 25, 1976, respectively.

4. CCBS states that (1) completion of several of the studies requested in the notice is not possible within the present time schedule as a result of delays in the furnishing of underlying information; (2) in discussing the role FM broadcasting might play in providing primary coverage to areas not receiving primary service from AM stations, the Commission stated in the notice that it would conduct a study of existing FM service and place the results of this study in the record of this proceeding; (3) in a Public Notice released February 23, 1976, the Commission announced that maps were available showing FM coverage at the 1 millivolt and the 50 microvolt signal levels; (4) the Commission has not yet made available details of the methodology and premises used in developing these maps; and (5) without this background information, the maps are of little utility since it is impossible to evaluate the extent to which they realistically depict existing service.

5. CCBS goes on to say that in the notice, the Commission expressed concern as to the possible effects of interference from foreign stations and mentioned the need for an up-to-date examination of this situation. The Commission, it states, requested the participation of interested parties in determining the

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sources and levels of interference existing on U.S. I–A channels and noted that its Field Operations Bureau would expect to aid in this effort. CCBS states that the monitoring and evaluation of data available to CCBS cannot be completed until the Commission's monitoring reports are made available but that as of now the Commission has not released any such reports.

6. Finally, CCBS points to the fact that the Commission also requested interested parties to submit survey results showing the extent to which listeners residing in areas which receive no nighttime primary service rely on clear channel stations. CCBS mentions that in an effort to obtain meaningful data on this subject, the Commission entered into a contract with the American Research Bureau (ARB) concerning ARB's estimates of the clear channel audience in such areas, and that fairness requires that the results of the ARB surveys be made available to interested parties. However, it argues, that contract was executed on April 19, 1976, and allows thirty days for performance and it is not reasonable to expect that the ARB data will be available in time for evaluation in comments which must be filed by the present deadline.

7. ABES states that to date the status of the Commission's preparatory studies has not appreciably improved in the approximately two months since ABES filed its Statement of February 27, 1976; that the information in the docket concerning the crucial FM service study remains sketchy and incomplete; that all of the original questions about the meaning of the two service maps and the manner in which they were prepared remain unanswered; that the program of monitoring of Class I–A frequencies by the Commission's Field Operations Bureau to determine existing levels of interference on those channels is still in progress, and the data to be derived from that important study are not yet available for study by ABES and other parties; and that the study of public radio listening patterns which has been undertaken by a research organization commissioned by the Commission has not yet been completed and their important findings are not yet available to the public.

8. The Commission is still in the process of developing plans for undertaking monitoring studies. The audience survey results will not be available until the latter part of May, as noted by CCBS. The information concerning underlying studies pertinent to development of FM maps was placed in the docket on April 15, 1976. Under the circumstances, we find it necessary to extend the time in this proceeding in order to afford all parties an opportunity to have available all essential information for the filing of meaningful and helpful comments.

9. Accordingly, *it is ordered*, That the petition of Clear Channel Broadcasting Service is granted and the petition of the Association for Broadcast Engineering Standards, Inc. is granted in part and denied in all other respects and the dates for filing comments and reply comments are extended to and including September 21, 1976, and November 22, 1976, respectively.

10. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 7, 1976.

Released: May 11, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76–15940 Filed 6–1–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Administrator Determination No. 76–1]

ZAIRE

Foreign Assistance

Memorandum for The Honorable Stanley S. Scott and The Honorable William E. Schaufele, Jr.

Subject: Determination under section 620(q) of the Foreign Assistance Act of 1961, as amended (the "Act") that it is in the National Interest to Furnish Assistance under the Act to Zaire.

In accordance with the recommendation in your memorandum of May 14, 1976, and pursuant to the authority vested in me by section 620(q) of the Act, and delegations of authority issued thereunder, I hereby determine it is in the national interest of the United States to furnish assistance under the Act to Zaire notwithstanding that Zaire is more than six months in default in payment of principal and interest on loans made under the Act.

This determination shall be published in the FEDERAL REGISTER.

Dated: May 24, 1976.

DANIEL PARKER,
Administrator.

[FR Doc. 76–15949 Filed 6–1–76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76–155]

FOREIGN CURRENCIES

Certification of Rates

APRIL 30, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76–121 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:

April 26, 1976	$0.001122
April 27, 1976	.001123
April 28, 1976	.001119
April 29, 1976	.001114
April 30, 1976	.001110

(LIQ–3)

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc 76–15098 Filed 6–1–76;8:45 am]

[T.D. 76–157]

FOREIGN CURRENCIES

Certification of Rates

APRIL 30, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76–121 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:

May 3, 1976	$0.001108
May 4, 1976	.001090
May 5, 1976	.001091

(LIQ–3)

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc 76–13899 Filed 6–1–76;8:45 am]

[T.D. 76–161]

FOREIGN CURRENCIES

Certification of Rates

MAY 21, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76–121 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Ireland pound:

May 21, 1976	$1.7890

United Kingdom pound.

May 21, 1976	$1.7890

(LIQ–3)

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc.76–15900 Filed 6–1–76;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Notice of Meeting

The following notice supersedes a notice appearing in the FEDERAL REGISTER, Volume 41, number 94, dated May 13, 1976. The meeting previously announced for June 3, 1976 has been rescheduled for July 9, 1976.

The Veterans Administration gives notice pursuant to Public Law 92–463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room A–53 Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC on July 9, 1976 at 10 a.m. The meeting will be held for the purpose of reviewing the April 15, 1976 decision of the Director, Veterans Administration Regional Office, Indianapolis, Indiana, that benefits to all eligible persons enrolled in United Systems, Incorporated, 1600 W. Oliver Avenue, Indianapolis, Indiana be discontinued, effective April 30, 1976.

The meeting will be open to the public up to the seating capacity of the conference room. Seating capacity is limited, so it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief, Field Operations (223A) Education and Rehabilitation Service, Veterans Administration Central Office (phone 202–389–2850) prior to July 1, 1976.

Dated: May 27, 1976.

ODELL W. VAUGHN,
Acting Administrator.

[FR Doc 76–15992 Filed 6–1–76;8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Environmental Management Office, Directorate of Facilities Engineering, Ft. Benning, Georgia 31905. Attn: Gary W. Robinson.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Authorization is requested to study the activities and range of a colony of Red-cockaded woodpeckers & the effects of a forced relocation from the basic den trees as would occur from storm damage or other natural disaster. Studies will be conducted in cooperation with the Columbus Audubon Society and Dr. Jerome A. Jackson, Recovery Team Leader for this species.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Environmental Management Office
Directorate of Facilities Engineering
ATTN: Gary W. Robinson
Ft Benning, GA 31905

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
United States Army Infantry Center

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. G. W. Robinson, Chief (404) 545-4766 Environmental Mgt Ofc

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Sand Hill Training Complex
Fort Benning, GA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdiction and type of document)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: July 15, 1976
11. DURATION NEEDED: 90 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR Section 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Gary W. Robinson
DATE 25 May 1976

3-200
10/74

Part 17.22 subchapter B, Chapter I of title 50, Code of Federal Regulations, "Permits for scientific purposes, or for the enhancement of propagation or survival".

(1) The species to be covered by the permit is the Red-Cockaded Woodpecker; Dendrocoupus borealis. The activity to be authorized is scientific research.

(2) The wildlife covered by the permit is still in the wild.

(3) Death of the wildlife is not anticipated since Fort Benning has ample sites which are suitable for the survival of this bird. In fact, these existing birds may be part of an adjacent colony which will not be disturbed. Feeding areas now used will not be affected.

(4) Not applicable.

(5) The wildlife covered by the permit are currently living on the Fort Benning reservation. This reservation consists of approximately 182,000 acres adjacent to Columbus, Georgia, and Phenix City, Alabama. The specific location is in the Sand Hill Training Complex within the reservation and is marked on the inclosed map (Inclosure 1). A second map of the Sand Hill development shows the location of the colony to be studied (Inclosure 2).

(6) Live wildlife will be covered by this permit.

(i) A diagram of the particular area where the colony to be studied is included as Inclosure 2. The birds will be captured, tagged, and will have radio transmitters affixed. The birds will be immediately released for observation after this is done.

(ii) Dr. Jerome A. Jackson will be responsible for the activities with the birds. Dr. Jackson is the Department of Interior Team Leader for the Red-Cockaded Woodpecker Recovery Team and is recognized as an authority on this species.

(iii) A breeding program is not being considered as a part of this study.

(iv) Transportation of the bird is not required.

(v) Mortalities involving this species are not available and are not applicable to this study.

(7) No contracts of agreements have been signed for the proposed activities, nor are any such agreements anticipated.

(8) (i) Authorization is requested to study the activities and range of a colony of Red-cockaded woodpeckers and the effects of a forced relocation from the basic den trees as would occur from storm damage or other natural disaster. Studies will be conducted in cooperation with the Columbus Audubon Society and Dr. Jerome Jackson, Recovery Team Leader for this species.

(ii) Details of the study. The birds will be captured, tagged and radio transmitters will be affixed. The daily activities of the birds will be tracked and they will be studied to determine feeding areas, ranges of travel, and if alternate roost trees are used. After this portion of the study is complete, the five roost trees in use by two or three birds will be cut while the birds are away, forcing them to relocate. No nestlings are involved. Activities for the next few days will be critical in determining how the birds react to loss of their normal roost. Specifically studied will be where a temporary roost or alternate roost is selected, whether another neighboring colony will be chosen as a new home, and any changes in feeding location and range of travel. At the end of the study, the birds will be recaptured for removal of the radios. All birds will be released back to the wild.

(iii) (a) Natural relocation of the woodpecker occurs when the roost tree is destroyed by lightning, storm damage, or other causes. Little is known about how the woodpecker finds a new roost. This study would attempt to trace the bird's activities in re-establishing the colony. If this group is part of another colony area, the birds may relocate to the adjacent area. Feeding area boundaries are not known for this colony or any other colony on Fort Benning. This knowledge for a typical colony on this Army post would be useful in developing a management plan for the species. It is especially desirable to determine if the colony will change its feeding patterns when new roost sites are chosen. There are at least 50 colonies on the reservation and information on their habits is necessary for enhancing the propagation and survival of this species.

(b) It may be determined that more information can be learned by capturing the birds and relocating them to a colony area that has been abandoned. In some cases, it is desirable to place birds in a particular area that has been set aside as a sanctuary, but it is not now known if this is possible.

(c) The roost trees which are cut will be sectioned and split to study the construction of the den. Measurements and

photographs would be recorded and turned over to the Recovery Team.

(d) At least two areas adjacent to the colony area to be studied will be placed under a positive management program to develop the species. In general, at Fort Benning, the species is not harrassed and is allowed to grow naturally. Two areas in the Training Complex would be supervised. One area of approximately three acres with eleven den trees would be marked as a sanctuary and park area. Trees would be selectively trimmed and thinned to make it more attractive to the woodpecker. A second area with three den trees at this time would be similarly developed, but this area would be mixed with buildings and other human activity. A comparison of the colony development in the two areas should be of general interest and would provide information to enhance development of the species.

(iv) All wildlife captured during this study will be returned to the wild upon termination of the activities.

For further information, please see the inclosed copy of a survey report of the site written by Dr. Jackson. (Inclosure 3)

JANUARY 13, 1976.

GARY ROBINSON, *Chief,*
Environmental Management Div.,
Room 237, Building 35,
Fort Benning, GA 31905

DEAR GARY: It was a pleasure meeting you last week and having had the opportunity to look at the Red-cockaded Woodpecker situation at Fort Benning. I certainly appreciate your concern for this endangered species. With regard to the Red-Cockaded Woodpecker colonies at the E. M. Barracks Trainee Complex in the area you referred to as the Sandhills, I have the following comments and recommendations. These are, of course, only my recommendations based on my evaluation of the situation. Permission to act on these recommendations where the recommendations adversely affect the Red-cockaded Woodpecker, of course, must be approved by the proper authorities.

1. The Red-cockaded Woodpecker colony which is presently at the site proposed for trainee barracks 3 is already in a precarious position as a result of previous harvesting of most pines in the area. With essentially only the three cavity trees remaining plus two or three trees not being used by the birds, I am surprised that the birds have remained as long as they have. The remaining cavity trees are exposed and since they are diseased I would anticipate that the first good storm could blow them down. Indeed, there were already two additional cavity trees that had suffered this fate since removal of the surrounding trees.

If you receive permission to cut the cavity trees at trainee barracks 3, I hope that we can obtain a maximum amount of information about the Red-cockaded Woodpecker from the trees and the birds that are still using them. I would like to see the cavities cut from the trees and sectioned so that cavity dimensions could be measured. After measurement you might want to use the sectioned cavities for an educational display. Second, before the trees are cut, I would like to capture the birds and either attach radios to them so that we can determine what happens to the birds when a colony is destroyed, or use the birds in an attempt to transplant Red-cockaded Woodpeckers in an area where they used to occur but have since disappeared. Dr. Robert McFarlane at the Savannah River Plant in South Carolina has an isolated abandoned colony and is interested in cooperating with me in a transplant attempt. If for some reason the trees must be cut during the nesting season, I would like to obtain the nestlings for studies of their development and behavior. Finally, I would suggest that in your permission request you include a request for these experimental activities with the bird. Only in this way could we be assured that permits for cutting of the trees and experimenting with the birds would be granted simultaneously. I will be willing to assist you in applying for such permits if necessary.

2. I recommend that measures be taken to protect the Red-cockaded Woodpecker colonies presently at the sites proposed for the Branch Post Office and the outdoor training area (numbers 46 and 32 on the general site plan). Since we are obligated to protect endangered species, I would think that these two colonies could set an excellent example demonstrating the compatibility of this species with human activities. Red-cockaded Woodpeckers are not particularly disrupted by people, buildings, or traffic unless their habitat is destroyed. These colonies are already located near older buildings. If care is taken to leave as many trees as possible in the Sandhills area, I feel that this species will remain. It is important that the colony site be connected to large groves of pine trees and not be isolated. It would further your environmental program, help with public relations, and assist this endangered bird if you could (1) manage these colonies so that the bird remained and (2) erect some appropriate signs explaining the unusual nature of the birds, their requirements, their endangered status, and what you are doing at Fort Benning to help them.

3. With regard to Red-cockaded Woodpeckers on the remainder of Fort Benning, I am pleased with the management program for your pine woodland that your foresters explained to me and showed me in several different areas. As was explained to me, apparently the major problem for the species at Fort Benning is one of educating the timber markers as to the value of the bird and why their trees should be left. I am concerned that we were not able to locate colonies 16 and 17 as indicated on your map and that there appeared to be a new power line where these colonies were located. Certainly our search for the colonies was superficial and they may well be where they were indicated. Apparently, however, there is a need for coordination of activities that involve the cutting of trees and some general education as to the importance of endangered species. I would very much like to have a written statement of your forest management plan, particularly relating to the Red-cockaded Woodpecker. In fact, if you have not done so, I believe it would be to your benefit to have a management plan for the Redcockaded Woodpecker on file with the endangered species office and our recovery team. We would certainly be willing to help you develop such a plan. In view of what I saw, I don't think there would need to be much if anything changed in the way your forests are managed, but the present management could change with a change in personnel.

4. There apparently has been little communication between the environmental office at Fort Benning and the Columbus Audubon Society. In view of the responsibilities that you have and the limited personnel you have to carry out these responsibilities, I believe it would be to your benefit to cultivate and make use of the expertise available in the Audubon Society. If you have these people working with you, they are less likely to work against you and indeed where problems arise they might be settled without a need to involve higher authorities. I strongly urge you to make a copy of the map indicating the location of Red-cockaded Woodpecker colonies on Fort Benning available to the Columbus Audubon Society. I also would encourage you to ask the Audubon Society to make an annual census of these colonies and additional colonies that you or they discover. With this information provided for you, you could then develop plans accordingly. We are interested in having up-to-date census information because in order to fully evaluate the status of the species we need to know the changing status of the individual populations. Once we have information that the remaining populations are being managed and are stable or increasing, it is my opinion that the species could be removed from the endangered species list.

5. In an attempt to quantify the status of Red-cockaded Woodpeckers throughout their range, our recovery team is asking all involved agencies and individuals to complete the enclosed census forms for each colony. You may wish to give these to the local Audubon Office to complete them for you. You may wish to keep copies for your own files.

I will be happy to send my recommendations to the appropriate offices within the Department of the Interior if you would like me to.

Sincerely,

JEROME A. JACKSON,
Team Leader.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments on or before July 2, 1976.

Dated: May 27, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-16007 Filed 6-1-76;8:45 am]

UNIVERSITY OF MIAMI

Issuance of Permit for Marine Mammals

On March 26, 1976, a notice was published in the FEDERAL REGISTER (41 FR 12725) that an application had been filed with the Fish and Wildlife Service by the University of Miami (Daniel K. Odell), Miami, Florida, for a permit to salvage dead Florida Manatees for the purpose of scientific research.

Notice is hereby given that on May 25, 1976, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to the University of Miami, School of Marine and Atmospheric Science, Miami, Florida, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: May 27, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-16006 Filed 6-1-76;8:45 am]

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Office of Hearings and Appeals

[Docket No. M 76-469]

HITE PREPARATION CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its 6-3 Mine, Drift, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 35 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

2 Elkhorn Ind. Products Scoops Model #AR-4, 29 inches.
1 Elkhorn Ind. Products Scoop, Model #DLE-1, 28 inches.
1 Wilcox Roof Bolter, Model #6600 WRDD-J6, 24 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15889 Filed 6-1-76;8:45 am]

[Docket No. M 76-471]

HITE PREPARATION CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its G-14-2 Mine, Drift, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 40 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

1 Elkhorn Ind. Scoop, Model #DLE-1, 28 inches.
2 Elkhorn Ind. Scoops, Model #AR-4, 28 inches.
1 Schroder Coal Drill, Model #CDB-2000A, 27 inches.
1 Acme Roof Bolter, Model #D-1, 27 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15890 Filed 6-1-76;8:45 am]

[Docket No. M 76-314]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Guyan No. 4 Mine located in Logan County, West Virginia, and to its Gund Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The height of the coalbed in Petitioner's mines varies from 48 inches at the highest points to less than 42 inches at the lowest points. A minimum of 12 inches vertical clearance from the roof is required to insure that, during operation, face equipment at all times avoids contact with the roof support systems at the working faces of the mines. Therefore, the vertical distance from the floor of the mine in which any electric face equipment can operate is effectively reduced 12 inches from the height of the coalbed at any given point at the working faces of the mines.

2. At the present time, Petitioner operates the following types of self-propelled electric face equipment at its mines:

(a) Guyan #4 Mine, Jeffery 70 URF Cutter, Jeffery 81 ALWC Loader, Joy 18 SC Shuttle Car, Long TDF 24 Coal Drill, Galis 300 Roof Bolter, 71 S & S Scoop.
(b) Gund Mine, 120 Jeffery Miner, Galis 300 Roof Bolter, Joy 18 SC Shuttle Car.

Because of the variation of the physical characteristics of each of these types of equipment (i.e., heights, width, location of operator compartment and positioning of controls) each may require a different style of canopy.

3. Petitioner has developed on its own or there are available from equipment manufacturers, canopies, for each type of the above-listed equipment, which meet the structural capacity requirements of 30 CFR 75.1710-1(d). However, to meet these requirements it is necessary that these canopies be constructed of heavy gauge steel. The result is a canopy which is both bulky and extremely heavy. Because of the bulk and weight of these canopies, structural modifications to each piece of face equipment are necessary before these canopies can be installed on face equipment.

4. Petitioner has made the required modifications and has installed certified canopies on each type of face equipment operated at its mines.

5. Petitioner states that in some, but not all, instances the installation of available certified canopies on the face equipment at Petitioner's mines, creates, among others, the following safety hazards:

(a) The field of vision of the operator is significantly reduced as a result of the close proximity of the canopy to the operator's compartment.

(b) The operator's arm and leg movements in operating the equipment are more restricted as a result of reduced space in the operator's compartment.

(c) Operator fatigue is greatly increased as a result of reduced operator compartment space.

The above safety hazards are not present in the operation of all pieces of face equipment on which canopies have been installed in Petitioner's mines. However, the use of canopies on certain types of face equipment in certain locations of Petitioner's mines does create the above safety hazards, thereby reducing the overall safety of the miners.

6. Petitioner states that it is at present unable to construct itself, or to procure from equipment manufacturers, canopies which, if installed on face equipment at Petitioner's mines will both meet the required structural capacity and at all times allow operation of face equipment without creating the safety hazards herein stated. Petitioner further states that there are no new types or designs of face equipment immediately available from equipment manufacturers which eliminate the safety hazards herein stated.

7. Petitioner states that, for the reasons herein set forth, the application of the standard of 30 CFR 75.1710-1(a) to all face equipment at all locations of Petitioner's mines will in fact result in a diminution of safety to the miners at this mine.

8. Petitioner does not propose herein to eliminate the installation of certified canopies on face equipment at Petitioner's mines where such installation is presently possible without creating the safety hazards herein set forth. Petitioner does however, propose to develop, in cooperation with MESA, an orderly plan and/or schedule for the installation of certified canopies on all electric self-propelled face equipment at Petitioner's mines in those instances where the present installation of said canopies on said equipment will create the safety hazards herein set forth. Said plan may include, among others, the following considerations:

(a) The height of the coalbead and mining conditions at various locations of Petitioner's mines.

(b) The present state and future development and availability of canopies and face equipment.

(c) The overall safety of the miners at Petitioner's mine.

9. Petitioner respectfully requests that the Secretary modify the application of 30 CFR 75.1710-1(a) by relieving Petitioner of the requirement of presently installing certified canopies on all self-propelled electric face equipment at all locations of its mines and allowing Petitioner to develop and implement, with the cooperation of MESA, an orderly plan and/or schedule for the installation of certified canopies on all of said face equipment where the present installation of said canopies will create the safety hazards herein set forth.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15891 Filed 6-1-76;8:45 am]

[Docket No. M 76-430]

MULLINS COAL COMPANY, INC., OF VA.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Mullins Coal Company, Inc. of Va. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the opearting controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face

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rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

In underground coal mines where the average height is 48 inches canopies are a potential danger. Men who operate shuttle cars with canopies are faced with several problems. When tramming the cars, the operator is forced to lean his head and shoulders outside the canopies in order to see where he is going. If he remains under the canopy, not only is he uncomfortable, but his vision is obstructed.

On the off-standard car, when the operator pulls under the boom of the miner, the miner helper is not visible. When the shuttle cars are being loaded, the operator will control his car by standing beside it instead of being in the driver's seat.

Canopies that have been installed on shuttle cars are sometimes torn off when the operator drives under a low place and over a hump at the same time. In this situation, the operator runs a high risk of being injured.

Miner operators are faced with similar problems to those of the shuttle car drivers. When sitting in the deck of a miner with a canopy over the operator, his vision of the top and the face are about half of what it should be. He cannot see the left hand cutter head, which results in cutting down roof bolts and boards, i.e., roof support. In order to see how to cut, the operator is forced to either lean his body out from and under the canopy or operate the machine by standing next to it.

When tramming and traveling over humps on the bottom, the head of the miner and the boom are often thrown into the top. The canopy is closer to the top than either the head or the boom and the canopy sometimes gets torn off or tears down roof support.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15892 Filed 6-1-76;8:45 am]

[Docket No. M 76-140]

SOUTH HOPKINS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), South Hopkins Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 2, Madisonville, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. In its coal mine the Petitioner operates the following types of self-propelled electrical face equipment: Cutters—15 RU Joy; Drills—CD 81 Joy; Loading Machines—14 BU 10-41 Joy; Roof Bolters—320 Galis; and Shuttle Cars—10SC Joy. These items of equipment are not of the same construction and the same type of canopy or cab cannot be used for each item.

2. The average height of the roof of the Petitioner's coal mine is 50 inches, and at least 12 inches clearance from the roof of the coal mine is required to prevent the coal mining equipment from striking or damaging the roof support systems in the underground mine. Therefore, the average vertical distance from the floor of the mine for such machinery to operate is 38 inches.

3. Canopies for the above-mentioned equipment, except for roof bolters, are available from manufacturers or can be constructed by the Petitioner; but to meet the present requirements of the regulations it is necessary that the canopies or cabs be constructed of heavy steel, and the large canopy constructed necessitates alterations in the pieces of equipment before the canopies can be used or installed.

4. The Petitioner has installed a certified and approved canopy on one item of its face equipment, and from the use of this item it has been found that for this equipment, and for all items of equipment upon which the canopies would be installed, that several safety hazards exist in the operation of the equipment with the canopies. These hazards include, but are not limited to the following:

a. The compartment for the operator is severely restricted after the installation of the canopy and the freedom of movement of the arms and legs of the operator to control the machine is greatly curtailed.

b. Because of the strain of operating under these restricting conditions early fatigue results to the operator.

c. The operator's field of vision is greatly reduced because of the canopy.

d. In addition thereto, because of the nature of the equipment, the machine with the canopy installed does not contain sufficient space to provide complete coverage of the operator's body and his entire body is not protected.

5. There is not now available on the open market canopies or cabs with the strength or stability required by the rules which will allow the operation of the equipment without the hazards mentioned in the foregoing paragraph; and the Petitioner knows of no new types or designs which are presently available and which would eliminate the safety hazards mentioned; and the Petitioner is not presently able to construct its own canopies or cabs to meet the requirements and eliminate the hazards.

6. The Petitioner wishes to develop to the best of his ability, and in such manner to qualify with the regulations provided for such canopies or cabs, a plan for the future installation of appropriate canopies or cabs on its equipment so that the installation thereof will not create safety hazards; and in doing so not to delay the installation of such canopies on its equipment, if this can be done without creating safety hazards.

7. In following plans for installing, and/or constructing canopies, the safety of the employees of the Petitioner will be the prime consideration; and there will have to be considered the room available in the coal mine for the proposed equipment and the present and future availability of canopies for such equipment.

8. The Petitioner states that for the reasons set out herein the present requirements for the installation of such canopies or cabs on the Petitioner's face equipment will not be to the best interest of the Petitioner's employees, and will in fact at this present time result in safety hazards to the employees and create more dangers from their work in the Petitioner's coal mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15893 Filed 6-1-76;8:45 am]

Bureau of Land Management

[NM 27829]

NEW MEXICO

Notice of Application

Correction

MAY 1, 1976.

In FR Doc.76-10105, appearing on page 14912 in the issue for Thursday, April 8, 1976, in the second line of the second paragraph, the phrase "across 505 of a mile • • •" should be changed to read "across .505 of a mile • • •".

OUTER CONTINENTAL SHELF OFFSHORE CENTRAL & WESTERN GULF OF MEXICO

Availability of Draft Environmental Impact Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 61 drainage and development tracts of submerged lands on the OCS in the Gulf of Mexico offshore Texas and Louisiana.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisana 70130, and from the Office of Public Aiairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main public libraries in the following cities: New Orleans, Lafayette, Lake Charles and Baton Rouge, Louisiana; and Austin, Houston, Galveston, and Freeport, Texas.

In accordance with 43 CFR 3201.4, a public hearing will be held beginning at 9:00 a.m. on July 7, 1976, in the St. Maxent Room, Downtown Howard Johnson, 330 Loyola Avenue, New Orleans, Louisiana 70112, for the purpose of receiving comments and suggestions relating to the proposed lease sale.

The hearing will provide the Secretary with additional information from both public and private sectors to help evaluate fully the potential effects of the proposed offering of the 61 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development, and production phases of the leasing program.

The hearing will also provide the Secretary, under Section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address by 4:15 p.m., c.d.t., July 1, 1976. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address. The Department will accept written testimony and comments on the draft environmental statement until July 19, 1976. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statement by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

ARNOLD E. PETTY,
Acting Associate Director, Bureau of Land Management.

Approved: May 25, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-15879 Filed 6-1-76;8:45 am]

CALIFORNIA STATE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that the California State Multiple-Use Advisory Board to the Bureau of Land Management will meet at the Mansion Inn, 700 16th Street, Sacramento, California 95814, on July 29-30, 1976. Subjects to be considered will be off-road vehicle management, BLM energy programs and wildlife management on National Resource Lands in California, as well as rechartering of the advisory board for 1977-78.

The meeting will begin at 8:30 a.m., Thursday, July 29, 1976, in Pacifica Rooms B and C. Opening business will include a report to the Advisory Board by the California State Director of the Bureau of Land Management. The meeting will be open to the public. Time will be made available at the conclusion of the report of each ad hoc committee of the Advisory Board for brief oral statements by members of the public. Such statements should be limited to matters set forth in the agenda.

Any interested person or organization may file a written statement with the Board for its consideration. Persons wishing to make an oral statement or submit a written statement should notify State Director (C-912), Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825 by the close of business July 23, 1976.

Dated: May 21, 1976.

ED HASTEY,
State Director.

[FR Doc.76-15948 Filed 6-1-76;8:45 am]

[M-34075]

MONTANA

Application

MAY 25, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), The Montana Power Company has applied for a natural gas pipeline right of way for 4-inch and 6-inch lines across the following lands:

PRINCIPAL MERIDAN, MONTANA

T. 27 N., R. 20 E.,
Sec. 19, S½NE¼ and W½SE¼;
Sec. 20, N½NW¼ and SW¼NW¼; and
Sec. 30, Lot 2, N½SE¼, and SE¼SE¼.

Line C Trade Route No. 4, cargo vessel

Dated: May 27, 1976.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.76-15894 Filed 6-1-76;8:45 am]

Office of the Secretary

Advisory Committee on Water Resources Research

Notice is hereby given that the Advisory Committee on Water Resources Research will hold a meeting on June 17, 1976, at 9:30 a.m. in Room 1202, Interior Building, 18th and C Streets, N.W., Washington, D.C.

The Committee was established pursuant to the Water Resources Research Act of 1964 (78 Stat. 329, 42 U.S.C. 1961) to advise the Secretary of the Interior and the Director of the Office of Water Research and Technology on matters relating to the Water Resources Research Act of 1964, as amended.

The Committee will review the Water Resources Research Program and the Annual Report of the Secretary of the Interior to the President and the Congress.

The meeting will be open to the public. Persons wishing to attend the meeting should notify the Executive Secretary, Advisory Committee on Water Resources Research, Office of Water Research and Technology, Washington, D.C. 20240, telephone 202-343-5566.

Dated: May 27, 1976.

KENNETH BIGLANE,
Executive Secretary.

[FR Doc.76-15895 Filed 6-1-76;8:45 am]

Office of Water Research and Technology

Water Research and Technology Program

Notice is hereby given that the Office of Water Research and Technology is soliciting proposals for research, development, and demonstration projects in water and related land resources. Proposals are solicited in the following areas:

1. Water conservation.
2. Water quality management and protection.
3. Water supply augmentation and conservation.
4. Saline water conversion.
5. Water resources planning.
6. Resource data.
7. Manpower, training, and education.
8. Scientific and technological information transfer.

Proposals should be submitted to the Office of Water Research and Technology, Department of the Interior, Washington, D.C. 20240, Attention: Program Development Staff. Proposals must be received by July 15, 1976, to be considered for funding in fiscal year 1977.

Proposals should be prepared in accordance with the guidelines published in the FEDERAL REGISTER on May 28, 1974 (39 FR 18344). Copies of the guidelines may be obtained from the Office of Water Research and Technology, Department of the Interior, Washington, D.C. 20240, Attention: Program Development Staff.

Dated: May 27, 1976.

KENNETH BIGLANE,
Executive Secretary.

[FR Doc.76-15896 Filed 6-1-76;8:45 am]

ing program may call or write Dr. Melvin

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This pipeline will convey natural gas across 2.05 miles of national resource lands in Blaine County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and address to the District Manager, Bureau of Land Management, P.O. Box B, Malta, Montana 59538.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-15946 Filed 6-1-76; 8:45 am]

[NM Misc. 27]

NEW MEXICO

Order Opening Lands to Entry

MAY 25, 1976.

1. Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, the following described land was classified for recreation and public purposes:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 5 S., R. 3 E.,
Sec. 9, SE¼NE¼ and NE¼SE¼;
Sec. 10, SW¼NW¼ and NW¼SW¼.

The area described aggregates 160 acres in Socorro County, New Mexico.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above land shall at 10 a.m. on July 1, 1976 be open to all forms of appropriation under the public land laws. All valid applications received at or prior to 10 a.m. July 1, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-15947 Filed 6-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SWIFT TRAIL

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1949, the Forest Service, Department of Agriculture, has prepared a draft environmental statement supplement for the Swift Trail, Arizona, USDA-FS-DES Supplement Adm-75-04.

The environmental statement considers probable environmental effects of the proposed project.

The draft environmental statement was transmitted to CEQ on May 25, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102.
Coronado National Forest, 301 W. Congress, Tucson, Arizona 85701.

Single copies are available upon request to Forest Supervisor, Coronado National Forest, 301 W. Congress, Tucson, Arizona, zip code 85701. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, State, and local agencies, which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Coronado National Forest, 301 W. Congress, Tucson, Arizona, 85701. Comments must be received within 60 days from the date the supplement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

M. J. HASSELL,
Acting Regional Forester, Region 3.

MAY 25, 1976.

[FR Doc.76-15886 Filed 6-1-76;8:45 am]

Office of the Secretary

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 9 a.m., June 21, 1976, in Room 4306 South Building, U.S. Department of Agriculture, Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: May 27, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-15984 Filed 6-1-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, PAYROLLS, GEOGRAPHIC LOCATION, CURRENT STATUS AND KIND OF BUSINESS FOR THE ESTABLISHMENTS OF MULTIESTABLISHMENT COMPANIES

Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of Title 13, United States Code, sections 181, 224, and 225, to conduct a 1976 Company Organization Survey. It is designed to collect information on the number of employees, payrolls, geographic location, current status and kind of business for the establishments of multiestablishment companies. The information will be used to update company and establishment changes to the multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies, and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1976.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before July 2, 1976 will receive consideration.

Dated: May 26, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc 76-15937 Filed 6-1-76;8:45 am]

Maritime Administration

[Docket No. S-511]

PRUDENTIAL LINES, INC.

Application

Notice is hereby given that Prudential Lines, Inc., by telegram received on May 24, 1976, as modified by letter dated May 25, 1976, has applied for operating-differential subsidy to aid in the operation of the SS SANTA RITA, a MA Design C4-S-1u type vessel, in its subsidized

Line C, Trade Route No. 4, cargo vessel service under a renewed bareboat charter to extend from June 1, 1976 to December 31, 1977. The Operator provides or may provide service on Trade Route No. 4 between U.S. Atlantic ports and ports in the Venezuela-Netherlands West Indies-North Coast of Colombia range, with the privilege of serving certain other Caribbean and Atlantic areas such as Guantanamo Bay, Cuba; Jamaica; Haiti; Dominican Republic; Guadeloupe; Martinique; and Caribbean ports in Central America from Panama to and including British Honduras, but excluding ports in Panama and the Canal Zone. No change is proposed by Prudential Lines, Inc., in its operating-differential subsidy contract Trade Route No. 4 sailing requirements from the present minimum of 44 and maximum of 52 per annum for the duration of the bareboat charter.

Any person having an interest in the granting of such application and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of United States registry on Trade Route No. 4, as above, is inadequate must, on or before June 14, 1976, notify the Secretary, Maritime Subsidy Board, in writing, of his interest and position and file a petition for leave to intervene, in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board (46 CFR Part 201).

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), and with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service served by the citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service is inadequate, and (2) whether, in the accomplishment of the purposes and policy of the Act, additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: May 27, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-16012 Filed 6-1-76;8:45 am]

Office of the Secretary

CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Hearing Locations

On May 25, 1976, the Department of Commerce announced in the FEDERAL REGISTER (41 FR 21389) its intention to develop, in cooperation with consumers, manufacturers, producers, distributors, retailers, and other interested groups, a voluntary consumer product information labeling program, provided that substantial need and support for such a program is demonstrated at the three scheduled informal public hearings that were set out in that notice.

The May 25 notice pointed out that the precise meeting places for the hearings that were scheduled for Los Angeles and Chicago had not been finalized at the time the notice appeared, but that such information would be provided in the Federal Register of June 2, 1976. Accordingly, the precise meeting places for the Los Angeles and Chicago hearings are set out below as well as the locale for the third hearing in Washington, D.C., which had previously been furnished.

The Los Angeles hearing will take place on Wednesday, June 23, 1976 at 10 a.m. Pacific Daylight Saving Time in the Regency Ballroom East of the Hyatt Regency Los Angeles. The Hyatt Regency Los Angeles is located at Broadway Plaza, 711 South Hope Street, Los Angeles, California 90017.

The Chicago Hearing will take place on Tuesday, June 29, 1976 at 10 a.m. Central Daylight Saving Time in the Rosemont Ballroom C of the Hyatt Regency O'Hare. The address of the Hyatt Regency O'Hare is River Road at Kennedy Expressway, Chicago, Illinois 60666.

As stated in the May 25, 1976 notice, the third hearing will be held on Wednesday, June 30, 1976, at 10 a.m. Eastern Daylight Saving Time in the Department of Commerce Auditorium, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C.

Persons desiring to testify at these hearings are reminded that they should notify the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C., as promptly as possible, and not later than 48 hours prior to the date of the hearing at which they will testify. Such persons should also submit four copies of their statement to the Assistant Secretary for Science and Technology, not later than 48 hours prior to the start of the hearings at which they will testify.

Written comments on the proposed program as described in the May 25 notice were also requested in that notice. Accordingly, persons desiring to do so are reminded that such comments should be submitted to the Assistant Secretary for Science and Technology, in four copies, on or before July 9, 1976.

Any person who wishes information concerning the forthcoming hearings or about the Department's proposed voluntary consumer product information labeling program may call or write Dr. Melvin R. Meyerson, Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, telephone number (301) 921-2907.

Issued: May 26, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc 76-15818 Filed 5-26-76;3:05 pm]

[Transmittal 293, Department Organization Order 25-4B]

OFFICE OF MINORITY BUSINESS ENTERPRISES

Organization and Assignment of Function

Correction

In FR Doc. 76-15045, appearing on page 21209, in the issue of Monday, May 24, 1976 make the following change:

On page 21210, the correct spelling for the first signature should have read: "Alex Armindaris".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

Notice of public meeting of the Advisory Council on Women's Educational Programs.

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the Information Resources Committee of the Advisory Council on Women's Educational Programs will be held from 9 a.m. to 5 p.m. June 18 and from 9 a.m. to 3 p.m. on June 19, 1976 at the Wisconsin Center, 710 Langdon Street, Madison, Wisconsin.

The Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, sec. 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meeting of the Information Resources Committee will be open to the public. The agenda for the meeting will include (1) a public consultation session on educational equity for rural women in the Heartland region from 9 a.m. to 5 p.m. on June 18 and from 9 a.m. to noon on June 19; (2) a Committee discussion of the information gathered at the con-

sultation session from noon to 3 p.m. on

fare (39 FR 1654, as amended), is hereby

will be held on June 13 only if it is deter-

an undertaking of the Department of

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sultation session from noon to 3 p.m. on June 19.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C. on May 27, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-15965 Filed 6-1-76;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notices of Meetings

Correction

In FR Doc. 76-14481 appearing on page 20606 in the FEDERAL REGISTER of Wednesday, May 19, 1976 the following correction should be made:

On page 20608, in the second column, under the first table, the sixth line should read, "Executive Secretary by June 4, 1976."

[Docket No. 76N-0172; NADA No. 9-073 etc.]

HESS AND CLARK ET AL.

Furazolidone (NF-180); Notice of Opportunity for Hearing on Proposal To Withdraw Approval of Certain New Animal Drug Applications

Correction

In FR Doc. 76-13969 appearing on page 19907 in the FEDERAL REGISTER of Thursday, May 13, 1976 the following corrections should be made:

1. On page 19909 in the second column, the twelfth line of the third full paragraph should read, "used only as a synonym for "neoplasm" ". Also in the third column in the third entire paragraph, the sixth line should read, "the 0.025% dose level ($p<.02$) and the".

2. On page 19910 in the third column, fourth paragraph, the seventh line should read: "in the number of female rats with".

3. On page 19916 in the first column, eleventh line from the top, the word "of" should be "or". In the second column, fourth line from the top, the word "appearances" should read "appearance" and in the sixth line the word "rate" should be "rat".

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter 11, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 13571-74, as amended) is amended to change the title of the Office of Nursing Home Affairs to the Office of Long Term Care, in order to reflect the expanded responsibilities of this office for all aspects of long term care.

Section 11-B Organization and Functions is amended as follows: Delete the title for the *Office of Nursing Home Affairs (1NO8)* and substitute the following title: *Office of Long Term Care (1NO8)*.

Within the functional statement for the *Office of Nursing Home Affairs (1NO8) delete all reference to the* "Office of Nursing Home Affairs" and "ONHA" and substitute the "Office of Long Term Care" and "OLTC."

JOHN OTTINA,
Assistant Secretary for Administration and Management.

MAY 24, 1976.

[FR Doc.76-15967 Filed 6-1-76;8:45 am]

OFFICE OF SPECIAL PROJECTS

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, is amended to add to Chapter 1B a new subchapter 1B50, Office of Special Projects. The new subchapter reads as follows:

1B50.00 *MISSION*. The Office of Special Projects provides service to the Secretary and Under Secretary in carrying out the Secretary's policy in establishing, staffing and performing related activities concerning Departmental advisory committees. The Office of Special Projects also provides assistance and advice to applicants for noncareer positions and others requesting information and service.

1B50.10 *ORGANIZATION*. The Office of Special Projects is under the direction of the Assistant to the Secretary for Special Projects, who reports directly to the Secretary and Under Secretary. It consists of the following:

Advisory Committee Staffing Branch.
Department Committee Management Branch.
Area Liaison and Administrative Staff.

1B50.20 *FUNCTIONS*. A. Advisory Committee Staffing Branch. (1B5001).

1. Reviews candidates for membership on Secretarially and Presidentially appointed advisory councils and committees whose names have been submitted by the Department's Principal Operating Components, public and private groups, and Members of Congress, to ensure that the slates of candidates submitted to the Secretary will meet the Secretary's requirements and legal requirements for representative and balanced membership. This Branch also carries out all of the Secretary's policy concerning advisory committee staffing.

2. Responds to all correspondence addressed to the Secretary which relates to the staffing of advisory councils and committees.

3. Advises the Secretary of special problems of council and committee staffing.

4. Coordinates all Departmental activities concerning advisory committee staffing.

B. Department Committee Management Branch (1B5002).

1. Serves as the focal point within the Department for the establishment, utilization, management, and continuation or termination of all HEW public advisory committees.

2. Establishes uniform administrative guidelines and management controls for advisory committees within the purview of the Department consistent with directives and guidelines of the Office of Management and Budget, and as required under the Federal Advisory Committee Act, and by General Services Administration, and other agencies as necessary.

3. Makes annual reports to the Congress, Office of Management and Budget, and others as required by pertinent statutes, Executive Orders, and directives, and ad hoc reports as required.

4. Carries out, on behalf of the Secretary, through approved arrangements with the Principal Operating Components, Public Health Service Agencies, Education Agencies, and staff offices of the Office of the Secretary, the assembling and maintenance of the reports, records, and other papers of advisory committees within the purview of the Department, and the provisions of section 552 of title 5, United States Code.

5. Coordinates committee management activities within the Department and ensures that the Secretary's policies are being carried out.

6. Performs committee management functions as required for interdepartmental and Departmental committees and councils.

C. Area Liaison and Administrative Staff (1B5003).

1. Conducts initial interviews of applicants for non-career positions and counsels job seekers on procedures and requirements. Provides information and service to applicants seeking advice.

2. Answers correspondence for the Secretary from Members of Congress, the public and others on the subject of noncareer employment opportunities.

3. Provides written and oral briefings to the Secretary as requested.

4. Provides administrative support to the Office of Special Projects.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

MAY 19, 1976.

[FR Doc.76-15968 Filed 6-1-76;8:45 am]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 13 (Alcohol, Drug Abuse, and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1654, as amended), is hereby amended to reflect the transfer of the criminal justice function from the Division of Community Assistance to the Division of Resource Development, National Institute on Drug Abuse.

In Section 13-B, Organization and Functions, the part headed National Institute on Drug Abuse (CCOO) is amended by inserting in lieu of the paragraph titled *Division of Resource Development (CC43)* the following:

DIVISION OF RESOURCE DEVELOPMENT (CC43)

(1) Plans, develops and supports programs designed to insure the training and availability of qualified and competent manpower in the drug abuse field; (2) conducts and supports educational programs directed at reducing the incidence of drug abuse; (3) designs and develops innovative programs of drug abuse treatment and rehabilitation including rehabilitation demonstration programs for Federal, State, and local criminal justice systems; (4) plans, develops and carries out programs to identify changing patterns and predict future problem areas of drug abuse; (5) collaborates with the Division of Community Assistance in assisting States and communities in developing drug abuse prevention and control programs.

The part headed *National Institute on Drug Abuse (CCOO)* is further amended by inserting in lieu of the paragraph headed *Division of Community Assistance (CC45)* the following:

DIVISION OF COMMUNITY ASSISTANCE (CC45)

(1) Plans, develops and administers the Institute's treatment and rehabilitation programs; (2) assumes primary Institute responsibility for the rendering of technical assistance to States in collaboration with Regional Offices; (3) insures the development, implementation and compliance with quality treatment standards at reasonable cost.

Dated: May 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-15966 Filed 6-1-76;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Rescheduled Meeting

Notice is hereby given that the meeting of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research scheduled for June 11 and 12, 1976 and announced in the FEDERAL REGISTER on April 19, 1976 (41 FR 16495) has been rescheduled. The meeting will be held on June 11, 12 and 13, 1976, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 900 Rockville Pike, Bethesda, Maryland 20014. The meeting will be held on June 13 only if it is determined to be necessary at the meeting of the Commission on June 12. The meeting will be open to the public from 9 a.m. to adjournment on June 11 and 13 and from 10:30 a.m. to adjournment on June 12, subject to the limitations of available space.

As previously announced, the Commission will hold a public hearing on psychosurgery at the meeting on June 11, 1976. Requests to speak at the public hearing should have been filed not later than May 7, 1976. On June 11 after the public hearing, and on June 12 and 13, 1976 the Commission will discuss issues identified in the legislative mandate to the Commission under Public Laws 93-348 and 94-278; including discussion of psychosurgery and draft reports on the use of prisoners, children and the institutionalized mentally infirm as research subjects.

In accordance with the provisions of section 10(d) of Public Law 92-463, the meeting will be closed to the public from 9 a.m. to 10:30 a.m. on June 12, for the discussion of internal personnel matters the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Requests for information should be directed to Ms. Anne Ballard (301) 496-7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: May 19, 1976.

CHARLES U. LOWE.
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.76-16061 Filed 6-1-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTED MEMORANDA OF AGREEMENT

Pursuant to § 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of April and May 1976. The Memoranda of Agreement were executed in fulfillment of Federal agencies responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593, May 13, 1971.

Fort Ancient Archeological Site, Lawrence County, Kentucky, affected by the construction of the new Louisa-Fort Gay Bridge, undertaken by the Federal Highway Administration (4/5/76);

John Muir Historic Site, Martinez, California, affected by the Master Plan for the John Muir Historic Site, an undertaking of the National Park Service (4/6/76);

"New Site A," Santa Rosa, California, affected by the Santa Rosa Project Center, an undertaking of the Department of Housing and Urban Development (4/5/76);

Eligible Properties, Marion County, Indiana, affected by the Community Development Program of 1975, 1976, 1977, undertaken by the City of Indianapolis and funded by the Department of Housing and Urban Development (4/9/76);

Ute Mountain Ute Mancos Canyon Historic District, Ute Mountain Indian Reservation, Colorado, affected by ground disturbing activities (including exploration for and development of oil, natural gas, uranium and coal resources; land clearance and development for agricultural purposes; development of Mancos Canyon Indian Park) undertaken by the Bureau of Indian Affairs (4/9/76);

Archeological Site #10-NP-151, Lewiston, Idaho, affected by the development of Hells Gate Recreation Area by the U.S. Army Corps of Engineers (4/15/76);

Eligible Properties, Franklin County, Ohio, affected by a Rehabilitation Loan Program undertaken by the City of Columbus and funded by the Department of Housing and Urban Development (4/15/76);

Fort Loudoun, Monroe County, Tennessee, affected by the Reconstruction and Protection Plan of the Tennessee Valley Authority (4/15/76);

Oahu Railroad and Land Company Right-of-Way, Oahu, Hawaii, affected by issuance of a license for construction of certain improvements to water circulation tunnels which extend under the Naval Magazine, Lualualei Railroad Right-of-Way, by the Department of Defense, Department of the Navy (4/15/76);

Eligible Properties, Ashtabula County, Ohio, affected by the Ashtabula Community Development Programs, 1975, 1976, 1977, undertaken by the City of Ashtabula and funded by the Department of Housing and Urban Development (4/16/76);

Tower House Historic District, Shasta-Trinity National Recreation Area, California, affected by emergency stabilization actions (including removal of collapsed porches, covering of doors and windows and bracing as necessary) undertaken by the National Park Service (4/16/76);

Eligible Properties, Alaska, affected by the Alaska Native Claims Settlement Act of 1971 (involving land transfer) undertaken by the Department of the Interior (4/18/76);

Fort McHenry National Monument and Historic Shrine, Baltimore City, Maryland, affected by construction of I-95 in Baltimore, a project of the Federal Highway Administration (4/22/76);

Eligible Properties, Providence County, Rhode Island, affected by Community Development Projects, 1975, 1976, 1977, undertaken by the City of Providence and funded by the Department of Housing and Urban Development (4/28/76);

Archeological Sites, San Juan County, New Mexico, affected by the New Mexico State Highway Department's continuing reconstruction program of U.S. Highway 666, assisted by the Federal Highway Administration (4/29/76);

Westminster Historic District, Westminster, Maryland, affected by the demolition of two properties undertaken by the City of Westminster Community Development Program and funded by the Department of Housing and Urban Development (5/9/76);

Eligible Properties, Cortland, New York, affected by the Neighborhood Rehabilitation Program undertaken by the City of Cortland and funded by the Department of Housing and Urban Development (5/10/76);

Independence National Historical Park,

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Philadelphia, Pennsylvania, affected by the rehabilitation of the Mikveh Israel Cemetery, undertaken by the National Park Service (5/10/76);

Ozette Village Site, Clallam County, Washington, affected by archeological excavations funded by the National Park Service (5/10/76);

Williams Memorial Institute, New London, Connecticut, affected by acquisition and renovation through a Community Development Block Grant, undertaken by the City of New London and funded by the Department of Housing and Urban Development (5/10/76);

Archeological Sites, Dona Ana County, New Mexico, affected by the Placitas Arroyo Watershed Project of the Soil Conservation Service (5/12/76);

Piatt's Landing, Boone County, Kentucky, affected by the construction of a coal-burning power plant, an undertaking requiring a permit from the U.S. Army Corps of Engineers (5/12/76);

Bass Lake Recreation Area, Sierra National Forest, California, affected by the proposed sewer system improvements project of the Forest Service (5/12/76);

Gateway National Recreation Area, Staten Island, New York, affected by the proposed demolition of Airplane Hangar North (Building #33), at Miller Field, undertaken by the National Park Service (5/17/76);

A Hatt Buildings, Napa, California, affected by the construction of channel improvements of the Napa River, an undertaking of the U.S. Army Corps of Engineers (5/21/76);

Becker House, Hamilton County, Ohio, affected by improvements to Crescentville Road (SU-1250(4)) by the Federal Highway Administration (5/21/76);

Behlow Building, Napa, California, affected by the Parkway Plaza Neighborhood Development Program, a project of the Department of Housing and Urban Development (5/21/76);

Saylorville Archeological District, Des Moines River, Iowa, affected by construction of the Saylorville Lake Flood Control Project, undertaken by the U.S. Army Corps of Engineers (5/21/76).

These Memoranda were executed in accordance with § 800.5 of the Advisory Council's procedures. The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

JOHN D. MCDERMOTT,
Acting Executive Director.

[FR Doc.76-15945 Filed 6-1-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29048]

AIR HAITI, S.A. FOREIGN PERMIT RENEWAL

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 22, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., May 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-15969 Filed 6-1-76;8:45 am]

[Docket 26973]

AEROMAR, C. POR A

Remanded Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 24, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 17, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 26, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.76-15970 Filed 6-1-76;8:45 am]

[Docket 29258]

DAN-AIR SERVICES LTD.

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 14, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, 1875 Connecticut Avenue, N.W., Washington, D.C. before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before June 9, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., May 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-15971 Filed 6-1-76;8:45 am]

[Docket 27573, Agreement C.A.B. 25865; Order 76-5-137]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority May 26, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below, reflecting reductions from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated May 19, 1976.

Specific commodity item No.	*Description and rate*
9282	Plastic Toy Movie Cameras, 169c/kg., minimum weight 300 kgs., from Athens to New York.

Pursuant to authority delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *it is ordered*, That: Agreement C.A.B. 25865 is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief Passenger and Cargo Rates Division Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15972 Filed 6-1-76;8:45 am]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

[Docket 27573, Agreement C.A.B. 25838; Order 76-5-131]

Specific Commodity Rates

Issued under delegated authority May 26, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 21st meeting of the Joint Specific Commodity Rates Board held in Geneva on March 29–April 2, 1976 and has been assigned the above C.A.B. agreement number.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structures applicable on the North Atlantic, North/Central Pacific and South Pacific market areas. These revisions are outlined in the attachments hereto, and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *it is ordered*, That: Agreement C.A.B. 25838 [1] be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15973 Filed 6-1-76;8:45 am]

[Docket 28583, Agreement CAB 5044–A187; Order 76-5-111]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Approving Agreement

Agreement among the members of the Air Traffic Conference of America relating to the payment of commissions for the sale of charters—procedures.

The Air Traffic Conference of America (ATC), on behalf of its members, has filed with the Board for prior approval, pursuant to section 412(a) of the Act and Subpart P of the Board's rules of practice (14 CFR 302.1601–1608), a resolution (Agreement CAB 5044–A187) relating to procedures for the payment of commissions on the sale of charter flights.[1]

The agreement amends ATC Resolution 80.10, Air Traffic Conference Agency Resolution, to provide that no commission shall be paid to any agent—

> Unless the travel agent brings the charter business to the carrier, evidence of which being the entering of the travel agency name in an appropriate space in the charter contract at the time of signing such contract. If no travel agent is involved, the word "NONE" must be entered in the appropriate place in the contract and the entry initialled by the charterer. The travel agent named in the charter contract shall be the corporate entity, partnership or owner of the agency. An individual agency employee does not meet this requirement. A charter cannot move from one agency to another in the event of a change in employee status.

The stated objective of the agreement is to clarify and make mandatory the procedure to be followed in the payment of commissions for the sale of charter flights. In this regard, ATC states that at the present time there is no standard industry procedure requiring the entry of the name of the travel agency on the charter contract prior to flight date.

In support of the agreement, ATC asserts that it is of the opinion that the basic role of an agent in connection with the sale of charter flights is to bring together by contract the chartering organization and the direct air carrier. Thus, according to ATC, the selection of a travel agency after the carrier and the charterer have negotiated and executed a contract does not fulfill this basic role on which commissions may be paid.[2] ATC further asserts that requiring the provision of details identifying the travel agency in the contract at the time of signature will help prevent rebates to chartering organizations.

Comments in opposition to the agreement have been filed by the American Automobile Association, Inc. (AAA), and the Association of Retail Travel Agents (ARTA, Ltd.) (ARTA').

AAA objects to the agreement on both procedural and substantive grounds. With regard to the former, AAA asserts that the agreement was promulgated without carrier-agency dialogue, contrary to Board admonitions that issues relating to travel agents be the subject of joint consideration.[3] Thus, AAA asks the Board to reject the agreement. As to the merits of the agreement, AAA states, *inter alia*, that no provision is made in the agreement for situations in which contracts are negotiated directly between carriers and charterers as a result of a prior consultation with a travel agent who made some initial recommendations to the charterer concerning the type and identity of carriers. Thus, AAA asserts that an opportunity to designate an agent should remain open for a period of 30 days. AAA further asserts that, even if the execution of the charter contract was the single most important step, there is considerable work remaining which only qualified agents can perform, *e.g.*, agreements frequently have to be amended, fares redetermined, and special servicing coordinated.[4] AAA states that an agent cannot be expected to perform these functions without compensation or refuse to do so if the charterer has retained him for the purpose of making only ancillary arrangements which produce little or no profit. Moreover, since travel agency income depends on a total mix of business, in most cases agents would find that the absence of commission on the combination of transportation and land arrangements would make the transaction marginally profitable, with undesirable effects on the public.

In its answer to the application, ARTA asserts that there is no public need or justification for a mandatory regulation as proposed by ATC but, rather, that each carrier should be free to make a business judgment, on the basis of its own marketing desires, of the role it wishes to assign to travel agents. In this regard, ARTA states that certain carriers may well adhere to the position that the basic role of the agent in connection with the sale of charter flights is to bring together by contract the charterer and the carrier; however, other carriers may wish to adopt a different point of view. ARTA contends that the antitrust immunity granted by section 412 should not be used as a vehicle to reduce the market area in which the travel agency industry may operate and compete.

ATC has filed replies to the comments of both AAA and ARTA. In reply to ARTA, ATC states, *inter alia*, that the agreement achieves three objectives implicit in the Board's philosophy concerning the relationship between carrier and agent with respect to charters: it makes clear that the *sine qua non* for the payment of a commission is the introduction of the charterer to the carrier through contract; it specifies the basic duty of the travel agent consistent with previous Board statements on international charters; and it presents a uniform system for charterers and travel agents to rely on, decreasing the possibility for discrimination and rebates by "friendly" travel agents who are brought in by charterers at the last minute after they have dealt directly with a carrier. ATC contends that agents who actually do the work will be able to protect themselves by being named in the contract.

ATC's reply to the comments of AAA initially deals with AAA's request for rejection of the agreement on procedural grounds. In this regard, ATC indicates,

[1] Agreements filed as part of the original document.

[1] ATC is participating in this proceeding representing its air carrier members at their request in accordance with the requirements of Part 263 of the Board's Regulations, 14 CFR 263.

[2] According to ATC, other activities of the agency, such as the solicitation of chartering organizations for passengers and the collection of individual checks, are done for the convenience of the charterer and are not activities for which the carrier pays a commission to the agent.

[3] The agreement was adopted at the ATC meeting of Nov. 18–20, 1975, at Dallas, Tex., after a similar agreement had failed of adoption by mail vote.

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inter alia, that the agreement was raised by AAA at a dialogue meeting of October 6, 1975, and that there was no substantive discussion on the matter at that time because it was pending a mail vote among ATC members. However, it was stated that if the proposal were adopted, it would be sent to the Board, at which time AAA could comment thereon. In addition, ATC asserts that AAA knew that, if the mail vote failed, its representative could appear at the next meeting of the full Conference before any filing with the Board. The mail vote failed, the matter was placed on the agenda, and AAA did appear and comment. Turning to AAA's substantive comments and regarding AAA's concern that an agent may be left out of a final charter arrangement in cases in which the agent actually had some initial involvement with the charterer, ATC asserts that agents are businessmen and as such are supposed to know what they are selling, to whom they are selling, and for whom they are selling. Thus, if the agent has "sold" a charterer he will try hard to get a contract for the carrier, and he will, in the process, be sure to get his name on the contract. ACT also asserts that various services which the agent may perform for the charterer, such as assistance on passports, customs, insurance, etc., have nothing to do with air transportation but might form the basis for separate charges to the charter participants.

Upon consideration of the foregoing and all relevant facts, we have decided to approve the subject agreement and to deny the requests of AAA and ARTA for disapproval.[4] In reaching this conclusion, we recognize and have considered the concern of AAA and ARTA that individual agents under certain circumstances may not receive credit for their involvement in the sale of particular charter flights. However, on consideration of all the circumstances surrounding the sale of charter flights and the payment of commissions thereon, we believe that the ATC proposal is basically sound and worthy of approval.

Our decision in this matter is based on several factors. To begin with, we have looked at the language of the Air Traffic Conference Agency Resolution and the Air Traffic Conference Sales Agency Agreement. The Preamble of the Agency Resolution states:

> The purpose of this Resolution is to encourage the promotion and sale of air passenger transportation by Agents and of Members * * *.

The same resolution (section I) further states:

> The term "Agent" means any person included on the Agency List for the purpose of selling air passenger transportation * * *.

The resolution also reads (section VIII):

> No commission shall be paid to any Agent (1) unless such Agent issued a ticket or a miscellaneous charges order covering air passenger transportation for the sale of which the commission is paid * * *.

Similarly, the Agency Agreement states (paragraph 2):

> During the term of this Agreement the Agent shall represent the Carrier for the purpose of promoting and selling air passenger transportation offered by the Carrier * * *.

and (paragraph 8):

> As remuneration for the services performed by the agent hereunder the carrier agrees * * * to pay the agent as commission a percentage of the fees and charges applicable to the air passenger transportation offered by the carrier which is sold by the agent hereunder. Such commission shall be accepted by the agent as full compensation for the services rendered to the carrier hereunder.

From the foregoing we believe that it is evident that the relationship established between the carriers and their agents by the Agency Resolution and the Sales Agency Agreement is intended to culminate in the sale by the agents of air passenger transportation on behalf of the ATC members. In this regard, it also appears that the promotional activities of the ATC agents should be those directed toward the sale of transportation by air. Thus, the ATC position—that the basic role of a travel agency in connection with the sale of charter flights which are subject to, and commissionable under, the ATC Agency Resolution and Sales Agency Agreement is to bring together by contract the chartering organization and the air carrier—is reasonable. Similarly, we find reasonable the requirement of Agreement CAB 5044–A187 that, as evidence of such a bringing together, and, thus, the sale of a charter flight, the travel agent's name appear on the charter contract at the time of signing in order for a commission to be paid.

While it appears that there may very well be certain ancillary tasks to be performed by the agents, both before and after the sale, in connection with the charter air transportation they have sold on behalf of the air carriers, in our opinion the commission provisions of the ATC Agency Resolution and Sales Agency Agreement are there to compensate the agent for its efforts in selling a charter flight, and, if the sale is not accomplished by the agent, there is no basis for remuneration.[5] In other words, if the agent fails to deliver the finished product, *i.e.*, a charter contract between the charterer and the carrier, then the agent has failed to meet his primary responsibility under the Sales Agency Agreement. Therefore, we have concluded that the ATC proposal to formalize the procedure which evidences, at the time of signing, the bringing together of the contracting parties by the agent is warranted.

As to the provision of the agreement that requires that the travel agent named in the contract be the agency itself and not an employee of the agency, we believe that that provision represents the logical expectations of the carriers, for, as pointed out by ATC, the ATC Sales Agency Agreement is entered into between the agent and the carrier, not between an employee of the agent and the carrier.

Therefore, pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that Agreement CAB 5044–A187 is not adverse to the public interest or in violation of the Act and should be approved. In addition, it is found that the requests of AAA and ARTA should be denied.

Accordingly, *it is ordered*, That: 1. Agreement CAB 5044–A187 be and it hereby is approved;

2. The requests of AAA and ARTA in docket 28583 be and they hereby are denied; and

3. This order shall be served upon ATC and its member air carriers; The American Society of Travel Agents, Inc.; the Association of Retail Travel Agents (ARTA, Ltd.); The American Automobile Association, Inc.; The Association of Bank Travel Bureaus; and the U.S. Department of Justice.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

By Bruce E. Cunningham, Director, Bureau of Operating Rights.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15974 Filed 6-1-76;8:45 am]

[4] In this regard, while we believe it would have been better for ATC to have provided for discussion with the various agency organizations prior to submitting the original proposal to its members for mail vote, we nevertheless also believe that it is clear that the agents had an opportunity to present their views on the agreement submitted to the Board prior to its adoption by ATC.

[5] As ATC has pointed out, there are also certain services which agents may perform on behalf of the charterer which are not related to the sale of air transportation. Such services may be of the type for which the agent could charge the charterer. In this connection, see, for example, order 70-12-165, Dec. 31, 1970, pp. 32 and 33.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

SIC 0782: Grounds Maintenance, State Line Recreation Park, West Point, Georgia.

Comments and views regarding this proposed addition may be filed with the Committee not later than July 2, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-15943 Filed 6-1-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 551-5; OPP-30000/5A]

PESTICIDE PROGRAMS

Extension of Period for Submission of Rebuttal Evidence and Comments With Regard to Presumption Against Registration and Continued Registration of Pesticide Products Containing Chloroform (Trichloromethane)

On April 6, 1976, the Environmental Protection Agency published (41 FR 14588) a notice of presumption against registration and continued registration of pesticide products containing the ingredient chloroform (trichloromethane). The regulations governing rebuttable presumptions provided that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, the Administrator, for good cause shown, may grant an additional sixty (60) days in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Registrants of pesticide products containing the ingredient chloroform have requested an additional sixty days in which to gather and present evidence in rebuttal of the presumption. One registrant lacks the necessary technical expertise to respond to the notice of presumption and must therefore seek outside consultation. A second registrant requests additional time to adequately perform a risk/benefit literature search and a review of the "Report of Carcinogenesis Bioassay of Chloroform". National Cancer Institute, March 1, 1976, used by the Agency in support of the issuance of the notice of presumption. Another registrant has made a decision to conduct additional tests to determine whether chloroform concentrates, persists, or accrues to levels in man or the environment likely to result in any significant chronic adverse effects. A delay in the mail delivery of the Agency's notice of presumption has curtailed the time necessary to prepare a response in another instance.

Because good cause has been shown for an extension of time by those wishing to respond to the above notices, all registrants, applicants for registration, and other interested persons shall have until July 23, 1976, to submit rebuttal evidence and other comments or information. Such evidence, comments or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/5". Comments and information received on or before July 23, 1976, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136d(b)(1). Comments received after July 23, 1976, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice as well as the file supporting the Agency's presumption against this pesticide will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4:30 p.m. on normal business days.

Dated: May 24, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-15882 Filed 6-1-76;8:45 am]

[FRL 552-1; OPP-30110]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

American Cyanamid Co., PO Box 400, Princeton NJ 07540, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product AVENGE (EPA File Symbol 241-ELN), containing 31.8% of the active ingredient Difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl fulfate) which has not been included in any previously registered pesticide products. The application received from American Cyanamid Co. proposes that the product be classified for general use as a herbicide for controlling wild oat in barley and wheat. PM23

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before July 2, 1976 and should bear a notation indicating the EPA File Symbol "241-ELN." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register Avenge will be announced in the FEDERAL REGISTER. The label furnished by American Cyanamid Co., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:30 p.m. Monday through Friday.

Dated: May 25, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-15883 Filed 6-1-76;8:45 am]

[OPP-42021; FRL 551-6]

NEW HAMPSHIRE

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Meldrim Thomson, Jr., Governor of the State of New Hampshire, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region I, to grant approval of this plan on a contingency basis pending the adoption of certain necessary amendments to the New Hampshire regulations.

A summary of this plan follows. The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

State of New Hampshire, Department of Agriculture, State House Annex, Room 201, Concord, New Hampshire 03301.
Room 2113, JFK Federal Building, Government Center, Boston, Massachusetts 02203
Room 401, East Tower, Waterside Mall, 401 M Street SW, Washington, D.C. 20460. (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA (202) 755-4854).

SUMMARY OF NEW HAMPSHIRE STATE PLAN

The New Hampshire Department of Agriculture, acting through authority

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provided the Pesticide Control Board, has been designated as the State Lead Agency for the administration of the Pesticide Applicator Certification program including enforcement activities. The Pesticide Control Board was established under the provisions of the New Hampshire Revised Statutes Annotated (NHRSA), Chapter 149–D:2, enacted in 1972 to regulate and enforce pesticide use. The administration and clerical activities of the Pesticide Control Board are the responsibility of the Commissioner of Agriculture pursuant to NHRSA 149–D:2,II. This Board meets usually at monthly intervals and adopts, after public hearing, regulations for pesticide use, sale and disposal including the designation of state-restricted and limited-use pesticides. All pesticide uses restricted or prohibited by EPA automatically receive a similar State designation upon announcement in the FEDERAL REGISTER. The composition of this Board is described in the State Plan.

Pesticides distributed within the State must be registered annually with the Department of Agriculture as provided by the Economic Poisons Law, NHRSA 438. Implementation of State pesticide regulatory and enforcement efforts is a responsibility of the Lead Agency including registration of permit or certificate holders, issuance of special use situation permits, and licensing of applicators and dealers and coordination of field, laboratory and office activities.

The only cooperative agency designated is the State Cooperative Extension Service (SCES) of the University of New Hampshire. The SCES will be responsible for conducting a comprehensive training program for private and commercial pesticide applicators to aid in attainment of the level of competency required for certification. Participation in the continuing educational efforts, offered to both commercial and private applicators, will be used as one basis of qualification for recertification. The training efforts of SCES and the educational seminars are to be coordinated through the office of Pesticide Coordinator and supported by the State and county extension service specialists.

Legal authority for New Hampshire's certification program is contained in the following laws and regulations, copies of which are a part of the State Plan:

1. Pesticides Control, NHRSA, Chapter 149–D.
2. New Hampshire State Pesticide Regulations, January 1, 1970, as revised.
3. Economic Poisons Law, NHRSA, Chapter 438.

The plan indicates that the State Lead Agency and cooperating agency have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding for support of the program in the amount of $68,245.00 is appropriated for the biennium, and currently appropriated July 1, 1975 through June 30, 1977.

The State estimates that 620 commercial applicators holding supervisory or operational level certificates of registration and 757 private applicators will need to be certified. All applicators will be provided with credentials to authorize purchase of restricted use products from licensed dealers. A special use permit will be required in addition to purchase and designate applications of State limited use pesticides.

The New Hampshire Department of Agriculture will furnish the Administrator a detailed annual report by April 1 of each year and will provide other reports as requested in conformity to 40 CFR 171.7(d).

New Hampshire intends to adopt all ten categories of commercial applicators as listed in 40 CFR 171.3. Further, New Hampshire intends to utilize subcategories within certain categories as designated below:

1. Agricultural Pest Control.
A. Plant. (1) Fruit, (2) Herbicides, (3) Field Crops.
B. Animal.
2. Forest Pest Control.
A. Forest pest control and timber treatment.
B. Christmas trees.
3. Ornamental and Turf Pest Control.
A. Shade and ornamental pest control.
B. Turf.
7. Industrial, Institutional, Structural and Health Related Pest Control.
A. Industrial, Institutional, Structural and Health Related Pest Control.
B. Mosquito and Black Fly.

In addition to the ten categories, New Hampshire requests approval for creation of an additional category to be designated Aerial Pest Control and having no subcategories. Persons to be certified in the Aerial Pest Control category, in addition to meeting general requirements for the commercial class, and specific requirements for the aerial applicator category would also be required to demonstrate competence in each specific category or subcategory in which pesticides would be applied. New Hampshire requests this additional category to provide assurance that aerial applicators have an understanding of associated hazards to ground crews and adjacent nontarget areas and wildlife. This category will involve only a small number of individuals presently estimated at fourteen.

All commercial applicators as well as those private applicators who use pesticides in the production of agricultural commodities offered for sale are required to be registered with the lead agency. While New Hampshire's definition for a private applicator is consistent with that of the FIFRA as amended, the definition for a commercial applicator as defined by statute is not. Approval of the State Plan would be in part contingent upon the State's adoption of a new definition for commercial applicators consistent with that of the amended FIFRA.

New Hampshire recognizes two major classes of applicators: private applicators and commercial applicators. All commercial applicators using any pesticide classified general or restricted-use and private applicators using a general-use pesticide in the production of an agricultural commodity that is offered for sale or a restricted-use pesticide are required to be registered. Commercial applicators who meet certification requirements are designated as holders of a certificate of registration while private applicators are designated as holders of a permit, appropriately designated for general use or restricted use pesticides.

Two levels of registered commercial applicators recognized are designated supervisory and operational. Standards of competency and other requirements for the supervisory level are more extensive and by definition permit the certificate holder to make use decisions. State regulations require at least one person registered at the operational level to be present with each crew to supervise or apply pesticides commercially.

The New Hampshire State Plan requires that applicants for a private applicator permit desiring to use restricted-use pesticides, and all commercial registered certificate holders for both operational and supervisory levels, must pass written examinations administered by the Board as part of the determination of competency. Private applicators will be required to take a written examination in the general knowledge area and a more specific examination covering the appropriate commodity group of their operation. Commercial applicators will be required to take a general examination and a level specific examination. In addition to the above requirement, supervisory level commercial applicators are required to pass an oral examination administered by the Board. The written examination for both commercial and private applicators will be based on the standards of competency in 40 CFR 171.

New Hampshire proposes to handle certification of private applicators unable to read on a case by case basis as provided in 40 CFR 171.5(b). Oral examinations individually administered will be provided for those private applicators for whom use of written examinations would create an unusual hardship because of poor reading comprehension. A single purchase/single use permit will be available to private applicators on a one time only basis to meet an emergency certification need, with full certification to be required for continued use beyond one season.

The agency accepts as adequate and consistent with 40 CFR 171 New Hampshire's request that a determination of compliance with 40 CFR 171.4 and 171.6 be based upon review of representative sample examination questions submitted with the State Plan.

All commercial applicators holding a valid certificate of registration at supervisory or operational level on January 1, 1975 were required to be reexamined for determination of competency before January 1, 1976, as required in the State Plan. Accordingly, New Hampshire believes that persons that have met these requirements are in compliance with 40 CFR 171.4 and 171.6 and requests a determination of their acceptancy. The Agency concurs with this position and believes the current commercial applicator licensing program as revised January 1, 1975 to be adequate to meet certification standards required for compliance with FIFRA, as amended.

A partial copy of each kind of written examination offered, containing representative samples of at least ten percent of the total questions used is attached to the State Plan. To preserve the confidentiality of the examination, the State of New Hampshire has requested they not be made available for public inspection. The Agency agrees with this request and has removed the examinations from public inspection copies of the plan.

The following types of credentials are issued to registered applicators as printed documents:

1. Private Applicator Permit to apply General Use Pesticides.
2. Private Applicator Permit to apply Restricted Use Pesticides.
3. Commercial Applicator Certificate of Registration with appropriate designation of level and categories authorized to apply pesticides.

Payment of an annual fee of ten dollars is required by statute for Commercial Applicator registration only, while no fee for issuance of Private Applicator permits is presently required.

The New Hampshire State Plan indicates that within sixty (60) days of the approval of the Government Agency Plan (GAP) by EPA, New Hampshire will submit a statement in accordance with 40 CFR 171.7(e)(4)(i). Until the GAP is formalized, Federal employees will be required to take the same examination required of a commercial applicator for certification.

New Hampshire has no Indian Governing Body subject to jurisdiction of the United States.

New Hampshire will consider reciprocity with other States and copies of such agreements will be furnished EPA. At present, New Hampshire has no formal agreement on reciprocity with other States involving pesticide applicator certification.

Other regulatory activities of the New Hampshire State Plan which supplement the certification program include state registration, classification for restricted use or limited use, and inspection and sampling of pesticide products. All dealers handling restricted use pesticides are trained, tested and licensed. A record of sale of restricted-use pesticides by dealers and use by certificate and permit holders is required. Other regulatory authorities cover pesticide disposal, pesticide container reuse and safe handling. Use of certain restricted-use pesticides intended for situations where contamination of water is possible requires issuance of a "Special Use Permit".

To assure maintenance of a high level of competency among commercial and private applicators, seminars will be offered on a yearly basis by the State Cooperative Extension Service. Separate seminars will be offered for each commodity group of private applicators and each category for commercial applicators. An official Certificate of Attendance issued during the third or fourth year will be required for each fifth yearly renewal of a permit or certificate of registration. A permit or certificate of registration holder may elect to take and pass an examination each fifth year in lieu of meeting the training requirement for renewal of certification.

Enforcement of the New Hampshire certification program will be carried out by the New Hampshire Department of Agriculture through the Pesticide Control Board's authority. Regulations pertaining to enforcement activities are included.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of New Hampshire to the Chief, Pesticides Branch, Region I, Environmental Protection Agency, Room 2113, JFK Federal Building, Boston, Massachusetts 02203. The comments must be received on or before June 28, 1976 and should bear the identifying notation (OPP–42021). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Dated: April 23, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator,
Region I.

[FR Doc.76–15880 Filed 6–1–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 806]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 17, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications on or before July 2, 1976, and on or before June 22, 1976 for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously-filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21957–CD–P–11–76, Southwestern Telephone Company (new), C.P. for a new 1-Way Signaling station to operate on 152.84 MHz (Base) to be located at the following sites described as Locations 1 through 11:

Loc. #1: 1423 Small Street, Grand Prairie, Texas; Loc. #2: 760 W. Mockingbird, Dallas, Texas; Loc. #3: 13303 Denton Drive, Farmers Branch, Texas; Loc. #4: 9920 Audelia Road, Dallas, Texas; Loc. # 5: 8120 Elam Road, Dallas, Texas; Loc. #6: 308 S. Akard, Dallas, Texas; Loc. #7: 312 W. Abrams, Arlington, Texas; Loc. #8: 7220 So. Expressway, Edgecliff, Ft. Worth, Texas; Loc. #9: 8228 White Settlement Road, White Settlement, Texas; Loc. #10: 6636 Watauga Road, North Richland Hills, Texas and Loc. #11: 1116 Houston Street, Ft. Worth, Texas.

21944–CD–P–76, Jackson Mobilephone Company, Inc. (KUO633), C.P. to relocate facilities operating on 152.06 MHz to be located at Hwy. 70E—6 miles East of Jackson, Tennessee.

21996–CD–P–(2)–76, R. P. Whitton d.b.a. Vail Communication Company (New), C.P. for a new 1-way station to operate on 152.24 MHz (Loc. #1) to be located 2.5 miles SSE of Vail, and 152.24 MHz at Loc. #2: Hilton Inn, 250 S. Frontage Road, Vail, Colorado.

21997–CD–P–76, General Telephone Company of Pennsylvania (New), C.P. for a new station to operate on 152.75 MHz to be located 0.5 mile North of Pennsylvania Leg. Rte #60023, 2 miles South of Oil City, Pennsylvania.

21999–CD–P–76, Imperial Communications Corporation (KLF644), C.P. to change antenna system operating on 152.24 MHz (Base) and 2120.3 MHz (Control) located at San Miguel Mountain, 13 miles east of San Diego, California.

22000–CD–AL–76, Manpower, Inc. of Cedar Rapids Consent to Assignment of License from Manpower, Inc. of Cedar Rapids, Assignor to JMD, Inc., d.b.a. Manpower Communications, Inc., Assignee. Station: KUS230, Cedar Rapids, Iowa.

22001–CD–TC–76, Valley Telephone Company Consent to Transfer of Control from Loree Austin et al., Transferors to Loree Austin, Transferee. Station: KSW211, Baggs, Wyoming.

22002–CD–TC–76, Harbor Communications, Inc. Consent to Transfer of Control from A. Steve Kireos, Transferor to Rahn J. Farris and A. Steve Kircos, Transferees. Station: KWA673 and KLF591, Benton Harbor, Michigan; KUD204, Port Huron, Michigan.

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22003–CD–P–76, Tel-Page Corporation (KGI787), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #2: Coler House, 60–70 Crittenden Blvd., Rochester, New York.

22004–CD–P–76, Beep Communications Systems, Inc. (New), C.P. for a new 1-way Developmental station to operate on 459.875 MHz to be located North Tower, World Trade Center, New York, New York.

22005–CD–P–76, Glenwood Telephone Membership Corporation (New), C.P. for a new station to operate 454.525 MHz to be located West end of Main Street, City water Tower, Blue Hill, Nebraska.

22006–CD–P–76, Telephone Communications, Inc. (New), C.P. for a new station to operate on 152.06 MHz to be located on Mission Road, 1 mile South of Mt. Pleasant, Michigan.

22007–CD–P–76, Omni Communications, Inc. (KSV954), C.P. to change antenna system operating on 158.70 MHz located at Nobscott Hill, 5 miles North of Framingham, Massachusetts.

22008–CD–P–76, Ram Broadcasting of Texas, Inc. (KKG412), C.P. to change antenna system operating on 152.09 MHz located at Southland Center, Live Oak, Olive Bryan and Pearl Streets, Dallas, Texas.

22009–CD–P–76, Metrotec, Inc. (KTS283), C.P. for additional facilities to operate on 35.22 MHz at a new site described as Loc. #4: 0.2 mile N. of Hahn Road, 0.7 mile W. of S.R. 44, Canton, Ohio.

22010–CD–P–76, Mobile Radio Communications, Inc. (KSV904), C.P. to relocate facilities and change antenna system operating on 158.70 MHz located 100 yards East of 1407 Nashua Road, Liberty, Missouri.

22011–CD–P–76, Mobile Radio Communications, Inc. (KUC382), C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. #6: 100 yards East of 1407 Nashua Road, Liberty, Missouri.

22012–CD–P–76, Ranch Radio, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located 1000' South of Junction of Juan Linn and Mahan Road, 1 mile south of Victoria, Texas.

22016–CD–P–76, Pine Mountain Communications, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz. to be located at Casper Mountain, Approx. 7.0 Miles South of Casper, Wyoming.

22017–CD–P–(3)–76, Pine Mountain Communications, Inc. (New), C.P. for a new station to operate on 454.125, 454.150 & 454.175 MHz. to be located at Casper Mountain, Approx. 7.0 Miles South of Casper, Wyoming.

Renewal of License expiring July 1, 1976; Term, July 1, 1976 to July 1, 1978; Wilkes Telephone & Electric Company, Georgia, KIM912.

Renewal of Developmental Radio License expiring July 12, 1976; Term, July 12, 1976 to July 12, 1977; South Central Bell Telephone Company, Alabama, KLF514.

CORRECTION

21940–CD–P–76, Comex, Inc. (KCI295), Correct entry previously shown on PN #805, dated May 10, 1976 to read as follows: C.P. for additional facilities to operate on 43.22 MHz. to be located at a new site described as Loc. #8: Hog Hill, near Rt. #121, Atkinson, New Hampshire.

RURAL RADIO

60341–CR–P–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 5.3 miles East-Southeast of Bitter Creek, Wyoming.

60342–CR–P/L–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.77 MHz. to be located 5.2 miles East-Southeast of Bitter Creek, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

3096–CF–MP–76, The Mountain States Telephone and Telegraph Company (KPS45), Bozeman Jct., 11.5 miles East of Bozeman, Montana. Lat. 45°39'19" N., Long. 110°48'22" W. Mod. of C.P. (3257–CF–P–75) to construct a new tower and move antenna for frequencies 11155V MHz toward Livingston, Montana on azimuth 88.2°, and 10955V MHz toward Bozeman Passive Reflector on azimuth 152.7°, and from Passive Reflector toward Bozeman on azimuth 291.9°.

3685–CF–P–76, New England Telephone and Telegraph Company (New), Rockland #2, 2.1 Miles NW of Rockland, Maine. Lat. 44°07'16" N., Long. 69°08'40" W. C.P. for a new station on frequencies 11265.0H 11465.0V MHz toward a new station at Union, Maine on azimuth 317.3°.

3686—CF–P–76, Same (New), 3.1 Miles NW of Union, Maine. Lat. 44°14'56" N., Long. 69° 18'32" W. C.P. for a new station on frequencies 10855.0V 11055.0H MHz toward a new station at Rockland #2, Maine on azimuth 137.1°, and 10755.0V 10975.0H MHz toward a new station at China, Maine on azimuth 310.6°.

3687–CF–P–76, Same (New), 7.8 Miles SSE of China, Maine. Lat. 44°22'03" N., Long. 69°30'08" W. C.P. for a new station on frequencies 11385.0V 11665.0H MHz toward a new station at Union, Maine on azimuth 130.4°, and 11265.0H 11465.0V MHz toward Vassalboro, Maine on azimuth 337.3°.

3688—CF–P–76, Same (KC097), 3 Miles NE of East Vassalboro, Maine. Lat. 44°28'52" N., Long. 69°34'07" W. C.P. to add a point of communication on frequencies 10855.0V 11055.0H MHz toward a new station at China, Maine on azimuth 157.3°.

3769–CF–AL–(1)–76, General Telephone Company of Indiana, Inc. (KSI22), Application for Consent to Assignment of Radio Station License from General Telephone Company of Indiana, Inc., Assignor, to United Telephone Company of Indiana, Inc., Assignee, for station KSI22, Columbia City, Indiana.

3776–CF–P–76, American Telephone and Telegraph Company (KAM43), Pumpkin Center, 7.1 miles SW of Hartford, South Dakota. Lat. 43°32'25" N., Long. 97°01'43" W. C.P. to add frequencies 3870.0H MHz toward Sioux Falls, South Dakota on azimuth 88.4°, and 4030.0H MHz toward Chester, South Dakota on azimuth 11.8°.

3777–CF–P–76, Same (KBI46) 3.9 miles NNE of Chester, South Dakota. Lat. 43°56'57" N., Long. 96°54'34" W. C.P. to add frequencies 4070.0H MHz toward Pumpkin Center, South Dakota on azimuth 199.9°, and 4070.0H MHz toward Arlington, South Dakota on azimuth 350.6°.

3778–CF–P–76, Same (KBI47), 6.2 miles ENE of Arlington, South Dakota. Lat. 44°22'59" N., Long. 97°06'37" W. C.P. to add frequencies 4030.0H MHz toward Chester, South Dakota on azimuth 170.6°, and 4030.0H MHz toward Watertown, South Dakota on azimuth 356.9°.

3779–CF–P–76, American Telephone and Telegraph Company (KBI48), 3.2 miles ESE of Watertown, South Dakota. Lat. 44°53'03" N., Long. 97°02'49" W. C.P. to add frequency 4070.0H MHz toward Arlington, South Dakota on azimuth 176.9°.

3780–CF–P–76, RCA Alaska Communications, Inc. (WOF48), Put River, 5 miles NNW of Deadhorse, Alaska. Lat. 70°15'34" N., Long. 148°36'32" W. C.P. to add and move antennas to add space diversity for frequency 10765.0V MHz toward Deadhorse, Alaska on azimuth 140.9°; move antenna for 2118.2V MHz toward Surfcote Camp, Alaska on azimuth 80.6°.

3781–CF–P–76, Same (KX–Q75), Deadhorse, Alaska. Lat. 70°12'00" N., Long. 148°28'01" W. C.P. to change coordinates and add space diversity antenna for frequency 11375.0V MHz toward Put River, Alaska on azimuth 321.1°; modify receive station data for Put River, Frontier Camp, and Franklin Bluff, Alaska.

3782–CF–P–76, Same (WDE71), Frontier Camp, 190 miles ESE of Barrow, Alaska. Lat. 70°19'24" N., Long. 148°46'06" W. C.P. to correct azimuth for frequency 2128.0H MHz toward Deadhorse, Alaska to read 140.3°.

3783–CF–PML–76, The Virgin Islands Telephone Corporation (WWT57), 48 Krondpridsens Gade, Charlotte Amalie, Virgin Islands. Lat. 18°20'34" N., Long. 64°56'23" W. C.P. and Mod. of License to reinstate expired license on frequencies 5937.8H 5997.1H 6115.7V MHz toward Hawk Hill, Passive Reflector on azimuth 289.3° and from Passive Reflector toward Crown Mtn., Virgin Islands on azimuth 19.7°.

3784–CF–P/ML–76, Same (WWT60), Crown Mtn., St. Thomas, Virgin Islands. Lat. 18°-21'32" N., Long. 64°58'23" W. C.P. and Mod. of License to reinstate expired license on frequencies 6189.8H 6249.1H 6367.7V MHz toward Hawk Hill, Passive Reflector on azimuth 199.7°, and from Passive Reflector toward Charlotte Amalie, Virgin Islands on azimuth 109.2°; and 6352.9H 6412.2H 6219.5V MHz toward Christiansted, Virgin Islands on azimuth 157.3°.

3785–CF–P/ML–76, Same (WWY43), 10 King Street, Christiansted, Virgin Islands. Lat. 17°44'50" N., Long. 64°42'20" W. C.P. and Mod. of License to reinstate expired license on frequencies 6100.9H 6160.2H 5967.4V MHz toward Crown Mtn., Virgin Islands on azimuth 337.4°.

3791–CF–P–76, New York Telephone Company (WDD41), 101 Willoughby Street, Brooklyn, New York. Lat. 40°41'33" N., Long. 73°59'07" W. C.P. to change frequencies 11605H, 11365H, 11525H MHz to 11285V 11525V MHz toward North Staten Island, New York on azimuth 235.3°; increase antenna structure height, replace and move antennas; replace transmitters and increase power output.

3792–CF–P–76, Same (KEA67), North Staten Island, 355 Forest Avenue, Staten Island, New York. Lat. 40°37'52" N., Long. 74°06'-05" W. C.P. to change frequencies 11155H 10915H 11075H MHz to 10835V 11075V MHz toward Willoughby, New York on azimuth 55.2°; increase antenna structure height, replace and move antennas; replace transmitters and increase power output.

3796–CF–R–76, The Pacific Telephone and Telegraph Company (KMQ44), Location: Within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring May 29, 1976. Term: May 29, 1976 to May 29, 1977.

3806–CF–P/ML–76, Cimarron Telephone Company, Inc. (KLU62), Keystone, 4 miles west of Bears Glen Bridge on Hwy. 64, Keystone, Oklahoma. Lat. 36°13'01" N., Long. 96°19'14" W.C.P. and Mod. of License to reinstate expired license on frequencies 5937.8H 6056.4H MHz toward Mannford, Oklahoma on azimuth 197.7°.

3786–CF–P–76, Pilot Butte Transmission Co., Inc. (New), 7 miles South of Casper, Wyoming. Lat. 42°44'25" N., Long. 106°21'44" W. Construction permit for new station—

5989. 7V MHz toward Cyclone, Wyoming, on azimuth 278 degrees/45 minutes. (Note: Applicant requests waiver of Section 21.701 (1).)

3787–CF–P–76, Pilot Butte Transmission Co., Inc. (New), 54 miles West of Casper, Wyoming. Lat. 42°51'13" N., Long. 107°24'25" W. Construction permit for new station — 6241.7V MHz toward South Pass, Wyoming, on azimuth 254 degrees/04 minutes.

3788–CF–P–76, Pilot Butte Transmission Co., Inc. (WBA 791), 31 miles SW of Lander, Wyoming. Lat. 42°32'29" N., Long. 108°50'34" W. Construction permit add 5989.7H MHz toward White Mountain, Wyoming, on azimuth 200 degrees/18 minutes.

3789–CF–P–76, Pilot Butte Transmission Co., Inc. (KPK 29), White Mountain, 5.0 miles West of Rock Springs, Wyoming. Lat. 41°34'43" N., Long. 109°19'06" W. Construction permit to add 6240.0H MHz toward Medicine Butte, Little America, Rock Springs, and Green River, all in Wyoming, on azimuths 259 degrees/49 minutes, 265 degrees/26 minutes, 80 degrees/00 minute, and 09 degrees/30 minutes, respectively.

3790–CF–P–76, Pilot Butte Transmission Co., Inc. (KPK 28), 6.0 miles NE of Evanston, Wyoming. Lat. 41°21'09" N., Long. 110°54'26" W. Construction permit to add 6375.2H MHz toward Kennerer, Wyoming, on azimuth 31 degrees/25 minutes. (Note: Pilot Butte Transmission Co., Inc. requests waiver of Section 21.701(1).)

3794–CF–P–76, Microband United Corporation (New) Atlanta, Georgia. Lat. 33°54'05" N., Long. 84°15'11" W. Construction permit for new station—11625.0H MHz toward Peachtree Plaza, Atlanta, Georgia, on azimuth 218.6 degrees.

3797–CF–P–76, Eastern Microwove, Inc. (WQR 72), U.S. Route 30–1.4 miles SE of Hookstown, Pennsylvania. Lat. 33°54'05" N., Long. 84°15'11" W. Construction permit to add 10815.0V MHz toward Rochester, Pennsylvania, on azimuth of 45.8 degrees.

MAJOR AMENDMENTS

3657–CF–P–76, Southern Pacific Communications Company (WOF20), Traver, California. Amend to read: frequency 5945.2H instead of 6345.5H MHz towards Fresno, California. (Rest remains the same as reported on Public Notice dated April 26, 1976.)

[FR Doc.76–15839 Filed 6–1–76;8:45 am]

[Report No. 807]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 24, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications on or before July 2, 1976, and on or before June 22, 1976 for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21998–CD–TC–(2)–76, Ace Commercial Service, Inc. Consent to transfer of Control from H. Latham Laws Transferor to John R. Laws, Transferee. Station: KQZ741 and KUS286, Columbus, Mississippi.

22018–CD–P–76, Tri-Cities Answering Service, Inc. (KEK296), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #2: Mt. Prospect, 1 mile North of Binghamton, New York.

22019–CD–P–76, South Shore Radio-Telephone, Inc. (New), C.P. for a new station to operate on 158.70 MHz to be located 2505 Martin Luther King Drive, Gary, Indiana.

22020–CD–P–(3)–76, Blacker's Communications Division, Inc. (KWT990), C.P. to replace transmitter operating on 152.12 (Base) and 450.275 (Repeater) located Near French John Hill, 8.5 miles SSW of Marsing, Idaho; relocate and replace transmitter operating on 454.275 MHz (Control) to be located at 5300 Cleveland Blvd., Caldwell, Idaho.

22021–CD–AL–(2)–76, Robert B. and Ferne Swartley d.b.a. Telephone Answering Service. Consent to Assignment of License from Robert B. and Ferne Swartley d.b.a. Telephone Answering Service, Assignor to Swartley Radio Paging, Inc., Assignee. Station: KLF647 and KSV963, Jackson, Michigan.

22022–CD–P–76, Custom Radio, Inc. (New), C.P. for new 1-way station to operate on 152.24 MHz to be located at 212 North Nichols Street, Casper, Wyoming.

22023–CD–P–76, Dial-A-Page, Inc. (KSV987), C.P. to relocate, replace transmitter and change antenna system operating on 152.24 MHz to be located 3 miles Southwest of Mishawaka, Indiana.

22024–CD–P–76, Miami Valley Radiotelephone (KLF577), C.P. to relocate and replace transmitter operating on 35.22 MHz at Loc. #5: 4505 Central Avenue, Middletown, Ohio.

22025–CD–P–76, The Mountain States Telephone and Telegraphs Company (KWU227) Air-Ground C.P. for additional Test facilities to operate on 459.725 to be located 931–14th Street, Denver, Colorado.

22026–CD–P/ML–76, Michigan Bell Telephone Company (KQD605), C.P. for additional Test facilities to operate on 157.77, 157.83, 157.89, 157.92, 158.04 and 158.07 MHz, to be at 142 East State Street, Traverse City, Michigan.

22027–CD–P–76, New York Telephone Company (KED359), C.P. to relocate Test facilities operating on 157.83 157.89 and 158.01 MHz to be located at 1130 Union Avenue, Newburgh, New York.

22028–CD–P–(2)–76, Northwest Colorado Radiophone, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz. (Base) Magnetic Mtn. 11 miles North of Meeker (Loc. #1.) and 72.62 MHz (Control): 265–6th Street, Meeker, Colorado (Loc. #2).

22029–CD–P–(6)–76, Northwest Colorado Radiophone, Inc. (New), C.P. for a new station to operate on 454.275 454.325 MHz (Base) 75.50 75.82 (repeater) to be located Magnetic Mtn. 11 miles North of Meeker (Loc. #1), and 72.54 MHz (Control) at Loc. #2, to be located 265–6th Street, Meeker, Colorado.

22030–CD–P–(2)–76, R. P. Whitton d/b/a Vail Communications Company (New), C. P. for a new station to operate on 152.06 & 152.21 MHz to be located 2.5 miles SSE of Vail, Colorado.

22031–CD–P–76, Anserfone of St. Lucie County, Inc. (KIG838), C.P. to change antenna system operating on 454.100 MHz located at 200 South 7th Street, Fort Pierce, Florida.

22032–CD–P–(2)–76, Northwestern Telephone Systems, Inc. (KFL914), C.P. to change antenna system operating on 152.54 & 152.69 MHz located North Main Street, Kalispel, Montana.

22033–CD–P–76, Communications Electronics Center, Inc. (KQZ712), C.P. to change antenna system operating on 152.18 MHz located at Corner Smiley Street & Oak Drive, Colquitt, Georgia.

RURAL RADIO

60346–CR–P–76 RCA Alaska Communications, Inc. (New), C.P. for a new Rural Subscriber station to operate on 157.80 MHz located at Quzinkie, Alaska.

60347–CR–P–76 RCA Alaska Communications, Inc. (New), C.P. for a new Central Office station to operate on 152.54 MHz to be located at Kodiak HF Receiver site Mill Bay Road, Kodiak, Alaska.

POINT TO POINT MICROWAVE RADIO SERVICE

3710–CF–P–76, New Jersey Bell Telephone Company (KEL55), 701 Federal Street, Camden, New Jersey. Lat. 75°07'05" N. Long. 39°56'39"W. C.P. to add a point of communication on frequencies 11265H 11585V 11265V 11585H MHz toward a new station at Gibbsboro, New Jersey on azimuth 130.9°.

3711–CF–P–76, Same (New), Rt. 561, NW of Lucas Boulevard, Gibbsboro, New Jersey. Lat. 39°50'26"N., Long 74°58'02" W. C.P. for a new station on frequencies 11055H 10895V 11055V 10895H MHz toward Camden, New Jersey on azimuth 311.0°, and 11055H 10895V 11–55V 10895H MHz toward a new station at Cedar Brook, New Jersey on azimuth 156.9°.

3712–CF–P–76, Same (New), 1.9 Miles NW of Cedar Brook, New Jersey. Lat. 39°44'38" N., Long. 74°54'44"W. C.P. for a new station on frequencies 11265H 11585V 11265V 11585H MHz toward a new station at Folsom, New Jersey on azimuth 336.9°, and 11265H 11585V 11265V 11585H MHz toward a new station at Gibbsboro, New Jersey on azimuth 163.6°.

3713–CF–P–76, Same (New), Buena Vista Road and Rt. 322, Folsom, New Jersey.

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Lat. 39°35'29"N., Long. 74°51'15"W. C.P. for a new station on frequencies 11055H 10895V 11055V 10895H MHz toward a new station at Cedar Brook, New Jersey on azimuth 343.6°, and 11055H 10895V 11055V 10895H MHz toward a new station at Mays Landing, New Jersey on azimuth 132.9°.

3814–CF–P–76, Same (New), Cedar Street, 5 miles east of Rt. 50, Mays Landing, New Jersey. Lat. 39°28'45"N., Long. 74°41'55" W. C.P. for a new station on frequencies 11265H 11585V 11265V 11585H MHz toward a new station at Folsom, New Jersey on azimuth 313.0°, and 11265H 11585V 11265V 11585H MHz toward a new station at Pleasantville, New Jersey on azimuth 122.9°.

3715–CF–P–76, Same (New), 423 Washington Avenue, Pleasantville, New Jersey. Lat. 39°23'38"N., Long. 74°31'45"W. C.P. for a new station on frequencies 11055H 10895V 11055V 10895H MHz toward a new station at Mays Landing, New Jersey on azimuth 303.0°.

3812–CF–P–76, Churchill County Telephone and Telegraph Company (KFS05), 50 W Williams Avenue, Fallon, Nevada. Lat. 39°28'30"N., Long. 118°46'45"W. C.P. to replace transmitters and increase power output for frequencies 6286.2H 6404.8H MHz toward Rattlesnake Passive Reflector and from Passive Reflector toward Southside, Nevada; and on 6256.5V 6375.2V MHz toward Eagle Ridge, Nevada.

3813–CF–P–76, Same (KPS96), Southside, 5.1 miles SSE of Fallon, Nevada. Lat. 39°24'21"N., Long. 118°43'30"W. C.P. to replace transmitters and increase power output for frequencies 6034.2H 6152.8H MHz toward Rattlesnake Passive Reflector and from Passive Reflector toward Fallon, Nevada.

3814–CF–P–76, RCA Alaska Communications, Inc. (WBP75), Wheeler Creek, 23 miles SW of Juneau, Alaska. Lat. 58°01'58"N., Long 134°48'03"W. C.P. to increase power output for frequencies 5997.1V 6115.7V MHz toward Chicago Passive Reflector and from Passive Reflector toward Angoon, Alaska.

3815–CF–P–76, Same (WBP76), Killisnoo Road, Angoon, Alaska. Lat. 57°30'02"N. Long. 134°34'44"W. C.P. to increase power output for frequencies 6249.1V 6367.7V MHz toward Chicago Passive Reflector and from Passive Reflector toward Wheeler Creek, Alaska.

3816–CF–PML–76, American telephone and Telegraph Company (KQH34), 1.4 miles SW of Clintonville, West Virginia. Lat. 37°52'54"N., Long 80°37'03"W. C.P. and Mod. of License to change frequency 4190.0V to 4030.0V MHz toward Kates Mtn., West Virginia on azimuth 119.9°.

3818–CF–P–76, Same (KLC43), 2 miles NNE of Katy, Texas. Lat. 29°48'46"N., Long. 95°48'35"W. C.P. to add frequency 4150.0V MHz toward Rosenberg, Texas on azimuth 186.7°.

3819–CF–P–76, Same (KZA40), 1.8 miles West of Rosenberg, Texas. Lat. 29°33'15"N., Long. 95°50'51"W. C.P. to add frequency 4110.0V MHz toward Katy, Texas on azimuth 06.7°.

3725–CF–P–76, American Telephone & Telegraph Company (KCE38), East Charlotte, Vermont. Lat. 44°18'46"N., Long 73°11'-10"W. Construction permit to add existing frequency (3750.0V MHz) toward Burlington (Studio of WCAX–TV), Vermont, on azimuths 356.6 degrees and 263.9 degrees, respectively. (Note: Applicant requests STA.).

Corrections

3683–CF–P–76, United Wehco, Inc. (KEV 51), 1.0 mile SW of Trees, Louisiana. Lat. 32°-47'04"N., Long. 94°02'51"W. This entry, appearing on Public Notice of May 3, 1976, corrected to show additional frequency (6093.5H MHz) toward Shreveport, Louisiana, on azimuth 147.2 degrees.

3707–CF–P–76, Eastern Microwave, Inc. (WQR 72), U.S. Route 30—1.4 mile SE of Hookstown, Pennsylvania. Lat. 40°34'37" N., Long. 80°27'24"W. This entry, appearing on Public Notice of May 17, 1976, corrected coordinates to read as above.

Major Amendments

304–CF–P–75, Microwave Transmission Corporation (WPG 27), Blad Ridge, 5.0 Miles NE of Watsonville, California. Lat. 36°58'-00"N., Long. 121°41'31"W. Application amended to change polarity to 10855V MHz and 10935V MHz toward Escrito, California, on azimuth 163 degrees/48 minutes.

3997–CF–P–75, Microwave Transmission Corporation (New), Monterey (TOC), California. Lat. 36°35'09"N., Long. 121°51'09"W. Application amended (a) to add 11385V MHz toward Huckleberry Hill and Seaside, California, on azimuths 271 degrees/08 minutes and 17 degrees 01 minute, respectively.

3106–CF–P–76, American Television & Communications Corp. (New), Poor Mountain, 12.0 miles SSW of Salem, Virginia. Lat. 37°11'37"N., Long. 80°09'25"W. Application amended to change frequency to 6330.7V MHz, to change polarity to 6271.4V MHz, and to change transmitters toward Martinsville, Virginia, on azimuth 155.4 degrees.

3726–CF–P–L–76, American Telephone and Telegraph Company (New), New York 7, 811 Tenth Avenue, New York, New York. Amend application for developmental station to correct path distance toward Green Pond 1, New Jersey to read 48.5 Km, and azimuth to read 304.8°.

[FR Doc.76-15840 Filed 6-1-76;8:45 am]

[FCC 76R 143; Docket No. 11227, File No. BSSA–266; Docket No. 17588, File No. BP–16148; Docket No. 19403, File No. BP–19151]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC) AND MID-WEST RADIO-TELEVISION, INC. (WCCO)

Construction Permits Applications

In re applications of City of New York Municipal Broadcasting System (WNYC), New York, New York; for special service authorization to operate additional hours from 6 a.m. (e.s.t.) to sunrise, New York, New York, and from sunset, Minneapolis, Minnesota, to 10 p.m. (e.s.t.).

By the Review Board: Board Member Kessler not participating. Board Member Ohlbaum dissenting with statement.[1]

1. By Memorandum Opinion and Order, FCC 67–825, 8 FCC 2d 1047 (1967), the Commission designated for hearing on various issues the applications of, inter alia, the City of New York Municipal Broadcasting System (WNYC) for a Special Service Authorization and for a construction permit to increase power, change its transmitter site, directionalize its antenna array, and operate at specified hours during the day and night.[2] The record in this proceeding was closed on November 17, 1975. Currently before the Review Board is a petition to enlarge issues, filed December 29, 1975, by WCCO requesting the addition of the following issues against WNYC:[3] (1) Whether the City of New York Municipal Broadcasting System, licensee of Station WNYC, is financially qualified to construct and operate its proposed 50 kW facility on Staten Island; and (2) Whether WNYC has kept the Commission fully informed of significant and material changes in conditions and circumstances relating to the funding and operation of the proposed 50 kW facility, as required by Section 1.65 of the Commission's Rules.

2. As background information in support of its requested financial issue, petitioner points out that WNYC's application for a construction permit, filed March 16, 1964, which proposed an increase in authorized power from 1 kW to 50 kW and a relocation of its present transmitter site in Brooklyn to a 50-acre portion of the Seaview Hospital tract on Staten Island, New York, projected that construction costs for the new transmitter project would be $322,-600. WCCO further notes that construction of the WNYC facility was to be financed by $415,000 of "Existing Capital" to be obtained through an appropriation of the City Planning Commission of the City of New York.[4] On August 9, 1971, continues petitioner, WNYC filed an amendment listing total available funds of $468,016 consisting of $408,016 "Existing Capital" and $60,000 from an existing "Expense Budget" and also represented that since the present estimate for the 50 kW project was higher than the estimate given at the time the application was filed,[5] they were applying to the City Planning Commission of the City of New York for an additional appropriation of capital funds in order to assure the completion of this project.

[1] Filed as part of the original document.

[2] Midwest Radio-Television, Inc. (WCCO) was made a party with respect to the WNYC construction permit applicatfon in the designation Order.

[3] Also before the Board are the following related pleadings: (a) opposition, filed February 6, 1976, by WNYC; (b) comments, filed February 6, 1976, by the Broadcast Bureau; (c) reply, filed March 4, 1976, by WCCO; (d) petition for leave to submit an amended construction permit application and supplemental affidavit, filed March 22, 1976, by WNYC; (e) petition to supplement petition to enlarge issues, filed April 15, 1976, by WCCO; and (f) petition to supplement opposition, filed May 10, 1976, by WNYC. The petition to supplement petition to enlarge issues and the petition to supplement opposition, which are unopposed and contain relevant information, are granted.

[4] Exhibit C to WNYC's 1964 application (which is attached as Exhibit 2 to WCCO's petition) states that: "The City Planning Commission has approved the appropriation of $415,000 to be included in the 1964–1965 Capital Budget for the City of New York" and that "The Board of Estimates of the City of New York is expected to provide the necessary funds as a result of the City Planning Commission Report."

[5] The August 9, 1971 amendment was accepted by Order of the Presiding Judge, FCC 72M–241, released February 24, 1972. In the amendment WNYC estimates its total construction costs at $600,139 and its estimated cost of operation for the first year at $60,000 for a total first year cost of $669,139.

3. According to WCCO, subsequent developments reveal that projected costs for the 50 kW project have escalated, but that WNYC's "expectation of additional funds was faulty." Referring to the 1975–76 New York City Capital Budget (attached to its petition as Exhibit 5), WCCO states that the sum of $1,150,000 is now listed as the amount "required to complete" the WNYC 50 kW transmitter project but that "sums available" for the project are listed at only $23,016. Moreover, alleges WCCO, WNYC will incur substantial expense in the course of condemning its proposed 50 kW site,[6] which real estate experts valued as worth over $2,000,000 in 1969, and WNYC will face further expense in leveling and preparing its site for use. Since the licensee of WNYC also filed, on June 12, 1975, an application for a construction permit to relocate its FM transmitter from the Empire State Building to the World Trade Center (BPH–9522), WCCO argues that the estimated costs of that move ($20,000)[7] will also have an impact on WNYC. On the basis of these alleged additional expenses to be anticipated by WNYC, petitioner computes the total costs to be met by WNYC at $3,170,000. Petitioner adds that WNYC's existing operating budget has already been cut by at least $300,000,[8] and "more cuts are likely."

4. Compounding WNYC's problems, asserts WCCO, are the current financial difficulties of the City of New York.[9] In particular, WCCO contends that several important restrictions have been placed upon the availability of funds for new City projects. First, WCCO adverts to the New York State Legislature's enactment of the New York State Financial Emergency Control Act for the City of New York, signed by the Governor on September 9, 1975, under which the State assumed control of the City's fiscal affairs and established a seven-man "Emergency Financial Control Board" (EFCB) empowered "to review, control and supervise the financial management of the City." Under this Act, alleges WCCO, the State Comptroller, is authorized to appoint a Special Deputy State Comptroller for New York City who will act as chief operating officer of the EFCB and "assume most of the budgetary functions of the Mayor and City Budget Director," Moreover, WCCO states that the City's three-year Financial Plan, approved by the EFCB on October 21, 1975, supersedes all prior commitments for the fiscal year 1975–76, including capital budget items. The three-year plan, stresses WCCO, did not provide an increase in available funds for the 50 kW project. Second, WCCO calls attention to Executive Order No. 42, signed into law by Mayor Beame on October 9, 1975, a copy of which is submitted with its petition. Section 1(a) of that Order, avers WCCO, prohibits the execution of any construction contract (in excess of $100,000) or the commitment of any funds thereto unless the Mayor has first approved the contract after reviewing a detailed analysis of the project, and Section 2 requires each agency head to review all contracts or commitments (in excess of $100,000) within his jurisdiction and to submit to the Mayor "a list of those contracts or commitments which would be legally and financially practicable to defer or cancel without impairing the health or safety of the people of New York. . . ." Although it is WCCO's position that the financial state of New York City alone requires an examination of the City's financial qualifications to construct and operate the new 50 kW facility, in WCCO's opinion, more serious questions are raised as to whether WNYC could proceed with the timely construction of its facility by the enactment of the New York State financial Emergency Control Act of 1975 and the Mayor's Executive Order No. 42. WCCO further contends that it is also unclear whether WNYC will have sufficient operating funds to enable it to fulfill the staffing and programming proposals contained in its 50 kW application. Finally, WCCO submits that a § 1.65 issue[10] is also warranted because WNYC never reported to the Commission, subsequent to its 1971 amendment, its estimated increase in construction costs and the reduction in available funds or the current financial situation of the City and its impact upon WNYC's ability to proceed with its proposal.

5. WNYC, in its opposition, initially objects to the untimeliness of WCCO's petition. Substantively, WNYC disputes WCCO's $3,170,000 estimate for the cost of constructing the 50 kW facility, acquiring and preparing the site, and transferring the WNYC(FM) transmitter to the World Trade Center. Rather, relying on its most recent cost estimate, made in December 1975 as part of an application for an HEW Educational Broadcasting Facilities grant,[11] WNYC contends that an estimate of $900,000 is sufficient to meet the cost of construction, including site preparation. For purposes of clarification, WNYC explains that the sum of $1,150,000 given as the cost to complete construction of the transmitter in the 1975–76 New York City Capital Budget was "used for internal budgetary purposes only and was established at a sufficiently high level to cover unexpected contingencies and inflation."[12] Under City budgetary procedure, continues WNYC, it would be required to establish the actual cost of constructing the facility, based upon current cost estimates, at the time certification to spend funds is sought from the Mayor. Turning to specific cost estimates, WNYC maintains that the inclusion of site acquisition as a probable cost is unwarranted because, although the proposed site is now leased, there is no reason to believe that transfer of the property to WNYC will be other than voluntary;[13] and, even if condemnation were to prove necessary, WNYC argues that the cost of recovering the site would be far less than the $2,000,000 figure presented by WCCO.[14] The $20,000 cost to be met by WNYC(FM) upon transfer of its facility to the World Trade Center, adds WNYC, is an Expense Budget item and is totally unrelated to the construction costs of the 50 kW facility. Conceding that there has been a $300,000 reduction in its Expense Budget allocation from the previous fiscal year, WNYC nevertheless argues, referring to the affidavit of its Director, Mr. Labaton, that the proposed budget allocation, together with appropriations from the Corporation for Public Broadcasting, will be sufficient to enable WNYC to continue its

[6] In Exhibit 7 to its August 9, 1971 amendment, WNYC represented that its site was "city owned." However, in view of the agreements by which the City leased portions of the proposed site to the Jewish Community Center and the New York City Health and Hospital Corporation, the Review Board determined, by Memorandum Opinion and Order, 41 FCC 2d 717, 27 RR 2d 1616 (1973), stay denied 28 RR 2d 136, review denied FCC 73–997, released September 26, 1973, that site availability and 1.65 issues were required.

[7] WCCO states that while the WNYC(FM) application shows construction and first year operating costs of $183,000, the application claims that all but $20,000 will be financed by entities other than the licensee.

[8] WCCO notes that WNYC's July 7, 1975 opposition to a petition to deny filed by the Network Project indicates that WNCY expects to receive approximately $300,000 less for its operations in fiscal year 1975–78 than it received during the preceding year.

[9] Petitioner cites a September 5, 1975 message of Governor Hugh Carey to an Extraordinary Session of the New York State Legislature in which the Governor stated that "[t]he City of New York is on the brink of financial collapse . . ." and also refers to the curtailment of municipal services within the City and the dismissal of some 40,000 City employees.

[10] Section 1.65 of the Commission's rules provides that each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application and that when the information furnished in the application is no longer substantially accurate, the applicant shall file an amendment within thirty days.

[11] In its opposition, WNYC states that when the $900,000 cost estimate has been verified, an amendment will be filed. On March 22, 1976, WNYC filed a petition for leave to submit an amended construction permit application and supplemental affidavit with the Review Board and with the Presiding Judge. We note that prior to issuance of the Initial Decision, petitions for leave to amend are within the jurisdiction of the Presiding Judge. See § 1.243 of the Commission's rules. Consequently, the Board will dismiss WNYC's petition.

[12] In support, WNYC submits the February 5, 1976 affidavit of Arnold Labaton, Director of the Municipal Broadcasting System since March 1974.

[13] WNYC refers to the record testimony of Ira Duchan, the City's Commissioner of Real Estate.

[14] According to WNYC, the $2,000,000 figure, quoted by WOCO, stems from a planning study by a private firm of architects which was commissioned for, but never adopted by, the City Planning Commission. Additionally, claims WNYC, the land, rather than the leaseholds, was valued at $2,000,000, but since the City already owns the land, it would only have to condemn the leaseholds.

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quality programming.[16] In this connection, WNYC notes that the Commission previously determined that allegations regarding the reduction in the Expense Budget were not sufficient to support a finding of lack of financial qualifications on the part of MBS, citing City of New York Municipal Broadcasting System, FCC 75–1197, 56 FCC 2d 169, 35 RR 2d 449 (1975).

6. In explanation of the current Capital Budget appropriation for the 50 kW project (WNYC notes that the total appropriation for the project is $154,217.84 and the amount available from prior Mayoral certifications is $23,016.10),[17] WNYC states that in 1971, the then Director of the Municipal Broadcasting System, Sheldon Hoffman, approached the City Planning Commission for an increased appropriation for the transmitter but was informed that "City fiscal policy was wherever possible not to encuber the Capital Budget with appropriations that have no chance of being spent in the coming fiscal year." [18] Therefore, asserts WNYC, the FY 1972–73 level of appropriation, as well as the amount of available funds, has been carried over through the present fiscal year. In support, WNYC supplies the February 4, 1976 affidavit of John J. Lanigan, First Deputy Director in the Office of Management and Budget of the City of New York. Mr. Lanigan points out that both the Capital Budget for FY 1975–76 and the Executive Capital Budget for FY 1976–77 continue the appropriation for the transmitter project at $154,217.84, and that the Capital Budget for FY 1975–76 shows an unencumbered balance of $23,016.10. These facts, avers Mr. Lanigan, reveal "that the project is considered to have on-going status but that it is not foreseen that capital funds beyond the unexpected balance of the sum previously authorized will be expended in FY 1975–76 or FY 1976–77," although the Capital Budget could be amended to increase the appropriation. WNYC indicates that in its December 1975 application to HEW (see para. 5, supra), it requested a grant in the amount of $473,250; however, until such time as the application is granted, WYNC avers that it is continuing to look to the Capital Budget appropriation to finance its 50 kW facility. This appropriation, notes WNYC, can be adjusted upward either by amendment of an existing Capital Budget or by an increased appropriation in a subsequent Capital Budget.

7. With regard to the financial situation of New York City, WNYC contends that petitioner has not demonstrated that the City's financial difficulties have adversely affected WNYC to the point where it can no longer construct or operate the 50 kW facility. WNYC maintains that the EFCB, the City's three-year Financial Plan, and the Mayor's Executive Order No. 42 do not divest the City of its budgetary functions but merely add a layer of checks and balances to the City's budgetary system. Thus, while the EFCB has the power to disapprove contracts entered into by the City, claims WNYC, it may exercise this power only upon a determination that the contract would be inconsistent with the Financial Plan. Furthermore, WNYC explains that the Financial Plan, mandated by the legislation establishing the EFCB, only acts as a restraint on City expenditures for FY 1975–76 through FY 1977–78. Although there is no provision for the 50 kW facility in the Financial Plan (which extends through FY 1977–78), asserts WNYC, the Plan can be amended to provide for the facility in the event WNYC's applications were granted prior to FY 1977–78. In support of this assertion, WNYC refers to the February 4, 1976 affidavit of John J. Lanigan. According to Mr. Lanigan, while there are presently no cash expenditures included for the WNYC 50 kW transmitter project in the Financial Plan, indicating that the City does not expect to expend any capital funds through June 30, 1978, the Plan could be amended to include such expenditures "so long as the total amount of City capital funds to be expended remains within the limits set by the Financial Plan." In any event, WNYC estimates that, because of probable appeals, the City will not be in a position to let contracts for the facility for at least two years from the date of the initial decision. Since no initial decision has yet been issued,[19] WNYC suggests that any expenditure will not occur until FY 1978–79. The Mayor's Executive Order No. 42, adds WNYC, establishes another level of central fiscal control prior to execution of a contract by an agency, but such certification would not be sought until such time as an obligation exists.

8. In light of the financial picture described above, WNYC contends that it was not required to amend its application pursuant to Rule 1.65. WNYC argues that its application sets forth the precise method of financing proposed, i.e., construction costs are to be paid out of Capital Budget appropriations and the costs of the first year of operation are to be paid out of Expense Budget appropriations.[19] Additionally, WNYC submits that although its most recent estimate shows an increase in the cost of construction from approximately $600,000 to $900,000, an issue is not warranted on this basis because Mr. Labaton has indicated that he will file an amendment as soon as the $900,000 estimate is verified. Nor was the City obliged to inform the Commission of the creation of the EFCB and the position of Special State Deputy Comptroller, contends WNYC, since the legislation establishing the EFCB states that decisions as to how funds are to be spent rests with the elected City officials. WNYC further argues that the Deputy State Comptroller only acts as a liaison with the EFCB but does not assume the budgetary functions of the Mayor or the Budget Director.

9. In its comments, the Broadcast Bureau supports the addition of a financial issue, predicated chiefly on the fact that WNYC's application, as amended in 1971, shows total first year expenses of $669,139, but available funds of only $468,016. While WNYC indicated, in Exhibit 2 of the 1971 amendment, that it was applying to the City Planning Commission for additional funds, the Bureau points out that WNYC does not state the precise amount of additional funds applied for or provide any information showing that it has reasonable assurance that such funds will be made available. The City's 1975–76 Budget, continues the Bureau, raises further questions regarding the applicant's financing since it reflects that WNYC's expenses have increased to $1,150,000. Finally, the Bureau maintains that a question exists as to whether WNYC will be able to construct its proposed facility in light of the enactment of Executive Order No. 42 requiring approval of the contract by the Mayor.

10. WCCO's petition, which was filed six weeks after the record in this lengthy

[15] Mr. Labaton indicates that in the present fiscal year, the Municipal Broadcasting System (MBS) Expense Budget allocation is approximately $2.1 million and that the MBS has received a $400,000 grant from the Corporation for Public Broadcasting in addition to miscellaneous grants. Mr. Labaton adds that WNYC has also applied to the Corporation for Public Broadcasting for a radio major market expansion grant in the amount of $775,000 in order to finance further improvements in its radio programming.

[16] In his affidavit, Mr. Labaton states that the present sum of $23,016.10 will be sufficient to meet the incidental expenses of prosecuting this application.

[17] WNYC attaches the supporting affidavit of Sheldon Hoffman dated February 5, 1976. Mr. Labaton, in his February 5, 1976 affidavit, remarks that he initiates the MBS annual Capital Budget request for presentation to the City Planning Commission; that the Commission has inquired each year whether it is anticipated that the WNYC 50 kW facility would be built in the following fiscal year; that in each instance he has responded that it was not anticipated that the final legal resolution necessary to commence construction would be forthcoming in the following fiscal year; and that he has therefore not sought to increase the $154,217.84 presently appropriated for the change in facilities.

[18] By Order, FCC 76M–429, released April 7, 1976, the Presiding Judge extended the date for filing proposed findings and briefs in this proceeding to May 3, 1976, and the date for filing replies to May 24, 1976.

[19] The February 5, 1976 affidavit of Mr. Hoffman states that the construction permit application was not amended to reflect the reduction in the Capital Budget allocation (to $23,016.10 in sums available) because he "regarded the reduction as essentially a bookkeeping device which did not constitute a significant change • • • in view of the fact that the Capital Budget appropriation for the project could be increased at the time when the funds could actually be expended. • • •" Mr. Labaton states, in his affidavit, that he has not sought to increase the appropriation of $154,217.84 for the WNYC facility or the amount listed as funds available, nor amended the CP application to reflect the fact that the appropriation is less than that needed to complete construction, because he intends to seek a sufficient Capital Budget appropriation at such time as the City is in a position to proceed with construction.

proceeding was closed, is late, and good cause for the delay has not been demonstrated; nevertheless, although the Board is reluctant to prolong this already protracted proceeding, we believe that the petition raises serious public interest questions concerning an applicant's statutory qualifications which require consideration of its merits.[20] See Athens Broadcasting, Inc., 27 FCC 2d 7, 20 RR 2d 1115 (Rev. Bd. 1971); The Edgefield-Caluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (Rev. Bd. 1966). It is established Commission policy to require only a reasonable, rather than a stringent showing, of financial qualifications for non-commercial stations. See Los Angeles Unified School District, 30 FCC 2d 547, 22 RR 2d 163 (Rev. Bd. 1971), review denied FCC 71–1076, released October 14, 1971; NTA Television Broadcasting Corp., FCC 61–1281, 22 RR 273 (1961). However, we are unable to find any reasonable assurance that WNYC will have the financial capability to proceed with the construction of its proposed facility. The pleadings presented by both parties reveal that there have been numerous and significant changes in WNYC's financial position. WNYC's estimated costs of construction and first year operation have increased from $669,139 in 1971 to an apparent $1,050,450[21] in 1975.[22] Yet, the amount WNYC lists as "sums available" has precipitously declined from $468,016 in 1971 to $23,016.10 in 1975. Although there is also an appropriation of $154,217.84, carried over from previous budgets, in the City's 1975–76 Capital Budget, WNYC has not demonstrated that the appropriation would be readily available. And, even assuming that the $154,217.84 were available to WNYC, its total funds are still far less than the amount required for the proposed facility, according to its own recent estimate. Additionally, WNYC's assertion that the present appropriation can be adjusted upward by amendment is not substantiated in any way by affidavits from those who have ultimate control over the City's budgetary processes. While we recognize that it may be diffcult for a City to advance municipal funds for a proposal that may not come to fruition during a current budgetary period, we still must have some form of assurance that the required funds will be made available, and WNYC has presented no such showing. To the extent that WNYC proposes to rely on a grant of $473,250 from HEW, there is no indication of any kind that the grant will actually be forthcoming.[23] Moreover, the present financial state of New York City raises questions as to the City's willingness to allocate further funds for the 50kW facility, particularly in light of Mayor Beame's proposal that WNYC be transferred or reorganized as a public benefit corporation eligible to receive donations. Under these circumstances, an appropriate financial issue will be added so that evidence may be adduced as to the probable availability of such funds. See Redding-Chico Television, Inc., FCC 63R–5, 24 RR 898 (Rev. Bd. 1963); Flower City Television Corporation, FCC 62–621, 23 RR 819 (1962).

11. As for the requested Rule 1.65 issue, it is the Board's opinion that WNYC should have reported the changes in its first year expenses and revenue sources to the Commission; [24] however, there has been no showing of any intent or motive to conceal on the part of WNYC. For this reason, a disqualifying issue is not warranted, and since this is a non-comparative proceeding, a comparative issue would not be appropriate. We therefore agree with the Bureau that the requested issue must be denied.

12. Accordingly, *it is ordered*, That the petition for leave to submit an amended construction permit application and supplemental affidavit, filed March 22, 1976, by the City of New York Municipal Broadcasting System, is dismissed; and

13. *It is further ordered*, That the petition to enlarge issues, filed December 29, 1975, by Midwest Radio-Television, Inc. is granted to the extent indicated herein, and is denied in all other respects and that the record herein is reopened for the purpose of hearing evidence on the following issue: To determine whether the City of New York Municipal Broadcasting System has available sufficient funds to construct and operate the proposed 50 kW facility for a period of one year.

14. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the foregoing issue shall be on the City of New York Municipal Broadcasting System.

Adopted: May 18, 1976.

Released: May 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–15942 Filed 6–1–76;8:45 am]

[20] Petitioner has not requested a reopening of the record; however, since the record is closed, such a request is inherent in its petition for enlargement of issues.

[21] In its petition for leave to submit an amended construction permit application, filed March 22, 1976 (see n. 10, *supra*), WNYC lists its total first year costs at $1,050,450, and petitioner has supplied no adequate basis for not accepting this estimate.

[22] We note that WCCO has not supported its allegations that WNYC will incur expenses of over $2,000,000 in condemning its proposed site and additional expenses in preparing the site for use. Nor has WCCO shown that the relocation of the FM transmitter from the Empire State Building to the World Trade Center would affect construction of the 50 kW facility. See section 1.229(c) of the Commission's Rules.

[23] Even if it is assumed that all of the funds requested from HEW will be available (as assumed by the Commission in its designation Order in Alabama Citizens for Responsible Public Television, Inc., FCC 76–369, released May 4, 1976), the amount which would be obtained by WNYC from that source would be less than the amount required to construct its proposed facility. As noted above, however, at least until such time as its application is granted, WNYC is relying on its Capital Budget appropriation to finance its 50 kW facility, and not upon an HEW grant.

[24] We do not believe that WNYC was required to report the fiscal crisis of the City of New York since petitioner has failed to show the nexus between the City's difficulties and WNYC's ability to proceed with the construction of its proposed facility.

FEDERAL DEPOSIT INSURANCE CORPORATION

FARMERS BANK OF THE STATE OF DELAWARE

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of the suspension of trading in the common stock of Farmers Bank of the State of Delaware, Dover, Delaware being traded otherwise than on a national securities exchange, ordered by the Federal Deposit Insurance Corporation on March 8, 1976, is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(j) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (d.s.t.) on May 27, 1976 through June 5, 1976.

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By order of the Board of Directors. May 26, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76–15980 Filed 6–1–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH OFFICE OF EXCEPTIONS AND APPEALS

Week of May 14 Through May 21, 1976

Notice is hereby given that during the week of May 14 through May 21, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be June 2, 1976 or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: May 26, 1976.

DAVID G. WILSON,
Acting General Counsel.

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APPENDIX.—*List of cases received by the Office of Exceptions and Appeals—May 14–21, 1976*

Date	Name and location of applicant	Case No.	Type of submission
May 14, 1976...	K.L.M. Oil Co., Long Beach, Calif. (If granted: Crude oil produced from the McGrath lease on Seal Beach Field would be sold at upper-tier ceiling prices.)	FEE-2479	Price exception (sec. 212.-74).
Do.....	Michigan Milk Producers Association, Washington, D.C. (If granted: FEA's Apr. 12, 1976, order would be re-scinded and deliveries of Canadian crude oil to Consumers Power Co.'s synthetic natural gas plant at Marysville, Mich., would be increased.)	FEA-0837	Appeal of FEA's Apr. 12, 1976, order.
Do.....	Pontiac Stadium Authority, Pontiac, Mich. (If granted: Pontiac Stadium Authority would receive an increase in its base-period use of propane.)	FEE-2481	Allocation exception.
Do.....	State of Hawaii, Honolulu, Hawaii. (If granted: Resellers of liquid fuel in the State of Hawaii would be permitted to increase their selling prices to reflect an increase in the State license tax.)	FEE-2480	Price exception (sec. 212.-93).
Do.....	Upjohn Co., Washington, D.C. (If granted: FEA's Apr. 12, 1976 order would be rescinded and deliveries of Canadian crude oil to Consumers Power Co.'s synthetic natural gas plant at Marysville, Mich., would be increased.)	FEA-0836	Appeal of FEA's Apr. 12, 1976, order.
Do.....	Whaleco Fuel Corp., Brooklyn, N.Y. (If granted: Whaleco would receive entitlements for residual fuel oil purchased from Asiatic Petroleum Corp., the importer of record.)	FPI-0098	Exception to the base fee requirements.
May 17, 1976...	Beacon Oil Co., Hanford, Calif. (If granted: FEA's Mar. 31, 1976, decision and order would be rescinded and Beacon Oil Co. would receive additional retroactive exception relief from the provisions of 10 CFR 212.83.)	FEA-0839	Appeal of FEA's exception decision and order. Beacon Oil Co., 3 FEA par. 83,140 (Mar. 31, 1976).
Do.....	Energy Magazine, Stamford, Conn. (If granted: FEA's Apr. 19, 1976, information request denial would be rescinded and Energy Magazine would receive copies of mailing lists maintained by the FEA.)	FEA-0838	Appeal of FEA's information request denial.
Do.....	Husky Oil Co., Denver, Colo. (If granted: Husky Oil Co. would receive an exception permitting the firm to reallocate gasoline among its various retail outlets.)	FEE-2485	Allocation exception (sec. 211.106).
Do.....	Lynnhaven Water Way Marina, Inc., Virginia Beach, Va. (If granted: Lynnhaven Water Way Marina, Inc., would be assigned a new supplier of regular gasoline.)	FEE-2483	Exception to change suppliers.
Do.....	Pike's Car Wash, Philadelphia, Pa. (If granted: Pike's Car Wash would be assigned a new supplier of motor gasoline to replace its base-period supplier, Getty Oil Co.)	FEE-2484	Exception to change suppliers.
Do.....	Superior Oil Co. (Cymric), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2489	Extension of exception relief Superior Oil Co., 3 FEA par. 83,118 (Feb. 27, 1976).
Do.....	Superior Oil Co. (Elk City), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2490	Do.
Do.....	Superior Oil Co. (Kettleman), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2491	Do.
Do.....	Superior Oil Co. (Loveland), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2492	Do.
Do.....	Superior Oil Co. (Portilla), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2493	Do.
Do.....	Texas Eastman Co., Longview, Tex. (If granted: Texas Eastman Co. would receive an extension of import license Nos. 23–005099 and 23–005100.)	FPI-0093	Exception to the base fee requirements.
May 18, 1976...	Atlantic Richfield Co. (Price), Dallas, Tex. (If granted: FEA's Apr. 16, 1976, decision and order would be modified and Atlantic Richfield Co. would be permitted to increase its prices for natural gas liquid products at its Price plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEA-0840	Appeal of FEA's exception decision and order. Atlantic Richfield Co., 3 FEA par. 83,167 (Apr. 16, 1976).
Do.....	BP Oil, Inc., Cleveland, Ohio. (If granted: BP Oil would receive an exception from the provisions of 10 CFR 212.31 and 212.82 with respect to its prices for unleaded gasoline.)	FEE-2487	Price exception (sec. 212.-112).
Do.....	Louisiana Land & Exploration Co., New Orleans, La. (If granted: FEA's Feb. 26, 1976, decision and order would be modified to permit Louisiana Land & Exploration Co. to retain additional crude oil produced from the Jay-Little Escambia Creek Field.)	FMR-0052	Modification of FEA's decision and order. Louisiana Land & Exploration Co., 3 FEA par. 80,586 (Feb. 26, 1976).
Do.....	Midcoast Aviation Services, Inc., St. Louis, Mo. (If granted: Midcoast Aviation Services, Inc., would receive an extension of the price relief granted in FEA's Jan. 19, 1976, decision and order.)	FEE-2486	Extension of FEA's exception relief. Midcoast Aviation Services, Inc., 3 FEA par. 80,556 (Jan. 19, 1976).
Do.....	Richard S. Anderson, Inc., Midland, Tex. (If granted: Crude oil produced from the Post Montgomery "C" lease during the period October 1974 through December 1975 and from the Post Montgomery "E" lease during the period June through December 1975 would be sold at upper tier ceiling prices.)	FEE-2488	Price exception (sec. 212.-74).
Do.....	Wagner Gas & Electric, Gillett, Wis. (If granted: Wagner Gas & Electric would receive an extension of the supplier assignment granted in FEA's Mar. 17, 1976, decision and order.)	FEE-2494	Extension of exception relief. Wagner Gas & Electric, 3 FEA par. 83,135 (Mar. 17, 1976).
Do.....	Western Jobbers Association, San Francisco, Calif. (If granted: FEA's Aug. 29, 1975, decision and order granting Tosco exception relief with respect to the prices it is permitted to charge to certain former customers of the Phillips Petroleum Co. would be rescinded.)	FMR-0053	Modification of FEA's decision and order. The Oil Shale Corp., 2 FEA par. 80,673 (Aug. 29, 1975).

Date	Name and location of applicant	Case No.	Type of submission
May 20, 1976...	Chemplex Co., Rolling Meadows, Ill. (If granted: Chemplex Co. would be assigned a new supplier to replace Skelly Oil Co. or would be permitted to purchase C_3H_8 from Skelly Oil Co.)	FEE-2495	Exception to change suppliers.
Do.....	General American Oil Co. of Texas, Dallas, Tex. (If granted: Crude oil produced from the S–1 unit and the R–1 unit would be sold at upper tier ceiling prices.)	FEE-2496	Price exception (sec. 212.-74).
May 21, 1976...	Small refiners granted exception relief from entitlement purchase obligations. (If granted: Certain small refiners which received exception relief from their entitlement purchase obligations would be required to purchase additional entitlements equal in dollar value to the amount by which their 1975 profitability exceeded their historical rates of profitability and certain small refiners which were granted partial exception relief from their entitlement purchase obligations would be issued additional entitlements equal to the lesser of (a) the dollar value of the exception relief which they requested but did not receive or (b) the difference between their 1975 profitability and their historical rates of profitability.)	FEX-0043	Review of entitlements exception relief granted to small refiners under the Delta Refining Co. Criteria.

[FR Doc.76–15884 Filed 5–27–76;10:06 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 26 Through April 30, 1976

Notice is hereby given that during the week of April 26 through April 30, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Apex Oil Company, St. Louis, Missouri, FPI–0093, Motor Gasoline, No. 2 Fuel Oil.

The Apex Oil Company (Apex) appealed from a Decision and Order which denied an Application for Exception which the firm had submitted from the FEA Mandatory Oil Import Program as set forth in 10 CFR 213.35(c). Apex Oil Company, 3 FEA Par. 83,121 (March 8, 1976). Apex's Appeal, if granted, would result in the issuance of an Order by the FEA vacating the Order denying exception relief and permitting Apex to import on a fee-exempt basis 1,309,521 barrels of motor gasoline and 1,314,000 barrels of No. 2 fuel oil during the current allocation period. In considering Apex's Appeal, the FEA noted that Apex's petition consisted solely of a general unsubstantiated allegation that the Order erred because it was inconsistent with previous precedents established by the Oil Import Appeals Board. The FEA pointed out that the same type of allegation had been discussed and rejected in previous cases and that Apex had failed to advance any new arguments in the matter or to challenge any of the specific findings in the March 8 Order. The FEA therefore concluded that Apex had failed to demonstrate that the initial Order issued in this proceeding was erroneous in fact or law. The Appeal was therefore denied.

Consumers Power Company, et al., Jackson, Michigan, FEA–0706/0734–39, FEA–0743/0748, Propane, Butane and/or Natural Gasoline.

Consumers Power Company (Consumers), the Michigan Public Service Commission (the MPSC), the Petrochemical Energy Group (PEG) and six firms who purchase gas from Consumers filed appeals from a Decision and Amended Order issued to Consumers by the FEA Assistant Administrator for Regulatory Programs on December 12, 1975. In that Decision and Amended Order the FEA assigned Consumers an allocation of natural gas liquids (NGL's) for use as a feedstock during 1976 in its Marysville, Michigan synthetic natural gas (SNG) plant. However, as a prerequisite to receiving an SNG feedstock allocation for a period subsequent to December 31, 1976, Consumers was required to furnish data to the FEA as to (i) the customers which it serves that have alternate fuel capability on a continuing basis; (ii) its efforts to implement a full incremental pricing program for the SNG it supplies; and (iii) the growth in service, if any, which it experienced subsequent to December 1, 1975. Since the nine appeals involved similar issues, they were consolidated into one proceeding. In their submissions several appellants alleged that the Decision and Amended Order was inconsistent with Special Rule No. 1 and Section 18 of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), because it did not evaluate the economic impact of the determination reached on the market area which Consumers serves. In response, the FEA noted that it has previously held that it is not required to make specific written findings with respect to each factor enumerated in Special Rule No. 1 and Section 18 of the EPAA. Nor was the Amended Order subject to the requirements applicable to a "proposal for legislation" or a proposal for the "promulgation of regulations or rules". The FEA made the following additional findings:

(i) Contrary to the appellants' contentions, the FEA had not violated the procedural due process requirements of the Administrative Procedure Act (APA) in issuing the December 12 Order because the provisions of the APA which require public hearings or other adjudicatory proceedings do not apply to that proceeding.

(ii) All of the appellants had notice and an opportunity to comment on the issues addressed in the Amended Order and therefore appropriate procedural standards were adequately observed by FEA.

(iii) The preparation of an environmental impact statement concerning the impact of incremental pricing cannot be completed until proceedings before the MPSC are in progress and the information necessary to complete a detailed statement becomes available. If any additional incremental pricing is approved by the MPSC the impact on the environment will be assessed and, if necessary, an environment impact statement will be published prior to the issuance of a decision on any further application by Consumers for an additional allocation.

(iv) Consumers had no basis for challenging the accuracy of the factual basis underlying the FEA's determination as to the appropriate amount of the feedstock allocation since the December 12 Order granted Consumers precisely the amount of SNG feedstocks it had requested for 1976.

(v) The FEA's Order did not violate Special Rule No. 1 and the Statement of Policy by failing to include provisions requiring the immediate implementation of full incremental pricing of SNG produced by Consumers or the immediate curtailment of Consumers' customers. The Regulations governing the allocation of SNG feedstocks do not require that SNG produced from allocated feedstocks be incrementally priced on an immediate basis, nor do they categorically prohibit allocated feedstocks from being used to produce SNG which is in turn used by persons who do have alternate fuel capability, and

(vi) The allocation plan adopted in the December 12 Order was a reasonable exercise of administrative discretion in attempting to balance the relevant statutory and regulatory objectives.

The FEA therefore affirmed the December 12 Order insofar as it concerned the decision to grant Consumers sufficient feedstocks to operate its SNG plant at capacity during 1976 while simultaneously requiring that Consumers gather data as to incremental pricing and alternate fuel capability. However, in accordance with a decision issued by the United States District Court for the Eastern District of Michigan, the FEA deleted and modified certain provisions of the December 12 Amended Order regarding the information which Consumers' was required to obtain from customers which might be subject to eventual curtailment. In all other respects, the FEA denied the appeals.

Petrochemical Energy Group, Washington, D.C., FEA–0693, Naphtha.

The Petrochemical Energy Group (PEG) appealed from a Decision and Order issued to the Philadelphia Gas Works (PGW) in which the FEA granted PGW's application for an assignment of naphtha to be used as feedstock in a synthetic natural gas (SNG) plant. In its Appeal, PEG contended that certain portions of the allocation order contravened established FEA policy concerning the allocation of SNG feedstock and that the Order was based on unsubstantiated findings. In partially granting PEG's Appeal, the FEA pointed out that Special Rule No. 1 to 10 CFR 211.29 requires that the allocation of SNG feedstock be conditioned on the applicant terminating its natural gas service to end-users which have alternate fuel capability on a continuing allocation basis. The FEA held that an erroneous finding was made in the order with respect to service to such customers. The Order was therefore modified on Appeal to ensure that PGW would not supply natural gas to customers which do have alternate fuel capability on a continuing basis. In considering the remaining arguments raised by PEG, the FEA determined that: (i) the allocation order corrrectly found that the SNG plant which PGW will construct will be a "replacement" plant as that term is used in Special Rule No. I, and (ii) it was not improper for the FEA to rely upon a previous determination reached by another federal agency that no significant environmental impact would result from the construction and operation of PGW's proposed SNG plant. In all other respects PEG's Appeal was therefore denied.

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REQUESTS FOR EXCEPTION

A & N Producing Services, Inc., Jackson, Mississippi, FEE–2215, Crude Oil.

A & N Producing Services, Inc. (A & N) filed an Application for Exception from the provisions of 10 CFR, Part 212, which if granted, would permit A & N to sell at upper tier prices the crude oil it produces from a well which it is considering drilling to replace a well which is inoperative at the present time. In considering A & N's Application, the FEA determined that: (i) prior to the time the well became inoperative, it was the only well which was recovering crude oil from the reservoir involved; (ii) if the well were not replaced by a new well, substantial quantities of crude oil would not be recovered from the reservoir; (iii) under current FEA regulations the crude oil produced from the well must be sold at lower tier ceiling prices; and (iv) the investment required to drill a replacement well is uneconomic if the crude oil produced from the well is to be sold at lower tier prices. On the basis of these findings the FEA concluded that the working interest owners of the well should be granted exception relief which provides a sufficient economic incentive to undertake the capital investment while at the same time avoiding the possibility that windfall profits would be obtained as a result of the exception relief. In this particular case under consideration the FEA concluded that these objectives would be effectuated if A & N were permitted to sell 5,200 barrels of crude oil at upper tier prices, and appropriate exception relief was granted permitting the firm to do so.

Ashland Oil Company of California, Oakland, California, FEE–2194, Motor Gasoline.

Ashland Oil Company of California (Ashland) filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would result in the issuance of FEA orders: (i) assigning Ashland new, lower-priced suppliers of motor gasoline to replace its primary base period supplier, Coastal States Gas Producing Company (Coastal States) and (ii) directing the new suppliers to furnish Ashland with that portion of its base period use of motor gasoline which Coastal States was obligated to furnish. Ashland contended that the cost involved in purchasing gasoline from Coastal states when added to the cost of transporting the gasoline by barge to its terminals is so high that the firm is effectively prevented from competing in its historic markets. In considering the Ashland application, the FEA determined that the price which Ashland actually pays for delivered gasoline is 3.15 cents more per gallon than its competitors pay for gasoline and as a result, the markup which Ashland applied in sales of that product in 1975 had been reduced by 85 percent from 1973 levels and 52 percent from 1974 levels. The FEA further found that because of Ashland's relatively high cost of gasoline, the firm had suffered substantial financial losses for its combined operations in 1975 and that its profitability had declined by 192 percent as compared to the average profit level attained in the three previous years. The FEA therefore concluded that a serious financial hardship existed which warranted exception relief. However, Ashland's request that new suppliers be assigned for all of its base period use of motor gasoline was inappropriate since it would deprive the new suppliers' historical customers of large quantities of petroleum products and would substantially reduce the total supply of motor gasoline available in California. The FEA determined that appropriate exception relief would be provided by ordering Coastal States to provide a quantity of motor gasoline to Ashland which is large enough to enable Ashland to take advantage of the efficiencies of barge transportation. The Regional Administrator was directed to assign California suppliers to supply Ashland with the remaining volume of motor gasoline which Coastal States was obligated to supply Ashland during the ensuing three month period.

Empire Gas Corporation, Lebanon, Missouri, FEE–2391, FEE–2392, Propane.

Empire Gas Corporation (Empire Gas) filed two Applications for Exception from the provisions of 10 CFR 211.9. The exception requests, if granted, would result in the issuance of orders by the FEA assigning Empire Gas a new, lower-priced supplier of propane to furnish that portion of its base period use which it receives from Phillips Petroleum Company and sells through its retail subsidiaries, Empiregas, Inc. of Strasburg, Waynesville, Missouri and Empiregas, Inc. of Colorado. In considering the Applications for Exception, the FEA determined that the only showing that Empire Gas had made was that its two retail subsidiaries, which account for less than one percent of the total sales of the firm, are experiencing financial losses as reported under the firm's historical accounting procedures. The FEA concluded that even assuming that Empire Gas could demonstrate that these losses were directly attributable to the cost of propane paid by its subsidiaries, that showing would not necessarily constitute grounds for the approval of exception relief. The FEA pointed out that in analyzing claims of serious hardship, it has held that the entire petroleum-related activities of a firm must generally be considered. The most recent financial and operating results for Empire Gas' petroleum-related activities clearly demonstrated that the FEA regulatory requirements are not affecting the firm in an adverse manner. The FEA therefore denied Empire Gas' exception requests.

James L. Flinn, Midland, Texas, FEE–2249, Crude Oil.

On March 16, 1976 James L. Flinn (Flinn) filed an Application for Exception from the provisions of 10 CFR Part 212 which, if granted, would permit the working interest owners of the C. W. Popnoe "A" lease in Scurry County, Texas, to sell the crude oil which they produce at upper tier ceiling prices. In considering Flinn's application, the FEA determined that: (i) Flinn's projection that it would be unprofitable to continue to operate in the absence of exception relief is based primarily on the unsubstantiated assumption that his well's production will decline sharply in 1976; and (ii) if the average monthly production from the well during the first three months of 1976 continues for the entire year, the well will in fact be operated on a profitable basis. Noting that exception relief is not warranted on the basis of mere speculation as to the nature and extent of a future hardship or inequity, the FEA concluded that Flinn has failed to substantiate his assertion that the FEA Price Regulations produce a situation in which it is no longer economically feasible to operate the C. W. Popnoe "A" Lease. The exception application was therefore denied.

James M. Cunningham, Inc., Lafayette, Louisiana, Fee–2350, Crude Oil.

James M. Cunningham, Inc. (JMC) filed an Application for Exception from the provisions of 10 CFR Part 212 which, if granted, would permit JMC to sell the crude oil produced from the Julia Richard No. 1 well located in Acadia Parish, Louisiana at upper tier ceiling prices. The firm also requested retroactive exception relief for the period April 1973 through April 1976. In considering JCM's Application, the FEA determined that: (i) the cost of producing crude oil from the Julia Richard well increased significantly in 1975 and now exceeds the lower tier ceiling price which JMC is permitted to charge; (ii) consequently, JMC does not currently have an economic incentive to continue to operate the well; and (iii) if JMC abandons the well, a considerable quantity of otherwise recoverable crude oil would be lost. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application to JMC of the lower tier ceiling price rule resulted in a gross inequity and that exception relief should be granted. An analysis of the specific financial and operating data which JMC submitted led to the further conclusion that JMC should be permitted to sell at upper tier ceiling prices 49.1909 percent of the crude oil produced and sold for the benefit of the working interest owners for a period of five months. With respect to JMC's request for retroactive relief, the FEA determined that the firm had failed to establish a compelling reason for the approval of such relief or to demonstrate that it would experience a severe and irreparable injury in the absence of retroactive exception relief. This portion of the firm's request was therefore denied.

REQUESTS FOR STAY

Atlantic Richfield Company, Los Angeles, California, FES–0810, Motor Gasoline.

Atlantic Richfield Company (Arco) requested that a Remedial Order which the FEA Region IX issued to the firm be stayed pending the final determination of an Appeal from the Remedial Order which Arco had filed. The Remedial Order found that Arco had improperly placed Ashland Oil Company and Digas Company within a class of purchaser occupied by Arco's branded retail dealers and had, as a result, charged prices to the two firms during 1975 which were in excess of the maximum permissible levels established pursuant to 10 CFR 212.82. The Remedial Order directed Arco to refund those overcharges plus interest. In its Application for Stay, Arco contended that it would be irreparably injured if it were immediately required to make refunds and it ultimately prevailed on the merits of its Appeal, since it would encounter substantial difficulty in recovering funds which had been passed through to the marketplace. In its submission, Arco stated that, in order to eliminate the possibility of irreparable injury, it would be willing to place the funds involved in an escrow account where they would remain pending the issuance of a decision by the FEA on the Arco Appeal. That procedure was utilized in several previous cases including Gulf Oil Corp., 3 FEA Par. 85,013 (February 5, 1976). In considering Arco's stay request, the FEA pointed out that in addition to eliminating the possibility of irreparable injury to Arco, the establishment of an escrow account would adequately protect the interests of Ashland and Digas and their customers. The FEA also noted that although Arco had not made a prima facie showing that it would prevail on the merits of its Appeal, the firm had raised several important issues which warrant careful consideration. The FEA therefore determined that the Remedial Order should be stayed on the condition that Arco place the funds involved in a escrow account.

Melton Auto Service, Petersburg, Virginia, FES–2396, Motor Gasoline.

Melton Auto Service filed an Application for Stay of an Assignment Order issued to the firm by the Director of the Operations Division, FEA Region III. The Assignment Order established Melton's annual base period use of motor gasoline at 314,430 gallons. The Application for Stay, if approved, would authorize Melton's supplier, the Marathon Oil Company, to furnish motor gasoline to Melton at a level equivalent to an annual allocation of 800,000 gallons pending a final determination on an Application for Exception or Petition for Private Redress which Melton has filed. In considering the Application for Stay, the FEA determined that Melton had made a substantial showing that he would incur an immediate serious hardship and irreparable injury if the stay were denied. The FEA also determined that Melton had demonstrated that a strong likelihood exists that he will ultimately succeed on the merits of his request for exception or special redress relief, since there is substantial doubt as to whether the FEA Regional Office properly applied the criteria for determining Melton's base period use of motor gasoline. The Application for Stay was therefore granted.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

U.S. Oil & Refining Co., Los Angeles, California, FEE–2190.

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA procedural regulations:

Department of the Navy, Moffett Field, California, FEE–2370.

McIntosh Propane Inc., McIntosh, South Dakota, FEE–2355.

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Hydrocarbons Development Corporation, Alexandria, Virginia, FEE–2305.
South Hampton Company, Washington, D.C., FEE–2242.

The following submission was dismissed on the grounds that the request is now moot.

Taft, Stettinius & Hollister, Cincinnati, Ohio, FEA–0795.

The following submission was dismissed on the grounds that no basis exists for its consideration under the FEA procedural regulations:

Grigsby Oil and Gas, New Orleans, Louisiana, FES–2409.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose-leaf reporter system.

DAVID G. WILSON,
Acting General Counsel.

MAY 27, 1976.

[FR Doc.76–16986 Filed 5–27–76;3:59 pm]

ATLANTIC RICHFIELD CO. AND C F PETROLEUM CO.

Reassignment of Certain Wholesale Purchasers and End-Users

On May 14, 1976, the Federal Energy Administration issued a Decision and Order to the Atlantic Richfield Company (Arco) and the C F Petroleum Company (CFP). In the Decision and Order, the FEA granted in substantial part requests filed by Arco and CFP to facilitate the acquisition by CFP of Arco's East Chicago, Indiana refinery.

As part of the relief granted in the May 14 Order, the FEA terminated Arco's supply obligations to those firms which purchase solvents, naphtha and residual fuel oil from the East Chicago refinery. In addition, the FEA permanently assigned CFP to supply those wholesale purchasers and end-users with their adjusted base period uses of allocated products formerly supplied by Arco. Arco and CFP are required by the FEA's May 14, 1976 Order to provide specific notice to each wholesale purchaser and end-user which will be affected by this transfer of base period supplier/purchaser relationships.

Copies of the FEA's Decision and Order issued in this case (FEE–2309; FEE–2312) are available for public inspection in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461.

Issued in Washington, D.C. on May 27, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76–15985 Filed 5–27–76;3:59 am]

CONTINENTAL OIL CO.

Consent Order

I. INTRODUCTION

Pursuant to 10 CFR § 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Consent Order which was executed by the Continental Oil Company (Continental) on January 22, 1976, and by the FEA on May 14, 1976. In accordance with § 205.197(c), the Consent Order will not become effective until the FEA receives and considers public comments with respect to its terms. After consideration of any such comment, FEA may withdraw its agreement to the Consent Order, attempt to negotiate a modification of the Consent Order, or issue the Consent Order as proposed. Notice of any such action taken upon the Consent Order will be published in the FEDERAL REGISTER.

II. THE CONSENT ORDER

Continental Oil Company, P.O. Box 2197, Houston, Texas 77001, is a firm engaged in the refining and marketing of petroleum products.

A. ERRONEOUS INTERPRETATION OF FORMER § 212.88(e)

On November 6, 1974, FEA published FEA Ruling 1974–26. 39 FR 39422 (November 6, 1974). This ruling resolved a controversy surrounding the proper interpretation of former 10 CFR § 212.88 (e), which was in effect from January 15, through May 31, 1974. An investigation by FEA's auditors had established that some refiners required to sell crude oil under FEA's Mandatory Crude Oil Allocation Program (10 CFR § 211.65) had erroneously read former § 212.88(e) as permitting them to recover twice their increased costs associated with such sales. As a result of this so-called "double dip," such refiner-sellers had available for recovery more than the permissible amount of increased crude oil costs. Ruling 1974–26 advised all refiner-sellers of the appropriate method of computing such increased crude oil costs under former § 212.88(e) and directed all such refiners that had not correctly applied the regulations to submit corrected FEO–96 monthly cost allocation reports to reflect their increased costs in a manner consistent with the interpretation contained in the Ruling. By letter dated November 5, 1974, FEA advised all such refiners, including Continental, of Ruling 1974–26 and established a timetable for the filing of corrected FEO–96 reports. By that letter, FEA also directed that any improperly booked costs that had been passed through to their customers would have to be returned.

During the months of measurement February, March, April and May 1974, Continental, through misunderstanding of the former § 212.88(e), booked $17,457,811 of crude oil costs for passthrough in product prices in excess of the maximum allowable costs permitted under the regulations. Upon receipt of FEA's November 5, 1974 letter, Continental promptly filed corrected FEO–96 reports on November 19, 1974, to delete the $17,457,811 from the total amount of product costs available to Continental for passthrough. FEA auditors thereafter determined that Continental had passed through to its customers a small percentage of these costs during the spring of 1974 but that Continental subsequently returned such costs to the marketplace through excessive price reductions. The Consent Order confirms Continental's restitution and reflects that no further remedial action is necessary.

B. IMPROPER CALCULATIONS OF THE LANDED COSTS OF IMPORTED CRUDE OIL

FEA has determined that Continental also booked $2,253,965 of crude oil costs in excess of amounts allowable under FEA regulations as a result of the misapplication of FEA's former transfer pricing regulations in 10 CFR § 212.83. Under those regulations, the "landed cost" of imported crude oil purchased in arm's length transactions was required to be booked using the actual purchase price. FEA found that Continental had over-booked the cost of crude oil obtained in a number of arm's length transactions during 1973 and 1974 as a result of applying the wrong pricing formula. Although a small percentage of these costs were also passed through to purchasers of Continental's customers, FEA's audit determined that these costs were also subsequently returned to the marketplace through Continental's price reductions.

Under the terms of the Consent Order, Continental will submit revised FEO–96

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reports, deleting all remaining excessive costs attributable to its misapplication of the former transfer pricing regulations, as shown in a schedule prepared by FEA auditors, from the total amount of product costs which Continental currently has available for passthrough. This will eliminate the possibility of future recovery of any of these unauthorized costs.

ESTIMATION ERRORS AFFECTING GASOLINE SALES REVENUES DURING SEPTEMBER AND OCTOBER 1974

During September and October, 1974, Continental's FEO–96 reports indicated an over-recovery of $1,738,000 in motor gasoline sales. FEA has determined that these receipts in excess of allowable amounts were the result of Continental's good faith, but erroneous, estimation of gasoline sales volumes. (Under FEA pricing regulations, refiners establish prices each month based on estimated sales volumes and are required to make appropriate adjustments in the following month to compensate for any estimation errors.) Continental thereafter reduced its gasoline prices to return such over-recoveries to the marketplace by the end of November 1974. In addition, Continental voluntarily lowered its December 1974 gasoline prices to insure that the full amount of such over-recoveries was returned. By the end of December 1974, Continental was under-recovered by $2,808,000 in gasoline sales. The Consent Order confirms Continental's restitution made at the direction of FEA and reflects that no further remedial action is necessary.

D. RECOGNITION OF CONTINENTAL'S GOOD FAITH IN WORKING WITH FEA AND FEA'S RIGHT TO REOPEN THE PROCEEDINGS

The Consent Order specifically recognizes that Continental has at all times acted in good faith regarding the matters set forth therein and provides, accordingly, that it would not be in the public interest to require any further remedial action by Continental with respect to these matters. It is, recognized, however, that FEA has the right at any time in the future to take further remedial action in the event that any of the information submitted to FEA that culminated in the Consent Order is subsequently determined to be incorrect or prepared in a manner which is inconsistent with applicable FEA regulations or rulings.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to: Executive Communications, Box GF, Federal Energy Administration, Washington, D.C. 20461. Copies of this Consent Order may be received free of charge by written request to Norma White, Federal Energy Administration, Room 5308, 2000 M Street, N.W., Washington, D.C. 20461 or by calling (202) 254–8700.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Continental Consent Order." All comments received by 4:30 PM EST on the 30th calendar day following publication of this notice will be considered by the FEA in evaluating the Consent Order.

Any information or data which in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9 (f).

Issued in Washington, D.C., May 27, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-15918 Filed 5-27-76;11:39 am]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, June 17, 1976, at 9 a.m., in the Pershing Room, Holiday Inn at Municipal Auditorium, 1301 Wyandotte Street, Kansas City, Missouri.

The Committee was established to provide the Administrator, FEA, with diversified information and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Report on Downstream Decontrol of Refined Petroleum Products.
2. Gasoline Supply Estimates for Summer 1976.
3. Gasoline Rationing Contingency Plan.
4. Conservation Contingency Plan.
5. State Energy Conservation Program Guidelines.
6. Establishing Sub-Committees to the CA/SI Advisory Committee: (a) Discussion of Membership, (b) FEA Response on Possible Funding.
7. Public Comments (10 Minute rule).

Subcommittees may meet informally in Kansas City, the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on Subcommittee activities, call Lois G. Weeks, Director, Advisory Committee Management at (202) 961–7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Officer.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued in Washington, D.C., on May 26, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-15915 Filed 5-27-76;11:39 am]

ENERGY FINANCE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Energy Finance Advisory Committee will meet Friday, June 18, 1976, 10 a.m., Room 5041B, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide independent advice to the Federal Energy Administration concerning the following areas: the projected capital needs of the domestic energy industries; the characteristics, conditions, and projected changes in the money and capital markets; the financial disincentives to domestic energy development; and the effectiveness of Federal financial incentive programs to enhance domestic energy supply.

The agenda for the meeting is as follows:

1. Capital Problems of the Energy Industries.
2. Summary of Finance Initiatives for Conventional and Emerging Technologies—FEA and ERDA.
3. Discussion of Energy Finance Problems of Energy Industries.
4. Committee Organization and Discussion of Energy Industry Representation.
5. Topics for Follow-on Meetings.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois G. Weeks, Director, Advisory Committee Management, at (202) 961–7022 at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C., on May 26, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-15916 Filed 5-27-76;11:39 am]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Notice of Meeting

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (P.L. 94–163), announcement is made of the following meeting:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 8–9, 1976, at 2 Rue Andre Pascal, Paris, 16, France, beginning at 10:30 a.m. on June 8. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is scheduled for June 8–9, 1976. The agenda for the meeting is under the control of the SEQ. It is expected that the draft agenda will be as follows:

1. Approval of the draft agenda.
2. Summary record of the 12th meeting.
3. Emergency Management Manual.
4. Emergency reserves.
5. Oil pricing in an emergency.
6. Test run of the Emergency Data System.
7. Antitrust matters.
8. Demand restraint exercise 1976.
9. National emergency sharing organizations.
10. Any other business.

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., May 27, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-15917 Filed 5-27-76;11:39 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-35, Agreement Nos. T-1685 as amended and T-1685-6 and Agreement No. T-3130]

CITY OF ANCHORAGE AND SEA-LAND SERVICE, INC., ET AL.

Time for Review of Exceptions to Negative Declaration

MAY 26, 1975.

The Commission's Notice of Environmental Negative Declaration served in this proceeding April 28, 1976, provided that the determination of the Office of Environmental Analysis will be adopted by the Commission if the Commission fails to otherwise act within twenty days following the time provided for filing of exceptions to the Negative Declaration.

Notice is hereby given that, inasmuch as exceptions to the Negative Declaration have been filed which will require further review, the Negative Declaration will not automatically become the final determination of the Commission by passage of the twenty day period.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15979 Filed 6-1-76;8:45 am]

FAR EAST CONFERENCE, ET AL. AND JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 14, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

FAR EAST CONFERENCE, PACIFIC WESTBOUND CONFERENCE, TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed by:

Edward D. Ransom, Esq., Lillick, McHose and Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. 10110–5 is an application on behalf of the member lines of the Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference to extend the terms and conditions of the presently approved agreement through September 30, 1976. The terms and conditions of the arrangement remain unchanged and provide that the conference lines may cooperate and coordinate actions for the voluntary disposition of interrelated matters concerning the conferences at issue in Docket Nos. 73–28 and 73–29, involving alleged rate disparities in the trades between Japan and the Pacific Coast, and the Atlantic and Gulf Coasts, respectively of the United States.

By Order of the Federal Maritime Commission.

Dated: May 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15976 Filed 6-1-76;8:45 am]

FARRELL LINES INC. AND PACIFIC FAR EAST LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward Aptaker, Esquire, Morgan, Lewis & Bockius, Counselors at Law, 1800 M Street N.W., Washington, D.C. 20036.

Agreement No. 10207–2, between Farrell Lines Incorporated and Pacific Far East Line, Inc., would modify the approved basic agency agreement by adding the following clause to Article 10 regarding the schedule of commissions on freight, exclusive of surcharges:

E. A one percentum (1%) on freight override commission shall be paid by Farrel to PFFL on all cargo loaded to or discharged from the vessels at ports in the Pacific Northwest, inclusive of Oregon, Washington and British Columbia, where subagents are utilized by PFEL.

By Order of the Federal Maritime Commission.

Dated: May 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15978 Filed 6-1-76;8:45 am]

V41107 JUN 2 76 UMI

PACIFIC STRAITS CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Office located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Harold R. Bellins, Secretary, Pacific-Straits Conference, 635 Sacramento Street, San Francisco, California 94111.

Agreement 5680-21 modifies the self-policing system of the Pacific-Straits Conference. Under present procedures, all allegations of malpractice are submitted to arbitration immediately for evaluation and judgement. The Conference now proposes that the member lines make the initial determination of the validity of any allegations, and that arbitration be restored to upon appeal only. The Conference proposes, also, that each member line post a $25,000 surety bond the guarantee payment of any penalties which may be assessed it.

By Order of the Federal Maritime Commission.

Dated: May 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15977 Filed 6-1-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-4904, et al.]

AMOCO PRODUCTION CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 24, 1976.

Amoco Production Company (Succ. to Kansas Natural Gas, Inc., *et al.*) and other Applicant listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
G-4904 (CS72-85) E 3-30-76	Amoco Production Co. (successor to Kansas Natural Gas, Inc. et al.), Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	[4] 13.50325 [5] 24.171 [6] 30.69	14.65 14.73 14.73
G-4904 (CS71-50) E 4-1-76	Amoco Production Co. (successor to Gulf Oil Co.).	do	[6] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	Amoco Production Co. (successor to John B. Hawley, Jr. and G. S. Davidson et al.)	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[6] 30.69	14.73
G-4904 (CS71-303) E 3-30-76	Amoco Production Co. (successor to Lester A. Crancer, Jr., and Patrick Gilligan et al.).	do	[6] 30.69	14.73
G-4904 (CS72-304) E 3-30-76	Amoco Production Co. (successor to Veeder Supply & Development Co.).	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	[6] 30.69	14.73
G-4904 (CS71-23) E 3-30-76	Amoco Production Co. (successor to John B. Hawley, Jr., trustee under John B. Hawley, Jr.).	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[6] 30.69	14.73
G-4904 (CS71-178) E 3-30-76	Amoco Production Co. (successor to William Graham Oil Co. et al.).	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	[6] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	Amoco Production Co. (successor to Wheeler Smith, trustee under John B. Hawley, Jr., trust No. 1).	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	[6] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	do	do	[6] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	do	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[6] 30.69	14.73
C163-1193 D 4-6-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	(4)	-

[3] Initial price includes 13.5¢ base rate, plus 0.0325¢ tax reimbursement (British thermal unit downward adjustment effective up to Jan. 1, 1976).
[4] January 1 price includes 23.5¢ base rate plus 1.850¢ tax reimbursement and −0.888 Btu adjustment Jan. 1, 1976, through June 30, 1976, based on British thermal unit of 965.
[5] July 1 price includes 29.5¢ base rate plus 2.310¢ tax reimbursement and −1.113¢ Btu adjustment based on and after July 1, 1976, on British thermal unit of 965.
[6] Subject to upward and downward British thermal unit adjustment.
[7] The pressure of gas produced is not sufficient to deliver gas into Natural's gathering system and deliveries have ceased.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.76-15748 Filed 6-1-76;8:45 am]

[Docket Nos. G-10739, et al.]

ATLANTIC RICHFIELD CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 24, 1976.

Atlantic Richfield Company and other Applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.[2]

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.
[2] This notice contains Limited-Term applications.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf [3]	Pressure base
-10739 E 3-18-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Chicolete Creek, Lavaca, and Jackson Counties, Tex.	Depleted	-
G-13228 D 4-6-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Michigan-Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Nonproductive	-
C168-816 C 3-29-76	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northern Natural Gas Co., Hugoton-Anadarko area (Tex. and Okla.).	[4] None	14.65
C175-556 C 4-6-76	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., O'Keene Field, Blaine County, Okla.	[5] 0.65	-
C176-503 A 5-3-76	Oxy Petroleum, Inc., 5000 Stockdale Highway, Bakersfield, Calif. 93309	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Columbus Field area, Colorado County, Tex.	[5] 0.564333	14.65
C176-504 A 4-30-76	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Pacific Interstate Transmission Co., Taurus Field, Ward County, Tex., and Red Hills Field, Lea County, N. Mex.	[5] 1.0	14.65
C176-505 (CS72-162) F 5-3-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	[5] 12.8120	14.65
C176-506 (CS72-162) F 5-3-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	11.0000	14.65
C176-507 5-3-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Southern Natural Gas Co., Grange Field, Lawrence and Jefferson Davis Counties, Miss.	Wells plugged and abandoned and acreage released.	-
C176-508 A 5-5-76	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cinta Roja (Morrow) Field, Lea County, N. Mex.	[5] 27.0106	14.73
C176-509 (CS66-72) F 4-30-76	Amoco Production Co. (successor to Reserve Oil & Gas Co.), P.O. Box 3092, Houston, Tex. 77001.	Texas Gas Pipe Line Corp., Mars McLean Field, Jefferson County, Tex.	[5] 0.1042	14.65
C176-510 (G-4579) F 4-30-76	The Maurice L. Brown Co. (successor to Cities Service Oil Co.), P.O. Box 13120, Kansas City, Mo. 64112.	Colorado Interstate Gas Co., Etta Niles No. 2 well NW¼NE¼ of sec. 32 6N-10ECM, Keyes Field, Texas County, Okla.	[5] 3.5	14.73
C176-511 A 5-5-76	Northern Michigan Exploration Co., 800 Bank of the Southwest Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., West Deer Island Field, Terrebonne Parish, La.	[5] 66.73	15.025
C176-512 B 5-3-76	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., E. Kiblah Field, Miller County, Ark.	Lease terminated.	-
C176-513 B 5-3-76	Sun Oil Co.	Southern Natural Gas Co., Knoxo Field, Walthall Co., Miss.	All leases have expired.	-
C176-514 A 5-6-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Pacific Alaska LNG Co., Ivan River Field, Cook Inlet area, Alaska.	49.0	14.65
C176-516 B 5-3-76	Hill J. Graham, P.O. Box 3321, Midland, Tex. 79701.	The Sinclair Oil Co., Pitzer (Delaware) Ward County, Tex.	Nonproductive	-
C176-517 (CS72-162) F 5-10-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	11.0000	14.65
C176-518 B 5-10-76	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Depleted	-
C176-519 A 5-10-76	Standard Oil Co. of California, 575 Market St. San Francisco, Calif. 94105.	Pacific Alaska LNG Co., Ivan River Field, Cook Inlet area, Alaska.	49.0	14.65
C176-520 (CS72-162) F 5-10-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Perryton Field, Ochiltree County, Tex.	[5] 19.7731	14.65
C176-521 B 5-10-76	Mineral Services Corp., 805 Lincoln Liberty Life Bldg., 711 Polk St., Houston, Tex. 77002.	Transwestern Pipeline Co., Crawar Field, Crane and Ward Counties, Tex.	[6]	-
C176-522 B 5-10-76	Perry R. Bass, 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Florida Gas Transmission Co., South Hitchins Field, Wharton County, Tex.	Lease terminated and no remaining recoverable reserves.	-
C176-523 A 5-10-76	Arkla Exploration Co.	Arkansas Louisiana Gas Co., Northeast Carleton Field, Blaine County, Okla.	[5] 0.556657	14.65
C176-524 [7] A 5-10-76	Northern Michigan Exploration Co., 212 West Michigan Ave., Jackson, Mich. 49201.	Trunkline Gas Co., West Cameron, block 630, south addition offshore Louisiana.	[6] [5] 474.56	15.025
C176-525 [7] A 5-12-76	South Louisiana Production Co., Inc. P.O. Box 52088, Lafayette, La. 70501.	United Gas Pipe Line Co., Allen Parish, La.	51.65	15.025
C176-526 A 5-12-76	Gulf Oil Corp.	El Paso Natural Gas Co.	[6] [8] 28.2141	14.73

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

V41107 JUN 2 76 UMI

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
C176-527 (CS72-162) F 5-12-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	[10] 11.0000	14.65
C176-528 (CS72-162) F 5-12-76	do	do	[10] 11.0000	14.65
C176-529 A 5-13-76	Terra Resources, Inc., 5416 South Yale Ave., Tulsa, Okla. 74135.	Transcontinental Gas Pipe Line Corp., Palmetto Field area, St. Laundry Parish, La.	[3] 53.0414	15.025
C176-530 A 5-13-76	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	El Paso Natural Gas Co., sec. 55, block M-1, H. & G. N. survey, Himphill County, Tex.	[12] 52.00	14.73
C176-531 (CS72-162) F 5-13-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., RHF Morrow Field, Ochiltree County, Tex.	[10] 18.5696	14.65

[1] Add additional delivery points and increase exchange volumes, 0/0
[2] Subject to upward and downward British thermal unit adjustment.
[3] Sale qualifies for the national rate because the gas has never previously been sold in interstate commerce.
[4] Opinion No. 699–H base rate plus British thermal unit adjustment and tax reimbursement.
[5] Includes 0.7105¢ downward British thermal unit adjustment and 0.225¢ tax reimbursement.
[6] Includes 2.7955¢ upward British thermal unit adjustment.
[7] Subject to upward and downward British thermal unit adjustment plus tax reimbursement.
[8] Includes 6.18¢ upward British thermal unit adjustment.
[9] Includes tax reimbursement of 0.0374¢.
[10] Seller is not subject to FPC jurisdiction, a declaration of abandonment is sought to remove any question of FPC jurisdiction over these gas reserves which cannot be sold in interstate commerce.
[11] Limited-term application.
[12] Subject to upward British thermal unit adjustment.
[13] Price will be the nationwide rate under opinion No. 699–H of 53.0416/M ft³ pending Commission approval of contract rate.
[14] Includes 6.1071¢ upward British thermal unit adjustment and 9.1429¢ State taxes.
[15] Applicant is willing to accept a permanent certificate at an initial rate of 52.0¢/M ft³ at 14.73 lb/in²a, plus production taxes, subject to an upward or downward adjustment from 1,000 Btu/ft³, in conformance with opinion No. 699, as amended.
[16] Subject to downward British thermal unit adjustment.
[17] Includes 0.0696¢ tax reimbursement and is subject to downward British thermal unit adjustment.

[FR Doc.76–15749 Filed 6–1–76;8:45 am]

COASTAL STATES GAS PRODUCING CO.

[Docket Nos. G–7115, *et al.*]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 24, 1976.

Coastal States Gas Producing Company and other Applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
C 7115 C 1-30-76	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Cologne Field, Victoria County, Tex.	[1] 56.000	14.65
C 10943 (C1-10943) E 3-26-76	Samson Resources Co., (Operator) et al., (successor to Sun Oil Co.) 2700 1st Pl., Tulsa, Okla. 74103.	Cities Service Gas Co., Northeast Glenwood, Beaver County, Okla.	[2] 53.5	14.65
G-11637 C 4-21-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	[3] 63.7671	14.65
C 161-1955 C 3-30-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., East Postle Field, Texas County, Okla.	[3a] 51.7176	14.65
C 164-78 (CS71-69) E 4-26-76	Amoco Production Co., (successor to Yingling Oil, Inc.), Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Southeast Gymon Field, Texas County, Okla.	[4] 21.477 [5] 27.193 [6] 34.121	14.65 14.73 14.73
C 168-816 4-19-76 [7]	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northern Natural Gas Co., Hugoton-Anadarko area (Tex. and Okla.	None	14.65
C 172-651 C 4-19-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Abraham Granite Wash Field, Hemphill County, Tex.	[8] 52.0	14.65
C 173-280 (C167-884) CF 2-19-76 3-21-76 [9]	Amoco Production Co., (successor to E. G. Rodman), Security Life Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[10] 20.63671	14.65
C 173-309 4-12-76 [11]	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Transwestern Pipeline Co., Panhandle-Hugoton area, Tex.	None	14.65
C 173-485 C 3-26-76	CIG Exploration, Inc. 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Bivins 75-R well, West Panhandle Field, Tex.	[12] 52.0	14.73
C 173-867 (C173-867) E 5-5-76	Gas Producing Enterprises, Inc. (successor to Coastal States Gas Producing Co.).	South Texas Natural Gas Gathering Co., Cortez Field, Star County, Tex.	[13] 50.72	14.65
C 175-38 C 5-3-76	Gulf Oil Corp., P.O. Box 2100 Houston, Tex. 77001.	El Paso Natural Gas Co., Lea County, N. Mex.	[14] 59.1473	14.73
C176-42 C 5-4-76	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., undesignated pictured, Cliffs Field, San Juan County, N. Mex.	[15] 56.3869	14.73
C 176-132 A 3-25-76	Cabot Corp., P.O. Box 1473, Charleston, W. Va., 25325.	National Fuel Gas Supply Corp., Thomas Corners Field, Bath, Steuben County, N.Y.	[16] 52.0	14.73
C 176-449 (G-8712) 5-6-76 [17]	Bass Enterprises Production Co., agent for Bass Partnership (successor to Cities Service Oil Co. et al.), 2100 1st City National Bank Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	[18] 75.0	15.025
C 176-479 B 4-5-76	Basin Petroleum Corp., 1000 Oil Center Bldg., 2601 NW. Expressway, Oklahoma City, Okla 73112.	Texas Eastern Transmission Corp., Northwest Chalkley Field, Calcasieu Parish, La.	Contract terminated	
C 176-497 A 4-26-76	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Red Tank area, Lea County, N. Mex.	[19] 52.0	14.73
C 176-532 (CS72-162) F 5-13-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	[20] 11.0	14.65
C 176-533 (CS72-162) F 5-13-76	do	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Texas.	[21] 10.0476	14.65
C 176-534 B 5-6-76	Macon Gas Transmission, P.O. Box 711, Nashville, Tenn. 37202.	Texas Eastern Transmission Corp., Macon County, Tenn.	Business discontinued	

[1] Includes 0.398¢ gathering allowance and is subject to upward and downward British thermal unit adjustment.
[2] Subject to downward British thermal unit adjustment.
[3] Subject to upward and downward British thermal unit adjustment.
[3a] Includes 7.8211¢ upward British thermal unit adjustment. Applicant is willing to accept a permanent certificate at the national rate in conformance with sec. 2.56a.
[4] Effective Aug. 28, 1975. Includes 1.477¢ upward British thermal unit adjustment.
[5] Effective May 26, 1976. Includes 1.810¢ tax reimbursement and 1.874¢ upward British thermal unit adjustment.
[6] Effective July 1, 1976. Includes 2.270¢ tax reimbursement and 2.351¢ upward British thermal unit adjustment.
[7] Amendment to add additional delivery points and increase exchange volume.
[8] Subject to upward and downward British thermal unit adjustment.
[9] Being renoticed to show an increase in price.
[10] Includes 1.728¢ upward British thermal unit adjustment and 0.3117¢ tax reimbursement.
[11] Amendment to add additional delivery points.
[12] Plus tax reimbursement and subject to upward British thermal unit adjustment.
[13] Plus tax reimbursement and subject to upward and downward British thermal unit adjustment.
[14] Includes 1.4060¢ upward British thermal unit adjustment and 1.5006¢ gathering allowance. Applicant is willing to accept a permanent certificate at the national rate in conformance with sec. 2.56a.
[15] Includes 4.386¢ tax reimbursement and is subject to upward and downward British thermal unit adjustment.
[16] Includes 2.03¢ upward British thermal unit adjustment. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[17] Applicant proposes to continue its own service heretofore authorized by Cities Service Oil Co., et al. in docket No. G–8712.
[18] Subject to upward and downward British thermal unit adjustment. Applicant is willing to accept temporary and permanent certificates conditioned upon an initial rate equal to the national rate pursuant to opinion No. 699–H.
[19] National rate pursuant to opinion No. 699–H.
[20] Subject to downward British thermal unit adjustment.
[21] Includes 0.0476¢ tax reimbursement.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.76–15750 Filed 6–1–76;8:45 am]

[Docket No. ER76–682]

CAROLINA POWER & LIGHT CO.

Filing

MAY 25, 1976.

Take notice that on May 10, 1976, Carolina Power & Light Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the Regulations under the Federal Power Act, Service Schedule D to the existing Interchange Agreement between Tennessee Valley Authority and Carolina Power & Light Company. The Interchange Agreement is on file with the Commission and has been assigned FPC No. 95.

Service Schedule D provides for the purchase and delivery of short-term power between the parties. The filing is proposed to be effective May 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–15938 Filed 6–1–76;8:45 am]

[Docket Nos. RP71–15 and RP75–28]

EAST TENNESSEE NATURAL GAS CO.

Proposed Rate Filing Pursuant to Tariff Rate Adjustment Provisions

MAY 25, 1976.

Take notice that on May 14, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1976, consisting of the following revised tariff sheets:

Sixteenth Revised Sheet No. 4 and Alternate Sixteenth Revised Sheet No. 4.

East Tennessee states that the sole purpose of these revised tariff sheets is (1) to adjusts East Tennessee's rates pursuant to the PGA provision in section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase filed May 14, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and (2) to adjust East Tennessee's rates pursuant to section 24.8 of the General Terms and

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Conditions so as to reflect curtailment credits. East Tennessee further states that Sixteenth Revised Sheet No. 4 reflects Tennessee's filing of May 14, 1976, and that Alternate Sixteenth Revised Sheet No. 4 reflects Tennessee's alternate filing of May 14, 1976.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15962 Filed 6-1-76;8:45 am]

[Docket No. C161-182]

GENERAL AMERICAN OIL CO. OF TEXAS

Extension of Time

MAY 25, 1976.

On May 6, 1976, General American Oil Company filed a motion for a further extension of time to comply with Paragraph (B) of order issued March 4, 1976, as amended by notice issued April 9, 1976.

Upon consideration notice is hereby given that the time is extended to and including June 1, 1976, within which General American Oil Company shall comply with Paragraph (B) of the order issued March 4, 1976 in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15961 Filed 6-1-76;8:45 am]

[Docket No. CP76-369]

MOUNTAIN FUEL SUPPLY CO.

Application

MAY 24, 1976.

Take notice that on May 14, 1976, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-369 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience of necessity authorizing the construction and operation of facilities and the exchange of natural gas with Northwest Pipeline Corporation (Northwest) in Sweetwater County, Wyoming, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Northwest has available to it a new supply of natural gas in the Salt Wells South Unit Area of Sweetwater County which is remote from Northwest's system. Northwest would deliver this gas to Applicant which has facilities in the area in exchange for Applicant's delivering gas to Northwest near Granger in Sweetwater County. The application states that approximately 231,000 Mcf of gas per year would be delivered to Applicant and that Applicant would have the option of purchasing up to 25 percent of such gas from Northwest.

It is stated that Applicant would pay Northwest for purchased gas a price based upon the same terms and conditions under which Northwest purchases the gas plus Northwest's cost of service. Northwest's cost of service with respect to such gas, including a return on its investment for gathering, compression, dehydration, necessary treating for removal of impurities, and for transportation of the gas to Applicant, is said initially to be 5 cents per Mcf. Applicant would charge Northwest initially for the transportation service 4 cents per Mcf of gas delivered by Applicant to Northwest.

In order to receive gas from Northwest, Applicant proposes to construct and operate a 3-inch tap at a cost of $7,600. This amount would be financed with funds obtained from internal sources, the application states.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15962 Filed 6-1-76;8:45 am]

[Docket No. ER76-680]

NORTHERN INDIANA PUBLIC SERVICE CO.

Revised Tariff Sheets

MAY 25, 1976.

Take notice that on May 10, 1976 Northern Indiana Public Service Company (NIPSCo) tendered for filing:

Second Revised Sheet No. 3; Exhibit B-1 Relocated; Exhibit—B-11.

to its FPC Electric Service Tariff-Second Revised Volume No. 1 Second Revised Sheet No. 3 is a map which has been revised to include the additional delivery point of Walnut Creek, East and to show relocation of the Walnut Creek, West delivery point. Exhibit B-1 Relocated and B-11 provide for service to be furnished under Rate VAI to Kosciusko County REMC at a relocated points of delivery.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15956 Filed 6-1-76;8:45 am]

[Docket No. CP76-350]

NORTHWEST PIPELINE CORP.

Tariff Filing

MAY 25, 1976.

Take notice that on May 10, 1976, Northwest Pipeline Corporation, ("Northwest") tendered for filing Original Sheet Nos. 165 through 179 to its FPC Gas Tariff, Original Volume No. 2. The tendered tariff sheets will, when accepted for filing and permitted to become effective, establish special Rate Schedule X-30 as a part of Northwest's Tariff.

Rate Schedule X-30 is comprised of a Gas Purchase, Transportation and Exchange Agreement ("Agreement") dated February 13, 1976 between Northwest and Mountain Fuel Supply Company ("Mountain Fuel"). The Agreement provides for the delivery of volumes of natural gas by Northwest to Mountain Fuel in the Salt Wells area of Sweetwater County, Wyoming for transportation and redelivery to Northwest at an existing point of interconnection in Sweetwater County, Wyoming. Mountain Fuel has an option to purchase up to 25% of the volumes so made available by Northwest. Northwest estimates that the proposed special Rate Schedule X-30 would increase its jurisdictional revenues by $2,741.

Northwest states that copies of this filing have been mailed to Mountain Fuel.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15960 Filed 6-1-76;8:45 am]

[Docket No. ER76-684]

OHIO VALLEY ELECTRIC CORP.

Tariff Change

MAY 25, 1976.

Take notice that Ohio Valley Electric Corporation (Ohio Valley), on May 12, 1976, tendered for filing a proposed Modification No. 7 dated as of November 5, 1975 to the Power Agreement dated October 15, 1952 between Ohio Valley Electric Corporation and the United States of America acting by and through the United States Atomic Energy Commission and, subsequent to January 18, 1975, the Administrator of the United States Energy Research and Development Administration, and a proposed Modification No. 4 dated as of November 5, 1975 to the Inter-Company Power Agreement dated July 10, 1953 among Ohio Valley Electric Corporation and its Sponsoring Companies, along with a Certification of Concurrence on behalf of each Sponsoring Company.

Ohio Valley states that these proposed Modifications effect changes in the Agreements referred to above with respect to the installation of certain types of replacement facilities at Ohio Valley Electric Corporation's generating plants. An effective date of June 30, 1976 has been requested for these proposed Modifications. Waiver of certain notice and filing requirements has also been requested.

Ohio Valley further states that copies of the filing are being mailed to the state public service commissions having jurisdiction over Ohio Valley Electric Corporation and its Sponsoring Companies, as well as to each jurisdictional customer of Ohio Valley Electric Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15964 Filed 6-1-76;8:45 am]

[Project Nos. 2735, 1988]

PACIFIC GAS AND ELECTRIC CO.

Postponing Conference

MAY 24, 1976.

On May 17, 1976, Pacific Gas and Electric Company (PG and E) filed a motion for a continuance of the conference, presently scheduled for June 2, 1976, until three weeks after the issuance of an order on PG and E's application for rehearing of the order issued April 1, 1976, in the above-designated matter. PG and E's application for rehearing was filed May 3, 1976. The motion states that the request for a continuance has been discussed with staff counsel and counsel for all intervenors, and no one has an objection to the continuance.

Upon consideration, notice is hereby given that the conference presently scheduled for June 2, 1976, is postponed until three weeks after the issuance of an order on PG and E's application for rehearing of the order issued April 1, 1976. The conference date will be set by a subsequent notice or order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15955 Filed 6-1-76;8:45 am]

[Docket No. ER76-687]

PUBLIC SERVICE CO. OF COLORADO

Filing of Initial Rate Schedule

MAY 25, 1976.

Take notice that Public Service Company of Colorado (PSCO) on May 14, 1976, tendered for filing as an initial rate schedule a Power Purchase Agreement (Agreement) with the Town of Center, Colorado (Town).

PSCO states that the Agreement provides for service to the Town under PSCO's small wholesale rate, which is currently applicable to 5 other customers of PSCO. Service to the Town is expected to commence on June 15, 1976.

PSCO states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before June 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15959 Filed 6-1-76;8:45 am]

[Docket No. ER76-679]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Supplemental Agreement

MAY 25, 1976.

Take notice that on May 10, 1976, Public Service Company of Indiana, Inc. (PSI) tendered for filing the third supplemental agreement to the Interconnection Agreement dated September 1, 1970 between PSI and The Cincinnati Gas & Electric Company, designated as PSI's Rate Schedule FPC No. 218.

PSI states the purpose of the supplemental agreement is to increase the demand charge for Short Term Power from 45¢ per kilowatt per week to 50¢ per kilowatt per week.

PSI requests an effective date of June 5, 1976 for this agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15957 Filed 6-1-76;8:45 am]

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[Docket No. ER76-681]

PUBLIC SERVICE CO. OF INDIANA, INC.

Supplemental Agreement

MAY 25, 1976.

Take notice that on May 10, 1976 Public Service Company of Indiana, Inc. (PSI) tendered for filing the second supplemental agreement dated January 1, 1974 between PSI and Northern Indiana Public Service Company, designated as PSI's Rate Schedule FPC No. 227. PSI states the purpose of this agreement is to increase the demand charge for Short Term Power from 45¢ per kilowatt per week to 50¢ per kilowatt per week.

PSI requests an effective date of June 5, 1976 for this agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15954 Filed 6-1-76;8:45 am]

[Docket No. RP75-73, RP74-41 (PGA76-5, DCA76-2)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

MAY 25, 1976.

Take notice that Texas Eastern Transmission Corporation on May 17, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheeets:

Revised Twentieth Revised Sheet No. 14.
Revised Twentieth Revised Sheet No. 14A.
Revised Twentieth Revised Sheet No. 14B.
Revised Twentieth Revised Sheet No. 14C.
Revised Twentieth Revised Sheet No. 14D.
Twentieth Revised Sheet No. 14.
Twentieth Revised Sheet No. 14A.
Twentieth Revised Sheet No. 14B.
Twentieth Revised Sheet No. 14C.
Twentieth Revised Sheet No. 14D.

These sheets are being issued pursuant to Texas Eastern's Demand Charge Adjustment Commodity Surcharge provision and Purchased Gas Cost Adjustment provision contained in section 12.4 and section 23, respectively, of the General Terms and Conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1. The rate change proposed by Texas Eastern reflects changes in the Demand Charge Adjustment Commodity Surcharge, rates charged by Texas Eastern's producer and pipeline suppliers and an adjustment to Texas Eastern's rates to clear the balance of the Gas Cost Adjustment Account. Also included in Texas Eastern's filing are increases pursuant to the Commissions Opinion No. 749 to be effective July 1, 1976.

Texas Eastern requests that the Commission accept the Revised Twentieth Revised series of tariff sheets to be effective July 1, 1976. However, should the Commission suspend the effectiveness of these sheets one day, Texas Eastern requests that the Commission accept the Twentieth Revised series of tariff sheets to be effective July 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15963 Filed 6-1-76;8:45 am]

[Docket No. E-9147 (Phase II)]

VIRGINIA ELECTRIC AND POWER CO.

Extension of Time

MAY 25, 1976.

On March 14, 1976, Electric Cities of North Carolina filed a motion to extend the procedural dates fixed by order issued January 22, 1975, as most recently modified by notice issued February 23, 1976, in the above designated proceeding. The motion states that there were no exceptions to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 8, 1976.
Service of Staff Intervenor, September 29, 1976.
Service of Company Rebuttal, October 12, 1976.
Service of Intervenor Rebuttal, November 2, 1976.
Hearing, November 9, 1978 (10:00 E.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15953 Filed 6-1-76;8:45 am]

[Docket No. CP76-371]

CITIES SERVICE GAS CO.

Application

MAY 25, 1976.

Take notice that on May 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-371 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of facilities in Cherokee County, Kansas, for the delivery of natural gas to Gulf Oil Corporation (Gulf) for use in Gulf's Jayhawk plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to continue the operation of facilities used for the sale of natural gas to Gulf for uses described by Applicant as being included in Categories 2 and 7 of Applicant's curtailment plan. The application states that deliveries of natural gas at this site commenced in 1942. By "Presiding Administrative Law Judge's Initial Decision upon a Petition for Extraordinary Relief" issued August 11, 1975, in Cities Service Gas Company (Customs Resins, Inc.), Docket No. RP75-6-1, and adopted by the Commission by order issued April 2, 1976, it was determined that the facilities and service were not included under the authorization granted by the certificate of public convenience and necessity issued December 28, 1943, in Docket No. G-298 authorizing the continued operation of facilities in bona fide operation on February 7, 1942, and through the date of said order in Docket No. G-298, as Applicant asserted it had believed.

The application states that Applicant's annual sales to Gulf at the Jayhawk plant in Category 2, plant protection, of Applicant's curtailment plan are approximately 27,375 Mcf of gas. Total sales at this site during 1975 are shown by the application to have been 599,544 Mcf of gas.

Applicant states that no new facilities are proposed and that the continued operation of the existing facilities would not affect Applicant's ability to render service to customers. Further, it is stated, no new sales are proposed and the continued operation of the existing facilities would not materially affect Applicant's overall system revenues.

The subject facilities are described as 10,051 feet of 10-inch pipeline, 411 feet of 12-inch pipeline and two meters. It is said that these facilities were installed in 1942 at a cost of $32,397.69.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15903 Filed 6-1-76;8:45 am]

[Docket No. CP75-140]

PACIFIC ALASKA LNG CO., ET AL.

Amendment to Application

MAY 25, 1976.

Take notice that on May 17, 1976, Pacific Alaska LNG Company, 720 West Eighth Street, Los Angeles, California 90017, and Alaska California LNG Company, 77 Beale Street, San Francisco, California 94109, filed in Docket No. CP75-140 an amendment to the application filed in said docket by Pacific LNG Company pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation and sale of natural gas in interstate commerce to Southern California Gas Company for resale, by which amendment Alaska California LNG Company is added as a co-sponsor of the project, one-half of the gas is proposed to be sold to Pacific Gas and Electric Company, and Pacific Alaska LNG Company and Alaska California LNG Company contemplate forming a partnership, Pacific Alaska LNG Associates, to construct and operate facilities and sell natural gas in interstate commerce, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

The amendment states that on January 27, 1976, Pacific Gas and Electric Company and Pacific Lighting Corporation and its appropriate subsidiaries, including Pacific Alaska LNG Company, entered into a memorandum of understanding relative to the financial arrangements concerning equal participation by Pacific Gas and Electric Company in the project for which authorization is sought in the instant docket. It is stated that the memorandum of understanding provides that one-half of the gas made available through the project would be purchased by Pacific Gas and Electric Company and that Pacific Gas and Electric Company, through its subsidiary, Alaska California LNG Company, is now a sponsor of the project. Pacific Alaska LNG Company and Alaska California LNG Company contemplate forming Pacific Alaska LNG Associates to construct and operate the proposed facilities and to sell the natural gas in interstate commerce.

The amendment states that Western LNG Terminal Company, a joint applicant in the proceeding pending in Docket Nos. CP75-83, et al., would receive the instant Applicants' liquefied natural gas at the former's Los Angeles harbor terminal and would store and regasify the liquefied natural gas for the account of Applicants and deliver said gas to the distribution system of Southern California Gas Company for the account of Applicants. At this point, the amendment states, one-half of the gas would be sold to Southern California Gas Company and the remaining half would be sold to Pacific Gas and Electric Company. Deliveries of Pacific Gas and Electric Company's gas would be effected through existing interconnections between the systems of Southern California Gas Company and Pacific Gas and Electric Company.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15904 Filed 6-1-76;8:45 am]

[Docket No. ES76-56]

UPPER PENINSULA GENERATING CO.

Application for Authorization To Issue Securities

MAY 25, 1976.

Take notice that on May 20, 1976 Upper Peninsula Generating Company (Applicant) filed an application with the Federal Power Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $30,000,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in generation of electric energy for sale to its owners, the Upper Peninsula Power Company and the Cliffs Electric Service Company.

The Applicant has proposed to issue unsecured promissory notes of a principal amount of up to $30,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding twelve months from the date of original issuance, extension or renewal. The notes will be issued on or before July 1, 1977 and will have a final maturity date not later than July 1, 1978. The interest rate on such notes will not exceed 120 percent of the prime rate in effect at the time of issue. The notes will not be subject to resale to the public.

The notes proposed to be issued would be in addition to short-term notes of an aggregate principal amount not exceeding $30,000,000 at any one time, which the Applicant may issue under a revolving credit agreement authorized by the Commission in Docket No. E-9461.

The proceeds from the sale of the notes will be used for the purchase of coal supplies through July 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. §§ 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15902 Filed 6-1-76;8:45 am]

[Docket No. ES76-55]

UPPER PENINSULA POWER CO.

Application for Authorization to Issue Securities

MAY 25, 1976.

Take notice that on May 20, 1976 Upper Peninsula Power Company (Applicant) filed an application with the Federal Power Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $19,500,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in the electric utility business in a 4,460 square mile area in the upper peninsula of Michigan with a population of approximately 140,000.

The Applicant has proposed to issue unsecured promissory notes of a principal amount of up to $19,500,000 outstanding at any one time, payable to

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such bank or banks from which the Applicant may borrow, for periods not exceeding twelve months from the date of original issuance, extension or renewal. The notes will be issued on or before June 30, 1977 and will have a final maturity date not later than June 30, 1978. The interest rate on such notes will not exceed 120% of the prevailing prime commercial rate in effect from time to time. The notes will not be subject to resale to the public.

The Proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program, and the purchase of coal supplies through June 30, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15901 Filed 6-1-76;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on April 20, 1976.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services picked up in the first quarter. In March retail sales rose sharply further and recovery in industrial production continued. Gains in nonfarm employment were again widespread and the unemployment rate declined from 7.6 to 7.5 per cent. Over the first quarter wholesale prices of farm products, foods, and fuels declined appreciably, but average wholesale prices of other commodities rose almost as rapidly as during the second half of 1975. Over recent months, the advance in the index of average wage rates has moderated somewhat.

The average value of the dollar against leading foreign currencies has been relatively steady in recent weeks, while the British pound and the Italian lira have remained under considerable downward pressure. In February the U.S. foreign trade balance registered a second successive monthly deficit; reported net outflows of private capitla remained moderate.

Monetary aggregates expanded moderately in March. At commercial banks, inflows of time and savings deposits other than negotiable CD's fell substantially from the exceptional pace of February; inflows to nonbank thrift institutions remained strong. Since mid-March, both short- and long-term market interest rates have declined.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continue economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the period ahead.

By order of the Federal Open Market Committee, May 24, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-15990 Filed 6-1-76;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of April 20, 1976 is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

THE COMMISSION OF FINE ARTS

MEETING

MAY 28, 1976.

There will be a meeting of the Commission of Fine Arts on Wednesday, June 16, 1976, at 10:00 a.m. in the Commission offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of the city of Washington, D.C. The meeting is open to the public; inquiries regarding the agenda or requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-16036 Filed 6-1-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to P.L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 10, June 18, 1976, from 8:30 a.m. to 3:00 p.m., Room 1033, GSA Regional Headquarters Building, Auburn, Washington. The meeting will be concerned with the review of the conceptual design for the Courthouse, Federal Building and Parking Facility, Anchorage, Alaska. Frank and open critical analysis of the proposed design is essential to ensure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: May 24, 1976.

DAVID L. HEAD,
Regional Administrator.

[FR Doc.76-15936 Filed 6-1-76;8:45 am]

[Temp. Reg. F-389]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Administrator, Energy Research and Development Administration, to represent the consumer interests of the executive agencies of the Federal Government in intrastate gas rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Administrator, Energy Research and Development Administration, to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission involving the application of the Southern Union Gas Company for increases in its intrastate rates and charges (Docket No. 1280).

b. The Administrator, Energy Research and Development Administration, may redelegate this authority to any officer, official, or employee of the Energy Research and Development Administration.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

TERRY CHAMBERS,
Acting Administrator of General Services.

MAY 24, 1976.

[FR Doc.76-15887 Filed 6-1-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0107]

CERTIFIED GROCERS INVESTMENT CORP.

Issuance of a Small Business Investment Company License

On September 23, 1975, a notice was published in the FEDERAL REGISTER (40 F.R. 43784) stating that an application had been filed by Certified Grocers Investment Corporation, 4800 South Central Avenue, Chicago, Illinois 60638 with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license as a small business investment company.

Interested parties were given until close of business October 6, 1975, to submit their comments to SBA. No comments were received. Issuance of the license was delayed until such time as Certified Grocers Investment Corporation was capitalized. SBA was informed by letter, dated May 3, 1976, that the capitalization was accomplished.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0107 on May 17, 1976, to Certified Grocers Investment Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: May 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-15894 Filed 6-1-76;8:45 am]

[Declaration of Disaster Loan Area 1245]

CONNECTICUT

Declaration of Disaster Area

An area located in the industrial complex of the Cambridge Street area, City of Meriden, Connecticut, constitutes a disaster area because of damage resulting from fire which occurred on April 27, 1976.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 19, 1976, and for economic injury until the close of business on February 21, 1977 at:

Small Business Administration, District Office, 450 Main Street, Hartford, Connecticut 06103.

or other locally announced locations.

Dated: May 20, 1976.

LOUIS F. LAUN,
Deputy Administrator.

[FR Doc.76-15895 Filed 6-1-76;8:45 am]

[Declaration of Disaster Loan Area #1244]

MICHIGAN

Declaration of Disaster Area

Bay County and adjacent counties within the State of Michigan constitute a disaster area because of damage resulting from flooding and high winds which occurred on April 25, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 15, 1976, and for economic injury until the close of business on February 14, 1977, at:

Small Business Administration, District Office, 1249 Washington Boulevard, Detroit, Michigan 48226.

or other locally announced locations.

Dated: May 14, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-15896 Filed 6-1-76;8:45 am]

[Declaration of Disaster Loan Area #1228; Amdt. 2]

NEBRASKA

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 F.R. 16619 and 41 F.R. 19387) is amended by adding Kearney, Madison, Saunders, and adjacent counties within the State of Nebraska. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 28, 1976, and for economic injury until the close of business on January 28, 1977.

Dated: May 7, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-15897 Filed 6-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 60]

ASSIGNMENT OF HEARINGS

MAY 27, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 59135 (Sub 32), Red Star Express Lines of Auburn, Inc., dba Red Star Express Lines now being assigned September 13, 1976 (1 week) at Montpeller, Vermont in a hearing room to be later designated.

MC 136343, Sub 65, Milton Transportation, Inc. now being assigned July 13, 1976 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 141713, Vince Venuti, dba Vince's Service Center now being assigned July 21, 1976 (3 days) at New Orleans, Louisiana in a hearing room to be later designated.

MC-C 8884, Centroport Drayage, Inc., Westwind Africa Line Limited and Southern Star Shipping Co., Inc.—Investigation of Operations now being assigned July 26, 1976 (2 days) at New Orleans, Louisiana in a hearing room to be later designated.

MC 95540 (Sub 941), Watkins Motor Lines, Inc. now being assigned July 28, 1976 (3 days) at New Orleans, Louisiana in a hearing room to be later designated.

AB 98 Sub 1, Claremont and Concord Railway Company, Inc., Abandonment between Claremont and Newport, in Sullivan County, New Hampshire, now being assigned September 8, 1976 (3 days), at Newport, New Hampshire, in a hearing room to be later designated.

MC-F 12607, Barrieau Express, Incorporated—Purchase—Trans World Van Lines, Inc., and MC 8028 Sub 3, Barrieau Express, Inc., now being assigned September 13, 1976 (5 days), in a hearing room to be later designated.

No. 36340, The Salt River Project Agricultural Improvement and Power District v. The Atchison, Topeka and Santa Fe Railway Company now being assigned September 14, 1976 (4 days) at Phoenix, Arizona in a hearing room to be later designated.

MC-F 12650, General Transportation, Inc.—Control and Merger—FOPA Transport, Inc. and MC 116457 (Sub 15), General Transportation, Inc. now being assigned September 20, 1976 (2 weeks) at Phoenix, Arizona in a hearing room to be later designated.

MC-19227 Sub 223, Leonard Bros. Trucking Co., Inc., now being assigned September 24, 1976 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 105881 (Sub-No. 50), M. R. & R. Trucking Company, MC 109533 (Sub-No. 67), Overnite Transportation Company and MC 113528 (Sub-No. 26), Mercury Freight Lines, Inc., now being assigned for continued hearing on June 17, 1976 (2 days), at 9:30 a.m. Local Time, at the Howard Johnson's Motor Lodge, West 401 Veterans Memorial Boulevard, Metairie (New Orleans), La. and June 21, 1976 (1 week), at 9:30 a.m. Local Time, at the Red Carpet Inn, 7611 Katy Freeway, Houston, Texas.

MC-C 8733, Cango Corporation, McNair Transport, Inc., Robertson Tank Lines, Inc., Chemical Leaman Tank Line, Inc., Groendyke Transport Inc., and Western Commercial Transport, Inc.—Investigation and Revocation of Certificates, now being assigned September 21, 1976 (3 days), at Dallas, Texas, in a hearing room to be later designated.

MC 111729 Sub 565, Purolator Courier Corp., now being assigned September 27, 1976 (4½ days), at New Orleans, La., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15997 Filed 6-1-76;8:45 am]

[Exemption No. 63; Amdt. No. 11]

BESSEMER AND LAKE ERIE RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15994 Filed 6-1-76;8:45 am]

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[Order No. 170; under Revised Service Order No. 994]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting Traffic

In the opinion of Lewis R. Teeple, Agent, The Chesapeake and Ohio Railway Company is unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment.

It is ordered, That: (a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake and Ohio Railway Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Chesapeake and Ohio Railway Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall be effective at 4 p.m., May 24, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 25, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15998 Filed 6-1-76;8:45 am]

[Exemption No. 94; Amdt. No. 7]

THE DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 94 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 94 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15993 Filed 6-1-76;8:45 am]

[Order No. 169 under revised Service Order No. 994]

MIDDLETOWN AND HUMMELSTOWN RAILROAD CO.

Rerouting Traffic

In the opinion of Lewis R. Teeple, Agent, the Middletown and Hummelstown Railroad Company is unable to transport traffic over portions of its Gettysburg and Harrisburg and Frackville branches, formerly operated by the Reading Company, because of track damage caused by flooding.

It is ordered, That: (a) The Middletown and Hummelstown Railroad Company being unable to transport traffic over its line and the Consolidated Rail Corporation being unable to transport traffic over portions of its Gettysburg and Harrisburg, and Frackville branches, because of track damage, these carriers are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exists between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 1 p.m., May 18, 1976.

(g) Expiration date. This order shall expire at 11:59 p.m., July 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 18, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15596 Filed 6-1-76;8:45 am]

[Service Order No. 1243; Modification No. 1]

CERTAIN POINTS WEST

Exemption Under Mandatory Car Service Rules

Pursuant to the authority vested in me by section (b) of Service Order No. 1243, trailers REAZ 700000–709999, located west of Minneapolis, Minnesota, Omaha, Nebraska, Kansas City, Missouri, Ft. Worth, Texas, and Houston, Texas, but not including those points, are exempt from the provisions of Service Order No. 1243.

Effective May 21, 1976.

Issued at Washington, D.C., May 21, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Acting Director.

[FR Doc.76-15995 Filed 6-1-76;8:45 am]

[Notice No. 67]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 26, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 371TA), filed May 13, 1976. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: G. E. Tickle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories*, from the plantsite and storage facilities of Elk Corporation, located at or near Stephens and Camden, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elk Corporation, P.O. Box 37, Stephens, Ark. 71764. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 20916 (Sub-No. 19TA), filed May 14, 1976. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, Va. 22701. Applicant's representative: John T. Sisk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber by-products*, from facilities of Everett Jones Lumber Corp., at Spotsylvania, Va., to points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Ohio, Tennessee, West Virginia, North Carolina, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Everett Jones Lumber Corp., Route 5, Box 465, Spotsylvania, Va. 22553. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room B–317, W. C. Hersman, District Supervisor, Washington, D.C.

No. MC 106433 (Sub-No. 9TA) (Correction), filed April 5, 1976, published in the FEDERAL REGISTER issue of April 16, 1976, and republished as corrected this issue. Applicant: ANTRIM TRANSPORTATION CO., INC., 7–11 Suffern Place, Suffern, N.Y. 10901. Applicant's representative: John L. Alfano, 550 Manaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *Returned empty malt beverage containers*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, Edward P. Gevrts, Assistant Corporate Traffic Manager, Operations, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

NOTE.—The purpose of this correction is to indicate applicant's request for service to points in New Jersey, New York, Pennsylvania, and Rhode Island in Part (1) above.

No. MC 48213 (Sub-No. 44TA), filed May 13, 1976. Applicant: C. E. LIZZA, INC., P.O. Box 447, Latrobe, Pa. 15601. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials, and supplies used* in the manufacture and distribution thereof (except commodities in bulk), between Hazel Township and Pittston Township (Luzerne County), Pa., on the one hand, and, on the other, Ringwood, N.J., under a continuing contract with American Cyanamid Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Coated Products Dept., American Cyanamid Company, Wayne, N.H. 07470. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 105886 (Sub-No. 20TA), filed May 13, 1976. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, P.O. Box 67, Bessemer, Pa. 16112. Applicant's representative: William J. Lavelle, 3210 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in dump vehicles, from Kimballton, Va., to Aliquippa and Shippingport, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dravo Corp., 4800 Grand Avenue (Neville Island), Pittsburgh, Pa. 15225. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 211 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 113666 (Sub-No. 104TA), filed May 14, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Mr. Don L. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides*, from Muskegon, Maine, to Greeley, Colo.; Mendota, Ill., Albert Lea, Minn.; St. Joseph and St. Louis, Mo., Fremont and Omaha, Nebr., and Randolph, Wis., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, N.J. 98540. Send protests to: Mr. John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 114045 (Sub-No. 435TA), filed May 14, 1976. Applicant: TRANS-COLD EXPRESS, INC., Finley & Belt Line Rd., P.O. Box 5842, Dallas, Tex. 75240. Applicant's representative: J. B. Stuart, P.O. Box 61228 D/FW Airport, Tex. 75261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Philadelphia, Pa., Commercial Zone, to points in Louisiana and Texas, for 180 days. Supporting shipper: Sun Oil Company of Pennsylvania, 1608 Walnut Street, Philadelphia, Pa. 19103. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13012, Dallas, Tex. 75242.

No. MC 115162 (Sub-No. 325TA), filed May 13, 1976. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards*

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and ceiling tile, and materials and supplies used in the installation of building, wall, insulation boards of ceiling tile, between the plantsite and facilities utilized by the Armstrong Cork Company at or near Macon, Ga., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armstrong Cork Company, Lancaster, Pa. 17604. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116073 (Sub-No. 321TA), filed May 17, 1976. Applicant: BARRETT MOBILE TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobile, in initial movements, and *buildings*, from Elkhart and Lagrange Counties, Ind., to points in the United States, including Alaska, for 180 days. Supporting shippers: Skyline Corporation, 2520 By Pass Road, Elkhart, Ind. 46514. Coachmen Industries, Inc., P.O. Box 30, Middlebury, Ind. 46540, Concord- Champion Home Builders, Co., 2103 W. Mishawaka Rd., Elkhart, Ind. 46514. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 322TA), filed May 14, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Norman M. Eide (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Redwood Falls, Minn., to points in Iowa, the Upper Peninsula of Michigan, North Dakota, South Dakota, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schult Mobile Home Corp., 201 Industrial Drive, Box 399, Redwood Falls, Minn. 56283. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117119 (Sub-No. 581TA), filed May 14, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. Mclean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores (except in bulk), from the facilities of Wesmor Shipping, Inc., at Secaucus, N.J., to the warehouse facilities of Dillard Department Stores, Inc., at Little Rock, Ark., for 180 days. Supporting shipper: Dillard Department Stores, Inc., 1801 E. Roosevelt Road, Little Rock, Ark. 72206. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 126TA), filed May 11, 1976. Applicant: M. BRUENGER & CO. INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Paul L. Thomas, 814 Century Plaza Bldg., Wichta, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with in wholesale, retail, and chain grocery and food business houses, and in connection therewith *materials and supplies* used in the conduct of such business, moving in temperature controlled equipment, from Topeka, Kans., to Fremont and Compton, Calif., restricted to traffic originating at the plant and warehouse facilities of The Fleming Company, Topeaka, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Fleming Packaging Division of The Fleming Company, Box 638, Topeka, Kans. 66601.

No. MC 121739 (Sub-No. 2TA), filed May 13, 1976. Applicant: BURK MOTOR FREIGHT, INC., 512 Magnolia St., Burkburnett, Tex. 76354. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Class A & B explosives, articles of unusual value, those requiring special equipment, and commodities in bulk), between Wichita Falls, Tex., and Frederick, Okla.; from Wichita Falls, Tex., over U.S. Highway 277 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 183, thence over U.S. Highway 183 to Frederick, Okla., and return over the same route serving all intermediate points, for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Dist. Supv. H. C. Morrison, Sr., Rm 9A27, Federal Bldg., 819 Taylor St., Forth Worth, Tex. 76102.

No. MC 123885 (Sub-No. 22TA), filed May 14, 1976. Applicant: C & R TRANSFER CO., P.O. Box 1010, 5200 Susan Drive, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile home truss rafters*, from Sioux Falls, S. Dak., to Hutchinson, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunrise Manufacturing, 1105 North Cliff, Sioux Falls, S. Dak. 57101, Floyd Reaves, President, J. L. Hammon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57510.

No. MC 125555 (Sub-No. 42TA), filed May 14, 1976. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Deadwood Avenue, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Wyoming, to points in Nebraska and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pozzolin Products, Inc., Rt. 6, Box 464L, Rapid City, South Dakota, Pete Birrenkott, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 124306 (Sub-No. 23TA), filed May 14, 1976. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Francis W. McInerny, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Terephthalic acid*, in bulk, from the plantsite of E. I. duPont de Nemours (Cape Fear Plant) near Phoenix, N.C., to Old Hickory, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del. 19898. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, ICC., Raleigh, N.C. 27611.

No. MC 128375 (Sub-No. 144TA), filed May 14, 1976. Applicant: CRETE CARRIER CORPORATION, Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, equipment and accessories, and materials*, and *supplies* used in the production and distribution of motor vehicle parts and accessories (except in bulk), (1) between Bayonne, N.J. and its commercial zone, on the one hand, and on the other, points in Georgia; (2) between Lawrenceburg, Tenn., and its commercial zone, on the one hand, and on the other, points in Illinois, under a continuing contract with Maremont Corporation, for 180 days. Supporting shipper: Arthur L. Comeau, General Traffic Manager, Maremont Corporation, 200 East Randolph Drive, Chicago, Ill., 60601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 128831 (Sub-No. 10TA), filed May 13, 1976. Applicant: DIXON RAPID

TRANSFER, INC., Rt. 65 East, Mt. Morris, Ill. 61054. Applicant's representative: Robert H. Levy, 29 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and duct* used in heating, cooling, A/C and exhaust system, *materials and supplies* used in the installation thereof and *building construction wall sections and accessories* and *parts* used in the installation thereof, from the plant site of United Sheet Metal Division of McGill Corp. at Westerville, Ohio, to points in Massachusetts, Michigan, Missouri, New Jersey, New York, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Sheet Metal, Harry L. Keebaugh, Traffic Manager, 200 E. Broadway, Westerville, Ohio 43081. Send protests to: Transportation Assistant Patricia A. Roscor, Everett McKinley Dirksen Building, 19 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 134035 (Sub-No. 17TA), filed April 26, 1976. Applicant: DOUGLAS TRUCKING COMPANY, INC., 5611 East Imperial Highway, South Gate, Calif. 90380. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844, (813) 324–6777. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fasteners, nuts, bolts, plastic and metal*, from Compton, Calif., to Dallas, Tex., and Atlanta, Ga., restricted to the transportation of traffic originating at the plantsite and warehouse facilities of VSI, Incorporated, Compton, Calif., for 180 days. Supporting shipper: VSI, Incorporated, 3064 Maria Street, Compton, Calif. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134922 (Sub-No. 171TA), filed May 17, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tomato paste* (except in bulk) from Nogales, Ariz., to Atlanta, Ga., Baltimore, Md., Washington, D.C., Chicago, Ill., Cleveland, Ohio, Denver, Colo., Detroit, Mich., Houston, Tex., Indianapolis, Ind., Milwaukee, Wis., New Orleans, La., New York City, N.Y., Oklahoma City, Okla., Philadelphia, Pa., Pittsburgh, Pa., and St. Louis, Mo., for 180 days. Supporting shipper: Sun Foods, Inc., 1205 Grand Avenue, Nogales, Ariz. 85621. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72202.

No. MC 139312 (Sub-No. 3 TA), filed May 10, 1976. Applicant: JOE H. TIDWELL doing business as P.O. Box 826, Pharr, Tex. 7877. Applicant's representative: Thomas R. Kingsley, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, used rags and used burlap*, from points in Iowa, Nebraska, Missouri, Kansas, Pennsylvania, Oklahoma, Kentucky North Carolina, South Carolina, Georgia, Michigan, Florida, Alabama, Tennessee, Louisiana, Maryland, Ohio, Illinois and Wisconsin, to Nogales, Ariz., McAllen, Tex., and ports of entry on the United States-Mexico Boundary line in Texas, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnson Waste Materials, Inc. 2809 Boca Chica Bldg., Brownsville, Tex. 78520. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B–400 Federal Building. San Antonio, Tex. 78206.

No. MC 142031 (Sub-No. 1 TA), filed May 13, 1976. Applicant: P & L CUSTON HAY, INC., P.O. Box 453, Tacna, Ariz. 85352. Applicant's representative: George S. Livermore, 2701 East Camelback, Suite 100, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp* from Brawley, Calif., to Wellton, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McElhaney Cattle Company, P.O. Box 277, Wellton, Ariz. 85356. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Building 230 N. First Avenue Phoenix, Ariz. 85025.

No. MC 142050 (Sub-No. 1 TA), filed May 12, 1976. Applicant: ROBERT S. LINK, doing business as LINK TRUCK SERVICE, Walsh, Ill. 62297. Applicant's representative: Robert T. Lawley, 300 Reishch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone and gravel*, in bulk, from points in Perry County, Mo., to points in Perry and Randolph Counties, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard Hurst, President, Perry County Stone Co., Rt 3 Perryville, Mo. 63775. Send protests to: Harold C. Jollif, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 142058 (Sub–No. 1TA), filed May 18, 1976. Applicant: C. R. R. DELIVERY, SERVICE, INC., 368 West 17th Street, Hialeah, Fla. 33101. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk; Class A and B explosives; household goods; livestock; commodities requiring refrigeration), between points in Dade County, Fla., restricted to shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: Universal Transcontinental Corp., 7200 N.W. 55th Street, Miami, Fla. World Wide Air Marine Freight Forwarders, Bldg. 2140, Miami International Airport Drive, Miami, Fla., Independent Forwarding Service, Inc. Bldg. 2134 Miad, Miami International Airport Drive, Miami, Fla. Bensons Forwarding Service, Bldg. 2140, Miami International Airport Drive, Miami, Fla. Penson Forwarding Service, Bldg. 2140, Miami International Airport Drive, Miami, Fla. B. F. Mathews Co., Inc., Bldg., 2140, Miami International Airport Drive, Miami, Fla. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15999 Filed 6-1-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUY AMERICAN ACT

Proposed Guidelines

Notice is hereby given that the Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB), is considering promulgating the following guidelines regarding exceptions to the Buy American Act, pursuant to the authority of Public Law 93–400, 41 U.S.C. 401.

OFPP research of foreign procurement by Federal agencies has disclosed, among other considerations, that the Federal agencies vary significantly in their implmentation of two of the four exceptions to the Buy American Act, namely: unreasonable cost and inconsistency with the public interest.

In general, the guidelines:

1. Describe the differences in interpretation and application currently practiced by the executive agencies.

2. Prescribe uniformity by stipulating a separate statutory identity for each exception; limiting the application of price differential formulae only to determinations of unreasonable cost and then only to end product acquisitions; and requiring, when requested, the cooperative application of determinations of inconsistency with the public interest.

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

GUIDELINES FOR EXCEPTIONS TO THE BUY AMERICAN ACT

The Buy American Act requires, as a general rule, that only domestic articles, materials, and supplies will be acquired for public use within the United States. The Act provides four exceptions to this rule: procurement for use overseas, nonavailability, unreasonable cost, and inconsistency with the public interest. The latter two are being interpreted and applied differently by Federal agencies. The purpose of these guidelines is to obtain uniform application of these exceptions.

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Some agencies require that the price differential formulae for determining unreasonable cost be applied to both prime and subcontracts, although others apply these formulae only in evaluating bids or offers for prime contracts. Also, some agencies apply the price differential formulae as a part of their determination of inconsistency with the public interest, but other agencies make these determinations independent of unreasonable cost considerations.

The unreasonable cost exception authorizes procurement of foreign source items if the cost of the competing domestic items is determined to be unreasonable. Determination of "unreasonable cost" is made by application of price differential formulae at the time of bid evaluation. The public interest exception authorizes procurement of foreign source items if the purchase of domestic items is determined to be inconsistent with the public interest.

The Act distinguishes between unreasonable cost and inconsistency with the public interest. Each exception has a distinctly separate statutory basis for authorizing foreign-origin acquisitions. The use of prescribed price differentials represents a proper and logical approach to determining unreasonableness of cost. Such formulae are consistent with the intent of Executive Order No. 10582, which was issued essentially to establish Government-wide guidelines for unreasonable cost determinations. These formulae, however, are not relevant to determinations of inconsistency with the public interest. Rather, such determinations reflect a broader and entirely separate basis for foreign purchases.

Price differential formulae established for bid evaluation purposes, therefore, shall only be used to determine unreasonableness of cost. In no event shall these formulae be used to preempt or to obviate separate application of the public interest exception. In addition, prime contractors shall not be required to apply these formulae in evaluating subcontractor bids/proposals offering foreign-origin components. Instead, prime contractor compliance with the Act shall be achieved by assuring delivery of domestic end products; such assurance is to be determined by a comparison of the foreign and domestic components involved.

One common form of public interest determination is a commitment of the U.S. Government to respect and fulfill international interests and obligations. Such determinations accomplished by the head of one agency are not binding by themselves upon any other agency; however, they do represent a national objective to be considered by all executive agencies. Therefore, a written request from one agency for cooperation in fulfilling a commitment to make agreed quantities of foreign purchases in the public interest shall be given favorable consideration by other agencies, and should be honored unless otherwise dictated by compelling circumstances also considered to be in the public interest. Each agency shall make its own determinations of public interest after full consideration of all pertinent factors.

Any executive agency making a commitment to make foreign purchases should advise General Services Administration (GSA) and Department of Defense (DOD) of that commitment, so that both GSA and DOD can, in turn, advise Federal Procurement Regulations (FPR) and Armed Services Procurement Regulation (ASPR) users.

The GSA and the DOD are directed to issue uniform implementation of these guidelines in the FPR and ASPR. These guidelines are rescinded upon the issuance of such implementation.

Interested persons may comment on the proposed guidelines by submitting their written views to the Administrator for Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place N.W., Room 9001, Washington, D.C. 20503. Comments received by June 30, 1976 will be considered.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

[FR Doc.76-16059 Filed 6-1-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 26, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

1976 National Travel Survey: Quarterly, U.S. households, Maria Gonzalez, 395-6132.

DEPARTMENT OF THE TREASURY

Departmental and Other Procedures Followed in Auditing Federal Grant Programs: single-time, State auditors, Budget Review Division, Lowry, R. L., 395-4775.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Army (excl. Def Civil Preparedness Agcy): Tenders of Service and Letters of Intent for Personal Property Household Goods/Unaccompanied Baggage and Mobile Homes, DD1433, on occasion, carriers of HHGS/UB and mobile homes, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:
Third Wave Survey: Vietnam Resettlement Operation Feedback, survey, OS-13-76, single-time, Vietnamese Refugees, Caywood, D.P., 395-3443.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Daily Report of Dealer Transaction, MK-STA-SCH, Other (See SF-83), Primary Dealers in U.S. Government Securities, Hulett, D. T., 395-4730.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration:
Inventory of Work Orders (by REA Electric Borrowers), REA-219, on occasion, REA Electric borrowers, Marsha Traynham, 395-4529.
Telephone System Plan (Design and Operational Information), REA-809, on occasion, consulting engrs. of REA telephone borrowers, Marsha Traynham, 395-4529.
Production Plant Estimate Work, REA-11, on occasion, REA electric borrowers, Marsha Traynham, 395-4529.
Details of General Funds, Notes and Accounts Receivable, and Notes Payable—Telephone Loan Applicants, REA 491, on occasion, applicants for REA tel. loans and REA tel. borrs., Marsh Traynham, 395-4529.
Animal and Plant Health Inspection Service:
Regulations Governing the Inspection of Poultry and Poultry Products, on occasion, Lowry, R. L., 395-3772.
Application for Agreement or Report of Inspection of Establishment Handling Restricted Animal By-Products, VS 16-25, annually, Importers of varied business types, Lowry, R. L., 395-3772.
Indemnity Claim for Animals and Materials Destroyed, VS 1-23, VS 1-23A, on occasion, livestock producers shippers, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-16060 Filed 6-1-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

MAY 27, 1976.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two-day meeting on Monday and Tuesday, June 21-22, 1976. These sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C., beginning at 9:00 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmosperic Administration.

The Agenda will include the following topics:

JUNE 21, 1976

MORNING

0900-0915 -- Opening remarks.
0915-1000 -- Briefing on proposed federal organization for marine affairs—Senate National Ocean Policy Study (NOPS).
1000-1200 -- Review of draft of NACOA 5th annual report.

AFTERNOON

1330-1430 -- Briefing on June 9-12 conference on commercial development of ocean resources.
1430-1700 -- Review of draft of NACOA 5th annual report (continued).

JUNE 22, 1976

MORNING

0900-0915 -- Opening remarks
0915-1200 -- Review of draft of NACOA 5th annual report (continued).

AFTERNOON

1330-1500 -- Review of draft of NACOA 5th annual report (continued).

Adjournment at approximately at 3:00 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the perogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.76-15989 Filed 6-1-76;8:45 am]

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federal register

THURSDAY, JUNE 3, 1976

highlights

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Legal Services Corp.—Restrictions on certain activities; picketing, boycotts, strikes, illegal activities; legislative and administrative representation. 18513; 5–5–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

Executive Order 11918 • June 1, 1976

Compensation for Damages Involving Nuclear Reactors of United States Warships

By virtue of the authority vested in me by the joint resolution approved December 6, 1974 (Public Law 93–513, 88 Stat. 1610, 42 U.S.C. 2211), and by section 301 of title 3 of the United States Code, and as President of the United States of America, in order that prompt, adequate and effective compensation will be provided in the unlikely event of injury or damage resulting from a nuclear incident involving the nuclear reactor of a United States warship, it is hereby ordered as follows:

SECTION 1. (a) With respect to the administrative settlement of claims or judgments for bodily injury, death, or damage to or loss of real or personal property proven to have resulted from a nuclear incident involving the nuclear reactor of a United States warship, the Secretary of Defense is designated and empowered to authorize, in accord with Public Law 93–513, the payment, under such terms and conditions as he may direct, of such claims and judgments from contingency funds available to the Department of Defense.

(b) The Secretary of Defense shall, when he considers such action appropriate, certify claims or judgments described in subsection (a) and transmit to the Director of the Office of Management and Budget his recommendation with respect to appropriation by the Congress of such additional sums as may be necessary.

SEC. 2. The provisions of section 1 shall not be deemed to replace, alter, or diminish, the statutory and other functions vested in the Attorney General, or the head of any other agency, with respect to litigation against the United States and judgments and compromise settlements arising therefrom.

SEC. 3. The functions herein delegated shall be exercised in consultation with the Secretary of State in the case of any incident giving rise to a claim of a foreign country or national thereof, and international negotiations relating to Public Law 93–513 shall be performed by or under the authority of the Secretary of State.

Gerald R. Ford

THE WHITE HOUSE,
June 1, 1976.

[FR Doc.76–16274 Filed 6–1–76;4:26 pm]

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Memorandum of May 31, 1976

Determination Under Section 202(a) of the Trade Act; Iron Blue Pigment

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, May 31, 1976.

Pursuant to Section 202(b)(1) of the Trade Act of 1974 (P.L. 93–618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC) dated April 2, 1976, concerning the results of its investigation of a petition for import relief filed by American Cyanamid Co. on behalf of the domestic industry producing ferricyanide and ferrocyanide (iron blue) pigments provided for in item 473.28 of the Tariff Schedules of the United States.

After considering all relevant aspects of the case, including those set forth in Section 202(c) of the Trade Act of 1974, I have determined that provision of import relief is not in the national economic interest of the United States.

Since the period covered by the USITC report, the domestic economy has made very significant progress toward recovery from the recession. Demand for iron blue pigments has risen this year and with inventories drawn down, the capacity of the U.S. industry is not sufficient to supply anticipated consumption in 1976.

In the year of peak import penetration, 1973, imports were necessary to supply domestic demand. Since that time, imports have declined, both in absolute amounts and as a share of domestic consumption.

Employment remained steady at about 135 workers from 1972–74. As production declined sharply in 1975, about 36 workers were laid off. With output now rising, employment should also recover. However, adjustment assistance is available under the Trade Act of 1974 to workers if imports have contributed significantly to their unemployment.

Prices of domestic iron blue pigments have risen substantially, with the current average 15 percent or more above that reported by the USITC for 1975. Import prices have risen even more sharply. The increased tariff protection recommended by the USITC would result in further substantial price increases at a time when curbing inflation is a priority objective of national economic policy.

The great bulk of domestic iron blue pigments production is accounted for by two large multiproduct firms whose overall operations in recent years showed growing profits except in the 1975 recession. Iron blue pigments account for under 0.2 percent of total sales. With the resources available to such large producers, they should be able to finance any investment necessary to improve their competitive position vis-a-vis imports without tariff relief.

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The Trade Act of 1974 requires that the President consider the effect of increased import restraints on the international economic interests of the United States. Since the tariff on iron blue pigments is bound in a trade agreement, the United States would face claims from the European Economic Community and Japan for duty reductions on other products of equal trade value. If agreement were not reached on such compensatory reductions, retaliatory duty increases could be levied against U.S. exports.

This determination is to be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.76-16318 Filed 6-2-76;11:55 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Adoption of Privacy Act Regulation

On April 1, 1976, a document was published in the FEDERAL REGISTER (41 FR 13938) proposing to amend 7 CFR 1.123 by adding another system of records to those exempted from certain sections of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to 5 U.S.C. 552a(k). Interested parties were given the opportunity to submit, not later than May 3, 1976, written comments on these proposed regulations.

No comments have been received, and the proposed amendment is hereby adopted as set forth below.

Effective date: June 3, 1976.

Done at Washington, D.C. this 28th day of May, 1976.

JOHN A. KNEBEL,
Acting Secretary.

§ 1.123 Specific exemptions.

* * * * * *

FOOD AND NUTRITION SERVICE

* * * * *

FOREST SERVICE

LAW ENFORCEMENT INVESTIGATION RECORDS, USDA/FS-33

* * * * *

[FR Doc.76-16119 Filed 6-2-76;8:45 am]

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Foreign Buyer Inquiries

Responsibility for handling foreign buyer inquiries regarding quality or weight discrepancies in export shipments of U.S. agricultural commodities.

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to delegate responsibility within the Department of Agriculture for handling foreign buyer inquiries regarding quality or weight discrepancies in export shipments of U.S. agricultural commodities, as follows:

1. Section 2.21 is amended by adding a new paragraph (d)(27) to read as follows:

§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.

* * * * * *

(d) *Related to foreign agriculture.*

* * * * * *

(27) Serve as a focal point for handling quality or weight discrepancy inquiries from foreign buyers of U.S. agricultural commodities to insure that they are investigated and receive a timely response and that reports thereof are made to appropriate parties and government officials in order that corrective action may be taken.

2. Section 2.68 is amended by adding a new paragraph (a)(15) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations.*

* * * * * *

(15) Serve as a focal point for handling quality or weight discrepancy inquiries from foreign buyers of U.S. agricultural commodities to insure that they are investigated and receive a timely response and that reports thereof are made to appropriate parties and government officials in order that corrective action may be taken.

These amendments shall become effective June 3, 1976.

Date: May 26, 1976.

For Subpart C:

EARL L. BUTZ,
Secretary of Agriculture.

For Subpart H:

RICHARD E. BELL,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.76-16081 Filed 6-2-76;8:45 am]

[Amdt. 29]

PART 5—DETERMINATION OF PARITY PRICES

Revising Indices of Prices Paid by Farmers Including the Parity Index

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended) are further amended to provide for the use of a revised parity index (index of prices paid by farmers, including interest, taxes, and farm wage rates) as the official index for the computation of parity prices beginning May 1976. The revised index and related indices will use updated weights based on the period 1971–73 and will include other modifications made in recognition of the changing economic structure of agriculture.

Since the change in the regulations involved only the use of updated weights and other modifications designed to achieve an improved result and proposed restructuring was circulated to data users and some modifications were adopted in recognition of their comments, it is hereby found that public participation requirements with respect to this amendment are impracticable and unnecessary.

1. Section 5.1(a) is amended to read as follows:

§ 5.1 [Amended]

(a) The parity index and related indices for the purpose of calculating parity prices after May 1, 1976, according to the formula contained in section 301(a) of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Acts of 1948, 1949, 1954, and 1956 (hereinafter referred to as section 301(a)) shall be the index of prices paid by farmers, interest, taxes, and farm wage rates, as revised May 1976 and published in the May 28, 1976, and subsequent issues of the monthly report, "Agricultural Prices." The publication of these indices by the Statistical Reporting Service in the monthly report, "Agricultural Prices", shall be continued.

* * * * * *

2. Parity prices and indices heretofore published for periods prior to May 1, 1976, shall not be revised.

Done at Washington, D.C., this 28th day of May 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-16080 Filed 6-2-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 383]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period June 4–10, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices,

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and the relationship of season average returns to the parity price for Navel oranges.

§ 907.683 Navel Orange Regulation 383.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is still reasonably strong for first grade fruit, while other grades are showing weakness. Prices f.o.b. averaged $3.20 a carton on a reported sales volume of 991 carlots last week, compared with an average f.o.b. price of $2.96 per carton and sales of 1,186 carlots a week earlier. Track and rolling supplies at 403 cars were up 33 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 1, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period June 4, 1976, through June 10, 1976, are hereby fixed as follows:

(i) District 1: 850,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 2, 1976.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-16311 Filed 6-2-76;11:16 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1976 and Subsequent Crops

REVISION

The regulations issued by the Commodity Credit Corporation (CCC) published in 35 FR 7363 and 7781, as amended, and containing the General Regulations Governing Price Support for the 1970 and Subsequent Crops of grains and similarly handled commodities are hereby revised as follows. The material previously appearing in these regulations remains in full force and effect as to the crops to which it was applicable.

Sec.
1421.1 General statement.
1421.2 Administration.
1421.3 Eligible producers.
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1421.16 Personal liability of the producer.
1421.17 Farm storage loans.
1421.18 Release of the commodity under loan.
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1421.23 Foreclosure.
1421.24 Weed control laws.
1421.25 Handling payments and collections not exceeding $3.
1421.26 Definitions.
1421.27 Death, incompetency, or disappearance.
1421.28 ASCS Commodity Office and Data Systems Field Office.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1441 note, 1445a, 1447, 1421, 1425).

Subpart—General Regulations Governing Price Support for the 1976 and Subsequent Crops

§ 1421.1 General statement.

This subpart contains the regulations which set forth the general requirements with respect to price support for the 1976 crop and each subsequent crop of barley, corn, oats, rice, rye, sorghums, soybeans, farm-stored peanuts, tung oil, farm-stored flue-cured tobacco, and wheat. Price support shall be made available for a particular crop of any such commodity only if an annual commodity supplement applicable to the crop is issued authorizing a price support program. The regulations in this subpart shall also apply to other commodities to the extent specified in the regulations applicable to such commodities. Farm-storage loans will be evidenced by notes and secured by security agreements and in certain cases, chattel mortgages or financing statements. Warehouse storage loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing an eligible commodity stored in approved warehouse storage. A producer may sell to CCC any or all of his eligible commodity which is not security for a price support loan by delivering the commodity to CCC or by delivering warehouse receipts representing the commodity in approved warehouse storage. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1421.2 Administration.

(a) *Responsibility.* The Grains, Oilseeds, and Cotton Division, ASCS, will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, Programs, ASCS, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees), ASCS Commodity Office and the ASCS Data Systems Field Office.

(b) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office (hereinafter called county office) designated in writing by the county executive director to act in his behalf (such delegation to be filed in the county office) is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. He may also execute releases or otherwise obtain the release of record of chattel mortgages and security agreements made to CCC to secure loans on agricultural commodities upon payment in full of the loan involved. He may execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to releasing a mortgage or security agreement of record.

(c) *Limitation of authority.* County executive directors, State and county committees, ASCS commodity offices, and the ASCS Data Systems Field Office do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(d) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subpart.

(e) *Executive Vice President, CCC.* No delegation herein to a State or county committee, the ASCS commodity office, or the ASCS Data Systems Field Office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, the ASCS commodity office, or the ASCS Data Systems Field Office.

§ 1421.3 Eligible producers.

(a) *Producer.* An eligible producer of a crop of a commodity shall be an individual, partnership, association, corporation, estate, trust, State or political subdivision or agency thereof, or other legal entity (1) which produces such crop as landowner, landlord, tenant, or sharecropper, or in the case of rice, furnishes land, labor, water, or equipment for a share of the rice crop, and (2) which meets the requirements for eligibility for price support contained in the regulations in this subpart.

(b) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate he represents. Loan or purchase documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Joint-loans.* Two or more eligible producers may obtain a joint loan on an eligible commodity produced by them if stored in the same farm storage facility or in the case of a warehouse storage loan, if the warehouse receipt is issued jointly to such producers. Each producer who is a party to a joint loan will be jointly and severally liable for the breach of the obligations set forth in the loan documents and in the regulations applicable to the price support program for the commodity on which the loan was made.

(e) *Approval by county committee.* If a producer has been convicted of a criminal act, or has made a misrepresentation, in connection with any price support program, or has unlawfully disposed of any loan collateral, or if the county committee has had difficulty in settling a loan with the producer because of his failure to protect properly the mortgaged commodity, or for other reasonable grounds, the producer may be denied price support until the county committee is satisfied that both he and the commodity offered for price support meet the eligibility requirements of the program, and that CCC will be fully protected against any possible loss other than a loss assumed by CCC under the regulations in this subpart.

(f) *Warehouse storage loans to warehousemen.* Warehouse storage loans may be made to a warehouseman who, in his capacity as a producer, tenders to CCC warehouse receipts issued by him on a commodity produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law.

(g) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of rice, soybeans, or tung oil may obtain price support on eligible production of such crop of the commodity on behalf of its members. The term "producer" as used in this subpart and on applicable forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to an approved cooperative marketing association.

§ 1421.4 Eligibility requirements.

(a) *Requesting price support.* To obtain price support on an eligible commodity, a producer must request a loan on, or notify the county office of his intention to sell his eligible commodity by delivering to the county office a completed Purchase Agreement (Form CCC–614), no later than the date(s) specified in the applicable commodity supplement(s).

(b) *Area of availability.* Price support shall be available to eligible producers on barley, corn, oats, rye, sorghum, soybeans, and wheat produced in any area of the United States. Price support shall be available on rice produced only in the continental United States and price support on farm-stored peanuts, tung oil, and farm-stored flue-cured tobacco shall be available only in the States specified in the regulations applicable to such commodities. Commodities must not have been produced on land owned by the Federal Government if such land is occupied without lease, permit, or other right of possession. Tobacco and peanuts produced on land owned by the Federal Government in violation of the lease shall not be eligible for price support.

(c) *Beneficial interest.* To be eligible for price support, the beneficial interest in the commodity must be in the producer tendering the commodity as security for a loan or for purchase and must always have been in him or in him and a former producer whom he succeeded before it was harvested, except that heirs who (1) succeed to the beneficial interest of a deceased producer, (2) assume the decedent's obligation under a loan if a loan has already been obtained, and (3) assure continued safe storage of the commodity if under farm storage loan, shall be eligible for price support as producers whether such succession occurs before or after harvest of the commodity. A producer shall not be considered to have divested himself of the beneficial interest in the commodity if he enters into a contract to sell or gives an option to buy his commodity if, under the contract or option, he retains control, risk of loss and title to the commodity subject to such agreements and retains control of its production. Commodities obtained by purchase shall not be eligible for price

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support. If price support is made available through an approved cooperative marketing association, the beneficial interest in the commodity must always have been in the producer-members who delivered the commodity to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the commodity was harvested, except as provided in the case of heirs of a deceased producer. Commodities so delivered to a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the commodity to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the commodity as provided in Part 1425 of this chapter.

(d) *Succession of interest.* To meet the requirements of succession to the beneficial interest of a former or deceased producer under paragraph (c) of this section, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the commodity was produced shall have been substantially assumed by the person claiming succession. Mere purchase or inheritance of a crop prior to harvest without acquisition of any additional interest in the farming unit on which the crop is produced does not constitute succession to such beneficial interest.

(e) *Doubtful cases.* Any producer in doubt as to whether his interest in the commodity complies with the requirements of this section, before requesting price support, shall make available to the county committee all pertinent information which will permit a determination to be made by CCC.

(f) *Redeemed loan collateral.* A producer may reoffer as security or repledge as collateral for a loan any commodity that has been previously so mortgaged or pledged. Such loan shall have the same maturity date as the original loan.

§ 1421.5 Miscellaneous requirements.

(a) *Revenue stamps.* Farm Storage Note and Security Agreements and Warehouse Storage Note and Security Agreements must have State and documentary revenue stamps affixed thereto where required by law.

(b) *Restrictions in use of agents.* A producer shall not delegate to any person (or his representative) who has any interest in storing, processing, or merchandising any commodity eligible for price support under a program to which this subpart is applicable, authority to exercise on behalf of the producer any of the producer's rights or privileges under such program or any note and security agreement, or other instrument executed in obtaining price support under such program, unless the person (or his representative) to whom authority is delegated is serving in the capacity of a farm manager for the producer. Any delegation of authority given in violation of this paragraph shall be without force and effect and shall not be recognized by CCC.

§ 1421.6 Program availability, disbursement, and maturity of loans.

(a) *Where to request price support.* A producer should request price support at the local county ASCS office. An approved cooperative marketing association must request price support at a servicing bank approved by CCC or at the county ASCS office for the county in which the principal office of the cooperative is located unless the State ASC committee designates some other county ASCS office.

(b) *Disbursement of loans.* Disbursement of loans will be made by county ASCS offices by drafts drawn on CCC or by credit to the producer's account, except that loans may be disbursed by approved servicing banks to approved cooperative marketing associations. The loan documents shall not be presented for disbursement unless the commodity covered by the mortgage or pledge is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly.

(c) *Availability and maturity dates.* Final availability and maturity dates applicable to loans and purchases will be specified in the annual commodity supplements to the regulations in this subpart. Whenever the final date of availability or the maturity date falls on a nonworking day for county offices, the applicable final date shall be extended to include the next workday. Loans on commodities, other than rice, farm-stored flue-cured tobacco, farm-stored peanuts, and tung oil mature on demand but not later than the last day of the eleventh calendar month following the month in which the loan was disbursed, except that loans made on warehouse receipts which show that the eleven month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued, mature on the date through which such charges have been paid.

(d) *Loan repayment acceleration.* CCC may at any time accelerate the time for repayment of a price support loan indebtedness. In the event of any such acceleration, CCC will give the producer notice of such acceleration at least 10 days in advance of the accelerated loan maturity date.

§ 1421.7 Approved storage.

Loans will be made only on commodities in approved storage as defined below:

(a) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public warehouses) which is determined by a representative of the county committee to afford safe storage of the commodity.

(b) *Warehouse storage.* Approved warehouse storage shall consist of a public warehouse for which a CCC storage agreement for the commodity is in effect and which is approved by CCC for price support purposes. Such warehouse is referred to in the regulations in this subpart as an "approved warehouse". The names of approved warehouses may be obtained from the ASCS commodity office or from State and county offices.

§ 1421.8 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC–614, Purchase Agreement; Form CCC–677, Farm Storage Note and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679, Lien Waiver; Form CCC–681, Authorization for Removal of Farm Storage Collateral; Form CCC–685, Authorization to Release Warehouse Receipts; Form CCC–687–1, Approval to Move Loan Collateral; Form CCC–691, Commodity Delivery Notice; Form CCC–692, Settlement Statement; Form CCC–693, Price Support Settlement Intention (Farm Storage); Form CCC–694, Price Support Settlement Intention (Warehouse Storage); Form CCC–864, Lienholder's Subordination Agreement; and such other forms as may be prescribed by CCC. These forms may be obtained in State and county offices.

§ 1421.9 Warehouse receipts.

(a) *General.* Warehouse receipts tendered to CCC under this program must meet all of the requirements of this section and any other requirements contained in the regulations in this subpart and in the applicable commodity supplement.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and, except in the case of rice, must represent a commodity which is deemed to be stored commingled. The receipts must be negotiable, must cover the eligible commodity actually in storage in the warehouse of original deposit, and must be registered or recorded with appropriate State or local officials when required by State law. Warehouse receipts must show that storage charges have been paid or otherwise provided for through the applicable maturity date.

(c) *Where warehouseman is also owner.* If the receipt is issued for a commodity which is owned by the warehouseman, either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on his own commodity is not valid under State law and the warehouseman elects to deliver the commodity to CCC for purchase, the warehouse receipt shall be issued in the name of CCC.

(d) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing a commodity stored in an approved warehouse which has a storage agreement with CCC shall indicate that the commodity is insured in

accordance with such agreement. The cost of such insurance shall not be for the account of CCC.

§ 1421.10 Liens.

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on a commodity tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC–864) with CCC in which he subordinates his security interest to the rights of CCC in the commodity subject to the loan or such other quantity of the commodity as is delivered in satisfaction of a loan under applicable program provisions. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

§ 1421.11 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $10 for each farm storage loan disbursed, plus $1 for each bin over one, and $6 for each warehouse storage loan disbursed, plus $1 for each warehouse receipt over one. The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge, in addition to the loan service fee, shall be paid by producers on the quantity of the commodity delivered to CCC. The rate is one-half cent per bushel for commodities handled on a bushel basis and 1 cent per hundredweight for commodities handled on a hundredweight basis. In the case of farm storage loans, identity preserved and modified commingled warehouse storage loans; and purchases, such delivery charge shall be paid at time of settlement. In the case of commingled warehouse storage loans, such delivery charge shall be deducted from loan proceeds and will be credited to the producer's account on any quantity redeemed.

§ 1421.12 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1421.13 Insurance on farm storage loans.

CCC does not require the producer to insure the commodity placed under a farm storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the commodity involved in the loss.

§ 1421.14 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are due and payable under the provisions of the note evidencing such loan out of any amount due the producer under the regulations in this subpart, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to satisfy the amounts due and payable on such installment(s).

(b) *Producers listed on county claim control record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due the producer under the regulations in this subpart, after deduction of amounts due and payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1421.15 Loss or damage to the commodity.

The producer is responsible for any loss in quantity or quality of the commodity placed under a farm storage loan or identity preserved warehouse storage loan, or for any loss in quality of the commodity placed under a modified commingled warehouse storage loan. Notwithstanding the foregoing, any such loss occurring and reported to the county office after disbursement of the loan funds and prior to redemption or delivery to CCC will be assumed by CCC to the extent of the settlement value at the time of destruction of the quality of the commodity destroyed up to a quantity not in excess of that required to secure the outstanding loan (or if the commodity is not destroyed, in an amount equivalent to the extent of the loss or damage as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault or negligence on the part of the producer or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft by a person not entrusted with possession of the commodity and occurring without the knowledge or consent (express or implied) of the producer, fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer has given the county office immediate notice of such loss or damage prior to redemption or delivery to CCC; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to the date of disbursement of the loan funds to the producer will be assumed by CCC.

§ 1421.16 Personal liability of the producer.

(a) *Fraud relating to farm storage and warehouse storage loans and unlawful dispositions.* The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the commodity by him, shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the commodity, and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. Notwithstanding the provisions of section 6(b) of the Farm Storage Note and Security Agreement (Form CCC–677) and section 6(b) of the Warehouse Storage Note and Security Agreement (Form CCC–678), if a producer has made any such fraudulent representation or unlawful disposition, the amount with which he will be credited for any commodity delivered to or removed by CCC will be, whichever is applicable, (1) the market value as determined by CCC as of the date of delivery to or removal by CCC or the loan settlement value, whichever is the lower, in the case of farm storage loans, (2) the market value of the commodity at the close of the market on the final date for repayment or the loan settlement value, whichever is the lower, in the case of warehouse storage loans, or (3) the sales price, less any costs sustained by CCC, if the commodity is sold by CCC in order to determine its market value, or the loan settlement value, whichever is the lower. If the unlawful disposition of the loan collateral is determined by CCC not to have been a willful conversion, the value of the commodity, or part thereof delivered to CCC or removed by CCC, shall be the same as the settlement value for an eligible commodity acquired by CCC as provided in the applicable commodity supplement.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes, for any loss which CCC sustains upon the commodity delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the commodity delivered under the purchase agreement plus all costs sustained by CCC in connection with the commodity together with interest on such amounts, less the lowest of the following: The market value, as determined by CCC, of the commodity as of the close of the market on the date of delivery; the sales price

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if the commodity is sold in order to determine its market value; or CCC's purchase price.

(c) *Poisonous substances and contamination.* A producer shall be personally liable for any damages resulting from delivering to CCC a commodity containing mercurial compounds or other substances poisonous to man or animals or food commodities which are contaminated.

(d) *Overdisbursement.* If the amount disbursed under a loan or purchase or in settlement thereof, exceeds the amount authorized under these regulations and the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(e) *Undercollection.* If the amount collected from the producer in satisfaction of the loan is less than the amount required according to this part, the producer shall be personally liable for repayment of the amount of such deficiency.

(f) *Joint loans.* In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 1421.17 Farm storage loans.

(a) *Quantity for loan.* Farm storage loans shall not be made on more than a percentage (hereinafter called the "loan percentage"), as established by the State committee, of the certified or measured quantity of the eligible commodity stored in approved farm storage and covered by the note and security agreement. The maximum loan percentage shall be 85 percent in the case of ear corn and peanuts and 90 percent in the case of all other farm stored commodities. The State committee shall establish the loan percentage each year for each commodity on a statewide basis or for specified areas within the State. Prior to the establishment of a loan percentage, the State committee shall consider conditions in the State or areas within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with the adequate protection. Loan percentages previously determined shall be lowered if warranted by changed conditions but new loan percentages shall apply only to new loans and not to loans already made. Factors to be considered by the State committee in determining the loan percentages are: (1) General crop conditions, (2) factors affecting quality peculiar to an area or State, and (3) climatic conditions affecting storage ability. The loan percentages established by the State committee may be lowered by the county committee on an individual farm or producer basis when determined to be necessary in order to provide CCC with adequate protection. Factors to be considered by the county committee are: (i) Condition or suitability of the storage structure, (ii) condition of the commodity, (iii) hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the commodity and occurring without the knowledge and consent (express or implied) of the producer (when the percentage is lowered for one or more of these hazards, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed), (iv) disagreement on the quantity, (v) producers who have been approved under § 1421.3(e), and (vi) factors peculiar to individual farms or producers as reported by the commodity loan inspector or as known to the county office which relate to the preservation or safety of the loan collateral. Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortgage shall cover all of the commodity in the bin, crib, or lot in which the commodity on which the loan is made is stored.

(b) *Commingling eligible and ineligible commodity.* Except when stored in an approved warehouse, if a quantity of an eligible commodity (other than rice) is commingled with a quantity of the commodity which is ineligible for price support, the entire quantity shall be ineligible for price support.

(c) *Transfer from farm storage loan to warehouse storage loans.* Upon request by the producer, the county committee may approve the transfer of a commodity or part thereof which is under a farm storage loan to a warehouse storage loan at any time during the loan period. In the case of emergency transfers, the producer must make the request in writing describing the emergency. Liquidation of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office.

(d) *Producer certification.* In addition to loan quantity determinations based on measurement, as provided in paragraph (a) of this section, in any county, State, or area designated by the Executive Vice President, CCC, such determinations may be made on the basis of the quantity of commodity which an eligible producer certifies in writing on Form CCC-666 is eligible, if in an approved farm storage, and is available for loan purposes.

(e) *Producer incorrect certification.* (i) If the county committee determines, by measurement or otherwise, that the actual quantity serving as collateral for a loan based on certification by the producer is less than the loan quantity, the county committee shall call the loan. In addition, the county committee may refuse to approve any further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made and, if the county committee feels the seriousness of the matter justifies such action, refer the case to the State committee which may request the Office of Inspector General of the United States Department of Agriculture (hereinafter referred to as OIG) to make an investigation.

(ii) If the producer has incorrectly certified such quantities on more than one occasion, the county committee shall call the loan or loans involved and approve no further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made. If the county committee feels the seriousness of the matter so justifies they may deny further farm-stored loans to the producer for more than one year. They may also refer the case to the State committee which may request OIG to make an investigation.

(f) *Unauthorized removal.* If there has been an unauthorized removal of any part of farm-stored collateral, the county committee shall, on the first offense, call the loan involved. In addition, the county committee may refuse to approve any further farm stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the unauthorized removal occurred, and if the county committee feels the seriousness of the matter justifies such action, refer the case to the State committee which may request an OIG investigation by the Office of Inspector General. If the unauthorized removal is the second offense the county committee shall: Call the loan involved and approve no further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the unauthorized removal occurred. The county committee may also, if they feel the seriousness of the matter so justifies, deny farm-stored loans to the producer for more than one year and may also refer the case to the State committee which may request an OIG investigation.

§ 1421.18 Release of the commodity under loan.

(a) *Obtaining release—farm storage loan.* A producer shall not remove any collateral until he has received prior written approval for such removal from the county committee on one of the applicable forms listed in § 1421.8. A producer may at any time obtain release of all or part of the commodity remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the commodity released plus interest. CCC will permit removal of a quantity of the commodity from storage, without any payment on the loan, if the principal amount outstanding on the loan does not exceed the maximum loan which may be obtained based on the quantity remaining in storage after removal of the quantity requested by the producer. When the proceeds of the sale of the commodity are needed to repay a farm storage loan, the producer must request and obtain prior written approval of the county office on a form prescribed by CCC to remove a specified quantity of the commodity from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers at the county office. Any such approval shall not constitute a release of CCC's security interest in the commodity or release the producer from liability for any amounts due on his loan indebtedness if full payment of such amounts is not received by the county office.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release the chattel mortgage.

(c) *Obtaining release, warehouse storage loans.* The producer may arrange with the county office for release of all or part of the commodity under warehouse storage loan on or prior to maturity by repayment of the amount of the loan with respect to the quantity of the commodity to be released plus interest. Each partial release must cover all of the commodity represented by one warehouse receipt. Subject to provisions of § 1421.5(b), warehouse receipts redeemed by repayment shall be released only to the producer or his authorized agent, except that redeemed warehouse receipts may be released to persons designated in a written authorization filed with the county office by the producer or his properly authorized agent and dated within 15 days prior to the date of repayment.

§ 1421.19 Liquidation of farm storage loans.

(a) *General.* In the case of farm storage loans, the producer is required to pay off his loan or deliver to CCC a sufficient quantity of the eligible commodity having a price support value equal to or greater than the outstanding balance of the loan. Deliveries may be either of the identical commodity which is subject to the note and security agreement or of other eligible commodity of the same kind and of the same crop year. Deliveries shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. Any quantity delivered in excess of the quantity necessary to settle the amount due on the loan may be delivered to CCC with settlement as provided in § 1421.22.

(b) *Notice to county office.* If the producer desires to deliver the commodity to CCC he should, on or before maturity, give the county office notice in writing of his intention to do so.

(c) *Commodity going out of condition.* If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and the commodity cannot be satisfactorily conditioned by the producer and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 1421.15 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* If the producer loses control of the storage structure, or if there is insect infestation that cannot be controlled, danger of flood, or damage to the storage structure making it unsafe to continue storage of the commodity on the farm, the commodity may be delivered before the maturity date of the loan upon prior approval of the county committee. Settlement will be made with the producer as provided in § 1421.22.

§ 1421.20 Liquidation of Warehouse storage loans.

If a producer does not repay the loan indebtedness upon maturity of the loan, CCC shall have the right to sell or acquire title to the commodity pledged as security for the loan indebtedness.

§ 1421.21 Purchase agreements.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of his eligible commodity which is not mortgaged to CCC under a farm-storage loan or pledged to CCC under a warehouse-storage loan: *Provided*, That he executes and delivers to the county office on or prior to the final maturity date for the commodity a Purchase Agreement (Form CCC-614) indicating the approximate quantity of the commodity he will sell to CCC.

(b) *Delivery period.* In the case of an eligible commodity not in an approved warehouse, the producer must make delivery of the commodity he desires to sell to CCC within the period of time after the final loan maturity date as specified in delivery instructions issued by the county office. In the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office, not earlier than 10 days before the final maturity date nor later than the day after the final maturity date warehouse receipts for the quantity of the commodity he elects to sell to CCC. Notwithstanding any of the provisions of this § 1421.21, in the case of an eligible farm stored commodity covered by an approved Purchase Agreement (Form CCC-614) the county committee may on request of the producer authorize delivery of the commodity before the final maturity date for the commodity if the producer loses control of the storage structure or if there is insect infestation that cannot be controlled, danger of flood, or damage to the storage structure, making it unsafe to continue storage of the commodity on the farm.

§ 1421.22 Settlement.

(a) *General.* Settlement with producers for commodities acquired by CCC under loans or purchases made under this subpart will be made as provided in this section and in the applicable commodity supplement. The support rate at which settlement will be made shall be determined under the provisions of the applicable commodity supplement. Settlement will be made on the basis of the grade, quality, and quantity of the commodity delivered by the producer. In the case of rice, paragraphs (b), (c), and (e) of this section shall not apply.

(b) *Warehouse storage.* Settlement for eligible commodities stored in an approved warehouse and acquired by CCC shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents, as applicable, issued by such warehouse.

(c) *Other than approved warehouse storage.* (1) Settlement for corn, oats, and soybeans delivered from other than approved warehouse storage shall be based on the applicable support rate for the county in which the producer's customary delivery point is located, and (ii) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(2) Settlement for barley, sorghums, rye, and wheat delivered from other than approved warehouse storage shall be based on the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his commodity to a warehouse located within switching limits of a designated terminal market, and such movement is made by truck or barge, settlement shall be made in the manner prescribed in the support rate section of the applicable commodity supplement. If the producer is directed to ship his commodity by rail to a designated terminal market or to a warehouse for storage in line of transit to such market, settlement shall be based on the support rate established for the county from which the commodity was shipped plus the amount of freight charges per bushel actually paid in and the truck receiving and rail load-out charges charged by the shipping warehouse. Settlement shall be based on the quality and quantity delivered as indicated on warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or, if applicable, the quantity and quality delivered as shown on a form prescribed by CCC.

(d) *Ineligible commodity inadvertently accepted by CCC.* If an ineligible commodity is inadvertently accepted by

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CCC, the settlement value of the ineligible commodity shall be the market value as of the date of delivery as determined by CCC, but in no event more than the applicable loan value. If CCC sells the commodity for the purpose of determining its market value, the settlement value shall be the lower of the sales price or the loan value after applying applicable premiums and discounts. If a commodity is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, any sale by CCC shall be for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals. The provisions of § 1421.6 shall be applicable to settlement on ineligible commodities where there has been a fraudulent representation on the part of the producer.

(e) *Compensation for hauling.* When a producer is directed by the county office to haul his commodity a greater distance than would have been necessary to make delivery to his customary delivery point, he will be allowed compensation (as determined by the State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the eligible commodity the additional distance: *Provided, however,* That, in the case of barley, sorghums, rye, and wheat, if the producer is directed to deliver his commodity to a warehouse located within the switching limits of a designated terminal market, no compensation shall be allowed for hauling. In determining the rate of payment for excess hauling, the State committee may establish reasonable mileage minimums below which producers will not receive compensation for hauling.

(f) *Trackloading—(1) Delivery.* Producers may request trackloading where approved warehouse space is not available locally or where the county office determines that it would be to the benefit of CCC. Where local weighing facilities are not available or when requested by producers, destination weights may be used for settlement purposes. All producers loading in the same car must sign an agreement stating the percentage share of the total quantity to be credited to each. When requested by producers prior to delivery of the commodity, settlement may be made on the basis of destination grades. Such destination grade determination for a car shall be applied to the entire quantity of a commodity loaded into the same car, irrespective of the grade or quality of a commodity loaded into the car by any producer.

(2) *Payments.* A trackloading payment of 8 cents per bushel (or 14¼ cents per hundredweight in the case of sorghum and rice) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

(g) *Storage deduction for early delivery.* If a farm stored commodity is delivered in advance of the applicable loan maturity date as provided in §§ 1421.19 and 1421.21, a deduction for storage charges shall be made. The deduction shall be made for the period from the date of delivery to the applicable maturity date for the commodity. Such deduction shall be at the rate charged by the warehouse to which the commodity was delivered. No deduction for storage charges shall be made for early delivery of a farm stored commodity if the loan maturity date is accelerated by CCC under a general acceleration of the maturity date in a particular area.

(h) *Warehouse storage loans called prior to maturity and not redeemed.* A refund of warehouse storage charges will be made by CCC to the producer if the maturity date of a warehouse storage loan is accelerated by CCC for reasons other than any wrongful act or omission on the part of the producer, and the commodity is not redeemed. The amount of the storage charges to be refunded shall be computed at the rate prepaid by the producer for the period of unearned storage.

(i) *Refund of prepaid handling charges.* If a warehouseman charges the producer for the receiving or the receiving and loading out charges on an eligible commodity in an approved warehouse, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges at the rate prepaid by the producer. The producer must furnish to the county office, written evidence signed by the warehouseman that such charges have been paid.

(j) *Payment of amount due producer.* If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer.

(k) *Payment of deficiency by producer.* If the settlement value of the commodity is less than the amount due on the loan (excluding interests), the amount of the deficiency plus interest thereon shall be paid to CCC, except as provided in § 1421.15, and may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or many become due the producer from CCC or any other agency of the United States.

(l) *Storage payment where CCC is unable to take delivery.* A producer may be required to retain a commodity stored in other than an approved warehouse under loan or for sale to CCC for a period of 60 days after the maturity date without any cost to CCC. If CCC is unable to take delivery of the commodity within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the commodity to CCC: *Provided,* That, in the case of sales to CCC, a storage payment shall be paid a producer whose commodity is stored in other than an approved warehouse only if he had properly given notice of his intention to sell the commodity to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment for grains shall be computed at the rate furnished by the storing warehouse. The storage payment for rice shall be computed at the rate for commodities stored on an identity-preserved basis at the rate furnished by the storing warehouse.

§ 1421.23 Foreclosure.

(a) *Removal from storage.* If the loan indebtedness (i.e., the amount of the note, interest, and charges) is not satisfied upon maturity, CCC may remove the commodity from storage, and assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and CCC may become the purchaser of the whole or any part of the commodity.

(b) *When CCC takes title to commodity.* Upon maturity and nonpayment of the producer's note, title to the unredeemed collateral securing the note shall, at CCC's election, immediately vest in CCC without a sale thereof. When CCC acquired title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payments to producer.* Nothing herein shall preclude the making of the following payments to the producer, or to his personal representative only, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the mortgaged or pledged commodity exceeds the loan indebtedness, or (2) the amount by which the proceeds of sale exceed the loan indebtedness if the loan collateral is sold to third persons rather than CCC acquiring title to such loan collateral.

(d) *Commodity sold at less than amount due on loan.* If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC plus interest on such difference. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any other agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the

producer from CCC, or any other agency of the United States.

§ 1421.24 Weed control laws.

Where the State committee determines that State, district, or county weed control laws, as administered, affect the commodity, the price support rate shall be reduced by the discount as shown in the applicable commodity supplement. The discount will not apply, however, if the producer furnishes a certification from the appropriate weed control official that the commodity complies with the weed control laws, or the storing warehouseman in the case of approved storage furnishes a certification that the commodity complies with the weed control laws, and that he will hold CCC harmless from loss or penalty. The certification of the warehouseman shall be in substantially the following form:

CERTIFICATION

This is to certify that the commodity evidenced by warehouse receipt No. ____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that if such commodity be taken over by CCC in settlement of a loan or be purchased by CCC the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the commodity was stored under the above warehouse receipt.

_____
(Signature)

_____

§ 1421.25 Handling payments and collections not exceeding $3.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1421.26 Definitions.

As used in the regulations in this subpart; and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "Person", "State committee", "State Executive Director", "county committee", "county executive director", and "farm", respectively, shall each have the same meaning as the definitions of such term in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendments thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged commodity or the commodity offered for purchase, as determined under the provisions of the regulations in this part.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the commodity and otherwise protecting the interest in the loan collateral of CCC or the producer, including foreclosure costs.

(d) *Basic price support rate.* The term "basic price support rate" means the support rate for a commodity for an applicable area or county before adjustment for premiums and discounts.

(e) *County committee.* The term "county committee" means only the committee and not its representative.

(f) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" means a member of the county committee, the county executive director or a person designated by the county executive director to act in his behalf.

(g) *The regulations in this subpart.* The term "the regulations in this subpart" means the regulations in Subpart—General Regulations Governing Price Support for the 1976 and Subsequent Crops, and in the applicable commodity supplements together with any amendments thereto.

(h) *Request for price support.* The term "request for price support" means a request for loan or execution of Purchase Agreement (Form CCC–614) as applicable.

(i) *Chattel mortgage.* The term "chattel mortgage" means any security instrument which secures a farm storage loan.

§ 1421.27 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or a purchase, payment shall, upon proper application to the county office which made the loan or purchase, be made to the persons who would be entitled to such producer's payment under the regulations contained in Part 707 of this title—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1421.28 ASCS Commodity Office and Data Systems Field Office.

(a) Prairie Village ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas, 66208, will serve all States.

(b) Accounting, recording, and reporting for all States will be handled through Data Systems Field Office, P.O. Box 205, Kansas City, Missouri, 64141.

The operating provisions contained herein have been publicly announced and are currently being administered. Such provisions are needed to effectively administer price support programs; therefore, it is found and determined that compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this revision is issued without compliance with such procedure.

Effective date: These regulations shall be effective on June 3, 1976.

Signed at Washington, D.C., on May 27, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-16079 Filed 6-2-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 213—OIL IMPORT REGULATIONS

Guidelines for Granting Exception Relief From the Mandatory Oil Import Program

On April 2, 1976, the Federal Energy Administration (FEA) issued proposed regulations amending Parts 205 (Administrative Procedures and Sanctions) and 213 (Oil Import Regulations) of Chapter II, Title 10, Code of Federal Regulations, in order to establish guidelines for granting exceptions from Part 213 on a more equitable basis (41 FR 14900, April 8, 1976). FEA has now analyzed the written and oral comments made by interested persons with regard to these amendments, and hereby adopts such amendments as proposed, with certain modifications as described below.

I. PUBLIC COMMENTS

A major concern expressed by some persons, was that FEA's proposal to permit utilities and other end-users to become eligible for fee-exempt allocations, would allow imports of a far greater quantity of fee-exempt oil and thereby undermine the purpose of the fee to encourage construction of domestic refinering capacity. This suggestion, however, reflects a misunderstanding of the proposal, and ignores the fact that FEA specifically rejected any option which would simply enlarge the class of eligible applicants. It is, rather, FEA's expectation that by using the standards promulgated today, there will be no significant increase in fee-exempt allocations. In this connection, a new guideline has been added so that FEA shall now consider, in evaluating a particular application, whether the applicant has been able to demonstrate that "adequate domestic supplies of suitable product at competitive prices are not available."

Another concern expressed by importers was that as a result of the more stringent standards proposed by FEA, persons who have traditionally been dependent on imports would be unable to satisfy these standards in future requests for fee-exempt allocations. Some persons expressed concern that only when a firm is on the verge of bankruptcy would it be able to obtain a fee-exempt allocation. This concern is misplaced. FEA stated in its proposal that these amendments are not intended to affect the types of relief available to importers under Proclamation No. 3279, as amended, and that all persons for whom the fee is a "genuine burden" would still be eligible for fee-exempt allocations. Furthermore, as FEA

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has indicated in numerous decisions issued prior to these amendments, Proclamation No. 3279, as amended, requires that eligibility for a fee-exemption be determined pursuant to an annual review of a person's status, and must be independent of his previous eligibility. In this connection, FEA also has rejected suggestions that such previous eligibility should constitute a presumption in favor of continued fee-exemption. It is, rather, FEA's intention to continue procedures whereby an adjudicatory determination will be made for each allocation period for which a person seeks an exception from the fee. Moreover, under existing precedents issued by the FEA Office of Exceptions and Appeals, a showing of imminent bankruptcy is not a prerequisite to obtaining exception relief. Exception relief will be awarded on the grounds of gross inequity based on a finding that a particular FEA regulatory requirement uniquely or disproportionately affects the firms in a manner which produces a significant adverse affect on its operations. Crown Central Petroleum Corporation, 2 FEA Par. 80,560 (March 27, 1975). Alternatively, exception relief is appropriate if a showing is made that a regulation affects a firm more adversely than other firms and significantly impedes that firm's operations. Id. Exception relief on grounds of serious hardship is appropriate if it can be demonstrated that a firm's current profitability is significantly below historic levels and its competitive viability is jeopardized as a result of a particular FEA regulation. Midway Gas, Inc., 2 FEA Par. 83,154 (May 16, 1975).

Another concern expressed by some persons was that the proposal contained standards which were so difficult to satisfy that they merely perpetuated a closed "club," in which only firms which have historically been involved in petroleum marketing and refining could actually obtain fee-exemptions. Any such result would be directly opposite to FEA's announced intention, and Guideline 2 for example is clearly intended to apply in the case of public utilities. Several useful suggestions were made, however, as to the manner in which the proposal could articulate with greater clarity the circumstances under which fee-exemptions are intended to be made available, and the FEA has concluded that certain of these suggestions should be taken into account where possible. Accordingly, Guideline 1 is being modified to include the "furtherance of competition at any level of distribution in the petroleum industry and the encouragement of market entry" as an "important national energy policy objective" which constitutes a possible ground for granting fee-exemptions.

Some persons suggested that the guidelines should be modified to enable non-historical importers, utilities, and other end-users to obtain fee-exempt allocations on a regular basis, without the need for any further showings relating to their economic status. FEA believes that such a revision of the basic premises of the Mandatory Oil Import Program should not be carried out through the exceptions process, but should be made, if at all, through revision of the substantive regulatory provisions.

Finally, it was suggested by some persons that present procedures for granting fee exemptions are adequate, and that FEA should permit such procedures to remain unchanged.

However, as indicated in FEA's proposal, any continuation of the present criteria for granting fee-exempt allocations would perpetuate a serious inequity in the Mandatory Oil Import Program by excluding from its benefits a wide range of importers. Therefore, FEA has determined not to accept this suggestion, and to issue the amended regulations effective today.

II. Guidelines for Granting Exceptions From Part 213

Under the new guidelines, which appear as the second appendix to Subpart D of Part 205, the Office of Exceptions and Appeals will decide applications for exceptions from Part 213, which are based on a claim of exceptional hardship, by considering the principles set forth in the Decisions and Orders issued with respect to applications for exception from other generally applicable FEA regulations, to the extent that such precedents are relevant and consistent with Proclamation No. 3279, as amended. This body of precedent has been published and made generally available in the Federal Energy Guidelines. However, FEA will also give particular weight to the following factors in connection with applications for exception from Part 213:

1. Whether payment of the fee (or other action required under Part 213) would lead to a result unintended by Proclamation No. 3279, as amended, or would impede important national energy policy objectives, including the furtherance of competition at any level of distribution in the petroleum industry and the encouragement of market entry.

2. Whether payment of the fee (or other action required under Part 213) would so affect the operations of the firm applying for exception relief as to cause a significant reduction in service or threaten interruptions in service to present customers.

3. Whether payment of the fee would adversely affect the firm applying for exception relief in a manner which threatens its financial viability in terms of its profitability, liquidity, or the stability of its operations, would place the firm at a significant competitive disadvantage in a market in which the firm operates, or would otherwise significantly reduce competition.

4. Whether the firm applying for exception relief is likely to incur a significant deterioration in its current operating posture in contrast with historic levels as a result of its inability due to competitive conditions to increase its prices to reflect import license fees.

5. Whether the firm applying for exception relief makes a convincing showing that adequate domestic supplies of suitable product at competitive prices are not available.

Guideline 3 has been modified in order to provide that in addition to examining the effect on market-wide competition of granting a fee-exemption—e.g., enabling a newcomer to gain entry—FEA will also consider the competitive situation of an individual firm.

These considerations, as well as the others derived from precedents under Subpart D, would provide only guidelines for establishing "exceptional hardship" under section 5 of Proclamation No. 3279, as amended, as implemented in § 205.50 (a) (2) of FEA regulations. They are not meant to, and under the law cannot, enhance or diminish the scope of relief provided by the Proclamation. Their purpose is only to permit the Proclamation to be interpreted in a manner which increases FEA's ability to provide equitable relief from the Mandatory Oil Import Program, without decreasing the Program's effectiveness.

Procedural Amendment of § 213.26

In accordance with the foregoing, § 213.26 is revised to facilitate the transition to the new guidelines. Under the revised § 213.26, applications for exception from Part 213 based on a claim of exceptional hardship, which request exception relief with respect to the allocation period beginning on May 1, 1976 or any allocation period subsequent thereto, shall be considered in accordance with the new guidelines.

In addition, § 213.26 is amended to provide that appeals from an adverse determination of an exception request, and from such actions of the Director of Oil Imports as are specified in § 205.100(a) (2), shall be filed within thirty days of such adverse determination.

Previously, Part 213 lacked a time period during which appeals could be considered timely under Subpart H of Part 205 (Appeals).

Finally, § 205.100(a) (2) (ii) is amended in order to correct the reference to the provision providing for refunds from license fees. Since the revision of § 213.35 in accordance with the elimination of the supplemental fee, refunds are made under § 213.35(d) rather than § 213.35(e) as stated in § 205.100.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87-794, as amended; Proclamation No. 3279, as amended).

In consideration of the foregoing, Parts 205 and 213 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below, effective immediately.

Issued in Washington, D.C., May 28, 1976.

David G. Wilson,
Acting General Counsel,
Federal Energy Administration.

1. Section 205.50 is amended in paragraph (a) (2) by redesignating (a) (2) (ii) as (a) (2) (iii), and by inserting a new (a) (2) (ii) to read as follows:

§ 205.50 Purpose and scope.

(a) * * *
(2) * * *

(ii) In its consideration of any application filed pursuant to this subparagraph (2), which is based on a claim of exceptional hardship in accordance with clauses (i) (A), (C), and (D) hereof, the FEA shall, subject to the provisions of § 213.26, follow the guidelines set forth in Appendix II of this Subpart.

* * * * * *

2. The Appendix to subpart D following § 205.58 is redesignated "Appendix I—Applications for Exceptions by Persons Affected by Part 213," and a further Appendix immediately following thereon is added to read as follows:

Appendix II—Guidelines for the Disposition of Requests for Exceptions From Part 213

In its consideration of any application filed pursuant to § 205.50(a) (2) which is based on a claim of hardship in accordance with clauses (i) (A), (C), and (D) thereof, the FEA shall consider the principles set forth in the Decisions and Orders issued with respect to applications for exception from other generally applicable FEA regulations to the extent that such precedents are relevant and consistent with Proclamation No. 3279, as amended, and shall give particular weight to the following factors:

1. Whether payment of the fee (or other action required under Part 213) would lead to a result unintended by Proclamation No. 3279, as amended, or would impede important national energy policy objectives, including the furtherance of competition at any level of distribution in the petroleum industry and the encouragement of market entry.

2. Whether payment of the fee (or other action required under Part 213) would so affect the operations of the firm applying for exception relief as to cause a significant reduction in service or threaten interruptions in service to present customers.

3. Whether payment of the fee would adversely affect the firm applying for exception relief in a manner which threatens its financial viability in terms of its profitability, liquidity, or the stability of its operations, would place the firm at a significant competitive disadvantage in a market in which the firm operates, or would otherwise significantly reduce competition.

4. Whether the firm applying for exception relief is likely to incur a significant deterioration in its current operating posture in contrast with historic levels as a result of its inability due to competitive conditions to increase its prices to reflect import license fees.

5. Whether the firm makes a convincing showing that adequate domestic supplies of suitable product at competitive prices are not available.

3. Section 205.100(a) (2) (ii) is revised to read as follows:

§ 205.100 Purpose and scope.

(a) * * *
(2) * * *

(ii) Denial of refunds pursuant to §213.35(d) of license fees, whether in whole or in part, theretofore paid by a person.

* * * * *

4. Section 213.26 is revised to read as follows:

§ 213.26 Exceptions and appeals.

(a) Effective August 15, 1975, the Oil Import Appeals Board is abolished, and procedures for exceptions from any regulation, ruling, or generally applicable requirement under this Part, and for appeals from the disposition of applications therefor and from such actions of the Director as are specified in § 205.100(a) (2), are established in Part 205.

(b) Applications for exception from this Part 213 shall be filed in accordance with Subpart D of Part 205. Appeals from the disposition thereof, and from such actions of the Director as are specified in § 205.100(a) (2), shall be taken, in accordance with Subpart H of Part 205, within thirty (30) days of the disposition of the application for exception or of the action of the Director, whichever is applicable.

(c) Applications for exception which are filed in accordance with § 205.50(a) (2), are based on a claim of exceptional hardship in accordance with clauses (i) (A), (C) and (D) thereof, and request relief for the allocation period beginning on May 1, 1976 or any allocation period subsequent thereto, shall be considered in accordance with Appendix II of Subpart D of Part 205.

[FR Doc.76-16118 Filed 5-28-76;4:46 pm]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Extension of Effectiveness of Special Rule No. 7 for Subpart C

On April 30, 1976, FEA issued an emergency amendment adopting Special Rule No. 7 for Subpart C of Part 211 (41 FR 18646, May 6, 1976). The Special Rule exempted from the export sales deduction requirements of § 211.67(d) (2) volumes of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use sold in April and May 1976. The temporary exemption adopted thereby was intended to provide FEA an opportunity to issue a ruling that specified the types of transactions that would be considered export sales under § 212.53. A public hearing was held on May 18, 1976 and written comments were received from a number of refiners and consumers of bunker fuels.

After evaluating the comments and further considering the issues involved, FEA has determined to extend the effectiveness of Special Rule No. 7 for an additional three month period through August 31, 1976 to enable FEA to review this matter further.

Accordingly, FEA hereby extends the effectiveness of section 2 of Special Rule No. 7 for subpart C of Part 211, Chapter II of Title 10, Code of Federal Regulations to be applicable to the volumes of refiners' crude oil runs to stills for the months June, July and August, 1976.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

Issued in Washington, D.C. May 28, 1976.

David G. Wilson,
Acting General Counsel.

[FR Doc.76-16117 Filed 5-28-76;4:46 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NW-9-AD; Amendment 39-2630]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

There have been four instances of cracks in the elevator rear spar at the tab inboard hinge on the Boeing 737. Complete loss of the hinge attachment could result in hazardous elevator/tab flutter. Since this condition is likely to exist or develop in other Boeing 737 airplanes of the same type design, an airworthiness directive is being issued to require inspection of the elevator tab inboard hinge support structure on Boeing 737 airplanes certificated in all categories.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), Section 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Boeing: Applies to Boeing Model 737 Series aircraft certificated in all categories listed in Boeing Alert Service Bulletin No. 737-55-A1020 including military T43 series aircraft. Compliance required as indicated.

To prevent hazardous flutter of the elevator/horizontal stabilizer, accomplish the following:

A. Upon receipt of a pilot report of vibration in the longitudinal control system, prior to further flight accomplish the inspection of paragraph C. If the relative deflections are less than specified in paragraph C, investigate in accordance with existing procedures for the cause of vibration.

B. In addition to paragraph A, within the next 300 hours time-in-service after the effective date of this AD unless accomplished within the last 700 hours time-in-service and at intervals thereafter not to exceed 1000 hours time-in-service, conduct the inspection of paragraph C.

C. Inspect for excessive deflection of the elevator tab right and left hand, in accordance with option "A" or option "B" specified in Boeing Alert Service Bulletin No. 737-55-A1020 Section III Part I, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If the elevator tab to elevator relative deflection exceeds 1/10 inch or if there is relative movement between the elevator rib and tee clip, prior to further flight, modify the elevator in accordance with the terminating action of paragraph D.

D. Terminating action is one of the modifications specified in Boeing Alert Service Bulletin No. 737-55-A1020 Section III Part II including installation of the bolt retainer

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clips, or a modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

E. Upon request of an operator, through an appropriate FAA maintenance inspector, subject to approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection period herein may be adjusted for that operator if the request contains adequate substantiating data to justify the increase.

F. Airplanes having cracked parts which require replacing under this AD may be flown in accordance with FAR 21.197, and 21.199 but must observe the limits specified in Boeing Operators' Manual Bulletin 76-2 dated May 13, 1976.

The manufacturers' specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 7, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, May 24, 1976.

C. B. WALK, JR.,
Director,
Northwest Region.

The incorporation by reference provisions in the document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-16063 Filed 6-2-76;8:45 am]

[Airspace Docket No. 76-EA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Great Bend, N.Y., Transition Area (41 FR 503).

The proposed rule was published on page 12903 of the FEDERAL REGISTER for March 29, 1976, and interested parties were given 30 days in which to submit written comments.

The only objection was submitted by Mr. Edgar Countryman, operator of Countryman's Landing Strip. However, Mr. Countryman was objecting to extension of a control zone to cover his strip when in fact the docket only proposes to alter the transition area which has been effective over the strip since 1970. It appears that the objection therefore is not well based.

In consideration of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT July 8, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on May 20, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by amending the description of the Great Bend, N.Y. transition area as follows:

Delete, "and within 3 miles each side of the Watertown, N.Y., VORTAC 069° radial, extending from the 6.5-mile radius area to the VORTAC." and insert in lieu thereof; "within 4.5 miles each side of the Watertown, N.Y. VORTAC 066° radial, extending from the 6.5-mile radius area and the 10.5-mile radius area to the VORTAC, and within 5 miles each side of the Watertown, N.Y. VORTAC 069° radial, extending from the 6.5-mile radius area and the 10.5-mile radius area to the VORTAC."

Delete, "This transition area is effective from April 1 through September 30."

[FR Doc.76-16062 Filed 6-2-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Paroling, Recommitting and Supervising Federal Prisoners; Correction

In FR Doc.76-13444 appearing at page 19326 in the FEDERAL REGISTER of May 12, 1976, § 2.20 appearing on page 19333 is corrected by inserting after the NARA guidelines the following table relating to a prisoner's salient factor score. This table was inadvertently omitted.

SALIENT FACTOR SCORE

Case name _____ Register No. _____

Item A _____ ☐
No prior convictions (adult or juvenile)=2
One or two prior convictions=1
Three or more prior convictions=0

Item B _____ ☐
No prior incarcerations (adult or juvenile)=2
One or two prior incarcerations=1
Three or more prior incarcerations=0

Item C _____ ☐
Age at first commitment (adult or juvenile) 18 years or older=1
Otherwise=0

Item D _____ ☐
Commitment offense did not involve auto theft=1
Otherwise=0

Item E _____ ☐
Never had parole revoked or been committed for a new offense while on parole=1
Otherwise=0

Item F _____ ☐
No history of heroin or opiate dependence=1
Otherwise=0

Item G _____ ☐
Has completed 12th grade or received GED (prior to this commitment)=1
Otherwise=0

Item H _____ ☐
Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community=1
Otherwise=0

Item I _____ ☐
Release plan to live with spouse and/or children=1
Otherwise=0

Total score _____ ☐

Dated: May 27, 1976.

MAURICE H. SIGLER,
Chairman,
U.S. Parole Commission.

[FR Doc.76-10643 Filed 6-2-76;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 770—RULES LIMITING PUBLIC ACCESS TO PARTICULAR INSTALLATIONS

Hunting and Fishing at Marine Corps Base, Quantico, Virginia

Pursuant to the authority conferred under 5 U.S.C. 301; 10 U.S.C. 6011; and as delegated in 32 CFR § 700.702 and 32 CFR § 700.714, the Commanding General, Marine Corps Development and Education Command, Quantico, Virginia, on October 16, 1974, adopted the Marine Corps Base Fishing and Hunting Regulations (MCDECO 1700.2c) for the Marine Corps Base Reservation, Quantico, Virginia. These regulations are applicable to all persons who engage in, or desire to engage in, hunting or fishing activities within the limits of the aforesaid Marine Corps Base Reservation. A new Part 770 of Title 32, CFR, entitled, "Rules Limiting Public Access to Particular Installations," is established, and a new Subpart A, entitled "Hunting and Fishing at Marine Corps Base, Quantico, Virginia," is added to Part 770 of Title 32, CFR.

These regulations are not published for public comment prior to adoption, because they relate to military functions that are exempt from the rulemaking provisions under 5 U.S.C. 553 and were adopted prior to the effective date of the nonstatutory rulemaking provisions that were administratively established for the Departments of Defense and the Navy in 32 CFR Part 296 and 32 CFR § 701.57. Accordingly, Title 32, CFR, is hereby amended by adding a new Part 770, and a Subpart A to Part 770, providing as follows:

Subpart A—Hunting and Fishing at Marine Corps Base, Quantico, Virginia

Sec.
770.1 Purpose.
770.2 Licenses.
770.3 Fishing regulations.
770.4 Hunting regulations.
770.5 Safety regulations.
770.6 Restrictions.
770.7 Violations.
770.8 Reports.
770.9 Miscellaneous.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 6011; 32 CFR 700.702; 32 CFR 700.714.

Subpart A—Hunting and Fishing at Marine Corps Base, Quantico, Virginia

§ 770.1 Purpose.

This Subpart provides regulations and related information governing hunting and fishing on the Marine Corps Base Reservation, Quantico, Virginia.

§ 770.2 Licenses.

(a) Every person who hunts or fishes on Marine Corps Base, Quantico, Virginia, must possess appropriate valid licenses in compliance with the Laws of the United States and the State of Virginia.

(b) In addition, hunting and fishing privilege cards, issued by the authorities at Marine Corps Base, Quantico, Virginia, are required for all persons between the ages sixteen and sixty-four, inclusive.

(1) The privilege card may be purchased from the Game Warden at the Natural Resources Management Division Headquarters, Building 5-9, Marine Corps Base, Quantico, Virginia.

(2) The card is effective from 1 July-30 June.

(c) All hunters must obtain a Base hunting permit, and a parking permit, if applicable, from the Game Warden for each day of hunting. The permits must be displayed on the left dashboard of parked vehicles. The hunting and parking permits must be returned at the end of each day's hunting.

(d) Eligibility for a Base hunting permit is predicated on:

(1) Possession of required Federal and State licenses for the game to be hunted including Marine Corps Base hunting privilege card;

(2) attendance at a safety lecture given daily except Sunday during hunting season;

(3) understanding of Federal, State and Base hunting regulations;

(4) and, if civilian, an executed release of U.S. Government responsibility in case of accident or injury.

§ 770.3 Fishing regulations.

(a) All persons possessing the proper state license and Base permit are permitted to fish in the areas designated by the Base Game Warden on Marine Corps Base, Quantico, Virginia, on any authorized fishing day. With the exception of military personnel, active and retired and their dependents, persons from the civilian community will be limited to 100 persons per day on a first come, first served basis.

(b) Fishing is permitted on all waters within the boundaries of Marine Corps Base, Quantico, Virginia, unless otherwise posted, during the periods provided and under the conditions and restrictions, by the Marine Corps Base, Quantico, Virginia, Game Warden. Information regarding specific regulations for each fishing area must be procured from the Game Warden located in Natural Resources Management Division Headquarters prior to utilization of Base fishing facilities.

(c) In addition to the requirements of the Laws of Virginia, the following additional prohibitions and requirements are in effect at Marine Corps Base, Quantico, Virginia.

(1) Live minnows will not be used as bait in any impounded waters on the Marine Corps Base, Quantico, Virginia;

(2) No trot lines are permitted in Marine Corps Base waters;

(3) No Large Mouth Bass will be taken, creeled or possessed under the size of twelve (12) inches in length;

(4) All Large Mouth Bass under this size will be immediately returned to the water;

(5) All persons fishing in the waters of Marine Corps Base, Quantico, Virginia, will possess and utilize a creel card furnished by the Game Warden, and the creel card will be returned, accurately and completed, to the Game Warden's Office or other designated collection point at the end of each day of fishing.

§ 770.4 Hunting regulations.

All persons possessing the proper State, Federal and Base licenses and permits are permitted to hunt in the areas designated daily by the Game Warden on Marine Corps Base, Quantico, Virginia, on any authorized hunting day. In addition, a minimum of ten percent of the daily hunting spaces will be reserved to civilians on a first come, first served basis until 0600 on each hunting day, at which time, the Game Warden may fill vacancies from any authorized persons waiting to hunt.

§ 770.5 Safety regulations.

(a) Hunting is not permitted within 200 yards of the following: ammunition dumps, built-up areas, rifle or pistol ranges, dwelling or other occupied structures, and areas designated by the Game Warden as recreation areas.

(b) From the end of the special archery season until the end of the regular winter hunting season, except for duck hunters in approved blinds, hunters will wear an outer garment with at least one square foot of blaze orange visible both front and back above the waist and a blaze orange cap while hunting, or while in the woods for any reason, during the hours that hunting is authorized. Any person traveling on foot in or adjacent to an area open for hunting will comply with the above requirement.

(c) Weapons will be unloaded while being transported in vehicles, and will be left in vehicles by personnel checking in or out at the Game Warden's Office. Weapons will not be discharged from vehicles, or within 200 yards of hard surfaced roads.

(d) Certain hunting areas contain numerous unexploded munitions (duds) which are dangerous and must not be removed or disturbed. Hunters should mark such duds with stakes or other means and report their location to the Game Warden.

(e) Hunters must stay in their assigned areas when hunting.

§ 770.6 Restrictions.

(a) There will be no hunting on Christmas Day; New Year's Day, or after 1200 on Thanksgiving Day and Christmas Eve.

(b) Hunters under 16 years of age must be accompanied by an adult while on the Marine Corps Base Reservation.

(c) The following practices or actions are expressly forbidden: use of rifles, except muzzleloaders of .40 caliber or larger as specified below, revolvers or pistols; use of shotguns larger than 10 gauge or crossbows (this prohibition extends to carrying such weapons on the person or in a vehicle while hunting), use of buckshot to hunt any game; use of a light, attached to a vehicle or otherwise, for the purpose of spotting game; use of dogs for hunting or tracking deer; training deer dogs on the Reservation; training or running dogs in hunting areas between 1 March and 1 September; driving deer; baiting or salting traps or blinds; hunting on Sunday; molesting beaver or bald eagles.

(d) Hunting will not commence before one half hour before sunrise, and will end not later than sunset, except that dove hunting is from noon to sunset, and gobbler hunting during the spring season is limited to one half hour before sunrise until 1100.

(e) Weapons will not be loaded outside of hunting hours.

§ 770.7 Violations.

Violations of hunting regulations, fishing regulations, safety regulations, or principles of good sportsmanship are subject to administrative restriction of hunting or fishing privileges and possible judicial proceedings in State or Federal courts.

(a) The Marine Corps Base Game Warden and Wildlife Manager are com-

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missioned as Virginia and Federal game wardens and they can issue summons to appear in civil court for violations of Federal and State game laws.

(b) Offenders in violation of a Federal or State hunting or fishing law will be referred to a civil court.

(c) Offenders in violation of a Federal, State or Base hunting or fishing law or regulation will receive the following administrative actions.

(1) The Base Game Warden or the Wildlife manager shall have the authority to temporarily suspend hunting and fishing privileges.

(2) And for the first minor offense a letter of warning will be issued.

(3) For the second minor offense hunting or fishing privileges will be revoked for one year.

(4) For the first serious offense hunting or fishing privileges will be revoked for a minimum of one year.

(5) For the second serious offense hunting or fishing privileges will be permanently revoked.

(d) Civilians found in violation of a hunting or fishing regulation or law may be permanently restricted from entering the base.

(e) Serious hunting and fishing offenses include, but are not limited to: spotlighting, false statement on a license, hunting under the influence, employment of a light in an area that deer frequent, and taking game or fish during closed seasons.

§ 770.8 Reports.

Upon killing a deer or turkey, a hunter must attach the appropriate tab from his big game license to the carcass before moving the game from the place of kill. The game will then be taken to the Game Warden's Office where the tab will be exchanged for an official game tag. All other game killed on the Reservation will be reported to the Game Warden when checking out at the end of a hunt.

§ 770.9 Miscellaneous.

Duck blinds may be placed on waters within the bounds of the Reservation when specifically authorized by the Wildlife Manager. Muzzleloading rifles .40 caliber and larger will be permitted for deer hunting during the established seasons in those numbered hunting areas located entirely in Fauquier and Stafford Counties within the boundaries of the Marine Corps Base. Deer will only be hunted with the bow and arrow, and shotguns loaded with slugs, with exception of the preceding sentence.

Dated: May 26, 1976.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76-16044 Filed 6-2-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-75-6-T]

PART 127—SECURITY ZONES

Termination

The security zone at the Aardvark Salvage Company, Chester, Pa. established June 5, 1975 by the Captain of the Port of Philadelphia, Pa., as published on July 2, 1975 (40 FR 27939) was terminated on July 16, 1975.

In consideration of the foregoing Part 127 of Title 33 of the Code of Federal Regulations is amended by revoking S 127.321.

(50 U.S.C. 191; 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46 (b).)

Effective date: This amendment was effective on July 16, 1975.

Dated: 18 February 1976.

D. C. GOODWIN,
Captain of the Port, Philadelphia.

[FR Doc.76-16065 Filed 6-2-76;8:45 am]

[CGD 3-75-2-T]

PART 127—SECURITY ZONES

Termination

The security zone at Marcus Hook, Pa.—Delaware River established February 3, 1975 by the Captain of the Port of Philadelphia, Pa., as published on February 10, 1975 (40 FR 6205) was terminated on December 10, 1975.

In consideration of the foregoing Part 127 of Title 33 of the Code of Federal Regulations is amended by revoking S 127.317.

(50 U.S.C. 191; 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46 (b).)

Effective date: This amendment was effective on December 10, 1975.

Dated: 18 February 1976.

D. C. GOODWIN,
Captain of the Port, Philadelphia.

[FR Doc.76-16066 Filed 6-2-76;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1130-2-412]

PART 273—AQUATIC PLANT CONTROL

Implementation

On February 5, 1975 a notice was given in the FEDERAL REGISTER (40 FR 5489) that the Secretary of the Army, proposed a regulation prescribing policies and procedures to implement section 302 of the Rivers and Harbors Act of 1965. This section authorizes the Secretary of the Army, acting through the Chief of Engineers, to establish programs in cooperation with other states and agencies for the control of aquatic plants in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health and related purposes, including continued research for the development of the most effective and economic control measures.

Comments were received from several Corps of Engineers field offices, Georgia Department of Natural Resources, Ohio Department of Natural Resources, and the Office of Federal Activities of the United States Environmental Protection Agency.

Requirements of the Environmental Protection Agency on the use of 2,4-D in the Aquatic Plant Control Program are published in the FEDERAL REGISTER, 16 December 1975 and are cited in Section 273.12 (c).

To clarify program policy, comparable programs of the Department of Defense Military Installations, the Tennessee Valley Authority, Bureau of Reclamation, Bureau of Sport Fisheries and Wildlife, the Department of Agriculture and the Environmental Protection Agency have been excluded from the program. However, close coordination will be maintained with these agencies to avoid duplication of applied research or reduce it to a minimum under an interagency advisory committee. Personnel of Corps offices attend these meetings to hear firsthand results of new research and take part in the discussions.

Comments have been received that undesirable short-term or long-term efforts may be inadvertantly recommended under the program. The hazards of particular control methods are evaluated to the process of pesticide labeling under the planning procedure, and consideration is given to alternate methods, including physical, chemical and biological means. Biological methods will be given priority where feasible. The process of such evaluation is undertaken in the environmental analysis, prior to funding.

Based on comments received, the following changes have been made to the regulation:

1. *Section 273.15* is titled "Work Progress Report" instead of annual work plan.

2. *Section 273.12(c).* 40 CFR 180, Tolerances and Exemptions from tolerances for pesticide chemicals, 2,4-D, Subpart C(F) 16 December 1975, is cited in support of the program.

3. *Section 273.13.* To clarify program procedure, the words "except as indicated in Section 273.13b" have been added.

4. *Section 273.13b.* To clarify the scope and coordination of the Corps program, add "Aquatic Plant Control Work for the Operation and Maintenance of Federal Projects are eligible to be included under this authority for the purpose of cost-sharing with participating State or local agencies, but are not eligible for budgeting or funding under the Aquatic Plant Control Program."

5. *Section 273.13(c).* Attendance of the Technical Advisory Committee meetings by Corps personnel has been authorized.

6. *Section 273.13 (e)(c).* To clarify program methods, the words, "protects will not be recommended which produce undesirable short-term or long-term damage to the human or natural environment," have been added.

7. *Section 273.14(b).* To define planning procedures for methods, the following has been added: "Consideration will be given in the planning procedure to include physical, chemical and biological methods of control. Priority will be given to biological systems where feasible."

8. *Section 273.14(c)(d).* To clarify the procedure for environmental analysis, the words "Prior to funding of a plant control project" have been added.

9. *Section 273.18.* Clearinghouse Coordination. Procedures prescribed under Section 384.15 of Chapter II will be observed.

With the above changes, and additional editorial revisions, the proposed regulation is adopted as set forth below.

Effective date. This regulation is effective May 28, 1976.

Dated: May 26, 1976.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

Sec.
273.10 Purpose.
273.11 Applicability.
273.12 References.
273.13 Program policy.
273.14 Planning procedures.
273.15 Work Progress Report.
273.16 Operations.
273.17 Annual budget request.
273.18 Clearing house coordination.

AUTHORITY: Section 302, Title III, Pub. L. 89-298, River and Harbor Act of 1965 (33 U.S.C. 610), October 27, 1965.

§ 273.10 Purpose.

This regulation prescribes policies, procedures and guidelines for research, planning and operations for the Aquatic Plant Control Program under authority of section 302 of the Rivers and Harbors Act of 1965.

§ 273.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

§ 273.12 References.

(a) Section 302, Pub. L. 89-298, (79 Stat. 1092), Rivers and Harbors Act of 1965, (Appendix A).

(b) Pub. L. 92-516, Federal Insecticide, Fungicide and Rodenticide Act of 1972, (86 Stat. 973), 21 October 1972.

(c) 40 CFR 180, Tolerances and exemptions from tolerances for pesticide chemicals, 2,4-D, subpart C (F) 16 December 1975.

(d) Pub. L. 91-596, Occupational Safety and Health Act of 1970, (84 Stat. 1609, 29 U.S.C. 668), 29 December 1970.

(e) 29 CFR 1960, Safety and Health Provisions for Federal Employees, FEDERAL REGISTER, Vol. 39, No. 9, 9 October 1974.

(f) ER 11-2-240, "Civil Works Activities, Construction and Design."

(g) ER 70-2-3, "Civil Works Research and Development Management System."

(h) ER 1105-2-507, "Preparation and Coordination of Environmental Statements." (33 CFR 209.410)

(i) ER 1105-2-811.

§ 273.13 Program policy.

(a) *Program orientation.* The Aquatic Plant Control Program is designed to deal primarily with weed infestations of major economic significance including those that have reached that stage (such as water-hyacinth) and those that have that potential (such as alligatorweed and Eurasian watermilfoil) in navigable waters, tributaries, streams, connecting channels and allied waters. This does not imply that the infestation must have countrywide distribution. However, the infestation should constitute a known problem of economic importance in the area involved. Initial planning should constitute investigation of a specific problem weed or weed complex, not generalized surveys of aquatic vegetation. The common submersed aquatics and floating or emergent, wetland, marsh, and swamp vegetation do not generally meet those criteria for special problems merely because they may qualify as "obnoxious aquatic plants" under the language of the legislation authorizing the program except as indicated in section 273.13b.

(b) *Work not eligible under this program.* Weed control for operation and maintenance of reservoirs, channels, harbors, or other water areas of authorized projects under jurisdiction of the Corps of Engineers or other Federal agencies will not be undertaken as a part of the Aquatic Plant Control Program, except as such areas may be used for experimental purposes in research performed for the program. Aquatic plant control work for the operation and maintenance of Federal projects are eligible to be included under this authority for the purpose of cost-sharing with participating State or local agencies, but are not eligible for budgeting or funding under the Aquatic Plant Control Program.

(c) *Applied research.* Applied research developed by OCE with the assistance of the Interagency Aquatic Plant Control Research Advisory Committee and the appropriate Division Engineer will be an all Federal cost. This research will be accomplished through contracts with Federal, State and private research institutions. A research planning meeting will be held the last quarter of each calendar year to provide professional presentation of current research projects, review of current operation activities, and review new research proposals. Requested programs, estimated cost, and other information will be developed in the field and submitted to HQDA (DAEN-CWD-R) Washington, DC 20314, for approval and financing as prescribed by ER 70-2-3. Attendance of the Technical Advisory Committee meetings by Corps personnel has been authorized.

(d) *Planning.* Planning will be an all Federal cost item, will be developed by reporting officers in accordance with their needs and will be fully justified for funds requested. Normally, the program will be initiated with a reconnaissance report (§ 273.14(a)) and will be accomplished under a State design memorandum (§ 273.14(b)). Supplement design memorandums will be used to implement changes in the program. These memorandums will establish a continuing program and will be used to enable the Chief of Engineers to allot available funds on a priority basis in accordance with the urgency of the needs of each area.

(e) *Criteria for recommending a Federal project.* (1) A recommendation favorable to adoption of the project under the authority provided by section 302, as amended, will be warranted when the following conditions exist:

(i) The problem and practical measures of improvement are of such nature that there is a clear and definite Federal interest warranting Federal participation under the purview of this special authority.

(ii) The proposed work will result in an independent and complete-within-itself project.

(iii) Analysis based on sound economic principles clearly demonstrates that the project will provide information and/or control of aquatic plants.

(iv) Each separable element of the project, as well as the entire project, is economically justified.

(iv) Local interests are legally and financially able and willing to meet fully all requirements of local cooperation.

(2) Recommendations for preparation of a detailed planning report for new work on a new problem in a District or Division where control of other aquatic plant problems is currently underway should consider whether such new work represents an equal or higher priority of need for allocation of funds in the same State. Projects will not be recommended which produce undesirable short-term or long-term damage to the human or natural environment.

§ 273.14 Planning procedures.

Investigation of new problems and/or additional control operations not covered by previously approved plans will begin with preparation of a preliminary report based on reconnaissance-type investigations. If it is determined that further planning of a more detailed nature is warranted, approval of a reconnaissance report by HQDA (DAEN-CWO-R) Washington, D.C. 20314 will be followed by further investigations. Normally, a detailed State design memorandum en-

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compassing all aspects of the problem and a proposed plan of action for dealing with it will be prepared.

(a) *Reconnaissance reports.* Investigations for reconnaissance reports will be limited to readily available data and information. Field surveys and office studies should be limited to minimum essentials for further detailed planning. The reconnaissance report will be used for the overall program planning and should contain adequate information for these purposes.

(1) *Authorization.* Preparation of a reconnaissance report will be authorized by OCE granting of work allocations and allotment of funds based on requests submitted by reporting officers. Funds for such reports may be requested in annual submissions of budget requests and subsequently to DAEN–CWO–R as required to meet unanticipated needs. Since the program is proceeding under a limited budget, costs should be limited to minimum requirements. Only in exceptional cases will more than $3,000 be made available for a reconnaissance report on a problem in any one district.

(2) *Content of reports.* Where findings and conclusions are unfavorable to undertaking further detailed planning, a brief letter report summarizing the problem and findings should be submitted to OCE to provide a basis for answering outstanding inquiries. Where findings and conclusions are favorable, a more detailed report should include, but not be limited to, the information contained in Appendix B.

(b) *State design memorandum.* When authorized to prepare a detailed planning report, the reporting officer will proceed with necessary investigations and develop plans and data in sufficient detail to assure a complete and fully operable aquatic plant control operation. The report will be in the form of a State design memorandum (SDM). The SDM will be prepared by the District, reviewed by the Division, then forwarded to DAEN–CWO–R for review and approval. The data presented will be used to set priorities and request funds to finance activities on various projects. Fund requirements are divided into four categories: applied research; planning; control operations; and development.

(c) *Review of the proposed design Memoranda.* Review of State design memoranda should insure that:

(1) The work involved is not the type normally provided by local entities or private interests as a local responsibility.

(2) The cost of control operation will be shared between the Federal Government (70 percent) and the State receiving the benefit (30 percent).

(3) The actual control operation can be done by Federal, State, and/or private company facilities, under agreements specifying the details and standards of work to be performed.

(4) Consideration will be given in the planning procedure to include physical, chemical and biological methods of control. Priority will be given to biological systems where feasible.

(d) *Environmental impact statement requirements.* Prior to funding of a plant control project programs which involve pest control operations, such as aquatic plant control, and affect either man's health or his environment (soil, flora, fauna, aesthetics, water resources), are candidates for review and possible preparation of an environmental impact statement (EIS) under the National Environmental Policy Act. (The information outlined in Appendix C should be included in the analysis section of an EIS in addition to the treatment prescribed by 33 CFR 209.410.)

§ 273.15 Work progress report.

Reporting officers will prepare and submit to DAEN-CWO–R a detailed description of anticipated Aquatic Plant Control projects for the next calendar year. Submissions must reach OCE by 15 December of the preceding calendar year, in the format prescribed by Appendix D.

§ 273.16 Operations.

Operational activities will be conducted by reporting officers in accordance with approved annual work plans and State design memoranda. Questions should be referred to HQDA (DAEN-CWO–R) WASH DC 20314.

(a) *Certification of pesticide applicators.* Activities will be subject to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act of 1972, (reference § 273.12(b) and (c)), regarding the training and certification of pesticide supervisors and/or applicators.

(b) *Safety in use of herbicides.* Use of herbicides will be in accordance with the Occupational Safety and Health Act of 1970, reference § 273.12 (d) and (e). Some herbicides are toxic chemicals and must be used with utmost care. Operators and applicators are required to use respiratory protective devices to prevent inhalation of toxic dusts, vapors, or gases; protective clothing to protect the skin; and eye protection. Some of the primary precautions which must be observed in handling herbicides are listed in Appendix E. Questions concerning safety should be referred to HQDA (DAEN–SO) Washington, D.C. 20314.

§ 273.17 Annual budget request.

The Aquatic Plant Control Program is a continuing activity funded under Construction, General, subject to monetary limitations of $5,000,000 on annual appropriations authorized for the program. Recommendations and supporting data will be submitted in accordance with ER 11–2–240. The amounts requested should be the minimum requirements for the purpose of the authorized program to meet essential needs and should be within the Division's capability to utilize within the budget year taking into account the foreseeable availability of local funds to meet cost-sharing requirements for control operations.

§ 273.18 Clearinghouse coordination.

Procedures prescribed under § 384.15 of Chapter II will be observed.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

AQUATIC PLANT CONTROL PROGRAM LEGISLATIVE AUTHORITY

Section 104 of the Rivers and Harbors Act, approved 3 July 1958 (72 Stat. 297, 300), as amended by section 104 of the Rivers and Harbors Act of 1962 (76 Stat. 1173, 1180), and as amended by section 302 of the Rivers and Harbors Act, approved 27 October 1965 (79 Stat. 1092) states as follows:

SEC. 302 (a) There is hereby authorized a comprehensive program to provide for control and progressive eradication of waterhyacinth, alligatorweed, Eurasian watermilfoil, and other obnoxious aquatic plant growths, from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies. Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations. Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) There are authorized to be appropriated such amounts not in excess of $5,000,000 annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

APPENDIX B

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM REPORTS

1. Location and brief description of problem area if necessary for understanding environmental factors, including a suitable map (appendix).

2. Statement of problem with brief description of physical factors pertaining thereto, including identication by common and scientific name of the plant or plants concerned, origin of infestation and likely source of reinfestation; extent of infestation including estimated surface area, depth or density; nature of physical and economic damages occasioned by presence of the infestation; and other information clarifying the nature and magnitude of the problem. Explanation should be given of how and why the infestation meets the principal criteria governing the program.

3. Preliminary plan of procedure, if any, for control operations or engineering works, including control methods, materials, equipment and procedures that may be employed. If sufficient information is not available to outline a preliminary plan for operation control, the report should include a brief statement of the special problems in control methods that need to be resolved before detailed planning can be undertaken.

4. Preliminary project cost estimates broken down into planning and operation costs for Federal and non-Federal budgeting. The report should present sufficient data concerning cost estimates for review by item and unit price.

5 Preliminary economic evaluation with approximation of benefits and brief summary of supporting data classified as general or local.

6. Discussion of availability of authority for State participation in the program, the interest of State agencies in such participation, and the likelihood of State funds being

available for cost-sharing required for any control operations.

7. Cost estimate for subsequent preparation of a detailed planning report, and estimated length of time to complete after receipt of funds, and schedule of funding by fiscal years.

APPENDIX C

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM ENVIRONMENTAL IMPACT STATEMENTS

1. Description of the problem.

a. *Pests.* Identify the pest to be controlled by common name. Be as specific as possible.

b. *Location and size of infestation.* Describe the target area as specifically as possible.

c. *Severity of infestation.* Discuss the degree and importance of the pest problem.

d. *History of infestation.* Discuss obvious development as established.

e. *Criteria for identification of the treatment areas.* Include technical details as established.

f. Possible cumulative effects of the proposed action in relation to other Federal or non-Federal pesticides application in the treatment area.

g. *Relationship to environmental situation.* Non-target organisms and integrated pest management programs.

2. Program Accomplishments:

a. *Goals.* Discuss practical control levels.

b. Monitoring accomplishment level.

3. Identification of each chemical:

a. *Name.* Use common or coined names, and/or chemical name.

b. *Active ingredient.* Give name and percentage.

c. *Status of Federal registration.* Give registration number.

4. Application:

a. *Form applied.* Dust, granule, emulsion, bait solution, gas, etc.

b. *Choice of equipment and techniques.* Discuss general details of method of application.

c. *Use strength.* Give concentration of the active ingredient as applied.

d. *Rate.* Give rate of application in pounds per acre or other rate.

e. *Frequency.* Discuss probable frequency of application.

f. *Acreage or other descriptive unit.* Discuss area of proposed control.

g. *Site description.* Lake, river, drainage canal, irrigation canal, etc.

h. *Sensitive areas.* Discuss areas of potential contamination.

i. *Container disposal.* Discuss disposal requirements.

j. *Safety precautions.* Discuss hazards of exposure.

5. Alternative measures: Discuss details of alternative methods of control.

APPENDIX D

WORK PROGRESS REPORT

Aquatic Plant Control Program

(Example)

District: Vicksburg. Year Ending: 1 December 1974.

Division: Lower Mississippi Valley. Date Submitted: 15 December 1974.

1. *Status of contracts scheduled for award in current fiscal year.*

Contract	Scheduled award date	Actual award date
Plant control operations...	July 1973.....	July 31, 1973

2. *Comparison of scheduled and actual current FY obligations and expenditures to date.*

	Approved Mar. 28, 1974	Actual	Difference
Obligations.....	$4.7	$3.2	−$1.5
Expenditures.....	4.1	2.9	−1.2

3. *Explanation of difference.* Not applicable.

4. *Outlook for meeting programmed objectives.*

a. *Programmed objectives.* Full utilization of work allowance.

b. *Outlook.* We expect to meet our programmed objectives.

5. *Problems and corrective action taken or proposed action.* Not applicable.

6. *Status of over-all program progress.* Contract for plant control operations was awarded in July 1973 to take advantage of last part of plant growing season. Plant control operations began in October 1973 and have been completed for this fiscal year. Surplus funds in the amount of $21,700 will be revoked.

APPENDIX E

PREVENTIVE SAFETY MEASURES IN HANDLING OF HERBICIDES

1. Follow the label on each container before using the contents. The manufacturers are required by law to list recommendations and precautions.

2. Weather conditions are important. Winds could carry toxic sprays and dusts to areas not under your control, causing accidental poisoning to the public or domestic animals.

3. Smoking is not permitted while herbicides are being handled.

4. All herbicides must be handled in well ventilated areas to minimize inhalation of toxic vapors.

5. Shower and washing facilities must be near herbicides mixing areas.

6. Any contamination of the skin, particularly with liquid concentrations or solutions, must be immediately washed off with detergent and water.

7. Protective clothing is used in conjunction with respiratory protective devices to prevent skin contact and inhalation of herbicides. Recommended articles of protective clothing are rubber aprons, coveralls, chemical splash goggles, safety shoes and hard hats. A lightweight water and chemical resistant throw away type protective clothing that is impervious to herbicides is now available. In warm geographical areas this type of lightweight protective clothing would be beneficial in reducing physical stress to applicators. Additional protection is afforded by protective skin cream.

8. Clothing contaminated by spillage must be removed immediately and thoroughly laundered before wearing. Special care is required to prevent contamination of the inside of gloves.

9. Approved respirators must be worn while herbicides are being mixed, and when dusts or liquids are being handled or sprayed. Care should be exercised when selecting the respirator type to insure that it is designated specifically for the substance to be used. Each canister must be labeled and approved by the Bureau of Mines or HEW (NIOSH). Filters or canisters must be changed after 8 hours use and more often if odor of the herbicide is detected. (Always have extra cartridges available when needed.)

10. Herbicide storage, mixing and formulation facilities.

a. All herbicides must be stored in a dry, well ventilated, separate room, building or covered area not accessible to authorized personnel or the public and placed under lock and key.

b. Identification signs should be placed on rooms, buildings, and fences to advise of the contents and warn of their hazardous nature.

c. Where applicable, label the outside of each storage with the "Danger," "Poison," and "Pesticide Storage" signs.

d. Fire extinguishers must be installed near door of material storage room. Diluted oil based herbicides are flammable and must be stored separate from other materials.

e. All herbicide storage, mixing and formulation areas must have adequate ventilation in order to reduce inhalation of toxic vapors. Sparkproof lighting fixtures should be installed in closed storage areas to eliminate ignition hazards.

11. Empty herbicide containers must be disposed of properly. Do not burn them. When herbicides or defoliants volatize, the resulting vapors may be poisonous to humans, and they may damage nearby plants, crops or shrubbery; also, herbicides or defoliants containing chlorates may be a serious fire hazard when heated.

12. Glass herbicide containers should be disposed of by breaking. Chop holes in top, bottom, and sides of meta containers or crush them so they cannot collect water or be reused. After breaking or puncturing them, bury the containers at least 18 inches deep in an isolated area provided for this purpose, away from water supplies or high water tables. Records to locate such buried herbicides within the landfill site should be maintained. Post warning signs.

13. Safety programs developed for the safe handling and mixing of toxic chemicals should be coordinated with the Safety Office prior to implementation.

[FR Doc.76–15885 Filed 6–2–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 551–3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Nebraska: Approval of Compliance Schedules

On May 31, 1972 (37 F.R. 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of state plans for implementation of the national ambient air quality standards.

Revisions to the State Implementation Plan submitted by the State after adoption on February 22, 1974, were approved by the Environmental Protection Agency on September 9, 1975 (40 F.R. 41778). These revisions included the establishment of a July 31, 1976, date for the attainment of National Ambient Air Quality Standards (NAAQS).

After submittal of the emission limitations having statewide applicability, but prior to their September 9, 1975, approval, the State of Nebraska revised the numbering sequence of the emission limitations effective June 17, 1975. The emission limitations themselves were not changed.

In this promulgation, the numbering sequence which became effective June 17, 1975, is used. Pertinent Rule Numbers and descriptive titles are listed below:

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Rule No.	Rule Title
5	Process operations; particulate emission limitations for existing sources.
	Fuel burning equipment; particulate emission limitations for existing sources.
	Incinerators; emission standards.
10	Nitrogen oxides (calculated as nitrogen dioxide); emission standards for existing stationary sources.
13	Visible emissions; prohibited (exceptions; See rule 18).
14	Dust; duty to prevent escape of.

The State of Nebraska submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Nebraska.

Accordingly, the Administrator proposed approval of these schedules on March 29, 1976, in the FEDERAL REGISTER, 41 F.R. 12905. The proposed approval of these schedules published in the March 29, 1976, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Nebraska Department of Environmental Quality, 1424 P Street, Lincoln, Nebraska.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of Section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c–5.

Dated: May 24, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Ttile 40, of the Code of Federal Regulations is amended as follows:

Subpart CC—Nebraska

1. A new § 52.1425 is added as follows:

§ 52.1425 Compliance Schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Nebraska—Compliance schedules

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Allied Mills, Inc.: 3 drums and 2 hammermills.	Elm Creek plant.	Rules 5, 13	Aug. 22, 1974	May 1, 1976	May 1, 1976
Cominco American, Inc.: Nitric acid absorption tower.	Beatrice	Rule 10	do	July 31, 1976	July 31, 1976
Dobson Bros. Construction Co.: Portable asphalt plant.	Outstate	Rule 5	do	May 1, 1976	May 1, 1976
Beerman Bros. Dehydrating: Dryers and hammermill.	Dakota City	do	do	do	Do.
Behrens Blacktop: B/G 845 asphalt plant.	Beatice	do	do	July 31, 1976	July 31, 1976
W. A. Biba Engineering:					
(a) Asphalt plant—Model G–80	Geneva	Rule 13	do	June 25, 1976	June 25, 1976
(b) Asphalt plant—Model G–40	do	Rule 5	do	do	Do.
Board of Public Utilities Power Plant No. 1: Boilers Nos. 4 and 5.	Fremont	Rule 6	do	June 1, 1976	June 1, 1967
Bram, Inc.: Drum and hammermill	Arlington	Rule 5	do	July 31, 1976	July 31, 1976
CF Industries, Inc.: Nitric acid plant	Fremont	Rule 10	do	do	Do.
Consolidated Blenders, Inc.: Drum and hammermill.	Arlington	Rule 5	do	June 1, 1976	June 1, 1976
Consolidated Blenders, Inc.: Old plant drums and hammermills.	Gothenburg	do	do	do	Do.
Consolidated Blenders, Inc.: Drum and hammermill.	Lexington	do	do	do	Do.
Consolidated Blenders, Inc.: Drums and hammermills.	Loomis	do	do	do	Do.
Consolidated Blenders, Inc.: Drum and hammermill.	Mead East	do	do	do	Do.
Consolidated Blenders, Inc.: Drums and hammermills.	Schuyler	do	do	do	Do.
Consolidated Blenders, Inc.: Drum and hammermill.	Wausa	do	do	do	Do.
Consolidated Blenders, Inc.: Drums and hammermill.	Wood River	do	do	do	Do.
Do	York	do	do	do	Do.
Dawson County Feed Products, Inc.: Drum and hammermill.	Brule	do	do	June 30, 1976	June 30, 1976
Dudden Alfalfa Farms, Inc.: Drum and hammermills.	Venango	do	do	May 15, 1976	May 15, 1976
Edison Dehy. Co., Inc.: Drums and hammermills.	Edison	do	do	July 31, 1976	July 31, 1976
J. L. Healy Construction Co.: Portable asphalt plant No. 606.	Outstate	do	do	do	Do.
J. L. Healy Construction Co.: Portable asphalt Plant No. 692.	do	do	do	do	Do.
Hillside Dehy. Inc.: Drums and hammermill.	Vehling	do	do	May 5, 1976	May 5, 1976
Land O'Lakes, Inc.: Drums and hammermill.	David City	do	do	July 24, 1976	July 24, 1976
Do	West Point	do	do	July 3, 1976	July 3, 1976
Loup Valley Alfalfa, Inc.: Drum and hammermill.	Burwell	Rule 13	do	June 30, 1976	June 30, 1976
Magnus Metal Division: Reverberatory furnaces.	Fremont	do	do	July 1, 1976	July 1, 1976
Missouri Valley Construction Co.: Asphalt concrete plant.	do	Rule 5	do	June 30, 1976	June 30, 1976
Missouri Valley Construction Co.: Asphalt plant (B/G Model 845).	Columbus	do	do	do	Do.
Missouri Valley Construction Co.: Asphalt plant (B/G Model 848).	Norfolk	do	do	do	Do.
Missouri Valley Construction Co.: Portable asphalt plant.	Grand Island	do	do	do	Do.
Do	McCook	do	do	do	Do.
Morrison & Quirk, Inc.: Drum and hammermill.	Lyons	do	do	July 31, 1976	July 31, 1976
Do	Oakland	do	do	do	Do.
Do	Pender	do	do	do	Do.
North Bend Alfalfa, Inc.: Drums and hammermills.	North Bend	do	do	Jan. 15, 1976	Jan. 15, 1976
Shofstall, Inc.: Drums and hammermills.	Odessa	do	do	July 1, 1976	July 1, 1976
Table Rock Lumber Co.: Incinerator	Table Rock	Rule 7	do	July 31, 1976	July 31, 1976

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Western Alfalfa Corp.: Drums and hammermill.	Cozad	Rules 5 and 13.	do	do	Do.
Western Alfalfa Corp.: Drums and hammermills.	Elm Creek	do	do	do	Do.
Do	Kearney	do	do	do	Do.
Gothenburg Feed Products Co.: Drum and hammermill.	Willow Island	Rule 5	Jan. 14, 1975	July 1, 1976	July 1, 1976
Sargent Alfalfa Products, Inc.: Drums and hammermill.	Sargent	Rule 13	do	July 15, 1976	July 15, 1976
Transco Feed Products, Inc.: Drums and hammermills.	Nickerson	Rule 5	May 6, 1975	May 1, 1976	May 1, 1976
Kaw Dehydrating Co., Inc.:					
Drums 1 and 2, hammermills	Brady	do	do	June 1, 1976	June 1, 1976
8 by 24 Hell dryer	do	do	do	do	Do.
Hanna & Lamb Milling Co.: Drums and hammermills.	Gotheburg	do	do	July 1, 1976	July 1, 1976
Central Alfalfa, Inc.:					
8 by 24 Hell dryer	Josselyn plant.	do	do	July 31, 1976	July 31, 1976
12 by 42 MEC dryer	do	do	do	do	Do.
Cedar Bluffs Dehydrating: 2 drums and 3 hammermills.	Cedar Bluffs	do	do	May 28, 1976	May 28, 1976
Albers Dehydrating Co.: Drums 1 and a, and hammermill.	Wisner	do	do	July 1, 1976	July 1, 1976
Central Alfalfa, Inc.: Drums and hammermills.	Lexington	do	do	July 31, 1976	July 31, 1976
Coleridge Dehydrating, Inc.: Drums and hammermills.	Coleridge	do	do	July 1, 1976	July 1, 1976
Ebel Alfalfa Co., Inc.: Drum and hammermill.	Scribner	do	do	do	Do.
Fox Grain Co. (Division of Scoular-Bishop).	Gibbon	Rule 14	do	June 15, 1976	June 15, 1976
Endicott Clay Products Co.: Llugitunnel kiln.	Fairbury	Rule 13	Sept. 2, 1975	July 31, 1976	July 31, 1976
Iowa Beef Processors, Inc.: Raymond dryers.	Dakota City	do	do	do	Do.
Island Dehydrating, Inc.: Drums and hammermills.	Cozad	Rule 5	do	June 1, 1976	June 1, 1976
Progressive Livestock & Feed, Inc.: Drum and hammermill.	Bertrand	do	do	July 1, 1976	July 1, 1976
Progressive Products Co., Inc.	Overton	do	do	do	Do.
Mid-America Dairymen: Spray dryer	Norfolk	do	Jan. 6, 1976	July 31, 1976	July 31, 1976
Do	Superior	do	do	do	Do.
Consolidated Blenders, Inc.: Drum and hammermill.	Mead West	do	do	do	Do.
Consolidated Blenders: Drum and hammermill.	Darr East	do	do	do	Do.
Consolidated Blenders: New plant—drum and hammermill.	Gotheburg	do	do	do	Do.
Consolidated Blenders: Drum and hammermill.	Grand Island	do	do	do	Do.
Do	Ord	do	do	do	Do.
Do	Stanton	do	do	do	Do.
Cozad Alfalfa, Inc.: Drum and hammermill.	Cozad	do	do	July 1, 1976	July 1, 1976
Kearney Alfalfa Mills, Inc.: Drums and hammermills.	Kearney	do	do	May 30, 1976	May 30, 1976
Orleans Milling Co., Inc.: Drum and hammermill.	Orleans	do	do	do	Do.

[FR Doc.76-15381 Filed 6-2-76;8:45 am]

[FRL 536-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Florida: Southeast Florida SO_2 Standards

Correction

In FR Doc. 76-14189 appearing in the issue for Friday, May 14, 1976, in the first column in the middle of the column, the line which reads as follows: "1. 8.6 ug/m³ (0.003 ppm)—annual arithmatic mean." should be changed to read as follows: "1.60 ug/m³ (0.02 ppm)—annual arithmetic mean."

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-3—PROCUREMENT BY NEGOTIATION

Small Purchases

On July 15, 1975, the Departmental implementation of Federal Procurement Regulation, Temporary Regulation 33, was published in the FEDERAL REGISTER. The federal regulation implemented Public Law 93-356 which amends the Federal Property and Administrative Services Act of 1949 to increase the authority to negotiate small purchases from $2,500 to $10,000.

Although the regulation was published in final form, comments were solicited. No comments were received from the general public. However, a component of the Department suggested a number of minor changes for the purpose of clarifying various parts of the regulation. As a result of our evaluation of the comments the Small Business regulation will be amended as set forth below.

In part 3-3, Subpart 3-3.6 is amended as set forth below.

1. The fourth sentence of § 3-3.600 is revised as set forth below.

2. Section 3-3.601(b)(1)(i) is revised as set forth below.

3. In § 3-3.602(a) the reference to § 1-3.302 is changed to § 1-3.203, and the second and third sentences are revised as set forth below.

4. In § 3-3.603-50, the following amendments are made:

a. The first sence of paragraph (b)(6)(ii) is revised to read as set forth below.

b. Paragraph (b)(6)(ii)(D) is deleted and paragraphs (b)(6)(ii) (E) through (H) are redesignated as (b)(6)(ii) (D) through (G).

c. Paragraph (b)(8) is revised as set forth below:

d. Paragraph (b)(10) (iii) is deleted and paragraphs (b)(10) (iv) and (v) are redesignated as (b)(10) (iii) and (iv).

e. Redesignated paragraph (b)(10)(iii)(A) is revised as set forth below.

f. Paragraphs (b) (12) and (13) are redesignated as paragraphs (b) (11) and (12).

g. Paragraph (c) is revised as set forth below.

5. Section 3-3.606-4 is revised as set forth below.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

Effective date: These amendments shall be effective June 3, 1976.

It is hereby certified that economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: May 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

In Part 3-3, Subpart 3-3.6 is amended by revising §§ 3-3.600, 3-3.601, 3-3.602, 3-3.603-50, and 3-3.606-4 as follows:

§ 3-3.600 Scope of subpart.

This subpart prescribes the policies and procedures for purchases of supplies and nonpersonal services when the aggregate dollar amount in any one transaction does not exceed $10,000. Purchases not in excess of $10,000 which are accomplished in accordance with the policies and procedures of this subpart 3-3.6 shall be termed "small purchases." Small purchase methods included in this subpart include solicitations made either orally, or in writing using a SF-18, and award via Standard Form 147 (Order for Supplies or Services); Standard Form 44 (Purchase Order-Invoice-Voucher); Blanket Purchase Agreements (BPA), or Imprest Funds. Procurements not in excess of $10,000 which are accomplished by more formal negotiation methods other than those prescribed in this subpart and which are negotiated pursuant to 41 U.S.C. 252(c)(3), are also defined as small purchases. In arriving at the "aggregate dollar amount" involved, all supplies and services must be included which would be properly grouped together in a single advertisement for bids if the procurement were being effected by formal advertising. The amount of $10,000 includes the total price of the order including all estimated handling and freight charges to be paid to the prospective contractor. Requirements aggregating more than $10,000 shall not be broken down into several purchases which are $10,000 or less merely for the purpose of permitting negotiation or utilizing the

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small purchase methods authorized under §§ 1–3.6 and 3–3.6.

§ 3–3.601 Purpose and applicability.

(a) *Purpose.* The objective of the simplified small purchase methods prescribed herein is to reduce administrative costs to the extent possible within the limits of applicable laws and regulations.

(b) *Applicability.* (1) The policies and procedures in 1–3.6 and this subpart shall not be used for the following:

(i) Procurements which are accomplished through delivery orders issued under indefinite delivery contracts, e.g., definite quantity contracts, requirements contracts, and indefinite quantity contracts.

(ii) Procurements made by formal advertising or negotiation other than by § 1–3.203, which were initially estimated to exceed $10,000, but ultimately resulted in a preaward price of $10,000 or less.

(iii) Small purchases which are initially estimated not to exceed $10,000, but ultimately result in a preaward price in excess of $10,000. If the price exceeds $10,000, the authority of 41 U.S.C. 252(c)(3) may not be used.

(iv) Construction requirements estimated to exceed $2,000. However, if the initial estimate is $2,000 or less but the ultimate preaward dollar amount resulting from quotations received exceeds $2,000, but does not exceed $2,500, award may be made pursuant to the policies and procedures of § 1–3.6, this subpart, and the authority in 41 U.S.C. 252(c)(3) which is permitted by § 1–18.302. (See § 1–18.3 for policies and procedures pertaining to the procurement of construction by negotiation.)

(v) Procurement of architect-engineer professional services of any dollar amount. (See §§ 1–4.10 and 1–16.7 for policies, procedures, and forms pertaining to the procurement of A & E services.)

(2) This subpart does not preclude the use of bilateral purchase orders, Standard Forms 19 and 19B for construction contracts under $2,000 (see § 1–16.402–1), or a negotiated two-party formal contract for procurement not in excess of $10,000 where the procurement requires a specific contract provision relating to technical inspection or test, specification changes, government furnished property, insurance, patents, price adjustments, or the like.

§ 3–3.602 Policy.

(a) *Negotiation Authority.* Negotiated contracts or purchases aggregating $10,000 or less shall be made under the authority of 41 U.S.C. 252(c)(3) and § 1–3.203 rather than under any of the other sections in § 1–3.2. For example, small purchases for expert or consultant services shall be made under 41 U.S.C. 252(c)(3) and 1–3.203 rather than 41 U.S.C. 252(c)(15) and 5 U.S.C. 3109, and small purchases which are set-aside for small business unilaterally or jointly shall be made under the authority of 41 U.S.C. 252(c)(3) and 1–3.203 rather than 41 U.S.C. 252(c)(1) or 41 U.S.C. 252(c)(15). The negotiation authority shall be cited on the face of the Standard Form 147.

(b) Placement of small purchases with small business concerns, labor surplus area concerns, and minority business enterprises shall be encouraged to the extent consistent with the objectives of this subpart. When source lists are maintained for procurements of $10,000 or less, these source lists should include known concerns in these categories. These concerns and enterprises shall be given opportunities, at least equal to other firms, to submit quotations in response to small purchase solicitations.

(c) *Mandatory Sources.* Purchases shall be made in the open market only when requirements cannot be satisfied by requisition or order from mandatory sources in accordance with Part 1–5 or Federal Supply Schedule contracts in accordance with FPMR 101–26.4.

(d) *Limitations on the use of Small Purchase Methods.* (1) The contracting officer has the responsibility and authority to determine which purchase method is most suitable, efficient, and economical for use in meeting the immediate requirement.

(2) The small purchase methods are designed to procure defined, off-the-shelf, standard supplies, equipments, or services which may be awarded on the basis of a fixed price quotation. Small purchase methods should not be used to procure R & D, complex studies, services, and the like (which require judgmental technical evaluations and involved negotiations) where the award cannot be confidently made on the low price. Where procurements are not suitable for accomplishment using small purchase methods more formal negotiation methods or formal advertising should be used.

(3) Small purchases accomplished in accordance with this subpart may not be awarded on a cost-reimbursement basis.

(4) *Consultants.* Small purchase methods should be used with great prudence for the procurement of consultants to avoid the increased possibility at the higher dollar level of $10,000, of using consultants in an improper personal service capacity. Consideration should be given to § 3–22.2, *Procurement of Expert and Consultant Services*, prior to each purchase for consultant or expert services.

(5) Delegations of contracting officer authority for small purchases may be selectively increased from $2,500 up to $10,000 provided purchasing agents have met the selection requirements in § 3–1.404–1 and have a working knowledge of the requirements of this subpart. Personnel responsible for making and approving small purchases should acquire formal training in this area.

§ 3–3.603–50 Conduct of small purchases.

(a) *Purchases not in excess of $500.* (1) Competition. Purchases not in excess of $500 may be accomplished without securing competitive quotations. Such purchases are exempt from § 3–3.802–50 which requires a written justification for noncompetitive procurement. Purchases shall be distributed equitably among qualified sources. Purchases not in excess of $500 shall not be made repetitively to one source except for reasons which will clearly and convincingly justify a noncompetitive procurement in accordance with § 3–3.802–50. Where there are multiple sources available to provide an item or service, a quotation should be solicited from other than the previous source prior to placing a repeat order.

(2) Solicitation of Quotations. Quotations for purchases not in excess of $500 should usually be made orally but may be made in writing. If written solicitations are used, they must be accomplished in accordance with § 3–3.603–50(b)(6)(ii).

(3) Evaluation of price. The administrative cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects that, or has information to indicate that, the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved No written determination as to the reasonableness of the price is required except in instances where there is serious doubt as to the reasonableness of the price.

(b) *Purchases in excess of $500 up to $10,000.* The following describes the major considerations and steps involved in making purchases in excess of $500 up to $10,000.

(1) *Specification-statement of work.* The purchase requirement as described in a specification or statement of work must be clear and complete. Clarity is important to achieve effective competition because it enables all potential quoters to reach a common understanding of the requirement. A complete expression of the Government's requirement reduces potential misunderstandings in competitive procurements and increases the probability that the Government will receive what is actually required.

(2) *Notice of intention to make a service contract.* The requirement in § 1–12.905–3 to forward a Standard Form 98, Notice of Intention to Make a Service Contract, to the Department of Labor for any contract exceeding $2,500 also applies to small purchases over $2,500.

(3) *Competition.* Solicitation of competitive quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered. Generally, three is a reasonable number of sources for purchases in excess of $500 but under $5,000. More than three sources may be solicited at the discretion of the contracting officer. A reasonable number of sources for purchases of $5,000 up to $10,000 is a minimum of three. A maximum number cannot be specified apart from considering the nature of the requirement to be purchased.

(4) *Noncompetitive purchases.* Purchases in excess of $500 up to $10,000 which are made noncompetitively require justification as to why competition was not obtained. The justification, which may be in the form of a statement in the request for contract or requisition must address the considerations in § 3–3.802–50. The contracting officer may approve or disapprove the justification. Award of the contract or purchase order up to $10,000 by the contracting officer shall constitute approval of the justification.

(5) *Synopsis (1–1.10).* Small purchases of $5,000 and above shall be synopsized in the Commerce Business Daily in accordance with § 1–1.10 unless one of the exceptions in § 1–1.1003–2 applies. Synopses shall be sent to the Commerce Business Daily and due dates for receipt of quotations shall be timed so that there is a reasonable time for potential quoters to request RFQ's and submit quotations. Generally the synopsis should be mailed to the Commerce Business Daily 10 days prior to but not later than the day the SF–18 is released. Approximately 30 days should be planned between publishing of the synopsis and the due date for receipt of quotations. The synopsis should contain notice that the requirement is a small purchase.

(6) *Solicitation of quotations.* (i) Solicitations for purchases under $5,000 may be solicited either orally or in writing. Data to support oral solicitations shall be in accordance with § 1–3.603–2. Written solicitations should be used when (A) the sources are located outside the local area, (B) special specifications are involved, (C) a large number of items are included in a single proposed procurement, or (D) obtaining oral quotations is not considered efficient. Written solicitations for purchases under $5,000 shall be prepared in accordance with the following paragraph § 3–3603–50(b)(6)(ii).

(ii) Written solicitations should be used for all purchases estimated to be $5,000 up to $10,000. Standard Form 18, Request for Quotations, shall be used for written solicitation of quotations in accordance with § 1–16.201. Written competitive solicitations shall contain the following elements as a minimum.

(A) Specification or Statement of Work.

(B) Delivery schedule.

(C) Quantity.

(D) Add the clauses as required by § 3–3.605–2(b) (3) and (4).

(E) Add the Certifications and Representations as required by § 3–3.605–2(b)(5).

(F) Cite the negotiation authority of 41 U.S.C. 252(c)(3).

(G) State the due date for receipt of quotations and include the provision prescribed by § 1–3.802–1 regarding consideration of late proposals.

(iii) Amendment of Request for Quotation—Prior to Closing Date.

(A) If after issuance of a request for quotations, but before the closing date of their receipt, it becomes necessary to make significant changes in quantity, specifications, delivery schedules or any change in closing dates, or to correct a defect or ambiguity, such change shall be accomplished by issuance of an amendment to the request. Requests for quotations using the SF–18 may be amended by letter. Oral requests for quotations may be amended orally.

(B) When it is considered necessary to issue an amendment to a request for quotations, the period of time remaining before closing and the need for extending this period by postponing the time set for closing must be considered. Where only a short time remains before the time set for closing, extension of time may be made by telegram or telephone. Such notification should be confirmed in the amendent.

(C) Any information given to one potential quoter concerning a request for quotations shall be furnished promptly to all other potential quoters in an amendment to the request, if such information is necessary to potential quoters in submitting quotations, or if the lack of such information would be prejudicial to uninformed potential quoters.

(7) *Late quotations.* The policy of § 1–3.802–1, *Consideration of Late Proposals*, is made applicable by this regulation to written small purchase quotations received after the time set for receipt at the purchasing office. Any oral quotation received at the purchasing office after the time set for receipt shall not be accepted. Because late written quotations shall not be considered except as provided for in § 1–3.802–1 it is important to allow potential quoters enough time to submit their quotations.

(8) *Selection of quoter for award.* Awards will be made to the lowest responsible quoter.

(9) *Evaluation of price.* Some form of price or cost analysis should be made on each small purchase over $500 to determine that the proposed price is reasonable in accordance with the guidance in § 1–3.807–2. When competitive quotations are received and award is made to the lowest priced quoter, and the contracting officer concludes that the lowest price is reasonable, no written determination of price reasonableness is required. When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting the lower quotation shall be included in the purchase order file by notation on the worksheet or by a separate memorandum. When only one quotation is received, a written determination of price reasonableness is required.

(10) *Award documents.* (i) Small purchase awards shall generally be made using the Standard Form 147 in § 1–16.–301–2. If special conditions require, a two party formal contract may be issued under $10,000.

(ii) Clauses required by § 3–3.605–2(b)(3) and (4) shall be incorporated in the SF–147 by reference or shall be physically attached.

(iii) *Modifying a purchase order.* (A) Standard Form 30 or other functionally equivalent forms shall be used to modify the purchase order for administrative or other changes.

(B) Modifications making administrative changes such as the correction of typographical errors, changes in paying office and changes in accounting and appropriation data do not require contractor acceptance. In addition, the issuance of no cost amended shipping instructions which modify unilateral purchase orders and which have been concurred in by the contractor by telephone or letter do not require contractor acceptance by signature on the Standard Form 30.

(C) To otherwise modify the purchase order, and if not previously included in the purchase order, the changes clause in § 1–7.102–2 shall be incorporated in the Standard Form 30 (Amendment of Solicitation/Modification of Contract), and the contractor acceptance obtained by his signature on the Standard Form 30. Subsequent changes pursuant to the Changes clause shall not require contractor acceptance. However, other modifications outside the scope of the changes clause, such as the addition of the Government Property Clause, shall require contractor acceptance by signature on the Standard Form 30.

(iv) *Termination of purchase orders.* A purchase order which has not been accepted in writing or by delivery by the prospective contractor may be withdrawn or canceled by the contracting officer any time prior to acceptance. Notice of withdrawal or cancellation shall be in writing and shall request the prospective contractor's acknowledgement thereof. If the contractor has accepted the purchase order in writing or on a subsequently issued Standard Form 30, and it later becomes necessary to terminate the purchase order, the contractor should be asked to agree to cancellation of the order without cost or liability to either party. If he agrees, the cancellation shall be effected by use of Standard Form 30, as a No-Cost settlement in accordance with § 1–8.209–4, signed by the contracting officer and the contractor. If the contractor does not agree to a no-cost settlement of a purchase order which has been accepted, termination of a purchase order will be processed in accordance with the Termination for Convenience clause and Part 1–8 of Title 41.

(11) *Debriefings and notification of unsuccessful quoters.*

(i) Debriefings shall be provided in accordance with § 3–3.103–50 to unsuccessful quoters upon their request.

(ii) The notification of unsuccessful offerors in § 3–3.103–50(b)(2) is not applicable to procurements of $10,000 or less.

(12) *Protests.* There is nothing which prevents a quoter or an interested party from protesting against the placement or manner of handling a small purchase. Protests against small purchases shall be processed in accordance with § 3–2.407–8.

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(c) *Close out.* Purchasing offices shall initiate the close out of small purchase files upon determination by the office accumulating the file that the order is complete. An order is completed when (1) the contractor has completed the required deliveries or supplies and the Government has inspected and accepted such supplies, (2) the contractor has performed all services and the Government has accepted such services, or (3) notice of termination has been given to the contractor by the Government or the parties mutually agree to a no cost cancellation. Rental, use, and storage agreements shall be considered to be complete when a notice of termination has been issued or the period has expired.

(d) *Reports of small purchases.* [Reserved.]

§ 3–3.606 Blanket purchase arrangements.

§ 3–3.606–4 Documentation.

(a) Each blanket purchase arrangement (BPA) shall be documented by issuance of a contractual instrument appropriately numbered. Each BPA shall contain the following provisions:

(1) Authorization to the supplier to furnish the supplies or services described in general terms, when ordered by authorized personnel listed therein.

(2) A statement that individual orders will not exceed $5,000 per call.

(3) A statement that the Government will be obligated only to the extent of the calls placed against the BPA by authorized personnel.

(4) A stipulation that the supplier's established discounts will apply to calls placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, call number, date of call, name of individual placing the call, an itemized list of supplies or services furnished including unit price and extension of each item, applicable discount, date of delivery and the signature of the Government employee receiving the item or service.

(6) A requirement that the supplier shall submit an itemized invoice at least once each month or upon expiration of the BPA, whichever occurs first, covering all deliveries made during the billing period for which payment has not been received.

(7) Each BPA shall cite 41 U.S.C. 252(c)(3) as authority for negotiation.

[FR Doc.76–15650 Filed 6–2–76;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment H–97]

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Explanatory Statements for Negotiated Sales of Surplus Real Property

Section 101–47.304–12(c) is revised to delete the requirement that disposal agencies shall mimeograph or use a similar type process in reproducing explanatory statements. Section 101–47.304–12(d) is revised to delete the requirement that the disposal agency shall furnish the General Services Administration 20 copies of the duplicated explanatory statement. Section 101–47.4911 is revised to illustrate the new outline to be followed by disposal agencies in preparing explanatory statements for proposed negotiated sales of surplus real property under section 203(e)(3)(G) or (H) of the Federal Property and Administrative Services Act of 1949, at amended. The outline was changed at the request of the House Subcommittee on Government Activities and Transportation, Committee on Government Operations.

1. Sections 101–47.304–12 (c) and (d) are revised as follows:

§ 101–47.304–12 Explanatory statements.

* * * * *

(c) An outline for the preparation of the explanatory statement is shown in § 101–47.4911. A copy of the statement shall be preserved in the files of the disposal agency.

(d) Each explanatory statement when prepared shall be submitted to the Administrator of General Services for review and transmittal by the Administrator of General Services by letters to the Committees on Government Operations and any other appropriate committees of the Senate and House of Representatives. The submission to the Administrator of General Services shall include such supporting data as may be relevant and necessary for evaluating the proposed action.

* * * * *

2. Section 101–47.4911 is revised as follows:

§ 101–47.4911 Outline for explanatory statements for negotiated sales.

EXPLANATORY STATEMENT OF PROPOSED NEGOTIATED SALE OF SURPLUS REAL PROPERTY SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 203(e)(6) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED (40 U.S.C. 484(e)(6))

Property:
Location:
Reported excess by:
Date excess:
Date surplus:
Description:
Acquisition cost and date:
All income received from rentals:
Proposed purchase price:
Fair market value as estimated on basis of GSA market analysis:
Proposed purchaser:
Proposed use:
Background and justification:

NOTE.—State specifically in the background and justification paragraph whether the sale is being negotiated under section 203(e)(3)(G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended.

(a) For sales of Government-owned, contractor-operated facilities to the operating contractor, include in the background and justification section of the statement appropriate additional narrative discussion concerning the situation and circumstances surrounding the sale including the following:

(1) What party; i.e., the Government or contractor, initiated the sale.

(2) What the purchaser intends to do with the property.

(3) Approximate percentage of time annually that the property being sold is used by the contractor for Government purposes and for non-Government purposes.

(4) Whether the purchaser is a prime or a lower tier contractor under Department of Defense contracts which would involve use of the property being sold.

(5) Whether all of the Government-owned property at the facility is being disposed of. If not, indicate why not and include a brief description of the property not being disposed of and any plans for disposing of it.

(6) Whether the selling price represents the special use value of the property to the purchaser.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date: This regulation is effective on June 3, 1976.

Dated: May 25, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76–16019 Filed 6–2–76;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL REGULATIONS

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

DELEGATIONS OF AUTHORITY BY THE FEDERAL HIGHWAY ADMINISTRATOR AND ASSOCIATE ADMINISTRATOR FOR SAFETY PERTAINING TO MOTOR CARRIER SAFETY

● Purpose. These amendments to Parts 301, 385, 386, and 389 consolidate in Part 301 delegations of authority by the Federal Highway Administrator to the Associate Administrator for Safety and the Regional Federal Highway Administrators, and redelegations to the Director of the Bureau of Motor Carrier Safety. ●

Under Title 49, Subtitle A, Part 1, of the Code of Federal Regulations (CFR) and pursuant to his power under the Department of Transportation Act (49 U.S.C. 1655, 1657(e)), the Secretary of Transportation delegated authority to the Federal Highway Administrator to carry out certain functions, powers, and duties relating to motor carrier safety. The relevant delegations by the Secretary are set forth in 49 CFR 1.48 (a), (d), (e), (f), (g), (h), (k), (p), (u), and (v).

The purpose of this notice is to amend certain sections of 49 CFR Parts 301, 385, 386, and 389 to reflect this recent transfer of responsibility and to consolidate the delegations in § 301.60. Since the Associate Administrator for Safety (hereinafter referred to as the Associate Administrator) is retaining certain functions while delegating others to the Director of the Bureau of Motor Carrier Safety (hereinafter referred to as the Director), various sections of Title 49 CFR, Chapter III, Subchapter B are affected as explained below.

Section 385.2, which contains certain delegations of authority concerning collection and compromise of civil forfeitures by the Associate Administrator and the Regional Administrators, is revised to eliminate the delegations from that section. The delegations previously contained therein are now transferred to § 301.60, paragraphs (d)(1)(v) and (d)(2)(i). The revised § 385.2 also defines the term "claimant" for the purposes of Part 385 civil forfeiture claims.

Section 386.45, dealing with incorporation of cease and desist orders in agreements for settlement of civil forfeiture claims, is amended to reflect the delegations of authority from the Federal Highway Administrator to the Associate Administrator and to the Regional Administrators. The amendment provides that in civil forfeiture claims of less than $25,000 in the aggregate, the Regional Administrators are delegated the authority to negotiate consent orders, whereas in civil forfeiture claims of $25,000 or more, the Associate Administrator or his delegate is delegated the authority to negotiate such orders.

Section 389.4 dealing with the authority of the Director to issue, amend, or revoke rules under certain sections of the Interstate Commerce Act (49 U.S.C. 304, 320, and 324) is revoked. Under the new § 301.60, subparagraph (e)(2), the Associate Administrator delegated to the Director the authority to issue rules, notices, and advance notice of proposed rules while not precluding the Associate Administrator from also issuing rules.

Finally, § 301.60 entitled "Delegations of Authority Relating to Motor Carrier Safety" is added to consolidate the delegations, define cease and desist orders, consent orders, and civil forfeitures. This new section prohibits redelegations unless specifically provided and allows deputies to act in place of officials to whom authority is delegated.

Since these amendments relate to the organization, procedure or practice of the Federal Highway Administration, notice and public procedure are not necessary. Since these amendments do not relate to substantive rules, they are effective less than 30 days after publication.

In consideration of the foregoing, 49 CFR Parts 301, 385, 386, and 389 are either amended, revised, or revoked as set forth below.

PART 301—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES OF THE FEDERAL HIGHWAY ADMINISTRATION

1. Part 301 of Chapter III of Title 49 CFR is amended by adding a new § 301.60 to read as follows:

§ 301.60 Delegations of Authority Relating to Motor Carrier Safety.

(a) Definitions:

(1) *Cease and desist orders.* An order issued pursuant to 49 U.S.C. 304(c) and Part 386 of this chapter.

(2) *Consent orders.* A cease and desist order entered into voluntarily by the parties and issued pursuant to §§ 386.21 or 386.45 of this chapter.

(3) *Civil forfeiture.* A civil penalty imposed pursuant to 49 U.S.C. 322(h).

(b) The delegations of authority in this section may not be redelegated unless specifically provided.

(c) The authority delegated to officials under this section may be exercised by their deputies except that such deputies may not exercise the power of redelegation.

(d) The functions, powers, and duties of the Federal Highway Administrator are delegated as follows:

(1) To the Associate Administrator for Safety the authority to:

(i) Perform the functions, powers, and duties enumerated in § 1.48, paragraphs (a), (d), (e), (f), (g), (h), (k), (p), (u), and (v) in Part 1 of this title.

(ii) Issue, amend, and revoke rules, notices, and advance notices of proposed rules necessary for the implementation of the powers, functions, and duties delegated to him by this section.

(iii) Issue administrative interpretations of the Federal Motor Carrier Safety Regulations, Parts 390–398 of this chapter.

(iv) Issue notices of investigation pursuant to § 386.11 of this chapter commencing proceedings under section 204(c) of the Interstate Commerce Act (49 U.S.C. 304(c)).

(v) Initiate, collect, and compromise claims of the United States for civil forfeitures under section 222(h) of the Interstate Commerce Act (49 U.S.C. 322(h)), of $25,000 or more in the aggregate, and to suspend and terminate actions to collect such claims.

(vi) Issue consent orders as defined in this section.

(vii) Issue cease and desist orders as defined in this section.

(viii) Issue administrative subpoenas under sections 12(1) and 205(d) of the Interstate Commerce Act (49 U.S.C. 12(1), 305(d)) in connection with motor carrier safety inspections and investigations.

(2) To the Regional Administrators the authority to:

(i) Initiate, collect, and compromise claims of the United States for civil forfeitures under section 222(h) of the Interstate Commerce Act (49 U.S.C. 322(h)) of less than $25,000 in the aggregate, and to suspend and terminate actions to collect such claims.

(ii) Issue administrative subpoenas under sections 12(1) and 205(d) of the Interstate Commerce Act (49 U.S.C. 12(1), 305(d)) in connection with motor carrier safety inspections and investigations.

(iii) Issue consent orders pursuant to § 386.45 of this chapter.

(e) The Associate Administrator for Safety delegates to the Director of the Bureau of Motor Carrier Safety the authority to:

(1) Perform the functions, powers, and duties enumerated in § 1.48, paragraphs (a), (d), (e), (f), (g), (h), (k), (p), (u), and (v) in Part 1 of this title.

(2) Issue, amend, and revoke rules, notices, and advance notices of proposed rules necessary for the implementation of the functions, powers, and duties delegated to him by this section. This delegation of authority does not preclude the Associate Administrator for Safety from also issuing, amending, or revoking rules.

(3) Issue administrative interpretations of the Federal Motor Carrier Safety Regulations, Parts 390–398 of this chapter.

(4) Issue notices of investigation pursuant to § 386.11 of this chapter commencing proceedings under section 204(c) of the Interstate Commerce Act (49 U.S.C. 304(c)).

(5) Initiate, collect, and compromise claims of the United States for civil forfeitures under section 222(h) of the Interstate Commerce Act (49 U.S.C. 322(h)) of $25,000 or more in the aggregate, and to suspend and terminate actions to collect such claims.

(6) Issue consent orders as defined in this section.

PART 385—COLLECTION AND COMPROMISE OF CLAIMS FOR FORFEITURES UNDER SECTION 222(h) OF THE INTERSTATE COMMERCE ACT

2. In 49 CFR 385.2 the last sentence is deleted and the following is substituted:

§ 385.2 Delegation of authority.

* * * The Associate Administrator for Safety or his delegate, and the Regional Administrators are hereinafter referred to as the Claimant.

* * * * *

PART 386—RULES OF PRACTICE FOR MOTOR CARRIER SAFETY PROCEEDINGS UNDER SECTION 204(c) OF THE INTERSTATE COMMERCE ACT

3. 49 CFR 386.45 is revised to read as follows:

§ 386.45 Incorporation of order in settlement agreement.

(a) In a proceeding under Part 385 of this chapter, the Regional Administrator, in claims of less than $25,000 in the aggregate, and the Associate Administrator for Safety or his delegate, in claims of $25,000 or more in the aggregate, are authorized to negotiate for the incorporation of and, with the consent of the respondent, to incorporate a consent order compelling respondents' compliance with Part II of the Interstate Commerce Act, 18 U.S.C. 831–835, or any regulation issued thereunder in a settlement

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agreement compromising a claim for buses often operate on rural highways, as well as a requirement for regular test-

the option to use a "California rear win- lease mechanism has been operated the background shall be located within 6

agreement compromising a claim for forfeiture under section 222(h) of the Interstate Commerce Act (49 U.S.C. 322(h)).

(b) The Regional Administrator in claims of less than $25,000 in the aggregate, and the Associate Administrator or his delegate in claims of $25,000 or more in the aggregate, are authorized to execute orders incorporated in settlement agreements as prescribed in paragraph (a) of this section. When an order is incorporated into a fully executed agreement, such an order has the same force and effect as an order issued pursuant to the rules in this part.

PART 389 — RULE-MAKING PROCEDURES—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

§ 389.4 [Removed].

4. 49 CFR 389.4 is hereby revoked.

Effective date: These changes become effective on June 3, 1976.

(18 U.S.C. 831–835; 49 U.S.C. 304, 320, 324; P.L. 93–633, 88 Stat. 2156 (49 U.S.C. 1801, 1808, 1809, 1810); (42 U.S.C. 4917); (49 U.S.C. 1655, 1657(e)), and the delegations of authority at 49 CFR 1.48.)

NORBERT T. TIEMANN,
Federal Highway Administrator.
HOWARD L. ANDERSON,
Associate Administrator for Safety.

[FR Doc.76–16068 Filed 6–2–76;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75–3; Notice 04]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bus Emergency Exit Requirements

This notice amends Standard No. 217, *Bus Window Retention and Release*, to modify the emergency exit requirements of the standard in response to a petition for reconsideration of recent amendments and after consideration of comments on the agency's proposal to specify new performance options and labeling for emergency exits.

PETITION FOR RECONSIDERATION OF NOTICE 2

The National Highway Traffic Safety Administration (NHTSA) recently amended Standard No. 217 (49 CFR 571.217) to provide emergency exit requirements for school buses (41 FR 3871, January 27, 1976 (Notice 2)). Section S5.2.3.1 of the standard (as it becomes effective for school buses on October 26, 1976) specifies that a rear emergency door shall be hinged on the right side. Chrysler Corporation has petitioned for reconsideration of this provision, asking that a manufacturer option be provided so that the rear emergency door or doors on van-type school buses may be hinged on the right or left.

The purpose of specifying that the rear emergency door hinge to the right is based on the NHTSA finding that school buses often operate on rural highways that are bordered by drainage ditches, and that a school bus that leaves the highway and rolls over is likely to come to rest in the right-hand ditch on its right side. When a bus comes to a rest on its side, the emergency door on the rear of the bus is easier to operate, particularly by small children, if it is hinged so that its operation is assisted by gravity.

Chrysler pointed out that the rear emergency door on van-type school buses is often used routinely for loading and unloading passengers. For this reason, Chrysler offers a single rear door that hinges at the left side, so that the door swings out of the way to safely accommodate curb-side loading. In the case of larger buses, routine loading and unloading does not occur through the rear emergency door.

The NHTSA agrees with Chrysler that the common practice of curb-side loading through the rear door of van-type school buses justifies a manufacturer option in selecting the side of the door which should be hinged. On balance, the agency considers that the increase in safety for routine curb-side loading through a left-hinged door would outweigh any potential loss of safety benefit for emergency evacuation from a van-type bus that comes to rest on its right side. Accordingly, S5.2.3.1 of the standard is appropriately amended. The agency also takes the opportunity to correct an inadvertent reference to emergency "exist" in S5.2.3.2 when the requirements are actually intended to apply only to an emergency "door."

In a matter unrelated to the Chrysler petition, some uncertainty has arisen over the form of S5.4 as it was revised in Notice 2 to become effective October 26, 1976. Also, the division between buses with a GVWR of 10,000 pounds or less and those with a greater GVWR was imperfectly stated in amending S5.4. For this reason, the amendment of S5.4 is republished in the correct form in this notice. No substantive changes are made in this republication of S5.4.

EMERGENCY EXIT AND LABELING PROPOSAL—NOTICE 3

At the time the amendments just discussed were published, the NHTSA published a proposal to clarify certain emergency exit labeling for all buses, and to replace the established option for school bus emergency exits with a new option (41 FR 3878, January 27, 1976; Notice 3). Comments were received from the Lanai Road Elementary School Parent-Teachers Association, Gillig Brothers (Gillig), Chrysler Corporation, Mr. Allen Braslow, Crown Coach Corporation (Crown), and International Harvester (IH). No comment was received from manufacturers of transit or intercity buses, or from the manufacuturers of body-on-chassis school buses. The National Motor Vehicle Safety Council did not comment on this proposal.

With regard to emergency exit labeling, Mr. Braslow suggested two labeling changes intended to assist bus occupants, as well as a requirement for regular testing of emergency exits in buses in highway service. While the latter suggestion lies beyond the authority of the agency under the National Traffic and Motor Vehicle Safety Act (15 U.S.C. § 1391, et seq.), the agency will consider for future action the suggestion to label all bus exits in the same manner as school bus exits, as well as the suggestion to develop a universal emergency exit insignia with diagramatic instructions. For the moment, the agency is limited by the extent of its proposal, and accordingly, makes final the changes as proposed.

Standard No. 217 requires (effective October 26, 1976) school buses to provide either a rear emergency door or two side emergency doors in satisfaction of the emergency exit requirements. In Notice 3, the agency proposed to modify this option to require either provision of a rear emergency door or, at the option of the manufacturer, provision of a left-side emergency door and a "California rear window" exit at the rear of the bus. This type of rear window exit provides a large (16 by 48 inch) opening which is more easily utilized than a side emergency door if a bus has rolled onto its side. In the alternative, the agency proposed that the option to use a rear window exit only be allowed in rear-engine buses.

The two manufacturers of transit-type school buses supported the new option, but objected to the alternative proposal that would limit use of the option to rear-engine buses. Both Gillig and Crown build mid-engine school buses with essentially the same configuration as rear-engine buses and consider the rear window exit equally useful in these buses. The agency has considered the mid-engine design and agrees with the argument made by Crown and Gillig. Accordingly, the agency amends the standard as proposed to apply the option to all school buses. Crown Coach pointed out that the NHTSA proposal to limit rear-window-exit release mechanisms to a single release would necessitate a change in existing hardware. The NHTSA has investigated the available hardware (consisting in all cases of two release mechanisms that are located within 36 inches of each other) and concludes that the only significant safety hazard in some of the designs is that some require simultaneous operation for release. For this reason, the agency will allow not more than two release mechanisms, provided that the two mechanisms do not have to operate simultaneously to effect release. If new designs present a problem of any nature, further rulemaking will be undertaken.

In accordance with recently-enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16201, April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this proposal on the public and private sectors, including possible loss of safety benefits. The option to hinge some rear emergency doors on the right or left, and

the option to use a "California rear window" do not involve additional expenditures. The agency estimates that these additional exit arrangements will not significantly reduce the level of safety provided in the affected bus categories. The new requirements for more specific operating instructions for school bus emergency exits are calculated to involve annual costs of about $67,000. Although the agency is unable to quantify the benefit of clearer exit labeling, it is estimated that better instructions will serve to reduce the possibility of death and injury involved in an attempt to use the emergency exits. Therefore, the agency concludes that the amendments should issue as set forth in this notice.

For the benefit of interested persons, it is noted that Docket 75–6 concerning labeling of bus emergency exits is related to this rulemaking.

In consideration of the foregoing, Standard No. 217 (49 CFR 571.217) as it is amended to become effective for school buses on October 26, 1976, is amended as follows:

§ 571.217 [Amended]

1. Section S5.2.3.1 is amended to read:

S5.2.3.1 Each school bus shall comply with either one of the following minimum emergency exit provisions, chosen at the option of the manufacturer:

(a) One rear emergency door that opens outward and is hinged on the right side (either side in the case of a bus with a GVWR of 10,000 pounds or less); or

(b) One emergency door on the vehicle's left side that is in the rear half of the bus passenger compartment and is hinged on its forward side, and a push-out rear window that provides a minimum opening clearance 16 inches high and 48 inches wide. This window shall be releasable by operation of not more than two mechanisms which are located in the high force access region as shown in Figure 3C, and which do not have to be operated simultaneously. Release and opening of the window shall require force applications, not to exceed 40 pounds, in the directions specified in S5.3.2.

2. The word "exit" in S5.2.3.2. is changed to "door."

3. Section S5.4 is clarified by restatement to read:

S. 5.4 Emergency exit extension.

S. 5.4.1 After the release mechanism has been operated, each push-out window or other emergency exit not required by S5.2.3 shall, under the conditions of S6, before and after the window retention test required by S5.1, using the reach distances and corresponding force levels specified in S5.3.2, be manually extendable by a single occupant to a position that provides an opening large enough to admit unobstructed passage, keeping a major axis horizontal at all times, of an ellipsoid generated by rotating about its minor axis an ellipse having a major axis of 20 inches and a minor axis of 13 inches.

S5.4.2 *School bus emergency exit extension.*

S5.4.2.1 *School bus with a GVWR of more than 10,000 pounds.* After the release mechanism has been operated, the emergency door of a school bus with a GVWR of more than 10,000 pounds shall, under the conditions of S6, before and after the window retention test required by S5.1, using the force levels specified in S5.3.3, be manually extendable by a single person to a position that permits—

(a) In the case of rear emergency door, an opening large enough to permit unobstructed passage of a rectangular parallelepiped 45 inches high, 24 inches wide, and 12 inches deep, keeping the 45-inch dimension vertical, the 24-inch dimension parallel to the opening, and the lower surface in contact with the floor of the bus at all times; and

(b) In the case of a side emergency door, an opening at least 45 inches high and 24 inches wide. A vertical transverse plane tangent to the rearmost point of a seat back shall pass through the forward edge of a side emergency door.

S5.4.2.2 *School bus with a GVWR of 10,000 pounds or less.* A school bus with a GVWR of 10,000 pounds or less shall conform to all the provisions of S5.4.2, except that the parallelepiped dimension for the opening of the rear emergency door or doors shall be 45 inches high, 24 inches wide, and 6 inches deep.

4. Section S5.5.1 is amended to read:

S5.5.1 In buses other than school buses, except for windows serving as emergency exits in accordance with S5.2.2(b) and doors in buses with a GVWR of 10,000 pounds or less, each emergency door shall have the designation "Emergency Door" or "Emergency Exit" and each push-out window or other emergency exit shall have the designation "Emergency Exit" followed by concise operating instructions describing each motion necessary to unlatch and open the exit, located within 6 inches of the release mechanism.

5. Section S5.5.3 is amended to read:

EXAMPLES

(1) Lift to Unlatch
Push to Open
(2) Lift Handle
Push Out to Open

When a release mechanism is not located within an occupant space of an adjacent seat, a label meeting the requirements of S5.5.2 that indicates the location of the nearest release mechanism shall be placed within the occupant space.

EXAMPLE

Emergency exit instructions located next to seat ahead.

S5.5.3 *School Bus.* Each school bus emergency exit provided in accordance with S5.2.3.1 shall have the designation "Emergency Door" or "Emergency Exit," as appropriate, in letters at least 2 inches high, of a color that contrasts with its background, located at the top of or directly above the emergency exit on both the inside and outside surfaces of the bus. Concise operating instructions describing the motions necessary to unlatch and open the emergency exit, in letters at least three-eighths of an inch high, of a color that contrasts with its background, shall be located within 6 inches of the release mechanism on the inside surface of the bus.

EXAMPLE

(1) Lift to Unlatch
Push to Open
(2) Lift Handle
Push Out to Open

Effective date: October 26, 1976. The effective date of the amendments numbered 1, 2, 3 and 5 is established as 9 months after the date of issuance of the amendments on which they are based, as required by the Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93–492, section 202 (15 U.S.C. 1397(i)(1)(A)). The effective date of the amendment numbered 4 is also established as October 26, 1976, although a manufacturer can meet the requirements at an earlier date if the manufacturer so chooses.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegation of authority at 49 CFR 1.50.)

Issued on May 25, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76–16042 Filed 6–2–76;8:45 am]

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

PART 802—RULES IMPLEMENTING THE PRIVACY ACT OF 1974

On August 29, 1975, the National Transportation Safety Board (NTSB) published in the FEDERAL REGISTER (40 FR 40134 et seq.) Part 802—Rules Implementing the Privacy Act of 1974 (Act). On April 15, 1976, the NTSB published at 41 FR 15874 et seq. proposed amendments to Part 802. It was proposed to amend Part 802 as follows:

Section 802.1 is revised to include a procedure to correct and amend records; a requirement that records be annotated with respect to disagreements, explanations and resolution thereof and notifying recipients of these annotations, and a provision that rights of access granted to an individual under the Act would not be curtailed by the Freedom of Information Act (FOIA).

Section 802.6 is revised to provide for types of requests and the specification of records. A new § 802.7, embodies and expands the provisions of former § 802.6 and prescribes how, when, and where requests should be presented; and prescribes procedures for acknowledgment of requests. The new section differentiates between requests that are written and those made in person.

Section 802.8 permits notification of the granting of a request, either orally or in writing, and permits the General Manager, or his designee, to carry out the functions described therein.

Section 802.14 adds the word "actual" before the phrases "receipt of a denial notice" and "receipt of the appeal." Paragraph (c) clarifies review of denial of access and clarifies review of denial of correction and/or amendment of the

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record in whole or in part. Paragraph (d) provides that the requester shall receive a courtesy copy of the corrected record. The following paragraphs have been added to this section:

(g) Statement of Disagreement.

(h) Notices of correction and/or amendment, or dispute.

(i) Disclosure to others of records concerning individuals.

(j) Notices of subpoenas.

(k) Notices of emergency disclosures.

Section 802.15 applies the same fee schedule as the Appendix to Part 801 of this chapter, implementing the FOIA, but excludes the cost for any search for or review of the record.

Interested persons were invited to submit written data, views, or argument regarding the proposed amendments on or before May 17, 1976. No comments were received. The proposed amendments to Part 802 are therefore adopted with minor editorial changes.

Accordingly, 49 CFR 802 is revised as set forth below.

Effective Date: June 3, 1976.

Signed at Washington, D.C. on May 28, 1976.

WEBSTER B. TODD, JR.,
Chairman.

Subpart A—Applicability and Policy

Sec.
802.1 Purpose and scope.
802.2 Definitions.

Subpart B—Initial Procedures and Requirements

802.5 Procedures for requests pertaining to individual records in a record system.
802.6 Types of requests and specification of records.
802.7 Requests: how, where, and when presented; verification of identity of individuals making requests; accompanying persons; and procedures for acknowledgment of requests.

Subpart C—Initial Determinations

802.8 Disclosure of requested information.

Subpart D—Correction or Amending the Record

802.10 Request for correction or amendment to record.
802.11 Agency review of request for correction or amendment of record.
802.12 Initial adverse agency determination on correction or amendment.

Subpart E—Review of Initial Adverse Determination

802.14 Review procedure and judicial review.

Subpart F—Fees

802.15 Fees.

Subpart G—Penalties

802.18 Penalties.

Subpart H—Specific Exemptions

802.20 Security records.

AUTHORITY: Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.); and Freedom of Information Act, Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552.

Subpart A—Applicability and Policy

§ 802.1 Purpose and scope.

The purpose of this part is to implement the provisions of the Privacy Act of 1974 (Act) with respect to the availability to an individual of records of the National Transportation Safety Board (NTSB) maintained on individuals, whether the records predate or postdate September 27, 1975, the effective date set forth in section 8 of the Act. NTSB policy encompasses the safeguarding of individual privacy from any misuse of Federal records, or the retention of incorrect data therein. To this end, this part: Provides individuals with access to NTSB records concerning them personally and provides a procedure for correcting errors which might be contained in the records; prohibits the dissemination of such records, except as provided in published routine uses of the named system of records involved, or in exceptions provided in this part or in the Act; and provides for annotating the records with information concerning disagreements, explanations, and resolution thereof, and notifying recipients of disagreements, explanations, and corrections made in such records. The provisions of the Freedom of Information Act (FOIA) shall not curtail any right of access granted an individual under this Act.

§ 802.2 Definitions.

In this part:

"Board" means the five Members of the National Transportation Safety Board, or a quorum thereof;

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

"National Transportation Safety Board (NTSB)" means the agency set up under the Independent Safety Board Act of 1974;

"Record" means any item, collection, or grouping of information about an individual that is maintained under the control of the NTSB pursuant to Federal law or in connection with the transaction of public business, including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or an identifying number, symbol, or other identifying particular assigned to an individual, such as a finger or voice imprint or photograph;

"Routine use" means the use of such record for a purpose compatible with the purpose for which it was collected, including, but not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court referral to potential employers, and for security clearance;

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and which is not used wholly or partially in any determination concerning an identifiable individual;

"System Manager" means the agency official who is responsible for the policies and practices of his particular system or systems of record, as specified in the NTSB notices of systems or records; and

"System of records" means a group of any records under the control of the NTSB from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual, whether presently in existence or set up in the future.

Subpart B—Initial Procedures and Requirements

§ 802.5 Procedures for requests pertaining to individual records in a record system.

The NTSB may not disclose any record to any person or other agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, provided the record under the control of the NTSB is maintained in a system of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other particular assigned to such individual. Written consent is not required if the disclosure is:

(a) To officers or employees of the NTSB who require the information in the official performance of their duties;

(b) Required under 5 U.S.C. 552, Freedom of Information Act;

(c) For a routine use compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for uses pursuant to Title 13, U.S. Code;

(e) To a recipient who has provided the NTSB with advance adequate assurance that the record will be used solely as a statistical research or reporting record and that it is to be transferred in a form not individually identifiable; or

(f) Pursuant to the order of a court of competent jurisdiction.

§ 802.6 Types of requests and specification of records.

(a) *Types of requests.* An individual may make the following request respecting records about himself maintained by NTSB in any system of records subject to the Act:

(1) Whether information concerning himself is contained in any system of records.

(2) Access to a record concerning himself. Such request may include a request to review the record and/or obtain a copy of all or any portion thereof.

(3) Correction or amendment of a record concerning himself.

(4) Accounting of disclosure to any other person or Government agency of any record concerning himself contained in any system of records controlled by NTSB, except (i) disclosures made pursuant to the FOIA; (ii) disclosures made within the NTSB; (iii) disclosures made to another Government agency or instrumentality for an authorized law enforcement activity pursuant to subsection (b)(7) of the Act; and (iv) disclosures expressly exempted by NTSB from the requirements of subsection (c)(3) of the Act, pursuant to subsection (k) thereof.

(b) *Specification of records.* All requests for access to records must reasonably describe the system of records and the individual's record within the system of records in sufficient detail to permit identification of the requested record. Specific information regarding the system name, the individual's full name, and other information helpful in identifying

the record or records shall be included. Requests for correction or amendment of records shall, in addition, specify the particular record involved, state the nature of the correction or amendment sought, and furnish justification for the correction or amendment.

(c) *Inadequate identification of record.* Requests which do not contain information sufficient to identify the record requested will be returned promptly to the requester, with a notice indicating what information is lacking. Individuals making requests in person will be informed of any deficiency in the specification of the records at the time the request is made. Individuals making requests in writing will be notified of any such deficiency when their request is acknowledged.

§ 802.7 Requests: how, when, and where presented; verification of identity of individuals making requests; accompanying persons; and procedures for acknowledgment of requests.

(a) *Requests—general.* Requests may be made in person or in writing. Assistance regarding requests or other matters relating to the Act may be obtained by writing to the General Manager, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594. The General Manager or his designee, on request, will aid an individual in preparing an amendment to the record or to an appeal following denial of a request to amend the record, pursuant to subsection (f)(4) of the Act.

(b) *Written requests.* Written requests shall be made to the General Manager at the address given above, and shall clearly state on the envelope and on the request itself, "Privacy Act Request," "Privacy Act Statement of Disagreement," "Privacy Act Disclosure Accounting Request," "Appeal from Privacy Act Adverse Determination," or "Privacy Act Correction Request," as the case may be. Actual receipt by the General Manager, or his designee, shall constitute receipt.

(c) *Requests made in person.* Requests may be made in person during official working hours of the NTSB at the office where the record is located, as listed in the "Notice of Systems of Records" for the system in which the record is contained.

(d) *Verification of identity of requester.* (1) For written requests, the requester's identity must be verified before the release of any record, unless exempted under the FOIA. This may be accomplished by adequate proof of identity in the form of a driver's license or other acceptable item of the same type.

(2) For requests in person, the requester's identity may be established by a single document bearing a photograph (such as a passport or identification badge) or by two items of identification containing name, address, and signature (such as a driver's license or credit card).

(3) Where a request is made for reproduced records which are to be delivered by mail, the request must include a notarized statement verifying the requester's identity.

(e) *Inability to provide requisite documentation of identity.* A requester who cannot provide the necessary documentation of identity may provide a notarized statement, swearing or affirming his identity and the fact that he is aware of the penalties for false statement imposed pursuant to 18 U.S.C. 1001, and subsection (i)(3) of the Act. Where requested, the General Manager, or his designee, will assist the requester in formulating the necessary document.

(f) *Accompanying persons.* A requester may wish to have a person of his choice accompany him to review the requested record. Prior to the release of the record, the NTSB will require the requester to furnish the General Manager, or his designee, with a written statement authorizing disclosure of the record in the accompanying person's presence.

(g) *Acknowledgment of requests.* Written requests to verify the existence of, to obtain access to, or to correct or amend records about the requester maintained by NTSB in any system of records subject to the Act, shall be acknowledged in writing by the General Manager, or his designee, within 3 working days after the date of actual receipt of the request by the General Manager, or his designee. The acknowledgment shall advise the requester of the need for any additional information to process the request. Wherever practicable, the acknowledgment shall notify the individual whether his request has been granted or denied. When a request is made in person, every effort will be made to determine immediately whether the request will be granted. If such decision cannot be made, the request will be processed in the same manner as a written request. Records will be made available for immediate inspection whenever possible.

Subpart C—Initial Determination

§ 802.8 Disclosure of requested information.

(a) The System Manager may initially determine that the request be granted. If so, the individual making the request shall be notified orally, or in writing, and the notice shall include:

(1) A brief description of the information to be made available;

(2) The time and place where the record may be inspected, or alternatively, the procedure for delivery by mail to the requesting party;

(3) The estimated cost for furnishing copies of the record;

(4) The requirements for verification of identity;

(5) The requirements for authorizing discussion of the record in the presence of an accompanying person; and

(6) Any additional requirements needed to grant access to a specific system of records or record.

(b) Within 10 working days after actual receipt of the request by the General Manager, or his designee, in appropriate cases, the requester will be informed:

(1) That the request does not reasonably describe the system of records or record sought to permit its identification, and shall set forth the additional information needed to clarify the request; or

(2) That the system of records identified does not include a record retrievable by the requester's name or other identifying particulars.

(c) The System Manager shall advise the requester within 10 working days after actual receipt of the request by the General Manager, or his designee, that the request for access has been denied, and the reason for the denial, or that the determination has been made to grant the request, either in whole or in part, in which case the relevant information will be provided.

Subpart D—Correction or Amending the Record

§ 802.10 Request for correction or amendment to record.

All requests for correcting or amending records shall be made in writing to the General Manager, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594, and shall be deemed received upon actual receipt by the General Manager. The request shall clearly be marked on the evelope and in the letter with the legend that it is a "Privacy Act Correction Request." The request must reasonably set forth the portion of the record which the individual contends is not accurate, relevant, timely, or complete.

§ 802.11 Agency review of requests for correction or amendment of record.

Within 10 working days after actual receipt of the request by the General Manager, or his designee, to correct or amend the record, the System Manager shall either make the correction in whole or in part, or inform the individual of the refusal to correct or amend the record as requested, and shall present the reasons for any denials.

§ 802.12 Initial adverse agency determination on correction or amendment.

If the System Manager determines that the record should not be corrected or amended in whole or in part, he will forthwith make such finding in writing, after consulting with the General Counsel, or his designee. The requester shall be notified of the refusal to correct or amend the record. The notification shall be in writing, signed by the System Manager, and shall include—

(a) the reason for the denial;

(b) the name and title or position of each person responsible for the denial of the request;

(c) the appeal procedures for the individual for a review of the denial; and

(d) notice that the denial from the System Manager is appealable within 30 days from the receipt thereof by the requester to the Board.

The System Manager is alloted 10 working days (or within such extended period as is provided in the section concerning "unusual circumstances" *infra*) to respond to the request for review. If the requester does not receive an answer within such time, the delay shall constitute a denial of the request and shall per-

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the subpoena is returnable; (2) the court ords, which contains the Security Rec- 1973 to enjoin the first set of restrictive

mit the requester immediately to appeal to the Board, or to a district court.

Subpart E—Review of Initial Adverse Determination

§ 802.14 Review procedure and judicial review.

(a) A requester may appeal from any adverse determination within 30 days after actual receipt of a denial from the System Manager. The appeal must be in writing addressed to the Chairman, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594, and shall contain a statement on the envelope and in the appeal: "Appeal from Privacy Act Adverse Determination."

(b) The Board shall make a determination with respect to the appeal within 30 working days after the actual receipt of the appeal by the Chairman, except as provided for in "unusual circumstances" infra.

(c) (1) *Review of denial of access.* If the appeal upholds the denial of access to records, the Board shall: Notify the requester in writing, explaining the Board's determination; state that the denial is a final agency action and that judicial review is available in a district court of the United States in the district where the requester resides or has his principal place of business, or where the agency records are located, or in the District of Columbia; and request a filing with the Board of a concise statement enumerating the reasons for the requester's disagreement with the denial, pursuant to subsection (g) of the Act.

(2) *Review of denial of correction or amendment.* If the appeal upholds the denial in whole or in part for correction or amendment of the record, the same notification and judicial review privileges described in paragraph (c)(1) of this section shall apply.

(d) If the denial is reversed on appeal, the Board shall notify the requester in writing of the reversal. The notice shall include a brief statement outlining those portions of the individual's record which were not accurate, relevant, timely, or complete, and corrections of the record which were made, and shall provide the individual with a courtesy copy of the corrected record.

(e) Copies of all appeals and written determinations will be furnished by the System Manager to the Board.

(f) In unusual circumstances, time limits may be extended by not more than 10 working days by written notice to the individual making the request. The notice shall include the reasons for the extension and the date on which a determination is expected to be forthcoming. "Unusual circumstances" as used in this section shall include circumstances where a search and collection of the requested records from field offices or other establishments are required, cases where a voluminous amount of data is involved, and cases where consultations are required with other agencies or with others having a substantial interest in the determination of the request.

(g) *Statements of Disagreement.* (1) Written Statements of Disagreement may be furnished by the individual within 30 working days of the date of actual receipt of the final adverse determination of the Board. They shall be addressed to the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, and shall be clearly marked, both on the statement and on the envelope, "Privacy Act Statement of Disagreement."

(2) The General Manager, or his designee, shall be responsible for ensuring that:

(i) The Statement of Disagreement is included in the system of records in which the disputed item of information is maintained; and

(ii) The original record is marked to indicate the information disputed, the existence of the Statement of Disagreement, and its location within the relevant system of records.

(3) The General Manager, or his designee, may, if he deems it appropriate, prepare a concise Statement of Explanation indicating why the requested amendments or corrections were not made. Such Statement of Explanation shall be included in the system of records in the same manner as the Statement of Disagreement. Courtesy copies of the NTSB Statement of Explanation and the notation of dispute, as marked on the original record, shall be furnished to the individual who requested correction or amendment of the record.

(h) *Notices of correction and/or amendment, or dispute.* After a record has been corrected or a Statement of Disagreement has been filed, the General Manager, or his designee, shall, within 30 working days thereof, advise all previous recipients of the affected record as to the correction or the filing of the Statement of Disagreement. The identity of such recipients shall be determined pursuant to an accounting of disclosures required by the Act or any other accounting previously made. Any disclosure of disputed information occurring after a Statement of Disagreement has been filed shall clearly identify the specific information disputed and shall be accompanied by a copy of the Statement of Disagreement and a copy of any NTSB Statement of Explanation.

(i) *Disclosure to others of records concerning individuals.* Neither the Board nor other NTSB personnel shall disclose any record which is contained in a system of records maintained by NTSB, by any means of communication, including oral communication, to any person, or to another Government agency, except pursuant to a written request by, or with the prior written consent, of the individual to whom the record pertains, unless disclosure of the record is:

(1) To the Board and NTSB personnel who have a need for the record in the performance of their duties;

(2) Required under the FOIA;

(3) For a routine use published in the FEDERAL REGISTER;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey, or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided NTSB with adequate advance written assurance that the record will be used solely as a statistical research or reporting record and that the record is transferred in a form that is not identifiable with respect to individuals;[1]

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or to the Administrator of the General Services Administration, or his designee, for evaluation to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to NTSB specifying the particular portion of the record desired and the law enforcement activity for which the record is sought;[2]

(8) To any person upon a showing of compelling circumstances affecting the health or safety of any individual;

(9) To either House of Congress or, to the extent of matter within its jurisdiction, to any committee, or subcommittee thereof, or to any joint committee of the Congress, or to any subcommittee of such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(j) *Notices of subpoenas.* When records concerning an individual are subpoenaed or otherwise disclosed pursuant to court order, the NTSB officer or employee served with the subpoena shall be responsible for assuring that the individual is notified of the disclosure within 5 days after such subpoena or other order becomes a matter of public record. The notice shall be mailed to the last known address of the individual and shall contain the following information: (1) The date

[1] The advance written statement of assurance shall state the purpose for which the record is requested and certify that it will be used only for statistical purposes. Prior to release under this paragraph, the record shall be stripped of all personally identifiable information and reviewed to ensure that the identity of any individual cannot reasonably be determined by combining two or more statistical records.

[2] A record may be disclosed to a law enforcement agency at the initiative of NTSB if criminal conduct is suspected, provided that such disclosure has been established as a routine use by publication in the FEDERAL REGISTER, and the instance of misconduct is directly related to the purpose for which the record is maintained.

the subpoena is returnable; (2) the court in which it is returnable; (3) the name and number of the case or proceeding; and (4) the nature of the information sought.

(k) *Notices of emergency disclosures.* When information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the NTSB officer or employee who made or authorized the disclosure shall notify the individual at his last known address within 5 days of the disclosure. The notice shall contain the following information: (1) The nature of the information disclosed; (2) the person or agency to whom the information was disclosed; (3) the date of the disclosure; and (4) the compelling circumstances justifying the disclosure.

Subpart F—Fees

§ 802.15 Fees.

No fees shall be charged for providing the first copy of a record, or any portion thereof, to individuals to whom the record pertains. The fee schedule for other records is the same as that appearing in the Appendix to Part 801 of this chapter, implementing the FOIA, as amended from time to time, except that the cost of any search for and review of the record shall not be included in any fee under this Act, pursuant to subsection (f)(5) of the Act.

Subpart G—Penalties

§ 802.13 Penalties.

(a) An individual may bring a civil action against the NTSB to correct or amend the record, or where there is a refusal to comply with an individual request or failure to maintain any record with accuracy, relevance, timeliness and completeness, so as to guarantee fairness, or failure to comply with any other provision of 5 U.S.C. 552a. The court may order the correction or amendment. It may assess against the United States reasonable attorney fees and other costs, or may enjoin the NTSB from withholding the records and order the production to the complainant, and it may assess attorney fees and costs.

(b) Where it is determined that the action was willful or intentional with respect to 5 U.S.C. 552a(g)(1)(c) or (d), the United States shall be liable for the actual damages sustained, but in no case less than the sum of $1,000 and the costs of the action with attorney fees.

(c) Criminal penalties may be imposed against an officer or employee of the NTSB who fully discloses material which he knows is prohibited from disclosure, or who willfully maintains a system of records without meeting the notice requirements, or who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses. These offenses shall be misdemeanors with a fine not to exceed $5,000.

Subpart H—Specific Exemptions

§ 802.20 Security Records.

Pursuant to, and limited by, 5 U.S.C. 552a(k)(5), the NTSB's system of records, which contains the Security Records of NTSB employees, prospective employees, and potential contractors, shall be exempt from disclosure of the material and the NTSB's handling thereof under subsections (d), (e)(1) and (e)(4)(H) and (I) of 5 U.S.C. 552a.

[FR Doc.76-16133 Filed 6-2-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Back Bay National Wildlife Refuge, Virginia

Proposed special regulations were published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12689), concerning public use, access, and recreation at the Back Bay National Wildlife Refuge for the remainder of calendar year 1976. The proposed regulations would modify the previous criteria for granting vehicular access privileges across the refuge beach and further restrict the hours of vehicular access.

Previous special regulations for Back Bay, 40 FR 12090, expired on December 31, 1975. Only general regulations under Title 50 of the Code of Federal Regulations have been in effect during the interim.

For many years, the Back Bay refuge was open to the public for a number of purposes, and free access to the beach by vehicles was permitted.

In 1961, persons using the refuge for various purposes numbered less than 10,000. During the late 1960's, the development of lands south of the refuge for recreational and residential purposes, and the increase in the availability and popularity of off-road recreational vehicles resulted in a sharply accelerated rate of public activities. By 1970, the number of persons using the refuge had increased to 235,000; and in 1971, to 348,000. All but a small fraction of this increase involved off-road vehicular use over the ocean beach portion of the refuge.

It became evident by 1969 that unlimited public use had resulted in environmental degradation to the extent that a serious conflict existed with respect to the administration of the entire refuge for its intended purposes.

Following careful analysis, it was determined that certain control of vehicular uses of the beach was required to reverse the trend of refuge habitat destruction. Consequently, the U.S. Fish and Wildlife Service adopted regulations in 1973 that required authorized users to obtain permits for access. Recreational vehicle traffic was prohibited. Permits were issued to property owners in the proposed False Cape State Park area, permanent full-time residents of the Outer Banks of North Carolina and their visitors, commercial fishermen, emergency, service and public utility vehicles, and school buses.

Regulations restricting access were unsuccessfully attacked in federal district court after the filing of a lawsuit in 1973 to enjoin the first set of restrictive regulations. In February 1975, the district court ruled that the Department could so limit access. The decision was upheld in July 1975, by the United States Court of Appeals for the Fourth Circuit.

The matter of regulating beach use at Back Bay National Wildlife Refuge has continued to be the subject of considerable discussion and concern by the many persons now denied vehicular access to properties in North Carolina.

This rulemaking would extend limited access privileges to owners of certain improved property, in addition to previous permittees, under a permit system administered by the refuge manager.

The vehicle use restrictions apply to the refuge beach from the north boundary in the vicinity of Virginia Beach, to the south boundary, adjacent to False Cape State Park, a distance of 4.2 miles.

Access would be granted to approximately 42 persons permanently residing, owning, or leasing land in the False Cape State Park acquisition area or permanent, full-time residents of the Outer Banks of Currituck County, North Carolina meeting improved property criteria. This is the major group to which beach access privileges were extended in 1975.

Access would also be granted to approximately 70 owners of certain improved property on the Outer Banks of Currituck County, North Carolina, to and including the Village of Corolla. The number of permits issued is expected to total approximately 110, or about 70 more than were issued under special regulations in 1975.

An environmental assessment, dated December 12, 1975, was prepared by the Fish and Wildlife Service describing the anticipated impacts from increasing the numbers of vehicular users of the refuge beach. After consideration of this preliminary assessment, changes were made in the proposal with a view toward eliminating conflicts with the refuge program that were identified in the assessment. The assessment was correspondingly revised to reflect new provisions of the proposal. Copies of the final environmental assessment are available from the Regional Director, U.S. Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

A restriction of one round trip per day would be imposed, as well as a permit fee of $90, with the revenues being available to the refuge for payment of necessary expenses for administering the permit program. As a direct result of the concerns for the various impacts associated with the initial access proposal, the $10,000 from permit fees and supplemental departmental funding of $50,000 would also be available to the refuge. A policy decision was made that the Department would issue no permits authorizing access through the refuge after December 31, 1979, thus giving notice to other property owners and land developers that alternative routing must be available by that date.

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The additional funding of $60,170, plus the existent budget of $37,700 for a permit program under the 1975 criteria, represents a 160 percent increase in support for administering the permit program, i.e., $97,870 in 1976 compared to $37,700 in 1975. The increase in funding would offset administrative costs of the permit system at the refuge, help to relieve the burden of previous years on other refuge programs at Back Bay, and provide for substantially increased enforcement generally, including better control of trespassers, to allow management personnel to attend to refuge resource management programs. There will be four enforcement employees under the 1976 permit program instead of only one as under the 1975 program.

October 6, 1975, was established as the cutoff date for having to meet certain criteria before individuals could qualify for the privilege of a permit. That date—representing the day that the former litigation over access came to an end—was considered to be an equitable resolution of the question as to an appropriate point in time for determining eligibility for access permits. It was the last day that an appeal could have been filed from the July 7, 1975, decision of the United States Court of Appeals for the Fourth Circuit. March 2, 1972, was the last day that mobile homes could be situated on the Outer Banks under local zoning ordinances.

Public comments on the proposed rulemaking were invited. All comments submitted by April 26, 1975, were given due consideration. In summary, the 142 comments received included 108 comments opposing increased access, 22 comments supporting the proposal with minor modifications, and 12 comments requesting that no restrictions be placed on property owner access.

It is recognized that major concerns regarding vehicular access across the beach at the Back Bay National Wildlife Refuge are that resource management programs have been neglected for the past several years in order to support the beach travel regulation effort and that use of the beach for nesting of shorebirds and by other wildlife will be discouraged.

Having carefully considered these impacts and weighed all of the environmental and other consequences of this proposal, including consideration of recommendations and comments from the public, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Solicitor of the Department of the Interior, it is found that any impacts from an anticipated 70 more vehicles on the refuge beach will be offset or minimized by additional funding, manpower, and restrictions on access. This conclusion is also reached after considering options to limit beach access to those parties eligible under the special regulations of 1975, restrict all vehicular access to the beach, and other alternatives referenced in the environmental assessment and discussed in the environmental impact statement, FES 72-33. Based on a review and evaluation of the aforementioned input, including the environmental assessment and environmental impact statement, it is found that:

(1) The impact on refuge administration will be minimal due to $50,000 in additional departmental funding and approximately $10,000 income from permit fees, a 160 percent increase in support of the permit program. This additional money will offset administrative costs of the permit system at the refuge, help to relieve the burden of previous years on other refuge programs at Back Bay, and provide for substantially increased enforcement generally, including better control of trespassers, to allow management personnel to attend to refuge resource management programs. There will be four enforcement employees under this permit program as compared to only one under the 1975 program. The increased funding and restrictions on access will reduce the adverse impacts of the proposal to a level commensurate with, if not less than, the impacts under the 1975 permit program;

(2) The environmental impacts associated with this proposal involve an approximate increase of 70 vehicular permits beyond the previously qualified group of 42. While there is an increase in the number of permitted vehicles, there will be a new control on overall impacts compared to the 1975 program because the travel periods are being reduced from 15 hours per day (6 a.m. to 9 p.m.) of unlimited trips to two, three-hour periods with permittees restricted to one round trip per day. The increase in vehicles is a minor influx over restricted access to Back Bay previously sanctioned by the courts. Access to approximately 110 vehicles represents an inconsequential use of the beach as compared to the 20,000 vehicles which used the beach in the summer of 1972 or use of off-road vehicles over the ocean beach portion of the refuge by over 100,000 persons in 1971;

(3) The unfavorable impacts on beach-oriented wildlife will be temporary in nature and not lasting or irreversible. Populations of wildlife should respond when vehicular access permits are no longer issued after December 31, 1979, since the basic habitat components are not limited by disturbance or destruction;

(4) The impacts on the physical environment of the beach will be minimal;

(5) The refuge manager can close the beach to promote public safety or prevent potential beach or dune destruction during extreme high tides, storms, or other emergencies;

(6) Greater manpower, for enforcement efforts, made possible by the additional funding, should counter the potential for accidental damage to the dunes from increased numbers of vehicles;

(7) While the policy of the Department will be to issue no more access permits to Back Bay National Wildlife Refuge after December 31, 1979, this rulemaking is not a commitment to an access program following the termination of these rules on December 31, 1976. The 1976 permit program will be reviewed upon its completion to ascertain if its impacts are anything but minimal as indicated by the current environmental assessment;

(8) Access to the refuge is a privilege, and not a right, granted under authority of the National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. 668dd et seq. This privilege may be withdrawn at any time and, in any event in this case, will terminate in seven months. While the impacts articulated in the environmental assessment are expressed in terms of an annual permit program, the associated effects of this rulemaking will involve much less than one year since the regulations expire on December 31, 1976, seven months hence;

(9) The use of the refuge for this limited, restricted, and controlled access is compatible with the major purposes for which the refuge was established within the meaning of 16 U.S.C. 668dd of the National Wildlife Refuge System Administration Act;

(10) Negative Declaration: Allowance for this restricted access across the Refuge is not a major federal action which would significantly affect the quality of the human environment within the meaning of 42 U.S.C. 4332(2)(C) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement on the proposed action is not required.

As a result of comments received during the public comment period, the following changes have been made:

1. In paragraph (b)(3), not more than two (2) permits may be issued for an improved property having more than one owner of record as of October 6, 1975, provided such owners are not in the same immediate family, i.e., spouse or minor children;

2. In paragraph 5(i)(b), criteria for determining "improved property" have been amended to require proof of taxes levied and paid as improved properties;

3. In paragraph 5(ii)(a), clarification is made of the eligibility criteria, nature of permit, and amount of fee required for access privileges as a commercial fisherman;

4. Section 8 lists those requirements for vehicles under permit, while on the refuge beach;

5. Section 9 requires mandatory revocation of vehicular access permits for failure to observe regulations pertaining to the refuge;

6. New section 10 requires revocation of permits described in 5(i)(a) and (b) in the event alternate access is provided during the permit period;

7. Additional minor modifications constitute administrative clarifications of the proposed regulations.

The Administrative Procedure Act requires that publication of substantive rules be made 30 days before their effective date except, "as otherwise provided by the agency for good cause found and published with the rule." 5 U.S.C. 553(d)(3). Because (1) there are no special regulations governing public access, use, and recreation for the Back Bay National Wildlife Refuge, such regulations having expired on December 31, 1975, (2) a hardship would result to permanent full-time residents, certain improved property owners, certain full-time commercial fishermen whose livelihood depends on crossing the refuge, and individuals needing the services of school buses and service and public utility vehicles, should these special access regulations be delayed, and (3) the warmer weather and advancing tourist season will place great demands on the refuge administration for access and use of the refuge, it is hereby found that good cause exists to make these rules effective on June 3, 1976.

(16 U.S.C. 668dd; 16 U.S.C. 460k-3; and 16 U.S.C. 715s.)

Accordingly, with the changes and additions referred to above, the special regulations are adopted as set forth below and are effective during the period from June 3, 1976, through December 31, 1976.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

VIRGINIA

BACK BAY NATIONAL WILDLIFE REFUGE

(a) *General Use.* (1) Entry on foot or by motor vehicle on designated travel routes in public use areas is permitted for the purpose of nature study, sightseeing, wildlife observation, photography, hiking, surf fishing, surfing, swimming, and bicycling during daylight hours.

(2) Swimming and surfing are permitted only on that portion of the beach lying between the north boundary of the refuge and the dune crossing at the field headquarters. No lifeguards are provided. Swimming and surfing will be at the visitor's own risk.

(3) The parking lot at the field headquarters is reserved for persons engaged in surf fishing and nature study. Surf fishing is permitted in accordance with applicable State regulations.

(4) Open fires are not permitted. Portable grills with a contained fuel supply are permitted on the beach north of the field headquarters.

(5) Pets on a leash not exceeding 10 feet in length are permitted on refuge public use areas.

(6) Bicycles and registered motor vehicles are permitted on the paved refuge access road and on the parking area at field headquarters. All other types of motorized vehicles are prohibited except as specifically authorized pursuant to these regulations.

(b) *Access Permits.* (1) Access to and travel along the ocean portion of the refuge by motorized vehicles may be allowed between the dune crossing entrance at the field headquarters and the south boundary of the refuge only after a permit has been issued by the refuge manager or his designated representative.

(2) Permits will be issued for such period of time as appears justifiable to the refuge manager, taking into account the need for and duration of access required by the applicant. In no case will the permit remain in effect beyond December 31 of the year in which it is granted. Permits may be renewed upon the submittal of a proper application and the payment of required fees.

(3) No more than one permit per piece of improved property or per owner of multiple properties as defined herein will be issued to owners of such property meeting the specified qualifications, as determined by the refuge manager, except that not more than two permits may be issued for an improved property meeting the specified qualifications having more than one owner of record as of October 6, 1975, provided that such owners are not in the same immediate family, i.e., spouse or minor children. Permits must be permanently displayed at all times while on refuge property in such a manner as to be readily visible on any motor vehicle. Permits shall be nontransferable. No more than one vehicle owned by the permit holder shall be registered with the refuge manager for use in accordance with these regulations. That vehicle shall be operated only by the permit holder or a member of his immediate family and household on the refuge beach.

(4) All permittees qualifying as described in 5(i)(a) and (b) and (ii)(a) below are required to pay a $90.00 fee per permit to defray cost of administering the permit program prior to the granting of a permit for the privilege of vehicular access across the refuge beach.

(5) Permits will be issued only to those owners of property and non-residential users who meet the following qualifications:

(i) *Residential.* (A) To persons now residing on, owning, or leasing land with permanent habitable dwelling south of the refuge in the False Cape State Park acquisition area, Virginia.

(B) To owners as of October 6, 1975, of improved property on the Outer Banks of Currituck County, North Carolina, from the North Carolina line south to and including, the village of Corolla, North Carolina, which improved property met the following criteria:

(*1*) *Mobile Homes:* Mobile homes having minimum dimensions of 8′ x 32′ located on a lot prior to March 2, 1972, and for which real and personal property taxes have been levied and paid as of October 6, 1975;

(*2*) *Dwellings:* A habitable abode on which taxes in excess of those paid on unimproved land have been levied and paid as of October 6, 1975.

(3) The burden of proof of showing that a mobile home or dwelling meets these qualifications shall be on the property owner by presentation of appropriate documentation.

Such permitted vehicles shall be restricted to one round trip per day. Travel is restricted to the designated route of travel between the hours of 6 am to 9 am and 5 pm to 8 pm.

(ii) *Non-residential:* (A)(*1*) To full-time commercial fishermen who have verified their dependence for a livelihood since on or before 1972 upon ingress, egress or crossing refuge land. Not more than three (3) special use permits for commercial fishing on the refuge will be in force at one time. Selection of refuge fishing permits will be determined by a lottery when the number of qualified applicants, as described above, exceeds the number of permits available.

(*2*) *Commercial fisherman:* a commercial fisherman shall be described as one who performs the act of harvesting finfish by gill net or haul seine in the Atlantic Ocean, and who has owned and operated a commercial fishing business since on or before 1972.

(B) For a school bus transporting resident students to and from the False Cape area during the school term.

(C) For service vehicles on business calls during the hours of 8 am to 5 pm, Monday through Friday, upon written verification of a request from a resident as described in (b)(5)(i) above.

(*iii*) *Service vehicles.* Any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged entirely in the business of furnishing construction, maintenance, or repair services, including but not limited to building, plumbing, septic tanks, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection, and delivery services.

(D) For public utility vehicles on official business calls upon written verification of a request from a resident as described in (6)(5)(i) above.

(iv) *Public utility vehicles:* Any vehicles owned or operated by a public utility company enfranchised to supply Outer Banks residents with electricity or telephone service.

(6) Excluded from the restrictions of these regulations are any military, fire, emergency, or law enforcement vehicle when used for emergency purposes and official use by an employee, agent, or designated representative of the Federal, State, or local government in the course of his official duties.

(7) In an emergency, the refuge manager may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, adverse weather conditions or high tides, the refuge manager may close all or any portion of the refuge to vehicular travel for such period as he shall deem advisable in the interest of public safety, or may adjust the periods of access otherwise prescribed pursuant to (5)(i)(b) above.

(8) (i) The refuge manager may prescribe restrictions as to the types of vehicles to be permitted to insure public safety and adherence to all applicable rules and regulations.

(ii) All vehicles registered with the refuge manager must be equipped with four-wheel drive or oversand tires and carry, at all times on the refuge beach a shovel, jack, tow rope or chain, board or

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similar support for the jack and a low-pressure tire gauge.

(9) Violators of these special regulations and all other regulations pertaining to the Back Bay National Wildlife Refuge will be subject to legal action as prescribed by 50 CFR 28.31, including mandatory revocation by the refuge manager of such permits for the duration of the permit period. Such revocation shall constitute forfeiture of the $90.00 permit fee.

(10) All permits issued under 5(i)(a) will be terminated in the event that alternate access is provided during the permit period.

(11) The provisions of this special regulation are effective through December 31, 1976. They supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50.

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke Bldg., Suite 218, 257 Pembroke Office Park, Virginia Beach, Virginia 23462, from the Regional Director, U.S. Fish and Wildlife Service, U.S. Post Office and Courthouse. Boston, Massachusetts 01209.

KENT FRIZZELL,
Under Secretary.

MAY 27, 1976.

[FR Doc.76-16023 Filed 6-2-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2000]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determination for the Borough of Burnham, Mifflin County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Burnham, Mifflin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Office, 1st Avenue, Burnham.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert H. Aurand, First Avenue, Burnham, Pennsylvania 17009. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation, in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Hungry Run	Oak St. (extended)	528	230	40
	Pine St.	525	90	190
	Unnamed road	524	100	190
	Unnamed road	524	130	160
	Unnamed road	523	100	200
	Walnut St.	516	40	310
	Confluence with Kishacoquillas	510	20	1,160
Kishacoquillas Creek	Corporate limits	528	(1)	(2)
	6th St. (extended)	527	250	(2)
	5th St. (extended)	526	590	720
	4th St. (extended)	525	500	(2)
	3rd St. (extended)	524	500	(2)
	2nd St. (extended)	523	520	
	Freedom Ave.	512	830	830
	4th St. (extended)	506	10	900
	Dry Walnut Ave.	502	20	700

[1] Penn Central RR.
[2] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15931 Filed 6-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1197]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determination for the Borough of Plymouth, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Plymouth, Luzerne County, Pennsylvania.

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Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Lobby in the Municipal Building, 162 Shawnee Avenue, Plymouth.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Edward F. Burns, Municipal Building, 162 Shawnee Avenue, Plymouth, Pennsylvania 18651. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Hanover St. (Fellows St.) Bridge	544	(1)	300
	Bridge St. (State Route 309)	545	(1)	25

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 76–15930 Filed 6–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1196]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determination for the Borough of Royalton, Dauphin County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Royalton, Dauphin County Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has relegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Royalton Borough office, Burd and Dock Streets, Middletown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William F. Clouser, Royalton Borough office, Burd and Dock Streets, Middletown, Pennsylvania 17057. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing within corporate limits
Susquehanna River	Southwest corporate limits	299	360
	End of Old Donegal St. (extended southwest to corporate limits).	299	620
Swatara Creek	Northeastern corporate limits	302	460
	Grubb St.	299	480
	Penn Central R.R.	299	200
	Route 441	299	270
	Swatara St.	299	290
	Penn St. (extended)	299	675
	Market St. (extended)	299	600

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15928 Filed 6–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1199]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determination for the Borough of Kingston, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Kingston, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the stautory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Building, 500 Wyoming Avenue Kingston, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Charles A. Bankes, Mayor, 500 Wyoming Avenue, Kingston, Pennsylvania 18704. The period for comments will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Church St. (extended)	551		500
	James St. (extended)	550		500
	North St. Bridge	549		440
	Market St. Bridge	548		900

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15929 Filed 6–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1198]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determination for the Township of Pine Creek, Clinton County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Pine Creek, Clinton County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Building, Penn Avenue, Pine Creek.

Any person having knowledge, information, or wishing to make a comment

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on these determinations should immediately notify Mr. Curtis W. Getz, Chairman of the Board of Supervisors, P.O. Box 61, Woolrich, Pennsylvania 17779. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River.	Township Road 131	550	400	
	Maryland St	556	5,000	
Pine Creek	Sixth Ave	556		3,600
	Fifth Ave	556		3,600
	Tiadaghton Ave	555		2,000+
	Valley View Rd	562		800
	Dutch Hollow Rd	566		1,000
Chatham Run	Gravel Hill Road (Township Road 439)	(1)	350	100

[1] Zone A.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15927 Filed 6–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1195]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determination for the City of Sunbury, Northumberland County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Sunbury, Northumberland County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the lobby in the City Hall, Municipal Building, 225 Market Street, Sunbury, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Donald R. Morgan, City Hall, 225 Market Street, Sunbury, Pennsylvania 17801. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Shamokin Creek	Route 147	444		180
	Penn R.R.	444		110
	10th St.	444		140
	State Route 61 (upstream)	448		460
Susquehanna River	Dam (upstream)	446	50	
	Route 25 (upstream)	447	40	
	Reading R.R.	448	80	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15932 Filed 6–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2001]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determination for the Township of Buffalo, Union County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Buffalo, Union County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Secretary's office, R.D. 2, Lewisburg.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John C. Snyder, Chairman of the Board of Supervisors, R.D. 2, Lewisburg, Pennsylvania 17837. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Buffalo Creek	East corporate limits	462	(1)	440
	North 16th St	462	(1)	640
	Strawbridge Rd	464	(1)	80
	Extention of unnamed and unimproved road.	466	(1)	220
	Private road	469	(1)	60
	LR 59020	473	(1)	60
	LR 628	490	400	360
	LR 59035	501	1,120	40
	Route 192	523	420	340
	T 361 (extended)	526	520	520
	West corporate limits	528	440	380
North Fork Limestone Run.	Corporate limits	462	240	160

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15933 Filed 6–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1194]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Flood Elevation Determinations for the City of Franklin, Wisconsin

The Federal Insurance Administration, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Franklin, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Franklin, Wisconsin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 9229 West Loomis, Franklin, Wisconsin 52132.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Theodore Fadrow, City Hall, 9229 West Loomis, Franklin, Wisconsin 52132. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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these meetings the Notice of Inquiry was

9. In response to the Notice of Inquiry

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Root River	W. Rawson Ave	122	340	60
	West Drexel Ave	115	60	480
	West Ryan Road	106	180	30
	West Oakwood Rd	102	1,980	220
	South 60th St	101	1,280	290
	West South County Line Road: upstream side of road.	99	700	60
Tess Corners Creek	West St. Martin's Rd.:			
	Upstream side of road	189	120	80
	Downstream side of road	188	100	60
	North Cape Rd.:			
	Upstream side of road	186	40	120
	Downstream side of road	185	100	100
Tess Corners Creek	West Forest Home Ave.:			
	Upstream side of road	179	210	140
	Downstream side of road	178	180	220
East Branch Root River	Trailer Park Rd	177	80	100
	West Rawson Ave	165	270	180
	West Drexel Ave.:			
	Upstream side of road	135	40	40
	Downstream side of road	135	60	40
	South 51st St.:			
	Upstream side of road	134	130	100
	Downstream side of road	133	140	30
Woods Creek	West College Ave	178	40	220
Oak Creek	West Puetz Rd.: (downstream side of road).	169	120	110
	Crest Ct	166	180	80
	West Maplecrest Dr	165	380	40
	West Glenwood Dr	164	530	100
	West Woodward Dr.:			
	Upstream side of road	155	200	120
	Downstream side of road	155	420	180
	West Southland Dr.:			
	Upstream side of road	152	160	40
	Downstream side of road	151	20	50
	West Ryan Rd.:			
	Upstream side of road	131	200	160
	Downstream side of road	130	40	30
	South 31st St.:			
	Upstream side of road	118	340	310
	Downstream side of road	117	50	170
	South 27th St.: Upstream side of road	113	60	460

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15934 Filed 6–2–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76–RM–12]

ALTERATION OF TRANSITION AREA

Quirt Intersection

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Jackson, Wyoming.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before July 6, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

Additional controlled airspace is required to protect aircraft in holding patterns established at the Quirt Intersection.

In consideration of the foregoing, the FAA proposes the following airspace action:

In FAR 71.181 (41 F.R. 440) amend the description of the 1200 foot transition area to read as follows:

• • • and that airspace extending upward from 1200 feet above the surface within 8 miles west and 12 miles east of the Jackson VOR 020° radial extening from the VOR to 38.5 miles north of the VOR; within 5 miles each side of the Jackson VOR 107° radial extending from the VOR to 15 miles east of the VOR; and within 6 miles north and 9 miles south of the Dunoir, Wyoming, VOR 102° and 282° radials extending from 8 miles east to 21 miles west of the Dunoir VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Aurora, Colorado, May 24, 1976.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.76–16064 Filed 6–2–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–RM–5]

TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 76–14951 appearing on page 21203 of the issue for Monday, May 24, 1976, the description of the Hayden, Colorado transition area contains several errors, and should read as follows:

HAYDEN, COLORADO

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Hayden, Colorado, VOR 248° radial extending from the VOR to 18 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at 40°06'00'' N., longitude 107°00'00'' W.; to latitude 40°43'00'' N., longitude 107°00'00'' W.; to latitude 40°43'00'' N., longitude 107°45'00'' W.; to latitude 40°35'00'' N., longitude 107°45'00'' W.; to latitude 40°35'00'' N., longitude 108°08'00'' W.; to latitude 40°22'00'' N., 108°08'00'' W., to latitude 40°-22'00'' N., longitude 107°45'00'' W., to latitude 40°07'30'' N., longitude 107°45'00'' W.; thence along the north edge of V–200 to the point of beginning.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2 and 87]

[Docket No. 20123; FCC 76–461; RM–2622]

AERONAUTICAL ADVISORY FREQUENCIES

Utilization and Assignment

In the matter of utilization and assignment of aeronautical advisory frequencies.

Amendment of Part 87 of the FCC rules and regulations regarding utilization and assignment of the aeronautical advisory and aeronautical multicom frequencies.

1. This Notice of Proposed Rule Making covers the above two matters which are essentially the same. Under Docket 20123 the Commission published a Notice of Inquiry in the FEDERAL REGISTER on August 14, 1974, (39FR29221). The period for comments and reply comments has passed.

2. On November 11, 1975, the Aircraft Owners and Pilots Association (AOPA) petitioned the Commission concerning this matter. That petition has been assigned RM–2622. They requested expedited action on Docket 20123 and proposed a specific frequency plan. This plan is presented and discussed in paragraphs 19 and 20 of this Notice.

3. The purpose of the Notice of Inquiry (Docket 20123) was "• • • to review problems relating to the growing congestion on the frequency 122.800 MHz assigned to aeronautical advisory stations (called unicoms) at uncontrolled airports. These stations are used for advisory and civil defense communications primarily with private aircraft stations." Based upon the comments received, and the petition by AOPA, the Commission now proposes a realignment of certain frequencies within the frequency band of 121.9625–123.0875 MHz.

4. As pointed out in the Notice of Inquiry the congestion on the primary unicom frequency (122.800 MHz[1]) has been steadily increasing for the past decade. The congestion has grown to the point that Safety of Flight may be compromised, particularly in the more densely populated areas of the United States.

5. Preliminary meetings were held with the Federal Aviation Administration (FAA) industry liaison representatives and aviation user groups. As a result of these meetings the Notice of Inquiry was developed and subsequently adopted by the Commission on July 31, 1974, to solicit comments that would first confirm the problem and second, serve as a basis for the design of an effective and equitable solution.

6. Frequencies in the band 121.9625–123.0875 MHz are allocated for use by private aircraft. Ground stations are permitted operation on these frequencies for the purpose of providing service to private aircraft operation. The latter provision permits the FAA to operate Air Traffic Control stations and non-Government licensees to operate advisory and multicom stations in the band. The Notice of Inquiry was concerned primarily with the portion of the band from 122.800 MHz to 123.075 MHz, which is listed below by frequency and present authorized use. Based upon a November 1975 count, the approximate number of assignments for each frequency are as listed:

		Assignments
122.800	Aeronautical Advisory at fields without a tower or Flight Service Station (FSS)	2,044
122.825	Air Traffic Control [1]	
122.850	Aeronautical Advisory high altitude [2]	90
122.875	Air Traffic Control [1]	
122.900	Multicom	[3] 626
122.925	Multicom-Natural Resources	
122.950	Aeronautical Advisory high altitude [2]	43
122.975	Air Traffic Control [1]	
123.000	Aeronautical Advisory at tower or FSS fields	439
123.025	Air Traffic Control [1]	
123.050	Aeronautical Advisory Helicopter	206
123.075	Air Traffic Control [1]	

[1] No plans at this time by FAA for use as air traffic control frequencies although so designated. Hence it is being considered for aeronautical advisory or other private aircraft use.

[2] Frequencies referred to as high altitude are for use when communicating with aircraft which are at altitudes greater than 10,000 feet above field elevation. These frequencies are assigned in addition to either 122.800 or 123.000 MHz. These frequencies may also be assigned to airfields not open to the public.

[3] Government participation.

7. Over the years, unicom has been expanded to include five frequencies. The frequencies 122.800 and 123.000 MHz are standard unicom; 122.800 MHz, where there is no control tower or FAA flight service station at the landing area and 123.000 MHz where there is a control tower or FAA flight service station at the landing area. The frequency 123.050 MHz is assigned to heliports. The frequencies 122.850 and 122.950 MHz are for additional assignment when such additional assignment is requested for communication with aircraft at altitudes greater than 10,000 feet above the runway elevation and for assignment to private fields. In addition to these five unicom frequencies, the frequency 122.9 is termed multicom and is assigned for the purpose of directing activities air-to-air, air-to-ground or ground-to-air, such as agriculture, ranching and conservation, forest fire fighting, advertising, and parachute jumping. The frequency 122.925 MHz was recently made available for multicom use on natural resources programs.

8. Separating these special purpose communications as discussed above has not provided a corresponding distribution of usage. The special frequencies are being used very lightly while the congestion on 122.800 MHz grows daily. For example, records show 90 assignments for 122.850 MHz and 43 assignments for 122.950 MHz throughout the entire nation. On the other hand, there are 2044 unicom ground stations in the country operating on 122.800 MHz. An informal survey made by the FAA in 1973 of New York aeronautical charts of an area 50NM in radius around New York City revealed that of the 123 unicoms listed on the map, there was one ground station on 122.950 MHz, one on 122.850 MHz, three on 123.050 MHz, nineteen on 123.000 MHz, and ninety-nine on 122.800 MHz. This means two air fields closed to all public traffic had the exclusive use of two frequencies; three heliports laid claim to a third frequency of their own; and the pilots flying into and out of 99 public-use air fields must operate on a single frequency—122.800 MHz. While we realize the figures are not exact, we believe they are still representative of the unequal loading on the frequencies.

9. In response to the Notice of Inquiry 131 comments were received. There was one reply comment filed on behalf of the Aerospace and Flight Test Radio Coordinating Council (AFTRCC).

10. While not all replies alluded to the fact of congestion on 122.800 MHz, the vast majority either agreed directly that there was congestion or this fact could be directly concluded from other statements made. There were three respondents who noted that in their particular part of the country there was not a congestion problem. These three comments were from personnel whose flying was in the more sparsely populated areas.

11. Generally most respondents felt that the uncontrolled airports should be assigned only 100 kHz channels.[1] A large segment also felt that 50 kHz channels could be assigned to controlled airport unicoms with less adverse effect, in that most aircraft utilizing those locations were already equipped with 360 channel equipment. This concept would require the fixed base operators at these locations to change frequencies. Several comments noted that this would be much less expensive than any alternative plan which would necessitate a large number of aircraft changing to 360 or 720 channel equipment.

12. With a few exceptions all respondents felt that 25 kHz channels are undesirable at uncontrolled airports. The same was true to a lesser degree for the controlled airport unicoms. There were some suggestions that the 25 kHz channels within the aeronautical advisory band be introduced in a variety of optional methods as an inducement for personnel to gradually convert to the 25 kHz equipment.

13. Forty-six respondents felt that convenience type communications should be allowed on the aeronautical advisory frequencies, i.e., calls concerning food, lodging and transportation. Some personnel were concerned about radio usage to determine aircraft maintenance and fuel availability. The Commission feels that communications concerning maintenence and fuel are already covered in the "safe and expeditious operation of aircraft" and, hence, are not a matter of consideration at this time. There were only two respondents who felt the removal of convenience type communications, such as ordering a cab or requesting information on hotels or restaurants,

[1] For the purpose of this docket whenever the term "100 kHz channel" or "100 kHz frequency" is used, a frequency ending in ".X00" is meant. As an example: 122.700, 122.800, 123.000 or 123.000 MHz. When the term "50 kHz channel" or "50 kHz frequency" is used, a frequency ending in ".X50" is meant. As an example: 122.750, 122.850 or 123.050 MHz. When the term "25 kHz channel" or "25 kHz frequency" is used, a frequency ending in ".X25" or ".X75" is meant. As an example: 122.925, 122.975 or 123.075 MHz. Further, reference to 360 channel equipment indicates that this equipment normally will tune to 50 kHz in addition to 100 kHz channels. Reference to 720 channel equipment indicates that the equipment will tune to 25 kHz, 50 kHz and 100 kHz channels.

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would help alleviate the congestion. Most of those commenting on this, however, were in favor of retaining convenience communications and felt that this service provided them with considerable saving of time.

14. Several comments were received pointing out that general aviation had a disproportionately small frequency assignment. Along this same line, several suggestions were received to utilize frequencies assigned to other aviation services, for one reason or another. While the Notice of Inquiry did not propose consideration of frequencies other than those listed in paragraph 6, we have reviewed all suggestions made.

15. There were several comments received concerning the 25 kHz channels between 122.800 and 123.100 which are presently designated for air traffic control use. It was felt by all persons commenting on this item that they should be redesignated for either unicom or multicom use; either present or future.

16. In general all helicopter users and associations which include helicopter owners/users strongly supported retention of 123.050 MHz for unicom for helicopters. It was further pointed out by several commenters that due to the rapid growth of helicopters that in addition at least one additional 25 kHz frequency should be designated for helicopters to split the load in areas where congestion is already or soon will be occurring.

17. There were a number of proposals made concerning the multicom service including several recommendations to utilize 122.900 MHz for unicom. There were also recommendations to utilize a 50 kHz channel for multicom in lieu of 122.900 MHz. Conversely there were recommendations to retain 122.900 MHz for use of multicom.

18. Many people expressed the feeling that some form of splitting the load that 122.800 MHz carries was the solution. Their method of accomplishing this was proposed in several different manners. In an effort to obtain additional 100 kHz channels the use of instructional or flight test frequencies was suggested but not widely supported. We are inclined to agree that more frequencies are needed for uncontrolled airports and that 100 kHz channels are desirable. Certainly the safety related communications provided at uncontrolled airports support these arguments.

19. One method of obtaining more frequencies for unicoms has been proposed in the AOPA petition, RM 2622. This involves transferring a band segment of 122.6875—122.7875 mHz which is utilized presently for communication with flight service stations to unicom and multicom use. This would require those flight service stations presently on 122.7 and 122.75 MHz to be changed to other flight service station frequencies. The AOPA supported this proposal with these remarks:

> With regard to the transfer of the 127 MHz (sic, 122.7 MHz) channels from the FSS, where the FAA currently has them, this should pose no great problem since the FAA was able to transfer three 100 kHz channels from the control tower guard category for general aviation to FSS use as aircraft in the fleet obtained more multichannel equipment. These channels were 122.4, 122.6 and 122.7 MHz. The need for additional channels in the aeronautical advisory service is more pressing than that of the FSS, which is expected to lessen somewhat as the FSS modernization program moves along. Thus, the shift of the 127 Mhz (sic, 122.7 MHz) channels to aeronautical advisory is logical and in the interest of maximum frequency utilization. We believe that this is the main point of objection raised by the FAA to the proposals made in connection with the Notice of Inquiry. The objection is not valid in our view.

20. Some of the proposals made by AOPA in RM-2622 are presented here by quotation, in part, of their petition.

> The recommendation set forth below will require a change in a number of frequency assignments. It is recognized that any change to the existing setup will require frequency changes, but it is believed that the impact can be minimized if the changes are made at time of station license renewal or on issuance of license to new stations. The fact that some functions will be sharing channels during the transition is not considered to be of serious impact.
>
> We are recommending to FAA and NOAA that sectional and local charts carry the actual frequency assigned to aeronautical advisory stations, rather than a designation such a "U-2" as is the current procedure.
>
> The thrust of our recommendations is to provide three 100 kHz channels, 122.7, 122.8 and 123.0 mHz, for assignment on a geographic spaced basis to airports that now have 122.8. The selection of 100 kHz channels for these airports is based on the premise that most of the aircraft with limited channel equipment are based at or use these airports.
>
> This will require that the channels 122.700, 122.725, 122.750, 122.755 MHz be reassigned from air traffic control operations to aeronautical advisory use. Further, the six 25 kHz spaced channels 122.825, 122.875, 122.925, 122.975, 123.025 and 123.075 should have their designation in the Rules changed from "air traffic control" to "aeronautical advisory" or "multicom" as appropriate. They were designated for air traffic control in the process of the rule making on 25 kHz aeronautical communications, although no mention was made of that intent in the proposed rule making. We therefore contend that these channels should be changed to reflect the usage of the band, i.e., aeronautical advisory or multicom. One of these channels (122.925) already has been designated for environmental operations.
>
> The aeronautical advisory stations on airports where there is a control tower should be shifted to 122.95 MHz, replacing the previous 123.0 assignment. This is based on the premise that aircraft based at control tower airports are more likely to have more sophisticated equipment and could better accommodate the 50 kHz spaced channel.
>
> The present multicom assignments on 122.9 and 122.925 MHz would not be changed. Present use of both 122.85 and 122.95 for private use airports or high altitude unicom should be phased out.
>
> The present use of 123.05 MHz for heliports should be continued.
>
> We strongly recommend that the use of the aeronautical advisory channels for information relating to the flight and servicing of the aircraft, including arrangements for ground transportation, service and related information be continued as an authorized use of the frequencies.
>
> Air-to-air communications continue to pose a problem and are necessary to different types of general aviation flying activity. Examples include formation flights, glider towing, coordination of fire fighting operations, coordination of group flights, etc. We believe that air-to-air should be conducted on the same channel assigned to the base airport as much as possible. For operations conducted away from the base airport, 122.75 MHz is recommended.
>
> Various 25 kHz spaced channels, as indicated below, would be available for expansion and assignment to the various needs within the aeronautical advisory and multicom services to meet future demands.
>
> The spectrum assignment would look like this:
>
> 122.700 Aeronautical advisory, primary—nontower airports.
> 122.725 Aeronautical advisory, private use airports—future use.
> 122.750 Aeronautical advisory, private use airports and air-to-air.
> 122.775 Aeronautical advisory, future use.
> 122.800 Aeronautical advisory, primary—nontower airports.
> 122.825 Aeronautical advisory, future use.
> 122.850 Multicom, future use.
> 122.875 Multicom, future use.
> 122.900 Multicom, primary.
> 122.925 Multicom, environmental.
> 122.950 Aeronautical advisory, primary—tower airports.
> 122.975 Aeronautical advisory, high altitude.
> 123.000 Aeronautical advisory, primary—nontower airports.
> 123.025 Aeronautical advisory, future use.
> 123.050 Aeronautical advisory, heliports.
> 123.075 Aeronautical advisory, heliports—future use.
>
> Transition to the new assignments would take place over a five year period during which all existing stations would have their licenses renewed and get their new assignments as appropriate. Procedures for showing current information on aeronautical charts and publications would be worked out with the FAA and the National Ocean Survey. Appropriate information could be carried in the Airman's Information Manual.
>
> As a separate action, AOPA and other user groups are recommending modernization of the FSS system that includes a discontinuance of airport advisory service by FSS on 123.6. Since the FAA has been pushing the procedure of aircraft announcing their position in a traffic pattern at uncontrolled airports AOPA is suggesting that the FSS stop giving airport advisory service and that 123.6 be assigned for the purpose of announcing position in the traffic pattern. This will remove those announcements from the frequencies used for unicom and remove a great deal of use at traffic pattern altitude so as to reduce the distance that it could interfere with the traffic at other airports. Where airports are in very close proximity with overlapping traffic patterns, the fact that a pilot in one could hear a pilot in the other would be an added safety feature.

21. In general, we agree with the proposals made by AOPA. We agree that there is a need for additional channels for uncontrolled airports to relieve the pressure on 122.8 MHz. We agree also that, at least for now, 100 kHz channels are desirable for unicoms at uncontrolled airports. Obtaining additional 100 kHz channels, while simultaneously satisfying other requirements, necessitates some other action. We believe the AOPA proposal to utilize the frequency spectrum from 122.6875 to 122.7875 MHz for improving unicom and multicom service has merit. FAA representatives have pointed out that this will increase

the possibilities for interference on the other FSS frequencies through compression of the FSS band. They have also pointed out that the resulting reassignment of FSS operations presently on 122.700 MHz to the other FSS channels, will necessitate an increase in the number of 50 kHz FSS assignments. Nevertheless the arguments presented by AOPA coupled with the extreme need to alleviate the congestion on 122.8 MHz convince us that this proposal should be considered. We are allowing 90 days for comment and will take extensive steps to publicize this Notice. We hope it will prompt widespread comment upon which a final decision can be based.

22. As suggested by AOPA we are proposing to utilize the frequencies between 122.6875 MHz and 122.7875 for unicom and multicom. We proposed to assign three 100 kHz channels for unicom use at airports where there is no airdrome control station (control tower). Those channels are 122.700, 122.800 and 123.000 MHz. The 122.700 MHz channel is derived from its former FSS use. The 122.800 MHz channel is retained as previously used. The 123.000 MHz channel is obtained from its previous use at controlled and FSS airports because, as has been previously pointed out, a larger proportion of aircraft at controlled airports has 360 channel equipment. By assigning three 100 kHz there should eventually be approximately 700 ground stations on each of these frequencies. This should significantly reduce congestion on 122.8 MHz. We propose to allow applicants to request which of the frequencies they prefer. We believe that this method should gradually provide most nearly equal utilization. We will, however, reserve the right to assign a particular frequency.

23. As a separate but related matter, we note that FAA has under consideration a request from AOPA to utilize 123.600 MHz for position reporting while in the traffic pattern of an uncontrolled airport. This AOPA request assumes a discontinuance of airport advisory service by FSS's on 123.6 MHz. FAA has advised that it plans to issue a NOI on this subject, the results of which will not be known for some time. The FAA further advises that it has urgent ATC requirements for additional frequencies which must be considered should the FSS airport advisory service on 123.6 MHz be discontinued. The future disposition of 123.6 MHz is not considered a part of this docket.

24. We propose, as nearly all those commenting on the Notice of Inquiry suggested, to redesignate all those 25 kHz frequencies between 122.8 and 123.1 MHz as aeronautical advisory or multicom for either present or future use.

25. The two high altitude unicom frequencies (122.850 and 122.950 MHz) have been underused as is apparent in paragraph 6. Further, in view of FAA's planned use of 25 kHz channels for high altitude enroute control, it seems consistent to similarly place the high altitude unicom on a 25 kHz channel. We concur with AOPA's recommendation to use the frequency 122.975 MHz for this purpose. This makes the two frequencies, 122.850 and 122.950 MHz available for other purposes.

26. As discussed in paragraph 22 we propose to utilize 123.0 MHz for unicoms at uncontrolled airports; i.e., those at which no control tower exists. AOPA recommended this in their petition for rule making as did many respondents to the Docket 20123 Notice of Inquiry. Accordingly we propose to assign 122.950 MHz for use at airports at which there is a control tower.

27. The Commission has received many requests for multicom uses. A large number of these requires a 100 kHz channel. We, therefore, support retention of 122.9 MHz. There is, however, an increasing number of requirements which can be accommodated on a 50 kHz channel. We, therefore, propose that 122.850 MHz be designated for general multicom use.

28. As a separate but related matter, paragraph 87.271(a) of the Rules now requires that operation on 122.900 MHz shall cause no harmful interference to the aeronautical advisory service. We have no history of such interference and therefore are proposing to delete this condition from the Rules.

29. AOPA suggests the deletion of the use of 122.850 and 122.950 MHz at private airports and the substitution of 122.725 and 122.750 MHz. The frequency 122.750 MHz is to be shared with air-to-air use. This seems reasonable in that a 50 kHz frequency is still available, as before, for this purpose, however, the 25 kHz frequency, 122.725 MHz, is available should this provide less interference. We therefore are proposing it as part of this Notice of Proposed Rule Making.

30. We concur in retaining 123.050 MHz for use of aeronautical advisory at heliports. In some areas helicopter operators report that congestion exists on 123.050 MHz. In others they predict congestion in the near future. They have requested an additional 25 kHz frequency for that purpose. We concur and are proposing 123.075 MHz for that purpose.

31. As noted by AOPA in their petition, air-to-air communications pose a special problem related to this proceeding. Conducting these communications on the channel assigned to the base airport is one possible solution. However, in the case of formation flying it would seem that most actual flying would be done well away from the base airport and above approach altitudes. It therefore seems that interference to the basic aeronautical advisory frequencies (in particular 122.7, 122.8 and 123.0 MHz) would result which would be counterproductive to the basic objective of the docket and the petition of AOPA. Glider towing is another use of air-to-air communication. However, coordination between gliders and ground stations is already permitted on 121.95, 123.3 and 123.5 MHz. It would seem logical to allow the air-to-air coordination between glider and its tow-plane on the same frequency as glider to ground; since most communications would generally concern the glider operation. The third category of air-to-air communications mentioned by AOPA is the coordination of fire fighting. This category of communication falls under multicom type operation and we see no particular gain to placing this function upon another frequency. The last specific category mentioned by AOPA is group flights. This seems to us to be functionally related to formation flying and again for the same reasons it would seem more appropriate to place these on frequencies other than the basic unicom frequencies of 122.7, 122.8, 122.95 or 123.3 MHz. We therefore are proposing to designate 122.75 MHz as a general air-to-air frequency for general aviation. We propose to expand the use of 121.95, 123.3 and 123.5 MHz to include glider to towship communications. We are not proposing to allow air-to-air communications on the basic unicom frequencies mentioned above. We also propose to add a new paragraph 87.183(m) and to modify Sections 87.183(g), 87.201(c), 87.277(a) and 87.345 to implement and emphasize these concepts.

32. Incorporating the changes as proposed above would make the frequency spectrum assignment listing look as follows:

MHz	*AA: Aeronautical Advisory*
122.700	AA, uncontrolled fields.
122.725	AA, private airports not open to the public.
122.750	AA, private airports not open to the public and air-to-air communications.
122.775	Future AA or multicom use.
122.800	AA, uncontrolled airports.
122.825	Future AA or multicom use.
122.850	Multicom.
122.875	Future AA or multicom use.
122.900	Multicom.
122.925	Multicom-Natural Resources.
122.950	AA, Airports with a control tower.
122.975	AA, high altitude.
123.000	AA, uncontrolled airports.
123.025	Future AA or multicom use.
123.050	AA, Heliports.
123.075	AA, Heliports.

33. We recognize that these proposed amendments will involve frequency changes by ground stations. We propose to do this over a time period of approximately 3 years to reduce the impact. There will be frequency sharing during the transition period but this should not be a serious problem.

34. In addition to the above changes we propose to change the definition of Aeronautical Advisory Station to include the term unicom. The popular usage of the term unicom has previously been recognized in Section 87.251(b) of the rules and in the Notice of Inquiry in Docket 20123. We, therefore, propose to include it in the definition and will subsequently utilize the terms interchangeably.

35. In the Notice of Inquiry under this docket it was pointed out that, in reference to 50 kHz frequencies, ". . . . we are nearing the time when greater utilization of these frequencies should be made." This Notice of Proposed Rule Making promotes this concept to a limited degree. We intend to begin other

actions in the near future to further ber 14, 1976. All relevant and timely

§ 87.201 Frequencies available.

(c) Stations at landing areas not open

ordination of soaring activities between

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actions, in the near future, to further promote the use of both 50 kHz and 25 kHz channels.

36. In view of the foregoing the Commission therefore proposes to make the changes in frequency as outlined in paragraph 33 of this Notice.

37. In addition, the following administrative changes are proposed.

(a) Footnote 1 to § 87.65(a) is reworded to clearly express the original intent of the rulemaking. It was intended that the transmitters first type accepted after January 4, 1974, meet the 0.002 percent tolerance. Similarly, it was intended that those types of transmitters meeting a tolerance of 0.005 percent which were type accepted before January 1, 1966, and those types of transmitters meeting a tolerance of 0.003 percent first type accepted during the period January 1, 1966 to January 1, 1974, may continue to operate with the exception of the stated carrier offset restriction. The use of date of type acceptance as a criteria was stated in the Report and Order and this interpretation has been used to date.

(b) Footnote 2 to § 87.65(a) is reworded along the same lines as Footnote 1 in paragraph (a) above.

(c) The intent of §§ 87.253(a) and 87.253(d) is not to require someone to provide service, but rather to require the use of a particular frequency when providing service. We are therefore changing the wording to more clearly reflect this intent.

(d) Footnote US19 in § 2.106 is no longer current and is being deleted.

(e) In the Table of Frequency Allocations in Part 2 of the Rules, the Aviation Instructional frequency 121.950 MHz is being moved to the next higher frequency table along with other private aircraft frequencies.

38. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4 (i), 303 (b), (c), (f) and (r) of the Communications Act of 1934, as amended.

39. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 31, 1976 and reply comments on or before September 14, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

40. In accordance with the provision of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATION COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Adopted: May 19, 1976.

Released: May 26, 1976.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS, GENERAL GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

1. In § 2.106 the table is amended by changing the frequency band in columns 5 and 7 from 117.975–121.9625 to 117.975–121.9375; In the frequency band 117.975–121.9625 MHz, under column 10, the frequency 121.950 (NG67) is deleted, and in column 11 directly opposite, the service "Aviation Instructional" is deleted; under columns 5 and 7, the frequency band 121.9625–123.0875 MHz is changed to read from 121.9375–123.0875 MHz. Footnote US 29 is deleted; In column 10, in the frequency band 121.9375–123.0875 MHz, 121.950 (NG67) is added immediately before 121.975–123.075 MHz (NF67), in column 11 it is listed as "aviation instructional" and the table of footnote is amended by deleting US 29 and modifying US 30 and US 31 to read as follows:

Band (MHz)	Band (MHz)	Frequency (MHz)	Nature (OF SERVICES (of stations
5	7	10	11
117.975–121.9375 (273) (US26) (US28) (US85)	117.975–121.9375	118.000–121.400 (NG67).	Airdrome control.
		121.500	Aeronautical mobile. Maritime search and rescue.
		121.600–121.925 (NG67).	Aeronautical utility mobile.
			Aeronautical utility land. ELT test.
121.9375–123.0875 (US30) (US31) (US80) (US85) (US112) (US213).	121.9375–123.0875	121.950 (NG67)	Aviation instructional.
		121.975–123.075	Private aircraft.

US 29 [Delete].

US 30 The band 121.9375–123.0875 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US 31 Except as provided below the band 121.9375–123.0875 MHz is for use by private aircraft stations.

The frequencies 122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz may be assigned to aeronautical advisory stations.

The frequency 122.850, 122.900 and 122.925 MHz may be assigned to aeronautical multicom stations. In the case of 122.925 MHz, US 213 applies.

Air carrier aircraft stations may use 122.000 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.700, 122.800 and 123.0 MHz for communications pertaining to safety of flight with and in the vicinity of landing areas not served by a control tower.

Frequencies in the band 121.9375–122.6875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only, except that 122.0 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

PART 87—AVIATION SERVICES

1. In § 87.5 the definition of Aeronautical Advisory Station is amended as follows:

§ 87.5 Definition of terms.

• • • • •

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations. Also called unicom station.

• • • • •

2. Section 87.183(g) is amended and (m) is added as follows:

§ 87.183 Frequencies available.

• • • • •

(g) 122.9 and 123.1 MHz: When engaged in search and rescue activities in accordance with Subpart K of this part, these frequencies may be used by aircraft for:

(1) Air-to-air communications with other aircraft engaged in search and rescue activities.

(2) Air-to-ground communications with aeronautical search and rescue stations.

• • • • •

(m) 122.750 MHz: This frequency is authorized for use by private aircraft in air-to-air communications for formation flying, group flights or other air-to-air usage by general aviation not specifically authorized elsewhere in this part of the rules provided, however, that communications on this frequency shall be limited to those directly related to the operation of the aircraft.

• • • • •

3. Section 87.195(f) is amended to read as follows:

§ 87.195 Frequencies available.

• • • • •

(f) The frequencies 122.700, 122.800 and 123.000 MHz are available to air carrier aircraft for communications pertaining to safety of flight in the vicinity of landing areas not served by airdrome control or FAA flight service stations. Such communications are permitted with aeronautical advisory stations in accordance with Subpart C of this part.

4. In § 87.201, paragraphs (b), (c) and (d) are amended, and paragraphs (e) and (f) are deleted, to read as follows:

§ 87.201 Frequencies available.

• • • • •

(b) These frequencies are available to private aircraft for air traffic control operations:

MHz	MHz	MHz
121.975	122.225	122.475
122.000	122.250	122.500
122.025	122.275	122.525
122.050	122.300	122.550
122.075	122.325	122.575
122.100	122.350	122.600
122.125	122.375	122.625
122.150	122.400	122.650
122.175	122.425	122.675
122.200	122.450	

(c) These frequencies are available to private aircraft stations for communications with aeronautical advisory stations in accordance with Subpart C of this part.

122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz.

In addition, brief keyed RF signals may be transmitted on these frequencies for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

(d) 122.850, 122.900 and 122.925 MHz, 6A3 emission: Private aircraft stations to aeronautical multicom stations and to Government stations in accordance with Subpart D of the Rules. Between private aircraft stations and between private aircraft stations and Government aircraft stations while in flight for communications pertaining to safety; agricultural, ranching and conservation activities; forest fire fighting; aerial application; aerial advertising; and parachute jumping.

(e) [Reserved]

(f) [Reserved]

(g) • • •

5. Section 87.253 is amended to read as follows:

§ 87.253 Frequency assignment.

(a) Aeronautical advisory stations at landing areas open to the public, upon application, will be assigned a frequency in accordance with the paragraphs below. Where more than one frequency is available the applicant may state a preference for a specific frequency; however, the Commission reserves the right to specify the frequency of assignment.

(1) Landing area other than a heliport, where there is not a control tower; 122.700, 122.800 or 123.000 MHz;

(2) Landing area, other than a heliport, where there is a control tower; 122.950 MHz;

(3) Landing area that is used exclusively as a heliport; 123.050 or 123.075 MHz.

(b) Upon a showing of need, stations authorized to operate on 123.050 or 123.075 MHz also may be assigned 122.700, 122.800 or 123.000 MHz for communications primarily with fixed wing aircraft, and stations authorized use of 122.700, 122.800, 122.950 or 123.000 MHz may also be assigned 123.050 or 123.075 MHz for communications primarily with helicopters.

(c) Stations at landing areas not open to the public normally will be assigned a frequency in accordance with the provision of paragraph (a) of this section. An alternate frequency of 122.725 or 122.750 MHz may be authorized upon request.

(d) Stations authorized to provide service on 122.700, 122.800, 122.950 or 123.000 MHz may be assigned the additional frequency 122.975 MHz when such frequency is requested for communication with aircraft at altitudes greater than 10,000 feet above the elevation of the landing area.

• • • • •

6. Section 87.257 is amended by changing paragraph (d)(4) as follows:

§ 87.257 Scope of service.

• • • • •

(d) • • • (4) When assigned in accordance with 87.253(d), 122.975 MHz may be used for communication only with aircraft at altitudes greater than 10,000 feet above the elevation of the landing area.

• • • • •

7. Section 87.271 is amended by changing paragraph (a) and deleting paragraph (c).

§ 87.271 Frequencies available.

(a) 122.850 or 122.900 MHz, 6A3 emission:

• • • • •

8. In § 87.277, paragraph (a) and the introductory paragraph of (b) are amended as follows:

§ 87.277 Scope of service.

(a) Except as provided in paragraph (b) of this section, communications by an aeronautical multicom station shall pertain to activities of a temporary, seasonal or emergency nature which depend upon an aircraft in flight for the successful or safe conduct of the activity. Such communications shall be limited to the directing of ground activities from the air, the directing of aerial activities from the ground, and air-to-air communications where such communications are directly connected with the air-to-ground or ground-to-air activity herein authorized; provided however that communications by a multicom station may not include those air/ground communications provided for elsewhere in this part.

(b) Where advisory service is not authorized at a landing area and an applicant is unable to meet the special requirements for an aeronautical advisory station under § 87.251, the Commission, upon a proper showing by the applicant, and until such time as an aeronautical advisory station is established at the landing area, may authorize service at such landing area on 122.850 or 122.900 MHz, in accordance with the following provisions:

• • • • •

9. Section 87.345 is revised as follows:

§ 87.345 Scope of service.

Communications shall be limited to the necessities of pilot training, coordination of soaring activities between gliders, tow aircraft and ground stations and the promotion of safety of life and property.

[FR Doc.76-15941 Filed 6-2-76;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

MAIL CLASSIFICATION CHANGES

Proposed Implementing Regulations

Under the provisions of 39 CFR 111.3 the Postal Service proposes to amend various sections of Chapter I of the Postal Service Manual, in preparation for implementing six changes in mail classification. The Governors of the Postal Service have expressed agreement in principle with the classification schedule recommended by the Postal Rate Commission (Rate Commission Docket No. MC73-1, Phase I, issued April 15, 1976), and have expressed the view that postal management should prepare to implement the recommended classifications, except for business reply, no later than July 6, 1976.

The purpose of this document is to make public the proposed regulations of the Postal Service to carry out these classification changes, on the assumption that the Governors will give final approval to them in the near future. The Postal Service solicits the views of interested persons on all aspects of these proposed regulations, except the proposed rates.

As noted above, the Governors have requested that preparation be made to implement the recommended classifications no later than July 6, 1976, which is the anniversary date for annual increases in the phasing schedules adopted under 39 U.S.C. § 3626. Certain of the rates affected by these classification changes are subject to phasing, *i.e.*, the rates for special fourth-class mail (including the presort categories). Any such changes in the phasing schedules can be readily and efficiently made at the same time other phased rates increase. Accordingly, the Postal Service believes there is good cause in this instance for shortening the usual comment period in this case of proposed rulemaking from thirty days to fifteen days. Otherwise, there would be little or no time left at the end of the comment period to analyze comments and take appropriate action.

The following are the highlights of the proposed new mail classifications:

First-Class & Airmail.—First-class mail and airmail classification will distinguish between single-piece and presorted mailings (post cards and ounce rate mail only). For mailings of 500 or more presorted pieces, the rate shall be the rate for single-piece mail, less one cent per piece for each piece of a group of 10 or more pieces grouped for the same five-digit ZIP, or of a group of 50 or more pieces grouped for the same three-digit ZIP. All other pieces in a mailing shall pay the same rate as single-piece mail. Each presorted-rate mailer must pay an annual mailing fee of $30 at each office of mailing.

Business Reply Mail.—A new system of

20. Section 137.262 would be amended

5. In § 131.232a strike out the third

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Business Reply Mail.—A new system of annual permit fees and accounting fees will be established. Business reply mail fees for mailers who maintain an advance deposit account which are lower than the fees for those mailers who do not maintain such an account also are established. To qualify for the lower business reply mail fee, an advance deposit account must be maintained at the post office facility from which the business reply mail is offered for delivery. An accounting charge is to be applied to each account maintained by the recipient. The permit fee is to be applied to each business reply permit now required. The lower business reply mail fee for recipients with advance deposits is to be applicable only if there are sufficient funds in the account to cover the total postage and fees for the mail.

Nonstandard Surcharges.—In order to encourage the use of standard mail pieces, and to compensate the Postal Service for the added costs of handling nonstandard items, first-class mail and airmail weighing one ounce or less, and single piece third-class mail weighing two ounces or less which (i) has a height to length ratio which does not fall between 1:1.3 and 1:2.5 inclusive, or (ii) exceeds any of the following limitations:

	Inches
Height	6.125
Length	11.5
Thickness	0.25

will be declared nonstandard, and will, at a later date, be made subject to surcharge in addition to the applicable postage and fees.

No surcharge will be applied to nonstandard mail until after April 15, 1978, in order to allow mailers sufficient time to adapt to these requirements. The amount of the surcharge will be determined at a later date.

Undersized & Nonrectangular Mail.—The present regulations on the minimum sizes for mail matter will be expanded to all classes of mail and types of service and be amended to prohibit (1) all items which are less than .007 inch thick, and (2) all items, other than keys and identification devices, which are 0.25 inch thick or less and (a) are not rectangular, and/or (b) are less than 3.5 inches in height, and/or (c) are less than 5 inches in length.

Even mail which is rectangular will be prohibited if it is 0.25 inch thick or less, but less than 3.5 inches in height and/or less than 5 inches in length. These provisions will not take effect before April 15, 1978, to give mailers sufficient time to adjust to them.

Parcel Post.—The present fourth-class parcel post category shall be amended to provide a bulk rate for zone rated fourth-class mail. The bulk category shall be defined to encompass mailings of 300 or more pieces separated by postage zone. The rate for each piece in a bulk mailing shall be the single-piece rate, applied to the average weight per piece, per zone. Where the average weight per piece is not a full pound, the average weight shall be rounded to the next highest pound.

Special Fourth-Class.—The present classification will be amended to distinguish between single-piece and presorted mailings. No change in the definition of items mailable as special fourth-class rate is made. For mailings of 500 or more sackable pieces presorted to five digits, with a minimum of eight pieces, 20 pounds or one-third of a sack for each five-digit ZIP the full (unphased) rate shall be the single-piece rate, less four cents per piece. The discount also shall be available to mailings of 500 or more non-sackable pieces (outsides) presorted to five digits and presented in a manner that effectively preserves the presort. For mailings of 2,000 or more pieces presorted to five and three digits, with a minimum of eight pieces or 20 pounds, or one-third of a sack to three digits, and a minimum of four pieces or 20 pounds, or one-third of a sack to five digits, the full (unphased) rate shall be the single-piece rate less three cents for each piece. Presort requirements for mailings subject to this discount will provide that the mailing must be presorted to five digits to the greatest extent possible, and the remainder presorted to three digits. Each presorted rate mailer must pay an annual mailing fee of $30 at each office of mailing. Mailers will be required to present mailings in a manner that preserves the presort. Depending on local conditions, this may include use of sacks or other containers for sackable mail, and pallets or containers for outsides.

Pieces which do not meet the above criteria shall be subject to the single piece rate, but need not be presorted.

Bound Printed Matter.—The present fourth-class catalog category—both bulk rate and single-piece rate—shall be amended to include both catalogs and similar bound printed matter. The present bulk rate and single-piece rate structure, and the rates, are not changed. Presort and minimum volume requirements now applicable to bulk rate catalogs will be applied to bulk bound printed matter.

The extension of fourth-class catalog rates to similar bound printed matter does not include books eligible for mailing as special-rate fourth-class mail.

Accordingly, the following sections of the Postal Service Manual would be amended:

1. New sections 131.11–.13 would be added to describe the method of determining the rate for single piece first-class mail, to establish a bulk presort rate, and to anticipate a future surcharge on nonstandard first-class mail. New section 131.227 would be added describing presorted first-class mail.

2. Sections 131.232 and .233 would be amended to discontinue the existing business reply mail fee structure and to establish a fee structure for such mail based upon whether or not the user maintains an active advance deposit with the Postal Service.

3. New section 131.34 would be added defining nonstandard first-class mail, and corresponding changes would be made in 131.222a, 131.33c and 134.32c.

4. Section 131.4 would be amended to specify the method of paying postage on mailings made at presort rates and to establish an annual fee for first-class presort mail.

5. New sections 131.5 and .6 would be added dealing with the preparation of presort mail for mailing, and the verification by a postal employee that such mail has been properly prepared and qualifies for the presort rate.

6. New sections 134.224 and 134.33 would be added defining nonstandard third-class mail and anticipating a future surcharge for such mail.

7. New section 135.112 would be added providing bulk zone rates for 300 or more pieces of fourth-class (parcel post) mail.

8. Section 135.12 would be amended to include both fourth-class catalogs and similar bound printed matter in a subclass called bound printed matter. The presort and minimum volume requirements now applicable to bulk rate catalogs would be applicable to bulk bound printed matter.

9. New section 135.132 would be added providing bulk presort rates for special fourth-class matter.

10. Section 135.22 would be redesignated 135.15 and would be amended to describe the postal zones and otherwise clarify the regulation.

11. Section 135.2, dealing with classification of fourth-class mail, would be completely revised for clarity and to take into account the special fourth-class presort rate.

12. Section 135.3 would be amended to refer to the size and weight limitations of bulk rate parcel post and bound printed matter.

13. Section 135.4 would be amended to require that mailers of fourth-class matter at presort and bulk rates pay postage by permit imprint.

14. New section 135.521i would be added dealing with enclosures or attachments to fourth-class mail on which the first-class rate has been paid.

15. The material in section 135.6 would be redesignated and added to section 135.5; section 135.7 would be redesignated 135.6, and new section 135.7 would be added requiring a ZIP code on all fourth-class matter mailed at bound printed matter, bulk parcel post, library, and special rate fourth-class rates.

16. Section 135.8 would be amended to require mailings at bulk or presort rates to be made at a station or branch specified by the postmaster.

17. New section 136.13 would be added establishing a presort rate for presorted airmail.

18. New section 136.33 would be added defining nonstandard airmail and advising that a surcharge on such mail would be anticipated in the future.

19. Section 136.4 would be amended to require payment only by meter stamps or permit imprints for mailings made at presort airmail rates. There would also be an annual first-class presort mailing fee.

20. Section 137.262 would be amended to authorize mailing of official mail at presorted and bulk rates.

21. New section 145.2b would be added providing that the position of the imprint on fourth-class bound printed matter may be varied so that automatic data processing equipment could be used.

22. Section 145.33 would be redesignated 145.34 and new section 145.33 would be added providing certain information to be displayed by permit mail with special services.

23. Section 145.4 would be amended to show new forms of permit imprints reflecting the various new bulk and presort rate categories.

24. Section 145.51 would be amended to add first-class presort and fourth-class bulk rate mail to the list of permit imprint mailings that must be mailed in certain minimum quantities.

25. Section 145.565 would be amended requiring verification that presort requirements had been met.

26. Section 145.84 would be amended to establish approval of optional procedures according to the weights of the pieces mailed.

Interested persons who wish to do so may submit written data, views, or arguments concerning these proposed revised regulations to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before June 18, 1976 will be considered by the Postal Service prior to taking action on the proposed amendments. Comments received after June 18, 1976 will be considered to the extent permitted by the time available.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

(39 U.S.C. 401, 3623)

LOUIS A. COX,
General Counsel.

PART 131—FIRST CLASS

1. Section 131.1 is revised to read as follows:

131.1 Rates (Effective December 31, 1975)

.11 Single piece rates. The single piece rate is applied to each letter or piece of first-class mail according to its weight.

Kind of mail	*Rate*
All first-class mail weighing 13 ounces or less except postal and post cards. See 136.12 for rates on first-class mail weighing more than 13 ounces.	13¢ for the first ounce or fraction of an ounce, 11¢ for each additional ounce or fraction of an ounce.
Single postal cards sold by the post office (see 141.13).	9¢ each.
Double postal cards sold by the post office (see 141.13).	18¢ (9¢ each portion).
Single post cards (see 131.222).	9¢ each.
Double post cards (see 131.222) (Reply portion of double post card does not have to bear postage when originally mailed.)	18¢ (9¢ each portion).

.12 Bulk presort discount.

.121 Identical pieces. A bulk discount of one cent applies to each piece that is part of a group of ten or more pieces sorted to the same five-digit ZIP Code, or of a group of fifty or more pieces sorted to the same three-digit ZIP Code, when they are presented at one post office as part of a single mailing of not less than 500 pieces of first-class mail of identical size, each weighing 13 ounces or less. All pieces must be individually addressed to different addresses, and must be sorted to the maximum extent; i.e. all five-digit sorts in groups of ten or more must be exhausted before proceeding to make up all three-digit sorts in groups of fifty or more, etc. Full first-class postage must be paid on the residue not sorted to groups of 5 or 3 ZIP Code digits as described above. The mailing must be presented at a place and between the hours designated by the postmaster and must comply with the preparation requirements in 131.5. Deposit of metered presort discount mail at other than these designated places will be considered misuse of a postage meter and grounds for revocation of the meter license in accordance with 144.23.

.122 Nonidentical pieces. A group of 500 or more nonidentical pieces within the same postage rate increment which otherwise qualify under 131.121 may be mailed at the discount rate when postage is paid by meter stamps. Nonidentical pieces of the same or different postage rate increments which otherwise qualify under 131.121 may be mailed at the discount rate under permit imprint only when authorized by the Postal Service as part of an optional procedure in accordance with § 145.8, Postal Service Manual, or an experimental procedure under the provisions of § 145.9. Optional procedures for mailing nonidentical pieces must be approved by the Office of Mail Classification.

.13 Nonstandard surcharge. There is currently no surcharge for nonstandard mail as defined in 131.34. However, it is anticipated that such a surcharge will be imposed sometime in calendar year 1978.

2. In section 131.211c strike out the phrase "in 135.214 and 135.215" and insert "in 135.24 and 135.26" in lieu thereof.

3. In section 131.222a strike out the final phrase and insert the following in lieu thereof: "A ratio of width (height) to length between 1 to 1.3 and 1 to 2.5 is recommended."

4. In section 131.225 the first sentence is revised to read as follows:

"Matter which is in the form of a single or double card but which does not conform to the specifications for a single or double post card stated in 131.222a and b may not be mailed at the first-class postage rate for post cards."

5. In § 131.232a strike out the third sentence and the first word of the fourth sentence; strike out the period at the end of the second sentence, insert a comma in lieu thereof, and add the following: "except as follows: if".

6. In 131.232b add the following after the third sentence: "Numbers of cancelled permits may be used when issuing new permits."

7. In section 131.2 add new .227, add new .232 c and d, and revise .233 to read as follows:

131.2 Classification

. . . . . .

.22 Postal and post cards

. . . . . .

.227 Presorted first-class mail. Presorted First-Class Mail is mail presented in a manner that preserves the orientation, facing and ZIP Code sequence of the pieces.

. . . . . .

.23 Business reply mail.

. . . . . .

.232 Permit.

. . . . . .

c. When payment is not by use of an advance deposit trust account, postage is collected on each piece of business reply mail at the time it is delivered. Postage due stamps for the amount due will be affixed to the mail or to Form 3582–A, Postage Due Bill. The stamps will be canceled and delivered to the addressee with the mail when he pays the amount due. Business reply mail will not be mixed with other mail in direct packages or sacks for individuals or concerns. See 131.1 and 136.1 for amount to be collected which may not include fees for any special services.

d. Cards which do not conform to the specifications contained in 131.222 are to be charged postage at the regular first-class rate, and *not* at the card rate.

.233 Postage and fees. a. An annual fee of $30 will be charged for each permit issued. The $30 permit fee is applicable at each office where mail will be returned except that if the business reply is to be distributed from a central office for return to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all the business reply mail of the distributor. The permit holder guarantees payment of postage and fees on any returns refused by such branches or dealers.

b. Permit holders will have the option of keeping an advance deposit at the post office or paying postage due charges to the carrier upon delivery. A $75 accounting fee will be charged for each advance deposit account at each post office where the mail is to be returned. This fee will be paid each calendar year or portion thereof. No accounting fee will be charged to customers who do not maintain an advance deposit.

c. When payment is by an advance deposit account as provided for in 131.-

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mail must be presented together with the amount of pieces checked as called for

233b, the amount to be collected is the appropriate first-class, airmail, or priority postage plus a surcharge of 3.5 cents per piece.

d. When no advance deposit is maintained, the amount to be collected is the appropriate first-class, airmail or priority postage, plus a surcharge of 12 cents per piece.

8. In section 132.3 revise .33c and add new .34 reading as follows:

131.3 Weight and size limits.

. . . . . .

.33 . . .

c. Pieces having a ratio of width (height) to length between 1 to 1.3 and 1 to 2.5 are recommended.

.34 Nonstandard first-class mail. First-class mail weighing one ounce or less is nonstandard unless it meets the following size standards:

a. Length not greater than 11.5 inches, and

b. Height not greater than 6.125 inches, and

c. Thickness not greater than .25 inch, and

d. An aspect (ratio of height to length) between 1:1.3 and 1:2.5 inclusive.

Nonstandard mail often results in delays or damage to mail because it does not lend itself to machine processing. For this reason, mailers are encouraged to avoid mailing nonstandard first-class mail. It is anticipated that a surcharge will be imposed sometime in calendar year 1978 for nonstandard first-class mail.

9. Sections 131.5 and 131.6 are redesignated sections 131.7 and 131.8; section 131.4 is revised to read as follows and new sections 131.5 and 131.6 are added as follows:

131.4 Payment of postage

.41 Single piece rate. Mailers of first-class matter at single piece rates may pay postage by adhesive stamps, stamped envelopes and postal cards, meter stamps, and permit imprints.

.42 Bulk rate. Mailings made at presort discounted rates must be paid only by meter stamps or permit imprints. Metered postage must be for the first-class rate less the discount for qualifying pieces and the full first-class rate for residual pieces.

.43 Annual fee. A first-class presort mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails first-class or airmail matter at presort discount rates. Any person who engages a business concern or another individual to mail for him must pay the $30 fee. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (145.1).

131.5 Preparation of presort discount mail.

.51 Addresses. The address on each piece must include the ZIP Code.

.52 Markings Required. Identifying words "Presorted First-Class" or "Presorted Airmail" must be incorporated as part of the permit imprint or be printed or rubber stamped by the mailer on each piece above the address and immediately below or to the left of the meter stamps or permit imprints. The marking may be printed by a postage meter, special slug, or "ad plate". All pieces in the mailing including residual pieces, must be so marked.

.53 Mailing Statement. Mailers who qualify for the first-class presort discount (see 131.121) must complete, and submit a mailing statement with each mailing. The statement must be signed by the mailer or his authorized agent.

a. Form 3602, Statement of mailing—permit imprint, for mail with permit imprints. If editions of the form earlier than December 1975 are used, two forms must be used; one for those qualifying for the discount, and one for those which do not. The form for those qualifying for the discount must be marked "PRESORT DISCOUNT RATE" across the top of the form, and should only list the items which qualify for the discount. The form for the non-qualifying pieces must be marked "Presort Discount Residual" across the top of the form and should only list the items which do not qualify for the discount.

b. Form 3602-PC, Mailing statement—bulk rates, for mail bearing meter stamps. If editions of the form earlier than May, 1976 are used, two forms must be used; one for those qualifying for the discount, and one for those which do not. The form for the qualifying pieces must be marked "Presort Discount Rate" across the top of the form, and should only list the items which qualify for the discount. The form for the non-qualifying pieces must be marked "Presort Discount Residual" across the top of the form and should only list the items which do not qualify for the discount.

.54 Sorting requirements.

.541 Packages. When there are 10 or more pieces to the destinations described in 131.545a and/or 50 or more pieces to the destination described in 131.545b and c, they must be secured together as a package by the mailer. Rubber bands are the only acceptable means of securing packages in trayed mail.

.542 Rubber Bands. Rubber bands will be used by mailers to secure packages of bulk mail under the following conditions:

a. Packages of pieces measuring up to 5 by 11½ inches are to be secured in packages with rubber bands.

b. Packages should not exceed approximately 4 inches in thickness.

c. Rubber bands used on bulk mailings are not returnable or exchangeable for others.

d. Rubber bands must meet the following specifications:

(1) Compounded of natural rubber;

(2) Overall length—approximately 2¾ inches;

(3) Breaking strength—approximately 50 pounds;

(4) Width—approximately ⅜ inch;

(5) Maximum stretch—800 percent with ability to return to within 15 percent of original length;

(6) Shape—round or oval when resting on flat surface; and

(7) Weight—approximately 400 bands to a pound.

.543 Labeling of Packages. Package labels must be used to identify the makeup of presorted bundles of mail.

a. Place coded pressure sentitive labels in the lower lefthand corner on the address side of the top piece in the package.

b. Do not date package labels.

.544 Traying. Packages are to be made up into trays in accordance with 131.545. Two letter state abbreviations are to be used on lavels. In lieu of traying, postmasters may authorize pouching or other suitable containerization of presorted discount mail when mutually beneficial to the mailer and the Postal Service and when the integrity of the presort can be maintained.

Pouches must be made up in accordance with the procedures prescribed for trays in 131.545 and with the prescribed pouch tags. Packages must be pouched by the mailer when there are enough for the same destination to fill approximately one-third of a pouch. The total weight of pieces placed in one pouch must not exceed 70 pounds. The unsorted residual must be clearly segregated from the presorted mail.

.545 Sortation. a. Five-digit ZIP Code delivery unit packages and trays. (1) Packages. When there are 10 or more pieces but less than a full tray addressed to the same five-digit ZIP Code delivery unit, they must be prepared in packages of 10 or more pieces not more than 4 inches thick by the mailer. The pieces in the packages must be faced in the same direction and secured with one or two rubber bands around each package. Red label D must be affixed in the lower corner on the address side of the top piece in each package.

(2) Presorted Trays. When there is enough mail for the same five-digit ZIP Code delivery unit to fill a tray, (approximately 500 pieces) a direct five-digit tray must be prepared. Mail left over after filling direct trays must be bundled and placed in the appropriate city or SCF tray with the same first three digits. A pouch label must be firmly affixed to the end of the tray. Direct five-digit trays or containers must be labeled in the following manner:

PHILADELPHIA PA 19118
FCM PRESORTED
FC JC COMPANY BOSTON MA

b. City packages and Trays. (1) Packages. When there are 50 or more pieces but less than a full tray remaining for a city with a unique three digit ZIP Code prefix after the five-digit ZIP Code delivery unit packages required by 131.545a(1) have been prepared, they must be made as City packages and must be secured with one or two rubber bands. Cities with unique 3 digit ZIP Code are listed in the upper case letters in the listing of "ZIP Code Prefixes" contained in the Directory of Post Offices. Yellow

label C must be affixed in the lower left corner on the address side of the top piece in each package.

(2) Presorted trays. City mail plus any packages for five-digit ZIP Code delivery units within those cities not trayed as provided for by 131.545a(2) must be prepared in City trays. Mail left over after filling trays must be bundled and placed in a mixed states tray. A mixed city pouch label must be firmly affixed to the end of each tray. City trays must be labeled in the following manner:

PHILADELPHIA PA 191
FCM PRESORTED
FR JAY MAILING CO
CINCINNATI OH

c. Sectional Center Facility (SCF) packages and trays. (1) Packages. When there are 50 or more pieces but less than a full tray remaining for the same three-digit ZIP Code prefix after the packages required by 131.545a(1) and b(1) have been prepared, they must be bundled as SCF packages to that three digit ZIP Code prefix. The pieces in the packages must be faced in the same direction and secured with one or two rubber bands. Green label 3 must be affixed in the lower left corner on the address side of the top piece in each package.

(2) Presorted trays. SCF packages plus any five-digit and city packages not trayed as provided for by 131.554a(2) and b(2) and which are destined for the same Sectional Center Facility must be prepared in SCF trays. Presorted mail left over after filling SCF trays must be bundled and placed in a Mixed States tray. An SCF pouch label must be firmly affixed to the end of each tray. SCF trays must be labeled in the following manner:

SCF PHILADELPHIA PA 190
FCM PRESORTED
FR Q MAILERS BALTO MD

d. Mixed states trays. (1) Presorted Trays. Packages remaining after traying in accordance with 131.545a(2), b(2), and c(2), must be prepared in "Mixed States" trays. A mixed states pouch label in the following format must be firmly affixed to the end of the tray.

DIS CHICAGO IL 600
MIXED STATES FCM PRESORTED
Fr Record Chicago IL

e. Residual mail. (1) Pieces remaining after bundles have been prepared into packages in accordance with 131.545a (1), b(1), and c(1) are residual mail and are ineligible for the presort discount. Packages of residual mail must be placed in trays in such a way as to maintain the orientation and the ZIP Code sequence of the presort. Trays containing residual mail are not to bear a pouch label. The mail must be presented together with the discount portion of a mailing, but must be clearly segregated therefrom to facilitate verification of the quantities of both the discount and residual pieces.

(2) In order to speed processing of the mail, it is recommended, but not required, that the mailer prepare state packages when there are 10 or more pieces to the same state. Orange label S must be affixed to the lower left-hand corner of the address side of the top piece in each package.

f. Exceptions to bundling. (1) The bundling requirements for presorted mail left over after filling full trays described in a(2), b(2) and c(2) above may be waived when the use of separating tabs is approved by the local postmaster.

(2) The local postmaster may also waive the bundling requirements for loose-packed presorted flat mail sorted to one five-digit ZIP Code destination when there is enough quantity to fill a number 3 sack. The flats must measure not less than approximately 8 inches high by 10 inches long.

131.6 Presort verification.

.61 Procedure. A designated employee in the weighing section or other location where bulk mailings are accepted shall verify that each mailing made at the presort discount rate is properly made up and presorted and qualifies for the discount rate. This is in addition to the postage computation verification performed for permit imprint mailings in accordance with 145.57. The designated employee must:

a. Verify that each mailing consist of at least 500 presorted pieces.

b. For each 10 trays or fraction thereof in a mailing:

(1) Select 2 trays of five-digit makeup and randomly withdraw and inspect by riffling 3 handfuls (about 120 letters) from each of the 2 trays to determine whether the tray contains letters bearing other than the five-digit ZIP Code as shown on the tray label.

If a discrepancy of 10 or more pieces is found, the mailing is disqualified.

(2) Select 2 trays of three-digit makeup and follow the procedures in (a) above.

(3) For the trays in (a) and (b) above, check if the proper labels are attached. If one improper label is found, check a total of ten trays. More than one improper label on ten trays is considered disqualifying.

(4) Check one tray of bundled mail to determine if the proper color-coded pressure sensitive package label is used on packages. If a wrong label is encountered, check a total of ten packages. More than one occurrence in ten packages is considered disqualifying.

(5) Check two packages to see if all pieces are in the proper bundles. If any improper bundling is detected, a total of five packages are to checked. If more than four such improper pieces are in the five packages the mailing is disqualified.

c. If a mailing is disqualified, the next mailing by the customer at presort discount rates shall have twice the amount of pieces checked as called for above. In addition, one-fifth of the customer's mailings over the next six months shall receive such intensified checks.

d. For permit mailings, verify that the quantity of presorted discount mail agrees with Form 3602. This is done by weighing the presorted mail and dividing the weight by the weight of a single piece.

e. For permit mailings, verify that the quantity of residual mail agrees with Form 3602. This is done by weighing the residual mail and dividing the weight by the weight of a single piece.

f. Return permit imprint mailings to the mailer for corrective action or apply full rates as prescribed in 131.62 when one or more trays or pouches are found to be improperly presorted or when the mailing does not qualify for the discount.

g. For metered mail spot check at least one tray of qualifying pieces and one tray of nonqualifying mail to verify that proper postage is applied. If the pieces are not of identical weight, several of the heavier pieces are to be weighed and verified.

h. Return metered mailings and Form 3602-PC to the mailer for corrective action when one or more trays or pouches are found to contain mail improperly presorted or with incorrect postage affixed, or improperly dated, or when the mailing does not qualify for the discount (see 131.62).

.62 Acceptance of unqualified metered or permit imprint mailings at full undiscounted Rates. When the verification prescribed by 131.61 reveals a disqualification for the one-cent per piece presort discount on a mailing, the mailer may elect to pay the full undiscounted first-class or airmail rate in lieu of correcting the disqualification. Mailers may correct the Form 3602 or Form 3602-PC for unqualified mailings to indicate postage is to be paid at full undiscounted first-class or airmail rates in 131.11 and 136.11. All other provisions of Part 145 are applicable to such mailings. Mailers of unqualified metered mailings must pay the difference in cash at the window and present their copy of the cash receipt at the acceptance point before their mail can be released for processing.

PART 134—THIRD CLASS

10. In section 134.2 add new .224 reading as follows:

134.2 Classification.

. . . . . .

.22 Application of Rates

. . . . . .

.224 Nonstandard Surcharge

There is currently no surcharge for nonstandard mail as defined in 134.33. However, it is anticipated that such a surcharge will be imposed sometime in calendar year 1978.

11. In §134.3 revise .32c and add new .33 reading as follows:

134.3 Weight and Size Limitations

. . . . . .

.32 . . .

c. Pieces having a ratio of width (height) to length between 1 to 1.3 and 1 to 2.5 are recommended.

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33 Nonstandard third-class mail.

PART 135—FOURTH CLASS

c. Annual fee. A $30 fourth-class presort mailing fee must be paid once each

(3) Not entered as second-class mail (except as specifically provided for trans-

.33 Nonstandard third-class mail. Third-class single piece rate mail weighing 2 ounces or less is nonstandard unless it meets the following size standards:

a. Length not greater than 11.5 inches, and

b. Height not greater than 6.125 inches, and

c. Thickness not greater than .25 inch, and

d. As aspect ratio (ratio of height to length) between 1:1.3 and 1:2.5 inclusive.

Nonstandard mail often results in delays or damage to other mail because it does not lend itself to machine processing. For this reason mailers are encouraged to avoid mailing nonstandard third-class mail.

It is anticipated that a surcharge will be imposed sometime in calendar year 1978. The nonstandard surcharge will also apply to the forwarding and/or return of nonstandard pieces originally mailed at bulk rates, because on this second handling they have to be processed as single pieces.

PART 135—FOURTH CLASS

12. In § 135.1 strike out .11b–d; redesignate .11e as .11b; add new heading immediately following .11 as follows: ".111 Single Piece Zone Rates"; and strike out § 135.12–.14 and § 135.2 and insert in lieu thereof the following:

.112 Bulk zone rates. Mailings of 300 or more pieces of identical weight may be mailed at bulk zone rates if separated by postal zones. Mailings of pieces of nonidentical weight may only be made at bulk zone rates when authorized by the Office of Mail Classification in accordance with 145.8 or 145.9.

The rate of postage to be paid on each piece of a bulk zone rate mailing shall be the single piece rate for that zone for an item equal to the average weight per piece for parcels going to that zone, rounded up to the next highest whole pound.

.12 Bound printed matter rates.

.121 Single piece zone rate.

Weight (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
	(cents)	(cents)	(cents)	(cents)	(cents)	(cents)	(cents)	(cents)
1.5	45	54	56	58	61	64	68	73
2	46	57	58	62	65	69	74	81
2.5	48	60	61	66	70	74	81	89
3	50	62	65	69	74	81	88	97
3.5	52	65	68	73	80	86	94	105
4	53	68	70	77	84	92	102	114
4.5	54	69	73	81	88	97	109	122
5	56	72	76	84	93	102	115	130
6	60	77	82	92	102	114	129	146
7	62	82	88	98	110	125	142	162
8	66	88	94	106	120	137	156	178
9	69	93	100	113	129	148	170	196
10	72	97	105	121	138	158	184	212

.122 Bulk rates for bulk mailings of separately addressed identical pieces in quantities of not less than 300 mailed at one time.

Zones	Piece rate	Bulk pound rate	Zones	Piece rate	Bulk pound rate
	(cents)	(cents)		(cents)	(cents)
Local	26	2.8	5	31	7.8
1 and 2	31	4.4	6	31	9.6
3	31	5.2	7	31	11.6
4	31	6.4	8	32	13.9

NOTE: The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

.13 Special fourth-class rate.

.131a Single piece rate.

Kind of mail (rate restricted to items specifically named)	Rate in cents (without regard to zone)		
	1st pound or fraction of a pound	Each additional pound or fraction through 7 lb	Each additional pound or fraction over 7 lb
Books; 16-mm or narrower width films and catalogs of such films (rate applies for films and catalogs except when mailed to or from commercial theaters); printed music, printed objective test materials, sound recordings, playscripts and manuscripts for books, periodicals and music; printed educational reference charts permanently processed for preservation; looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. (See 135.214)..	21	9	
b. Present discount rate:			
Level A	19.9		
Level B	20.2		

.132 Bulk presort discount. The discounts from the single piece rates in 135.131a on mailings of properly presorted special fourth-class rate matter shall be applied as follows:

a. Discount Level A.—Applies to 500 or more sackable pieces presorted in accordance with 135.251a or for 500 or more unsackable pieces presorted in accordance with 135.251b.

b. Disount Level B.—Applies to 2000 or more sackable pieces presorted in accordance with 135.251c.

c. Annual fee. A $30 fourth-class presort mailing fee must be paid once each calendar year at each office of mailing by or for any person who mails at the presorted special fourth-class disount rate.

.14 Library rate.

Kind of mail (rate restricted to items specifically named mailed by or to organizations mentioned in 135.261)	Rate in cents (without regard to zone)	
	1st pound or fraction of a pound	Each additional pound or fraction
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-mm or narrower width films, filmstrips, transparencies, slides, microfilms; scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. See 135.215	S	4

.15 Application of rates.

.151 The rates in 135.11 and 135.12 are applied on the basis of weight of the individual piece and the distance the mail is sent.

To administer these rates, the earth is considered to be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. The distance between these units of area are the basis of the postal zones and shall be measured from the center of the unit of area containing the dispatching sectional center facility or multi-ZIP Coded post office not serviced by a sectional center facility. A post office of mailing and a post office of delivery shall have the same zone relationship as their respective sectional center facilities or multi-ZIP Coded post offices, but this shall not cause two post offices to be regarded as within the same local zone. The postal zones are defined as follows:

a. The local zone, the extent of which is defined by the Postal Service. This local rate currently applies to parcels mailed at any post office for local delivery at that office; at any city letter-carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

b. The first zone includes all territory within the quadrangle in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately fifty miles from the center of a given unit of area. The zone one rate applies to parcels mailed between two post offices in the same sectional center.

c. The second zone includes all units of area outside the first zone lying in whole or in part within a radius of approximately one hundred and fifty miles from the center of a given unit of area.

d. The third zone includes all units of area outside the second zone lying in whole or in part within a radius of approximately three hundred miles from the center of a given unit of area.

e. The fourth zone includes all units of area outside the third zone lying in whole or in part within a radius of approximately six hundred miles from the center of a given unit of area.

f. The fifth zone includes all units of area outside the fourth zone lying in whole or in part within a radius of approximately one thousand miles from the center of a given unit of area.

g. The sixth zone includes all units of area outside the fifth zone lying in whole or in part within a radius of approximately one thousand four hundred miles from the center of a given unit of area.

h. The seventh zone includes all units of area outside the sixth zone lying in whole or in part within a radius of approximately one thousand eight hundred miles from the center of a given unit of area.

i. The eight zone includes all units of area outside the seventh zone.

.152 For articles mailed between Postal facilities, including armed forces post offices, wherever located, the rates according to zone apply, except that the rates of postage for mail transported between the United States, the Canal Zone, Puerto Rico, or the possessions or territories of the United States, including the Trust Territory of the Pacific Islands, on the one hand, and Army, Air Force and Fleet post offices on the other, or among the latter, shall be the applicable zone rates for mail between the place of mailing or delivery and the city of the postmaster serving the Army, Air Force or Fleet post office concerned.

.153 Gold coin, gold bullion, and gold dust, between any two points in Alaska, or between any point in Alaska and any point in the other States or U.S. possessions are charged the rate in 135.111b. The gold must be enclosed in sealed packages not exceeding 50 pounds in weight and sent by registered mail.

.154 An official zone chart may be obtained free by request to the postmaster at the office of mailing. For ZIP Code numbers, consult the National ZIP Code Directory.

.155 The rates in 135.13 and 135.14 are computed on the basis of the weight of the piece regardless of the zone to which addressed.

.156 The single piece rates and conditions are applicable to forwarding and returning of parcels mailed at bulk rates.

135.2 Classification.

.21 Fourth-class mail. Fourth-class mail consists of mailable matter:

(1) Not mailed or required to be mailed as first-class mail;

(2) Weighing sixteen ounces or more; and

(3) Not entered as second-class mail (except as specifically provided for transient rate matter).

.22 Fourth-class bulk zone rates.

.221 The bulk fourth-class zone rates in 135.112 are applied to mailings of 300 or more pieces of fourth-class mail of identical weight. Parcels need not be of identical size or content. Parcels which weigh less than 15 pounds and measure over 84 inches in length and girth combined may not be mailed at these rates.

.222 Mailings of nonidentical pieces may only be made if the mailer has demonstrated that adequate records are maintained to verify and audit such mailings and if the procedure has been specifically authorized by the Director, Office of Mail Classification, in accordance with 145.8 or 145.9.

.223 Separation. The mailer must separate mailing pieces by parcel post zones so that postage may be verified. This requirement may be waived by the Postal Service if the mailer demonstrates to the satisfaction of the Postal Service that records are maintained to enable the Postal Service to accurately verify and audit mailings of fourth-class bulk rate parcels. The Director, Office of Mail Classification, must specifically approve systems for the acceptance of such mailings.

.224 Special services. The insurance, special delivery, special handling, and COD services may be used on mailings sent at bulk fourth-class zone rates. However, special services may not be used selectively for individual parcels mailed at these rates. Selective special services may be used in conjunction with postage payment verification systems approved under the conditions stated in 135.222.

.225 Markings Required. The words "Fourth-Class Bulk Rates" or "Fourth-Class Blk. Rt." must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit imprint.

.23 Bound printed matter.

.231 Only the following specifically descried material may be mailed at the Bound Printed Matter rates in 135.12. "Bound Printed Matter" is fourth-class matter that weighs one pound or more but less than 10 pounds and which:

a. Consists of advertising, promotional, directory or editorial material, or any combination of these.

b. Is securely bound by permanent fastenings such as staples, spiral binding, glue, stitching, etc. Loose leaf binders and similar fastenings are not considered permanent.

c. Consists of sheets of which at least 90 percent are imprinted with letters, characters, figures or images or any combination of these, by any process other than handwriting or typewriting.

d. Does not have the nature of personal correspondence.

e. Is not a book eligible for mailing as special fourth-class rate mail.

f. Is not a book which would be eligible for mailing as special fourth-class rate mail but for the inclusion of advertising

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matter other than incidental announcements of books that either (1) is not permanently bound in the book itself or (2) does not form an integral part of the book itself.

g. Is not stationery, such as pads of blank printed forms.

.232 Markings Required. The words "Bound Printed Matter" must be incorporated as part of the permit indicia or be printed or rubber stamped above the address to the left or below the permit indicia. Mailings under the bulk rates in 135.122 must also be marked "Bulk Rate" or "BLK RT."

.233 Separation Required for Bulk Mailings. The mailer must separate mailing pieces by parcel post zones so that postage must be verified. Mail for each parcel post zone must be further separated and placed in sacks by cities or States of destination in each instance where there are 10 or more pieces for the same post office or State, or where 5 or more catalogs weigh 10 or more pounds. Use No. 3 mail sacks except when greater volume requires the use of No. 2 mail sacks. When there is insufficient volume for a direct sack or a State sack, combine the pieces in sacks for mixed States by parcel post zones. Label each sack to include parcel post zone separation and destination. The total weight of pieces placed in one sack must not exceed 70 pounds.

.234 Separations Recommended. In addition to the separations required in 135.233, it is recommended that the mailer separate the pieces to the finest extent possible in the manner prescribed by 134.43.

.235 Optional Handling of Bulk Mailings of Bound Printed Matter weighing in excess of 2 pounds when addressed for delivery in local parcel post zone only.

Address labels and unaddressed pieces weighing in excess of 2 pounds, at the option of the mailer, may be mailed separately for local delivery at the office of mailing subject to all of the following conditions:

a. The address labels, which may not measure less than 3 by 4¼ inches, must show the full name and ZIP Coded address of the sender and addressee and must be sorted by the mailer to the fourth and fifth digit of the ZIP Code.

b. Postage must be paid by permit imprints for each label, including labels returned as undeliverable. The imprint may be placed on the pieces or on the label. See § 145.11.

c. The mailer must submit a completed Form 3605 with each mailing.

d. The total weight of pieces placed in sacks, cartons, crates or any other types of containers must not exceed 70 pounds.

e. The address labels must be sent to the postmaster at the mailing (delivery) office by the mailer.

f. Address labels bearing incorrect, nonexistent or any other undeliverable addresses will be corrected or endorsed to show why they are undeliverable and returned under cover to the mailer. Each envelope shall be rated with postage due at the address correction rate for each address label contained inthe envelope. At the request of the mailer, the postmaster will notify the mailer, at mailer's expense and by means specified by mailer, of the number of address labels being returned. The request for notification must accompany the labels. Correctly addressed labels will be held awaiting arrival of the pieces.

g. Pieces will be deposited at the acceptance point designated by the postmaster. If the number of pieces deposited is not enough or too many to match the number of address labels, the postmaster will notify the sender, or his designated representative or agent, of the number of pieces required to complete the delivery or the number in excess. If the additional pieces are not delivered to the post office within fifteen days, the excess address labels will be returned under cover to the mailer. As soon as deliveries are completed, the postmaster will notify the sender or his representative of the number of any excess pieces on hand. Excess pieces may be called for by the mailer without charge. Any excess pieces not called for within fifteen days will be returned to sender postage due at the single piece bound printed matter rate.

.24 Special fourth-class mail

Only the following specifically described articles may be mailed at the special fourth-class rate provided by 135.13:

a. Books, including books issued to supplement other books, of 24 pages or more, at least 22 of which are printed, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and publishers' own advertising. Advertising may be in display, classified, or editorial style. The identification statement *Special Fourth-Class Rate—Books* must be placed conspicuously on the address side of each package.

b. 16-millimeter films or narrower width films which must be positive prints in final form for viewing, and catalogs of such films of 24 pages or more, at least 22 of which are printed, except films and film catalogs sent to or from commercial theaters. The identification statement *Special Fourth-Class Rate—16 mm or narrower Films or 16 mm or narrower Film Catalog* must be placed conspicuously on the address side of each package.

c. Printed music whether in bound form or in sheet form. The identification statement *Special Fourth-Class Rate—Printed Music* must be placed conspicuously on the address side of each package.

d. Printed objective test materials and accessories thereto used by or in behalf of educational institutions for testing ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark. The identification statement *Special Fourth-Class Rate—Objective Test Materials* must be placed conspicuously on the address side of each package.

e. Sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings. Player piano rolls are classified as sound recordings. Miscellaneous advertisements, including trademarks, of persons or concerns other than the record manufacturer, are not permissible on title labels, protective sleeves, jackets, cartons, and wrappers, and such advertisements may not be mailed as enclosures. The identification statement *Special Fourth-Class Rate—Sound Recordings* must be placed conspicuously on the address side of each package.

f. Playscripts and manuscripts for books, periodicals, and music. The identification statement *Special Fourth-Class Rate—Manuscript* must be placed conspicuously on the address side of each package.

g. Printed educational reference charts, permanently processed for preservation. The identification statement *Special Fourth-Class Rate—Educational Reference Charts* must be placed conspicuously on the address side of each package.

h. Looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. The identification statement *Special Fourth-Class Rate—Medical Information* must be placed conspicuously on the address side of each package.

NOTE.—When two or more articles described in this section are mailed in the same package, the appropriate descriptive terms shall be combined in the identification statement placed on the address side. Example: *Special Fourth-Class Rate—Books and Sound Recordings.*

.25 Special fourth class presort discount.

.251 Applicability. The volume discount rates contained in 135.132 apply to special fourth-class rate matter presorted by ZIP Codes, and mailed in minimum quantities shown below at a place designated by the postmaster.

.252 Minimum Quantities. To qualify as a presorted piece subject to the bulk special fourth-class rate, a piece must be one of a mailing of:

a. At least 500 identical pieces receiving identical service and properly prepared and presented in full sacks (see 135.252e) destined for five-digit ZIP Code locations; or

b. Mailings of at least 500 identical outsides as described in 334.5 may qualify for the discount if they are made up to preserve the five-digit ZIP Code presort as prescribed by the postmaster. The postmaster may require notification up to 24 hours before the mailing is ready for presentation. The mailer must comply with the postmaster's instructions on how to separate and present mailings of outsides. The postmaster will coordinate such mailings and obtain procedures for separation of parcels through the Regional Logistics Office.

c. At least 2000 identical sackable pieces receiving identical service and properly prepared and presented:

(1) In full sacks or substantially full sacks (see e(2) below) destined to five-digit ZIP Code locations. Mail must be separated and sacked to five-digit destinations in this manner to the maximum extent possible. (See e(1) below).

(2) The remainder in full sacks destined to three-digit locations. All material in such sacks must be addressed to the same three-digit destinations.

d. A mailing will receive only one level of discount; under 135.252a, 135.252b, or 135.252c. A customer may however, elect to send a product as two or more mailings with separate mailing statements in order to avail himself of the two levels of discount.

e. For purposes of the bulk special fourth-class rate schedule the following definitions shall apply:

(1) Full sack shall mean at least eight pieces or pieces sufficient in volume to fill at least one-third of a standard No. 2 postal sack, or pieces sufficient in weight to equal at least 20 pounds; but not to exceed 70 pounds.

(2) Substantially full sack shall mean a postal sack containing at least four pieces or either at least 20 or more pound or pieces sufficient in volume to fill one-third of a standard No. 2 postal sack but not to exceed 70 pounds.

(3) To qualify as identical pieces subject to this rate schedule, all pieces must be identical in weight. However, the size and content of each piece need not be identical.

.253 Non qualifying pieces. Pieces which are not sacked to five-digit or three-digit destinations as set forth in 135.251 are not considered presorted for purposes of this rate schedule. Pieces which are sacked to three or five-digit destinations but when sacked, do not meet the "full" or "substantially full" sack criteria do not qualify for the discount and must be presented for mailing under a separate mailing statement if mailed under permit imprint.

.254 Nonidentical Pieces. Nonidentical pieces, including those of different postage values, may be merged, presorted together, and presented as a single mailing only when it has been demonstrated by the mailer that records are maintained to enable the Postal Service to accurately verify and audit mailings of such matter and the procedure has been specifically authorized by the Director, Office of Mail Certification, Washington, D.C.

.255 Markings Required. The appropriate identification Statement prescribed by 135.24 must appear on the address side of each piece preceded by the word PRESORTED.

.256 Sack Labeling Requirements. Sacks must be labeled according to the following examples:

a. Five-Digit Destination

CLEVELAND OH 44101
5-DIGIT PRESORTED PP
FR J COMPANY BOSTON MA

b. City with unique 3-digit ZIP Code

CLEVELAND OH 441
MACHINABLE PRESORTED PP
FR J COMPANY BOSTON MA

or

CLEVELAND OH 441
NONMACHINABLE PRESORTED SPR
FR J COMPANY BOSTON MA

c. Sectional center facility

SCF CLEVELAND OH 440
MACHINABLE PRESORTED PP
FR J COMPANY BOSTON MA

or

CLEVELAND OH 440
NONMACHINABLE PRESORTED SPR
FR J COMPANY BOSTON MA

.257 Container or pallet labelling requirements.

a. Five-digit destination

CLEVELAND OH 44101
5-DIGIT PRESORTED PP
FR J COMPANY, BOSTON MA

b. City with unique 3-digit ZIP Code

CLEVELAND OH 441
MACHINABLE PRESORTED PP
FR J COMPANY BOSTON MA

or

CLEVELAND OH 441
NONMACHINABLE PRESORTED PP
FR J COMPANY BOSTON MA

c. Sectional center facility

CLEVELAND OH 441
MACHINABLE PRESORTED PP
FR J COMPANY BOSTON MA

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or

CLEVELAND OH 441
NONMACHINABLE PRESORTED PP
FR J COMPANY BOSTON MA

.258 Bulk mail center machineability criteria for special fourth-class matter.

The Parcel Sorter machineability criteria are:

Weight: At least 1 pound but not over 25 pounds

Length: At least 6 inches but not over 34 inches

Height: At least 3/8 inches but not over 17 inches

Width: At least 3 [1] inches but not over 17 inches

(a) Mailing pieces that fall below the minimum dimensions specified above are considered SPR's.

(b) Those exceeding the maximum dimensions or irregular in shape are considered non-machineable parcels.

(c) Mailers who are not sure of the size classification of their pieces are advised to consult with their local postmaster.

.259 Presort verification. Accepting post offices shall verify the presort as follows:

a. For each 50 sacks or fraction thereof in a mailing:

1. Select two sacks of 5-digit makeup and verify that no pieces are included bearing other than the 5-digit ZIP Code shown on the sack label. If a discrepancy of more than one piece is found, the mailing is disqualified.

2. For mailings that include sacks of mail presorted to 3-digit ZIP Code destination, select three sacks and verify that all pieces in a sack bear ZIP Codes having the same first three digits of ZIP Code as that shown on the sack label and that no identical 5-digit ZIP Codes are contained in quantities sufficient to make up a full or a substantially full sack, as appropriate in terms of the discount level, for mail addressed to the same 5-digit ZIP Code destination. If it is found that one 5-digit sack could have been made up separately from the pieces in a 3-digit sack, the mailing is disqualified. If more than two pieces are found in any sack made up to the same 3-digit ZIP Code destination that bear a different first three digits of ZIP Code, the mail is disqualified.

3. If a mailing is disqualified, the next mailing by the customer at presort discount rates should have twice the number of sacks verified as specified in 1. and 2. above, and such intensified verification shall be extended to one-fifth of the customer's mailings during the following six month period.

.26 Fourth-class library rate

Only the articles specifically described in this section may be mailed at the fourth-class library rate provided by 135.14. The identification statement *Library Rate* must be placed conspicuously on the address side of each package. Each package must show in the address or return address the name of a school, college, university, public library, or name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organization or association. No permit is required.

.261 The following specific items when loaned or exchanged between schools, colleges, or universities and public libraries, museums and herbaria, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively processed by libraries; or loaned or exchanged between libraries, organizations, or associations, and their members, readers, or borrowers, may be mailed at the library rate:

a. Books, consisting wholly of reading matter, scholarly bibliography, or reading matter with incidental blank spaces for notations and containing no advertising other than incidental announcements of books.

b. Printed music, whether in bound form or in sheet form.

c. Bound volumes of academic theses in typewritten or duplicated form.

d. Periodicals, whether bound or unbound.

e. Sound recordings. (See also 136.-262b).

f. Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

g. Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

.262 The following specific items when set to or from schools, colleges, universities, public libraries, museums and herbaria and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations, may be mailed at the library rate:

a. 16-millimeter or narrower width films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

b. Sound recordings.

c. Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

d. Scientific or mathematical kits, instruments, or other devices.

e. Catalogs of the materials in 135.262 a–d and guides or scripts prepared solely for use with such materials.

.263 The address on each piece mailed at the rates provided by 135.13 and 135.14 must include the complete ZIP Code.

13. In § 135.3 revise .31 and revise the heading and description of .311 to read as follows:

135.3 Weight and size limits.

.31 Limits. The following size and weight limitations apply to all fourth-class parcels. Additional limitations for Bulk Zone rate and Bound Printed Matter are contained in 135.22 and 135.23.

.311 Parcels mailed between post offices with over 949 revenue units. Parcels mailed at these post offices in the 48 contiguous States of the United States addressed for delivery at the same office or to another such post office in the 48 contiguous States. (See exceptions in in 135.312.)

14. In 135.312a strike out the words "of the second, third, or fourth class" and insert "with 949 revenue units or less" in lieu thereof; in 135.312b strike out the words "class of".

15. Section 135.4 is revised to read as follows:

135.4 Payment of postage.

.41 Single piece rate mailings. Mailers of articles at single piece rates may use any method of paying postage.

.42 Bulk rate mailings.

.421 Mailers of fourth-class matter at bulk rates must pay postage by permit imprint and shall complete and submit with each mailing a Form 3602, or Form 3605, as appropriate.

16. In 135.512 strike out "135.214, 135.-215, and 138.3" and insert "135.255, 135.232, and 139" in lieu thereof.

17. In 135.5 strike out the heading of .52 and insert "Parcel Post" in lieu thereof.

18. At the end of § 135.521 add new i reading as follows:

.521 * * *

i. Enclosures or attachments for which postage is paid at the first-class rate in accordance with Part 139.

19. In section 135.6 strike out the entire section heading, including the section number; strike out the next entire section heading, including section number of .61 and insert ".53 Bound Printed Matter" in lieu thereof; strike out the first word of the sentence following redesignated .53 and insert "Only the" in lieu thereof; redesignate .62, .621–.623, as .54, .541–.543; strike out "135.621c" from redesignated .541b and insert "c" in lieu thereof; strike out "in 135.621b" from redesignated .541c; strike out "in 135.621c" from redesignated .541d; strike out "135.622c" from redesignated .542b and insert "c" in lieu thereof; strike out "in 135.622b" from redesignated .542c; strike out "135.622c" from redesignated .542e and insert "135.542c" in lieu thereof; strike out the period at end of redesignated .543, insert a comma in lieu thereof and add the words "and 139.3".

[1] A width of 4 inches is required for parcels less than 9 inches long

20. Redesignate § 135.7 as 135.6, and add new section 135.7 reading as follows:

135.7 Addressing. The address of all fourth-class matter mailed at bound printed matter, bulk parcel post, library, and special rate fourth-class rates must contain a complete ZIP code.

21. In § 135.8 redesignate .82 as .83; revise .81 and add .82 to read as follows:

135.8 Place of mailing.

.81 Articles mailed at single piece fourth-class rates may be mailed at a post office, branch, or station, or handed to a rural or star route carrier.

.82 Mailings at bulk or presort discount rates must be made at a station or branch specified by the postmaster.

PART 136—AIR AND PRIORITY MAIL

22. In section 136.1 revise .11 and add new .13 to read as follows:

136.1 [Amended].

.11 Airmail.

Weight	Kind of mail	Rate
10 oz. or less...	Air postal or post cards.	14 cents each.
	Letters and packages.	17 cents for the 1st ounce or fraction; 15 cents for each additional ounce or fraction.

.13 Bulk presort discount. A bulk rate discount of one-cent from the single piece is applied to each piece of presorted airmail of identical size and weight, presented in quantities of not less than 500 pieces in a single mailing at one post office. The provisions of 131.12, 131.4, and 131.5 are applicable to such mailings.

23. In § 136.2 strike out the words "Air parcel post" and "airmail" in .234 and insert "Priority Mail" in lieu thereof; in .235 and .236 strike out the word "airmail" and insert "Priority Mail" in lieu thereof.

24. In § 136.3 strike out the word "Airmail" in .31 and .32 and insert "Priority Mail" in lieu thereof; add new .33 reading as follows:

136.3 [Amended]

.33 Nonstandard airmail. Airmail weighing one ounce or less is nonstandard unless it meets the following size standards:

a. length not greater than 11.5 inches, and

b. height not greater than 6.125 inches, and

c. thickness not greater than .25 inch, and

d. an aspect ratio (ratio of height to length) between 1:1.3 and 1:1.5 inclusive.

Nonstandard mail often results in delays or damage to mail because it does not lend itself to machine processing. For this reason, mailers are encouraged to avoid mailing nonstandard airmail. It is anticipated that a surcharge will be imposed sometime in calendar year 1978 for nonstandard airmail.

25. Section 136.4 is revised to read as follows:

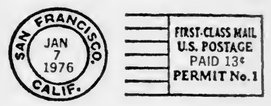
136.4 Payment of postage.

.41 Single Piece Rate. Mailers of airmail matter at single piece rates may pay postage by adhesive stamps, stamped envelopes and postal cards, meter stamps, and permit imprints.

.42 Bulk Rate. Mailings made at presort discount rates must be paid by meter stamps or permit imprints. Metered postage must be for the airmail rate less the discount for qualifying pieces and the full airmail rate for nonqualifying residual pieces.

.43 Annual Fee. A first-class presort mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails first-class or airmail matter at presort discount rates. Any person who engages a business concern or another individual to mail for him must pay the $30 fee. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (145.1).

a. First-Class Mail:



FIRST-CLASS MAIL
U.S. POSTAGE
PAID
New York, N.Y.
Permit No. 1

PRESORTED
FIRST CLASS MAIL
US POSTAGE PAID
NEW YORK, NY
Permit No. 1

26. In section 137.2 revise .262 to read as follows:

137.2 [Amended].

.26 ZIP coding of Mail.

.262 Presorting and postage charges. When identical pieces of individually addressed matter are included in a single mailing at the bulk rates in 131.12, 134.-12, 135.122, 135.132, and 136.13, the mail must be prepared as prescribed for each bulk category.

PART 145—PERMIT IMPRINTS

27. In section 145.1 strike out "$15" in .11 and insert "$20" in lieu thereof.

28. In section 145.2 add the letter "a." immediately before the first sentence, and add new b. as follows:

145.2 [Amended].

b. The position of the imprint on fourth-class bound printed matter may be varied so that automatic data processing equipment may be utilized to simultaneously print the address, imprint and other postal information. The permit may be placed on the parcel or on the label for items mailed under the provisions of 135.235.

29. In § 145.3 add the following sentence at the end of .32: "Permit indicia may include: amount of postage paid, weight of piece, and markings required by 131.5, 134.436 or 135.2."; redesignate .33 as .34 and add new .33 reading as follows:

145.3 Content of permit imprints.

.33 Mail with special srevices. Permit mail wtih special services paid by permit must show First-Class Mail, if first-class mail; U.S. Postage and Fees Paid; City and State; and Permit number. The company may be shown in place of the city and permit number in accordance with 145.34.

30. In section 145.4 strike out a.-d. and insert in lieu thereof the following:

145.4 Form of permit imprints.

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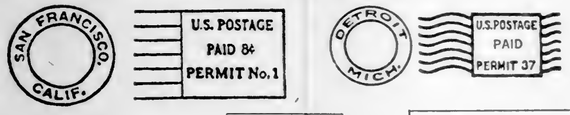
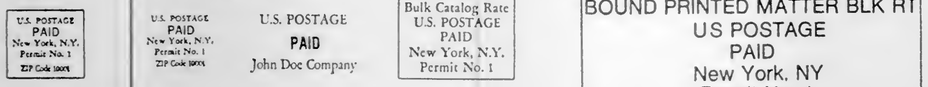
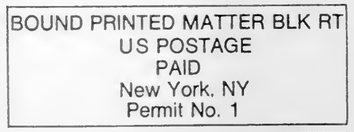
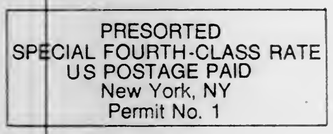
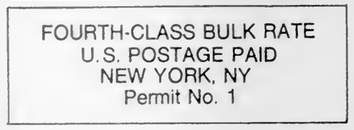
b. Second-, Third-, and Fourth-Class Mail (Date and First-Class Mail omitted)) :)



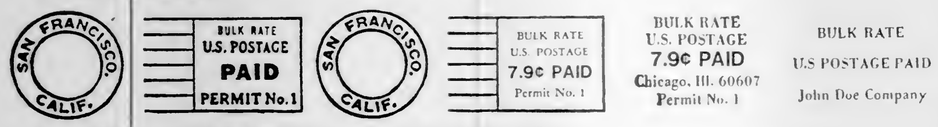






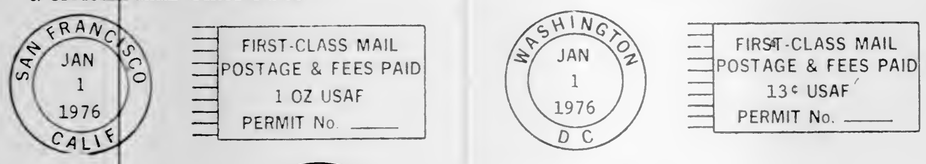


c. Bulk Third-Class Mail:

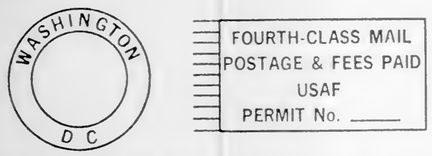


d. SPECIAL RATES FOR AUTHORIZED ORGANIZATIONS ONLY

e. OFFICIAL MAIL (FIRST-CLASS)



f. OFFICIAL MAIL (FOURTH-CLASS)
Date and First-Class Mail omitted



31. In section 145.5 redesignate .51b, c, and d as .51c, d, and f respectively; strike out the words "Form 3602" in .53 and .55 and insert "Form 3602 or 3605" in lieu thereof; strike out the words "Form 3602" in .566b and insert "(Form 3602 or 3605)" in lieu thereof; strike out the words "Forms 3602" in .566c and insert "statement of mailing" in lieu thereof; redesignate .565c as .565d; add new .51b and e reading as follows; redesignate .565b as .565c and revise to read as follows; add new .565b reading as follows:

145.5 Mailings with permit imprints.

.51 Minimum quantities.

• • • • • •

b. First-class bulk presort discount rate. 500 pieces of identical size and weight.

• • • • • •

e. Fourth-class zone bulk rate mail. 300 or more pieces of identical weight.

• • • • • •

.56 Payment of postage.

• • • • • •

b. Verify mail is properly prepared. See 131.43, 131.5, and 135.25 for presort requirements.

c. Fill out the back of the mailing statement (Form 3602 or 3605) and at the same, by carbon, prepare Form 3607. If the mailer requests a receipt, he must present a duplicate copy of the mailing statement which will be delivered to him after the back is filled out.

31. In section 145.84 strike out the first sentence and insert the following in lieu thereof: "An optional procedure for items of identical weight must be approved by the Regional Postmaster General. An optional procedure for items of nonidentical weight must be approved by the Office of Mail Classification."

[FR Doc.76-16120 Filed 6-2-76;8:45 am]

V41I108 JUN 3 76 UMI

Impact Statement on a proposal to acquire a 1,000 acre tract of land in Lee County, Alabama, for the Auburn University Regional Airport.

Dated: May 27, 1976.

JOHN L. SULLIVAN,
Secretary of Transportation.

[FR Doc.76-16121 Filed 6-2-76;8:45 am]

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON ELECTRONIC WARFARE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, notice is hereby given that a meeting of the Defense Science Board Task Force on Electronic Warfare will be held on June 14-15, 1976, at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will review the Electronic Warfare Program.

In accordance with the determination of the Secretary of Defense, dated January 5, 1976, and pursuant to the provisions of Public Law 92-463, it has been determined that this meeting concerns matters listed in 5 U.S.C. 552b(c)(1) and that accordingly this meeting will be closed to the public.

Dated: May 28, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-16122 Filed 6-2-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 12 (Rev. 6)]

ACTING SUPERVISORY OFFICIALS

Delegation Order

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 177-19, Revision No. 1; Administrative Circular No. 46 and Supplement 1 thereto; and Chapter 250, Treasury Personnel Manual; there is hereby delegated the authority to designate acting supervisory officials in the Internal Revenue Service, *unless or until the official making the designation, or a line superior of the official making the designation, designates another employee to serve as acting* as follows.

1. All Internal Revenue Service employees in supervisory positions other than positions specifically provided for in Sections 2 through 9 of this Order are authorized to designate an employee to serve as acting during their absence and, in case a supervisory position under their supervision and control becomes vacant, to designate an employee to serve as acting.

2. The Commissioner shall designate an Acting Deputy Commissioner when necessary.

3. In an Office of Assistant Commissioner having a Deputy Assistant Commissioner, such Deputy Assistant Commissioner shall automatically become Acting Assistant Commissioner in case of the absence of the Assistant Commissioner or a vacancy in the office. The Assistant Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in the absence of both the Assistant Commissioner and Deputy Assistant Commissioner. If the position of Deputy Assistant Commissioner becomes vacant, the Assistant Commissioner shall designate an employee who shall serve as Acting Deputy Assistant Commissioner. In an Office of Assistant Commissioner where there is no Deputy Assistant Commissioner, the Assistant Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in the absence of the Assistant Commissioner and the Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in case the position of Assistant Commissioner becomes vacant.

4. In the Office of the Assistant to the Commissioner (Public Affairs), the Assistant Director shall serve as Acting Assistant to the Commissioner (Public Affairs) in the absence of the Assistant to the Commissioner (Public Affairs) or during a vacancy in the office. The Assistant to the Commissioner (Public Affairs) shall designate an employee to serve as Acting Assistant to the Commissioner (Public Affairs) when both the Assistant to the Commissioner (Public Affairs) and the Assistant Director are absent.

5. Each Regional Commissioner shall designate an Assistant Regional Commissioner, District Director or Service Center Director who shall serve as Acting Regional Commissioner in the absence of the Regional Commissioner.

If the position of Regional Commissioner becomes vacant, the Commissioner shall designate an employee to serve as Acting Regional Commissioner.

6. In an Office of Assistant Regional Commissioner having an Executive Assistant to the Assistant Regional Commissioner, such Executive Assistant shall automatically become Acting Assistant Regional Commissioner in case of the absence of the Assistant Regional Commissioner or a vacancy in the office. The Assistant Regional Commissioner shall designate an employee who shall serve as Acting Assistant Regional Commissioner in the absence of both the Assistant Regional Commissioner and the Executive Assistant. If the position of Executive Assistant becomes vacant, the Assistant Regional Commissioner shall designate an employee who shall serve as Acting Executive Assistant. If the position of Assistant Regional Commissioner becomes vacant in an office where there is no Executive Assistant, the Regional Commissioner shall designate an employee to serve as Acting Assistant Regional Commissioner.

7. In a District Office having an Assistant District Director of Internal Revenue, such Assistant shall automatically become Acting District Director in case of the absence of the District Director or a vacancy in the office. The District Director shall designate an employee who shall serve as Acting District Director in the absence of both the District Director and the Assistant District Director. If the position of Assistant District Director becomes vacant, the District Director shall designate an employee who shall serve as Acting Assistant District Director. In a District Office where there is no Assistant District Director, the District Director shall designate an employee who shall serve as Acting District Director in the absence of the District Director and the Regional Commissioner shall designate an employee who shall serve as Acting District Director in case the position of District Director becomes vacant.

8. In case of the absence of a Director, Internal Revenue Service Center, or a vacancy in office, the Assistant Director of the Service Center shall automatically become Acting Director. The Service Center Director shall designate an employee who shall serve as Acting Service Center Director in the absence of both the Service Center Director and the Assistant Service Center Director. If the position of Assistant Service Center Director becomes vacant, the Service Center Director shall designate an employee who shall serve as Acting Assistant Service Center Director.

9. In case of the absence of the Director, Internal Revenue Service Data Center, or the Director, National Computer Center, or a vacancy in the office, the Assistant Director of the Center shall automatically become Acting Director. The Data Center Director and the National Computer Center Director shall designate an employee who shall serve as Acting Director in the absence of both the Director and the Assistant Director. If the position of Assistant Director becomes vacant, the Director shall designate an employee who shall serve as Acting Assistant Director.

10. All designations as acting shall be made in writing and retained as a record, and a record shall be maintained of the periods during which an official automatically became acting under the provisions of this delegation order or by automatic designations issued under authority of this delegation order. The loss of such records, or the failure to maintain such records, will not invalidate the authority of the individual acting pursuant to this delegation order.

11. The authority delegated herein may not be redelegated.

12. This Order supersedes Delegation Order No. 12 (Rev. 5), issued May 10, 1972.

Issued: May 28, 1976.

Effective date: June 14, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-16086 Filed 6-2-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ACQUISITION OF EAST COAST WEAPONS RANGE, N.C.

Evaluation of Environmental Impact

MAY 27, 1976.

The United States Air Force indicated in the second quarter FY 76 report to the Council on Environmental Quality its intention to prepare an Environmental Impact Statement on a proposal to acquire fee title to land for an East Coast weapons range in North Carolina.

A comprehensive evaluation of the environmental impact of the proposed action was performed, and on 16 April 1976 the USAF determined that the proposed acquisition was not a major Federal action with significant, adverse effect on the quality of the human environment. This determination was based on the following considerations:

a. The proposed action is to acquire fee title to the same 47,000 acre tract of land in Dare County, N.C. which the Air Force has used as a weapons range under leasing arrangements since 1965. The principal impact will be a minor economic property tax revenue by 0.7%. Continued use as a range will prevent other agricultural development which could have increased the county employment an estimated 0.86% by 1980.

b. The main ecological impact occurred at the time of range establishment, and continued use will only cause incremental effects which are small as compared to the original. Noise is a negligible matter because of the remoteness of the range site.

c. Continued use of the range will have no irretrievable effect on the basic land resource. Decontamination would pose no serious problem to a different future use.

d. Any feasible alternatives to use of the present tract would necessitate clearing some other comparable area of land and would result in new impacts on the environment.

e. There has been no evidence of public opposition to present range operations. There is no indication that Government ownership of the range land, as distinguished from the current leasing arrangement, will be controversial with the public.

For the reasons outlined above, the United States Air Force has decided not to file a Draft Environmental Statement with the Council on Environmental Quality but has prepared a Negative Environmental Determination. Any questions or comments on this action should be directed to the Special Asisstant for Environmental Quality (SAF/LE) United States Air Force, Pentagon, Room 4C885, Washington, D.C. 20330. Copies of the environmental assessment and negative determination are available for review at the following locations:

HQ USAF/PREVP, Rm 5D367, Pentagon, Washington D.C. 20330, ph 695-1422.

Office of Information, 4th Combat, Support Group, Seymour-Johnson, AFB, NC 27531, ph 919-736-5411.

Public Relations Office, Dare County Administrative Bldg. Rm 308, Manteo, North Carolina 27964, ph 919-473-2143-ext. 219.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.76-16056 Filed 6-2-76;8:45 am]

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS

Advisory Committee Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements will meet in closed session on 29-30 June and 1 July 1976 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with section (10d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically paragraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MAY 27, 1976.

[FR Doc.76-16027 Filed 6-2-76;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON INDUSTRIAL READINESS PLANS AND PROGRAMS

Meeting

The Defense Science Board Task Force on Industrial Readiness Plans and Programs will meet in closed session on 22 and 23 June 1976 at the Pentagon, Arlington, Virginia. The overall mission of this Task Force is to advise the Secretary of Defense, the Director of Defense Research and Engineering, and the Assistant Secretary of Defense for Installations and Logistics on Scientific and Technical matters as they relate to the needs of the Department of Defense (DoD). This Task Force will examine the process of transforming DoD logistics planning guidance into mobilization requirements, war reserve inventories, and related industrial preparedness measures.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAY 27, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-16026 Filed 6-2-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL, ALARM COMMITTEE

Meeting

Notice is hereby given that the Alarm Committee of LEAA's Private Security Advisory Council (PSAC) will meet Thursday and Friday, June 24 and 25, 1976. The meeting will convene at 9:00 a.m., June 24 at the Imperial House, 4343 Everhard Road, in Canton, Ohio. The meeting is scheduled to adjourn by noon, June 25.

Topics under discussion will be: (1) communication problems of the alarm industry; and (2) requirements of a proposed national study of the false alarm problem. The meeting will be open to the public.

For further information, please contact: Mr. Irving Slott, Director, Program Evaluation and Monitoring Staff, Office of Regional Operations, LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531. 202/376-3830.

JAY A. BROZOST,
Attorney-Adviser,
Office of General Counsel.

[FR Doc.76-16057 Filed 6-2-76;8:45 am]

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Notice of Establishment

The Law Enforcement Assistance Administration (LEAA) hereby determines that the establishment of the National Minority Advisory Council on Criminal Justice (NMCCJ), as described hereafter, is in the public interest and necessary, appropriate and consistent with the purposes of the Crime Control Act of 1973, Pub. L. 93-83. Accordingly, the Administration establishes the NMACCJ in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463; OMB Circular A-63; and LEAA Instruction I 2100.1. The required fifteen-day period for the publication of this notice of establishment prior to the filing of the Committee's charter has been waived by the OMB Secretariat for good cause shown.

1. *Designation.* National Minority Advisory Council on Criminal Justice (NMACCJ).

2. *Purpose.* To advise and make recommendations to LEAA in order to assist

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State and local governments in their efforts to improve law enforcement and criminal justice systems as they impact on minority communities.

3. *Establishment Date and Termination.* The Committee will be established on June 18, 1976, and will terminate on June 18, 1978.

4. *Meetings.* NMACCJ will hold meetings quarterly or as required to carry out its purpose and fulfill its duties.

5. *Membership.* The membership will be drawn from LEAA, State and local public law enforcement agencies, private businesses, and social agencies and institutions, with the representation corresponding to the minority group designation found at 28 C.F.R. 42.301, Subpart E. The Special Assistant to the Administrator for Minorities and Women of LEAA will be the designated Federal officer.

6. *Authority.* NMACCJ will operate pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463; OMB Circular No. A-63; LEAA Instruction I 2100.1; and any other orders and directives issued in implementation of the Act.

PAUL K. WORMELI,
Deputy Administrator for Administration.

[FR Doc.76-16168 Filed 6-2-76;8:45 am]

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Notice of Meeting

Notice is hereby given that the National Minority Advisory Council on Criminal Justice (NMACCJ) will meet Friday and Saturday, June 18 and 19, 1976, in Washington, D.C. The meeting is scheduled to convene at 1:00 p.m. on Friday, June 18 at the L'Enfant Plaza Hotel, located at 480 L'Enfant Plaza East SW., Washington, D.C., telephone 202/484-1000. This meeting is scheduled to run Friday afternoon and evening, all day Saturday and will adjourn by 5:00 p.m. on Saturday, June 19.

Discussion at the meeting will focus on the goals and objectives of the Council, and the methodology to be utilized in accomplishing the national needs assessment of minorities and their relationship with the criminal justice system. The meeting will be open to the public.

For further information, please contact Mr. Lewis W. Taylor, Special Assistant to the Administrator for Minorities and Women, 633 Indiana Avenue NW., Washington, D.C. 20531, telephone number 202/376-3936.

JAY A. BROZOST,
Attorney Advisor, Office of General Counsel.

[FR Doc.76-16169 Filed 6-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 653]

CALIFORNIA

Notice of Filing of Plat of Survey; Filing Date Suspended

MAY 26, 1976.

FR Doc. 76-10083, appearing on page 14911 of the issue for April 8, 1976, prescribed that a plot of survey for certain lands in Sections 31 and 32, T. 31 N., R. 4 W., Mount Diablo Meridian, California, would be officially filed in the California State Office, Bureau of Land Management, Sacramento, California, effective at 10:00 a.m. on May 20, 1976.

The official filing date is herewith suspended.

ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.76-16046 Filed 6-2-76;8:45 am]

MEDFORD DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Medford District Advisory Board will conduct a field trip and meeting on June 29, 1976. The field trip will begin from the National Guard Armory on Armory Drive, Medford, Oregon, at 8:00 a.m.

The agenda will include a variety of subjects involved with land use planning in the Josephine Master Unit.

A short business meeting will be held during the tour at the Rand Administrative Site at approximately 1:00 p.m.

The field trip and meeting are open to the public. Persons wishing to attend must furnish their own food and transportation. Anyone wishing to make an oral statement should contact the board chairman, Mr. Martin Craine, % Bureau of Land Management, prior to the meeting. Any interested person may file a written statement for consideration by the board by sending it to the Medford District Manager, Bureau of Land Management, 310 W. Sixth Street, Medford, Oregon 97501.

Dated: May 25, 1976.

GEORGE C. FRANCIS,
District Manager, Medford.

[FR Doc.76-16045 Filed 6-2-76;8:45 am]

CALL FOR INDUSTRY NOMINATIONS AND AREAS OF PUBLIC CONCERN

Request for Information on Areas of Interest With Respect to Areas Suitable or Unsuitable for Federal Coal Leasing

Correction

In FR Doc. 76-15565 appearing at page 22133 of the issue for Tuesday, June 1, 1976, in the seventh full paragraph, third column, page 22133, "West Central Colorado" should be added to the list of areas for which coal environmental impact statements are being undertaken or have been scheduled.

MULTIPLE USE ADVISORY BOARD

Notice of Postponement of Meeting

Notice is hereby given that the June 4, 1976, meeting of the Bureau of Land Management, Susanville District Multiple Use Advisory Board has been postponed. Notice of this meeting appeared in Federal Register Document 76-13599, page 19233 in the issue of Tuesday, May 11, 1976. A new date, place and time will be published at a later date.

HERMAN KAST,
Acting District Manager.

[FR Doc.76-16210 Filed 6-2-76;8:45 am]

National Park Service

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southeast Regional Advisory Committee will be held at 1:30 p.m., e.d.t., on June 21 and 1:30 p.m. on June 22, 1976, at the Wade Hampton Hotel, 1201 Main Street, Columbia, South Carolina.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. Michael V. Gannon (Chairman), Gainesville, Florida
Dr. John M. King (Secretary), Jackson, Mississippi
Mrs. Ann Smith Bedsole, Mobile, Alabama
Mr. Tutt S. Bradford, Maryville, Tennessee
Dr. Arthur W. Cooper, Raleigh, North Carolina
Mr. Robert Gable, Frankfort, Kentucky
Mr. Alfredo Heres Gonzalez, Santurce, Puerto Rico
Mr. Charles Edward Lee, Columbia, South Carolina
Mrs. Jane Hurt Yarn, Atlanta, Georgia

The matters to be discussed at this meeting include: (1) Establishment of Cape Lookout National Seashore, (2) Congaree Swamp National Preserve (Proposed), and (3) Old Ninety Six National Historic Site (Proposed).

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Services Division, Southeast Regional Office, at FTS 404/289-9253 or local 404/996-2520 Extension 253. Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at the Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

Dated: May 25, 1976.

PAUL C. SWARTZ,
Chief, Cooperative Services Division, Southeast Region, National Park Service.

[FR Doc.76-16183 Filed 6-2-76;8:45 am]

Office of the Secretary

GARY E. ADAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 1, 1976.

Dated: April 26, 1976.

G. E. ADAMS.

[FR Doc.76-16047 Filed 6-2-76;8:45 am]

WILLIAM A. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 12, 1976.

Dated: April 26, 1976.

WILLIAM A. DAVIS,
DEPA Deputy Director, WSCC(C-N).

[FR Doc.76-16048 Filed 6-2-76;8:45 am]

EDWARD C. GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 23, 1976.

Dated: April 21, 1976.

E. C. GLASS.

[FR Doc.76-16049 Filed 6-2-76;8:45 am]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 5, 1976.

Dated: May 13, 1976.

DONALD B. GREGG.

[FR Doc.76-16050 Filed 6-2-76;8:45 am]

EVAN W. JAMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Director and officer of Dolores Bench General Partner, Inc.—a subsidiary of Wisconsin Public Service Corp.

(2) Transferred joint ownership in stock of following companies to Lois H. James: American Natural Gas Company, W. A. Krueger Company, Pacific Gas & Electric Company, Peavey Company, U.S. Steel Company, Wisconsin Gas Company, Wisconsin Power & Light Company and Wisconsin Public Service Corporation. Purchased bonds—Bellin Memorial Hospital.

(3) No change.
(4) No change.

This statement is made as of April 27, 1976.

Dated: April 27, 1976.

E. W. JAMES.

[FR Doc.76-16051 Filed 6-2-76;8:45 am]

MARTIN T. QUIGLEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Jointly own 100 shares of Potomac Electric Power Company common stock. None.
(3) None.
(4) None.

This statement is made as of May 1, 1976.

Dated: April 26, 1976.

M. T. QUIGLEY.

[FR Doc. 76-16052 Filed 6-2-76;8:45 am]

NICHOLAS A. RICCI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Add: Redken Labs Nuveen Fund Ser. 79.
(3) No change.
(4) No change.

This statement is made as of April 20, 1976.

Dated: April 29, 1976.

N. A. RICCI.

[FR Doc.76-16053 Filed 6-2-76;8:45 am]

JOHN ROLFING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 20 1976.

Dated: April 23, 1976.

J. ROLFING, JR.

[FR Doc.76-16054 Filed 6-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MULTIPLE USE PLAN BASIN PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Multiple Use Plan—Basin Planning Unit, Forest Service Report Number USDA-FS-R1 (09)-FES-Adm-76-1.

The environmental statement concerns the proposed implementation of a re-

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vised Multiple Use Plan for the Basin Planning Unit, Jefferson Ranger District, Deerlodge National Forest, Jefferson County, Montana. About 57,100 acres of National Forest land are affected. The planning unit is subdivided into six management areas.

This final environmental statement was transmitted to CEQ on May 25, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Deerlodge National Forest, Federal Building, P.O. Box 400, Butte, MT 59701.
USDA, Forest Service, Jefferson Ranger District, 405 W. Legion, Whitehall, MT 59759.

A limited number of single copies are available upon request to:

USDA, Forest Service, Deerlodge National Forest, Federal Building, P.O. Box 400, Butte, MT 59701
USDA, Forest Service, Jefferson Ranger District, 405 W. Legion, hWitehall, MT 59759.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester
Northern Region, Forest Service.

MAY 25, 1976.

[FR Doc.76-16018 Filed 6-2-76;8:45 am]

WENATCHEE NATIONAL FOREST, R-6 OFF ROAD VEHICLE USE AND POLICY

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Off-Road-Vehicle Use and Regulation on the Wenatchee National Forest, USDA-FS-R6-DES(adm)-76-13.

The environmental statement concerns proposed regulation for the use of off-road-vehicles and the impacts of various intensities of use on National Forest lands in Chelan, Kittitas, Yakima Counties, Washington.

This draft environmental statement was transmitted to CEQ on May 26, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, Multnomah Building, 319 S.W. Pine Street, Portland, Oregon 97204.
Supervisor's Office, Wenatchee National Forest, 301 Yakima Street, Wenatchee, Washington 98801.

and at each of the following District Ranger offices:

Chelan Ranger District, Box 189, Chelan, Washington 98816.
Entiat Ranger District, Box 476, Entiat, Washington 98822.
Leavenworth Ranger District, 600 Sherbourne, Leavenworth, Washington 98826.
Lake Wenatchee Ranger District, Star Route, Box 109, Leavenworth, Washington 98826.
Cle Elum Ranger District, W. 2nd Street, Cle Elum, Washington 98922.
Ellensburg, Ranger District, P.O. Box 217, Ellensburg, Washington 98926.
Naches Ranger District, 16680 Highway 410, Naches, Washington 98937.
Tieton Ranger District, Star Route, Box 189, Tieton, Washington 98937.

and at selected public and university libraries within the state of Washington. A limited number of single copies are available upon request to Forest Supervisor, Wenatchee National Forest, Box 811, Wenatchee, Washington 98801.

Copies of the draft environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Wenatchee National Forest, Box 811, Wenatchee, Washington 98801. Comments must be received by July 25, 1976, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programing and Budgeting.

MAY 26, 1976.

[FR Doc.76-16017 Filed 6-2-76;8:45 am]

Soil Conservation Service

SALLACOA CREEK AREA WATERSHED, GEORGIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Sallacoa Creek Area Watershed, Bartow, Cherokee, Gordon, and Pickens Counties, Georgia.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of this project.

The project concerns a plan for watershed protection and flood prevention. The planned work of improvement, as described in the negative declaration, includes one floodwater retarding structure.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601. A limited number of copies is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 25, 1976.

JOSEPH H. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-16055 Filed 6-2-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, National Marine Fisheries Service

FRASER RIVER SOCKEYE SALMON FISHERY

Interpretation of 1976 Regulations

On March 16, 1976, the International Pacific Salmon Fisheries Commission (IPSFC), acting under authority of the Convention between Canada and the United States for the protection, preservation, and extension of the sockeye and pink salmon fisheries of the Fraser River System, forwarded to the Governments of Canada and the United States for the approval required by Article VI of the Convention the regulations to be applicable during the 1976 fishing season in Convention waters. The United States, acting through the Department of State, has approved the regulations.

Paragraph 5 of the regulations applicable in U.S. Convention waters provides as follows:

5. Insofar as the foregoing regulations prescribe the type of gear to be used during times open to fishing for sockeye and pink salmon, such regulations shall be implemented to the extent permissible under the laws of the Parties.

As the Federal agency responsible for the enforcement of the provisions of the Convention, the regulations of the Commission, and the Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776, the National Marine Fisheries Service has determined that the only domestic laws limiting the applicability of the

gear regulations of the Commission are the treaties between the United States and certain Pacific Northwest Indian tribes, as interpreted by the United States District Court for the Western District of Washington in the case of *United States v. State of Washington*, 384 F. Supp. 312 (1974).

The Service has, therefore, determined that the regulations of the Commission which prescribe the type of gear to be used while fishing for sockeye and pink salmon shall be fully implemented in U.S. Convention waters, except that the implementation of such gear regulations is not permissible under the laws of the United States as to treaty Indian fishermen of those Indian tribes which shall have been found by the United States District Court for the Western District of Washington to be entitled to exercise treaty-secured fishing rights in U.S. Convention waters, provided, however, that

(1) No vessel or fishing gear may be used by such treaty Indian fishermen with respect to any fishery or in any area over which the IPSFC is exercising control until such vessel or gear has been specifically registered with and its use in such fishery or area authorized by the tribal authorities of the user's tribe, and notice of such registration and authorization has been given by the tribal authorities to the Regional Director, National Marine Fisheries Service, Seattle, and to the Washington Department of Fisheries; and

(2) Such registration and notice shall contain at least the following information: name and address of the owner and operator; type and name, if any, of the vessel; tribal identification number; type of gear to be used; and areas for which the vessel and gear is registered; and

(3) The Regional Director of the Service and the Washington Department of Fisheries shall be immediately notified of the cancellation, suspension, or modification of any such registration or authorization; and

(4) No such registered and authorized vessel or fishing gear may be used by such treaty Indian fishermen with respect to any fishery or in any area over which the IPSFC is exercising control unless there is affixed to it an identification tag, the style and type of which and the location at which affixed shall have been previously agreed to by the Regional Director of the Service or the Director, Washington Department of Fisheries.

(5) Such treaty Indian fishermen shall report their catch of sockeye and pink salmon in Convention waters in the manner prescribed by Washington Administrative Code 202-69-030 to 110.

The 1976 regulations of the Commission applicable in U.S. Convention waters are reprinted verbatim below.

Issued at Washington, D.C., this 28th day of May, 1976.

ROBERT SCHONING,
Director,
National Marine Fisheries Service.

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

1. No person shall fish for sockeye or pink salmon with nets in the Convention Waters of the United States of America from the 27th day of June, 1976 to the 17th day of July, 1976, both dates inclusive.

2. (1) No person shall fish for sockeye or pink salmon with purse seines in the Convention Waters of the United States of America lying westerly of a straight line drawn from Angeles Point in the State of Washington across Race Rocks to William Head in the Province of British Columbia:

(a) From the 18th day of July, 1976 to the 14th day of August, 1976, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday and Tuesday of each week; and

(b) From the 15th day of August, 1976 to the 21st day of August, 1976, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday and Tuesday.

(2) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 18th day of July, 1976 to the 24th day of July, 1976, and from the 1st day of August, 1976 to the 7th day of August, 1976, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday and from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 25th day of July, 1976 to the 31st day of July, 1976, and from the 8th day of August, 1976 to the 14th day of August, 1976, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday and from seven o'clock in the afternoon of Tuesday to half past nine o'clock in the forenoon of Wednesday of each week; and

(c) From the 15th day of August, 1976 to the 21st day of August, 1976, both dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday and from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday.

(3) No person shall fish for sockeye or pink salmon with commercial trolling gear in the waters described in subsection (1) of this section from the 18th day of July, 1976 to the 21st day of August, 1976, both dates inclusive, except from Monday through Friday of each week on those days when purse seine fishing is permitted within that area.

3. (1) No person shall fish for sockeye or pink salmon with purse seine in the Convention Waters of the United States of America lying easterly of a straight line drawn from Angeles Point in the State of Washington across Race Rocks to William Head in the Province of British Columbia:

(a) From the 18th day of July, 1976 to the 14th day of August, 1976, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday and Tuesday of each week; and

(b) From the 15th day of August, 1976 to the 11th day of September, 1976, both dates inclusive, except from five o'clock in the forenoon of Monday to nine o'clock in the afternoon of Tuesday of each week.

(2) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 18th day of July, 1976 to the 24th day of July, 1976, and from the 1st day of August, 1976 to the 7th day of August, 1976, all dates inclusive, except from three o'clock in the afternoon to half past nine o'clock in the afternoon of Monday, from five o'clock in the forenoon to half past nine o'clock in the afternoon of Tuesday and from five o'clock in the forenoon to three o'clock in the afternoon of Wednesday of each week; and

(b) From the 25th day of July, 1976 to the 31st day of July, 1976, and from the 8th day of August, 1976 to the 14th day of August, 1976, all dates inclusive, except from half past ten o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday, from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday, and from five o'clock in the forenoon to half past ten o'clock in the forenoon of Tuesday of each week; and

(c) From the 15th day of August, 1976 to the 21st day of August, 1976, and from the 29th day of August, 1976 to the 4th day of September, 1976, all dates inclusive, except from three o'clock in the afternoon to nine o'clock in the afternoon of Monday, from five o'clock in the forenoon to nine o'clock in the afternoon of Tuesday and from five o'clock in the forenoon to three o'clock in the afternoon of Wednesday of each week; and

(d) From the 22nd day of August, 1976 to the 28th day of August, 1976, and from the 5th day of September, 1976 to the 11th day of September, 1976, all dates inclusive, except from half past ten o'clock in the forenoon to nine o'clock in the afternoon of Sunday, from five o'clock in the forenoon to nine o'clock in the afternoon of Monday and from five o'clock in the forenoon to half past ten o'clock in the forenoon of Tuesday of each week.

(3) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 18th day of July, 1976 to the 24th day of July, 1976, and from the 1st day of August, 1976 to the 7th day of August, 1976, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday and from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 25th day of July, 1976 to the 31st day of July, 1976, and from the 8th day of August, 1976 to the 14th day of August, 1976, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday and from seven o'clock in the afternoon of Tuesday to half past nine o'clock in the forenoon of Wednesday of each week; and

(c) From the 15th day of August, 1976 to the 21st day of August, 1976, and from the 29th day of August, 1976 to the 4th day of September, 1976, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday and from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week; and

(d) From the 22nd day of August, 1976 to the 28th day of August, 1976, and from the 5th day of September, 1976 to the 11th day of September, 1976, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday and from six o'clock in the afternoon of Tuesday to nine o'clock in the forenoon of Wednesday of each week.

4. No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in paragraph (1) of section 3 lying northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia

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from the 5th day of September, 1976 to the 18th day of September, 1976, both dates inclusive.

5. Insofar as the foregoing regulations prescribe the type of gear to be used during times open to fishing for sockeye and pink salmon, such regulations shall be implemented to the extent permissible under the laws of the Parties.

6. The foregoing recommended regulations shall not apply to the following United States Convention Waters:

(1) State Fishing Area No. 7 including all Convention Waters known as Bellingham Bay lying inside of a line extending from Point Frances through Post Point Bell Buoy to the mainland, and

(2) That portion of State Fishing Area No. 3 lying easterly and inside of a line protected from Carter Point on Lummi Island to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island including the waters of Samish Bay, and

(3) State Fishing Area No. 4, and

(4) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

All times hereinbefore mention shall be Pacific Daylight Saving Time.

[FR Doc.76-16029 Filed 6-2-76;8:45 am]

National Oceanic and Atmospheric Administration

DEPARTMENT OF MARINE RESOURCES, STATE OF MAINE

Notice of Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals.

Department of Marine Resources, State of Maine, State House, Augusta, Maine 04333, to take up to six (6) harbor seals (*Phoca vitulina*) for public display.

The requested seals will be on public display at a State of Maine facility at Boothbay Harbor, Maine. This facility has been maintained by the Applicant for many years.

The requested seals will be taken by facility staff, under the direction of a senior staff supervisor with 15 years experience in handling pinnipeds. They will be taken, with a gill net from the Sheepscot River and transported to the facility by boat.

The animals will be maintained in a pool 22½′ x 14′ x 4′ deep with a 4′ x 6′ haul out shelter.

The facility is open daily, at no charge to the public, through the summer months with an estimated 20 to 30 thousand seasonal visitors.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before July 6, 1976. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 28, 1976.

MORRIS M. PALLOZZI,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-16070 Filed 6-2-76;8:45 am]

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Museum of Natural History of Los Angeles County, 900 Exposition Blvd., Los Angeles, California, 90007, to conduct scientific research on an undetermined number of dead or stranded marine mammals found anywhere in the world as well as marine mammals taken by Eskimo or other native fisheries.

The proposed research plans to collect data on such aspects as food, parasites, reproduction, sexual and morphological maturity, color pattern body proportions and variations in size and structure.

The Applicant will in no way cause or participate in the death of any marine mammal but will only salvage the skeleton and parts thereof found dead on beaches or from carcasses taken by Eskimo and other native fisheries. All materials obtained will become part of the research collections of the Museum, and will be available for study by competent investigators.

The Applicant states that no marine mammals or parts thereof which are covered under the Endangered Species Act of 1973 will be taken.

The Applicant also states that the collector(s) will hold a scientific collecting permit from the State or Country in which the specimens will be collected.

All specimens will be salvaged by personnel of the National History Museum of Los Angeles county or by individuals working immediately under their direction.

Documents submitted in connection with this application are available in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before July 6, 1976. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 28, 1976.

MORRIS M. PALLOZZI,
Acting Associate Director for Resource Mangement, National Marine Fisheries Service.

[FR Doc.76-16071 Filed 6-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DOCKET NO. 76N-0192]

IN VITRO DIAGNOSTIC PRODUCT STANDARDS

Draft of Proposed Product Class Standard for Quantitative Measurement of Glucose in Serum or Plasma and Related Product Evaluation Protocol; Notice of Availbility

The Food and Drug Administration (FDA) announces the availability of a draft of proposed Product Class Standard and related Product Evaluation Protocol for products intended for use in the Quantitative Measurement of Glucose in Serum or Plasma.

On April 26 and 27, 1976, in an open session of a joint meeting of the Statistics and Clinical Chemistry Subcommittees of the Diagnostic Products Advisory Committee, the Bureau of Medical Devices and Diagnostic Products conducted a discussion of the subject draft. The Commissioner of Food and Drugs, in advance of the meeting, granted permission for this discussion to take place in open session. At the conclusion of the meeting, a limited number of both the draft Product Class Standard and the related Product Evaluation Protocol, which is not considered part of the standard, were made available to attendees at the meeting.

Since these documents are undergoing review and modification within FDA, the copies on display do not necessarily represent final agency positions. However, because the drafts have been made available to some industry and professional users, they should be made available to all interested persons.

Accordingly, a copy of both the draft standard and the evaluation protocol has been placed on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours, Monday through Friday.

All interested persons will be afforded an opportunity to comment when the documents are published in the FEDERAL REGISTER.

Dated: May 26, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-16030 Filed 6-2-76;8:45 am]

[DOCKET NO. 76N-0060; DESI 5970]

SODIUM TETRADECYL SULFATE

Followup Notice and Notice of Opportunity for Hearing

A notice (DESI 5970) was published in the FEDERAL REGISTER of July 30, 1970 (35 FR 12233), in which the Food and Drug Administration announced its conclusion that sodium tetradecyl sulfate injection is probably effective as a sclerosing agent for varicose veins and internal hemorrhoids, and that additional evidence is required to establish its effectiveness. On the basis of additional information submitted by Elkins-Sinn, Inc., and review of previously submitted data it is now concluded that the product is effective as a sclerosing agent for varicose veins, but lacks substantial evidence of effectiveness as a sclerosing agent for internal hemorrhoids. This notice announces those conclusions. Persons wishing to request a hearing concerning the internal hemorrhoid indication may do so on or before July 6, 1976.

Accordingly, the previous notice is amended to read as follows:

NDA 5–970; Sotradecol Sterile Solution, containing sodium tetradecyl sulfate 1 percent or 3 percent; Elkins-Sinn, Inc., 2 Esterbrook Ln., Cherry Hill, NJ 08002.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug product.

In addition to the holder of the new drug application specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Sodium tetradecyl sulfate is effective as a sclerosing agent for varicose veins.

2. The drug lacks substantial evidence of effectiveness as a sclerosing agent for internal hemorrhoids.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. Form of drug. Sodium tetradecyl sulfate preparations are in sterile solution form suitable for parenteral administration.

2. Labeling conditions. a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The Indications section is as follows: For the treatment of small uncomplicated varicose veins of the lower extremities. The benefit-to-risk ratio should be considered in selected patients who are great surgical risks due to conditions such as old age.

3. Marketing status. a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that, on or before August 2, 1976, the holder of the application submits (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required by abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. Notice of opportunity for hearing. On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be

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withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 6, 1976, a written notice of appearance and request for hearing, and (2) on or before August 2, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 5970, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD-160), Bureau of Drugs Rm. 18B-08.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (identify with docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65, Parklawn Building.

Requests for the Academy's report: Data Preparation Branch (HFD-614), Division of Drug Information Resources, Bureau of Drugs.

All other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended; (21 U.S.C. 352, 355) and under the authority delegated to the Director, Bureau of Drugs (21 CFR 2.121).

Dated: May 26, 1976.

J. RICHARD GROUT,
Director, Bureau of Drugs.

[FR Doc.76-16031 Filed 6-2-76;8:45 am]

[Docket No. 75N-0070]

HARVEY D. KARKUS, M.D.

Availability of Methadone Treatment Program Agreement

The Food and Drug Administration (FDA) announces the availability of an agreement between the Harvey D. Karkus, M.D., Methadone Treatment Program (Application No. MY-10,086M) and FDA concerning the applicant's authority to continue to dispense methadone.

On May 4, 1976, Administrative Law Judge Daniel J. Davidson issued his Initial Decision in this matter, requiring compliance by applicant with the Federal methadone regulations (21 CFR 310.505) as per the terms of a "Settlement Agreement" entered into by stipulation of the parties. The period for filing of exceptions to said Initial Decision having expired May 24, 1976 and no exceptions having been filed, the Order of the Administrative Law Judge became effective as the Order of the Commissioner.

Copies of the Initial Decision and the "Settlement Agreement" are available from the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: May 26, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-16032 Filed 6-2-76;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON POPULATION AFFAIRS

Meeting

The Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on June 30, 1976. The meeting will be held in the Department's north building located at 330 Independence Ave., S.W., Washington, D.C., Room 5169. The meeting is scheduled to convene at 9:00 a.m. and adjourn at 3:00 p.m.

The Committee will discuss services to and research on teenagers, sterilization, impact of national health insurance, etc.

The meeting is open for public observation.

Dated: May 26, 1976.

LOUIS M. HELLMAN, M.D.,
Chairman and Executive Secretary.

[FR Doc.76-16074 Filed 6-2-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public L. 92-463), that the Legislative Subcommittee of the National Advisory Council on Equality of Educational Opportunity will convene at 9:30 a.m. on Thursday, June 17, until 4:30 p.m., and reconvene at 9:30 a.m. on Friday, June 18, until 4:30 p.m., at Conference Room No. 1555, U.S. Office of Education, 1200 Main Tower Building, Dallas, Texas.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (P.L. 92-318, Title VII, as amended by Pub. L. 93-380). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting of the Legislative Subcommittee, which shall be open to the public, will be for the purpose of discussing the need for possible legislative change in the Emergency School Aid Act. Presentations will be made by various agencies and organizations that are familiar with the present legislation.

Signed at Washington, D.C., on June 1, 1976.

LEO A. LORENZO,
Executive Director.

[FR Doc.76-16291 Filed 6-2-76;10:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Petition No. 84]

BALTIMORE & OHIO RAILROAD CO.

Voice Train Control System Supplemental Report and Order

On October 7, 1974, the Railroad Safety Board (Board) of the Federal Railroad Administration (FRA) issued a report and order on the petition filed by the Baltimore and Ohio Railroad Company (B&O) which requested approval of the installation of a Voice Train Control System (VTCS) on specific segments of the B&O railroad in central Ohio. That Report and order also involved a similar proceeding, FRA Petition No. 83, which requested approval of the general concept of VTCS. The report and order was not published in the FEDERAL REGISTER. That report and order has been made an appendix to this supplemental report and order.

In that report and order the request for approval of the general concept, FRA petition No. 83, was denied without prejudice because the Board concluded that such a decision was premature at that time. That report and order did grant approval for the installation of this system on a particular segment of the B&O railroad on a test basis. In granting the approval of this test installation the Board prescribed terms and conditions concerning the test installation.

Among the terms and conditions were provisions which required the submission of the details of the specifications for all of the essential elements of the system prior to December 31, 1974 and that the B&O would have the test installation fully operative within one year after FRA acted to approve the details of the specifications for the essential elements.

The B&O subsequently submitted a large volume of technical information concerning the details of these specifications. The B&O has been tardy in filing those submissions. The provision of the order which called for the submission to be made by December 31, 1974 proved to be infeasible for B&O. The carrier then requested an extension of this deadline until March 3, 1975. The Board acquiesced in this request by a letter to the B&O. On March 3, 1975 the B&O filed four documents identified as the general description; the maintenance plan, the training plan; and the safety qualification plan. In accordance with the terms of the report and order these documents were also provided to all of the interested parties in this proceeding. The B&O subsequently elected to revise the submission entitled the safety qualification plan. This revision was provided to FRA on August 27, 1975. In this instance B&O did not initially adhere to the original terms and conditions to the proceeding until September 10, 1975. In view of the volume of the material submitted and the basis of the modifications to the test installation programs suggested by the B&O in these submissions, FRA provided all of the parties with an opportunity to offer additional comments. This additional comment period terminated on October 31, 1975.

Analysis of the data submitted by the B&O has prompted the Board to re-evaluate the provisions of the report and order initially issued in this proceeding. In conducting that analysis the Board has had the benefit of subsequent written comments submitted by the United Transportation Union and the Brotherhood of Railroad Signalmen. On the basis of that analysis the Board has determined that a supplemental order was appropriate in this proceeding.

In issuing the report and order of October 7, 1974, the Board determined that approval of the VTCS concept would be premature since the equipment and hardware to be utilized in the system had never been subjected to any operational use thereby precluding any analysis of the safety or reliability of this system. It appeared, therefore, that a test installation of the equipment, which it had been indicated to FRA could be accomplished in a relatively short time frame, was the proper method for FRA to obtain the needed experimental data. The information which has now been submitted by B&O clearly demonstrates that the facts concerning the availability of the hardware and equipment are different from those upon which the Board premised that initial decision. The current information indicates that a period of design fabrication and testing will be required before the system will be ready for installation and operational testing.

In the absence of the hardware and equipment ready for installation Board is faced with a situation analogous to that which prompted the decision to deny the approval of the general concept as premature.

B&O has urged, in the submissions to FRA, that a review body be created to monitor the design, fabrication and development testing of this hardware and equipment. Participation in that manner would permit a technical analysis of the hardware components as they are designed and fabricated. The review body would be known as the VTCS Joint Review Committee. The submissions made by B&O envision that this design, fabrication and development testing will take approximately two years. At the conclusion of that two year effort it is anticipated that all of the hardware and equipment would either be ready for installation or actually installed and ready for operational testing.

In view of the absence of the hardware and equipment which has been the subject of design, fabrication and testing effort, the Board is still unable, at this point in time, to approve the details of the specifications for the test installation. The Board has considered, at some length, the proposal of B&O to participate in the design, fabrication and development testing process. The Board has determined that such action would constitute a major alteration of FRA's traditional role in railroad safety which has been to monitor the safety of rail operations. FRA participation, in the manner suggested, would place FRA in a position where it was involved in the product development process, which is beyond the proper function of FRA and, hence, is not acceptable to the Board.

In concluding that approval of the details of the specifications of the system is premature and that FRA should not participate in the design, fabrication and development testing; the Board has not altered its conclusion that the proposed VTCS appears to have substantial merit. Likewise, the Board still believes that an operational test is warranted for VTCS. The current facts, however, require that the present terms and conditions for that test installation be altered.

The FRA hereby continues the approval of the test installation of VTCS given in the report and order of October 7, 1974. That test installation is authorized under the following modified terms and conditions:

(1) The B&O is authorized to proceed with the installation of the hardware and equipment components for the VTCS whenever that equipment becomes available.

(2) Prior to the commencement of the full operational testing of the VTCS equipment, B&O shall file in final form the details concerning all the essential technical equipment to be utilized in the test installation.

(3) The Associate Administrator for Safety shall review these final specifications prior to the full operational testing of VTCS.

(4) The final specifications submitted by B&O shall be made a part of the public record in this proceeding and shall be provided to all parties to the proceeding.

(5) The B&O is authorized to commence the full operational testing 90 days after the date of the filing of the final specifications for period not to exceed three years after the system becomes fully operational.

(6) The B&O shall submit to the Associate Administrator for Safety reports which fully reflect the operating experience of VTCS. These reports shall be submitted at least every six months during the test program and made a part of the public record in this proceeding.

(7) The Associate Administrator for Safety shall monitor the installation and operation of VTCS and is authorized to terminate the test program or modify the terms, if necessary, to ensure the safety of operations.

(8) The Associate Administrator for Safety, after the completion of one year of full operational testing shall review and analyze the results of the operational testing to evaluate the test program.

In conducting the review of the initial report and order in this proceeding it has been noted that no specific reference was made to two issues that are inherent in this proceeding. The first of these involves the fact that a small portion of the proposed territory in which the VTCS is to be installed is currently equipped with a conventional signal system. In deciding to grant approval for the test installation of VTCS the Board did not act to grant approval to B&O to remove the signals involved in this test territory. The Board has concluded

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that the signals should be retained at this time. The other issue involves the fact that the speed of operations over this territory for the duration of the test period was not provided for in the report and order. In deciding to grant approval for the test installation the Board has not given approval for the operation of trains in excess of 49 miles per hour over the test territory unless higher speeds are permissible due to the existence of a functional conventional signal system.

Issued in Washington, D.C. on May 27, 1976.

DONALD W. BENNETT,
Chairman,
Railroad Safety Board.

OCTOBER 7, 1974.

[FRA Petitions Nos. 83, 84]

BALTIMORE AND OHIO RAILROAD COMPANY
VOICE TRAIN CONTROL SYSTEM

REPORT AND ORDER

The Baltimore and Ohio Railroad Company (B&O) has filed two petitions with the Federal Railroad Administration (FRA) concerning a Voice Train Control System (VTCS). FRA Petition No. 83 requests approval by the FRA of the general concept of VTCS. FRA Petition No. 84 is a specific petition for approval of the installation of a VTCS system on specific lines of railroad in central Ohio. The petitions were filed pursuant to 49 CFR Parts 235, 236.

Following public notice, FRA held a public hearing on these petitions on January 22 and March 5, 1974. The proceeding was held open until April 15, 1974, for the receipt of additional comments and data. The FRA has received considerable material and comments covering the proposed VTCS from the B&O and interested parties. The public docket contains a complete description of the proposed new signal system for directing train movements.

The proposed Voice Train Control System contemplates the control of train operations by direct voice control via continuously available radio communication between a train radio controller (TRC) and each train. Train movement instructions will be continuously displayed on a console in the cab of the locomotive. These instructions will be transmitted by a controller from a console that is designed to logically monitor the voice and data messages transmitted.

Engineers, controllers and all others involved are provided with a set of operating rules constructed specifically as a part of the voice train control system. The rules, in combination with the system equipment constitute the total voice train control system.

The subject VTCS proposal involves petitioner's line of railroad generally described as follows: (1) Beginning at Benwood Jct., West Virginia northwestwardly to Warwick, Ohio (near Akron) (2) Belaire, Ohio westwardly to Newark, Ohio thence generally north to Willard, Ohio (3) Russ, Ohio (near Columbus) southwesterly to Midland, Ohio (4) Dayton, Ohio southeasterly to Musselman, Ohio (near Chillicothe) and (5) Zanesville, Ohio southerly to Belpre, Ohio.

Presently, petitioner operates freight trains only in the proposed VTCS territory. Trains are operated by time table, train order and Rule 99 operation except for two areas of manual block operation (1) between Newark and Shick and (2) between Russ and Midland City. In addition, there are 2.2 miles of traffic control system between Benwood Jct. and DK Tower and 1.5 miles of automatic block signals between Bellaire and Shick, Ohio. The total number of train movements is 54 per day on the 552 miles of track proposed for installation of VTCS. On March 14, 1974 the B&O submitted a chart of total train and engine movements in this territory during a twenty four hour period. The chart indicated a low of 7 train movements at 8:00 a.m. and a high of 17 train movements at 1:00 p.m.

The B&O proposed VTCS operation contemplates substituting direct voice control via radio between the dispatcher and the locomotive engineer for the present method of operation except that trains will comply with all applicable fixed signals.

DISCUSSION OF B&O TESTIMONY

The B&O testified that the proposed VTCS system was the result of an in-depth analysis made of the Chessie System man failure accidents. These analyses, when concentrating on over the road trains, developed that there was a need for detailed monitoring of train crew performance with back-up techniques available for instantaneous communication with the engineer and the ability to control certain types of accident-producing situations before an incident actually occurs. One of the conclusions of the analyses showed that there was a large portion of the Chessie System still controlled by time table, train order operation and a considerable amount of automatic block signal territory where the volume of traffic did not justify the installation of a traffic control signal system due to the prohibitive cost. It was their recommendation that there had to be developed a system that could timely warn the dispatcher when an accident-producing situation was in the making and depending upon the design characteristics and capability under certain circumstances, automatically initiate necessary action to control and/or stop one or more trains that may be potentially involved in an incident.

The VTCS technique of constant monitoring will warn trains on adjacent tracks when others have sustained operating difficulties. It will permit for the first time the realistic application of flagging as may be required depending upon the circumstances.

The B&O indicated that the VTCS is basically a manual system operated by humans with an automatic monitoring and back-up capability. It is not an automatic system with human back-up. In addition, it utilizes only proven technology throughout. From a safety standpoint it has been designed to have at the very minimum a double layer of safety functions, where one is human the other is machine. Further, in the case of the machine it has been designed so that no single failure can cause an unsafe condition. In addition, in most cases many single independent failures would have to occur before unsafe conditions could be generated.

Furthermore, the B&O stated that there are a number of automatic sequences which utilize the ability of the automatic equipment to monitor the movements and warn the engineers and the dispatcher of impending or actual difficulties. The stop button flashes yellow as a warning, and red to indicate to the engineer that he should stop as soon as he can safely do so. The engineer must acknowledge by operation of the stop button receipt of any of these indications within 15 seconds or else the dispatcher is notified of his failure to acknowledge and the dispatcher can then take whatever action is appropriate. If the dispatcher in turn fails to acknowledge this warning to him, within the next 15 seconds, we have a situation where both men have failed to acknowledge a warning or a command to stop, in which case the automatic equipment causes the service brakes on the train to be applied and the locomotive diesel engines returned to idle speed. This enforced stop can subsequently be released only by action of the dispatcher. This enforced stop is the only case where the train is under the physical control of the automatic equipment rather than the engineer. At all other times the train is under the immediate physical control of the engineer not the automatic equipment.

The VTCS is primarily a manual system operated by people and the automatic equipment is used to monitor and check those operations and to step in only when the people involved have appeared to be unable or unwilling to recognize a safety related situation. Some of the things which can trigger an automatic sequence are (1) engines proceeding into a control zone for which they have no authorization to occupy. (This is equivalent to running a stop signal on a conventional system); (2) overspeed by locomotives; and (3) trains in emergency braking and approaching trains on parallel tracks are warned to stop immediately.

DISCUSSION OF OTHER VIEWS

A representative of the Brotherhood of Locomotives Engineers stated that the organization is on record as desiring and wanting a better signal system, a safer system. He stated further that if VTCS is, as presented at the hearing, a system that will work and function properly in the day-to-day operation, that organization would not oppose it. However, he hastened to add that there were 5 areas of concern—

(1) Training for locomotive engineers, dispatchers, or any other person affected by its use;

(2) Testing of the components which make up the VTCS;

(3) The maintenance of that system;

(4) The use of yard enginea in VTC territory; and

(5) The use of non-equipped locomotives in VTCS territory.

A representative of the American Train Dispatchers Association voiced concern in four areas related to the safety of train operation. First, was the need for adequate records for the dispatcher to properly perform his duties. In addition to meeting the schedule of oncoming and moving trains, he must keep other interested officers and employees informed on the location of trains and their expected arrival at destination points. He must provide working time for maintenance crews and arrange for trains to perform work along the route. He is frequently required to answer inquiries about past events. With these tasks at hand he must have adequate records available to him.

Second, if VTCS is approved, they urge that it be limited to a small area until it has been thoroughly tested.

Third, it is essential that adequate training be provided for all affected employees, and, fourth, that the best available radio equipment be installed and maintained.

A representative of the Brotherhood of Railroad Signalmen stated that the organization has gone on record over the years as being very interested in the safe operation of trains on all rail carriers. He further stated that his organization at the time of the hearing is on record as being opposed to a non-tried and unheard-of system that, in any way, would replace any of the existing signal systems.

The United Transportation Union was concerned with the use of non-equipped locomotives in VTCS territory. It was also concerned because the conductor would not have a copy of the movement authority presented to him in the caboose although the conductor bears considerable responsibility for the train's operation.

Several of the objections to the installation of the system related primarily to the fact that the system is new and untried. It was suggested that the system be tested at the FRA test facility at Pueblo, Colorado. However, the sole fact that the system is new is not reason to prohibit its use in an appropriate test environment. FRA agrees that testing should be undertaken on VTCS. Research and testing sponsored by FRA does not take place only at Pueblo, Colorado. Many FRA research projects are cooperative efforts taking place with and on various individual railroads depending upon the nature of the project. Here the B&O is willing to participate in a test installation of VTCS.

SUMMARY

It is appropriate to review the issues raised at the hearings in the context of 6 categories: equipment, training, operating rules, records, installation of the system, and the scope of the testing.

Equipment

It has been presented at the hearing that while the system is based on presently available technology and techniques, no equipment for this installation has been constructed. It is clearly evident that this system can function properly only if high quality equipment is constructed and maintained to provide its intended function.

According to the B&O, "While the VTCS as such has not been installed yet on a railroad the principles of operation which it employs and much of the hardware implementation of the principles have been well-proven in other similar systems. The nation's Air Traffic Control System is very similar and it can hardly be termed a non-tried or unheard-of system."

In letter dated February 18, 1974 from Glenayre Electronics, Ltd., Mr. John Francis indicated that prototype models of the transponders (the component of VTCS which identifies the presence of a train) had been in field service in British Columbia for approximately 8 months beginning January 1972 under difficult environmental conditions without major difficulties being reported.

Another issue raised was the extent to which the equipment would be installed. This issue included the operation of non equipped locomotives and installation of monitoring equipment in a caboose.

Training

The success of any new system is dependent in part upon a thorough understanding of the requirements of that system by its intended users.

The B&O stated in the hearing that they recognize this need for proper training and are prepared to begin to develop a comprehensive training program for all affected employees as soon as an affirmative decision is rendered on this petition.

Tentatively the B&O envisions classroom training for employees as follows:

Engineers & Fireman—5 eight-hour sessions with class size limited to 8 employees;

Conductors & Brakeman—3 eight-hour sessions with class size limited to 10 employees;

Train Dispatchers—8 eight-hour sessions with class size limited to 6 employees;

Maintenance Employees—10 to 30 eight-hour sessions depending on category of equipment to be maintained with class size limited to 6 employees per category.

Operating Rules

These rules have been developed by the B&O railroad and are contained in appendix "D" of the petition. Appendix "D" is a document entitled, "General Description of a Voice Train Control System for Use on the Chessie System" with the operating rules found on pages 19 through 36.

These rules describe the action to be taken by employees affected by this system and address such issues as yard locomotive and non-equipped locomotive in use in VTCS territory.

Records

A full explanation of the records produced by VTCS can be found in Section 11, pages 131 through 133 of Appendix "D".

There are 3 major records produced by the VTCS:

(1) The permanent magnetic tape record;
(2) The instant replay tape record; and
(3) The significant events log.

No train sheet per se is produced since the significant events log provides that information.

Installation

It was of general concern to the protestants in this proceeding that the B&O proposed to install the VTCS on 522 miles of railroad. They argued that the installation should be on lesser mileage until its operational reliability could be validated.

The B&O offered these arguments to justify the size and location of the installation:

(1) In order to most thoroughly verify the flexibility and wide application of VTCS, a territory containing a broad diversity of operating circumstances is desirable.

(2) The pole line deterioration in this territory which affects the present communication system is among the most acute of any large area in the entire system.

(3) Much of the present dispatching in this territory is already accomplished from a few points.

(4) The light-to-medium traffic densities found in this territory make it an appropriate initial test installation.

(5) A territory of at least this size is necessary not only to provide the operational diversity desired but also in consideration of the costs associated with the development effort

FINDINGS AND DECISION

The proposed VTCS is within the scope of the Signal Inspection Act, 49 USC § 26, and the FRA has jurisdiction to approve the installation of the system and provide for inspection and testing of the system. That Act provides for the installation of appliances, methods and systems intended to promote the safety of employees and travelers, such as block signal systems, interlocking, automatic train stop, cab signal devices and "other similar appliances, methods and systems." In addition, the FRA has jurisdiction under the Federal Railroad Safety Act of 1970, 45 USC § 421, to authorize development and testing with respect to railroad safety.

Basically, the VTCS is a new method or system for controlling train operations relying solely on radio communications and new devices for transmitting and receiving train orders. Despite the fact that VTCS does not utilize track circuit control systems, it does utilize many of the concepts and devices of present signal systems including cab signals and automatic train stop. VTCS will provide protection for opposing and following trains, although it does not provide complete protection for broken rails, open switches and track occupancy situations.

Clearly the system can provide more protection than that provided in non-signalled territory where operations are conducted by a time table and train order method of operation. VTCS does not provide the full protection provided by a traffic control system or a cab signal system.

From the information submitted at the public hearing, FRA has concluded that VTCS appears to have merit over the present method of timetables and train orders and warrants further consideration and testing. A test program is warranted so that the new concept can be fully developed and the reliability and features of the system can be fully considered. The VTCS contains many significant safety improvements over unsignalled territory and its development should be fully encouraged.

Many aspects of the proposed system relate to matters that the FRA is considering in its rulemaking proceedings under the Railroad Safety Act. The information developed through the test of the VTCS system will be used by FRA in the revision of existing and proposed safety regulations.

The FRA has concluded that FRA Petition No. 83, for general approval of the concept of VTCS, is premature at this time. Therefore, that petition will be denied, without prejudice to the right of B&O to refile this petition at a proper time after the test of the VTCS in Petition No. 84 is concluded. At this time there is not adequate justification or specific information for general approval of the concept. FRA believes that only following an adequate test of the VTCS can general approval of the system be given.

In regard to approval of the specific installation of VTCS, FRA Petition No. 84, FRA, has decided that a test installation should be permitted under the following terms and conditions.

1. Approval is given for installation of a Voice Train Control System for the purpose of testing the installation and operation of such a system for a period of three years after the system becomes fully operational.

2. The VTCS shall be installed and fully operational within one year from approval of the specifics of the system referred to in condition number 3.

3. (a) Before December 31, 1974, the B&O shall file in final form with FRA its proposed specifications for installation of the VTCS including all essential elements of the system, including operating rules, training, types and numbers of devices included in the system, territory on which it is to be installed, responsibility of all train crew members, and procedures for providing total safety of operations in the test territory.

(b) The FRA Office of Safety shall approve the final specifications for the test installation.

(c) The final specifications shall be filed with the Railroad Safety Board and served on all parties to this proceeding and made a part of the public record of this case.

5. Installation and operation of the VTCS system shall be monitored by the FRA Office of Safety. Reports shall be submitted by the B&O every six months during the test which fully reflect the operating experience of the VTCS.

Dated: October 7, 1974.

G. ROGERS,
Chairman, Railroad Safety Board,
Federal Railroad Administration

[FR Doc.76-16041 Filed 6-2-76;8:45 am]

Office of Hazardous Materials Operations

MOTOR, RAIL, CARGO AND AIRCRAFT TRANSPORTATION

Notice of Grants of Applications for Exemptions

In accordance with the procedures governing the application for, and the processing of, exemption from the Department of Transportation's Hazardous

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Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted April 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption" portion of the table below as follows: 1—Motor vehicle; 2—Rail freight; 3—Cargo vessel; 4—Cargo-only aircraft; 5—Passenger-carrying aircraft.

Application number prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption
		Grants		
E76-52	DOT-E 2805	Dow Chemical Co., Midland, Mich.	49 CFR 172.5, 173.315 (a)(1).	To ship liquefied ethylene in insulated cargo tanks equipped with safety relief valves and complying with § 173.315(i). (Mode 1.)
E76-22	DOT-E 3897	Dow Chemical Co., Midland, Mich.	49 CFR 173.120(a)(6); 46 CFR 146.21-100.	To ship ethylene imine, inhibited in DOT 4B240 and 4BW240 cylinders. (Modes 1, 3).
E74-53	DOT-E 4291	Pacific Engineering and Products Co. of Nevada, Henderson, Nev., and United Technologies, Sunnyvale, Calif.	49 CFR 173.239a(a)(2).	To ship ammonium perchlorate in a 74 ft³ capacity aluminum portable tank. (Modes 1, 2).
E76-95	DOT-E 4652	U.S. Industrial Chemicals Co., New York, N.Y.	49 CFR 173.119(b)(2), 173.125(a)(1).	To ship alcohols and flammable liquids, n.o.s. having flash points above 20° F in metal drums of 5-gal capacity each, made of 26 gauge steel and otherwise complying with DOT specification 17-E except that they are not embossed with the specification number. (Modes 1, 2.)
E76-93	DOT-E 4988	Advanced Instruments, Inc., Needham Heights, Mass.	49 CFR 173.124(a)(3); 14 CFR 103.9(a)(3).	To ship ethylene oxide in inside aluminum cartridges each containing no more than 135 g of ethylene oxide, with no more than 12 cartridges individually separated and packed in an outside DOT specification 12B fiberboard box with top and bottom pads and an inside perimeter liner. (Modes 1, 2, 4.)
E75-141	DOT-E 5022	Aerojet Solid Propulsion Co., Sacramento, Calif., and The Boeing Co., Seattle, Wash.	49 CFR 174.525(c), 174.526(L), 174.529 (a), 177.835(c)(1).	To become a party to Exemption 5022. (See application No. E75-118 and E76-313). (Modes 1, 2.)
E75-134	DOT-E 5112	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62(a), 177.834 (L)(3).	To become a party to Exemption 5112. (Mode 1.)
E76-133	DOT-E 5615	E.I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR Part 173; 46 CFR 146.21-100, 146.23-100, and 146.25-200.	To ship certain hazardous materials in a 6½-gal non-DOT specification glass carboy overpacked in an expandable polystyrene overpack made from beads or granules of polystyrene and having a minimum density of 1.7 lb/ft. (Modes 1, 2, 3.)
E76-128	DOT-E 5690	Dow Chemical Co., Midland, Mich.	49 CFR 173.182(c).....	To ship nitro carbo nitrate in a DOT specification 44P plastic bag made of film not less than 0.005 in thick. (Modes 1, 2.)
E76-47	DOT-E 5854	Sea-Land Service, Inc., Elizabeth, N.J.	49 CFR Part 173; 46 CFR 146.21-100, 146.23-100.	To ship flammable and combustible liquids in portable tanks having a design pressure of 11.9 lb/in²g and complying with DOT specification MC-306 with certain exceptions. (Modes 1, 2, 3.)
E76-32	DOT-E 6092	Fisher Scientific Co., Fair Lawn, N.J.	49 CFR 173.25(b).....	To become a party to Exemption 6092. (See application No. 75-194). (Modes 1, 2.)
E76-88	DOT-E 6126	Dow Chemical Co., Midland, Mich.	49 CFR 173.253(a).....	To ship chloracetyl chloride in a new DOT specification 6D cylindrical steel overpack with either a DOT 2S polyethylene container or a polyethylene container complying with DOT specification 52L with certain exceptions. (Mode 1.)
E75-303	DOT-E 6128	U.S. Navigation Inc., New York, N.Y.	49 CFR 173.119(f), 173.125(a), 173.245(a); 46 CFR 146.21-100, 146.23-100.	To ship certain flammable liquids and certain corrosive liquids in stainless steel portable tanks, each having a nominal water capacity of 5,040 U.S. gal. (Modes 1, 2, 3.)
E76-63	DOT-E 6170	Eaton Corp., Southfield, Mich.	49 CFR 173.302(a).....	To ship nitrogen charged to 3500 lb/in²g. at 70° F in an inside non-DOT specification nonrefillable steel cylinder of not over 277 in³ volumetric capacity. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption
		Grants		
E76-28	DOT-E 6174	Great Lakes Chemical Corp., Eldorado, Ark.	49 CFR 173.357 (b).....	To ship chlorpicrin mixtures in a new DOT specification 5B metal drum having a capacity not greater than 33 gal. (Mode 1.)
E76-94	DOT-E 6211	Foote Mineral Co., Exton, Pa.	49 CFR 173.217 a(a)...	To ship vanadium oxytrichloride in a DOT specification MC-310, MC-311 or MC-312 cargo tank. (Mode 1.)
E76-97	DOT-E 6220	Economics Laboratory, Inc., St. Paul, Minn.	49 CFR 173.277(a)(1)...	To ship hypochlorite solutions in a DOT specification 21P fiber drum overpack with an inside DOT specification 2S, 2SL, 2T, or 2U polyethylene container. (Mode 1.)
E75-202	DOT-E 6253	U.S. Navigation, Inc., New York, N.Y.	49 CFR 173.119, 173.125, 173.245, 173.247, 173. 266, 173.294; 46 CFR 146.21-100, 146.23-100.	To ship certain flammable and corrosive liquids in non-DOT specification portable tanks having a nominal water capacity of 5,040 U.S. gal. with certain exceptions. (Modes 1, 2, 3.)
E75-167	DOT-E 6299	Airco, Inc., Springfield, N.J.,	49 CFR 173.315(a)(1)..	To ship cryogenic liquid oxygen, nitrogen and argon in a non-DOT specification portable tank having a stainless steel inner tank, insulated with multiple layers of aluminum foil and fiber glass sheeting, and evacuated, and having a protective outer steel jacket. (Mode 1.)
E75-147	DOT-E 6299	Minnesota Val. Eng., New Prague, Minn.		
E76-40	DOT-E 6333	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.245 (a)(31), 173.263 (a)(10), 173.268 (b)(3), 173.272 (l)(25), 178.343-1(b).	To ship certain corrosive liquids in one French-made glass lined cargo tank meeting all requirements of DOT specification MC-312, except for the ASME code symbol required in S178.343-1(b). (Mode 1.)
E76-124	DOT-E 6475	FMC Corp., Philadelphia, Pa.	49 CFR 173.266(b); 46 CFR 146.23-100.	To ship hydrogen peroxide solution in a DOT specification 37P steel drum with an inside DOT specification 2U polyethylene container having a minimum thickness of .015 mil, not over 15-gal capacity. (Modes 1, 2, 3.)
E76-83	DOT-E 6589	Lear Siegler Inc., Anaheim, Calif., and Robertshaw Controls Co., Anaheim, Calif.	49 CFR 173.302(a)(1)..	To ship compressed air in a pressure vessel assembly consisting of ⅜-in diameter stainless steel tubing in a double coil configuration. (Modes 1, 2, 4.)
E76-31	DOT-E 6614	GPS Industries, Industry, Calif.	49 CFR 173.263(a)-(28), 173.277(a)(6).	To ship hydrochloric acid or hypochlorite solutions in polyethylene bottles of 1-gal capacity, inside an open-top heavy wall, high density polyethylene box. (Mode 1.)
E76-41	DOT-E 6632	Roper Plastics, Inc., Norwalk, Calif.	49 CFR 173.217(a)..	To ship certain oxidizing materials in a 6-gal or 3½-gal capacity single trip, molded polyethylene "Saturn 6" or "Saturn 3½" container with a self-fastening hi-head cover without overpack. (Modes 1, 2.)
E75-182	DOT-E 6692	Eaton Corp., Washington, D.C.	49 CFR 173.302(a)(1), 178.65.	To ship compressed gas, n.o.s., in a non-refillable, seamless steel cylinder built in compliance with DOT specification 39, with certain exceptions. (Modes 1, 2, 4.)
E76-59	DOT-E 6731	Department of Defense, Washington, D.C.	49 CFR 173.286(b)..	To ship chemical kits in inside small vials and ampoules, cushioned with sufficient absorbent cushioning material to completely absorb the contents in the event of leakage. (Modes 1, 4.)
E76-8	DOT-E 6756	Stauffer Chemical Co., Westport, Conn.	49 CFR Part 173; 46 CFR 146.21-100, 146.23-100, 146.25-200.	To become a party to DOT-E 6756. (See application No. 75 163). (Modes 1, 2, 3.)
E76-130	DOT-E 6757	FMC Corp., Philadelphia, Pa.	49 CFR 173.266(f)(2); 46 CFR 146.23-100.	To ship hydrogen peroxide in a non-DOT specification aluminum portable tank having 25/32-in Sillan rockwool insulation. (Modes 1, 3.)
E76-123	DOT-E 6764	Hercules, Inc., Wilmington, Del.	49 CFR 173.11(a)(1)...	To ship detonating fuzes, class C explosives in a DOT specification 12H fiberboard box as specified in 49 CFR 173.113(a)(1) with a suitable filler or lining material in lieu of inside pasteboard cartons. (Mode 1.)
E76-64	DOT-E 6765	Airco Industrial Gases, Murrayhill, N.J.	49 CFR 172.5, 173.315; 46 CFR 146.24-100.	To ship liquefied hydrogen and liquefied helium in an insulated containerized portable tank having a design pressure of 64 lb/in²g and a nominal water volume of 11,000 gal. (Modes 1, 3.)
E76-116	DOT-E 6768	Air Products & Chemicals, Inc. Allentown, Pa.	49 3FR 173.315(a)(1)...	To ship carbon monoxide, cryogenic liquid in a non-DOT specification insulated cargo tank having a nominal capacity of 6,500 gal. (Mode 1.)
E76-116	DOT-E 6768	PPG Industries, Barberton, Ohio.		
E76-116	DOT-E 6768	Van de Mark Chemical Co., Lockport, N.Y.		
E76-44	DOT-E 6926	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.305(a)(6), 178.238-3 and Note 1 thereto; 46 CFR 146.25-200.	To ship a poisonous solid, n.o.s., or insecticide, dry in a 5-ply DOT specification 44D extensible kraft paper bag having a minimum total basis weight of 260 lb and an outer ply of no less than 60 lb basis weight. (Modes 1, 2, 3.)

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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption
		Grants		
E76-84	DOT-E 6963	I.S.C. Chemicals Ltd., (U.S. agent: Rio Tinto Delaware, Inc.)	49 CFR 173.264(a), 173.264(b); 46 CFR 146.23-100.	To ship hydrofluoric acid and anhydrous hydrofluoric acid in a non-DOT specification portable tank. (Modes 1, 3.)
E75-177	DOT-E 6964	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.365(a); 46 CFR 146.25-200.	To ship a class B poisonous solid in non-DOT specification multiwall reinforced bag fabricated of polybutylene film, having a maximum volumetric capacity of 50 ft³. (Modes 1, 2.)
E-75-171	DOT-E 6969	State of Kansas, Wichita, Kans.	49 CFR 171.6(b)(1); 14 CFR 103.7(a) and 103.31(a).	To become a party to DOT-E 6969. (Mode 5.)
E76-174	DOT-E 6971	Chem Service Inc., West Chester, Pa.	49 CFR 173.286(b); 46 CFR 146.23-100.	To ship chemical kit in metal boxes or single or multiple drawer metal cases having inside glass bottles each containing not more than 20 ml or 10 g of a corrosive material or other hazardous materials packed with or without non-regulated articles. (Modes 1, 2, 3, 4.)
E76-45	DOT-E 6976	Monsanto Co., St. Louis, Mo.	49 CFR 173.304(a)(1)..	To ship a liquefied flammable compressed gas, in a non-DOT specification steel tank designed to ASME code, for 225 lb/in²g service pressure and having a volumetric capacity not exceeding 108 gal. (Mode 1.)
E76-82	DOT-E 6992	Grumman AeroSpace Corp., Bethpage, N.Y.	49 CFR 173.302(a)(1)..	To ship anhydrous ammonia or anhydrous ammonia-nitrogen mixture in a reservoir-condenser unit forming an integral part of a radiator panel. (Modes 1, 4.)
E75-115	DOT-E 7025	Airco Cryoplants Corp., Providence, N.J.	49 CFR 172.5, 173.315(a)(1).	To ship helium and hydrogen in a 12,700-gal nominal water capacity cargo tank having a stainless steel inner tank, insulated with mylar between glass sheets and evacuated, with a protective outer steel jacket, without liquid nitrogen shield. (Mode 1).
E76-87	DOT-E 7035	Owens-Illinois, Toledo, Ohio.	49 CFR Part 173 and 178.19; 46 CFR 146.23-100.	To ship corrosive liquids and a corrosive solid in a non-DOT specification reusable molded polyethylene container of 55 gal (T-55B) capacity for use without overpack. (Modes 1, 2, 3.)
E76-88	DOT-E 7036	McDonnell Douglas Astronautics Co., Huntington Beach, Calif.	49 CFR 173.304(a)(1); 46 CFR 146.24-100.	To ship anhydrous ammonia in non-refillable heat pipes (with attached heat dissipating fins) fabricated from 2¼-inch Schedule 40 pipe and 1½-in tubing both fabricated from 6063-T1 aluminum. (Modes 1, 2, 3, 4, 5.)
E76-131	DOT-E 7071	Philip A. Hunt Chemical Corp., Palisades Park, N.J.	49 CFR 173.242(d); 46 CFR 146.23-100.	To ship corrosive liquids, n.o.s., in two securely closed inside non-DOT specification polyethylene bottles containing not over 5 qts each. (Modes 1, 2, 3.)
E76-69	DOT-E 7082	Igloo Corp., Houston, Tex.	49 CFR Part 173 and 178.19; 46 CFR 146.23-100.	To ship corrosive liquids in a non-DOT specification molded polyethylene container of 55-gal marked (rated) capacity, for use without overpack. (Modes 1, 2.)
E76-72	DOT-E 7090	Ipco Caribbean, Inc., San Juan, P.R.	46 CFR 146.22-40(b)...	To extend the expiration date of DOT-E 7090. (Mode 3.)
E76-11	DOT-E 7229	Dow Chemical Co., Midland, Mich.	49 CFR 173.364(a)(2)..	To ship sulfuryl fluoride in a DOT specification 3E cylinder having a service pressure of not more than 1800 lb/in²g with an outside diameter of not more than 2 in and a length of not more than 24 in. (Modes 1, 2, 3, 4.)
E76-15	DOT-E 7231	American Cyanamid Co., Wayne, N.J.	49 CFR 173.245(a).....	To ship corrosive liquid, n.o.s., in a collapsible rubber container named "Sealtank." (Mode 1.)
E76-4	DOT-E 7232	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR 172.5, 173.119 (a)(3), (4), (12), (17), 173.148; 46 CFR 146.21-100.	To ship monoethylamine, 70 percent in water as prescribed for flammable liquids, n.o.s., in 49 CFR 173.119(a)(3), (4), (12), and (17) with certain exceptions. (Modes 1, 2, 3.)
E76-2	DOT-E 7234	E. I. du Pont de Nemours & Co., Wilmington, Del.	46 CFR 146.21-100(g), 146.23-100.	To ship corrosive liquids and flammable liquids in a DOT specification 17E metal drum of 55-gal capacity which may be stowed "under deck." (Mode 3.)
E75-145	DOT-E 7235	Luxfer USA Ltd., Riverside, Calif.	49 CFR 173.302(a)(1)...	To ship compressed air in a non-DOT Specification seamless aluminum cylinder with hoop reinforcement provided by filament-wound reinforced plastic. (Mode 1.)
E76-9	DOT-E 7236	Airwick Industries, Inc., Carlstadt, N.J.	49 CFR 173.217(b); 46 CFR 146.22-200.	To ship trichloro-s-triazinetrione in four high-density polyethylene containers, each containing not more than 4 lb of material and each sealed in a 2-mil polyethylene bag, overpacked with a high density polyethylene container. (Modes 1, 2, 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption
		Grants		
E76-37	DOT-E 7237	Phillips Petroleum Co., Bartlesville, Okla.	46 CFR 146.07-40(b), 146.24-55(a).	To ship flammable compressed gases and flammable liquids properly packaged in accordance with the applicable requirements of 46 CFR and 49 CFR in the same "container." (Mode 3.)
E75-164	DOT-E 7238	Aluminum Co. of America, New York, N.Y.	46 CFR 146.27-100....	To ship uncoated aluminum powder in steel barrels or drums meeting the standard packaging requirements of 49 CFR 173.24, not exceeding 650 lb gross weight per barrel or drums. (Mode 3.)
E-76-5	DOT-E 7240	Hysol Division, The Dexter Corp., Olean, N.Y.	49 CFR 173.249; 46 CFR 146.23-100.	To ship alkaline corrosive liquids, n.o.s., in a DOT specification 12B fiberboard box with inside metal containers. (Modes 1, 2, 3.)
E76-76	DOT-E 7241	Thiokol/Dynachem Corp., Tustin, Calif.	46 CFR 146.23-100....	To ship corrosive liquid, n.o.s., in a DOT-34, specification high density polyethylene container of not more than 5-gal capacity. (Mode 3.)
E76-118	DOT-E 7243	Aiken-Murray Corp., New York, N.Y.	46 CFR 146.23-100....	To ship 32 percent Hydrochloric acid solution in a DOT-34 5-gal polyethylene container. (Mode 3.)
E76-89	DOT-E 7244	United Airlines, San Francisco, Calif.	14 CFR 103.3(a), 103.7(b)(3).	To transport organ transplant modules containing certain compressed gases. (Mode 5.)
E76-119	DOT-E 7245	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.249a; 46 CFR 146.23-100.	To ship certain corrosive liquids in open-head fiber drums lined or coated on the inside with a plastic material, or open-head metal drums, neither exceeding 55-gal capacity. (Mode 3.)
E76-91	DOT-E 7246	Department of the Navy, Washington, D.C.	46 CFR 146.29-11(c) (16), 146.29-42.	To ship military explosives in U.S. Army MILVAN containers with certain exceptions. (Mode 3.)
E76-120	DOT-E 7247	Naval Weapons Station, Concord, Calif.	46 CFR 146.29-11(c) (19), 146.29-75(b)(2).	To authorize the use of 4 by 6 in uprights in lieu of the required 6 by 6 in uprights. (Mode 3.)
E76-132	DOT-E 7248	M. J. Baxter Drilling Co., El Cajon, Calif.	46 CFR 146.22-30(c)(t), 146.22-40(b).	To authorize nitro carbo nitrate and ammonium nitrate fertilizer packaged in multiwall paper bags with a polyethylene liner to be loaded/handled/loaded at nonisolated facilities. (Mode 3.)
E75-162	DOT-E 7249	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.128(a).....	To ship certain flammable liquids in DOT specification 34 reusable molded polyethylene container of 30-gal capacity. (Mode 1.)
E76-79	DOT-E 7259	Stauffer Chemical Co., Westport, Conn.	46 CFR 146.22-100	To ship phosphorus pentasulfied in DOT specification 56 metal portable tanks with a maximum gross weight of 5,000 lb per tank. Mode 3.)
E76-107	DOT-E 7261	Monsanto Co., St. Louis, Mo.	49 CFR 173.190(d)....	To ship phosphorus solid sludge residue in three 10,400-gal and two 2,800-gal non-DOT specification storage tanks. (Mode 2.)
E75-111	DOT-E 7262	Hercules Inc., Wilmington, Del.	49 CF 173.268(c)(2), 179.201-1(a).	To ship nitric acid of 98 percent concentration in a DOT specification 111A60ALW2 tank car with a safety relief valve setting of 45 lb/in.². (Mode 3.)
		Emergency exemptions		
EE76-398	DOT-E 6243	Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.315 (a)....	To ship liquefied carbon monoxide in accordance with the terms of SP 6243 as it was in effect on Apr. 30, 1976. (Mode 1.)
EE76-399	DOT-E 7250	Atlantic Container Lines, New York, N.Y., and	46 CFR Part 146.....	Authorizes the stowage and segregation of hazardous commodities in accordance with the recommendations in the International Maritime Dangerous Goods Code in lieu of 46 CFR 146. (Mode 3.)
EE76-277	DOT-E 7250	U.S. Lines, Inc., New York, N.Y., and		
EE76-285	DOT-E 7250	Seatrain Lines, Inc., Weehawken, N.J.		

DENIALS

D-7414—Request by Seaboard World Airlines, Jamaica, New York—14 CFR 103.9—to ship detonating fuzes aboard a DC-8 aircraft from John F. Kennedy Airport to Frankfurt, Germany, denied 4/22/76 (mode 4).

D-7415—Request by Atomized Metal Powder Co., Flemington, New Jersey—46 CFR 146.21-100—to ship aluminum powder in 55 gallon drums at a weight of 550 pounds each, denied 4/22/76 (mode 3).

D-7416—Request by Bermite Division, Whitaker Corporation, Saugus, California—49 CFR 173.91—to transport special fireworks from California to Georgia, denied 4/30/76 (mode 1).

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-15950 Filed 6-2-76;8:45 am]

[Docket No. EX76-4; Notice 1]

National Highway Traffic Safety Administration

DAIHATSU MOTOR CO. LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Daihatsu Motor Co. Ltd. of Osaka, Japan, has petitioned for an exemption until July 15, 1978, from portions of two Federal motor vehicle safety standards that apply to motorcycles. The basis of the petition is that it will facilitate the development and field evaluaion of a low-emission electric vehicle.

The vehicle for which exemption is sought is the Daihatsu Trike, Model B20, an electric tricycle which has been developed for short distance on-road use. The B20's headlamp does not meet minimum photometric requirements specified for headlamps of motor-driven cycles in Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, nor will its parking brake system hold it for 5 minutes on a 30 degree grade in the reverse direction as required by Motor Vehicle Safety Standard No. 122, Motorcycle Brake Systems. The company argues that these nonconformances do not degrade the overall safety of the vehicle. The Daihatsu headlamp is said to be able to reveal an individual or vehicle at a distance of 300 feet, while it has its ability to stop within 15 feet from its top speed of 17.5 mph. Its maximum climbing ability is only 10.5 degrees which renders it unlikely ever to be parked on a grade that exceeds it. Its parking brake system however, holds it in a reverse direction on a 20-degree grade, but the vehicle begins to slide at any grade exceeding 20 degrees. Petitioner argues that the exemption would allow evaluation of "one step of electric motor vehicle evolution". It will work to conform by July 15, 1978, and in the interim will not export more than 2,500 units of exempted B20's to the United States in any 12-month period for which an exemption is granted.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Daihatsu Motor Co. Ltd. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available

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for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: June 25, 1976.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C., 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 25, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76–15716 Filed 6–2–76;8:45 am]

[Docket No. IP76–6; Notice 1]

GENERAL MOTORS CORP.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

General Motors Corporation of Warren, Michigan ("GM" herein) has petitioned to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.-110, Motor Vehicle Safety Standard No. 110, Tire Selection and Rims for Passenger Cars, on the basis that it is inconsequential as it relates to motor vehicle safety.

A total of 4,964 station wagons with front bucket seats have been manufactured in the 1974, 1975, 1976 model Chevrolet Malibu and Buick Century passenger lines. The tire inflation placard on these station wagons indicate that their front occupant capacity is "3" when it is in fact two. Corrections have been made in production. GM argues that the noncompliance is inconsequential since loading a vehicle to the 1200 pounds shown on the incorrect placard as its total vehicle capacity "will not exceed the total load carrying capacity of these vehicles because they are identical in this regard to station wagons equipped with bench seats".

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: July 12, 1976.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 25, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76–15944 Filed 6–2–76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

NOTICE OF HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93–580), as amended, that hearings related to their proceedings will be held in conjunction with Task Force No. 5's investigation of "Indian Education."

Hearings have been scheduled June 18, 1976, from 9:00 a.m. to 5:00 p.m. at the Pierre Indian Learning Center, Route No. 3, Pierre, South Dakota.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationships of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to Task Force No. 5's investigation of Indian Education.

Persons wishing to testify or desiring further information should call Albert Jones at 605–224–8661 or Yvonne Misiaszek at 509–456–6824.

Dated: May 28, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76–16201 Filed 6–2–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29326; Order 76–5–138]

VARIOUS CARRIERS

Capacity-Controlled Excursion Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of May, 1976.

By tariff revisions[1] marked to become effective on June 1, 1976, all of the trunkline carriers and all but one local service carrier propose various revisions in the discount structure of the capacity-controlled excursion fares.[2] The proposed revisions would reduce the effective discount of the various fare options as follows:

Round-trip excursion fare

Excursion fare option [1]	Percentage of 1-way coach fare [2]	
	Present	Proposed
Peak/day	160	170
Peak/night	150	[3] Canceled
Offpeak/day	140	160
Offpeak/night	130	150
Peak/economy	(4)	(4)
Offpeak/economy	(4)	(4)

[1] Excursion fares are typically published in the tariff at the full round-trip price. Coach fares, on the other hand, appear only for 1-way transportation.

[2] Peak is presently defined as the period June 1 through Sept. 15 inclusive. Offpeak is the corresponding period from Sept. 16 of 1 year through May 31 of the following year, inclusive. Night is generally defined as the period from 10 p.m. to 4 a.m., with exceptions ranging from as early as 9 p.m. to as late as 7:30 a.m.

[3] Under the pattern of proposed revisions, peak/night fares would be superfluous because the applicable discount (20 pct) would be identical to the 1-way standard night coach discount.

[4] 90 pct of the applicable peak/day or offpeak/day fare.

National Airlines, Inc. (National) also proposes to cancel entirely its "Freedom" fares in short-haul markets (under 750 miles).

In support of their proposed changes, the carriers allege that excessively steep promotional discounts have seriously depressed yield; that with the recent upward trends in traffic growth there is no longer a need for such steep discounts; and that over the past six to eight months the Board has repeatedly admonished the carriers to recvaluate the role which discount fares play in the overall fare structure, with an eye toward reducing their number as well as the size of the discounts. As additional support for its proposed cancellation in short-haul markets, National alleges that it "was forced into these fares on a system-wide basis against its better judgment by action of competitive carriers," and that "Freedom" fares in short-haul markets have excessively eroded yield. Many of the carriers have supplied profit impact analyses which demonstrate the positive net effect on yield and profits which will ensue. National has included a breakdown of the alleged additional costs it has incurred in marketing "Freedom" fares.

A complaint has been filed by the Board's Office of the Consumer Advocate (OCA) (Docket 29265) requesting either rejection, or suspension and investigation of the proposed changes in the "Freedom" fare discount structure,[3] unless "the Board require(s) the carriers to transport—at the discount percentage level in effect on the date of purchase—all passengers who have purchased, booked and/or confirmed space for air travel under the referenced (*i.e.* "Freedom") discount fares on or before May 31, 1976 or as of the date of the Board's decision * * *." The complainant alleges that the proposed changes have been insufficiently justified by the proponent carriers, especially with respect to considerations relating to elasticity of demand; that the original discount-fare structure was heavily advertised at the time of its inception and many passengers made long-term advance reservations in good faith, believing that the advertised structure would apply when they intended to travel; that the aggregate impact of three general-fare increases[4] on top of the proposed structural increases in the percentage relationship to coach fares may significantly depress traffic growth; and that passengers who made their reservations for the peak summer season as long ago as last January (when "Freedom" fares were first announced) now face additional collections on their tickets of as much as 11.5 percent if they still wish to travel. OCA points to a recent precedent when National advanced the expiration date of its "No Frills" fares but applied for, and was granted, exemption authority to carry passengers already ticketed at those fares for travel beyond the effective date of cancellation, and that in the instant case no carrier proposing structural changes in the "Freedom" fare discount has applied for similar exemption authority. It is contended that the proposed restructuring is "nothing more than a bait-and-switch scheme * * * constituting little more than a deceptive business practice and an unfair method of competition."

American and United have answered OCA's complaint. American alleges that OCA does not challenge the carriers' right of managerial discretion to establish the type and level of discount fares; that American shares OCA's concern about the burden the fare increase places upon passengers who have made plans and purchased tickets prior to the effectiveness of the increase; and that American has taken all possible steps to avoid hardship for such passengers. United alleges that contrary to OCA's suggestion that the carriers have increased discount fares solely because much less price stimulation is needed to generate additional discretionary travelers, the increases are necessitated by the carriers' current dire financial need and by the Board's discount-fare disallowance methodology; that in view of the latter consideration the Board cannot now logically find the proposed increases unlawful; and that the Board cannot find that the instant proposal is not unlawful and, at the same time, find under section 416(b) of the Act that enforcement of that tariff is an undue burden and not in the public interest. United further alleges that adherence to the tariff will not be an undue burden to the passenger—that there is no compulsion in the "Freedom" fare tariff rules to make reservations and to purchase the tickets significantly in advance of travel.

Upon consideration of the various tariff filings, the justifications, the complaint, and answers thereto, and all other relevant matters, the Board finds that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposals should be suspended pending investigation.

The Board has previously found[5] that, in the long run, the cost of carrying discount-fare passengers is indistinguishable from the fully allocated cost of carrying full-fare passengers. However, the Board also recognized that excess capacity can and will exist from time to time in the short run, and that corresponding adjustments in capacity cannot readily be accomplished within the same short period of time in which demand fluctuates. This characteristic of scheduled air transportation is, essentially, the justification for discount fares—to fill otherwise empty seats during temporary periods of lagging traffic demand. The fares here under consideration were proposed at such a time and the outlook, although encouraging, was uncertain.

Subsequently, however, traffic and load factors have improved dramatically. In these circumstances, a decrease in the "Freedom" fare discounts (as well as National's proposed elimination in shorter-haul markets) seems an entirely appropriate reflection of the industry's lessening need to fill the diminishing number of "otherwise empty seats." Conversely, with load factors improving in recent months, the possibility of displacing full passengers by those traveling at reduced fares becomes increasing probable. This can only lead to unnecessary dilution in yield and/or the operation of additional capacity to accommodate discount-fare traffic. Either result would further widen the gap between the industry's "actual" and "ratemaking" return on investment (ROI), and make more difficult its efforts toward a much needed improvement in earnings.[6] We are therefore unable to conclude that the proposed reduction in the excursion fare discounts is unreasonable, *per se*.

We share the complainant's concern, however, with the impact which these changes will have on passengers long ticketed for travel commencing on or after June 1. Several conditions inherent in "Freedom" fares encourage early bookings. This factor is compounded for the traveler since the fares must be paid for no later than 10 days after reservations are made. Moreover, aside from the reduction in this discount, "Freedom" fares reflect the three general-fare increases which have been implemented this year. The carriers' tariffs have long contained a rule that the applicable fare is that in effect on the date transportation commences and, in our opinion, this rule is generally equitable, particularly in the absence of an advance-purchase requirement. On the other hand, in view of the advance-reservation and purchase requirements of the "Freedom" fares, we question the equity of operation of the rule in this instance.

To date, no carrier has proposed to provide relief for passengers who made reservations under the "Freedom" fares prior to the present filings, although precedent for such action exists. This past April, when National elected to cancel its "No Frill" fares prior to their marked expiration date, the Board approved its request for an exemption to carry advance-booked "No Frill" passengers booked prior to the fares' expiration date without an additional fare collection.[7] In approving that request the Board stated that:

> Failure to do so would clearly work an undue hardship on those passengers who purchased "No Frill" tickets in the reasonable expectation that the fares would be in effect for the period of their intended travel.

Notwithstanding our conclusion that the proposed increase in excursion fares is not unreasonable, *per se*, in our opinion it would place an undue burden upon the many passengers who were encouraged to utilize air transportation for their Bicentennial summer vacations and to buy their tickets early by the initial low level of the "Freedom" fares. In many instances passengers made their reservations weeks or months in advance because of the limited availability of the fares and, due to the advance-purchase requirement (within 10 days after reservations are made), these passengers tied up their funds for long periods of time. The Board recognizes that the carriers are faced with a very real problem, and we do not wish to unnecessarily delay increases which are sound in principle. However, factors other than the economic impact on the carriers must be considered, and in all the circumstances we are unable to conclude that it would be in the public interest to subject affected passengers to the additional increases proposed (in addition to cost-based general-fare increases previously noted).

[1] Airline Tariff Publishing Company, Agent, C.A.B. 259.

[2] These fares are known by such copyrighted names as "Revolutionary" fares (for American Airlines, Inc.), "Discover America" fares, (for Trans World Airlines, Inc.), and "Freedom" fares (for United Air Lines, Inc.). For convenience, we shall refer to these fares by the name copyrighted by United which first proposed the capacity-control concept on which they are all based.

[3] While OCA's complaint is specifically directed only toward those carriers who filed "Freedom" fare changes on or after April 30, 1976, its substance goes to the heart of the issues here involved. For convenience we have chosen to consolidate the filings in this order and will thus consider OCA's complaint to have broad application.

[4] Orders 76–1–113, January 29, 1976; 76–2–120, February 27, 1976; and 76–4–182, April 30, 1976.

[5] *Domestic Passenger-Fare Investigation*, Phase 5.

[6] By Order 76–5–93, the Board suspended a two-percent fare increase proposed by Eastern Air Lines, Inc. Although the industry's actual ROI for the base period used to evaluate revenue need was only 2.41 percent, the ratemaking ROI after all adjustments, was 13.76 percent, including the proposed two-percent increase. The present extensive use of discount fares is worth almost four ROI points of this disparity.

[7] Order 76–4–63, April 14, 1976.

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We are prepared to grant on short notice, proposals which provide for the carriage of "Freedom" fare passengers, who made reservations based on the original discounts approved (Order 75–9–54), at those same discounts from the full coach fare in effect at the time the passenger commences travel. This can be accomplished by publishing appropriate provisions in the governing rules tariff. In this event, and to expedite matters, we are also prepared to vacate this suspension insofar as it applies to carriers who have made the change described above.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404 and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,* and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto * are suspended and their use deferred to and including August 29, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 29265 is hereby dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariff and be served upon all scheduled certificated air carriers and the complainant in Docket 29265.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–16078 Filed 6–2–76;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 3:00 pm. and end at 5:00 pm. and reconvene the same day at 7:00 pm. and end at 10:00 pm. on June 24, 1976, at the Common Board Room, Calvin College, Knollcrest Campus, Grand Rapids, Michigan 49506 for a regular planning meeting. On the same day at 1:00 pm. until 2:30 pm., at the Press Club of Grand Rapids, Suite 150, Frey Building, 300 Ottawa St., NW., Grand Rapids, Michigan, there will be a press conference to release the report, Civil Rights and The Housing and Community Development Act of 1974: Volume II–A Comparison With Model Cities.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-western Regional Office of the Commission, 230 South Dearborn St., 32nd Floor, Chicago, Illinois 60604. Public participation is invited during that portion of the meeting designated for that purpose by Chairperson JoAnn Terry. Written statements are welcome, before or after the meeting, and may be sent to the Chairperson at 163 Madison, Detroit, Michigan 48226, or the Midwestern Regional Office. Oral statements during the meeting may be made by arrangement with staff or chairperson.

The purpose of this meeting is to review results of interim recommendations on Sault Ste. Marie Native American issues; review draft of final report to Sault Ste. Marie and to plan future programming, etc.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–16033 Filed 6–2–76;8:45 am]

NEW MEXICO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Mexico Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 6:00 p.m. on June 26, 1976, at the Santa Fe Hilton Inn Conference Room, 100 Sandoval, Santa Fe, New Mexico 87501.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, New Moore Building, Rm. 231, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting will serve as an orientation and planning meeting for the New Mexico SAC which was rechartered approximately one year ago and has never previously met.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 28, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–16034 Filed 6–2–76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF CONTRACT MARKETS

Advisory Committee Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on the Economic Role of Contract Markets ("Advisory Committee on Economic Role of Contract Markets") will conduct a public meeting on June 17, 1976 at 2033 K Street NW., Washington, D.C., in Room 531, beginning at 8:30 a.m. The objectives and scope of activities of the Advisory Committee on Economic Role of Contract Markets will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Economic functions of futures trading. This will include consideration of such matters as:

(i) Benefits of commodity futures trading;

(ii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of bona fide hedging transactions or positions;

(iii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of international arbitrage; and

(iv) Appropriate policy criteria to be utilized by the Commission in establishing trading and position limits under the Commodity Exchange Act, as amended.

(2) Criteria for economic evaluation of existing contracts and new contract applications, including such matters as:

(i) Proliferation of contracts;

(ii) Commercial viability of contracts (including delivery points); and

(iii) Trading potential (new and inactive contracts).

At the meeting, the Committee will continue consideration of the final report to be submitted to the Commission.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of that statement to Dennis Avery, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, on or before June 8, 1976.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of the Committee to those persons. Interested persons may have their names placed on this list by writing Director, Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Dated: May 27, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76–16016 Filed 6–2–76;8:45 am]

* The appendix referred to in ordering paragraphs 1 and 2 will be issued separately unless said order is vacated as discussed herein.

COUNCIL ON WAGE AND PRICE STABILITY

RISING HEALTH CARE COSTS

Public Comments and Hearings

This notice invites interested members of the public to submit written comments and to participate in public hearings concerning the problem of rising health care costs.

The Council on Wage and Price Stability (COWPS), has the responsibility to monitor and analyze inflationary developments in individual sectors of the economy The Council on Wage and Price Stability Act, as amended, directs the Council to "work with labor and management in the various sectors of the economy having special economic problems, as well as with appropriate government agencies, to improve * * * the performance of those sectors in restraining prices." It further directs that the Council shall "conduct public hearings necessary to provide for public scrutiny of inflationary problems in various sectors of the economy." (P.L. 93–387, August 24, 1974 as amended by P.L. 94–78 August 9, 1975)

The Council is particularly concerned with the problem of rising medical care costs and their potential impact upon the individual household, labor, industry and government, especially since many experts predict that inflation in this sector will continue to be of serious concern in future years.

The Council has recently published a background paper *The Problem of Rising Health Care Costs*. This report documents the extent of inflation in this sector and reviews possible explanations for the unusual behavior of medical care prices, including some of the unique structural characteristics of the industry. It also reviews the impact of rising medical care costs upon the individual household, labor, industry and government.

Notice is hereby given that, in view of the widespread interest in this subject and this paper, the Council intends to hold a series of public hearings throughout the country; the purpose of these hearings is to gather further information concerning the reasons for rapid medical cost and price increases, their impact, and possible remedies.

The first hearing will be held on June 29 in New York. Subsequent hearings will be held on July 20 in Chicago, and August 10 in San Francisco. Specific locations in those cities and times of day will be announced subsequently.

Interested members of the public, including consumers, medical care providers, insurers, government officials, and labor and management representatives are invited to present their oral or written views at these public hearings.

Comments are particularly solicited in connection with the following topics.

(1) What factors are responsible for the rapid rise in health care costs.

(2) What can and is being done by the medical care industry, by third-party payers, by the consumer, or by labor and management in other sectors of the economy to stem the increase in costs?

Requests to appear and present oral and written testimony should be submitted by June 9, 1976, together with a brief outline of the topics to be presented by the testimony, to the Council on Wage and Price Stability, 726 Jackson Place, N.W., Washington, D.C. 20506, Room 4002, Attn: Health Hearings. Inquiries should be directed to Susanne Tierney at (202) 456–7113.

The scheduling of oral testimony may be limited, depending on the number of persons requesting to be heard. A COWPS official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Other procedural rules will be announced at the beginning of each hearing.

Any written comments and information from parties not wishing to appear at the hearings should be submitted to the above address no later than August 13, 1976. All comments and information submitted will be available to the public under the provisions of the Freedom of Information Act (5 U.S.C. S552).

WILLIAM LILLEY III,
Acting Director.

MAY 28, 1976.

[FR Doc.76–16121 Filed 6–2–76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F–390]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

Subject: Delegation of authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission (Tariff FCC Nos. 254 and 257, Series 1000), involving proposed tariff revisions by the Western Union Telegraph Company for increases in existing revenues.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 25, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76–16020 Filed 6–2–76;8:45 am]

PRIVACY ACT OF 1974

Changes to Systems of Records

On August 27, 1975, there was published in the FEDERAL REGISTER (40 FR 39137 through 39195) notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 95–579, 5 U.S.C. 552a. On September 23, 1975, there was published in the FEDERAL REGISTER (40 FR 43860 and 43861) additional notices of systems of records. On October 7, 1975, there was published in the FEDERAL REGISTER (40 FR 46421 and 46422) corrections to several systems of records. This notice deletes three systems of records and renumbers 10 systems of records.

The system of records identified as "Equipment Control Records, GSA/OAD 25" (40 FR 39149) is deleted.

The system number of the system of records identified as "Credentials (includes Passes and Licenses)" (40 FR 39150) is changed from "GSA/OAD 26" to "GSA/OAD 25."

The system number of the system of records identified as "Application and physical fitness evaluation for motor vehicle operators" (40 FR 46422) is changed from "GSA/OAD 27" to "GSA/OAD 26."

The system number of the system of records identified as "Roster of GSA Officials (GSA Form 2177)" (40 FR 39150) is changed from "GSA/OAD 28" to "GSA/OAD 27."

The system number of the system of records identified as "Essential Residence Telephone Service" (40 FR 39151) is changed from "GSA/OAD 29" to "GSA/OAD 28."

The system of records identified as "Manpower Management GSA/OAD 30" (40 FR 39151) is deleted.

The system of records identified as "Congressional Support Control Sheet (GSA Form 2690) GSA/OAD 31" (40 FR 39151) is deleted.

The system number of the system of records identified as "Disbursement and accounts payable files" (40 FR 39152) is changed from "GSA/OAD 32" to "GSA/OAD 29."

The system number of the system of records identified as "Accounts receivable claims files" (40 FR 39152) is changed from "GSA/OAD 33" to "GSA/OAD 30."

The system number of the system of records identified as "Travel System" (40 FR 39153) is changed from "GSA/OAD 34" to "GSA/OAD 31."

The system number of the system of records identified as "Manpower and Payroll Statistics System (MAPS)" (40 FR 39153) is changed from "GSA/OAD 35" to "GSA/OAD 32."

The system number of the system of records identified as "Employee payroll

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and time and attendance reporting system" (40 FR 39155) is changed from "GSA/OAD 36" to "GSA/OAD 33."

The system number of the system of records identified as "Employee Credit Reports" (40 FR 43860) is changed from "GSA/OAD 37" to "GSA/OAD 34."

Dated at Washington, D.C., on May 26, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76-16021 Filed 6-2-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-33000/409; FRL 552-4]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 2, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before July 6, 1976.

Dated: May 25, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/409)

EPA Reg. No. 8612-72. B&G Co., 10539 Maybank, Dallas TX 75220. B&G TAPP-1.3. Active Ingredients: Pyrethrins 1.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. Application for reregistration. PM17

EPA Reg. No. 5887-15. Black Leaf Products Co., 667 N. State St., Elgin IL 60120. BLACK LEAF NICO-FUME LIQUID. Active Ingredients: Nicotine Alkaloid 40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11

EPA Reg. No. 5887-5. Black Leaf Products Co. BLACK LEAF NICO-FUME SMOKE FUMIGATOR FOR FUMIGATING GREENHOUSES. Actice Ingredients: Nicotine (Expressed as Alkaloid) 14%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11

EPA Reg. No. 456-100. Chemical Formulators, Inc., PO Box 26, Nitro WV 25143. METHOXYCHLOR 100% TECHNICAL CHIP-FLAKE. Active Ingredients: Technical Methoxychlor 100.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 15567-1. Creative Chemicals Inc., 3 Church St., Palmer MA 01069. CREATIVE BOWL CLEANER & DISINFECTANT. Active Ingredients: Hydrogen Chloride 23.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM32

EPA Reg. No. 779-13. Faesy & Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. F&B EMBLEM TOBACCO DUST. Active Ingredients: Nicotine 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA Reg. No. 11037-6. Hacienda Enterprises, 565 Charles St., San Jose CA 95112. HACIENDA MITE-MILDEW CONTROL. Active Ingredients: 2,4-Dinitro-6-octyl phenyl crotonate 4.4%; 2,6-Dinitro-4-Octyl phenyl crotonate Nitrooctyl phenols (principally dinitro) 0.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for registration. PM13

EPA Reg. No. 1021-252. McLaughlin Gormley King Co., 8810 Tenth Ave N., Minneapolis MN 55427. PYRETHRUM POWDER AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 0.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA Reg. No. 1021-774. McLaughlin Gormley King Co. PYROCIDE FORMULA NO. 6471 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 20.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA Reg. No. 1021-951. McLaughlin Gormley King Co. PYRETHRUM FORMULA 6808 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 20.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA Reg. No. 5204-18. M&T Chemicals, PO Box 1104, Rahway NJ 07065. BIOMET YELLOW ANTIFOULING PAINT NO. 14122. Active Ingredients: Tri-butyltin fluoride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24.

EPA Reg. No. 5204-19. M&T Chemicals. BIOMET TRI-BUTYLTIN FLUORIDE. Active Ingredients: Tri-butyltin fluoride 95%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 5204-17. M&T Chemicals, Inc. BIOMET WHITE ANTIFOULING PAINT NO. 11122. Active Ingredients: Tri-butyltin fluoride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24.

EPA Reg. No. 11717-1. Plas-Chem Coatings, Eagle-Picher Industries, Inc., 6300 Bartmer Industrial Dr., St. Louis MO 63130. CHEM-FLEX NO. 1816R ANTI-FOULANT COATING. Active Ingredients: Tributyl Tin Fluoride 11.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 25028-2. Porter Coatings, Div., Porter Paint Co., PO Box 1439, Louisville KY 50201. CHLORINATED RUBBER ANTIFOULING PAINT 1195-RED. Active Ingredients: tributyltin fluoride 13.45%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 1202-196. Pure-Gro Co., 1052 W. 6th St., Los Angeles CA 90017. PUREGRO KARATHANE DUST 1. Active Ingredients: 2,4-Dinitro-6-octyl phenyl crotonate 0.9%; 2,6-Dinitro-4-octyl phenyl crotonate) Nitrooctyl phenols (principally dinitro) 0.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24.

EPA Reg. No. 1827-50. The Puro Co., Inc., 2801 Locust St., St. Louis MO 63103. LIQUID TOILET BOWL CLEANER. Active Ingredients: Hydrogen Chloride 26%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM32

EPA Reg. No. 707-53. Rohm and Haas, Independence Mall West, Philadelphia PA 19105. KARATHANE WD AGRICULTURAL FUNGICIDE AND MITICIDE. Active Ingredients: 2,4-iDnitro-6-octyl (phenyl crotonate) 18.25%; 2,6-Dinitro-4-octyl phenyl crotonate Nitrooctyl phenol 1.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 201-167. Shell Chemical Co., 2401 Crow Canyon Rd, San Ramon CA 94583. PLANAVIN 75 WETTABLE POWDER HERBICIDE. Active Ingredients: 4-(methylsulfonyl)-2,6-dinitro - N,N - dipropylaniline 75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 201-218. Shell Chemical Co. TECHNICAL PLANAVIN HERBICIDE FOR MANUFACTURING PURPOSES ONLY. Active Ingredients: 4-(methylsulfonyl)-2,6-dinitro-N,N-dipropylaniline 94%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 3743-329. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kingstree SC 29556. HORNFLY DUST. Active Ingredients: Methoxychlor Technical 10%; Equivalent to 8.8% 2,2 bis (p-methoxyphenyl)-1,1,1-trichloroethane and 1.2% other isomers and related compounds. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 829-230. Southern Agricultural Insecticides, Inc., PO Box 218, Palmetto FL 33561. SASO BRAND KARATHANE FUNGICIDE AND MITICIDE. Active Ingredients: 2,4-Dinitro-6-octyl phenyl crotonate 18.25%; 2,6-dinitro-4-octyl phenyl crotonate Nitrooctyl phenols (principally dinitro) 1.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM 13

EPA Reg. No. 226-25. Tobacco States Chemical Co., Inc., PO Box 479, Lexington KY 40501. TASCO 50% METHOXYCHLOR WETTABLE POWDER. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 226-45. Tobacco States Chemical Co. TOBACCO STATES BRAND 7½% METHOXY GARDEN DUST. Active Ingredients: Methoxychlor, Technical 7.5% Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 226-204. Tobacco States Chemical Co. TOBACCO STATES BRAND BEEF CATTLE DUST. Active Ingredients: Methoxychlor, technical 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 7401-264. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. FERTO-LOME TENDER PLANT GREENHOUSE SPRAY. Active Ingredients: Petroleum Oil 0.650%; Nicotine, as alkaloid 0.070%; Triethanoeamine 0.043%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

CORRECTED ITEMS

The following are corrections to the list of Appplications Received previously published in the FEDERAL REGISTER.

EPA File Symbol 12050-A. Chemco Chemical Co., 115 Cole St., Dallas, TX 75207. SANITIZE 45. Active Ingredients: N-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. (Originally published with incorrect chemical names) PM31 41 FR 19370 (5/12/76)

EPA Reg. No. 37370-O. American Water Purification, 1025 Contra Costa Blvd., Pleasant Hill CA 94523. SILVERATOR SUPER STRAW. (Originally published with incorrect Reg. No.) PM33 41 FR 19757 (5/13/76)

EPA Reg. No. 37532-G. Mogul Maintenance Systems Div., Mogul Corp., Pine and Mogul Sts., Chagrin Falls OH 44022. MOGUL-CIDE 64-128. (Originally published with incorrect state) PM33 41 FR 19758 (5/13/76)

EPA File Symbol 572-GNU. Rockland Chemical Co., Inc., Box 809, Passaic Ave., West Caldwell NJ 07006. ROCKLAND ORAL LARVICIDE. (Originally published with incorrect File Symbol) PM15 4; FR 19758 (5/13/76))

[FR Doc.76-16011 Filed 6-2-76;8:45 am]

[PF38; FRL 552-3]

PESTICIDE PETITIONS

Filing

Pursuant to the provisions of Section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP 6F1777. Dow Chemical Co., PO Box 1706, Midland MI 48640. Proposes that 40 CFR 180.342 be amended by establishing a tolerance for combined residues of the insecticide chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities almonds, apples, pears, plums, and prunes at 0.05 part per million (ppm). Proposed analytical method for determining residues is a gas chromatography method. PM12

PP 6F1778. Sandoz, Inc., PO Box 1489, Homestead FL 33030. Proposes that 40 CFR 180.356 be amended by establishing a tolerance for residues of the herbicide norflurazon (4-chloro-5-(methylamino)-2 - (a,a,a-trifluoro-m-tolyl) - 3(2H) - pyridazinone) in or on the raw agricultural commodities apricots, cherries, filberts, peaches, plums, prunes, nectarines, and walnuts at 0.1 part per million. Proposed analytical method for determining residues is by gas chromatography using an electron capture detector. PM24

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, East Tower, Room 401, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 25, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-16010 Filed 6-2-76;8:45 am]

[FRL 552-6]

OFFICE OF RADIATION PROGRAMS

Interim Recommendations on Exposure Limits—Carlsbad Caverns

Following a report from the New Mexico Institute of Mining and Technology that naturally occurring radon-222 was present in some areas of Carlsbad Caverns, part of the Carlsbad Caverns and Guadalupe Mountains National Park, the Park Superintendent arranged for the Albuquerque Field Office of the Mining Enforcement and Safety Administration (MESA) and MESA's Denver Technical Support Center to perform a thorough monitoring program and analysis of the radon daughter concentration in the Caverns. Field measurements were completed on November 7, and a report documenting observed radon daughter concentrations and recommendations proposing various control methods was received by the Park Superintendent on December 12, 1975. On December 17, 1975, the Park Superintendent contacted the EPA Regional Administrator in Region VI outlining this problem and requesting advice as to appropriate guidance for the control of radon daughter exposures received by Park personnel, concessionaires, and visitors.

Subsequent preliminary investigations of other caves and caverns under the jurisdiction of the National Park Service have indicated that the situation at Carlsbad Caverns is not unique, and that radon and radon daughters are detectable in many caves due to ongoing geological processes. The interim recommendations made below were developed specifically for the case of the Carlsbad Caverns. The Agency requests comments on the general applicability of these recommendations to other caves and caverns open to the public.

At the time of the MESA radiation survey of the Carlsbad Caverns in November, radon daughter concentrations averaged 0.25 Working Level[1] (range, 0 to 0.4 WL) in developed portions of the cave. A series of measurements made in August yielded an average concentration of about 0.4 Working Level. Data obtained at no less than weekly intervals since September demonstrate that the radon daughter concentrations vary seasonally. Concentrations have averaged less than 0.3 Working Level since November, with some weeks averaging less

[1] One working level is any combination of radon daughters in one liter of air that will ultimately release 1.3 x 10^5 MeV of alpha energy during decay through radium C' (^{214}Po). If 100 pCi/l ^{222}Rn in air is present at equilibrium with its short-lived daughters through radium C', the ultimate energy released will be 1.3 x 10^5 MeV or one working level.

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than 0.1 Working Level. Continuation of the monitoring program is required to determine the pattern of the seasonal variation.

Pending the results of additional studies, the Agency has prepared Interim Recommendations based on presently available information, including recommendations by MESA to the National Park Service. These Interim Recommendations have been made on the basis of existing Federal Guidance for the protection of underground uranium miners, 36*FR*9480, which recommends against cumulative exposures to employees in excess of 4 Working Level Months [2] in any calendar year and are designed to limit the health risk to those employed within the Caverns to a minimum while not unduly restricting the enjoyment of this natural phenomena by the general public.

The Interim Recommendations to the National Park Service (NPS) for limiting radon daughter exposures within the Carlsbad Caverns are as follows:

1. Exposures to individual NPS employees and individual employees of the concessionaire shall be limited to a cumulative exposure to radon daughters of 4 Working Level Months per calendar year. Practical measures to keep exposures below these limits should be implemented where feasible. Rotation of long-term employees working in areas having the higher radon daughter concentrations is advisable.

2. Based on the findings to date, the Agency does not believe a specific guide applicable to visitors is warranted. Because of the short time of exposures during visitation, implementation of the guidance provided for employee protection will be sufficient to protect tourists.

3. NPS should continue to sample the developed portions of the Caverns for radon daughter concentrations and record the estimated exposures to underground personnel. The present record-keeping system of documenting exposures should be continued unless OSHA requires a different format.

4. Because of the evidential association between radon daughter exposures and smoking and the induction of lung cancer, the ban on smoking in the Caverns should be continued and an educational program to discourage smoking by employees initiated.

5. Employees should be informed of the nature of this occupational hazard, the rules governing their exposure, and any steps taken to minimize their risks.

Comments on the above subject should be sent to the Director, Criteria and Standards Division (AW–460), Office of Radiation Programs, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Dated: May 27, 1976.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.76–15098 Filed 6–2–76;8:45 am]

[2] A working level month (WLM) is defined as exposure to 1 WL for 170 hours, a working month.

[FRL 552–8; OPP–42013A]

PUERTO RICO

Approval of State Plan for Certification of Pesticide Applicators

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On March 10, 1976, notice was published in the FEDERAL REGISTER (40 FR 10255) of the intent of the Regional Administrator, Environmental Protection Agency (EPA) Region II, to approve, on a contingency basis, the Commonwealth of Puerto Rico Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Commonwealth of Puerto Rico Plan). Contingency approval was requested by the Commonwealth of Puerto Rico pending enactment of an amendment to the Puerto Rico Pesticides Act (the Act) to provide for enforcement tools regarding misuse of any pesticide, and pending approval of implementing regulations. Complete copies of the Commonwealth of Puerto Rico Plan were made available for public inspection at the Analysis and Registration of Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, Dorado, Puerto Rico; Pesticides Branch, Environmental Programs Division, EPA Region II, New York, New York and the Federal Register Section, Technical Services Division, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day public comment period.

The Commonwealth of Puerto Rico Plan will remain available for public inspection at the Analysis and Registration of Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, Road #693, KM 4.0, Barlo Atiguillar, Dorado, Puerto Rico.

It has been determined that the Commonwealth of Puerto Rico Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 if an amendment to the Puerto Rico Pesticides Act to provide for enforcement tools regarding misuse of any pesticide is enacted and if necessary implementing regulations are promulgated by the Puerto Rico Department of Agriculture. Accordingly, the Commonwealth of Puerto Rico Plan is approved contingent upon enactment of such amendments and upon promulgation of implementing regulations in accordance with and as prescribed in the Commonwealth of Puerto Rico Plan.

This contingency approval shall expire one (1) year from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Commonwealth of Puerto Rico Plan as a result thereof.

Effective date: Pursuant to Section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year contingency approval granted herein to the Commonwealth of Puerto Rico Plan shall be effective immediately. Neither the Commonwealth of Puerto Rico Plan itself nor this Agency's contingency approval creates any direct or immediate obligations on pesticide applicators or other persons in the Commonwealth of Puerto Rico. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated April 30, 1976.

GERALD M. HANSLER, *P. E.*
Regional Administrator, U.S.
Environmental Protection
Agency, Region II

[FR Doc.76–16099 Filed 6–2–76;8:45 am]

[FRL 554–8; OPP–50157]

ABBOTT LABORATORIES

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Abbott Laboratories, North Chicago, Illinois 60064. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 275–EUP–9) allows the use of 3,000 pounds of the plant regulator 5-chloro-3-methyl-4-nitro-1H-pyrazole on oranges to evaluate its use as an abscission agent. A total of 1,225 acres is involved; the program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from April 30, 1976, to April 30, 1977. A temporary tolerance for residues of the active ingredient in or on oranges has been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–16115 Filed 6–2–76;8:45 am]

[FRL 554–4; OPP–50163]

AVITROL CORPORATION

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Avitrol Corporation, Tulsa, Oklahoma 74145. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11649–EUP–5) allows the use of 270 pounds of the bird repellent 4-aminopyridine on sorghum. A total of 1,200 acres is involved; the program is authorized only in the States of Kansas, Oklahoma, and Texas. The experimental use permit is effective from May 7, 1976, to May 7, 1977. A temporary tolerance for residues of the active ingredient in or on sorghum has been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–16111 Filed 6–2–76;8:45 am]

[FRL 553–3; OPP–50170]

AGSCO AGRICULTURAL DIVISION

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to AGSCO Agricultural Chemicals, Grand Forks, North Dakota 58201. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 554–EUP–1) allows the use of 41 pounds of a fungicide/insecticide combination including maneb, lindane, and carboxin on wheat and barley seeds to evaluate control of seed-borne diseases and wireworms. A total of 400 bushels of seed will be treated; the program is authorized only in the State of North Dakota. The experimental use permit is effective from May 18, 1976, to May 18, 1977. A permanent tolerance for residues of the active ingredient carboxin in or on wheat and barley has been established (40 CFR 180.301).

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc 76–16102 Filed 6–2–76;8:45 am]

[FRL 553–2, OPP–50169]

CHEMAGRO AGRICULTURAL DIVISION

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chemagro Agricultural Division, Kansas City, Missouri 64120. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 3125–EUP–128) allows the use of 20,250 pounds of the fungicide O-ethyl S,S-diphenyl phosphorodithioate on rice to evaluate control of rice blast. A total of 16,700 acres is involved; the program is authorized only in the States of Arkansas, California, Louisiana, Mississippi, and Texas. The experimental use permit is effective from May 13, 1976, to May 13, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established; a food additive tolerance for residues of the active ingredient has also been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–16101 Filed 6–2–76;8:45 am]

[FRL 553–6; OPP–50166]

CHEVRON CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239–EUP–79) allows the use of 8,020 pounds of the insecticide acephate on forest areas to evaluate control of the Spruce Budworm, Western Spruce Budworm, Gypsy Moth larvae, and Larch Casebearer. A total of 13,565 acres is involved; the program is authorized only in the States of Idaho, Maine, Montana, and Pennsylvania. The experimental use permit is effective from May 11, 1976, to May 11, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–16105 Filed 6–2–76;8:45 am]

[FRL 554–3; OPP–50161]

CREATIVE SALES, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued Creative Sales, Inc. Fremont, Nebraska 68025. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

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This experimental use permit (No. 37979-EUP-1) allows the use of 170 pounds of the insecticide acephate on ornamental trees to evaluate control of aphids, scale insects, cambial feeding borers, and lepidopterous larvae. Up to 20,000 trees are involved; the program is authorized only in the States of Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Wisconsin and Wyoming. The experimental use permit is effective from May 5, 1976, to May 5, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-16110 Filed 6-2-76;8:45 am]

[FRL 554-7; OPP-240011]

STATES OF IOWA, MISSOURI, NEVADA, WEST VIRGINIA, AND UTAH

Approval of Requests for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of Iowa, Missouri, Nevada, West Virginia, and Utah. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Iowa, Missouri, Nevada, West Virginia, and Utah as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

Iowa, Nevada, and Utah

These Requests sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Requests. Procedures for product hazard review and efficacy determination are part of the States' registration programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA.

The State agencies which have been designated responsible for issuance of such registrations are respectively, the Iowa Department of Agriculture, the Nevada Department of Agriculture, and the Utah Department of Agriculture. These agencies were notified on May 7, 1976, that their Requests had been approved.

Missouri

The Missouri Request for Interim Certification sought authority to register new products, to amend EPA registrations which involve changed use patterns, and to amend FPA registrations which do not involve changed use patterns. It is noted that authority was not requested to register antimicrobial agents (see 40 CFR 162.3(ff)(1)), fungicides, other than agricultural-use fungicides (see 40 CFR 162.3(ff)(8)), or slimicides (see 40 CFR 162.3(ff)(16)). The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations, the Missouri Department of Agriculture, was notified on May 7, 1976, that its Request had been approved.

West Virginia

The West Virginia Request for Interim Certification sought authority to amend EPA registrations which involve changed use patterns, and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations, the West Virginia Department of Agriculture, was notified on May 7, 1976, that its Request had been approved.

Copies of the Iowa, Missouri, Nevada, West Virginia, and Utah Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division, (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.
Pesticide Branch, Hazardous Materials Control Division, EPA, 1735 Baltimore Ave., Kansas City, Missouri 64108. (*Iowa and Missouri Requests only*).
Pesticide Branch, Hazardous Materials Control Division, EPA, 100 California St., Room 340, San Francisco, California 94111. (*Nevada Request only*).
Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Bldg., 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. (*West Virginia Request only*).
Pesticide Branch, Hazardous Materials Control Division, EPA, 1860 Lincoln St., Suite 900, Denver, Colorado 80203. (*Utah Request only*).

Dated: May 27, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-16114 Filed 6-2-76;8:45 am]

[FRL 554-2; OPP-50160]

LOWDEN, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Lowden, Inc., Needham Heights, Massachusetts 02194. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 23614-EUP-1) allows the use of 9,000 grams of the fungicide nystatin on elm and maple trees to evaluate control of Dutch elm disease and *Verticillium* wilt. A total of 300 trees is involved; the program is authorized only in the States of Maryland, Massachusetts, Nevada, New Hampshire, and Rhode Island.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-16109 Filed 6-2-76;8:45 am]

[FRL 553-8; OPP-50158]

MOBIL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 2224-EUP-15) allows the use of 1,200 pounds of the insecticide ethoprop on tobacco to evaluate the control of nematodes, fleabeetles, and wireworms. A total of 100 acres is involved; the program is authorized only in the States of Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. The experimental use permit is effective from May 5, 1976, to May 5, 1977. This permit is issued with the limitation that all treated tobacco be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA. 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Office.

[FR Doc.76-16107 Filed 6-2-76;8:45 am]

[FRL 554-1; OPP-50159]

PPG INDUSTRIES, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 748-EUP-13) allows the use of 3,284 pounds of the fungicide sodium azide on peanuts for control of soilborne fungi. A total of 82 acres is involved; the program is authorized only in the States of Alabama, Georgia, North Carolina, and Virginia. The experimental us permit is effective from May 4, 1976, to May 4, 1977. A temporary tolerance for residues of the active ingredient in or on peanut has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-16108 Filed 6-2-76;8:45 am]

[FRL 553-1 OPP-50168]

SANDOZ, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Sandoz, Inc., Homestead, Florida 33030. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11273-EUP-11) allows the use of 338 pounds of the insecticide Elcar and 675 pounds of the insecticide chlordimeform on cotton to evaluate control of the cotton bollworm and the tobacco budworm. A total of 300 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas. The experimental use permit is effective from May 12, 1976, to May 12, 1977. Permanent tolerances for residues of the active ingredients in or on cotton have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, JR.
Director, Registration Division.

[FR Doc.76-16100 Filed 6-2-76;8:45 am]

[FRL 553-4; OPP-50172]

SELLERS CHEMICAL CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Sellers Chemical Corporation, Harahan, Louisiana 70183. Such permit is in accordance with, and

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subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 9583-EUP-1) allows the use of 918 pounds of fatty alcohols (0.4% C6, 45.1% C8, 54.5% C10) used as a herbicide on tobacco to evaluate control of sucker growth on Burley and Flue-Cured tobacco. A total of 76 acres is involved; the program is authorized only in the States of Georgia, North Carolina, and Kentucky. The experimental use permit is effective from May 18, 1976, to May 18, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-16103 Filed 6-2-76;8:45 am]

[FRL 554-5; OPP-50164]

THOMPSON-HAYWARD CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Thompson-Hayward Company, Kansas City, Kansas 66110. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 148-EUP-18) allows the use of 390 pounds of the insecticide N-[[(4-chlorophenyl) amino] carbonyl]-2,6-difluorobenzamide on forests to evaluate control of gypsy moth, spruce and jackpine budworm, and tent caterpillars. A total of 2,100 acres is involved; the program is authorized only in the States of Alabama, Maine, Michigan, New Jersey, Pennsylvania, and Wisconsin. The experimental use permit is effective from May 7, 1976, to May 7, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-16112 Filed 6-2-76;8:45 am]

[FRL 553-7; OPP-50167]

UNION CARBIDE CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Union Carbide Corporation, Washington, D.C. 20006. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1016-EUP-32) allows the use of 1,800 pounds of the insecticide carbaryl on cotton to evaluate control of diapausing boll weevils. A total of 360 acres is involved; the program is authorized only in the States of Arkansas and Texas. The experimental use permit is effective from May 10, 1976, to May 10, 1977. A permanent tolerance for residues of the active ingredient in or on cottonseed and forage has been established (40 CFR 180.169).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-16106 Filed 6-2-76;8:45 am]

[FRL 553-5; OPP-50165]

DEPARTMENT OF INTERIOR

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Fish and Wildlife Service of the U.S. Department of the Interior, Washington, D.C. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 6704-EUP-8) allows the use of 1.76 pounds of the avicide 3-chloro-p-toluidine hydrochloride on herring gulls and great black-backed gulls. The program is authorized only in the State of Maine. The experimental use permit is effective from May 5, 1976, to May 5, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-16104 Filed 6-2-76;8:45 am]

[FRL 554-6; OPP-42022]

TERRITORY OF THE VIRGIN ISLANDS

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 983; 7 U.S.C. 136b), and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Cyril E. King, Governor of the Virgin Islands of the United States has submitted a Virgin Islands Territorial Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending approval of implementing regulations, which proposed regulations are set forth in the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA Region II, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan together with all attached appendices (except for sample examinations), may be examined during the normal business hours at the following locations:

Building 120, Subbase, Charlotte Amalie, St. Thomas, U.S. Virgin Islands (Bureau of Pesticides, Division of Natural Resources Management, Department of Conservation and Cultural Affairs, tel. (809) 774-6420).

Room 907, 26 Federal Plaza, New York, New York 10007 (Pesticides Branch, Environmental Programs Division, EPA Region II, tel. (212) 264-8358).

Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 [Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. (202) 755-4854.]

SUMMARY OF STATE PLAN

The Virgin Islands Department of Conservation and Cultural Affairs (VIDCCA) has been designated as the State lead agency for the administration of the pesticide applicator certification program, with the Bureau of Pesticides in the Division of Natural Resources Management responsible for the program's implementation. The Virgin Islands Cooperative Extension Service (VICES) is a cooperating agency having responsibility for the pesticide applicator certification training and testing program including preparing training materials, distributing training manuals and other materials, preparing and conducting the training courses and examinations.

Legal authority for the program is contained in the Virgin Islands Pesticide Control Act, Act #3750 of October 21, 1975 and the Proposed Pesticide Applicator Regulations.

The plan indicates that the lead agency and the cooperating agency have or will have sufficient qualified personnel and funds necessary to carry out the proposed program. The Bureau of Pesticides has a budget of $50,000 for fiscal year 1976. Additional funding is anticipated for fiscal year 1976.

The lead agency will submit an annual report to EPA on or before January 30 of each year and special reports to meet specific needs.

The Virgin Islands estimates that 200 commercial applicators and 350 private applicators will need to be certified. Wallet size identification cards containing all necessary information will be furnished to all certified applicators, to be presented to dealers at the time of restricted use pesticide purchase.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3 with the omission of the following major categories:

1. Forest Pest Control.
2. Seed Treatment.
3. Aquatic Pest Control.
4. Right-of-way Pest Control.

It is proposed that these categories are deleted as they are not needed in the Virgin Islands.

The Virgin Islands plans to conduct training programs for commercial applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the EPA *Apply Pesticides Correctly*, a guide for commercial applicators to be used for core training, and in specific category/subcategory materials developed by EPA and modified to reflect conditions in the Virgin Islands. Training will be offered by the VICES. Two written examinations are required: one covering the general or "core" material and the other covering the specific requirements of the category or subcategory. Information about the courses and examination times may be obtained from the VICES or the VIDCCA's Bureau of Pesticides.

The Virgin Islands plans to conduct training programs for private applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the EPA *Apply Pesticides Correctly*, a guide for private applicators to be used for training private applicators. Training will be offered by the VICES at several locations each on St. Croix, St. Thomas and St. John. An examination is required: it can be written, oral or a combination of both. The type of examination given will depend on place of residence; type of farming enterprise; age; educational, social and economic level; and experience of the applicator. Information about the courses and examination times may be obtained from the VICES or the VIDCCA's Bureau of Pesticides.

Those persons who wish to be certified as a private pesticide applicator who cannot read or write or do not know the English language will be offered specialized training by the VICES or other public employee authorized by the Commissioner of the Department of Conservation and Cultural Affairs. Certification will be limited to the pesticide products on particular sites for which the individual has demonstrated competency.

Sample examinations are attached to the plan, as provided for by 40 CFR 171.7 (e)(1)(i)(D) and (ii)(C). However in view of the need to preserve the confidentiality of the examination format, the Virgin Islands has requested that the examination not be made available for public inspection. EPA agrees with this position, and has removed sample examinations from the public inspection copies of the plan.

Certification for commercial and private applicators shall expire four (4) years after the date of issuance and may be renewed for an additional four (4) years. For renewal all applicators must attend one (1) approved training course within one (1) year prior to the expiration date of the certificate or take a recertification examination.

The Virgin Islands Territorial Plan also indicates that within sixty (60) days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the Virgin Islands plan.

Reciprocal agreements may be made with any other States which have substantially the same standards; however, there are no plans at present to establish reciprocal agreements for acceptance of certified applicators from other States.

Enforcement will be carried out by inspectors who will spot check commercial and private applicators to ensure that they comply with Territorial and Federal laws and regulations. They will perform regulator inspections and follow-up reports of suspected violations.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed Virgin Islands Plan to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007. The comments must be received on or before July 6, 1976, and bear the identifying notation [OPP-420221. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m.-3:30 p.m. Monday through Friday.

Dated: April 16, 1976.

GERALD M. HANSIER, P.E.,
Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc.76-16113 Filed 6-2-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

INDUSTRIAL PETROLEUM RESERVE

Hearing and Request for Comments

The Energy Policy and Conservation Act (Public Law 94-163) provides for the creation of a Strategic Petroleum Reserve of up to one billion barrels of crude oil, residual fuel oil and refined petroleum products, the purpose of which is to reduce the impact of any future disruptions in supplies of petroleum. The Act authorizes several different oil storage programs as components of the Strategic Petroleum Reserve. Section 156 of the Act provides discretionary authority to require importers and refiners to store up to three percent of their imports or throughput for the previous calendar year. Specifically, Section 156 of the Act provides that:

(a) The Administrator may establish an Industrial Petroleum Reserve as part of the Strategic Petroleum Reserve.

(b) To implement the Early Storage Reserve Plan or the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a), the Administrator may require each importer of petroleum products and each refiner to (1) acquire, and (2) store and maintain in readily available inventories, petroleum products in amounts determined by the Administrator, except that the Administrator may not require any such importer or refiner to store such petroleum products in an amount greater than 3 percent of the amount imported or refined by such person, as the case may be, during the previous calendar year. Petroleum products imported and stored in the Industrial Petroleum Reserve shall be exempt from any tariff or import license fee.

(c) The Administrator shall implement this section in a manner which is appropriate to the maintenance of an economically sound and competitive petroleum industry. The Administrator shall take such steps as are necessary to avoid inequitable economic impacts on refiners and importers, and he may grant relief to any refiner or importer who would otherwise incur special hardship, inequity, or unfair distribution of burdens as the result of any rule, regulation, or order promulgated under this section. Such relief may include full or partial exemption from any rule, regulation, order and the issuance of any order permitting such an importer or refiner to store petroleum products owned

(e) Should there be exemptions from ing the conduct of the hearing. The purchase a copy of the transcript from

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by such importer or refiner in surplus storage capacity owned by the United States.

FEA estimates that maximum utilization of this authority to establish an Industrial Petroleum Reserve (IPR), as part of the Early Storage Reserve and Strategic Petroleum Reserve, could result in storage by industry of approximately 186 million barrels of petroleum products (including crude oil). The term "petroleum products," as used in the Act, means "crude oil, residual fuel oil, or any refined petroleum product (including any natural [gas] liquid and any natural gas liquid product)."

Further information about the Strategic Petroleum Reserve program is contained in FEA's Early Storage Report submitted to Congress on April 22, 1976.

Subject of Written Comment and Public Hearing

FEA is now beginning its initial consideration of whether to establish an IPR. This notice is not a proposed rulemaking. Its purpose is to obtain, through a public hearing and submission of written comments, information regarding this very complex issue, particular public and industry views about whether there should be an IPR, and if so, how it should be established and operated; information, including answers to specific question, which may be useful in resolving these issues; and any other data, views, arguments, analyses, suggestions or proposals with respect to creation of an IPR, whether or not in response to specific inquiries or solicitations contained in this notice.

Among the issues FEA would like persons commenting or presenting statements to address are the following (persons responding need not feel obliged to address all of these issues; conversely, FEA welcomes responses addressing the entire IPR structure):

1. What would be the economic impact on the industry of requiring importers and refiners to store three percent of their imports or thoughput by the end of 1978, 1980 or 1982? Please indicate on what assumptions, including the method of storage, your answer is predicated. What would be the effect if any, on the world petroleum market; on the capital market; on exploration; on competition; and on the location of new refineries?

2. Assuming that, if the IPR is adopted, the acquisition and storage costs will be financed by industry, and further assuming that industry will be permitted to pass acquisition and/or storage costs through to customers, what effect would the IPR be likely to have on competitive relations within the petroleum industry? What would be the effects on demand/supply and price with respect to their products? What related impacts can be foreseen, such as on the tanker industry?

3. FEA solicits comments as to the manner in which the IPR should interrelate with FEA's other crude oil and product allocation and pricing regulations that will be applicable to the petroleum industry for the next 36 months. In particular FEA is concerned whether adjustments would be necessary in its current regulatory programs, including the crude oil entitlements program, the buy/sell program, other allocation programs, and in the refiner and reseller price regulations, to assure that no undue economic burden would be put on any segment of the industry. What categories of costs should be allowed to be passed through under FEA price regulations, and over what period of time?

4. (a) In what manner can "readily available inventories" be identified or defined with greater specificity?

(b) Much of the Strategic Petroleum Reserve will be stored in underground facilities, which FEA believes will be substantially cheaper than storage in steel tanks. If an IPR is established, should the IPR be stored locally, predominantly in steel tanks, or should industry have the option of storage in central bulk facilities which could be underground facilities owned and operated collectively, by third parties, or by the Federal Government? Should the Federal Government acquire extra underground storage and make this available to industry? If so, what would be an appropriate method for computing the rental obligation to the Government for use of the underground facilities? In addition to comments on the desirability of Federal Govenrment storage facilities, FEA would be interested in knowing the extent to which industry would utilize Government storage if it were available.

5. If industry were to meet its obligations under the IPR by storing petroleum products (including crude oil) on its own premises, or in other suitable discrete facilities under static conditions, use of such facilities would have to be subject to FEA's approval, and to satisfactory control, reporting, and FEA audit and inspection. FEA seeks estimates from interested persons on currently available storage capacity in excess of that required for minimum working inventories or for other unavailable stocks such as those required for meeting seasonal demands, and on the costs and leadtimes involved if industry were to meet IPR requirements by building tankage. FEA also seeks comments with regard to means of assuring that participants maintain the requisite types and quantities of petroleum products (including crude oil) in a manner exclusively devoted to the IPR.

6. To what extent do there presently exist stocks and supplies of petroleum products, in excess of minimum working inventories or other unavailable stocks such as those required for meeting seasonal demand, which in an emergency could be used or distributed without affecting the ability of their refiner or importer owner to operate at normal capacity? What types of petroleum products (including crude oil) are they? Where are they stored and in what manner? How much of these stocks, if any, are stored in discrete and static facilities? Could such stocks and supplies be made part of an IPR?

7. Taking account of the facts that different grades of crude oil sell for widely different prices, most refined products cost more than the same volume of crude oil, and the effects of a supply interruption are likely to fall unevenly on different importers and refiners, FEA requests comments on a method of determining the types of petroleum products (including crude oil) that would be required in an IPR so that the security of the country could best be protected, and so that the burden of the IPR would be equitably borne by all participants. Among the possibilities on which FEA solicits comments are:

(a) Requiring refiners and importers to maintain the same mix of petroleum products (including crude oil) in their share of the IPR that they refined or imported during a base period;

(b) Specifying the composition of the IPR and assigning quality and quantity requirements to each participant regardless of the participant's base period mix;

(c) Requiring different quantity storage obligations for different classes of refiners and importers;

(d) Controlling the composition of the Reserve by making Federal Government storage available for specified grades of petroleum (including crude oil); or

(e) Having FEA, acting as agent for consenting participants, acquire the desired mix of petroleum products (including crude oil) for the account of each participant, at a composite cost to each.

8. The Act gives FEA considerable discretion in determining who should store petroleum products (including crude oil) and in what forms and quantities. Among the issues presented in exercising this discretion are the following:

(a) How should the quantitative and qualitative storage obligations of each "importer" or "refiner" be determined?

(b) Should there be an exemption from storage obligations for "importers" or "refiners" whose volumes of imported or refined products in the previous calendar year were below certain levels, and if so, what should those levels be? If some type of exemption were appropriate, what form should it take? How should new entrants into importing or refining activities be treated with regard to storage obligations? Should "importers" be exempted altogether, and all storage requirements imposed exclusively on "refiners," or vice versa, and if so, what would be the competitive effects on the petroleum industry? Is some other kind of exemption desirable for reasons of fairness or competitiveness?

(c) How should storage obligations be implemented when related firms include one or more "importers" and one or more "refiners," or two or more refiners of the same imported oil, or when an "importer" or "refiner" is owned by more than one person?

(d) Assuming that FEA determined that a storage obligation should be imposed only once for a given barrel of imported crude oil which subsequently is refined, how could this determination best be implemented? How would such a policy interrelate with treatment of related firms having the characteristics described in paragraph c of this question number 9?

(e) Should there be exemptions from storage requirements based on use, such as imports for petrochemicals or asphalt?

(f) Should storage requirements be imposed with respect to Liquefied Petroleum Gases and Natural Gas Liquids?

Interested persons are invited to participate by submitting data, views, or arguments with respect to the subject matter set forth in his notice to Executive Communications, Room 3309, Federal Energy Administration, Box HH, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications by the designation "Industrial Petroleum Reserve." Fifteen copies should be submitted. All comments received by July 16, 1976, and all relevant information, will be considered by FEA. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in only one written copy. FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at FEA, 2000 M Street, N.W., Washington, D.C., in Room 2105, Monday, July 19 and will be continued, if necessary on Tuesday, July 20.

Any person who has an interest in the subject matter or is a representative of a group or class of persons that has an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., Monday, July 12. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., e.d.s.t., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation. He should furnish a phone number where he may be contacted through Friday, July 16. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.s.t., Wednesday, July 14, and must submit 100 copies of his statement to Regulations Management, Room 2214, 2000 M St., N.W., Washington, D.C. before 4:30 p.m., e.d.s.t., on Friday, July 16.

FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be put to witnesses only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA.

Any interested person may submit questions, which he wishes to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., July 16. In addition, any person who wishes to have a question asked may submit the question at the hearing, in writing, to the presiding officer. FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and appropriate, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., e.d.s.t., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., May 28, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-16116 Filed 5-28-76;4:45 pm]

FEDERAL POWER COMMISSION

AMOCO PRODUCTION CO., ET AL.

[Rate Schedule Nos. 719, et al.]

Notice of Rate Change Filings Pursuant to Commission's Opinion No. 699-H

MAY 25, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before June 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Apr. 30, 1976[1]	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	[2] 719	Texas Gas Pi e Line Corp.	Texas Gulf Coast
May 5, 1976	Petroleum Corp. of Texas, P.O. Box 911, Breckenridge, Tex. 76024.	41	Northern Natural Gas Co.	Hugoton-Anadarko.
Do	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	657	United Gas Pipe Line Co.	Other Southwest.
May 7, 1976	T. W. McGuire & Associates, Inc., P.O. Box 1763, Shreveport, La. 71166.	[3] 6	Arkansas Louisiana Ga Co.	Do.
May 10, 1976	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	77	Tennessee Gas Pipeline Co.	Texas Gulf Coast
May 13, 1976	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	544	Texas Eastern Transmission Corp.	Other Southwest.
Do	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	205	El Paso Natural Gas Co.	Permian Basin.
May 14, 1976	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	192	Cities Service Gas Co.	Hugoton-Anadarko.

[1] As corrected on May 5, 1976.
[2] Amoco is filing to cover sale formerly made by a small producer, Reserve Oil & Gas Co.
[3] Also proposes to cover sale being made under McGuire's rate schedule No. 5.

[FR Doc.76-15905 Filed 6-2-76;8:45 am]

[Docket No. RM75-14]

be maintained "in the strictest confi- in strictest confidence pending further

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COASTAL STATES GAS PRODUCING CO. ET AL.

[Docket No. G-7115, et al.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 25, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.[2]

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[2] This notice contains a Limited Term Application.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-7115 C 4-12-76	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Cologne Field, Victoria County, Tex.	[3] 56.0⁄0	14.65
C163-169 D 4-15-76	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Eastern Transmission Corp., West Bryceland Field, Bienville Parish, La.	Nonproductive	
C163-708 C 3-26-76	CRA, Inc., P.O. Box 7305, Kansas City, Mo. 64116.	Northern Natural Gas Co., Merizon Plant, Schleicher County, Tex.	[4] 57.4028	14.75
C163-708 D 3-26-76	do	do	Reclassification of gas well to oil well	
C174-474 D 4-13-76	Jake L. Hamon, Republic National Bank Tower, P.O. Box 663, Dallas, Tex. 75221.	Northern Natural Gas Co., L. E. Graff Unit No. 1, Mocane Laverne Field, Beaver County, Okla.	Depleted	
C175-526 C 5-3-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island, Block 332 field, offshore, Louisiana.	[5] 75.0	15.025
C175-183 C 3-22-76	C I G Exploration, Inc., 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Panhandle (Red Cave) Field, Potter County, Tex.	[6] 70.5299	14.65
C176-72 C 5-3-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Trunkline Gas Co., Eugene Island, Block 332 field, offshore Louisiana.	[5] 75.0	15.025
C176-475 A 4-9-76	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 287 field, South Marsh Island area, offshore Louisiana.	[6] 57.1582	15.025
C176-178 A 4-13-76	Thomas G. Vessels, 1747 Pennsylvania Ave. NW., Washington, D.C. 20006.	Panhandle Eastern Pipe Line Co., Weld County, Colo.	[7] 67.23	14.65
C176-182 (C172-336) F 4-15-76	Devon Corp. (successor to Kirby Petroleum Co.), 3300 Liberty Tower, Oklahoma City, Okla. 73102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chesterville Field, Colorado County, Tex.	[8] 55.45288	14.65
C176-190 A 4-19-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Panhandle Field and Permian Basin area, Tex.	[10] None	14.65
C176-192 A 4-19-76	Wewoka Exploration Co., P.O. Box 1478, Houston, Tex. 77001.	United Gas Pipe Line Co., West Fields Field, Beauregard Parish, La.	[11] 76.4636	15.025
C176-493 A 4-23-76	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Buffalo Wallow Field, Hemphill County, Tex.	[12] 67.08	14.65
C176-494 A 4-23-76	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Trunkline Gas Co., Vermilion Area, Block 23, Federal offshore, Louisiana.	[8] 53.5514	15.025
C176-495 A 4-26-76	Pennzoil Offshore Gas Operators, Inc., P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., Block 140, Main Pass Area, offshore Louisiana.	[13] $1.8067	15.025
C176-496 A 4-26-76	Pennzoil Louisiana & Texas Offshore, Inc., P.O. Box 2967, Houston, Tex. 77001.	do	[13] $1.8067	15.025
C176-498 A 4-28-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Southwest Tablerock Field, Sweetwater County, Wyo.	[14] 80.5179	14.65
C176-499 A 4-30-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Cities Service Gas Co., East Niles Field, Canadian County, Okla.	[8] 55.660253	14.65
C176-500 A 4-28-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Mount Olive Field, Union Parish, La.	[8] 60.04	15.025
C176-501 B 4-29-76	Pennzoil Producing Co., 900 South west Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	Depleted	
C176-502 (CS72-162) F 4-30-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Blue Basin *et al.*, fields, Wharton County, Tex.	[15] 25.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[3] Includes 0.3¢ gathering allowance and is subject to upward and downward British thermal unit adjustment.
[4] Includes 4.1933¢ tax reimbursement, 1.0194¢ gathering allowance and is subject to downward British thermal unit adjustment.
[5] Includes 10.05¢ upward British thermal unit adjustment. Applicant is willing to accept a permanent certificate in accordance with opinion No. 699-H.
[6] Includes 11.6816¢ upward British thermal unit adjustment.
[7] Includes 10.05¢ upward British thermal unit adjustment. Applicant is willing to accept a permanent certificate in accordance with opinion No. 699-H.
[8] Includes 3.6668¢ upward British thermal unit adjustment, plus 0.5¢ gathering.
[9] Initial service for limited term certificate with pregranted abandonment.
[10] Subject to upward and downward British thermal unit adjustment.
[11] Includes 0.2104¢ upward British thermal unit adjustment.
[12] Gas exchange.
[13] Subject to upward and downward British thermal unit adjustment; 1.326¢ per year after Jan. 1, 1977. Applicant is willing to accept a certificate conditioned in accordance with opinion No. 699-H.
[14] Includes 10.4¢ upward British thermal unit adjustment. The price is subject to renegotiation if any legislation results in deregulation of the price at which natural gas is sold in interstate commerce.
[15] Includes 2.62¢ upward British thermal unit adjustment. Pursuant to opinion No. 699. Requests certification at applicable national rate.
[16] Includes 0.7972¢ upward British thermal unit adjustment and 3.2207¢ tax reimbursement. Applicant is willing to accept a permanent certificate in conformance with the provisions of opinion No. 699.
[17] Subject to downward British thermal unit adjustment. Applicant is willing to accept a permanent certificate at the area rate subject to upward and downward British thermal unit adjustment.

[FR Doc.76-15951 Filed 6-2-76;8:45 am]

[Docket No. RM75-14]

NATURAL GAS

National Rates for Jurisdictional Sales

MAY 25, 1976.

Directive to the Secretary of the Federal Power Commission to issue Subpoena Duces Tecum.

National rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1973 to December 31, 1976.

By notice issued March 21, 1974,[1] the Commission requested comments on a Staff report[2] that showed a disparity of 1.7 Tcf of natural gas reserves between the Staff estimates for 31 leases located in the Offshore South Louisiana Federal Domain and those published by the American Gas Association Committee on Natural Gas Reserves. Upon the request of the AGA, a public conference on said disparity was held on April 16, 1974, and the attempt to clear up the discrepancy was unproductive. Consequently, the Commission incorporated the additional 1.7 Tcf of reserves into its computations of productivity in Opinion No. 699.[3]

On June 13, 1975,[4] the Commission issued an order updating and expanding the prior investigation. Producers that operated Offshore Gulf of Mexico gas fields that were discovered in 1971–1972 were required to submit to the Commission: (a) information sufficient for the Staff to make an independent reserve study of each field, (b) the producer estimate of the reserves, and (c) all reserve estimates that had been reported to the AGA for those fields. The expressed purpose of this expanded investigation is to seek a reduction of the reporting disparity in relation to the utilization of AGA reserve figures in the Commission's ratemaking methodology.

The June 13, 1975 order provided that all information submitted pursuant to this order would be a matter of public record. This aspect of the order has been appealed in *Pennzoil Company, et al.* v. *Federal Power Commission*,[5] which is currently pending before the Fifth Circuit. On July 30, 1975, the Court granted a motion for stay requested by the producers to the extent that the data filed pursuant to the Commission's order must be maintained "in the strictest confidence."

The first phase of the updated investigation was the submission by producer-operators of the data required by the June 13, 1975 order. This material enabled the Staff to make an independent lease-by-lease reserve analysis and then compare that number with the reserve estimate that was also submitted by the producer-operators to the Commission pursuant to our June order. The next step is to compare this information with that used by the AGA to compute its annual report entitled, "Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity."

The June 13, 1975 order also required producer-operators to inform the Commission whether the reserve estimates for the subject leases had been reported to AGA by the company or an employee and if so, what number was so reported. The Staff's analysis of the response to the request showed that, in some cases, the operators of producing leases did not report the reserve estimate to AGA. Without further inquiry, the Commission decided that it could not determine in these situations whether some other party, whether a working interest owner or not, reported a reserve estimate to AGA or if no reserve estimate at all were included by AGA in its annual report.

The purpose of the investigation is to determine the propriety of continuing to use the AGA reserve statistics in our nationwide ratemaking procedures, until such time as the data to be secured by our new Form No. 40 becomes available, or if those computations should be modified in some way or adjusted in some manner. The Commission held that it could not reach a reasoned conclusion on that question without being able to compare the information currently on file with the data used by AGA in the compilation of its annual reports.

Therefore, pursuant to Section 14(a) of the Natural Gas Act[6] and Section 1.23 of the Commissions' Rules of Practice and Procedure,[7] the Commission by order issued February 25, 1976, directed the Secretary to issue a subpoena duces tecum addressed to Oscar M. Stuart of Exxon Company U.S.A., Donald R. Scherer of Southern Natural Gas Company, G. R. Stoddard of Texaco Inc., and Roger D. Stanwood of Transcontinental Gas Pipe Line Corporation, all members of the American Gas Association Committee on Natural Gas Reserves, and F. Donald Hart, President, American Gas Association, to produce the items set forth in Attachment A of the order.

In its February 25, 1976 order directing the issuance of the subpoenas, the Commission noted that the Court in *Pennzoil Company, et al.* v. *Federal Power Commission, supra*, has ordered that the data which is there in controversy be maintained "in the strictest confidence" pending further order of that Court. Since some of the material to be subpoenaed could overlap the data obtained in *Pennzoil*, the Commission accorded confidential treatment to the data submitted; unless and until the Court's order in *Pennzoil* was modified. Any change in the confidential treatment of the confidential data submitted, consequent upon the Court's action in Pennzoil, would be made in accordance with the procedure of Ordering Paragraphs (B)(a) and (B)(b) of the February 27, 1976 order.

The subpoenaed information was submitted by the served parties. In its analysis of the filed data, the Commission Staff determined that two fields that each qualified as 1971–1972 Gulf of Mexico new field discoveries had not been reported to the Commission by the responsible producer pursuant to our June 13, 1975 directive. Upon notification of this fact, one producer promptly supplied the missing data. The second producer, however, Comprehensive Resources Corporation, has refused to supply the information required by the Commission's June 13, 1975 order with respect to the Mustang Island Block 924S Field, Offshore Texas.[8]

The purpose of the subject subpoena is to complete our records on the reserves in this area which are relevant to a determination of the productivity issue in Docket No. RM75-14. Specifically, we intend to compare the data sought under the subpoena with the date previously submitted by AGA from this particular field.

Therefore, pursuant to Section 14(a) of the Natural Gas Act[9] and Section 1.23 of the Commission's Rules of Practice and Procedure,[10] we direct the Secretary to issue a subpoena duces tecum addressed to Michael Schmidt of Comprehensive Resources Corporation to produce the items enumerated in the June 13, 1975 order in Docket No. RM75-14. Any and all material submitted to the Commission in response to the subpoena will be treated as confidential pursuant to the order of the court in *Pennzoil Company, et al.* v. *Federal Power Commission, supra*.

The Commission finds. Good cause exists to direct the Secretary of the Commission to issue a subpoena duces tecum as hereinafter ordered.

The Commission orders. (A) The Secretary of the Commission is hereby directed to immediately issue a subpoena duces tecum addressed to Michael Schmidt of Comprehensive Resources Corporation to produce or cause to be produced each and every item set forth in the June 13, 1975 order, a copy of which is attached, and to produce or

[1] Notice Of Issuance Of Revised Nationwide Cost Study And Staff Study Of American Gas Association Reserve Additions, Docket No. R-389-B, March 21, 1974.
[2] Report On Indicated Disparity In Reporting Of Offshore Louisiana Non-Associated Natural Gas Reserves (Appendix B-1 to the March 21, 1974 Notice).
[3] Opinion No. 699, Opinion And Order Prescribing National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Docket No. R-389-B, 51 FPC 2212, 2244-51 (June 21, 1974).
[4] Order Instituting Investigation To Update Prior Study, Docket No. RM75-14, 52 FPC —— (June 13, 1975), rehearing denied, 52 FPC ——, —— (July 24, 1975 and August 4, 1975).
[5] *Pennzoil Company, et al.* v. *F.P.C.*, No. 75-2961 (5th Cir. 1975)
[6] 15 U.S.C. § 717m (1970).
[7] 18 C.F.R. § 1.23.
[8] While the sale from the field in question here is a nonjurisdictional sale, Comprehensive Resources Corporation is a natural gas company and was issued a small producer certificate on September 5, 1972, in Docket No. CS72-1195.
[9] 15 U.S.C. § 717m (1970).
[10] 18 C.F.R. § 1.23.

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cause to be produced said material in the office of the Secretary of the Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 11, 1976.

(B) Any document produced under this Order which contains confidential information may be designated as being confidential by the respective respondent, or any party in interest, in which event all documents so designated shall be subject to the following protective treatment.

(a) Documents designated as confidential by a respondent shall be deposited with and shall be maintained by a custodian who shall be the Secretary to the Commission. Unless and until otherwise ordered by the Commission upon due notice to all affected parties, documents so designated may be inspected only at the depository location and only by employees of the Power Commission officially assigned to its investigation in Docket No. RM75–14. Said documents shall be used only in connection with said investigation, and said employees shall not suffer or permit disclosure or copying of any such document, or any portion thereof, or any information contained therein to any other person, except to the extent provided in (d) below.

(b) Unless and until otherwise ordered by the Commission upon due notice to all affected parties, documents designated confidential under this Order shall remain in custody of the Custodian and neither the documents nor any copies thereof shall be removed from such custody.

(c) At the conclusion of the Power Commission's investigation pursuant to which such confidential documents have been produced, all documents so designated as confidential, together with all copies thereof, shall be returned to the respective respondent unless otherwise ordered by the Power Commission.

(d) Information derived from the documents submitted pursuant to this order, and designated as being confidential by each respective respondent, or any party in interest, may be made public without further notice to the following extent only:

Composite or aggregate data or data submitted by the respondent, or any party in interest, if his name and other identifying characteristics are deleted. *Continental Oil Company* v. *F.P.C.*, 519 F.2d 31 (5th Cir. 1975).

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Subpoena Duces Tecum

In re: National Rates For Jurisdictional Sales Of Natural Gas Dedicated To Interstate Commerce On Or After January 1, 1973, Docket No. RM75-14

For The Period January 1, 1975 to December 31, 1976

To Mr. Michael Schmidt, Comprehensive Resources Corporation, Box 1341, Corpus Christi, Texas 78403

YOU ARE HEREBY required to appear before Kenneth F. Plumb, Secretary of the Federal Power Commission, at 825 North Capitol Street, N. E. in the city of Washington, D. C. 20426 on the eleventh day of June, 19 76, at 10 o'clock a. m. of that day, to testify

And you are hereby required to bring with you and produce at said time and place the following:

See attached "Definitions" and "Specifications"

IN WITNESS WHEREOF, the undersigned, being duly and lawfully authorized so to do, has hereunto set his hand at _____, this _____ day of _____, 19____

Fail not at your peril.

Secretary
(Title)

[IMPRESS SEAL HERE] IN TESTIMONY WHEREOF, the seal of the Federal Power Commission has been affixed hereto this _____ day of _____, 19____

NOTICE TO WITNESS.—If claim is made for witness fee or mileage, this subpoena should accompany voucher.

FPC Form 44
(10-75)

DEFINITIONS

As used herein, the term "documents" means all writing of every kind including field worksheets, books, records, folios, minutes, reports, memoranda, correspondence, agreements, discounted cash flow studies, cover sheets, calculation sheets, printouts, telegrams, diary entries, pamphlets, notes, charts, and tabulations in the possession, custody or control of the Company. The term "documents" also includes voice recordings and reproductions or film impressions of any of the aforementioned writings as well as copies of documents which are not identical duplicates of the originals and copies of documents of which the originals are not in the possession, custody or control of the Company. The term "documents" further includes all punch cards or other cards, disks, tapes or recordings used in data processing, together with the programming instructions and other written material necessary to understand or use such punch cards, tapes or other recordings.

Each document submitted must be identified as to the specification or specifications to which it is responsive.

The term "AGA" refers to the American Gas Association, Inc., a corporation existing under the laws of the State of Delaware with its principal place of business located at 1515 Wilson Boulevard, Arlington, Virginia 22209, as well as its directors, officers, committee members, employees, agents, and associates; subsidiaries and affiliates; and the directors, officers, employees, agents, and associates of its subsidiaries and affiliates.

Unless otherwise stated, the following definitions apply to the specifications that ensue:

1. Offshore Gulf of Mexico. That geographical area which lies seaward from the coast line of the states of Florida, Alabama, Mississippi, Louisiana, and Railroad Commission District Nos. 3, 2 and 4 of the State of Texas. Such geographical area includes all areas under either Federal or State jurisdiction and control.

2. Ultimately recoverable reserves. Natural gas in place that is producible, together with its cumulative production.

3. Associated Gas; Dissolved Gas. The definitions of these two terms that appear in Technical Report No. 1, Standard Definitions for Petroleum Statistic (First Edition, July 1, 1969), page 6, are adopted.

4. Nonassociated Gas. Natural gas which is in a reservoir or reservoirs not containing significant quantities of crude oil.

SPECIFICATIONS

A. Documents that will indicate for the Mustang Island Block 924S Field, the following information:

(1) The estimate or estimates made by or provided to the company or any of its affiliates of ultimately recoverable natural gas reserves as of December 31, 1974 for the field, broken down to nonassociated and associated-dissolved reserves.

(2) Year of discovery as determined by the company.

(3) Identify, for the Mustang Island Field, each and every block in the field as determined by the company by the state block and lease number.

(4) The name and business address of the individual or individuals that made the estimate of ultimately recoverable reserves as of December 31, 1974 for the Mustang Island Field and the definition of "proved reserves" employed by that person or persons in such computation.

B. Documents that will provide the information, including existing directional surveys on directionally drilled wells, not listed in A. above, required to be submitted by the Commission's order of June 13, 1975 in Docket No. RM75–14.

ORDER INSTITUTING INVESTIGATION TO UPDATE PRIOR STAFF STUDY

JUNE 13, 1975.

On March 21, 1974, in Docket No. R–389–B the Commission issued a Notice of Issuance Of Revised Nationwide Cost Study And Staff Study Of American Gas Association Reserve Additions. In the Notice the Commission requested all parties to comment upon a Staff report entitled "Report On Indicated Disparity In Reporting Of Offshore Louisiana Non-Associated Natural Gas Reserves" (Appendix B–1 to the Notice). The parties were also asked to comment upon whether the Commission should continue to use reserve figures compiled by the American Gas Association's Committee on Natural Gas Reserves (hereinafter AGA) in its ratemaking proceedings. The Staff report indicated a disparity of approximately 1.7 Tcf between the AGA figures for the entire South Louisiana area and the reserves found by the Staff to exist in only 31 leases sold in that area in the 1970 and 1971 offshore lease sales.

These issues were explored, to a limited extent, at a public, on-the-record conference held on April 16, 1974, but the questions posed by us in the March 21, 1974 Notice were not resolved. On June 21, 1974, the Commission issued Opinion No. 699,[1] a portion of which referred to the 1.7 Tcf disparity and its application to the productivity component of the ratemaking methodology, as follows:

"With the exception of UDC (United Distribution Companies) and GHK (GHK Company) no parties to this proceeding submitted any mathematical analysis of anticipated future productivity levels in response to the March 31, 1974 (sic) notice. The producers were content to criticize the Staff report indicating a disparity between reserve additions as reported by AGA and the Staff's estimate of the volume of reserves underlying selected leases in the offshore Southern Louisiana area.

While criticism of the Staff report may have been appropriate, the critiques submitted did not rebut the basic finding of the Staff report that there is a disparity between the Staff's reserve study and reserve additions reported by the AGA. Indeed, it seems as though the Producers and the AGA would prefer to ignore the disparity rather than resolving the matter. Representatives of the AGA and certain of the Producer respondents to this proceeding were unwilling to attempt to devise procedures whereby the AGA and Producers would have access to the Staff's data and the Staff would have access to the AGA's data at the conference held in this proceeding on April 16, 1974 (Tr. 9–10, 54–56, 60–62, 69).

[1] Opinion No. 699, Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Docket No. R–389–B, 51 F.P.C. —— (June 21, 1974).

It is apparent that the AGA would like to have access to the Staff's data without allowing the Staff to have access to the AGA data. Tr. 9, 54–56, 60–62, 69. We do not believe that that is the proper method for resolving this problem. Both sides must have access to the other's data so that meaningful comparisons can be made by both. Therefore, unless and until the AGA is willing to agree to procedures for the exchange of data, we are compelled to find that the reserve additions as reported by the AGA for 1971 and 1972 are understated by approximately 1.7 Tcf and we shall make the appropriate adjustments to our cost computations.[2]

Since the issuance of Opinion No. 699 the Commission has issued its order promulgating new FPC Form No. 40,[3] upon which all natural gas companies, their affiliates and subsidiaries must report their proved reserves for the reporting year. And subsequently, the Commission has promulgated a rulemaking[4] to obtain a ten year series of reserve information and the basic cost data necessary in our producing ratemaking procedures. In the future, once a series of years' data has been compiled from Form No. 40, the Commisseion will be able to rely on this source of information in the computation of the productivity component of the ratemaking methodology.[5] Until that time, however, and especially in the biennial review of the nationwide rate in Docket No. RM75–14, the Commission is constrained to look to the AGA figures on reserves. If there exists a disparity between the AGA numbers and other estimates, then modifications of the AGA information might have to be made, as was done in Opinion No. 699. It is to inquire further into this matter that we institute the instant investigation.

The March 21, 1974 Notice and Staff report was based on a comparison between Staff estimates and the AGA data for 1971 and 1972. Since that time further information has become available, including the AGA Reports for 1973 and 1974. It is vital to the Commission's ratemaking responsibilities that the disparity indicated by the Staff Report be explored further so that the biennial review of the nationwide rate can proceed based on the best possible information currently available to us. It may be, as was noted in the Staff Report, that the 1.7 Tcf difference was due entirely to reportorial lag, a fact which could itself be important in influencing our choices in

[2] Id. at 51 FPC ——, mimeo. 48–49, 95–96.

[3] Order No. 526, Order Prescribing Procedures And Instituting Uniform Annual Filing Of National Proved Domestic Natural Gas Reserves Information, Docket No. RM74–16, —— FPC —— (issued February 26, 1975).

[4] Notice Of Proposed Rulemaking, Continuing Investigation Of Exploration, Exploration And Development Activities, Production, Reserve Additions, And Revenues Of Natural Gas Producers And Producing Affiliates Subject To The Jurisdiction Of The Federal Power Commission, Docket No. RM75–24, —— FPC —— (March 13, 1975).

[5] Id. at —— FPC ——, mimeo. 7.

Chemung Canal Trust Company, Elmira, New

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computing productivity. There could also be other explanations for the disparity. The purpose of this investigation is to seek a resolution of this matter in relation to the utilization of AGA nonassociated reserve additions in our ratemaking methodology.

The first step in such an analysis is the development of a base case from which to proceed. In this instance, the base case is the reserves held on those new fields discovered in the Gulf of Mexico in 1971–1972, including the 31 leases that were subject to the March, 1974 Staff Report. This data will provide a test area for the review of the productivity component in the biennial review.

Accordingly, all companies that hold, or held, proved reserves in these 1971–1972 discoveries will be required by July 25, 1975, to provide the Commission, under oath, with estimates of the proven reserves that exist on the subject properties as of December 31, 1974, plus all background information, such as well logs and production histories, necessary for the Staff to make an independent reserve estimate. The information to be submitted, as listed in Appendix A, should include all new field Gulf of Mexico gas discoveries made in 1971–1972, even if such discovery is not included in Table I to Appendix A. In addition, all producer respondents must submit all information made available to AGA for the years 1971–1974 relative to the reserve estimates made by AGA for the 1971–1972 new discoveries, including the company's estimate of total proved reserves for each subject property in each year and any estimate filed by the company or its representative(s) serving on the Committee on Natural Gas Reserves or its subcommittees.

To the extent any of the material required to be produced herein has been supplied in the proceeding entitled Certain Producer and Pipeline Respondents, Docket No. RI75–112, it will be necessary for the purposes of this investigation only to identify the pages of the transcript in Docket No. RI75–112 where such information is discussed and the exhibit numbers, if any, that pertain thereto.

A complete list of the parties that must respond to this order and the information to be supplied can be found in Appendix A, attached hereto. Responses to this order will be a matter of public record. Once submitted, the information supplied will be analyzed by our Staff, which will report to us on the progress of the investigation and what further steps need to be taken, if any.

The Commission finds. It is in the public interest that the Commission institute an investigation to determine the proved reserves that exist in fields that were discovered in 1971 and 1972 in the Gulf of Mexico. This inquiry will update the March, 1974 Staff report that noted an apparent disparity between the AGA estimates for the entire offshore area and a Staff computation based on only 31 leases.

The Commission orders. (A) Pursuant to Sections 4, 5, 7, 8, 10, 14, and 16 of the Natural Gas Act, 15 U.S.C. § 717, et seq., an investigation is ordered to determine the extent of proved reserves present in fields discovered in 1971–1972 located in the Gulf of Mexico.

(B) Natural gas companies that hold, or held, proved natural gas reserves in the subject fields are required to submit to the Commission, under oath, their respective reserve estimates through December 31, 1974, and the background data supporting the estimates, plus all information supplied by any producer or its representative to the AGA Committee on Natural Gas Reserves or its subcommittees for the subject fields in the years 1971–1974, as more fully set forth in Appendix A attached hereto, by July 25, 1975.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX A

All natural gas companies listed on the accompanying Table I will provide, under oath, by July 25, 1975, a reserve estimate for total proved reserves for each field and/or lease in which that company holds, or held, proved reserves. All background data must also be submitted, including workpapers, such as electric well logs, core analysis data, well information, structure and isopachous maps, any calculated data such as reservoir pressure or temperature derived therefrom, plus any pressure decline, production decline, or material balance method data useful in making a reserve estimate. In addition, any further information relative to making a reserve estimate for the fields listed on Table I must also be submitted. The information to be submitted, as listed herein, should include all new field Gulf of Mexico gas discoveries for 1971–1972, even if such discovery is not included in Table I.

Each listed producer or its representative serving on the AGA Committee on Natural Gas Reserves or its subcommittees shall submit the reserve estimates filed with such committees for the subject fields and/or leases for 1971–1974, such as that stated above.

All responses to this order will be a matter of public record.

TABLE 1.—*Indicated 1971–1972 Gulf of Mexico new field gas discoveries*

Area	Field name (block)	OCS lease No.	Related leases: Block No.	Related leases: OCS lease No.	Companies[1,4]
West Cameron:					
1	28	G-2125			Chevron Oil Co.
2	146	G-1996			Phillips Petroleum Co., et al.
			145	G-1995	Chevron Oil Co.
			171	G-1997	Transocean Oil Inc., et al.
			172	G-1998	Chevron Oil Co.
3	504	G-2006			Oil and Gas Future Inc., Tex.
			513	G-2007	Union Oil Co. of California, et al.
4	543	G-2010			Kerr-McGee Corp., et al.
			544	G-2011	Phillips Petroleum Co., et al.
5	565	G-2015			Shell Oil Co.
			564	G-2014	Chevron Oil Co.
6	587	G-2021			Pennzoil Offshore Gas Oper. Inc., et al
			588	G-2022	Sun Oil Co.
7	639	G-2027			Do.
			638	G-2026	Tenneco Oil Co.
			648	G-2028	Do.
East Cameron:					
8	33	G-1972			Mobil Oil Corp., et al. (NE¼ of Block 33);
			33	G-2127	Continental Oil Co., et al. (S½; NW¼ of Block 33).
9	81	G-1477			Mobil Oil Corp.
10	222	G-2037			Union Oil Co. of California, et al.
11	231	G-2038			Southern Production and Refining Co
12	257	G-2041			Mobil Oil Corp., Chevron Oil Co.
13	271	G-2046			Tenneco Oil Co.
			270	G-2045	Pennsoil Offshore Gas Oper. Inc., et al.
			272	G-2047	Tenneco Oil Co.
			273	G-2048	Phillips Petroleum Co., et al.
			254	G-2039	Tenneco Oil Co.
			255	G-2040	Do.
			281	G-2083[3]	Sun Oil Co.
			282	G-2084[3]	Texaco, Inc.
			301	G-2085[3]	Chevron Oil Co.
			262	G-2081[3]	Mobil Oil Corp-Chevron Oil Co.
					Do.
			287	G-2082	Do.
14	286	G-2061			Marathon Oil Co., et al. (SLAM):
15	294	G-2056			Marathon Oil Co.
16	321	G-2061			Sun Oil Co.
			312	G-2057	Pennzoil Offshore Gas Oper. Inc., et al.
17	334	G-2062			Sun Oil Co.
18	338	G-2063			Do.
			339	G-2064	Do.
			348	G-2065	Do.
			349	G-2066	Do.
Vermilion:					
19	147	G-2071			Union Oil Co. of California, et al.
20	182	G-2074			Transocean Oil Inc., et al.
			201	G-2075	Union Oil Co. of California, et al.
21	214	G-2076			Chevron Oil Co.
22	236	G-2079			Tenneco Oil Co.
23	247	G-2080			Shell Oil Co.
24	320	G-2087			Sun Oil Co.
			321	G-2088	Shell Oil Co.
			325	G-2089	General American Oil Co., Texas-Burmah Oil Exploration Inc.
25	339	G-2090			Shell Oil Co.
			340	G-2091	Do.

Area	Field name (block)	OCS lease No.	Related leases: Block No.	Related leases: OCS lease No.	Companies[1,4]
Eugene Island:					
26	258	G-1959			Cities Service Oil Co.
			256	G-2102	Pennzoil Offshore Gas Oper. Inc., et al.
			257	G-2103	Continental Oil Co.-Cities Service Oil Co.
27	296	G-2105			Transocean Oil Inc., et al.
			295	G-2104	Humble Oil & Refining Co. (Exxon).
28	306	G-2109			Transocean Oil Inc., et al.
29	330	G-2115			Pennzoil Offshore Gas Oper. Inc., et al.
			314	G-2111	Humble Oil & Refining Co. (Exxon).
			331	G-2116	Shell Oil Co.
			338	G-2118	Tenneco Oil Co.
South Timbalier: (30).	185	G 1569			Atlantic Richfield Co.-Skelly Oil Co.
South Marsh Island: (31).	122	G-2097			Cities Service Oil Co., et al. (CAC).
			184	G-1568	Transocean Oil Inc., et al.
Grand Isle:					
32	45	G-1582			Shell Oil Co.
33	76	G-2161			Continental Oil Co., et al. (CAGC).
34	82	G-1987			Shell Oil Co., et al.
			77	G-1583	Oil and Gas Futures, Inc. (NE¼).
			78	G-1986	Oil and Gas Futures, Inc.
			81	G-1956	Oil and Gas Futures, Inc. (SW¼).
35	95	G 2164			Oil and Gas Futures, Inc. NW¼).
			94	G-2163	Gulf Oil Corp.-Mobil Oil Corp.
Breton Sound:					Do.
36	30	S/L-5676[2]			Despot Exploration Co.
37	33	S/L-552[2]			Placid Oil Co.
Brazos (Texas): (38)	A 105	G-1757			Mobil Oil Corp.-Union Oil Co. of California.
			A-102	G-1754	Mobil Oil Corp., et al.

[1] Source: Outer Continental Shelf Statistical Summary, 1954–73, USDI, Bureau of Land Management, New Orleans Office.
[2] Vermillion Area.
[3] Louisiana Offshore State leases.
[4] Each of the listed companies, or the designated lease operator, should provide a total gas reserve estimate for the appropriate lease or leases, including all reserves owned by working interest parties.

[FR Doc.76-15762 Filed 6-2-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 20]

BOARD OF GOVERNORS

Actions of the Board; Applications and Reports Received During the Week Ending May 15, 1976

ACTIONS OF THE BOARD

Statement by Vice Chairman Stephen S. Gardner before the Subcommittee on Financial Institutions of the Senate Committee on Banking, Housing and Urban Affairs, commenting on the recommendations to the Congress of the Advisory Commission on Intergovernmental Relations, which Committee Print No. 1 seeks to implement.

Conflict of interest for Board members, response to questionnaire sent to Chairman Ribicoff, Senate Committee on Government Operations.

Reserve requirements, modification of procedures for transitional relief from increases in reserve requirements occasioned by a merger involving a member bank or from a bank joining the Federal Reserve for the first time.

Regulation B amendments, the Board announced adoption of several amendments to its Regulation B—Equal Credit Opportunity—that went into effect last October 28.

Regulation Q, pooling of funds, notice of extension of comment period from May 10 to July 9.

Regulation Z, Truth in Lending, the Board proposed several modifications to its rules for identifying transactions charged to consumers using open-end charge accounts (such as charges on a credit card billing statement).

The Board amended its Rules Regarding Delegation of Authority, to delegate to the Director of Division of Banking Supervision and Regulation the authority to withdraw or cancel by order the transfer agent registration of a member State bank or a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company that is a "bank" as defined in section 3(a)(6) of Securities Exchange Act.

Bancapital Financial Corporation, Austin, Texas, extension of time to May 18, 1977, within which to divest of indirect ownership of the shares of Texas General Life Insurance Company, Austin, Texas.[1]

Beaver Bancshares, Inc., Beaver, Oklahoma, extension of time to June 17, 1976, within which to consummate the acquisition of The Bank of Beaver, Beaver, Oklahoma.[1]

Inland Heritage Corporation, Wauwatosa, Wisconsin, extension of time to August 14, 1976, within which to commence de novo activities through its subsidiary, Inland Insurance Agency, Inc.[1]

Southeast Banking Corporation, Miami, Florida, extension of time to August 13, 1976, within which to engage de novo through a subsidiary known as Southeast Credit Insurance Agency.[1]

Deregistration under Regulation G for A. F. Staley Manufacturing Co., Decatur, Illinois.[1]

Hanover Bank, Wilmington, North Carolina proposed merger with The Planters National Bank and Trust Company, Rocky Mount, North Carolina; report to the Comptroller of the Currency on competitive factors.[1]

Bank of Rhame, Rhame, North Dakota, extension of time to open paying and receiving station.[1]

United Jersey Bank, Hackensack, New Jersey, extension of time within which to establish a branch at the corner of Lake Street and East Avenue, Upper Saddle River, New Jersey.[1]

Chemung Canal Trust Company, Elmira, New York, extension of time within which to establish a branch at the intersection of College Avenue and McCanns Boulevard, Elmira, New York.[1]

TO BECOME A MEMBER OF THE FEDERAL RESERVE SYSTEM PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

Approved

Pacific Security Depository Trust Company, San Francisco, California.[2]

* * * * * *

TO ESTABLISH A DOMESTIC BRANCH PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

Approved

Clear Lake Bank and Trust Company, Clear Lake, Iowa. Branch to be established at 21 North 4th Street, Clear Lake.[2]

Citizens Fidelity Bank & Trust Company, Louisville, Kentucky, Branch to be established at the intersection of Lindsay Avenue and Brownsboro Road, Louisville, Jefferson County.[2]

Walker Bank & Trust Company, Salt Lake City, Utah. Branch to be established in the vicinity of 7800 South 1700 West, West Jordan, Salt Lake County.[2]

Continental Bank and Trust Company, Salt Lake City, Utah. Branch to be established at 509 East 400 South, Salt Lake City.[2]

* * * * * *

TO ESTABLISH AN OVERSEAS BRANCH OF A MEMBER BANK PURSUANT TE SECTION 25 OF THE FEDERAL RESERVE ACT

Approved

First National Bank of Chicago, Chicago, Illinois: branch—George Town, Grand Cayman, Cayman Islands.

INTERNATIONAL INVESTMENTS AND OTHER ACTIONS APPROVED PURSUANT TO SECTIONS 25 AND 25(a) OF THE FEDERAL RESERVE ACT AND SECTIONS 4(C)(9) AND 4(C)(13) OF THE BANK HOLDING COMPANY ACT OF 1956, AS AMENDED

Bamerical International Financial Corporation, San Francisco, California: investment—to acquire 40 percent of a de novo finance company in Kuwait.

* * * * * *

TO MERGE PURSUANT TO SECTION 18(C) OF THE FEDERAL DEPOSIT INSURANCE ACT

Manufacturers Hanover Trust Company, New York, New York, for prior approval to merge with Manufacturers Hanover Trust Company/Mid-Hudson, Monroe, New York, and Manufacturers Hanover Trust Company/Suffolk, National Association, Bay Shore, New York.

* * * * * *

TO FORM A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(1) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Adair Insurance Agency, Inc., Adair, Iowa, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Exchange State Bank, Adair, Iowa.[2]

Sumner County Bancshares, Inc., Wellington, Kansas, for approval to acquire 90.13 percent of the voting shares of The National Bank of Commerce of Wellington, Wellington, Kansas.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

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TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 3(A)(3) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

CleveTrust Corporation, Cleveland, Ohio, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The Savings Deposit Bank Company, Medina, Ohio.

• • • • •

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(C)(8) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Adair Insurance Agency, Inc., Adair, Iowa, for permission to engage in general insurance agency activities through the acquisition of a general insurance agency in the town of Adair, Iowa, a community with a population of less than 5,000.[1]

Central Mortgage Bancshares, Inc., Warrensburg, Missouri, for approval to acquire all of the voting shares of Cenco Insurance Company, Phoenix, Arizona.

Sumner County Bancshares, Inc., Wellington, Kansas, for approval to continue to engage in the sale as agent of credit life and credit accident and health insurance directly related to extensions of credit by Bank on Bank's premises.

Reactivated

North Shore Capital Corporation, Wilmette, Illinois, notification of intent to engage in de novo activities (acting as agent, broker, or adviser only in the leasing of real and personal property and equipment where at the inception of the initial lease the expectation is that the effect of the transaction will be to compensate the lessor for not less than the lessor's full investment in the property plus the estimated cost of financing the property over the term of the lease; and acquiring, for the account of others only, loans and other extensions of credit primarily to finance the acquisition of personal property and equipment; such loans would include, but not be limited to, the financing of time sales contracts, conditional sales agreements, installment purchase loans, and secured term loans; and as agent, broker, or advisor only servicing the aforesaid leases and loans) at 1737 West Howard Street, Chicago, Illinois, through its subsidiary, NSCC Leasing Corp. (5/10/76).[1]

Permitted

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (origination, sales, and servicing of residential mortgages) at 300 Duncan Street, Clearwater, Florida and 1443 West Schaumburg, Schaumburg, Illinois, through its subsidiary, Mortgage Associates, Inc. (5/14/76).[1]

Chemical New York Corporation, New York, New York, notification of intent to engage in de novo activities (provide real estate financing particularly through short term land development and construction mortgage loans, acting as adviser, counselor, and servicing agent for all the real estate lending business of its nonbanking affiliates) at 115 Broad Hollow Road, Melville, New York, through its subsidiary, Chemical Realty Corporation (5/3/76).[1]

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (all facets of a mortgage banking business including, without limitation, making or acquiring, for its own account or for the account of others, loans and other extensions of credit; acting as investment adviser and manager to a real estate investment trust; providing bookkeeping or data processing services for Manufacturers Hanover Corporation, its subsidiaries and affiliates, and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or billing services) at 8111 Gatehouse Road, Falls Church, Virginia, through its subsidiary, Citizens Mortgage Corporation and its subsidiary, Royal Oak Mortgage Company (5/10/76).[1]

Centran Corporation, Cleveland, Ohio, notification of intent to engage in de novo activities (the handling of consumer finance loans including loans to individuals secured by mortgages on residential and personal property for a borrower, for a fee, commission or a charge, purchases of installment sales contracts; and selling credit life insurance and health and accident insurance at the request of borrowers in connection with extensions of credit) at Room 528, 1220 S.W. Morrison, Terminal Sales Building, Portland, Oregon, through its wholly-owned subsidiary, Colonial Financial Services, Inc., Birmingham, Alabama (5/10/76).[1]

Centran Corporation, Cleveland, Ohio, notification of intent to engage in de novo activities (the making of consumer finance loans (including loans to individuals secured by second mortgages or deeds of trust on residential property), purchasing installment sales contracts; the sale of credit life insurance and health and accident insurance at the request of borrowers in connection with extensions of credit; the sale (as agent) of fire, inland marine and extended coverage insurance on real property, furniture and household goods, and vehicular physical damage insurance on vehicles taken as collateral on loans made or purchased and the servicing of loans and other extensions of credit for any person) at 14333 Jefferson Davis Highway, Woodbridge, Virginia, through its wholly-owned subsidiary, Major Finance Corporation of Alexandria, Alexandria, Virginia (5/10/76).[1]

Central Bankshares Corporation, Jonesboro, Georgia, notification of intent of engage in de novo activities (leasing personal property or acting as agent, broker, or adviser in leasing such property including, but not limited to, business machines and equipment, signs and automobiles where the property to be leased is acquired specifically for the leasing transaction which is to serve as the functional equivalent of an extension of credit to the lessee of the property with all interest in the property either liquidated or released upon expiration of the lease) at 141 Forest Parkway, Forest Park, Georgia, 139 N. Main Street, Jonesboro, Georgia, and 6611 Tara Boulevard, Jonesboro, Georgia (5/15/76).[1]

Citizens and Southern Holding Company, Atlanta, Georgia, notification of intent to engage in de novo activities (leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property) at 2059 Cooledge Road, Tucker, Georgia, through a subsidiary, Citizens and Southern Equipment Leasing, Inc. (5/13/76).[1]

National Detroit Corporation, Detroit, Michigan, notification of intent to engage in de novo activities (making, acquiring, and servicing for its own account and for the account of others, mortgage loans and other extensions of credit in connection with the purchase, development, and/or improvement of real property and all activities incidental thereto) at 11048 Warwick Boulevard, Newport News, Virginia, through its subsidiary, NBD Mortgage Company, Birmingham, Michigan (5/10/76).[1]

North Shore Capital Corporation, Wilmette, Illinois, notification of intent to engage in de novo activities (acting as agent, broker, or adviser only in the leasing of real and personal property and equipment where at the inception of the initial lease the expectation is that the effect of the transaction will be to compensate the lessor for not less than the lessor's full investment in the property plus the estimated cost of financing the property over the term of the lease; and acquiring, for the account of others only, loans and other extensions of credit primarily to finance the acquisition of personal property and equipment; such loans would include, but not be limited to, the financing of time sales contracts, conditional sales agreements, installment purchase loans, and secured term loans; and as agent, broker, or adviser only servicing the aforesaid leases and loans) at 1737 West Howard Street, Chicago, Illinois, through its subsidiary, NSCC Leasing Corp. (5/11/76).[1]

First Bancorp, Inc., Corsicana, Texas, notification of intent to engage in de novo activities (establish a mortgage loan business; making or acquiring, for its own account or for the account of others, loans and other extensions of credit upon real estate and to provide servicing, warehousing, origination, and marketing of mortgages) at 2100 S. Washington, Kaufman, Texas, through a subsidiary, Old Reliable Mortgage Co., Inc. (5/10/76).[1]

First, Bancorp, Inc., Corsicana, Texas, notification of intent to engage in de novo activities (establish a mortgage loan business, making or acquiring, for its own account or for the account of others, loans and other extensions of credit upon real estate and to provide servicing, warehousing, origination, and marketing of mortgages) at 101 South Waco Street, Hillsboro, Texas, through a subsidiary, Old Reliable Mortgage Co., Inc. (5/10/76).[1]

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate de novo activities (the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for its own account or for the sale to others and the servicing of such loans for others) from 9730 S. Wester, Evergreen Park to 5716 W. 95th Street, Oak Lawn, Illinois, through its subsidiary, Security Pacific Mortgage Corporation (5/13/76).[1]

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TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(C)(12) OF THE BANK HOLDING COMPANY ACT OF 1956

Permitted

Gamble-Skogmo, Inc., Minneapolis, Minnesota, notification of intent to acquire the common stock and convertible debentures of Zeller's Limited (5/12/76).[1]

APPLICATIONS RECEIVED

TO ESTABLISH A DOMESTIC BRANCH PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

European-American Bank and Trust Company, New York, New York, Branch to be established at 61-49 188th Street, Fresh Meadows, Borough of Queens.

• • • • •

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 3(A)(3) OF THE BANK HOLDING COMPANY ACT OF 1956

Cullen Bankers, Inc., Houston, Texas, for approval to acquire 100 per cent of the voting shares (less director's qualifying shares) of San Felipe National Bank, Houston, Texas.

• • • • •

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(C)(8) OF THE BANK HOLDING COMPANY ACT OF 1956

Citicorp, New York, New York, notification of intent to engage in de novo activities (consumer personal lending; preauthorized consumer revolving credit; and acting as broker for the sale of consumer credit related life, accident and health insurance and consumer credit related property and casualty insurance; if these proposals are effected, the subsidiary will offer to sell insurance as follows: credit life and accident and health or individual decreasing or level (in the case of single payment loans) life insurance to cover the outstanding balance of consumer credit transactions, singly or jointly, with their spouses or cosigners in the case of life coverage, in the event of death, or, to make the contractual monthly payment on the consumer credit transactions in the event of the obligator's disability to the extent permissible under applicable State insurance laws and regulations; individual casualty insurance on personal property subject to security agreements and to include liability coverage, in home or automobile owner "package" policies where such is the general practice; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general, insurance agency) at 3525 North Causeway Boulevard, Metaire, Louisiana, through its subsidiary, Nationwide Financial Services Corporation and its subsidiary, Citicorp Person-to-Person Financial Center, Inc. 5/10/76).[1]

First Missouri Banks, Inc. (formerly First Banc Group, Inc.), Creve Coeur, Missouri, for approval to acquire the shares of First Missouri Insurance Group, Phoenix, Arizona (proposes to underwrite, as reinsurer, credit life and disability insurance which is directly related to extensions of credit by the holding company's subsidiary banks).

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extending credit and providing of services incident to such loans and extensions of credit such as would be made or provided by a finance company including the following specific activities: making of consumer installment loans and purchasing installment sales finance contracts, and making of loans to small businesses; acting as agent or broker for the sale of credit related life/accident and disability insurance and credit property and casualty insurance in connection with extensions of credit by FinanceAmerica Corporation) from 555 Harrison Avenue, Panama City to 2613 West 23rd Street, Panama City, Florida, through its subsidiary, FinanceAmerica Corporation (Florida) (5/6/76).[1]

Washington Bancshares, Inc., Spokane, Washington, notification of intent to engage in activities (making or acquiring, for its own account or for the account of others, loans or other extensions of credit secured by real estate mortgages or deeds of trust and the servicing of such loans, and such other activities as are incidental to the operations of a mortgage company including, but not limited to; acting as agent or broker for the sale of mortgage redemption life and disability insurance and casualty insurance to be issued in connection with making or acquiring such loans and serving as an escrow or closing agent in connection with the closing of real estate transactions financed by it) at One Lake Bellevue, Bellevue, Washington, through its subsidiary, Bancshares Mortgage Company, substantially all of the assets of Bankwest Mortgage Company, Bellevue, Washington (5/3/76).

REPORTS RECEIVED

REGISTRATION STATEMENT FILED PURSUANT TO SECTION 12(g) OF THE SECURITIES EXCHANGE ACT

The Cortland Savings and Banking Company, Cortland, Ohio.

• • • • •

CURRENT REPORT FILED PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT

Metropolitan Bank, Tampa, Florida.
Nassau Trust Company, Glen Cove, New York.
The Sylvania Savings Bank Company, Sylvania, Ohio.
Union Bank, Los Angeles, California.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, May 26, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-16076 Filed 6-2-76;8:45 am]

[1] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

CENTRAL WISCONSIN BANKSHARES, INC.

Order Denying Acquisition of Bank

Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Central National Bank of Wausau, Wausau, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by Peoples State Bank, Wausau, Wisconsin, in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eleventh largest commercial banking organization in Wisconsin, controls two subsidiary banks with aggregate deposits of approximately $132 million, representing 0.9 percent of the total deposits in commercial banks in the State.[1] Applicant's acquisition of Bank would increase Applicant's share of State deposits by 0.04 percent and would not result in a significant increase in the concentration of banking resources in Wisconsin. However, as discussed below, consummation of the proposal would have some adverse effects on concentration in the relevant banking market.

Bank has deposits of approximately $6.2 million, representing 2.5 per cent of the total deposits in commercial banks in the relevant banking market,[2] and is the smallest of seven banks operating in that market. Applicant's lead bank, First American National Bank of Wausau, is the largest bank operating in the relevant market and has deposits of $120.5 million, representing approximately 49 per cent of the total deposits in commercial banks in the market.

Applicant is the largest banking organization in the Wausau RMA banking market, controlling approximately 53 per cent of the total deposits in commercial banks in the market. The second and third largest banking organizations in the market control, respectively, approximately 14 and 10 per cent of the market's deposits. Thus, it appears that Applicant is a dominant factor in this banking market which is regarded as a highly concentrated market. Consummation of the proposed acquisition would increase Applicant's share of the total commercial bank deposits in this market to approximately 55 per cent, and would result in a further increase in the concentration of banking resources in the market. The Board regards this as an adverse factor lending weight toward denial of the proposal.

The Board notes that there already exists common ownership and management between Applicant and Bank,[1] and Applicant argues that this fact mitigates to some extent the amount of existing competition that would be eliminated between Bank and Applicant's subsidiary banks if this application were approved. However, the competitive situation that gave rise to the Board's previous denial of Applicant's proposal to acquire Bank *de novo* in 1966 has not changed significantly over the years, and the structure of the Wausau banking market has not been altered so as to warrant a different conclusion with respect to the adverse effects. Applicant remains the largest banking organization in the market, and the Board believes that approval of this application would virtually foreclose the possibility that Bank may eventually become independent of Applicant and develop into a more effective competitor in the Wausau RMA banking market. On the other hand, denial of the subject acquisition would preserve the possibility

[1] All banking data are as of June 30, 1975.
[2] The relevant banking market is approximated by the Wausau RMA.

[1] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Authority to close meeting: This determina- brake checks; and (3) determine and and rolled over into a roadside ravine.

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that a dissolution of the affiliation relationship could occur in the future. Such a dissolution would be likely to result in increased competition and a deconcentration in the Wausau banking market. The Board regards this latter consideration as particularly important because few independent banks remain available in this market for acquisition by out-of-area banking organizations. Thus, the facts of record show that this proposal offers no positive competitive effects, but instead, would result in significant adverse effects upon competition in the relevant banking market by further increasing the concentration of banking resources and by eliminating the possibility that increased competition would develop in the future. In the Board's view, such considerations require denial of the application unless they are clearly outweighed in the public interest by other considerations reflected in the record.[4]

The financial condition, managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory. Although the banking factors are consistent with approval of the application, they provide no significant support for approval of the application. Applicant states that, following the consummation of this proposal, Bank would offer to its customers trust and payroll services, and would extend its banking hours. While these improved services lend some weight toward approval, the Board does not consider these convenience and needs considerations sufficient to outweigh the anticompetitive effects of the application described above. Accordingly, it is the Board's judgment that approval of the proposed acquisition would not be in the public interest and the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[5] effective May 26, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[2] Bank was organized by several officers and directors of Applicant. Prior to Bank's opening, Applicant applied for Board approval to acquire Bank. Although the Board denied the application, 52 *Fed. Res. Bulletin* 29 (1966), Bank opened for business on April 26, 1967. Currently, various shareholders of Applicant own 81 per cent of Bank's shares. In addition, Applicant's president is the chairman of the board of Bank. A director of Applicant also serves as the president of Bank. Another individual serves as a director of both Applicant and Bank.

[4] The Board's conclusion as to the effects on competition of the subject proposal are similar to its findings in the Order denying Applicant's previous application to acquire Bank, cited above.

[5] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, and Partee. Absent and not voting: Governor Wallich.

[FR Doc.76-16075 Filed 6-2-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

PRIVACY ACT OF 1974

Amendment to Systems of Records

Notice is hereby given of proposed amendments to NSF Systems of Records Nos. 2, 12, and 33 (40 Fed. Reg. 38129 et. seq., Aug. 26, 1975) and to NSF System No. 14, as amended (40 Fed. Reg. 38132–38133, Aug. 26, 1975; and 40 Fed. Reg. 43097, Sept. 10, 1975). These amendments add a new routine use to each of these systems in accordance with the guidance provided by the Office of Management and Budget in a memorandum to the Heads of executive departments and establishments dated October 3, 1975. Interested persons are invited to submit written data, views, or arguments to the Director, National Science Foundation, ATTN: General Counsel, Washington, D.C. 20550, not later than July 2, 1976.

The following changes in the characteristic of the NSF Systems of Records 2, 12, 14, 33 entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses" are proposed:

1. In NSF System of Records Nos. 2, 14, and 33 add the following: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

2. In NSF Systems of Records No. 12 add the following: "(7) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Dated: May 27, 1976.

RICHARD C. ATKINSON,
Acting Director.

[FR Doc.76-16072 Filed 6-2-76;8:45 am]

ADVISORY PANEL FOR METABOLIC BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.
Date and time: June 21 and 22, 1976—9:00 a.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Elijah B. Romanoff, Program Director for Metabolic Biology, Rm. 331, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4312.
Purpose of panel: To provide advice and recommendations concerning support for research in Metabolic Biolgy.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 28, 1976.

[FR Doc.16068 Filed 6-2-76;8:45 am]

ADVISORY PANEL FOR MATHEMATICAL SCIENCES

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Mathematical Sciences.
Date and time: June 21 and 22, 1976, 9:00 a.m. each day.
Place: Rm. 517, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Part Open—Closed—4 p.m. to 5 p.m. on June 21. Open—Balance of meeting.
Contact person: Dr. William H. Pell, Head, Mathematical Sciences Section, Rm. 302, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7377.
Summary minutes: (Open Portion). May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 212, National Science Foundation, Washington, D.C. 20550.
Purpose of panel: To provide advice and recommendations concerning support for research in the mathematical sciences.
Agenda: June 21—9 a.m. to 4 p.m.—Open—Introductory remarks; Discussion of the FY 1976 Mathematical Sciences Program; Effect on Program Procedures of the Transition to the New Fiscal Year. June 21—4 p.m. to 5 p.m.—Closed—Review and evaluation of research proposals and projects. June 22—9 a.m. to 1 p.m.—Open—Discussion of future plans; Discussion of Peer Review System; Panel Review of Algebra Program.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 28, 1976.

[FR Doc.76-16067 Filed 6-2-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-23]

ACCIDENT REPORTS; BRIEFS OF ACCIDENTS; SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Aircraft Accident Report. Tighter Federal regulation of aircraft maintenance and closer Federal supervision of aircraft repair stations were recommended by the National Transportation Safety Board in its report No. NTSB–AAR–76–13, released May 27. The recommendations resulted from the Board's investigation of the Puerto Rico International Airlines DeHavilland DH–114 accident on takeoff from San Juan, Puerto Rico, last July 11. The Safety Board determined that the probable cause of the accident was the separation of the No. 1 propeller blade of the No. 2 propeller assembly. The blade separated as a result of vibratory stresses which induced fatigue cracks not readily detectable during routine preflight inspections.

In a separate letter, also issued May 27, the Board recommended that the Federal Aviation Administration: (A–76–71) review immediately its programs for surveillance of certificated repair stations and its procedures which govern the granting of supplemental type certificates; and (A–76–72) review its policies relative to users' compliance with manufacturers' service bulletins which may have safety-of-flight implications, and, where appropriate, issue Airworthiness Directives as soon as possible after service difficulties are discovered.

Railroad Accident Report. According to the Safety Board, the malfunctioning of a safety device—the train-stop tripper—on one train, and the subsequent operation of two other trains at excessive speeds in violation of company rules, probably caused the rear-end collisions involving three Boston commuter trains August 1, 1975. The accident, which occurred on the Red Line of the Massachusetts Bay Transportation Authority (MTBA) injured 154 persons. The Board's report, No. NTSB–RAR–76–5, was released May 27.

In the early phase of its investigation of this accident, the Safety Board recommended, last September 19, that the Federal Railroad Administration (1) require MBTA to insure immediately that all of its commuter cars meet emergency braking specifications for them; (2) require MBTA to make periodic emergency brake checks; and (3) determine and correct, where necessary, any similar braking problems in other rail rapid transit operations (Recommendations R–75–39 through R–75–41). (See 40 FR 44198, September 25, 1975.)

An MTBA investigating committee's recommendations concerning this accident. On May 27, the Safety Board issued two separate, letters containing additional safety recommendations: To MTBA, recommendation R–76–16, to implement the recommendations made by the MTBA investigating committee; to FRA, recommendation R–76–17, to insure that the MBTA implements the recommendations made by its investigating committee. Both are Class II recommendations—priority followup expected.

Aircraft Accident Briefs. Issue No. 4, "Aircraft Accident Reports, Brief Format, U.S. Civil Aviation—1975," was released May 26. This volume, report No. NTSB–BA–76–3, contains synoptic reports of the findings and probable cause(s) of 894 general aviation accidents and 28 air carrier accidents which occurred in the United States last year. In press release No. SB 76-44 announcing the availability of this publication, the Safety Board appealed to private pilots to remember in their warm weather flight planning the hazards of high "density altitude"—the effects on aircraft performance of thin, warm air. Fifteen general aviation accidents in which high-density altitude was cited as a causal factor are included in the publication.

The brief reports in this publication contain essential information concerning the accidents reported; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 23¢ per page for printed matter, $1.25 per page for black and white photographs, and $4.00 per page for color photographs plus postage. Minimum reproduction charge is $2.00; an additional $4.00 user-service charge will be made for each order. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

The 1975 Issue No. 4 volume may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield Virginia 22151.

Highway Safety Recommendation. A Class I, "urgent followup," recommendation was issued May 28 to the Maryland State Highway Administration: Install flashing lights, which are activated by wet pavement conditions, to complement the recently installed "Slippery When Wet" sign, and reduce the speed limit until construction and resurfacing can be accomplished. This recommendation, No. H–76–20, followed Board investigation of an accident last October 11 involving a charter bus owned and operated by the Metropolitan Coach Company. The bus was eastbound, in heavy rain, on Interstate 495 in Bethesda, Maryland, when it lost traction on the wet pavement, contacted the guardrail, and rolled over into a roadside ravine. Of the 29 occupants, 26 were injured.

Letters in Response to Safety Board Recommendations. During the past week, the Safety Board received responses from addressees of the following recommendations:

A–72–223. The Federal Aviation Administration's letter of May 13, 1976, supplements its January 26, 1973, response wherein FAA had stated that it would look into the possibility of revising Advisory Circular 150/5190–3A, Model Airport Hazard Zoning Ordinance, to establish guidelines for use by airport managers in setting limitations on the utilization of runways. FAA now concludes that upon looking into the matter further, the proposal was inappropriate since that publication is devoted solely to zoning to control the height of structures beyond airport boundaries. "It is not and was not intended to be an operationally oriented document," FAA states. FAA also studied the possibility of issuing an operational-type advisory circular dealing with aircraft performance, but finds "no way to provide operational performance guidance to airport management beyond that which is already provided by the aircraft manufacturers." FAA plans no further action at this time.

A–76–6 and A–76–7. Letter of May 19, also from FAA, responds to both recommendations with the comment, "Airworthiness Directive 76–10–06 issued May 10 requires inspections, and rework or replacements as necessary of Piper PA–31 landing flap transmission assemblies." FAA concludes, "We believe that this action is in consonance with the recommendations." (See 41 FR 11366, March 18, 1976.)

H–76–8 through H–76–10. Letter of May 17 from the Recreational Vehicle Industry Association (RVIA) states, re H–76–8, that a RVIA proposal to be added to the Standard for Recreational Vehicles will be presented for adoption at the fall 1976 meeting of the National Fire Protection Association and submitted for concurrent review by the American National Standards Institute. The proposal, concerning LP–gas excess flow valves and already adopted by the Committee on Mobile Homes and Recreational Vehicles, is that the outlet of each service valve shall be equipped with a list excess flow valve. Re H–76–9, RVIA is now involved in an extensive program of crash barrier testing of motor homes and intends to develop construction guidelines to assist members in meeting the Standard on Fuel System Integrity. FMVSS No. 301. Re H–76–10, RVIA notes that its Public Relations Department is preparing a safety campaign to be presented through the media to emphasize the benefits of seatbelts to motor home occupants. Also, RVIA motor home manufacturers are urged to use this information in owner manuals provided with each new vehicle. (See 41 FR 19791, May 13, 1976.)

R–76–18 and R–76–19. Federal Railroad Administration's letter of May 21 transmits a copy of its May 12 letter to Auto-Train Corporation, addressee of the

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recommendations issued May 2 by the Safety Board (41 FR 19791, May 13, 1976). FRA requests that Auto-Train Corporation: Include a comprehensive description of the existing wheel inspection program with the detailed inspection plan intended for use to detect the types of wheel cracks that caused the Possum Point and Jarratt, Virginia, accidents; provide a thorough inspection of the suspension system including the trucks to determine whether any binding exists between parts of the system; provide a brake shoe force test on a representative sample of the auto carrier cars in order to evaluate the braking forces involved; take a series of wheel temperature readings in transit to determine if excessive heating is occurring; and, prior to completion of the wheel inspection, operate auto carrier and passenger cars in separate trains at a maximum speed of 65 mph.

Auto-Train's communication of May 20 to the Safety Board responds to these recommendations by detailing actions now being taken to check all wheels on both carrying and passenger units, and to eliminate the possibility of a systematic source of excessive heat subjected to the wheels. Auto-Train has taken the following actions: The operation of two separate sections, passenger and auto-carrying, to provide a smoother ride for the passenger section and to attempt to eliminate the problem of sticking brakes and excessive heating. Also, Auto-Train has entered into a temporary agreement with the carrier roads reducing the speed limit on both sections from 79 miles per hour to a maximum of 65 miles per hour. Further, Auto-Train states that an improved daily inspection has been put into immediate operation on all units. A copy of the inspection report is attached to the letter. Finally, Auto-Train states, ". . . an accelerated on-going heavy maintenance program to up-grade the condition of all equipment has been implemented."

The accident reports, the safety recommendation letters, and the press release herein referred to are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 28, 1976.

[FR Doc.76-16009 Filed 6-2-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO. (BIG ROCK POINT NUCLEAR POWER STATION)

Memorandum and Order

I. BACKGROUND

In our Memorandum and Order of December 31, 1975 (CLI-75-15) we granted to Consumers Power Company two limited exemptions from the ECCS acceptance criteria (10 CFR 50.46). We also requested further information from the Director of Nuclear Reactor Regulation and from Consumers Power Company concerning the possibility of granting a requested plantlife exemption from the ECCS failure criterion of 10 CFR. Part 50, 50.46 and Appendix K, Paragraph I.D.1 as applied to a loss-of-coolant accident (LOCA) caused by a break in a core spray line and a concurrent single failure of a valve in the remaining core spray system. In response to this request, the Director submitted comments on January 7, 1976 suggesting that certain additional analyses be performed and possible system modifications be considered by the applicant to enhance operating reliability. Accordingly, Consumers Power Company on February 27, 1976 submitted an extensive "Report on Evaluation of Adequacy of Emergency Core Cooling System," together with a renewed request for a plant-life exemption from the Emergency Core Cooling System (ECCS) failure criterion for the Big Rock nuclear facility.

Receipt of this request was duly noted in the FEDERAL REGISTER on March 15, 1976, and views and comments from the public were invited. An extension of time for comments by the Director of Nuclear Reactor Regulation and by the public was granted by order of April 5, 1976. The extended period for comment has now closed. Two comments opposing the exemption request were received from the public. The Director's comments were submitted on April 19, 1976.

The facility has been shut down for refueling and modifications since January 31, 1976. We informed the applicant on March 10, 1976 that the earlier temporary exemption granted by the Commission's Memorandum and Order of December 31, 1975 (CLI-75-15) had expired and that startup of Big Rock Point in non-compliance with the failure criterion would not be permitted unless the Commission granted a further appropriate exemption.

The Director recommends that this exemption be granted, subject to several conditions which would have to be met prior to operation.[1]

The Director would also impose additional conditions to be met before operation resumes after the 1977 refueling outage.[2]

The Director's recommendations are based upon an extensive review of the adequacy of the Big Rock Point ECCS initiated by the information request contained in the Commission's December 31, 1975 Memorandum and Order. The above-mentioned "Report on Evaluation of Adequacy of Emergency Core Cooling System," submitted by Consumers Power Company on February 27, 1976, reviewed ECCS performance as a whole, including both short term and long term cooling.

Subsequent interaction between Consumers Power Company and the Nuclear Regulatory Commission Staff refined still further the analysis of the Big Rock Point ECCS. On March 26, 1976 the applicant submitted a detailed supplement to its earlier report and responded to twenty ECCS-related questions from the staff. Also on March 26 the Director submitted comments and a request for extension of time until April 19 for filing recommendations. Pursuant to 10 CFR 2.808(b) the Secretary of the Commission granted the extension and also extended the period for public comment to April 14, 1976. No additional public comments were received.

[1] The Director's summarized recommendation is that prior to return to operation the applicant shall:

(a) Provide an analysis of the ECCS performance which properly demonstrates that in the event of a break in a core ring spray line, the feedwater system and the flow through the core spray nozzle will reliably provide sufficient core cooling water unless adequate spray distribution of the nozzle has been demonstrated.

(b) Enhance the reliability of the core ring spray system by augmented surveillance to provide reasonable assurance that the core ring spray system can, by itself, provide reliable and adequate core cooling for a LOCA not allowing reflooding unless adequate spray distribution of the nozzle has been demonstrated.

(c) Modify the emergency procedures to assure a second emergency diesel will be obtained and operational within 24 hours after a LOCA.

(d) Augment the surveillance of ECCS to enhance its reliability in a method acceptable to the staff.

(e) Protect the controls, indication and annunciation circuitry associated with the ECCS, including the core spray valves, as approved by the staff, against the consequences of flooding following a LOCA which affect the ability of the ECCS or plant operator to take corrective action during the course of a LOCA.

[2] The Director recommends in summary that prior to return to operation following the refueling outage currently scheduled for spring, 1977, the applicant shall:

(a) Modify the fire protection system such that long-term cooling can be accomplished without relying on portions of its underground piping.

(b) Provide test data showing the adequacy of the nozzle spray distribution during expected usage conditions or modify the nozzle spray system to provide adequate spray distribution.

(c) Modify the emergency diesel generator and diesel driven fire pump to bypass protective trips during accident conditions except for retention of engine overspeed and generator differential trips unless additional trips are approved by the staff.

(d) Provide complete on-line testability on the ECCS including the actuation system.

II. NEED FOR EXEMPTIONS

The above-described thorough review by the staff and the applicant has established that several deficiencies exist at Big Rock Point for which exemption from requirements of 10 CFR Part 50, 50.46 and Appendix K is needed if the facility is to resume operation. A rigid requirement that the facility meet the above-referenced provisions of Part 50 prior to start-up and that no alternative measures be considered would postpone significantly the date at which Big Rock Point could return to operation. (The applicant's February 27 report notes, for example, that over a year would be required for delivery of additional valves needed to bring the facility formally into compliance with the failure criterion as applied to a break in either core spray line).

An exemption can be granted, however, only if reasonable assurance is provided that operation of the plant will meet an acceptable level of safety. We observe that a plant like Big Rock Point, which is a relatively small facility (72 MW(e)), need not necessarily comply with all the requirements applicable to a large plant in order to provide adequate assurance of public health and safety. Moreover, the NRC approach to safety—built as it is on the defense-in-depth concept—does not necessarily require each new safety design feature to be incorporated in every nuclear plant to provide protection for the public or that, when backfitting is called for, the timing be inflexibly fixed irrespective of special circumstances. For this reason, the ECCS acceptance regulations provide for the possibility of exemptions when an appropriately high level of safety is in fact achieved and the public interest is served.

This is not to say, however, that older plants like Big Rock Point are allowed to maintain a status quo situation. We have not hesitated to require backfitting at older plants where significant safety improvements would thereby be achieved. At Big Rock Point, for example, extensive modifications to the ECCS were completed in 1971 (addition of a redundant core spray system) and during the present refueling outage (installation of a reactor depressurization system).[3] The overriding question which we must now decide regarding this exemption request is whether an acceptably high level of safety is maintainable at Big Rock Point in its present configuration, or whether further extensive backfitting must be required before the plant may operate.

As we now review in some detail, the Director's technical judgment is that the core cooling capability of the systems installed at Big Rock Point is adequate to provide reasonable assurance of public health and safety under the conditions for operation which the Director recommends. The Director's comments, insofar as they bear directly on the exemption which we now consider, analyze three problems, all relating, ultimately to the consequence of the unavailability of one or the other core spray systems. These are (1) vulnerability to a single failure disabling a core spray line, following a break in the alternate core spray line; (2) vulnerability to a single failure disabling the on-site power supply, following a loss of coolant accident, in the event off-site power is unavailable; and (3) uncertainty regarding adequacy of the nozzle spray distribution.

With respect to the request for a plant-life exemption from the failure criterion as applied to a break in either core spray line, followed by a failure of the alternate core spray system, the Director notes that in these circumstances the feedwater system (a non-ECCS component) provides adequate core cooling capacity. Accordingly, the Director finds good cause to grant a plant-life exemption when the overall program for enhancing ECCS reliability is implemented through the Director's recommended conditions.[4]

With respect to the on-site electric power supply, Big Rock Point has only one on-site diesel generator and does not meet the failure criterion requirement that the ECCS short term and long term cooling functions be invulnerable to a single failure which disables on-site power, assuming off-site power is not available. In view of the unusually high availability of off-site power at Big Rock Point,[5] together with improved reliability of the on-site diesel and guaranteed availability of a back-up diesel for long term cooling pursuant to the conditions the Director would impose, the Director likewise finds good cause to exempt Big Rock Point from this requirement.

The Director's comments consider in detail the issue of adequacy of the nozzle spray distribution, a question earlier addressed by Consumers Power Company in its March 26 supplement. Pending further tests to demonstrate the adequacy of the spray distribution, the Director takes the conservative position that Consumers Power Company must provide reasonable assurance that the core ring spray system can, by itself, provide reliable and adequate core cooling in the event of a LOCA for which reflooding by means of the feedwater system does not provide adequate cooling. Failure probability calculations performed by the applicant's consultant, NUS Corporation, and attached to the March 26 supplement show that a program of more frequent valve testing can significantly enhance the reliability of the Big Rock Point ECCS. Thus the Director finds that augmented surveillance of the ring spray system provides sufficient assurance of safety to permit operation for a limited period, until the spring, 1977 refueling outage. Prior to start-up following this outage the adequacy of the nozzle spray distribution would have to be confirmed, or the nozzle spray system modified to provide adequate distribution.

III. CONCLUSIONS

In view of the considerations outlined in the Director's analysis we are satisfied that granting the requested exemption and thereby permitting Big Rock Point to resume operation, subject to the recommended conditions, would maintain an acceptably high level of protection to public health and safety. The economical production of electric power through operation of this plant in a manner that provides adequate protection of the public is clearly in the public interest. Replacement power would have to be provided by burning expensive fossil fuels. Therefore we find good cause to grant the exemption.

Our review of the Director's comments, however, led us to inquire concerning the procedural question whether the March 15, 1976 FEDERAL REGISTER Notice of the exemption request directed to the "specific case of a break in either core spray line" is sufficiently comprehensive to encompass the exemption recommended.

Pending resolution of the uncertainty concerning the nozzle spray distribution, we must conservatively treat Big Rock Point as vulnerable to a loss-of-coolant accident from any cause followed by a concurrent single failure in the ring spray system and therefore in this respect in need of exemption from the ECCS failure criterion. At issue is the question whether notice of this exemption sufficient to meet the requirements of Section 189(a) of the Atomic Energy Act of 1954, as amended, and of the Commission's regulation (10 CFR 2.105) has been given. Accordingly, we requested the Director and Consumers Power Company to present views on the question whether the exemption from requirements of 10 CFR 50.46 which Big Rock Point needs to re-

[3] The two comments opposing the present exemption stress that Big Rock Point has in the past received several exemptions from the ECCS criteria and appear to conclude that the present request represents an attempt to perpetuate a pattern of unjustified non-compliance with the Commission's regulations. These comments fail to mention that significant modifications have been made at the Big Rock Point facility and that the exemptions were in every case granted pursuant to findings of good cause and a determination that public health and safety would be reasonably assured. We do not believe it would be fair to the applicant or in the public interest to follow the rigid approach suggested by the commenters by denying the present request, without regard to its individual merit, largely on the grounds that related exemptions have been granted previously.

[4] An analysis of feedwater cooling capability was submitted by Consumers Power Company on May 10, 1976 in response to the Director's recommended condition (a) (see note 1 above) and indicates that in the event of a LOCA caused by a break in the core ring spray line the feedwater system will prevent uncovering of the core.

[5] The Director's comments note that in view of the small size of this plant compared with the system capacity, trips of the plant due to internal causes are relatively unlikely to cause a loss of off-site power.

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sume operation at the end of the current refueling outage is fairly comprised within the exemption request now pending before the Commission.

The responses of the Director and of the applicant, respectively dated May 17 and May 18, 1976, and our own further analysis persuade us that the March 15 published notice was sufficiently comprehensive. Both the Director and applicant point to the fact that the components whose reliability is under review in the context of a break in a core spray line are exactly the same components involved in the response of the ECCS to a LOCA caused by a break in some other location. The first public notice that reliability of valving in the Big Rock Point ECCS was at issue appeared August 26, 1975 in the FEDERAL REGISTER notice of receipt of the original plant-life exemption request, treated by our December 31, 1975 Memorandum and Order. On March 15, 1976 expanded notice was given that the reliability of core spray components was at issue in this exemption proceeding.

This notice made clear that the deficiency at Big Rock Point for which exemption was requested is the circumstance that either core spray line may be disabled by a single failure in certain components. Thus, the March 15 FEDERAL REGISTER NOTICE apprised interested members of the public that the Commission was considering an exemption of the nature and scope of the exemption now recommended by the Director. The introduction of the nozzle spray distribution question did not change the central focus of the inquiry, namely, the reliability of a core spray system to provide needed core cooling when the alternate system is postulated to be unavailable.

We believe, moreover, that the public received adequate notice that the specific question of nozzle spray distribution adequacy was under consideration in the exemption proceeding. The nozzle spray adequacy question is addressed in the record in the applicant's supplemental submission of March 26, 1976, following which, we note, the Secretary of the Commission granted an extension of the period for public comment. We note, moreover, that actual notice (as contrasted with constructive notice through FEDERAL REGISTER publication) was afforded to those members of the public who had expressed interest in this matter and in the present licensing status of the Big Rock facility. Both the March 26 supplement and the Director's April 19 comments, which considered the nozzle spray question more fully, were served on the two public commenters who opposed the exemption. These documents were also served on the participants in a license amendment proceeding involving Big Rock Point but otherwise unrelated to the exemption request. In view of this direct notice to all parties who have shown interest in the facility as well as to those who have commented in this exemption proceeding, a third, and unrequired, round of notice in the FEDERAL REGISTER is of dubious practical value.

Finally, because the Director's recommended conditions would enhance the reliability of the existing ECCS and particularly of the core ring spray, no additional safety question is raised when the cause of the postulated LOCA is extended to breaks other than in the core spray line, since the core ring spray is adequate by itself to provide the necessary core cooling following any LOCA up to and including that caused by the double-ended rupture of the largest pipe in the reactor coolant system.

In summary, based on the detailed recommendations in the Director's comments and pursuant to 10 CFR 50.46(a)(2)(vi) we find that good cause has been shown to grant the following exemption from the requirements of 10 CFR 50.46:

(a) Consumers Power Company is granted a plant-life exemption subject to the conditions in paragraph (d) below for the Big Rock Point facility from the failure criterion requirements imposed by 10 CFR Part 50, 50.46 and Appendix K, Paragraph I.D.1, insofar as applied to the specific case of a loss of reactor coolant caused by a break in either core spray system.

(b) Consumers Power Company, Big Rock Point facility, is granted an exemption subject to the conditions in paragraph (d) only until the refueling outage currently scheduled for spring, 1977, from the failure criterion requirements imposed by 10 CFR Part 50, 50.46 and Appendix K, Paragraph I.D.1 as applied to a loss of coolant accident followed by a concurrent single failure in the ring spray system.

(c) Consumers Power Company, Big Rock Point facility, is granted a plant-life exemption subject to the conditions in paargraph (d) from requirements in 10 CFR 50.46 that long term recirculation mode cooling be maintainable, despite the failure of the one-site diesel generator, in the absence of off-site power.

(d) The stated exemption is granted subject to the following conditions, which must be met to the satisfaction of the Director of Nuclear Reactor Regulations:

(1) Prior to further operation of Big Rock Point, Consumers Power Company shall:

(i) Provide evidence satisfactorily demonstrating adequate spray distribution of the nozzle, or

(ii) Provide an analysis of the ECCS performance which properly demonstrates that in the event of a break in the core ring spray line, the feedwater system and the flow through the core spray nozzle will reliably provide sufficient core cooling water; and enhance the reliability of the core ring spray system by augmented surveillance of the valves and valve actuating circuits, or by other modifications or procedural changes which provide reasonable assurance that the core ring spray system can, by itself, provide reliable and adequate core cooling for a LOCA at a location where reflooding does not provide such cooling.

(2) Prior to further operation of Big Rock Point, Consumers Power Company shall:

(i) Modify the emergency procedures to assure that a second emergency diesel will be obtained and can be made fully operational within 24 hours after a LOCA.

(ii) Augment the surveillance of ECCS availability, including the ECCS actuation system, to enhance its reliability;

(iii) Protect the controls, indication and annunciation circuitry associated with the ECCS, including the core spray valves, against the consequences of flooding following a LOCA which affects the ability of the ECCS or plant operator to take corrective action during the course of a LOCA.

(3) Prior to return to operation following the refueling outage currently scheduled for Spring 1977, Consumers Power Company shall:

(i) Modify the fire protection system such that long term cooling can be accomplished without relying on portions of its underground piping.

(ii) Provide test data showing the adequacy of the nozzle spray system to provide adequate spray distribution during expected usage conditions or modify the nozzle spray system to provide adequate spray distribution.

(iii) Modify the emergency diesel generator and diesel driven fire pump to bypass protective trips during accident conditions except for retention of engine overspeed and generator differential trips, unless additional trips are approved by the Director.

(iv) Provide complete on-line testability at the ECCS, including the actuation system.

It is so Ordered.

Dated at Washington, D.C. this 26th day of May 1976.

By the Commission.[1]

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[FR Doc.76 15845 Filed 6-2-76;8:45 am]

[PRM 40-21]

URANIUM MILLING

Intent to Prepare a Generic Environmental Impact Statement

On May 14, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 20983) a notice that a petition for rule making had been filed with the Commission by the Natural Resources Defense Council, Inc.

The petitioners requested the Commission to issue regulations that would (a) require uranium mill operators licensed by the Commission to post a performance bond that would cover the cost of

[1] Dissenting opinion of Commissioner Gilinsky not published as part of original document.

stabilization and ultimate disposal of uranium mill tailings, and (b) require each Agreement State to require uranium mill operators licensed by the Agreement State to post a similar performance bond.

The petitioners also requested the Commission to proceed immediately with the preparation of a draft programmatic environmental impact statement on the the Commission's uranium milling regulatory program, including that part of the mill licensing program administered by Agreement States. Further, the petitioners requested the Commission to issue or renew no licenses during the time the environmental impact statement is being prepared that would permit a licensee to escape any new regulations promulgated as a result of the requested environmental impact statement.

Interested persons were invited to submit comments on the petition by July 14, 1975. In view of the interest which was shown in the subject matter of the petition, the comment period was extended to August 28, 1975. Thirty-one responses from varying sources were received within the comment period. (Copies are on file at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.)

After giving due consideration to the petition, the comments received, and the history of uranium mill tailings management practices, the Commission believes that, from the standpoint of longer range policy, this matter can be profitably examined in a programmatic context. It views the preparation of a generic environmental statement as a suitable vehicle for such an examination.

Accordingly, notice is hereby given that the Nuclear Regulatory Commission (NRC) will prepare a generic environmental impact statement (GEIS) on uranium milling operations. The purpose of the GEIS will be to assess the environmental impact of uranium milling operations, including the management of uranium mill tailings, and to provide an opportunity for public participation in decisions concerning any proposed changes in NRC regulations or regulatory authority based on this assessment. Information pertinent to the environmental impact from uranium mill operations in both Agreement and non-Agreement States will be included. It is anticipated that the draft GEIS will be published in approximately two years.

The Commission also has given careful consideration to petitioners' request that licensing actions involving renewal of licenses for existing uranium mills and the issuance of licenses for any new mills should be deferred pending completion of the generic environmental impact statement. In considering this matter, the Commission noted that most of the presently operating uranium mills licensed by the NRC are subject to renewal licensing action during the contemplated interim period. The production capacity of the existing uranium mills in both Agreement States and non-Agreement States slightly exceeds the fuel requirements of operating nuclear power reactors. However, the full capacity of the existing mills will be required to support presently operating nuclear power reactors and those expected to begin operation in 1977. Additional uranium milling capacity will be required to support nuclear power reactors now under construction with operational dates of 1978 and beyond. Since approximately two years is required to complete the construction of a mill, new mills expected to begin production in 1978 will require NRC licensing action in 1976 and 1977 if a uranium mill short-fall is to be avoided. However, the number of new mills expected during this interim period is small.

In light of the above, a deferral of licensing actions on new mills or suspension of present milling activities during the interim prior to completion of the GEIS would result in substantial shortages of necessary domestic uranium fuel for operating nuclear power reactors. The Commission has concluded that there should be no such general deferral during the period required for preparation of the generic statement, and that licensing actions may continue during the interim period subject to certain conditions. In reaching this conclusion, the Commission considered the following specific factors:

(1) It is likely that each individual licensing action of this type would have a utility that is independent of the utility of other licensing actions of this type;

(2) It is not likely that the taking of any particular licensing action of this type during the time frame under consideration would constitute a commitment of resources that would tend to significantly foreclose the alternatives available with respect to any other individual licensing action of this type;

(3) It is likely that any environmental impacts associated with any individual licensing action of this type would be such that they could adequately be addressed within the context of the individual license application without overlooking any cumulative environmental impacts;

(4) It is likely that any technical issues that may arise in the course of a review of an individual license application can be resolved within that context; and

(5) A deferral on licensing actions of this type would result in substantial harm to the public interest as indicated above because of uranium fuel requirements of operating reactors and reactors now under construction.

During preparation of the GEIS, the Commission will continue to review applications for renewal of existing licenses for uranium milling and for new uranium milling licenses on a case-by-case basis. These licensing actions during the interim period will be accompanied by individual environmental impact statements tailored to the facts of the case. Since the Commission's general conclusions with respect to the five factors, as set forth above, may not fit the factual circumstances of particular licensing actions, the five factors will be applied, weighed and balanced within the context of these statements in reaching licensing determinations. The NRC will continue its program of assuring that adequate financial security arrangements, through bonding or other feasible methods, are made for the reclamation and stabilization of mill tailings. Any licensing actions that are taken will be subject to express conditions that approved waste generating processes and mill tailings management practices may be subject to revision in accordance with the conclusions of the final GEIS and any related rule making.

The determinations to prepare a generic environmental impact statement and to continue processing related applications in the interim subject to specified criteria are a partial response to the petition of the Natural Resources Defense Council, Inc. Other aspects of the petition, such as regulations covering financial responsibility for uranium mill waste management over the long-term, have not been decided at this time. It is the intention of the Commission that proposed rules be published for public comment no later than the time of publication of the final GEIS. The content of these rules will be developed out of the information derived from the preparation of the GEIS and the conclusions resulting from the assessment of alternatives.

Dated at Washington, D.C., this 1st day of June 1976.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-16287 Filed 6-2-76;9:24 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on General Electric Water Reactors will hold a meeting on June 21 and 22, 1976 in Room 1046, 1717 H Street, N.W., Washington, DC 20555. The purpose of this meeting is to develop information for consideration by the ACRS in its review of two General Electric Standard Safety Analysis Reports (GESSAR-238 and GESSAR-251) pertaining to the nuclear steam supply systems.

The agenda for the subject meeting shall be as follows:

Monday, June 21, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent reviews of safety reports submitted by the Applicant and the NRC Staff regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business on June 21, and 8:30 a.m. until the

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conclusion of business on Tuesday, June 22. The Subcommittee will meet in open session to hear presentations by and hold discussions with the representatives of the NRC Staff and the General Electric Company and their consultants pertaining to review of the Standard Safety Analysis Reports (GESSAR–238 and GESSAR–251).

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the matters are ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–163, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 14, 1976 to Mr. J. C. McKinley, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 18, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. J. C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 28, 1976 at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555 after September 21, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 1, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–16288 Filed 6–2–76;9:24 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 9306]

FAULKNER, DAWKINS & SULLIVAN, INC. AND FDS MANAGEMENT CO., INC.

Application

MAY 26, 1976.

In the Matter of Faulkner, Dawkins & Sullivan, Inc. and FDS Management Co., Inc., One New York Plaza, New York, New York 10004.

Notice is hereby given, That Faulkner, Dawkins & Sullivan, Inc. ("FDS"), and FDS Management Co., Inc. ("Management") hereinafter collectively "Applicants", have filed an Application and Amendment thereto pursuant to Section 9(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicants from the provisions of Section 9(a) of the Act. All interested persons are referred to the Application and Amendment thereto on file with the Commission for a statement of the representations made therein which are summarized below.

FSD owns all of the issued and outstanding common stock of Management, and both are registered investment advisers. In addition, FDS is engaged in other areas of the securities business in the capacities of broker, dealer, underwriter and investment banker.

On January 27, 1976, FDS consented to the entry of a Final Judgment of Permanent Injunction ("Judgment") against FDS. The Judgment enjoins FDS from violating the provisions of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder in connection with the purchase, sale or recommendation of the common stock of Bausch & Lomb, Inc.

Section 9(a)(2) of the Act makes it unlawful for any person to act in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company or principal underwriter for any registered open-end investment company, registered unit investment trust or registered face amount certificate company, if such person, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with any activity as an underwriter, broker, dealer, or investment adviser or as an affiliated person, salesman, or employee of an investment company.

Section 9(c) provides that upon application the Commission shall by order grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants submit pursuant to Section 9(c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of its entry of Judgment, would be unduly severe and disproportionate as applied to Applicants, and that the granting of this Application and Amendment thereto for exemption from the prohibition of Section 9(a) of the Act would be in the public interest without in any way compromising the interests and protection of investors. In support thereof, Applicants state: The complaint filed by the Commission, insofar as it applied to FDS, was based on the alleged use by FDS of material non-public corporate recommendations to its customers on March 16, 1972; FDS acted in good faith upon its belief of the then current requirements in dealing with information imparted to its analysts by company management; There is no allegation in the complaint or otherwise that FDS itself engaged in transactions on the basis of such information; There is no evidence or suggestion that FDS or any of its employees engaged in willful fraud on the public; The allegations in the Commission's complaint relate to a one-day period and that there has been no suggestion that the circumstances giving rise to the filing of the complaint have continued; Management has in the past been an investment adviser to a registered investment company; Applicants are not presently acting in the capacity of investment adviser of a registered investment company or a principal underwriter to an open-end investment company or registered unit investment trust; Applicants are discussing the possibility of becoming an investment adviser to registered investment companies.

Notice is further given, That any interested person may, not later than June 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application and Amendment herein may be issued by the Commission upon the basis of the information stated in said application and Amendment, unless an order for hearing upon said Application and Amendment shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–16013 Filed 6–2–76;8:45 am]

[SR–SCC–76–4]

STOCK CLEARING CORP.

Order Approving Proposed Rule Change

MAY 27, 1976.

In the Matter of Stock Clearing Corporation, 55 Water Street, New York, New York 10004.

On April 13, 1976, Stock Clearing Corporation ("SCC") submitted, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, a proposed rule change amending SCC's procedures to provide a means for the clearance and settlement of odd-lot transactions effected on the New York Stock Exchange (the "Exchange") subsequent to the Exchange's acquisition of the business of Carlisle De Coppet and Co. ("Carlisle") and the commencement of trading in odd-lots by Exchange specialists.

In accordance with Section 19(b) of the Act and Rule 19b–4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (41 F.R. 17827, April 28, 1976), and the public was invited to submit comments. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34–12354, April 20, 1976. No letters of comment were received.

The Commission has reviewed the proposed rule change contained in File No. SR–SCC–76–4 and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder. Furthermore, since the proposed rule change is necessary to provide a means for the clearance and settlement of odd-lot transactions subsequent to the Exchange's acquisition of Carlisle and the commencement of trading in odd-lots by Exchange specialists, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR–SCC–76–4 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–16014 Filed 6–2–76;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Unfair Trade Practices of Guatemala

INTERSTATE COMMERCE

(D) *Contractors materials and sup-* U.S. Highway 23, thence along U.S.

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NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on June 21 and 22, 1976, in the Ground Floor Auditorium of the Chase Manhattan Bank, One Chase Manhattan Plaza, New York, New York, beginning at 9:30 A.M. on June 21, and at 8:30 A.M. on June 22.

The Board will also conduct open meetings on July 19 and 20, and August 16 and 17, 1976. The locations and summarized agenda for these meetings will be published in the FEDERAL REGISTER at a later date.

The summarized agenda for the June meeting is as follows:

1. Discussion of proposal for a national book system submitted by Junius W. Peake, Morris Mendelson, and R. T. Williams, Jr.;
2. Discussion of characteristics of securities qualified for inclusion in components of a national market system;
3. Discussion of possible privileges and obligations of market-makers in a national market system;
4. Discussion of in-house agency cross transactions in listed securities by exchange members, and
5. Discussion of such other matters as may be properly brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16015 Filed 6-2-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket 75-3]

TRADE POLICY REVIEW GROUP

Request of Petitioner to Terminate Section 301 Review

On July 1, 1975 the Special Representative for Trade Negotiations received from the Delta Steamship Lines a petition alleging unfair trade practices by Guatemala against United States commerce and requesting relief under section 301 of the Trade Act of 1974. Public hearings were held in respect to this petition on September 25 and 26, 1975.

On April 21, 1976 the Special Representative for Trade Negotiations received a request, set forth below, from Petitioner Delta Steamship Lines, Inc. seeking withdrawal of its complaint filed under 301 of the Trade Act of 1974.

The Honorable FREDERICK B. DENT,
Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C. 20506.

Subject: Petition of Delta Steamship Lines, Inc. under the Title III Section 301 of the Trade Act of 1974 for Relief from Unfair Trade Practices of Guatemala against United States Commerce.

DEAR AMBASSADOR DENT: By letter to you of July 1, 1975, Delta Steamship Lines, Inc. (Delta) brought to your attention certain trade practices by Guatemala which Delta considered unfair to United States Commerce. Delta therefore requested relief under Section 301 of the Tarde Act of 1974 (P. L. 93-618; 88 Stat. 1978). Thereafter the matter was subject of a hearing before a duly constitutional panel, briefs were filed and the matter is now pending.

The purpose of this communication is to advise you that following further negotiations an accord has been reached between Delt and Flota Mercante Gran Centroamericana S.A. (Flomerca) which has been formalized in an Agreement which will be promptly presented to the Federal Martime Commission for its consideration and approval.

At this time, therefore, Delta withdraws the complaint set forth in its petition to you, as there apparently exists no further reason to request the imposition of sanctions contemplated by the Trade Act of 1974.

Respectfully submitted,

DONALD MACLEAY,
Counsel for,
Delta Steamship Lines, Inc.

Pursuant to part 2006.4 of Title 15, Chapter XX, regulations of the Office of the Special Representative for Trade Negotiations, the Trade Policy Committee Review Group may terminate a review under section 301 whenever it deems such termination appropriate.

Any interested party believing that the section 301 review of the allegations set forth in the petition filed on July 1, 1975 by Delta Steamship Lines, Inc. should not be terminated should send written comments to the Chairman, Trade Policy Review Group by June 15, 1976. Comments should include the interest of the party in the section 301 review, the reasons why the section 301 review should not be terminated, the extent to which termination would adversely effect the interested party and thereby the commerce of the United States together with supporting information on how the practices of the Government of Guatemala complained of in the Delta Steamship Lines Inc. petition 73-5 constitute an unjustifiable or unreasonable burden on U.S. commerce in shipping.

Comments should be addressed to the Chairman, Trade Policy Review Group, Office of the Special Representative for Trade Negotiations, 1800 G Street N.W., Room 719, Washington, D.C. 20506.

Persons interested in further information on the Section 301 review of docket #75-3 are directed to the FEDERAL REGISTER of July 10, 1975 (40 F.R. No. 133, pg. 29134) and to the public record of the hearing held on this petition, which is available for public inspection at the Office of the Special Representative for Trade Negotiations, Room 729, 1800 G Street, N.W., Washington, D.C. 20506.

CLAYTON K. YEUTTER,
Chairman,
Trade Policy Review Group.

[FR Doc.76-16025 Filed 6-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MAY 28, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-92983 (Sub-No. E70), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Feed*, (except tankage) in bulk: from Omaha, Nebr., to points in Minnesota located in, each of Lake of the Woods, Beltrami, Hubbard, Cass and Morrison Counties and points on and east of a line extending from the northern border of Sterns County along Minnesota Highway 238 to the junction of an unnumbered highway at Albany, thence along unnumbered highway to the junction of Minnesota Highway 22 at Richmond, thence along Minnesota Highway 22 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line and to points in Wisconsin; (2) from Omaha, Nebr., to points in Missouri located on and east of a line extending from the Missouri-Iowa State line along U.S. Highway 65 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the western border of Cooper County, and to points located in and east of Cooper, Morgan, Camden, LaoLede, Wright, Douglas, and Ozark Counties; (B) *Tankage dry*, in bulk: from Omaha, Nebr., to Minneapolis, Minn.; (C) *Alfalfa products, cotton seed meal, mill feeds, soybean meal and molasses for animal and poultry feed*, in bulk, in tank vehicles: from points in Omaha, Nebr., to points in Missouri located in, south and east of Harrison, Daviess, Caldwell, Ray, Lafayette, Johnson, Henry and Bates Counties and to points in Arkansas.

(D) *Contractors materials and supplies*, in bulk: from points in Nebraska to Indianapolis, Ind.; (E) *Alcohol*, included under alcohol beverages and spirits, in bulk, in tank vehicles: (1) from Omaha, Nebr., to points in Pennsylvania located in, south and east of Washington, Allegheny, Westmoreland and Indiana counties to points located on, south and east of a line extending from the western border of Clearfield County along U.S. Highway 322 to the junction of U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line and to points in New York located on and east of a line extending from the New York-Pennsylvania State line along New York Highway 14 to the junction of New York Highway 13, thence along New York Highway 13 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of New York Highway 30, thence along New York Highway 30 to the junction of New York Highway 29, thence along New York Highway 29 to the junction of U.S. Highway 9, thence along U.S. Highway 9 to the junction of New York Highway 32, thence along New York Highway 32 to the junction of U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line including the Elmira, Ithaca, Cortland, Amsterdam and Glens Falls Commercial zones and to points in Maryland and New Jersey; (2) from Omaha, Nebr., to points in Missouri located in, south and east of Butler, Stoddard and Cape Girardeau Counties; (F) *Corn syrup*, in bulk, in tank vehicles; (1) from points in Nebraska to points in New York; (2) from points in Nebraska to points in Tennessee located in and west of Clay, Jackson, Putnam, White, Van Buren, Sequatchie and Hamilton Counties; (3) from points in Nebraska located in and west of Cherry, Thomas, Logan, Lincoln, Frontier, and Red Willow to points in Tennessee located in and surrounded by Montgomery, Dickson, Williamson, Maury, Giles, Lincoln, Franklin, Marion, Grundy, Warren Dekalb, Smith, Macon, Sumner and Robertson Counties; (4) from points in Nebraska to points in New York.

(G) *Vegetable oils* (except feed ingredients), in bulk, in tank vehicles: (1) from points in Nebraska to points in Ohio located on and south of U.S. Highway 36; (2) from points in Nebraska located on and west and south of a line beginning at the South Dakota-Nebraska State line and extending south along U.S. Highway 281 to junction with U.S. Highway 20, thence along U.S. Highway 20 to U.S. Highway 275, thence along U.S. Highway 275 to Nebraska Highway 14, thence along Nebraska Highway 14 to Nebraska Highway 91, thence along Nebraska Highway 91 to U.S. Highway 81, thence along U.S. Highway 81 to U.S. Highway 30, thence along U.S. Highway 30 to U.S. Highway 275, thence along U.S. Highway 275 to U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Nebraska State line, to points in Ohio on and south and east of a line beginning at the Ohio-Indiana State line and extending east along Ohio Highway 47 to junction with U.S. Highway 23, thence along U.S. Highway 23 to Ohio Highway 229, thence along Ohio Highway 229 to U.S. Highway 36, thence along U.S. Highway 36 to Ohio Highway 3, thence along Ohio Highway 3 to U.S. Highway 42, thence along U.S. Highway 42 to Cleveland on Lake Erie (except those parts of Ohio described in part (1) above); (3) from points in Nebraska to points in Illinois located on and south of a line extending from the Mississippi River along the east boundary of Calhoun County to Illinois Highway 16, thence along Illinois Highway 16 to U.S. Highway 150 at Paris, thence along U.S. Highway 150 to the Illinois-Indiana State line; (4) from points in Nebraska located on and west of a line extending from the Nebraska-South Dakota State line along U.S. Highway 83 to Nebraska Highway 2, thence along Nebraska Highway 2 to Nebraska Highway 21, thence along Nebraska Highway 21 to U.S. Highway 30, thence along U.S. Highway 30 to Nebraska Highway 10, thence along Nebraska Highway 10 to U.S. Highway 6, thence along U.S. Highway 6 to Nebraska Highway 14, and thence along Nebraska Highway 14 to the Nebraska-Kansas State line, to points in Illinois located on and south of a line extending from the Illinois-Missouri State line, along U.S. Highway 54 to U.S. Highway 36, thence along U.S. Highway 36 to Illinois Highway 47, thence along Illinois Highway 47 to U.S. Highway 150, thence along U.S. Highway 150 to U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line (except Jacksonville and Champaign and except those points described in part (3) above).

(H) *Fats, tallows and grease*, in bulk, in tank vehicles: (1) from points in Nebraska to St. Louis, Mo.; (2) from points in Nebraska to Cincinnati, Ohio and Memphis, Tenn.; (I) *Inedible fats, tallows and grease* (except those derived from petroleum), in bulk, in tank vehicles: from points in Nebraska located in, south and east of Cherry, Brown, Rock, Garfield, Wheeler, Boone, Platte, Colfax, Saunders, and Douglas Counties to New York City and Port Ivory, New York; (J) *Lard and animal fats, grease and tallows*, in bulk, in tank vehicles: from points in Nebraska to points in Delaware; (K) *Unprocessed fats and grease*, in bulk, in tank vehicles: from points in Nebraska located in, south and east of Boyd, Holt, Antelope, Madison, Platte, Colfax, Saunders, Cass and Otoe Counties to Champaign, Ill.; (L) *Vegetable and animal fats*, in bulk, in tank vehicles: from points in Nebraska to points in Louisiana and Tennessee; (M) *Animal fats* (except lard), in bulk, in tank vehicles: from points in Nebraska to points in Arkansas; (N) *Feed* (not including tankage), in bulk: (1) from Fremont, Nebr., to points in Wisconsin; (2) from Fremont, Nebr., to points in Minnesota located on and east of a line extending from the Iowa-Minnesota State line along Minnesota Highway 263 to junction with Minnesota Highway 60, thence along Minnesota Highway 60 to junction with Minnesota Highway 15, thence along Minnesota Highway 15 to junction

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with U.S. Highway 10, thence along U.S. Highway 10 to junction with U.S. Highway 71, thence along U.S. Highway 71 to junction with Minnesota Highway 72, thence along Minnesota Highway 72 to the Minnesota-Canada Border.

(O) *Blood meal, bone meal, fish meal, meat meal and tallow*, when intended as animal and poultry feed, or ingredients, (not including tankage) in bulk, in tank vehicles: from Fremont, Nebr., to points in Arkansas; (P) *Alfalfa products, cottonseed meal, mill feeds, soybean meal and molasses* for animal and poultry feed or ingredients, (not including tankage), in bulk, in tank vehicles: from Fremont, Nebr., to points in Arkansas and Missouri; (Q) *Alfalfa products, cottonseed meal, soybean meal, blood meal, bone meal, feather meal, fish meal, meat meal, tallows and blends* included under tankage when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles: from Omaha, Nebr., to points in Missouri located in and south of Clay, Ray, Carroll, Chariton, Randolph and Monroe Counties and points in Marion County located on and south of U.S. Highway 36 and points in Platte County located on and south of Missouri Highway 92 and to points in Arkansas; (R) *Insecticides*, in bulk: (1) from Omaha, Nebr., to points in Wisconsin located in and east of Iron, Price, Taylor, Clark, Wood, Juneau, Monroe, Sauk, Richland and Grant Counties; (2) from Omaha, Nebr., to points in Illinois, (except Jo Daviess County) and to points in Indiana; (3) from Omaha, Nebr., to points in Michigan located in the Lower Peninsula; (S) *Insecticides*, in bulk, in tank or hopper vehicles: from Omaha, Nebr., to points in Wisconsin located in, south and east of Ashland, Sawyer, Rusk, Chippewa, Eau Claire and Buffalo Counties and points in Minnesota located on and east of a line extending from the Minnesota-Wisconsin State line along U.S. Highway 61 to the junction of Minnesota Highway 74, thence along Minnesota Highway 74 to the junction of U.S. Highway 52, thence along U.S. Highway 52 to the junction of Minnesota Highway 139, thence along Minnesota Highway 139 to the Minnesota-Iowa State line.

(T) *Insecticides*, in bulk: from Omaha, Nebr., to points in Michigan located in the Upper Peninsula; (U) *Cottonseed oil, soybean oil, blends and products thereof*, (except soap products and paint), in bulk, in tank vehicles: (1) from points in Nebraska to Eudale and Wilson, Ark.; (2) from points in Nebraska to Osceola, Ark., Macon, Ga., and Jackson, Miss.; (V) *Vegetable oil and vegetable oil products*, (except soap products and paints) in bulk in tank vehicles: (1) from points in Nebraska to points in Alabama, Georgia (except Macon) and Mississippi (except Jackson); (2) from points in Nebraska to points in Louisiana located in and east of Morehouse, Ouachita, Caldwell, La Salle, Avoyelles, St. Landry, Lafayette and Iberia Parishes; (3) from points in Nebraska to points in Alabama, Georgia (except Macon) and Mississippi (except Jackson); (W) *Crude soybean oil, inedible fats, tallows and grease* (except petroleum and petroleum products, molasses and except animal fats from Omaha) in bulk, in tank vehicles: (1) from points in Nebraska (except those located in Webster, Nuckolls, Thayer, Jefferson, Pawnee and Richardson Counties and points located south of a line extending from the Nebraska-Missouri State line along U.S. Highway 136 to the junction of Unnumbered highway approximately 2 miles east of Vesta, thence along unnumbered highway through Pickrell and DeWitt to the western border of Gage County) to Kansas City and St. Louis, Mo.; (2) from points in Nebraska to Memphis, Tenn.; (3) from points in Nebraska to Faribault, Minneapolis and St. Paul, Minn.; (4) from points in Nebraska to Chicago, Chicago Heights and Rockford, Ill., New York City, and Port Ivory, N.Y.; (5) from points in Nebraska to Decatur, Ill., and Cincinnati and Ivorydale, Ohio; (6) from points in Nebraska (except those located in Furnas, Harlan, Franklin, Webster, Nuckolls, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee and Richardson Counties) to East St. Louis, Ill.; (X) *Soybean oil, corn and salad oil*, in bulk, in tank vehicles: (1) from points in Nebraska to points in New York (except crude soybean oil to New York City and Port Ivory, N.Y.); (2) from points in Nebraska located on and north of a line extending from the Nebraska-Kansas State line along Nebraska Highway 15 to U.S. Highway 136, thence along U.S. Highway 136 to the Nebraska-Iowa State line to points in Tennessee located east of U.S. Highway 27 (except soybean oil to Memphis, Tenn.)

(Y) *Soybean oil*, in bulk, in tank vehicles: (1) from points in Nebraska to points in Indiana; (2) from points in Nebraska to points in Michigan located in the Lower Peninsula; and (Z) *Furfural*, in bulk, in tank vehicles: from points in Nebraska to Chicago, Ill. The purpose of this filing is to eliminate the gateways of:: (A) (1) Mason City, Iowa; (A) (2), (B) Des Moines, Iowa; (C) points located in that part of Iowa on and east of U.S. Highway 69 except those located on a specified line formerly shown as U.S. Highway 6 and 30 beginning at the Illinois-Iowa State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn Iowa, to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion U.S. Highway 6), thence along Iowa Highway 90 to junction U.S. Highway 69, and those located on a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 30 to junction unnumbered highway (formerly portion U.S. Highway 30), thence along unnumbered highway through Wheatland Iowa, to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 150 (formerly portion U.S. Highway 30), thence along Iowa Highway 150 to junction unnumbered highway (formerly portion U.S. Highway 30), thence along unnumbered highway to Cedar Rapids, Iowa, thence along U.S. Highway 30 to junction unnumbered highway (formerly portion U.S. Highway 30), thence along unnumbered highway through Tama and Montour, Iowa, to junction Iowa Highway 146 (formerly portion U.S. Highway 30), thence along Iowa Highway 146 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction unnumbered highway (formerly portion U.S. Highway 30), thence along unnumbered highway through State Center Iowa, to junction U.S. Highway 30, thence along U.S. Highway to junction U.S. Highway 69; (D) Iowa.

(E) (1) Kentucky; (E) (2) Kentucky (except Ashland, Cattlettsburg, Satonia, and Louisville and points within 10 miles of each); (F) Clinton, Iowa; (G) points that are in both the Dapo, Ill., and St. Louis, Mo., commercial zones; (H) (1) Kansas City, Kans.; (H) (2) Kansas City, Kans., and St. Louis, Mo.; (I), (J) Kansas City, Kans., Kansas City, Mo., commercial zone and Dubuque, Iowa; (K) Kansas City, Mo.-Kansas City, Kans., commercial zone; (L), (M) Kansas City, Kans.; (N) (1) Mason City, Iowa; (N) (2) Algona, Iowa; (O) Kansas City, Kans.; (P) Iowa; (Q) Kansas City, Kans.; (R) (1) Muscatine, Iowa; (R) (2) Burlington, Iowa; (R) (3) Burlington, Iowa and Plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (S) plantsite of Iowa-Guttenburg Terminal, Inc., at or near Guttenberg, Iowa; (T) Des Moines, Iowa; (U), (V) Memphis, Tenn.; (W) Iowa; (X) Clinton, Iowa; (Y) Muscatine, Iowa; and (Z) Cedar Rapids, Iowa.

No. MC-92983 (Sub-No. E71), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Unprocessed fats, greases and vegetable oil*, (except petroleum and petroleum products, molasses and except animal fats from Omaha) in bulk, in tank vehicles: from points in Nebraska to Champaign, Ill.; (B) *Lard, animal oils, fats, greases and tallows* (except animal fats from Omaha, Nebr., and tallow to Milwaukee, Wis.), in bulk, in tank vehicles: (1) from points in Nebraska to points in Connecticut, Delaware, points in Florida on and south and west of a line extending from the Florida-Georgia State line along U.S. Highway 221 to U.S. Highway 27, thence along U.S. Highway 27 and alternate U.S. Highway 27 to Florida Highway 361A and along Florida Highway 361A to the Gulf of Mexico, points in Georgia located on and east of a line extending from the Georgia-North Carolina State line alone U.S. Highway 129 to Macon, thence along Interstate Highway 75 to Georgia Highway 76, thence along Georgia Highway 76 to U.S. Highway 221, and along U.S. Highway 221 to the Georgia-Florida State line, to points in Illinois located on and north and east of a line extending from the Illinois-Iowa State line along U.S. Highway 30 to U.S.

Highway 52, thence along U.S. Highway 52 to Illinois Highway 47.

Thence along Illinois Highway 47 to U.S. Highway 24, thence along U.S. Highway to the Illinois-Indiana State line (except Chicago, Chicago Heights and Rockford) to points in Indiana located on and north and east of a line extending from the Indiana-Illinois State line along U.S. Highway 52 to U.S. Highway 31, thence along U.S. Highway 31 to Indiana Highway 7 and thence along Indiana Highway 7 to the Indiana-Kentucky State line, points in Kentucky located on and east of a line extending from the Kentucky-Indiana State line along U.S. Highway 421 to U.S. Highway 127, thence along U.S. Highway 127 to U.S. Highway 150, thence along U.S. Highway 150 to Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, to points in Maine, Maryland, Massachusetts, points in Michigan located in the Lower Peninsula and points in the Upper Peninsula on and east of a line extending from the Michigan-Wisconsin State line along U.S. Highway 141 to U.S. Highway 41, thence along U.S. Highway 41 to Hancock, to points in New Hampshire, New Jersey, New York (except New York City and Port Ivory), North Carolina (except west of U.S. Highway 129) Ohio except Cincinnati and Ivorydale, Pennsylvania, Rhode Island, South Carolina, points in Tennessee located on and east of a line extending from the Tennessee-Kentucky State line along Interstate Highway 75 to U.S. Highway 441, thence along U.S. Highway 441 to U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line, to points in Vermont, Virginia, West Virginia, points in Wisconsin located on and east and south of a line extending from the Wisconsin-Iowa State line along U.S. Highway 18 to Wisconsin Highway 60, thence along Wisconsin Highway 60 to U.S. Highway 12, thence along U.S. Highway 12 to Wisconsin Highway 23, thence along Wisconsin Highway 23 to U.S. Highway 51, thence along U.S. Highway 51 to Wisconsin Highway 52, thence along Wisconsin Highway 52 to Wisconsin Highway 32, thence along Wisconsin Highway 32 to U.S. Highway 8, thence along U.S. Highway 8 to Wisconsin Highway 139, and along Wisconsin Highway 139 to the Wisconsin-Michigan State line, and to the District of Columbia.

(2) From points in Nebraska located on and south of a line extending from the Nebraska-Wyoming State line along U.S. Highway 26 to Nebraska Highway 61, thence along Nebraska Highway 61 to Nebraska Highway 92, thence along Nebraska Highway 92 to U.S. Highway 30, thence along U.S. Highway 30 to U.S. Highway 275, thence along U.S. Highway 275 to Nebraska Highway 92, thence along Nebraska Highway 92 to Omaha, to points in Michigan (except those points in Michigan described in part (1) above) and to points in Wisconsin located on and east of a line extending from the Wisconsin-Minnesota State line along U.S. Highway 16 to Wisconsin Highway 27, thence along Wisconsin Highway 27 to U.S. Highway 12, thence along U.S. Highway 12 to Wisconsin Highway 95, thence along Wisconsin Highway 95 to Wisconsin Highway 73, thence along Wisconsin Highway 73 to Wisconsin Highway 29, thence along Wisconsin Highway 29 to Wisconsin Highway 13, thence along Wisconsin Highway 13 to Wisconsin Highway F, thence along Wisconsin Highway F and FF to U.S. Highway 51, and along U.S. Highway 51 to Hurley (except those points in Wisconsin described in part (1) above).

(3) from points in Nebraska located on and north of a line extending from the Nebraska-Colorado State line along U.S. Highway 34 to U.S. Highway 283, thence along U.S. Highway 283 to U.S. Highway 30, thence along U.S. Highway 30 to Nebraska Highway 92, thence along Nebraska Highway 92 to Omaha, to points in Alabama located on and east of a line extending from Mobile along U.S. Highway 31 to Alabama Highway 59, thence along Alabama Highway 59 to Interstate Highway 65, thence along Interstate Highway 65 to U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line, to points in Georgia, points in Illinois located on and north and east of a line extending from the Illinois-Iowa State line along U.S. Highway 30 to Illinois Highway 88 to U.S. Highway 6, thence along U.S. Highway 6 to U.S. Highway 51, thence along U.S. Highway 51 to U.S. Highway 24, thence along U.S. Highway 24 to Illinois Highway 47, thence along Illinois Highway 47 to U.S. Highway150, and along U.S. Highway 150 to the Illinois-Indiana State line to points in Indiana located on and north and east of a line extending from the Indiana-Illinois State line along U.S. Highway 150 to Interstate Highway 70, thence along Interstate Highway 70 to Indiana Highway 46, thence along Indiana Highway 46 to Indiana Highway 37, thence along Indiana Highway 37 to Indiana Highway 237, thence along Indiana Highway 237 to Cannelton, to points in Kentucky located on and east of a line extending from Hawesville along U.S. Highway 60 to Kentucky Highway 69, thence along Kentucky Highway 69 to Kentucky Highway S4, thence along Kentucky Highway S4 to Kentucky Highway 79, thence along Kentucky Highway 79 to Kentucky Highway 185, thence along Kentucky Highway 185 to Highway 67, thence along Kentucky Highway 67 to U.S. Highway 31W, and along U.S. Highway 31W to the Kentucky-Tennessee State line, to points in Tennessee located on and east of a line extending from the Tennessee-Kentucky State line along Interstate Highway 65 to U.S. Highway 431 and along U.S. Highway 431 to the Tennessee-Alabama State line (except for points in Georgia, Illinois, Indiana, Kentucky and Tennessee as described in part (1) above); (4) from Omaha, Nebr., to Birmingham, Ala.

(C) *Lard, animal oils, fats, and greases*, in bulk, in tank vehicles: (1) from points in Nebraska to points in Florida located in and south of Taylor, Lafayette, Suwannee, Gilchrist, Alachua, Bradford, Clay and Duval Counties; (2) from points in Nebraska to points in Connecticut, Delaware, District of Columbia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont; (D) *Spent phosphoric acid*, in bulk, in tank vehicles: (1) from points in Nebraska located in and west of Holt, Wheeler, Greeley, Howard, Hall, Adams, and Webster Counties, to points in Arkansas; (2) from points in Nebraska to points in Louisiana; (E) *Chemicals*, (except liquid hydrogen, liquid oxygen and liquid nitrogen to missile storage, launching sites, test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen and liquid nitrogen, except petroleum chemicals), in bulk, in tank vehicles: from points in Nebraska located in, north and east of Scotts Bluff, Morrill, Garden, Arthur, McPherson, Logan, Custer, Buffalo, Hall, Clay, Fillmore, Saline and Gage Counties to Dallas, Tex.; (F) *Chemicals*, embraced within polyvinyl acetate, linseed oil, blends and products thereof and *chemicals* embraced within paint materials except petroleum chemicals, in bulk, in tank vehicles: from points in Nebraska to Houston, Tex.; (G) *Chemicals*, (except petroleum chemicals, liquid hydrogen, liquid oxygen, liquid nitrogen to missile storage, launching sites, test facilities or manufacturing plants producing liquid oxygen, liquid hydrogen and liquid nitrogen and except petroleum chemicals) in bulk: (1) from points in Nebraska to points in Ohio located in and south of Darke, Miami, Champaign, Madison, Franklin, Delaware, Knox, Coshocton, Tuscarawas and Carroll Counties and points in Columbian County located on and south of a line extending from the western border along Ohio Highway 644 to the junction of Ohio Highway 518, thence along Ohio Highway 518 to the junction of Ohio Highway 45, thence along Ohio Highway 45 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the junction of Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line.

(2) From points in Nebraska located in, west and south of Dawes, Box Butte, Morrill, Garden, Grant, Hooker, Thomas, Blaine, Custer, Valley, Howare, Merrick, Polk, Seward, Lancaster and Otoe Counties to points in Ohio (except those points in Ohio described in (1) above); (3) from points in Nebraska to points in Kentucky, North Carolina and South Carolina; (4) from points in Nebraska located in Knox, Pierce, Stanton, Cuming, Burt, Wayne, Thurston, Cedar, Dixon and Dakota Counties to points in Delware, District of Columbia, Maryland and New Jersey to points in New York located on, north and east of a line extending from Lake Erie along New York Highway 16 to the junction of New York Highway 277, thence along New York Highway 277 to the junction of U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, to points in Pennsylvania located on, south and east of a

line extending from the Pennsylvania-

Highway 56, thence along Utah Highway

south of San Juan, Sandoval, Los

and points located in and south of terstate Highway 35 to the Kansas-

land, Erath, Hood, Parker, Tarrant, Den-

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line extending from the Pennsylvania-New York State line along U.S. Highway 219 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the junction of Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to the junction of U.S. Highway 322, thence along U.S. Highway 322 to the junction of Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line and to points in Virginia and West Virginia; (5) from points in Nebraska located in, west and south of Boyd, Holt, Antelope, Madison, Platte, Colfax, Dodge and Washington Counties to points in Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

(6) from points in Nebraska located on and east of a line extending from the northern border of Otoe County along U.S. Highway 75 to the Nebraska-Kansas State line to points in Idaho located on and north of a line extending from the Idaho-Montana State line along unnumbered highway to the junction of Idaho Highway 11, at Pierce, thence along Idaho Highway 11 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the junction of Idaho Highway 13, thence along Idaho Highway 13 to the junction of U.S. Highway 95, thence along U.S. Highway 95 to the Idaho-Oregon State line and to points in Montana located on and west of a line extending from the Montana-Idaho State line along unnumbered highway to the junction of Montana Highway 257, 3 miles south of Superior, thence along Montana Highway 257 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to the junction of Montana Highway 461, thence along Montana Highway 461 to the junction of Montana Highway 200, thence along Montana Highway 200 to the junction of Montana Highway 28, thence along Montana Highway 28 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the United States-Canada Border; (7) from points in Nebraska located on and east of a line extending from the northern border of Douglas county along U.S. Highway 73 to the Nebraska-Kansas State line to points in California, to points in Nevada located on and south of a line extending from the Nevada-Utah State line along Nevada Highway 25 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the junction of Nevada Highway 89, thence along Nevada Highway 89 to the junction of Nevada Highway 23, thence along Nevada Highway 23 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the junction of Alternate Highway 95, thence along Alternate Highway 95 to the junction of Nevada Highway 34, thence along Nevada Highway 34 to the junction of Nevada Highway 81, thence along Nevada Highway 81 to the Nevada-California State line and to points in Utah located on and south of a line extending from the Utah-Arizona State line along U.S. Highway 89 to the junction of Utah Highway 14, thence along Utah Highway 14 to the junction of U.S. Highway 56, thence along Utah Highway 56 to the Utah-Nevada State line.

(8) from points in Nebraska located on and east of U.S. Highway 77 except those points in Nebraska described in (A) above to points in California located in and south of Santa Cruz, Santa Clara, San Benito and Fresno Counties and points in Inyo County extending from the western border along unnamed trail and unnumbered highway to the junction of U.S. Highway 395 at Independence, thence along U.S. Highway 395 to the junction of California Highway 136, thence along California Highway 136 to the junction of California Highway 190, thence along California Highway 190 to the junction of California Highway 127, thence along California Highway 127 to the California-Nevada State line and Las Vegas, Nevada; (9) from points in Nebraska located on and east of U.S. Highway 81 (except those points in Nebraska described in (7) and (8) above) to points in California located on and west of a line extending from the western border of Los Angeles County along California Highway 126 to the junction of Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico Border; (10) from points in Nebraska located on and east of a line extending from the northern border of Otoe County along U.S. Highway 75 to the Nebraska-Kansas State line to points in Oregon; (11) from points in Nebraska located on and east of a line extending from the northern border of Douglas County along U.S. Highway 73 to the southern border of Cass County to points in or located on and west of a line extending from the Oregon-Washington State line along Oregon Highway 11 to the junction of U.S. Highway 395, thence along U.S. Highway 395 to the junction of Oregon Highway 74, thence along Oregon Highway 74 to the junction of Oregon Highway 207, thence along Oregon Highway 207 to the junction of U.S. Highway 26, thence along U.S. Highway 26 to Crook County and points located in and west of Crook, Deschutes and Klamath Counties.

(12) from points in Nebraska located in and east of Douglas Sarpy, Cass, Otoe and Gage Counties and points in Washington County located on and south of U.S. Highway 30 (except those points in Nebraska described in (10) and (11) above) to points in Oregon located on and west of a line extending from the Oregon-Washington State line along U.S. Highway 197 to the junction of U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line; (13) from points in Nebraska located in and east of Knox, Pierce, Madison, Stanton, Colfax, Butler, Lancaster and Gage Counties to points in New Mexico located on and south of a line extending from the New Mexico-Texas State line along U.S. Highway 85 to the junction of U.S. Highway 70, thence along U.S. Highway 70 to the New Mexico-Arizona State line and Carsead; (14) from points in Nebraska located on and east of U.S. Highway 73 to points in New Mexico located in and south of San Juan, Sandoval, Los Alamos, Santa Fe and Mora Counties and points in Colfax and Union Counties located on and south of a line extending from the southern border of Colfax county along U.S. Highway 85 to the junction of U.S. Highway 56, thence along U.S. Highway 56 to the New Mexico-Oklahoma State line, (except to those points in New Mexico described in (13) above); (15) from Platte County, Nebraska to points in Arizona located on and south of a line extending from the Arizona-New Mexico State line along U.S. Highway 70 to the junction of Arizona Highway 88, thence along Arizona Highway 88 to the junction of Arizona Highway 188, thence along Arizona Highway 188 to the junction of Arizona Highway 87, thence along Arizona Highway 87 to the junction of unnumbered highway, 3 miles north of Pine, thence along unnumbered highway to the junction of Interstate Highway 17, thence along Interstate Highway 17 to the junction of Arizona Highway 69, thence along Arizona Highway 69 to the junction of U.S. Highway 89, thence along U.S. Highway 89 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the Santa Maria River, thence along the Santa Maria River to the northern border of Yuma County, thence along the northern border to the Arizona-California State line.

(16) from points in Nebraska located in and east of Knox, Pierce, Madison, Stanton, Colfax, Butler, Lancaster and Gage Counties except points located on and east of U.S. Highway 73 to points in Arizona located on and south of a line extending from the Arizona-New Mexico State line along U.S. Highway 60 to the junction of U.S. Highway 180, thence along U.S. Highway 180 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line; (17) from points in Nebraska located on and east of U.S. Highway 73 to points in Arizona; (18) from points in Nebraska located on and east of a line extending from the Nebraska-Iowa State line along U.S. Highway 30 to the junction of U.S. Highway 73, thence along U.S. Highway 73 to the Nebraska-Kansas State line to points in Colorado located on and west of a line extending from the Colorado-New Mexico State line along U.S. Highway 550 to the junction of U.S. Highway 160, thence along U.S. Highway 160 to the junction of U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-Utah State line; (19) from points in Nebraska located east of a line extending from the Nebraska-South Dakota State line along U.S. Highway 183 to the junction of Nebraska Highway 2, thence along Nebraska Highway 2 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to points in Illinois located on and south of a line extending from the Illinois River along Illinois Highway 16 to the junction of unnumbered highway, 1 mile south of Schram City, thence along unnumbered highway to the western border of Fayette County

and points located in and south of Fayette, Effingham, Cumberland and Clark Counties; (20) from points in Nebraska located on and west of a line extending from the Nebraska-South Dakota State line along U.S. Highway 183 to the junction of Nebraska Highway 2, thence along Nebraska Highway 2 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to points in Illinois located in and south of Pike, Scott, Morgan, Sangamon and Macon Counties and points in Piatt, Champaign, and Vermillion Counties located on and south of a line extending from the western border of Platt County along Illinois Highway 10 to the junction of U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line.

(21) from points in Nebraska located east of a line extending from the Nebraska-South Dakota State line along U.S. Highway 81 to the junction of Nebraska Highway 92, thence along Nebraska Highway 92 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to points in Arkansas and to points in Missouri located on and south of a line extending from the Missouri-Kansas State line along U.S. Highway 24 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of Missouri Highway 41, thence along Missouri Highway 41 to the junction of Missouri Highway 240, thence along Missouri Highway 240 to the junction of Missouri Highway 124, thence along Missouri Highway 124 to the junction of Missouri Highway 22, thence along Missouri Highway 22 to the western border of Montgomery County, thence along the western and northern borders of Montgomery and Lincoln Counties to the Mississippi River; (22) from points in Nebraska located on and west of a line extending from the Nebraska-South Dakota State line along U.S. Highway 81 to the junction of Nebraska Highway 92, thence along Nebraska Highway 92 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to points in Arkansas and to points in Missouri located on and south of a line extending from the Missouri-Kansas State line along Interstate Highway 35 to the junction of U.S. Highway 69, thence along U.S. Highway 69 to the junction of Missouri Highway 10, thence along Missouri Highway 10 to the junction of U.S. Highway 24, thence along U.S. Highway 24 to the Mississippi River; (23) from points in Nebraska located in and south of Furnas, Gosper, Phelps, Buffalo, Howard, Nance, Platte, Stanton, Cuming and Thurston Counties and points in Madison County located south of U.S. Highway 275 to points in Kansas located in and east of Montgomery, Neosho, Allen and Anderson Counties and points on and east of a line extending from the southern border of Franklin County along U.S. Highway 59 to the junction of Kansas Highway 68, thence along Kansas Highway 68 to junction of Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Missouri State line.

(24) from points in Nebraska located in and west of Red Willow, Frontier, Dawson, Custer, Sherman, Greeley, Boone, Antelope, Wayne, Dixon and Dakota Counties and points in Madison County located on and north of U.S. Highway 275 to points in Kansas located in and east of Montgomery, Wilson, Allen, Anderson and Franklin Counties and points on and east of a line extending from the southern border of Douglas County along U.S. Highway 59 to the junction of U.S. Highway 24, thence along U.S. Highway 24 to the junction of Kansas Highway 16, thence along Kansas Highway 16 to the junction of Kansas Highway 92, thence along Kansas Highway 92 to the Kansas-Missouri State line; (25) from points in Nebraska (except those located on and east of a line extending from the southern border of Douglas County along U.S. Highway 73 to the Missouri River) to points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, Mcintosh, Pittsburg, Pushmataha and Choctaw Counties; (26) from points in Nebraska located on and east of a line extending from the southern border of Douglas County along U.S. Highway 73 to the Missouri River to points in Oklahoma located in, south and east of Rober Mills, Dewey, Blaine, Kingfisher and Garfield Counties and points in Kay County located on and east of U.S. Highway 177.

(H) *Liquid chemicals* (except those derived from petroleum and petroleum products and except liquid hydrogen, liquid oxygen and liquid nitrogen to missile storage, launching sites, test facilities of manufacturing plants producing liquid oxygen, liquid hydrogen and liquid nitrogen and except petroleum chemicals, in bulk, in tank vehicles: (1) from points in Nebraska located in and west of Jefferson, Saline, Seward, Polk, Platt, Boone, Antelope, Holt and Boyd Counties to points in Texas located in and east of Galveston, Chambers, Liberty, Polk, Angelina, Cherokee, Smith and Wood Counties and points in Lamar, Delta and Hopkins Counties located on and east of a line extending from the southern border of Hopkins county along Texas Highway 19 to the junction of U.S. Highway 271, thence along U.S. 271 to the Texas-Oklahoma State line except Jefferson and Orange Counties; (2) from points in Nebraska located in and east of Knox, Pierce, Madison, Stanton, Colfax, Butler, Lancaster and Gage Counties to points in Texas located in, east and south of Grayson, Collin, Dallas, Ellis, Johnson, Somervell, Bosque, Hamilton, Comanche, Brown, Coleman, Concho, Tom Green, Reagan, Midland, Ector and Winkler Counties except Harris, Jefferson and Orange Counties; (3) from points in Nebraska located on and east of a line extending from the southern border of Douglas County along U.S. Highway 73 to the Missouri River to points in Texas located in and north of Andrews, Martin, Glasscock, Sterling, Coke, Runnels, Taylor, Callahan, Eastland, Erath, Hood, Parker, Tarrant, Denton and Cooke Counties (except Sherman, Hansford, Ochiltree and Lipscomb).

(4) from points in Nebraska to points in Rhode Island; (I) *Trichoromonofluoromethane, dichlorodifluoromethane, monocholordifiouremethane, trichlorotrifluoroethane and dichlorotetrafluorethane and mixtures thereof,* in bulk, in tank vehicles: from points in Nebraska to points in Alabama (except Fox); (J) *Anhydrous ammonia,* (except petroleum chemicals), in bulk, in tank vehicles: from points in Nebraska to points in Alabama within 400 miles of Woodstock, Tenn.; (K) *Caustic soda,* in bulk, in tank vehicles: from points in Nebraska to Houston, Tex.; (L) *Such chemicals,* as are embraced within lard and animal fats, oils, greases and tallows, in bulk, in tank vehicles: from points in Nebraska to points in Maine, Massachusetts, New Hampshire and Vermont; (M) *Such chemicals,* as are embraced within fats, oils, blends and products thereof (except fats, oils, blends and products thereof derived from petroleum, soap products and paints) in bulk, in tank vehicles: from points in Nebraska to points in Florida; (N) *Arsenic Acid,* in bulk, in tank vehicles and chemicals, embraced within agricultural insecticides (except petroleum chemicals), in bulk, in hopper vehicles: from points in Nebraska to points in Alabama (except Bay Minette); (O) *Chemicals,* (except petroleum chemicals, liquid hydrogen, liquid oxygen and liquid nitrogen) to missile storage, launching sites, test facilities or manufacturing plants producing liquid oxygen, liquid hydrogen and liquid nitrogen, and except petroleum chemicals, in bulk, in tank or hopper vehicles: (1) from points in Nebraska located in and south of Nemaha, Johnson, Gage, Saline, Fillmore, Clay, Phelps, Cheyenne and Kimball Counties and points in Dawson, Lincoln, Keith and Garden Counties located on and south of a line extending from the eastern border of Dawson County along U.S. Highway 30 to the junction of U.S. Highway 26, thence along U.S. Highway 26 to the western border of Garden County to points in the lower Peninsula of Michigan; (2) from points in Nebraska located in Banner, Morrill, Scotts Bluff, Box Butte and Sioux Counties and points in Garden County located north of U.S. Highway 26 to points in Michigan located on and east of U.S. Highway 25 from the Michigan-Ohio State line to Lake Huron.

(P) *Such liquid chemicals* (except petroleum chemicals, liquid hydrogen, liquid oxygen and liquid nitrogen to missle storage, launching sites, test facilities or manufacturing plants producing liquid oxygen, liquid hydrogen and liquid nitrogen and except petroleum chemicals in bulk, in tank or hopper vehicles: (1) from points in Nebraska located in and west of Jefferson, Saline, Seward, Polk, Platte, Boone Antelope, Holt and Boyd Counties to Texarkana, Tex.; (2) from points in Nebraska located in and east of Knox, Pierce, Madison, Stanton, Colfax, Butler, Lancaster and Gage Counties to points in Texas located in,

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east and south of Bowie, Morris, Marion, Harrison, Gregg, Rusk, Cherokee, Houston, Madison, Brazos, Burleson, Lee, Bastrop, Caldwell, Guadalupe, Bexar, Median, Zavala and Maverick Counties (except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty and Montgomery Counties and Texarkana); (3) from points in Nebraska located on and east of a line extending from the southern border of Douglas county along U.S. Highway 73 to the Missouri River to points in Texas located in, east and south of Grayson, Collin, Dallas, Ellis, Johnson, Somervell, Bosque, Hamilton, Comanche, Brown, Coleman, Concho, Tom Green Reagan, Upton, Crane and Jeff Davis Counties and points in Ward and Reeves Counties located on and south of U.S. Highway 80, (except to those points in Texas described in (1) and (2) above and except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty and Montgomery Counties); (Q) *Chemicals* (except liquid hydrogen, liquid oxygen and liquid nitrogen to missile, storage, launching sites, test facilities or manufacturing plants producing liquid oxygen, liquid hydrogen and liquid nitrogen, except petroleum chemicals in bulk: (1) from points in Nebraska to points in Louisiana; (2) from points in Nebraska located on and east of a line extending from the northern border of Otoe County along U.S. Highway 75 to the Nebraska-Kansas State line to points in Washington.

(3) from points in Nebraska located on and east of a line extending from the northern border of Douglas County along U.S. Highway 73 to the southern border of Cass County to points in Washington located on and west of a line extending from the Washington-Oregon State line along Washington Highway 125 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the junction of U.S. Highway 97, thence along U.S. Highway 97 to the southern border of Yakama County, thence along the southern and western borders to U.S. Highway 12, thence along U.S. Highway 12 to the junction of Washington Highway 123 to the junction of Washington Highway 706, thence along Washington Highway 706 to the junction of Washington Highway 7, thence along Washington Highway 7 to the junction of Interstate Highway 5, thence along Interstate Highway 5 to the United States-Canada Border; (4) from points in Nebraska located on and east of a line extending from the Nebraska-Iowa State line along Interstate Highway 80 to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the junction of U.S. Highway 136, thence along U.S. Highway 136 to the junction of Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line to points in Washington located on and west of Interstate Highway 5; (5) from points in Nebraska to points in Connecticut and Georgia.

(6) from points in Nebraska to points in Indiana located on and south of a line extending from the Indiana-Illinos State line along U.S. Highway 36 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Indiana Highway 47, thence along Indiana Highway 47 to the junction of Indiana Highway 234, thence along Indiana Highway 234 to the junction of Indiana Highway 75, thence along Indiana Highway 75 to the junction of unnumbered highway, 1 mile south of Jamestown, thence along unnumbered highway to the junction of Indiana Highway 32 at Lebanon, thence along Indiana Highway 32 to the junction of Indiana Highway 37, thence along Indiana Highway 37 to the junction of Indiana Highway 28, thence along Indiana Highway 28 to the western border of Randolph county, thence along the western and northern borders of Randolph County to the Indiana-Ohio State line; (7) from points in Nebraska located in, south and west of Boyd, Holt, Wheeler, Greeley, Nance, Polk, Seaward, Lancaster and Cass Counties to points in Indiana located in and south of Warren, Tippecanoe, Clinton, Howard, Grant, Blackford and Jay Counties (except those points in Indiana described in (6) above); (8) from points in Nebraska located on and west of a line extending from the Nebraska-South Dakota State line along Nebraska Highway 61 to the junction of Nebraska Highway 2, thence along Nebraska Highway 2 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to Ft. Wayne, Ind.; (R) *Liquid Chemicals* (except Petroleum chemicals and cryogenic liquids), in bulk, in tank vehicles: from Fremont, Nebr., to points in Oklahoma located in and east of a line extending from the Kansas-Oklahoma border along U.S. Highway 281 to the junction of Oklahoma Highway 15, thence along Oklahoma Highway 15 to the junction of U.S. Highway 283, thence along U.S. Highway 283 to the junction of Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line and to points in Texas except those located in Lipscomb, Ochiltree, Hansford, Sherman, Dallam, Hartley, Moore, Hutchinson, Oldham, Harris, Jefferson and Orange Counties.

(S) *Chemicals* (except cryogenic liquids), in bulk, in tank or hopper vehicles: (1) from Fremont, Nebr., to points in Michigan (except those located in Iron, Baraga, Houghton, Keweenaw, Gogebic and Ontonagon Counties); (2) from Fremont, Nebr., to points in Indiana; (3) from Fremont, Nebr., to points in Minnesota located in and east of a line extending from the Iowa-Minnesota State line along Minnesota Highway 139 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the junction of Minnesota Highway 43, thence along Minnesota Highway 43 to the Minnesota-Wisconsin State line and to points in Wisconsin located in and east of Trempealeau, Eau Claire, Chippewa, Rusk, Price and Ashland Counties; (4) from Fremont, Nebr., to points in Michigan located in Gogebic, Ontonagon, Houghton, Keweenaw, Baraga and Iron Counties. The purpose of this filing is to eliminate the gateways of: (A) Iowa; (B), (C) Dubuque, Iowa; (D) Oklahoma City, Okla. (Lecox, Okla.) (E), (F), (G) (1)-(17) Kansas City, Mo.-Kansas City, Kans., commercial zone; (G) (18)-(26) points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zones; (H) (1)-(3) points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone, and Lawrence, Kans; (H) (4) points are are in both the Olathe, Kans., and Kansas City, Kans., commercial zones, and Muscatine, Iowa; (I) Kansas City, Mo.-Kansas City, Kans., commercial zone, and Marshall County, Ky.

(J) Kansas City, Mo., Kansas City, Kans., commercial zone, Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (K) points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zones, and Tulsa, Okla.; (L) points that are in both the Olathe, Kans., and the Kansas City, Kans., commercial zones, and Dubuque, Iowa; (M), (N) points that are in both the Olathe, Kans., and the Kansas City, Kans., commercial zone, and points in Arkansas that are within the Memphis, Tenn., commercial zone; (O) points that are in both the Olathe, Kans., and the Kansas City., Kans., commercial zones, and the plantsite, of the Blockson Chemical Co., at or near Joliet, Ill.; (P) points that are in both Olathe, Kans., and the Kansas City, Kans., commercial zones, and Verona, Mo.; (Q) Kansas City, Mo.-Kansas City, Kans., commercial zone; (R) Lawrence, Kans.; (S) (1) Plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (S) (2) Burlington, Iowa; (S) (3) Plantsite of Iowa-Guttenberg Terminal, Inc. located approximately 2 miles south of Guttenberg, Iowa; and (S) (4) Des Moines, Iowa.

No. MC 92983 (Sub-No. E62), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids* and *chemicals*, in bulk, in tank vehicles, from points in Oregon to Dallas, Tex.; (B) *Such paint materials, polyvinyl acetate, linseed oils* and *blends* and *products* thereof, as are embraced within chemicals, in bulk, in tank vehicles, from points in Oregon to Houston, Tex.; (C) *Acids* and *chemicals*, in bulk, from points in Oregon to points in Kentucky, North Carolina, South Carolina, and Ohio; (D) *Trichloromonafluoromethane, dichlorofluoromethane, monochlorodifluoroemethane, trichlorotrifluoroethane, dichloroethetrafluorethane*, and *mixtures*, thereof, in bulk, in tank vehicles, from points in Oregon to points in Alabama (except Fox); (E) *Chemicals*, in bulk, from points in Oregon to points in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (F) *Acids* and *chemicals* (except derivatives of petroleum or petroleum products and except synthetic resins and varnish, in tank vehicles), in bulk, in tank or hopper vehicles, from points in Oregon located on and west of a line extending from Newport, on the Pacific Ocean, along U.S. Highway 20 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 99E, thence along Oregon Highway 99E to junction Oregon Highway 213, thence along Oregon Highway 213 to junction U.S. Highway 30 Bypass, thence along U.S. Highway 30 Bypass to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-Washington State line to points in Minnesota located in and south of Freeborn, Mower, that portion of Olmsted on, south, and east of a line beginning at the southern border extending along Interstate Highway 90 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 14, thence along U.S. Highway 14 to the eastern border of Olmstead and Winona Counties; (G) *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Oregon to points in Alabama within 400 miles of Woodstock, Tenn.

(H) *Phosphoric acid*, in bulk, in tank vehicles, from points in Oregon to points in Alabama; (I) *Acetic acid*, in bulk, in tank vehicles, from points in Oregon to points in Alabama; (J) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oregon to points in Arkansas, points in Kansas located in and east of Harper, Kingman, that portion of Reno County on and east of Kansas Highway 17, McPherson, that portion of Saline County located on and east of U.S. Highway 81, Dickinson, Clay, Riley, and Marshall Counties points in Missouri, and to points in Oklahoma located in and east of Grant, Garfield, Kingfisher, Canadian, Caddo, Comanche, and Cotton Counties, (2) from points in Oregon located on and west of a line beginning at Port Orford on the Pacific Ocean and extending along U.S. Highway 101 to junction Oregon Highway 42S, thence along Oregon Highway 42S to junction Oregon Highway 42, thence along Oregon Highway 42 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 99E to junction Oregon Highway 213, thence along Oregon Highway 213 to junction U.S. Highway 30 Bypass, thence along U.S. Highway 30 Bypass to junction Interstate Highway 5, thence along Interstate Highway 5 to the Orgeon-Washington State line to points in Kansas located in Washington, Cloud, Ottawa, that portion of Saline County located west of U.S. Highway 81, Rice, that portion of Reno County located west of Kansas Highway 17, Pratt and Barber Counties and to points in Oklahoma located in Alfalfa, that portion of Woods County located on and east of U.S. Highway 281, Major, Blaine, that portion of Dewey County located on and east of U.S. Highway 183, Custer, Washita, Kiowa, and Tillman Counties.

(3) from points in Oregon located east of a line extending from the Oregon-Washington State line along Interstate Highway 5 to junction U.S. Highway 30 Bypass, thence along U.S. Highway 30 Bypass to junction Oregon Highway 213, thence along Oregon Highway 213 to junction Oregon Highway 99E, thence along Oregon Highway 99E to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line to points in Illinois, points in Iowa located on, east, and south of a line extending from the Iowa-Minnesota State line along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 17, thence along Iowa Highway 17 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Iowa-Missouri State line and to points in Nebraska located in Nemaha, Richardson, and Pawnee Counties, and (4) from points in Oregon located on and west of a line extending from the Oregon-Washington State line along Interstate Highway 5 to junction U.S. Highway 30 Bypass, thence along U.S. Highway 30 Bypass to junction Oregon Highway 213, thence along Oregon Highway 213 to junction Oregon Highway 99E, thence along Oregon Highway 99E to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line to points in Illinois, points in Iowa located in, east, and south of Harrison, Crawford, Sac, Pocahontas, those portions of Kossuth County located on and south of U.S. Highway 18, Hancock and Winnebago Counties and to points in Nebraska located in and east of Washington, Douglas, Sarpy, Cass, Otoe, Johnson, and Gage Counties; (K) *Caustic soda*, in bulk, in tank vehicles, from points in Oregon to Houston, Tex.

(L) *Liquid chemicals*, in bulk, in tank vehicles, from points in Oregon to points in Rhode Island; (M) *Such chemicals* as are embraced within animal oils, fats, and greases, in bulk, in tank vehicles, from points in Oregon to points in Maine, New Hampshire, and Vermont; (N) *Such chemicals* embraced within fats, oils, blends, and products thereof (except those derived from petroleum, soap products, and paint), in bulk, in tank vehicles, from points in Oregon to points in Flordia; (O) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oregon to the Lower Peninsula of Michigan and points in the Upper Peninsula located in and east of Delta and Alger Counties, and (2) from points in Oregon to points in Massachusetts; (P) *Agricultural insecticides*, in bulk, in hopper vehicles, and *arsenic acid* in bulk, in tank vehicles, from points in Oregon to points in Alabama (except Bay Minette); (Q) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oregon to points in Minnesota located in Winona, Fillmore, and Austin Counties and to points in Wisconsin located in, east, and south of Buffalo, Eau Clair, Clark Taylor, Lincoln, Oneida, and Forest Counties, and (2) from points in Oregon to points in Mississippi and Tennessee; (R) *Liquid chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oregon to points in Texas located in and east of Cooke, Denton, Dallas, Ellis, Navaroo, Freestone, Leon, Madison, Grimes, Walker, San Jacinto, Polk, Hardin, and Jefferson Counties, and (2) from points in Oregon located in and west of Lane, Linn, Marion, and Wasco Counties to points in Texas located in and east of Cooke, Denton, Tarrant, Johnson, Hill, McLennon, Falls, Milam, Lee, Fayette, Lavaca, Victoria, Calhoun, and Arkansas Counties (except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, and Montgomery Counties); (S) *Acids* and *chemicals*, in bulk, (1) from points in Oregon to points in Louisiana, and (2) from points in Oregon to points in Connecticut and Indiana; (T) *Acids* and *chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from points in Oregon to points in Georgia; (U) *Molasses*, in bulk, in tank vehicles, from points in Oregon to Muscatine, Iowa; (V) *Fats* and *oils* (except petroleum and petroleum products and molasses), in bulk, in tank vehicles, from points in Oregon to points in Iowa and Wisconsin; (W) *Crude soybean oil* and *inedible fats*, in bulk, in tank vehicles, from points in Oregon to Chicago, Chicago Heights, Decatur, East St. Louis, and Rockford, Ill.; Port Ivory and New York City, N.Y.; Cincinnati and Ivorydale, Ohio; Minneapolis, St. Paul, and Faribault, Minn.; Kansas City, Kans., St. Louis and Kansas City, Mo.; Sherman, Tex.; and Memphis, Tenn.; (X) *Soybean oil, corn oil, salad oils*, and *corn syrup* (except crude soybean oil to New York City and Port Ivory, N.Y.), in bulk, in tank vehicles, from points in Oregon to points in New York; (Y) *Crude soybean oil*, in bulk, in tank vehicles, from points in Oregon to points in Illinois (except Chicago, Chicago Heights, Decatur, East St. Louis, and Rockford) and to points in Ohio (except Cincinnati and Ivorydale; and (Z) *Soybean oil*, in bulk, in tank vehicles, from points in Oregon to points in Indiana.

The purpose of this filing is to eliminate the gateways of: (A), (B), & (C) Kansas City, Mo.; (D) Kansas City, Mo., and Marshall County, Ky.; (E) & (F) Kansas City, Mo.; (G) Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (H) Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof, and Columbia, Tenn.; (I) Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof, and Memphis, Tenn.; (J) points that are in both the Olathe, Kans., and

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the Kansas City, Mo.-Kansas City, Kans., commercial zone; (K) points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zone, and Tulsa, Okla.; (L) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and Muscatine, Iowa; (M) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and Dubuque, Iowa; (N) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and points in Arkansas within the Memphis, Tenn., commercial zone; (O) (1) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and the plant site of Blockson Chemical Co., at or near Joliet, Ill.; (O) (2) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and Tulsa, Okla.; (P) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and points in Arkansas within the Memphis, Tenn., commercial zone; (Q) (1) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and the plant site of Iowa-Guttenberg Terminal, Inc., approximately two miles south of Guttenberg, Iowa; (Q) (2) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and Saginaw, Mo., and points within 15 miles thereof; (R) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and Verona, Mo.; (S) & (T) Kansas City, Mo.; (U) Fargo, N. Dak.; (V) Nebraska; (W) & (X) Nebraska and Iowa; (Y) Nebraska and Manly, Iowa; and (Z) Nebraska, and Muscatine, Iowa.

No. MC 107064 (Sub-No. E172), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Maryland, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E173), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Washington, to points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E174), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Washington, to points in South Carolina, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E175), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Washington, to points in Tennessee (except Kingsport), restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E176), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in West Virginia, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E177), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in West Virginia, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plan site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E178), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Wisconsin, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E179), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Rhode Island, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E180), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Rhode Island, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E181), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*

and fertilizer ingredients (except liquid sulphur and petroleum products), from points in Rhode Island, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E202), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solution* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Oregon to points in South Carolina, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E203), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Oregon to points in Tennessee (except Kingsport), restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E204), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Utah to point in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E205), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Utah to points in Georgia, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E206), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas Tex. 75221. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Utah to points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co, in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E207), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Utah to points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E208), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Utah to points in South Carolina, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E209), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Utah to points in Tennessee (except Kingsport), restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E210), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in Vermont to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E211), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Vermont to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E222), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Florida, to points in Wyoming, restricted against the transportation of chemicals

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from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No MC 107064 (Sub-No. E223), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Florida, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 113676 (Sub-No. E1), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E2), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E3), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E4), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E5), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sough to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E6), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E7), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E8), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E9), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E10), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E11), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E12), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E14), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E15), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E16), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113767 (Sub-No. E17), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E18), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E19), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E20), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E21), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E22), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 113676 (Sub-No. E23), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E24), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of points in Indiana.

No. MC 113676 (Sub-No. E25), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E26), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E27), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E28), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W.,

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Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 113676 (Sub-No. E29), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative:- Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 113676 (Sub-No. E30), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E31), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E32), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E33), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E34), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E35), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E36), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E37), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E38), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E39), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E40), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E41), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E42), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E43), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E44), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E45), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN CAMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E46), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Avenue, Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E47), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Avenue, Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E48), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Avenue, Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Ohio, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E49), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E50), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Masachusetts, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E83), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E84), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E85), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E86), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E87), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E88), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E89), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, and on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E90), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525

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Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E91), filed June 4, 1974. Applicant ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E92), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, be motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E93), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E94), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E95), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert G. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E96), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E97) filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E98), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E99), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 115840 (Sub-No. E108), filed October 10, 1975. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants, gaskets, iron castings, and accessories* (except commodities in bulk) as embraced in iron and steel articles, from Gulfport, Miss., to points in Washington, Oregon, California, Montana, Idaho, Nevada, Arizona, Utah, Wyoming, Colorado, and that portion of New Mexico on and west of a line beginning at the New Mexico-Texas State line and extending along Interstate Highway 25 to the New Mexico-Colorado State line, restricted to the transportation of shipments originating at Gulfport, Miss., or having an immediately prior movement by water in foreign commerce only. The purpose of this filing is to eliminate the gateway of Holt, Ala. Official notice is taken that the application in No. MC 115840 (Sub-No. 84) was filed on December 11, 1972, and was pending before the Commission on November 23, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-16091 Filed 6-2-76;8:45 am]

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Permanent authority petitions and applications; finance matters (including temporary authorities); alternate route deviation letter-notices; and intrastate applications concurrently seeking authority on interstate or foreign commerce.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operated rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 730 (Sub-No. 266) (Notice of filing of petition for modification of certificate), filed May 7, 1976. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS, INC., 1417 Clay St., P.O. Box 958, Oakland 4, Calif. 94612. Applicant's representative: Alfred G. Krebs (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 730 (Sub-No. 266), issued January 10, 1967, authorizing transportation, as pertinent, over alternate routes for operating convenience only, of *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hutchinson, Kans., and junction U.S. Highway 54 and 66 near Tucumcari, N. Mex., in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving junction U.S. Highways 54 and 66 near Tucumcari, N. Mex., for the purposes of joinder only: from Hutchinson over Kansas Highway 61 to junction U.S. Highway 54, and thence over U.S. Highway 54 to junction U.S. Highway 66 (Interstate Highway 40), and return over the same route, restricted to the transportation of traffic moving between St. Louis, Mo.; Hutchinson, Kans.; or Pueblo, Colo., on the one hand, and, on the other, Barstow, Riverside, or San Bernardino, Calif. By the instant petition, petitioner (1) seeks to additionally serve Pratt, Kans. (which is an intermediate point to the described alternate route located near the junction of Kansas Highway 61 and U.S. Highway 54) for the purposes of joinder only; and (2) seeks to delete from its authority the above restriction.

No. MC 105457 (Sub-No. 60) (Notice of filing of petition for modification of restriction), filed April 28, 1976. Petitioner: THURSTON MOTOR LINES, INC., P.O. Box 10638, Charlotte, N.C. 28201. Petitioner's representative: Everett Hutchinson, 1140 Connecticut Ave. N.W., Washington, D.C. 20036. Petitioner holds a motor *common carrier* Certificate in No. MC-105457 (Sub-No. 60), issued February 11, 1969, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), (1) between Greenville, S.C. and Atlanta, Ga., serving all intermediate points in Georgia and South Carolina, and points in South Carolina as off-route points: from Greenville over U.S. Highway 29 to Athens, Ga., thence over U.S. Highway 78 to Atlanta, and return over the same route; and (2) between junction U.S. Highway 78 and Georgia Highway 138 and Atlanta, Ga., serving all intermediate points: from junction U.S. Highway 78 and Georgia Highway 138 over Georgia Highway 138 to junction U.S. Highway 278, thence over U.S. Highway 278 to Atlanta, and return over the same route, serving points in Georgia as off-route points in connection with (1) and (2) above, restricted to the transportation of traffic moving between points in Georgia on the one hand, and, on the other, points in South Carolina. Petitioner's Sub 61 authority, authorizes transportation, as pertinent, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk).

(1) between Greenville, S.C. and Memphis, Tenn., serving junction Alternate U.S. Highway 72 and U.S. Highway 43 and junction Georgia Highway 20 and U.S. Highway 41 for purposes of joinder only: from Greenville over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Gainesville, Ga., thence over Georgia Highway 141 to junction Georgia Highway 306, thence over Georgia Highway 306 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction Georgia Highway 20 at or near Cumming, Ga., thence over Georgia Highway 20 to junction U.S. Highway 411, thence over U.S. Highway 411 to Rome, Ga., thence over Georgia Highway 20 to the Alabama-Georgia State line, thence over Alabama Highway 9 to junction Alabama Highway 68 at or near Cedar Bluffs, Ala., thence over Alabama Highway 68 to junction Alabama Highway 75, thence over Alabama Highway 75 to junction U.S. Highway 431 located at or near Albertville, Ala., thence over U.S. Highway 431 to Guntersville, Ala., thence over Alabama Highway 69 to junction U.S. Highway 278 near Cullman, Ala., thence over U.S. Highway 278 to junction U.S. Highway 31 located at Cullman, Ala., thence over U.S. 31 to junction Alternate U.S. Highway 72 located at Decatur, Ala. (also from Guntersville, Ala., over Alabama Highway 69 to junction Alabama Highway 67 located at or near Baileyton, Ala., thence over Alabama Highway 67 to junction U.S. Highway 31, thence over U.S. Highway 31 to Decatur, Ala.), thence over Alternate U.S. Highway 72 to junction U.S. Highway 72 located at or near Tuscumbia, Ala., thence over U.S. Highway 72 to Memphis, and return over the same routes.

By the instant petition, petitioner seeks to eliminate the South Carolina gateway which results from the joinder of its regular-route authorities described above on traffic moving to and from Georgia points by modifying its restriction in the Sub 60 to read, "restricted to the transportation of traffic moving between points in Georgia, on the one hand, and, on the other, points in South Carolina (except traffic moving to, through or from Atlanta, Ga.)."

No. MC-109397 (Sub-No. 177, (Notice of filing of petition to remove a restrictive), filed May 10, 1976. Petitioner: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Petitioner's representative: Max G. Morgan, Suite 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Petitioner holds a motor *common carrier* certificate in No. MC-109397 (Sub-No. 177), issued July 3, 1972, in which part (1) was modified by order dated March 12, 1976, and which Part (2) appears below, as pertinent to this petition, whereby the petitioner is authorized to transport *weapons, ammunition, and drugs* which are designated sensitive by the United States Government, between points in the United States (except Alaska and Hawaii), restricted against the transportation of shipments weighing in the ag-

be construed as a waiver of opposition transporting: *Titanium and titanium* ney, Jr., 2001 Massachusetts Avenue

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gregate more than 5,000 pounds from one consignor to one consignee on any one day. By the instant petition, petitioner seeks to delete the above restriction from Part (2) of its authority.

No. MC 118959 (Sub-No. 100) (Notice of filing of petition for modification of commodity description), filed May 6, 1976. Petitioner: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Petitioner's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22201. Petitioner holds a motor *common carrier* Certificate in No. MC–118959 (Sub-No. 100), issued December 5, 1975, authorizing transportation, as pertinent, over irregular routes, of (5) *paper labels, wrappers, and cellulose film wrappers*, from Cincinnati, Ohio, to points in the United States (except Alaska and Hawaii); and (5a) *materials and supplies* used in the manufacture of paper labels, wrappers, and cellulose film wrappers, from points in the United States (except Alaska and Hawaii), to Cincinnati, Ohio, restricted to the transportation of shipments originating at or destined to plantsites, warehouses, and other facilities of the Georgia Pacific Corporation and subsidiaries thereof, and further restricted against the transportation of commodities in bulk and those requiring the use of special equipment. By the instant petition, petitioner seeks to modify its commodity description in both (5) and (5a) above by substituting "paper and paper products", in lieu of "paper labels".

No. MC 133119 (Sub-No. 45) (Notice of filing of petition for modification of commodity description and change in supporting shipper), filed April 27, 1976. Petitioner: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, Iowa 51001. Petitioner's representative: A. J. Swanson, 521 South 14th St. P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* Certificate in No. MC 133119 (Sub-No. 45), issued July 7, 1975, authorizing transportation over irregular routes, of *frozen pizza*, from Minneapolis, Minn., to points in Louisiana, Texas, and Albuquerque, N. Mex., restricted to the transportation of shipments originating at the facilities of Totino's Finer Foods, Inc., located at Minneapolis, Minn., and destined to the named destinations. By the instant petition, petitioner seeks (1) to broaden its commodity description to read "Frozen foods" in lieu of "Frozen pizza"; and (2) to modify the restriction so as to properly reflect the name of the current shipper, "The Pillsbury Company" in lieu of Totino's Finer Foods, Inc.

No. MC 136661 (Sub-No. 1) (Notice of filing of petition to add a destination state), filed April 27, 1976. Petitioner: ROBERT J. GRALL, P.O. Box 313, 2901 Calumet Avenue, Manitowoc, Wis. 54220. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Petitioner holds a motor *contract carrier* Permit in No. MC 136661 (Sub-No. 1), issued September 10, 1973, authorizing transportation over irregular routes, of (1) *Aluminum siding* and (2) *accessories* for the commodities in (1) above, from Oconomowoc, Wis., to points in the United States (except Alabama, Alaska, Arizona, Colorado, Georgia, Hawaii, Idaho, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, Utah, Vermont, and Wyoming), restricted to the right of the Commission to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act, under a continuing contract, or contracts with Mirro Aluminum Company located at Manitowoc, Wis. By the instant petition, petitioner seeks to add Colorado as an additional destination state.

No. MC 138413 (Sub-No. 1) (Notice of filing of petition to substitute contracting shippers), filed May 10, 1976. Petitioner: JOHN TOWNROW, doing business as JOHN TOWNROW TRUCKING, 4290 Elton St., Baldwin Park, Calif. 91706. Petitioner's representative: John Townrow (same address as applicant). Petitioner holds a motor *contract carrier* Permit in No. MC 138413 (Sub-No. 1), issued January 21, 1974, authorizing transportation over irregular routes, of *floor coverings and materials and supplies* used in the sale and installation of floor coverings (except commodities in bulk), from points in Indiana, New Jersey and Pennsylvania, to points in Arizona and California, under a continuing contract, or contracts with LaSalle-Deitch Co., Inc. By the instant petition, petitioner seeks to substitute Congoleum Industries, Inc. as its contracting shipper in lieu of LaSalle-Deitch Co., Inc.

REPUBLICATION OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC (Sub-No. 600) (Republication), filed November 7, 1975, and published in the FEDERAL REGISTER of December 4, 1975, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. An Order of the Commission, Review Board Number 3, dated May 5, 1976 and served May 20, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of *Frozen and refrigerated sandwiches* and *food products* from Phoenix, Ariz., to points in Colorado and New Mexico; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the grant of authority includes points in New Mexico as an additional destination point.

No. MC 139624 (Sub-No. 3) (Republication) filed June 23, 1975 and published in the FEDERAL REGISTER issue of September 18, 1975, and republished this issue. Applicant: J. J. MINNEHAN, INC., Rockingham Road, Bellows Falls, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. An Order of the Commission, Review Board Number 1, dated April 21, 1976, and served April 30, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *Wrecked, disabled and repossessed trucks, tractors* and *trailers* (except trailers designed to be transported by passenger automobiles), in truck-away service, and (2) *replacement vehicles* for the wrecked or disabled vehicles described in (1), between Bellows Falls and Chester, Vt., on the one hand, and, on the other, points in Connecticut, New Jersey, Massachusetts, New Hampshire, Maine, and New York, that applicant is fit, willing, and able properly to perform such service and to conform to the requirement of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication are to (1) indicate the broadening of applicant's commodity description, and (2) to indicate the authorization of service at the base radial point of Bellow Falls, Vt. in lieu of Rockingham, Vt. as initially requested.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will

be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 337), filed May 3, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from Phoenix, Ariz., to Tuscola, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz. or Chicago, Ill.

No. MC 1239 (Sub-No. 7), filed May 5, 1976. Applicant: PONY TRUCKING, INC., 501 Star Route Number 7, Steubenville, Ohio 43952. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Titanium and titanium products, and materials and supplies* used in the production and manufacture thereof, between the plantsite of Titanium Corporation of America located at or near Toronto, Ohio, on the one hand, and, on the other, points in the United States, under a continuing contract, or contracts, with the Titanium Metals Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 2202 (Sub-No. 510), filed April 30, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Iminac Corp., at or near Angleton, Tex., as an off-route point in connection with applicant's presently authorized regular routes operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or Washington, D.C.

No. MC 2359 (Sub-No. 23), filed May 5, 1976. Applicant: DAMEO, INC., 568 Central Avenue, Somerville, N.J. 08876. Applicant's representative: William P. Sullivan, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, fiberglas products, asbestos cement products, pipe and pipe fittings, refractory products, and insulating materials, and materials, equipment, and supplies* used in the manufacture, installation or distribution of the commodities named above, (1) between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia; and (2) between points named in (1) above, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, restricted to the transportation of traffic originating at, or destined to the facilities used by, and under a continuing continuing contract, or contracts, with Johns-Manville Sales Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 10875 (Sub-No. 36), filed May 3, 1976. Applicant: BRANCH MOTOR EXPRESS COMPANY, a Corporation, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: Jack R. Turney, Jr., 2001 Massachusetts Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving points in Ohio as intermediate and off-route points in connection with applicant's presently authorized regular route operations to and from points in Ohio.

NOTE.—Applicant states it presently serves points in Ohio in connection with its regular-route service by joining its existing regular-route authority in Sub-Nos. 31 and 34 with its irregular route authority in Sub-No. 31; and by joining the regular-route authority of its subsidiary in MC–2401 Sub-Nos. 24 and 47 with its irregular route authority in MC–2407 Sub 47 (merger consumation pending in MC–F–12669). This application seeks ot eliminate the gateways of Chagrin Falls and Columbus, Ohio which result from its joinder operations in order to allow direct regular-route service to points in Ohio. Applicant will rely on operating economies and efficiencies in prosecuting this application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 11207 (Sub-No. 369), filed May 3, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, pressure vessels and chemical process equipment*, from the plantsite and facilities of Mitternight Boiler Works, Inc., located in Mitternigh Boiler Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 11207 (Sub-No. 370), filed May 3, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, and materials and supplies* used in the installation thereof, (1) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near Waco, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina and Tennessee; (2) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near Eads, Tenn., to points in Alabama, Arkansas,

NOTE.—If a hearing is deemed necessary,

No. MC 77721 (Sub-No. 1) (Amend-

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Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina and Texas; (3) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near McPherson, Kans., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas; and (4) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near Social Circle, Ga., to points in Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 11603 (Sub-No. 7), filed April 12, 1976. Applicant: BASSE TRUCK LINE, INC., 203 Ave. "O", Del Rio, Tex. 78204. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467 and liquid commodities in bulk), (a) between Del Rio and Eagle Pass, Tex., via U.S. Highway 277, serving all intermediate points; (b) between Brackettville, Tex. and junction of Texas Highway 131 and U.S. Highway 277 via Texas Highway 131; (c) between Uvalde and LaPryor, Tex., thence via U.S. Highway 83, serving Uvalde for purposes of joinder only; (d) beween San Antonio and Eagle Pass, Tex., via U.S. Highway 35 to junction with U.S. Highway 57 located near Moore, thence via U.S. Highway 57 to junction with U.S. Highway 277, located near Eagle Pass, thence via U.S. Highway No. 277 to Eagle Pass.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated record held with intrastate application and that it be held at Eagle Pass, Tex.

No. MC 13123 (Sub-No. 84), filed May 3, 1976. Applicant: WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Middletown Manufacturing, Division of Leggett and Platt, Inc., located at or near Simpsonville, Ky., as an off route point in connection with carrier's otherwise authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Cincinnati, Ohio.

No. MC 14314 (Sub-No. 22), filed April 29, 1976. Applicant: DUFF TRUCK LINE, INC., Broadway and Vine Streets, P.O. Box 359, Lima, Ohio 45802. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between Jonesville and Hillsdale, Mich., on the one hand, and, on the other, Montpelier, Ohio, restricted to the transportation of traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Columbus, Ohio.

No. MC 19227 (Sub-No. 228), filed May 10, 1976. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, P.O. Box 52062, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antique, classic, vintage automobiles and other vehicles*, complete or partially complete, restored or non-restored, *accessories and parts thereof* moving in connection therewith, between points in the Untied States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. and San Francisco, Calif.

No. MC 19945 (Sub-No. 57), filed May 7, 1976. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plantsite of Sandoval Zinc Co., located at or near Sandoval, Ill., to the plantsite of Frit Industries, Inc., located at or near Walnut Ridge, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Springfield, Ill.

No. MC 22179 (Sub-No. 18), filed April 29, 1976. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Ave., P.O. Drawer 925, Oxford, Miss. 38655. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities the transportation of which requires the use of special equipment), (1) between Yazoo City and Jackson, Miss.: From Yazoo City, Miss. over U.S. Highway 49 to Jackson, Miss., and return, serving all intermediate points and the off-route points of Tinsley, Valley, Crupp, Anding, and Oil City, Miss.; and (2) between Pickens and Jackson, Miss.: From Pickens, Miss. over U.S. Highway 51 and Interstate Highway 55 and return, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or Memphis, Tenn.

No. MC 29120 (Sub-No. 195), filed May 3, 1976. Applicant: ALL-AMERICAN, INC., 900 West Delaware, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks, P.O. Box 769, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) over an alternate route for operating convenience only: Between Chicago, Ill., and Fargo, N. Dak., serving no intermediate points in connection with carrier's presently authorized regular route operations. From Chicago, over Interstate Highway 90 to junction Interstate Highway 90 and Interstate Highway 94, at or near Tomah, Wis., thence over Interstate Highway 94, to Fargo and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 30844 (Sub-No. 567), filed April 28, 1976. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shot and grit*, from Mishawaka, Ind., to points in Iowa, Kansas, Minnesota, Missouri, and Nebraska, and those points in Wisconsin on and north of U.S. Highway 18 (except Milwaukee and its Commercial Zone).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant, applicant does not specify a location.

No. MC 44735 (Sub-No. 28), filed May 6, 1976. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, P.O. Box 6237, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) between the plant site and warehouse facilities of Steel & Pipe Supply located at or near Manhattan, Kans. and points in Colorado, Illinois, Iowa, Missorui, Nebraska and Oklahoma and; (2) between the plant site and warehouse facilities of Steel & Pipe Supply at Muskogee, Okla. and points in Illinois, Iowa, Kansas, Missourl, and Nebraska, restricted in items (1) and (2) to traffic originating at point of origin and destined to points of destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 51146 (Sub-No. 465), filed May 7, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl, asbestos and asphalt composition tile*, from Houston, Tex., to points in Arkansas, Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 56244 (Sub-No. 48), filed April 13, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. No. 2, P.O. Box 98, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in connection with or incidental to the manufacturing, packing or distribution of such merchandise as is dealt in by retail, wholesale and chain grocery food business houses, and *foodstuffs* (except commodities in bulk), from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia on and north of U.S. Highway 50, Baltimore, Md., and New York, N.Y., to the plantsites of Musselman Fruit Products Div., Pet, Inc., located at Biglerville and Gardners, Pa., and Inwood, W. Va., the plantsites of Knouse Foods, Inc., located at Chambersburg, Orrtanna and Peach Glen, Pa., the plantsites of Charles G. Summers, Jr., Inc., located at New Freedom, Pa., and the plantsites of National Fruit Product Company, Inc., located at Timberville and Winchester, Va., and Martinsburg, W. Va., restricted to the transportation of shipments originating at the above origins and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 59150 (Sub-No. 94), filed May 7, 1976. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, P.O. Box 3277, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Colfax, N.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 59957 (Sub-No. 47), filed May 3, 1976. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Road & Toronita St., York, Pa. 17402. Applicant's representative: Walter M. F. Neugebauer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), with the exception of those requiring refrigeration, serving the plantsite of Arcata Printed Products, Inc. Arcata Book Group-Fairfield Division, Borough of Fairfield, located in Adams County, Pa., as an off-route point in connection with applicant's presently authorized regular-route operations between Chambersburg, Pa., and junction Pennsylvania Highway 116 and U.S Highway 30.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 61396 (Sub-No. 308), filed May 2, 1976. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Whiting, Iowa, to points in Minnesota, Nebraska, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 73165 (Sub-No. 387), filed May 7, 1976. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities in bulk), from the plant site and storage facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska, Hawaii and Texas); and (2) *materials, supplies, and equipment* used in the production and distribution of iron and steel articles (except commodities in bulk), from points in the United States (except Alaska, Hawaii and Texas), to the plant site and storage facilities of National Pipe and Tube Company located in Liberty County, Tex., restricted in (1) and (2) above to traffic originating at and destined to the named plant site or storage facilities of National Pipe and Tube Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record with Ace Lines, Inc., MC 61231 (Sub-No. 85) and other similar applications at St. Louis, Mo.

No. MC 77721 (Sub-No. 1) (Amendment) filed March 19, 1976, published in the FEDERAL REGISTER issue of April 15, 1976, and republished as amended this issue. Applicant: JERRY M. BARNER & SONS, 1211–1213 Spruce Street, Roselle, N.J. 07203. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies* (except in bulk), between the facilities of Western Electric Co., at or near Suffern, N.Y., on the one hand, and, on the other, points in New Jersey north of New Jersey Highway 33, including Trenton, N.J.

NOTE.—The purposes of this republication are to indicate applicant's substituted base point, and clarify the nature of the operations to be performed as radial. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 87523 (Sub-No. 93), filed May 5, 1976. Applicant: STEWART TRANSPORT, INC., P.O. Box 504, Londonderry, N.H. 03053. Applicant's representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water*, in containers, from the plant sites or storage facilities utilized by the Trapp Water Corporation located at or near Stowe, Vt. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, and (2) *empty containers*, from points in New Hampshire to the plant sites or storage facilities utilized by the Trapp Water Corporation located at or near Stowe, Vt.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Concord, N.H., New York, N.Y., or Washington, D.C.

No. MC 100449 (Sub-No. 65), filed May 7, 1976. Applicant: MALLINGER TRUCK LINE, INC., R.R. No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe and fittings, and clay products and joint material*, from Lehigh, Iowa, to points in Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.; Omaha, Nebr.; or Minneapolis, Minn.

No. MC 100449 (Sub-No. 66), filed May 7, 1976. Applicant: MALLINGER TRUCK LINE, INC., Route 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and

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C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Colorado, Kansas, Missouri, Nebraska and South Dakota, restricted to shipments originating at the plantsite and storage facility of Flavorland Industries, Inc., at Fargo and West Fargo, N. Dak., and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.; Omaha, Nebr.; or Kansas City, Mo.

No. MC 100666 (Sub-No. 321), filed May 13, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Eads, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 102567 (Sub-No. 190), filed April 26, 1976. Applicant: MCNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Box 5357, Bossier City, La. 71010. Applicant's representative: Charles L. Taylor, Jr., 2040 North Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except liquid bromine), in bulk, in tank vehicles, from points in Columbia County, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, and South Carolina; and (2) *liquid ethylene*, in bulk, in tank vehicles, from Odessa, Tex., to points in Columbia and Union Counties, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Little Rock, Ark.

No. MC 105350 (Sub-No. 27), filed April 22, 1976. Applicant: NORTH PARK TRANSPORTATION COMPANY, 5150 Columbine Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 1660 Lincoln Street, Suite 1600, Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities which because of size or weight require the use of special equipment), between Denver, Colo. and Douglas, Wyo., serving all intermediate points between Chugwater and Douglas, Wyo., and serving off-route points located in Platte and Converse Counties, Wyo.: From Denver, Colo., over Interstate Highway 25 and U.S. Highway 87 to Douglas, Wyo., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 105457 (Sub-No. 85), filed April 5, 1976. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, P.O. Box 10633, Charlotte, N.C. 28206. Applicant's representative: J. V. Luckadoo (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and articles*, used in the farming and forestry industries, from Tarboro, N.C. to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia, and; (2) *materials and supplies*, used in the manufacture of agricultural machinery, and *articles*, used in the farming or forestry industries (except commodities in bulk), from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia to Tarboro, N.C.

NOTE.—Applicant intends to tack the authority sought with its present regular route authority at Tarboro, N.C. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Raleigh, N.C.

No. MC 105501 (Sub-No. 18), filed May 3, 1976. Applicant: TERMINAL WAREHOUSE COMPANY, 1851 Radisson Road NE., Blaine, Minn. 55434. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fibreboard, lumber, plywood and materials and supplies* used in the installation thereof, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in North Dakota, South Dakota, Wisconsin, and the Upper peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 105566 (Sub-No. 122), filed April 29, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 62701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, glassware, plastic articles, glass rods and tubing, plastic caps, and cartons*, (1) from Brockway and Washington, Pa.; Zanesville and Columbus, Ohio; Lapel, Ind.; Parkersburg and Clarksburg, W. Va.; Freehold, N.J.; and Boylston, Ala., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) from Brockway and Washington, Pa.; Zanesville and Columbus, Ohio; Lapel, Ind.; and Freehold, N.J., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 123), filed April 29, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 62701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Evaporated milk*, in cans, *dry food, and beverage preparations*, from Defiance, Ohio, and Berlin Township (Delaware County), Ohio, to points in Arizona and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105813 (Sub-No. 212), filed April 29, 1976. Applicant: BELFORD TRUCKING CO., INC., 1759 SW. 12th Street, P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail food chains and grocery houses (except in bulk), from points in the United States in and east of Arkansas, Iowa, Louisiana, Minnesota and Missouri, to Norfolk, Va.; Atlanta and Thomasville, Ga.; Columbia, S.C.; and Raleigh, N.C., and points in their Commercial Zones, restricted to the transportation of traffic originating at the named origins and destined to the warehouse or other facilities utilized by Colonial Stores, Inc., at the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107403 (Sub-No. 973), filed April 29, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics and dry resins*, in bulk, in tank vehicles, (1) from Burlington, N.J. (except from the plant site of the Hooker Chemical Corporation at or near Burlington, N.J.), to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont and Wisconsin; and (2) from Flemington, N.J., to points in Connecticut, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Pennsylvania, Rhode Island, South Carolina and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 1028), filed April 15, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center—666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, products of corn and blends* containing products of corn, in bulk, in tank vehicles, from Kansas City, Kan.-Kansas City, Mo. commercial zone to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 107515 (Sub-No. 1009), filed May 10, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Rd. S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities of Standard Brands, Inc. located at or near Chicago, Ill. to points in Arizona, Arkansas, California, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 107818 (Sub-No. 82), filed May 3, 1976. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Returned and rejected dairy products*, from points in Florida, to points in Illinois, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 108676 (Sub-No. 94), filed May 3, 1976. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products* (except commodities in bulk, in tank vehicles), from Luttrell (Union County), Tenn., to points in Alabama, Arkansas, Georgia, Indiana, Illinois, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville or Nashville, Tenn.

No. MC 108835 (Sub-No. 35), filed May 5, 1976. Applicant: HYMAN FREIGHTWAYS, INC., P.O. Box 3393, 1745 University Ave., St. Paul, Minn. 55104. Applicant's representative: Rodney L. Trocke, 2690 North Prior Ave., Roseville, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (A) serving the plant site of Kato Engineering Company located at or near Winnebago, Minn. as an off-route point in connection with applicant's authorized regular route operations between Beresford, S. Dak. and St. Paul, Minn.; and (B) serving intermediate points between Mankato, Minn. and Oskaloosa, Iowa in connection with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 110140 (Sub-No. 12), filed May 3, 1976. Applicant: MAYO ROBISON, doing business as LUMBER TRUCKING, 943 South Nebraska Street, Seattle, Wash. 98108. Applicant's representative: Mayo Robison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Pierce County, Wash. to the International Boundary Line between the United States and Canada located at or near Blaine and Lynden, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Olympia, Wash.

No. MC 110420 (Sub-No. 755), filed May 10, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 111274 (Sub-No. 11), filed April 13, 1976. Applicant: SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain elevators, grain elevator materials*, and *components*, (1) from Mackinaw, Ill., to points in the United States (except Alaska and Hawaii); (2) from Mackinaw, Ill., to ports of entry on the Canadian boundary line through the provinces of Quebec-Quebec; Edmonton-Alberta; Victoria-British Columbia; Toronto-Ontario; Regina-Saskatchewan; Winnipeg-Manitoba, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 111729 (Sub-No. 622) (Correction), filed March 16, 1976, published in the FEDERAL REGISTER issue of April 8, 1976, and republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those which because, of size or weight require the use of special equipment, and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), between points in Spokane County, Wash., on the one hand, and, on the other, Lewiston and Moscow, Idaho, restricted against the transportation of shipments weighing in excess of 50 pounds or more, and each package or article shall be considered a separate and distinct shipment, and further restricted to the transportation of shipments weighing in excess of 125 pounds or more from any one consignor to any one consignee on any one day.

NOTE.—The purpose of this republication is to correct both parts of the restriction so as to read: (1) "• • • weighing in excess of 50 pounds or more," and (2) "• • • weighing in excess of 125 pounds or more • • •", which was published in error. Applicant holds contract carrier authority in No. MC 112750 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 111729 (Sub-No. 654), filed May 7, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive repair and replacement parts, supplies, equipment and accessories, and related business papers*, restricted against the transportation of packages or articles weighing in excess of 40 pounds each and 160 pounds in the aggregate, from one consignor to one consignee on any one day, between Davenport, Iowa, on the one hand, and, on the other, points in Adams, Boone, Bureau, Carroll, Hancock, Henry, Knox, La Salle, Lee, McDonough, Mercer, Peoria, Rock Island, Stevenson, Warren, Whiteside, and Winnebago Counties, Ill.; and (2) *critical machinery repair and re-*

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placement parts and bearings, in packages not to exceed 65 pounds each and 200 pounds in the aggregate, from one consignor to one consignee on any one day, between Dubuque and Fort Madison, Iowa, on the one hand, and, on the other, Chicago Heights, Danville, Decatur, Joliet, Moline, Peru, Peoria, Quincy, Rockford, and Springfield, Ill.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 655), filed May 7, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and dried cut flowers, decorative greens, and floral supplies*, when moving at the same time and in the same vehicles with commodities the transportation of which is subject to economic regulation, between Rockford, Ill., on the one hand, and, on the other, points in Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 112539 (Sub-No. 14), filed May 6, 1976. Applicant: PERCHAK TRUCKING, INC., Route 309, Hazle Village, P.O. Box 811, Hazleton, Pa. 18201. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel reels*, from Hazleton, Pa., to points in Middlesex, Mercer, Passaic, Hudson, and Union Counties, N.J.; New Haven and Seymour, Conn.; Hudson, Mass.; Yonkers and Hastings-on-Hudson, N.Y.; and Providence, R.I.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 113666 (Sub-No. 103) (Amendment), filed March 22, 1976, published in the FEDERAL REGISTER issues of April 15, 1976, and April 29, 1976, and republished as amended this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16220. Applicant's representative: William H. Shawn, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from ports of entry on the International Boundary line between the United States and Canada located in New Hampshire, New York, Maine, Michigan, and Vermont, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at points in Canada.

NOTE.—The purpose of this republication is to bring applicant's request for authority into compliance with the Commission's policy statement on traffic moving to and from Canada. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Pittsburgh, Pa.

No. MC 113855 (Sub-No. 347), filed April 29, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment;* and (2) *attachments, parts, and accessories*, for (1) above, from Monroe, N.C., to points in the United States (including Alaska, but excluding Hawaii), and Canada, traversing all ports of entry on the United States-Canada International Boundary; and (3) *materials, supplies, and equipment* (except commodities in bulk), used in the manufacture and distribution of commodities set forth in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to Monroe, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 348), filed May 12, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks;* (2) *tractors* (other than truck tractors); and (3) *attachments and accessories* for the commodities described in (1) and (2) above, from the plantsite of Towmotor Corporation located at Mentor, Ohio, to points in Colorado, Nebraska, North Dakota, South Dakota, and Wyoming, restricted to traffic originating at the plant and warehouse facilities of Towmotor Corporation located at Mentor, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114015 (Sub-No. 20), filed April 26, 1976. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, Va. 23924. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, paint and paint products, building materials, gypsum and gypsum products, lime* (except liquid in bulk) and *such materials and supplies* as are used in the manufacture, installation, and distribution of the aforementioned commodities (except liquid commodities in bulk), between Norfolk, Va., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to a service performed under a continued contract or contracts with United States Gypsum Company of Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta Ga., or Washington, D.C.

No. MC 114045 (Sub-No. 434), filed May 3, 1976. Applicant: TRANS-COLD EXPRESS, INC., Finley & Belt Rd., P.O. Box 5842, Dallas, Tex. 75240. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, toothbrushes, and artificial sweeteners* (except in bulk), in vehicles equipped with mechanical refrigeration, from South Plainfield, N.J., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114055 (Sub-No. 7) (Correction), filed March 29, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: RAY KOLNIK, doing business as RAY KOLNIK TRUCKING, Prairie View Road, Walworth, Wis. 53184. Applicant's representative: Joseph E. Ludden, 309 State Bank Building, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite of the G. Heileman Brewing Company, Inc., at La Crosse, Wis., to Chicago, Ill., and the Chicago, Ill., Commercial Zone, as defined by the Commission, under a continuing contract or contracts with C & K Distributors.

NOTE.—The purpose of this republication is to reflect the name of the contracting shipper which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 114115 (Sub-No. 25), filed May 3, 1976. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Blvd., Detroit, Mich. 48217. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, from points in Hamilton County, Ohio, to points in the Lower Peninsula of Michigan, under contract with Diamond Crystal Salt Company, and Cargill, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 114194 (Sub-No. 187), filed April 23, 1976. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar, products of corn and blends thereof*, in bulk, from the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, to points in the United States (except Alaska and Hawaii); and (2) *corn and corn products*, from North Kansas City, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 114241 (Sub-No. 7), filed May 10, 1976. Applicant: C. T. HERTZSCH, INC., 282-U.S. Highway 31, Speed, Ind. 47172. Applicant's representative: Louis B. Hartlage, 501 South 2nd Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or in packages, from Speed, Ind., to points in West Virginia, under a continuing contract or contracts with Louisville Cement Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Indianapolis, Ind.

No. MC 114273 (Sub-No. 239), filed September 19, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, resins, and plasticizers*, from Philadelphia, Pa., to Sullivan, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 332), filed December 15, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Audit media, and other business records;* (b) *graphic arts material*, between Wabash, Ind., on the one hand, and, on the other, Huntley, Ill.; and (2) *human blood, and blood products*, between Omaha, Nebr., on the one hand, and, on the other, points in Marshall and Nemaha Counties, Kans.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Topeka, Kans.

No. MC 114533 (Sub-No. 334), filed December 22, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Proofs, cuts, copy and other graphic arts material*, between Bloomington, Ind., on the one hand, and, on the other, St. Louis, Mo.; and (2) *milk, milk products, empty containers and information regarding identity of samples*, between points in Kansas, on the one hand, and, on the other, Jackson County, Mo.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or St. Louis, Mo.

No. MC 114533 (Sub-No. 342), filed May 3, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Springfield, Mo., on the one hand, and, on the other, points in Kansas.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 114569 (Sub-No. 140), filed May 6, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from points in Fairview Township (York County), Pa., and points in that part of Cumberland County, Pa., on and east of Pennsylvania Highway 34, points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending southwardly along U.S. Highway 15 to Allenwood (Union County), Pa., thence along the Susquehanna River southwardly to the Maryland-Pennsylvania State line (except points in Chester, Delaware, Philadelphia, Montgomery, and Bucks Counties, Pa.), to Derry Township (Dauphin County), Pa., restricted to joinder or tacking with existing authority at or near Derry Township (Dauphin County), Pa., to serve points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—Applicant states that the purpose of this application is to eliminate interline service conducted in connection with Hess Trucking Co. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 115162 (Sub-No. 323), filed May 10, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, wall, or insulating boards, and ceiling tile and materials and supplies*, used in the installation of building, wall, insulation boards or ceiling tile, between the plantsite and facilities utilized by the Armstrong Cork Company, at or near Macon, Ga., on the one hand, and, on the other, points in the United State in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 115331 (Sub-No. 401), filed December 18, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *animal litter, animal and bird feed and pet supplies* (except commodities in bulk), from the plantsites and storage facilities of Alfa-Pet, Inc., at or near St. Louis, Mo., to points in the United States (except Alaska, Hawaii and Missouri).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115495 (Sub-No. 29), (Amendment), filed March 29, 1976, and published in the FEDERAL REGISTER issue of May 6, 1796, republished as amended this issue. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representative: J. Robert Peterson, 51 Weaver Street, Greenwich Office Park 5, Greenwich, Conn. 06830. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the plantsite of Marshall Field and Company, located in Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Da-

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hand tools, equipment and supplies.

NOTE.—If a hearing is deemed necessary, Authority sought to operate as a com-

kota, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming.

NOTE.—The purpose of this partial republication is to add "Idaho" to the territorial description in (1). The rest of the application remains the same. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 115730 (Sub-No. 13), filed May 3, 1976. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery* and *implements, industrial and construction machinery and equipment, tree spades, stump cutters, irrigation equipment, drainage systems, log splitters*, and *log chippers;* (2) *attachments, parts and supplies*, used in operation of commodities in (1) above, from Pella, Iowa, to points in the United States, including Alaska, but excluding Hawaii; and (3) *materials, equipment and supplies*, used in the manufacture or distribution of the commodities in (1) and (2) above (except commodities in bulk), from points in the United States including Alaska, but excluding Hawaii to Pella, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa or Chicago, Ill.

No. MC 115730 (Sub-No. 14), filed May 5, 1976. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment* and *supplies* used in the manufacture of (1) *liquid* and solid waste recycling systems; (2) *spraying equipment;* (3) *sugar beet lifter-loader, harvesters, defoliators and topper-windrowers;* (4) *potato diggers, planters, and harvesters;* and (5) *sprinkling and irrigation systems*, from points in the United States (except Hawaii and Alaska), to the plantsite and storage facilities of Lockwood Corporation, located at or near Gering, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Washington, D.C.

No. MC 116014 (Sub-No. 77), filed May 10, 1976. Applicant: OLIVER TRUCKING COMPANY, INC., Lexington Rd., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper-board and paperboard products*, from Chesapeake and Lynchburg, Va., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116164 (Sub-No. 9), filed May 7, 1976. Applicant: ARROW TRANSPORTATION, 1911 NE 58th Street, Des Moines, Iowa 50313. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay pipe and fittings, drain title, clay products*, and *fire brick;* and (2) *mortar mix* when moving in mixed loads with commodities in part (1), from Des Moines, Iowa to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, under a continuing contract with Can-Tex Industries, Div., Harsco Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Chicago, Ill.

No. MC 116915 (Sub-No. 27), filed April 15, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 43201. Applicant's representative: Fred Bradley, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and accessories, and materials* used in the manufacturing of plastic pipe and accessories, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, (Lower Peninsula), Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, on the one hand, and, on the other, Benton, Ill., restricted to shipments moving from or to the Drainage Engineering Corporation plantsite.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky., or Washington, D.C.

No. MC 117119 (Sub-No. 580), filed May 6, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods, and related display racks and materials* (except in bulk in vehicles equipped with mechanical refrigeration, from the storage facilities utilized by Tasty Baking Co., Inc., located at Hatfield, Pa., to the warehouse and storage facilities utilized by Alpha Beta Stores at or near La Habra, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 117565 (Sub-No. 94), filed May 10, 1976. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, P.O. Box 448, Coshocton, Ohio 43812. Applicant's representative: Louis Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon metals, ferroalloys, and products composed of or made therefrom*, from Philo, Brilliant, and Powhatan Point, Ohio, to points in Arkansas, Iowa, Louisiana, Minnesota, Missouri and points west thereof.

NOTE.—Applicant holds contract carrier authority in MC 135701 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland or Columbus, Ohio.

No. MC 117831 (Sub-No. 4) (Correction), filed January 16, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, republished as corrected this issue. Applicant: S. SISKIND & SONS, INC., 1567 Watson Avenue, Bronx, N.Y. 10474. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects of campers*, in seasonal operations, extending from June 1 to September 30, inclusive, of each year, between New York, N.Y. and points in Nassau, Suffolk, Westchester and Rockland Counties, N.Y., points in New Jersey, points in Fairfield County, Conn., Philadelphia, Pa., and points in Pennsylvania on, south and east of a line extending from the intersection of the Delaware River and U.S. Highway 22 at or near Easton, Pa., thence southwesterly along U.S. Highway 22 to its intersection with Pennsylvania Highway 230, at or near Harrisburg, Pa., thence to Pennsylvania Highway 283, thence to Pennsylvania Highway 272, thence to U.S. Highway 222 to the Pennsylvania-Maryland State Boundary line, on the one hand, and, on the other, points in Wayne, Monroe and Pike Counties, Pa., points in Delaware, Greene, Chenango, Dutchess, Orange, Warren, Sulllvan, Putnam and Albany Counties, N.Y., and points in Litchfield and New London Counties, Conn., points in Sussex County, N.J., and points in Berkshire County, Mass.

NOTE.—The purpose of this republication is to correct the territorial description which was published in error. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117940 (Sub-No. 178), filed May 4, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Alan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners and air cleaner cartridges, internal combustion engine, filters, filter adapters and parts; spark plugs, brake shoes, wind shield wipers, blades and parts; smog control devices; hood covers; storage cabinets;*

hand tools, equipment and supplies, used in the installation, manufacturing and distribution of filters, filter parts, air cleaners and automotive parts; *advertising material, catalogues and premiums*, from Fostoria, Ohio, Greenville (Darke County), Ohio, and Jackson, Tenn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, West Virginia, Wisconsin and those points in New York and Pennsylvania on and west of Interstate Highway 81, restricted to the transportation of shipments originating at the facilities of Fram Corporation, located at the named origins and destined to the above named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I.

No. MC 118159 (Sub-No. 175), filed May 7, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366—Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, from the plantsites and storage facilities of MBPXL Corporation located at or near Friona, and Plainview, Tex., to Chicago, Ill. and points in its Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118535 (Sub-No. 84), filed May 3, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea, dry fertilizer* and *dry fertilizer materials*, (a) from Pryor, Okla. to points in Arizona and New Mexico; and (b) from Kerens, Tex. to points in Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118696 (Sub-No. 6), filed April 30, 1976. Applicant: FERREE MOVING AND STORAGE, INC., 252 Wildwood Road, Hammond, Ind. 46324. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts and new household furnishings*, between Hammond, Ind., on the one hand, and, on the other, points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 118806 (Sub-No. 47), (Amendment), filed February 12, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, and republished as amended this issue. Applicant: ARNOLD BROTHERS TRANSPORT, LTD., 739 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J OT8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, millwork, forest products*, and such commodities as are manufactured or distributed by lumber mills and lumber yards, from points in the United States (except Alaska and Hawaii), to ports of entry on the International Boundary line between the United States and Canada located at or near Pembina and Dunseith, N. Dak., and Noyes, Minn.

NOTE.—Applicant states that it possesses complimentary Canadian authority to provide a direct single line service through the named ports of entry to the Provinces of Alberta, Manitoba and Saskatchewan. The operations sought includes service to all points in the named Provinces. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 330), filed May 7, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paneling, plywood, moulding, spindles, and hardware* used in connection therewith, from the facilities of Inland Plywood Co. located in Macomb, Oakland, and Wayne Counties, Mich., to points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 119789 (Sub-No. 289), filed April 30, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, rims, and wheel rims*, from Armstrong, Iowa to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Omaha, Nebr.

No. MC 119988 (Sub-No. 92), filed May 10, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., 2340 Fidelity Union Tower, Dallas, Tex. 75201. Applicant's representative: Paul D. Angenend, 1806 Rio Grande, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from the plantsite and warehouse facility of Midland Glass Co., Inc., located at or near Henryetta, Okla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass containers (except in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Midland Glass Co., Inc., at or near Henryetta, Okla.

NOTE.—Applicant holds contract carrier authority in MC 140271 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Oklahoma City, Okla., or Washington, D.C.

No. MC 120257 (Sub-No. 27) (Correction), filed March 9, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, republished as corrected this issue. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo St., Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Rd., Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Cast iron pressure pipe, valves, hydrants, and hydrant sections*, and (b) *parts, attachments, accessories, and supplies* used in connection with the commodities described in (a) above, from the plantsite and storage facilities of Mueller Co., located at or near Chattanooga, Tenn., to points in and west of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE.—The purpose of this republication is to correct the commodity description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 120737 (Sub-No. 37), filed May 5, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., R.R. No. 5, P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel cattle handling equipment*, from St. Joseph, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin; and the District of Columbia, and points in Arkansas on, north and east of Interstate Highway 40, thence along the Arkansas State line near Fort Smith to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, points in Iowa on, and south of Interstate Highway 80, and points in Kansas on, north and east of Interstate Highway 96 to junction Interstate Highway 35, thence along Interstate Highway 35 to

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the Kansas-Oklahoma State line; and (2) *parts and materials* used in the manufacture of the commodity named in (1) above, from East Alton and Granite City, Ill., to St. Joseph, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Kansas City or St. Louis, Mo.

No. MC 123255 (Sub-No. 73), filed May 5, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schned, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Mt. Vernon, Ohio, to points in Iowa, Kentucky, Minnesota, Missouri, Pennsylvania, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123744 (Sub-No. 22), filed March 22, 1976. Applicant: BUTLER TRUCKING COMPANY, a Corporation, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: William H. Shawn, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from ports of entry on the International Boundary line between the United States and Canada, located in Maine, Vermont, New Hampshire, New York, and Michigan to points in Alabama, Connecticut, Delaware, Georgia, Indiana, Illinois, Kentucky, Maine, Massachusetts, Maryland, Michigan, Missouri, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at points in Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., Pittsburgh, Pa. or Washington, D.C.

No. MC 123803 (Sub-No. 3), filed May 5, 1976. Applicant: GEORGE C. POTTERFIELD TRUCKING, INC., Highway 36 and 24 East, Monroe City, Mo. 63456. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Quincy, Ill., to points in Missouri and those points in Iowa on and south of Interstate Highway 80.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jefferson City or Kansas City, Mo.

No. MC 124078 (Sub-No. 684), filed April 15, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, P.O. Box 1601, Milwaukee, Wis. 53201. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn*, in bulk, from the plantsites and facilities of CPC International, Inc., at Chicago, and Pekin, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub-No. 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 686), filed May 3, 1976. Applicant: SCHWERMAN TRUCKING CO., P.O. Box 1601, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, products of corn and blends thereof*, in bulk, from the Kansas City, Kans.-Kansas City, Mo. commercial zone, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Chicago, Ill.

No. MC 124078 (Sub-No. 688), filed May 5, 1976. Applicant: SCHWERMAN TRUCKING CO., P.O. Box 1601 Milwaukee, Wis. 53201. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propylene*, in bulk, in tank vehicles, from Superior, Wis., to Lima and Toledo, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 113832 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Cleveland, Ohio.

No. MC 124211 (Sub-No. 276), filed May 7, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by producers or distributors of beverages (except in bulk), between Council Bluffs, Iowa, on the one hand, and, on the other, points in the United States (except Alaska, Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and those points in the Louisville, Ky., and Cincinnati, Ohio, Commercial Zones, as defined by the Commission).

NOTE.—The purpose of this application is to relocate the present interchange point from Yankton, S. Dak., as authorized in applicant's Sub 261 to Council Bluffs, Iowa. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124212 (Sub-No. 90), filed May 7, 1976. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Company, located at Providence, R.I., to points in New Hampshire.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124813 (Sub-No. 149), filed May 5, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and dicalcium phosphate*, from Weeping Water, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124839 (Sub-No. 27), filed May 4, 1976. Applicant: BUILDING TRANSPORT, INC., 4800 Augusta Rd., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, fiberglas products, asbestos cement products, pipe and pipe fittings, refractory products, and insulating materials and materials, equipment and supplies*, used in the manufacture, installation, or distribution of the foregoing commodities, (1) between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas; and (2) between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Maryland, New Jersey, Ohio, Pennsylvania, West Virginia, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to, the facilities used by Johns-Manville Sales Corporation and further restricted to operations performed under a continuing contractor contracts with Johns-Manville Sales Corporation of Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125216 (Sub-No. 5), filed May 3, 1976. Applicant: OWENS TRUCKMEN, INC., 183 Concord Street, Brooklyn, N.Y. 11201. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by department stores, between points in that part of the New York Commercial Zone, as defined in Commercial Zones and Terminal Areas, 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act, and points in Monmouth, Mercer and Ocean Counties, N.J., under a continuing contract, or contracts, with Abraham & Straus, Division of Federated Department Stores, Inc., located in New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 125335 (Sub-No. 4), filed May 13, 1976. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Pet Incorporated located at Frankfort, Mich., and storage facilities utilized by Pet Incorporated located at Hart and Benton Harbor, Mich., to points in Maryland, New York, Pennsylvania, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant did not specify a location.

No. MC 126503 (Sub-No. 10) (Correction), filed March 23, 1976, published in the FEDERAL REGISTER issue of April 15, 1976, and republished as corrected this issue. Applicant: COMMAND DELIVERIES, INC., 5215 Hesperus Drive, Columbia, Md. 21044. Applicant's representative: Steven L. Weiman, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by or useful in the conduct of grocery and department store businesses, between the facilities of Giant Food, Inc., at or near Landover, Md., on the one hand, and, on the other, Giant Food, Inc.'s facilities in Virginia, restricted to service performed under a continuing contract or contracts with Giant Food, Inc., and further restricted against the transportation of packages or articles weighing more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—The purpose of this republication is to correct the restriction to indicate that applicant seeks to prohibit transportation on articles weighing more than 100 pounds as indicated. Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 98) (Correction), filed April 1, 1976, published in the FEDERAL REGISTER issue of May 13, 1976, and republished as corrected this issue. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in tank vehicles, from the site of the Owensboro Riverport Authority located at or near Owensboro, Ky., to points in Illinois, Indiana, and Kentucky.

NOTE.—The purposes of this republication are to clarify the commodity request and indicate that the origin is not a "plantsite." If a hearing is deemed necessary, the applicant requests it be held at either Owensboro or Louisville, Ky.

No. MC 127042 (Sub-No. 172), filed April 30, 1976. Applicant: HAGEN, INC., 3232 Hwy. 75 N., P.O. 98, Leeds, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products, dessert preparations* (except in bulk), and advertising matter, premiums and display materials when shipped therewith, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Queen Anne Candy Co., located at Hammond, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127187 (Sub-No. 15), filed May 6, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and dicalcium phosphate*, from Weeping Water, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., Minneapolis or St. Paul, Minn.

No. MC 127834 (Sub-No. 111), filed May 7, 1976. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel foot walks*, from points in Harrison County, Miss., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture or distribution of structural steel foot walks, from points in the United States (except Alaska and Hawaii), to points in Harrison County, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn., or Birmingham, Ala.

No. MC 128235 (Sub-No. 18), filed May 3, 1976. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising equipment, premiums, materials and supplies* when shipped therewith, from La Crosse, Wis., to Bemidji, Crookston, Duluth, Fairmont, Farmington, Fergus Falls, Gaylord, Grand Rapids, Granite Falls, Hinckley, Marshall, New Prague, Ortonville, Rogers, Royalton, St. Michael, Sauk Centre, Slayton, Sleepy Eye, Stillwater, Thief River Falls, Victoria, and Wayzata, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 128273 (Sub-No. 226), filed May 5, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., 121 Humboldt St., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 So. Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum products*, from New Orleans, La., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 128555 (Sub-No. 12), filed May 7, 1976. Applicant: MEAT DISPATCH, INC., 2103 17th St. East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products, canned juices, canned beverages, and canned beverage preparations* (except in bulk), from the plantsite of Tropicana Products Sales, Inc., located at Bradenton, Fla., to points in Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts with Tropicana Products Sales, Inc., located at Bradenton, Fla.

NOTE.—Applicant holds common carrier authority in No. MC 136123, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla., or Rochester, N.Y.

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No. MC 123685 (Sub-No. 21), filed May 7, 1976. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 404 North 31st Street, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Newcastle, Wyo., to points in Illinois, Indiana, Michigan, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 129191 (Sub-No. 6), filed April 9, 1976. Applicant: RICHARD T. PLATTNER, doing business as JANS MOTOR SERVICE, 4610 West 120th Street, Alsip, Ill. 60658. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and contractors' machinery equipment, materials and supplies* (except commodities in bulk), between Indian Oaks, Ill., on the one hand, and, on the other, points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming; and (2) *contractors' machinery, equipment, supplies and materials* (except commodities in bulk), between points in the States named in (1) above, restricted in (1) and (2) above to traffic moving on self-loading or self-unloading equipment, and to traffic originating at or destined to, warehouses, storage areas, job sites or other facilities owned, operated or used by Chicago Bridge & Iron Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129387 (Sub-No. 24), filed April 23, 1976. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from the facilities of Columbia Foods, Inc., located at or near Wallula, Wash., to points in Arizona, California, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Maryland, Minnesota, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Spokane or Seattle, Wash.

No. MC 129625 (Sub-No. 7), filed April 29, 1976. Applicant: ROBERT COLE TRUCKING COMPANY, P.O. Box M, Falls Creek, Pa. 15840. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Deicing materials, defrosting materials, and anti-skid materials*, (1) from points in Sandy Township (Clearfield County), and Bell Township (Jefferson County), Pa., to points in Armstrong, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Indiana, Jefferson, McKean, Potter, Venango, and Warren Counties, Pa.; and (2) from points in New York and Ohio to points in Armstrong, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Indiana, Jefferson, McKean, Potter, Venango, and Warren Counties, Pa., restricted in (1) above to the transportation of traffic having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 129908 (Sub-No. 2), filed May 3, 1976. Applicant: AMERICAN FARM LINES, INCORPORATED, 8125 S.W. 15th Street, P.O. Box 75410, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition, and drugs*, which have been declared sensitive by the U.S. Government, (a) between points in the United States (except Alaska and Hawaii); and (b) between points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Oklahoma, and Texas, on the one hand, and, on the other, points in Arizona, California, Nevada, Washington, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Oklahoma City, Okla.

No. MC 133219 (Sub-No. 19), filed May 6, 1976. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, Nebr. 68317. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean oil, soybean oil blends, and soybean products*, in containers, from the plantsite and storage facilities of Archer-Daniels-Midland Co., Inc., located at Lincoln, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *empty containers* (except in bulk, in tank vehicles), from the destination points named in (1) above, to the origin point named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr.

No. MC 133655 (Sub-No. 92), filed May 10, 1976. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stuffed toys*, from Kansas City, Mo., to points on and west of Arkansas, Kansas, Louisiana, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133959 (Sub-No. 5), filed May 7, 1976. Applicant: LEWIS ALBAUGH and MELVIN ALBAUGH, doing business as ALBAUGH TRUCK LINES, 2000 E. Grand Ave., Des Moines, Iowa 50317. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated steel and aluminum pipe and parts and accessories* used in the installation thereof, from Des Moines and Centerville, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) *equipment, materials, and supplies* used in the manufacture of corrugated steel and aluminum pipe, from Lenexa, Kans., to Des Moines, Iowa, restricted against the transportation of commodities in bulk, under a continuing contract or contracts with The Levine Company, Des Moines, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo., and/or Omaha, Nebr.

No. MC 134182 (Sub-No. 32), filed April 29, 1976. Applicant: MILK PRODUCTS MARKETING COMPANY, doing business as ALL STAR TRANSPORTATION, Second and West Turnpike Road, P.O. Box 505, Lawrence, Kans. 66044. Applicant's representative: Lucy Kennard Bell, 101 West Eleventh Street, Suite 910 Brookfield Bldg., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, in packages, from the plantsite of Glass Container Corporation, located at Indianapolis, Ind., to the plantsite of All Star Beverage located at Lawrence, Kans.; and (2) *beverages*, not frozen (except in bulk), from the plantsite of All Star Beverage at Lawrence, Kans., to the plantsite of HiPort Industries, Highlands, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 134323 (Sub-No. 85), filed May 5, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gallyn Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle,

over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *equipment, materials, and supplies* used in the conduct of the retail department store business (except commodities in bulk), from the facilities of J. C. Penney Company, Inc., at or near Memphis, Tenn., to Houston and Dallas, Tex., Denver, Colo., and Kansas City, Mo., under a continuing contract, or contracts, with J. C. Penney Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y., or Lincoln, Nebr.

No. MC 134349 (Sub-No. 18), filed May 11, 1976. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by or used in the operation of retail department stores, between North Bergen, N.J., and New York, N.Y., on the one hand, and, on the other, points in Texas, under a continuing contract with Allied Stores Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 134404 (Sub-No. 26), filed May 6, 1976. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbonate, drugs, chemicals, medicines, and toilet preparations* (except commodities in bulk), (1) from North Adams, Mass., to Trenton, N.J.; (2) from Trenton, N.J., to West Haven Conn.; and (3) from West Haven, Conn., to Gloucester City, N.J., under a continuing contract, or contracts, with Miles Laboratories, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 134477 (Sub-No. 109), filed May 3, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Spencer Foods, Inc., located at or near Fremont and Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 110), filed May 3, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Spencer Foods, Inc., located at or near Cherokee, Fort Dodge, Hartley, and Spencer, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 111), filed May 3, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp and paper dishes, plates, trays, and egg cartons*, from Ogdensburg and Plattsburg, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 112), filed May 10, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, 5 West Mendota Road, St. Paul, Minn. 55165, Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, buffing, or polishing compounds, textile softener, lubricating grease or oil, and deodorants or disinfectants* (except commodities in bulk), from the facilities of Economics Laboratory, Inc., located at or near Joliet, Ill., to points in Minnesota (except Minneapolis, Minn.) and Fargo, N. Dak., restricted to the transportation of shipments originating at the above named shipper's facility and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 113), filed May 10, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, 5 West Mendota Road, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* (except commodities in bulk) used in the manufacture of personal floatation devices and outer protective clothing, from Chicago, Ill., and points in Georgia, Indiana, Ohio, South Carolina, Tennessee, and Wisconsin, to St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134779 (Sub-No. 11), filed April 19, 1976. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a Corportation, 1800 S. Jackson Street, Janesville, Wis. 53545. Applicant's representative: Joseph Gracia, P.O. Box 13006, Lansing, Mich. 48901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *and parts thereof*, moving therewith, in secondary movements, in truckaway service, (1) between Janesville, Wis., and points in Ohio; and (2) between Chicago, Ill., and points in Ohio, restricted to traffic originating at or destined to a plant, warehouse, or other facility of General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 134922 (Sub-No. 170), filed May 7, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, 5 West Mendota Road, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products and compounds* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Columbus and Mansfield, Ohio, to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Little Rock, Ark.

No. MC 135185 (Sub-No. 28), filed April 27, 1976. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Avenue, P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Razors and razor blades, toilet articles and toilet preparations, pens and markers, shaving*

No. MC 135185 (Sub-No. 29), filed April 27, 1976. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Avenue, P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Razors and razor blades, toilet articles and toilet preparations, pens and markers, shaving* [illegible] Texas, to Fort Smith, Little [illegible] are under a continuing contract, or con-

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cream, stationery and stationery products, cigarette lighters, cleaning compounds and pads, hair curlers, hair spray, shampoo, sponges, fire extinguishers, electric appliances, deodorants, dispensers, sound warning signals, and display racks, stands and cabinets, and material, equipment, and supplies used in the manufacture and distribution of the commodities named above, (a) from Andover, Mass., to points in Pennsylvania, Ohio, Illinois (except East St. Louis), Minnesota, and points in that part of New York on and west of a line beginning at the United States-Canada Boundary line and extending along Interstate Highway 87 to junction New York Highway 17 and thence west along New York Highway 17 to the New York-New Jersey State line, and Dallas, Tex.; Los Angeles; and La Mirada, Calif.; Detroit, Mich.; and Seattle and Kent, Wash.; (b) from St. Paul, Minn., to points in Illinois (except East St. Louis and points in that part of Illinois located on and north of U.S. Highway 6), Newark, N.J.; Baltimore, Md.; Dallas, Tex.; Los Angeles and La Mirada, Calif.; Richmond, Va.; Detroit, Mich.; Andover and Boston, Mass.; Kearny, N.J.; Farmingdale, N.Y.; Seattle and Kent, Wash.; Denver, Colo.; and points in Ohio, Pennsylvania and the District of Columbia; (c) from Santa Monica, Calif., to Andover and Boston, Mass.; and points in Illinois.

(2) *Materials, equipment, and supplies* used in the manufacture and distribution of the above named commodities (a) from the destinations named in (1) (a) above to Andover and Boston, Mass.; (b) from the destinations named in (1) (c) above to St. Paul, Minnesota; and (c) from the desntiations named in (1) (c) above to Santa Monica, Calif.; (3) *Soils, soil conditioners, plant care products, and accessories* from Philmont, N.Y., and Copley, Ohio, to points in Ohio, Illinois, Indiana, Massachusetts, Connecticut, North Carolina, New York, New Jersey, Pennsylvania, Maryland, Maine, Texas, Vermont, Rhode Island, New Hampshire, and the District of Columbia; (4) *Materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (3) above from the destinations named in (3) above to Philmont, New York, and Copley, Ohio; (5) *Cans* from Derry, N.H., to St. Paul, Minn.; (6) *Plastic pots* from Fitchburg, Mass., to Chicago, Ill., under a continuing contract, or contracts, with The Gillette Company of Andover, Massachusetts.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 135437 (Sub-No. 8), filed April 27, 1976. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., South Main Street, Londonville, N.Y. 14098. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), (1) between Hamlin and Williamson, N.Y., on the one hand, and, on the other, Bailey and Hartford, Mich.; and (2) from Bailey and Hartford, Mich., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City or Buffalo, N.Y.

No. MC 135680 (Sub-No. 7), filed May 5, 1976. Applicant: BEVERAGE DISTRIBUTORS, INC., 204 N. Butterfield Road, P.O. Box 1436, Yakima, Wash. 98907. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from (1) Fairfield, Calif., to Moses Lake, Wenatchee, and Yakima, Wash., and (2) from Los Angeles and San Francisco, Calif., and Portland, Oreg., to Moses Lake, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wenatchee, Wash.

No. MC 135684 (Sub-No. 19) (Partial correction), filed February 3, 1976, published in the FEDERAL REGISTER issues of March 18, April 15, and May 6, 1976 republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (15) *sewing machine heads and stands*, between East Pepperell and Ayer, Mass., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

NOTE.—The purpose of this partial republication is to include Pennsylvania in the territorial description. The rest of the application remains the same.

No. MC 135684 (Sub-No. 23), filed May 3, 1976. Applicant: BASS TRANSPORTATION CO. INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, 1819 H Street NW., Federal Bar Building West, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory and hospital equipment and chemicals* (except in bulk), between Bridgewater Township, Somerset County, N.J., and Tustin, Calif.; and (2) *materials, supplies, and equipment* used in the manufacture, distribution, or sale of the commodities described in (1) above (except in bulk), from Tustin, Calif., to Bridgewater Township, Somerset County, N.J.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 54), filed April 29, 1976. Applicant: J. B. HUNT TRANSPORT, INC., U.S. Highway 71, P.O. Box 200, Lowel, Ark. 72745. Applicant's representative: L. C. Cypert, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, dry (except in bulk), from Red Bay, Ala., and Tupelo, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Memphis, Tenn.

No. MC 135866 (Sub-No. 3), filed May 4, 1976. Applicant: JACK L. MASSENDER, doing business as ZILLAH HAULING SERVICE, 6502 Pittsburgh Street, Spokane, Wash. 98207. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between Seattle, Tacoma, and Spokane, Wash., and Portland, Oreg., on the one hand, and, on the other, points in California, Idaho, Montana, Oregon, and Washington, under a continuing contract or contracts with Savage Wholesale Building Materials, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 136464 (Sub-No. 20) (Correction), filed March 24, 1976, published in the FEDERAL REGISTER issue of May 6, 1976, and republished as corrected this issue. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies* used in the installation, manufacture, packaging, and sale of floor coverings, when moving in mixed loads with floor coverings, (a) between the facilities of Bigelow-Sanford, Inc., located at or near Landrum, Greenville, Belton, and Calhoun Falls, S.C.; Lyerly, Ga.; Sparks, Nev.; Los Angeles, Calif.; and Dallas, Tex.

NOTE.—The purpose of this republication is to indicate that Sparks is located in Nevada in lieu of Nebraska, which was published in error. If a hearing is deemed necessary, the applicant requests it be held at either Greenville, S.C., or Charlotte, N.C.

No. MC 136605 (Sub-No. 13), filed May 5, 1976. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, bentonite clay, and mud treating compounds*, from the plantsites of Wyo-Ben Products, Inc., located at or near Greybull and Lovell, Wyo., to points in California.

NOTE.—Applicant holds contract carrier authority in MC 127349 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Missoula or Billings, Mont.

No. MC 136899 (Sub-No. 18), filed May 10, 1976. Applicant: HIGGINS TRANSPORT LTD., 1165 E. Haseltine Street, P.O. Box 192, Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 43703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery and parts and accessories thereof* (except in bulk), from Muscoda, Wis., and Harvard, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture, sale or distribution of the commodities named in (1) above (except in bulk), from points in the United States (except Alaska and Hawaii), to Muscoda, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 138018 (Sub-No. 30), filed May 7, 1976. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Flavorland Industries, Inc., located at or near Fargo and West Fargo, N. Dak., to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Washington, restricted to the transportation of shipments originating at the above described facilities and origins and destined to points in the above-described destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or St. Paul, Minn.

No. MC 138104 (Sub-No. 32), filed May 3, 1976. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containerboard sheets*, from Grand Prairie, Tex., to Fort Smith, Little Rock, and Benton, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 138203 (Sub-No. 5), filed April 30, 1976. Applicant: CURTIS BROTHERS TRUCKING CO., INC., Rte 6, Box 221E, Falmouth, Va. 22401. Applicant's representative: Daniel B. Johnson, 1329 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Virginia, to points in Delaware, Maryland, New Jersey, Pennsylvania, Tennessee, and West Virginia, restricted against the transportation of traffic originating at Winchester, Va., and its Commercial Zone, and destined to points in Delaware, New Jersey, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138281 (Sub-No. 5), filed May 7, 1976. Applicant: MILL TRUCKING CORPORATION, 1601 Harris Road, Laverock, Pa. 19118. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard, scrap, and skids*, between Philadelphia, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersep, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia restricted to a transportation service to be performed under a continuing contract or contracts with Newman and Company, Inc. of Philadelphia, Pa.

No. MC 138512 (Sub-No. 14), filed May 3, 1976. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, doing business as, WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Richard C. Alexander, 710 North Plankington Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Cheese and cheese products and materials, equipment, and supplies* used in the manufacture or display of cheese and cheese products (except commodities in bulk), (a) from points in Iowa and Wisconsin, to Logan, Utah; and (b) from Green Bay, Wis., to Logan, Utah; Omaha, Nebr.; and points in Colorado; and (2) *materials and supplies*, used in the manufacture of cheese and cheese products (except commodities in bulk), (a) from Elkhart, Ind., to Carthage and Monett, Mo.; Logan, Utah; and (b) from Rochester, Minn., to Cartheage and Monett, Mo.; Logan, Utah; and Green Bay, Wis.; (1) and (2) are under a continuing contract, or contracts, with L. D. Schreiber Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Logan or Salt Lake City, Utah, or Milwaukee, Wis.

No. MC 139193 (Sub-No. 37), filed May 3, 1976. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products, articles distributed by meat packinghouses* and *such commodities* as are used by meat packers in the conduct of their business as described in Sections A, B, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and North Dakota to the plantsite and facilities utilized by John Morrell & Co. at Sioux Falls, S. Dak., restricted to traffic transported under contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139906 (Sub-No. 7), filed May 7, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 265 W. 2700 South, P.O. Box 748, Salt Lake City, Utah 84115. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Strollers, folding chairs, baby car seats, playpens, bassinettes, swings*, and *equipment, materials and supplies*, used in the manufacture thereof (except commodities in bulk or those which because of size or weight require special handling or equipment), from the plantsite facilities of Strolee of California located at Compton, Calif. to points in Connecticut, Georgia, Indiana, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee and Texas.

NOTE.—Applicant holds contract carrier authority in MC 134599 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 139923 (Sub-No. 13) filed April 28, 1976. Applicant: MILLER TRUCKING CO., INC., 105 S. 8th Street, P.O. Drawer "D," Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plantsites and storage facilities of or utilized by Tennessee Doughnut Corporation, located at or near Nashville, Tenn., to points in Arkansas, Colorado,

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Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, New Mexico, Ohio, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 139926 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 139982 (Sub-No. 1), filed April 28, 1976. Applicant: INCOME BENEFITS, INC., doing business as DUVAL TRANSPORTATION COMPANY, 1010 Lake Adair Blvd., Orlando, Fla. 32809. Applicant's representative: John J. Duval, P.O. Box 1849, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to a prior or subsequent movement by air, between points in Alachua, Hernando, Hillsboro, Lake, Marion, Orange, Osceola, Pasco, Polk, Seminole, Sumter, Dade, Sarasota, Manate, Pinellas, Desoto, Hardee, Indian River, Brevard, Volusia, and Citrus counties, Fla.

NOTE.—Applicant holds contract carrier authority in No. MC 140207 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Orlando, Fla.

No. MC 140033 (Sub-No. 13), filed May 7, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, from McKinney, Tex., to Albuquerque, N. Mex.; Colorado Springs and Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 140869 (Sub-No. 5), filed May 3, 1976. Applicant: KERRI TRUCKING, INC., 162 Closter Dock Rd., Closter, N.J. 07624. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared edible flour and bread crumbs* (except in bulk), from Queens, N.Y., to points in and east of Illinois, Kentucky, Louisiana, Mississippi, Tennessee and Wisconsin, under a continuing contract or contracts, with Modern Maid Food Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141320 (Sub-No. 4), filed May 6, 1976. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, 6 Ray Court, Melville, N.Y. 11746. Applicant's representative: Martin D. Friedman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical isotopes, radio-pharmaceuticals, and medical test kits*, between South Plainfield, N.J., New York, N.Y., and Boston, Mass., on the one hand, and, on the other, points in New York (except New York City and points in Rockland, Westchester and Nassau Counties), points in Connecticut (except Fairfield, New Haven, Hartford, Middlesex and New London, Counties), and points in Rhode Island, Massachusetts, Maine, Vermont, and New Hampshire, under a continuing contract with Medi-Physics.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 141705 (Correction), filed January 14, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, and republished as corrected this issue. Applicant: KINGSDALE CARRIERS LIMITED, 423 Ingersoll Avenue, Woodstock, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk and in bags, from the facilities of Domtar Chemicals Limited at Beachville and the City of Cambridge, Ontario, Canada, to points in Michigan, New York, Ohio and Pennsylvania, through ports of entry on the International Boundary line between the United States and Canada located at Niagara, St. Lawrence, Detroit and St. Clair Rivers.

NOTE.—The purpose of this republication is to bring applicant's request for authority into compliance with the Commission's disclosure requirements on Canadian traffic. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141804 (Sub-No. 9), filed May 7, 1976. Applicant: WESTERN EXPRESS, P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrapping paper*, from Longview, Wash., to the plant site and sorage facilities of Avery Label located at or near Monrovia, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Los Angeles, Calif.

No. MC 141837 (Sub-No. 2), filed May 3, 1976. Applicant: ELLIS AG. SERVICE, INC., 504 Henderson Street, Andalusia, Ala. 36420. Applicant's representative: Selwyn Hale Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Lockhart, Ala., to Cantonment, Fla. and Cedar Springs, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Montgomery or Birmingham, Ala.

No. MC 141909 (Sub-No. 2), filed May 3, 1976. Applicant: GLEN W. COLLUMS, Route 1, Box 164-E, Dexter, N. Mex. 88230. Applicant's representative: Daniel F. Rogers, 1820 Paseo de La Conquistadora, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles from meat packinghouses* (except hides and commodities in bulk), including meat, byproducts, such as hanging fresh beef quarters; prepared lunch meats, sausage, bacon; cured hams, and cut-up pork and beef in boxes, (1) between Tucson, Ariz., and Roswell, N. Mex.; and (2) between Roswell, N.M., and points in Texas south of Interstate Hhighway 40, to the Texas-Oklahoma state line (including points on Interstate Highway 40); thence, from the Texas-Oklahoma state line west of Interstate Highway 35, to Dallas, Tex. (including points on Interstate Highway 35), and thence west of U.S. Highway 77, from Dallas, Tex., to the port of entry on the International Boundary line between the United States and the Republic of Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Roswell or Albuquerque, N. Mex.

No. MC 141946 (Correction), filed April 2, 1976, published in the FEDERAL REGISTER issue of May 6, 1976, and republished as corrected this issue. Applicant: ACTION CENTER MOVING & STORAGE, INC., 617 West Central Boulevard, Orlando, Fla. 32801. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Citrus, Hernando, Lake, Orange, Seminole, Sumter, and Volusia Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—The purpose of this republication is to include Volusia County, Fla. as a base radial point. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Orlando, Fla.

No. MC 141984, filed March 29, 1976. Applicant: R. S. ALBRIGHT, INC., 2212 1st Avenue South, Seattle, Wash. 98134. Applicant's representative: Robert Albright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in by wholesale paper distributors, such as paper and paper related items, from Stow, Alliance, Hamilton, and Toledo, Ohio; Gary, Ind.; Chicago, Ill.; Ashdown and Fort Smith, Ark.; Brainerd and Cloquet, Minn.; Nekoosa, Port Edwards, Wausau, Wisconsin Rapids, Stevens Point, Wisconsin Dells, and Appleton, Wis., and Springhill and Moss Point, La., to Seattle, Tacoma and Blaine, Wash., and Portland, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141996, filed April 27, 1976. Applicant: MARK TRANSPORTATION, INC., 2501 Commercial Street, N.E., Albuquerque, N. Mex. 87101. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* and *floor covering materials, equipment* and *supplies* (1) from points in Florida, Georgia, South Carolina, Tennessee and Virginia, to points in Arizona, California, Nevada, New Mexico, Oklahoma and Texas; (2) between points in Arizona, Nevada, New Mexico, Oklahoma and Texas; and (3) from Albuquerque, N. Mex., to points in California, Colorado, Georgia, South Carolina, Tennessee, Utah and Virginia, restricted to a transportation service to be provided under contract with Master Weave Carpets, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 141997, filed April 26, 1976. Applicant: HARRY E. KIMBER, Box 173, Utica, Mo. 64686. Applicant's representative: Edward P. Milbank, P.O. Box 367, Chillicothe, Mo. 64601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, between points in Arkansas, Illinois, Iowa, Kansas, Nebraska, and Oklahoma, on the one hand, and, on the other, the facilities of Milbank Mills, Inc., located at Chillicothe, Mo., under a continued contract or contracts with Milbank Mills, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chillicothe, or Kansas City, Mo.

No. MC 142013 (Sub-No. 2), filed May 12, 1976. Applicant: CONCRETE TRUCKING INC., doing business as AGGREGATE TRUCKING, 36450 Mission Blvd., P.O. Box 2715, Fremont, Calif. 94536. Applicant's representative: John Paul Fischer, 256 Montgomery St., 5th Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Ferro alloys*, in bulk, from Vernalis and Hayward, Calif., to Phoenix and Tempe, Ariz., and Portland, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 142018, filed April 26, 1976. Applicant: ROBERT B. CARR, doing business as BOB CARR REFRIGERATED TRANSPORTATION, 1961 Hidden Lane, Long Beach, Calif. 90815. Applicant's representative: Robert Gleason, 15 South Grady Way, Evergreen Bldg., No. 217, Renton, Wash. 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, fresh and frozen,* foods as may be dealt in by health food stores and food products consisting of salad dressings and cocktail bar mix, (1) from points in Washington to points in California and Oregon; and (2) from Los Angeles, Calif., to points in Oregon and Washington, (1) and (2) are both under a continuing contract or contracts with Flavorland Industries, Inc.; Gol-Pak; Pfeiffer's Foods; Superior Packing Co.; Vienna Sausage Mfg. Co. and Health Maid, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Los Angeles, Calif.

No. MC 142021, filed April 19, 1976. Applicant: EDCO ENTERPRISES, INC., 2890 Fairfax Road, Kansas City, Kans. 66115. Applicant's representative: Erle W. Francis, Suite 719-700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, including, but not limited to, wine, beer and distilled spirits, from points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Oklahoma, Tennessee, and Texas, to Junction City, Kansas City and Parsons, Kans., restricted against the transportation of any such commodities in bulk, and further restricted to shipments destined to warehouses of Eastern Distributing Co., Inc., located at Kansas City, Kans., Southeastern Distributors, Inc., located at Parsons, Kans., State Distributors, Inc., and C-K Distributors, Inc., located at Junction City, Kans.; and (2) *empty containers*, from destination points, to points of origin as named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Topeka, Kans.

No. MC 142033 (Sub-No. 1), filed May 3, 1976. Applicant: TUYA CARTAGE & WAREHOUSE CORP., 1351 N.W. 78th Avenue, Miami, Fla. 33126. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, livestock, and those requiring special handling and special equipment), between points in Dade County, Fla. restricted to shipments having a prior or subsequent movement by water, under a continuing contract or contracts, with Tuya International Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142034 (Sub-No. 1), filed May 4, 1976. Applicant: UNION TRUCKING & WAREHOUSING, INC., 3900 N.W. 79th Avenue, Miami, Fla. 33166. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33166. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, Class A and B explosives, household goods as defined by the Commission, livestock and commodities requiring special handling and equipment), between points in Dade County, Fla., restricted to shipments having a prior or subsequent movement by water, under a continuing contract or contracts with Union Shipping Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

PASSENGER APPLICATIONS

No. MC 15401 (Sub-No. 2), filed May 10, 1976. Applicant: STORER TRANSPORTATION SERVICE, INC., 3519 McDonald Avenue, Modesto, Calif. 95351. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations in round trip tours, beginning and ending at points in Calaveras County, Calif. and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 140845 (Sub-No. 2), filed April 28, 1976. Applicant: HOKE BUS LINES, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in charter and special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Delaware County, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141594 (Sub-No. 1), filed March 12, 1976. Applicant: TRANSPORTATION SERVICE, INC., 1453 Black Hills Ave., Alliance, Nebr. 69301. Applicant's representative: James G. Wegner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tranpsorting: *Passengers, who are train crews and their baggage* in the same vehicle with passengers, between Alliance, Nebr., points in South Dakota (except Brookings, Codington, Day, Deuel, Grant, Marshall, Moody, Roberts, and Union Counties, S. Dak.), points in Colorado (except those in Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Gun-

Mo.-East St. Louis, Ill., commercial ISTER; that such comments shall be

(2) It is likely that such proffered assist-

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nison, Hinsdale, Huerfano, Kit, Carson, La Plata, Las Animas, Mesa, Mineral, Montezuma, Montrose, Ouray, Park, Pitkin, Prowers, Rio Grande, Routt, Saguache, San Juan, and San Miguel Counties, Colo.), points in Nebraska (except those in Burt, Butler, Cass, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Gage, Jefferson, Johnson, Lancaster, Lincoln, Nemaha, Pawnee, Richardson, Sarpy, Saunders, Thurston, and Washington Counties, Nebr.), and points in Wyoming (except those in Lincoln, Park, Sublette, Teton, and Uinta Counties, Wyo.), restricted to a transportation service to be performed under a continuing contract or contracts with Burlington Northern, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

BROKER APPLICATIONS

No. MC 130376, filed April 9, 1976. Applicant: HOLIDAY TRAVEL SERVICE OF DANVILLE, INC., 645 D West Main Street, (Ballou Park Shopping Center), P.O. Box 1442, Danville, Va. 24541. Applicant's representative: Gary D. Beyer (Same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Danville, Va., to sell or offer to sell the transportation by bus of *passengers and their baggage*, from Danville, Va., and points in Halifax, Henry, and Pittsylvania Counties, Va., to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Danville, Roanoke, or Richmond, Va.

No. MC 130378, filed April 14, 1976. Applicant: B.W.C. TRANSPORTATION AGENCY, INC., 300 Ohio Street, Buffalo, N.Y. 14204. Applicant's representative: John R. Hamlet, 2200 Erie County Saving Bank Bldg., Buffalo, N.Y. 14202. Authority sought to engage in operations, in interstate or foreign commerce, as a *broker* at Buffalo, N.Y., to sell or offer to sell to motor common carriers the transportation of *general commodities*, between points in Erie, Niagara, Chautauqua, Genesee, Cataraugus, Wyoming, Orleans and Livingston Counties, N.Y., and Elk and Jefferson Counties, Pa., on the one hand, and, on the other, and points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 130379, filed April 16, 1976. Applicant: CAROL K. BERTRAND, doing business as CB TOURS, 305 Chipeway Avenue, Daytona Beach, Fla. 32108. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Daytona Beach, Fla., to sell or offer to sell the transportation of *Passengers and their baggage*, in round trip tours, by motor vehicle or by any combination of transportation, beginning and ending at points in Alachua, Baker, Bradford, Brevard, Clay, Columbia, Duval, Flagler, Hamilton, Lake, Marion, Nassau, Orange, Putnam, Seminole, St. Johns, Union, and Volusia Counties, Fla., and extending between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Daytona Beach, Fla.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12810 (Correction) (VIRGINIA LEE PEARSON—CONTROL—(B) CASE DRIVEWAY INC., AND (BB) MILLS TRANSFER CO.), published in the FEDERAL REGISTER April 22, 1976. Prior notice should read *Register Practitioner* instead of *Applicants' Attorney*. Also it should exclude under (BB) *General commodities*

No. MC-F-12836. Authority sought for purchase by LIME CITY TRUCKING COMPANY INCORPORATED, 1455 Swan Street, Huntingon, IN., 46750, of the operating rights of ROBERT O. EVANS d/b/a JOHNSON EXPRESS LINE, 210 Kent Street, Rockford, IL., 71101, and for acquisition by ESTATE OF CLEM J. GETTY, Fort Wayne, IN., and CLEM R. GETTY, 1455 Swan St., Huntington, IN., 46750, of control of such rights through the purchase. Applicants' attorney: Donald W. Smith, Suite 2465 One Indiana Square, Indianapolis, IN., 46204. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-99206 (Sub-No. 1) covering the transportation of general commodities within a 50 mile radius of Rockford, Illinois and between points within a 50 mile radius of Rockford, Illinois on the one hand and points in Illinois on the other. Household goods, fixtures, castings and machinery between all points and places in Illinois. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, New York, Kentucky, Ohio, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-20872 Sub 16 is a directly related matter.

No. MC-F-12839. Authority sought for purchase by STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Avenue, SW, P.O. Box 1095, Mason City, IA., 50401, of the operating rights and property of HOWARD BLY, an individual, P.O. Box 32, Oelwein, IA., 50662, and for acquisition by FRED J. STOCKBERGER, MABEL STOCKBERGER, 507 So. Tennessee, Mason City, IA., 50401 and LLOYD E. STOCKBERGER, 1110 Crestmore, Mason City, IA., 50401, and JAMES L. RASMUSSEN, 708–3rd SW, Mason City, IA., 50401, and of control of such rights through the purchase. Applicants' attorney: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA., 50309. Operating rights and property sought to be transferred: *Livestock*, as a *common carrier* over irregular routes from Arlington, Iowa and points in Iowa within 25 miles of Arlington to Chicago, Ill. with no transportaton for compensation on return except as otherwise authorized, *feed*, from Forest Park and Chicago, Ill., to Arlington, Oelwein, and Wadena, Iowa, with no transportation for compensation on return except as otherwise authorized, *farm seeds, rope, binder twine, farm machinery* and *parts*, and *agricultural implements* and *parts*, from Chicago, Ill., to Arlington, Oelwein and Wadena, Iowa, with no transportation for compensation on return except as otherwise authorized, *Malt beverages* and *soft drinks*, in containers, from Madison, Milwaukee Sheboygan, and Waukesha, Wisc. to Oelwein, Iowa; and *empty containers*, for malt beverages and soft drinks, from Oelwein, Iowa, to the Wisconsin-points specified immediately above, *malt beverages*, from Milwaukee, La Crosse, and Potosi, Wisc., to New Hampton and Cedar Rapids, Iowa; and empty containers, for malt beverages, from New Hampton and Cedar Rapids, Iowa, to Milwaukee, La Crosse, and Potosi, Wisc., *malt beverages*, from Milwaukee, Wisc., and Chicago, Ill., to Waterloo, Iowa; and *Empty Malt-beverages* containers, from Waterloo, Iowa to Milwaukee, Wisc., and Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Minnesota, Wisconsin, South Dakota, North Dakota, Nebraska, Michigan, Kansas, Missouri, Indiana, Ohio, Pennsylvania. Application has not been filed for temporary authority.

No. MC-F-12841. Authority sought for purchase by SOUTHWEST EQUIPMENT RENTAL, INC., dba SOUTHWEST MOTOR FREIGHT, 4284 Mission Boulevard, Pomona, CA., 91769, of a portion of the operating rights of INTERSTATE EXPRESS, INC., 401 East Grant Street, Streator, IL., 61364, and for acquisition by CLYDE M. FULLER P.O. Box 2171, Fort Oglethorpe, GA., 30742, of control of such rights through the purchase. Applicants' attorneys: Patrick E. Quinn, P.O. Box 82028, Lincoln, NB., 68501, and B.W. LaTourette, Jr., 11 S. Meramec Ave., Suite 1400, St. Louis, MO., 63105. Operating rights sought to be transferred: *Glass containers*, as a *common carrier* over irregular routes from Seneca, Streator, and Ottawa, Ill. to points in Missouri (except points in the St. Louis,

Mo.-East St. Louis, Ill., commercial zone), *Fiberboard or paperboard boxes*, from Streator, Ill., to points in Missouri (except points in the St. Louis, Mo.-East St., Louis, Ill., commercial zone), *Empty containers* and *pallets*, from points in Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone) to Streator, Seneca, and Ottawa, Ill., with restrictions. *Glass Containers, caps, covers, tops, rings*, and *stoppers* for glass containers, and *fibreboard boxes*, from Streator, Ill., to points in Kentucky and Tennessee, with no transportation for compensation on return except as otherwise authorized, *cullet*, from points in Kentucky and Tennessee, to Streator, Ill., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in all the States of the United States (except Alaska and Hawaii), including the District of Columbia. Application has been filed for temporary authority under section 210a(b).

THE CHESAPEAKE AND OHIO RAILWAY COMPANY, Terminal Tower, Cleveland, Ohio 44101, represented by Mr. René J. Gunning, General Attorney, The Chesapeake and Ohio Railway Company, Two North Charles Street, Baltimore, Maryland 21201, hereby give notice that on the 19th day of May, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the tracks of The Baltimore and Ohio Railroad Company between Wellsboro, Indiana, and Pine Junction, Indiana, a distance of approximately 36.06 miles, all in LaPorte, Porter and Lake Counties, Indiana, which application is assigned Finance Docket No. 28188.

In the opinion of the applicant, granting the authority sought in this application would not constitute a major Federal action having a significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB–46 (Sub-No. 10]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN OSKALOOSA AND MICH SPUR, IN MAHASKA COUNTY, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 20, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago B. & Q. R. Co. Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Chicago, Rock Island and Pacific Railroad Company extending from railroad Milepost 297.46 near Oskaloosa, Iowa, in an easterly direction to railroad Milepost 300.78 near Mich Spur, Iowa, a distance of 3.32 miles in Mahaska County, Iowa. A certificate of abandonment will be issued to the Chicago, Rock Island and Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the executive of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976 at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above referenced order.

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212 (b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 19459 (Sub-No. 3), filed April 11, 1976. Applicant: B & B TRUCKING, INC., 83 Egleston Road, Westfield, Mass. 01085. Applicant's representative: Gerald A. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to

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operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment).

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12835 published in the FEDERAL REGISTER issue of May 20, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Boston, Mass.

No. MC 75320 (Sub-No. 186), filed March 22, 1976. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: Phineas Stevens, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, restricted against the transportation of shipments moving between points requested herein which can be served by applicant in regular-route operations.

NOTE.—Applicant states it seeks to purchase from Transamerican Freight Lines, Inc. (Harold O. Love, Receiver) operating authority which authorizes operations over regular and irregular routes between the same points via points in Atchison County, Mo., and that part of Holt County, Mo., within 20 miles of Fairfax, Mo. The purpose of this application is to obtain appropriate authority to conduct such operations without observing the Atchison County gateway. Applicants request that this application be granted is conditioned upon approval of applicant's request to purchase said authority. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12713 published in the FEDERAL REGISTER issue of December 23, 1975. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 109533 (Sub-No. 75) (Correction) filed April 21, 1976, published in the FEDERAL REGISTER issue of May 20, 1976, republished as corrected this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, 1660 L Street Suite 1100 Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Louisville, Ky., and Hazel, Ky., serving all intermediate points and points in Breckenridge, Bullitt, Butler, Caldwell, Calloway, Christian, Crittenden, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Henderson, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Meade, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., as off-route points: From Louisville over Interstate Highway 65 to junction Western Kentucky Parkway, thence over Western Kentucky Parkway to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Purchase Parkway, thence over Purchase Parkway to Benton, Ky., thence over U.S. Highway 641 to Hazel, and return over the same route; (2) Between Madisonville, Ky., and junction U.S. Highway 41 and Western Kentucky Parkway, serving all intermediate points: From Madisonville over U.S. Highway 41 to junction Western Kentucky Parkway and return over the same route; and (3) Between Paducah, Ky., and junction U.S. Highway 62 and Western Kentucky Parkway, serving all intermediate points: From Paducah over U.S. Highway 62 to junction Western Kentucky Parkway and return over the same route.

NOTE.—The purpose of this republication is to indicate applicant seeks regular route authority in lieu of irregular route authority. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12822 published in the FEDERAL REGISTER issue of April 5, 1976. If a hearing is deemed necessary, the applicant requests it be held at Louisville or Frankfort, Ky.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49) CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein decribed may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC-97270 (Deviation No. 1), REYCO MOTOR EXPRESS, INC., P.O. Box 969, Harrison, Ark. 72601, filed May 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Morrilton, Ark., over Arkansas Highway 9 to junction U.S. Highway 65 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Morrilton, Ark., over U.S. Highway 64 to Conway, Ark., thence over U.S. Highway 65 to junction Arkansas Highway 9 and return over the same route.

No. MC-109324 (Deviation No. 2), GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601, filed May 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over U.S. Highway 60 to junction Missouri Highway 5, thence over Missouri Highway 5 to Gainesville, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 62, thence over U.S. Highway 62 to Mountain Home, Ark., thence over Arkansas Highway 5 to the Arkansas-Missouri State line, thence over Missouri Highway 5 to Gainesville, Mo., and return over the same route.

No. MC-109324 (Deviation No. 3), GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601, filed May 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 55 and U.S. Highway 64 over U.S. Highway 64 to Searcy, Ark., thence over Arkansas Highway 36 to junction Arkansas Highway 124, thence over Arkansas Highway 124 to junction U.S. Highway 65, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Highway 55 and U.S. Highway 64, over Interstate Highway 55 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Arkansas Highway 124, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

South Carolina Docket No. 76 258 T, filed May 14, 1976. Applicant: SMITH & WATERS, INC., Nation Road, Ware Shoals, S.C. 29692. Applicant's representative: Howard L. Burns, P.O. Drawer 1207, Greenwood, S.C. 29646. Certificate of Public Convenience and Necessity sought to operate a freight service as follows over irregular routes: (1) *Commodities in general* (except any commodities or products in bulk, in tank trucks; Classes A and B explosives and Classes A, C and D poisons as defined under explosives and other dangerous articles in American Trucking Association, Inc., Agent, Tariff No. 10, MF-ICC No. 11, PSCSC No. 11 supplements thereto or re-issues thereof; and household goods and related articles, as defined in Motor Truck Rate Bureau, Agent, Household Goods Tariff, Motor Freight Tariff No. 8–C, SCPSC–MF No. 79, (a) supplements thereto or re-issues thereof), (a) between points and places in Abbeville, Aiken, Anderson, Edgefield, Greenwood, Laurens, McCormick, Newberry, Oconee, Pickens and Saluda Counties, South Carolina, and (b) between points and places in these counties and points and places in South Carolina; (2) *cotton in bales, cotton waste, cotton bagging and cotton ties; and fertilizer and fertilizer materials*, between points and places in South Carolina; (3) *fruits and vegetables*, (a) between points and places in Edgefield and Saluda Counties, South Carolina, and (b) between points and places in Edgefield and Saluda Counties and points and places in South Carolina.

(4) *brick, tile, terra cotta pipe, concrete blocks, pipe and slabs*, between points and places in Aiken, Fairfield, Greenwood, Lexington and Richland Counties, South Carolina, and from points and places in these counties, to points and places in South Carolina; (5) *grain*, (a) between points and places in Aiken, Edgefield and Saluda Counties, South Carolina, and (b) between points and places in these counties and points and places in South Carolina; and (6) *petroleum products* in drums and packages, from Charleston, South Carolina, to points and places in Edgefield County, South Carolina. No other change is sought. Note: Applicant's application to the South Carolina Public Service Commission is to amend the foregoing provision to include Laurens, Newberry, Oconee and Pickens Counties, South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the South Carolina Public Service Commission, P.O. Box 11649, Columbia, S.C. 29211 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4610 (Sub-No. 7), filed May 13, 1976. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 11080, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Certificate of Public Convenience and Necessity sought to operate a freight service as follows over regular routes: Transportation of *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, those of unusual value, and those requiring special equipment), between Humboldt and Jackson, Tenn.: From Humboldt, Tenn. over U.S. Highway 45W to junction with U.S. Highway 45, thence over U.S. Highway 45, to Jackson, Tenn. and return over the same route, serving all intermediate points. Said authority to be used in conjunction with all of applicant's existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place is set for August 24, 1976 at 9:30 A.M., at the Commission's Court Room, C1–110 Cordell Hull Building, Nashville, Tenn. 37129. Requests for procedural information should be addressed to the Tennessee Public Service Commission, C1–102, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5204 (Sub-No. 3), filed May 13, 1976. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, Tenn. 38358. Applicant's representative: Walter Harwood P.O. Box 15214, Nashville, Tenn. 37215. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except household goods, commodities in bulk, Classes A and B explosives, and articles which because of size or weight require special equipment), (1) between Jackson and Milan, Tenn.: From Milan, Tenn., over U.S. Highway 45–E to junction with U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn. and return over the same route, serving all intermediate points. By this route, applicant seeks to remove restriction contained in its Certificate No. 2788–A, against handling of traffic moving between Memphis and Jackson, Tenn.; and (2) between Jackson and Savannah, Tenn.: From Jackson, Tenn. over U.S. Highway 45 to junction with U.S. Highway 64, thence over U.S. Highway 64 to Savannah, Tenn., and return over the same route, serving all intermediate points. All of the above authority to be used in conjunction with applicant's existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place set for August 18, 1976 at 9:30 A.M., at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1–102, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5406 (Sub-No. 1), filed May 11, 1976. Applicant: JACKSON EXPRESS, INC., 12 Conalco Drive, P.O. Box 3310, Jackson, Tenn. 38301. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) between Memphis and Lavergne, Tenn.: From Memphis, Tenn. over Interstate Highway 40 to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Lavergne, Tenn., but serving no intermediate points between Memphis and Nashville, Tenn.; (2) between Jackson and Selmer, Tenn.: From Jackson, Tenn. over U.S. Highway 45 to Selmer, Tenn., serving all intermediate points; and (3) serving the plant site of the Firestone Tire and Rubber Co. located at or near Nashville, Tenn. as an off-route point. This authority to be used in conjunction with applicant's existing authority. *Alternate routes:* Between Memphis and Nashville, Tenn. over U.S. Highway 70 and over U.S. Highway 64 to junction of Tennessee Highway 100, thence over Tennessee Highway 100 to junction of Tennessee Highway 18, thence over Tennessee Highway 18 to junction of Tennessee Highway 20 thence over Tennessee Highway 100, thence over Tennessee Highway 100 as alternate routes for operating convenience only to be used in conjunction with applicant's existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place is set for August 10, 1976, at 9:30 A.M., at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1–102 Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5821 (Sub-No. 1), filed April 30, 1976. Applicant: SMITHVILLE FREIGHT LINES, INC., P.O. Box 209, Smithville, Tenn. 37166. Applicant's representative: Val Sanford, P.O. Box 2757, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* (except for household goods, Classes A and B explosives, commodities in bulk and livestock), between Smithville and Sparta, Tenn. over Tennessee Highway 26, and return over the same route, servicing all intermediate points, removing the restriction which presently appears in Certificate No. 209E, so as to authorize the applicant, in conjunction with its existing authority to provide service between Nashville and Sparta, Tenn. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place set for July 27, 1976 at 9:30 a.m., at the Commission's Court Room, C–1, Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1–102 Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–16095 Filed 6–2–76;8:45 am]

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[Notice No. 61]

ASSIGNMENT OF HEARINGS

MAY 28, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 (Sub 441), Schneider Transport, Inc. now being assigned September 8, 1976 (3 days) at Chicago, Illinois in a hearing room to be later designated.

MC 123407 (Sub 277), Sawyer Transport, Inc. now being assigned September 13, 1976 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 128030 (Sub 96), The Stout Trucking Co., Inc. now being assigned September 14, 1976 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 21455 (Sub 36), Gene Mitchell Co. now being assigned September 16, 1976 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 19227 Sub 223, Leonard Bros. Trucking Co., Inc., now being assigned September 27, 1976 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 124090 Sub 5, Transportes Azteca, A Corporation, now being assigned October 4, 1976 (1 Week), at Dallas, Texas, in a hearing room to be later designated.

MC 123490 Sub 16, Chip Carriers, Inc., now being assigned September 28, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 5623 Sub, Arrow Trucking Co., A Corporation; MC 42011 Sub 17, D.Q. Wise & Co., Inc.; MC 51231 Sub. 85, Ace Lines, Inc.; MC 72234 Sub 53, The Aethna Freight Lines, Incorporated; MC 74321 Sub 115, B. F. Walker, Inc.; MC 83539 Sub 411, C & H Transportation Co., Inc.; MC 83835 Sub 124, Wales Transportation, Inc.; MC 85811 Sub 8, Amsco Transportation, Inc.; MC 106497 Sub 123, Parkhill Truck Company; MC 106775 Sub 39, Atlas Truck Line, Inc.; MC 107993 Sub 42, J. J. Willis Trucking Co., A Corp.; MC 110817 Sub 20, E. L. Farmer & Company; MC 113459 Sub 101, H. J. Jefferies Truck Line, Inc.; MC 119908 Sub 29, Western Lines, Inc.; MC 119700 Sub 29, Steel Haulers, Inc.; MC 119777 Sub 322, Ligon Specialized Hauler, Inc., now being assigned September 30, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 1380 (Sub 19), Colonial Motor Freight, Inc., now assigned June 7, 1976 (2 weeks) at Charlotte, North Carolina and will be held in the Conference Room, Mecklenburg County ABC Office Building, Corner of South Brevard & East 2nd Streets.

MC 140874, Schreiber Express, Inc. now assigned June 29, 1976 at Tallahassee, Florida is now being postponed indefinitely.

MC 94742 (Sub 37), Michaud Bus Lines, Inc. now assigned September 13, 1976 (1 week) at Boston, Massachusetts is now being advanced to July 12, 1976 (1 week) at Boston, Massachusetts and will be held at the Copely Plaza Hotel, Copely Square, 138 St. James Avenue.

I & S M 28973, Increased Bus Passenger Fares & Express Rates Nationwide, now assigned June 2, 1976, at Washington, D.C. is cancelled, rates are being cancelled.

F.D. 26764, Gulf Mobile and Ohio Railroad Company Abandonment Between Dwight, Livingston County, And Washington, Tazewell County, Illinois, now being assigned September 9, 1976 (2 days) at Metamora, Ill., in a hearing room to be later designated.

MC 141511, Robert W. Rettig, DBA Protein Express, now being assigned September 13, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 138512 Sub 13, Roland's Transportation Service, Incorporated, DBA Wisconsin Provisions Express, now being assigned September 14, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-F 12737, Jenkins Truck Line, Inc.—Control and Merger—Denny Motor Freight, Inc., MC 61692 Sub 383, Jenkins Truck Line, Inc., now being assigned September 15, 1976 (3 days), in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16090 Filed 6-2-76;8:45 am]

[Amendment No. 14 to Exemption No. 55]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire August 31, 1976.*

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-16092 Filed 6-2-76;8:45 am]

[Notice No. 262]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-76601. By application filed May 21, 1976, INDEPENDENT FREIGHT, INC., R.F.D. 1 Route 44 Box 150, Putnam, CT., 06260, seeks temporary authority to lease the operating rights of R. B. GREENE TRANSPORTATION, INC., Maple Street, Danielson, CT., 06239, under section 210a(b). The transfer to INDEPENDENT FREIGHT, INC., of the operating rights of R. B. GREENE TRANSPORTATION, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16093 Filed 6-2-76;8:45 am]

[Notice No. 130]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Decker Truck Line, Inc., MC-59367 Sub-99TA	MC-59367 Sub-95	May 25, 1976
Michigan & Nebraska Transit Co., MC-82492 Sub-124TA	MC-82492 Sub-119	Do.
Puget Sound Truck Lines, Inc., MC-85255 Sub-53TA	MC-85255 Sub-56	May 26, 1976
Clark Bros. Transfer, Inc., MC-106195 Sub-4TA	MC-106195 Sub-5	Do.
Truck Transport, Incorporated, MC-115331 Sub-379TA	MC-115331 Sub-384	May 25, 1976
Mitchell & Son, Inc., MC-139396 Sub-4TA	MC-139396 Sub-5	May 26, 1976
Direct Courier, Inc., MC-139759 Sub-4TA	MC-139759 Sub-5	May 25, 1976
J. B. Montgomery, Inc., MC-140024 Sub-5TA	MC-140024 Sub-52	May 26, 1976
United Trucking, Inc., MC-140645 Sub-1TA	MC-140645	Do.
Rogers Motor Lines, Inc., MC-140781 Sub-1TA	MC-140781	Do.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16094 Filed 6-2-76;8:45 am]

federal register

THURSDAY, JUNE 3, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

RENAL DISEASE

Implementation of Coverage of Suppliers of End Stage Services

V41 I108 JUN 3 76 UMI

5 and 5b and 20 CFR Parts 401 and 422, regulations apply in detail to facilities, these requirements to the furnishing of

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further Amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services

The amendments to the regulations set forth below are adopted in final form by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. These amendments are intended to further implement Section 299I of the Social Security Amendments of 1972 (P.L. 92-603), which extends Medicare protection to any individual who has end-stage renal disease requiring dialysis or transplantation, provided that such individual: (1) is fully or currently insured, or entitled to monthly benefits under Title II of the Social Security Act; or (2) is the spouse or dependent child of an individual so insured or entitled to such monthly benefits.

On July 1, 1975, there was published in the FEDERAL REGISTER (40 FR 27782) a Notice of Proposed Rule Making with proposed amendments to regulations relating to: (a) the conditions for coverage which suppliers of ESRD services must meet to qualify for Medicare reimbursement; (b) the certification procedures for such suppliers; (c) the provision of a minimal utilization rate for covered procedures; (d) the designation of ESRD network areas; (e) the establishment of Network Coordinating Councils, and (f) the provision of Medical Review Board to screen the appropriateness of patients for the proposed treatment procedures, in order to implement Section 299I of the Social Security Amendments of 1972 (P.L. 92-603).

Interested parties were given the opportunity to submit data, views, or arguments on the proposed amendments within 60 days of the July 1, 1975, notice of proposed rulemaking. Comments were received from many sources (including representatives of national, State and local organizations) concerned with ESRD care of patients. Approximately 450 letters were received, many of which contained comments on various portions of the proposed regulations so that the total number of comments approximated 1500. Although a large number of comments were received after the September 1, 1975 deadline, each comment received has been carefully considered. The largest number of comments were in the areas of the definitions concerning ESRD facilities and personnel, network areas and organizations (network coordinating council and medical review board), and minimal utilization rates. A lesser number of comments were related to histocompatibility testing, and the health and safety requirements for facilities.

For purposes of organization, the discussion of the comments and the actions taken follows the sequence of the sections of the regulations.

Section 226(g) of the Social Security Act (the Act) authorizes the Secretary to limit Medicare reimbursement for kidney transplant and dialysis services to facilities meeting such requirements as he may by regulation prescribe. Section 226(g) also provides that such regulations must include requirements for a minimal utilization rate for covered procedures and for a medical review board to screen the appropriateness of patients for the proposed treatment procedures.

The following amendments to the regulations specify the health and safety requirements that facilities furnishing ESRD services must meet to qualify for Medicare reimbursement. In addition, the amendments require that these facilities be organized into coordinated systems ("networks") for the delivery of ESRD care.

The ESRD program became effective July 1, 1973, and since then has operated under interim regulations published in the FEDERAL REGISTER of June 29, 1973 (38 FR 17210). The interim regulations provide for reimbursement to those facilities which were furnishing ESRD care on or before June 1, 1973, and describe criteria for allowing reimbursement to additional or expanded ESRD facilities during the interim period. (To give the public a formal opportunity to participate in the development of the criteria used in granting requests for exceptions to the limitation on participation during the interim period, the interim regulations were republished in the FEDERAL REGISTER of April 22, 1975 (40 FR 17746)) after Notice of Proposed Rule Making. The interim regulations, as published and republished are being superseded by these "long-term" amendments to the regulations. The interim regulations explained that recognition of a facility on an interim basis was no assurance that it would be approved on a continuing basis for reimbursement under the "long-term" program. Facilities not qualifying under the "long-term" regulations will be phased out in a manner that will minimize any disruption of services to ESRD patients.

The policies for the ESRD program which are incorporated in these amendments are based on the operating experience of the program since publication of the interim regulations in June 1973, as well as on extensive communications with professionals and other persons knowledgeable in the areas of nephrology and transplant surgery.

These amendments are intended to accomplish the following objectives:

(1) To assist beneficiaries who have been diagnosed as having ESRD to receive the care they need;

(2) To encourage proper distribution and effective utilization of ESRD treatment resources while maintaining or improving the quality of care; and,

(3) To provide the flexibility necessary for the efficient delivery of appropriate care by physicians and facilities.

The broad array of professional skills and facilities involved in the treatment of persons with ESRD indicates the need for a system to promote effective coordination. Accordingly, these final regulations require ESRD treatment facilities to join together into groups called "networks".

During the past decade, programs conducted by agencies of the Public Health Service and the States have demonstrated that integration of hospitals and other health facilities into organized networks is the most effective way to deliver ESRD care. An organized network tends to assure coordinated patient referral as well as access to resources. It also permits the concentration of equipment and specially trained personnel in centers where they can be used efficiently to treat large numbers of patients. This approach has been advocated by committees of national voluntary health organizations.

The population base of each network should be large enough to permit the delivery of a full range of ESRD diagnostic and therapeutic services needed by all patients within the network area. Accordingly, 26 of the network areas designated in the Appendix to the Subpart U serve a minimum population base of 3.5 million, (while an additional six network areas serve a smaller population base as this minimum would not be feasible). In order to accommodate patient choice, and to allow for sufficient peer review within the network, each network will be required to have at least two transplant centers whenever feasible.

The network concept will be found in existing patterns for referral of patients to treatment facilities, these existing referral patterns in effect constituting informal networks. Insofar as feasible, network designations conform with these referral patterns. Alhough the designation of network areas is made by the Secretary, the structure and the administration of each network will be the responsibility of the representatives of its component ESRD facilities.

These final regulations require that in order to qualify for reimbursement, an ESRD facility must be a member of a network. The network must organize itself through the establishment of a Network Coordinating Council, with representation from all ESRD facilities in the network. The network and its Council will perform a unique role as liaison between the Federal Government and available community resources, with the Council supplying to the Secretary information which the Secretary may use to make determinations. The Council will also make recommendations to member facilities as needed to achieve the objectives of the network. In addition, each network, through its Council, will establish a Medical Review Board to review the appropriateness of ESRD patient care and service.

An essential element in the ESRD program is a medical information system. All ESRD facilities participating in the program will be required to supply data to this system. When the medical information pertains to individual patients, it will be treated as confidential and will not be disclosed except as authorized by Department regulations on confidentiality and disclosure (see 45 CFR Parts

5 and 5b and 20 CFR Parts 401 and 422 (Subpart E)).

For participation in the ESRD program, a facility must also meet the minimal utilization rates for covered procedures published in these final regulations. These rates apply to transplantation and dialysis, and may be modified by future amendments to the regulations. A facility which is not in compliance with the applicable minimal utilization rates may be conditionally approved for a limited period to allow it time for attaining compliance. These final regulations also provide for exceptions to the minimum utilization rates to be granted to a dialysis facility in unusual situations if it can be shown that nonparticipation in the ESRD program would be detrimental to the achievement of program objectives.

Through a Memorandum of Understanding reflecting agreement reached between the Department of Health, Education, and Welfare and the Veterans Administration, specified Veterans Administration Hospitals can qualify for participation in the ESRD program. These specified Veterans Administration Hospitals, when found to meet Title XVIII requirements, will be part of a network and will be represented on its Council. They will also be required to comply with the ESRD regulations described herein with respect to the care they furnish to Medicare patients. Similarly, other Federal facilities may participate in the ESRD program provided that they meet the requirements of these regulations.

To conform other pertinent regulations with Subpart U and ESRD program requirements, these final regulations amend Subpart M (Conditions for Coverage of Services of Independent Laboratories (39 FR 33690)) to include requirements for an independent laboratory performing histocompatability testing; Subpart S (Certification Procedure for Providers and Suppliers of Services); and Subpart J (Conditions of Participation; Hospitals), Subpart O (Providers of Services, Emergency Service Hospitals, Independent Laboratories, and Suppliers of Portable X-ray Services, Determinations and Appeal Procedures) has elsewhere been amended to reflect implementation of the ESRD program. 41 FR 8481 (February 27, 1976).

GENERAL COMMENTS

Many of the comments were of a general nature. For example, while many comments suggested changes in network area designations and the composition and functions of the network organizations, the comments contained substantial support for the concept of organized ESRD networks to promote coordinated patient referral and access to the full range of resources.

A number of comments suggested that there is a need for clarification of the way in which these regulations apply to the various types of facilities which furnish ESRD services. For example, several comments indicated concern that the regulations apply in detail to facilities furnishing dialysis services but apply only minimally to renal transplantation facilities. Other comments indicated concern that the proposed regulations would establish requirements which were nearly duplicative of the existing requirements for hospitals under the Medicare program. The proposed regulations recognized the fact that renal transplantation centers and renal dialysis centers are hospitals participating as providers in the Medicare program. Also participating skilled nursing facilities may wish to be approved as renal dialysis facilities, while hospital laboratory departments and independent laboratories may wish to furnish the laboratory specialty of histocompatibility testing. However, providers or suppliers of services currently participating in the Medicare program must also meet the conditions for coverage contained in the these amendments to regulations in order to become approved as suppliers of ESRD services and in order to become approved to furnish the laboratory specialty of histocompatibility testing.

Section 226(g) of the Act authorizes the Secretary to limit Medicare reimbursement for kidney transplant and dialysis services to facilities meeting such requirements as he may by regulation prescribe. These amendments to the Medicare regulations provide the requirements which facilities must meet in order for their services to be covered under the ESRD program. Hospitals, to participate in the Medicare program, must be in compliance with the conditions of participation which are listed in Subpart J of the Medicare regulations. Examples of the conditions of participation in Subpart J are: Governing Body, Physical Environment, Medical Record Department, etc. The Conditions for Coverage of Suppliers of ESRD Services listed in Subpart U of these amendments similarly contain: Governing Body and Management, Physical Environment, Medical Records. Hospital compliance with the requirements for reimbursement of ESRD services will be considered within the context of the furnishing of ESRD services. For example, a Medicare approved hospital will have a functioning Governing Body; approval for reimbursement for ESRD will require (see section 405.2136) that in addition, there be documentation that the Governing Body receive and act on communications from the Medical Review Board of the ESRD network since other aspects will have been certified under the conditions of participation. Similarly, hospitals accredited by the Joint Commission on Accreditation and by the American Osteopathic Association are deemed to meet the Medicare conditions of participation with the exception of utilization review and institutional planning (Subpart J) and will also need to meet the requirements in Subpart U to be approved for reimbursement for ESRD services. Many other examples could be cited. Guidelines and instructions will be forthcoming to assist surveyors in relating these requirements to the furnishing of ESRD services.

Other writers commented that the proposed regulations were not consistent with one of the objectives of the ESRD program (Section 405.2101) in that very little flexibility was provided for in the requirements concerning ESRD facilities. In answer to these comments, the Department believes that although the regulations place certain requirements upon facilities, the manner in which the facilities, the manner in which the requirements may be fulfilled can vary. As an example, Renal Dialysis Facilities are required to periodically analyze and treat the water used in dialysis and to maintain records of test results. This provides the opportunity for standards for testing to change to be compatible with currently acceptable dialysis techniques. There is an important need to retain flexibility as an operating policy since the care of patients with ESRD can be expected to be subject to rapid changes. Interpretation of the regulations, as well as future amendments to the regulations, should not stifle acceptable and needed technological changes which may influence concepts of good ESRD patient care.

Many comments were received from patients presently undergoing treatment for ESRD; their major concerns were that the designated network areas would prevent patients from receiving care from facilities located in a network area other than the area in which the patient resides. It should be understood that network areas relate only to the location of facilities and not to the residence of patients; it is explicit in section 1802 of the Act and in section 405.2110 that patients may receive care at the facility of their choice. The regulations provide for the ESRD facilities within each designated area to organize to carry out review of ESRD patient care being furnished by facilities located in the network area and to plan to achieve appropriate access for all ESRD patients treated by the facilities in their area. Thus, while the network areas were drawn with reference to current patient flow and include all the modalities of ESRD care, a patient is not precluded from receiving care in a facility outside the network area in which he or she resides.

Comments on various sections of the proposed regulations pointed out apparent omission of needed items and suggested that these items be added to the regulations. For example, the proposed regulations prescribe that the Director of an ESRD dialysis facility be responsible for the training of nurses and technicians in dialysis techniques. Some who commented suggested that the Director be responsible for a training program for all of the staff. These final regulations require the Chief Executive Officer to be responsible for ensuring that all employees have an opportunity for continuing education and related development activities in addition to appropriate orientation to the facility and their work responsibilities upon employment.

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It was felt in this example and in others, that the suggestions were addressed in other sections of the proposed regulations. However, to aid public understanding, greater effort has been made to cross-reference the revised regulations.

Several comments were received which did not deal specifically with the proposed regulations but were general comments on provisions of the statute (P.L. 92–603) or on aspects of reimbursement policy not addressed in these amendments to the regulations. The latter comments were not considered to be within the scope of review for suggested changes in proposed regulations.

Comments on condition of participation—complementary departments (section 405.1031). Comments received which were relevant to this section are discussed under general comments. This section amends the regulations for hospital participation in the Medicare program to indicate that, if a participating hospital provides ESRD services, reimbursement for such services will not be made unless the hospital also meets the Conditions for Coverage in Subpart M and U of these regulations as appropriate. Comments suggesting that a hospital which meets the Conditions for Participation in the Medicare program should be deemed to meet at least part of the requirements of Subpart U have been rejected, since the body of ESRD regulations must apply to all ESRD facilities, regardless of location.

Comments on histocompatibility testing (sections 405.1310, 405.1314, 405.1317, 405.2171Q. A small number of comments were received which suggested changes in the proposed requirements for histocompatibility testing. Most of these comments were from individuals who identified themselves as directors of existing laboratories which conducted histocompatibility testing and pointed out several technical inaccuracies in testing techniques which had been written into the proposed regulations. One example of such an inaccuracy was the requirement that recipient and donor sera be crossmatched for preformed antibodies whereas the correct statement should have been that recipient serum and donor lymphocytes be crossmatched for preformed antibodies. These comments also pointed out the inappropriateness of classifying histocompatibility testing under the existing clinical laboratory requirements without identifying such testing as a separate entity.

Changes have been made which closely parallel the recommendations. Histocompatibility testing is now defined in the independent laboratory regulations (section 405.1317); specific qualification requirements for the director or supervisor are stated for a laboratory if the laboratory performs tests in the specialty of histocompatibility testing. In addition, the requirements for quality control systems are specifically identified for histocompatibility testing rather than grouped under immunohematology and serology as in the previous proposed regulations. Hospital laboratory departments which wish to be reimbursed under the ESRD program for histocompatibility testing must also satisfy these requirements.

Comments on the certification process (sections 405.1901 and 405.1912). Section 405.1901 has been changed to include cross-references to the sections which specify the requirements which a histocompatibility testing laboratory must meet. Suggestions were made that section 405.1912 be written in more detail to explain the special procedures involved in approval of ESRD facilities. In addition to changes made in section 405.1912, guidelines will be issued which will outline the details for ESRD facility approval. As published, section 405.2122 contained both substantive and procedural provisions relating to minimal utilization rate classifications. References to minimal utilization rates (discussed in greater detail below under the heading "Comments on minimal utilization rates") have been added to sections 405.1912 (b) through (e), in addition to simplification and clarification of the material now appearing in section 405.2122.

Comments on definitions (section 405.2102). This section received a large number of comments. Most of these comments indicated a need to consider changes in the definitions of types of services and facilities and of the types of qualifications of personnel in ESRD facilities.

A number of suggestions were made to restructure the definition of inpatient dialysis and chronic maintenance dialysis. It was suggested that a category of "Special Care Out-Patient Dialysis" be added to distinguish the usual routine chronic maintenance dialysis which might be carried out in an outpatient facility from the more specialized care required because of intercurrent complications or medical problems. Other comments suggested several variations now in use for defining dialysis by levels of care. In light of the difficulty encountered in arriving at universally accepted categories of levels of care it has been considered preferable to simplify the definition of dialysis and therefore avoid the resultant proliferation of standards for each level of care. Changes which have been made in the regulations in the interest of simplification were to delete the definitions of Limited Care Dialysis Facility, Self-Care Dialysis Facility and Self-Care Dialysis Training Facility and to substitute the definition of Dialysis Facility as a unit which is approved to furnish dialysis service(s) to ESRD patients. These services include chronic maintenance dialysis (at any level of patient involvement) and self-care dialysis training. There now are only two types of facilities defined primarily for dialysis; (1) the Renal Dialysis Facility and (2) Renal Dialysis Center. The definition of a Renal Dialysis Center has been slightly modified to explicitly state that the services include dialysis in a manner that makes a Center responsible for the care delivered to the hospitalized ESRD patient (i.e., furnished directly or under arrangement).

ESRD Services (section 405.2102(f)) have now been defined to better clarify the regulations with respect to types of ESRD services. Transplantation Service has been defined as suggested by several commenters to include not only the removal and implantation of kidneys but the supportive care which is furnished to the recipient and the living donor following implantation and removal. Dialysis Service (section 405.2102(f)(2)) is now defined under (1) Chronic Maintenance Dialysis, (2) Inpatient Dialysis, and (3) Self-Care Dialysis Training. The concept of self-care dialysis in a facility has been omitted from the definitions following comments that further investigation and discussion is needed before being introduced into regulations. To clarify Organ Procurement, the definition of an Organ Procurement Facility has been deleted and replaced by the definition of an Organ Procurement Agency (see item (q) in section 405.2102) which is defined as an organization which performs or assumes responsibility for all of the following services: (1) harvesting of donated kidneys, (2) preservation of donated kidneys, (3) transportation of donated kidneys, and (4) maintenance of a system to locate prospective recipients for harvested organs.

The large number of comments on qualifications of personnel in ESRD facilities focused mainly on Dietitian (Qualified) and Social Worker (Qualified). The comments were nearly unanimous in the belief that at least one year of experience in clinical nutrition was necessary for assessing the nutritional dietetic needs of each patient, recommending therapeutic diets, counseling patients and their families on prescribed diets, and monitoring adherence and response to diets. It was pointed out that the qualification requirements in the proposed regulations would allow persons majoring in food management to qualify although such persons do not have educational preparation for clinical nutrition activities. The comments further suggested that the masters degree should be the minimum educational requirement. The proposed regulation would not permit a person to qualify who had a baccalaureate degree in a field other than in food and nutrition but did have a masters degree in the area. The regulations have been changed to require a baccalaureate or advanced degree with major studies in food and nutrition or dietetics.

The largest number of comments were on the qualifications of the social worker. Many commenters expressed the opinion that the need of the ESRD patient is for psychosocial evaluations and for recommending changes in treatment based on the patient's current psychosocial needs and for direct social work interventions. This activity is considered to require the background for a masters degree with specialization in clinical practice; the usual baccalaureate programs in social work were not felt to provide the requisite background in counseling of ESRD patients. The definition of social worker in section 405.2102(r)(6)(i) and minimal

service requirements for ESRD facilities (sections 405.2163(b) and 405.2171(b)) were rewritten to reflect this major consideration.

A lesser number of comments related to the person who has been functioning as a social worker presently involved in ESRD care, but who does not have the masters degree and specialization in clinical practice. The definition (section 405.2102(r)(6)(ii)) now accommodates this person, provided the individual has served for at least two years as a social worker, one year of which was in a dialysis unit or transplantation program prior to the effective date of these regulations, and provided this person has established a consultative relationship with a social worker who is qualified by the masters degree and specialization in clinical practice.

The qualifications for a registered nurse responsible for the nursing service have been changed to permit the nurse to qualify whose entire work experience has been in ESRD patient care. The requirement has been changed to permit an alternative means for the nurse to qualify—if he or she has 18 months of experience in nursing care of patients on maintenance dialysis, or in nursing care of patients with a kidney transplant, including training and experience in the dialysis process. The provision in the proposed regulations for an exception in situations where the nurse with required experience was not available has now been removed. It is believed that, by lowering the amount of experience required from 24 months under interim regulations to 18 months, as well as retaining the minimal requirement for only one such qualified nurse per facility at a given time, there should be no need for the exception provision. It is also believed that 18 months of training and experience should be the minimum for assuming responsibility for the nursing service. A slight change has been made in the requirement for the registered nurse in charge of self-care dialysis training—the 3 months of experience in a Renal Dialysis Center or Renal Dialysis Facility which offers self-care dialysis training has been changed to 3 months of experience in training patients in self-care dialysis.

The requirement for Medical Record Practitioner (Qualified) has been changed to provide for qualifications at any level of approved training. One commenter has suggested that the proposed regulations as written could exclude otherwise qualified Directors of Medical Record Libraries. The changes made were developed in consultation with the American Medical Record Association.

A minor change has been made in the definition of Physician-Director (Qualified) to allow the person to qualify with 12 months experience as director of a dialysis facility or a transplantation facility. The change has simply removed the designation of ESRD facility and was necessitated by the redefinition of an ESRD facility as an approved facility; such approval was not available during the prior five year period.

Many comments were received suggesting definitions for various other personnel which are needed in the treatment of ESRD patients. The types of personnel suggested were (1) occupational therapists, (2) psychologists, (3) vocational rehabilitation counselors, (4) dialysis technicians, and (5) nephrologists. It is believed that for the purpose of these regulations the terms nephrologist, psychologists, and vocational rehabilitation counselors do not need to be defined.

The comments pointed out that occupational therapists, for example, perform an important role in ESRD patient care and that psychologists are often needed in psychological evaluations of ESRD patients. The importance of occupational therapists was considered in the drafting of the final regulations but this discipline was not included as required staff of an ESRD facility. The requirement for staffing and services has been written as a minimum; this is not to prevent attending physicians and ESRD facilities from making use of whatever expertise is needed for each patient. At this time, it is believed that Federal regulations should not require this desirable expertise for all patients. Therefore, the regulations do not require use of the services of occupational therapists. Similarly, there is no requirement for the use of the services of psychologists, and vocational rehabilitation counselors. As to the definition of nephrologist, we believe that term is sufficiently well understood in the medical community as to obviate a specific definition here.

Although we agreed with the commenters who indicated a need for the definition of the dialysis technician, we believe that the newness of this discipline preclude clear definition at this point in time. Additional time will permit observation of this emerging health occupation in facilities heretofore unsurveyed and will enable us to review studies which have been conducted as well as the work of interested individuals and organizations who are currently grappling with the definition and entry level knowledge and skills requirements for this paraprofession.

Several commenters suggested that a definition of a Chief Executive Officer (Qualified) be added in the definitions of qualified personnel and suggested that the minimum qualifications should include a masters degree in hospital administration. Such a definition had not been included in the proposed regulations; however, the responsibilities of the Chief Executive Officer were listed (see Section 405.2136(c)(3)). The proposed regulations reflect the belief that the scope of the facility's operations and administrative needs varies considerably according to the size of the facility. In a hospital-based ESRD facility, it was felt that these responsibilities might well be assumed by the hospital administrative staff whereas in a small dialysis facility, the Physician-Director would often be able to assume the responsibilities. The regulations have been rewritten to include minimum qualifications for the Chief Executive Officer, taking into consideration the range of background and experience which would qualify an individual to assume the responsibilities of Chief Executive Officer.

Several other definitions have been altered or added. Because of comments indicating patient concern about treatment in an ESRD facility in a network area other than where the patient resides, the definition of ESRD Network has been altered to eliminate the statement that the ESRD facilities in a network area furnish the necessary care for ESRD patients in the designated area.

In addition, to more clearly indicate the types of reviews to be undertaken by the Medical Review Board, the term Medical Care Evaluation Study (MCE) has been used and is, therefore, defined in this Section 405.2102.

There were several suggestions that "Informed Consumer" (as required representatives on the Network Coordinating Council) be defined in regulations. These suggestions, however, varied considerably in their recommended definitions for such persons. Some suggested a patient who had undergone transplantation, others suggested manufacturers of ESRD equipment, and still others suggested that "informed consumers" should be representatives of consumer groups. It was decided at this time not to define in regulations which "consumers" should be included in NCC. It was also decided not to include a definition for a qualified pharmacist at this time or to establish by regulation the duties of a qualified pharmacist in an ESRD facility.

Comments on network area designations. (Section 405.2110). A large number of comments were received requesting changes in the area designations of several networks. Many of the comments contained detailed information on ESRD referral patterns. In addition, subsequent to publication of the proposed regulations on July 1, 1975, the final designations were made for the Health Service Areas (HSA's), required pursuant to the Public Health Service Act, as amended by P.L. 93–641. For these reasons, the Department has made changes in some of the ESRD network area designations.

The previously proposed regulations designated 29 network areas. As a result of modifications based on comments and on designated Health Service Areas, these final regulations now designate 32 network areas.

The largest single change with respect to the number of networks was in the division of previously designated network area #23 which encompassed the District of Columbia, the States of Maryland and West Virginia, and the State of Virginia excluding the counties of Scott and Washington into smaller network areas. Information received subsequent to the publication of the proposed regulations indicate that it would be undesirable to include in one network the large geographic area originally proposed. Comments received unanimously support the redesignation of this network area into three smaller network areas.

A large number of comments on network area designations requested that New Jersey be designated as a separate, single Network. Data and information

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received subsequent to the publication of proposed regulations indicate a substantial reduction in the percentage of New Jersey patients being referred for treatment in out-of-state ESRD facilities. Therefore, the proposed network area #24 has been changed and New Jersey has been designated as Network #25.

The comments on proposed Network #9 were overwhelmingly in opposition to the "division of Illinois." Network #15 has been realigned to include the State of Illinois except for three counties in Network #8 and four counties which remain in Network #9. Exclusion of these counties from the Illinois Network #15 is based on facility affiliation arrangements and is congruent with the designated Health Service Areas surrounding the St. Louis and Davenport SMSA.

A number of comments suggested that Alabama could function as an ESRD network and should be designated as such. Data presently available, however, show that Alabama has only one Medicare approved transplant hospital. One of the major criteria used in designating network areas was the requirement that there be two transplantation centers for each network area. This requirement was made to help assure that the review of the quality of transplantation services could be conducted by peer professionals not directly involved in the care which is being reviewed. Exceptions to this criterion have been granted only in Puerto Rico and Hawaii, where compliance with this requirement is impractical. Since Alabama has only one transplantation hospital it was decided that at this time the network area should remain unchanged. Therefore, the States of Alabama, Mississippi, and Tennessee remain as a single network area.

Several other changes have also been made in the network areas. The portion of the Navajo Territory of San Juan County, Utah has been added to Network #6 with the States of Arizona and New Mexico. There has been a realignment of several counties in the Upper Peninsula of Michigan and in Wisconsin which affects Networks #7, #13 and #14. Network #16 now consists of the State of Indiana; Dearborn County, Indiana had been proposed as part of Network #17. There has been a realignment of several counties in Network #22. Several counties in the States of Arkansas and Missouri are now included in Network #18, eleven western counties of Nebraska have been included in Network #5.

Area designations which have not been changed are Networks #1, #3, #4, #11, #12, #19, #20, #21, #26, #27, #28, and #29.

Comments on ESRD networks (section 405.2112) and Network Coordinating Councils (section 405.2111). There were many comments which noted that while the proposed regulations established the structure and functions of network organizations, i.e., Network Coordinating Council and Medical Review Board, no statement was included about how or the extent to which the organizations were to be funded. The Secretary will support the reasonable operating costs of designated Network Coordinating Councils and Medical Review Boards. It is felt that no specific statement in this regard is needed in these regulations. Included with some of the comments on funding of network activities were wide ranging estimates of the costs of these activities. Other comments reflected divergence of interpretation of the functions of network organizations. As a result, although the provisions of proposed regulations have not undergone major changes, the sections dealing with networks and network organizations have been rewritten in an effort to make them more clear. Interpretative guidelines and other materials and means of technical assistance will be provided to assist in carrying out the meaning and intent of the regulations.

Comments on the size of networks included several to the effect that the networks were too small; however, most comments indicated that networks were too large and would result in the Network Coordinating Council being too costly and cumbersome. The regulations have been changed to require that Network Coordinating Councils composed of more than twenty persons appoint an executive committee of twenty or less to assume the responsibilities of the Council. Several comments had indicated that large Councils need such an executive committee. Despite this change, the membership of the Network Coordinating Council is still representative of the ESRD facilities in the network area.

A number of commenters suggested changes in the composition of the Network Coordinating Council. Some would increase the number of consumers on the Council (up to 40 percent of the membership) and suggest that representatives of consumer groups be members of the Council. Other suggestions were that the various disciplines required on the Council have representatives selected by professional organizations in the network area. Many other disciplines were suggested for membership on the Council. It was also suggested that the public sector be represented and that State and local health planners be represented on the Network Coordinating Council. There were merits to all the suggestions but, in the interest of keeping the Council to workable size, the decision was made to limit its composition. These final regulations now require the following additional members if not included among the facility representatives: Transplant surgeon, Internist-nephrologist, Pediatrician, Chief executive officer, Qualified dietitian, Qualified nurse responsible for nursing services, Qualified social-worker, Dialysis technician, Three informed consumers, Director of a histocompatibility testing laboratory, and Representative of an organ procurement agency.

A major area of comment was with respect to the functions of the network organizations; some comments suggested that the functions be stated in more detail and other comments suggested that the network organizations be given more authority to carry out functions such as determinations of personnel qualifications. The preamble in the notice of proposed rulemaking had outlined the role of the Network Coordinating Council as a liaison between the Federal government and available community resources. These final regulations provide the flexibility for member facilities of a network to work together as a Council to set objectives which it perceives will meet the needs of ESRD patients in the network area and for the member facilities to work together to achieve those objectives. The Council would provide information to the Secretary and would make recommendations to member facilities. The Federal government will furnish technical assistance to Network Coordinating Councils in identifying the needs of the area and in achieving network objectives.

Comments on Medical Review Boards (section 405.2113). As with the Network Coordinating Council, there were comments that additional disciplines be included as members of the Medical Review Board. One area of concern about the proposed regulations was the possibility that the board might not have a majority of physicians; it was suggested that a change be made to require a majority of physicians on the Board. The opinion was also expressed that the Medical Review Board should be composed entirely of physicians. Other comments suggested that members of the Board be selected by peer organizations (e.g., the registered nurse to be selected by a professional nurse association) rather than by the Network Coordinating Council. It was also suggested that reviewers from outside the network be requested to review questionable facilities.

These final regulations have been rewritten to better delineate the functions of the Medical Review Board, to clarify the relationship between the Network Coordinating Council and the Board, and to provide a majority of physicians on the Board. The functions of the Board are specified as: (1) evaluation of the comparative performance of facilities based on aggregate data from the Medical Information System, (2) coordination of the performance of Medical Care Evaluation Studies in which each ESRD facility will participate, and (3) as necessary, performance of in-depth studies based on information from (1) and (2) above. Thus the functions have been restated to emphasize the review of overall quality of care. The regulations now provide for the Network Coordinating Council, not only to establish the Medical Review Board, but also to monitor the functions of the Board as well. In addition, there is provision for the Board to be composed of a maximum of seven members rather than the five members originally proposed. This latter change will provide a majority of physicians, a lesser burden for each member, and for specialists as needed for review.

Comments on relationships of Network Organizations to Health Care Review and Planning Organizations. (Section 405.2114). Many commenters outlined strong opposition to the relationships between the Network Coordinating Council and Health Systems Agencies

(HSA's) and between the Medical Review Board and the Professional Standards Review Organizations (PSRO's) as written in the proposed regulations. The commenters generally expressed the opinion that ESRD patient care is too complex to be reviewed by other than experts in ESRD; that the functions of the Council and of the Board would become too fragmented in trying to relate to the HSA's and PSRO's since ESRD network areas in some instances would overlap as many as 12 HSA's and as many as eight PSRO's.

The Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974, P.L. 93-641 provides for the establishment of Health Systems Agencies and State Health Coordinating Councils (SHCC's) and details their functions. Similarly, Part B of Title XI of the Social Security Act provides for PSRO's to have review responsibility for the health care services provided under Titles XVIII, XIX and V of the Social Security Act. Section 226(g) of the Act (42 U.S.C. 426(g)) mandates a Medical Review Board to screen the appropriateness of patients for the proposed treatment procedures. It is implicit that recognition must be made of relationships between these various organizations (as stated in these regulations) to avoid duplication of activities and to make available to PSRO's, HSA's, and SHCC's the ESRD expertise in the network area. To establish these relationships, these regulations provide for the Network Coordinating Council to develop written arrangements with PSRO's established established under Public Law 93-641 which will describe the procedures by which the Network Coordinating Council will integrate its planning responsibility with the planning responsibilities of HSA's and SHCC's. Similarly, the Medical Review Board will develop written arrangements with PSRO's established under Part B of Title XI of the Social Security Act which will describe the procedures by which the Board will integrate its medical review responsibility with the review responsibilities of PSRO's.

On a continuing basis, these regulations require that the Network Coordinating Council accept planning responsibility as requested by the HSA's and SHCC's and for the Medical Review Board to accept review responsibility as requested by the PSRO's. It is expected that, because of the complex nature of ESRD patient care and ESRD patient referral patterns, HSA's and PSRO's will recognize and make use of the expert assistance which the ESRD network organizations will be capable of providing.

Comments on minimal utilization rates. (Sections 405.2120–405.2130). The Secretary is directed by Section 226(g) of the Act (42 U.S.C. 426(g)) to limit Medicare reimbursement for kidney transplant and dialysis services to facilities meeting such requirements as he may by regulation prescribe provided that such requirements include at least requirements for minimal utilization rate for covered procedures. Many comments were directed to the minimal utilization rate portions of the proposed regulations. A major comment was that there should be no minimal utilization rates because evidence is lacking that the number of procedures performed correlate either with quality improvement or cost efficiency. Although it is true that there is a lack of conclusive evidence which establishes with certainty a relationship between utilization rates and the efficiency and effectiveness of care, it can be rationally assumed that such a relationship does exist and thus requirements for meeting minimum rates. As required by law, minimum utilization rates have been retained.

Among the comments were several expressing the opinion that the minimal utilization rates proposed were too high and others suggested that they were too low. In analyzing the impact of the transplantation center minimum utilization rates contained in the July 1, 1975, Notice of Proposed Rule Making, it is clear that the rates were so high as to preclude a substantial number of facilities currently participating in the ESRD program under the interim regulations from further participation in the program. This adverse effect on access to care has been addressed by a reduction in the minimal utilization rates for transplantation centers from 25 to 15 transplants annually for unconditional status and from 14 to 7 transplants annually for conditional status. Because of the new lower rates, it was considered unnecessary to have an exception category for transplantation centers. Since renal transplantation is a one time or discrete procedure, exception status for the purpose of access is not a consideration. The rates have been lowered to the point where most primary research or pediatric referral centers should meet this condition in order to qualify for conditional status under the long term program. At such time as continuing ESRD program experience and data developed from the ESRD medical information system demonstrate the degree of correlation between utilization rates and quality improvements and cost efficiency, consideration will be given to amending the regulations on minimal utilization rates for transplantation.

The minimal utilization rates for ESRD dialysis facilities have not been changed; the concerns expressed in comments have been taken into consideration through other changes. For example, it was suggested that facilities which furnish essential "back-up" service for ESRD patients during inpatient stays and yet provide only a small amount of dialysis to outpatients should be permitted a separate minimal utilization rate classification or should be exempt from the requirement. Following these suggestions, minimal utilization rates for dialysis facilities which perform greater than 20 percent of their dialyses on outpatients are unchanged. For those dialysis facilities performing 20 percent or less of their dialyses on outpatients, however, the minimal utilization rates have been changed to be the same as those for a facility located outside a Standard Metropolitan Statistical Area, (see Section 405.2130); the computation of the facility rate includes both inpatient and outpatient dialyses. The exception status for those dialysis facilities located in areas where there are too few patients to allow the facility to meet the required rates but where the facility is needed to overcome what would otherwise be inadequate patient access to dialysis, has been retained in the regulations.

Provision is made for new transplantation and dialysis facilities to come into the ESRD program under conditional status on the basis of a written plan for achieving unconditional status.

In response to comments, the basis for computing utilization rates for dialysis facilities has been changed to take into consideration fluctuations in rates of dialysis.

Several comments suggested that rates for dialysis facilities should consist only of the number of dialyses performed and not include the number of stations in the facility. The minimal utilization rates for dialysis facilities remains the same and includes both dialyses and stations to assure efficient utilization of stations. However, a change has been made to exclude from the computation of rates any station at which at least six ESRD patients have been trained in self-dialysis in the last year. The purpose of this change is to encourage, where medically appropriate, the utilization of this less expensive threatment modality.

Comments on compliance with the requirements of Federal, State and local laws. (Section 405.2135). One commenter recommended total deletion of this condition on the apparent assumption that network organizations will be charged with enforcement of State and local laws. It was recommended that such enforcement continue to remain in the hands of appropriate government agencies. For purposes of clarification, it is stated here that no network organization will be charged with enforcement of any Federal, State, or local law and that such enforcement will not be affected by the establishment of ESRD networks. Appropriate government agencies will continue to be charged with enforcement of laws. The purpose of this part of the regulations is to make compliance with such laws a condition for granting approval to ESRD facilities under the Medicare program; a similar requirement is imposed on all facilities under Medicare. No change was made in this requirement.

Comments on governing body and management. (Section 405.2136). One comment was made that this requirement is so vague and broad in scope as to hinder adequate documentation of compliance. Although it is felt that the requirement is sufficiently explicit, interpretive guidelines will be forthcoming to assist facilities in providing the necessary documentation.

Several commenters suggested that the provision for disclosure of ownership is unjustified and possibly illegal.

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As previously discussed, Section 226(g) of the Social Security Act (42 U.S.C. 426) authorizes the Secretary to limit reimbursement for kidney transplant and dialysis services to facilities meeting such requirements as he may by regulation prescribe. The requirement for disclosure of ownership is believed to be justified on the basis that there is a rational and pervasive need for this provision. The ESRD program is new and the total annual patient care benefit cost is estimated to reach at least one billion dollars within several years. Because of the newness of the program and its estimated costs, it is necessary to gather data and to refine the system as quickly as possible. There is a need for monitoring the costs of the program; as such, there is a need to have knowledge of ownership and of relationship of the ownership of a facility to other facilities furnishing similar services. The disclosure of ownership provision is consistent with Section 405.2113(c) which does not permit a person serving on the Medical Review Board to review the ESRD services of a facility in which that person has a financial interest. Because of these reasons, it is believed that the disclosure of ownership provision is not illegal, it is justified for program purposes, and is unchanged.

The comments on operational objectives indicated confusion over the requirement that "criteria defining patient eligibility for services are developed * * *". As a result, a slight editorial change has been made in this part (Section 405.2136(b)(3)) which now reads that "admission criteria are adopted by the facility and are readily available to ensure equitable access to such service."

A slight change in the responsibilities of the chief executive officer has been made by deleting the word "medical" in Section 405.2136(c) from the expression "* * * and act upon medical recommendations made by * * *".

The comments on the institutional planning requirement consisted of questions on how this provision related to planning agencies and how the provisions were to be interpreted. However, as previously discussed, several comments also suggested that some requirements could be duplicative. This requirement for institutional planning is duplicative since it is presently a requirement for Medicare-approved hospitals; this requirement, therefore, has been deleted. Although the deletion leaves the non-hospital operated ESRD facilities with no specific requirement for institutional planning, it is believed that there are requirements in other sections of the regulations which sufficiently mandate an ESRD facility to plan for future furnishing of ESRD services.

Several editorial changes have been made as a result of comments on personnel policies and procedures which indicated some confusion with patient care policies (Section 405.2136(f)). In addition, several comments suggested additional requirements with respect to infection control, particularly control of hepatitis. A suggestion that the facility provide for professional development was considered to be sufficiently covered under the responsibilities of the Chief Executive Officer.

A number of comments were made with respect to patient care policies; most were concerned with scheduling of hours for dialysis at the convenience of patients. The regulation now reads that whenever feasible, hours for dialysis are scheduled for patient convenience. The requirement for periodic review of patient care policies has been amended to indicate that the review activity need not be conducted solely by physicians and nurses. The suggestion to eliminate the word "regularly" from scheduled conferences to evaluate patient progress has been rejected. It was believed that such evaluation must be made regularly (see Section 405.2137 (a) and (b)).

To avoid the implication that a facility must remain open at all times, Section 405.2136(g)(2) has been changed to read that the governing body ensures that medical care is available for emergencies, 24 hours a day, 7 days a week.

It was suggested that there be a requirement that all ESRD facilities maintain an open staff for all nephrologists. It was believed that an open staff requirement might at this time be seen as interfering with a facility's prerogative to pass on medical staff qualifications. Further it was recognized that ESRD networks and facilities should concern themselves with the utilization of qualified physicians. It is assumed, therefore, that decisions concerning the granting of privileges in a facility will be based upon the physician's professional qualifications and the facility's capacity to accommodate the physician's patients.

Comments on patient care plans. (Section 405.2137). This condition has been rewritten in greater detail to insure that each patient receives a periodic evaluation with respect to the appropriate modality of care. In revising the condition to provide for evaluation of the long-term program as well as a patient care plan, several of the comments were incorporated. The requirement now is more specific in stating who is involved in making evaluations in the long-term program and in the patient care plan. In addition, it is stated that each patient must be evaluated in the long-term program not less frequently than every 12 months. The review of the patient's progress in the patient care plan must not be less frequent than monthly; a comment that this evaluation be made not less than twice monthly was believed to be more frequent than necessary for most patients.

Comments on patient's rights. (Section 405.2138). The condition on patient's rights has been reorganized to required standards covering: (1) informed patients, (2) participation in planning, (3) respect and dignity, (4) confidentiality, and (5) a grievance mechanism. There were a number of comments suggesting changes which have not been made, not because the comments were unacceptable, but because the suggestions were considered inappropriate for regulations. For example, it was suggested that there be provisions for a translator for any patient with a language barrier rather than when a significant number of patients exhibit a language barrier; it was believed administratively more feasible to retain the present requirement. A comment suggested the addition of the right to refuse treatment but it was believed that this need not be in regulations; however, the right to refuse to participate in experimental research was retained.

Comments on medical records. (Section 405.2139). This section remains essentially unchanged; the changes in other parts of the regulations include suggestions made in the comments on medical records.

Comments on physical environment. (Section 405.2140). This section has been enlarged slightly to provide more detail with respect to hepatitis control which was the concern of several commenters. The regulations take note of the importance of infections control and specifically hepatitis, but refrain from requiring a separate isolation treatment area with separate staff at this time. The area of hepatitis control will be kept under review for possible future changes in regulations and interpretive guidelines.

Concern was expressed that testing of emergency procedures while patients are being dialized might present a hazard to the patients. The requirement that there be emergency procedures with which the facility personnel are familiar is designed to enhance the safety of the environment. Interpretive guidelines will provide assistance on how the testing of emergency procedures can be carried out. The regulations have not incorporated references to publications describing minimum requirements for construction and equipment; the development of interpretive guidelines will take into consideration such publications. However, certain requirements have been added to these regulations to increase the safety of the environment through the provision of ground-fault interrupters in electrical circuits to equipment and the provision of an alternate electrical power source from an emergency generator.

Comments on affiliation agreement or arrangement. (Section 405.2160). The comments on this section indicated that the proposed regulation was unclear, particularly with respect to emergency and non-emergency admissions to the affiliated facility. The portion of the requirement pertaining to provision of care in emergencies has been deleted to simplify the requirement. It is believed that this change, together with the changes in definition of ESRD facilities (see Section 405.2102(e)) has clarified the requirement.

Comments on director of a renal dialysis facility or renal dialysis center. (Section 405.2161). One commenter raised the question whether the proposed regulation was in conflict with Section 1801

of the Social Security Act in that the regulation sets up requirements as to which physicians may treat which patients. This regulation is intended only to assure that the ESRD services furnished by the facility are under qualified direction. The patient is under the care of his or her own physician, who may also be the Physician-Director. As Director, this physician is responsible for planning, organizing, and supervising the professional ESRD services of the facility.

Another comment contained the recommendation that the regulations specify the Director be responsible for a Staff Development Plan for all personnel. The regulations require a facility to assure that all personnel of the facility participate in educational programs on a regular basis (Section 405.2136(d)(6)) and further prescribe that the Chief Executive Officer has the responsibility for assuring that all employees have an opportunity for continuing education and related development activities (Section 405.2136(c)(3)(viii)). These parts of the regulations were considered to provide adequate assurance for a staff development program for all employees. The additional responsibility for the physician-director in assuring adequate training of the nurses and technicians in dialysis techniques was designed to provide for safe procedures and techniques and to assure that the dialysis staff are well versed in current practice.

Several commenters suggested that Section 405.2161 be changed slightly so that the physician-director is not responsible for "training" but is responsible for "assuring adequate training". This change was made as it provides more flexibility in the actual training but still retains the requirement that the physician-director assures that there is training.

Comments on staff of a renal dialysis facility or renal dialysis center. (Section 405.2162). This section has been edited to: (1 substitute the word "physician" in place of M.D., (as defined in Section 1861(r)(1) of the Social Security Act, (2) indicate that one currently licensed health professional is on duty to oversee ESRD patient care, and (3) add that on adequate number of personnel are present to meet the needs of patients.

One commenter suggests that an L.P.N. is not sufficiently qualified to be left in charge of ESRD patients; conversely, one hospital commented that its nursing service was composed entirely of L.V.N.'s (Licensed Vocational Nurses) and suggested that the nurse responsible for the nursing should be an L.V.N. Until such time as there is a better consensus on qualifications of staff as well as training of nephrology personnel, it is believed that the regulations should require the qualified registered nurse to be in charge of the nursing service and to allow the L.P.N. to oversee ESRD patient care. For purposes of this discussion, the licensed practical nurse and the licensed vocational nurse are considered equivalent in qualification. It is recognized that this regulation is a minimum requirement; larger facilities should staff according to their needs with the adequacy of staff being determined by the adequacy of the process and outcomes of patient care. Ratios of staff to patients have not been used in these regulations because at the present time, ratios in themselves cannot be used as sole determinants of good patient care.

Comments on minimal service requirements for a renal dialysis facility or a renal dialysis center. (Section 405.2163). A large number of commenters suggested changes in this section, particularly as related to the social and dietetic services. Revision has been made in response to these comments. The proposed regulations were intended to provide a minimal base for social and dietetic services upon which each facility would add such responsibilities and qualified personnel sufficient to meet the needs of the ESRD patients being treated. However, the consensus of comments from nephrology social worker and dietitian groups pointed out that the responsibilities listed in the proposed regulations were unrealistically limited and did not reflect the extent of involvement of these disciplines in ESRD therapy in current practice. The social workers pointed out that the real need is for psychosocial evaluations and counseling rather just social evaluations. There is a similar need for dietetic evaluation and counseling. The minimum education and experience of personnel qualified to carry out such added responsibilities is reflected in the changes in definitions of qualified ESRD personnel (Section 405.2102(r)(2) and (6)).

While the proposed regulations stated that laboratory services were to be performed by a Medicare-approved laboratory, it was recognized that the dialysis process requires certain monitoring procedures. Exceptions have been granted which permit hematocrit and clotting time determinations to be made on the premises of an approved ESRD facility under the direction of a physician.

Commenters pointed out that an ESRD facility should not be required to be responsible for installation and maintenance of equipment and for the ordering of supplies for the self-care dialysis patient. In response to this, the section on self-care dialysis support services has been rearranged to indicate that an ESRD facility is required to assist the ESRD patient, as needed, in making arrangements for such services.

Comments on director of a renal transplantation center. (Section 405.2170). The same change which was made for the renal dialysis facility and renal dialysis center has been made in this section; the requirement that the director be responsible for training of staff has been modified to responsibility for assuring training of staff.

Comments on minimal services requirements for a renal transplantation center. (Section 405.2171). The changes which were made for the renal dialysis facility and renal dialysis center have similarly been made in the requirements for social services and dietetic services (see discussion of comments on Section 405.2163). In addition, changes have been made in laboratory services (see discussion of comments on histocompatibility testing).

A section has been added that requires that if a renal transplantation center utilizes the services of an organ procurement agency to obtain donor organs, the organ procurement agency must furnish these services under an arrangement (Section 405.2171(e)).

A number of comments were made that there were few requirements for renal transplanation centers in contrast to many requirements for ESRD dialysis facilities. As discussed earlier in this preamble, a renal transplantation center must meet all Medicare requirements in this subpart except those parts specifically for renal dialysis facility or renal dialysis centers. These, too, must be met if the renal transplantation center also furnishes dialysis services.

(Secs. 226(g), 1102, 1861, 1862(a), 1871, 1874, Social Security Act; 86 Stat. 1464, 49 Stat. 647, as amended, 79 Stat. 325, 331, 332, and 340; 42 U.S.C. 625(g), 1302, 1395x, 1395y (a), 1395hh, 1395kk.)

Effective Date: The amendments shall be effective September 1, 1976.

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: March 25, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 24, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 405.1031 is amended by revising the introductory paragraph to read as follows:

§ 405.1031 Condition of participation—complementary departments.

Participation is not limited to hospitals which have surgery, anesthesiology, dental, or rehabilitation departments or services, but if these departments or services are present, there are effective policies and procedures, relating to the staff and the functions of the service(s) in order to assure the health and safety of the patients. If the hospital provides end-stage renal disease services, reimbursement for such services will not be made unless the hospital also meets the Conditions for Coverage of Suppliers of End-State Renal Disease Services, Subpart U of this Part. If a hospital laboratory department wishes to provide histocompatibility testing, reimbursement for such services will not be made unless the laboratory department also meets the appropriate requirements in Subpart M of this Part (§ 405.1901(c)).

2. In § 405.1310 a new paragraph (m) is added to read as follows:

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§ 405.1310 Definitions.

. . . . . .

(m) *Histocompatibility testing.* Laboratory test procedures which determine compatibility between a potential donor organ and a potential organ transplant recipient.

3. In § 405.1314 a new paragraph (b) (13) is added to read as follows:

§ 405.1314 Condition—clinical laboratory: tests performed.

. . . . . .

(b) *Standard: Procedures and tests—competency.*

. . . . . .

(13) Notwithstanding paragraph (b) (1) of this section, if the laboratory performs tests in the specialty of histocompatibility testing, the director or supervisor:

(i) Holds an earned doctoral degree in a biological science or is a physician and

(ii) Subsequent to graduation has had 4 years of experience in immunology, 2 of which have been in histocompatibility testing.

4. In § 405.1317, a new paragraph (b) (8) is added to read as follows:

§ 405.1317 Condition—quality control.

. . . . . .

(b) *Standard: Quality Control System—Methodologies.*

. . . . . .

(8) *Histocompatibility testing.* In addition to the standards for quality control in immunohematology, paragraph (b) (4) of this section, and serology, paragraphs (b) (2) (i) and (b) (2) (ii) of this section, which are applicable to the histocompatibility testing laboratory, the histocompatibility testing laboratory utilizes the following control systems and validation methods for the performance of tests in the following:

(i) for renal allotransplantation: (A) Crossmatching of potential recipients and donors before transplantation is performed with one or more techniques using the most reactive and most recent sera;

(B) HL-A serologic typing of both donor and recipient which include at least those antigens detectable with serum capable of defining the same antigens as those definable by the National Institutes of Health serum tray(s); and,

(C) Characterization for antibody against histocompatibility antigens in serum from potential recipients of organ or tissue grafts.

(ii) For transfusions and bone marrow transplants the tests in paragraphs (8) (i) (A) and (8) (i) (B) of this section are required.

(iii) For disease association studies, paragraph (8) (i) (B) of this section applies.

(iv) Mixed lymphocyte cultures or other recognized methods to detect cellular—defined antigens are performed in accordance with prescribed methods.

(v) Procedures are established regarding freezing of lymphocytes and to provide for a comprehensive panel of fresh and/or frozen lymphocytes.

(vi) The reactivity of cell panels used for antibody detection is tested at least twice a month with appropriate known antisera.

(vii) The laboratory must also: (A) At least once each month have each individual performing tests be given a previously tested specimen as an unknown to verify their ability to reproduce test results and the results of such testing shall be recorded and,

(B) Participate in at least one national or regional cell exchange program, if available, or develop an exchange system with another laboratory in order to validate interlaboratory reproducibility.

5. Section 405.1901 is amended by redesignating paragraph (c) as paragraph (d), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (c) to read as follows:

§ 405.1901 The certification process.

. . . . . .

(c) A hospital which is a participating provider of services, for a nonhospital-operated renal dialysis facility as defined in § 405.2102(e) (3), or a laboratory facility that is approved to participate in the Medicare program which, notwithstanding approval pursuant to Subpart J or Subpart M, also meets the requirements in §§ 405.1314(b) (13) and 405.1317 (a), (b) (2) (i) and (ii), (b) (4), and (b) (8) and, when services are furnished in the specialty of tissue pathology, also meets the requirements in §§ 405.1314(b) (8) (i) and 405.1317 (a) and (b) (6) (ii), and which is found to be in compliance with each of the applicable Conditions for Coverage of Suppliers of End-Stage Renal Disease Services prescribed by the Secretary (see Subpart U), may become a supplier of End-Stage Renal Disease services pursuant to section 226(g) of the Social Security Act upon being approved therefor by the Secretary.

. . . . . .

6. A new § 405.1912 is added to read as follows:

§ 405.1912 Special procedures for approving end-stage renal disease facilities and the expansion of services in approved facilities.

(a) *Considerations for approval.* An ESRD facility which wishes to be approved for coverage, or which wishes any expansion of dialysis services to be approved for coverage in accordance with Subpart U of this Part, must secure the Secretary's determination thereunder. In addition to the certification by the State agency referred to in § 405.1902, data furnished by network organizations and recommendations of the Public Health Service, concerning the contribution of a facility to the furnishing of end-stage renal disease services in its network and concerning the facility's compliance with professional norms and standards (see Subpart U of this Part), shall be considered by the Secretary in determining whether to approve a facility for coverage or for any expansion of services under the End-Stage Renal Disease Program. The facility will also be required to submit data pertaining to its qualifications for approval or for any expansion of services, for consideration in the Secretary's determination.

(b) *Determining compliance with minimal utilization rates: time limitations.* (1) *Unconditional status.* A facility which meets minimal utilization requirements will be assigned this status as long as it continues to meet these requirements.

(2) *Conditional status.* A conditional status may be granted to a facility for not more than 2 consecutive calendar years and will not be renewable (see § 405.2122(b)). Its status may be examined each calendar year to ascertain its compliance with Subpart U.

(3) *Exception status.* Under unusual circumstances (see § 405.2122(c)) the Secretary may grant a time-limited exception to a facility which is not in compliance with the minimal utilization rate(s) for either unconditional status or conditional status. This exception status may be granted, and may be renewed on an annual basis, under circumstances where rigid application of minimal utilization rate requirements would adversely affect the achievement of ESRD program objectives.

(c) *New applicant.* A facility which has not previously participated in the ESRD program must submit a plan detailing how it expects to meet the conditional minimal utilization rate status by the conclusion of 1 calendar year of its operation under the program and meet the unconditional minimal utilization rate status during the third calendar year of its operation under the program.

(d) *Notification.* The Secretary will notify each facility and its network coordinating council of its initial and its subsequent minimal utilizaton rate classification.

(e) *Failure to meet minimal utilization rate.* A facility failing to meet standards for unconditional status or conditional status, or if applicable, for exception status, will be so notified at the time of such classification.

(f) *Interim regulations participant.* A facility previously participating under the interim regulations will not be approved under the program established by Subpart U until it has demonstrated that it meets all the applicable requirements of this Subpart, including the appropriate minimal utilization rate. It may continue under the interim program only for a period not to exceed 1 year from the effective date of these amendments (see § 405.2100(c) of this part). During this period it may demonstrate its ability to meet the appropriate minimal utilization rate. Failure to qualify under this Subpart will automatically terminate coverage of such facility's services under the ESRD program at the end of such year.

7. Part 405 of Title 20, Code of Federal Regulations, is amended by adding a new Subpart U, and an Appendix, reading as follows:

Subpart U—Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services

Sec.
405.2100 Scope of subpart.
405.2101 Objectives of end-stage renal disease (ESRD) program.
405.2102 Definitions.
405.2110 Designation of ESRD network areas.
405.2111 Designation of network coordinating councils.
405.2112 Designation of ESRD networks.
405.2113 Medical review board.
405.2114 Relationship of ESRD networks to health care review organizations and to health service planning organizations.
405.2120 Minimal utilization rates: general.
405.2121 Basis for determining minimal utilization rates.
405.2122 Types and duration of classification according to utilization rates.
405.2123 Reporting of utilization rates for initial classification.
405.2124 Calculation of utilization rates for comparison with minimal utilization rates(s) and notification of status.
405.2130 Condition: minimal utilization rates.
405.2131 Condition: Provider status: renal transplantation center or renal dialysis center.
405.2132 Condition: fulfillment of service needs in network.
405.2133 Condition: furnishing data and information for ESRD program administration.
405.2134 Condition: membership in a network.
405.2135 Condition: compliance with federal, State, and local laws and regulations.
405.2136 Condition: governing body and management.
405.2137 Condition: patent long-term program and patient care plan.
405.2138 Condition: patients' rights and responsibilities.
405.2139 Condition: medical records.
405.2140 Condition: physical environment.
405.2160 Condition: affiliation agreement or arrangement.
405.2161 Condition: director of a renal dialysis facility or renal dialysis center.
405.2162 Condition: staff of a renal dialysis facility or renal dialysis center.
405.2163 Condition: minimal service requirements for a renal dialysis facility or renal dialysis center.
405.2170 Condition: director of a renal transplantation center.
405.2171 Condition: minimal service requirements for a renal transplantation center.

APPENDIX: End-Stage Renal Disease Network Areas.

Subpart U—Conditions for Coverage of Suppliers of End Stage Renal Disease (ESRD) Services

§ 405.2100 Scope of subpart.

(a) The regulations in this subpart prescribe the role which End-Stage Renal Disease (ESRD) networks will have in the ESRD program, establish the mechanism by which minimal utilization rates pursuant to section 226(g) of the Social Security Act (42 U.S.C. 426(g)) will be promulgated and applied, and describe the health and safety requirements that facilities furnishing ESRD care to beneficiaries must meet. These regulations further prescribe the role of ESRD networks in providing the medical review requirements of section 226(g) prior to and following the establishment of Professional Standards Review Organizations under Part B of Title XI of the Social Security Act (42 U.S.C. 1320c et. seq.).

(b) The general objectives of the ESRD program are contained in § 405.2101, and general definitions are contained in § 405.2102. The provisions of §§ 405.2110–405.2114 discuss the establishment and activities of ESRD Networks, the Network Coordinating Councils, and the Medical Review Boards. Sections 405.2120–405.2124 discuss the establishment of minimal utilization rates and the requirements for approval of facilities with respect to such rates. Sections 405.2130–405.2140 discuss general requirements for, and description of, all facilities furnishing ESRD services. Sections 405.2160–405.2163 discuss specific requirements for facilities which furnish ESRD dialysis services. Sections 405.2170 and 405.2171 discuss specific requirements for facilities which furnish ESRD transplantation services.

(c) The provisions of this subpart are effective 90 days following date of publication. Notwithstanding such effective date, the provisions of the interim regulations in §§ 405.116(g), 405.231(g) and (h), and the Appendix to Subpart B of this part shall continue in effect for a period not to exceed 12 months following such effective date, for the limited purpose of assuring an orderly transition from such interim regulations to the provisions of this subpart and, in particular, so that facilities approved under the ESRD program pursuant to such interim regulations which do not also qualify for continued approval under the terms of this subpart, may be phased out of the Medicare program in a manner that will minimize disruption of services to ESRD patients. However, (1) beginning with the effective date of these regulations, no new applications for exceptions under the interim regulations (§ 405.116(g), 405.231 (g) and (h), and the Appendix to Subpart B of this part) will be accepted; and (2) beginning 6 months after such effective date: (i) no further exceptions will be granted under the interim regulations (§§ 405.116(g), 405.231(g) and (h), and the Appendix to Subpart B of this part); and (ii) determinations with respect to a facility's approval or nonapproval for reimbursement under this subpart will supersede determinations made under such interim regulations.

(d) A facility previously participating under the interim regulations will not be approved under the program established by Subpart U until it has demonstrated that it meets all the applicable requirements of this Subpart, including the appropriate minimal utilization rate. It may continue under the interim program only for a period not to exceed 1 year from the effective date of these amendments (see § 405.2100(c) of this part). During this period it may demonstrate its ability to meet the appropriate minimal utilization rate. Failure to qualify under this Subpart will automatically terminate coverage of such facility's services under the ESRD program at the end of such year.

§ 405.2101 Objectives of the end-stage renal disease (ESRD) program.

The objectives of the end-stage renal disease program are:

(a) To assist beneficiaries who have been diagnosed as having end-stage renal disease (ESRD) to receive the care they need;

(b) To encourage proper distribution and effective utilization of ESRD treatment resources while maintaining or improving the quality of care; and

(c) To provide the flexibility necessary for the efficient delivery of appropriate care by physicians and facilities.

§ 405.2102 Definitions.

As used in this subpart, the following definitions apply:

(a) *Agreement.* The ESRD facility has an agreement whereby another facility assumes responsibility for furnishing certain services to patients and for obtaining reimbursement for such services.

(b) *Arrangement.* The ESRD facility arranges for another facility to furnish certain services to patients but assumes responsibility for such services and for obtaining reimbursement therefor.

(c) *Dialysis.* A process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane. The two types of dialysis which are currently in common clinical practice are hemodialysis and peritoneal dialysis.

(d) *End-Stage Renal Disease (ESRD).* That stage of renal impairment which is virtually always irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

(e) *ESRD facility.* A facility which is approved to furnish at least one specific ESRD service (see § 405.2102(f)). Such facilities are:

(1) *Renal Transplantation Center.* A hospital unit which is approved to furnish directly transplantation and other medical and surgical specialty services required for the care of the ESRD transplant patients, including inpatient dialysis furnished directly or under arrangement. A Renal Transplantation Center may also be a Renal Dialysis Center.

(2) *Renal dialysis center.* A hospital unit which is approved to furnish the full spectrum of diagnostic, therapeutic (including inpatient dialysis furnished directly or under arrangement), and rehabilitative services, except renal transplantation required for the care of ESRD dialysis patients.

(3) *Renal diaysis facility.* A unit which is approved to furnish dialysis service(s) to ESRD patients.

(f) *ESRD service.* The type of care or services furnished to an ESRD patient. Such types of care are:

(1) *Transplantation service.* A process in which practicing, and (i) Has at least

(p) *Organ procurement.* The process

(b) A network area may cross State

(2) Elects an executive committee in

(i) Kidney transplantation.

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(l) *Transplantation service.* A process by which (a) a kidney is excised from a live or cadaveric donor, (b) such kidney is implanted in an ESRD patient, and (c) supportive care is furnished to the living donor and to the recipient following implantation.

(2) *Dialysis service:*

(i) *Chronic maintenance dialysis.* Dialysis which is regularly furnished on an outpatient basis to an ESRD patient (at any level of patient involvement) in either a hospital-based or nonhospital-based setting;

(ii) *Inpatient dialysis.* Dialysis which, because of medical necessity, is furnished to an ESRD patient on a temporary inpatient basis in a hospital; or

(iii) *Self-care dialysis training.* A program which trains ESRD patients or their helpers, or both, to perform self-care dialysis.

(g) *Furnishes Directly.* The ESRD facility provides the service through its own staff and employees, or through individuals who are under direct contract to furnish such services personally for the facility (i.e., not through "agreements" or "arrangements").

(h) *Furnishes on the Premises.* The ESRD facility furnishes services on its main premises; or on its other premises that are: (1) contiguous with or in immediate proximity to the main premises; and, (2) under the direction of the same professional staff and governing body as the main premises.

(i) *Histocompatibility testing.* Laboratory test procedures which determine compatibility between a potential donor organ and a potential organ transplant recipient.

(j) *Medical Care Criteria.* Predetermined elements against which aspects of the quality of a medical service may be compared. They are developed by professionals relying on professional expertise and on the professional literature.

(k) *Medical Care Norms.* Numerical or statistical measures of usual observed performance. Norms are derived from aggregate information related to the health care provided to a large number of patients over a period of time.

(l) *Medical Care Standards.* Professionally developed expressions of the range of acceptable variation from a norm or criterion.

(m) *Medical care evaluation study (MCE).* Review of health care services, usually performed retrospectively, in which an indepth assessment of the quality and/or utilization of such services is made.

(n) *Network, ESRD.* An approved organized group of ESRD facilities in a designated geographic area which by their type and location, and because of local referral patterns, collectively furnish the necessary care for ESRD patients in the population served.

(o) *Network Coordinating Council.* (Also referred to as "Council"). A group of representatives of all the ESRD facilities in a network which acts as an administrative governing body to the network, as a resource to community health planners, and as a liaison to the Federal government.

(p) *Organ procurement.* The process of acquiring donor kidneys. (See item (q) in this section.)

(q) *Organ procurement agency.* An organization which performs, or coordinates the performance of, all the following services:

(1) Harvesting of donated kidneys;

(2) Preservation of donated kidneys;

(3) Transportation of donated kidneys; and

(4) Maintenance of a system to locate prospective recipients for harvested organs.

(r) *Personnel (qualified), ESRD:* (1) *Chief executive officer (qualified).* A person who: (i) Holds at least a baccalaureate degree or its equivalent and has at least 1 year of experience in an ESRD unit; or

(ii) Is a qualified registered nurse or qualified physician director pursuant to paragraphs (4) and (5) of this item (r); or

(iii) As of the effective date of these regulations, has demonstrated capability by acting for at least 2 years as a chief executive officer in a dialysis unit or transplantation program.

(2) *Dietitian (qualified).* A person who: (i) Is eligible for registration by the American Dietetic Association under its requirements in effect on the publication of these regulations, and has at least 1 year of experience in clinical nutrition; or

(ii) Has a baccalaureate or advanced degree with major studies in food and nutrition or dietetics, and has at least 1 year of experience in clinical nutrition.

(3) *Medical Record Practitioner (Qualified).* A person who:

(i) Has graduated from a program for Medical Record Administrators accredited by the Council on Medical Education of the American Medical Association and the American Medical Record Association, and is eligible for certification as a Registered Record Administrator (RRA) by the American Medical Record Association under its requirements in effect on the publication of these regulations; or

(ii) Has graduated from a program for Medical Record Technicians approved jointly by the Council on Medical Education of the American Medical Association and the American Medical Record Association, and is eligible for certification as an Accredited Record Technician (ART) by the American Medical Record Association under its requirements in effect on the publication of these regulations; or

(iii) Has successfully completed and received a satisfactory grade in the American Medical Record Association's Correspondence Course for Medical Record Personnel approved by the Accrediting Commission of the National Home Study Council, and is eligible for certification as an Accredited Record Technician by the American Medical Record Association under its requirements in effect on the publication of these regulations.

(4) *Nurse Responsible for Nursing Service (Qualified).* A person who is licensed as a registered nurse by the State in which practicing, and (i) Has at least 12 months of experience in clinical nursing, and an additional 6 months of experience in nursing care of the patient with permanent kidney failure or undergoing kidney transplantation, including training in and experience with the dialysis process; or

(ii) Has 18 months of experience in nursing care of the patient on maintenance dialysis, or in nursing care of the patient with a kidney transplant, including training in and experience with the dialysis process.

(iii) If the nurse responsible for nursing service (qualified) is in charge of self-care dialysis training, at least 3 months of the total required ESRD experience is in training patients in self-care.

(5) *Physician-Director (Qualified).* A physician (see section 1861(r)(1) of the Act) who:

(i) Is board eligible or board certified in internal medicine or pediatrics by a professional board, and has had at least 12 months of experience or training in the care of patients at ESRD facilities; or

(ii) During the 5-year period prior to the effective date of these regulations, served for at least 12 months as director of a dialysis or transplantation program.

(iii) In those areas where a qualified physician is not available to direct a participating dialysis facility, another physician (see section 1861(r)(1) of the Act) may direct the facility, subject to the approval of the Secretary.

(6) *Social Worker (Qualified).* A person who is licensed, if applicable, by the State in which practicing, and

(i) Has completed a course of study with specialization in clinical practice at, and holds a masters degree from, a graduate school of social work accredited by the Council on Social Work Education; or

(ii) Has served for at least 2 years as a social worker, 1 year of which was in a dialysis unit or transplantation program prior to the effective date of these regulations, and has established a consultative relationship with a social worker who qualifies under item (6)(i) of this section.

(7) *Transplantation Surgeon (Qualified).* A person who:

(i) Is board eligible or board certified in general surgery or urology by a professional board; and

(ii) Has at least 12 months training or experience in the performance of renal transplantation and the care of patients with renal transplants.

§ 405.2110 Designation of ESRD network areas.

(a) The Secretary designates ESRD network areas, each serving a minimum population base of 3.5 million and each including at least two renal transplant centers, and is publishing notice thereof as an appendix to this subpart. The Secretary may designate network areas of less than 3.5 million population or a single renal transplant center when necessary for the achievement of the ESRD program objectives (see § 405.2101).

(b) A network area may cross State and HEW Regional boundaries and, to the greatest extent practicable, will be coterminous with Health Service Areas and PSRO areas. The designation of network areas does not imply that the design of the areas will remain static. Network areas may be changed from time to time by publication of amendments to these regulations so that the designations are in accordance with program experience and changing needs.

(c) Network areas are designated for the purpose of geographically describing the location of groups of ESRD facilities which share a collective responsibility to provide access to the various levels and treatment modalities of ESRD care. The designation of network areas does not require a patient to seek access to care only through the facilities in the designated network area in which the patient resides, nor does the designation of network areas preclude patient choice of physicians or facilities or patient referral by physicians to a facility in another designated network area.

§ 405.2111 Designation of network coordinating councils.

(a) With respect to each designated network area, the Secretary will, after he determines that the criteria listed below are met, designate a network coordinating council. The criteria are:

(1) Each certified ESRD facility in the designated network area has been requested to furnish a network coordinating council designated representative from one of the categories listed in paragraph (a)(3) of this section.

(2) At least 75 percent of the certified ESRD facilities in the network area have furnished a designated representative to the network coordinating council.

(3) If not included in such representatives, the council has appointed the following members from within the network:

(i) Transplant surgeon (see § 405.2102(r)(7)).

(ii) Internist-nephrologist.

(iii) Pediatrician (pediatric nephrologist when available).

(iv) Chief executive officer of an ESRD facility (see § 405.2102(r)(1)).

(v) Qualified dietitian (see § 405.2102(r)(2)).

(vi) Qualified nurse (see § 405.2102(r)(4)).

(vii) Qualified social worker (see § 405.2102(r)(6)).

(viii) Dialysis technician.

(ix) Three informed consumers.

(x) Director of a histocompatibility testing laboratory, when available (see § 405.1314(b)(13)).

(xi) Representative of an organ procurement agency, when available.

(b) Initial functions of a network coordinating council. The initial functions of a network coordinating council include at least the following:

(1) If composed of more than 20 persons, appoints an executive committee of 20 or less persons which carries out the activities of the council between meetings of the council.

(2) Elects an executive committee in each succeeding year, which is representative of the constituency of the network and consists of at least 25 percent nonphysicians.

(3) Provides a plan for establishing working relationships with: (i) contiguous ESRD network coordinating councils; (ii) established Professional Standards Review Organizations (PSROs) established under Part B of title XI of the Social Security Act; and, (iii) Health Systems Agencies (HSAs) and State Health Coordinating Councils (SHCCs) established pursuant to the Public Health Service Act as amended by the National Health Planning Resources and Development Act of 1974, P.L. 93-641, which have designated areas that are wholly or in part included in the ESRD network area.

(4) Provides a listing of the network's component facilities, the name(s) of the facility representative(s) to the council and the disciplines they represent, the name(s) of council member(s) other than those representing facilities and the membership category they represent, the ESRD services each facility provides, and a quantitative estimate of each facility's capacity to deliver each service.

(5) Provides signed agreements between itself and each member facility concerning the latter's willingness to participate in council activities.

(6) Appoints a medical review board (see § 405.2113).

(7) Describes a mechanism for the development of procedures for the review of ESRD care (including a mechanism for the development of criteria and standards) under which an established medical review board can operate.

(8) Provides information concerning the current and projected need for ESRD services within the network area to assist the Secretary in making determinations concerning the certification of ESRD facilities within the network area.

(9) Develops network rules of governance including but not limited to the frequency and type of meetings of the network coordinating council, and the medical review board, the executive committee, quorum of these meetings, etc.

§ 405.2112 Designation of ESRD networks.

An ESRD network exists when the member facilities collectively furnish the full spectrum of ESRD care and a designated network coordinating council has begun to function. Within 6 months following the effective date of these regulations, the Secretary will determine whether the requirements for designation of an ESRD network are met.

(a) Criteria for the designation of an ESRD network:

(1) Each certified ESRD facility in the designated area must be permitted to join the network.

(2) The ESRD facilities must execute a membership agreement with the network coordinating council.

(3) Collectively, the member facilities must include the capability for:

(i) Kidney transplantation.

(ii) Inpatient dialysis.

(iii) Chronic maintenance dialysis.

(iv) Self-care dialysis training.

(v) Support services for patients dialyzing themselves at home.

(vi) Organ (kidney) procurement.

(vii) Histocompatibility testing.

(4) A designated network coordinating council has been formed and has begun to function.

(5) The council has established a medical review board which has begun to function to assure, through the application of suitable procedures of health care review, that the services for which payment may be made under the Social Security Act conform to appropriate standards for the provision of health care.

(6) The council has established procedures for utilizing information available from the national ESRD medical information system, and has begun to implement the procedures.

(7) The council has established working relationships with each PSRO and with each designated HSA and SHCC in the network area and with contiguous network coordinating councils.

(b) *Ongoing functions of the network coordinating council in an approved ESRD network.* The ongoing functions of the network coordinating council are performed by the council or the council's executive committee. The network coordinating council performs the following ongoing functions:

(1) Develops a written plan, updated annually, which contains a statement of the network objectives, a method for attaining the network objectives, and a description of the mechanisms to be used for evaluation of progress toward meeting the network objectives.

(2) Submits to the Secretary within 2 months after each calendar year an annual report which contains the following information:

(i) The ESRD services that each facility in the network provides;

(ii) An quantitative estimate of each facility's capacity to deliver each service;

(iii) The anticipated utilization rate for each ESRD service in each facility for each year in the subsequent 3-year period;

(iv) A statement describing reasons for the participation of an ESRD facility reporting utilization rates which do not satisfy the standard(s) for unconditional status (see § 405.2130); and

(v) An overview report on the medical review activities undertaken in the network during the previous year.

(3) Confers with its component ESRD facilities to assist each with the formulation of data for the annual report.

(4) Monitors the functions of the medical review board and provides for the updating as needed of procedures for review, including criteria and standards.

(5) Makes recommendations to member facilities as needed to achieve the objectives of the network.

(6) Continues its working relationships with each PSRO designated in the

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network area with respect to the establishment of standards and criteria and the procedures for medical review.

(7) Continues its working relationships with designated HSAs and SHCCs in the network area, assuring working relationships with respect to information concerning current and projected needs for ESRD services within the network area.

(8) Furnishes consultation, as requested by the Medicare intermediary (ies) or the appropriate PSRO where it has assumed these review functions, concerning the medical necessity of services.

(9) Provides information to the Secretary concerning current and projected utilization of network member facilities.

(10) Establishes mechanisms to manage the administrative aspects of its activities.

(11) Establishes mechanisms to manage the fiscal aspects of its activities.

§ 405.2113 Medical review board.

(a) The medical review board consists of a maximum of seven members. The members (with a designated alternate for each) are appointed by the network coordinating council. The medical review board consists of the following members:

(1) An internist actively engaged in ESRD care;

(2) A qualified transplantation surgeon actively engaged in ESRD care;

(3) A qualified nurse responsible for nursing service;

(4) A qualified social worker;

(5) One to three additional physician(s) actively engaged in ESRD care. In any area where specialized care (e.g., pediatric care) is regularly being reviewed, one of the additional physicians is a specialist in that area of care; and

(6) In addition, there are available to the medical review board consultants in specialty areas as needed.

(b) No person serving on the medical review board has review responsibility for a case in which he has, or had, any professional involvement.

(c) No person serving on the medical review board with a financial interest, direct or indirect, as defined in § 1155(a)(6)(B) of the Act, in a facility that furnishes ESRD services may review the ESRD services of that facility.

(d) The medical review board performs the following functions: (1) Develops a mechanism for monitoring the effectiveness of the patient long-term program (§ 405.2137(a)) in assessing the appropriateness of patients for the proposed treatment procedures;

(2) Reviews and coordinates the evaluation of comparative performance of facilities and physicians based on aggregate data concerning patterns of care in relation to both normative data from the medical information system and criteria and standards developed by the network for at least the following areas of patient care: appropriateness of patients for the proposed treatment procedures, mortality, and morbidity. This review includes both physician and nonphysician performance;

(3) In concurrence with the network coordinating council, coordinates the performance of medical care evaluation studies within the network, with each ESRD facility participating in at least one but usually more than one medical care evaluation study per year. The medical review board assures that the following tasks are performed for each medical care evaluation study: selection and design of the study, setting criteria and standards, data collection and display, interpretation and analysis of the findings, institution of corrective action, and reperformance of any study which indicates a problem; and

(4) As necessary, performs or delegates the performance of other indepth studies based upon information emanating from paragraphs (d)(1) and (d)(2) of this section, the medical information system, or a perceived need. This includes the coordination and evaluation of individual patient data as necessary for at least the following areas of patient care: appropriateness of patients for the proposed treatment procedures, mortality, and morbidity. This review includes both physician and nonphysician performance.

(e) On the basis of its reviews under paragraph (d) of this section, the medical review board provides, to facilities in the network and to physicians, written recommendations for improvements in the ESRD care of individual patients or groups of patients (or both). If there are facilities in the network, or physicians, that continue to deliver care which the medical review board considers inappropriate or of substandard quality, the medical review board provides all facts concerning this care to the council and to the Secretary.

(f) The medical review board, from time to time but not less than annually, submits to the council and to the Secretary a report on its activities, which includes the following:

(1) The plan of the board for conducting review activities including the process and scheduling of reviews and studies, and the process of information exchange between the board, the council, and the facilities within the network;

(2) Findings of its reviews and studies; and

(3) Recommendations with respect to the more effective accomplishment of the purposes and objectives of the board.

§ 405.2114 Relationship of ESRD networks to health care review organizations and to health service planning organizations.

(a) The network coordinating council develops written working arrangements with Health Systems Agencies and State Health Coordinating Councils whose designated planning area is wholly or in part included in the ESRD network area to assure that these organizations receive appropriate professional advice concerning the need for ESRD facilities and services. These written arrangements describe the procedure(s) by which the council integrates its planning responsibility with the planning responsibilities of the Health Systems Agencies and the State Health Coordinating Councils. With regard to continued planning assistance, the network coordinating council accepts planning responsibility as requested by the Health Systems Agencies and the State Health Coordinating Councils.

(b) The medical review board develops written arrangements with PSROs established under Part B of title XI of this Act whose designated area is wholly or in part included in the ESRD network area to assure that these organizations receive appropriate professional advice concerning the quality of medical services required by and given to ESRD patients. These written arrangements describe the procedures by which the medical review board will integrate its medical review responsibility with the medical review responsibility of the PSROs. These arrangements are designed so as to avoid, to the maximum extent possible, the duplication of activities, and become effective only after the approval of the Secretary. With regard to continued medical review assistance, the medical review board will accept review responsibility as requested by the PSROs.

§ 405.2120 Minimal utilization rates: general.

Section 226(g) of the Social Security Act (42 U.S.C. 426(g)) authorizes the Secretary to limit reimbursement for ESRD care to those facilities which meet such requirements as the Secretary may prescribe, including minimal utilization rates for covered procedures. The minimal utilization rates, which are explained and specified in §§ 405.2121–405.2130, pertain to dialyses and transplantations. These utilization rates may be changed from time to time in accordance with program experience, and such changes will be published as amendments to these regulations.

§ 405.2121 Basis for determining minimal utilization rates.

In developing minimal utilization rates, the Secretary takes into account the performance of ESRD facilities, the availability of care, the quality of care, and the efficient utilization of equipment and personnel, based on the following evidence:

(a) Information obtained from the Network Coordinating Council (see § 405.2112(b)(2)) and other sources covering current rates of utilization in ESRD facilities;

(b) Information on the geographic distribution of ESRD patients and facilities;

(c) Information on quality of care; and

(d) Information on operational and management efficiency.

§ 405.2122 Types and duration of classification according to utilization rates.

An ESRD facility which meets all the other conditions fo rcoverage of ESRD

services will be classified according to its utilization rate(s) as follows: unconditional status, conditional status, exception status, or not eligible for reimbursement for that ESRD service. Such classification will be based on previously reported utilization data (see § 405.2124) and will be effective until notification of subsequent classification occurs.

(a) Unconditional status: Unconditional status will be granted to those ESRD facilities whose utilization rate (as calculated in § 405.2124) meets the rates for unconditional status. Such classification will continue until subsequently calculated statistics or amended minimal utilization require a change.

(b) Conditional status: Conditional status will be granted:

(i) To an ESRD facility whose utilization rate meets the minimal rate for conditional status in § 405.2130; and

(ii) To an ESRD facility which has not previously participated in the ESRD program provided that the ESRD facility submits a written plan which details how it will achieve conditional utilization rates by the conclusion of the first calendar year of its operation under the program and unconditional utilization rates during the third calendar year of operation under the program. Such an ESRD facility will be subject to evaluation of its classification after the close of its first calendar year to ascertain whether the written plan is being properly implemented.

(c) Exception status: A renal dialysis center or a renal dialysis facility meeting neither the unconditional nor conditional minimal utilization rate classification but meeting all other conditions for coverage under this subpart may be approved for a time limited exception status by the Secretary providing the facility is located in an area lacking a sufficient population base of support in addition to insufficient numbers of patients to meet the rate and the facility's absence would adversely affect the achievement of ESRD program objectives.

§ 405.2123 Reporting of utilization rates for initial classification.

(a) Within 3 months after the effective date of this subpart, each facility furnishing ESRD services under the interim ESRD regulations or a new applicant facility will submit to the Secretary a report on its utilization rates which will include the following:

(1) Each hospital furnishing renal transplantation service will report both the number of transplants performed during the most recent year of operation and the number performed during each of the preceding 2 calendar years.

(2) Each hospital or nonhospital facility furnishing dialysis service will report the number of dialysis stations it had operating and the total number of dialyses performed during both the most recent year of operation and each of the preceding 2 calendar years.

(b) For the purposes of this report, all dialyses performed (both inpatient and outpatient) and all dialysis stations in operation during the reporting period will be included. Self-care dialysis training stations which were utilized to successfully train at least six self dialysis patients per station per calendar year will be reported but may be excluded from the calculation of utilization rates. The dialyses performed on any such self-care dialysis training stations will also be excluded in the calculation of facility utilization rates.

§ 405.2124 Calculation of utilization rates for comparison with minimal utilization rate(s) and notification of status.

For purposes of classification the Secretary will use either the utilization rate for the preceding 12 months or the average utilization rate of the preceding 2 calendar years, whichever is higher. The Secretary will inform each ESRD facility and the network coordinating council of the network area in which the ESRD facility is located of the results of this classification.

§ 405.2130 Condition: Minimal utilization rates.

The ESRD facility meets the applicable minimal utilization rate(s) indicated below for unconditional or conditional status, unless granted exception status in accordance with § 405.2122(c):

(a) *Standard: Renal Transplantation Center.*

(1) Unconditional status: 15 or more transplants performed annually.

(2) Conditional status: 7 to 14 transplants performed annually.

(b) *Standard: Dialysis facilities or centers performing greater than 20 percent of their dialyses on outpatients.*

(1) For any facility located within a standard metropolitan statistical area of 500,000 population or greater:

(i) Unconditional status—6 or more dialysis stations with performance of an average of 4.5 or more dialyses per station per week;

(ii) Conditional status—6 or more dialysis stations with performance of an average of between 4.0 and 4.5 dialyses per station per week; or 4 or 5 dialysis stations with performance of an average of 4.5 or more dialyses per station per week.

(2) For any facility located in a standard metropolitan statistical area of less than 500,000 population, or in an area not included in a standard metropolitan statistical area:

(i) Unconditional status—3 or more dialysis stations with performance of an average of 4.0 or more dialyses per station per week;

(ii) Conditional status—2 dialysis stations with performance of an average of 4.0 or more dialyses per station per week.

(c) *Standard: Renal dialysis centers performing 20 percent or less of their dialyses on outpatients:* (1) Unconditional status—3 or more dialysis stations with performance of an average of 4.0 or more dialyses per station per week;

(2) Conditional status—2 dialysis stations with performance of an average of 4.0 or more dialyses per station per week.

§ 405.2131 Condition: Provider status: renal transplantation center or renal dialysis center.

A renal transplantation center or a renal dialysis center (§ 405.2102(e)(1) or (2)) operated by a hospital may qualify for approval and be reimbursed under the ESRD program only if the hospital is otherwise an approved provider in the Medicare program.

§ 405.2132 Condition: fulfillment of service needs in network.

The ESRD facility, or an expansion of the renal dialysis center or facility's capacity, is needed to increase the available ESRD services which would otherwise be inadequate for the network area. The facility furnishes evidence in support of its request for approval showing that:

(a) There are ESRD patients in the network area for whom the proposed services of the facility are needed;

(b) These patients cannot be expected to receive appropriate therapy from another ESRD treatment facility in the network area; and

(c) The facility is qualified to furnish the proposed services.

§ 405.2133 Condition: furnishing data and information for ESRD program administration.

The ESRD facility, laboratory performing histocompatibility testing, and organ procurement agency furnishes data and information in the manner and at the intervals specified by the Secretary, pertaining to its ESRD patient care activities and costs, for inclusion in a national ESRD medical information system and in compilations relevant to program administration, including claims processing and reimbursement. Such information is treated as confidential when it pertains to individual patients and is not disclosed except as authorized by Department regulations on confidentiality and disclosure (see 45 CFR Part 5, 5b, and 20 CFR Parts 401 and 422 (Subpart E)).

§ 405.2134 Condition: Membership in a network.

Six months after the effective date of this subpart, the ESRD facility must have executed a membership agreement with an approved network and must be providing acceptable representation to the Network Council.

(a) *Standard: membership agreement.* The membership agreement is signed by an authorized individual on behalf of the facility, providing for the facility's participation in Council activities and medical care evaluation studies (see § 405.2113(d)(3)).

(b) *Standard: representation.* The facility appoints at least one representative to the Council and more than one representative, when necessary, (§ 405.2111), for proper administration of the Network's general program functions.

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§ 405.2135 Condition: compliance with Federal, State and local laws and regulations.

The ESRD facility is in compliance with applicable Federal, State and local laws, and regulations.

(a) *Standard: licensure.* Where State or applicable local law provides for the licensing of ESRD facilities, the facility is:

(1) Licensed pursuant to such law; or

(2) Approved by the agency of such State or locality responsible for such licensing as meeting the standards established for such licensing.

(b) *Standard: licensure or registration of personnel.* Each staff member is currently licensed or registered in accordance with applicable law.

(c) *Standard: conformity with other laws.* The facility is in conformity with applicable laws and regulations pertaining to fire safety, equipment, and other relevant health and safety requirements.

§ 405.2136 Condition: governing body and management.

The ESRD facility is under the control of an identifiable governing body, or designated person(s) so functioning, with full legal authority and responsibility for the governance and operation of the facility. The governing body adopts and enforces rules and regulations relative to its own governance and to the health care and safety of patients, to the protection of the patients' personal and property rights, and to the general operation of the facility. The governing body receives and acts upon recommendations and communications from the Medical Review Board and the Network Coordinating Council. The governing body appoints a chief executive officer who is responsible for the overall management of the facility.

(a) *Standard: disclosure of ownership.* The ESRD facility supplies full and complete information to the State survey agency (§ 405.1902(a)) as to the identity of: (1) each person who has any direct or indirect ownership interest of 10 per centum or more in the facility, or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by the facility or any of the property or assets of the facility; (2) each officer and director of the corporation, if the facility is organized as a corporation; and (3) each partner, if the facility is organized as a partnership; and promptly reports to the State survey agency any changes which would affect the current accuracy of the information so required to be supplied.

(b) *Standard: operational objectives.* The operational objectives of the ESRD facility, including the services that it provides, are established by the governing body and delineated in writing.

The governing body adopts effective administrative rules and regulations that are designed to safeguard the health and safety of patients and to govern the general operations of the facility, in accordance with legal requirements. Such rules and regulations are in writing and dated. The governing body ensures that they are operational, and that they are reviewed at least annually and revised as necessary.

(1) The objectives of the facility are formulated in writing and clearly stated in documents appropriate for distribution to patients, facility personnel, and the public.

(2) A description of the services provided by the facility, together with a categorical listing of the types of diagnostic and therapeutic procedures that may be performed, is readily available upon request to all concerned.

(3) Admission criteria are adopted by the facility and are readily available to ensure equitable access to such service.

(4) The operational objectives and administrative rules and regulations of the facility are reviewed at least annually and revised as necessary by the administrative staff, medical director, and other appropriate personnel of the facility, and are adopted when approved by the governing body.

(5) There is a written requirement that the governing body receive all recommendations and communications from the Medical Review Board and the Network Coordinating Council and appropriately act on such recommendations and communications.

(c) *Standard: chief executive officer.* The governing body appoints a qualified chief executive officer who, as the ESRD facility's administrator: is responsible for the overall management of the facility; enforces the rules and regulations relative to the level of health care and safety of patients, and to the protection of their personal and property rights; and plans, organizes, and directs those responsibilities delegated to him by the governing body. Through meetings and periodic reports, the chief executive officer maintains on-going liaison among the governing body, medical and nursing personnel, and other professional and supervisory staff of the facility, and acts upon recommendations made by the medical staff, the governing body, and the Medical Review Board. In the absence of the chief executive officer, a qualified person is authorized in writing to act on the officer's behalf.

(1) The governing body delineates in writing the responsibilities of the chief executive officer, and ensures that he/she is sufficiently free from other duties to provide effective direction and management of the operations and fiscal affairs of the facility.

(2) The chief executive officer serves on a full-time or part-time basis, in accordance with the scope of the facility's operations and administrative needs, and devotes sufficient time to the conduct of such responsibilities.

(3) The responsibilities of the chief executive officer include but are not limited to:

(i) Implementing the policies of the facility and coordinating the provision of services, in accordance with delegations by the governing body.

(ii) Organizing and coordinating the administrative functions of the facility, redelegating duties as authorized, and establishing formal means of accountability for those involved in patient care.

(iii) Authorizing expenditures in accordance with established policies and procedures.

(iv) Familiarizing the staff with the facility's policies, rules, and regulations, and with applicable Federal, State, and local laws and regulations.

(v) Maintaining and submitting such records and reports, including a chronological record of services provided to patients, as may be required by the facility's internal committees and governing body, the Medical Review Board (§ 405.2113), or as required by the Secretary.

(vi) Participating in the development, negotiation, and implementation of agreements or contracts into which the facility may enter, including network agreements, (§ 405.2134), subject to approval by the governing body of such agreements or contracts.

(vii) Participating in the development of the organizational plan and ensuring the development and implementation of an accounting and reporting system, including annual development of a detailed budgetary program, maintenance of fiscal records, and quarterly submission to the governing body of reports of expenses and revenues generated through the facility's operation.

(viii) Ensuring that the facility employs the number of qualified personnel needed; that all employees have appropriate orientation to the facility and their work responsibilities upon employment; and that they have an opportunity for continuing education and related development activities.

(d) *Standard: personnel policies and procedures.* The governing body, through the chief executive officer of the ESRD facility, is responsible for maintaining and implementing written personnel policies and procedures that support sound patient care and promote good personnel practices. These policies and procedures ensure that:

(1) All members of the facility's staff are qualified to perform the duties and responsibilities assigned to them and meet such Federal, State, and local professional requirements as may apply.

(2) A safe and sanitary environment for patients and personnel exists, and reports of incidents and accidents to patients and personnel are reviewed to identify health and safety hazards. Health supervision of personnel is provided, and they are referred for periodic health examinations and treatments as necessary or as required by Federal, State, and local laws. Procedures are established for routine testing to ensure detection of hepatitis and other infectious diseases.

(3) If the services of trainees are utilized in providing ESRD services, such trainees are under the direct supervision of qualified professional personnel.

(4) Complete personnel records are maintained on all personnel. These include health status reports, resumes of training and experience, and current job descriptions that reflect the employees' responsibilities and work assignments.

(5) Personnel policies are written and made available to all personnel in the facility. The policies provide for an effective mechanism to handle personnel grievances.

(6) All personnel of the facility participate in educational programs on a regular basis. These programs cover initial orientation, and continuing inservice training, including procedures for infection control. Records are maintained showing the content of training sessions and the attendance at such sessions.

(7) Personnel manuals are maintained, periodically updated, and made available to all personnel involved in patient care.

(e) *Standard: use of outside resources.* If the ESRD facility makes arrangements for the provision of a specific service as authorized in this subpart, the responsibilities, functions, objectives, and the terms of each arrangement, including financial provisions and charges, are delineated in a document signed by an authorized representative of the facility and the person or agency providing the service. The chief executive officer when utilizing outside resource, as a consultant, assures that he is apprised of recommendations, plans for implementation, and continuing assessment through dated, signed reports, which are retained by the chief executive officer for follow-up action and evaluation of performance.

(f) *Standard: patient care policies.* The ESRD facility has written policies, approved by the governing body, concerning the provision of dialysis and other ESRD services to patients. The governing body reviews implementation of policies periodically to ensure that the intent of the policies is carried out. These policies are developed by the physician responsible for supervising and directing the provision of ESRD services, or the facility's organized medical staff (if there is one), with the advice of (and with provision for review of such policies from time to time, but at least annually, by) a group of professional personnel associated with the facility, including, but not limited to, one or more physicians and one or more registered nurses experienced in rendering ESRD care.

(1) The patient care policies cover the following:

(i) Scope of services provided by the facility (either directly or under arrangement).

(ii) Admission and discharge policies (in relation to both in-facility care and self-care or home care).

(iii) Medical supervision and physician services.

(iv) Patient long term programs, patient care plans and methods of implementation.

(v) Care of patients in medical and other emergencies.

(vi) Pharmaceutical services.

(vii) Medical records (including those maintained in the ESRD facility and in the patients' homes, to ensure continuity of care).

(viii) Administrative records.

(ix) Use and maintenance of the physical plant and equipment.

(x) Consultant qualifications functions, and responsibilities.

(xi) Surveillance of home adaptation if the facility has responsibility for home dialysis patients.

(2) The physician-director of the facility is designated in writing to be responsible for the execution of patient care policies. If the responsibility for day-to-day execution of patient care policies has been delegated by a physician director to a registered nurse, the physician-director provides medical guidance to the nurse in such matters.

(3) The facility policy provides that, whenever feasible, hours for dialysis are scheduled for patient convenience and that arrangements are made to accommodate employed patients who wish to be dialyzed during their non-working hours.

(4) The governing body adopts policies to ensure there is evaluation of the progress each patient is making toward the goals stated in the patient's long term program and patient's care plan (see § 405.2137(a)). Such evaluations are carried out through regularly scheduled conferences, with participation by the staff involved in the patient's care.

(g) *Standard: medical supervision and emergency coverage.* The governing body of the ESRD dialysis and/or transplant facility ensures that the health care of every patient is under the continuing supervision of a physician and that a physician is available in emergency situations.

(1) The physician responsible for the patient's medical supervision evaluates the patient's immediate and long-term needs and on this basis prescribes a planned regimen of care which covers indicated dialysis and other ESRD treatments, services, medications, diet, special procedures recommended for the health and safety of the patient, and plans for continuing care and discharge. Such plans are made with input from other professional personnel involved in the care of the patient.

(2) The governing body ensures that there is always available medical care for emergencies, 24 hours a day, 7 days a week. There is posted at the nursing/monitoring station a roster with the names of the physicians to be called, when they are available for emergencies, and how they can be reached.

(h) *Standard: medical staff.* The governing body of the ESRD facility designates a qualified physician (see § 405.2102(r)(5) as director of the ESRD services; the appointment is made upon the recommendation of the facility's organized medical staff, if there is one. The governing body establishes written policies regarding the development, negotiation, consummation, evaluation, and termination of appointments to the medical staff.

§ 405.2137 Condition: patient long-term program and patient care plan.

Each facility maintains for each patient a written long-term program and a written patient care plan to ensure that each patient receives the appropriate modality of care and the appropriate care within that modality. The patient, or where appropriate, parent or legal guardian is involved with the health team in the planning of care. A copy of the current program and plan accompany the patient on interfacility transfer.

(a) *Standard: patient long-term program.* There is a written long-term program representing the selection of a suitable treatment modality (i.e., dialysis or transplantation) and dialysis setting (e.g., home, self care) for each patient.

(1) The program is developed by a professional team which includes but is not limited to the physician director of the dialysis facility or center where the patient is currently being treated, a physician director of a center or facility which offers self-care dialysis training (if not available at the location where the patient is being treated), a transplant surgeon, a qualified nurse responsible for nursing services, a qualified dietitian and a qualified social worker.

(2) The program is formally reviewed and revised in writing as necessary by a team which includes but is not limited to the physician director of the dialysis facility or center where the patient is presently being treated, in addition to the other personnel listed in paragraph (a)(1) of this section at least every 12 months or more often as indicated by the patient's response to treatment (see § 405.2161(b)(1) and § 405.2170(a)).

(3) The patient, parent, or legal guardian, as appropriate, is involved in the development of the patient's long-term program, and due consideration is given to his preferences.

(4) A copy of the patient's long-term program accompanies the patient on interfacility transfer or is sent within 1 working day.

(b) *Standard: patient care plan.* There is a written patient care plan for each patient of an ESRD facility based upon the nature of the patient's illness, the treatment prescribed, and an assessment of the patient's needs.

(1) The patient care plan is personalized for the individual, reflects the psychological, social, and functional needs of the patient, and indicates the ESRD and other care required as well as the individualized modifications in approach necessary to achieve the long-term and short-term goals.

(2) The plan is developed by a professional team consisting of at least the physician responsible for the patient's ESRD care, a qualified nurse responsible for nursing services, a qualified social worker, and a qualified dietitian.

(3) The patient, parent, or legal guardian, as appropriate, is involved in the development of the care plan, and due consideration is given to his preferences.

(4) Although care is evaluated and

fer to another health care institution or

The functions of the medical records

of hazards such as those created by dam-

laws and accepted public health proce-

(3) Security and accountability for

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(4) Although care is evaluated and updated continuously, the care plan is reviewed by the team at least monthly and revised as necessary to ensure that it provides for the ongoing needs of the patient. A coordinator from the team is appointed by the physician. The coordinator ensures that conferences are convened to review the patient care plan, and that changes are recorded and progress notes incorporated into the patient's record.

(5) The patient care plan accompanies the patient upon interfacility transfer or is sent within 1 working day.

§ 405.2138 Condition: patients' rights and responsibilities.

The governing body of the ESRD facility adopts written policies regarding the rights and responsibilities of patients and, through the chief executive officer, is responsible for development of, and adherence to, procedures implementing such policies. These policies and procedures are made available to patients and any guardians, next of kin, sponsoring agency(ies), representative payees (selected pursuant to section 205(j) of the Social Security Act and Subpart Q of Part 404 of this Chapter), and to the public. The staff of the facility is trained and involved in the execution of such policies and procedures. The patients' rights policies and procedures ensure at least the following:

(a) *Standard: informed patients.* All patients in the facility:

(1) Are fully informed of these rights and responsibilities, and of all rules and regulations governing patient conduct and responsibilities,

(2) Are fully informed of services available in the facility and of related charges including any charges for services not covered under title XVIII of the Social Security Act;

(3) Are fully informed by a physician of their medical condition unless medically contraindicated (as documented in their medical records).

(b) *Standard: participation in planning.* All patients treated in the facility:

(1) Are afforded the opportunity to participate in the planning of their medical treatment and to refuse to participate in experimental research;

(2) Are transferred or discharged only for medical reasons or for the patient's welfare or that of other patients, or for nonpayment of fees (except as prohibited by title XVIII of the Social Security Act), and are given advance notice to ensure orderly transfer or discharge.

(c) *Standard: respect and dignity.* All patients are treated with consideration, respect, and full recognition of their individuality and personal needs, including the need for privacy in treatment. Provision is made for translators where a significant number of patients exhibit language barriers.

(d) *Standard: confidentiality.* All patients are ensured confidential treatment of their personal and medical records, and may approve or refuse release of such records to any individual outside the facility, except in case of their transfer to another health care institution or as required by Federal, State, or local law and the Secretary for proper administration of the program.

(e) *Standard: grievance mechanism.* All patients are encouraged and assisted to understand and exercise their rights. Grievances and recommended changes in policies and services may be addressed to facility staff, administration, the Network Council, and agencies or regulatory bodies with jurisdiction over the facility, through any representative of the patient's choice, without restraint or interference, and without fear of discrimination or reprisal.

§ 405.2139 Condition: medical records.

The ESRD facility maintains complete medical records on all patients (i.e., those receiving care within the facility and those self-care or home dialysis patients for whom the facility has assumed responsibility) in accordance with accepted professional standards and practices. A member of the facility's staff is designated to serve as supervisor of medical records services, and ensures that all records are properly documented, completed, and preserved. The medical records are completely and accurately documented, readily available, and systematically organized to facilitate the compilation and retrieval of information.

(a) *Standard: medical record.* Each patient's medical record contains sufficient information to identify the patient clearly, to justify the diagnosis and treatment, and to document the results accurately. All medical records contain the following general categories of information: Documented evidence of assessment of the needs of the patient, of establishment of an appropriate plan of treatment, and of the care and services provided (see § 405.2137 (a) and (b)); identification and social data; signed consent forms; referral information with authentication of diagnosis; medical and nursing history of patient; report(s) of physician examination(s); diagnostic and therapeutic orders, observations, and progress notes; reports of treatments and clinical findings; reports of laboratory and other diagnostic tests and procedures; and discharge summary including final diagnosis and prognosis.

(b) *Standard: protection of medical record information.* The ESRD facility safeguards medical record information against loss, destruction, or unauthorized use. The ESRD facility has written policies and procedures which govern the use and release of information contained in medical records. Written consent of the patient, or of an authorized person acting in behalf of the patient, is required for release of information not provided by law. Medical records are made available under stipulation of confidentiality for inspection by authorized agents of the Secretary, as required for administration of the ESRD program under Medicare.

(c) *Standard: medical records supervisor.* A member of the ESRD facility's staff is designated to serve as supervisor of the facility's medical records service. The functions of the medical records supervisor include, but are not limited to, the following: Ensuring that the records are documented, completed, and maintained in accordance with accepted professional standards and practices; safeguarding the confidentiality of the records in accordance with established policy and legal requirements; ensuring that the records contain pertinent medical information and are filed for easy retrieval. When necessary, consultation is secured from a qualified medical record practitioner.

(d) *Standard: Completion of medical records and centralization of clinical information.* Current medical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is centralized in the patient's medical record.

(e) *Standard: retention and preservation of records.* Medical records are retained for a period of time not less than that determined by the State statute governing records retention or statute of limitations; or in the absence of a State statute, 5 years from the date of discharge; or, in the case of a minor, 3 years after the patient becomes of age under State law, whichever is longest.

(f) *Standard: location and facilities.* The facility maintains adequate facilities, equipment, and space conveniently located, to provide efficient processing of medical records (e.g., reviewing, filing, and prompt retrieval) and statistical medical information (e.g., required abstracts, reports, etc.).

(g) *Standard: transfer of medical information.* The facility provides for the interchange of medical and other information necessary or useful in the care and treatment of patients transferred between treating facilities, or in determining whether such patients can be adequately cared for otherwise than in either of such facilities.

§ 405.2140 Condition: physical environment.

The physical environment in which ESRD services are furnished affords a functional, sanitary, safe, and comfortable setting for patients, staff, and the public.

(a) *Standard: building and equipment.* The physical structure in which ESRD services are furnished is constructed, equipped, and maintained to insure the safety of patients, staff, and the public.

(1) Fire extinguishers are conveniently located on each floor of the facility and in areas of special hazard. Fire regulations and fire management procedures are prominently posted and properly followed.

(2) All electrical and other equipment used in the facility is maintained free of defects which could be a potential hazard to patients or personnel. There is established a planned program of preventive maintenance of equipment used in dialysis and related procedures in the facility.

(3) The areas used by patients are maintained in good repair and kept free

of hazards such as those created by damaged or defective parts of the building.

(4) The facility is equipped with an alternate electrical power source provided by an emergency generator located on the premises to supply electrical power necessary in the event the normal electrical supply is interrupted. The emergency electrical power system supplies power adequate to maintain the operation of the dialysis machines and other life-support systems, for lighting in all means of egress, and equipment to maintain fire detection, alarm, and extinguishing systems.

(5) Water used for dialysis purposes is analyzed periodically and treated as necessary to maintain a continuous water supply that is biologically and chemically compatible with acceptable dialysis techniques. Records of test results and equipment maintenance are maintained at the facility.

(6) Electrical circuits serving all medical equipment in the dialysis facility or center are provided with 5 milliampere ground-fault interruptors.

(b) *Standard: favorable environment for patients.* The facility is maintained and equipped to provide a functional, sanitary, and comfortable environment with an adequate amount of well-lighted space for the services provided.

(1) There are written policies and procedures in effect for preventing and controlling hepatitis and other infections. These policies include, but are not limited to, appropriate procedures for surveillance and reporting of infections, housekeeping, handling and disposal of waste and contaminants, and sterilization and disinfection, including the sterilization and maintenance of equipment.

(2) Treatment areas are designed and equipped to provide adequate and safe dialysis therapy, as well as privacy and comfort for patients. The space for treating each patient is sufficient to accomodate medically needed emergency equipment and staff and to ensure that such equipment and staff can reach the patient in an emergency.

(3) There is provided a nursing/monitoring station from which adequate surveillance of patients receiving hemodialysis services can be made.

(4) Heating and ventilation systems are capable of maintaining adequate and comfortable temperatures.

(5) Each ESRD facility utilizing a central-batch delivery system provides, either on the premises or through affiliation agreement or arrangement (see § 405.2160) sufficient individual delivery systems for the treatment of any patient requiring special dialysis solutions.

(c) *Standard: contamination prevention.* The facility employs appropriate techniques to prevent cross-contamination between the unit and adjacent hospital or public areas including, but not limited to, food service areas, laundry, disposal of solid waste and blood-contaminated equipment, and disposal of contaminants into sewage systems. Waste storage and disposal are carried out in accordance with applicable local laws and accepted public health procedures.

(d) *Standard: emergency preparedness.* Written policies and procedures specifically define the handling of emergencies which may threaten the health or safety of patients. Such emergencies would exist during a fire or natural disaster or during functional failures in equipment. Specific emergency preparedness procedures exist for different kinds of emergencies. These are reviewed and tested at least annually and revised as necessary by, or under the direction of, the chief executive officer. All personnel are knowledgeable and trained in their respective roles in emergency situations.

(1) There is an established written plan for dealing with fire and other emergencies which, when necessary, is developed in cooperation with fire and other expert personnel.

(2) All personnel are trained, as part of their employment orientation, in all aspects of preparedness for any emergency or disaster. The emergency preparedness plan provides for orientation and regular training and periodic drills for all personnel in all procedures so that each person promptly and correctly carries out a specified role in case of an emergency.

(3) There is available at all times on the premises a fully equipped emergency tray, including emergency drugs, medical supplies, and equipment, and staff are trained in its use.

(4) The staff is familiar with the use of all dialysis equipment and procedures to handle medical emergencies.

§ 405.2160 Condition: affiliation agreement or arrangement.

(a) A renal dialysis facility and a renal dialysis center (see § 405.2102(e)(2)) have in effect an affiliation agreement or arrangement with each other, in writing, for the provision of inpatient care and other hospital services.

(b)) The affiliation agreement or arrangement provides the basis for effective working relationships under which inpatient hospital care or other hospital services are available promptly to the dialysis facility's patients when needed. The dialysis facility has in its files documentation from the renal dialysis center to the effect that patients from the dialysis facility will be accepted and treated in emergencies. There are reasonable assurances that:

(1) Transfer or referral of patients will be effected between the renal dialysis center and the dialysis facility whenever such transfer or referral is determined as medically appropriate by the attending physician, with timely acceptance and admission;

(2) There will be interchange, within 1 working day, of the patient long-term program and patient care plan, and of medical and other information necessary or useful in the care and treatment of patients transferred or referred between the facilities, or in determining whether such patients can be adequately cared for otherwise than in either of such facilities; and

(3) Security and accountability for patients' personal effects are assured.

§ 405.2161 Condition—Director of a renal dialysis facility or renal dialysis center.

Treatment is under the general supervision of a Director who is a physician. The physician-director need not devote full time as Director but is responsible for planning, organizing, conducting, and directing the professional ESRD services and must devote sufficient time to carrying out these responsibilities. The director may also serve as the Chief Executive Officer of the facility.

(a) *Standard: qualifications.* The director of a dialysis facility is a qualified physician-director. (See § 405.2102(r)(5))

(b) *Standard: responsibilities.* The responsibilities of the physician-director include but are not limited to the following:

(1) Participating in the selection of a suitable treatment modality, i.e., transplantation or dialysis, and dialysis setting, for all patients;

(2) Assuring adequate training of nurses and technicians in dialysis techniques;

(3) Assuring adequate monitoring of the patient and the dialysis process;

(4) Assuring the development and availability of a patient care policy and procedures manual and its implementation. As a minimum, the manual describes the types of dialysis used in the facility and the procedures followed in performance of such dialysis; hepatitis prevention and procedures for handling an individual with hepatitis; and a disaster preparedness plan (e.g., patient emergency, fire, flood); and

(5) When self-dialysis training is offered, assuring that patient teaching materials are available for patient use during training and at times other than during the dialysis procedure.

§ 405.2162 Condition: staff of a renal dialysis facility or renal dialysis center.

Properly trained personnel are present in adequate numbers to meet the needs of the patients, including those arising from medical and nonmedical emergencies.

(a) *Standard: registered nurse.* The dialysis facility employs at least one full time qualified nurse responsible for nursing service. (See § 405.2102(r)(4))

(b) *Standard: on-duty personnel.* Whenever patients are undergoing dialysis, other than self-care dialysis, one currently licensed health professional (e.g., physician, registered nurse, or licensed practical nurse) experienced in rendering ESRD care is on duty to oversee ESRD patient care, and an adequate number of personnel are present to meet the needs of patients, and an adequate number of personnel are readily available to meet medical and nonmedical emergencies.

(c) *Standard: self-care dialysis training personnel.* If the facility offers self-care dialysis training, a qualified nurse is in charge of such training (see § 405.2102(r)(4)).

ESRD NETWORK NO. 2

The following counties in the State of Wisconsin:

and the following counties which are included in Network area 9:

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§ 405.2163 Condition: Minimal service requirements for a renal dialysis facility or renal dialysis center.

In addition to chronic maintenance dialysis, the facility provides adequate laboratory, social, and dietetic services as needed to meet the needs of the ESRD patient.

(a) *Standard: laboratory services.* The dialysis facility makes available laboratory services (other than the specialty of tissue pathology and histocompatibility testing), to meet the needs of the ESRD patient. Laboratory services are performed either by a Medicare-approved hospital or by a qualified Medicare-approved independent laboratory, except that hematocrit and clotting time, which the facility uses to monitor its patients' fluids incident to each dialysis treatment, may be performed by the dialysis facility's staff, who are qualified by education and experience to perform such duties, under the direction of a physician.

(b) *Standard: social services.* Social services are provided to patients and their families and are directed at supporting and maximizing the social functioning and adjustment of the patient. Social services are furnished by a qualified social worker (§ 405.2102(r)(6)) who has an employment or contractual relationship with the facility. The qualified social worker is responsible for conducting psychosocial evaluations, participating in team review of patient progress and recommending changes in treatment based on the patient's current psychosocial needs, providing casework and groupwork services to patients and their families in dealing with the special problems associated with ESRD, and identifying community social agencies and other resources and assisting patients and families to utilize them.

(c) *Standard: dietetic services.* Each patient is evaluated as to his nutritional needs by the attending physician and by a qualified dietitian (§ 405.2102(r)(2)) who has an employment or contractual relationship with the facility. The dietitian, in consultation with the attending physician, is responsible for assessing the nutritional and dietetic needs of each patient, recommending therapeutic diets, counseling patients and their families on prescribed diets, and monitoring adherence and response to diets.

(d) *Standard: self-care dialysis support services.* The renal dialysis facility or center furnishing self-care dialysis training upon completion of the patient's training, makes available as appropriate (either directly, under agreement or by arrangement with another ESRD facility) the following services:

(1) Surveillance of the patient's home adaptation, including provisions for visits to the home or the facility;

(2) Consultation for the patient with a qualified social worker and a qualified dietitian;

(3) A record-keeping system which assures continuity of care;

(4) Installation and maintenance of equipment;

(5) Testing and appropriate treatment of the water; and

(6) Ordering of supplies on an ongoing basis.

(e) *Standard: participation in recipient registry.* The dialysis facility or center participates in a patient registry program for patients who are awaiting cadaveric donor transplantation.

§ 405.2170 Condition: Director of a renal transplantation center.

The renal transplantation center is under the general supervision of a qualified transplantation surgeon (§ 405.2102(r)(7)) or a qualified physician-director (§ 405.2102(r)(5)), who need not serve full time. This physician is responsible for planning, organizing, conducting, and directing the Renal Transplantation Center and devotes sufficient time to carry out these responsibilities, which include but are not limited to the following:

(a) Participating in the selection of a suitable treatment modality for each patient.

(b) Assuring adequate training, of nurses in the care of transplant patients.

(c) Assuring that tissue typing and organ procurement services are available either directly or under arrangement.

(d) Assuring that transplantation surgery is performed under the direct supervision of a qualified transplantation surgeon.

§ 405.2171 Condition: minimal service requirements for a renal transplantation center.

Kidney transplantation is furnished directly by a hospital which is participating as a provider of services in the Medicare program and is approved by the Secretary as a Renal Transplantation Center. The Renal Transplantation Center is under the overall direction of a hospital administrator and medical staff; if operated by an organizational subsidiary, it is under the direction of an administrator and medical staff member (or committee) who are directly responsible to the hospital administrator and medical staff, respectively. Patients are accepted for transplantation only on the order of a physician and their care continues under the supervision of a physician.

(a) *Standard: participation in recipient registry.* The Renal Transplantation Center participates in a patient registry program for patients who are awaiting cadaveric donor transplantation.

(b) *Standard: social services.* Social services are provided to patients and their families and are directed at supporting and maximizing the social functioning and adjustment of the patient. Social services are furnished by a qualified social worker (§ 405.2102(r)(6)) who has an employment or contractual relationship with the facility. The qualified social worker is responsible for conducting psychosocial evaluations, participating in team review of patient progress and recommending changes in treatment based on the patient's current psychosocial needs, providing casework and groupwork services to patients and their families in dealing with the special problems associated with ESRD, and identifying community social agencies and other resources and assisting patients and families to utilize them.

(c) *Standard: dietetic services.* Each patient is evaluated as to his nutritional needs by the attending physician and by a qualified dietitian (§ 405.2102(r)(2)) who has an employment or contractual relationship with the facility. The dietitian, in consultation with the attending physician, is responsible for assessing the nutritional and dietetic needs of each patient, recommending therapeutic diets, counseling patients and their families on prescribed diets, and monitoring adherence and response to diets.

(d) *Standard: laboratory services.* The renal transplantation center makes available, directly or under arrangements, laboratory services to meet the needs of ESRD patients. Laboratory services are performed in a laboratory facility approved to participate in the Medicare program and, for histocompatibility testing purposes, notwithstanding approval pursuant to Subpart J also meets § 405.1314(b)(13) and § 405.1317(a), (b)(2)(i) and (ii), (b)(4), and (b)(8), and (when services are furnished in the specialty of tissue pathology) § 405.1314(b)(8)(i) and § 405.1317(a) and (b)(6)(ii).

(1) Laboratory services for crossmatching of recipient serum and donor lymphocytes for preformed antibodies by an acceptable technique are available on a 24-hour emergency basis.

(2) Available laboratory services also include:

(i) Suitable maintenance of recipient sera and typing regeants;

(ii) Phenotyping for donors and recipients;

(iii) Updating and retyping for HL-A and better defined antigens as indicated;

(iv) Screening of recipient sera for preformed antibodies with a suitable lymphocyte panel;

(v) Testing such as the mixed lymphocyte cultures to determine cellularly-defined antigens; and

(vi) ABO blood grouping and Rh typing.

(e) *Standard: organ procurement.* If a renal transplantation center utilizes the services of an organ procurement agency to obtain donor organs, it has a written arrangement covering these services. The renal transplantation center agrees to notify the Secretary in writing within 30 days of the termination of such arrangements.

APPENDIX

Pursuant to § 405.2111 of this Subpart, the following are designated as End-Stage Renal Disease Network Areas:

ESRD NETWORK NO. 1

American Samoa	The Trust Territory of the Pacific Islands
Guam	
Hawaii	

ESRD NETWORK NO. 2

The State of Alaska
The State of Idaho
The State of Montana
The State of Oregon
The State of Washington

ESRD NETWORK NO. 3

The following counties in Northern California:

Alameda	Nevada
Alpine	Placer
Amador	Plumas
Butte	Sacramento
Calaveras	San Benito
Colusa	San Francisco
Contra Costa	San Joaquin
Del Norte	San Mateo
El Dorado	Santa Clara
Fresno	Santa Cruz
Glenn	Shasta
Humboldt	Sierra
Lake	Siskiyou
Lassen	Solano
Madera	Sonoma
Marin	Stanislaus
Mariposa	Sutter
Mendocino	Tehama
Merced	Trinity
Modoc	Tuolumne
Mono	Yolo
Monterey	Yuba
Napa	

The State of Nevada excluding Clark county which is included in Network area 4.

ESRD NETWORK NO. 4

The following counties in Southern California:

Imperial	San Bernardino
Inyo	San Diego
Kern	San Luis Obispo
Kings	Santa Barbara
Los Angeles	Tulare
Orange	Ventura
Riverside	

The following county in Southern Nevada:

Clark

ESRD NETWORK NO. 5

The State of Colorado

The State of Utah excluding the Navaho Reservation portion of San Juan County which is in Network area 6.

The State of Wyoming

The following counties in the State of Nebraska:

Banner	Kimball
Box Butte	Morrill
Cheyenne	Scotts Bluff
Dawes	Sheridan
Deuel	Sioux
Garden	

ESRD NETWORK NO. 6

The State of Arizona
The State of New Mexico

The Navaho Reservation portion of San Juan County, Utah.

ESRD NETWORK NO. 7

The State of Minnesota
The State of North Dakota
The State of South Dakota

The following counties in the State of Michigan:

Alger	Iron
Baraga	Keweenaw
Delta	Marquette
Dickinson	Menominee
Gogebic	Ontonagon
Houghton	Schoolcraft

The following counties in the State of Wisconsin:

Ashland	Iron
Bayfield	Price
Burnett	Sawyer
Douglas	Washburn

ESRD NETWORK NO. 8

Composed of:

The State of Iowa

The State of Nebraska excluding the following counties which are included in Network area 5:

Banner	Kimball
Box Butte	Morrill
Cheyenne	Scotts Bluff
Dawes	Sheridan
Deuel	Sioux
Garden	

The following counties in the State of Illinois:

Henry	Rock Island
Mercer	

ESRD NETWORK NO. 9

The State of Kansas

The State of Missouri excluding the following counties which are included in Network area 18:

Dunklin	Pemiscot
Mississippi	Scott
New Madrid	Stoddard

The following counties in the State of Illinois:

Clinton	Monroe
Madison	St. Clair

ESRD NETWORK NO. 10

The State of Arkansas excluding the following counties which are included in Network area 18:

Crittenden	Mississippi

The State of Oklahoma

ESRD NETWORK NO. 11

The State of Texas

ESRD NETWORK NO. 12

The State of Louisiana

ESRD NETWORK NO. 13

The State of Wisconsin excluding the following counties which are included in Network area 7:

Ashland	Iron
Bayfield	Price
Burnett	Sawyer
Douglas	Washburn

ESRD NETWORK NO. 14

The State of Michigan excluding the following counties which are included in network area number 7.

Alger	Iron
Baraga	Keweenaw
Delta	Marquette
Dickinson	Menominee
Gogebic	Ontonagon
Houghton	Schoolcraft

ESRD NETWORK NO. 15

The State of Illinois excluding the following counties which are included in Network area 8:

Henry	Rock Island
Mercer	

and the following counties which are included in Network area 9:

Clinton	Monroe
Madison	St. Clair

ESRD NETWORK NO. 16

The State of Indiana

ESRD NETWORK NO. 17

The State of Kentucky

The following counties in the State of Ohio:

Adams	Greene
Brown	Hamilton
Butler	Highland
Champaign	Miami
Clark	Montgomery
Clermont	Preble
Clinton	Shelby
Darke	Warren

ESRD NETWORK NO. 18

The State of Alabama excluding the following county which is included in network area number 20.

Russell

The State of Mississippi
The State of Tennessee

The following counties in the State of Arkansas:

Crittenden	Mississippi

The following counties in the State of Georgia:

Catoosa	Walker
Dade	

The following counties in the State of Missouri:

Dunklin	Pemiscot
Mississippi	Scott
New Madrid	Stoddard

The following counties in the State of Virginia:

Scott	Washington

ESRD NETWORK NO. 19

The State of Florida

ESRD NETWORK NO. 20

The State of Georgia excluding the following counties which are included in network area number 18.

Catossa	Walker
Dade	

The State of South Carolina

The following county in the State of Alabama:

Russell

ESRD NETWORK NO. 21

The State of North Carolina

ESRD NETWORK NO. 22

Composed of the State of Ohio excluding the following counties which are included in network area number 17.

Adams	Greene
Brown	Hamilton
Butler	Highland
Champaign	Miami
Clark	Montgomery
Clermont	Preble
Clinton	Shelby
Darke	Warren

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The following counties of Western Pennsylvania:

Allegheny	Forest
Armstrong	Fulton
Beaver	Greene
Bedford	Huntingdon
Blair	Indiana
Butler	Lawrence
Cambria	McKean
Cameron	Mercer
Clarion	Potter
Crawford	Somerset
Elk	Venango
Erie	Warren
Fayette	Washington
	Westmoreland

ESRD NETWORK NO. 23

The District of Columbia.

The following counties in the State of Virginia:

Arlington	Loudoun
Fairfax	Prince William

The following counties in the State of Maryland:

Calvert	Prince Georges
Charles	St. Mary's
Montgomery	

ESRD NETWORK NO. 24

The State of Delaware

The following counties of Eastern Pennsylvania:

Adams	Chester
Berks	Clearfield
Bucks	Clinton
Carbon	Columbia
Centre	Cumberland
Dauphin	Montgomery
Delaware	Montour
Franklin	Northampton
Jefferson	Northumberland
Juniata	Perry
Lackawanna	Pike
Lancaster	Philadelphia
Lebanon	Schuylkill
Lehigh	Snyder
Luzerne	Union
Lycoming	Wayne
Mifflin	Wyoming
Monroe	York

ESRD NETWORK NO. 25

The following counties of Metropolitan New York:

Bronx	Queens
Dutchess	Richmond
Kings	Rockland
Nassau	Suffolk
New York	Sullivan
Orange	Ulster
Putnam	Westchester

ESRD NETWORK NO. 26

The State of New York excluding the following counties which are included in Network area 25:

Bronx	Queens
Dutchess	Richmond
Kings	Rockland
Nassau	Suffolk
New York	Sullivan
Orange	Ulster
Putnam	Westchester

The following counties in the State of Pennsylvania:

Bradford	Sullivan
Susquehanna	Tioga

ESRD NETWORK NO. 27

The State of Connecticut

ESRD NETWORK NO 28

The State of Maine
The State or Massachusetts
The State of New Hampshire
The State of Rhode Island
The State of Vermont

ESRD NETWORK NO. 29

Puerto Rico	Virgin Islands

ESRD NETWORK NO. 30

The State of Virginia excluding the following counties which are included in Network area 18:

Scott	Washington

and the following counties which are included in Network area 23:

Arlington	Loudoun
Fairfax	Prince William

The State of West Virginia

ESRD NETWORK NO. 31

The State of Maryland excluding the following counties which are included in Network area 23:

Calvert	Prince Georges
Charles	St. Mary's
Montgomery	

ESRD NETWORK NO. 32

The State of New Jersey

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federal register

THURSDAY, JUNE 3, 1976

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH RESOURCES PLANNING AND DEVELOPMENT AGENCIES

Designation and Funding
Interim Regulations

VOL. 41 NO. 108 JUN 3 76

Title 42—Public Health

are the designation and funding of State

With regard to (1), the State Agency

(ii) receives (either directly or through of the Act and shall, except as author-

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 123—STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

Designation and Funding—Interim Regulations

On March 19, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 11688) proposing to amend Title 42, Code of Federal Regulations, as follows:

1. To add to Part 122 thereof a new Subpart D, entitled "Procedures and Criteria for Review of New Institutional Health Services".

2. To add to Subchapter K thereof a new Part 123, entitled "State Health Planning and Development Agencies", and to add to such new Part 123 the following new subparts: Subpart A, entitled "Definitions"; Subpart B, entitled "Designation of State Health Planning and Development Agencies"; Subpart C, entitled "Grants to State Health Planning and Development Agencies"; Subpart D, entitled "Statewide Health Coordinating Councils"; and Subpart E, entitled "Certificate of Need and Review of New Institutional Health Services."

3. To revise Part 100 thereof, which as so revised would be entitled "Limitation on Federal Participation for Capital Expenditures".

The regulations under items 1 and 2 above were proposed as part of the Department's implementation of Title XV of the Public Health Service Act, added by Pub. L. 93-641. The revision of Part 100 is in part made necessary by Pub. L. 93-641, and in part results from the Department's experience in carrying out its responsibilities under section 1122 of the Social Security Act.

Interested persons were afforded the opportunity to participate in the rulemaking process by submitting written comments concerning the proposed regulations no later than May 3, 1976.

A large number of comments (in excess of 3,000) have been received concerning the proposed regulations, and those comments are being analyzed within the Department. It is clear, however, that a thorough study of the comments and the revision of the proposed regulations on the basis of that analysis will take a period of several weeks. To await the completion of that work before proceeding further with the implementation of Title XV of the Public Health Service Act ("the Act") would be to delay that implementation in a manner which, in the judgment of the Secretary, is neither necessary nor wise.

Designation of Health Systems Agencies (HSAs) for one-half of the health service areas in the nation has now been accomplished through the execution by the Secretary of conditional designation agreements with such agencies under section 1515 of the Act. It is anticipated that HSAs will be designated for most health service areas by the end of June.

The next steps in the Title XV process are the designation and funding of State health planning and development agencies ("State Agencies") under section 1521 of the Act and the establishment of Statewide Health Coordinating Councils (SHCCs) under section 1524. It is essential that the State Agencies and SHCCs be permitted to begin their Title XV activities at the earliest possible date in order that they may provide guidance and assistance to HSAs in the performance by the latter of local health planning and development functions and in order that they may begin the development of their own State health plans.

Because of this urgent need, and for the additional reasons outlined below, the Secretary has concluded that it is necessary as well as appropriate to issue regulations, effective immediately, which will enable him to designate and fund State agencies without awaiting the analysis of the comments received on the March 19 Notice. Those regulations, which are set out below, relate only to the designation of, and the award of grants to, State health planning and development agencies and the establishment of SHCCs, and are issued on an interim basis. It is emphasized that these interim regulations will serve only as a basis for the initial designation and funding of State Agencies pending the issuance of final regulations based upon the comments received in response to the Notice of Proposed Rulemaking. Each designation agreement entered into during the interim period will contain a provision stating that the agreement will automatically terminate upon the occurrence of either of the following: (1) the execution of a new agreement conforming to the requirements of those final regulations, or (2) the expiration of a period following the publication of the final regulations which the Secretary, after consultation with the Governor, determines to be reasonable to enable the State to execute such a new agreement and so notifies the Governor in writing. It is anticipated that a period of 90 days will normally be considered reasonable for this purpose.

It is further noted that only those regulations which relate to State Agency designation and funding and to the SHCCs—Subparts A, B, C, and D of Part 123—are being made effective in this manner. The remaining (and, in the opinion of the Secretary, the most controversial) portions of the March 19 Notice will become effective only after the public comments thereon have been thoroughly studied and the regulations modified accordingly. Similarly, the regulations made effective by this Notice will be modified as the Secretary finds appropriate in light of the public comments already received.

Additional factors influencing the Secretary in his decision to issue these interim regulations are (1) the non-competitive nature of the State Agency designation and funding process, and (2) the unusual detail of the authorizing statute, resulting in a relatively narrow scope for substantive regulatory additions to the provisions of the Act.

With regard to (1), the State Agency to be designated by the Secretary for each State must be "selected by the Governor" of that State (section 1521(a) of the Act). Moreover, the agreement designating each State Agency is between the Secretary and the Governor. Because of their close involvement in this aspect of the Title XV program, the Secretary consulted with the Governors before reaching his decision to issue the interim regulations. The view prevailing among the Governors who expressed a viewpoint was that the publication of final regulations on an interim basis was not objectionable, so long as the regulations constituted the bare minimum necessary under the statute to enable the Secretary to go forward with the designation and funding of the State Agencies. The interim regulations set out below meet that test: the regulations consist of a restatement of the statute, together with such additions to the statutory language as, in the judgment of the Secretary, are legally or programmatically required for the implementation of the statute.

Accordingly, a new Part 123 is added to Title 42, Code of Federal Regulations, as set forth below.

Effective date: This Part will become effective on June 3, 1976.

Dated: May 24, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: May 27, 1976.

DAVID MATHEWS,
Secretary.

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AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); Secs. 1521–25, 1532, 1536 of the Public Health Service Act; 88 Stat. 2242–49.

Subpart A—Definitions

§ 123.1 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Conditionally designated State Agency" means an agency of the government of a State which has been designated as a State health planning and development agency on a conditional basis pursuant to section 1521(b)(2) of the Act.

(c) "Designation agreement" means an agreement entered into or renewed pursuant to section 1521 of the Act.

(d) "Fully designated State Agency" means an agency of the government of a State which has been designated as a State health planning and development agency pursuant to section 1521(b)(3) of the Act.

(e) "Governor" means the chief executive officer of a State or his designee.

(f) "Grant period" means the period with respect to which assistance is provided under Subpart C of this part.

(g) "Health service area" means an area designated by the Secretary pursuant to section 1511 of the Act as a health service area.

(h) "Health systems agency" means a conditionally or fully designated health systems agency designated pursuant to section 1515 of the Act and 42 CFR Part 122.

(i) "Provider of health care" means an individual—

(1) who is a direct provider of health care (including (but not limited to) a physician, dentist, nurse, podiatrist, or physician assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration, or

(2) who is an indirect provider of health care in that the individual:

(i) holds a fiduciary position with or has a fiduciary interest in, an entity described in paragraph (i)(2)(ii) (B) or (D) of this section; (for purposes of this paragraph, a "fiduciary position or interest" as applied to any entity means a position or interest with respect to such entity affected with the character of a trust, including members of boards of directors and officers, majority shareholders, agents and attorneys);

(ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or combination of the following:

(A) fees or other compensation for research into or instruction in the provision of health care;

(B) entities (or associations or organizations composed of such entities) engaged (or comprised of individuals who are engaged) in the provision of health care or in such research or instruction;

(C) producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; and

(D) entities (or associations or organizations composed of such entities) engaged in producing drugs or such other articles;

(iii) is a member of the immediate family of an individual described in paragraph (i)(1) or paragraph (i)(2)(i), (ii), or (iv) of this section (for purposes of this paragraph, "immediate family" as applied to any individual includes only his parents, spouse, children, brothers and sisters who reside in the same household); or

(iv) is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

(j) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(k) "State" means any one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(l) "State health planning and development agency" or "State Agency" means an agency of State government selected by the Governor and designated in an agreement entered into pursuant to section 1521 of the Act to carry out the State's health planning and development program.

(m) "Statewide Health Coordinating Council" or "SHCC" means the body established pursuant to section 1524 of the Act to advise the State health planning and development agency.

Subpart B—Designation of State Health Planning and Development Agencies

§ 123.101 Purpose and scope.

(a) Section 1521 of the Public Health Service Act authorizes the Secretary to enter into an agreement with the Governor of each State for the designation of a State health planning and development agency for such State for the purpose of the performance within the State of the physical and mental health planning and development functions prescribed by section 1523 of the Act. Each such State health planning and development agency shall administer the State administrative program prescribed by section 1522 of the Act and shall, except as authorized under § 123.107 of this subpart, perform within the State the functions prescribed by section 1523 of the Act.

(b) The regulations of this subpart are applicable to agreements, pursuant to section 1521 of the Public Health Service Act, for the conditional or full designation of a State health planning and development agency for a State.

§ 123.102 Application.

The Secretary may not enter into a designation agreement under this subpart unless an application has been submitted to the Secretary for such an agreement. The application shall be submitted by a State at such time and in such form and manner as the Secretary may prescribe, and shall be executed by the Governor.

§ 123.103 Contents of applications.

In addition to such other information as the Secretary may require, an approvable application shall contain:

(a) A State administrative program which meets the applicable requirements of § 123.104 of this subpart.

(b) In the case of an application for designation of a State Agency on a conditional basis pursuant to section 1521(b)(2) of the Act, a proposed plan for the orderly assumption and implementation of the health planning and development functions prescribed by section 1523 of the Act and § 123.106(b) of this subpart.

(c) Assurances satisfactory to the Secretary that the agency selected by the Governor as the State Agency has the authority and resources to administer the State administrative program of the State and to carry out the health planning and development functions prescribed by section 1523 of the Act (or, in the case of an application for designation of a State Agency on a conditional basis pursuant to section 1521(b)(2) of the Act), that such agency will have such authority and resources as may be required to implement its approved plan for the orderly assumption and implementation of such functions.

(d) In the case of an application for full designation pursuant to section 1521(b)(3) of the Act, a description of the Statewide Health Coordinating Council, including a statement of its composition and the manner in which it is organized and functions, which shall meet the requirements of subpart D of this Part.

(e) A description of the existing health planning and development activities of the State, including a description of the existing and proposed relationships between the agency selected by the Governor as the State Agency and other agencies of State government responsible for health programs of the State, including the agencies responsible for programs in alcoholism, drug abuse, mental health, and health manpower education and training (such as the Board of Higher Education or Commission on Education), and the manner in which planning for these programs will be coordinated with long-range health service needs within the State.

§ 123.104 State administrative program.

The State administrative program shall provide for:

(a) Public participation in the development, revision, and implementation of the State's health planning and development functions, including the establishment of a State health coordinating council.

(b) Consideration of the views of health care providers and consumers in the State.

(c) Coordination of the State's health planning and development functions with the health planning and development functions of Federal agencies operating in the State.

(d) Coordination of the State's health planning and development functions with the health planning and development functions of health systems agencies operating in the State.

(e) Coordination of the State's health planning and development functions with the functions of appropriate State agencies.

(f) Consideration of the relationship between health planning and development and the financing of health services and facilities in the State.

(g) Consideration of the relationship between health planning and development and the effective use of health manpower in the State.

(h) Consideration of the relationship between health planning and development and the needs of medically underserved populations in the State.

(i) Consideration of the relationship between health planning and development and the needs of the elderly in the State.

(j) Consideration of the relationship between health planning and development and the needs of migrant workers in the State.

(k) Consideration of the relationship between health planning and development and the needs of residents of rural areas in the State.

(l) Consideration of the relationship between health planning and development and the needs of residents of urban areas in the State.

(m) Consideration of the relationship between health planning and development and the needs of handicapped individuals in the State.

(n) Consideration of the relationship between health planning and development and the needs of residents of public institutions in the State.

(o) Consideration of the relationship between health planning and development and the needs of residents of correctional institutions in the State.

(p) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of minority groups.

(q) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of low-income families.

(r) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of ethnic groups.

(s) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination.

(t) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination in the provision of health services.

(u) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination in the provision of health services on the basis of race, color, national origin, religion, sex, age, or handicap.

(v) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination in the provision of health services on the basis of race, color, national origin, religion, sex, age, or handicap, and which are not otherwise covered by the provisions of this section.

(w) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination in the provision of health services on the basis of race, color, national origin, religion, sex, age, or handicap, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section.

(x) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination in the provision of health services on the basis of race, color, national origin, religion, sex, age, or handicap, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section.

(y) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination in the provision of health services on the basis of race, color, national origin, religion, sex, age, or handicap, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section.

(z) Consideration of the relationship between health planning and development and the needs of residents of the State who are members of groups which are subject to discrimination in the provision of health services on the basis of race, color, national origin, religion, sex, age, or handicap, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section, and which are not otherwise covered by the provisions of this section.

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(f) A statement as to whether the State intends to develop a State medical facilities plan for the purpose of participating in the program authorized by Title XVI of the Act, and, if the State does so intend, a description of the manner in which such plan will be administered by the State health planning and development agency in accordance with section 1603 of the Act and applicable regulations of the Secretary.

§ 123.104 State administrative program.

(a) *General.* A State administrative program (hereinafter referred to as the "State Program") is a program for the performance within the State by its State Agency of the functions prescribed by section 1523 of the Act and § 123.106(b) of this subpart. The Secretary may not approve a State Program for a State unless it

(1) Meets the applicable requirements of paragraph (b) of this section;

(2) Has been submitted to the Secretary by the Governor of the State as part of the application for a designation agreement; and

(3) Has been submitted to the Secretary only after the Governor of the State has afforded to members of the general public of the State a reasonable opportunity to express their views on the proposed State Program.

(b) *Program requirements.* To be approved by the Secretary under this subpart, a State Program must

(1) Provide for the performance within the State (after the designation of a State Agency and in accordance with the designation agreement) of the functions prescribed by section 1523 of the Act and § 123.106(b) of this subpart and specify the State Agency of the State as the sole agency for the performance of such functions; *Provided*, that

(i) Subject to the limitations of § 123.107 of this subpart, any such functions may be performed by another agency of the State government upon request of the Governor under an agreement with the State Agency; and

(ii) In the case of a State Agency designated on a conditional basis, the State Program shall provide for the performance of such functions in accordance with the plan for the orderly assumption and implementation of the health planning and development functions contained in the application;

(2) Contain or be supported by evidence satisfactory to the Secretary that the State Agency has under State law the authority to carry out the functions described in paragraph (b)(1) of this section;

(3) Contain a complete budget for the operation of the State Agency during the period of the proposed designation agreement for the conduct of activities to be performed by such agency pursuant to such agreement. Where the State Agency proposes to administer or supervise the administration of the State medical facilities plan approved by the Secretary pursuant to Title XVI of the Act, such budget shall also include expenditures to be incurred in the administration of such plan;

(4) Provide for adequate consultation with the Statewide Health Coordinating Council in carrying out the State Program, and contain

(i) In the case of a State Agency designated on a conditional basis in a State which has no such Council at the time of such designation, a plan for the establishment of the Council in accordance with Subpart D of this Part, or

(ii) In the case of a fully designated agency, evidence satisfactory the Secretary of authority under State law for such Council.

(5) Set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibilities in the performance of the functions described in § 123.106(b) of this subpart and the State Program and require the State agency to have a professional staff for planning and a professional staff for development, which staffs shall be of such size and meet such qualifications as the Secretary may prescribe;

(6) Provide methods of administration appropriate for the proper and efficient administration of the functions described in § 123.106(b) of this subpart and the State program, including the establishment and maintenance of personnel standards on a merit basis for persons employed by the State in carrying out the State Program. Conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91-648; 84 Stat. 1915) modifying or superseding such standards, will be deemed to meet this requirement as determined by said Commission;

(7) Require the State Agency to perform its functions in accordance with procedures and criteria established and published by it, which procedures and criteria shall, with respect to any reviews of proposed or existing health services, conform to the requirements of section 1532 of the Act and the applicable regulations of the Secretary;

(8) Require the State Agency to conduct its business meetings in public and give adequate notice to the public of such meetings;

(9) Require the State Agency to make its records and data available to the general public upon request;

(10) Provide that the State Agency will enter into a written agreement with each agency or organization in the State which has entered into an agreement with the Secretary under section 306(e) of the Act so as to assure that the State Agency has the data needed on a timely basis for health planning and resources development in the State, and that such data will be made available to all health systems agencies designated for health service areas located in whole or in part within the State;

(11) Require providers of health care doing business in the State to make to the State Agency such statistical and other reports of information related to health and health care as the State Agency finds necessary to the performance of its functions under this subpart, and make such reports available to the health systems agencies for the respective health service areas in which such providers are located;

(12) Provide, in accordance with methods and procedures approved by the Secretary, for the evaluation, at least annually, of the performance by the State Agency of its functions and of their economic effectiveness;

(13) Provide that the State Agency will from time to time, and in any event not less often than annually, review the State Program and submit to the Secretary required modifications;

(14) Require the State Agency to make such reports, in such form and containing such information concerning its structure, operations, performance of functions, and other matters as the Secretary may from time to time require, and keep such records and afford such access thereto as the Secretary may find necessary to vertify such reports;

(15) Require the State Agency to provide for fiscal control and fund accounting procedures, consistent with applicable requirements of Subpart C of this Part, as the Secretary may require to assure proper disbursement of, and accounting for, funds received by the State Agency under section 1525 of the Act;

(16) Permit the Secretary and the Comptroller General of the United States, or their representatives, to have access for the purpose of audit and examination to any books, documents, papers, and records of the State Agency pertinent to the disposition of amounts received from the Secretary under section 1525 of the Act; and

(17) Provide that if the State Agency makes a decision in the performance of a function under section 1523(a) (3), (4), (5) or (6) or Title XVI of the Act which is inconsistent with a recommendation made under section 1513 (f), (g) or (h) of the Act by a health systems agency for a health service area located in whole or in part within the State—

(i) Such decision (and the record upon which it was made) shall, upon request of such health systems agency, be reviewed, under an appeals mechanism consistent with State law governing and practices and procedures of administrative agencies, by an agency of the State (other than the State health planning and development agency) designated by the Governor, and

(ii) The decision of the reviewing agency shall for purposes of Titles XV and XVI of the Act be considered the decision of the State Agency.

§ 123.105 Conditional Designation Agreements.

In accordance with section 1521(b)(2) of the Act and this subpart, the Secretary may enter into an agreement (hereinafter referred to as the Conditional Designation Agreement) with a Governor for the designation of an agency (selected by the Governor) of the government of that State as the State Agency on a conditional basis with a view

to determining the State Agency's ability at the end of the period of its conditional designation to meet the requirements and perform the functions of a fully designated State Agency under the Act and this subpart. Such agreement shall provide that:

(a) The agency is designated as the conditionally designated State Agency for the State for a term not to exceed 12 months, beginning on a date specified in the agreement.

(b) During the period of conditional designation, the Secretary shall require the State Agency to perform only such of the functions prescribed by section 1523 of the Act and § 123.106(b) of this subpart as he determines such State Agency to be capable of performing; *Provided*, That the State Agency must perform at least the functions described in § 123.106(b) (1) and (2) and, immediately upon the establishment of a Statewide Health Coordinating Council for the State, the functions described in § 123.106(b)(3).

(c) During the period of conditional designation the numbers and types of requirements and functions may, in accordance with paragraph (b) of this section, be progressively increased as the State Agency, in the judgment of the Secretary, becomes capable of added responsibility.

(d) The State Agency shall meet the requirements of the Act, this subpart, and any additional conditions set forth in the Conditional Designation Agreement.

§ 123.106 Full Designation Agreements.

In accordance with section 1521(b)(3) of the Act and this subpart, the Secretary may enter into an agreement (hereinafter referred to as the Full Designation Agreement) with a Governor for the designation of an agency (selected by the Governor) of that State as the State Agency for the State. Such Full Designation Agreement shall provide that:

(a) The agency is designated as the State Agency for the State for a term not to exceed 12 months, beginning on a date specified in the agreement.

(b) The State Agency shall, subject to § 123.107 of this subpart, perform within the State the following functions:

(1) Conduct the health planning activities of the State and implement those parts of the State health plan prepared by the Statewide Health Coordinating Council pursuant to section 1524(c)(2) of the Act and Subpart D of this Part and the plans of the health systems agencies within the State which relate to the government of the State;

(2) Prepare, review, and revise as necessary (but at least annually), and submit to tht Statewide Health Coordinating Council of the State for approval or disapproval and for use in developing the State health plan referred to in paragraph (b)(1) of this section, a preliminary State health plan which shall be made up of the Health Systems Plans (hereinafter referred to as "HSP's") of the health systems agencies within the State; *Provided*, that (i) such preliminary plan may, as found necessary by the State Agency, contain revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs.

(3) Assist the Statewide Health Coordinating Council of the State in the review of the State medical facilities plan required under section 1603 of the Act, and in the performance of its functions generally;

(4)(i) Serve as the designated planning agency of the State for purposes of section 1122 of the Social Security Act and in accordance with 42 CFR Part 100, if the State has entered into an agreement with the Secretary pursuant to such section 1122; and (ii) administer a State certificate of need program which meets the requirements of Subpart E of this Part; *Provided*, that the requirement of clause (b)(4)(ii) hereof shall not apply to a State Agency of a State until the expiration of the first regular session of the legislature of such State which begins after January 4, 1975;

(5) After consideration of recommendations submitted by Health Systems Agencies under section 1513(f) of the Act respecting new institutional health services proposed to be offered within the State, make findings as to the need for such services in accordance with section 1532 of the Act and Subpart E of this Part;

(6) Review on a periodic basis (but not less than often than every five years), in accordance with section 1532 of the Act and applicable regulations of the Secretary, all institutional health services being offered in the State and, after consideration of recommendations submitted by health systems agencies pursuant to 42 CFR 122.107(c)(15) respecting the appropriateness of such services, make public its findings; *Provided, That* such findings with respect to any health service area in the State shall be made not more than one year following the date on which the health systems agency for such area submits its recommendations to the State Agency.

(c) The State Agency shall meet the requirements of the Act, this subpart, and any additional conditions set forth in the Full Designation Agreement.

§ 123.107 Performance of functions by other than the State Agency.

Notwithstanding any other provision of this subpart, any function described in § 123.106(b) of this subpart may be performed by another agency of the State government upon request of the Governor under an agreement with the State Agency satisfactory to the Secretary; *Provided*, That any agreement entered into by the State Agency for the performance of one or more functions described in § 123.106(b) of this subpart by another agency of the State must contain provisions satisfactory to the Secretary enabling the State Agency to coordinate the functions to be performed by such other agency with the other functions described in such § 123.106(b).

§ 123.108 Renewal and termination of agreements.

(a) *Conditionally designated State Agencies.*

(1) *Renewal.* A Conditional Designation Agreement may, at the option of the Secretary and based upon the Secretary's review of the State Agency's performance and its application for renewal, be renewed for an additional term not to exceed 12 months, but in no case may the total period of conditional designation of a State Agency exceed 24 months. Where the Secretary determines not to renew such agreement, the Governor will be notified in writing of the reasons for such determination.

(2) *Termination.* A Conditional Designation Agreement may be terminated by the Governor prior to the expiration of its term upon 90 days written notice to the Secretary which shall set forth the reasons for such termination and its effective date. The Secretary may terminate the Conditional Designation Agreement prior to the expiration of its term upon his determination, after having given the Governor at least 90 days written notice and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by the Secretary, that the State Agency is not complying with the provisions of the Agreement or is incapable of progressively assuming more functions and responsibilities.

(b) *Fully designated agencies.*

(1) *Renewal.* A Full Designation Agreement may be renewed for a period not to exceed 12 months, upon the application by the Governor for renewal, if upon review by the Secretary (as provided in section 1535 of the Act) he determines that the State Agency has fulfilled, in a satisfactory manner, the functions of a State Agency as prescribed by section 1523 of the Act and the applicable provisions of this subpart. A determination by the Secretary not to renew the Agreement will be made only after he has provided the Governor with written notice of the reasons for such failure to renew and of the opportunity for a hearing before an officer or employee designated for such purpose by the Secretary.

(2) *Termination.* A Full Designation Agreement may be terminated by the Governor prior to the expiration of its term upon 90 days written notice to the Secretary which will set forth the reasons for such termination and its effective date. The Agreement may be terminated by the Secretary prior to the expiration of its term if he determines, after having given the Governor at least 90 days written notice of the State Agency's deficiencies and the corrective actions required and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by Secretary, that the State Agency is not complying with or effectively carrying out the provisions of the Agreement.

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§ 123.211 Additional grants to certain

§ 123.109 [Reserved]

§ 123.110 Special provisions for certain States—Section 1536 of the Act.

In addition to the other provisions of this subpart, the provisions of this section shall apply with respect to the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, American Samoa, and any other State determined by the Secretary to meet the requirements of section 1536(a) of the Act.

(a) *Additional functions of State Agencies.* (1) *Conditional Designation Agreement.* In the case of a State Agency designated pursuant to a Conditional Designation Agreement, the State Agency shall perform such of the functions prescribed by section 1513 of the Act and 42 CFR 122.107(c) as the Secretary, in writing, directs it to perform in accordance with 42 CFR 122.106 (b) and (c), as though the State were a health service area and the State Agency a health systems agency for such area.

(2) *Full Designation Agreement.* In the case of a State Agency designated pursuant to a Full Designation Agreement, the State Agency shall perform the functions prescribed by section 1513 of the Act and 42 CFR 122.107(c), as though the State were a health service area and the State Agency a health systems agency for such area; *Provided,* That the requirements of section 1513(f) of the Act and 42 CFR 122.107(c)(14) (relating to the review of new institutional health services proposed to be offered or developed); section 1513(g) of the Act and 42 CFR 122.107(c)(15) (relating to periodic review of all institutional health services); and section 1513(h) of the Act and 42 CFR 122.107(c)(16) (relating to recommendation of projects for modernization, construction and conversion of medical facilities) shall not apply for purposes of this section.

(3) *Review and comment by SHCC.* Notwithstanding any other provision of this Part, a State Agency to which this section applies shall afford the SHCC for such State a reasonable opportunity to review and comment upon the following actions by the State Agency before such actions are made final:

(i) The establishment, annual review, and amendment of the Annual Implementation Plan ("AIP") as described in 42 CFR 122.107(c)(3);

(ii) The development and publication of specific plans and programs for achieving the objectives established in the AIP, as described in 42 CFR 122.107(c)(6);

(iii) The making of grants and contracts from the Area Health Services Development Fund pursuant to section 1640 of the Act, as described in 42 CFR 122.107(c)(9);

(iv) The making of findings as to the need for new institutional health services proposed to be offered in the State, as described in § 123.106(b)(5) of this subpart;

(v) The making of findings as to the appropriateness of existing institutional health services being offered in the State, as described in § 123.106(b)(6) of this subpart; and

(vi) The approval or disapproval of each proposed use of Federal funds within the State, as described in 42 CFR 122.107(c)(17).

(b) *Preliminary State health plan.* For purposes of this section, the Health Systems Plan developed by a State Agency pursuant to section 1513(b)(2) of the Act and 42 CFR 122.107(c)(2), made applicable to State Agencies by paragraph (a) of this section, shall be deemed to be the preliminary State health plan for purposes of section 1523 (a)(2) of the Act and § 123.106(b)(2) of this subpart.

(c) *State Agency staff.* Notwithstanding any other provisions of this subpart relating to State Agency staff, a State Agency to which this section is applicable shall have a staff which meets the requirements of 42 CFR 122.110; *Provided,* that the Secretary may, for good cause shown upon application by any such State Agency, waive the requirements of 42 CFR 122.110 in whole or in part with respect to such agency; and *Provided further,* That the requirements of section 1522(b)(4)(B) of the Act and § 123.104(b)(6) of this subpart (relating to personnel standards on a merit basis) shall apply to each State Agency under this section.

Subpart C—Grants to State Health Planning and Development Agencies

§ 123.201 Applicability.

The regulations of this subpart, except for § 123.211 thereof, are applicable to grants under section 1525 of the Public Health Service Act (42 U.S.C. 300m-4) to State health planning and development agencies designated under section 1521 of the Public Health Service Act (42 U.S.C. 300m) to assist them in meeting the costs of their operation, including costs incurred in the administration of the State medical facilities plan under Title XVI of the Act.

§ 123.202 Eligibility.

Any conditionally or fully designated State Agency is eligible for a grant under this subpart.

§ 123.203 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe, and shall be executed by an officer or employee of the State officially authorized to act for the applicant agency and to assume on behalf of the agency the obligations imposed by the Act, the regulations of this subpart, and any additional terms or conditions of the grant.[1]

(b) The application shall contain the following: (1) A full and complete budget (i) of expenditures to be incurred by the applicant agency in carrying out its approved State administrative program in accordance with section 1522 of the Act and the terms and conditions of the designation agreement entered into by the Secretary and the Governor of the State pursuant to Subpart B of this Part (including expenditures to be incurred in assisting the Statewide Health Coordinating Council in the performance of its functions), and (ii) where the State Agency is administering or supervising the administration of the State medical facilities plan approved by the Secretary pursuant to Title XVI of the Act, of expenditures to be incurred in the administration of such plan.

(2) An assurance satisfactory to the Secretary that the State Agency will expend in performing the functions prescribed by section 1523 of the Act during the fiscal year for which the grant is sought an amount of funds from non-Federal sources which is at least as great as the average amount of funds from non-Federal sources expended for such purposes (excluding expenditures of a non-recurring nature) in the three fiscal years immediately preceding the fiscal year for which the grant is sought, by the State for which such State Agency has been designated. Such assurance shall be supported by the following:

(i) An itemized statement showing the amount of funds from non-Federal sources expended by the State for carrying out functions described in section 1523 of the Act in each of the three fiscal years immediately preceding the fiscal year for which the grant is sought, excluding expenditures of a non-recurring nature; and

(ii) A description of the amount and sources of non-Federal funds which will be expended by the State Agency in carrying out the functions described in section 1523 of the Act under the designation agreement during the grant period; and

(3) A statement of the amount of grant funds requested.

§ 123.204 Grant award.

(a) The Secretary will award a grant under this subpart to each agency which

(1) is designated as a State Agency under a designation agreement;

(2) has provided the assurance required by § 123.203(b)(2) of this subpart; and

(3) otherwise meets the applicable requirements of the Act and of this subpart.

(b) The amount of any grant under this subpart will be computed as follows:

(1) The Secretary will allocate to each State the product of (i) the percentage which the State's population (as determined by the Secretary from the latest available estimate from the Department of Commerce) bears to the total of the populations of all the States (as so determined) and (ii) the amount of appropriated funds determined by the Secretary to be available for grants under this subpart; *Provided,* That (A) where the amount allocated to Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands as a result of such computation is less than one-half of one percent of the amount available for grants under this subpart, such allocation shall be increased to one-half of one percent of such amount and the allocation to other States reduced accordingly; and (B) where the amount allocated to any State not listed in clause (A) above as a result of such computation is less than one and one-fourth percent of the amount available for grants under this subpart, such allocation shall be increased to one and one-fourth percent of such amount and the allocations to other States reduced accordingly.

(2) On the basis of the budget contained in the application and his estimate of the amount required by the State Agency to carry out its approved State administrative program under the designation agreement, and the cost of administration of the State medical facilities plan under Title XVI of the Act, the Secretary will estimate the operation costs of the State Agency during the grant period.

(3) The amount of each grant to a State Agency shall be the lesser of: (i) the amount of the allocation computed pursuant to paragraph (b)(1) of this section for the State for which such State Agency has been designated;

(ii) 75 percent of the estimated operation costs of the State Agency as determined by the Secretary pursuant to paragraph (b)(2) of this section; or

(iii) The amount requested by the State Agency in its application; *Provided,* That any appropriated funds remaining after the application of paragraphs (b)(3)(i), (ii) and (iii) above shall, on a proportional basis, be applied to increase the grants of those State Agencies with respect to which the amount described in paragraph (i) is less than either of the amounts described in paragarphs (ii) and (iii); *Provided further,* That no State Agency may receive a grant which exceeds either 75% of its estimated operation costs or the amount requested in its application.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the State Agency.

§ 123.205 Grant payments.

The Secretary will from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved activity.

§ 123.206 Use of grant funds.

(a) Any funds granted pursuant to this subpart, as well as other funds required as a condition of the grant to be used in performance of the approved activity, shall be expended solely for the administration of the State medical facilities plan under Title XVI of the Act and applicable regulations of the Secretary and for carrying out the State administrative program in accordance with Title XV of the Act, the applicable provisions of this Part, the designation agreement, any additional terms and conditions of the grant award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Funds granted pursuant to this subpart shall be available for obligation only during the period of the designation agreement.

§ 123.207 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 123.208 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) *Accounting for non-Federal funds.* The agency shall account for all non-Federal funds expended during the grant period in carrying out the approved activities in accordance with procedures prescribed by the Secretary.

§ 123.209 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart.

§ 123.210 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of the award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interests of the public health, or the conservation of grant funds.

§ 123.211 Additional grants to certain State Agencies—section 1536 of the Act.

In addition to grants pursuant to section 1525 of the Act, a State Agency designated for the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, American Samoa, or any other State determined by the Secretary to meet the requirements of section 1536 (a) of the Act may receive a grant under section 1516 of the Act. The provisions of this section apply to such grants to State Agencies under section 1516 of the Act.

(a) *Application.* An application for a grant under this section must conform to the requirements of 42 CFR 122.203.

(b) *Amount of Grant.* (1) Where a State Agency has entered into a Conditional Designation Agreement under § 123.105 of this Part, the State Agency shall receive a grant which is computed in accordance with 42 CFR 122.204(b)(1).

(2) Where a State Agency has entered into a Full Designation Agreement under § 123.106 of this Part, the State Agency shall receive a grant which is computed in accordance with 42 CFR 122.204(b)(2).

(c) *Population.* For purposes of determining the amount of a grant under this section, the population of a State will be determined by the Secretary in accordance with 42 CFR 122.205.

(d) *Assurance of expenditure of non-Federal funds.* A State Agency which qualifies for a grant under this section may receive an increased amount of grant funds in accordance with section 1516 of the Act and 42 CFR 122.204 where the State Agency provides assurance in accordance with 42 CFR 122.206 that the agency will expend or obligate non-Federal funds during the grant period for the purposes for which grants under this section may be made.

(e) *Grant payments.* Payments to a grantee of a grant award will be made in accordance with 42 CFR 122.207.

(f) *Use of grant funds.* Funds granted pursuant to this section, as well as other funds required as a condition of the grant to be used in performance of the approved activity, shall be expended in accordance with 42 CFR 122.209.

(g) *Nondiscrimination.* The provisions of 42 CFR 122.209 shall apply to grants made under this section.

(h) *Grantee accountability.* The provisions of paragraphs (a) and (b) of 42 CFR 122.211 shall apply to grants made under this section.

(i) *Applicability of 45 CFR Part 74.* The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants made under this section.

(j) *Additional conditions.* The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[1] Applications and instructions may be obtained from the Regional Health Administrator in the Regional Office of the Department of Health, Education, and Welfare for the region in which the State is located.

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Subpart D—Statewide Health Coordinating Councils

§ 123.301 Purpose and scope.

Section 1524 of the Public Health Service Act provides that each State health planning and development agency shall be advised by a Statewide Health Coordinating Council (hereinafter referred to as the "SHCC"). The regulations of this subpart are applicable to the establishment and operation of SHCC's.

§ 123.302 Establishment.

A SHCC may not be established in a State until health systems agencies have been designated for one-half or more of the health service areas which are located in whole or in part in the State.

§ 123.303 Composition.

Except as authorized by § 123.307 of this subpart, a SHCC shall be composed in the following manner:

(a) A SHCC shall have no fewer than 16 representatives appointed by the Governor of the State from lists of at least five nominees submitted to the Governor by each of the health systems agencies designated for health service areas which fall, in whole or in part, within the State.

(1) Each such health systems agency shall be entitled to the same number of representatives on the SHCC.

(2) Each such health systems agency shall be entitled to at least two representatives on the SHCC.

(3) Of the representatives of any health systems agency, not less than one-half shall be individuals who are consumers of health care and who are not providers of health care.

(4) Each such health systems agency shall submit to the Governor a list of nominees numbering at least twice the number of representatives to which the health systems agency is entitled.

(5) Each person nominated for or appointed to the SHCC under this paragraph shall have his principal place of residence in the State for which the SHCC is established.

(b) In addition to the appointments made under paragraph (a) of this section, the Governor may appoint such persons (including State officials, public elected officials, and other representatives of governmental authorities within the State) to serve on the SHCC as he deems appropriate; except that

(1) the number of persons appointed to the SHCC under this paragraph may not exceed 40 per centum of the total membership of the SHCC; and

(2) a majority of the persons appointed by the Governor under this paragraph shall be consumers of health care who are not providers of health care.

(c) Not more than 60 per centum of the membership of the SHCC shall be consumers of health care who are not providers of health care.

(d) Not less than one-third of the providers of health care who are members of the SHCC shall be direct providers of health care.

(e) Where two or more hospitals or other health care facilities of the Veterans Administration are located in a State, the SHCC for such State shall, in addition to the other members appointed pursuant to this section, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans Administration shall have designated as a representative of such facilities. Such individual shall be considered a direct provider of health care for purposes of paragraph (c) of this section.

§ 123.304 [Reserved]

§ 123.305 [Reserved]

§ 123.306 Functions.

A SHCC shall perform the following functions:

(a) Review annually and coordinate the Health Systems Plan ("HSP") and Annual Implementation Plan ("AIP") of each health systems agency of a health service area located in whole or in part within the State and report to the Secretary, for purposes of his review under section 1535(c) of the Act, its comments on such HSP and AIP, at such times and in such form and manner as the Secretary may direct.

(b) Prepare, and review and revise as necessary (but at least annually), a State health plan which shall be made up of the HSP's of the health systems agencies within the State. Such plan may, as found necessary by the SHCC, contain revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs.

(1) In the preparation and revision of the State health plan, the SHCC shall review and consider the preliminary State health plan submitted by the State agency under section 1523(a)(2) of the Act and § 123.106(b)(2) of this Part, and shall conduct a public hearing on the plan as proposed by the SHCC and shall give interested persons an opportunity to submit their views orally and in writing.

(i) Not less than 30 days prior to any such hearing, the SHCC shall publish in at least two newspapers of general circulation in the State a notice of its consideration of the proposed plan, the time and place of the hearing, the place at which interested persons may consult the plan in advance of the hearing, and the place and period during which to direct written comment to the SHCC on the plan.

(ii) At least 15 days prior to such publication, the SHCC shall provide a copy of the plan to the Governor for purposes of his review and comment.

(2) At such time and in such form and manner as the Secretary may prescribe, the SHCC shall provide to the Secretary a copy of its current State health plan.

(c) Review annually the budget of each health systems agency located in whole or in part within the State and report to the Secretary, for purposes of his review under section 1535(a) of the Act, its comments on such budget, at such time and in such form and manner as the Secretary may direct.

(d) Review applications submitted by such health systems agencies (or, in the case of the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, American Samoa, and any other State which has been determined by the Secretary to meet the requirements of section 1536(a) of the Act, by the State Agencies of such States) for grants under sections 1516 and 1640 of the Act and report to the Secretary, at such time and in such form and manner as the Secretary may direct, its comments on such applications.

(e) Advise the State Agency generally on the performance of its functions.

(f) Review annually and approve or disapprove any State plan and any application (and any revision of a State plan or application) submitted to the Secretary as a condition to the receipt of Federal funds, made available under allotments, in accordance with section 1524(c)(6) of the Act and applicable regulations of the Secretary.

(g) Review and approve or disapprove the State medical facilities plan prepared by the State Agency pursuant to section 1603 of the Act, on the basis of whether such State medical facilities plan is consistent with the State health plan prepared in accordance with paragraph (b) of this section.

§ 123.307 Special provision for membership of certain SHCC's—Section 1536 of the Act.

In the case of the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, American Samoa, or any other State determined by the Secretary to meet the requirements of section 1536(a) of the Act, the membership of the SHCC shall number not less than 16 nor more than 30, and shall be appointed by the Governor of such State in accordance with the provisions of 42 CFR 122.109(b), relating to the composition of the governing body of a health systems agency; *Provided* that in the case of the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, or American Samoa, any of the requirements of 42 CFR 122.109(b) may be waived by the Secretary upon the written request of the Governor supported by evidence sufficient to satisfy the Secretary that such requirement cannot be met or would, under the circumstances, be inconsistent with the purposes of the Act.

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THURSDAY, JUNE 3, 1976

PART IV:

ENVIRONMENTAL PROTECTION AGENCY

MUNICIPAL SLUDGE MANAGEMENT

Environmental Factors

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 552-7]

MUNICIPAL SLUDGE MANAGEMENT

Environmental Factors; Technical Bulletin

This Technical Bulletin has been prepared to assist Environmental Protection Agency (EPA) Regional Administrators in evaluating grant applications for construction of publicly owned treatment works under section 203(a) of the Federal Water Pollution Control Act as amended. It also provides designers and municipal engineers with information for selecting a sludge management option.

The bulletin was developed by an Agency workgroup with substantial assistance provided by individuals from the Council on Environmental Quality, the U.S. Department of Agriculture, the Food and Drug Administration, and the Department of the Army.

The bulletin addresses only factors important to the environmental acceptability of a particular sludge management option. The environmental assessment/environmental impact statement procedure is used to determine the acceptability at a specific site. This procedure is described in EPA's regulation for "Preparation of Environmental Impact Statements" (40 FR 6, Appendix I).

Another aspect of sludge management which is of great importance is the cost-effectiveness of a proposed sludge management option. Information on the EPA cost-effectiveness program is contained in Appendix A.

The requirements of the Act for higher levels of wastewater treatment will result in a substantial increase in the quantity of sludge produced at publicly owned treatment works. Disposition of these sludges is not simple. Methods used in the past are now restricted by specific laws or regulations, or are subject to other constraints in view of new information of environmental significance.

EPA, continuing the work of its predecessor agencies, has been developing environmentally acceptable methods for the management of municipal sludge since the enactment of the first Federal water pollution control laws. The initial phases of the research program were concerned with the characteristics and dewatering properties of primary and secondary sludge because of the need to dewater sludge before its ultimate disposal. The current program emphasis has shifted toward development of improved technology for returning the sludges to the environment in an ecologically acceptable manner. Also, the Agency is requiring new measures, such as source control and pretreatment which should reduce the heavy metals problem associated with sewage sludges.

The Agency has been aware of the growing sludge disposal problem and the need to verify and expand the technology that is now being utilized. For example, a long-term land application project has been directed at determining the beneficial uses of sludge for strip mine reclamation and for soil enrichment in crop production. These studies have carefully monitored the heavy metals uptake in various forage and grain crops.

A large increase in the amount of sludge generated has occurred with the use of chemical precipitants for nutrient control and the upgrading of secondary treatment facilities. The Agency has been active developing new technology for solving the problem, including recovery and reuse of the chemical additives.

EPA will continue its comprehensive research program for municipal wastewater sludge processing, utilization and disposal. This program will concentrate on demonstration of new technologies which will recycle or reuse sludges, or recover residuals contained in sludges.

For example, new technologies are being examined to determine if there are cost-effective methods for producing or recovering marketable products in the processing of sludge. These products may include: metals recovery, simple organic acids, fertilizer bases, soil conditioners, methane, and the recovery of process heat.

Health effects research will include investigation into land application, disinfection, and composting. The health effects of airborne contaminants from incineration and the improved technology for reducing or eliminating pollutant emissions will be evaluated. It is also EPA's intent to continue cooperative agreements with other local, State and Federal agencies.

The Technical Bulletin is based on current knowledge. It will be modified from time to time as additional information becomes available from current and future research, development, and demonstration projects as outlined above. New research, development, and demonstration projects which offer potential for reducing costs or improving technology are encouraged; this includes projects that do not meet the specific criteria of the bulletin, if there is reason to believe that they will eventually be acceptable.

During the development of this Technical Bulletin, considerable disagreement surfaced on the topic of utilizing sewage sludges by application to agricultural lands. Although utilization of sewage sludges as a resource to recover nutrients and other benefits has been encouraged by PL 92-500 and the EPA Science Advisory Board, the workgroup members and others involved in developing this Technical Bulletin have received conflicting opinions concerning the overall merits vs hazards of applying sludges to cropland. Possible adverse effects upon the human food chain (e.g., potential for increasing human cadmium intake) has remained a major concern expressed whenever this practice is considered. The relative risks of applying sewage sludges to croplands, when compared to other routes through which these contaminants enter the human diet, have yet to be determined.

Because of the wide interest in this subject, EPA is soliciting comments on the proposed bulletin. In particular, views and data are solicited on publicly acceptable sludge management alternatives, the occurrence of heavy metals in sludge, the control of these contaminants in the agricultural use of sludge to grow foods, and related impacts upon the human food chain. This bulletin places primary reliance on the Food and Drug Administration and the U.S. Department of Agriculture to establish recommendations for acceptable levels of heavy metals in food crops and best agricultural practices for sludge application to agricultural lands.

Interested persons should submit written comments, views, or data to the Director, Municipal Construction Division (WH-547), Office of Water Program Operations, Environmental Protection Agency, Washington, D.C. 20460. All such communications received prior to 90 days from publication of the proposed technical bulletin in the FEDERAL REGISTER will be considered in developing the final Technical Bulletin. If the degree of public interest in the utilization of sewage sludge expressed during the public comment period indicates a major concern, public hearings will be held prior to publishing the final document.

Dated: May 18, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator,
Water and Hazardous Materials.

TECHNICAL BULLETIN

MUNICIPAL SLUDGE MANAGEMENT: ENVIRONMENTAL FACTORS

Proposed for Public Comment

This document is a preliminary draft. It has not been formally released by EPA and should not at this stage be construed to represent Agency policy. It is being circulated for comment on its technical accuracy and policy implications.

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Appendix II Groundwater Extract from "Alternative Waste Management Techniques for Best Practicable Waste Treatment" EPA-40/9-75-013, October 1975.

Appendix III Guidelines for the Land Disposal of Solid Wastes 40 CFR 241.

Appendix IV "New Source Performance Standards for New Stationary Sources; Subpart O—Standards of Performance for Sewage Treatment Plants, 40 CFR 60.15.

Appendix V "National Emissions Standards for Hazardous Air Pollutants;" Subpart E—National Emission Standard for Mercury, 40 CFR 61.5.

Appendix VI Subchapter H—Ocean Dumping, 40 CFR 220-227.

CHAPTER I

Introduction

1-1. The treatment of wastewaters for pollutant removal produces not only relatively clean water for discharge, but also a significant quantity of residue material. For domestic sewage, treated in publicly owned plants, this residue is essentially organic in nature, although measurable quantities of metal, minerals, and other compounds are also invariably present. Where industrial wastewaters are treated together with domestic sewage, the potential for additional foreign materials in the resulting sludge is increased. Further, pathogenic organisms in sewage may survive the wastewater treatment process and remain in the residue.

1-2. Depending upon the composition of the wastewater treatment plant sludge, the quantity involved, and the disposal method, disposal of this residue material can have a significant impact on the environment. It is essential for wastewater treatment installations to consider the proper disposal of sludge produced as well as the proper disposal of treated wastewater.

The requirements of the Federal Water Pollution Control Act, as amended, emphasize the need for environmentally sound means for sludge disposal. The national requirement for secondary treatment, for example, will not only result in production of a greater quantity of sludge than before, but will also result in greater quantities nationwide, and possibly more concentrated forms of contaminants present in the sludge.

1-3. The disposition of wastewater treatment plant sludges is a complex problem. It can affect simultaneously air, land, and water, and encompass such varied considerations as human health, animal health, plant growth, and protection of ground and surface water from pollution. EPA Regional Administrators consider these matters as they evaluate sludge disposal systems included in the design of publicly-owned treatment works for which construction grant applications are made. Despite the still limited information available on the complex issue of sludge utilization and disposal, the need for definition of a baseline of acceptable sludge utilization or disposal practice remains.

1-4. For the reasons cited above, a clear statement of acceptable methods for sludge utilization or disposal is presented in this document. This technical bulletin provides guidance on the factors to be considered in the environmental assessment and on general agency policy to be used in reviewing the facts of a particular situation. The methods listed are based upon current knowledge. No attempt is made to imply that the listed methods are optimum for sludge utilization or disposal, but rather to state that adverse environmental factors associated with each method may be tolerable under certain site conditions. The determination of acceptability is based on the environmental assessment and, if necessary, the environmental impact statement for a specific project.

1-5 The bulletin is divided into two distinct parts. The first part includes methods in which the sludge is utilized as a resource. The second part includes those methods in which the sludge is not utilized for any beneficial purpose.

1-6. Methods which appear to have great promise, but which have not been used in existing facilities, are not included in this list. As these developing methods are demonstrated in practical use, and as supporting information is obtained, they will be added to the list of acceptable methods. Because it is the policy of EPA to encourage and, where possible, assist in the development of new or advanced wastewater treatment procedures. Federal grant funds may be awarded for the construction of sludge utilization or disposal facilities not in the bulletin, provided sufficient information is presented by the grant applicant to determine that these facilities would meet applicable statutory and regulatory requirements and would be environmentally acceptable.

1-7. Proper operation, maintenance, and monitoring of sludge utilization or disposal practices are essential to ensure that adverse environmental effects do not result. Grant applicants must demonstrate that they will have managers, operators, and resources necessary to achieve and maintain the required performance on a continuing basis

CHAPTER II

Sludge Utilization Methods

2-1 *General.* Because land application of sludge conserves organic matter, nitrogen, phosphorus, and certain essential trace elements, such utilization is encouraged when it is supported by environmental assessment and, if necessary, an environmental impact statement.

Specifically, stabilization of sludge and subsequent land application for enhancement of parks and forests and reclamation of poor or damaged terrain should be considered for the utilization of sludge. Application of stabilized sludge to agricultural lands on which crops entering the human food chain will not be grown may also be regarded as an environmental acceptable method of slude disposal. However, application of sludge to lands on which crops entering the human food chain will or may be grown must be examined closely in terms of protection of human health and future land productivity. Priority consideration should be given to non-agricultural uses.

2-2. *Information for Project Evaluation.*

2-2.1 *Sludge Characteristics.* Sludge from existing plants should be tested to determine nutrient values, heavy metals, and other constitutents which may be economically recycled or cause environmental damage. The specific tests and test schedule should be based on regulatory requirements, this bulletin, the intended use of the sludge, and contaminants likely to be present. For new projects, it will be necessary to estimate the sludge characteristics. Some indication may be available from pilot plant studies, but such studies are rarely conducted at smaller plants.

Where sludges are to be applied to agricultural land, industrial users of municipal wastewater treatment works should be required to pretreat their wastewaters to minimize the presence of heavy metals and other sludge contaminants from industrial sources. Pretreatment may be required beyond the Federal pretreatment standards in 40 CFR 128. (See Federal Guidelines; Pretreatment of Pollutants Introduced Into Publicly Owned Treatment Works.) However, quantities of these materials also may be present in wastewaters usually considered of non-industrial origin.

In developing pretreatment programs, special attention must be given to the disposal of sludges created or materials removed during the pretreatment process. Disposal of these materials must be in an environmentally sound manner.

2-2.2 *Site Soils.* For use of sludge on agricultural land, the soils should be tested for cation exchange capacity, pH, and background heavy metals. These tests can be arranged through the Agricultural Extension Service or other laboratories. The number and extent of these tests may be reduced or waived for largely domestic sludges where the application rates are low (paragraphs 2-3.10 and 2-4), or where the tests are not significant to a specific project (such as application to non-agricultural lands), or where adequate soil survey information already exists.

2-2.3 *Ground Water.* A review of existing information and/or an investigation of soil and ground water conditions should be made for sites where sludge is to be applied to the land. The extent of the evaluation should be based on the size of the project and the relation to ground water. Maintaining the pH of the combined soil and sludge above 6.5 will prevent solubilization and migration of most metal ions.

2-3 *General Requirements for Land Application of Sludges*

2-3.1 *Stabilization.* Before land application, sludge must be stabilized to reduce public health hazards and to prevent nuisance odor conditions. The stabilization method most frequently used is anaerobic digestion, but there are numerous other acceptable methods.

Experience shows that consistent and effective control of odors is a major factor in the acceptability of land application. The odor conditions are closely related to anaerobic bacterial action on volatile organic matter in both the liquid and solid portions of the sludge. Either a high degree of reduction of volatile matter, or chemical treatment to inhibit bacterial action, is necessary to prevent nuisance odors.

The degree of volatile matter reduction achieved by an aerobic digestion may vary greatly, depending on the basic digestor design and the percentage of volatile solids in the raw sludge. Well designed and carefully operated high rate anaerobic digestors can sufficiently digest sludge to control odors and pathogens when the sludge is digested for 10 days at 95 degrees F. High rate digestion requires close operational control for

[1] Appendices I and III through VI filed as part of the original document.

successful performance. Smaller plants

2-3.4 *Public access* must be controlled by

total amount of plant available nitrogen

Operational and monitoring data must be

in sludge-treated soil, as well as mercury,

where crops in the human food chain are in-

volved by the Food and Drug Administration

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successful performance. Smaller plants should use standard rate digestion. Although these conditions can reduce the number of influent fecal coliforms by 97 percent or more, the remaining levels of pathogens can still be significant to public health.

Other methods to prepare sludge for land application, such as aerobic digestion, chemical treatment (lime treatment, etc.), heat stabilization, or heat drying, also may be used, if the grant applicant can show, for the specific case, that the public health factors and nuisance potential are no greater than would be associated with anaerobic digestion.

Chemical treatment typically does not significantly reduce volatile matter but the rate of decomposition is slowed so that any odors are dissipated at very low concentrations. Odor conditions may occur in time if the rate of anaerobic decomposition increases, such as by neutralization of the chemical treatment. In this case the sludge should be incorporated into the soil (paragraph 2–3.7).

At some plants, the stabilized sludge is spread on drying beds or temporarily stored in sludge lagoons. These methods decrease potential odor problems from sludge applied to land since additional stabilization occurs with time. Caution must be exercised, however, to ensure there are no objectionable odors from the storage site.

Digested sludge can also be further stabilized by various composting systems.

2–3.2 *Additional Pathogen Reduction.* For some projects it may be necessary to achieve additional pathogen reduction beyond that attained by stabilization. Any one of the following methods has been reported to be successful:

a. Pasteurization for 30 minutes at 70° C.

b. High pH treatment, typically with lime, at a pH greater than 12 for 3 hours.

c. Long term storage of liquid digested sludge for 60 days at 20° C of 120 days at 4° C.

d. Complete composting at temperatures above 55° C as a result of oxidative bacterial action and curing in a stockpile for at least 30 days.

2–3.3 *Crops Suitable for Sludge Application.* Crops vary widely in their reaction to sludge enriched soils. Some crop species may be adversely affected by trace heavy metals in the sludge. Additionally, the crop may take up and accumulate certain of these trace elements, thereby inhibiting future use of the harvested materials, particularly in the human food chain. The reaction of a specific crop to sludge application is extremely site dependent. Factors such as soil type, pH, moisture content, climate, and crop species are important. For advice concerning crops which can be satisfactorily grown in sludge enriched soils, consult USDA and State Agricultural Experiment Stations.

Forest sites offer special opportunities for beneficial use of sludge to improve soil fertility and increase plant growth. With many tree species, nutrient uptake apparently is small compared to that of certain agronomic crops; however, in the case of certain tree species involving intensive cultural operations for quick growth and high production of wood fiber, rapid uptake of nutrients is obtained. Heavy applications of liquid digested sludge in forests (in excess of 15 dry tons of sludge per acre per year) might, under special circumstances, necessitate either pre-removal (reduction) of nitrogenous sludge substances or periodic on-site anaerobic reduction treatments, to prevent excess nitrate pollution of groundwaters.

2–3.4 *Public access* must be controlled by either positive barriers, such as fences, or by remoteness of the site. Where this is not done, the number of pathogens in the sludge should be reduced (paragraph 2–3.2).

2–3.5 *Groundwater Protection.* Projects for land application of sludges will be designed so that the permanent groundwaters (groundwater which is not removed from the ground by an under-drain system or other mechanical means) in the zone of saturation (where the water is not held in the ground by capillary tension) will be protected from pollution. Consideration should be given to the extent of the project, the quality of the groundwaters, and the fact that groundwater is typically used for drinking water supply with little or no additional treatment. Also, in some areas, groundwater recharge of surface streams may be significant. Specific groundwater criteria for land application systems are contained in the EPA publication, "Alternative Waste Management Techniques for Best Practicable Waste Treatment" (EPA–40 9–75–013, Appendix II).

2–3.6 *Controlling Surface Water Runoff.* Surface water runoff must be controlled to prevent violation of water quality standards which might result from the migration of sludge contaminants into receiving bodies of water. Containment and controlled release of runoff from sludge application areas, or effective erosion control methods, must be practiced as necessary. Consideration must also be given to dissolved materials which may leach out of the sludge into surface runoff.

2–3.7 *Sludge Application Methods.* Liquid digested sludge may be applied to the land by using various methods, such as a tank truck, plow injection, or ridge and furrow spreading. Stabilized sludge, or composted material from digested sludge, may also be spread upon the land. If desired, the sludge can be incorporated into the soil by plowing, discing, or other similar methods. The use of incorporation and injection methods is encouraged as a means of improving public acceptance of sludge application by decreasing possible odor generation and unsightly deposits on crops.

Spray application of digested sludge to the land is acceptable when the transport of aerosols beyond the boundaries of the application area is minimized. The use of low pressure sprays, short risers, or remoteness of application sites is suggested. When spraying at low pressures, the sludge should be screened to prevent nozzle plugging.

2–3.8 *Application Rates.* The sludge application rate per acre must be managed to ensure that environmental requirements are met. It is not possible to give a rate, or even an upper limit, which would be universally applicable, since the limit varies widely and must be determined for each site. Application rates can be estimated based on experience, site exploration data, or test plot data.

Nitrogenous substances usually limit annual application rates. The rate of sludge application to agricultural land must be consistent with the use of nitrogen by agronomic crops to prevent nitrate pollution of groundwater. The information required to establish a sludge application rate includes: (1) total and inorganic nitrogen content of sludge; (2) nitrogen, phosphorous, and potassium requirement of crop grown; and (3) soil test for available phosphorous and potassium. Supplemental fertilizer, especially potassium, may be needed to optimize crop production. As a guide, sludge application rates should be such that the total amount of plant available nitrogen added is no greater than twice the nitrogen requirement of the crop grown. Plant available nitrogen includes that mineralized from the soil and the inorganic sludge nitrogen (ammonium and nitrate), plus a mineralization rate of 15 to 20 percent of the sludge organic nitrogen for the first growing season, and 3 percent of the residual sludge nitrogen for three subsequent growing seasons. Volatilization of ammonia from surface applied sludge should be taken into account; experience has shown that about 50 percent of this nitrogen may be lost if the material is not immediately incorporated. USDA and State Agricultural Experiment Stations should be contacted to obtain plant nitrogen, phosphorous and potassium requirements and soil test information. Site monitoring should be the responsibility of the municipality.

It is possible that the presence in the sludge of certain salts, phosphorous compounds, metals, radionucleides and other materials may also limit application rates in specific instances.

Each prospective land application site should be assessed on an individual basis, with consideration given to both sludge characteristics and soil characteristics.

Sludge is generated relatively constantly throughout the year. The application rate must be harmonized with the crop growing season. A mass balance is necessary to determine the amount of sludge storage required during intervals when the sludge is not applied to the land.

2–3.9 *System Operation.* The grant applicant must show the capability to manage and operate the system. Operational aspects to be described in the operation and maintenance manual include the monitoring plan, review of monitoring data, action to be taken when monitoring indicates a problem, and sources of additional expert guidance.

2–3.10 *Monitoring.* The grant applicant must develop and implement a plan for adequate monitoring of each land application site where the application rate will exceed 10 dry tons/acre/year for liquid digested sludge, or 50 dry tons/acre over a three year period for dried or dewatered sludge. Use of bagged-sludge fertilizer products for the retail market will not require site monitoring. However, producers of bagged-sludge fertilizer products are encouraged to incorporate pathogen destruction in their sludge conditioning processes and to avoid higher level heavy metals content sludges for this purpose.

The site monitoring plan must be specifically designed for applicable local conditions, and is to include consideration of heavy metals, persistent organics, pathogens, and nitrates in groundwater, surface water, sludge, and soils.

The size of the project and nature of the lands to which sludge is being applied is important. For new projects, it will be necessary to estimate the sludge characteristics and crop response. Where required, monitoring should be more frequent, at least initially, until successful performance is assured.

2–3.11 *Surveillance of Operation and Monitoring.* The operation and monitoring data of the system must be periodically reviewed to ensure satisfactory performance. Where there is not a local or state program for this purpose, an alternative independent review will be necessary. This could be done by a consultant or by an agricultural extension service. The grant application should show the arrangements made for surveillance.

Operational and monitoring data must be available to authorized EPA representatives on request.

2–4. *Additional Requirements for Sludge Application to Agricultural Lands.* In addition to the foregoing general requirements, the application of sludge to agricultural lands which may be used to grow crops must be accomplished so as to ensure cropland resources are protected and harmful contaminants are not accumulated in the human food chain. Review of projects which include application of sludge to agricultural lands must be based on informed judgment and fully consider the conditions specific to a given site.

2–4.1 *Projects of Minimal Concern.* Some projects are clearly of minimal concern either because of their relative size and impact or because they are controlled by other means. An environmental assessment involving testing of the sludge for heavy metals and pathogens will verify this is the case for the particular project. In these cases of lesser concern, the project should conform with the foregoing general requirements, but need not necessarily conform with each of the specific limits and monitoring requirements. Examples of this type of project include:

a. Where the design flow of the publicly owned treatment works is less than one million gallons per day. This is particularly the case where there are no industrial users of the system and the application rates are low.

b. Where the sludge is applied to publicly owned or leased land dedicated to receive sludge. Controls should be imposed to ensure there is no misuse of this land. Where the land has received unusually high amounts of metals, FDA clearance should be obtained before using crops from such land in the human food chain.

c. Where the existing sludge operation is a commercial activity, producing bagged products. In this case, there should be a temporary variance for non-conforming sludges with an acceptable schedule established to conform with applicable requirements such as metals and pathogens. New projects should not be exempted.

d. For larger projects, or those not otherwise controlled, consideration must be given to the extent of additional resources available for control and monitoring. Some demonstration projects have the capability, including in-house effort and expert assistance, to intensively monitor and evaluate the project as it develops. These work closely with EPA, USDA and FDA, as well as State authorities, to ensure satisfactory results. In effect, the criteria for these demonstration projects are subject to continuing modification as information is developed. For these demonstration projects, the grant review should include the availability of resources for evaluating project performance, the management arrangements for surveillance of the project, and review by other interested agencies such as FDA and USDA.

2–4.2 *Protection of Food Products and Agricultural Lands.* Regulations exist to control the level of mercury and persistent organic chemicals, such as pesticides and polychlorinated biphenyls (PCB's), in certain components of the food chain. However, similar guidelines have not been established for all trace elements in foods. When standards are implemented, those sludge applications involving crops in the human food chain will have to be adjusted to conform. Cadmium and lead are of particular concern in municipal sludge and in some crops grown in sludge-treated soil, as well as mercury, arsenic, selenium, and persistent organics such as pesticides and PCB's.

Because of the wide variety of conditions that can affect the level of heavy metals that may be toxic to plants or taken up by the crop and eventually consumed by humans as part of their diet, absolute numerical limitations are not appropriate. It is recommended that the project conform to any limitations established by FDA or USDA. Where a sludge relatively high in heavy metals content is used, the following measures are prudent:

Reduce heavy metals contamination in the sludge by pretreatment of wastewaters from industrial users;

Maintain a high pH (above 6.5) in the combined sludge and soil;

Concentrate on growing grain crops as opposed to leafy vegetables;

Intensify monitoring of heavy metals in the sludge, soil, and plant tissues.

Even though stabilization methods are used, additional precautions should be taken when sludge is used for agricultural purposes (paragraph 2–3.2). Under certain conditions, specific organisms may survive in the soil for extended periods. Consequently, sludge-treated land should not be used for growing human food crops to be eaten raw until three years after sludge application. For orchard crops eaten raw, heat dried sludge can be used provided the project is approved by the Food and Drug Administration.

Application methods are encouraged that have been demonstrated to prevent direct contact of the sludge and the crop to be consumed. Where such methods are not employed, sludge shall be negative for *Salmonella* and *Ascaris* ova if applied to crops normally cooked in the home before consumption, but marketed without being subjected to a process which is lethal to pathogenic microorganisms and parasites. This also applies to sludge use on dairy pastures. Forage and pasture crops should not be consumed by animals while these crops are physically contaminated by sludge. Grazing animals should not be permitted on pastures before thorough removal of sludge, by rain or some similar method. Where there is a risk of direct ingestion of the sludge by grazing animals, the lead content of the sludge should not exceed 1,000 mg/kg dry sludge and the cadmium content should not exceed 20 mg/kg dry sludge.

2–4.3 *Use of Other Sludges.* The criteria in the preceding subparagraphs are based on limited information and are conservative in defining sludge acceptable for land application. Other sludges may also be acceptable, including some which do not in every respect fall within the above criteria. These sludges should only be used under certain carefully defined and controlled conditions. Regional Administrators should work closely with grant applications desiring to use these sludges in land application projects. Technical assistance to resolve specific questions is available from EPA Headquarters and from the EPA National Environmental Research Centers, especially the Advanced Waste Treatment Research Laboratory. Technical assistance is also available from the Food and Drug Administration and USDA and State Agricultural Experiment Stations.

2–4.4 *Project Review.* When the project includes sludge application to agricultural lands, the facility plan should be reviewed by the U.S. Department of Agriculture and, where crops in the human food chain are involved, by the Food and Drug Administration. This review is particularly important for larger projects, high sludge application rates (paragraph 2–3.10), and where the sludge contains higher amounts of contaminants (paragraph 2–4.2).

2–4.5 *Monitoring Requirements.* Products in the human food chain grown on sludge amended soil should be monitored for heavy metals (cadmium, lead, arsenic, selenium, zinc, copper, nickel, and mercury), persistent organics (chlorinated pesticides, PCB's, etc.), and pathogens (paragraph 2–4.2). At this time it appears that *Salmonella* and *Ascaris* ova would be the pathogens of choice for a monitoring program. The monitoring program (paragraph 2–3.10) should be expanded to include this testing when human food products grown are subject to contact with the applied sludge. These requirements should apply for any project with an application rate greater than 10 dry tons sludge per acre

CHAPTER III
Sludge Disposal Methods

3–1. *Sanitary Landfill.*

3–1.1 *General.* Sanitary landfill of sludge, either separately or along with municipal solid waste, is acceptable when supported by the environmental assessment and, if necessary, an environmental impact statement.

3–1.2 *Landfill Procedures.* A sanitary landfill accepting sludge must be designed and operated in accordance with EPA Guidelines for Land Disposal of Solid Wastes (40 CFR 241 Appendix III). While it is recognized that the guidelines were developed for solid waste at Federal facilities, operation of a sanitary landfill accepting sludge should be consistent with the requirements and recommendations contained in the guidelines

3–1.3 *Odor Control.* The sanitary landfill must be operated so as to prevent nuisance odors. Normally, the sludge must be stabilized as described for land application (paragraph 2–3.1).

3–1.4 *Precautions for Protection of Public Health.* Sludge stabilization and the daily soil cover are generally adequate protection from direct health hazards. Additional precautions may be necessary if the public has unrestricted access to the landfill site.

3–1.5 *Groundwater Protection.* The groundwater underlying the sanitary landfill accepting sludge must be protected against degradation, and the sanitary landfill must meet the groundwater protection requirements (paragraph 2–3.5).

3–1.6 *Operation.* If a sanitary landfill accepting sludge is not operated by the wastewater treatment authority, a written contract or binding agreement is required between the wastewater treatment authority and the operator of the sanitary landfill. Such a binding agreement will include necessary assurances of compliance with the requirements and recommendations of the EPA guidelines (40 CFR 241 Appendix III).

3–1.7 *Monitoring.* A plan must be developed and implemented to provide for adequate monitoring for each sanitary landfill accepting sludge. This plan must be specifically designed for applicable local conditions, and is to include:

a. Groundwater observation wells tested for heavy metals, persistent organics, pathogens, and nitrates;

b. where the surface water could be affected by direct runoff or leachate from the

sludge landfill, surface water monitoring

3200 grams per day (40 CFR 61.5, Appendix

the sludge meets the criteria specified in 40

series of treatment and discharge into navigable

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sludge landfill, surface water monitoring tested for chemical oxygen demand and total dissolved solids. Additional testing may be necessary if it is determined that leachate is entering surface waters.

3-2. *Incineration.*

3-2.1 *General.* Sludge incineration and disposal of the resulting ash is an environmentally acceptable method for the disposal of sludge when the environmental assessment shows it to be appropriate. Incineration alone is a volume reduction method rather than ultimate disposal. After incineration ash, either dry or in scrubber water, remains to be disposed of to the land. Ash disposal must be designed to protect groundwater, to prevent dust, and to ensure no erosion to surface waters.

3-2.2 *Industrial Wastewaters.* When introduced into a municipal wastewater treatment works that practices sludge incineration, industrial wastewaters must be pretreated to reduce to a minimum the amounts of heavy metals and radioactive materials. In developing pretreatment programs, special attention must be given to the disposal of sludge created or materials removed during the pretreatment process. Disposal of these materials must be in an environmentally sound manner.

3-2.3 *Air Quality.* The emissions from the sludge incinerator must not result in violation of ambient air quality standards being exceeded and must meet the EPA air pollution emission standards of performance contained in the New Source Performance Standards for Sludge Incinerators (40 CFR 60.15, Appendix IV). These emission limits are based on a venturi scrubber, but any similar equipment which meets the standard is acceptable. Sludge incineration is known to vaporize any mercury present in the incoming sludge. EPA has published Amendments to National Emission Standards which would limit mercury emissions from the incineration and drying of wastewater treatment plant sludges to a maximum of 3200 grams per day (40 CFR 61.5, Appendix V).

3-2.4 *Specific Emissions.* Tests have shown that sludge incinerator emissions can contain volatilized mercury as well as persistent organic compounds, such as polychlorinated biphenyls, and particulates containing trace amounts of metals such as lead and cadmium. The effect of these compounds which are emitted from the incinerator must be assessed and the sludge should be assessed and the sludge should be tested to determine the quantities of compounds present. If the PCB's exceed 25 mg/kg dry sludge, then special measures should be taken to ensure at least 95 percent destruction of the persistent organic compounds in incineration. This could consist of testing the performance of an incinerator design to verify satisfactory performance or making allowances in the design. Increased temperature and residence time increase the assurance of destruction. Work with substantially pure PCB's (not sludges) showed essentially complete destruction at an operational temperature of 1600°F and residence time at that temperature of one second.

3-2.5 *Monitoring.* A plan must be developed and implemented to provide for adequate monitoring of each sludge incinerator. The stack gas emissions from sludge incinerators must be monitored to ensure compliance with 40 CFR 60.15 (Appendix IV). In addition, mercury, either in the sludge or in stack gas emissions, must be periodically tested to demonstrate compliance with 40 CFR 61.5 (Appendix V). Wastewater from industrial users must be monitored if it is determined that such users will be a significant source of mercury in the municipal sludge. Additional monitoring for organic pesticides, PCB's or heavy metals other than mercury, may be necessary for specific projects.

3-3. *Ocean Disposal.*

3-3.1 *General.* Ocean disposal of sewage sludge would be acceptable for treatment works presently using this method only when the sludge meets the criteria specified in 40 CFR 227 (Appendix IV) and when this disposal method is supported by the environmental assessment. The Federal Water Pollution Control Act as amended (PL 92-500), and the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532) have established a Federal program of marine pollution abatement and control. EPA has issued regulations and criteria (40 CFR 220-227, Appendix IV) to govern the disposal of wastes to the marine environment. EPA controls such disposal by a system of permits for the discharge, transportation, and dumping of all waste materials into the marine environment, except for dredged material which is controlled by the Corps of Engineers, subject to EPA Criteria. Ocean discharge of sludge through outfalls is regulated by EPA under the National Pollutant Discharge Elimination System (NPDES).

3-3.2 *Permits.* Information available to EPA from permit applications to date indicates that those sludges currently being dumped exceed the criteria and are therefore being dumped under interim permits. One of the conditions of these interim permits is the requirement for an implementation plan to either reduce the toxicity of the materials to meet the criteria or find an alternative method of disposal. Interim permits are granted for one year only and the issuance of new interim permits is based on the progress demonstrated by the permittee on this implementation plan.

3-3.3 *Dumping Sites.* Ocean disposal of sewage sludge is strictly controlled by EPA. Currently EPA will approve only existing dumping sites presently in use for the disposal of particular kinds of waste, unless there is extremely strong evidence in favor of approval of a new location.

APPENDIX II—GROUND WATER EXTRACT FROM ALTERNATIVE WASTE MANAGEMENT TECHNIQUES FOR BEST PRACTICABLE WASTE TREATMENT EPA-40/9-75-013, OCTOBER 1975

ever, the House Committee did urge that the information EPA publishes on alternative waste management techniques emphasize land disposal. Finally under Section 201, the House stressed that any determination of BPWTT should consider possible trade-offs between air, land, and water disposal of pollutants.

C. Synopsis

The information contained in this document will guide policy-owned treatment works in selecting waste treatment alternatives to restore and maintain the integrity of the Nation's waters.

Chapter II specifies the criteria to meet best practicable waste treatment for the broad categories of treatment and discharge into navigable waters, land application and utilization practices, and reuse of treated wastewater. Criteria less stringent than those established in Chapter II are not acceptable. Criteria which are more stringent must be justified or be pursuant to more stringent State and local law.

Chapters III, IV, and V develop the rationale behind the criteria as well as present information pertaining to acceptable alternative waste management techniques. These chapters are not intended to include all possible approaches that are or might become practicable. Therefore, techniques and technologies not discussed in this document can be employed to achieve the criteria in the most cost-effective manner.

CHAPTER II:
CRITERIA FOR BEST PRACTICABLE WASTE TREATMENT

Applicants for construction grant funds authorized by Section 201 of the Act must have evaluated alternative waste treatment management techniques and selected the technique which will provide for the application of best practicable waste treatment technology. Alternatives must be considered in three broad categories: treatment and discharge into navigable waters, land application and utilization practices, and reuse of treated wastewater. An alternative is "best practicable" if it is determined to be cost-effective in accordance with the procedures set forth in 40 CFR Part 35 (Appendix B to this document) and if it will meet the criteria set forth below.

(A) Alternatives Employing Treatment and Discharge into Navigable Waters

Publicly-owned treatment works employing treatment and discharge into navigable waters shall, as a minimum, achieve the degree of treatment attainable by the application of secondary treatment as defined in 40 CFR 133 (Appendix C). Requirements for additional treatment, or alternate management techniques, will depend on several factors, including availability of cost-effective technology, cost and the specific characteristics of the affected receiving water body.

(B) Alternatives Employing Land Application Techniques and Land Utilization Practices

Publicly-owned treatment works employing land application techniques and land utilization practices which result in a discharge to navigable waters shall meet the criteria for treatment and discharge under Paragraph (A) above.

The ground water resulting from the land application of wastewater, including the affected native groundwater, shall meet the following criteria:

Case I: The ground water can potentially be used for drinking water supply.

(1) The standards for chemical quality and pesticides specified in the EPA Manual for Evaluating Public Drinking Water Supplies (Appendix D) for drinking water supply sources should not be exceeded except as indicated below (See Note 1).

(2) If the existing concentration of a parameter exceeds the standards for chemical quality or pesticides, there should not be an increase in the concentration of that parameter due to land application of wastewater.

Case II: The ground water is used for drinking water supply.

(1) The criteria for Case I should be met.

(2) The bacteriological standards for drink-

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ing water supply sources specified in the EPA Manual for Evaluating Drinking Water Supplies (Appendix D) should not be exceeded (See Note 1).

Case III: Uses other than drinking water supply.

(1) Ground water criteria should be established by the Regional Administrator based on the present or potential use of the ground water.

The Regional Administrator in conjunction with the appropriate State officials and the grantee shall determine on a site-by-site basis the areas in the vicinity of a specific land application site where the criteria in Case I, II, and III shall apply. Specifically determined shall be the monitoring requirements appropriate for the project site. This determination shall be made with the objective of protecting the ground water for use as a drinking water supply and/or other designated uses as appropriate and preventing irrevocable damage to ground water. Requirements shall include provisions for monitoring the effect on the native ground water.

(C) Alternatives Employing Reuse

The total quantity of any pollutant in the effluent from a reuse project which is directly attributable to the effluent from a publicly-owned treatment works shall not exceed that which would have been allowed under Paragraphs (A) and (B) above.

NOTE 1

Any chemical, pesticides, or bacteriological standards for drinking water supply sources hereafter issued by EPA shall automatically apply in lieu of the standards in the EPA Manual for Evaluating Public Drinking Water Supplies.

CHAPTER III:
WASTE MANAGEMENT TECHNIQUES INVOLVING LAND APPLICATION OR LAND UTILIZATION

Land application systems can be classified with respect to the ultimate disposition of the applied wastewater: (1) percolation of wastewater through the soil until it becomes part of the permanent aquifer and (2) collection of land applied wastewater either by means of underdrain systems or as a result of surface runoff. Percolation systems which result in permanent ground water must meet the ground water quality criteria established for such systems. Land application systems which collect the applied wastewater in underdrain systems and/or result in surface runoff must comply with the wastewater treatment and discharge criteria if the collected wastewater is discharged to navigable waters.

Three different cases can be identified for percolation of wastewater through the soil: (1) the receiving ground water has the potential for use as a drinking water supply; (2) the receiving ground water is used as a drinking water supply; and (3) the receiving ground water has other uses. Achieving best practicable technology for these cases requires meeting the applicable ground water criteria. The specific ground water criteria are determined on the basis of the level of ground water protection necessary.

Where the receiving ground water has the potential to be used as a drinking water supply, the bacteriological criteria for drinking water supplies (Appendix D) can be met by standard water treatment practice at a reasonable cost. However, because the water treatment technology available for the removal of chemical pollutants and pesticides is not widely practiced and is costly, the chemical and pesticide criteria (Appendix D) should apply when land application is considered.

In the case of receiving ground water which is already being used as a public or private water supply, protection of the ground water from pathogenic pollution is necessary in addition to meeting chemical and pesticides criteria. The bacteriological criteria in this case should be consistent with the level of treatment received by the ground water prior to public use. If, for example, a number of existing private wells use the ground water resulting from the land application system, the bacteriological standards for ground water usable without treatment shall apply.

When the ground water is not being used as a water supply because of contamination and does not have the potential through treatment to be used as a drinking water supply, the Regional Administrator will determine the applicable ground water criteria on a case-by-case basis. In making these determinations, the Regional Administrator will consider localized conditions as well as the future intended uses of the ground water.

For all of the above categories, if the existing

APPENDIX D

GROUND WATER REQUIREMENTS

Water Treatment Requirements*

1. General Requirements

The water quality requirements of the EPA Drinking Water Standards are minimum requirements, and good quality water should have physical and chemical characteristics considerably better than the limiting values established in the EPA Drinking Water Standards (Sections 4.2, 5.1, 5.2, 6.1, and 6.2). For example, water with turbidity of 5 units and a color of 15 units may be acceptable, but in a coagulated, filtered water such values could indicate serious malfunctioning of the purification process. (The EPA Drinking Water Standards are being revised currently, and will contain a recommendation that the turbidity standard be reduced to 1 turbidity unit. This and other revisions of the Drinking Water Standards, proposed at the time of this printing, are shown on the following pages.) Similarly, increased concentrations of copper and iron could indicate a corrosiveness that would be objectionable to consumers, even though the concentrations of the metals did not exceed recommended limits. In well water an increase in chlorides over the normal amount found in ground waters in the area may be the first indication of pollution.

The type of treatment required depends on the characteristics of the watershed, the raw water quality, and the desired finished water quality. If pollution of the source water is increasing, plant facilities, which were adequate for treatment of a nonpolluted water, may become inadequate. The production of water that is free from pathogenic organisms, aesthetically satisfactory to the senses, and reasonably acceptable chemically becomes increasingly difficult when the raw water has a high and varying chlorine demand, contains large numbers of coliform bacteria, or contains high concentrations of dissolved solids, toxic substances, or taste and odor producing substances.

When evaluating the ability of a water supply system to constantly produce a safe and satisfactory water, these factors should be considered:

(a) the quality of water produced at times of unusual stress, such as during heavy run-offs, periods of drought, or periods of excessive demand as shown in the records;

(b) the quality of the raw and finished waters, as determined by laboratory data and sanitary surveys, and any trends in improvement or deterioration;

(c) the purification processes, including the facilities used to apply disinfectants at various locations in the treatment process, and their capacities compared with the capacities considered necessary to meet maximum anticipated requirements;

(d) the treatment processes used and their reliability in changing raw water characteristics to produce a finished water that continuously meets the PHS Drinking Water Standards;

(e) the minimum residual chlorine concentration in the plant effluent water, when chlorine is used, together with the time that this or greater chlorine levels were maintained;

(f) the qualifications of the operators and laboratory personnel, as indicated by appropriate training, or certification, or both; and

*"Manual For Evaluating Public Drinking Water Supplies" U.S. Environmental Protection Agency, 1971, pp. 4-12; updated with Proposed Primary Drinking Water Regulations, June 1975.

(a) the laboratory facilities and methods used, frequency and extent of their

Chemical Quality: chemical concentrations should not exceed the following:

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(g) the laboratory facilities and analytical procedures, frequency and extent of their use, and application of the data to operational control.

2. Extent of Treatment

The Public Health Service recommends that all municipal water supplies, whether they be ground water or surface water, receive treatment by disinfection regardless of the quality of the water. The benefits from the added protection provided by disinfection far outweigh the increased cost and the added maintenance incurred by the water utility. When coliform density is used as one criterion for judging treatment requirements, raw waters can be divided into three groups: clean, clear, and polluted waters. The coliform densities of the raw waters can be expressed in terms of the most probable number (MPN) from the multiple-tube fermentation technique, or actual coliform counts determined by the membrane filter (MF) technique.

The requirements are given for three groups of water those usable without treatment, those needing disinfection only, and those needing complete treatment. The quality requirements listed below are the proposed EPA primary drinking water standards*, that are proposed as revisions to the current PHS Drinking Water Standards. They differ from the current PHS Standards in that some standards have been added, some have been deleted, and others modified.**

Group I. Requirements for Water Usable Without Treatment

A. *Bacteriological Quality:* The coliform standard remains the same as the PHS Drinking Water Standards, 1962, plus the inclusion of a standard plate count limit of 500 organisms per ml.

B. *Physical Quality:* should meet the following standards.

Turbidity	1 turbidity unit (up to 5 TU may be allowed in some cases)

*Proposed Interim Primary Drinking Water Regulation, March 14, 1975

**The EPA is also considering secondary drinking water regulations pertaining to color, taste and odor, chloride, copper, foaming agents, iron, manganese, sulfate and zinc. Ground water requirements for land application systems should consider these parameters in terms of aesthetic acceptability of existing and potential drinking water supplies and the cost-effectiveness of control by standard water treatment practice.

C. *Chemical Quality:* chemical concentrations should not exceed the following:

Substance	Maximum Allowable Limits concentration mg/liter
Arsenic (As)	0.05
Barium (Ba)	1
Cadmium (Cd)	0.010
Chromium (Cr)	0.05
Cyanide (CN)	0.2
Flouride (F) [a]	
up to 53.7°F	2.4
53.8-58.3	2.2
58.4-63.8	2.0
63.9-70.6	1.8
70.7-79.2	1.6
79.3-90.5	1.4
Lead (Pb)	0.05
Mercury (Hg)	0.002
Nitrate Nitrogen	10
Organics-Carbon Absorbable CCE	0.7
Selenium (Sé)	0.01
Silver (Ag)	0.05

[a] Annual average of maximum daily air temperature.

Substances not included in the above table that may have deleterious physiological effect or that may be excessively corrosive to the water supply system should not be permitted in the raw water supply.

D. Radioactivity: should comply with the following limits:

RADIUM 226, RADIUM 228, and GROSS ALPHA PARTICLE RADIOACTIVITY
Combined Radium 226 and Radium 228 - 5pCi/l
Gross Alpha Particle Activity - 15pCi/l

BETA PARTICLE and PHOTON RADIOACTIVITY from MAN-MADE RADIONUCLIDES
The average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem, assuming a 2 liter per day drinking water intake.

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E. *Pesticides:* should not exceed the following limits:

Pesticide	Maximum permissible concentration, mg/l
Chlordane	0.003
Endrin	0.0002
Heptachlor	0.0001
Heptachlor epoxide	0.0001
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.005
2, 4-D	0.1
2, 4, 5-TP	0.01

Group II. Requirements for Water Needing Disinfection Only

A. *Physical, Chemical, Radioactivity, and Pesticide Requirements:* the requirements as shown for untreated raw ground water (Groups I.B, I.C, I.D, and I.E) should be met. If the water does not consistently meet all these requirements, consideration should be given to providing additional treatment during periodic decreases in quality that result from high turbidity, tastes, etc.

B. *Bacteriological Quality:*

1. Fecal Coliform Density: If fecal coliform density is measured, the total coliform density discussed below may be exceeded, but fecal coliform density should not, in any case, exceed 20 per 100 milliliters as measured by a monthly arithmetic mean. When the fecal coliform vs. total coliform criterion is used for Group II water, the fecal coliform count should never exceed the 20 per 100 milliliters monthly arithmetic mean. This fecal coliform standard only applies when it is being measured on a regular basis.
2. Total Coliform Density: Less than 100 per 100 milliliters as measured by a monthly arithmetic mean.

Group III. Requirements for Water Needing Treatment by Complete Conventional Means Including Coagulation, Sedimentation, Rapid Granular Filtration, and Disinfection (Pre and Post)

C. *Bacteriological Quality:*

1. Fecal Coliform Density: If fecal coliform density is measured, the total coliform density discussed below may be exceeded, but fecal coliform should not exceed 2,000 per 100 milliliters as measured by a monthly geometric mean.

2. Total Coliform Density: Less than 20,000 per 100 milliliters as measured by a monthly geometric mean.

The same rationale applies here as in the Group II waters concerning the use of the fecal coliform vs. total coliform criterion. In no case should the fecal coliform count exceed the 2,000 per 100 milliliters monthly geometric mean.

The arithmetic mean is used with the Group II waters because the bacteriological data from these waters will be of lesser magnitude than that from the Group III waters; this difference in magnitude between the monthly means of the Group II and Group III waters is best reflected by the arithmetic and geometric means, respectively.

These bacteriological limits may possibly be exceeded if treatment (in addition to coagulation, sedimentation, rapid granular filtration, and disinfection) is provided and is shown to be doing a satisfactory job of providing health protection.

B. *Physical Quality:* Elements of color, odor, and turbidity contribute significantly to the treatability and potability of the water.

1. Color: A limit of 75 color units should not be exceeded. This limit applies only to nonindustrial sources; industrial concentrations of color should be handled on a case-by-case basis and should not exceed levels that are treatable by complete conventional means.
2. Odor: A limit of 5 threshold numbers should not be exceeded.
3. Turbidity: The limits for turbidity are variable. Factors of nature, size, and electrical charge for the different particles causing turbidity require a variable limit. Turbidity should remain within a range that is readily treatable by complete conventional means. It should not overload the water treatment works, and it should not change rapidly either in nature or in concentration when such rapid shifts would upset normal treatment operations.

C. *Chemical Quality:* Since there is little reduction in chemical constituents with complete conventional treatment, raw water should meet the limits given for Group I.C.

D. *Radioactivity:* Should comply with Certification Limits given in Group I.D.

E. *Pesticides:* Should comply with requirements for pesticides as shown for untreated raw ground water in Group I.E.

Infectious material, the increasing diversity of chemical pollutants found in Group III raw waters, and the many different situations encountered in regional and local problems make it impractical to prescribe a limited selection of facilities and processes that can effectively handle all problems presented by raw water and its sources. Future improvements in treatment technology cannot be reasonably assisted or regulated by requiring the fixed process steps considered good for today's technology. Table 1 describes some factors that increase the difficulty in securing disinfection, e.g., adequate disinfection with halogens depends on temperature, pH, contact time, and concentration of disinfectant.

Types of disinfection other than chlorination must be demonstrated to function effectively in all compositions of water likely to be encountered from the source used. If a distribution system is of any considerably length, the disinfection method should provide a residual protection that can be easily measured.

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Table 1. CONDITIONS CREATING DIFFICULTIES AT THE WATER PLANT AND IN THE WATER MAINS

Bacterial and biological conditions	Chemical conditions	Physical and operational conditions
Increasing numbers of coliforms	Ammonia nitrogen	Low temperature
Biological pollution, i.e., algal or fungal metabolic products that effect chlorine demand	Toxic materials or taste and odor requiring removal	Extended distribution systems
Filter clogging organisms that effect chlorine demand	Color or organic dispersing agents (anticoagulants), lignt compounds	Highly variable water quality
	Chlorine demand	Rapid variation in flow and turbidity of surface water resource
	Iron and manganese High organic content	Tidal effects
	High or organic content	
	High or fluctuating pH	

Where water sources show continuing quality deterioration or the quality of water available is not adequate for future demand, the water purveyor should be examining alternate or auxiliary sources of supply and should have positive plans to procure adequate facilities and sources.

[FR Doc. 76-16097 Filed 6-2-76 8:45 am]

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THURSDAY, JUNE 3, 1976

PART V:

COMMODITY FUTURES TRADING COMMISSION

■

POSITION AND TRADING LIMITS FOR WHEAT

Request for Comment

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COMMODITY FUTURES TRADING COMMISSION

dividual contract markets in grain, including wheat. That net position limit a desire to have the limits raised for each of their own contracts. The Com-

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 150]

POSITION AND TRADING LIMITS FOR WHEAT

Request for Comment

Notice is hereby given that the Commodity Futures Trading Commission ("Commission") is considering an amendment to Part 150 of the regulations under the Commodity Exchange Act ("Act"), 7 U.S.C. 1 et seq., to raise the limits on positions and daily trading for wheat from two million bushels to three million bushels. The Commission is requesting public comment on this proposal.

Section 4a(1) of the Act, 7 U.S.C. 6a (1), provides that for purposes of diminishing, eliminating, or preventing excessive speculation, the Commission may fix limits for a person's positions and daily trading in any contract market. Positions and trading classified as bona fide hedging are exempt from such limits. Prior to the effective date of the Commodity Futures Trading Commission Act of 1974, 88 Stat. 1389, et seq. (Pub. L. 93-463), the authority to fix trading and position limits was vested in the Commodity Exchange Commission.

In 1938, the Commodity Exchange Commission established general limits on positions and daily trading for all individual contract markets in grain, including wheat. That net position limit was two million bushels for individual futures and all futures combined. The limit on daily buying or selling was also two million bushels for individual futures and all futures combined. To the extent that positions or daily trading could be shown to represent intermarket spreading, the all futures combined limit was three million bushels. These same limits still apply to each contract market in wheat. The current proposal of the Commission would fix all trading and position limits for wheat at the level of three million bushels. The exchanges which are currently designated as contract markets in wheat are the Chicago Board of Trade, the Kansas City Board of Trade, the MidAmerica Commodity Exchange, and the Minneapolis Grain Exchange.

The current proposal by the Commission is in response to an initial request by the Chicago Board of Trade that the Commission consider raising trading and position limits for wheat. That exchange points out that the current limits were established in 1938 and notes many changes in both the cash and futures market for wheat since that time. The submission also takes note of the potential value of speculation in providing for a liquid and continuous futures market in wheat. The other three exchanges which trade wheat have also expressed a desire to have the limits raised for each of their own contracts. The Commission staff has considered the situation and at this time believes that raising the trading and position limits for wheat is in the public interest.

Therefore, pursuant to its authority under sections 4a(1) and 8a(5) of the Act, 7 U.S.C. 6a(1) and 12a(5), the Commission proposes to adopt a new § 150.12 of the regulations to fix all trading and position limits for wheat at the level of three million bushels and to amend § 150.1(e) of the regulations to delete "wheat" from the definition of "grain."

All interested persons may participate in this proposed rulemaking by submitting comments in written form to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Attention: Secretariat. All statements received on or before July 5, 1976, will be considered by the Commission before taking action on this proposed amendment. All such communications will be available for public inspection.

Issued at Washington, D.C. this 28th day of May, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.76-16123 Filed 6-2-76;8:45 am]

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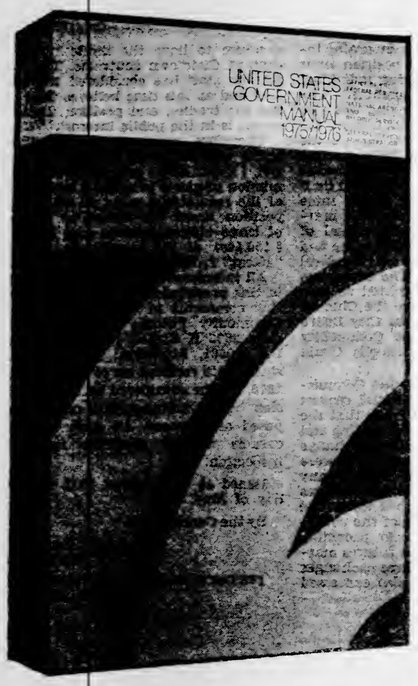

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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 8957..... Pub. Law 94–292
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(May 27, 1976; 90 Stat. 524)
(June 1, 1976; 90 Stat. 597)

H.R. 12216..... Pub. Law 94–293
Domestic Volunteer Service Act Amendments of 1976
(May 27, 1976; 90 Stat. 525)

H.R. 7656..... Pub. Law 94–294
Beef Research and Information Act
(May 28, 1976; 90 Stat. 529)

S. 510..... Pub. Law 94–295
Medical Device Amendments of 1976
(May 28, 1976; 90 Stat. 539)

H.R. 8089..... Pub. Law 94–296
An act to amend section 404(b) of title 37, United States Code, relating to per diem expenses of members of the uniformed services traveling on official business
(May 29, 1976; 90 Stat. 584)

S. 2129..... Pub. Law 94–297
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(May 29, 1976; 90 Stat. 585)

H.R. 11619..... Pub. Law 94–298
An act to authorize further appropriations for the Council on Environmental Quality
(May 29, 1976; 90 Stat. 587)

H.R. 12527..... Pub. Law 94–299
An act to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal year 1976, and for other purposes
(May 29, 1976; 90 Stat. 588)

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(May 29, 1976; 90 Stat. 589)

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is amended to show that one position of Special Assistant for External Affairs to a Commissioner is reestablished and retitled to Special Assistant. This section is further amended to reflect an agency reorganization, redesignation, and retitling of one Special Assistant for External Affairs to each of three Commissioners, and one Special Assistant for Internal Affairs to each member of the Commission to: two Special Assistants to the Chairman; three Special Assistants to one Commissioner; three Special Assistants to another Commissioner; and one Special Assistant to a third Commissioner.

Effective June 4, 1976, § 213.3360 is amended as set out below:

§ 213.3360 Consumer Product Safety Commission.

(a) Two special Assistants and one Director of Congressional Relations to the Chairman.

(b) Three Special Assistants, one Staff Assistant, and one Secretary (Stenography) to a Commissioner.

(c) Three Special Assistants to a Commissioner.

(d) One Special Assistant to a Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-16235 Filed 6-3-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3216(c) is amended to show that the position coverage for HEW Fellows has been expanded from 10 to 20 positions in grades GS–11 through 15.

Effective June 4, 1976, § 213.3216(c) is amended as set out below:

§ 213.3216 Department of Health, Education, and Welfare.

• • • • • •

(c) Not to exceed 20 positions of HEW Fellows in grades GS–11 through 15. Employment under this authority may not extend beyond 1 year.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-16236 Filed 6-3-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3308 is amended to show that one additional position of Special Assistant to the Military Assistant to the President is excepted under Schedule C.

Effective June 4, 1976, § 213.3308(a)(9) is amended as set out below:

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* • • •

(9) Four Special Assistants to the Military Assistant to the President.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-16234 Filed 6-3-76;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President; Office of Management and Budget

Section 213.3303 is amended to show that one position of Special Assistant to the Director is excepted under Schedule C.

Section 213.3303 is further amended to show that one position of Executive Assistant to the Director is reestablished and retitled to Special Assistant to the Director; and one position of Secretary to the Director is also reestablished.

Effective June 4, 1976, § 213.3303(a)(1) and (a)(9) are amended as set out below:

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.*

(1) Five Secretaries to the Director. • • •

(9) Two Special Assistants to the Director.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-16237 Filed 6-3-76;8:45 am]

RECRUITMENT, ADVERSE ACTION AND GRIEVANCE PROCEDURES

Miscellaneous Amendments

The following amendments are being made to Title 5 to bring it up to date: (1) Part 332 is amended to conform with 5 U.S.C. 3305 to show that a 10-point preference eligible will be examined in the quarter following his application for a position to which an appointment has been made within the preceding three years; (2) Part 752 is amended to make an editorial change; and (3) Part 771 is amended by making the word "Systems" in the headnote singular to reflect that each agency has only one administrative grievance system, and to reflect the current working of Executive Order 11491, as amended.

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

(1). Section 332.311 is amended as set out below.

§ 332.311 Quarterly examinations.

(a) A 10-point preference eligible is entitled to file an application at any time for an examination for any position for which the Commission maintains a register, for which a register is about to be established, or for which a nontemporary appointment was made in the preceding three years. For the purpose of this paragraph the Commission shall hold an examination not later than the quarterly period succeeding that in which the application is filed.

• • • • • •

(5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

PART 752—ADVERSE ACTIONS BY AGENCIES

(2). In § 752.202 the introductory text of paragraph (f) is amended as set out below.

§ 752.202 Procedures.

• • • • • •

(f) *Notice of adverse decision.* The employee is entitled to notice of the agency's decision at the earliest prac-

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ticable date. The decision shall be made by a higher level official of the agency, when there is one, than the official who proposed the adverse action. The agency shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing, be dated, and inform the employee:

(5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; E.O. 11491, 3 CFR 1966–1970 Comp., p. 861.)

PART 771—AGENCY GRIEVANCE SYSTEM

(3). The heading for Part 771 is revised as set forth above.

(4). In § 771.108, paragraph (b)(4) is revised to read as follows:

§ 771.108 Grievance coverage.

* * * * *

(b) This subpart does not apply to: * * *

(4) A grievance covered by procedures established by an agreement negotiated under section 11 of Executive Order 11401, as amended;

* * * * *

(5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; E.O. 10987, 1959–1963 Comp., p. 519.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc.76-16233 Filed 6-3-76;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

[Amdt. 6]

PART 731—CLOSING DATES FOR TRANSFER, AND FOR RELEASE AND REAPPORTIONMENT

Cotton, Peanut, and Rice

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and the Rice Production Act of 1975 (Pub. L. 94–214, 91 Stat. 181). The purposes of this amendment are to extend the 1976 closing dates for transfer and for release and reapportionment for all rice producer States and to amend the 1976 closing dates for transfer and for release and reapportionment for cotton and peanuts in certain States.

Since farmers need to know the dates for effecting transfer, release, and reapportionment of 1976 marketing quotas and farm acreage allotments as soon as possible, it is hereby determined that compliance with the notice, procedure, and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and this document shall become effective upon publication in the Federal Register.

The regulations for establishing closing dates for transfer and for release and reapportionment under 7 C.F.R. Part 731 (37 FR 28124, 39 FR 7416, 39 FR 15759, 40 FR 14602, 40 FR 22533 and 41 FR 15397) are amended as follows:

1. The table of contents is revised by adding new

731.4 Extended Closing Dates for Rice Producer States for 1976.

2. Section 731.2 is amended by changing the closing dates for Arizona, Georgia, and South Carolina to read as follows:

§ 731.2 Closing dates.

State	Closing dates for transfer by lease, sale, or owner (except burley and flue-cured tobacco); release and reapportionment requests	Final date for reapportionment
(2)	(2)	(3)
* * *	* * *	* * *
Arizona: Peanuts and rice	Feb. 15	1 mo following applicable closing dates for transfer, release, and requesting reapportionment.
Cotton	Apr. 2	Do.
* * *	* * *	* * *
Georgia	Apr. 12	Do.
* * *	* * *	* * *
South Carolina	May 5	Do.
* * *	* * *	* * *

3. The following new section is added:

§ 731.4 Extended closing dates for rice producer States for 1976.

State	Extended closing date for rice transfer by lease, sale, or owner; release and reapportionment requests	Final date for reapportionment
(1)	(2)	(3)
Arizona	May 3	1 mo following applicable closing dates for transfer, release, and requesting reapportionment.
California	May 3	Do.
Florida	May 3	Do.
Louisiana	May 3	Do.
South Carolina	May 3	Do.
Tennessee	May 3	Do.
Texas: Zone 1 and zone 2[1]	May 3	Do.

[1] For listing of counties, see 10 F.R. 14602.

(Secs. 313, 316, 318, 319, 344, 344a, 347, 352, 353, 358, 358a, 375, 378, 52 Stat. 47, as amended, 75 Stat. 469, as amended, 81 Stat. 120, as amended, 85 Stat. 23, 52 Stat. 57, as amended, 79 Stat. 1197, as amended, 52 Stat. 39, as amended, 52 Stat. 60, as amended, 52 Stat. 61, as amended, 55 Stat. 88, as amended, 81 Stat. 856, as amended, 52 Stat. 68, as amended, 72 Stat. 995, as amended; Sec. 101, 90 Stat. 181 (7 U.S.C. 1313, 1314b, 1314d, 1314e, 1344, 1344b, 1347, 1352, 1353, 1358, 1358a, 1375, 1378.)

Effective date: June 4, 1976.

Signed at Washington, D.C. on May 27, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-16275 Filed 6-3-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 530]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 4–10, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.830 Valencia Orange Regulation 530.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to strengthen. Prices f.o.b. for the week ending May 27 were $3.00 a carton on 197 cars as compared with $2.88 per carton on 102 cars during the prior week. Track and rolling supplies at 150 cars were up 54 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 1, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 4, 1976 through June 10, 1976, are hereby fixed as follows:

(i) District 1: 225,000 cartons;
(ii) District 2: 275,000 cartons;
(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-16312 Filed 6-2-76;11:22 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Increase in Expenses for the 1975–76 Fiscal Year

This document authorizes an increase in expenses of $20,000 from $876,550 to $896,550 to support the activities of the Olive Administrative Committee for the 1975–76 fiscal year under Marketing Order No. 932. All of the increase is to be applied to the committee's production and marketing research program expenditures.

On May 3, 1976, notice of rulemaking was published in the FEDERAL REGISTER (41 FR 18310) regarding a proposed increase in expenses previously approved for the fiscal year ending August 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932) regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit written data, views, or arguments in connection with the proposal. None were submitted.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Olive Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the provisions of paragraph (a) of § 932.210 *Expenses rate of assessment, and carryover of unexpended funds* (40 FR 54236; 59318) be further amended to read as follows:

§ 932.210 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee, during the period September 1, 1975, through August 31, 1976, will amount to $896,550.

* * * * *

It is hereby found that is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the expenses set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (40 F.R. 56457); (2) the said committe has expenses planned in excess of those previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so that the committee can meet its obligations and perform its duties and functions within the fiscal period in accordance with the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 28, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-16265 Filed 6-3-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASE, AND OTHER OPERATIONS

[Rev. 4]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

The regulations on the Livestock Feed Program in 29 FR 13475 and the amendments thereto, are hereby revised to read as provided below. The revision includes a change in sales pricing and other minor changes.

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Sec.
1475.1 General statement.
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1475.12 Disposition of grain and adjustment of sales price.
1475.13 Maintenance of books and records.
1475.14 Violations.
1475.15 Termination or suspension of program.
1475.16 Appeals.
1475.17 Authority not delegated.

AUTHORITY: Secs. 1–4 of 73 Stat. 574, as amended, 7 U.S.C. 1427 note, secs. 407 and 421 of 63 Stat. 1055, as amended, 7 U.S.C. 1427, 1433, secs. 4 and 5 of 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c.

§ 1475.1 General statement.

The regulations in this subpart contain the terms and conditions of a Livestock Feed Program formulated under Pub. L. 86–299, as amended, and sections 407 and 421 of the Agricultural Act of 1949, as amended. The objective of the program is to give assistance to eligible livestock owners through sales of feed grain at beneficial prices to provide feed for eligible livestock. The assistance is to prevent widespread liquidation or undue culling of livestock because of flood, drought, fire, hurricane, storm, tornado, earthquake, disease, insect infestation or other catastrophe.

§ 1475.2 Administration.

The program will be administered by ASCS and CCC under the general direction and supervision of the Executive Vice President, CCC. In the field it will be carried out by State and county committees and offices and the PVCO. State and county committees and offices, PVCO, and representatives and employees of any of the above do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 1475.3 Definitions.

The terms used in this subpart and in all forms and documents used in connection herewith (except where the context or subject matter otherwise requires, or where otherwise defined in the Livestock Feed Program) shall have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(b) "CCC" or "ASCS" means the Commodity Credit Corporation or the Agricultural Stabilization and Conservation Service, respectively.

(c) "DAP" means the Deputy Administrator, Programs, ASCS.

(d) "PVCO" means the Prairie Village Commodity Office of ASCS established to manage CCC commodity operations in the field.

(e) "State committee", "State office", "county committee", or "county office" means the respective ASC committee or ASCS office.

(f) "Approving officials" means the officials authorized under § 1475.5(e) to approve or disapprove an application for feed grain.

(g) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity. In the case of a partnership, a person shall be deemed to include the partnership and all of the partners and in the case of a family corporation (i.e. a corporation in which 75 percent or more of the stock is owned by an individual and those related to him by blood or marriage), the person shall be deemed to include the corporation and all such individuals.

(h) "Owner" means the person who owns or the persons who jointly own the eligible livestock to be fed with the feed grain to be purchased under the program and who meet(s) the requirements of eligibility contained in § 1475.4. A person or persons who mortgage(s) livestock as security for a loan shall be considered as the owner for the purpose of these regulations if he or they meet such requirements of eligibility.

(i) "Warehouse" means a warehouse which is current operating under a Uniform Grain Storage Agreement with CCC.

(j) "Handler" means any person approved by the county committee to perform designated services under a grain handler agreement with CCC, and who is authorized, if he agrees, to advance whole grain from his private stocks.

(k) "Dealer" means any person engaged in selling processed feed who is approved by the county committee to advance processed feed from his inventory to approved applicants when requested to do so by the county committee under a dealer's agreement with CCC.

(l) "Bin site" means a plot of ground upon which CCC-operated storage facilities are located.

(m) "Feed grain" and "grain" means barley, corn, grain sorghums, and oats and, when designated for use under this program by the Executive Vice President of CCC or his designee, includes wheat and rye.

(n) "Loan grain" means the owner's feed grain which is security for a commodity loan(s).

(o) "Processed feed" means feed grain which contains not more than 90 percent by weight of any one feed grain and which is in ground, rolled, steamed, pelletized, or other processed form provided that all of the ingredients of the whole grain are included.

(p) "Program period" means the period of time specified by the State committee during which feed grain may be acquired and fed to an owner's eligible livestock.

(q) "Feeding period" means the period beginning on the date of application or such later date when the owner must provide additional livestock feed and ends at the same time as the program period.

(r) "Livestock" means all classes of beef and dairy cattle, sheep, goats and swine.

(s) "Eligible livestock" means (1) livestock (i) which have, for at least six months prior to the date of application to purchase, feed, been owned or leased under a contractual agreement which requires that the lessee furnish the feed for such livestock, provided that the lessee also has a beneficial interest in such livestock such as the right to market a share of the increase, and (ii) which were either located in the emergency area on the date the area was designated or, as determined by the State committee, were moved into the area in accordance with the owner's normal livestock operation, such as rotation grazing; (2) cattle, sheep, goats, and swine purchased by the applicant as replacement breeding stock according to his customary normal breeding operations; (3) livestock inherited by an applicant, or purchased by an applicant as part of a complete farm operation other than through foreclosure; and (4) offspring of livestock described in subparagraphs (1), (2), and (3) of this paragraph.

(t) "Eligible animal units" shall be computed as follows: (1) Two units—one dairy cow or bull, two years old or more. (2) One unit—one cow, bull or steer, one year old or more, or three other

cattle (excuding dairy cattle two years old or more); three sows or hogs on full grain ration; five other swine; five sheep or goats (excluding lambs and kids); seven lambs or kids.

§ 1475.4 Owner eligibility.

Subject to terms and conditions prescribed in this subpart, the owner may be approved to purchase feed grain for eligible livestock, if in the judgment of the approving officials the following eligibility requirements are met:

(a) *Loss of feed.* The emergency has caused a loss of feed normally produced by the owner which therefore requires the owner to purchase a quantity of feed substantially more than normal.

(b) *Additional feed required.* At the time the owner applies for feed grain he does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for his eligible livestock. Undue financial hardship shall be deemed to exist upon determination by the approving officials that under prevailing local standards the applicant's financial resources preclude his obtaining required feed from normal suppliers without imperiling continuance of his farming operations, defaulting on existing financial obligations, unsound borrowing or excessive disposal of livestock. Purchased feed shall be considered as a liquid asset in determining undue financial hardship. In making this determination, approving officials shall give especially close scrutiny to applicants who locally are customarily regarded as being wealthy, having large financial reserves, or as having substantial non-farm sources of income. If the approving officials are uncertain as to whether the applicant meets the eligibility requirements, they may request such factual information as will permit them to make a determination. If the applicant is a partnership, the resources of the partnership and all of the partners must be taken into consideration in determining the eligibility of the partnership to receive assistance. If the applicant is a family corporation, as described in § 1475.3(g), the resources of such corporation and of the individuals who together with the corporation are considered as a person under § 1475.3(g) must be taken into consideration in determining the eligibility of the family corporation to receive assistance.

§ 1475.5 Application and approval.

(a) *Who may apply.* Any owner of eligible livestock who fulfills the requirements of § 1475.4 may file an application under this program. When an application is filed, the applicant if he is an individual, a partner if the applicant is a partnership, or a duly authorized representative of the owner in the case of any other person shall execute a certification that the owner is eligible for feed under provisions of § 1475.4. If an application is filed in the name of a corporation, except a family corporation as described in § 1475.5(g), the application must be accompanied by a certified copy of a resolution by the Board of Directors of such corporation authorizing its representative to file the application and authorizing the purchase of grain under the Livestock Feed Program on behalf of said corporation.

(b) *Where to apply.* An application must be filed at the county office in which the majority of the livestock shown on the application is usually located.

(c) *Filing of applications.* (1) The owner or his duly authorized representative shall furnish all information required of him on the application and shall certify that the owner meets the requirements specified in § 1475.4.

(2) Applications for feed grain may be filed at any time during the program period provided that sufficient time is allowed to permit the feeding of such feed grain prior to the ending date of the program period.

(d) *Quantities of feed grain.* (1) Prior to the purchase of feed grain hereunder, the owner shall repay the principal and interest on all his commodity loans covering grains designated by the Secretary as feed grains which were obtained after the program was available for use and determined by the county committee to be stored within reasonable hauling distance of his livestock operation: *Provided*, that this shall not apply with respect to warehouse stored loan grain which is delivered by rail or grain specified in § 1475.9(c)(1). In the case of such a commodity loan made jointly to the owner of the eligible livestock and another producer, the owner shall repay the principal and interest on the portion of the loan represented by his share of the collateral.

(2) The net approved quantity will be the net feed grain allowance, which shall be computed for the entire feeding period.

(3) The net feed grain allowance shall be the smallest of: (i) The feed grain gross allowance less the total quantity of feed (feed grain, hay, silage, pasture and range) determined by the approving officials to be available to the owner for feeding his eligible livestock during the feeding period, or (ii) the quantity the approving officials determine to be adequate considering the total quantity of feed determined to be available to the owner for feeding his eligible livestock during the feeding period, or (iii) the amount of livestock feed lost by the owner as a result of the emergency. If the applicant purchases oats hereunder, the net allowance may be increased by up to 20 percent.

(4) The feed grain gross allowance shall not exceed the smaller of 10 pounds per day, or whatever lesser quantity is established by the State committee or county committee, times the number of days in the feeding period times the eligible animal units.

(5) The total quantity of feed available to the owner shall be the quantity owned by him plus feed sold or contracted for sale by him after a date(s) established by the State committee. The State committee shall establish dates that reflect an emergency that was the result of a (i) slowly developing disaster, or (ii) sudden disaster. Purchased feed shall not be considered as feed available. In determining the total quantity of feed available if the owner is a partnership or a family corporation, the quantity of feed available to the individuals and other legal entities which are collectively

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considered as a person under § 1475.3(g) shall be combined and considered feed of the owner.

(e) *Approval of the applications.* The county committee shall review each application filed with it. (1) Approving officials are as follows: (i) The county committee is authorized to approve or disapprove all applications provided the applicant is not an ASC committeeman or an ASCS employee. (ii) The State committee or its designee is authorized to approve or disapprove those applications of county committeemen and ASCS employees. (iii) DAP or its designee shall approve or disapprove State committee applications. All applications forwarded to higher authority for consideration shall be accompanied by committee recommendations.

(2) No application shall be approved unless the owner meets all eligibility requirements. Information furnished by the applicant and other information, including knowledge of the county and State committeemen concerning the owner's normal operations shall be taken into consideration in making recommendations and determinations. If information furnished by the owner is incomplete or not clear and sufficient information is not otherwise available as to the owner's operations and financial condition to make a determination or recommendation as to the owner's eligibility, additional information deemed necessary shall be requested from the applicant.

(3) The owner shall be notified in writing of (i) the action taken on his application by the approving officials and (ii) his right to appeal.

§ 1475.6 When sales shall be made.

Sales of feed grains shall be made in quantities which would permit feeding of the grain to eligible livestock by not later than the final date of the program period.

§ 1475.7 Financial arrangements.

When an owner desires to purchase grain pursuant to an approved application, he shall, prior to any delivery, make payment to the county committee by means of an acceptable remittance for the quantity of grain purchased, except that when a State or Federal agency certifies to CCC that it will finance part or all of the cost of the purchase, such certification may be accepted in lieu of cash to the extent of the amount so certified if such agency agrees (a) to make payment to CCC of such amount in the normal course of its procedures for payment and (b) to issue the check, draft, warrant, or such other means of payment as may be employed, directly to CCC.

§ 1475.8 Pricing of grain.

(a) The sale price of feed grain is 100 percent of the applicable CCC county loan rate for the county in which the commodity is delivered. If no such county loan rate is set forth in the CCC annual crop supplement, it shall be a comparable rate as determined by DAP.

(b) Inadvertent overdeliveries. Inadvertent overdelivery of the total approved quantity stated in the application which is delivered to an owner from a bin site under § 1475.10(b), carrier's conveyance under § 1475.10(d), or because of an error on the part of CCC shall be settled between the owner and CCC at the applicable sales price for the grain delivered. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

§ 1475.9 Sales of loan grain.

(a) *General.* No feed grain (including feed grain contained in processed feed made available through approved dealers) other than the owner's loan grain of the kind designated by the Secretary as feed grain shall be sold to an owner under the program until all the owner's loan grain determined by the county committee to be within reasonable hauling distance of the owner's livestock operation has been redeemed or purchased by him in accordance with this section (except as provided in paragraph (c) of this section). Grain which an applicant has under loan (except loans specified in § 1475.5(d)(1)), shall be utilized to fulfill feed grain requirements under an approved application.

(b) *Loan grain in farm storage.* (1) In making available feed grain which the applicant has under a farm stored loan, CCC shall (i) accelerate the maturity date of the entire loan or (notwithstanding any provisions of the loan documents to the contrary) that portion of the loan nedeed to meet the approving requirements; (ii) require delivery of the grain to be made to CCC on the farm where stored (settlement to be made on the basis of the producer's loan documents); (iii) require the owner to purchase under the application the quantity of such grain as may be required at the applicable price under this program; (iv redeliver it to him on the farm where stored; and (v) make additional grain available to the applicant from CCC stocks, if the quantity needed is in excess of that the applicant has under loan.

(2) In computing storage payments due under reseal loans the payments to which the owner is entitled shall be based on the storage period ending the month preceding the month the commodity is delivered to CCC in satisfaction of the loan.

(3) If there has been a conversion of grain securing the loan, settlement shall be made in accordance with commodity loan regulations. The owner shall also be declared ineligible to participate in the Livestock Feed Program.

(c) *Loan grain in warehouse storage.* (1) In making available feed grain which the applicant has under a warehouse stored loan, CCC shall (i) accelerate the maturity date of the entire loan or that portion of the loan which was made on a warehouse receipt(s) representing a quantity of grain not exceeding the quantity and quality of grain needed to meet the approved requirements; (ii) acquire title to such grain; (iii) credit the loan with the settlement value of the quantity and quality of such grain (settlement to be made on the basis of the producer's loan documents and price support regulations); (iv) require the owner to purchase such grain under the approved application at the applicable price under this program; and (v) deliver the warehouse receipt(s) representing such grain to him. Liquidation of part of a receipt will not be permitted. If the quantity required is equal to or in excess of the amount shown on a warehouse receipt(s), the owner shall acquire the grain represented by the warehouse receipt(s), and additional amounts needed in excess of that represented by the warehouse receipt(s) may be acquired from CCC-owned stocks.

(2) The provisions of this section apply only to warehouse storage loans on grain which has not been delivered by rail.

(3) The producer shall be responsible for warehouse charges for quantities acquired in excess of the amount on the approved applications.

(d) *Refund of storage charges.* In the case of grain delivered to an owner which has been under a first year warehouse storage loan, (1) the owner shall be responsible to warehouseman for payment of all storage and handling charges, (2) it will be the owner's responsibility to collect from warehouseman any unused charges on a prepaid receipt.

§ 1475.10 Sales of CCC-owned grain.

CCC shall designate the delivery point and kind of CCC-owned grain to be sold under this program.

(a) *Delivery orders.* Delivery shall be authorized after payment is received by issuance of non-transferable delivery orders stating the kind and quantity of grain to be delivered. Quantities authorized by delivery orders shall not exceed the quantity of grain that can normally be fed between the expected date of delivery and the end of the program period.

(b) *Warehouse and handler stored grain.* The owner shall take physical delivery of the grain as soon as possible after issuance of the delivery order but not earlier than the date of such issuance and not later than a date which would normally permit feeding of the grain by the end of the program period. Title and risk of loss to the grain specified in the delivery order and stored at a warehouse or handler facility shall pass to the owner upon issuance of the delivery order. The owner shall promptly present the delivery order to the warehouseman or handler. CCC shall not be responsible for storage charges after the date of issuance of the delivery order but shall be responsible for handling charges at not to exceed the rate provided in CCC's agreements with the warehouseman or handler. Settlement for differences in quality or quantity between the grain delivered to the owner and the grain described in the delivery order shall be made between the owner and the warehouseman or handler. However, in cases where there is a substantial underdelivery in quantity, the owner shall not make settlement with the warehouseman or handler but shall promptly notify the county office and a revised delivery order will be issued to the owner.

(c) *Grain in carrier's conveyance.* Where CCC-owned grain is not available in the area and there are no approved handlers or dealers available, CCC shall ship and consign the required grain to the county committee. Title and risk of loss shall pass to the owner upon delivery of the grain into his conveyance or whenever he takes possession of the grain if prior to placing it in his conveyance. The sale price shall not be subject to adjustment for the grade and quality actually delivered. The grain shall be weighed at destination if scales approved by CCC are available. If such scales are not available, settlement weights shall be as determined by CCC. CCC shall bear charges for transportation to the delivery point, for unloading the grain from the carrier's vehicle, for loading it into the owner's conveyance, and for weighing.

(d) *Unfit grain.* Notwithstanding the foregoing, if any feed grain delivered to an owner by CCC is not of a quality fit for feeding his livestock, he shall advise the county office and arrangements will be made for delivery of substitute feed grain.

(e) *Custom processing.* An owner who wishes to have grain pelletized, ground, rolled, custom mixed, or otherwise processed may do so, if the feed is processed from the grain purchased from CCC or the feed accepted from the processor is processed from the same kind of grain of grade number 3 or better. Likewise, the quantity shall be the same as the grain purchased from CCC except for minor milling losses. CCC shall not be responsible for any charges involving processing, bagging or added freight incurred for processing in-transit. CCC grain shall not be exchanged for other ingredients, services, cash, credits or any other thing of value; and any amount received by owner in settlement for any differences in quantity shall be paid to CCC.

§ 1475.11 Sales of grain advanced by dealers.

Any owner who prefers to purchase feed grain hereunder as a component of a processed feed from the stocks of an approved dealer may do so upon proper request at the county office.

(a) *Dealers.* Interested persons may be approved as dealers (§ 1475.3(k)) by the county committee upon the execution of a Dealer's Agreement and the furnishing of acceptable performance security. An approved dealer may be suspended immediately in accordance with regulations of CCC governing Suspension and Debarment (29 F.R. 10495 and any amendments thereto) upon probable cause for belief that the dealer has falsely certified, or violated, or failed to comply with the terms of the Dealer's Agreement or the provisions of these regulations.

(b) *Warrants.* After payment for the requested quantity of feed grain at applicable prices (§ 1475.8) the county office shall issue a nontransferable warrant to the owner for the kind and quantity of feed grain for which payment has been received. The warrant will be valid for use at such approved dealer as the applicant may select during such period as may be stated in the warrant. The owner may obtain as many separate warrants as shall be necessary to permit delivery of the net approved quantity (§ 1475.5(d)(3)) by a date that would permit feeding of the grain within the program period. No delivery shall be made against a warrant after the expiration date of such warrant. If the full quantity of feed grain authorized to be advanced on a warrant is not physically delivered to the owner, the warrant shall be returned to the county office for reissuance or refund to the owner.

(c) *Feed grain advanced by dealer.* Upon presentation of a warrant by an owner and acceptance of it by a dealer, the dealer shall deliver feed grain: (1) From his own stocks; (2) in processed form; (3) not earlier than the date of issuance nor later than the date of expiration; and (4) title and risk of loss shall pass to the owner upon delivery of the grain into his conveyance.

(d) *Obligations of dealers and owners.* The warrant shall be used only for the purpose of obtaining the quantity of feed grain specified thereon and shall not be valid for other ingredients, services, cash, credits, or any other thing of value. The dealer shall not charge the owner for the value of the feed grain covered by the warrant and contained in the processed feed, or any weighing, load out or handling charge on such feed grain. However, the dealer may charge the owner for the value of the other ingredients in the processed feed, additives, processing, bags, bagging, and similar costs as well as handling charges on that portion of the processed feed not covered by the warrant. Such costs shall not be the responsibility of CCC and will be settled between the dealer and the owner. The dealer shall retain a copy of the invoice, bill or other evidence of sale of the processed feed to the owner (§ 1475.13) showing the gross quantity of processed feed and the net quantity of each kind of designated feed grain therein physically delivered to the owner against the warrant.

(e) *Replacement of feed grain by CCC.* (1) Upon receipt of evidence satisfactory to CCC that the dealer has advanced feed grain against warrants issued to an owner, the county office shall issue a Dealer's Certificate to the dealer.

(2) Dealer's Certificates shall have a value specified thereon which is equal to the value of the feed grain delivered under applicable warrants. Such value is established by CCC by taking into consideration local market prices and terminal market prices adjusted for transportation and handling costs.

(3) A Dealer's Certificate will be accepted at face value when presented to the Prairie Village Commodity Office or other office designated by that office or DAP and applied to the purchase of a feed grain. Such acceptance at face value will be made under a contract which specifies a "date of sale" not more than 90 days after the effective date of the certificate. If the specified date of sale is after the 90th day, the face value shall be reduced by one twenty-fifth of one percent for each day beginning on the 91st day after the effective date of the certificate excluding the date of sale specified in the CCC contract to which it is applied. The certificates may be transferred by endorsement to any other person. CCC reserves the right to determine the time and place of delivery and the class, grade, and quality of feed grain to be delivered in redemption of Dealer's Certificates. Feed grain sold under a Dealer's Certificate shall be sold at the applicable current market price determined by CCC. Overdeliveries of the quantity of grain requested shall be adjusted at the applicable market price.

(4) If the full amount of the Dealer's Certificate is not redeemed in feed grain, a balance certificate shall be issued for the unused amount. If the amount is $3.00 or less, no balance certificate will be issued unless requested. The effective date of the balance certificate shall be the effective date of the original certificate against which it is issued plus the number of days the certificate is in the hands of CCC before the balance certificate is issued. Balance certificates may be redeemed in feed grains in the same manner as the original certificates.

§ 1475.12 Disposition of grain and adjustment of sales price.

(a) *Feed for livestock.* The total quantity of feed purchased under the program must be fed to the owner's livestock or poultry within the program period. The county committee may consider feed grain as being fed within the program period where the failure to timely feed all such grain was unavoidable. The amount of grain remaining which may be considered as being timely fed shall not exceed a 10 day supply.

(b) *Adjustments and kind of feed grain involved.* (1) If the owner does not feed the grain to his eligible livestock as provided in paragraph (a) of this section, he shall pay to CCC, as liquidated damages, the difference between the price paid for such feed grain and the market price thereof, as determined by CCC, on the date of the delivery order, warrant, or other delivery authorization applicable to the last acquisition of such feed grain under the program.

(2) If an owner has failed to report a livestock change as required by paragraph (c) of this section, he shall pay to CCC the price difference under paragraph (h)(1) of this section for any grain which he has purchased in excess of the quantity that CCC would have approved if such report had been made.

(3) The kind and quantity of feed grain on which price adjustments shall be based shall be the kind and quantity acquired from CCC.

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(c) *Reporting changes.* If the owner suffers losses of, or disposes of, or transfers any of his eligible livestock, he shall report the fact promptly to the county office from which feed grain was purchased under the program. If the owner fails to feed the quantities of feed to his eligible livestock as specified in this section, he shall report the fact promptly to the applicable county office.

§ 1475.13 Maintenance of books and records.

Warehousemen, handlers, and dealers shall maintain and preserve for at least three full years following deliveries made against delivery orders and warrants and for such additional period as CCC may request in writing, books and records which will permit verification of all transactions with regard to delivery orders and warrants. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours. The owner shall within 30 days, if requested by the county committee, submit information with respect to his livestock feeding operations.

§ 1475.14 Violations.

(a) *Disposal of grain to others.* If the owner has failed to utilize the quantity of feed purchased under the program, he shall not dispose of such grain. If the feed grain acquired from CCC is disposed of to any other person, except as permitted in § 1475.10(f) or if a delivery order or warrant is used for obtaining other than feed grain, the owner shall be subject to such civil penalties and to such criminal liabilities as are provided by applicable Federal statutes.

(b) *Fraudulent representations.* Any owner, warehouseman, handler, dealer or any other person may be suspended from participation in the program in accordance with regulations of CCC governing Suspension and Debarment (29 FR 10495 and any amendment thereto) FR 10495 and any amendments thereto) such person has falsely certified, represented or reported under these regulations, or failed to comply with any provisions of these regulations or of any contracts entered into under these regulations. The making of such fraudulent representations shall render such person liable under applicable Federal criminal and civil statutes.

§ 1475.15 Termination or suspension of program.

The county committee may at any time during the program period recommend suspension or termination of the program. The State committee may at any time during the program period suspend or terminate the program. The suspension or termination in a county shall not apply to any delivery order or warrant issued prior to the effective date thereof.

§ 1475.16 Appeals.

Any owner who is dissatisfied with determinations as to: (a) His eligibility or eligibility of his livestock; or (b) quantity of feed grain approved for eligible livestock may make a request for reconsideration or appeal such determinations in accordance with the procedures set forth in the Appeal Regulations of ASCS (29 FR 8200, June 30, 1964, and any amendments thereto). Determinations made by a State committee are not appealable by the applicant.

§ 1475.17 Authority not delegated.

No delegation herein to a State or county committee or a commodity office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee or commodity office.

Since disasters occur without warning and this revision is necessary to carry out the Livestock Feed Program more effectively, it is essential that the provisions of these regulations be published as soon as possible. Therefore, it is hereby determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S. 553 is impracticable and contrary to the public interest.

Effective date: This revision shall become effective on June 3, 1976.

Signed at Washington, D.C., on May 27, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-16261 Filed 6-3-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

By order of the Acting Administrator, Bureau of Security and Consular Affairs, Department of State, dated May 19, 1976, concurred in by the Acting Commissioner, Immigration and Naturalization Service, 22 CFR 41.6 is amended to provide a waiver of passport and nonimmigrant visitor visa requirements for participants in the Summer Olympic Games to be held at Montreal, Canada who may wish to visit the United States while in Canada, in connection with the Bicentennial Year. In the light of and in conformity with that order, a similar amendment to the corresponding provisions of 8 CFR 212.1 is hereby prescribed:

In § 212.1, a new paragraph (h) is added, to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(h) *Participants in Summer Olympic Games, 1976.* A visa and a passport shall not be required of a nonimmigrant who is a participant in the Summer Olympic Games to be held at Montreal, Canada, and who is the holder of an official Olympic identity card duly issued for participation in such games and valid for the period of June 17 through August 31, 1976, provided however, that this waiver will not extend to nonimmigrant participants whose admission into the United States is not waivable under the provisions of paragraph (e) of this section, or to those nonimmigrant participants who are the holder of official Olympic identity cards but were nevertheless excluded from visa and passport waivers by the Government of Canada. This paragraph shall be effective between the dates of June 17, 1976, and August 31, 1976, inclusive, after which it shall expire. Admission pursuant to the waiver authorized by this paragraph shall be limited to August 31, 1976.

* * * * *

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the regulation contained in this amendment confers a benefit on the persons affected thereby.

Effective date. This amendment shall become effective June 17, 1976, and shall expire on August 31, 1976.

Dated: May 28, 1976.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.76-16186 Filed 6-3-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Area Quarantined

This amendment releases a portion of Garden County in Nebraska from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to the State of Nebraska is amended to read:

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Kearney County comprised of sec. 12, T. 7 N., R. 16 W. in Blaine Precinct.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective May 28, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 28th day of May, 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76-16166 Filed 6-3-76;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 325—TRANSPORTATION

Distribution of Shippers' Certificate and Permit

● Purpose: The purpose of this document is to eliminate the distribution to Washington headquarters of the permit and certificate for transporting alleged adulterated or misbranded meat products. ●

Pursuant to the authority contained in the Federal Meat Inspection Act (34 Stat. 1260, as amended; (21 U.S.C. 601 et seq.)), the meat inspection regulations (9 CFR 325) are amended to delete the requirement that the certificate and permit be forwarded to the Deputy Administrator, Meat and Poultry Inspection Field Operations.

Statement of Considerations: Due to decentralization of management responsibility, a copy of the certificate and inspector's permit to allow the transportation of alleged adulterated or misbranded product to an official establishment for disposition are no longer required in the Program headquarters for management purposes.

Therefore, § 325.10 (9 CFR 325.10) is amended as follows:

§ 325.10 [Amended]

1. Paragraph (a) is amended by deleting the phrase "in duplicate" from the first sentence of said paragraph. The second sentence of said paragraph is amended by deleting the phrase "both the original and the duplicate of"; by substituting the word "duplicate" for the word "triplicate"; and by substituting the phrase "one copy" for the phrase "two copies."

2. Paragraph (b) is amended by deleting the phrase "original of the" and by deleting the phrase "the duplicate copy of," from the fourth sentence of said paragraph. The fourth sentence of said paragraph is further amended by changing the semicolon to a period, and deleting the remainder of the sentence after the semicolon. The last sentence of said paragraph is amended by deleting the phrase "forwarded by him to said Program official and a copy thereof shall be."

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621); 37 FR 28464, 28477)

* * * * *

The foregoing amendment relieves requirements of the regulations and should be made effective promptly in order to be of maximum benefit to affected persons. This does not reduce the level or degree of consumer protection. It does not appear that the publishing of a notice of proposed rulemaking and other public rulemaking procedures on the amendments would make additional information available to the Department which would alter the decision. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such rulemaking procedures with respect to these amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Records Act of 1942.

These amendments shall become effective on June 4, 1976.

Done at Washington, D.C., on May 27, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-16085 Filed 6-3-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

REPRESENTATIVE PAYEE

Duties and Selection

This document provides a revision of the Board's regulations with respect to the duties of a representative payee and to the selection of a representative payee, including the right to appeal from a determination of a need for a representative payee or the denial of an application to serve as a representative payee.

Pursuant to the general authority contained in section 7 of the act of October 16, 1974 (88 Stat. 1338; 45 U.S.C. § 231f) § 200.1(a) of Part 200 (20 CFR 200.1(a)), §§ 260.1(a) and 260.2(a) of Part 260 (20 CFR 260.1(a) and 260.2(a)) and §§ 266.1, 266.2, 266.5 and 266.6 of Part 266 (20 CFR 266.1, 266.2, 266.5 and 266.6) of the regulations under such act are amended and §§ 266.7, 266.8, 266.9, 266.10, 266.11, 266.12 and 266.13 are added to Part 266 to read as follows:

PART 200—PROCEDURES AND FORMS

1. In § 200.1, paragraph (a) is revised as follows:

§ 200.1 The general course and method by which the Board's functions are channeled and determined.

(a) *Retirement and death benefits.* (1) Retirement and death benefits must be applied for by filing application therefor. (For details as to application, see Parts 210 and 237 of this chapter.) The Bureau of Retirement Claims considers the application and the evidence and information submitted with it. Wage and service records maintained by the Board are checked and if necessary, further evidence is obtained from the employee, the employer, fellow employees, public records and any other person or source available. The Bureau makes initial decisions on the following matters:

(i) Applications for benefits;

(ii) Requests for the withdrawal of an application;

(iii) Requests for a change in an annuity beginning date;

(iv) The termination of an annuity;

(v) The modification of the amount of an annuity or lump sum;

(vi) Requests for the reinstatement of an annuity which had been terminated or modified;

(vii) The existence of an erroneous payment;

(viii) The eligibility of an individual for a supplemental annuity or the amount of such supplemental annuity;

(ix) Whether representative payments shall serve the interests of an individual by reason of his incapacity to manage his annuity payments; and

(x) Who shall be appointed or continued as representative payee on behalf of an annuitant.

(2) A claimant dissatisfied with the Bureau's decision may, upon filing notice within one year from the date the decision is mailed to the claimant, appeal to the Bureau of Hearings and Appeals: *Provided, however,* That (i) an individual under age 16 shall not have the right to appeal a finding of incapacity to manage his annuity payments, but shall have the right to contest on appeal that he is, in fact, under age 16; (ii) an individual who has been adjudged legally incompetent shall not have the right to appeal a finding of incapacity to manage his annuity payments, but shall have the right to contest on appeal the fact of his having

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been adjudged legally incompetent; and (iii) an individual shall not have the right to appeal a denial of his application to serve as representative payee on behalf of an annuitant. There he may have an oral hearing before a referee of which a stenographic record is made, submit additional evidence, be represented, and present written and oral argument. If dissatisfied with the decision of the referee, the claimant may appeal to the Board itself. This appeal must be made on a prescribed form within four months of the date a copy of the referee's decision was mailed to him. If new evidence is received, the Board may remand the case to the referee for investigation and recommendation concerning the new evidence. (For details on appeals procedure, see Part 260 of this chapter.) A claimant, after he has unsuccessfully appealed to the Board itself and has thus exhausted all administrative remedies within the Board, may obtain a review of a final decision of the Board by filing a petition for review, within one year after the entry of the decision on the records of the Board and its communication to the claimant, in the United States court of appeals for the circuit in which the claimant resides, or in the United States Court of Appeals for the Seventh Circuit, or in the United States Court of Appeals for the District of Columbia Circuit.

* * * * *

PART 260—APPEALS WITHIN THE BOARD

1. In § 260.1, paragraph (a) is revised as follows:

§ 260.1 Initial decisions by the Bureau of Retirement Claims.

(a) Claims shall be adjudicated and initial decisions made by the Bureau of Retirement Claims concerning:

(1) Applications for benefits;

(2) Requests for the withdrawal of an application;

(3) Requests for a change in an annuity beginning date;

(4) The termination of an annuity;

(5) The modification of the amount of an annuity or lump sum;

(6) Requests for the reinstatement of an annuity which had been terminated or modified;

(7) The existence of an erroneous payment;

(8) The eligibility of an individual for a supplemental annuity or the amount of such supplemental annuity;

(9) Whether representatitive payment shall serve the interests of an individual by reason of his incapacity to manage his annuity payments; and

(10) Who shall be appointed or continued as representative payee on behalf of an annuitant.

Adjudication and initial decision shall be in accordance with instructions issued by the Director of the Bureau and shall be made upon the basis of evidence submitted by the claimant and evidence otherwise available.

* * * * *

2. In § 260.2, paragraph (a) is revised as follows:

§ 260.2 Appeal from an initial decision of the Bureau of Retirement Claims.

(a) Every claimant shall have a right to appeal to the Bureau of Hearings and Appeals from any initial decision of the Bureau of Retirement Claims by which he claims to be aggrieved: *Provided, however,* That (1) an individual under age 16 shall not have the right to appeal a finding of incapacity to manage his annuity payments, but shall have the right to contest on appeal that he is, in fact, under age 16; (2) an individual who has been adjudged legally incompetent shall not have the right to appeal a finding of incapacity to manage his annuity payments, but shall have the right to contest on appeal the fact of his having been adjudged legally incompetent; and (3) an individual shall not have the right to appeal a denial of his application to serve as representative payee on behalf of an annuitant.

* * * * *

PART 266—INCOMPETENCE

1. Section 266.1 is revised as follows:

§ 266.1 Statutory provisions.

(a) Subsection (a) of section 12 of the Railroad Retirement Act of 1974 provides as follows:

> Every individual receiving or claiming benefits, or to whom any right or privilege is extended, under this Act or any other Act of Congress now or hereafter administered, in whole or in part, by the Board shall be conclusively presumed to have been competent until the date on which the Board receives written notice, in a form and manner acceptable to the Board, that he is an incompetent, or a minor, for whom a guardian or other person legally vested with the care of his person or estate has been appointed: *Provided, however,* That, regardless of the legal competency or incompetency of an individual entitled to a benefit administered by the Board, the Board may, if it finds the interest of such individual to be served thereby, recognize actions by, and conduct transactions with, and make payments to, such individual, or recognize actions by, and conduct transactions with, and make payments to, a relative or some other person for such individual's use and benefit.

(b) Subsection (b) of section 12 of the Railroad Retirement Act of 1974 provides as follows:

> Every guardian or other person legally vested with the care of the person or estate of an incompetent or minor who is receiving or claiming benefits, or to whom any right or privilege is extended, under this Act or any other Act of Congress now or hereafter administered, in whole or in part, by the Board shall have power everywhere, in the manner and to the extent prescribed by the Board, but subject to the provisions of the preceding subsection, to take any action necessary or appropriate to perfect any right or exercise any privilege of the incompetent or minor and to conduct all transactions on his behalf under this or any other Act of Congress now or hereafter administered, in whole or in part, by the Board. Any payment made pursuant to the provisions of this section shall be a complete settlement and satisfaction of any claim, right, or interest in and to such payment.

2. Section 266.2 is revised as follows:

§ 266.2 Presumption of competency.

Every individual shall be conclusively presumed to have been competent until the date on which the Board receives a notice in writing that a legal guardian or other person legally vested with the care of the person or estate of an incompetent or a minor has been appointed: *Provided, however,* That, despite receiving notice in writing that a legal guardian or other person legally vested with the care of the person or estate of an individual has been appointed, the Board may, if it finds the interests of such individual to be served thereby, recognize actions by, conduct transactions with, and make payments to such individual.

3. Section 266.5 is revised as follows:

§ 266.5 Recognition by the Board of a person to act in behalf of another.

(a) Regardless of the receipt of written notice of the appointment of a guardian or other person legally vested with the care of the person or estate of an incompetent or a minor who is receiving or claiming benefits or to whom any right or privilege is extended under the law, the Board may, in its discretion, validly recognize actions by and conduct transactions with others acting in behalf of the individual found by the Board to be a minor or to be unable to manage his affairs, if the Board finds such actions or transactions to be in the best interest of such individual.

(b) In the absence of a written notice of the appointment of a guardian or other person legally vested with the care of the person or estate of an incompetent or minor, the Board shall, except where special circumstances appear, recognize a person to act on behalf of an individual under the following circumstances:

(1) When the individual has been adjudged mentally incompetent by a court having jurisdiction to do so;

(2) When the individual has been committed to a mental institution by a court having jurisdiction to do so;

(3) When the individual is an inmate of a mental institution;

(4) When the individual is less than 16 years of age;

(5) When the individual is between 16 and 18 years of age and is in the care of another person and does not have the capacity to act on his own behalf.

(c) In the absence of special circumstances, consideration of the proper party with whom to conduct transactions on behalf of an incompetent should be limited to the following persons, who are listed in order of preference: (1) The legal guardian or other person legally vested with the care of the person or estate of the incompetent; (2) the spouse; (3) any relative, individual, or agency caring for the incompetent.

(d) In the absence of special circumstances, the proper party with whom to conduct transactions, including the certifying of payments, on behalf of a minor beneficiary should be one of the following, who are listed in order of preference: (1) The legal guardian or other person legally vested with the care of the person or estate of the minor beneficiary; (2) a parent (including an adopting parent), or stepparent with whom the minor beneficiary is living; (3) any relative, individual, or agency caring for the minor beneficiary.

4. Section 266.6 is revised as follows:

§ 266.6 Responsibility of representative payee.

An individual to whom payment is made as representative payee on behalf of an annuitant shall, subject to review by the Board and to such requirements as it may from time to time prescribe, apply the payments to him on behalf of the annuitant only for the use and benefit of such annuitant, and in a manner and for purposes which are in the annuitant's best interests.

5. Sections 266.7 through 266.13 are added as set forth below:

§ 266.7 Use of benefits for current maintenance.

Payments made to an individual as representative payee on behalf of an annuitant shall be considered as having been applied for the use and benefit of the annuitant when they are used for the annuitant's current maintenance, that is, to replace current income lost because of the disability, retirement, or death of the insured individual. Where an annuitant is receiving care in an institution, current maintenance shall include the customary charges made by the institution to individuals to whom it provides care and services substantially similar to those which it provides to the annuitant and charges made for current and foreseeable needs of the annuitant which are not met by the institution.

§ 266.8 Conservation and investment of payments.

Payments made to an individual as representative payee on behalf of an annuitant which are not needed for the current maintenance of the annuitant, except as they may be used pursuant to § 266.10 or used to pay current creditors consistent with § 266.11, shall be conserved or invested on the annuitant's behalf. Such funds must be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest or dividend-bearing account in a bank or trust company or in a savings and loan association if the account is either federally insured or is otherwise insured in accordance with the requirements of State law. Surplus funds deposited in an interest or dividend-bearing account in a bank or trust company or in a savings and loan association must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

(Name of annuitant)

by

(Name of representative payee)

representative payee; or

(Name of annuitant)

by

(Name of representative payee)

trustee. United States Savings Bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

(Name of annuitant)

---, a minor beneficiary

(Social Security No.)

for whom ---

(Name of payee)

has been designated representative payee by the Railroad Retirement Board.

United States Savings Bonds purchased with surplus funds by a representative payee for an incapacitated adult annuitant should be registered as follows:

(Name of annuitant)

---, an incapacitated

(Social Security No.)

adult beneficiary, for whom ---

(Name of payee)

has been designated representative payee by the Railroad Retirement Board.

A representative payee who is the legally appointed guardian or fiduciary of the annuitant may also register United States Savings Bonds purchased with funds from railroad retirement payments in accordance with applicable regulations of the United States Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the annuitant's funds made by the representative payee must clearly show that the payee holds the property in trust for the annuitant.

§ 266.9 Use of benefits for annuitant in institution.

Where an annuitant is confined in a Federal, state or private institution because of mental or physical incapacity, the individual to whom payments are made as representative payee on behalf of the annuitant shall give the highest priority to expenditure of the payments for the current maintenance needs of the annuitant, including the customary charges made by the institution in providing care and maintenance. It is considered to be in the best interests of the annuitant for the individual to whom payments are made on the annuitant's behalf to allocate expenditures of the payments so made in a manner which will facilitate the annuitant's earliest possible rehabilitation or release from the institution, or which otherwise will help him live as normal a life as practicable in the institutional environment.

§ 266.10 Support of legally dependent spouse, child, or parent.

If the current maintenance needs of an annuitant are being reasonably met, an individual to whom payments are made as representative payee on behalf of the annuitant may use part of the payments so made for the support of the legally dependent spouse, a legally dependent child, or a legally dependent parent of the annuitant.

§ 266.11 Claims of creditors.

An individual to whom payments are made as representative payee on behalf of an annuitant may not be required to use such payments to discharge an indebtedness of the annuitant which was incurred before the first month for which payments are made to a representative payee on the annuitant's bhealf. In no case, however, may such payee use such payments to discharge such indebtedness of the annuitant unless the current and reasonably foreseeable future needs of the annuitant are otherwise provided for.

§ 266.12 Accountability.

An individual to whom payments are certified as representative payee on behalf of an annuitant shall submit a written report in such form and at such times as the Board may require, accounting for the payments certified to him on behalf of the annuitant unless such payee is a court-appointed fiduciary and, as such, is required to make an annual accounting to the court, in which case a true copy of each such account filed with the court may be submitted in lieu of the accounting form prescribed by the Board. If any representative payee fails to submit the required accounting within a reasonable period of time after it is requested, no further payments shall be made to him on behalf of the annuitant unless for good cause shown, the default of the representative payee is excused by the Board, and the required accounting is thereafter submitted.

§ 266.13 Transfer of accumulated benefit payments.

A representative payee who has conserved or invested funds from railroad retirement payments made to him on behalf of an annuitant shall, upon direction of the Board, transfer any such funds (including interest earned from investment of such funds) to a successor payee appointed by the Board, or, at the option of the Board, shall transfer such funds, including interest, to the Board for payment to a successor payee or to the annuitant.

By authority of the Board.

Dated: May 24, 1976.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.76-16218 Filed 6-3-76;8:45 am]

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CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations Nos. 1 and 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965–)

Disclosure of Information Where Physician Frequently Submits Erroneous Certifications or Inappropriate Plans of Treatment; Presumed Coverage of Post-Hospital Services

Correction

In FR Doc. 76–15061 appearing at page 21339 in the FEDERAL REGISTER of Tuesday, May 25, 1976, make the following correction: On page 21342, middle column, in § 405.133(a), after the fifteenth line from the top insert the following "tional or other home health services be-".

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Reg. 108.721]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide a waiver of passport and visitor visa requirements for participants in the Summer Olympic Games to be held at Montreal, Canada who may wish to visit the United States while in Canada in connection with the Bicentennial Year. Section 41.6 is amended by the addition of paragraph (h).

A new paragraph (h), which will become self-cancelled at the end of a designated time, is added to § 41.6 as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

• • • • • •

(h) A visa and a passport shall not be required of a nonimmigrant who is a participant in the Summer Olympic Games to be held at Montreal, Canada, and who is the holder of an official Olympic identity card duly issued for participation in such games and valid for the period of June 17 through August 31, 1976, provided, however, that this waiver will not extend to nonimmigrant participants whose admission into the United States is not waivable under paragraph (e) of this section, or to those nonimmigrant participants who are the holders of official Olympic identity cards but were nevertheless excluded from visa and passport waivers by the government of Canada.

Effective date. This amendment shall become effective June 17, 1976 and shall expire on August 31, 1976. Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) relative to notice of proposed rule making is unnecessary in this instance because the regulation contained in this order confers a benefit on persons affected thereby.

For the Secretary of State.

Dated: May 19, 1976.

LOREN E. LAWRENCE,
Acting Administrator, Bureau of Security and Consular Affairs.

Dated: May 27, 1976.

JAMES F. GREENE,
Acting Commissioner, Immigration and Naturalization Service, Department of Justice.

[FR Doc.76–16125 Filed 6–3–76;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY

[Docket No. R–76–395]

PART 3500—REAL ESTATE SETTLEMENT PROCEDURE ACT

Recodification of Part and Transfer of Regulation to Subtitle B

The Department's Real Estate Settlement Procedures Act (RESPA) regulations, previously codified as Part 82, are being transferred from Subtitle A to Subtitle B, Chapter XX and recodified as Part 3500. By final rule being published concurrently with this recodification the RESPA regulations are being amended to adopt certain changes as a result of rule-making and also to incorporate them in Chapter XX, Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions, which has been delegated authority for the program.

Accordingly, Part 82 of Subtitle A, Office of the Secretary will no longer include Real Estate Settlement Procedures Act regulations and will be reserved for future use.

(Section 7(d) of the Department of HUD Act. 42 U.S.C. 3535(d).)

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.76–15920 Filed 6–1–76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Irrigation Project

On page 16817 of the FEDERAL REGISTER of Thursday, April 22, 1976, there was published a notice of intention to amend § 221.16 and § 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1976 and thereafter until further notice.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

1. Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $5.00 per acre, for the season of 1976 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and thirty-three cents ($3.33) per acre foot or fraction thereof.

2. Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Division.

(a) (1) An annual minimum charge of $5.11 per acre, for the season of 1976 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of pro rata per acre share of the available water up to one and one-tenth acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and forty-one cents ($3.41) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $6.92 per acre, for the season of 1976 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of four dollars and sixty-one cents ($4.61) per acre foot or fraction thereof.

GEORGE L. MOON,
Project Engineer.

[FR Doc.76–16205 Filed 6–3–76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7421]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Notification of Interested Parties Regarding Qualification of Certain Retirement Plans

Correction

In FR Doc. 76–14967 appearing on page 20874 in the FEDERAL REGISTER of Friday, May 21, 1976, the following corrections should be made:

1. On page 20875 in the third column, in paragraph (b)(1)(i) the third line should read, "the plan (as defined in paragraph (d))".

2. On page 20876, in the second column, in paragraph (7), in the tenth line, the word "paragraph" should be "paragraphs".

3. On page 20878, in the second column, in paragraph 5, in the second line the word "section" should read "sections" and in the third line "a historical note" should be "an historical note". In the third column, is paragraph (C), in the sixth line, a comma should appear after the word "apply".

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[S–74–3]

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins; Deferral of Effective Date

On March 9, 1976, a final occupational safety and health standard concerning the guarding of farm field equipment, farmstead equipment, and cotton gins was published in the FEDERAL REGISTER (41 FR 10190) as 29 CFR 1928.57.

This standard provides a schedule of various effective dates for different parts of the standard. An effective date of June 7, 1976, ninety days after publication, was provided for most of the standard, to permit necessary modifications in equipment to be made and to insure that affected employers and employees would be informed of the existence of the standard and of its terms. A delay of the effective date until September 7, 1976, was provided for the requirements of paragraph (c)(5) concerning electrical disconnect means, and a delay until June 30, 1977, was provided for paragraph (d), concerning cotton ginning equipment, to allow the cotton ginning industry approximately two off-seasons to make the changes necessary for compliance with the final rule.

The Occupational Safety and Health Administration (OSHA) intended to have available at the time of publication of its final standard informational and educational materials concerning the contents of this standard. The material would consist of a written publication with illustrations and a slide and tape presentation explaining the standard in such a way as to facilitate understanding and compliance by farmers and ranchers. Copies of this material were to be distributed to the OSHA regional offices. OSHA also had agreed to send copies of the material to the U.S. Department of Agriculture (USDA) for distribution to their state safety specialists at the offices of the agricultural extension service. There was a delay in the printing of this material which affected the distribution schedule that was envisioned during the preparation of the final standard.

Various interested persons, including members of Congress, the Office of the Secretary of Agriculture, the American Farm Bureau Federation, the National Grange, and the OSHA Standards Advisory Committee on Agriculture, have submitted comments concerning the importance of the availability of the OSHA informational material.

In assessing the importance of the educational material to the employers and employees, it is necessary to consider the uniqueness of agriculture as regards occupational safety and health. In the past, few occupational safety and health standards have applied to agriculture. Moreover, agriculture is a very diffuse industry with a large number of small employers. Therefore, it is reasonable that a longer lead time is necessary to inform employers and employees about the coverage of an occupational safety and health standard than with other industries. This lead time for training is especially important in view of the need to make equipment modifications in order to comply with the standard.

It is now anticipated that the material will be available in approximately three weeks. Accordingly, it has been determined that the effective date of this standard should be October 25, 1976. This coincides with the scheduled effective date of the occupational safety and health standard for roll-over protective structures (ROPS), §§ 1928.51, 1928.52 and 1928.53 of this chapter.

The date specified in paragraph (a)(3) regarding application is being changed from June 7, 1976 to October 25, 1976.

The general effective date of this section is being changed from June 7, 1976 to October 25, 1976.

The effective date of paragraph (c)(5) concerning electrical disconnect means is changed from September 7, 1976 to October 25, 1976.

Accordingly, under section 6 and section 8(g)(1) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and Secretary of Labor's Order No. 8–76 Part 1928 of Title 29 of the Code of Federal Regulations is amended as set forth below. Public notice and procedure on the postponement is impracticable because of the need to provide immediate notice thereof to affected employers.

Section 1928.57 of 29 CFR Part 1928 is amended by changing the dates in paragraph (a)(3) and by revising paragraph (a)(4) to read as follows:

§ 1928.57 Guarding of farm field equipment, farmstead equipment, and cotton gins.

(a) *General.* • • •

(3) *Application.* This section applies to all farm field equipment, farmstead equipment, and cotton gins, except that paragraphs (b)(2), (b)(3), and (b)(4)(ii)(A), and (c)(2), (c)(3), and (c)(ii)(A) do not apply to equipment manufactured before October 25, 1976.

(4) *Effective date.* This section takes effect on October 25, 1976, except that paragraph (d) of this section is effective on June 30, 1977.

• • • • • •

(Secs. 6, 8(g)(1), Pub. L. 91–596, 84 Stat. 1593, 1600; (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8–76.)

Signed at Washington, D.C. this 28th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–16069 Filed 6–1–76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On February 1, 1973, notice was published in the Federal Register (38 FR 3041) of the approval of the North Carolina Plan for occupational safety and health and of the adoption of Subpart I of Part 1952 describing the plan and containing the approval decision. On June 4, 1975, and October 9, 1975, notice of submission and opportunity for public comment on a number of North Carolina plan supplements involving developmental and State initiated changes was published in the Federal Register (40 FR 24020 and 40 FR 47515). In addition, on October 31, 1975, North Carolina submitted further plan supplements amending certain aspects of the originally published supplements, and on October 23, 1975, submitted an additional developmental change. The supplements covered by this notice are described below.

2. *Description of supplements.* (a) Target Health Hazards. The State has selected 24 substances to be the subject of a concentrated target health hazard effort. The criteria for selection were (1) the number and severity of employee exposures in North Carolina; (2) the existence of standards; (3) the ability to adequately measure the level of exposure. North Carolina proposes the following

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target health hazards: cotton dust, silica, toluene diisocyanate, benzene, carbon monoxide, mercury, lead, pesticides, vinyl chloride, asbestos and fourteen carcinogens.

(b) Organization. The organization chart for the North Carolina Office of Occupational Safety and Health has been revised to reflect the addition of a third Area Supervisor. A further revision submitted October 31, 1975, shows updated titles and organizational structure.

(c) Agriculture. In accord with commitments contained in 29 CFR 1952.153 (q) coverage of agricultural workers by the North Carolina Department of Labor began on April 1, 1974. A plan change documenting this extension of coverage is included in Section S, Part II of the plan.

(d) Inspection scheduling. The North Carolina plan has been revised by amending the State's inspection scheduling protocol. A commitment to conduct 1% of inspections in agriculture, 23% in construction, 56% in manufacturing, and 20%, other, replaces the "first year of operation" goals contained in the original plan.

(e) Voluntary Compliance Program. North Carolina increased the size of its voluntary compliance staff from six (6) to seven (7) consultants. By submission dated October 31, 1975, the staff was further increased to provide for seven (7) consultants in the private sector and seven (7) consultants in the public sector plus the services of five (5) industrial hygiene consultants from the Occupational Health Branch, North Carolina Department of Human Resources, as required. The additional public sector staff will provide on-site consultation assistance as well as monitor and evaluate the State agency and local government programs.

(f) Educational Programs. On October 23, 1975, North Carolina submitted certification that the occupational safety and health orientation courses to be developed and presented by the North Carolina Department of Community Colleges have been completed. A noise control program continues to be available in the Community Colleges upon request.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and the Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

4. *Decision.* No public comments or requests for a hearing addressing the supplements described herein were received in response to the June 4, 1975, and October 9, 1975, notices of North Carolina plan changes. In regard to section 2(f) and changes mentioned in sections 2(b) and 2(e), above, under § 1953.2(c) of this Chapter, the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternate procedures to expedite the review process or for any other good cause which may be consistent under applicable laws. Since this change is consistent with commitments contained in the approved plan, further opportunity for public comment and notice is unnecessary. Therefore, after consideration the North Carolina plan supplements outlined above are hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, 29 CFR 1952.154 is hereby amended to reflect completion of a developmental step.

§ 1952.154 Completed developmental steps.

* * * * *

(d) In accordance with § 1952.153(q) full coverage of agricultural workers by the North Carolina Department of Labor began on April 1, 1974.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 28th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-16282 Filed 6-3-76;8:45 am]

Title 32A—National Defense, Appendix

REDESIGNATION OF REGULATIONS

EDITORIAL NOTE: Title 32A, Code of Federal Regulations (CFR), contains regulations of various Federal agencies relating to national defense and security. When this title was established in 1950, it was given a numbering system that did not conform to that of the other titles in the CFR system.

The Office of the Federal Register is now considering alternate modes of type composition for producing tabular finding aids to the CFR. In order to use the latest technology in this area, it is necessary that the numbering system for the CFR be standardized.

Therefore, purusant to his authority in 1 CFR 8.2, the Director of the Federal Register is redesignating all regulations currently in 32A CFR by imposing standard CFR Part numbers in accordance with the following table:

CHAPTER I—FEDERAL PREPAREDNESS AGENCY,[1] GENERAL SERVICES ADMINISTRATION

Former citation:	*Redesignated as 32A CFR Pt.—*
DMO–1	101
DMO–2	102
DMO–2, supplement 1	102a
DMO–3	103
DMO–4	104
DMO–5	105
DMO–6	106
DMO–7	107
DMO–8	108
DMO–9	109
DMO–10	110
DMO–11	111
DMO–12	112
DMP–4	134
ES reg. 1	151
OEP regulation 4	164
OEP regulation 5	165

[1] GSA order ADM 5440.95, dated June 26, 1975.

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

Former citation:	*Redesignated as 32A CFR Pt.—*
BDC notice 1	601
BDC notice 2	602
BDC notice 3	603
DMS regulation 1	621
DMS regulation 1, direction 1	621a
DMS regulation 1, direction 2	621b
DMS order 1	631
DMS order 2	632
DMS order 3	633
DMS order 4	634
DPS regulation 1	651
DPS regulation 2	652
DPS regulation 3	653
DPS order 1	661
DPS order 2	662

CHAPTER VII—DEPARTMENT OF COMMERCE AND DEPARTMENT OF TRANSPORTATION

Former citation:	*Redesignated as 32A CFR Pt.—*
T–1	701
T–1, interim 1	701a
T–2	702

CHAPTER VIII—TRANSPORT MOBILIZATION STAFF, INTERSTATE COMMERCE COMMISSION

Former citation:	*Redesignated as 32A CFR Pt.—*
TM–1	801

CHAPTER XV—FEDERAL RESERVE SYSTEM

Former citation:	*Redesignated as 32A CFR Pt.—*
Regulation V	1505

CHAPTER XVIII—NATIONAL SHIPPING AUTHORITY, MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

Former citation:	*Redesignated as 32A CFR Pt.—*
AGE–1	1801
AGE–2	1802
AGE–3	1803
AGE–4	1804
AGE–5	1805
AGE–6	1806
AGE–7	1807
AGE–8	1808
DTO–2	1822
FIS–1	1831
FIS–2	1832
INS–1	1841
LRP–1	1851
OPR–1	1861
OPR–2	1862
OPR–3	1863
OPR–4	1864
OPR–5	1865
OPR–6	1866
OPR–7	1867
SRM–2	1882
SRM–3	1883
SRM–4	1884
SRM–5	1885
SRM–6	1886

CHAPTER XIX—OFFICE OF THE MARITIME ADMINISTRATOR, DEPARTMENT OF COMMERCE

	Redesignated as 32A CFR pt.—
MA–TPM–1	1901
MA–TPM–DEL 1	1902

Thus, the official citation for each of the regulations in Title 32A will consist of the CFR title and part number as set forth above. For example, if you wish to cite DMO–1—Dispersion and protective construction; policy, criteria, responsibilities, the new official citation is 32A CFR Part 101.

The July 1, 1976 edition of Title 32A, CFR will carry the new part numbers. As a convenience to the user, the former designators will be retained in the descriptive part heading. References within the text of the regulations to the former designators are deemed to be changed to the new part numbers.

The redesignation is effective June 4, 1976.

Title 33—Navigation and Navigable Waters

CHAPTER IV—ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION, DEPARTMENT OF TRANSPORTATION

PART 401—SEAWAY REGULATIONS AND RULES

Required Area for Wearing Life Jackets

On pages 16183 and 16184 of the FEDERAL REGISTER of April 16, 1976, there was published a notice of proposed rulemaking by the St. Lawrence Seaway Development Corporation to amend the Seaway Regulations, § 401.37(b), by clarifying the required area for the wearing of life jackets.

The Corporation is amending the regulations pursuant to its enabling act (33 U.S.C. 981 et seq.), and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the St. Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21942).

The Seaway Regulations were published initially in the FEDERAL REGISTER on July 1, 1958 (39 FR 10899) when the regulations and rules were consolidated into one set of regulations to eliminate repetition of the regulations in the rules and vice versa, and for clarity.

With respect to the current proposed amendment, interested parties were invited to submit written comments for consideration. No comments were received; therefore, the proposed amendment is hereby adopted without change.

Since this amendment is intended to provide immediate guidance and information to users of the St. Lawrence Seaway, I find that good cause exists for making it effective in less than 30 days. In § 401.37, paragraph (b) is revised as follows:

§ 401.37 Mooring at tie-up walls.

* * * * *

(b) Crew members being put ashore on landing booms and handling mooring lines on the tie-up walls of Eisenhower and Snell Locks shall wear life jackets.

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended and Sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943))

Effective date: June 1, 1976.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.76-16219 Filed 6-3-76;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Single-Visit Entrance Fees

Pursuant to the authority contained in section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C.A. 460l-6a (1974)), § 18.7 of 43 CFR is hereby amended as set forth below.

The purpose of this amendment is to remove, from regulations regarding single-visit entrance fees, the minimum amounts which shall be charged by the National Park Service for each single-visit entrance permit. The present regulations establish a range of $1 to $3 per vehicle for entries by private, noncommercial vehicle and $0.50 to $1.50 per person entering by other means.

The National Park Service has requested that these minimum amounts be eliminated so as to allow the charging of lower fees in special circumstances calling for fees below the present minimums. It is anticipated that these circumstances are most likely to occur in situations where there is concurrent administration of a designated entrance fee area and another agency or organization also charges a fee for admission to the area under its own authority. In such a situation, entrance fees collected pursuant to the Land and Water Conservation Fund Act of 1965 may need to be set at a level below the present minimums in order to properly reflect the benefit to the recipient and comparability with other fees.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since the amendment relieves a restriction and may result in the charging of lower recreation fees in a few instances, it has been determined that public comment prior to implementation of this amendment is unnecessary. Similarly, it has been determined that this relaxation does not require the usual waiting period of 30 days between final publication and the effective date.

In consideration of the foregoing, this amendment shall become effective on June 4, 1976.

Paragraph (b) of § 18.7 of Title 43, Code of Federal Regulations, is amended as follows:

§ 18.7 Entrance fees for single-visit permits.

* * * * *

(b) * * *

(1) The fee for a single-visit permit applicable to those persons entering by private, noncommercial vehicle shall be no more than $3 per vehicle.* * *

(2) The fee for a single-visit permit applicable to those persons entering by any means other than private, noncommercial vehicle shall be no more than $1.50 per person and shall be valid at the one Designated Entrance Fee Area for which it is paid.

* * * * *

Dated: May 25, 1976.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.76-16228 Filed 6-3-76;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Reorganization of the Rules, Standards and Research and Education Divisions of the Broadcast Bureau

Correction

In FR Doc. 76-15185 appearing on page 21346, in the issue of Tuesday, May 25, 1976 make the following change:

On page 21347, the eighth line of § 0.77 should have read: "broadcast services, and analyzes social".

[FCC 76-478]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Civil Air Patrol

In the matter of amendment of Part 2 of the Commission's rules and regulations to modify footnote US 10 pertaining to the Civil Air Patrol.

1. The Civil Air Patrol (CAP) is designated as one of the organizations having a primary operational mission of providing Search and Rescue (SAR) services in the inland area of the United States and its territories. Currently, the frequencies 26.62 MHz, 143.90 MHz, and 148.15 MHz have been made available to the CAP under footnote US 10 on the condition that harmful interference will not be caused to Government Stations. These frequencies are used extensively by the CAP throughout the United States and Puerto Rico in connection with their search and rescue mission, for emergencies, and for training. Due to the increasing availability of equipment, considerable expansion in the use of the frequencies is being experienced, and some interference to other Air Force assignments on the same frequencies in some areas has been experienced.

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2. Because of the importance of the CAP mission and its increased usage of the frequencies, and since this mission is in cooperation with and fully endorsed by the U.S. Air Force, the Interdepartment Radio Advisory Committee (IRAC) has recommended that footnote US 10 be amended by deleting the clause imposing the condition that no harmful interference be caused to Government stations. The Commission concurs with the IRAC on this recommendation as it appears that the utility of these frequencies to the CAP will be significantly increased as a result.

3. This modification of US 10 will have no adverse effect on non-Government entities, and we would consequently expect to receive no comments in this matter. Therefore, the prior public notice and effective date provisions contained in the Administrative Procedure Act, 5 U.S.C. § 553, are unnecessary.

4. Accordingly, *it is ordered*, That, effective June 9, 1976, § 2.106 of the rules is amended as set forth below.

Authority for this action is contained in Section 4(i) and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, 47 U.S.C. 154, 303.)

Adopted: May 25, 1976.

Released: June 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, § 2.106 is amended by changing the text of Footnote US 10 to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

US10 The use of frequencies 26.62, 143.90, and 148.15 MHz may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations.

* * * * *

[FR Doc.76-16241 Filed 6-3-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 39; Amdt. 10-2]

PART 10—MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

Amendment of Appendix I—Exemptions

On April 15, 1976, there was published in the Federal Register (41 FR 15872) a notice of proposed rulemaking to exempt additional systems of records from certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a). Interested parties were given until May 17, 1976, the opportunity to submit comments on the proposal.

No comments have been received and the proposed exemptions are hereby adopted without change and are set forth below.

Effective date: This amendment is effective June 4, 1976.

Issued in Washington, D.C., on May 27, 1976.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

Section II, *Specific Exemptions* of Appendix I, *Exemptions*, there is amended:

1. Subsection A, by inserting after paragraph 11 thereof new paragraphs 12 and 13, to read as follows:

II. *Specific exemptions.* A. The following systems of records are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a, to the extent that they contain investigatory material compiled for law enforcement purposes, in accordance with 5 U.S.C. 552a(k)(2):

* * * * *

12. Investigations of Violations of Marine Safety Laws (DOT/CG 587), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

13. Civil Aviation Security System (DOT/FAA 813), maintained by the Civil Aviation Security Service, Federal Aviation Administration.

The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions.

2. Subsection D, by inserting after paragraph 10 thereof a new paragraph 11, to read as follows:

D. Those portions of the following systems of records consisting of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or access to classified information or used to determine potential for promotion in the armed services, are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a to the extent that disclosure of such material would reveal the identity of a source who provided information to the Government under an express or, prior to September 27, 1975, an implied promise of confidentiality (5 U.S.C. 552a(k)(5) and (7)):

* * * * *

11. Military Training and Education Records (DOT/CG 622), maintained by the Office of Personnel, U.S. Coast Guard.

The purpose of these exemptions is to prevent disclosure of the identities of sources who provide information to the government concerning the suitability, eligibility, or qualifications of individuals for Federal civilian employment, contracts, access to classified information, or appointment or promotion in the armed services, and who are expressly or, prior to September 27, 1975, impliedly promised confidentiality (5 U.S.C. 552a(k)(5) and (7)).

3. Subsection E, by inserting after paragraph 2 thereof a new paragraph 3, to read as follows:

* * * * *

E. Those portions of the following systems of records consisting of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

* * * * *

3. Military Training and Education Records (DOT/CG 622), maintained by the Office of Personnel, U.S. Coast Guard.

The purpose of these exemptions is to preserve the value of these records as impartial measurement standards for appointment and promotion within the Federal service.

4. Subsection F, by inserting after paragraph 2 thereof a new paragraph 3, to read as follows:

F. Those portions of the following systems of records which consist of information properly classified in the interest of national defense or foreign policy in accordance with 5 U.S.C. 552(b)(1) are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

* * * * *

3. Civil Aviation Security System (DOT/FAA 813), maintained by the Civil Aviation Security Service, Federal Aviation Administration.

The purpose of these exemptions is to prevent the disclosure of material authorized to be kept secret in the interest of national defense or foreign policy, in accordance with 5 U.S.C. 552(b)(1) and 552a(k)(1).

5. By adding a new subsection G, to read as follows:

G. Those portions of the following systems of records which consist of information properly classified in the interest of national defense or foreign policy in accordance with 5 U.S.C. 552a(b)(1) are exempt from subsections (c)(3) (Accounting of Certain Disclosures) and (d) (Access to Records) of 5 U.S.C. 552a:

1. Investigative Records System (DOT/FAA 815), maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions; the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, Headquarters, Washington, D.C.

The purpose of these exemptions is to prevent the disclosure of material authorized to be kept secret in the interest of national defense or foreign policy, in accordance with 5 U.S.C. 552(b)(1) and 552a(k)(1).

[FR Doc.76-16286 Filed 6-3-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 1 to Corrected Second Revised Service Order No. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 28th day of May, 1976.

Upon further consideration of Corrected Second Revised Service Order No. 1234 (41 F.R. 10227, 13593, 14520, and 15014) and good cause appearing therefor:

It is ordered, That:

§ 1033.1234 Distribution of freight cars.

Corrected Second Revised Service Order No. 1234 be, and it is hereby, amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 3, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. May 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17) 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne and William J. Love. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 76-16089 Filed 6-3-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on June 4, 1976.

§ 28.28 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of motorized boats and canoes, other motorized watercraft, engines, including chain saws, auxiliary power units, etc., is prohibited within the Kenai National Moose Range Canoe System, except that boats and canoes with outboard engines will be permitted on Moose River and Swanson River. The canoe system includes those lakes and their related shore areas, waterways, tributaries, and portages within the existing Swan Lake Canoe Route and Swanson River Canoe Route as described on maps available at Kenai National Moose Range Headquarters, Kenai, Alaska.

The use of airboats is authorized only on Skilak Lake, Tustumena Lake, the Kenai River and Kasilof River.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through May 31, 1977.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai, Alaska.

May 19, 1976.

[FR Doc 76-16216 Filed 6-3-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—MARINE MAMMALS

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Correction

In FR Doc. 76-15734 appearing on page 21782 in the issue of Friday, May 28, 1976 make the following change:

On page 21783, in the second column, the third line in the first full paragraph should have read: "(iii) outstanding as of May 30, 1976, be".

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 43h]

ENROLLMENT OF ALASKA NATIVES

Applications, Preparation and Approval of Roll

Notice is hereby given that it is proposed to amend Part 43h, Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations by revising various sections. This revision is proposed pursuant to the authority contained in Section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92–203, as amended and supplemented by the Act of January 2, 1976, 89 Stat. 1145, Pub. L. 94–204.

The purpose of this proposed revision is to amend the regulations governing preparation of a roll of Alaska Natives to permit the filing and review of applications for enrollment pursuant to the Act of January 2, 1976, supra.

It is proposed to amend § 43h.1 by revising the definitions of "Act" to include the Act of January 2, 1976, "Region" to include the 13th region and adding a definition of "adopted person".

An amendment is proposed to § 43h.4 to more accurately explain the differences between enrollment as a permanent resident or nonresident of Alaska.

A proposed revision in the language of § 43h.5 is required due to the establishment of the 13th region.

The proposed amendments to § 43h.6 reflect the new statutory deadline for filing applications, and provide for assignment of enumerators for both residents and nonresidents of Alaska. It is proposed to incorporate in § 43h.6(g) the exception regarding notices to regional and village corporations of applications of adopted persons, which was formerly in § 43h.13, and to add a new paragraph (h) to § 43h.6 regarding use of the most current address of record.

Proposed revisions are also made to Sections 43h.7 and 43h.8 to include exceptions formerly provided in § 43h.13 and to conform with provisions of the new legislation. It is proposed to amend the manner of service provided in § 43h.8 to relieve the individual appellant of the burden of service and proof of such service of an appeal.

A revision is proposed in § 43h.9 to provide for preparation of a corrected roll of Alaska Natives.

An amendment is proposed to § 43h.10 to reflect the current status of the 13th region established by Secretarial Order No. 2980.

A revision of § 43h.11 is proposed to more definitively reflect the status of persons enrolled in the Metlakatla Indian Community.

The exceptions to the regulations specified in § 43h.13 have been incorporated in other sections of the regulations through proposed amendments. Therefore, it is proposed to revoke and reserve § 43h.13. It is proposed to revise § 43h.14 to change the deadline for amending enrollment applications.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Commissioner of Indian Affairs, Washington, D.C. 20245, on or before July 6, 1976.

It is proposed to amend Part 43h of Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations as follows:

1. By revising paragraphs (a) and (j) of § 43h.1 and adding a new paragraph (o) to § 43h.1 to read as follows:

§ 43h.1 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92–203, as amended and supplemented by the Act of January 2, 1976, 89 Stat. 1145, Public Law 94–204.

* * * * * *

(j) "Region" means the geographic area covered by the operation of one of the 12 Native associations recognized in Section 7(a) of the Act, or its successor regional corporation, and includes the 13th region.

* * * * * *

(o) "Adopted person" means a person whose natural parents' parental rights have been terminated by court order and given to others to exercise.

2. By revising paragraphs (a) and (b) of § 43h.4 to read as follows:

§ 43h.4 Enrollment in regions.

(a) Permanent residents of Alaska: A Native permanently residing in Alaska on April 1, 1970, shall be enrolled in the region and village or other place in which he or she was a permanent resident on that date.

(b) Nonresidents of Alaska: A Native who is 18 years of age or older at the time of filing his or her application for enrollment and who, on April 1, 1970, was not a permanent resident of one of the regions in Alaska shall be enrolled according to the following order of priority:

(1) In the 13th region, if he or she so elects, or

(2) In the region where he or she resided on April 1, 1970, if he or she had resided there without substantial interruption for 2 or more years, or

(3) In the region where he or she previously resided for an aggregate of 10 years or more, or

(4) In the region where he or she was born, or

(5) In the region from which an ancestor came.

* * * * * *

3. By revising § 43h.5 to read as follows:

§ 43h.5 Enrollment in the 13th region.

A Native eligible for enrollment who is 18 years of age or older and who, on April 1, 1970, was not a permanent resident of Alaska shall on the date he or she files an application for enrollment, elect whether to be enrolled in the 13th region or in the region determined pursuant to § 43h.4(b). Such election shall apply to all dependent members of his or her household who are less than 18 years of age on the date of such election, but shall not affect the enrollment of anyone else. Eligible Natives, entitled to make such an election but who abstain from indicating their preference when they file their applications shall be enrolled in the appropriate region in Alaska pursuant to paragraphs (2) through (5) of § 43h.4(b).

4. By revising § 43h.6 and adding a new paragraph (h) to read as follows:

§ 43h.6 Applications for enrollment.

(a) All applications for enrollment shall be in writing on forms provided by the Bureau of Indian Affairs and shall be signed by or for the head of each household, spouse, and/or the dependent members of his or her household under 18 years of age. A separate application shall be completed and signed by or for other members of a household 18 years of age or older.

(b) Applications for adopted children or other minors not living with their parents, mentally incompetent persons, members of the Armed Services and/or any eligible members of their immediate families stationed outside the Continental United States, or persons who have died since December 18, 1971, may be filed by a sponsor on or before the deadline specified in this section. Applications for adopted children should be supported by copies of decrees of adoption, if available. Applications for deceased persons should be supported by copy of death certificate or other document which establishes the date of death.

(c) The application shall contain, among other information, the applicant's Social Security number, name, address, sex, date and place of birth, degree of Alaska Native Blood, permanent residence as of April 1, 1970, the village from which his or her ancestors came, and for a nonresident of Alaska, his or her selection regarding enrollment in the 13th region. Social Security numbers and cards will be issued by the Social Security Administration to those persons who do not have them.

(d) Completed applications must be submitted to the Enrollment Coordinating Office (Kaloa Building, 16th & "C" Streets), Pouch 7–1971, Anchorage, Alaska 99510, within one year from January 2, 1976.

(e) Residents of Alaska: An enumerator shall be assigned temporarily to each of the 12 Regional Corporations in Alaska to assist in the completion and submission of applications. Upon the request of a Village Corporation, provided there are five or more applications to be filed, an enumerator shall be sent to the village to assist in the completion and submission of applications. They shall also visit centers in urban areas to furnish assistance ain completion and submission of applications. Persons who are missed by the enumerators may apply to the Enrollment Coordinating Office by mail or in person.

(f) Nonresident of Alaska: (1) Enumerators shall be assigned or detailed temporarily to the following places to assist in completion and submission of applications by persons residing outside the State of Alaska:

(i) One enumerator to The 13th Regional Corporation;

(ii) One enumerator to the Bureau of Indian Affairs Seattle Liaison Office;

(iii) Enumerators in various urban localities where there is a heavy concentration of Natives.

(2) Persons who are missed by an enumerator or who reside in an area not served by an enumerator may apply to the Enrollment Coordinating Office by mail or in person.

(g) Notice to regional and village corporations: Each regional corporation shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents, within the region. Each village corporation shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents, within the village. The provisions of this section shall not be applied to the application of an adopted person.

(h) Use of address of record: All notices of action shall be sent to the most current name and address of record in an applicant's file. It is the responsibility of the applicant to advise the Enrollment Coordinating Office of any change of name or address.

5. By revising § 43h.7 to read as follows:

§ 43h.7 Determination of eligibility.

(a) Determinations of eligibility shall be made by decision of the Coordinator on the basis of information set forth in the application, records of the Bureau of Indian Affairs, village and tribal rolls and such other evidence as is available, including the submissions, if any, of the regional or village corporations.

(b) Each applicant shall be notified in writing of the decision. If such decision is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse as to enrollment or as to the region or village in which enrolled, the applicant or sponsor shall be notified by certified mail, return receipt requested, of the decision together with the reasons for the decision and of his or her right of appeal.

(c) Each regional corporation shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to persons enrolled or denied enrollment with that region. Each village corporation shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to persons enrolled or denied enrollment in that village. Except with respect to adopted persons the regional and village corporations shall be further notified of their rights to appeal such decisions and the reasons for acceptance or rejection of the enrollment application.

* * * * * *

6. By revising § 43h.8 to read as follows:

§ 43h.8 Appeals.

(a) Appeals by individuals from adverse decisions must be in writing and filed with the Enrollment Coordinating Office not later than 30 days after the date of receipt by certified or registered mail, return receipt requested, of the notice of the adverse decision or not later than 37 days after the date of mailing of such notice where certified or registered mail service to the individual is not available or where any notice is returned to the Coordinator in accordance with postal regulations. Appeals by regional and village corporations from the Coordinator's decisions must be in writing and filed with the Enrollment Coordinating Office notice sent by certified or registered mail, not later than 30 days after receipt of the return receipt requested, or not later than 37 days after the date of mailing of such notice where certified or registered mail service is not available or where any notice is returned to the Coordinator in accordance with postal regulations. A decision of the Coordinator on the application of an adopted person, as defined in § 43h.1(o), will not be subject to appeals by regional or village corporations, leaving such decisions subject to appeal only by the adopted person or his or her guardian or sponsor, if such adopted person is a minor.

(b) Each appeal from a decision on an application for enrollment shall be by petition, which shall state the bases and reasons for the appeal, and which shall include or be accompanied by all arguments, briefs, records, or other evidence which the appellant urges as grounds for reversal. No additional presentation will be allowed except upon a showing satisfactory to the Regional Solicitor.

(c) A copy of each appeal petition and its supporting documents filed by an applicant shall be served by the Coordinator upon the regional and/or village corporation whose region or village names appear on the decision appealed from. A copy of each appeal petition and its supporting documents filed by a regional corporation shall be served by the Coordinator upon the applicant for enrollment and upon the village corporation whose village name appears on the decision appealed from. A copy of each appeal petition and the supporting documents filed by a village corporation shall be served by the Coordinator upon the applicant for enrollment and upon the regional corporation for the region whose name appears on the decision appealed from.

(d) Service as provided for in paragraph (c) of this section shall be made by the Coordinator at the time an appeal is filed with the Enrollment Coordinating Office by delivering a copy of the appeal petition and supporting documents either in person or by certified or registered mail, return receipt requested. If certified or registered mail service to an addressee is not available, service may be made on that addressee by sending to that addressee a copy of the appeal petition and supporting documents by first class mail which is neither certified nor registered. Service will be considered to have been made at the time: (1) of acknowledgement; (2) of personal service; (3) of delivery by certified or registered mail, return receipt requested; (4) seven (7) days after the date of mailing by first class mail which is neither certified nor registered; or (5) seven (7) days after the date of mailing by certified or registered mail, return receipt requested, which is returned by the Postal Service undelivered. Within 15 days of filing the appeal petition with the Enrollment Coordinating Office, proof of service must be furnished to the Regional Solicitor by the Coordinator. This proof may be made by informing the Regional Solicitor in writing of the names of the parties served; whether service was made personally or by certified, registered, or first class mail which was neither certified nor registered; and the address, if mailed, to which copies of the appeal petition and supporting documents were sent.

(e) A party served with a copy of an appeal petition and supporting documents shall have 20 days from the date of service in which to file written views on the appeal with the Regional Solicitor.

(f) Upon receipt of an appeal petition, the Coordinator will forward the petition, with all records pertaining thereto, to the Regional Solicitor. Detremination on appeals will be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant and the appropriate village and regional corporation shall be notified in writing of the determination of the Regional Solicitor.

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7. By revising § 43h.9 to read as follows:

§ 43h.9 Preparation, certification, approval and amendment of the roll.

(a) The Alaska Native Roll shall be prepared by the Enrollment Coordinating Office, and shall contain for each enrolee his or her name, Social Security number, last known address, sex, date of birth, degree of Alaska Native blood or other basis for determining eligibility, permanent residence as of April 1, 1970, and the village and/or region in which he or she is enrolled.

(b) The roll approved December 17, 1973, subject to appeals and the legal determinations shall be maintained by the Enrollment Coordinating Office, and shall be amended from time to time as necessary to correct errors to show changes in names, addresses, place of enrollment, or other information entitled to recognition, to reflect determinations of eligibility and ineligibility, and for such other purposes as may be required.

8. By revising § 43h.10 to read as follows:

§ 43h.10 Establishment of a 13th Region.

(a) Effective October 1, 1975, by Secretarial Order No. 2980, there was established a 13th region for the benefit of Alaska Natives who are not permanent residents of Alaska and who elected to be enrolled therein. Order No. 2980 was issued pursuant to an order entered on December 30, 1974, in the consolidated cases entitled *Alaska Native Association of Oregon, et al.*, v. *Morton, et al.*, and *Alaska Federation of Natives International, et al.*, v. *Morton, et al.*, Civil Nos. 2133–73 and 2141–73, in the United States District Court for the District of Columbia, and as provided by Section 7(c) of the Act.

(b) Nonresidents of Alaska who are eligible for enrollment pursuant to applications submitted under authority of Section 1 of the Act of January 2, 1976, 89 Stat. 1145, Public Law 94–204, may be enrolled in the 13th region or in the appropriate region in Alaska as provided in § 43h.4.

9. By revising § 43h.11 to read as follows:

§ 43h.11 Metlakatla Community members.

No person who was enrolled in the Metlakatla Indian Community of the Annette Islands Reserve as of April 1, 1970, shall be eligible for enrollment under this Part.

§ 43h.13 [Reserved]

10. By revoking and reserving § 43h.13.

11. By revising § 43h.14 to read as follows:

§ 43h.14 Deadlines for amending enrollment applications.

Amendments to enrollment applications or amended applications filed pursuant to the Act of January 2, 1976, will not be considered originally or on appeal unless filed (received by the Enrollment Coordinating Office) on or before April 2, 1977. All such amendments or amended applications received subsequent to April 2, 1977, will be returned to the applicant without action.

THOMAS S. KLEPPE,
Secretary of the Interior.

MAY 28, 1976.

[FR Doc.76-16200 Filed 6-3-76;8:45 am]

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Proposed Opening of Cibola National Wildlife Refuge

Notice is hereby given that it is proposed that 50 CFR Part 33 be amended by the addition of the Cibola National Wildlife Refuge, Arizona, California, to the lists of refuge areas open for sport fishing, which are published at 50 CFR 33.4.

Pursuant to the authority of 16 U.S.C. § 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at D.M. 242.1.1, the Director may open refuge areas to public sport fishing upon a determination that it would be in accordance with provisions of all laws applicable to the area, would be compatible with the principles of sound fisheries management and would otherwise be in the public interest. As a general rule, most areas within the National Wildlife Refuge System are closed to sport fishing until officially opened by regulation. It is the purpose of this proposed rulemaking to allow sport fishing on the Cibola National Wildlife Refuge, which is presently prohibited.

Furthermore, pursuant to the requirements of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C), an environmental assessment has been prepared on this proposal which will help determine whether this rulemaking constitutes a major Federal action significantly affecting the human environment. A copy of this assessment is available at the address below.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue, SW, Room 9218, P.O. Box 1306, Albuquerque, NM 87103, by June 30, 1976.

Accordingly, it is proposed to amend § 33.4 in Title 50 of the Code of Federal Regulations by addition of the following:

ARIZONA AND CALIFORNIA
CIBOLA NATIONAL WILDLIFE REFUGE

Dated: May 25, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.76-16217 Filed 6-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO 333-A6]

GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Hearing on Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Notice is hereby given of a public hearing to be held June 24, 1976, in the Community Building, 21st Street and 14th Avenue, Vero Beach, Florida 32960, beginning at 10 a.m., local time, with respect to proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended, regulating the handling of grapefruit grown in the Indian River District in Florida.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement, as amended, and the order, as amended.

The proposed amendment, set forth below has not received the approval of the Secretary of Agriculture.

Proposed by the Indian River Grapefruit Committee:

PROPOSAL NO. 1

(1) Revise § 912.8 to read as follows:

§ 912.8 Carton or standard packed carton.

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (⅘) United States bushel of grapefruit, whether in bulk or in any container.

§ 912.41 [Amended]

(2) Amend § 912.41 by submitting the word "carton" for the word "box" wherever it appears in such section.

§ 912.50 [Amended]

(3) Amend § 912.50 by submitting the word "cartons" for the word "boxes" and "1,000" and "2,000", respectively, for "500" and "1,000" wherever they appear in such section.

PROPOSAL NO. 2

Revise paragraph (b) of § 912.32. As revised paragraph (b) of § 912.32 would read as follows:

§ 912.32 Procedure of committee.

* * * * *

(b) For any decision or recommendation with respect to regulations to be effective during any calendar week, except for a week following three or more weeks of continuous regulation, nine members shall constitute a quorum and

nine concurring votes shall be required. The quorum necessary to make a recommendation for regulation for any week immediately following three or more continuous weeks of regulation shall be twelve members and twelve concurring votes shall be required. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

* * * * *

Proposed by Mr. Bernard A. Egan, President, D-N-E Sales, Inc., Ft. Pierce, Florida:

PROPOSAL NO. 3

Revise § 912.25 to provide that handler members of the Indian River Grapefruit Committee be apportioned between handlers affiliated with cooperative marketing organizations and handlers not so affiliated upon the basis of the relative amounts of grapefruit handled.

Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service:

PROPOSAL NO. 4

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Lakeland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Florida Citrus Mutual Building, P.O. Box 9, Lakeland, Florida 33802 or from the Hearing Clerk, Room 112A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C. on June 1, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-16267 Filed 6-3-76;8:45 am]

[7 CFR Part 914]

HANDLING OF ORANGES GROWN IN THE INTERIOR DISTRICT OF FLORIDA

Proposed Rulemaking With Respect to Termination of Marketing Agreement and Order

Notice is hereby given that the Secretary of Agriculture is considering termination of marketing agreement and Order No. 914 (7 CFR Part 914). The marketing agreement and order (hereinafter referred to as "order") authorize the regulation of the handling of oranges grown in the Interior District of Florida. The order, effective since November 3, 1970, was issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The program has been inactive since 1972. A U.S. District Court ruled that the referendum in connection with the promulgation proceedings was not in accordance with law. There has been little interest in reactivating the order in recent years.

Pursuant to Section 8c(16)(A) of the Act (7 U.S.C. § 608c(16)(A)), it is being considered that the agreement and order no longer tend to effectuate the declared policy of the act; and that both the agreement and the order should be terminated.

The committee's assets consist of approximately $3,600 in unexpended assessment funds. The excess assessment funds accrued during the years 1970 through 1972. Consideration is being given to refunding this money to handlers. In case any funds cannot be so distributed, consideration is being given to distributing such remaining funds to the University of Florida's Agricultural Research and Education Center, Lake Alfred, Florida, for research on oranges.

It is contemplated that with the termination of the order, and the disposition of the funds on hand, the then functioning committee members and alternates will be discharged from further responsibility under the order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 1, 1976. All written submissions will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 1, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-16269 Filed 6-3-76;8:45 am]

[7 CFR Part 989]

[Docket No. AO 198-A8]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California.

Interested persons may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by June 21, 1976.

The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. This proposed amendment of the marketing agreement and order was formulated on the record of a public hearing held at Fresno, California, March 9, 1976. Notice of the hearing was published in the February 23, 1976, issue of the FEDERAL REGISTER (41 FR 7956). The proposals contained in the notice of hearing were submitted by the Raisin Administrative Committee.

Material issues. The material issues of record are as follows:

(1) Abolish the Raisin Advisory Board and the Raisin Administrative Committee and establish a new Raisin Administrative Committee and an Executive Operations Committee.

(2) Change the definition of the term "crop year" to mean the 12-month period beginnning with August 1 of any year and ending with July 31 of the following year in lieu of the present crop year of September 1 through August 31.

(3) Change the volume regulation system to provide more flexibility in allocating free tonnage; and provide for sales to handlers by the committee of reserve tonnage for use as free tonnage to augment the free tonnage released by the free percentage.

(4) Require the committee to consider a marketing plan for reserve raisins each year and change the date by which the committee must dispose of reserve tonnage of the previous crop year from November 1 to May 1 of the subsequent crop year.

(5) Provide that the committee may replace free tonnage raisins sold in reserve tonnage outlets at any time prior to the first offer of reserve tonnage from a new crop year rather than requiring such offer can be made only after September 1.

(6) Provide that a change of marketing conditions may be used as a basis for selling reserve tonnage raisins to handlers to sell as free tonnage.

(7) Make such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

(1) Sections 989.26 through 989.52 of the marketing agreement and order (hereinafter, in this text of the Findings and conclusions, collectively referred to as the "order") contain provisions relating to establishment, membership (including changes in membership), terms of office, nomination, selection, powers, duties, procedure, and such other provisions as are necessary for establishment and operation of the Raisin Advisory Board and the Raisin Administrative

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Committee. The order should be amended to abolish the Raisin Advisory Board and the Raisin Administrative Committee as they are now established under the order. In lieu of these bodies, a new Raisin Administrative Committee and an Executive Operations Committee should be established.

When the order was promulgated in 1949, a Raisin Advisory Board was established to advise the Raisin Administrative Committee. The Raisin Administrative Committee has responsibility for operation and administration of the order, and includes mmebers from all segments of the industry. The industry has concluded that the Advisory Board is superfluous because it tends to duplicate committee discussions and the advisory aspects of the Board are no longer necessary.

The record evidence indicates that the industry desires to retain a broad industry-wide base for decision making. Thus, a new Raisin Administrative Committee (hereinafter referred to as the "Committee") should be established consisting of 47 members (and their alternates). It is believed that the committee with a membership of this size is administratively practicable. The record indicates that this committee should assume the powers and duties of the former board and retain most of the powers and duties of the present committee. Therefore, most of the provisions of the order currently applicable to the board would be made applicable to the new enlarged committee and would be carried forward in the amended order with little or no change, apart from minor editorial revisions and rearrangement of the sequence of order provisions. The sole substantive change would be creation of an Executive Operations Committee as discussed in this material issue.

The order should be amended to provide for definition and establishment of an Executive Operations Committee. This should be a 15-member (with alternate members) group selected from among the members of the committee. This smaller body would be vested with the power to receive, investigate, and report to the Secretary, complaints of violations of the order and to perform such other functions as are assigned by the committee. Functions assigned to the Executive Operations Committee by the committee would be essentilaly administrative in nature, it being intended that the committee retain all policy-making functions. The committee should be empowered to over-rule any action taken by the Executive Operations Committee. The evidence of record indicates that disagreement or conflict between the two bodies is not likely and, indeed, would rarely occur.

Accordingly, in order to effectuate the foregoing, § 989.26 of the current order providing for the establishment and membership of the Raisin Advisory Board should be revised and made applicable to the new committee. This section should be revised to provide for a committee consisting of 47 members. The make-up of the new committee would be the same as is now applicable to the board under the current order and currently effective administrative rules and regulations. However, the number of members would be increased from 46 members to 47 members. The additional member would be a public member who should be nominated by the committee and selected by the Secretary. The proponents indicated that the industry would likely benefit from the judgment and knowledge that a public member could contribute to industry decisions; in addition, such member could be instrumental in the enlightenment of the general public with respect to the nature and operation of the raisin marketing order.

The following sections of the current order applicable to the Raisin Advisory Board should be made applicable to the new Raisin Administrative Committee. There are slight revisions chiefly changing the word "board" to "committee", but no substantive changes unless noted:

(a) Section 989.26b, "Changes in producer representation", should be amended and become § 989.26a of the amended order.

(b) Section 989.26a, "Changes in handler representation", should be amended and become § 989.26b of the amended order.

(c) Section 989.26c, "Changes in dehydrator representation", should be appropriately amended to reflect the proposed change.

(d) Section 989.27, "Eligibility", should be appropriately amended to reflect the proposed change.

(e) Section 989.28, "Term of office," should be appropriately amended to reflect the proposed change.

(f) Section 989.29, "Initial members and nomination of successor members," should be appropriately amended to reflect the proposed change. The record evidence indicates that those persons who are serving as members and alternate members on the Raisin Advisory Board when the amended order becomes effective should automatically become the members and alternate members of the new Raisin Administrative Committee and those serving on the current Raisin Administrative Committee should become members of the Executive Operations Committee. Since all such members were elected by members of the particular group they represent and all were selected by the Secretary, there would be no need to re-elect and re-select a new committee. However, because there is no public member (and alternate) on the current board, it would be necessary that such member (and alternate) be elected and selected when the amended order becomes effective.

(g) Section 989.30, "Selection," should be amended to provide for selection of a public member. It should also add a reference to new § 989.26c regarding changing dehydrator representation.

(h) Section 989.31, "Failure to nominate" need not be changed.

(i) Section 989.32, "Acceptance," should be appropriately amended to reflect the proposed change.

(j) Section 989.33, "Alternate members," need not be changed.

(k) Section 989.34, "Vacancies," should be appropriately amended to reflect the proposed change.

(l) The provisions for calling meetings of the Board are currently contained in § 989.35. These provisions should be included in new § 989.38, "Procedure." Section 989.35 of the amended order should be entitled "Powers," and contain the powers currently contained in § 989.49, with one exception. In the current order, § 989.49(c) provides that the Raisin Administrative Committee shall have the power to receive, investigate and report to the Secretary, complaints of violations of this part. This power would be a power of the new Executive Operations Committee and would be included in § 989.51 of the amended order.

(m) Section 989.36, "Duties," should be amended to contain those duties currently contained in § 989.50, with minor changes. In § 989.50(a) of the Raisin Administrative Committee's duties, the committee is required to act as an intermediary between the Secretary and any producer, packer, dehydrator, or processor. The record indicates that the committee should also act as an intermediary between the Secretary and any cooperative bargaining association. Therefore, § 989.36(a) should include cooperative bargaining associations.

Section 989.50(g) of the Raisin Administrative Committee's duties requires it to cause the books of the committee to be audited by certified public accountants at least once each crop year. There have been instances in the past where this requirement has raised administrative problems. Reserve pool sales and shipments do not normally conform with a crop year. When a reserve pool operation extends beyond the end of a crop year, an interim audit at the close of the crop year is required, and then an additional audit is necessary when the pool is closed. If it is apparent that a pool will be closed within a reasonably short time after the end of a crop year, it is reasonable to avoid the additional cost of such interim audit. The revision in this requirement would provide for such event.

Paragraph (j) of current § 989.50 prescribes the committee duties regarding compliance activity. Since this duty would be made the responsibility of the new Executive Operations Committee, it should not be included in § 989.35. Section 989.36 of the current order specifies the duties of the Raisin Advisory Board. The duties regarding nominations and certifications of nominations would be assumed by the new committee and should be included in paragraph (j) of § 989.36. Those duties dealing with making recommendations on marketing policy and free and reserve percentages would be deleted as unnecessary duplication because the committee is already required to recommend such things to

the Secretary under the volume regarding provisions of the order.

(n) At this point, § 989.51, "Obligation", should be renumbered § 989.37 in the amended order and a new § 989.38, "Procedure", should be added to the amended order. The new § 989.38 combines present §§ 989.35, 989.37, 989.52, with two minor changes. One change increases the quorum requirement by one member to take into account the increase in the number of committee members over current membership. The second change deletes authorization for voting by mail or telegraph. The 47-member committee would make mail or telegraphic voting impracticable because of its size. It is intended that the committee must have an assembled meeting to conduct any business.

(o) Many of the current order provisions relative to the Raisin Administrative Committee would be carried forward into the amended order and made applicable to the new Executive Operations Committee. Some minor changes are recommended and some rearrangement and renumbering appear necessary for continuity. Section 989.39 of the current order relates to the establishment and membership of the Raisin Administrative Committee. In the amended order, this section (§ 989.39) would be titled "Compensation and expenses" and be applicable to the new Raisin Administrative Committee and the Executive Operations Committee. The content of the new § 989.39 would be that of the current § 989.48.

(p) The provisions applicable to the current Raisin Administrative Committee should be made applicable, with some minor editorial and conforming changes, to the new Executive Operations Committee. The provisions should be contained in amended § 989.43, Establishment and membership; § 989.43a, Changes in producer representation; § 989.43b, Changes in handler representation; § 989.43c, Changes in dehydrator representation; § 989.44, Term of office; § 989.45, Nomination; § 989.46, Selection; § 989.47, Failure to nominate; § 989.48, Acceptance; § 989.49, Alternate members; § 989.50, Vacancies; § 989.51, Powers; and § 989.52, Duties.

The amended § 989.43 would, except for changes made by rulemaking, be the same as current § 989.39; new §§ 989.43a, 989.43b, and 989.43c, respectively, would be the same as current §§ 989.39b, 989.39a, and 989.39c, respectively; amended § 989.44 would be the same as current § 989.41; amended § 989.45 would be the same as current § 989.42; new § 989.46 would be the same as current § 989.43; amended § 989.47 would be the same as current § 989.44; amended § 989.48 would be the same as current § 989.45; amended § 989.49 would be the same as current § 989.46; and amended § 989.50 would be the same as current § 989.47.

The powers and duties of the new Executive Operations Committee would be contained in §§ 989.51 and 989.52, respectively. The powers and duties of the current committee are contained in §§ 989.49 and 989.50, respectively, and should be modified as discussed earlier in this material issue, and made applicable to the Executive Operations Committee.

It should be noted that the current order contains a § 98.40 which prescribes eligibility requirements for committee membership. This section should be deleted. No special eligibility requirements are recommended for members and alternate members of the new Executive Operations Committee since members and alternates of this group must come from the members and alternate members of the Raisin Administrative Committee who would possess all necessary qualifications.

With regard to eligibility requirements, it should also be pointed out that no eligibility requirements would be prescribed for the public member and alternate member on the new Raisin Administrative Committee, other than that such member and alternate should be persons who can fairly represent the public and are not involved in the production or marketing of raisins.

In abolishing the Raisin Advisory Board, it would become necessary to make certain conforming changes in some other section of the order. Section 989.18 of the current order should be revised to define the new Raisin Administrative Committee. Section 989.19 of the current order should be revised to define the new Executive Operations Committee. Section 989.22 of the current order should be amended to conform the references to the amended order provisions. Section 989.79 should be amended to delete a reference to the current Raisin Advisory Board. A conforming change should be made in § 989.85 to include members and alternate members of the Executive Operations Committee. Section 989.95 should be amended to delete a reference to the Raisin Advisory Board and a conforming change made to include members and alternate members of the Executive Operations Committee. Section 989.96 Exhibit A should be revised to delete reference to the Raisin Advisory Board in the caption and the reference to § 989.26b should be revised to § 989.26a.

(2) Section 989.21 of the order should be amended to define the crop year to mean the 12-month period beginning with August 1 of any year and ending with July 31 of the following year. At present, the crop year is defined as the 12-month period beginning with September 1 of any year and ending with August 31 of the following year. Under the current crop year system, some problems have been encountered with respect to raisins which are produced in the month of August. Historically, some quantities of Golden Seedless raisins and what, prior to the 1975–76 crop year, were known as "Soda Dipped" raisins have been produced during August. In more recent years, in Southern California, some raisins of the natural Thompson Seedless varietal type have been dried on the vines during August. On September 1, 1975, a new varietal type of raisin, Dipped Seedless, was added to the list of varietal types of raisins by rulemaking. This varietal type includes all raisins produced from grapes which are sprayed with, or dipped in, water, with or without a chemical additive, after such grapes have been removed from the vines and which are sun-dried or artificially dehydrated. (The new varietal type includes "Soda Dipped" raisins.) Dipped Seedless raisins can and are being produced in the month of August. In the 1975–76 crop year, application of certain order requirements, particularly volume regulation, to those raisins produced in August created problems and confusion. The evidence of record is that changing the crop year would help eliminate these difficulties. A conforming change should be made in § 989.91(c) to change the date contained in the proviso at the end of this paragraph from August 31 to July 31.

(3) Section 989.54(a) should be amended to require that on or before August 15 of each crop year the committee shall make known the quantity of any varietal type of raisins (for which volume regulation may be proposed) which will be made available as free tonnage to handlers. This section should also be amended to specify that the desirable carryin inventory for natural Thompson Seedless raisins on August 1 shall be 35,000 tons.

Inclusion of a minimum desirable carryin quantity (35,000 tons) for natural Thompson Seedless in the recommended § 989.54(a) was not included in the proposal contained in the notice of hearing. Since a carryin inventory figure must be used in the calculation of free tonnage each year, this figure should be included in § 989.54(a). The hearing record evidence indicates that a minimum carryin for this varietal type is needed to fill market needs until new crop raisins are available (in October). The 35,000 tons recommended by the proponents appears ample based upon historical data of shipments of this varietal type in past years. However, no figure for desirable carryin is proposed to be included in § 989.54(a) for any other varietal type of raisins. At the hearing there was discussion of including a minimum desirable carryin of 750 tons for Dipped Seedless raisins. Since this is a relatively new varietal type of raisin, the absence of historical data available on production and shipments makes a firm conclusion difficult. For this reason it could work a hardship on producers and handlers of Dipped Seedless raisins if a quantity for desirable carryin is included in § 989.54(a); thus none is recommended or included in that section.

Under the current order, a desirable free tonnage for any varietal type of raisin for which a free tonnage percentage may be designated is recommended by the committee on or before September 10 and may thereafter be designated by the Secretary through rulemaking. Following such designation, a production estimate is made in October and a free

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percentage is designated by the Secre-

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sins in the prior crop year. He would thus

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percentage is designated by the Secretary which makes free tonnage available to handlers. Any difference between the free percentage and 100 percent is the reserve tonnage percentage. Thus, the free tonnage quantity released to each handler is a percentage of his acquisitions. This regulatory approach has caused certain problems within the industry in that all handlers do not have identical markets. Thus, the free tonnage allocation which is sufficient to satisfy market needs as a whole, may result in some handlers having excess inventory while others are short.

To afford more flexibility and provide a mechanism whereby handlers may adjust their inventory positions and adjust to changes in their marketing, the free tonnage allocation for a varietal type of raisin upon which volume regulation may be made effective for a crop year would be determined in the following manner. The base for determining the free tonnage for a crop year would be 90 percent of the free tonnage shipments during the preceding crop year. In any year following a year when free tonnage shipments were limited by abnormal circumstances (e.g., short supply, acts of God, civil commotion, strikes), the committee could use the highest free tonnage shipments of any one of the prior three years as a base. In the case of natural Thompson Seedless raisins, the base figure would be 90 percent of the prior year's shipments adjusted for carryin (upward or downward from 35,000 tons) by the actual carryin inventory—e.g., if carryin is 40,000 tons, the base would be reduced 5,000 tons. If the carryin is 30,000 tons, the base would be increased 5,000 tons. The reason for setting free tonnage at 90 percent of the prior year's shipment is to avoid oversupplying the free tonnage market early in the season, but more importantly to allow handlers who are holding excess free tonnage acquired in the prior year to adjust their inventory status. The derived figure would then be the free tonnage which would be released to handlers by designation of the free tonnage percentage. Under the current order, a "desirable free tonnage" is designated by rulemaking. Under the amended order, no rulemaking would be required to establish the free tonnage quantity in that the component figures used are exact figures and the determination of the free tonnage thereby becomes a mathematical certainty. Elimination of the "desirable free tonnage" concept makes necessary conforming changes to delete the word "desirable" in §§ 989.66(g) and 989.67(c).

No substantive change would be required to be made in § 989.54(b) which prescribes the method whereby free and reserve percentages are recommended by the committee. Some minor editorial changes would be required to conform this paragraph with the recommended new regulatory mechanism in § 989.54 (a).

A conforming change, required by the changes contained in Material Issue (1) of this recommended decision, would be needed to change the last word in paragraph (c) of § 989.54 from "board" to "committee".

Paragraphs (d) and (e) of current § 989.54 should be retained in the amended order with no changes. However, these paragraphs should be redesignated as paragraphs (e) and (f), respectively, of that section in the amended order.

A new paragraph (d) should be added to § 989.54 to provide that on or before November 15 of a crop year, the committee shall offer to sell to handlers a quantity of reserve tonnage raisins for use as free tonnage equal to 20 percent of the shipment of free tonnage raisins of that varietal type in the preceding crop year. This is intended to augment the supply of free tonnage raisins released by the initial free tonnage percentage. This would be accomplished by the committee making two offers of reserve tonnage to handlers. These offers would be made on or before November 15, or if the field price for a varietal type of raisin has not been established, not more than 15 days following the date of its establishment. Each of the two offers would consist of a quantity of raisins equal to 10 percent of the shipments during the preceding crop year of free tonnage of that varietal type.

On an industry-wide basis, the first offer of 10 percent of the previous year's shipments is intended as an "adjustment" offer to make available sufficient tonnage to the handlers to enable them, if they so desire, to acquire a quantity of raisins equal to their previous year's shipments. The second offer of 10 percent of the previous year's shipments is intended as a "growth" offer to provide any handler with additional raisins for market expansion. The evidence of record indicates that the first, or "adjustment" offer should be allocated to handlers on the basis of their prior year's acquisitions. The second, or "growth" offer should be allocated to handlers on the basis of their prior year's shipments. Each of these offers would remain open for five business days. Upon expiration of the five days a reoffer of any unsold tonnage from the original offers would be made, allocated to handlers on the basis of their purchases from the original offers, to be open for two business days. Upon expiration of the two days, a second reoffer of any unsold tonnage, allocated to handlers on the basis of their purchases in the first reoffer would be made and would be open for two business days. At the close of the second reoffer, any remaining tonnage would be offered on a first-come, first-served basis to those handlers who had bought their full allocations in the original offer and the two reoffers. The question arises as to how long the first-come, first-served offers should remain open. Since the reoffers are open for two-day periods, it would appear to be appropriate that the first-come, first served offers should be open for two-day periods.

It could happen that a handler had made no acquisitions or shipment of raisins in the prior crop year. He would thus have no historic basis upon which to participate in the "adjustment" or "growth" offers of reserve tonnage. In such event, a new handler's allocation should be based upon his acquisitions in the current crop year up to the time the first offer is made. The evidence of record indicates that such a new handler should be able to participate in the "adjustment" offer. However, he would have no need to participate in the "growth" offer in that his acquisitions would have been based upon his estimate of his total requirements for the year. For purposes of determining the allocation of all handlers, those acquisitions of such new handler would be added to the total acquisitions of all handlers during the preceding crop year. It is also intended that a new handler may participate in any reoffers of unsold tonnage and any first-come, first-served offer made from the "adjustment" offer.

In the notice of hearing, it was proposed that the price at which the "adjustment" and "growth" tonnage should be sold be the established field price plus the estimated Raisin Administrative Committee costs incurred on the raisins plus $20 per sweatbox ton. At the hearing, the proponents testified that this $20 per ton should be changed to 3 percent of the field price. Since field prices may change from year to year, it is more practicable to use a percentage rather than a flat dollar rate. There was much discussion and several different points of view expressed as to the inclusion of this 3 percent. Some proposed a higher rate while others opposed inclusion of any charge at all. The proponents testified that under the current order instances had occurred where handlers acquired free tonnage raisins for which they had no market needs. Since the free tonnage allocation was intended to provide sufficient raisins for the industry as a whole, these handlers could then resell their excess free tonnage to other handlers at inflated prices. The evidence of record is that a charge of 3 percent, though small, would be sufficient disincentive to discourage this practice and thus serve to make raisins available to handlers who are active in the market and actually need and have outlets for the raisins. The absence of such a charge might induce some handlers to defer making their acquisitions of raisins from producers early in the season and wait until the committee offered reserve tonnage for use as free tonnage. Inactivity on the part of buyers early in the season could weaken field prices and create or contribute to disorderly marketing conditions. A witness who stated that he represented 70 to 75 percent of the Dipped Seedless raisin industry requested the 3 percent not be included in the pricing of reserve tonnage of that varietal type which might be sold to handlers for use as free tonnage because it serves no purpose. However, the equity holder in a reserve pool of Dipped Seedless raisins is often not the one who produced the grapes which were dehydrated.

The 3 percent charge is recommended as a method whereby raisins will be made available to the handler who has the market. It is an attempt to avoid a problem whereby handlers could acquire free tonnage raisins for which they may have no outlets and later offer them to other handlers at a premium. This could happen to Dipped Seedless raisins as well as to any other varietal type of raisin. It was also contended that the 3 percent would accrue to the handlers. However, under the current order, proceeds from the sale of reserve raisins are distributed on the basis of equity in the reserve tonnage pool.

If field prices for a varietal type of raisin change, it is intended that the 3 percent charge be calculated prior to the offer from the average of field prices prior to the date of the offer.

Testimony was included in the record proposing a volume regulation consisting of a one-pool system, that is, free tonnage which would supply all markets (domestic and export) with excess production held in reserve. Provision would be made to augment the salable pool by selling handlers raisins from the reserve, under prescribed conditions which would avoid oversupplying the market. The advocate of this approach contended the present order and the proposed volume regulation mechanism are "too-fisted" and withhold needed tonnage from the domestic market. The witness indicated he was not specifically opposed to the volume regulation mechanism proposed by the Raisin Administrative Committee, but rather that the proposed program was too restrictive. The volume regulation mechanism recommended in this recommended decision would provide for a quantity of free tonnage raisins which, if handlers take the maximum quantities made available, would be 110 percent of the previous year's shipments of free tonnage. In addition, the order provides for sale of reserve tonnage for free tonnage use when free tonnage shipments during the first 10 months of a crop year exceeds shipments of the comparable period of the prior year by more than 5 percent, limited to that quantity exceeding 105 percent of the prior year. Furthermore, if the carryover of free tonnage raisins into a new crop year is inadequate, additional quantities of reserve tonnage raisins (if available) may be sold to handlers for use as free tonnage. Thus, the recommended amendment of § 989.54 should result in more flexibility in tailoring the free tonnage raisin supply to both the markets to be supplied and to the individual handler's marketing needs and should be less restrictive than the current program.

Some representatives of the Dipped Seedless segment of the raisin industry testified that the current order and the proposed amendment may be too restrictive and there should be no volume regulation made applicable to Dipped Seedless raisins.

For the reasons stated in the preceding paragraph, the more flexible and responsive volume regulation mechanism recommended can be made applicable to any varietal type of raisin in the event such regulation is deemed necessary to effectuate the declared policy of the act.

(4) Section 989.67(a) should be amended to: Provide that the committee shall consider the marketing of reserve tonnage raisins for the subsequent 12-month period at the time the committee meets to consider free and reserve percentages; and to change the date by which any unsold reserve tonnage raisins of a preceding crop year held by the committee must be disposed of to May 1 of the subsequent crop year.

Paragraph (a) of § 989.67 of the current order contains general provisions applicable to the disposition of reserve tonnage raisins and, among other things, requires the committee to dispose of all reserve tonnage raisins in such a manner as to achieve, as nearly as practicable, complete disposal of such raisins by November 1 of the subsequent crop year.

Raisin handlers selling reserve tonnage in export must make marketing projections months in advance of the actual processing, packing, and shipping of those raisins to buyers. In recent years, there have been periods of time in which the committee, reflecting industry thinking, released reserve tonnage to handlers by means of making offers of small quantities of raisins for short periods of time. One reason for this approach was the uncertainty of supply and the pricing of competitive tonnage from foreign production. In addition, complex incentive programs, usually offered on a yearly basis, were many times adversely affected by short term actions and overall sales may have been inhibited. Proponent testimony indicated that such procedure may have prevented handlers from developing realistic marketing programs for the export market. The evidence of record indicates that industry feels that releases of larger quantities of reserve tonnage at reasonable prices will result in improved export marketing. It is not intended that this be considered a marketing policy for reserve tonnage raisings, nor that it result in a formal written plan requiring any action by the Secretary. The evidence of record indicates that the committee should consider marketing of reserve tonnage raisins at the time it meets to consider free and reserve percentages, which, under § 989.54 must be no later than February 15.

A clarifying change in the wording from that contained in the first sentence of current § 989.67(a) is also recommended.

The current sentence requires the committee to make "complete disposal" of all reserve tonnage raisins carried over from a preceding crop year by November 1 of the subsequent crop year. This phrase should be amended to read, "maximum disposal" to provide more flexibility in the disposition of reserve tonnage raisins. This same phrase appears in subparagraph (1) of § 989.67(d) and as a conforming change, it should also be changed in that subparagraph.

Section 989.67(a) and (d)(1) also require disposition of reserve raisins of a crop year by November 1 of the subsequent crop year. This is a time in the year when raisin shipments are greatest but before the size and conditions of the new crop are known with certainty. Furthermore, disposition by that date makes export market planning difficult. The evidence of record indicates that the date by which such disposition should be required should be changed to the following May 1. This date is beyond the time when frost damage might occur, thus obviating the possibility of disposing of reserve tonnage and then being short of both reserve and free tonnage in the subsequent crop year. In addition, since by that date raisin production is those countries in the southern hemisphere (mainly Australia and South Africa) is known, export market planning can be done on a sounder basis.

(5) Section 989.67(f) of the order should be amended to provide that the committee may replace all or any portion of all handlers' exports of free tonnage raisins to other than free tonnage outlets, at any time prior to the committee's first offer to sell reserve tonnage raisins from a new crop year.

The current order provision provides for replacement but permits such replacement only after September 1. The recommended amendment would remove this date.

The current provision was designed to take care of a circumstance when there is a demand for raisins in the export market near the end of a crop year but there is no reserve tonnage available, while handlers have quantities of free tonnage which could be used to satisfy that export demand. In such event, handlers are generally reluctant to use their free tonnage for export because they would be unable to replace the free tonnage. Thus, sales might be lost even though raisins were held in inventory. Since the current order provisions permit replacement offers to be made only after September 1, the benefits that could result from use of this provision are unnecessarily minimized. This date should be removed from the order to permit needed flexibility, thus maximizing industry benefits that could result from use of this provision.

(6) Section 989.67(j) of the order should be amended to provide that the committee may sell reserve tonnage raisins of any varietal type to handlers to provide them with raisins to sell as free tonnage in the event of changes in marketing conditions.

Section 989.67(j) currently authorizes the committee to sell reserve tonnage raisins to handlers to provide them with raisins to sell as free tonnage in the event (among others) of a "major change of economic conditions". This phrase should be changed to read "change of economic or marketing conditions". The evidence of record indicates that this change will facilitate committee flexibility in selling reserve

shall be selected, the number of handlers

Board serving immediately prior to the members. One or more eligible handlers

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tonnage raisins to handlers for use as free tonnage if the committee concludes that industry promotion or other factors should result in additional demand for free tonnage raisins. For example, the raisin industry has a State marketing order which conducts advertising on raisins. This activity could greatly influence the marketing of raisins and might substantially increase the demand for raisins, thereby shorting free tonnage supplies. This would constitute a change in marketing conditions and would justify a committee decision to sell reserve tonnage to handlers for use as free tonnage. While it is difficult to estimate with precision each and every factor which might cause change in economic or marketing conditions, the general intent is to provide the industry with flexibility to meet increased market demand for free tonnage raisins by augmenting the supply from reserve tonnage when conditions warrant.

(7) Some of the amendatory actions included in this recommended decision require conforming changes elsewhere in the order, as amended. Such changes have been discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed April 1, 1976, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing.

Briefs and proposed findings and conclusions were filed on behalf of certain interested persons. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as hereby proposed to be amended, regulate the handling of raisins produced from grapes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as hereby proposed to be amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of raisins produced from grapes grown in the production area, as defined in the marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 989.18 is revised to read:

§ 989.18 Committee.

"Committee" means the Raisin Administrative Committee established under § 989.26.

2. Section 989.19 is revised to read:

§ 989.19 Executive Operations Committee.

"Executive Operations Committee" means the Executive Operations Committee established under § 989.43.

3. Section 989.21 is revised to read:

§ 989.21 Crop year.

"Crop year" means the 12-month period beginning with August 1 of any year and ending with July 31 of the following year.

4. Section 989.22 is amended to read:

§ 989.22 District.

"District" means any one of the geographical areas referred to in §§ 989.26 or 989.43, and specified in § 989.96.

5. The center heading, "Raisin Advisory Board" appearing between §§ 989.25 and 989.26 is changed to read, "Raisin Administrative Committee".

6. Section 989.26 is amended to read:

§ 989.26 Establishment and membership.

A Raisin Administrative Commitee is hereby established consisting of 47 members, of whom 35 shall represent producers, nine shall represent handlers, one shall represent dehydrators, one shall represent the cooperative bargaining association(s), and one shall be a public member. The producer members shall be selected in the number and for the districts as designated in § 989.96, or as such number or districts may be authorized pursuant to § 989.26a. The handler members shall include the following:

(a) One member selected from and representing handlers doing business as cooperative marketing associations or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year;

(b) two members selected from and representing the three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year;

(c) two members selected from and representing the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year;

(d) two members selected from and representing the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and

(e) two members selected from and representing all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

The dehydrator member shall be selected from dehydrators as provided in § 989.29(b)(4). The bargaining association member shall be selected from the cooperative bargaining association(s). The public member shall be nominated by the committee and selected by the Secretary as a public member. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

7. Section 989.26a is amended to read:

§ 989.26a Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee, may change the number of districts designated in § 989.96, may redefine such districts into which the production area is divided, or may change the number of producer members which shall be selected to represent particular districts. In making any such change consideration shall be given to such factors as geographical shifts in the numbers of producers and in raisin production within the area.

8. Section 989.26b is amended to read:

§ 989.26b Changes in handler representation.

The Secretary, on recommendation of the committee, may change the total number of handler members on the committee, the handler size groups set forth in § 989.26 from which handler members

shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such size group. In making any such change, consideration shall be given to such factors as changes in the numbers of handlers, relative raisin acquisition positions of handlers, and their similarity of interests in the handling of raisins.

9. Section 989.26c is amended to read:

§ 989.26c Changes in dehydrator representation.

The Secretary, on recommendation of the committee, may change the number of dehydrator members on the committee or may discontinue dehydrator representation on the committee. In making any such change or discontinuing dehydrator representation, consideration shall be given to such factors as total number of dehydrators currently operating, the number of dehydrators operated by raisin packers, and the extent to which the interest of dehydrators is adequately served by other members on the committee.

10. Section 989.27 is amended to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the committee who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: Provided, That, any handler eligible to represent a particular size group shall continue to represent for the entire term the size group for which he was selected. The committee shall certify during April of each crop year each member's and alternate member's eligibility to continue to serve on the committee.

11. Section 989.28 is amended to read:

§ 989.28 Term of office.

(a) Producer members. The term of one-third or approximately one-third of the producer members and producer alternate members of the committee shall end on April 30 each year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The producer members and producer alternate members of the committee shall serve for terms of 3 years beginning May 1 and ending April 30 of the third following year.

(b) Handler, dehydrator, cooperative bargaining association and public members. The handler, dehydrator, cooperative bargaining association and public members, and their respective alternates, shall each serve for terms of 1 year, beginning May 1 and ending April 30 of the following year, but each shall continue to serve until his respective successor is selected and has qualified.

12. Section 989.29 is amended to read:

§ 989.29 Initial members and nomination of successor members.

(a) Initial members. Members and alternate members of the Raisin Advisory Board serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, serve on the committee for their specified terms of office and until their respective successors have been selected and have qualified.

(b) Nomination for successor members. Nominations for successor members and alternate members of the committee shall be made as set forth in subparagraphs (1) to (6) of this paragraph.

(1) The committee shall give reasonable publicity of a meeting or meetings of producers, handlers and dehydrators, and if applicable, cooperative bargaining association(s), for the purpose of making nominations for member and alternate member positions to be filled on the committee: Provided, That with respect to producer members and producer alternate members, a meeting or meetings shall be held in each district for which nominations are to be made to fill producer member and producer alternate member positions on the committee: And provided further, That member and alternate member nominations of handlers, dehydrators, and cooperative bargaining association(s) may be made to the committee by mail in lieu of meetings.

(2) Only producers as defined in § 989.11, engaged as such with respect to the most recent grape crop in the particular districts for which nominations are to be made, may nominate, or vote for, any producer member or producer alternate member for such district. Any producer so engaged with respect to the most recent grape crop in the particular district for which nominations are to be made, may be nominated to represent said district as a producer member or producer alternate member of the committee; in the event any of such nominees are engaged as producers in more than one district, he may be a nominee for only one district. One or more eligible producers for each producer member position to be filled on the committee may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of the votes with respect to each producer member or producer alternate member position shall be the persons to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a runoff vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a nomination meeting shall be certified by the committee, during or after the meeting, and, in the event one or more who voted was not eligible and this may have affected the result of any nomination vote, another meeting with respect to such nomination shall be held.

(3) Only handlers who packed or processed raisins during the then current crop year may nominate, or vote for, handler members or handler alternate members. One or more eligible handlers for each handler member position to be filled may be proposed for nomination and one or more eligible handlers for each alternate member position to be filled on the committee may be proposed for nomination. Nominations by each of the handler groups specified in § 989.26 or pursuant to § 989.26b, shall be made by and from handlers, or employees, representatives, or agents of handlers falling within such groups. Each handler shall cast only one vote with respect to each position for which nomination is to be made: Provided, That only handlers coming within the particular group, as specified in § 989.26 or pursuant to § 989.26b, as applicable, for which nomination is to be made, shall vote. The person receiving the most votes with respect to each handler member or handler alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(4) Only dehydrators who produced raisins by dehydrating grapes during the then current crop year may nominate, or vote for, dehydrator members or dehydrator alternate members. One or more eligible dehydrators for each dehydrator member position to be filled on the committee may be proposed for nomination, and one or more eligible dehydrators for each alternate member position may be proposed for nomination. Each dehydrator shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each dehydrator member or dehydrator alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(5) Each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The result of each ballot at each such meeting shall be announced at that meeting. Voting at each meeting of producers shall be by secret ballot, and at each meeting of handlers, and dehydrators, voting may be by secret ballot.

(6) Each such nomination shall be certified by the committee to the Secretary on or before April 5 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

13. Section 989.30 is amended to read:

§ 989.30 Selection.

The Secretary shall select producer, handler, dehydrator, cooperative bargaining association and public members and alternate members in the numbers specified in § 989.26 or pursuant to §§ 989.26a, 989.26b, or 989.26c, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from nominations certified pursuant to § 989.29 or from other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

14. Section 989.31 is amended to read:

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plaints of violations of this part and to

§ 989.43b Changes in handler repre-

of handlers falling within each such

§ 989.31 **Failure to nominate.**

In the event nomination for a member or alternate member position on the committee is not certified pursuant to and within the time specified in § 989.29, the Secretary may select an eligible person to fill such position without regard to nomination.

15. Section 989.32 is amended to read:

§ 989.32 **Acceptance.**

Each person selected by the Secretary as a member or as an alternate member of the committee shall, prior to serving on the committee qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of his selection.

16. Section 989.33 is amended to read:

§ 989.33 **Alternate members.**

The alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

17. Section 989.34 is amended to read:

§ 989.34 **Vacancies.**

To fill any vacany occasioned by the death of any member or alternate member or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.29 and 989.30, insofar as such provisions are applicable. If nomination to fill any vacany is not filed within 40 calendar days after such vacancy occurs, the Secretary may select an eligible person to fill such vacancy without regard to nomination.

18. Section 989.35 is amended to read:

§ 989.35 **Powers.**

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part; and

(c) To recommend to the Secretary amendments to this part.

19. Section 989.36 is amended to read:

§ 989.36 **Duties.**

The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, packer, dehydrator, processor or cooperative bargaining association;

(b) To keep minutes, books, and other records, which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling and market conditions with respect to raisins;

(d) To submit to the Secretary such available information with respect to raisins and grapes as he may request, and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by certified public accountants at least once each year, or at such other times as the committee may deem necesary or as the Secretary may request, and the report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit shall be submitted to the Secretary;

(h) To prepare quarterly statements of its financial operations and make such statements, together with the minutes of its meetings, available at the office of the committee for inspection by producers, handlers and dehydrators;

(i) To give reasonable advance notice of the times, places, and purposes of its meetings by mail or other appropriate means to each member and alternate member and such notice shall be given as widespread publicity as is practicable.

(j) To conduct meetings for the purpose of making nominations for membership on the committee and the certifying of nominations made for such purposes to the Secretary, and the making of nominations to the Secretary for member and alternate member positions on the Executive Operations Committee; and

(k) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

20. Section 989.37 is revised to read:

§ 989.37 **Obligation.**

Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

21. The center heading "Raisin Administrative Committee" appearing between §§ 989.37 and 989.39 is deleted.

22. A new § 989.38 is added, reading as follows:

§ 989.38 **Procedure.**

The committee shall meet at the call of its chairman or its vice-chairman when acting as chairman, or at the call of any three members. Except as otherwise provided in § 989.45, all decisions of the committee reached shall be by majority vote of the members present. All votes shall be cast in person and a quorum must be present. The presence of 25 members shall be required to constitute a quorum. The Secretary, on recommendation of the committee, may change the quorum requirements if warranted by a change made pursuant to § 989.26a in the total number of producer members on the committee or by a change made pursuant to § 989.26b in the total number of handler members on the committee, or by a change made pursuant to § 989.26c in the total number of dehydrator members on the committee. The committee shall give to the Secretary the same notice of meetings of the committee as it gives to its members.

23. Section 989.39 is revised to read:

§ 989.39 **Compensation and expenses.**

The members of the Committee and the Executive Operations Committee, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. Whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings.

§§ 989.39a—989.42 [Deleted]

24. Section 989.39a is deleted.
25. Section 989.39b is deleted.
26. Section 989.39c is deleted.
27. Section 989.40 is deleted.
28. Section 989.41 is deleted.
29. Section 989.42 is deleted.

30. A center heading "Executive Operations Committee" is added between §§ 989.42 and 989.43.

31. Section 989.43 is revised to read:

§ 989.43 **Establishment and membership.**

An Executive Operations Committee is hereby established to receive, investigate, and report to the Secretary, complaints of violations of this part and to perform such functions as assigned by the committee. Any action of the Executive Operations Committee is subject to disapproval by the committee. The Executive Operations Committee shall consist of 15 members, of whom eight shall represent producers, five shall represent handlers, one shall represent dehydrators and one shall represent the cooperative bargaining association(s). The producer members shall be selected to represent such district or group of districts as the committee may establish with the approval of the Secretary. Of the five handler members, one shall be selected from and represent each of the following divisions:

(a) The handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year;

(b) the three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year;

(c) the three handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year;

(d) the four handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; and

(e) all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors. For each member of the Executive Operations Committee, there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

32. A new § 989.43a is added, reading as follows:

§ 989.43a **Changes in producer representation.**

The Secretary, on recommendation of the committee, may change the total number of producer members on the Executive Operations Committee and may change the number of producer members which shall be selected to represent particular districts or groups of districts. In making any such change consideration shall be given to such factors as changes in producer and handler membership on the committee, representation of the several producing districts, maintenance of producer positions as majority of the Executive Operations Committee, and geographical shifts in the number of producers and in raisin production within the area.

33. A new § 989.43b is added, reading as follows:

§ 989.43b **Changes in handler representation.**

The Secretary, on recommendation of the committee, may change the total number of handler members on the Executive Operations Committee, the handler size groups set forth in § 989.43 from which handler members shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such size group. In making any such change, consideration shall be given to such factors as changes in the numbers of handlers, relative raisin acquisition position of handlers, and their similarities of interest in the handling of raisins.

34. A new § 989.43c is added, reading as follows:

§ 989.43c **Changes in dehydrator representation.**

The Secretary, on recommendation of the committee, may change the number of dehydrator members on the Executive Operations Committee or may discontinue dehydrator representation on the Executive Operations Committee. In making any such change or discontinuing dehydrator representation, consideration shall be given to such factors as total number of dehydrators currently operating, the number of dehydrators operated by raisin packers, and the extent to which the interest of dehydrators is adequately served by other members on the Executive Operations Committee.

35. Section 989.44 is revised to read:

§ 989.44 **Term of office.**

Members and alternate members of the Executive Operations Committee shall each serve for terms of one year, beginning on June 1, and ending on May 31 of the following year but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

36. Section 989.45 is revised to read:

§ 989.45 **Nomination.**

(a) *Producer members.* The producer members of the committee, and producer alternate members when acting as members, shall nominate from among the producer members and producer alternate members of the committee the required number of persons for producer member positions on the Executive Operations Committee and an alternate for each person.

(b) *Handler members.* The handler members of the committee and handler alternate members when acting as members, shall nominate from among the handler members and alternate members of the committee, the required number of persons for handler member positions on the Executive Operations Committee, and an alternate for each such person. Nomination for such handler members shall be made by and from handlers, employees, representatives or agents of handlers falling within each such group.

(c) *Dehydrator member.* The dehydrator member and alternate member on the committee shall be the dehydrator nominees for member and alternate member on the Executive Operations Committee.

(d) *Cooperative bargaining association member.* The cooperative bargaining association(s) member and alternate member on the committee shall be the association nominees for member and alternate member of the Executive Operations Committee.

(e) *Initial members.* Members and alternate members of the Raisin Administrative Committee serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the Executive Operations Committee as the initial members and alternate members for their specified terms of office and until their respective successors have been selected and have qualified.

(f) *Successor members.* Nominations for successor members and alternate members of the Executive Operations Committee shall be certified by the committee to the Secretary annually within 30 days following the selection by the Secretary of committee members.

37. Section 989.46 is revised to read:

§ 989.46 **Selection.**

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members of the Executive Operations Committee in the numbers specified in § 989.43. Such selections may be made from the nominations certified pursuant to § 989.45, or from any other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

38. Section 989.47 is revised to read:

§ 989.47 **Failure to nominate.**

In the event nomination for a member or alternate member position on the Executive Operations Committee is not certified pursuant to and within the time specified in § 989.45, the Secretary may select an eligible person to fill such position without regard to nomination.

39. Section 989.48 is revised to read:

§ 989.48 **Acceptance.**

Each person selected by the Secretary as a member or as an alternate member of the Executive Operations Committee shall, prior to serving, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of such selection.

40. Section 989.49 is revised to read:

§ 989.49 **Alternate members.**

An alternate for a member of the Executive Operations Committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death until a succes-

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sor for such member's unexpired term has been selected and has qualified.

41. Section 989.50 is revised to read:

§ 989.50 Vacancies.

To fill any vacancy occasioned by the failure of any persons selected as a member or as an alternate member of the Executive Operations Commitee to qualify, or in the event of the removal, resignations, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.45 and 989.46, insofar as such provisions are applicable. If nomination to fill any such vacancy is not filed within 40 calendar days after such vacancy occurs, the Secretary may select an eligible person to fill such vacancy without regard to nomination.

42. Section 989.51 is revised to read:

§ 989.51 Powers.

The Executive Operations Committee shall have the power to receive, investigate, and report to the Secretary, complaints of violations of this part.

43. Section 989.52 is revised to read:

§ 989.52 Duties.

The Executive Operations Committee shall have the following duties: (a) To investigate compliance with and to use means available to it to prevent violation of the provisions of this part; and (b) to perform such other functions as assigned by the committee.

44. Section 989.54 is revised to read:

§ 989.54 Marketing policy.

(a) *Free tonnage.* On or before August 15 of each crop year, the committee shall review shipment data, inventory data, and other matters relating to the quantity of raisins of all varietal types. For any varietal type for which a free tonnage percentage may be recommended, the quantity of free tonnage shall be 90 percent of the prior crop year's free tonnage shipments for that varietal type, adjusted by the physical year-end carryin inventory. The desirable carryin inventory on August 1 for natural Thompson Seedless raisins shall be a minimum of 35,000 tons. This free tonnage quantity shall be made known by the committee in accordance with paragraph (f) of this section. In years following limited free tonnage shipments, the committee may use the highest shipments of any one of the prior three years as a base to determine the free tonnage.

(b) *Free and reserve percentages.* On or before October 5 of each crop year (except that this date may be extended by the committee not more than 5 days if warranted by a late crop) the committee shall submit to the Secretary an estimate of raisin production of any varietal type for which a free tonnage quantity has been computed by the committee. If the committee determines that a field price is firmly established on any varietal type of raisin for which a free tonnage has been computed, it shall recommend a preliminary free tonnage percentage to the Secretary which, when applied to the estimated production of that varietal type, would release 85 percent of the free tonnage for such varietal type. If the committee determines that a field price is not firmly established, it shall recommend a preliminary free tonnage percentage to the Secretary which would release 65 percent of the free tonnage for such varietal type. No later than February 15, the committee shall recommend to the Secretary a free tonnage percentage which will tend to release the full free tonnage for any varietal type. Prior to February 15, interim changes of percentages may be recommended by the committee to the Secretary to release less than the full free tonnage for any varietal type. The difference between any free tonnage percentage designated and 100 percent shall be the reserve tonnage percentage. In developing its free and reserve percentages for any varietal type, the committee shall consider and report to the Secretary on the following factors:

(1) The estimated tonnage held by producers, handlers, and for the account of the committee at the beginning of the crop year;

(2) The expected general quality and any modifications of the minimum grade standards;

(3) The estimated tonnage of standard and offgrade raisins which will be produced;

(4) If different than the free tonnage, the estimated trade demand for raisins in free tonnage outlets;

(5) An estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for reserve tonnage;

(6) The estimated market requirements for raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(7) Current prices being received and the probable general level of prices to be received for raisins by producers and handlers;

(8) The trend and level of consumer income;

(9) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(10) Any other pertinent factors bearing on the marketing of raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

(c) *Modification.* In the event the committee subsequently deems it advisable to modify its marketing policy on any crop, because of national emergency, crop failure or other major change in economic conditions, it shall hold a meeting for that purpose, and file a report thereof with the Secretary within 5 days (exclusive of Saturdays, Sundays, and holidays) after the holding of such meeting, which report shall show such modification, the basis therefor, as well as the recommendation of the committee.

(d) *Reserve tonnage to sell as free tonnage.* On or before November 15 of the crop year, the committee shall offer to handlers a quantity of reserve tonnage raisins. One offer shall consist of a quantity equal to 10 percent of the prior year's shipments of free tonnage to equate the current year's supply with the prior year's shipments. This offer shall be allocated to handlers on the basis of their prior year's acquisitions. At the same time, the second offer shall consist of a quantity equal to 10 percent of the prior year's shipments of free tonnage for market expansion. The offer shall be allocated to handlers on the basis of their prior year's shipment of free tonnage. Each offer shall be open to handlers not more than five business days, and subsequently, two reoffers of any tonnage unsold in the original offer, open not more than two business days each, may be made. The initial reoffer tonnage shall be allocated to handlers who purchase 100 percent of their allocation in the preceding offer and reoffer, and shall be on the basis of the quantity each handler purchased as a percentage of the total allocation of all handlers eligible to participate. At the close of the second reoffers, any remaining tonnage may be offered to handlers on a first-come, first-served basis and such offer shall be open to handlers for two business days. Any handler who had no shipments or acquisitions of raisins during the prior crop year would be allocated raisins under these offers on the basis of his acquisitions (up to the time the first offer is made) of raisins in the current crop year. If field prices are not established on or before November 15, the offers shall be made not more than 15 days following such establishment. The price of reserve tonnage raisins offered to handlers to sell as free tonnage under this section shall be the established field price for free tonnage raisins of the applicable varietal type, plus estimated costs to equity holders incurred by the committee, plus 3 percent of the established field price for free tonnage raisins of the applicable varietal type.

(e) *Verbatim record.* The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings relating to its marketing policy.

(f) *Publicity.* The committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar publicity shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The committee shall notify handlers, dehydrators, and cooperative bargaining association(s) of the Secretary's action

on percentages by registered or certified mail.

§ 989.66 [Amended]

45. The word "desirable" appearing in the first sentence of § 989.66(g) is deleted.

46. Paragraph (a), the second sentence of paragraph (c), the first sentence of paragraph (d)(1), the first sentence of paragraph (f), and the first sentence of paragraph (j) of § 989.67 are amended to read:

§ 989.67 Disposal of reserve raisins.

(a) At the time the committee meets to consider free and reserve percentages for a crop year, the committee shall consider the marketing of reserve tonnage raisins for the subsequent 12-month period. The committee shall dispose of all reserve tonnage in such manner as to achieve, as nearly as may be practicable, maximum disposal of such raisins by the time reserve tonnage raisins from the subsequent crop year are available. Any reserve tonnage raisins held unsold by the committee on May 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of new crop reserve tonnage raisins in export: *Provided,* That, whenever the Secretary finds, based upon a recommendation of the committee, or on the basis of information otherwise available to him that because of national emergency, crop failure, an insufficient supply of reserve tonnage raisins for export, or other change of economic or marketing conditions, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such raisins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

* * * * * *

(c) * * * The list of countries shall be reviewed by the committee annually when it reviews matters relating to the free tonnage, and shall recommend any changes in the list to the Secretary for approval. * * *

(d)(1) Reserve tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve maximum disposition of such raisins by the time reserve tonnage raisins from the subsequent crop year are available. * * *

* * * * * *

(f) Whenever the committee concludes that the orderly disposition of reserve tonnage would be promoted by the committee replacing any portion or all of handlers' export shipments of free tonnage raisins, to other than free tonnage outlets, made prior to the committee's first offer to sell reserve tonnage, it may do so and may specify such requirements and conditions as are necessary to carry out the replacement consistent with the objectives of this amended subpart. * * *

* * * * * *

(j) The committee shall not sell reserve tonnage raisins of any varietal type to handlers to provide them with raisins to sell as free tonnage, other than as provided in § 989.54, unless it files with the Secretary complete information and receives from the Secretary notice that he does not disapprove of such sale and that because of: National emergency, crop failure; change of economic or marketing conditions; free tonnage shipments during the then current crop year exceeding shipments of a comparable period of the prior crop year by more than 5 percent: *Provided,* That, such sale of reserve tonnage shall be limited to the quantity exceeding 105 percent of shipments for the first 10 months of the prior crop year; and/or an inadequate carryover, the free tonnage outlets cannot be reasonably well supplied by the tonnage released to the industry as a whole by the committee's marketing policy for that varietal type. * * *

47. The first sentence of § 989.79 is amended to read:

§ 989.79 Expenses.

The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and for such purposes as he may, pursuant to this subpart, determine to be appropriate. * * *

48. Section 989.85 is revised to read:

§ 989.85 Personal liability.

No member or alternate member of the committee or any employee or agent thereof and no member or alternate member of the Executive Operations Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person, for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

§ 989.91 [Amended]

49. The date contained in the proviso in § 989.91(c) is changed from "August 31" to "July 31".

50. Section 989.95 is amended to read:

§ 989.95 Right of Secretary.

The members of the committee and the Executive Operations Committee (including alternates and successors) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Every decision, determination, or other act of the committee or of the Executive Operations Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee or the Executive Operations Committee shall be deemed null and void.

§ 989.96 [Amended]

51. Section 989.96 Exhibit A is amended as follows:

(a) The heading is amended to read "§ 989.96 Producer members of the Raisin Administrative Committee".

(b) The reference to § 989.26b in paragraph (h) is changed to read § 989.26a".

Signed at Washington, D.C., June 1, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76-16266 Filed 6-3-76;8:45 am]

[7 CFR Part 1201]

TYPE 62, SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Suspension of Certain Provisions of the Order

Notice is hereby given that the Department is considering the temporary suspension of certain provisions of Order No. 195, as amended (7 CFR Part 1201), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia for the fiscal period ending January 31, 1977. The proposed temporary suspensions would eliminate counting of tobacco leaves and handler assessments for the remainder of the 1976 marketing season.

The aforesaid Order is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the Marketing Agreement and Order No. 195, as amended (7 CFR Part 1201).

STATEMENT OF CONSIDERATION

The proposed temporary suspension of § 1201.53 would eliminate the need to count tobacco leaves for the remainder of the 1976 marketing season. The Control Committee has requested this suspension because substantially reduced planting of this type of tobacco during the 1976 growing season will not meet the expected demand. The proposed suspension will provide growers with needed flexibility in the marketing of their tobacco during the 1976 season.

The proposed temporary suspension of § 1201.300 would eliminate the handler assessment for the remainder of the 1976 marketing season. The reason for this suspension is that the Control Committee has determined that no expenses will be incurred by it during the fiscal period ending January 31, 1977, and, therefore, it will not be necessary to make any assessments against eligible handlers during that period.

The provisions proposed to be suspended are as follows:

§ 1201.53 Initial regulation fixing number of leaves that may be handled. Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified or terminated pursuant to this part: (a) The maximum number of

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leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1201.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during fiscal period.

(27 FR 4763, May 19, 1962)

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1973. (a) Expenses in the amount of $7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1973.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1973.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

(38 FR 15440, June 12, 1973)

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than July 6, 1976. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 1st day of June, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16288 Filed 6-3-76;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED TOBACCO

Proposed Grade Loan Rates for Price Support on 1976-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1976-crop flue-cured tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To assure consideration, all submissions must be received by the Director not later than June 21, 1976. The comment period is being limited to 15 days because the time at which harvesting will commence is nearing and harvesting practices may be affected by the grade loan rates which are established. All such written submissions made pursuant to this notice will be available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1976-crop flue-cured tobacco, types 11-14, as set forth herein. These proposed rates, calculated to provide the level of support of 106.0 cents per pound as determined under Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.16 1976 crop—flue-cured tobacco, types 11–14, loan schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
A1F	136	B4KV	106	X1F	121
A1L	136	B5KV	102	X2F	117
B1L	126	B6KV	98	X3F	113
B2L	122	B4GV	107	X4F	108
B3L	119	B5GV	104	X5F	102
B4L	116	B6GV	99	X3V	107
B5L	112	B5GR	96	X4V	103
B6L	108	B4GK	104	X4KL	102
B1F	126	B5GK	100	X4KF	102
B2F	122	B6GK	95	X4KV	101
B3F	119	B5GG	91	X3KR	110
B4F	116	H3L	121	X4KR	106
B5F	112	H4L	118	X3KM	107
B6F	108	H5L	114	X4KM	102
B1FR	124	H6L	110	X4G	100
B2FR	120	H1F	128	X5G	95
B3FR	117	H2F	124	X4GK	99
B4FR	114	H3F	121	P2L	103
B5FR	111	H4F	118	P3L	99
B6FR	107	H5F	114	P4L	96
B4R	106	H6F	110	P5L	91
B5R	100	H4FR	116	P2F	103
B3K	115	H5FR	113	P3F	99
B4K	112	H6FR	109	P4F	96
B5K	109	H4K	114	P5F	91
B6K	105	H5K	111	P4G	87
B3V	114	H6K	107	P5G	81
B4V	110	C1L	125	M4F	104
B5V	106	C2L	122	M5F	100
B3S	111	C3L	119	M4KR	100
B4S	108	C4L	116	M4KM	97
B5S	104	C5L	113	M5KM	94
B3KL	108	C1F	125	M4GK	94
B1KL	105	C2F	122	M5GK	91
B5KL	102	C3F	119	N1L	83
B6KL	98	C4F	116	N1XL	88
B3KF	108	C5F	113	N1K	94
B4KF	105	C4V	111	N1R	85
B5KF	102	C4KL	109	N1GL	77
B6KF	98	C4KM	110	N1GF	86
B3KM	111	C4KR	111	N1GR	81
B4KM	108	C4G	106	N1KV	85
B5KM	105	X1L	121	N1GG	78
B6KM	100	X2L	117	N1PG	72
B3KR	113	X3L	113	N1XG	75
B4KR	110	X4L	108		
B5KR	107	X5L	102		

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G" for "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct $1 per hundred pounds to apply against overhead costs.

Signed at Washington, D.C., on May 27, 1976.

SEELY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-16029 Filed 6-3-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMAL PROTECTION

Proposed Waiver of Moratorium on Takings and Importations, Proposed Regulations to Govern Such Taking and Importation, and Notice of Hearing

Correction

In FR Doc. 76-10241 appearing at page 15173 in the FEDERAL REGISTER of Friday, April 9, 1976 the headings should have appeared as shown above.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SUPPLEMENT TO APPROVED ALASKA PLAN

Revised Developmental Schedule

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's order 12-71, 36 FR 8754, May 12, 1971) will review changes in a State plan which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On August 10, 1973, a notice was published in the FEDERAL REGISTER (38 FR 25173) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

Section 1952.243 of Subpart R sets forth the developmental schedule under which the plan will meet criteria of section 18(c) of the Act and Part 1902 within three years following commencement of the plan's operations. By letters dated September 17, 1975, and February 10, 1976, and April 15, 1976 from Edmund N. Orbeck, Commissioner, State of Alaska Department of Labor, to James Lake, Regional Administrator for Occupational Safety and Health (hereinafter referred to as the Regional Administrator) and incorporated as part of the plan, the State has submitted a supplement to the plan containing a revised developmental schedule. The developmental schedule has been primarily revised to reflect different dates for completion of developmental steps because:

(a) The State Plan narrative, appendices, letters of assurances and the Plan Approval notice published in the FEDERAL REGISTER as Part 1952, Subpart R, all contained conflicting time schedules for the completion of various goals;

(b) Goals relating to adoption of administrative regulations and some standards were not completed by any of the conflicting dates contained in the plan document, primarily due to three changes in administration of the State program. The delays have not been detrimental to the State plan however. In the case of the administrative regulations, the State has been operating in accordance with the procedures since their development within 6 months of plan approval. In the case of standards, the State has had existing standards which provide overall protection for all issues in which delays are a factor with the exception of Pulpmills.

(c) The time schedule for the adoption of some standards was moved up to ensure adoption and submittal to the Occupational Safety and Health Administration (hereinafter referred to as OSHA) for approval by the end of the three-year period following commencement of operations.

2. *Description of developmental schedule.* (a) In addition to the changes in completion dates the State has changed the developmental schedule in the following ways:

(1) The State plan approval notice refers to adoption of regulations regarding "providing information to employees on hazards including medical examinations and observation and access to monitoring results." The revised developmental time schedule deletes the commitment to promulgate these regulations. The State designee has submitted provisions in regulations on requirements for labels and medical examinations for adoption to the State's Attorney General but the Attorney General has deleted such provisions as being a statement of intent not properly included in the regulatory code. Since the State plan contains pledges that the State standards will meet the necessary requirements and the State is required by Federal regulations to maintain "at least as effective" standards it would appear that the State is already bound to include the required provisions in all appropriate standards regardless of whether regulations are adopted. Further, all different State standards would be reviewed by OSHA before approval to assure that all necessary provisions are included.

(2) The State originally planned to develop a Fisheries Code. This is no longer contemplated. Such industry will continue to be covered under the State's general standards as it is in the Federal program.

(3) The State has added commitments to promulgate regulations on variances and clarification concerning the appropriate parties for employers to notify in order to file a notice of contest.

(b) The revised schedule contains a formal date for each goal, including those that have already been met in order to provide a uniform record. Several of the developmental steps, including the Compliance Operations Manual and several standard subparts, have been completed and appropriate documentation submitted to OSHA. Change supplements regarding completion of these developmental steps are currently under review by OSHA or are being revised by the State.

Preliminary review of the supplement containing the revised developmental schedule indicates that the State will complete all developmental steps within the three year developmental time period. Pursuant to 29 CFR 1953.11(d)(1) no cause for rejecting the supplement has been disclosed and its approval is under consideration.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N-3608, 200 Constitution Ave., N.W. Washington, D.C., 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Ave., Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska, 99801.

4. *Public participation.* Interested persons are hereby given until July 6, 1976, in which to submit written data, views, and arguments concerning the supplement. Such data, views, and arguments should discuss whether, in the context of the entire plan, there are reasonable expectations that the plan will meet the requirements of the Act and the criteria in Part 1902 within the three year developmental period. General comments unrelated to the plan changes described above are not appropriate. The submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at the address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement, whenever particularized written objections thereto are filed within the time allowed for comments specified above. If in the opinion of the Assistant Secretary, substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall thereafter consider all relevant comments and arguments and issue his decision as to approval or disapproval of the supplement and proposed amendment of Subpart R and its effect on the continued approval of the plan.

In accordance with the above, it is proposed to revise § 1952.243 of Subpart R, Part 1952, to read as follows:

§ 1952.243 Developmental schedule.

The Alaska plan is developmental. The schedule of developmental steps (described in the plan as revised in letters dated September 17, 1975, February 10, 1976 and April 15, 1976, from Edmond N. Orbeck, Commissioner, Alaska Department of Labor, to James Lake, Regional Administrator for Occupational Safety and Health Administration) follows:

(a) Standards Promulgation. Promulgation of occupational safety and health standards, as effective as corresponding Federal standards promulgated under Chapter XVII of Title 29, Code of Federal Regulations by September 1976.

(b) A compliance manual for the guidance of compliance personnel will be developed and printed by February 1, 1974.

(c) A Management Information System (MIS) will be developed by October 1, 1974.

(d) An interim training schedule (Appendix M) will be initiated by April 1, 1974. An extended training plan of substantially permanent form will be developed and adopted by October 1, 1976.

(e) Complete hiring of our industrial health staff by October 1, 1976.

(f) Provide for an Industrial Health Laboratory capacity by October 1, 1976.

(g) Adoption of the following regulations by January 30, 1975:

(1) Recordkeeping & Reporting;

(2) Variance;

(3) Exceptions to the prohibitions against advance notice (such exceptions to be no broader than those contained in 29 CFR Part 1903);

(4) Clarification of the appropriate parties for employers to notify in order to file a notice of contest;

(5) A definition of imminent danger that mirrors the Federal definition;

(6) A regulation to allow affected employees to participate as parties in hearings.

(Secs. 8(g)(2) 18, Pub. L. 91-596. 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 28th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-16283 Filed 6-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 4]

[Docket No. 76N-0178]

PUBLIC INFORMATION

Disclosure to Contractors

The Food and Drug Administration (FDA) is proposing to amend the public information regulations to provide for disclosure to contractors of data and information that is otherwise exempt from public disclosure. Interested persons have until July 7, 1976, to comment.

The Medical Device Amendments of 1976, Pub. L. 94-295, amended the Federal Food, Drug, and Cosmetic Act by adding a new section 708 (21 U.S.C. 379), which authorizes the Commissioner of Food and Drugs (under authority delegated by the Secretary of the Depart-

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ment of Health, Education, and Welfare) to provide to FDA contractors data and information relating to trade secrets and commercial or financial data and information that are privileged or confidential. Such data and information would be disclosed to contractors solely for use in conjunction with the performance of a contract with the agency. As a condition to such disclosure, new section 708 requires the Commissioner to prescribe precautions, which contractors must observe, to protect confidentiality of the information disclosed.

The Medical Device Amendments of 1976 also amended section 301(j) of the act (21 U.S.C. 331(j)), pertaining to unauthorized disclosures of trade secrets, to provide that contractors may not use such data and information acquired from FDA to their own advantage, or reveal it outside the Department of Health, Education, and Welfare except in accordance with the terms of a contract with FDA. The data and information may, however, be disclosed by a contractor to the courts when relevant to a proceeding under the act. The effect of this amendment is to subject contractors and their employees to the same standards as employees of the Department with respect to unauthorized disclosure of trade secrets and commercial or financial data and information that are privileged or confidential. Under section 303 of the act (21 U.S.C. 333), persons convicted of unauthorized disclosure of such data may be imprisoned for not more than 1 year or fined not more than $1,000, or both.

Prior to the enactment of the medical device legislation, the act broadly prohibited the disclosure of this type of data and information outside HEW. This prohibition effectively barred the agency from using contractors to handle trade secret data. As a result, FDA was seriously hampered in its efforts to compile and analyze a wide variety of data and information. With the removal of this statutory impediment, and upon the adoption of the regulations proposed in this notice, the agency will be able, when necessary, to use contractors in the handling of trade secrets and confidential commercial or financial data and information. The proposed amendments to Part 4 (21 CFR Part 4) will also enable FDA to release to contractors, in accordance with established security precautions, other categories of information exempt from public disclosure under Part 4, including investigatory records compiled for law enforcement purposes.

New section 520(l) of the act requires that there be made and maintained a transcript of the proceedings of advisory panels established for the purpose of classifying medical devices, the development of performance standards for medical devices, or the review of applications for premarket approval of medical devices. The usual method of preparing these transcripts will be for the agency to contract with a reporting service. Since most panels at some time will consider trade secret data and information, the use of a reporter who is not an employee of the Department to transcribe the proceedings would represent a common application of the proposed regulation. Other public advisory committees established under Part 2 (21 CFR Part 2) may also use contract reporters to provide transcripts of closed portions of public advisory committee meetings. Other instances in which a contractor may be used by FDA to handle trade secrets and confidential commercial or financial data and information, or other data and information exempt from public disclosure, would include the assembly and compilation of material submitted to FDA relating to marketed and investigational human drugs, cosmetics, foods, and veterinary drugs.

This proposal redesignates existing § 4.90 as § 4.91 in Subpart E of Part 4 and adds a new § 4.90 entitled "Disclosure to Contractors." Paragraph (a) of the new section provides that data and information otherwise exempt from public disclosure under 5 U.S.C. 552(b) and the FDA public information regulations may be released to FDA contractors for use only in their work for the agency. Paragraph (a) also specifies that contractors, and their employees, are thereafter subject to the same restrictions and penalties against unauthorized disclosure of such data and information as FDA employees.

Paragraph (b) of proposed § 4.90 requires contractors to enter into a written agreement with FDA before being given access to data and information otherwise exempt from disclosure. Paragraph (b) also requires contractors to agree to establish security precautions necessary to ensure that the confidentiality of the data and information is maintained. Although the specific security precautions will vary depending on the function performed by the contractor (e.g., are porter service transcribing a public advisory committee meeting may be required to establish security precautions that differ from those of a contractor employed to put safety and effectiveness data and information for an investigational new drug into a machine-readable format), certain security precautions will be generally applicable. These will, as appropriate, be included in any written agreement. Paragraph (b) sets forth eight basic security precautions.

Existing § 4.21 establishes the general rule that any FDA record that is disclosed in an authorized manner to any member of the public is thereafter available to all members of the public. Existing § 4.80(b), however, contains a list of exemptions to this general rule where the disclosure is made to a limited category of persons under specified conditions. To avoid triggering the general disclosure obligation of § 4.21, this proposal amends § 4.80(b) to include, among the types of disclosures not requiring release of the information to the general public, disclosure to contractors in accordance with new § 4.90.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301(j), 708, 52 Stat. 1042 as amended, 90 Stat. 582 (21 U.S.C. 331(j), 379)); the Freedom of Information Act (Pub. L. 90–23, 81 Stat. 54–56 as amended by 88 Stat. 1561–1565 (5 U.S.C. 552)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 4, Subpart E, of Title 21, Code of Federal Regulations be amended as follows:

§ 4.80 [Amended]

1. In § 4.8 *Applicability of limitations on exemption*, paragraph (b) is amended in the second sentence by revising the phrase "and in § 4.89, foreign government officials," to read "in § 4.89, foreign government officials, and in § 4.90, contractors."

2. By redesignating existing § 4.90 as § 4.91 and by adding a new § 4.90 to read as follows:

§ 4.90 Disclosure to contractors.

(a) Data and information otherwise exempt from public disclosure may be disclosed to contractors with the Food and Drug Administration and their employees for use only in their work for the Food and Drug Administration. Contractors and their employees are thereafter subject to the same legal restrictions and penalties with respect to the disclosure of such data and information as Food and Drug Administration employees.

(b) A written agreement between the Food and Drug Administration and any contractor shall be entered into before data and information otherwise exempt from public disclosure may be disclosed to the contractor. The contractor shall agree to establish and follow security precautions considered by the Food and Drug Administration to be necessary to ensure proper and confidential handling of the data and information. The written agreement shall include, where appropriate, provisions establishing:

(1) Restrictions on access to the data and information by the contractor, its employees, or other persons;

(2) Physical storage requirements;

(3) Requirements for the handling and accountability of the data and information by the contractor and its employees;

(4) Limitations on reproduction, transmission, and disclosure of the data and information;

(5) A requirement of advance approval by the Food and Drug Administration of the use by the contractor or subcontractors, vendors, or suppliers;

(6) Procedures to be followed when the contractor employs time-shared computer operations;

(7) Methods of destroying source documents or related waste material; and

(8) The period during which the contractor may retain such data and information.

§ 4.91 Use of data or information for administrative or court enforcement action.

Nothing in this part or this chapter shall prevent the Food and Drug Administration from using any data or information, whether obtained voluntarily or involuntarily and whether or not it is available for public disclosure, as the basis for taking any administrative or court enforcement action within its jurisdiction. Data and information otherwise exempt from public disclosure are nevertheless available for public disclosure to the extent necessary to effectuate such action, e.g., the brand name, code designation, and distribution information are released when a product is recalled.

Interested persons may, on or before July 7, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (peferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 28, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–16306 Filed 6–3–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 10]

[Docket No. R–76–397]

POLICY AND PROCEDURES

Public Property, Loans, Grants, Benefits or Contracts

In Part 10, effective March 4, 1971, the Secretary adopted a policy of publishing proposed rules in the Federal Register and affording the public an opportunity to participate in the rulemaking for all Department programs, even though matters relating to public property, loans, grants, benefits, or contracts are exempted from the rule making requirements of 5 U.S.C. 553 by subsection (a)(2). It was the intent of the policy statement to comply with the rulemaking requirements of 5 U.S.C. 553 as though this specific exemption did not exist.

As originally issued, Part 10 provided that rules and regulations, in addition to Federal Register publication, would appear in the Department's system of handbooks, circulars and guides. See 24 CFR 10.3(b). The system has been revised and now handbooks and notices, but not circulars or guides, are used to issue instructions and advice to HUD personnel and program participants.

In addition, while the text of handbooks may continue to include pertinent statutes and regulations, and while regulations and handbooks will continue to complement one another in the overall administration of HUD programs, experience has shown that reference to handbooks in the definition of rules and regulations as set forth under § 10.3(b) is confusing and has been interpreted in some instances as requiring Federal Register publication of advisory or other material not suitable for such publication. For these reasons, the definition of "rule" is being simplified, without otherwise diminishing the scope of Part 10, in order to distinguish more clearly between regulations published in the Federal Register pursuant to 5 U.S.C. 552 and handbooks.

The revised part also prescribes certain further rule making procedures in accordance with 5 U.S.C. 553.

Interested persons are invited to submit data, views, and suggestions with respect to these proposed amendments. All relevant material received on or before July 8, 1976, will be considered before a final rule is adopted. Comments should refer to the above docket number and should be filed with the Rules Docket Clerk, Room 10141, 451 Seventh Street, S.W., Washington, D.C. 20410. Copies of the comments submitted will be available during business hours at the above address for examination by interested persons.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection at the above address.

It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A–107.

Accordingly, it is proposed that 24 CFR Part 10 be revised to read as follows:

PART 10—RULE MAKING: POLICY AND PROCEDURES

Subpart A—General

Sec.
10.1 Policy.
10.2 Definitions.
10.3 Applicability.
10.4 Rules docket.

Subpart B—Procedures

10.6 Initiation of rule making.
10.8 Notice of proposed rule making.
10.10 Participation by interested persons.
10.12 Additional rule making proceedings.
10.14 Hearings.
10.16 Adoption of final rule.
10.18 Petitions for reconsideration.
10.20 Petitions for rule making.

AUTHORITY: The provisions of this Part 10 issued under Sec. 7(d) of the Department of Housing and Urban Development Act, 79 Stat. 670 (42 U.S.C. 3535(d)).

Subpart A—General

§ 10.1 Policy.

It is the policy of the Department of Housing and Urban Development to comply with rule making provisions of 5 U.S.C. 553 with respect to all HUD programs and functions, including matters that relate to public property, loans, grants, benefits, or contracts even though such matters are not subject to rule making under the statute. The Department therefore publishes general notices of proposed rulemaking in the FEDERAL REGISTER and gives interested persons an opportunity to participate in the rule making through submission of written data, views, and arguments with or without opportunity for oral presentation. Unless required by statute, notice and public procedure will be omitted if the Department determines in a particular case or class of cases that notice and public procedure are impracticable, unnecessary or contrary to the general interest. In a particular case, the reasons for the determination shall be stated in the rule making document. Notice and public procedure may also be omitted with respect to statements of policy, interpretative rules, rules governing the Department's organization or its own internal practices or procedures, or if a statute expressly so authorizes. A substantive rule will be published not less than 30 days before its effective date, unless it grants or recognizes an exemption or relieves a restriction or unless the rule itself states good cause for taking effect upon publication or less than 30 days thereafter. Statements of policy and interpretative rules will usually be made effective on the date of publication.

§ 10.2 Definitions.

(a) "Rule" means the whole or a part of a Departmental statement of general or particular applicability and future effect (1) designed to implement, interpret, or prescribe law or policy, or (2) describing the Department's organization, or its procedure or practice requirements.

(b) "Rule making" means the Departmental process for formulating, amending, or repealing a rule.

(c) "Secretary" means the Secretary or the Under Secretary of Housing and Urban Development, or any of the following heads of offices to whom the Secretary has expressly delegated authority to issue rules:

(1) Each Assistant Secretary of the Department and Deputy Assistant Secretary;

(2) The President of the Government National Mortgage Association;

(3) The Federal Insurance Administrator; or

(4) The Federal Disaster Assistance Administrator.

§ 10.3 Applicability.

(a) This part prescribes general rule making procedures for the issuance,

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amendment, or repeal of rules of the Secretary in which participation by interested persons is required by 5 U.S.C or by Department policy.

(b) The authority to issue rules, delegated by the Secretary, may not be redelegated unless expressly permitted.

§ 10.4 Rules docket.

(a) All documents relating to rule making procedures, including but not limited to advance notices of proposed rule making, notices of proposed rule making, written comments received in response to notices, withdrawals or terminations of proposed rule making, petitions for rule making, requests for oral argument in public participation cases, requests for extension of time, grants or denials of petitions or requests, transcripts or minutes of informal hearings, final rules and general notices are maintained in the Rules Docket Room, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

(b) Documents relating to rule making proceedings are public records. After a docket is established, any person may examine docketed material at any time during regular business hours, and may obtain a copy of any docketed material upon payment of the prescribed fee. (See Part 15 of this subtitle).

Subpart B—Procedures

§ 10.6 Initiation of rule making.

Rue making proceedings may be initiated on the Secretary's motion, or on the recommendation of a Federal State or local government or government agency, or on the petition of any interested person.

§ 10.8 Notice of proposed rule making.

Each notice of proposed rule making required by statute or by § 10.1 of this part is published in the Federal Register and includes—

(a) The substance or terms of the proposed rule or a description of the subject matter and issues involved;

(b) A statement of how and to what extent interested persons may participate in the proceeding;

(c) Where participation is limited to written comments, a statement of the time within which such comments must be submitted; and

(d) A reference to the legal authority under which the proposal is issued.

§ 10.10 Participation by interested persons.

(a) Unless the notice otherwise provides, any interested person may participate in rule making proceedings by submitting written data, views or arguments within the comment time stated in the notice. In addition, the Secretary may permit the filing of comments in response to original comments.

(b) In appropriate cases, the Secretary may provide for oral presentation of views in additional proceedings described in § 10.12.

§ 10.12 Additional rule making proceedings.

The Secretary may invite interested persons to present oral arguments, appear at informal hearings, or participate in any other procedure affording opportunity for oral presentation of views. The transcript or minutes of such meetings, as appropriate, will be kept and filed in the Rules Docket.

§ 10.14 Hearings.

(a) The provisions of 5 U.S.C. 556 and 557, which govern formal hearings in adjudicatory proceedings, do not apply to informal rule making proceedings described in this part. When opportunity is afforded for oral presentation, such informal "hearing" is a nonadversary, fact-finding proceeding. Any rule issued in a proceeding under this part in which a hearing is held is not based exclusively on the "record" of such hearing.

(b) When a hearing is provided, the Secretary will designate a representative to conduct the hearing, and if the presence of a legal officer is desirable, the General Counsel will designate a staff attorney to serve as the officer.

§ 10.16 Adoption of final rule.

All timely comments are considered in taking final action on a proposed rule. Each preamble to a final rule will contain a short analysis and evaluation of the significant issues set forth in the comments submitted, and a clear concise statement of the basis and purpose of the rule. Only relevant comments will be considered.

§ 10.18 Petitions for reconsideration.

Petitions for reconsideration of a final rule will not be considered. Such petitions, if filed, will be proposed as petitions for rule making in accordance with § 10.20.

§ 10.20 Petitions for rule making.

(a) Any interested person may petition the Secretary for the issuance, amendment, or repeal of a rule. Each petition shall—

(1) Be submitted to the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, Washington, D.C. 20410;

(2) Set forth the text or substance of the rule or amendment proposed or specify the rule sought to be repealed;

(3) Explain the interest of the petitioner in the action sought; and

(4) Set forth all data and arguments available to the petitioner in support of the action sought.

(b) No public procedures will be held directly on the petition before its disposition. If the Secretary finds that the petition contains adequate justification, a rule making proceeding will be initiated or a final rule will be issued as appropriate. If the Secretary finds that the petition does not contain adequate justification, the petition will be denied by letter or other notice, with a brief statement of the ground for denial. The Secretary may consider new evidence at any time; however, repetitious petitions for rule making will not be considered.

Issued at Washington, D.C., June 1, 1976.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.76-16231 Filed 6-3-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 391]

[Docket No. MC 74; Notice No. 76-14]

TRACTOR-TRAILER DRIVER TRAINING STANDARD—RECOMMENDED PRACTICE PHASE

Advance Notice of Proposed Rulemaking

• Purpose. The purpose of this Notice is to seek public comment on a proposed "recommended practice" for the training of prospective tractor-trailer drivers who will be employed to drive in interstate or foreign commerce and a proposed amendment to Part 391 of the Federal Motor Carrier Safety Regulations incorporating the "recommended practice" as an acceptable training method, as a means of improving safety of operations of such drivers and reducing risks to the driving public. •

It has been concluded that there is need to improve tractor-trailer driver training programs by standardizing curriculum content and duration, specifying minimum requirements for types of training materials, types of vehicles and facilities to be used, and by specifying the qualification of instructors, in order to reduce accidents through improving tractor-trailer driver skills.

This conclusion was reached on the basis of the following considerations:

1. The Federal Highway Administration (FHWA) accident data from reports filed by motor carriers engaged in interstate or foreign commerce, indicates that commercial vehicle drivers tend to have more accidents during their first few months of employment, which is indicative of inadequate training and experience.

2. Increased technological advances in the design and operating controls of commercial vehicles, coupled with increasing congestion of our highways, requires an ever increasing level of skills and knowledge for those who would enter this profession in the present or the future.

3. The need of many motor carriers to secure adequate safety training for new drivers they wish to employ and, in particular, for members of minority groups that seek employment as truck drivers or the opportunity to be upgraded into higher paying driving jobs within their companies.

4. Studies of truck driver training schools conducted by independent research contractors, the FHWA and other government agencies, have indicated that

many of these schools do not offer the prospective student an adequate safe driver training program. Some schools charging the highest tuition are reported to have both the shortest courses, and the lowest quality of instruction and instruction facilities. Conversely, some schools with low tuition have been found with superior quantity and quality of instruction.

5. The potential for fraud by the sale of commercial driver training services has been demonstrated by successful prosecution and the conviction of some operators of these schools for civil and/or criminal acts.

6. Studies have also uncovered a wide disparity in the emphasis placed on various safety aspects of training. For example, the amount of driving practice given students. In a representative sample of commercial vehicle courses, the amount of highway driving practice ranged from a low of 200 to 300 miles to a high of 2,500 miles.

In one school (since closed as the result of a criminal prosecution) ex-students testified, under oath, that they had only 20 miles total driving time on public roadways. Another testified he had only one-half hour of such driving. Obviously, students cannot learn to master the complex skills required to operate articulated vehicles without adequate controlled practice.

7. The prospective student currently has no means available to determine, in advance, which schools would provide adequate training necessary to master the skills required to become a safe driver and secure a position in the trucking industry. There currently exists no universally accepted training standards or minimums. Thus, the student is required to try to guess which schools may be adequate. Those most often victimized are the ones who can generally least afford it, i.e., unemployed persons from the lower income strata of society seeking to improve their financial position by responding to the sometimes false and misleading media advertisements and school salesmen's claims of instant employment at implausible (if not impossible) high salaries.

Thus, it is believed necessary that a safety oriented, tractor-trailer driver training standard be established to prevent prospective students from causing death and injury on our highways to either themselves or other motorists.

The development of a national training standard for tractor-trailer driver training courses is contemplated by FHWA in four phases as follows:

(1) Phase I is the issuance of this Advance Notice of Proposed Rulemaking Action to seek comment on the proposed curriculum content, duration, training materials, types of vehicles, number of vehicles required, and the qualifications of instructors, all of which would be initially issued in the form of a "recommended practice" for the training of tractor-trailer drivers. Consideration will also be given to amending § 391.11 of the Federa Motor Carrier Safety Regulations (FMCSR) recommending that the training for new drivers, as currently specified in that regulation, be met by following this "recommeded practice."

(2) Once the "recommended practice" is in use, it will be validated by this agency to insure maximum student achievement consistent with safe driver training procedures.

(3) Upon completion of the validation study, it is FHWA's intention to issue a national training standard to replace the "recommended practice." The national standard would become a minimum mandatory standard, insofar as training of new drivers for employment in interstate or foreign commerce is concerned.

(4) Future intentions are to closely observe these training programs and modify them as necessary due to future technological advances in vehicles, the highway environment, or training aids.

Concurrently, the safety performance of straight truck and bus drivers will continue to be monitored to determine the adequacy of their training. Should it be necessary, similar standards may be developed to cover training of these drivers too.

The timetable for these four phases covers at least a 4-year period. This is necessary to allow adequate time to refine the "recommended practice," contract for scientific validation of the curriculum, the development of the national standard and its subsequent issuance.

A considerable amount of effort has been devoted to the development of this "recommended practice." It is the end product of several different research contracts, numerous consultations with both commercial and motor carrier operated truck driver training schools, training administrators, industry associations, labor organizations, and vocational training organizations. In addition, Docket MC-33 (Apprenticeship Training for Drivers Less Than 21 Years Old) yielded much valuable data.

An outline of the proposed "recommended practice" covering curriculum content, minimum driving time, schedules, training aids, driving range requirements, selection of training routes, size and configuration of the training fleet, and the qualifications of driving instructors is as follows:

1. *Curriculum.* This curriculum is designed for tractor-trailer driver students who are already licensed as automobile drivers. Thus, many of the subjects normally found in other driver training courses are not presented.

The curriculum is 6 weeks (240 hours) in length, of which 146½ hours are spent driving and/or observing others drive on public roadways while under the guidance of a qualified driver instructor. A total of 56¾ hours are used to teach basic vehicle handling and close quarters maneuvering skills while in a driving and/or observer's status on the school's off-highway "driving range" (practice yard).

Another 35¼ hours are spent in "classroom type" instruction either in a classroom or on and around a parked tractor-trailer in a garage. The remaining 1½ hours are used for a written final examination.

The proposed curriculum is composed of 12 major sections or groupings of training units (subjects) as follows:

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Unit	Subject	Hours: Classroom	Driving range	Roadway	Total time
	SEC. I—ORIENTATION				
A	Orientation—Review of course objectives; school rules for students, safety rules for driving range, and roadway skill drills; grades and progress reports; minimum requirements for graduation.[3]	½			½
B	Trucking industry terminology [3]				
C	U.S. DOT hours of service regulations (pt. 395) and maintenance of driver logs—all students and instructors to maintain a log of their activities throughout the course.[3]	2½			2½
D	Introduction to various types of vehicles and vehicle nomenclature.[1 3]	½	½		1
	SEC. II—BASIC MANEUVERING SKILLS				
A	Vehicle inspections—pretrip, enroute, and posttrip types	½	4		4½
B	Starting, driving straight forward, stopping, and parking the vehicle (using tractor only).		1		1
C	Coupling and uncoupling of trailers [3]		4		4
D	Right and left turns (using a tractor pulling single- and then tandem-axle trailers).		2		2
E	Shifting gears—shifting up and down through gears, double clutching, clutch brakes, main and auxiliary transmissions, multispeed drive axles.[1 3]	½	1		1½
F	Proper use of rear vision mirrors—various types, how to adjust and how to utilize properly.[3]		½		½
G	Straight line backing problem:		1		1
	SEC. III—INTERMEDIATE MANEUVERING SKILLS				
A	Forward and reverse serpentine problem		2		2
B	Forward and reverse in 75-ft. diminishing clearance alley problem		1¼		1¼
C	Parallel parking problem—near side only		1¼		1¼
D	Jackknife parking problem—both near and off sides		1¼		1¼
E	Alley-dock parking problem—near side only		1¼		1¼
	SEC. IV—ADVANCED MANEUVERING SKILLS				
A	Truck rodeo skill driving course—includes straight line, stop line, forward and reverse diminishing clearance, 90-ft. alley offset alley; jackknife parking; alley-dock parking; parallel parking; and both forward and reverse serpentine problems (students will start with barricades set far apart and as skill is developed, barricades will be gradually closed up until they meet the same specifications as used in truck rodeo competition).		3		3
B	Overhead clearance problem [3]		1		1
	SEC. V—BASIC ROAD SKILLS				
A	Driving in light-density traffic—entering and leaving the roadway, speed control; signaling; changing lanes; passing and being passed, following distances; judgment of clearances (front, left, right, and rear); shifting gears; proper braking and use of mirrors.			20	20
B	Theoretical aspects of defensive driving—why, how, what, when, and where.[1 2]	4½			4½
	SEC. VI—INTERMEDIATE ROAD SKILLS				
A	Driving in medium-density traffic—further development of skills in sec. V (units A and B) plus right and left turns at intersections; negotiating sharp curves; and how to drive on upgrades and downgrades for safety.[2]			40	40
B	Visual perception training—development of expert vision habits to identify potential traffic hazards.[1]	1½		2½	4
C	Driving tactics to conserve energy and vehicle components—methods of reducing fuel, tire, clutch, and brake lining consumption and wear and tear on the vehicle.[1]	½			½
	SEC. VII—ADVANCED ROAD SKILLS				
A	Driving in heavy-density an high-speed traffic (repeat of sec. VI units A and B)—to further refine and develop these skills, plus driving through congested city streets; turnpike driving; operating through tunnels or viaducts; over bridges; railroad tracks; school zones and hospital zones.			70	70
B	Night driving—basic adjustments necessary for safety [1]		½	7½	8
C	Vehicle control versus natural laws of energy and motion—the effects of friction, gravity, inertia, momentum, and centrifugal force upon vehicles; especially when carrying flexible loads, such as bulk liquids or livestock.[1 2]	1			1
D	Skid pan training and vehicle control during adverse conditions or emergency situations—with tractor-trailer to introduce techniques in skid prevention and skid recovery; driving methods in fog, rain, snow, and ice; going through mud, sand, and water; and mounting tire chains; towing mired, disabled, or damaged vehicles; brake failures; tire blowouts; or frost; right wheels dropping off edge of road surface; being temporarily blinded by lights or meeting approaching vehicles on the wrong side of the road.[1 2]	2½	1		6½
	SEC. VIII—MOTOR VEHICLE LAWS AND REGULATIONS				
A	Uniform traffic code—rules of the road; traffic control devices; operators and chauffeurs licenses, violations, suspensions, and revocations.[1 2]	1½			1½
B	Federal motor carrier safety regulations—pts. 390, 391, 392, 393, 394, 395, and 397.[1 3]	2½			2½
C	Interstate Commerce Commission regulations—types of motor carriers and economic regulations.[1]	½			½
D	State vehicle size and weight laws—the variations and how to comply; use of sliding tandems, sliding fifth wheels, and retractable axles; securing oversize or overweight permits.[1]	¾			¾
E	Vehicle licenses, permits, and taxes—basic knowledge of base plates, cab cards, State public utilities permits, fuel tax decals, ton-mile taxes, and trip permits.[1 3]	½			½
F	Miscellaneous laws and regulations—includes hazardous materials, noise, cargo security, air pollution, truck routes, and two-way radios.[1 3]	¾			¾

Unit	Subject	Hours: Classroom	Driving range	Roadway	Total time
	SEC. IX—MOTOR VEHICLE SYSTEMS				
A	Engines—gasoline and diesel powered [1]	½	½		1
B	Drive trains—covers clutches; manual, semi, and fully automatic; main and auxiliary transmissions; drive shafts; single- and multispeed drive axles and power dividers.[1 3]	1¼	½		1¾
C	Tires, rims, and wheels—inspection, maintenance, air pressure, and how to change flat tires.[1]	¼	1		1¼
D	Brakes—air, hydraulic, electric, and combination type systems; FMVSS 121 brakes; retarders; engine exhaust brakes; and parking brakes.[1 3]	1	1	¼	2¼
E	Fuel, exhaust, cooling, lubrication, and electrical systems—fundamentals of each for both gasoline and diesel engines.[1 3]	¾	½		1¼
F	Instrumentation and recorders—electronic and mechanical gages; warning devices and tachographs.[3]	½			½
G	Suspensions and chassis [3]	¼	¼		½
H	Steering and coupling systems [3]	¼	¼		½
I	Elementary preventive maintenance—draining air reservoirs; servicing filters; changing oil; lubrication; battery and radiator service.[1 3]	¼	¼		½
J	Diagnosing and reporting system malfunctions—making temporary repairs; starting engines with dead batteries; no air pressure; and cold weather starting techniques for both gas and diesel engines.[1 3]	1			1
	SEC. X—COLLISIONS AND FIRES				
A	Protecting the scene of an accident, fire, or breakdown [1]		¼		¼
B	Drivers conduct at scene of an accident, fire, or breakdown [1]	¼			¼
C	Accident reporting requirements [1]	¼			¼
D	Fire prevention and firefighting—includes using a fire extinguisher to put out a practice fire.[1]	½	¼		¾
E	Basics of first aid [1]	¾			¾
F	Insurance—basic information [1]	¼			¼
	SEC. XI—CARGO HANDLING AND FREIGHT DOCUMENTS				
A	Loading and unloading—methods of blocking, bracing, packing, stacking; use of straps, rope, cable, chains, and chain binders for tiedown to prevent damage and/or accidents.[1 3]	½	¼		1¼
B	Cargo-handling equipment—use of pallets, jacks, dollies, handtrucks, forklift trucks, nets, slings, rug poles, Johnson bars, and other equipment.[1]	½	¼		1¼
C	Accounting for freight—checking freight on and off the vehicle and the prevention of theft.[1]	¾			¾
D	Freight documents—bills of lading; delivery receipts; c.o.d.'s; prepaid and bonded shipments; shipper load and count; detention and other special charges; hazardous materials requirements; and over, short, and damaged reports are some of the subjects covered.[1 2]	1½			1½
	SEC. XII—DRIVER'S OBLIGATIONS				
A	Public, customer, and employee relations [1 3]	½			½
B	Trip planning—route selection, map reading, and estimating travel-times.[1 3]	½			½
C	Personal health and safety—keeping mentally and physically fit to drive by getting proper rest, diet, exercise, and limiting the use of alcohol and drugs; protection of vision; maintaining emotional stability; safe-lifting methods; and use of personal protection equipment such as steel tip shoes, hardhats, goggles, and dust masks are some of the subjects covered in this unit.[1 3]	1¼			1¼
D	Securing employment [1]	½			½
	Final examination—written exam covering all 12 sections	1½			1½

[1] Subject reinforced with self-study (homework).
[2] Strictly self-study.
[3] Additional coverage of this subject will take place in other training units.

The proposed minimum time required to complete this curriculum is 240 hours (6 consecutive weeks) of 5 days each, with a daily limitation of 8 hours of training. The daily limitation would not prohibit the schools from assigning "home work" or self study assignments, when desired.

It is recognized that it will be difficult to adequately teach many of the subjects in the amount of time allocated; but the amount of time specified is intended to be a minimum allocation. Schools are, therefore, encouraged to extend these times as much as they feel necessary. However, the extension of time on one subject should not be done at the expense of another subject. Schools would be urged to extend the time allocations on as many subjects as they wish; but in no case should students be given more than 8 training hours in any single day. Thus, if a school desired to increase the time allotted to all subjects by 25 percent, then the duration of the course would have to be extended another 7½ days in duration.

It is proposed to require all of the training be done while in residence at the school; correspondence courses covering this minimum curriculum would not meet the requirements. However, schools desiring to give correspondence training in any of these or other subjects would be free to do so, provided that the minimum time allotments for each subject called for in this curriculum were adhered to during the 6 weeks of residence training. Part-time training courses run on nights and/or weekends would not be deemed satisfactory. It is felt that it would be difficult to adequately master these subjects and skills while in a fatigued state because of working all day and attending school at night. Furthermore, the lack of continuity in the training makes it extremely doubtful that the student can reach the level of competency necessary to secure employment in the trucking industry. In addition, school driving instructors cannot do a competent job of training if forced to work double shifts for extended periods and/or without time off. Chronic fatigue on the part of either

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the student or the instructor could result in inadequate training, increasing the potential for serious accidents by poorly trained students.

2. *Minimum Driving Time Per Student.* Each school should ensure that prior to awarding a certificate of graduation, every student shall have driven tractor-trailers a minimum distance of 900 miles over public roadways in all types of road and traffic conditions, plus ridden as an "observer" for at least an additional 1,800 miles. This proposed curriculum allows for the accumulation of this mileage in the following manner:

Curriculum section	Specified driving hours	Average vehicle speeds and miles traveled
V Basic road skills: Unit A—driving in light density traffic	56	6 h at 5 mi/h, 30; 10 h at 10 mi/h, 100; 10 h at 15 mi/h, 150.
VI Intermediate road skills:		
Unit A—driving in medium density traffic	40	30 h at 20 mi/h, 600; 10 h at 25 mi/h, 250.
Unit B—visual perception training	2¼	2¼ h at 10 mi/h, 23.
VII Advanced road skills:		
Unit A—driving in heavy density and high speed traffic	70	12 h at 25 mi/h, 300; 10½ h at 30 mi/h, 315; 15 h at 35 mi/h, 525; 15 h at 40 mi/h, 600; 15 h at 45 mi/h, 675; 2½ h at 50 mi/h, 125.
Unit B—night driving	7½	7½ h at 30 mi/h, 225.
IX Motor vehicle systems: Unit D—engine exhaust brakes	¼	¼ h at 40 mi/h, 10.
Total	146½	Miles traveled, 3,933.

Assuming that all road training is done with "crew-cab" or similiarly equipped tractors (see Section 7 for more details) there could be as many as four students plus an instructor (which would be mandatory) in the cab at all times. The chart shows that the average training vehicle would cover approximately 3,933 miles during the required 146½ hours of roadway training. With each student driving for ¼ of the time, each would theoretically drive a total of 983 miles during the 6 week program. Thus, each student would accumulate the proposed minimum 900 driving miles and 1,800 "observer" miles prior to graduation.

The proposed curriculum would make it mandatory for all students to maintain a driver's daily log covering all their activities during the entire course to ensure a complete comprehension of this subject. These logs will provide school administrators with an excellent means of auditing mileage to ensure, that each student has acquired the necessary mileage and/or time required per subject prior to graduation. As a further audit, all instructors would be required to maintain a driver's daily log of all their activities, including which students they were training on any subject at any given time. It is proposed that original copies of both student and instructors' daily logs be kept on file by the schools for a period of at least 2 years. This would ensure adequate documentation in case of any dispute concerning whether or not students were receiving the minimum required instruction and/or driving time.

3. *Sample Daily Training Schedule.* Since the truck driver training school student may not have been regularly attending school during the previous 3 or more years, it is important that generally recognized methods of training be followed. This would include giving periodic "breaks" to students, especially while in classroom sessions and to change both subject matter and the environment as frequently as possible. The break periods would also provide the opportunity for the students to be rotated from classroom to driving range and/or roadway driving assignments. This would allow the school to gain better utilization of facilities, vehicles, and instructors.

The following is a proposed daily training schedule that if adopted, would have to be adhered to at all times. Exceptions would be allowed when night driving is scheduled or during periods of adverse weather which make roads impassable or when other unusual situations arise. Such changes would be permitted as the need arose, but not on a permanent basis.

Daily operation schedule

[Class time]

Period start,end		Subject	Training hours
1	07:15-08:00	Written quiz on previous day's work and turn in previous day's driver's daily log sheet	
	08:00-08:05	Break	
2.	08:05-09:05	Next subject in sequence	1
	09:05-09:10	Break	
3.	09:10-10:10	Next subject in sequence	1
	10:10-10:15	Break	
4.	10:15-11:15	Next subject in sequence	1
	11:15-11:20	Break	
5.	11:20-12:20	Next subject in sequence	1
	12:20-13:10	Lunch break	
6.	13:10-14:10	Next subject in sequence	1
	14:10-14:15	Break	
7.	14:15-15:15	Next subject in sequence	1
	15:15-15:25	Break	
8.	15:25-16:25	Next subject in sequence	1
	16:25-16:30	Break	
9.	16:30-17:30	Next subject in sequence	1
	17:30-17:35	Break	
10.	17:35-17:50	Service and secure vehicles, prepare daily vehicle condition reports, and complete driver's daily log	
		Total, 8 subjects	8

4. *Classroom Facilities and Training Aids.* Classroom facilities should meet the commonly acceptable standards for space per student, desks, and seating, lighting, heating, and ventilation conducive to a good learning environment.

Schools would be urged to investigate the potential of all forms of training aids which are currently available such as driving simulators, electronic student response monitors, working cutaway models of various vehicle components and closed circuit television. Whenever it is determined that such aids will assist in providing the student with a better understanding of the subjects and skills to be mastered, they should be utilized. Such aids should be used as an adjunct to, and not as a substitute for, the minimum vehicle driving times specified in the curriculum.

As a minimum, schools should have the following training aids in order to properly teach this curriculum:

A. Chalk boards.
B. 16 mm motion picture projector.
C. Slide projector.
D. Transparency projector.
E. A wide range of truck and truck component manufacturer's photos, schematic drawings; and wall charts illustrating the various parts of the vehicle systems and how they function.
F. A supply of the standard texts on driver education and safe driving techniques.

5. *Driving Range, Skid Pan, and Equipment Requirements.* The proposed off-highway driving range for the training of basic vehicle maneuvering skills, would be a paved, all weather type of surface. The size would be dependent upon how many vehicles the school desires to have operating at any one time. The driving range could be combined with the skid pan training facilities if desired. In that case, the suggested minimum size would be a paved area of approximately 200 by 500 feet, with an approach road of at least 100 feet in length leading to it. This would be used by the vehicles to build up speed prior to entering the skid pan area.

If a school desires to maintain separate facilities for a driving range and the skid pan, then the above dimensions would still be approximately correct for either facility by itself.

It is desirable to have a private perimeter road or track around the exterior of these facilities where the vehicles could gain enough speed for the students to gain valuable practice in both gear shifting and vehicle control at speeds higher than can be safely attained on the driving range.

The following is a list of the minimum amount of equipment needed to handle subjects covered in this proposed curriculum:

1. Stanchions, barricades, curbing, steel drums and rubber traffic cones for training in basic maneuvering skills.
2. A "skid pan" composed of a sealed asphalt surface or other material surface painted and/or otherwise treated with chemicals to provide a surface with an extremely low degree of friction to allow vehicles to be easily placed into a skid. A readily available means of keeping the surface covered with water shall also be available.
3. A complete set of very smooth tires to be used on the tractor trailer unit assigned to the skid pan training exercise. Such vehicles should be equipped with a suitable device or system, to prevent the trailer from making contact with the cab of the tractor when the unit jackknifes.
4. A complete set of tire changing equipment.
5. Tow-bars, chains, and cables for demonstrating proper attachment for towing disabled vehicles.
6. A front wheel blowout simulator device capable of deflating and inflating the tire from the instructor's seat while the vehicle is in motion.

7. Battery jumper cables and hoses to transfer compressed air from one tractor to another.
8. A set of hand tools to demonstrate brake adjustments and replacement of light bulbs.
9. Single and dual wheel tire skid-chains.
10. Several sets of "emergency equipment" each containing reflective triangles, fusees, and both CO^2 and dry powder type fire extinguishers with a 5 B:C rating or more. Also, heavy guage metal pans suitable for containing waste oil fires (for practice use of fire extinguishers).
11. A large first-aid kit for demonstration purposes.
12. Nylon webbing, steel strapping, chains and chain binders, chocks and blocking for demonstrating cargo tie-down methods.
13. Empty cargo crates and boxes for use in demonstrating cargo tie-down and cargo handling equipment.
14. Forklift truck, pallet jack, dollies, hand truck, Johnson bar and other miscellaneous cargo handling equipment.
15. Material such as sand bags, bales of paper, etc., to use for simulating cargo weight in order to gain experience in driving fully loaded vehicles. This may also be accomplished by pulling water filled tank trailers.
16. Samples of various freight documents and rate tariffs.
17. Road atlases and copies of various State road maps.

6. *Selection of Public Roadway Training "Routes."* Section No. 5 (Basic Road Skills) should be taught on roads with an absolute minimum amount of traffic. It is essential that these routes be as uncomplicated (i.e. no tight turns, difficult intersections, etc.) as possible. As students become more proficient, two lane roads with steep hills and curves should be used to introduce the necessity of gear shifting as much as possible. Thereafter, the routes should gradually go through increasingly large villages, towns, and then cities. Freeways or expressways, bridges, tunnels, railroad grade crossings and other "special requirement" driving situations must be worked into these routes as much as possible within the limits placed upon the school by its geographic location. Obviously, schools that are located in rural areas will have to incorporate more extensive practice "road trips" into their curriculum in order to get to areas where these conditions exist. The intent is to give students full exposure and practice in such situations. During the final stages of training, heavy use of routes in urban traffic, including trips into central business districts and commercial areas (factories, piers, and warehouses) are necessary to give the student full exposure to maneuvering skills and the stresses which can result therefrom.

Every effort should be made to lay out as many routes as possible to avoid having the students covering the same areas so many times that they become "memorized," thus eliminating the challenge posed by exposure to new situations.

7. *Size and Configuration of the Vehicle Training Fleet.* Schools must expose their students to a wide variety of equipment configurations since there is no way to determine in advance what type of vehicle a student may be employed to drive after graduation.

It is proposed that schools shall have a minimum of one vehicle (tractor-trailer) for each four students engaged in either driving range (field) skill training exercises or roadway training. The ratio of one vehicle to four students may not be exceeded, however, a lesser number of students can be assigned to a vehicle. This is considered preferable and is encouraged whenever possible.

Tractors used for roadway training should have seats and seat belts provided for all students and the instructor. This can be accomplished in several different ways. One method is to purchase so called "crew cab" equipped tractors which have two doors on each side of the cab with two bucket seats in front and a bench type seat in the rear. Another method is to modify sleeper cab type tractors by removing the sleeper berth and installing a bench type seat in the sleeper berth. Some schools have converted "dromedary" type tractors (without sleeper berths) into training vehicles. This is accomplished by removing the rear of the tractor cab and the front of the cargo box ("dromedary") and installing a bench type seat in the cargo box area.

Power units should be both gasoline and diesel (both 2 and 4 cycle types) coupled with a mix of cab-over-engine, cab-beside-engine, and short and long conventional cab configurations. There must be single and tandem axle drives with both short and long wheelbases. The fleet should have at least one of every type of transmission currently in popular use by motor carriers, as well as a mix of single and multi-speed drive axles. At least one tractor should be equipped with an engine exhaust brake for demonstration purposes.

It is suggested that most of the field work (driving range) be done with gasoline powered tractors. Diesel powered tractors do not survive the rigors of skill drill exercises on the driving range as well as gasoline powered tractors do. Gasoline powered tractors are less expensive to purchase and are generally easier to handle during the long hours of backing and tight turns on the driving range. This in turn reduces student fatigue and allows them to absorb training more readily. On the other hand, the majority of the over-the-road tractors are diesels, therefore, students should be given extensive experience on this type of vehicle. Accordingly, the majority of the training on public roadways should be done with diesel equipment.

Tractors used in training are subjected to much more than the usual amount of "wear and tear." This makes it mandatory for schools to have a top quality vehicle inspection and maintenance program. Even with excellent maintenance practices, there would still be occasional vehicle downtime and, therefore, spare equipment should be available to ensure that all students receive at least the minimum amount of required hours and/or miles of training.

Semi and full trailers should be of a wide variety of types such as tankers, vans, flatbeds, pole, dumps, etc. There should be a good mix of single, tandem, and triple axle types including retractable axles, with both long and short wheelbases. Schools operating in areas where "Western Doubles" or twin trailers are legal should also have converter dollies and a variety of these shorter trailers available for training.

In summary, it is recognized that a school probably cannot afford to have either all brand new equipment and/or one of every type of vehicle manufactured. However, training will be of limited value if only old, obsolete equipment of only one type is available. It will be expected that schools, therefore, either arrange to purchase, lease, or rent a mix of vehicles that are representative with that which is currently in popular use and to practice good preventive maintenance to keep these vehicles in safe operating condition. This particularly applies to those vehicles used in roadway training.

All vehicles used for roadway training should have "Student Driver" signs affixed to all four sides (front of tractor, both lower sides and rear of the rear most trailer). These signs should have black lettering on a bright yellow background. The lettering should be 12 inches in height. Such vehicles shall also be equipped with rear vision mirrors as specified in § 393.80 of the FMSCR. In addition, the vehicle shall be equipped with an extra pair of rear vision mirrors so located and focused so as to reflect a view of the highway along both sides of the vehicle to the instructor. Such view should not be visible to the student driver who shall utilize the "regular" mirrors.

Any State regulations pertaining to the operation and/or maintenance of driver training vehicles would also have to be observed.

8. *Qualifications of Driving Instructors and Numbers Required.* The selection, training, motivation, and supervision of driving instructors is one of the most difficult and critical aspects of operating a truck driver training school.

The new generation of tractor-trailer drivers will require more comprehensive and better quality training than ever before, in order to master all of the complex skills and knowledge necessary to be professional drivers in our present and future traffic environment.

This means that the prevelant practice of selecting any driver who has not had an accident in the recent past and designating him as a "driver-trainer" to furnish a brief, informal indoctrination or "break-in" style of training will no longer suffice. Instead, schools must utilize the services of fully qualified people that can properly be called "Drivers Instructors." These "Driver Instructors" must possess the skills of both a professional driver and a vocational education teacher.

The following lists some of the more critical qualifications that are being con-

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D. The "Driver Coaches" would provide maintion at 49 CFR 1.48 and the Federal Decontrol". Fifteen copies should be sub-

sidered as minimum requirements for these professional "Driver Instructors:"

1. Education—a minimum of 2 years of college and preferably a graduate is highly recommended (experience could be substituted for formal education).

2. Experience—a minimum of 2 years driving tractor-trailers and 2 years of teaching. Their driving record should be relatively free from accidents and traffic violations thus demonstrating a positive attitude toward safe driving.

3. Age—no limits can be set nor are they necessary. However, it is important that persons selected are old enough to command the respect of the students and yet young enough to be able to learn and accept new methods. Emotional maturity is essential.

4. Health—must be in good physical and mental health. As a minimum they should meet physical requirements for drivers as specified in Part 391 of the FMCSR. This is necessary as they will frequently be required to make split-second decisions and/or actions to prevent student errors from becoming accidents. They are also required to perform a considerable amount of demonstration driving while teaching.

5. Personality—should be a friendly, outgoing type of person who enjoys helping others succeed. Must have superior skills in communicating with and motivating others, plus have patience, initiative, and leadership qualities.

6. Knowledge—should have a thorough knowledge of the principles and practices of safe driving, the laws and regulations covering drivers, the trucking industry, and the driver's role in it. Should be able to demonstrate a thorough understanding of the principles and practices of teaching.

7. State requirements—in addition to the above qualifications, the "Driver Instructors" shall be certified or licensed when working in those States having such requirements and shall meet all criteria for commercial driving school instructors as may be required.

These basic qualifications would apply equally to instructors employed by driver training schools or by motor carriers operating their own "in house" training programs for novice drivers.

The ratio of instructors to students is a key element in determining the quality of the training. The following is the proposed maximum ratio acceptable during various phases of the curriculum:

A. Classroom—one instructor for each group of 24 students.
B. Driving Range—one instructor for each group of 3 vehicles being operated (4 students per vehicle).
C. Roadway—one instructor on each vehicle at all time when on public roads (4 students per vehicle).

9. *Student Recruitment and Selection.* A major source of consumer complaints concerns the recruiting activities of commercial truck driver training schools. These complaints have frequently resulted in prosecutions and convictions for fraud or misrepresentation. Schools must confine their activities to honestly and accurately portraying employment potential in the trucking industry and should refrain from making false and/or misleading statements or promises as an inducement to get people to enroll for training. Schools should also refrain from trying to recruit prospective students who are obviously unable to meet the minimum qualifications for drivers as specified in Part 391 of the FMCSR.

Those who make application should have their qualifications carefully reviewed to determine if they are employable as drivers. Persons who do not meet the minimum standards for employment by most motor carriers, should be promptly advised of this fact.

The following is being considered as a minimum screening procedure for truck driver training school applicants:

1. Secure the following records from each applicant:

A. Background Information Form—including home address, person to be notified in case of illness or injury, education, and employment record.
B. Motor Vehicle Operator's License—State, type or classification and expiration date.
C. Transcript of State Motor Vehicle Driving Record—listing all traffic violations and accidents.
D. Medical Examiner's Certificate—as specified in Part 391 of the FMCSR.

2. After a careful review of these records, a responsible school official should conduct a personal interview with each prospective student to determine:

A. Whether or not the applicant is trainable.
B. Whether or not the applicant has the potential to become employed once trained.
C. If the applicant fully understands what the training program requires and has a realistic understanding of his potential for employment once he has successfully completed the course.

Many experts feel that prospective applicants should be given various tests to ensure that the trainee has a proper "safety attitude," sufficient mechanical comprehension to master the skill he will be required to learn, and other areas which will predict the chance of success or failure in the course. The intent being to try to determine, in advance, who will and will not be trainable, and/or become successfully employed so that those with little or no potential could be advised to seek other career opportunities.

Because of the many problems involved in using such tests, such as standardization, validation, and the necessity to have expert training to properly interpret the results, these tests are not being given consideration as a part of this "recommended practice." Schools that do have the time, funds, and expertise (such as industrial or personnel phychologists) who do wish to make use of such tests may do so.

10. *Minimum Requirements for Student Graduation.* It is proposed that student progress should be monitored by written examinations and performance (driving skills) tests at the end of each week of training. Those who are unable to maintain a satisfactory level of achievement, should be separated from the school and a pro rata refund of tuition charges should be made at that time or they should be offered additional training.

Those who successfully complete the course, would be issued a document certifying satisfactory completion of the program. These "certificates" should be consecutively numbered, identify the student by name, address, and driver's license number, and shall show the school's business or trade name, home office address and telephone number. The chief executive and/or the director of training of the school should sign it attesting to the satisfactory completion of training. Consideration is being given to require that schools be required to maintain a permanent file covering each certificate that they issue. Such files would, at a minimum, contain the following data:

A. Serial number of the certificate.
B. Date awarded.
C. Name, address, and driver's license number of the recipient.
D. Copies of all progress tests and final examinations.
E. Final grade and class ranking.

Students who are awarded these certificates would have to meet these minimum requirements:

1. Completion of all 240 hours of training as specified in this "recommended practice."
2. Shall have been in an "observer" status on tractor-trailers for at least 1,800 miles and shall have actually driven another 900 miles.
3. Shall have successfully passed all of the weekly progress examinations.
4. Shall have passed the final written examination and driving performance tests, both on the driving range and on public roadways.
5. Shall have passed the State examination for a classified driver's license (in applicable States).

Schools should furnish any prospective employer with copies of the student's scholastic records whenever requested to do so by the student.

11. *Post Graduate Training by Employers.* Obviously the completion of this training does not automatically make a person a fully seasoned and qualified professional tractor-trailer driver. The objective of the course is to provide its graduates with the basic knowledge and skills required to successfully develop into a professional driver. Graduates will, therefore, require an additional period of time to further refine these skills before they can be safely used in "solo" operations, that is, to be dispatched on trips by themselves. Depending upon the individual capabilities of the graduates, they may need from 1 to 3 weeks time to accomplish this.

Consideration is being given to require that motor carriers who desire to hire school graduates be required to follow this procedure:

A. Select experienced drivers who possess both good driving records and oral communication skills and designate these men as "Driver Coaches."
B. It is recommended that the "Driver Coaches" be given at least some indoctrination in training methods and procedures.
C. The "Driver Coaches" would be utilized to guide or coach the selected school graduates through the "finishing" or "polishing" aspects of their training, and to indoctrinate the new employees in company procedures and policies at the same time.
D. The "Driver Coaches" would provide management with daily progress reports and notify them when the new employee has reached an acceptable level of professionalism considered necessary for "solo" operations.

Interested persons are invited to submit written data, views, or arguments concerning any aspect of this "recommended practice" for the training of articulated vehicle drivers. Interested persons are particularly invited to submit specific comments concerning such aspects of the "recommended practice" as:

1. The advisability of prohibiting "split training" i.e., courses that are given on nights or weekends over an extended period of time.
2. The necessity of training students to perform brake and clutch adjustments, changing engine oil and filters, replacing lights, setting the injection rack on diesel engines, changing tires, emergency starting, and the towing of disabled and/or damaged vehicles.
3. The necessity for using the same dimensions as used in truck driver roadeo competition for the final phase of training in the skill drill exercises on the driving range.
4. The advisability and the potential value of truck driving simulators.
5. The technical problems associated with skid pan training and the use of automatic tire deflators for simulated front tire blowout training.
6. Minimum qualifications for "Driving Instructors."
7. The desirability and the extent of necessary first-aid training.
8. Minimum standards for recruitment and or selection of students and/or driving instructors.
9. The necessity and desirability of psychological and/or pyscho-physical testing to predict whether or not prospective students are capable of mastering the knowledge and skills required. Identification of such tests that have proven to be both reliable and nondiscriminatory in nature and any data supporting reliability claims made for such tests are also solicited:
10. The proposal to amend § 391.11 of the FMCSR to specify that all "training" shall meet the minimum requirements of this "recommended practice."

All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Comments received before the close of business on September 7, 1976, will be considered before further action is taken. Comments received will be available for examination by any interested person in the docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This advance notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation at 49 CFR 1.48 and the Federal Highway Administrator at 49 CFR 389.4.

Issued on May 27, 1976.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.76-16073 Filed 6-3-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211, 212, 215]

MANDATORY PETROLEUM PRICE REGULATIONS AND LOW SULFUR PETROLEUM PRODUCTS

Negative Determination of Environmental Impact

In the matter of exemption of No. 2 heating oil, No. 2-D diesel fuel and other middle distillate from the mandatory petroleum and price regulations and revocation of part 215.

The proposed Federal action considered is an exemption of middle distillates from mandatory allocation and price controls as covered by Parts 211 and 212 of the Mandatory Petroleum Allocation and Price Regulations (10 CFR Parts 211, 212). This exemption from allocation and price regulations is possible under Section 12 of the Emergency Petroleum Allocation Act (EPAA), which was added to the EPAA on December 22, 1975, by Title IV, Part B, Section 455 of the Energy Policy and Conservation Act (EPCA), 15 U.S.C. sec. 760a. In addition, FEA proposes to revoke 10 CFR Part 215, the Low Sulfur Petroleum Products Regulation.

Based upon an environmental assessment of these proposed actions, the FEA has determined that the exemption of middle distillates and the revocation of Part 215 would not be "major Federal actions significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332(2)(C)).

Copies of the environmental assessment are available upon request from the FEA Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Copies of the document are also available for public review in the FEA Information Access Reading Room, 3116, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of these proposed actions and the environmental assessment to Executive Communications, Box HK, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—Middle Distillate Decontrol". Fifteen copies should be submitted by June 18, 1976.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., May 28, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-16122 Filed 6-1-76;9:41 am]

FEDERAL POWER COMMISSION

[18 CFR Chapter I]

[Docket No. RM76-13]

THE NEED FOR SITE SELECTION AND FACILITY OPERATION CRITERIA FOR LIQUEFIED NATURAL GAS IMPORTATION AND STORAGE TERMINALS

Petition for a Rulemaking Proceeding

MAY 27, 1976.

Take notice that on May 6, 1976, the Attorney General for the State of New Jersey, the Public Advocate of New Jersey, the Attorney General of the State of New York, the Attorney General of the Commonwealth of Pennsylvania, the Township of Woodbridge (New Jersey), Congressman John M. Murphy, and the Attorney General of the State of Delaware (Petitioners) jointly filed in Docket No. RM76-13 a petition pursuant to section 1.7 of the Commission's rules of practice and procedure (Rules) requesting the Commission to institute a rule making proceeding as authorized by Section 16 of the Natural Gas Act (Act) for the purpose of promulgating and adopting uniform site selection and facility operation criteria standards for liquefied natural gas (LNG) marine storage terminals. Specifically, Petitioners request that the Commission 1) institute a rulemaking proceeding for such aforementioned purpose; 2) order the Commission Staff to conduct independent investigations and analysis to be incorporated into a comprehensive environmental impact statement that would set forth the information required for establishment of the site selection criteria; and 3) adopt standards which preserve the public safety and environment and also respect the rights of State and local governments to further the safety and welfare of their citizens.

Petitioners state that present Commission treatment of each LNG application as if it were sui generis, unique unto itself, is unrealistic and contrary to prior Commission statements. It is contended that LNG should be viewed as one response to a nation-wide gas supply problem, and that regulatory approaches to LNG siting should be national, or at least coastal, in scope. Several factors are said to dictate this, including commonality of technology and operating regulations.

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the fact that natural gas is a fungible commodity, the President's proposal to restrict LNG imports to one trillion cubic feet yearly, previous Commission concern for public safety expressed in the Columbia LNG Corporation facility at Cove Point, Md., and closely linked practical and economic considerations concerning the burden now assumed by the Commission Staff. Petitioners submit that the adoption of uniform criteria as proposed would greatly enhance efficiency for the Staff, applicants, and intervenors, as well as providing the economic benefit of consistency. Thus, petitioners state, the reasons for adopting site selection criteria include considerations of supply and economics as well as environmental and safety concerns.

Petitioners state that sufficient legal basis exists for the Commission to adopt such standards. Citing the Commission's authority under the Natural Gas Act to promulgate "orders, rules, and regulations . . .", and pertinent court cases, petitioners argue that the rule making power is broad enough to encompass LNG site selection standards having coastal or even national impact. Moreover, petitioners contend, the Commission is not only authorized to make such rules, but is actually required to do so. Section 2.80 of the rules and additional cases are noted as further support that the Commission assume an affirmative, active role in evaluating and determining LNG sites.

The petition contains several suggested siting and operation criteria which, with others, petitioners suggest be incorporated into any LNG regulations. These include the requirement that all LNG facilities be located in areas of low population density, the establishment of buffer and exclusive zones around the facilities and shipping corridors, means to control future activities and growth within the area, and the assurance that nearby residents' land-use options for the surrounding area are not foreclosed.

Petitioners propose that such standards be made applicable to all future LNG terminals as well as any existing ones not now being used for importation, storage, or distribution of LNG. It is stated that all the currently existing or proposed terminals listed in the petition are inextricably linked from the standpoint of supply, technology, safety and similarity of location.

The purpose of this notice is to invite responses from interested parties and the public concerning whether the request for a rulemaking should be entertained and whether or not the Commission should institute a formal rulemaking proceeding.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16196 Filed 6-3-76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 202]

[Docket No. R-0038]

EQUAL CREDIT OPPORTUNITY

Proposed Amendments

The Board is considering several amendments to § 202.6 of Regulation B, Equal Credit Opportunity. This section, which relates to the furnishing of credit information by creditors to consumer reporting agencies, was designed to remove an obstacle that many women encountered in attempting to obtain credit, namely, the lack of a credit history. Traditionally, creditors reported information relating to the accounts of married couples in the husband's name only. Thus, only the husband accumulated a credit history.

Section 202.6 of Regulation B was intended to remedy this situation by enabling married women to develop a credit history. To accomplish this result, § 202.6(a) requires a creditor to determine whether a particular account is one which both spouses will use or for which both will be contractually liable. The creditor must then designate the account accordingly. Section 202.6(a)(2)(i) now provides that when the creditor reports information concerning the account to a consumer reporting agency, it must report the information "in a manner which will enable the agencies to provide access to information about the account in the name of each spouse."

The Board is concerned that the separate files that would be established for married women under the existing regulation may be incomplete. When credit information about a shared account is reported under the wife's name, it will be placed in her separate file, but the wife's separate file will not contain "undesignated" information about the couple's prior credit experience.[1] The Board believes that the proposed amendment will prevent this occurrence.

Representatives of consumer reporting agencies have informed the Board that in order to provide access to information about a shared account in the name of each spouse, credit information about the account must be reported twice and two files created, one in the husband's name and one in the wife's name. This duplication of credit information will be costly and may result in an increase in the cost of credit to the consumer. In addition, the requirement to provide access to a file by using either spouse's name may be unrealistic in light of existing technology.

Under either the existing language or the proposed amendment to § 202.6(a), a married woman who is creditworthy will be able to establish her own separate file by opening her own individual accounts.

Section 202.6(b) contains a Notice which creditors are required to mail or deliver to their customers between November 1, 1976 and February 1, 1977. This Notice, which is entitled "Credit History for Married Persons," discusses the traditional practice of reporting credit information in the husband's name only. It explains that if a customer wishes to create a credit history for both spouses, he or she may sign the detachable request form and return it to the creditor.

The Board proposes to amend the Notice to explain more clearly how information about a shared account will be reported if the customer returns the detachable form to the creditor.

In addition, the Notice currently does not explain how a creditor will report information about an account if the customer does not return the detachable form. The Board proposes to amend the Notice to explain that if the customer does not return the form, information regarding the account will be reported the same way it is now reported.

For these reasons, the Board proposes to amend § 202.6 by revising paragraph (a)(2)(i) and (ii) and the text of the notice in paragraph (b) to read as follows:

§ 202.6 Furnishing of credit information.

(a) Accounts established on or after November 1, 1976.* * *

(2) When furnishing information to consumer reporting agencies or others concerning an account designated under this section, a creditor shall report the designation and furnish any information concerning the account:

(i) To consumer reporting agencies, in a manner which will enable the agencies to provide that information in a way which reflects the participation of each spouse; and

(ii) To recipients other than such agencies, in a way which reflects the participation of each spouse.

(b) Accounts established prior to November 1, 1976. * * *

NOTICE.—CREDIT HISTORY FOR MARRIED PERSONS

The Federal Equal Credit Opportunity Act forbids all creditors from discriminating against any applicant on the basis of sex or marital status in any aspect of a credit transaction. Regulations adopted under the Act give married persons the right to have credit information concerning those credit accounts that they hold or use jointly with a spouse reported to consumer reporting agencies and creditors in a manner reflecting the participation of both the wife and husband. Accounts of married persons opened before November 1976—even those opened in the names of both spouses—are often reported in only the husband's name. This is generally true regardless of who has been paying the bills or whose income was used to obtain the account. As a result, many married women do not have a credit history in their own names, although their husbands do. If a woman ever needs to obtain credit on her own, for example, when divorced or widowed, a credit history is usually necessary.

If your account(s) with us is a joint account which you share with your spouse or an account(s) in the name of one spouse which the other spouse is authorized to use, you have the right to have credit information concerning your account(s) with us reported so as to reflect the participation of both spouses. If you choose to have credit information concerning your account(s) with us reported in a manner reflecting the participation of both spouses, please fill in the statement below and return it to us.

Please note that the Federal regulation provides that your signature below will not make either you or your spouse legally liable for any different or greater debts. It will only request that credit information be reported in a manner reflecting the participation of both spouses in the use and payment of the account(s).

NOTE.—If you do not return the form below with your instructions or otherwise advise us of your wishes, the credit history information concerning your account(s) will be reported the way it is now reported.

* * * * *

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data or comments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, to be received not later than June 30, 1976. All material submitted should include the Docket Number R-0038.

This notice of proposed rulemaking is published pursuant to the Board's authority under § 703(a) of the Equal Credit Opportunity Act (15 U.S.C. 1691b).

By order of the Board of Governors, May 21, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-16077 Filed 6-3-76;8:45 am]

[1] Undesignated information is information not specifically attributable to the husband or wife. All existing information currently is undesignated.

FEDERAL TRADE COMMISSION

[16 CFR Part 454]

ADVERTISING AND LABELING OF PROTEIN SUPPLEMENTS

Concerning Proposed Trade Regulation Rule: Text Correction; Additions and Modifications to Final Notice

On September 5, 1975, the Commission published in the FEDERAL REGISTER (40 FR 41144) an initial notice of a proposed trade regulation rule concerning the advertising and labeling of protein supplements pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure). A final notice of rulemaking was published in the FEDERAL REGISTER on March 10, 1976 (41 FR 10232).

Now, pursuant to the cited authority and more specifically to the authority of § 1.13(c)(1) and (d)(2) of the Commission's procedures and rules of practice (hereinafter rules of practice) the undersigned duly appointed Presiding Officer for this proceeding publishes this notice, incorporating by reference the contents of the initial notice described above, including the text of the proposed rule (except as corrected below), and the contents of the Fnal Notice (except as expressly modified below).

CORRECTION IN THE TEXT OF THE PROPOSED RULE

Section 454.15(c) of the proposed rule [16 CFR Part 454], published in the FEDERAL REGISTER of September 5, 1975, on page 41146 in the left column, is hereby corrected to read as follows:

§ 454.15 Weight reduction representations.

* * * * *

(c) Consumption of any protein supplement or protein itself is useful for, or contributes in any way to, or is useful in regulating or maintaining caloric intake or body weight by the use of any demonstration or depiction or any word or phase such as "diet", "dietetic", "low calorie", "low in calories", "fewer calories", "calorie reduced", "contains artificial sweeteners", "artificially sweetened", or any other demonstration, depiction or term of similar import, unless:

(1) It is clearly and conspicuously disclosed in immediate conjunction with each such representation:

(i) That protein has approximately the same caloric content by weight as carbohydrate and ingestion of protein in excess of the body's daily caloric and protein needs contributes calories which can cause weight gain,

(ii) That weight reduction can occur only if the body uses more calories than it ingests from all sources including protein;

(2) The protein supplement so represented complies with the provisions of 21 CFR 125.6,[1] and

(3) The number of calories contained in a stated serving of the protein supplement is clearly and conspicuously disclosed in immediate conjunction with each such representation.

[1] Section 125.6, "Label Statements Relating to Food which Purports to Be or Is Represented for Use as a Means of Regulating Caloric Intake or Body Weight", has not yet been adopted by the FDA in final form.

WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be submitted to C. W. Keller, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than July 2, 1976. To assure prompt consideration comments should be identified as "Protein Supplement Comment" and submitted, when feasible and not burdensome, in five copies. Comments previously submitted have been placed in the public record and need not be resubmitted.

I would like to emphasize that written comments on any aspect of the proposed rule are welcomed. Written submissions may address questions of policy and need not be limited to issues of fact. The designated issues, set out below, apply only to cross-examination of witnesses and are not intended to limit the scope of written comments.

PUBLIC HEARINGS: DATES AND PLACES

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below, commencing on the dates and times specified at each location:

1. Public hearings will begin on Monday, July 12, 1976, at 9:30 a.m. in Boston, Massachusetts:

Executive Dining Room (Room E-226), John Fitzgerald Kennedy Federal Building, Government Center, Boston, Massachusetts.

Persons desiring to present their views orally in Boston should so inform the Commission's representative listed below not later than June 21, 1976:

David Keniry [(617) 223-6621], Room 1301, Federal Trade Commission, 150 Causeway Street, Boston, Massachusetts 02114.

2. Public hearings will begin on Monday, September 13, 1976, at 9:30 a.m. in Washington, D.C.:

Room 332, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, N.W., Washington, D.C.

Persons desiring to present their views orally in Washington should so inform the Commission's representative listed below not later than August 23, 1976:

Jacqueline R. Schmitt, [(202) 254-7663], Federal Trade Commission, 2120 L Street, NW., Washington, D.C. 20037

3. Public hearings will begin on Tuesday, October 26, 1976, at 9:30 a.m. in San Francisco, California:

Room 12136, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Persons desiring to present their views orally in San Francisco should so inform the Commission's representative listed below not later than September 27, 1976:

George Gregores [(415) 556-1270], Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102

Please note that the initial day of hearings at San Francisco has been

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changed to October 26 and that the below that may be subject to

agent's appropriate regulatory federal regulation of the securities

changed to October 26 and that the hearing room for San Francisco is 12138. The deadline for requests to testify at San Francisco and for submission of statements or outlines of testimony remains September 27, 1976.

INSTRUCTIONS FOR WITNESSES

Please refer to the "Instructions for Witnesses" section in the final notice for a complete discussion of requirements for persons who wish to offer oral testimony (41 FR 10232, March 10, 1976). Copies of the final notice will be supplied, upon request, by any of the Commission representatives named in this notice.

Persons who wish to testify are required to file either a prepared statement or a comprehensive outline of testimony with the Commission representative listed above no later than June 21, 1976, for those witnesses appearing in Boston; no later than August 23, 1976, for those witnesses appearing in Washington; and no later than September 27, 1976, for those witnesses appearing in San Francisco. Any exhibits which a witness wishes to introduce in connection with his or her testimony must also be submitted by the same date set out above for the filing of expected testimony, depending on the location at which the witness intends to appear.

Written outlines or summaries of expected testimony should include, but are not limited to, a statement of each important fact, observation, conclusion or opinion which the witness anticipates presenting. The summary or outline must indicate the basis for each conclusion or opinion, insofar as possible. If the witness has available a curriculum vitae or similar background information, it must be included in the advance submission as well.

Advance submittal of statements or outlines of testimony and exhibits is required to apprise other interested parties of expected testimony so they may determine the need for examination, including cross-examination. Thus, it is extremely important that advance submissions of summaries or outlines of testimony be sufficiently detailed to give fair notice of the scope of the witness' testimony and the bases for assertions and conclusions. The Presiding Officer may exercise his authority to deny the right to present oral testimony to any person who fails to file an adequate outline or otherwise comply with the advance notification requirements of this notice.

Witnesses may direct their statements to any question of fact, law, policy or discretion relevant to the proposed rule. I would like to emphasize that a witness' direct testimony is not limited to issues of fact or to the designated issues set forth below. Witnesses may address questions of policy or discretion, and indeed are encouraged to do so, subject to the general limitations of relevance and germaneness. However, all prospective witnesses are advised that to the extent their direct testimony may bear upon any of the designated issues set forth below they may be subject to cross-examination as to those issues by representatives of other interested parties, or to cross-examination by the Presiding Officer. All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to examination by such other interested parties as he may within his discretion permit.

NOTIFICATION REQUIREMENTS

Please refer to the "Designated Issues" section in the Final Notice for a complete discussion of requirements for persons who wish to avail themselves of the procedures provided under § 1.13(d)(5) and (6) of the rules of practice (41 FR 10233, March 10, 1976). Pursuant to statute and the rules of practice, testimony with respect to the designated issues set forth below may entitle representatives of interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issue so designated.

Interested persons who desire to avail themselves of the procedures provided under § 1.13(d)(5) and (6) of the rules of practice with respect to newly designated issues ten (10) and eleven (11) must notify the Presiding Officer by July 2, 1976, in writing, of their particular interest with respect to each newly designated issue, including a general statement of their position with respect to each newly designated issue, including a general statement of their position with respect to each such issue. Requests to examine, including cross-examine, or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

DESIGNATED ISSUES UNDER § 1.13(d)(1)

Pursuant to a motion filed on behalf of an interested party in this proceeding, and following informal conferences, the Presiding Officer has determined that certain modifications and additions to the designated issues in this proceeding are warranted under § 1.13(d)(2) of the rules of practice. A complete list of designated issues is set forth below. Issues four (4) and five (5) reflect modifications of the respective designated issues published in the final notice of March 10, 1976 (41 FR 10233). Issues ten (10) and eleven (11) are additions to the issues published in the final notice.

1. The circumstances under which the use of concentrated protein supplements without medical supervision poses substantial risks to the health of (a) infants, (b) young chilren, (c) persons with liver or kidney disorders and (d) other users.

2. The level of protein concentration, if any, at which substantial health risks arise from the use of protein supplements by the classes of persons named above, without medical supervision.

3. The protein requirement of most Americans.

4. Whether significant percentages of Americans, in various age groups, fail to consume adequate amounts of protein.

5. The significant nutritional benefits, if any, from the use of protein supplements.

6. (a) The depletion of protein caused by strenuous activity compared to ordinary physical activity and (b) the increased need for protein, if any, for physical activity of any kind, particularly by athletes, children or active individuals.

7. The improvement or increase, if any, from consumption of protein beyond the Recommended Dietary Allowance, in the level of performance of persons engaged in athletics or strenuous physical labor.

8. The benefits, if any, from the consumption of protein for weight reduction purposes.

9. (a) The degree to which the "food energy" value of protein is derived from its caloric content. (b) The degree to which the protein contribution to a person's vigor, energy, alertness, strength or endurance is dependent upon the caloric content of protein.

10. Whether there is a class of foods which can be described by the term "protein supplement" which is distinguishable from other foods in nature, methods of marketing, nutritional content, intended use or potential hazards to health.

11. Whether the information presently required to be included by section 403(i) of the Food, Drug and Cosmetic Act and by 21 CFR 1.10 and 1.17 is adequate to enable consumers to determine the protein content of a product and to make comparisons of the nutritinoal and economic value among protein supplements and between protein supplements and other foods.

The Commission also specifically invites comment and discussion of the following questions. These are not designated issues.

1. The need, if any, for alternate language for the disclsoure statements mandated by §§ 454.8, 454.9, 454.10(a)(2), 454.13(b) and 454.14(c) of the proposed rule.

2. What constitutes "clear and conspicuous" disclosure in the context of this proposal? Consideration should include, but not be limited to, type size, style and color (contrast to background) and the location and placement of the disclosure (e.g., front or reverse of label).

SUMMARY OF CLOSING DATES

1. Notification of interest (newly designated issues): July 2, 1976.

2. All written comments: July 2, 1976.

3. Witnesses' prepared statements (or comprehensive summaries) and exhibits for:

(a) Boston hearing—June 21, 1976;

(b) Washington, D.C. hearing—August 23, 1976;

(c) San Francisco hearing—September 27, 1976.

SUMMARY OF HEARING DATES

1. Boston, Mass.—July 12, 1976.

2. Washington, D.C.—September 13, 1976.

3. San Francisco, Calif.—October 26, 1976.

Issued May 28, 1976.

CHRISTOPHER W. KELLER,
Presiding Officer.

[FR Doc.76-16226 Filed 6-3-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-12440; File No. S7-631]

REGULATION OF TRANSFER AGENTS

Proposed Rules

INTRODUCTION-SUMMARY OF PROPOSED RULES

Notice is hereby given that the Securities and Exchange Commission (the "Commission") has under consideration proposals to adopt Rules 17Ad-1, 17Ad-2, 17Ad-3, 17Ad-4 and 17AD-5 [1] under the Securities Exchange Act of 1934 (the "Act").[2]

Proposed Rule 17Ad-1 establishes a maximum turnaround time within which all registered transfer agents must complete at least ninety percent of the routine transfer items presented on any business day. Additionally, a maximum turnaround time is established within which outside registrars, as defined in the rule, must complete at least ninety percent of the items presented for performance of the registrar function on any business day. In each case, the remaining items must be processed promptly.

Proposed Rule 17Ad-2 requires any registered transfer agent which for items presented during any calendar week does not turnaround within seventy-two hours at least ninety-five percent of the routine items presented or perform the registrar function within twenty-four hours for at least ninety-five percent of the items presented to give written notice of such failure to the Commission and the transfer agent's appropriate regulatory agency, if it is not the Commission.[3] Proposed Rule 17Ad-2 places certain restrictions on a registered transfer agent's ability to expand its business if it is required to file such written notice with respect to four consecutive calendar weeks.

Proposed Rule 17Ad-2 requires any registered transfer agent which for any issue for items presented during any calendar week does not turnaround within seventy-two hours at least ninety-five percent of the routine items presented or perform the registrar function within twenty-four hours for at least ninety-five percent of the items presented to give written notice of such failure to the Commission and the transfer agent's appropriate regulatory agency, if it is not the Commission, the issuer, and, if the issuer acts as its own transfer agent, the issuer's board of directors.

Proposed Rule 17Ad-3 requires each registered transfer agent within five business days following receipt of a request for information concerning an open transfer item from or on behalf of a presentor to confirm or deny the transfer agent's possession of the item and to respond to other inquiries of the presentor concerning the item, unless the transfer agent dispatches a new certificate to the presentor within five business days of the transfer agent's receipt of the request.

Proposed Rules 17Ad-4 and 17Ad-5 require registered transfer agents to make, keep current and maintain certain books and records.

BACKGROUND

Against the backdrop of the 1967–1970 paperwork and financial crisis in the securities industry, Congress, in December, 1970, enacted the Securities Investor Protection Act of 1970 ("SIPC Act").[4] Section 11(h) of the SIPC Act directed the Commission to conduct a study of unsafe and unsound practices and to report to Congress what was being done under existing law to eliminate those practices and what additional legislation was needed.

In its "Study of Unsafe and Unsound Practices of Brokers and Dealers" (the "Study"),[5] which was submitted to Congress in December, 1971, the Commission noted, among other things, that the functions of transfer agents and registrars had been largely unregulated and the substandard performance of transfer agents was a significant contributing factor to the paperwork crunch of the 1967–1970 period.

The Study concluded that additional legislation was needed in the securities processing area, and in 1972 the Commission recommended to Congress legislation concerning the processing of securities transactions which, among other things, provided for the regulation of transfer agents, securities depositories and clearing agencies. In the same year, a number of other bills concerning securities processing were introduced in both the House and the Senate. Although these bills were not enacted, various other bills concerning securities processing were introduced in both Houses of Congress in 1973 and 1975,[6] culminating, in 1975, with the enactment of the Securities Acts Amendments of 1975 (the "1975 Amendments").[6]

SECURITIES ACTS AMENDMENTS OF 1975

As amended by the 1975 Amendments, the Act, in Section 17A,[7] provides for federal regulation of the securities handling process, including clearing agencies, depositories, and transfer agents, with a view to facilitating the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions. To this end, Section 17A(c) of the Act requires any person performing the function of a transfer agent, as defined in Section 3(a)(25)[8] of the Act, with respect to any security registered under Section 12[9] of the Act or which would be required to be registered except for the exemption contained in subsection (g)(2)(B) or (g)(2)(G) of Section 12 to register with the appropriate regulatory agency for such transfer agent. With respect to any transfer agent so registered Section 17A(d)(1) of the Act authorizes the Commission to prescribe such rules and regulations as may be necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[10] Additional Commission rulemaking authority concerning registered transfer agents is contained in Section 17[11] of the Act.

In discussing the Commission's rulemaking power under Section 17A(d)(1) of S. 249, the precursor to Section 17A(d)(1) of the 1975 Amendments, the Committee Report which accompanied S. 249 stated: "The Commission is empowered with broad rulemaking authority over all aspects of a transfer agent's activities as transfer agent. * * * The Committee expects this to include, among other matters, minimum standards of performance, the prompt and accurate processing of securities transactions, and operational compatibility of and cooperation by transfer agents with other facilities and participants in the securities handling process."[12]

While in recent years transfer agents have made substantial progress in upgrading their operation, the Commission believes that minimum standards continue to be necessary to insure that the problems which occurred from 1967 to 1970 will not recur and to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions. Accordingly, today the Commission is proposing a series of rules to establish certain minimum standards for registered transfer agents. Because the standards embodied in the proposed rules are minimum standards, the Commisoisn expects that registered transfer agents whose

[1] Proposed Rules 17 CFR 240.17Ad-1, 240.17Ad-2, 240.17Ad-3, 240.17Ad-4 and 240.17 Ad-5.

[2] 15 U.S.C. 17a, et seq.

[3] The appropriate regulatory agency for a transfer agent is defined in Section 3(a)(34)(B) of the Act, 15 U.S.C. 78c(a)(34)(B).

[4] 15 U.S.C. 78aaa, *et. seq.*

[5] H.R. Doc. No. 92-231, 92d Cong., 1st Sess. (1971).

[6] Pub. L. No. 94-29 (June 4, 1975).

[7] 15 U.S.C. 17q-1.

[8] 15 U.S.C. 78c(a)(25).

[9] 15 U.S.C. 781.

[10] Rules applicable to securities processing activities of registered transfer agents apply to securities processing activities affecting all securities processed by registered transfer agents, including securities not registered under Section 12 of the Act or which would not be required to be registered except for the exemption contained in subsections (g)(2)(B) or (g)(2)(G) of Section 12.

[11] 15 U.S.C. 78q.

[12] Senate Comm. on Banking, Housing, and Urban Affairs, S.R. No. 94-75, 94 Cong., 1st Sess. 57 (1975).

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current performance exceeds the proposed standards will maintain current performance levels.

Proposed Rule 17Ad–1, 17 CFR 240.-17Ad–1. Proposed Rule 17Ad–1 is designed to establish a time within which all registered transfer agents must accomplish transfer of routine items ("turnaround"). Routine transfer items are transfers which do not require additional certificates, documentation, instructions, guarantees, endorsements, explanations or other matter ("additional matter") before transfer can be effected properly. Under the proposed rule, turnaround of at least ninety percent of all routine transfer items received during any business day must be accomplished within seventy-two hours of receipt. Turnaround of the remaining items must be accomplished promptly. In addition, a registered transfer agent which receives a non-routine transfer item—a transfer request which requires additional matter before transfer can be made properly—must, within forty-eight hours of receipt of the non-routine item, send an advice to the presentor specifying any additional matter needed before turnaround can be made properly. Once the requested additional matter is received by the registered transfer agent, the item to which the advice pertains becomes a routine transfer item and turnaround must be effected within seventy-two hours. In addition, if an advice is not responded to within 60 days, the registered transfer agent must return to the presentor the item to which the advice pertains unless the presentor instructs otherwise.

Proposed Rule 17Ad–1 further provides that a registered transfer agent which performs the registrar function for an item but is not the registered transfer agent to which the item is initially presented for transfer, i.e., an outside registrar, must, within twenty-four hours, for at least ninety percent of all items presented for performance of a registrar function during any business day, either turnaround the item or send the presentor a written notice stating the reasons turnaround may not be affected and specifying any additional matter needed before turnaround may be effected. The remaining items must be processed promptly.

Proposed Rule 17Ad–1 defines "turnaround" to include all acts necessary to cancel the old certificate and re-issue a new one or, in the case of an outside registrar, to complete the registrar function and to return the certificates. The rule measures turnaround time from the time an item is received by a registered transfer agent or a facility employed by the registered transfer agent for original receipt, such as a drop, until the time the item, in accordance with the presentor's instructions, is dispatched, mailed or made available to the presentor at the point of original receipt.

Proposed Rule 17Ad–2, 17 CFR 240.-17Ad–2. Pursuant to Proposed Rule 17Ad–2(a), any registered transfer agent, including an outside registrar, which for items presented during any calendar week, does not turnaround at least ninety-five percent of the routine items or perform the registrar function for at least ninety-five percent of the items in accordance with the time requirements of Rule 17Ad–1 must file a written notice with the Commission and the transfer agent's appropriate regulatory agency, if it is not the Commission. The written notice would contain the number and percentage of routine transfer items or items for which the transfer agent was requested to perform the registrar function not completed in accordance with the times specified in Rule 17Ad–1, the reasons the items were not completed within the times specified in Rule 17Ad–1 and the steps taken by such transfer agent to effect compliance with the times specified in Rule 17Ad–1.

Proposed Rule 17Ad–2(b) would require a registered transfer agent, including an outside registrar, which for any issue for items presented during any calendar week does not turnaround at least ninety-five percent of the routine items or perform the registrar function for ninety-five percent of the items in accordance with the time requirements of Rule 17Ad–1 to give written notice of such failure to the Commission, the transfer agent's appropriate regulatory agency, if it is not the Commission, the issuer, and, if the issuer acts as its own transfer agent, the issuer's board of directors. The written notice would contain information for the issue identical to that required by Proposed Rule 17Ad–2(a).

Proposed Rule 17Ad–2(c) provides that any registered transfer agent which files such written notices pursuant to Rule 17Ad–2(a) with respect to four consecutive calendar weeks shall not, from the date of filing of the written notice with respect to the fourth consecutive calendar week (the "disability date") until the end of the next following period of twelve successive calendar weeks during which no written notices shall have been filed, initiate the performance of any transfer agent function for a security for which the transfer agent does not perform transfer agent functions on the disability date or initiate for any issue the performance of a transfer agent function not performed for the issue on the disability date, unless, upon written application by the transfer agent, the transfer agent's appropriate regulatory agency shall provide otherwise by order.

Proposed Rule 17Ad–3, 17 CFR 240.-17Ad–3. Pursuant to Proposed Rule 17Ad–3, each registered transfer agent, within five business days following receipt of an inquiry with respect to an open transfer item from or on behalf of its presentor, must respond to the request unless, within five business days following receipt of the inquiry, turnaround of the item is effected.

Proposed Rule 17Ad–4, 17 CFR 240.-17Ad–4. Proposed Rule 17Ad–4 would require every registered transfer agent to make and keep current certain records. Among other things, registered transfer agents would be required to maintain records to show the time and date of receipt and delivery of each transfer item presented to the transfer agent. In the case of non-routine transfer items, the transfer agent would be required to retain a copy of the advice sent to the presentor explaining why transfer cannot be accomplished, a record of the the time and date additional matter requested by the advice is received and, if the advice is not responded to within sixty days, a record of the date on which the item to which the advice pertains is returned to the presentor. Record-keeping requirements would be established with respect to receipt of and response to confirmation requests and other correspondence any written notice and required pursuant to Rule 17Ad–2, calculations demonstrating the registered transfer agent's compliance with Rules 17Ad–1 and 17Ad–2 as well as other matters.

Proposed Rule 17Ad–5, 17 CFR 240.17 Ad–5. Proposed Rule 17Ad–5(a) would require every registered transfer agent to maintain and preserve all records required by Rule 17Ad–4 for a period of not less than six years, the first two years in an easily accessible place. Proposed Rule 17Ad–5(b) would also require registered transfer agents to maintain and preserve for certain periods records required to be prepared pursuant to Rule 17f–2 (the fingerprinting rule), 17 CFR 240.17f–2. Proposed Rule 17Ad–5(c) would allow a registered transfer agent to maintain records on microfilm under certain conditions.

Statutory Basis and Requirements to Consult

Proposed Rules 17Ad–1, 17Ad–2, 17Ad–3, 17Ad–4 and 17Ad–5 would be adopted pursuant to Sections 2, 17, 17A and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78b, 78q, 78q–1, and 78w(a). Pursuant to the objectives of Section 17A(d)(3)(A)(i), the Commission, at least fifteen days prior to announcing these proposals, consulted with the Federal bank regulatory agencies and requested their views on the rules proposed herein.

It is proposed to add §§ 240.17Ad–1 through 240.17Ad–5 to 17 CFR Part 240 as follows:

The Text of Proposed Rule 17Ad–1 follows:

§ 240.17Ad–1 Certificate turnaround time for registered transfer agents.

(a) Every registered transfer agent (except one acting solely as an outside registrar) shall turnaround within seventy-two hours at least ninety percent of all routine transfer items presented for transfer on any business day and shall turnaround the remaining items promptly.

(b) Every registered transfer agent, within forty-eight hours of receipt of a non-routine transfer item, shall send an advice to the presentor of the item stating the reason turnaround may not be effected properly and specifying any additional matter needed before turnaround may be effected properly. Following receipt by the registered transfer agent of the additional matter requested in the advice sent to the presentor of a non-routine transfer item, the item treated originally as a non-routine transfer item shall be treated as a routine transfer item and turnaround of the item shall be effected within the time specified in paragraph (a) of this section. If no response to an advice sent to a presentor by a registered transfer agent is received within sixty days following the date on which the advice was sent, the registered transfer agent shall return to the presentor the item to which the advice pertains.

(c) Every outside registrar shall, with respect to at least ninety percent of all items presented for performance of a registrar function on any business day, within twenty-four hours following receipt of an item, either turnaround the item or send the presentor a written notice stating the reason turnaround may not be effected and specifying any additional matter needed before turnaround may be effected. The remaining items shall be processed promptly.

(d) Hours included in days on which a registered transfer agent is not normally open for business shall not be counted in calculating the time periods set forth in paragraphs (a), (b) and (c) of this section.

(e) As used in this section and in §§ 240.17Ad–2, 240.17Ad–3 and 240.17Ad–4 (Rules 17Ad–2, 17Ad–3 and 17Ad–4):

(1) The term "turnaround" means the accurate completion of all acts necessary to cancel the certificates presented for transfer and to disburse funds therefor or to issue new certificates (including performance of the registrar function) or, in the case of an outside registrar, to complete the registrar function and to return the certificates, beginning with the time an item is received by a registered transfer agent, or a facility employed by a registered transfer agent for original receipt of transfer items, and ending with the time the completed item, in accordance with the presentor's instructions, is dispatched, mailed or made available at the point of original receipt.

(2) The term "additional matter" means any additional certificates, documentation, instructions, guarantees, endorsements, explanations or other matter needed before turnaround of an item may be effected properly.

(3) The term "routine transfer item" means an item presented for transfer for which no additional matter is needed before the item can be transferred properly. Any other transfer item is a "non-routine transfer item."

(4) The term "outside registrar," with respect to a transfer item, means a registered transfer agent which performs the registrar function for the certificates presented for transfer but is not the registered transfer agent to which the item is initially presented for transfer.

The Text of Proposed Rule 17Ad–2 follows:

§ 240.17Ad–2 Reports by registered transfer agents.

(a) Any registered transfer agent which for items presented during any calendar week does not effect turnaround of at least ninety-five percent of routine transfer items or does not turnaround, or notify the presentor concerning, at least ninety-five percent of the items for which the transfer agent is the outside registrar within the times specified in Section 240.17Ad–1 (Rule 17Ad–1) (a "failure to complete processing") shall, within six business days following the end of the calendar week, file with the Commission and the registered transfer agent's appropriate regulatory agency, if it is not the Commission, a written notice containing the number and percentage of routine transfer items or items for which the transfer agent was requested to perform the registrar function for which there was a failure to complete processing, the reasons for the failure to complete processing, and the steps the transfer agent has taken, is taking or will take to prevent any future failure to complete processing.

(b) Any registered transfer agent which for any issue fails to complete processing for items presented during any calendar week shall, within six business days following the end of the calendar week, file with the Commission, with the registered transfer agent's appropriate regulatory agency, if it is not the Commission, and with the issuer or, if the registered transfer agent is the issuer, the registered transfer agent's board of directors, a written notice containing the name of the issue, the number and percentage of the items of the issue for which there was a failure to complete processing, the reasons for the failure to complete processing, and the steps the transfer agent has taken, is taking or will take to prevent any future failure to complete processing for the items.

(c) No registered transfer agent which is required to file written notices pursuant to paragraph (a) of this section with respect to four consecutive calendar weeks shall, from the date of the filing of the written notice with respect to the fourth consecutive calendar week (the "disability date") until the end of the next following period of twelve successive calendar weeks during which no written notices shall have been required pursuant to paragarph (a) of this section, initiate the performance of any transfer agent function for a security for which the transfer agent does not perform transfer agent functions on the disability date or initiate for any issue the performance of a transfer agent function not performed for the issue on the disability date, unless, upon written application by the transfer agent, the transfer agent's appropriate regulatory agency shall provide otherwise by order. A copy of a written application filed with the transfer agent's appropriate regulatory agency, if it is not the Commission, shall be filed with the Commission in accordance with paragraph (d) of this section.

(d) Any written notice required to be filed with the Commission by a registered transfer agent pursuant to this section shall be filed with the principal office of the Commission in Washington, D.C. and, in the case of a registered transfer agent for which the Commission is the appropriate regulatory agency, with the Regional Office of the Commission for the region in which the registered transfer agent has its principal place of business.

(e) Any written notice required to be filed with the Comptroller of the Currency pursuant to this section shall be filed with the Office of the Comptroller of the Currency, Administrator of National Banks, Washington, D.C. 20219.

(f) Any written notice required to be filed with the Board of Governors of the Federal Reserve System pursuant to this section shall be filed with the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and with the Federal Reserve Bank of the District in which the registered transfer agent's principal banking operations are conducted.

(g) Any written notice required to be filed with the Federal Deposit Insurance Corporation pursuant to this section shall be filed with the Federal Deposit Insurance Corporation, Washington, D.C. 20429.

The Text of Proposed Rule 17Ad–3 follows:

§ 240.17Ad–3 Response by registered transfer agents to inquiries.

Every registered transfer agent, within five business days following the receipt of an inquiry concerning an open transfer item from or on behalf of its presentor, shall confirm or deny possession of the item and shall otherwise respond to the presentor's inquiry, unless turnaround of the item is effected within five business days following the transfer agent's receipt of the inquiry.

The Text of Proposed Rule 17Ad–4 follows:

§ 240.17Ad–4 Reports to be made by registered transfer agents.

Every registered transfer agent shall make and keep current the following books and records:

(a) a duplicate of any advice sent to a presentor of a non-routine transfer item;

(b) a duplicate of any notice sent to a presentor of an item by an outside registrar performing a registrar function;

(c) a duplicate of any written notice required to be filed pursuant to § 240.-17Ad–2 (Rule 17Ad–2);

(d) any inquiry received concerning an open transfer item and a duplicate of the response to each inquiry;

(e) a record of the time and date of receipt and dispatch, mailing or availability of each item presented to such

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the point of taking equals the 7-day be subject to inspection by the Commis- Office and furnished the address and the

registered transfer agent for transfer or for performance of a registrar function and of the return of any such item improperly transferred;

(f) a record of the time and date any advice or notice is sent to a presentor of a non-routine transfer item or an item for performance of a registrar function and of the time and date any additional matter requested in any advice or notice is received by the registered transfer agent or the item to which the advice or notice pertains is returned to the presentor;

(g) a record of the time and date the information contained in any written notice required to be filed pursuant to § 240.17Ad–2 (Rule 17Ad–2) first becomes available to the registered transfer agent and of the time and date the written notice is dispatched;

(h) a record of the time and date any inquiry concerning an open transfer item is received from or on behalf of the presentor of an item and the date the response to the inquiry is sent or turnaround of the item is effected; and

(i) a record of calculations demonstrating the registered transfer agent's compliance with §§ 240.17Ad–1 and 240.17Ad–2 (Rules 17Ad–1 and 17Ad–2).

The Text of Proposed Rule 17Ad–5 follows:

§ 240.17Ad–5 Records to be preserved by registered transfer agents.

(a) Every registered transfer agent shall maintain and preserve all records required by § 240.17Ad–4 (Rule 17Ad–4) for a period of not less than six years, the first two years in an easily accessible place:

(b) Every registered transfer agent shall maintain and preserve in an easily accessible place:

(1) All records required under § 240.17f–2(d) (Rule 17f–2(d)) until at least three years after the termination of employment of those persons required by § 240.17f–2 (Rule 17f–2) to be fingerprinted, and

(2) All records required pursuant to § 240.17f–2(e) (Rule 17f–2(e)) for three years.

(c) The records required to be maintained and preserved pursuant to §§ 240.17Ad–4 (Rule 17Ad–4) and § 240.17Ad–5 (Rule 17Ad–5) may be immediately produced or reproduced on microfilm and be maintained and preserved for the required time in that form. If such microfilm substitution for hard copy is made by a registered transfer agent, he shall: (1) at all times have available for examination by the Commission and the appropriate regulatory agency for such transfer agent, facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements; (2) arrange the records and index and file the films in such a manner as to permit the immediate location of any particular record; (3) be ready at all times to provide, and immediately provide, any facsimile enlargement which the Commission and the appropriate regulatory agency by its examiners or other representatives may request; and (4) for the period for which the microfilmed records are required to be maintained, store separately from the original microfilm records a copy of the microfilm records.

All interested persons are invited to submit their views on proposed Rules 17Ad–1, 17Ad–2, 17Ad–3, 17Ad–4 and 17Ad–5 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549, no later than July 2, 1976. Reference should be made to File No. S7–631. All comments received will be subject to public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 12, 1976.

[FR Doc.76–16128 Filed 6–3–76;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

[18 CFR Part 803]

REVIEW OF PROJECTS

Uses During Period of Low Flow

The Commission is charged with the responsibility for overall management of the water and related resources of the Susquehanna River Basin. A Comprehensive Plan to coordinate, direct and review public and private planning, management, use and development of the water resources of the basin was issued as required by the Susquehanna River Basin Compact. The Plan identifies objectives and goals for all program areas of water use and management and is designed to provide for the optimum use or combination of uses of the basin's water resources in an effort to meet all foreseeable immediate and long-range demands in an efficient and timely manner.

Guidelines and criteria as presented in the Plan are management principles that the Commission has determined to be necessary to achieve optimum utilization of the water resources. The guidelines and criteria are included in the Plan to be used to evaluate proposed projects and programs. Review and approval of proposed projects in the basin by the Commission as required by Compact Section 3.10 will assure implementation of these water management principles.

The proposed regulation amplifies one of these Guidelines—Guideline 13 which states that "Compensation shall be required for consumptive uses during periods of low flow". It is in response to the complex hydrologic and hydraulic implications of the Guideline. For example, the Guideline implies discrete numerical values to define the phrase "periods of low flow"; a method of measuring the amount of consumptive use; alternative methods of compensation, if any; etc. An understanding of the Commission's intention with respect to Guideline 13 will facilitate planning by future consumptive users.

In consideration of the foregoing, it is proposed to amend 18 CFR Part 803 to read as follows:

1. By revising paragraph (a)(2) of § 803.3 to read as follows:

§ 803.3 Projects requiring applications.

(a) * * *

(1) * * *

(2) Any project involving either the consumptive use of water (as described in § 803.61), or the transfer of water into or from the basin.

* * * * *

2. By revising paragraph (a)(2) of § 803.4 to read as follows:

§ 803.4 Projects requiring review.

(a) * * *

(1) * * *

(2) Any project involving either the consumptive use of water (as described in § 803.61), or the transfer of water into or from the basin.

* * * * *

3. By adding new §§ 803.60 and 803.61 to Part 803 to read as follows:

§ 803.60 Purpose of this subpart.

The purpose of this subpart is to set forth standards that will be used by the Commission to evaluate proposed projects pursuant to its authority detailed in §§ 803.1 to 803.6. This subpart does not identify all the aspects of a proposed project that will be evaluated. Nor should it be construed as a self-imposed limitation upon the Commission's authority and scope of review. These standards will be used for review of projects in conjunction with and in addition to the Compact, Comprehensive Plan, Water Resources Program, and appropriate regulations.

§ 803.61 Consumptive uses of water.

(a) Requirement. (1) Compensation shall be required for consumptive uses of water during periods of low flow. Compensation is required during periods of low flow for the purposes of protection of public health; stream quality control; economic development; improvement of fisheries, recreation; dilution and abatement of pollution; the prevention of undue salinity; protection of the Chesapeake Bay; and other purposes as determined by the Commission.

(2) Consumptive use is defined as water withdrawn from its source but not directly returned thereto, making it unavailable after use for other water uses because it has been transferred out of the basin, discharged to another stream, river or watershed within the basin or downstream from the source, transpired to the atmosphere, lost from a system of water conveyance, or incorporated in products from a process such as but not limited to, vegetative growth, food processing, or used in an industrial process.

(b) Method of compensation. (1) Methods of compensation acceptable to the Commission will depend upon the character of the project's source of water supply and other factors noted below.

(i) Stream source: Compensation shall be required when the stream flow at the point of taking equals the 7-day 10-year low flow plus the project's consumptive use, and dedicated augmentation.[1] The Commission reserves the right to require higher flow values at the site to protect the purposes outlined in paragraph (a)(1) of this section.

(ii) Groundwater source: Compensation shall be required when the consumptive use of the water withdrawn from the aquifer as determined by the Commission adversely affects the purposes identified in paragraph (a)(1) of this section.

(iii) The required amount of flow augmentation will be provided by the applicant or project sponsor upstream of the point of taking by one, or a combination of the following:

(A) Construction or acquisition of off-stream storage facilities.

(B) Purchase of available water supply storage in existing public or private storage facilities, or in public or private facilities scheduled for completion prior to completion of the applicant's project.

(C) Purchase of water to be released as required from a water purveyor.

(D) Releases from an upstream existing facility, owned and operated by the applicant.

(E) Other alternatives.

(2) Alternatives to compensation may be appropriate. Possible alternatives would be the discontinuance of that part of the project's operation that consumes water or utilization of an alternative source of supply providing water directly to the project that is unaffected by the Commission's requirement for compensation during periods of low flow.

(3) The Commission shall, in its sole discretion, determine the acceptable alternatives to or manner of compensation for consumptive uses of a project. Such a determination will be made after considering the project location, anticipated amount of consumptive use and its effect on the purposes set forth in paragraph (a)(1) of this section, and any other pertinent factors.

(c) Quantity of consumptive use. (1) Prior to construction of a project estimated amounts of water expected to be consumed by the user shall be used by the Commission for its Review of the project to decide the compensation requirements to be imposed. The estimates will be determined by the Commission based upon information provided by the proposed user and other parties.

(2) The Commission, as part of the project review, shall evaluate the proposed flow metering devices, stream gages, and other facilities used to measure the consumptive use of the project or the rate of streamflow. If the Commission determines that additional flow measuring devices are required these shall be provided and operated at the expense of the applicant. All flow measuring devices and their operation shall be subject to inspection by the Commission at any time.

(3) When the project is operational, the project sponsor will provide the Commission with periodic reports in the time and manner as it requires showing actual consumptive uses associated with the project. The Commission may use this data to modify, as appropriate, the compensation conditions initially imposed when the project was approved.

Notice is hereby given that the Susquehanna River Basin Commission has under consideration proposed amendments of the above part addressing the consumptive use of water in the Susquehanna River Basin. This regulation is proposed pursuant to the authority of Pub. L. 91–575, 84 Stat. 1509 et seq. (1970).

Interested parties are invited to submit comments, suggestions or objections regarding the adoption of the regulations at a public hearing on July 8, 1976, at 1:30 p.m. at the Penn Ram Motor Inn, 5401 Carlisle Pike, Mechanicsburg, Pennsylvania.

Persons unable to attend the hearing may submit written comments to the Secretary, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg Pennsylvania 17055.

MAY 26, 1976.

ROBERT J. BIELO,
Executive Director.

[FR Doc.76–16223 Filed 6–3–76;8:45 am]

[1] Dedicated augmentation: release from an existing upstream storage facility which is intended for an existing instream or withdrawal use.

VETERANS ADMINISTRATION

[41 CFR Parts 8–7 and 8–18]

CONTRACT CLAUSES AND PROCUREMENT OF CONSTRUCTION

Proposed Regulatory Development

The Veterans Administration proposes regulatory revision of Parts 8–7 and 8–18, Title 41, Code of Federal Regulations, in order to provide for a separately developed "Estimated Quantities" clause for decentralized contracts, to liberalize progress payment provisions for construction contracts, and to prescribe a new certification with respect to construction subcontractors.

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposals to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before July 6, 1976, will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

It is proposed to amend Chapter 8, Title 41, Code of Federal Regulations as follows:

1. In § 8–7.150–4, paragraph (a) and (b) are revised to read as follows:

§ 8–7.150–4 Estimated quantities for requirements contracts.

(a) When definite quantities cannot be determined, solicitations for station-level requirements contracts will contain the applicable clause as set forth below. Solicitations issued by the Marketing Center will contain provisions developed by that Center for particular application to its operations, subject to legal review as prescribed in § 8–1.403–51(c)(1).

(b) The following clause will be used for general equipment, supplies and services.

ESTIMATED QUANTITIES

As it is impossible to determine the exact quantities that will be required during the contract term, each bidder whose bid is accepted wholly or in part will be required to deliver all articles or services that may be ordered during the contract term, except as he/she otherwise indicates in his/her bid and except as otherwise provided herein. Bids will be considered if made with the proviso that the total quantities delivered shall not exceed a certain specified quantity. Bids offering less than 75 percent of the estimated requirement or which provide that the Government shall guarantee any definite quantity, will not be considered. The fact that quantities are estimated shall not relieve the contractor from filling all orders placed under this contract to the extent of his/her obligation. Also, the Veterans Administration shall not be relieved of its obligation to order from the contractor all articles or services that may, in the judgment of the ordering officer, be needed except that in the public exigency procurement may be made without regard to this contract.

* * * * *

2. In § 8–7.650–14(a), paragraph (a)(5), (b), (c) and (d) of the clause are revised and paragraphs (e) and (f) are added; in paragraph (b), under the center heading "Payments to Contractors," paragraphs (a)(1) and (5), (b), (c) and (d) of the clause are revised and (e) and (f) are added so that the added and revised material reads as follows:

§ 8–7.650–14 Payments to contractors.

(a) For contracts that do not contain a section entitled "Network Analysis System (NAS), Clause 7, General Provisions, SF 23A," will be implemented as follows:

PAYMENTS TO CONTRACTORS

Clause 7, General Provisions, SF 23A, is implemented as follows:

(a) The contractor shall submit a schedule of cost to the contracting officer for approval. Such schedule will be signed and submitted in quadruplicate. The approved cost schedule will be one of the bases for determining progress payments to the contractor for work completed. This schedule shall show cost by the branches of work for each building or unit of the contract, as instructed by the resident engineer.

(1) * * *

contract shall be and remain in full force

Nurse call system ... 5

tion shown on Form WH–347, and in ad-

apply to the safety of Veterans Administra-

check a proposal or because of failure to

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(1) • • •

(5) The cost schedule shall include separate cost information for the systems listed below. The percentages listed below are proportions of the cost listed in contractor's cost schedule and identify, for payment purposes, the value of the work to adjust, correct and test systems after the material has been installed. Payment of the listed percentages will be made only after the contractor has demonstrated that each of the systems is substantially complete and operates as required by the contract.

System:	*Value of adjusting, correcting, and testing system (percent)*
Pneumatic tube system	10
Incinerators (medical waste and trash)	5
Sewage treatment plant equipment	5
Water treatment plant equipment	5
Washers (dish, cage, glass, etc.)	5
Sterilizing equipment	5
Water distilling equipment	5
Prefab temperature rooms (cold, constant temperature)	5
Entire air-conditioning system specified under 600 sections	5
Entire boiler plant system specified under 700 sections	5
General supply conveyors	10
Food service conveyors	10
Pneumatic soiled linen and trash system	10
Elevators and dumbwaiters	10
Materials transport system	10
Engine-generator system	5
Primary switchgear	5
Secondary switchgear	5
Fire alarm system	5
Nurse call system	5
Intercom system	5
Radio system	5
TV (entertainment) system	5

(b) In addition to this cost schedule, the contractor shall submit such unit costs as may be specifically requested. The unit costs shall be those used by the contractor in preparing his/her bid and will not be binding as pertaining to any contract changes.

(c) The contracting officer will consider for monthly progress payments material and/or equipment procured by the contractor and stored on the construction site as space is available, or at a local approved location off the site, under such terms and conditions as such officer approves, including but not limited to the following:

(1) The material or equipment is in accordance with the contract requirements and/or approved samples and shop drawings.

(2) The contractor furnishes satisfactory evidence of possession of title to such material and/or equipment and that it will be utilized on the work covered by the contract.

(3) Only those materials and/or equipment as are approved by the resident engineer for storage will be included.

(4) Such materials and/or equipment will be stored separately and will be readily available for inspection and inventory by the resident engineer.

(5) Such materials and/or equipment will be protected against weather, theft and other hazards and will not be subjected to deterioration.

(6) All of the other terms, provisions, conditions and covenants contained in the contract shall be and remain in full force and effect as therein provided.

(7) A supplemental agreement will be executed between the Government and the contractor with the consent of the contractor's surety for off-site storage.

(d) The contractor, prior to receiving a progress or final payment under this contract, shall submit to the contracting officer a certification that the contractor has made payment from proceeds of prior payments, or that timely payment will be made from the proceeds of the progress or final payment then due, to subcontractors and suppliers in accordance with the contractual arrangements with them.

(e) The Government reserves the right to withhold payment until samples, shop drawings, engineer's certificates, additional bonds, payrolls, weekly statements of compliance, nondiscrimination compliance reports, or any other things required by this contract, have been submitted to the satisfaction of the contracting officer.

(f) As a par of final settlement of this contract, the contractor will be required to furnish a release of claims to the Government.

(b) For contracts that contain a section entitled "Network Analysis System (NAS), Clause 7, General Provisions, SF 23A," will be implemented as follows:

PAYMENTS TO CONTRACTORS

Clause 7, General Provisions, SF 23A, is implemented as follows:

(a) The contractor shall submit a schedule of costs in accordance with requirements of section NAS (network analysis system) to the contracting officer for approval. The approved cost schedule will be one of the bases for determining progress payments to the contractor for work completed.

(1) Costs as shown on this schedule must be true costs and, should the resident engineer so desire, he/she may require the contractor to submit his/her original estimate sheets or other information to substantiate the detailed makeup of the cost schedule.

• • •

(5) Payment for adjust and test activities will be made only after the contractor has demonstrated that each of the systems is substantially complete and operates as required by the contract.

System:	*Value of adjusting, correcting, and testing system (percent)*
Pneumatic tube system	10
Incinerators (medical waste and trash)	5
Sewage treatment plant equipment	5
Water treatment plant equipment	5
Washers (dish, cage, glass, etc.)	5
Sterilizing equipment	5
Water distilling equipment	5
Prefab temperature rooms (cold, constant temperature)	5
Entire air-conditioning system specified under 600 sections	5
Entire boiler plant system specified under 700 sections	5
General supply conveyors	10
Food service conveyors	10
Pneumatic soiled linen and trash system	10
Elevators and dumbwaiters	10
Materials transport system	10
Engine-generator system	5
Primary switchgear	5
Secondary switchgear	5
Fire alarm system	5
Nurse call system	5
Intercom system	5
Radio system	5
TV (entertainment) system	5

(b) In addition to this cost schedule, the contractor shall submit such unit costs as may be specifically requested. The unit costs shall be those used by the contractor in preparing his/her bid and will not be binding as pertaining to any contract changes.

(c) The contracting officer will consider for monthly progress payments material and/or equipment procured by the contractor and stored on the construction site as space is available, or at a local approved location off the site, under such terms and conditions as such officer approves, including but not limited to the following:

(1) The material or equipment is in accordance with the contract requirements and/or approved samples and shop drawings.

(2) The contractor furnishes satisfactory evidence of possession of title to such material and/or equipment and that it will be utilized on the work covered by the contract.

(3) Only those materials and/or equipment are approved by the resident engineer for storage will be included.

(4) Such materials and/or equipment will be stored separately and will be readily available for inspection and inventory by the resident engineer.

(5) Such materials and/or equipment will be protected against weather, theft and other hazards and will not be subjected to deterioration.

(6) All of the other terms, provisions, conditions and covenants contained in the contract shall be and remain in full force and effect as therein provided.

(7) A supplemental agreement will be executed between the Government and the contractor with the consent of the contractor's surety for off-site storage.

(d) The contractor, prior to receiving a progress or final payment under this contract, shall submit to the contracting officer a certification that the contractor has made payment from proceeds of prior payments, or that timely payment will be made from the proceeds of the progress or final payment then due, to subcontractors and suppliers in accordance with the contractual arrangements with them.

(e) The Government reserves the right to withhold payment until samples, shop drawings, engineer's certificates, additional bonds, payrolls, weekly statements of compliance, nondiscrimination compliance reports, or any other things required by this contract, have been submitted to the satisfaction of the contracting officer.

(f) As a part of final settlement of this contract, the contractor will be required to furnish a release of claims to the Government.

3. In § 8–7.650–16, paragraph (b) is revised to read as follows:

§ 8–7.650–16 Supplementary labor standards provisions.

• • • • •

(b) The contractor shall submit the required copies of payrolls to the contracting officer through the resident engineer or engineer officer, when acting in that capacity, Department of Labor Form WH–347, Payroll, available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, may be used for this purpose. If, however, the contractor or subcontractor elects to use an individually composed payroll form, it shall contain the same information shown on Form WH–347, and in addition be accompanied by Department of Labor Form WH–348, Statement of Compliance, or any other form containing the exact wording of this form.

4. Section 8–7.650–20 is revised to read as follows:

§ 8–7.650–20 Safety requirements.

(a) In order to protect the lives and health of employees and others, the contractor shall take such safety precautions as are required by insurance underwriters, and shall comply with all applicable provisions of "Safety and Health Regulations for Construction" as set out in Title 29—Labor, Code of Federal Regulations.

(b) The contractor shall maintain an accurate record of, and shall report to the contracting officer through the resident engineer in the manner and on forms prescribed by the contracting officer, all cases of death, occupational disease, and traumatic injury arising out of, or in course of, performance of this contract.

(c) The responsibility for compliance with the "Safety and Health Regulations for Construction," set out in Title 29—Labor, Code of Federal Regulations, is placed on the contractor; consequently, prime contractors or subcontractors, or both, are responsible for compliance with these regulations. Insofar as the Government is concerned, the responsibility for the administration and enforcement of Title 29—Labor, Code of Federal Regulations, in the private sector, is with the U.S. Department of Labor.

(d) Work stoppage(s) issued because of the contractor's failure to comply with the "Safety and Health Regulations for Construction," set out in Title 29—Labor, Code of Federal Regulations, shall not be the basis of a claim for time lost or for any delays directly or indirectly attributable to such failure.

(e) The resident engineer on all assigned construction projects is designated as the VA Safety Officer, and as such is responsible for enforcing all safety regulations as they apply to the safety of Veterans Administration employees, visitors, and patients. Regular safety inspections are conducted by the resident engineer weekly, and all noted violations of safety and health regulations will be brought to the attention of the contractor who will take immediate action to correct such violations. If corrective action is not taken promptly, a copy of the resident engineer's report will be forwarded to the Department of Labor. These inspections in no way relieve the contractor from full compliance with the responsibilities outlined in paragraph (c) of this clause.

(f) "Safety and Health Regulations for Construction," mentioned in paragraph (a) of this clause may be obtained from any regional office of the Occupational Safety and Health Administration, Department of Labor.

5. In § 8–7.650–21, paragraphs (a), (b) and (g) are revised to read as follows:

§ 8–7.650–21 Contract changes.

Clause 3, Changes, and Clause 4, Differing Site Conditions, of General Provisions, SF 23A, are supplemented as follows:

(a) When requested by the contracting officer, the contractor shall submit proposals for changes in work to the resident engineer. Proposals, to be submitted within 30 calendar days after receipt of request, shall be in legible form, original and five copies, with an itemized breakdown that will include material, quantities, unit prices, labor costs (separated into trades), construction equipment, etc. (Labor costs are to be identified with specific material placed or operation performed.) The contractor must obtain and furnish with a proposal an itemized breakdown as described above, signed by each subcontractor participating in the change regardless of tier. No itemized breakdown will be required for proposals amounting to less than $100.

(b) When the necessity to proceed with a change does not allow sufficient time to check a proposal or because of failure to reach an agreement, the contracting officer may order the contractor to proceed (proceed order) on the basis of a tentative price based on the best estimate available at the time, with the firm price to be determined later. Furthermore, if a proceed order is issued the contractor shall submit a proposal for changes in work within 30 calendar days.

(g) Where the contractor or subcontractor's portion of a change involves credit items, such items must be deducted prior to adding overhead and profit for the party performing the work. Where a change involves credit items only, such items will be net, i.e., overhead, profit, and fee are excluded. The contractor's fee is limited to the net increase to contractor of subcontractor's portions cost computed in accordance herewith.

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6. In Subpart 8–18.2, § 8–18.203–1 is revised to read as follows:

§ 8–18.203–1 Preparation of invitations for bids.

In addition to complying with the provisions of FPR 1–2.201 and 1–18.203, the following provision will be included in solicitations:

The Veterans Administration has established a policy of authorizing progress payments in full without the retainage described in Subparagraph C of Article 7, Payments to Contractor in General Provisions (Construction Contract).

Approved: May 27, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76–16190 Filed 6–3–76;8:45 am]

Capital. The minimum initial capital indicator of the potential support for a published when the OCC determines that

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Engineering, Architectural and Construction Industry Advisory Committee of the Agency for International Development (AID) to be held in Room 1105, Department of State, 22d and C Streets (Diplomatic Entrance), Washington, D.C. 20523, on June 30, 1976 at 10 a.m. This meeting will be open to the public, however, all attendees must check in with the receptionist, receive a visitor's pass and remain in the visitors area for a courier. The courier will escort Committee members and members of the public to the Conference Room.

The purpose of the subject Committee is to provide for a systematic, regularized dialogue between officials of AID and representatives of the engineering, construction, and architectural industry, or their alternates, in the interests of improved policy and procedures and improved industry performance relating to AID-financed activities.

The membership of the subject Committee is as follows:

William Marshall, Jr., representing American Institute of Architects. Charles B. Molineaux, representing American Society of Civil Engineers. John S. Withers, representing Associated General Contractors of America. H. Peter Guttmann, representing American Consulting Engineers Council. Clarence R. Jones, representing National Society of Professional Engineers. Charles E. Golson, representing National Constructors Association.

The agenda for the June 30 meeting of the subject Committee to be held aforesaid, shall be as follows:

1. The AID program, including cost reimbursement services and the Mid-East programs.

2. The new Environmental Regulations.

3. Industry's experience with AID's current direct and Country Contracting procurement procedures.

4. Specific Problems and Concerns as Identified by Industry.

FRANK A. DIMATTEO,
Acting Director of Engineering, Agency for International Development.

MAY 25, 1976.

[FR Doc.76–16222 Filed 6–3–76;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

BANK CHARTERS, BRANCHES, ETC.

Proposed Policy Statements on Exercise of Responsibilities

The Comptroller of the Currency is considering the issuance of written policy statements relating to his responsibilities for charters, branches, conversions, mergers, fiduciary powers, operating subsidiaries, title changes, relocations and capital.

The proposed policy statements are intended to provide the public and the banking industry with a better understanding of the bases for decisions by the Office of the Comptroller of the Currency.

The proposed policy statements are intended to be applicable in the large majority of the decisions. However, departures may be appropriate in certain situations. The policies may be revised from time to time as warranted by changing circumstances.

References to laws, regulations and interpretive rulings are not incorporated in the proposed policy statements. Such references have been incorporated in the "Comptroller's Manual for National Banks" and compliance remains unaffected.

The Comptroller of the Currency requests the comments of all interested parties on the proposed policy statements. Comments are specifically invited on that portion of the section entitled "New Bank Charters" which deals with stock distribution and ownership restrictions. Comments on the proposed policy statements should be in writing, addressed to Mr. Robert Bloom, First Deputy Comptroller for Policy, Office of the Comptroller of the Currency, Washington, D.C. 20219, to be received by July 6, 1976. All comments will be given full consideration and will be made available to the public for inspection.

The proposed policy statements are as follows:

It is the policy of the Office of the Comptroller of the Currency (OCC) to maintain a sound national banking system without placing undue restraint upon entry into that system. The vital relationship of banking to the monetary system precludes complete free market operation with unlimited entry, and its corollary, unlimited exit. A healthy competitive banking environment providing optimum choice and convenience to the public and stimulating economic growth and efficiency is an important objective of the chartering process. Although each new entrant to the market increases the competitive alternatives, it is not in the public interest to charter so many banks that none can grow to a size sufficient to offer a full range of needed services. In chartering banks the OCC will admit only those qualified applicants that can be economically supported and profitably operated. A new banking office will not be approved if its establishment would threaten the viability of a newly chartered bank. Such protection of a newly chartered bank will typically not exceed one year. In evaluating a new bank application, the following factors will be considered:

BANKING FACTORS

Income and expenses. Projections of income and expenses of the proposed bank should be based on realistic, supportable estimates of deposit and loan volume.

Management. Organizers, proposed directors, and officers should be of good moral character and reputation, should have employment and business histories demonstrating success, and should be responsible in personal and financial affairs. A majority of the organizers and directors of a proposed independent bank should be from the local community and should represent a diversification of occupational and business interests. Officers should have demonstrated abilities and experience commensurate with the position for which proposed. Members of the initial management group, which includes directors and officers, and changes within the management group during the first two years of operation require prior approval of the OCC. While it is not necessary that the names of proposed officers be submitted with an application to organize a national bank, the chief executive officer must be approved prior to solicitation of capital and the cashier must be approved prior to the commencement of operations.

Stock distribution. To encourage community support, wide distribution of stock ownership is desirable. Maximum ownership, direct or indirect, by any one individual, partnership or corporation will generally be limited to ten percent of the total capital stock to be issued. A majority of the stock to be issued should be to local residents of the community, persons with substantial business interests in the community or others who may reasonably be expected to utilize the services of the bank. The foregoing restrictions will not apply where the new bank is to be an affiliate of an existing bank. Subscribers to five percent or more of the stock may not finance more than fifty percent of the purchase price if the extension of credit is predicated in any manner on the stock of the new bank, whether or not such stock is pledged.

Capital. The minimum initial capital required for a new national bank must satisfy all of the following factors:

Capital should be sufficient to support the anticipated volume and character of operations for a minimum of three years; initial capital should be at least equal to ten percent of estimated deposits and fifteen percent of estimated loans at the end of the third year.

Capital should be adequate to enable the new bank to provide the necessary banking services, including loans of sufficient size, to meet the needs of prospective customers.

Capital should be sufficient to purchase, build or lease a suitable permanent banking facility and equipment. Total fixed asset investment should not exceed forty percent of initial capital.

Capital normally will not be less than one million dollars.

MARKET FACTORS

Economic condition and growth potential. The current economic condition or growth potential of the market in which the new bank proposes to locate is an important consideration in determining the bank's probable success. Essential to the concept of banking opportunity is that there does or will exist a volume of business for which the new bank can realistically compete. Also important is a determination of the portion of that business the new bank could acquire and whether that portion is sufficient to generate a profit.

Evidence of banking opportunity may be indicated in a number of ways including trends in population, employment, residential and commercial construction, sales, company payrolls and businesses established. Geographic and environmental restrictions to further development should be fully explored.

Primary service area. Within the broader concept of a market, the applicant should delineate a Primary Service Area (PSA). The dimensions of the PSA will necessarily vary with the type of market to be served. A rural bank may serve a relatively large area if banking alternatives are limited; conversely, the PSA of an urban bank may be limited to several city blocks. The PSA is defined as the smallest area from which the bank expects to draw approximately seventy-five percent of its deposits and should be drawn around a natural customer base. It should not be unrealistically delineated to exclude competing banks or to include areas of concentrated population. Barriers to access such as major highways, rivers, mountains or other impediments should be considered.

Location. The importance of the specific site depends upon the type of market to be served. The precise location of a bank in a sparsely populated area with limited competition may be less significant than that of an urban or suburban bank whose success may be more dependent upon the convenience of its location.

Population. Composition of the population, including daily or seasonal inflows, within the PSA is an important indicator of the potential support for a bank. Population characteristics such as income, age distribution, educational level, occupation and stability should be considered. Ratios of population per banking office are not conclusive evidence of support for a new bank.

Financial institutions. The growth rate and size of banks and other financial institutions in the market are also important indicators of economic condition and potential business for a new bank. Location and services offered are indicative of the competitive climate of the market. Other financial institutions such as savings and loan associations, credit unions, finance companies, mortgage companies, and insurance companies may be considered competing institutions to the extent their services parallel those of the new bank.

OTHER FACTORS

Priority of filing ordinarily will not be a factor in the decision making process. All expenses incurred in connection with the organization of a bank are to be assumed by the organizers. If a charter is issued, expenses determined to be reasonable by the OCC may be reimbursed by the bank after the commencement of business. In no event shall the amount of or payment of any fee be solely contingent upon any action, decision, or forbearance on the part of the OCC. A contingent expense or fee will ordinarily result in disapproval of the application or withdrawal of preliminary approval.

Any financial arrangement or transaction involving the proposed bank and its organizers, directors, officers, major shareholders or their associates or interests ordinarily should be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

The name of the new bank will be considered in accordance with the Policy Statement for Title Changes.

The foregoing policy generally will not be applicable to a corporate reorganization or to proposals to organize a national bank to facilitate the acquisition of an existing bank.

PROCEDURES

Persons desiring to organize a national bank should obtain forms and instructions from the Regional Administrator of National Banks. Charter applications should be filed with the Regional Administrator.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. A supplemental filing fee will be required.

When a charter application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

The time allowed to open for business normally will be one year from the date of preliminary approval. Preliminary approval ordinarily will be rescinded if the bank is not open for business within this one year period.

DOMESTIC BRANCHES

The Office of the Comptroller of the Currency (OCC) encourages a banking structure capable of fulfilling local, regional and national needs for banking services. In the interest of increased competition, service to the public and efficiency, the OCC considers branching a desirable means of bank expansion.

In considering a branch application, the applicant's capacity to support such expansion is of major importance. The closing of a branch does not present the same risk of loss to the public as does the failure of a bank. Therefore, the judgment of the applicant as to the viability of a proposed branch will ordinarily be respected, provided that in the opinion of the OCC the applicant's capacity is sufficient or will be enhanced by the new activity and the prospective effects on competition are positive.

In evaluating an application, the following factors will be considered:

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls or other significant problems.

Capital and earnings. Capital, earnings, and retention of earnings should be sufficient to support the current level of operations as well as the proposed expansion. In determining the applicant's capacity to support the proposed branch, the estimated cost of establishing and operating the branch and the volume and scope of anticipated business will be considered.

Management. Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the overall condition of the bank and management's ability to recognize and correct deficiencies. Depth and continuity of management are also relevant factors in considering the bank's capacity to expand through branching.

MARKET FACTORS

Economic condition and growth potential. When a bank desires to establish a branch in an area not presently served by the bank, it is expected that, as a minimum, management will have considered current economic condition or

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growth potential of the market in determining the probable success of the branch. Essential to the concept of banking opportunity is that there does or will exist a sufficient volume of business for which the branch can realistically compete. Also important is a determination of the portion of that business the branch will acquire. Evidence of banking opportunity may be demonstrated in a number of ways including trends in population, employment, residential and commercial construction, retail sales, company payrolls and businesses established. Geographic and environmental restrictions to further development should be fully explored.

When an applicant desires to establish a branch primarily to retain existing customers or to serve them more efficiently or conveniently, greater emphasis will be given to the expense to be incurred in establishing and operating the branch, the anticipated loss of existing business if the branch is not established and the overall effect on bank profitability.

Primary service area. Within the broader concept of a market, the applicant should delineate a Primary Service Area (PSA). The dimensions of the PSA will necessarily vary with the type of market to be served. A rural banking office may serve a relatively large area if banking alternatives are limited; conversely, the PSA of an urban banking office may be limited to a city block. The PSA is defined as the smallest area from which the branch expects to draw approximately seventy-five percent of its deposits and should be drawn around a natural customer base. It should not be unrealistically delineated to exclude competing banks or to include areas of concentrated population. Barriers to access such as major highways, rivers, mountains, or other impediments should be considered.

Location. The importance of the specific site depends upon the type of market to be served. The precise location of a branch in a sparsely populated area with limited competition may be less significant than that of an urban or suburban branch whose success may be more dependent upon the convenience of its location.

Population. Composition of the population, including daily or seasonal inflows, within the PSA is an important indicator of the potential support for a branch. Population characteristics such as income, age distribution, educational level, occupation and stability should be considered. Ratios of population per banking office are not conclusive evidence of support for a new branch.

Financial institutions. The growth rate and size of banking offices and other financial institutions in the market are also important indicators of economic condition and potential business for a new branch. The location and services offered are indicative of the competitive climate of the market. Other financial institutions such as savings and loan associations, credit unions, finance companies, mortgage companies and insurance companies may be considered competing institutions to the extent their services parallel those of the new branch.

OTHER FACTORS

A branch will not be approved if its establishment would threaten the viability of a newly chartered bank. Such protection of a newly chartered bank typically will not exceed one year.

Priority of filing generally will not be a factor in the decision making process.

Any financial arrangement or transaction involving the branch and directors of the bank, officers, major shareholders, or their associates or interests should ordinarily be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

PROCEDURES

Banks desiring to establish a branch should obtain forms and instructions from the Regional Administrator of National Banks. Applications for branch offices should be filed with the Regional Administrator.

Requests for reconsideration of denied applications will not be accepted. A new application may be filed any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. A supplemental filing fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

The time allowed to open the branch will normally be one year from the date of approval. Approval will ordinarily be rescinded if business has not commenced within this one year period.

CONVERSIONS

The Office of the Comptroller of the Currency (OCC) ordinarily will approve an application by a state bank or other financial institution for conversion to a national bank when such approval is consistent with the basic objective of maintaining a sound national banking system. An application to convert should not be motivated by supervisory pressures from other regulatory authorities.

In determining the qualifications of an applicant for conversion, the following factors will be considered:

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. The applicant should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls of other significant problems. Capital, earnings and retention of earnings should be sufficient to support the current level of operations.

Management. Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the overall condition of the institution and management's ability to recognize and correct deficiencies.

OTHER FACTORS

The proposed name of the converting institution will be considered in accordance with the Policy Statement for Title Changes.

PROCEDURES

Institutions desiring to convert to a national bank should obtain forms and instructions from the Regional Administrator of National Banks. Applications to convert should be filed with the Regional Administrator.

The OCC will conduct an examination into the condition of the applicant to the extent considered necessary. The cost of such examination shall be paid by the applicant.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. A supplemental filing fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. In such instances, identification of the applicant will not be disclosed.

MERGERS

It is the policy of the Office of the Comptroller of the Currency (OCC) to preserve the soundness of the national banking system and promote market structures conducive to competition. A proposed merger, consolidation, or purchase of assets and assumption of liabilities (all hereinafter referred to as mergers) which would have a substantially adverse effect upon existing or potential competition cannot be approved unless public convenience and needs clearly outweigh the anticompetitive effects of the proposed merger. A merger which would not have a substantially adverse effect on competition and which would be beneficial to the merging banks and to the public normally will be approved.

In evaluating a merger application the following factors will be considered:

The effect of the transaction upon competition;

The convenience and needs of the community to be served;

The financial history of the merging banks;

The condition of the merging banks, including capital, management, and earnings prospects;

The existence of insider transactions; and,

The adequacy of disclosure of the terms of the merger.

In order to determine the effect of a proposed merger upon competition, it is necessary to identify the relevant geographic market. The delineation of such market can seldom be precise, but realistic limits should be established so the effect of the merger upon competition can be properly analyzed. The market should be delineated to encompass an area where the effect upon competition will be direct and immediate. The OCC recognizes that different banking services may have different relevant geographic markets. Although the largest borrowers and depositors may find it convenient and practical to conduct part of their banking business outside the relevant geographic market, the market should not be drawn so expansively as to cause the competitive effect of the merger to seem insignificant because only the largest customers are considered. Conversely, the market should not be drawn so narrowly as to place competitors in different markets because only the smallest customers are considered. A fair delineation of the relevant geographic market should take into account demands of most customers for the bank's services.

After the relevant geographic market has been identified, the competitive effects of the proposed merger can be analyzed. Both the structure of the market and intensity of competition within the market will be considered. In measuring intensity of competition, consideration will be given to the number of competitors in the market, services offered, pricing of services, advertising, office hours and banking innovations.

The following terms will be used to describe the competitive effects of a proposed merger:

No Adverse Effect.—This term will be used when no change in competitive conditions would result from the merger. Mergers involving corporate reorganizations, in which the number of alternative sources of banking services are unchanged and where no resulting substantive change in ownership occurs, are included in this category.

Not Substantially Adverse.—This term will be used when some anticompetitive effects are present but such effects are not deemed sufficiently substantive to cause an undesirable competitive condition.

Substantially Adverse.—This term will be used when an anticompetitive condition would result from a merger. A merger involving a dominant bank in a market and any other bank in the same market could be included in this category.

When substantially adverse competitive effects exist, they must be clearly outweighed in the public interest by the probable effects of the merger on improved convenience and needs. If not clearly outweighed, the merger will be disapproved. Convenience and needs factors which may outweigh the anticompetitive effects of a merger include:

The elimination of a failing, weak or stagnating bank, thereby strengthening the banking system.

The achievement of economies of scale, including a better matching of source and need of funds, thereby providing the basis for improved customer service and bank earnings.

The extension of services not available from the merging bank and for which there is a clearly definable need. Such services might include a larger lending limit, specialized forms of credit, data processing, international banking, financial counseling, or fiduciary services.

The OCC must consider the convenience and needs of the community to be served in every merger, regardless of competitive effects. A merger not having a substantially adverse competitive effect may be disapproved if there are adverse effects on convenience and needs.

In addition to the foregoing, the OCC considers banking factors and will normally not approve a merger if it will result in a bank which has inadequate capital, unsatisfactory management or poor earnings prospects. Further, it is required that all shareholders be adequately informed of all aspects of the transaction.

If the title of the resulting bank is not the same as any of the banks involved in the merger, the proposed new title will be considered in accordance with the Policy Statement for Title Changes.

PROCEDURES

Banks desiring to merge where the resulting bank will be a national bank should obtain forms and instructions from the Regional Administrator of National Banks. Applications should be filed with the Comptroller of the Currency, Washington, D.C.

When a merger involves a state bank, the OCC may conduct an examination into the condition of the state bank to the extent deemed necessary. The cost of such examination shall be charged to the applicants in addition to the normal merger fee.

Written opinions are issued by the OCC in all merger decisions.

FIDUCIARY POWERS

The Office of the Comptroller of the Currency (OCC) encourages a banking stucture capable of fulfilling local, regional and national needs for banking services. The establishment of fiduciary powers affords banks the opportunity to better serve the public by offering greater services, choice and convenience.

In evaluating an application for fiduciary powers, consideration will be given to the capacity of the applicant to support the proposed activity, the availability of competent trust personnel and the existence of sufficient business to achieve profitability.

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls or other significant problems.

Capital and earnings. Capital, earnings, and retention of earnings should be sufficient to support the current level of operations, as well as the proposed expansion. In determining the applicant's capacity to support the proposed trust department, the estimated cost of establishing and operating the department and the volume and scope of anticipated business will be considered.

Management. Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the condition and profitability of the bank and management's ability to recognize and correct deficiencies.

Trust personnel. The proposed head of the trust department should have demonstrated abilities and experience commensurate with the proposed position. Directors and officers who will serve on trust committees should possess experience and knowledge in the trust or investment fields. The bank should have available the services of competent investment and legal counsel to advise on matters affecting the trust department.

MARKET FACTORS

The applicant should demonstrate that the population and general economy of the market possess characteristics requiring fiduciary services. Composition of the population within the market is an important indicator of the potential support for a trust department. Population characteristics such as income, wealth, age, educational level, occupation, and stability will be considered.

In determining need, consideration should be given to the present fiduciary services available in the market. If fiduciary services are being offered, consideration will be given to the volume and character of the present trust business, together with the demand for additional services. Further, consideration will be given to any fiduciary services performed outside the market for customers in the applicant's service area which, because of convenience, might be brought to the applicant.

PROCEDURES

Banks desiring to exercise fiduciary powers should obtain forms and instructions from the Regional Administrator of National Banks. Applications should be filed with the Regional Administrator.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. A supplemental filing fee will be required.

The applicant will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

The time allowed to establish a trust department normally will be one year from the date of preliminary approval. Approval ordinarily will be rescinded if

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business has not commenced within this one year period.

DOMESTIC OPERATING SUBSIDIARIES

The Office of the Comptroller of the Currency (OCC) considers an application for the establishment of a de novo domestic operating subsidiary to be primarily a business decision of the applicant. An applicant's ownership of eighty percent or more of a company will be approved if the proposed activity is a part of the business of banking or incidental thereto and if the applicant has the capacity to support such expansion. However, if a bank or any of its subsidiaries proposes to acquire an existing business, the OCC will also consider competitive factors similar to those set forth in the Policy Statement for Mergers.

In evaluating an application, the following factors will be considered:

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval of an application to expand the bank's activities. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls or other significant problems.

Capital and earnings. Capital, earnings, and retention of earnings should be sufficient to support the current level of operations as well as the proposed expansion. In determining the applicant's capacity to support the proposed subsidiary, the estimated cost of establishing or acquiring the subsidiary, as well as the volume and scope of anticipated business, will be considered.

Management. Management should have demonstrated the capacity to supervise a sound banking operation. This determination will generally relate to the condition of the bank and management's ability to recognize and correct deficiencies. Management should demonstrate that provision has been made for personnel with sufficient expertise to supervise the proposed activities.

OTHER FACTORS

The condition of the business to be acquired will be considered. The acquiring bank should have the capacity to correct any difficulties of the acquired business without undue strain on management or financial resources of the bank.

Any financial arrangement or transaction involving the operating subsidiary and directors of the bank, officers, major shareholders, or their associates or interest ordinarily should be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements that could have been made with unrelated parties.

PROCEDURES

Banks desiring to organize or acquire an operating subsidiary should obtain forms and instructions from the Regional Administrator of National Banks. Applications for operating subsidiaries should be filed with the Regional Administrator.

The OCC will conduct an examination into the condition of a proposed operating subsidiary to be acquired to the extent considered necessary. The cost of such examination shall be paid by the applicant.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. A supplemental filing fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

TITLE CHANGES

The Office of the Comptroller of the Currency (OCC) considers an application for change in corporate title to be primarily a business decision of the applicant. Such applications will be approved subject to the following limitations.

The proposed title must be sufficiently dissimilar from any other unaffiliated bank of financial institution, existing or pending, so as not to confuse or mislead the public. A change in title will not be approved if the proposed title is substantively identical to that of any existing bank within the state or the identifiable market area of any office of the applicant. Additionally, a title substantively identical to one previously used by another bank within the state or the identifiable market area of any office of the applicant will not be approved until a sufficient amount of time has elapsed to prevent confusion.

PROCEDURES

Bank desiring a change in title should obtain forms and instructions from the Regional Administrator of National Banks. An application for a title change should be filed with the Regional Administrator.

LOCATION CHANGES

The Office of the Comptroller of the Currency (OCC) considers an application for a change in location of the head office or a branch office to be primarily a business decision of the applicant. Such applications will be approved subject to the following limitations.

An application for a relocation of a banking office within the primary service area will normally be approved if the applicant has capital and earnings sufficient to support any increased costs incident to the relocation. In determining the sufficiency of capital and earnings, the estimated cost of establishing and operating the proposed office will be considered.

A head office relocation from one primary service area to another service area will require the filing of an application for a new head office. In such instances, market factors similar to those set forth in the Policy Statement for New Bank Charters will be considered. A branch relocation from one primary service area to another service area will require the filing of a branch application and will be subject to the same considerations as those set forth in the Policy Statement for Domestic Branches. In relocations to another service area, the OCC also will consider the needs of the primary service area being abandoned.

Any financial arrangement or transaction involving the bank and its directors, officers, major shareholders or their associates or interests ordinarily should be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

PROCEDURES

Banks desiring to relocate an office should obtain forms and instructions from the Regional Administrator of National Banks. Applications for relocation of bank offices should be filed with the Regional Administrator.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. A supplemental fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

The time allowed to effect the relocation normally will be one year from the date of approval. Approval ordinarily will be rescinded if the new office is not opened for business within this one year period.

CHANGES IN CAPITAL STRUCTURE

The Office of the Comptroller of the Currency (OCC) has responsibility for the maintenance of a safe and sound national banking system operated in the public interest. An integral part of this responsibility is the review of proposed capital changes by national banks.

DISCLOSURE

The OCC requires that prospective investors are provided with all material facts to permit informed investment decisions in connection with all offerings. Offering circulars are required for public offering of debt or equity securities by a national bank.

STOCK DIVIDENDS

Recurring stock dividends generally will not be approved where the higher of the market or book value of the dividend exceeds one hundred percent of the bank's retained earnings since the declaration of the last stock dividend. A stock distribution which represents more than twenty-five percent of the shares outstanding will generally be viewed as a realignment of the bank's capital accounts and not subject to the retained earnings limitations.

PRICING

Offerings of common stock should be at a fair price. When the stock is actively traded, the market value should be used as the primary indicator of a fair offering price. When the stock has a thin or controlled market, earnings and book value per share should be given greater consideration than market value in determining a fair offering price. In considering earnings and book value, a comparison to similar banks should be made. Material differences between book value and current value of assets and liabilities should be given appropriate recognition in making such comparisons.

In determining the conversion price in connection with issuance of convertible securities, consideration should be given to the current fair value of the common stock, the dividend or interest rate, current market conditions and the anticipated increase in fair value of the common stock during the conversion period.

DEBT ISSUES

In evaluating a bank's capacity to issue debt, consideration will be given to: Recent earnings trends; retained earnings in light of anticipated dividend payments; impact of unusual income and expense items on recent earnings; recent acquisitions or mergers; prospective growth of the bank; quality of management; quality of assets; earnings; loan losses; sensitivity of interest income and expense to changes in market rates; degree of reliance on potentially volatile sources of funds; and, the relative strength of earnings of non-bank affiliates or subsidiaries. The accessibility of additional equity capital also will be taken into account.

The total amount of subordinated notes and debentures outstanding, including the debt proposed to be issued but excluding any debt to be retired out of the proceeds of the new issue, should not exceed fifty percent of total equity capital at the time of issue of the new debt. However, banks with significant asset or management problems are not presumed to be entitled to issue debt capital up to the fifty percent ceiling.

An applicant bank proposing to issue subordinated debt should demonstrate that its recent income record is sufficient to provide assurance of that bank's ability to pay the additional fixed charges out of earnings.

No indenture or other contract covering the issuance of a subordinated note or debenture shall include any covenants, restrictions or other terms that are inconsistent with safe and sound banking practices.

STOCK OPTION AND STOCK PURCHASE PLANS

Generally, plans qualified under the Internal Revenue Code will be approved. Non-qualified plans may be approved if the terms are fair and reasonable. Shares allocated to a plan should not exceed ten percent of total shares outstanding.

OTHER

The method of disposal of fractional shares and unexercised preemptive rights should be fair.

Fees and expenses paid to underwriters and others should be reasonable.

PROCEDURES

Banks desiring to effect changes in capitalization should obtain forms and instructions from the Regional Administrator of National Banks. Applications for capital changes should be filed with the Regional Administrator.

Dated: June 1, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-16285 Filed 6-3-76;8:45 am]

MERCANTILE NATIONAL BANK

Suspension of Trading

It appearing that an extension of the Order, issued May 21, 1976, suspending trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(1) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is hereby extended for the ten-day period commencing at midnight (e.d.t.) on June 1, 1976, and terminating at midnight (e.d.t.) on June 11, 1976.

Dated: June 1, 1976.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-16284 Filed 6-3-76;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE SIXTH NATIONAL BANK REGION

Notice of Meeting

A meeting of the Regional Advisory Committee for Banking Policies and Practices for the Sixth National Bank Region will be held on June 18 and 19, 1976, at the Omni International Hotel in Atlanta, Georgia. The meetings will be held from 9:00 a.m. until 12:30 p.m. each day. Both sessions will be open to the public and interested members of the public will be admitted on a first come basis.

Topics to be discussed include the Comptroller's new policy on OREO, SEC requirements on accounting for "SWAP" transactions, the new audit procedures, and EFTS.

Persons or groups planning to make statements please submit three copies to Mr. Donald L. Tarleton, Regional Administrator of National Banks, 1510 First National Bank Tower, Two Peachtree Street, N.W., Atlanta, Georgia 30303, prior to June 10, 1976.

Dated: May 26, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-16087 Filed 6-3-76;8:45 am]

Internal Revenue Service

SMALL BUSINESS ADVISORY COMMITTEE

Open Meeting

MAY 28, 1976.

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Internal Revenue Service Small Business Advisory Committee will be held on June 21 and 22, 1976, beginning at 9:30 a.m. in Room 3315, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C., 20224. The agenda will include various topics concerning the tax problems of small businesses. During the morning of June 21, the agenda will consist of meetings of several informal subcommittees.

The entire meeting will be open to the public. It is to be held in a room accommodating approximately 50 people. At the end of the discussion of agenda topics by Committee members, there may be time for germane statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary in writing prior to the meeting, to aid in scheduling any available time, and should submit a written text or an outline of comments they propose to make orally. Such comments should be restricted to ten minutes in length. Interested persons may also file a the committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-16353 Filed 6-3-76;8:45 am]

Office of the Secretary

ALPINE SKI BINDINGS AND PARTS THEREOF, FROM AUSTRIA

Antidumping; Determination of Sales at Less Than Fair Value

Information was received on June 24, 1975, from counsel acting on behalf of Safety Systems, Inc., of Chicago, Illinois, alleging that ski bindings from Austria were being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of

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injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 23, 1975 (40 FR 30847).

The Secretary determined that it was inadvisable to take tentative action within the normal 6-month investigatory period. The investigatory period in this case was therefore extended to 7 months and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of January 20, 1976 (41 FR 2834).

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of February 27, 1976 (41 F.R. 8510).

Subsequent to that "Withholding of Appraisement Notice", it has been concluded that it is inappropriate to include within that withholding of appraisement, merchandise other than Alpine ski bindings and parts thereof. Accordingly, insofar as the "Withholding of Appraisement Notice" now includes merchandise other than Alpine ski bindings and parts thereof, the withholding of appraisement is hereby revoked.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that for the reasons stated below, Alpine ski bindings and parts thereof, from Austria, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* It appears that all imports of the subject merchandise from Austria were manufactured by Weiner Metallwaren Fabrik Smolka & Co. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related distributors in the United States. Home market price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise is sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.* For the purpose of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of ski bindings and parts thereof from Austria during the period June 1974 through December 1975.

In the import transactions, all of the merchandise was purchased or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account the merchandise was imported, within the meaning of section 203 of the Act. The purchase price has been calculated on the basis of the packed price, f.o.b. Hamburg, Germany. Deductions have been made for inland freight and insurance charges from the factory or warehouse to the port of Hamburg.

d. *Home Market Price.* For the purpose of this determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the packed, delivered price to distributors, with respect to sales occurring in 1974. The home market price has been calculated on the basis of the packed, delivered price to dealers, with respect to sales occurring in 1975.

An adjustment for differences in circumstances of sale in accordance with § 153.8, Customs Regulations (19 CFR 153.8), for technical services performed in the home market was claimed by the manufacturer. The adjustment claimed relates to expenses incurred in providing seminars for persons at the dealer level. It has not been sufficiently shown that these expenses bear a direct relationship to the sales under consideration and no adjustment has been made.

Allowances will generally be made for bona fide differences in circumstances of sale in the two markets, including technical services rendered after the sales under consideration. Adjustments for after-sale technical services rendered by a foreign company in its home market for purchasers of its product may be allowable if shown to be directly related to the sales under consideration, rather than a service provided for all potential purchasers. After-sale technical services rendered to customers in the foreign market for advice on items, other than those primarily directed to product research and development, are an allowable adjustment and are granted to the extent to which the specific direct costs of the services rendered are documented.

Adjustment has also been made for advertising and promotional expenses, provision of free merchandise, early payment bonuses, local stamp taxes, credit expenses, provision of sample packages, and cash discounts, in connection with sales during 1974 to unrelated distributors, in accordance with § 153.8, Customs Regulations (19 CFR 153.8).

Adjustment has been made for provision of free merchandise, credit expenses, provision of sample packages, cash discounts, and discounts given for payment by a certain date, in connection with sales during 1975 to unrelated dealers, in accordance with § 153.8, Customs Regulations (19 CFR 153.8).

Adjustment has also been made for certain royalty expenses incurred in connection with the sale of several of the items marketed during both 1974 and 1975.

Adjustment has been made for the costs of freight and insurance, from the factory or warehouse to the distributors in 1974, and from the factory or warehouse to dealers in 1975.

With respect to sales to dealers in 1975, an adjustment has been claimed for quantity discounts granted in the home market, within the meaning of § 153.7, Customs Regulations (19 CFR 153.7). This adjustment has been allowed.

Adjustments have been claimed with respect to sales to dealers in 1975, for a loyalty bonus paid at the end of the year, for expenses on potential bad debts, and for funds to pay royalties which may or may not become due. No adjustment can be made for bad debts, whether potential or actually incurred. No adjustment can be made for contingent liabilities in the form of a loyalty bonus or royalties.

An adjustment for differences in levels of trade, in respect to sales during 1975, and based upon certain selling, administrative and warehousing expenses incurred by the manufacturer's wholly-owned distributor, has been requested by the manufacturer. This adjustment has been disallowed. No adjustment for differences in levels of trade can be given based upon the above-mentioned expenses where home market sales at the wholesale level do exist.

e. *Result of Fair Value Comparison.* Using the above criteria, exporter's sales price was found to be lower than the home market price of such or similar merchandise. Comparisons were made on 68 percent of the merchandise sold to the United States during the 1974 portion of the period of investigation and 87 percent of that in 1975. Margins were found ranging from 4 to 35 percent on 49 percent of the 1974 Alpine ski bindings on which comparisons were made. Margins on 1975 Alpine ski bindings were found to range between 4 and 69.5 percent on 93.7 percent of the merchandise for which comparisons were made.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

MAY 28, 1976.

[FR Doc.76-16187 Filed 6-3-76;8:45 am]

ALPINE SKI BINDINGS AND PARTS THEREOF, FROM WEST GERMANY

Antidumping; Determination of Sales at Less Than Fair Value

Information was received on June 24, 1975, from counsel acting on behalf of Safety Systems, Inc., of Chicago, Illinois, alleging that ski bindings from West Germany were being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 23, 1975 (40 FR 30847).

The Secretary determined that it was inadvisable to take tentative action within the normal 6-month investigatory period. The investigatory period in this case was therefore extended to 7 months and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of January 20, 1976 (41 FR 2834).

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of February 27, 1976 (41 FR 8512).

Subsequent to that "Withholding of Appraisement Notice", it has been concluded that it is inappropriate to include within that withholding of appraisement, merchandise other than Alpine ski bindings and parts thereof. Accordingly, insofar as the "Withholding of Appraisement Notice" now includes merchandise other than Alpine ski bindings and parts thereof, the withholding of appraisement is hereby revoked.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, Alpine ski bindings and parts thereof, from West Germany, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* It appears that virtually all imports of the subject merchandise from West Germany were manufactured by Vereinigte Baubeschlagfabriken Gretsch & Co., G.m.b.h., Leonberg, West Germany (Gretsch) & by Hannes Marker Sicherheits-Skibindungen KG, Garmisch-Partenkirchen, West Germany (Marker).

Importations of Alpine ski bindings and parts thereof by other manufacturers have been insignificant and were not investigated.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to non-related United States distributors. Home market price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.* For the purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of Alpine ski bindings and parts thereof from West Germany during the period June 1, 1974, through July 21, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account the merchandise is imported, within the meaning of section 203 of the Act. The purchase price was calculated on the basis of the price to the non-related distributors, f.o.b. seaport, Germany. Deductions have been made for inland freight from the factory or warehouse to the seaport in Germany. In the case of Gretsch, advertising materials furnished the importer free of charge have been adjusted for in the home market price.

d. *Home Market Price.* For the purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the packed, delivered price. Adjustments have been made for freight, discounts, rebates, and advertising expenses in the home market.

An adjustment for differences in circumstances of sale in accordance with § 153.8, Customs Regulations (19 CFR 153.8), will generally be made for bona fide differences in circumstances of sale in the two markets. Adjustment has been made for certain advertising and promotional expenses incurred for the benefit of later purchasers and directly related to sales of the merchandise under consideration. Adjustment has been made for discounts given for the placement of early season orders and payment by cash.

Adjustment for certain rebates paid to particular purchasers subsequent to the sales under consideration has also been claimed. Adjustment has been made for these expenses to the extent that these expenses were shown to be directly related to the sales under consideration.

Adjustment has been claimed for quantity discounts granted in the home market, within the meaning of § 153.7, Customs Regulations (19 CFR 153.7). This adjustment has been allowed insofar as such discounts were actually given.

An adjustment for differences in levels of trade, based upon certain selling and administrative expenses incurred by the manufacturer, has been requested by the manufacturer. This adjustment has been disallowed. Where home market sales at the wholesale level do exist, no adjustment for differences in levels of trade can be given based on the above-mentioned expenses.

Subsequent to the withholding of appraisement in this case, requests were made for the selection of certain home market sales as a basis for an adjustment for differences in level of trade on the ground that sales to the United States occur at one level of trade only, being sales at wholesale and in wholesale quantities, whereas sales in the home market occur at several different levels, with certain sales being at wholesale and in wholesale quantities and the remainder of sales being not at wholesale and not in wholesale quantities. Having received appropriate documentation of this claim from Marker and in accordance with § 153.18, Customs Regulations (19 CFR 153.18), calculations for comparison purposes with respect to Marker have now been based on the exclusive use of home market sales at wholesale and in the largest wholesale quantities. Not having received appropriate documentation of this claim with respect to Gretsch, no adjustment with respect to Gretsch has been made.

e. *Result of Fair Value Comparison.* Using the above criteria purchase price was found to be lower than home market price of such or similar merchandise on 100 percent of sales made by Gretsch to the United States. Margins were found ranging from 18 to 83 percent. Using the above criteria purchase price was found to be lower than home market price of such or similar merchandise on 48 percent of Marker's sales compared. Margins were found ranging from 3.1 to 23.4 percent. Comparisons were made on 93 percent of sales made by Marker to the United States.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

MAY 28, 1976.

[FR Doc 76 16188 Filed 6-3-76;8:45 am]

ALPINE SKI BINDINGS AND PARTS THEREOF, FROM SWITZERLAND

Antidumping; Determination of Sales at Less Than Fair Value

Information was received on June 24, 1975, from counsel acting on behalf of Safety Systems, Inc., of Chicago, Illinois, alleging that ski bindings from Switzerland were being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an

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industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 23, 1975 (40 FR 30847).

The Secretary determined that it was inadvisable to take tentative action with inadvisable to take tentative action within the normal 6-month investigatory period. The investigatory period in this case was therefore extended to 7 months and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of January 20, 1976 (41 FR 2814).

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of February 27, 1976 (41 FR 8511).

Subsequent to that "Withholding of Appraisement Notice", it has been concluded that it is inappropriate to include within that withholding of appraisement, merchandise other than Alpine ski bindings and parts thereof. Accordingly, insofar as the "Witholding of Appraisement Notice" now includes merchandise other than Alpine ski bindings and parts thereof, the withholding of appraisement is hereby revoked.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, Alpine ski bindings and parts thereof, from Switzerland, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* It appears that all imports of the subject merchandise from Switzerland were manufactured either for the account of E.+U. Gertsch AG of Interlaken, Switzerland, or by Otto Suhner AG. Importations of bindings manufactured by Otto Suhner AG, though subject to this notice, accounted for less than one percent of importations during the period and have not been specifically investigated.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to a non-related distributor in the United States. Home market price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.* For purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of Alpine ski bindings and parts thereof from Switzerland during the period January 1 through August 31, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported within the meaning of section 203 of the Act. The purchase price was calculated on the basis of the packed price to one exclusive unrelated distributor, f.o.b. Reichenbach, Switzerland.

d. *Home Market Price.* For the purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. The home market price was calculated on the basis of the packed delivered price. Adjustments were made for discounts to wholesalers, transportation, commissions, and advertising expenses, as appropriate, in accordance with § 153.8, Customs Regulations (19 CFR 153.8).

An adjustment for differences in circumstances of sale in accordance with § 153.8, Customs Regulations (19 CFR 153.8), will generally be made for bona fide differences in circumstances of sale in the two markets.

Adjustment has been made for transportation charges from the factory or warehouse to the premises of the purchaser.

Adjustment has been made for discounts actually given in the home market.

Adjustment has been made for certain advertising and promotional expenses incurred for the benefit of later purchasers and directly related to the sales under consideration.

Adjustment has been claimed for certain financing expenses in connection with potential bad debts or late payments. No adjustment can be made for such expenses, whether potential or actually incurred.

Adjustment has been claimed for royalty expenses incurred in the home market. No adjustment has been made for these expenses because it has not been shown that such expenses are not also incurred with respect to sales to the United States.

Adjustment has been claimed for an early payment discount available to home market purchasers. No adjustment has been made for these expenses because the actual expenses incurred on the sales under consideration have not been shown.

Adjustment has been claimed for costs incurred for selling in the home market which are not incurred in sales to the United States. Adjustment to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Accordingly, costs incurred irrespective of whether sales are made, are not allowable adjustments.

Subsequent to the withholding of appraisement in this case, requests were made for the selection of certain home market sales as a basis for an adjustment for differences in level of trade on the ground that sales to the United States occur at one level of trade only, being sales at wholesale and in wholesale quantities, whereas sales in the home market occur at several different levels of trade. Having received appropriate documentation of this claim and, in accordance with section 153.18, Customs Regulations (19 CFR 153.18), calculations for comparison purposes have now beeen based on the exclusive use of home market sales at wholesale and in the largest wholesale quantities.

e. *Result of Fair Value Comparison.* Using the above criteria, purchase price was found to be lower than home market price of such or similar merchandise. Comparisons were made on all ski bindings sold by E.+U. Gertsch to the United States during the period of investigation. Margins were found, ranging from 8 to 24 percent, on 100 percent of sales.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

MAY 28, 1976.

[FR Doc.76-16189 Filed 6-3-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, New York 10014 on 28 June 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems, and microelectronics. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: May 28, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-16131 Filed 6-3-76;8:45 am]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at Ft. Douglas, Salt Lake City, Utah, on 24 June 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infrared and Night Vision Sensors. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: May 28, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-16132 Filed 6-3-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-27]

EDDIE MACK GIPSON, M.D., AUSTIN, TEXAS

Notice of Hearing

Notice is hereby given that on September 4, 1975, the Drug Enforcement Administration, Department of Justice issued to Eddie Mack Gipson, M.D., Austin, Texas, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the application for Registration under the Controlled Substances Act of 1970, of the Respondent executed on April 7, 1975, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on June 8, 1976 in Courtroom No. 1, United States Post Office and Courthouse Building, Third Floor, 615 East Houston Street, San Antonio, Texas.

Dated: May 25, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76-16373 Filed 6-3-76;8:45 am]

[Docket No. 76-3]

HENRY THOMAS LEIGH, M.D., ANDREWS, TEXAS

Notice of Hearing

Notice is hereby given that on January 12, 1976, the Drug Enforcement Administration, Department of Justice issued to Henry Thomas Leigh, M.D., Andrews, Texas an Order to Show Cause as to why the Drug Enforcement Administration should not deny the Application for Registration under the Controlled Substances Act of 1970, of the Respondent executed on February 8, 1975, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on June 9, 1976 in Courtroom No. 1, United States Post Office and Courthouse Building, Third Floor, 615 East Houston Street, San Antonio, Texas.

Dated: May 25, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76-16374 Filed 6-3-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-9110]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 27, 1976.

Notice of an application, Serial No. I-9110, for withdrawal and reservation of lands was published as Federal Document No. 75-1943 on page 3482 of the issue for January 22, 1975. The Forest Service has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10:00 a.m. on June 30, 1976, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN
PAYETTE NATIONAL FOREST
LOST LAKE SEED ORCHARD

T. 19 N., R. 1 W.,
Sec. 17, SW¼NW¼SW¼SW¼, S½SE¼SW¼SW¼, S½SW¼SE¼SW¼;
Sec. 18, S½NE¼SE¼SE¼, NW¼SE¼SE¼SE¼;
Sec. 19, E½NW¼NE¼NE¼, NW¼SE¼NE¼NE¼;
Sec. 20, W½NE¼NE¼NW¼, E½NW¼NE¼NW¼, NW¼NW¼NE¼NW¼, E½SE¼NE¼NW¼, NE¼NE¼NW¼NW¼, SW¼SW¼NW¼NW¼, N½NE¼SE¼NW¼.

The area described aggregates 55 acres in Adams County.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.76-16207 Filed 6-3-76;8:45 am]

[Colorado 23632-RW]

ROCKY MOUNTAIN NATURAL GAS CO.

Notice of Application

MAY 26, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Company, Inc., P.O. Box 700, Glenwood Springs, Colorado 81601, has applied for additional right-of-way on application C-23632 to include a 6⅝ inch o.d. natural gas gathering pipeline crossing approximately 30,373.1 feet of the following described National Resource Land in Mesa and Garfield Counties, Colorado.

T. 8 S., R. 104 W., 6th P.M.
Sections 3, 9, 10, 15, 16, 22, 27 and 34

The facility will enable applicant to construct, operate and maintain the subject natural gas gathering pipeline and meet applicant's customer requirements for additional natural gas. This facility is designed to handle all production from the existing wells and any additional gas from successful drilling in the near vicinity.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline

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National Park Service

right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

MERRILL G. ANDERSON,
Acting Chief, Branch of Land Operations.

[FR Doc.76-16206 Filed 6-3-76;8:45 am]

UTAH

Order Providing for Opening of Public Lands

U-6348 Powersite Classifications 21, 90, 95, 105, 106, 154, 194, 299 and insofar as they affect the following described lands; Cancellation 249.

By published notice (36 F.R. 174, September 8, 1971) the U.S. Geological Survey canceled Powersite Classification Nos. 21, 90, 95, 105, 106, 154, 194, 299 and 312 insofar as and to the extent that they affect the lands described therein.

The purpose of this order is to restore to the operation of applicable public lands laws the unreserved national resource lands and national forest lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

The following described national resource lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights, and the national forest lands are hereby restored to such forms of disposition as may by law be made of national forest lands:

Powersite Cancellation 249

CACHE NATIONAL FOREST

SALT LAKE MERIDIAN

T. 12 N., R. 2 E.,
Sec. 22, SE¼SW¼, SE¼;
Sec. 23, S½N½, SW¼, N½SE¼;
Sec. 24, NE¼, S½NW¼, N½S½;
Sec. 27, N½NE¼, NW¼, NW¼SW¼;
Sec. 28, NE¼, SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 29, SE¼;
Sec. 32, NW¼NW¼.
T. 12 N., R. 3 E.,
Sec. 4, lots 3, 4, 5, and 12;
Sec. 5, lots 1, 2, 7, 8, 9, 10, and 11, SW¼, W½SE¼;
Sec. 6, lot 19, S½SE¼;
Sec. 7, lots 1, 5, 6, 7, 8, and 12, E½;
Sec. 8, N½NW¼, SW¼SW¼;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, lots 1, 6, 7, 8, 9, 10, 11, and 12, NE¼, N½SE¼, SW¼SE¼;
Sec. 19, lots 2, 3, 4, 5, and 9.

Contains approximately 9,064 acres in Cache County.

T. 13 N., R. 3 E.,
Every smallest legal subdivision in sections 1, 2, 11, 12, 13, 14, 15, 22, 23, 24, 26, 27, 28, 33, 34, and 35, any portion of which, when surveyed shall lie within one-half mile of Logan River or Tony Grove, Little Bear, West Hodges or Twin Creeks.

T. 8 N., R. 2 W.,
Sec. 24, NW¼SE¼.

Containing approximately 40 acres in Box Elder County.

NATIONAL RESOURCE LAND

T. 3 S., R. 4 W.,
Sec. 1, lot 6.
T. 3 S., R. 5 W.,
Sec. 13, NW¼NE¼. (Withdrawal, Department of the Army)

WASATCH NATIONAL FOREST

T. 4 S., R. 6 W.,
Sec. 5, lot 3;
Sec. 6, lots 1, 2, and 3, NE¼SW¼.

Containing approximately 309 acres in Tooele County.
T. 2 S., R. 2 E.,
Sec. 13, lots 1, 2, 3, 4, 5, 6, and 7, S½NW¼, N½SE¼;
Sec. 14, lots 4, 5, and 6, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 16, S½S½;
Sec. 21, NE¼NE¼, S½NE¼, N½NW¼, W½SW¼;
Sec. 22, N½, E½SW¼;
Sec. 23, NW¼, NE¼SW¼.

Containing approximately 1,655 acres in Salt Lake County.

T. 10 S., R. 2 E.,
Sec. 19, lots 1 and 2, E½W½, SE¼;
Sec. 29, SE¼NW¼, W½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 30, E½, E½NW¼;
Ssec. 32, N½, N½SE¼, SE¼SE¼;
Sec. 33, W½NW¼, SE¼NW¼, SW¼.

Containing approximately 1,919 acres in Utah County.

T. 2 S., R. 3 E.,
Sec. 7, lot 4, SE¼SW¼, S½SE¼;
Sec. 17, lot 2, NW¼NW¼;
Sec. 18, lots 5 and 6, N½NE¼, SE¼NE¼.

Containing approximately 364 acres in Salt Lake County.

UINTAH NATIONAL FOREST

T. 5 S., R. 3 E.,
Sec. 13, lot 1, SW¼NE¼, NE¼SW¼;
Sec. 14, SE¼NW¼, E½SW¼;
Sec. 23, SE¼SE¼;
Sec. 24, SW¼NW¼;
Sec. 34, NW¼SW¼.

Containing 357.24 acres in Utah County.

NATIONAL RESOURCE LAND

T. 5 S., R. 4 E.,
Sec. 6, NE¼SW¼.

Containing approximately 40 acres in Wasatch County.

WASATCH AND UINTAH NATIONAL FOREST

T. 2 S., R. 7 E.,
Sec. 35, SW¼NE¼, SE¼NW¼;
Sec. 36, N½S½, SE¼SE¼.

T. 3 S., R. 7 E.,
Sec. 1, lots 1, 5, 6, 7, and 8; (Reclamation withdrawal)
Sec. 2, lots 1, 2, 3, and 4, S½N½, NW¼SW¼; (Reclamation withdrawal)
Sec. 3, NE¼SE¼, S½SE¼;
Sec. 7, S½SE¼; (Reclamation withdrawal)
Sec. 8, S½SW¼;
Sec. 10, W½E½, E½W½, W½SW¼; (Reclamation withdrawal)
Sec. 11, SW¼NW¼, NW¼SW¼;
Sec. 15, NE¼NW¼;
Sec. 16, SW¼SW¼;
Sec. 17, S½NE¼, N½NW¼;
Sec. 20, NE¼NE¼;
Sec. 21, SW¼NE¼, NW¼.
T. 3 S., R. 8 E.,
Sec. 1, lots 2 and 3;
Sec. 2, lots 1 and 2, W½SW¼; (Reclamation withdrawal)
Sec. 3, S½NE¼, SE¼; (Reclamation withdrawal)
Sec. 6, lots 3 and 4;
Sec. 9, SW¼NE¼, NE¼SE¼;
Sec. 10, N½N½, SW¼NE¼, SE¼NW¼, N½SW¼; (Reclamation withdrawal)
Sec. 11, NW¼NW¼.

Containing approximately 3,135 acres in Summit and Wasatch Counties.

The area described aggregate approximately 16,883 acres.

Dated: May 27, 1976.

GERALD E. MAGNUSON,
Acting State Director.

[FR Doc.76-16214 Filed 6-3-76;8:45 am]

[F-19653]

ALASKA

Segregation of Lands

On October 1, 1973, the State of Alaska, Division of Aviation, filed a request, F-19653, for a permit, navigation and hazard easement and right-of-way pursuant to section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 219; 49 U.S.C. 170 et seq.) over and upon the following described lands:

That certain real property located within the Cape Nome Recording District, Second Judicial District, State of Alaska, more particularly described as follows:

Commencing at U.S.C. & G.S. Triangulation Station "Wales 1944", having Alaska State Plane Coordinates of N 4253232.70, E 183956.73, proceed S 05°52'43" W a distance of 3340.5 feet to the true point of beginning, from which U.S.C. & G.S. Triangulation Station "Wales Azimuth" bears N 80°05'16" E a distance of 4905.4 feet;

Thence N 24°20'38" W a distance of 2000.0 feet to a point;

Thence S 65°39'22" W a distance of 600 feet, more or less, to a point of intersection with the unsurveyed meander line of Bering Strait;

Thence Southerly along the meanders of Bering Strait a distance of 2000 feet, more or less, to a point;

Thence N 65°39'22" E a distance of 600 feet, more or less, to the true point of beginning.

This tract having an area of 27.55 acres, more or less.

(Designated as Tract III on the Wales Airport Property Plan dated February 5, 1974.)

The basis of bearings for these descriptions is Alaska State Plane Coordinate System, Zone 8, having the origin of coordinates

at the intersection of the meridian 162°00' West of Greenwich, and the parallel 54°00' North latitude and coordinates X=700,000.00 feet and Y=0.00 feet all in accordance with Title 38, Chapter 20, Alaska Statutes.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from other forms of use and disposal, subject to conditions prescribed and without consideration other than the benefits to accrue to the public and the United States by virtue of the use of the land for public airport purposes.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707.

HAROLD E. WALDO,
Chief, Division of Land Office.

[FR Doc 76-16213 Filed 6-3-76;8:45 am]

[N-11774]

NEVADA

Airport Lease Application Withdrawn

MAY 25, 1976.

Notice is hereby given of the withdrawal of airport lease application on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 26 E.
Sec. 27, All.

Therefore, at 10 a.m., on June 29, 1976 the lands will be relieved of the segregation effect of the application.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc 76-16208 Filed 6-3-76;8:45 am]

NEW MEXICO

Redelegation of Authority to District Managers

MAY 27, 1976.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492: 29 F.R. 10526), as amended, Section 3.9(g)(1) is amended to change the present text. As so amended Section 3.9(g)(1) reads as follows:

Section 3.9 Land Use.

(g) Material other than forest products—

(1) Sell or contract for the sale of material other than forest products, or permit the free use of materials other than forest products not exceeding $5,000 in value under 43 CFR Part 3610 for Albuquerque, Socorro, Las Cruces, and Roswell Districts; and with no limit in value for the sale of material other than forest products taken from the McGregor Range in the Las Cruces District, under 43 CFR Part 3610.

This amendment will become effective June 1, 1976.

MAXWELL T. LIEURANCE,
Acting State Director.

[FR Doc.76-16212 Filed 6-3-76;8:45 am]

OFFICIAL PROTRACTION DIAGRAM

Notice of Approval

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram approved on the date indicated, is available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, CA. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAM

Description	*Approval date*
NI 11-10 San Clemente	May 17, 1976

2. Copies of this diagram are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, 300 N. Los Angeles St., Rm. 7127, Los Angeles, CA 90012. Checks or Money Orders should be made payable to the Bureau of Land Management.

WILLIAM E. GRANT,
Manager, Pacific Outer Continental Shelf Office.

[FR Doc.76 16211 Filed 6-3-76;8:45 am]

PHOENIX DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

The Phoenix District Multiple Use Advisory Board will meet at 9 a.m., on July 9, 1976, in the Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona.

The agenda will include a previously tabled motion concerning implementation of the National Environmental Policy Act in the Phoenix, District; BLM management of riparian habitat; public participation in the Bureau of Land Management's planning process; rechartering of the Board; and plans for future meetings of the District Multiple Use Advisory Board.

The meeting will be open to the public to the limits of available space. Time will be available for a limited number of statements by members of the public. Those wishing to make oral statements should so inform the Advisory Board Chairman at the address given below prior to the day of the meeting. Time limitations may require that oral statements be limited to five minutes.

Any member of the public may submit a written statement. These should be directed to Advisory Board Chairman, c/o District Manager, BLM, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Dated: May 27, 1976.

W. K. BARKER,
District Manager.

[FR Doc.76-16209 Filed 6-3-76;8:45 am]

National Park Service

[Order No. 2]

ASSISTANT MANAGER, ADMINISTRATION: AND PROCUREMENT AND PROPERTY MANAGEMENT OFFICER HARPERS FERRY CENTER

Delegation of Authority

Section 1. The Assistant Manager, Administration is authorized to exercise all the contract authority now or hereafter vested in the Manager, Harpers Ferry Center in conformance with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 2. The Procurement and Property Management Officer is authorized to exercise all the contract authority now or hereafter vested in the Manager, Harpers Ferry Center in conformance with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 3. Redelegation. The Assistant Manager, Administration, and the Procurement and Property Management Officer may, in writing, redelegate to their officers and employees the authority to enter into, approve and administer contracts not in excess of $50,000 for supplies, equipment or services in conformance with applicable regulations and statutory authority and subject to availability of appropriated funds. Each redelegation of such authority shall be published in the FEDERAL REGISTER. This authority may not be further redelegated.

Section 4. Revocation. This order revokes Harpers Ferry Center Order No. 1 (37 FR 20581) published September 30, 1972.

(National Park Service Order No. 83 (39 FR 13905), as amended.)

Dated: May 17, 1976.

MARC SAGAN,
Manager, Harpers Ferry Center.

[FR Doc.76-16230 Filed 6-3-76;8:45 am]

VIRGINIA PEAKS OF OTTER CO.

Intention to Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Virginia Peaks of Otter Company between milepost 0 and 110 on the Blue Ridge Parkway, Virginia, authorizing it to continue to provide concession facilities and services for the public at Blue Ridge Parkway, Virginia for a period of thirteen (13) years from December 1, 1975, through November 30, 1988.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a signifi-

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cant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Blue Ridge Parkway.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on November 30, 1978, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before July 6, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 26, 1976.

PHILIP O. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc.76-16229 Filed 6-3-76;8:45 am]

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting at the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 A.M., Monday, June 21, 1976, at Federal Hall, 26 Wall Street, New York, New York.

The commission was established by Public Law 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

Marian S. Heiskell, New York, New York (Chairman).
Archibald S. Alexander, Bernardsville, New Jersey.
John F. Haggerty, Forest Hills, New York.
Orin Lehman, New York, New York.
Gordon N. Litwin, Little Silver, New Jersey.
Terrence D. Moore, Newark, New Jersey.
Sheldon Pollack, New York, New York.
Barbara Reach, New York, New York.
Richard J. Sullivan, Hoboken, New Jersey.
Nathaniel Washington, Newark, New Jersey.
Joseph B. Williams, Brooklyn, New York.

The purposes of this meeting are as follows:

1. Operations Status Report;
2. Receive reports from subcommittees;
3. To discuss the reverter clause affecting lands transferred to the Federal Government for the Gateway project;
4. To consider the present status of planning.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Mr. Joseph Antosca, Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code 212, 252-9150.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: June 2, 1976.

ROBERT M. LANDAU,
Liaison Officer,
Advisory Commissions.

[FR Doc.76-16292 Filed 6-3-76;8:45 am]

Bureau of Reclamation

AUTHORIZED ORME DAM AND RESERVOIR, CENTRAL ARIZONA PROJECT, ARIZONA

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Orme Dam and Reservoir, authorized as a part of the Central Arizona Project by Public Law 90-537, 82 Stat. 885, 43 U.S.C. 1501 et seq., on September 30, 1968. This statement, (INT DES 76-17 dated 5-21-76) filed with the Council on Environmental Quality available to the public as specified in the notice of availability.

The draft environmental statement supplements the general information for the Orme Dam and Reservoir covered in the final environmental statement for the Central Arizona Project which was filed with the Council on Environmental Quality on September 26, 1972 (FES 72-35). The purpose of the proposed feature is to regulate Colorado River water conveyed by the Granite Reef Aqueduct, conserve portions of the floodflows of the Salt and Verde Rivers, provide protection to the Phoenix Metropolitan area from flood hazards of the Salt-Verde River system, provide increased water-based recreation, and other purposes as described in the draft statement.

A public hearing will be held in Phoenix, Arizona, in the Prescott Room, Phoenix Civic Plaza, 225 East Adams, on July 9 and 10, 1976, to receive views and comments from interested organizations or individuals relating to the environmental impact of the project. On July 9, the hearing will commence at 1 p.m. and continue until 5 p.m. The hearing will recommence at 6:30 p.m. and continue until 10:30 p.m. On July 10, the hearing will commence at 9 a.m. and continue until 6 p.m. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time perference mentioned in their letters or telephone requests whenever possible, and any scheduled speaker not present when called will lose his position in the scheduled order, and his name will not be recalled until the end of the order. Requests for scheduled presentations will be accepted up to 4 p.m., July 7, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present statements at the hearing should contact Projects Manager Clifford A. Pugh, Arizona Projects Office, Bureau of Reclamation, Suite 2200 Valley Center, 201 North Central Avenue, Phoenix, Arizona 85073, telephone (602) 261-4810, and announce their intention to participate. Written comments from those unable to attend or those wishing to supplement their oral presentations at the hearing should be received by July 20, 1976, for inclusion in the hearing record.

Dated: May 28, 1976.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-16215 Filed 6-3-76;8:45 am]

Office of the Secretary

NAVAJO INDIAN IRRIGATION PROJECT DRAFT ENVIRONMENTAL STATEMENT

Public Hearing

A public hearing will be held to receive public comments regarding the environmetal impacts portrayed in the Bureau of Indian Affairs' Navajo Indian Irrigation Project Draft Environmental Statement.

The hearing will be held in the Council Chambers Farmington City Hall, Farmington, New Mexico and begin at 9:00 a.m. on July 8, 1976.

Oral and written statements by interested parties are invited. Oral statements by any party will be limited to no more than ten minutes. Written statements can be entered into the record by filing a copy with the presiding officer.

Additional information on the hearings and copies of the Navajo Indian Irrigation Project Draft Environmental Statement may be obtained from the Navajo Area Director, Bureau of Indian Affairs, Window Rock, Arizona 86515, telephone: (602) 871-4366.

Dated: June 2, 1976.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.76-16411 Filed 6-3-76;8:45 am]

[INT DES 76-20]

NAVAJO INDIAN IRRIGATION PROJECT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Bureau of Indian Affairs has prepared a Draft Environmental Statement for the Navajo Indian Irrigtion Project, as authorized by Public Law 87-483, which is located in San Juan County, New Mexico.

The Environmental Statement considers human and physical environmental effects associated with the construction and operation of the 216,843 acre irrigation project which includes 110,630 acres being sprinkler irrigated by water diverted from the San Juan River at the Navajo Dam. Written comments are invited within forty five (45) days of this notice.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs, Division of Trust Facilitation, Room 4554, Department of Interior Bldg., Washington, D.C. 20245. Telephone: (202) 343-4004.
Bureau of Indian Affairs, Navajo Area Office, Window Rock, Arizona 86515. Telephone: (602) 871-4366.
Bureau of Indian Affairs, Shiprock Agency, Shiprock, New Mexico 87420. Telephone: (505) 368-4427.
Bureau of Indian Affairs, Eastern Navajo Agency, Crownpoint, New Mexico 87313.

Copies of the Draft Environmental Statement may be obtained from the Navajo Area Office, Bureau of Indian Affairs.

Dated: June 2, 1976.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.76-16412 Filed 6-3-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on August 5, 1976, in Room 6802, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 19 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: May 28, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for
Resources and Trade Assistance.

[FR Doc.76-16137 Filed 6-3-76;8:45 am]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meetings

The Management-Labor Textile Advisory Committee will meet at 2:00 p.m. on June 24 and July 28, 1976 in Room 6802, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 37 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for each meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after each meeting. To the extent time is available at the end of the meetings, the presentation of oral statements will be allowed.

Copies of the minutes will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: May 28, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for
Resources and Trade Assistance.

[FR Doc.76-16136 Filed 6-3-76;8:45 am]

MOBILE INFIRMARY ASSOC., INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00318. Applicant: Mobile Infirmary Association, Inc., West End, Center Street, Post Office Box 2144, Mobile, Alabama 36601. Article: EMI Brain Scanner with Diagnostic Display Console. Manufacturer: Emitronics Inc., United Kingdom. Intended use of article: The article is intended to be used for the examination of patients and the study of various brain diseases. These studies will include evaluation of brain diseases such as tumor, infarction, hemorrhage, atrophy, and other conditions. Comparative studies will be undertaken to evaluate the relative efficacy of this new modality, the Computerized Tomography, with conventional examinations such as Cerebral Angiography, Radionuclide Brain Scan and Pneumoencephalography.

In addition, the article will be used in the Course: Computed Tomography of the Brain; in which medical students will be instructed in the basis theory and applications of the methods of examination of the brain.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 16, 1975). Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 5, 1976 that the sensitivity and non-invasive methodology of the article are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that (1) it knows of no domestic instruments of equivalent scientific value to the foreign article for such purposes as the article is intended to be used and (2) similar domestic instruments were still in development during the period before the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

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(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16138 Filed 6-3-76;8:45 am]

SUNY—STONY BROOK

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00324. Applicant: State University of New York, Stony Brook, N.Y. 11794. Article: 12 kw Rotating Anode X-ray Equipment. Manufacturer: Rigaku Denki Co. Ltd., Japan. Intended use of article: The article is intended to be used to form the basis of an X-ray facility devoted to a variety of studies:

(1) Submicroscopic metallic particles—small angle scattering.

(2) Crystals of geological, mineralogical, and materials science interest—large angle scattering, topography.

(3) Biological specimen—high resolution X-ray microscopy.

(4) Behavior of materials at high pressures and temperatures.

(5) Quantitative analysis of residual stress in metallic materials.

The article is intended to be used in the courses: Phy 515—Graduate Laboratory, Phy 699—Thesis Research, ESS 531—Crystallography, and ESS 525—Diffraction Techniques, for educational purposes primarily aimed at broadening the students understanding and knowledge of the phenomena and research described above.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 0.1 mm) and a rotating target for maximum X-ray beam intensity. The Department of Health Education, and Welfare (HEW) advised in its memorandum dated May 6, 1976 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16139 Filed 6-3-76;8:45 am]

SUNY—STONY BROOK

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00262. Applicant: State University of New York at Stony Brook, Dept. of Pathology, Health Sciences Center, Stony Brook, N.Y. 11790. Article: Electron Microscope, Model HU–12. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to study details of structure of animal and human tumors arising in various tissues and establish possible etiologies by identification of viruses or physical agents in the tissue. These studies include recognition of molecular details such as melanosome lattice before pigment deposition, cytoplasmic filament dimensions and nature of intercellular junctions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 25, 1971). Reasons: The foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope manufactured by the Forgflo Corporation which is currently being supplied by the Adam David Company. The Model EMU–4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare in its memorandum dated April 12, 1976, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16140 Filed 6-3-76;8:45 am]

U. OF CALIF.—LOS ANGELES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00306. Applicant: University of California, Los Angeles—The Regents of the University of California, 405 Hilgard Avenue, Los Angeles, California 90024. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigative and educational purposes which will include the following:

(a) Study of neural circuitry in the vertebrate retina.

(b) Examination of the normal anatomy and pathology of cellular and subcellular structures which constitute barriers to the passage of macromolecules from blood to retina, blood to aqueous humor, and aqueous humor to blood.

(c) Studies of normal structure and pathological change at the zone where the retina and vitreous body meet, and

(d) Studies of the retinal photoreceptor cells. The article will also be used in the training of a substantial number of postdoctoral fellows in research on the eye and vision. Graduate students in the Department of Anatomy and Biology will use the article in the completion of their thesis studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a eucentric side entry goniometer stage with ±60° tilt, 360° rotation holder and a guaranteed resolution of 7 Angstrom (point-to-point). The most closely comparable domestic instrument is the Model EMU–4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 4, 1976 that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advises that domestic instruments do not provide an equivalent eucentric goniometer. We therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16142 Filed 6-3-76;8:45 am]

THE UNIVERSITY OF TENNESSEE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00311. Applicant: The University of Tennessee, Audiology & Speech Pathology, 457 South Stadium, Knoxville, TN 37916. Article: Auditory Training Unit, Suvag II, and accessories. Manufacturer: Service European De Diffusion Des Inventions S.A., France. Intended use of article: The article is intended to be used for investigation of therapy and improved perception of hearing impaired children and adults during daily training.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides filter combinations consisting of 27 adjustable slope, 20 fixed slope, and 24 band-pass filters.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 5, 1976 that (1) the capability described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16144 Filed 6-3-76;8:45 am]

UNIV. OF TEX. HEALTH SCI. CTR.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00307. Applicant: The University of Texas Health Science Center at Houston, Department of Pathology, Post Office Box 20708, Houston, Texas 77025. Article: Electron Microscope, Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to study a variety of different tissues from various mammalian species including such tissues as kidney, liver, skin, central nervous system, lymph node, skeletal muscle and lung. Experiments to be conducted include the study of the ultrastructural manifestations of renal disease in the human being and the study of ultramanifestations of toxic lung disease induced by a variety of toxic agents in experimental animals. The article will also be used as support of medical student preceptorships, in medical student research projects, or elective courses in pathology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 19, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range of 200 to 500,000X without a pole-piece change and a guaranteed resolution of 3.0 Angstroms point-to-point (Å pt.). The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope currently supplied by the Adam David Company (Adam David). The Model EMU–4C has a specified resolution of 5Å pt. and, with its standard pole-piece, had a specified magnification range of 1,400X to 240,000X. For survey and scanning the lower end of this range could be reduced to 200X or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000X should be used. It is noted that changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 4, 1976 that distortion free micrographs at low magnifications (200X) and the better resolution of the article are pertinent to the applicant's intended purposes. HEW also advises that the low magnification performance and the guaranteed resolution of the domestic Model EMU–4C was not scientifically equivalent to that of the foreign article for the applicant's intended use at the time the article was ordered.

We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equipment scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16143 Filed 6-3-76;8:45 am]

WAYNE STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

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of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00130-33-43780. Applicant: Wayne State University—School of Medicine, Dept. of Surgery, 540 Canfield, Detroit, Michigan 48201. Article: Spectrascribe-Real time analyser. Manufacturer: Dept. of Physics Guy's Hospital Medical School, United Kingdom. Intended use of article: The article is intended to be used for studies of the interrelationships between limb viability, operative procedure, and blood flow mechanics in subjects with arterial occlusion disease. In the experiments to be conducted, Pulsatility Index and Pulse Wave Transit Time will be measured in humans before and after exercise and the findings related to operative findings and post operative progress of patients. The article will also be used to demonstrate to students and residents the dynamic response of a subject's systemic circulation to exercise.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides dual channels with two doppler shift signals and immediate (real-time) analysis. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 4, 1976 that the capabilities described above are pertinent to the applicant's studies on arterial occlusion disease and its surgical treatment through measurement of the Pulsatility Index and Pulse Wave Transit Time. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16141 Filed 6-3-76;8:45 am]

UNIVERSITY OF CINCINNATI, COLLEGE OF MEDICINE, DEPT. OF PATHOLOGY

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 28, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00407. Applicant: University of Cincinnati, College of Medicine, Dept. of Pathology, Rm. 1206, Medical Sciences Building, 231 Bethesda Avenue, Cincinnati, OH 45267. Article: Ultramicrotome Model Om U3 with AO Stereoscopic Microscope and accessories. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for research in which several different tissues from human biopsies and experimental animals will be examined. These include renal, liver and skin biopsies for diagnostic purposes and occasionally malignant tumors which present problems in differential diagnosis. Cell cultures (WI 38-human lung fibroblast; HELA, embryonic and adult renal parenchymal; and "L" cells) will also be examined. In addition, the article will be used for educational purposes in the following courses and activities:

(1) Research in Pathology—to provide actual research work by graduate students and pathology residents.

(2) Electron Microscopy Technique—Basic introduction to the various skills employed in electron microscopy for graduate students.

(3) Small Biopsy Service—to provide know how of electron microscopy in surgical pathology to residents.

Application received by Commissioner of Customs: May 12, 1976.

Docket number: 76-00409. Applicant: Naval Regional Medical Center, Portsmouth, Virginia 23708. Article: Electron Microscope, Model EM 9S-2, and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in conducting the following experiments:

(a) A study of neonatal neural tissue with regard to viral inclusions.

(b) A morphologic study of the development of muscle cells.

(c) "The Origin of Islet-cells in the Pancreas, A Possible Neural Crest Derivative."

(d) "The Nature of the Proliferative Response in Experimental Glomerulonephritis."

(e) "The Occurrence of Nucleolar Caps in Malignant Tumors in Man."

(f) "Classification of Human Leukemias and Lymphomas by Ultrastructural and Immunologic Features."

(g) "An ultrastructural study of the cardiac conducting System in Myocardial Disease."

All of these research projects involve the use of transmission electron microscopy to examine epon-embedded tissue sectioned on an ultramicrotome. The article will also be used for educational purposes in the course Residency in Anatomic and Clinical Pathology in which residents will learn basic EM preparation techniques of biological material. Application received by commissioner of customs: May 12, 1976.

Docket number: 76-00411. Applicant: University of North Carolina—Greensboro, Greensboro, North Carolina 27412. Article: Model CPS-2 Coherent NMR Pulse Spectrometer with one (1) 5mm sample probe, one (1) 10mm sample probe. Manufacturer: Spin-Lock Electronics, Ltd., Canada. Intended use of article: The article is intended to be used primarily as a research tool to study water protons in various aqueous systems. Parameters of interest include: T_1, the spinlattice relaxation time; T_2, the spin-spin relaxation time; $T_{1\rho}$, the analog of T_1 in the rotating reference frame; and D, the diffusion coefficient. Initial experiments planned for this instrument include an investigation of these NMR parameters in various gels and ion-exchange resins. Experiments are also planned to investigate the effects of pressure on these four NMR parameters in various aqueous solutions and model systems. Application received by commissioner of customs: May 12, 1976.

Docket number: 76-00412. Applicant: Columbia University—College of Physicians & Surgeons, Dept. of Pediatrics, BHA-115, 630 West 168th Street, New York, N.Y. 10032. Article: TCM1 Transcutaneous Oxygen Monitor System Including a TCM101 Calibrating Unit and Two Electrodes. Manufacturer: Radiometer A/S Denmark. Intended use of article: The article is intended to be used to evaluate the performance and clinical efficiency of an electrode designed specifically for continuous monitoring of the oxygen tension of the blood by use of a sensor which is attached to the skin. This is a very new development in the field of monitoring and is very important for caring for patients, especially newborn infants, with respiratory diseases. Application received by Commissioner of Customs: May 12, 1976.

Docket number: 76-00413. Applicant: University of Wisconsin-Oshkosh, Dept. of Physics and Astronomy, Oshkosh, WI 54901. Article: Spectrometer, Nuclear Magnetic Resonance Pulsed-including power supplies, Model CPS-2. Manufacturer: Spin-Lock Ltd., Canada. Intended use of article: The article is intended to be used for the study of slow molecular motion in tissues, protein water systems, liquid crystals and hydrogen-bonded and other nonmetallic solids by employing pulsed nuclear magnetic resonance techniques. Depending on the material under study, some or all of the following nuclear relaxation times will be measured:

(a) T_1, the spin-lattice relaxation time in the laboratory frame.

(b) T_2, the spin-spin relaxation time, using either Carr-Purcell or Gill-Meiboom techniques.

(c) T_{1D}, the spin-lattice relaxation time in the rotating frame.

(d) T_{2D}, the dipolar spin-lattice relaxation time, using the three-pulse Jeener Broekhart technique.

The article will also be used in the following physics courses to introduce students to current research techniques in physics as well as for student research investigations:

82-319	Intermediate Laboratory II
82-519	Graduate Laboratory
82-401	and 405 Independent Study
82-792	Research Techniques in Physics
82-795	Thesis

Application received by Commissioner of Customs: May 12, 1976.

Docket number: 76-00414. Applicant: San Diego State University Foundation, 5402 College Ave., San Diego, CA 92182. Article: Infrared gas analyzer for CO_2. Manufacturer: Analytical Development Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigation of the flux of CO_2 through plants during photosynthesis and respiration. Experiments will be conducted to determine the elucidation of the basic photosynthetic and respiratory activities of similar vegetations with different evolutionary histories. Application received by Commission of Customs: May 13, 1976.

Docket number: 76-00415. Applicant: University of Rochester—School of Medicine and Dentistry, Dept. of Anatomy, Room 5-6320, 601 Elmwood Avenue, Rochester, New York 14642. Article: Utramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study mammalian tissues under various experimental conditions. Experiments will involve the ultrastructural study of tissues from rats which have undergone chronic drug therapy. Specifically, the article will be used to rapidly section a large volume of tissues needed for autoradiographic and stereologic quantitation and orient tissues precisely for immunocytochemistry. Application received by Commissioner of Customs: May 13, 1976.

Docket number: 76-00416. Applicant: The Milton S. Hershey Medical Center of the Pennsylvania State University, Department of Anatomy, 500 University Drive, Hershey, Pennsylvania 17033.

Article: EM400HM Microscope, High Mag. Stage and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in all of the current on-going research activities of the entire faculty and staff with the Department of Anatomy, as well as on-going programs within the Divisions of Opthalmology, Neurology, Neurosurgery and Plastic Surgery. These research programs will include the following:

Histophysiology and Pathogenesis of Diabetes Mellitus. Fetal and Infantile Development of Oral Sensory Receptors in Primates: Microscopic and Ultramicroscopic Histology. The Developmental Histology and Cytology of Mucosal Sensory Receptors of the Larynx, Pharynx and Nose. Studies on the Etiology and Diabetes Mellitus. Anatomical Studies of the Internal Ear. Retinal Zinc: Cellular Location and Visual Function. The Vertebrate Eye. Studies of Aqueous Outflow. Ultrastructural Correlates of Myocardial Ischemia. The Effects of Ethylnitrosourea on Developing Brain.

The article will also be used in the research training programs within the Department of Anatomy in terms of its graduate educational program as well as training of postdoctoral fellows. Application received by Commissioner of Customs: May 17, 1976.

Docket number: 76-00417. Applicant: State University of New York at Buffalo, Faculty of Engineering and Applied Sciences, 250 Winspear Avenue, Buffalo, N.Y. 14214. Article: AGI Gas Reaction Accessory for use with the JEM-100 Electron Microscope, Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to be used in the JEM-100 electron microscope specimen chamber in order to continually observe the specimen reaction process at high magnification by heating the specimen in a gaseous atmosphere. The aging and regeneration of supported metal catalysts will be studied in situ and in controlled atmosphere. The substrate will be alumina, silica or carbon and the metal will be platinum, gold, nickel etc. Application received by Commissioner of Customs: May 17, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 76-16145 Filed 6-3-76;8:45 am]

[Order No. 45-2 (Amdt. 3)]

BUREAU OF DOMESTIC COMMERCE

Organization and Function Order

This order effective May 13, 1976 amends the material appearing at 40 FR 10218 of March 5, 1975.

DIBA Organization and Function Order 45-2, dated February 11, 1975, as amended, is hereby further amended to reflect two staff elements in the Office of the Director, Office of Business Research and Analysis.

1. Section 6. Office of Business research and Analysis is amended to read, as follows.

SECTION 6. Office of Business Research and Analysis.

.01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall be the principal assistant and policy advisor to the Bureau Director on commodity/industry activities essential to American economic growth and stability. The Director shall supervise and direct the following organizational components:

a. The Special Reports and Statistical Standards Staff shall assist in developing, obtaining, and maintaining data to support the activities of the industry sector divisions and the Bureau; provide analytical support to the industry divisions; advise the Bureau on industrial and commodity classifications, domestic and international; coordinate, monitor, and review the statistical activities of the industry sector divisions (e.g. industrial mobilization and GATT); represent the Bureau on interagency statistical committees for both domestic activity and foreign trade; develop and review all Bureau public use forms for survey purposes; and provide special reports, as required by the Deputy Assistant Secretary or Deputy Bureau Director.

b. *The Economic Studies Staff* shall undertake quantitative economic analyses in support of and in cooperation with the industry sector divisions, DIBA, the Department and other Federal agencies; develop, in coordination with the Office of Business and Legislative Issues, a data base at the commodity/industry level; provide analytical support in the development of multi-industry studies; support the development and use of micro-economic analytic techniques in individual industry studies; develop techniques and methods to improve measures to forecast economic activity or potential problems for specific industries and business segments; and shall be responsible for the economic content of the annual Industrial Outlook.

2. Sections .03 and .04 shall be renumbered .02 and .03 respectively.

3. Subsection .03b3 is rescinded.

SAMUEL B. SHERWIN,
Deputy Assistant Secretary for Domestic Commerce.

Approved:

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.76-16203 Filed 6-3-76;8:45 am]

Maritime Administration

[Docket No. S-510]

ZAPATA BULK TRANSPORTATION, INC.

Application

Correction

In FR Doc. 76-15538 appearing on page 21664 in the FEDERAL REGISTER of Thursday, May 27, 1976 the docket number should have read as set forth above.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Marine Fisheries Service

[Docket No. Sub-B-14]

TRAWLER JOHN J. NAGLE, INC.

Trawler John J. Nagle, Inc. has applied for permission to transfer the operation of the 97.8' registered length fishing vessel ARAHO II, which was constructed with the aid of a fishing vessel construction-differential subsidy. The vessel is presently authorized to operate in the fishery for groundfish.

The application seeks additional authority to operate in the fishery for herring, scallops, and lobsters (excluding

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lobsters in the Gulf of Maine) in the Northwest Atlantic Ocean, including the Gulf of Maine.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401–1413), the Rules and Regulations for Notice and Hearing on Subsidies (50 CFR Part 257), and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on June 28, 1976, at 10:00 a.m. d.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, NOAA, Washington, D.C. 20235 as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing.

If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

JUNE 1, 1976.

[FR Doc.76-16124 Filed 6-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.
Date: June 22, 1976.
Place: Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland 20014.
Time: 9:00 a.m.–4:30 p.m.
Type of Meeting: Open.
Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Phone: AC/404, 633-3311, Extension 3701, FTS 283-3701.
Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.
Agenda: Review and discuss the results of field trials of the influenza vaccines to be used in 1976–77.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: May 28, 1976.

DAVID J. SENCER, M.D.,
Director, Center for Disease Control.

[FR Doc.76-16317 Filed 6-3-76;8:45 am]

Food and Drug Administration

[Docket No. 76P-0203]

TOMATO JUICE CONCENTRATE DEVIATING FROM IDENTITY STANDARDS

Temporary Permit for Market Testing

The Food and Drug Administration (FDA) gives notice that Campbell Soup Co. has been granted a temporary permit to market test tomato juice concentrate prepared from tomato paste and water in which the vitamin C is restored to a level of 3.5 milligrams per fluid ounce. The permit is effective for 15 months, beginning no later than September 2, 1976.

In accordance with § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), the Commissioner of Food and Drugs issued a temporary permit to the Campbell Soup Co., Campbell Pl., Camden, NJ 08101. The permit covers interstate market testing of tomato juice concentrate that deviates from the standards of identity prescribed for tomato juice under § 53.1 (21 CFR 53.1) and tomato puree and tomato pulp under § 53.20 (21 CFR 53.20) in that the test product is prepared by adding water to 46 percent tomato paste (§ 53.30 (21 CFR 53.30)) in such quantity that the finished test food will contain 24 percent natural tomato soluble solids. Upon dilution by the consumer according to label direction, the product will contain tomato solids in an amount equal to that found in single strength tomato juice. In addition, ascorbic acid will be added in such quantity as to restore the level of the vitamin C to 3.5 milligrams per fluid ounce. The permit provides for the market testing of 12,000 cases of 48/6-ounce cans and 10,000 cases of 24/12-ounce cans of the test product. The tomato juice concentrate will be packed by the Campbell Soup Co. in Napoleon, Ohio, and is to be marketed in Illinois, Indiana, Kentucky, and Ohio.

The name of the food is "tomato juice concentrate." All ingredients will be declared on the label by their common or usual name. The permit is effective for 15 months, beginning on the day the test food is introduced or caused to be introduced into interstate commerce but not later than September 2, 1976.

Dated: May 28, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-16134 Filed 6-3-76;8:45 am]

[Docket No. 76N-0205]

IMPLEMENTATION OF THE MEDICAL DEVICE AMENDMENTS OF 1976

The Food and Drug Administration (FDA) gives notice that the Medical Device Amendments of 1976 (Pub. L. 94–295) became law on May 28, 1976. This legislation, which amends the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), provides new authority to assure the safety and effectiveness of medical devices.

Implementation of the Medical Device Amendments of 1976 (the Amendments) is the responsibility of FDA (21 CFR 2.-120(a)(1)) and its Bureau of Medical Devices and Diagnostic Products. References in the act to the "Secretary" should therefore be understood to refer to the Commissioner of Food and Drugs. Persons with questions concerning the Amendments may contact the Regulations and Policy and Voluntary Compliance Branch, Division of Compliance, Bureau of Medical Devices and Diagnostic Products (HFK–120), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, phone 301–427–7190 or 301–427–7194. The Commissioner of Food and Drugs has designated this Branch as the office to render assistance to small manufacturers of medical devices in accordance with section 10 of the Amendments and to respond to inquiries concerning requirements applicable to medical devices that are submitted under section 513(g) of the act.

Most provisions of the Amendments became effective upon enactment, although many such provisions do not become enforceable regulatory requirements until regulations promulgated by FDA become effective. The provisions that are not effective upon enactment are those prescribing transitional periods before FDA can enforce requirements concerning investigational devices (section 501(f)(2)(A) of the act) and premarket approval for devices in commercial distribution before enactment (section 501(f)(2)(B) of the act) and products formerly considered drugs, which are to be regulated as devices because of the new definition of "device" (section 520(l)(2) of the act).

A series of notices and proposed regulations concerning implementation of the Amendments will be published in the FEDERAL REGISTER in future months. These notices and proposed regulations will set forth in detail the requirements of the Amendments applicable to manufacturers, distributors, and importers and other persons who handle medical devices. Notices and proposed regulations will include the requirements applicable to device establishment and product registration, new product notification, classification, performance standards, premarket approval, defect reporting and other recordkeeping and reporting requirements, good manufacturing practice, and exemptions for investigational use. Persons whose activities are subject to the Amendments should regularly consult the FEDERAL REGISTER to be aware of notices and proposed regulations that concern them. Such persons should also comply with the requirements imposed directly by the Amendments that do not depend on issuance of regulations. These statutory requirements, which will be further defined in future notices and proposed regulations, include:

1. The duty to notify the FDA 90 days before a person begins the introduction or delivery for introduction into interstate commerce for commercial distribution of a device for human use (section 510(k) of the act). Such notification should be addressed to the Registration and Device Listing Staff (HFK–124), Division of Compliance, Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, and should be marked "510(k) Notification".

2. The duty to submit an application for premarket approval, and not to market such device prior to receiving approval, for any device marketed after enactment of the Amendments that is not substantially equivalent to a device in commercial distribution prior to enactment, unless the new device has been reclassified into the regulatory categories that only require compliance with general controls (class I), or with general controls and a performance standard (class II) (sections 501(f), 513(f), and 515 of the act). Such applications should be addressed to the Division of Classification and Scientific Evaluation (HFK–400), Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, and should be marked "Premarket Approval Application."

3. The duty to comply with special transitional provisions (section 520(l) of the act) applicable to products formerly considered drugs that are to be regulated as devices because of the new definition of "device." Petitions for reclassification or applications for premarket approval of such products should be addressed to the Division of Classification and Scientific Evaluation (HFK–400), Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, and should be marked "Reclassification Petition" or "Premarket Approval Application," as the case may be.

4. The duty to comply with the new disclosure requirements for advertising of restricted devices (section 502(r) of the act).

5. The duty to permit duly authorized FDA representatives to inspect records concerning restricted devices, which supplements the authority of these representatives to inspect facilities, equipment, materials, containers, and labels and to collect samples of all devices (section 704 of the act, as amended).

Restricted devices include all prescription devices as now defined in 21 CFR 801.109 (21 CFR 201.109 prior to recodification published in the FEDERAL REGISTER of February 13, 1976 (41 FR 6896)). (See House Report No. 94–853, Medical Device Amendments, February 29, 1976, at 24–25.)

Additional notices and proposed regulations will be published in future issues of the FEDERAL REGISTER covering these and other aspects of the Amendments.

Dated: May 28, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-16308 Filed 6-4-76;8:45 am]

[Docket No. 76N-0205]

REQUIREMENTS UNDER THE 1976 MEDICAL DEVICE AMENDMENTS

Open Public Meetings

The Food and Drug Administration (FDA) announces a series of open public meetings to discuss requirements that manufacturers and others affected by the Federal Food, Drug, and Cosmetic Act must immediately meet under the Medical Device Amendments of 1976. There will be 10 public meetings. Each meeting will be held from 9 a.m. to 1 p.m. The dates, locations, and contact persons for each meeting are as follows:

1. Boston—Monday, June 21, 1976. Meeting place: Statler Hilton Hotel, Park Square, Boston, MA, (617) 426–2000. Contact person: Robert Hallisey, (617) 223–3178, FDA, 585 Commercial St., Boston, MA 02109.

2. New York—Tuesday, June 22, 1976. Meeting place: New York Sheraton, 870 Seventh Ave., New York, NY, (212) 247–8000. Contact person: Alex Cossin, (212) 965–5708, FDA, 850 Third Ave., Brooklyn, NY 11232.

3. Philadelphia—Wednesday, June 23, 1976. Meeting place: Holiday Inn, City Ave. and Monument Rd. (Schuylkill Expressway and I–76), Philadelphia, PA, (215) 877–4900. Contact person: Wardsworth Gray, (215) 597–4390, FDA, Second and Chestnut Sts., Rm. 900, Philadelphia, PA 19106.

4. Kansas City—Thursday, June 24, 1976. Meeting place: Hilton Inn, 610 Washington St., Kansas City, MO (816) 421–1800. Contact person: Dwight Ringhausen, (816) 374–3817, FDA, 1009 Cherry St., Kansas City, MO 64106.

5. Dallas—Friday, June 25, 1976. Meeting place: Royal Coach Inn, 3800 W. Northwest Highway, Dallas, TX, (214) 357–9561. Contact person: Jerry Henderson, (214) 749–2735, FDA, 3032 Bryan St., Dallas, TX 75204.

6. Chicago—Monday, June 28, 1976. Meeting place: Sheraton-Chicago Hotel, 505 N. Michigan Ave., Chicago, IL, (312) 944–4100. Contact person: Marie Ekval, (312) 353–1046, FDA, 175 W. Jackson Blvd., Chicago, IL 60607.

7. Seattle—Tuesday, June 29, 1976. Meeting place: Federal Building, South Auditorium, 915 Second Ave., 4th Floor, Seattle, WA. Contact person: Jeannie Wilson, (206) 442–7028, FDA, 909 1st Ave., Rm. 5003, Seattle, WA 98104.

8. Los Angeles—Wednesday, June 30, 1976. Meeting place: Hyatt-Regency Hotel, 711 S. Hope St., Los Angeles, CA, (213) 683–1234. Contact person: Ted Smolenski, (213) 688–3785, FDA, 1521 W. Pico Blvd., Los Angeles, CA 90015.

9. Denver—Thursday, July 1, 1976. Meeting place: Denver Airport Hilton Inn, I–70 and Peoria St. Exit, Denver, CO, (303) 373–5730. Contact person: Michael Quinn, (303) 327–4915, FDA, 721 19th St., Denver, CO 80202.

10. Atlanta—Friday, July 2, 1976. Meeting place: Academy of Medicine, 875 W. Peachtree St. NE, Atlanta, GA 30309. Contact person: Robert Creasy, (404) 526–3218, FDA, 880 W. Peachtree St. NW., Atlanta, GA 30309.

The meetings will consist of presentations by FDA personnel on the 1976 Medical Device Amendments, followed by questions and answers. Those planning to attend are requested to notify the appropriate FDA contact person listed above to enable the agency to assure that adequate space will be available.

Copies of the Federal Food, Drug, and Cosmetic Act, including the Amendments, may be obtained by writing to the Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, HFK–120, 8757 Georgia Ave., Silver Spring, MD 20910.

Dated: May 28, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-16307 Filed 6-4-76;8:45 am]

National Institute of Education

EDUCATION DIVISION

Statement of Organization, Functions, and Delegations of Authority

The Functional Statement for the Finance and Productivity Group as published in the FEDERAL REGISTER (40 FR 37071, August 25, 1975) will be amended by the deletion of Section 12.20, K., 5. and by changing the title in Section 12.-20, K., 1. from School Finance and Management Division to School Finance and Organization Division.

Dated: May 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc 76-16227 Filed 6-3-76;8:45 am]

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Public Health Service

ASSISTANT SECRETARY FOR HEALTH ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

Notice is hereby given that the following delegation of authority by the Acting Assistant Secretary for Health to the Administrator, Health Services Administration has been made under the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) effective May 25, 1976.

On July 3, 1975, the Secretary delegated to the Assistant Secretary for Health all of the authorities vested in the Secretary of Health, Education, and Welfare by Title I of the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, with the exception of Section 107 of Title I.

I hereby delegate to the Administrator, Health Services Administration (HSA), those authorities delegated to me by the Secretary with the exception of section 105(b).

The exercise of the authority under Section 106(b) of the Indian Self-Determination and Education Assistance Act to make advance payments under any contracts is subject to the provisions that (1) there be a prior review and documented recommendation by the Director, Office of Contracts and Grants (OCG), HSA, on each proposed advance and (2) a copy of each approved advance be submitted (within two weeks of its approval) to the Director, Office of Administrative Management.

These authorities may be redelegated, except that the authority under Section 106(b) to make advance payments under any contracts may not be redelegated to a level lower than the Director, Indian Health Service.

This supersedes the delegation made by me, effective March 12, 1976, to you of authorities under Title I of the Indian Self-Determination and Education Assistance Act.

Dated: May 25, 1976.

RUPERT MOURE,
Executive Officer,
Public Health Service.

[FR Doc 76-16204 Filed 6-3-76;8:45 am]

Office of the Secretary

GRANTS ADMINISTRATION MANUAL

Notice of New Chapters

Notice is hereby given that eleven new chapters have been added to the HEW Grants Administration Manual.

The HEW Grants Administration Manual specifies uniform policies, standards and procedures for adoption by the principal operating components of the Department for the making and administration of grants. The specified policies, standards and procedures become applicable to the making and administration of grants by each principal operating component when adopted by the principal operating component and in the form so adopted. The form often varies somewhat between principal operating components owing to the necessity of adaptation to the numerous and considerably varying grant programs that they administer. It is expected that the principal operating components will adopt the policies, standards and procedures specified in the eleven new chapters and attempt to implement them fully by July 1, 1976, but in some cases implementation probably will not be complete by that date.

The principal operating components of the Department are: The Public Health Service, consisting of the Office of the Assistant Secertary for Health, the Alcohol, Drug Abuse and Mental Health Administration, the Center for Disease Control, the Food and Drug Administration, the Health Resources Administration, the Health Services Administration and the National Institutes of Health;

The Education Division, consisting of the Office of the Assistant Secretary for Education, the National Institute of Education and the Office of Education;

The Office of Human Development;

The Social and Rehabilitation Service; and

The Social Security Administration.

The new Grants Administration Manual chapters result largely from studies begun in 1974 to increase the efficiency, effectiveness, economy and integrity of the Department's processes for management of grant programs. These eleven chapters apply to discretionary (i.e., non-formula) grant programs. The new chapters are:

Chapter:	
1-03	Grants officer responsibilities in the administration of discretionary grants.
1-05	High-risk grantees.
1-55	Dissemination of information about discretionary grant programs.
1-57	Standards for evaluation priorities and criteria.
1-59	Receipt and initial processing of grant applications.
1-62	Competitive review of grant applications—review panels.
1-63	Use of field readers in lieu of grant application review panels.
1-64	Ranking and approval of grant applications and notification to unsuccessful applicants.
1-65	Applications for projects with time constraints.
1-67	Notices of grant award.
1-420	Subgrants and transfers of project activities under discretionary grants.

It is suggested that inquiries about the adoption, implementation and effect of Grants Administration Manual specified policies, standards and procedures as applied to the grant programs administered by a principal operating component be addressed to the principal operating component.

Interested parties may subscribe to the Manual through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The subscription price is $15.70. In addition, copies are available for inspection and copying in the Department's central and regional office information centers.

Dated: May 26, 1976.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc.76-16167 Filed 6-3-76;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Correction

In FR Doc. 76-13499 appearing at page 19153 in the FEDERAL REGISTER of Monday, May 10, 1976 the following correction should be made: On page 19153, third column, ninth line of the text, the FR citation should read "40 FR 4474-75".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-433]

REGIONAL ADMINISTRATORS, ET AL.

Redelegations of Authority

The following redelegations of authority are amended so that Assistant Regional Administrators for Community Planning and Development will have the same responsibility and authority now held by Regional Administrators, Deputy Regional Administrators, Area Directors and Deputy Area Directors with respect to program administration.

1. Amend 35 FR 16102, 16103 dated October 14, 1970, Section A to read as follows.

Section A. Authority redelegated with respect to specific programs. Each Regional Administrator, Deputy Regional Administrator, Assistant Regional Administrator for Community Planning and Development, Area Director and Deputy Area Director of the Department of Housing and Urban Development is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the following programs and matters, except as specified under this section A and as additionally excepted under section H: * * *

2. Amend Redelegation of Authority at 37 FR 5072 dated March 9, 1972 with respect to Model Cities Program by changing Section A to read as follows:

Section A. Authority redelegated to Regional Administrators and their Deputies and Assistant Regional Administrators for Community Planning and Development. Each Regional Administrator, Deputy Regional Administrator and Assistant Regional Administrator for Community Planning and Development of the Department of Housing and Urban Development is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the Model Cities program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301-3313), except the authority: * * *

3. Amended Section A.7. of the Redelegation of Authority at 37 FR 5712 dated March 18, 1972, and 39 FR 38272, dated October 30, 1974 with respect to the Open Space Land Program to read as follows.

Section A. Authority redelegated. 1. Each Regional Administrator, Deputy Regional Administrator, Assistant Regional Administrator for Community Planning and Development, Area Director, and Deputy Area Director of the Department of Housing and Urban Development is authorized with respect to the Open Space Land Program under Title VII of the Housing Act of 1961 (42 U.S.C. 1500-1500d-1) to (a) authorize grants and establish the terms thereof; (b) execute agreements for grants and amendments thereto; (c) approve requisitions for funds and third-party contracts except as provided under section B; and (d) exercise the power to suspend or terminate grant assistance

4. Amend Section A of Redelegation of Authority at 39 FR 5352 dated February 12, 1974 with respect to Relocation Policies and Requirements to read as follows:

Section A. Authority redelegated to Regional Administrators, Deputy Regional Administrators, Assistant Regional Administrators for Community Planning and Development, Area Directors and Deputy Area Directors. Each Regional Administrator, Assistant Regional Administrator for Community Planning and Development, Area Director and Deputy Area Director of the Department of Housing and Urban Development is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the administration of Departmentwide policies, standards, procedures, and advisory materials governing relocation requirements and payments under sections 105(c) and 114 of the Housing Act of 1949 (42 U.S.C. 1465), section 404 of the Housing and Urbau Development Act of 1965 (42 U.S.C. 3074), section 107 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307), and Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) except as specified under this Section A and additionally excepted under Section D. This includes authority to determine that relocation payments have been made and relocation assistance has been provided in accordance with and to the full extent contemplated by rules and regulations prescribed by the Secretary, and, in addition, the power and authority:

Effective late: This amendment to the redelegation of authority is effective June 4, 1976.

(Sec. 7(d), Department of HUD Act, 42 USC 3535 (d)).

DAVID O. MEEKER JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.76-16147 Filed 6-3-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-5-101, Docket 27123]

WESTERN AIR LINES, INC.

Order to Show Cause

Correction

In FR Doc. 76-15487, appearing at page 21670 in the FEDERAL REGISTER of Thursday, May 27, 1976 the following corrections should be made:

1. On page 21674, second column, the twenty-ninth line from the top should read "combined total of over 35 daily round-";

2. On page 21677, first column, above the footnotes, above the twelfth line from the bottom which begins "the Cheyenne-Salt Lake * * *" insert the following "Rapid City-Salt Lake City market down to less than 3 per day each way in".

[Order 76-5-156; Docket 29326]

DISCOUNTS CHANGES APPLICABLE TO CAPACITY-CONTROLLED EXCURSION FARES

Various Carriers; Order Vacating Suspension

MAY 28, 1976.

By Order 76-5-138, dated May 27, 1976, the Board suspended proposals by various carriers to increase their capacity-controlled excursion fares, as well as a proposal by National Air Lines, Inc. (National) to cancel the fares in shorter-haul markets. In that order the Board concluded that, although the proposals were not unreasonable, per se, they would place an undue burden upon the many passengers who were encouraged to utilize air transportation for their Bicentennial summer vacations, and to buy their tickets early by the initial low level of the "Freedom" fares, in addition to anticipation that space might not be available because of the limit on the capacity which can be sold. Thus, the Board found that factors other than the economic impact on the carriers must be considered and that, in the particular circumstances involved, it would not be in the public interest to subject such passengers to the increase.

The Board also stated its willingness to vacate the suspension in the event the carriers provide for the carriage of "Freedom" fare passengers who had already made reservations for travel after June 1, 1976 at fares which reflected the original "Freedom" fare discounts. All carriers have made appropriate provisions to that end in their tariff, and the Board has therefore concluded to vacate the investigation and suspension previously ordered with respect to those carriers.[1]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 therof,

It is ordered, That: 1. Ordering paragraphs 1 and 2 of Order 76-5-138, May 27, 1976 are hereby vacated; and

2. Copies of this order be filed with the aforesaid tariff and be served upon all scheduled certificated air carriers and the complainant in Docket 29265.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76 16257 Filed 6-3-76;8:45 am]

[Order 76-5-158; Docket 27813, Agreement C.A.B. 25775]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North-Central Pacific Passenger Fares

MAY 28, 1976.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific passenger fares.

By Order 76-4-50 dated April 12, 1976, the Board ordered the United States members of the International Air Transport Association (IATA) to submit justification in support of the above agreement, which proposes an increase in presently effective air fares over the North/Central Pacific through September 30, 1976. Northwest Airlines, Inc. (Northwest), although not a member of IATA, was ordered to file similar economic data.

In essence, the agreement would increase most presently effective North/Central Pacific fares which, in turn, generally reflect IATA fares in effect prior to April 1, 1975, by three percent for normal first-class and economy fares and five percent for promotional fares. Normal fares to/from Alaska would remain at status quo, as well as would all fares from Japanese points.[1]

Pan American World Airways, Inc. (Pan American), the only U.S. IATA member providing service over the North/Central Pacific has submitted the data requested. Northwest has, by separate letter, indicated its reliance upon economic data filed April 22, 1976 in support of its earlier unilateral tariff filing to increase North/Central Pacific fares in similar amounts for effect June 1, 1976.[2] Comments and objections have been received from the Puget Sound Traffic Association (PSTA) and, jointly, from Trans International Airlines, Inc. (TIA) and World Airways, Inc. (World). Pan American has filed a consolidated reply.

In general both Pan American and Northwest maintain that the proposed

[1] Order 76-5-138 inadvertently omitted reference to decreases in the discounts also proposed for individual tour-basing (ITX fares and the Florida-north weekend excursion fares against which the complaint filed by the Board's Office of Consumer Advocate (OCA) was also directed. These reduced discounts were considered appropriate for the reasons set forth in Order 76-5-138 with respect to the "Freedom" fares and, since they involve no advance reservation requirement and their sale is not subject to a capacity limitation, these fares were not suspended and OCA's complaint was to this extent dismissed.

[1] The agreement supersedes North Central Pacific Agreements C.A.B. 25549 and C.A.B. 25571, which were approved by the Board in Order 76-2-74, February 20, 1976, but which never became effective.

[2] Northwest's data is deficient to the extent that the forecast period it provides is for calendar year 1976 rather than that requested in the Board's procedural order and, thus, does not lend itself wholly to comparison with that provided by Pan American Nevertheless, it does provide insight into the economic picture of the overall area under consideration. We must nevertheless caution Northwest once again to comply fully in the future with the Board's requirements.

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increases are warranted as necessary to improve overall revenue and profitability in an area which has not seen an increase in fares in well over a year, despite fuel-cost increases and general inflationary pressures on cost.

Northwest states that the proposed fare increases will provide $3.3 million in additional revenue, 1.7 percent above that otherwise forecast for calendar year 1976. The carrier states that it earned an $8.8 million operating profit and a return on investment (ROI) of 3.07 percent during the historical period calendar year 1975; and that it anticipates an operating profit of $23.5 million and an ROI of 7.98 percent during calendar year 1976 under present fares, and an operating profit of $25.2 million and an ROI of 8.82 percent under the proposed fares. These estimates are based upon load factors of 50.3 percent in the historical period, and 49.10 percent during calendar year 1976, under both present and proposed fares. The slight decline in load factor is apparently due to a 10.6 percent increase in forecast capacity in the face of an 8.0 percent increase in anticipated traffic.

Pan American expects that the fare increase will produce a $3.5 million gain in revenue, 1.4 percent above that otherwise forecast for the period ending March 1977. Pan American states that it incurred a $6.6 million operating loss and a .27 percent ROI during the historical period, and forecasts continued operating losses of $4.7 and $1.3 million, with ROI's of .85 and 1.87 percent, respectively, during the forecast period under present and proposed fares. These results are based upon an experienced load factor of 39.15 percent during the historical period, and anticipated load factors of 45.91 and 45.23 percent during the forecast period under present and proposed fares respectively. The improved seat factors are alleged to stem from an expected traffic increase of up to 16.7 percent, coupled with a slight decline (less than .5 percent) in overall capacity. Finally, both carriers maintain that the pattern of the fare increases comports with the Board's objective that the span between promotional fares and normal fares be narrowed as well as its insistence that normal fares to/from Alaska not be increased.

PSTA alleges that the present and proposed North/Central Pacific fare structure unlawfully discriminates against Seattle, common-rated as it is with Los Angeles and San Francisco, with the result that fares-per-mile are higher to/from Seattle than to/from the other west coast gateways. They request disapproval of the agreement, or a condition which removes this common-rating and requires that their fares be mileage-related. PSTA cites a "rule of equality" (Transcontinental v. C.A.B., 383 F. 2nd 466, 477 (5th Cir. 1967)), and contends that the North/Central Pacific fare structure violates all aspects of this rule and numerous Board decisions against the principle of common-rating, as well as more recent orders expressing the Board's concern with fares and rates not so mileage-related. PSTA also alludes to more recent investigations before the Board in which the Bureau of Economics has taken a position for mileage-related fares and rates and/or against most common-rating.

Lastly, PSTA contends that differentials in yield in the proposed fare structure cannot be justified on the basis of taper, as was the case in the Board's recent dismissal of its complaint against the IATA North Atlantic fare agreement (Order 76–4–175), since the question of fare taper has neither been demonstrated nor tested in international markets as it has in domestic markets.

TIA and World do not specifically object to the agreement since its approval would result in increases in certain promotional fares. However, both note that the structure retains a predatory nature directed at charter service. The two supplemental carriers restate their previous objections to the structure, urge the Board to exact structural improvements for scheduled service, and suggest that denial of increases in normal economy and 14/21-day excursion fares would force the scheduled carriers to raise low promotional fares in the interest of obtaining the revenue they allegedly need. The two carriers note that no increase is proposed in fares for traffic originating in Japan, apparently due to objections by that government, and question why the major Japan-U.S. market should be so exempt. TIA and World also allude to the fact that, while Northwest, Pan American, and Japan Air Lines have reportedly held discussions on the level of certain Japan-originating group inclusive-tour (GIT) fares for minimum groups of 30 or 40 persons, no agreement has been filed, to their knowledge, with the Board.[3] Meanwhile, it is contended that the scheduled carriers are discounting the group 30/40 GIT fares by approximately 40 percent, and both supplemental carriers contend that the Board should no longer tolerate a continuation of such fare discounting for Japan-originating traffic.[4] Finally, the two carriers suggest that the Board require that all North/Central Pacific carriers, both U.S. and foreign flag, file detailed traffic data in support of any future IATA or intercarrier fare proposal.

In a consolidated reply, Pan American notes that neither TIA nor World objects to approval of the increases, disputes their allegations, and contends that the agreement comports with the Board's expressed objectives.[5] The carrier further holds that the suggested disapproval of the normal economy and 14/21-day excursion fares is irresponsible and that it is inappropriate to use the carriers' revenue needs as an excuse for structural changes especially when the structural difficulties stem largely from the actions of non-IATA carriers. Pan American also contends that the present situation is admittedly very unstable and not possible of total resolution at one time. As for PSTA's claim of undue prejudice, Pan American claims error since, when compared on the basis of routings which it actually operates, Seattle fares are lower on a per-mile basis than those of other west coast cities and that commonfaring is necessary to permit recovery of its costs of service and has previously been upheld.

After full consideration of the economic data and comments submitted by all parties, the Board has concluded to approve the agreement, with the exception of the proposed increases in promotional fares to/from Alaska and the increased fares to points in Japan.

Pan American has consistently argued that the carriers' forecasts should reflect a demand elasticity factor related to the proposed increase in travel price. The Board has addressed this issue on several previous occasions and remains unpersuaded that such an adjustment is appropriate in the context of a general inflationary economic trend. We have, accordingly, made appropriate adjustments in Pan American's forecast, as we have in disposition of other recent IATA agreements.[6]

As we have said in the past, we acknowledge that there is some response by potential passengers to increased prices. However, we remain of the conviction that the relative response is moderate when the price of all goods and services are escalating at the same time and more or less in tandem quantitatively. However, after elimination of the elasticity factor from both carriers' forecasts, as well as Pan American's anticipatory fuel costs, the data indicate returns on investment of 3.54 and 9.38 percent for Pan American and Northwest during their respective forecast periods. The difference in each carrier's forecast period does not permit analysis on a composite basis; however, it seems clear that neither carrier will exceed the Board's 12 percent guideline, especially in light of our disapproval of portions of the agreement, discussed below, which will result in carrier revenues significantly less than shown in their forecasts.

Accordingly, we will approve the agreement in its essentiality. However, this action should not be construed in any way as continued acceptance by the Board of the low load factors forecast by the carriers for rate-evaluation purposes.

There are two aspects of the agreement which the Board is unable to accept. Twice the Board has stated that increases in Alaska-Far East fares were unacceptable in view of the disparity in yield between those fares and those to/from other U.S. gateways (Order 75–3–100, Order 76–2–74). The instant agreement would, admittedly, reduce in some measure the yield disparity between Alaska-Far East normal first-class and economy fares relative to normal fares to/from other U.S. gateways (and would also reduce the dollar discount spread within the Alaska-Far East structure). However, it achieves nothing by virture of elimination the existing disparities between Alaska-Far East promotional fares and the corresponding promotional fares to/from these other gateway points. The agreement would also increase most U.S.-originating fares to Japan while at the same time exempting Japan-originating fares from a similar increase thereby creating a system of directional fares. The Board acknowledges that this reflects the objectives of another sovereign government. However, we cannot but be concerned with the pattern of different fares which is the result. For the reasons stated, we are constrained to disapprove the increased fares proposed to/from Alaska, as well as the increases proposed in fares from U.S. points to points in Japan.

The Board wishes to make clear that its approval of the increases herein is predicated solely upon the carriers' demonstrated need for additional revenue and in no way constitutes endorsement of the present structure or acceptance of its economic soundness. The increases will apply only for the relatively short period through September 30, 1976, and, as Pan American indicates, the IATA carriers plan to meet again within the next month to finalize a North/Central Pacific fare structure to apply from October 1, 1976. We would expect any such agreement to resolve the yield disparities relating to Alaska-Far East fares, and to eliminate those instances where promotional fares exceed a 50 percent discount from the normal economy fare. We also caution the carriers that we are not prepared to approve future increases in normal fares in this or any other market which burden normal fare passengers due to excessively discounted promotional fares and/or unduly low load factors. Consistent with its statutory authority, the Board will require full and specific justification, including a breakout of both historical and forecast traffic by fare category, for any new structure negotiated.[7]

Finally, with regard to PSTA's arguments, we note that related issues are presently pending before the Board in the *Domestic Common Fares Investigation*, Docket 27330 and the Transatlantic, Transpacific, and Latin American Mail Rates Case, Docket 26487, and do not believe the instant agreement presents an appropriate time for their resolution. However, we will expect the carriers to consider PSTA's comments and to address them fully in their justification for the next North/Central Pacific fare agreement.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolution, incorporated in Agreement C.A.B. 25775, is adverse to the public interest or in violation of the Act to the extent it would apply to fares other than between points in Alaska and points in Traffic Conference 3 and from points in the U.S. to points in Japan.

Agreement CAB	IATA No.	Title	Application
25775	005d	General Increases in Passenger Fares (new)	3/1 (N/C Pacific).

2. It is found that the following resolution, incorporated in Agreement C.A.B. 25775, is adverse to the public interest and in violation of the Act to the extent it would apply to fares between points in Alaska and points in Traffic Conference 3 and from points in the U.S. to points in Japan.

Agreement CAB	IATA No.	Title	Application
25775	005d	General Increases in Passenger Fares (new)	3/1 (N/C Pacific).

Accordingly, *it is ordered*, That: 1. That portion of Agreement C.A.B. 25775 set forth in finding paragraph 1 above be and hereby is approved;

2. That portion of Agreement C.A.B. 25775 set forth in finding paragraph 2 above be and hereby is disapproved;

3. Tariffs implementing that portion of Agreement C.A.B. 25775 as set forth in finding paragraph 1 above may be filed on not less than one day's notice for effectiveness not earlier than June 1, 1976 and shall be marked to expire September 30, 1976. The short notice authority in this paragraph expires July 1, 1976; and

4. The petition for leave to file an unauthorized document in reply to Pan American is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

MINETTI AND WEST, MEMBERS' concurring and dissenting statements filed as part of original document.

[FR Doc.76–16258 Filed 6–3–76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Tuesday, June 22, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

JAMES N. WOODRUFF,
Personal Management Specialist.

[FR Doc.76–16238 Filed 6–3–76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notices of Proposed Additions to Procurement List 1976, November 25, 1975 (40 FR 54742), were published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10702), and April 9, 1976 (41 FR 15059).

Pursuant to the above notices, the following service and commodity are added to the Procurement List:

STANDARD INDUSTRIAL CLASS 7349

Janitorial/Custodial (SH), Social Security Administration, District Office Building, Watertown, New York.

CLASS 8410

Havelock (IB), 8410–01–013–9109 G.F.M.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76–16191 Filed 6–3–76;8:45 am]

PROCUREMENT LIST 1976

Deletion From Procurement List

Notice of Proposed Deletion from Procurement List 1976, November 25, 1975

[1] The existing group 30/40 air fares alluded to are outside the scope of the agreement before us. The Board has received a copy of a Memorandum of Agreement dated April 7, 1976 concerning these fares to apply from October 1, 1976. However, this is considered an informational item, not a properly filed agreement at this time and will require appropriate justification by all participating U.S. carriers. At that time, ample opportunity will be provided for public comment.

[4] The Board's Bureau of Enforcement has received an informal letter of complaint from TIA's counsel on this matter.

[5] In a petition, which will be received, to file an unauthorized document in reply to Pan American, TIA and World clarify that their lack of objection to the proposed increases does not extend to the fare structure itself.

[6] See Orders 76–3–180, March 30, 1976; 76–4–145, April 27, 1976; 76–4–175, April 30, 1976; and 76–5–7, May 5, 1976.

[7] See Orders 76–4–175, April 30, 1976 and 76–5–95, May 21, 1976.

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(40 FR 54742), was published in the FEDERAL REGISTER on February 20, 1976 (41 FR 7809).

Pursuant to the above notice the following service is deleted from the Procurement List:

STANDARD INDUSTRIAL CLASS 7641

Furniture rehabilitation, Houston, Texas, plus 50-mile radius.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-16192 Filed 6-3-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

FIXED SATELLITE ADVISORY COMMITTEE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

In further preparation for the 1979 World Administrative Radio Conference, a meeting of the Fixed Satellite Advisory Committee will be held on June 24, 1976, in the FCC West Building, 2025 M St., NW., room 6331, commencing at 10 a.m.

The meeting will be open to the public and any member of the public is invited to participate and present oral and written statements of relevance to the agenda upon recognition by the Chairman. Any such oral statements should be cleared with the Chairman at least one day prior to the meeting.

The meeting will be conducted in accordance with the following agenda:

1. Chairman's Opening Remarks.
2. Approval of Minutes of previous meeting.
3. Comments of Task Group leaders and Chairman.
4. Discussion of work on task assignments carried out since previous Advisory Committee meeting.
5. Discussion of future work to be done by the Committee.
6. Date of next meeting.
7. Any further business.
8. Adjournment.

NOTE.—The meeting tentatively scheduled for June 10 at the April 29, 1976, meeting will not be held.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-16249 Filed 6-3-76;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS AVAILABLE FOR PROCESSING

Notice is hereby given pursuant to §§ 1.472(c) and 1.573(d) of the Commission's rules, that on July 16, 1976, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(d) and § 1.519(b) of the Commission's rules, and application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 15, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on July 15, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: May 26, 1976.

Released: June 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5528 New, Colstrip, Mont.
Colstrip TV Club
Req: Channel 10, 1 W
Primary: KYUS-TV, Miles City, Mont.

BPTTV-5529 New, Del Rio, Tenn.
Boyd A. Freeman
Req: Channel 8, 1 W
Primary: WLOS-TV, Asheville, N.C.

BPTTV-5530 New, Trinity Center and Coffee Creek, Calif.
North Lake Translator Group
Req: Channel 4, 5 W
Primary: KHSL-TV, Chico, Calif.

BPTTV-5531 New, Trinity Center and Coffee Creek, Calif.
North Lake Translator Group
Req: Channel 5, 5 W
Primary: KRCR(TV), Reading, Calif.

BPTTV-5532 K06AM, Sapinero, Calif.
Gunnison County Television, Inc.
Req: To change principal community to Cimarron, Little Cimarron and Arrowhead Subdivision, Colo.

BPTTV-5533 K02CL, Modena and Beryl Junction, Utah
Iron County
Req: To delete Beryl Junction, Utah, from present principal community

BPTTV-5534 K04CH, Modena and Beryl Junction, Utah
Iron County
Req: To delete Beryl Junction, Utah, from present principal community

BPTTV-5535 K06CQ, Modena and Beryl Junction, Utah
Iron County
Req: To delete Beryl Junction, Utah, from present principal community

BPTTV-5536 K08CE, Kanarraville and New Harmony, Utah
Iron County
Req: To delete New Harmony, Utah, from present principal community

BPTTV-5537 K09CJ, Cedar City and Iron Springs, Utah
Iron County
Req: To delete Iron Springs, Utah, from present principal community

BPTTV-5538 K10CK, Kanarraville and New Harmony, Utah
Iron County
Req: To delete New Harmony, Utah, from present principal community

BPTTV-5539 K11CQ, Cedar City and Iron Springs, Utah
Iron County
Req: To delete Iron Springs, Utah, from present principal community

BPTTV-5540 K12CD, Kanarraville and New Harmony, Utah
Iron County
Req: To delete New Harmony, Utah, from present principal community

BPTTV-5541 K13CP, Cedar City and Iron Springs, Utah
Iron County
Req: To delete Iron Springs, Utah, from present principal community

BPTTV-5542 K09GU, Tohatchi Area, New Mexico
The Navajo Tribe
Req: To change frequency to Ch-2, 54-60 MHz.

BPTTV-5543 K11GV, Sheep Springs, Maschitti Schools, Coyote Canyon Schools, Tohatchi, Mexican Springs, and Area West, of Dezza Bluff, N. Mex.
The Navajo Tribe
Req: To change frequency to Ch-9, 186-192 MHz

BPTTV-5557 New, Elko, Nev.
Washoe Empire
Req: Channel 10, 100 W
Primary: KTVN(TV), Reno, Nev.

BPTTV-5558 K03CF, Blue River Valley and Gore Pass, Colo.
Moffat County
Req: To change primary TV station to KRMA-TV, Denver, Colo.

BPTTV-5959 K10AS, Big Timber, Boulder Creek Area, Otter Creek, Big Timber Creek area and Melvin, Mont.
Sweet Grass TV Club
Req: To change frequency to Ch-11, 198-204, MHz

BPTTV-5567 K08FC, Plain and Lake Wenatchee area, Washington
Lake Wenatchee T.V., Inc.
Req: To change frequency to Ch-10, 192-198 MHz, and primary TV Station to KXLY-TV, Spokane, Wash.

BPTTV-5568 New, Smith and Smith Valley, Nev.
Smith Valley Rotary Club
Req: Channel 5, 10 W
Primary: KOLO(TV), Reno, Nev.

UHF TV TRANSLATOR APPLICATIONS

BPTT-2982 New, Williams, Grand Canyon and Ash Fork, Ariz.
Bill Williams T.V. Association, Inc.
Req: Channel 64, 50 W
Primary: KAET(TV), Tempe, Ariz.

BPTT-2983 New, Mount Pocono Area, Pennsylvania
Scranton Broadcasters, Inc.
Req: Channel 58, 100 W
Primary: WDAU-TV, Scranton, Pa.

BPTT-2984 New, Burley and Rupert, Idaho
KID Broadcasting Corp.
Req: Channel 65, 100 W
Primary: KID-TV, Idaho Falls, Idaho

BPTT-2985 New, Crystal Bay and Zephyr Cove, Nev.
Nevada Radio-Television, Inc.
Req: Channel 58, 100 W
Primary: KOLO(TV), Reno, Nev.

BPTT-2986 New, DeBeque and Parachute Creek and Rural Area, Colorado
XYZ Television, Inc.
Req: Channel 68, 100 W
Primary: KREX-TV, Grand Junction, Colo.

BPTT-2999 New, Waianae Coast, Island of Oahu, Hawaii
City and County of Honolulu
Req: Channel 56, 100 W
Primary: KHON(TV), Honolulu, Hawaii

BPTT-3000 New, Waianae Coast, Island of Oahu, Hawaii
City and County of Honolulu
Req: Channel 58, 100 W
Primary: KITV(TV), Honolulu, Hawaii

BPTT-3001 New, Waianae Coast, Island of Oahu, Hawaii
City and County of Honolulu
Req: Channel 60, 100 W
Primary: KHET(TV), Honolulu, Hawaii

BPTT-3002 New, Waianae Coast, Island of Oahu, Hawaii
City and County of Honolulu
Req: Channel 66, 100 W
Primary: KIKU(TV), Honolulu, Hawaii

BPTT-3003 New, Waianae Coast, Island of Oahu, Hawaii
City and County of Honolulu
Req: Channel 68, 100 W
Primary: KGMB(TV), Honolulu, Hawaii

BMPTT-851 K68AH, LaGrande, Elgin, Union, and Baker, Oreg.
Blue Mt. Television, Assn.
Req: To add KTVM-TV, Boise, Idaho, to primary TV station

FM TRANSLATOR APPLICATIONS

BPFT-313 New, Boulder, Mont.
Boulder Television Association
Req: Channel 292, 106.3 MHz, 1 W
Primary: KCAP-FM, Helena, Mont.

BPFT-314 New, Rural Utah County, Utah
KSL Inc.
Req: Channel 288, 105.5 MHz, 10 W
Primary: KSL-FM, Salt Lake City, Utah

BPFT-315 New, Santa Barbara, Calif.
Donald C. McBain, Milford W. Now, Richard D. Russell doing business as Translator Services
Req: Channel 296, 107.1 MHz, 1 W
Primary: KFAC-FM, Los Angeles, Calif.

BPFT-316 New, Healy, Alaska
University of Alaska
Req: Channel 269, 101.7 MHz, 10 W
Primary: KUAC(FM), Fairbanks, Alaska

BPFT-317 New, Marathon, Wis.
Wisconsin Valley Christian Radio, Inc.
Req: Channel 288, 105.5 MHz, 1 W
Primary: WRVM(FM), Suring, Wis.

BPFT-318 New, Oshkosh, Omro, Winneconne, Wis.
Oshkosh Christian Business Men's Committee
Req: Channel 269, 101.7 MHz, 1 W
Primary: WRVM(FM), Suring, Wis.

BPFT-319 New, Rangely, Blue Mountain, and Dinosaur, Colo.
Rio Blanco County TV Association
Req: Channel 272, 102.3 MHz, 10 W
Primary: KREX(FM), Grand Junction, Colo.

BPFT-320 New, Boulder, Colo.
Capitol City Broadcasting Co.
Req: Channel 275, 102.9 MHz, 10 W
Primary: KVOD(FM), Denver, Colo.

BPFT-321 New, Snowmass-at-Aspen and Vicinity, Colo.
Roaring Fork T.V. Assn., Inc.
Req: Channel 261, 100.1 MHz, 10 W
Primary: KQIX-FM, Grand Junction, Colo.

BPFT-322 New, Libby, Mont.
Gary N. Gomf
Req: Channel 285, 104.9 MHz, 1 W
Primary: KYSS(FM), Missoula, Mont.

BPFT-323 New, Searchlight, Nev.
County of Clark, Clark County Board of Commissioners
Req: Channel 292, 106.3 MHz, 1 W
Primary: KFMS(FM), Las Vegas, Nev.

BPFT-324 New, Searchlight, Nev.
County of Clark, Clark County Board of Commissioners
Req: Channel 280, 103.9 MHz, 1 W
Primary: KORK-FM, Las Vegas, Nev.

BPFT-325 New, Winnemucca, Nev.
Western Inspirational Broadcasters, Inc.
Req: Channel 240, 95.9 MHz, 10 W
Primary: KNIS(FM), Carson City, Nev.

BPFT-326 New, Ironwood, Michigan, and Hurley, Wis.
Marvin E. Marks
Req: Channel 265, 100.9 MHz, 1 W
Primary: WWIB(FM), Ladysmith, Wis.

BMPFT-30 K292AS, Glenwood Springs, W. Glenwood, No Name Canyon, Colo.
Marc A. Adler and Marvin L. Schaffer
Req: To change frequency to Ch. 261, 1001 MHz

[FR Doc.76-16250 Filed 6-3-76;8:45 am]

FEDERAL MARITIME COMMISSION

ESTRELLA FORWARDING CO.

Independent Ocean Freight Forwarder License; Order of Revocation

By letter dated March 16, 1976, Estrella Forwarding Company, 8 Adrian Court, Burlington, California 94010 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 958-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 14, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a license to maintain a valid bond on file.

Estrella Forwarding Co., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 958-R issued to Estrella Forwarding Co., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 958-R be and is hereby revoked effective April 14, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Estrella Forwarding Company.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-16263 Filed 6-3-76;8:45 am]

EASTWAYS SHIPPING CORP., ET AL.

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Eastways Shipping Corp., 888 7th Avenue, New York, N.Y. 10019, Officers: G. M. Chandu, President, Mrs. K. P. Chandu, Secretary/Treasurer.

Grady A. Tribble-dba-Eastern Export Co., 8047 Bi-County Road, Norfolk, VA 23518

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Joseph R. Ella, 3724 Libby Lane, Wantagh, N.Y. 11973.
Phillip R. Cypher-dba-Cypher Forwarding Co., 175-01 Rockaway Boulevard, Jamaica, N.Y. 11434.
Commodity Forwarders, Inc., 5628 W. Century Blvd., Los Angeles, California 90045. Officers: Alfred P. Kuehlewind, President, Josef S. Goralik, Sec./Treas., Linda C. Kuehlewind, Vice President.

By the Federal Maritime Commission.

Dated: May 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-16262 Filed 6-3-76;8:45 am]

LYNWOOD L. LACY

Independent Ocean Freight Forwarder License; Order of Revocation

By letter dated April 27, 1976, Lynwood L. Lacy, Route 4, Box 393, Mobile, Alabama 36609, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1122 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 26, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Lynwood L. Lacy has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1122 issued to Lynwood L. Lacy be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1122 be and is hereby revoked effective May 26, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Lynwood L. Lacy.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-16264 Filed 6-3-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-87]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Tender of Supplemental Data and Request for Waiver of Regulations

MAY 26, 1976.

Take notice that on May 13, 1976, Inter-City Minnesota Pipelines Ltd., Inc. (Inter-City) tendered for filing supplemental data. Inter-City states that the data is submitted in response to a deficiency letter issued by the Secretary.

Inter-City states that it has tendered a statement of the "Nature, the Reasons, and the Basis for The Proposed Change" pursuant to Section 154.63(b)(1)(ii) of the Commission's Regulations; that Statement F-1 was filed on May 11, 1976, a summary being enclosed; the Prepared Testimony of Edward Porter Rimmer and Bruce A. J. McLean pursuant to Section 154.63(b)(3) of the Regulations as Statement P; Sixth Revised Sheet No. 4, superseding Fifth Revised Sheet No. 4, eliminating Rate Schedule PS-1; and an Amended Schedule F(6) containing data related to the nine-month adjustment period.

Inter-City requests waiver of the Commission's Regulations to the extent necessary to permit an effective date of June 1, 1976, for Inter-City's rate application in Docket No. RP76-87. Inter-City requests that the rates be allowed to become effective on June 1, 1976, without suspension, or that if suspension be ordered, that it be limited to one day. Inter-City states that to postpone the collection of the proposed rates will merely mean that the deficiency in revenue which is currently being charged to the unrecovered purchased gas cost account will be the subject of a subsequent PGA filing in an amount sufficient to recover the revenue deficiency.

Inter-City states that a copy of this letter and the filings transmitted with it have been served on all customers of Inter-City Minnesota Pipeline Ltd., Inc. and upon the Minnesota State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16195 Filed 6-3-76;8:45 am]

[Docket Nos. CP75-83, CP75-83-1, CP75-83-2, CP75-83-3]

WESTERN LNG TERMINAL CO. ET AL.

Amendment to Application

MAY 26, 1976.

Take notice that on May 17, 1976, Western LNG Terminal Company, 720 West Eighth Street, Los Angeles, California 90017, and Pacific Gas LNG Terminal Company, 77 Beale Street, San Francisco, California 91406, filed in Docket Nos. CP75-83, CP75-83-1, CP75-83-2, and CP75-83-3 a further amendment to the application, as amended, filed in said dockets pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the vaporization, storage, and transportation of natural gas in interstate commerce, by which amendment Pacific Gas LNG Terminal Company, is added as a co-sponsor of the projects proposed in Docket Nos. CP75-83-1, CP75-83-2, and CP75-83-3 and the co-sponsors contemplate that they will form a partnership, Western LNG Terminal Associates, to construct and operate the proposed facilities, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

The amendment states that on January 27, 1976, Pacific Gas and Electric Company and Pacific Lighting Corporation and its appropriate subsidiaries, including Western LNG Terminal Company, entered into a memorandum of understanding relative to the financial arrangements concerning equal participation by Pacific Gas and Electric Company in Pacific Lighting Corporation's liquefied natural gas projects. It is said that the memorandum of understanding provides for an equal sharing in the Western LNG Terminal Company projects and that Pacific Gas and Electric Company, through its subsidiary, Pacific Gas LNG Terminal Company, is now a co-sponsor of the projects proposed in Docket Nos. CP75-83-1, CP75-83-2, and CP75-83-3. The amendment states further that Western LNG Terminal Company and Pacific Gas LNG Terminal Company contemplate forming Western LNG Terminal Associates to construct and operate the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 158.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16194 Filed 6-3-76;8:45 am]

[Docket No. RP72-157 (PGA Nos. 76-6, 76-6a and 76-6b) (R&D 76-2)]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting and Suspending Revised Tariff Sheets, Rejecting Alternate Tariff Sheet, Staying Procedures With Respect to Certain Small Producer Purchases, and Granting Intervention

MAY 26, 1976.

On March 31, 1976, as amended on April 9, 1976 and April 26, 1976, Consolidated Gas Supply Corporation (Consolidated) tendered for filing revised tariff sheets (higher alternate) [1] reflecting (1) a $8,062,484 (1.41C/Mcf) increase in the cost of gas purchased from producer suppliers, (2) a $18,734,965 (3.27¢/Mcf) increase in the cost of gas purchased from various pipeline suppliers, (3) an increase in the surcharge to recover $1,448,358 in the deferred account, and (4) a .01¢/Mcf decrease (from .04¢ to .03¢/Mcf) [2] in the Research and Development (R&D) expenditures. Consolidated also tendered alternate revised tariff sheets (lower alternate) [3] reflecting elimination from the proposed increase of small producer purchases at rates in excess of rate levels established in Opinion No. 742. Consolidated proposed an effective date of May 1, 1976, for both sets of revised tariff sheets.

Public notices of Consolidated's filings of March 31, 1976, and April 9, 1976, were issued on April 9, 1976, and April 15, 1976, respectively.

On April 12, 1976, Rochester Gas and Electric Corporation (Rochester) filed a petition to intervene and protest concerning Consolidated's methods of allocating refunds of pipeline supplier demand charges to Consolidated. Rochester protests Consolidated's treatment of the refund amounts in its filings of March 31, 1976 and April 9, 1976, insofar as Consolidated included the refunds attributable to demand charges in the commodity component of the rates.

On April 26, 1976, Consolidated tendered for filing the instant submittal to revise its proposed rate changes in view of Rochester's protest. Consolidated states that this second revised filing allocates refunds attributable to supplier demand charges on the basis of three day peaks rather than on an annual basis through only the commodity portion of its rates. Consolidated further states that the most recent revision reflects no changes in the overall amount to be collected, but only a recalculation of the surcharge.

Public notice of Consolidated's April 26, 1976, filing was issued on May 4, 1976, with protests and petitions to intervene due on or before May 19, 1976.

The Commission's review of the higher alternate revised tariff sheets (Second Substitute Eleventh Revised Sheets Nos. 8 and 9) tendered by Consolidated on April 26, 1976, indicates that the rates contained therein are based in part on small producer purchases at rates in excess of the rate levels prescribed in Opinion No. 742. Moreover, certain costs included which relate to R&D projects are the subject of a hearing in Docket Nos. RP75-91 and RP72-157 (R&D 76-1). Therefore, the rates proposed in the revised tariff sheets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. For this reason, we shall accept said revised tariff sheets for filing and suspend their use for one day until May 2, 1976, when they shall be permitted to become effective, subject to refund and subject to the decision on the R&D costs at the conclusion of the proceedings referred to above.

With respect to the lower alternate tariff sheets (Second Substitute Alternate Eleventh Revised Sheet Nos. 8 and 9) submitted on April 26, 1976, which reflect the elimination of small producer purchases at rates in excess of the rate levels established in Opinion No. 742, we note that the rates therein reflect increases from pipeline suppliers (Texas Eastern Transmission Corporation and Texas Gas Transmission Corporation) whose increases did not become effective until May 2, 1976, one day after the proposed effective date of May 1, 1976. The Commission shall therefore reject the lower alternate tariff sheets.

Our review of the costs contained in the remainder of Consolidated's higher alternate tariff sheets indicate that they comply with the standards set forth in Docket No. R-406 and should be approved with the exception of 1) those costs associated with that portion of small producer purchases in excess of the rate level established in Opinion No. 742, and 2) those costs associated with the increased rates of its pipeline suppliers which did not become effective until May 2, 1976. Accordingly, we shall permit Consolidated to file revised tariff sheets, to become effective May 1, 1976, reflecting the approved costs.

With regard to the issue of the small producer purchases described above we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742 [4] and the proposed rulemaking in Docket No. FM76-5. [5] Notwithstanding the deferral of a procedural schedule on the small producer issue, Consolidated shall file within 15 days of the date of this order, a list of the small producers reflected in the instant filing who are making sales at rates in excess of the "130% formula" rates.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases be deferred pending further Commission order.

(2) Good cause exists to require Consolidated to file, within 15 days of the date of issuance of this order, a list (with addresses) of small producers from whom Consolidated's purchases reflected in the instant filing were made at rates in excess of the "130% formula" established in Opinion No. 742.

(3) Good cause exists to accept for filing Second Substitute Eleventh Revised Sheet Nos. 8 and 9, and to suspend the use thereof for one day until May 2, 1976.

(4) Good cause exists to grant the petition to intervene of Rochester Gas and Electric Corporation as hereinafter ordered and conditioned.

(5) Good cause exists to reject Second Substitute Alternate Eleventh Revised Sheet Nos. 8 and 9, proposed for effectiveness May 1, 1976.

The Commission orders. (A) Second Substitute Eleventh Revised Sheet Nos. 8 and 9 are hereby accepted for filing and suspended for one day until May 2, 1976, subject to refund and to the final decision on the R&D expenditures in Docket Nos. RP75-91 and RP72-157 (R&D 76-1).

(B) Hearing procedures on the issue of small producer purchases in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further Commission order.

(C) Within 15 days of the date of issuance of this order, Consolidated shall file with the Commission a list, including addresses, of the small producers from whom it purchased at rates in excess of the rate level established in Opinion No. 742.

(D) Second Substitute Alternate Eleventh Revised Sheet Nos. 8 and 9, proposed for effectiveness as of May 1, 1976, are hereby rejected.

(E) Consolidated may file revised tariff sheets, to become effective May 1, 1976, reflecting the elimination of purchased gas costs associated with that portion of small producer purchases in excess of the rate level established in Opinion No. 742, and elimination of costs associated with the increased rates of its pipeline suppliers which did not become effective until May 2, 1976.

(F) Rochester Gas and Electric Corporation is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; Provided, however, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any or orders of the Commission entered in this proceeding.

[1] Second Substitute Eleventh Revised Sheet Nos. 8 and 9 to FPC Gas Tariff, Second Revised Volume No. 1.

[2] The .03¢/Mcf R&D charge is to recoup expenditures of $170,000 above the base R&D costs in RP75-91.

[3] Second Substitute Alternate Eleventh Revised Sheets Nos. 8 and 9 to FPC Gas Tariff, Second Revised Volume No. 1.

[4] ____ FPC ____ issued August 28, 1975, in Docket No. R-393.

[5] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

Pursuant to an agreement dated May

Under the procedure herein provided

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(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-16172 Filed 6-3-76;8:45 am]

[Docket No. CP75-96, *et al.*, and Docket No. CP74-290]

EL PASO ALASKA CO., ET AL.

Amendment to Application

MAY 26, 1976.

Take notice that on May 6, 1976,[1] Northern Border Pipeline Company, a partnership, to be succeeded by Northern Border Pipeline Corporation (Applicant), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP74-290 a further amendment to its application filed in the subject docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the international border near Monchy, Saskatchewan, Canada, across approximately 1,619 miles to a point near Delmont, Pennsylvania, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.[2]

By its application, as amended, in this docket Applicant has proposed to build and operate a single 42-inch pipeline with an operating pressure of 1,435 psig and an average deliverability of approximately 1.5 million Mcf of gas per day. By the instant amendment, it is indicated that Applicant seeks authorization for all facilities requested in its application, as amended, except those facilities east of Milepost 1117, located near Dwight, Illinois, which facilities are deleted by the instant amendment. It is now contemplated that approximately 1,117 miles of 42-inch pipeline would be constructed and that the system would extend from the United States border near Monchy, Saskatchewan, to Milepost 1117 near Dwight, Illinois. Applicant indicates that with the termination at Milepost 1117 near Dwight, the facilities west of the termination point remain essentially unchanged except for the deletion of Compressor Station No. 18 at Milepost 1027. It is stated that the construction now proposed would include eight compressor stations and measurement facilities for gas deliveries to Northern Natural Gas Company (Northern), Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Natural Gas Pipeline Company of America (Natural) and that deliveries to Texas Eastern Transmission Corporation (Texas Eastern), Transwestern Pipeline Company (Transwestern), Panhandle Eastern Pipeline Company (Panhandle) and Columbia Gas Transmission Corporation (Columbia) (through Columbia Gulf Transmission Company), would be effected by displacement.

Additionally, Applicant filed amended Exhibits F, G, G-1, G-11, K, L, N, and P(ii) to its application to reflect the proposed changes.

Applicant's estimated total cost of the proposed system, including filing fees, is approximately $1,106,000,000. The amendment indicates that the capital requirements under the proposed financing plan would be met through the investment of equity by the partners and through the concurrent issuance of various debt securities by Applicant and that the proposed financing plan has been developed on the premise that the revenues generated by the project would be sufficient to service the securities issued to finance it.

The amendment states that Exhibits G and G-1 presented in the previous amended application of September 1975 reflect the operation of the system at daily design capacity and maximum capability and that the daily design capability was developed for summer conditions and the maximum capability is obtained for winter conditions. Applicant states that the proposed termination at Milepost 1117 does not appreciably change the system's daily design capacity or maximum capability and that the flow diagrams are essentially unchanged except for the deletion of all facilities east of Milepost 1117 and Compressor Station No. 18 at Milepost 1027. Further, it is indicated that all deliveries shown on the diagrams in said exhibits were calculated assuming that all compressor and cooling units, where applicable, are operating, and that because of unanticipated shutdowns and shutdowns for scheduled maintenance of facilities and occasional limitations on supply and market volumes, the annual delivery volume of the system would be something less than the annual volumes that could be derived from the diagrams.

In the third full year of operation Applicant shows a rate of return of 12.8 percent and a return of $104.3 million.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed in the instant docket or in the proceeding in Docket No. CP75-96, et al., need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-16177 Filed 6-3-76;8:45 am]

[Docket No. E-8769, E-8770, E-9119, ER76-216, ER76-218, ER76-219]

FLORIDA POWER AND LIGHT CO.

Further Extension of Time

MAY 25, 1976.

On April 22, 1976, Florida Power and Light Company filed a motion to extend the procedural dates fixed by order issued July 3, 1975, as most recently modified by notice issued February 26, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, July 6, 1976.
Service of Staff Testimony, September 1, 1976.
Service of Intervenor Testimony, September 15, 1976.
Service of Company, September 27, 1976
Hearing, October 15, 1976.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-16182 Filed 6-3-76;8:45 am]

[Docket No. ES76-54]

IDAHO POWER CO.

Notice of Application

MAY 26, 1976.

Take notice that on May 18, 1976, Idaho Power Company (Applicant) a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Oregon, Nevada, and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate privately regarding the assumption of liability as guarantor on an aggregate principal amount not to exceed $44,750,000 of the Bonds to be issued and sold through underwriters by the American Falls Reservoir District (District) in connection with the financing of the replacement dam and to secure such obligation by the issuance to the trustee for such revenue Bonds of a like amount of a new series of the Company's first mortgage bonds.

The Bonds will be used by the District to finance certain costs to be incurred in connection with the reconstruction of the American Falls Dam and American Falls Storage Reservoir on the Snake River near American Falls, Idaho.

Any person desiring to be heard or to make any protest with reference to said application, should on or before June 21,

[1] Although the subject amendment was tendered for filing May 6, 1976, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until May 14, 1976; thus, filing was not completed until the latter date.

[2] The application was noticed in the FEDERAL REGISTER on June 14, 1974 (39 FR 20819), and further amendments were noticed in the FEDERAL REGISTER on December 20, 1974 (39 FR 44092), March 20, 1975 (40 FR 12711), and October 21, 1975 (40 FR 49147).

1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16178 Filed 6-3-76;8:45 am]

[Docket Nos. RP74-97 (PGA 76-2)]

MONTANA-DAKOTA UTILITIES CO.

Purchased Gas Cost Adjustment Filing

MAY 26, 1976.

Montana-Dakota Utilities Company (MDU), on May 14, 1976, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 4, its proposed Fourth Revised Sheet No. 3A. The proposed effective date is July 1, 1976.

MDU states that this tariff sheet is filed pursuant to its Purchased Gas Cost Provision. The proposed changes involve MDU's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." According to MDU, both such adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16175 Filed 6-3-76;8:45 am]

[Docket No. CP76-372]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

MAY 26, 1976.

Take notice that on May 18, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-372 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention in place and operation of facilities and the exchange of natural gas with Transcontinental Gas Pipe Line (Corporation (Transco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to an agreement dated May 6, 1976, Applicant proposes to exchange up to 2,000 Mcf of gas per day with Transco which Transco would cause to be delivered from gas purchased from the Bill Forney, Inc., No. 1 Agnes Wychopen well in Wharton County, Texas. The application states that Applicant would deliver, at no charge, equivalent volumes of gas to Transco at the outlet of Mobil Oil Corporation's Cameron Meadows plant in Cameron Parish, Louisiana, a common purchase point of Applicant and Transco.

Applicant proposes to retain and place and operate facilities installed at the Wharton County delivery point for Applicant to purchase gas from Bill Forney, Inc., from the same producing property, which gas is said to have been sold within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). It is stated that said facilities cost $7,138.

The application states that the proposed exchange would impose no additional burden upon Applicant's operations and would be beneficial in that it provides an economical means of connecting remote sources of gas supply into the existing transmission system of a pipeline company. It is further stated that the exchange would have no effect on any of the other sales or services now rendered by Applicant nor would there be any change in Applicant's operations occasioned thereby.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16180 Filed 6-3-76;8:45 am]

NATIONAL GAS SURVEY; CONSERVATION-TECHNICAL ADVISORY TASK FORCE—EFFICIENCY IN USE OF GAS

Notice of Meeting

Meeting to be held in Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, on July 8, 1976, at 9:30 a.m.

Presiding: Mr. James R. Kirby, Coordinating Representative & Secretary, Federal Power Commission.

Call to Order and Introductory Remarks—Mr. James R. Kirby.

Discussion of Task Force Progress to Date—Mr. James Woodruff and Mr. John A. Irwin.

Finalize Draft Report for Circulation Outside Task Force.

Confirmation of Next Meeting Date.

Discussion of Other Matters.

Adjournment—Mr. James Kirby.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16193 Filed 6-3-76;8:45 am]

[Docket No. RP74-80]

NORTHERN NATURAL GAS CO.

Refund Report

MAY 26, 1976.

Take notice that on January 26, 1976, Northern Natural Gas Company (Northern) tendered for filing a refund report in the above captioned docket. Northern states that in accordance with the Stipulation and Agreement and "Order Approving Settlement Agreement and Denying Motion to Sever the Liquid Revenues Issue" dated December 18, 1975, in the above captioned docket, Northern is on January 23, 1976 making refunds to its jurisdictional customers for the period October 27, 1974 through October 26, 1975, as set forth in sections I(B)(2), (3) and (4) of the Settlement Agreement and for the period December 28, 1973 through October 26, 1974 as set forth in section I(B)(5) of the Settlement Agreement. Northern states that it has included in its tender with the Commission a refund report setting forth for each of its jurisdictional customers the principal amount of refund and interest thereon. Northern states that the at-

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tached data also sets forth the billing determinants and the unit difference in rates used for the calculation of the refund, together with the basis for the computation of interest.

Northern states that a copy of this report is being mailed today to each of Northern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-16161 Filed 6-3-76;8:45 am]

[Docket No. RP76-89]

NORTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Revised Tariff Sheets and Setting Procedures

MAY 26, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On April 22, 1976, Northern Natural Gas Company tendered for filing proposed changes in its F.P.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2.[1] The proposed changes would increase revenues from jurisdictional sales by $71,723,077 annually, based on sales volumes and costs for the twelve months ended December 31, 1975, as adjusted for nine months of known and reasonable changes. The proposed effective date of the revised tariff sheets is May 27, 1976, or, if the sheets are suspended for five months, October 27, 1976. For the reasons hereinafter stated, the Commission shall suspend the proposed rate increase for the full statutory period of five months or until October 27, 1976, when the rates will be permitted to become effective, subject to refund, and institute a hearing concerning the lawfulness of the proposed rates.

Northern states that the principal reasons for the proposed rate increase are: (1) Increased costs of obtaining new gas supplies, (2) Increased costs associated with a growing need for additional storage capacity required to maintain peak day and winter period deliveries to high priority customers, (3) The loss of revenues due primarily to declining gas supplies and from resultant reductions in sales to electrical generating plants and other large volume interruptible low priority end use customers, (4) The need to provide a return of 10.75 percent on its utility investment, (5) Increased annual depreciation expense and (6) Increased costs of operations.

Public notice of the filing was issued on April 30, 1976 with protests and petitions to intervene due on or before May 17, 1976. Various petitions to intervene and notices of intervention have been received.[2] The Commission believes that intervention of such parties may be in the public interest and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered.

The Commission's review indicates that the instant filing has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission's review of Northern's filing including the claimed cost support does not warrant the Commission's finding that the proposed increase may be just, reasonable, and not unduly discriminatory or preferential. The Commission concludes that a suspension period of five months, or until October 27, 1976, is warranted in this proceeding.

The Commission finds: (1) Northern's proposed tariff sheets should be accepted for filing, suspended for five months, and the use thereof deferred until October 27, 1976 when they may be permitted to go into effect subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Northern's proposed tariff.

(3) Good cause exists to permit the intervention of the parties listed in Appendix A.

The Commission orders: (A) Northern's proposed tariff sheets are hereby accepted for filing, suspended for five months, and the use thereof deferred until October 27, 1976 and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules of Practice and Procedure a public hearing shall be held for the purpose of determining the lawfulness and reasonableness of Northern's proposed tariff.

(C) The parties in Appendix A hereto are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; Provided, however, That participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene; and Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before August 31, 1976. (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A—NORTHERN NATURAL GAS COMPANY

Intervenor	*Date filed*
Kansas-Nebraska Natural Gas Co., Inc.	May 6, 1976.
Northern Illinois Gas Co.	Do.
North Central Public Service Co., Division of Donovan Cos., Inc.	May 12, 1976.
Michigan Public Service Commission	May 13, 1976.
Metropolitan Utilities District of Omaha	Do.
Iowa Public Service Co.	Do.
Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin)	May 14, 1976.
Public Utilities Commission of the State of South Dakota	Do.
State of Minnesota by its Attorney General, Warren Spannous	Do.
Terra Chemicals International, Inc.	May 17, 1976.
Farmland Industries, Inc.	Do.
Northwestern Public Service Co.	Do.
Minnesota Gas Co.	Do.
Northern Municipal Defense Group and Minnesota Municipal Utilities Association.	Do.
Great Plains Natural Gas Co.	Do.
Interstate Power Co.	Do.

[1] Third Revised Volume No. 1, Eleventh Revised Sheet No. 4a and Original Volume No. 2, Twelfth Revised Sheet No. 1c.

[2] See Appendix A.

LATE PETITIONS TO INTERVENE

Intervenor	*Date filed*
Iowa Power and Light Co.	May 19, 1976.
Iowa Southern Utilities Co.	Do.
Iowa-Illinois Gas and Electric Co.	Do.
Iowa Electric Light and Power Co.	Do.
Lake Superior District Power Co.	Do.
Superior Water, Light and Power Co.	May 20, 1976.
City of Duluth, Minnesota	Do.
St. Croix Valley Natural Gas Co., Inc.	Do.
Wisconsin Power and Light Co.	May 24, 1976.

[FR Doc.76-16199 Filed 6-3-76;8:45 am]

[Docket No. ER76-685]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Transmission Contract

MAY 26, 1976.

Take notice that on May 14, 1976 Public Service Company of New Hampshire (PSNH) tendered for filing as an initial rate schedule a Transmission Contract with The Connecticut Light and Power Company, The Hartford Electric Light Company and Western Massachusetts Electric Company (collectively the Buyers) dated April 1, 1976. The contract provides for the transmission through PSNH's system of an entitlement of power which the Buyers are purchasing from Vermont Electric Cooperative, Inc. during the summer capability period May 1 through October 31 for the years 1976 through 1982. The rate to be charged for this service is 3¢ per KW-mile-year.

PSNH requests waive the notice requirement of the Regulations to permit the Transmission Contract to become effective May 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16173 Filed 6-3-76;8:45 am]

[Docket No. ER76-683]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Transmission Contract

MAY 26, 1976.

Take notice that on May 12, 1976, Public Service Company of New Hampshire (PSNH) tendered for filing as an initial rate schedule, a Transmission Contract with Central Maine Power Company (CMC). The Contract provides for the transmission through PSNH's system of an entitlement of power which CMC purchased from The Connecticut Light and Power Company and Western Massachusetts Electric Company during the period from February 1, 1976 through April 30, 1976.

PSNH requests waiver of the notice requirement in order to permit the Contract to become effective February 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16174 Filed 6-3-76;8:45 am]

[Docket No. RP73-64 (PGA76-3)]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

MAY 26, 1976.

Take notice that Southern Natural Gas Company (Southern), on May 14, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective July 1, 1976. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items:

(1) A Current Adjustment, pursuant to section 17.3 of the General Terms and Conditions of Southern's FPC Gas Tariff, for an increase in cost of purchased gas to jurisdictional customers of $38,729,973 or 7.193¢ per Mcf.

(2) A Surcharge Adjustment, pursuant to section 17.4 of the General Terms and Conditions of Southern's FPC Gas Tariff, for Unrecovered Purchased Gas Costs of 3.052¢ per Mcf which is a net decrease of 3.642¢ below the present Surcharge Adjustment. The total of unrecovered purchased gas costs to be recovered is $7,904,977 and will be collected over the estimated sales for the six-month period commencing July 1, 1976.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16176 Filed 6-3-76;8:45 am]

[Docket No. CP76-374]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 26, 1976.

Take notice that on May 19, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-374 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Natural Gas Pipeline Company of America in Wharton County, Texas, and Cameron Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it would cause to be delivered to Natural for Applicant's account up to 2,000 Mcf of gas per day which Applicant has contracted to purchase from Bill Forney, et al., from production in the North Hillje Area of Wharton County. Natural would contemporaneously redeliver thermally equivalent volumes of gas to Applicant at the outlet of Mobil Oil Corporation's Cameron Meadows plant in Cameron Parish.

Applicant states that the proposed exchange would enable it to receive immediately additional gas for its system from a new onshore source without the necessity for construction of facilities or payment of a charge.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any per-

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son wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16179 Filed 6-3-76;8:45 am]

[Rate Schedule Nos. 133, *et al.*]

RATE CHANGE FILINGS

MAY 25, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
May 17, 1976...	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	[1] 133	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do.....	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	368	Texas Eastern Transmission Corp.	Other Southwest.
Do.....	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	23	Natural Gas Pipeline Co. of America.	Texas Gulf Coast.

[1] Consolidates Atlantic's rate schedule Nos. 133, 172, 223, 394, and 395.

[FR Doc.76-16198 Filed 6-3-76;8:45 am]

NATIONAL GAS SURVEY, FINANCE-TECHNICAL ADVISORY COMMITTEE STUDY SUBGROUPS ON FINANCING, FINANCIAL PROBLEMS, POLICY OPTIONS, INFLATION, AND RISKS

Meeting

Meeting to be held in Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, on June 24, 1976, at 10:00 A.M.

Presiding: Mr. Jack Adelman, FPC Coordinating Representative and Secretary, Federal Power Commission.

1. Call to Order and Introductory Remarks, Mr. Adelman.
2. Remarks by Chairman and Vice Chairman, Mr. Edward Symonds, Mr. Charles Freund.
3. Review and Revision of Subgroup Draft Reports: (a) Subgroup No. 1: Financing Sources, (b) Subgroup No. 2: Financing Problems, (c) Subgroup No. 3: Policy Options, (d) Subgroup No. 4(a): Inflation—General, (e) Subgroup No. 4 (b): Inflation—Natural Gas Industry, and (f) Subgroup No. 5: Risks.
4. Other Business.
5. Selection of next meeting date.
6. Adjournment, Mr. Adelman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16334 Filed 6-3-76;8:45 am]

[Project No. 108—Wisconsin]

(CHIPPEWA RESERVOIR PROJECT) NORTHERN STATES POWER CO.

Notice of Availability of a Staff Draft Supplement to the Final Environmental Impact Statement

Notice is hereby given in the captioned Project, that on or about June 4, 1976, as required by Section 2.81(b) of Commission Order No. 415-C, a draft supplement to the final environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This supplement deals with the environmental impact of stabilizing the water surface elevation of Chippewa Reservoir by limiting drawdown to two feet, returning all lands within the Lac Courte Oreilles Indian Reservation to the Lac Courte Oreilles Indian Band, and assigning the remainder of the Chippewa Flowage lands to the Chequamegon National Forest under the management of the United States Forest Service. Water resources would be jointly managed by the two entities.

This supplement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 N. Capitol Street, N.E., Washington, D.C. 20426 and at its Chicago Regional Office located at Federal Building, 31st Floor, 230 South Dearborn Street, Chicago, Illinois 60604. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

The Commission's Staff prepared and circulated a Final Environmental Impact Statement on August 2, 1973, in connection with an application for a new license filed by Northern States Power Company, present licensee for Chippewa Reservoir Project No. 108. The Secretaries of the Interior and Agriculture have filed recommendations for Federal takeover of the project in accordance with Section 14 of the Federal Power Act. In connection with the takeover recommendations, and subsequent to the issuance of the final statement, the Chippewa Flowage Management Plan was jointly filed by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and the United States Forest Service. This draft supplement to the final environmental impact statement represents staff's environmental assessment of the proposed flowage management plan.

Any person who wishes to do so may file comments on the staff supplement to the final statement for the Commission's consideration. All comments must be filed on or before July 19, 1976.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure. Petitioners must also file timely comments on the staff supplement to the final environmental impact statement in accordance with Section 2.81(c) of Order No. 415-C.

All petitions to intervene must be filed on or before July 19, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16333 Filed 6-3-76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST SECURITY CORP.

Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 98.75 percent of the voting shares of First Security Bank of Orem, National Association, Orem, Utah, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 28, 1976.

Board of Governors of the Federal Reserve System, May 27, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-16255 Filed 6-3-76;8:45 am]

SCRIBNER BANSHARES, INC.

Formation of Bank Holding Company

Scribner Banshares, Inc., Scribner, Nebraska, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of an additional 96.1 percent of the voting shares of Scribner Bank, Scribner, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Scribner Banshares, Inc., Scribner, Nebraska has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in a general insurance agency business, under the name of Scribner Insurance Agency, in Scribner, Nebraska, a community of less than 5,000 population. Notice of the application was published on April 14, 1976 in The Scribner Rustler, a newspaper circulated in Scribner, Nebraska.

Applicant states that the proposed subsidiary would engage in the following activities: acting as general insurance agent or broker with respect to all types of insurance, including life, health and accident, fire/allied lines, automobile, comprehensive personal liability, general liability, marine/transportation; workmen's compensation, credit, burglary/theft, crop, fidelity/surety, homeowner's multiple peril, farmowner's multiple peril, commercial multiple peril, and plate glass and domestic animal insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 28, 1976.

Board of Governors of the Federal Reserve System, May 27, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-16256 Filed 6-3-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 28, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before June 22, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

ICC requests clearance of two new single-time Platform Study Questionnaires, Form PL-1 (Precanvass of Instruction 27 Carriers) and Form PL-2 (Selected Terminals). These forms will be used to conduct a sampling study of platform operations performed by approximately 700 motor carriers. The reports are mandatory and are available for public inspection.

Form PL-1, Platform Study Questionnaire is a single-time precanvass form to be mailed to approximately 700 motor carriers subject to Instruction 27 of the Uniform Systems of Accounts to identify the universe of platforms and describe platform operations in enough detail, so that a frame for sampling purposes can be established. ICC estimates burden to be 40 hours per response.

Form PL-2, Platform Study Questionnaire (Selected Terminals), will be completed by carriers having terminals selected into the sample and will be used to establish a workshift frame from which the sample may be drawn. ICC estimates approximately 780 terminals will be selected for a single time response. ICC estimates that burden will be 8 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-16225 Filed 6-3-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-152]

WATER CIRCULATING PUMPS FROM THE UNITED KINGDOM

Determination of Injury

MAY 27, 1976.

On February 27, 1976, the United States International Trade Commission received advice from the Department of the Treasury that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)). Accordingly, on March 8, 1976, the Commission instituted investigation No. AA1921-152 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such water circulating pumps into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER on March 15, 1976 (41 F.R. 10965). The hearing was held on April 20, 1976.

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 4 to 2 (Commissioners Minchew and Ablondi dissenting) that an industry in the

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United States is being injured [1] by reason of the importation of water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems from the United Kingdom that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, AND JOSEPH O. PARKER

On the basis of the reasons cited below we have determined that an industry in the United States is being injured by reason of the importation of water-circulating pumps from the United Kingdom which the Department of the Treasury found are being, or are likely to be, sold at less than fair value (LTFV).

The LTFV determination by the Department of the Treasury is based upon an examination of 100 percent of exports of such pumps from the United Kingdom to the United States during the period from February 1, 1975, to July 22, 1975. Dumping margins were found in 99.87 percent of the sales. The margins were substantial, ranging from 3 to 42 percent.

U.S. industry. Water-circulating pumps are devices which employ the centrifugal principle to accelerate the circulation of water in hydronic systems. The pump uses a motor to rotate an impeller which deflects water through apertures between the blades; this deflection is the centrifugal process which accelerates the water. There are three types of watercirculating pumps: mechanical-seal pumps, magnetically coupled pumps, and wet-motor pumps. A major feature which distinglishes the wet-motor pump from the other two types of pumps is that it is self-lubricating—water is used as a substitute for oil in lubricating the motor bearings. This feature enabes the motor to be made an integral part of the pump housing and results in a compact unit. It also permits a less powerful motor, 1/15 horsepower or less when used for residential heating purposes, to be employed in the wet-motor pump than in the other two types. All of the imported water-circulating pumps within the scope of this investigation are wet-motor pumps.

The U.S. industry most adversely affected by imports of these pumps sold at LTFV consists of the facilities in the United States devoted to the production of wet-motor water-circulating pumps of 1/15 horsepower or less. At present, the complainant is the only domestic producer of such pumps.

Indicia of injury. Imports of wet-motor water-circulating pumps rose during the period 1971–75. In 1975, U.S. sales of imported wet-motor pumps from the United Kingdom represented a substantial penetration of the domestic market for such pumps.

During the period from the fourth quarter of 1973 through 1975 the imported wet-motor pumps sold to stocking representatives undersold comparable models of domestically produced wet-motor pumps. With regard to sales to original-equipment manufacturers, imported wet-motor pumps consistently undersold domestically produced wet-motor pumps during the years 1974–75 with the exception of one model during the fourth quarter of 1975.

Price depression occurred in the wet-motor pump industry, as shown by the fact that prices of wet-motor pumps with shutoff flanges to stocking representatives decreased from the second quarter of 1974 to the fourth quarter of 1975. Evidence of price suppression is shown by the fact that prices of other models of wet-motor water-circulating pumps did not rise as rapidly as the general price increases in the economy, as measured by the wholesale price indexes for industrial commodities, for pumps, compressors, and equipment, and for fractional horsepower AC electric motors rated at 1/50 to 1/3 horsepower. Prices of U.S.-produced wet-motor pumps to original-equipment manufacturers increased by about 20 percent from 1973 to 1975, while the three wholesale price indexes increased by 45, 53, and 32 percent, respectively, during the same period.

Domestic shipments of wet-motor water-circulating pumps decreased between 1974 and 1975 in terms of both quantity and value. The domestic industry was unprofitable in 1975, as it had been for the previous 4 years. Production and related workers engaged in the manufacture of wet-motor pumps decreased sharply between 1974 and 1975.

In contrast with the decline in domestic shipments, imports of wet-motor pumps from the United Kingdom increased in 1975 as did total consumption of wet-motor pumps. Thus, in 1975 the domestic shipments of wet-motor water-circulating pumps decreased both in actual terms and relative to total consumption of such pumps. On the basis of evidence received during the course of the Commission's investigation, it is known that the choice between imported and domestic wet-motor pumps may be determined by price. Since the imported product undersold most of the domestic products during 1975, it can be seen that a portion of the decline in domestic shipments of wet-motor water-circulating pumps in that year can be attributed to the importation of such pumps at LTFV.

Conclusion. We conclude that an industry in the United States is being injured by reason of the importation of water-circulating pumps from the United Kingdom that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.[2]

STATEMENT OF REASONS OF CHAIRMAN WILL E. LEONARD

On March 8, 1976, the U.S. International Trade Commission (Commission) instituted investigation No. AA1921–152 under section 201(a) of the Antidumping Act, 1921, as amended. Section 201(a) requires that the Commission determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise that the Department of the Treasury (Treasury) has determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act. In other words, in terms of this investigation, the Commission, in order to find affirmatively, must determine that two conditions exist: an industry in the United States is being or is likely to be injured, or is prevented from being established; and the requisite injury described is by reason of the importation into the United States or the water-circulating pumps of the wet-motor variety from the United Kingdom which the Treasury has determined are being, or are likely to be, sold at LTFV.

Determination. On the basis of the evidence obtained in the present investigation, I determine that an industry in the United States is being injured [1] by reason of the importation into the United States of water-circulating pumps of the wet-motor variety from the United Kingdom which Treasury has determined are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

U.S. industry. The U.S. industry most likely to be adversely affected by the LTFV imports with which this investigation[1] is concerned consists of the facilities in the United States devoted to the production of water-circulating pumps which have a rating of 1/2 horsepower or less and are used primarily in residential and small commercial hydronic heating systems. Such pumps include those of the wet-motor, mechanical-seal, and magnetically coupled types, all of which perform the same function, are directly competitive, are physically interchangeable, and are sold through the same channels of distribution. In the case of the only producer of both mechanical-seal and wet-motor pumps, the production facilities are similar and the majority of the production workers can be used in the manufacture of either type of pump. The water-circulating-pump industry here identified currently comprises five manufacturers. They sell primarily to stocking representatives, which service the replacement market, and to original-equipment manufacturers.

Injury. The first question that the Commission addressed is whether the industry identified above is being or is likely to be injured. The Commission has in past investigations looked at various indexes of injury. The evidence with respect to these indexes in this investigation leads to a finding that the industry being considered is being injured.

Import penetration and lost sales.—During the period of Treasury's investigation in 1975 (February–July) in which it examined entries to determine whether LTFV sales were occurring, U.S. sales of the pumps imported from the United Kingdom which Treasury found are being, or are likely to be, sold at LTFV accounted for a significant proportion of the domestic market for water-circulating pumps.[1] During the remainder of 1975, sales of such imported pumps accounted for an even more significant share of this market. The evidence demonstrates that these imported pumps successfully displaced sales by U.S. producers in the industry under consideration, particularly sales to stocking representatives which service the replacement market.

Prices.—Treasury found that 99.87 percent of water-circulating pumps from the United Kingdom which it considered during the above-described period of investigation were sold at LTFV. The margins of the LTFV sales were substantial, ranging, according to Treasury's calculations, from 3 to 42 percent. The subject imported pumps undersold most U.S.-produced water-circulating pumps not only during this period and all of 1975, but in 1973 and 1974. Their low price prevented the prices of domestic water-circulating pumps from rising as rapidly as many industrial prices. Thus, prices of U.S.-produced pumps increased by roughly 20 percent from 1973 through 1975, while the wholesale price indexes for industrial commodities, for pumps, compressors and equipment, and for fractional horsepower AC electric motors rated at 1/50 to 1/3 horsepower increased by 45, 53, and 32 percent, respectively, during the same period. Similarly, from the first quarter to the fourth quarter of 1975, prices of these three groups of products, as reflected by these wholesale price indexes, also rose at a faster rate than prices of the water-circulating pumps.

Profitability and employment.—During the period of LTFV sales, the financial operation results of the domestic industry were considerably poorer than in the corresponding period in 1974. From 1973 through 1975, the industry suffered a substantial deterioration annually in its profit-and-loss experience. The trend in the number of production and related workers was similar to that of the financial operating results of the industry, declining sharply during 1973–75. Employment was sharply lower during the first half of 1975 than in the corresponding period of 1974. Despite an improvement in the second half of 1975, employment for the whole year of 1975 was lower than in 1974.

Injury "by reason of" less-than-fair-value sales. The second question which the Commission addressed is whether the injury described above is by reason of the importation into the United States of the water-circulating pumps of the wet-motor variety which Treasury has determined to be, or likely to be, sold at LTFV. The causation linkage expressed by the phrase "by reason of" does not require that the LTFV imports be the principal cause, the major cause, or even a substantial cause of injury to the domestic industry under consideration. However, LTFV imports must in effect be an identifiable cause of the injury [1] being experienced by the domestic industry under consideration.

In the present investigation, I believe that such imports are in fact an identifiable cause of injury to the domestic industry. There is no question that the recession in the economy of 1974 and early 1975 contributed significantly to the injury being experienced by the domestic industry under consideration. However, the effects of the recession were not so great as to render unidentifiable the contribution of the LTFV imports under consideration to the injury being suffered by the domestic industry.

The ratio of the quantity of imported LTFV pumps to the U.S. consumption of all types of pumps of the sort produced by the industry under consideration was significant and increased from the first half of 1975 to the last half of 1975. There is evidence before the Commission which indicates that sales of the imported pumps were made on the basis of price, particularly the sales to stocking representatives for the replacement market. Further, the evidence before the Commission indicates that there was a margin of underselling by the imported product which in some cases was very significant. This margin of underselling was made possible apparently by the margins of dumping, as such margins of dumping greatly exceeded the margins of underselling which are present in this investigation.

Conclusion. On the basis of the evidence before me, I determine that an industry in the United States is being injured by reason of the sales of water-circulating pumps of the wet-motor type imported from the United Kingdom which Treasury determined to be sold, or likely to be sold, at LTFV.

STATEMENT OF REASONS OF VICE CHAIRMAN DANIEL MINCHEW AND COMMISSIONER ITALO H. ABLONDI

On February 27, 1976, the United States International Trade Commission (Commission) received advice from the Treasury Department that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. Accordingly, the Commission on March 8, 1976, instituted investigation No. AA1921–152 under section 201(a) of the act, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Before the Commission shall find in the affirmative, it is necessary that each of the following two conditions be met:

(1) An industry in the United States is being or is likely to be injured, or is prevented from being established, and

(2) The requisite injury must be by reason of the importation into the United States of the merchandise which the Department of the Treasury has determined is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Determination. On the basis of information obtained in the present investigation, we have determined that an industry in the United States is not being injured and is not likely to be injured, and is not prevented from being established, by reason of the importation of water-circulating pumps, wet-motor type, suitable for use in residential hydronic heating systems, from the United Kingdom being sold or likely to be sold at LTFV.[1]

U.S. industry. The U.S. industry most likely to be adversely affected by imports sold at LTFV consists of the facilities in the United States devoted to the production of water-circulating pumps with rating of 1/2 horsepower or less, used primarily in residential and small commercial hydronic heating systems. Such

[1] Commissioner Moore has also determined that an industry is likely to be injured.

[1] Commissioner Moore also believes that the above-described industry is likely to be injured by reason of the domestic sales at LTFV of water-circulating pumps imported from the United Kingdom.

[2] This determination regarding injury makes it unnecessary to discuss in this statement the question of whether an industry in the United States is likely to be injured. Further, the question of prevention of establishment of an industry in the United States was not in issue in this investigation.

[1] Specific data in this instance, and in other instances, are not included in this statement because their inclusion would lead to the revelation of confidential business information.

[1] See *Elemental Sulfur From Mexico: Determination of Injury in Investigation No. AA1921–92* • • • TC Publication 484 1972, at p. 9; and *Birch Three-Ply Door Skins From Japan: Determination of Injury in Investigation No. AA1921–150* • • • USITC Publication 754, 1976, pp. 9–10.

[1] Prevention of the establishment of an industry is not an issue in the present investigation, and will not be discussed further.

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pumps include those of the wet-motor, mechanical-seal, and magnetically coupled types, all of which perform the same function, are interchangeable, are directly competitive, are sold through the same channels of distribution, and use similar production facilities. There are currently five manufacturers of these pumps in the United States, and a sixth firm has announced its intention of beginning production. The five manufacturers sell primarily to stocking representatives that service the replacement market and to original-equipment manufacturers.

No injury by reason of LTFV imports. Import penetration and lost sales.—Imports of water-circulating pumps from the United Kingdom did not occur until 1975, but despite a sizable increase in imports in that year, the import penetration in relation to domestic consumption continued at a low level. Total shipments of water-circulating pumps—in the industry as we have defined it—show that there was a substantial increase from 1971 to 1973, then a pronounced decline in 1974, followed by an increase in 1975. This shows that the decline in shipments occurred prior to the entry of imports at LTFV.

Prices.—Wet-motor pumps have traditionally undersold the mechanical-seal and magnetically coupled pumps in the U.S. market. Therefore, it is not surprising that imported pumps sold for less than the majority of U.S.-produced pumps. The price of the U.S.-produced wet-motor pump and that of the imported pump were generally similar. The fact that prices of water-circulating pumps increased at a slower pace than the wholesale price index for industrial commodities, was due to lack of demand for these pumps rather than import competition. Some sectors of the economy, such as the construction industry—on which pump sales to original-equipment manufacturers depend—were hit harder and longer than others. New housing starts of privately owned units decreased continuously from 2.4 million in 1972 to 1.2 million in 1975.

Profitability and employment.—While both profitability of and employment in the domestic industry decreased from 1974 to 1975, the strong recovery of the industry during the second half of 1975 (net operating profits increased by 50 percent and employment increased by 30 percent from the first half to the second half of 1975) would tend to indicate that causes of reduced profitability and unemployment were recession-related. The result of financial operations on wet-motor water-circulating pumps, produced solely by the complainant, actually improved during the period of the alleged dumping.

Likelihood of injury. Myson Group, Ltd., since August 1975 the sole United Kingdom exporter of water-circulating pumps to the United States, has given written assurances to the U.S. Customs Service that it would make no further sales at less than fair value. Anticipated use of solar energy in residential heating indicates potential for a new market for water-circulating pumps in the future. Grundfos has begun the first phase of a multimillion-dollar development project in California, part of which will be devoted to the manufacture and sale of wet-motor water-circulating pumps in the United States. The entry of a new firm into the market and the willingness of the industry to operate at what would be considered less than a good return on investment over the last several years indicate that the industry should be viable in the future.

Conclusion. We have determined that an industry in the United States is not being and it not likely to be injured by reason of the importation of water-circulating pumps, wet-motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom, that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

Issued: June 1, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-16135 Filed 6-3-76;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

MEETING

Pursuant to subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the National Study Commission on Records and Documents of Federal Officials will meet on June 21, 1976 at 9 a.m., and on June 22, 1976 at 9:30 a.m. at the Lyndon B. Johnson library in Austin, Texas.

Purpose: The Commission was established under Title II of the Presidential Recordings and Materials Preservation Act (Pub. L. 93-526; 88 Stat. 1698; 44 U.S.C. 3315 et seq.) to study problems involving the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials.

Agenda: The purposes of the meetings include the examination of a presidential library including the documents and records on deposit therein; a discussion of access problems encountered by researchers in presidential libraries; and a review of the research underway and of background material already produced for the Commission.

The meetings will be open to the public. Individuals are welcome to attend to the extent of available space.

Dated: May 28, 1976.

HERBERT BROWNELL.

[FR Doc.76-16224 Filed 6-3-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

HOW TO USE THE FEDERAL REGISTER

Public Briefing in Boston, Massachusetts

"The FEDERAL REGISTER—What It Is and How to Use It" will be the topic of two separate briefings to be offered by the Office of the Federal Register on Friday, June 25, 1976 at 9:30 a.m. and 1:30 p.m. The afternoon briefing will be a repeat of the morning briefing. These sessions will be held in Conference Room E 226 of the John F. Kennedy Federal Building at Government Center in Boston.

Both sessions are open to the general public and Federal agency personnel and should be useful to anyone who uses the FEDERAL REGISTER. Seating is limited and reservations are required. Reservations may be made by telephoning Louise Conboy, 617-223-7125.

The sessions will last approximately three hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.
2. The difference between legislation and regulations.
3. The relationship of the FEDERAL REGISTER and the Code of Federal Regulations.
4. Important elements of a typical FEDERAL REGISTER document.
5. An introduction to the finding aids of the Office of the Federal Register.

In addition, attendees will undertake a practical problem-solving exercise and will be invited to provide information on their uses of Federal Register publications in order to help this office improve its services.

The Office of the Federal Register does not interpret specific agency regulations and these sessions will not provide a forum for the discussion of substantive questions. Rather, the briefings are designed as an introduction for the person who discovers that he or she must use Federal Register publications to keep track and to gain an understanding of Federal regulations.

FRED J. EMERY,
Director of the Federal Register.

JUNE 2, 1976.

[FR Doc.76-16409 Filed 6-3-76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

HEALTH CARE INSTITUTIONS, RECORD-KEEPING PRACTICES

Revised Notice of Hearings

The Privacy Protection Study Commission, in a notice that appeared on May 11, 1976, in the FEDERAL REGISTER, announced that the Commission will hold public hearings on the record-keeping practices of health care providers and institutions on June 10 and 11, 1976, in Room 8544, Federal Building, 300 North Los Angeles Street, Los Angeles, California.

The May 11 notice is hereby revised to indicate that the hearings will be held between the hours of 10 a.m. and 5:30 p.m. on June 10, and between 9 a.m. and 5:30 p.m. on June 11.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

[FR Doc.76-16289 Filed 6-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CALIFORNIA

Grain Standards Inspection Points

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on March 30, 1976, there was published in the FEDERAL REGISTER (41 FR 13384) a notice announcing a request by the California Department of Food and Agriculture, Sacramento, California, that its assignment of inspection points be amended to add Blythe and San Diego, California, as designated inspection points. Interested persons were given until April 29, 1976, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the March 30, 1976, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the California Department of Food and Agriculture, Sacramento, California, is amended to add Blythe and San Diego, California, as designated inspection points.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date: This notice shall become effective June 4, 1976.

Done in Washington, D.C. on: May 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16271 Filed 6-3-76;8:45 am]

IDAHO

Grain Standards Inspection Point

Statement of considerations. The Utah-Idaho Grain Exchange, Ogden, Utah, is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Utah-Idaho Grain Exchange has been providing official inspection services for 57 years at Ogden, Utah, as a designated inspection point and has been providing official sampling services for 11 years at Pocatello, Idaho. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections and within which the official inspection agency, or one or more of its licensed inspectors, is located (7 CFR 26.1(b)(13)).

The Utah-Idaho Grain Exchange now plans to locate one or more of its licensed grain inspectors at Pocatello, Idaho, and has requested that its assignment be amended in accordance with section 26.99(b) of the regulations (7 CFR 26.99(b)) to add Pocatello, Idaho, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Utah-Idaho Grain Exchange to add Pocatello, Idaho, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than July 6, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: May 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16272 Filed 6-3-76;8:45 am]

LOUISIANA

Grain Standards Inspection Point

Statement of considerations. The Gulf Coast Inspection and Weighing, Inc., Beaumont, Texas, is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Gulf Coast Inspection and Weighing, Inc., has been providing official inspection services for 13 years at Beaumont, Texas, and 4 years at Port Arthur, Texas, as a designated inspection point. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections and within which the official inspection agency, or one or more of its licensed inspectors, is located (7 CFR 26.1(b)(13)).

The Gulf Coast Inspection and Weighing, Inc., now plans to locate one or more of its licensd grain inspectors at Lake Charles, Louisiana, and has requested that its assignment of inspection points be amended in accordance with section 26.99(b) of the regulations (7 CFR 26.99(b)) to add Lake Charles, Louisiana, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Gulf Coast Inspection and Weighing, Inc., to add Lake Charles, Louisiana, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than July 6, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on May 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16273 Filed 6-3-76;8:45 am]

SHIPPERS ADVISORY COMMITTEE MEETING

Notice of Meeting

Pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on June 22, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: June 1, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-16270 Filed 6-3-76;8:45 am]

Farmers Home Administration

[Designation No. A347]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Ouachita Parish, Louisiana, as a result of backwater flooding and continuous rains March 14 through July 10, 1975. This extends the incidence period of President Ford's declaration M470.

Therefore, the Secretary has designated this area as eligible for emergency

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loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than July 21, 1976, for physical losses and February 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 27th day of May, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–16157 Filed 6–3–76;8:45 am]

Forest Service

ENVIRONMENTAL STATEMENTS

Under Preparation as of March 15, 1976

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of March 15, 1976. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

R. MAX PETERSON,
Deputy Chief,
Forest Service.

Forest Service environmental statements under preparation as of Mar. 15, 1976

[List of Forest Service field addresses at end of table]

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
WASHINGTON OFFICE					
*Flathead Wild and Scenic River proposal.	Flathead National Forest, Mont.	Wild and Scenic River proposal.	Chief	September 1973	
Anamax (Rosemont)	Coronado National Forest, Ariz.	Land exchange	do	January 1977	April 1977.
*White Mountains wilderness additions.	Lincoln National Forest, N. Mex.	Wilderness study	do	March 1977	June 1977.
Phelps Dodge (Copper Basin).	Prescott National Forest, Ariz.	Land exchange	do	February 1976	August 1976.
Flaming Gorge management plan.	Ashley National Forest (Utah-Wyo.)	National recreational area.	do	June 1976	September 1976.
Salmon River, Wild and scenic proposal.	Idaho	Legislation	do	June 1975	May 1976.
*Teton Corridor wilderness study.	Bridger-Teton National Forest, Wyo.	do	do	April 1976	October 1976.
*Granite timber sale	Tongass National Forest, Alaska.	Timber sale	do	November 1976	July 1977.
Tuolumne Wild and Scenic River.	Stanislaus National Forest, and Yosemite National Park, Calif.	Legislation	Secretaries of Agriculture and Interior.	October 1976	October 1977.
*North Fork American Wild and Scenic River.	Tahoe National Forest, Calif.	do	Chief	December 1977	December 1978.
*North Fork American River Wilderness study area.	do	Wilderness study	do	January 1979	June 1979.
*Sheep Mountain and Cucamonga Wilderness study areas.	Angeles and San Bernardino National Forests, Calif.	do	do	June 1977	December 1977.
Pere Marquette National Scenic River.	Manistee National Forest, Mich.	Legislation	do	February 1974	May 1976.
Lake Forest enterprises.	Superior National Forest, Minn.	Land exchange	do	April 1976	October 1976.
Congar Lake	Gifford Pinchot Wenatchee National Forests, Wash.	Wilderness study	Chief	June 1976	April 1977.
Skagit Wild and scenic River study.	Mount Baker-Snog. National Forest, Wash.	Legislation	do	June 1975	December 1976.
*Illinois River study	Siskiyou National Forest, Oreg.	do	do	June 1976	March 1977.
Cascade head scenic research area.	Siuslaw National Forest, Oreg.	Management plan	do	March 1976	August 1976.
Oregon Dunes NRA	do	do	do	May 1975	March 1976.
Do	do	Wilderness study	do	October 1974	Do.
Lower Minam	Wallowa-Whitman National Forest, Oreg.	do	do	March 1976	September 1977.
REGIONAL OFFICE, MISSOULA, MONT.—REGION 1 (NORTHERN REGION)					
*Beaverhead National Forest.	Beaverhead National Forest, Mont.	Land use plan	Forest supervisor.	April 1976	July 1976.
Sapphires	do	do	do	May 1976	November 1976.
*Lower West Fork	do	do	do	November 1975	April 1976.
*Warm Springs–Medicine Tree.	do	do	do	May 1976	December 1976.
Timber management Plan.	do	Resource plan	Regional forester.	June 1976	October 1976.
Elk River	Clearwater National Forest, Idaho.	Land use plan	Forest supervisor.	March 1976	August 1976.
Lowell	do	do	do	do	October 1976.
Pryor Mountain complex.	Custer National Forest, Mont.	do	do	May 1976	
Beartooth Plateau [1]	Custer, Gallatin, Shoshone National Forest (Mont. and Wyo.).	do	do	April 1976	July 1976.
Sioux district	Custer National Forest (Mont. and S. Dak.).	do	do	March 1976	September 1976.
Ashland	Custer National Forest, Mont.	do	do	August 1976	December 1976.
Beartooth Face [1]	Custer, Gallatin National Forests, Mont.	do	do	November 1976	June 1977.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*North End	Deerlodge National Forest, Mont.	do	do	June 1975	June 1976.
Basin	do	do	do	July 1975	July 1976.
Upper Rock Creek	do	do	do	June 1976	October 1976.
Little Boulder-Whitetail.	do	do	do	May 1977	September 1977.
Eastside-Lookhart-Browns Gulch.	do	do	do	October 1977	
Anaconda-Hamilton transmission line.	Deerlodge, Bitterroot, Lolo National Forests, Mont.	Powerline	do	November 1976	April 1977.
Lake 5	Flathead National Forest, Mont.	Land use plan	do	July 1974	April 1976.
Big Mountain master plan.	do	Winter sports site	do	May 1975	May 1976.
Island	do	Land use plan	do	June 1976	October 1976.
Logan	do	do	do	July 1976	November 1976.
*Ski Yellowstone	Gallatin National Forest, Mont.	Winter sports	do	May 1976	September 1976.
Cedar Bassett	do	Land use plan	do	August 1973	Do.
West Half Yellowstone.	do	do	do	March 1977	December 1977.
Hilgard Taylor	do	do	do	October 1977	May 1978.
Buck Creek-Yellow Mule.	do	do	do	April 1976	September 1976.
Elkhorn	Helena National Forest, Mont.	do	do	April 1974	April 1976.
Ophir-Dog-McDonald Pass.	do	do	do	April 1976	November 1976.
Mike Horse	do	do	do	May 1976	February 1977.
Magpie Confederate	do	do	do	do	March 1977.
Colorado-Unionville-Travis.	do	do	do	July 1976	April 1977.
East Belt	do	do	do	October 1976	July 1977.
Nevada-Stemple-L. Prickley Pear.	do	do	do	October 1977	
Coeur d'Alene	St. Joe National Forest, Idaho.	do	do	May 1976	
Emerald Creek	do	do	do	June 1975	April 1976.
Siwash	do	do	do	March 1976	June 1976.
Lakeview	Kaniksu National Forest, Idaho.	do	do	June 1975	April 1976.
Smith Creek	do	do	do	July 1975	May 1976.
Blacktail	do	do	do	March 1976	
Lamb Upper West Branch.	do	do	do	do	
Napoleon	Kaniksu, Kootenai National Forests (Idaho and Mont.).	do	do	May 1976	
*West Kootenai	Kootenai National Forest, Mont.	do	do	September 1975	April 1976.
*O'Brien-Cross Mountain 17 mile.	do	do	do	October 1975	Do.
*Dickey-Sunday	do	do	do	August 1975	March 1976.
*Big Swede-Tipe Keeler	do	do	do	November 1975	May 1976.
*Hornet	do	do	do	March 1976	September 1976.
Pinkham-Alkali-Fortine.	do	do	do	June 1976	November 1976.
*Vermilion-Beaver-Marten.	do	do	do	do	December 1976.
Rocky Candy-Lick Mountain.	do	do	do	August 1976	Do.
Rocky Mountain front	Lewis and Clark National Forest, Mont.	do	do	October 1976	March 1977.
Smith River and Logging Pilgrim.	do	do	do	June 1976	September 1976.
Yogo-Bear and Dry Wolf.	do	do	do	August 1976	February 1976.
Ward-Eagle	Lolo National Forest, Mont.	do	do	June 1977	February 1978.
Placid-Blanchard	do	do	do	July 1974	July 1976.
Ninemile	do	do	do	December 1975	June 1976.
Big Hole	do	do	do	January 1976	August 1976.
Prospect Creek	do	do	do	February 1976	September 1976.
Hot Point	Nezperce National Forest.	do	do	do	Do.
Blue Ridge	do	do	do	January 1977	June 1977.
Slate Creek	do	do	do	June 1976	November 1976.
Crooked Creek-Orogrande.	do	do	do	December 1976	May 1977.
Timber management plan.	do	Resource plan	Regional forester.	October 1976	February 1977.
				June 1976	November 1976.

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Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, DENVER, COLO.—REGION 2 (ROCKY MOUNTAIN REGION)					
Snake River unit	Arapaho National Forest, Colo.	Land use plan	Forest supervisor.	December 1975	April 1976.
Timber management	Black Hills National Forest (S. Dak. and Wyo.).	Resource plan	Regional forester.	February 9176	June 1976.
*East River	Gunnison and White River National Forests, Colo.	Land use plan	Forest supervisor.	December 1975	May 1976.
*Grand Mesa-Muddy Creek.	Gunnison and Grand Mesa National Forests, Colo.	do	do	Deferred—pending USDI decision growing out of Sierra Club, et al., versus Rogers C. B. Morton et al., C.A. No. 1182-73 C.A.D.C.	
*Savage Run	Medicine Bow National Forest, Wyo.	do	do	February 1976	July 1976.
Ryan Park	do	Winter sports	do	December 1975	April 1976.
Guanella Pass management unit.	Pike National Forest, Colo.	Land use plan	do	February 1976	June 1976.
*Southern San Juan	Rio Grande and San Juan National Forests, Colo., and Carson National Forest, N. Mex.	do	do	Deferred—pending coordination with Public Law 93-621 report.	
*South Fork	Rio Grande National Forest, Colo.	do	do	April 1976	August 1976.
*Bears Ear unit	Routt National Forest, Colo.	do	do	do	October 1976.
*Blacktail	do	do	do	December 1975	June 1976.
*Mount Welba	do	do	do	do	April 1976.
*Dolores	San Juan National Forest, Colo.	do	do	June 1976	October 1976.
*First Fork	do	do	do	Deferred—pending coordination with Public Law 93-621 report	
South Animas	do	do	Regional forester.	October 1976	February 1977.
Timber management	do	Resource plan	do	May 1975	March 1976.
Beartooth Plateau unit (with region 1).	Shoshone, Gallatin, and Custer National Forests, Mont. and Wyo.	Land use plan	Forest supervisor.	April 1976	September 1976.
*Thompson Creek unit.	White River National Forest, Colo.	do	do	do	October 1976.
*Upper Eagle unit	do	do	do	do	Do.
Timber management	do	Resource plan	Regional forester.	February 1976	July 1976.
Eagle-Aspen	do	Land use plan	Forest supervisor.	September 1976	March 1977.
REGIONAL OFFICE, ALBUQUERQUE, N. MEX.—REGION 3 (SOUTHWESTERN REGION)					
Black River	Apache-Sitgreaves National Forest, Ariz.	do	do	June 1976	October 1976.
Timber management plan.	do	Resource plan	Regional forester.	August 1976	December 1976.
Red River ski area expansion.	Carson National Forest, N. Mex.	Winter sports site.	do	July 1976	Do.
Taos Ski Valley expansion.	do	do	do	April 1974	December 1979.
*Manzano Mountain	Cibola National Forest, N. Mex.	Land use plan	Forest supervisor.	do	October 1976.
Cinder Hills	Coconino National Forest, Ariz.	do	do	November 1976	April 1977.
Oak Creek	do	do	do	August 1976	December 1976.
Woods Canyon	do	do	do	March 1976	June 1976.
Huachuca	Coronado National Forest, Ariz.	do	do	January 1977	June 1977.
*Santa Catalina	do	do	do	March 1975	March 1976.
Swift Trail	do	Road construction.	Regional forester.	September 1975	April 1976.
Gilita unit plan	Gila National Forest, N. Mex.	Land use plan	Forest supervisor.	April 1976	August 1976.
*Timber management plan.	do	Resource plan	Regional forester.	March 1976	June 1976.
*South Kaibab	Kaibab National Forest, Ariz.	do	do	April 1976	October 1976.
Williams unit plan	do	Land use plan	Forest supervisor.	December 1976	June 1977.
Eagle Creek	Lincoln National Forest, N. Mex.	Dam and reservoir.	do	September 1976	December 1976.
*Ruidoso	do	Land use plan	do	January 1977	April 1977.
Clonderoft	do	do	do	March 1978	June 1978.
Supplement to Clarkdale-Williams Highway DES.	Prescott National Forest, Ariz.	Road construction.	Regional forester.	August 1975	March 1976.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Timber management plan.	do	Resource plan	do	January 1976	July 1976.
*Gallina	Santa Fe National Forest, N. Mex.	Land use plan	Forest supervisor.	March 1976	June 1976.
*Santa Fe unit plan	do	do	do	September 1976	December 1976.
*Pecos	do	do	do	June 1976	September 1976.
Coronado project	Tonto National Forest, Ariz.	Powerline easement.	Regional forester.	January 1979	June 1979.
REGIONAL OFFICE, OGDEN, UTAH.—REGION 4 (INTERMOUNTAIN REGION)					
Timber management plan.	Ashley National Forest, Utah.	Resource plan	do	December 1976	June 1977.
Long Park Reservoir	do	Reservoir construction.	Forest supervisor.	April 1976	September 1976.
High Uintas south slope.	do	Land use plan	do	June 1976	December 1976.
Timber management plan.	Boise National Forest, Idaho.	Resource plan	Regional forester.	April 1976	August 1976.
*West slope of Wind River Mountains.	Bridger	Land use plan	Forest supervisor.	September 1976	December 1976.
Diamond Creek	Caribou National Forest, Idaho.	do	do	May 1976	September 1976.
*Union Pass planning unit.	Bridger-Teton National Forest, Wyo.	do	do	April 1976	July 1976.
*Greys River planning unit.	do	do	do	May 1976	September 1976.
*Timber management plan.	do	Resource plan	Regional forester.	June 1976	October 1976.
*Bear River planning unit.	Caribou National Forest, Idaho.	Land use plan	Forest supervisor.	May 1976	August 1976.
*Pioneer Mountains planning.	Challis National Forest and Sawtooth National Forest, Idaho.	do	do	June 1975	April 1976.
Challis-Squaw Creek planning unit.	Challis National Forest, Idaho.	do	do	October 1976	April 1977.
*Markagunt Plateau planning unit.	Dixie National Forest, Utah.	do	do	April 1976	June 1976.
*Paunsaugunt-Sevier planning unit.	do	do	do	June 1976	August 1976.
*Salina planning unit	Fishlake National Forest, Utah.	do	do	December 1975	June 1976.
Fremont planning unit.	do	do	do	December 1976	June 1977.
*Mountain Moriah planning unit.	Humboldt National Forest, Nev.	do	do	April 1976	August 1976.
*Santa Rosa planning unit.	do	do	do	March 1976	June 1976.
*Moab planning unit	Manti-LaSal National Forest, (Colo. and Utah).	do	do	June 1976	September 1976.
*Council planning unit.	Payette National Forest, Idaho.	do	do	October 1975	May 1976.
*McCall planning unit	do	do	do	June 1976	September 1976.
*Meadows planning unit.	do	do	do	December 1975	April 1976.
Boulder planning unit.	do	do	do	December 1976	February 1977.
*Beartrap-Dutchler planning unit.	Salmon National Forest, Idaho.	do	do	December 1975	April 1976.
*12-mile planning unit	do	do	do	January 1976	Do.
*Timber management plan.	do	Resource plan	Regional forester.	December 1976	April 1977.
*Leesburg planning unit.	do	Land use plan	Forest supervisor.	July 1976	December 1976.
*Leadore planning unit.	do	do	do	December 1976	April 1977.
*Albion planning unit	Sawtooth National Forest, Idaho.	do	do	July 1976	December 1976.
*Island Park planning unit.	Targhee National Forest, Idaho.	do	do	September 1976	February 1977.
*Big Hole Mountains planning unit.	do	do	do	February 1977	July 1977.
*Central Nevada planning unit.	Toiyabe National Forest, Nev.	do	do	March 1975	April 1976.
*Mount Charleston planning unit.	do	do	do	March 1976	August 1976.
*Alpine planning unit	Toiyabe National Forest (Nev. and Calif.).	do	do	April 1976	Do.
*Four Seasons ski area.	Uinta National Forest, Utah.	Winter sports site.	do	do	Do.
Strawberry Mountain planning unit.	do	Land use plan	do	May 1976	September 1976.
*Lone Peak	Wasatch and Uinta National Forests, Utah.	Wilderness study area.	Regional forester.	July 1975	April 1976.
*North Slope land use plan.	Wasatch National Forest, Utah.	Land use plan	Forest supervisor.	March 1976	July 1976.
*Salt Lake land use plan.	do	do	do	August 1976	January 1977.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, ALBUQUERQUE, N. MEX.—REGION 3 (SOUTHWESTERN REGION)					
Black River	Apache-Sitgreaves National Forest, Ariz.	do	do	June 1976	October 1976.
Timber management plan.	do	Resource plan	Regional forester.	August 1976	December 1976.
Red River ski area expansion.	Carson National Forest, N. Mex.	Winter sports site.	do	July 1976	Do.
Taos Ski Valley expansion.	do	do	do	April 1974	December 1979.
*Manzano Mountain	Cibola National Forest, N. Mex.	Land use plan	Forest supervisor.	do	October 1976.
Cinder Hills	Coconino National Forest, Ariz.	do	do	November 1976	April 1977.
Oak Creek	do	do	do	August 1976	December 1976.
Woods Canyon	do	do	do	March 1976	June 1976.
Huachuca	Coronado National Forest, Ariz.	do	do	January 1977	June 1977.
*Santa Catalina	do	do	do	March 1975	March 1976.
Swift Trail	do	Road construction.	Regional forester.	September 1975	April 1976.
Gilita unit plan	Gila National Forest, N. Mex.	Land use plan	Forest supervisor.	April 1976	August 1976.
*Timber management plan.	do	Resource plan	Regional forester.	March 1976	June 1976.
*South Kaibab	Kaibab National Forest, Ariz.	do	do	April 1976	October 1976.
Williams unit plan	do	Land use plan	Forest supervisor.	December 1976	June 1977.
Eagle Creek	Lincoln National Forest, N. Mex.	Dam and reservoir.	do	September 1976	December 1976.
*Ruidoso	do	Land use plan	do	January 1977	April 1977.
Clonderoft	do	do	do	March 1978	June 1978.
Supplement to Clarkdale-Williams Highway DES.	Prescott National Forest, Ariz.	Road construction.	Regional forester.	August 1975	March 1976.

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*Timber management plan.	do	Resource plan	do	January 1976	July 1976.
*Gallina	Santa Fe National Forest, N. Mex.	Land use plan	Forest supervisor.	March 1976	June 1976.
*Santa Fe unit plan	do	do	do	September 1976	December 1976.
*Pecos	do	do	do	June 1976	September 1976.
Coronado project	Tonto National Forest, Ariz.	Powerline easement.	Regional forester.	January 1979	June 1979.
REGIONAL OFFICE, OGDEN, UTAH.—REGION 4 (INTERMOUNTAIN REGION)					
Timber management plan.	Ashley National Forest, Utah.	Resource plan	do	December 1976	June 1977.
Long Park Reservoir	do	Reservoir construction.	Forest supervisor.	April 1976	September 1976.
High Uintas south slope.	do	Land use plan	do	June 1976	December 1976.
Timber management plan.	Boise National Forest, Idaho.	Resource plan	Regional forester.	April 1976	August 1976.
*West slope of Wind River Mountains.	Bridger	Land use plan	Forest supervisor.	September 1976	December 1976.
Diamond Creek	Caribou National Forest, Idaho.	do	do	May 1976	September 1976.
*Union Pass planning unit.	Bridger-Teton National Forest, Wyo.	do	do	April 1976	July 1976.
*Greys River planning unit.	do	do	do	May 1976	September 1976.
*Timber management plan.	do	Resource plan	Regional forester.	June 1976	October 1976.
*Bear River planning unit.	Caribou National Forest, Idaho.	Land use plan	Forest supervisor.	May 1976	August 1976.
*Pioneer Mountains planning.	Challis National Forest and Sawtooth National Forest, Idaho.	do	do	June 1975	April 1976.
Challis-Squaw Creek planning unit.	Challis National Forest, Idaho.	do	do	October 1976	April 1977.
*Markagunt Plateau planning unit.	Dixie National Forest, Utah.	do	do	April 1976	June 1976.
*Paunsaugunt-Sevier planning unit.	do	do	do	June 1976	August 1976.
*Salina planning unit	Fishlake National Forest, Utah.	do	do	December 1975	June 1976.
Fremont planning unit.	do	do	do	December 1976	June 1977.
*Mountain Moriah planning unit.	Humboldt National Forest, Nev.	do	do	April 1976	August 1976.
*Santa Rosa planning unit.	do	do	do	March 1976	June 1976.
*Moab planning unit	Manti-LaSal National Forest, (Colo. and Utah).	do	do	June 1976	September 1976.
*Council planning unit.	Payette National Forest, Idaho.	do	do	October 1975	May 1976.
*McCall planning unit	do	do	do	June 1976	September 1976.
*Meadows planning unit.	do	do	do	December 1975	April 1976.
Boulder planning unit.	do	do	do	December 1976	February 1977.
*Beartrap-Dutchler planning unit.	Salmon National Forest, Idaho.	do	do	December 1975	April 1976.
*12-mile planning unit	do	do	do	January 1976	Do.
*Timber management plan.	do	Resource plan	Regional forester.	December 1976	April 1977.
*Leesburg planning unit.	do	Land use plan	Forest supervisor.	July 1976	December 1976.
*Leadore planning unit.	do	do	do	December 1976	April 1977.
*Albion planning unit	Sawtooth National Forest, Idaho.	do	do	July 1976	December 1976.
*Island Park planning unit.	Targhee National Forest, Idaho.	do	do	September 1976	February 1977.
*Big Hole Mountains planning unit.	do	do	do	February 1977	July 1977.
*Central Nevada planning unit.	Toiyabe National Forest, Nev.	do	do	March 1975	April 1976.
*Mount Charleston planning unit.	do	do	do	March 1976	August 1976.
*Alpine planning unit	Toiyabe National Forest (Nev. and Calif.).	do	do	April 1976	Do.
*Four Seasons ski area.	Uinta National Forest, Utah.	Winter sports site.	do	do	Do.
Strawberry Mountain planning unit.	do	Land use plan	do	May 1976	September 1976.
*Lone Peak	Wasatch and Uinta National Forests, Utah.	Wilderness study area.	Regional forester.	July 1975	April 1976.
*North Slope land use plan.	Wasatch National Forest, Utah.	Land use plan	Forest supervisor.	March 1976	July 1976.
*Salt Lake land use plan.	do	do	do	August 1976	January 1977.

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Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, SAN FRANCISCO, CALIF.—REGION 5 (CALIFORNIA REGION)					
*San Gabriel	Angeles National Forest, Calif.	do	do	November 1976	June 1977.
*Valencia	do	do	do	June 1978	December 1978.
Bouquet Canyon management study.	do	Recreation plan	do	October 1976	April 1977.
*Palomar Mountain	Cleveland National Forest, Calif.	Land use plan	do	February 1975	June 1976.
*Trabuco district	do	do	do	December 1976	December 1977.
*Descanso	do	do	do	June 1978	June 1979.
*Shotgun-Black Mountain.	do	do	do	December 1979	December 1980.
Volcanoville	Eldorado National Forest, Calif.	do	do	March 1976	June 1976.
Sierra Ski Ranch expansion.	do	Winter sports	do	May 1976	November 1976.
Timber management plan.	do	Resource plan	Regional forester.	June 1976	Do.
*Mammoth	Inyo National Forest, Calif.	Land use plan	Forest supervisor.	July 1976	Do.
Mono Basin	do	do	do	February 1977	June 1977.
Bishop Creek	do	do	do	May 1976	September 1976.
Timber management plan.	do	Resource plan	Regional forester.	December 1976	April 1977.
Long Valley KGRA	Inyo National Forest and associated national resource lands.	Geothermal leasing, exploration, and development.	Forest supervisor, Inyo National Forest and Bakersfield District Manager, BLM.	September 1976	May 1977.
*King	Klamath National Forest, Calif.	Land use plan	Forest supervisor.	March 1976	July 1976.
*Grider	do	do	do	August 1976	December 1976.
*Almanor	Lassen National Forest Calif.	do	do	May 1976	Do.
Big Sur Coastal	Los Padres National Forest, Calif.	do	do	do	August 1976.
*Mt. Pinos	do	do	do	January 1977	March 1977.
*Middle Eel	Mendocino National Forest, Calif.	do	do	June 1976	November 1976.
Timber management plan.	do	Resource plan	Regional forester.	do	December 1976.
*Medicine Lake	Modoc National Forest, Calif.	Land use plan	Forest supervisor.	July 1976	Do.
Warner Mountain	do	do	do	December 1977	May 1978.
*Mohawk	Plumas National Forest, Calif.	do	do	May 1976	October 1976.
Feather River unit	do	do	do	September 1977	March 1978.
Twin Valleys	do	do	do	June 1978	November 1978.
Timber management plan.	Angeles, Cleveland, Los Padres, and San Bernardino National Forests, Calif.	Resource plan	Regional forester.	August 1976	November 1976.
Big Bear Basin	San Bernardino National Forest, Calif.	Land use plan	Forest supervisor.	June 1976	September 1976.
*Little Kern	Sequoia National Forest, Calif.	do	do	May 1976	July 1976.
*Hume	do	do	do	September 1976	December 1976
*Plateau	do	do	do	July 1976	October 1976.
Timber management plan	do	Resource plan	Regional forester.	December 1976	February 1977.
*Upper Trinity	Shasta-Trinity National Forest, Calif.	Land use plan	Forest supervisor.	November 1974	June 1976.
*NRA planning unit	do	do	do	August 1975	May 1976.
*Girard-McCloud	do	do	do	July 1976	December 1976.
*South Fork Mountain	do	do	do	June 1976	January 1977.
Rancheria	Sierra National Forest, Calif.	do	do	April 1976	July 1976.
*Kings River	do	do	do	August 1976	February 1977.
*Pineridge-Kaiser	do	do	do	do	Do.
*Chiquito-Bass Lake	do	do	do	do	Do.
*Mariposa	do	do	do	do	Do.
*Upper San Joaquin	do	do	do	do	Do.
Timber management plan.	do	Resource plan	Regional forester.	do	December
*Fox unit plan supplement	6 Rivers National Forest, Calif.	Land use plan	Forest supervisor.	May 1976	August 1976.

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Orleans-Red Cap Bridge.	do	Bridge construction.	do	April 1976	July 1976.
*Truckee-Little Truckee Rivers.	Tahoe National Forest, Calif., and Tolyabe National Forest, Nev.	Land use plan	do	January 1976	May 1976.
Timber management plan.	Tahoe National Forest, Calif.	Resource plan	Regional forester.	November 1976	April 1977.
*Foresthill-Hell Hole	Tahoe and Eldorado National Forests, Calif.	Land use plan	Forest supervisor.	January 1978	July 1978.
*Nevada City	Tahoe National Forest, Calif.	do	do	January 1979	July 1979.
Downieville	Tahoe and Plumas National Forest, Calif.	do	do	January 1980	July 1980.
REGIONAL OFFICE, PORTLAND, OREG.—REGION 6 (PACIFIC NORTHWEST REGION)					
East Deer Creek	Colville National Forest, Wash.	do	do	September 1975	May 1976.
*Harvey Creek	do	do	do	June 1976	December 1976.
Kettle Crest	do	do	do	July 1976	January 1977.
*Deschutes	Deschutes National Forest, Oreg.	do	do	January 1977	July 1977.
Coffeepot Reservoir	Fremont National Forest, Oreg.	Dam construction.	Regional forester.	do	April 1977.
Lakeview	do	Land use plan	Forest supervisor.	July 1976	January 1977.
*Bear Creek	Gifford Pinchot National Forest, Wash.	do	do	March 1976	October 1976.
*Clear Creek	do	do	do	January 1975	April 1976.
Trapper Slouxon	do	do	do	May 1976	October 1976.
*Upper Lewis	do	do	do	October 1976	July 1976.
*Naches-Tieton-White River.	Gifford Pinchot, Mount Baker-Snoq. and Wenatchee National Forests, Wash.	do	Regional forester.	June 1976	April 1977.
John Day	Malheur and Umatilla National Forests, Oreg.	do	do	February 1976	July 1976.
*Silvies-Malheur	Malheur, Ochoco, and Wallowa-Whitman National Forests, Oreg.	do	do	October 1976	February 1977.
*South Fork	Malheur and Ochoco National Forests, Oreg.	do	do	May 1976	October 1976.
10-yr timber management plan.	Malheur, Umatilla, and Wallowa-Whitman National Forests, Oreg.	Resource plan	do	June 1976	December 1976.
Bren Mac Mines	Mount Baker-Snoq National Forest, Wash.	Access road and mining.	Forest supervisor.	September 1976	March 1977.
*Mountain Baker	do	Land use plan	do	do	June 1977.
*Badger-Jordan	Mountain Hood National Forest, Oreg.	do	do	May 1976	November 1976.
*Bull Run	do	do	do	April 1976	October 1976.
*Mountain Hood	do	do	do	March 1976	September 1976.
10-yr timber management plan.	do	Resource plan	Regional forester.	June 1976	January 1977.
*Crooked River	Ochoco National Forest, Oreg.	Land use plan	Forest supervisor.	August 1976	Do.
Grassland	do	do	do	April 1977	October 1977.
10-yr timber management plan.	do	Resource plan	Regional forester.	September 1976	January 1977.
*Twisp-Winthrop Conconully.	Okanogan National Forest, Wash.	Land use plan	Forest supervisor.	January 1976	June 1976.
Olympic ORV plan	Olympic National Forest, Wash.	Off-road vehicle regulations.	do	do	Do.
*Quinault	do	Land use plan	do	do	July 1976.
*McLoughlin-Klamath.	Rogue River and Winema National Forests, Oreg.	do	Regional forester.	August 1976	February 1977.
*North Siskiyou	Rogue River and Siskiyou National Forests, Oreg. and Klamath National Forest, Calif.	do	do	March 1978	December 1978.
*Chetco-Grayback	Siskiyou National Forest, Oreg.	do	Forest supervisor.	December 1976	June 1977.
Coquille	do	do	do	January 1978	December 1978.
*Mt. Butler-Dry Creek.	do	do	do	March 1975	April 1976.
*Rogue-Illinois	do	do	do	June 1976	June 1977.
*Hebo	Siuslaw National Forest, Oreg.	Management plan.	do	April 1976	October 1976.
Mary's Peak	do	do	do	February 1976	May 1976.
10-yr timber management plan.	do	Resource plan	Regional forester.	July 1976	December 1976.

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*Elgin	Umatilla National Forest, Oreg.	Land use plan	Forest supervisor.	October 1976	April 1977.
*Oregon Butte	do	do	do	April 1976	October 1976.
Applegate Creek Dam.	Umpqua National Forest, Oreg.	Flood control	Regional forester.	September 1976	July 1977.
10-yr timber management plan.	do	Resource plan	do	July 1976	January 1977.
*Umpqua	do	Land use plan	do	February 1977	August 1977.
Burnt Powder	Wallowa-Whitman National Forest, Oreg.	do	Forest supervisor.	April 1977	December 1977.
*Grande Ronde	do	do	Regional forester.	April 1976	December 1976.
Kittitas	Wenatchee National Forest, Wash.	do	Forest supervisor.	July 1976	January 1977.
*Off-road vehicle plan	do	Off-road vehicle use and policy.	do	April 1976	September 1976.
*Bellnap Springs	Willlamette National Forest, Oreg.	Geothermal development.	Regional forester.	December 1976	June 1977.
Breitenbush	do	do	do	June 1976	Dec. 1976.
*Willamette National Forest and 10-yr timber management plan.	do	Land use plan and resource plan.	do	July 1975	May 1976.
*Chemult	Winema National Forest, Oreg.	Land use plan	do	Jan. 1976	Sept. 1976.
REGIONAL OFFICE, ATLANTA, GA.—REGION 8 (SOUTHERN REGION)					
Timber management plan.	Bankhead National Forest, Ala.	Resource plan	do	April 1976	Aug. 1976.
Conecuh unit plan	Conecuh National Forest, Ala.	Land use plan	Forest supervisor.	do	Do.
Dugger Mountain unit.	Talladega National Forest, Ala.	do	do	June 1976	Oct. 1976.
Timber management plan.	do	Resource plan	Regional forester.	July 1975	June 1976.
Chattooga River unit.	Chattahoochee National Forest, Ga.	Land use plan	Forest supervisor.	Feb. 1975	Do.
Lake Russell	do	do	do	June 1976	Dec. 1976.
South Slope	do	do	do	April 1976	Oct. 1976.
Timber management plan.	do	Resource plan	Regional forester.	Dec. 1976	June 1977.
Do.	Cherokee National Forest, Tenn.	do	do	March 1976	June 1976.
Unka unit	do	Land use plan	Forest supervisor.	April 1976	September 1976.
French Broad	do	do	do	October 1976	March 1977.
Management of Laurel River unit.	Daniel Boone National Forest, Ky.	do	do	February 1976	September 1976.
Management of Licking River unit.	do	do	do	August 1976	February 1977.
Big Scrub	Ocala National Forest, Fla.	do	do	April 1976	October 1976.
Chauga unit	Francis Marion and Sumter National Forest, S.C.	do	do	August 1974	June 1976.
Laurel Fork unit	George Washington National Forest, Va.	do	do	February 1974	October 1976.
Massanutten unit	do	do	do	June 1976	December 1976.
Lower Jackson unit	do	do	do	December 1976	April 1977.
*Cave Mountain Lake unit plan.	Jefferson National Forest.	do	do	February 1974	June 1976.
Mount Rogers National Recreation Area.	do	do	do	September 1976	September 1977.
High Knob unit	do	do	do	do	June 1977.
Revised 10-yr timber management plan.	do	Resource plan	Regional forester.	February 1976	October 1976.
North Catahoula/ South Winn unit.	Kisatchie National Forest, La.	Land use plan	Forest supervisor.	November 1975	May 1976.
Caney planning unit	do	do	do	January 1976	October 1976.
Vernon unit	do	do	do	May 1976	August 1976.
Porter Creek unit	Homochitto National Forest, Miss.	do	do	January 1976	May 1976.
Whiskey Creek unit	DeSoto National Forest, Miss.	do	do	June 1976	September 1976.
Timber management plan.	Homochitto National Forest, Miss.	Resource plan	Regional forester.	March 1976	July 1976.
Do.	Bienville National Forest, Miss.	do	do	do	Do.
Management of Curtis Creek unit.	National Forests in North Carolina.	Land use plan	Forest supervisor.	February 1976	June 1976.
South Toe River and Big Ivy units.	do	do	do	June 1976	December 1977.
Timber management plan.	do	Resource plan	Regional forester.	do	June 1977.
Ossatot-Little Missouri unit.	Ouachita National Forest, Ark.	Land use plan	Forest supervisor.	March 1976	July 1976.
South Fourche unit	do	do	do	June 1976	September 1976.

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Maumelle-Saline unit	do	do	do	August 1976	November 1976.
Tisk unit	do	do	do	October 1976	January 1977.
Timber management plan.	Ozark National Forest, Ark.	Resource plan	Regional forester.	April 1976	September 1976.
Ozone unit	do	Land use plan	Forest supervisor.	July 1975	April 1976.
St. Francis unit	St. Francis National Forest, Ark.	do	do	May 1976	October 1976.
Wedington unit	Ozark National Forest, Ark.	do	do	do	March 1977.
Lee Creek unit	do	do	do	June 1976	April 1977.
Mulberry unit	do	do	do	October 1976	October 1977.
Conroe unit	National Forests in Texas.	do	do	August 1975	May 1976.
Sabine unit	do	do	do	July 1976	December 1976.
Timber management plan.	Angelina National Forest, Tex.	Resource plan	Regional forester.	May 1976	January 1977.
Do.	Davy Crockett, Tex.	do	do	June 1976	February 1977.
Caribbean unit	Caribbean National Forest, Puerto Rico.	Land use plan	Forest supervisor.	do	Do.
REGIONAL OFFICE, MILWAUKEE, WIS.—REGION 9 (EASTERN REGION)					
Buzzard Swamp unit	Allegheny National Forest, Pa.	do	do	April 1976	July 1976.
Off-road vehicle use	do	Regulations	do	March 1976	September 1976.
Timber management plan.	do	Resource plan	Regional forester.	May 1976	Do.
Do.	Chequamegon National Forest, Wis.	do	do	June 1976	November 1976.
Deerfield River area	Green Mountain National Forest, Vt.	Land use plan	do	January 1976	June 1976.
Willow Spring	Mark Twain National Forest, Mo.	do	Forest supervisor.	July 1976	December 1976.
Timber management plan.	Ottawa National Forest, Mich.	Resource plan	Regional forester.	February 1976	July 1976.
Off-road vehicle use	Shawnee National Forest, Ill.	Regulations	Forest supervisor.	June 1976	December 1976.
Fluorspar activities in Lusk Creek.	do	Mining related	do	April 1976	August 1976.
Timber management plan.	Superior National Forest, Minn.	Resource plan	Regional forester.	June 1976	December 1976.
Evans Notch unit	do	Land use plan	do	April 1976	August 1976.
Waterville unit	do	do	do	August 1976	November 1976.
Mill Creek unit	Allegheny National Forest, Pa.	do	do	July 1976	December 1976.
Monongahela National Forest land use plan.	Monongahela National Forest, W. Va.	do	do	do	Do.
REGIONAL OFFICE, JUNEAU, ALASKA.—REGION 10 (ALASKA REGION)					
*Long Island	Tongass National Forest, Alaska.	do	Forest supervisor.	November 1975	April 1976.
*Karta	do	do	do	April 1976	October 1976.
*South Lindenberg Peninsula.	do	do	do	January 1976	June 1976.
*Tongass land use plan.	do	do	Regional forester.	do	August 1976.
*U.S. Borax Mineral Development	do	Road construction for prospecting.	Forest supervisor.	June 1976	January 1977.
*Stream gaging and soil quality monitoring stations.	Region-wide	Monitoring program.	Regional forester.	April 1976	June 1976.
Herbicide draft addendum.	do	Herbicide	do	January 1976	April 1976.
*Revilla land use plan.	Revilla and adjacent islands, Ketchikan area.	Land use plan	Forest supervisor.	July 1977	December 1977.
*1976-86 Chugach National Forest timber management plan revision.	Chugach National Forest.	Functional plan	do	July 1976	January 1977.
*Phase II Upper Prince William Sound land use plan.	Upper Prince William Sound.	Land use plan	do	April 1976	July 1976.
*Passage Canal	Whittier area	Timber sale	do	January 1976	April 1976.
*Siwash Bay	Unakwik Inlet	do	do	March 1976	June 1976.
*Shelter Bay	Hinchinbrook Island.	do	do	April 1976	July 1976.
*Kadashan	Tongass National Forest, Chatham area.	do	Regional forester.	March 1976	June 1976.

tion 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, 42 U.S.C. 4332(2)(C).

Rural Electrification Administration

Environmental Impact Statements

Notice is hereby given that the Rural Electrification Administration (REA) has prepared environmental impact statements in connection with the following proposed actions:

Borrower	Action
Central Electric Power Cooperative, Inc., Columbia, S.C.	Loan to furnish and improve telephone service to new subscribers, and
Central Electric Power Cooperative, Inc., Columbia, S.C.	Loan to furnish and improve telephone service to new subscribers.

Copies of the environmental impact statements may be obtained from the Director, Program Development and Environmental Staff, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3256.

Dated: May 28, 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.76-15911 Filed 6-3-76;8:45 am]

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Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Seal Creek	do	do	Forest supervisor.	April 1976	July 1976.
*Dangerous River	Tongass National Forest.	do	do	March 1976	August 1976.
*North Irish timber sale. AREA OFFICE, UPPER DARBY, PA.—NORTHEASTERN AREA (NORTHEASTERN AREA, S. & P.F.)	Kupreanof Island	do	Regional forester.	June 1976	December 1976.
Fall Cankerworm suppression project.	Pennsylvania	Herbicide	Area director	December 1975	May 1976.

[1] Shoshone National Forest, R-2 is lead forest.
[2] Custer National Forest is the lead forest.

FOREST SERVICE ADDRESSES

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 12th & Independence Ave., SW, Washington, DC 20250.
USDA, Forest Service, Northern Region (R1), Federal Bldg., Missoula, MT 59801.
USDA, Forest Service, Rocky Mountain Region (R2), 11177 West 8th Ave., P.O.B. 25127, Lakewood, CO 80225.
USDA, Forest Service, Southwestern Region (R3), Federal Bldg., 517 Gold Ave., SW, Albuquerque, NM 87102.
USDA, Forest Service, Intermountain Region (R4), 324 25th St., Ogden, UT 84401.
USDA, Forest Service, California Region (R5), 630 Sansome Street, San Francisco, CA 94111.
USDA, Forest Service, Pacific Northwest Region (R6), 319 SW Pine Street, P.O.B. 3623, Portland, OR 97208.
USDA, Forest Service, Southern Region (R8), 1720 Peachtree Road, NW, Room 901, Atlanta, GA 30309.
USDA, Forest Service, Eastern Region (R9), 633 W. Wisconsin Ave., Greyhound Bldg., Milwaukee, WI 53203.
USDA, Forest Service, Alaska Region (R10), Federal Office Bldg., P.O.B. 1628, Juneau, AK 99802.
USDA, Forest Service, Northeastern Area—S&PF, 6816 Market Street, Upper Darby, PA 19082.
USDA, Forest Service, Southeastern Area—S&PF, 1720 Peachtree Road, NW, Room 901, Atlanta, GA 30309.
Intermountain Forest & Range, Experiment Station, Forest Service Bldg., 507 25th Street, Ogden, UT 84401.
North Central Forest, Experiment Station, Folwell Ave., St. Paul Campus, University of Minnesota, St. Paul, MN 55101.
Northeastern Forest, Experiment Station, 6816 Market Street, Upper Darby, PA 19082.
Pacific Northwest Forest and Range, Experiment Station, 809 NE Sixth Ave., P.O.B. 3141, Portland, OR 97208.
Pacific Southwest Forest and Range, Experiment Station, 1960 Addison Street, P.O.B. 245, Berkeley, CA 94701.
Rocky Mountain Forest and Range, Experiment Station, 240 W. Prospect Street, Fort Collins, CO 80521.
Southeastern Forest, Experiment Station, Post Office Bldg., P.O.B. 2570, Asheville, NC 28802.
Southern Forest Experiment Station, T-10210 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.
Forest Products Laboratory, P.O.B. 5130, North Walnut Street, Madison, WI 53705.
Institute of Tropical Forestry, USDA, Forest Service, P.O.B. 577 AQ, Rio Piedras, PR 00928.
Institute of Northern Forestry, Fairbanks, AK 99701.
Institute of Pacific, Islands Forestry, 1170 Punchbowl Street, Honolulu, HI 96813.

[FR Doc.76-18040 Filed 6-3-76;8:45 am]

Forest Service

PACIFIC NORTHERN TIMBER COMPANY TIMBER SALE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Pacific Northern Timber Company Timber Sale; USDA–FS–FES(Adm)76–05.

This environmental statement concerns a proposed action to harvest approximately 180 million board feet of over-mature sitka spruce and western hemlock from Mitkof, Zarembo, Etolin, Wrangell, and Woronkofski Islands located near Petersburg and Wrangell, Alaska.

This final environmental statement was transmitted to CEQ on May 28, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St., & Independence Ave., SW, Washington, DC 20250.
USDA, Forest Service, Alaska Region, Federal Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Acting Deputy Chief.

MAY 28, 1976.

[FR Doc.76-16260 Filed 6-3-76;8:45 am]

TRUCKEE-LITTLE TRUCKEE RIVERS UNIT TAHOE AND TOIYABE NATIONAL FORESTS

Availability of Final Environmental Statement

Pursuant to section 102 (2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan, Truckee-Little Truckee Rivers, Tahoe National Forest, California Region, and Toiyabe National Forest, Intermountain Region USDA–FS–R4–R5–FES–Adm–76–2.

The environmental statement concerns a proposed land use management plan for the 156,955 acres of National Forest lands known as the Truckee-Little Truckee Rivers Unit of the Tahoe National Forest in Placer, Nevada and Sierra Counties in California and of the Toiyabe National Forest in Washoe County, Nevada. Nine thousand acres of National Forest land have been inventoried as "roadless."

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on May 28, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
Forest Supervisor's Office, Tahoe National Forest, Highway 49 & Coyote St., Nevada City, CA 95959.
Forest Supervisor's Office, Toiyabe National Forest, 111 N. Virginia St., Rm. 601, Reno, NV 39501.
Forest Service, District Ranger, Sierraville, CA 96126.
Regional Forester, U.S. Forest Service, 630 Sansome St., Rm. 529, San Francisco, CA 94111.
Regional Forester, U.S. Forest Service, Federal Bldg., 324 25th St., Ogden, Utah 34401.
Forest Service, District Ranger, Truckee, CA 95734.
Forest Service, District Ranger, 1536 S. Carson St., Carson City, NV 39701.

A limited number of single copies are available upon request to Forest Supervisor, Tahoe National Forest, Highway 49 and Coyote St., Navada City, California 95959.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: May 28, 1976.

DOUGLAS R. LEISZ,
Regional Forester, California Region.

[FR Doc.76-16202 Filed 6-3-76;8:45 am]

Rural Electrification Administration

GOLDEN VALLEY ELECTRIC ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with the request for financing from Golden Valley Electric Association, Inc., P.O. Box 1249, Fairbanks, Alaska 99707. The statement will cover two (2) regenerative combustion turbine-powered electric generators to be installed at North Pole, Alaska, and associated facilities which will include a 69 kV transmission line from the generating plant to the Highway Park Substation, a 138 kV transmission line from the generating plant to the proposed Bently Substation and the expansion of an existing headquarters building.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement. Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Golden Valley Electric Association, Inc., whose address was given above. Additional information may be obtained at Golden Valley's office during regular business.

Dated at Washington, D.C. this 27 day of May, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-16083 Filed 6-3-76;8:45 am]

TRI-COUNTY ELECTRIC ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with the request for financing from Tri-County Electric Association, Inc., Box 457, Sundance, Wyoming 82729. The statement will cover a 59 mile 230 kilovolt transmission line from Wyodak to Reno Substation to Antelope and associated facilities which will include a 230 to 60 kilovolt substation at Reno. All facilities are located in Campbell County, Wyoming.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement. Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Tri-County Electric Association, Inc., whose address was given above. Additional information may be obtained at Tri-County's office during regular business hours.

Dated at Washington, D.C., this 27 day of May, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-16084 Filed 6-3-76;8:45 am]

Rural Electrification Administration

BASIN ELECTRIC POWER COOPERATIVE AND TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for loan guarantee commitments from the Rural Electrification Administration for Basin Power Cooperative of Bismarck, North Dakota, and Tri-State Generation and Transmission Association, Inc. of Northglenn, Colorado. These requests for loan guarantee commitments will assist these organization in obtaining financing to purchase approximately ⅔ of a 1500 MW generating plant to be constructed near Wheatland, Wyoming, with associated transmission facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 28th day of May, 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76-16277 Filed 6-3-76;8:45 am]

OGDEN TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (39 FR 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $13,000,000 to Ogden Telephone Company, Spencerport, New York. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Donald F. Davison, President, Ogden Telephone Company, 21 West Street, Spencerport, New York 14559. To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Davison. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Ogden Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 27th day of May, 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76-16276 Filed 6-3-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12480; File No. SR–CSE–76–2]

CINCINNATI STOCK EXCHANGE

Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1935 (15 U.S.C. 78(s)(b)(1) (the "Act"), as amended by Pub. L. No. 94–29 § 16 (June 4, 1975), notice is hereby given that on May 20, 1976, the Cincinnati Stock Exchange filed with the Commission copies of a proposed rule change. The proposed rule change would rescind section 57 of the Rules of the Cincinnati Stock Exchange. That section implemented rescinded Securities Exchange Act Rule 19b–2 and required, among other things, a member, member-firm or member-corporation to have as the principal purpose of his or its membership the conduct of a public securities business. The proposed rule change reads:

Deletion of section 57 Rules (brackets indicate deletion).

[(a) Every member of this exchange shall have as the principal purpose of his membership the conduct of a securities business. A member shall be deemed to have such a purpose if at least 80 percent of the value of exchange securities transactions effected by them during the preceding six calendar months, whether as a broker or dealer, is effected for or with persons other than affiliated per-

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On or before July 12, 1976, or within

sons or is effected pursuant to transactions of the kind described below:

(1) Any transaction by a registered specialist in a security in which he is so registered;

(2) Any transaction for the account of an odd-lot dealer in a security in which he is so registered.

(3) Any transaction by a block positioner acting as such, except where an affiliated person is a party to the transaction;

(4) Any stabilizing transaction effected in compliance with Rule 10b–7 under the Securities Exchange Act of 1934 to facilitate a distribution of a security in which the member effecting such transaction is participating;

(5) Any bona fide arbitrage transaction, including hedging between an equity security and a security entitling the holder to acquire such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer or similar transaction involving a recapitalization;

(6) Any transaction effected in conformity with a plan designed to eliminate floor trading activities which are not beneficial to the market, which plan has been adopted by the exchange and declared effective by the Commission;

(7) Any transaction made with the prior approval of a floor official to permit the member effecting such transaction to contribute to the maintenance of a fair and orderly market, or any purchase or sale to reverse any such transaction; or

(8) Any transaction to offset a transaction made in error.

(b) For purposes of this Rule, an "affiliated person" of a member shall include:

(1) Any person directly or indirectly controlling, controlled by or under common control with such member, whether by contractual arrangement or otherwise, provided that the right to exercise investment discretion with respect to an account, without more, shall not constitute control;

(2) Any principal officer, stockholder or partner of such member or any person in whose account such person has a direct or material indirect beneficial interest; and

(3) Any investment company of which such member, or any person controlling, controlled by or under common control with such member, is an investment adviser within the meaning of the Investment Company Act of 1940.

A person shall be presumed to control another person, for purposes of this Rule, if such person has a right to participate to the extent of more than 25 percent in the profits of such other person or owns beneficially, directly or indirectly, more than 25 percent of the outstanding voting securities of such person.

The principal officers of a member include the president, executive vice-president, treasurer, secretary or any other person performing a similar function for an incorporated or unincorporated organization. A principal stockholder or partner of a member is any natural person actively engaged in the business of the member and beneficially owning, directly or indirectly, more than five percent of the outstanding voting securities of a member organization or having the right to participate to the extent of more than five percent in the profits of such person.

(c) Any member who does not comply with the requirements of this rule and who acquired membership prior to January 16, 1973 shall be presumed, for a period of three years following such date, to have as the principal purpose of the membership the conduct of a public securities business, if

(1) Within 30 days after the date of the adoption of this exchange rule, such member shall furnish a written commitment to this exchange to make good faith efforts to comply with the requirements of this exchange rule, accompanied by a written plan setting forth in detail those steps such member intends to take to comply with such requirements; and

(2) Prior to the expiration of each of the first two one-year periods immediately following January 16, 1973, such member shall file with the Exchange a statement, setting forth the steps which have been taken leading toward compliance with the requirements of the exchange rule, together with an updated plan, specifying all further action such member intends to take to achieve such compliance.

No plan filed pursuant to this exchange rule shall be deemed to satisfy the requirements of the exchange rule unless the plan has been declared effective by the exchange with which it is filed after the exchange has first reviewed the plan and determined that it is reasonably calculated to enable such member to comply with the requirements of such exchange rule within three years from January 16, 1973.

No member or member organization shall utilize any scheme, device, arrangement or understanding designed to circumvent or avoid, by reciprocal means or in any other manner, the provisions of section 57 of the Exchange Rules.

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would rescind section 57 of the Rules of this Exchange which was adopted to comply with Securities Exchange Act Rule 19b–2, now rescinded. Rule 19b–2 required, among other things, a member, member firm or member corporation to have as the principal purpose of his or its membership the conduct of a public securities business

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change rescinds section 57 of the Rules which implemented recently rescinded Securities Exchange Act 19b–2.

The proposed rule change is being submitted pursuant to section 6(b)(1) in order to comply with the provisions of the Securities Exchange Act, its amendments and all rules and regulations thereunder.

No comments were received.

Deletion of the above rule imposes no burden on comptition.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–CSE–76–2.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

In Securities Exchange Act Release No. 12055 (January 27, 1976), the Commission announced the rescission of Securities Exchange Act Rule 19b–2 which had required each national securities exchange to adopt a rule specifying, among other things, that every exchange member must have, as the principal purpose of its exchange membership, the conduct of a public securities business. The Commission's action was a result of the amendment of section 11(a) by the Securities Acts Amendments of 1975 with which Congress intended to displace Rule 19b–2. Since the Cincinnati Stock Exchange adopted section 57 of its Rules to comply with Rule 19b–2, the repeal of that Rule would be followed properly by the rescission of such exchange provision as well. In addition, exchange rules adopted pursuant to rescinded Rule 19b–2 were listed as one type of an exchange rule on membership and association with members which raises questions under sections 6(b)(2), (b)(5), and (b)(8) of the Act, as outlined in a letter to each national securities exchange on March 2, 1976 and discussed in Securities Exchange Act Release No. 12157 (March 2, 1976). Accordingly, the Commission finds good cause for approving the proposed rule change prior to July 6, 1976.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 25, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–16129 Filed 6–3–76;8:45 am]

[Release No. 34–12469; File No. SR–MSRB–76–5]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on May 19, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change filed by the Municipal Securities Rulemaking Board (the "Board") requires compliance with its terms as a condition to satisfaction of the Board's standards of professional qualification. The rule requires every municipal securities broker and municipal securities dealer to obtain from each "associated person" (defined to include municipal securities principals, financial and operations principals, and municipal securities representatives) specified information concerning the person's identity and educational, employment and disciplinary history, if any. The rule requires associated persons to amend the information furnished at any point at which it becomes inaccurate or incomplete. In addition, municipal securities brokers and municipal securities dealers are required to inquire of a person's employers for the past three years as to the accuracy of the information furnished and the person's record and reputation and to maintain and preserve a record of all associated persons which indicates the functions performed by each and whether each has taken and passed a Board examination or, if not, the reasons for exemption. The proposed rule change would require each municipal securities broker and municipal securities dealer to file with the appropriate regulatory agency, or if a member of the National Association of Securities Dealers, Inc., with that association, such of the information specified in proposed rule G–7 as such organizations may require. The Board contemplates that a system of registration of personnel can be developed in this manner with the cooperation and coordination of all regulatory agencies, which would facilitate the movement of municipal securities representatives and municipal securities principals within the municipal securities industry and enable employers to ascertain whether or not prospective employees are subject to restrictions under Board rules G–4 or G–5.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change is as follows:

Purpose of Proposed Rule Change. The purpose of the proposed rule change is to include in the professional qualification standards of the Board requirements for the gathering, updating and retention of information on municipal securities principals (including financial and operations principals) and municipal securities representatives, all of whom are defined in the rule as "associated persons."

Basis under the Act for Proposed Rule Change. The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(A) of the Securities Exchange Act of 1934, as amended (the "Act"), which empowers and requires the Board to adopt standards of operational capability and professional qualification. The Board is also empowered and directed by section 15B(b)(2)(G) of the Act to prescribe records to be made and kept by municipal securities brokers and municipal securities dealers and the periods for which such records are to be preserved.

Board's Statement on Comments Received From Members, Participants, or Others on Proposed Rule Change. The Board received letters of comment relating to the proposed rule change from the following:

Albuquerque National Bank ("Albuquerque")
National Association of Securities Dealers, Inc. ("NASD")
Securities Industry Association ("SIA")

Albuquerque questions the enforceability of the requirement imposed on municipal securities brokers and municipal securities dealers to obtain information concerning associated persons from prior employers, citing the Fair Credit Reporting Act. Under that statute, however, a direct inquiry between a prospective and former employer concerning an employee is not restricted, although an inquiry to a third party, such as a credit bureau, would be.

The NASD suggests that the scope of the proposed rule change be expanded to apply to any employee of a municipal securities broker or municipal securities dealer handling funds or securities. The Board is of the view that such an extension is not necessary, since such employees are bonded and a record of their prior employment history is ordinarily obtained by the employer in this connection.

The SIA comments are directed primarily to Form U–4. (The proposed rule change provides that a completed Form U–4 would satisfy the information requirements of the rule.) In addition to a number of suggestions which would make Form U–4 conform with the requirements of the Board's proposed rule change, the SIA suggests that the Board's rule be amended to require information on prior positions and residential history. These suggested additions have been incorporated into the proposed rule change as filed herewith. The Board is consulting with the Commission staff and representatives of the NASD, the bank regulatory agencies and the state securities administrators concerning possible modification of Form U–4.

Copies of all letters of comment received by the Board are on file in offices of the Board and the Commission.

Burden on Competition. The scope of the proposed rule change is limited to requirements to obtain, update, and preserve information. The proposed rule change will apply uniformly to all municipal securities brokers and municipal securities dealers, and associated persons as defined in the rule. The Board has concluded, therefore, that the proposed rule change does not impose a burden on competition.

On or before July 12, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 6, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary

MAY 20, 1976.

TEXT OF PROPOSED RULE CHANGE

RULE G–7. INFORMATION CONCERNING ASSOCIATE PERSONS

(a) No municipal securities broker or municipal securities dealer or associated person (as hereinafter defined) of such municipal securities broker or municipal securities dealer shall be qualified for purposes of rule G–2 of the Board unless such municipal securities broker or municipal securities dealer or associated person meets the requirements of this rule. The term "associated person" as used in this rule means (i) a municipal securities principal (including a financial and operations principal) and (ii) a municipal securities representative.

(b) Every municipal securities broker and municipal securities dealer shall obtain from each of its associated persons (as defined in paragraph (a) of this rule) a questionnaire, which shall be signed by a municipal securities principal or general securities principal, containing at least the following information:

(i) Such person's name, residence address, social security number, and the starting date or anticipated starting date of such person's employment or other association with such municipal securities broker or municipal securities dealer;

(ii) Date of birth;

(iii) All educational institutions attended (starting with high school) and whether a degree from each was received;

(iv) A complete, consecutive statement of all business connections for at least the immediately preceding ten years, including the reason for leaving each prior employment, the position held at each prior employment, and whether employment was part time or full time;

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(v) A record of all residential addresses for at least the immediately preceding ten years;

(vi) A record of any denial of membership or registration, and of any disciplinary action taken against, or sanction imposed upon, such person by any federal or state securities or federal or state bank regulatory agency or by any national securities exchange or registered securities association, including any finding that such person was a cause of any disciplinary action or violated any law;

(vii) A record of any denial, suspension or revocation of registration with the Commission as a broker, dealer, or municipal securities dealer or of any denial, suspension or revocation of, or expulsion from, membership in a national securities exchange or a registered securities association, of any broker, dealer, or municipal securities dealer with which such person was associated in any capacity when such action was taken;

(viii) A record of any permanent or temporary injunction entered against such person or against any broker, dealer, or municipal securities dealer with which such person was associated in any capacity at the time such injunction was entered pursuant to which such person or such broker, dealer or municipal securities dealer was enjoined from acting as an investment adviser, underwriter, broker, dealer, or municipal securities dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security;

(ix) A record of any convictions of such person within the past ten years involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense; or arising out of the conduct of the business of a broker, dealer, municipal securities dealer, investment adviser, bank, insurance company, or fiduciary; or involving the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent conversion, or misappropriation of funds or securities; or involving the violation of sections 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code;

(x) A record of any refusal by a surety company to issue a fidelity bond covering such person; any payments made by a surety company on coverage of such person or cancellation of such coverage; and a statement whether such person is currently bonded; and

(xi) A record of any other name or names by which such person has been known or which such person has used.

A completed Form U-4 or similar form prescribed by the Commission or a registered securities association for municipal securities brokers and municipal securities dealers other than bank dealers or, in the case of a bank dealer, by the appropriate regulatory agency for such bank dealer, containing the foregoing information, shall satisfy the requirements of this paragraph.

(c) To the extent any information furnished by an associated person pursuant to paragraph (b) of this rule is or becomes inaccurate or incomplete, such associated person shall furnish in writing to the municipal securities broker or municipal securities dealer with which such person is associated a statement correcting such information.

(d) For the purpose of verifying the information furnished by an associated person pursuant to paragraph (b) of this rule, every municipal securities broker and municipal securities dealer shall make inquiry of all employers of such associated person during the three years immediately preceding such person's association with such municipal securities broker or municipal securities dealer concerning the accuracy and completeness of such information as well as such person's record and reputation and each such prior employer which is a broker, dealer or municipal securities dealer shall make such information available upon request made pursuant to the requirements of this paragraph (d).

(e) Every municipal securities broker and municipal securities dealer shall maintain and preserve a copy of the questionnaire furnished pursuant to paragraph (b) of this rule, and of any additional statements furnished pursuant to paragraph (c) of this rule, until at least three years after the associated person's employment or other association with such municipal securities broker or municipal securities dealer has terminated.

(f) Every municipal securities broker and municipal securities dealer shall maintain and preserve a record of the name and residence address of each associated person, designated by the category of function performed (whether municipal securities principal, municipal securities representative or financial and operations principal) and indicating whether such person has taken and passed the qualification examination for municipal securities principals or municipal securities representatives or financial and operations principals prescribed by the Board or was exempt from the requirement to take and pass such examination, indicating the basis for such exemption, until at least three years after the associated person's employment or other association with such municipal securities broker or municipal securities dealer has terminated.

(g) Every municipal securities broker and municipal securities dealer which is a member of a registered securities association shall file with such association, every bank dealer shall file with the appropriate regulatory agency for such bank dealer, and every municipal securities broker or municipal securities dealer other than a bank dealer which is not a member of a registered securities association shall file with the Commission, such of the information prescribed by this rule as such association, agency, or the Commission, respectively, shall by rule or regulation require.

(h) The requirements of paragraphs (b), (c) and (f) of this rule shall not become effective until ____________, 1976 [60 days after the date of approval by the Commission], and shall apply with respect to each person who is an associated person on, or becomes an associated person after, such date. The requirements of paragraph (d) of this rule shall apply only with respect to each person who becomes an associated person on or after ____________, 1976 [30 days after the date of approval by the Commission].

(i) Any records required to be maintained and preserved pursuant to this rule, shall be preserved in accordance with the requirements of paragraphs (c), (d), and (e) of rule G-9 of the Board.

[FR Doc.76-16254 Filed 6-3-76;8:45 am]

[Release No. 34-12488; File No. SR-PSD-76-1]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE

Proposed Rule Change. The proposed rule change establishes a Transfer Agent Custodian ("TAC") program for expediting transfers of securities for participants in the Pacific Securities Depository Trust Company ("PSD").

The TAC participant holds shares of the designated issue(s) for which it effects transfers for PSD in a balance certificate in the name of PSD's nominee. Upon written instructions from PSD the TAC participant effects transfers of shares, delivers to PSD certificates representing shares transferred, and retains a new balance certificate for the number of shares remaining in the name of PSD's nominee.

Purpose of Proposed Change. The purposes of the TAC program are to provide faster transfer turnaround time for PSD participants and to reduce the exposure of securities to loss.

Basis Under the Act for Proposed Rule Change. The TAC program enhances PSD's capacity to facilitate prompt and accurate clearance and settlement of securities transactions by reducing the amount of time necessary for such transactions and helps to safeguard securities for which it is responsible by reducing the movement of certificates and maintaining securities in non-negotiable form. In both ways, the program helps perfect the mechanism for a national system for the prompt and accurate clearance and settlement of securities transactions and increases protection of investors.

Comments Received from Members, Participants or Others on Proposed Rule Change. Comments were not solicited from participants and none were received.

Burden on Competition. PSD is of the opinion that the proposed change will not impose any burden on competition.

On or before July 12, 1976 this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 25, 1976 after the date of the publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 27, 1976.

[FR Doc.76-16130 Filed 6-3-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1243]

OHIO

Declaration of Disaster Area

The area of 81st Street and Kinsman Avenue in the City of Cleveland, Ohio, constitutes a disaster area because of damage resulting from a fire which occurred on May 5, 1976, at 81st and Kinsman Avenue, Cleveland Ohio. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 19, 1976 and for economic injury until the close of business on February 18, 1977, at:

Small Business Administration, District Office, AJC Federal Building—Room 317, 1240 East Ninth Street, Cleveland, Ohio 44199.

or other locally announced locations.

Dated: May 18, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-16220 Filed 6-3-76;8:45 am]

[Declaration of Disaster Loan Area No. 1246]

TERRITORY OF GUAM

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that the Territory of Guam constitutes a disaster area because of damage resulting from Typhoon Pamela beginning about May 20, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 22, 1976, and for economic injury until the close of business on February 22, 1977, at:

Small Business Administration, Branch Office, Ada Plaza Center Building, Agana, Guam 96910.

or other locally announced locations.

Dated: May 26, 1976.

LOUIS F. LAUN,
Deputy Administrator.

[FR Doc.76-16221 Filed 6-3-76;8:45 am]

UNITED STATES INFORMATION AGENCY

PRIVACY ACT OF 1974

Additional General Routine Use

The United States Information Agency proposes to establish the following general routine use for systems of records under the Privacy Act of 1974, in addition to those announced in the FEDERAL REGISTER on August 27, 1975 (40 FR 39335) and February 24, 1976 (41 FR 8154):

15. A record from this system of records may be disclosed, as a routine use, only to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements and only to those State and local taxing authorities for which the employee is subject to tax (whether or not tax is withheld).

This routine use is proposed in accordance with Treasury Fiscal Requirements Manual, Bulletin No. 76-07.

Public comment on this additional routine use is hereby invited.

Dated: May 25, 1976.

EUGENE P. KOPP,
Deputy Director,
United States Information Agency.

[FR Doc.76-16184 Filed 6-3-76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records; Correction

On August 27, 1975, the U.S. Information Agency published in the FEDERAL REGISTER (40 FR 39355) a Notice of Systems of Records in accordance with 5 U.S.C. 552a(e) (4) and (11), Sec. 3 of the Privacy Act of 1974. Notice of adoption of these systems was published in the FEDERAL REGISTER (41 FR 8154) on February 24, 1976. The Agency has now determined that one of the systems of records announced, USIA-11, Employee Merit Promotion File—IPT, does not meet the criteria established in the Act or in Office of Management and Budget guidelines (40 FR 28949, July 9, 1975) for defining a system of records. Information in the Employee Merit Promotion File is not "retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual." Therefore such records are not considered to be relevant to the Agency's requirements under the Act.

Public comment on this correction is hereby invited.

Dated: May 24, 1976.

EUGENE P. KOPP,
Deputy Director,
United States Information Agency.

[FR Doc.76-16185 Filed 6-3-76;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

On page 12940 of the FEDERAL REGISTER of March 29, 1976, there was published a notice that the Veterans Administration was considering adding a new routine use statement in the description of the system of records entitled, "Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA", as set forth on page 38111 of the Federal Register of August 26, 1975, and adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed statement. No comments were received. The proposed addition to the routine use element of this system of records is adopted without change.

Effective date: This routine use statement is effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

Approved: May 27, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-16170 Filed 6-3-76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records

On page 15075 of the FEDERAL REGISTER of April 9, 1976, there was published a notice that the Veterans Administration was considering adding a new routine use statement in the description of the system of records entitled, "Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA", as set forth on page 38111 of the FEDERAL REGISTER of August 26, 1975, and adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed statement. No comments were received. The proposed addition to the routine use element of this system of records is adopted without change.

Effective date: This routine use statement is effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

Approved: May 27, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-16171 Filed 6-3-76;8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overal employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before June 18, 1976: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this First day of June, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending May 28, 1976

Name of applicant	Location of enterprise	Principal product or activity
M. Frenville Co.	Goversville, N.Y.	Leather goods.
Lincoln Laboratory	Milroy, Pa.	Research laboratory.
Stites Construction Co.	Cookeville, Tenn.	Building materials.
Yazoo Motor Co.	Yazoo City, Miss.	Motor vehicle sales and service.
Pee Wee Bottling Co., Inc.	Cashiers, N.C.	Manufacturing of soft drinks.
Lloyd R. Morgan	Winfall, N.C.	Retail grocery store.
Partheron Metal Works, Inc.	Lavergne, Tenn.	Manufacturing of steel welded tubing.
Unimark Plastics, Inc.	Aiken, S.C.	Medical and electronic plastic components.
Norteeh, Inc.	Antigo, Wis.	Manufacturing of conveyors and equipment.
Kenneth E. and Norma J. McCombs	Cadiz, Ohio.	Automobile dealership.
Paramet Corp.	Piqua, Ohio.	Manufacturing of ferrous powdered metal parts.
Bunker Hill Cheese Co., Inc.	Berlin, Ohio.	Manufacturing and sales of cheese.
Bray Lines Inc.	Cushing, Okla.	Common carrier trucking service.
Century Forest Industries, Inc.	Lufkin, Tex.	Railroad ties.
Arthur Gaylord Fitzroth	Temple, Tex.	Manufacturing of corrugated containers.
Eddie C. Norman	Lancaster, Mo.	Livestock marketing.
Kent N. Behr	Princeton, Mo.	Selling and distributing commercial feeds.
Likness Brothers Implement Co.	Britton, S. Dak.	Sales and service of farm machinery.
Valley Bag & Chemical Co.	Monte Vista, Colo.	Manufacturing of burlap bags.
Ming Tree Inn.	Rawlins, Wyo.	Lodging facilities.
Arizona Custom Manufacturing Inc.	Phoenix, Ariz.	Fabrication of structural steel.
Snelson-Anvil, Inc.	Anacortes, Wash.	Construction of industrial modules.
Pocatello Broadcasting Co.	Pocatello, Idaho.	TV and radio station.

[FR Doc.76-16232 Filed 6-3-76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Georgia

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Georgia, effective June 5, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under the State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of Georgia on January 26, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Georgia has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 15, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Georgia for the week ending on May 15, 1976, and the Federal Supplemental Benefit Period in that State will terminate on June 5, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Georgia Employment Security Agency of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in affect in the State due to the reduced National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 14, 1975. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental effect in the State due to the reduced Benefits or Federal-State Extended Benefits in the State of Georgia should contact the nearest Employment Office of the Georgia Security Agency in their locality.

Signed at Washington, D.C., on June 1, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-16279 Filed 6-3-76;8:45 am]

Employment and Training Administration

OREGON EMPLOYMENT DIVISION

Amendment of Notice of Hearing

The Notice of Hearing published at 41 FR 17037, April 23, 1976, announcing an opportunity for hearing for the Division of Employment of the State of Oregon Department of Human Resources, is amended as follows:

1. The date of the hearing, set as May 25, 1976, at 41 FR 17040, is changed to June 24, 1976, pursuant to the Order of the presiding Administrative Law Judge, dated May 18, 1976.

2. The next to last "Whereas" clause, appearing at 41 FR 17040, is amended to read:

"Whereas, the Oregon Employment Division, by letter from the Administrator, dated June 19, 1974, to the Secretary of Labor, has requested a hearing."

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-16431 Filed 6-3-76;8:45 am]

Occupational Safety and Health Administration

WASHINGTON STATE STANDARDS

Approval

1. Background. Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter caled the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.123 of Subpart F sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated February 26, 1976 from John E. Hillier, Supervisor, Department of Labor and Industries, to James W. Lake, Regional Administrator, U.S. Department of Labor, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.262, Subpart R. These standards, which are contained in WAC 296-301, Safety Standards for the Textile Industry, were promulgated after due notice and public hearings held at Olympia, Washington on September 28, 1972 and April 8, 1974, pursuant to 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW.

2. Decision. Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. The State standards are identical with corresponding Federal standards except that illumination levels referenced by the State (WAC 296-62-09003) are generally lower than those recommended in ANSI A11.1-1965. It has been determined that the lighting levels recommended in ANSI A11.1-1965 are based upon considerations other than safety and health and the Region's evaluation concludes that the illumination levels required by the State standard are sufficient to provide for employee safety. The detailed standards comparison is available at the locations specified below.

3. Location of supplement for inspection and copying. A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administrative Building, Olympia, Washington 98504; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. Public participation. Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation and notice would be repetitious.

This decision is effective June 4, 1976. (Sec. 18. Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Washington this 22nd day of April, 1976.

JAMES W. LAKE,
Regional Administrator, OSHA.

[FR Doc.76-16280 Filed 6-3-76;8:45 am]

WASHINGTON STATE STANDARDS

Approval

1. Background. Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On Janu-

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ary 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.123 of Subpart F sets forth the State's schedule for the adoption of at least as effective State standards.

By letter dated February 26, 1976, from John E. Hillier, Supervisor, Department of Labor and Industries, to James W. Lake, Regional Administrator, U.S. Department of Labor, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR Part 1910 Subpart O—Machinery and Machine Guarding. These standards, which are contained in Chapter 296–24–150 WAC through 296–24–20533 WAC, part of the General Safety and Health Standards, were promulgated on February 19, 1976 after due notice and a public hearing held that same date pursuant to 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.04 RCW.

2. Decision. Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. The State has adopted all Federal standards, and on its own initiative, has added coverage for compactor nonrepeat, lock-out procedures, counterweight guarding, and a table that limits the size of openings through barrier guards at the point of operation, all of which make the State standards more effective than the Federal standards.

The detailed standards comparison is available at the locations specified below.

3. Location of supplement for inspection and copying. A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98504; and the Technical Data Center, Room N3620, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. Public participation. Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation and notice would be repetitious.

This decision is effective June 4, 1976.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 8th day of April, 1976.

JOHN A. GRANCHI,
Acting Regional Administrator, OSHA.

[FR Doc.76–16281 Filed 6–3–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

NEW ORLEANS TRAFFIC AND TRANSPORTATION BUREAU

Request for Exemption From Economic Regulation

No. MC 141971–EX, filed April 15, 1976, previously published in the FEDERAL REGISTER issue of May 20, 1976. Applicant: NEW ORLEANS TRAFFIC AND TRANSPORTATION BUREAU, International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130. Applicant's representative: G. B. Perry (same address as applicant).

The purpose of this supplemental notice is to clarify that applicant's request for exemption from economic regulation concerns a class of motor carriers lawfully engaged in operation solely within the State of Louisiana and not a single motor carrier applicant. Protests to the granting of this exemption remain due by June 19, 1976, 30 days from the date of initial FEDERAL REGISTER publication.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–16421 Filed 6–3–76;8:45 am]

federal register

FRIDAY, JUNE 4, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

COINSURANCE FOR STATE HOUSING FINANCE AGENCIES

Proposed Eligibility Requirements, Contract Rights and Obligations

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[24 CFR Part 250]

[Docket No. R-76-396]

COINSURANCE FOR STATE HOUSING FINANCE AGENCIES

Proposed Eligibility Requirements, Contract Rights and Obligations

Section 307 of the Housing and Community Development Act of 1974 (P.L. 93-383) amended the National Housing Act by adding a new section 244 entitled Coinsurance. Section 244 of the National Housing Act (12 U.S.C. 1715 Z 9) established a Demonstration Program which authorizes the Secretary of Housing and Urban Development to insure and make a commitment to insure, under any provision of Title II of the National Housing Act, any mortgage otherwise eligible for insurance under such provisions, pursuant to a coinsurance contract providing that the agency will (1) assume a percentage of any loss and (2) carry out (subject to audit, exception, or review requirements) such credit approval, appraisal, inspection, commitment, property disposition, or other functions as the Secretary approves.

Regulations issued on February 12, 1976 and contained in 24 CFR Part 204 implemented the demonstration program of coinsurance authorized by section 244 for mortgages covering one-to-four family dwellings.

The Department proposes to amend 24 CFR by adding a new Part 250 entitled "Coinsurance for State Agencies." This part would implement a coinsurance program for mortgages covering multifamily projects made and underwritten by State Housing Agencies and would impose requirements for that program. For example:

1. The definition of "State Housing Agency," and certain consumer safeguards are set forth in Subpart A.

2. Provisions governing the certification of a State Housing Agency as an approved agency eligible to underwrite mortgages on multifamily projects under this part, the conditions under which such certification could be withdrawn, and the effect of such withdrawal are set forth in Subpart B.

3. Eligibility requirements applicable to all mortgages to be coninsured under the provisions of this part are set forth under Subpart C.

4. Specific requirements applicable to those mortgages to be coinsured under the provisions of this part pursuant to Sections 221(d)(3), and 221(d)(4), and Section 223(f) of the National Housing Act are set forth under Subpart D.

5. Specific requirements applicable to those mortgages to be coinsured under the provisions of this part pursuant to Section 236 of that Act are set forth under Subpart E.

6. Various rights and obligations under the Coinsurance contract, such as treatment of premiums, default procedures, advances to agencies, terminations, payments of benefits, and contract amendment procedures are set forth in Subpart F.

Certain provisions proposed by this notice are based upon legislation presently pending before the Congress and may not be authorized under present law. For example, unless legislation now pending before the Congress is enacted, the following components of the program established by the proposed Part 250 may not be clearly authorized:

(1) Non-proportional risk-sharing (i.e., the portfolio-deductible, combined with 80–20 loss sharing); (2) The making of a debt service loan before a claim is filed by the State Housing Agency; (3) Coinsured mortgages in excess of 20 percent of the aggregate principal amount of all mortgages insured under Title II of the National Housing Act.

To the extent that any provision in this notice is not authorized by existing law, such provision will be withdrawn and vacated in this rulemaking proceeding unless enabling legislation has been enacted by the time the final rule is adopted.

Comments are requested from interested persons on the impact the program authorized by this part might have on the mortgage market, the availability of mortgage credit to borrowers dependent on mortgage insurance provided under sections of the National Housing Act other than Section 244, and the flow of credit to older declining areas and purchasers of older and lower-cost housing. Other interested persons are also invited to comment on the program that would be authorized by this part by submitting written data, views and arguments. Communications should be identified by the above Docket Number and Title and should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received on or before July 6, 1976, will be considered before adoption of the final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

A Finding of Inapplicability of the National Environmental Policy Act has been made. A copy of the Finding is available for public inspection in the Office of the Rules Docket Clerk during regular business hours at the address set forth above.

In addition, a Finding of Inapplicability of Inflation Impact Statement requirements has been made in accordance with HUD procedures. A copy of this Finding is available for inspection in the Office of the Rules Docket Clerk during regular business hours, at the address set forth above.

A new Part 250 of Chapter II of 24 CFR is proposed to be added as set forth below.

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Subpart A—General Provisions

§ 250.1 Purpose.

Section 307 of the Housing and Community Development Act of 1974 amended the National Housing Act by adding a new section 244 entitled Coinsurance. Section 244 authorizes the Secretary of Housing and Urban Development to insure and make a commitment to insure, under any provision of Title II of the National Housing Act, any mortgage otherwise eligible for insurance under such provisions, pursuant to a coinsurance contract providing that the agency will (1) assume a percentage of any loss and (2) carry out (subject to audit, exception, or review requirements) such credit approval, appraisal, inspection, commitment, property disposition, or other functions as the Secretary approves.

By placing some of the risks which HUD now assumes when insuring mortgages on approved State Housing Agencies the demonstration program authorized by section 244 of the National Housing Act could help to assure more careful initial evaluation of insured projects by lenders who are willing to accept some, but are unwilling to accept all, of the risk of mortgage lending for rental housing projects which are intended to be made available for occupancy by low and moderate income families and which receive the benefits of various federal or State subsidy or assistance programs which help to reduce the monthly rentals for tenants. It could also make feasible assumption by lenders of the processing responsibilities incidental to a mortgage insurance program and perhaps reduce the present length of time required to approve applications for mortgage insurance.

Congress, in enacting the legislation authorizing the program implementing this part, made clear that it was concerned that implementation of this program not disrupt the mortgage market or reduce the availability of mortgage credit to borrowers who depend on mortgage insurance. The Congress also indicated its concern that in delegating mortgage insurance processing duties to lenders, physical inspections of new dwelling units be continued in accordance with the same standards used under the regular FHA program. To accord with these concepts, this part sets forth the Department's regulations describing a coinsurance program for mortgages on multifamily projects underwritten by State Housing Agencies. These agencies have made significant contributions toward providing rental housing for families of low and moderate income over the last several years. Recently, however, State Housing Agencies have experienced problems in selling the volume of notes and bonds necessary to support their programs at reasonable interest rates.

The primary purpose of this program is for HUD to assume some of the exposure of the multifamily loans made by State Housing Agencies, thereby reducing the perceived risks to investors and increasing the agencies' access to capital markets. At the same time use of this program will enable the Department of Housing and Urban Development to develop experience under provisions for delegations of processing and risk sharing which will be reported to the Congress as required under section 244. In recognition of the capabilities of State Housing Agencies, their successful operating histories and their accountability to their individual State governments, these regulations vest the maximum amount of processing responsibilities with these agencies, and to the maximum extent permissible under the statutes authorizing this program, permit these agencies to retain autonomy in their underwriting practices. In such a manner, the Federal interest will be safeguarded and the State Housing Agencies will be able to continue to produce housing in substantial volume.

The authority for the program to be implemented by this part expires on June 30, 1977. No mortgage shall be insured pursuant to this part after the Secretary's authority to insure pursuant to this part shall have expired, except pursuant to a commitment to insure made before that date.

§ 250.2 Definition of state housing agency.

As used in this part, the term "State Housing Agency," or "Agency" means

agency promptly. A commitment to in-

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any public body, agency, or instrumentality created by a specific act of a state legislature and empowered to finance activities designed to provide housing and related facilities, through land acquisition, construction, or rehabilitation, for persons and families of low and moderate income.

§ 250.3 Approved agency.

An approved agency under this part must be a State Housing Agency certified as eligible to underwrite mortgages for coinsurance as provided § 250.202 of this part. The HUD Central Office shall have sole responsibility for the processing and review of applications of approved agencies pursuant to the requirements of this part.

§ 250.4 Effect of implementation of program on mortgage market.

No contract of coinsurance will be entered into under this part until the Secretary has, after due consultation with the mortgage lending industry, determined that a program for State Housing Finance Agencies, as authorized by Section 244 of the National Housing Act, will not disrupt the mortgage market or reduce the availability of mortgage credit to borrowers who depend upon mortgage insurance provided under provisions of the National Housing Act other than Section 244 of that Act.

§ 250.5 Utilization of existing multifamily insurance authorities.

With respect to mortgages covering projects to be constructed or rehabilitated after an application for coinsurance under this part is filed, mortgage insurance will be provided under Section 221(d)(3), 221(d)(4), or 236 of the National Housing Act and the regulations implementing those sections as set forth in this part. With respect to mortgages covering completed projects, mortgage insurance will be provided pursuant to Section 223(f), under Sections 221(d)(3), 221(d)(4), and Section 236 of the National Housing Act and the regulations implementing those sections as set forth in this part. Any mortgage assisted through the Section 8 Housing Assistance Payments Program and insured pursuant to this part, may be processed by the agency for Section 8 assistance in accordance with all provisions of 24 CFR Part 883.

§ 250.6 Effect of availability of coinsurance.

No insurance authorized under any provision of the National Housing Act other than Section 244 of that Act shall be withdrawn, denied, or delayed by reason of the availability of insurance under the program authorized by this part.

§ 250.7 Effect of availability of coinsurance on flow of mortgage credit to older, declining areas.

Insurance will continue to be available under this part only to the extent the Secretary has determined that the availability of insurance authorized by this part does not adversely effect the flow of mortgage credit to older, declining areas and to the purchasers of older and lower-cost housing.

§ 250.8 Coinsurance pursuant to section 223(e) not available.

Insurance authorized by this part will not be available for mortgages on properties which are eligible to be insured solely pursuant to the authority of Section 223(e) of the National Housing Act, but which would not be eligible for insurance without the authority of Section 223(e).

§ 250.9 Safeguards for consumers.

The inspection of construction on projects covered by mortgages approved for coinsurance prior to the beginning of construction under this part shall be conducted in accordance with the standards and criteria set forth in Subpart S of Part 200 of this Chapter and used with respect to dwellings or projects approved for mortgage insurance under provisions of Title II of the National Housing Act other than Section 244.

The National Environmental Policy Act of 1969, as amended, is applicable to major Federal actions proposed pursuant to this part. The Secretary may make appropriate provision for the delegation to a State agency of preparation of any detailed statement required pursuant to Section 102(2)(C) of that statute.

Subpart B—Certification of a State Housing Agency as an Approved Agency

§ 250.201 Review of state agency prior to certification as an approved agency.

Certification of a State Housing Agency as an approved agency, eligible to underwrite and service mortgages on multifamily projects for coinsurance, will be made after an on-site review of the Agency's operations by HUD. This review will cover the adequacy of the Agency's technical staff, procedures for screening and processing applications for mortgage insurance, and the Agency's capability to service such mortgages and supervise project management.

§ 250.202 Certification as an approved agency.

A State Housing Agency whose technical staff and procedures for screening and processing applications have been deemed satisfactory after the review required by Section 250.201 of this part and meeting the following special requirements may be certified as an approved agency eligible to undewrite mortgages in multifamily projects under this part:

(a) It shall provide a written opinion of its Counsel that it has the necessary powers under State law to participate in the program authorized under this part;

(b) It shall submit evidence to the Commissioner that its assets are properly proportioned to its liabilities and are adequate for, and invested properly in relation to, the character and extent of its intended operations;

(c) It shall submit evidence to the Commissioner that it has established procedures for discharging full underwriting, servicing and property disposition functions in a manner which is not inconsistent with the requirements of this part;

(d) It shall submit to periodic auditing and review by the Commissioner or the Comptroller General of the United States with respect to its participation in the program authorized by this part:

(e) It shall submit its most recent detailed audit report of its books made by an independent certified public accountant selected in accordance with applicable State law or procedures supplemented by such additional financial information as the Commissioner shall request;

(f) It shall file with the Commissioner similar annual audits within (1) such period of time required pursuant to agency statute and procedures or (2) within 150 days of the closing of its fiscal year so long as its approval as an approved agency continues;

(g) It shall have the capability, either through technical staff employed by it, or through contracts with persons outside of the agency, to discharge full mortgage underwriting, servicing and property management functions;

(h) It shall promptly notify the Commissioner of any adjustments in its processing procedures which take place after its certification as an approved agency, and shall make no adjustments in its processing procedures without the prior approval of the Commissioner;

(i) It shall have in its immediate employ a technical staff consisting of at least one individual who is knowledgeable in the area of construction, one in underwriting skills and one who is skilled in the management of multifamily projects;

(j) It shall have in its immediate employ staff with sufficient professional and technical competence to monitor the performance of any work it contracts to have done by persons outside the agency such as appraisals, cost, architectural, engineering and management services;

(k) All appraisers used by the agency to evaluate coinsured mortgages must adhere to minimum standards of education and experience established by the Commissioner.

§ 250.203 Duration of approval.

Initial certification of a State Agency as an approved agency under § 250.202 of this part will be valid until the Secretary's authority to coinsure pursuant to this part shall have expired, unless such approval is withdrawn pursuant to the provisions of § 250.204 of this part.

§ 250.204 Withdrawal of approval.

The Commissioner may refrain from issuing a commitment for mortgage insurance authorized by this part with respect to any project proposed for coinsurance by an agency which has been given written notice by the Commissioner that its certification as an approved agency under this part may be suspended or withdrawn. Certification as an approved agency under this part may be suspended or withdrawn pursuant to the provisions of part 24 of this title for any of the following causes:

(a) Failure to maintain satisfactory capital funds or structure;

(b) Failure to perform underwriting, servicing, or property disposition functions consistent with the requirements of this part;

(c) Failure to discharge responsibilities under a contract for coinsurance;

(d) The transfer of a coinsured mortgage to an agency not approved under this part;

(e) The failure to segregate all escrow funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds to a special account or accounts;

(f) The use of escrow funds for any purpose other than that for which they were received;

(g) The payment by the agency of any fee, kickback, or other consideration, directly or indirectly, in connection with any insured mortgage transaction or transactions to any person including an attorney, escrow agent, title company, consultant, mortgage broker, seller, builder, or real estate agent if such person has received any other payment or other consideration from the mortgagor, the seller, the builder, or any other person for services related to such transaction or transactions or from or related to the purchase or sale of the mortgaged property, except that compensation may be paid for the actual performance of such services as may be approved by the Commissioner.

(8) Such other reason as the Commissioner determines to be justified in accordance with Part 24 of this Title, by action of the agency review board established by Part 24 or section 203.7 of this Chapter.

§ 250.205 Effect of withdrawal of certification as an approved agency on insurance commitments made by the agency while it was approved.

Withdrawal or termination of a State Housing Agency's certification as an approved agency under this part will not affect any mortgage insurance commitment issued while the Agency was an approved agency or the insurance on mortgages accepted for insurance while the Agency was an approved agency.

§ 250.206 Initial application and monitoring fees.

The Commissioner may collect from a State Agency fees for reimbursement for reasonable overhead and direct costs incurred by the Department in conducting the initial reviews of State Agencies required prior to their certification as approved agencies and for monitoring their performance as approved agencies.

§ 250.207 Mortgage servicing during coinsurance period.

Servicing functions during the period when the Commissioner is a coinsurer of the mortgage shall be performed only by the agency, except that the agency may elect to delegate servicing to another entity if the agency retains its obligations under this part.

§ 250.208 Required regulatory agreement with mortgagors.

The agency and the mortgagor shall effect an agreement whereby the mortgagor, as further consideration for the making of the mortgage loan, contracts with the agency and with the Commissioner that it will fulfill the provisions of Subpart C, §§ 250.322 through 250.327. Such regulation or restriction will be in the form of a regulatory contract between the mortgagor and the agency which shall be responsible for enforcing the provision of the regulatory contract.

Further, the agency may regulate and restrict the mortgagor, as long as the Commissioner and the agency are coinsurers of the mortgage, on such other matters as may be required by the mortgagee as condition for lending which do not conflict with the requirements of the Commissioner under this part.

Subpart C—Eligibility Requirements Applicable to all Mortgages to be Coinsured

§ 250.301 Application.

The application for a commitment to make a coinsured mortgage loan on a project shall be submitted to the agency by the sponsor of such project accompanied by such exhibits as may be required by the agency to enable the agency to comply with requirements for coinsurance of the mortgage established under this part. An application for a commitment to make a mortgage loan may be required by the agency prior to the submission of the application contemplating mortgage insurance.

§ 250.302 Application fees, inspection fees, and service charges.

The agency may collect from the mortgagor such application fees, inspection fees, and initial service charges as it may require to reimburse itself for the cost of processing an application, conducting inspections, and closing a mortgage transaction. The amount of such fees and charges incident to construction, which may be included in the computation of the value or replacement cost of the project upon which the maximum mortgage amount will be determined, shall not exceed 3 percent of the value or replacement cost of such project, which amount may be increased to not to exceed 5 percent of the value or replacement cost of such project if prior approval of the Commissioner is obtained by the Agency.

Processing and Commitment

§ 250.305 Processing and commitment.

The agency shall perform all of the processing and make all of the determinations of the eligibility of a mortgage for coinsurance under this part and, upon completion of such processing and determinations, shall submit to the Commissioner a request for issuance of a commitment for mortgage insurance, which application shall be acted upon by the Commissioner and returned to the agency promptly. A commitment to insure issued by the Commissioner shall be based upon certifications made by the agency as to its compliance with the requirements of this part. A commitment to insure upon completion shall be effective for 18 months within which period the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period as determined by the agency. The term of a commitment may be extended or may be amended in such manner as the agency may prescribe from time to time pursuant to an application to the Commissioner for such extension or amendment of said commitment, which application shall be acted upon by the Commissioner and returned to the agency promptly after receipt thereof. An expired commitment may be reopened if a request for reopening is received by the agency from the mortgagor within 90 days of the expiration of the commitment and the Commissioner shall act upon the application for reopening of such expired commitment in the manner prescribed for amendment or extension of commitments herein above set forth. Upon completion of construction and receipt by the Commissioner of the agency's certification that the terms and conditions of the commitment for co-insurance have been satisfied, the Commissioner shall, promptly after receipt of application, issue a Mortgage Insurance Certificate for the mortgage, provided that the requirements of § 250.703 have been met.

Eligible Mortgages

§ 250.309 Mortgage form.

(a) The mortgage shall be executed on the agency's form as approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(b) In the case of cooperative mortgagors, the mortgage shall provide that the mortgagor will not arrange for management of the property except in the manner and under an agreement approved by the agency and the Commissioner in writing.

§ 250.310 Mortgage lien.

A mortgagor shall certify at final endorsement of the loan for insurance and the agency shall determine that:

(a) The property covered by the mortgage is free and clear of all liens other than the insured mortgage and such other liens as may be approved by the agency. Liens other than the insured mortgage which may be approved (other than liens for taxes and assessments of the State or subdivisions of the State not yet due and payable, or ground rents) may not have under applicable law a priority equal or superior to the insured mortgage.

(b) There will not be outstanding any unpaid obligation contracted for in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, ex-

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cept obligations approved by the agency, in accordance with standards established by the Commissioner. Obligations of the mortgagor shall be approved by the agency under this section only if such obligations are determined by the agency to be of a lesser priority for payment than the obligation of the insured mortgage.

§ 250.311 Maturity.

The mortgage shall have a maturity satisfactory to the agency, not in excess of 40 years from commencement of amortization or for such longer term as may be approved by the Commissioner.

§ 250.312 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with an amortization plan as agreed upon by the mortgagor, the agency and the Commissioner.

(b) *Date of first payment to principal.* The agency shall estimate the time necessary to complete the project and shall establish, pursuant to standards adopted by the agency the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than that deemed necessary and appropriate by the agency to obtain sustaining occupancy.

§ 250.312(a) Application of mortgage payments.

The mortgage shall provide that all monthly payments being made by the mortgagor to the agency shall be added together and the aggregate thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The agency shall apply all payments received from the mortgagor or for the account of the mortgagor to the following items in the order set forth:

(a) Premium charges under the contract of insurance, where applicable.

(b) Ground rents, taxes, special assessments and fire and other hazard insurance premiums.

(c) Interest on the mortgage.

(d) Amortization of the principal of the mortgage.

(e) Charges assessed pursuant to Section 250.317.

§ 250.313 Mortgage to cover the entire property.

The mortgage shall cover the entire property included in the housing project.

§ 250.314 Covenant for hazard insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against loss from fire and such other hazards as the agency, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be an amount estimated by the agency at the time of completion of the entire project or units therefor. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the agency and the Commissioner, as their interests may appear.

§ 250.315 Accumulation of accruals.

(a) The mortgage shall provide for payments by the mortgagor to the agency on each interest payment date of an amount sufficient to accumulate in the hands of the agency one payment period prior to its due date, the next annual mortgage insurance premium. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the agency as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 250.316 Prepayment privileges.

The mortgage may establish such conditions or penalties for prepayment as may be agreed upon by the agency and mortgagor.

§ 250.317 Late charge.

The mortgage may provide for the collection by the agency of a late charge, not to exceed 2 cents for each dollar, of each payment to interest and principal more than 15 days in arrears, or such other charges as may be agreed to by the agency and the Commissioner, to cover the extra expense involved in handling delinquent payments.

§ 250.318 Maximum mortgage interest rate.

(a) On and after September 2, 1975, the maximum interest rate on which commitments to insure shall be issued shall not exceed 9% per annum.

(b) The insured mortgage shall bear interest at such rate as may be agreed upon by the mortgagor and the agency but such rate shall not exceed the rate specified in the commitment to insure. At the request of the agency, the Commissioner will issue an amended commitment to insure at a higher or lower interest rate. If a request is for a commitment to insure at a higher rate, such higher rate shall not exceed the maximum rate in effect at the time of the request which shall be no later than the date that the morgage is endorsed for insurance. The agency shall only request a commitment to insure a mortgage at a higher rate than that specified in the original commitment to insure if it is determined by the agency that the project which is the security for the mortgage will be able to charge the increased rentals required to amortize a mortgage at the higher rate without adversely affecting the economic soundness of the project.

§ 250.320 Loans to cover 2-year operating loss.

(a) *Operating loss determination.* When the agency determines that an operating loss has occurred during the first two full years following completion of the project, it may, in its discretion, make a loan to cover such loss which shall be eligible for insurance under this part. For the purposes of this section, an operating loss shall occur when the agency determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income for the first two full years following the date upon which the agency determined the project was substantially completed.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the agency and mortgagor, but in no case shall such rate exceed the highest mortgage interest rate provided for under this part on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

§ 250.321 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the agency as to each of the following points:

(1) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny any part of the property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(b) The mortgage shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was

intended at the date the mortgage was executed.

SUPERVISION OF MORTGAGORS

§ 250.322 Regulation of mortgagors.

The mortgagor and the agency may agree to such regulation and restriction of the actions of the mortgagor by the agency as they deem desirable provided that the requirements set forth in §§ 250.323, 250.324, 250.325, 250.326 and 250.327 are adhered to.

§ 250.323 Supervision applicable to all mortgagors.

(a) No charge shall be made by the mortgagor for accommodations, facilities, or services offered by the project except those approved in writing by the agency.

(b) The mortgagor shall maintain its project, the ground, buildings, and equipment appurtenant thereto, in good repair and will promptly complete necessary repairs and maintenance as required by the agency.

(c) In all projects a fund for replacements shall be established and maintained with the agency. The amount and type of such fund and the conditions under which it shall be accumulated, replenished, and used, shall be specified in the charter, trust agreement, or regulatory agreement.

(d) The mortgagor, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the agency, the Commissioner, and the Comptroller General of the United States or their duly authorized agent at all reasonable times.

(e) The mortgagor shall execute and deliver to the agency a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the agency on the date the certificate is executed. So long as the mortgage is coinsured under this part, the mortgagor's books and accounts will be kept in accordance with the requirements of the agency; will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the agency; will be maintained for such periods of time as may be prescribed by the agency; and will be available to the agency, and to the Commissioner and to the Comptroller General of the United States for such examination and audit as they may desire to make. The mortgagor shall file with the agency the following reports verified by the signature of such officers of the mortgagor as the agency may designate and in such form as prescribed by the agency.

(1) Monthly occupancy reports as required by the agency.

(2) Complete annual financial reports based upon examinations of the books and records of the mortgagor, prepared in accordance with the requirements of the agency, certified to by an officer of the mortgagor and, when required by the agency, prepared and certified by a Certified Public Accountant, or other public accountant acceptable to the agency.

(3) Specific answers to questions upon which information is desired from time to time relative to the actual cost of construction, the disposition of mortgage funds, the operation and condition of the property and the status of the coinsured mortgage.

(4) Properly certified copies of minutes of meetings of directors, officers, stockholders, shareholders, or beneficiaries.

§ 250.324 Supervision applicable to general mortgagors.

General mortgagors may include mortgagors which under State law or rules are required to be limited or regulated as to rates of return or distribution of profits, but which are not required to be so limited or regulated under the provisions of Section 221(d)(4) of the National Housing Act if the mortgage is insured under that section. The following restrictions and regulations will be applicable to general mortgagors:

(a) *Capital structure.* (1) The number of shares of capital stock, in the case of a corporation, may be issued in such amounts and form as may be agreed upon by the sponsors and the agency prior to the endorsement of the mortgage for insurance; and

(2) In the case of a trust entity, beneficial certificates of interest, or, in the case of a partnership, participations therein may be issued in such amounts and form as may be agreed upon by the mortgagor and the agency.

(b) *Distribution of earnings.* Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after the payment of and segregation of such funds as determined by the applicable laws and procedures of the agency.

(c) *Borrowed funds.* No distribution of any kind may be made from borrowed funds.

(d) *Rents and charges.* In approving the allowable rents and charges and in passing upon applications for changes, consideration will be given by the agency to the following and similar factors:

(1) Rental income necessary to maintain the economic soundness of the project.

(2) Rental income necessary to provide a reasonable return on the investment consistent with providing reasonable rentals to tenants.

§ 250.325 Supervision applicable to limited distribution mortgagors.

(a) *Rate of return.* The amount of any allowable distribution or disbursement from surplus cash generated by the mortgagor will not exceed in any one fiscal year more than such percentage of the mortgagor's initial equity investment as agreed to by the agency and the Commissioner. The right of allowable distribution or disbursement from surplus cash may be cumulative. Dividends or other distributions may be declared or made only as of or after the end of a semiannual fiscal period. No dividends or other distribution shall be declared or made except out of surplus cash and pursuant to applicable laws and procedures of the agency. The requirements of this section are applicable only with respect to mortgages insured under Section 221(d)(3) or 236 of the National Housing Act.

(b) *Rents and charges.* In approving the allowable rents and charges and in passing upon applications for changes, consideration will be given by the agency to the following and similar factors:

(1) Rental income necessary to maintain the economic soundness of the project.

(2) Rental income necessary to provide a rate of return on the investment not exceeding the rate limitation of paragraph (a) of this section, and consistent with providing reasonable rentals to tenants.

(c) *Borrowed funds.* No distribution of any kind may be made from borrowed funds.

§ 250.326 Supervision applicable to cooperative mortgagors.

(a) The mortgagor shall not permit occupancy except under an occupancy agreement or lease approved by the agency.

(b) Except with the prior written approval of the agency, no compensation shall be paid by the corporation to its officers or directors, as such, or to any person or corporation for supervising or managerial service. No compensation shall be paid by the corporation to any employee in excess of an amount agreed to by the agency, and specified in the charter. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation except on account of approved occupancy charges.

(c) A general operating reserve shall be established and maintained as long as the agency is coinsured under this Part in a manner and for the purposes specified in the charter or regulatory agreement.

(d) Surplus funds, after meeting reserves and after meeting all obligations of the mortgagor, may be disbursed to the members in the form of reduced carrying charges or reduced sales prices of the dwelling accommodations, or patronage refunds.

§ 250.327 Occupancy requirements applicable to all mortgagors.

The mortgagor shall certify under oath to the agency that so long as the mortgage is coinsured under this part that the mortgagor will not:

(a) In selecting tenants for the projects covered by the mortgage, discriminate against any family by reason of the fact that there are children in the family unless the project was designed expressly for occupancy by elderly patrons;

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(b) Rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage, for transient or hotel purposes. For the purposes of this certificate, the term rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services, such as room service for food and beverages, maid service, furnishing and laundering of linens, and bellboy service;

(c) Sell the project as long as the mortgage is coinsured under this part, unless the purchaser also certifies under oath as is required by paragraphs (a) and (b) of this section.

(d) *Preference for displacees.* A preference or priority of opportunity to rent dwelling units shall be given to families or single persons who have been displaced from an urban renewal area, or as a result of governmental action, or as a result of a disaster determined by the President to be a major disaster.

PREVAILING WAGE REQUIREMENTS

§ 250.328 Applicability of prevailing wage requirements.

(a) *In general.* Prevailing wage requirements shall be applicable to a mortgage insured under this part, except those specified in paragraph (b) of this section, and compliance with such requirements shall be evidenced at such time and in such manner as the Commissioner may prescribe, as follows:

(1) *Labor standards.* Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor issued May 9, 1951, 29 CFR 5.1–5.12 (16 FR 4430).

(2) *Ineligible contractors.* No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontrator or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General pursuant to § 5.6(b) of the Regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6(b) (16 FR 4431).

(b) *Excepted transactions.* The requirements of paragraph (a) of this section shall not be applicable to a project insured pursuant to section 223(f) or where, in connection with the construction of a project involving a cooperative, the agency and the Commissioner have waived the requirements and each of the following circumstances occur:

(1) The laborers or mechanics not otherwise employed in the construction of such project are to voluntarily donate their services without compensation for the purpose of lowering their housing costs in the project.

(2) The mortgagor establishes to the satisfaction of the agency and the Commissioner that amounts saved by the donated services will be credited to the account of the mortgagor.

§ 250.329 Discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, creed, or national origin. Where the mortgagor is the general contractor, the building loan agreement shall contain the above provisions.

PROPERTY REQUIREMENTS

§ 250.330 Eligibility of property.

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than the term of the mortgage where the interest of the fee owner of the real estate is subordinate to the interest of the agency; or

(3) Under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed; or

(4) Under a lease executed by a governmental agency, or such other lessor as the Commissioner may approve for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of other liens except those approved by the agency.

DEVELOPMENT OF PROPERTY

§ 250.331 Obligation of mortgagor.

The mortgagor shall be obligated to either construct and complete new housing accommodations on the mortgaged property or rehabilitate existing housing accommodations designed principally for residential use. The property, including improvements, shall comply with any material zoning or deed restrictions applicable to the project site and with all applicable building and other governmental regulations.

§ 250.332 Commercial and community facilities.

(a) The project may include such commercial and community facilities as the agency determines will be adequate and appropriate to serve the occupants, and such additional facilities permitted under the provision of the National Housing Act pursuant to which coinsurance is being provided, as may be agreed to by the Commissioner and the agency.

(b) In the case of a project designed primarily for occupancy by the elderly or handicapped, the project may include such related facilities as cafeterias or dining halls, community rooms, workshops, infirmaries, or other inpatient or outpatient health facilities and other essential service facilities for use by elderly or handicapped families.

COST CERTIFICATION REQUIREMENTS

§ 250.333 Certification of cost requirements.

(a) Prior to disbursement of any part of the construction loan, the agency shall enter into an agreement with the mortgagor in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement, the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and shall agree:

(1) To enter into a construction contract in a form meeting the requirements of 250.334.

(2) To execute a certificate of actual costs, upon completion of all physical improvements on the mortgaged property.

(3) To apply in reduction of the outstanding balance of the principal of the mortgage any excess of mortgage proceeds over:

(i) In the case of a general or limited distribution mortgagor, 90 percent of actual costs; or

(ii) In the case of non-profit or cooperative mortgagors, 100 percent of actual cost.

(b) The provisions of paragraph (a) of this section relating to disclosure and the requirement for a construction contract shall not apply where the mortgagor is the general contractor.

§ 250.334 Form of contract.

(a) *In general.* The contract between the mortgagor and the general contractor shall be in the form of either a lump sum contract or a cost plus contract. The lump sum contract shall provide for the payment of a specified amount. The cost plus contract shall provide for the payment of the actual cost of construction, not to exceed an upset price, and may include a provision for an additional payment to the builder of a fee in an amount allowed by the agency.

(b) *Lump sum contract.* A lump sum contract may be used where it is established to the satisfaction of the agency that no identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor, and where the mortgage is executed by a limited distribution, or general mortgagor. A lump sum contract may also be used where the mortgage is executed by a cooperative mortgagor if the agency makes the foregoing determination as to nonidentity of interest and it is established to the agency's satisfaction that a cost plus form of contract is not required to protect its interests or the interests of the cooperative mortgagor.

(c) *Cost plus contract.* A cost plus contract shall be used in each of the following instances:

(1) Where it is determined by the agency that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor.

(2) Where the mortgage is executed by a cooperative mortgagor and it is determined by the agency that a cost plus form of contract is required to protect the interests of the agency or mortgagor.

(3) Where the mortgage is executed by a nonprofit mortgagor, unless it is established to the agency's satisfaction that a cost plus form of contract is not required to protect its interests and the interests of the mortgagor, in which case a lump sum form of contract may be used.

§ 250.335 Certificate as to subcontracts.

If it is determined by the agency that the mortgagor, its officer, directors or stockholders, have any interest, financial or otherwise, in any subcontractor or material supplier, of the general contractor, the mortgagor must certify to the agency prior to execution of a subcontract or a contract for the supply of materials that the amounts to be paid to such subcontractor or material supplier are not more than the rate prevailing in the locality for similar type labor and materials. If the determination of financial interest is made by the agency after work is performed or materials supplied under such contracts, the certificate of the mortgagor shall be executed prior to final insurance endorsement of the mortgage by the Commissioner.

§ 250.336 Certificate of actual cost—contents in general.

(a) *Submission of certificate.* The mortgagor's certificate of actual cost, in a form approved by the Commissioner, shall be submitted prior to final endorsement and upon completion of the improvements to the satisfaction of the agency.

(b) *Items to be included.* The certificate shall show the actual cost of the mortgagor of:

(1) The cost plus construction contract, including the builder's fee actually paid and approved by the agency; or the lump sum construction contract; or the cost of the construction of the project, where the mortgagor also acts as the general contractor and no construction contract is executed.

(2) The architect's fee.

(3) The offsite public utilities and streets not included in subparagraph (1) of this paragraph.

(4) The organization and legal expenses.

(5) The other items of expense approved by the Commissioner.

(c) *Items not to be included.* The certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor or to any of its officers, directors, stockholders or partners. Any such payments shall be deducted from the costs determined under paragraph (b) of this section.

§ 250.337 Certificate of actual cost—builder's and sponsor's profit and risk allowance.

(a) *In general.* The mortgagor's certificate of actual cost shall include (except in a case involving a nonprofit or a cooperative mortgagor) an allowance for builder's and sponsor's profit and risk. The amounts of the allowance shall be dependent upon a determination by the mortgagee as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders, or partners and the general contractor.

(b) *Identity of interest cases.* Where an identity of interest exists, a builder's and sponsor's profit and risk allowance shall be included in lieu of the builder's fee provided for in 250.336(b)(1). This allowance shall be 10 percent of the actual cost, or such lesser amount as the mortgagee shall specify, computed in accordance with § 250.336 excluding the following items:

(1) Any builder's fee actually paid and approved by the mortgagee. (This fee shall be paid out of the builder's and sponsor's profit and risk allowance.)

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the property involves the financing or repair or rehabilitation.

(c) *Nonidentity of interest cases.* Where no identity of interest exists, a sponsor's profit and risk allowance shall be included. This allowance shall be 10 percent of the actual cost, or such lesser amount as the agency shall specify, computed in accordance with 250.336 excluding the following items:

(1) The amounts paid by the mortgagor under the construction contract.

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the mortgage involves the financing of repair or rehabilitation.

(d) *Nonapplicability to nonprofit or a cooperative mortgagor.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a nonprofit or a cooperative mortgagor.

§ 250.338 Contractor's certification.

(a) *Certification by general contractor.* Where a cost plus form of contract is used by a cooperative mortgagor or where any other type of mortgagor is required by the agency to use such contract, the mortgagor shall submit along with its certificate of actual cost a certification of the general contractor, in a form approved by the Commissioner, as to all actual costs paid for labor, materials and subcontract work under the general contract exclusive of the builder's fee and any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners.

(b) *Certification by subcontractor.* Where it is determined by the agency that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the agency to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials, subcontracts, and overhead exclusive of any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor or any of its officers, directors, stockholders or partners. Where the use of a cost plus form of contract is required by the Commissioner or the agency, and it is determined by the agency that an identity of interest exists between the general contractor, any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner or the agency to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor.

§ 250.339 Records.

(a) The mortgagor shall keep and maintain adequate records of all costs of any construction or other cost items not representing work under the general contract and, in the case of a fixed fee contract, shall require the builder to keep similar records and, upon request by the agency, the Commissioner, or the General Accounting Office shall make available for examination such records including any collateral agreements.

§ 250.340 Certificate of public accountant.

In all projects, the certificate of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted audit standards to the extent deemed necessary to vertify the actual costs.

§ 250.341 Certification of actual cost—land value.

Upon receipt of the mortgagor's certification of actual cost there shall be added to the total amount thereof the agency's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee, such value being prior to the construction of the improvements. In the event the land is held under a

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leasehold or other interest less than a

§ 250.344 Requisites of agreement and

(a) of this section need not be furnished

leasehold or other interest less than a fee, the cost, if any, of acquiring the leasehold or other interest is considered an allowable expense which may be added to actual cost provided that in no event such amount is in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements.

§ 250.342 Reduction in mortgage amount—new construction.

If the principal obligation of the mortgage exceeds (a) in the case of a general or limited distribution mortgagor, 90 percent, or, (b) in the case of non-profit or cooperative mortgagors, 100 percent of the total amount as shown by the certificate of actual cost plus the value of the land, the mortgage shall be reduced by the amount of such excess.

§ 250.343 Reduction in mortgage amount—rehabilitation.

In the event the mortgage is to finance repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with Sec. 250.337 and the applicable reduction in mortgage amount will be required. Such mortgage shall also be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds is to be used to finance the purchase of the land or structures involved, the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repair or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the agency, the amount of the existing mortgage or (1) in the case of a general or limited distribution mortgagor, 90 percent, or (2) in the case of all other mortgagors, 100 percent of the agency's estimate of the fair market value of the land and existing improvements prior to repair and rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the agency's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds (1) in the case of a general or limited distribution mortgagor, 90 percent, or (2) in the case of all other mortgagors, 100 percent, of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess.

§ 250.344 Requisites of agreement and certification.

Any agreement, undertaking, statement or certification required by 250.333 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Commissioner, and may be relied upon by the Commissioner and the agency as a true statement of the facts contained therein.

§ 250.345 Cost certification incontestable.

Upon the agency's approval of the mortgagor's certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

TITLE

§ 250.346 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the agency must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the agency and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 250.347 Title evidence.

(a) Upon insurance of the mortgage, the mortgagor shall furnish to the agency a survey of the mortgaged property, satisfactory to the agency and a policy of title insurance covering such property, as provided in subparagraph (1) of this paragraph. If, for reasons the agency deems satisfactory, title insurance cannot be furnished, the mortgagor shall furnish such evidence of title in accordance with subparagraph (2), (3), or (4) of this paragraph, as the agency may require. Any survey, policy of title insurance, or evidence of title required under this section shall be furnished without expense to the agency. The types of title evidence are:

(1) A policy of title insurance issued by a company and in a form satisfactory to the agency. The policy shall name as the insured the agency and the mortgagor as their interests may appear. The policy shall provide that upon acquisition of title by the agency, it will become an owner's policy running to the agency.

(2) An abstract of title satisfactory to the agency, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by the legal opinion satisfactory to the agency as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(3) A Torrens or similar title certificate.

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

(b) The survey required by paragraph (a) of this section need not be furnished in connection with a project involving rehabilitation where the mortgage does not exceed $200,000.

§ 250.34 Effect of Amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of an agency or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of an agency or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart D—Requirements Applicable to Mortgages Insured Under Section 221 (d)(3) or 221(d)(4)

ELIGIBLE MORTGAGORS

§ 250.401 Eligible mortgagors.

A mortgage shall be executed by a mortgagor meeting the following qualifications:

(a) *Nonprofit.* The nonprofit mortgagor shall be a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified therewith and which the agency finds is in no manner controlled by, or under the direction of, persons or firms seeking to derive profit or gain therefrom. Such a mortgagor shall be regulated or supervised under Federal or state laws or by political subdivisions of States or agencies thereof, or the agency, as to rents, charges, and methods of operation.

(b) *Limited distribution mortgagor.* The limited distribution mortgagor may be a corporation, trust, partnership, association, other entity, or an individual. Such mortgagor shall be restricted by law (or by the agency) as to distribution of income and shall be regulated as to rents, charges, rate of return, and methods of operation.

(c) *Cooperative mortgagors.*—(1) The cooperative mortgagor shall be a nonprofit cooperative ownership housing corporation approved by the agency which restricts permanent occupancy of the project to the members of the corporation and which requires membership eligibility and transfers of membership in a manner approved by the agency.

(2) Such a mortgagor will be regulated or restricted by the agency as to rents or sales, charges, rate of return, and methods of operation.

(d) *General mortgagors.* A general mortgagor shall be any mortgagor, approved by the agency, not meeting the eligibility requirements of paragraphs (a) through (c) of this section which, until the termination of all obligations of the agency and the Commissioner under the insurance contract and during such further period of time as the agency shall be the owner or holder of the mortgage, is regulated or restricted by the agency as to rents or sales, charges,

capital structure, rate of return, and methods of operation.

MAXIMUM MORTGAGE AMOUNTS

§ 250.402 Maximum mortgage amounts.

(a) The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(1) *Dollar limitations on unit.* For such part of the property or project attributable to dwelling use (excluding exterior land improvement) an amount per family unit, depending upon the number of bedrooms, which may be:

(i) For projects insured under section 221(d)(3) of the Act:

(*a*) $11,240 without a bedroom
(*b*) $15,540 with one bedroom
(*c*) $18,630 with two bedrooms
(*d*) $23,460 with three bedrooms
(*e*) $26,570 with four or more bedrooms.

(ii) For projects to be insured under section 221(d)(4) of the Act:

(*a*) $12,300 without a bedroom
(*b*) $17,188 with one bedroom
(*c*) $20,525 with two bedrooms
(*d*) $24,700 with three bedrooms
(*e*) $29,038 with four or more bedrooms.

(2) *New construction.*—(i) In the case of new construction where the mortgagor is a nonprofit or a cooperative, the agency's estimate of replacement cost of the property or project when the improvements are completed (the replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the agency).

(ii) In the case of new construction where the mortgagor is a general or a limited distribution mortgagor, 90 percent of the agency's estimate of the replacement cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the agency and shall include an allowance of 10 percent of the foregoing items exclusive of land unless the agency, after determining such allowance is unreasonable, prescribes a lesser percentage.

(3) *Repair or rehabilitation.*—(i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a nonprofit or a cooperative, the sum of the estimated cost of the repairs or rehabilitation of the project and the agency's estimate of the value of the property before repairs or rehabilitation.

(ii) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a general or a limited distribution mortgagor, 90 percent of the sum of the estimated cost of the repairs and rehabilitation of the project and the agency's estimate of the value of the property before repair and rehabilitation.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the agency may increase the dollar amount limitations per family unit as provided in paragraph (a) of this section to not to exceed:

(1) For projects to be insured under 221(d)(3) of the Act.

(i) $13,130 per family unit without a bedroom
(ii) $18,630 per family unit with one bedroom
(iii) $22,080 per family unit with two bedrooms
(iv) $27,600 per family unit with three bedrooms
(v) $32,000 per family unit with four or more bedrooms.

(2) For projects to be insured under 221(d)(4) of the Act:

(i) $13,975 per family unit without a bedroom
(ii) $20,025 per family unit with one bedroom
(iii) $24,350 per family unit with two bedrooms
(iv) $31,500 per family unit with three bedrooms
(v) $34,578 per family unit with four or more bedrooms.

(c) *Increased mortgage amount—high-cost areas.*—(1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar limitations set forth in this part.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of constructions, design, and livability within the limitations of maximum mortgage amounts provided in this part, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Maximum Mortgage Amount—Leaseholds—Section 236.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent. The capitalization factor used in determining the capitalized value of the ground rent shall not exceed the interest rate of the mortgage. The annual Ground Rent may not exceed the market price of site in fee simple times the market interest rate of the insured mortgage.

(e) *Maximum Mortgage Amount—Leaseholds—All Other Sections.* The value or replacement cost on which the mortgage amount is based will be limited by the value or replacement cost of the leasehold estate, which shall be the value or replacement cost of the project in fee simple less the value of the leased fee. The value of the leased fee shall equal the market value of the site in fee simple before construction of on-site or off-site improvements. Where the lease provides for increasing ground rents over the term of the mortgage, the initial ground rent may not exceed the market value of the site in fee simple before construction of on-site or off-site improvements multiplied by 90 percent of the interest rate of the insured mortgage.

§ 250.403 Adjusted mortgage amount—rehabilitation projects.

A mortgage having a principal amount computed in compliance with this part, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(a) *Property held in fee.* If the mortgagor is the owner of an unencumbered fee simple estate, the maximum mortgage amount shall not exceed 100 percent of the agency's estimate of the cost of the proposed repairs or rehabilitation;

(b) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit or cooperative mortgagor.* If the mortgagor is a nonprofit or cooperative, the estimate of the cost of the repairs or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the agency's estimate of the value of such land and improvements prior to the repairs or rehabilitation.

(2) *General or limited distribution mortgagor.* If the mortgagor is a general or limited distribution mortgagor, the agency's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90 percent of the agency's estimate of the value of such land and improvements prior to the repair or rehabilitation.

(c) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit or cooperative mortgagor.* If the mortgagor is a nonprofit or cooperative, the agency's estimate of the cost of the proposed repairs or rehabilitation plus the lesser of either of the following:

(i) The actual purchase price of the land and improvements.

(ii) The agency's estimate of the value of such land and improvements prior to the repair or rehabilitation.

(2) *General or limited distribution mortgagor.* If the mortgagor is a general or limited distribution mortgagor:

(i) 90 percent of the agency's estimate of the cost of the repair or rehabilitation, plus

(ii) 90 percent of the actual price of the land and improvements, or the agency's estimate of the value of such land and improvements prior to the re-

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pair or rehabilitation, whichever is the lesser as provided in this subdivision (ii).

MORTGAGES INSURED PURSUANT TO SECTION 223(f)

§ 250.410 Eligibility of mortgages on existing construction.

Notwithstanding the generally applicable requirement that mortgages insured under this subpart be limited to projects to be constructed or substantially rehabilitated after commitment for mortgage insurance, a mortgage executed in connection with the purchase or refinancing of an existing multifamily housing project may be insured under sections 221(d)(3) and 221(d)(4) of the National Housing Act pursuant to section 223(f) of the Act and the regulations under this part. Except as modified by §§ 250.411 through 250.416, a mortgage insured under section 221(d)(3) or section 221(d)(4) pursuant to section 223(f) shall meet all requirements of subpart C.

§ 250.411 Application and commitment.

An application for a commitment to insure upon completion shall be submitted by the Agency to the Commissioner who will issue a commitment if he determines that (1) the project proposed to be insured complies with the requirements of the section of the National Housing Act under which it is proposed to be processed for coinsurance, and (2) the project proposed to be insured was originally underwritten or financed by the agency pursuant to requirements substantially equivalent to those approved by the Commissioner under § 250.202(3) of this part, (3) the agency holds a valid first mortgage lien on the project, (4) taxes are current as of the date of application for commitment for coinsurance, (5) insurance premiums for hazard and other risk are current as of the date of application for coinsurance, and (6) the development is free and clear of mechanics' liens and notices or claims for lien, and an examination of title reveals no liens of record, or that adequate arrangements have been made for satisfying all liens of record.

§ 250.413 Maximum mortgage amounts.

The maximum mortgage amount shall be the lesser of the following:

(a) *Dollar limitations on units.* The total of the amounts per family dwelling unit (excluding exterior land improvements as defined by the Commissioner) depending upon the number of bedrooms which may be:

(1) For projects to be insured under section 221(d)(3) of the Act:

$11,240 without a bedroom.
$15,540 with one bedroom.
$18,630 with two bedrooms.
$23,460 with three bedrooms.
$26,570 with four or more bedrooms.

(2) For projects to be insured under section 221(d)(4) of the Act:

$12,300 without a bedroom.
$17,188 with one bedroom.
$20,525 with two bedrooms.
$24,700 with three bedrooms.
$29,038 with four or more bedrooms.

(3) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraphs (a)(1) and (a)(2) of this section not to exceed:

(i) For projects to be insured under section 221(d)(3) of the Act:

$13,120 per farimly unit without a bedroom.
$18,630 per family unit with one bedroom.
$22,080 per family unit with two bedrooms.
$27,600 per family unit with three bedrooms.
$32,000 per family unit with four or more bedrooms.

(ii) For projects to be insured under section 221(d)(4) of the Act:

$13,975 per family unit without a bedroom.
$20,025 per family unit with one bedroom.
$24,350 per family unit with two bedrooms.
$31,500 per family unit with three bedrooms.
$34,578 per family unit with four or more bedrooms.

(4) *Increased mortgage amount—high cost areas.*—(i) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exeeed 75 percent, the dollar limitations set forth in paragraphs (a)(1), (a)(2) and (a)(3) of this section.

(ii) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(b) *Replacement Cost.* 90 percent of the agency's estimate of the replacement cost of the project.

(c) *Property to be refinanced.* If the property is to be refinanced by the insured mortgage, the maximum mortgage amount shall not exceed the cost to refinance the existing indebtedness which will consist of the following items, the eligibility and amounts of which must be determined by the mortgagee and approved by the Commissioner:

(1) The amount of the existing indebtedness,

(2) An amount for the initial deposit for the Reserve Fund for Replacements,

(3) Reasonable and customary legal, organizational, title and recording expenses,

(4) The estimated cost of installing life service components, as defined by the Commissioner, in the project, and

(5) Architect's, municipal inspection, and/or engineering fees required for the installation of life service components.

(d) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with the insured mortgage, the maximum mortgage amount shall not exceed 90 percent of the cost of acquisition as determined by the agency and approved by the Commissioner. The cost of acquisition shall consist of the following items, the eligibility and amounts of which must be determined by the agency and approved by the Commissioner:

(1) Purchase price as indicated in the purchase agreement,

(2) An amount for the initial deposit to the Reserve Fund for Replacements,

(3) Reasonable and customary legal, organizational, title and recording expenses,

(4) The estimated cost of installing life service components, as defined by the Commissioner, in the project, and

(5) Architect's, municipal inspection and/or engineering fees required for the installation of life service components.

(e) *Debt service.* An amount that can be amortized by the projected net income of the project after payment of operating expenses and taxes. In calculating the rental income that will be available to a project, the estimate shall be based upon rents being charged at the time of application. Rental income that is the result of rents which exceed 28 percent of the average adjusted income of tenants who reside in the project (or are likely to reside in the project based on the experience of comparable projects with comparable number of subsidized tenants in the area), shall be excluded when determining the amount that can be amortized by the projected net income of the project except that rents which exceed 28 percent of the income of tenants who reside in the project but do not exceed 35 percent of such income may be included when determining the amount that can be amortized by the projected net income of the project in the case of elderly tenants in projects which provide additional amenities or services for the elderly.

(f) *Reduced Mortgage Amount—Section 236.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple, reduced by an amount equal to the capitalized value of the ground rent.

(g) *Reduced Mortgage Amount—All Other Sections.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value of the leasehold estate (as determined by the agency and approved by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

§ 250.414 Refinancing eligible property in older, declining areas.

In order to be eligible for refinancing if the project is located in an older, declining area, the project shall comply with the following conditions:

(a) The project shall not be eligible for insurance solely under the provisions of section 223(e) of the National Housing Act;

(b) The refinancing shall be used to lower the monthly debt service only to the extent necessary to assure the continued economic viability of the project as determined by the agency taking into account any rent reduction to be implemented by the mortgagor; and

(c) The mortgagor shall agree that, during the mortgage term, no rental increases shall be made except those which are necessary to offset actual and reasonable operating expense increases or other necessary expense increases approved by the agency.

§ 250.415 Eligible projects.

(a) In order to be eligible for mortgage insurance pursuant to Section 223(f), the project must be fully completed before the application for a commitment to insure is submitted to the Commissioner.

(b) Except for projects eligible under subsection (c) of this section, three years must have elapsed from the date of completion of the project or beginning of occupancy (whichever is later) to date of application for mortgage insurance.

(c) Projects are eligible on which construction was started but not completed prior to December 31, 1975, but on which construction is completed prior to January 1, 1978.

(d) In order to be eligible for mortgage insurance pursuant to Section 223(f), the project shall have attained sustaining occupancy (occupancy that would produce rental income sufficient to pay operating expenses, annual debt service and reserve fund for replacement requirements), as determined by the Commissioner, prior to endorsement of the mortgage for insurance, or the mortgagor shall provide an operating deficit fund at the time of endorsement for insurance, in an amount, and under an agreement, approved by the Commissioner.

§ 250.416 Eligibility requirements.

The requirements of §§ 250.326, 250.328, and 250.331 through 250.343 of subpart C, and §§ 250.402 and 250.403 of this subpart shall not be applicable to mortgages to be insured under sections 221(d)(3) or 221(d)(4) pursuant to section 223(f) and the regulations in this part.

Subpart E—Requirements Applicable to Mortgages Insured Under Section 236

§ 250.501 Definitions used in this subpart.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Adjusted monthly income" means one-twelfth of the annual family income remaining after making certain exclusions from gross annual income. The following items shall be excluded, in the order listed, from family gross annual income:

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld (social security, retirement, health insurance, etc.).

(2) Any unusual income or temporary income, as defined by the Commissioner.

(3) The earnings of each minor in the family who is living with such family, plus the sum of $300 for each such minor.

(b) "Family" means two or more persons related by blood, marriage, or operation of law, who occupy the same dwelling or unit.

(c) "Gross annual income" means the total income, before taxes and other deductions, received by all members of the tenant's household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, interest and dividend payments and such other income items as the Secretary considers appropriate.

(d) "Handicapped" means a person who has an impairment which:

(1) Is expected to be of long-continued and indefinite duration.

(2) Substantially impedes his ability to live independently.

(3) Is of such nature that his ability to live independently could be improved by more suitable housing conditions. A person shall also be considered handicapped if such person is a developmentally disabled individual as defined in section 102 (5) of the Developmental Disabilities Service and Facilities Construction Amendment of 1950.

(e) "Minor" means a person under the age of 21. Such term shall not include a tenant or his spouse.

(f) "Elderly" means a person 62 years of age or older.

(g) "Displacee" means a person who has been displaced from an urban renewal area, or as a result of governmental action or as a result of a disaster determined by the President to be a major disaster.

(h) "Assisted admission" means admission at a rent that is less than the fair market monthly rental charge.

§ 250.502 Eligible mortgagors.

A mortgage shall be executed by a mortgagor approved by the agency and meeting the following qualifications:

(a) *Nonprofit mortgagors.* The nonprofit mortgagor shall be a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified therewith and which the mortgagee finds is neither controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom. Such a mortgagor shall be subject to regulation or supervision as to rents, charges and methods of operation.

(b) *Limited distribution mortgagor.* The limited distribution mortgagor shall be a corporation, trust, partnership, association, other entity, or an individual. Such mortgagor shall be restricted by law (or by the agency) as to distribution of income and shall be regulated as to rents, charges, rate of return, and methods of operation.

(c) *Cooperative mortgagors.* The cooperative mortgagor shall be a nonprofit cooperative ownership housing corporation which restricts permanent occupancy of the project to the members of the corporation who must meet membership eligibility requirements approved by the agency. Such a mortgagor will be regulated or restricted by the agency as to rents or sales, charges, rate of return, and methods of operation.

§ 250.503 Maximum mortgage amounts.

(a) The mortgage shall involve a principal obligation not in excess of the lowest of the following:

(1) *Dollar limitation on units.* For such part of the property or project attributable to dwelling use (excluding exterior land improvement) an amount per family unit, depending on the number of bedrooms, which may be:

(i) $11,240 without a bedroom.
(ii) $15,540 with one bedroom.
(iii) $18,630 with two bedrooms.
(iv) $23,460 with three bedrooms.
(v) $26,570 with four or more bedrooms.

(2) *New construction.* (i) In the case of new construction where the mortgagor is a nonprofit, or cooperative, the agency's estimate of replacement cost of the property or project when the improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the agency.

(ii) In the case of new construction where the mortgagor is a limited distribution mortgagor, 90 percent of the agency's estimate of the replacement cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the agency and shall include an allowance for builder's and sponsor's profit and risk of 10 percent of the foregoing items exclusive of land unless the agency, after determining such allowance is unreasonable, prescribes a lesser percentage.

(3) *Repair or rehabilitation.* (i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a nonprofit, or cooperative, the sum of the estimated cost of the repairs or rehabilitation of the project and the agency's estimate of the value of the property before repairs or rehabilitation.

(ii) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a limited distribution mortgagor, 90 percent of the sum of the estimated cost of the repairs and rehabilitation of the project and the agency's

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estimate of the value of the property before repair and rehabilitation.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a)(1) of this section not to exceed:

(1) $13,120 per family unit without a bedroom.

(2) $18,630 per family unit with one bedroom.

(3) $22,080 per family unit with two bedrooms.

(4) $27,600 per family unit with three bedrooms.

(5) $32,000 per family unit with four or more bedrooms.

(c) *Increased mortgage amount—high-cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar limitations set forth in this part.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of constructions, design, and livability within the limitations of maximum mortgage amounts provided in this Part, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Maximum Mortgage Amount—Leaseholds—Section 236.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent. The capitalization factor used in determining the capitalized value of the ground rent shall not exceed the interest rate of the mortgage. The annual Ground Rent may not exceed the market price of site in fee simple multiplied by the market interest rate of the insured mortgage.

§ 250.504 Commercial and community facilities.

(a) The project may include such commercial and community facilities as the agency determines will be adequate and appropriate to serve the occupants, and such additional facilities as may be agreed to by the Commissioner and the agency.

(b) In the case of a project designed primarily for occupancy by the elderly or handicapped, the project may include such related facilities as cafterias or dining halls, community rooms, workshops, infirmaries, or other inpatient or outpatient health facilities and other essential services facilities for use by elderly or handicapped families.

§ 250.505 Rental charges.

(a) *Approved rental charges.* The mortgagor shall, with the approval of the agency establish for each dwelling unit the following:

(1) A basic monthly rental charge determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 percent per annum.

(2) A fair market monthly rental charge determined on the basis of operating the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage.

(b) *Monthly rental charge.* The monthly rental for each dwelling unit shall be 25 percent of the tenant's adjusted monthly income, except that the monthly rental shall not be less than the basic rental nor more than the fair market rental charge. In the event of any change in a tenant's income, the monthly rental charge shall be adjusted by the mortgagor.

(c) *Application of terms.* In the case of a cooperative project, the term "tenant" as used in this subpart shall mean a member of a cooperative and the term "rental charge" shall mean the charges under the occupancy agreement of members of the cooperative.

§ 250.506 Determination of project feasibility—fair market rentals.

In the determination of project feasibility prior to issuing a commitment for mortgage insurance under this part, the fair market rentals estimated in accordance with § 250.505(a)(2) shall be at a level that can be expected to attract nonsubsidized tenants who will pay fair market rentals and shall not exceed the rentals obtainable for reasonably comparable nonsubsidized rental dwelling units similarly located. Reasonable adjustments may be made in such rentals to reflect additional management services such as increased tenant screening, counseling, and income certification and recertifications, and amenity levels not available in otherwise reasonably comparable nonsubsidized rental dwelling units similarly located.

§ 250.507 Excess rental charges.

The mortgagor shall agree to pay monthly to the agency for transmittal to the Department of Housing and Urban Development the difference between the total rents collected on the dwelling units (with an adjustment for delinquent rents collected for prior months) and the basic rents for all occupied units.

§ 250.508 Occupancy requirements.

(a) *Initial occupancy.* Initial occupancy of the project by tenants who are unable to pay the fair market rental shall be restricted to those determined by the mortgagor as meeting the income requirements established by the Commissioner.

(b) *Projects designed for displacees, or elderly, or handicapped.* In a project designed for displacees, or elderly or handicapped, occupancy may be restricted to that category of persons for whom the project was designed and who meet the income requirements established by the Commissioner.

(c) *Recertification of income.* The mortgagor shall obtain from each tenant or cooperative member who is not paying the fair market rental a biennial recertification of family income.

§ 250.509 Guidelines for assisted admission.

(a) *Maximum income.* The adjusted income of an applicant shall not exceed the maximum income limits authorized by the Secretary.

(b) *Ability to pay rent.* The project owner or his managing agent may, at his discretion, admit an applicant for assisted admission whose adjusted income meets the requirement in paragraph (a) of this section if, in his judgment, the applicant has an adequate income to pay the basic monthly rental charge. The project owner or his managing agent shall maintain supporting written documentation for the decision that an applicant has or does not have an adequate income to pay the basic monthly rental charge based upon these factors: (1) A local welfare or other agency has agreed to pay all or a portion of the basic monthly rental charge.

(2) The applicant is 62 years of age or older.

(3) The applicant is a qualified tenant on whose behalf the project owner will receive supplemental payments under Part 215, or rental assistance payments under Subpart D of Part 236, of this Chapter.

(4) The applicant has established a history of rent-paying ability at levels equal to or greater than basic rent.

(5) The applicant has sufficient income, when considered together with other assets, to pay the basic monthly rental charge for a reasonable period.

(6) The applicant receives food stamps, surplus commodities or similar benefits that favorably affect the applicant's ability to pay rent.

(7) Such other factors as, in the judgment of the project owner or his managing agent, bear favorably upon the applicant's ability to pay rent.

§ 250.510 Form of lease and occupancy agreement.

A tenant who is to pay less than the fair market rental shall be required to execute a lease in a form approved by the agency, which lease shall contain provisions for the monthly rent to be paid by the tenant, services to be furnished by the landlord, the term of the lease, recertification of tenant income, increase in rents upon increase in income, prohibition against the tenant subleasing the premises, and other covenants between landlord and tenant customarily contained in leases for rental units. A cooperative member shall be required to execute an occupancy agreement in a form approved by the agency, regardless of the rent he is paying. The occupancy agreement shall contain the same covenants as a lease for a rental unit, except that where the cooperative member is not entitled to assistance under this subpart, there shall be no requirement for recertification of income or increase in rent due to increase in income.

MORTGAGES INSURED PURSUANT TO SECTION 223(f)

§ 250.515 Incorporation by reference.

All of the provisions of §§ 250.410 through 250.416 of subpart D are incorporated by reference into this subpart, except § 250.413.

§ 250.516 Maximum mortgage amount.

(a) The provisions of section 250.413 of subpart D are applicable to mortgages to be insured under section 236 pursuant to 223(f) except § 250.413 (a), (b), (c), and (e).

(b) *Dollar limitations on units.* (1) For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Commissioner) an amount per family unit, depending upon the number of bedrooms, which may be:

$11,240 without a bedroom.
$15,540 with one bedroom.
$18,630 with two bedrooms.
$23,460 with three bedrooms.
$26,570 with four or more bedrooms.

(2) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (b)(1) of this section no to exceed:

$13,120 per family unit without a bedroom.
$18,630 per family unit with one bedroom.
$22,080 per family unit with two bedrooms.
$27,600 per family unit with three bedrooms.
$32,000 per family unit with four or more bedrooms.

(3) *Increased mortgage amount—high cost areas.* (i) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (b)(1) and (b)(2) of this section.

(ii) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(c) *Debt service.* An amount that can be amortized, assuming that the mortgage bears an interest rate of one percent, by the projected net income of the project (excluding interest reduction payments made by the Secretary to the agency) after payment of operating expenses, taxes, and excess rental charges due to the Secretary. In calculating the rental income that will be available to a project, the estimate shall be based upon rents being charged at the time of application. Rental income that is the result of rents which exceed 28 percent of the average adjusted income of tenants who reside in the project (or are likely to reside in the project based on the experience of comparable projects with comparable number of subsidized tenants in the area), shall be excluded when determining the amount that can be amortized by the projected net income of the project except that rents which exceed 28 percent of the income of tenants who reside in the project but do not exceed 35 percent of such income may be included when determining the amount that can be amortized by the projected net income of the project in the case of elderly tenants in projects which provide additional amenities or services for the elderly.

Subpart F—Contract Rights and Obligations

§ 250.701 Definitions.

As used in this subpart the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner.

(b) "Act" means the National Housing Act, as amended.

(c) "Mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby. In any instance where an operating loss loan is involved, the term shall include both the original mortgage and the instrument securing the operating loss loan.

(d) "Insured mortgage" means a mortgage which has been insured by the issuance of a Mortgage Insurance Certificate by the Commissioner, or his duly authorized representative.

(e) "Contract of coinsurance" means the agreement between the agency and the Commissioner for the coinsurance of a mortgage evidenced by the issuance of a Mortgage Insurance Certificate by the Commissioner and includes the terms, conditions and provisions of this part and of the National Housing Act.

(f) "Mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Agency" means a State Housing Agency which is the original lender and has obtained the funds for making loans through the sale of bonds, and its successors and such of its assigns as are approved by the Commissioner.

(h) "MIP" means the mortgage insurance premium paid by the agency to the Commissioner in consideration of the contract of coinsurance.

ENDORSEMENT AND CONTRACT OF COINSURANCE

§ 250.703 Creation of contract of coinsurance.

No contract of coinsurance shall come into existence until the agency has submitted to the Commissioner for insurance a minimum of ten mortgages which meet the requirements of this part. The contract of coinsurance with an agency shall be effective from the date of the endorsement for insurance of ten mortgages constituting the agency's initial portfolio. Notwithstanding the above, in lieu of a minimum of ten mortgages in a portfolio, a contract of coinsurance may be created if the agency has submitted to the Commissioner less than ten mortgages, provided that, if less than ten mortgages are submitted, the schedule off front-end deductible amounts in § 250.733 will apply. Once the agency's initial portfolio has been endorsed, the agency may add additional coinsured mortgages to that portfolio or may, at its option, establish second and succeeding portfolios, provided that the agency may not form a new portfolio until all other portfolios have at least ten mortgages placed in them. Each second and succeeding portfolio shall comply with the above provisions for the first portfolio. Once included within a portfolio, a coinsured mortgage may not be transferred from that portfolio without the approval of the Commissioner.

This subpart shall constitute the contract of coinsurance and the agency and the Commissioner shall be bound by the regulations in this subpart with the same force and effect and to the same extent as if a separate contract had been executed.

§ 250.704 Interest reduction payments contract.

(a) This section shall constitute the interest reduction payment contract between the agency and the Commissioner with respect to a mortgage insured under section 236 pursuant to section 244 of the National Housing Act. The endorsement of the mortgage for insurance shall constitute the execution of the interest reduction payment contract with respect to the mortgage being insured.

(b) *Term of payments.* (1) The term for which interest reduction payments shall be made shall begin on the date on which the Commissioner issues the Mortgage Insurance Certificate.

(2) The term of the interest reduction payments shall end upon the occurrence of one of the following events:

(i) The termination of the contract of insurance.

(ii) The Commissioner's receipt of the agency's notice of commencement of foreclosure proceedings.

(iii) The Commissioner's receipt of the agency's notice of intention to acquire title by means other than foreclosure.

(3) At the discretion of the agency, the mortgagor's failure to meet its obligations under the regulatory agreement it has entered into with the agency.

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(c) Upon termination of the interest reduction payments contract, the payment due on the first of the month in which the termination occurs shall be the last payment to which the agency shall be entitled.

(d) Where the term of interest reduction payments is ended pursuant to paragraph (b)(2) of this section, such interest reduction payment contract may be reinstated by the Commissioner, in his discretion and on such conditions as he may prescribe. In the event of such reinstatement, interest reduction payments will be made to the agency for those months during which such payments were suspended.

(e) *Time of payments.* The interest reduction payments shall be due on the first day of each month following the beginning of the term, and shall be paid upon the receipt of a billing (on a form prescribed by the Commissioner) from the agency.

(f) *Amount of payments.* (1) The amount of the interest reduction payment to the agency shall be the difference between the following:

(i) The monthly installment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage; and

(ii) The monthly payment for principal and interest the mortgagor would be obligated to pay if the mortgage were to bear interest at the rate of 1 percent per annum.

(g) In addition to the interest reduction payment referred to in paragraph (f) of this section, the agency shall be entitled to the monthly payment of an amount the Commissioner deems sufficient to reimburse the agency for its expenses in servicing the mortgage.

(h) *Application of payments.* The agency shall apply each monthly interest reduction payment, together with the mortgagor's monthly payment, to the items and in the order set out in the mortgage.

(i) *Agency records.* The agency shall maintain such records as the Commissioner may require with respect to the mortgagor's payments and the interest reduction payments received from the Commissioner. Such records shall be kept on file for a period of time and in a manner prescribed by the Commissioner and shall be made available, when requested, for review and inspection by the Commissioner or the Comptroller General of the United States.

MORTGAGE INSURANCE PREMIUMS

§ 250.705 Amount of MIP to be collected from the mortgagor.

The agency may collect from the mortgagor an MIP from the date of the contract of coinsurance which shall not exceed, with respect to mortgages to finance new construction, the equivalent of .5 percent per annum of the amount of the principal obligation of the mortgage outstanding at any time without taking into account delinquent payments or prepayments; and with respect to mortgages insured pursuant to Section 223(f), the agency may collect from the mortgagor an MIP from the date of the contract of coinsurance which shall not exceed an initial MIP of one percent of the principal obligation for the first year of the mortgage and .5 percent per annum of the amount of the principal obligation of the mortgage outstanding at any time thereafter, without taking into account delinquent payments or prepayments. This section shall not in any way restrict the amount by which the mortgage interest rate exceeds the cost of agency borrowing.

§ 250.706 Method of payment of MIP.

The payment of any MIP under this subpart shall be made to the Commissioner by the agency in cash. The agency has the option of paying the MIP annually on a level percentage of the declining principal balance, by a single initial payment, or by a combination of a higher initial payment and lower annual payments.

§ 250.707 Annual payment of MIP on a level percentage of the declining principal balance.

Except for mortgages insured pursuant to Section 223(f), the agency shall pay to the Commissioner on the effective date of the contract of coinsurance, a first year mortgage insurance premium, covering a period of one year, equal to .5 percent of the outstanding principal balance of the mortgage. Each year thereafter, the agency, on the anniversary date of the contract of coinsurance shall pay a premium for the following year, equal to .5 percent per annum of the average outstanding principal obligation of the mortgage, without taking into account delinquent payments or prepayments.

For mortgages insured pursuant to Section 223(f), the agency shall pay to the Commissioner on the effective date of the contract of coinsurance, a first year mortgage insurance premium, covering a period of one year, equal to 1 percent of the outstanding principal balance of the mortgage. Each year thereafter, the agency on the anniversary date of the contract of coinsurance shall pay a premium for the following year, equal to .5 percent per annum of the average outstanding principal obligation of the mortgage, without taking into account delinquent payments or prepayments.

§ 250.708 Single payment of MIP.

Except for mortgages insured pursuant to Section 223(f), if the agency elects to make a single payment for the total amount of MIP due for the full term of the contract of coinsurance, such payment shall be made on the effective date of the contract of coinsurance, and shall be in an amount equivalent to 4.5 percent per annum on the amount of the principal obligation of the mortgage outstanding on the effective date of the contract of coinsurance without taking into account delinquent payments or prepayments.

For mortgages insured pursuant to Section 223(f), if the agency elects to make a single payment for the total amount of MIP due for the full term of the contract of coinsurance, such payment shall be made on the effective date of the contract of coinsurance, and shall be in an amount equivalent to 5 percent per annum on the amount of the principal obligation of the mortgage outstanding on the effective date of the contract of coinsurance without taking into account delinquent payments or prepayments.

§ 250.709 Initial payment and subsequent payments at different rates.

Except for mortgages insured pursuant to Section 223(f), the agency may elect to make an initial payment at a higher rate than subsequent annual payments. If the agency so elects, the agency shall, on the effective date of the contract of coinsurance, pay an MIP, covering a period of one year, equal to 2 percent of the average outstanding balance of the mortgage. Thereafter, each year on the anniversary date of the effective date of the contract of coinsurance, the agency shall pay an MIP equal to .3 percent on the average outstanding principal obligation, without taking into account prepayments and delinquent payments.

For mortgages insured pursuant to Section 223(f), the agency may elect to make an initial payment at a higher rate than subsequent annual payments. If the agency so elects, the agency shall, on the effective date of the contract of coinsurance, pay an MIP, covering a period of one year, equal to 2 percent of the average outstanding balance of the mortgage. Thereafter, each year on the anniversary date of the effective date of the contract of coinsurance, the agency shall pay an MIP equal to .35 percent on the average outstanding principal obligation, without taking into account prepayments and deliquent payments.

§ 250.710 Duration of MIP.

The MIP required under sections 250.707 and 250.709 shall continue annually until the earliest date on which one of the following occurs:

(a) The mortgage is paid in full,

(b) A deed to the agency is filed for record, or

(c) The contract of coinsurance is otherwise terminated with the consent of the Commissioner.

§ 250.712 Pro rata payment of annual MIP.

(a) If the contract of coinsurance is terminated after the due date of the initial MIP due in accordance with section 250.707 or 250.709 the agency shall pay to the Commissioner that portion of the current annual MIP prorated from the due date of the last annual MIP through the end of the month in which the contract of coinsurance is terminated.

(b) For the purpose of computing the pro rata portion of the annual MIP, the date of termination of coinsurance shall be the last day of the month in which

the mortgage was prepaid or a voluntary termination request is received by the Commissioner.

DEFAULT UNDER THE MORTGAGE

§ 250.715 Definition of default.

The following shall be considered a default under this subpart:

(a) Failure of the mortgagor to make any payment due under the mortgage;

(b) Failure of the mortgagor to perform any other covenant under the provisions of the mortgage, if the agency, because of such failure has accelerated the debt; or

(c) In the case of an operating loss loan, the failure of the mortgagor to make any payment due under such loan or under the original mortgage shall be considered a default under both the loan and the original mortgage.

§ 250.716 Date of default.

For the purposes of this subpart, the date of default shall be considered as 30 days after:

(a) The first uncorrected failure to perform any obligation under the mortgage; or

(b) The first failure to make a monthly payment which is not covered by subsequent payments made by the mortgagor when such subsequent payments are applied to the overdue monthly payments in the order in which they became due.

§ 250.717 Notice of default.

The agency shall, within 60 days after the date of default as defined in this part, give written notice thereof to the Commissioner on a form prescribed by him, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 250.718 Reinstatement of defaulted mortgage.

If after default and prior to the completion of foreclosure proceedings the mortgagor shall cure the default, the insurance shall continue as if a default had not occurred. The mortgagor shall pay to the agency such expenses as the agency has incurred in connection with the foreclosure proceedings and the agency shall give written notice of reinstatement to the Commissioner.

§ 250.719 Forbearance relief.

Notwithstanding the provisions of Section 250.720 of this subpart, a mortgagor and an agency may enter into an agreement, not inconsistent with any provision of this part other than Section 250.720, for the reduction or suspension of regular mortgage payments.

§ 250.720 Special forbearance agreement.

(a) In a case where the mortgage is in default, but the mortgagor has made at least 70 percent of its scheduled monthly mortgage payments on a cumulative basis, the mortgagor and the agency may enter into a special forbearance agreement for the reduction of regular mortgage payments for a specified period of time, if the agency determines that the default is due to circumstances beyond the mortgagor's control and that the mortgage probably will be restored to good standing within a reasonable period of time.

(b) If the mortgagor fails to meet the requirements of a special forbearance agreement entered into under this section or to resume the regular monthly payment required under the mortgage at the expiration of the forbearance period, and such failure continues for a period of 30 days, the agency shall notify the Commissioner of such failure.

(c) A special forbearance agreement entered into under this section shall require the mortgagor to make monthly payments equal to at least 80 percent of the regular monthly payment provided or under the mortgage during the term of the forbearance agreement.

ADVANCES BY COMMISSIONER TO AGENCY

§ 250.723 Advance to agency.

(a) The Commissioner will make an advance to an agency which has entered into a special forbearance agreement with a mortgagor pursuant to the provisions of § 250.720 of this part.

(b) *Terms of advance.* (1) The amount of an advance authorized by subsection (a) of this section, shall not exceed one-half of the short-fall in debt service for a 36 month period (which need not occur consecutively), but in no case shall it exceed one-half of 20 percent of the total monthly payments provided for under the mortgage with respect to which the agency has entered into a special forbearance agreement with a mortgagor pursuant to the provisions of § 250.720 of this part.

(2) The Commissioner will make quarterly payments of the amount of an advance to an agency authorized by this section and each quarterly payment shall not exceed that amount required to cover for a three month period one-half of 20 percent of the total monthly payments provided for under the mortgage with respect to which the agency has entered into a special forbearance agreement with a mortgagor pursuant to the provisions of § 250.720 of this part.

(3) The agency shall execute a note payable to the Commissioner for the amount of each quarterly payment authorized by paragraph (2) of this subsection which note shall provide for interest at the debenture rate established pursuant to section 250.742.

(4) The note shall also provide that:

(i) If the agency makes a claim for insurance benefits on account of a loss sustained with respect to a mortgage which has been the subject of a special forbearance agreement pursuant to the provisions of § 250.720 of this part, the Commissioner will debit that claim by the amount of any advances made on account of that mortgage (pursuant to this section) which have not been repaid plus the accrued interest.

(ii) If the default in a mortgage is cured, the agency will repay the advance plus interest to the Commissioner over a period of time not to exceed the remaining term of the mortgage.

(iii) Any payments made by a mortgagor under a special forbearance agreement to bring a mortgage which has been the subject of an advance pursuant to this subsection into good standing shall be divided equally between the agency and the Commissioner until that portion of the advance made by the Commissioner is repaid in full.

(iv) If the contract of coinsurance for the mortgage on which the advance was made shall be terminated in accordance with §§ 250.726 through 250.728, the note evidencing such advance shall remain in full force and effect and payable in accordance with its terms.

TERMINATION

§ 250.726 Termination of coinsurance contract.

The contract of coinsurance for each individual mortgage shall be terminated if:

(a) The mortgage is paid in full prior to its maturity;

(b) The agency acquires the mortgaged property and notifies the Commissioner that no claim for insurance benefits will be made;

(c) After foreclosure the property is redeemed;

(d) The property is bid in and acquired at foreclosure sale by a party other than the agency; or

(e) The mortgagor and agency jointly request termination.

§ 250.727 Notice and date of termination by Commissioner.

The Commissioner shall notify the agency that the contract of coinsurance on a mortgage has been terminated and the effective termination date. The termination date shall be the last day of the month in which any one of the following events occurs:

(a) The date foreclosure proceedings were instituted, or the property otherwise acquired by the agency, if the agency notifies the Commissioner that no claim for insurance benefits will be made;

(b) The date the mortgage was prepaid in full;

(c) The date a voluntary termination request is received by the Commissioner.

§ 250.728 Effect of termination.

Upon termination of the contract of insurance, the obligation to pay any subsequent MIP shall cease and all rights of the mortgagor and agency shall be terminated.

CLAIM PROCEDURE

§ 250.730 Acquisition of property.

At any time after the default of the mortgage and the determination by the agency to accelerate the total principal amount of the mortgage, the agency, at its election, shall (if no other eligible entity has assumed the obligations of

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the mortgagor) either (a) commence foreclosure of the mortgage; or (b) acquire possession of, and title to, the mortgaged property by means other than foreclosure. The agency shall notify the Commissioner of its action at the time it makes its election either to commence foreclosure of the mortgage or acquire possession and title by other means.

§ 250.731 Deed in lieu of foreclosure.

In lieu of instituting or completing a foreclosure, the agency may acquire property by voluntary conveyance from the mortgagor. Conveyance of the property by deed in lieu of foreclosure is approved subject to the following requirements:

(a) The mortgage is in default at the time the deed is executed and delivered;

(b) The credit instrument is cancelled and surrendered to the mortgagor;

(c) The mortgage is satisfied of record as a part of the consideration for such conveyance; and

(d) The deed from the mortgagor contains a covenant which warrants against the acts of the grantor and all claiming by, through, or under him and conveys good marketable title.

§ 250.732 Notice to Commissioner.

At the time the agency elects to acquire title, it shall give written notice to the Commissioner of its intention to file a claim for insurance benefits.

§ 250.733 Application for insurance benefits.

(a) *Deductible.* Before an agency can file a claim for insurance benefits on any property acquired through a defaulted mortgage in an eligible portfolio of ten mortgages, the agency must establish that the losses incurred on mortgages within the portfolio are equal to at least three percent of the outstanding principal balance of all mortgages within the portfolio at the time the claim is filed. Where an eligible portfolio contains less than ten mortgages, the following schedule of deductible amounts will apply:

Number of mortgages in portfolio:	*Deductible percentage*
1 to 2	8
3 to 5	5
6 to 9	4
10 or more	3

In order to satisfy the deductible, the agency must acquire properties securing mortgages in the portfolio until the applicable percentage loss is established. The loss is determined by deducting the market value of the properties acquired for use for the market originally intended, as determined by an independent appraiser, from the unpaid balance due on the mortgages secured by such properties plus the expenses of such acquisition as approved by the Commissioner. The losses so determined must equal or exceed the applicable percentage of the outstanding balance of all mortgages in the portfolio at the time the claim is filed.

(b) After the agency has acquired the property as provided in section 250.730 and satisfied the deductible in accordance with paragraph (a) of this section, the agency may make a claim for insurance benefits. At the time that the claim is made, the Commissioner shall estimate the total amount of the insurance benefits which will be due the agency upon disposition of the property, and a partial payment will be made to the agency on its claim in accordance with section 250.738(a).

PAYMENT OF INSURANCE BENEFITS

§ 250.734 Method of payment.

Payment of the insurance claim shall be made in cash unless the agency files a written request for payment in debentures.

§ 250.738 Amount of payment.

(a) Upon the acquisition of title to the property securing a defaulted mortgage in accordance with section 250.730, the agency shall be entitled to receive 75 percent of the amount which the Commissioner estimates will be the total insurance benefits.

(b) Upon disposition of the property or the expiration of 12 months from the date of acquisition of the property, whichever occurs earlier, the agency shall be entitled to the balance of the insurance benefits.

(c) The basis for the computation of insurance benefits shall be the sum of the unpaid principal balance on the date of the institution of foreclosure proceedings or on the date of acquisition of the property otherwise after default, plus the amount of all payments made by the agency and allowances for items as set forth in § 250.740 less all items as set forth in § 250.741.

(d) The amount of the total insurance benefits shall be 80 percent of the amount computed pursuant to paragraph (c) of this section.

§ 250.739 Disposition of property.

(a) Upon the acquisition of title to the property securing a defaulted mortgage in accordance with § 250.730, the agency shall obtain an appraisal of the property by an independent appraiser. The appraisal shall be based upon the market value of the property for use for the market originally intended.

(b) After the agency sells the property, or after the expiration of 12 months, whichever occurs first, the agency may make a claim for the balance of the insurance benefits to which it is entitled in accordance with § 250.738(b).

(c) Upon making a claim to the Commissioner for the balance of the insurance benefits, the agency shall notify the Commissioner, on an approved form, of the sale of the property, the purchase price, and income and expenses incurred in connection with the acquisition, repair, operation and sale of the property, and shall assign to the Commissioner, without recourse or warranty, any and all claims (other than the mortgage financing such sale) which the agency has acquired in connection with the transaction.

(d) If the property has not been disposed of at the time of the agency's request for final payment, the agency shall utilize the appraised value of the property secured in accordance with § 250.739(a) in its notification to the Commissioner, in lieu of the sales price.

§ 250.740 Items included in payment.

The insurance benefits paid shall include the following items:

(a) The amount of all payments made by the agency for taxes, special assessments and water rates which are liens prior to the mortgage; for fire and hazard insurance on the property; and for any mortgage insurance premiums paid after default;

(b) An amount equivalent to debenture interest at the rate established pursuant to § 250.742 on the principal of the mortgage unpaid on the date of the institution of foreclosure proceedings or on the date of the acquisition of the property otherwise after default, from the date of default to the date of acquisition of title; except that debenture interest shall not be payable for any period for which the agency receives mortgage interest during a forbearance agreement as provided in paragraph (c) of this section;

(c) The amount of the unpaid mortgage interest computed from the date of default to the date of acquisition of title in those cases where a forbearance agreement in accordance with § 250.719 has been executed;

(d) An amount equivalent to mortgage interest on the principal of the mortgage unpaid on the date of institution of foreclosure proceedings or on the date of acquisition of the property after default, from the date of acquisition to the date of payment of the insurance benefits;

(e) Foreclosure costs or costs of acquiring the property otherwise actually paid by the agency and approved by the Commissioner, in an amount not in excess of two-thirds of such costs;

(f) Reasonable payments made by the agency for:

(1) Preservation, operation, and maintenance of the property;

(2) Repairs necessary to meet the objectives of the FHA Minimum Property Standards, those required by local law, and such additional repairs as may be specifically approved in advance by the Commissioner;

(3) Expenses in connection with the sale of the property.

§ 250.741 Items deducted from payment.

There shall be deducted from the total of the added items in §§ 250.738(c) and 250.740 the following items:

(a) All amounts received by the agency on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default.

(b) All cash held by the agency or its agents or to which it is entitled, including deposits made for the account of the mortgagor.

(c) All funds held by the agency for the account of the mortgagor received pursuant to any other agreement.

(d) The amount of any undrawn balance under a letter of credit accepted by the agency in lieu of a cash deposit for an escrow agreement.

(1) To complete incomplete on-site and off-site items, or

(2) For an operating deficit.

(e) Any net income received by the agency from the property securing the mortgage after the date of default.

(f) The next proceeds from the sale of the project, except that if the agency sells the project for an amount less than the appraised value on a negotiated sale the amount to be deducted will be the appraised value. If the property is sold on the basis of a competitive bidding procedure approved by the Commissioner, the sales price will be deducted notwithstanding that it is lower than the appraised value.

(g) Balance due on the note from the agency to the Commissioner for advances made to the agency on a defaulted mortgage in accordance with § 250.723.

§ 250.742 Debentures.

All the provisions of § 207.259(e) of this chapter shall apply to mortgages coinsured under this subpart.

AMENDMENTS

§ 250.743 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of an agency under the contract of coinsurance on any mortgage already coinsured and shall not adversely affect the interest of an agency on any mortgage to be coinsured on which the Commissioner has made a commitment to insure.

It is hereby certified that the economic and inflation impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Issued at Washington, D.C., on May 27, 1976.

FREDERIC J. TRUSLOW,
Deputy Assistant Secretary for Housing Production and Mortgage Credits.

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PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions, Department of Housing and Urban Development

■

Real Estate Procedures

VOL. 41—NO. 109 JUN 4 76 UMI

All settlement service charges are to tlement Statement as soon as practicable

Title 24—Housing and Urban Development

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-394]

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

The Real Estate Settlement Procedures Act Amendments of 1975 (herein the "RESPA Amendments"), signed into law January 2, 1976 (Pub. L. 94-205), made significant changes in the Real Estate Settlement Procedures Act of 1974 (RESPA), (Pub. L. 93-533), 12 U.S.C. 2601, et seq. The RESPA Amendments repealed the original requirements of advance disclosure (section 6), the disclosure of the previous selling price (section 7) and the Truth-in-Lending provisions of section 4. In their place lenders are required to provide borrowers, at time of loan application, good faith estimates of settlement costs. Persons conducting settlement are required to provide borrowers with an opportunity to inspect their settlement statements one day prior to settlement. The RESPA Amendments authorized the suspension, until June 30, 1976, of the RESPA provisions dealing with advance inspection of the Uniform Settlement Statement, use of the Special Information Booklet and the provision for good faith estimates, to allow for orderly implementation and public comment on these provisions.

On January 9, 1976, regulations were issued under this part (41 FR 1672) to conform Regulation X to the RESPA Amendments. These regulations are now superseded by the following Regulation X effective June 30, 1976.

On March 29, 1976 (41 FR 13032) the Department issued a notice of proposed rule-making with respect to the Real Estate Settlement Procedures Act. This proposal would implement the entire RESPA program including certain suspended provisions, and would make various technical and editorial changes.

Over 240 comments were received and the Department is now issuing a final rule which adopt various changes to the proposed regulations. These changes are set forth hereinafter. Most of these changes are in response to comment, however the Department is making certain other modifications at its own initiative. Of the technical changes being made hereby, of principal note is the recodification of these RESPA regulations under 24 CFR Chapter XX. In the time since the first RESPA regulations were issued, the Department has established a new Assistant Secretary for Consumer Affairs and Regulatory Functions to whom responsibility for the program has been delegated, 41 FR 19365. Since parts 0-199 are reserved under Subtitle VIII to the use of the Secretary, these RESPA regulations should properly now be incorporated in Chapter XX and are therefore being recodified in that Chapter as Part 3500.

SUMMARY OF RESPA PROVISIONS

General. While many comments submitted indicated general acceptance of RESPA requirements, there were numerous specific comments directed at improving or deleting particular sections. Only a few commenters called for the outright repeal of RESPA on the grounds that these provisions would not assist consumers, but would create unnecessary work for lenders and additional costs to consumers. Many commenters felt that lenders should be given considerable flexibility in implementing RESPA provisions because of the wide variations of settlement procedures between localities. The regulations have been amended to achieve flexibility.

Coverage. Coverage of RESPA and Regulation X has been restricted to first mortgage loans secured by 1-4 family residential properties made by a federally regulated or insured lender (see § 3500.5). Included in the definition of a "federally related mortgage loan" is the refinancing of land sales contracts where the proceeds of the loan are used to finance the acquisition of legal title pursuant to the land sales contract. Otherwise, if legal title is not transferred to the purchaser upon execution of the contract the transaction is not covered by the regulations. Loans eligible for but not intended to be sold by the originating lender to the Federal National Mortgage Association (FNMA), Government National Mortgage Association (GNMA), or the Federal Home Loan Mortgage Corporation (FHLMC), or to a financial institution from which it is to be purchased by FHLMC are exempt. Also exempt are all construction loans, assumptions, novations, and sales or transfers subject to a preexisting loan (except as noted in § 3500.5(d) (4, 5 & 6) of the regulations).

Reliance upon Rule, Regulation, or Interpretation. The Secretary is authorized by section 19 of RESPA to prescribe such rules, regulations and interpretations as are necessary to achieve the purposes of RESPA. Any act done or omitted in good faith in conformity with such rules, regulations or interpretations will not result in liability under the Act or state law. Rules, regulations or interpretations have been defined to include Regulation X, the Uniform Settlement Statement (HUD-1) and Appendices to Regulation X. A number of commenters suggested that this definition be extended to written statements from the Secretary, General Counsel, and Assistant Secretary for Consumer Affairs and Regulatory Functions. Where a question arises as to the application of a provision (except for Section 8 of RESPA and related issues), to a specific fact situation, the Assistant Secretary for Consumer Affairs and Regulatory Functions may issue a written response. Such response, however, would not constitute an "interpretation" pursuant to Section 19 of RESPA. Where the situation is a product of state law or otherwise likely to recur, the Secretary may issue a binding interpretative ruling by appending said ruling to Regulation X and by publication of the letter of interpretation in the FEDERAL REGISTER.

Special Information Booklet and Good Faith Estimates. The proposed regulations required the lender to provide the borrower with a Special Information Booklet no later than one day after the lender receives or prepares a written mortgage loan application on an application form or forms normally used by that lender. A number of commenters indicated that it would be extremely difficult to provide the good faith estimates within one business day of receipt where the application is received by an agent who normally would not provide such estimates. The Department has modified the proposed regulations to meet this concern by allowing up to three business days after loan application. The intent of the regulations is to provide the good faith estimates as soon as possible.

The proposed regulations of March 29 provided for inclusion in the Special Information Booklet of information where the lender required use of a particular provider or three or less providers for a particular service.

The regulations published for effect instead require a statement as part of the good faith estimates where the lender requires a particular provider to be used. The revised requirement only applies where one provider is required to be used by the lender, and only requires identification of the provider and a statement whether the provider has a business relationship with the lender. There is no requirement to describe the business relationship. Numerous comments were received objecting to the proposed requirement for a statement whether other providers would provide the service at a lower cost. That requirement has been deleted.

In such cases, the lender is required to base the estimate of the charge on the lender's knowledge of charges imposed by the selected provider. These requirements, which are contained in Section 3500.7(b) and (e), are issued pursuant to RESPA Section 5(c). It should be noted that House Report No. 94-667 regarding the RESPA amendments stated at page 5: "Where the lender will arrange to have a settlement service provided by a particular provider, the prospective borrower should be so informed and the estimates given should reflect the lender's knowledge of the cost of that service."

Form of Good Faith Estimates. Section 5(c) of RESPA requires that the lender provide the borrower with the booklet and a good faith estimate of the amount or range for each charge for specific settlement services that the borrower is likely to incur in connection with the settlement. In the March 29th proposed rules, good faith estimates were required for a subset of settlement charges. Comment was made to the effect that estimates for charges computed on the basis of the actual date of settlement (reserves and prepaid items) could not be provided. Based on public comments. Regulation X was revised to require that lenders provide good faith estimates for all settlement services reported in Section L of the Uniform Settlement State-

ment except item 903 and series 1000 (Reserves Deposited with Lender). With respect to item 901 (Prepaid Interest) and 902 (Prepaid Mortgage Insurance Premium) the lender is required to state the maximum amount which can be collected at settlement. The lender's reserve requirements were not included in the required disclosure because the date of settlement and other variables are not usually within the lender's knowledge at time of loan application and represented a considerable origination burden.

The techniques used to develop the good faith estimates for either approach have not been specified in the regulations and are left to the lender. The Department recognizes that there are several ways of arriving at good faith estimates and the regulations do not restrict lenders to any specific approach. However, under Section 3500.7(b), the estimate of the amount or range of cost must bear a reasonable relationship to the borrower's ultimate cost for each settlement charge.

Uniform Settlement Statement (HUD-1). The regulation now permits lenders substantial flexibility in reproducing HUD-1 with adjustments to the form to allow for variations in settlement services between localities. The regulations provide that where the blank lines on HUD-1 are not adequate to take care of local insertions, additional spaces may be added without HUD approval. Also the previous restrictions on distances between lines and the size of the page have been removed. This means that space or lines may be added vertically and horizontally where the space on the HUD-1 is inadequate. This will permit, for example, listing pay-offs of prior liens and the time periods involved in prorations. In addition, the regulations do not restrict type size or style and do not require that local insertions appear in a different style of type. Finally, it is no longer necessary for information concerning sellers costs to be included on the buyer's copy of HUD-1 and vice versa.

Numerous comments were received indicating the need for additional space on the form for the inclusion of customary recitals and information used locally in real estate settlement. The regulations now provide that an additional page may be attached to HUD-1 for this purpose or, if space on the form permits, this information may be added at the end of the form.

Several comments indicated a need for signature lines other than after line 1400 of the form. The final regulations do not restrict the placing of signature lines on the form. A few commenters suggested that the HUD-1 not be changed from its original format due to the cost of modifying their computer programs. The changes reflected in the revision of the form are based on experience gained from both manual and computer use of the form. The greater flexibility allowed in the final regulations to simplify the design of the form for computer application should minimize extensive reprogramming.

All settlement service charges are to be included in Section L of the HUD-1 except charges for services which (1) are not required by the Lender and (2) are paid for separately outside of settlement. When the lender requires the borrower to secure a settlement service and it is paid outside of settlement, the charge is to be included in Section L and noted as a charge paid outside of settlement.

Many comments requested that the authority to exhaust supplies of the original HUD-1 be extended to all persons conducting settlement as well as lenders. The regulations have been modified to permit this. The form has also been modified to cover situations where the lender is not the person conducting settlement. The person conducting the settlement is required to provide the lender with a copy which contains both buyer and seller information. The lender is required to retain this copy for two years, and, if a copy is required by HUD or another Federal agency, a legible reproduction of this copy may be used.

In enacting the RESPA Amendments, Congress concluded that there were certain RESPA transactions for which use of the Uniform Settlement Statement should not be required. The final regulations exempt from the use of HUD-1, RESPA transactions in which the borrower is not required to pay any settlement charges or adjustments. Also exempted are transactions in which the total amount the borrower is required to pay at settlement is a fixed amount and the borrower is so informed at the time of loan application.

Section 4 of RESPA now requires (1) that the Uniform Settlement Statement be completed and delivered at or before settlement by the person conducting settlement and (2) that on the business day before settlement, the borrower, upon request, be allowed to inspect such Uniform Settlement Statement information as the person conducting settlement has available. HUD was given the authority to exempt from this provision those settlement transactions occurring in localities where the Uniform Settlement Statement is not customarily provided at or before the date of settlement or where meeting this requirement is impractical. Numerous comments were received requesting an exemption. The Department decided not to provide blanket exemptions by jurisdiction as proposed in the March 29 proposed rules because this would result in inequities to borrowers. Exemptions tied to the specific types of transactions were considered more appropriate. The regulations, § 3500.10(d), exempt those particular settlement transactions where the borrower (or the borrower's agent) does not attend the settlement or where the person conducting settlement does not require a meeting. This is intended to cover the "escrow" type closings and special situations where the borrower or borrower's agent traditionally is not present at the settlement. When a transaction qualifies under this exemption, the person conducting settlement is required to mail to both the borrower and the seller the Uniform Settlement Statement as soon as practicable after settlement.

Prohibition Against Kickbacks and Unearned Fees. The proposed rules of March 29 contained regulations pertaining to kickbacks and unearned fees. Most changes in these regulations were limited to clarifying language. A change from the proposed rules is contained in § 3500.14(d) which clarifies the Department's intention that a payment of a thing of value pursuant to an agreement or understanding that settlement will be referred is a violation of Section 8. Two new fact-comment situations, No. 9 and No. 10, were added to Appendix B to respond to industry practices developed partially in response to the Section 8 prohibitions.

Distribution of Revised Booklet and Form. The Department expects that lenders will use regular sources of supplies to secure copies of the Special Information Booklet and HUD-1. Recognizing that regular sources may not have these documents before June 30, the Department intends to provide each lender (supervised by the Federal Home Loan Bank Board, Federal Reserve Board, Federal Deposit Insurance Corporation, Comptroller of the Currency, National Credit Union Administration or HUD) a copy of the final booklet. This copy will be mailed to the lender by the appropriate supervising agency. Lenders will be authorized to duplicate copies for distribution to loan applicants. Lenders who are not supervised by the before mentioned agencies, and who need a copy of the Special Information Booklet and HUD-1, can submit a request to the Assistant Secretary for Consumer Affairs and Regulatory Functions (including a self-addressed label). A copy of both the booklet and the form will be sent. The address is Suite 4100, Attention: RESPA, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

A finding of inapplicability of section 102(2) (C) of the National Environmental Policy Act of 1969 has been made with respect to this rule, in accordance with HUD Handbook Section 1300.1. A similar finding of inapplicability, as required by OMB circular A-107, has been made with respect to potential inflation impact of the rule. Copies of these findings are available during regular business hours for public inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

Accordingly, Subtitle B of Title 24 is amended by adopting a new Part 3500—Real Estate Settlement Procedures to read as follows:

Sec.
- 3500.1 Authority, scope and purpose.
- 3500.2 Definitions.
- 3500.3 No delegation of authority to HUD field offices.
- 3500.4 Reliance upon rule, regulation or interpretation by HUD.
- 3500.5 Coverage of RESPA.
- 3500.6 Special Information Booklet at time of loan application.

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Sec.
3500.7 Good Faith Estimates of Settlement Services.
3500.8 Use of Uniform Settlement Statement Form.
3500.9 Printing and duplication of Uniform Settlement Statement form.
3500.10 One day advance inspection of Uniform Settlement Statement; delivery.
3500.11 Mailing.
3500.12 No fee.
3500.13 Relation to state laws.
3500.14 Prohibitions against kickbacks and unearned fees.
Appendix A—Instructions for completing Uniform Settlement Statement (HUD 1).
Appendix B—Facts and comments on section 8 which provide further clarification of regulations.

AUTHORITY: Real Estate Settlement Procedures Act of 1974, Pub. L. 93-533 (12 U.S.C. 2601 et seq.), Real Estate Settlement Procedures Act Amendments of 1975 (Pub. L. 94-205).

§ 3500.1 Authority, scope and purpose.

This part, which may be referred to as Regulation X, comprises the regulations issued by the Secretary of Housing and Urban Development pursuant to the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93-533), 12 U.S.C. 2061, et seq., as amended by the Real Estate Settlement Procedures Act Amendments of 1975 (Pub. L. 94-205) herein "RESPA".

§ 3500.2 Definitions.

(a) "Date of Settlement" means the date on which the documents creating the security interest in real property become effective as between the borrower and the Lender, except that in the conversion of a construction loan to a permanent security interest in real property to finance purchase by a first user, Date of Settlement shall be the date on which title is transferred as between seller and buyer not subject to revocation by seller or buyer.

(b) "Federally Related Mortgage Loan" is defined in § 3500.5.

(c) "Lender" means the secured creditor or creditors named as such in the debt obligation and document creating the lien or other security interest.

(d) "Mortgaged Property" means the real property covered by the Federally Related Mortgage Loan, or the cooperative unit with respect to which stock is pledged to secure the Federally Related Mortgage Loan.

(e) "Person" means any individual, corporation, partnership, trust, association or other entity.

(f) "RESPA" means the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93-533), U.S.C. 2601 et seq., as amended by the Real Estate Settlement Procedures Act Amendments of 1975 (Pub. L. 94-205).

(g) "Secretary" means the Secretary of Housing and Urban Development or any official delegated the authority of the Secretary with respect to RESPA.

(h) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 3500.3 No delegation of authority to HUD Field Offices.

No authority granted to the Secretary under RESPA has been delegated to HUD Regional Offices, HUD Area Offices or HUD Insuring Offices. Any questions or suggestions from the public regarding RESPA should be directed to the Office of Consumer Affairs and Regulatory Functions, Attention: RESPA, Department of Housing and Urban Development, Room 4100, 451 7th Street, SW., Washington, D.C. 20410.

§ 3500.4 Reliance upon rule, regulation or interpretation by HUD.

(a) Section 19(b) of RESPA provides: "No provision of this Act or the laws of any State imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Secretary or the Attorney General, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judical or other authority to be invalid for any reason."

(b) For purposes of Section 19(b) of RESPA only the following constitute a "rule, regulation, or interpretation thereof by the Secretary":

(1) The Uniform Settlement Statement, HUD-1, and HUD instructions set forth in Appendix A; and

(2) All other provisions, Appendices and Amendments thereto contained in this part, but not including any document referred to in this part except to the extent such document is set forth in this part.

(c) A "rule, regulation, or interpretation thereof by the Secretary" for purposes of section 19(b) of RESPA shall not include the Special Information Booklet prescribed by the Secretary or any other statement or issuance, whether oral or written, by an officer or representative of HUD, letter or memorandum by the Secretary, General Counsel, any Assistant Secretary or other officer or employee of HUD, preamble to a regulation or other issuance of HUD, report to Congress, pleading, affidavit or other document in litigation, pamphlet, handbook, guide, telegraphic communication, explanation, instructions to forms, speech or other material of any nature which is not specifically included in paragraph (b) of this section.

§ 3500.5 Coverage of RESPA.

(a) *Applicability.* RESPA and this part as applicable to all Federally Related Mortgage Loans.

(b) *Definition of Federally Related Mortgage Loan.* "Federally Related Mortgage Loan" means a loan which is not made to finance an exempt transaction specified in subsection (d), below, and which meets all of the following four requirements:

(1) The proceeds of the loan are used in whole or in part to finance the purchase by the borrower, or other transfer of legal title of the Mortgaged Property. Execution of an instrument creating a security interest is not considered to be a transfer of legal title for purposes of this part;

(2) The loan is secured by a first lien or other first security interest covering real estate, including a fee simple, life estate, remainder interest, ground lease or other long-term leasehold estate:

(i) Upon which there is located a structure designed principally for the occupancy of from 1 to 4 families; or

(ii) Upon which there is located a mobile home; or

(iii) Upon which a structure designed principally for the occupancy of from 1 to 4 families is to be constructed using proceeds of the loan; or

(iv) Upon which there will be placed a mobile home to be purchased using proceeds of the loan; or

(v) Which is a condominium unit (or a first lien covering a cooperative unit) designed principally for the occupancy of from 1 to 4 families;

(3) The Mortgaged Property is located in a State; and

(4) The loan (i) is made by a Lender meeting the requirements of paragraph (c), below, or (ii) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary or other officer or agency of the Federal Government, or (iii) is made in connection with a housing or urban development program administered by the Secretary or other agency of the Federal Government, or (iv) is intended to be sold by the originating lender to the Federal National Mortgage Association (FNMA), the Government National Mortgage Association (GNMA), or the Federal Home Loan Mortgage Corporation (FHLMC), or to a financial institution which intends to sell the mortgage to FHLMC.

(c) A Lender is within paragraph (b)(4)(i) if it is:

(1) A lending institution the deposits or accounts of which are insured by the Federal Savings and Loan Corporation (FSLIC), the Federal Deposit Insurance Corporation (FDIC) or any other agency of the Federal Government.

(2) A lending institution which is regulated by the Federal Home Loan Bank Board or any other agency of the Federal Government, or

(3) A "creditor", as defined in section 103(f) of the Consumer Credit Protection Act (15 U.S.C. 1602(f)), who makes or invests in residential real estate loans aggregating more than $1,000,000 in either the calendar year in which the Date of Settlement of the Federally Related Mortgage Loan in question occurs or the calendar year prior thereto, except that the term "creditor" does not include any agency or instrumentality of any state. Section 103(f) of the Consumer Credit Protection Act defines "creditor" as follows:

". . . The term 'creditor' refers only to creditors who regularly extend, or arrange for the extension of, credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, whether in connection with loans, sales of property or services, or otherwise."

(d) *Exempt transactions.* This part shall not apply to:

(1) A loan to finance the purchase or transfer of a property of 25 or more acres;

(2) A home improvement loan, loan to refinance, or other loan where the proceeds are not used to finance the purchase or transfer of legal title to the property;

(3) A loan to finance the purchase or transfer of a vacant lot, where no proceeds of the loan are to be used for the construction of a 1 to 4 family residential structure or for the purchase of a mobile home to be placed on the lot;

(4) An assumption, novation, or sale or transfer subject to a pre-existing loan, except that the use of or conversion of a construction loan to a permanent mortgage loan to finance purchase by the first user;

(5) A construction loan, except where the construction loan is used as or converted to a permanent loan to finance purchase by the first user;

(6) A permanent loan the proceeds of which will be used to finance the construction of a 1 to 4 family structure, where the lot is already owned by the borrower or borrowers;

(7) A loan to finance the purchase of a property where the primary purpose of the purchase is for resale; or

(8) Execution of a land sales contract or installment land contract where the legal title is not transferred to the purchaser upon execution. However, a loan to finance the acquisition of title pursuant to a land sales contract is a Federally Related Mortgage Loan.

§ 3500.6 Special Information Booklet at time of loan application.

(a) *Lender to provide information booklet.* The Lender shall provide a copy of the Special Information Booklet currently prescribed by the Secretary, together with the Good Faith Estimates of closing costs required under Section 3500.7, to every person from whom the Lender receives or for whom it prepares a written application on an application form or forms normally used by the Lender for a Federally Related Mortgage Loan. Where more than one individual applies for a loan, the Lender is in compliance with this requirement if the Lender supplies a copy of the Special Information Booklet to one of the individuals applying. The Lender shall supply the Special Booklet by delivering it or placing it in the mail to the applicant on the day the application is received not later than three business days after the application is received. The Lender shall supply the Good Faith Estimates by delivering or placing the mail or not later than three business days after the application is received. The Lender shall complete the Equal Credit Opportunity Notice, located on the inside rear cover of the Special Information Booklet, in accordance with Regulation B, 12 CFR 202.4(d) of the Federal Reserve Board.

(b) *Printing and duplication.* The Secretary may from time to time revise the Special Information Booklet. The Special Information Booklet may be printed or reproduced in any form, provided that no change is made, other than as provided under subsection (c) below. The Special Information Booklet may not be made a part of a larger document for purposes of distribution under RESPA and this section. Any color, size and quality of paper, type of print, and method of reproduction may be used so long as the booklet is clearly legible and easily readable.

(c) *Permissible changes.* No changes to, deletions from or additions to the foreword and text of the Special Information Booklet currently prescribed by the Secretary shall be made other than those specified below or any others approved in writing by the Secretary.

(1) The cover of the booklet may be in any form and may contain any drawings, pictures, of artwork, provided that the words "settlement costs" are used in the title. Names, addresses and telephone numbers of the Lender or others and similar information may appear on the cover, but no discussion of the matters covered in the booklet shall appear on the cover.

(2) The Special Information Booklet may be translated into other languages.

§ 3500.7 Good faith estimates of settlement services.

(a) *Lender to provide Good Faith Estimates with information booklet at time of loan application.* The Lender shall provide the Good Faith Estimates required under this section to every person to whom it must provide a copy of the Special Information Booklet under § 3500.6 of this part. Time of provision is set forth in § 3500.6(a).

(b) *Good Faith Estimate.* The Lender shall provide a good faith estimate, as a dollar amount or range, of each charge for a settlement service which the borrower is likely to incur. Each such good faith estimate must bear a reasonable relationship to the charge a borrower is likely to be required to pay at settlement, and must be based upon experience in the locality or area in which the Mortgaged Property is located.

As to each charge with respect to which the Lender requires a particular settlement service provider to be used, the Lender shall make its good faith estimate based upon the Lender's knowledge of the amounts charged by such provider.

(c) *Settlement Services for which Good Faith Estimates are required.* The Lender is required to provide the loan applicant with a Good Faith Estimate for each settlement charge which will be listed in Section L (except item 903 and series 1000 of Section L) of the Uniform Settlement Statement which the Lender anticipates that the borrower will pay at settlement based upon the Lender's general experience as to which party normally pays each charge in the locality.

(d) *Form of Good Faith Estimates.* The Lender may provide the loan applicant with the required Good Faith Estimates on any form, including Section L, of the Uniform Settlement Statement, which the Lender determines to use, if the following requirements are met:

(1) The form must be clear and concise. It shall include the Lender's name. The form shall set forth in bold type the following or a substantially equivalent statement: "This form does not cover all items you will be required to pay in cash at settlement, for example, deposit in escrow for real estate taxes and insurance. You may wish to inquire as to the amounts of such other items." You may be required to pay other additional amounts at settlement.

(2) The terminology shall be identical, so far as practicable, to the terms used in the Uniform Settlement Statement (HUD-1) or the terms which will be inserted in blank spaces in the Uniform Settlement Statement. Lenders are encouraged, but are not required, to set forth the items numbers for each item which appears in the Uniform Settlement Statement (HUD-1).

(3) Additional information relating to a stated item may be provided. Charges which may be grouped together pursuant to the instructions of the Uniform Settlement Statement may be grouped in this disclosure. For example, the amount for several title charges (listed as lines 1101-1106 of the Uniform Settlement Statement) may, in some jurisdictions, customarily be included in an attorney's fee (listed as line 1107).

(e) *Description of Lender's requirements on selection of providers.* Where the Lender requires that a particular provider (or affiliated group of providers, such as a law firm) be used to provide legal services, title examination services or title insurance or to conduct settlement and requires the borrower to pay all or a portion of the cost of such services (regardless of the interests represented by the provider), the Lender is required to include as part of the Good Faith Estimate, a statement which clearly designates the corresponding estimated charges, and states:

(1) The name, address and telephone number of each provider designated by the Lender, the services which would be rendered by such provider, and the fact that Lender's estimate is based upon the charges of the designated provider; and

(2) A statement whether or not each such provider has a business relationship with the Lender.

(f) As to each Federally Related Mortgage Loan which is exempt from the use of the Uniform Settlement Statement by reason of Section 3500.8(d) of this part, the lender shall keep an accurate record for two years of the itemized list of the settlement services provided, the exact charge, if any, which is to be imposed at settlement, and the subparagraph (Section 3500.8(d)(1) or (d)(2)) under which the exemption is granted. With respect to a transaction which is exempt under Section 3500.8(d)(2), the lender shall deliver or place in the mail to the borrower not later than three business days after loan application a statement of

the amount of the fixed charge and a

sions of this Act from complying with the

(b) *Thing of value.* "Thing of value" is

payment for goods or facilities actually

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the amount of the fixed charge and a statement of the settlement services and other items covered by such charge.

§ 3500.8 Use of Uniform Settlement Statement Form.

(a) *Use of HUD–1.* As required by section 4 of RESPA, the Uniform Settlement Statement (HUD–1, set forth in Appendix A) shall be used by the person conducting settlement in every Federally Related Mortgage Loan settlement transaction whether or not such person is the Lender. Persons conducting settlements may exhaust supplies of the original HUD–1 which are in stock at the time these regulations take effect.

(b) *Charges to be stated.* The Uniform Settlement Statement, HUD–1, shall be completed to itemize all charges to be paid by the borrower and the seller in connection with the settlement, except those charges not imposed upon the borrower or seller by the Lender and which the borrower or seller contract to pay for separately outside of the settlement. Charges which are required by the Lender but paid outside of closing shall be included on the statement but marked "P.O.C.", as provided in the general instructions to the form. Lines and columns which relate to the borrower's transaction may be deleted from the copy of the form which will be furnished to the seller and lines and columns which relate to the seller's transaction may be deleted from the copy of the form which will be furnished to the borrower.

(c) *Recordkeeping.* The person conducting the settlement shall provide the Lender with a copy of each settlement statement (both borrower's and seller's copies, where different) required to be prepared pursuant to section 4 of RESPA. The Lender shall retain the settlement statement for two years after the date of settlement unless the Lender disposes of its interest in the mortgage and does not service the mortgage. The Lender may permit its copy of the settlement statement to be delivered to the owner or servicer of the mortgage as a part of the transfer of the loan file. If copy of the settlement statement is required to be submitted to the Secretary or other Federal agency, a legible reproduction of the copy retained by the Lender may be used to meet this requirement.

(d) *RESPA Transactions exempt from the use of the Uniform Settlement Statement.* (1) Transactions in which the borrower is not required to pay any settlement charges or adjustments.

(2) Transactions in which the borrower is required to pay a fixed amount for all charges imposed at settlement and the borrower is informed of the fixed amount at the time of loan application.

§ 3500.9 Printing and duplication of Uniform Settlement Statement Form.

(a) *Permissible changes.* The Uniform Settlement Statement form, HUD–1, may be reproduced with the following permissible changes and insertions:

(1) The person reproducing the form may insert in Section A its business name and/or logotype and may rearrange, but not delete, the other information which appears in Section A.

(2) The name, address and other information regarding the Lender and settlement agent (person conducting settlement), respectively, may be printed in Sections F and H.

(3) Reproduction of HUD–1 must conform to the terminology, sequence and numbering of line items as presented in lines 100–1400 which are not used locally or in connection with mortgages by the Lender may be deleted, except for the following: Lines 100, 120, 200, 220, 300, 301, 302, 303, 400, 420, 500, 520, 600, 601, 602, 603, 700, 800, 900, 1000, 1100, 1200, 1300, and 1400. The form may be correspondingly shortened. The number of a deleted item shall not be used for a substitute or new item, but the number of a blank space on HUD–1 may be used for a substitute or new item.

(4) Charges not listed on HUD–1 but which are customary locally or pursuant to the Lender's practice may be inserted in blank spaces; or where existing blank spaces on HUD–1 are insufficient, additional lines and spaces may be added and numbered in sequence with HUD–1 spaces.

(5) The following variations in layout and format are within the discretion of persons reproducing HUD–1 and do not require prior HUD approval: size of pages; tint or color of pages; size and style of type or print; vertical spacing between lines or provision for additional horizontal space on lines (for example, to provide sufficient space for recording time periods used in prorations); printing of HUD–1 contents on separate pages, on the front and back of a single page, or on one continuous page; use of multicopy tear-out sets; printing on rolls for computer purposes; reorganization of Sections B through I where necessary to accommodate computer printing; placement on the form the HUD number but not the OMB approval number, neither of which in any case may be deleted from the form.

(6) The borrower's information and the seller's information may be provided on separate pages.

(7) Signature lines may be added.

(8) The form may be translated into any other language.

(9) An additional page may be attached to HUD–1 for the purpose of including customary recitals and information used locally in real estate settlements, for example, breakdown of payoff figures; a breakdown of mortgagor's total monthly mortgage payments; check disbursements; a statement indicating receipt of funds; applicable special stipulations between buyer and seller; and the date funds are transferred. If space permits, such information may be added at the end of HUD–1.

(b) Any other deviation in the form is only permissible upon receipt of written approval of the Secretary. A request to the Secretary for approval may be submitted in writing to the Assistant Secretary for Consumer Affairs and Regulatory Functions, Attention: RESPA, Room 4100, 451 7th Street, SW., Washington, D.C. 20410, stating the reasons why the applicant believes such deviation is needed. Prior to receiving such approval, the prescribed form must be used.

§ 3500.10 One day advance inspection of Uniform Settlement Statement; delivery.

(a) *Inspection one day prior to settlement.* Except as provided in paragraph (d), upon the request of the borrower, the person conducting the settlement shall permit the borrower to inspect the Uniform Settlement Statement, completed to set forth those items which are known to such person at the time of inspection, during the business day immediately preceding the Date of Settlement.

(b) *Delivery.* The Uniform Settlement Statement shall be delivered or mailed to the borrower and the seller or their agents at or before settlement, except as provided in paragraphs (c) and (d).

(c) *Waiver.* The borrower may waive the right to delivery of the completed Uniform Settlement Statement no later than at settlement by executing a written waiver at or before settlement. In such case, the completed Uniform Settlement Statement shall be mailed or delivered to the borrower and seller as soon as practicable after settlement.

(d) *Exempt transactions.* Where the borrower or the borrower's agent does not attend the settlement or where the person conducting settlement does not require a meeting of the parties for that purpose, the transaction shall be exempt from the requirements of paragraphs (a) and (b) above, except that the Uniform Settlement Statement shall be delivered as soon as practicable after settlement.

§ 3500.11 Mailing.

The provisions of this part requiring or permitting mailing of settlement statements or other documents shall be deemed to be satisfied by placing the document in the mail (whether or not received by the addressee) addressed to the addresses stated in the loan application or in other information submitted to or obtained by Lender at the time of loan application, or submitted to or obtained by the Lender or person conducting settlement, except that a revised address shall be used where the Lender or such other person has been expressly informed in writing of a change of address.

§ 3500.12 No fee.

As provided in section 12 of RESPA, no fee shall be imposed or charge made upon any other person, as a part of settlement costs or otherwise, by a Lender in connection with or on account of the preparation and distribution of the statement required by section 4 of RESPA (Uniform Settlement Statement) or by the Truth in Lending Act.

§ 3500.13 Relation to State laws.

Section 18 of RESPA provides:

This Act does not annul, alter, or affect or exempt any person subject to the provisions of this Act from complying with the laws of any State with respect to settlement practices, except to the extent that those laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency. The Secretary is authorized to determine whether such inconsistencies exist. The Secretary may not determine that any State law is inconsistent with any provision of this Act if the Secretary determines that such law gives greater protection to the consumer. In making these determinations the Secretary shall consult with the appropriate Federal agencies.

A determination by the Secretary that such an inconsistency exists shall be made, after consultation with appropriate Federal agencies, by publication of a notice in the FEDERAL REGISTER.

§ 3500.14 Prohibition against kickbacks and unearned fees.

(a) *Statutory prohibitions.* Section 8 of RESPA provides:

(a) No person shall give and no person shall accept any fee, kickback, or thing of value pursuant to any agreement or understanding, oral or otherwise, that business incident to or a part of a real estate settlement service involving a federally related mortgage loan shall be referred to any person.

(b) No person shall give and no person shall accept any portion, split, or percentage of any charge made or received for the rendering of a real estate settlement service in connection with a transaction involving a federally related mortgage loan other than for services actually performed.

(c) Nothing in this section shall be construed as prohibiting (1) the payment of a fee (A) to attorneys at law for services actually rendered or (B) by a title company to its duly appointed agent for services actually performed in the issuance of a policy of title insurance or (C) by a lender to its duly appointed agent for services actually performed in the making of a loan, (2) the payment to any person of a bona fide salary or compensation or other payment for goods or facilities actually furnished or for services actually performed,

or (3) payments pursuant to cooperative brokerage and referral arrangements or agreements between real estate agents and brokers, or (4) such other payments or classes of payments or other transfers as are specified in regulations prescribed by the Secretary, after consultation with the Attorney General, the Administrator of Veterans' Affairs, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Secretary of Agriculture.

(d)(1) Any person or persons who violate the provisions of this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(2) In addition to the penalties provided by paragraph (1) of this subsection, any person or persons who violate the provisions of subsection (a) shall be jointly and severally liable to the person or persons whose business has been referred in an amount equal to three times the value or amount of the fee or thing of value, and any person or persons who violate the provisions of subsection (b) shall be jointly and severally liable to the person or persons charged for the settlement services involved in an amount equal to three times the amount of the portion, split, or percentage. In any successful action to enforce the liability under this paragraph, the court may award the court costs of the action together with a reasonable attorney's fee as determined by the court.

(b) *Thing of value.* "Thing of value" is broadly defined by section 8(2) of RESPA to include any payment, advance, fund, loan, service, or other consideration. Under section 8 of RESPA, a thing of value may be provided either directly or indirectly to the person referring settlement business and can take many forms including, but not limited to, monies, things, discounts, salaries, commissions, fees, duplicate payments of a charge, stock, dividends, distributions of partnership profits, credits representing monies that may be paid at a future date, special bank deposits or accounts, banking terms, special loan or loan guarantee terms, services of all types at special or free rates, and sales or rentals at special prices or rates.

(c) *Agreement or understanding.* An agreement or understanding for the referral of settlement business need not be verbalized but may be established by a practice, pattern or course of conduct pursuant to which the payor and recipient of the thing of value understand that the payment is in return for the referral of business. A payment that is made repeatedly and is connected in any way with the volume or value of the business referred to the payor by the recipient is presumptively pursuant to an agreement or understanding.

(d) *Payment of thing of value for referral of business.* Any person who gives and any person who receives any fee, kickback or thing of value that represents compensation for the referral of business incident to or a part of a real estate settlement service is in violation of section 8 of RESPA. The fact that the payment of the thing of value does not result in an increase in the charge made for the settlement service by the payor in the particular transaction is irrelevant in determining whether the payment is prohibited.

(e) *Payment for goods or services actually rendered.* The payment and receipt of a thing of value that bears a reasonable relationship to the value of the goods or services received by the person or company making the payment is not prohibited by RESPA section 8. To the extent the thing of value is in excess of the reasonable value of the goods provided or services performed, the excess is not for services actually rendered and may be considered a kickback or referral fee proscribed by RESPA section 8. The value of the referral itself (i.e., the additional business obtained thereby) is not to be taken into account in determining whether the payment is reasonable.

(f) *Exemptions.* The following are not proscribed by RESPA section 8:

(1) The payment of a fee (a) to attorneys at law for services actually rendered, or (b) by a title company to its duly appointed agent for services actually performed in the issuance of a policy of title insurance, or (c) by a Lender to its duly appointed agent for services actually performed in the making of a loan.

(2) The payment to any person of a bona fide salary, compensation or other payment for goods or facilities actually furnished or for services actually performed.

(3) Payments pursuant to cooperative brokerage and referral arrangements or agreements between real estate agents and brokers.

(4) Normal promotional and educational activities not directly conditioned on the referral of business and that do not involve the defraying of expenses that otherwise would be incurred by persons in a position to refer settlement business, such as a reception by a title company, free seminars on title matters to professionals, furnishing property descriptions and names of record owners without charge to persons such as Lenders, real estate brokers or attorneys or distribution of calendars and other promotional material of nominal value.

(5) The waiver by a Lender of the requirement that a borrower pay a prepayment penalty provided in mortgage documents, whether or not such waiver is conditioned upon receipt by the Lender of a loan application from, or the making of a loan to, such borrower or a person purchasing a property from such borrower. This exemption is established pursuant to authority to establish exemptions from Section 8 of RESPA; and is not applicable by analogy to any category of cases other than waiver of prepayment penalties.

(g) *Examples of violations under section 8.* The following are examples of violations under section 8 and are applicable by analogy to other providers of settlement services in addition to those specified in the examples:

(1) A title company pays a portion of the title insurance premium to a person who performs no services for the title company other than placing an application with the title company.

(2) A title company gives a discount or allowance for the prompt payment of a title insurance premium or other charge for a settlement service to a real estate agent, attorney or lender as a rebate for the placement of business with such title company.

(3) An attorney gives a portion of his fees to another attorney, a Lender or a real estate agent who only referred a prospective client to the attorney.

(4) A title company pays a "commission" to a corporation that is wholly owned by one or more Lenders, even though such corporation performs no substantial services on behalf of the title company.

APPENDIX A—INSTRUCTIONS FOR COMPLETING UNIFORM SETTLEMENT STATEMENT (HUD–1)

The following are instructions for completing sections A through L of the Uniform Settlement Statement HUD–1, required under section 4 of RESPA and called Regulation X. This form is to be used as a uniform statement of actual costs and adjustments to be given to the parties in connection with the settlement. The instructions for completion of the form are primarily for the benefit of the persons who prepare the statements and need not be transmitted to the parties as an integral part of the form. Refer to Regulation X of the Department of Housing and Urban De-

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velopment (24 CFR Part 3500) to determine if the Uniform Settlement Statement is legally required to be used in a particular mortgage loan transaction. There is no objection of the use of the form in transactions in which its use is not legally required.

GENERAL INSTRUCTIONS

Information and amounts may be filled in by typewriter, hand printing, computer printing, or any other method producing clear and legible results. Copies of the form sent to the borrower and the seller may be carbon copies or other clear legible copies. Refer to Regulation X regarding rules applicable to printing of the form. An additional page may be attached to HUD–1 for the purpose of including customary recitals and information used locally in real estate settlements, for example, a breakdown of payoff figures; a breakdown of mortgagor's total monthly mortgage payments; check disbursements; a statement indicating receipt of funds; applicable special stipulations between buyer and seller; and the date funds are transferred. The reverse side of the form may be used instead of an additional sheet.

Where charges are paid outside of the settlement (normally by separate check), but are included in the requirements of § 3500.8(b), they shall be stated with the notation "P.O.C." (Paid outside closing) and shall not be included in computing totals. In accordance with § 3500.8(b), charges not imposed upon the borrower or seller by the Lender and which borrower or seller contract to pay for separately outside of the settlement, need not be entered on HUD–1.

LINE ITEM INSTRUCTIONS

Instructions for completing the individual items on the form follow. Where no instructions are given, the item is thought to be self-explanatory.

Section A. The Lender, title company, other firm, or other person conducting settlement and preparing the form may insert its name and/or logotype in Section A.

Section B. Check appropriate loan type and complete the remaining items as applicable.

Sections D and E. Fill in the names and current mailing addresses and zip codes of the borrower and the seller. Where there is more than one buyer or seller, the name and address of one is sufficient.

Section G. The street address of the secured property, should be given. If there is no street address, a brief legal description or other location of the property should be inserted. In all cases give the zip code of the property.

Section H. Fill in name, address, and zip code of settlement agent; address and zip code of "place of settlement."

Section J. Summary of Borrower's Transaction. The borrower may be given a copy of the form which does not contain the information filled in under "Summary of Seller's Transaction" (Section K, Series 400, 500, and 600 items).

Lines 104 and 105 are for additional amounts owed by the buyer. For example, the balance in the seller's reserve account held by the Lender, if assigned to the buyer in a loan assumption case, will be entered here. These lines will also be used when a tenant in the property being sold has not yet paid his rent, which the buyer will collect, for a period of time prior to the settlement. The seller will be credited on lines 404–405.

Lines 106 through 112 are for items which the seller had paid in advance, and for which the buyer must therefore reimburse the seller. Examples of items for which adjustments will be made may include taxes and assessments paid in advance for an entire year or other period, when settlement occurs prior to the expiration of the year or other period for which they were paid. Additional examples include flood and hazard insurance premiums, if the buyer is being substituted as an insured under the same policy; mortgage insurance in loan assumption cases; planned unit development or condominium association assessments paid in advance; fuel or other supplies on hand, purchased by the seller, which the buyer will use when buyer takes possession of the property; and ground rent paid in advance.

Line 208 is used for cases in which the buyer is assuming or taking title subject to an existing loan or lien on the property.

Lines 204–209 may be used in cases in which the seller has taken a trade-in or other property from the buyer in part payment for the property being sold. They may also be used in cases in which a seller (typically a builder) is making an "allowance" to the buyer for carpets or drapes which the buyer is to purchase on his own. Such an allowance should also be entered on lines 506 to 509.

Lines 210 through 219 are for items which have not yet been paid, and which the buyer is expected to pay, but which are attributable in part to a period of time prior to the settlement. In jurisdictions in which taxes are paid late in the tax year, most cases will show the proration of taxes in these lines. Other examples include utilities used but not paid for by the seller, rent collected in advance by the seller from a tenant for a period extending beyond the settlement date, and interest on loan assumptions.

Line 303 may indicate either the cash required from the borrower at settlement (the usual case in a purchase transaction) or cash payable to the borrower at settlement (if, for example, the buyer's earnest money deposit exceeded his cash obligations in the transaction). The appropriate box should be checked.

Section K. Summary of Seller's Transaction. The seller may be given a copy of the form which does not contain the information filled in under "Summary of Borrower's Transaction" (Section J, Series 100, 200, and 300 items).

Instructions for the use of lines 106–112, above, apply also to lines 406 to 412.

Line 501. If the seller's real estate broker has received and holds an earnest money deposit which exceeds the commission owed to him, and if he will tender the excess deposit directly to the seller, rather than through the settlement agent, the amount of excess deposit should be entered on line 501.

Line 503 is used if the purchaser is assuming or taking title subject to existing liens which are to be deducted from sales price.

Line 506 through 509 may be used to list additional liens which must be paid off through the settlement to clear title to the property. They may also be used to indicate funds to be held by the settlement agent for

the payment of water, fuel, or other utility bills which cannot be prorated between the parties at settlement because the amounts used by the seller prior to settlement are not yet known.

Instructions for the use of lines 510 through 519 are the same as those for lines 210 to 219 above.

Section L. Settlement Charges. For all items except those paid to and retained by the Lender, the name of the person or firm receiving the payment should be shown. The column which relates to the borrower's transaction may be deleted from the copy of the form which will be furnished to the seller and the column which relates to the seller's transaction may be deleted from the copy of the form which will be furnished to the borrower.

Line 700. If the sales commission paid by the seller is based on a percentage of the purchase price, enter the purchase price, the percentage, and the dollar amount of the total commission paid by the seller.

Lines 701–702 are to be used to state the split of the commission where the person conducting the settlement disburses portions of the commission to two or more agents.

Line 703. If the broker is retaining a part of the earnest money deposit to apply towards his commission, include in lines 703 only that part of the commission being disbursed at settlement.

Line 704 may be used for additional charges made by the sales agent, or for a sales commission charged to the buyer, which will be disbursed by the settlement agent.

Line 801. Enter the fee charged by the Lender for processing or originating the loan. If this fee is computed as a percentage of the loan amount, enter the percentage in the blank indicated.

Line 802. Enter the loan discount charged by the lender, and, if it is computed as a percentage of the loan amount, enter the percentage in the blank indicated.

Line 803. Enter appraisal fees, if there is a charge separate from the origination fee. The VA or FHA appraisal fee is included on line 806.

Line 805 is used only for inspections by the lender or his personnel. Charges for other pest or structural inspections, required by Regulation X to be stated, should be entered in lines 1301–1305.

Line 806 should be used for a VA appraisal fee, FHA application fee (which covers the cost of appraisal for the agency as well), or a fee required by a private mortgage insurance company.

Line 807 is provided for convenience in using the form for loan assumption transactions.

Line 901. If interest is collected at settlement for a part of a month or other period between settlement and the date from which interest will be collected with the first regular monthly payment, enter that amount here. If such interest is not collected until the first regular monthly payment, no entry should be made on line 901.

Lines 1000–1008. This series is used for amounts collected by the Lender from the borrower and held in an account for the future payment of the obligations listed as they fall due. In many jurisdictions this is referred to as an "escrow," "impound," or "trust" account. In addition to the items listed, some Lenders may require reserves for flood insurance, condominium owners association assessments, etc.

Lines 1100–1113. In many jurisdictions the same person (for example, an attorney or a title insurance company) performs several of the services listed in this series and makes a single undifferentiated charge for such services. In such cases, enter the overall fee on line 1107 (for attorneys), or line 1108 (for title companies), and enter on that line the item numbers of the services listed which are covered in the overall fee. If this is done, no amounts should be entered for the individual items which are covered by the overall fee.

Line 1101. Enter here the fee of the person or firm conducting the settlement. In some jurisdictions this is termed a closing or escrow fee. If two or more persons or firms make charges in connection with the same transaction, enter total charges in the appropriate columns, and indicate the breakdown of charges on the line after the word "to."

Lines 1102 and 1103. In some jurisdictions the same person (for example, an attorney) both searches the title (that is, performs the necessary research in the records) and examines title (that is, makes a determination as to what matters affect title, and provides a title report or opinion). If such a person charges only one fee for both services, it should be entered on line 1103. If separate persons perform these tasks, or if separate charges are made for searching and examination, they should be listed separately.

Line 1105. Enter charges for preparation of deeds, mortgages, notes, etc. If more than one person receives a fee for such work in the same transaction, show the total paid in the appropriate column and the individual charges on the line following the word "to."

Lines 1108–1110. Enter the total charge for title insurance (except for the cost of the title binder) on line 1108. Enter on lines 1109 and 1110 the individual charges for the Lender's and owner's policies. Note that these charges are not carried over into the borrower's and seller's columns, since to do so would result in a duplication of the amount in line 1108. If a combination Lender's/owner's policy is available show this amount as an additional entry on line 1109 and 1110.

Lines 1111–1113. These lines are for the entry of other title charges not already itemized. Examples in some jurisdictions would include a fee to a private tax service, a fee to a county tax collector for a tax certificate, and a fee to a public title registrar for a certificate of title under a Torrens Act. Show the Lender's attorney's fee if any on lines 1111–1113.

Lines 1303–1305. Enter on these lines any other settlement charges not referrable to the categories listed above on the form, which are required to be stated by Regulation X. Examples may include structural inspections or pre-sale inspection of heating, plumbing, or electrical equipment. These inspection charges may include a fee for insurance or warranty coverage.

Line 1400. Enter the total settlement charges paid from borrower's funds and seller's funds. These totals are also entered on lines 103 and 502, respectively, in sections J and K.

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Form Approved
OMB NO. 63-R-1501

A.

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SETTLEMENT STATEMENT

B. TYPE OF LOAN

1. ☐ FHA 2. ☐ FmHA 3. ☐ CONV. UNINS.
4. ☐ VA 5. ☐ CONV. INS.

6. File Number: 7. Loan Number:

8. Mortgage Insurance Case Number:

C. NOTE: *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D. NAME OF BORROWER:	E. NAME OF SELLER:	F. NAME OF LENDER:
G. PROPERTY LOCATION:	H. SETTLEMENT AGENT: PLACE OF SETTLEMENT:	I. SETTLEMENT DATE:

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		*400. GROSS AMOUNT DUE TO SELLER:*	
101. Contract sales price		401. Contract sales price	
102. Personal property		402. Personal property	
103. Settlement charges to borrower *(line 1400)*		403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		*Adjustments for items paid by seller in advance*	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. *GROSS AMOUNT DUE FROM BORROWER*		420. *GROSS AMOUNT DUE TO SELLER*	
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		*500. REDUCTIONS IN AMOUNT DUE TO SELLER:*	
201. Deposit or earnest money		501. Excess deposit *(see instructions)*	
202. Principal amount of new loan(s)		502. Settlement charges to seller *(line 1400)*	
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		*Adjustments for items unpaid by seller*	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. *TOTAL PAID BY/FOR BORROWER*		520. *TOTAL REDUCTION AMOUNT DUE SELLER*	
300. CASH AT SETTLEMENT FROM/TO BORROWER		*600. CASH AT SETTLEMENT TO/FROM SELLER*	
301. Gross amount due from borrower *(line 120)*		601. Gross amount due to seller *(line 420)*	
302. Less amounts paid by/for borrower *(line 220)*	( )	602. Less reductions in amount due seller *(line 520)*	( )
303. *CASH (☐ FROM) (☐ TO) BORROWER*		*603. CASH (☐ TO) (☐ FROM) SELLER*	

L. SETTLEMENT CHARGES			PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700. TOTAL SALES/BROKER'S COMMISSION based on price $		@ % =		
Division of Commission (line 700) as follows:				
701. $	to			
702. $	to			
703. Commission paid at Settlement				
704.				
800. ITEMS PAYABLE IN CONNECTION WITH LOAN				
801. Loan Origination Fee	%			
802. Loan Discount	%			
803. Appraisal Fee	to			
804. Credit Report	to			
805. Lender's Inspection Fee				
806. Mortgage Insurance Application Fee	to			
807. Assumption Fee				
808.				
809.				
810.				
811.				
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE				
901. Interest from	to	@ $ /day		
902. Mortgage Insurance Premium for		months to		
903. Hazard Insurance Premium for		years to		
904.		years to		
905.				
1000. RESERVES DEPOSITED WITH LENDER				
1001. Hazard insurance		months @ $ per month		
1002. Mortgage insurance		months @ $ per month		
1003. City property taxes		months @ $ per month		
1004. County property taxes		months @ $ per month		
1005. Annual assessments		months @ $ per month		
1006.		months @ $ per month		
1007.		months @ $ per month		
1008.		months @ $ per month		
1100. TITLE CHARGES				
1101. Settlement or closing fee	to			
1102. Abstract or title search	to			
1103. Title examination	to			
1104. Title insurance binder	to			
1105. Document preparation	to			
1106. Notary fees	to			
1107. Attorney's fees	to			
(includes above items numbers:				
1108. Title insurance	to			
(includes above items numbers:				
1109. Lender's coverage	$			
1110. Owner's coverage	$			
1111.				
1112.				
1113.				
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES				
1201. Recording fees: Deed $		; Mortgage $	; Releases $	
1202. City/county tax/stamps: Deed $		; Mortgage $		
1203. State tax/stamps: Deed $		; Mortgage $		
1204.				
1205.				
1300. ADDITIONAL SETTLEMENT CHARGES				
1301. Survey	to			
1302. Pest inspection	to			
1303.				
1304.				
1305.				
1400. TOTAL SETTLEMENT CHARGES (enter on lines 103, Section J and 502, Section K)				

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APPENDIX B—FACTS AND COMMENTS ON SECTION 8 WHICH PROVIDE FURTHER CLARIFICATION OF REGULATIONS

The following illustrations provide additional guidance on the meaning and coverage of Section 8 of RESPA. While particular illustrations may refer to particular providers of settlement services, such illustrations are applicable by analogy to providers of settlement services other than those specifically mentioned. It should be noted that other provisions of Federal or state law may be applicable to the practices and payments discussed in the following illustrations.

1. *Facts.* A, a provider of settlement services, maintain and abnormally large balance in a non-interest bearing account with B, a mortgage lender, pursuant to an understanding that B will refer borrowers of Federally Related Mortgage Loans to A for the purchase of settlement sevices in connection with the settlement of such loans.

Comments. Allowing B to use the deposited funds at no interest appears to be a thing of value given by A to B pursuant to an agreement or understanding that business incident to a real estate settlement shall be referred to A in violation of Section 8 of RESPA. The maintenance of any accounts reasonably needed by A in the normal course of its business would not be a violation of Section 8.

2. *Facts.* B, a lender of Federally Related Mortgage Loans, pays A, a real estate agent, a fee of $25 per transaction purportedly for services performed such as arranging for B's appraiser to visit the property. The purported services for which the fee is paid are services that real estate agents frequently perform as part of their services and the fee is really intended to enable B to compensate A for referring potential borrowers to B.

Comments. Both A and B are in violation of Section 8 of RESPA, since the fee is being paid in compensation for the referral of business rather than for legitimate services actually rendered by B on behalf of A.

3. *Facts.* A, a provider of settlement services, provides settlement services at abnormally low rates or at no charge at all to B, a builder, in connection with a subdivision being developed by B. B agrees to refer purchasers of the completed homes in the subdivision to A for the purchase of settlement services in connection with the sale of individual lots by B.

Comments. The rendering of services by A to B at little or no charge constitutes a thing of value given by A to B in return for the referral of settlement business and both A and B are in violation of Section 8 of RESPA.

4. *Facts.* B, a Lender, encourages persons who receive Federally Related Mortgage Loans from it to employ A, an attorney, to search title and perform related settlement services in connection with their transaction. B and A have an understanding that in return for the referral of this business A will provide legal services to B or B's officers or employees at abnormally low rates or for no charge.

Comments. Both A and B are in violation of Section 8 of RESPA.

5. *Facts.* A, a provider of settlement services, pays referral fees to persons who refer settlement business on commercial real estate to A.

Comments. While commercial transactions are not covered by RESPA, the payment of such referral fees would be a violation of Section 8 if they involve indirect compensation for the referral of settlement business covered by RESPA.

6. *Facts.* A, a real estate broker, obtains all necessary licenses under state law to act as a title insurance agent. A refers individuals who are purchasing homes in transactions in which A participates as a broker to B, a title company, for the purchase of title insurance services. A fills out a simple form but performs no other services in connection with the issuance of the title insurance policy. B pays A a commission for the transaction.

Comments. The payment of a commission by B to A under circumstances where no substantial services are being provided by A to B is a violation of Section 8 of RESPA.

7. *Facts.* A, a "mortgage originator" or "mortgage broker", receives loan applications and refers borrowers to lenders for a fee.

Comments. If A performs services such as obtaining credit and appraisal information or preparing an application for mortgage insurance or guarantee which are of value to the Lender paying the fee, without reference to the referral value of such services, and the fees paid bear a reasonable relationship to the value of such services, the payment of such a fee would not be in violation of Section 8 of RESPA.

8. *Facts.* A, a title insurance company, provides among its other services an "Insured Closing Service Letter". Under this letter, for which no separate or additional charge is made, the company agrees to provide indemnity against loss due to certain fraudulent or negligent acts of the company's policy-issuing agents or approved attorneys in complying with closing instructions and in conducting the closing of any transaction in connection with which a policy of title insurance is to be issued by A.

Comments. Where A has provided such an Insured Closing Service Letter to a specified person and the protection afforded thereby is effective without regard to whether the particular case was referred to A by the person receiving protection under such letter, the provision of the letter would not be pursuant to an agreement or understanding that settlement services be referred, and therefore not in violation of Section 8.

9. *Facts.* A, a service corporation, is a title insurance agent for B, a title insurance company. The search and examination of title, in connection with applications for title insurance policies prepared by A, are performed by employees of B. Employees of B also make any determinations as to the insurability of title. A issues title insurance policies on behalf of B and receives a commission equal to the amount paid other title insurance agents in the community, including other agents of B, who perform the title search and examination as well as prepare and issue the title insurance policy.

Comments. While A may be performing some real service for B, the fact that the amount of the commission received by A is equal to the commissions customarily paid to full-service title insurance agents who perform substantially greater and more valuable services indicates that the commission paid by B to A is really intended to compensate A for the referral of business. The amount by which the commission exceeds the reasonable value of the services rendered by A to B would be a referral fee prohibited by Section 8 of RESPA. Section 8 does not prohibit variations in the amount of commissions that may be paid, nor does it require that the quantum of services rendered be identical in all cases, so long as services significant to the issuance of a title insurance policy are rendered and the amount of the commission bears a reasonable relationship to the services rendered.

10. *Facts.* A, a real estate broker, refers title business to B, a company that is a licensed title agent for C, a title insurance company. A is part owner of B. B performs the title search and examination, makes determinations of insurability and issues a policy of title insurance on behalf of C, for which C pays B a commission. B pays annual dividends to its owners, including A, based on the relative amount of business each of its owners refers to B.

Comments. While the payments of a commission by C to B is not a violation of Section 8 of RESPA, if the amount of the commission constitutes reasonable compensation for the services performed by B for C, the payment of a dividend or the giving of any other thing of value by B to A that is based on the amount of business referred to B by A constitutes a violation of Section 8. Similarly, if the amount of stock held by A in B (or, if B were a partnership, the distribution of partnership profits by B to A) varied in proportion to the amount of business referred or expected to be referred, or if B retained any funds for subsequent distribution to A where such funds were generally in proportion to the amount of business A referred to B, such arrangements would constitute violations of section 8.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions, U.S. Department of Housing and Urban Development.

[FR Doc.76-15864 Filed 6-1-76;9:59 am]

federal register

FRIDAY, JUNE 4, 1976

PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions; Index

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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NEW GENERAL WAGE DETERMINATION

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determination in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedures for Predetermination of Wages Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISION

Illinois ---------- IL76-2072

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decision being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Florida:
FL76-1014 ---------- Jan. 23, 1976.
Louisiana:
LA76-4091 ---------- May 21, 1976.
Michigan:
MI76-2036 ---------- Mar. 19, 1976.
Nebraska:
NE76-4093 ---------- May 28, 1976.
Oklahoma:
OK76-4022; OK76-4023--- Feb. 6, 1976.
Tennessee:
TN75-1088 ---------- Sept. 12, 1975.
Texas:
TX76-4051 ---------- Feb. 20, 1976.
TX76-4087; TX76-4089; TX 76-4090. May 21, 1976.
Virginia:
MD76-3173 ---------- Do.
Washington, D.C.:
DC76-3174 ---------- Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The number of the decision being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

California:
CA75-5141(CA76-5050); CA 75-5142(CA76-5051).
Hawaii:
HI76-5013(HI76-5048) --- Jan. 30, 1976.
Idaho:
ID76-5016(ID76-5047) --- Feb. 13, 1976.
North Carolina:
NC75-1097(NC76-1065) -- Sept. 19, 1975.
Ohio:
AR-3034(OH76-2070); AR-3040(OH76-2073). Aug. 23, 1974.
AR-2034(OH76-2071) ---- Feb. 7, 1975.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination decision No. AQ-2072, City of Baltimore, Baltimore, Cecil, Harford and Howard Counties, Maryland, is cancelled. Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR) Section 1.5. Contracts for which bids have been opened shall not be affected by this notice and consistent with (29 CFR 1.7(b)(2)), the incorporation of Decision No. AQ-2072 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 28th day of May 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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DECISION NO. IL76-2072

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Logan & Northern ½ of Menard Co.					
Unskilled	$7.65	.35	.35		.035
Semi-Skilled	7.85	.35	.35		.035
Skilled	8.00	.35	.35		.035
Southern ½ of Menard County					
Unskilled	8.15	.35	.35		.035
Semi-Skilled	8.35	.35	.35		.035
Skilled	8.50	.35	.35		.035
Mason County					
Unskilled	7.24	.30	.30		.035
Semi-Skilled	7.44	.30	.30		.035
Skilled	7.59	.30	.30		.035
LATHERS	9.90				
PAINTERS:					
Logan & Menard Counties					
Brush & Roller	8.90	.45	.15		
Spray	9.40	.45	.15		
Mason County					
Brush	9.65	.45	.30		.03
Spray	10.15	.45	.30		.03
PLUMBERS & PIPEFITTERS	10.91	.35	.55		
ROOFERS:					
Composition	11.63				
Slate-Tile-Precast Slab	11.88				
SHEET METAL WORKERS	10.37	3%+.40	.50		.05
SPRINKLER FITTERS	11.40	.60	.90		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

NEW DECISION

STATE: Illinois
DECISION NUMBER: IL76-2072
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).
COUNTIES: Logan, Mason & Menard
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.39	.45	.62		
BOILERMAKERS:					
Menard County	10.05	.65	1.10		.03
Logan & Mason	10.15	.65	.85		.03
BRICKLAYERS:					
Logan & Mason Counties					
Bricklayers, Stonemasons, Cement Blocklayers, Caulkers, Pointers, Cleaners & Plasterers	9.45				
Marble-Tile & Terrazzo Workers	9.20				
Menard County	7.65				
Bricklayers, Stonemasons, Marble-Tile & Terrazzo Workers, Pointers, Caulkers & Cleaners	8.90	.40	.50		.02
Plasterers	8.85	.35	.30		.02
Marble & Tile Helpers	7.85				
CARPENTERS:					
Logan County					
Carpenters & Soft Floor Layers	8.75	.45	.35		.05
Millwrights & Piledrivermen	9.25	.45	.35		.05
Menard County					
Carpenters & Soft Floor Layers	9.20	.45	.45		.06
Millwrights & Piledrivermen	9.70	.45	.45		.06
Mason County					
Carpenters & Soft Floor Layers	10.21	.40	.40		.05
Millwrights & Piledrivermen	10.71	.40	.40		.05
CEMENT MASONS:					
Logan County	9.00				
Menard County	9.08	.35	.35		.02
Mason County	10.00	.45	.50		.05
ELECTRICIANS:					
Logan & Menard Cos; the twps. of Bath, Grane Creek, Kilbourne, Lynchburg, Mason City & Salt Creek in Mason County	9.87	.40	17%+.30		.2%
Remainder of Mason County	9.87	.40	17%+.40		1%
GLAZIERS	8.80	.25	.15		
IRONWORKERS	9.50	.55	.70		.05

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DECISION NO IL76-2072

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.E. & similar tyre autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders engeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreador machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propolled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL76-2072

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS MASON COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.67	.45	.55		.05
Group 2	9.47	.45	.55		.05
Group 3	9.095	.45	.55		.05
Group 4	8.82	.45	.55		.05
Group 5	8.21	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicoptor

Group 2: Trench machine, pumperete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL76-2072

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO IL76-2072

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

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MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4091 - Mod. #1 (41 FR 21064 - May 21, 1976) Statewide Louisiana					
Change:					
Carpenters:					
Zone 10	$ 7.65	.35	.20		.05
Glaziers:					
Zone 5	7.00		.20		
Marble setters' helpers:					
Zone 1	6.55	.25			
Millwrights:					
Zone 8	8.55	.35	.20		.05
Pilebriversmen:					
Zone 8	8.15	.35	.20		.05
Plumbers & pipefitters:					
Zone 5	8.54	.40	.30	.55	.09
Terrazzo workers:					
Zone 1	8.80	.25			
Terrazzo workers' helpers:					
Zone 1	6.55	.25			
Tile setters:					
Zone 1	8.80	.25			
Tile setters' helpers:					
Zone 1	6.55	.25			

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # IA76-1014 - Mod. #1 (41 FR 3587 - January 23, 1976) Hillsborough County, Florida					
Change:					
Electricians:					
Commercial	8.77	4.5%	14%		.10
Industrial	9.95	4.5%	14%		.10
Cable splicers	JR+.35	4.5%	14%		.10
Ironworkers:					
Structural, Ornamental, & Reinforcing	9.61	.55	.40	.24	.05
Millwrights	9.37	.45	.45		.06
Painters:					
Brush & roller	8.15	.35	.40		.06
Swing stage, window jack, spray, sandblasters, paperhangers	8.65	.35	.40		.06
Drywall tapers	9.00	.35	.40		.06
Roofers:					
Roofers	8.05	.25	.20		.02
Kettlemen	5.60	.25	.20		.02
Helpers	4.60	.25	.20		.02
POWER EQUIPMENT OPERATORS:					
Group A	10.89	.375	.35		.05
Group B	10.14	.375	.35		.05
Group C	9.905	.375	.35		.05
Group D	9.695	.375	.35		.05
Group E	8.135	.375	.35		.05
Group F	7.815	.375	.35		.05
Group G	7.645	.375	.35		.05

MODIFICATIONS P. 4

DECISION #MI76-2036 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Cont'd					
Zone 1 (Cont'd)					
Class C	$8.10	.55	.30	.55	.04
Class D	7.99	.55	.30	.55	.04
Class E	7.93	.55	.30	.55	.04
Class F	7.90	.55	.30	.55	.04
Zone 2					
Class A	8.01	.55	.30	.55	.04
Class B	7.78	.55	.30	.55	.04
Class B-1	7.87	.55	.30	.55	.04
Class B-2	7.66	.55	.30	.55	.04
Class C	9.62	.55	.30	.55	.04
Class D	7.46	.55	.30	.55	.04
Class E	7.40	.55	.30	.55	.04
Class F	7.32	.55	.30	.55	.04
Zone 2A					
Class A	7.76	.55	.30	.55	.04
Class B	7.53	.55	.30	.55	.04
Class B-1	7.62	.55	.30	.55	.04
Class B-2	7.43	.55	.30	.55	.04
Class C	7.37	.55	.30	.55	.04
Class D	7.21	.55	.30	.55	.04
Class E	7.15	.55	.30	.55	.04
Class F	7.07	.55	.30	.55	.04
Zone 3					
Class A	7.65	.55	.30	.55	.04
Class B	7.35	.55	.30	.55	.04
Class B-1	7.60	.55	.30	.55	.04
Class B-2	7.45	.55	.30	.55	.04
Class C	7.30	.55	.30	.55	.04
Class D	7.10	.55	.30	.55	.04
Class E	7.00	.55	.30	.55	.04
Class F	6.95	.55	.30	.55	.04
Zone 3A					
Class A	7.50	.55	.30	.55	.04
Class B	7.20	.55	.30	.55	.04
Class B-1	7.48	.55	.30	.55	.04
Class B-2	7.30	.55	.30	.55	.04
Class C	7.15	.55	.30	.55	.04
Class D	6.95	.55	.30	.55	.04
Class E	6.85	.55	.30	.55	.04
Class F	6.80	.55	.30	.55	.04

MODIFICATIONS P. 3

DECISION #MI76-2036 - Mod. #1 (41 FR 11763 - March 19, 1976) Statewide, Michigan

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Under Cement Masons:					
Zone 2					
Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Midland, Montcalm, Muskegon, Ottawa, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola & Van Buren Counties	99.37	.40	.25		.02
Zone 3					
Remainder of the State	9.30	.40	.25		.02
ADD:					
Under Cement Masons:					
Zone 2					
Remainder of the State	10.05	.50	.25		.02
CHANGE:					
Under Cement Masons:					
Zone 1					
Genesee, Livingston, Macomb, Monroe, Oakland, Saginaw, Washtenaw & Wayne Counties	10.40	.50	.25		.02
Painters:					
Kent, Montcalm, Mecosta & the west ½ of Ionia Cos., only:					
Brush	7.55	.40	.25		.02
Bridges over Highways or Railroads	7.80	.40	.25		.02
Steam Cleaning/Sandblasting; Bridge Work over Rivers or Lakes, Spray & Pressure Roller:	8.30	.40	.25		.02
Laborers:					
Zone 1					
Class A	8.53	.55	.30	.55	.04
Class B	8.31	.55	.30	.55	.04
Class B-1	8.18	.55	.30	.55	.04
Class B-2	7.99	.55	.30	.55	.04

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MODIFICATIONS P. 5

DECISION #MI76-2036 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Wayne, Monroe, Washtenau, Oakland, Macomb & Genesee:					
Class 1	$8.85	.80	.85	10%	.05
Class 2	8.63	.80	.85	10%	.05
Class 3	8.17	.80	.85	10%	.05
Class 4	8.04	.80	.85	10%	.05
Remainder of State:					
Class 1	8.77	.80	.85	10%	.05
Class 2	8.51	.80	.85	10%	.05
Class 3	8.05	.80	.85	10%	.05
Class 4	7.80	.80	.85	10%	.05
Sign Installers:					
Zone 1					
Class A	8.32	a20.00	a22.00	.15	
Class B	8.07	a20.00	a22.00	.15	
Zone 2					
Class A	7.73	a20.00	a22.00	.15	
Class B	7.48	a20.00	a22.00	.15	
Truck Drivers:					
Zone 1					
Class 1	9.27	a20.00	a22.00	.15	
Class 2	9.37	a20.00	a22.00	.15	
Class 3	9.52	a20.00	a22.00	.15	
Zone 2					
Class 1	9.17	a20.00	a22.00	.15	
Class 2	9.27	a20.00	a22.00	.15	
Class 3	9.42	a20.00	a22.00	.15	
Line Construction:					
Remainder of State-Zone II:					
Linemen & Technician	9.45	.35	1%	a	½ of 1%
Cable Splicer	9.84	.35	1%	a	½ of 1%
Combination Digger & Tractor Operator:					
1st 6 months	6.87	.35	1%	a	½ of 1%
Over 6 months	7.41	.35	1%	a	½ of 1%
Light Equipment Operator; Groundmen; Distribution Line T/D Groundman:					
1st 6 months	5.98	.35	1%	a	½ of 1%
Over 6 months	6.51	.35	1%	a	½ of 1%
Combination Winch Truck Driver Groundman					
1st 6 months	5.45	.35	1%	a	½ of 1%
Over 6 months	6.22	.35	1%	a	½ of 1%
Comb. T/D-Groundman	5.27	.35	1%	a	½ of 1%

MODIFICATIONS P. 6

DECISION NO. NE76-4093 - Mod. #1
(41 FR 21944 - May 28, 1976)
Douglas and Sarpy Counties, Nebraska

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Roofers helpers	50%	.15	.20	.20	.01

DECISION NO. OK76-4022 - Mod. #2
41 FR 5559 - 2/6/76
Oklahoma, Cleveland, Canadian, Caddo, Grady, Kingfisher, Logan, Lincoln, McClain, Pottawatomie and Seminole Counties, Oklahoma.

CHANGE:

ELECTRICIANS:					
Zone I	$8.80	.50	1%+.50		1/2%
Zone II	9.05	.50	1%+.50		1/2%
Zone III	9.30	.50	1%+.50		1/2%
CABLE SPLICERS:					
Zone I	9.05	.50	1%+.50		1/2%
Zone II	9.30	.50	1%+.50		1/2%
Zone III	9.55	.50	1%+.50		1/2%

DECISION NO. OK76-4023 - Mod. #3
(41 FR 5562 - February 6, 1976)
Comanche County, Oklahoma

CHANGE:

PAINTERS:					
Brush & roller	$7.50		.25		.05
Brush & roller (structural steel)	7.75		.25		.05
Spray	8.25		.25		.05
Swing stage, bosun chair work	7.75		.25		.05
Taping & bedding (hand tools)	7.90		.25		.05
Sandblasting	8.25		.25		.05

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN75-1088 - Mod. #2					
(40 FR 42505-September 12, 1975)					
Davidson County, Tennessee					
CHANGE:					
Carpenters	$ 8.15	.15	.10		.01
Cement masons	6.54	.25			
Laborers:					
Unskilled	5.25	.20	.20		
Air tool operator	5.40	.20	.20		
Mason tenders	5.40	.20	.20		
Pipelayers	5.40	.20	.20		
Powderman	5.80	.20	.20		
Lathers	7.80		.20		.01
Plasterers	7.50	.30	.20		.01
Plumbers	8.44	.40	.40		.05
Roofers, composition	6.70	.35	.25	.15	
Sheet metal workers	8.10	.35	.30		.02

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #TX76-4051 - Mod. #3					
(41 FR 7924 - February 20, 1976)					
Wichita County, Texas					
Change:					
Painters:					
Brush	$ 7.50				
Spray	8.50				
DECISION #TX76-4087 - Mod. #1					
(41 FR 21151 - May 21, 1976)					
El Paso County, Texas					
Add:					
Painters:					
GROUP 5 - Water tanks, smoke stacks, towers from 70 - 100 feet	7.79	.30			.02
DECISION #TX76-4089 - Mod. #1					
(41 FR 21155 - May 21, 1976)					
Kleberg & Nueces Counties, Texas					
Change:					
Plasterers	9.05				.01
DECISION #TX76-4090 - Mod. #1					
(41 FR 21157 - May 21, 1976)					
Travis County, Texas					
Change:					
Bricklayers & stonemasons	8.94	.45	.30		.04

MODIFICATIONS P. 9

Decision #MD76-3173 - Mod. # 1 (41 FR 21104 - May 21, 1976) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	$10.60	.70	.50		.10
Cement Masons:					
Cement Masons	10.04	.685	.50		.11
Grinding Machine	10.29	.685	.50		.11
Laborers(excluding WMATA Rapid Rail Transit System)					
Common laborers, landscapers	8.07	.50	.40		.05
Acetylene burners used on wrecking	8.57	.50	.40		.05
Air tool op., scaffold builders paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootcretes	8.22	.50	.40		.05
Pipelayers	8.22	.50	.40		.05
Powdermen	9.245	.50	.40		.05
Powersaw, well points	8.32	.50	.40		.05
ADD:					
Heading on page 1 (one) to read: - Building Construction, (Including WMATA)					
Description of work to read: (Including Washington Metropolitan Area Transit Authority - Rapid Rail System).					
Laborers:(WMATA-RRTS ONLY)					
Classifications (Omitted to read)					
Group VII - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder; hastings block or similar type)					
Group VIII - Miners					

MODIFICATIONS P. 10

Decision #DC76-3174 - Mod. # 1 (41 FR 21159 - May 21, 1976) Washington, D. C.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	$10.60	.70	.50		.10
Cement Masons:					
Cement Masons	10.04	.685	.50		.11
Grinding Machine	10.29	.685	.50		.11
LABORERS(EXCLUDING WMATA RAPID RAIL TRANSIT SYSTEM)					
Common laborers, landscapers	8.07	.50	.40		.05
Acetylene burners used on wrecking	8.57	.50	.40		.05
Air tool op., scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootcretes	8.22	.50	.40		.05
Pipelayers	8.22	.50	.40		.05
Powdermen	9.245	.50	.40		.05
Powersaw, well points	8.32	.50	.40		.05

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA76-5050 DATE: Date of Publication
Supersedes Decision CA75-5141 dated December 5, 1975, in 40 FR 57079
DESCRIPTION OF WORK: Building Construction(excluding single family homes and garden type apartments up to and inoluding 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.40	.80	.97		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.80	.77	.98		.06
BRICK, BLOCK and STONEMASONS' TENDERS	8.32	.60	1.55	.50	
CARPENTERS:					
Carpenters	9.86	.56	.95	.60	.07
Piledrivermen	9.99	.56	.95	.60	.07
Millwrights; Pneumatic nailer; Hardwood floorlayers	10.11	.56	.95	.60	.07
CEMENT MASONS:					
Cement masons	8.43	.65	1.06	1.00	.07
Color work	8.555	.65	1.06	1.00	.07
Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	8.68	.65	1.06	1.00	.07
DRYWALL INSTALLERS	11.70	.56	.95	.60	.07
ELECTRICIANS:					
Electricians	10.87	.48	1% + .73		.02
Cable Splicers	11.17	.48	1% + .73		.02
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
IRRICATION AND LAWN SPRINKLERS	8.70	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	10.50	.45	.90	.50	.05
LATHERS (Remainder of County)	10.81	.45	.70	.70	.02
LINE CONSTRUCTION:					
Linemen	10.87	.48	1% + .73		.02
Cable Splicers	11.17	.48	1% + .73		.02
MARBLE SETTERS	8.81	.62	.85	.60	
MARBLE and TILE SETTERS' HELPERS	7.39	.40	.65	.75	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush; Paint burner	$ 9.27	.69	.95	.70	.07
Swing stage, brush; Spray; Iron, steel and bridge painter (ground work)	9.52	.69	.95	.70	.07
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel and bridge, swing stage; Iron, steel and bridge, spray (ground); Riggers, climbing steel; Brush, climbing steel and bridge	9.77	.69	.95	.70	.07
Sandblaster, swing stage; Iron, Steel and bridge, spray swing stage; Spray, climbing steel and bridge	10.02	.69	.95	.70	.07
Steeplejack	10.67	.69	.95	.70	.07
Parking Lot Striping Work and/or Highway Markers:					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator; Striper)	5.43	.40	.20	b	
PLASTERERS	10.07	.45	1.00	.85	.06
PLASTERERS' TENDERS	10.03	.60	1.55	.50	
PLUMBERS; Steamfitters	10.95	10%	16%	13%	3/4%
ROOFERS	9.34	.40	.75	1.00	
SHEET METAL WORKERS	8.93	.74	1.20		
SOFT FLOOR LAYERS	9.39	.55	1.00		.07
SPRINKLER FITTERS	13.72	.50	.80		.08
TERRAZZO WORKERS	8.81	.62	.85	.60	
TILE SETTERS	8.81	.62	.85	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental					

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FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service, $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years' service, but less than 10 years and $.50 per hour after 10 years' service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack; Flagman	$7.10	.60	$1.65	.50	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.15	.60	1.65	.50	.13
GUINEA CHASER	7.18	.60	1.65	.50	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	7.20	.60	1.65	.50	.13
LABORER (packing rod steel and pans); Tank scaler and cleaner	7.225	.60	1.65	.50	.13
DRILLER'S HELPER (Caisson) including bellowers; Boring Machine Helper	7.23	.60	1.65	.50	.13
WINDOW CLEANER; Chuck Tender (except tunnels); Septic tank digger and installer (leadman)	7.25	.60	1.65	.50	.13
CESSPOOL DIGGER AND INSTALLER	7.28	.60	1.65	.50	.13
CONCRETE CURER; Impervious Membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and including rubber gasket joints; Pointing and any and all other services	7.29	.60	1.65	.50	.13

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper-pot tenders and form man; Operators and tenders of pneumatic and electric tools, concrete pumps, vibrating machines and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$7.31	.60	$1.65	.50	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.36	.60	1.65	.50	.13
DRILLERS, all other where drilling is for use of explosives	7.39	.60	1.65	.50	.13
PIPELAYERS, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborers' work	7.41	.60	1.65	.50	.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.44	.60	1.65	.50	.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.46	.60	1.65	.50	.13
STEEL HEADERBOARD MAN	7.525	.60	1.65	.50	.13

DECISION NO. CO76-5050

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	$7.55	.60	$1.65	.50	.13
POWDERMAN, BLASTERERS	7.585	.60	1.65	.50	.13
HEAD ROCK SLINGER	7.62	.60	1.65	.50	.13
FENCE ERECTORS:					
Class 1	7.47	.60	1.65	.50	.13
Class 2	7.22	.60	1.65	.50	.13
Class 3	6.97	.60	1.65	.50	.13
HOUSEMOVERS	7.095	.60	1.65	.50	.13
LABORERS (Tunnel and Shaft Work)					
BULL GANG; Concrete crew (includes rodders and spreaders); Dumpmen; Grout crew; Muckers, (laboters) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakeman and switchmen to tunnel work)	7.39	.60	1.65	.50	.13
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	7.49	.60	1.65	.50	.13
GROUT GUNMEN	7.59	.60	1.65	.50	.13

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LABORERS (Cont'd) (Tunnel and Shaft Work)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (wood or steel); Steel form raisers and setters	$7.64	.60	$1.65	.50	.13
SHAFT AND RAISE MINER	7.89	.60	1.65	.50	.13
GUNITE WORKERS: Nozzlemen and Rodmen	7.83	.60	1.65	.50	.13
Gunmen	7.51	.60	1.65	.50	.13
Reboundmen	7.095	.60	1.65	.50	.13

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$ 6.42	.70	.70	1.00	.05
WAREHOUSEMAN	6.67	.70	.70	1.00	.05
INDUSTRIAL LIFT	6.75	.70	.70	1.00	.05
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	6.78	.70	.70	1.00	.05
DUMP (8 yds. & under 12); Dump or flatbed (3 axles); Bunkerman	6.83	.70	.70	1.00	.05
FORKLIFT (15,000 lbs. & over); Ross Carrier	6.90	.70	.70	1.00	.05
DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with semi)	6.91	.70	.70	1.00	.05
WATER TRUCKS (2 axles); Erosion Control Nozzlemen; Pipeline drivers (incl. winch & all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry boatman; Prell truck	6.93	.70	.70	1.00	.05
DUMPCRETE (less than 6-1/2 yds.)	6.99	.70	.70	1.00	.05
EROSION CONTROL DRIVER; Water truck (3 axles)	7.05	.70	.70	1.00	.05
FUEL OR DYNAMITE AND EXPLOSIVES	7.08	.70	.70	1.00	.05
DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. & over); Dumpster	7.13	.70	.70	1.00	.05
DUMP (25 yds. & under 35)	7.18	.70	.70	1.00	.05

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TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DW 10's or DW 20's or Euclid type equipment; LeTourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$ 7.20	.70	.70	1.00	.05
TRUCK GREASER	7.21	.70	.70	1.00	.05
7 AXLES OR DOUBLE LOWBED or combination of vehicles when under permit load	7.255	.70	.70	1.00	.05
TRANSIT-MIX (8 yds. & over)	7.27	.70	.70	1.00	.05
TIREMAN	7.31	.70	.70	1.00	.05
DUMP (35 yds. & under 50)	7.33	.70	.70	1.00	.05
WATER PULL TANKERS; Welder; A-Frame or Swedish crane	7.40	.70	.70	1.00	.05
DUMP (50 yds. & under 65)	7.48	.70	.70	1.00	.05
TRUCK REPAIRMAN	7.50	.70	.70	1.00	.05
WELDER HELPER	7.62	.70	.70	1.00	.05
DUMP (65 yds. & over)	7.63	.70	.70	1.00	.05

DECISION NO. CA76-5050

POWER EQUIPMENT OPERATORS DREDGING (Hydraulic Suction Dredges)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LEVERMAN	$10.27	.95	1.75	.30	.04
WATCH ENGINEER; Welder	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
WINCHMAN (stern winch or dredge)	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	8.69	.95	1.75	.30	.04
DREDGING (Clam Shell Dredges)					
LEVERMAN	10.27	.95	1.75	.30	.04
WATCH ENGINEER	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
BARGEMATE	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler	8.69	.95	1.75	.30	.04

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.52	.95	$1.75	.30	.04
Group 2:	8.79	.95	1.75	.30	.04
Group 3:	9.06	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04

DECISION NO, CA76-5050 POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection) Page 12

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians, Tar pot fireman; Temporary heating plant; Treaching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms), Stinger crane (Austin-Western or similar type), Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt aplicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type),

DECISION NO. CA76-5050 POWER EQUIPMENT OPERATORS(CONT'D): (Except Piledriving and Steel Erection) Page 13

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck), Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up tq 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA76-5051 DATE: Date of Publication
Supersedes Decision CA75-5142 dated December 5, 1975, in 40 FR 57085
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.40	.80	.97		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.80	.77	.98		.06
BRICK, BLOCK and STONEMASONS' TENDERS	8.32	.60	1.55	.50	
CARPENTERS:					
Carpenters	9.86	.56	.95	.60	.07
Piledrivermen	9.99	.56	.95	.60	.07
Millwrights; Pneumatic Nailer, Hardwood Floorlayers	10.11	.56	.95	.60	.07
CEMENT MASONS:					
Cement Masons	8.43	.65	1.06	1.00	.07
Color Work	8.555	.65	1.06	1.00	.07
Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	8.68	.65	1.06	1.00	.07
DRYWALL INSTALLERS	11.70	.56	.95	.60	.07
ELECTRICIANS:					
Electricians	10.87	.48	17+.73		.02
Cable Splicers	11.17	.48	17+.73		.02
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
IRRIGATION and LAWN SPRINKLERS	8.70	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	10.50	.45	.90	.50	.05
LATHERS (Remainder of County)	10.81	.45	.70	.70	.02
MARBLE SETTERS	8.81	.62	.85	.60	
MARBLE and TILE SETTERS' HELPERS	7.39	.40	.65	.75	

DECISION NO. CA76-5051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$9.27	.69	.95	.70	.07
Spray; Swing Stage, Brush	9.52	.69	.95	.70	.07
Paperhangers; Spray, Swing Stage; Sandblaster	9.77	.69	.95	.70	.07
PLASTERERS	10.07	.45	1.00	.85	.06
PLASTERERS' TENDERS	10.03	.60	1.55	.50	
PLUMBERS; Steamfitters	10.95	10%	16%	13%	3/4%
ROOFERS	9.34	.40	.75	1.00	
SHEET METAL WORKERS	8.93	.74	1.20		
SOFT FLOOR LAYERS	9.39	.55	1.00		.07
SPRINKLER FITTERS	13.72	.50	.80		.08
TERRAZZO WORKERS	8.81	.62	.85	.60	
TILE SETTERS	8.81	.62	.85	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack; Flagman	$7.10	.60	$1.65	.50	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.15	.60	1.65	.50	.13
GUINEA CHASER	7.18	.60	1.65	.50	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	7.20	.60	1.65	.50	.13
LABORER (packing rod steel and pans); Tank scaler and cleaner	7.225	.60	1.65	.50	.13
DRILLER'S HELPER (Caisson) including bellowers; Boring Machine Helper	7.23	.60	1.65	.50	.13
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	7.25	.60	1.65	.50	.13
CESSPOOL DIGGER AND INSTALLER	7.28	.60	1.65	.50	.13
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making or joints, sealing, caulking diapering, and including rubber gasket joints; Pointing and any and all other services	7.29	.60	1.65	.50	.13

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper-pot tenders and form man; Operators and tenders of pneumatic and electric tools, concrete pump, vibrating machines, and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$7.31	.60	$1.65	.50	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.36	.60	1.65	.50	.13
DRILLERS, all others where drilling is for use of explosives	7.39	.60	1.65	.50	.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborers' work	7.41	.60	1.65	.50	.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.44	.60	1.65	.50	.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.46	.60	1.65	.50	.13
STEEL HEADERBOARD MAN	7.525	.60	1.65	.50	.13
DRILLERS-(all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	7.55	.60	1.65	.50	.13
POWDERMAN, BLASTERS	7.585	.60	1.65	.50	.13
HEAD ROCK SLINGER	7.62	.60	1.65	.50	.13

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$ 6.42	.70	.70	1.00	.05
WAREHOUSEMAN	6.67	.70	.70	1.00	.05
INDUSTRIAL LIFT	6.75	.70	.70	1.00	.05
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	6.78	.70	.70	1.00	.05
DUMP (8 yds. & under 12); Dump or flatbed (3 axles); Bunkerman	6.83	.70	.70	1.00	.05
FORKLIFT (15,000 lbs. & over); Ross Carrier	6.90	.70	.70	1.00	.05
DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with semi)	6.91	.70	.70	1.00	.05
WATER TRUCKS (2 axles); Erosion Control Nozzlemen; Pipeline drivers (incl. winch & all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry boatman; Prell truck	6.93	.70	.70	1.00	.05
DUMPCRETE (less than 6-1/2 yds.)	6.99	.70	.70	1.00	.05
EROSION CONTROL DRIVER; Water truck (3 axles)	7.05	.70	.70	1.00	.05
FUEL OR DYNAMITE AND EXPLOSIVES	7.08	.70	.70	1.00	.05
DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. & over); Dumpster	7.13	.70	.70	1.00	.05
DUMP (25 yds. & under 35)	7.18	.70	.70	1.00	.05

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TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DW 10's or DW 20's or Euclid type equipment, Letourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$ 7.20	.70	.70	1.00	.05
TRUCK GREASER	7.21	.70	.70	1.00	.05
7 AXLES OR DOUBLE LOWBED or combination of vehicles when under permit load	7.255	.70	.70	1.00	.05
TRANSIT-MIX (8 yds. & over)	7.27	.70	.70	1.00	.05
TIREMAN	7.31	.70	.70	1.00	.05
DUMP (35 yds. & under 50)	7.33	.70	.70	1.00	.05
WATER PULL TANKERS; Welder; A-Frame or Swedish crane	7.40	.70	.70	1.00	.05
DUMP (50 yds. & under 65)	7.48	.70	.70	1.00	.05
TRUCK REPAIRMAN	7.50	.70	.70	1.00	.05
WELDER HELPER	7.62	.70	.70	1.00	.05
DUMP (65 yds. & over)	7.63	.70	.70	1.00	.05

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POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.52	.95	$1.75	.30	.04
Group 2:	8.79	.95	1.75	.30	.04
Group 3:	9.06	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

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Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians, Tar pot fireman; Temporary heating plant; Trenching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type), Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type),

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Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad-9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: Hawaii COUNTIES: Statewide
DECISION NUMBER: HI76-5048 DATE: Date of Publication
Supersedes Decision No. HI76-5013 dated January 30, 1976, in 41 FR 4750
DESCRIPTION OF WORK: Building (including single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.03	.58	1.40		.05
BOILERMAKERS	9.15	.40	1.00		.03
BRICKLAYERS; Stonemasons	7.45	.65	.75		.10
CARPENTERS:					
Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Piledrivermen; Pneumatic Nailer; Shinglers	8.24	.59	1.35	.80	.06
Millwrights	8.49	.59	1.35	.80	.06
Power Saw Operator (2 HP and above)	8.39	.59	1.35	.80	.06
CEMENT MASONS:					
Cement Masons	8.10	.85	1.00	.30	.10
Trowel Machine Operators	8.25	.85	1.00	.30	.10
DRYWALL APPLICATOR	8.24	.59	1.35	.80	.09
ELECTRICIANS:					
Groundmen	6.75	.57	1%+1.74	11%	.20
Line Equipment Men	8.10	.57	1%+1.74	11%	.20
Electricians; Linemen	9.00	.57	1%+1.74	11%	.20
Technicians	9.27	.57	1%+1.74	11%	.20
Cable Splicers	9.90	.57	1%+1.74	11%	.20
ELEVATOR CONSTRUCTORS	10.68	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FENCE ERECTORS:					
(Chain Link)	4.35	.20	.18	.09	.03
GLAZIERS	8.92	.73	.75	.72	.12
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	9.15	.60	.55	.75	.05
LATHERS	9.86	.66	.85		.04
MARBLE SETTERS	7.95	.65	.75		.10
PAINTERS:					
Brush	8.36	.48	.85		.06
Tapers	8.56	.48	.85		.06
Spray	8.86	.48	.85		.06
PLASTERERS	8.95	.85	1.00	.15	.16

DECISION NO. HI76-5048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' HOD CARRIERS:					
Hod Carriers	$7.06	.59	.76	.33	.13
Mortar Mixers	7.26	.59	.76	.33	.13
PLUMBERS; Steamfitters	9.30	.97	1.45	1.01	.15
ROOFERS	7.80	.56	.40		.05
SHEET METAL WORKERS	9.20	.63	3%+1.50	.82	.20+.02
SOFT FLOOR LAYERS	8.31	.50	.40	.15	.08
SPRINKLER FITTERS	11.26	.60	.90		.08
TERRAZZO WORKERS:					
Terrazzo Workers and Tile Setters	7.95	.65	.75		.10
Terrazzo Base Grinder	7.19	.65	.75		.10
Terrazzo and Tile Helpers	6.14	.65	.75		.10
TRUCK DRIVERS:					
Flatbed	6.93	.65	1.70	.70	.15
Dump, 8 yds. and under; Water truck (up to and including 1500 gallons)	7.20	.65	1.70	.70	.15
Water truck (over 1500 gallons)	7.51	.65	1.70	.70	.15
Tandem, Semi-trailer, or Semi-dump	8.16	.65	1.70	.70	.15
Slip-in or Pup	8.48	.65	1.70	.70	.15
End dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor trailer (hauling equipment)	8.59	.65	1.70	.70	.15

RIGGER; WELDERS: Receive rate prescribed for craft performing operating to which rigging or welding is incidental.

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. H176-5048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING					
HYDRAULIC SUCTION DREDGES; CLAMSHELL DREDGES; BOAT OPERATORS; DERRICKS					
Leverman; Operators (Derricks, Piledrivers and Cranes)	$8.29	.62	1.00	.50	.15
Assistant Engineer (steam or electric)	7.99	.62	1.00	.50	.15
Welder; Boat Operator	7.93	.62	1.00	.50	.15
Deckmate; Barge Mate (seagoing)	7.48	.62	1.00	.50	.15
Winchman (stern winch on dredge)	7.16	.62	1.00	.50	.15
Fireman	6.20	.62	1.00	.50	.15
Oiler; Deckhand (can operate anchor scow under direction of deckmate); Boat Deckhand	5.93	.62	1.00	.50	.15
Leveeman; Bargeman	5.76	.62	1.00	.50	.15
Master Boat Operator	8.14	.62	1.00	.50	.15
LABORERS					
Group 1:	6.66	.59	.76	.33	.13
Group 1-a:	7.16	.59	.76	.33	.13
Group 1-b:	7.36	.59	.76	.33	.13
Group 1-c:	7.41	.59	.76	.33	.13
Group 1-d:	7.61	.59	.76	.33	.13
Group 2:	6.91	.59	.76	.33	.13
Group 3:	7.11	.59	.76	.33	.13

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POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$6.65	.65	1.70	.70	.15
Group 2:	6.76	.65	1.70	.70	.15
Group 3:	6.93	.65	1.70	.70	.15
Group 4:	7.20	.65	1.70	.70	.15
Group 5:	7.51	.65	1.70	.70	.15
Group 6:	8.16	.65	1.70	.70	.15
Group 7:	8.48	.65	1.70	.70	.15
Group 8:	8.59	.65	1.70	.70	.15
Group 9:	8.70	.65	1.70	.70	.15
Group 9-A:	8.93	.65	1.70	.70	.15
Group 10:	8.99	.65	1.70	.70	.15
Group 10-A:	9.14	.65	1.70	.70	.15
Group 11:	9.29	.65	1.70	.70	.15
Group 12:	9.65	.65	1.70	.70	.15
Asphalt Paving Group:					
Asphalt Raker	7.20	.65	1.70	a	
Asphalt Roller	8.16	.65	1.70	a	
Asphalt Spreader	8.48	.65	1.70	a	

FOOTNOTE:

a. An employee who has completed two to five years service shall receive a vacation on one week with pay. Each additional year an additional one day vacation with pay; Ten or more years a vacation of two weeks each year; For each year of completed service thereafter to and including fifteen(15) years service, an addition of one day vacation with pay; Fifteen(15) or more years of service, a vacation of three weeks each year with pay.

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LABORERS

Group 1: All clean-up work of debris, grounds and buildings; Bridge Laborers; Construction Laborers; Dumpman; Gardeners; Horticulturel and Landscape Laborers; General Laborers; Limbers, Brush Loaders and Pilers; Maintenance, repair (track and roadbeds)

Group 1-a: Mason Tenders

Group 1-b: High Scaler

Group 1-c: Gunnite Operator

Group 1-d: Powderman

Group 2: Asphalt Shovelers; Cement Dumpers; Choker Setter and Rigger (clearing work); Concrete Chipping; Driller's Helper; Chuck Tender; Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hydraulic Monitor (over 100# pressure) excluding Levee Work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Mucker (underground); Sloper; All pneumatic, gas and electric tools not liated in Group 1

Group 3: Asphalt Ironers and Rakers; Barko and similar type Tampers; Buggymobile; Chainsaw, Faller, Loglader and Bucker; Concrete Laborers (wet or dry) including Bucket Tender for concrete; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jack-hammer Operator; Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sand-blasters; Tank Cleaners; Tree Climbers; Vibra-screed (hull float in connection with Laborers' work); Vibrator, Burning, Welding, Signaling, and Rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner, Denver DH-143 ano similar type drills; Track Drillers, Diamond Core, Wagon Drillers and Davis Trencher T-66 or similar types

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty shop parts room when needed); Repairman Helper

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Putpose "A" Frame Truck; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (jobsite); Dinky Operator

Group 5: Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline or diesel); Agri-cat (Mini Cat)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports and canals); Drilling Machinery (not to apply to waterline.s, wagon drills or jackhammers); High-line Cable-way Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Pavement Breaker; Maginnis Internal Full Slab Vibrator (on air-ports, highways, canals and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Portable Crushers; Power Jumbo Operator (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Small Rubber-tired Tractors; Trencher (up to and including 6'); Slip Form Pumps (power driven hydraulic, electric, gas, etc., lifting device for concrete forms)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter; Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar)(Screedman required); Mine or Shaft Hoist; Pavement Breaker, Truck mounted, with Compressor combination; Pavement Breaker with Compressor Combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Gradar Plane; Slusher Operator; Trencher (over 6'); Water Tanker (pulled by Euclid, T-Pulls, DW-10, 20, 21 or similer); Mixermobile (over 5 tons); Small Tractor (with boom D-6 or similar)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch-Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yard to and including 3/4 yd.); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-Joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu, yds.); Wheel Trencher (over 6')

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with tandem scraper); Tractor, Compressor, Drill Combination; Tractor (tandem scraper); Tractors (D-9 or equivalent)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Skip Form Paver (concrete or asphalt) (Gradeaetter, Screedman required); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earth-moving Machine (multiple propulsion power units and two or more scrapers) (up to and including 35 cu. yds. struck "MRC"); Highline Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Back-hoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-porpelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, Mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds. Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

SUPERSEDEAS DECISION

STATE: Idaho
COUNTIES: Statewide
DECISION NUMBER: ID76-5047
DATE: Date of Publication
Supersedes Decision No. ID76-5016 dated February 13, 1976, in 41 FR 6961
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Northern half of Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	$10.75	.44	$1.02		
Remainder of Counties and Southern half of Idaho County	9.99	.52	1.02		
BOILERMAKERS	10.65	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	8.90	.35	.40		
Bingham (South half), Bannock, Bear Lake, Caribou, Franklin, Oneida, and Power Counties	9.00	.50	.50		
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties	9.50	.40	.40		
Idaho, Clearwater, Latah, Lewis, and Nez Perce Counties	9.41	.50	1.00		
Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties	9.75				
CARPENTERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the Northern boundary of Township 29 North), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties					
Carpenters	9.04	.55	.55		.045
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	9.19	.55	.55		.045
Shingler (wood and composition)	9.24	.55	.55		.043
Carpenters (burned, charred, creosoted or similarly treated material); Boom Man	9.29	.55	.55		.045
Millwrights and Machine Erector	9.54	.55	.55		.045
Piledriver (creosoted material)	9.44	.55	.55		.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Remainder of Counties and Idaho County (South of the Northern boundary of Township 29 North)					
Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	$8.49	.52	.40	.40	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	8.66	.52	.40	.40	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	8.78	.52	.40	.40	.10
CEMENT MASONS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties					
Cement Masons	8.93	.50	.65		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	9.08	.50	.65		.04
Remainder of Counties and Idaho County (South of the 46th Parallel)					
Cement Masons	8.32	.45	.40	.30	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	8.52	.45	.40	.30	.10
ELECTRICIANS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties					
Electricians	10.75	.35	1%+.40		.02
Cable Splicers	11.15	.35	1%+.40		.02
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties					
Electricians	9.70	.45	1%+.50		1%
Cable Splicers	10.67	.45	1%+.50		1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (Cont'd)					
Those portions of Adams, Idaho, Valley and Washington Counties located south of the 46th Parallel and north of the Weiser-Gibbonsville line	$9.90	.58	1.00	.25	.05
Remaining Counties and those portions of Adams, Idaho, Valley and Washington Counties located south of the Weiser-Gibbonsville line	9.39	.55	.85		.02
LATHERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties	9.58	.50			
Remaining Counties	9.00				
MARBLE SETTERS:					
Benewah, Bonner, Boundary, Kootenai and Shoshone Counties	9.75				
Bannock, Bear Lake, Bingham (South half), Caribou, Franklin, Oneida and Power Counties	9.00	.50	.50		
Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties	9.41	.50	1.00		
PAINTERS:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton and Twin Falls Counties	8.06	.35	.10		.005
Brush; Roller, Perfaeper Structural Steel; Swing Stage; Spray	8.51	.35	.10		.005

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties	$6.90		.10		
Roofers and Kettlemen					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton Counties	8.50		.40		
Ada, Adams, Boise, Canyon, Custer, Elmore, Gem, Idaho (south of the 46th Parallel), Lemhi, Owyhee, Payette, Valley and Washington Counties					
Roofers, Kettlemen	8.05	.33	.20		
Roofers working with coal tar and pitch products	9.55	.33	.20		
Benewah, Bonner, Boundary, Kootenai, and Shoshone Cos.					
Roofers	8.39	.55	.40		.01
Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, Nez Perce Counties					
Roofers; Kettlemen; Waterproofers	9.25				
SHEET METAL WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	11.10	.52	1.17		.03+.02
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power and Teton Counties	8.28	.37	3%+.20	.75	.06+.02
	9.46	.57	.50		.12+.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Remaining Counties:					
Electricians - Technicians	$9.75	.45	17%+.25		1%
Cable Splicers	10.72	.45	17%+.25		1%
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties					
Elevator Constructors	10.51	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	70%JR	.495	.32	3%+a	.02
Remaining Counties	50%JR				
Elevator Constructors	9.155	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Bonner, Boundary, Kootenai and Shoshone Counties	8.79	.35	.10		.64
Benewah, Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, Nez Perce Cos.	7.38	.31	.25		.28+b
Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding (Western part of County from a line running north and south through the town of Bliss); Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley and Washington Counties	6.14	.25	.30		.23
Remaining Counties	6.62	.21			b
IRONWORKERS: (Ornamental - Structural - Reinforcing)					
Benewah, Bonner, Boundary, Clearwater, Idaho Co. North of 46th Parallel, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	10.15	.58	1.00		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding (Western 1/3 of County including Bliss), Idaho County South of 46th Parallel, Owyhee, Payette, Valley and Washington Counties	$7.60	.40	.30		.02
Painters and Tapers	8.80	.40	.30		.02
Elmore (Mt. Home AFB)					
Painters and Tapers					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	9.02	.40	.70		.02
Brush; Steel; Steam Cleaning; Spray; Roller (over 9" or 10" handle), Finish Drywall Taper Swing Stage and over 30 ft. high	9.27	.40	.70		.02
	9.37	.40	.70		.02
Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples; Tanks on legs	9.42	.40	.70		.02
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	9.68	.50			
	8.22	.40	.35	.30	
Remaining Counties					
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties and Idaho County (South of the 46th Parallel)	10.72	.65	1.10	1.00	.11
Plumbers	9.49	.47	.50		.10
Utility Helpers	70%JR	.47	.50		.10

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DECISION NO. ID76-5047

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho County North of 46th Parallel, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	$7.89	.25	.40	.31	
Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding (Western 1/3 of County including Bliss), Idaho County south of 46th Parallel, Owyhee, Payette, Valley and Washington Counties	7.50				
SPRINKLER FITTERS	11.13	.60	.90		.08
TERRAZZO WORKERS and TILE SETTERS					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties					
Terrazzo Worker	9.50	.40	.40		
Tile Layer	8.35	.40	.40		
Bannock, Bear Lake, Bingham (Southern half), Caribou, Franklin, Oneida and Power Counties					
Terrazzo worker	9.00	.50	.50		
Tile Layer	8.20	.50	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.75				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.
b. All employees who have been employed for a period of one year shall have two weeks vacation with pay. Also 7 paid holidays: A through F plus Washington's Birthday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties)					
Cable Splicers; Leadman Pole Sprayer	$11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%
LINE CONSTRUCTION (AREA 2) (Remaining Counties)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	6.98	.35	1%		3/4%
Equipment Operators	8.44	.35	1%		3/4%
Cable Splicers	10%overJR	.35	1%		3/4%
Lineman	9.27	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman.	6.71	.35	1%		3/4%
Equipment Operator	7.87	.35	1%		3/4%
Lineman	8.74	.35	1%		3/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties					
Group 1	$7.50	.50	.70		.02
Group 2	7.65	.50	.70		.02
Group 3	7.75	.50	.70		.02
Group 4	7.80	.50	.70		.02
Group 5	7.85	.50	.70		.02
Group 6	7.90	.50	.70		.02
Group 7	7.95	.50	.70		.02
Group 8	8.15	.50	.70		.02
Group 9:					
Class A	7.55	.50	.70		.02
Class B	7.60	.50	.70		.02
Class C	8.00	.50	.70		.02
Class D	8.05	.50	.70		.02
LABORERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	6.62	.55	.72	.20	.10
Group 2	6.72	.55	.72	.20	.10
Group 3	6.82	.55	.72	.20	.10
Group 4	6.92	.55	.72	.20	.10
Group 5	6.97	.55	.72	.20	.10
Group 6	7.22	.55	.72	.20	.10
Group 7	7.47	.55	.72	.20	.10
UNDERGROUND WORK					
Group 8	6.77	.55	.72	.20	.10
Group 9	6.92	.55	.72	.20	.10
Group 10	7.22	.55	.72	.20	.10

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POWER EQUIPMENT OPERATORS (Area 1) (Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	ZONE 1*	ZONE 2*	ZONE 3*	H & W	Pensions	Vacation	Education and Appr.
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Area within a fifteen (15) mile radius from the center of the following Cities: Lewiston, Idaho and Spokane, Washington.
*ZONE 2: Area within a fifteen (15) mile to forty-five (45) mile radius from the center of the above-named Cities.
*ZONE 3: Area over a forty-five (45) mile radius from the center of the above-named Cities.
With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d' Alene, Idaho shall be considered within Zone 1.

POWER EQUIPMENT OPERATORS (Area 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$7.92	.60	.65		.10
Group 2	8.08	.60	.65		.10
Group 3	8.40	.60	.65		.10
Group 4	8.71	.60	.65		.10
Group 5	8.88	.60	.65		.10
Group 6	9.06	.60	.65		.10
Group 7	9.47	.60	.65		.10
Group 8	9.70	.60	.65		.10
Group 9	9.93	.60	.65		.10
Group 10	10.17	.60	.65		.10

DECISION NO. 1D76-5047

TRUCK DRIVERS (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.48	.97	.70		
Group 2	8.53	.97	.70		
Group 3	8.58	.97	.70		
Group 4	8.68	.97	.70		
Group 5	8.88	.97	.70		
Group 6	8.93	.97	.70		
Group 7	8.98	.97	.70		
Group 8	9.03	.97	.70		
Group 9	9.13	.97	.70		
Group 10	9.18	.97	.70		
Group 11	9.48	.97	.70		
Group 12	9.63	.97	.70		
Group 13	9.78	.97	.70		
Group 14	9.93	.97	.70		
TRUCK DRIVERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	7.67	.60	.65	.20	.10
Group 2	7.73	.60	.65	.20	.10
Group 3	7.79	.60	.65	.20	.10
Group 4	7.85	.60	.65	.20	.10
Group 5	7.90	.60	.65	.20	.10
Group 6	8.11	.60	.65	.20	.10
Group 7	8.17	.60	.65	.20	.10
Group 8	8.23	.60	.65	.20	.10
Group 9	8.34	.60	.65	.20	.10
Group 10	8.40	.60	.65	.20	.10
Group 11	8.46	.60	.65	.20	.10
Group 12	8.52	.60	.65	.20	.10
Group 13:					
Class A	8.00	.60	.65	.20	.10
Class B	8.11	.60	.65	.20	.10
Class C	8.34	.60	.65	.20	.10
Class D	8.52	.60	.65	.20	.10
Class E	8.63	.60	.65	.20	.10
Class F	8.75	.60	.65	.20	.10
Class G	9.08	.60	.65	.20	.10
Class H	9.31	.60	.65	.20	.10
Class I	9.54	.60	.65	.20	.10
Group 14	8.96	.60	.65	.20	.10

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LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: ~~Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to~~ including stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborers; Grout Machine Feeder Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw, walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Colarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drills with 3½ inch piston or larger and Out-of-the hole Drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

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LABORERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
- Class A: Bull Gang, Pump Crete Crewman including distributing Pipe, assembling and dismantle and Nipper
- Class B: Brakeman, Dumpman
- Class C: Miner and Nozzleman for Concrete and Laser Beam Operator on tunnels
- Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers; Sloper, clearing and grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car); Watchman; Heater Tender; Stake Jumper; Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - Salvage; Landscaper; Tool Room Man; Janitor

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunite Nozzleman Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - airport paving; Gunman (gunite); Manhole Setter; Hand guided Machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (highway curb and gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Mod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

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LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bull Gang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers; Vibrator (over 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender; Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (Concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Power or Curb Extruder (Asphalt and concrete); Pump (Grout or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher; Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 tons); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front End and Overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 yards to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)
Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

Group 2: Air Compressor; Asphalt Refrigeration Plant Operator; Bell Boy; Bit Grinder; Blower Operator (Cement); Bolt Threader Machine Operator; Broom; Cement Hog; Concrete Mixer; Concrete Saw - Multiple Cut; Discing - Harrowing or Mulching (regardless of motive power); Distributor Leverman; Drill Steel Threader Machine Operator; Fireman - all; Heavy Duty Mechanic Helper or Welder Helper; Hoist - single drum; Hydraulic Monitor Operator - skid mounted; Oiler (single piece of equipment); Pugmixer - box or screed Operator; Spray Curing Machine; Tractor - rubber-tired farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs); Battery Tunnel Locomotive; Belt Finishing Machine; Cable Tenders (underground); Chip Spreader Machine (self-propelled); Head Chainman; Hoist, 2 or more drums or Tower Hoist; Hydralift - Fork Lift and similar (when hoisting); Oilers (underground); Power Loader (Bucket Elevator, Conveyors); Rodman; Road Roller (regardless of motive power)

Group 4: Boring Machine (earth or rock)(Quarry Master - Joy)(Tractor mounted); Drills: Churn - Core - Calyx or Diamond; Front End and Overhead Loaders and similar machines - (up to and including 4 yards) - (Rubber-tired); Grout Pump; Hydra-hammer; Locomotive Engineer; Longitudinal Float Machine; Mixermobile; Spreader Machine; Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 5: Concrete Plant Operator; Concrete Road Paver (dual); Elevating Grader Operator; Euclid Elevating Loader; Generator Plant Operator - Mechanic (diesel - electric); Instrument Man; Post Hole Auger or Punch Operator; Power Shovels and Draglines - under 1 yard; Pump-crete; Refrigeration Plant Operator; Road Roller (Finishing High Type Pavement); Skidder - rubber-tired; Subgrader; Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled; Asphalt Plant Operator; Blade Operator (motor patrol); Concrete Slip Form Paver; Cranes - up to and including 50 ton; Crusher Plant Operator; Derrick Operator; Drilling Equipment (Bit under 8 inches)(Robbins Reverse Circulation and similar); Front End and Overhead Loaders and similar Machines (over 4 yards to and including 7 yards); Koehring Scooper; Heavy Duty Mechanic or Welder; Mucking Machine (underground); Multi-batch Concrete Plant Operator; Piledriver Engineer; Power Shovels and Draglines (1 yard to and including 3½ yards); Tower Crane Operator; Tractor - Crawler type - including all attachments; Refrigeration Plant Operator (over 1,000 tons); Trimmer Machine Operator; Tournapulls - Euclid and similar - to and including 40 yards

Group 7: Cableway Operator; Continuous Excavator (Barber Greene WL-50); Cranes - over 50 ton; Dredges; Drilling Equipment (Bit 8 inches and over)(Robbins Reverse Circulation and similar); Fine Grader - CMI or Equivalent; Front End and Overhead Loaders and similar Machines - (over 7 yards); Power Shovels and Draglines over 3½ yards; Quad type Tractors with all attachments; Tournapulls - Euclid and similar - over 40 yards to and including 50 yards; Multiple Scraper Units

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclid and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclid and similar - over 100 yards

TRUCK DRIVERS (AREA 1)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: Flat Bed Truck, Single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (steam cleaner and washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons and under

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TRUCK DRIVERS[1] (AREA 1) (Cont'd)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross, Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 to 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubbertired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 to 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (Over 6,001 to 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 to 10,000 gallons);

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Trucks (10,001 to 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 to 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dump, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

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- POWER EQUIPMENT OPERATORS (AREA 2)
Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2: Flat bed - 2 axle and pickup hauling materials; Water Tank Truck (1,800 gallons and under); Fork Lift (3,000 and under)

Group 3: Flat Bed - 3 axle; Fuel Truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man Haul (Shuttle Truck or Bus)

Group 4: Transit Mix Truck - 3 yards and under; Warehouseman; Truck Helpers; Slurry or concrete pumping truck

Group 5: Flat Bed using power takeoff; Water tank Truck (over 1,800 to 4,000 gallons); Semi-trailer - Low Boy - up to 96,000 lbs. GVW; Bulk cement tanker-up to 96,000 lbs. GVW; Fork Lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame Truck (Swedish Crane, Iowa 3,000 Hydro-lift)

Group 6: Transit Mix Truck, over 3 yards - 6 yards

Group 7: Water Tank Truck - over 4,000 gallons; Fuel Truck - over 1,000 gallons; Distributor or Spreader Truck

Group 8: Transit Mix Truck - over 6 yards - 8 yards; Dumptors; Field Tireman; Serviceman

Group 9: Transit Mix Truck - over 8 yards to 10 yards; Snow Plow (Truck mounted)

Group 10: Low Boy - 96,000 lbs. GVW and over; Bulk Cement Tanker - 96,000 lbs. GVW and over

Group 11: Transit Mix Truck - over 10 yards

Group 12: Turnarocker and similar equipment

Group 13: Truck - side, end and bottom dump
Class A: 6 yards and under
Class B: Over 6 yards - including 12 yards
Class C: Over 12 yards - including 20 yards
Class D: Over 20 yards - including 30 yards
Class E: Over 30 yards - including 40 yards
Class F: Over 40 yards - including 50 yards
Class G: Over 50 yards - including 75 yards
Class H: Over 75 yards - including 100 yards
Class I: Over 100 yards

Group 14: Truck Mechanic

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Transylvania
DECISION NUMBER: NC76-1065 DATE: Date of Publication
Supersedes Decision No.: NC75-1097 dated September 19, 1975 in 40 FR-43462
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	6.50				
Bricklayers	6.00				
Carpenters	6.05				
Cement masons	5.25				
Electricians	5.25				
Ironworkers:					
Structural & Ornamental	6.50				
Laborers:					
Laborers	3.25				
Painters, brush	4.75				
Plasterers	4.25				.01
Plumbers & fitters	6.50				
Sheet metal workers	6.50				
Sprinkler fitters	7.92	.50	.70		.08
Truck drivers	3.70				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.10				
Crane	5.00				
Forklift	3.75				
Trenching machine	4.00				
Piledriver	5.50				

SUPERSEDEAS DECISION

STATE: Ohio COUNTY: Clark
DECISION NUMBER: OH76-2070 DATE: Date of Publication
Supersedes Decision No. AR-3034, dated August 23, 1974 in 39 FR 30776
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO OH76-2070

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.67	.37	.60		.01
BOILERMAKERS	9.25	.60	.80	1.00	.02
BRICKLAYERS	10.10				
Stonemasons	10.10				
CARPENTERS	9.52	.40	.35		.02
Millwrights	10.42	.40	.35		.02
Piledrivermen	9.97	.40	.35		.02
CEMENT MASONS (Building)	10.10				
ELECTRICIANS	9.75	.45	1%+.65		.02
ELEVATOR CONSTRUCTORS	10.285	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.20	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.14				
GLAZIERS	9.48		.50		.01
LABORERS:					
Laborers-general, carpenters' tenders, vibrator, air spade & other small tools, sewer pipe layers & bottom man, asphalt raker & tampers					
water boys, flagman & signalmen	6.28	.45	.20		.02
Plasterers' tenders, mason tenders mortar mixer, air & machine driven tool operators, jackhammer, barko & chain saw, wagon drill, hand spikers, power conc. & buggies, power man & blaster, gunnite machine oprs. & Nozzleman, miners for tunnel & ciasson, muckers for tunnel & ciasson	6.53	.45	.20		.02
LATHERS	9.95		.10		.01
LEADBURNERS	10.25	.35			.01
LINEMEN AND CABLESPLICERS	9.11	.35	1%		.25%
MARBLE SETTERS	10.10				
PAINTERS, Brush	7.80	.10	.25		
Structural steel	8.35	.10	.25		
Swing Stage	8.15	.10	.25		
Sandblasting	8.30	.10	.25		
Spray	8.50	.10	.25		
PLASTERERS	10.45				
PLUMBERS	10.61	.35	.60		.04
IRONWORKERS : Structural, Ornamental and reinforcing West 3/4 of County	$10.11	.65	.90		.02
Structural, ornamental and reinforcing East ¼ of County	10.00	.65	1.20		.04
ROOFERS:					
Composition and waterproofing	10.25	.60	.50		
Slate, Tile & Asbestos	10.47	.60	.50		
SHEET METAL WORKERS	10.21	.40	.60		.12
SOFT FLOOR LAYERS	9.52	.40	.35		.02
SPRINKLER FITTERS	12.05	.60	.90		.08
STEAMFITTERS	10.61	.35	.60		.12
TERRAZZO WORKERS	10.10				
TILE SETTERS	10.10				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independnece Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six Paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

DECISION NO OH76-2070

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.46	.46	.80		.11
GROUP B	10.05	.46	.80		.11
GROUP C	9.94	.46	.80		.11
GROUP D	9.16	.46	.80		.11
GROUP E	8.83	.46	.80		.11
GROUP F	7.73	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on ciasson work for foundations and sub-strucutre work, boiler or compressor operator mounted onerain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3man crew, elevating grader or euclid loader, floating equipment, gradalls, helipcopter and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum) mobile concrete pumps with boom, panelboad (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

GROUP B - Asphalt paver, builldozer, C. M. I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines power grader power scoops, power scrapers, push cat

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (5 and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (Building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher, roller, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, celfplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4 discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helper, singalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fire). powered boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

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SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Allen, Auglaize, Mercer & Van Wert

DECISION NUMBER: OH76-2071 DATE: Date of Publication

Supersedes Decision No. OH75-2034, dated Feburary 7, 1975 in 40 FR 5967

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO 76OH-2071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.95	.35	.55		
BOILERMAKERS	11.90	.50	.60		.01
BRICKLAYERS, MARBLE MASONS, STONEMASONS, TERRAZZO WORKERS AND TILE SETTERS	10.33		.20		
CARPENTERS & SOFT FLOOR LAYERS	9.52	.40	.35		.02
CEMENT MASONS	9.35	.50	.20		.03
ELECTRICIANS	10.24	.32	1%+.37		.04
ELEVATOR CONSTRUCTORS	9.66	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.76	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.83				
GLAZIERS	7.50		.40		
IRONWORKERS	10.11	.65	.90		.02
LABORERS:					
Unskilled	6.85	.55	.40		
Vibrators, Spikes by Hand (Railroad	6.95	.55	.40		
Jackhammers, Cement finishers, helpers, asphalt rakers, Tamper & smoother, Driveways & packers, pump man under 4" discharge, caisson, Cofferdam, Tunnel	7.05	.55	.40		
Mason tenders, Plaster tenders, mortar mixers	7.15	.55	.40		
Cylinder, shaft, sewer, water, conduit, Gas, oil, pipelines,	7.10	.55	.40		
Gunite operators, muckers & miners (Tunnel & Caisson) free air	7.35	.55	.40		
LEADBURNERS	10.25	.35			.01
LINEMEN & EQUIPMENT OPERATORS	10.58	.35	1%		
MILLWRIGHTS	10.42	.40	.35		.02
PAINTERS:					
Brush, roller & dry wall taping	7.65	.50	.50		.01
Wall covering swing stage, cherry pickers, brush & roller	7.90	.50	.50		.01
Spray, sandblasting, steam cleaning, mitts, work on petroleum storage tanks (over 30' high) brush, rollers or spray	8.05	.50	.50		.01
PAINTERS (CONT'D)					
Structural steel (open skeleton), Brush and Roller	$ 7.95	.50	.50		.01
PILEDRIVERMEN	9.97	.40	.35		.02
PLASTERERS	9.24	.50	.30		.02
PLUMBERS AND STEAMFITTERS	10.70	.40	.50		.05
ROOFERS	9.845	.65	.60		.02
SHEET METAL WORKERS	10.21	.40	.60		.12
SPRINKLER FITTERS	12.05	.60	.90		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays; A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DECISION NO OH76-2071

Allen and Van Wert Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.74	.46	.80		.11
GROUP B	10.58	.46	.80		.11
GROUP C	10.23	.46	.80		.11
GROUP D	9.42	.46	.80		.11
GROUP E	9.09	.46	.80		.11
GROUP F	7.98	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over ½" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submerisble pumps under 4" discharge

DECISION NO OH76-2071

Auglaize and Mercer Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.46	.46	.80		.11
GROUP B	10.30	.46	.80		.11
GROUP C	9.94	.46	.80		.11
GROUP D	9.16	.46	.80		.11
GROUP E	8.83	.46	.80		.11
GROUP F	7.73	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over ½" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submerisble pumps under 4" discharge

UMI

SUPERSEDEAS DECISION

STATE: Ohio COUNTY: Lorain
DECISION NUMBER: OH76-2073 DATE: Date of Publication
Supersedes Decision No. AR-3040, dated August 23, 1974 in 39 FR 30663
DESCRIPTION OF WORK: Building Construction and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.23				
BOILERMAKERS	10.88	.50	.85		.01
BRICKLAYERS AND STONEMASONS	10.55		.30		.01
CARPENTERS AND SOFT FLOOR LAYERS	9.91	.45	.60	d	.04
Millwrights & Piledrivermen	10.85	.57	1.00		.03
CEMENT MASONS (Building)	10.55		.30		.01
ELECTRICIANS: Residential	5.43	.60	1%		.1%
(Columbia Townships Only)	11.33	.50	1%+.40		.02
Rest of County	10.83	.60	1%+.80		1/10of1%
ELEVATOR CONSTRUCTORS	11.23	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.86	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.615				
GLAZIERS	11.28	.40	.65		.01
IRONWORKERS: Structural & Ornamental & Reinforcing	10.92	.60	.80	1.00	.03
LABORERS:					
Building & construction Laborers signalmen & Flagman, tool crib, carpenter tender, finisher tender, concrete handler, guard rail erector (Group A)	8.53	.55	.40		.05
Bottom men scafold builder, tunnel laborers, pipelayers, air & power driven tools, burner on demolition work, swinging scaffold, mucker, caisson worker, cofferdam workers, powder men & dynamite blasters, creasote workers, mortar mixer, form setter, mason tender plaster tender, hod carrier, laser beam set up man (Group B)	8.73	.55	.40		.05
Gunnite Operator	9.13	.55	.40		.05
LATHERS	11.05				
LEAD BURNERS	10.50	.35			.01
LINEMEN:					
Columbia Townships only	11.88	.35	1%		.25%
Rest of Lorain County	10.83	.60	1%+.80		1/10of1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Residential: Brush	$ 8.35				
Spray	8.85				
Taping	8.75				
Commercial: Brush	8.70				
Spray	9.20				
Roller	8.95				
PLASTERERS	10.55		.30		.01
PLUMBERS	10.905	.45	.80		.025
ROOFERS	11.48	.25	.50		
SHEET METAL WORKERS	11.43	.35	.40		.04
TILE SETTERS	10.55		.30		.01
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years and 2% for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Two paid holidays, Memorial Day and Labor Day

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$11.02	.46	.80		.11
GROUP B	10.87	.46	.80		.11
GROUP C	10.52	.46	.80		.11
GROUP D	9.74	.46	.80		.11
GROUP E	9.42	.46	.80		.11
GROUP F	8.34	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trenciner rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 5" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submersible pumps under 4" discharge

[FR Doc.76-16037 Filed 6-3-76;8:45 am]

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INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF MAY 7, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 28th day of May 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AL75-1112 (Hw)(Excluding Airport Construction)
40 FR 55620 - 11/28/75
Mod. #1 - 40 FR 58013 - 12/12/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741- 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1049 (B)
41 FR 16319 - 4/2/76
Mod. #1 - 41 FR 19004 - 5/7/76
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 1523B - 4/9/76
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1111 (B)
40 FR 55617 - 11/28/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5011 (B,H,Hw,D,R)
41 FR 4743 - 1/30/76
Mod. #1 - 41 FR 9719 - 3/5/76
Mod. #2 - 41 FR 15232 - 4/9/76

ARIZONA

STATEWIDE
Decision #AZ76-5007 (B,H,Hw)
41 FR 3568 - 1/23/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 10817 - 3/12/76
Mod. #3 - 41 FR 12846 - 3/26/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5008 (R)
41 FR 3577 - 1/23/76
Mod. #1 - 41 FR 10817 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
Mod. #3 - 41 FR 17287 - 4/23/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5009 (R)
41 FR 3583 - 1/23/76
Mod. #1 - 41 FR 10818 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

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ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AR76-5021 (D)
41 FR 14284 - 4/2/76
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
ASHLEY COUNTY
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4003 (B)
41 FR 2541 - 1/16/76
Mod. #1 - 41 FR 18263 - 4/30/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4005 (B)
41 FR 2545 - 1/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4007 (B)
41 FR 2547 - 1/16/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 8623 - 2/27/76
Mod. #3 - 41 FR 18264 - 4/30/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4004 (B)
41 FR 2543 - 1/16/76
Mod. #1 - 41 FR 14269 - 4/2/76
Mod. #2 - 41 FR 18263 - 4/30/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4006 (B)
41 FR 2549 - 1/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5019 (D,H,Hw,D)
41 FR 9725 - 3/5/76
Mod. #1 - 41 FR 16305 - 4/16/76
Mod. #2 - 41 FR 19004 - 5/7/76
Decision #CA76-5020 (R)
~~41 FR 9742 - 3/5/76~~
Mod. #1 - 41 FR 16305 - 4/16/76
Mod. #2 - 41 FR 19005 - 5/7/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
EL DORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5148 (B,D,H,Hw)
40 FR 58016 - 12/12/75
Mod. #1 - 40 FR 59651 - 12/29/75
Mod. #2 - 41 FR 6946 - 2/13/76
Mod. #3 - 41 FR 14270 - 4/2/76
Decision #CA75-5149 (R)
40 FR 58026 - 12/12/75
Mod. #1 - 41 FR 6948 - 2/13/76
Mod. #2 - 41 FR 14270 - 4/2/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5141 (B,H,Hw,D)
40 FR 57079 - 12/5/75
Mod. #1 - 41 FR 3559 - 1/23/76
Mod. #2 - 41 FR 14269 - 4/2/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5142 (R)
40 FR 57085 - 12/5/75
Mod. #1 - 41 FR 3560 - 1/23/76
Mod. #2 - 41 FR 14269 - 4/2/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO76-5034 (Hw)
41 FR 16353 - 4/16/76
ADAMS COUNTY
Decision #CO76-5030 (B,H)
41 FR 16321 - 4/16/76
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO76-5033 (B,H)
41 FR 16345 - 4/16/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision # CO76-5031(B,H)
41 FR 16330 - 4/16/76

(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO76-5032 (B,H)
41 FR 16337 - 4/16/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2042 (B,H,Hw,R)
41 FR 14276- 4/2/76
Mod. #1 - 41 FR 17287 - 4/23/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2043 (B,H,Hw)
41 FR 14285 - 4/2/76
Mod. #1 - 41 FR 17289 - 4/23/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/22/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 54386 - 11/21/75
Mod. #3 - 41 FR 8624 - 2/27/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY
Kennedy Space Flight Center & Patrick AFB only)
Decision #FL76-1048 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18254 - 4/30/76
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/75
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53163 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16305 - 4/16/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53163 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL75-1090 (B)
40 FR 42491 - 9/12/75
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75
Mod. #1 - 40 FR 55609 - 11/28/75
(D) - See Brevard County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1022 (B)
41 FR 5529 - 2/6/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(H,Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

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FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL76-1029 (B)
41 FR 8630 - 2/27/76
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide

GEORGIA

BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATHAM COUNTY
Decision #GA76-1023 (B)
41 FR 6956 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
(Hw) - See Statewide
(D,R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1025 (B)
41 FR 6958 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewid3e
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1039 (B)
41 FR 10826 - 3/12/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

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Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

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STATEWIDE
Decision #HI76-5013 (B,H,Hw,D,R)
41 FR 4750 - 1/30/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 19005 - 5/7/76

IDAHO

STATEWIDE
Decision #ID76-5016 (B,H,Hw)
41 FR 6961 - 2/13/76
Mod. #1 - 41 FR 16307 - 4/16/76
Mod. #2 - 41 FR 17291 - 4/23/76
Mod. #3 - 41 FR 19006 - 5/7/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY.
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
40 FR 4754 - 1/30/76
Mod. #1 - 41 FR 7888 - 2/20/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2027 (H,Hw)
41 FR 9782 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
BOONE COUNTY
Decision #IL76-2019 (B)
41 FR 8652 - 2/27/76
Mod. #1 - 41 FR 11722 - 3/19/76

ILLINOIS (Cont'd.)

BOONE COUNTY (Cont'd.)
Decision #IL76-2020 (H,Hw)
41 FR 8658 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
Mod. #3 - 41 FR 15233 - 4/9/76
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2047 (B)
41 FR 16363 - 4/16/76
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2008 (B,H,Hw,R)
41 FR 5531 - 2/6/76
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
Mod. #1 - 41 FR 16308 - 4/16/76
(H,HW) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL76-2022 (H,Hw)
41 FR 9759 - 3/5/76
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2023 (H,Hw)
41 FR 9764 - 3/5/76
Mod. #1-41 FR 14272 - 4/2/76
Mod. #2-41 FR 15233 - 4/9/76
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IIROQUOIS COUNTY
(B,H,Hw) - See Ford County

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2014 (B,R)
41 FR 6977 - 2/13/76
Mod. #1 - 41 FR 11722 - 3/19/76
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2016 (B)
41 FR 8647 - 2/27/76
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2017 (B,R)
41 FR 7898 - 2/20/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (D)
41 FR 16369 - 4/16/76
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

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STATEWIDE
Decision #IN75-2133 (H,Hw)
40 FR 59155 - 12/19/75
Mod. #1 - 41 FR 4734 - 1/30/76
Mod. #2 - 41 FR 9720 - 3/5/76
Mod. #3 - 41 FR 17292 - 4/23/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2056 (B)
41 FR 16374 - 4/19/76
Mod. #1 - 41 FR 18265 - 4/30/76
Mod. #2 - 41 FR 19007 - 5/7/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2057 (B,H,Hw)
41 FR 16383 - 4/16/76
Mod. #1 - 41 FR 18265 - 4/30/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4054 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 8668 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
None
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4055 (B,H,Hw)
41 FR 8671 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

UMI

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abutting municipalities)
Decision #1A76-4059 (B,H,Hw)
41 FR 8674 - 2/27/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #1A76-4057 (B,H,Hw)
41 FR 8676 - 2/27/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #1A76-4058 (B,H,Hw)
41 FR 8679 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #1A76-4059 (B,H,Hw)
41 FR 8682 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #1A76-4060 (B,H,Hw)
41 FR 8685 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #1A76-4061 (B,H,Hw)
41 FR 8688 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #1A75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
None
SAC COUNTY
None
SCOTT COUNTY
Decision #1A76-4065 (B,H,Hw)
41 FR 9790 - 3/5/76
Mod. #1 - 41 FR 15235 - 4/9/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #1A76-4062 (B,H,Hw)
41 FR 8691 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
None
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #1A76-4063 (B,H,Hw)
41 FR 8694 - 2/27/76
Mod. #1-41 FR 15235 - 4/9/76
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #1A76-4064 (B)
41 FR 8697 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
(Channel Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #M075-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Mod. #2 - 40 FR 59096 - 12/19/75
Decision #M076-4008 (R)
41 FR 3620 - 1/23/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4191 (B)
40 FR 57096 - 12/5/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.!

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4199 (B)
40 FR 57100 - 12/5/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4193 (B)
40 FR 54405 - 11/21/75
Mod. #1 - 41 FR 3625 - 2/27/76
Decision #KS75-4194 (B)
40 FR 57093 - 12/5/75
Mod. #1 - 41 FR 8625 - 2/27/76
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 40860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/28/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 42456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #KY76-1031 (B)
41 FR 8699 - 2/27/76
Decision #IL76-5026 (D)
41 FR 12868 - 3/26/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
Mod. #1 - 41 FR 10820 - 3/12/76
Mod. #2 - 41 FR 11727 - 3/19/76
(D) - See Boone County
(H,Hw) - See Anderson County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY75-1101 (B)
40 FR 48857 - 10/17/75
Mod. #1 - 41 FR 8626 - 2/27/76
Mod. #2 - 41 FR 12849 - 3/26/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 12848 - 3/26/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
Mod. #3 - 41 FR 8626 - 2/27/76
Mod. #4 - 41 FR 14273 - 4/2/76
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTI COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY75-1065 (B)
40 FR 26201 - 6/20/75
Mod. #1 - 41 FR 7889 - 2/20/76
Mod. #2 - 41 FR 11727 - 3/19/76
Mod. #3 - 41 FR 16300 - 4/16/76
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

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KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B,D,H,Hw) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
Mod. #3 - 41 FR 10819 - 3/12/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFURD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14204 - 4/2/76
Decision #LA76-4013 (B,Hw,R)
41 FR 4760 - 1/30/76
Mod. #1 - 41 FR 7889 - 2/20/76
Mod. #2 - 41 FR 9720 - 3/5/76
Mod. #3 - 41 FR 12850 - 3/26/76
Mod. #4 - 41 FR 17292 - 4/23/76
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3141 (B)
41 FR 7909 - 2/20/76
Mod. #1 - 41 FR 19008 - 5/7/76
Decision #MD76-3164 (H,Hw)
41 FR 10268 - 3/10/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3161 (B,H)
41 FR 15246 - 4/9/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3159 (Hw)
41 FR 15241 - 4/9/76
Decision #MD76-3160 (B,H)
41 FR 15243 - 4/9/76
Mod. #1 - 41 FR 19008 - 5/7/76
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore City
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County

FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H,R) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14049 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Mod. #1 - 41 FR 7890 - 2/20/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
Mod. #1 - 41 FR 7890 - 2/20/76
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
Mod. #1 - 41 FR 7890 - 2/20/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
Mod. #1 - 41 FR 7891 - 2/20/76
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
MIDDLESEX COUNTY
Decision #MA75-2124 (B,H,Hw,R, & Marine)
40 FR 53184 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA75-2125 (B,H,Hw,R)
40 FR 53189 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2126 (B,H,Hw,R)
40 FR 53193 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
SUFFOLK COUNTY
Decision #MA75-2130 (B,H,Hw,D,R, Marine)
40 FR 54408 - 11/21/75
Mod. #1 - 41 FR 7893 - 2/20/76
WORCESTER COUNTY
Decision #MA75-2128 (B,H,Hw,R)
40 FR 53198 - 11/14/75
Mod. #1 - 41 FR 7893 - 2/20/76

MICHIGAN

STATEWIDE
Decision #M176-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
ALCONA COUNTY
Decision #M176-2031 (B,H)
41 FR 10831 - 3/12/76
Mod. #1-41 FR 17292 - 4/23/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #M176-2050 (B,H)
41 FR 16393 - 4/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #M176-2033 (B,H)
41 FR 11748 - 3/19/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #M176-2051 (B,H)
41 FR 16396 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #M175-2062 (R)
40 FR 17515 - 4/18/75
Mod. #1 - 40 FR 47999 - 10/10/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #M176-2049 (B,H)
41 FR 16390 - 4/16/76
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #M176-2052 (B,H,R)
41 FR 16401 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
~~39 FR 44166 - 12/20/74~~
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #M175-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2013 (H,Hw)
41 FR 6983 - 2/13/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #1L76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93503 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FARIBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
(H,Hw) - See Aitkin Counth
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
Mod. #1 - 41 FR 11727 - 3/19/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H,Hw, W&S)
41 FR 4780 - 1/30/76
Mod. #1 - 41 FR 16308 - 4/16/76
Mod. #2 - 41 FR 19009 - 5/7/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
Mod. #1 - 40 FR 53176 - 11/14/75
Mod. #2 - 41 FR 4736 - 1/30/76
Mod. #3 - 41 FR 16308 - 4/16/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

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MISSISSIPPI (Cont'd.)

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #MS76-1003 (B)
41 FR 1694 - 1/9/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #M076-4010 (H,Hw)
41 FR 4703 - 1/30/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #M75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #M075-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Decision #M076-4008 (R)
41 FR 3620 - 1/23/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #M076-4066 (B)
41 FR 9793 - 3/5/76
Decision #M076-4067 (R)
41 FR 9797 - 3/5/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

UMI

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5035 (B)
41 FR 15264 - 4/9/76
Decision #MT76-5036 (H,Hw)
41 FR 15289 - 4/9/76
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5027 (R)
41 FR 15250 - 4/9/76
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.)

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4025 (H,Hw)
41 FR 7002 - 2/13/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE76-4074 (H,Hw)
41 FR 17299 - 4/23/76
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58947 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4069 (B,R)
41 FR 12060 - 3/26/76
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4076 (B)
41 FR 18273 - 4/30/76
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #NO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(D) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5002 (B,H,Hw)
41 FR 2580 - 1/16/76
Mod. #1 - 41 FR 8627 - 2/27/76
Mod. #2 - 41 FR 10820 - 3/12/76
Mod. #3 - 41 FR 19010 - 5/7/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5003 (R)(Excluding the Nevada Test Site)
41 FR 2591 - 1/16/76
Mod. #1 - 41 FR 8627 - 2/27/76
Mod. #2 - 41 FR 10820 - 3/12/76
(B,H,Hw) - See Statewide
Decision #NV76-5005 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 2601 - 1/16/76
Mod. #1 - 41 FR 16309 - 4/16/76
Mod. #2 - 41 FR 19010 - 5/7/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5004 (R)
41 FR 2595 - 1/16/76
Mod. #1 -41 FR 8628 - 2/27/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3127 (B,H,Hw)
41 FR 8702 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 14273 - 4/2/76
Mod. #3 - 41 FR 16311 - 4/16/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3090 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Mod. #4 - 41 FR 8628 - 2/27/76
Decision #NJ76-3128 (B,H,Hw)
41 FR 8717 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 16311 - 4/16/76
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 57073 - 12/5/75
Decision #NM75-4204 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
40 FR 59167 - 12/19/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 8629 - 2/27/76
Mod. #3 - 41 FR 16309 - 4/16/76
Mod. #4 - 41 FR 19010 - 5/7/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

UMI

NEW YORK

ALBANY COUNTY
Decision #NJ76-3144 (B,H,Hw)
41 FR 8733 - 2/27/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY75-3115 (B,H,Hw)
40 FR 58048 - 12/12/75
Mod. #1 - 41 FR 6954 - 2/13/76
Mod. #2 - 41 FR 8629 - 2/27/76
Mod. #3 - 41 FR 16312 - 4/16/76
Mod. #4 - 41 FR 19011 - 5/7/76
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/20/75
BROOME COUNTY
Decision #NY76-3135 (B,H,Hw)
41 FR 3666 - 1/23/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUGUA COUNTY
Decision #NY75-3123 (B,H,Hw)
40 FR 59676 - 12/29/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3138 (B,H,Hw)
41 FR 3682 - 1/23/76
Mod. #1 - 41 FR 5522 - 2/6/76
Mod. #2 - 41 FR 17293 - 4/23/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3162 (B,H,Hw)
41 FR 16409 - 4/16/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3122 (B,H,Hw)
40 FR 59671 - 12/29/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3129 (B,H,Hw)
41 FR 3641 - 1/23/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3149 (B,H,Hw)
41 FR 10839 - 3/12/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3121 (B,H,Hw)
40 FR 59667 - 12/29/75
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY75-3114 (B,H,Hw)
40 FR 57130 - 12/5/75
ONONDAGA COUNTY
Decision #NY76-3134 (B,H,Hw)
41 FR 3626 - 1/23/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3136 (B,H,Hw)
41 FR 3670 - 1/23/76
Mod. #1 - 41 FR 17293 - 4/23/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3130 (B,H,Hw)
41 FR 3647 - 1/23/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3125 (B,H,Hw)
41 FR 3630 - 1/23/76
Mod. #1 - 41 FR 7893 - 2/20/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3126 (B,H,Hw)
41 FR 3636 - 1/23/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY°
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Decision #NC76-1005 (R)
41 FR 1696 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
'Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
(B) - See Carteret County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(B) - See Carteret County
(D) - See Beaufor tCounty
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See BeaufortCounty
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd)

ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC75-1097 (B)
40 FR 43462 - 9/19/75
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5037 (B)
41 FR 16416 - 4/16/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5075 (D)
40 FR 27418 - 6/27/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 16492 - 4/11/75
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 57074 - 12/5/75
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74-

OHIO (Cont'd)

CUYAHOGA COUNTY (Cont'd.)
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 54387 - 11/21/75
Mod. #3 - 40 FR 58015 - 12/12/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AN-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #OH76-2044 (B)
41 FR 15313 - 4/9/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
Mod. #2-40 FR 27416 - 6/27/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 16493 - 4/11/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH76-2059 (B)
41 FR 19018 - 5/7/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74

OHIO (Cont'd.)

MAHONING COUNTY (Cont'd.)
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16393 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 29446 - 7/11/75
Mod. #5 - 40 FR 52244 - 11/7/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #OH76-2053 (B)
41 FR 18303 - 4/7/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(D) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33570 - 8/8/75
(H,Hw) - See Statewide
SUMMIT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH76-2054 (B)
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
41 FR 16422 - 4/16/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4022 (B)
41 FR 5559 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Decision #OK76-4023 (B)
41 FR 5562 - 2/6/76
Mod. #1 - 41 FR 16312 - 4/16/76
Mod. #2 - 41 FR 19011 - 5/7/76
COTTON COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4020 (B)
41 FR 5555 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(D) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(B,R) - See Canadian County
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4019 (B)
41 FR 5553 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4018 (B,H,Hw)
41 FR 5550 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5543 - 2/6/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4021 (B)
41 FR 5557 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
40 FR 3150 - 1/17/75
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5015 (B,H,Hw,D)
41 FR 5564 - 2/6/76
Mod. #1 - 41 FR 19012 - 5/7/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide

LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Decision #PA75-3113 (B)
40 FR 57137 - 12/5/75
Mod. #1 - 41 FR 4738 - 1/30/76
Mod. #2 - 41 FR 7894 - 2/20/76
Mod. #3 - 41 FR 14274 - 4/2/76
ALLEGHENY COUNTY
(H,Hw) - See Beaver County
Decision #PA76-3157 (B)
41 FR 14298 - 4/2/76
Mod. #1 - 41 FR 17295 - 4/23/76
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
ARMSTRONG COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
BEAVER COUNTY
(H,Hw) - See Butler County
(H,Hw) - See Armstrong County
(B) - See Allegheny County
BEDFORD COUNTY
(H,Hw) - See Butler County
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
Mod. #1 - 40 FR 45959 - 10/3/75
Mod. #2 - 40 FR 54389 - 11/21/75
Mod. #3 - 40 FR 55613 - 11/28/75
Mod. #4 - 41 FR 5523 - 2/6/76
Mod. #5 - 41 FR 10821 - 3/12/76
Mod. #6 - 41 FR 12850 - 3/26/76
Mod. #7 - 41 FR 17294 - 4/9/76
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 50869 - 10/31/75
Mod. #4 - 40 FR 55612 - 11/28/75
Mod. #5 - 41 FR 14274 - 4/2/76
Mod. #6 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (B)
40 FR 36972 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 41 FR 2536 - 1/16/76
Mod. #3 - 41 FR 9721 - 3/5/76
Decision #PA75-3087 (R)
40 FR 40031 - 8/29/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 2538 - 1/16/76
Mod. #3 - 41 FR 9723 - 3/5/76
Decision #PA75-3088 (H,Hw)
40 FR 36992 - 8/22/75
Mod. #1 - 41 FR 9723 - 3/5/76
BUTLER COUNTY
(B) - See Allegheny County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
CAMBRIA COUNTY
Decision #PA75-3059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 54388 - 11/21/75
Mod. #4 - 40 FR 55613 - 11/28/75
Mod. #5 - 40 FR 59097 - 12/19/75
Mod. #6 - 41 FR 5522 - 2/6/76
Mod. #7 - 41 FR 10821 - 3/12/76
Mod. #8 - 41 FR 12850 - 3/26/76
Mod. #9 - 41 FR 15236 - 4/9/76
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3093 (B)
40 FR 44462 - 9/26/75
Mod. #1 - 40 FR 54389 - 11/21/75
Mod. #2 - 41 FR 5524 - 2/6/76
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 11731 - 3/19/76
Mod. #5 - 41 FR 12851 - 3/26/76
Mod. #6 - 41 FR 15236 - 4/9/76
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #PA75-3083 (B)
40 FR 36980 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 40 FR 55615 - 11/28/75
Mod. #3 - 41 FR 2536 - 1/16/76
Mod. #4 - 41 FR 7894 - 2/20/76
Mod. #5 - 41 FR 9721 - 3/5/76
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.)

CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 22740 - 5/23/75
Mod. #3 - 40 FR 31443 - 7/25/75
Mod. #4 - 40 FR 43421 - 9/19/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 5522 - 2/6/76
Mod. #7 - 41 FR 7894 - 2/20/76
Mod. #8 - 41 FR 11729 - 3/19/76
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/28/75
Mod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 29451 - 7/11/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 49946 - 10/24/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 10821 - 3/12/76
Mod. #7 - 41 FR 16312 - 4/16/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3084 (B)
40 FR 36983 - 8/22/75
Mod. #1 - 40 FR 4884 - 10/17/75
Mod. #2 - 40 FR 50869 - 10/31/75
Mod. #3 - 41 FR 2537 - 1/16/76
Mod. #4 - 41 FR 5524 - 2/6/76
Mod. #5 - 41 FR 7894 - 2/20/76
Mod. #6 - 41 FR 9722 - 3/5/76
(H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3155 (B)
41 FR 12862 - 3/26/76
Mod. #1 - 41 FR 17295 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA75-3054 (B)
40 FR 28355 - 7/3/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
Mod. #3 - 40 FR 55612 - 11/28/75
Mod. #4 - 41 FR 5523 - 2/6/76
Mod. #5 - 41 FR 8629 - 2/27/76
Mod. #6 - 41 FR 11729 - 3/19/76

PENNSYLVANIA (cont'd.

ERIE COUNTY (Cont'd.)
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
(H,Hw) - See Armstrong County
(B) - See Allegheny County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA75-3102 (B)
40 FR 45993 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 54388 - 11/21/75
Mod. #3 - 40 FR 55616 - 11/28/75
Mod. #4 - 41 FR 11731 - 3/19/76
Mod. #5 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA75-3112 (B)
40 FR 57316 - 12/5/75
Mod. #1 - 40 FR 59097 - 12/19/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 16313 - 4/16/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3156 (B)
41 FR 12868 - 3/26/76
Mod. #1 - 41 FR 18266 - 4/30/76

PENNSYLVANIA (Cont'd.)

LAWRENCE COUNTY (Cont'd.)
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31441 - 7/25/75
Mod. #5 - 40 FR 45958 - 10/3/75
Mod. #6 - 41 FR 4738 - 1/30/76
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
Mod. #1 - 40 FR 29451 - 7/11/75
Mod. #2 - 40 FR 45959 - 10/3/75
Mod. #3 - 40 FR 48846 - 10/17/75
Mod. #4 - 40 FR 55612 - 11/28/75
Mod. #6 - 41 FR 16312 - 4/16/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA75-3104 (B)
40 FR 45998 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 15236 - 4/9/76
Mod. #5 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12982 - 3/21/75
Mod. #1 - 40 FR 25333 - 6/13/75
Mod. #2 - 40 FR 29450 - 7/11/75
Mod. #3 - 40 FR 45960 - 10/3/75
Mod. #4 - 40 FR 48846 - 10/17/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29517 - 7/11/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 55613 - 11/28/75
Mod. #4 - 41 FR 11730 - 3/19/76
(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Armstrong County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/10/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/20/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

MONTGOMERY COUNTY
Decision #PA76-3150 (B)
41 FR 11767 - 3/19/76
Mod. #1 - 41 FR 17294 - 4/23/76
(H,Hw) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 45990 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 14274 - 4/2/76
Mod. #4 - 41 FR 17294 - 4/23/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
Mod. #3 - 40 FR 29449 - 7/11/75
Mod. #4 - 40 FR 45958 - 10/3/75
Mod. #5 - 40 FR 48845 - 10/17/75
Mod. #6 - 40 FR 55611 - 11/28/75
Mod. #7 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #PA75-3086 (B)
40 FR 36989 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 48847 - 10/17/75
Mod. #3 - 41 FR 2538 - 1/16/76
Mod. #4 - 41 FR 9722 - 3/5/76
Mod. #5 - 41 FR 12851 - 3/26/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3103 (B)
40 FR 45996 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 11731 - 3/19/76
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3120 (B)
40 FR 59178 - 12/19/75
Mod. #1 - 41 FR 11732 - 3/19/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #PA75-3079 (B)
40 FR 36965 - 8/22/75
Mod. #1 - 40 FR 55615 - 11/28/75
Mod. #2 - 40 FR 59097 - 12/19/75
Mod. #3 - 41 FR 7894 - 2/20/76
Mod. #4 - 41 FR 11731 - 3/19/76
(H,Hw) - See Armstrong County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WYOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

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RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #R176-2037 (B,H,Hw,R, & Marine)
41 FR 11771 - 3/19/76
~~(D) - See Statewide~~
KENT COUNTY
(B,H,Hw,R, & Marine) - See Bristol County
(D) - See Statewide
NEWPORT COUNTY
Decision #R176-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #R176-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COINTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Abbeville County
Decision #SC75-1017 (R)
40 FR 4705 - 1/31/75
Mod. #1 - 41 FR 12017 - 3/14/75

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(B) - See Berkeley County
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC75-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
MCCORMIC COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNET COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CLAY COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76

Decision #TN76-1001 (Hw)
41 FR 985 - 1/5/76

[illegible] COUNTY
Decision #TN75-1053 (B)(Oak Ridge Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
40 FR 44476 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
METEOR COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

-- RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31732 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1012 (B,H, WRS, & Utility
41 FR 2615 - 1/16/76
Mod. #1 - 41 FR 18267 - 4/30/76
Decision #AP-152 (R)
39 FR 476 - 2/1/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(Hw) - See Statewide
MC COOK COUNTY
(Hw) - See Statewide
MC PHERSON COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5014 (B)
41 FR 4797 - 1/30/76
Mod. #1 - 41 FR 15236 - 4/9/76
(Hw) - See Statewide
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5153 (B)
41 FR 1700 - 1/9/76
Mod. #1 - 41 FR 4739 - 1/30/76
Mod. #2 - 41 FR 15236 - 4/9/76
(Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74

MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABAUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1110 (B,H)
40 FR 55630 - 11/20/75
Mod. #1 - 40 FR 59666 - 12/29/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw) - See Statewide
KNOX COUNTY
Decision #TN76-1013 (B)
41 FR 2610 - 1/16/76
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (D)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 56075 - 12/5/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

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TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4077 (H (Excluding Tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 19204 - 5/7/76
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(F,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4027 (B)
41 FR 7028 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 16313 - 4/16/76
Mod. #3 - 41 FR 17295 - 4/23/76
Mod. #4 - 41 FR 19013 - 5/7/76
Decision #TX76-4078 (R)
41 FR 19032 - 5/7/76
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4079 (B)
41 FR 19034 - 5/7/76
BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) - See Statewide
Decision #TX75-4196 (B)
40 FR 54417 - 11/24/75
Mod. #1 - 41 FR 58015 - 12/12/75
Mod. #2 - 41 FR 11733 - 3/17/76
Mod. #3 - 41 FR 11734 - 3/18/76
Mod. #4 - 41 FR 16313 - 4/16/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4033 (B)
41 FR 7019 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 17296 - 4/23/76
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4034 (B)
41 FR 7021 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 16313 - 4/16/76
Mod. #3 - 41 FR 17296 - 4/23/76
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(B) - See Brazoria County
(R) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4041 (B)
41 FR 7037 - 2/13/76
Mod. #1 - 41 FR 9724 - 3/5/76
Mod. #2 - 41 FR 12853 - 3/26/76
Mod. #3 - 41 FR 16314 - 4/16/76
Mod. #4 - 41 FR 17297 - 4/23/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(H,Hw) - See Statewide
GREGG COUNTY
(H,Hw) - See Statewide
Decision #TX75-4092 (B)
40 FR 21602 - 5/16/75
(H,Hw) See Statewide
GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
Mod. #2 - 41 FR 17297 - 4/23/76
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
(H,Hw) - See Statewide

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS (Cont'd.)

CAMERON COUNTY
Decision #TX76-4035 (B)
41 FR 7023 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 15237 - 4/9/76
Mod. #3 - 41 FR 17296 - 4/23/76
(H,Hw) - See Statewide
Decision #TX76-4083 (R)
41 FR 19043 - 5/7/76
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(O) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
(H,Hw) - See Statewide
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4037 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 7033 - 2/13/76
Mod. #1 - 41 FR 9724 - 3/5/76
Mod. #2 - 41 FR 12853 - 3/26/76
Mod. #3 - 41 FR 17296 - 4/23/76
COLLINGSWORTH COUNTY
(H,Hw) - See Statewide
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide

TEXAS (Cont'd.)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4040 (B)
41 FR 7026 - 2/13/76
Mod. #1 - 41 FR 9724 - 3/5/76
Mod. #2 - 41 FR 12853 - 3/26/76
Mod. #3 - 41 FR 16313 - 4/16/76
Mod. #4 - 41 FR 16313 - 4/23/76
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

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TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4041 (B,R)
41 FR 19039 - 5/7/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(O) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4045 (B,R)
41 FR 7914 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 17290 - 4/23/76
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Duval County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
(O) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX76-4046 (B)
41 FR 7916 - 2/20/76
Mod. #1 - 41 FR 11734 - 3/19/76
Mod. #2 - 41 FR 12854 - 3/26/76
Mod. #3 - 41 FR 14274 - 4/2/76
Mod. #4 - 41 FR 16314 - 4/16/76
Mod. #5 - 41 FR 17298 - 4/23/76
(O) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd.)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
TAYLOR COUNTY
Decision #TX76-4048 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4050 (B)
41 FR 7922 - 2/20/76
Mod. #1 - 41 FR 11734 - 3/19/76
Mod. #2 - 41 FR 12854 - 3/26/76
Mod. #3 - 41 FR 15314 - 4/16/76
Mod. #4 - 41 FR 16298 - 4/23/76
Mod. #5 - 41 FR 19013 - 5/7/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(O) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4082 (R)
41 FR 19041 - 5/7/76
Decision #TX76-4051 (B)
41 FR 7924 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(O) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY - See Statewide
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

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UTAH

STATEWIDE
Decision #UT76-5017 (B,H,Hw)
41 FR 7043 - 2/13/76
Mod. #1 - 41 FR 16315 - 4/16/76
Mod. #2 - 41 FR 17298 - 4/23/76
Mod. #3 - 41 FR 19013 - 5/7/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd.)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

STATEWIDE (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #V176-3166 (B)
41 FR 19003 - 5/7/76
Decision #V176-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #VA76-5025 (D)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 43847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #M076-3140 (B)
41 FR 3603 - 1/23/76
Mod. #1 - 41 FR 5527 - 2/6/76
Mod. #2 - 41 FR 7895 - 2/20/76
Mod. #3 - 41 FR 8630 - 2/27/76
Mod. #4 - 41 FR 12855 - 3/26/76
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod.#1-41FR11735 - 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3118 (B)
40 FR 58057 - 12/12/75
Mod. #1 - 41 FR 5527 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14275 - 4/2/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA75-3116 (B)
40 FR 58053 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14274 - 4/2/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,3) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albemarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3119 (B)
40 FR 58059 - 12/12/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albemarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,D) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3117 (B,H,W&S)
40 FR 58054 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 8630 - 2/27/76
Mod. #3 - 41 FR 11735 - 3/19/76
Mod. #4 - 41 FR 14274 - 4/2/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5012 (B,H,Hw,D)
41 FR 11785 - 3/19/76
Mod. #1 - 41 FR 19015 - 5/7/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide

YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3000 (B,Hw, W&S)
41 FR 2620 - 1/16/76
Mod. #1 - 41 FR 5528 - 2/6/76
Mod. #2 - 41 FR 7895 - 2/20/76
Mod. #3 - 41 FR 8630 - 2/27/76
Mod. #4 - 41 FR 12855 - 3/26/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48804 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 FR 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

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WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Bartour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #W175-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #W176-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,R,O) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284- 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 1/29/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36940 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw,W&S) - See Statewide
MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
Mod. #1 - 40 FR 18287 - 4/25/75
(H,Hw,W&S) - See Statewide
MONROE COUNTY
(H,Hw,W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
ONEIDA COUNTY
(H,Hw,W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw,W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw,W&S) - See Statewide
PIERCE COUNTY
(H,Hw,W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide
PORTAGE COUNTY
(H,Hw,W&S) - See Statewide
PRICE COUNTY
(H,Hw,W&S) - See Statewide
RACINE COUNTY
Decision #W175-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1-40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 14307 - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5018 (B,H)
41 FR 7928 - 2/20/76
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc. 76-16038 Filed 6-3-76;8:45 am]

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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HEW/OE—Metric Education; tentative effective date..... 16766; 4–21–76
DOT/CG—Drawbridge operation regulations Takoma Harbor, Wash. 18298; 5–3–76

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5272..... Pub. Law 94–301
An act to amend the Noise Control Act of 1972 to authorize additional appropriations
(May 31, 1976; 90 Stat. 590)

H.R. 9721..... Pub. Law 94–302
An act to provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes
(May 31, 1976; 90 Stat. 591)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 76-SO-52; Amdt. 39-2632]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-32R-300 Series Airplanes

There has been a report of interference between a fuel line and an attachment screw on PA-32R-300 airplanes that could result in a fuel leak. Since this condition may exist in other airplanes of the same type design, an airworthiness directive is being issued to require fuel line inspection and rerouting, if necessary, on PA-32R-300 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

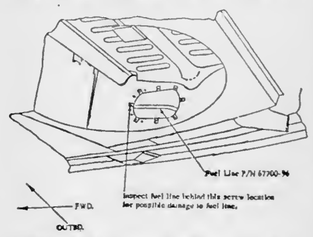
In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to PA-32R-300 airplanes, 32R-7680001 through 32R-7680132, 32R-7680134 through 32R-7680175, 32R-7680177 through 32R-7680200, 32R-7680202 through 32R-7680204 and 32R-7680207, certificated in all categories.

Compliance required within the next ten hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fuel leakage, accomplish the following:

1. For both right and left wings, gain access to the fuel line segment, Piper Part Number 67700-96, through left and right wheel well inboard closeout plates (see sketch below).



VIEW OF LEFT WING WHEEL WELL AREA SHOWN—RIGHT OPPOSITE

2. Inspect fuel lines, Piper Part Number 67700-96, for indication of chafing and/or fuel leakage caused by interference with the close-out plate attachment screws.

a. If a line is damaged, replace with a new fuel line, Piper Part Number 67700-96, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region. If necessary, reform Piper Part Number 67700-96 upon installation to provide a minimum of ¼" clearance with close-out plate attachment screws.

b. If lines are not damaged, hand form, if necessary, to provide a minimum of ¼" clearance with close-out plate attachment screws.

CAUTION

Parts a and b above, if hand forming of line is necessary, form only enough to insure clearance. Avoid "kinking" or restricting line when forming. Check security of fittings and fuel flow through lines after forming.

Piper Service Bulletin No. 503 also pertains to this same subject.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).))

This amendment becomes effective June 9, 1976.

Issued in East Point, Georgia, on May 25, 1976.

PHILLIP M. SWATEK,
Director, Southwest Region.

[FR Doc.76-16240 Filed 6-4-76;8:45 am]

[Airspace Docket No. 76-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Withdrawal of Final Rule

The purpose of this notice is to withdraw Airspace Docket No. 76-SW-3 published in the FEDERAL REGISTER April 19, 1976 (41 FR 16453), in which the Federal Aviation Administration (FAA) amended Part 71 of the Federal Aviation Regulations by adding a transition area at Gilmer, Tex. The airport category was also changed from VFR operation to IFR operation.

The Air Transport Association (ATA) petitioned the FAA to withdraw this determination on the basis that insufficient data were provided prior to and with the Notice of Proposed Rule Making to adequately evaluate the impact of the proposed action on other air traffic operating in the Longview, Tex., Gregg County Airport area. In an informal meeting with ATA, the FAA determined that the ATA basis for the petition was legitimate.

Therefore, the FAA has decided by this action to withdraw Airspace Docket No. 76-SW-3 and issue another Notice of Proposed Rule Making which will include sufficient data to adequately evaluate the proposal. This withdrawal does not, however, preclude the FAA from issuing similar dockets in the future, nor does it commit the FAA to any course of action.

In consideration of the foregoing, the final rule published in the FEDERAL REGISTER April 19, 1976 (41 FR 16453), and circulated as Airspace Docket No. 76-SW-3 entitled "Designation of Transition Area" is hereby rescinded.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued at Fort Worth, Tex., on May 17, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-16241 Filed 6-4-76;8:45 am]

[Docket No. 15736; Amdt. No. 1023]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents,

It is further ordered, That the re-

§ 13.2275 Using deceptive techniques in

type set in type of at least the following

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U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 15, 1976:

Evergreen, AL—Middleton Field, VOR/DME Rwy 9, Original.
Anchorage, AK—Anchorage Int'l Arpt., VOR Rwy 6R(TAC), Amdt. 10.
Nome, AK—Nome Arpt., VOR/DME Rwy 9, Amdt. 4.
Dubuque, IA—Dubuque Muni. Arpt., VOR Rwy 13, Amdt. 5.
Dubuque, IA—Dubuque Muni. Arpt., VOR Rwy 31, Amdt. 7.
Dubuque, IA—Dubuque Muni. Arpt., VOR Rwy 36, Amdt. 1.
Kansas City, KS—Fairfax Muni. Arpt., VOR Rwy 17, Amdt. 7.
Kansas City, KS—Fairfax Muni. Arpt., VOR-D, Amdt. 2.
Kansas City, MO—Kansas City Muni. Arpt., VOR Rwy 3, Amdt. 9.
Kansas City, MO—Kansas City Muni. Arpt., VOR Rwy 18, Amdt. 14.
Kansas City, MO—Kansas City Muni. Arpt., VOR Rwy 21, Amdt. 8.
Pulaski, TN—Abernathy Field, VOR/DME Rwy 3, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., LOC Rwy 6L, Amdt. 4.
Cordova, AK—Cordova Mile 13 Arpt., LOC/DME Rwy 27, Amdt. 9.
King Salmon, AK—King Salmon Arpt., LOC/DME(BC) Rwy 29, Original.
Nome, AK—Nome Arpt., LOC/DME(BC) Rwy 9, Amdt. 1.
Dubuque, IA—Dubuque Muni. Arpt., LOC/DME(BC) Rwy 13, Amdt. 1.

• • • effective June 17, 1976:

Oakland, CA—Metropolitan Oakland Int'l Arpt., LOC Rwy 11, Original.
Oakland, CA—Metropolitan Oakland Int'l Arpt., LOC(BC) Rwy 11, Amdt. 2, cancelled.

• • • effective June 10, 1976:

Washington, DC—Dulles International Arpt., LOC(BC) Rwy 1L, Amdt. 4.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., NDB Rwy 6R, Amdt. 4.
Anchorage, AK—Anchorage Int'l Arpt., NDB-A, Amdt. 1.
Windsor Locks, CT—Bradley Int'l Arpt., NDB Rwy 6, Amdt. 22.
Albany, GA—Albany-Dougherty County Arpt., NDB Rwy 16, Original.
Dubuque, IA—Dubuque Muni. Arpt., NDB Rwy 31, Amdt. 4.
Kansas City, KS—Fairfax Muni. Arpt., NDB-B, Amdt. 8.
Kansas City, MO—Kansas City Muni. Arpt., NDB Rwy 18, Amdt. 12.
Beaufort, NC—Beaufort-Morehead City Arpt., NDB Rwy 14, Original.
Beaufort, NC—Beaufort-Morehead City Arpt., NDB Rwy 21, Original.

• • • effective June 17, 1976:

Conway, SC—Conway-Horry County Arpt., NDB-A, Original.
Marion, SC—Marion County Arpt., NDB Rwy 4, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., ILS Rwy 6R, Amdt. 5.
Windsor Locks, CT—Bradley Int'l Arpt., ILS Rwy 6, Amdt. 25.
Dubuque, IA—Dubuque Muni. Arpt., ILS Rwy 31, Amdt. 6.
Kansas City, KS—Fairfax Muni. Arpt., ILS-A, Amdt. 11.
Kansas City, MO—Kansas City Muni. Arpt., ILS Rwy 18, Amdt. 14.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., RADAR-1, Amdt. 6.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 15, 1976:

Dubuque, IA—Dubuque Muni. Arpt., RNAV Rwy 36, Amdt. 1.
Kansas City, KS—Fairfax Muni. Arpt., RNAV Rwy 17, Amdt. 1.
Kansas City, KS—Fairfax Muni. Arpt., RNAV-C, Amdt. 3.
Salina, KS—Salina Muni. Arpt., RNAV Rwy 17, Amdt. 3.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on May 27, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.76-16239 Filed 6-4-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2818]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hang Ups Sportswear Ltd., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–90 Wool Products Labeling Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845–80 Wool Products Labeling Act; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68.)

In the matter of Hang Ups Sportswear Ltd., a corporation, and Bernard Berkoff, Nicholas Lambo, and Robert Berkoff, individually and as officers of said corporation, and Elliot Morris, individually and as a former officer of said corporation

Consent order requiring a New York City importer of fabrics and manufacturer of women's sportswear, among other things to cease violating the Wool Products Labeling Act by falsely and deceptively labeling and misbranding products; and failing to securely affix labels and/or other means of product identification. The Order further requires that purchasers of the misbranded products be informed of the deceptions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Hang Ups Sportswear Ltd., a corporation, its successors and assigns, and its officers, and Bernard Berkoff, Nicholas Lambo, and Robert Berkoff, individually and as officers of said corporation, and Elliot Morris, individually and as a former officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the wool products which gave rise to this complaint of the fact that such products were misbranded.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

It is further ordered, That the respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That each of the individual respondents named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include each individual respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission May 13, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16303 Filed 6-4-76;8:45 am]

[Docket C-2817]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sound Alike Music Corporation, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.45 Content; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 Content; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1850 Content; § 13.1855 Identity; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively. Subpart—Simulating another or product thereof: § 13.2205 Advertising matter; § 13.2210 Designs, emblems or insignia; § 13.2230 Product Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; 13.2275–65 Labeding depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the matter of Sound Alike Music Corporation, a corporation, and Richard Taxe, individually and as an officer of said corporation

Consent order requiring a Los Angeles, Calif., seller and distributor of tape products, among other things to cease using, in connection with their tape products, deceptive and misleading advertisements, labels, packages and promotional materials which misrepresent performers as original artists. The order further requires respondents to disclose in advertising and on packaging either the name of the actual recording artist or that their tape products are not original artist recordings, and to furnish, for a seven-year period, copies of the order to all retailers and distributors who purchase respondents' products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Sound Alike Music Corporation, a corporation, its successors and assigns, and its officers, and Richard Taxe, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device in connection with the sale of tape products recorded by a person or persons other than the original artist(s), in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any label, package, catalogue, or any form of advertising, promotional material or point of sale material which:

(a) Contains any likeness of an original artist(s);

(b) Contains any illustration similar to that on the album cover or tape label used in any recording by the original artist(s);

(c) Implies, in any manner, that the tape product has been recorded by an original artist(s).

2. Offering for sale, selling, or distributing any tape product recorded by one other than the original artist(s), unless the tape product's package or label contains either the name(s) of the actual artist(s) or a clear and conspicuous disclosure which reads: "THIS IS NOT AN ORIGINAL ARTIST RECORDING."

(a) If the legend "THIS IS NOT AN ORIGINAL ARTIST RECORDING" is employed, that legend shall appear on the front and spine of the tape product's label in capital letters and in bold-face type set in type of at least the following sizes:

Front of the package, 12-point type.
Spine of the package, 8-point type.

(b) If the name(s) of the actual artist(s) is (are) used in conjunction with the name(s) of the original artist(s), the name(s) of the actual artist(s) shall appear in capital letters and in bold-face type on the same surface of the tape product as the name(s) of the original artist(s) appear(s). The name(s) of the actual artist(s) shall be printed in type which is at least the same size as the type size employed for the name(s) of the original artist(s).

(c) If the name(s) of the actual artist(s) is (are) not used in conjunction with the name(s) of the original artist(s), the disclosure shall comply with the requirements of Paragraph 2(a).

(d) The disclosure employed shall be a separate element, set in contrasting type on a solid-color background and shall not include any part of any picture, design, illustration or other text, provided that if the name(s) of the original artist(s) is (are) used, the name of the actual artist(s) may be placed directly under or adjacent to the name(s) of the original artist(s).

3. Offering for sale, selling, or distributing any sound alike tape product, the title of which does not either name the actual artist or clearly disclose that the tape product is a sound alike recording, by incorporating the words, "Sounds like" or "Sound alike," or words of similar import and meaning.

4. Advertising any tape product not recorded by the original artist(s), unless respondents, in all advertisements of such tape products, either disclose clearly and conspicuously the name(s) of the actual artist(s) for each such recording, or make one clear and conspicuous disclosure which reads: "THIS IS NOT AN ORIGINAL ARTIST RECORDING."

For the purposes of this section of the order, the term "advertisement" shall mean all advertising in newspapers, magazines, catalogues and other printed materials; and advertisements appearing on television and radio.

(a) If the name of each actual artist is not clearly and conspicuously disclosed, respondents shall set forth the disclosure, "THIS IS NOT AN ORIGINAL ARTIST RECORDING," in all printed advertisements, in capital letters and in bold-face type, set in type of at least the following sizes:

Advertisements of a trim size larger than 144 square inches, 24-point type.
Advertisements of a trim size larger than 65 square inches but not larger than 143 square inches, 14-point type.
Advertisements of a trim size larger than 36 square inches but not larger than 64 square inches, 12-point type.
Advertisements of a trim size not larger than 35 square inches, 10-point type.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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The disclosure shall comply with the requirements of Paragraph 2(d) of this order.

(b) In all radio and television advertisements, the disclosure shall at least be made orally. There must be no less than one half-second pause both before and after the disclosure.

It is further ordered, That respondents may continue to distribute tape products presently in inventory with labels and packaging not bearing the disclosures required by this order, provided that respondents shall affix to each and every tape product a label which contains a clear and conspicuous disclosure which reads, "NOT AN ORIGINAL ARTIST RECORDING."

(a) The disclosure shall be in boldface capital letters, set in at least 14-point type;

(b) The disclosure shall be set in black type on a bright-red background;

(c) The disclosure shall appear as a separate element, and shall not include any part of any picture, design, illustration, or other text.

It is further ordered, That respondents shall, for a period of seven years, deliver a copy of this order to all retailers or distributors known to respondents who purchase respondents' tape products from respondents.

It is further ordered, That a copy of this order be delivered to all present and future personnel of respondents engaged in the design and creation of any packaging or labels for respondents' tape products, and that respondents shall secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission May 10, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16302 Filed 6-4-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0011]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Food and Drug Administration is amending the food additive regulations to permit use of an emulsifier in dispersed rosin sizes that are used in the manufacture of paper and paperboard; effective June 7, 1976; objections by July 7, 1976.

Notice was given by publication in the FEDERAL REGISTER of February 10, 1976 (41 FR 5861) that a petition (FAP 6B3157) had been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2526 (21 CFR 121.2526) be amended to provide for the safe use of tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate as an emulsifier in dispersed rosin sizes to be used as a component of paper and paperboard in contact with food.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.2526 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2526 by amending paragraph (a)(5) by adding alphabetically a new item to the list of substances to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

. . . . . .

(a) . . .

(5) . . .

List of substances	*Limitations*
. . .	. . .
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate.	For use only as an emulsifier in aqueous dispersions of rosin sizes complying with § 121.2592(a)(4) and limited to use prior to the sheet-forming operation in the manufacture of paper and paperboard at a level not to exceed 0.02 pct by weight of finished paper and paperboard.
. . .	. . .

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 7, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall become effective June 7, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: June 1, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16310 Filed 6-4-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Emergency Funds Procedures

● Purpose. The purpose of this document is to revise the regulation on Emergency Funds Procedures. ●

The existing regulation is hereby revised for clarification, to cite regulations instead of Federal Highway Administration directives and to renumber the sections to permit future expansion. The revisions are sufficiently extensive to warrant republication of the subpart in its entirety.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 552(a)(2), therefore, general notice of proposed rulemaking is not required. The revisions will become effective on June 9, 1976.

Issued: May 25, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 630 of Subpart E of Title 23, Code of Federal Regulations, is revised to read as set forth below:

Subpart E—Emergency Funds Procedures

Sec.
630.501 Purpose.
630.503 Definitions.
630.505 Requirements.
630.507 Limitations.
630.509 Federal share payable.
630.511 Eligibility of work.
630.513 Application procedures.
630.515 Allocations of funds and submission of programs.
630.517 Processing of emergency projects.
630.519 Expediting emergency projects.

AUTHORITY: (23 U.S.C. 120(f), 125 and 315); Pub. L. 93-288, Sec. 315; 49 CFR 1.48 (b).

§ 630.501 Purpose.

This regulation outlines the procedures to be followed in the administration of emergency funds for the repair or reconstruction of Federal roads and Federal-aid highways damaged or destroyed by natural disasters or catastrophic failures. The emergency relief program is intended to supplement the commitment of resources by States, their political subdivisions, or Federal organizations or agencies to help pay unusually heavy expenses resulting from extraordinary conditions.

§ 630.503 Definitions.

The following definitions shall apply as used in this regulation:

(a) Catastrophic failure—The sudden and complete failure of a major element or segment of the highway system which causes a disastrous impact on transportation services.

(b) Natural disaster—A disaster caused by an extraordinary natural occurrence, such as severe flood, hurricane, severe storm, tidal waves, earthquake, or landslide causing substantial damage over a wide area.

(c) State proclamation—Declaration by the Governor of the affected State issued during or shortly after the occurrence of a natural disaster or catastrophic failure and recognizing the gravity of the situation.

(d) Federal roads—Forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public land development roads and trails, and Indian reservation roads whether or not such road or trail is on any Federal-aid highway system.

(e) Allocation—An amount which is available for emergency relief projects in a State.

(f) Allotment—An amount of obligational authority made available for emergency relief projects.

(g) Agency or organization—Any agency, organization, or person having jurisdiction over Federal roads not on any Federal-aid highway system.

§ 630.505 Requirements.

(a) Damaged highways proposed for repair or reconstruction work must be on a Federal-aid highway system to qualify for emergency funds, except for Federal roads.

(b) Federal roads are eligible for emergency funds whether or not they are on any of the Federal-aid highway systems.

(c) With the exception of expenditures for Federal roads, no emergency funds expenditures shall be made unless the Governor of such State has issued a State proclamation or he has requested a major disaster declaration by the President under the Disaster Relief Act (Pub. L. 93-288). The Federal Highway Administrator's concurrence in the emergency declaration of the Governor is required except where the President has declared such emergency to be a major disaster.

(d) Emergency funds may be expended for the repair or reconstruction of roads and highways only after the Federal Highway Administrator's finding of eligibility under 23 U.S.C. 125(a).

§ 630.507 Limitations.

(a) Extraordinary floods cause natural disasters. Where flooding is a regular and frequent occurrence or results in relatively minor or localized damage to highway facilities, emergency funds will not be granted. Storms of unusual intensity occur over small areas in many of the States each year. The necessary repair of roads and bridges resulting from such localized storms is not eligible for emergency funds.

(b) Serious damage to highways, roads, or trails resulting from a catastrophic failure will not be eligible for emergency funds where the failure is primarily attributable to gradual and progressive deterioration or lack of proper maintenance.

(c) Diligent efforts shall be made to recover repair costs from the legally responsible parties to reduce the project costs where highway damages are caused by ships, barge tows, highway vehicles, vehicles with illegal loads, and similar improperly controlled objects or events.

(d) Damage repair costs funded with assistance under another Federal program or for which compensation from insurance or any other source is received are not eligible for emergency funds. Partial compensation for a loss by other sources will not preclude emergency fund assistance for the part of such loss not compensated otherwise.

(e) Roads and trails which are essentially a cleared way or fire break or which have evolved over time without benefit of engineered construction and maintenance to meet regular traffic service, structural and drainage demands over an extended period of time, are not eligible for emergency funds.

§ 630.509 Federal share payable.

(a) The Federal share payable for repair or reconstruction of highways on the Federal-aid systems, including the Interstate System, shall ordinarily not exceed 70 percent of the cost thereof or the appropriate sliding scale rate in Clause (A) of 23 U.S.C. § 120(a).

(b) When special circumstances warrant, the Federal Highway Administrator may determine it to be in the public interest to increase the Federal share. A determination of public interest will be based largely on the effort expended by the State and local units to meet the total emergency. First responsibility to meet an emergency is with the State and local units of government. An increase in the Federal share is therefore dependent on a strong commitment of State and local resources.

(c) The normal Federal share payable for repair or reconstruction of Federal roads is 100 percent of the cost regardless of whether such highways or roads are on any Federal-aid system.

§ 630.511 Eligibility of work.

(a) Emergency funds may participate in:

(1) Repairs to or reconstruction of seriously damaged highway elements within the right-of-way limits, or in the case of Federal roads within the normal roadway cross section. Restoration of stream channels outside the highway right-of-way, or outside the roadway cross-section on Federal roads, shall not be eligible for emergency funds unless:

(i) The public highway agency has responsibility for the maintenance and proper operation of the stream channel section, and

(ii) The work is necessary to preserve satisfactory operation of the highway system involved.

(2) Relocation or rebuilding, including costs of right-of-way, at higher elevations and the extension, replacement, or raising of any bridges where clearly economically justified to prevent future recurring damage. Economic justification must weigh the cost of the betterment against the risk of eligible recurring damage and the cost of future repair.

(3) Emergency repairs including temporary operations, undertaken during or immediately following the disaster occurrence for the purpose of:

(i) Minimizing the extent of the damage,

(ii) Protecting remaining facilities, or

(iii) Restoring essential travel.

(b) Replacement highway facilities are limited in emergency relief reimbursement to the cost of a new facility to current design standards of comparable capacity and character to the destroyed facility. Emergency fund participation may be prorated to the cost of a comparable facility when the replacement project includes more lanes or betterments not eligible for emergency funds.

§ 630.513 Application procedures.

(a) The State highway agency shall make application for emergency funds to assist in the cost of necessary repair or reconstruction of the Federal-aid highway system without undue delay. The application should include:

(1) The State proclamation or a copy of the request for a Presidential proclamation,

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(2) Information on the occurrence of a natural disaster or catastrophic failure including a description of:

(i) The affected area.

(ii) The damage to Federal-aid systems and other highways and bridges, and

(iii) Estimates of the cost of repairs.

(3) When appropriate the State's request for an increase in the Federal share of funding of eligible costs with the supporting data.

(b) When sections of Federal roads not on the Federal-aid system are damaged or destroyed, an application for emergency funds to assist in the cost of necessary repair or reconstruction may be made during or shortly after the disaster by the agency or organization having official jurisdiction over such roads or trails. Such agency or organization shall submit the application for emergency funds to the Federal Highway Administrator with information on the occurrence of a natural disaster or catastrophic failure including a description of:

(1) The affected area,

(2) The damage to Federal roads, and

(3) Estimates of the cost of repairs.

(c) Temporary operations, emergency repairs and preliminary engineering may proceed without prior authorization, but the need for such work must subsequently be approved by the FHWA.

(d) Permanent restoration work shall be performed prior to FHWA authorization unless performed as emergency repairs.

§ 630.515 Allocation of funds and submission of programs.

(a) For Federal-aid system repairs the Administrator's finding of eligibility under 23 U.S.C. § 125 is the basis for emergency fund allocation. At the time of the finding of eligibility an initial allocation of emergency relief funds will be made for use by the applicant State in an amount estimated as sufficient for the current fiscal year requirements.

(b) Following the initial allocation of emergency funds the State highway agency shall promptly submit to the FHWA a program of projects for the particular disaster. The program shall be prepared for each disaster rather than as an annual submission.

(c) For Federal road repairs the Federal Highway Administrator's finding of eligibility will be sent to the applying Federal agency. After such advice that agency shall submit to the FHWA a detailed and individually justified program of projects.

§ 630.517 Processing of emergency projects.

(a) FHWA processing of applications, programs and project requests should be given priority and prompt consideration ahead of nonemergency work.

(b) For projects located on a Federal-aid system processing shall be by the State highway agency in accordance with normal procedures for Federal-aid highway projects except as may be otherwise provided. The written authorization to the State to proceed shall establish the obligation of Federal funds.

(c) For eligible projects not located on a Federal-aid system, the surveys and plans, specifications, and estimates shall be prepared by or under the supervision of the agency or organization having jurisdiction over such roads. Approval of work on Federal roads to be undertaken by the Federal agency with jurisdiction requires a transfer of funds.

(d) Work shall be undertaken by the contract method where feasible. The FHWA may approve a waiver of the advertising requirement if:

(1) Such procedures are authorized by State or local law, and

(2) Bids are solicited from a reasonable number of contractors or material supply companies.

§ 630.519 Expediting emergency projects.

After the approval of a natural disaster or a catastrophic failure and the initial allocation of emergency funds, projects shall be constructed promptly to repair or replace damaged facilities.

[FR Doc.76-16304 Filed 6-4-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-375]

PART 804—LOW RENT HOUSING, HOMEOWNERSHIP OPPORTUNITIES

PART 899—GENERAL

Waiver of Regulatory Requirements

Chapter VIII of Title 24 of the Code of Federal Regulations is being amended to revise Part 899 by redesignating Subpart A—Effective Dates of Provisions of the United States Housing Act of 1937, as Amended by the Housing and Community Development Act of 1974—as Subpart B, and to establish a new Subpart A entitled "Miscellaneous Provisions". In addition, the substance of Section 804.310 (formerly Section 1270.310 in Chapter VIII) is being moved from Part 804 placed in Part 899, and designated as Section 899.101 in Subpart A—Miscellaneous Provisions—of Part 899. This part was published at FR 8056, 2/24/76.

The purpose of these changes is twofold. The rearrangement of materials will provide better organizational structure for Part 899 regulations. Moving the language of Section 804.310 to the new Subpart A of Part 899 will place the provision on waivers, which is applicable to the entire Chapter VIII, in a more logical location.

Inasmuch as existing authority is merely being continued, there is no reason for public procedure. Accordingly, this revision is being made effective immediately. For the same reasons findings of inapplicability with respect to environmental and inflation impacts are not required.

Accordingly, Chapter VIII of Title 24 of the Code of Federal Regulations is hereby amended as follows:

Subpart A [Redesignated]

1. Subpart A of Part 899 in Chapter VIII of Title 24 of the Code of Federal Regulations is redesignated as Subpart B. Sections will become 899.201 through 899.203.

Subpart A [Added]

2. A new Subpart A—Miscellaneous Provisions—is hereby established in Part 899.

§ 804.310 [Removed]

3. Section 804.310 (formerly § 1270.310) is deleted from Part 804 of Chapter VIII of Title 24 of the Code of Federal Regulations.

4. A Section 899.101 is included in Subpart A of Part 899 reading as follows:

§ 899.101 Waivers.

(a) *Basic Provision.* Upon determination of good cause, the Secretary of Housing and Urban Development may, subject to statutory limitations, waive any provision of this Chapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

(b) *Reservation of authority by the Secretary.* The authority under Subsection A is reserved to the Secretary and no delegation of this waiver authority shall be effective unless executed subsequent to the June publication date.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); sec. 5(b) of the United States Housing Act of 1937, 42 U.S.C. 1437c(b).)

Effective date: This revision is effective June 8, 1976.

Issued at Washington, D.C., June 1, 1976.

JOHN B. RHINELANDER,
Acting Secretary of Housing and Urban Development.

[FR Doc.76-16414 Filed 6-4-76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-365]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Cranston, Rhode Island

On January 8, 1976, at 41 FR 1476, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Cranston.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Cranston, Rhode Island. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as

soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 445396A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

The Honorable James L. Taft, Jr., Mayor, City Hall, 869 Park Avenue, Cranston, Rhode Island 02910.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Cranston Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Cranston map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16375 Filed 6-4-76;8:45 am]

[Docket No. FI-783]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Hitchcock, Texas

On November 14, 1975, at 40 FR 53009, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Hitchcock, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of October 31, 1975 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485479C and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Hitchcock Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Hitchcock map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 29, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16416 Filed 6-4-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

[Directive 76-1]

DRUG ENFORCEMENT ADMINISTRATOR

Redelegation of Functions

Under the authority delegated to the Administrator of the Drug Enforcement Administration by § 0.100 and § 0.104 of Subpart R, Title 28, Code of Federal Regulations, the Appendix to Subpart R is hereby amended as follows:

1. Section 2(b) is amended by inserting a semicolon following U.S.C. 881 in the seventh line and adding the following clauses thereafter to the first sentence.

Sec. 2. *Supervisors and Administrators.*

• • • to adjust, determine, compromise and settle any claim involving the Drug Enforcement Administration under 28 U.S.C. 2672 relating to tort claims where the claim is for property damage not exceeding $250; to release information obtained by DEA and DEA investigative reports under 28 CFR § 0.103(a) (1) and (2); and to authorize the testimony of DEA officials in response to prosecution subpoenas under 28 CFR § 0.103(a)(3).

Sec. 3. [Amended].

2. Section 3(b) is amended by deleting the semicolon following U.S.C. 875 in the fifth line of the sentence and adding "and 876;" thereafter.

Directive 74-3, dated November 12, 1974, 39 FR 224 at p. 40584 (November 19, 1974), relating to the Appendix to Subpart R, which was not printed in Title 28 of the Code of Federal Regulations, is hereby rescinded.

Dated: May 20, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-16365 Filed 6-4-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Transfer of Unused Effective Purchaser Road Construction Credit

On February 20, 1976, the FEDERAL REGISTER (41 FR 7773) contained a notice that the Secretary of Agriculture proposed to amend § 221.7 of title 36 Code of Federal Regulations.

Interested parties were given until March 12, 1976, to submit written data, views or objections pertaining to the proposal. On March 4, 1976 (41 FR 9363), the date was changed to March 25, 1976. On April 6, 1976 (41 FR 14526), the date was changed to April 30, 1976, to allow additional time for interested parties to respond. The written comments filed in response to such notice have been carefully considered.

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There were comments that the proposed amendment was too restrictive, not in keeping with the development of the timber sale contract, and that the transfer of purchaser credit should be mandatory and not left to the discretion of the Forest Service. There were other comments that the amendment did not offer sufficient constraints to prevent a significant impact on payments to counties and that the transfer of purchaser credit should be purely discretionary, i.e., a privilege—not a right.

The Act (Pub. L. 94–154) in granting this new authority states, "the Secretary is authorized, under such rules and regulations as he shall prescribe, to permit the transfer of unused Effective Purchaser Credit * * *" The legislative history indicates that the authority granted in this amendment was to be used with care and discretion. The Senate Committee made it clear it expected the Secretary to consider the impact on payments to counties generally and to specific counties or groups of counties.

A number of comments expressed concern that the proposed amendment and typical contract provision departed from the intent of Pub. L. 94–154 and significantly reduced the increased cash flow for which the legislation was designed. Several respondents indicated that unused effective purchaser credit should be considered as equivalent to cash and that additional cash deposits by the purchaser for cultural work above base rates were not necessary. Other respondents protested limiting the use of transferred purchaser credit to current or subsequent charges for timber. Comments from the forest products industry generally maintained that inclusion of the Claims Collection Act was unnecessary and unwarranted since existing financial requirements provide adequate protection and that purchaser credit in excess of unfulfilled purchaser's obligations should not be restricted.

The proposal is being revised to express the intent of Pub. L. 94–154 that unused purchaser credit once transferred is treated the same as if it were earned on that sale for advance deposits. Its use is limited to current and subsequent charges for timber in excess of base rates, required deposits and cultural needs above base rates. It was not the intent of Pub. L. 94–154 to constrain or encumber the collection of funds authorized by the Knutson-Vandenberg Act (46 Stat. 527; 16 U.S.C. 576–576b), but rather to facilitate the use of Purchaser credit, by transfer, in lieu of cash for stumpage fees. The constraint on cash deposits for cultural work is necessary and appropriate and is therefore retained.

Each timber sale contract should stand alone and action on one contract should not jeopardize the other; however, since purchaser credit can now be transferred, there should be a corresponding and reciprocal transfer of liability and a contractual mechanism provided to collect on the contract to which purchaser credit was transferred. It was determined, however, that such claims against the receiving contract should be limited to an amount equal to the purchaser credit transferred.

36 CFR Part 221 is amended by adding paragraph (g) to § 221.7, to read as follows:

§ 221.7 Appraisal and contract conditions.

. . . . . .

(g) For timber sales with an advertised value exceeding $2,000, the Forest Service may permit transfer of unused effective purchaser credit earned after December 16, 1975, from one timber sale account to another timber sale account to the same purchaser within the same National Forest, provided the sale contracts provide procedures for the use of purchaser credit. Approval for transfer shall not be granted for amounts needed to satisfy unfulfilled payment obligations or claims for damages due the United States. Purchaser credit transferred under this paragraph may be used to meet current or subsequent charges for timber. Such transferred purchaser credit may be used only to cover charges for timber in excess of the total of base rates, required deposits and any amount required for cultural work in accordance with the original sale area betterment plan, or revisions thereto approved prior to July 1, 1976.

(1) The Forest Service will consult with local county governments regarding the anticipated impact of transfers on payments to counties under the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). Upon written request from affected counties, the Forest Service may include contract provisions in new sales, which will limit the transfer of purchaser credit to no more than 50 percent of the total available during a specific period when such action is essential to prevent disruptions of essential county programs.

(2) To assure protection of the United States in connection with the implementation of this regulation, contract provisions shall not prevent the Forest Service from carrying out collections rights, authorized by the Claims Collection Act, between contracts involved in the transfer of purchaser credit. Such claims against the contract receiving the transferred purchaser credit shall be limited to the amount transferred.

(3) As used in paragraph (g), the term "Purchaser" includes any single individual, corporation, company, firm, partnership, joint venture, or other business entity or the successor in interest of any of the foregoing business entities having timber sale contracts on the same National Forest. The term "National Forest" shall be considered as a unit of the National Forest System, regardless of how it was established, which maintains a separate identity with respect to the distribution of receipts earned thereon to the States and counties. The term "Effective Purchaser Credit" means unused purchaser credit which does not exceed current contract value minus base rate value. The term "base rate value" is the sum of the products of base rate and estimated remaining unscaled volumes by species of timber included in a timber sale contract.

(4) Not later than December 31, 1977, an opportunity will be provided for interested parties to comment on the provisions of this section and to suggest changes which may be desirable.

(Pub. L. 94–154, 89 Stat. 823 (16 U.S.C. 535).)

Effective date: July 1, 1976.

ROBERT W. LONG,
Assistant Secretary.

JUNE 2, 1976.

[FR Doc.76-16418 Filed 6-4-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 555-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards; Correction

In the FEDERAL REGISTER of Tuesday, September 9, 1975, the following change is made: on page 41948, under "Subpart E—Arkansas", action number 3, both occurrences of "§ 52.181" should be changed to read "§ 52.182".

Dated: May 28, 1976.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.76-16294 Filed 6-4-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

PART 1-7—CONTRACT CLAUSES

[FPR Amendment 164]

Contract Clauses

This amendment of the Federal Procurement Regulations changes the use requirement for the clause entitled "Insurance—Liability to Third Persons." Currently the clause is prescribed in the "Required Clauses" section of Subparts 1–7.2 and 1–7.4. The amendment moves the clause to the "Additional Clauses" section of the pertinent subparts. The effect of the change is to permit agencies to employ the clause on a permissive use basis. The change reflects a number of questions which have been raised by agencies regarding their authority to provide the indemnification required by the clause. The authority for such indemnification is being reviewed.

The table of contents for Part 1–7 is amended to add new and revised entries as follows:

Sec.	
1–7.202–22	[Reserved].
1–7.204–5	Insurance—Liability to Third Persons.
1–7.402–26	[Reserved].
1–7.404–9	Insurance—Liability to Third Persons.

Subpart 1–7.2—Cost Reimbursement Type Supply Contracts

1. Section 1–7.202–22 is redesignated as § 1–7.204–5 and reserved as follows:

§ 1–7.202–22 [Reserved].

§ 1–7.204–5 [Redesignated]

2. Section 1–7.204–5 is added which prescribes the text and contract clause that previously appeared in § 1–7.202–22.

Subpart 1–7.4—Cost—Reimbursement Type Research and Development Contracts

1. Section 1–7.402–26 is redesignated as § 1–7.404–9 and reserved as follows:

§ 1–7.402–26 [Reserved].

§ 1–7.404–9 [Redesignated]

2. Section 1–7.404–9 is added which prescribes the text and contract clause that previously appeared in § 1–7.402–26. However, the three references to § 1–7.202–22 in paragraphs (a) and (b) of the text are changed to read § 1–7.204–5.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c))

Effective date: This amendment is effective July 26, 1976, but may be observed earlier.

Dated: May 26, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-16323 Filed 6-4-76;8:45 am]

[FPR Temporary Reg. 38]

PART 1–12—LABOR

Temporary Regulation

To: Heads of Federal agencies.

Subject: Employment of the handicapped.

1. Purpose. This FPR Temporary Regulation implements the provisions of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1974, and the revised regulations of the Secretary of Labor regarding the employment and advancement of qualified handicapped individuals.

2. Effective date. This regulation is effective May 17, 1976.

3. Expiration date. This regulation will continue in effect until canceled.

4. Background. The Rehabilitation Act of 1973 (Public Law 93–112, September 26, 1973) and Executive Order 11758, January 15, 1974, provided for the employment of the handicapped. Implementing policies and procedures setting forth the duties of contractors, subcontractors, and agencies were published by the Secretary of Labor on June 5, 1974, in 20 CFR 741 (39 F.R. 20566, June 11, 1974). Federal Procurement Regulations Amendment 131, July 11, 1974 (39 F.R. 26642, July 22, 1974) implemented the Secretary's regulations. The Rehabilitation Act Amendments of 1974 (Public Law 93–516, December 7, 1974) revised the original Act. The Secretary of Labor issued revised regulations on April 9, 1976 (41 F.R. 16147, April 16, 1976). The regulations prescribe a new contract clause, require contractors or subcontractors holding contracts of $50,000 or more and having 50 or more employees to prepare and maintain affirmative action programs at each establishment, and no longer provide for the use of a solicitation certification.

5. Agency action. Pending the issuance of a permanent amendment of the Federal Procurement Regulations Subpart 1–12.13, Employment of the Handicapped, agencies shall include the following affirmative action clause (physically or by reference) in all contracts or purchase orders of $2,500 or more, as required by the regulations of the Secretary of Labor.

EMPLOYMENT OF THE HANDICAPPED

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, Department of Labor, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

Subpart 1–12.13 [Reserved]

6. Effect on other issuances. The text of Subpart 1–12.13, Employment of the Handicapped, is canceled, and the Subpart is reserved.

Dated: May 26, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-16324 Filed 6-14-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20684; FCC 76-480]

PART 1—PRACTICE AND PROCEDURE

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Report and Order; Proceeding Terminated

By the Commission:

In the Matter of Amendment of Parts 1 and 83 of the rules to allow the designated master of a vessel to sign interim ship station license applications.

1. A Notice of Proposed Rule Making in the above captioned matter was released on January 13, 1976, and was published in the FEDERAL REGISTER on January 16, 1976 (41 FR 2397). The time for filing comments and reply comments has expired. No comments were received.

2. This amendment to the rules will permit an applicant's designated master to sign applications for interim ship station licenses and other related documents, for radio equipment on board his vessel. This will enable the procedures encompassing compulsory ship station inspections and the issuance of Safety Convention Certificates to be simplified and expedited.

3. Accordingly, it is ordered, That pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 1 and 83 of the Commission's rules are amended, as set forth below, effective July 8, 1976.

4. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: May 25, 1976.

Released: June 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 1 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

. . . . . .

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Section 1.913(b) is amended to read as follows:

§ 1.913 Who may sign applications.

* * * * *

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or his absence from the United States, or by the applicant's designated vessel master when an interim ship station license is requested for that vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

* * * * *

1. Section 83.25(b) is amended to read as follows:

§ 83.25 Who may sign applications.

* * * * *

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or his absence from the United States, or by the applicant's designated vessel master when an interim ship station license is requested for that vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

* * * * *

2. Section 83.35(a) is amended to read as follows:

§ 83.35 Request for interim ship station license.

(a) A formal application for a new ship station license or for a modification of an existing license if required by § 83.33 to authorize the use of telephony and/or radar on board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 83.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission or to an authorized representative thereof, or at the Commissions' main office in Washington, D.C.: Provided, That as an alternative procedure, an applicant in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license.

* * * * *

3. Section 83.64 is amended to read as follows:

§ 83.64 Interim ship station license.

Upon request made in accordance with § 83.35, an interim ship station license may be granted by the Commission at its main office in Washington, D.C., or by any of its Engineering Field Offices to authorize the use of a ship station for telephony and/or radar in conformity with the conditions and limitations of §§ 83.369 and 83.405(a) for an interim period of six months pending action by the Commission at Washington, D.C., on the related formal application for regular ship station license or modification of license filed as prescribed by §§ 83.35 and 83.36. Unless otherwise directed by the Commission in exceptional circumstances, an interim ship station license shall not be renewed and the authority conferred by such license may be terminated, without hearing, at any time prior to its normal expiration date if, in the discretion of the Commission, the need for such action arises.

[FR Doc.76-16388 Filed 6-4-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 260—INSPECTION AND CERTIFICATION

Deletion of Label Designations for Selected Fishery Products

Notice is hereby given that, pursuant to 16 U.S.C. 742e and 7 U.S.C. 1622, 1624, Part 260 of Title 50 is to be amended by deleting two sections, §§ 260.200 and 260.201, because of a recently promulgated Food and Drug Administration regulation. This amendment will be effective December 31, 1977, when the Food and Drug Administration regulation becomes effective.

The Food and Drug Administration published regulations in the FEDERAL REGISTER of November 24, 1975, 40 FR 54538, which established the common or usual names for certain restructured seafood products, including fish sticks or portions made from minced fish which are regulated by the National Marine Fisheries Service in §§ 260.200 and 260.201. When §§ 260.200 and 260.201 were promulgated, there were no Food and Drug Administration regulations covering such products.

Under the new Food and Drug Administration regulation in § 102.14 of Part 102 of Title 21 CFR, the common or usual name for those products is "fish sticks or portions made from minced fish." The type size of the words "made from minced fish" is also prescribed in relation to the words "fish sticks or portions."

In light of the Food and Drug Administration's action, §§ 260.200 and 260.201 are now deemed unnecessary and are to be deleted. Since the public has had ample opportunity to comment on the Food and Drug Administration regulation (which in turn influences the National Marine Fisheries Service regulations) the National Marine Fisheries Service has determined that the rulemaking requirements of 5 U.S.C. 553 are unnecessary and therefore need not be complied with. However, any interested persons may submit comments on the regulatory change to the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235 until July 1, 1977.

Dated: June 1, 1976.

ROBERT M. WHITE,
Administrator.

[FR Doc.76-16322 Filed 6-4-76;8:45 am]

PART 285—ATLANTIC TUNA FISHERIES

Reporting Requirement, Certificates; Correction

In FR Doc. 76-14400 appearing at page 20411 in the FEDERAL REGISTER of Tuesday, May 18, 1976, the following changes should be made:

1. On page 20413 the language to § 285.14(e) is corrected to read as follows:

§ 285.14 Reporting requirements.

* * * * *

(e) The owner or master of any vessel certified under § 285.16 and fishing for Atlantic Bluefin tuna shall maintain an accurate log of operations, showing hours fished each day, number and weight of Atlantic bluefin tuna caught (in the case of purse seine vessels, each set made), the date, type of gear used, size of net, area fished, place landed, disposition of fish, tag number, and the estimated round weight in pounds and the number of tuna taken during the reporting period. A duplicate copy of the log sheets must be submitted to the National Marine Fisheries Service at the end of each reporting period per instructions accompanying the log books. Log books will be issued with the certificate and shall be available for inspection by authorized officials.

2. On page 20413, § 285.16(a) is corrected to read as follows:

§ 285.16 Certificates.

(a) The owner of a vessel fishing for Atlantic bluefin tuna weighing in excess of 300 pounds round weight, and all purse seine vessels fishing within the regulatory area must obtain a certificate.

* * * * *

These corrections express the intent of the regulations as reflected in the preamble of the Notice on May 18. Therefore, the corrections are effective immediately; however, no action will be taken against those purse seine vessels who within 30 days of publication of the correction fail to keep or submit logbooks on all catches.

Dated: June 3, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-16467 Filed 6-4-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 3 to S.O. No. 1238]

PART 1033—CAR SERVICE

Certain Railroads Directed To Operate Portions of Lines Formerly Operated by Railroads in Bankruptcy

MAY 28, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of May 1976.

Upon further consideration of Service Order No. 1238 (41 F.R. 14520, 15848, 18850 and 19223), and good cause appearing therefor:

It is ordered, That:

§ 1033.1238 Certain railroads directed to operate portions of lines formerly by railroads in bankruptcy.

Third Revised Appendix A to Service Order No. 1238 be, and it is hereby, substituted for Corrected Second Revised Appendix A thereof; and

It is further ordered, That Service Order No. 1238 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 12:01 a.m., July 29, 1976, or upon notification to the Commission of the entry of a rail service continuation payment operating agreement, whichever occurs first, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective 12:01 a.m., May 31, 1976.

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93-236 and 94-210.)

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

Service Order No. 1238

[3d Revised App. A. Revised May 31, 1976]

Line description USRA No.	From—	To—	Designated operator	Former operator	Person offering rail service continuation payment
•	•	•	•	•	•
533.534.734a	Celina, Ohio, M.P. 127.3.	Celina, Ohio, M.P. 125.8.	Norfolk and Western R.R. Co.	PC	State of Ohio.
	Effective 12:01 a.m., Apr. 15, 1976.				
•	•	•	•	•	•

NOTES

Definition PC=Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees.
USRA line No. 442 deleted—see Service Order No. 1244.
USRA line No. 924 deleted.

[FR Doc.76-16420 Filed 6-4-76;8:45 am]

[S.O. No. 1244]

PART 1033—CAR SERVICE

Soo Line Railroad Co.

MAY 28, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 28th day of May 1976.

It appearing, That by telegram dated May 27, 1976, the Michigan Department of State Highways and Transportation has requested a 60 day extension of the Commission's order requiring the Soo Line Railroad Company (Soo Line) as designated operator of the State of Michigan to continue operation of the Mackinac Ferry to permit the State to finalize arrangements for the continued provision of such service by another operator and has offered to compensate Soo Line for such service in accordance with regulations promulgated by the Rail Services Planning Office in Ex Parte No. 293 (Sub-No. 2), Standards for Determining Rail Service Continuation Subsidies upon entry into an agreement by Soo Line to provide interim service in consideration of the payment of such compensation;

It further appearing, That the State alleges that the failure to extend the service order as requested would result in a disruption of the subject ferry service and might impair its ability to provide for the continuation of such service by an alternate operator, thereby resulting in the ultimate loss of such service;

It further appearing, That the continuation of such service is contemplated by the State's Rail Services Plan filed with the United States Department of Transportation (DOT) pursuant to regulations issued by DOT under Section 402 of the Regional Rail Reorganization Act of 1973, as amended (the Rail Act).

It further appearing, That Soo Line by telegram of May 27, 1976, opposes such extension on the grounds that: (1) the State is not a responsible person as that term is used in Section 304(c) of the Rail Act because of its refusal to assume responsibility for employee protection expenses; (2) no disruption or loss of rail service would result if the ferry were discontinued because of the small amount of traffic involved and its willingness to handle the traffic involved over an alternate all rail route via Chicago, and (3) the public interest does not justify the expense of continuing the operation.

It further appearing, That a State offering to pay a rail service continuation payment in accordance with RSPO's Subsidy Regulation and having the unquestioned authority to do so, subject only to the requirement that the designated operator enter into an agreement to provide the service in question in consideration of the State's agreement to pay, cannot be found not to be "a responsible person" as contended by Soo Line;

It further appearing, That a disruption of service over the rail route utilizing the Mackinac Ferry will occur unless the order is extended by the State and that no provision of the Rail Act empowers the Commission to determine that the public interest will permit the disruption of a service for which a rail service continuation subsidy has been offered by a responsible person or that an alternate route will provide a satisfactory substitute for the service for which a rail service continuation subsidy has been offered as contended by Soo Line; and

It further appearing, That Soo Line does not contend that entry into an agreement as required by the State to permit it to disburse funds to Soo Line pursuant to the RSPO Subsidy Regulations would substantially impair Soo Line's ability to serve adequately its own patrons or to meet its outstanding common carrier obligations, which affords the only statutory basis upon which the Commission would be empowered to relieve it of the obligation for doing so.

It is ordered, That:

§ 1033.1244 Soo Line Railroad Company directed to operate USRA Line No. 442 between St. Ignace, Michigan, and Mackinaw City, Michigan.

(a) The Soo Line Railroad Company be, and it is hereby, directed to operate at the service level indicated in the operating agreement or rail service continuation payment proffered by the State of Michigan, the railroad car ferry formerly operated by the Mackinac Transportation Company (Mackinac), an affiliate of the Soo Line Railroad Company and of the Penn Central Transportation Company, Robert W. Blanchette,

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Richard C. Bond and John H. McArthur, Trustees (Penndel Company and Michigan Central Railroad Company (Lessors)), (PC) and identified as USRA Line No. 442, between St. Ignace, Michigan, and Mackinaw City, Michigan.

(b) *It is further ordered*, That Mackinac and the Trustees of PC described in Section 304(a) of the Regional Rail Reorganization Act of 1973, as amended, shall permit entry onto such properties to allow continuation of service, free of all interference by the Trustees.

(c) *Rates applicable.* Inasmuch as this operation by the designated operators on behalf of the financially responsible persons offering rail service continuation payments over tracks formerly operated by Mackinac and the Trustees is deemed to be due to carrier disability, the rates applicable to traffic routed to, from, or via these lines shall be the rates which were formerly in effect on such traffic when routed via the Trustees, until tariffs naming rates and routes specifically applicable to the lines of the designated operators become effective.

(d) *Divisions of rates.* In transporting traffic over these lines formerly operated by Mackinac and the Trustees, the designated operators and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the financially responsible persons and said carriers; or upon failure of the parties to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *It is further ordered*, That this order shall be effective upon the date of service and the operations which the designated operators are herein directed to perform shall commence at 12:01 a.m., May 31, 1976, and shall remain in effect until 12:01 a.m., June 30, 1976, provided that the State of Michigan has filed with the Commission on or before June 8, 1976, an agreement unconditionally offering to compensate Soo Line in accordance with RSPO Subsidy Regulations for services provided and to be provided pursuant to orders of this Commission under Section 304(d)(3) of the Rail Act.

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing it with the Director, Office of the Federal Register.

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93-236 and 94-210.)

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-16419 Filed 6-4-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-12468]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Regulation of Municipal Securities Professionals and Transactions in Municipal Securities

On November 26, 1975, the Securities and Exchange Commission announced the adoption of Securities Exchange Act temporary Rule 23a-1(T)[1] relating to the regulation of the activities of certain municipal securities professionals and published proposals concerning the regulation of municipal securities brokers, municipal securities dealers and transactions in municipal securities.[2] The Commission has considered the comments and suggestions it has received concerning the proposals and has amended Securities Exchange Act Rules 10b-3, 15b8-1, 15b8-2, 15b9-1, 15b9-2, 15c1-1, 15c1-3, 15c1-4, 15c1-5, 15c1-6, 15c1-7, 15c1-8, 15c2-4, 15c2-5, 15c2-7 and 15c2-11[3] and adopted Securities Exchange Act Rule 15b10-12,[4] effective July 5, 1976. The Commission has also amended Securities Exchange Act temporary Rule 23a-1(T) to extend the exemptions provided by that rule until July 5, 1976.[5] The purpose of the amendments and newly adopted rule is to provide for appropriate application of the rules established for brokers and dealers to transactions in municipal securities by brokers, dealers, and municipal securities dealers and to provide exemptions where such regulation of municipal securities transactions or certain municipal securities professionals would be inappropriate or inadvisable at this time. The Commission has also withdrawn proposed amendments to Securities Exchange Act Rule 10b-16.[6]

RULES UNDER SECTION 15(c)(1) OF THE SECURITIES EXCHANGE ACT OF 1934[7] (THE "ACT") AND RULE 10b-3

Rules adopted under section 15(c)(1) and Rule 10b-3 define practices which are manipulative, deceptive, or fraudulent and are, therefore, prohibited if engaged in by a broker or dealer who makes use of the mails or any means or instrumentality of interstate commerce ("the jurisdictional means") to effect transactions in securities otherwise than on a national securities exchange of which it is a member, or by a municipal securities dealer who makes use of the jurisdictional means to effect transactions in municipal securities. These rules have been applicable since their adoption to transactions by brokers and dealers, including those who confined their dealings to transactions in municipal securities or exempted securities.[8]

In Release No. 11876 the Commission proposed to amend the rules under section 15(c)(1) that specifically refer to brokers and dealers (Rules 15c1-1, 15c1-3, 15c1-4, 15c1-5, 15c1-6, 15c1-7 and 15c1-8) and Rule 10b-3 (which also specifically refers to brokers and dealers) to include municipal securities dealers.[9] The effect of the proposed amendments would be to prohibit municipal securities dealers from engaging in manipulative acts and practices defined as such by the rules under section 15(c)(1) of the Act with respect to their business in municipal securities. Section 15(c)(1) of the Act provides that, with respect to municipal securities dealers, unlike brokers and dealers, the rules

[1] 17 CFR 240.23a-1(T).

[2] Securities Exchange Act Release No. 11876 (November 26, 1975), 40 FR 57357 and 60084 (1975) ("Release No. 11876").

[3] 17 CFR 240.10b-3, 240.15b8-1, 240.15b8-2, 240.15b9-1, 240.15b9-2, 240.15c1-1, 240.15c1-3, 240.15c1-4, 240.15c1-5, 240.15c1-6, 240.15c1-7, 240.15c1-8, 240-15c2-4, 240.15c2-5, 240.15c2-7 and 240.15c2-11.

[4] 17 CFR 240.15b10-12.

[5] The Commission is currently studying proposed amendments to Rule 15b1-3 (17 CFR 240.15b1-3) and proposed Rules 15Ba2-4, 15Ba2-5, 15Bc3-1 and 17a-21 (17 CFR 240.15Ba2-4, 240.15Ba2-5, 240.15Bc3-1 and 240.17a-21) which were also announced in Release No. 11876.

[6] 17 CFR 240.10b-16. See, separate document published in this issue.

[7] 15 U.S.C. 78o(c)(1).

[8] See, Securities Exchange Act Release No. 1330 (August 4, 1937), 2 FR 1389 (1937).

[9] Rule 15c1-1 defines the terms "customer" and "completion of the transaction" for purposes of the Section 15(c)(1) series of rules; Rule 15c1-3 prohibits misrepresentation by brokers and dealers as to registration pursuant to Section 15(b) of the Act (15 U.S.C. 78o(b)); Rule 15c1-4 prohibits the effecting of transactions without written confirmations thereof; Rule 15c1-5 prohibits a broker or dealer from effecting a securities transaction for the account of a customer in a security, where the issuer is in a control relationship with the broker or dealer, unless the broker or dealer discloses to the customer the existence of that relationship; Rule 15c1-6 requires disclosure of participation or interest in a distribution; Rule 15c1-7 prohibits "churning"; Rule 15c1-8 prohibits a broker or dealer from representing that a distribution is being made "at the market" unless the broker or dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by him; and Rule 10b-3 prohibits a broker or dealer from using any act, practice or course of business which has been defined by the Commission as within the term "manipulative, deceptive, or other fraudulent device or contrivance" as such term is used in Section 15(c)(1).

adopted thereunder would apply only to their business in municipal securities rather than in all securities (except commercial paper, banker's acceptances or commercial bills). Rules 10b-3 and 15c1-1, as adopted, contain language, which differs from that in the proposed amendments, designed to clarify the scope of the rules in this respect.

Rules adopted under section 15(c)(1), as amended to apply to municipal securities dealers, apply to any transaction in municipal securities engaged in by such persons regardless of the capacity in which they acted (i.e., as fiduciary or agent). Therefore, if a municipal securities dealer is a bank rather than a separately identifiable department or division of a bank, Rule 15c1-6, under the circumstances stated in the rule, would apply to a transaction between the bank and a customer for whom the bank performed fiduciary duties and from whom the bank collected a fee for advising such customer with respect to securities. Similarly, Rule 15c1-4 as amended requires that a bank municipal securities dealer which acts as agent with respect to a transaction in municipal securities, give or send to a customer, at or before the completion of each such transaction, written notice disclosing whether he is acting as an agent for such customer, an agent for some other person, or as agent for both the customer and some other person.[10]

Amendments to Rules 15c1-3, 15c1-5, 15c1-6, 15c1-7 and 15c1-8 were adopted without change, thereby extending the application of those rules to transactions in municipal securities. In its comments on the proposals contained in Release No. 11876, the Municipal Securities Rulemaking Board ("MSRB"), which is required under section 15B(b)(2) of the Act[11] to promulgate rules concerning transactions in municipal securities by brokers, dealers and municipal securities dealers, stated that municipal securities dealers presently represent that securities are being offered "at the market" when they mean "that the price at which the securities are offered relates to the price at which municipal securities of comparable quality and similar characteristics are being traded."[12] Rule 15c1-8, which has applied to transactions in municipal securities since its adoption in 1937,[13] permits a broker or dealer to represent that a security is being offered "at the market" or at a price related to the market price if "such broker or dealer knows *or has reasonable grounds to believe* that a market for such security exists other than that made, created, or controlled by him, or by any person for whom he is acting or with whom he is associated in such distribution. * * *" (emphasis supplied). Many investment grade debt securities, which includes certain municipal securities, are not considered unique by investors, and, therefore, trade on the basis of such factors as money market conditions generally, coupon, maturity, yield to maturity and call or redemption provisions. In the case of such securities, the fact that there is an independent market for other classes of securities of the same issuer and for securities of other issuers which have comparable quality and yields, may, under appropriate circumstances, provide reasonable grounds for believing that an independent market exists at the offer for the particular security offered, if offered in blocks of comparable size. Based on that understanding of Rule 15c1-8, the Commission does not believe that its continued application to brokers and dealers, or its extension to municipal securities dealers, should present undue problems to the municipal securities market.[14]

RULES UNDER SECTION 15(c)(2) OF THE ACT[15]

Prior to the Securities Acts Amendments of 1975 ("1975 Amendments"),[16] municipal securities were "exempted securities" under the Act, and section 15(c)(2) of the Act, which by its terms does not apply to "exempted securities," and rules promulgated thereunder were inapplicable to brokers and dealers effecting transactions in municipal securities. As a result of changes in the Act effected by the 1975 Amendments, Rules 15c2-4, 15c2-5, 15c2-7 and 15c2-11 would have become applicable to transactions in municipal securities by brokers and dealers.[17] To preserve the status quo pending careful examination of those rules, the Commission announced the adoption of temporary Rule 23a-1(T) in Release No. 11876.

(1) RULE 15C2-4

The Commission has adopted amendments to Rule 15c2-4, as proposed in Release No. 11876, to extend the application of the rule to bank municipal securities dealers, and, upon the expiration of Rule 23(a)(1)(T) on July 5, 1976, the rule will be applicable for the first time to transactions in municipal securities effected by brokers and dealers. Rule 15c2-4 provides important protections to issuers and purchasers in "best-efforts" and "all-or-none" offerings. The Senate Report on S. 249 states in discussing the amendment of sections 15(c)(1) and (2) and the application of those sections of the Act to transactions in municipal securities:

> This power, which the SEC arguably already has under section 10(b) of the Exchange Act, is included in the bill to make clear that the Commission's responsibility extends beyond sanctioning those who have engaged in manipulative or deceptive practices with respect to municipal securities and includes the promulgation of prophylactic rules.[18]

Rule 15c2-4 is a necessary "prophylactic rule" which should apply to underwritings, other than firm commitment

[10] Amendments to Rule 15c1-4, as adopted, clarify the proposed amendments. The rule, as amended, does not apply the phrase "acting as broker" to transactions in which a bank municipal securities dealer acts as agent. By definition, a bank is not a broker. Section 3(a)(4) of the Act (15 U.S.C. 78c(a)(4)). 17 CFR 240.0-1(b) provides: "Unless otherwise specifically stated the terms used in this part [which includes Rule 15c1-4] shall have the meaning defined in the Act."

[11] 15 U.S.C. 78o-4(b)(2).

[12] Letter from the Municipal Securities Rulemaking Board to the Securities and Exchange Commission, Feb. 13, 1976. File No. S7-604.

[13] Securities Exchange Act Release No. 1330 (Aug. 4, 1937).

[14] The Commission has held, under Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) and Section 10(b) (15 U.S.C. 78j (b)) and Rules 10b-5 (17 CFR 240.10b-5) and 15c1-2 under the Act, that "a dealer, in quoting prices to customers and selling at such prices, impliedly represents that the sale price bears some relation to a price prevailing in a free and open market." Norris & Hirshberg, Inc., 21 SEC 865, 881 (1946), aff'd 177 F. 2d (D.C. Cir. 1949). The Commission recognizes nevertheless that, as a result of the 1975 Amendments, those concerned with municipal securities have recently given substantial and detailed attention to Commission rules, including rules which have always been applicable to transactions by brokers and dealers in municipal securities. In that connection the Commission understands that the MSRB has taken the lead in exploring whether there are currently conditions or practices in the municipal securities market, or even in the market for other types of debt securities, which would make appropriate any reformulation or further interpretation of Rule 15c1-8 (or other similar rules) with a view to distinguishing more clearly between types of securities or types of customers. The Commission appreciates the efforts of the MSRB and will review carefully any evidence developed as a consequence of that or any other inquiry.

[15] 15 U.S.C. 78o(c)(2).

[16] Pub. L. 94-29 (June 4, 1975).

[17] Rule 15c2-4 requires prompt transmission, or maintenance in escrow, of payments received in connection with distributions which are made on an "all-or-none" basis, or on any other basis which contemplates that payment is not to be made until some future event or contingency occurs; Rule 15c2-5 prohibits a broker or dealer from arranging a loan for a customer to whom a security is sold (other than a loan in compliance with Regulation T) unless, before the transaction was entered into, the broker or dealer reasonably determined that the transaction, including the loan arrangement, is suitable for the customer and delivers to him a written statement setting forth certain material information as to the nature and extent of a customer's obligations; Rule 15c2-7 requires the identification of quotations furnished in an interdealer quotation system; and Rule 15c2-11 requires that certain information concerning an issuer be available if a broker disseminates any quotation for a security.

[18] S. Rep. No. 94-75, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, 94th Cong., 1st Sess. 50 (1975).

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underwritings, of municipal securities as well as corporate securities."

(2) RULE 15C2-5

After considering comments received concerning proposals in Release No. 11876 to apply the disclosure provisions of subparagraph (a)(1) of Rule 15c2-5 to all municipal securities professionals while providing an exemption for all municipal securities transactions from the suitability requirements contained in subparagraph (a)(2) of the rule, the Commission has adopted an exemption for municipal securities transactions from all the provisions of the rule. Thus, Rule 15c2-5 which has never applied to transactions in municipal securities will continue to be inapplicable to such transactions. Rule 15c2-5 is inapplicable to most transactions in securities, and the Commission has determined that it is not necessary, at this time, to impose special requirements with respect to extensions of credit in connection with transactions in municipal securities. Brokers and dealers extending credit in connection with transactions in municipal securities will be subject to Rule 10b-16 and other applicable provisions. Municipal securities dealers will be regulated by the general anti-fraud provisions under the federal securities laws, as well as regulations administered by bank regulatory agencies such as the Truth-in-Lending Act.[30]

[32] Rule 15c2-4 regulates the use which can be made, by brokers, of payments made in respect to securities being offered in underwritings other than firm commitment underwritings. Persons concerned with regulation of municipal securities transactions also draw attention to Rule 10b-9 (17 CFR 240.10b-9), which prohibits certain representations in connection with underwritings and which has been applicable to municipal securities since its adoption in 1962. Rule 10b-9 is intended to protect investors whose decisions to purchase a security in an underwriting are made in the expectation that an investment presents an acceptable risk if, but only if, the issuer received proceeds from the offering to the extent represented ("all or none" or "part or none"). Thus, "[t]he representation is intended to assure subscribers that, if the offering should prove unsuccessful in that less than all or less than the specified minimum number of securities are sold, their funds, or an indicated part of their funds, will promptly be returned." Securities Exchange Act Release No. 11532 (July 11, 1975). Accordingly, Rule 10b-9 would not specifically apply to secondary market transactions where potential purchasers would not be relying on an "all or none" or similar representation in terms of the proceeds to be received by an issuer. Nevertheless, material misrepresentations of any kind, whether in connection with primary or secondary transactions, would violate Rule 10b-5. The Commission understands that the MSRB is investigating the practice of using the term "all or none" in secondary market transactions in municipal securities with a view to determining whether any clarification would be appropriate.

[33] (15 U.S.C. 1601 et seq.).

(3) RULE 15C2-7

In Release No. 11876 the Commission proposed to amend Rule 15c2-7 and to make it applicable to quotations in municipal securities entered in an interdealer quotation system by a broker, dealer, or bank municipal securities dealer. After considering comments received, the Commission has concluded that the need for rules regulating quotations for municipal securities may be different than that for equity securities and has adopted an exemption to Rule 15c2-7 so that the rule will, for the time being, remain inapplicable to transactions in municipal securities. The MSRB is required by section 15B(b)(2)(F) of the Act to propose and adopt rules governing the form and content of quotations for municipal securities and, therefore, adoption of the exemption will allow the MSRB to complete its review of the need for regulation of quotations in municipal securities and, as appropriate, to require implementation of modifications in municipal interdealer quotation systems in an orderly manner.

(4) RULE 15C2-11

The Commission proposed, and has adopted, a complete exemption from the operation of Rule 15c2-11 for quotations in municipal securities. Rule 15c2-11 provides that it shall be a fraudulent, manipulative or deceptive practice within the meaning of section 15(c)(2) of the Act for any broker to disseminate any quotation for a security unless certain information concerning the issuer is available—either in a filing with the Commission or in the broker's own files.

Generally, the type of information required by the rule is that which would be disclosed in a registration statement filed under the Securities Act of 1933 or in the periodic reports filed under the Securities Exchange Act. Since municipal securities and their issuers are currently exempt from federal registration and reporting requirements, the Senate Committee pointed out, in reporting on S. 249, that "Rule 15c2-11 type of information is • • • generally not available for municipal securities and their issuers."[34] The Committee then stated that applying Rule 15c2-11 to municipal securities would "preclude brokers and dealers from submitting quotations on most issues of municipal securities," a development which "would have very serious adverse consequences."[35] The Committee concluded by stating that:

[i]t expects, therefore, that immediately upon enactment of S. 249, the Commission will exempt municipal securities from Rule 15c2-11.[36]

Accordingly, the Commission has amended Rule 15c2-11 to exempt quotations for municipal securities for the time being.

Qualification Rules

Both the MSRB and the Commission have rulemaking authority with respect to establishing qualification standards for municipal securities professionals. Under section 15B(b)(2)(A) of the Act, the MSRB is required to adopt rules which provide that:

No municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities broker or municipal securities dealer meets such standards of operational capability and such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

The Commission's authority in this area is more circumscribed in one respect. Under section 15(b)(7) the Commission may adopt rules establishing standards of operational capability, training, experience and competence, with respect only to registered brokers and dealers—but not banks or separately identifiable departments or divisions of banks.[37]

The Commission currently has two rules dealing with qualifications for brokers and dealers. These two rules were adopted by the Commission under old section 15(b)(8). Rule 15b8-1, which applies only to brokers and dealers registered under section 15 of the Act who are not members of a registered national securities association (i.e., the NASD), provides that nonmember brokers and dealers may not effect over-the-counter transactions in securities unless: (1) each associated person of such nonmember broker or dealer who is engaged directly or indirectly in securities activities any part of which is in (a) sales, (b) trading, (c) research or investment advice, (d) advertising, (e) public relations, (f) hiring or recruitment of salesmen, (g) training of salesmen, or (h) underwriting, and every associated person who supervises others engaged in any of such activities, has successfully completed a general securities examination, and (2) such nonmember broker or dealer shall have filed with the Commission a Form U-4[38] for each associated person engaged directly or indirectly in securities activities.

Rule 15b8-2, as recently amended,[39] provides that no registered broker or dealer or associated person of a registered broker or dealer shall be deemed qualified if, by action of a registered national securities association or exchange, such registered broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade. The rule also provides for a procedure for reinstatement upon application to the Commission.

At this time, the Commission continues to believe that the MSRB should, in the first instance, determine which associated persons should be required to take examinations, and what the content of those examinations should be,[40] even though the Commission's explicit authority has now been expanded to include qualifications for all brokers and dealers. On the other hand, the Commission is of the view that municipal securities professionals (other than banks) who are not members of the NASD should be required to file Form U-4 for their associated persons. Inasmuch as the NASD has the authority to require (and is requiring) that brokers and dealers applying for membership in that organization file Form U-4 for their associated persons for the principal purpose of determining whether any such person is subject to a "statutory disqualification," within the meaning of the Act, the Commission has concluded that SECO brokers and dealers should be subject to the same requirement.[41]

Accordingly, the Commission has amended Rule 15b8-1 to require only that nonmember brokers and dealers file Form U-4 on behalf of their associated persons who engage in municipal securities activities, and keep those forms accurate and complete. The Commission believes that requiring Form U-4 for associated persons is necessary to provide information to the Commission concerning the identity and background of associated persons, and that imposing such a requirement will not in any way interfere with the MSRB's function in establishing qualification standards for municipal securities professionals. The Commission also has amended the definition of "nonmember," for purposes of Rule 15b8-1, to include nonbank municipal securities dealers whose business is exclusively intrastate and who register pursuant to section 15B of the Act rather than section 15(b) ("intrastate dealers").

The Commission also has adopted an amendment to Rule 15b8-2. The amendment provides, in addition to the current disqualification, that a registered broker or dealer or associated person is not qualified if suspended or expelled by the NASD for violating a rule of the MSRB which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade. The appeal and reinstatement provisions of the rule remain unchanged, so that the Commission could remove a disqualification under appropriate circumstances.[42]

SECO Fees

Rules 15b9-1 and 15b9-2 under the Act provide for payment of fees and assessments by SECO brokers and dealers and require the filing of forms in connection therewith. Such fees are intended to defray the additional costs associated with regulating persons who are not members of a national securities association. The Commission has amended the definition of the term "nonmember" as used in those rules to make it applicable to intrastate dealers. Since the effective date of the amendment of Rule 15b9-2 is July 5, 1976, intrastate dealers will not be required to pay the annual assessment required by that rule until 1977.

Rules of Fair Practice

Nonmember brokers and dealers are subject to the so-called "SECO program" of the Commission adopted pursuant to sections 15(b)(8), (9) and (10) of the Act.[43] Enacted in 1964 as amendments to the Act, these provisions empowered the Commission to establish for such nonmember broker-dealers and their associated persons supplementary regulatory procedures and rules comparable to those adopted by the NASD for its members and their associated persons. In various rules adopted under the statutory provisions, the Commission has set up specific procedures and norms of conduct closely paralleling those of the NASD in areas such as qualifications of associated persons of broker-dealers (including written examination), fees and assessments, standards for supervision of securities employees, discretionary accounts and suitability of recommendations.

Section 15A(f)[44] of the Act, as redesignated by the 1975 Amendments, provides that section 15A,[45] which deals with the authority of the NASD, is inapplicable to transactions by a broker or dealer in any "exempted security," and, since municipal securities continue to be "exempted securities" for certain purposes under section 15A, including section 15A(b)(6), the NASD has no power to adopt rules prescribing just and equitable principles of trade for municipal securities professionals or to discipline members for violation of existing NASD rules regarding just and equitable principles of trade in connection with municipal securities transactions. Until the MSRB acts pursuant to its authority under section 15B(b)(2)(C) to enact rules applicable to all municipal securities professionals, both muncipal securities brokers and dealers which are members of the NASD, and municipal securities dealers which are banks or departments or divisions of banks, will not be subject to any specific rules dealing with just and equitable principles of trade. In light of the foregoing and in anticipation of the adoption of appropriate MSRB rules covering all municipal securities professionals, the Commission has adopted Rule 15b10-12 exempting from its existing SECO rules persons who are required to register as brokers and dealers solely by reason of acting as municipal

[34] S. Rep. No. 94-75, Report of the Senate Committee on Banking Housing and Urban Affairs to Accompany S. 249, 94th Cong., 1st Sess. 48 (1975).

[35] Id.

[36] Id.

[37] The Commission's authority with respect to establishing qualifications for securities professionals was, however, expanded by the Act. Prior to the 1975 Amendments, old section 15(b)(8) of the Act provided the Commission's authority to set qualifications, but limited such authority to SECO broker/dealers (i.e., those registered brokers and dealers who effected transactions over-the-counter and who were not members of the NASD). The 1975 Amendments renumbered old section 15(b)(8) as 15(b)(7) and expanded its coverage to include all brokers and dealers registered pursuant to section 15 of the Act (15 U.S.C. 78o).

[38] Form U-4 is the new uniform registration form for associated persons. See Securities Exchange Act Release No. 11424 (May 15, 1975), 40 FR 30634 (1975).

[39] Securities Exchange Act Release No. 12160 (March 3, 1976), 41 FR 10599 (1976).

[40] The MSRB has filed, pursuant to section 19(b) of the Act (15 U.S.C. 78s), proposed rules which would establish professional qualification standards. File No. SR-MSRB-76-3. Securities Exchange Act Release No. 12177 (March 8, 1976), 41 FR 10686 (1976).

[41] On May 19, 1976, the MSRB filed, pursuant to Section 19(b) of the Act, a proposed rule which, subject to certain minor variations, would impose substantially similar requirements on all municipal securities professionals, including banks. File No. SR-MSRB-76-5. It currently appears that there would not be any conflict or unnecessary duplication as a result of the amendment of Rule 15b8-1 and the proposed MSRB rule.

[42] The MSRB has filed, pursuant to section 19(b) of the Act, proposed rules which provide that securities professionals who have been disciplined by, or barred or expelled from, an exchange or association for violation of rules governing just and equitable principles of trade in connection with corporate securities activities shall be disqualified from acting as a municipal securities broker or municipal securities dealer, or from acting as an associated person of a municipal securities broker or dealer (unless the Commission removes the disqualification). File No. SR-MSRB-76-3. Securities Exchange Act Release No. 12177 (March 8, 1976), 41 FR 10686 (1976).

[43] These sections were amended and redesignated as Sections 15(b)(7), (8) and (9) by the 1975 Amendments.

[44] 15 U.S.C. 78o-3(f).

[45] 15 U.S.C. 78o-3.

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securities brokers or municipal securities dealers. ■

Extension of Temporary Exemption

The amendments and rule adopted herein become effective July 5, 1976. In order to maintain the regulatory scheme for municipal securities professionals which existed prior to the effectiveness of the 1975 Amendments until such time as the amendments and rule become effective, the Commission has amended, effective May 15, 1976, Securities Exchange Act Temporary Rule 23a–1(T) to extend the exemptions provided in that rule.

Statutory Basis

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94–29 (June 4, 1975), and particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78j, 78o, 78o–4, 78q, and 78w), hereby amends Securities Exchange Act Rule 23a–1(T), effective May 15, 1976; adopts Securities Exchange Act Rule 15b10–12, effective July 5, 1976; and amends Securities Exchange Act Rules 10b–3, 15b8–1, 15b8–2, 15b9–1, 15b9–2, 15c1–1, 15c1–3, 15c1–4, 15c1–5, 15c1–6, 15c1–7, 15c1–8, 15c2–4, 15c2–7 and 15c2–11 effective July 5, 1976.

The Commission, for good cause, finds that notice, public procedures on, and prior publication, pursuant to 5 U.S.C. 553, of the amendments to Rule 15c1–1, 15c1–4, 15c2–5, 15c2–7 and Rule 23a–1 (T) are unnecessary because of the notice afforded by Securities Exchange Act Release No. 11876 and because the amendment to Rule 23a–1(T) extends existing exemptions. The Commission finds that amendments to Securities Exchange Act Rules 10b–3, 15b8–1, 15b8–2, 15b9–1, 15b9–2, 15c1–1, 15c1–3, 15c1–4, 15c1–5, 15c1–6, 15c1–7, 15c1–8, 15c2–4, 15c2–5, 15c2–7, 15c2–11 and 23a–1(T) and adoption of Rule 15b10–12 impose burdens on competition in that, among other things, they impose fees and filing requirements on, and provide restrictions on the conduct of, persons subject to the rules and in that, pending action by the MSRB, a complete regulatory system will not be in place in the case of those rules for which exemptions have been provided; the Commission further finds, however, that such burdens are appropriate in furtherance of the purposes of the Act because similar fees are paid by other municipal securities professionals (other than banks for which the Act did not contemplate the payment of such fees) and because the restrictions imposed will protect investors from practices, on the part of municipal securities professionals subject to such restrictions, which normally are detrimental to investors.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97–104, 121–127, 137–141, 155–156; sec. 10, 48 Stat. 891; sec. 13, 89 Stat. 131–137 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94–29); (15 U.S.C. 78j; 15 U.S.C. 78o–4), as added by Pub. L. 94–29.)

By the Commission.

Dated: May 20, 1976.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

The first paragraph of § 240.10b–3 is designated paragraph (a) and a new paragraph (b) is added as follows, effective July 5, 1976:

§ 240.10b–3 Employment of manipulative and deceptive devices, by brokers or dealers.

• • • • • •

(b) It shall be unlawful for any municipal securities dealer directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to use or employ, in connection with the purchase or sale of any municipal security, any act, practice, or course of business defined by the Commission to be included within the term "manipulative, deceptive, or other fraudulent device or contrivance," as such term is used in Section 15(c)(1) of the Act.

Rule 15b8–1, 17 CFR 240.15b8–1, is amended by revising paragraph (c)(1) and adding paragraph (d) to read as follows, effective July 5, 1976:

§ 240.15b8–1 Qualifications and fees relating to brokers and dealers who are not members of a national securities association.

• • • • • •

(c) • • •

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under sections 15 and 15B of the Act who is not a member of a registered national securities association.

• • • • • •

(d)(1) Except as hereinafter provided, the provisions of Rule 15b8–1 shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, or to any other broker, or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer.

(2) No nonmember broker or dealer who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, and no other nonmember broker or dealer, insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer, shall effect any transaction in, or induce the purchase or sale of, any municipal security unless such nonmember broker or dealer meets all the following conditions:

(i) Such a nonmember broker or dealer shall have filed with the Commission a Form U–4 with respect to each associated person engaged directly or indirectly in municipal securities activities, before such person engages in any such activities on behalf of such nonmember broker or dealer;

(ii) Such nonmember broker or dealer shall file promptly, in writing, information making accurate or complete a Form U–4 on behalf of any associated person whenever the information filed previously on behalf of such associated person is or becomes inaccurate or incomplete for any reason. This information may be in letter form and must be signed by a principal officer, partner, sole proprietor, managing agent, or any person occupying a similar status or performing similar functions; and

(iii) Such nonmember broker or dealer shall have filed with the Commission on or before July 31 of each year a list of associated persons with respect to whom Form U–4 has been filed with the Commission and who have ceased to be associated persons during the preceding year ending June 30.

Rule 15b8–2, 17 CFR 240.15b8–2, is amended by changing the heading and revising paragraph (a) to read as follows, effective July 5, 1976:

§ 240.15b8–2 Disqualification of registered brokers and dealers and their associated persons—association or exchange disciplinary actions.

(a) No registered broker or dealer or associated person of a registered broker or dealer shall be deemed qualified pursuant to Section 15(b)(7) of the Act, if, by action of a registered national securities association or exchange, such registered broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule or rule of the Municipal

■ Rules which are affected by this exemption are Rule 15b10–1 (17 CFR 240.15b10–1), which defines the terms "nonmember broker or dealer," "associated person," and "complaint;" Rule 15b10–2 (17 CFR 240.15b10–2), which requires nonmember brokers and dealers to observe high standards of commercial honor and just and equitable principles of trade; Rule 15b10–3 (17 CFR 240.15b10–3), which prohibits unsuitable recommendations; Rule 15b10–4 (17 CFR 240.15b10–4), which requires that nonmember brokers and dealers exercise diligent supervision over associated persons; Rule 15b10–5 (17 CFR 240.15b10–5), regulating the use of discretionary accounts; Rule 15b10–6 (17 CFR 240.15b10–6), which requires certain records be maintained with respect to customers; Rule 15b10–7 (17 CFR 240.15b10–7), which provides an exception for brokers and dealers who have no customer accounts and have gross income from over-the-counter activities not greater than $1,000; Rule 15b10–8 and 15b10–9 (17 CFR 240.15b10–8 and 240.15b10–9), which regulate the offering of securities of nonmember brokers or dealers, including the conditions under which such brokers or dealers may underwrite their own securities or the securities of an affiliate; Rule 15b10–10 (17 CFR 240.15b10–10), which prohibits favoring or disfavoring the distribution of shares of openend investment companies on the basis of brokerage commissions received from any source; and Rule 15b10–11 (17 CFR 240.15b10–11), which requires fidelity bonds.

Securities Rulemaking Board which prohibits any act or transaction consutituting conduct inconsistent with just and equitable principles of trade or requires any act the omission of which constitutes duct inconsistent with just and equitable principles of trade.

• • • • • •

Rule 15b9–1, 17 CFR 240.15b9–1, is amended by revising paragraph (e) to read as follows, effective July 5, 1976:

§ 240.15b9–1 Initial fees for registered brokers or dealers not members of a registered national securities association and their associated persons.

• • • • • •

(e) For purposes of this rule:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under Sections 15 or 15B of the Act who is not a member of a registered national securities association.

Rule 15b9–2, 17 CFR 240.15b9–2, is amended by revising paragraph (g) to read as follows, effective July 5, 1976:

§ 240.15b9–2 Annual fees for registered brokers and dealers not members of a registered national securities association.

• • • • • •

(g) *Definitions.* For the purpose of this rule:

(1) • • •

(2) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under Sections 15 or 15B of the Act who is not a member of a registered national securities association.

• • • • • •

Rule 15b10–12, 17 CFR 240.15b10–12, is added as follows, effective July 5, 1976:

§ 240.15b10–12 Exemption for certain municipal securities brokers and municipal securities dealers.

The following rules of the Commission adopted pursuant to section 15(b) of the Act shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer:

Rule 15b10–1	Rule 15b10–7
Rule 15b10–2	Rule 15b10–8
Rule 15b10–3	Rule 15b10–9
Rule 15b10–4	Rule 15b10–10
Rule 15b10–5	Rule 15b10–11
Rule 15b10–6	

Rule 15c1–1, 17 CFR 240.15c1–1, is revised to read as follows, effective July 5, 1976:

§ 240.15c1–1 Definitions.

As used in any rule adopted pursuant to section 15(c)(1) of the Act:

(a) The term "customer" shall not include a broker or dealer or a municipal securities dealer; provided, however, that the term "customer" shall include a municipal securities dealer (other than a broker or dealer) with respect to transactions in securities other than municipal securities.

(b) The term "the completion of the transaction" means:

(1) In the case of a customer who purchases a security through or from a broker, dealer or municipal securities dealer, except as provided in subparagraph (2) of this paragraph, the time when such customer pays the broker, dealer or municipal securities dealer any part of the purchase price, or, if payment is effected by a bookkeeping entry, the time when such bookkeeping entry is made by the broker, dealer or municipal securities dealer for any part of the purchase price;

(2) In the case of a customer who purchases a security through or from a broker, dealer or municipal securities dealer and who makes payment therefor prior to the time when payment is requested or notification is given that payment is due, the time when such broker, dealer or municipal securities dealer delivers the security to or into the account of such customer;

(3) In the case of a customer who sells a security through or to a broker, dealer or municipal securities dealer except as provided in subparagraph (4) of this paragraph, if the security is not in the custody of the broker, dealer or municipal securities dealer at the time of sale, the time when the security is delivered to the broker, dealer or municipal securities dealer, and if the security is in the custody of the broker, dealer or municipal securities dealer at the time of sale, the time when the broker, dealer or municipal securities dealer transfers the security from the account of such customer;

(4) In the case of a customer who sells a security through or to a broker, dealer or municipal securities dealer and who delivers such security to such broker, dealer or municipal securities dealer prior to the time when delivery is requested or notification is given that delivery is due, the time when such broker, dealer or municipal securities dealer makes payment to or into the account of such customer.

Rule 15c1–3, 17 CFR 240.15c1–3, is amended by revising the heading and the text to read as follows, effective July 5, 1976:

§ 240.15c1–3 Misrepresentation by brokers, dealers and municipal securities dealers as to registration.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any representation by a broker, dealer or municipal securities dealer that the registration of a broker or dealer, pursuant to section 15(b) of the Act, or the registration of a municipal securities dealer pursuant to section 15B(a) of the Act, or the failure of the Commission to deny or revoke such registration, indicates in any way that the Commission has passed upon or approved the financial standing, business, or conduct of such registered broker, dealer or municipal securities dealer or the merits of any security or any transaction or transactions therein.

Rule 15c1–4, 17 CFR 240.15c1–4, is amended by revising paragraph (a) to read as follows, effective July 5, 1976:

§ 240.15c1–4 Confirmation of transactions.

(a) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act is hereby defined to include any act of any broker, dealer or municipal securities dealer designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of any security (other than U.S. Tax Savings Notes, U.S. Defense Savings Stamps, or U.S. Defense Savings Bonds, Series E, F and G) unless such broker, dealer or municipal securities dealer at or before the completion of each such transaction, gives or sends to such customer written notification disclosing (1) whether such broker or dealer is acting as a broker for such customer, as a dealer for his own account, as a broker for some other person, or as a broker for both such customer and some other person; (2) in any case in which such broker or dealer is acting as a broker for such customer or for such customer and some other person, either the name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place or the fact that such information will be furnished upon the request of such customer, and the source and amount of any commission or other remuneration received or to be received by such broker or dealer in connection with the transaction; and (3) whether such municipal securities dealer, which is not a broker or dealer, is acting as a municipal securities dealer, as an agent for such customer, as agent for some other person, or as agent for both such customer and some other person.

• • • • • •

Rule 15c1–5, 17 CFR 240.15c1–5, is revised to read as follows, effective July 5, 1976:

§ 240.15c1–5 Disclosure of control.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any act of any broker, dealer or municipal securities dealer controlled by, controlling, or under common control with, the issuer of any security, designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of, such security unless such broker, dealer or municipal securities dealer, before entering into any contract with or for such customer for the purchase or sale of such security, discloses to such customer the existence of such control, and unless such disclosure, if not made in writing, is supplemented by the giving or sending of written disclosure at or before the completion of the transaction.

Rule 15c1–6, 17 CFR 240.15c1–6, is revised to read as follows, effective July 5, 1976:

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§ 240.15c1–6 Disclosure of interest in distribution.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any act of any broker who is acting for a customer or for both such customer and some other person, or of any dealer or municipal securities dealer who receives or has promise of receiving a fee from a customer for advising such customer with respect to securities, designed to effect with or for the account of such customer any transaction in, or to induce the purchase or sale by such customer of, any security in the primary or secondary distribution of which such broker, dealer or municipal securities dealer is participating or is otherwise financially interested unless such broker, dealer or municipal securities dealer, at or before the completion of each such transaction gives or sends to such customer written notification of the existence of such participation or interest.

Rule 15c1–7, 17 CFR 240.15c1–7, is amended by revising paragraphs (a) and (b) to read as follows, effective July 5, 1976:

§ 240.15c1–7 Discretionary accounts.

(a) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c) of the Act, is hereby defined to include any act of any broker, dealer or municipal securities dealer designed to effect with or for any customer's account in respect to which such broker, dealer or municipal securities dealer or his agent or employee is vested with any discretionary power any transactions or purchase or sale which are excessive in size or frequency in view of the financial resources and character of such account.

(b) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any act of any broker, dealer or municipal securities dealer designed to effect with or for any customer's account in respect to which such broker, dealer or municipal securities dealer or his agent or employee is vested with any discretionary power any transaction of purchase or sale unless immediately after effecting such transaction such broker, dealer or municipal securities dealer makes a record of such transaction which record includes the name of such customer, the name, amount and price of the security, and the date and time when such transaction took place.

Rule 15c1–8, 17 CFR 240.15c1–8, is revised to read as follows, effective July 5, 1976:

§ 240.15c1–8 Sales at the market.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any representation made to a customer by a broker, dealer or municipal securities dealer who is participating or otherwise financially interested in the primary or secondary distribution of any security which is not admitted to trading on a national securities exchange that such security is being offered to such customer "at the market" or at a price related to the market price unless such broker, dealer or municipal securities dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created, or controlled by him, or by any person for whom he is acting or with whom he is associated in such distribution, or by any person controlled by, controlling or under common control with him.

Rule 15c2–4, 17 CFR 240.15c2–4, is revised to read as follows, effective July 5, 1976:

§ 240.15c2–4 Transmission or maintenance of payments received in connection with underwritings.

It shall constitute a "fraudulent, deceptive, or manipulative act or practice" as used in section 15(c)(2) of the Act, for any broker, dealer or municipal securities dealer participating in any distribution of securities, other than a firm-commitment underwriting, to accept any part of the sale price of any security being distributed unless:

(a) The money or other consideration received is promptly transmitted to the persons entitled thereto; or

(b) If the distribution is being made on an "all-or-none" basis, or on any other basis which contemplates that payment is not to be made to the person on whose behalf the distribution is being made until some further event or contingency occurs, (1) the money or other consideration received is promptly deposited in a separate bank account, as agent or trustee for the persons who have the beneficial interests therein, until the appropriate event or contingency has occurred, and then the funds are promptly transmitted or returned to the persons entitled thereto, or (2) all such funds are promptly transmitted to a bank which has agreed in writing to hold all such funds in escrow for the persons who have the beneficial interests therein and to transmit or return such funds directly to the persons entitled thereto when the appropriate event or contingency has occurred.

Rule 15c2–5, 17 CFR 240.15c2–5, is amended by adding paragraph (c) to read as follows, effective July 5, 1976:

§ 240.15c2–5 Disclosure and other requirements when extending credit in certain transactions.

* * * * *

(c) This section shall not apply to any offer to extend credit or arrange any loan, or to any credit extended or loan arranged, in connection with any offer or sale, or attempt to induce the purchase, of any municipal security.

Rule 15c2–7, 17 CFR 240.15c2–7, is amended by revising paragraph (a) to read as follows, effective July 5, 1976:

§ 240.15c2–7 Identification of quotations.

(a) It shall constitute an attempt to induce the purchase or sale of a security by making a "fictitious quotation" within the meaning of section 15(c)(2) of the Act, for any broker or dealer to furnish or submit, directly or indirectly, any quotation for a security (other than a municipal security) to an inter-dealer quotation system unless:

* * * * *

Rule 15c2–11, 17 CFR 240.15c2–11, is amended by adding paragraph (f)(4) effective July 5, 1976, as follows:

§ 240.15c2–11 Initiation or resumption of quotations without specific information.

(f) * * *

(4) The publication or submission of a quotation respecting a municipal security.

* * * * *

Rule 23a–1(T), 17 CFR 240.23a–1(T), is amended by revising paragraph (e) to read as follows, effective May 15, 1976:

§ 240.23a–1(T) Temporary exemption for certain municipal securities brokers and municipal securities dealers.

* * * * *

(e) This temporary rule shall expire on July 5, 1976.

[FR Doc.76–16127 Filed 6–4–76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

United States Standards for Barley; Correction

FR Doc. 75–20584, § 26.202(x), third line, appearing on page 33429 in the issue of Friday, August 8, 1975, is corrected by changing the words "original sample" to read "dockage-free sample."

Dated: June 2, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76–16313 Filed 6–4–76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 42]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 6–12, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.342 Lemon regulation 42.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is only fair this week as cool weather prevails over much of the U.S. Average f.o.b. price was $6.15 per carton the week ended May 29, 1976, compared to $6.29 per carton the previous week. Track and rolling supplies totaled 191 cars as of May 22.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 1, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 6, 1970, through June 12, 1976, is hereby fixed at 290,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 3, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–16578 Filed 6–3–76;4:14 p.m.]

[Lime Regulation 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 6–12, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.301 Lime regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues slow. Fresh shipments for the weeks ended May 29, 1976, and May 22, 1976, were 28,826 bushels and 24,591 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 1, 1976.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 6, 1976, through June 12, 1976, is hereby fixed at 30,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–16579 Filed 6–3–76;4:14 pm]

§ 901.16 Party.

documentation furnished to the agency

(C) and (D), and 692(3) and 693(a) of

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF STATE

Foreign Service Grievance Board

[22 CFR Ch. IX]

[Docket No. SD-119]

FOREIGN SERVICE GRIEVANCE BOARD REGULATIONS

Proposed Rulemaking

Pursuant to Title VI of the Foreign Service Act of 1946, as amended by Pub. L. 94-141 (90 Stat. 765), notice is hereby given that the Foreign Service Grievance Board proposes to amend Title 22 of the Code of Federal Regulations by adding a new Chapter IX as set forth below, in order to implement the duties prescribed in Section (2)(B) of the act (22 U.S.C. 1037).

Interested persons may participate in the proposed regulations by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Executive Secretary, Foreign Service Grievance Board, Department of State, Washington, D.C. 20520, on or before June 22, 1976. All comments will be considered before final action is taken on the proposed regulation.

1. The table of contents of Chapter IX would read as follows:

CHAPTER IX—FOREIGN SERVICE GRIEVANCE BOARD REGULATIONS

Part
901 General.
902 Organization.
903 Filing and withdrawal of grievances.
904 Jurisdiction.
905 Hearings.
906 Procedures when hearing is not held.
907 Decision making.
908 Miscellaneous.

PART 901—GENERAL

Subpart A—Purpose and Scope

Sec.
901.1 Purpose and scope.

Subpart B—Meanings of Terms as Used in This Chapter

901.10 Act.
901.11 Agency.
901.12 Board.
901.13 Executive secretary.
901.14 Grievant.
901.15 Grievance.
901.16 Party.
901.17 Record of proceedings.
901.18 Representative.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

Subpart A—Purpose and Scope

§ 901.1 Purpose and scope.

The regulations contained in this chapter establish the internal organization and operations of the Foreign Service Grievance Board and prescribe its procedures in:

(a) Determining its jurisdiction over grievances submitted to it for adjudication;

(b) Compiling a record in such grievances;

(c) Mediating such grievances.

(d) Conducting hearings in such grievances, when required or deemed necessary; and

(e) Deciding grievances or otherwise disposing of them, so as to insure a full measure of due process and their just and fair resolution.

Subpart B—Meanings of Terms as Used in This Chapter

§ 901.10 Act.

"Act" means the Foreign Service Act of 1946 (22 U.S.C. 1037), as amended.

§ 901.11 Agency.

"Agency" means the foreign affairs agency—the Department State, the Agency for International Development, or the U.S. Information Agency—employing the grievant or having control over the act or condition forming the subject matter of the grievance.

§ 901.12 Board.

"Board" means the Foreign Service Grievance Board, including any designated panel or member thereof.

§ 901.13 Executive secretary.

"Executive Secretary" means the executive secretary of the board.

§ 901.14 Grievant.

"Grievant" means any Foreign Service officer or employee of the Department of State, U.S. Information Agency, or Agency for International Development, who is a citizen of the United States, or for the purposes of § 901.15 (b) and (c), a former officer or employee of the Service, or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee.

§ 901.15 Grievance.

"Grievance" means (a) any act or condition subject to the control of the Department of State, U.S. Information Agency, or Agency for International Development, (hereinafter referred to as the foreign affairs agency or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulations, or is otherwise a source of concern or dissatisfaction to the grievant. Grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document), or falsely prejudicial character of any part of the grievant's official personnel record; other alleged violation, misinterpretation or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status; allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file; and action alleged to be in the nature of reprisal for an employee's participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 623 of the Act or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examinations prescribed by the Board of Examiners pursuant to section 516 or 517 of the Act, termination of time limited appointments pursuant to 22 U.S.C. 929 and 1008, and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists. Other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies and the exclusive representative organization(s).

(b) Except as provided in paragraph (c) of this section, when the grievant is a former officer or employee or a surviving spouse or dependent family member, "grievance" shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously, or contrary to applicable law or regulation.

(c) When the grievant is a former officer who was involuntarily retired pursuant to sections 633 and 634 of the Act within six years prior to November 29, 1975, "grievance" shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement, or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character.

For the purposes of these regulations, the written complaint concerning any of the acts or conditions specified above may be referred to as the "grievance".

§ 901.16 Party.

"Party" means (a) the grievant; or (b) the agency or agencies having control over the grievance.

§ 901.17 Record of proceedings.

"Record of Proceedings" means the case file maintained by the board on each grievance.

§ 901.18 Representative.

"Representative" means in the case of an agency, the official(s), and in the case of the grievant, the individual(s) or organization(s) identified in writing to the broad as assisting in the presentation of the case.

PART 902—ORGANIZATION

Sec.
902.1 Chairman and deputy chairman.
902.2 Board operations.
902.3 Board staff.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 902.1 Chairman and deputy chairman.

The Chairman presides over meetings of the board. The Chairman shall select one of the board members as his deputy. In the absence of the Chairman, the Deputy Chairman, or in his absence, another member designated by the Chairman, may act for him.

§ 902.2 Board operations.

The board may operate either as a whole, or through panels of three or more members, or through individual members designated by the Chairman.

(a) When operating as a whole, the board may not act in the absence of a quorum. A majority of the members shall constitute a quorum. These regulations, any amendments thereto, and board policies adopted pursuant to section 908.4 shall be adopted only by the board operating as a whole.

(b) Board panels and presiding members shall be designated at the Chairman's discretion subject only to the provisions of section 905.3.

§ 902.3 Board staff.

The Chairman shall select the board's executive secretary and other staff provided for in the Act. The executive secretary and staff shall be responsible only to the board through the Chairman.

PART 903—FILING AND WITHDRAWAL OF GRIEVANCES

Sec.
903.1 Filing.
903.2 Waiver of time limits.
903.3 Record of proceedings.
903.4 Service.
903.5 Acknowledgment.
903.6 Withdrawal.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 903.1 Filing.

Grievances submitted to the board shall be in writing, and shall explain the nature of the grievance and of the remedy sought; shall contain all the documentation furnished to the agency under 3 FAM 664.4-3 and the agency's final review and shall be timely filed in accordance with the provisions of 3 FAM 666.1.

§ 903.2 Waiver of time limits.

Upon a showing of good cause, the board may waive the time limits for the filing of a grievance contained in 3 FAM 666.1. Grievances granted such waivers then will be considered as having been timely filed in accordance with this section, and will be considered for jurisdiction in accordance with the provisions of section 904.

§ 903.3 Record of proceedings.

Upon receipt of the grievance, a record of proceedings shall be established, and the grievance and related material received or obtained by the board shall be placed in it. The record of proceedings shall be held in confidence by the board and only the parties and their representatives shall have access to it.

§ 903.4 Service.

Any party or representative placing a document in the record in connection with a grievance shall serve a copy on the other parties and representatives. The board shall serve copies of its correspondence concerning the grievance on the parties and their representatives.

§ 903.5 Acknowledgment.

Each grievance received shall be acknowledged in writing by the executive secretary of the board within five working days of its receipt. If in the judgment of the executive secretary additional documentation or information must be obtained from either the grievant or an agency for an understanding of the grievance, he may request such materials at the time of acknowledgment.

§ 903.6 Withdrawal.

Grievances may be withdrawn at any time by means of a letter from the grievant or his representative to the board stating that the grievance is withdrawn. Grievances may be administratively determined by the board to have lapsed when the grievant and his representatives fail to respond to written board inquiries or otherwise pursue the case for a period of three months. The board may permit the reopening of lapsed cases upon a showing of good cause.

PART 904—JURISDICTION

Sec.
904.1 General.
904.2 Determinations.
904.3 Appeals.
904.4 Questions of relevancy, materiality, and access.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 904.1 General.

The board's jurisdiction extends to any grievance as defined in § 901.15. Its jurisdiction is subject to certain limitations set forth in Sections 692(1)(B), (C) and (D), and 692(3) and 693(a) of the Act. (See also 3 FAM 660-668.)

§ 904.2 Determinations.

Grievances which the agencies, during their final review, have not held to be excluded from the board's jurisdiction will be presumed to be within the jurisdiction of the board. The board shall resolve questions of jurisdiction prior to resolving the merits of the grievance. Whether questions of jurisdiction are to be resolved prior to or after the board has compiled a record or held a hearing on the merits of the grievance is a matter which the board shall determine on a case-by-case basis depending upon the circumstances of each case.

§ 904.3 Appeals.

Where questions of jurisdiction are decided prior to the final compilation of a record or the holding of a hearing, decisions by the board that a grievance, or any part thereof, is outside its jurisdiction may be appealed to the board within 30 days of the receipt of the written notification of the board's decision. Such an appeal shall be in writing and shall address itself to the Board's decision. The appeal, together with any additional material or evidence furnished by either party as being relevant, will be referred along with the record of proceedings to the board for determination in accordance with § 904.1.

§ 904.4 Questions of relevancy, materiality, and access.

Requests to the board for determination of questions of the relevancy and materiality of documents and other evidence, and requests for rulings on access to classified materials, in connection with jurisdictional issues being considered under this section, shall be made in accordance with the provisions of § 906.3.

PART 905—HEARINGS

Sec.
905.1 When ordered.
905.2 Notification.
905.3 Hearing panels and members.
905.4 Prehearing conferences.
905.5 Powers of presiding member.
905.6 Conduct of hearing.
905.7 Witnesses.
905.8 Failure of party to appear.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 905.1 When ordered.

The board shall conduct a hearing, at the request of the grievant, in any case which involves disciplinary action or a grievant's retirement from the Service under Section 633 of the Act, or which in the judgment of the board can best be resolved by a hearing or by presentation or oral argument.

§ 905.2 Notification.

When the board orders a hearing, the executive secretary shall so notify the parties promptly in writing. The parties shall be given no less than 25 working days' notice of the date and place selected by the board for the hearing. An

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earlier date may be set if the parties waive their rights to such notice in writing.

§ 905.3 Hearing panels and members.

Hearings held at a site outside the continental limits of the United States may be presided over by the Chairman, or by a panel or member of the board designated by the Chairman. Unless the board, the agency and the grievant agree to a hearing before a single presiding member designated by the Chairman, all hearings shall be held before a panel of at least three members designated by the Chairman. Each panel shall select one of its members as presiding member.

§ 905.4 Prehearing conferences.

The presiding member may, in his or her discretion, order a prehearing conference (which may be presided over by another member) for the purpose of considering:

(a) The simplification or clarification of the issues;

(b) The serving of interrogatories;

(c) Possible stipulations, admissions, agreements on documents, matters already on record, or similar agreements which will avoid unnecessary proof;

(d) Limitations on the numbers of witnesses, and the avoidance of repetitious testimony;

(e) The possibility of agreement disposing of the grievance, and

(f) Such other matters as may aid in the disposition of the grievance.

The results of the conference shall be reduced to writing by the board and made a part of the record of proceedings.

§ 905.5 Powers of presiding member.

In connection with the hearing, the presiding member shall, as appropriate:

(a) Fix the time and place of the hearing;

(b) Order further conferences for the simplification of the issues or any other purpose;

(c) Regulate the course of the hearing;

(d) Administer oaths and affirmations;

(e) Dispose of procedural requests, and similar matters;

(f) Rule on offers of proof, receive or direct the production of relevant and material evidence, and exclude any irrelevant, immaterial, or unduly repetitious evidence;

(g) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing;

(h) Authorize and set the time for the filing of briefs, or other documents;

(i) Grant continuances, and extensions of time;

(j) Reopen the record; and

(k) Take any other action in the course of the proceedings consistent with the purpose of this part.

§ 905.6 Conduct of hearing.

(a) *Authorized attendance.* The grievant, and as determined by the board, a reasonable number of representatives of the grievant's own choosing and a reasonable number of representatives of the foreign affairs agency concerned, are entitled to be present at the hearing. The presiding member, after considering the views of the parties and any other persons connected with the grievance, may permit attendance by others at the hearing.

(b) *Procedure.* Hearings shall be conducted by the presiding member so as to ensure a full and fair proceeding, and the presiding member shall not be limited by the legal rules of evidence, as determined under section 556 of Title 5 of the U.S. Code. However, the presiding member shall exclude irrelevant, immaterial, and unduly repetitious evidence.

(c) *Evidence.* Subject to the presiding member's rulings on the relevancy, materiality, and repetitious nature of evidence, the parties may offer such evidence, including interrogatories, depositions, and agency records as they desire. They also shall produce such additional evidence as the presiding member shall consider relevant and material. Where deemed appropriate by the board, the grievant may be supplied only with a summary or extract of classified material.

(e) *Testimony.* All testimony at a hearing shall be by oath or affirmation.

(f) *Transcript.* In all hearings, a *verbatim* transcript shall be prepared and made a part of the record of proceedings.

§ 905.7 Witnesses.

(a) *General.* The parties and the board have the right to present and cross-examine witnesses. Upon application to the board, the presiding member may permit or order a deposition to be taken, under oath or affirmation, of a witness.

(b) *Notice.* Both the grievant and the agency will give prior written notice to the board and each other of the identity of their witnesses and of the intended scope of their testimony to the extent that this is known in advance. If the presiding member wishes to call witnesses, he will notify the parties of their identity and the intended scope of their testimony. The parties are responsible for notifying their witnesses, and for arranging for their appearance at the time and place set for the hearing; except that, upon request of the board, or upon a request of the grievant deemed relevant and material by the Board, an agency shall promptly make available at the hearing, or by deposition, any witness under the control, supervision, or responsibility of the agency. In any case in which the board determines that the presence of such witness at the hearing is required for just resolution of the grievance, the witness shall be made available at the hearing.

(c) *Examination.* Witnesses called by any party shall be subject to examination by the other party, or their representative(s), and the board. Witnesses called by the board shall be subject to examination by the parties, and their representative(s).

§ 905.8 Failure of party to appear.

The hearing may proceed in the absence of any party who without good cause, after due notice, fails to be present or fails to obtain an adjournment.

PART 906—PROCEDURE WHEN HEARING IS NOT HELD

Sec.
906.1 General.
906.2 Other settlement.
906.3 Rulings on materials.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94–141.

§ 906.1 General.

In the case of a grievance which, in the board's judgment, may be resolved without a hearing, the board may request in writing that specified documents or other evidence be furnished to it and/or may direct the executive secretary or his designee from the staff to obtain such additional documents or other evidence as may be necessary to understand and decide the grievance. Copies of any such written request for additional documents or evidence will be sent to the parties and their representatives. When a staff member is assigned to obtain such evidence, the parties and their representatives will be notified in writing of the name of the person or persons so assigned. The staff member shall not participate or advise in the board's decision.

Each party will be offered the opportunity to review and to supplement, by written submissions, the record of proceedings, prior to the Board's closing of the record. The board shall then consider the grievance and make a decision on its disposition, which may include the ordering of a hearing in accordance with § 905. The board's decision shall be based exclusively on the record of proceedings, and otherwise be made in accordance with the provisions of section 907.

§ 906.2 Other settlement.

When a hearing is not contemplated, the board may assign the executive secretary or his designate from the staff to explore with the parties the possibilities of mediating or otherwise settling the grievance. With the consent of the parties, the staff member so assigned may seek to mediate or otherwise settle the grievance.

§ 906.3 Rulings on materials.

In grievances being considered in accordance with this section, all requests to the board: (a) for rulings on the relevancy and materiality of proposed interrogatories, evidence and other documentation; (b) for authorization for the despatch of interrogatories; (c) and for a grievant's access to classified material shall be submitted in writing, with a copy to the other party. After the views of the other party have been obtained in writing, the request, with the record of proceedings, shall be referred to the board for decision. The board may obtain or permit joint oral agreement from the parties and the representatives on such requests.

PART 907—DECISION MAKING

Sec.
907.1 Basis.
907.2 Action by board.
907.3 Board orders.
907.4 Board recommendations.
907.5 Other decision.
907.6 Summaries of board decisions.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94–141.

§ 907.1 Basis.

Decisions of the board shall be made in accordance with section 692(12) of the Act.

§ 907.2 Action by board.

Matters of fact will be decided by the board member or members who either conducted the hearing; or, in the case of grievances which were not the subject of a hearing, who were assigned by the Chairman to decide the case. The board will issue a written decision setting forth its findings of fact and reasons for its decision.

§ 907.3 Board orders.

Where the board's decision imposes action on an agency under the provisions of section 692 (13 of the Act the board's decision shall be in the form of a remedial order addressed to the designated official of the agency.

§ 907.4 Board recommendations.

Where the board's decision is a recommendation under the provisions of section 692 (14) of the Act, it shall be directed to the head of the agency.

§ 907.5 Other decision.

Where the board's decision requires no action by an agency, it shall be in the form of a memorandum.

§ 907.6 Summaries of board decisions.

The board may, from time to time, issue such summaries of its decisions as it may consider necessary to permit the agencies, the exclusive representative organization(s), and the officers and employees of the Service to become aware of the general nature of the cases it has received and their manner of disposition, without invading the privacy of the grievants.

PART 908—MISCELLANEOUS

Sec.
908.1 Recognition of others with a connection to the grievance.
908.2 Requests to reopen cases.
908.3 Suspension of agency actions.
908.4 Board policy statements.
908.5 Representatives and spokesmen.
908.6 Service of communications.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94–141.

§ 908.1 Recognition of others with a connection to the grievance.

An individual, an agency, or an exclusive representative organization may request recognition by the board as having a connection with the grievance. The board, after obtaining the views of the parties, may grant such recognition upon a showing of good cause.

§ 908.2 Requests to reopen cases.

Cases which have been decided may be reopened by the Board only upon the presentation of newly discovered or previously unavailable material evidence not previously considered.

§ 908.3 Suspension of agency actions.

If the board determines that the agency is considering any action of the character of a separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the board, and that such action should be suspended, the board shall notify the agency of its determination and direct the suspension of such action pending the board's decision of the grievance.

§ 908.4 Board policy statements.

The board may establish and publish its policies on matters related to its operations and procedures.

§ 908.5 Representatives and spokesmen.

The grievant and the agency may have reasonable numbers of representatives as determined by the board to assist in the presentation of their cases. The board may require the parties to designate one of their representatives as principal spokesman.

§ 908.6 Service of communications.

Copies of all communications between a party and the board will be served on the other party, including representative(s), and it is the responsibility of the initiator of the correspondence to insure that the required copies are provided.

Dated: June 2, 1976.

ALEXANDER B. PORTER,
Chairman, Foreign Service Grievance Board.

[FR Doc.76-16468 Filed 6-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 14]

IMPORT, EXPORT, AND INTERSTATE TRANSPORTATION OF WILDLIFE

Proposed Simplification of Marking Requirement for Containers of Fish or Wildlife

Notice is hereby given that the U.S. Fish and Wildlife Service proposes to amend section 14.82 of Subchapter B, Chapter I of Title 50, C.F.R. The amendment will (1) provide an alternative to the requirement that certain information must be marked on the exterior of packages or containers used to transport fish and wildlife in interstate or foreign commerce; (2) allow a notation of the weight of each species transported in a package or container of fish to be substituted for a notation of the number of each species transported; and (3) require the marketing of all packages or containers holding shellfish or fishery products.

The proposed amendment would continue the present requirement, and would reinstate the requirement of the Black Bass Act (16 U.S.C. 852a), for providing certain information with all packages or containers of fish or wildlife that move in interestate or foreign commerce, while allowing certain alternatives that are consistent with industry practice. Presently, the Lacey Act (18 U.S.C. 44) and the Black Bass Act require every package or container containing fish or wildlife and moving in interstate or foreign commerce to be marked with the name and address of the shipper and the consignee and an accurate statement of the contents by species and number(s) of each species of wildlife contained in the package. This information must be clearly and conspicuously marked on the outside of package or container. Various industries have found problems with this marking requirement. In some industries the problem of theft of valuable property has been aggravated by the requirement that the nature of the property be clearly marked on the outside of the package, or that a special permit be obtained from the Fish and Wildlife Service which enables the shipper to use a symbol instead of the marking. In certain other industries, shippers find that the marking requirement divulges information to competitors that they would rather keep private.

The Service has decided that the marking requirement can be complied with through the use of an alternative method, which does not at all detract from the purpose or intent of the statutory requirements. The marking requirement has been and continues to be an important tool in the enforcement of various wildlife laws. Unfortunately, we have had much experience with packages and containers marked "household goods" or other such misleading descriptions, containing prohibited items of wildlife. The marking requirement, by making it a punishable offense to mismark or fail to mark packages containing fish or wildlife, helps to avoid these and other practices.

The proposed amendment would continue the present requirements that the package or container be marked with all the information referred to above, but would offer an alternative. If the details required by the statutory language are not marked on the outside of the package or container, then either the word "fish" or the word "wildlife" must appear on the outside of the package. If the alternative is chosen, then some shipping document containing all the required information must be securely attached to the outside of the container where it is readily accessible by enforcement personnel.

PUBLIC COMMENTS SOLICITED

The Director intends that the final rulemaking be consistent with the conservation needs of wildlife while at the same time trying to take into account the legitimate needs of industry and trade. He therefore desires to obtain comments

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and suggestions of the public, other concerned governmental agencies, and private interests on these proposed rules. The final rulemaking will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than July 7, 1976, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's office in suite 600, 1612 K Street, NW., Washington, D.C. This notice of proposed rulemaking is issued under the authority of the Lacey Act (18 U.S.C. 43) and the Black Bass Act (16 U.S.C. 852a).

Dated: May 28, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to revise § 14.82(a) and adding paragraph (e) to read as follows:

§ 14.82 Exception to the marking requirements.

(a) *Commercial shellfish or fishery products*—Packages or containers holding shellfish or fishery products, as defined in § 14.21, moved in interstate or foreign commerce may be marked with the weight of the contents by species in lieu of the numbers of each species contained therein as required in § 14.81. An accurate statement of such weights may also be used in lieu of numbers of the optional marking exceptions of § 14.82(e).

. . . . .

(e) *Optional marking*—The requirements of § 14.81 do not apply if the word "Fish" or the word "Wildlife," whichever is appropriate, is clearly and conspicuously marked on the outside of each package or container; and

(1) A packing list or invoice is securely attached to the package or container in a resealable envelope stating the name and address of the shipper and consignee and an accurate statement of the contents by species and numbers of such species of fish and wildlife contained therein; or

(2) Where the shipment consists of more than one package or container, the packages or containers shall be consecutively numbered in such a manner that the numbers are readily visible to a casual observer. If one packing list or invoice is used, the packing list or invoice shall be securely attached in a resealable envelope to container number one (1) of consecutively numbered packages or containers. Such packing list or invoice shall include the name and address of the shipper and consignee and an accurate statement of the contents by species and numbers of such species of fish and wildlife clearly showing the contents of each package or container in the shipment.

[FR Doc.76-16417 Filed 6-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR GRADES OF PECANS IN THE SHELL [1]

Proposed Revisions

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Pecans in the Shell (7 CFR §§ 51.1400–51.1415). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file same, in duplicate, not later than July 15, 1976, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27(b).)

STATEMENT OF CONSIDERATIONS LEADING TO THE PROPOSED REVISION OF THE GRADE STANDARDS

These standards were last revised in 1972 by adding a new optional determination section for kernel moisture and edible kernel content.

The Pecan Distributors Association, Inc., has expressed growing dissatisfaction with the standards and have requested a revision to bring them more in line with current harvesting and marketing practices. The Association membership represents a major portion of the in-shell pecan industry.

Department representatives met with a newly formed pecan industry Grades and Standards Committee to review their recommendations for changes in the standards.

The proposed changes are as follows:

(1) The U.S. Commercial grade would be renamed U.S. No. 2 to be consistent with the Department's proposal to respond to current demands for more uniform grade nomenclature than presently exists. This was endorsed by the industry grades and standards committee.

(2) Serious damage by live insects would be restricted to one-half of one percent for kernels in the U.S. No. 1 and No. 2 grades. Current standards permit five and six percent for serious damage in U.S. No. 1 and U.S. Commercial grades respectively. The entire serious damage tolerance could consist of live insects if no other defects were present. Modern technology is credited with the sharp decrease in live insects affecting pecans.

(3) Serious damage for kernel defects in the U.S. No. 1 grade would be seven percent, including six percent for kernels affected by rancidity, mold, decay or serious injury by insects, and included therein, not more than one-half of one percent for live insects inside the shell.

Often pecans have seriously damaged kernels that are fully developed and not detectable without shelling. Unless there is an external indication of kernel defects it is virtually impossible for processors to remove all seriously damaged pecans.

(4) The U.S. No. 2 kernel tolerance for serious damage would remain ten percent and would include a seven percent tolerance for kernels affected by rancidity, mold, decay or serious injury by insects, and included therein, not more than one-half of one percent for live insects inside the shell.

(5) A new Application of Tolerances Section would be provided for individual one-hundred nut samples. Individual samples would be permitted one and one-half times any tolerance greater than five percent and not more than double any tolerance of five percent or less, provided that the averages for the entire lot are within the tolerances specified.

(6) A new section, Sample for Grade or Size Determination, would provide an individual fixed sample size of one-hundred nuts. The number of individual samples would vary with the size of the lot.

(7) The Optional Determination Section would be expanded to report the percentage of edible kernels, their skin color, development and moisture content. A definition of "Inedible kernels" would be added. Increasing interest has been expressed by growers and buyers who use these factors to determine value.

(8) The Metric Conversion Table would be eliminated. However, metric equivalents would be provided directly following the nonmetric measure.

The proposed standards, as revised, are as follows:

GRADES

Sec.
§ 51.1400 U.S. No. 1.
§ 51.1401 U.S. No. 2.

SIZE CLASSIFICATION

§ 51.1402 Size classification.

KERNEL COLOR CLASSIFICATION

§ 51.1403 Kernel color classification.

TOLERANCES

§ 51.1404 Tolerances.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

APPLICATION OF TOLERANCES

§ 51.1405 Application of tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.1406 Sample for grade or size determination.

DEFINITIONS

§ 51.1407 Fairly uniform in color.
§ 51.1408 Loose extraneous or foreign material.
§ 51.1409 Well developed.
§ 51.1410 Fairly well developed.
§ 51.1411 Poorly developed.
§ 51.1412 Well cured.
§ 51.1413 Damage.
§ 51.1414 Serious damage.
§ 51.1415 Inedible kernel.

OPTIONAL DETERMINATIONS

§ 51.1416 Optional determinations.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1400 U.S. No. 1.

"U.S. No. 1" consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are: (1) Fairly uniform in color; and, (2) Free from damage by any cause.

(c) Kernels are: (1) Free from damage by any cause.

(d) For tolerances see § 51.1404.

§ 51.1401 U.S. No. 2.

The requirements for this grade are the same as for U.S. No. 1 except for:

(a) No requirement for uniformity of color of shells; and,

(b) Increased tolerances for defects see § 51.1404.

SIZE CLASSIFICATION

§ 51.1402 Size classification.

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100 nut sample:

Size classification	Number of nuts per pound	Minimum weight of the 10 smallest nuts in a 100-nut sample
Oversize	55 or less	In each classification, the 10 smallest nuts per 100 must weigh at least 7 pct of the total weight of 100-nut sample.
Extra large	56 to 63	
Large	64 to 77	
Medium	78 to 95	
Small	96 to 120	

KERNEL COLOR CLASSIFICATION

§ 51.1403 Kernel color classification.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the outer surface of the kernel is mostly *golden* color or lighter, with more than 25 percent of the outer surface darker than *golden*, none of which is darker than *light brown*.

(2) "Light amber" means that more than 25 percent of the outer surface of the kernel is *light* brown, with not more than 25 percent of the outer surface darker than *light brown*, none of which is darker than *medium brown*.

(3) "Amber" means that more than 25 percent of the outer surface of the kernel is *medium brown*, with not more than 25 percent of the outer surface darker than *medium brown*, none of which is darker than *dark brown* (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that more than 25 percent of the outer surface of the kernel is *dark brown*, with not more than 25 percent of the outer surface darker than *dark brown* (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, Pec-MC-1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden," "light brown," "medium brown" and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wisconsin 53538.

TOLERANCES

§ 51.1404 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) *U.S. No. 1:*

(1) *For shell defects, by count:*

(i) 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

(2) *For kernel defects, by count:*

(i) 12 percent for pecans with kernels which fail to meet the requirements for the grade or any specified color classification, including therein not more than 7 percent for kernels which are seriously damaged: *Provided*, That not more than six-sevenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: *And Provided further*, That included in this 7 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(ii) In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin: *Provided*, That these kernels meet the requirement for the grade other than for skin color.

(3) *For loose extraneous or foreign material, by weight:*

(i) 0.5 percent (one-half of 1 percent).

(b) *U.S. No. 2:*

(1) *For shell defects, by count:*

(i) 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

(2) *For kernel defects, by count:*

(i) 30 percent for pecans with kernals which fail to meet the requirements of the U.S. No. 1 grade, including therein not more than 10 percent for pecans with kernels which are seriously damaged: *Provided*, That not more than seven-tenths of this amount, or 7 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: *And Provided further:* That included in this 7 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(3) *For loose extraneous or foreign material, by weight:*

(i) 0.5 percent (one-half of 1 percent).

APPLICATION OF TOLERANCES

§ 51.1405 Application of tolerances.

Individual 100-count samples shall have not more than one and one-half times a specified tolerance of 5 percent or more and not more than double a tolerance of less than 5 percent, except that at least one pecan which is seriously damaged by live insects inside the shell is permitted: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.1406 Sample for grade or size determination.

Each sample shall consist of 100 pecans. The individual sample shall be drawn at random from a sufficient number of packages to form a 100-count composite sample. The number of such individual 100-count samples drawn for grade or size determination will vary with the size of the lot. When practicable, at point of packaging the sample may be obtained from the grading belt after sorting has been completed.

DEFINITIONS

§ 51.1407 Fairly uniform in color.

"Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot.

§ 51.1408 Loose extraneous or foreign material.

"Loose extraneous or foreign material" means loose hulls, empty broken shells, or any substance other than pecans in the shell or pecan kernels.

§ 51.1409 Well developed.

"Well developed" means that the kernel has a large amount of meat in proportion to its width and length. (see Figure 1)

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§ 51.1410 **Fairly well developed.**

"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. Shriveling and hollowness shall be considered only to extent that they have reduced the meatiness of the kernel. (see Figure 1)

§ 51.1411 **Poorly developed.**

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (see Figure 1)

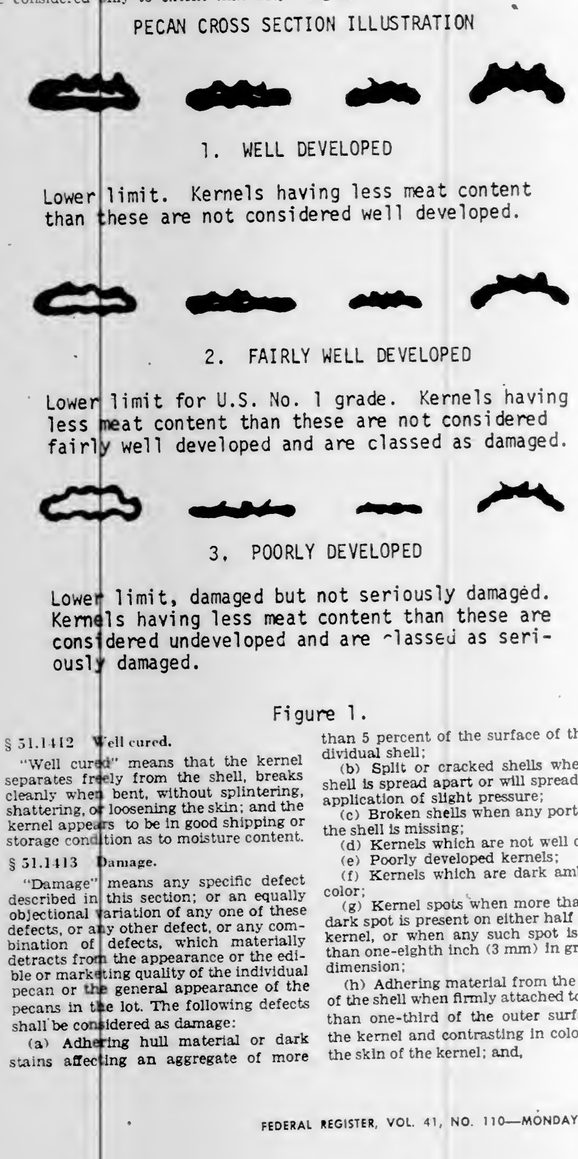

Figure 1.

§ 51.1412 **Well cured.**

"Well cured" means that the kernel separates freely from the shell, breaks cleanly when bent, without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

§ 51.1413 **Damage.**

"Damage" means any specific defect described in this section; or an equally objectional variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell;

(b) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure;

(c) Broken shells when any portion of the shell is missing;

(d) Kernels which are not well cured;

(e) Poorly developed kernels;

(f) Kernels which are dark amber in color;

(g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one-eighth inch (3 mm) in greatest dimension;

(h) Adhering material from the inside of the shell when firmly attached to more than one-third of the outer surface of the kernel and contrasting in color with the skin of the kernel; and,

(i) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch (6 mm) lengthwise beneath the center ridge, or an equally objectionable amount in other portions of the kernel; or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

§ 51.1414 **Serious damage.**

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as serious damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the individual shell;

(b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch (6 mm) in diameter;

(c) Worm holes when penetrating the shell;

(d) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

(e) Mold, on the surface or inside the kernel, which is plainly visible without magnification;

(f) Decay affecting any portion of the kernel;

(g) Insect injury when the insect, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding;

(h) Kernel spots when more than three dark spots are on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface;

(i) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the outer surface of the kernel;

(j) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel; and,

(k) Undeveloped kernels having practically no food value, or which are blank (complete shell containing no kernel).

§ 51.1415 **Inedible kernels.**

"Inedible kernels" means that the kernel or pieces of kernels are rancid, moldy, decayed, injured by insects or otherwise unsuitable for human consumption.

OPTIONAL DETERMINATIONS

§ 51.1416 **Optional determinations.**

The determinations set forth herein are not requirements of these standards. They may be performed upon request in connection with the grade determination or as a separate determination. Samples of pecans for these determinations shall be taken at random from a composite sample drawn throughout the lot.

(a) *Edible kernel content.* A minimum sample of at least 500 grams of in-shell pecans shall be used for determination of edible kernel content. After the sample is weighed and shelled, edible appearing half kernels and pieces of kernel shall be separated from shells, center wall, and other non-kernel material, and inedible kernels (see § 51.1415) and pieces of kernels, and weighed to determine edible kernel content for the lot.

(b) *Poorly developed kernel content.* A minimum sample of at least 500 grams of in-shell pecans shall be used for determination of poorly developed kernel content. The amount of poorly developed kernels and pieces of kernels shall be weighed to determined poorly developed kernel content of the lot (see § 51.1411 and Figure 1).

(c) *Edible kernel content color classification.* The amount of "Light," "Light amber," "Amber," "Dark amber" and darker shades of skin color shall be determined according to § 51.1403, Kernel Color Classification. The total weight of edible kernels and pieces of kernels shall be the basis for determining color classification content for the lot.

(d) *Kernel moisture content.* The sample of pecans for determination of kernel moisture content shall be shelled immediately before analysis and all shells, center wall and other non-kernel material removed. The air-oven or other methods or devices which give equivalent results shall be used for moisture content determination.

Dated: June 2, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16314 Filed 6-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 207]

[Docket No. 76P-0071]

DRUG LISTING ACT OF 1972

Revision of Implementing Regulations

Correction

In FR Doc. 76-12269 appearing at page 17754 in the FEDERAL REGISTER of Wednesday, April 28, 1976 the following correction should be made:

On page 17755, second column, fourth paragraph from the top beginning "Interested persons • • •", in the second line, the year should read "1976".

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Provision To Prevent Reduction of Prevailing Charges Below Fiscal Year 1975 Levels as a Result of Application of the Economic Index Limitation

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to Subpart E of Regulations No. 5 set forth in tentative form below, is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The initial application of the economic index limitation on increases in prevailing charges was mandated in section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)), as amended by section 224(a) of Public Yaw 92-603, the Social Security Amendments of 1972, and was reflected in an amendment to Regulations No. 5, Subpart E, on June 16, 1975. This initial application resulted in more severe reductions than had been expected in otherwise allowable prevailing charges calculated for fiscal year 1976. In many cases, the levels were below the levels for fiscal year 1975. After Congress became aware of this unintended effect, it passed corrective legislation. Section 101 of Public Law 94-182 provides that prevailing charge levels for physicians' services for fiscal year 1976 may not, as a result of the application of economic index data, be reduced below fiscal year 1975 levels. It further provides that if the amount paid on any claim previously processed by a carrier was at least $1 less than the correct amount that is due pursuant to the new legislation, the difference between the amount previously paid and the correct amount due shall be paid by the carrier within six months after December 31, 1975, the date of enactment of Public Law 94-182. However, payment shall not be made on any claim where the correct amount due is less than $1. Medicare carriers have already been instructed to make the necessary payments in accordance with the above statutory provisions. The proposed amendment would implement the statutory requirement contained in section 101 of Public Law 94-182.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before July 7, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1842(b)(3), as amended, and 1871, 49 Stat. 647, as amended; 79 Stat. 309, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395u(b)(3), as amended, and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: April 23, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising paragraph (a)(3)(ii) of § 405.504 to read as follows:

§ 405.504 **Determining prevailing charges.**

(a) • • •

(3)(i) • • •

(ii) If the increase in the prevailing charge in a locality for a particular medical item or service resulting from an aggregate increase in customary charges for that item or service does not exceed the index determined under paragraph (a)(3)(i) of this section, the increase is permitted and any portion of the allowable increase not used is carried forward and is a basis for justifying increases in that prevailing charge in the future. However, if the increase in the prevailing charge exceeds the allowable percentage of increase, the increase will be reduced to the allowable percentage. Further increases will be justified only to the degree that they do not exceed further rises in the economic index. (Notwithstanding the provisions of paragraphs (a)(2) and (a)(3)(i) of this section, the prevailing charge level in the case of a physician service in a particular locality determined pursuant to paragraphs (a)(2) and (a)(3)(i) of this section for the fiscal year beginning July 1, 1975, shall, if lower than the prevailing charge level for the fiscal year ending June 30, 1975, by reason of the application of economic index data, be raised to such prevailing charge level which was in effect for the fiscal year ending June 30, 1975. If the amount paid on any claim previously processed was at least $1 less than the correct amount due pursuant to the preceding sentence, the difference between the amount previously paid and the correct amount due shall be paid within 6 months after December 31, 1975; however, no payment shall be made on any claim where the difference between the amount previously paid and the correct amount due is less than $1.)

• • • • • •

[FR Doc.76-16391 Filed 6-4-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2010]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Temple Terrace, Florida

The Federal Insurance Administrator, in accordance with section 110 of the

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Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Temple Terrace, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Temple Terrace must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 113 N. Glenarven, Temple Terrace, Florida.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joseph C. Bonbi, City Hall, 113 N. Glenarven, Temple Terrace, Florida. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hillsborough River	Flower Ave	36	640	
	Whiteway Dr	35	200	
	Temple Terrace Rd. (Bullard Parkway)	31	40	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16148 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2009]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Mansfield, Massachusetts

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Mansfield, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Mansfield must adopt flood plan management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, West Street, Mansfield, Massachusetts 02048.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Frank Colella, Chairman, Board of Selectmen, Town Hall, West Street, Mansfield, Massachusetts 02048. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hodges Brook	Oak St	126	20	110
Wading River	Otis St	123	85	405
	Balcolm St	128	100	545
	Williams St	146	170	120
	West St	153	80	80
Canoe River	Mill St	110	970	20
	Bridge at Trailer park	114	115	165
Rumford River	Main St	105	45	40
	Willow St	129	45	760
	Spring St	137	405	50
	West St	146	25	50
	High St	156	235	60
	Church St	159	165	45
	County St	172	150	260

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16153 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2008]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Salisbury, Massachusetts

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Salisbury, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Salisbury must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Beach Road, Salisbury, Massachusetts 01950.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Carl R. Le Sage, Chairman, Board of Selectmen, Beach Road, Salisbury, Massachusetts 01950. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Atlantic Ocean	North Blvd	10	Entire road within corporate limits.	
Atlantic Ocean and Merrimack River	Route 1A	10	(1)	8,300

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16149 Filed 6-4-76;8:45 am]

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[24 CFR Part 1917]

[Docket No. FI-2007]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Yarmouth, Massachusetts

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Yarmouth, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Yarmouth must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Office Building, Yarmouth, Massachusetts 02664.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Howard Marchant, Chairman, Board of Selectmen, Town Office Building, Yarmouth, Massachusetts 02264. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Nantucket Sound	Columbus Ave	10.3	170 from intersection with West Rd.
	Crowes Purchase Rd	10.0	1,140 from intersection with Sea Ave.
	Canary Lane	10.0	250 from intersection with Lake Rd.
Cape Cod	Lone Tree Rd	10.5	560 from intersection with Thacher Shore Rd.
	Old Salt Ketch Lane	10.0	470 from intersection with Center St.
	Whipporwill Lane	10.0	260 from intersection with Oaklight Dr.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16154 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2006]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Vassar, Michigan

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Floor Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Vassar, Michigan.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Vassar must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 287 E. Huron Street, Vassar, Michigan 48768.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Harold Lane, 287 E. Huron Street, Vassar, Michigan 48768. The period for comment will be ninety days following the second publication of this notice in a newespaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Cuas River	Pere Marquette RR	631	20	20
	Huron St	633	500	20
	New York Central RR	631	20	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16150 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2005]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Elk River, Minnesota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Elk River, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Elk River must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Main and Highway 10, Elk River, Minnesota 55330.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Cliff Lundberg, City Hall, Main and Highway 10, Elk River, Minnesota. 55330. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 10-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River	Wright County Rd. 130	865	(1)	25
Elk River	Main St. (downstream side)	869	75	75

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16151 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2004]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Little Silver, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Little Silver, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Little Silver must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

early opportunity for public participa-

—20°F (—29°C). (For example, in De-

Copies of the studies with NTIS num-

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Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 480 Prospect Avenue, Little Silver, New Jersey 07739.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Anthony T. Bruno, Borough Hall, 480 Prospect Avenue, Little Silver, New Jersey 07739. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Shrewsbury River	7 Bridges Rd	9	To Holly Tree Lane (5,000 ft).	
Little Silver Creek	Prospect Ave	9	40	360
	Willow Dr	9	260	180
	Branch Ave	12	50	70
Little Silver Creek Tributary II.	7 Bridges Rd	9	40	110
	Harrison Ave	20	30	80
Parker Creek	Oceanport Ave	9		160

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16155 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2003]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Monmouth Beach, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1368 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Monmouth Beach, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Monmouth Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 22 Beach Drive, Monmouth Beach, New Jersey 07750.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Sidney B. Johnson, Borough Hall, 22 Beach Drive, Monmouth Beach, New Jersey 07750. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
South Shrewsbury and Manahassett Creek.	Patten Ave	9	Entire avenue.
	Riverdale Ave	9	Do.
	Central Rd	9	Entire road.
	Robbins St	9	Entire street.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16152 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 1079]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATION

Howard County, Maryland; Correction

The notice published on April 28, 1976, at 41 FR 1777 1-2, listing Howard County, Maryland with Source of Flooding as Little Patuxent River, location at Owen Road, should be corrected to read Owen Brown Road; with Source of Flooding as Little Patuxent River, location at Riverdale Circle (Extended), should be corrected to read Riverside Circle (Extended); the Source of Flooding listed as Plumetree Branch should be corrected to read Plum Tree Branch; and the Source of Flooding as Plum Tree Branch, location at Chatham Road should be corrected to read Chatham Road.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16376 Filed 6-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 33, 75, 94, 160, 192]

[CGD 76-33]

LIFESAVING EQUIPMENT FOR GREAT LAKES VESSELS

Advance Notice of Proposed Rulemaking

The Coast Guard is considering proposing amendments to the regulations governing lifesaving equipment on vessels operating on the Great Lakes. The proposals under consideration include requirements concerning the following subjects:

a. Lifeboat exposure protection.
b. Lifeboat maneuverability.
c. Survival craft availability.
d. Launching of survival craft from stowed positions.
e. Lifeboat capability to float free automatically from a sinking vessel.
f. Personal exposure protection.
g. Communications equipment on survival craft.
h. Lights and reflectorized materials.
i. Standards for equipment substituted for required equipment. Use of equipment proposed in this notice should improve chances for survival following a casualty requiring vessel abandonment.

This advance notice of proposed rulemaking is being issued to provide an early opportunity for public participation. Comments and information obtained from this notice will be considered in the development of proposed amendments. This notice is not intended, however, to indicate that the Coast Guard has formed final conclusions on any aspects of the proposals contained in the notice. The notice proposes concepts in order to provide a starting point for public comment.

Interested persons are invited to submit written data, views, or arguments concerning this notice to the Executive Secretary, Marine Safety Council (G-CMC/81) U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 76-33) and the specific subject in this notice to which his comment applies, and give reasons in support of his comment. All comments received before September 7, 1976 will be considered before final action is taken on this notice. Copies of all written comments will be available for examination by interested persons in Room 8117, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

If the Coast Guard determines after evaluating the comments received that it is in the public interest to proceed further with this rule making, one or more notices of proposed rule making will be issued.

Oral inquiries and communications concerning this notice may be directed to Commandant (G-MMT-3/83) Attn: Mr. Robert Markle, U.S. Coast Guard, Washington, D.C. 20590 (Telephone number: (202) 426-1444).

The proposals described in this notice are the result of recommendations of a panel of the Society of Naval Architects and Marine Engineers and a subcommittee of the Inter-Governmental Maritime Consultative Organization. The proposals considered include provisions both for upgrading the lifesaving systems on existing Great Lakes vessels, where appropriate, and for establishing new basic standards for newly constructed vessels. Similar provisions are being considered for vessels in ocean and coastwise service and may be proposed at a later date.

The findings of several studies have also been used to develop the proposals set forth in this advance notice. A study entitled "Climatological and Environmental Factors that Influence Survival on the Great Lakes" dated June, 1973, prepared by Batelle Memorial Institute (National Technical Information Service (NTIS) report AD-768678) contains the following findings which should be a basis for improving lifesaving equipment design:

a. Average surface water tempartures in winter and early spring in Great Lakes waters not covered by ice range from 33°F to 44°F (1°C to 7°C).

b. During the fall and winter months there is a significant chance that the wind chill factor on the Great Lakes will be below the significant danger mark of

—20°F (—29°C). (For example, in December the wind chill factor can be expected to fall below —20°F (—29°C) for 16 hours per month in Detroit and 160 hours per month in Duluth.)

c. During the fall and winter months there is a significant chance (on the order of 10%) that wave height will exceed 10 feet (3 meters) at any given time. November is the worst of these months.

A study entitled "Assessment of the Requirements for Survival on the Great Lakes" dated January 31, 1974 (NTIS report AD-786662) prepared by Battelle Memorial Institute recommends several areas in which improvements can be made to lifesaving equipment used on vessels. The major areas of improvement suggested include the following:

a. Means of communication to ensure rescue notification and quick rescue response prior to, during, and after vessel abandonment.

b. Methods of launching survival craft including alternate launching means and launching under severe sea and weather conditions.

c. Flotation, thermal protection, and wearability of personal flotatoon devices.

d. Communication capability for survivors in the water to aid in their rescue.

e. Maneuvering capability of survival craft to gather in survivors from the water.

The University of Victoria has published a report on hypothermia research, the short title of which is "Man in Cold Water", dated June 30, 1975. This report estimates the survival time for a man in 44°F (7°C) water to be 2.44 hours when lightly clad, 4.10 hours when heavily clad, and 8.53 hours when wearing a survival suit. The report also contains test results of a second type of survival suit showing that the heat loss rate of the second suit is half that of the survival suit on which the estimates of survival time are based. The estimates are based on men who are in good health, are wearing personal flotation devices, and are adopting "thermally-protective behavior" described in the report.

A study entitled "Group Survival Equipment Effectiveness" prepared by Operations Research, Incorporated, dated January, 1976 (NTIS report AD-A022606, covers 51 vessel casualty cases from 1950 to 1974. Nine of the cases occurred on the Great Lakes. The study identifies various survival craft deficiencies contributing to fatalities. The deficiencies are listed as follows:

a. Inability of survival craft to protect occupants from exposure (hypothermia).

b. Inability to launch survival craft because of severe vessel list.

c. Inability of survival craft to remain upright during launching or while in heavy seas.

d. Inability of survival craft to protect the occupants if the craft capsizes.

e. Inability to keep survival craft from being swept away or damaged before and during launching.

f. Too much time needed to launch survival craft.

Copies of the studies with NTIS numbers may be obtained by writing to the National Technical Information Service, Springfield, Virginia 22161, telephone (703) 321-8521. A limited supply of free copies of the studies is available from the Coast Guard and may be obtained by writing to the Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

Comments are invited concerning each of the proposals discussed in detail in studies and other topics discussed in this notice as they relate to the proposals. The Coast Guard recognizes that small inspected vessels may have difficulties in complying with requirements proposed in this notice and that larger existing vessels may also have difficulties especially where extensive retrofitting may be required. Scientific comments are invited concerning difficulties that these vessels may have in complying with requirements described in the proposals.

In accordance with the foregoing, the Coast Guard is considering amendments to the lifesaving equipment regulations pertaining to the following subjects as they apply to Great Lakes vessels:

a. *Lifeboat exposure protection.* Add a requirement that a lifeboat be totally enclosed with a rigid cover that provides protection from wind chill, aids retention of heat within the boat, prevents swamping, and lessens the danger of capsizing in heavy seas.

b. *Lifeboat manueverability.*

(1) Add a requirement that each lifeboat be powered by a diesel engine that can provide sufficient mobility to pick up survivors.

(2) Add a requirement that each lifeboat engine be capable of starting in temperatures as low as —22°F (—30°C).

With respect to the proposals in paragraphs (a) and (b), specific comments are requested concerning the carriage, maintenance, and reliability of totally enclosed lifeboats equipped with diesel engines.

c. *Survival craft availability.*

(1) Revise existing regulations to require that a vessel have enough lifeboats to accommodate at least 100% of the vessel's complement.

(2) Revise existing regulations to require that the total number and location of lifeboats and inflatable liferafts be sufficient to provide enough craft for all persons on the vessel if a casualty occurs in which some craft are destroyed or rendered unusuable.

d. *Launching of survival craft from stowed positions.*

(1) Revise existing regulations to require that survival craft have launching equipment that is capable of operation from within the craft so that during ship abandonment a deck crew will not need to remain aboard.

(2) Revise existing regulations to require that survival craft be designed and installed so that they can be launched with an adverse vessel list of up to 20° and a trim angle of up to 10°; and

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(3) Revise existing regulations to require that lifeboats be designed and installed so that they can be boarded and launched directly from their stowed positions, thus eliminating the need for (and time involved in) using tricing pendants and frapping lines.

(Specific comments are requested concerning launching configurations that will meet these requirements).

e. *Lifeboat capability to float free automatically from a sinking vessel.*

(1) Revise existing regulations to require that each lifeboat be designed and installed so that it will float free automatically if the vessel sinks before the craft can be launched. Use of these lifeboats will allow quick abandonment if sufficient launching time is not available. If the lifeboat cannot be launched in time, vessel personnel will have the option to board the craft on the vessel and remain in it while it floats free of the vessel. Also, if personnel do not board the lifeboat before the vessel sinks, the craft will be available to survivors in the water.

(2) Add a requirement that float free inflatable liferafts be provided for all persons working in spaces far from a lifeboat station such as in a wheelhouse on the bow of a ship that has all of its lifeboats located aft.

f. *Personal exposure protection.*

(1) Add new design requirements for survival suits that prevent shock to the user upon entering cold water and retard body heat loss during long periods of immersion.

(2) Add regulations to require carriage of survival suits and to allow substitution of survival suits for required personal flotation devices if the survival suits provide adequate flotation. (Specific comments are requested on the carriage, maintenance, and reliability of survival suits, and on their use as personal flotation devices.)

g. *Communications equipment.* Add a requirement for survival craft to have radio communication equipment that automatically sends a distress signal upon contact of the craft with water. (Specific comments are requested concerning the use of this equipment and concerning any other means of communications between the craft and rescuers that might be effective.)

h. *Lights and reflectorized materials.* Add requirements that each survival suit and personal flotation device have lights and reflectorized material to aid in location of survivors in the dark. (In addition to comments on these requirements, comments are also requested concerning other means of communication between survivors and rescuers that might be effective.)

(i) *Standards for equipment substituted for required equipment.* Add standards that lifesaving equipment substituted for equipment currently required must meet in order to obtain Coast Guard approval. Several new designs of lifesaving equipment are currently under development for vessels. The Coast Guard intends by the adoption of these standards to encourage further the development of new lifesaving equipment and improvements to existing equipment.

The standards under development cover each phase in the vessel abandonment process and they take into account the overall design of the vessel. The standards detail each of the conditions under which lifesaving equipment must be designed to operate and establish performance levels for the equipment.

The following standards are being considered for substituted lifesaving equipmet on Great Lakes vessels;

(1) *Pre-abandonment phase.*

(i) The equipment if stowed in an exposed location must be designed to withstand expected sea and weather conditions while in stowage. Expected sea and weather conditions will vary from vessel to vessel depending upon the areas in which the vessel is certificated to operate.

(ii) The equipment must be designed so that it can be made ready for operation quickly regardless of sea and weather conditions prevailing when the item is to be used.

(iii) The equipment must have training procedures and emergency instructions explaining its use.

(2) *Abandonment phase.* The equipment must be designed for use in all expected casualty conditions and it must be installed in appropriate locations in relation to other lifesaving equipment so that the total lifesaving system of the vessel provides a means of escape for all persons in expected casualty conditions. Expected casualty conditions will vary from vessel to vessel depending upon vessel design and cargo carried. Designers of the equipment must consider such conditions as severe weather and seas, fire and explosive atmospheres, severe vessel list and trim, and rate of change in vessel list and trim.

(3) *Survival phase.*

(i) Survival craft must be designed to provide subsistence for survivors and protection from exposure under all expected sea and weather conditions.

(ii) Survival craft must be capable of maneuvering in all expected sea and weather conditions.

(iii) Personal flotation devices must have the same flotation characteristics prescribed for currently required devices.

(iv) Thermal protection gear must be adequate for use by persons in the water.

(4) *Detection phase.*

(i) Survival craft must have detection equipment that can alert rescuers and aid in locating the craft.

(ii) Visual and audible detection equipment provided for use by survivors in the water must be capable of providing aid to rescuers in locating them.

(5) *Retrieval phase.*

(i) Survival craft must be designed so that they can be towed by other craft.

(ii) Survival craft must be designed so that survivors can be transferred quickly and without hazard to a ship or helicopter. The transfer operation must take into account the possibility that some survivors may be on stretchers or otherwise incapacitated.

The Coast Guard welcomes all relevant comments and suggestions concerning the proposals in this advanced notice.

(46 U.S.C. 375, 391a, 416, 481; 49 U.S.C. 1655 (b); 49 CFR 1.46)

Dated: June 1, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-16384 Filed 6-4-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-GL-7]

BENDIX WHEEL ASSEMBLIES

Withdrawal of Notice of Proposed Airworthiness Directive

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a repetitive inspection of the Bendix wheel assembly P/N 2601901-1 used on Boeing 747 aircraft was published in the FEDERAL REGISTER (41 FR 13950).

Upon further consideration, and in the light of comments received in response to the Notice of Proposed Rule Making, the agency has determined that the airline inspection procedure prescribed for these wheels has been effective in removing cracked wheels from service, and a safety problem does not presently exist to the extent originally believed. Therefore, the proposed AD is not required at this time.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action, and does not preclude the agency from issuing another Notice in the future or commit the agency to any course of action in the future.

In consideration of the foregoing, and purusant to the authority delegated to me by the Administrator, (31 FR 13697 and 14 CFR 11.89), the proposed airworthiness directive published in the FEDERAL REGISTER on April 1, 1976, (41 FR 13950), is hereby withdrawn.

Issued in Des Plaines, Illinois, on May 25, 1976.

JOHN M. GYROCKI,
Director, Great Lakes Region.

[FR Doc.76-16244 Filed 6-4-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15756]

HAWKER SIDDELEY AVIATION, LTD., MODEL BH-125 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Hawker Siddeley Aviation Ltd. Model BH-125 Series 600A airplanes. There have been reports of an excessive rolling moment on Model BH-125 Series 600A airplanes when operated on autopilot at buffet onset speed that could result in loss of control due to unwanted rolling of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of vortex generators on the leading edge of each wing on certain Hawker Siddeley Aviation Ltd. Model BH-125 Series 600A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 7, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model BH-125, Series 600A airplanes, S/N's 25/6001-6004, 6007, 6009-6011, 6013, 6014, 6016, 6018, 6020, 6022-6026, 6032, 6034, 6038, 6040, 6044, 6046, certificated in all categories.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible unwanted rolling of the airplane when operating at buffet onset, add vortex generators to the leading edge of each wing by incorporating Hawker Siddeley Aviation, Ltd. Modification No. 252442 in accordance with section 2 entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd. Service Bulletin 57-48-(2442), dated June 25, 1975, including Revision 1, dated July 23, 1975, or an FAA-approved equivalent.

Issued in Washington, D.C., on May 23, 1976.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.76-16246 Filed 6-4-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-35]

CENTRAL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending § 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Baltimore, Md., Control Zone (41 FR 360) and Transition Area (41 FR 450) and designate a Baltimore, Md., (Glenn L. Martin State Airport) Control Zone.

It will be necessary to designate a part-time control zone for Glenn L. Martin State Airport, Baltimore, Maryland, to provide additional controlled airspace for IFR arrivals and departures at that airport. Coincident with such designation will be a change in the designated name of the present Baltimore, Md., Control Zone to distinguish it from the new control zone.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Atten: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 7, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Baltimore, Md., proposes the airspace action hereinafter set forth:

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to change the caption of the Baltimore, Md. Control Zone to read:

(BALTIMORE, MD. (BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT)

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Baltimore, Md. (Glenn L. Martin State Airport) Control Zone as follows:

BALTIMORE, MD. (GLENN L. MARTIN STATE AIRPORT)

Within a 5-mile radius of the center, 39°19'45" N., 76°25'00" W. of Glenn L. Martin State Airport, Baltimore, Md.; within 3 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 5 miles each side of a 17-mile radius arc of the Baltimore, Md. VORTAC, extending clockwise from the Baltimore, Md. VORTAC 030° radial to the Baltimore, Md. VORTAC 046° radial. This control zone is effective from 0700 to 2300 hours, local time, daily.

§ 71.181 [Amended]

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Baltimore, Md. Transition Area as follows:

In the description of the Baltimore, Md. Transition Area, delete from "within an 8.5-mile radius of the center 39°19'45" N., 76°25'00" W." to and including "11.5 miles southeast of the RBN" and insert the following in lieu thereof:

"within an 8.5-mile radius of the center 39°19'45' N., 76°25'00" W. of Glenn L. Martin State Airport, Baltimore, Md.; within a 9-mile radius of the center of the airport, extending clockwise from a 239° bearing to a 256° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 256° bearing to a 270° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 320° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 348° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 007° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 007° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 027° bearing to a 054° bearing from the airport; within 3.5 miles each side of a 132° bearing from the Martin Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 3.5 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 5 miles each side of the Martin, Md. TACAN 317° radial, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 17.5 miles northwest of the TACAN.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on May 20, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-16242 Filed 6-4-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CE-8]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition areas at Grain Valley, Missouri, and Lee's Summit, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation

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Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before July 6, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Following designation of controlled airspace at Grain Valley, Missouri, and Lee's Summit, Missouri, the Blue Springs, Missouri, VORTAC is being relocated effective September 9, 1976. The new VORTAC, which will be named the Napoleon, Missouri, VORTAC, will be located approximately eight miles northeast of the present VORTAC location. Instrument approach procedures to East Kansas City Airport, Grain Valley, Missouri, and McComas Airport, Lee's Summit, Missouri, based on the Napoleon VORTAC will replace the existing instrument approach procedures at these two airports based on the Blue Springs VORTAC. Accordingly, it is necessary to alter the Grain Valley, Missouri, and Lee's Summit, Missouri, transition areas to protect aircraft executing the new instrument approach procedures at these Airports.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the following transition areas are amended to read:

GRAIN VALLEY, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5½ mile radius of the East Kansas City Airport (Latitude 39°00'56" N, Longitude 94°12'47" W) and within three miles each side of the 217° radial of the Napoleon, Missouri, VORTAC (Latitude 39°05'43'5" N, Longitude 94°07'-43.0" W) extending from the 5½ mile radius area to 8 miles northeast of the airport.

LEE'S SUMMIT, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the McComas Airport (Latitude 38°57'50" N, Longitude 94°22'25" W), excluding those portions which overlie the Grandview, Missouri, and Grain Valley, Missouri, 700 foot transition areas.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on May 18, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-16243 Filed 6-4-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-GL-19]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Camp Ripley, Minn., Restricted Area, R-4301 and change the designated altitude and time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before July 7, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.[1]

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would change the boundaries and altitudes designated for R-4301 Camp Ripley, Minn., to read:

Boundaries. Beginning at Lat. 46°18'54" N., Long. 94°29'02" W.; thence along south bank of Crow Wing River and west bank of Mississippi River to Lat. 46°10'49" N., Long. 94°21'52" W.; to Lat. 46°07'11" N., Long. 94°21'52" W.; thence along the west bank of Mississippi River to Lat. 46°06'22" N., Long. 94°21'10" W.; to Lat. 46°06'22" N., Long. 94°22'15" W.; to Lat. 46°06'03" N., Long. 94°22'15" W.; to Lat. 46°06'03" N., Long. 94°26'06" W.; to Lat. 46°08'00" N., Long. 94°26'06" W.; to Lat. 46°08'00" N., Long. 94°30'00" W.; to Lat. 46°18'18" N., Long. 94°30'00" W.; to point of beginning.

[1] Map filed as part of the original document.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. 0730 to 2400 local times daily. Other times as specified by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commanding Officer, Camp Ripley, Minn.

Expanded requirements placed on the Minnesota National Guard to conduct training assemblies out of doors on a year-round basis require expansion of the boundary of the restricted area to the south and east and would designate altitude and time of designation to allow year-round designation to 27,000 feet MSL. These modifications would enable units to fire weapons of all types during each month of the year. In addition, cold weather training assigned to the 47th Infantry Division requires extensive winter annual training periods. In accomplishing this mission, increased weapons firing must be conducted during winter months. Modification of the boundary is necessary to provide needed weapons positions required to accomplish the training mission.

This area will continue to be designated for joint use and will be made available to the public when it is not required by the using agency.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 28, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-16245 Filed 6-4-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WA-4]

ALTERATION OF TERMINAL CONTROL AREA

Denver, Colorado; Extension of Comment Period

On May 6, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 18683) stating the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Denver Terminal Control Area (TCA).

Due to technical difficulties, the FAA was unable to follow its usual procedures for advance distribution of NPRMs; thus, airspace users in the Denver area were not given ample opportunity to comment on the proposal prior to the comment period closing date. For this reason the comment period is hereby extended to June 16, 1976. All comments received before this date will be considered before final rule making is taken on the proposal.

Issued in Washington, D.C. on June 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-16621 Filed 6-4-76;10:04 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CE-6]

FEDERAL AIRWAYS AND RECISSION OF REPORTING POINT

Proposed Altereation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways in the Kansas City, Mo., area due to the relocation of the Blue Springs, Mo., VORTAC to a site near Napoleon, Mo., at Lat. 39°05'43.5" N., Long. 94°07'43.0" W. and rescind the Blue Springs Reporting Point.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before July 2, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

It is proposed to amend Part 71.123 of the Federal Aviation Regulations so that certain airway segments would be realigned as follows:

a. V-10 • • • Emporia, Kans.; Napoleon, Mo., including a N alternate via INT Emporia 050° T/042° M and Topeka, Kans. 099° T/091° M radials; Kisksville, Mo., including a N alternate via INT Naboleon 005° T/358° M and Kansas City 060° T/052° M radials; Burlington, Iowa; • • •.

b. V-12 • • • Emporia, Kans.; Napoleon, Mo.; Columbia, Mo.; Foristell, Mo., including a S alternate from INT Jefferson City, Mo. 308° T/302° M and Columbia 276° T/270° M radials via Jefferson City to the INT of Jefferson City 042° T/036° M and Columbia 104° T/098° M radials; • • •.

c. V-13 • • • Butler, Mo.; Napoleon, Mo.; INT Napoleon 336° T/329° M and St. Joseph, Mo., 132° T/124° M radials; Lamoni, Iowa; • • •.

d. V-116 From INT Kansas City, Mo., 076° T/068° M and Napoleon, Mo., 005° T/358° M radials via Macon, Mo.; • • •.

e. V-159 • • • Springfield, Mo.; Napoleon, Mo.; INT Napoleon 336° T/329° M and St. Joseph, Mo., 132° T/124° M radials; St. Joseph; • • •.

f. V-161 • • • Butler, Mo.; Napoleon, Mo.; Lamoni, Iowa; • • •.

g. V-206 From Napoleon, Mo., via Kirksville, Mo.; to Ottumwa, Iowa.

h. V-424 From Napoleon, Mo., to Macon, Mo.

It is also proposed to rescind the Blue Springs VORTAC as a designated reporting point. A designated reporting point at Napoleon will not be required at this time.

Relocation of the Blue Springs VORTAC is required because of planned community development in that area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on June 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-16622 Filed 6-4-76;10:04 am]

[14 CFR Part 75]

[Airspace Docket No. 76-CE-7]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign a segment of J87 to extend from Butler, Mo., direct to Kirksville, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before July 2, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

It is proposed to amend Part 71.123 of the Federal Aviation Regulations so that certain airway segments would be realigned as follows:

a. V-10 • • • Emporia, Kans.; Napoleon, Mo., including a N alternate via INT Emporia 050° T/042° M and Topeka, Kans. 099° T/091° M radials; Kisksville, Mo., including a N alternate via INT Naboleon 005° T/358° M and Kansas City 060° T/052° M radials; Burlington, Iowa; • • •.

b. V-12 • • • Emporia, Kans.; Napoleon, Mo.; Columbia, Mo.; Foristell, Mo., including a S alternate from INT Jefferson City, Mo. 308° T/302° M and Columbia 276° T/270° M radials via Jefferson City to the INT of Jefferson City 042° T/036° M and Columbia 104° T/098° M radials; • • •.

c. V-13 • • • Butler, Mo.; Napoleon, Mo.; INT Napoleon 336° T/329° M and St. Joseph, Mo., 132° T/124° M radials; Lamoni, Iowa; • • •.

d. V-116 From INT Kansas City, Mo., 076° T/068° M and Napoleon, Mo., 005° T/358° M radials via Macon, Mo.; • • •.

e. V-159 • • • Springfield, Mo.; Napoleon, Mo.; INT Napoleon 336° T/329° M and St. Joseph, Mo., 132° T/124° M radials; St. Joseph; • • •.

f. V-161 • • • Butler, Mo.; Napoleon, Mo.; Lamoni, Iowa; • • •.

g. V-206 From Napoleon, Mo., via Kirksville, Mo.; to Ottumwa, Iowa.

h. V-424 From Napoleon, Mo., to Macon, Mo.

It is also proposed to rescind the Blue Springs VORTAC as a designated reporting point. A designated reporting point at Napoleon will not be required at this time.

Relocation of the Blue Springs VORTAC is required because of planned community development in that area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on June 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-16623 Filed 6-4-76;10:04 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 555-4]

ALASKA

Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency (EPA) approved the State of Alaska Air Quality Control Plan.

On September 30, 1975 and January 6, 1976, the Commissioner, State of Alaska Department of Environmental Conservation (ADEC), submitted for the Administrator's approval, revisions to the compliance schedule portion of the State Implementation Plan, in accordance with 40 CFR 51.4, 51.6 and 51.15. The Administrator, pursuant to Section 110 of the Clean Air Act and 40 CFR § 51.8, is today proposing for public comment the approval of three compliance schedule variances and the disapproval of two compliance schedule variances, as plan revisions.

Each compliance schedule establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the following table under the heading "Final Compliance Date".

In addition, each compliance schedule which extends more than a year from the date of adoption must include federally enforceable increments of progress toward compliance as required by 40 CFR 51.15(c). While the table below does not list those interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purpses of federal enforcement. "Date of adoption" column refers to the date that the State adopted the compliance schedules.

On August 23, 1973 (38 FR 27336), the compliance schedules for Alaska Lumber and Pulp Company (ALP), Sitka, and Ketchikan Pulp Company (KPC), Ketchikan, were disapproved for not meeting the requirements of 40 CFR § 51.15. On January 21, 1974, the State

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of Alaska Department of Environmental Conservation (ADEC) submitted to EPA revisions to the compliance schedules for ALP and KPC. On May 8, 1974 (39 FR 16366), EPA invited public comment on whether the Administrator should approve or disapprove the ALP and KPC permits as revisions to the SIP. No notice of final rulemaking was published because the State notified EPA that new permits were to be issued.

On September 30, 1975, after proper notice and public hearings, ADEC submitted to EPA compliance schedules for ALP and KPC as revisions to the SIP. Included with this submittal was data which demonstrated that the secondary ambient air quality standard for total suspended particulate matter was being attained and maintained in the area impacted by the Alaska Lumber and Pulp mill, but which also showed violations of the secondary TSP standard in the area impacted by the KPC mill. On February 25, 1976, ADEC submitted an additional year of data for Ketchikan from a different sampling location which is more representative of true ambient concentrations for the area. At its previous location next to a road, the monitor was sampling road dust generated by local traffic. These new data demonstrated that the secondary TSP standards were not being exceeded as a result of emissions from the KPC mill. EPA's proposed approval is based upon the firm assurance in that schedule that the Company will comply with applicable emission and opacity standards and will install control equipment on existing power boilers adequate to comply with such standards for any level of operation or loading by July 1, 1978. It is also noted that the schedule includes mention of a new power boiler. The Company's obligation to comply with all standards is independent of the effect, if any, the new boiler may have upon the loading or operation of its present boilers. Morover, this proposed approval shall have no effect upon the existing obligation of the Company to comply fully with its NPDES permit conditions.

On January 6, 1976, after proper notice and public hearings, ADEC submitted to EPA compliance schedules for Alaska Forest Products (AFP), Haines, and Schnabel Lumber Company (SLC), Haines. The AFP and SLC submittal included ambient data for the City of Wrangell which show compliance with the secondary TSP standard. ADEC indicated that the ambient air quality levels in Haines were similar to those in Wrangell. While it is conceivable that ambient air levels are similar in Wrangell and Haines, data from Wrangell alone does not constitute evidence which demonstrates that such is the case. The compliance schedules in the variance issued to AFP, however, has no final compliance date or does it contain enforceable increments of progress. The compliance schedule issued to SLC does provide for a final compliance date but cannot be approved because ADEC did not demonstrate that the continued emissions under the variance will not interfere with the attainment and maintenance of NAAQS.

Also, on January 6, 1976, after proper notice and a public hearing, ADEC submitted in a separate package to EPA a compliance schedule for Golden Valley Electric Association (GVEA), Healy, ambient air quality data and an analysis using modeling. The original GVEA compliance schedule had been submitted by ADEC and had been approved by EPA on August 23, 1973. On November 13, 1973, GVEA appealed the ADEC variance on the grounds of economic hardship and applied for a new variance. After consideration of GVEA's appeal and application for a new variance, ADEC issued a new variance on September 29, 1975 after holding the public hearing. It is this variance which is under consideration at this time. The modeling analysis indicated compliance with the primary standard violations of the secondary standard. The Northern Alaska AQCR in which this source is located was originally classified as Priority I (primary standards not being attained) in the SIP. For Priority I AQCR's the plan specifies the year 1975 as the attainment date for the primary standard and 1980 as the attainment date for the secondary standard. Since the State has demonstrated that emissions from this source according to the terms of the variance will not interfere with the attainment and maintenance of primary NAAQS, and that the variance includes a compliance schedule with enforceable increments of progress and a final compliance date of 1980, the variance meets the criteria of approvability.

It is, therefore, recommended that the compliance schedules for KPC, ALP and GVEA be approved as revisions to the SIP and that the variances for AFP and SLC be disapproved. An evaluation report will be prepared for each compliance schedule before the Administrator makes his final decision on whether to approve or disapprove the compliance schedules. During the review period, personnel in the EPA Regional Office, at the address noted below, are available to discuss the compliance schedules with the public. Each compliance schedule is available for public inspection at the EPA Regional Office, EPA Headquarters, and the State agency at the following addresses:

Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.
Freedom of Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.
State of Alaska, Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801.

All interested persons are encouraged to submit written comments on whether the proposed revisions to the Alaska Air Quality Control Plan should be approved as required by section 110 of the Clean Air Act, as amended, and 40 CFR § 51.8. Comments postmarked within 30 days of the date of publication of this notice will be considered. Public comments received on the proposed revisions will be available for public inspection at the Regional Office and EPA Headquarters. Comments should be directed to the Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ben C. Eusebio, M/S 513.

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended. [42 U.S.C. § 1857c-5(a)].

Dated: May 19, 1976.

L. EDWIN COATE,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart C—Alaska

1. In § 52.70, paragraph (c) is revised to read as follows:

§ 52.70 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

• • • • •

(3) Compliance schedules submitted on August 23, 1973, by the State of Alaska Department of Environmental Conservation.

(4) Compliance schedules submitted on September 30, 1975, by the State of Alaska Department of Environmental Conservation.

(5) Compliance schedules submitted on January 6, 1976, by the State of Alaska Department of Environmental Conservation.

2. Section 52.84 is amended by adding the following lines to the table in paragraph (b) as follows:

§ 52.84 Compliance schedules.

• • • • •

(b) the compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
•	•	•	•	•	•
Alaska Lumber & Pulp Co.	Sitka	18 A A C 50.050(a)(b), 18 A A C 50.060(a)(2), 18 A A C 50.120(h).	June 6, 1975	Immediately	Oct. 30, 1977
Golden Valley Electric Association, Inc.	Healy	18 A A C 50.050(a)(b), 18 A A C 50.120(h).	Sept. 29, 1975	do	Oct. 30, 1980
Ketchikan Pulp Co.	Ketchikan	18 A A C 50.050(a)(b), 18 A A C 50.060(a)(2), 18 A A C 50.120(h).	June 6, 1975	do	July 1, 1978
•	•	•	•	•	•

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation Involved	Date of adoption
Alaska Forest Products, Haines, Inc.	Haines	18 AAC 50.040(a)(2), 18 AAC 50.040(c)(2), 18 AAC 50.120(h).	Aug. 21, 1975
Schnabel Lumber Co.	do	18 AAC 50.040(a)(2), 18 AAC 50.040(c)(2), 18 AAC 50.040(b).	Do.

[FR Doc.76-16295 Filed 6-4-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 455]

SALE OF USED MOTOR VEHICLES

Disclosure and Other Regulations; Correction

In FR Doc. 76-14894, appearing on page 20896, right column, of the issue for **May 21**, 1976, the following correction is made:

The year of the issue date should be 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16301 Filed 6-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-12468]

MUNICIPAL SECURITIES DEALERS

Withdrawal of Proposed Rulemaking

The Commission hereby withdraws proposed amendments to Rule 10b-6[1] announced in Securities Exchange Act Release No. 11876 (November 26, 1975).[2] The Commission notes that unlike brokers and dealers registered with the Commission, municipal securities dealers which are not brokers or dealers are not exempt from the provisions of the Truth-in-Lending Act,[3] which currently appears to provide sufficient protection for customers of such persons. Therefore, the Commission has determined not to apply Rule 10b-16 to municipal securities dealers which are banks or separately identifiable departments or divisions of banks.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 20, 1976.

[FR Doc.76-16126 Filed 6-4-76;8:45 am]

[1] 17 CFR 240.10b-16.
[2] 40 F.R. 60084 (1975).
[3] 15 U.S.C. 1603.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Size Standard Differential for Hawaii, the Virgin Islands, Puerto Rico, and Guam

For several years, paragraph 121.3-7 (a) of the Small Business Size Standards Regulation (13 CFR, paragraph 121.3-7 (a)) has provided a size standards differential applicable, in the case of size standards based on annual receipts, to concerns which have 50 percent or more of their annual receipts attributable to business activity within Alaska.

We have determined that a similar differential should be adopted for Hawaii, the Virgin Islands, Puerto Rico, and Guam; and have decided for such purposes to utilize the Civil Service Commission cost-of-living allowances for such areas. These vary by area and are based on comparison of indexes arrived at through onsite cost-of-living surveys in the various areas.

The Civil Service Commission differentials for the various areas are as follows:

	Percent
Alaska (except for 22.5 pct. in Anchorage)	[1] 25
Hawaii	12.5
Virgin Islands	10
Puerto Rico	7.5
Guam	7.5

[1] Note that this is the same differential now applicable for size purposes.

Accordingly, it is proposed to revise § 121.3-7(a) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations, to read as follows:

§ 121.3-7 Differentials.

(a) Alaska, Hawaii, and certain nonforeign areas outside the continental United States. In computing the annual receipts, average annual receipts, assets, net worth, or average net income of a concern (not including its affiliates) that has 50 percent or more of its annual receipts attributable to business activity within one of the States and nonforeign areas set forth below, such annual receipts, average annual receipts, assets, net worth, or average net income, shall be reduced by the percentage prescribed for such State or area.

	Percent
Alaska	25
Hawaii	12.5
Virginia Islands	10
Puerto Rico	7.5
Guam	7.5

Interested parties may file with the Small Business Administration on or before August 1, 1976, written statements of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to:

William L. Pellington,
Director, Size Standards Division,
Small Business Administration,
1441 L Street, N.W.,
Washington, D.C. 20416.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001-59.025)

Dated: May 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-16327 Filed 6-4-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 8, 1976; Tuesday, June 15, 1976; Tuesday, June 22, 1976; and Tuesday, June 29, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC § 52(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 2, 1976.

[FR Doc.76-16404 Filed 6-4-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-23]

HENRY M. COLLIER, JR., M.D.

Denial of Registration

On July 14, 1975, the Acting Administrator, Drug Enforcement Administration (DEA) issued to Henry M. Collier, Jr. an Order to Show Cause as to why his application, executed March 9, 1975, for registration under Section 303 of the Act, 21 U.S.C. 823, should not be denied for the reason that he was convicted on September 26, 1972 and on May 3, 1974, in the United States District Court for the Southern District of Georgia, Savannah Division, of violations of 21 U.S.C. 841(a)(1), all felonies relating to the distribution of controlled substances.

On August 13, 1975, through counsel, Dr. Collier (Respondent) requested a hearing on the Order to Show Cause and on November 17, 1975, a hearing was held in Savannah, Georgia, before Administrative Law Judge, Francis L. Young.

On May 6, 1976, Judge Young certified to the Administrator, pursuant to 21 CFR 1316.65, his recommended findings of fact and conclusions of law, a recommended decision, and the record of the proceedings in this matter. The Administrator, pursuant to 21 CFR 1316.66, hereby publishes his final order in this proceeding based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found that on September 26, 1972, Respondent was convicted, in the United States District Court, Southern District of Georgia, of six felony counts under 21 U.S.C. 841(a)(1), and that on May 3, 1974, Respondent was convicted of three felony counts under 21 U.S.C. 841(a)(1) in the same court. Furthermore, Judge Young found that Respondent prescribed a Schedule IV controlled substance, Fastin, on or about July 3, 1975, without the required DEA registration. The Administrator adopts these findings of fact.

The Administrative Law Judge concluded, as a matter of law, that legal grounds exist for the Administrator of DEA to deny Respondent's application for registration and that registration of Respondent with DEA pursuant to his application to prescribe Class IV and Class V drugs would be inconsistent with the public welfare and would present a danger to the public health and safety. The Administrative Law Judge recommended that the Administrator deny the pending application. The Administrator accepts this recommendation.

Therefore, under the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the application of Henry M. Collier, Jr., for registration as a practitioner under the Controlled Substances Act, be and hereby is denied.

Dated: May 28, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-16372 Filed 6-4-76;8:45 am]

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on May 10, 1976, Applied Science Laboratories, Inc., 139 North Gill Street, Box 440, State College, PA 16801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below, which, if imported, will be supplied exclusively for authorized research or as chemical analysis standards:

Drug	*Schedule*
3,4-methylenedioxy amphetamine	I
Bufotenine	I
Diethyltryptamine	I
Dimethyltryptamine	I
Piminodine	II

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than July 9, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, N.W. Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: May 28, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16369 Filed 6-4-76;8:45 am]

IMPORTER OF CONTROLLED SUBSTANCES

Notice of Registration

By Notice dated March 12, 1976, and published in the FEDERAL REGISTER on March 24, 1976; (41 FR 12234), Stepan Chemical Co., Natural Products Dept., 100 W. Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration to be registered as an importer of coca leaf, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and, pursuant to Section 1008(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of coca leaf.

Dated: May 24, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16371 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulation (CFR), notice is hereby given that on May 6, 1976, Winthrop Laboratory, Division of Sterling Drugs, Inc., 33 Riverside Avenue, Rensselaer, N.Y. 12144, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pethidine, a basic class of controlled substance in schedule II.

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of pethidine, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than July 9, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: May 27, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16366 Filed 6-4-76;8:45 am]

IMPORTER OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated February 20, 1976, and published in the FEDERAL REGISTER on March 4, 1976 (41 FR 9403), and by Notice of Correction dated April 6, 1976, and published in the FEDERAL REGISTER on April 12, 1976 (41 FR 15352), B. David Halpern, Polysciences, Inc., Paul Valley Industrial Park, Warrington, PA 18976, made application to the Drug Enforcement Administration to be registered as an importer of tetrahydrocannabinols, a basic class of controlled substance listed in schedule I, for the importation of unique isomers and semi-synthetic manufacturers for supply to researchers and analytical laboratories as standards.

No comments or objections have been received, and the criteria of Section 1002(a)(2)(B) of the Act has been met in that there are no registered domestic bulk manufacturers of tetrahydrocannabinols. Therefore pursuant to Section 1008 Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and in accordance with 21 CFR Section 1311.42, the above firm is granted registration as an importer of tetrahydrocannabinols, as specified above.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16367 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated April 6, 1976, and published in the FEDERAL REGISTER on April 12, 1976; (41 FR 15352), Regis Chemical Company, 8210 N. Austin Avenue, Morton Grove, Illinois 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class controlled substance listed in schedule I.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of mescaline is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16368 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), MD Pharmaceutical Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of diphenoxylate, a basic class controlled substance listed in schedule II.

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Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), Mallinckrodt, Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of diphenoxylate, a basic class controlled substance listed in schedule II.

No comments or objections have been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of diphenoxylate is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16365 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), Mallinckrodt, Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of methadone, a basic class controlled substance listed in schedule II.

No comments or objections have been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of methadone is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16364 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), Mallinckrodt, Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of morphine, a basic class controlled substance listed in schedule II.

No comments or objections have been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of morphine is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16363 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), Mallinckrodt, Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of opium, a basic class controlled substance listed in schedule II.

No comments or objections have been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of opium is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16362 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), Mallinckrodt, Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of oxycodone, a basic class controlled substance listed in schedule II.

No comments or objections have been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of oxycodone is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16361 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), Mallinckrodt, Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of phenazocine, a basic class controlled substance listed in schedule II.

No comments or objections have been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of phenazocine is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16360 Filed 6-4-76;8:45 am]

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of diphenoxylate is granted.

Dated: May 24, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16370 Filed 6-4-76;8:45 am]

Law Enforcement Assistance Administration

ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Meeting

Notice is hereby given that the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, a subdivision of the National Advisory Commission on Juvenile Justice and Delinquency Prevention will meet Thursday and Friday, July 1 and 2, 1976 in Washington, D.C. The meeting is scheduled to convene at 9:00 a.m. on Thursday, July 1, in the 13th Floor Conference Room of LEAA's Central Office, 633 Indiana Avenue, N.W., Washington, D.C. The meeting is scheduled to run all day Thursday and will adjourn by 1:00 p.m. on Friday, July 2nd.

Discussion at the meeting will focus on draft standards concerning pre-adjudication, adjudication and appellate procedures in juvenile and family courts, the scope of neglect and abuse jurisdiction of those courts, and on the commentary being prepared for the Standards Committee's September 30, 1976 Report.

The meeting will be open to the public.

For further information, please contact:

Richard Van Duizend, National Institute of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (202)376-3952.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-16125 Filed 6-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 76-22]

PROPOSED DOMESTIC LIVESTOCK GRAZING PROGRAM FOR THE CHALLIS PLANNING UNIT, CUSTER COUNTY, IDAHO

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement for domestic livestock grazing for the Challis Planning Unit in Custer County, Idaho. The Department of the Interior invites written comments on this statement.

The statement addresses itself to domestic livestock grazing management on 340,000 acres of national resource lands in the Challis Planning Unit. It discusses the environmental impacts of livestock grazing and considers alternative levels of management as well as alternatives to livestock grazing.

Notice is hereby given that public hearings will be held at the American Legion Hall, Challis, Idaho, July 7, 1976, at 9 a.m. MDT, and Alturas Room, Rodeway Inn, Boise, Idaho, July 9, 1976, at 9 a.m. MDT.

Individuals wishing to testify may do so by appearing at the hearing place as specified. Persons wishing to give testimony will be limited to 10 minutes, with written submissions invited. Prior to giving testimony at the public hearing, individuals or spokesmen are requested to complete a hearing registration form. Details regarding preregistration for those giving testimony may be obtained from the State Director, Idaho State Office, Federal Building, Room 398, 550 West Fort Street, Boise, Idaho 83702 (telephone 208-342-2711, extension 2291).

Written comments will be accepted by the Idaho State Director at the above address for 45 days after publication of this notice.

Limited copies of this draft statement are available upon request to the Idaho State Director at the above address. Copies may also be obtained by writing the Director (130), Bureau of Land, Management, Department of the Interior, Washington, D.C. 20240.

Copies are available for inspection at the following locations:

Alaska State Office: 555 Cordova Street, Anchorage, Alaska 99501.
Arizona State Office: Federal Building, 2400 Valley Bank Center, Phoenix, Arizona 85073.
California State Office: Federal Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.
Colorado State Office: 1600 Broadway, Colorado State Building, Room 700, Denver, Colorado 80202.
Idaho State Office: Federal Building, Room 398, 550 West Fort Street, Boise, Idaho 83724.
Montana State Office: (N. Dak., S. Dak.) Federal Building, 22 North 23rd Street, Billings, Montana 59107.
Nevada State Office: Federal Building, 300 Booth Street, Reno, Nevada 89502.
New Mexico State Office: Federal Building, South Federal Place, Santa Fe, New Mexico 87501.
Oregon State Office: (Washington) 729 Northeast Oregon Street, Portland, Oregon 97208.
Utah State Office: University Club Building, 136 South Temple, Salt Lake City, Utah 84111.
Wyoming State Office: (Nebr., Kansas) Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.
Washington, D.C.: Office of Public Affairs, Room 5625, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.
Eastern States Office: Robin Building, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

In addition to the above locations, copies are available for inspection at all local Bureau of Land Management District Offices.

GEORGE L. TURCOTT,
Associate Director.

Approved: May 28, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-16571 Filed 6-4-76;8:45 am]

[INT DES 76-21]

COLORADO

Notice of Availability of Draft Environmental Statement

The draft environmental statement for the proposed development of coal resources in northwest Colorado is available for public review.

The Bureau of Land Management invites written comments on the draft environmental statement to be submitted within 45 days from date of this notice to the Bureau of Land Management, Northwest Colorado Environmental Statement Project Office, Post Office Box 689, Steamboat Springs, Colorado 80477.

A limited number of copies are available upon request to the Northwest Colorado Environmental Statement Project Office at the above address.

Public reading copies will be available for review at the following locations:

BUREAU OF LAND MANAGEMENT OFFICES

Public Affairs Office, Bureau of Land Management, 18th and E Sts., N.W., Washington, D.C. 20240.
Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado 80202.
Craig District Office, 455 Emerson Street, Craig, Colorado 81625.
Northwest Colorado Environmental Statement Project Office, Room 103, Holiday Inn, Steamboat Springs, Colorado 80477.

U.S. GEOLOGICAL SURVEY OFFICES

Area Oil & Gas Supervisor, U.S. Geological Survey, Denver Federal Center, Post Office Box 25046, Denver, Colorado 80225.
U.S. Geological Survey, Public Inquiries Office, National Center, Mail Stop 302, Reston, Virginia 22092.
U.S. Geological Survey, Library Exchange and Gift Unit, National Center, Mail Stop 950, Reston, Virginia 22092.

COUNTY COURTHOUSES

Moffat County Courthouse, Craig, Colorado 81625.
Routt County Courthouse, 522 Lincoln, Steamboat Springs, Colorado 80477.
Rio Blanco County Courthouse, Meeker, Colorado 81641.

PUBLIC LIBRARIES

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80203.
Public Library of Craig, Colorado 81625.
Public Library of Hayden, Colorado 81639.
Public Library of Oak Creek, Colorado 80467.
Public Library of Meeker, 200 Main Street, Meeker, Colorado 81641.
Public Library of Rangely, 109 East Main, Rangely, Colorado 81648.
Werner Memorial Library, Steamboat Springs, Colorado 80477.

Notice is also given that oral and/or written comments will also be received at public hearings on July 7, 1976, at the Moffat County Court House Auditorium, Craig, Colorado; and on July 8, 1976, at the Wyer Auditorium, Denver Public Library, 1357 Broadway, Denver, Colorado. Hearings are scheduled to begin at 1:00 p.m. and 7:00 p.m. at both locations.

Oral testimony of ten minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The ten minute time limitation will be strictly enforced. Complete texts of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted ten minutes.

Speakers will be heard, if present, in their established order on the witness list. After the last witness present has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinion of a private citizen.

Written requests to testify orally should be received at the Northwest Colorado Coal Environmental Statement Project Office, Post Office Box 689, Steamboat Springs, Colorado 80477, prior to close of business on July 2, 1976. Requests should identify the organization represented, should be signed by the prospective witness, and should state the location (Craig or Denver) and approximate time (afternoon or evening) for giving oral testimony. The cut-off date is necessary so that a witness list can be made available on the day before the public hearing.

Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

STANLEY D. DOREMUS,
Deputy Assistant Secretary.

JUNE 2, 1976.

[FR Doc.76-16413 Filed 6-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

MIDDLE WALNUT WATERSHED PROJECT, KANSAS

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Middle Walnut Watershed project, Butler, Sedgwick, Cowley and Sumner Counties, Kansas, USDA-SCS-EIS-WS-(ADMO-76-1(F)-KS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 14 floodwater retarding structures and one multiple-purpose reservoir with recreation facilities.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

Dated: May 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.76-16320 Filed 6-4-76;8:45 am]

UPPER BUFFALO CREEK WATERSHED PROJECT, WEST VIRGINIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for work remaining to be done (channel work excluded) in the Upper Buffalo Creek Watershed Project, Marion County, West Virginia.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James S. Bennett, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and water-oriented public recreation. The planned works of improvement remaining to be installed (other than channel work) include conservation land treatment, eight single-purpose floodwater retarding structures, and one multiple-purpose recreation and floodwater retarding structure with associated recreation facilities.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, 75 High Street, Morgantown, West Virginia 26505. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until June 22, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 27, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water
Resources Soil Conservation
Service.

[FR Doc.76-16319 Filed 6-4-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BONA FIDE MOTOR-VEHICLE MANUFACTURERS

List of Names and Addresses

In accordance with headnote 2 to Subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 U.S.C. 1202) and 15 CFR Part 315 (39 FR 2080; January 18, 1974), the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Deputy Assistant Secretary for Domestic Commerce of the Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

UNITED BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST AS OF MAY 1, 1976 WITH DATE OF CERTIFICATION

Adams International Truck Co., Inc., 116 Carroll Street, P.O. Box 1556, Thomasville, Georgia 31792, January 18, 1976.
Allentown Brake & Wheel Service, Inc., R.D. 3—P.O. Box 2088, Allentown, Pennsylvania 18001, October 19, 1975.
Allied Tank Truck Equipment Co., 3rd and Chestnut Street, Collegeville, Pennsylvania 19426, September 9, 1975.
AM General Corporation, 32500 Van Born Road, Wayne, Michigan 48184, April 1, 1976.
American La France, Div. American La France Street, Elmira, New York 14902, July 8, 1975.
American Motors Corporation, 14250 Plymouth Road, Detroit, Michigan 48232, January 1, 1976.
American Trailers, Inc., 1500 Exchange Avenue, Oklahoma City, Oklahoma 73126, January 18, 1976.
American Trailers, Inc., 5702 East Admiral Place, Tulsa, Oklahoma 74115, January 1, 1976.
American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minnesota 55113, January 18, 1976.
Amthor's Welding Service, Inc., 307 State Route 52 East, Walden, New York 12586, July 9, 1975.
Harold G. Anderson Equipment Corp., One Anderson Drive, Albany, New York 12055, October 4, 1975.

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Antietam Equipment Corporation, P.O. Box 91, Hagerstown, Maryland 21740, January 1, 1976.
ARBE Products, Inc., 225 South Street, Rochester, Michigan 48063, September 15, 1975.
Arctic Enterprises, Inc., P.O. Box 635, Thief River Falls, Minnesota 56701, August 1, 1975.
Arrow Trailer & Equipment Co., 140 North Dirksen Parkway, Springfield, Illinois 62702, April 1, 1976.
Automated Waste Equipment Co., Inc., Box 708, Trenton, New Jersey 08604, September 1, 1975.
Automotive Service Company, 111-113 North Waterloo, Jackson, Michigan 49204, January 18, 1976.
Avanti Motor Corporation, 765 South Lafayette Blvd., P.O. Box 1916, South Bend, Indiana 46634, January 10, 1976.
Bethlehem Fabricators, Inc., 1700 Riverside Drive, P.O. Box 70, Bethlehem, Pennsylvania 18016, January 20, 1976.
Allan U. Bevier, Inc., Rt. 1, Box 280-B, Queenstown, Maryland 21658, October 10, 1975.
Blue Bird Body Company, P.O. Box 937, Fort Valley, Georgia 31030, January 18, 1976.
Bock Products, Inc., 1901 W. Hively, Elkhart, Indiana 46514, January 1, 1976.
Bound Brook Safety, Rt. No. 22, Bound Brook, New Jersey 08805, January 1, 1976.
Boyertown Auto Body Works, Inc., Boyertown, Pennsylvania 19512, September 1, 1975.
Brake & Electric Sales Corp., 300 Mystic Avenue, Medford, Massachusetts 02155, January 1, 1976.
Brake & Equipment Co., Inc., 1801 North Mayfair Road, Milwaukee, Wisconsin 53226, January 1, 1976.
Brake Service & Parts, Inc., 170 Washington Street, Bangor, Maine 04401, January 18, 1976.
Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp., 50 Roanoke Avenue, Newark, New Jersey 07105, January 1, 1976.
Bus Andrews Equipment, 2828 E. Kearney, P.O. Box 323, Springfield, Missouri 65803, January 1, 1976.
Butler Manufacturing Company, 900 Sixth Avenue, S.E., Minneapolis, Minnesota 55414, July 1, 1975.
The Carnegie Body Company, 9500 Brookpark Road, Cleveland, Ohio 44129, January 1, 1976.
Carpenter Body Works, Inc., Highway 37, Mitchell, Indiana 47446, January 1, 1976.
Champion Carriers, Inc., 2321 E. Pioneer Drive, Irving, Texas 75061, October 20, 1975.
Checker Motors Corporation, 2016 N. Pitcher Street, Kalamazoo, Michigan 49007, January 1, 1976.
Cherry Valley Tank Div., Inc., 75 Cantiague Road, Westbury, New York 11590, April 9, 1976.
Chrysler Corporation, Chrysler Center, 12000 Oakland Avenue, Highland Park, Michigan 48231, January 18, 1976.
B. M. Clark Company, Inc., Route 17—P.O. Box 185, Union, Maine 04862; January 14, 1976.
Clark Truck Equipment, 2371 Aztec Road, N.E., Albuquerque, New Mexico 87103, January 1, 1976.
Clement-Braswell, Sargent Ind. Div., P.O. Box 914, Sibley Road, Minden, Louisiana 71055, January 1, 1976.
Fred Clemett & Company, Inc., 2020 Lemoyne Street, P.O. Box 26, Syracuse, New York 13211, July 1, 1976.
Collins Industries, Inc., P.O. Box 58, HABIT, Hutchinson, Kansas 67501, December 1, 1975.
Comet Corporation, N. 3808 Sullivan Road, Spokane, Washington 99216, January 18, 1976.
Commercial Truck & Trailer, Inc., 313 North State Street, Girard, Ohio 44420, January 1, 1976.
Cook Body Company, 3701 Harlee Avenue, Charlotte, North Carolina 28208, October 22, 1975.
Correct Manufacturing Corp., London Road Extension, P.O. Box 689, Delaware, Ohio 43015, July 1, 1975.
Crane Carrier Company, 1925 N. Sheridan, Tulsa, Oklahoma 74151, September 19, 1975.
Crenshaw Corporation, 1700 Commerce Road, Richmond, Virginia 23224, July 1, 1975.
Cross Truck Equipment Co., Inc., 1801 Perry Drive, S.W., Canton, Ohio 44706, August 23, 1975.
Crown Coach Corporation, 2428 East 12th Street, Los Angeles, California 90021, March 20, 1976.
Daleiden Auto Body & Mfg. Corp., 425 E. Vine Street, Kalamazoo, Michigan 49001, January 12, 1976.
Dealers Truck Equipment Co., Inc., P.O. Box 1435 MCA, Shreveport, Louisiana 71130, January 1, 1976.
Dealers Truckstell Sales, Inc., 653 Beale Street, P.O. Box 502, Memphis, Tennessee 38101, January 1, 1976.
Decker Tank Co., Div. of Chet Decker Auto Sales, 300 Lincoln Avenue, Hawthorne, New Jersey 07506, November 3, 1975.
John Deere Horicon Works of Deere & Company, 220 E. Lake Street, Horicon, Wisconsin 53032, June 1, 1975.
Delevan Industries, 1560 Harlem Road, Buffalo, New York 14206, January 1, 1976.
Delta Truck Body Company, P.O. Box 336, Montgomeryville, Pa. 18936, January 1, 1976.
Dufrane Motor Distributors, Inc., 417 E. Main Street, Malone, New York 12953, January 1, 1976.
Dunham Manufacturing Company, P.O. Box 430, Minden, Louisiana 71055, January 1, 1976.
Eastern Tank Corporation, 290 Pennsylvania Avenue, Paterson, New Jersey 07503, January 1, 1976.
Elder International, Inc., 5875 North Loop, P.O. Box 2061, Houston, Texas 77001, December 1, 1975.
Equipment Industries, 100 Pavonia, Jersey City, New Jersey 07302, January 1, 1976.
Equipment Service, Inc., 40 Airport Road, Hartford, Connecticut 06114, April 1, 1976.
E. D. Etnyre and Company, 200 Jefferson Street, Oregon, Illinois 61061, October 1, 1975.
E. & R. Trailer Sales, Inc., R.R. No. 1, Middle Point, Ohio 45863, January 1, 1976.
Ewell Equipment Company, Inc., 307 N. Timberland Drive, Lufkin, Texas 75901, February 1, 1976.
Excalibur Automobile Corporation, 1735 South 106th Street, Milwaukee, Wisconsin 53214, May 22, 1976.
Fifth Wheel, Inc., Box 16706, Tulsa, Oklahoma 74115, January 1, 1976.
Fleet Equipment Company, 10605 Harry Hines, P.O. Box 20578, Dallas, Texas 75220, December 1, 1975.
The Fixtble Company, 326-322 N. Water Street, Loudonville, Ohio 44842, January 1, 1976.
Ford Motor Company, The American Road, Dearborn, Michigan 48121, January 18, 1976.
F & P Export Sales Corporation, F & P Truck & Trailer Equip. Div., 254-266 Central Avenue, Newark, New Jersey 07103, October 12, 1975.
Freightliner Corporation, 2625 S.W. Third Avenue, Portland, Oregon 97201, December 14, 1975.
Frost Trailer Company, Inc., Well Road, P.O. Box 847, West Monroe, Louisiana 71291, January 1, 1976.
Fruehauf Corporation, 10900 Harper Avenue, Detroit, Michigan 48232, December 1, 1975.
FWD Corporation, 105 East 12th Street, Clintonville, Wisconsin 54929, January 1, 1976.
Gallagher's Tank & Equipment, Inc., 317 West Service Road, Hartford, Connecticut 06120, June 1, 1975.
Peter Garafano & Son, Inc., 264 Wabash Avenue, Paterson, New Jersey 07503, June 4, 1975.
General Motors Corporation, 3044 West Grand Blvd., Detroit, Michigan 48202, January 19, 1976.
General Trailer Company, Inc., 546 W. Wilkins Street, Indianapolis, Indiana 46225, January 27, 1976.
General Truck Equipment, 5310 Broadway, Jacksonville, Florida 32205, January 1, 1976.
General Truck Sales, 534 Murfreesboro, Nashville, Tennessee 37210, January 1, 1976.
The Gertsenslager Company, 1425 East Bowman Street, Wooster, Ohio 44691, July 1, 1975.
Gidley-Eschenheimer Corporation, 858 Providence Highway, Dedham, Massachusetts 02026, July 15, 1975.
Gillig Brothers, 25800 Clawiter Road, Hayward, California 94543, January 1, 1976.
Gilson Brothers Company, P.O. Box 152, Plymouth, Wisconsin 53073, September 26, 1975.
Gooch Brake and Equipment Company, 531 Grand Avenue, Kansas City, Missouri 64106, January 11, 1976.
Granning Service Corporation, 2471 Wyoming, Dearborn, Michigan 48120, January 1, 1976.
The Greyhound Corporation, Greyhound Tower, Phoenix, Arizona 85077 (doing business as) Motor Coach Industries, Inc., Pembina, North Dakota 58271, & Transportation Manufacturing Corp., Roswell, New Mexico 88201, August 1, 1975.
Hackney and Sons, P.O. Box 880, Washington, North Carolina 27889, January 1, 1976.
Hallenberger, Inc., 6716 U.S. Hwy. 460 East, P.O. Box 5085, Evansville, Indiana 47715, January 1, 1976.
Harley-Davidson Motor Co., Inc., 3700 West Juneau Avenue, Milwaukee, Wisconsin 53201, April 1, 1976.
Harris Rim & Wheel, Inc., 1920 Nolensville Road, P.O. Box 7362, Nashville, Tennessee 37210, January 1, 1976.
Harris Truck and Trailer, 219 N. Kings Highway, Cape Girardeau, Missouri 63701, January 1, 1976.
Harval Truck Equipment, 1000 E. 8th Street, Los Angeles, California 90813, January 1, 1976.
Haygood Incorporated, 999 Channel Avenue, Memphis, Tennessee 38113, January 1, 1976.
H-C-L Equipment Company, 105 N. 13th Street, Billings, Montana 59103, January 1, 1976.
Heil Equipment Company of Philadelphia, Inc., 1223 Ridge Pike, Conshohocken, Pennsylvania 19428, January 1, 1976.
Henrickson Manufacturing Company, 8001 West 47th Street, Lyons, Illinois 60534, January 1, 1976.
Herter's, Inc., Route 1, Waseca, Minnesota 56093, May 15, 1976.
The Hess & Eisenhardt Company, 8059 Blue Ash Road, Cincinnati, Ohio 45242, January 9, 1976.

Hews Body Company, 190 Rumery Street, South Portland, Maine 04106, January 18, 1976.
H. & H. Truck Tank Company, Inc., 745 Tonnele Avenue, Jersey City, New Jersey 07307, September 1, 1975.
Hobbs Equipment Company, Inc., Keeler Avenue, P.O. Box 59, South Norwalk, Connecticut 06856, August 9, 1975.
H. M. Howe Co. of New England, Inc., 93 Bucklin Street, Providence, Rhode Island 02907, December 12, 1976.
O. G. Hughes & Sons, Inc., 4816 Rutledge Pike, P.O. Box 6277, Knoxville, Tennessee 37914, January 1, 1976.
Hustler Corporation, 3029 Distribution Drive, Jonesboro, Arkansas 72401, November 1, 1975.
Illinois Auto Central, Inc., 4750 South Central Avenue, Chicago, Illinois 60638, January 1, 1976.
Indiana Truck & Trailer, Inc., 2017 Business Highway No. 41, Evansville, Indiana 47711, January 1, 1976.
International Body Company, 545 Duke Road, Buffalo, New York 14225, January 1, 1976.
International Harvester Company, 401 North Michigan Avenue, Chicago, Illinois 60611, January 18, 1976.
Iroquois Manufacturing Co., Inc., Richmond Road, Hinesburg, Vermont 05461, July 1, 1975.
Isco Manufacturing Company, 13850 Wyandotte, Kansas City, Missouri 64145, January 1, 1976.
Jamie E. Jacobs, Owner, New England Oil Burner Company, Vermont Chemicals, Bobcat Mfg. Company, Inc., Colchester, Vermont 05446, and Bobcat Mfg. Company, Inc., P.O. Box 191, Peck Hill Road, Johnston, Rhode Island 02910, January 8, 1976.
Jeep Corporation, 14250 Plymouth Road, Detroit, Michigan 48232, January 1, 1976.
Kaffenbarger Welding, 10100 Ballentine Road, New Carlsle, Ohio 45344, January 1, 1976.
Kay Wheel Sales Company, Van Kirk Street at State Road, Philadelphia, Pennsylvania 19135, January 1, 1976.
Kelsey-Hayes Company, Fabco Division, 1249 67th Street, Oakland, California 94608, September 1, 1975.
L. W. Ledwell & Son, Inc., P.O. Box 1106, Texarkana, Texas 75501, January 18, 1976.
Leland Equipment Company, 7777 E. 42nd Place South, P.O. Box 45128, Tulsa, Oklahoma 74145, January 18, 1976.
Loadcraft, Curtis Field, P.O. Box 431, Brady, Texas 76825, January 1, 1976.
Long Trailer Service, Inc., P.O. Box 5105, Greenville, South Carolina 29606, January 1, 1976.
Mack Trucks, Inc. P.O. Box M, Allentown, Pennsylvania 18105, January 18, 1976.
Maday Body & Equipment Corp., 575 Howard Street, Buffalo, New York 14206, January 1, 1976.
Madison Truck Equipment, Inc. 2410 S. Stoughton Road, Madison, Wisconsin 53716, October 22, 1975.
Manning Equipment, Inc., 12000 Westport Road, P.O. Box 22266, Louisville, Kentucky 40222, April 16, 1976.
Massart Supply, Inc., Lafayette, Louisiana 70501, January 1, 1976.
Maxon Industries, Inc., 1960 E. Slauson Avenue, Huntington Park, California 90255, August 16, 1975.
Memphis Brake Service, 600 Hernando Street—P.O. Box 86, Memphis, Tennessee 38101, January 1, 1976.
Mercury Marine, Div. of Brunswick Corp., 1939 Pioneer Road, Fond du Lac, Wisconsin 54935, June 24, 1975.
Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, California 94710, January 18, 1976.
Mickey Truck Bodies, Inc., 1305 Trinity Avenue, High Point, North Carolina 27261, June 30, 1975.
Middlekauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43608, January 18, 1976.
Mid West Truck Equipment Sales Corporation, 640 East Pershing Road, Decatur, Illinois 62526, February 22, 1976.
Moline Body Company, 222 52nd Street, Moline, Illinois 61265, January 6, 1976.
Monon Trailer (a Div. of Evans Products Co.), P.O. Box 655, Monon, Indiana 47959, April 8 1976.
Moore and Sons, Inc., P.O. Box 30091, 2900 Airways Blvd., Memphis, Tennessee 38130, January 1, 1976.
Motor Truck, 2950 Irving Blvd., P.O. Box 47385, Brookhollow Station, Dallas, Texas 75247, January 1, 1976.
MTD Products, Inc., 5389 West 130th Street, P.O. Box 2741, Cleveland, Ohio 44111, September 15, 1975.
Mutual Wheel Company, 2345 4th Avenue, Moline, Illinois 61265, February 20, 1976.
Nabors Trailers, Inc., P.O. Box 979, Mansfield, Louisiana 71052, January 1, 1976.
Neil'a Automotive Service, Inc., 167 E. Kalamazoo Avenue, Kalamazoo, Michigan 49006, January 1, 1976.
Nelson Manufacturing Company, Route 1, Box 90, Ottawa, Ohio 45875, January 1, 1976.
Newark Truck Parts, 560 Market Street, Newark, New Jersey 07105, January 1, 1976.
Novi Manufacturing Company, P.O. Box 324, Novi, Michigan 48050, November 1, 1975.
Ohio Body Manufacturing Company, Main Street, New London, Ohio 44851, January 1, 1976.
Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, Ohio 45232, January 1, 1976.
Olson Bodies, Inc., 600 Old Country Road, Garden City, New York 11530, November 1, 1975.
Olson Trailer & Body Builders Co., 2740 South Ashland Avenue, P.O. Box 2445, Green Bay, Wisconsin 54306, January 18, 1976.
Omaha Standard, 2401 W. Broadway, Council Bluffs, Iowa 51501, January 1, 1976.
Oshkosh Truck Corporation, 2307 Oregon Street, Oshkosh, Wisconsin 54901, January 18, 1976.
Outboard Marine Corporation, 100 Sea Horse Drive, Waukegan, Illinois 60085, January 18, 1976.
PACCAR, Inc., d/b/a Kenworth Truck Company, Peterbilt Motors Company, P.O. Box 1518, Bellevue, Washington 98009, January 18, 1976.
Palmer Spring Company, 355 Forest Avenue, Portland, Maine 04101, January 18, 1976.
Palmer Trailer Sales Co., Inc., 162 Park Street, Palmer, Massachusetts 01069, January 18, 1976.
Peabody Gallon Corporation, 500 Sherman Street, Gallon, Ohio 44833, November 1, 1975.
Peerless Division, Royal Industries, Inc., 18205 S.W. Boones Ferry Road, P.O. Box 447, Tualatin, Oregon 97062, January 8, 1976.
Perfection Equipment Company, 5100 West Reno, Oklahoma City, Oklahoma 73107, January 12, 1976.
Petroleum Equipment & Supply Co., Inc., 321 Forbes Avenue, New Haven, Connecticut 06512, September 27, 1975.
Phoenix Manufacturing, Inc., 375 West Union Street, Nanticoke, Pennsylvania 18634, February 20, 1976.
Pointer Williamette, 801 Houser Way, Renton, Washington 98055, January 1, 1976.
Polaris E-Z-Go Div. of Textron, Inc., 1225 N. County Road 18, Minneapolis, Minnesota 55427, August 2, 1975.
C. E. Pollard Company, 13575 Auburn Avenue, Detroit, Michigan 48223, July 27, 1975.
Power Brake Service & Equipment Co., Inc., 1022 Carnegie Avenue, Cleveland, Ohio 44115, October 21, 1975.
Providence Body Company, 750 Wellington Avenue, Cranston, Rhode Island 02910, June 1, 1975.
Pullman Trailmobile, Div. of Pullman Incorporated, 200 East Randolph Drive, Chicago, Illinois 60601, April 1, 1976.
Quality Truck Equipment Company, Route 66 By-Pass & Mercer Avenue, P.O. Box 102, Bloomington, Illinois 61701, November 15, 1975.
Recreatives Limited, 60 Depot Street, Buffalo, New York 14206, July 13, 1975.
Reliable Spring Company, Inc., 10557 S. Michigan Avenue, Chicago, Illinois 60628, January 20, 1976.
Roanoke Welding Company, P.O. Box 4373, Roanoke, Virginia 24015, January 1, 1976.
R. O. Corporation, 550 East Highway 56, Olathe, Kansas 66061, December 1, 1975.
Rowland Truck Equipment, Inc., 2900 Northwest 73rd Street, P.O. Box 47-398, Miami, Florida 33147, November 19, 1975.
R/S Truck Body Company, P.O. Box 127, Allen, Kentucky 41601, January 1, 1976.
Saunders Leasing Systems, 3001 5th Avenue, Birmingham, Alabama 35323, January 1, 1976.
Schien Body and Equipment Co., Inc., North on University, Carlinville, Illinois 62626, January 18, 1976.
Schweigers, Inc., South Highway 81, Watertown, South Dakota 57201, January 18, 1976.
Scientific Brake & Equipment Co., 314 W. Genesee Avenue, Saginaw, Michigan 48602, January 19, 1976.
Scorpion, Inc., Box 300, Crosby, Minnesota 56441, April 29, 1976.
Sebring-Vanguard, Inc., 4532 U.S. Hwy. 27, South, P.O. Box 1963, Sebring, Florida September 1, 1975.
Sharpsville Steel Equipment Co., 6th & Main Streets, Sharpsville, Pennsylvania 16150, January 2, 1976.
SMI (Watertown), Inc., Purdy Avenue, Watertown, New York 13601, August 1, 1975.
Smith-Moore Body Company, Inc., P.O. Box 27287, Richmond, Virginia 23261, January 18, 1976.
Somerset Welding, P.O. Box 628, Somerset, Pennsylvania 15501, January 1, 1976.
South Florida Engineering, Inc., 5911 E. Buffalo Avenue, P.O. Box 11927, Tampa, Florida 33680, July 2, 1975.
Southwest Truck Body Company, 200 Sidney Street, St. Louis, Missouri 63104, February 11, 1976.
Spring Valley Dodge, Inc., 19 South Main Street, Spring Valley, New York 10977, April 1, 1976.
Spurgeon Design, Route 1, Box 204, Dassel, Minnesota 55325, April 18, 1976.
Steffen, Inc., 623 West 7th Street, Sioux City, Iowa 51104, November 4, 1975.
Superior Lima Division, Sheller-Globe Corporation, 1200 East Kibby Street, Lima, Ohio 45802, March 20, 1976.
Thiokol Corporation, Logan Division, 2503 North Main Street, Logan, Utah 84321, January 15, 1976.
Thomas Built Buses, Inc., 1408 Courtest Road, P.O. Box 1849, High Point, North Carolina 27261, August 1, 1975.
Traffic Transport Engineering, 28900 Goddard Road, P.O. Box 536, Romulus, Michigan 48174, January 1, 1976.
Trailmobile Inc., 8542 E. Slauson Blvd., Pico Rivera, California 90660, January 1, 1976.
Transport Equipment Company, 3400 6th Avenue, South, P.O. Box 3817, Seattle, Washington 98124, January 18, 1976.
Truck Equipment Company, 85 E. Longview Avenue, Mansfield, Ohio 44905, January 1, 1976.

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Truck Equipment Company, Inc., 1911 S.W. Washington Street, Peoria, Illinois 61602, January 18, 1976.
Truck Equipment, Inc., 1560 N.E. 44th Street, Des Moines, Iowa 50313, January 1, 1976.
Truck Equipment, Inc., 680 Potts Avenue, Green Bay, Wisconsin 54304, January 18, 1976.
Truck Equipment Service, 800 Oak Street, Lincoln, Nebraska 68521, January 1, 1976.
Truck Parts & Equipment, Inc., 4501 West Esthner, Wichita, Kansas 67209, November 11, 1975.
Truck Trailer, 2535 Airport Way South, Seattle, Washington 98134, January 1, 1976.
Truck and Trailer Equipment Co., 4214 W. Mt. Hope Road, Lansing, Michigan 48904, January 1, 1976.
Truck & Transportation Equipment Co., Inc., 260 Industrial Avenue, P.O. Box 10455, Jefferson, Louisiana 70181, January 1, 1976.
Tuff Boy, Inc., 5151 E. Almondwood Drive, Manteca, California 95336, January 1, 1976.
Union City Body Company, Inc., 1015 West Pearl Street, Union City, Indiana 47390, August 15, 1975.
Unit Rig & Equipment Company, P.O. Box 3107, Tulsa, Oklahoma 74101, January 1, 1976.
Vulcan Trailer Manufacturing Company, 1321 3rd Street, Bessley, Birmingham, Alabama 35214, December 1, 1975.
Walter Motor Truck Company, School Road, Voorheesville, New York 12186, April 29, 1976.
Ward School Bus Manufacturing, Inc., Highway 65B, South, Conway, Arkansas 72032, April 19, 1976.
J. C. Warren Company, Box 26308, Charlotte, North Carolina 28213, January 1, 1976.
Wayne Corporation, an Indian Head Company, P.O. Box 1447, Industries Road, Richmond, Indiana 47374, October 31, 1975.
Westinghouse Air Brake Company, Construction & Mining Equip. Group, 2301 N.E. Adams Street, Peoria, Illinois 61639, February 1, 1976.
Weston Equipment Company, Inc., 130 Railroad Hill Street, Waterbury, Connecticut 06708, January 3, 1976.
Wheel and Brake, 1270 Memorial Drive, Atlanta, Georgia 30316, January 1, 1976.
White Motor Corporation, 100 Erieview Plaza, Cleveland, Ohio 44114, January 18, 1976.
White Trucks & Equipment Sales, Inc., 2401 Dinneen Avenue, P.O. Box 7185, Orlando, Florida 32804, December 1, 1975.
Wilson Trailer Sales, Highway 301 South, Wilson, North Carolina 27893, January 1, 1976.
Winnebago Industries, Inc., P.O. Box 152, Jct. Highways 9 & 69, Forest City, Iowa 50436, March 19, 1976.
Wollard Aircraft Equipment, Inc., 6950 N.W. 77th Court, Miami, Florida 33166, December 1, 1975.
Wyman's Inc., Northfield Road, Box 541, Montpelier, Vermont 95602, July 1, 1975.
Young Ottawa, Inc., 23100 Providence Drive, Southfield, Michigan 48075, January 1, 1976.
Young Ottawa, Inc., A Gulf & Western Manufacturing Co., 415 East Dundee Street, Ottawa, Kansas 66067, January 1, 1976.

Dated: May 28, 1976.

SAMUEL B. SHERWIN,
Deputy Assistance Secretary for Domestic Commerce.

[FR Doc.76-16331 Filed 6-4-76;8:45 am]

LOWELL TECH. INST.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00384-01-46040. Applicant: Lowell Technological Institute, Dept. of Chemistry, 1 Textile Avenue, Lowell, Massachusetts 01854. Article: Electron Microscope, Model JEM 100 with Tilt Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the formation of polymer mesophases, and their structure-properties relationships.

Comments: Comments have been received from the Adam David Company (AD) on March 20, 1975. AD alleges *inter alia* that its EMU-4C has certain features which were cited as pertinent to the applicant's intended purposes. AD also notes that the Lowell Technological Institute's Department of Biological Sciences made a request for quote for a medium resolution electron microscope in the same month that the foreign article [which the Department notes has a higher resolution] was ordered by the Department of Chemistry [the applicant].

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 19, 1973).

Reasons: The foreign article is equipped with a eucentric goniometer stage and has a guaranteed resolution of 4 Angstroms point to point. At the time the foreign article was ordered the most closely comparable domestic instrument was the Model EMU-4C available from AD. The National Bureau of Standards (NBS) advises in its memorandum dated July 18, 1975 that the eucentric goniometer stage of the article is pertinent to the applicant's intended purposes. NBS further advises that the EMU-4C does not have a scientifically equivalent goniometer stage. In connection with the comments of Adam David, we note that the Department of Biological Sciences not only requested quotes for a medium resolution electron microscope but actually ordered a medium resolution instrument (from a foreign manufacturer other than the manufacturer of the article to which this application relates). Moreover, the Department of Biological Sciences obtained duty-free entry for the electron microscope it ordered through submission of Docket Number 75-00010-33-46040.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16401 Filed 6-4-76;8:45 am]

NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00299. Applicant: North Carolina Agricultural & Technical State University, Greensboro, North Carolina 27411. Article: (7 cases) 314-40, Flasks, Graduated, Stoppered, 1001 ml and (20 cases) 701-42, Bored Caps for sliding joints S.V.L. joint #22. Manufacturer: Sovirel of France, France. Intended use of article: The article is intended to be used in measurements of hydrocarbons produced from lipid oxidation in freeze-dried foods. Experiments will be conducted to establish a method to evaluate the degree of rancidity (lipid oxidation) in freeze dried meats.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: We are advised by the Department of Health, Education, and Welfare (HEW) and the National Bureau of Standards (NBS) in their memoranda dated April 23, 1976 and May 13, 1976 respectively that the foreign article provides a bored cap for holding a ⅛ inch thick silicone rubber system which is pertinent to the applicant's intended purposes. HEW and NBS also advise that they know of no comparable domestic instrument which is equipped with the pertinent feature of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16402 Filed 6-4-76;8:45 am]

UNIVERSITY OF CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00323. Applicant: University of California—Lawrence Livermore Laboratory, Post Office Box 808, Livermore, California 94550. Article: Monochromator type THR 1500. Manufacturer: Jobin-Yvon, France. Intended use of article: The article is intended to be used in a laser isotope separation program as an absolute standard for setting of laser array wavelengths in the laser stabilization program. Investigations will be conducted in the evaluation of laser stabilization schemes suitable for use in commercial processes for laser photoseparation of isotopes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a resolution greater than 1:270,000 (1:300,000). The National Bureau of Standards (NBS) advises in its memorandum dated May 14, 1976 that (1) the capability described above is pertinent to the applicant's intended use, (2) NBS knows of no comparable domestic instrument which matches the pertinent specification and (3) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 76-16403 Filed 6-4-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, July 7, 1976 in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to approve and forward to the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) a FIPS TG-13 report on guidelines for benchmarking computer systems.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301-921-3485).

Dated: June 1, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-16364 Filed 6-4-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON PRODUCT LIABILITY

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. IV, 1974)) and Office of Management and Budget Circular A-63 of March 1974 and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Advisory Committee on Product Liability is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will advise the Secretary of Commerce on issues relating to product liability; review the research findings of the research staff of the Interagency Task Force on Product Liability; review data and analyses prepared by or for the research staff and prepare critical comments; propose potential remedies and review other proposals and their impacts; and advise the Department as to the various views of particular interest groups on proposed remedies.

The membership of the Committee will consist of not more than 40 members, appointed by the Secretary of Commerce. The Committee will have balanced representation from business, industry, consumer and labor groups.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, immediately after the publication of this notice. The Office of Management and Budget, Committee Management Secretariat, has waived the requirement for a 15-day waiting period between the publication of the Notice of Establishment and filing of the charter of the Committee.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on Product Liability. Such comments, as well as any inquiries, may be addressed to Mr. Edward T. Barrett, Office of Business and Legislative Issues, Domestic and International Business Administration, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-2101.

Dated: June 2, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-16577 Filed 6-4-76;8:45 am]

SECRETARY'S ADVISORY COUNCIL

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

The Secretary's Advisory Council will meet from 2:00 p.m. to 5:00 p.m. on June 29, 1976 at the Department of Commerce, Room 4830, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The recently established Secretary's Advisory Council, which is made up of a cross-section of distinguished leaders of industry, services, labor, consumers, and the academic community, is to advise the Secretary of Commerce on the broad policy objectives and goals of the Department. The Council may identify and make recommendations concerning current and proposed policies and programs in all areas of the Department's responsibilities. The issue to be addressed at this, the first Council meeting, is that of "Corporate Responsibility."

The agenda for the meeting is:

(1) Introduction by the Secretary of Commerce.
(2) Discussion on the issue of "Corporate Responsibility."
(3) Discussion of other topics, as introduced by the Council members.

The meeting will be open to the public and press. The public will be permitted to file written statements with the Council before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

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Copies of the minutes will be available upon written request 60 days after the meeting.

Inquiries may be addressed to the White House Fellow, Room 5896, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 (telephone 202/377-555).

Dated: June 3, 1976.

JOHN M. OBLAK,
White House Fellow,
U.S. Department of Commerce.

[FR Doc.76-16537 Filed 6-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FDA-225-76-4010]

INSPECTION OF DELAWARE FOOD PROCESSING AND STORAGE FACILITIES

Memorandum of Understanding With the Delaware Division of Public Health

The Food and Drug Administration is announcing that a Memorandum of Understanding has been executed with the Delaware Division of Public Health, effective June 1, 1976. The memorandum sets forth the working arrangements to be followed concerning inspection of Delaware food processing and storage facilities of mutual obligation.

Pursuant to the announcement published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice. The Memorandum of Understanding reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF ENVIRONMENTAL HEALTH, DIVISION OF PUBLIC HEALTH, DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES AND THE PHILADELPHIA DISTRICT, FOOD AND DRUG ADMINISTRATION

I. PURPOSE

It will be the purpose of this understanding to provide more effective consumer protection through more efficient federal and state inspectional coverage of the Delaware food processing and storage industries. The two agencies will thus attempt to maximize their manpower utilization and eliminate duplication.

II. WORK-SHARING PROGRAM

A. Goals and Responsibilities: The Delaware Bureau of Environmental Health and FDA Philadelphia District Investigations Branch will share the responsibility for the inspection of all Delaware food processing and storage facilities of mutual obligation. Close coordination and communication will be maintained to assure that manpower is efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance and consumer protection.

B. Inspectional Obligation.

1. Inspection Inventory: An inventory of firms covered by this understanding, hereafter referred to as the cooperative establishment inventory (CEI), as developed by both agencies will be maintained by FDA's data processing unit (DPU).

2. Inspectional Commitment: Delaware will inspect the number of CEI firms as specified in the food sanitation contract with FDA.

III. GENERAL PROVISIONS

A. Information Exchange: There will be a complete interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. Inspection Reports; Each agency will provide inspection report information to its partner agency. All such information will be exchanged in a timely fashion.

2. Assay Reports: All reports of assay of products manufactured or stored by CEI firms will be exchanged for informational purposes.

3. Correspondence: Copies of written correspondence to and from CEI firms in the form of warning, informational, or request letters will be exchanged in a timely fashion.

B. Recall and Emergency: The agencies will cooperate to the fullest extent possible in handling emergency public health problems involving foods and in checking the effectiveness of product recalls.

1. Recall Effectiveness Checks: Each agency will cooperate with the other in checking the effectiveness of product recalls in removing food products of public health significance from the market. The state will respond promptly within the limits of available manpower to FDA requests for aid during recalls as provided for by FDA's Emergency Procedures Plan.

2. Foodborne Illness Investigations: The head of the Delaware Bureau of Environmental Health or his designee will promptly notify the Director of FDA's Philadelphia Investigations Branch or his designee of suspected foodborne illnesses and request assistance as needed. FDA will provide requested assistance to the state and will be kept informed of the progress of state investigation by telephone and with written investigation reports.

If information is received by FDA regarding possible foodborne illness, contact will be promptly established with the state.

3. Disaster Work: Problems involving food contamination caused by disaster such as flood, fire, hurricane, carrier wreck, etc., will be handled jointly. The agency first learning about the disaster will be responsible for notifying its partner agency to assure adequate coordination of the investigation.

C. Consumer Complaints:

1. Received by Delaware: Consumer complaints involving out-of-state food products will be investigated at the consumer level by Delaware and submited to FDA for further follow-up investigation if indicated. FDA will arrange for investigation at the involved manufacturer and provide feedback information to Delaware.

2. Received by FDA: FDA will refer complaints received involving Delaware or interstate food products suspected of being adulterated or misbranded while in Delaware to the state for notification purposes and/or follow-up investigation. FDA will refer such complaints to Delaware on forms FD-2516 and 2516a. Delaware will complete section 5b of FD-2516a to denote action taken and will return the form to FDA retaining one copy for its files.

D. Compliance Follow-up:

1. Responsibility: It will be the responsibility of the agency which discovers a violation during inspection of a CEI firm to determine the impact required to achieve compliance and to follow-through to accomplish correction of the violation.

2. Impact Action: The responsible agency may elect one of several types of impact action: reinspection, sample collection, product embargo or seizure, product recall, warning letter, joint follow-up inspection, administrative hearing, prosecution, referral to its partner agency, etc. If referral is selected, it will become the responsibility of the partner agency to pursue the violation, within the limits of its authority, to achieve compliance.

E. Training: Training is considered essential for the maintenance of effective inspectional units. It will be discussed and planned for at each planning session (see Section "G").

1. Formal: Formal training courses sponsored by either agency will be made available whenever possible for the partner's personnel.

2. On-the-Job: Joint inspections will be used when indicated and requested by a partner agency to train new personnel or update the expertise of experienced personnel.

F. Performance Evaluation: Audit and joint inspections will be performed annually to evaluate program performance.

G. Program Review: Joint planning sessions will be held semi-annually to review this understanding, discuss the cooperative program, evaluate accomplishments and plan future cooperative work. The sessions will be alternated between Dover and Philadelphia. Each session will be arranged for and moderated by the FDA's Region III Food and Drug Director's Assistant for Intergovernmental Affairs.

IV. TERM OF UNDERSTANDING

This understanding will expire on May 31, 1977 unless renewed and signed by the heads of both cooperating agencies to continue it in effect for another year.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days' written notice by either agency.

Approved and accepted for the Delaware Division of Public Health:

Edward F. Gliwa, M.D., Director, Division of Public Health, Delaware Department of Health & Social Services.

Date: May 12, 1976.

Approved and accepted for the Food and Drug Administration:

Loren Y. Johnson, Deputy Regional Food and Drug Director, Food and Drug Administration, Philadelphia District.

Date: May 11, 1976.

Effective date: This Memorandum of Understanding became effective June 1, 1976.

Dated: June 1, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16309 Filed 6-4-76;8:45 am]

Social and Rehabilitation Service

CERTIFICATION OF ALLOTMENT NEED

Transitional Quarter

Notice is hereby given that each State shall, pursuant to Section 2002(a)(2)(B) of the Social Security Act, certify whether the amount of its allotment for social services, as promulgated in the FEDERAL REGISTER, on September 19, 1975 (40 FR 4365), is greater or less than the amount needed for the Transitional Quarter July 1, 1976 through September 30, 1976 and if so, the amount by which the amount of such allotment is greater or less than such need. The certification shall be made on or before July 31, 1976 and shall apply to the three month period beginning July 1, 1976 and ending September 30, 1976. The certification is irrevocable.

Dated: June 1, 1976.

M. KEITH WEIKEL,
Acting Administrator.

[FR Doc.16390 Filed 6-4-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-76-434]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Housing Management

Section L of the redelegation of authority to Regional Administrators et al. with respect to Housing Management published at 35 FR 16105, October 14, 1970, as amended, is revised to read:

SEC. L. *Additional authority redelegated to Insuring Office Officials.*

1. Each Insuring Office Director and Deputy Insuring Office Director in the offices listed below is authorized to exercise the power and authority of the Secretary of Housing and Urban Development for housing assisted under the U.S. Housing Act of 1937 (42 U.S.C. 1401, et seq.), including amendments under the Housing and Community Development Act of 1974 (42 U.S.C. 1437 et seq.).

Anchorage, Alaska	Albany, N.Y.
Honolulu, Hawaii	Providence, R.I.
Des Moines, Iowa	Salt Lake City, Utah
Topeka, Kans.	Boise, Idaho
Helena, Mont.	

The authority redelegated above includes the power and authority under sections 1(1) and 1(2) of Executive Order 11196, except the authority to:

a. Determine that there is a substantial breach or default and invoke any remedy on behalf of the Federal Government upon default or breach by a local housing authority in respect to the terms, covenants, or conditions of an annual contributions contract.

b. Terminate annual contributions contracts when the decision to terminate is made by the Federal Government.

c. Waive the provisions of annual contributions contracts: Provided, That each Insuring Office Director and Deputy Insuring Office Director is authorized to waive provisions with respect to the following:

i. Employment of a former local housing authority Commissioner.

ii. Frequency of reexamination of tenants to permit a local housing authority to change its established reexamination schedule.

iii. Approval of the use of force account for modernization programs.

iv. Approval of construction and equipment contracts for modernization exceeding $5,000, but not exceeding $50,000.

2. Each Director of Housing Management in the above listed Insuring Offices is authorized to exercise the powers and authorities redelegated to Directors of Housing Management in Area Offices in section D. (Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date: This amendment to redelegation of authority is effective on June 7, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing Management.

[FR Doc.76-16408 Filed 6-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

DOW CHEMICAL CO.

[CGD 76-097]

Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), The Dow Chemical Company of 2030 Dow Center, Midland, Michigan 48640, incorporated under the laws of the State of Delaware, did on 21 May 1976 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are resident of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on 21 May 1976, issued to The Dow Chemical Company a certificate of compliance on form CG-1262, as provided in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: June 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-16385 Filed 6-4-76;8:45 am]

Federal Aviation Administration

FLIGHT SERVICE STATION

Notice of Relocation

Notice is hereby given that on or about August 1, 1976, the Flight Service Station presently located at 19851 Five Points Road, Cleveland, Ohio 44135, will be moving to the Federal Facilities Building, Cleveland Hopkins International Airport, Cleveland, Ohio 44135.

Issued in Des Plaines, Illinois on May 19, 1976.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-16247 Filed 6-4-76;8:45 am]

Federal Highway Administration

BAYONNE BRIDGE, GEORGE WASHINGTON BRIDGE, GOETHALS BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Establishment of Public Docket No. 76-9 in New York City

The Federal Highway Administration has established the Public Docket for the submission of all written documents required to be served on parties in the above-styled matter. Parties are required to serve the Public Docket as well as the Administrative Law Judge and all other parties. Previous documents that have been served by parties will be filed in the Public Docket by the Federal Highway Administration as Public Counsel. In the future all documents concerning the above-styled matter will refer to the Public Docket by number. Do not fail to indicate the Public Docket number on the exterior of the mailed envelope when making service. This will help the office of the Regional Representative to easily identify and promptly file all documents received by that office.

All documents on file will be available for public inspection during normal office hours from 9:00-4:30. Address all such documents for service to:

Mr. Bayard S. Forster, Regional Representative of the Secretary, Department of Transportation, 26 Federal Plaza, Room 2339, New York, New York 10007, Attention: Public Docket No. 76-9.

Dated: May 28, 1976.

JOHN E. FAULK,
Administrative Law Judge.

[FR Doc.76-16329 Filed 6-4-76;8:45 am]

[Docket No. 76-9]

BAYONNE BRIDGE, GEORGE WASHINGTON BRIDGE, GOETHALS BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Notice

Certain inquiries have been made to the Administrative Law Judge and the Public Counsel as to the necessity of filing Petitions for Leave to Intervene of those who desire to submit only Statements of Positions.

Those who do not intend to submit written testimony or exhibits or conduct

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cross examination but desire only to make their positions known should not file Petitions for Leave to Intervene. These persons will be given an opportunity to submit Statements of Position and give such orally at the beginning of the public hearing in New York City on August 9, 1976. While these may be given orally at the beginning of the hearing, sufficient copies should be brought to the public hearing on August 9, 1976, so they may be distributed and received in the public docket. Statements of Positions will not be considered evidence and will not be subject to cross examination.

All are reminded that if evidence is to be introduced or cross examination conducted, then Petitions for Leave to Intervene must be submitted. In this connection, the date for the filing of Petitions for Leave to Intervene is extended from June 1 to June 15, 1976.

JOHN E. FAULK,
Administrative Law Judge.

MAY 28, 1976.

[FR Doc.76-16330 Filed 6-4-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

"OKLAHOMA INDIANS"

Congressional Seminar

The American Indian Policy Review Commission will hold the fourteenth in its series of Congressional Seminars on Friday, June 18, 1976 from 10:00 am until 12:30 noon in the Rayburn House Office Building, Room B-308.

This seminar will feature a panel discussion on the differences of Oklahoma Indians by members of Task Force #1 on the Federal-Indian Relationship, Task Force #2 on Tribal Government, Task Force #4 on Federal, State and Tribal Jurisdiction and Task Force #9 on Indian Law Revision and Codification. Pete Taylor, Chairman of Task Force #9 will serve as moderator.

The purpose of the seminar series is to alert Congressional members and their legislative aides to the major Indian issues of importance. Each seminar takes the form of a panel discussion conducted by Commission specialists on particular areas of Indian affairs and will be followed by a question and answer period.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

Persons desiring further information should call Grace Thorpe, Coordinator at 202-225-1284 or write to her at the American Indian Policy Review Commission, HOB #2, Second and D Streets, SW, Washington, D.C. 20515.

Dated: May 28, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-16328 Filed 6-4-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28583, Agreement CAB 5044-A187; Order 76-5-111]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Approving Agreement

Correction

In FR Doc. 76-15974, appearing at page 22295, in the issue for Wednesday, June 2, 1976, the phrase "Issued under delegated authority May 21, 1976.", should appear as the first paragraph.

[Order 76-6-9; Docket 29349]

CF AIR FREIGHT, INC.

Increased C.O.D. Minimum Charge; Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of June, 1976.

By tariff revision[1] issued May 6 and and marked to become effective June 7, 1976, CF Air Freight, Inc. (CF), an air freight forwarder, proposes to increase its C.O.D. collection service minimum charge from $2.00 to $5.00 per shipment.

In support of its proposal, CF asserts, *inter alia*, that the proposed increase will meet, more nearly, the costs of providing the service, and that, if the charge had been in effect during the first quarter of 1976, revenues would have been increased by $1,675 to a level of $5,655 and losses on this traffic would have been avoided.

On the basis of first quarter 1976 operations, the forwarder estimates that the expenses for performing C.O.D. services, consisting of employees' time, labor and material for drafts issued, communication costs, and an allowance for bad debts, amounted to about $4,961 for 900 shipments or $5.51 per collection. CF does not indicate, however, how the foregoing estimates were reached, nor does it describe any surveys upon which they might be based.

Furthermore, CF's proposal would result in C.O.D. minimum charges significantly above those currently in effect for other freight forwarders, as well as direct carriers. Domestically the direct carriers, with one exception, have a minimum charge of $1.00 while air freight forwarders typically have minimums between $2.00 and $4.00.

Upon consideration of the foregoing and all other relevant factors, the Board finds that the increased minimum charge proposed by CF may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 40(C) on 5th Revised Page 6 of C.A.B. No. 1 issued by CF Air Freight, Inc., and rules, regulations, or practices affecting such charges and provisions, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejuricial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, Rule No. 40(C) on 5th Revised Page 6 of C.A.B. No. 1 issued by CF Air Freight, Inc., is suspended and its use deferred to and including September 4, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 29349, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon CF Air Freight, Inc., which is hereby made a party to Docket 29349.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-16407 Filed 6-4-76;8:45 am]

[Docket 27813, Agreement C.A.B. 25754; Order 76-6-7]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of June, 1976.

By Order 76-4-175, April 30, 1976, the Board acted on an agreement among the carrier members of the International Air Transport Association (IATA) to establish North Atlantic passenger fares from May 1 through October 31, 1976. In that order the Board approved fares for service by Concorde supersonic aircraft. The Citizens League Against the Sonic Boom and Charles Gessner (League) have petitioned the Board for reconsideration of that decision.

In support of the petition, the League indicates that notwithstanding their participation in the proceeding and the Board's promises to forward its decision to them, they have yet to receive the ruling and order by which approval of the Concorde fares was presumably given. Accordingly, they allege that they are under a substantial handicap in trying to frame a petition for reconsideration. Petitioner assumes that none of the points raised by it and by the Environmental Defense Fund concerning Concorde fares were heeded by the Board, and accordingly reiterates and incorporates by reference all of the points previously set forth in the Docket. On this basis, the League urges the Board to rescind its approval of Concorde fares and to impose a higher surcharge. Petitioner also excepts to the Board's failure to prepare an environmental impact statement.

The records of the Board's Docket Section show that petitioners' counsel appears on the service list for the instant docket, and that Order 76-4-175 was served upon all parties on the service list. The order was served in accordance with usual Board mailing procedures. We fail to understand why neither of the two mailings was received at the offices of the petitioners' attorneys. Further, in passing on the proposed Concorde fares, the Board considered the complaints and comments of all the various parties and adequately disposed of the issues raised. Nothing new has been submitted by the League; therefore, the petition for reconsideration will be denied.

Accordingly, *it is ordered*, That:

The petition of the Citizens League against the Sonic Boom and Charles Gessner, for reconsideration of Order 76-4-175 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-16406 Filed 6-4-76;8:45 am]

[1] Revision to tariff C.A.B. No. 1, issued by CF Air Freight, Inc.

[Dockets 28683, 28684, 28685; Order 76-5-129]

NORTHWEST AIRLINES, INC.

Transpacific Cargo Rates; Order Denying Petition for Reconsideration

Correction

In FR Doc. 76-15855, appearing on page 22123, in the issue for Tuesday, June 1, 1976, the line "on the 26th day of May, 1976", should be inserted after the second line of the first paragraph.

[Docket 28970]

TRANS WORLD AIRLINES, INC.

Enforcement Proceedings; Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in this proceeding, now scheduled to be held on June 3, 1976 (41 F.R. 21401, May 25, 1976), is hereby postponed to June 9, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., June 1, 1976.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc.76-16405 Filed 6-4-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. and end at 5:00 p.m. on June 30, 1976, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Rm. 1639, New York, New York 10007.

The purpose of this meeting is to discuss follow-up steps to religious and lay leaders conference.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-16632 Filed 6-4-76;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m. on June 24, 1976, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Rm. 1639, New York, New York 10007.

The purpose of this meeting is to discuss current SAC projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-16631 Filed 6-4-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition Number CP 75-10]

BLOWGUNS

Notice of Denial of Petition

In this notice the Consumer Product Safety Commission announces its denial of a petition to place safety standards upon the sale and use of blowguns.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

On December 6, 1974, U.S. Representative Edwin B. Forsythe of New Jersey petitioned the Commission to set firm controls on the sale and use of blowguns pursuant to Sections 7 and 10 of the Consumer Product Safety Act. Representative Forsythe's main concern is that darts propelled from a blowgun can cause penetration wounds which have the potential of being lethal. The petitioner's concern is based primarily on the advertising of the one known blowgun manufacturer which states that upon request it will provide information on how to make poison darts.

Representative Forsythe obtained the instructions. He indicates in his petition that two of the methods for making poison are very simple. He is further concerned that blowguns could be purchased by mail by children without their parents' knowledge. Finally, Representative Forsythe believes that certain statements contained in blowgun endorsement letters illustrate potential and actual hazardous uses of blowguns which could encourage foolish or sadistic use by juveniles. Copies of these letters are enclosed in the shipment orders by the manufacturer identified in the petition.

The Commission's study of the relevant injury data does not indicate a sufficient risk of serious injury to warrant regulation at this time. A review of the National Electronic Injury Surveillance System and the Commission's Accidental Injury Investigation Reports showed one case of injury associated with blowguns. A fifteen year old male inhaled a dart from a small toy blowgun. The dart lodged in the upper right lobe of the victim's lung and was removed in a hospital emergency room without recourse to surgery.

In addition to an injury by inhalation or ingestion, injury can occur when a second party is struck by a dart. In the latter case, the potential for injury would depend on the area of the body struck and the physical properties of the propelled dart. Engineering analysis indicates that a person struck by a dart could sustain a potentially serious injury.

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A Commission field investigation in March 1975, located only one firm currently offering blowguns for sale. It was the same manufacturer identified by the petitioner. The Commission investigation report indicated that this firm is being phased out of business. Raw materials were last ordered in May, 1974, and advertising was discontinued at that time. Depletion of the current inventory of fewer than 800 blowguns will complete the phase-out of this business.

After reviewing the relevant data, the Commission finds that there is insufficient evidence to conclude that blowguns present a degree of risk warranting regulation by the Commission under any of the acts it administers. The Commission therefore denies this petition requesting regulation of the sale and use of blowguns. The sole manufacturer is no longer producing or advertising blowguns and his existing inventory is labeled to the effect that the product is not a toy and caution should be exercised.

However, the Commission believes that voluntary action on the part of the manufacturer as well as information and education efforts directed at consumers could reduce the likelihood of any further use and abuse of blowguns, especially by children.

Therefore, the Commission has solicited voluntary action by encouraging the known producer to take additional steps to avoid sales to juveniles, and to develop and provide consumers with safety instructions for the use of blowguns. The producer has also been requested to review his literature and testimonials to eliminate suggestions which might encourage unsafe practices. Finally, the producer has been encouraged to investigate the possibility of modifying the blowgun mouthpiece to prevent possible inhalation or ingestion of a dart.

In addition, the Commission's Voluntary Standards Division will contact appropriate industry organizations to alert them to our concerns. This should assure early Commission awareness of any plans by other manufacturers to produce blowguns.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumers Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207.

Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the petition.

Dated: June 1, 1976.

SAYDE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-16300 Filed 6-4-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENT

Availability

Environmental impact statements received by the Council on Environmental Quality from May 24 through May 28, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (July 19, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Bienville National Forest Timber Management Plan, several counties in Mississippi, May 24: Proposed is the implementation of a new 10-year Timber Management Plan for the Bienville National Forest, effective 1 October 1976. The Bienville National Forest contains 177,073 acres of National Forest land in Jasper, Newton, Scott, and Smith Counties, Mississippi. The plan proposes even-aged forest management for that part of the forest which is suitable for sustained yield timber production and not reserved for some other use. Environmental impacts will result from timber harvesting and other timber management activities, road construction and reconstruction, prescribed burning, and use of pesticides. (ELR Order No. 60770.)

Wenatchee National Forest Off-Road Vehicle Policy, Chelan, Kittitas, and Yakima Counties Wash., May 28: Proposed is the development of regulations governing the use of off-road vehicles (ORV) on the Wenatchee National Forest, Washington State. Five alternatives of off road vehicle management have been developed as a result of public meetings and an analysis of public response. The proposed alternatives will affect National Forest land by allowing off road use, in varying degrees, on Forest lands. At the present ORV use is allowed unless otherwise posted. (ELR Order No. 60795.)

Final

Basin Planning Unit, Deerlodge National Forest, Jefferson County, Mont., May 28: The multiple-use plan for the 57,100 acre Basin Planning Unit provides for 2200 acres of inventoried roadless area, 4800 acres in big game summer range, 5500 acres managed to maintain or improve watershed values, 4500 acres managed to prevent exposure of soil, and 40,700 acres managed in various combinations for timber, recreation, livestock, wildlife, mineral, and aesthetics. Unfavorable impacts include alteration of the landscape and disturbance of soil, water, and wildlife values. Comments made by: DOI, DOT, EPA, State agencies, and concerned individuals. (ELR Order No. 60797.)

Central Nevada Unit, Toiyabe National Forest, several counties in Nevada, May 25: This action involves the consideration of alternatives and the selection of a land use plan that would determine the broad management direction for National forest system lands in Central Nevada. Considerations in the plan include allocation of lands, coordination, and mitigation of such uses as domestic livestock grazing, wildlife habitat, protection of endangered and threatened wildlife species, wilderness use, off-road vehicle restrictions, recreation areas, and watershed protection. The basic resources of the land are protected, while providing useful products and services. Comments made by: EPA, DOI, HEW, AHP, DOT, USDA, interested groups, and individuals. (ELR Order Number 60780.)

Mount Butler Dry Creek Planning Unit, Siskiyou National Forest, Curry County, Oreg., May 24: The proposed action consists of a land use plan for management of a largely roadless, 22,100 acre Planning Unit on the Siskiyou National Forest. The plan recommends land allocations to sustain a high level of timber harvest, develop the Unit's recreation protential, and protect reources. The opportunity for future statutory wilderness designation for the roadless areas in the Unit will eventually be pre-empted by implementation of the plan, and suitable habitat for the northern spotted owl, a bird on the state threatened list, will be reduced by approximately 60%. Comments made by: EPA, DOI, HUD, COE, DOC, State and local agencies, interested groups, and individuals. (ELR Order No. 60777.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Missouri Basin Power Project, Platte Co., Platte County, Wyo, May 28: This action involves an application for loan guarantees to finance a portion of the Missouri Basin Power Project (Wheatland Generating Station, extensive transmission facilities, and Grayrock Reservoir). The plant and reservoir will be located in Platte County, Wyoming. Adverse effects include the release of some oxides of sulphur and nitrogen along with a small amount of particulate matter. There will also be flow changes in the Laramie River, which will affect the North Platte River. Comments made by: USDA, EPA, DOI, DOT, COE, FPC, AHP, State and local agencies. (ELR Order No. 60800.)

SOIL CONSERVATION SERVICE

Draft

Upper Choptank River Watershed, Delaware and Maryland, May 24: Proposed is the implementation of a watershed protection, flood prevention, and drainage project located in Queen Anne and Caroline Counties, Maryland, and Kent County, Delaware. The project will consist of land treatment measures of 45,636 acres and 280 miles of multiple-purpose channel work. Adverse effects include the reduction of wildlife habitat values by 10% and recreational hunting resources from good quality to average quality. (ELR Order No. 60764.)

Final

Cane Creek Improvement Area, Putnam County, Tenn., May 24: Proposed is a project measure for watershed protection, flood prevention, and public water-based recreation on Cane Creek, Putnam County, Tennessee. This measure is a unit of the Tennessee Hull-York Lakeland Project. Adverse impacts of project implementation include the loss of 35 acres of woodland, 16 acres of grassland, and 5 acres of idle land from current uses due to inundation. Two families will be forced to relocate. Comments made by: USA, HEW, EPA, TVA, USDA, USCG, and DOI. (ELR Order No. 60769.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Final

Waimanu Valley Estuarine Sanctuary Hawaii County, Hawaii, May 28: Proposed is the awarding of a grant to the State of Hawaii to acquire, develop, and operate an estuarine sanctuary in Waimann Valley. A total of 347 acres of valley bottom land will be acquired to complete state ownership of the 3680 acre area. The acquisition and operation of the estuarine sanctuary would primarily serve to preserve the area and further research interests. Negative impacts are primarily economic including loss of water, mineral, and timber development rights. Comments made by: AHP, DOC, COE, GSA, EPA, and DOI. (ELR Order No. 60792.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Warm Springs Dam and Lake Sonoma Project (2), Sonoma County, Calif., May 24: This statement is a supplement to a final EIS filed with CEQ December 10, 1973. The action involved is the same as that described in the final statement except for the addition of a program for the mitigation and interpretation of cultural resources. The project will also include recreational facilities, a fish hatchery, and channel improvements on Dry Creek. A total of 16,966 acres of land will be acquired. Adverse effects include loss of productive land and loss of fish and wildlife habitat. (San Francisco District.) (ELR Order No. 60765.)

East Bend Station, Units 1 and 2 (Permit), Boone County, Ky., May 25: The proposed action is the issuance of a permit which would allow the construction and operation of a 1,200 megawatt coal-fired electric generation facility by the Cincinnati Gas and Electric Company. The project will involve approximately 938 acres of mostly agricultural private land. Wildlife habitat will be lost with resulting reduction in local wildlife populations. Nine families have already been relocated. Winnfield Cottage at Platt's Landing, an historical property will be subject to visual, audible, and atmospheric elements that are out of character for the site. An increase in barge traffic would also affect recreational boating. (Louisville District.) (ELR Order No. 60781.)

Grays Harbor Widening and Deepening, Grays Harbor County, Wash., May 27: The proposed action consists of widening and deepening the existing authorized navigation channel at Grays Harbor, Washington. The action involves dredging and disposal of approximately 19.3 million cubic yards of initial dredged material. Adverse effects include the killing of organisms residing in the channel trough. Habitat and organisms contiguous to the channel and disposal sites are presumably affected by the immediate change in the local environment. (Seattle District.) (ELR Order No. 60790.)

Final

Rathbun Dam and Lake, Operation and Maintenance, several counties in Iowa, May 24: The statement concerns the continued operation and maintenance of Rathbun Lake, located in portions of Appanoose, Wayne, Lucas, and Monroe Counties, Iowa. The plan consists of water control regulation, operation and maintenance of recreation areas, and management of project land and water resources. Shoreline erosions, disruption of recreation use, and damage to project roads and recreation area result from the fluctuations related to flood control operations. (Kansas City District.) Comments made by: USDA, DOC, HEW, HUD, DOT, DOI, EPA, MRBC, AHP, State, and local agencies. (ELR Order No. 60776.)

Joe Creek Local Protection Project, Tulsa, Tulsa County, Okla., May 24: Proposed is the construction of a local flood protection project in Tulsa, Oklahoma, consisting of about 11,500 feet of channel widening and straightening, and replacement or modification of bridges. Joe Creek and the associated flora and fauna in the area will be changed by construction. The project will require 52 acres of permanent easement and additional 25 acres of temporary easement during construction. One family will be displaced. (Tulsa District.) Comments made by: DOI, HUD, EPA, DOT, HEW, USDA, AHP, State agencies, and interested groups. (ELR Order No. 60771.)

Supplement

Days Creek Lake Project, Umpqua River Basin (Supplement), Douglas County, Oreg., May 25: The proposal is for the construction of a dam on South Umpqua River near the town of Days Creek. The resulting reservoir would have 480,000 acre-feet of storage for multiple uses. This supplement includes consideration of power generating facilities which were not included in the 6 October 1972 final EIS. Adverse impacts of the project include the flooding of 4,340 acres and 30 miles of free-flowing stream One hundred thirty families and the Milo Academy Boarding High School would be displaced. The socio-economic character of the area would change. (Portland District.) (ELR Order No. 60782.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington D.C. 20460, 202-755-0780 (stop 460).

Final

Central Kitsap Co. Wastewater Facilities, Kitsap County, Wash., May 28: The statement concerns the awarding of grant funds to Kitsap County for the construction of interceptor sewer lines, wastewater treatment facility, and wastewater disposal facility to service drainage sub-basin 9 and 10 and the Trident Support Site. Construction of a wastewater treatment facility would have significant adverse aesthetic impacts for half of the alternatives, due to high visibility on a desirable shoreline or the residential character of the neighborhood. Significant increases in property taxes will result from the construction and operation of the system (60798).

FEDERAL POWER COMMISSION

Contract: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-275-4791.

Draft

Pacific-Indonesia Project, LNG Terminal (Oxnard), California, May 27: Proposed is the granting of authorization to the Pacific Indonesia LNG Company to import liquified natural gas (LNG) from the Republic of Indonesia to a terminal to be constructed at Oxnard, California, and certification to sell the imported natural gas to Southern California Gas Company in revaporized form. Western LNG Terminal Company has concurrently filed an application seeking certification to construct certain facilities necessary to unload, store, revaporize, and transport the LNG. Environmental impact would occur with respect to effects on land use, vegetation, soils, wildlife, and water and air quality. (ELR Order No. 60789.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Woodmere Subdivision, Marrero, Jefferson County, La., May 26: The statement concerns the mortgage insurance application for the Woodmere Subdivision located near the City of Marrero on the west side of the Mississippi River. The primary adverse environmental impact would be the destruction of the existing character of 856 acres of woodlands, swamps, and marshes and the elimination of the existing vegetative cover with its associated wildlife populations. Other impacts include increased energy use, increased solids and liquid waste collection and disposal loads, reduced air quality, and inducement of growth in surrounding areas with its accompanying adverse effects. (ELR Order No. 60786.)

Final

Proposed Lead Based Paint Regulations, May 24: The proposed regulations require the inspection for and elimination of immediate lead based paint hazards in all residential structures which are HUD-owned or financially assisted when such structures are being constructed, sold, purchased, leased, rehabilitated (including routine maintenance), modernized or improved. The regulations also require that purchasers and tenants of all such housing constructed prior to 1950 receive notification that such housing may contain lead based paint as well as information regarding its potential hazard, symptoms of lead poisoning and precautions to be taken. Comments made by: DOC, HEW, HUD, and USDA. (ELR Order No. 60772.)

Hunters Point Redevelopment (Phases II and III), San Francisco, County, Calif., May 24: Proposed is the construction of approximately 600 units of multifamily housing units to be added with Section 8 Housing Assistance Payments in Phase II and some 600 units of multifamily market-rate housing units in Phase III of an on-going urban renewal area, San Francisco, California. No adverse environmental effects are anticipated aside from those normally associated with construction such as noise and dust. Comments made by: AHP, HEW, VA, COE, DOT, and FPC. (ELR Order No. 60778.)

Section 104(h)

Draft

Alsen-St. Irma Lee Area Sewage Facilities, East Baton Rouge County, La., May 26: The purpose of the proposed project is to provide the Alsen-St. Irma Lee Area with a suitable method of collection and disposal of domestic waste. The proposed treatment facility will be of the Extended Aeration form of treatment. Initial construction is intended to provide treatment through the design year 1986, accommodating a projected population of 3500. No adverse long-term effects are anticipated (ELR Order No. 60794.)

Final

Stewartville Community Public Water System, Coosa and Talladega Counties, Ala., May 26: The proposed project involves the construction of a public water system in Stewartville, a rural community in central Alabama which presently has no public water system. The water lines would be installed along state and county highway rights-of-way. Installation of the water system would have no reasonably forseeable, long-range adverse environmental effects. Comments made by: EPA, HEW, USDA, and State agencies. (ELR Order No. 60785.)

Thomasville Water Works Improvements, Clarke County, Ala., May 27: The proposed project consists of developing a municipal water supply for the City of Thomasville, Alabama. In general, the project consists of a 12 inch water main connecting the Thomasville system to the Pine Hill system. The water main will be laid along Alabama Highway 5 in the general area from Thomasville to

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Sunny South. The project will be constructed in two phases, each complete but complimentary to the other step in the planned construction process. Adverse impacts anticipated are an increase in water costs for Thomasville, and the short term unavoidable impact of construction. Comments made by: DOI, EPA, and State agencies. (ELR Order No. 60791.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

OCS Sale No. 40, Mid-Atlantic States, New Jersey and Delaware, May 26: The statement concerns the leasing of 154 tracts (876,750 acres) of Outer Continental Shelf lands. The tracts are located offshore New Jersey and Delaware 54 to 104.5 miles from shore. All tracts offered pose some degree of pollution risk to the environment due to accidental or chronic oil spillage. Socioeconomic effects from onshore development may cause local problems. Comments made by: DOC, USCG, COE, ERDA, NRC, FEA, EPA, NASA, DOI, and State agencies. (ELR Order No. 60788.)

BUREAU OF RECLAMATION

Draft

Orme Dam and Reservoir, Central Arizona Project, Arizona and New Mexico, May 24: This statement describes the environmental impacts associated with constructing a dam and reservior to provide regulatory storage for the Central Arizona Project aqueduct operations and flood control for downstream areas along the Salt and Gila Rivers. Major facilities include the dam, its appurtenant outlet works, spillway, reservior, powerplant, transmission lines, road relocations, and a reversible-flow canal with an in-line pump generation plant, which connects the reservoir to the aqueduct system. Adverse effects include the acquisition of 25,655 acres and the relocation of about 279 residents of the Fort McDowell Indian Community. (ELR Order No. 60774.)

Final

Sugar Pine Dam, Reservoir and Conduit, Placer County, Calif., May 26: Proposed is the construction of Sugar Pine Dam Reservoir, and conduit for the purpose of providing a water supply to the area served by the Foresthill Public Utility District. Water will be conveyed by an 8-mile pipeline from the 160-acre lake to a 40-acre-foot regulating reservoir. Construction of the 173-foot dam will convert 2 miles of trout stream to a 7,000 acre-foot lake. The reservoir will flood the wildlife habitat of 24 resident deer and numbers of smaller animals. Comments made by: DOI, AHP, COE, HEW, USDA, EPA, State agencies, and concerned individuals. (ELR Order No. 60787.)

NATIONAL PARK SERVICE

Final

Mammoth Cave National Park, Master Plan, Kentucky, May 24: The statement refers to a proposed master plan for the Mammoth Cave National Park. Among the aspects of the plan are: the construction of a new staging area for visitor parking, the development of an orientation facility, the bridging of the Green River, the construction of a cross-park road in order to make the scenic hilly country more accessible, and the restoration of a natural flow of water to the cave system on Flint Ridge. Overnight accommodations at the park would be phased out. Comments made by: DOI, USDA, COE, EPA, AHP, and one State agency. (ELR Order No. 60775.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Elizabethtown-Hardin County Airport, Hardin County, Ky., May 28: The statement refers to the proposed construction of a new general aviation airport serving the Elizabethtown-Hardin County area. The project consists of acquisition of 620 acres of land, construction of a runway, installation of lighting, and construction of a taxiway, apron and airport entrance road. Adverse impacts include the loss of 620 acres, the destruction of 5 ponds, increased air and noise pollution, and the displacement of an unspecified number of families. Comments made by: EPA, DOI, USDA, and State agencies. (ELR Order No. 60799.)

Gaines County Airport, Texas, Gaines County, Tex., May 24: Proposed is the acquisition of 400 acres of land for the construction of an airport 2 miles south of the city limits of Seminole. The plan includes construction of two runways, connecting taxiways, and apron, and lighting. Increased air pollution will result. Comments made by: EPA, HEW, DOT, DOI, DOC, COE, and State agencies. (ELR Order No. 60779.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Inter-City Route, Odessa to Midland, Ector and Midland Counties, Tex., May 24: The proposed action will provide for a 4-lane freeway-type inter-city route between Odessa and Midland. The project will extend from near the junction of Parkway Boulevard and Spur 492 in Odessa, northeasterly approximately 14 miles to SH 158 and FM 1369 in Midland. Adverse impacts of the project include the displacement of one family and six businesses, the conversion of pastureland to paved roadways, and increased pollution and noise along the right-of-way. (Region 6.) (ELR Order No. 60766.)

Midland North Arterial Loop, Midland County, Tex., May 24: The proposed action will provide for a 4-lane, divided north arterial loop around the City of Midland's urbanized area. The project will extend from the junction of FM 1369 and I-20 west of Midland, north, east and south approximately 17 miles to I-20 east of Midland. Adverse impacts include displacement of families and businesses, increased air and noise pollution, and conversion of pastureland to highway use. (Region 6.) (ELR Order No. 60767.)

U.S. 287 and U.S. 84, Anderson Co., Anderson County, Tex., May 24: Proposed are improvements on two numbered highway routes within the City of Palestine, Texas. The U.S. 287 portion begins at the intersection of present U.S. 287 with U.S. 79, then proceeds 0.38 mile in a southeasterly direction on proposed new location to intersect with U.S. 84, (Oak St.), approximately midway between Cottage and Debard Streets. The U.S. 84 portion of the route begins at this point and proceeds in an easterly direction to the end of the project at Branberry Street, a distance of 0.68 mile. The relocation of some families and businesses will be required. (Region 6.) (ELR Order No. 60773.)

SR 14, Kennewick Vicinity, Benton County, Wash., May 26: The project consists of the construction of an additional two lanes of SR 14 for a 4.8 mile length in Kennewick, Washington. Adverse impacts resulting from the construction will include the use of 2 acres of land for additional rights-of-way, the loss of 15 acres of wildlife habitat, increased traffic in the area, and increase in noise and air pollution during construction. (Region 10.) (ELR Order No. 60784.)

Final

St. Joe River Road (Forest Route 50), Benewah and Shoshone Counties, Idaho, May 24: The proposed improvement entails the reconstruction, on essentially the existing alignment, of Idaho Forest Highway Route 50 between Calder and Avery, Idaho, a distance of approximately 23 miles. Approximately 400 acres of land will be required for right-of-way, and of this acreage, 70 acres will be permanently committed to be used for highway pavement. Comments made by: DOI, USDA, HUD, EPA, COE, State, and local agencies. (ELR Order No. 60768.)

Sterling Avenue, FAU Route 8399, Peoria County, Ill., May 28: Proposed is the improvement of 1.8 miles of Sterling Avenue (FAU Route 8399) in the City of Peoria. A four-lane facility with an 18-foot grass median will be constructed to replace the existing two-lane roadway. The noise level will increase in the project area. Comments made by: COE, HUD, DOI, DOT, EPA, State, and local agencies. (ELR Order No. 60796.)

Appalachian Corridor D, Albany thru Athens, Athens County, Ohio, May 25: Proposed is the construction of three segments of highways within "Corridor D" of the Appalachian Development Highway System. The work consists of constructing 5.9 miles of 4-lane, limited access US 50, 2.1 miles of 4-lane freeway US 33 including 2½ interchanges, and 0.55 mile of 4-lane freeway SR 682. The improvements will result in increased air pollution in several areas adjacent to the roadways and the acquisition of 106 residential properties and 14 businesses. A 4(f) statement is included in relation to a softball field and 7.6 acres of Margaret Creek Conservancy District. Comments made by: DOI, EPA, HUD, USDA, State, and local agencies. (ELR Order No. 60783.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

South Quincy Area Transit Station, Massachusetts, May 28: Proposed is the construction of the South Quincy area rapid transit station that would improve accessibility to South Shore residents into the city of Boston. Plans for the station include provisions for feeder bus and local bus access, "kiss and ride" dropoff, and pedestrian access. The project would require the use of 3.6 acres of wetlands out of a total 20.6 acres. The parking garage will cause a visual impact from the residential area. Comments made by: DOT, HUD, DOI, EPA, USDA, TREA, and State agencies. (ELR Order No. 60793).

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-16290 Filed 6-4-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 555-3]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Additional Delegation of Authority to State of Washington

On February 28, 1975, the Regional Administrator of EPA, Region X, delegated to the State of Washington the authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for asbestos, beryllium and mercury as the standards for these three pollutants were promulgated by EPA prior to June 1, 1974. A notice announcing the delegation was published on April 1, 1975 (40 FR 14632).

In addition, notices announcing EPA concurrence of the State's subdelegation of the NESHAPS' program to six local agencies were published on December 18, 1975 (40 FR 58616) and January 29, 1976 (41 FR 4264).

On February 26, 1976 the Director of the State of Washington Department of Ecology requested that EPA extend the delegation to include amendments to the standards for asbestos and mercury promulgated on October 14, 1975. The State indicated that it would, in turn, sub-delegate authority to enforce the amendments to those local agencies who had previously been delegated the NESHAPS program by the State.

On March 23, the Regional Administrator delegated to the State the NESHAPS program as it was promulgated by EPA as of March 1, 1976.

The letter of delegation follows:

MR. JOHN A. BIGGS, *Director, State of Washington, Olympia, Washington 98504. Department of Ecology.*

DEAR MR. BIGGS: On February 26, 1976, you requested that EPA extend the delegation of authority to enforce the program for National Emission Standards for Hazardous Air Pollutants (NESHAPS) granted to the State of Washington on February 28, 1975. We have reviewed your request and hereby delegate to you the authority to enforce the program of emission standards for asbestos, beryllium, beryllium rocket motor firing and mercury as the standards were promulgated by EPA as of March 1, 1976. This delegation is subject to the conditions outlined in our letter of delegation dated February 28, 1975.

We also concur at this time with DOE's sub-delegation of the authority to enforce the recent amendments to the NESHAPS program to the local agencies listed in our letters of concurrence dated October 15 and December 5, 1975.

We would appreciate receiving a copy of the final regulation, WAC 18-04-075, to be adopted at the April 6, 1976 public hearing. However, unless substantive changes are made to the regulation at the hearing, no further request for delegation is necessary.

Sincerely yours,

CLIFFORD V. SMITH, JR., PH.D., P.E.
Regional Administrator.

Section 112 of the Clean Air Act, as amended. (42 U.S.C. 1857c-7).

Dated: May 27, 1976.

L. EDWIN COATE,
Acting Regional Administrator.

[FR Doc.76-16296 Filed 6-4-76;8:45 am]

[FRL 555-1]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given of a public meeting to be held by the Effluent Standards and Water Quality Information Advisory Committee established pursuant to Sec. 515 of the Federal Water Pollution Control Act, as amended ("the Act"), 33 U.S.C. 1375, PL 92-500.

The meeting will be conducted in the Washington, D.C. area on Tuesday, June 29, 1976. The meeting will begin at 9:30 a.m. and close at 4:30 p.m. in Room 1112, Crystal Mall, Building #2, 1921 Jefferson Davis Highway, Arlington, Va.

The meeting agenda will include the following: Current Developments under PL 92-500; Review of ES&WQIAC Activities; Discussion of ES&WQIAC Reports; and Consideration of Recommendations to the Administrator on Future Committee Functions and Role.

The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write to Dr. Martha Sager, Chairman, or Mr. Martin Brossman, Executive Director, ES&WQIAC, EPA, Crystal Mall Bldg. #2, Washington, D.C. 20460, Telephone: Area Code (703) 557-7390.

Dated: May 28, 1976.

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.76-16299 Filed 6-4-76;8:45 am]

[PP6G1781/T65; FRL 555-6]

CARBARYL

Establishment of a Temporary Tolerance

College of Agriculture, University of Idaho, Moscow ID 83843, has submitted a pesticide petition (PP 6G1781) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide carbaryl, including its hydrolysis product 1-naphtol (calculated as carbaryl) in or on the raw agricultural commodity lentils at 10 parts per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quality authorized by the experimental use permit.

2. College of Agriculture, University of Idaho, must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1977. Residues not in excess of 1 ppm remaining in or on lentils after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: June 1, 1976.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-16298 Filed 6-4-76;8:45 am]

[PP6G1779/T64; FRL 555-5]

PARATHION

Establishment of a Temporary Tolerance

College of Agriculture, University of Idaho, Moscow ID 83843, has submitted a pesticide petition (PP 6G1779) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide parathion in or on the raw agricultural commodity lentils at 1 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. College of Agriculture, University of Idaho, must immediately notify the EPA or any findings from the experimental use that have a bearing on safety. The University must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1977. Residues not in excess of 10 ppm remaining in or on lentils after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be

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revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: June 1, 1976.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-16297 Filed 6-4-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

CLARITY IN FEDERAL REGULATIONS

Legal Drafting Workshop

The Office of the Federal Register will conduct a five-day legal drafting workshop beginning at 10:00 a.m. on Monday, June 21, 1976 and ending on Friday afternoon, June 25, 1976.

The workshop will be held in the Federal Register Conference Room, Room 9409, 9th Floor, 1100 L Street, NW, Washington, DC.

This workshop will be open only to Federal agency personnel who are engaged in drafting documents for publication in the FEDERAL REGISTER.

The workshop will cover the following areas:

1. History of the FEDERAL REGISTER.
2. Relationship of the FEDERAL REGISTER and the Code of Federal Regulations.
3. Introduction to legal drafting.
4. Determining the audience for a regulation.
5. Architecture of legal drafting.
6. Steps in drafting.
7. Substantive clarity.
8. Readability.

Attendees will undertake practical drafting exercises in preambles, proposed rules, and final rules.

The Office of the Federal Register does not interpret specific agency regulations and the workshop will not provide a forum for the discussion of substantive questions regarding specific agency regulations. Rather, the workshop is designed as an introduction to legal drafting problems common to most Federal agencies. Ample time will be provided for writing assignments.

Space is extremely limited and reservations are required. Reservations may be made by calling Bill Short on 202-523-5282.

FRED J. EMERY,
Director,
Office of the Federal Register.

JUNE 3, 1976.

[FR Doc.76-16491 Filed 6-4-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Amendment to Notice of Investigation

A complaint was filed with the United States International Trade Commission on January 15, 1976, on behalf of GTE Sylvania Incorporated and Philco Consumer Electronics Corporation alleging unfair methods of competition and unfair acts in the importation of certain color television receiving sets into the United States, and in their sale, by reason of (1) the existence of predatory pricing schemes resulting in below-cost and unreasonably low-cost pricing of such television sets in the United States, and (2) economic benefits and incentives from the Government of Japan contributing to the below-cost and unreasonably low-cost pricing in the United States. A Notice of Investigation was published in the FEDERAL REGISTER on April 1, 1976 (41 FR 14014). A Motion to Amend Complaint was filed on behalf of the complainants on April 12, 1976, seeking to clarify the allegations above and to make other modifications. Complainants move to clarify their allegations by alleging an unlawful contract, combination, or conspiracy in restraint of trade or commerce in the color television industry in the United States and a combination or conspiracy or attempt to monopolize such trade and commerce, or parts thereof. The Commission received a Recommended Ruling to Conditionally Grant Complainants' Motion to Amend Complaint from the presiding officer in this investigation on May 21, 1976.

Having considered the motion, the United States International Trade Commission on June 1, 1976, *ordered:*

That the complainants' motion be granted, and that investigation No. 337-TA-23 be amended to determine whether, on the basis of the foregoing clarified allegations, there is any violation of section 337 in the importation of color television receiving sets into the United States, or in their sale.

The Commission Memorandum Opinion is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, Washington, D.C. 20436, and in the New York City Office of the Commission, located at 6 World Trade Center.

Issued: June 2, 1976.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.76-16452 Filed 6-4-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on June 25, 1976 from 9:30 a.m.-12:30 p.m. in Room 1127 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on June 25 from 9:30 a.m.-11:30 a.m. on a space available basis. Accommodations are limited.

Interested persons may submit written statements with the committee. During the open session the graphics of the Federal Maritime Commission will be evaluated.

The remaining sessions of this meeting on June 25 from 11:30 a.m.-12:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975, on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFE,
Acting Administrative Officer,
National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-16326 Filed 6-4-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

JUNE 1, 1976.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region Three, on June 24-25, 1976, from 10:00 a.m., to 4:00 p.m., in Room 202 of the General Services Administration Winder Building, 604 17th Street, NW., Washington, D.C. The meeting will be devoted to the review by the Panel of design concepts for the Washington Technical Institute, Phase II Development, Washington, D.C. Frank and open discussion of the design presented by the Architect-Engineer is essential to the performance of a comprehensive evaluation and critique. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5. U.S.C. 552(b)(5), the meeting will not be open to the public.

JOHN F. GALUARDI,
Regional Administrator.

[FR Doc.76-16392 Filed 6-4-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-659]

ALABAMA POWER CO.

Order Accepting for Filing and Suspending Proposed Revised Rate Schedules and Amendments to Interconnection Agreement, Granting Interventions, and Establishing Procedures

MAY 28, 1976.

On April 30, 1976, Alabama Power Company (Alabama) tendered for filing proposed increased rates for wholesale service to 26 municipal and electric cooperative customers served under its FPC Electric Tariff, Original Volume No. 1,[1] and to the Utilities Board of the City of Foley, and changes in its Interconnection Agreement with Alabama Electric Cooperative, Inc., FPC Rate Schedule No. 133. The filing included proposed revised fuel adjustment clauses pursuant to Order No. 517. The proposed changes would increase jurisdictional revenues by $14,473,052 (65.5%) for the 12 months immediately following the proposed effective date of May 31, 1976.

The Commission will suspend the proposed rates for four months and set the matter for hearing.

Alabama states that the proposed increased rates are needed to afford the Company an opportunity to earn a fair and reasonable rate of return on its jurisdictional property and to attract the capital required to support the necessary expansion of its electric plant. Alabama states that: (1) the Company is now barred from selling any additional preferred stock or first mortgage bonds because the coverage ratios are inadequate; (2) in the last year the Company has had to postpone the construction of certain electric facilities due to inadequate earnings; (3) from latter 1974 to mid 1975, the Company was unable to sell senior securities and incurred substantial amounts of short-term borrowings in order to carry its construction effort. The Company must again obtain the ability to sell senior securities if it is to meet commitments under a revolving credit arrangement which terminates in 1978.

Notice of Alabama's filing was issued May 13, 1976, with protests and petitions to intervene due on or before May 27, 1976.

On May 19, 1976, a petition to intervene was filed by 12 municipalities and municipal utilities boards[2] and by Municipal Electric Utility Association of the State of Alabama (collectively, Municipalities concurrently filed a protest and motion to reject Alabama's tariff revisions, or, alternatively, request for a five month suspension and a hearing in the instant docket.

On May 20, 1976, eight distribution cooperatives[3] and Alabama Electric Cooperative, Inc. (AEC), collectively referred to as Cooperatives, filed a petition to intervene, protest, and motion to reject, or, alternatively, motion for a five month suspension period and hearing on Alabama's filing. Alabama on May 24, 1976, responded to the allegations of Municipalities and Cooperatives.

The Commission's review of Alabama's revised fuel adjustment charge indicates that it is in compliance with Section 35.14 of the Commission's Rules and Regulations, as amended by Order No. 517. However, the Commission's review of the rest of Alabama's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept Alabama's proposal for filing and suspend its operation for four months, to become effective October 1, 1976, subject to refund, and shall institute an investigation into the lawfulness of the proposed rate schedules pursuant to the Commission's authority under Section 205 of the Federal Power Act.

The decision to suspend the proposed rates for four months is based on the Commission's review of the Company's filing and the testimony and exhibits tendered in support thereof, on the arguments presented by Municipalities and Cooperatives in their petitions to intervene, and on the counter-arguments advanced by Alabama in response to the intervenors' petitions. Based on such a review, the Commission has exercised its independent judgment in light of its expertise in this area and has concluded that a four month suspension is sufficient to protect the public interest and the interest of any customers in this proceeding. The Commission will therefore deny Municipals' and Cooperatives' request for a five month suspension.

Having reviewed the petitions of Municipals and Cooperatives, the Commission concludes that they have an interest in this proceeding which is sufficient to warrant intervention herein.

Intervenors' petitions raise a number of issues, including alleged violation of the Sierra-Mobile doctrine,[4] which, due to their complexity, will be dealt with in a subsequent Commission order.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission institute a Section 205 investigation and hearing concerning the lawfulness of the proposed rate increase tendered by Alabama in Docket No. ER76-659 and that such rate schedule be accepted for filing and suspended as hereinafter provided.

(2) It is desirable and in the public interest to permit Municipalities and Cooperatives to intervene in the above referenced proceeding, provided that such interventions are conditioned as hereinafter ordered.

The Commission orders. (A) Alabama's filing tendered on April 30, 1976, is hereby accepted for filing and suspended for four months, until October 1, 1976, when it will be permitted to become effective, subject to refund.

(B) Municipalities and Cooperatives are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the subject increased rates.

(D) Alabama shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 26, 1976 (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] See Appendix A for designations.

[2] City of Alexander, City of Dothan, City of Fairhope, The Utilities Board of the City of Foley, City of LaFayette, City of Lanett, City of Luverne, City of Opelika, City of Piedmont, The Utilities Board of the City of Sylacauga, City of Troy, Utilities Board of the City of Tuskegee.

[3] Baldwin County Electric Membership Corporation, Clarke-Washington Electric Membership Corporation, Coosa Valley Electric Cooperative, Inc., Dixie Electric Cooperative, Inc., Pea River Electric Cooperative, Inc., Pioneer Electric Cooperative, Inc., Tallapoosa River Electric Cooperative, Inc., and Wiregrass Electric Cooperative, Inc.

[4] *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service*, 350 U.S. 332 (1956).

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APPENDIX A

ALABAMA POWER COMPANY

Designations	Descriptions
2d revised sheet No. 2 to FPC electric tariff, original vol. No. 1 (supersedes 1st revised sheet No. 2).	Table of contents
Original sheet No. 2A	
2d revised sheet No. 4 (supersedes 1st revised sheet No. 4).	Map.
3d revised sheet No. 5 (supersedes 2d revised sheet No. 5).	Revision No. 2, rate schedule REA–1.
2d revised sheet No. 5A (supersedes 1st revised sheet No. 5A).	Continuation of the above.
4th revised sheet No. 7 (supersedes 3d revised sheet No. 7).	Rate schedule REA–1, fuel adjustment clause.
Original sheet No. 7A	
3d revised sheet No. 8 (supersedes 2d revised sheet No. 8).	Revision No. 2, rate schedule MUN–1.
2d revised sheet No. 8A (supersedes 1st revised sheet No. 8A).	
2nd revised sheet No. 9A (supersedes 1st revised sheet No. 9A).	
4th revised sheet No. 10 (supersedes 3d revised sheet No. 10).	Rate schedule MUN–1, fuel adjustment clause.
Original sheet No. 10A	
2d revised sheet No. 12 (supersedes 1st revised sheet No. 12).	Billing and payment.
1st revised sheet No. 12A (supersedes original sheet No. 12A).	
2d revised sheet No. 17 (supersedes 1st revised sheet No. 17).	Miscellaneous.
2d revised sheet No. 19 (supersedes 1st revised sheet No. 19).	Billing and payment.
1st revised sheet No. 19A (supersedes original sheet No. 19A).	
2d revised sheet No. 23 (supersedes 1st revised sheet No. 23).	
2d revised sheet Nos. 32–33 (supersedes 1st revised sheet No. 32).	Index of Purchasers.
10th revised sheet No. 34 (supersedes 9th revised sheet No. 34).	Continuation.
11th revised sheet No. 35 (supersedes 10th revised sheet No. 35).	Do.
5th revised sheet No. 36 (supersedes 4th revised sheet No. 36).	Do.
10th revised sheet No. 37 (supersedes 9th revised sheet No. 37).	Do.
10th revised sheet No. 38 (supersedes 9th revised sheet Nos. 38–38A).	Do.
7th revised sheet No. 39 (supersedes 6th revised sheet No. 39).	Do.
Supplement No. 3 to rate schedule FPC No. 120 (supersedes supp. No. 2).	Revision No. 2, rate schedule MUN–1.
Rate schedule FPC No. 138 (supersedes rate schedule FPC No. 133, as supplemented).	
Exhibits A, B, C, and D to rate schedule FPC No. 138.	Definitions, estimated maximum, integrated peak-hour demand, explanation of simultaneous capability and map.
Supplement No. 1 to rate schedule FPC No. 138.	Amendment No. 1, dated Feb. 27, 1974.

[FR Doc.76–16336 Filed 6–1–76;3:15 am]

[Docket No. ER76–688]

ALABAMA POWER CO.

Filing of Initial Rate Schedule

MAY 27, 1976.

Take notice that Alabama Power Company on May 17, 1976, tendered for filing a service agreement with the City of Robertsdale, Alabama, designated as an initial rate schedule. The filing is for the proposed City of Robertsdale delivery point to be served under the Company's FPC Electric Tariff, Original Volume No. 1. The Company states that the new delivery point will be served under such tariff and the appropriate revisions to Rate Schedule MUN–1 as incorporated therein and allowed to become effective by orders of this Commission.

Copies of the filing were served upon the City of Robertsdale and its attorneys of record in FPC Docket No. E–8851.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16358 Filed 6–4–76;8:45 am]

[Docket Nos. CS76–689, et al.]

AMOCO PRODUCTION CO., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MAY 26, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Dated filed	Applicant
CS76–689	Apr. 1, 1976	Amoco Production Co., P.O. Box 530, OCS, Lafayette, La. 70501.
CS76–813	May 11, 1976	Thermal Exploration, Inc., P.O. Box 1869, Seattle, Wash. 98111.
CS76–814	....do....	Development Associates, Inc., P.O. Box 3727, Spokane, Wash. 99220.
CS76–815	May 12, 1976	Leith Johnston, 753 Valley Rd., Glencoe, Ill. 60022.
CS76–816	....do....	Charles A. Haskell, 3003 East 3d Ave., Denver, Colo. 80206.
CS76–817	May 13, 1976	Jonathan Butcher, 1500 Walnut St., Philadelphia, Pa. 19102.
CS76–818	....do....	South Jersey Exploration Co., No. 1 South Jersey Plaza, Route 54, Folsom, N.J. 08037.
CS76–819	....do....	Zuble Dunn Clegg, 239 Gessner, Houston, Tex. 77024.
CS76–820	May 14, 1976	Blackwood & Nichols Co., Ltd., 2013 1st National Center, Oklahoma City, Okla. 73102.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76–821	....do....	Texon Energy Corp., 1212 Main St., Houston, Tex.
CS76–822	May 17, 1976	Robert E. Power, M.D., 3838 California St., No. 510, San Francisco, Calif. 94118.
CS76–823	May 13, 1976	A. L. Solliday, 616 Amoco Bldg. North, Tulsa, Okla. 74103.
CS76–824	May 17, 1976	Gas Service Energy Corp., 2460 Pershing Rd., Kansas City, Mo. 64108.
CS76–825	....do....	Lester A. Jones, Box 1239, Pampa, Tex. 79065.
CS76–826	....do....	808 Oil Center Bldg., 2001 Northwest Expressway, Oklahoma City, Okla. 73112.
CS76–827	Jan. 2, 1976	William M. Fuller, 2408 Continental Life Bldg., Fort Worth, Tex. 76102.
CS76–828	May 19, 1976	Mr. and Mrs. Clyde Criswell, 10 Sabre Cay, Naples, Fla. 33940.
CS76–829	....do....	Alfred J. Lipps, agent, Route 5, Box 222, Burnsville, W. Va. 26335.

[1] Renoticed since applicant's name was inadvertly omitted from the notice issued Apr. 28, 1976.

[FR Doc.76–16197 Filed 6–4–76;8:45 am]

[Docket No. ER76–530]

ARIZONA PUBLIC SERVICE CO.

Electric Rates; Order Granting Rehearing for Purposes of Receiving Responses and Further Consideration

MAY 26, 1976.

On April 26, 1976, Electrical District No. One (ED1) Pinal County, Arizona and Electrical District No. 7 (ED7) Maricopa County, Arizona filed a petition to intervene, motion for clarification and modification, or application for rehearing of the Commission's order issued March 31, 1976 in the above-referenced docket. On April 30, 1976 Arizona Public Service Company (APS) and the Arizona Electric Power Cooperative, Inc. (AEPCO) and the Papago Tribal Utility Authority (PTUA) filed applications for rehearing of the same order. Because of the numerous complex issues raised by the pleadings, the Commission shall grant rehearing of the March 31, 1976, order for purposes of receiving responses to the various applications, as provided by Section 1.34(d) of the Commision's Rules of Practice and Procedure, and for purposes of further consideration.

The Commission finds: Good cause exists to grant rehearing of the Commission's March 31, 1976, order as hereinafter ordered and conditioned.

The Commission orders: (A) Rehearing of the March 31, 1976, order is hereby granted for purposes of receiving responses to the various applications for rehearing filed with respect to that order and for purposes of further consideration.

(B) All responses to the applications for rehearing of the March 31, 1976, order in this proceeding shall be filed on or before June 22, 1976.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16346 Filed 6–4–76;8:45 am]

[Docket No. E–8855]

BOSTON EDISON CO.

Postponement of Procedural Dates

MAY 27, 1976.

On May 19, 1976, the Massachusetts towns of Concord, Norwood and Wellesley, filed an appeal from certain rulings of the Presiding Administrative Law Judge. The appeal also requests that further hearings and procedural matters be stayed pending disposition of the appeal.

Upon consideration, notice is hereby given that further hearings and procedural matters in this proceeding are postponed pending disposition of the appeal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16341 Filed 6–4–76;8:45 am]

[Docket Nos. ER76–229, ER76–633, ER76–661]

CENTRAL LOUISIANA ELECTRIC CO.

Order Accepting Initial Rate Filings, Accepting and Suspending Proposed Rate Increases, Rejecting Rate Increases, Granting Intervention, and Establishing Procedures

MAY 28, 1976.

The Commission herein will establish one consolidated proceeding concerning a series of initial and superseding rate schedules and service agreements tendered in these three dockets by Central Louisiana Electric Company (CLECO).[1] In Docket No. ER76–633, CLECO has submitted a general wholesale rate schedule, WR–1, to supersede the present schedule for service to several customers upon expiration of existing service agreements. The requested effective dates are June 1, 1976, for service to the Town of Boyce, Louisiana (Boyce) and Gulf States Utilities Company (Gulf States); December 31, 1976 for the Town of Elizabeth, Louisiana (Elizabeth); and 1980 and 1981 for service to Cajun Electric Cooperative (Cajun) and to Southeast Louisiana Electric Membership Corporation (SLEMCO) with the exception of service to SLEMCO at Melville, Louisiana. Subject to certain conditions, this WR–1 Rate Schedule will be accepted for filing, suspended for two months, and permitted to become effective on August 1, 1976 for service to Boyce and Gulf States, and on December 31, 1976 for Elizabeth. This filing will be rejected as premature where it would be applied to Cajun and SLEMCO in 1980 and 1981.

In Docket No. ER76–229, CLECO has submitted an initial rate schedule and service agreement providing for the sale of up to 2000 kW of contract demand to SLEMCO at Melville, Louisiana and a superseding revision providing, in part, for the application of the WR–1 rate schedule to this service as of the effective date of the WR–1 schedule in Docket No. ER76–633 for service to Boyce and Gulf States. The initial filing will be accepted as of October 21, 1975, when service began. Subject to condition, the superseding WR–1 rate schedule will be permitted to become effective subject to refund on August 1, 1976, after a two-month suspension.

Finally, in Docket No. ER76–661, CLECO has tendered rate schedules, a Supplemental Letter Agreement to its existing fixed rate contract with Cajun, a separate Electric System Interconnection Agreement with a letter amendment, which are proposed to be effective on January 1, 1976. These agreements provide for the following services to Cajun: (1) the sale of supplemental power, the capacity and energy exceeding the capacity delivered in 1975 under the fixed rate contract; (2) surplus power sales; (3) economy energy sales; (4) emergency assistance; and (5) transmission service. Subject to conditions, the proposed rates for the sale of supplemental power will be permitted to become effective subject to refund on August 1, 1976, after a two month suspension, while the initial rates for the additional services to Cajun will be accepted for filing as of the date of this order.

A hearing will be ordered to determine the justness and reasonableness of the WR–1 Rate Schedule and the rates for the sale of supplemental power to Cajun. Consolidated therewith will be an investigation under Section 206 of the Federal Power Act concerning the initial rates for transmission service and the sale of surplus power to Cajun.

On April 23, 1976, CLECO tendered proposed changes in rates for service to Boyce, Gulf States, and Elizabeth, consisting of a revised fuel adjustment clause, Rider Schedule FA–W, and general wholesale rate schedule, Rate Schedule WR–1. CLECO proposes to make these changes effective on June 1, 1976 for Boyce and Gulf States, and for Elizabeth on December 31, 1976, when the current fixed rate contract will terminate. "In order to mitigate the effect of the new rate to each of the customers involved. * * *," CLECO has also proposed to limit actual billings through the May 1977 billing period, to 80% of the amounts computed under the proposed rates. Finally, waiver of Section 35.3 of the Regulations is requested to permit the proposed rates or superseding filings to become effective for simi-

[1] A list of the various rate schedules and supplements is attached as Appendix A.

lar service to Cajun and SLEMCO upon an initial rate schedule, REA–10x, which, as it pertains to the sale of supplemental of surplus power and economy energy

(6) Good cause has not been shown to ing would serve the public interest, and

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lar service to Cajun and SLEMCO upon the expiration of fixed rate contracts in 1980 and 1981, respectively.

The proposed rates would increase revenues from the service to Boyce, Gulf States and Elizabeth by $115,338 based on the twelve month period ending September 30, 1975. CLECO states that the increase is necessary to recover increased operating costs and provide for an "adequate" rate of return of 9.84%.

Notice of this filing was issued on April 30, 1976, with all protests, comments and petitions to intervene due on or before May 18, 1976. On May 18, 1976, Boyce filed a protest which requested either deferral of the filing, or a reduction in the amount of the increase and a phasing of its implementation over three years.

After review of this filing, the Commission has determined that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. The proposed rate schedules WR–1 and FA–W will be accepted for filing, suspended for two months, and permitted to become effective subject to refund, for service to Boyce and Gulf States on August 1, 1976. Waiver of the Regulations, Section 35.3, will be granted to permit the proposed rates to be made effective, subject to refund to service to Elizabeth on December 31, 1976. However, the proposed rates will be rejected insofar as they would be applied to Cajun and SLEMCO. Since the existing fixed rate contracts with Cajun and SLEMCO, which prohibit the unilateral filing of rate changes, will not expire until 1980 and 1981, waiver of the notice requirements in the Commission's Regulations as to those customers would be premature and inappropriate at this time.

The two-month suspension period has been found appropriate in consideration of CLECO's offer to limit actual billings, through the May 1977 billing period, to 80% of the amounts computed under the tendered rate schedules: but this proposal is not part of the tendered rate schedules. Therefore, CLECO shall be required as a condition to the acceptance of its filing to submit within forty five days an appropriate supplement to its WR–1 rate schedule incorporating its offer of an 80% billing limitation as part of the filed rate schedules.

A hearing will be ordered to determine the justness and reasonableness of the full proposed rate increase. To aid in that determination, it is necessary that CLECO submit appropriate Period II data for the period beginning May 1, 1976, which supports the WR–1 Rate Schedule for each customer. Any data for Cajun and SLEMCO should be separately shown since the Docket No. ER76–633 filing is rejected as it would apply to these two customers.

Docket No. ER 76–229

On November 6, 1975, CLECO tendered a service agreement with SLEMCO covering the sale of up to 2000 kW of contract demand at Melville, Louisiana and an initial rate schedule, REA–10x, which, according to CLECO, was intended to be applicable only until the submission of a revised rate for all of CLECO's wholesale service. An effective date of October 21, 1975 was requested. This initial filing was found to be deficient in a letter of the Secretary dated December 5, 1975. In response, on April 23, 1976, CLECO submitted additional information and proposed to make the WR–1 Rate Schedule effective as to this service at the same time and upon the same terms as it is made effective to Boyce and Gulf States in Docket No. ER76–633. Additionally, CLECO has again offered to limit the billings to SLEMCO under the WR–1 Rate Schedule through May 1977, to 80% of the amounts computed under that schedule. CLECO also proposes to readjust billings to SLEMCO under the initial REA–10x Rate Schedule to the extent that the amounts collected under that schedule exceed the revenues which would have been collected if the superseding WR–1 Rate Schedule had been in effect since the initiation of service.

Notice of the original filing of November 6, 1975 was issued on November 17, 1975, with all comments, protests and petitions to intervene due on or before November 30, 1975. No responses were submitted. Notice of the supplemental filing of April 23, 1976, was issued on May 7, 1976, and set a date of May 24, 1976 for the submission of petitions to intervene, protests and comments. SLEMCO, on May 24, 1976, filed a protest, petition to intervene, and request for a five-month suspension and hearing.

As grounds for a full five month suspension SLEMOC alleges that the filing is deficient in these respects: calculation of a single cost of service study for all wholesale customers including service under fixed rate contracts whose rates cannot be increased until 1980 or 1981; an excessive return on common equity and an inflation of the proportion of common equity in the total capitalization by assuming the convertability of preferred stock; misallocation of certain transmission facilities; failure to meet the requirements of Order No. 530–A in justifying tax normalization; improper increases in working capital and production plant balances; and misallocation of administrative and general expenses.

The Commission has determined that the initial filing concerning service to SLEMCO at Melville should be accepted as of October 21, 1975. The superseding filing, including the WR–1 Rate Schedule, will be suspended for two months until August 1, 1976 when it will go into effect, subject to refund, pending the above-ordered hearing and a final decision on the justness and reasonableness of the WR–1 Rate Schedule. Acceptance of these filings is subject to a condition that CLECO submit appropriate rate supplements to both filings formally stating its proposals to limit and readjust billings to SLEMCO as necessary.

The Commission also believes that SLEMCO's participation in this proceeding would serve the public interest, and that its petition to intervene should be granted.

Docket No. ER76–661

CLECO sells capacity and energy to Cajun under a fixed rate contract dated May 28, 1970, which can be cancelled in 1980 upon forty-two months notice. On April 30, 1976, CLECO tendered several additional agreements with Cajun: an Electric System Interconnection Agreement, dated April 27, 1976, with appropriate rate schedules; a letter agreement regarding implementation of that agreement; and a letter agreement amending the fixed rate contract. CLECO proposes to make available to Cajun supplemental power, the power and energy requirements exceeding those requirements equal to the 1975 level which will continue to be provided under the terms of the fixed rate contract. Under initial rate schedules, CLECO will also provide energy assistance, transmission service, surplus power and economy energy. A revision of the existing fuel clause, similar to that proposed in Docket Nos. ER76–229 and ER76–633, has been tendered. CLECO also seeks waiver of the notice requirements in the Commission's Regulations to permit an effective date of January 1, 1976 for the entire filing.

CLECO states that effectuation of these agreements will provide greater revenues to CLECO in serving Cajun and additional services to Cajun which give Cajun greater flexibility in accommodating the future growth of its system. The proposed revisions in service would increase revenues by $884,590 based on calendar year 1975, and by $662,887 for 1976 if applied to all of Cajun's requirements, including those requirements equal to the 1975 level. CLECO further states that the largest portion of this increase results from the revision of the fuel cost adjustment clause.

On May 7, 1976, a notice of this filing was issued, with all comments, protests and petitions to intervene in this docket due on or before May 20, 1976. No responses were received.

Upon review of the agreements and rate schedules, the Commission concludes that the rates, terms and conditions for the sale of supplemental power and surplus power and for transmission service have not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. Therefore, the rate schedule for the sale of supplemental power in excess of the power requirements for 1976 will be accepted for filing as of June 1, 1975, and suspended for two months until August 1, 1976, when the proposed rates can be collected subject to refund pending hearing and a final decision thereon. The justness and reasonableness of those proposed rates will be a subject of the consolidated hearing ordered in these dockets.

The initial rates for transmission service, emergency assistance, and the sale

of surplus power and economy energy will be accepted for filing and permitted to become effective as of the date of this order. CLECO's request for further waiver of the notice requirements of the Commission's Regulations is denied. Since the initial rates for transmission service and the sale of surplus power have not been shown to be just and reasonable, an investigation of those rates under Section 206 of the Federal Power Act will be ordered. This investigation will be made part of the single consolidated proceeding in these three dockets.

The Commission finds: (1) Subject to the conditions ordered hereafter, the rate schedules tendered by CLECO on April 23, 1976 in Docket No. ER76–633, should be (a) accepted for filing, suspended for two months, and permitted to become effective subject to refund on August 1, 1976, as to Boyce and Gulf States; (b) accepted for filing and permitted to become effective subject to refund on December 31, 1976, as to Elizabeth; and (c) rejected as to Cajun and SLEMCO.

(2) Subject to the conditions hereafter ordered, the rate schedules and service agreement tendered by CLECO on November 6, 1976, in Docket No. ER76–229, should be accepted for filing as of October 21, 1975, and the revise rate schedules tendered on April 23, 1976, in Docket No. ER76–229, should be accepted for filing and suspended for two months until August 1, 1976, when they will become effective subject to refund pending hearing and final decision thereon.

(3) The rate schedules and service agreements tendered by CLECO on April 30, 1976, in Docket No. ER76–661, with the exception of the rates, terms and conditions for the sale of supplemental power, should be accepted for filing and made effective as of the date of this order; the proposed rates, terms and conditions for the sale of supplemental power should be accepted for filing, suspended for two months until August 1, 1976 when they will become effective subject to refund pending hearing and final decision thereon.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that a consolidated hearing be held concerning the justness and reasonableness of the proposed rate increases to Boyce, Gulf States, Elizabeth, and to SLEMCO for service at Melville, and the proposed rates for the sale of supplemental power to Cajun, that as part of the consolidated proceeding an investigation be undertaken concerning the initial rates, terms and conditions for transmission service and the sale of surplus power to Cajun, and that CLECO submit within forty-five days appropriate Period II data for the twelve month period beginning May 1, 1976, supporting the proposed rates increases to Boyce, Elizabeth, Gulf States, Cajun and SLEMCO.

(5) Good cause exists to permit SLEMCO to intervene in this proceeding, provided that such intervention is conditioned as hereafter ordered.

(6) Good cause has not been shown to grant CLECO's requests for waiver of the notice requirements in the Federal Power Act and the Commission's Regulations, except to the extent hereafter ordered.

The Commission orders: (A) Pending hearing and decision thereon and subject to the conditions in ordering paragraph (F), the proposed rate increase to Boyce and Gulf States, tendered by CLECO on April 23, 1976, in Docket No. ER76–633, is hereby accepted for filing, suspended for two months, and permitted to become effective, subject to refund, on August 1, 1976.

(B) Pending hearing and decision thereon and subject to the conditions in ordering paragraph (F), the proposed rate increase to Elizabeth, tendered by CLECO on April 23, 1976, in Docket No. ER76–633, is hereby accepted for filing and permitted to become effective, subject to refund, on December 31, 1976.

(C) The proposed rate increases to Cajun and SLEMCO, tendered by CLECO on April 23, 1976, in Docket No. ER76–633, are hereby rejected.

(D) CLECO's filing of November 6, 1975, in Docket No. ER76–229, is hereby accepted and permitted to become effective as of October 21, 1975, subject to the condition in ordering paragraph (F).

(E) Pending hearing and decision thereon and subject to the condition in ordering paragraph (F) the rate change tendered by CLECO on April 23, 1976, in Docket No. ER76–229, is hereby accepted for filing, suspended for two months, and permitted to become effective, subject to refund on August 1, 1976.

(F) Within forty-five days after the issuance of this order, CLECO shall file appropriate rate supplements to the rate schedules accepted for filing in ordering paragraphs (A) (B) (D) (E) stating the terms of CLECO's offers in Docket Nos. ER76–633 and ER76–229 to limit and readjust billings under its WR–1 and REA–10x rate schedules.

(G) The rate schedules and service agreements tendered by CLECO on April 30, 1976, in Docket No. ER76–661, except insofar as they apply to the sale of supplemental power to Cajun, are hereby accepted for filing and permitted to become effective as of the date of this order.

(H) Pending hearing and decision thereon, the rate schedules and service agreements tendered by CLECO on April 30, 1976, in Docket No. ER76–661, only insofar as they apply to the sale of supplemental power to Cajun, are hereby accepted for filing, suspended for two months, and permitted to become effective, subject to refund, on August 1, 1976.

(I) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the following rate schedules and service agreements tendered by CLECO: (1) the filing of April 23, 1976, in Docket No. ER76–633; (2) the superseding filing of April 23, 1976, in Docket No. ER76–229; and (3) the filing of April 30, 1976, in Docket No. ER76–661 insofar as it pertains to the sale of supplemental power to Cajun.

(J) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, and the Commission's Rules and Regulations, an investigation shall be commenced and a hearing held concerning the lawfulness and reasonableness of CLECO's filing of April 30, 1976, in Docket No. ER76–661, insofar as it pertains to transmission service and the sale of surplus power to Cajun.

(K) The above ordered proceedings in Docket Nos. ER76–229, ER76–633, and ER76–661 are hereby consolidated for the purposes of hearing and decision thereon.

(L) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (see Delegation of authority, 13 CFR 3.5 (d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(M) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on June 17, 1976, at 9:30 A.M., at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(N) Within forty-five days, CLECO shall file appropriate Period II data for the twelve month period beginning May, 1976, justifying the proposed rate increase in its WR–1 Rate Schedule to Boyce, Gulf States, Elizabeth, and SLEMCO (Melville) and justifying the rate proposed for Cajun supplemental service taken above the 1975 deliveries. Any data the Company proposes to furnish for Cajun and SLEMCO for services other than that indicated above should be separately shown.

(O) CLECO's requests for waiver of the notice requirements of the Federal Power Act and the Commission's Regulations are hereby denied except as previously ordered.

(P) SLEMCO is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(Q) CLECO shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

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(R) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS

CENTRAL LOUISIANA ELECTRIC COMPANY

Designation	*Description*
Rate schedule FPC No. 32	Initial electric service agreement with SLEMCO at Melville.
Supp. No. 1 to rate schedule FPC No. 2.	Rate REA-10X.
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 32.	Fuel adjustment clause, REA-10 X.
Supp. No. 2 to rate schedule FPC No. 32.	Rate WR-1.
Supp. No. 1 to Supp. No. 2 to rate schedule FPC No. 32.	Fuel adjustment Clause, FA-W.
Supp. No. 1 to rate schedule FPC No. 22.	Rate WR-1 (town of Elizabeth).
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 23.	Fuel adjustment clause, FA-W.
Supp. No. 1 to rate schedule FPC No. 23.	Rate WR-1 (town of Boyce).
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 23.	Fuel adjustment clause, FA-W.
Supp. No. 1 to rate schedule FPC No. 28.	Rate WR-1 (Gulf States utilities).
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 28.	Fuel adjustment clause, FA-W.
Supp. No. 2 to rate schedule FPC No. 30.	Rate WR-1 (SLEMCO).
Supp. No. 1 to Supp. No. 2 to rate schedule FPC No. 30.	Fuel adjustment clause, FA-W.
Supp. No. 2 to rate schedule FPC No. 21.	Rate WR-1 (Cajun).
Supp. No. 1 to Supp. No. 2 to rate schedule FPC No. 21.	Fuel adjustment clause, FA-W.
Supp. No. 3 to rate schedule FPC No. 21.	Electric service interconnection agreement.
Supp. No. 1 to Supp. No. 3 to rate schedule FPC No. 21.	Emergency energy.
Supp. No. 2 to Supp. No. 3 to rate schedule FPC No. 21.	Transmission service.
Supp. No. 3 to Supp. No. 3 to rate schedule FPC No. 21.	Supplemental power.
Supp. No. 4 to Supp. No. 3 to rate schedule FPC No. 21.	Surplus power.
Supp. No. 5 to Supp. No. 3 to rate schedule FPC No. 21.	Economy energy.
Supp. No. 4 to rate schedule FPC No. 21.	Appendix A to interconnection agreement.
Supp. No. 5 to rate schedule FPC No. 21.	Appendix B to interconnection agreement.
Supp. No. 6 to rate schedule FPC No. 21.	Letter dated Apr. 15, 1976 limiting contract demand under present agreement.
Supp. No. 7 to rate schedule FPC No. 21.	Fuel adjustment clause.
Supp. No. 8 to rate schedule FPC No. 21.	Amendment to exhibit A.

[FR Doc.16338 Filed 6-4-76;8:45 am]

[Docket No. CP76-373]

CITIES SERVICE GAS CO.

Application

MAY 27, 1976.

Take notice that on May 18, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-373 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.11 miles of 20-inch pipeline, with appurtenant facilities, paralleling and looping its existing Springfield 16-inch pipeline in Newton County, Missouri, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed facilities would increase the capacity of this section of Applicant's system, decrease the required discharge pressure on Applicant's Saginaw station, and maintain the pressure on the 16-inch pipeline within the maximum operating pressure of 718 psig. Applicant notes that it experienced difficulty in serving the peak hour demands on the 1975-76 peak day of the customers on the discharge of Saginaw station, principally at Springfield, Missouri. Applicant proposes to design this part of its system for a peak hour flow rate of 110 percent of peak day requirements and states that the proposed facilities would enable Applicant to deliver sufficient volumes through its Springfield system to serve the peak hour requirements of its customers east of Saginaw station during the 1976-77 heating season.

The estimated cost of the proposed facilities is $780,000. Applicant states that this would be financed with treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-16349 Filed 6-4-76;8:45 am]

[Docket No. G-14101, *et al.* and G-20302, *et al.*]

COLUMBIAN FUEL CORP. AND CITIES SERVICE OIL CO.

Filing of Petition by Columbia Gas Transmission Corporation for an Order Releasing Refunds Held in Escrow

MAY 27, 1976.

Take notice that on March 22, 1976, the Columbia Gas Transmission Corporation (Columbia Transmission), the legal successor to United Fuel Gas Company (United Fuel), petitioned the Commission for release of certain refunds, plus interest, in the amount of $26,141.75, being retained by Cities Service Oil Corporation (Cities Service) as the legal successor of Columbian Fuel Corporation.

In its petition Columbia states as follows:

By Order issued December 8, 1965 in Docket Nos G-14101, *et al.* and G-20302, *et al.*, 34 FPC 1424, the Commission directed Cities Service in Ordering Paragraphs (C) and (D) to retain refunds due Columbia Transmission. As shown in Appendix A, being the Application of United Fuel for Rehearing and Reconsideration, dated January 6, 1966, the amount retained consisted of $23,965.15 in principal and $2,176.60 interest, for a total of $26,141.75.

The retained refunds cover the period from April 2, 1962 through October 31, 1965. As stated in the aforesaid Application for Rehearing and Reconsideration, the procedure relating to refunds was covered by the Stipulation and Agreement in United Fuel's Docket No. G-20270 (in effect from June 1, 1961 through October 31, 1965).

By virtue of Article IV, Paragraph 2 of said Stipulation and Agreement, Columbia Transmission is not required to pass on any refunds received from suppliers as a result of the final determination of gas purchase increases which became effective after June 1, 1961 and which were not reflected in the rates in Docket No. G-20270.

In a similar case, *Pan American Petroleum Corporation*, Docket No. G-9279, order issued July 29, 1975, the Commission determined that refunds may be appropriately retained by Columbia Transmission pursuant to the Commission approved Stipulation and Agreement in *United Fuel Gas Company*, Docket No. G-20270. The Pan American refunds also resulted from gas purchase increases made effective during the period covered by the Stipulation and Agreement in Docket No. G-20270 and subsequently disallowed by the Commission. Since the factual situation with regard to Columbia Transmission in the above-docketed proceeding is identical to the situation in the Pan American Petroleum Corporation Docket No. G-9279, and since the subject refunds arose from rates in effect subsequent to June 1, 1961, and relate to gas purchases prior to November 1, 1965, the refunds in question held in escrow by Cities Service should be released to Columbia Transmission without flow-through obligation, pursuant to the Commission approved Stipulation and Agreement in Docket No. G-20270.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-16343 Filed 6-4-76;8:45 am]

[Docket Nos. RP76-94 and RP76-95]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Pipeline Rates; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Intervention, Establishing Procedures and Consolidating Proceedings

MAY 28, 1976.

On April 29, 1976, Columbia Gulf Transmission Company (Columbia Gulf) and Columbia Gas Transmission Corporation (Columbia Gas) tendered for filing proposed tariff revisions which will increase Columbia Gulf's jurisdictional revenues by $4,661,000 and will increase Columbia Gas' jurisdictional revenues by $36,786,900. Both applicants request that the Commission permit the proposed tariff sheets to become effective on June 1, 1976. For the reasons hereinafter stated, the Commission will accept the tariff sheets for filing, suspend their use for five months until November 1, 1976, conditionally grant waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations, establish procedures, consolidate proceedings and grant petitions to intervene.

Columbia Gulf's April 29, 1976, submittal was docketed as Docket No. RP 76-94 and consists of one revised tariff sheet.[1] That sheet reflects a depreciation rate of 10.0 percent for offshore properties and 5.5 percent for onshore properties. It also reflects an overall rate of return of 10.67 percent.

Columbia Gas' April 29, 1976, tender was docketed as Docket No. RP76-95 and includes twenty-nine revised tariff sheets. One sheet,[2] provides for an increase in annual jurisdictional revenues of $36,786,900 over the revenues generated by the rates being collected subject to refund in Docket No. RP75-106. Columbia Gas bases its request for increased rates on a cost of service for the twelve months ended December 31, 1975, as adjusted for known and measurable changes occurring during the succeeding nine months. Insofar as Columbia Gulf provides a transportation service from Louisiana to Kentucky for Columbia Gas, Columbia Gulf's proposed increase in charges for transportation service are included in Columbia Gas' proposed cost of service.

The principal reasons given by Columbia Gas for its proposed rate increase are an increase in operation and maintenance expenses, a decline in annual sales, an increase in the rate base resulting from additional payments under outstanding advance payments agreements and an increase in the cost allowance for Columbia Gas' production from Appalachian leases. Additionally, Columbia Gas claims an overall rate of return of 10.67 percent, reflecting an increased cost of debt and a proposed 15.0 percent return on common equity.

The remaining twenty-eight proposed revised tariff sheets[3] to Original Volume No. 1 of Columbia Gas' FPC Gas Tariff revise Zone 2 sales and service rates to reflect the conversion from Mcf to dekatherms, adjust the authorized monthly volumes of Columbia Gas' Zone 2 customers, change the filing date for Purchased Gas Adjustment filings to provide thirty days' notice rather than the presently prescribed forty-five days, change the period for preservation of all test data, charts and other similar measurement records from three years or such longer period as may be required to two years or such longer period as may be required and revise Sections 12.2 and 13.2 of the General Terms and Conditions to limit the right of buyers to reduce contract demand and/or maximum daily quantity.

Public notices of Columbia Gulf's and Columbia Gas' filings were issued on May 6, 1976, with comments, protests, and petitions to intervene due on or before May 24, 1976. Various petitions to intervene and notices of intervention have been received from several parties.[4] The Commission believes that intervention of such parties may be in the public interest. Accordingly, they will be permitted to intervene in the proceedings hereinafter established.

Commission review of Columbia Gulf's and Columbia Gas' proposed tariff revisions indicates that the revisions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the Commission will accept the proposed tariff sheets for filing, will suspend the use thereof for five months until November 1, 1976, when they may be permitted to become effective, subject to refund and will establish hearing procedures to determine the lawfulness of the revised rates, charges and conditions of service proposed therein. Columbia Gas requests a shorter suspension period, but the Commission concludes that good cause does not exist to grant that request.

Commission review of Columbia Gulf's and Columbia Gas' filings reveals that certain amounts for facilities which remain to be certified and placed in service are included in rate base. The Commission concludes that good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations to permit these amounts to be included in the filing, subject to the condition that Columbia Gulf and Columbia Gas file revised tariff sheets prior to November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before September 30, 1976.

Given the affiliate relationship of Columbia Gulf and Columbia Gas and given the use of the same test period by the two companies, the Commission concludes that good cause exists to consolidate Docket No. RP76-94 and Docket No. RP76-95.

The issue of the proper cost for Columbia Gas' gas production from its leases located in the Appalachian area is presently before an Administrative Law Judge in Docket No. RP75-106. The Commission concludes that the issue of the cost of Columbia Gas' gas production from its Appalachian leases as it arises in the instant docket should be

[1] *Designated:* Twenty-third Revised Sheet No. 7, FPC Gas Tariff, Original Volume 1.

[2] *Designated:* Twenty-eighth Revised Sheet No. 16 to Original Volume No. 1 of Columbia Gas' FPC Gas Tariff.

[3] *Designated:* First Revised Sheet Nos. 17, 32, 43, 46, 48, 49, 50, 58, 59, 60, 61, 69, 71, 72A, 72C; Second Revised Sheet Nos. 64, 70, 72; Third Revised Sheet Nos. 19A, 47A, 62C; Fourth Revised Sheet Nos. 18, 19, 47; Fifth Revised Sheet Nos. 62, 62B, 90; and Fourteenth Revised Sheet No. 64B.

[4] *See:* Appendix A, filed as part of original document.

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governed by the outcome of the proceeding in Docket No. RP75–106.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed on April 29, 1976, by Columbia Gulf and Columbia Gas and suspend their use for five months until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(2) Good cause exists to permit the intervention of the parties listed in Appendix A.

(3) Good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Regulations, subject to the condition hereinafter ordered.

(4) Good cause exists to consolidate Docket Nos. RP76–94 and RP76–95.

(5) Good cause exists to order that the issue of the cost of Columbia Gas' gas production from its Appalachian leases should be governed by the outcome of the proceedings in Docket No. RP75–106.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets filed on April 29, 1976, by Columbia Gulf and Columbia Gas are hereby accepted for filing and suspended for five months until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed on April 29, 1976, by Columbia Gulf and Columbia Gas.

(C) Good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations, subject to the condition that Columbia Gulf and Columbia Gas file revised tariff sheets to go into effect on November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before September 30, 1976.

(D) The proceedings in Docket Nos. RP76–94 and RP76–95 are hereby consolidated for hearing and all other purposes.

(E) The parties listed in Appendix A attached hereto are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 30, 1976. (See Administrative Order No. 157).

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(H) The issue of the cost of Columbia Gas' gas production from its Appalachian leases shall be governed by the outcome of the proceedings in Docket No. RP75–106.

(I) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16357 Filed 6–4–76;8:45 am]

[Docket No. ER76–695]

CONSUMERS POWER CO.

Termination

MAY 27, 1976.

Take notice that on May 21, 1976 Consumers Power Company (Company) tendered for filing copies of its notice of intent to terminate its existing contract for electric service with, according to Company:

Southeastern Michigan Rural Electric Cooperative, Inc., Contract dated May 21, 1967, Rate Schedule FPC No. 12, Proposed termination date: May 21, 1977.

The Company states that this termination notice was sent in accordance with contract provisions, the commitment of the Company to place its wholesale for resale customers on the SCHEDULE OF RATES GOVERNING WHOLESALE FOR RESALE ELECTRIC SERVICE, and consistent with the order of the Federal Power Commission in Docket No. ER76–45 dated August 29, 1975. The Company states that it intends to submit the Standard Service Agreement for the supply of wholesale energy to Southeastern Michigan Rural Electric Cooperative, Inc., at an early date for consideration.

The Company states that the contract termination is caused only by the Company's desire to have one standard Rate Schedule for wholesale service.

The Company states that copies of the filing were served on Southeastern Michigan Rural Electric Cooperative, Inc., its counsel, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16359 Filed 6–4–76;8:45 am]

[Docket No. ER76–690]

FLORIDA POWER & LIGHT CO.

New Delivery Point

MAY 27, 1976.

Take notice that on May 19, 1976, Florida Power & Light Company (FP&L) tendered for filing a Substitute Original Sheet No. 22 of Original Volume No. 1 of its FPC Electric Tariff, which provides for the addition of a delivery point between Florida Keys Electric Coop (Keys) and FP&L.

To the extent necessary, FP&L requests that the Commission waive its notice requirements to permit the addition of the new delivery point to become effective as of February 26, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervent or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16360 Filed 6–4–76;8:45 am]

[Docket No. ER76–536]

GEORGIA POWER CO.

Electric Rates; Order Denying Rehearing

MAY 28, 1976.

On April 29, 1976, The Cities of Acworth, Georgia, *et al.*,[1] and the Electric Cities of Georgia, Georgia Municipal Association, Inc. (the Cities), filed an Application for Rehearing of the Commission's order of March 29, 1976 in the above-captioned docket. As a basis for rehearing, the Cities allege that (1) Georgia Power's proposed WR–9 rate is an attempt to circumvent the Commission's policy of excluding CWIP from rate base by claiming an excessive return on common equity of 17.10% and contains substantial errors in the peak demands used to allocate substantially all of the Company's costs; or (2) if the Commission should decide to accept the filing, it's use should be suspended for the full statutory period and the Commission should direct that all errors therein should be corrected before the rates become effective; and (3) the Cities should be permitted to include "price-squeeze" issues in the proceedings ordered herein. For the reasons hereinafter stated, we shall deny the Application for Rehearing.

On March 1, 1976, Georgia Power submitted for filing a proposed rate increase to its total requirements wholesale customers served under its FPC Electric Tariff Original Volume No. 1.[2] Two petitions to intervene were received, including one filed on March 22, 1976 by the petitioning Cities herein, which also requested a rejection or five month suspension of the proposed rate schedules. By order issued March 29, 1976, the Commission accepted Georgia Power's submittal for filing, suspended its effectiveness for one month, or until May 1, 1976, denied the request to reject, permitted interventions, and established procedures.

With respect to Cities' first contention, the Courts have previously determined that there are two situations when a filing may properly be rejected: (1) where the filing is not in proper form or order, e.g., rejection on the basis that the test year data older than seven months prior to the time of filing are too stale for use as the test period; and (2) where as a matter of substantive law the filing is a nullity so that no purpose would be served by continuing the proceeding.[3] The Commission finds that the instant case presents neither of these situations. Georgia Power's filing substantially complied with the Commission's Regulations for its tender to be assigned a filing date and not be rejected.

In their second contention, Cities allege that the Commission should have considered the alleged errors in Georgia Power's 1976 peak demand estimates and the arguments set forth in the Cities March 22, 1976 pleading not only in the context of the request to reject but also as it affected the appropriate length of the suspension period. The statements offered in support of the Application for Rehearing renew arguments already presented by Cities in their initial Petition to Intervene in this docket. Our decision to suspend for one month was based on our review of Georgia Power's filing, the testimony and exhibits in support thereof and the pleadings of the intervenors. Based on such review we exercised our independent judgment in light of our expertise in this area and concluded that a 30-day suspension was sufficient to protect the public interest and the parties to this proceeding. Upon further review, we reaffirm our prior order and conclude that the 30-day suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. Municipal Light Boards, supra.

With respect to Cities' third contention that the parties should be permitted to include "price-squeeze" issues, the Commission stated in its March 29, 1976 order:

"Other matters raised by Cities in its petition are also properly the subject of the evidentiary hearing, except for the 'price squeeze' issue alleged. This issue should be excluded from the hearing herein ordered, pending resolution of the *Conway* case. (footnote omitted)."

We affirm the March 29, 1976, statement with respect to *Conway*.

The Commission finds: Good cause exists to deny Cities' Application for Rehearing.

The Commission orders: (A) The Cities' Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16354 Filed 6–4–76;8:45 am]

[Docket No. ER76–558]

HARTFORD ELECTRIC LIGHT CO.

Supplemental Filing

MAY 27, 1976.

Take notice that on May 17, 1976, the Hartford Electric Light Company (HELCO) tendered for filing supplemental data in response to a letter issued on April 20, 1976 by the Commission's Secretary in this docket informing HELCO that its filing of March 19, 1976 had been assessed as deficient.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16361 Filed 6–4–76;8:45 am]

[Docket No. CI76–456, *et al.*]

GENERAL AMERICAN OIL CO. OF TEXAS (OPERATOR), ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MAY 19, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] The individual cities are listed on Attachment B of the Commission's order issued March 29, 1976 in this docket.

[2] Designated as shown on Attachment A of the Commission order of March 29, 1976.

[3] *Municipal Light Boards* v. *F.P.C.* 450 F.2d 1341, 1352 (1971).

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Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
C176-456..... B 4-6-76	General American Oil Co. of Texas (Operator) et al., Meadows Bldg., Dallas, Tex. 75206.	Columbia Gas Transmission Corp., Duson Field, Lafayette Parish, La.	Depleted	
C176-457..... A 4-7-76	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Montana-Dakota Utilities Co., Boxcar Butte Field, McKenzie County, N. Dak.	[1] $0.794316	14.73
C176-458..... A 4-7-76	do	do	[1] $0.794316	14.73
C176-459..... A 4-6-76	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., sec. 34, township 20 north, range 16 west, Major County, Okla.	[2] 52.0	14.73
C176-460..... A 4-9-76	Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401.	Transco Gas Supply Co., block 206, High Island area, offshore Texas.	[3] 52.116	14.65
C170-461..... B 4-1-76	Exchange Oil & Gas Corp., 1010 Common St., New Orleans, La. 70112.	Eugene Island, block 172, offshore Louisiana.	Depleted ..	-
C176-463..... A 4-12-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Pecan Island Field, Vermillion Parish, La.	[4] 60.55	15.025
C176-464..... A 4-12-76	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America, West Cameron, 587 field, Federal, offshore Louisiana.	[5] 53.5514	15.025
C176-465..... B 4-12-76	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Tubb-Bilnebry Field, Lea County, N. Mex.	Wells reclassified	
C176-466..... B 4-12-76	Petroleum Corp. of Texas, P.O. Box 911, Breckenridge, Tex. 76024.	Coastal States Gas Producing Co., Donna N. Field, Hidalgo County, Tex.	Depleted ..	-
C176-467..... B 4-12-76	do	do	Depleted ..	-
C176-468..... B 4-12-76	do	do	Depleted ..	-
C176-469..... B 4-12-76	do	Coastal States Gas Producing Co., North Los Torritos Field, Hidalgo County, Tex.	Depleted ..	-
C176-470..... B 4-12-79	do	Coastal States Gas Producing Co., Donna N. Field, Hidalgo County, Tex.	Depleted ..	-
C176-471..... B 4-12-76	do	do	Depleted ..	-
C176-472..... B 4-12-76	do	do	Depleted ..	-
C176-473..... B 4-12-76	do	Orange Grove Gas Gathering Co., Northwest Orange Grove, Jim Wells County, Tex.	Depleted	-
C176-476..... B 4-8-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., Roach Field, Reagan County, Tex.	Expiration of lease agreement.	-
C176-477..... B 4-8-76	do	Cities Service Gas Co., Southeast Woodward Field, Woodward County, Okla.	Well plugged and abandoned	..
C176-480..... B 4-13-76	Patrick Petroleum Corp., 3347 Tates Creek Pike, Lexington, Ky. 40502.	Mountain Gas Co., Newburg formation, Rocky Field, W. Va.	Depleted	-
C176-481..... A 4-15-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Wilshire Field, Upton County, Tex.	[6] 56.22	14.73
C176-483..... A 4-13-76	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line, Southeast Niles Field, Canadian County, Okla.	[6] 55.914	14.73
C176-484..... A 4-2-76	American Natural Gas Production Co., 1 Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., Canadian County, Okla.	[7] 51.718	14.65
C176-485..... A 4-14-76	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Morrow formation, Robinia Draw, unit No. 1, Eddy County, N. Mex.	[8] 58.3275	14.73
C176-486..... A 4-16-76	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	[9] 51.6176	14.65
C176-487..... B 4-19-76	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., sec. 29-6N-24 ECM, Mitchell unit, Beaver County, Okla.	Depleted	-
C176-488..... A 4-19-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Mountain Fuel Supply Co., Spearhead Area, Converse County, Wyo.	[10] 52.02	15.025
C176-489..... A 4-19-76	Edwin L. Cox, 3800 1st National Bank Bldg., Dallas, Tex.	Texas Eastern Transmission Corp., North Riverside Field, San Patricio County, Tex.	[11] 61.62	14.65
C176-491..... B 4-19-76	Cleary Petroleum Corp., 300 Prenlen Bldg., North Broadway Plaza, Oklahoma City, Okla. 73103.	Arkansas-Louisiana Gas Co., Cleary-Wilson No. 1 well, Kingfisher County, Okla.	Unproductive	- -

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Includes 7.22¢ upward British thermal unit adjustment. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[2] Subject to upward and downward British thermal unit adjustment.
[3] Subject to upward and downward British thermal unit adjustment and includes 0.398¢ gathering allowance. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[4] Includes 0.25¢ upward British thermal unit adjustment. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[5] Subject to upward and downward British thermal unit adjustment. Pursuant to order 699-H.
[6] Subject to upward and downward British thermal unit adjustment. Pursuant to opinion No. 699 and opinion No. 699-H.
[7] Subject to upward and downward British thermal unit adjustment. Spearhead Ranch A No. 1 adjusted pursuant to opinion No. 699-H. North Fox Federal A No. 1 adjusted pursuant to opinion No. 699-H plus 1.02¢ gathering adjustment.
[8] Includes 5.312¢ upward British thermal unit adjustment.

[FR Doc.76-16337 Filed 6-4-76;8:45 am]

[Docket No. RI76-123]

J. M. ZACHARY, ET AL.

Petition for Declaratory Order

MAY 27, 1976.

Take notice that on May 11, 1976, the following small producers, J. M. Zachary, Neville G. Penrose, and the Trusts U/D Donaldson Brown (Petitioners), 1213 First National Bank Building, Fort Worth, Texas, filed a petition for a declaratory order pursuant to Sections 1.8 (c), 1.12, and 1.34 of the Commission's Rules of Practice and Procedure, the Administrative Procedure Act, 5 U.S.C. § 554(e), and Sections 4, 5, 7 and 19(a) of the Natural Gas Act in Docket No. RI76-123. Petitioners state that they are working interest owners under leases covered by a certain gas purchase agreement dated March 15, 1954, between Permian Basin Pipeline Company, as Buyer, and Neville G. Penrose, Inc., as Seller. They request a declaratory order that the term of such agreement, hereinafter referred to as the "Permian Agreement," has expired or terminated according to its own terms. (The Permian Agreement is contained in Sohio Petroleum Company FPC Gas Rate Schedule No. 63.)

Petitioners state that on or about February 28, 1975, which was more than twenty (20) years after the effective date of the Permian Agreement, they gave written notice to Northern that they would no longer deliver gas to Northern under the Permian Agreement, and that the said Permian Agreement was terminated in accordance with its terms.

Petitioners and Northern negotiated and entered into an "Interim Agreement", on January 21, 1976, providing for an effective date as of 7:00 o'clock a.m. on April 1, 1975. The Interim Agreement was made subject to final determination of the question as to the term of the Permian Agreement.

Petitioners state they are currently delivering gas to Buyer in accordance with the terms and provisions of the Interim Agreement, subject to refund. The Interim Agreement provides, *inter alia*, that Petitioners will request a Declaratory Judgment from the Federal Power Commission concerning whether the Permian Agreement has expired or terminated by its own terms, or whether the term thereof extends for the life of commercial production of natural gas from the subject leases.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to praticipate as a party in any hearing therein, must file a petition to intervene

in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16344 Filed 6-4-76;8:45 am]

[Docket Nos. ER76-39, ER76-340, and ER76-363]

KANSAS POWER AND LIGHT CO.

Postponement of Procedural Dates

MAY 27, 1976.

On May 19, 1976, Kansas Power and Light Company filed an appeal from certain rulings of the Presiding Administrative Law Judge. The appeal also requests that further hearings and procedural matters be stayed pending disposition of the appeal.

Upon consideration, notice is hereby given that further hearings and procedural matters in this proceeding are postponed pending disposition of the appeal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16343 Filed 6-4-76;8:45 am]

[Docket No. RP76-100]

MICHIGAN WISCONSIN PIPE LINE CO.

Pipeline Rates; Order Accepting for Filing and Suspending Revised Tariff Sheets; Permitting Intervention, Granting Waiver, and Establishing Procedures

MAY 28, 1976.

On April 30, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing certain revised tariff sheets to its FPC Gas Tariff,[1] seeking an increase in annual jurisdictional revenues of $68,705,227. The proposed increase in rates is based on claimed increased costs for the twelve months ended January 31, 1976, as annualized and adjusted for changes expected to occur during the nine month period ending October 31, 1976. Michigan Wisconsin proposes that the revised tariff sheets become effective on June 1, 1976. For the reasons hereinafter stated, the Commission will accept the revised sheets for filing, suspend their use for five months, and establish procedures to determine the lawfulness of the rates and charges proposed therein.

Public notice of the filing was issued on May 13, 1976, with comments, protests, and petitions to intervene due on or before May 21, 1976. Various petitions to intervene and notices of intervention have been received.[2] The Commission believes that intervention of such parties may be in the public interest and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered.

Michigan Wisconsin's justification for the proposed increased rates includes a claimed increase in the cost of capital, specifically an increase in its embedded cost of debt to 8.51% and an allowance on equity of 14.75%, resulting in an overall rate of return of 11.25%; an increase in depreciation rates for gathering, storage, and transmission facilities; increased costs associated with the acquisition of gas supplies; increased costs of labor, supplies, and other operating expenses; a reduction of projected sales volumes; cost of service treatment for its exploration and development program; and other increases in cost of service, all of which should be the subject of an investigation as to the lawfulness of the proposed rates hereinafter ordered.

Commission review of the proposed increased rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission shall accept the proposed increased rates for filing, suspend the use thereof for five months, or until November 1, 1976, when they may be permitted to become effective, subject to refund, and establish hearing procedures to determine the lawfulness of the increased rates and charges proposed herein. Review also indicates that certain amounts for facilities which must be certificated and in service are included in rate base. The Commission shall grant waiver of Section 154.63(e)(2)(ii) of the Regulations to permit these amounts to be included in the filing, subject to the condition that Michigan Wisconsin file revised tariff sheets prior to November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before October 31, 1976.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed herein and suspend their use for five months, until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(2) Good cause exists to permit the intervention of the parties listed in Appendix A.

(3) Good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Regulations, subject to the condition hereinafter ordered.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets designated in footnote 1 are hereby accepted for filing and suspended for five months, or until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed herein.

(C) Good cause exists to grant waiver of Section 154.63(e)(2(ii) of the Regulations, subject to the condition that Michigan Wisconsin file revised tariff sheets to go into effect on November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before October 31, 1976.

(D) The parties in Appendix A hereto are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 1, 1976. (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16335 Filed 6-4-76;8:45 am]

[Docket Nos. RP73-43, RP75-68 (PGA76-1)]

MID LOUISIANA GAS CO.

Extension of Time

MAY 27, 1976.

On April 27, 1976, Staff Counsel filed a motion for an extension of time within which to comment on data tendered by Mid Louisiana Gas Company (Mid Louisiana) on February 27, 1976, pursuant to the order issued January 30, 1976, in the above-designated matter. By notice issued April 15, 1976, comments were due on or before April 30, 1976.

Upon consideration, notice is hereby given that the time within which com-

[1] Fourteenth Revised Sheet No. 27F to Second Revised Volume No. 1 and the following revised sheets to First Revised Volume No. 2; Seventh Revised Sheet Nos. 92, 110, 129, and 130; Fourth Revised Sheet Nos. 214 and 215; Third Revised Sheet Nos. 231, 232, 297, 315, and 339; and Second Revised Sheet Nos. 420 and 421.

[2] See Appendix A, filed as part of original document.

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ments may be filed on Mid Louisiana's filing of February 27, 1976, is extended to and including June 1, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16363 Filed 6-4-76;8:45 am]

[Docket Nos. RP71-125, RP75-108, (PGA76-6)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Pipeline Rates; Purchased Gas Adjustment

MAY 28, 1976.

On April 15, 1976, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes[1] in its FPC Gas Tariff, Third Revised Volume No. 1, to reflect an increase in purchased gas costs. For the reasons discussed in this order the Commission shall accept the proposed changes for filing, suspend their effectiveness for one day, and permit them to become effective June 2, 1976, subject to refund.

Natural's April 15, 1976 PGA filing in these dockets reflects an increase of approximately $19 million (1.84¢ per Mcf) to track increases in producer supplier purchased gas costs and a revised surcharge (3.38¢ per Mcf) to amortize the balance in its deferred purchased gas cost account. Natural requests an effective date of June 1, 1976.

Public notice of Natural's filing was issued May 3, 1976, with all comments, protests or petitions to intervene due on or before May 23, 1976.

The Commission's review of Natural's filing indicates that the proposed rates contain small producer and emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Review of Natural's filing also reveals that the filing reflects an uncertificated purchase from a pipeline supplier at a rate in excess of the national rate.[2] For these reasons the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their use for one day, until June 2, 1976, when they may be permitted to become effective subject to refund.

With regard to the issue of the small producer purchases described above, other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[3] and the proposed rulemaking in Docket No. RM76-5.[4]

[1] Twenty-eight Revised Sheet No. 5 and Third Revised Sheet No. 5-A.

[2] The purchase is from Kansas Power and Light Company at a base rate of 55.810¢ at 14.65 psia.

[3] ____ FPC ____ issued August 28, 1975, in Docket No. R-393.

[4] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

Notwithstanding the deferral of a procedural schedule on the small producer issue (Natural shall file within 15 days of the date of this order, a list of the small producers, other than small producers making 60-day emergency sales, reflected in the instant filing who are making sales at rates in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases, the Commission noted in Opinion No. 699-B[5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should the Commission's review of the information filed, and any comments related thereto, indicate that the subject purchases meet the criterion set forth in Opinion No. 699-B, the Commission shall terminate the proceedings and relieve Natural of its refund obligation. Should the Commission's review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, such proceedings will be established by subsequent order.

With regard to the uncertificated purchase from Kansas Power and Light Company, Natural shall be required to file, within thirty days of the issuance of this order, comments concerning the circumstances of the purchase including, but not limited to, the following, in order that the Commission may determine whether a proceeding should be instituted to decide whether the sale to Natural is subject to the Commission's jurisdiction: (1) the place of production of the subject gas volumes; (2) whether the gas is commingled with Natural's gas supplies in interstate commerce; (3) whether the subject gas is sold entirely within the state of production; (4) whether the subject gas is sold to Natural's jurisdictional customers; and (5) whether the subject gas is transported and sold through Natural's jurisdictional facilities. The Commission additionally invites comments on these questions by Kansas Power and Light Company. Pending receipt of these comments and further action deemed necessary by the Commission, Natural's inclusion in its filing of the costs associated with this purchase will be subject to refund.

Our review of the remainder of Natural's filing indicates that it complies with the standards set forth in Docket No. R-406 and should be approved. Accordingly, we shall permit Natural to file, to become effective June 1, 1976, revised tariff sheets reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699-H, as appropriate, and elimination of costs associated with the uncertificated purchase from Kansas City Power and Light Company.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases, other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, be deferred pending further Commission order.

(2) Good cause exists to require Natural to file, within 15 days of the date of issuance of this order, a list (with addresses) of small producers (other than small producers making 60-day emergency sales) from whom Natural's purchases reflected in the instant filing were made at rates in excess of the "130% formula" established in Opinion No. 742.

(3) Good cause exists to require Natural to file, within 30 days of the date of issuance of this order, information concerning the 60-day emergency purchases included in its filing as outlined in this order.

(4) Good cause exists to require Natural to file, within 30 days of the date of issuance of this order, comments concerning the uncertificated purchase from Kansas City Power and Light Company as outlined in this order.

The Commission orders. (A) Natural's April 15, 1976 tender in these dockets of Twenty-eighth Revised Sheet No. 5 and Third Revised Sheet No. 5-A is hereby accepted for filing, suspended for one day, and permitted to become effective June 2, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Natural may file revised tariff sheets, to become effective June 1, 1976, reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699-H, as appropriate, and elimination of costs associated with the uncertificated purchase from Kansas City Power and Light Company.

(C) Hearing procedures on the issue of small producer purchases (other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation) in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further Commission order.

(D) Within 15 days of the date of issuance of this order, Natural shall file with

[5] ____ FPC ____ issued September 9, 1975, in Docket No. R-389-B.

the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency sales, from whom it purchased at rates in excess of the rate level established in Opinion No. 742.

(E) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall be required to file and serve on all its customers and interested state commissions, within 30 days of the date of issuance of this order, the following information: (1) the pipeline's need for gas; (2) availability of other gas supplies; (3) the amount of gas purchased under each 60-day transaction; (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review of the information filed, and any comments related thereto, indicate that such 60-day emergency purchases meet the guideline set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Natural of its refund obligation. Should our review of the information filed and any comments related thereto indicate that further proceedings are required as to any or all of such 60-day emergency purchases, such proceedings will be established by subsequent order.

(F) To assist in Commission review of the propriety of including the costs associated with the uncertificated purchase of gas from Kansas City Power and Light Company and in the determination of whether a proceeding should be instituted to determine whether the sale is subject to the Commission's jurisdiction, Natural shall file, within 30 days of the date of issuance of this order comments surrounding the circumstances of this sale including, but not limited to, the following: (1) the place of production of the subject gas volumes; (2) whether the subject gas is commingled with Natural's gas supplies in interstate commerce; (3) whether the subject gas is sold entirely within the state of production; (4) whether the subject gas is sold to Natural's jurisdictional customers; and (5) whether the subject gas is transported and sold through Natural's jurisdictional facilities.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16366 Filed 6-4-76;8:45 am]

[Docket No. E-9560]

OHIO ELECTRIC CO.

Filing of Complaint

MAY 27, 1976.

Pursuant to the authority of the Federal Power Act, particularly Section 306 thereof, and Section 2.1(a)(1)(i)(I) of the Commission's General Policy and Interpretations, notice is hereby given that on May 5, 1976, Ormet Corporation (Ormet) filed a complaint in the above-captioned docket alleging, inter alia, that the rate charged Ohio Power Company by Ohio Electric Company for electric service under Ohio Electric's Rate Schedule FPC No. 1 is "unjust, unreasonable, and unduly discriminatory, preferential or otherwise unlawful under Section 205 of the Federal Power Act * * *" Ormet requests that the Commission investigate the matters set forth in said complaint.

A copy of the subject complaint has been forwarded to Ohio Electric Company, who shall answer said complaint in writing within 30 days. In addition, a copy of the complaint and this notice shall be published in the FEDERAL REGISTER.

Any person wishing to do so may submit written comments concerning the subject complaint on or before June 23, 1976, to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16351 Filed 6-4-76;8:45 am]

[Docket No. ER76-532]

PACIFIC GAS & ELECTRIC CO.

Electric Rates; Order Denying Rehearing

MAY 28, 1976.

By order issued March 29, 1976, the Commission permitted an increase in rates charged by Pacific Gas and Electric Company (PG&E) for transmission service to the United States Bureau of Reclamation (USBR) to become effective subject to refund, on April 1, 1976, after a one day suspension. On April 28, 1976, an intervenor, the Northern California Power Agency and its members (Northern California) filed an application for rehearing which seeks rejection of the filing as barred by the terms of the service contract or reconsideration of the one day suspension. That application is denied.

PG&E requested that the proposed transmission rates be put into effect on April 1, 1976 to avoid "unnecessary controversy" over a possible interpretation of a renegotiation provision in PG&E's contract with USBR to the effect that the transmisison rate cannot be modified until April 1, 1981, if the proposed changes are not effective on April 1, 1976. The contract concerns both USBR's sale of energy to PG&E and the wheeling of additional energy by PG&E for USBR. Article 32 provides for joint review and adjustment of the contract rates on April 1, 1971 and every five years thereafter and states that "[I]f the parties are unable to agree on a change of any rate or charge, the matter shall be submitted to the Federal Power Commission for a final determination." In his petition to intervene filed March 22, 1976, the Secretary of the Interior on behalf of USBR supported PG&E's request that the proposed rates become effective on April 1, 1976 and explained that "[t]he parties have been engaged in a joint review of the wheeling rates and other rates and charges in the Contract for more than a year and a half and as yet have been unable to reach agreement * * *".

Apparently, Northern California contends that, under the terms of the contract and the Mobile-Sierra rule,[1] the Commission must consider the sale and transmission rates together and only upon a joint submission by PG&E and USBR after a complete and unsuccessful termination of the renegotiations. Northern California notes that USBR and PG&E recently agreed to a thirty day extension of negotiations, which postponed the announcement of USBR's final position on all issues that had been scheduled for March 31, 1976.[2]

Section 32 authorizes the submission of "a change of any rate or charge" in the contract. It does not require a joint rather than unilateral submission. The specified date for rate review and adjustment, April 1, 1976, has passed and the parties as yet have been unable to reach an agreement on a new transmission rate. Further, even if the contract were interpreted as prohibiting a unilateral filing, a modification removing that prohibition has been affected by the subsequent conduct of the parties: PG&E's submission of new transmission rate and USBR's agreement that the new rate should be put into effect subject to refund upon a final decision of the Commission.[3]

As grounds for rejection of the filing or a five month suspension period, Northern California reiterates these alleged defects which were raised in its motion to reject: (1) the proposed high rate of return is not justified since most of PG&E's future capital requirements arise from the need for additional production plant; (2) an unjustified increase in depreciation rate and an overstatement of the working capital allowance; (3) inconsistencies in computing the credit for PG&E's use of USBR's transmission lines versus PG&E's valuation of its transmission service to the Bureau; and (4) misallocation of transmission costs in several forms. Finally, according to Northern California, PG&E

[1] *United States Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 322 (1956); *F.P.C. v. Sierra-Pacific Power Co.*, 350 U.S. 348 (1956).

[2] As Exhibit 3 to its Application Northern California appended a copy of a Department of the Interior news release announcing the extension which is dated March 31, 1976. Exhibit 2 is a copy of a letter from PG&E to the Secretary, dated March 30, 1976, urging a delay in a final decision and stipulating that a final decision on the sale rate, through agreement or decision of the Commission, will be retroactive to April 1, 1976.

[3] *Sam Rayburn Dam Electric Cooperative v. F.P.C.*, 515 F. 2d 998 (D.C. Cir. 1975).

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cannot raise the transmission rates above the level justified by "the concept of equivalent federal costs" of constructing and operating a separate federal transmission system to provide the same service. Northern California argues that PG&E contracted for rates based on such equivalent federal costs in order to induce USBR to forego an opportunity to construct a transmission system and must now be held to its "promise" inducing forbearance.

As stated in the order of March 31, 1976, in this docket, these allegations can be examined more appropriately after a record is developed at a formal hearing. Northern California has not yet shown that the contract established a rate ceiling based on equivalent federal costs, or that the proposed rates exceed that ceiling if a limitation can be found from the conduct of PG&E. The Commission concludes that sufficient uncontroverted facts have not been shown to justify rejection of the filing or modification of the discretionary choice of a one day suspension. Finally, if the rates are proven later to be unjust and unreasonable, the interest of Northern California and its members can be adequately protected through a refund order.

The Commission finds: The application for rehearing filed by Northern California on April 28, 1976, sets forth no new facts or legal principles which warrant any change in the Commission's order of March 29, 1976 in this docket.

The Commission orders: (A) The application for rehearing filed by Northern California on April 28, 1976, in this docket, is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16362 Filed 6-4-76;8:45 am]

[Docket No. RP73-89, PGA76-2]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

MAY 27, 1976.

Take notice that on May 14, 1976, Sea Robin Pipeline Company (Sea Robin) tendered for filing Ninth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1. Sea Robin states that this tariff sheet and supporting information are being filed 45 days before the effective date of July 1, 1976, pursuant to Section 1 of Sea Robin's tariff, and are in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Sea Robin further states that copies of the revised tariff sheet and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16347 Filed 6-4-76;8:45 am]

[Docket No. CP76-375]

SOUTHERN NATURAL GAS CO.

Application

MAY 27, 1976.

Take notice that on May 20, 1976, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-375 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its South Little Lake Receiving Station in Jefferson Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the receiving station is located in a navigable waterway in the State of Louisiana and that the owner of the platform has been instructed by the State to remove it as it has been identified as a potential hazard to navigation. Deliveries to Applicant through the receiving facilities are said to have ceased, and Applicant states that the well will be plugged and abandoned later this year and that Applicant has determined to its satisfaction that there are no further recoverable reserves to be produced.

The application states that the receiving facilities are connected to Applicant's Lake Enfermer line by a 4-inch lateral pipeline, Applicant states that it does not intend to abandon the gathering line or terminate the gas purchase contract.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests file with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16345 Filed 6-4-76;8:45 am]

[Docket No. RP73-57 (PGA No. 76-2)]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Accepting and Suspending Proposed Tariff Sheets and Staying Procedures With Respect to Certain Small Producer Purchases

MAY 28, 1976.

On April 29, 1976, South Texas Natural Gas Gathering Company (South Texas) tendered for filing a proposed tariff sheet[1] reflecting an increase in purchased gas costs. South Texas requests that the proposed sheet go into effect on June 1, 1976. For the reasons discussed in this order the Commission will accept the proposed tariff sheet for filing, suspend its effectiveness for one day, and permit it to become effective on June 2, 1976, subject to refund.

South Texas' April 29, 1976, Purchased Gas Adjustment filing reflects an annual increase of $1,776,426 (4.38¢ per Mcf) in the cost of gas purchased from producer suppliers. The proposed tariff sheet also reflects a 2.3¢ per Mcf increase in South Texas's surcharge to clear the balance of $1,074,180 in South Texas's Unrecovered Gas Account.

Public Notice of South Texas' filing was issued on May 14, 1976, with comments, protests or petitions to intervene due on or before June 1, 1976.

The Commission's review of South Texas' filing reveals that the proposed tariff sheets reflects small producer purchases in excess of the rate levels permitted in Opinion No. 742.[2] Thus, the proposed rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept the proposed tariff sheet for filing and suspend its use for one day until June 2, 1976, when it may be permitted to become effective subject to refund.

With regard to the issue of the small producer purchases in excess of Opinion No. 742 rate levels, the Commission will defer establishing a hearing schedule pending Commission action on rehearing of Opinion No. 742 and the proposed rulemaking in Docket No. RM76-5.[3] Notwithstanding the deferral of a procedural schedule on the small producer issue, South Texas shall file within fifteen (15) days of the date of this order, a list of the small producers who made sales reflected in the instant filing which are in excess of the "130% formula" rates prescribed by Opinion No. 742.

Our review of increased purchased gas costs claimed by South Texas other than those associated with small producer purchases in excess of "130% formula" levels indicates that they should be approved insofar as they are in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit South Texas to file revised tariff sheets to become effective on June 1, 1976, which reflect the costs in South Texas' filing which are in conformance with Docket No. R-406.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that South Texas' proposed tariff sheet be accepted for filing, that the effectiveness thereof be suspended for one day until June 2, 1976, when the tariff sheet shall be permitted to become effective, subject to refund, and that hearing procedures in the issue of small producer purchasers be deferred pending further Commission order.

(2) Good cause exists to require South Texas to file within fifteen (15) days of the issuance of this order a list of small producers making sales reflected in South Texas' proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

The Commission orders: (A) South Texas' proposed tariff sheet as filed on April 29, 1976, is hereby accepted for filing and the effectiveness thereof suspended for one (1) day until June 2, 1976, and until such further time as it is made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Hearing procedures regarding the justness and reasonableness of the small producer purchases in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further order of the Commission.

(C) South Texas shall file within fifteen (15) days of the issuanee of this order a list of the small producers making sales reflected in the South Texas' proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

(D) South Texas may file a revised tariff sheet to become effective June 1, 1976, which reflects those claimed increased purchased gas costs which are other than the claimed increased costs associated with small producer purchases in excess of the rate levels prescribed by Opinion No. 742.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16340 Filed 6-4-76;8:45 am]

[Docket No. CP76-370]

TENNESSEE GAS PIPELINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

MAY 27, 1976.

Take notice that on May 17, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-370 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants request authorization (a) to construct and operate offshore Louisiana 9.5 miles of 16-inch pipeline from the producer's platform in Block 367, Eugene Island Area, which is in the Ship Shoal, South Addition, Block 343 Field, to an interconnection on the Eugene Island Block 349-to-Ship Shoal Block 198 pipeline jointly owned by Tennessee, Texas Eastern Transmission Corporation, and Texas Gas Transmission Company and (b) to exchange up to 50,000 Mcf of natural gas per day. The application states that Applicants would share the direct construction costs of the facilities and the capacity in the facilities equally and that Tennessee would construct and operate the facilities. The total construction costs are estimated to be $9,143,300, of which Natural would bear $4,216,800 and Tennessee would bear $4,926,500. Natural would finance its costs with funds on hand and Tennessee would finance its costs with general funds and/or borrowings under revolving credit agreements. The facilities would have a capacity of 100,000 Mcf of gas per day, the application states.

Applicants state that Natural has 50 percent of the purchase rights to the natural gas reserves in the Ship Shoal, South Addition, Block 343 Field from Texaco Inc. and that Tennessee is negotiating with Tenneco Oil Company for 75 percent of its 50 percent interest in the remaining gas reserves. Tennessee estimates the original recoverable proved non-associated dry gas reserves in the field to be 82,254,000 Mcf of gas and the original recoverable probable non-associated dry gas reserves occurring in a not yet fully explored segment of a proved reservoir to be 30,516,000 Mcf of gas.

Applicants propose to exchange natural gas under an agreement dated May 6, 1976. They state that Natural has the right to deliver and/or cause to be delivered and Tennessee has the obligation to receive up to 50,000 Mcf of gas per day into the Eugene Island Block 349-to-Ship Shoal Block 198 pipeline and the Blue Water Project pipeline and that Tennessee has the right to deliver and/or cause to be delivered and Natural has the obligation to receive up to 50,000 Mcf of gas per day at points where Tennessee can deliver and/or cause the delivery of gas into the Stingray Pipeline Company system (Stingray). The delivery point for gas delivered from Natural to Tennessee would be at the interconnection of the facilities proposed in the instant application and the Eugene Island Block 349-to-Ship Shoal Block 198 pipeline and the gas which Natural would purchase from Texaco Inc. in the Ship Shoal, South Addition, Block 343 Field would be delivered to Tennessee at said point. The application states that Tennessee is presently negotiating gas supply arrangements which would enable it to deliver or cause to be delivered up to 50,000 Mcf of gas per day into the facilities of Stingray.

It is stated that the exchange agreement provides for the delivery of gas by Tennessee to Natural into the facilities of Stingray up to 12,000 Mcf per day at the outlet of measurement facilities to be located on the producer-owned platform in Block 639, West Cameron Area, offshore Louisiana, and up to 38,000 Mcf per day at the outlet of measurement facilities to be located on the producer-owned platform in Block 616, West Cameron Area, offshore Louisiana. The agreement is also said to provide for the establishment of new delivery points and for changes for volumes desired at delivery points existing at the time of the request.

The application states that to the extent that the volumes of gas delivered offshore by one party to the other would be equal, such equal monthly volumes would be considered base exchange gas, to the extent such volumes would not be equal, the party receiving the greater volume would redeliver the excess exchange gas, after adjustment for processing, to the other party at the tailgate of Mobil Oil Company's Cameron Meadows gas processing plant in Cameron Parish, Louisiana, and/or at other mutually agreed to authorized onshore points of interconnection. The agreement provides for an excess gas handling fee, which is said initially to be 10.1 cents per Mcf of gas.

Applicants state that the construction and operation of facilities and the exchange of natural gas proposed in the instant application would be beneficial

[1] Designated: Sixth Revised Exhibit A (Sixth Revised PGA-1) to FPC Rate Schedule No. 2.

[2] Docket No. R-393, issued August 28, 1975.

[3] Small Producers, Docket No. RM75-5, Notice of Proposed Rulemaking, issued August 28, 1975.

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to both Applicants in that gas supplies would be made available to their respective systems without duplication of facilities. They state further that their present estimate of deliverability indicates that the instant proposal would be in compliance with the provisions of Section 2.65 of the Commission's General Policy and Interpretations (18 CFR 2.65) and would thus meet the requirement for a minimum annual load factor of 60 percent provided in paragraph (a) thereof. Applicants do, however, request the Commission to waive the applicability of paragraph (b) of Section 2.65 which provides that the Commission intends to enforce the 60 percent load factor requirement by permitting offshore pipeline facilities to be included in the cost-of-service in future rate proceedings at an average unit cost predicated upon load factors of not less than 60 percent of the annual capacity available. Applicants state that the proposal in the instant application represents a good faith effort to attach substantial volumes of new gas supplies with the minimum amount of new facilities and submit (1) that the provisions of paragraph (b) of Section 2.65 are arbitrary and impose unnecessary long-term financial risks upon Applicants, especially when the nation is confronted with an immediate and increasingly severe natural gas shortage, (2) that the mechanical application of the provisions of paragraph (b) at the present time for future years is arbitrary and unduly harsh, and (3) that the provisions of paragraph (b) should be waived because they are not in the public interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16355 Filed 6-4-76;8:45 am]

[Docket No. RP76-99]

TENNESSEE NATURAL GAS LINES, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Intervention and Establishing Procedures

MAY 28, 1976.

On April 30, 1976, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing six revised tariff sheets[1] to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective on June 1, 1976. For the reasons given hereinbelow, the revised tariff sheets shall be accepted for filing and suspended for five months until November 1, 1976, when they shall be permitted to become effective, subject to refund.

According to Tennessee Natural, the instant filing would increase revenues from jurisdictional sales[2] by $1,005,503 annually, based upon actual experience for calendar year 1975, as adjusted for known and measurable changes through September 30, 1976. Tennessee Natural states that the proposed increase reflects: an overall rate of return of 12.17 percent, including return on equity of 14.5 percent; an increase in the average book depreciation rate to 5.84 percent; increases in taxes other than income; and increases in plant, materials, supplies, wages, and working capital.

Public notice of the instant filing was issued on May 7, 1976, with comments, protests, or petitions to intervene due on or before May 24, 1976. A notice of intervention was timely filed by the Tennessee Public Service Commission.

With respect to the proposed tariff sheets identified as —— Revised Sheet No. PGA-1, —— Revised Sheet No. PGA-2, and First Revised Sheet No. 4-A, the Commission notes that the pagination and certain other information on these sheets has been left blank. Tennessee Natural states that it will supply the subject information at the time the Company moves to make effective the proposed tariff sheets. The Commission finds that, for administrative purposes, the referenced tariff sheets are insufficient in that they fail to include all pertinent information as of the date of Tennessee Natural's filing. Accordingly, within 10 days of issuance of this order, Tennessee Natural shall be required to file, in substitution for the referenced tariff sheets, revised tariff sheets reflecting all information required as of the date of the initial filing in this docket.

The Commission's review of the instant filing indicates that the rates proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. Accordingly, the Commission shall accept for filing the revised tariff sheets and suspend their use for five months until November 1, 1976, when they may be permitted to become effective, subject to refund pending resolution of this proceeding.

The Commission finds: (1) Tennessee Natural's April 30, 1976 filing in the instant docket should be accepted and suspended for five months until November 1, 1976, when it should be permitted to become effective subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established to determine the justness and reasonableness of the rates proposed in the instant docket by Tennessee Natural.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Section 4 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held for the purpose of determining the lawfulness and reasonableness of Tennessee Natural's proposed tariff changes.

(B) Within 10 days of issuance of this order, Tennessee Natural shall be required to file, in substitution for the tariff sheets designated —— Revised Sheet No. PGA-1, —— Revised Sheet No. PGA-2, and First Revised Sheet No. 4-A, revised tariff sheets reflecting all information required as of the date of initial filing in this docket.

(C) Tennessee Natural's proposed revised tariff sheets are hereby accepted for filing and suspended for five months until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 1, 1976. (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Tennessee Public Service Commission is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16352 Filed 6-4-76;8:45 am]

[Docket No. RP72-133 (PGA76-3)]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

MAY 27, 1976.

Take notice that on May 14, 1976, United Gas Pipe Line Company (United) tendered for filing Thirtieth Sheet No. 14 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information are being filed 45 days before the effective date of July 1, 1976, pursuant to Section 19 of United's tariff, and is in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Copies of the revised tariff sheet and supporting data are being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16348 Filed 6-4-76;8:45 am]

[Docket No. ER76-693]

UTAH POWER & LIGHT CO.

Filing of Pool Agreement Service Schedule

MAY 27, 1976.

Take notice that on May 20, 1976 the Utah Power & Light Company (Utah) tendered for filing Service Schedule UTAH-1 to the seven-member Intercompany Pool Agreement (Revised), dated September 1, 1973. Utah states that the tendered schedule provides a rate comprising three components:

A. Average fuel costs
B. Other variable costs (O&M, A&G) and working capital
C. Fixed costs.

Utah requests a waiver of the notice requirements of the Commission's Regulations to allow an effective date of May 14, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16353 Filed 6-4-76;8:45 am]

[Docket No. ER76-654]

UTAH POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions and Establishing Procedures

MAY 28, 1976.

On April 29, 1976, the Utah Power & Light Company (Utah) tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by approximately $4,500,000 (31%), based upon a test year ending December 31, 1976. For the reasons hereinafter stated, the Commission shall accept for filing and suspend the proposed tariff sheets for a period of two months, and establish hearing procedures to determine the justness and reasonableness of the proposed rates.

Utah's revised rates follow the same format as those rates presently in effect and subject to refund pending the outcome of Docket No. E-9145. Specifically, Utah proposes to supply resale service at three basic delivery voltages, each with its own rate (Schedules RS-1, RS-2, and RS-3, respectively). However, the minimum bill provisions have been changed to add ratchet provisions to the RS-1 and RS-2 rates, as well as retaining the ratchet presently in effect on the RS-3 rate. In addition, a fuel cost adjustment clause in purported compliance with Section 35.14 of the Commission's Regulations, as amended by Order No. 517, was proposed.

Public notice of Utah's filing was issued May 6, 1976 with all protests, comments or petitions to intervene due on or before May 21, 1976. Timely petitions to intervene were filed by Sierra Pacific Power Company (Sierra), Mt. Wheeler Power, Inc. (Mt. Wheeler), California Pacific Utilities Company (Cal-Pac), and Lincoln Service Corporation (Lincoln). These petitions to intervene raise a variety of challenges to the lawfulness of Utah's proposed rate increase, request that the increase be suspended for five full months, and ask that a hearing be held on the justness and reasonableness of the proposed rates. The Commission is of the opinion that intervention of each of these parties may be in the public interest and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered. On May 21, 1976, the Division of Public Utilities of the Department of Business Regulation of the State of Utah (Utah PUC) filed a timely notice of intervention wherein it alleged that "parity should exist" between Utah's wholesale rates and Utah's resale rates which are under Utah PUC's jurisdiction. While the Commission believes that Utah PUC should be permitted to intervene in the instant proceedings, the Commission will exclude from the hearing herein ordered the price-squeeze issues which Utah PUC is attempting to raise pending decision by the United States Supreme Court in *Conway Corporation v. FPC* (certiorari granted —— US —— (1975); 44 U.S.L.W. 3270).

The Commission's review of the instant filing indicates that Utah's proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission shall accept for filing and suspend for two months Utah's proposed rates, to become effective as of August 1, 1976, subject to refund as hereinafter ordered.

The Commission finds: (1) Good cause exists to accept for filing Utah's proposed rate schedules, submitted April 29, 1976, and to suspend their operation for two months when they shall be permitted to become effective, subject to refund.

(2) It is proper and necessary in the public interest and to aid in the enforcement of the Federal Power Act that a hearing concerning the lawfulness of Utah's proposed rates be commenced.

(3) Participation by Sierra, Mt. Wheeler, Cal-Pac, Lincoln and Utah PUC in this proceeding may be in the public interest.

The Commission orders: (A) Pending a hearing and decision thereon, Utah's proposed rate schedules are hereby accepted for filing and suspended from op-

[1] The revised tariff sheets are designated Second Revised Sheet No. 1, First Revised Sheet No. 2, First Revised Sheet No. 4-A, First Revised Sheet No. 4-B, —— Revised Sheet No. PGA-1, and —— Revised Sheet No. PGA-2.

[2] Tennessee Natural's only jurisdictional sale is to Nashville Gas Company of Nashville, Tennessee.

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eration for two months, to become effective August 1, 1976, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the subject rate increase.

(C) The Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before November 26, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Sierra, Mt. Wheeler, Cal-Pac, Lincoln and Utah PUC are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of these intervenors shall be limited to matters, other than the "price squeeze" issue, affecting their rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Utah shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed rates filed herein, as required by Section 35.19(a) of the Commission's Regulations, 18 CFR Section 35.18(a).

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16339 Filed 6-4-76;8:45 am]

[Docket No. ER76-689]

WEST PENN POWER CO.

Tariff Change

MAY 27, 1976.

Take notice that on May 18, 1976, the West Penn Power Company (West Penn) tendered for filing Second Revised Sheet No. 11 to FPC Electric Tariff Original Volume No. 1. West Penn states that the changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately $441,726, based on the twelve-month period ending December 31, 1975. West Penn requests a proposed effective date of June 18, 1976 for this filing.

West Penn states that copies of the filing were served upon the jurisdictional customers and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16360 Filed 6-4-76;8:45 am]

POSTAL SERVICE

ADDRESS-CORRECTION SERVICE

Temporary Increase in Fee

1. On March 3, 1976, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on a change in the fee for address-correction service. This filing was made in accordance with the December 16, 1976 opinion of the United States District Court for the District of Columbia (Sirica, J.) in the case of *Associated Third-Class Mail Users, et al. v. The United States Postal Service, et al.* (Civ. Action No. 75-1809) but without prejudice to the Postal Service's appeal from the decision in that case.

2. The specific change in the fee for address-correction service proposed by the Postal Service is shown in column (3) of the table set out in paragraph 4 below.

3. Since the Postal Rate Commission has not transmitted a recommended decision to the Governors of the Postal Service within 90 days after submission of the Postal Service's request of March 3, 1976, the Postal Service intends to place into effect at 12:01 a.m., June 13, 1976, a temporary fee for address-correction as shown in column (4) of the table set out in paragraph 4 below, under authority of 39 USC § 3641.

4. The following table shows the Postal Service's change in the fee for address-correction service for which it has requested a recommended decision.

TABLE I.—*Address-correction service*

	Current fee	Proposed full fee	Temporary fee
(1)	(2)	(3)	(4)
Fee	$0.10	$0.25	$0.15

(39 U.S.C. 401, 404, 3621, 3641)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-16410 Filed 6-4-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian list No. 354, May 12, 1976

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		690 kHz:							
CJCW (now in operation)	Sussex, New Brunswick N. 45°41'06", W. 65°31'29".	0.5D/0.25N	DA-2	U	III				
		760 kHz:							
New	Bonavista Bay, Newfoundland, N. 48°40'27", W. 53°46'23".	10	DA-2	U	II				E.I.O. May 12, 1977.
		790 kHz:							
CKSO (PO 790 kHz, 10D/5N, DA-2, N. 46°25'48", W. 80°-57'19.5").	Sudbury, Ontario, N. 46°25'24", W. 80°50'15".	50	DA-2	U	III				Do.
		970 kHz:							
CKCH (change in proposed daytime operation from that notified list No. 346 dated Oct. 31, 1975—PO 970 kHz, 5 kW, DA-1, N. 45°22'59", W. 75°48'47").	Hull, Quebec, N. 45°14'12", W. 75°37'-57".	50D/10N	DA-2	U	III				Do.
		1110 kHz:							
CKJD (PO 1250 kHz, 1 kW, DA-2, N. 42°52'12", W. 82°28'50"—PN 1110 kHz, 10D/0.5N, DA-2).	Sarnia, Ontario, N. 42°49'49", W. 82°23'30".	10D/1N	DA-2	U	II				Do.
CHQT (PO 1110 kHz, 10 kW, DA-N, ND-D-187).	Edmonton, Alberta, N. 53°27'55", W. 113°19'50".	50	DA-N ND-D-190	U	II				Do.
		1150 kHz:							
CFLN (now in operation)	Goose Bay, Newfoundland, N. 53°18'37", W. 60°17'38".	1D/.25N	ND-182	U	IV	142	120	320	
		1290 kHz:							
CFRW (PO 1470 kHz, 10 kW, DA-1).	Winnipeg, Manitoba, N. 49°47'58", W. 97°16'29".	10	DA-2	U	III				Do.
		1570 kHz:							
CFOK (now in operation)	Westlock, Alberta, N. 54°05'16", W. 113°52'39".	10	DA-N ND-D-190	U	III				
		1400 kHz:							
New	Neepawa, Manitoba, N. 50°13'00", W. 99°29'50".	0.1	ND-180	U	IV	120	160	135-185	Do.
		1470 kHz:							
CJVB (correction to coordinates).	Vancouver, British Columbia, N. 49°11'36", W. 123°01'17".	10	DA-2	U	III				Immediately.
CFRW (vide: 1290 kHz)	Winnipeg, Manitoba, N. 49°47'58", W. 97°16'29".	10	DA-1	U	III				
		1490 kHz:							
New	Virden, Manitoba, N. 49°49'53", W. 100°53'38".	0.25	ND-180	U	IV	110	150	135-185	E.I.O. May 12, 1977.
		1570 kHz:							
New	Brandon, Manitoba, N. 49°45'25", W. 99°57'57".	10	DA-N ND-D-188	U	II				Do.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcasting Bureau, Federal Communications Commission.

[FR Doc.76-16252 Filed 6-4-76;8:45 am]

[Report No. 808]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 1, 1976.

By the Chief, Common Carrier Bureau.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the

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close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22108–CD–P–76, Chequamegon Telephone Cooperative (New), C.P. for a new 1-Way station to operate on 152.84 MHz to be located Approx. 2.6 miles Southeast of Cable, Wisconsin.

22109 CD–P–76, Answer Iowa, Inc. (New), C.P. for a new 1-Way station to operate on 152.24 MHz to be located Approx. 2 miles SSE of Ottumwa, Iowa.

22110–CD–P–76, Radio Paging of Aspen, Inc. (KUS397), C.P. to relocate facilities on 152.24 MHz to be located at White Horse Springs Road, Aspen, Colorado.

22111–CD–P–76, Radio Telephone Service, Inc. (KUD200), C.P. for additional facilities to operate on 152.06 MHz to be located at a new site described as Loc. No. 2: 3.1 miles S of Buffalo Mountain Lothair Section of Hazard, Kentucky.

22112 CD–P–(3)–76, Mobile Telecommunications Corporation (KKE968), C.P. to relocate and change antenna system operating on 454.100, 454.175, and 454.225 to be located at Mt. Franklin, 2.7 miles NNW of El Paso, Texas.

22113 CD–P–76, Morris Communications, Inc. (New), C.P. for a new station to operate on 454.275 MHz to be located at Oconee County Memorial Hospital, Seneca, South Carolina.

22114–CD–P–76, Eagle Aviation, Inc. (New), C.P. for a new 1-Way station to operate on 158.70 MHz to be located at Television Road, 1000 North Trolly Lane Road, Aiken, South Carolina.

22115–CD–P–76, Cascade Mobile Service, Inc. (New), C.P. for a new 1-Way station to operate on 158.70 MHz to be located at Moore Hill, 1 mile SW of Klamath Falls, Oregon.

22116–CD–P–76, Commercial Communications Inc. (New), C.P. for a new 1-Way station to operate on 152.24 MHz to be located at Aspen Mountain, Approximately 10 miles SSE of Rock Springs, Wyoming.

22117–CD–P–(3)–76, Radio Telephone Service, Inc., Resubmitted, C.P. for a new 1-Way station to operate on 35.22 MHz to be located at 2210 Boardwalk, Atlantic City, New Jersey.

22118–CD–P–(2)–76, Commercial Communications, Inc. (KUS258), C.P. for additional facilities to operate on 454.050 and 454.350 MHz to be located at a new site described as Loc. No. 3: Aspen Mountain, Approximately 10 miles SSE of Rock Springs, Wyoming.

22119–CD–P–76, Empire Paging Corporation (KEC738), C.P. for additional facilities to operate on 454.100 MHz to be located at a new site described as Loc. No. 5: 55 Water Street, New York City, New York.

22120–CD–P–76, Empire Paging Corporation (KRS874), C.P. for additional facilities to operate on 454.150 MHz to be located at a new site described as Loc. No. 8: 55 Water Street, New York City, New York.

22121–CD–P–76, Empire Paging Corporation (KGI778), C.P. for additional facilities to operate on 454.275 MHz to be located at a new site described as Loc. No. 9: 55 Water Street, New York City, New York.

22122–CD–P–(2)–76, Telepage Corporation (KSV960), Reinstated, C.P. for expired authority to operate on 454.30 MHz located at 4527 Alcholtz Road, Mount Carmel (Loc. No. 2) and additional Control facilities to operate on 459.300 MHz (Loc. No. 3) to be located 917 W. Galbraith Road, Cincinnati, Ohio.

22123–CD–P–76, Ludlow Telephone Company (KUS336), Reinstated, C.P. for expired authority to operate on 152.78 MHz located 1.5 miles NE of Ludlow on North Hill Road, Ludlow, Vermont.

22124–CD–P–(2)–76, Eagle Aviation, Inc. (KWU205), Resubmitted, C.P. to change antenna Sys. operating on 454.125 and 454.-175 MHz located at Television Road, 1000 North Trolly Lane Road, Aiken, South Carolina.

22125–CD–P–(2)–76, Planters Rural Tel. Coop., Inc. (KRS645), Resubmitted, C.P. for additional facilities to operate on 152.54 MHz and change antenna system operating on 152.60 MHz located on Ga. Hwy. 24, 1 Block West of Georgia Hwy. 21, Newington Georgia.

Correction

22011–CD–P–76, Mobile Radio Communications, Inc. (KUC882), Correct entry previously shown on PN No. 806 dated May 17, 1976 to read as follows: C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. No. 7: 100 yards East of 1407 Nashua Road, Liberty, Missouri.

22029–CD–P–76, Northwest Colorado Radiophone, Inc. (New), Correct to include control facilities to operate on 72.40 MHz at Loc. No. 2: All other particulars remain the same as reported on PN No. 807, dated 5-24-76.

PUBLIC NOTICE INFORMATIVE

The processing of applications by the staff of the Mobile Services Division will be assisted by computer beginning June 1976. Gradual transition to full computerization of the processing of all incoming applications is anticipated by July this year. As a result, computerized outputs of such items as Public Notices and Station Authorizations including modifications will shortly be evident.

With the transition to computerization, construction permits and licenses will be combined into one document. This change is designed to enhance the efficiency of FCC processing procedures. It does not relieve the requirement of timely filing an application for license to cover a construction permit. Although the combination authorization is designed to serve either as a construction permit or as a license during the period identified on the document itself, it is not both construction permit and license at the same time. Furthermore, even though a construction permit may contain a license expiration date, the document is not considered a license until the applicant has filed for such in accordance with established procedures and the Commission grants the request. If upon filing for a license, there is no modification in a facility that requires a change in the authorization, the Commission will normally sanction the original document as license without notification to the applicant.

The new format for radio station authorization will incorporate various changes in the information presently shown on existing construction permits and licenses. All references to transmitter type and power have been deleted. The authorization, however, will include the mounting position of an antenna on a tower structure and the maximum effective radiated power from that antenna. For computer programming convenience, transmitters, antennas, and certain locations will be assigned numbers for identification purposes. In view of these changes, the Commission again cautions that current regulatory procedures remain unchanged.

During computer transition new authorizations will be forwarded to supersede existing documents.

RURAL RADIO

60351–CR–P/L–76, Continental Telephone Company of The West (New), C.P. for a new Rural Subscriber station to operate on 157.77 MHz to be located; RS; Minerals Recovery Corporation 40 miles WNW of Monticello, Utah.

Correction

Correct entry previously shown on PN No. 806, dated May 17, 1976 to read as follows: 60341–CR–P/L–76, the Mountain States Telephone and Telegraph Company (New), C.P. for a new Rural Subscriber station to operate on 157.77 MHz to be located 5.3 miles East-Southeast of Bitter Creek, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

3948–CF–P–76, N-Triple-C, Inc. (WOH43), 1700 Farnam Street, Omaha, Nebraska. Lat. 41°15'30" N., Long. 95°56'20" W. C.P. to add transmitter and to add 5974.8H, 6093.-5H, and 6152.8H toward Bentley, Iowa.

3949–CF–P–76, Same (WOH44), 4.5 Miles ENE of Bentley, Iowa. Lat. 41°24'35" N., Long. 95°31'04" W. C.P. to add transmitter and to add 6226.9V, 6345.5V, and 6404.8V toward Omaha, Nebraska; 6226.9H, 6286.2H, 6345.5H, and 6404.8H toward Lewis, Iowa.

3950–CF–P–76, Same (WOH45), 5 Miles East of Lewis, Iowa. Lat. 41°18'08" N., Long. 95°00'11" W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Bentley, Iowa; 6034.2H, 6093.5H, and 6152.-8H toward Casey, Iowa.

3951–CF–P–76, Same (WOH46), 5.25 Miles SSE of Casey, Iowa. Lat. 41°26'18" N., Long. 94°29'21" W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Lewis, Iowa; 6226.9H, 6286.2H, 6345.5H, and 6404.8H toward Adel, Iowa.

3952–CF–P–76, Same (WOH47), 3 Miles SW of Adel, Iowa. Lat. 41°36'12" N., Long. 94° 02'53" W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Casey, Iowa; 6034.2H, 6093.5H, and 6152.8H toward Des Moines, Iowa.

3953–CF–P–76, Same (WOH48), 2.3 Miles SW of Des Moines, Iowa. Lat. 41°36'51" N., Long. 93°29'05" W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Adel, Iowa; 6286.2H, 6345.5H, and 6404.8H toward Reasnor, Iowa.

3954–CF–P–76, Same (WOH49), 2.5 Miles NNE of Reasnor, Iowa. Lat. 41°36'27" N., Long. 93°00'30" W. C.P. to add 6034.2V, 6093.5V, and 6152.8V toward Des Moines, Iowa; and 6034.2H, 6093.5H, and 6152.8H toward Malcom, Iowa.

3955–CF–P–76, Same (WOH50), 2.5 Miles NW of Malcolm, Iowa. Lat. 41°44'47" N., Long. 92°34'21" W. C.P. to add 6286.2V, 6345.5V, and 6404.8V toward Reasnor, Iowa; 6286.2H, 6345.5H, and 6404.8H toward Williamsburg, Iowa, and to add transmitter.

3956–CF–P–76, Same (WOH51), 4.5 Miles WSW of Williamsburg, Iowa. Lat. 41°39' 34" N., Long. 92°05'43" W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Malcom, Iowa; 6034.2H, 6093.5H, and 6152.8H toward Iowa City, Iowa.

3957–CF–P–76, Same (WOH52), 1.5 Miles NE of Iowa City, Iowa. Lat. 41°40'24" N., Long. 91°28'31" W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Williamsburg, Iowa; 6286.2H, 6345.5H, and 6404.8H toward Muscatine, Iowa.

3958–CF–P–76, Same (WOH53), 5 Miles NE of Muscatine, Iowa. Lat. 41°27'34" N., Long. 91°00'26" W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Iowa City, Iowa; 6034.2V, 6093.5V and 6152.8V toward Davenport, Iowa.

3959–CF–P–76, N-Triple-C, Inc. (WOH54), 2 Miles NE of Davenport, Iowa. Lat. 41°34'-28"N., Long. 90°29'04"W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Muscatine, Iowa; and 6286.2H, 6345.5H, and 6404.8H toward Clinton, Iowa.

3960–CF–P–76, Same (WOH55), 10 Miles NNW of Clinton, Iowa. Lat. 41°56'18"N., Long. 90°15'11" W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Davenport, Iowa.; 5945.2H, 6034.2V, and 6093.5V toward Sterling, Illinois.

3961–CF–P–76, Same (WOH56), 5.0 Miles NNW of Sterling, Illinois. Lat. 41°51'06"N., Long. 89°44'43"W. C.P. to add transmitter and to add 6226.9V, 6315.9H, 6345.5V, and 6375.2H toward Clinton, Illinois; and 6226.9H, 6286.2H, 6345.56, and 6404.08H toward Oregon, Illinois.

3962–CF–P–76, Same (WOH57), 2.0 Miles NE of Oregon, Illinois. Lat. 42°02'25"N., Long. 89°18'50"W. C.P. to add transmitter and to add 6004.5V, 6063.8V, 6093.5H, toward Sterling, Illinois; and 6034.2H, 6063.8V, and 6093.5H toward De Kalb, Illinois.

3963–CF–P–76, Same (WOH58), 4.5 Miles SW of De Kalb, Illinois. Lat. 41°52'44"N., Long. 88°48'31"W. C.P. to add transmitter and to add 6256.5V, 6315.9V, and 6375.2V toward Oregon, Illinois; 6286.2H, 6345.5H, and 6404.8H toward Lily Lake, Illinois.

3964–CF–P–76, Same (WOH59), 1.8 Miles North of Lily Lake, Illinois. Lat. 41°58'20"-N., Long. 88°28'25"W. C.P. to add transmitter and to add 5945.2H, 6004.5H, 6063.-8H, and 6123.1H toward De Kalb, Illinois; and 6004.5V, 6063.8V, and 6093.5H toward Glendale, Illinois.

3965–CF–P–76, Same (WOH60), 1.5 Miles NW of Glendale, Illinois. Lat. 41°54'24"N., Long. 88°06'39"W. C.P. to add transmitter and to add 6256.5V, 6315.9V, and 6375.2V toward Lily Lake, Illinois; 6286.2H, 6345.5H, and 6404.8H toward Chicago, Illinois.

3966–CF–P–76, Same (WOH61), 875 North Michigan Avenue, Chicago, Illinois. Lat. 41°53'56"N., Long. 87°37'24"W. C.P. to add transmitter and to add 6034.2H, 6093.5H, and 6152.8H toward Glendale, Illinois.

3840–CF–P–76, Southwestern Bell Telephone Company (KTQ97), 1408 Broadway, Lubbock, Texas. Lat. 33°35'06" N., Long. 101°51'01" W. C.P. to add frequency 4110.0V MHz toward Slaton, Texas, on azimuth 110.7°.

3841–CF–P–76, Same (KTQ98), 5.4 Miles NE of Slaton, Texas. Lat. 33°29'46" N., Long. 101°34'13" W. C.P. to add frequency 4010H MHz toward Lubbock, Texas, on azimuth 290.6°.

3842–CF–P–78, South Central Bell Telephone Company (KJG78), 210 Northside Street, Tuskegee, Alabama. Lat. 32°25'27" N., Long. 85°41'33" W. C.P. to change frequencies 6219.5V, 6338.1V MHz to 6197.2V, 6315.9V MHz toward Opelika, Alabama, on azimuth 52.14°; replace antennas, transmitters, and increase power output.

3843–CF–P–76, Same (KJG79), Cherry Avenue, Opelika, Alabama. Lat. 32°37'58" N., Long. 85°22'29" W. C.P. to change coordinates, change frequencies 5937.8V, 6056.4V MHz to 5945.2V, 6063.8V toward Tuskegee, Alabama on azimuth 232.31°; replace transmitters and increase power output.

3852–CF–P–76, United Telephone Company of Missouri (KYO88), Clinton, 510 feet West of Clinton City limits, Missouri. Lat. 38°22'24" N., Long. 93°47'41" W. C.P. to add points of communication on frequencies 2110.8H MHz toward Appleton City, Missouri, on azimuth 225.5°; 2118.2V MHz toward Deepwater, Missouri, on azimuth 171.0°; and 2129.0V MHz toward Montrose, Missouri, on azimuth 231.8°.

3853–CF–P–76, Same (NEW), Seventh & Locust Street, Appleton City, Missouri. Lat. 38°11'40" N., Long. 94°01'30" W. C.P. for a new station on frequency 2160.8H MHz toward Clinton, Missouri, on azimuth 45.3°.

3854–CF–P–76, Same (NEW), 2nd and C Streets, Deepwater, Missouri. Lat. 38°15'38" N., Long. 93°46'19" W. C.P. for a new station on frequency 2168.2V MHz toward Clinton, Missouri, on azimuth 351.0°.

3855–CF–P–76, Same (NEW), 3rd Street and Missouri Avenue, Montrose, Missouri. Lat. 38°15'25" N., Long. 93°58'56" W. C.P. for a new station on frequency 2179.0V MHz toward Clinton, Missouri, on azimuth 51.7°.

3889–CF–R–76, South Central Bell Telephone Company (KZS92), Location: Within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring July 1, 1976. Term: July 1, 1976 to July 1, 1977.

3905–CF–P–76, New England Telephone & Telegraph Company (KSW23), 59 Park Street, Bangor, Maine. Lat. 44°48'16" N., Long. 68°46'16 W. C.P. to replace transmitters and increase power output for frequencies 11305.0H, 11465.0H, 11625.0H MHz toward Holden, Maine.

3389–CF–P–76, Eastern Microwave, Inc. (WBA 772), 0.8 Mile N of Mountain Top, Pennsylvania. Lat. 41°10'57" N., Long. 75°52'23" W.: Construction permit to add 5974.8V MHz toward Pimple Hill, Pennsylvania, via power split, on azimuth 119.1°.

3870–CF–P–76, Mountain Microwave Corporation (KOB 37), 2 Miles SW of Golden, Colorado. Lat. 39°43'54" N., Long. 105°14'58" W.: Construction permit to add 1138.5H MHz toward Lakewood (CATV), Colorado, on azimuth 100.0°.

3906–CF–P–76, New England Telephone & Telegraph Company (KCO98), 2.1 miles West of East Holden, Maine. Lat. 44°44'11" N., Long. 68°40'16" W. C.P. to change frequency 10955.0H to 6345.5V MHz toward Medford, Maine; replace transmitters and increase power output for this frequency and for 10735.0H, 10895.0H, 11055.0H MHz toward Bangor, Maine.

3907–CF–P–76, Same (KNY53), 2.6 miles SW of Medford Center, Maine. Lat. 45°14'13" N., Long. 68°52'50" W. C.P. to change frequencies 11405.0H to 6093.5V MHz toward Holden, Maine, and 11685.0V, 6093.5H MHz toward Lincoln, Maine; replace transmitters and increase power output.

3908–CF–P–76, Same (KOY66), 5.6 miles NE of Lincoln, Maine. Lat. 45°25'13" N., Long. 68°24'59" W. C.P. to change frequencies 10955.0V to 6345.5V MHz toward Danforth, Maine, and 10755.0V to 6345.5H MHz toward Medford, Maine; replace transmitters and increase power output.

3909–CF–P–76, Same (KYO67), 2.9 Miles SW of Danforth, Maine. Lat. 45°38'00" N., Long. 67°54'54" W. C.P. to change frequencies 11405.0V to 6093.5V MHz toward Lincoln, Maine, and 11685.0H to 6093.5H MHz toward Linneus, Maine; replace transmitters and increase power output.

3910–CF–P–76, Same (KYO68), 4.1 Miles NW of Linneus, Maine. Lat. 46°05'22" N., Long. 68°00'04" W. C.P. to change frequencies 10755.0H to 6345.5H MHz toward Danforth, Maine, and 10955.0H to 6345.5V MHz toward Westfield, Maine; replace transmitters and increase power output.

3911–CF–P–76, Same (KYO69), 4.3 Miles South of Westfield, Maine. Lat. 46°30'35" N., Long. 67°56'16" W. C.P. to change frequencies 11405.0H to 6093.5V MHz toward Linneus, Maine, and 11445.0V to 6063.8H MHz toward Presque Isle, Maine; replace transmitters and increase power output.

3912–CF–P–76, Same (KYO70), 1 Mile NE of Presque Isle, Maine. Lat. 46°41'16" N., Long. 67°59'35" W. C.P. to change frequency 10955.0V to 6315.9H MHz toward Westfield, Maine; replace transmitters and increase power output.

3918–CF–R–76, Southern Bell Telephone and Telegraph Company (KJA75), Location: Within the territory of the grantee. Application for Renewal of Radio Station License (Developmental) expiring June 14, 1976. Term: June 14, 1976 to June 14, 1977.

3921–CF–P–76, The Mountain States Telephone & Telegraph Company (KPC70), Mingus Mountain, 7.5 miles South of Jerome, Ariz. Lat. 34°41'12" N., Long. 112°-06'59" W. C.P. to add a point of communication on frequency 2115.2V MHz toward a new station at Camp Verde, Arizona, on azimuth 119.6°.

3922–CF–P–76, Same (NEW), Lane & Third Street, Camp Verde, Arizona. Lat. 34°33'50" N., Long. 111°51'20" W. C.P. for a new station on frequency 2165.2V MHz toward Mingus Mountain, Arizona on azimuth 299.7°.

[FR Doc.76–16251 Filed 6–4–76;8:45 am]

[Docket No. 20649; RM–2531]

FOREIGN STATIONS

Non-Interconnected Distribution of TV Programming; Order Extending Time for Filing Comments and Reply Comments

In the matter of applicability of section 325(b) of the Communications Act to noninterconnected distribution of television programming to certain foreign Stations.

1. The Commission herein considers a "Joint Request for Extension of Time" filed on May 21, 1976, on behalf of Capital Cities Communications, Inc. (Capital Cities), licensee of television station WKBW–TV, Buffalo, New York, and Taft Broadcasting Co. (Taft), licensee of WGR–TV, also in Buffalo, which seeks an extension of time up to and including June 29, 1976, in which to file comments in response to a Notice of Inquiry[1] adopted by the Commission in the above-captioned proceeding. Filing deadlines for comments and replies are presently May 28, 1976, and June 28, 1976, respectively. An "Opposition to Joint Request for an Extension of Time" was filed on May 24, 1976, by United Community Antenna Systems, Inc., Community Telecable of Seattle, Inc. and TeleVue Systems, Inc. (United). See also 41 FR 18917, May 7, 1976.

2. Capital Cities asserts in support of the requested extension that it has recently received a preliminary draft of an economic analysis which, it avers, indicates the existence of a relationship between the issues in this proceeding and those which involved United States border broadcasters and the United States and Canadian governments concerning television broadcasting in Canada. Capital Cities says, however, that it will not be possible for the economic study to be completed and appropriate comments submitted by May 28, 1976. As a further justification of its request, Capital Cities

[1] 40 Fed. Reg. 50309, October 29, 1975.

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suggests that the exact relationship between the issues in this proceeding and "the Canadian problem" may well be affected by deliberations presently underway in the Canadian Senate. The petitioners urge that the extension of time should be granted in order that comments on any relevant developments arising from those deliberations may be included in the record.

3. In opposing the extension, United asserts that Capital Cities and Taft have set forth no reasons why the economic analysis could not have been completed in time for filing on May 28, 1976. Further, says United, the relief sought by Capital Cities has previously been denied and there is no additional showing as to why the extension is now necessary. With regard to the Canadian Senate, United suggests that if those deliberations produce any results, they can be discussed in reply comments, or a subsequent request for leave to file additional material can be filed if those deliberations have not been completed by the time reply comments are due. Finally, United asserts, the granting of an extension of time will jeopardize the likelihood of making meaningful progress in the Canadian prerelease matter within the time period set by the United States Court of Appeals for the District of Columbia Circuit.[1]

4. While we are quite aware of the existence of the cited judicial order, the Commission considers the availability of relevant economic studies to be of substantial importance in the resolution of the many complex issues to be considered in this proceeding and we are therefore disposed to grant the requested extension in order that the present preliminary economic data referred to by Capital Cities and Taft in the joint request may be incorporated in the appropriate comments and filed with the Commission in final form. However, inasmuch as the parties have had what we believe to be a more than adequate amount of time for the preparation and filing of comments, we wish to indicate that no further requests for extensions of time will be entertained in connection with this proceeding. As for the Canadian Senate deliberations and the suggestion that developments relevant to this proceeding may occur in the course of those deliberations, our action in extending the filing deadlines will allow for the filing of comments if those developments occur prior to June 29, 1976. We believe this approach to be more preferable than that suggested by United. In the event that the Canadian deliberations yield relevant developments after the expiration of the filing deadlines, the Commission will utilize whatever appropriate procedures are necessary for the limited purpose of obtaining any pertinent information.

[1] In *KIRO* v. *F.C.C.*, Nos. 75-1233 and 75-1390, two cases involving Canadian prerelease and the domestic cable carriage of Canadian television programming, the Court of Appeals deferred decision for a period of six months to August 17, 1976, pending the completion of this inquiry.

5. Accordingly, it is ordered, That the deadlines for the filing of comments and reply comments in Docket No. 20649 are extended from May 28, 1976, and June 28, 1976, respectively, to and including June 29, 1976, and July 16, 1976, respectively.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: May 27, 1976.

Released: June 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-16389 Filed 6-4-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 3 Through May 7, 1976

Notice is hereby given that during the week of May 3 through May 7, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER, LOS ANGELES, CALIF., FEA-0805, FREEDOM OF INFORMATION

The Department of Water and Power of the City of Los Angeles (LADWP) submitted an Appeal from an Order issued to it by the Information Access Officer of the FEA. In that Order, the Information Access Officer granted a Request for Information which the LADWP had filed under the Freedom of Information Act, and released a copy of a Remedial Order which the FEA had issued to Coastal States Gas Corporation (Coastal States). However, an Attachment to the Remedial Order was withheld from disclosure on the basis of a determination that it fell within the exemptions in the Act. In considering LADWP's Appeal, the FEA determined that the Attachment was properly found to be exempt from mandatory public disclosure pursuant to the provisions of 5 U.S.C. 552(b)(4). In the Decision which it issued, the FEA held that the information contained in the Attachment is confidential commercial and financial information which, if released to the public, could clearly cause substantial damage to Coastal States' competitive position. The FEA also concluded that although LADWP might receive some assistance from that information in attempting to verify the legality of the prices which it has been charged, the competitive damage which Coastal States would almost certainly experience if the cost and revenue data in the Attachment were released outweighs the possible benefit to LADWP. The FEA therefore denied the LADWP Appeal.

GUAM OIL & REFINING CO., INC., DALLAS, TEX., FEA-0705, REFINED PETROLEUM PRODUCTS

The Guam Oil & Refining Co., Inc. (Gorco) filed an Appeal from a Decision and Order in which the FEA denied an Application for Exception which the firm had previously submitted. Guam Oil & Refining Co., Inc., 3 FEA Par. 83,026 (November 28, 1975). In the exception decision, the FEA denied Gorco's request that it be permitted to regard the covered products which it sells to the Defense Fuel Supply Center (DFSC) as products which are exempt from the FEA Price Regulations. However, the FEA also found that the financial and operating data which Gorco furnished indicated that the firm's May 1973 operating expenses exceeded its May 15, 1973 gross margin. Exception relief was therefore granted which permitted Gorco to adjust its May 15, 1973 refinery profit margin per barrel to historical levels. Gorco's Appeal, if granted, would permit the firm to regard the covered products which it sells to the DFSC as exempt from the FEA price regulations or, in the alternative, to compute its maximum allowable prices on the basis of its July 1, 1973 selling prices rather than its May 15, 1973 selling prices as adjusted pursuant to the exception decision.

In considering Gorco's Appeal, the FEA determined that the firm had failed to present any convincing arguments in its exception request or on appeal which supported its contention that its sales to the DFSC should be exempt from the FEA Price Regulations. The further conclusion was reached that Gorco had also failed to demonstrate that the historical period used as the basis for the exception relief granted was inappropriate as an index of its historic level of operations.

However the FEA sustained the firm's contention that the exception relief previously granted was insufficient to permit the firm to achieve its historic refinery profit margin. The FEA found that Gorco's May 1973 refinery profit margin as stated in the exception decision was derived from an erroneous calculation of the firm's operating expenses which failed to reflect the full amount by which such expenses exceeded Gorco's May 1973 gross margin. The FEA therefore adjusted the exception relief granted to correct for the error. However, since the firm's method of inventory valuation had changed from FIFO to LIFO during the historical period used, the adjustment was reduced to reflect this change. The FEA further determined that Gorco's claim that the exception relief granted did not take into account the increased non-product costs which the firm has been unable to recover was not a proper ground for reversing the previous determination. The FEA noted that Gorco had never raised this issue in its exception application and that the matter was not germane to the Appeal proceeding. Finally, the FEA determined that Gorco had failed to demonstrate that it would experience a severe irreparable injury in the absence of retroactive exception relief and therefore denied the firm's request that the relief be made retroactive.

PETROCHEMICAL ENERGY GROUP, WASHINGTON, D.C., FEA—0708, NATUGAL GAS LIQUIDS

The Petrochemical Energy Group (PEG) appealed from a Decision and Order issued to the Commonwealth Natural Gas Corporation (Commonwealth). In the Commonwealth Decision, an Application for Assignment which the firm had submitted was approved and it was allocated butane for use as a feedstock in a synthetic natural gas (SNG) plant which it operates in Chesapeake, Virginia. In its Appeal, PEG contended that the Order contravened established FEA policy concerning the allocation of SNG feedstocks. Although the FEA found that it was an error to have permitted natural gas to be supplied to end-users which possess alternate fuel capability on a continuing basis, the FEA determined that since the term of the assignment order had lapsed, a modification of the current Order was unnecesary. However the FEA directed that the extent of service provided by Commonwealth's customers to such end-users be carefully considered in determining the appropriate quantity of feedstock to be assigned to Commonwealth in any future allocation order. In considering the remaining arguments made by PEG, the FEA determined that: (i) the previous order was not erroneous solely because it did not require Commonwealth to immediately implement a program of full incremental pricing; (ii) no showing had been made that the SNG produced at the Chesapeake plant would be used by Commonwealth for growth purposes; (iii) there will be no significant environmental impact associated with the continued operation of the Chesapeake SNG plant. The Appeal was therefore denied.

POTOMAC GAS CO., WASHINGTON, D.C., FMR—0038, PROPANE

Potomac Gas Company appealed from a Decision and Order which granted the firm prospective exception relief from the provisions of 10 CFR 212.93, but denied its request for retroactive relief. Potomac Gas Co., 3 FEA Par. 83,028 (November 28, 1975). The Appeal, if granted, would make the exception relief approved retroactive to November 1, 1973 and thereby relieve Potomac of its obligation under a Remedial Order issued to it by the FEA Region III to refund a portion of the revenues which it realized in the past by charging its customers unlawful prices for propane. In considering the Appeal, the FEA noted that the relief approved in the initial Decision was not designed to eliminate the general operating losses which Potomac had experienced, nor to permit the firm to attain a favorable competitive position, but rather to ensure that the restitution which Potomac is required to make for its past pricing violations does not unnecessarily frustrate the firm's present efforts to establish its marketing operations on a sound financial basis. The FEA concluded that Potomac failed to submit any new evidence or arguments in support of its Appeal which refuted the previous determination that retroactive exception relief is not warranted. That portion of the Appeal was therefore denied. However, the FEA also determined that in view of Potomac's currently weak financial condition, the Remedial Order which was issued to the firm by FEA Region III should be modified to permit Potomac to make restitution to its residential customers through prospective price reductions over an extended period of time rather than through immediate cash payments.

VARIBUS CORP., BEAUMONT, TEX., FEA-0806, FREEDOM OF INFORMATION

Varibus Corporation (Varibus) appealed from an Order in which the FEA denied a Request for Information filed by the firm under the Freedom of Information Act, 5 U.S.C. 552. In that Request, Varibus sought copies of all opinions and memoranda which discuss the applicability of the FEA Mandatory Petroleum Price Regulations to transactions between a wholly-owned subsidiary corporation and its parent corporation. In the Order which he issued, the FEA Information Access Officer determined that five documents were found which related to inter-company transactions of this type, but that all five documents were intra-agency memoranda or letters which were exempt from mandatory disclosure under the fifth exemption in the Act. In its Appeal, Varibus contended that the requested documents should be released pursuant to the Decision of the U.S. Supreme Court in *National Labor Relations Board* v. *Sears, Roebuck & Co.*, 421 U.S. 132 (1975). In denying the Appeal, the FEA determined that the requested documents were intra-agency memoranda which did not yet express effective FEA law and policy, but represented an ongoing process through which policy decisions were being formulated. Thus, contrary to Varibus' claim, the memoranda did not express the effective policy of the agency, and were properly found to be exempt from disclosure under the Act. The Varibus Appeal was therefore denied.

REQUESTS FOR EXCEPTION

COMMONWEALTH OIL REFINING CO., PENUELAS, PUERTO RICO, FEE-2248, NAPHTHA

The Commonwealth Oil Refining Company, Inc. (CORCO) filed an Application for Exception from the provisions of the Old Oil Entitlements Program which, if granted, would permit CORCO to earn entitlements for the naphtha which it imports and uses in its aromatics plant to produce covered products. CORCO contended that its principal competitors in the sales of those products use crude oil as a feedstock to produce naphtha, which unlike CORCO's imported naphtha, receives the benefit of the cost equalization features of the Old Oil Entitlements Program. According to the CORCO submission, the high-cost imported naphtha constitutes one-half of the feedstock requirements of its aromatics plant and consequently CORCO claimed that its feedstock costs are significantly above those of its mainland competitors, placing it at a severe competitive disadvantage. In reviewing the origins of CORCO's difficulties, the FEA pointed out that CORCO had invested in refining and petrochemical operations in Puerto Rico in reliance on economic incentives which were provided by the United States and Puerto Rican governments. These incentives led the firm to design its aromatics plant to use substantial volumes of imported naphtha feedstock. In contrast to the situation which CORCO encounters, almost all domestic refiners which operate naphtha reformers are able to produce naphtha from crude oil in their refineries in amounts sufficient to operate their reforming units and have therefore historically imported very little naphtha. The FEA found that CORCO's substantial reliance on imported naphtha had resulted in a significant cost disadvantage which has had severe adverse effects on the firm's ability to effectively market the covered products which it produces.

As a result, CORCO has been experiencing significant losses in the operation of its aromatics plant. These losses have contributed substantially to serious financial losses which the firm as a whole has incurred under the two-tier crude oil pricing structure, forcing CORCO to reduce the amount of naphtha it imports and to operate its aromatics plant far below normal operating levels. Moreover, the data submitted by CORCO demonstrated that it was unable to operate its aromatics plant at a profit even at these reduced levels and the deterioration of CORCO's financial position was so severe as to place CORCO in imminent danger of defaulting on its outstanding financial obligations. The FEA therefore concluded that, as a result of the Entitlements Program, CORCO is unable to effectively compete in the U.S. mainland markets where it has traditionally sold its products and that the competitive disadvantage which it is experiencing because of its dependence on imported naphtha feedstock is resulting in a serious financial hardship which threatens the firm's continued operations. In view of these circumstances, and the severe impact on the Puerto Rican economy which would occur if CORCO were forced to curtail its operations, the FEA determined that exception relief should be granted which will permit CORCO to earn entitlements for the naphtha which which it imports and uses as a feedstcok in its aromatics plant.

KERR-M'GEE CORP., OKLAHOMA CITY, OKLA., FEE-2040, REFINED PETROLEUM PRODUCTS

The Kerr-McGee Corporation (Kerr-McGee) filed an Application for Exception related to the activities of the parent firm and its wholly-owned subsidiaries, Triangle Refineries, Inc. (Triangle),

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Southwestern Refining Co., Inc., Kerr-McGee Refining Corporation and the Cotton Valley Solvents Co. The exception request, if granted, would permit each of its subsidiaries to allocate increased costs and determine maximum allowable prices on the basis of the subsidiary's operations alone rather than on a consolidated basis as required by the FEA regulations. Kerr-McGee also requested that the exception relief be made retroactive to August 1973.

In the alternative, Kerr-McGee requested exception relief which, if granted, would: (i) retroactively permit the firm to allocate its increased crude oil costs on the basis of the subsidiaries' refinery yields rather than on the basis of total sales; and (ii) prospectively and retroactively permit the firm to treat each of its subsidiaries as a separate entity for purposes of applying the requirements of 10 CFR 212.83(e)(8) that price increases be applied equally among all classes of purchaser of a particular product.

In considering Kerr-McGee's request that each of its subsidiaries be treated as a separate entity for purposes of the Mandatory Petroleum Price Regulations, the FEA determined that: (i) Kerr-McGee and its wholly-owned subsidiaries constitute a single firm under the provisions of 10 CFR 212.82 and are therefore required to aggregate product and non-product costs in determining the firm's maximum allowable selling prices; (ii) Kerr-McGee failed to present convincing evidence that its subsidiaries had historically maintained separate and distinct operations; accordingly, exception relief was not warranted on the basis of the precedent established in Getty Oil Co. (Eastern Operations), Inc., Skelly Oil Co., 2 FEA Par. 83,041 (February 11, 1975); and (iii) Kerr-McGee failed to otherwise demonstrate that the requirement that the subsidiaries determine maximum selling prices in a consolidated manner resulted in a serious hardship or gross inequity to the firm. The FEA therefore denied this portion of Kerr-McGee's request.

With respect to Kerr-McGee's alternative request for retroactive exception relief from the crude oil cost allocation provisions of 10 CFR 212.83(c)(2), the FEA determined that: (i) Section 212.83(c)(2) was promulgated to ensure the allocation of a representative proportion of costs among the various categories of covered products; and (ii) as a result of unusually large purchases of gasoline for resale by one of Kerr-McGee's subsidiaries, the firm was required, prior to February 1, 1976, to allocate its increased crude oil costs in a grossly disproportionate manner and was consequently required to absorb a substantial portion of those costs. On the basis of those findings the FEA determined that prior to February 1, 1976, the crude oil cost allocation provisions of Section 212.83(c)(2) resulted in a gross inequity to Kerr-McGee. The FEA further determined that retroactive exception relief was warranted in this case on the grounds that: (i) such relief was the only procedural mechanism now available to Kerr-McGee to rectify this gross inequity; (ii) in the absence of retroactive relief, Kerr-McGee's earnings during 1976 would be negligible in comparison to its historic operating posture and the firm might be required to operate its petroleum related activities at a loss; and (iii) convincing evidence was presented which indicated that Kerr-McGee had previously submitted an Application for Exception requesting similar relief, but that Application was never actually received by the FEA. The FEA therefore granted Kerr-McGee retroactive exception relief from the crude oil cost allocation provisions of Section 212.83(c)(2) for the period June 28, 1974 through January 31, 1976.

With respect to Kerr-McGee's request for prospective exception relief from the provisions of Section 212.83(e)(8), the FEA determined that Kerr-McGee had failed to demonstrate that (i) the firm's financial and operating posture would be significantly impaired in the absence of this relief; and (ii) the firm was otherwise experiencing a serious hardship or gross inequity as a result of the provisions of the equal application rule. In considering Kerr-McGee's request for retroactive relief from the requirements of Section 212.83(e)(8), the FEA determined that since Kerr-McGee had failed to demonstrate that prospective exception relief would have been granted if the Application for Exception had been submitted in a timely manner, the firm's argument that retroactive relief was warranted was without merit. On the basis of these findings, Kerr-McGee's requests for prospective and retroactive exception relief from the requirements of the equal application rule were denied.

QUINCY OIL, INC., QUINCY, MASS., FEE-2212, NO. 6 FUEL OIL

Quincy Oil, Inc. filed an Application for Exception from the provisions of 10 CFR 212.93 which, if granted, would permit the firm to charge the Taunton Municipal Lighting Plat (Taunton) prices for No. 6 fuel oil which are in excess of the maximum levels permitted under Section 212.93. Quincy also requested that the exception relief be approved retroactively to November 1, 1973. In its Application, Quincy contended that unless exception relief were approved, on both a prospective and retroactive basis, its continued economic viability as an independent marketer would be seriously jeopardized. In making a determination on Quincy's request for prospective exception relief, the FEA noted that, pursuant to recently promulgated regulatory amendments, residual fuel oil will be exempt from the requirements of the FEA regulations as of June 1, 1976. The FEA concluded that Quincy had failed to submit any data which demonstrated that its operations would be seriously affected if exception relief were not granted for the period prior to that date. The FEA also concluded that Quincy's request for retroactive exception relief should be denied since the firm had failed to present compelling reasons why retroactive relief was warranted or why it would experience a severe irreparable injury in the absence of such relief. Although the firm contended that any violations which may have occurred in selling fuel oil to Taunton were not willful, the FEA affirmed the fact that Quincy, like all firms in the petroleum industry, has a responsibility to become aware of its obligations under the Mandatory Petroleum Allocation and Price Regulations and to conform its operations and practices to assure compliance with those regulatory requirements. The FEA stated that Quincy could not rely upon its failure to fulfill this obligation as a valid basis for the approval of the relief it requested. See, *Carlos R. Leffler, Inc.* v. *Federal Energy Administration*, Civ. No. 75-1689 (D.D.C. February 20, 1976). The FEA also found that Quincy had failed to demonstrate that its continued viability would be seriously endangered in the absence of retroactive exception relief because the firm had adequate financial resources to refund the overcharges involved. Quincy's Application for Exception was therefore denied.

SHELL OIL CO., HOUSTON, TEX., FEE-2287, FEE-2293, FEE-2297, NATURAL GAS LIQUIDS

The Shell Oil Company filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit Shell to increase the prices which it charges for natural gas liquids and natural gas liquid products at three of its gas plants above the maximum levels permitted under Subpart K of the FEA Madatory Petroleum Price Regulations. In considering these applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that its non-product costs since May 1973 have increased substantially in excess of the $.005 per gallon pass-through permitted under the provisions of Section 212.165. See Superior Oil Company, 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Shell had made such a showing with respect to these three plants and granted Shell exception relief for those plants for the period May 6, 1976 through June 30, 1976. The FEA also found that Shell's request that exception relief for the three plants be granted retroactive to July 1, 1975 was unsupported by any evidence that the firm's continued operation will be placed in jeopardy in the absence of such relief and therefore denied that portion of Shell's request.

SHELL OIL CO., HOUSTON, TEX., FEE-2352, CRUDE OIL

Shell Oil Company (Shell) requested an exception from the provisions of Section 211.67 which, if granted, would permit the firm to file amended entitlements reports (Forms FEA-P-102-M-O) for the period November 1974 through September 1975 and would also permit the firm to receive an adjustment in its entitlement purchase obligations to reflect its overstatement of old oil receipts which it reported to the FEA for that period. Shell indicated in its submission that as a result of various inadvertent reporting errors, it had been required to purchase entitlements at a cost of approximately $22 million in excess of the cost which it should have incurred. In considering its Application, the FEA noted that on April 1, 1976, subsequent to the date on which Shell filed its Application for Exception, Section 211.67 was amended to provide a special procedure to resolve reporting errors which occurred during the period November 1974 through August 1975. Under this new procedure a refiner may correct errors which occurred during that period merely by filing amended reports. The amended provisions of Section 211.67 also removed the general two month limitation formerly applicable to the filing of amended reports so that commencing in April 1976, a refiner may correct erorrs for any prior month by filing an amended report for that month at any time. Consequently, the FEA determined that exception relief is unnecessary since Shell may now correct its reporting errors for the entire period from November 1974 through September 1975 by filing amended reports with the FEA in accordance with these new procedures, and Shell's Application for Exception was dismissed.

WASHINGTON COUNTY, OREG., HILLSBORO, OREG., FEE-2387, MOTOR GASOLINE, DIESEL FUEL

The County Counsel of Washington County, Oregon (the County) filed an Application of Exception from the provisions of the Mandatory Petroleum Price Regulations on behalf of the County. The County's exception request, if granted, would permit refiners, resellers and retailers of motor vehicle fuel in Washington County to increase their selling prices to reflect a license tax imposed by the County on sellers of motor vehicle fuel. In considering the exception request, the FEA determined that the tax which the County imposed is directly patterned on the motor vehicle fuel license tax provisions of the State of Oregon. In a previous proceeding, exception relief was approved for the entire State of Oregon under similar circumstances. State of Oregon, 2 FEA Par. 83,320 (October 3, 1975). In that case, the FEA determined that the burden to the State of either foregoing the tax increase or revamping its tax structure so outweighed any possible benefits as to result in a gross inequity to the State which warranted exception relief. Since the circumstances presented in the County's request for exception are very similar, the FEA granted the County exception relief on the basis of the previous precedent.

WEST OIL CO., LOS ANGELES, CALIF., FEE-2200, CRUDE OIL

West Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would have permitted the firm to sell the crude oil produced from the Gulf Cookie State No. 1 and No. 2 wells located in Lea County, New Mexico at upper tier price levels. In considering West's exception application, the FEA determined that: (i) production in 1975 from the property clearly exceeded the 10.0 barrels per day average production level, which is the maximum production permitted for a well to be classified as a stripper well; (ii) West has a clear economic incentive to continue producing crude oil from the wells, since they were generating significant operating income; and (iii) West failed to make a convincing showing that the approval of exception relief which would permit the firm to charge upper tier prices were necessary to provide an economic incentive for additional capital investment in the wells. The exception application was therefore denied.

REQUESTS FOR STAY

NATIONAL COOPERATIVE REFINERY ASSOCIATION, MCPHERSON, KANS. FES-2314, COVERED PRODUCTS

The National Cooperative Refinery Association requested a stay of certain provisions of the refiners' pricing rules pending a determination on an exception application which it filed with the FEA. If the request were granted, NCRA would be permitted to increase its current selling prices for covered products to reflect non-product costs which it was unable to recover in 1974. In considering the Application for Stay, the FEA determined that: (i) NCRA failed to provide any data to substantiate its claim that it would experience an immediate financial hardship or irreparable injury if its request for stay were denied; and (ii) contrary to its allegation the NCRA submission did not make such a strong showing that it was likely to succeed on the merits as to justify the approval of a stay. NCRA's request for stay was therefore denied.

UCO OIL CO., WHITTIER, CALIF., FES-2388 MOTOR GASOLINE

UCO Oil Company (UCO) requested that the application of 10 CFR 211.9 be stayed and that it be assigned a new supplier of motor gasoline to replace its present base period suppliers, The Oil Shale Corporation and MacMillan Ring-Free Oil Company, Inc., pending a determination on an Application for Exception which the firm had filed. In considering UCO's application, the FEA determined that in view of the significant quantities of petroleum products involved and the extent to which other parties could be adversely affected, the type of ex parte Order which UCO requested the FEA to issue would be justified only if UCO made a very strong showing that its continued operations would be very seriously jeopardized during the period of time necessary to reach a determination on the merits of its exception application. The FEA noted that although UCO's submission indicated that it is incurring financial losses, the firm had in prior periods realized significant levels of profitability and its current cash position was very favorable. The FEA therefore determined that the firm had not made a sufficiently strong showing that it was likely to encounter significant difficulties in maintaining its business activities or that its operations would be seriously impaired in a permanent manner as a result of the application to it of FEA regulatory provisions. In addition, the FEA pointed out that if exception relief is ultimately granted, the FEA could mitigate any possible injury which UCO might sustain by fashioning exception relief which would compensate UCO for any financial burden which it incurred during the pendency of its Application for Exception. The firm's Application for Stay was therefore denied.

REQUEST FOR MODIFICATION AND RESCISSION

DEPARTMENT OF DEFENSE, DALLAS, TEX., FMR-0042, MOTOR GASOLINE

The Department of Defense, on behalf of the Army and Air Force Exchange Service, the Navy Exchange Service and the Marine Corps Exchange Service, filed an Application for Modification of a Decision and Order issued by the FEA on September 11, 1974. In that Decision and Order the FEA granted these military exchange services a class exception from the provisions of 10 CFR 212.93 which permitted all military exchange resale motor gasoline outlets to establish gasoline prices in relation to the average price for gasoline in the civilian community surrounding the exchange. The Application for Modification, if granted, would permit the resale outlets to establish prices to be charged at full-service gasoline outlets and prices to be charged at self-service gasoline outlets on a separate basis. In considering DOD's request, the FEA found that the class exception relief previously granted did not permit prices for self-service motor gasoline at military exchanges to be established in relation to average prevailing prices for similar services. In order to meet the objectives specified in the September 11 Order, the FEA concluded that the DOD should be permitted to establish prices for the gasoline marketed at military exchanges on the basis of separate market surveys of full service stations and self-service stations.

SUPPLEMENTAL ORDER

ASHLAND OIL CO. OF CALIFORNIA, SAN FRANCISCO, CALIF., FEX-0041, MOTOR GASOLINE GASOLINE

On April 30, 1976, the Federal Energy Administration issued a Decision and Order to the Ashland Oil Company of California (Ashland). In that Decision, the FEA determined that Ashland was experiencing a serious hardship as a result of the regulatory provisions requiring adherence to the firm's supplier/purchaser relationship with its principal base period supplier, Coastal States Gas Producing Company, and appropriate exception relief was therefore approved. Subsequent to the issuance of the April 10 Decision and Order, the FEA

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was informed that one of the assumptions which was utilized in arriving at the conclusion that Ashland would continue to incur serious financial difficulties was erroneous. The FEA therefore suspended the April 30 Decision and Order and stated that Ashland may reopen the proceeding by requesting that an evidentiary hearing be conducted with respect to the matters raised in its exception application.

PETITION FOR SPECIAL REDRESS

INCONTRADE, INC., STAMFORD, CONN., FSG–0021, RESIDUAL FUEL OIL

Incontrade, Inc. filed a Petition for Special Redress in which it requested that the FEA reverse two previous Decisions denying the firm's request for a fee-free import allocation. In its Petition, Incontrade claimed that an Order should have been issued permitting it to import 4,595,826 barrels of residual fuel oil on a fee-free basis during the current allocation period. In the previous Decision denying an additional allocation of fee-free licenses, the FEA determined that the data which Incontrade had submitted revealed that it had made only a minimal investment in long term assets and therefore had made no showing that its operations would be sufficiently viable and stable to enhance the competitive structure of the market in which it operates. In its current submission, Incontrade presented no evidence to indicate that this determination as to the nature of its operations was erroneous. In addition, the FEA determined that Incontrade had not made a convincing showing that an improper characterization by the FEA of Incontrade as a broker in the FEA's previous Decision had any substantive effect. The FEA therefore concluded that Incontrade had failed to demonstrate that erroneous criteria had been applied in reaching the decisions which had been made on its previous requests or that the criteria themselves were erroneous. Accordingly, the firm's Petition was denied.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Delaware Valley Propane, Moorestown, New Jersey, FEE–2328.
Gladieux Refinery Inc., Fort Wayne, Indiana, FEE–2262.

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Stovall Oil Company, Casper, Wyoming, FEE–2382.

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Shell Oil Company, Houston, Texas, FEE–2300.

The following submission was dismissed on the grounds that the request is now moot:

Public Service Electric & Gas Company, Newark, New Jersey, FEE–2342.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

JUNE 1, 1976.

[FR Doc.76–16315 Filed 6–2–76;11:27 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 10 Through May 14, 1976

Notice is hereby given that during the week of May 10, through May 14, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Offices of Exceptions and Appeals and the basis for the dismissal.

REQUESTS FOR EXCEPTION

AMOCO OIL CO., CHICAGO, ILL., FEE–2233, CRUDE OIL

Amoco Oil Company (Amoco) filed an Application for Exception from the provisions of 10 CFR, Part 214 (the Canadian Crude Oil Allocation Program). The exception request, if granted, would result in the issuance of an Order by the FEA changing the designation of Amoco's refinery located in Mandan, North Dakota (the Mandan refinery) from a second priority refinery to a first priority refinery. This change in designation would result in an increase in the amount of Canadian crude oil which Amoco is allocated under the Program. In its exception application, Amoco contended that if it does not obtain additional Canadian crude oil for use at that refinery, it may be economically infeasible to continue to operate the facility. In considering Amoco's exception application, the FEA held that since Amoco is a wholly-owned subsidiary of the Standard Oil Company of Indiana (Standard), Standard's overall petroleum operations should be considered in evaluating Amoco's claim of serious hardship. The FEA determined that Amoco failed to show that the loss of any revenues which it may experience as a result of the denial of its exception request will significantly affect Standard's financial posture or impair any significant aspect of its operations. The FEA was unable to analyze Amoco's claim that a serious hardship would be experienced at the Mandan refinery alone or that it would eventually cease operations at Mandan in the absence of exception relief because Amoco failed to furnish basic financial data regarding the operation of the Mandan refinery. Other information in Amoco's exception application indicated that the refinery will remain economically viable even if Amoco obtains crude oil exclusively from domestic sources. The FEA also found that Amoco provided no convincing evidence in its exception application to indicate that any third party would be adversely affected if Amoco's exception requests were denied. Moreover, if Amoco's exception application were granted, other refineries which receive crude oil under the Canadian Crude Oil Allocation Program would be adversely affected, since any increase in the allocation of Canadian crude oil to the Mandan refinery would necessarily decrease the quantity of Canadian crude oil to be allocated to other refineries. Amoco's exception application was therefore denied.

ATLANTIC RICHFIELD CO., LOS ANGELES, CALIF., FEE–2309; C. F. PETROLEUM CO., LONG GROVE, ILL., FEE–2312, CRUDE OIL AND REFINED PETROLEUM PRODUCTS

The Atlantic Richfield Company (Arco) and the C. F. Petroleum Company (CFP) filed submissions with the Federal Energy Administration requesting various types of administrative relief in connection with the proposed acquisition by CFP of a refinery which Arco owns in East Chicago, Indiana (the East Chicago refinery). In the Decision which it issued, the FEA noted that the Mandatory Petroleum Allocation and Price Regulations are not specifically designed to resolve the complex issues which are presented by the purchase and sale of an operating refinery. Consequently, these issues should be resolved on an individual case-by-case basis through the exceptions process in order to avoid the occurrence of a situtaion in which the national objective of encouraging market entry by small and independent firms is frustrated.

Based on the material submitted in this proceeding, the FEA determined that CFP should be permitted to compute its maximum allowable prices for refined products by using the May 15, 1973 prices which Arco charged at the East Chicago refinery. In addition, in order to avoid price distortions which would otherwise result from a lack of comparability of costs, CFP was directed to compute its increased costs by using the actual product and non-product costs which the East Chicago refinery experienced in May 1973. Arco in turn was required to exclude from the calculation of its maximum allowable prices the May 15, 1973 prices and the May 1973 product and non-product costs of the East Chicago refinery.

With respect to the issues presented in the Arco and CFP submissions involving the allocation of refined petroleum products, the FEA determined that in order to avoid a disruption in the East Chicago refinery operations and supply dislocations to purchasers of refined products from the East Chicago refinery: (i) Arco's base period relationships with purchasers of solvents, napththa and residual fuel oil should be terminated and CFP should be assigned to supply those purchasers; and (ii) Arco should be permitted to sell the inventories of solvents, naptha and residual fuel oil in Arco's possession at the East Chicago refinery on the date of the closing of the sale of the refinery to CFP without including those products in its national allocable supply.

In addition, the FEA directed Arco to make reductions in its total cost of crude oil during the month immediately following the sale of inventories to CFP to offset previous increases in its crude oil costs due to the acquisition of the crude oil purchased to produce the refined products being sold in the transfer of inventories. CFP was directed to treat the portion of the purchase price of the inventories which exceeds Arco's cost of crude oil contained in the inventories as a non-product cost. The FEA also determined that Arco should not be permitted to recoup the costs which it incurs under the Crude Oil Conversion Agreement which it proposes to enter into with CFP as either increased product costs or increased non-product costs.

Finally, with respect to the effect of the transfer on the positions of Arco and CFP under the Crude Oil Buy/Sell Program and Old Oil Entitlements Program, the FEA determined that: (i) CFP will be classified as a small refiner; (ii) CFP's East Chicago refinery will be considered "refining capacity" for purposes of calculating the firm's proper allocation of crude oil under the Buy/Sell Program; (iii) CFP's crude oil allocation under the Buy/Sell Program will be determined in accordance with the volume of Arco's crude oil runs to stills at the East Chicago refinery during 1972 and the period February through April 1974; (iv) CFP will be permitted to earn entitlements under the Old Oil Entitlements Program beginning with the month in which it purchases the East Chicago refinery; (v) Arco's fixed percentage share of the total sales obligation of all refiner-sellers will not be reduced as a result of the transfer of the East Chicago refinery; (vi) subsequent to the transfer of the East Chicago refinery, all crude oil processed at the refinery for the account of Arco will be included in Arco's crude oil runs to stills for purposes of the Buy/Sell Program and the Entitlements Program and excluded from CFP's crude oil runs to stills for purposes of those programs; and (vii) subsequent to such transfer, all crude oil processed at the refinery for the account of CFP will be included in CFP's crude oil runs to stills for purposes of the Entitlements Program and the Buy/Sell Progam and excluded from Arco's crude oil runs to stills for purposes of the Entitlements Program.

BELCO PETROLEUM CORP., NEW YORK, N.Y., FEE–2197, CRUDE OIL

Belco Petroleum Corporation (Belco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Belco to increase the prices of the crude oil which it produces from the McDonald Draw Unit-Tank Battery Four (the McDonald Unit) to recover $309,833.50 in revenues which the firm failed to realize because it miscalculated the cumulative deficiency for the McDonald Unit during the period January through November 1975. In considering Belco's exception request, the FEA held that as a firm dealing in a petroleum related industry Belco has an affirmative obligation to me cognizant of the correct application of FEA Regulations to its business operations. The FEA observed that Belco's failure to charge new or released prices for certain volumes of crude oil resulted solely from the firm's own negligence. Furthermore, in view of the fact that Belco provided no data regarding its current financial positon, the FEA determined that Belco failed to demonstrate that any adverse consequences would result if the firm's request for exception relief were denied. Finally, the FEA held that the nature of the exception relief which Belco requested would directly contravene the stated intent of Section 212.72 of the Manadatory Petroleum Price Regulations to provide stable crude oil prices. Belco's exception application was therefore denied.

CONTINENTAL OIL CO., HOUSTON, TEX., FEE–2124, REFINED PETROLEUM PRODUCTS

Continental Oil Company (Conoco) filed an Application for Exception from the provisions of 10 CFR, Part 212, which, if granted, would permit Conoco to increase its selling prices for refined petroleum products to recover certain cash discounts which it granted during the period September 1974 through January 1975. In its exception application, Conoco asserted that prior to the issuance of FEA Ruling 1975–13 on September 4, 1975, it was not clear that under the Mandatory Petroleum Price Regulations cash discounts are considered as non-product costs which may be used as a basis for increasing prices. The firm indicated that because of this uncertainty it filed a request for interpretation seeking an explanation as to the manner in which increased cash discounts could be reflected in its selling prices but never received a response to its request. Conoco asserted that it refrained from increasing its selling prices during the period September 1974 through January 1975 and as a result lost revenues of $1,368,000. In considering the exception application, the FEA observed that despite the action which Conoco took to obtain a clarification of the FEA Regulations, the firm was not apprised of its right to pass through its increased cash discounts for a period of approximately twelve months. The FEA determined that the firm was unduly penalized by the administrative delay which it encountered. The FEA also determined that Conoco made a strong showing that it would have been able to increase its selling prices to reflect the increased cash discounts if it had received a timely response to its Request for Interpretation. The FEA concluded that under these circumstances exception relief should be approved to permit Conoco to increase its selling prices.

S. & K. OIL CO., TULSA, OKLA., FEE–2360, CRUDE OIL

S & K Oil Company (S & K) filed an Application for Exception from the provisions of 10 CFR 212.74(c) which, if granted, would permit the firm to classify the Cook-Dacon lease which it operates as a stripper well lease and sell the crude oil produced from the lease at upper tier ceiling prices. In considering the application, the FEA pointed out that exception relief would not be necessary if, as S & K contended, the actual daily production from the Cook-Dacon lease did not exceed 10 barrels per day per well since the property would then qualify as a stripper well lease. With respect to S & K's contention that a gross inequity resulted from the narrow margin by which the property may have failed to qualify as a stripper well lease, the FEA observed that a similar argument had been considered and ultimately rejected in Raymond M. Jones, 3 FEA Par. 83,042 (December 12, 1975). In that Decision, the FEA held that it is inevitable that whenever regulatory criteria are established some firms will fall just short of meeting those criteria and that this situation in and of itself does not constitute a gross inequity. The FEA concluded that the determination made in the Jones case was equally applicable to the present case and therefore denied S & K's Application.

UPHAM OIL & GAS CO., CHICO, TEX., FEE–2330 NATURAL GAS

Upham Oil and Gas Company (Upham) filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit Upham to increase the prices of the natural gas liquid products produced at its Chico, Texas, plant to reflect the non-product cost increases which it experienced. In considering Upham's Application, the FEA determined that since Upham had experienced substantial non-product cost increases between its fiscal quarter which included May 15, 1973 and the most recently completed fiscal quarter, Upham was entitled to exception relief in accordance with the precedents established in Sun Oil Co., 3 FEA Par. 83,102 (February 13, 1976); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). The FEA therefore permitted Upham to increase the selling prices of the natural gas liquid products produced at its Chico, Texas, plant by $.0194 per gallon until September 30, 1976.

Potomac Gas Company (Continued)

make restitution for previous overcharges over an extended period of time. Potomac Gas Co., 3 FEA Par. 85,021 (March 11, 1976) (Stay); and Potomac Gas Co., 3 FEA Par., —— (May 4, 1976) (Appeal). In a subsequent letter, the Regional Administrator of FEA Region III informed the Office of Exceptions and Appeals that the Director of Region III Compliance Division had in fact modified the Reme-

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dial Order on February 2, 1976. The FEA therefore issued a Supplemental Order deleting the portion of the Appeal Decision which modified the Remedial Order.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Airlite Inc. South, Long Beach, California, FEE–2403.
J–W Operating Company, Dallas, Texas, FEE–2398.
Murphy Oil Corporation, Washington, D.C., FEE–2347.
Nestle Company, Inc., Washington, D.C., FEE–2400.
West Penn Power Company, Greensburg, Pennsylvania, FEA–0756, FEA–0757.

The following submissions were dismissed for failure to correct the deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Diversified Chemicals & Propellants Company, Chicago, Illinois, FEA–0789.
Howell Corporation, Houston, Texas, FEE–2363.

The following submissions were dismissed after the applications repeatedly failed to respond to requests for additional information:

American Petrofina, Inc., Washington, D.C., FEE–2336.
Pecos Valley Gas Company, Washington, D.C., FEE–2314.
The University of Oklahoma, Norman, Oklahoma, FEE–2331.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Commonwealth Natural Gas, Corporation, Richmond, Virginia, FMR–0043.

The following submissions were dismissed on the grounds that the request is now moot:

Coastal States Gas Corporation, Houston, Texas, FEE–2228.
Tampa Electric Company, Richmond, Virginia, FEA–0815.

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Texas Asphalt & Refining Company, Houston, Texas, FST–2478.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

JUNE 1, 1976.

[FR Doc.76–16316 Filed 6–2–76;11:27 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND THE BUNGE CORP.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 28, 1976. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Benjamin R. Powel, McLeod, Alexander, Powel and Apffel, Inc., 808 Sealy and Smith Professional Building, 200 University Boulevard, P.O. Box 629, Galveston, Texas 77550.

Agreement No. T–3289, as amended by T–3289–1 and T–3289–2, between the Board of Trustees of Galveston Wharves (Wharves) and Bunge Corporation (Bunge), provides for the 20-year lease (with options to renew) of a grain elevator; all machinery and equipment; and other buildings and structures to be used as an export house. As compensation, Bunge shall pay rental on a declining rate scale with a guaranteed minimum as set forth in the agreement and amendments. Wharves shall have the right of prior approval of all dockage charges, all rules and regulations, and all rates and charges for the handling and storage of commodities.

By Order of the Federal Maritime Commission.

Dated: June 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–16387 Filed 6–4–76;8:45 am]

STATE OF CONNECTICUT AND CONNECTICUT TERMINAL CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John Cunningham, Esquire, Kominers, Fort, Schlefer and Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Agreement No. T–2373–4, between the State of Connecticut (State) and Connecticut Terminals Company, Inc., (CTC), is an interim letter agreement which extends the parties' basic agreement providing for the lease and operation of State Pier No. 1, New London, Connecticut. The purpose of the agreement is to outline the terms of a new agreement which will: (1) extend the lease for a period of five years commencing July 1, 1976; (2) include present usable equipment in the lease, acquire new equipment and dispose of equipment no longer of value to the operation; (3) provide that State will make all major repairs and improvements and keep same in good operable condition; (4) set rental of $300 a month plus a percentage on a graduated scale of the gross earned revenues derived from operations; (5) provide for working capital by CTC and the maintenance of a parts inventory; (6) provide that CTC shall submit quarterly statements to State who shall have the right of periodic inspection of equipment and facilities; and (7) provide that the lease contract shall contain certain standard clauses of the State of Connecticut contracts. By Order of the Federal Maritime Commission

Dated: June 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–16386 Filed 6–4–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE CLINCH RIVER BREEDER REACTOR PLANT

Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Clinch River Breeder Reactor Plant will meet on June 23, 1976 in Room 1046, 1717 H Street, NW., Washington, DC 20555. The purpose of this meeting is to continue the ACRS review of the application of the U.S. Energy Research and Development Administration, the Tennessee Valley Authority, and the Project Management Corporation for a permit to construct the Clinch River Breeder Reactor Plant.

The agenda for the subject meeting shall be as follows:

Wednesday, June 23, 1976, 8:30 a.m.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above application.

9:00 a.m. until the conclusion of business

The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the U.S. Energy Research and Development Administration, the Tennessee Valley Authority, the Project Management Corporation, and their consultants, and will hold discussions with these groups pertinent to its review.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and to identify items and times for future Subcommittee meetings. During this session, the Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of the caucus, the Subcommittee may meet again in brief open session to announce its plans for the next meeting.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 16, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning the Clinch River Breeder Reactor can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555, at the Oak Ridge Public Library, Civic Center, Oak Ridge, TN 37830, and at the Lawson McGhee Public Library, 500 W. Church Street, Knoxville, TN 37902.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 22, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1375, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confidmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 30, 1976 at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555, at the Oak Ridge Public Library, Civil Center, Oak Ridge, TN 37830, and at the Lawson McGhee Public Library, 500 W. Church St., Knoxville. TN 37902.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H. Street, N.W.. Washington, DC 20555 after September 23. 1976. Copies may be obtained upon payment of the appropriate charges.

Dated: June 1. 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc 76 16549 Filed 6–4–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON PEAKING FACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Peaking Factors will hold a meeting on June 24, 1976 in Room 1046, 1717 H Street, N.W., Washington, DC 20555. This is the second of a series of meetings to review current methods of measuring power distribution in light-water power reactors whose cores are fabricated by the various reactor vendors. This meeting will be used to continue discussion of power distribution in reactors whose cores have been fabricated by the Westinghouse Electric Corporation.

The agenda for the subject meeting shall be as follows:

Thursday, June 24, 1976, 8:30 a.m.

Members of the Working Group will meet in closed Executive Session, with any of their consultants who may be present, to explore their preliminary opinions regarding matters which should be considered dur-

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ing the open session so that the Working Group can prepare a report and recommendations to the full Committee.

9:00 a.m. until conclusion of business

The Working Group will meet in open session to discuss with representatives of the NRC Staff and the Westinghouse Electric Corporation current methods of measuring power distribution in nuclear reactor cores built by the Westinghouse Electric Corporation.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered. During this session, Working Group members and consultants will discuss their opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 17, 1976, to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 23, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 1, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room 1717 H St., N.W., Washington, DC 20555 after September 24, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 1, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–16548 Filed 6–4–76;8:45 am]

[Docket Nos. 50–556A and 50–557A]

PUBLIC SERVICE CO. OF OKLA., INC., AND ASSOCIATED ELECTRIC COOPERATIVE

Receipt of Attorney General's Advice and Filing of Petitions

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated May 26, 1976:

You have requested our further advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application. By letter to you dated June 23, 1975, we rendered advice with respect to Public Service Company of Oklahoma's application to construct the Black Fox units. 40 F.R. 28507. In that letter, we noted that Associated Electric Cooperative (AEC) had purchased a 500 MW ownership interest in the Black Fox plant. You have asked us now to review the antitrust aspects of AEC's application as a participant in this plant.

'AEC, headquartered in Springfield, Missouri, and its six member cooperatives serve customers throughout Missouri and in southeast Iowa. AEC's six member generation and transmission cooperatives are: KAMO Electric Cooperative, Inc.; M&A Electric Power Cooperative; Central Electric Power Cooperative; Northeast Missouri Electric Power Cooperative; N.W. Electric Power Cooperative; and Sho-Me Power Corporation. These six generation and transmission cooperatives, in turn, have 43 member distribution cooperatives.

AEC and its six member cooperatives estimate their total current peak load at approximately 1342 MW. AEC is the third largest electric utility in Missouri. AEC's total available dependable generating capacity is 1330 MW and is projected to almost triple in the next ten years. To meet this increase, AEC and its six member cooperatives have planned or have under construction additional generating capacity which will increase their dependable system capacity to 3564 MW by 1985. AEC and its six members have interconnection agreements with adjacent electric power suppliers, providing for various power exchanges. Further, AEC is a member of two regional reliability organizations, the Southwest Power Pool (SWPP) and the Mid-America Interpool Network (MAIN).

We have examined the information submitted by AEC in connection with the application as well as other information relevant to AEC's competitive relationships. Our review of this information has disclosed no basis upon which to change our earlier conclusion that no antitrust hearing will be necessary with respect to these units, assuming, of course, that the Commission issues licenses conditioned with regard to Public Service Company of Oklahoma as indicated in our letter to you of June 23, 1975, cited above.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 7, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group Nuclear Reactor Regulation.

[FR Doc.76–16547 Filed 6–4–76;8:45 am]

[Docket No. 50–293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR–35, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment (1) authorizes operation with additional 8 x 8 fuel assemblies, (2) establishes operating limits based upon the General Electric Thermal Analysis Basis (GETAB), and (3) incorporates operating limits in the Technical Specifications for the facility based on an acceptable evaluation model that conforms with the requirements of Section 50.46 of 10 CFR Part 50.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (2) and (3) above was published in the FEDERAL REGISTER on October 17, 1975 (40 FR 48735). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on items (2) and (3) above. Prior public notice of item (1) above was not required since this action does not involve a significant hazards consideration.

In connection with the issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the applications for amendment dated July 9, 1975 and July 29, 1975, and supplements thereto dated October 3, October 31, November 10, November 17, December 8, 1975 and March 1, March 19, and April 12, 1976, (2) Amendment No. 15 to License No. DPR–35, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Negative Declaration dated May 21, 1976 (which is also being published in the FEDERAL REGISTER), and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360.

A single copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of May, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–16159 Filed 6–4–76;8:45 am]

[Docket Nos. STN 50–484; STN 50–487]

NORTHERN STATES POWER CO. (MINNESOTA) AND NORTHERN STATES POWER CO. (WISCONSIN); (TYRONE ENERGY PARK, UNITS 1 AND 2)

Special Prehearing Conference

The Atomic Safety and Licensing Board will hold a Special Prehearing Conference as required by 10 CFR § 2.751a on June 29, 1976 commencing at 10:00 a.m. in the U.S. District Courtroom, 2nd Floor, Federal Building and U.S. Courthouse, 510 South Barstow Commons, Eau Claire, Wisconsin 54701.

The purpose of this conference is to permit identification of the key issues in the proceeding; take any steps necessary for further identification of the issues; consider all pending motions and petitions for leave to intervene; and other items set forth in 10 CFR § 2.751a.

The parties or their counsel are required to attend and the public may attend. The Board will not hear from members of the public desiring to make limited appearances at this conference. An opportunity for limited appearances will be provided later.

Dated at Bethesda, Maryland, this 26th day of May 1976.

It is so ordered.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.76–16161 Filed 6–4–76;8:45 am]

[Docket No. 50–293]

PILGRIM NUCLEAR POWER STATION UNIT NO. 1

Negative Declaration Regarding Proposed Changes to Technical Specifications

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR–35. These changes would authorize the Boston Edison Company (the licensee) to operate the Pilgrim Nuclear Power Station Unit No. 1 (located in Plymouth County, Massachusetts) with changes to the limiting conditions for operation associated with fuel assembly specific power (average planar linear heat generation rate) resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with refueling with additional 8 x 8 fuel.

The U.S. Nuclear Regulatory Commission, Division of Operating Reactors, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR–35, Pilgrim Unit No. 1, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Pilgrim Nuclear Power Station Unit No. 1 published in May 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street, Plymouth, Massachusetts 02360.

Dated at Bethesda, Maryland, this 21st day of May, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–16160 Filed 6–4–76;8:45 am]

[Docket Nos. 50–275 and 50–323]

PACIFIC GAS & ELECTRIC CO.

Availability of an Addendum to the Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that an Addendum to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation has been issued. The Addendum represents an updated assessment of the environmental impacts associated with the proposed operation of the Diablo Canyon Nuclear Plant, Unit Nos. 1 and 2, located in San Luis Obispo County, California. Notice of the availability of the Commission's Final Environmental Statement was published in the FEDERAL REGISTER on May 30, 1973 (38 FR 14183).

Copies of the Addendum are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.; the San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, California 93407; Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, California 92677; the U.S. Nuclear Regulatory Commission, Region V, Inspection and Enforcement, 119 N. California Boulevard, Walnut Creek, California 94596; and the Office of the Governor, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 94814.

V41I110 JUN 7 76 UMI

Requests for copies of the Addenum should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland this 28th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-16162 Filed 6-4-76;8:45 am]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 20 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company which revised Technical Specifications for operation of the Surry Power Station, Units Nos. 1 and 2, located in Surry County, Virginia. These amendments are effective as of the date of issuance.

These amendments relate to both the increase in the limiting nuclear enthalpy hot channel factor for Surry Units Nos. 1 and 2, and to the replacement of 81 of 157 fuel assemblies in the reactor core of Surry Unit No. 2 constituting refueling of the core for third cycle operation.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notices of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action were published in the FEDERAL REGISTER on April 1, 1976 (40 FR 14018 and 14019). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the two applications for amendments dated March 11, 1976, as supplemented May 12 and 14, 1976, (2) Amendments No. 20 to licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-16163 Filed 6-4-76;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 1, located in the Town of Two Creeks, Manitowac County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that will add new Departure from Nucleate Boiling (DNB) related limiting conditions for operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 5, 1976, (2) Amendment No. 16 to License No. DPR-24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Document Department—University of Wisconsin, Stevens Point Library, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 25th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-16164 Filed 6-4-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

This guide is part of a series developed by the NRC staff to implement the requirements of Appendix I, "Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion 'As Low As Is Reasonably Achievable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents," to 10 CFR Part 50. This series of guides provides methods acceptable to the staff for the calculation of effluent releases, dispersion of effluents in the atmosphere and different water bodies, associated radiation doses to man, and cost-benefit aspects of treating radwastes.

Regulatory Guide 1.113, "Estimating Aquatic Dispersion of Effluents from Accidental and Routine Reactor Releases for the Purpose of Implementing Appendix I," describes basic features of calculational models acceptable to the NRC staff for the estimation of aquatic dispersion of both routine and accidental releases of liquid effluents into various types of surface water bodies. It also suggests methods of determining values of parameters for use in the models.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.113 will, however, be particularly useful in evaluating the need for an early revision if received by July 30, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of

issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland, this 25th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-16165 Filed 6-4-76;8:45 am]

[Docket Nos. STN 50-483; 50-486]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Order

JUNE 2, 1976.

The oral argument in this proceeding will be heard at 10:00 a.m. Thursday, June 10, 1976 in the courtroom of the United States District Court for the Eastern District of Missouri, Room 313, U.S. Courthouse and Custom House, 1114 Market Street, St. Louis, Missouri.

Each side is allotted one hour for argument. Joint Intervenors may reserve a portion of their time for rebuttal; the applicant and the staff shall divide their time equally unless counsel agree to some other division. The parties should be prepared to discuss matters relating to the exceptions taken to the Partial Initial Decision of August 8, 1975, as well as to those addressed to the Initial Decision of April 8, 1976.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-16612 Filed 6-4-76;9:23 am]

[Docket Nos. STN 50-528; STN 50-529; STN 50-530]

ARIZONA PUBLIC SERVICE CO. ET AL.

Issuance of Construction Permit(s)

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated May 24, 1976, the Nuclear Regulatory Commission (the Commission) has issued Construction Permits Nos. CPPR-141; CPPR-142 and CPPR-143 to the Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico and Arizona Electric Power Cooperative, Incorporated for construction of three pressurized-water nuclear reactors at the applicants' site in Maricopa County, Arizona. The proposed reactors which are known as the Palo Verde Nuclear Generating Station, Units 1, 2 and 3, are each designed for a rated power of 3800 megawatts thermal with a net electrical output of 1270 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is June 1, 1981 and the latest date for completion is November 1, 1982; the earliest date for completion of Unit 2 is February 1, 1983 and the latest date for completion is November 1, 1984; the earliest date for completion of Unit 3 is November 1, 1984 and the latest date for completion is November 1, 1986. Each permit shall expire on the latest date for completion of the respective facility for which it is issued.

A copy of (1) the Initial Decision, dated May 24, 1976; (2) Construction Permits Nos. CPPR-141; CPPR-142; CPPR-143; (3) the report of the Advisory Committee on Reactor Safeguards, dated November 12, 1975; (4) the Office of Nuclear Reactor Regulation's Safety Evaluation dated October 1975 and supplements thereto; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated July 1974 and supplements thereto; (7) the Draft Environmental Statement dated April 1975; and (8) the Final Environmental Statement dated September 1975 and Final Supplement dated February 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and at the Phoenix Public Library, Science & Industry Section, 12 East McDowell Road, Phoenix, Arizona. A copy of the construction permits may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation and Supplements 1 and 2 thereto (Document No. NUREG-75/098; NUREG-75/098, Supplement No. 1; and NUREG-0059, Supplement No. 2) and the Final Environmental Statement and Final Supplement (Document No. NUREG-75/078 and NUREG-0036) may be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 25th day of May 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.76-16158 Filed 6-4-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 28, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Instruments for Assessing Barriers to Compliance With FIDCR in Region V, OS-11-76; single-time, day care providers in Region V, Human Resources Division, Reese, B. F., 395-3532.

Office of Education: Adult Indochinese Refugee Education Program Reporting Forms, OE-498, single-time, refugees from Cambodia and Vietnam in the United States, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Administrative Review Report, FNS19, on occasion, private non-profit and public service institutions, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Special Programs for the Disadvantaged Statistical Report, OE Form 1231, semi-annually, project directors at higher education institutions, Lowry, R. L., 395-3772.

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EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Grant Fiscal Reports (To Determine Unexpended Funds, Several Programs), NSF 135, on occasion, colleges and universities, Lowry, R. L., 395–3772.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Application for Price Support by Heirs, CCC–666, on occasion, applicants, Marsha Traynham, 395–4529.

Rural Electrification Administration:
Weekly Progress Report on Telephone Construction and Engineering Services, REA–521, weekly, consulting engineers of REA telephone borrowers, Marsha Traynham, 395–4529.
Number of Electric Consumers or Telephone subscribers Serviced, REA–50 on occasion, REA borrowers, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
FY 1975 Annual Program and Expenditures Report, College Library Resources Grants, OE 3115, annually, institutions of post-secondary education, Marsha Traynham, 395–4529.
ESEA Title I Comparability Report: General Information and School Data; OE 4524A, annually, LEA's, Kathy Wallman, 395–6140.
Application to Participate in the State Student Incentive Grant Program, OE 1288, annually, State Agencies, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–16494 Filed 6–4–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 27, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the Reviewer listed.

NEW FORMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy development and research: Examine State sex-based discrimination laws, single-time, Community and Veterans Affairs Division, 395–3532.

REVISIONS

Community Planning and Development application for Federal Assistance Part II Annual Work Programs Summary, HUD–7026.2, annually, State, large cities, Community and Veterans Affairs Division, Lowry, R. L., 395–3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration:
Application for Rural Telephone Loan, REA–490, on occasion, applicants for REA telephone loans, Marsha Traynham, 395–4529.
Prospective Large Power Service (REA Borrowers), REA 170, on occasion, REA electric borrowers, Marsha Traynham, 395–4529.
Area Coverage Survey Tabulation (Telephone Companies Applying for Government Loans), REA–569, on occasion, applicants for REA telephone loans, Marsha Traynham, 395–4529.
Financial Requirement Statement (for Requesting of Advances of Telephone Loan Funds), REA 481, on occasion, REA telephone borrowers with active construction programs, Marsha Traynham, 395–4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community planning and development: Claim forms and dwelling inspection record for use by persons entitled to payments under the Uniform Act, on occasion, persons displaced by HUD-assisted activities, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: 1975 Occupational Injuries and Illness Survey, OSHA 103, annually, employers in American industry covered by P.L. 596, Ellett, C. A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–16495 Filed 6–4–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12495; File No. SR–PSE–76–9]

PACIFIC STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 84–29, 16 (June 4, 1975), notice is hereby given that on March 1, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSISTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends the provisions of Rule VI of the Pacific Stock Exchange Incorporated to reflect the adoption of the Uniform Net Capital Rule, and amplifies upon the conditions under which the Exchange may impose restrictions on the activities of its member organizations. In addition, the proposed rule change sets forth additional steps which the Exchange may require a member organization to take as appropriate corrective action for the conditions enumerated in the Rule. Further, the proposed rule change transposes the amended provisions of Rule VI to Rule V.

The text of the proposed rule change, as altered by an amendment filed with the Commission on May 17, 1976, is as follows:

RULE V

CAPITAL REQUIREMENTS

* * * * *

RESTRICTIONS ON MEMBER ACTIVITIES

SEC. 4. The Exchange may restrict the conduct of a member organization's activities if at any time the member organization appears to be approaching financial difficulties or appears to be experiencing difficulties in its daily operations.

(a). The Exchange may implement the provisions of Paragraph (b) of this Section if it determines the existence of one or, more of the following conditions:

(1) The member organization fails to maintain net capital, above the requirements of Rule V, equivalent to the greater of (i) one-half of the losses of a member organization in the twelve-month period immediately preceding the date of such computation, or (ii) the loss experienced by the member organization in the six-month period immediately preceding such computation.

In determining profit or loss, the member organization shall mark its trading accounts to the market, and, its expenses shall reflect, among other things, all partners' drawings and salaries, and appropriate amounts for assets doubtful of collection.

(2) The member organization has subordinated capital which will mature within the next 180 days, and which, if not renewed, would cause (i) the ratio of aggregate indebtedness to net capital to exceed 12 to 1, or, in the case of a member organization which is operating pursuant to paragraph (f) of SEC Rule 15c3–1 (Alternative Net Capital Requirement), net capital to be less than 6% of the aggregate debits; (ii) a reduction in excess net capital below the standard set forth in subparagraph (1) of this Section, or (iii) a reduction in net capital below 120% of the minimum required net capital.

(3) The member organization has experienced a reduction in net capital of 15% in the preceding month or 30% in the three-month period immediately preceding such computation, other than as a result of increased capital haircuts on firm proprietary securities positions.

(4) The member organization's net capital is less than $1,000,000 and (i) its ratio of aggregate indebtedness to net capital equals or exceeds 8 to 1, or (ii) its net capital is less than 150% of the minimum required net capital.

(5) The member organization's net capital equals or exceeds $1,000,000 and (i) its ratio of aggregate indebtedness to net capital equals or exceeds 10 to 1, or (ii) its net capital is less than 120% of the minimum required net capital.

(6) Notwithstanding the provisions of subparagraphs (4) and (5) above, if the member organization is operating pursuant to Paragraph (f) of SEC Rule 15c3–1 (Alternative Net Capital Requirement), its net capital is less than the greater of $200,000 or 6% of its aggregate debits.

(7) The member organization has experienced a substantial change in the nature of the business conducted which, in the view of the Exchange, increases the potential risk of loss to customers and members.

(8) The member organization's books and records are not maintained in accordance with the provisions of SEC Rules 17a–3 and 17a–4.

(9) The member organization is unable to demonstrate compliance with applicable net capital requirements.

(10) The member organization has substantial unsecured loans, advances or other similar receivables relative to its net capital position. For purposes of this provision, 15% is considered substantial.

(11) The member organization's subordinated capital equals or exceeds 40% of its debt-equity total, as defined under paragraph (d) of SEC Rule 15c3–1.

(12) The member organization is subject to undue concentration charges on proprietary positions, the aggregate market value of which equals or exceeds 25% of the total market value of all proprietary positions.

(13) The member organization is unable to clear and settle transactions promptly.

(14) The member organization is not in compliance, or is unable to demonstrate compliance, with SEC Rule 15c3–3 (Customer Protection-Reserves and Custody of Securities).

(15) The member organization is subject to the reporting provisions of SEC Rule 17a–11.

(b) If the Exchange determines that any of the conditions listed under Paragraph (a) of this Section exist, or otherwise determines that the member organization is guilty of (i) conduct inconsistent with just and equitable principles of trade, (ii) acts detrimental to the interest or welfare of the Exchange; or (iii) conduct contrary to an established practice of the Exchange, the Exchange may require that the member organization take appropriate action by effecting one or more of the following or similar steps, until such time as the Exchange determines otherwise:

(1) Promptly pay all free credit balances to customers.

(2) Promptly effect delivery to customers of all fully-paid securities in the member organization's physical possession or control.

(3) Introduce all or a portion of its business to another member organization on a fully-disclosed basis.

(4) Reduce the size or modify the composition of its inventory.

(5) Postpone the opening of new branch offices or require the closing of one or more existing branch offices.

(6) Promptly collect outstanding unsecured loans, advances or other similar receivables, where practicable.

(7) Accept no new customer accounts.

(8) Undertake an immediate audit by an independent public accountant at the member organization's expense.

(9) Restrict the payment of salaries or other sums to partners, officers, directors, shareholders or affiliated persons of the member organization.

(10) Effect liquidating transactions only.

(11) Accept unsolicited orders only.

(12) File special financial and operating reports.

(c) The provisions contained in this Section do not limit the Exchange's authority to use other standards or to impose other restrictions or take other action deemed appropriate under the circumstances in the public interest and for the protection of members and member organizations.

Commentary: .01 For purposes of this Rule, "SEC Rules" refer to the rules and regulations promulgated under the Securities Exchange Act of 1934, as amended.

STATEMENT OF BASIS AND PURPOSE

The principal purpose of the proposed rule change is to amend Exchange Rule VI to reflect the recent adoption of the Uniform Net Capital Rule, and to transpose the provisions of Rule VI to Rule V in order to reserve all of Rule VI for a new rule to be entitled "Exchange Options Trading" for which a separate Form 19b–4A has been filed.

The proposed rule change, by enumerating the conditions which alone or collectively will alert the Exchange to potential financial or operational problems of member organizations, and setting forth certain of the steps which, among other things, the Exchange may require a member organization to take as corrective action, relates to the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act, and the rules and regulations thereunder. By conforming the provisions regarding the Exchange's authority to impose restrictions on its member organizations to the new Uniform Net Capital Rule, the proposed rule change will help prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and protect investors and the public interest.

Comments on the proposed rule change have not been solicited, and none have been received.

The proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection ad copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 28, 1976.

[FR Doc.76–16400 Filed 6–4–76;8:45 am]

[Release No. 1249; SR–Amex–76–2]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

MAY 28, 1976.

On January 8, 1976, the American Stock Exchange, Inc., 86 Trinity Place, New York, 10006, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of proposed rule changes to conform its Constitution and Rules to the requirements of the Act, as amended. The proposed rule changes related principally to membership and to disciplinary proceedings.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission release (Securities Exchange Act Release No. 12011 (Jan. 13, 1976)) and by publication in the FEDERAL REGISTER (41 FR 2873 (Jan. 20, 1976)). On May 4, 1966, the American Stock Exchange, Inc. withdrew a number of the proposed amendments and made certain technical revisions in the proposed rule changes.

The Commission finds that the proposed rule changes, as amended, are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes, as amended, be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–16393 Filed 6–4–76;8:45 am]

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CINCINNATI STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 28, 1976.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

	File No.
CHAMPION HOME BUILDERS, INC. $1 Par Common	7-4820
EMERSON ELECTRIC CO. $1 Par Common	7-4821
RALSTON PURINA CO. $1.25 Par Common	7-4822

Upon receipt of a request, on or before June 13, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16394 Filed 6-4-76;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MAY 21, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 24, 1976 through June 2, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16395 Filed 6-4-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

MAY 28, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 31, 1976 through June 9, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16396 Filed 6-4-76;8:45 am]

[Rel. No. 9307; 812-3711]

FOUNDERS OF AMERICAN INVESTMENT CORP., ET AL.

Application

MAY 27, 1976.

Notice is hereby given that Founders of American Investment Corporation ("Founders"), 1000 West Sunshine Street, Springfield, Missouri 65804, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management company, National Investment Corporation, Inc. ("National"), 3301 Van Buren Street, Topeka, Kansas 66611, a Kansas corporation, and T. M. Murrell ("Murrell"), Bob C. Speake ("Speake") and R. Rex Lee ("Lee"), the principal executive officers of National (collectively, the "Applicants"), filed an application on October 18, 1974, and amendments thereto on February 4, 1975, March 5, 1975, November 5, 1975, and January 27, 1976, pursuant to Sections 17(b) and 3(b)(2) of the Act, which requests an order of the Commission (1) exempting from the provisions of Section 17(a) of the Act the proposed purchase by National, Murrell, Speake and Lee (collectively, the "Buyers") from Founders of 536,191 shares of the common stock of American Investors Life Insurance Company, Inc. ("American"), an affiliate of Founders and National and (2) declaring National to be a company primarily engaged in a business other than that of an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

THE APPLICATION PURSUANT TO SECTION 17(b)

Pursuant to an agreement dated October 10, 1974, as amended, the Buyers propose to acquire 536,191 shares of common stock of American from Founders at a price of $3.45 per share, or a total purchase price of approximately $1,850,109. National is to buy 405,757 shares, and Murrell, Speake, and Lee 43,478 shares each. After the purchase National will own 513,012 American shares or 35% of the number of outstanding, and the individual purchasers collectively will own 214,069, or about 15% of the number outstanding.

Section 17(a)(2) of the Act, in pertinent part, prohibits an affiliated person of an affiliated person of an investment company from buying any security from the investment company. Section 2(a)(3)(A) of the Act, in pertinent part, includes within the definition of an affiliated person of another person any person owning 5% or more of the outstanding voting securities of such other person, and Section 2(a)(3)(B) of the Act, in pertinent part, includes within the definition of affiliated person any person 5% or more of whose outstanding voting securities are owned by such other person. Section 2(a)(3)(D) of the Act, in pertinent part, includes any director within the definition of affiliated person.

Founders is a registered investment company. American is an affiliated person of Founders because Founders owns approximately 37 percent of American's common stock. National is an affiliated person of American because National owns seven percent of the voting stock of American. National is thus an affiliate of an affiliate of Founders. Murrell, Speake, and Lee, each of whom is a member of National's board of directors, are also directors of American, and are thus affiliated persons of American and thereby affiliates of an affiliated person of Founders. Thus, the proposed transaction involves the purchase of securities from an investment company by persons affiliated with an affiliate of such company and is in violation of Section 17(a)(2) of the Act.

Section 17(b) of the Act, however, directs the Commission upon application to exempt a proposed transaction from the provisions of Section 17(a) if it finds that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and are consistent with the general purposes of the Act.

Applicants contend that the purchase price in the proposed transaction, $3.45 per share, is fair and reasonable. They state that this price was derived from negotiations between the former management of Founders and certain unaffiliated third parties for the sale of the American stock, which negotiations did not come to fruition, and that this price was determined by use of a formula method of valuation previously used in a transaction which the Commission permitted.[1]

Applicants claim that this formula provides a rule-of-thumb method for evaluating life insurance company stock for purposes of block acquisitions. The formula is based on the premise that the fair value of life insurance company shares in such transactions is their book value, adjusted to reflect the value of the company's outstanding policies. Thus, the target company's paid-in-capital and surplus accounts (including a mandatory securities valuation reserve)[2] (i.e., its equity) is added to the value of its insurance in force, which value is estimated to be equal to one year's premium income, to reach adjusted book value.

Founders represents that it wishes to sell its interest in American principally to improve its own financial condition. National and the other prospective buyers, on the other hand, favor the transaction principally because it would enable the management of National to gain voting as well as operational control of American.

THE APPLICATION PURSUANT TO SECTION 3(b)(2)

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. As used in this section, "investment securities" include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

As a result of the Buyers' proposal to acquire 536,191 shares of the common stock of American from Founders, National, which would purchase 405,757 of such shares, would have 56 percent of the value of its total net assets invested in investment securities. National, therefore, may be considered to be an investment company within the meaning of Section 3(a)(3) of the Act.

[1] See, In the Matter of *Founders of American Investment Corporation, et al.*, 812-3503, ICA Rel. Nos. 8468 and 8519.

[2] The "formula method" has thus been slightly revised from the version applied in the earlier transaction (*supra* note 1); i.e., it now includes the securities valuation reserve in the capital account.

Section 3(b)(2) of the Act provides, in pertinent part, that, notwithstanding Section 3(a)(3) of the Act, any issuer which the Commission, upon application by the issuer, finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or controlled companies conducting similar types of businesses, is not an investment company. National contends that it is primarily engaged in the life insurance business, through its subsidiaries and its controlled companies, and will be so engaged after its acquisition of the American stock.

National was organized under Kansas law in 1967 as a holding company for life insurance companies. Its promoters were life insurance executives who have been and continue to be occupied primarily in the operation of insurance company affiliates of National and Founders. National has made several public offerings of its common stock, during which it has held itself out as a holding company for life insurance companies. Its insurance affiliates include Continental Investors Life Insurance Company, Inc. ("Continental"), a majority-owned subsidiary which National organized in 1968 to sell insurance in Colorado, and American, a Kansas corporation organized by Founders and National to sell insurance in the Midwest. National's other affiliates include three wholly-owned subsidiaries—National Properties and Finance Company ("National Properties"), which owns and manages the building in which National and its other affiliates let office space, A.I.L. Financial Programs, Inc. ("Financial Programs"), a marketing vehicle for policies issued by American, and A.I.L. Securities Company, Inc. ("A.I.L. Securities"), a registered broker-dealer. In addition, National owns about 4 percent of the outstanding shares of common stock of American Equity Fund, Inc. ("American Equity"), a registered investment company.

National represents that it is presently engaged in operating American and that after the acquisition it will both control and continue to operate American. National contends, therefore, that after giving effect to the proposed acquisition, more than 95 percent of its assets will be in majority-owned subsidiaries and controlled companies in the insurance business which are controlled and operated by National.

Notice is further given that any interested person may, not later than June 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants, c/o T. M. Murrell, at 3301 Van Buren Street, Topeka, Kansas 66611. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following such date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16305 Filed 6-4-76;8:45 am]

[Release No. 9309; 812-3951; 812-3952]

ISRAEL INVESTORS CORP. AND ICC HANDELS A. G.

Applications

JUNE 1, 1976.

Notice is hereby given that Israel Investors Corporation ("IIC"), 850 Third Avenue, New York, New York 10022, a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and ICC Handels A. G. ("Handels"), Chamberstrasse, 12C "Bellerive", Zug, Switzerland, a Swiss corporation affiliated with an affiliated person of IIC (hereinafter collectively referred to as "Applicants"), filed separate applications on April 30, 1976 and May 3, 1976, respectively, pursuant to Rule 17d-1 under Section 17(d) of the Act for orders permitting Applicants to engage in certain transactions involving standby commitments in connection with a public offering in Israel of 400,000 ordinary shares of Electrochemical Industries (Frutarom) Limited ("Electrochemical"), an Israeli company in which IIC presently has a controlling interest based upon its ownership of approximately 35% of the outstanding ordinary shares (common stock) of Electrochemical, and of which Handels presently owns approximately 14% of the ordinary shares. IIC's application additionally seeks an order pursuant to Section 17(b) of the Act exempting its proposed transaction with Electrochemical from the provisions of Section 17(a) of the Act. All interested persons are referred to the applications on file with the Commission for a statement of the representations contained therein, which are summarized below.

IIC was organized by American citizens and residents as a closed-end, non-

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der disposing of the applications will be, lender and subject to prepayment at the that it be allowed to file its certificate

diversified management investment company for the principal purpose of investing in primary industries located in the State of Israel, such as Electrochemical. As a fundamental policy, it concentrates its investments in enterprises which are located in the State of Israel or which are doing business elsewhere in furtherance of the Israeli economy. Electrochemical, which was organized in 1952, is one of Israel's foremost manufacturers of basic chemicals, producing a variety of products, including caustic soda, caustic potash, potassium potash, potassium carbonate, chlorine, hydrogen, and materials for the plastic industry, and, in particular, polyvinyl-chloride. The application states that Electrochemical is now planning an expansion program of $45,000,000 to $50,000,000 to be carried out during the next five years. These expansion plans are said to include the development and construction of a new complex for manufacturing polyvinyl-chloride and polyvinyl-chloride resins in Israel.

Handels, a Swiss corporation, is a wholly-owned subsidiary of ICC Industries, Inc., a New York corporation which is privately owned and which is primarily engaged in the business of manufacturing, selling and trading in chemicals.

As the initial phase of its expansion program, Electrochemical will make a public offering in Israel of 400,000 of its ordinary shares, par value IL 100. IIC has orally made a standby commitment to Electrochemical to purchase up to 200,000 of the publicly offered shares not purchased by the general public within a designated subscription period. This purchase would be made at the public offering price of IL 100 per share, being the approximate book value per share of such stock as of December 31, 1975. Based on the current exchange rate of 13¢ for one Israeli pound, the purchase price in American currency would be $13 per share. At such rate, IIC's maximum aggregate purchase price under its standby commitment would be approximately $2,600,000, or approximately 8.5% of IIC's net assets as of December 31, 1975.

In conjunction with IIC's commitment, Handels has made a supplemental standby commitment to purchase any and all of the publicly offered Electrochemical ordinary shares, up to a maximum of 200,000 shares, not otherwise purchased by the general public or by IIC. Thus, if no shares were purchased by the public, the maximum extent of Handel's commitment, like that of IIC, would be to purchase 200,000 ordinary shares of Electrochemical at IL 100 per share, for an aggregate purchase price of $2,600,000.

Section 2(a)(3)(B) of the Act, as here pertinent, defines an affiliated person of another person as any person 5% or more of whose outstanding voting securities are directly owned by such other person. Thus, Electrochemical is an affiliated person of IIC, since IIC presently owns approximately 35% of its ordinary shares, and of Handels, which presently owns approximately 14% of its ordinary shares. Accordingly, Handels is an affiliated person of an affiliated person of a registered investment company (IIC).

Section 17(a) of the Act, which, in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from knowingly selling any security to such registered company, would prohibit Electrochemical from selling its securities to IIC pursuant to its standby commitment. However, Section 17(b) of the Act directs the Commission, upon application, to exempt a proposed transaction from the prohibitions of Section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, in pertinent part, prohibit an affiliated person of an affiliated person of a registered investment company, acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or arrangement in which such registered investment company is a participant with the affiliated person unless an application regarding such transaction has been filed with the Commission and has been granted by an order entered prior to the submission of such plan to security holders for approval, or prior to its adoption if not so submitted. A joint enterprise or other joint arrangement as used in Rule 17d–1 is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Thus, Section 17(d) and 17d–1 thereunder, would prohibit, absent a Commission order, the proposed arrangement whereby Handels, an affiliated person of Electrochemical and thus an affiliated person of an affiliated person of IIC, would commit itself to purchase any shares of a public offering not otherwise purchased by the public or by IIC, since the standby commitments of IIC and Handels to Electrochemical, though separate, were entered into with knowledge that the other was likewise being entered into, and with the expectation that the great bulk of the shares to be sold in the public offering would be acquired by the Applicants. Indeed, the commitment of Handels is specifically related to and contingent upon the commitment of IIC.

In passing upon an application pursuant to Rule 17d–1, the Commission will consider whether the participation of the registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. The grounds for the request of IIC for exemption pursuant to Section 17(b) and the requests of IIC and Handels for relief pursuant to Rule 17d–1 are collectively summarized as follows:

(1) The proposed transaction is consistent with the policies of IIC as recited in its registration statements and reports filed with the Commission under the Act, since the transaction involves an investment in an enterprise located and doing business in the State of Israel which furthers the development of the Israeli economy, and which is deemed to be profitable by IIC's management. IIC would pay the same price for its shares as the public would pay, which price will be based on the book value of Electrochemical stock. Thus, it is represented that the terms of IIC's purchase commitment are reasonable and fair and do not involve overreaching on the part of either Electrochemical or IIC.

(2) It is represented that the terms upon which each Applicant would participate in the proposed transaction differ only in that Handels' commitment becomes operative only to the extent that ordinary shares of Electrochemical remain unsold after IIC has fulfilled its commitment to purchase up to 200,000 shares; and that such difference would not be disadvantageous to IIC because the primary nature of IIC's standby commitment will enable it to maintain its control position in Electrochemical and therefore its ability to promote, in accordance with its stated investment policies, the expansion of a company engaged in an industry vital to the development of the Israeli economy. Thus it is asserted that none of the parties to the proposed transaction would be participating on a basis less advantageous than that of any other party.

(3) It is asserted that the proposed transaction is consistent with the provisions, policies and purposes of the Act and that the exemptions requested are appropriate in the public interest and consistent with the protection of investors.

Notice is further given that any interested person may, not later than June 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the applications will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–16397 Filed 6–4–76;8:45 am]

[Release No. 19549; 70–5866]

MISSISSIPPI POWER & LIGHT CO.

Proposal To Issue and Sell Notes to Banks and Commercial Paper to a Dealer; Exception From Competitive Bidding

JUNE 1, 1976.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell through January 1, 1978, short-term promissory notes to banks and commercial paper in an aggregate principal amount outstanding at any one time not in excess of 10% of the capitalization of the company, which is the maximum amount of unsecured borrowing permissible under the provisions of the company's' Restated Articles of Incorporation without a vote of outstanding preferred stock. Based on Mississippi's capitalization at March 31, 1976, the proposed notes will not exceed $44,000,0000 outstanding at any one time. Increases in this amount will be subject to the filing of a post-effective amendment by the company and a subsequent order of this Commission. The type of each issue will be determined by market conditions so as to achieve the lowest cost of money.

The funds to be derived from the issuance and sale of the bank notes and commercial paper will be used, together with other funds available to the company, for construction and for other corporate purposes. Mississippi's 1976 construction program is estimated at $48,044,000.

The proposed bank notes will be in the form of unsecured promissory notes, due not more than nine months from the date of issue, bearing interest at the prime rate in effect at the lending bank at the date of issue or from time to time depending upon the requirements of the lender, and subject to prepayment, at the company's option, without premium or penalty. While no commitments have been made, it is expected that borrowings will be made from the following banks up to the maximum amounts listed:

	(*in millions*)
Deposit Guaranty National Bank, Jackson, Miss.	$6
First National Bank of Jackson, Miss.	4
Manufacturers Hanover Trust Co., New York, N.Y.	6
Total	16

The names of any additional lending banks will be filed by amendment. Mississippi maintains daily operating balances with each of the Mississippi banks from which borrowings are proposed to be made to meet the requirements of such banks in respect of their service to the company. It may reasonably be expected that the New York City bank from which borrowings may be made would require the maintenance of compensatiig balances of up to 20% in respect of any such borrowings. Assuming that the balances maintained in the Mississippi banks for normal operating needs were required to satisfy compensating balances at the prevailing rate of 20% required by the New York bank, the effective interest cost of the related borrowings, based on a prime rate of 6¾%, would be approximately 8.44% per annum.

The proposed commercial paper will be in the form of unsecured promissory notes, issued in denominations of not less than $50,000, maturing not in excess of 270 days, and sold by Mississippi directly to Merrill Lynch, Pierce, Fenner & Smith ("Merrill Lynch") at the discount rate prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. Merrill Lynch, as principal, will reoffer the commercial paper to not more than 200 institutional investors identified on a list (nonpublic) at a discount of ⅛ of 1% per annum less than the prevailing discount rate of the company. No commission or fee will be payable to Merrill Lynch in connection with the issuance and sale of the commercial paper. The commercial paper will not be prepayable prior to maturity. It is expected that Mississippi's commercial paper will be held by customers to maturity, but, if they wish to resell prior thereto, Merrill Lynch, pursuant to a verbal repurchase agreement, may repurchase the notes and reoffer the same to others in its specified group of customers.

Mississippi asserts that the issue and sale of the commercial paper should be expceted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Mississippi are published daily in financial publications, and it is not practical to invite bids for commercial paper. Mississippi also requests that it be allowed to file its certificate under Rule 24 with respect to the proposed transactions on a quarterly basis.

Mississippi's fees, commissions, and expenses to be incurred in connection with the proposed issue and sale of the bank notes and commercial paper are estimated to be less than $4,000. The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–16398 Filed 6–4–76;8:45 am]

[Rel. No. 9306; 812–3945]

WEEDEN TAX EXEMPT BOND TRUST, SERIES 1 (AND SUBSEQUENT SERIES) AND WEEDEN & CO.

Application

MAY 28, 1976.

Notice is hereby given that Weeden Tax Exempt Bond Trust, Series 1 ("First Trust"), 25 Broad Street, New York, New York 10004, a unit investment trust registered under the Investment Company Act of 1940 ("Act") and its sponsor, Weeden & Co. ("Sponsor") (hereinafter the Sponsor and the First Trust are referred to collectively as "Applicants"), have filed, on April 23, 1976, an application and an amendment on May 25, 1976, pursuant to Section 6(c) of the Act for an order of the Commission exempting the First Trust and subsequent Series as defined below (hereinafter referred to collectively as "Trusts" and severally as

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"Trust") from the provisions of Section 14(a) of the Act, and exempting the frequency of capital gains distributions of the Trusts and the secondary market operations of Sponsor from the provisions of Rule 19b–1 and Rule 22c–1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Sponsor has filed a Form S–6 Registration Statement under the Securities Act of 1933 ("1933 Act") covering a maximum of 30,000 Units of fractional undivided interests in the First Trust to be offered to investors at a public offering price set forth in the prospectus included in the S–6 Registration Statement (including 5,000 Units registered for secondary market purposes). The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N–8A Notification of Registration and a Form N–8B–2 Registration Statement under the Act relating to the First Trust.

Each Trust will be governed by a trust agreement for that Trust (hereinafter called the "Agreement"), which will be executed prior to the time the registration statement under the Securities Act of 1933 for such Trust becomes effective, and under which the Sponsor will act as such, The United States Trust Company as Trustee, and Standard & Poor's Corporation will act as Evaluator. The Agreement for each Trust will contain standard terms and conditions of trust common to all Trusts. Pursuant to the Agreement, the Sponsor will deposit with the Trustee bonds which the Sponsor shall have accumulated for such purpose in an amount at least equal to the aggregate principal amount of the Units to be offered. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for the Units which will represent the entire ownership of the respective Trust. These Units will in turn be offered for sale to the public by the Sponsor.

Applicants state that such bonds will not be pledged or be in any other way subjected to any debt at any time after the bonds are deposited in the Trusts except for the lien of the Trustee as security for certain liabilities as set forth in the Agreement. All of such bonds will be interest-bearing obligations of states and territories of the United States, and political subdivisions and authorities thereof, the interest on which is exempt from federal income taxation.

The assets of each Trust will consist of the bonds initially deposited, such other bonds as may continue to be held from time to time in exchange or substitution for any of the bonds upon certain refundings, accrued and undistributed interest, and undistributed cash. Certain of these bonds may from time to time be sold under the special circumstances set forth in the Agreement with respect to such Trust or may be redeemed or may mature in accordance with their terms. The proceeds from such disposition will be distributed to certificateholders and not reinvested. There is no provision in the Agreement for the sale and reinvestment of the bonds, and such activity will not take place.

Each Unit of each Trust will represent a fractional undivided interest in that Trust and will be redeemable. In the event that any unit shall be redeemed the portion of the fractional undivided interest represented by each Unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Agreement with respect to such Trust. The Agreement may be terminated with respect to any of the Trusts upon approval by 66⅔% of the certificateholders of such Trust or, in the event that the value of the bonds in such Trust shall fall below 40% of the principal amount of the bonds initially deposited in such Trust, upon direction of the Sponsor to the Trustee. There is no provision in the Agreement for the issuance of any units after the initial offering of units (except to the extent that the secondary trading by the Sponsor in the units is deemed the issuance of units under the Act) and such activity will not take place.

While the Sponsor undertakes no obligation to do so, it is its intention to maintain a market for units of each of the Trust and continuously to offer to purchase such units at prices in excess of the redemption prices as set forth in the Agreement. In the absence of such a market, certificateholders may only be able to dispose of their units by redemption.

SECTION 14(a)

Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities: (a) have a net worth of $100,000, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of Section 14(a) in order that a public offering of units of the Trusts as described above may be made. In connection with the requested exemption from Section 14(a), the Sponsor agrees: (i) to refund on demand and without deduction the sales load to purchasers of units of any Trust if, within 90 days after the registration of such Trust under the Securities Act of 1933 becomes effective, the net worth of such Trust shall be reduced to less than $100,000, or if such Trust is terminated; (ii) to instruct the Trustee on the date the bonds are deposited in each Trust that if such Trust shall at any time have a net worth of less than 40% of the principal amount of bonds initially deposited in such Trust as a result of redemption by the Sponsor of units constituting a part of the unsold units, the Trustee shall terminate such Trust in the manner provided in the Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above, to refund any sales load to any purchasers of units purchased from the Sponsor on demand and without any deduction.

RULE 19b–1

Rule 19b–1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of said Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and interest to certificateholders of each Trust shall be made monthly. Distributions of principal constituting capital gains to certificateholders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Trusts will be distributed to a certificateholder on the next distribution date; and (2) if units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption, each certificateholder will receive his pro rata portion of the proceeds from the bonds sold over the amount required to satisfy such redemption distribution. In such instances, a certificateholder may receive in his distribution funds which constitute capital gains, since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit.

As noted, paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of the Trusts in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, the Trusts would be forced to hold any monies which would constitute capital gains upon distribution until the end of their taxable years. The application contends that such a practice would clearly be to the detriment of the certificateholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b–1 is intended to guard do not exist in the situation at hand since neither the Sponsor nor any of the Trusts has control over events which might trigger capital gains, i.e.,

the tendering of units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to certificateholders as a return of principal.

RULE 22c–1

Applicants state that following the initial offering period, the Sponsor, while not obligated to do so, intends to offer to purchase the Units in the secondary market at prices based on the offering side evaluation of the bonds in the Trust, determined on the last business day of each week, effective for all sales made during the following week.

To avoid the Sponsor receiving more than the specified sales charge on the resale of Units, the Sponsor has undertaken not to resell any Units which it may repurchase at a price below the offering side evaluation of the Bonds in the Trust.

Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5.00 on a unit representing $1,000.00 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. Under these circumstances the applicants contend that the exemption of the Sponsor from the provisions of Rule 22c–1 will in no way affect the operations of the Trust and will benefit the Certificate holders by providing a repurchase price for their Units which is in excess of the current net asset value of such Units as computed for redemption purposes.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed, or repurchased except at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that the Rule has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and the manner for the acquisition by investors of new units, may be deemed to violate Rule 22c–1 because of the absence of daily pricing. Applicants contend, however, that the purposes of Rule 22c–1 will not be offended by the Sponsor's secondary market activities. Applicants assert that the pricing of units by the Sponsor in the secondary market will in no way dilute the assets of the Trust, and that Certificateholders will benefit from the Sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their units than they could by redeeming their units at the current net asset value and that this will be accomplished without the cost burden to the Trust of daily evaluations of the unit redemption value.

Applicants also contend that speculation in units of any Series is unlikely because price changes are limited in respect to the kind of bonds which will be held by such Series.

Applicants therefore request an exemption from the provisions of Rule 22c–1 for Series 1 and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of units of such Series.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–16399 Filed 6–4–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 62]

ASSIGNMENT OF HEARINGS

JUNE 2, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141032 (Sub 1), Alco Bus Corporation, now assigned June 15, 1976 (3 days), at Madison, Wisconsin is now cancelled and transferred to Modified Procedure.

MC–C 8778, Hilt Truck Line, Inc.—Investigation and Revocation of Certificates, now being assigned September 27, 1976 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 124211 Sub 273, Hilt Truck Line, Inc., now being assigned September 29, 1976, (3 days), at Omaha, Nebr., in a hearing room to be later designated.

AB 1 Sub 51, Chicago, and North Western Transportation Company Abandonment Between Burt And Halfa In Kossuth, Palo Alto, And Emmet Counties, Iowa, now being assigned October 4, 1976 (3 days) at Algona, Iowa, in a hearing room to be later designated.

AB 9 (Sub 10), Missouri Pacific Railroad Company Abandonment Between Bronson and Iola, In Allen and Bourbon Counties, Kansas now assigned June 8, 1976 at Iola, Kansas, is now being postponed indefinitely.

MC 126273 Sub 203, Midwestern Distribution, Inc., now being assigned September 14, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 126276 Sub 127 and MC 126276 Sub 139, Fast Motor Service, Inc., now being assigned September 16, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 123407 Sub 271, Sawyer Transport, Inc., now being assigned September 20, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 114028 Sub 20 and MC 114028 Sub 23, Rowley Interstate Transportation Company, Inc., now being assigned September 21, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

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MC 127303 Sub 19, Henry Zellmer, DBA Zellmer Truck Lines, now being assigned September 23, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc 76-16425 Filed 6-4-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 2, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 22, 1976.

FSA No. 43171—*Joint Water-Rail Container Rates—Mitsui O.S.K. Lines, Ltd.* Filed by Mitsui O.S.K. Lines, Ltd., (No. 103), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea, The Peoples Republic of China, Taiwan and Singapore, and rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16427 Filed 6-4-76;8:45 am]

[Sec. 5a Application No. 52, Amdt. No. 3]

FREIGHT FORWARDERS CONFERENCE

Agreement

MAY 18, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 6, 1976 by: S. Sidney Eisen, 370 Lexington Avenue, New York, NY 10017, (Attorney for Applicants).

The Amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16422 Filed 6-4-76;8:45 am]

[Sec. 5a Application No. 87; Amdt. No. 6]

NATIONAL ASSOCIATION OF SPECIALIZED CARRIERS, INC.

Agreement

MAY 18, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 10, 1976 by: Robet E. Born, Born and May, P.C., Suite 400, 1447 Peachtree St., N.E., Atlanta, GA 30309, (of Counsel).

The Amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice to the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16423 Filed 6-4-76;8:45 am]

[Notice No. 263]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 5, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participating in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76457, filed May 14, 1976. Transferee: Manley Terminals, Inc., Box 955, Homer, Alaska 99603. Transferor: James C. Manley, Doing Business As Manley Company Truck Freight Terminal, Box 955, Homer, Alaska 99603. Applicants' representative: A. Robert Hahn, Jr., Esquire, 542 W. Second Avenue, Anchorage, Alaska 99501. Authority sought for purchase by transferee of Certificate of Registration No. MC 121740 issued October 4, 1974, to transferor, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Permit No. 385 dated April 22, 1974, issued by the Alaska Transportation Commission. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76473, filed March 18, 1976. Transferee: David Trebus and Charles L. Johnson, Doing Busines as River Falls Transfer, River Falls, Wisconsin 54022. Transferor: Wilbur Miller and David Trebus, Doing Business as Miller Truck Line, River Falls, Wisconsin 54022. Applicants' representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minnesota 55104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 5857 issued August 13, 1964, as follows: (1) livestock and agricultural commodities, from specified points in Wisconsin to specified points in Minnesota, and (2) general commodities, from specified points in Minnesota to specified points in Wisconsin and from River Falls, Wis., to Minneapolis, Minn. Transferee presently holds no authority from this Commission.

No. MC-FC-76495, filed May 10, 1976. Transferee: Kenneth Eugene Nanney, Doing Business As Kenneth Eugene Nanney Trucking, 2007 Kentucky, Sikeston, MO 63801. Transferor: Eugene Nanney, 827 Harvard, Sikeston, MO 63801. Applicants' representative: Weber Gilmore, Esquire, Gilmore & Gilmore, P.O. Box 39, 217 South Kingshighway, Sikeston, MO 63801. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 128250 Sub 2, issued September 10, 1971, as follows: Beer, from Peoria, Ill., and Evansville, Ind., to Sikeston and Poplar Bluff, Mo. Transferee presently

holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76508, filed April 4, 1976. Transferee: Hernz Transportation Limited, 116 East 25th Street, New York, N.Y. 10010. Transferor: Ransom Bros., Inc., 5718 Second Avenue, Brooklyn, New York. Applicants' representative: Morris Honing, 150 Broadway, NE, New York, N.Y. 10038. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 84832, issued September 29, 1961, as follows: household goods as defined by the Commission, between New York, N.Y., on the one hand, and, on the other points in New York, Connecticut, New Jersey and Pennsylvania. Transferee presently holds no authority from this Commission.

No. MC-FC-76531, filed April 20, 1976. Transferee: Harnum Transport, Inc., 867 Woburn St., Wilmington, Mass. 01887. Transferor: G. H. Harnum, Inc., 867 Woburn St., Wilmington, Mass. 01887. Applicants' representative: Frank J. Weiner, Attorney-at-Law, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of that portion of the operating rights of transferor, as set forth in Certificates Nos. MC 6801, MC 6801 (Sub-No. 6), and MC 6801 (Sub-No. 8), issued February 4, 1964, June 26, 1974, and March 9, 1971, respectively, as follows: Contractors' supplies and equipment, in bulk, between Boston, Mass., and points within five miles of Boston, Mass., on the one hand, and, on the other, points in Connecticut and Rhode Island, and a described area in New Hampshire; factory equipment and supplies, in bulk, between Boston, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island: commodities requiring special equipment or handling for the transportation thereof, in bulk, between Springfield, Mass., on the one hand, and, on the other, points in Massachusetts on and west of Massachusetts Highway 12, and between Springfield, Mass., and points within 15 miles of Springfield on the one hand, and, on the other, Pawtucket and Providence, R.I., and points in Connecticut; and such articles necessary to the use or the installation of machines and machinery, telephone equipment, electrical equipment, radio equipment, air conditioning equipment, patterns, auto bodies, auto equipment, signs, cooling units, transformers, generators, valves, work benches, reels of wire, blackboards, and sound equipment, in bulk, between Springfield, Mass., and points within 15 miles of Springfield, on the one hand, and, on the other, points in Connecticut, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76566 filed May 24, 1976. Transferee: Daugherty's K. and K. Trucking Company, LTD., 1460 Newtown Road, Lexington, Kentucky 40505. Transferor: Kendall R. Stewart and Kenneth W. Stewart, Doing Business As K & K Stewart Trucking Company, Ky. Hy. 15, P.O. Box 126, Clay City, Kentucky 40312. Applicants' representative R. H. Kinker, P.O. Box 464, Frankfort, Kentucky 40601. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 140448 (Sub-No. 1) issued January 27, 1976, as follows: Coal in bulk, from points in Breathitt, Clay, Floyd, Jackson, Johnson, Knox, Laurel, Lee, Magoffin, Owsley, Perry, Rockcastle, Wolfe, and Whitley Counties, Ky., to Cincinnati, Columbus, Dayton, Fairborn, Hamilton, Middletown, and Springfield Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76568, filed May 4, 1976. Transferee: Highway Service, A Corporation, 548 Pine Street, Elizabeth, NJ 07206. Transferor: Michael Gray, Doing Business As Highway Service, Route 1 and North Avenue, Elizabeth, NJ 07206. Applicants' representative: Mr. Morton E. Kiel, Practitioner, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 129899, issued October 2, 1969, as follows: Wrecked, disabled, stolen, and repossessed motor vehicles, by use of wrecker equipment only, between points in New Jersey and New York, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Virginia, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76597, filed May 20, 1976. Transferee: LEGGETT EXPRESS, INC., 69 Leggett Street, East Hartford, Connecticut 06108. Transferor: C & M Express Co., Inc., 69 Leggett Street, East Hartford, Connecticut 06108. Applicants' attorney: John E. Fay, Esquire, 630 Oakwood Avenue, West Hartford Connecticut 06110. Authority sought for purchase by transferee of the operating rights evidenced by Certificate of Registration No. MC 121463 (Sub-No. 1), issued April 7, 1964, as follows: general commodities with specified exceptions, from, to and between all points within the state of Connecticut. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76598, filed May 19, 1976. Transferee: Consolidated Motor Express, Inc., 910 Grant Street, Bluefield, W. Va. 24701. Transferor: West End Transfer, Inc., 1624 College Ave., Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 113298 and MC 113298 (Sub-No. 1), issued March 29, 1971 and July 27, 1972, respectively, as follows: Household goods as defined by the Commission, between Oceana, W. Va., and points within 10 miles thereof in Wyoming County, W. Va., on the one hand, and, on the other, points in Ohio, Pennsylvania, Maryland, Virginia, North Carolina, Tennessee, Kentucky, and the District of Columbia; and rock dust and gravel, from points in Tazewell County, Va., and Mercer County, W. Va., to points in Pike, Letcher, Harlan, Knott, and Martin Counties, Ky., Logan, Mino, Kanawha, McDowell, Mercer, Summers, Raleigh, Boone, Greenbrier, Fayette, and Wyoming Counties, W. Va., and Bland, Tazewell, Russell, Wise, Giles, Buchanan, Dickenson, Lee, and Scott Counties, Va. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 8744 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16428 Filed 6-4-76;8:45 am]

[Notice No. 264]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 14, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 4, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76413. By order of May 27, 1976 the Motor Carrier Board approved the transfer to S & K Trans. Inc., Dover, Delaware, of the operating rights set forth in Certificates Nos. MC 1838, MC 1838 (Sub-No. 2), MC 1838 (Sub-No. 3), MC 1838 (Sub-No. 5), MC 1838 (Sub-No. 7), and MC 1838 (Sub-No. 9), issued July 9, 1953, October 6, 1965, December 18, 1964, March 31, 1966, January 27, 1970, and August 25, 1970, respectively, authorizing the transportation of building materials and articles used in the

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manufacture thereof, gypsum and gypsum products (except liquid commodities in bulk, in tank vehicles, except fly ash, in bulk, in tank vehicles, and except lumber), pulpboard, and scrap paper and materials and supplies used in the manufacture and distribution of pulpboard, from, to, and between specified points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. David M. Marshall, Esq., 135 State Street, Suite 200, Springfield, Mass., 01103 and William J. Hirsch, Esq., 43 Court Street, Buffalo, New York, 14202, attorneys for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc 76-16429 Filed 6-4-76;8:45 am]

[Notice No. 68]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 1, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 76177 (Sub-No. 331TA), (Correction), filed May 11, 1976 published in the FEDERAL REGISTER issue of May 21, 1976, republished as corrected this issue. Applicant: **BAGGETT TRANSPORTATION COMPANY**, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's Harold G. Hernly, 188 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition, and drugs which are designated sensitive by the United States Government*, between points in the United States (except Alaska and Hawaii.) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of of the Army, Washington, D.C. 20310. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616–2121 Building, Birmingham, Ala. 35203.

NOTE.—The purpose of this republication is to include Government, and points in the United States as destination point.

No. MC 103498 (Sub-No. 20TA), filed May 13, 1976. Applicant: W. D. SMITH doing business as W. D. SMITH TRUCK LINES, INC., P.O. Drawer 68, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles and pilings* from Gulfport, Miss.; Mobile, Ala.; Urania, La.; to points in Louisiana, Arkansas, Minnesota, Nebraska, Texas, Oklahoma, Missouri, Kansas and Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach Corporation, Southern Regional Transportation Office, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: District Supervisor William H. Land, Jr. 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 107295 (Sub-No. 815TA), filed May 14, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company at Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Ohio, and the District of Columbia, restricted to traffic originating at the above named plant site and storage facilities of Butler Manufacturing Company, at Annville, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Howard L. Miller, Plant Manager, Butler Manufacturing Co., 400 North Weaber, P.O. Box F., Annville, Pa. 17003. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108207 (Sub-No. 443TA), filed May 14, 1976. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, from Omaha, Nebr., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Omaha Steaks International, 4400 South 96th St., Omaha, Nebr., Morton Meats of Omaha, 1211 Howard Street, Omaha, Nebr. 68102, Coast Packing Co. of Omaha, Inc. 13838, Industrial Road, Omaha, Nebr., Shukert Meats, Inc. 5014 Williams, Ohama, Nebr., Campbell Soup Company, Inc. 1202 Douglas, Omaha, Nebr. Send protests to: Opal M. Jones, Trans. Asst, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 126920 (Sub-No. 3TA), filed May 13, 1976. Applicant: ROBERT L. HERZOG, R. D. No. 3, Valley Road, Smethport, Pa. 16749. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from the plantsite of Pierce Glass, an Indian Head Company, at Port Allegany, Pa. to Freeport, Monticello, Rockford, Northfield, and Watseka, Ill., and Iowa City, Iowa, and Detroit, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pierce Glass, an Indian Head Company, Port Allegany, Pa. 16743. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave. Pittsburgh, Pa. 15222.

No. MC 123392 (Sub-No. 67TA), filed May 17, 1976. Applicant: JACK B. KELLEY, INC., Rt. 1 Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in cryogenic trailers, from Clinton, Iowa to Calumet City, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cosden Oil and Chemical Company Box 178, Calumet City, Ill. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 126898 (Sub-No. 3TA), filed May 13, 1976. Applicant: BULLDOG HIWAY EXPRESS, P.O. Box 506, Charleston, S.C. 29402. Applicant's representative: R. D. Moselev (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* in bags, from plant site of Dawes Silica Mining Co. near Eden, Ga. to points within 25 miles of Charleston, S.C., for 180 days. Supporting shipper: Carolina Engine & Equipment Co., 2686 Industrial Avenue, Charleston Heights, S.C. Send protests to: E. E. Stroteid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 138069 (Sub-No. 5TA), filed May 12, 1976. Applicant: LUCIUS, INC., 9250 North Wadsworth Blvd., Broomfield, Colo. 80020. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and nonalcoholic beverage mixes*, from Lawrenceburg, Ind.; and Frankfort, Owensboro, and Lawrenceburg, Ky.; and their commercial zones, to Denver, Colo., and its commercial zone, restricted to traffic originating at the origin points and destined to the facilities of Midwest Liquor & Wine Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Liquor & Wine Company, 10700 E. 40th Avenue, Denver, Colo. 80230. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colorado 80202.

No. MC 138151 (Sub-No. 2 TA), filed May 13, 1976. Applicant: OREGON RUBBER CO., 390 West 11th Avenue, Eugene, Oreg. 97401. Applicant's representative: J. W. McCracken, Jr., 975 Oak Street, Suite 620, Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from points in Oregon, to points in New Mexico, for 180 days. Supporting shipper: Eugene Lumber Sales, Inc., 520 Chambers Street, Eugene, Oreg. 97401. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 20423.

No. MC 142057R (Sub-No. 1), filed May 17, 1976. Applicant: WALKER'S EXPRESS, 4354 Twain Avenue, Suite C, San Diego, Calif. 92120. Applicant's representative: Walker's Express (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aerospace missiles and rockets* between White Sands, N. Mex. and Point Mugu, Calif. and San Diego, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Dynamics Corp., Convair Division, 3302 Pacific Hiway, San Diego, Calif. 92138. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142060TA, filed May 17, 1976. Applicant: NASH TRUCKS, INC., Box 158, Altamont, Kans. 67330. Applicant's representative: Clyde N. Christev, 514 Capitol Federal Bldg., 700 Kansas, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Council Bluffs and Sioux City, Iowa; Hannibal, Joplin, Kansas City, and St. Louis, Mo.; Nebraska City and Omaha, Nebr.; Carlsbad, N. Mex.; Port of Catoosa and Pryor, Okla.; and Borger, Brownsfield, Dimmitt, Kerens, and Littlefield, Tex., to points in Kansas and Nebraska, under a continuing contract with C & S Trading and Brokerage, Inc., d/b/a CSTB, Inc., for 180 days. Supporting shipper: C & S Trading and Brokerage, Inc., d/b/a CSTB, Inc., P.O. Box 182, 1614 Grand, Parsons, Kans. 67357. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 142061TA, filed May 13, 1976. Applicant: HOBIN LUMBER COMPANY, P.O. Box 709, Philomath, Oreg. 97370. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles, ridge, undercourse, and shims* from points in Grays Harbor and Pacific Counties, Wash., to points in California. Supporting shippers: T & J Cedar, Inc., Box 111, Raymond, Wash. 98577, R. D. McDonald Cedar Products, Inc., P.O. Box 60, Neilton, Wash. 98566., Quinalt Tribal Shake Mill, P.O. Box 291, Moclips, Wash. 98562, Red Cedar Products, Inc., Route 1, Box 300, Amanda Park, Wash. 98526. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 142062TA, filed May 13, 1976. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Interior ceiling systems, parts thereof, and accessories therefor* (except in bulk), from the facilities of The Celotex Corporation at or near Lagro, Ind., to points in California, Oregon, Washington, Idaho, Nevada, Arizona, and Utah, and *returned or rejected shipments*, from states named above to the facilities of The Celotex Corporation at or near Lagro, Ind., under a continuing contract with The Celotex Corporation for 180 days. Supporting shipper: Celotex Corporation, P.O. Box 22602, Tampa, Fla. 33607. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 142064TA, filed May 13, 1976. Applicant: CAROLINA CARPET CARRIERS, INCORPORATED, P.O. Box 6, Williamston, S.C. 29697. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, carpet tiles, carpet samples, rugs, adhesives*, and *materials, equipment, and supplies* used in the installation of carpets, carpeting, and carpet tiles, from the plantsites of and warehouse facilities utilized by Commercial Affiliates, Inc., and its wholly owned marketing corporations, Commercial Carpet Corp., Robertson Carpets, Inc., and Viking Carpets, Inc., located at or near Greenville, S.C., to points in the United States west of the states of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii); and (2) *returned, rejected, and damaged commodities* described in (1), from the destinations points in (1), to the origin points in (1), under a continuing contract with Commercial Affiliates, Inc., and its wholly owned marketing corporations, for 180 days. Supporting shippers: Commercial Affiliates, Inc., 10 West 33rd Street, New York, N.Y. 10001, Commercial Carpet Corp., Robertson Carpets, Inc., Viking Carpets, Inc. Send protests to: E. E. Strotheid, District Supervisor, ICC, Room 302, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 142065TA, filed May 17, 1976. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., Post Office Box 232, Mulberry, Ark. 72947. Applicant's representative: L. C. Cypert, Suite 3, 204 Highway 71 North, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food preparations, ingredients, or additives* (except in bulk, in vehicles equipped with mechanical refrigeration), between Russellville, Ark., and Searcy, Ark., on the one hand, and, on the other, points in Arizona, California, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, and Wisconsin, under a continuing contract with Morton Frozen Food, for 180 days. Supporting shippers: Morton Frozen Food, 2007 Earhart Street, Charlottesville, Va. 22905. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 142067TA, filed May 18, 1976. Applicant: ALBUQUERQUE CAB COMPANY, INC., 6601 Gibson Avenue, SE., Albuquerque, N. Mex. 87108. Applicant's

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representative: Briggs F. Cheney, American Southwestern Plaza, Suite 9 West, 2403 San Mateo Blvd., NE. 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels and packages* up to 50 pounds, restricted to traffic having an immediately prior or subsequent movement by air, bus, or rail, between points in New Mexico, for 180 days. Supporting shipper: West America Communications Supply Co., Inc., 4408 Menaul, NE., Post Office Box 8332, Albuquerque, N. Mex. 87110, BoMur Electric Company, Inc., Post Office Box 406, Albuquerque, N. Mex. 87103. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16430 Filed 6-4-76;8:45 am]

[Amdt. No. 3 to Rev. ICC Order No. 131 Under Rev. S.O. No. 994]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting Traffic

To All Railroads:

Upon further consideration of Revised I.C.C. Order No. 131 (The Baltimore and Ohio Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 131 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 31, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 25, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-16424 Filed 6-4-76;8:45 am]

[No. MC-C-8994]

GLENGARRY TRANSPORT LTD.

Petition for Declaratory Order—International Bridge; Exemption

JUNE 1, 1976.

Notice To All Parties:

At the request of Robert D. Gunderman, representative for several motor carriers, the time for filing comments in the above-entitled proceeding has been extended from June 7, 1976 to June 30, 1976, only.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16426 Filed 6-4-76;8:45 am]

federal register

MONDAY, JUNE 7, 1976

PART II:

FEDERAL ELECTION COMMISSION

■

FEDERAL ELECTION CAMPAIGN ACT

■

Proposed Rulemaking

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FEDERAL ELECTION COMMISSION

[11 CFR Part 121]

[Notice 1976-29]

FEDERAL ELECTION CAMPAIGN ACT

Notice of Proposed Rulemaking; Correction

The Federal Election Commission on May 26, 1976, at 41 FR 21572, published its proposed regulations on Convention Financing. The heading and two sections in Part 121 were inadvertently omitted from the published version. The Commission today publishes a correction of Part 121 Limitation of Expenditures heading and §§ 121.1 and 121.2. It should follow the definition of "Secretary" on page 21598 and precede "§ 121.3 Exception".

Dated: June 1, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

PART 121—LIMITATION OF EXPENDITURES

Sec.
121.1 Major parties.
121.2 Minor parties.
121.3 Exception.
121.4 Expenditures by municipal and private corporations.
121.5 Expenditures by individuals.

AUTHORITY: Sec. 404(c)(13), 88 Stat. 1293, amending 26 U.S.C. § 9009(b). Interpret or apply section 406(a), 88 Stat. 1294 (26 U.S.C. § 9008).

§ 121.1 Major parties.

Except as provided by § 121.3, the national committee of a major party may not incur convention expenses with respect to a presidential nominating convention which, in the aggregate, exceed the amount of payments to which such committee is entitled under § 122.1, whether or not the national committee elects to receive any of its entitled funds.

§ 121.2 Minor parties.

Except as provided by § 121.3 the national committee of a minor party may not incur convention expenses with respect to a presidential nominating convention which, in the aggregate, exceed the amount of the entitlement of the national committee of a major party under § 122.1, whether or not the national committee elects to receive any of its entitled funds.

[FR Doc.76-16259 Filed 6-4-76;8:45 am]

MONDAY, JUNE 7, 1976

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federal register

MONDAY, JUNE 7, 1976

PART III:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

GENERAL PERMIT PROCEDURES AND ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Prohibitions and Permits for Exceptions

V41I110 JUN 7 76 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 17, 13]

GENERAL PERMIT PROCEDURES AND ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Prohibitions on Certain Uses of Endangered or Threatened Plants, Permits for Exceptions to Such Prohibitions, and Related Items

The Director, U.S. Fish and Wildlife Service (hereinafter the Director) hereby issues a notice of proposed rulemaking. The proposed regulations, if adopted, would impose certain prohibitions on interstate transportation for commercial purposes, importation, exportation, and related activities involving plants which have been determined to be Endangered or Threatened Species pursuant to Section 4 of the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531–1543) (hereinafter the Act). These prohibitions would also apply to seeds, roots, and other parts of such plants.

In addition, these proposed regulations serve several other functions:

(1) They provide for treatment of non-endangered or non-threatened plants as Endangered or Threatened Species if such treatment would enhance enforcement and provide added protection to the Endangered or Threatened Species;

(2) They establish procedures, conditions and criteria for the application for and issuance of permits to conduct certain otherwise prohibited activities; and,

(3) Where appropriate, they amend various existing, related regulations to make those regulations applicable to plants.

BACKGROUND

The 1973 Act, unlike its predecessors, applies to both the plant and the animal kingdoms. On December 28, 1973, the effective date of the Act, no lists of Endangered or Threatened plants had been assembled. Section 12 of the Act reads as follows:

ENDANGERED PLANTS

SEC. 12. The Secretary of the Smithsonian Institution, in conjunction with other affected agencies, is authorized and directed to review (1) species of plants which are now or may become endangered or threatened and (2) methods of adequately conserving such species, and to report to Congress, within one year after the date of the enactment of this Act, the results of such review including recommendations for new legislation or the amendment of existing legislation.

Under cover of a letter dated January 9, 1974 (the published date of this letter is in error and should be January 9, 1975), S. Dillon Ripley, Secretary of the Smithsonian Institution, transmitted the report and recommendations of the Smithsonian Institution to the Honorable Carl Albert, Speaker of the U.S. House of Representatives. This report subsequently was published as House Document Number 94–51 of the 94th Congress, 1st Session, and is entitled "Report on Endangered and Threatened Plant Species of the United States", Serial No. 94–A. Copies are available from the U.S. Government Printing Office, Washington, D.C.

That Report contains lists of vascular plants of the United States which the authors consider to be Endangered or Threatened Species. Several thousand copies of that Report have been distributed. Recipients include, among others: each State, the various Federal conservation and land-managing agencies, members of the botanical scientific community and other interested parties.

On July 1, 1975, a Notice was published in the FEDERAL REGISTER (Vol. 40, No. 127, Part V) advising interested parties that the Service had received the Smithsonian Report; considered it a "petition" as provided for in Section 4(c)(2) of the Act, and was proceeding to review the status of the plants identified in that Report to determine whether any or all were Endangered or Threatened Species within the meaning of the Act. That FEDERAL REGISTER entry also contains the names of about 3,000 plants which are identified in the Smithsonian Report and advises that 4 other plants are under review as announced in the FEDERAL REGISTER (Vol. 40, No. 77, p. 17612) dated April 21, 1975.

Several thousand copies of that July 1, 1975 FEDERAL REGISTER entry have also been distributed to, among others: each State governor, conservation and land-managing agencies, Federal construction agencies, the scientific community, botanical and horticultural interests and other interested public and private parties.

On September 26, 1975, the Director caused to be published in the FEDERAL REGISTER (Vol. 40, Number 188) a proposal to determine, among other things, an additional 45 floral taxa to be Endangered Species. On October 22, 1975, a correction of the comment period was published in the FEDERAL REGISTER (Vol. 40, No. 205). Information so far received by the Service substantiates the contention that most of those plants should in fact, be determined to be Endangered or Threatened Species within the meaning of the Act, and it is anticipated that the Service soon will make such determinations.

DESCRIPTION OF THE PROPOSAL

Determination that a plant is an Endangered or Threatened Species would, among other things, make that species, including its seeds, roots or other parts, subject to the prohibitions of Section 9(a)(2) of the Act which reads as follows:

(2) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to—

(A) Import any such species into, or export any such species from the United States;

(B) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(C) Sell or offer for sale in interstate or foreign commerce any such species; or

(D) Violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act.

Such determination also would make the Endangered or Threatened plant eligible for the protection provided by Section 7 of the Act which reads as follows:

INTERAGENCY COOPERATION

SEC. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

It should be noted that these proposed regulations impose no restrictions upon the "taking" of an Endangered or Threatened plant; the intrastate sale of such plants; or the interstate movement of such plants unless such movement is in the course of a commercial activity involving a change of ownership of the plant. In this context, the term "commercial activity" is defined in Section 3(1) of the Act as follows:

(1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry or trade", as used in the above definition, were defined in the FEDERAL REGISTER (Vol. 40, No. 131, Part II) on July 8, 1975; as follows:

Industry or trade in the definition of commercial activity in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

In the case of Endangered Species of plants, these proposed regulations provide for the issuance of permits to carry out otherwise prohibited activities under certain circumstances. Such permits would be available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

This proposal would amend Parts 13 and 17 of Subchapter B of Chapter I of Title 50 of the U.S. Code of Federal Regulations as described below.

1. The title of Subchapter B would be amended to make clear its applicability to certain plants as well as wildlife.

2. Sections 13.3 and 13.12 would be amended to include references to Endangered plant permits in addition to Endangered wildlife permits.

3. Section 13.21(b)(4) would be amended to require the Director to consider, when deciding whether to issue any permit pursuant to Part 13, whether any action authorized by such permit would pose any threat to any population of any plant or wildlife.

4. Section 13.42 would be amended to provide for the placement of specific, relevant information on the face of a permit authorizing certain activities relative to Endangered or Threatened plants as presently is the case for such permits involving wildlife.

5. Section 13.46 is amended to specify the records that must be maintained by persons receiving permits to carry out activities involving Endangered or Threatened plants.

6. Section 13.47 is amended to allow the Director's agent, at any reasonable hour, to enter the premises where any Endangered or Threatened plant is maintained for the purposes of inspecting any such plant or to inspect, audit or copy any permits, books, or records the permittee is required to maintain which relate to the plant in question.

The following comments pertain to proposed amendments of Part 17. The current version of those regulations was published in the FEDERAL REGISTER on September 26, 1975, and may be found in Part II of Vol. 40, Number 188.

1. Section 17.3 is amended by adding a definition of "Plant" to the existing list of definitions.

2. A new § 17.12 is added which explains the format and layout of the List of Endangered and Threatened Plants. The format and layout of this list have been made as similar to those of the List of Endangered and Threatened Wildlife (§ 17.11) as possible. This similarity should enable persons familiar with the List of Endangered and Threatened Wildlife to more readily comprehend the List of Endangered and Threatened Plants and vice versa.

3. Section 17.50 is amended to make the Similarity of Appearance provisions of Section 4(e) of the Act applicable to plants as well as wildlife.

4. Section 17.51 is amended to authorize the treatment of any species of plant listed pursuant to paragraph 17.50 as if it were an Endangered or Threatened Species, as appropriate.

5. Section 17.52 is amended to provide authority to issue permits for species of plants which have been listed pursuant to paragraph 17.50 and are being treated as Endangered or Treatened Species.

6. A new subpart G is provided which sets forth those prohibitions that apply to Endangered Species of plants; delineates the procedures to apply for permits for exceptions to those prohibitions; outlines the criteria used in evaluating such applications; prescribes conditions which may be attached to the issuance of any such permit and specifies the duration for which such permits may be valid.

7. A new subpart H is provided which sets forth the same considerations for Theatened Species of plants as are provided in subpart G for Endangered Species of plants.

PUBLIC COMMENTS SOLICITED

The final rulemaking is intended to provide for the effective conservation of Endangered and Threatened Species of plants. Therefore, comments and suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning these proposed rules are hereby solicited.

The Service is aware that these proposed regulations, together with the forthcoming proposal to determine certain native plant species as Endangered, could have a significant impact. It is hoped that comments to the Service will bring out any potential problem areas so that our final rules will be effective, equitable and conducive to voluntary compliance. Therefore, the Service will hold several public hearings in various areas of the country relating to these proposed regulations, jointly with the Endangered plant proposal, before any final rulemakings are published. The dates, times and locations of these public hearings will be announced in the FEDERAL REGISTER and press releases in the near future. It is planned that this proposal and the proposal to determine native plants as Endangered Species will be considered together, and may be implemented together. If necessary, the period for comments on this proposal will be extended.

The final rulemaking and promulgation of plant regulations will take into consideration the comments received by the Director. Such comments and/or additional information received may lead the Director to adopt final regulations that differ from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than August 9, 1976 will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours (7:45 a.m.–4:15 p.m.) at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Dated: May 19, 1976.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Parts 13 and 17, Subchapter B, Chapter I of Title 50, Code of Federal Regulations, as follows:

1. The title of Subchapter B is changed by adding "and Plants" to read "Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants."

§ 13.3 [Amended]

2. In § 13.3 "and Plants" is added to the phrase "Endangered Wildlife" Part 17 to read "Endangered Wildlife and Plants" Part 17.

§ 13.12 [Amended]

3. In §§ 13.12(a)(2) and 13.12(a)(6) "or plants" is inserted after the word "wildlife."

4. In the list of permits in § 13.12(b) the entry under "Endangered wildlife permits" is changed to read as follows:

Endangered wildlife and plant permits:	
Scientific, propagation, and enhancement	17.22 17.72
Economic hardship	17.23 17.73
Threatened wildlife and plant permits:	
General	17.32 17.82
Captive self-sustaining populations (wildlife only)	17.33

§ 13.21 [Amended]

5. In § 13.21(b)(4) "or plant" is inserted between the words "wildlife" and "population" to read: "The authorization requested potentially threatens a wildlife or plant population, or."

§ 13.42 [Amended]

6. In § 13.42 "or plants" is inserted between the word "wildlife" and the comma that follows to read: "• • • dates, places, methods of taking, numbers and kinds of wildlife or plants, location of activity, • • •"

§ 13.46 [Amended]

7. In § 13.46 add the words "or any transportation, sale, purchase, barter, exportation or importation of plants" at the end of the first sentence. Change the last word in the first sentence from "permit" to "permits." Substitute the words "wildlife or plant, as appropriate," for the word "wildlife" in the second sentence. The amended portions of these sentences then would read:

"• • • shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of any such wildlife or plant, as appropriate, pursuant to such permit.", and

"• • • persons with whom any wildlife or plant, as appropriate, has been purchased, sold, • • •" respectively.

§ 13.47 [Amended]

8. In § 13.47 "or plant" is inserted between the words "wildlife" and "held" to read: "• • • enter his premises at any reasonable hour to inspect any wildlife or plant held or to inspect, audit, • • •"

§ 13.3 [Amended]

9. In § 17.3 the following definition is added, between the definitions of "Native village or town" and "Population":

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"Plant" means any member of the plant kingdom, including seeds, roots and other parts thereof;".

10. The previously "reserved" § 17.12 should now be added to read as follows:

Subpart B—Lists

§ 17.12 Endangered and Threatened Plants.

(a) The list in this section contains all species of plants which are determined by the Director to be Endangered or Threatened. It also contains species of plants treated as Endangered or Threatened because they are similar in appearance to an Endangered or Threatened Species (see Subpart E).

(b) The columns entitled "Common Name" and "Scientific Name" define the "species" of plant within the meaning of the Act. The prohibitions in the Act and in this Part 17 apply to all specimens of the "species" listed, wherever they are found, and to their progeny. Although common names are included, they cannot be relied upon for identification of any specimen, since such names vary greatly in local usage.

(c) If the "Status" column has an "E", that species is thereby designated as Endangered. If the "Status" column has a "T", that species is thereby designated as Threatened. The notation (S/A) indicates that species or specimens thereof are so similar in appearance to an Endangered or Threatened Species that enforcement personnel have substantial difficulty in differentiating between them. This difficulty poses an additional threat to the Endangered or Threatened species. These similar species or specimens thereof will be treated as if they are or derive from an Endangered or a Threatened Species. Such treatment will substantially facilitate enforcement and further the policy of the Act.

(d) For information purposes only, the "Known Distribution" column will indicate the normal known distribution of a species or subspecies. This column does not imply any limitation on the application of the prohibitions in the Act and in this Part 17. Such prohibitions apply to all specimens of the species, wherever found.

(e) The column entitled "Portion of the Range Where Endangered or Threatened" designates that portion of the range of the species over which it is Endangered or Threatened. The Act requires that the species must be Endangered or Threatened over all or a significant portion of its range in order to be listed. When a species is listed because it is similar in appearance to an Endangered or Threatened Species, this requirement does not apply. Therefore, the notation "N/A" (not applicable) will appear in this column.

(f) For information purposes only, the "When Listed" column provides a footnote reference to the date and location of the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(g) The "Special Rules" column is a reference to any special rules. The letters "N/A" (not applicable) appearing in this column indicate that there are no such special rules which apply to that species. However, all other appropriate rules in this Part 17 still apply to that species. In addition, there may be other rules in this Subchapter B (Parts 10–22) that also relate to such plants, such as port-of-entry requirements, etc. It is not intended that the references in the "Special Rules" column list all the regulations of the Service or other Federal or State agencies which might apply to the plant in question, or the regulations of other Federal, State or local agencies.

(h) The listing of a particular taxonomic group includes all lower taxonomic groups. Example: If the genus *Lewisia* were listed, all species, subspecies and varieties of that genus would be considered to be listed. If the species *Lewisia columbiana* were listed, all subspecies and varieties would be considered to be listed.

12. Sections 17.50, 17.51, and 17.52 are changed to read as indicated below:

Subpart E—Similarity of Appearance

§ 17.50 General.

(a) Whenever the Director determines that a species which is not Endangered or Threatened closely resembles an endangered or threatened species, such species shall be treated as either Endangered or Threatened, pursuant to section 4(e) of the Act. Such species shall appear in the list in § 17.11 (Wildlife) or § 17.12 (Plants) with the notation "S/A" in the "Status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as Endangered or Threatened.

(b) In determining whether to treat a species as Endangered or Threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the species in question from an Endangered or Threatened species especially where: (i) The distinction between the Endangered or Threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed.

(2) The additional threat posed to the Endangered or Threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving Endangered or Threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the Endangered or Threatened species, or (ii) providing, where the species is treated as Threatened, special rules in Subpart D (Wildlife) or G (Plants) of this part to distinguish the similar species from the Endangered or Threatened species.

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened			
ABC sparrow	*ABCus*	Not applicable	North America	Entire	E	7	Not applicable.
ABD sparrow	*ABDus*	do	do	Not applicable	E(S/A)	7	Do.

Example 2. Suppose the ABC sparrow is listed as endangered in only a portion of its range. Within the meaning of the act, the ABC sparrow as defined by geographic boundaries is a species. The ABC sparrow which occurs beyond those boundaries is a different species, even though it is identical, except in location, to the listed species. If the criteria of this section were met, the 2 species could be listed as follows:

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened			
ABC sparrow	*ABCus*	Idaho	Idaho	Entire	E	7	Not applicable.
Do	do	Not applicable	United States	Not applicable	E(S/A)	7	Do.

Example 3. The X Y cactus has been determined to be an endangered species pursuant to sec. 4 of the act. The Y Z cactus so closely resembles the endangered X Y cactus that law enforcement personnel cannot readily distinguish between the 2. The endangered X Y cactus could be illegally sold in interstate commerce as the nonendangered Y Z species, and this potential screen for poaching poses an additional threat to the survival of the endangered species. After following the proper procedures, the Y Z cactus also would be placed on the list and treated as though it was an endangered species. This entry would appear as indicated below:

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened			
Cactus, X Y	*X Yum*	Not applicable	Arizona	Entire	E	7	Not applicable
Cactus, Y Z	*Y Zum*	do	Arizona and New Mexico	Not applicable	E(S/A)	8	Do.

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in § 17.11 or § 17.12 pursuant to § 17.50, shall be treated as Endangered or Threatened, as indicated in the "Status" column.

(b) All of the provisions of Subparts C (Endangered Wildlife), D (Threatened Wildlife), G (Endangered Plants) or H (Threatened Plants), as appropriate, shall apply to any such species.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application, and unless otherwise indicated in a special rule the Director may issue permits for any activity otherwise prohibited with a species designated as Endangered or Threatened due to its similarity of appearance with an Endangered or Threatened Species (see Subpart E—Similarity of Appearance).

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the Origin of the wildlife or plant (or if born in captivity or cultivated, the place where born or cultivated) in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, certification or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife or plant in question so as to distinguish it from any endangered or threatened wildlife or plant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife or plant, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife or plant at all times.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

13. Add a new subpart G, consisting of §§ 17.71, 17.72, and 17.73 and reading as follows:

Subpart G—Endangered Plants

§ 17.71 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.72 or 17.73, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (d) of this section in regard to any endangered plant.

(b) *Import or export.* It is unlawful to import or to export any Endangered plant. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any Endangered plant.

(d) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any Endangered plant.

(2) An advertisement for the sale of any Endangered plant which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

§ 17.72 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.71, in accordance with the issuance criteria of this section, for scientific research or for enhancing the propagation or survival of endangered plants. (See § 17.82 for permits for threatened species) such permits may authorize a single transaction, a series of transactions, or activities over a specific period of time.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity prohibited by § 17.71. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include as an

(4) The amount of evidence that the

regard to Threatened plants. Such per-

(iv) A detailed description of the type,

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attachment, all of the following information:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, kind of specimen(s), and the activity sought to be authorized (such as exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the plant sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) derives from cultivated stock;

(3) A resumé of the applicant's attempts to obtain the plant sought to be covered by the permit in a manner which would not cause the death, the loss of reproductive ability, or removal from the wild of such plant;

(4) If the plant sought to be covered by the permit has already been removed from the wild, the month, year, country and place where such removal occurred; if the plant sought to be covered by the permit derives from cultivated stock, the country and place where such plant was cultivated;

(5) A complete description and address of the institution or other facility where the plant sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live plants covered by the permit:

(i) A complete description, including photographs or diagrams, of the area and facilities where such plant will be housed, maintained and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such plant including any experience the applicant or his personnel have had in growing, caring for, and propagating similar plants, or any closely related plant;

(iii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data or records relating to the success of such efforts, techniques used and related information;

(iv) A detailed description of the type, size and construction of all containers into which such plant will be placed during transportation or temporary storage, if any, and of the arrangements for watering and otherwise caring for such plant during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant, if any (or any other plant of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the plant sought to be covered by the permit; and

(iv) The planned disposition of such plant upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the plant sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the plant sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the plant sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of plant sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death, destruction or loss of any living plant covered by the permit shall be immediately reported to the Service's office designated in the permit.

(3) The remains of any dead plant covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.73 **Economic hardship permits.**

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.71, in accordance with the issuance criteria of this section in order to prevent undue economic hardship.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by § 17.71. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the information required in § 17.72 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the plant sought to be covered by the permit (as well as his involvement with similar plants), including, where applicable, that portion of applicant's income derived from activities involving such plants, or the subsistence use of such plants, during the calendar year immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such plant as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such plant as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the plant sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the plant sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit; and

(ii) Became binding prior to the date when the notice of review of the status of the species or the notice of proposed rulemaking proposing to list such plant as endangered was published in the FEDERAL REGISTER, whichever is earlier;

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(4) of this section would cause if the permit were denied;

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income;

(7) Where applicable, the nature and extent of subsistence use generally by the applicant; and

(8) The likelihood that applicant can reasonably carry out his desired activity within one year from the date a notice is published in the FEDERAL REGISTER to review the status of such plant or to list such plant as Endangered, whichever is earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death, destruction or loss of all living plants covered by the permit shall be immediately reported to the Service's office designated in the permit.

(d) Duration of permits issued under this section shall be designated on the face of the permit. No permit issued under this section, however, shall be valid for more than one year from the date a notice is published in the FEDERAL REGISTER advising to the review of the status of such plant or proposing to list such plant as endangered, whichever is earlier.

14. Add a new Subpart H, consisting of §§ 17.81 and 17.82 as follows:

Subpart H—Threatened Plants

§ 17.81 **Prohibitions.**

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.71 shall apply to Threatened plants.

(b) Whenever a special rule in §§ 17.83 to 17.88 applies to a Threatened Species, none of the provisions of paragraph (a) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

§ 17.82 **Permits—general.**

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to Threatened plants. Such permit shall be governed by the provisions of this section unless a special rule applicable to the plant, appearing in §§ 17.83 to 17.88, below, provides otherwise. Permits issued under this section must be for one of the following purposes: scientific purposes, or the enhancement of propagation or survival; or economic hardship; or botanical exhibition; or educational purposes; or management by State conservation agencies; or special purposes consistent with the purposes of the Act. Such permits may authorize a single transaction, a series of transactions, or activities over a specific period of time.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, kind of specimen(s), and the activity sought to be authorized (such as exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the plant sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) derives from cultivated stock;

(3) A résumé of the applicant's attempts to obtain the plant sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such plant;

(4) If the plant sought to be covered by the permit has already been removed from the wild, the month, year, country, and place where such removal occurred; if the plant sought to be covered by the permit derives from cultivated stock, the country and place where such plant was cultivated;

(5) A complete description and address of the institution or other facility where the plant sought to be covered by the permit will be used, displayed or maintained;

(6) If the applicant seeks to have live plants covered by the permit:

(i) A complete description, including photographs or diagrams, of the area and facilities where such plant will be housed, maintained and cared for:

(ii) A brief resumé of the technical expertise of the persons who will care for such plants including any experience the applicant or his personnel have had in growing, caring for, and propagating similar plants, or any closely related plants;

(iii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data or records relating to the success of such efforts, techniques used and related information;

(iv) A detailed description of the type, size and construction of all containers into which such plants will be placed during transportation or temporary storage, if any, and of the arrangements for watering and otherwise caring for such plants during that period; and

(v) For the 5 years preceding the date of this application, a detailed description of all mortalities involving the species covered in the application (or any other plant of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the plant sought to be covered by the permit; and

(iv) The planned disposition of such plant upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested is adequate to justify removing from the wild or otherwise changing the status of the plant sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the plant sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the plant sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is requested would be likely to reduce the threat of extinction facing the species of plant sought to be covered by the permit;

(5) The opinion and views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

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(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death, destruction or loss of all living plants covered by the permit shall be immediately reported to the Service's office designated on the permit.

(3) The remains of any dead plant covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§§ 17.83—17.88 [Reserved]

[FR Doc.76-16383 Filed 6-4-76;8:45 am]

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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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An act to establish a Commission on Security and Cooperation in Europe
(June 3, 1976; 90 Stat. 661)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Revision in Fee

STATEMENT OF CONSIDERATION

Pursuant to the statutory authorities cited below, the fee relating to cotton classing, is hereby amended to reflect increased costs since the last adjustment in fee including the increase in Federal employees' salaries authorized by the Federal Employees Salary Act of 1970 (Pub. L. 91-231).

§ 28.910 [Amended]

Section 28.910 paragraph (b) is amended by changing the fee in the last sentence to $1.35 per sheet.

(Sec. 10, 42 Stat. 1519, Sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c.)

The need for this increased fee and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other procedure with respect to these revisions are impracticable and unnecessary.

The conduct of all services and the licensing of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

Effective Date: This revision shall become effective July 1, 1976.

Dated: June 3, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16585 Filed 6-7-76;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE; DEPARTMENT OF AGRICULTURE

[Amdt. 22]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Child Nutrition Programs; Correction

In FR Doc. 76-13122 appearing on page 18426, in the issue for May 4, 1976, second column, second paragraph, the first sentence is revised to read as follows:

The provision in § 210.8(f) concerning a school participating in the Program serving children from another school is deleted.

Effective date: This amendment shall become effective on April 30, 1976.

Dated: May 27, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-16451 Filed 6-7-76;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1250—EGG RESEARCH AND PROMOTION

Rules and Regulations

Under authority contained in the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) and the Egg Research and Promotion Order (40 FR 59190), the United States Department of Agriculture hereby issues rules and regulations to implement the terms and provisions of the Order.

STATEMENT OF CONSIDERATION

Notice of rulemaking regarding the rules and regulations for the Egg Research and Promotion Order was published in the April 13, 1976, Federal Register (41 FR 15418). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining to the proposal not later than May 13, 1976.

Six letters containing comments on the proposal were filed with the Hearing Clerk, three of which offered general support for the proposed rules. One of the supporting letters requested a minor change. The three additional letters contained numerous comments in opposition to various provisions contained in the proposal and requested that certain changes be made in the proposed rules and regulations. These comments have been carefully reviewed and adopted in part as discussed below.

The purpose of these rules and regulations is to provide detailed provisions governing: (1) The rate of assessment and effective date; (2) the designation of collecting handlers; (3) the payment of U.S. Department of Agriculture administrative costs; (4) the content and submission of collecting handler reports; (5) the method to be used for obtaining producer refunds; and (6) the content and submission of producer and handler reports and records.

One comment suggested that the definition of "Egg products," § 1250.500(j), might allow for the promotion of products that are, in part, made of substitutes for components of a natural egg. The definition used in these rules and regulations is the same definition as used in section 2(n) of the enabling legislation approved by Congress. Further, the authority in the Act to provide for research, advertising, sales promotion, and consumer education programs to be undertaken by the Board is limited to increasing the general demand for eggs, egg products, spent fowl, and products of spent fowl, and does not authorize the use of assessment funds for the promotion of any other products.

Section 1250.514, Levy of assessment, establishes the rate of assessment and the initial date collection of assessment will begin. The section designates which eggs are assessable and exempt under the Order. One correspondent expressed concern that under this section owners of large flocks of breeder hens, whose production of eggs is primarily utilized for the hatching of baby chicks, would pay no assessment. The Egg Research and Consumer Information Act, in section 12(b), authorizes the exemption from payment of assessments of any flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks. The Egg Research and Promotion Order specifically grants the exemption as authorized in the Act. Accordingly, the comment is denied since the regulations are to implement the Order provisions and cannot be used to change them. While the comment regarding § 1250.514 has been denied, the language in subsection (b) thereof has been modified slightly to clarify that the exemption applies only to eggs, of a producer, produced by a flock of breeding hens primarily for hatching purposes and does not apply to eggs produced for use as human food by other flocks of hens owned by the same producer. The words "producer owning a" were deleted from § 1250.514(b).

One comment received from a national egg association suggested § 1250.516(b) be broadened to cover the entire rules and regulations. It is the intent of § 1250.516(b) to provide that the successors to producers who die, go into bankruptcy, become incapacitated, or go into receivership assume the producer's liability under the Order and these rules. Therefore, the comment is adopted and the term "subpart" substituted in place of the specific section numbers previously cited.

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Comments from two correspondents, both egg processors, referred to § 1250.517(a) suggesting that it is unfair to require the collecting handler to remit the assessment to the Egg Board prior to actual collection of the payment from the egg producer. One processor proposed that this section be stricken from the rules and further proposed that egg producers not paying assessments be penalized.

Section 8(e) of the Egg Research and Consumer Information Act establishes the egg handler as the person responsible for collecting the assessment from the producer and remitting the assessment to the Egg Board. The collecting handler, however, is not without recourse in the collection of the assessment. Under § 1250.516(c), the collecting handler has the authority to deduct the assessments from proceeds or payments due the producer or to collect the assessments directly from the producer. Further, § 1250.515(b) of the rules and regulations obligates eligible producers to pay the assessment to the collecting handler on or before the date of final settlement. In addition, section 15 of the Act authorizes legal action against egg producers as well as collecting handlers to enforce the provisions of the Act, including the obligation of producers to pay assessments and to penalize egg producers and other persons for willful violations of the Act. For these reasons, the requests to delete § 1250.517(a) or to add penalty provisions to these rules and regulations are not adopted.

The second correspondent stated a general opposition to various other sections of the rules dealing with collecting handlers, in particular: § 1250.516, Collecting handlers and collection; § 1250.518, Receipts for payment of assessments; § 1250.535, Retention of records; and § 1250.537, Confidentiality. The egg processor cited these sections as burdensome and costly for the collecting handler to administer, and requested that the rules be amended to defray the administrative costs incurred by the collecting handler. This comment is not adopted.

To the extent that records of a collecting handler are available for review by the Egg Board or its agents or representatives, the confidentiality of the information contained therein is well protected by the Act which provides criminal penalties for the unauthorized release of such information.

With respect to the sections challenged regarding collecting of assessments, receipts and retention of records, the rules and regulations do no more than implement procedures, set forth in the Act and Order, which are necessary to the operation of the program. While certain costs may be incurred by collecting handlers in performing their required responsibilities, such egg handlers are also likely to benefit from the program if egg consumption increases. Thus, the costs incurred could be offset, at least in part. Finally, the Order does not contemplate the reimbursement of collecting handler costs; therefore, to the extent such costs are incurred, the rules and regulations cannot provide for their reimbursement.

The correspondent opposed § 1250.509, USDA costs, stating both taxpayers' money and Egg Research and Promotion money would support the program. One other correspondent expressed concern that these costs would not be made public. The intent of section 8 (e) of the Act is that USDA costs for the administration of this program will be covered by producers, not from taxpayers' funds. Additionally, paragraph (g) of § 1250.336, Duties, provides for an annual public accounting of funds received and expended by the Egg Board, including USDA administrative expenses. Accordingly, both comments are not adopted.

Producers exempt from the payment of the assessment are required to file with their egg handlers certificates reporting their name and type of exemptions in § 1250.530. One correspondent opposed this section because of costs involved in the printing and approval of certificates. It was intended that these exempt certificates be drafted and printed by the Egg Board and not by the collecting handlers. The collecting handler will get the certificates from the Egg Board and provide them to the exempt producers. To clarify this situation, the second sentence of this section has been changed. Also, to insure prompt notification to collecting handlers of the loss of exemption, the words "within 10 days" were added to the last sentence of this section.

One correspondent proposed that a section be added to the regulations prohibiting members, alternate members, employees, or agents of the Board from engaging in "conflict of interest" activities. Such activities, however, were left undefined. This proposal is not adopted.

The Order program is designed for the benefit of egg producers through the promotion of eggs, egg products, spent fowl, and products of spent fowl. Therefore, all egg producers including those who serve as Egg Board members and alternates will necessarily benefit from the programs undertaken by the Egg Board pursuant to the Order provisions. In addition, all proposed projects to be undertaken by the Egg Board are subject to review and approval by the Secretary of Agriculture. Approval by the Secretary will not be forthcoming if it is determined that a particular project would not be in the best interest of egg producers. Finally, all Egg Board members and alternates are appointed by the Secretary. Accordingly, if there is any reason to believe that a particular individual will not serve in the best interest of egg producers, the Secretary would consider this when reviewing the qualifications of this potential Board member.

In addition to the changes discussed above, the definition of "Egg breaker," § 1250.500(aa), has been modified by the inclusion of a reference to the Egg Products Inspection Act. This change is of a clarifying nature and is made to insure that persons considered to be egg breakers in these regulations are limited to persons subject to the provisions of the Egg Products Inspection Act. Additionally, a new definition has been added for "Nest run eggs" to clarify the term as used in connection with provisions relating to the collecting handler. The definition states that eggs packed as they come from the production facilities, not sized and/or candled for quality, washed or unwashed, are "nest run," and is substantially the same as the definition for nest run eggs in 7 CFR Part 56, Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs.

To encourage the submission of only a single refund application by any producer for all assessments paid during a month and to facilitate prompt processing of requests by the Board, the wording of requests by the Board, the wording of the last phrase of the second sentence of § 1250.523(a)(6) was changed to read ". . . but only a single refund request should be made for all assessments paid within a single calendar month."

The Act and the Order contain specific requirements that refund provisions be provided for those egg producers not desiring to participate in the program. To clarify the last date refund applications may be submitted, the word "submitted" in § 1250.523(b) was changed to "mailed," thereby enabling the egg producer the full 90 days for submission of refund applications.

To provide for the use of patents, copyrights, trademarks, and information accruing from plans or projects undertaken by the Board, § 1250.542 was modified to include the words "copyrights, trademarks, and information," which had been inadvertently omitted. To conform the language of the patents section to these additions, reference to the "Presidential Statement of Government Patent Policy, 36 FR 16887, August 26, 1971," which refers only to patents, was deleted.

After consideration of all relevant matters, including the proposal set forth in the notice of rulemaking and the comments received in response thereto, the rules and regulations are hereby adopted as published in the notice except to the extent that certain modifications have been made in accordance with the comments adopted above and other clarifying and minor editorial changes.

Part 1250 subpart Rules and Regulations is amended to read as set forth below:

Subpart—Rules and Regulations

DEFINITIONS

Sec.
1250.500 Terms defined.

GENERAL

1250.505 Communications.
1250.506 Policy and objective.
1250.507 Contracts.
1250.508 Procedure.
1250.509 USDA costs.

ASSESSMENTS, COLLECTIONS, AND REMITTANCES

1250.514 Levy of assessments.
1250.515 Reporting period and payment.
1250.516 Collecting handlers and collection.
1250.517 Remittance to Egg Board.
1250.518 Receipts for payment of assessments.

REFUNDS

Sec.
1250.523 Procedure for obtaining refunds.

REGISTRATION, CERTIFICATION, AND REPORTS

1250.528 Registration of collecting handlers.
1250.529 Reports.
1250.530 Certification of exempt producers.

RECORDS

1250.535 Retention of records.
1250.536 Availability of records.
1250.537 Confidentiality.

PATENTS, COPYRIGHTS, TRADEMARKS, AND INFORMATION

1250.542 Patents, copyrights, trademarks, and information.

PERSONAL LIABILITY

1250.547 Personal liability.

RIGHT OF THE SECRETARY

1250.552 Right of the Secretary.

AUTHORITY: Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

Subpart—Rules and Regulations

DEFINITIONS

§ 1250.500 Terms defined.

Unless otherwise defined in this subpart, definitions of terms used in this subpart shall be those definitions of terms defined in the Egg Research and Consumer Information Act, hereinafter called the Act, and the Egg Research and Promotion Order, hereinafter called the Order.

(a) Act. "Act" means the Egg Research and Consumer Information Act as it may be amended (Pub. L. 93-428).

(b) Secretary. "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(c) Egg Board or Board. "Egg Board" or "Board" or other designatory term adopted by such Board, with the approval of the Secretary, means the administrative body established pursuant to § 1250.326.

(d) Fiscal period. "Fiscal period" means the calendar year unless the Egg Board, with the approval of the Secretary, selects some other budgetary period.

(e) Egg producer or producer. "Egg producer" or "producer" means any person who either:

(1) Is an egg farmer who acquires and owns laying hens, chicks, and/or started pullets for the purpose of and is engaged in the production of commercial eggs; or

(2) Is a person who supplied or supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to an oral or written contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens unless it is established in writing, to the satisfaction of the Secretary or the Egg Board, that actual ownership of the laying hens is in some other party to the contract. In the event the party to an oral contract who supplied or supplies the laying hens cannot be readily identified by the Secretary or the Egg Board, the person who has immediate possession and control over the laying hens at the egg production facility shall be deemed to be the owner of such hens unless written notice is provided to the Secretary or the Egg Board, signed by the parties to said oral contract, clearly stating that the eggs are being produced under a contractual agreement and identifying the party (or parties) under said contract who is the owner of the hens.

(f) Commercial eggs or eggs. "Commercial eggs" or "eggs" means eggs from domesticated chickens which are sold for human consumption either in shell-egg form or for further processing into egg products.

(g) Person. "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(h) Handle. "Handle" means to grade, carton, process, transport, purchase, or in any way place eggs or cause eggs to be placed in the current of commerce. Such term shall not include the washing, the packing in cases, or the delivery by the producer of his own nest run eggs.

(i) Handler. "Handler" means any person who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets such eggs, including eggs of his own production.

(j) Egg products. "Egg products" means products produced, in whole or in part, from eggs.

(k) Cooperating agency. "Cooperating agency" means any person with which the Egg Board has entered into an agreement pursuant to § 1250.517(c).

(l) Case. "Case" means the standard shipping package containing 30-dozen eggs or the equivalent thereof.

(m) Plans and projects. "Plans" and "projects" mean those research, consumer and producer education, advertising, marketing, product development, and promotion plans, studies, or projects pursuant to § 1250.341.

(n) Representative of a producer. "Representative of a producer" means the owner, officer, or an employee of a producer who has been duly authorized to act in the place and stead of the producer.

(o) Hen or laying hen. "Hen" or "laying hen" means a domesticated female chicken 20 weeks of age or over, raised primarily for the production of commercial eggs.

(p) Hatching eggs. "Hatching eggs" means eggs intended for use by hatcheries for the production of baby chicks.

(q) United States. "United States" means the 48 contiguous States of the United States of America and the District of Columbia.

(r) Promotion. "Promotion" means any action, including paid advertising, to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

(s) Research. "Research" means any type of research to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl, or the evaluation of such research.

(t) Consumer education. "Consumer education" means any action to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

(u) Marketing. "Marketing" means the sale or other disposition of commercial eggs, egg products, spent fowl, or products of spent fowl, in any channel of commerce.

(v) Commerce. "Commerce" means interstate, foreign, or intrastate commerce.

(w) Spent fowl. "Spent fowl" means hens which have been in production of commercial eggs and have been removed from such production for slaughter.

(x) Products of spent fowl. "Products of spent fowl" means commercial products produced from spent fowl.

(y) Started pullet. "Started pullet" means a hen less than 20 weeks of age.

(z) Shell egg packer. "Shell egg packer" means any person grading eggs into their various qualities.

(aa) Egg breaker. "Egg breaker" means any person subject to the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) engaged in the breaking of shell eggs or otherwise involved in preparing shell eggs for use as egg products.

(bb) Nest run eggs. "Nest run eggs" means eggs which are packed as they come from the production facilities without having been sized and/or candled with the exception that some checks, dirties, or obvious undergrades may have been removed and provided further that the eggs may have been washed.

GENERAL

§ 1250.505 Communications.

Communications in connection with the Order shall be addressed to the Egg Board at its business address.

§ 1250.506 Policy and objective.

(a) It shall be the policy of the Egg Board to carry out an effective and continuous coordinated program of research, consumer and producer education, advertising, and promotion designed to strengthen the egg industry's position in the marketplace, and maintain and expand domestic and foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl of the United States.

(b) It shall be the objective of the Egg Board to carry out programs and projects which will provide maximum benefit to the egg industry and no undue preference shall be given to any of the various industry segments.

§ 1250.507 Contracts.

The Egg Board, with the approval of the Secretary, may enter into contracts with persons for the development and submission to it of plans or projects authorized by the Order and for carrying out of such plans or projects. Contractors shall agree to comply with the pro-

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visions of the Order, this subpart, and applicable provisions of the U.S. Code relative to contracting with the U.S. Department of Agriculture. Subcontractors who enter into contracts or agreements with a primary contractor and who receive or otherwise utilize funds allocated by the Egg Board shall be subject to the provisions of this subpart.

§ 1250.508 Procedure.

The organization of the Egg Board and the procedure for conducting meetings of the Board shall be in accordance with the By-Laws of the Board.

§ 1250.509 USDA costs.

Pursuant to § 1250.347 of the Order, the Board shall pay those administrative costs incurred by the U.S. Department of Agriculture for the conduct of its duties under the Order as determined periodically by the Secretary. Payment shall be due promptly after the billing for such costs.

ASSESSMENTS, COLLECTIONS, AND REMITTANCES

§ 1250.514 Levy of assessments.

An assessment of 5 cents per case of commercial eggs, or such lesser amount as set by the Board and approved by the Secretary, hereinafter called the assessment, is hereby levied on each case of commercial eggs handled for the account of each producer on and after August 1, 1976; except that the following shall be exempt from the provisions of this section: (a) any egg producer whose aggregate number of laying hens at any time during the 3-consecutive-month period immediately prior to the month in which assessments are due and payable has not exceeded 3,000 laying hens, and (b) any flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks. Each case of commercial eggs shall be subject to assessment only once.

§ 1250.515 Reporting period and payment.

(a) For the purpose of the payment of assessments, either a calendar month or a 4-week accounting period shall be considered the reporting period; however, other accounting periods may be used when approved by the Board on an individual basis. Each collecting handler shall register his reporting period with the Board. All changes in reporting periods shall be requested in writing and subject to approval by the Board.

(b) Each producer shall pay the required assessment on his commercial eggs pursuant to § 1250.514 to the collecting handler designated in § 1250.516 on or before the date of final settlement between the producer and the collecting handler for the eggs received by the collecting handler during each reporting period.

§ 1250.516 Collecting handlers and collection.

(a) Handlers responsible for collecting the assessments shall be any of the following:

(1) The first person to whom eggs are sold, consigned, or delivered by producers and who grades, cartons, or breaks such eggs. Such shell egg breaker or egg packer must collect and remit to the Board the assessments on all eggs handled except eggs for which there is a certification of exemption or eggs for which there is a statement indicating that an assessment has already been paid;

(2) A person who buys or receives nest run eggs from a producer and who does not grade, carton, or break such eggs. Such person shall collect the assessment from the producer and remit to the Egg Board;

(3) Except as otherwise provided in paragraph (4) of this section, a producer who grades, cartons, or breaks eggs of his own production. Such producer shall be responsible for remitting the assessment to the Board on that portion of his eggs which he grades, cartons, or breaks. For the remaining nest run eggs, the handler specified in (1) or (2) is the collecting handler; or

(4) Upon approval of the Board, any person who handles eggs for a producer under a written contract that includes express provisions that said handler will remit the assessment on such eggs to the Board shall be the collecting handler notwithstanding the fact that the producer may have graded, cartoned, or otherwise processed the eggs.

Following are some examples to aid in identification of collecting handlers: (a) producer sells, assigns, consigns, or otherwise delivers nest run eggs of his own production to a shell egg packer or breaker for preparation for market—the shell egg packer or breaker is the collecting handler and is responsible for remitting to the Egg Board; (b) producer grades, cartons, breaks, or otherwise prepares for marketing a portion of the eggs of his own production and delivers the remaining portion of his nest run eggs to a shell egg packer or breaker—the producer is the collecting handler for that portion of the eggs he grades himself and the shell egg packer or breaker receiving the other portion of his nest run eggs is the collecting handler for that portion of the eggs he receives; (c) producer sells all or a portion of his eggs in nest run form to a handler who is not a shell egg packer or breaker—the handler is responsible for collecting the assessment and remitting it to the Egg Board; (d) a shell egg packer or breaker who buys or receives nest run eggs from a handler who is not a shell egg packer or breaker—the handler is the collecting handler and shall remit such assessment to the Board; (e) a shell egg packer or egg breaker buys nest run or graded eggs including undergrade eggs from another shell egg packer or egg breaker—the first shell egg packer or breaker is the collecting handler and shall remit such assessments to the Board.

(b) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer or his estate, or the person acting on behalf of creditors, shall be considered the producer of the eggs for the purpose of this subpart.

(c) The collecting handler may collect the assessment directly from the producer or deduct the assessment from the proceeds due or paid to the producer on whose eggs the assessment is made.

§ 1250.517 Remittance to Egg Board.

(a) The collecting handler responsible for remittance of assessments to the Board is not relieved of this obligation as a result of his failure to collect payment of the assessment from the egg producer(s).

(b) Each collecting handler required to remit the assessments on the eggs handled during each reporting period, specified in § 1250.515(a), shall remit the assessments directly to the Egg Board by check, draft, or money order payable to the Egg Board on or before the 15th day after the end of said reporting period together with a report pursuant to § 1250.529. The assessment for each reporting period shall be calculated on the basis of the gross volume of eggs subject to assessment received by the collecting handler during each reporting period.

(c) Remittance through cooperating agency.

(1) In any State or specified geographic area the Egg Board, with the approval of the Secretary, may designate by agreement a cooperating agency to collect the assessments in its behalf. Every collecting handler within such a State or geographic area shall remit the assessments for each reporting period, specified in § 1250.515(a), to the designated cooperating agency by check, draft, or money order payable to said cooperating agency on or before the 15th day after the end of said reporting period together with a report pursuant to § 1250.529.

(2) On or before the 20th day after the end of each reporting period, each designated cooperating agency shall remit to the Egg Board the total amount of all assessments received from collecting handlers for said reporting period together with all collecting handler reports. In addition, each designated cooperating agency shall submit to the Egg Board such information as is required by the designation agreement with the Egg Board.

§ 1250.518 Receipts for payment of assessments.

(a) Each collecting handler shall give each producer whose eggs are subject to assessment a receipt for the commercial eggs handled by said collecting handler showing payment of the assessment. This receipt may be on a separate receipt form or included as part of the invoice or settlement sheet for the eggs, but in either event shall contain the following information:

(1) Name, address, and identification number of the collecting handler;

(2) Name and address of the producer who paid the assessment;

(3) Number of cases of eggs on which assessment was paid and the total amount of the assessment; and

(4) Date on which assessment was paid by producer.

(b) All eggs sold, consigned, or delivered from a collecting handler to another handler, excluding cartoned eggs

and loose graded eggs sold to bakeries, restaurants, and institutions, shall be accompanied with the collecting handler's written statement that the assessment on the lot of eggs covered by the invoice has been paid or that lot of eggs or portion thereof is exempt from assessment under provisions of § 1250.514.

REFUNDS

§ 1250.523 Procedure for obtaining refunds.

Each egg producer against whose eggs an assessment was levied and collected may obtain a refund of the assessment amount for any calendar month in the following manner:

(a) Every refund request must be made by submitting to the Egg Board a completed Egg Board refund application form. The refund application form shall be obtained by written request to the Egg Board and shall require the following information:

(1) Producer's name and address;

(2) Collecting handler's names, addresses, and identification numbers;

(3) Number of cases of eggs on which refund is requested and the total amount of refund requested;

(4) Dates or inclusive dates on which assessments were paid;

(5) The producer's signature or witnessed mark; and

(6) The receipt given to the producer by the collecting handler pursuant to § 1250.518, or a copy thereof, or such other evidence of payment as is satisfactory to the Egg Board.

Separate refund applications must be filed for assessments paid in different calendar months, but only a single refund request should be made for all assessments paid within a single calendar month.

(b) Every refund application must be mailed to the Egg Board within 90 days after the end of the calendar month during which the assessment obligation was paid.

(c) Within 60 days following the date of receipt by the Egg Board of each properly executed refund application, and proof of payment of the assessment, the Egg Board shall remit the refund.

REGISTRATION, CERTIFICATION, AND REPORTS

§ 1250.528 Registration of collecting handlers.

All collecting handlers shall, prior to August 1, 1976, register with the Egg Board by filing a registration statement. Registered collecting handlers will receive an identification number which must appear on all required reports and official communications with the Egg Board. New businesses subject to this subpart beginning after August 1, 1976, shall register with the Egg Board within 30 days following the beginning of operations. The statement of registration shall include:

(a) Name and complete address of the collecting handler;

(b) Name of individual(s) responsible for filing reports with the Egg Board; and

(c) Type of reporting period desired.

§ 1250.529 Reports.

(a) Collecting handler reports.

(1) Each collecting handler shall make reports on forms made available or approved by the Egg Board. Each collecting handler shall prepare a separate report form each reporting period. Each report shall be mailed to the Egg Board within 15 days after the close of the reporting period and shall contain the following information:

(i) Date of report;

(ii) Reporting period covered by the report;

(iii) Name and address of collecting handler and identification number;

(iv) Total number of cases of eggs handled, total number of cases of eggs subject to collection of assessment, total number of cases of eggs exempt under § 1250.514 from collection of assessment, total number of cases of imported eggs handled, and total number of cases of eggs received from another handler and on which an assessment was already collected;

(v) The names and addresses of producers subject to assessment supplying eggs to the handlers and number of cases of eggs received from each producer;

(vi) Total amount of assessment due for eggs handled during the reporting period and remitted with the report; and

(vii) Such other information as may be required by the Board.

(2) Collecting handler reports shall be filed each reporting period following registration until such time as the Egg Board is notified in writing that the collecting handler has ceased to do business. During reporting periods in which the collecting handler does not handle any eggs, his report form shall state "No Eggs Handled."

(b) The Egg Board may require all persons subject to section 7(c) of the Act to make reports as needed for the enforcement and administration of the Order and as approved by the Secretary.

§ 1250.530 Certification of exempt producers.

Egg producers not subject to the provisions of § 1250.514 shall file with all handlers to whom they sell eggs a statement certifying their exemption from the provisions of § 1250.514. Certification shall be made on forms approved and provided by the Egg Board to collecting handlers for use by exempt producers. The certification form shall be filed with each handler within 10 days after the first sale of eggs to such handler after August 1, 1976, and annually thereafter on or before January 1 as long as the producer continues to do business with the handler. A copy of the certificate of exemption shall be forwarded to the Egg Board by the handler within 30 days of receipt by him. The certificate shall list the following:

(a) The name and address of the producer;

(b) Basis for producer exemption; and

(c) The signature of the producer.

If the exempt producer becomes subject to assessment pursuant to § 1250.514, he shall notify, within 10 days all handlers with who he has filed a certificate of exemption.

RECORDS

§ 1250.535 Retention of records.

(a) Each person required to make reports pursuant to this subpart shall maintain and retain for at least 2 years beyond the fiscal period of their applicability:

(1) One copy of each report submitted to the Egg Board;

(2) Records of all exempt producers including certification of exemption as necessary to verify the address of each exempt producer; and

(3) Such other records as are necessary to verify reports submitted to the Egg Board.

(b) Egg producers subject to § 1250.514 shall maintain and retain for at least 2 years beyond the fiscal period of their applicability:

(1) Receipts, or copies thereof, for payment of assessments; and

(2) Such records as are necessary to verify monthly levels of egg production.

§ 1250.536 Availability of records.

Each handler and egg producer subject to this subpart and all persons subject to section 7(c) of the Act shall make available for inspection and copying by authorized employees of the Egg Board and/or the Secretary during regular business hours, such information as is appropriate and necessary to verify compliance with this subpart.

§ 1250.537 Confidentiality.

All information obtained by officers and employees of the Department of Agriculture, the Egg Board, or any person under contract by the Egg Board or otherwise acting on behalf of the Egg Board from the books, records, and reports of persons subject to this subpart, and all information with respect to refunds of assessments made to individual producers, shall be kept confidential in the manner and to the extent provided in § 1250.353 of the Order.

PATENTS, COPYRIGHTS, TRADEMARKS, AND INFORMATION

§ 1250.542 Patents, copyrights, trademarks, and information.

Patents, copyrights, trademarks, and information accruing from work pursuant to any plan or project undertaken by any person on behalf of the Egg Board, financed by assessment funds or other revenues of the Egg Board, shall become property of the U.S. Government as represented by the Egg Board; and such patents, copyrights, trademarks, and information may be licensed subject to approval by the Secretary of Agriculture. Upon termination of the Order, the Egg Board shall transfer custody of all such patents, copyrights, trademarks, and information to the Secretary of Agriculture pursuant to the procedure provided for in § 1250.358 who shall utilize them in a manner that he deter-

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mines to be in the best interest of egg producers. Funds generated from the use of patents, copyrights, trademarks, and information by the Egg Board will be considered income subject to the same fiscal budget, and audit control as the other funds of the Egg Board. Ownership of inventions made by employees of the Board shall be determined in accordance with Executive Order 10096.

PERSONAL LIABILITY

§ 1250.547 Personal liability.

No member, alternate member, employee, or agent of the Board in the performance of his duties with the Board shall be held personally responsible either individually or jointly with others, in anyway whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, by such member, alternate member, employee, or agent, except for acts of dishonesty or willful misconduct.

RIGHT OF THE SECRETARY

§ 1250.552 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

It is hereby certified that the economic and inflationary effects of these rules have been carefully evaluated in accordance with Executive Order No. 11821.

Signed at Washington, D.C., on this 3rd day of June 1976, to become effective August 1, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76-16586 Filed 6-7-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 2006—MANAGEMENT

Operations Review

There is hereby established under Chapter XVIII, Title 7, a new Subchapter Q—"Administration," Part 2006, "Management," Subparts A through S, in the Code of Federal Regulations. Subpart M, "Operations Review," of this new Part is being added to this Chapter XVIII to prescribe the general policies and procedures for performing evaluation of the Farmers Home Administration (FmHA) field operations in the administration of its program and training needs.

Inasmuch as this Subpart involves only internal departmental regulations entirely administrative in nature, public notice and procedure thereon is unnecessary. Accordingly, new Subpart M of Part 2006 is added as set forth below.

Subpart M—Operations Review

Sec.
2006.601 General.
2006.602 Purposes of operations review.
2006.603 Responsibilities.
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2006.607 Preparation of Form FmHA 401-1, "Operations Review Questionnaire."
2006.608 Summary discussion with county office personnel.
2006.609 State summary report.
2006.610–2006.650 [Reserved].

Exhibit A–Table of Random Numbers.

AUTHORITY: (5 U.S.C. 301, delegation of authority by the Secretary of Agriculture; 7 CFR 2.23, delegation of authority by Assistant Secretary for Rural Development, 7 CFR 2.70)

Subpart M—Operations Review

§ 2006.601 General.

This Instruction prescribes general policies and procedures for performing reviews of Farmers Home Administration (FmHA) operations in State and County Offices.

(a) *Review by National Office teams.* A review team of 4–8 selected individuals under the direction of the National Office Operations Review Staff will make an annual review in each State.

(b) *Review by State Office staff.* State Office program personnel, Office Management Assistants (OMA), and District Directors, as assigned by the State Director, will make annual reviews in each district.

(c) *Review by District Directors.* District Directors will review annually one-third of the County Offices under their jurisdiction.

§ 2006.602 Purposes of operations review.

The operations review will be used as an aid to effective management of FmHA programs. Primary purposes are to:

(a) Determine the extent of compliance with basic loanmaking and servicing policies.

(b) Indicate existing or potential program deficiencies or irregularities.

(c) Help determine training needs.

(d) Indicate counties or program operations needing special attention by District, State, and National Office personnel.

(e) Identify the activities of effective County Office personnel to incorporate their methods into State and District training activities.

(f) Evaluate the efficiency of program administration in State, District, and County Offices.

§ 2006.603 Responsibilities.

(a) National Office Operations Review Staff will: (1) Plan and direct reviews of each State Office annually.

(2) Analyze state summary reports.

(3) Coordinate activities of various review groups.

(b) The State Director will insure that:

(1) Operations reviews are planned, conducted, and reported in an effective manner in the State in accordance with the provisions of this regulation.

(2) Each State Office plan of work includes plans for making the necessary operations reviews by the District Directors and State Office personnel annually.

(3) The results of reviews are considered during the annual evaluation discussions.

(4) Information obtained from operations reviews is analyzed and used to improve FmHA programs in the County, District, and State Offices.

(5) Necessary corrective actions are taken promptly on operational weaknesses disclosed by the operations reviews.

(c) District Directors will: (1) Perform an annual in-depth review in one-third of the County Offices in their district by completing Form FmHA 401–1, "Operations Review Questionnaire."

(2) Report serious problems immediately to the State Director.

(3) Hold a summary discussion with County Office personnel at the end of the review.

§ 2006.604 Conducting operations reviews.

(a) *Review by National Office teams.* (1) Schedules will be prepared by the Operations Review Staff and mailed to the State Director at least 2 months in advance, indicating the date of the review and tentative personnel allocations to assist in other reviews.

(2) Selection of the team leader and team members will be confirmed 1 month in advance. Substitute team leaders and team members will be confirmed as early as possible.

(3) Team leaders will be responsible for directing teams in conducting appropriate reviews and will prepare a written report for the Administrator.

(b) *Review by State Office Staff.* (1) The State Director will assign appropriate program specialists, OMA's, and District Directors to review a minimum of one County Office in each district for each program area; for example, County Office #1, Farmers Program; County Office #2, Housing Program; County Office #3, program management; etc. The County Office selections should be coordinated with the District Director.

(2) Form FmHA 401–1 will be completed by the assigned personnel for all applicable questions relating to their program area responsibility or assignment.

(3) Selection of case folders and County Office files will be as outlined in §§ 2006.605 and 2006.606. If a significant weakness is indicated, a larger sample should be examined.

(4) The reviews will necessitate only minimal onsite evaluation by State Office personnel of appraisals performed by County Supervisors.

(5) The results of the operations reviews will be compared with the reviews submitted by the District Director. The comparison results will be discussed with the District Director.

(6) A State regulation may be issued supplementing this regulation, and incorporating the guide for previous program reviews in States where it is considered desirable.

(c) Review by District Directors. (1) Individual borrower case folders may be reviewed throughout the year on regularly scheduled visits. The results of these reviews will be reported annually on Form FmHA 401–1.

(2) The District Director will interview selected borrowers to determine the effectiveness of County Office personnel in explaining borrower responsibility.

(3) The District Director should be aware, through public contacts, of the effectiveness of the County Office in meeting the needs of the county.

(4) Form FmHA 401–1 will be completed for all applicable questions.

(5) A random method of selection will be used in selecting the sample case folders, as outlined in § 2006.605(c).

§ 2006.605 Selection of case folders for review.

(a) *Sample groups of case folders.* The selection of case folders for review should be made as follows: (1) The first sample of case folders should be drawn from those loans closed within the past year. Selection can be made by reviewing Form FmHA 405–4, "Application and Processing Card—Individual," and Form FmHA 405–11, "Application and Processing Card—Association." These case folders will be used for responding to questions in the application and processing section of Form FmHA 401–1—(part 1 for Farmer Program loans; part 3 for Farmer Program Association loans; part 4 for Single Family Housing loans; part 5 for Multihousing program; questions 1–5, part 6, for Community Program loans; and questions 1 and 5, part 7 for Business and Industrial loans).

(2) The second sample will be obtained from all active Farmers Program, community Program, Multihousing Program, and Business and Industrial Program loans. This sample will be used in responding to the supervision and servicing section of Form FmHA 401–1 (part 2 for Farmer Program loans; and questions 5–8 of part 3; questions 4–6 of part 5; questions 6–9 of part 6; and questions 2–4 of part 7).

(3) A third sample will be drawn from the cases in which liquidation or debt settlement action or a problem case report was completed in the past year. This sample will be used for responding to related questions about program management in part 10.

(b) *Percent of case folders to sample.* The recommended sample is about 10 percent of the loans closed the past year for each major loan type for the sample described in paragraph (a)(1) of this section and about 5 percent of the total caseload in each loan program for the sample described in paragraph (a)(2) of this section and about 20 percent of the liquidations, debt settlement, and problem cases reported in the past year for the sample described in paragraph (a)(3) of this section.

(1) For programs with few loans, a representative sample should be larger than 10 percent.

(2) If an indication of weakness exists, the sample should be extended to 20 percent.

(3) When the program activity is large (over 100 cases), the folders reviewed may be reduced to less than 10 percent provided at least 10 folders are reviewed.

(c) *Random selection.* A random method of selection should be used in selecting sample folders to eliminate preference from the selection process. Use the Table of Random Numbers, Exhibit A, to determine the first folder to be selected.

§ 2006.606 Examination of other files.

The review requires the examination of other County Office files in addition to borrower case folders; for example, review of "application pending" and "applications withdrawn or rejected" files, graduation of borrowers, delinquent borrower report, and collection-only accounts to cover applicable questions in part 10 of Form FmHA 401–1. These samples should be about 10 percent. Files relating to property management will be reviewed to respond to part 9 of Form FmHA 401–1.

§ 2006.607 Preparation of Form FmHA 401–1.

Form FmHA 401–1 will be completed as indicated in the instructions for preparation at the beginning of the questionnaire.

§ 2006.608 Summary discussion with County Office personnel.

(a) On completing the review a discussion with the County Office staff will be held to: (1) Recognize commendable performance and effective methods used by County Office staff.

(2) Emphasize facts relating to the effectiveness of FmHA assistance in the community and the extent basic objectives of the program are being accomplished.

(3) Emphasize compliance with loanmaking and management assistance policies.

(4) Discuss items which need improvement.

(5) Establish corrective actions and/or followup training necessary to resolve problems.

(b) A written summary of the major findings will be given to the County Office staff.

§ 2006.609 State summary report.

(a) On completion of the District and State Office operations reviews and before January 1, the State Director or his designee will analyze the reviews and prepare a summary report. The report should:

(1) Include a composite tally of findings reported on the operations review questionnaire and a listing of County Offices reviewed, including district designation. The tally may be recorded on a copy of Form FmHA 401–1 in the appropriate blocks.

(2) Include an evaluation of the program weaknesses indicated in each section of Form FmHA 401–1.

(3) Identify and list actions taken or contemplated to correct program weaknesses.

(4) Distinguish between old and new problems.

(5) Identify any program weaknesses that require the attention of the National Office.

(6) Include any recommendations for National Office consideration to strengthen program operations nationwide.

(b) The summary report will be submitted to the National Office, Attention: Director, Operations Review Staff. The State Director will establish the date for submission of the report which may be any date before January 1 of each year.

EXHIBIT A—TABLE OF RANDOM NUMBERS

Year ending in:	*First case folder selected*
0	4
1	8
2	7
3	2
4	8
5	3
6	9
7	7
8	5
9	8

FOR EXAMPLE: During 1976, selection of the 10 percent sample of case folders to be examined for questions on Rural Housing will be made by choosing the ninth name listed as closed on Form FmHA 405–4, "Application and Processing Card—Individual," and every tenth name thereafter listed as closed; that is, 19, 29, 39 and so forth.

The same method will be used for Farm Ownership Loans, Operating Loans, and so forth.

Effective date: This regulation shall become effective June 8, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16580 Filed 6-7-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

PART 325—TRANSPORTATION

FD&C Violet No. 1

● Purpose: The purpose of this document is to remove FD&C violet No. 1 coloring as an approved denaturant for use on carcasses, parts thereof, and meat and meat food products. ●

Statement of Considerations: The Department of Agriculture has determined that the use of FD&C violet No. 1 coloring on carcasses, parts thereof, and meat and meat food products would cause such articles to become adulterated within the meaning of the Federal Meat Inspection Act (21 U.S.C. 601 *et eq.*). Therefore, on April 10, 1973, the Department amended the Federal meat inspection regulations to prohibit the use of any ink containing FD&C violet No. 1 coloring for applying the official marks to inspected livestock carcasses (9 CFR 316.5, 38 FR 9088). However, § 325.13(a)(2) of the Federal meat inspection regulations (9 CFR 325.13(a)(2)) lists FD&C violet

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No. 1 coloring as a permitted denaturant for certain carcasses, parts thereof, and meat and meat food products. In this connection, the Department has determined that there is a danger that FD&C violet No. 1 coloring could be mistaken for other substances approved for use in official establishments and elsewhere, and that the accidental use of FD&C violet No. 1 coloring for branding or for other purposes could cause carcasses, parts thereof, and meat and meat food products to become adulterated. Therefore, in order to prevent the accidental adulteration of articles in official establishments and elsewhere, FD&C violet No. 1 coloring should be deleted from the list of approved denaturants for use on carcasses, parts thereof, and meat and food products.

It should also be noted that the addition of FD&C violet No. 1 coloring to articles intended for use as food for animals or man would cause such articles to become adulterated under the Federal Food, Drug, and Cosmetic Act (see 38 FR 9078).

§ 325.13 [Amended]

Accordingly, § 325.13(a)(2) of the Federal meat inspection regulations (9 CFR 325.13(a)(2)) is hereby amended by deleting therefrom the following quoted material: "FD&C violet No. 1 coloring;".

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 601 et seq.; 37 FR 28464, 28477)

This amendment should become effective promptly in order to prevent the accidental adulteration of carcasses, parts thereof, and meat and meat food products. It does not appear that additional information or data could be brought before the Department which would be of such nature to warrant another action. Accordingly, under the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective June 8, 1976.

Done at Washington, D.C., on: June 2, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-16594 Filed 6-7-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1213—RELEASE OF INFORMATION TO NEWS AND INFORMATION MEDIA

This regulation, which amends and consolidates three regulations into one regulation, delineates the National Aeronautics and Space Administration's policy, responsibilities and procedures for the release of public information in any form to the news and information media. It provides the media with a clear understanding of NASA's administrative procedures for the release of news issuances, the prompt response to the media for information and interviews, the availability of news-oriented audio-visual material and the handling of information affecting foreign countries or international organizations and their correspondents.

Since this consolidated, amended regulation is concerned only with changes in internal administrative responsibilities, notice and public procedure thereon is not required.

A new Part 1213 is added to 14 CFR Chapter V as follows:

Sec.
1213.100 Scope of part.
1213.101 Policy.
1213.102 Responsibility.
1213.103 Procedures.
1213.104 Security.

AUTHORITY: Sec. 203(a)(3), National Aeronautics and Space Act of 1958 as amended, 42 U.S.C. 2473(a)(3.

§ 1213.100 Scope of part.

This Part 1213 establishes NASA policy, responsibilities and procedures for the release of information concerning NASA programs and activities to news and information media. The provisions of this Part cover the release of information in any form to news and information media. Not included is the release of scientific and technical information to scientific and technical journals and audiences (see NASA Management Issuances in the 2220 and 1392 series).

§ 1213.101 Policy.

(a) Consistent with NASA statutory responsibility (42 U.S.C. 2473(a)(3)), NASA will "* * * provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof, * * *"

(b) Release of information concerning NASA activities and the results thereof will be made promptly and completely. Exceptions include that information which may be exempt from disclosure under the "Freedom of Information Act" (5 U.S.C. 552, as amended) (Part 1206) and the "Privacy Act of 1974" (Part 1212).

(c) NASA will respond promptly to queries from the information media and industry, and cooperate with contractors in their release of NASA related informational material including advertising.

(d) NASA officials may participate in interviews and speak for the agency in areas of their assigned responsibility.

§ 1213.102 Responsibility.

(a) The Assistant Administrator for Public Affairs is responsible for the development and overall administration of an integrated NASA-wide public affairs program and determines whether the specific information is to be released. He has designated the Director of the Public Information Division as the functional manager of public information activities. The Director, Public Information Division will:

(1) Direct and coordinate all Headquarters and agency-wide public information activities.

(2) Direct and coordinate all agency-wide news-oriented audio-visual activities.

(b) The public affairs officers assigned to Headquarters program and staff offices (and accountable to the Director of Public Information Division for public information activities only) are responsible for developing plans and coordinating all public information activities covering their respective programs at Headquarters and in the field.

(c) Directors of field installations through their public affairs officers are responsible for initiating and obtaining concurrences for information programs and public releases issued by their respective installations and component installations.

§ 1213.103 Procedures.

(a) Issuance of News Releases.

(1) All Headquarters news releases will be issued by the Public Information Division.

(2) The Director of a field installation through his public affairs officer will issue news releases for which the field installation is the primary or sole source, and may review material received from its contractors for technical accuracy prior to its public release.

(b) Coordination and Concurrence of News Releases.

(1) General. All organizational elements of NASA involved in preparing and issuing NASA press releases are responsible for proper coordination and obtaining concurrences and clearances prior to issuance of the news release. Such coordination will be accomplished through the public affairs officers assigned to Headquarters offices. However, nothing contained herein shall be construed to discourage direct contact between the Headquarters News Room and News Room of the field installations.

(2) Headquarters-Field.

(i) Public affairs officers in Headquarters offices will issue releases through the Headquarters News Room only after obtaining all necessary concurrences and clearances. Field installations will obtain clearances from the appropriate Headquarters program or staff office/public affairs officer.

(ii) Headquarters issuance of a news release bearing on a field installation will be coordinated with the installation through the appropriate public affairs officer, Director of Public Information Division or Headquarters News Chief. Where appropriate, the originating office will arrange for a mutually acceptable release time. If circumstances require that Headquarters be the issuing agency for a release for which the primary source is an installation, Headquarters will keep the installation fully informed.

(iii) If it becomes necessary for Headquarters to change, delay or cancel a release proposed for issuance by a field installation, both the installation and the office affected will be notified of the reasons for the action.

(3) Field-Other. A release originating in one field installation that involves the activities of another installation (including Headquarters) will not be issued until the concurrences of all installations concerned have been obtained. The originating installation is responsible for arranging a mutually acceptable release time.

(4) Simultaneous Release. Where a release is to be simultaneously issued, whether by Headquarters, a field installation, industry-NASA or university-NASA, it will be so stated on the news release. However, preference is for sole source and a simultaneous release will be used only in exceptional circumstances to be determined by the Headquarters News Chief.

(5) Date Lines. Out-of-town date lines will not be used on releases issued by Headquarters except in the case of an advance release of a speech text intended for regional distribution in the area where the speech will be delivered.

(6) Exchange of Releases. Headquarters and field installations will exchange their releases with all News Rooms in the agency. Headquarters will air mail two copies of each release to each field installation, prior to shipping bulk mail for in-house distribution. Field installations will air mail two copies of each of their releases to Headquarters and all other NASA installations. The full text of important releases, regardless of source, which may generate unusual interest and queries shall be teletyped or telephoned to all interested installations (including Headquarters) in advance of release time to enable public information officers to respond intelligently to queries arising locally.

(7) Daily Exchange of Public Affairs Activities Schedules. All field installations will exchange with the appropriate Headquarters public affairs officers their daily schedule of news events and releases. The exchanges will be by wire or telephone. When nothing is scheduled, a negative report is required.

(c) Interviews. (1) NASA personnel will respond promptly to requests of media representatives for information or interviews. Interviews will not be monitored nor will NASA personnel so interviewed be required to report the nature of these interviews.

(2) Normally, requests for interviews with NASA officials will be made through the appropriate public affairs office. However, newsmen will have direct access to those NASA officials they seek to interview.

(3) Information given to the press will be on an "on-the-record" basis only and attributable to the person(s) making the remarks. Any NASA employee providing material to the press will identify himself as the source.

(4) Public information volunteered by a NASA official will be offered to all news media at the same time.

(d) Audio-Visual Material. (1) NASA's central repository of audio-visual material will be available to the information media and to all NASA installations.

(2) Field installations will provide NASA Headquarters with:

(i) Selected prints and originals or duplicate negatives of news-oriented still photographs generated within their respective areas.

(ii) Selected 16 millimeter color motion picture footage (prints) which, in the opinion of the installation, would be appropriate for use as features in programs.

(iii) Audio tapes of significant news developments and other events of historical or public information interest.

(e) International. (1) All releases of information involving NASA activities or views affecting another country or an international organization require prior coordination with the Office of International Affairs through the public affairs officer assigned to that office.

(2) NASA field installations and Headquarters offices will report all visits proposed by representatives of foreign news media to the public affairs officer for the Office of International Affairs, NASA Headquarters.

(3) Safeguards intended to control access to classified information, materials, or facilities will not be diminished in providing assistance to foreign news representatives.

§ 1213.104 Security.

Questions regarding security classification will be resolved by the appropriate security classification officer.

Effective date: June 8, 1976.

ALEX P. NAGY,
Acting Assistant Administrator for Public Affairs.

[FR Doc.76-16505 Filed 6-7-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

On December 6, 1973, The FEDERAL REGISTER announced the establishment of an export monitoring program pursuant to section 4(c) of the Export Administration Act of 1969, as amended, with respect to certain fertilizers and related chemicals presently listed in Supplement No. 3 to Part 376. Reporting of exports and anticipated exports of these commodities was required on Form DIB–661P, "Report by Fertilizer Exporter." The FEDERAL REGISTER of June 27, 1975 extended indefinitely the requirement for the submission of monthly reports of exports and contracts for the export of these commodities.

The data currently available to the Department indicates that the volume of exports of phosphate fertilizers in relation to domestic supply does not currently, and will not in the foreseeable future, contribute to an increase in domestic prices or a domestic shortage which might have an adverse impact on the economy. Consequently, monthly reporting of exports and contracts for the export of phosphate fertilizers will not be required after submission of the April, 1976 report.

The commodities no longer monitored are:

Schedule B No.	*Commodity description*
271.3010	Florida phosphate hard rock and Florida land pebble.
513.3817	Phosphoric acid, fertilizer grade (anhydrous or liquid).
513.3820	Phosphoric acid, n.e.c. (anhydrous or liquid).
561.2910	Concentrated superphosphate, 40 percent or more available phosphorous pentoxide.

Monthly reports of exports and of contracts for the export of nitrogenous fertilizers (Schedule B Nos. 513.6110, 561.1005, 561.1010, 561.1015, 561.9067, 561.9068, 561.9070) will continue to be required.

Accordingly, Supplement No. 3 to Part 376 (15 CFR Part 376) is revised to read as follows:

No. 3.—Fertilizer Materials Subject to Monitoring

Schedule B No.	Commodity description	Report price [1]
513.6110	Ammonia (anhydrous or in aqueous solution), fertilizer grade.	Yes.
561.1005	Urea (fertilizer material)	Yes.
561.1010	Ammonium nitrate and ammonium sulfonitrate, all grades.	No.
561.1015	Ammonium sulfate, all grades	No.
561.9067	Diammonium phosphate fertilizers	Yes.
561.9068	Other ammonium phosphate fertilizers.	No.
561.9070	Mixed chemical fertilizers, except ammonium phosphate fertilizers.	No.

[1] Prices are to be reported on form DIB–661P when "Yes" is indicated for a commodity in the report price column. When "No" is indicated, prices should not be reported.

Effective date of action: May 28, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76-16456 Filed 6-7-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1507—FIREWORKS DEVICES

Ruling on Exceptions, Findings of Fact, Conclusions of Law, and Final Order

In the matter of Fireworks Devices, the Consumer Product Safety Commission, pursuant to sections 2(q)(1)(B), 2(q)(2) and 3(b) of the Federal Hazardous Substances Act, (15 U.S.C. 1261(q)(1)(B), 1261(q)(2) and 1262(b)); section 701(e), Federal Food, Drug and Cosmetic Act, (21 U.S.C. 371(e)) and 21 CFR 2.98, issues the following rulings on exceptions, findings of fact, conclusions of law and final order.

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On March 4, 1976 the Commission published in the FEDERAL REGISTER (41 FR 9512)[1] its tentative rulings on exceptions, findings of fact, conclusions of law and order. Pursuant to the provisions of that tentative order and the rules of practice governing this proceeding, 21 CFR 2.97 (b), the Commission allowed parties of record 30 days from the date of publication of the decision to file exceptions thereto. Filings were received from the following:

State of Hawaii
American Pyrotechnics Association (APA)
National Society for the Prevention of Blindness (NSPB) [2]
American Public Health Association (APHA)
Mike's Fireworks and Toys, Inc.
American Academy of Pediatrics (AAP)
Fire Marshals Association of North America (FMNA)
Liddell Fireworks Co.
Chinese Chamber of Commerce of Hawaii
Pytrotechnic Specialties Inc.
Oklahoma Pyrotechnics Association (OPA)
Gary Dusterwinkle, Phoenix Fuse Ltd.
Stonebraker Rocky Mountain Fireworks
Big Red Fireworks Inc.
Blogin Sales Co.
National Fire Protection Association (NFPA)

Big Red Fireworks, Inc.; Gary Dusterwinkle; Pyrotechnic Specialites, Inc.; Chinese Chamber of Commerce of Hawaii and NFPA were not parties of record to the proceeding. Testimony was received at the hearings, however, from Dusterwinkle and representatives of Chinese Chamber of Commerce of Hawaii and NFPA. Mike's Fireworks and Toys, Inc. requested that the comments of Dusterwinkle be incorporated as exceptions of its firm. APA styled its filing as a response rather than exceptions and only seeks to preserve positions taken by that organization in the proceeding. All of the filings except APHA's were either received or postmarked on or before April 5, 1976.[3]

Based on the filings received, there seems to be some misunderstanding as to who in fact was a party to the proceeding which under the tentative order governs the eligibility to file exceptions. This appears to be the result of the fact that many of the participants at the hearings were not represented by attorneys. Thus persons who testified at the hearings may have been unaware that they were not formally listed as parties to the proceeding. In light of this fact and to assure fairness to unrepresented participants, the Commission has decided to treat those persons and organizations who individually or by a spokesperson participated in or testified at the hearings as parties and thus eligible to file exceptions.

Another misunderstanding which appears to have occurred relates to the form of the exceptions. In its tentative order the Commission specified that exceptions conform to the regulations contained in 21 CFR 2.97(b). Many of the filings, particularly from those persons and organizations who were not represented by an attorney, are simply letters which do not conform to the regulation. Recognizing the difficulty of unrepresented participants in locating the regulations, and to insure fairness, the Commission has decided to waive the form requirement and to consider as exceptions the filings of all individuals or groups who have been determined eligible to file exceptions.[4]

FIRECRACKERS

The most controversial and commented upon aspect of the tentative decision concerned the Commission's ban on those firecrackers in excess of 50 milligrams of pyrotechnic composition. Basically, the exceptions either contend that the Commission should have ordered a complete ban on all firecrackers with an appropriate exemption or should not have banned any firecrackers under the existing 2 grain limitation. A few of the exceptions still contend that the Commission should have followed the recommendation of the Administrative Law Judge to permit flashpowder of up to 1.2 grains and blackpowder [5] up to 2.0 grains. Many reiterate their claims that the National Electronic Injury Surveillance System (NEISS) and other injury data are not sufficiently precise to distinguish between injuries caused by Class B and Class C firecrackers or among the Class C firecrackers.

The State of Hawaii, the Chinese Chamber of Commerce of Hawaii and Oklahoma Pyrotechnics Association (OPA) continue to adhere to the position that an exemption for all firecrackers up to 2.0 grains is required for religious purposes. Hawaii and OPA urge the same exemption for "cultural" purposes. Hawaii also claims that 50 mg. firecrackers will not satisfy religious needs since they do not create a sufficient "emotional awe inspiring feeling within the user."

Since the date of the tentative order, one to the Commissioners, who was in the majority on the firecracker question, has left the Commission to assume duties in another agency. This has left the Commission equally divided in its views on the firecracker matter with two Commissioners voting for adoption of the 50 mg. limitation in the tentative order and two Commissioners favoring a total ban with an exemption for religious use. In addition, the President has nominated a new Chairman who has recently been confirmed by the Senate. Once the new Chairman takes office the present Chairman may leave the Commission. Thus for the foreseeable future it appears that the Commission will continue to have only four members. The Commission is concerned that the changes in personnel could delay a majority final order on this question indefinitely. Even if the new Chairman should be sworn in soon, he will be faced with a formidable workload and may be unable to review this voluminous matter for some time. Moreover, if he were to vote in favor of the tentative order, the Commission would face the same division which it faces today.

To resolve this problem and to best protect the public health and safety and the rights of the parties, the Commission has looked to the judiciary which commonly faces such divisions. When confronted with this problem, the courts generally have adopted a policy of affirming or allowing the order under review to stand. Because of the current impasse, the Commission believes that this is the most realistic manner [6] in which it can

[1] The background and chronology of this proceeding are summarized in Part A of the March 4, 1976 FEDERAL REGISTER notice. To avoid needless duplication that portion of the tentative decision is incorporated herein by reference and anyone desiring a detailed analysis is referred to that notice.

[2] NSPB along with its exceptions filed a motion that the Commission find that emergency conditions exist and that a ban on all firecrackers be issued immediately. On April 15, 1976 the Commission denied the motion and advised that the request would be treated as an exception to the tentative order. On April 28, 1976 NSPB and APHA filed a petition for review of the April 15, 1976 order in the United States Court of Appeals for the District of Columbia Circuit, *National Society For the Prevention of Blindness, et al.* v. *Consumer Product Safety Commission*, No. 76-1396. Accompanying the petition was a motion for emergency relief seeking an order of the Court to require the Commission to immediately ban all firecrackers. On May 21, 1976 the Court denied the NSPB–APHA motion. Several parties to this proceeding have filed motions to intervene in the Court action. OPA has filed a motion with the Commission to stay action on its final order pending resolution of the Court action. The Commission finds no basis for this request and the same is hereby denied.

[3] APHA on April 12, 1976 filed a request to join in the exceptions and motion of NSPB for a finding that emergency conditions exist and to immediately ban all firecrackers. In its order of April 15, 1976, the Commission permitted APHA to join in the NSPB filing.

[4] Of the filings received, only those of Big Red Fireworks, Inc. and Pyrotechnic Specialties, Inc. are not eligible for treatment as exceptions. It should be noted, however, that the substance of the filings by both of those organizations is basically covered by the exceptions of other parties which have been considered.

[5] The exceptions of Mr. Dusterwinkle advise that the term "blackpowder firecracker" may be an incorrect designation. Some of the devices in question which explode through deflagration may utilize aluminum powder rather than charcoal. All of these devices, however, utilize a nitrate oxidizer.

[6] The Commission recognizes the existence of other alternatives to resolve such problems. See generally, *Greater Boston Television Corp.* v. *FCC.*, 143 U.S. App. D.C. 383, 444 F. 2d 841 (1970), *cert. denied*, 403 U.S. 923 (1971) and 406 U.S. 950 (1972); *Screws* v. *United States*, 325 U.S. 91 (1945) (Opinion of Justice Rutledge); *Women Strike for Peace* v. *Hickel*, 137 U.S. App. D.C. 29, 420 F. 2d 597 (1969) (Opinion of Judge Wright). This case presents a significantly different problem from the situations faced in those cases. Here the Commission is bound by the fact finding requirements of section 701(e) and thus has a much narrower authority to exercise discretion.

approach its dilemma. The Commission recognizes that the statutory requirements of section 701(e), Federal Food, Drug and Cosmetic Act (FFDCA), (21 U.S.C. 371(e)), and the Administrative Procedure Act (APA), are different from guidelines followed by the courts, particularly as to the fact finding requirements and the necessity for ruling on exceptions. The situation, particularly as presented in this case, is not, however, significantly different. The Commission has undertaken its duty of fact finding [7] pursuant to the requirements of section 701(e) and the exceptions filed do not raise any substantial matters which the Commission had not considered in arriving at its tentative decision. The case at this stage is more akin to an appellate review of the tentative order.[8]

Based on these considerations and because of the very practical problems faced, the full Commission has decided to allow the tentative findings, conclusions and order of its March 4, 1976 decision as to the permissible levels of pyrotechnic composition in firecrackers to stand as the final decision of the Commission. Exceptions raised to this portion of the tentative decision are denied for the reasons stated in the tentative decision.

FIREWORKS OTHER THAN FIRECRACKERS

The exceptions regarding the fireworks performance requirements again generally follow the positions which the parties raised throughout the proceeding and which the Commission considered in issuing its tentative decision. The exceptions continue to urge the Commission to adopt the fusing requirements which the Administrative Law Judge recommended including the requirement for visible burning point, color coding and fuse adhesives. The Commission has specifically dealt with these issues in the tentative decision and adopts the reasons stated therein to support the denial of the exceptions.

Blogin notes that the Commission did not discuss the recommendation of the Administrative Law Judge with respect to packaging of fireworks devices so as to minimize damage to fuses. The Commission is generally in accord with such a requirement. However, it believes that such a provision cannot be included at this stage because it was not included in the specifications of the Commission's May 16, 1974 order.[9] The Commission believes that the recommendation is constructive and will have the staff study this and several other recommendations referred to in the tentative decision with a view towards refining the regulation to best insure public safety.

LABELING

The labeling requirements adopted in the tentative decision conformed to those contained in the May 16, 1974 order, except for the optional use of the word "close" in certain instances. The exceptions reiterate the same contentions which were raised throughout the proceeding and which were before the Commission when it issued its tentative decision. The Commission finds no reason to alter these provisions at this time and adopts the findings of the tentative decision in this regard as the final decision.

EFFECTIVE DATE

In the tentative order the Commission decided to establish an effective date for the entire regulation 180 days after the issuance of the final order. The Commission also ruled therein that there was no basis for making an emergency finding to require an effective date of less than 90 days. The exceptions filed by NSPB and APHA have requested the Commission to make an emergency finding and to implement a ban on all firecrackers immediately. While the exceptions only refer to a ban on all firecrackers, the Commission assumes that in light of its decision not to ban all firecrackers that NSPB and APHA would also request the same emergency relief for those firecrackers above the prescribed 50 mg. limitation. The basis stated for the emergency finding is the alleged expectation of increased firecracker injuries during the upcoming fourth of July celebration. The Commission in rendering the tentative decision discussed the problems of establishing an effective date in time for the upcoming celebration. It was found that because of the lengthy hearing and decisional process required by section 701(e), the industry's order-delivery period, the uncertainty created because of the departure from the Administrative Law Judge's recommendations and the resulting chaotic enforcement situation, such an early effective date was not possible and could result in substantial unfairness.

While the Commission is desirous of making its regulation effective at the earliest possible date it must follow the procedures established by Congress for implementing its decision. The statutory scheme governing this proceeding envisions three time situations for implementing a regulation. First is the "imminent hazard" provision of section 2 (q) (2), FHSA. (See statement of policy and interpretation at 21 CFR 3.73.) This is reserved for the most dangerous products and upon finding an imminent danger, the Commission can implement a regulation immediately during the pendency of any rulemaking proceedings. The second situation is the "emergency conditions" provision of section 701(e) which allows the Commission after rulemaking proceedings and a final decision to implement a regulation earlier than the prescribed 90 day effective date upon a finding that emergency conditions exist requiring such a measure. The third situation is the normal effective date under section 701(e) of 90 days or longer from publication of the final order. In all instances, the Commission is regulating products which by definition are dangerous and affect the public health and safety. The differing effective dates are obviously directed to the severity and degree of danger posed by the products being regulated and provides a balance between the immediate need for safety and the detrimental economic effect of immediate regulation.

Determinations of imminent hazard or emergency conditions by their very nature depend on a showing of a very severe or grave danger. Also to be considered are the number of injuries as well as their duration. See 21 CFR 3.73 (b). Finally, these terms as utilized in the statute herein connote the concept that a new or unforeseen circumstance warrants immediate action. It would appear that for the Commission to make a finding of emergency conditions, it could only do so on a showing that the danger presented is not only serious and widespread but is different from the long standing status quo.

While the Commission has determined that firecrackers in the range of 50–130 milligrams are hazardous and that a ban should be implemented, the evidence of record does not demonstrate that the degree of the hazard warrants emergency action. The hazard posed by firecrackers, like many products subject to the Commission's jurisdiction, is not something new. Nor is it novel that firecrackers will be used by the public on the fourth of July. While the Commission recognizes that the celebration this year will be greater than in other years, nothing in the evidence of record or in the submissions of NSPB or APHA provides the Commission with the evidentiary basis upon which it can determine if a substantial increase in the number of injuries from firecrackers in the range of 50–130 milligrams will occur. Indeed the evidence of record tends to indicate that no significant increase in firecracker injuries can be expected. As noted in the tentative decision, the number of firecracker injuries has declined in recent years due to increased state regulation and the regulation at issue in this proceeding. Also there has been no showing that manufacturers, importers and the like have substantially increased the volume of firecrackers which will be sold this year. In view of the uncertainty as to whether a ban would be imposed or what level of powder would be allowed and the repurchase requirements of the FHSA, (15 U.S.C. 1274), it would appear that a businessman would find it risky to flood the market with firecrackers in excess of 50 mg. at this time. Any attempt to project an increase in injuries caused by firecrackers in the range of 50–130 milligrams would of necessity be based on speculation and would not be supported by any sound evidentiary finding.

[7] The procedure governing this case requires the Commission to be the initial fact finder, and is thus a departure from the normal APA proceeding wherein an administrative law judge acts as initial fact finder. Compare section 701(e), 21 CFR 2.48 *et seq.*, and (5 U.S.C. 557).

[8] The fact that the Commission is reviewing its own decision does not significantly differ from the situation which an appellate Court would face when it is equally divided on whether or not to rehear *en banc* a decision of one of its panel divisions.

[9] Throughout the exceptions many of the parties have failed to understand that because of the statutory procedural notice requirements, the Commission cannot simply add provisions to the regulation even though they may be desirable.

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Accordingly, the Commission cannot make the requested emergency finding and adopts its tentative decision to require the regulation to become effective December 6, 1976. It is important to stress that the Commission can only act to protect the public within the strict statutory and procedural requirements established by Congress. Given these requirements the Commission has attempted to provide the greatest possible safety at the earliest feasible date.[10]

FINDINGS OF FACT

Pursuant to the requirements of section 701(e), FFDCA, (21 U.S.C. 371(e)) and 21 CFR 2.98 the Commission adopts and incorporates herein as its final decision findings of fact numbered 1–8, 12, 13, 17, 22–43 and supplementary findings thereto of its tentative decision, 41 FR 9516–9524. Findings of fact numbered 9–11, 14–16, 18–21 and supplementary findings thereto of the Commission's tentative decision, 41 FR 9516–9523, are allowed to stand and are incorporated herein as the final decision of the Commission by reason of a divided vote.

CONCLUSION OF LAW

Pursuant to the requirements of section 701(e), FFDCA, (21 U.S.C. 371(e)) and 21 CFR 2.98, the Commission adopts and incorporates herein as its final decision conclusions of law numbered 1–4, 6–10, of its tentative decision, 41 CFR 9524. Conclusion of law numbered 5 of the Commission's tentative decision, 41 FR 9524, is allowed to stand and is incorporated herein as the final decision of the Commission by reason of a divided vote.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(q)(1)(B), 2(q)2, 3(b), 74 Stat. 374–375 as amended 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262)), the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; (21 U.S.C. 371(e))), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))), Subchapter C of Title 16, Chapter II is amended as follows:

1. Section 1500.14 is amended by adding a new paragraph (b)(7) as follows:

§ 1500.14 Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) The Commission finds that the following substances present special hazards and that, for these substances, the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act, the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

* * * * *

(7) *Fireworks devices.* Because of the special hazards presented by fireworks devices if not used in a certain manner, the following listed fireworks devices shall be labeled as indicated:

(i) *Fountains.*

WARNING (OR CAUTION)

FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive).
Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on level surface.
Light fuse and get away.

(ii) *California candles.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand at bottom of tube.
Point away from body so that neither end points toward body.

(iii) *Spike and handle cylindrical fountains.*

(A) *Spike fountains.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Stick firmly in ground in an upright position.
Do not hold in hand.
Light fuse and get away.

(B) *Handle fountains.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand—point away from body.
Light fuse.

(iv) *Roman Candles.*

WARNING (OR CAUTION) SHOOTS FLAMING BALLS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Stick butt end in ground.
Do not hold in hand.
Light fuse and get away.

(v) *Rockets with sticks.*

WARNING (OR CAUTION) FLAMMABLE

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place in wooden trough or iron pipe at 75° angle, pointing away from people or flammable material.
Do not hold in hand.
Light fuse and get away.

(vi) *Wheels.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Attach securely by means of a nail through the hole (or place on hard flat surface, for ground spinners).
Light fuse and get away.

(vii) *Illuminating torches.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand—point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).
Light fuse (or light fuse and get away, if more descriptive).

(viii) *Sparklers.*

On the front and back panels:

WARNING (OR CAUTION) FLAMMABLE

On the side, front, back, top, or bottom panel.

CAUTION

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive).
Hold in hand with arm extended away from body.
Keep burning end or sparks away from wearing apparel or other flammable material.

(ix) *Mines and shells.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS (OR SHOOTS FLAMING BALLS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard smooth surface (or place upright on level ground, if more descriptive). Do not hold in hand.
Light fuse and get away.

(x) *Whistles without report.*

WARNING (OR CAUTION) FLAMMABLE

SHOOTS WHITLE IN AIR (if applicable)
Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xi) *Toy smoke devices and flitter devices.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xii) *Helicopter-type rockets.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard, open surface
Light fuse and get away.

(xiii) *Party poppers.*

WARNING (OR CAUTION) FLAMMABLE

Use only under [close] adult supervision. (Use of the word close is optional.)
Do not point either end toward face or other person.
Hold in hand—jerk string.

[10] All exceptions which have not been specifically discussed herein have been considered and are denied for the reasons set forth in the tentative decision, 41 FR 9512, *et seq.*

(xiv) *Missile-type rockets.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

(xv) *Labeling—General.* Any fireworks device not required to have a specific label as indicated above shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed. All labels required under this section shall comply with the requirements of § 1500.121 of these regulations.

2. Section 1500.17 is amended by revising paragraphs (a)(8) and (9) as follows:

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * * *

(8) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs," and "cracker balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks except such devices which meet all of the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of Interior (or by equivalent State or local governmental agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

(9) All fireworks devices, other than firecrackers, including kits and components intended to produce such fireworks, not otherwise banned under the act, that do not comply with the applicable requirements of Part 1507 of this chapter, except fireworks devices which meet all the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

* * * * * *

§ 1500.85 [Amended]

3. Section 1500.85, *Exemption from classification as banned hazardous substances,* is amended by revising paragraph (a)(2) as follows:

(a) * * *

(2) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of not more than 50 milligrams (.772 grains) of pyrotechnic composition.

* * * * * *

4. Part 1507 is revised as follows:

Sec.
1507.1 Scope.
1507.2 Prohibited chemicals.
1507.3 Fuses.
1507.4 Bases.
1507.5 Pyrotechnic leakage.
1507.6 Burnout and blowout.
1507.7 Handles and spikes.
1507.8 Wheel devices.
1507.9 Toy smoke devices and flitter devices.
1507.10 Rockets with sticks.
1507.11 Party poppers.

AUTHORITY: (Sec. 2(q)(1)(B), (2), 74 Stat. 374 as amended 80 Stat. 1304–1305; (15 U.S.C. 1261); sec. 701(e), 52 Stat. 1055 as amended; (21 U.S.C. 371(e)); sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))).

§ 1507.1 Scope.

This Part 1507 prescribes requirements for those fireworks devices (other than firecrackers) not otherwise banned under the act. Any fireworks device (other than firecrackers) which fails to conform to applicable requirements is a banned hazardous substance and is prohibited from the channels of interstate commerce. Any fireworks device not otherwise banned under the act shall not be a banned hazardous substance by virtue of the fact that there are no applicable requirements prescribed herein.

§ 1507.2 Prohibited chemicals.

Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(1) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included.

(2) In caps and party poppers.

(3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). Except that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

§ 1507.3 Fuses.

(a) Fireworks devices that require a fuse shall:

(1) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempted from § 1507.3(a)(1).

(2) Utilize only a fuse which will burn at least 3 seconds but not more than 6 seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, whether is less, without separation from the fireworks device.

§ 1507.4 Bases.

The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimension or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.

§ 1507.5 Pyrotechnic leakage.

The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.

§ 1507.6 Burnout and blowout.

The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

§ 1507.7 Handles and spikes.

(a) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length (see § 1500.14(b)(7)). Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber.

(b) Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than ⅛-inch in diameter or ⅛-inch square.

§ 1507.8 Wheel devices.

Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

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§ 1507.9 Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and firstfire upon ignition) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M–80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material in the pyrotechnic composition comes in direct contact with the plastic.

§ 1507.10 Rockets with sticks.

Rockets with sticks (including skyrockets and bottle rockets) shall utilize a straight and rigid stick to provide a directed and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

§ 1507.11 Party poppers.

Party poppers (also known by other names such as "Champagne Party Poppers," and "Party Surprise Poppers,") shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

Effective date: The regulations promulgated above shall become effective on December 6, 1976.

(Secs. 2(q)(1)(B), 2(q)(2), (3)(b), 74 Stat. 374–375 as amended, 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262); sec. 701(e), 52 Stat. 1055 as amended (21 U.S.C. 371(e)); sec. 30(a), 86 Stat 1231; (15 U.S.C. 2079(a))).

Dated June 2, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76–16574 Filed 6–7–76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76–165]

PART 103—AVAILABILITY OF INFORMATION

Privileged or Confidential Information

Section 103.10(d) of the Customs Regulations (19 CFR 103.10(d)) provides, in part, that information contained in export declarations filed with Customs officials for any official purpose is exempt from disclosure as privileged or confidential information, except for the purpose for which such documents are required to be filed.

Section 30.91, title 15, Code of Federal Regulations (15 CFR 30.91), states that the information contained in Shipper's Export Declarations is confidential and is not subject to disclosure except in those instances where the Secretary of Commerce determines that the withholding of such information is contrary to the national interest (50 U.S.C. App. 2406(c)). The Secretary of Commerce has determined that certain United States Government agencies charged with export responsibilities for certain commodities may, through Customs, gain access to information contained in Shipper's Export Declarations. A list of Federal agencies and the commodities for which they have export responsibilities is set forth in 15 CFR 370.10.

In addition, the Secretary of Commerce has determined that the information contained in Shipper's Export Declarations may be made available, upon request, to the Federal Maritime Commission and to the Civil Aeronautics Board.

It is therefore necessary to amend § 103.10(d) of the Customs Regulations to provide for those instances where it has been determined by the Secretary of Commerce that the information contained in Shipper's Export Declarations may be disclosed.

Accordingly, paragraph (d) of § 103.10 of the Customs Regulations (19 CFR 103.10(d)) is revised to read as follows:

§ 103.10 Classes of Customs documents exempt from disclosure.

* * * * *

(d) *Privileged or confidential information.* Trade secrets and commercial or financial information obtained from any person which is privileged or confidential, except as set forth below:

(1) Information contained in invoices, entries, vessel manifests, export declarations, official reports of investigating officers, records pertaining to the licensing of and the revocation or suspension of a license of a customhouse broker, and other papers or documents filed with Customs officers for any official purpose which contain trade secrets, or commercial or financial information, is exempt from disclosure except for the purpose for which such documents are required to be filed or as otherwise specified in this paragraph.

(2) Information contained in vessel manifests and summary statistical reports of importations and exportations are available for inspection and copying by certain representatives of the press to the extent permitted by § 103.11.

(3) Information obtained in connection with investigations under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), is available for disclosure under the provisions of section 153.23 of this chapter.

(4) Information contained in Shipper's Export Declarations is available, upon request, for disclosure to United States Government agencies charged with export responsibilities for certain commodities, as listed in 15 CFR 370.10. Information contained in Shipper's Export Declarations may also be made available, upon request, to the Federal Maritime Commission and to the Civil Aeronautics Board. The disclosure of this information by Customs is in accordance with determinations made by the Secretary of Commerce that the withholding of such information is contrary to the national interest (50 U.S.C. App. 2406(c)).

(5) Importers and exporters or their duly authorized brokers, attorneys, or agents, may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent. No general examination of manifests or the making of any copies or notations from which manifests shall be permitted except with respect to the particular importation or exportation in which they have a proper and legal interest.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 501, 65 Stat. 290, as amended (5 U.S.C. 301, 552, 19 U.S.C. 66, 1624))

Inasmuch as this amendment merely conforms the Customs Regulations to the requirements of existing statutes and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date: This amendment will be effective June 8, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: May 28,1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–16533 Filed 6–7–76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 252—BUSINESS PRACTICES ON THE NAVAJO, HOPI, AND ZUNI RESERVATIONS[1]

Bond Requirements and Livestock Purchase Permits

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On April 1, 1976, there was published in the FEDERAL REGISTER (41 FR 13938) a notice of proposed rulemaking setting forth proposed revisions of §§ 252.7, 252.14, 252.32 252.52 and 252.57 of Part 252 of Title 25 of the Code of Federal Regulations. The changes would require a customer to obtain a judgment against a reservation business before suing the surety; make termination of liability on a bond automatic twenty days after the surety gives notice; exempt purchasers at a livestock auction from the requirement to obtain a permit; and give the BIA the power to recover on a bond but not to declare a forfeiture when a license is revoked. The public was given until May 3, 1976, to submit written comments, suggestions, or objections regarding the proposed revisions.

[1] 40 FR 39835.

The only public comments received were from the Surety Association of America. Those comments did not recommend any changes to the proposed rules. The proposed revisions are hereby adopted without change and are set forth below.

Effective date. These revisions shall become effective July 8, 1976.

Dated: May 25, 1976.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Part 252 of Subchapter W, Chapter I, Title 25 of the Code of Federal Regulations is revised as follows: Section 252.7, Subpart B is amended by revising paragraph (b) to read as follows:

§ 252.7 Bond requirement for a reservation business.

* * * * *

(b) The bond shall be in favor of the United States for the benefit of the United States and any customer of the licensee who recovers a judgment for damages resulting from violation of any law or regulation affecting or relating to reservation businesses. Any customer who recovers such a judgment may bring suit on the bond in his or her own name. The bond shall be conditioned on payment by the licensee of all judgments for damages resulting from violations of the regulations of this Part.

* * * * *

Section 252.14 Subpart B is amended by adding a new paragraph (d) as follows:

§ 252.14 Trade in livestock restricted.

* * * * *

(d) The provisions of this section do not apply to purchases of livestock made at an organized public auction.

Section 252.32, Subpart D is amended by revising paragraph (c) as follows:

§ 252.32 Reservation pawnbroker license required.

* * * * *

(c) The bond required by paragraph (a) of this section shall be in favor of the United States for the benefit of the customers of the licensee and shall specifically indemnify all customers who have recovered judgment against the licensee for destroyed, lost, misplaced or misappropriated pawn or other property. Any customer recovering such a judgment may bring suit on the bond in his or her own name. The bond shall be for the same period as the license.

* * * * *

Section 252.52, Subpart F is revised as follows:

§ 252.52 Revocation of license and lease and recovery on bond.

The reservation business owner is subject to revocation of license and lease and recovery on the bond in whole or in part in the event of any violation of the regulations of this Part after a show cause proceeding according to the provisions of § 252.56.

Section 252.57, Subpart F is amended by revising paragraph (c) as follows:

§ 252.57 Procedures to cancel liability on bond.

* * * * *

(c) Twenty (20) days after the statement required in paragraph (b) of this section is mailed to the licensee and the statement required in paragraph (a) of this section is filed with the Commissioner, the surety is released from all liability thereafter arising on the bond.

* * * * *

[FR Doc.76–16466 Filed 6–7–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 556–4 PP6F1704/R97]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-(1-Ethylpropyl)-3,4-Dimethyl-2,6-Dinitrobenzenamine

On December 30, 1975, notice was given (40 FR 59776) that American Cyanamid Co., PO Box 400, Princeton NJ 08540, had filed a petition (PP 6F1704) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.361 be amended to establish a tolerance for the combined residues of the herbicide *N*1(1-ethylpropyl) - 3,4 - dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitro benzyl alcohol in or on the raw agricultural commodities soybeans, soybean forage, and soybean hay at 0.1 part per million. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and it has been determined that the tolerance should be established as proposed. The pesticide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and 40 CFR 180.6(a)(3) applies. The tolerance established by amending 40 CFR 180.361 will protect the public health.

Any person adversely affected by this regulation may on or before July 8, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 H St. SW. Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective June 8, 1976, Part 180, subpart C, is amended by revising § 180.361 as set forth below.

(Sec. 408(d)(2) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Dated: May 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.361 is amended by adding a tolerance of 0.1 part per million for soybeans, soybean forage, and soybean hay and revising the regulation to read as follows.

* * * * *

§ 180.361 *N* - (1 - ethylpropyl) - 3,4 - dimethyl-2,6-dinitrobenzenamine; tolerances for residues.

Tolerances are established for combined residues of the pesticide *N*-(1-ethylpropyl) - 3,4 - dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl) amino]-2 - methyl - 3,5 - dinitro benzyl alcohol in or on the following raw agricultural commodities.

Commodity:	Parts per million
Corn, fodder	0.1
Corn, forage	0.1
Corn, grain	0.1
Cottonseed	0.1
Soybeans	0.1
Soybeans, forage	0.1
Soybeans, hay	0.1

* * * * *

[FR Doc.76–16460 Filed 6–7–76;8:45 am]

[FRL 555–8; PP5F1601/R99]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Toxaphene

On April 23, 1975, the Environmental Protection Agency (EPA) gave notice that Hercules Inc., Wilmington DE 19899, had filed a pesticide petition (PP 5F1601). This petition proposed that 40 CFR 180.138 be amended by the establishment of a tolerance for residues of the insecticide toxaphene (chlorinated camphene containing 67 percent to 69 percent chlorine) in or on the raw agricultural commodity sunflower seeds at 0.1 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. The data show that no discernible differences in residue levels were noted in a comparison of toxaphene-treated and control sunflower seeds and their respective byproducts. There is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a)(3). The tolerance established by amending 40 CFR 180.138 will protect the public health.

Any person adversely affected by this regulation may, on or before July 8, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency,

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East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective June 8, 1976, 40 CFR 180.138 is amended as set forth below.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Dated: May 25, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, subpart C, § 180.138 is amended by adding a new paragraph containing a tolerance for residues of toxaphene at 0.1 ppm in or on the raw agricultural commodity sunflower seeds, as follows:

. . . . .

§ 180.138 Toxaphene; tolerances for residues.

. . . . .

0.1 part per million in or on sunflower seeds.

. . . . .

[FR Doc.76-16463 Filed 6-7-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

[FPMR Amendment F-26]

PART 101-35—TELECOMMUNICATIONS

Privacy Cross-References

This amendment adds §§ 101-35.112 and 101-35.200 to provide cross-references in Part 101-35 to GSA's privacy regulations discussed in Subpart 101-32.17.

The table of contents for Part 101-35 is amended by adding the following new entries:

101-35.112 The Privacy Act of 1974.
101-35.200 Scope of subpart.

Sections 101-35.112 and 101-35.200 added to read as follows:

§ 101-35.112 The Privacy Act of 1974.

The Privacy Act of 1974 (5 U.S.C. 552a) (Act) establishes certain administrative procedures regarding the implementation and use of systems of records dealing with personal data. The Act also requires the provision of appropriate safeguards to protect against threats and hazards to personal data. Regulations concerning GSA's privacy safeguards with regard to ADP and telecommunications as required by the Act are in Subpart 101-32.17.

§ 101-35.200 Scope of subpart.

(a) This subpart prescribes the policies and procedures concerning the procurement, utilization, and acquisition of telecommunications service or equipment.

(b) Agencies contemplating major changes or new installations of telecommunications facilities must also comply with GSA's privacy safeguards set forth in Subpart 101-32.17, which are developed in compliance with the Privacy Act of 1974.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon June 8, 1976.

Dated: May 28, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-16543 Filed 6-7-76;8:45 am]

[FPMR Amendment G-36]

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Subpart 101-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

EXEMPTIONS FROM MOTOR VEHICLE IDENTIFICATION REQUIREMENTS

This regulation updates the list of agencies and their organizational activities which have been granted unlimited exemptions from displaying U.S. Government tags and other identification on motor vehicles used for official purposes. The list of exempted agencies and organizational activities in this regulation reflect exemptions that are currently in effect.

Section 101-38.602 is revised as follows:

§ 101-38.602 Unlimited exemptions.

Unlimited exemptions from the requirement to display official U.S. Government tags and other identification are granted to the organizational activities of the agencies listed below, subject to the provisions of § 101-38.606, for motor vehicles used for purposes in which conspicuous identification on the vehicles would interfere with the performance of the functions for which the vehicles were acquired and are used.

(a) *Agriculture, Department of.* Motor vehicles that the Forest Service, Animal and Plant Health Inspection Service, Packers and Stockyards Administration, Food and Nutrition Service, and Office of Investigation use in the conduct of investigative or law enforcement activities.

(b) *Civil Service Commission, United States.* Motor vehicles designated by the U.S. Civil Service Commission for use in the investigative program of the Bureau of Personnel Investigations.

(c) *Defense, Department of.* Motor vehicles used for intelligence, investigative, or security purposes, including such vehicles used by the U.S. Army Intelligence Agency and the Criminal Investigation Command of the Department of the Army; Office of Naval Intelligence of the Department of the Navy; and Office of Special Investigations of the Department of the Air Force.

(d) *District of Columbia.* Special motor vehicles operated by the Metropolitan Police Department; Fire Department; Weights, Measures, and Markets Division, Office of Licenses and Permits, Department of Economic Development; Department of Corrections; and Public Service Commission in connection with special investigative and undercover law enforcement activities.

(e) *Energy Research and Development Administration.* Motor vehicles that the Energy Research and Development Administration designates for use in the conduct of security operations or in the enforcement of security regulations.

(f) *Health, Education, and Welfare, Department of.* Motor vehicles operated by the Food and Drug Administration in undercover law enforcement and similar investigative work; motor vehicles operated by St. Elizabeths Hospital in outpatient work where the identification of the vehicle would be prejudicial to the patient; and one vehicle operated by the National Institutes of Health in transporting mentally disturbed children.

(g) *Interior, Department of the.* Those motor vehicles operated by the U.S. Fish and Wildlife Service in the enforcement of Federal game laws; and motor vehicles assigned to the special agents of the Bureau of Land Management whose duties are to investigate crimes against public lands.

(h) *Justice, Department of.* All motor vehicles operated by the Drug Enforcement Administration, Federal Bureau of Investigation, and Border Patrol; and those vehicles operated in undercover law enforcement activities or investigative work by the Immigration and Naturalization Service, Bureau of Prisons, and U.S. Marshals Service.

(i) *Labor, Department of.* All motor vehicles used for investigation, law enforcement, and compliance by the Manpower Administration (Bureau of Apprenticeship and Training); Labor-Management Services Administration; Occupational Safety and Health Administration; and Employment Standards Administration.

(j) *National Security Council.* All motor vehicles operated by the Central Intelligence Agency.

(k) *Nuclear Regulatory Commission.* Motor vehicles that the Nuclear Regulatory Commission designates for use in the conduct of security operations or in the enforcement of security regulations.

(l) *Postal Service, United States.* The motor vehicles that the Postal Inspection Service uses for investigative and law enforcement activities.

(m) *Transportation, Department of.* All motor vehicles used for intelligence, investigative, or security purposes by the Office of Investigations and Security in the Office of the Secretary; the Intelligence and Security Division and field counterparts in the U.S. Coast Guard; the Office of Investigations and Security and field counterparts in the Federal Aviation Administration; and special agents in the Alaska Railroad.

(n) *Treasury, Department of the.* All motor vehicles operated by the U.S. Secret Service; Intelligence Division and Internal Security Division of the Internal Revenue Service; Bureau of Alcohol, Tobacco, and Firearms; Office of Investigation of the Bureau of Customs; and two vehicles used by the Collection Division of the Internal Revenue Service in Anchorage, Alaska.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: June 8, 1976.

Dated: May 28, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-16498 Filed 6-7-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5585; ES-01254, 01262, 14997]

WISCONSIN

Partial Revocation of Executive Orders of April 25, 1859, and July 21, 1871; Withdrawal of Lands for Apostle Islands National Lakeshore

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and to the Act of September 26, 1970, 16 U.S.C. 460w, it is ordered as follows:

1. Executive Orders of April 26, 1859, and July 21, 1871, which reserved certain lands in Bayfield and Ashland Counties for lighthouse purposes, are hereby revoked so far as they affect the following described lands:

FOURTH PRINCIPAL MERIDIAN

T. 52 N., R. 3 W.,
sec 18, lots 1 and 2;
sec 19, lots 1, 2, 3.
T. 52 N., R. 4 W.,
sec. 24, lots 1 and 2, excepting that parcel more particularly described as: Beginning at a point marked by the United States Coast Guard automated aid-to-navigation light located at latitude 46°58'15" N., longitude 90°48'22" W., thence due North a distance of 15 feet to a point marked by a Coast Guard monument; thence due East a distance of 15 feet to a point marked by a Coast Guard monument; thence due South a distance of 30 feet to a point marked by a Coast Guard monument; thence due West a distance of 30 feet to a point marked by a Coast Guard monument; thence due North a distance of 30 feet to a point marked by a Coast Guard monument; thence due East a distance of 15 feet to the point marking the beginning of the second course, and containing approximately 900 square feet in area; an easement of visibility over all that portion of fractional sec. 24, T. 52 N., R. 4 W., forming an arc lying west of a line running 335° true and a line running 140° true from the Raspberry Island Light, and no buildings, structures, or growth of any kind shall be constructed or maintained within the easement area which would in any way interfere or impair the free and clear visibility of said Raspberry Island Light, the Coast Guard reserving the right to trim, cut and/or remove at anytime any trees, brush, foliage, buildings, structures or any other obstructions of any nature from the land within the easement area when necessary to establish, maintain and preserve the visibility of the light; and a right of ingress and egress thereto and therefrom over section 24, T. 52 N., R. 4 W., for purposes of operating, maintaining, and servicing the light and arc of visibility.
T. 53 N., R. 1 E.,
sec. 17, lot 2;
sec. 18, lot 4, excepting the Outer Island Light and a 30' x 30' square plot of land on which the light is situated, more particularly described as: Being all that parcel or lot of land situated on the north part of Outer Island, Lake Superior, Ashland County, State of Wisconsin, comprising a part of lot 4, sec. 18, T. 53 N., R. 1 E., said parcel or lot beginning at a point 15 feet north of the center of the brick light tower; thence along a line due East for a distance of 15 feet; thence along a line due South for a distance of 30 feet; thence along a line due West for a distance of 30 feet; thence along a line due North for a distance of 30 feet; thence along a line due East for a distance of 15 feet, to the point of beginning, together with all rights of ingress and egress.
T. 53 N., R. 1 W.,
sec. 13, lots 1 thru 4.

The areas described aggregate 593.32 acres in Bayfield and Ashland Counties.

2. Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public and land laws, including the mining laws, 30 U.S.C., Ch. 2, and reserved as an addition to the Apostle Islands National Lakeshore, for administration by the National Park Service in accordance with the Act of September 26, 1970 (84 Stat. 880), supra.

Dated: June 2, 1976.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.76-16499 Filed 6-7-76;8:45 am]

[Circular No. 2395]

PART 2900—LEASES

Recreation and Public Purposes Act Processing and Disposal of Solid Waste

On page 50721 of the FEDERAL REGISTER of October 31, 1975, there was published a notice and text of a proposed amendment to Subpart 2912 of Title 43 of the Code of Federal Regulations. The purpose of this amendment is to comply with section 211 of the Solid Waste Disposal Act as amended (42 U.S.C. 3254e); E.O. 11752 and to insure compliance with Environmental Protection Agency guidelines on public lands to the extent that disposal is conducted on leases authorized by the Recreation and Public Purposes Act.

Interested persons were given until December 1, 1975 to submit comments. Seven comments were received and considered in the final rulemaking process. All comments were from county, State and Federal agencies.

A major concern was that all procedures listed as "recommended" in the Environmental Protection Agency guidelines were made mandatory in the proposal. The proposal has been revised to make it more consistent with the objective of the guidelines and provide that the "requirements" in the guidelines must be followed and that the "recommended procedures" are techniques that can be employed to meet the requirements. Alternate techniques can be used in meeting the requirements if approved by the authorized officer.

Another concern was the lack of reference to Federal, State and local laws and regulations. The proposal has been revised to insure that the authorized officer shall consider applicable Federal, State and local air, water pollution and solid waste disposal laws, regulations and plans in determining compliance in meeting guideline requirements. Existing classification regulations provide that land classifications be consistent with State and local programs, plans and regulations if such are consistent with Federal programs. Since lands must be classified for Recreation and Public Purpose leases, local and state interests will be thoroughly considered under this proposal. Section 241.000(d) of the guidelines also states that disposal sites meet the health and environmental standards for the area in which they are located. Also clarified is that the proposal covers all Recreation and Public Purpose leases involving the disposal of solid waste.

These regulations are in partial compliance with the Solid Waste Disposal Act except with activities related to Recreation and Public Purposes Act leases. Other regulations will be promulgated to provide for other aspects of compliance with that Act.

Section 2912.3-4 has been added which prohibits the use of a Recreation and Public Purposes Act Lease for disposal of permanent or long-term hazardous wastes. Noncompliance with a plan of disposal could result in the return of permanently contaminated lands to the jurisdiction of the Department because of the permanent reversionary clause required by the Recreation and Public Purposes Act. Because of the problems in handling hazardous wastes, a national system for disposal is being planned under the authority of the Solid Waste Disposal Act of October 26, 1970 (42 U.S.C. 3254f.).

The regulations are adopted as set forth below and shall become effective on July 8, 1976.

In 43 CFR Chapter II, subpart 2912 is amended by adding §§ 2912.3 through 2912.3-4 to read as follows.

§ 2912.3 Leases for solid waste disposal sites.

AUTHORITY: 42 U.S.C. 3254e.

§ 2912.3-1 Requirement.

Compliance with *Guidelines for the Thermal Processing of Solid Wastes, Guidelines for the Land Disposal of Solid Waste, and Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and*

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Storage of Pesticides and Pesticide Containers, as promulgated by the Environmental Protection Agency, is required under leases issued for purposes involving disposal of solid waste. Each such lease shall contain provisions to insure compliance.

§ 2912.3–2 References.

(a) *Guidelines for the Thermal Processing of Solid Wastes* are contained in 40 CFR 240 (39 FR 29328–29338).

(b) *Guidelines for the Land Disposal of Solid Waste* are contained in 40 CFR 241 (39 FR 29328–29338).

(c) *Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers* are contained in 40 CFR 165 (39 FR 15236–15241).

§ 2912.3–3 Procedures.

(a) All new leases shall contain express stipulations requiring compliance with the above referenced guidelines. Leases and respective plans of development and management already in existence without such specific stipulations shall be amended to require compliance with the above guidelines by lessees. In all cases, the lease must stipulate that failure to comply with the guidelines shall constitute sufficient grounds for cancellation of the lease.

(b) Lease applicants shall include in the plan of development and management detailed descriptions of the methods and procedures that will be employed to achieve compliance with the above guidelines. The requirements in the guidelines delineate mandatory minimum standards of performance that must be followed. The recommended methods and procedures in the guidelines are means whereby the requirements can be met. Alternate methods and procedures may be used in meeting the requirements when approved by the authorized officer.

(c) Determinations as to how such compliance in meeting the requirements of the above guidelines shall occur are to be made by the authorized officer of the Bureau of Land Management. In making his determination the authorized officer shall take into consideration applicable Federal, State and local air, water pollution and solid waste disposal laws, regulations and plans.

§ 2912.3–4 Exceptions.

Leases under the act will not be used to provide sites for the disposal of permanent or long-term hazardous wastes.

JACK HORTON,
Assistant Secretary of the Interior.

JUNE 1, 1976.

[FR Doc.76–16487 Filed 6–7–76;8:45 am]

[Circular No. 2396]

PART 2900—LEASES

Administration of Special Land Use Permits

On page 54802 of the FEDERAL REGISTER of November 26, 1975, there was published a notice and text of a proposed amendment to Part 2920 of Title 43, Code of Federal Regulations. The purpose of the proposed amendments is to clarify the regulations with respect to the types of land uses which should be authorized under Special Land Use Permits. The procedures were intended to authorize short-term, temporary land uses, and uses for which no specific legislation is available. The definitions in the existing regulations included facilities such as hotels, motels, stores, and etc. which can be authorized on business site leases under the Small Tract Act. These types of facilities are deleted from the definition.

Comments were received through the month of December, 1975. Three commenters pointed out that there are long term facilities and land uses of some permanence which provide justifiable public services and natural resource protection now authorized under Special Land Use Permit, but that no specific legislation exists to authorize them. All the commenters indicated that the regulations should be less restrictive, allowing more managerial discretion on the nature of the land use to be permitted and length of time for which a permit should be issued.

Comments from the Solicitor's Office indicate that the langauge in the published proposed rulemaking allows the authorized officer to issue all permits that can be issued under the law. To make the regulations less restrictive would be contrary to the opinion expressed in the United States Court of Appeals, D.C. Circuit, in *Wilderness Society* v. *Morton*, 479 F. 2d 842 (1973).

The propoed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective July 8, 1976.

Chapter II, Title 43, Part 2920 of the Code of Federal Regulations is amended and revised to read as follows:

1. Section 2920.0–5 paragraph (d) is revised to read as follows:

§ 2920.0–5 Definitions.

* * * * *

(d) The term "commercial facilities and services" means accommodations, equipment, and other related supplies and services provided on a temporary or short-term basis by a private entrepreneur, whether an individual, a group, association, or qualified corporation, to facilitate public use of the public lands. These facilities and services may include, but are not limited to: trailer camps, automotive and transportation services, and portable sanitary facilities.

* * * * *

2. Section 2920.0–5 is amended by adding paragraphs (f) and (g) to read:

§ 2920.0–5 Definitions.

* * * * *

(f) The term "trailer camp" means an area of stable land used for temporary parking of trailers, with portable toilet or other removable sanitary facilities, and no installation of permanent pads or other permanent structures.

(g) The term "automotive and transportation services" means portable repair and fuel facilities, such as a "shop on wheels" or a gasoline or diesel fuel tanker truck, or similar arrangements or facilities.

3. Section 2920.3(a) is amended by adding paragraph (3) to read:

§ 2920.3 Terms.

(a) *General.* * * *

(3) A special land-use permit will not be issued for a longer term than one year, unless in the opinion of the authorized officer a longer term is considered necessary.

* * * * *

4. In section 2923.2, the last sentence is revised to read:

§ 2923.2 Applications.

* * * * *

* * * The application shall include sufficient detail to adequately describe the facilities and/or services to be provided and their purpose.

JACK HORTON,
Assistant Secretary of the Interior.

JUNE 1, 1976.

[FR Doc.76–16488 Filed 6–7–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–487]

PART 73—RADIO BROADCAST SERVICES

Order

In the matter of reregulation of radio and television broadcasting.

By the Commission: 1. As a result of its continuing study concerning the reregulation of radio and TV, the Commission has under consideration the matter of amending certain provisions in Part 73 of its rules. These amendments will update certain rules, delete parts of others which are no longer necessary, and make corrections and revisions where indicated.

2. The following rule changes are made for the reasons indicated:

(a) It is a common practice for AM broadcast stations to install a static-drain choke at the base of series fed antenna towers to provide a circuit path to ground to dissipate static electricity. The first sentence of paragraph (a) of § 73.54 (Antenna resistance and reactance: how determined), appears to prohibit the use of such "components" if installed on the antenna side of the point where the antenna resistance was measured and the antenna ammeter is installed. Also, the circuit used to supply electric power for tower obstruction lighting could be considered as a "shunt" across the antenna. A change is being made herein so that the rule will clearly indicate that shunt tuning components may not be located in the antenna circuit following the point where the antenna resistance is measured, but static electricity drain and tower lighting components may be installed across the antenna terminals following the point of antenna resistance measurement.

On April 5, 1972, the Commission amended Part 73 of the rules (Docket 19200, FCC 72–324) pertaining to specifications and measurement of power of AM stations. Prior to the amendment, AM stations that were required to restrict the strength of their signal were required to install devices that would dissipate part of the transmitter output power. The rules, as amended in 1972, permit licensees to use power dissipating elements, reduce the transmitter output power, or use a combination of the two methods. It is required that the power dissipating element be inserted at the antenna circuit following the point where the antenna resistance is measured. Because of the changes in procedures for the licensing of antenna input power, there no longer is a valid reason for requiring power dissipating elements, when used, to be inserted at a specific point in the antenna circuit. In fact, there may be advantages in inserting them elsewhere in the radio frequency circuit. This amendment, herein, will delete all references to the required location of power dissipation elements. Their location must be shown in the circuit diagram submitted to the Commission under the existing rule, § 73.54(e)(2).

(1) § 73.54(a) is revised accordingly and § 73.54(d) is deleted.

(b) The Commission adopted new rule Section 73.68 on February 4, 1976 (Docket 19692; FCC 76–101, Mimeo #39115). This new rule established standards for the design and installation of sampling systems for antenna monitors used by AM broadcast stations with directional antennas. Stations installing and obtaining approval to use a sampling system meeting the prescribed standards would no longer be required to make periodic antenna base current readings according to the schedule specified in § 73.114(a)(9). (Stations without a type approved antenna monitor are required to take base current readings once each day, 5 days a week).

Stations operating by remote control using an approved antenna sampling system and type approved antenna monitor, would still have been required to make antenna monitor readings at the transmitter site every second day for each directional antenna pattern.

Since stations operated by remote control, using an approved sampling system with a type approved antenna monitor, would have reliable indications of the antenna parameters at the control location, there appears to be no need to continue to take antenna monitor readings at the transmitter site every other day. We are therefore amending the rule to eliminate this unnecessary requirement. The weekly inspections, adjustments, calibration and record keeping procedures described in §§ 73.67(a)(5), 73.93(j) and 73.114(b) adequately cover essential observations of the antenna performance.

(1) Amendments in § 73.68 are made accordingly.

(c) AM stations, using directional antennas, operating when the antenna monitors are out of service for repairs, are expected to read and log base currents or remote base currents once each day. The subject rule (§ 73.69 Antenna (phase) monitors), as written, fails to make clear that such checks must be made and logged daily for each mode of directional operation. Clarification of the rule is made accordingly. It should be noted also that this clarification conforms § 73.69 to the requirements of the newly adopted § 73.68, Sampling systems for antenna (phase) monitors. (Docket 19692, adopted February 4, 1976.)

(1) § 73.69(b)(2) is amended for clarity and conformance.

(d) A further change in § 73.69 is made for clarification purposes. Paragraph (d)(4) of this section was, as originally written, stated incorrectly. When changes are made in the directional antenna monitor or sampling system, it is necessary to reestablish that the antenna and monitoring system are operating correctly. New measurements are to be compared to the last complete proof of performance taken. The measurements are NOT to be compared to the last adjustments of the antenna, since such adjustments can be made at any time without requiring full proof measurements.

(1) § 73.69(d)(4) is amended and clarified accordingly.

(e) The posting of a station license, or any other instrument of station authorization has commonly been accomplished by affixing them to the wall of the principal control point of the transmitter. (See §§ 73.92; 73.264; 73.564; and 73.660, Station and operator licenses, posting of.)

In 1974, in the Reregulation Order adopted by the Commission on June 19th (FCC 74–653; Mimeo 17920), a change in posting requirements for operators' licenses was made. The change allowed the retention of operators' licenses in binders or in file folders at the control point as an alternative to affixing them to the wall.

In the ensuing two years since this rule change, the FCC has received requests to allow posting of the station licenses in this same fashion. The operator license posting procedure is, upon review, considered to have been a desirable change by broadcasters and FCC personnel alike. It has resulted in maintaining operators' licenses in a safe environment and, in many situations, has retained them in better condition than the "hanging on the wall" practice did. A further proviso of the 1974 change was that "the [operator] license continues to be immediately and easily accessible to the control point." The record indicates that licensees are adhering to this proviso.

When considering the conformance of station license posting rules to the operator license posting option, we have no reason to conclude that the retention of station authorizations in binder or folder (and off the wall) will in any way hinder our inspection function. Indeed, such change may expedite this part of the inspection process by having both operators' and station licenses in one file or binder at the control point.

(1) Accordingly, §§ 73.92; 73.264; 73.564; and 73.660 are amended to allow this option in the manner of posting station authorizations.

(f) Section 73.114(a)(9)(i) requires that stations using directional antenna systems and not operated by remote control are required to make readings of antenna base currents once each day, five days of each week for each mode of directional antenna used. However, in paragraph (a)(9)(iii) of this same section, stations operated by remote control can make readings every second day when obtaining remote sample loop current and phase indications from a type-approved antenna monitor. It is anomalous to require stations operated by direct control and using type-accepted antenna monitors to make base current meter readings more frequently than stations operated by remote control.

(1) § 73.114 is amended to accomplish these changes.

(g) The terms "partial proof of performance" and "skeleton proof of performance" were originally coined by the Commission staff to describe the procedure to be followed in making field strength measurements to determine the performance of existing directional antennas. The procedures required fewer field strength measurements along the station's radials and were, in essence, a miniature of the procedure to make a "complete" proof as required by § 73.151. Section 73.151, entitled Field strength measurements to establish performance of directional antennas, describes the showing that must be submitted with the license application form to establish the effective measured field strength of each mode of directional operation. There are only four direct mentions of these less detailed proofs in the rules: in § 73.66, Remote control authorization; in § 73.68, Sampling systems for antenna (phase) monitors; in § 73.69, Antenna (phase) monitors; and in § 73.93, Operator requirements.

On March 19, 1976, the Commission adopted the shorter commercial radio renewal application form (Docket 20419). In that proceeding, the requirement to retain the results of skeleton and partial proofs for three years and to make them available to FCC representatives was added to §§ 73.66 and 73.93. In view of this availability requirement, we are further stating, via this Order, the direction to licensees to make skeleton and partial proofs available to FCC representatives by adding new paragraph (e) in § 73.116, Availability of logs and records.

The descriptions of skeleton and partial proofs, as mentioned above, appear only in Notes 2 and 3 following § 73.93. These descriptions more properly belong in the Data and Measurements portion of Subpart A of Part 73, wherein requirements and descriptive terminology regarding field intensity measurements are found. A new section 73.154 will be added to the rules with the section headnote reading, § 73.154 Field intensity measurements: partial proofs, skeleton proofs. Notes 2 and 3 in § 73.93 describing these proofs will be deleted. Appropriate cross

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references will be made in the rules wherever partial or skeleton proofs are mentioned. One new such reference is contained in the Notice of Proposed Rule Making regarding automated transmission systems.

(1) Accordingly, changes, required to accomplish the above, are made in the rules via this Order.

(h) In § 73.315, Transmitter location, the rule states (in paragraph (d)), "In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal city. * * *" "Such tests should include measurements made in accordance with good engineering practice. * * *"

With the adoption of the Report and Order in consolidated Dockets 16004 and 18052 (May 29, 1975), new section 73.-314 was added to the FM rules. This new section, entitled Field strength measurements, precisely sets forth regulations regarding field strength measurement procedures for FM stations.

(1) Cross reference to § 73.314 will be added to § 73.315, and will supplant the present generalized and vague direction to make these measurements "in accordance with good engineering practices. * * *"

(i) Class D noncommercial educational FM stations, licensed to operate with transmitter output power of 10 watts or less, are not required to have transmitter meters for reading plate voltage or current (see § 73.558(a)).

There are questions regularly received from licensees of this type of facility concerning the need for remote control metering at these stations.

Since transmitter meters are not required, there is no need for remote control metering. Also, since meters are not required, there is no need to require power adjustment controls at the control point.

(1) Changes in § 73.573 Remote control operation are made herein for clarification.

3. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, *it is ordered*, That pursuant to sections 4(i) and 303(j) and (r) of the Communications Act of 1934, as amended, Part 73 of the Commission's Rules and Regulations ARE AMENDED as set forth below, effective July 8, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: May 25, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 73.54, paragraph (a) is amended to read as follows and paragraph (d) is deleted and reserved.

§ 73.54 Antenna resistance and reactance; how determined.

(a) The resistance of an omnidirectional series fed antenna shall be measured at the base of the antenna without intervening coupling networks or components. (Static drain devices; current transformers; and circuits to isolate antenna monitor sampling lines, tower lighting power lines, or lines connecting other antennas mounted on the antenna tower are not considered to be antenna coupling networks or components.) The resistance of shunt excited antenna shall be measured at the point the radio frequency energy is transferred to the feed wire circuit, without intervening networks, except that if the termination of the feed wire is highly reactive, a network containing no shunt element may follow the point where the resistance is determined.

* * * * *

(d) [Reserved]

* * * * *

2. In § 73.66, paragraph (c) is amended as follows:

§ 73.66 Remote control authorization.

* * * * *

(c) Stations employing directional antennas and operated by remote control, shall make a skeleton proof of performance, as defined in § 73.154, at least once each calendar year. The results of each such proof, signed and dated by the qualified person who made it, shall be kept on file at the transmitter or the remote control point for a period of three years, and on request shall be made available during that time to any duly authorized representative of the Federal Communications Commission.

3. In § 73.68, new paragraph (b)(3) is added as follows:

§ 73.68 Sampling systems for antenna (phase) monitors.

* * * * *

(b) * * *

(3) That observations be made at the transmitter site at remotely controlled stations every second day for each directional antenna pattern, as required by § 73.114(a)(8).

4. In § 73.69, paragraphs (b)(2) and (d)(4) are amended to read as follows:

§ 73.69 Antenna (phase) monitors.

* * * * *

(b) * * *

(2) If the license specifies antenna monitor sample current ratios, during the period the antenna monitor is out of service, base currents or remote base currents shall be read and logged at least once each day for each mode of directional operation.

* * * * *

(d) * * *

(4) If it cannot be established by the observations required in paragraph (d)(2) of this section that base current ratios and monitoring point values are within the tolerances or limits prescribed by the rules and the instrument of authorization, or if the substitution of the new antenna monitor for the old results in changes in these parameters, a partial proof of performance shall be executed, as described in § 73.154 and measurements shall be analyzed in the manner required in § 73.186.

* * * * *

5. In § 73.92, paragraph (b) is amended, (b)(2) is deleted, and (b)(1)(i) and (ii) are changed to (b)(1) and (2), and new paragraph (c) is added following (b)(2) to read as follows:

§ 73.92 Station and operator licenses; posting of.

* * * * *

(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed full-time or part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee. The operator license shall be posted either:

(1) At the transmitter or extension meter location; or

(2) At the principal remote control point, if the station license authorizes operation by remote control.

(c) Posting of operator licenses and the station licenses and any other instrument of station authorization shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder or inserting into a folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

6. In § 73.93, Notes 2 and 3, following paragraph (j) are deleted, and paragraph (e)(3) is amended to read as follows:

§ 73.93 Operator requirements.

* * * * *

(e) * * *

(3) Within 1 year of the date on which the Commission is notified, pursuant to § 73.93(h), of the designation of a chief operator, the station shall complete a partial proof of performance, as defined in § 73.154, and shall complete subsequent partial proofs of performance at least once each 3 years thereafter. A skeleton proof of performance, as defined in § 73.154, shall be completed during each year that a partial proof of performance is not required. Not less than 10, nor more than 14 months, shall elapse between the completion dates of successive proofs of performance. The results of such proof, signed and dated by the qualified person who made it, shall be kept on file at the transmitter or remote control point for a period of three years, and on request shall be made available during that time to any duly authorized representative of the Federal Communications Commission.

* * * * *

7. In § 73.114, paragraph (a)(9)(i) is amended, paragraph (a)(9)(ii) is amended as (a)(9)(iv), and a new text is added for paragraph (a)(9)(ii) as follows:

§ 73.114 Maintenance log.

(a) * * *

(9) * * *

* * * * *

(i) For stations not operated by remote control, and not using a type-approved antenna monitor, entries shall be made once each day, 5 days each week for each directional radiation pattern, regardless of any provision in the station authorization for more frequent entries; Provided, That: if a first-class radiotelephone operator is on duty at the transmitter for all periods of operation with a directional radiation pattern, and the station authorization permits antenna base current readings at less frequent intervals than specified in this subparagraph, entries may be made pursuant to the schedule specified in that authorization.

(ii) For stations not operated by remote control, and using a type approved antenna monitor, entries shall be made every second day for each directional radiation pattern, with no longer than 54 hours elapsing between successive observations for the same pattern, regardless of any provision in the station authorization for more frequent entries; Provided, That: if a first-class radiotelephone operator is on duty at the transmitter for all periods of operation with a directional radiation pattern, and the station authorization permits antenna base current readings at less frequent intervals than specified in this subparagraph, entries may be made pursuant to the schedule specified in that authorization.

* * * * *

(iv) For stations operated by remote control, not having the indications of a type-approved antenna monitor available at the remote control point, the entries specified in subparagraph (8) of this paragraph shall be based on observations made at the transmitter not more than 2 hours after the time of commencement of operation with each directional radiation pattern: Provided, That, if any separate period of operation with a specific pattern does not exceed 1 hour in duration, observations and entries for such period need not be made. If a station utilizes a single directional radiation pattern during all hours of operation, observations and entries shall be made once each day, with no fewer than 12 hours elapsing between successive observations.

* * * * *

8. In § 73.116, new paragraph (e) is added as follows:

§ 73.116 Availability of logs and records.

* * * * *

(e) Copy of the partial and skeleton proofs of performance as directed by § 73.154 and made pursuant to the following rule requirements:

(1) § 73.66 Remote control authorization.

(2) § 73.68 Sampling systems for antenna (phase) monitors.

(3) § 73.69 Antenna (phase) monitors.

(4) § 73.93 Operator requirements.

9. New §73.154 is added as follows:

§ 73.154 Field intensity measurements: Partial and skeleton proofs of performance.

(a) The partial proof of performance shall consist of at least 10 field strength measurements on each of the radials established in the latest complete proof of performance of the directional antenna system. These measurements shall be made at locations, all within 2 to 10 miles (3 to 16 kilometers) from the antenna, which were utilized in such proof, and include on each radial, the point, if any, designated as a monitoring point in the station authorization. Measurements shall be analyzed in the manner prescribed in §73.186 of the rules.

(b) The skeleton proof of performance shall consist of field strength measurements, at least three on each of the radials established in the latest complete proof of performance of the directional antenna system, made at measurement locations utilized in such proof, and include, on each radial, the point, if any, designated as a monitoring point in the station authorization.

§ 73.264 [Amended]

10. In Section 73.264, subparagraph (b) is amended, (b)(2) is deleted, and (b)(1)(i) and (ii) are changed to (b)(1) and (2), and new paragraph (c) is added following (b)(2) to read as follows:

* * * * *

(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed full-time or part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee. The operator license shall be posted either:

(1) At the transmitter or extension meter location; or

(2) At the principal remote control point, if the station license authorizes operation by remote control.

(c) Posting of operator licenses and the station licenses and any other instrument of station authorization shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder or inserting into a folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

11. § 73.315, paragraph (d) is amended to read as follows:

§ 73.315 Transmitter location.

* * * * *

(d) In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal city or cities to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site tests to be made. Such tests should include measurements made in accordance with with the measurement procedures described in § 73.314, and full data thereon shall be supplied to the Commission. The test transmitter should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request.

* * * * *

12. In Section 73.564, paragraph (b) is amended, (b)(2) is deleted, and (b)(1)(i) and (ii) are changed to (b)(1) and (2), and new paragraph (c) is added following (b)(2) to read as follows:

§ 73.564 Station and operator licenses; posting of.

* * * * *

(b) The operator license, or Form 759 (Vertification of Operator License or Permit), of each station operator employed full-time or part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the license. The operator shall be posted either:

(1) At the transmitter or extension meter location; or

(2) At the principal remote control point, if the station license authorizes operation by remote control.

(c) Posting of operator licenses and the station licenses and other instrument of station authorization shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder or inserting into a folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

13. In § 73.573, paragraph (a)(4) is amended to read as follows:

§ 73.573 Remote control operation.

(a) * * *

(4) Control and monitoring equipment shall be installed so as to allow the licensed operator at the remote control point to perform all the functions in a manner required by the Commission's rules. Stations licensed to operate with a transmitter output power of 10 watts or less are not required to have remote transmitter meters or controls to adjust the output power from the remote control point, but must have a monitoring device to indicate when the transmitter is radiating power and a percentage modulation indicator or calibrated program level meter.

* * * * *

14. In § 73.660, paragraph (b) is amended, (b)(2) is deleted, and (b)(1)(i) and (ii) are changed to (b)(1) and (2), and new paragraph (c) is added following (b)(2) to read as follows:

§ 73.660 Station and operator licenses; posting of.

* * * * *

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(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed full-time or part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee. The operator license shall be posted either:

(1) At the transmitter or extension meter location; or

(2) At the principal remote control point, if the station authorizes operation by remote control.

(c) Posting of operator licenses and the station licenses and any other instrument of station authorization shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder or inserting into a folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

[FR Doc.76-16513 Filed 6-7-76;8:45 am]

[Docket No. 20420]

PART 87—AVIATION SERVICES

JUNE 1, 1976.

In the matter of amendment of Part 87 to permit the use of additional frequencies for radio control of airport lights from aircraft.

1. In the Report and Order in the above captioned matter, released on August 6, 1975 and published in the Federal Register on August 11, 1975 (40 FR 33667), the frequencies available to aircraft stations in the aeronautical mobile service for airport utility purposes were inadvertently omitted from § 87.183. Therefore, subparagraph (h) of § 87.183 should be amended to indicate the available airport utility frequencies. Further, for clarification purposes, the frequencies available for the control of airport lights from aircraft should be relocated to a new paragraph (cc).

2. In view of the foregoing, § 87.183 is amended as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 87.183(h) is amended and subparagraph (cc) is added to read as follows:

§ 87.183 Frequencies available.

• • • • • •

(h) 121.60, 121.65, 121.70, 121.75, 121.80, 121.85 and 121.90 MHz: These frequencies may be used by Aircraft on the ground for airport utility communications.

• • • • • •

(cc) Provided no harmful interference is caused to authorized voice communications, brief keyed RF signals, for the control of airport lights from aircraft, may be transmitted on:

(1) Any frequency listed in § 87.183(l) and any frequency in the band 121.975 to 122.775 MHz listed in § 87.201(b) where the frequency is assigned to a station at an airport for air traffic control.

(2) The aeronautical advisory frequencies listed in § 87.201(c).

(3) The aviation instructional frequencies listed in § 87.341(a).

[FR Doc.76-16514 Filed 6-7-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 277 (Sub-No. 3)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

Quality of Service

On January 3, 1975, there was published in the FEDERAL REGISTER (40 FR 801) notice of the institution by the Interstate Commerce Commission in Docket No. Ex Parte No. 277 (Sub-Number 3) an investigation of the adequacy of Intercity Rail Passenger Service with a view towards determining if additions to the rules and regulations were necessary.

Hearings were held in several cities at which various parties interested in the quality of rail passenger service gave testimony and offered comments. The evidence presented demonstrated a need for additions and modifications of the regulations.

By report issued March 29, 1976, the Interstate Commerce Commission has adopted certain changes in regulations governing passenger service. The amendments to the rules, among other things, modifies regulations concerning smoking on trains, relief to be provided by the carrier if extremes of temperature occur, and requires the carrier to provide each passenger with a synopsis of these regulations. Certain regulations have also been numerically redesignated because of deletions. The following is an amended text of the regulations governing the adequacy of Intercity Rail Passenger Service including the newly adopted amendments.

ORDER

At a Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 29th day of March 1976.

Investigation of the matters and things involved in this proceeding having been made and the Commission, on the date hereof, having made and filed a report containing its findings of fact and conclusions thereof, which report together with report of the Administrative Law Judge are hereby referred to and made a part hereof:

It is ordered, That Part 1124 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as set forth below.

It is further ordered, That this order shall become effective 30 days from the date it is served; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

(Sec. 801 as amended of the Rail Passenger Service Act. 45 USC 641.)

(SEAL) ROBERT L. OSWALD,
Secretary.

Part 1124 regulations governing the adequacy of intercity railroad passenger service are revised to read as follows:

DEFINITIONS, APPLICABILITY, AND EXEMPTIONS

Sec.
1124.1 Definitions.
1124.2 Regulations regarding applicability, exemptions, and information to be provided to passengers.

RESERVATIONS

1124.3 Reservations—General.
1124.4 Reservation-making process.
1124.5 Confirming a reservation.
1124.6 Arrival and departure times.
1124.7 Expeditious service: Schedules shall be designed as to provide expeditious service.
1124.8 Cancellation of scheduled trains—general.
1124.9 Cancellation of scheduled trains—en route.
1124.10 Through-car service and reasonable connections.

STATIONS

1124.11 Hours of operation.
1124.12 Consist of stations.
1124.13 Facilities for checked baggage in stations.

CONSIST FOR TRAINS

1124.14 Equipment required to meet public demand.
1124.15 Services required to meet public demand.
1124.16 Baggage service on trains.
1124.17 Food and beverage service.
1124.18 Temperature control.
1124.19 Proper functioning of equipment.
1124.20 Car requirements.
1124.21 Allocation of space for nonsmokers and smokers.
1124.22 Complaint procedure.
1124.23 Commission initiation of proceedings on own motion.
1124.24 Execution of penalties against carriers in violation.
1124.25 Modification of regulations.

DEFINITIONS, APPLICABILITY, AND EXEMPTIONS

§ 1124.1 Definitions.

(a) "Amtrak" means the National Railroad Passenger Corporation.

(b) "Train" means an intercity passenger train subject to these regulations and to the Rail Passenger Service Act of 1970 (RPSA).

(c) "Amtrak train" means an intercity passenger train operated by or for Amtrak.

(d) "Non-Amtrak train" means an intercity passenger train operated other than by or for Amtrak.

(e) "Station" means any point at which passengers may board or leave a passenger train and includes all facilities such as buildings and platforms used by passengers.

(f) "Open station" means a station at which passengers may make reservations and purchase tickets and where passenger assistance is available for entraining and detraining passengers on trains which make regularly scheduled stops.

(g) "Closed station" means a station at which no services are provided to passengers by station attendants and at which trains make regularly scheduled stops.

(h) "Flag stop" means any station which is not a regularly scheduled stop but at which trains will stop to entrain or detrain passengers only on signal or advance notice.

(i) "Carrier" means Amtrak and any common carrier by railroad which provides intercity rail passenger service on its own behalf or by contract for Amtrak.

(j) "Passenger" means anyone, except working crew members, who travels on a train the service of which is governed by these regulations.

(k) "Customer" means any passenger who pays: (1) full fare, (2) a reduced fare where such fare has been traditionally provided for by law, as in the case of the reduced fares for the blind; or (3) an incentive fare, when such fare has been traditionally used in the travel industry to increase ridership in periods of low demand, such as midweek fares. For the purposes of these regulations it excludes passengers whose fare status is on a conditional (space-available) basis, such as standby and pass riders. For the purpose of the regulations regarding reservations the term "customer" includes the representative of the customer.

(l) "RPSA" means Railroad Passenger Service Act of 1970, as amended.

(Regulation 1.)

§ 1124.2 Regulations regarding applicability, exemptions, and information to be provided to passengers.

(a) These regulations are binding on Amtrak and any carrier or agency providing intercity rail passenger service. Every carrier or other agency providing intercity passenger train service under agreement with Amtrak pursuant to the RPSA is bound, individually and jointly with Amtrak by these regulations, except to the extent that Amtrak or such other carrier or agency has control over the provision of the services, facilities, or functions covered by these regulations, in which event sole responsibility for compliance with these regulations will be with the one controlling the service.

(b) All intercity passenger trains, Amtrak and non-Amtrak are subject to these regulations, unless specifically exempted as provided for in these regulations.

(c) Charter and excursions trains (whether operated by private parties or by a carrier), equipment operated by tour companies for tour members rather than for the general public, and regularly scheduled intercity passenger trains operated by carriers whose aggregate regularly scheduled intercity passenger train-miles do not exceed 500 miles in any calendar day are hereby exempted from all the regulations, except those pertaining to health.

(d) Exemption may be sought from any of these regulations, except those pertaining to health and safety, for reasonable periods of time, as to carriers, specific stations, or trains, by filing with the Commission an appropriate petition, and such petitions may be granted upon a showing of good cause therefor.

(1) Carrier seeking exemption from any regulation must, in addition to such information necessary to support the granting of an exemption, include in their petitions the following information:

(i) The specific regulation or regulations for which exemption is being sought.

(ii) The reasons why exemption is necessary, and the effect, if any, upon travelers if the exemption should be granted.

(iii) A statement describing present operations relating to the exemption being sought.

(iv) A statement describing how operations will be conducted if the exemption sought should be granted.

(v) Statement that the carrier has complied with all prerequisites to exemptions as may be required by the regulation from which carrier seeks to be exempted.

(vi) Complete operating details relating to each train to be affected by the sought exemption including, but not limited to, schedules, connections, total number of passengers carried in each direction, passenger on and off counts at each station along the train route, relevant financial data, etc.

(vii) Copies of notices proposed to be posted, and certification of posting at all points required as hereinafter provided.

(viii) Certificate of service of petition for exemption on persons hereinafter designated for service.

(2) Before any petition for exemption shall be considered, the carrier shall give adequate notice in the following manner.

(i) A copy of the petition filed with this Commission shall be mailed to the governor and appropriate regulatory agency of each state affected; and where a regulation specifically requires that timely notice be given to communities or carriers affected (such as regulations 11a(i) and 16c), a copy of the notice to all such communities and carriers affected. For the purpose of this regulation, notice to the community shall be considered timely if a copy of the notice is mailed to its major or chief executive officer and published in a newspaper of local circulation within time limits set forth in this regulation, and notice to carriers affected shall be considered timely if a copy of the notice is mailed to their chief operations manager within such time limits.

(ii) Notice shall be given to the public by posting a copy of the following announcement, reproduced on a placard of at least 8½ inches 11 inches in dimensions, with lettering at least 3/16 inches in size, except that the words "NOTICE to PASSENGERS" must be in letters at least 1 inch high, in a conspicuous location in every train car and station to be affected by the exemption. The announcement shall read as follows:

NOTICE TO PASSENGERS

(Name of Carrier) has requested the Interstate Commerce Commission to exempt its (name of train or station) from Regulation (Number). If the exemption is granted, (state in plain language the practical effect of such exception).

If you are opposed to this request, write to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by (a date at least 30 days after posting of notice).

(iii) To be considered adequate, the above notices must be given at least 30 full days in advance of the proposed action by the carrier.

(iv) The carrier shall send seven copies of the aforesaid notices to the Commission and shall certify that notice has been given in accord with this regulation.

(3) Representations of the petitioning carrier and protestants will be considered by the Commission before decision is reached on exemption implemented by the carrier until so ordered by the Commission.

(4) Nothing in this regulation shall preclude approval by the Commission of temporary exemptions, in appropriate emergency situations and where the notice requirements have been satisfied, not to exceed 30 days unless otherwise extended by the Commission.

(5) All petitions for exemption must follow the procedures set forth in this regulation.

(e) These regulations are promulgated as an aid to the rail passenger and shall not be so construed as to subject a passenger to a civil penalty for failure to comply herewith.

(f) As a matter of its normal operating procedures, every carrier shall furnish a printed statement of passenger rights to each customer purchasing a ticket. That statement shall be printed either on the standard ticket envelope provided to ticket purchasers, or on a separate sheet enclosed therein. That printed statement shall be as follows:

ADEQUACY OF SERVICE

The Interstate Commerce Commission has issued Rules concerning the quality of intercity rail passenger service. Some of the Rules are summarized below.

If you feel that service fails to meet these Rules, notify your conductor or station agent. The general rule is that the carrier has a positive obligation to assist passengers when service failures occur. If the situation is not solved to your satisfaction, please notify Amtrak (or other carrier) and the ICC. Forms for this purpose are available from your conductor or at any station ticket office.

Reservations (Rules 3, 4, and 5): If you hold confirmed reservations for accommodations which are not available, you are entitled to relief. The carrier must try to provide you with equal or better accommodations if they are available. Some other type of assistance may be required in some circumstances, such as food and shelter while you wait for a later train.

Performance of Trains (Rule 6): If a train arrives more than 30 minutes late (less for certain trains under 500 miles) where safe operation would have permitted earlier arrival, you may be entitled to relief. If the later train causes you to miss a connecting train, plane, or bus, you should receive food and shelter until you can resume your trip.

Cancellation en route (Rule 9): If your train is terminated en route, you are entitled to alternate service, food, and shelter.

Stations (Rule 12): With certain exceptions, stations must be open for a sufficient time before departure (and after arrival) of a train. Stations must have adequate lighting, restrooms, telephones and train information availability.

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Baggage (Rules 13 and 16): On trains offering checked-baggage service, the carrier must deliver checked baggage within 30 minutes after arrival. If it fails to do so, it must forward the baggage to you at carrier's expense.

Food and Beverages (Rule 17): Food and beverages must be available at all times on trains which travel 2 hours or more. Complete means must be available during normal meal hours. Full dining service must be available on trains which travel 12 hours or more.

Coaches (Rules 18 and 20): Coaches must have drinking water and cleah restrooms. Leg or foot rests, reclining seats, and clean pillows must be provided on most overnight trains. Room temperature must be between 60 and 80 degrees F.

Smoking (Rule 22): Smoking is not permitted except in designated cars.

(Regulation 2.)

RESERVATIONS

§ 1124.3 Reservations—General.

(a) A nationwide reservation and information system which includes all carriers providing intercity rail passenger service shall be readily available at any time of day or night to anyone located in the continental United States for the reservation of space on trains and for the dissemination of general train information. Each carrier may have its own reservation system provided it can be coordinated with the national system.

(b) The carriers shall provide the type of accommodation on the train and departure date confirmed to the customer and for which the customer paid.

(c) If a carrier cannot supply a customer with the type of accommodations on the train and departure date it confirmed to the customer and for which the customer paid, it shall fulfill its obligation under this regulation if it:

(1) Tenders to the customer without additional charge accommodations of a better type on the "confirmed" train and departure date or on a train scheduled to arrive within 4 hours of the "confirmed" train; or

(2) Tenders to the customer without additional charge accommodations of equal or better type on the next available train and provides food and shelter for the customer during the interim; or

(3) Employs other fair and reasonable means of relief to the customer, and the customer is satisfied with the relief given.

(d) All revenue sleeping-car and parlor-space shall be available for specific assignment, and all carriers shall make provision for its advance reservation by customers.

(e) For passenger trips of 200 miles or more, sufficient revenue seats in coaches shall be made available to meet the normal demands of customers requesting reservations, and all carriers shall make provision for advance reservation of such coach-seat space by customers.

(1) The provisions of this subsection do not preclude, when warranted by the public demand, the operation of unreserved coach-seat trains in addition to "reserved-space" trains on routes capable of sustaining more than one train daily in each direction, provided that no more than 50 percent of the trains on any given route are unreserved coach-seat trains.

(2) The provisions of this subsection do not preclude, when warranted by the public demand, the operation of unreserved coach-seat cars on "reserved-space" trains in addition to reserved coach and other reserved cars.

(Regulation 3)

§ 1124.4 Reservation-making process.

(a) Upon receiving telephonic request for a reservation, the carrier shall determine space availability and shall inform the prospective customer of its findings promptly, or, if necessary to call back the prospective customer with such findings, to do so within an hour. For the purposes of these regulations, "telephonic" communications shall be considered to embrace teletype communications.

(b) If the prospective customer accepts the space the carrier has available, the carrier shall reserve such space in the customer's name and state to the customer the terms and conditions under which the reservation will be held.

(c) The terms and conditions under which reservations will be held must be just and reasonable under the circumstances.

(1) Under ordinary circumstances, it shall be deemed just and reasonable that reservations, once made, shall be held by the carrier for the customer at least until 30 minutes prior to the scheduled departure of the train from the customer's boarding point without requiring the customer to prepay the tickets.

(2) Under extraordinary circumstances, such as in holiday periods, carriers need not follow the 30-minute rule of paragraph (c)(1) of this section. However, alternate terms and conditions to be considered just and reasonable, (1) must permit the holding of reservations for a sufficient period of time to enable a customer to pay for and thereby confirm the reservations, and (2) shall be filed with the Commission immediately upon implementation together with supporting statements, and be subject to modification from time to time upon order of the Commission.

(3) For the purpose of regulation 4(c)(2), supra, the "energy shortage" is an extraordinary circumstance. Therefore, until September 30, 1975, or further order of the Commission, whichever first occurs, carriers need not follow the 30-minute rule of regulation 4(c)(1). Carriers may, instead, upon filing a statement with the Commission to the effect that the extraordinary circumstance reservation option of regulation 4(c)(3) is being adopted, implement the following policy in processing reservations:

For reservations made	*Reservation shall be held until*
0 to 7 d before departure.	30 min before departure.
8 to 21 d before departure.	5 d before departure.
22 to 45 d before departure.	15 d before departure.
46 plus d before departure.	30 d before departure.

NOTE.—If the time limit expires at a time when the ticket offices are closed, the time limit should be extended to the next business day.

Carriers may file alternate terms and conditions to those listed above. However, for such alternate terms and conditions to be considered just and reasonable, they must comply with the standards of regulation 4(c)(2).

(4) For other extraordinary circumstances which recur periodically during the energy shortage such as holiday periods, the alternate terms and conditions shall be filed with the Commission in advance, and shall not be implemented until expressly authorized and approved by the Commission.

(Regulation 4.)

§ 1124.5 Confirming a reservation.

(a) Upon receipt of a customer's payment for tickets in full, through major credit card or cash, the reservation shall be confirmed by the carrier by telephone or, upon reasonable request in writing, and shall be held for the customer at least until 30 minutes prior to the scheduled departure of the train from the customer's boarding point, unless canceled by the customer.

(1) Payment by means other than major credit card or cash may be accepted at the option of the carrier.

(2) The carrier shall impose no penalty upon a holder of a confirmed (paid) reservation who does not use and fails to cancel a reservation, but the carrier may retain a service charge not in excess of $5 or 5 percent of the ticket price, whichever is greater, for failure to cancel such reservation.

(b) A customer who has paid for his tickets may request that confirmed space be held for an extended period of time. In such event, the carrier shall hold the space for the time requested unless canceled by the customer.

(1) If the customer cancels such reservation at least 30 minutes prior to departure, no penalty or service charge shall be imposed.

(2) If the customer, after requesting the carrier to hold his ticket for an extended period as described in regulation 5(b) above, thereafter fails to cancel such reservation at least 30 minutes prior to departure, the carrier must refund the ticket price but may retain a service charge in an amount not exceeding 20 percent of the ticket price, or $5, or the difference between the fare assessed the original customer and that which would be assessed a standby user, whichever is greater. No service charge in excess of 5 percent of the ticket price, or $5, whichever is greater, can be imposed if the space held for the original customer is entirely resold at the price quoted the original customer, or if the carrier failed to hold the space for the customer.

(c) At points where tickets are available only on the train, carriers shall consider reservations confirmed and shall hold them until the departure time of the train from the point where the customer was to board, unless the customer cancels the reservation.

(Regulation 5.)

§ 1124.6 Arrival and departure times.

(a) Under normal circumstances, a train shall not depart from any passenger-boarding station, except flag stops, earlier than its scheduled departure time. Where a customer misses the train because of the carrier's failure to give adequate notice of a departure earlier than scheduled, the carrier shall mitigate inconvenience thereby caused the customer. This mitigation may take the form of providing food and shelter until the customer is boarded on the next available train or providing other reasonable means of transportation.

(b) Where safe operation permits, the train shall arrive at its final terminus and at all intermediate stops no later than 5 minutes after scheduled arrival time per 100 miles of operation, or 30 minutes after scheduled arrival time, whichever is the less.

(c) If a train arrives late at any scheduled stop by an amount of time greater than the permissable allowances set forth in subsection b, where safe operation would have permitted an earlier arrival, the delivering carrier and Amtrak, jointly and severally, shall be obligated to mitigate the inconvenience to customers whose travel plans are disrupted thereby. This mitigation may take the form of bridging a missed connection and providing food and shelter until such is accomplished, or other relief appropriate to the needs of, and acceptable to, the customer, and the cost shall be borne by the carrier or carriers responsible for the delay.

(Regulation 6.)

§ 1124.7 Expeditious service: Schedules shall be designed as to provide expeditious service.

(a) In order to facilitate expeditious service, all intercity passenger trains without the benefits of an exception are to be accorded priority over freight trains except in emergencies or unless the Commission has issued an order to the contrary in accordance with subparagraph b.

(b) Any railroad whose rights with regard to freight train operation are affected thereby may petition the Commission for an exemption to side-track intercity passenger trains other than those operated by or on behalf of Amtrak. Such petition may be granted upon a showing that nonexemption will materially lessen the quality of freight service provided to shippers, and subject to just and reasonable conditions.

(c) Schedules shall be designed so as to provide expeditious service, and in determining whether a schedule meets this requirement, consideration may be given (among other things) to the schedules of similar runs in prior timetables, and to any applicable Federal safety standards.

(Regulation 7.)

§ 1124.8 Cancellation of scheduled trains—general.

Except for reason of health, or safety, or beyond the carriers' control, individual runs of scheduled trains shall not be canceled.

(Regulation 8.)

§ 1124.9 Cancellation of scheduled trains—en route.

When a train run is terminated en route, the carrier must:

(a) Provide or procure alternate service for its on-board passengers and provide food and shelter for them until they are able to resume their journey.

(b) Immediately notify all up-route stations of such cancellation.

(c) Provide or procure alternate service for all passengers who were waiting at stations to board the train at the time of its cancellation and shelter them until it does so.

(Regulation 9.)

§ 1124.10 Through-car service and reasonable connections.

Through-car service shall be provided between points designated as "points between which intercity passenger train shall be operated" in the service standards established in the *Final Report on the Basic National Rail Passenger System*, submitted by the Secretary of Transportation January 28, 1971, as amended by Act of Congress or by Commission decisions in discontinuance proceedings; and, at points where rail passenger lines meet so as to form reasonable direct route between points on one line and points on the other line. Reasonable connections shall be provided as indicated in paragraphs a and b of this section.

(a) A connection between 12 midnight and 6 a.m., is deemed reasonable if through-car service is provided. If a carrier can demonstrate either (1) that immediate compliance is impossible, or (2) that after no less than 6 months' trial, market demand does not justify a connection, the carrier may upon petition, be exempted from this regulation by the Commission for such time as the Commission may deem appropriate in the circumstances. For the purposes of this regulation, impossibility of immediate compliance means any situation where facilitating a connection would require completion of a substantial undertaking such as, but not limited to, the construction of a track connection, or the negotiation of an interline contract between two or more carriers.

(b) A connection after 6 a.m. but before 12 midnight is deemed reasonable if through-car service is provided or if the layover does not exceed 4 hours. If a carrier can demonstrate that adherence to this rule would necessitate extra cars or trains not justified by market demand, it may, upon petition, be exempted from this regulation by the Commission for reasonable periods of time.

(Regulation 10.)

STATION

§ 1124.11 Hours of operation.

(a) All stations other than flag stops shall be open to passengers and their attendants and be adequately patrolled for safety and security purposes for a sufficient period of time before departure of the train to enable passengers and their attendants to purchase tickets, check baggage, and perform other transportation related tasks, and for a sufficient time after arrival of a train to enable passengers and their attendants to retrieve checked baggage and obtain safe passage from the station.

(1) If a station has so little traffic that compliance with this regulation would impose a severe financial burden on the carrier, and if the provision of safe and adequate service at that location does not require an open station, the carrier may petition the Commission for relief from this regulation, giving timely notice to the community affected.

(2) If the Commission is satisfied that a station of the type described in (a) above when operated as an unopened station will not involve undue risk to the safety or comfort of the passenger, but will constitute reasonably safe and adequate service at that location, it may exempt such station from this regulation for reasonable periods of time.

(Regulation 11.)

§ 1124.12 Consist of stations.

(a) All stations, and their adjoining service and parking areas, shall be provided with lighting adequate to permit their safe utilization by passengers.

(b) All stations shall be equipped with 24-hour telephone service and shall have adequate train information available.

(c) All stations shall have operating ticket sales facilities unless tickets are available on the train and sold without penalty for boarding without a ticket.

(d) Stations other than those operated as flag stops and those operated as unopened stations pursuant to Commission exemption shall have clean, serviceable restroom facilities with adequate toilet supplies, and the restroom areas shall be patrolled for safety while the station is open.

(Regulation 12.)

§ 1124.13 Facilities for checked baggage in stations.

(a) All stations at which trains providing checked baggage service make scheduled stops; shall have facilities for the checking of passengers' baggage available up to 20 minutes prior to the departure from that station.

(b) A carrier may seek exemption from paragraph (a) of this section for stations other than those located in cities designated as "end points" by the Secretary of Transportation in his *Final Report on the Basic National Rail Passenger System*, submitted January 28, 1971, or as may be designated as "end

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points," provided the carrier, on petition to the Commission, can show:

(1) That in-station facilities for the checking of baggage at a particular location is not required by passenger usage of that station, and

(2) That it has adequate baggage assistance on board trains stopping at the station in question to have their baggage placed on the train, and, if possible on trains with checked-baggage service, to have their baggage checked if they so desire.

(c) If a carrier refuses to accept baggage at a point in time more than 30 minutes prior to the scheduled departure of a train with checked-baggage service, the carrier shall forward the baggage by such means that the baggage will arrive at passenger's destination within 30 minutes of passenger's arrival at that destination.

(d) All checked baggage must be made available to the passenger within a reasonable time not to exceed 30 minutes after the passenger's arrival at his destination station.

(e) If a carrier fails to make checked baggage available within 30 minutes after arrival of the train with checked-baggage service on which the passenger was riding it shall forward the baggage to the passenger at the carrier's expense.

(f) The carrier shall be responsible for the actual value of all checked baggage.

(Regulation 13.)

CONSIST FOR TRAINS

§ 1124.14 Equipment required to meet public demand.

Carriers shall provide coaches, and where required by these regulations or by the standards established by the Secretary of Transportation in his *Final Report on the Basic National Rail Passenger System*, dining cars, lounge cars, dome cars, and parlor cars in sufficient numbers to meet the normal travel demands of the customers, including ordinary weekend demand and usual seasonal travel demand.

(a) Carriers shall also provide, to the extent equipment availability permits, additional units of the above-mentioned equipment during periods of predictable peak demands, such as holidays and special weekends, to meet the peak demands of its customers.

(1) If a carrier does not have sufficient equipment reserves to meet these predictable peak demands, it shall seek out from other reasonable sources, including noncarriers, railway cars which meet these regulations and the quality standards of the carrier, and shall use such cars to meet the obligation under paragraph a of this section.

(2) A private railcar tendered to a carrier for its use in meeting its obligation under regulation 14a shall not be denied carriage by any carrier during nonpeak travel periods when request upon reasonable terms is made for that carriage by the car's owner at least 30 days prior to anticipated movement provided such car meets the regulatory standards of safety and adequacy. This section shall not be construed to prohibit the carriage of noncarrier-owned railcars that have not been tendered or used by a carrier, if they meet the applicable adequacy and safety regulations.

(b) Carriers shall facilitate railroad travel by elderly and handicapped persons, and to that end shall, to the extent financial resources permit, acquire or design and construct special facilities and equipment, eliminate architectural and other barriers in present equipment and facilities, and provide appropriate assistance to, from, and on trains and in terminals.

(Regulation 14.)

§ 1124.15 Services required to meet public demand.

Carriers shall provide and maintain services on trains sufficient to assist all passengers with their train travel needs:

(a) These services shall include such things as baggage assistance, sleeping car room assistance, meal service, and train schedule information.

(b) Carriers shall, upon reasonable advance notice, provide to the extent reasonably possible, the necessary assistance to customers who, because of age, physical condition, or dietary restrictions need special assistance in their travels.

(Regulation 15.)

§ 1124.16 Baggage service on trains.

(a) All trains on trips scheduled for 200 miles or more shall have checked-baggage service en route. Trains on trips of less than 200 miles need not have checked-baggage service provided another train with checked-baggage service traverses the same route at least once daily in each direction.

(b) A carrier may seek exemption, by petition from regulation 16 for a particular train or series of trains if:

(1) The train is of a design or function to which a conventional checked-baggage service is incompatible, and

(2) The carrier provides sufficient baggage assistance on board so that customers will not be burdened with self-handling of baggage, and

(3) There is adequate room on board the train so that the carry-on baggage is not a hindrance to the safety or comfort of passengers.

(c) An exemption petition under paragraph b of this section shall be accompanied by an affidavit that timely notice has been given to all carriers with which the train in question connects to form a through service.

(Regulation 16.)

§ 1124.17 Food and beverage service.

(a) Carriers operating trains which travel for 2 hours or more shall make food and beverages available at all times to all passengers on these trains. Complete meals shall be made available during customary dining hours.

(b) Food and beverages and the surroundings in which they are made available must comply with the health regulations of the Public Health Service as set forth in parts 12.21 through 12.47 of Title 42 of the Code of Federal Regulations.

(c) A train traveling for 12 hours or more must have at least one full-service dining area where sit-down, complete meals are served, unless it has dining service available in the dome-lounge car, lounge car, or dome car, or has meal service available to sleeping car rooms, and at coach seats, serving complete meals and beverages.

(Regulation 17.)

§ 1124.18 Temperature control.

(a) All regularly scheduled train cars must be equipped with operable climate conditioning equipment and be maintained at a room temperature of at least 60 degrees above zero Fahrenheit and no higher than 80 degrees above zero Fahrenheit.

(b) Should air conditioning or heat fail so that temperatures go beyond the range specified in regulation 18a, carriers shall offer the passengers affected alternate accommodations of similar or better type, if available on the train, at no extra charge. If such accommodations are not available, carriers shall offer to provide or procure alternate service on another train or mode of transportation and food and shelter for passengers until they are able to resume their journey, all at no additional charge.

(Regulation 18.)

§ 1124.19 Proper functioning of equipment.

All cars and equipment shall be in proper working condition when placed in the consist of a train prior to commencement of a run.

(Regulation 19.)

§ 1124.20 Car requirements.

(a) Sleeping car service shall be provided for all trains having a journey of 6 hours or more during the time period from midnight to 8 a.m.

(b) Apparatus for support of legs or feet, reclining seats, and clean pillows shall be provided in all coaches on all trains having a journey of four hours or more during the period from 10 p.m. to 8 a.m.

(c) On trains traveling for six hours or more, nonrevenue lounge space shall be provided. Dome or flat-top observation cars may be used to fulfill a carrier's obligation in this regard.

(d) All cars and restroom facilities therein shall be sanitary, watertight, and free of debris and objectionable odors. This regulation is one related to health, and no exemption can be made hereto.

(e) All cars shall carry first aid kits.

(Regulation 20.)

§ 1124.21 Allocation of space for nonsmokers and smokers.

(a) Smoking shall not be permitted on trains except in appointed areas with fire-resistant materials and equipped with ventilation systems adequate to exchange air completely in reasonably short periods of time.

(b) On trains cars meeting the above requirement, smoking may be permitted as follows:

(1) Smoking may be permitted in private sleeping cars, snack cars, and lounge cars.

(2) Smoking is not permitted in any dining car.

(3) Smoking may be permitted in any other car in a ratio of up to one smoking car for every nonsmoking car of its type in the consist. Unreserved coach, reserved coach, parlor cars, and dome cars shall each be considered a separate "type" of car.

(4) Pipe and cigar smoking is not permitted on board trains except in private sleeping cars and in cars which have been designated as smoking areas in their entirety.

(c) Each car shall be clearly designated as smoking or nonsmoking by placards placed in conspicuous locations.

(Regulation 21.)

§ 1124.22 Complaint procedure.

(a) This complaint procedure shall be initiated upon receipt by the Commission of a complaint stating the following:

(1) Train name (if any) and number, or location of station.

(2) Date of alleged violation.

(3) Location of entraining point.

(4) Location of detraining point.

(5) Description of alleged violation.

(6) Relief offered by carrier, if any, and reasons why relief was unacceptable.

(7) Requested relief.

(8) Name and address of complainant.

(b) A copy of the complaint shall be served by the complainant on the carrier or carriers against whom a violation is alleged.

(c) Carriers shall make complaint forms similar to the one attached hereto readily available on all trains and in all stations to facilitate their use by passengers.

(1) Notices as to where passengers may obtain such forms shall be conspicuously posted in each train car and in each station.

(2) Failure to use a complaint form shall not preclude a passenger from filing a complaint, provided that it is in accordance with paragraph a of this section.

(d) The carrier, within 15 days after receipt of the complaint, shall notify the Commission and the complainant of the action it will take to correct the matter that led to the complaint, or of the reasons why it does not believe the matter complained of constitutes a violation of these regulations.

(e) If the complainant notifies the carrier and the Commission that the carrier's reply or proposed remedy is not acceptable, the Commission will take such steps as it deems appropriate in the circumstances, including, but not limited to, further efforts to mediate the controversy, or a formal investigation or dismissal of the complaint, or appropriate enforcement action.

(Regulation 22.)

§ 1124.23 Commission initiation of proceedings on own motion.

The Commission, upon its own motion, may institute a complaint proceeding to determine a violation of these regulations.

(Regulation 23.)

§ 1124.24 Execution of penalties against carriers in violation.

Where the Commission staff determines that a violation of these regulations has occurred, the matter may be referred to the Department of Justice for appropriate enforcement under section 801 of the Rail Passenger Service Act or the Commission may take such other steps as it deems appropriate in the circumstances, including among others, informal or formal steps to settle the matter in dispute on a fair and equitable basis.

(Regulation 24.)

§ 1124.25 Modification of regulations.

These regulations shall be amendable by the Commission, pursuant to establish rulemaking procedures.

(Regulation 25.)

[FR Doc.76-16610 Filed 6-7-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION; DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-2014]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Arkansas	Carroll	Green Forest, city of	June 1, 1976, emergency	Apr. 25, 1975	050329
Georgia	Columbia	Grovetown, city of	do	Aug. 1, 1975	130265
Maine	Hancock	Hancock, town of	do	Apr. 18, 1975	230284
Michigan	Kent	Caledonia, township of	do		260090
New York	Onondaga	Otisco, town of	do	May 31, 1974	360689
Oklahoma	Choctaw	Fort Towson, town of	do	Jan. 10, 1975	400039
Pennsylvania	Mercer	Delaware, township of	do	July 11, 1975	422283
Do	Huntingdon	Shirleysburg, borough of	do	Nov. 15, 1974	420493
South Dakota	Miner	Howard, city of	do	July 11, 1975	460183
Texas	Liberty	Hardin, city of	do		[1] 481270
Do	do	Plum Grove, city of	do		[1] 481289
Arkansas	Benton	Lowell, city of	do	May 2, 1975	050342
Nebraska	Seward	Beaver Crossing, village of	do	Nov. 8, 1974	310208
New York	Oneida	Florence, town of	do	Sept. 13, 1974	360527
Do	Dutchess	Pawling, town of	do	Oct. 25, 1974	361341
Pennsylvania	Monroe	Ross, township of	do	Nov. 29, 1974	421895
Do	Warren	Sheffield, township of	do	Nov. 22, 1974	422126
Vermont	Orange	Topsham, town of	do	Dec. 13, 1974	500241

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arkansas	Logan	Magazine, city of	June 2, 1976, emergency	July 11, 1975	050344
Do.	Baxter	Norfolk, city of	do	June 27, 1975	050267
Florida	Nassau	Callahan, town of	do	July 19, 1974	120171A
				Jan. 9, 1976	
Georgia	Toombs	Lyons, city of	do	Dec. 6, 1974	130223A
				Nov. 21, 1975	
Mississippi	Prentiss	Booneville, city of	do	Apr. 25, 1975	280135
Missouri	Randolph	Huntsville, city of	do	Apr. 18, 1975	290718
Do.	St. Louis	Pasadena Hills, village of	do	July 11, 1975	290674
New Hampshire	Belknap	Belmont, town of	do	Feb. 21, 1975	330002
New York	Steuben	Wayland, village of	do	July 18, 1975	361462
Pennsylvania	Allegheny	Ben Avon, borough of	do	Dec. 28, 1973	420010
Do.	Indiana	Blairsville, borough of	do	July 26, 1974	420035
Do.	Mercer	Otter Creek, township of	do	Jan. 31, 1975	422486
Alabama	Clarke	Grove Hill, town of	June 3, 1976, emergency	Apr. 25, 1975	010039
Illinois	Menard	Tallula, village of	do	Mar. 29, 1974	170893
Indiana	Warren	Williamsport, town of	do	Dec. 17, 1973	180272
Louisiana	East Feliciana	Clinton, town of	do	July 18, 1975	220249
Maine	Kennebec	West Gardiner, town of	do		
New York	Herkimer	Newport, town of	do	Nov. 15, 1974	3611111
Ohio	Belmont	Unincorporated areas	do		390762
Arizona	Cochise	Huachuca City, city of	May 26, 1976, suspension withdrawn.	Dec. 28, 1973 July 25, 1975	040016A
Iowa	Louisa	Wapello, city of	June 4, 1976, emergency	Jan. 16, 1974	190194
Kansas	Bourbon	Redfield, city of	do	Dec. 27, 1974	200025

[1] New community number.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: May 26, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 76-16382 Filed 6-7-76;8:45 am]

[Docket No. FI-647]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Joplin, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Joplin, Jasper and Newton Counties, Missouri under Section 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 303 East 3rd Street, Joplin.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	With in feet from bank of stream to 100-yr flood boundary looking downstream	
			Left	Right
Joplin Creek	Turkey Creek confluence	821	850	[1] 100
	Broadway	855	160	90
	7th St.	895	45	110
	Connecticut Ave.	1,000	415	530
	15th St.	1,010	540	400
	20th St.	1,025	100	425
	Davis Blvd.	1,060	400	60
Shoal Creek	Corporate limits	905	0	[2] 570
	Silver Creek confluence	905	20	230
	I-44 low chord	903	140	310
Silver Creek	DuQuesne Rd.	1054	90	210
	44th St. culvert	1,057	115	200
	Sylva Park Bridge	907	210	(1)
Turkey Creek	Lone Elm Rd.	918	1,560	(1)
	KCS R.R.	925	1,580	(1)
	St. Louis St.	948	640	190
	Florida Ave.	958	1,000	175
	Mo-Pacific R.R.	972	370	430
	DuQuesna Rd.	988	100	50
	East corporate limits	1,033	370	75
Unnamed tributary (Joplin Creek)	26th St.	1,038	110	320
	18th St. culvert	1,003	370	900
	5th St. culvert	970	400	

[1] To corporate limits.
[2] To excluded area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16377 Filed 6-7-76;8:45 am]

[Docket No. FI-2011]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Port Orange, Volusia County, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Port Orange, Florida under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Port Orange, Florida 32019.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (looking downstream) to 100-yr flood boundary (right and left)
Halifax River	Coral Way	7	Entire street.
	Cornell Ave.	7	To 900 ft. west of Ridgewood Ave.
	Church St.	8	To 1,200 ft. west of Ridgewood Ave.
	Powers St.	6	Entire street.
	Jackson St.	6	From 750 ft. west of Wilkerson Rd.
	Nova Rd.	7	From 1,400 ft. northwest of Wilkerson Rd to 2850 ft. southeast of Wilkerson Rd.
	Greenbriar Ave.	7	To 5800 ft. east of Wilkerson Rd.
Halifax River and Spruce Creek.	U.S. Highway #1	5	From 1,500 ft. south of to 100 ft north of Spruce Creek.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16378 Filed 6-7-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region VI

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Progreso, Texas, in the Laredo, Texas, Customs district (Region VI), to include the cities of Weslaco, and Mercedes, Texas.

The present limits of the port of Progreso, Texas, are confined to a strip of land that runs approximately parallel to the United States-Mexico international boundary for about six miles and extends northward from the United States-Mexico international boundary a distance of approximately three miles. This area is primarily used for agricultural purposes and has no industry. There are no packing sheds and truck terminals located in the area.

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to extend the port limits of Progreso, Texas (19 CFR 1.2 (c)), in the Laredo, Texas, Customs district (Region VI) to include all the territory within the following boundaries:

Beginning at the intersection of Mile 9 North Road and Mile ½ East Road proceeding in a westerly direction along Mile 9 North Road to its intersection with Mile 6½ West Road, then proceeding in a southerly direction along Mile 6½ West Road and a continuation thereof to its intersection with the United States-Mexico international boundary, then proceeding in a easterly direction along the United States-Mexico international boundary to a point where F.M. 491 would intersect the United States-Mexico international boundary were it extended in a continuing line, then proceeding in a northerly direction on a continuing line which includes F.M. 491 and Mile ½ East Road to the intersection on Mile ½ East Road and Mile 9 North Road.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before July 8, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: May 28, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-16534 Filed 6-7-76;8:45 am]

[19 CFR Part 10]

ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Withdrawal of Supplies for Vessels

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend paragraph (e) of § 10.59 of the Customs Regulations (19 CFR 10.59(e)), to require that Customs Form 5125, Application for Withdrawal of Bonded Stores for Fishing Vessel and Certification of Use, be submitted in triplicate, rather than in duplicate as is presently required.

The additional copy of Customs Form 5125 is necessary to provide the applicant with a receipt from Customs that the entire amount of stores originally withdrawn from Customs custody pursuant to section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), has been consumed on board or landed under Customs supervision.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before July 8, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: May 28, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: May 28, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-16532 Filed 6-7-76;8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Handling

This notice invites written comment relative to the proposed continuation of the currently effective Peach Regulation 7 (§ 917.440; 41 FR 20547). Said regulation specifies U.S. No. 1 as the minimum grade for all varieties of California peaches in fresh shipments during the period May 20 through July 2, 1976. It also specifies the respective minimum sizes applicable to 68 listed varieties of peaches shipped during the period. A separate minimum size is applicable, during the period, to all varieties of peaches not specifically listed therein.

The proposed amendment would continue, throughout the 1976 season, the minimum grade requirement for all varieties and the minimum sizes for the listed varieties. It also would specify a larger minimum size for unlisted varieties shipped from July 3 through October 31, 1976.

The Peach Commodity Committee has recommended that the grade and size requirements provided in Peach Regulation 7, and as hereinafter specified, be effective throughout the 1976 season for California peaches in the interest of consumer satisfaction and orderly marketing.

Accordingly, consideration is being given to the following proposal submitted by the Peach Commodity Committee, established pursuant to the amended marketing agreement and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), regulating the handling of fresh pears, plums, and peaches grown in California. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 917.440 (Peach Regulation 7; 41 FR 20547) by (1) continuing the U.S. No. 1 grade requirement, applicable to all varieties of California peaches in fresh shipments, to include all such shipments during the 1976 season; (2) continuing, throughout the 1976 season, the specified minimum size requirements applicable to certain varieties listed in the regulation; and (3) specifying, from July 3 through October 31, 1976, Size 80 as the minimum size for all varieties not listed in the regulation. Peach Regulation 7 is presently effective for the period May 20 through July 2, 1976.

All persons who submit written data, views, or arguments for consideration in connection with Peach Regulation 7 as published in the FEDERAL REGISTER on May 19, 1976 (41 FR 20547), or the proposed amendment published herein shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than June 21, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

In § 917.440 (Peach Regulation 7; 41 FR 20547) paragraphs (a) and (b) are revised to read as follows:

§ 917.440 Peach Regulation 7.

Order. (a) During the period July 3, 1976, through May 31, 1977, no handler shall handle: • • •

(b) During the period July 3 through October 31, 1976, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), (5), or (6) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box;

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(3) Such peaches, when packed in any container other than a No. 12B standard fruit (peach) box or molded forms (tray pack) in a No. 22D standard lug box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

• • • • • •

Dated: June 2, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-16588 Filed 6-7-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-38]

EMPLOYMENT RELATED HOUSING (TEMPORARY LABOR CAMPS)

Notice of Fact-Finding Hearing

On May 4, 1976 (41 FR 18430), the Occupational Safety and Health Administration (OSHA) published a notice withdrawing its proposal to amend the OSHA standard on Temporary Labor Camps (Title 29 of the Code of Federal Regulations (CFR), § 1910.142) and gave advance notice of the development of a new proposed standard for employment-related housing. OSHA also announced that it would begin development of the new proposal by holding a series of preliminary fact-finding hearings.

The purpose of these fact-finding hearings is to elicit sufficient information and data to enable OSHA to determine the proper scope and content of a proposed standard for employment-related housing.

Accordingly, notice is hereby given that OSHA will conduct the first of such hearings in Raleigh, North Carolina on June 24, 1976 at 9:30 am, at:

First Floor Auditorium, State Archives and History/State Library Building, 109 East Jones Street, Raleigh, North Carolina.

Subsequent hearings will be held in Michigan and California and other sites if necessary during July and August, 1976, in locations and on dates to be announced. A hearing will also be held in Washington, D.C.

OSHA invites all testimony relevant to the development of an occupational safety and health standard for employment-related housing. Participants are particularly encouraged to comment on the following issues:

(1) Whether it is appropriate for the scope of an OSHA standard specifically to include employment-related housing in industries other than agriculture such as construction oil, logging, restaurants, resorts and recreation, marine platforms, on-location motion picture filming, racetracks, circuses, etc.;

(2) Whether regulation of employment-related housing should include permanently-occupied housing, temporarily-occupied housing and housing occupied year-round by a succession of different persons in a transient status;

(3) Whether employment-related housing should be defined to include mobile and non-fixed housing facilities, such as vehicles, tents etc.;

(4) The safety and health hazards in employment-related housing and suggested provisions to protect against such hazards;

(5) Effects on employee safety and health caused by the living conditions of family members living with the employee and the status of unpaid members of an employee's family performing labor for the employer that augments the employee's income;

(6) The correlation between specific adverse housing conditions, including the physical arrangement and construction of facilities, and resulting hazards to employees' safety and health;

(7) The relative effectiveness of standards with specific numerical specifications versus those with performance requirements;

(8) The adequacy and effectiveness of State and local codes, regulations, and laws, such as public health, housing, and plumbing ordinances with respect to employment-related housing generally, and temporary labor camps in particular;

(9) The adequacy and effectiveness of the present OSHA regulation on Temporary Labor Camps 29 CFR 1910.142), and that of the Employment and Training Administration (20 CFR Part 620); and

(10) The economic feasibility and potential inflationary impact of any new regulations in the area of employment-related housing.

All interested persons desiring to appear and give testimony at this hearing must submit a notice of intention to appear to Ms. Jeanne C. Werner, OSHA Committee Management Office, Docket No. OSH–38, Room N–3633, U.S. Department of Labor, 3rd and Constitution Avenue NW, Washington, D.C. 20210 (Telephone 202–523–8023). Such notice must be received at the Department of Labor by June 22, 1976 in order to assure that time will be reserved for an appearance. However, if additional time is available at any of the hearings, persons wishing to testify who have filed a notice of intention to appear that was not received by the required date or who have not filed a notice of intention to appear may be permitted to testify. The notices of intention to appear, which will be available for inspection and copying at the above address, must contain the following information:

(1) The name and address of the person(s) to appear;

(2) The capacity in which the person(s) will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific issues that will be addressed; and

(5) An outline of the position that will be taken with respect to each issue and supporting evidence for such position.

All notices of intent to appear, will be made part of the record of this proceeding.

The hearing will be conducted by the Department of Labor in an informal manner. However, the presiding officer will be empowered to regulate the course of the proceeding, dispose of procedural matters, and question any witness. The hearing will commence at 9:30 am with the establishment of the order for the presentation of statements and the resolution of any other procedural matters relating to the proceeding. The oral proceedings will be reported verbatim and a transcript will be made available for inspection and copying to interested persons. Prepared statements and documents that are intended to be submitted for the record at the hearing may be submitted at the time such testimony is presented.

(Secs. 6, 8, 84, Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8–76)

Signed at Washington, D.C. this 3rd day of June, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-16596 Filed 6-7-76;8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2012]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Belvedere, Marin County, California

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Belvedere, Marin County, California.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Chambers, City Hall, 450 San Rafael Avenue, Belvedere.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Charles E. Auerbach, 450 San Rafael Avenue, Belvedere, California 94920. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Type of flooding
Belvedere Lagoon	On Cove Rd., extending 1,030 ft from a point 70 ft from its intersection with Beach Rd. East to the corporate limits, and west 120 ft from the centerline of Cove Rd.	Sheet flow estimated depth=1 ft.
Do	North of San Rafael Ave. between Leeward Rd. and Mallard Ave., and the Normal Lagoon Shoreline including the area west of Leeward Rd. at a point 260 ft from its intersection with San Rafael Ave., also the area west of Laurel Ave. approximately 80 ft from its centerline and the area bounded by the imaginary extension of Laurel Ave. to Bella Vista Ave., thence northwest 50 ft past the intersection of Bella Vista and Oak Ave., thence northeast 200 ft to Bay View Ave., thence southeast 250 ft to the area west of Laurel Ave. on Maybridge Rd., west of a line drawn through a point 200 ft from the southern intersection of Maybridge Rd. and Lagoon Rd., and the northern intersection of the 2 roads, extending to the Normal Lagoon Shoreline.	Do.

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Reed Drainage 1	Lagoon Rd	7	20	30
Reed Drainage 2	do	6	50	100
Hilartia Drainage	San Rafael Dr	8	20	(1)
			Area flooded	
Belvedere Cove	Western shore	6	(2)	(2)
Richardson Bay	Eastern shore	6	(2)	(2)

[1] To the corporate limit.
[2] To normal high tide shoreline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16379 Filed 6-7-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2013]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of West Pittston, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of West Pittston, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board at the entrance of the Borough Building, 555 Exeter Avenue, West Pittston, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Bainbridge, Jr., 555 Exeter Avenue, Borough Building, West Pittston, Pennsylvania 18643. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Northern corporate limits (upstream)	565	(1)	70
	Erie-Lackawanna R R Bridge	562	(1)	60
	Warren Street (extended)	562	(1)	150
	Wyoming Ave., Rt. 11 Bridge	561	(1)	640
	Water Street Bridge	561	(1)	860
	Philadelphia Ave. (extended)	559	(1)	520
	Southern corporate limits (downstream)	558	(1)	80

[1] Corporate limits,

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16380 Filed 6-7-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1141]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Wyoming, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Wyoming, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Building, 277 Wyoming Avenue, Wyoming, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Dr. Robert Stroh, Mayor, 277 Wyoming Avenue, Wyoming, Pennsylvania 18644. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	West end of Monocanock Island	554	20	(1)
	East end of Monocanock Island	555	45	(1)
	8th Street Bridge	555	0	(1)
Abrahams Creek of Wyoming	U.S. Route 11 Bridge	554	0	0
	Pettibone St. extended	548	40	275
	Institution St. extended	551	40	255
	8th Street Bridge	554	20	

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 19, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16381 Filed 6-7-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1605]

INVESTIGATIONS, INSPECTIONS AND INQUIRIES PURSUANT TO THE FLAMMABLE FABRICS ACT

Nonadjudicative Rules of Procedure

The Consumer Product Safety Commission hereby publishes for public comment proposed nonadjudicative rules of procedure for conducting investigations, inspections, and inquiries under the Flammable Fabrics Act. The functions of the Federal Trade Commission in administering the Flammable Fabrics Act were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act, 15 U.S.C. 2051, 2079(b). The following rules are proposed pursuant to section 5 of the Flammable Fabrics Act, 15 U.S.C. 1191, 1194, and the powers contained in sections 6, 9, and 10 of the Federal Trade Commission Act, 15 U.S.C. 46, 49, 50. They would replace the Federal Trade Commission's Nonadjudicative Procedures, 16 CFR 2.1 through 2.35 insofar as they relate to the administration of the Flammable Fabrics Act. These rules are not intended to apply to any other act administered by the Consumer Product Safety Commission.

It is a primary objective of the rules to replace the time-consuming compulsory processes now being utilized with more expeditious procedures. In accordance with this objective, the proposed rules do not contain provisions found in 16 CFR 2.7, 2.11 and 2.12 of the FTC's Nonadjudicative Procedures for motions to be made to limit or quash subpoenas or orders. When initially issuing subpoenas or orders, the persons issuing them shall take into consideration what they believe to be the rights of persons subject to the subpoenas and orders. In those cases where affected persons wish to challenge subpoenas or orders, the CPSC believes that their rights can be protected by requesting the courts to limit or quash a subpoena or order, rather than by obtaining a ruling from the Commission which would then be subject to judicial review.

These rules set forth the method by which duly designated officers or employees of the Consumer Product Safety Commission may enter and inspect premises and have access to and copy documentary evidence. In addition to establishing means for obtaining information by use of the inspction procedure, the rules also set forth other means whereby the Commission can obtain information, including samples, for the purposes of enforcement or determining compliance with the Flammable Fabrics Act. Such Commission powers, authorized by section 6 and 9 of the Federal Trade Commission Act, include the powers:

(1) To require, by the issuance of general or special orders, any person, sole proprietorship, partnership or corporation to file with the Commission annual and/or special reports or answers in writing to specific questions;

(2) To require, by subpoena, the attendance and testimony of witnesses and the production of documentary evidence;

(3) To order testimony to be taken by deposition;

(4) To order answers to written interrogatories; and

(5) To conduct fact finding investigatory hearings.

In those instances where there is a refusal, in whole or in part, to permit the specified inspection or where dilatory tactics are employed which serve to frustrate the Commission's efficient administration of the Flammable Fabrics Act, provision is made for the Commission to invoke any or all of the civil remedies and criminal penalties available (§ 1605.3).

In addition, provision is made for disposition of a case through a consent order agreement procedure (§ 1605.13).

Public notice and comment are not required for rules of agency procedure; however, the Commission has decided to solicit public comment on these proposed rules. Comments should be submitted by July 8, 1976. The proposed effective date for these rules is immediately upon their publication in final form in the FEDERAL REGISTER.

Accordingly, pursuant to the provisions of the Flammable Fabrics Act (section 5, 67 Stat. 112–13, as amended 81 Stat. 571, 15 U.S.C. 1194) and under authority vested in the Commission by the Consumer Product Safety Act (section 30(b), Pub. L. 92–573, 86 Stat. 1231, 15 U.S.C. 2079(b)), the Commission proposes to add a new Part 1605 to Title 16 as follows:

PART 1605—NONADJUDICATIVE RULES OF PROCEDURE FOR INVESTIGATIONS, INSPECTIONS AND INQUIRIES PURSUANT TO THE FLAMMABLE FABRICS ACT

Sec.

1605.1 Who may authorize the initiation of investigations, inspections or inquiries.
1605.2 How investigations, inspections or inquiries shall be conducted and scope thereof.
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AUTHORITY: Sec. 5, 67 Stat. 112–13, as amended 81 Stat. 571 (15 U.S.C. 1194); Sec. 30(b), Pub. L. 92–573, 86 Stat. 1231 (15 U.S.C. 2079(b)).

§ 1605.1 Who may authorize the initiation of investigations, inspections or inquiries.

(a) The Commission may initiate investigations, inspections or inquiries for the purposes of enforcement or determining compliance with the Flammable Fabrics Act and relevant sections of the Federal Trade Commission Act, and the regulations, rules, standards and orders promulgated thereunder, issued or administered by the Commission, by authorizing the issuance of a written "Notice of Inspection and Right of Access" (hereinafter referred to as Notice).

(b) The Commission hereby delegates to the Director of the Bureau of Compliance and the Directors of Area Offices, or those designated to perform their duties, the power to initiate such investigations, inspections or inquiries in the same manner as the Commission. Any Notice issued in accordance with these Rules shall be deemed an order or act of the Commission.

§ 1605.2 How investigations, inspections or inquiries shall be conducted and scope thereof.

(a) After an investigation, inspection or inquiry is initiated as set forth in § 1605.1, an officer or employee duly designated by the Commission shall issue the Notice, and upon presenting such Notice, along with appropriate credentials, to the person or agent-in-charge of the sole proprietorship, partnership or corporation being investigated, inspected or inquired of, shall be entitled, for the purpose of determining compliance with the statutes, regulations, rules, standards and orders administered, promulgated or issued by the Commission, or for any other purpose authorized by the Commission:

(1) To enter, at reasonable times, any factory, warehouse or establishment in which a product, fabric or related material subject to the jurisdiction of the Commission is manufactured, processed, packed or held in connection with its introduction, distribution, transportation or receipt in commerce;

(2) To enter any conveyance being used to transport or hold any such product, fabric or related material subject to the jurisdiction of the Commission in connection with its introduction, distribution, transportation or receipt in commerce;

(3) To inspect at reasonable times, in a reasonable manner and within reasonable limits such factory, warehouse, establishment or conveyance, and appropriate books, records and papers and all pertinent equipment, finished and unfinished materials, containers and labeling therein;

(4) To have access to and copy: (i) Records, reports, books, documents, papers, or labeling required by the Commission to be established, made or maintained;

(ii) All documents showing the production, inventory, distribution, transportation or receipt of any product, fabric or related material subject to the Commission's jurisdiction;

(iii) Other appropriate books, records, papers, documents, reports and labeling;

(5) To obtain: (i) Information, both oral and written, concerning the organization, business, conduct, practices and management of any person, sole proprietorship, partnership or corporation being investigated, inspected or inquired of and its relation to any other person, sole proprietorship, or partnership or corporation.

(ii) Samples of items, materials, substances, products, containers, packages and packaging, labels and labeling subject to the jurisdiction of the Commission, and have the same analyzed, tested or examined;

(iii) Information, both oral and written, concerning any matter referred to in these rules.

(b) A separate Notice shall be given for each investigation, inspection or inquiry, but a Notice shall not be required for each entry made during the period covered by same. Each such investigation, inspection, or inquiry shall be commenced and completed within a reasonable period of time.

(c) The "Notice of Inspection and Right of Access" shall include: the name and address of the person, sole proprietorship, partnership or corporation being investigated, inspected or inquired of; the name and title of the inspector; date and time of attempted entry; pertinent extracts from the statutory provisions upon which the right to access is based; pertinent extracts from the statutory provisions upon which the penalties for refusal of access are based; a statement that the demand for access is for the purpose of obtaining information relevant to determining compliance with the Flammable Fabrics Act, and that the inspector is authorized to request additional information when the inspector has indications that a firm may not be totally in compliance with the Act and/or the regulations promulgated thereunder.

(d) Upon request, an inspector shall furnish the name and telephone number of the Comission official who initiated the investigation, inspection or inquiry so that the person, sole proprietorship, partnership or corporation being investigated, inspected or inquired of may telephone that official or the official's representative to verify that the inspector is conducting the investigation, inspection or inquiry according to authorized instructions and is not going beyond the scope of his or her authority. Inspectors shall affirmatively advise those being investigated, inspected or inquired of that they have the right to invoke this provision at any point during such investigation, inspection or inquiry.

(e) In the event that the person or agent-in-charge of the sole proprietorship, partnership or corporation being investigated, inspected or inquired of fails to comply, in whole or in part, with the authorized request for access upon being presented with such Notice, and after receiving the Notice required by subsection (b) of this § 1605.2, the inspector shall notify that individual that he or she is in violation of the law and subject to the penalties therein and immediately thereafter refer such individual to the appropriate provisions of the Notice which set forth such penalties. If the individual still refuses to comply, in whole or in part, with the authorized request for access, and refuses to accept the Notice upon its presentation, the inspector shall affix the Notice to a public entrance way on the premises.

§ 1605.3 Remedies for failure to comply with Notice.

If an officer or employee duly designated by the Commission is refused, in whole or in part, the right to enter or inspect premises and conveyances, to obtain information and samples, or to have access to or make copies of documents and records as set forth in Section 1605.2, the Commission may thereupon immediately seek civil remedies and/or criminal penalties to enforce those rights pursuant to the authority conferred by the Federal Trade Commission Act.

§ 1605.4 Other means to obtain information for the purposes of enforcement or determining compliance; service.

(a) In addition to or in lieu of authorizing and issuing a Notice, the Commission may elect to use any of the following means to obtain information for the purposes of enforcement or determining compliance with the Flammable Fabrics Act:

(1) Subpoenas;

(2) Fact-finding investigatory hearings;

(3) Depositions;

(4) Written interrogatories; and

(5) General or special orders.

(b) Service of notice in connection with any of the procedures enumerated in (a) of § 1605.4 shall be effected as follows:

(1) by mail (registered or certified) or delivery to the last known residence or business address of anyone being investigated, inspected or inquired of; or

(2) By personal service upon the person or agent-in-charge of the sole proprietorship, partnership or corporation being investigated, inspected or required of; or

(3) By publication in the FEDERAL REGISTER, but the use of alternative (3) is limited to situations where the name and address of the person, sole proprietorship, partnership or corporation are not known to the Commission.

§ 1605.5 Subpoenas.

The Commission may issue a subpoena requiring the attendance and testimony of witnesses and/or the production of all documentary evidence relating to any matter under investigation.

§ 1605.6 Fact-finding investigatory hearings.

(a) The Commission may order that information be provided at fact-finding investigatory hearings which may be conducted in the course of any investigation, inspection or inquiry. Such hearings shall be for the purpose of taking the testimony of witnesses and receiving documents and other data relating to any subject under investigation, inspection or inquiry. Such hearings shall be presided over by the Commission, by one or more of its members, or by its duly designated officer or employee. The hearings shall be stenographically reported and a transcript thereof shall be made a part of the record.

(b) A notice of any proposed hearing under this section may be published in the FEDERAL REGISTER and shall be placed on the Consumer Product Safety Commission's Public Calendar in order to afford interested parties a reasonable opportunity to present relevant testimony and data.

(c) A Commissioner who participates in such a hearing or other investigation, inspection or inquiry, shall not be disqualified by reason of such participation from subsequently sharing in a Commission decision in the same matter.

§ 1605.7 Depositions.

(a) *Right to take a deposition.* (1) The Commission may order, and by subpoena, may compel testimony to be taken by deposition in any investigation at any stage thereof. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall

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be reduced to writing by the person taking the deposition or under such person's direction and shall then be subscribed by the deponent.

(2) Any changes in form or substance which the deponent desires to make shall be entered in a separate document, to accompany the deposition, and shall state the reasons for such changes. The deposition shall then be signed by the deponent, unless the deponent is ill or cannot be found or refuses to sign. If the deposition is not signed by the deponent within 30 days of its submission to him or her, or such shorter time as the Commission may designate, the Commission designee shall sign it and state on the record the fact of the waiver or of the illness or absence of the deponent or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed.

(b) *Rights of deponents at depositions.* (1) Any person or agent or officer of a sole proprietorship, partnership or corporation who is required to give testimony or produce documentary evidence at a deposition shall be entitled to retain a copy of any document submitted by the deponent and, on payment of lawfully prescribed costs, shall be entitled to procure a copy of his or her own testimony as recorded.

(2) Any such person, agent or officer who is required to appear in person at a deposition may be accompanied, represented and advised by counsel as follows:

(i) A deponent may confer, in confidence, with his or her counsel concerning any question asked of the deponent and if the deponent refuses to answer a question, counsel may state briefly on the record the objection to the question and the basis therefor. In the case of refusal to answer a question on the ground of self-incrimination, the privilege must be asserted by the deponent;

(ii) Where it is claimed that the testimony or other evidence sought from a deponent is outside the scope of the investigation or that the deponent is privileged to refuse to answer a question or to produce evidence, for reasons other than self-incrimination, counsel for the deponent may object to the question or requirement and may state briefly and precisely on the record the ground for the objection. Objections made under the rules of this subpart shall be treated as continuing objections and shall be preserved throughout the course of the proceeding without the necessity of repeating them during similar lines of inquiry;

(iii) Except as provided by paragraphs (A) and (B) of this subsection, counsel for a deponent may not interrupt the examination of the deponent by making any objections or statements on the record;

(iv) Upon completion of the examination of a deponent, counsel for that deponent may request the Commission designee to permit the deponent to clarify any of the deponent's answers on the record. The granting or denial of such a request shall be within the sole discretion of the Commission designee.

(c) *Who may serve as counsel at a deposition, and standards of conduct applicable thereto.* (1) Any person or an agent or officer of a sole proprietorship, partnership or corporation who appears at a deposition for the purpose of being deposed and/or producing documentary evidence may be accompanied by an attorney or an official or employee of the person, sole proprietorship, partnership or corporation, who may act as counsel for the deponent. The term attorney refers to members of the bar of a Federal Court or the courts of any State or Territory of the United States.

(2) The Commission designee before whom a deposition is given shall take all necessary action to regulate the course of the deposition, to avoid delay and to assure that reasonable standards of orderly and ethical conduct are maintained. Such designee shall, for reasons stated on the record, immediately report to the Commission any instances where a deponent's counsel has refused to comply with the designee's directions, or has been guilty of refusing to adhere to reasonable standards of orderly and ethical conduct in the course of the deposition. The Commission shall thereupon take such further action, if any, as the circumstances warrant including suspension or disbarment of the attorney from further practice before the Commission or the exclusion of the attorney or counsel from further participation in the particular deposition.

§ 1605.8 Written interrogatories.

(a) The Commission may order any person, sole proprietorship, partnership or corporation being investigated, inspected or inquired of to answer written interrogatories. Such interrogatories shall be answered by the individual or by any agent or officer of the sole proprietorship, partnership or corporation who shall furnish information on behalf of the sole proprietorship, partnership or corporation.

(b) Each interrogatory shall be answered separately and fully in writing, under oath, unless it is objected to, in which event the reason for objection shall be stated in lieu of an answer. The answers shall be signed by the individual or the officer or agent making them. The person, sole proprietorship, partnership or corporation upon whom the interrogatories have been served shall serve a copy of the answers, and objections, if any, within 30 days after service of the interrogatories or within such shorter time as the Commission may designate.

§ 1605.9 General or special orders seeking information.

The Commission may require by the issuance of general or special orders, any person, sole proprietorship, partnership or corporation to file with the Commission in such form as the Commission may prescribe annual and/or special reports or answers in writing to specific questions furnishing to the Commission such information as it may require as to their organization, business, conduct, practices, management and relation to any other person, sole proprietorship, partnership, or corporation. Such reports and answers shall be made under oath, or otherwise, as the Commission may prescribe and shall be filed with the Commission within such reasonable period of time as the Commission may prescribe, unless additional time be granted in any case by the Commission.

§ 1605.10 Exercise of power delegated by the Commission to the Bureau of Compliance.

The Commission hereby delegates to the Director of the Bureau of Compliance the power to issue subpoenas, general or special orders, orders to take depositions, orders for the submission of answers to written interrogatories, or orders that information be provided at fact-finding investigatory hearings. The power delegated to the Director of the Bureau of Compliance may be redelegated to designated members of the Commission's staff; however, the concurrence of the Director of the Bureau of Compliance is required prior to the issuance of subpoenas and general or special orders. All subpoenas and orders issued pursuant to this section shall be deemed orders and acts of the Commission.

§ 1605.11 Remedies for failure to comply with subpoenas or orders.

In case of a failure to comply with a Commission subpoena, an order to take a deposition, an order to provide information at a fact-finding investigatory hearing, or a special or general order, the Commission may immediately petition any United States district court within the jurisdiction of which any investigation, inspection, or inquiry is carried on to issue an order requiring compliance therewith; and/or the Commission may seek criminal penalties for such failure to comply.

§ 1605.12 Nonexclusive delegation of power.

No provision contained herein delegating any of the Commission's powers shall be construed as limiting the actual authority of the Commission to exercise the same powers.

§ 1605.13 Consent order agreements.

(a) *Proposal of agreement.* Upon authorization by the Commission, the Director of the Bureau of Compliance or the appropriate Area Office Director or their designees may propose to the person, sole proprietorship, partnership or corporation being investigated a consent order agreement for the purposes of settling the case. If an agreement is reached, it shall be executed by such person, sole proprietorship, partnership or corporation and the appropriate Director or designee and submitted to the Commission.

(b) *Compliance report.* The Commission may in its discretion require that a proposed agreement containing an order to cease and desist be accompanied or followed by an initial report signed by the respondent setting forth in precise detail the manner in which the respondent shall comply with the agreement when and if accepted by the Commission. Such report shall not become part of the

public record unless and until the accompanying agreement and order are accepted by the Commission. At the time any such report is submitted, a respondent may request confidentiality for any portion thereof with a precise showing of the justification therefor, and the Commission with due regard to statutory restrictions, its rules, and the public interest shall act upon such request.

(c) *Disposition.* Upon receiving an executed agreement containing an order to cease and desist, the Commission may: (1) Accept it; (2) reject it and issue its Notice of Enforcement; or (3) take such other action as it may deem appropriate. If the Commission accepts the agreement, any respondent named as a party thereto shall, upon written notification of the Commission's acceptance, be bound by and take immediate action in accordance with the provisions of the agreement and order contained therein. The Commission shall place the agreement and the order contained therein and any initial report of compliance submitted pursuant to subsection (b) on the public record. The Commission shall also publish the agreement, order and any initial report in the FEDERAL REGISTER. For a period of thirty (30) days after publication, or such shorter period of time which the Commission deems appropriate, the Commission shall receive and consider any comments or views concerning the agreement, order or initial report, that may be filed by any interested persons. Thereafter, within thirty (30) days, the Commission may either withdraw its acceptance of the agreement and order contained therein and so notify the other party, in which event it shall take such other action as it may consider appropriate, or issue and serve its Notice of Enforcement (in such form as the circumstances may require) and Decision and Order in disposition of the proceeding.

Although section 553(b)(A) of Title 5 of the United States Code (the Administrative Procedure Act) does not require an administrative agency to solicit public comment on rules of agency procedure, the Consumer Product Safety Commission has decided to request suggestions on improvement of these rules. All interested persons are invited to submit written comments or suggestions, preferably with five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, by July 8, 1976. Comments received after that date will be considered insofar as practicable. Those materials which are received will be available for public inspection at the Office of the Secretary, 8th Floor, 1750 K Street, NW., Washington, D.C. 20207 during working hours Monday through Friday.

Effective date: These rules are submitted as proposals and are intended for public comment. The proposed effective date for these rules is immediately upon their publication in final form in the FEDERAL REGISTER.

Dated: June 3, 1976.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.70–16575 Filed 6–7–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

AMENDMENTS TO THE REFINER PRICE REGULATIONS TO PERMIT SEPARATE PRICE COMPUTATION FOR NON-CANADIAN IMPORTS OF PROPANE AND BUTANE AND TO CLARIFY THE REFINERS' PRICE FORMULAE

Notice of Cancellation of Public Hearing

The Federal Energy Administration hereby gives notice that the public hearing scheduled for June 10, 1976 in the above captioned proceeding has been cancelled. Only two requests to make oral presentations were received by FEA as of 4:30 p.m., June 2, 1976, and both of these requests have subsequently been withdrawn. Written comments and other data with respect to the proposed amendments may still be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box HG, Washington, D.C. 20461. All such materials received by 4:30 p.m., June 10, 1976 will be considered by FEA before final action is taken on the proposed regulations.

JUNE 4, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc. 76–16638 Filed 6–4–76; 12:34 pm]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR 240]

[Release No. 34–12483, File No. S7–634]

ENFORCEMENT OBLIGATIONS OF EXCHANGES AND ASSOCIATIONS

Proposed Guidelines

The Securities and Exchange Commission today released for public comment proposed Securities Exchange Act Rule 19g2–1 (17 CFR 240.19g2–1) to provide a format for developing guidelines as to the extent to which a national securities exchange or registered securities association should be obligated, by the Securities Exchange Act of 1934 (the "Act"), to "enforce compliance" (within the meaning of section 19(g), 15 U.S.C. 78s(g)) with the Act and the rules thereunder by members and persons associated with members. Rule 19g2–1 would specify the types of enforcement action from which exchanges and associations would be relieved, and, if adopted, would be adopted pursuant to the Act and particularly sections 3, 6, 15A, 19 and 23 thereunder (15 U.S.C. 78c, 78f, 78–3, 78s and 78w).

BACKGROUND

The Securities Acts Amendments of 1975 (the "1975 Amendments")[1] amended the Act by adding Section 19(g), which requires every self-regulatory organization to comply with the Act, the rules and regulations thereunder and its own rules and, absent reasonable justification or excuse, to enforce compliance by its members and persons associated with its members.[2] By rule, the Commission may, however, relieve any self-regulatory organization of its enforcement responsibilities with respect to specified provisions of the Act or the rules thereunder as to members or classes of persons associated with a member of any such self-regulatory organization.

The requirement that exchanges and associations enforce the Act and the rules thereunder with respect to their members is in substance a restatement of an obligation imposed on exchanges since 1934. Originaly, section 6 of the Act, 48 Stat. 885 (1934), required a national securities exchange to agree "to enforce so far as is within its powers compliance by its members, with * * * [the Act] * * * and any rule or regulation * * * thereunder."[3] The effect of that provision has been characterized as follows:

> There can be no doubt that Section 6(b) places a duty upon the Stock Exchange to enforce the rules and regulations prescribed by that section. Any other construction would render the provision meaningless. * * * If all that Section 6(b) meant was that every exchange should pass token regulations, incapable of enforcement except at the wish of the exchange itself, there would have been no purpose for its inclusion in the Act. Sections 6(b) and (d) were surely intended to be read together and the latter makes it clear that the purpose of the requirements of the former is "to insure fair dealing and to protect investors." This can be realized only if Section 6(b) is construed as imposing the two fold duty upon an ex-

[1] Pub. L. No. 94–29 (June 4, 1975).

[2] This enforcement obligation is subject to the provisions of Section 17(d) of the Act (15 U.S.C. 78q(d)) and to the Commission's exemptive authority under Section 19(g)(2) (15 U.S.C. 78s(g)(2)).

[3] See Section 6, prior to the 1975 Amendments, 48 Stat. 885 (1934). Provisions of Section 15A had the effect of imposing substantially the same requirement upon national securities associations. For example, prior to the 1975 Amendments, Section 15A(b), 52 Stat. 1070 (1938), required an association to be so organized to carry out the provisions of that section and to have rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and in general to protect investors and the public interest. Section 15A(l), 52 Stat. 1074 (1938), authorized the Commission to suspend or revoke the registration of an association if the association was found to have violated the Act or the rules thereunder or to have failed to enforce compliance with its own rules.

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change of enacting certain rules and regulations and of seeing that they are enforced.[4]

Changes in circumstances since 1934 as well as the redrafting of large parts of the Act by the 1975 Amendments could, however, be interpreted to make more extensive the scope of enforcement responsibilities of self-regulatory organizations now embodied in section 19(g) of the Act. For example, securities issued by exchange members or their holding companies are now frequently registered under section 12 of the Act. Consequently, such members or their holding companies are required to comply with the reporting requirements under section 13 (15 U.S.C. 78m), the regulations under section 14 (15 U.S.C. 78n) with respect to preparation of proxy and information statements by issuers and the insider trading provisions of section 16 (15 U.S.C. 78p).[5] The 1975 Amendments also revised various definitions, including the definition of a "member,"[6] and defined for the first time an "associated person of a member" when used with respect to a national securities exchange or registered securities association, to mean:

> The term "member" when used with respect to a national securities association was not defined by the Act prior to the 1975 Amendments but is now defined by Section 3(a)(3)(B) (15 U.S.C. 78c(a)(3)(B)) to mean "any broker or dealer who agrees to be regulated by such association and with respect to whom the association undertakes to enforce compliance with the provisions" of the Act, the rules thereunder and its own rules.
>
> Previously, the term "member" when used with respect to an exchange included (1) persons permitted either (i) to effect transactions on the exchange without the services of another person acting as broker or (ii) to make use of the exchange's facilities without having to pay the full commission charge applicable to the general public, and (2) "any firm transacting a business as broker or dealer of which a member is a partner and any partner of any such firm."

[4] *Baird v. Franklin*, 141 F. 2d 238, 244 (2d Cir. 1944), *cert. denied*, 323 U.S. 737 (1944); *see also Butterman v. Walston & Co. Inc.*, 387 F. 2d 822 (7th Cir. 1967), *cert. denied*, 391 U.S. 91 (1968); *Hochfelder v. Midwest Stock Exchange*, 503 F. 2d 364 (7th Cir. 1974); *Hughes v. Dempsey-Tegeler & Co., Inc.*, CCH Fed. Sec. L. Rep. 95,513 (9th Cir. 1976).

[5] Section 16(a) (15 U.S.C. 78p(a)) requires the filing of reports with exchanges. Exchange policies regarding the availability of such records are not considered, in this context, to be steps taken to enforce compliance.

[6] Section 3(a)(3)(A) (15 U.S.C. 78c(a)(3)(A)) now defines the term "member" when used with respect to an exchange to mean:

> (i) any natural person permitted to effect transactions on the floor of the exchange without the services of another person acting as broker, (ii) any registered broker or dealer with which such a natural person is associated, (iii) any registered broker or dealer permitted to designate as a representative such a natural person, and (iv) any other registered broker or dealer which agrees to be regulated by such exchange and with respect to which the exchange undertakes to enforce compliance with the provisions of this title, the rules and regulations thereunder, and its own rules.

> * * * any partner, officer, director, or branch manager of such member (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such member, or any employee of such member.[7]

In commenting on S.249 (the Senate bill which became the 1975 Amendments), self-regulatory organizations expressed concern that S.249 would impose "unrealistic and impractical"[8] enforcement obligations on an exchange. For example, in commenting on the definition of the term "person associated with a member," the New York Stock Exchange, Inc. (the "NYSE") stated, "It is unrealistic and impractical for the Bill to impose obligations on an exchange to enforce compliance with the Act, etc. by the corporate parent of an exchange member and by the other subsidiaries of such parent, each of which entities may be far removed from the securities business."[9] The NYSE also referred to the bill's enforcement obligation as an "impossible burden" and recommend that the enforcement duty be modified by the words "so far as within its power."[10]

During the legislative process of restating the self-regulatory organizations' duty to enforce compliance with the Act, Congress agreed that further refinement by Commission rulemaking would be required to relieve self-regulatory organizations of unnecessary or inappropriate enforcement burdens. The Senate Committee on Banking, Housing and Urban Affairs noted:

> The Committee recognizes, however, that the affirmative duty to enforce compliance imposed by this subsection may not be appropriate in some circumstances. Therefore, although the obligation of a self-regulatory organization would be expressed as an affirmative duty, the Commission would be given the authority to relieve any self-regulatory organization of the responsibility to enforce compliance with specified provisions of the Exchange Act, the rules thereunder, or its own rules, by any member or participant or person associated with a member. It is expected that the Commission will use this authority, for example, to limit in a manner consistent with the purposes of the Exchange Act, a self-regulatory organization's responsibilities with respect to corporate parents of members or participants.[11]

Congress also sought to avoid the possibility that an exchange or association might be thought to be an insurer of the lawful conduct of its members or their associated persons. The Senate report on S. 249 states: "Such organizations should never be placed in the position of being insurers of their members' compliance. They do, however, have an obligation to enforce applicable provisions of the Exchange Act and their own rules which they should not be permitted to avoid except for good cause."[12]

In considering the extent of the obligation on exchanges and associations stated in section 19(g), it is also appropriate to recognize that the 1975 Amendments amended section 6(b) and section 15A(b) to make clear that the rules of an exchange or association may not be designed "to regulate by virtue of any authority conferred by * * * [the Act] * * * matters not related to the purposes of * * * [the Act] * * * or the administration of" the exchange or association.[13] Prior to the 1975 Amendments, section 6(c) of the Act had provided that nothing in the Act should "be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with" the Act and the rules thereunder. The Senate Report notes:

> The bill would eliminate present Section 6(c) and the open-ended authority it grants to the exchanges, and it would limit by Sections 6(b)(5) and 15(A)(b)(6) the scope of the self-regulatory organizations' authority over their members to matters related to the purposes of the Exchange Act. The growing diversification of securities firms into non-securities activities has raised, and will continue to raise, significant questions about the adequacy of the present regulatory structure. However, the diversification of securities firms should not automatically extend the jurisdiction of the self-regulatory agencies. Until it is specifically demonstrated to the Congress that the non-securities activities of firms which are members of self-regulatory agenices should be limited or regulated in the public interest, such firms should be free to undertake and pursue these activities in the same manner as other business organizations, subject only to those regulatory limitations necessary to assure protection of public investors and the public interest.[14]

As adopted, however, section 19(g)(1) appears, subject only to the general standard implied by "reasonable justification or excuse," to provide for virtually open-ended compliance responsibility on the part of exchanges and associations for their members' associated persons, including control persons. Consequently, a literal reading, absent guidance from the Commission under section 19(g)(2), might present potential legal questions.

Response of Self-Regulatory Organizations

Since enactment of the 1975 Amendments, the self-regulatory organizations have adopted varying positions. The NASD (which has, since 1964, had regulatory jurisdiction over associated persons) has not initiated any new rule proposals to regulate associated persons, nor is it apparent that specific NASD rule proposals should now be considered as

[7] Section 3(a)(21) (15 U.S.C. 78c(a)(21)).

[8] Securities Acts Amendments of 1975, Hearings before the Senate Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs on S.249, 94th Cong., 1st Sess. 401 (1975).

[9] *Id.* at 413.

[10] *Id.*

[11] Securities Acts Amendments of 1975, Report of the Senate Comm. on Banking, Housing and Urban Affairs to Accompany S. 249 (the "Senate Report"), S. Rep. No. 75, 94th Cong., 1st Sess. 133 (1975).

[12] See Senate Report at 34; see also Securities Reform Act of 1975, Report of the House Comm. on Interstate and Foreign Commerce to Accompany H.R. 4111, H.R. Rep. No. 123, 94th Cong., 1st Sess. 68 (1975).

[13] Sections 6(b)(5) (15 U.S.C. 78f(b)(5)) and 15A(b)(6) (15 U.S.C. 78o-3(b)(6)).

[14] Senate Report at 28.

necessarily required. Generally speaking, exchanges, which as a consequence of the 1975 Amendments, did become subject to a specific statutory obligation to regulate new classes of associated persons, including control persons, absent reasonable justification or excuse, are still considering what action to take.

The NYSE has, however, proposed various changes to its constitution and rules to reflect its understanding of its enforcement responsibilities as set forth in section 19(g) of the Act. One proposed rule change, intended by the NYSE as a "first step" toward discharging its obligation to enforce compliance by "persons associated with a member," would require associated persons who are also brokers or dealers to agree to abide by the rules of the NYSE and the Act to the same extent as an NYSE member.[15] A second proposed rule change would provide for regulation of certain broker-dealers which are not members or member organizations, within the meaning of the rules of the NYSE, but which transact substantial business on the NYSE.[16] A third proposed rule would provide for regulation of the activities of persons associated with a member who are not broker-dealers but who control the member; there would also be a parallel change in the NYSE's definition of control for the purpose of determining what persons would be deemed to be control persons and thus "persons associated with a member."[17] Persons who have commented on the NYSE's proposed rules, including other self-regulatory organizations have, however, raised substantive and technical drafting questions.[18]

The materials provided by the NYSE pursuant to rule 19b-4 (17 CFR 240.19b-4), in the case of the first and third of the foregoing proposed rule changes, specifically refer to the enforcement duties set forth in section 19(g), and in one instance refer to the "enormous and unnecessary regulatory burden" that could result if the definition of the term "person associated with a member" were literally interpreted.[19] By adopting rules contemplating different degrees of NYSE action to enforce compliance by groups each of which is technically classifiable as persons associated with a member (though with quite different degrees of involvement in the business of the member), the NYSE appears to have been taking initial steps to work out an appropriate approach along the lines suggested by the Senate Committee.

In considering a self-regulatory organization's enforcement responsibilities, it does appear to be appropriate to recognize, as the NYSE has been generally doing, that Congress did not intend that the rules of a self-regulatory organization would be applied without exception, or in the same fashion, to all classes of persons associated with a member. With respect to one type of associated person, such as a clerical employee of a member, the role of an exchange or association may be very limited; the NYSE, for example, has adopted a rule requiring reports by members as to statutory disqualifications of such employees.[20] By contrast, the activities of officers and employees (other than clerical employees) of members should continue to be subject to a broad regulatory jurisdiction.

Similarly, it would appear appropriate for an exchange to forego any regular reporting or inspection procedures with respect to persons which, though not in the securities business, are controlled by or under common control with a member. For control persons not active in the securities business of the member, on the other hand, certain provisions of the Act, such as Section 11 (15 U.S.C. 78k), may suggest to exchanges the possible appropriateness of routine verification procedures; such procedures, if any, would, nonetheless, have to be carefully designed and carried out in a manner so as to minimize inappropriate interference in the affairs of control persons and the consequent imposition of unnecessary or inappropriate burdens on competition.[21] Accordingly, some exchanges may choose, because of those countervailing concerns, to forego inspection procedures entirely with respect to such control persons and determine instead to rely, if necessary, on the bringing of disciplinary proceedings in the case of known violations. Such an enforcement policy would be consistent, for example, with action now taken by exchanges to enforce prohibitions on short sales where inspection procedures (as opposed to investigation of specific situations) have proved to be burdensome.

Differential regulation for different classes of associated persons in effect recognizes that the phrase "enforce compliance" covers a number of different types of self-regulatory action: legislating new rules, examining qualifications, conducting inspections and, where appropriate, bringing disciplinary proceedings or limiting or conditioning membership. With respect to ensuring the financial responsibility of their members, exchanges and associations may fairly be expected to have comprehensive and coordinated inspection programs to monitor compliance with the net capital and customer protection rules. Violations of those rules, which can lead directly to losses by customers, can be reduced or eliminated by effective inspection and reporting measures without imposing unnecessary or inappropriate burdens on members. On the other hand, it is less likely that inspection programs will eliminate or reduce violations of anti-fraud rules which occur by reason of misuse of material inside information. In that type of anti-fraud area, exchanges and associations may be more effective in enforcing compliance by conducting education programs, backed up by comprehensive examination procedures to ensure that securities industry personnel are aware of their responsibilities and by coupling such programs with effective surveillance of actual trading patterns.

Any regulatory system imposes burdens on competition, and, under the Act, those burdens must be carefully measured in relation to the purposes of the Act. Where a particular regulatory burden cannot be justified as necessary or appropriate in furtherance of the purposes of the Act, it may not be imposed or, if it is already in place, it should promptly be removed. In the context of self-regulation, it becomes particularly important that the Commission and self-regulatory organizations be sensitive to burdens on competition. Self-regulatory organizations have quasi-governmental powers to regulate securities markets and their members, subject to the comprehensive oversight jurisdiction of the Commission. To the extent the system of self-regulation functions effectively, the role of the Federal government can be reduced, and industry expertise can be brought to bear to solve regulatory problems. But self-regulatory organizations are, as voluntary membership organizations, composed of various, and sometimes restricted, segments of the securities industry; there is always the risk that their membership policies, enforcement techniques, or other practices may be bent to anti-competitive ends, or may be construed, by those not thoroughly familiar with the operation of the delicate mechanisms which constitute the securities markets, as being manipulated to reach anti-competitive results. Consequently, in addition to re-

[15] See File No. SR-NYSE-75-13 and Securities Exchange Act Release No. 11673 (Nov. 26, 1975), 40 FR 56993 (Dec. 5, 1975). Refinements to the initial proposal are being considered by the NYSE staff. See letter dated April 30, 1976, from James F. Swartz, Jr., of the NYSE.

[16] See File No. SR-NYSE-75-15 and Securities Exchange Act Release No. 11866 (Nov. 25, 1975), 40 FR 56506 (December 3, 1975). Such brokers or dealers might, as a consequence of the proposed rule, become statutory members of the NYSE. See Section 3(a)(3)(A)(iv) of the Act (15 U.S.C. 78c(a)(3)(A)(iv)).

[17] See File No. SR-NYSE-76-3 and Securities Exchange Act Release No. 12034 (Jan. 22, 1976), 41 FR 5315 (February 5, 1976).

[18] See comment letters generally in files referred to above.

[19] See File No. SR-NYSE-76-3.

[20] See NYSE Rule 345 and File No. SR-NYSE-75-9. NYSE Rule 345 provides, among other things, for registration by the NYSE of persons performing the duties of a "registered representative." In view of the provisions of the 1975 Amendments requiring self-regulatory organizations to enforce compliance with the Act, the NYSE has amended Rule 345 to prohibit a member from employing any person, including a clerical employee, if the member knows or in the exercise of reasonable care should know that such person is subject to a statutory disqualification under the Act. (See Securities Exchange Act Release No. 12024 (Jan. 16, 1976)), 41 FR 3365 (January 22, 1976).

[21] Section 6(c)(3)(C) of the Act (15 U.S.C. 78f(c)(3)(C)) provides that an exchange may require a person associated with a member to permit examination of its books and records. As the Commission pointed out in its reelase concerning exchange rules on membership and association, the drafting of that section allows development of flexible procedures, under appropriate circumstances, for examination of associated persons by a reputable third party. See Securities Exchange Act Release No. 12157 (Mar. 2, 1976), 41 FR 10662 (March 12, 1976).

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lieving exchanges and associations of any overly broad responsibilities for associated persons, the Commission can, by using its authority under section 19(g), remove certain types of enforcement obligations in areas which would raise sensitive competitive questions if surveillance activities were carried on by self-regulatory organizations.

In light of the various responses to the restatement in section 19(g) of the responsibilities of exchanges and associations, the new definitions in the Act, and the other considerations discussed above, the Commission is publishing for comment proposed Rule 19g2-1. Rule 19g2-1 reflects preliminary views and thinking as to the proper scope of the enforcement responsibilities of an exchange or association. It would recognize that exchanges and associations need not have any special concern with compliance by members and their associated persons with the disclosure and proxy requirements of the Act. It would not change obligations of an exchange or association to bring disciplinary proceedings, or proceedings to limit or condition membership; nor would it limit investigatory procedures to be employed in the case of suspected violations. It would, however, indicate that exchanges and associations are not expected by the Commission to examine the qualifications of, or require reports from, persons associated with a member who are not engaged in the securities business.[22] The Commission requests the submission of views by interested person particularly as to: (1) the need for a Commission rule under section 19(g)(2); (2) whether the proper scope of the enforcement responsibilities of exchanges or associations can or should be determined on a case-by-case basis; and (3) what additional points if any should be covered in any rule.

The text of proposed Rules 19g2-1 is as follows:

§ 240.19g2-1 Enforcement of compliance by exchanges and associations with the act and rules and regulations thereunder.

(a) In enforcing compliance, within the meaning of section 19(g) of the Act, with the Act and the rules and regulations thereunder by its members and persons associated with its members, an exchange or association is not required:

(1) To take any action with respect to sections 12, 13, 14 (other than section 14(b)), 15(d) and 16 and the rules thereunder except to the extent of any action normally taken with respect to an issuer of securities which is not a member or a person associated with a member;

(2) To take any other action with respect to persons associated with a member, other than securities persons or persons who control or propose to control a member; and

(3) To conduct examinations as to qualifications of, require filing of periodic reports by, or conduct regular inspections (including examinations of books and records) of, persons associated with a member, other than securities persons whose functions are not solely clerical or ministerial.

(b) For the purpose of this rule:

(1) A "securities person" is a person who is or proposes to become a partner or officer (or person occupying a similar status or performing similar functions) or employee of a member or of a person who proposes to become a member; *Provided, however,* That partners and officers (and persons occupying similar status or performing similar functions) and employees of a registered broker or dealer which controls, is controlled by, or is under common control with, the member shall be securities persons of the member if they effect, directly or indirectly, transactions in securities through the member by use of facilities maintained or supervised by such exchange or association; and

(2) "Control" means the power to direct or cause the direction of the management or policies of a company whether through ownership of securities, by contract or otherwise; *Provided, however,* That

(i) Any person who, directly or indirectly, (A) has the right to vote 25 percent or more of the voting securities, (B) is entitled to receive 25 percent or more of the net profits, or (C) is a partner, director, or principal officer (or person occupying a similar status or performing similar functions), of a company shall be presumed to be a person who controls such company;

(ii) Any person not covered by clause (i) shall be presumed not to be a person who controls such company; and

(iii) Any presumption may be rebutted on an appropriate showing.

All interested persons are invited to submit written views and comments on proposed rule 19g2-1 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before August 1, 1976. Reference should be made to File No. S7-634. All submissions will be made available for public inspection.

By the Commission.

Dated: May 26, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16506 Filed 6-7-76;8:45 am]

[22] A separate question is presented where members deal in their own securities or securities issued by their associated persons. *See, e.g.,* Securities Exchange Act Rules 15b10-8 and -9 (17 CFR 240.15b10-8 and -9) and Schedule E to the By-laws of the National Association of Securities Dealers, Inc.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/62]

SHIPPING COORDINATING COMMITTEE

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 1:30 p.m. on Tuesday, June 29, 1976, in Room 7428 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Sixteenth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to meet in London July 19–23, 1976. In particular, the working group will discuss the following topics:

Promulgation of navigational warnings to shipping.
Training and qualification of radio officers, radio operators and radiotelephone operators.
Operational standards for shipboard radio equipment.
Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft.
Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

Dated: May 28, 1976.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

[FR Doc.76-16504 Filed 6-7-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

MAY 28, 1976.

The meeting published in the FEDERAL REGISTER, Volume 41, Number 94, on Thursday, May 13, 1976, on the USAF Scientific Advisory Board Electro-Optics Panel on Terminal Guidance Technology scheduled for June 24–25, 1976, has been cancelled.

The meeting will be rescheduled at a later date. For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

JAMES L. ELMER,
Executive, Directorate of Administration.

[FR Doc.76-16496 Filed 6-7-76;8:45 am]

Department of the Army

ARMY FINANCIAL MANAGEMENT ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: Army Financial Management Advisory Committee.
Date of Meeting: 30 June-1 July 1976.
Place: Room 2D 680, The Pentagon.
Time: 0800-1700 30 June 1976; 0800-1500 1 July 1976.
Propose Agenda: The first day's agenda consists of the Committee's discussion of its final recommendations. The second day's agenda consists of the Committee's review of its final report and its final instructions to the Committee Staff. This meeting is open to the public; however, space accommodations are limited. Persons wishing to appear before or file statements with the Committee at the time and in the manner permitted by the Committee should advise the Deputy Chairman of the Committee in writing prior to the meeting at the following address: Office, Assistant Secretary of the Army (Financial Management), Room 2E 665, The Pentagon, Washington, D.C. 20310.

Dated: 1 June 1976.

By authority of the Secretary of the Army.

CHARLES T. SEARCH,
Acting Director of Administrative Management, TAG CEN.

[FR Doc.76-16457 Filed 6-7-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

LEAA ORGANIZATIONAL CONFLICT OF INTEREST PROVISION

Hearing

Notice is hereby given that on July 8, 1976, the Law Enforcement Assistance Administration (LEAA) will conduct a hearing on the LEAA organizational conflict of interest provision applicable to procurements under LEAA grants. Currently, the LEAA organizational conflict of interest provision provides in part that.

Adequate Competition. All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. *Contractors that develop or draft specifications, requirements, statements of work and/or requests for proposal for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement.* (Emphasis added.)

This requirement is contained in paragraph 49e, Chapter 3, LEAA Guideline Manual M 7100.1A, which has been issued pursuant to the authority vested in LEAA by Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3701, et seq., as amended (Pub. L. 90-351, as amended by Pub. L. 93-83 and Pub. L. 93-415).

The purpose of the hearing will be to receive comments on the scope of and definitional problems, if any, arising pursuant to the above quoted provision.

Henry F. McQuade, LEAA Deputy Administrator for Policy Development, will preside over the hearing. The hearing will be held in the Federal Trade Commission Building, Room 532, 7th Street and Pennsylvania Avenue, N.W., Washington, D.C., and will commence at 10:00 a.m. The hearing will be open to the public.

Persons wishing to present oral comments should call Florence Fisher at 202/376-3696 to reserve time on the agenda. Persons wishing to make written comments should mail such comments to Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

RICHARD W. VELDE,
Administrator.

[FR Doc.76-16501 Filed 6-7-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 9107]

ARIZONA

Application

JUNE 1, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended, by the Act of November 6, 1973 (87 Stat. 576), El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, filed an application for a right-of-way to construct a cathodic protection site consisting of engine generator house, underground cable and deep anode bed adjacent to their existing San Juan Loop Gas pipeline right-of-way on the following described National Resource Lands:

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T. 19 N., R. 17 W., GSR Mer., Arizona,
Sec. 3, NW¼SE¼.

The cathodic protection site is necessary to the preservation and reliability of service of the natural gas pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 2929 W. Clarendon, Phoenix, Arizona 85017.

Dated: June 1, 1976.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-16485 Filed 6-7-76;8:45 am]

[PHX 073747]

ARIZONA

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 6, 1973 (87 Stat. 576), El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, has applied for a 10¾" (10 and three-fourths inch) diameter natural gas pipeline crossing approximately 0.916 mile of the following Federally-owned lands in Pima County, Arizona:

T. 15 S., R. 14 E., GSR Mer., Arizona,
Sec. 1, SW¼SW¼;
Sec. 12, SW¼NE¼, N½NW¼, and SE¼NW¼.

This is a segment of an existing Tucson-Phoenix natural gas pipeline right-of-way, which was previously granted by the Corps of Engineers across Davis-Monthan Air Force Base. The permit has expired and, in accordance with amended sec. 28 of Public Law 93-153 (87 Stat. 576), applicant has requested the Bureau of Land Management to amend its existing right-of-way Phoenix 073747, to include this segment.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the right-of-way should be approved, as amended, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Phoenix District Office, Bureau of Land Management, 2929 W. Clarendon, Phoenix, Arizona 85017.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-16486 Filed 6-7-76;8:45 am]

[Wyoming 54969]

WYOMING

Application

MAY 28, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 4½ inch diameter pipeline for the purpose of transporting natural gas across the following National Resource Lands:

6TH PRINCIPAL MERIDIAN

WYOMING

T. 27 N., R. 112 W.,
Sec. 4: lots 3, 4.
T. 28 N., R. 112 W.,
Sec. 33: S½SW¼.

The pipeline will transport natural gas from the applicant's gathering system to the applicant's existing pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-16484 Filed 6-7-76;8:45 am]

ALL PUBLIC LAND STATES

Termination of Proposed Withdrawal and Reservation of Lands

JUNE 1, 1976.

On February 7, 1967, there appeared in the FEDERAL REGISTER at page 2588, a Notice of an application by the Bureau of Land Management to withdraw all public lands which were valuable or prospectively valuable for geothermal steam resources. The application was amended and revised, Notices of which appeared in the FEDERAL REGISTER on the dates and pages shown: March 14, 1967, at page 4030; March 24, 1967, at pages 4506-07. The application is hereby cancelled. Therefore, in accordance with the regulations contained in 43 CFR 2300, the lands which were segregated as a result of the above-mentioned application and Notices shall on June 15, 1976, be relieved of the segregative effect of such application.

The lands involved in this Notice of termination are described in the above referenced Notices.

CURT BERKLAND,
Director.

[FR Doc.76-16500 Filed 6-7-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-367]

A & E COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), A & E Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine located in Colson, Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Installation of canopies on Petitioner's equipment creates a hazard to the operators.

2. The equipment in the No. 2 Mine for which Petitioner seeks modification includes the following: two Paul Roof Bolting Machines—height 28 inches; one 11RU Joy Cutting Machines—height 34 inches; two 14BU Joy Loading Machines—height 37 inches; four AR4 Elkhorn Battery-Powered Tractors—height 34 inches without canopy and 44 inches with canopy.

3. This mine is in the Hazard No. 4 Seam and averages 44 inches in height.

4. Difficulty in using canopies also arises from the rolling top in this seam.

5. At present, Petitioner has installed canopies on four Elkhorn tractors, one loader and one cutting machine. It requests that these canopies be removed or an adjustment be made due to the hazardous conditions they are creating.

6. Due to the limit of the equipment operator's visibility and the seating position required, installation of canopies could be contributing factors to accidents which may occur.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 1, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16469 Filed 6-7-76;8:45 am]

[Docket No. M 76-445]

ALROSHA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Alrosha Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Devonia, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The requirement of canopies for electrical face equipment in the subject mine, will result in a diminution of the safety of the miners exposed to the underground conditions in the mine. The coal seams in which these mines are located are irregular, undulating and of insufficient constant height to permit the safe use of mining equipment equipped with canopies. Mining conditions in these coal seams are such as to require the operator on occasions to lay prone or flat on the machine in order to prevent his body from striking the roof. The accident and injury rate of Petitioner substantiates its position that the safety conditions without the canopies are superior to the conditions that would exist if the canopies were installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 8 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 27, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16470 Filed 6-7-76;8:45 am]

[Docket No. M 76-369]

BEAVER DAM FUEL, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Beaver Dam Fuel Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Colson, Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that by having canopies installed on its equipment, a hazard is being created for the operators.

2. Petitioner's equipment consists of one Paul Roof Bolting Machine—height 28 inches; one AR4 Elkhorn Scoop—height 28 inches; one 35L Jeffrey Bottom Machine with T-2 Joy Trucks—height 28 inches.

3. Petitioner's No. 1 Mine is located in the Elkhorn No. 3 Seam ranging from 33 to 36 inches in height.

4. In this seam, Petitioner runs into rolling top daily. Rolls in the floor also contribute to the difficulty of using canopies. The operator of the equipment will have limited visibility if canopies are installed.

5. Petitioner bought a canopy for the AR4 Scoop, but it was impossible to install it. The operator would have no visibility at all.

6. It is the petitioner's contention that since the operator's visibility is limited, the installation of canopies could be a contributing factor to accidents which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings, Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76-16473 Filed 6-7-76;8:45 am]

V 41 111 JUN 8 76 UMI

[Docket No. M 76-368]

COAL MANAGEMENT, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Coal Management, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located at Blue Creek, Kanawha County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunctions with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The equipment in the No. 1 Mine for which Petitioner seeks modification includes the following: two 6 SC, 52-inch width shuttle cars, 250 UDC; one 14 BU–7 Ldr; one 11 RU cutting machine 9 ft. bar, 250 UDC; one Acme roof bolting machine, 250 UDC.

2. The seam height at this mine is 44 to 53 inches.

3. Machine operators would be in jeopardy due to various mining conditions such as extreme undulations, creating conditions of roofing, both at the concave and convex extremities. With the additional machine heights created by canopies, the machine operators would be in danger. The mine may well have to be abandoned and all 21 employees terminated.

4. If MESA can advance any solution or technology advance to overcome these problems entailed in the seam height, machine height ranges, the Petitioner will immediately employ the solution for personnel safety.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76-16471 Filed 6-7-76;8:45 am]

[Docket No. M 76-435]

CONSOLIDATED COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 801(c) (1970), Consolidation Coal Company has filed a petition to modify the application of 30 CFR 77.1914(a) to the Varner Shaft at its Osage Mine and the Rudolph Shaft at its Blacksville No. 1 Mine, respectively, located in Monongalia County, West Virginia.

30 CFR 77.1914(a) provides:

Electric equipment employed below the collar of a slope or shaft during excavation shall be permissible and shall be maintained in a permissible condition.

The substance of Petitioner's statement is as follows:

1. Construction of the Varner Shaft began in September of 1975. When completed, the Shaft will be approximately 550 feet deep and 15 feet by 30 feet, 8 inches rectangular, with a 12-inch concrete lining. The present excavation work has proceeded to a depth of approximately 180 feet through rock and various shale and clay stratas, and future excavation will proceed through two coal seams, Swickley and Waynesburg. Construction is accomplished by conventional means—drilling, shooting and mucking—all operations being performed with air-operated equipment. All blasting is done from the surface. Construction of the Rudolph Shaft began in May of 1975, and development has proceeded comparable to the Varner Shaft.

2. The electrical equipment to which 30 CFR 77.1914(a) is applicable and for which petitioner's application for relief is made is a 15 or 20 horsepower Reda electrical, submersible pump.

3. During development of the subject shafts, water accumulates in the bottom, necessitating its pumping to the surface. During actual excavation operations, when men are working in and around the shafts, this is accomplished by the use of pneumatic pumps.

4. Because the pneumatic pumps require a considerable amount of maintenance in order to ensure continuous operation, petitioner proposes to use Reda submersible pumps, which are relatively maintenance free, during periods (principally on the weekends) when men are not working in and around the shafts.

5. In order to ensure that the requested modification will at all times guarantee no less than the same measure of protection as would be afforded by the application of the standard, Williamson proposes, during the operation of the Reda submersible pumps, that no men will be working in or around the shafts; that fences will be provided around the collars of the shafts to completely encircle the openings; that the pumps will be properly frame grounded; that the shafts will be positively ventilated employing Joy axivan 15 horsepower fans providing approximately 10,000 cfm of air through 18-inch tubing to within 20 feet of the water surface; and that the pumps will at all times be submerged in water.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76-16472 Filed 6-7-76;8:45 am]

[Docket No. M 76-91]

DIXIE FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Dixie Fuel Company has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1 and 2 Mines, Grays Knob, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The seams of coal being mined by Petitioner in Harlan County, Kentucky, vary in height from 28 to 34 inches. The face equipment used in these mines is as follows: 100L Jeffrey and Wilcox Mark 20 continuous miners, 506 Bridge Carriers, 12 RB Joy Cutting machine, 14BU Joy Loader, 21SC Joy Shuttle Car and Model 300 Galis Roof Bolter. The coal seams are generally level but have some local undulations or dips and rises in the top and bottom.

If cabs and canopies were required to be installed on the face equipment in these mines this method will result in a diminution of safety to the miners in these mines.

Petitioner offers the following in support of the above statement:

1. Cabs or canopies on this equipment would obstruct the field of vision of the operator of the equipment possibly causing him to run into the rib, machinery or other miners.

2. The post supporting the cabs or canopies would cause shadows to be thrown by the operator's cap lamp. These shadows would increase the chances of over or under steering around corners causing the equipment to run into or sideswipe the ribs or other equipment. This could throw the operator from the equipment or injure or kill him.

3. Installation of cabs or canopies on equipment in these mines would cause the operator to lean out of the operator's compartment in order to see where he is going or in the case of a continuous miner whether or not he is cutting in the top or bottom. If he leans out to the side of the equipment to get an unobstructed view of his surroundings or roadway his chances of falling from the equipment is increased or he may sideswipe the rib, a corner, other equipment or some other projecting obstruction and be dragged from or under the equipment and be injured or killed.

4. Installation of cabs or canopies on equipment in these mines would cause the operator to ride on and operate the equipment from a cramped position which may slow reaction time when steering or applying the brakes which may cause him to injure or kill himself or another miner.

5. A majority of the miners who work at these mines have stated that the installation of canopies on equipment would cause death or injury and that they would refuse to operate equipment with canopies on it.

6. Because of cramped quarters in the operator's compartment of this equipment if cabs or canopies are installed the operator would have to get outside of the operator's compartment to turn in the direction of travel. This required movement could cause the operator to be injured or killed or cause harm to come to another miner. It is true that the operator should shut off the power to the equipment and lock the brake but, regardless of prior warning and training, he may not do this. Unmindful of what he does, he should not be penalized with his life when the removal of the canopy would vastly decrease his chances of injury.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 27, 1976.

[FR Doc.76-16474 Filed 6-7-76;8:45 am]

[Docket No. M 76-176]

EDD POTTER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Edd Potter Coal Co. has filed a petition to modify the Application of 30 CFR 75.1710 to its No. 2 Mine, Hurley, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The petition applies to the following equipment in Petitioner's mine:

Quantity	Name	Height (inches)	Length (feet)	Width (feet)
1	Jeffrey Miner No. 1001	28	15	7
1	Galis Roof Bolter No. 300	27	14	8½
1	Paul Repair Roof Bolter Mark 4	26	8	4
7	Mischer Tractors			

2. The equipment described above is operated in a coal seam of 31 inches. The condition of the roof in the subject mine is good and a roof control plan approved by MESA is in effect.

3. Petitioner believes that the installation of cabs or canopies on the foregoing equipment will substantially reduce the machine operator's vision and mobility thereby endangering the lives of the operators and other miners in the area.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments before July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 28, 1976.

[FR Doc.76-16475 Filed 6-7-76;8:45 am]

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[Docket No. M 76-249]

HUNT BRANCH COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hunt Branch Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its Unit and No. 4 Mines, Pikesville, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

Petitioner feels that the installation of canopies on this equipment is creating a hazard which endangers the equipment operator.

Petitioner's haulage and loading equipment consists of the following: two S&S Model 74 Scoops, 11 RU Cutting Machines and a CD 2000 Coal Drill. Petitioner's roof bolter is a SPRD–1 Acme.

The coal seam in which the above machinery is operated ranges from 36 to 48 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coal bed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying our roof support. Also, this method only allows a 26-inch vertical operating compartment, thus limiting the visibility of the equipment operator and creating a hazard to them as well as the other employees in the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 28, 1976.

[FR Doc.76-16476 Filed 6-7-76;8:45 am]

[Docket No. M 76-371]

JIM WALTER RESOURCE, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Jim Walter Resources, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine, located at Adger, Jefferson County, Alabama.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. No. 3 Mine is a bituminous coal mine first opened in 1973. The coal seam being mined is the Blue Creek Seam, which ranges in thickness from 41 to 78 inches.

2. No. 3 Mine currently is using continuous miners to mine all coal. Resin roof bolts five (5) feet in length are installed. The height of seam mined must be maintained at sixty-two (62) inches where coal seam height is less, bottom rock is graded. Acme and Galis roof bolting machines are used for roof bolt installation. Six Acme and three Galis machines are currently in service.

3. Petitioner has experimented with canopy designed for Acme roof bolting machines presently in use and has not been able to find an effective and safe configuration which will allow proper visibility and safe operating procedure for the operator. The canopy causes numerous safety problems for the operator including:

(a) Limited visibility of immediate roof, spacing marks and drill steel.

(b) If drill steel is hung or bent it is difficult or impossible to reposition the machine or get the steel out without breaking it off or bending it.

(c) To install a roof bolt with a tee board on it, you have to lower the canopy and reach over the top with the tee board.

(d) It is difficult to use an extension or pin wrench because you need to hold it and your hand gets caught in pinch point at top of the canopy before you get the extension up far enough. Also, if you get your hand up inside the canopy and the wrench comes loose, it will strike your hand and arm.

(e) Canopy extends out so far it is difficult to get close enough to the rib to set a pin four (4) feet from the rib.

(f) The canopy is designed only for vertical force and not for horizontal force. Because of low top and having to get close to the ribs, the canopy is subjected to side pressure. As a result, on two occasions the canopy has broken and had not the operator been alert, a serious injury could have occurred.

(g) To tram the machine, the operator is in an awkward position, because the canopy must be lowered and he has to be constantly alert to keep it from striking his head or catching his head between canopy and a solid object on side. Also, while tramming the machine the canopy frequently strikes the top and knocks down rocks.

7. Several UMWA members employed at Petitioner's mine, have complained that installation of cabs made the operation of the roof bolter hazardous and refused to operate a machine equipped with a canopy.

8. Petitioner contends that application of 30 CFR 75.1710–1 to its present roof bolting equipment will result in a diminution of safety in the operation of said equipment.

9. Petitioner alleges that the alternative method to be developed in lieu of the said mandatory standard will at all times guarantee no less than the same measure of protection afforded the miners at No. 3 Mine by the said mandatory standard.

10. Petitioner proposes as an alternate method in lieu of the said mandatory standard that it:

(a) Would reinstruct all roof bolters in roof and rib inspection, roof bolt plan and safe operating procedure for the roof bolting machines. In addition, each face worker and supervisory personnel on section work would be reinstructed on roof and rib inspection.

(b) Would continue to work with equipment manufacturers to perform research in order to design a canopy that will overcome or alleviate the human and physical engineering problems.

(c) Petitioner would affirmatively seek ideas from UMWA personnel as to design for canopy for use in its mine.

(d) If a workable design is discovered by Petitioner and manufacturer, said design will be implemented on an experimental basis for evaluation by Petitioner, MESA and UMWA personnel under actual working conditions. If said experimental operation is successful, Petitioner will retrofit those pieces of equipment for which successful evaluation has been made.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76-16477 Filed 6-7-76;8:45 am]

[Docket No. M 76-251]

LICK FORK MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Lick Fork Mining Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its Lick Fork Mine, Elkhorn City, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

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(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

Petitioner feels that the installation of canopies on this equipment is creating a hazard which endangers the equipment operator.

Petitioner has two loading machines in the subject mine: a 14 BU and an 8 BU. Petitioner also has one Acme Roof Bolter and one Paul's Roof Bolter in addition to an Elkhorn Scoop. Petitioner's haulage equipment consists of the following: two S&S 100 permissible tractors, one Epling tractor that is permissible, one Bailey that is nonpermissible, one Mescher that is nonpermissible.

The Lick Fork No. 1 Mine is in the Lower Elkhorn seam and ranges from 36 to 48 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coal bed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying our roof support. Also, this method only allows a 23-inch vertical operating compartment, thus limiting the visibility of the equipment operator and creating a hazard to them as well as the other employees in the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 27, 1976.

[FR Doc.76-16478 Filed 6-7-76;8:45 am]

[Docket No. M 76-374]

M & C COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), M & C Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine located at Keystone, McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner has not applied to the Assistant Administrator for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710–1(f) because petitioner has no knowledge of alternate devices which would be safe or suitable at its mine.

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2. Petitioner submits both canopies and cabs are incompatible with operations in its mine. Installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine could not continue to operate.

3. In the No. 5 Mine, the average height of the coal seam is 32 inches for tractors pulling to outside; and 30 to 36 inches where loading machines are used.

4. For purposes of the regulation (30 CFR 75.1710–1), the mining height in the No. 5 Mine is 18 inches.

5. The electric face equipment which is subject to this regulation consists of two Epling Tractors. This equipment operates in rooms which are cut 20 feet wide and 30 to 36 inches in height; there are no adverse rib conditions and there is no history of roof falls in any of the face areas. Timbers are being utilized to support the roof at this mine.

6. The Petitioner has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

7. The safety record of the employees in this mine is excellent and not one lost time accident has occurred in the 14 months that the mine has been in existence.

8. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710–1, but Petitioner maintains that application of 30 CFR 75.1710–1 to Petitioner's mine will result in a diminution of safety to the miners in the mine.

9. Petitioner will, however, train and continuously retrain the miners in maintenance of strict roof control in accordance with roof control procedures approved by MESA and the State Department of Mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76–16479 Filed 6–7–76;8:45 am]

[Docket No. M 76–373]

M & C COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), M & C Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located at Keystone, McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner has not applied to the Assistant Administrator for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710–1 (f) because petitioner has no knowledge of alternate devices which would be safe or suitable at its mine.

2. Petitioner submits both canopies and cabs are incompatible with operations in its mine. Installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine could not continue to operate.

3. In the No. 4 Mine, the average height of the coal seam is 32 inches for all tractors pulling to outside; and 30 to 36 inches where loading machines are used.

4. For purposes of the regulation (30 CFR 75.1710–1), the mining height in the No. 4 Mine is 18 inches.

5. The electric face equipment which is subject to this regulation consists of one Model 944 Kersey Tractor and one Model 100 S & S Tractor. This equipment operates in rooms which are cut 20 feet wide and 30 to 36 inches in height; there are no adverse rib conditions and there is no history of roof falls in any of the face areas. Timbers are being utilized to support the roof at this mine.

6. The Petitioner has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

7. The safety record of the employees in this mine is excellent and not one lost time accident has occurred in the 3 years that the mine has been in existence.

8. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710–1, but Petitioner maintains that application of 30 CFR 75.1710–1 to Petitioner's mine will result in a diminution of safety to the miners in the mine.

9. Petitioners will, however, train and continuously retrain the miners in maintenance of strict roof control in accordance with roof control procedures approved by MESA and the State Department of Mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76–16480 Filed 6–7–76;8:45 am]

[Docket No. M 76–372]

M & C COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), M & C Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 10 Mine located at Keystone, McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner has not applied to the Assistant Administrator for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710–1 (f) because petitioner has no knowledge of alternate devices which would be safe or suitable at its mine.

2. Petitioner submits both canopies and cabs are incompatible with operations in its mine. Installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine could not continue to operate.

3. In the No. 10 Mine, the average height of the coal seam is 32 inches for all tractors pulling to outside; and 30 to 36 inches where loading machines are used.

4. For purposes of the regulation (30 CFR 75.1710–1), the mining height in the No. 5 Mine is 18 inches.

5. The electric face equipment which is subject to this regulation consists of one Epling loading machine, two Model 100 S & S Tractors and one three-wheel Royal Drill. This equipment operates in rooms which are cut 20 feet wide and 30 to 36 inches in height; there are no adverse rib conditions and there is no history of roof falls in any of the face areas. Timbers are being utilized to support the roof at this mine.

6. The Petitioner has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

7. The safety record of the employees in this mine is excellent and not one lost time accident has occurred in the 14 months that the mine has been in existence.

8. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710–1, but Petitioner maintains that application of 30 CFR 75.1710–1 to Petitioner's mine will result in a diminution of safety to the miners in the mine.

9. Petitioner will, however, train and continuously retrain the miners in maintenance of strict roof control in accordance with roof control procedures approved by MESA and the State Department of Mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76–16481 Filed 6–7–76;8:45 am]

[Docket No. M 76–375]

M & C COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), M & C Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 6 Mine located at Keystone, McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner has not applied to the Assistant Administrator for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710–1(f) because petitioner has no knowledge of alternate devices which would be safe or suitable at its mine.

2. Petitioner submits both canopies and cabs are incompatible with operations in its mine. Installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine could not continue to operate.

3. In the No. 6 Mine, the average height of the coal seam is 32 inches for all tractors pulling to outside; and 30 to 36 inches where loading machines are used.

4. For purposes of the regulation (30 CFR 75.1710–1), the mining height in the No. 5 Mine is 18 inches.

5. The electric face equipment which is subject to this regulation consists of two Model 100 S & S Tractors and one Model 944 Kersey Tractor. This equipment operates in rooms which are cut 20 feet wide and 30 to 36 inches in height; there are no adverse rib conditions and there is no history of roof falls in any of the face areas. Timbers are being utilized to support the roof at this time.

6. The Petitioner has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

7. The safety record of the employees in this mine is excellent and not one lost time accident has occurred in the 14 months that the mine has been in existence.

8. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710–1, but Petitioner maintains that application of 30 CFR 75.1710–1 to Petitioner's mine will result in a diminution of safety to the miners in the mine.

9. Petitioner will, however, train and continuously retrain the miners in maintenance of strict roof control in accordance with roof control procedures approved by MESA and the State Department of Mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JUNE 1, 1976.

[FR Doc.76–16482 Filed 6–7–76;8:45 am]

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[Docket No. M 76-139]

ROYAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Royal coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Royal No. 10 Mine, Beckley, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or ribs, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The Royal No. 10 Mine has an average mining height of 34 inches. Due to the limited clearance between equipment and roof support in a seam of this height, the operator must, necessarily, operate under conditions of reduced visibility. The addition of a cab or canopy reduces existing visibility to the point that three hazards are created:

(1) Collisions with Roof Support.

(a) In order to allow an operator even minimal visibility across the top of his machine, a canopy must add several inches of height to a piece of equipment. In a mining height of less than 48 inches, the dimensions of roof support used to supplement the regular bolting plan become very critical; thus, the strength of supplemental roof support must be limited in lower areas in order to accommodate the enlarged equipment.

(b) A canopy obscures an operator's view of overhead roof support; this, along with the accompanying increase in equipment height, substantially increases the probability of roof support being dislodged through an error in judgment by the operator. While a roof fall is not normally the immediate result of such an occurrence, the roof is weakened each time its support is disturbed.

(2) Injury to the operator.

(a) In mining heights under 48 inches, equipment operators use variations in seam height to great advantage. Whenever possible, switching and maneuvering operations are performed where seam height allows the best visibility. In order for a piece of equipment to be used on a given section, its canopy must be lowered to allow clearance under the lowest conditions on that section. Thus, the advantage of using higher areas for difficult maneuvering and the safety which goes with it are lost. The operator is forced to negotiate the entire section under the limiting conditions of only a part of it.

(b) Due to the severely reduced visibility caused by a cab or canopy in mining heights below 48 inches, an operator often must extend his head beyond the side support of the canopy in order to see ahead of his machine. Extending himself to the side of the equipment results in a unnatural operating position for the driver and, thus, reduces his ability to control the equipment. In this position, the operator is vulnerable to injury due to collision with the rib or other obstacles in tight-clearance situations.

(3) Injury to other persons.

When an operator's vision is restricted by the addition of a cab or canopy, the increased hazard to persons working near the moving equipment is obvious. This hazard is made worse when side clearances are reduced due to the installation of a cab, thereby creating a "pinch-point" for persons who happen to be beside a machine while it is in motion.

At present, technology is not available to allow us to install cabs or canopies on the equipment in use at the Royal No. 10 Mine without creating serious safety hazards.

REQUEST FOR HEARNG OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments July 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 27, 1976.

[FR Doc.76-16483 Filed 6-7-76;8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PST) on Saturday, July 10, 1976 at the Tamalpais High School, Mill Valley, CA.

The Advisory Commission was established by Public Law 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Mr. William Thomas
Dr. Edgar Wayburn
Mr. Joseph Williams

The major items on the agenda will be a vote on both the youth hostel and transportation subcommittees' reports, a report by the Fort Miley subcommittee, and a discussion of the Advisory Commission's involvement with public meetings in connection with the parkwide plan.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by August 10, 1976 in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA.

Dated: May 28, 1976.

BERT ROBERTS,
Acting Regional Director, Western Region.

[FR Doc.76-16536 Filed 6-7-76;8:45 am]

NATIONAL REGISTRY OF NATURAL LANDMARKS

Listing of Additional Sites

By notice in the FEDERAL REGISTER of May 5, 1975 (pp. 19503-19508), there was published a list of sites designated for inclusion in the National Registry of Natural Landmarks. This list has been amended by two notices in the FEDERAL REGISTER of August 29, 1975 (p. 39911) and February 9, 1976 (p. 5651). Further notice is hereby given that the list of natural landmarks is amended by addition of the sites listed below.

All Federal agencies should take cognizance of the sites included in the National Registry of Natural Landmarks to fulfill the intent of Section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331).

GARY EVERHARDT,
Director, National Park Service.

The following sites have been added to the National Registry:

CALIFORNIA

Sharktooth Hill, Kern County—8 miles northeast of Bakersfield.

GEORGIA

Big Hammock Natural Area, Tattnall County—10 miles southwest of Glennville.
Ebenezer Creek Swamp, Effingham County—Center of site is 22 miles north-northwest of Savannah.

MISSISSIPPI

Bienville Pines Scenic Area, Scott County—Bienville National Forest, South of Forest.
Green Ash-Overcup Oak-Sweetgum Research Natural Areas, Sharkey County—Delta National Forest, three noncontiguous tracts are 18 miles west-northwest of Yazoo City.
Harrell Prairie Hill, Scott County—Bienville National Forest, 2 miles southeast of Forest.

MONTANA

Red Rock Lakes National Wildlife Refuge, Beaverhead County—Center of site is 2 miles north of Lakeview.

NEW YORK

Moss Island, Herkimer County—Within city limits of Little Falls.

SOUTH DAKOTA

Cathedral Spires and Limber Pine Natural Area, Custer County—Custer State Park, 23 miles southwest of Rapid City.

TEXAS

Palo Duro Canyon State Park, Randall and Armstrong Counties—22 miles south-southeast of Amarillo.

VERMONT

Battell Biological Preserve, Addison County—4 miles east of Middlebury.
Canfield Fisher Memorial Pines, Bennington County—2 miles north of Arlington.

[FR Doc.76-16535 Filed 6-7-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 28, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 18, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Bullock County

Union Springs, *Bullock County Courthouse Historic District*, N. Prairie St.

ARKANSAS

Johnson County

Clarksville vicinity, *Spadra Bluff Indian Trading Factory*, 3 mi. S of Clarksville on AR 103.

Lincoln County

Star City vicinity, *Crow House*, 7 mi. SE of Star City.

COLORADO

Denver County

Denver, *Ford, Barney L., Building*, 1514 Blake St.
Denver, *Moffat Station*, 2105 15th St.
Denver, *Schmidt, George, House*, 2345 7th St.

Jefferson County

Morrison, *Morrison Historic District*, CO 8

Montrose County

Montrose vicinity, *Gunnison Tunnel*, 6.5 mi E of Montrose off U.S. 50.

ILLINOIS

St. Clair County

Belleville, *Belleville Historic District*, much of the E side of Belleville between E. S. Belt, Illinois, and Forest.

IOWA

Clayton County

Elkader, *Price, Rialto, House*, 206 Cedar St., NW.
Elkader, *St. Joseph Church and Parish Hall*, 330 1st St., NW.
Elkader vicinity, *Motor*, E of Elkader.

Dubuque County

Dubuque, *Ham, Mathias, House*, 2241 Lincoln Ave.

Lee County

Keokuk, *Keokuk Lock and Dam*, at Mississippi River.

Marion County

Knoxville vicinity, *Red Rock Line*, N of Knoxville off IA 14 at Des Moines River.

KENTUCKY

Scott County

Georgetown vicinity, *Johnson, Leonidas, House (Clifton)*, 7 mi. NW of Georgetown on U.S. 227.

MAINE

Knox County

Owls Head vicinity, *Owls Head Light Station*, NE of Owls Head on W. Penobscot Bay.

MARYLAND

Washington County

Hagerstown, *McCauley, Henry, Farm*, E of Hagerstown on Mt. Aetna Rd.
Hagerstown vicinity, *Ditto Knolls*, E of Hagerstown on Landis Rd.

MASSACHUSETTS

Berkshire County

Adams, *Quaker Meetinghouse*, Maple Street Cemetery.

Essex County

Lynnfield, *Meetinghouse Common District*, Summer, S. Common, and Main Sts.
Manchester vicinity, The *New Hampshire (Alabama, Granite State)*, SE of Manchester off Graves Island.
Salem vicinity, *Bakers Island Light Station*, E of Salem on Bakers Island.

Middlesex County

Groton, *Groton Inn*, Main St.
Weston, *Woodcard, Rev. Samuel, House*, 19 Concord Rd.

Worcester County

Lancaster, *Thayer, Nathaniel, Estate*, 438 S. Main St.
Lancaster vicinity, *Lancaster Industrial School for Girls*, SE of Lancaster on Old Common Rd.

NEW HAMPSHIRE

Sullivan County

Cornish City, *Kenyon Bridge (Blacksmith Shop Covered Bridge)*, off NH 12A.

NEW YORK

Bronx County

Bronx, *Fort Schuyler*, Throgs Neck at East River and Long Island Sound.

New York County

New York, *American Museum of Natural History*, Central Park West and 77th St.

Wayne County

Sodus Point, *Sodus Point Lighthouse*, off NY 14 on Lake Ontario.

NORTH CAROLINA

Buncombe County

Asheville, *First Baptist Church*, Oak and Woodfin Sts.

VIRGINIA

Gloucester County

Gloucester vicinity, *Burgh Westra*, E of Gloucester off VA 3/14.

Radford (independent city)

Harvey House, 706 Harvey St.

Spotsylvania County

Glenora vicinity, *Andrews Tavern*, 2.6 mi. NE of Glenora on VA 601.

WASHINGTON

Lewis County

Curtis vicinity, *Wolfenbarger Site*, S of Curtis.
Vader, *Olsen, Ben, House*, S end of D St.

Lincoln County

Wilbur vicinity, *Goose Creek Rockshelter*, E of Wilbur.

Pierce County

Elbe, *Elbe Evangelical Lutheran Church*, WA 5.
Sumner, *Ryan House (Sumner Public Library)*, 1228 Main St.
Tacoma, *Pantages Theatre/Jones Building*, 901 and 909 Broadway.
Tacoma, *Slavonian Hall*, 2306 N. 30th St.
Tacoma, *Wright Park and Seymour Conservatory*, Division Ave. to 6th Ave., between S G and I Sts.

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Tacoma vicinity, *Cabin No. 97 (Walter Crooks Cabin)*, No. 97, Salmon Beach. Wilkeson, *Wilkeson School*, off WA 165.

[FR Doc.76-16393 Filed 6-7-76;8:45 am]

Office of the Secretary

[INT DES 76-16]

FISCAL YEAR 1978 PROPOSED PROGRAM

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft environmental statement covering its Fiscal Year 1978 Proposed Program.

Copies of the draft environmental statement are available for inspection in the library of the Headquarters Office of BPA, 1002 N.E. Holladay Street, Portland, Oregon 97232; the Washington, D.C. Office in the Interior Building, Room 5600; and in the following Area and District Offices: Portland Area Office, Lloyd Plaza Bldg., 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232; Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109; Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201; Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362; Eugene District Office, U.S. Federal Building, Room 206, 211 East 7th Street, Eugene, Oregon 97401; Idaho Falls District Office, 531 Lomax Street, Idaho Falls, Idaho 83401; Kalispell District Office (5 miles east of Kalispell on Highway 2), Box 758, Kalispell, Montana 59901; and the Wenatchee District Office, Room 35, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801.

Copies are also available at the following Government Depository Libraries:

GOVERNMENT DEPOSITORY LIBRARIES

Eastern Oregon State College Library, Eighth at K, La Grande, OR 97850.
Documents Librarian, Montana State University Library, Bozeman, MT 59715.
Northus Library, Linfield College, McMinnville, OR 97128.
University of Montana Library, Documents Division, Missoula, MT 59801.
Eric V. Hauser Memorial Library, Reed College, 3203 S.E. Woodstock, Portland, OR 97202.
Southern Oregon State College Library, Documents Section, Ashland, OR 97520.
Oregon State Library, State Library Building, Salem, OR 97301.
Oregon College of Education Library, Monmouth, OR 97361.
Willamette University Library, 900 State Street, Salem, OR 97301.
Aubrey R. Watzek Library, Lewis and Clark College, Attn: Reference Department, 0615 S.W. Palatine Hill Road, Portland, OR 97219.
Documents Division, William Jasper Kerr Library, Oregon State University, Corvallis, OR 97331.
Boise Public Library, Reference Department, 715 South Capitol Blvd., Boise, ID 83706.
University of Oregon Library, Documents Section, Eugene, OR 97403.
University of Idaho, Library—I.S. Documents, Moscow, ID 83843.
Harvey W. Scott Memorial Library, Pacific University, Forest Grove, OR 97116.
Documents Division, Idaho State University Library, Pocatello, ID 83209.
Documents Division, Mabel Zoe Wilson Library, Western Washington State College, 516 High Street, Bellingham, WA 98225.
Library Association of Portland, 801 S.W. Tenth Avenue, Portland, OR 97205.
Documents Department, Victor J. Bouillon Library, Central Washington State College, Ellensburg, WA 98926.
Documents Librarian, Portland State University Library, P. Box 1151, Portland, OR 97207.
Everett Community College Library, 801 Wetmore Avenue, Everett, WA 98201.
Washington State University Library, Serial—Record Section, Pullman, WA 99163.
Documents Center, Washington State Library, Olympia, WA 98501.
Henry Suzzallo Memorial Library, University of Washington, Seattle, WA 98105.
Port Angeles Public Library, 207 S Lincoln Street, Port Angeles, WA 98362.
Fort Vancouver Regional Library, Attn: Reference Librarian, 1007 E Mill Plain Blvd, Vancouver, WA 98663.
Penrose Memorial Library, Whitman College, 345 Boyer, Walla Walla, WA 99362.

A limited number of single copies are available and may be obtained by writing to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208. Comments on the draft environmental statement should be sent to the Environmental Office by July 30, 1976.

Dated: June 1, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-16538 Filed 6-7-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A349]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Wilson County, North Carolina, as a result of severe drought June 15 through July 11, 1975; excessive rainfall July 12 through July 25, 1975; and excessive (high) temperature and abnormally low rainfall July 26 through October 31, 1975.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for emergency loans must be received by this Department no later than July 26, 1976, for physical losses and February 24, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of June 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16589 Filed 6-7-76;8:45 am]

[Notice of Designation Number A348]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Oklahoma Counties as a result of various adverse weather conditions shown in the following chart:

LIST OF OKLAHOMA COUNTIES

Alfalfa—Drought November 20, 1975, through April 14, 1976; freeze and high winds January 7, 1976, and wind storms February 21 and 24, 1976.
Dewey—Drought from November 1, 1975, through April 14, 1976, and severe wind storms occurring on February 21, 1976, and March 4, 1976.
Ellis—Drought November 20, 1975, through April 14, 1976.
Grant—Drought July 15, 1975, through April 14, 1976.
Harper—Drought May 1, 1975, through April 14, 1976; wind storms November 15, 1975, through April 14, 1976.
Major—Drought December 4, 1975, through April 14, 1976; high winds February 20 and 21, 1976.
Texas—Drought and wind storms August 1, 1975, through April 14, 1976.
Woods—Drought July 15, 1975, through April 14, 1976.
Woodward—Drought May 1, 1975, through April 14, 1976; wind storms November 15, 1975, through April 14, 1976.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for emergency loans must be received by this Department no later than July 21, 1976, for physical losses and February 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of June 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16590 Filed 6-7-76;8:45 am]

Forest Service

TIMBER MANAGEMENT PLAN REVISION FOR THE SAN JUAN NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan for the San Juan National Forest. The Forest Service report number is USDA-FS-R2-FES(Adm) FY-75-08.

The proposed action is the implementation of a revised Timber Management Plan for the San Juan National Forest for the 10-year period of 1977-1986. It provides for the management of resources on certain lands of the National Forest through the silvicultural treatment of 110,900 acres of forested land with options for treating additional forested lands if Federal funds are appropriated for road construction or if market or demand increases during the plan period.

The draft environmental statement was transmitted to CEQ on May 28, 1975.

This final environmental statement was transmitted to CEQ on June 1, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, San Juan National Forest, P.O. Box 341, Durango, Colorado 81301.

A limited number of single copies are available upon request to Craig W. Rupp, Acting Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: June 1, 1976.

CRAIG W. RUPP,
Acting Regional Forester.

[FR Doc.76-16455 Filed 6-7-76;8:45 am]

Rural Electrification Administration

CENTRAL ELECTRIC POWER COOPERATIVE, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Central Electric Power Cooperative, Inc. This project provides financing for about 95 miles of 230 kV transmission lines and related terminal facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrower address above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of June 1976.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.76-16595 Filed 6-7-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

WORK INCENTIVE PROGRAM

Social and Supportive Services

Notice is hereby given that the method for calculating limits of entitlement for the transition quarter from July 1, 1976 through September 30, 1976 for the Work Incentive Program (WIN) set forth in tentative form herein is proposed by the Administrator of the Social and Rehabilitation Service.

Public Law 94-206 provides $80,000,000 for "Work Incentives" for the interim quarter, July 1, 1976 through September 30, 1976. Of this amount $27,400,000 is available for child care and supportive services as authorized under section 402(a)(19)(G) and 403(d) of the Social Security Act.

The Department proposes that limits of entitlement for the transition quarter, from July 1, 1976 through September 30, 1976, be calculated on the basis of the ratio of the limit of entitlement for each State for Fiscal Year 1976 which was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12733) to the total of such limits of entitlement for all States, except that the limit of entitlement for the Virgin Islands be $16,250 in order to comply with the limitation imposed by section 1108 of the Social Security Act.

Prior to the adoption of the proposed formula, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, on or before July 8, 1976. Comments received will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week 8:30 a.m. to 5 p.m. (area code 202-245-0950).

If the proposed formula is adopted, the limits of entitlement for the transition quarter, from July 1, 1976 through September 30, 1976, for States for child care, other supportive services and administration under the Work Incentive (WIN) Program pursuant to section 402(a)(19)(G) and 403(d) of the Social Security Act, 42 U.S.C. § 602(a)(19)(G), will be as follows:

Alabama	310,539
Alaska	130,190
Arizona	312,604
Arkansas	196,842
California	2,720,641
Colorado	411,369
Connecticut	348,554
Delaware	97,156
District of Columbia	394,593
Florida	603,745
Georgia	713,259
Hawaii	128,363
Idaho	155,304
Illinois	1,106,246
Indiana	292,018
Iowa	300,065
Kansas	211,534
Kentucky	322,033
Louisiana	269,772
Maine	178,173
Maryland	662,658
Massachusetts	894,382
Michigan	2,401,525
Minnesota	431,251
Mississippi	239,190
Missouri	506,063
Montana	103,895
Nebraska	101,759
Nevada	51,195
New Hampshire	48,484
New Jersey	1,889,925
New Mexico	113,695
New York	3,000,339
North Carolina	357,692
North Dakota	66,587
Ohio	752,582
Oklahoma	199,644
Oregon	688,427
Pennsylvania	1,013,965
Rhode Island	192,979
South Carolina	249,244
South Dakota	121,416
Tennessee	327,793
Texas	769,692
Utah	341,648
Vermont	126,147
Virginia	333,848
Washington	637,013
West Virginia	436,061
Wisconsin	934,310
Wyoming	38,032
Guam	13,981
Puerto Rico	345,336
Virgin Islands	16,250
Total	27,400,000

Dated: June 3, 1976.

M. KEITH WEIKEL,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.76-16539 Filed 6-7-76;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket 29182]

AEROVIAS NACIONALES DE COLOMBIA, S.A. (AVIANCA) ET AL.

Enforcement Proceeding, Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., June 2, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-16472 Filed 6-7-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary for Economic Development, Office of the Assistant Secretary for Economic Development, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-16546 Filed 6-7-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Regional Liaison, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-16545 Filed 6-7-76;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Tuesday, June 29, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-16544 Filed 6-7-76;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of Section Pub. L. 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970, will hold a meeting on June 23 in Room 457, Russell Senate Office Building, Washington, D.C. This meeting will begin at 9:30 a.m.

The purpose of this meeting is to discuss the University of Michigan, Survey Research Center, survey concerning attitudes and behavior with regard to gambling in the United States.

The hearings of the Commission are open to the public, and interested persons are invited to attend. The Rules of Procedure for person or persons presenting matters to the Commission are the same as those previously published by this Commission in the FEDERAL REGISTER September 5, 1975.

JAMES E. RITCHIE,
Executive Director.

JUNE 3, 1976.

[FR Doc.76-16576 Filed 6-7-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 545-4]

MONTGOMERY COUNTY, MARYLAND

Petition for EPA Determination Regarding Aquifer

On September 12, 1975, the Environmental Protection Agency received a petition submitted by the Tenmile Creek Conservation Committee pursuant to § 1424(a) of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, to determine whether the Clarksburg-Boyds aquifer in the upper reaches of Tenmile Creek is the sole or principal source of drinking water for the area and which, if contaminated, would create a significant hazard to public health. On October 1, 1975, the Clarksburg Community Association submitted an additional application involving the same area. Both petitions are reproduced in full below.

Before the United States Environmental Protection Agency Russell E. Train, Administrator.

In the matter of the petition of the Tenmile Creek Conservation Committee under section 1424(a) of the 1974 Safe Drinking Water Act with respect to the Aquifer Underlying the Headwaters of Tenmile Creek, Montgomery County, Maryland.

The Purpose:

The purpose of this letter is to petition the Administrator, under the provisions of Public Law 93-523, § 1424(a), to designate a particular region in Montgomery County, Maryland, as an area in which "no new underground injection well" or pollution intrusion can be operated that would degrade drinking water quality and jeopardize natural aquifers and the planned water impoundments. The Aquifer Area:

The area in question is in the northwest quadrant of Montgomery County constituting the watershed of Tenmile Creek from its spring heads between Clarksburg and Comus Road down to the second of two proposed water impoundment dams, the Soil Conservation Service dam site #3 at Boyds, and including in particular the wells, aquifers and planned water impoundments in the area. The headwaters basin of Tenmile Creek is a network of springs and small streams that originate in northwest Montgomery County and flow southwardly forming the Tenmile Creek and its further extension and enlargement, the Little Seneca Creek. This system constitutes the purest quality watershed remaining in Montgomery County.

The Applicant:

This petition is presented by the Tenmile Creek Conservation Committee (TMCCC). We are concerned about the threat of pollution to domestic wells, to an important aquifer discovered in the area mentioned above, and to projected water impoundments immediately downstream, of vital importance to the Washington Metropolitan Area.

The Rationale:

This aquifer system is the principal source of water supply in the area. There are pure water springs in the immediate area that have been in continuous use for over two hundred and fifty years. Several families are totally dependent upon these fracture control springs and have been for generations. There has been a succession of pollution threats to this aquifer which TMCCC has been instrumental in preventing. The most immediate threat of pollution is raised by a proposal of the County to establish a "high-rise" solid waste landfill, known as Site 30, in the very center of this network of springs and streams out of which Tenmile Creek is generated and directly above the center of the newly discovered aquifer that the State Department of Natural Resources (DNR) has identified as an important drinking water resource that must be protected to Federal drinking water standards. However, DNR has given no indication of how this is to be protected, has established no standards for examination of prospective landfill sites and no criteria for specifying when a proposed site should be rejected.

Downstream from this site two tandem water impoundments are in prospect. One, the Soil Conservation Service (SCS) Site 3, which advanced on June 30, 1975, to the second stage of its programming, would hold five billion gallons, with one-half of this capacity allocated to public drinking water. The other, M-5, has been recommended to WSSC by their consulting firm, Black and Veatch. It would have a capacity of ten billion gallons and would extend upstream well into the buffer zone of the proposed landfill site.

It is abundantly clear, as we expect to show later, that there is a high degree of risk, amounting virtually to a certainty, that a landfill in the location identified above, with highly fractured and distorted underground structures would threaten our water resources with widespread leachate pollution.

The State DNR has estimated that the leachate from the proposed landfill could be as much as 72,000 gallons per day and has stated explicitly that "the indigenous soil is not only insufficient in quantity for daily soil cover even if the buffer zones are stripped of their trees and then of the soil, but also is of a quality that would offer no natural protection against leachate pollution."

However, the States does not have primacy at this time under the Safe Drinking Water Act; therefore, we are applying for interim protection under Section 1424 of the Act.

Area Description:

The major portion of this site is on an upland sloping plateau from which the solid waste and daily cover soil will rise almost a hundred feet above the present surface. Alongside the southern and western edges of this plateau there are deep ravines in which two of the generating streams of Tenmile Creek continuously flow. Other streams are nearby. This landfill would provide only a three-year solution to the County's solid waste disposal, while posing a threat for many years into the future to presently unpolluted water resources.

A landfill with upwards of thirty-feet of hydrostatic pressure could readily result in forceful injection of fluid derivatives from the disintegrating refuse into the highly fractured bedrock. Our estimate is based on EPA supported research demonstrating the "mounding" of the water table into the landfill proper. Compounding this mounding problem is the high water table of the aquifer which stands within two-feet of the ground surface near the very center of the proposed landfill.

From the preliminary photogeologic examination of Landfill Site 30, there appears to be three subsurface fracture systems, each consisting of multiple fractures. There are at least nineteen flowing springs in the immediate vicinity of the landfill. Their location is in close alignment with the trend of fractures contributing further to our contention that the springs are fracture-controlled and the hydraulic connection between surface and ground water is intimate.

The State DNR has confirmed that the transmissivity in the fracture system underlying this area is unusually high for this region of the Maryland Piedmont. It is an accepted fact that high transmissivity encourages pollution by leachate migration into the neighboring aquifer which according to recent EPA news releases is practically irreversible.

Our consultant geologist has discovered indications that there are disturbances in structures on Site 30 from two major off-site but nearby faults. These on-site indications of faulting and their hydrologic consequences have in no way been examined by the County.

Comments of Other Professionals:

Various independent groups and government agencies have warned the County repeatedly of the inherent inadequacies of proposed Landfill Site 30 and the risks involved.

This landfill site was rejected in the first round by the engineering firm of Whitman, Requardt and Associates, Inc., on grounds that it was technically and environmentally unacceptable.

Subsequently this site was independently rejected by two agencies of the State DNR on the basis "that it would be inadvisable to locate a reservoir and a landfill near one another within the same basin. Preference should be given to the reservoir since its location is far more site-specific, and in this case, the County has several suitable alternate landfill sites."

On June 6, 1975, the Maryland-National Capital Park and Planning Commission advised the County that "the staff analysis of the issues associated with Site 30 has found that the potential problems associated with bedrock fracturing, water pollution and the amount of on-site available cover material have still not been resolved. The Planning Board's concerns about the natural environmental limitations associated with the use of Site 30 as a landfill have not changed."

(NOTE.—The "concerns that have not changed" refer to several successive decisive votes of the Planning Board against use of Site 30, despite repeated requests from certain other County officials for "reconsideration.")

The SCS, concerned with the proximity of this site to their projected water impoundments advised the County that "• • • ground water movement, spring seepage, infiltration, leachate and surface runoff all provide a potential avenue for irreparable water pollution damages to occur. Combining these features with the anticipated flood control, water supply reservoir (Site #3) to be constructed downstream by the co-sponsors of the Seneca Creek PL 566 project, the potential exists for major damage to probably the most significant water impoundment reservoir within Montgomery County."

TMCCC Position:

We believe it is a gross error on the part of the County to ignore the potential adverse environmental impact so abundantly brought to their attention. It typifies the generally inadequate craftsmanship and evident lack of concern for environmental matters. The County has not followed the recommendations of State agencies on procedures that would help identify and evaluate the serious technical problems inherent in this site. Instead, the County is proceeding on an expedited schedule to develop a final design, before resolving these technical issues.

From an overall viewpoint, in consideration of the critical shortage of water resources in the Washington Metropolitan Area, we believe it is incredible and intolerable to expose a watershed of the purest water quality remaining in the County and its recharging aquifers, to the threat of contamination by 72,000 gallons per day of leachate being placed directly on top of an identified aquifer of important dimensions, with no natural protection.

There is urgency in resolving these issues now, before the project goes to final design—not afterwards, when time has run out, when there is no opportunity to pursue presently available alternatives, and the aquifers have suffered irrevocable pollution by default.

It is on these bases that TMCCC petitions the Administrator under the provisions and principles of Public Law 93-523 for assistance in protecting the Tenmile Creek Watershed and the variety of vastly important water resources involved therein.

In addition to several pertinent documents attached hereto, it is our intention to provide additional data and information as it becomes relevant.

We appreciate your expeditious attention to this petition since time has become an important factor. It would be very helpful to us if we could have an early conference with you on procedures and further processing of this petition.

Very truly yours,

TENMILE CREEK CONSERVATION COMMITTEE,
CLIFFORD BECK, *Chairman*,
DON MAXEY, *Vice President*.

The exhibits listed below were submitted with the Tenmile Creek Conservation Committee Petition:

1. Map of the aquifer (map showing location of springs in immediate vicinity of landfill).
2. Maryland Geologist Survey (Bulletin 14).
3. Letter from Maryland Department of Natural Resources (Rubelman).
4. Letter from Maryland Department of Natural Resources (Lawther).
5. EPA Newsletter March 14, 1975.
6. Report on Proposed Landfill Site 30, Montgomery County (Susan Bresee).
7. Photogeologic Analyses of Site 30, Area 2 (C.M. Shifflett).

PETITION SUBMITTED BY THE CLARKSBURG COMMUNITY ASSOCIATION

This petition is presented to the Administrator under the Safe Drinking Water Act for the purpose of designating the Clarksburg-Boyds aquifer as a sole drinking water source, and in order to obtain the protective benefits of the Act for the aquifer and the public water supply reservoirs thereon.

Aquifer Description

The water-bearing formation of this aquifer consists primarily of fractures, faults, and joints. Proof that the aquifer area is highly fractured has come from extensive photogeologic analysis as well as on-site investigations. Strong tectonic activity in a phyllite formation produces fractures which are approximately at right angle orientation to each other. This activity results in a predominantly fracture-controlled stream arrangement which is rather typical insofar as it deviates from the more classical dendritic pattern. Streams and their tributaries intersect in a "block" type arrangement such as the highlighted one in Exhibit #1.

The Ijamsville phyllite bedrock can be a fairly impermeable material; however, when it is fractured, it becomes highly transmissive along the fractures and, in essence, a natural "pipeline" for the movement of ground water. In the Clarksburg-Boyds aquifer the fracturing is extensive, and so interconnected that one is, in effect, dealing with an underground water "distribution" network of considerable magnitude.

Wells drilled in the general area of this aquifer vary widely in their yield. However, when fractures are first located by geologic analysis and then wells are purposely placed on such fractures or their intersections, unusually high yields can be obtained. Earlier this spring, using guidelines obtained from photogeologic analysis, one particular well (well W3 as shown in Exhibit #2) was brought in that evoked considerable excitement in Maryland hydrogeological circles. This well had a pumped yield of about 300 gallons per minute (gpm), which is a record for this part of the Maryland Piedmont. The highest previously recorded flow is 183 gpm. Well W3 is clearly located on the intersection of two fractures on the northern part of the

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aquifer. It yielded cuttings indicating the presence of fractured bedrock to its final drilled depth of 120 feet; its flow continued to increase with increasing depth. During a longer term test, it was pumped continuously for three days and nights at 100 gpm without decreasing in yield. The flow of water gushing out of a three-inch pipe attached to the turbine pump is shown in Exhibits #3 and #4 which picture several area residents sharing the excitement of discovery. To the older residents whose families have lived here for many generations, this did not come as a great surprise; they have known for a long time that this area is rich in water resources. This part of the Ijamsville phyllite is so highly fractured that even the springs in the area appear to be fracture-controlled (notice the alignment of springs with fractures in the northernmost part of the aquifer, Exhibit #2).

It is because of the great abundance of springs that this acquifer was named "SPOUTROCK" in older days. This name is due in part to the fact that whenever wells beyond Tennille Creek aquifers ran dry during long droughts, people from the surrounding areas would come to the residents living on the SPOUTROCK to borrow water for their daily needs. All the springs shown in Exhibit #2 flow even during the driest months of the year; the temperature of those that have been measured varies little throughout the year and their flow is not significantly altered by spells of wet or dry weather. To date, in addition to the several hundred residents relying exclusively on wells drawing from this aquifer, four families still rely solely on springs for their water supply in much the same way as their ancestors or predecessor. The existence of this close connection between ground and surface water accounts for the fact that Tennille Creek, despite its relatively small watershed, shows a greater, and a more even flow as compared to other tributaries of the Great Seneca Creek even though they have much larger catch basins, demonstrating in this way that a disproportionately high percentage of its stream flow originates from ground water.

It has practically become axiomatic that good quantities of water are not obtained unless a well is drilled on or near one of the aquifers fractures—such has been the experience of well-drillers working in this area. This, coupled with the fact that the fractures on the Clarksburg-Boyds aquifer are numerous, often very long, and highly jointed, is what reinforces the belief of the residents that they all drink from the same intricate, interconnected ground water network and that a threat of pollution to a few wells is a threat to all.

It is of interest to note parenthetically that this aquifer is bisected by two faults that run from as far away as Howard County toward the southeast corner of Montgomery County (see Exhibit#1). These faults were mapped by examination of geological features such as bedrock outcroppings by A. J. Froelich of the U.S. Geological Survey. It is interesting to speculate on the relationship between the aquifer fractures and the Froelich faults; one thing that is certain is that this area has undergone fairly intensive tectonic activity.

We are thus not dealing here with an ordinary small watershed but rather with a place that is uniquely endowed with bountiful water resources in addition to its other environmental attributes and attractions. What also makes it unique is its geography. It happens to have the two most valuable and cost effective potential water impoundment sites in all of Montgomery County. A total of 15 billion gallons of water can be stored in these impoundments, enough to alleviate the critical water shortages of the Washington Metropolitan Area well beyond the year 2000. The lower impoundment, Soil Conservation Site #3 at Boyds, has the unanimous endorsement of the Boyds Community Association and has been part of the area Master Plan for eight years. This Federal project under Public Law 577 has moved to phase II as of June 30, 1975, and has just received the local county political approval that is a prerequisite of such staging. We are dealing here then with public water supply in the implementation stages which is of interstate significance. No other project in Montgomery County, Prince Georges County, or the District of Columbia for the purpose of alleviating water supply shortages is even within five years of the efforts and programmatization that has gone in SCS #3. This area is a national resource and it requires protection.

Imminent Hazard

What has precipitated this crisis and the mobilization of the local citizenry and of environmental and civic groups around the country and State is the mindless proposition by some Montgomery County officials to place a landfill on top of the northern section of this aquifer. This proposal is an insult to the environment and to common sense.

With the highly fractured bedrock and paucity of cover material, we are virtually guaranteed another Lahngollen experience. (See Exhibit #5).

Legal Grounds

The legal foundation of our case rests on the Safe Drinking Water Act and the fact that the Congress of the United States structured it to be a preventive measure.[1-2] The

1. "It is the Committee's intent that the definition be liberally construed so as to effectuate the preventive and public health protective purpose of the bill." Committee on Interstate and Foreign Commerce, 93–1185 p. 32.

2. "• • • it is important to note that actual contamination of drinking water is not a prerequisite either for the establishment of regulations or permit requirements or the for enforcement thereof." Op. Cit. p. 32.

irreversible nature of aquifer contamination (as exemplified by Lahngollen) necessitates prevention rather than expensive attempts at amelioration or abatement after the fact.

The Clarksburg-Boyds aquifer clearly qualifies as a sole source of drinking water for the residents within its limits. Leachate, the major contaminant of landfills, clearly comes under the Law's scope since it is a "derivative" that moves or flows (in this case at the significant production rate of 75,000 gallons per day). In the words of the Committee on Interstate and Foreign Commerce (Report 93–1185, p. 28 and p. 31): "First, potential as well as presently used drinking water sources are to be protected. Second, protection is to apply to any injected substance (or derivative thereof) whether or not that substance is a contaminant subject to national primary drinking water regulations." Also, "the definition of 'underground injection' is intended to be broad enough to cover every contaminant which may be put below ground level and which flows or moves, whether the contaminant is in semi-solid, liquid, sludge, or any other form or state."

This brings us to the question of injection. It is clear from the Committee's clarification of legislative intent that the word injection, although borrowed from "injection well," is not restricted to forcible injection but simply means introduction. Thus introduction of contaminants that enter ground waters by movement or flow is the primary concern of Congress.

In the case of the landfill, excavation of the base to obtain cover preceding placement of refuse clearly falls within the provision of the Law.

In the case of the surface drinking water supply (both potential and planned in this case), the Law is even broader as to the mode of introduction and clearly includes any source of pollutants without regard as to the configuration or geometry of the source. We believe that these promising surface water resources merit full protection of the Act.

General Considerations

In order to assure complete protection for SCS #3, it would be desirable to include the tributaries of the Little Seneca Creek east of Interstate 270 and extending northwest and in proximity to the County's 4000 acre Little Bennett Creek Park (see Exhibit #6). However, the Association, in an effort not to make excessive demands on the EPA Administrator and to keep the area to be designated within practical limits, is requesting protection only for the Clarksburg-Boyds aquifer (which is essentially the Tennille Creek watershed from its northern end near Comus Road, south to the SCS #3 dam site in Boyds).

The signatories to this petition (see Exhibit #7) are not unaware of the obligation to be of service to the whole county. However, the service most uniquely obtainable from this area is the supplying of potable water. It is to be noted in this connection that the water impoundments are not devoid of citizen impact, inconvenience, or displacement, yet they enjoy overwhelming public support.

Our concern is primarily the protection of the water resources. In a few years, three million people may be drinking water from these water impoundments; they deserve protection. It is not the intent of this petition to limit development; as can be seen from Exhibit #6, the attractiveness of this general area as a wildlife habitat and for human recreation is well recognized. Note the huge investment in these resources that the Montgomery County Planning Board has made in the form of parkland. In addition to the 4000 acre Little Bennett Creek Park to the northeast, there is the Little Seneca Creek Park. This surrounds much of the SCS #3 area and together with a large golf course fronting Interstate 270 constitutes an already existing buffer. It is thus clear that this general area is not projected for intensive development by the county planners. We are, however, certainly not opposed to its growth.

The protection we are in fact seeking is very much in keeping with existing planning principles. It is the imminent hazard of the landfill that defies these principles. It is for these reasons: the total disregard of land use, and the threat to water resources, that the Montgomery Planning Board and the Soil Conservation Service (U.S.D.A.) have formally opposed this unecological landfill proposal.

Respectfully submitted this October 1st, 1975.

DR. GEORGE J. SPYRIDES,
President, Clarksburg Community Association, Clarksburg, Maryland 20734.

The exhibits listed below were submitted with the Clarksburg Community Association petition.

1. Fracture controlled stream patterns and overlay. Froelich Faults.
2. Partial display of springs of the aquifer.
3. Photographs of well No. 3.
4. Photographs of well No. 3.

5. The Lahngollen disaster.
6. Overall view of the reservoirs and position relative to existing parkland.
7. Petition from residents of Clarksburg area and aquifer users.

Section 1424(a) of the Safe Drinking Water Act requires that the Environmental Protection Agency make a determination within thirty (30) days after the publication of this notice as to whether the aquifer in the upper reaches of Tenmile Creek is the sole or principal source of drinking water for the area and which, if contaminated, would create a significant hazard to public health. In particular, information is sought concerning: (i) any existing or proposed injection wells in the area, (ii) population dependent on the aquifer as its sole or principal source of water supply, (iii) aquifer boundaries, (iv) boundaries of the recharge zone of the aquifer, (v) location of water wells, (vi) alternative sources of drinking water supply.

In addition, by a separate letter, EPA has requested the State of Maryland to supply any information which would assist this Agency in making a decision.

Comments, data, and references in response to this notice should be submitted in writing to the Regional Administrator, Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106, on or before June 28, 1976. All documents and exhibits referred to in this notice are available for inspection at the same address.

Dated: June 1, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76–16465 Filed 6–7–76;8:45 am]

[FRL 555–7; PFT11]

ANSUL CO.

Request for Increased Tolerance Limitation in Processed Foods

On May 21, 1975, the Environmental Protection Agency (EPA) announced (40 FR 22132) that in response to a petition (FAP 5H5060) submitted by the Ansul Co., PO Drawer 1165, Weslaco TX 78596, food additive regulations (21 CFR 123.284 & 561.280) had been established permitting the use of the monosodium salt of the herbicide methanearsonic acid (expressed as As_2O_3) on growing sugarcane with a tolerance limitation of 1 part per million (ppm) for residues of methanearsonic acid in sugarcane molasses, sugar, and syrup in accordance with a temporary permit that was issued under the Federal Insecticide, Fungicide, and Rodenticide Act. This experimental program expired May 15, 1976. Ansul Co. has requested a one-year renewal of this experimental program and has additionally asked that the 1 ppm tolerance for residues of the herbicide in sugarcane molasses, sugar, and syrup be raised to 3 ppm.

Notice of this request for an increased tolerance is given pursuant to the provisions of Section 409(b) (5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should bear a notation indicating the petition number "FAP FH5060". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 28, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–16464 Filed 6–7–76;8:45 am]

[FRL 556–6; OPP–180072]

CALIFORNIA DEPARTMENT OF HEALTH

Crisis Exemption Using DDT to Control Flea Vectors of Plague

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the California Department of Health (hereafter referred to as the "Applicant") has availed itself of a crisis exemption. The Applicant used the pesticide DDT to control fleas on wild rodents, primarily the chipmunk (*Eutamias townsendi*), and the golden-mantled ground squirrel (*Spermophilus lateralis*), but also including the white-footed deer mouse (*Peromyscus maniculatus*). The location of the plague situation was Lake Davis in Plumas County, California. This exemption was in accordance with, and was subject to, the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning the exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Applicant has submitted in writing the following certified information.

According to the Applicant, during late 1975, an epizootic of sylvatic plague occurred at the Grizzly and Grasshopper Campgrounds at Lake Davis. The area (administered by the U.S. Forest Service of the U.S. Department of Agriculture) is heavily utilized by hunters, fishermen, and other recreationists. On August 27, 1975, two chipmunks and one golden-mantled ground squirrel were found positive for bubonic plague at these campgrounds in Plumas County. Subsequent investigations by the California Vector Control Section staff determined that an epizootic of plague involving chipmunks and golden-mantled ground squirrels was in progress at this location. Additional animals of both species plus pools of fleas were determined to be positive for plague.

On September 17–18, an application of 5% carbaryl was made to all burrow systems in the campground. Post-treatment evaluation of this application indicated a low level of effect on the flea population. Subsequent applications of 10% carbaryl dust were made on April 14–15, and April 21, 1976, due to the discovery of two chipmunk carcasses in the Grizzly Campground, and the determination that the 10% carbaryl dust was producing higher, but still unsatisfactory levels of control.

Carbaryl dust is the only pesticide currently registered for control of wild-rodent fleas. An alternative was needed. DDT was available and considered to be efficacious by the Applicant. The time element was critical, because three (3) applications of carbaryl had not controlled the flea vectors of plague.

In total, 47 pounds of 10% DDT dust were applied on May 5–6, 1976, to approximately 80 acres at the two campgrounds mentioned. Hand-operated plunger-type dusters were used. The method involved searching out rodent burrows, then inserting the nozzle of the duster and actuating the plunger while the nozzle was held in the burrow entrance. The application was made by seven (7) public health biologists on the staff of California's Vector Control Section; staff of the U.S. Forest Service assisted. Environmental impact was minimized by containing as much of the dust as possible in the burrows. Additionally, great caution was taken to assure that the DDT was kept out of the water. A post-treatment evaluation on May 12 and 13, 1976, revealed that satisfactory control had been achieved, as compared with the results obtained with the carbaryl applications.

The official file concerning this exemption is available for inspection in the Registration Division (WH–567), Office of Pesticide Programs, EPA, Room E–315, 401 M Street, S.W., Washington, D.C. 20460.

Dated May 28, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–16462 Filed 6–7–76;8:45 am]

[FRL 556–5; OPP–180060A]

MONTANA DEPARTMENT OF LIVESTOCK

Amendment to Specific Exemption To Use Strychnine To Control Rabid Skunks

The Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER of January 9, 1976 (41 FR 1623), which announced the issuance of a specific exemption to the Montana Department of Livestock (hereafter referred to as the "Applicant"). This exemption allowed the use of strychnine alkaloid baits in twenty-one (21) cou.-

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ties in eastern Montana to control populations of rabid skunks, and was to commence on or about November 17, 1975, and to expire on March 31, 1976. However, in early March, the Applicant requested an extension of the specific exemption for the remainder of calendar year 1976 or until registration of strychnine alkaloid for skunk rabies control could be obtained.

During the winter of 1975–76, the Applicant has kept the EPA advised of the rabid skunk control program; maps indicating the locations of strychnine bait/egg applications and copies of laboratory tests for rabies have been received. The Fish and Wildlife Service of the U.S. Department of the Interior does not oppose the temporal extension.

After reviewing the request and other available information, EPA has determined that the conditions which gave rise to the issuance of the original exemption would likely continue beyond the March 31, 1976, expiration date; therefore, an extension of the exemption to November 16, 1976, has been granted, subject to the conditions specified under the original specific exemption. The registration of strychnine for this use pattern is still unresolved.

Dated: May 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-16461 Filed 6-7-76;8:45 am]

[FRL 556-2; OPP-31003A]

RALSTON PURINA CO.

Approval of Application to Register Pesticide Product Entailing a Changed Use Pattern

On March 31, 1976, notice was given (41 FR 13660) that Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, had filed an application (EPA File Symbol 602-EAN) with the Environmental Protection Agency to register the pesticide product PURINA FLY PATROL (Fly Bait) containing 1.0% of the active ingredient Methomyl [s-methyl N-(methylcarbamoyl) oxy] thioacetimidate. As stated in the March 31 notice, methomyl is primarily used as an agricultural insecticide; the application received from Ralston Purina Co. proposed a change in the use pattern to include its use as a fly bait. PM12

This application was approved on May 5, 1976, and the product has been assigned the EPA Registration No. 602-260. PURINA FLY PATROL is classified for general use in the control of house flies. Notice of registration is given in accordance with regulations [40 CFR 162.7(d)(2)] for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.).

Test data and other information submitted in support of this registration as well as such other scientific information deemed relevant to the registration decision, except for such material protected by Section 10 of FIFRA, will be available for public inspection in the office of the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room EB-31, East Tower, 401 M St. SW., Washington, D.C. 20460, in accordance with Section 3(c)(2) of FIFRA, within 30 days after the registration date of May 5, 1976.

Dated: May 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-16458 Filed 6-7-76;8:45 am]

[FRL 556-3; OPP 30107A]

THOMPSON-HAYWARD CHEMICAL CO.

Approval of Application to Register Pesticide Product Containing a New Active Ingredient

On March 1, 1976, notice was given (41 FR 8823) that Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110, had filed an application (EPA File Symbol No. 148-RELI) with the Environmental Protection Agency to register the pesticide product DIMILIN W-25 containing 25.0% of the active ingredient N-[[(4-chlorophenyl)amino]carbonyl] which was not previously registered at the time of submission. PM17

This application was approved May 6, 1976, and the product has been assigned the EPA Registration No. 148-1258. DIMILIN W-25 is classified for restricted use for the control of gypsy moth larvae. Notice of registration is given in accordance with the regulations [40 CFR 162.7(d)(2)] for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.).

Test data and other information submitted in support of this registration as well as such other scientific information deemed relevant to the registration decision, except for such material protected by Section 10 of FIFRA, will be available for public inspection in the office of the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room EB-31, East Tower, 401 M St. SW, Washington DC 20460, in accordance with Section 3(c)(2) of FIFRA, within 30 days after the registration date of May 6, 1976.

Dated: May 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-16459 Filed 6-7-76;8:45 am]

[FRL 556-8, OPP-180073]

U.S. DEPARTMENT OF AGRICULTURE

Crisis Exemption Using Malathion To Control Black Grass Bugs in Arizona

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture (hereafter referred to as "U.S.D.A.") has availed itself of a crisis exemption. The U.S.D.A. used the pesticide malathion on an outbreak of black grass bugs (*Labops hesperius* and *Irbisia brachycera*) in northwestern Arizona. This exemption was subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning the exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the Federal Register on December 3, 1973 (38 FR 33303). As required, the U.S.D.A. has submitted in writing the following certified information.

According to the U.S.D.A., the black grass bugs posed a serious threat to the crested wheat grasses and other forage grasses of the Hualpai Indian Reservation in Coconino County, Arizona. The infestation covered 40,608 acres of the Reservation. Malathion, at 8 ounces active ingredient per acre (ULV), was applied aerially to the area involved. Application began on April 27, 1976, and was completed in April 30, 1976. No further application is anticipated.

The U.S.D.A. stated that acceptable registered pesticides were not available. The registered alternative pesticides, parathion and methyl parathion, were deemed to pose an unacceptable risk to humans, domestic animals, and wildlife in the area. Malathion, while not registered for the control of black grass bugs in Arizona, is registered for this use in Utah (EPA Reg. No. 241-110). The time element was so critical that there was no time to request a specific exemption.

Applications were supervised by professional personnel of the Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S.D.A. The applicators were instructed to terminate spray application before reaching streams and open bodies of water. When weather conditions favored drift of the pesticide from the treatment area, application ceased. Farmsteads and rural dwellings were not treated. Efficacy data were collected from the application in an attempt to gain sufficient data to support Federal registration of this use pattern.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M Street, SW., Washington, D.C. 20460.

Dated: June 2, 1976.

JOHN B. RITCH, Jr.
Director, Registration Division.

[FR Doc.76-16581 Filed 6-7-76;8:45 am]
[FRL 551-2, OPP-180071]

TEXAS STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Sodium Chlorate for Desiccation of Flax

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Texas State Department of Agriculture (hereafter referred to as the "Applicant") to use sodium chlorate as a harvest aid to desiccate flax in nine (9) counties in southeastern Texas. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room 315, Washington, D.C. 20460.

Approximately 6,000 acres of flax located in Aransas, Bee, Calhoun, Goliad, Karnes, Live Oak, Refugio, San Patricio, and Victoria counties in southeastern Texas are involved. The Applicant proposed to use the product entitled Climax-3 (Texas Reg. No. 3335-8) containing three (3) pounds of actual sodium chlorate per gallon at the rate of one and one-third (1⅓) gallons per acre (four (4) pounds A.I. per acre) by aircraft. The use of this desiccant chemical is necessary because of heavy rains in the flax producing counties which have precipitated a heavy growth of weeds; these weeds are likely to delay harvest and reduce the yield of the flax crop. The duration of application will be forty (40) days from the time that the specific exemption was issued. The Applicant will instruct personnel involved on the proper application of the sodium chlorate formulation.

There appear to be no alternative registered harvest aid desiccants available. The flax crop has an estimated value to the growers of $240,000 (6,000 acres at $40 per acre). Without the use of a desiccant, crop loss is estimated at 70 percent (6,000 acres at $28 per acre) or a total of $168,000.

The Fish and Wildlife Service of the U.S. Department of the Interior has informed EPA that no adverse effects on fish and wildlife populations will occur from the proposed sodium chlorate application to flax. Flax seed oil (linseed oil) is primarily used in industry, and although some flax-seed residues are used for livestock feed, little if any flax is part of the human diet. Since sodium chlorate reduces rapidly into sodium chloride, no adverse effects on man are anticipated.

After reviewing the application and other available information, EPA has determined that (a) there is no pesticide presently registered and available for use to control the flax situation in Texas; (b) there are no alternative means of control, taking into account the efficacy and hazard; (c) significant economic problems may result if the situation is not controlled; and (d) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 15, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

1. The dosage rate shall not exceed four (4) pounds of sodium chlorate per acre;
2. Total sodium chlorate applied shall not exceed 24,000 pounds A.I.;
3. Treated acreage shall not exceed 6,000 acres;
4. A fourteen (14) day pre-harvest interval will be used for all treated flax;
5. Personnel making the sodium chlorate application will be instructed in proper application procedures by trained personnal of the Texas State Department of Agriculture;
6. The sodium chlorate product used will be Climax-3 (Texas Reg. No. 3335-8), containing three (3) pounds of sodium chlorate per gallon and urea as the fire retardant; and
7. The Applicant must supervise aerial application to avoid or minimize drift to non-target areas.

Dated: June 2, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-16582 Filed 6-7-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-236; 65811]

COMMON CARRIER SERVICES INFORMATION

International Satellite Radio Application Accepted for Filing

JUNE 2, 1976.

By the Chief, Common Carrier Bureau.

The application listed herein has been found, upon initial review to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined it is defective and not in conformance with the Commission's Rules Regulations or its policies. Final action will not be taken on this application earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES:

14-DSS-LA-76 COMSAT GENERAL CORPORATION 119° West Longitude For authority to launch and to place in orbit the second COMSTAR communications satellite to be used as part of a domestic communications satellite system of American Telephone and Telegraph Company, at 119° West Longitude, and to carry out pre-operational testing of that satellite subsequent to its injection into synchronous orbit.

[FR Doc 76-16510 Filed 6-7-76;8:45 am]

[FCC 76-476; Docket No. 20817]

RADIO OPERATOR LICENSING PROGRAM

Notice of Inquiry

In the Matter of an inquiry relating to the Commission's radio operator licensing program.

By the Commission: 1. Historical. Section 303(L)(i) of the Communications Act authorizes the Federal Communications Commission to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of licenses, and to issue them to persons found qualified. The Field Operations Bureau is responsible for the examination of commercial operators and for the issuance of licenses and permits.

The first requirement for the licensing of radio operators appeared in Public law 262, enacted on June 24, 1910. On July 1, 1911, the Radio Division of the Department of Commerce was organized and given the responsibility to carry out the provisions of Public Law 262 and until February 23, 1927, all radio stations and operators were licensed by them. Public Law No. 632, the Radio Act of 1927, established the Federal Radio Commission and transferred the regulation of the Broadcasting industry to that Commission. The licensing of other classes of stations and of operators remained with the Department of Commerce.

On June 19, 1934, the Congress enacted the Communications Act of 1934, which established the Federal Communications Commission and vested it with the authority then held by the Federal Radio Commission and the Department of Commerce, as well as the Interstate Commerce Commission (common carriers) and the Post Office Department (telegraph companies).

Thus, for more than 42 years, the responsibility for the licensing of radio operators has rested with the Federal Communications Commission and with its predecessors for 23 years prior to that.

2. The purpose of this Notice of Inquiry is to solicit comments or recommendations concerning changes or revisions which the public believes should be considered by the Commission in reviewing its radio operator rules to evaluate their relevancy to the current state of the communications industry.

3. This inquiry is limited, primarily, to the Radio telephone Operator class of license. Certain revisions to the licensing requirements for Radiotelegraph operators are necessitated by recent changes adopted by the International Telecommunications Union; however these matters will be addressed in a separate action.

4. Section 318 of the Communications Act of 1934 requires that the actual operation of all transmitting apparatus for which a station license is required shall be carried on only by a person holding an operator license. Except for ship, air-

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craft, broadcast, and some common carrier stations, the Commission may waive or modify the foregoing provisions and, to a large extent, has done so. An operator license is not required for the routine operation of most radio stations such as Police, Fire, Business, Taxi, and Citizens Radio. In cases where the Commission does not have the option of waiving licensing requirements, it has historically required only the lowest level of license commensurate with the responsibility of the operator.

5. The Commission's Rules require that the adjustment, repair, and maintenance of radio transmitting equipment shall be performed only by a person holding a valid operator license of the class specified in the Rules for each class of station, or under his immediate supervision. Normally, a First or Second Class Radiotelephone License is required for this purpose. These persons will be referred to as service or maintenance operators in this notice to clearly differentiate their function from that of the routine operator.

6. It has been the Commission's position that the proper technical operation of a radio station was the ultimate responsibility of the station licensee. As many station licensees possess little or no technical expertise, they must depend upon a Commission licensed service operator to install and maintain the transmitting equipment in conformance with technical requirements. In cases of flagrant or repeated violations of the Rules, the Commission has the authority, under Section 312 of the Communications Act, to revoke the station license, or under Section 510 of the Act to assess a forfeiture against the station licensee. Authority to assess a forfeiture against an operator, however, is limited to the following four offenses:

(a) Failure to identify the station at the times and in the manner prescribed in the Commission's Rules.

(b) Transmission of any false call.

(c) Transmission of unauthorized communications on any frequency designated as a distress or calling frequency.

(d) Interference with any distress call or distress communication.

The offenses relate primarily to operators on board ships and none are particularly applicable to the service operator. Under pending legislation the forfeiture authority for operators would be expanded.

Section 502 of the Communications Act provides that any person who willfully and knowingly violates any Commission rule or regulation may be punished, upon conviction by a fine of not more than $500 for each and every day during which such offense occurs. This fine, however, may be imposed only by a United States district court.

The only other sanction which the Commission may exercise directly against the service operator is suspension of his license, upon proof sufficient to satisfy the Commission that he has violated a Commission rule or regulation.

7. It has been suggested that if the Commission places the responsibility for the proper technical operation of a station on the station licensee and not on the service operator, the requirement that an FCC licensed service operator be employed for installation and maintenance of transmitting equipment might well be waived, leaving the licensee free to employ anyone he wished to perform this work. It should be noted that in most cases, exclusive of Broadcast stations, the service operator is often not a regular employee of the licensee but is employed on an "as required" basis.

8. On the other hand, it has been argued that in hiring an FCC licensed service operator, the station licensee has the assurance that the operator has demononstrated some degree of technical ability by passing the required examination. Theoretically, the examination process eliminates the technically unqualified and establishes a pool of qualified technicians from which station licensees may choose their service operators.

9. The Commission would welcome comments from interested parties concerning the desirability of eliminating or retaining the service operator requirements in the various radio services and if retained, to what degree should the service operator be held responsible for the technical performance of transmitting equipment which he installs, services, and maintains? Should the responsibility rest mainly on the station licensee or the service operator? What should be the responsibility of the service operator when he notices a technical discrepancy and the station licensee elects not to correct it? Should the service operator be required to notify the station licensee in writing and/or should he notify the Commission? What additional sanction actions should be available to the Commission to enforce service operator responsibility and how should they be equitably applied?

10. From time to time the Commission has received suggestions that it permit the routine operation of the various classes of Broadcast stations by nonlicensed persons, or alternatively, pending possible revisions of Section 318 of the Communications Act, that persons holding only a Restricted Radiotelephone Operator Permit[1] be authorized to perform these duties. Proponents of this suggestion believe that modern broadcast systems do not require that a licensed operator be on duty and in control of the transmitter. Opponents point out that, although it would be possible to design a stable, fail-safe, automatic transmission system which would require no operator, or one with a minimal grade of license, in attendance, present transmitting systems do not have the degree of stability which would obviate the operator requirement. The Commission requests comments and suggestions concerning the desirability of retaining or waiving the requirement for licensed operators for routine operation of Broadcast transmitters.

11. If it appears desirable to retain the licensing requirement for both routine and service operators, the Commission would like to receive comments and suggestions pertaining to its examination and licensing procedures. Are the current examinations producing the desired result—technically qualified service operators; or are the examinations outdated and compromised to the degree that licenses can be obtained by technically incompetent persons? Does the scope of the examinations accurately reflect the knowledge required, in light of the current technical state of the communications industry? Should a period of "apprenticeship" under a "beginner" class of license be required prior to the issuance of a regular license to assure some degree of practical experience?

In view of the wide variety of classes of classes of radio stations licensed by the Commission and the unique requirements of some of these stations, would it be desirable for the Commission to consider issuing a basic operator/technician class of license with optional specialized endorsements such as AM Broadcasting, FM Broadcasting, Television Broadcasting, Land Mobile, Radar, and Microwave? If this is desirable, what provisions should be made for persons currently holding Radiotelephone First or Second class licenses?

12. The Commission has from time to time received requests that operator licenses be issued for the lifetime of the holder, rather than for the current five year term. Proponents of this suggestion claim that the renewal of the license every five years serves no useful purpose. On the other hand, it has also been suggested that an operator, as a condition of renewal of his license should be required to demonstrate, by means of a renewal examination or a minimum amount of satisfactory service performed during the term of the license, that he has maintained his competency. The Commission requests comments and suggestions on these subjects.

13. Accordingly, interested persons desiring to submit comments, proposals, and recommendations pertaining to the above matters may do so on or before September 1, 1976. Replies to any such comments, proposals, or recommendations may be submitted on or before September 15, 1976. All relevant and timely filed comments as well as other pertinent information made available to the Commission will be considered.

14. Pursuant to Section 1.419 of the Commission's Rules, an original and 11 copies of all statements, briefs, or comments filed in response to this notice are required. However, in an effort to obtain the widest possible response in this proceedings, informal comments (without extra copies) will be accepted.

[1] The restricted permit is valid for the lifetime of the operator and requires no examination.

15. Authority for this action is contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i).

Adopted: May 25, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-16511 Filed 6-7-76;8:45 am]

NON-GOVERNMENT SATELLITES IN THE 11.7–12.2 GHz BAND

Meeting of Joint Industry/Government Committee

JUNE 3, 1976.

A meeting of the Joint Industry/Government Committee (JI/GC) studying the use of the 11.7–12.2 GHz band in ITU Region 2 will be convened June 24, 1976 at 9:30 AM to 12:30 PM in Room 847 at 1818 "M" Street, N.W., Washington, D.C.

Six Working Groups of the JI/GC have submitted reports. A summary of these reports were mailed to those who have directly or indirectly expressed an interest in the activities of this Committee prior to the last meeting held on April 29, 1976.

Any party may submit additional comments at this meeting on the condition that such comments are directed to any of the three items set forth in the agenda for the January 1977 World Administrative Radio Conference on the Broadcasting Satellite Service announced by the Administrative Council of the International Telecommunications Union. The Agenda for the January 1977 meeting in Geneva is as follows:

1. To establish the sharing criteria for the bands 11.7–12.2 GHz in Regions 2 and 3 and 11.7–12.5 GHz in Region 1 between the Broadcasting Satellite Service and the other services to which these bands are allocated, namely: the Fixed Service, the Mobile Service (except the Aeronautical Mobile), the Broadcasting Service, the Fixed-Satellite Service (Space-to-Earth) in Region 2.

2. To plan for the Broadcasting Satellite Service in the above-mentioned bands in accordance with Resolution No. 27 of the Plenipotentiary Conference (Torremolinos, 1973) and Resolution No. Spa 2–2 of the World Administrative Conference for Space Telecommunications, Geneva, 1971.

3. To establish procedures to govern the use of these bands by the Broadcasting Satellite Service and by the other services mentioned in point 1 above to the extent considered necessary by the Conference.

The FCC has issued two Notices of Inquiry in the matter of the use of the 11.7–12.2 GHz band of frequencies. A partial staff summary of the comments received in reply to these Notices was mailed to the parties of indicated interest prior to the April 29, 1976 meeting.

Subject to change, an Agenda for the June 24, 1976 meeting is as follows:

(1) Approval of Agenda.

(2) Verbatim minutes have been recorded and made available for the April 29, 1976 meeting of this Committee. Are any corrections to these Minutes suggested?

(3) Submission of Report by the Chairman of each Working Group with certification as to its accuracy.

(4) Report by Chairman on submission of data for CITEL Exchange (Re Agenda Item 6 on April 29, 1976 Agenda) where such submission was left to the discretion of the Chairman.

(5) Report by Chairman on May/June 1976 CCIR Interim Meeting (Geneva) including that of the Joint Working Party (JWP) to provide CCIR guidance for the January 1977 WARC meeting in January 1977.

(6) Comments concerning U.S. Delegation to the 1977 WARC BC, and show of hands as to those who expect to participate.

(7) Other Business.

(8) Establish time for next meeting of JI/GC.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-16512 Filed 6-7-76;8:45 am]

CLOSED CIRCUIT TEST OF EMERGENCY BROADCAST SYSTEM SCHEDULED FOR JUNE 17, 1976

Public Notice

JUNE 2, 1976.

A test of the Emergency Broadcast System (EBS) has been scheduled for Thursday, June 17, 1976 between 2:03:30 and 2:09:00 P.M., Washington, D.C. time. Only ABC, CBS, NBC, IMN, MBS, and NPR radio network affiliates and UPI-Audio clients will participate. Television networks are not participating in this test.

Network affiliates will be notified of the test procedures via their network beginning four days in advance of the test. Test messages will also be run by AP and UPI radio press wire services for four days in advance of the test to issue wide dissemination of the test announcement and schedule.

Final evaluation of the June test is scheduled to be made by the end of July 1976.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission June 1, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-16509 Filed 6-7-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

INDUSTRY WORKING PARTY

Meetings

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (P.L. 94–163), announcement is made of the following meetings:

1. A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on June 15 and 16, 1976, at the International Energy Agency, 2 Rue Andre Pascal, Paris, 16, France, beginning at 9 a.m. on June 15. The meeting is to allow the IWP to meet with the Standing Group on the Oil Market (SOM) and its Ad Hoc Group. The agendas for the meeting are under the control of the SOM and its Ad Hoc Group. As of this date draft agendas have not been received for either group.

2. A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on June 15 and 16, 1976, at the International Energy Agency, 2 Rue Andre Pascal, Paris, 16, France. The meeting will be held at whatever times on June 15 and 16 are permitted by the schedule and plans of the SOM and the SOM Ad Hoc Working Group. The agenda for the meeting of IWP representatives is as follows:

Preparation of report to IWP on discussion with the SOM and its Ad Hoc Group.

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., June 2, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-16453 Filed 6-3-76;9:12 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP76-98 and RP76-15]

ALGONQUIN GAS TRANSMISSION CO.

Order Accepting and Suspending Proposed Revised Tariff Sheets and Consolidating Proceedings

MAY 28, 1976.

Algonquin Gas Transmission Company (Algonquin) tendered for filing on April 29, 1976 three proposed revised tariff sheets[1] to its FPC Gas Tariff, First Revised Volume No. 1. The purpose of these tariff sheets is to place into effect a purchased feedstock adjustment clause (PFAC) under Algonquin's Rate Schedule SNG–1 for the periods: October 16, 1976 through April 15, 1977 and October 16, 1977 through April 15, 1978. For the reasons discussed herein, Algonquin's proposed sheets will be accepted for filing and suspended for one day and consolidated with Docket No. RP76–15.

Algonquin's proposed tariff sheets

[1] First Revised Tariff Sheet Nos. 20–A, 20–B and 20–C.

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rehearing on the suspension issue. In

The Commission orders: (A) The

[Docket No. E-7172]

would be effective for the period 1976–1977 winter season for determination of a deferred feedstock cost account; and 1977–1978 winter season for amortization of this account. Under Algonquin's proposed PFAC, a Deferred Gas Cost Account is determined during the first winter season of the cycle. This Account would show the monthly adjustments made to reflect the differences between the base cost of feedstock (which Algonquin's defines as $3.853 per MMBtu) and monthly average cost of feedstock per MMBtu. During the second winter season of the PFAC cycle, the total amount in the Deferred Gas Cost Account would be amortized. The amortized amount would then be used as an adjustment to the Deferred Gas Cost Account.

Notice of Algonquin's filing was issued on May 12, 1976 with comments, protests or petitions to intervene due on or before May 26, 1976.

A similar PFAC was filed by Algonquin on September 24, 1975 in Docket No. RP76–15. The Commission accepted the PFAC in Docket No. RP76–15 by order issued October 24, 1975. The operation of PFAC was suspended for one day and a hearing was established at the close of the 1975–1976 winter season.[2] Because there are similar issues of law and fact in this docket and Docket No. RP76–15, the Commission thinks it is proper to consolidate these dockets for purposes of hearing and decision.

Algonquin's proposed PFAC has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept the proposed PFAC and suspend its operation for one day at which it will be permitted to become effective, subject to refund.

The Commission finds: (1) Algonquin's proposed PFAC should be accepted for filing and suspended for one day, at which time it will be permitted to become effective, subject to refund.

(2) Docket Nos. RP76–98 and RP76–15 should be consolidated for purposes of hearing and decision.

The Commission orders: (A) Algonquin's proposed revised tariff sheets are hereby accepted for filing, suspended for one day, and the use thereof deferred until May 30, 1976 and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Docket Nos. RP76–98 and RP76–15 are hereby consolidated for purposes of hearing and decision.

(C) The present procedural dates in Docket No. RP76–98 are hereby suspended. A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside over the consolidated proceedings. Said Presiding Administrative Law Judge shall establish new procedural dates for the consolidated hearing.

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16530 Filed 6–7–76;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Notice of Application for Approval of Easement

MAY 28, 1976.

Public notice is hereby given that application was filed on October 7, 1975, and supplemented on December 24, 1975, under the Federal Power Act, 16 U.S.C. §§ 791a et seq., by Arkansas Power & Light Company (AP&L) (Correspondence to: Edward B. Dillon, Jr., Esq. and Steve L. Riggs, Esq., House, Holmes & Jewell, 1550 Tower Building, Little Rock, Arkansas, 72201; and Floyd L. Norton, IV, Reid & Priest, 1701 K Street, N.W., Washington, D.C. 20006) for approval of an easement at its constructed Carpenter and Remmel Project No. 271, located on the Ouachita River in Garland County, Arkansas, near the City of Hot Springs.

According to the application, AP&L seeks Commission approval of an easement to be granted to the Arkansas Highway Department (Department). The Department plans to expand the existing Highway 270 bridge at Bull Bayou on Lake Hamilton from two to four lanes. The expansion would require enlargement of the earthen support areas at both ends of the bridge. An area of approximately 0.96 acres within the project boundary (400 foot contour) would be filled with 4,946 cubic yards of earth and rock material, resulting in 0.62 acres of land being raised above elevation 400. AP&L states that the granting of the proposed easement and construction activity would not impair the operation of the project.

Any person desiring to be heard or to make a protest with reference to this application should on or before July 16, 1976, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to this proceeding. Any person wishing to became a party to this proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. §§ 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), 18 C.F.R. § 1.32(b) (1975), as amended by Order No. 518, a hearing before the Commission may be held on this application without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. AP&L has requested that the shortened procedure of Section 1.32 (b) be used. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for AP&L to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16526 Filed 6–7–76;8:45 am]

[Docket No. ER76–494 (Phase II)]

DELMARVA POWER AND LIGHT CO. AND SUBSIDIARIES

Order Denying Motion for Reconsideration

JUNE 1, 1976.

For the reasons discussed below, the Commission herein denies the motion of the Cities of Newark, Delaware; Seaford, Delaware; Milford, Delaware; the Town of Smyrna, Delaware; the Board of Public Works of the City of Lewes, Delaware; and the Mayor and Council of the City of New Castle, Delaware (jointly, "the Cities") for reconsideration of the Commission's order of April 1, 1976, in this proceeding.

On January 30, 1976, Delmarva Power & Light Company and its subsidiaries, Delmarva Power and Light Company of Maryland and Delmarva Power and Light Company of Virginia (jointly, "Delmarva") filed proposed tariff revisions which would increase revenues from jurisdictional sales and service by $4,145,349, or 12.93%, based on the twelve month period ending December 31, 1976. Delmarva proposed that its submittal become effective on March 1, 1976. By order issued February 27, 1976, the Commission accepted the proposed tariff sheets for filing and suspended their effectiveness for one month until April 1, 1976.

A timely Protest and Petition to Intervene was filed, inter alia, by the Cities on February 23, 1976. On March 3, 1976, the Cities petitioned for rehearing of our February 27, 1976, order. The Cities requested a five month suspension of Delmarva's proposed rate increase.

By order issued April 1, 1976, the Commission granted the Cities' petition to intervene and denied their petition for rehearing on the suspension issue. In connection with the denial of rehearing, the Commission stated:

> Our February 27, 1976, decision to suspend the proposed rates for one month was based on our review of Delmarva's filing and the testimony and exhibits tendered in support thereof. Based on such a review, we exercised our independent judgment in light of our expertise in this area and concluded that a one month suspension was sufficient to protect the public interest and the interest of any customers in this proceeding. Upon further review, we reaffirm our prior order and conclude that the one month suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. *Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *F.P.C.*, 450 F. 2d 1341, 1352 (1971).

On May 7, 1976, the Commission granted a motion filed on April 5, 1976, by Accomack-Northampton Electric Cooperative, Choptank Electric Cooperative, Inc., Delaware Electric Cooperative, Inc., the Town of Berlin, and St. Michael's Utilities Commission (jointly, "the Cooperatives") for an expedited proceeding on the deferred fuel expense surcharge issue in this docket. The Commission designated the proceeding regarding the fuel expense surcharge issue as "Docket No. ER76–494 (Phase I)". The proceeding regarding the remaining issues was designated "Docket No. ER76–494 (Phase II)".

On April 29, 1976, the Cities filed a "Petition for Reconsideration of the Commission's Order of April 1, 1976" in which the Cities request that the Commission reconsider its April 1, 1976, order denying rehearing on the suspension issue. The Cities seek to have the Commission reexamine its suspension of Delmarva's proposed rate increase for one month and amend its orders of February 27, 1976, and April 1, 1976, to provide for a five month suspension of the rate increase. On May 5, 1976, Delmarva filed a response to the Cities' "Petition".

In view of the fact that the Commission has already denied a petition from the Cities for rehearing on the suspension issue, we shall deem their April 29, 1976, "Petition" to be a motion submitted under Section 1.12 of the Commission's Rules of Practice and Procedure. We find that good cause exists to deny the motion and we reaffirm our orders of February 27, 1976, and April 1, 1976. We reiterate our April 1, 1976, statement that our decision to suspend Delmarva's proposed rates for one month was based on our review of Delmarva's filing and the testimony and exhibits tendered in support thereof. Based on such a review, we exercised our independent judgment in light of our expertise in this area and concluded that a one month suspension was proper.

The Commission finds: Good cause exists to deny the Cities' April 29, 1976, motion for reconsideration of the Commission's one month suspension of Delmarva's proposed rate increase.

The Commission orders: (A) The Cities' April 29, 1976, motion for reconsideration of the Commission's one month suspension of Delmarva's proposed rate increase is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16518 Filed 6–7–76;8:45 am]

[Docket No. CP75–347]

COLORADO INTERSTATE GAS CO.

Order Granting Late Intervention

JUNE 1, 1976.

On May 27, 1975, as supplemented on September 30, 1975 CIG filed an application requesting authorization to partially abandon peak day and annual service to certain of its nonjurisdictional (direct) industrial customers and certificate authority to utilize this newly available gas for increased service to its jurisdictional resale customers. A hearing was held in this matter on May 5, 1976 to be resumed on Tuesday, July 21, 1976.

A late petition to intervene was received from Peoples Natural Gas Division of Northern Natural Gas Company (Peoples) on April 13, 1976.

Having reviewed the above petition to intervene we believe Peoples has sufficient interest in the proceedings to warrant intervention.

The Commission finds: The participation by Peoples as an intervener in this proceeding may be in the public interest.

The Commission orders: (A) Peoples Natural Gas Division of Northern Natural Gas Company is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission, *Provided, however*, That the participation of such intervener shall be limited to matters affecting asserted rights and interests specifically set forth in the request to intervene, *Provided, further*, That the admission of such intervener shall not be construed by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding, and that such petitioner shall take the record as presently established.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16519 Filed 6–7–76;8:45 am]

[Docket No. E–7172]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Extension of Approval and Confirmation of Rates

JUNE 1, 1976.

Take notice that on May 19, 1976, the Department of the Interior, on behalf of the Southwestern Power Administration (SPA), filed with the Commission a request for extension of confirmation and approval of the following rate schedules:

Rate Schedule F–1 (Firm Power).
Rate Schedule P–2 (Revised) (Peaking Power).
Rate Schedule EE (Excess Energy).
Rate Schedule IC (Interruptible Capacity).
Contract No. ISPA–356 (With Oklahoma Gas and Electric Company and Public Service Company of Oklahoma).
Contract No. 14–02–001–864 (with Tex-La Electric Cooperative, Inc.).

The Commission, by Order issued February 9, 1976 in this Docket, extended the confirmation and approval of the above rate schedules for a period ending May 31, 1976. SPA is requesting that the Commission extend its confirmation and approval of the SPA rate schedules set forth above for a maximum period of six months to November 30, 1976.

Studies completed by SPA disclose that revenues derived under the present rate schedules are not adequate to fulfill SPA's repayment obligation during the payout period as required by Section 5 of the Flood Control Act of 1944. SPA maintains that an increase of approximately $8.6 million per year in additional revenues will be required. SPA asserts that the requested extension will provide time for it to conduct hearings on the study prepared in support of the proposed rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to mae protestants parties to the Proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16515 Filed 6–7–76;8:45 am]

[2] The hearing is scheduled to commence on June 15, 1976.

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[Docket Nos. RP72-150 (Rate Design), RP73-104, RP74-22, RP74-23, RP74-57 and RP75-39]

EL PASO NATURAL GAS CO.

Notice of Informal Conference

MAY 21, 1976.

Take notice that on May 26 and 27, 1976, additional informal conferences will be held commencing at 10:00 A.M., in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be between El Paso Natural Gas Company, the Commission Staff and all interested persons and will be for the purpose of discussing the possibility of settlement of issues presented in this proceeding. The room number of such conference will be posted with the schedule of hearings on the Second Floor of the Commission's offices.

El Paso has indicated that it will contact all of its jurisdictional customers and all interested state commissions of the convening of this conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16529 Filed 6-7-76;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Order Accepting Revised Tariff Sheet for Filing, and Denying Request To Reject Filing and Motion for Summary Disposition

MAY 28, 1976.

On April 30, 1976 Georgia Power Company filed in the above docket a motion for leave to file revised tariff sheet, motion for waiver of Commission regulations and motion for the immediate effectiveness of the revised tariff sheet, along with copies of Second Revised Sheet No. 25-A for Georgia Power Company's FPC Electric Tariff, Original Volume No. 1. The purpose of the revised tariff sheet is to include a provision to enable Georgia Power to continue to collect, subject to refund, a surcharge to recover alleged unrecovered fuel costs resulting from the switch from a fuel adjustment clause based on a three-month lag in collections to one which collects fuel costs on a current basis, which surcharge was permitted to be collected, subject to refund, in Docket No. ER76-397. On May 5, 1976, the Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia (Dalton), an intervenor in the instant proceeding, filed a response to Georgia Power's motions urging their denial and rejection of the revised tariff sheet. On May 17, 1976 the Cities of Acworth, Georgia, et al.[1] and the Electric Cities of Georgia, Georgia Municipal Association, Inc. (the "Cities") filed a response in opposition to Georgia's Power's motions and a motion for summary disposition of the surcharge, and, in the alternative, a request for a five month suspension and an expedited hearing. For the reasons hereinafter discussed, the Commission shall accept the revised tariff sheet for filing, grant Georgia Power's motions, deny Dalton's request to reject the filing, and deny the Cities' motions.

By order issued March 19, 1976 in Docket Nos. ER76-397 and E-9091 the Commission accepted for filing and suspended for one day, or until March 23, 1976 proposed changes in Georgia Power's fuel adjustment clause, including the collection for six months, subject to refund, of a surcharge of $.00224 per Kwh to recover the alleged revenue loss resulting from the elimination of the "lag" in fuel cost recovery.

By order issued March 29, 1976 in Docket No. ER76-536 the Commission accepted for filing and suspended for one month, or until May 1, 1976, Georgia Power's increased full requirements rate, WR-9, to be collected subject to refund. On April 1, 1976 Georgia Power filed a Motion for Clarifying or declaratory Order concerning the proper interpretation of the Commission's Orders in Docket Nos. ER76-397 and ER76-536 concerning continuation of the surcharge following the May 1, 1976 effective date of WR-9.

The Commission Order on Clarification issued April 28, 1976 stated that Georgia Power could not lawfully collect the surcharge revenues on and after May 1, 1976 in the absence of a filed revised tariff sheet reincorporating the fuel cost surcharge provision. Ordering Paragraph (B) expressly stated that:

> This order on clarification is without prejudice to Georgia Power's filing of revised tariff sheets reincorporating the fuel surcharge provision and seeking waiver of Sections 35.17(b) and 35.3 of the Commission's Regulations under the Federal Power Act.

Georgia Power argues in its Motions that it was the clear intent of the Commission's March 19, 1976 order in Docket No. ER76-397 to permit the collection of revenues under the surcharge for approximately six months, commencing March 23, 1976, and requests the Commission to waive its notice requirements in order to permit the uninterrupted application of the surcharge on and after May 1, 1976. For the same reasons, Georgia Power requests leave to file the revised tariff sheet despite Section 35.17 (b) of the Commission's regulations which prohibits the filing of any change in a suspended rate schedule except by special permission of the Commission granted for good cause shown.

In its response to Georgia Power's motions, Dalton argues that the surcharge is inappropriate, would constitute retroactive rate making, and represents an unjustifiable amendment of a major rate increase filing during the suspension period. Dalton characterizes the Commission's action allowing the surcharge to be collected, subject to refund, in Docket No. ER76-397 as "unfortunate" and urges that it not be repeated.

Cities' response contends that Georgia Power has failed to show good cause as required by Section 205(d) of the Federal Power Act and § 35.3 and 35.17(b) of the Commission's Rules and Regulations. In its motion for summary disposition, Cities further contends that the surcharge constitutes retroactive ratemaking and unduly discriminates against the Cities vis-a-vis Georgia Power's Cooperative wholesale customers to whom no surcharge has been applied, according to Cities.

In the alternative, Cities' requests a full five month suspension if the surcharge is not summarily disposed of and that the fuel clause be severed from Docket Nos. ER76-397 and E-9091 and ER76-536 and that an expedited hearing be ordered on the matter.

Upon review of the proposed tariff sheet, the Commission finds that the tendered revised tariff sheet contains identical provisions to those included in the surcharge permitted to be collected in Docket No. ER76-397. We agree with Georgia Power that the intention of the Commission's orders in that docket was that the surcharge be permitted to be collected, subject to refund, for a period of six months. In light of those orders we therefore find good cause for allowing the revised tariff sheet to be filed in the instant suspended proceeding. We shall grant waiver of notice requirements to permit the filing to be effective as of May 1, 1976, subject to refunds as determined proper in the hearing ordered in Docket No. ER76-397 (consolidated with E-9091.)

Dalton's and Cities contentions that the surcharge is inappropriate and would constitute retroactive ratemaking were also raised in Docket No. ER76-397, as was Cities' allegation of undue discrimination vis-a-vis the cooperative customers. As we stated in the order issued in that docket March 19, 1976:

> Insofar as the matters raised by petitioners are proper subjects for investigation rather than bases for a rejection of the proposed filing, we shall deny Cities' motion for rejection. (mimeo. p. 3).

As to Dalton's contention that the filing represents an unjustifiable amendment of a major rate increase filing during the suspension period, we have found for the reasons discussed above that there is good cause to grant the special permission provided for in Section 35.17(b) of the Commission's Regulations. We shall therefore deny Dalton's request to reject the revised tariff sheet and deny Georgia Power's motions, and deny Cities' motion for summary disposition.

As stated above, the surcharge was suspended for one day in Docket No. ER76-397. The Commission has determined that no further suspension is required, and we therefore deny Cities' request for a five month suspension. Since the factual issues involved in the fuel clause and surcharge are closely related to those in the associated rate cases, we shall also deny Cities' request that we sever the fuel clause and surcharge and order an expedited hearing.

The Commission finds: (1) Good cause exists to grant the motion for leave to file the revised tariff sheet as a change in a suspended rate schedule.

(2) Good cause exists to grant the motion for waiver of the Commission's notice requirements.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that Georgia Power's revised tariff sheet filed herein be accepted for filing to become effective May 1, 1976 subject to refund as determined by the hearing ordered in Docket Nos. ER76-397 and E-9091.

(4) Good cause exists to deny Dalton's request for rejection of the filing.

(5) Good cause exists to deny Cities' motion for summary disposition and request for a five month suspension and severance of the fuel clause—and surcharge issue from the above-captioned dockets.

The Commission orders: (A) Georgia Power's Motion for leave to file its revised tariff sheet as a change in a suspended rate schedule is hereby granted.

(B) Georgia Power's Motion for waiver of the Commission's notice requirements is hereby granted.

(C) Georgia Power's revised tariff sheet as tendered herein is hereby accepted for filing and Georgia Power's Motion that the filing become effective as of May 1, 1976 is hereby granted, the collection to be subject to refund as determined proper in the hearing scheduled in the consolidated Docket Nos. ER76-397 and E-9091.

(D) The request of Dalton to reject the filing is hereby denied.

(E) Cities' motion for summary disposition and request for a five month suspension and severance of the fuel clause and surcharge issues from the above-captioned dockets are hereby denied.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16528 Filed 6-7-76;8:45 am]

[Docket No. RP76-97]

GULF ENERGY & DEVELOPMENT CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Intervention and Establishing Procedures

MAY 27, 1976.

On April 30, 1976, Gulf Energy & Development Corporation (Gulf Energy) tendered for filing an increase in its gas gathering rate for Tennessee Gas Pipeline Company under Gulf Energy's FPC Gas Rate Schedule No. 1. The proposed rates would increase jurisdictional revenues by approximately $696,958 annually. The proposed effective date of the increase is May 31, 1976. For the reasons set forth below, the Commission will suspend the proposed increase for five months and set the matter for hearing.

Gulf Energy states that the proposed increase is made necessary operation and maintenance expenses, diminishing volumes, the need for a higher depreciation rate, and the need for an increased overall rate for return and increased return on common equity.

Notice of Gulf Energy's filing was issued on May 6, 1976, with response due on or before May 21, 1976. A petition to intervene has been received from Tennessee Gas Pipeline Company. The Commission is of the opinion that intervention of Tennessee may be in the public interest, and, accordingly, Tennessee will be permitted to intervene in the proceedings hereinafter ordered.[1]

The Commission's review of the instant filing indicates that Gulf Energy's proposed increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. After review of the filing and the pleadings the Commission finds it appropriate to accept for filing and suspend Gulf Energy's proposed increase for five months, until October 31. 1976, when it may be permitted to go into effect subject to refund. The Commission further directs that a hearing be held on the justness and reasonableness of the proposed rates.

In its transmittal letter Gulf Energy has pointed out that the proposed rates are based in part upon an adjustment which purports to reflect the effects of Gulf Energy's acquisition in 1963 of all of the stock of Natural Gas Gathering Company, Inc. The propriety of this adjustment—the so-called gas plant acquisition adjustment—was litigated in Gulf Energy and Development Corporation, Docket No. RP74-86. The proceedings in Docket No. RP74-86 are presently before an Administrative Law Judge for decision. In view of the advanced stage of the proceedings on the gas plant acquisition adjustment issue in Docket No. RP 74-86, the Commission does not believe it would be apropriate to sever this issue from the instant proceedings and consolidate the proceedings on that issue in the instant docket with the proceedings in Docket No. RP74-86. The Commission has concluded, however, that the disposition of the gas plant acquisition adjustment issue in the instant proceedings should be consistent with, and controlled by, the outcome of the proceedings in Docket No. RP74-86. Gulf Energy apparently concurs in this view. In its letter of transmittal Gulf Energy stated that in the event of an adverse decision on the gas plant acquisition issue in Docket No. RP74-86, the company pledged to make refunds in the instant proceeding of the amount which it has collected as part of the increased rate which reflects inclusion of the acquisition adjustment.

The Commission further finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Gulf Energy's rate increase filed in Docket No. RP76-97, and that such increase be accepted for filing, suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the disposition of the so-called gas plant acquisition adjustment issue in the instant proceeding be consistent with, and controlled by, the disposition of the same issue which is presently awaiting decision before an Administrative Law Judge in Gulf Energy and Development Corporation, Docket No. RP74-86.

(3) It is desirable and in the public interest to permit Tennessee Gas Pipe Line to intervene in this proceeding, provided that such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) Gulf Energy's proposed tariff sheets are hereby accepted for filing, suspended for five months and the use thereof deferred until October 31, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

[1] The Cities of Acworth, Adel, Albany, Barnesville, Blakely, Braselton, Brinson, Buford, Cairo, Calhoun, Camilla, Cartersville, College Park, Commerce, Covington, Doerun, Douglas, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, Fort Valley, Grantville, Griffin, Hampton, Hogansville, Jackson, LaFayette, LaGrange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newnan, Norcross, Palmetto, Quitman, Sandersville, Sylvania, Sylvester, Thomaston, Thomsville, Washington, West Point, and Whigham, Georgia.

[1] Tennessee specifically requested that Gulf Energy's proposed changes be suspended for five months and set for hearing. On May 25, 1976, Gulf Energy filed a response to Tennessee's pleading objecting to Tennessee's request that its filing be suspended for five months. Gulf Energy contends that a one-day suspension period is appropriate and that if it is required to wait five months to place the increased rates into effect it "will be deprived of revenues which it can never recover and will then suffer irreparable economic injury."

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(B) Pursuant to the authority of the Natural Gas Act particularly Section 4 and 5 thereof, and the Commission's Rules of Practice and Procedure, a public hearing shall be held for the purpose of determining the lawfulness and reasonableness of Gulf Energy's proposed rate increase.

(C) The disposition of the so-called gas plant acquisition adjustment issue in the instant proceeding shall be consistent with, and controlled by, the disposition of the same issue which is presently awaiting decision before an Administrative Law Judge in Gulf Energy & Development Corporation, Docket No. RP74-86.

(D) The Staff shall prepare and serve top sheets on all parties on or before August 31, 1976. (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) Tennessee Gas Pipeline Company is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of this intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of this intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-16521 Filed 6-7-76;8:45 am]

[Project No. 2608]

HAMMERMILL PAPER CO.

Notice of Application for Transfer of License

MAY 28, 1976.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Hammermill Paper Company (Correspondence to: Mr. John S. Mudgett, Chief Engineer, Strathmore Paper Company, Division of Hammermill Paper Company, South Broad Street, Westfield, Mass. 01085; Mr. R. J. Kilgore, Vice President, Secretary & General Counsel, Hammermill Paper Company, 1540 East Lake Road, Erie, Pennsylvania 16533) for Commission approval of transfer of license for West Springfield Project No. 2608 located in Hampden County, Massachusetts on the Westfield River, a tributary of the Connecticut River.

The proposed transferees are Premold Corporation and Agawam Canal Company, Inc., both subsidiaries of the Preco Corporation. Premold Corporation is in the business of manufacture and sale of specialty paper products and has operated its business for 12 years on premises adjacent to the property under license.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16527 Filed 6-7-76; 8:45 am]

[Docket No. ID-1786]

JOHN M. HAYNES

Notice of Application

JUNE 1, 1976.

Take notice that on April 19, 1976, John M. Haynes (Applicant), filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Vice President and Treasurer, Niagara Mohawk Power Corporation, Public Utility.
Director and Treasurer, Beebee Island Corporation, Public Utility.
Treasurer, Empire State Power Resources, Inc., Public Utility.

Niagara Mohawk is an electric and gas corporation organized and existing under the Transportation Law of the State of New York. Its electric and gas service area extends from the Pennsylvania Line near Jamestown eastward to the Massachusetts boundary beyond Albany and north to the Canadian border. Niagara Mohawk renders electric service to approximately 1,284,000 customers in 41 of New York State's 63 counties, which include 31 cities and 639 towns and villages. The principal cities are Buffalo, Syracuse, Albany, Utica, Schenectady, Niagara Falls and Troy. Natural gas service is provided to approximately 419,000 customers in 15 counties in central, eastern and northern New York, nearly all within Niagara Mohawk's electric service area. Gas service is provided in 21 cities and 160 municipalities, including, among others, the cities of Syracuse, Watertown, Albany, Utica, Schenectady, Troy and Hundson. Niagara Mohawk owns 100 per cent of the common stock of Canadian Niagara Power Company, Ltd., and electric corporation organized and existing under the laws of the Province of Ontario, Canada; 100 percent of the common stock of St. Lawrence Power Company, an electric distributing company organized and existing under the laws of the Dominion of Canada; 82.78 per cent of the common stock of Beebee Island Corporation and 66⅔ per cent of the common stock of Moreau-Manufacturing Corporation, organized and existing under the laws of the State of New York, which owns and operates a hydro-electric generating station located in the Town of Moreau, Saratoga County, New York. Niagara Mohawk also owns 33.1 per cent of the common stock of Indian River Company a corporation organized and existing under the laws of the State of New York, which contains and operates a dam at the foot of Indian Lake in the County of Hamilton, State of New York.

Beebee Island Corporation ("Beebee"), organized and existing under the laws of the State of New York, owns and operates a hydro-electric generating station located in the city of Watertown, Jefferson County, New York. Beebee generates and sells electricity to Niagara Mohawk and to Knowlton Brothers in Watertown, New York. Niagara Mohawk owns 82.78 per cent of the common stock of Beebee.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16516 Filed 6-7-76;8:45 am]

[Docket No. E-7561, Project No. 1889]

HOLYOKE WATER POWER CO. ET AL.

Notice of Certification of Record and Settlement Agreement

MAY 28, 1976.

In the matter of Holyoke Water Power Company, Western Massachusetts Electric Co., New England Power Co.

Public notice is hereby given that on May 19, 1976, the Presiding Administrative Law Judge in the above-captioned proceeding certified to the Commission for consideration and appropriate action a proposed settlement agreement and the hearing record concerning the matter of fish passage facilities at Western Massachusetts Electric Company's licensed Turners Falls Project No. 1889 on the Connecticut River.

As proposed, the settlement agreement would determine the timing of construction and operation of certain facilities designed to permit the upstream migration of American Shad and Atlantic Salmon. The agreement provides for ultimate construction of three fishways at the project, known individually as the Cabot Powerhouse Fishway, the Gatehouse Fishway, and the Spillway Fishway. Under the terms of the agreement, the earliest date that these fishways need be operational is May 1, 1979, with later alternative dates provided on the basis of certain contingencies. In any event, pursuant to the Mandatory Construction Clause of the agreement, the Cabot Powerhouse and Gatehouse Fishways would be operational no later than May 1, 1981, and the Spillway Fishway would be operational no later than May 1, 1984.

All of the participating State and Federal agencies and all of the intervenors in the proceeding have signed the proposed settlement agreement. The signatories to the agreement include representatives of the following: Western Massachusetts Electric Company; the U.S. Department of the Interior, acting through its Fish and Wildlife Service; the Commonwealth of Massachusetts, acting through its Division of Fisheries and Wildlife; the State of Connecticut, acting through its Department of Environmental Protection; the State of New Hampshire, acting through its Fish and Game Department; the State of Vermont, acting through its Agency of Environmental Conservation and Department of Fish and Game; and intervenors Environmental Defense Fund, Inc., Massachusetts Public Interest Research Group, Inc., For Land's Sake, and Trout Unlimited.

Any person desiring to make any protest or comment with reference to the settlement agreement should file a letter of protest or comment with the Federal Power Commission, 825 N. Capitol St. NE, Washington, D.C. 20426, on or before July 19, 1976. Protests or comments will be considered by the Commission in determining the appropriate action to be taken. A copy of the proposed settlement agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16524 Filed 6-7-76;8:45 am]

[Docket No. RP76-87]

INTER-CITY MINNESOTA PIPELINES LTD.

Order Accepting for Filing and Suspending Revised Tariff Sheets Subject to Condition, Permitting Intervention, Granting Waiver, and Establishing Procedures

MAY 28, 1976.

On April 15, 1976, as supplemented on May 11 and May 13, 1976, Inter-City Minnesota Pipelines Ltd. (ICM) tendered for filing revised tariff sheets to its FPC Gas Tariff[1] seeking an increase in annual jurisdictional revenues of $467,998. The increase in rates is based on costs incurred in calendar year 1975, as adjusted for claimed known and measurable increases in 1976. For the reasons hereinafter stated, the Commission accepts the revised tariff sheets for filing, suspends their use for one day, or until June 2, 1976, when they will be permitted to become effective, subject to refund, and establishes procedures to determine the lawfulness of the rates and charges proposed therein.

By letter issued May 6, 1976, ICM was advised that its filing was deficient with regard to the filing requirements of Section 154.63 of the Commission's Regulations and that a filing date would not be assigned until receipt of the additional material. ICM filed additional materials to supplement its original filing on May 11 and May 13, 1976, thereby receiving a filing date of May 13, 1976.

[1] Sixth Revised Sheet No. 4, First Revised Sheet Nos. 8 and 9, Second Revised Sheet Nos. 59, 60, and 61, and First Revised Sheet Nos. 61-A and 61-B to Original Volume No. 1. First Revised Sheet Nos. 8, 11, and 12 to Original Volume No. 2.

In support of its proposed increase ICM cites increases in taxes, operation and maintenance expenses and working capital allowance. ICM further states that the proposed rates, which are based on a claimed increased return on equity of 16.5% and an overall rate of return of 13.4%, are necessary to compensate the Company. ICM states its earned return on equity for 1975 was 4.167%, resulting in an overall rate of return of 8.860%. The proposed rates additionally reflect a change from a two-level demand and commodity charge to a single-level demand and commodity charge.

ICM in its initial submittal of April 15, 1976, included a rate for PS–1 service, a service which has not been certificated by this Commission. In its May 13, 1975 submittal in this docket ICM tendered an amended Sixth Revised Sheet No. 4 to supersede Fifth Revised Sheet No. 4. This amendment eliminates the rate for PS–1 service, thereby making it unnecessary to require the elimination of a rate for the uncertificated service.

ICM has requested waiver under Sections 154.51 and 154.63 of the Commission's Regulations insofar as is necessary to permit its proposed changes to become effective June 1, 1976. In the alternative, ICM requests only a one-day suspension so that the rates may become effective June 2, 1976.

Public notice of ICM's filing of April 15, 1976 was issued on April 29, 1976 with protests, comments or petitions to intervene due on or before May 12, 1976. No protests, comments or petitions to intervene have been received.

Commission review of ICM's proposed increased rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. The Commission finds good cause exists to grant waiver under Sections 154.51 and 154.63 of its Regulations and will therefore grant I&M's request to waive the notice requirements. Accordingly, the Commission shall accept the revised tariff sheets for filing and suspend their use for one day from June 1, 1976, or until June 2, 1976, when they may be permitted to become effective, subject to refund. Hearing procedures will also be established to determine the lawfulness of the proposed increased rates.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets tendered herein and suspend their use for one day, until June 2, 1976, when they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(2) Good cause exists to grant waiver of the Commission's notice requirements.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets designated in footnote 1 (Sixth Revised Sheet No. 4 as amended on May 13, 1976) are hereby accepted for filing and suspended for one day, or until June 2, 1976, and until such further time as they are made

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effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed herein.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 1, 1976. (See Administrative Order No. 157).

(D) Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Waiver of the Commission's notice requirements is hereby granted.

(F) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16525 Filed 6-7-76;8:45 am]

[Docket No. RP76-93]

KENTUCKY WEST VIRGINIA GAS CO.

Order Rejecting in Part and Accepting for Filing and Suspending in Part Proposed Rate Increase Providing for Hearing, Granting Intervention and Establishing Procedures

MAY 28, 1976.

On April 29, 1976, Kentucky West Virginia Gas Company (Kentucky West) tendered for filing its FPC Gas Tariff, First Revised Volume No. 1 proposing to supersede its FPC Gas Tariff, Original Volume No. 1. For the reasons hereinafter stated, we shall accept for filing the proposed tariff except for that portion barred by the *Mobile-Sierra* doctrine, suspend its effectiveness for five months, and enter upon proceedings to determine its justness and reasonableness.

The change in tariff proposed by Kentucky West herein would increase jurisdictional revenues by $6.3 million based on the twelve-month period ending December 31, 1975, as adjusted. Kentucky West states that the principal reason for the rate increase proposed herein is to enable it to recover increases in its jurisdictional cost of service attributable primarily to increased income taxes resulting mainly from the loss of the percentage depletion deduction, increased labor and other operating costs, and additional advances for gas supplies. Under the proposed tariff, the unit of sale is to be measured in dekatherms rather than the present Mcf basis. Kentucky West requests that the proposed tariff be permitted to become effective on May 31, 1976.

The proposed rate increase applies to Kentucky West's pipeline customers as well as its city gate customers in Kentucky. The sales to pipeline customers are covered by Kentucky West's current FPC Gas Tariff, Original Volume No. 1. Kentucky West's city gate customers are presently served under various service agreements which are not currently on file with the Commission.

For many years Kentucky West has made sales to city gate customers for resale in Kentucky. The Kentucky Public Service Commission has regulated these sales pursuant to the Federal Power Commission's disclaimer of jurisdiction over sales of this type in Kentucky by Kentucky West.[1] However, by order issued September 11, 1975, in Kentucky West Virginia Gas Company, Docket No. CP75-288, the Commission asserted jurisdiction and issued a Certificate of Public Convenience and Necessity to Kentucky West authorizing the sale of natural gas to the City of Hazard, Kentucky, successor to Hazard Gas Company, Inc. In light of the holding of the Commission in the September 11 order, Kentucky West is filing under its proposed tariff a new Rate Schedule GSS-1 to cover sales to all of its city gate customers and is also filing its existing contracts with these customers as service agreements[2] under such Rate Schedule.

Kentucky West states that all of the gas sold by it from its integrated system to these Kentucky resale customers is and has been commingled with gas moving out of the State of Kentucky for resale and supplemented by a substantial volume of gas from outside the State of Kentucky. Kentucky West further indicates that while only certain of the city-gate sales are specifically covered by certificates issued by this Commission, "due to the many changes in ownership in these small systems over the years, some or all of these services could have been covered in Kentucky West's Grandfather Certificate * * *" Inasmuch as there appears to be no question as to this Commission's rate jurisdiction over the subject city-gate sales, we shall accept the city-gate service agreements for filing subject to Kentucky West's applying for and receiving certificate authorization to continue those sales not specifically covered by existing certificates.

Public notice of Kentucky West's filing was issued on May 7, 1976, with protests or petitions to intervene due on or before May 24, 1976. On May 19, 1976, Equitable Gas Company filed a petition to intervene. On May 21, 1976, Columbia Gas Transmission Corporation (Columbia) filed a petition to intervene.

It is noted that one of the city gate customers, Equitable Gas Company (Equitable), who provides domestic service for farm-tap customers, is served by Kentucky West under a contract dated August 15, 1958, as amended by a supplemental agreement dated October 1, 1958. Unlike the contracts with Kentucky West's other city gate customers, the above-referenced contracts with Equitable do not contain a clause providing for adjustment in rate but merely provide for an effective term extending from year to year until terminated by either party upon twelve months' prior written notice. There is nothing in Commission records to indicate that either party has given the other party a twelve month notice of termination of the contract. Nor is there any indication of mutual agreement on the proposed rate increase. Under the Mobile-Sierra[3] doctrine, the Commission is therefore compelled to reject Kentucky West's rate increase filing as it applies to the subject city-gate sales to Equitable.[4]

It is further noted, however, that the current rate to Equitable under the 1958 city gate contracts is not in compliance with Section 154.38 of the Commission's Regulations. The 1958 contracts provide for an adjustable rate computed as the average price per Mcf which Equitable receives from its customers in Kentucky less computed amounts for Equitable's depreciation and return. Section 154.38 (d) of the Regulations requires rates to be clearly stated in cents or in dollars and cents per unit and proscribes automatic adjustment clauses except for approved PGA and R&D clauses. Accordingly, we shall direct Kentucky West to restate its current city gate rate to Equitable so as to conform that rate with the requirements of Section 154.38(d) but so as not to effect an increase in revenues above those actually collected under the current city gate rate for the unadjusted base period of the filing, calendar year 1975.

Our review indicates that the tariff and service agreements filed by Kentucky West herein have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, with the exception of that portion of the filing which has been heretofore rejected, we shall suspend the proposed tariff change for five months and establish hearing procedures. Equitable and Columbia (Petitioners) shall be permitted to intervene in this proceeding.

The Commission finds: (1) Good cause exists to accept for filing the tendered

[1] Hazard Gas Company, Inc., letter order issued November 9, 1957, in Docket No. G-13561.

[2] See attached Appendix for list of Service Agreements.

[3] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] Equitable also purchases gas as a pipeline customer under Kentucky West's FPC Gas Tariff, Original Volume No. 1 which permits a unilateral tariff change filing as to those sales.

service agreements as hereinafter ordered and conditioned.

(2) With the exception noted in Paragraph (3) below, good cause exists to accept for filing the proposed tariff change designated FPC Gas Tariff, First Revised Volume No. 1 and to suspend the use thereof for five months until October 31, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(3) Good cause exists to reject the proposed tariff change as it applies to city-gate sales to Equitable under contracts dated August 15, 1958 and October 1, 1958.

(4) Good cause exists to require Kentucky West to conform its current city-gate rates to Equitable to the Commission's Regulations as hereinafter ordered.

(5) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of Kentucky West's service agreements and tariff as proposed to be revised herein.

(6) Good cause exists to allow Petitioners to intervene in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act particularly Sections 4, 5, 8 and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the service agreements and the tariff change filed by Kentucky West herein.

(B) With the exception noted in Paragraph (C) below, pending a hearing and a final decision thereon, Kentucky West's proposed FPC Gas Tariff, First Revised Volume No. 1 is hereby accepted for filing and suspended for five months until October 31, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(C) The proposed tariff change as it applies to city-gate sales to Equitable under contracts dated August 15, 1958 and October 1, 1958, is hereby rejected.

(D) Within 30 days of the issuance of this order, Kentucky West shall file an amended index of purchasers to its FPC Gas Tariff, First Revised Volume No. 1 to exclude the city-gate purchases by Equitable from the GSS-1 rate schedule.

(E) The filed service agreements listed in the attached Appendix are hereby accepted for filing subject to the conditions noted in Paragraphs (F) and (G) below.

(F) Within 60 days of the issuance of this order, Kentucky West shall file a rate schedule restating its current city-gate rate to Equitable so as to conform that rate with the requirements of Section 154.38(d) of the Commission's Regulations but so as not to effect an increase in revenues above those actually collected under the current city-gate rate to Equitable for the base period calendar year 1975.

(G) As to those city-gate sales not specifically covered by existing certificates, Kentucky West shall file within 90 days of the issuance of this order, applications for certificate authority to continue those sales.

(H) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 1, 1976. (See Administrative Order No. 157.)

(I) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(J) Petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(K) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX.—*Kentucky-West Virginia Gas Co. index of city gate purchasers*

Name of purchaser	Identification of service agreement		
	Dated	Effective	Initial term
City of Paintsville, Ky	Apr. 1, 1972	Apr. 1, 1972 [1]	Apr. 1, 1975
City of Prestonsburg, Ky	Dec. 1, 1971	Dec. 1, 1971 [1]	Dec. 1, 1974
City of Prestonsburg, Ky (Emma)	Oct. 21, 1971	Oct. 21, 1971 [1]	Oct. 21, 1974
Ohio-Kentucky Utilities, Inc. (Allen)	Dec. 1, 1971	Dec. 1, 1971 [1]	Dec. 1, 1974
Ohio-Kentucky Utilities, Inc. (Garrett)	Oct. 8, 1970	Oct. 8, 1970 [1]	Oct. 8, 1975
Ohio-Kentucky Utilities, Inc. (Rt. Fk. of Mdl. Crk.)	Nov. 9, 1971	Nov. 9, 1971 [1]	Nov. 9, 1974
Johnson County Gas Co., Inc	Dec. 21, 1972	Dec. 21, 1972 [1]	Dec. 21, 1975
Mountain Utilities, Inc	Dec. 9, 1973	Dec. 9, 1973 [1]	Dec. 9, 1976
Mike Little Gas Co., Inc. (Langley)	Apr. 19, 1972	Apr. 19, 1972 [1]	Apr. 19, 1975
Mike Little Gas Co., Inc. (Burton)	Jan. 1, 1972	Jan. 1, 1972 [1]	Jan. 1, 1975
Mountain Investment, Inc	Nov. 21, 1971	Nov. 21, 1971 [1]	Nov. 21, 1974
City of Hazard, Ky	Nov. 20, 1974	Nov. 20, 1974 [1]	Nov. 20, 1977
Equitable Gas Co. (scattered domestic service)	Aug. 15, 1958	Aug. 15, 1958	(2)

[1] All require 12 months' written notice of cancellation.
[2] Year to year.

[FR Doc.76-16523 Filed 6-7-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Interventions

JUNE 1, 1976.

On December 29, 1975, Michigan-Wisconsin Pipe Line Company (Mich-Wisc) tendered for filing, in Docket No. RP76-50, seven tariff sheets, setting forth its proposed curtailment plan to be effective February 1, 1976. Notice of Mich-Wisc's filing was issued on January 14, 1976, with protests and petitions to intervene due on or before January 21, 1976.

The following untimely petitions to intervene were received:

Illinois Power Co	January 26, 1976.
North Central Public Service Co., Division of Donovan Cos., Inc.	January 29, 1976.
Iowa Southern Utilities Co	Do.
Wisconsin Power and Light Co.	February 2, 1976.
Wisconsin Michigan Power Co.	Do.
Wisconsin Natural Gas Co	Do.
Iowa Electric Light and Power Co.	March 4, 1976.
Wisconsin Public Service Corp.	March 11, 1976.
Charmin Paper Products Co	March 15, 1976.

An untimely notice of intervention was filed by the Michigan Public Service Commission on January 30, 1976.

Having reviewed the above petitions to intervene and notice of intervention, we believe the petitioners have sufficient interest in the proceedings to warrant intervention.

The Commission finds: (1) The participation by the above named petitioners to intervene and the Michigan Public Service Commission may be in the public interest.

(2) Although the petitions to intervene and the notice of intervention referred to above were filed out of time, good cause exists to allow their filing upon the specific condition that the late filings shall not be the basis for any delay in this proceeding.

The Commission orders: (A) The above listed petitioners to intervene and the Michigan Public Service Commission are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognition by the

Commission that they might be ag-

burg and instituted a 206 investigation

to 25,000 kw for Chambersburg was pre-

time and that it did not intend to for-

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Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary

[FR Doc.76 16520 Filed 6-7-76;8:45 am]

[Docket No. RP76-96]

NATIONAL FUEL GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, and Establishing Procedures

MAY 28, 1976.

On April 30, 1976, National Fuel Gas Supply Corporation (National) tendered for filing a proposed rate increase[1] with a requested effective date of June 1, 1976. That filing will be suspended for five months and permitted to become effective subject to refund on November 1, 1976.

Based on the twelve months ended December 31, 1975, as adjusted, the proposed rates would increase annual revenues by approximately $6,536,000 over the revenues generated by the present base rates which have been collected subject to refund since March 1, 1976, per the Commission's order of October 21, 1975, in Docket No. RP76-4. The filing provides for a rate of return of 10.4% including a return on common equity of 13.56%.

National states that the proposed rate increase is necessary: to recover additional costs including increases in operating and maintenance expenses, taxes, gas costs, depreciation, and the costs of capital; to yield an adequate rate of return; and to reflect the continuing decline in productions of annual sales volumes, since National receives over 95% of its gas supply from pipeline suppliers. This filing also reflects the costs of facilities acquired through the merger of National and the Sylvania Corporation, which was approved by Commission order of December 29, 1975, in Docket No. CP75-344.

Notice was issued on May 12, 1976, with protests, comments and petitions to intervene due on or before May 28, 1976. Various petitions to intervene and notice of intervention have been received.[2] The Commission is of the opinion that intervention of such parties may be in the public interest and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered.

The Commission's review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. The tariff filing will be suspended for five months until November 1, 1976, when they may be permitted to become effective subject to refund. An evidentiary hearing will also be ordered.

The Commission finds: (1) National's revised tariff sheets tendered on April 30, 1976 should be accepted for filing and suspended for five months until November 1, 1976, when they may be permitted to become effective subject to refund.

(2) It is desirable and in the public interest to permit the petitioners listed in Appendix A of this order to intervene in this proceeding, provided that such intervention is conditioned as hereinafter ordered.

The Commission orders:

(A) Pending hearing and decision as to their lawfulness, National's Revised Tariff Sheets tendered on April 30, 1976, are hereby accepted for filing and suspended for five months until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) The Commission Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 1, 1976. (See Administrative Order No. 157).

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions(with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) The petitioners listed in Appendix A of this order are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission's Provided, however, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and Provided; further, that the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Intervenors	*Date filed*
Peoples Natural Gas Co-------	May 24, 1976.

[FR Doc.76-16529 Filed 6-7-76;8:45 am]

[Docket No. ER76-221]

POTOMAC EDISON CO.

Order on Petitons for Rehearing

JUNE 1, 1976.

On April 9, 1976, Potomac Edison Company (Edison) filed a petition for rehearing and reconsideration of the Commission's order issued March 12, 1976, insofar as it found that the Borough of Chambersburg (Chambersburg) had a fixed rate contract with Edison which prevented Edison's proposed rate increase being made effective as to Chambersburg until the just and reasonable rate has been determined following a 206 investigation. On April 12, 1976, the Boroughs of Chambersburg and Mont Alto, Pennsylvania and the City of Hagerstown, City of Thurmont and Town of Wiliamsport, Maryland (Cities) filed a petition for rehearing of the March 12, 1976, order stating that the Commission improperly determined that the Cities other than Chambersburg had relinquished their rights under the Sierra-Mobile doctrine[1] and that the Commission erroneously failed to reject Edison's proposed increase as discriminatory. For the reasons discussed hereinafter, Edison's petition for rehearing, and Cities' petition for rehearing each will be denied in part and granted in part.

On November 5, 1975, Allegheny Power Service Corporation (APS) submitted for filing on behalf of Edison a proposed rate increase to two utilities, two cooperative customers and four municipal customers served under its FPC Electric Tariff and to three municipal customers served under separate FPC Rate Schedules. Edison's filing was completed when it submitted updated data for Period I on February 12, 1976. By order issued March 12, 1976, the Commission, inter alia, accepted Edison's proposed rate changes for filing as they affected customers other than Front Royal, Virginia and Chambersburg, Pennsylvania, suspended their use for one month until April 14, 1976, when they became effective subject to refund, and ordered a hearing pursuant to the authority of Section 205 of the Federal Power Act. The Commission found that Edison had a fixed rate contract with Front Royal and Chambersburg and instituted a 206 investigation to determine the just and reasonable rate to be prospectively charged to those customers. The respective proceedings under Sections 205 and 206 of the Act were ordered consolidated for hearing.

In its petition for rehearing, Edison alleges that the contract between Chambersburg and Edison is not a fixed rate contract in that it has been amended to permit unilateral filings under Section 205. Alternatively, Edison requests that any hearing held under Section 206 be limited in scope to the rates for service up to 15,000 kw and that for service in excess of 15,000 kw, procedures be established pursuant to Section 205. In addition, Edison requests that the Commission make explicit that the proposed rates as to Front Royal and Chambersburg, if a Section 206 is required as to the latter, need only be found just and reasonable in order to be made effective.

In support of its contention that the contract between it and Chambersburg permits unilateral filings for rate changes under Section 205, Edison states that the pertinent section of the parties' service agreement, Paragraph 9,[2] has been modified to read as follows:

> 9. Regulatory authorities.—This schedule is made subject to the jurisdiction of any governmental authorities having jurisdiction in the premises, and either party may, at any time or from time to time, unilaterally take any action before or with such authorities with respect to any terms or conditions of this schedule that it deems desirable, and in such event the terms and conditions under which service shall be rendered hereunder shall be those authorized by such authorities.

Edison states that the revised version of Paragraph 9 was accepted for filing by the Commission in Docket No. E-8878. Prior to the commencement of Docket No. E-8878, Edison states that its representatives tendered to representatives of Chambersburg proposed changes in rates, the fuel adjustment clause, a tax clause and Paragraph 9. In addition, Chambersburg requested that the parties' service agreement be modified to increase Edison's firm power obligation from 15,000 kw to 25,000 kw. Edison further states that Chambersburg's Town Council agreed to execute amendments to the parties' contract which would increase Chambersburg's maximum demand to 25,000 kw, while at the same time accepting the other changes proposed by Edison. Thereafter, on May 31, 1974, Edison tendered for filing those changes relating to rates, a fuel adjustment clause, a tax clause and Paragraph 9 with respect to Chambersburg together with proposed changes to other customers, in Docket No. E-8878. Edison notes that an amendment to increase capacity to 25,000 kw for Chambersburg was prepared and executed but not filed with the Commission. By order issued July 31, 1974, the Commission, inter alia, accepted for filing the proposed changes, suspended the effectiveness of the rates for one day and established hearing procedures pursuant to Section 205 for Chambersburg and other affected customers except Front Royal. Front Royal was found to have a fixed rate contract with Edison, and a Section 206 investigation was instituted.

Edison argues that Chambersburg's current contention that the Paragraph 9 of the parties' contract was never duly amended, in that they never agreed to a revision of Paragraph 9, constitutes a failure of consideration under the principles of contract law. Chambersburg, it is argued, agreed to the revised rates and terms in the contract as consideration for the increase in the contract demand. Moreover, it is argued that the entire package of amendments which Edison presented to Chamberburg was in exchange for the increased demand and that Chambersburg's silence in response to Edison's filing the proposed changes should be construed as Chambersburg's concurrence in the revisions. Edison points out that Chambersburg failed to object not only to the proposed increase in rates, but also to the filing of a contract modification that eliminated the fixed-rate nature of the contract. Edison submits that Chambersburg should not now be permitted to argue that Paragraph 9 has not been properly amended.

Alternatively, Edison contends that the Commission was in error in not permitting the increased rates to become effective as to that service to Chambersburg which exceeds 15,000 kw. The parties' contract, Edison states, limits service to Chambersburg to 15,000 kw. Service in excess of that should be construed as taken under Edison's tariff on file with the Commission and subject to increases which may be made effective under the authority of Section 205.

The Cities contend that Chambersburg and the other municipal customers are protected from unilateral rate increase filings. Williamsport, Maryland also was tendered a proposed contract amendment which contained a unilateral rate filing provision to which it refused to agree and so informed Edison by letter. Williamsport contends that its contract with Edison has not been amended to eliminate the fixed rate status. Hagerstown and Thurmont, Maryland and Mont Alto, Pennsylvania each signed the amendment to their contracts permitting unilateral filings when Edison presented the modification to them. In the March 12, 1976 order, the Commission stated that "(r)egardless of their protests of ignorance as to the effect of their act, those municipalities executed the amendments to permit unilateral filings proposed by Edison and thereby relinquished their protection under the Mobile-Sierra doctrine." Hagerstown contends that it signed the amendment in 1972 in order to give effect to the particular rate under consideration at that time and that it did not intend to forever waive its rights under the Sierra-Mobile doctrine. Rather, it was agreeing to a single increase. Thurmont and Mont Alto similarly contend their execution of the amendment was not intended to effect a waiver of their Sierra-Mobile rights.

With respect to the contractual arrangements of those Cities which did not sign the amendment to permit unilateral filings (Chambersburg and Williamsport), the Sierra-Mobile doctrine precludes a rate increase becoming effective against those customers until after a Section 206 proceeding. As discussed previously, in the March 12, 1976, order, "Chambersburg has not waived its right to raise the Sierra-Mobile bar against Edison's proposed increase, nor has it ratified the amendment to permit unilateral changes to be filed, by accepting service under the rates approved in Docket No. E-8878. "The failure of a customer to object to a rate increase unilaterally tendered for filing by its supplier, does not constitute waiver of a fixed rate provision in the parties' contract." Nor does acceptance of service by the customer at the increased rate necessarily remove the restriction imposed by the Sierra-Mobile doctrine on the supplier's ability to file for an increased rate. In the Mobile case, the Court found "that the Natural Gas Act gives a natural gas company no power to change its contracts unilaterally"[4] and accordingly held "that a new schedule filed by (the pipeline) was a nullity insofar as it purported to change the rate set by its contract with (the distributor) and that the contract rate remained the only lawful rate."[5] Similarly, in Sierra, the companion case under the Federal Power Act, the Court found that "neither (the utility's) filing of the new rate nor the Commission's finding that the new rate was not lawful was effective to change (the utility's contract with (the customer)."[6]

Where it has been found that the Commission should evaluate the course of dealing of the parties to determine whether or not their conduct has served to modify the terms of an original contract between them,[7] the examination was necessary to determine whether the parties had been acting in the belief that the original contract terms had been abrogated. In Mid-South, the original contract, negotiated over twenty years earlier, limited the customer's maximum monthly request for power to 300 kilowatts. However, at the time the disputed rate increase was filed, the customer had been requesting and receiving nearly 40 times more power during its peak months without having executed a provision to modify the demand limit.

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[1] Eighth Revised Sheet No. 4 and Third Revised Sheet Nos. 35 and 36, to Original Volume No. 1 of National's FPC Gas Tariff.

[2] See Appendix A.

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corporation*, 350 U.S. 322 (1956); *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[2] Paragraph 9 prior to the alleged modification stated, 9. Regulatory jurisdiction—This agreement is subject to the jurisdiction of any governmental authority or authorities having the jurisdiction in the premises and may be changed from time to time upon duly authorized order entered by said authority or authorities.

[3] *Kansas Power and Light Company*, Docket No. ER76-39, order issued December 22, 1975, ---- FPC ----.

[4] 350 U.S. at 347.

[5] *Id.* at 347.

[6] *Id.* at 353.

[7] *Sam Rayburn Dam Electric Coop.* v. *F.P.C.* and *Mid-South Electric Coop.* v. *F.P.C.*, 515 F.2d. 998 (D.C. Cir. 1975). *Borough of Lansdale, Pa.* v. *F.P.C.*, 161 U.S. App. D.C. 185 494 F.2d 1104 (1974).

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MERRILL BANKSHARES CO.

market for the purposes of analyzing the

Chambersburg and Williamsport, however, clearly had the opportunity to amend the terms of their original, fixed-rate contracts and chose not to do so. The proposed modifications were presented to the representatives of both customers, and each failed to execute the amendments to their original contracts. Therefore, it is not necessary to determine whether their conduct indicates that they believed their contracts had been modified. Moreover, these parties' conduct cannot be held to be an implicit ratification of the proposed modification when they had no option but to accept service from Edison upon which they are dependent for their power supplies. Their only alternative would have been to notify Edison they were terminating their service agreements with it and negotiate contracts for power from another supplier. Even so, it would likely be a matter of years before that transition could be accomplished.

Edison's alternate request that the Commission permit the rate increase to be made effective as to that service for Chambersburg which exceeds 15,000 kw will be granted since the parties have executed a new agreement, in the form of a contract modification, to increase the capacity limit for Chamberburg to 25,000 kw. The parties prepared and executed the amendment to the contract which permitted the increase in Edison's firm power obligation to Chambersburg from 15,000 kw to 25,000 kw. Chambersburg's execution of an amendment with respect to the receipt of the additional 10,000 kw capacity constitutes an acceptance of consideration which in turn, under the doctrine of mutuality of consideration, requires Chambersburg's acceptance of the "going rate" for such additional capacity. Accordingly, the Section 206 proceedings will be limited in scope to the rates for service up to 15,000 kw and the rate increase for the 10,000 kw of additional capacity will be granted.

Furthermore, Chambersburg, to the extent of the initial 15,000 kw, and Williamsport are found to have fixed-rate contracts with Edison which preclude the instant rate increase filing becoming effective as to them until the conclusion of a Section 206 investigation to determine the just and reasonable rate.

The remaining Cities have been accepting service under revised contracts after having signed the proposed amendments to their service agreements. Having thereby agreed to permit unilateral filings, they may not now raise a Sierra-Mobile objection to Edison's instant proposed changes to their respective rate schedules.

The Commission finds: (1) Good cause exists to deny Edison's petition for rehearing of the March 12, 1976, order, except as hereinafter ordered.

(2) Good cause exists to grant Cities' petition for rehearing as to Williamsport and deny the petition for rehearing in each and every other respect.

The Commission orders: (A) Edison's petition for rehearing of the March 12, 1976, order is hereby denied, except as hereinafter provided.

(B) Cities' petition for rehearing is hereby granted as to Williamsport, and the petition for rehearing is hereby denied in each and every other respect.

(C) Ordering Paragraph (B) of the March 12, 1976, order in this proceeding is hereby amended to read as follows:

"(B) Pending hearing and a final decision thereon, Edison's proposed tariff sheets in Docket No. ER76-221, as they affect customers other than Front Royal, Chambersburg for service up to 15,000 kw; and Williamsport, are hereby suspended for one month and the use thereof deferred until April 14, 1976."

(D) As to Edison's contract with Williamsport, an investigation under Section 206 of the Federal Power Act is hereby instituted to determine whether rates charged thereunder are in the public interest and such investigation shall be joined with and made a part of the proceeding previously established in this docket.

(E) Within thirty days after the date of the issuance of this order, Edison shall refund to Williamsport any revenues collected from April 14, 1976, under its proposed rate increase herein above the rates which would have been collected pursuant to the rate schedule approved in the proceeding in Docket No. E-8878, with interest thereon at 9 percent per annum.

(F) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16531 Filed 6-7-76;8:45 am]

[Docket No. ER76-694]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Initial Rate Schedule

JUNE 1, 1976.

Take notice that on May 20, 1976, Public Service Company of New Hampshire (PSNH) tendered for filing an initial rate schedule for transmission service for power purchased by other utilities from certain generating units which are being constructed by The New Brunswick Electric Power Commission (New Brunswick). The utilities receiving power from New Brunswick have executed a Participation Agreement dated June 20, 1969, as amended, and a Power Purchase and Transmission Agreement, Second Supplement to Participation Agreement, dated as of December 1, 1971 with Maine Electric Power Company.

PSNH requests waiver of the notice requirements so as to permit the transmission rate schedule to become effective as of the beginning date of the utilities' power purchase entitlements. PSNH states it will inform the Commission of the date on which the transmission service commences.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16517 Filed 6-7-76;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCIAL NATIONAL CORP.

Order Approving Acquisition of Commercial National Life Insurance Company

Commercial National Corporation, Peoria, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under § 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), to acquire Commercial National Life Insurance Company, Scottsdale, Arizona ("Company"), a company that will engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary bank. Such activity has been determined by the Board to be closely related to banking 12 CFR § 225.4 (a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 12094). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in § 4(c)(8) of the Act.

Applicant's sole banking subsidiary, Commercial National Bank of Peoria, Peoria, Illinois (deposits of $238 million), is the seventeenth largest bank in Illinois, with deposits representing approximately .4 per cent of the total deposits in commercial banks in the State.[1]

Company will engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance previously underwritten by an unaffiliated insurance company in connection with extensions of credit by Applicant's subsidiary bank. Since this proposal involves a de novo activity, consummation of the transaction would not have any significant adverse effects on existing or potential competition in any relevant market.

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved through April 30, 1976.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that, in the event of approval of its proposal, Company will reduce the rates charged for all types of credit life and credit accident and health insurance by 5 per cent from the rates presently charged. Accordingly, the Board finds that Applicant's proposed premium rate reductions are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the condition that Applicant maintain on a continuing basis the public benefits that the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based. This determination is further subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago.

By order of the Board of Governors,[2] effective May 28, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-16542 Filed 6-7-76;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Gardner, Jackson and Partee. Absent and not voting: Governors Wallich and Coldwell.

MERRILL BANKSHARES CO.

Order Approving Acquisition of Bank

Merrill Bankshares Company, Bangor, Maine, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Firstbank, N.A., Farmington, Maine ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the third largest banking organization in Maine, controls four banks with aggregate deposits of approximately $267 million representing 13.4 per cent of the total commercial bank deposits in the State.[1] Consummation of this proposal would increase Applicant's share of deposits in the State of Maine by .7 of one per cent and would not have a significant effect on concentration of banking resources in the State.

Bank is located in the Farmington-Jay banking market which is a relevant banking market for purposes of analyzing the competitive effects of this proposal.[2] Bank is the second largest of five banks in the relevant banking market and holds deposits of approximately $12 million representing 23 percent of deposits in commercial banks in the market. Two of Applicant's subsidiary banks derive deposits from the Farmington-Jay banking market, although Applicant's subsidiaries operate no offices in that market. The amount of such deposits, however, is not significant, being less than one-half of one percent of total deposits in the market. It is unlikely that any competition would develop in the future between Applicant and Bank in the Farmington-Jay market since it is unlikely that Applicant would enter the Farmington-Jay market de novo either by branching or by the formation of new banks due to the market's low population per banking office and deposits per banking office ratios.

An office of Bank is located in North Anson in the adjacent Skowhegan banking market,[3] also a relevant banking market for the purposes of analyzing the competitive effects of the instant proposal, and accounts for 3.6 percent of deposits in commercial banks in that market.[4] A subsidiary of Applicant, Federal Trust Company, Waterville, Maine (deposits of approximately $55 million), is also located in the Skowhegan banking market and accounts for 26.1 per cent of deposits in commercial banks in that market. Federal Trust Company, based on its market share, is the third largest of four commercial banks operating in the Skowhegan banking market. Bank is the smallest commercial banking organization in the Skowhegan banking market. As a result of consummation of this proposal, Applicant would become the second largest commercial banking organization in the Skowhegan market, based on a market share of 29.7 per cent of deposits in commercial banks. Although there is some deposit and loan overlap between Federal Trust Company and Bank's Skowhegan office, it does not appear that the amount of existing competition that would be eliminated as a result of this proposal is significant. Accordingly, although consummation of the proposal would result in the elimination of some existing competition, the Board concludes that such competition as would be eliminated by the proposal is not significant.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as generally satisfactory and consistent with approval of the application. Affiliation with Applicant will, in effect, increase Bank's current lending limits as Applicant's subsidiary banks will serve as ready sources of participation in loans Bank would originate. Bank has experienced difficulty in originating certain types of larger loans due to a lack of readily available participants and its 10 per cent legal lending limit. A subsidiary of Applicant will make available to Bank $2 million for residential real estate mortgage participation thereby increasing the availability of home mortgage loans in Bank's service areas. Considerations relating to the convenience and needs of the community to be served lend weight toward approval and clearly outweigh the slightly adverse effect the proposal would have on existing competition. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for

[1] All banking data are as of September 30, 1975, unless otherwise indicated.

[2] The Farmington-Jay banking market is approximated by 17 contiguous towns surrounding Farmington, Maine. All banking data with respect to this market are as of June 30, 1974.

[3] The Skowhegan banking market is approximately by 15 contiguous towns surrounding Skowhegan, Maine.

[4] All banking data with respect to the Skowhegan banking market are as of June 30, 1974.

[5] Voting for this action: Chairman Burns and Governors Gardner, Jackson, and Partee. Absent and not voting: Governors Wallich and Coldwell.

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good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 28, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-16541 Filed 6-7-76;8:45 am]

ROSSITER AND MATNEY INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

Rossiter and Matney Insurance Agency, Inc., Walthill, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 93.2 per cent or more of the voting shares of The First National Bank of Walthill, Walthill, Nebraska ("Bank"). Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain its general insurance agency activities, which presently are conducted upon the premises of Bank, in a community that has a population not exceeding 5,000 people. Such activities have been determined by the Board, in § 225.4(a)(9)(iii)(a) of Regulation Y, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto (12 CFR § 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (41 F.R. 7466 (1976)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received, including those of the Comptroller of the Currency, in light of the factors set forth in § 3(c) of the Act, and the considerations specified in § 4(c)(8) of the Act.

Applicant was organized in 1967 as a partnership and was incorporated in 1974 under the laws of the State of Nebraska. Bank, with deposits of approximately $6.7 million, controls about .12 of one per cent of the total deposits held by commercial banks in Nebraska, and is the 204th largest of that State's 448 commercial banks.[1] The relevant banking market (approximated by Thurston County) has only two commercial banks, with Bank, controlling approximately 34.9 per cent of market deposits, located in Walthill and its sole competitor located in Pender, approximately 12 miles away from Walthill. Since this proposal represents a restructuring of Bank's ownership into corporate form, and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources nor have any adverse effects upon competition within the relevant banking market. Accordingly, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. Furthermore, Applicant's managerial and financial resources, and future prospects, which are dependent upon the operations of both Bank and the insurance agency, appear to be satisfactory. Although Applicant will incur some acquisition debt in connection with the proposal, the projected income from both Bank and the insurance agency should provide sufficient revenue with which to service this debt without impairing the financial condition of Bank.[2] Considerations relating to banking factors are consistent with approval of the application. Considerations relating to convenience and needs are also regarded as being consistent with approval of the application. It is the Board's judgment that consummation of this proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

Applicant also has applied to the Board to retain its general insurance agency business pursuant to § 225.4(a)(9)(iii)(a) of the Board's Regulation Y. The insurance agency would continue to engage in the sale of both general and credit-related insurance, e.g., credit life, health, accident and disability, workmen's compensation, hail and crop, as well as fire and casualty insurance for farm and homeowners. Such insurance activities are conducted upon the premises of Bank in Walthill, Nebraska, a community that has a population not exceeding 5,000 people. It does not appear that the retention of the insurance agency business by Applicant would have any significant adverse effect upon either existing or future competition. On the contrary, approval of the application would enable Applicant to continue to provide a convenient source of full-line insurance services to residents of the Walthill area, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act, and the balance of the public interest factors that the Board must consider under § 4(c)(8) of the Act, both favor approval of Applicant's proposals.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries, and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary in order to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective June 1, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-16540 Filed 6-7-76;8:45 am]

[1] All banking data are as of June 30, 1975, unless otherwise indicated.

[2] Applicant has indicated that its shareholders will not receive any personal income from Bank in the form of Directors' fees or bonuses for a period of three years after consummation of the proposal.

[3] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, and Jackson. Absent and not voting: Governors Wallich and Partee.

FOREIGN-TRADE ZONES BOARD

[Docket No. 4-76]

FOREIGN-TRADE ZONE NO. 2, NEW ORLEANS, LOUISIANA

Application To Establish Two Special-Purpose Foreign-Trade Zone Sites

Notice is hereby given that the Board of Commissioners of the Port of New Orleans has applied to the Foreign-Trade Zones Board for authority to establish two special-purpose foreign-trade zone sites for refrigerated operations. The Port is grantee and operator of Foreign-Trade Zone No. 2 with warehouse-processing facilities on a 19-acre site adjacent to the Napolean Avenue Open Wharf in New Orleans.

The proposal calls for two special zone sites to be operated for the grantee as public refrigerated meat-processing facilities by New Orleans Cold Storage and Warehouse Company, Ltd. (operator). The zone sites would be located at two of the operator's existing plants. One site would cover 21,025 square feet of space within its 222,360 square foot Nashville Avenue facility, which it leases from the Port, the other would cover 6,000 square feet within the operator's plant located at 124 Airline Highway, Metairie, La.

Zone procedures are being requested to permit the processing of imported beef outside the existing restraint program administered by the U.S. Department of Agriculture using domestic labor, machinery and supplies. The importers would for restraint purposes make their Customs entries on the basis of the finished product leaving the zone site. Initially two firms will use the sites but inquiries have been received from other possible users. It is estimated that 34 million pounds of beef will be processed annually.

[3] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, and Jackson. Absent and not voting: Governors Wallich and Partee.

The operations as described by the applicant will consist of importing frozen boneless cow meat from Australia and New Zealand which is comparable to the lowest grade of domestic canner and cutter cow meat. The imported meat will be mixed with domestic beef into several different forms. These forms would be either frozen beef patties, bulk ground beef in bags, in a chipped form frozen or cooked and then frozen. Various size bags and cartons can be used including packing of 10 pound bags with six to a master carton. Portion controlled cuts, corned beef brickets, and chipped and emulsified steaks will be added at a later date. The purchasers of these products would be food manufacturing firms, food grocery chains and fast food industry companies.

Copies of the application are available for inspection at the offices of:

Robert Dee, Manager, Foreign-Trade Zone No. 2, Napolean Avenue and the River, Bldg. No. 17, New Orleans, La. 70115.

Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, N.W., Washington, D.C. 20230.

An Examiners Committee will review the application and report thereon to the Board. Comments concerning the proposed sites are invited in writing (original and six copies) from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the above address and be postmarked on or before (30 days from the appearance of this notice in the Federal Register).

Dated: June 4, 1976.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-16725 Filed 6-7-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

[Temporary Regulation F-391]

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission (Docket No. 107330-U), involving the application of the Southwestern Bell Telephone Company for increases in its rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 28, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-16497 Filed 6-7-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SPECIAL ADVISORY COMMITTEE ON THE SACRAMENTO PEAK OBSERVATORY

Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), it is hereby determined that the establishment of the Special Advisory Committee on the Sacramento Peak Observatory (SPO) is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director of the National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular A-63, Revised.

1. *DESIGNATION:* Special Advisory Committee on the Sacramento Peak Observatory.

2. *PURPOSE:* To advise NSF on matters relevant to the long-range objectives and scope of operation of SPO and on desirable characteristics of a contractor-operator organization for SPO.

3. *EFFECTIVE DATE OF ESTABLISHMENT AND DURATION:* The Committee is effective upon filing of the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the Foundation. The duration of the Committee is for one year, or until the permanent contractor to operate SPO for NSF is selected.

4. *MEMBERSHIP:* Membership of the Committee shall be fairly balanced in the terms of the points of view represented and the Committee's function. Membership will consist of approximately seven individuals selected from the scientific and academic community. Members will be drawn from the astronomical community and will represent all major geographical areas in the United States.

5. *OPERATION:* The Committee will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463), Foundation policy and procedures, OMB Circular A-63, Revised, and other directives and instructions issued in implementation of the Act.

R. C. ATKINSON,
Acting Director.

JUNE 3, 1976.

[FR Doc.76-16573 Filed 6-7-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

HOW TO USE THE FEDERAL REGISTER

Public Briefings

"The FEDERAL REGISTER—What It is and How to Use It" will be the topic of briefings to be offered on a regular basis beginning on Wednesday, July 7, 1976 and continuing each Wednesday thereafter. Each briefing will begin at 9 a.m. and will be held in the Federal Register Conference Room, Room 9409, 9th Floor, 1100 L Street, NW., Washington, DC. The briefings are open to the general public and Federal agency personnel and should be helpful to anyone who uses the FEDERAL REGISTER.

The sessions will last approximately 3 hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.

2. The difference between legislation and regulations.

3. The relationship of the FEDERAL REGISTER and the Code of Federal Regulations.

4. Important elements of a typical FEDERAL REGISTER document.

5. An introduction to the finding aids of the Office of the Federal Register.

In addition, attendees will undertake practical, problem-solving exercises and will be invited to provide information on their uses of FEDERAL REGISTER publications in order to help this office improve its services. There will be ample time for questions.

The Office of the Federal Register will consider presenting these briefings at places other than Washington, D.C. at no cost, except for the travel expenses of the person(s) presenting the briefings. Interested persons and organizations may contact Mr. Robert E. Lewis, 202-523-5240, for additional information.

Copies of the materials used in the briefing are available without charge. Requests should be sent to: Briefings, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408.

The Office of the Federal Register does not interpret specific agency regulations and the sessions will not provide a forum for the discussion of substantive questions. Rather, the briefings are designed as an introduction for the person who discovers that he or she must use FEDERAL REGISTER publications to keep track

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and to gain an understanding of Federal regulations.

Space is limited and reservations are required. Reservations can be made by calling Mr. Bill Short on 202–523–5282.

Dated: June 3, 1976.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.76–16491 Filed 6–7–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–61 issued to Connecticut Yankee Atomic Power Company (the licensee) for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

This amendment would provide for the Cycle VII reload a revised curve for allowable power vs. incore axial offset based on a Babcock & Wilcox "Flame 3" code which has not previously been used for a Haddam Neck reload.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 12, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 3, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Russell Library, 119 Broad Street, Middletown, Connecticut. The license amendment and the Safety evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of May, 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–16550 Filed 6–7–76;9:29 am]

PENSION BENEFIT GUARANTY CORP.

PRIVACY ACT OF 1974

Routine Use

The Privacy Act of 1974, Pub. L. 93–479, amended Title 5, United States Code, by adding a new § 552a, effective September 27, 1975. 5 U.S.C. 552a(e)(11) requires that each agency publish a notice of the intended implementation of a routine use of records at least 30 days prior to the implementation of such routine use and allow opportunity for public comment thereon.

Accordingly, the Pension Benefit Guaranty Corporation is hereby publishing notice of a routine use pertaining to the disclosure of information in response to congressional inquiries. Interested persons are invited to submit written data, views, or aguments on this routine use to the General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. Each person submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments must be submitted on or before July 8, 1976, and will be considered before the routine use is made final. Copies of written comments will be available for examination by interested persons in the Office of Communications of the Pension Benefit Guaranty Corporation, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006.

Issued in Washington, D.C., this 2d day of June 1976.

W. J. USERY, JR.,
Chairman, Board of Directors. Pension Benefit Guaranty Corporation.

STATEMENT OF ROUTINE USE

The following routine use applies to and is incorporated by reference into each system of records maintained by the Pension Benefit Guaranty Corporation as published in the FEDERAL REGISTER on September 2, 1975 (40 FR 40498).

1. Routine Use—Congressional Inquiries.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

[FR Doc.76–16454 Filed 6–7–76;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC73–1; Order No. 117]

MAIL CLASSIFICATION SCHEDULE, 1973

Order Terminating Proceedings

JUNE 3, 1976.

Before Commissioners: Clyde S. DuPont, Chairman; Carlos C. Villarreal, Vice-Chairman; Paul A. Miltich; Kieran O'Doherty; Frank P. Saponaro.

On June 2, 1976, the Governors of the United States Postal Service issued a decision adopting the Recommended Decision of the Commission (issued on April 15, 1976) in the above docket. Our recommendation, and the decision of the Governors based upon it, disposed of the issues grouped under Phase I of Docket No. MC73–1, and established a mail classification schedule pursuant to 39 U.S.C. § 3623(a).

At an earlier stage of the proceedings in this case we phased the issues, establishing Phase I for consideration of the Postal Service's proposed classification system (including several limited reforms) and postponing to Phases II and III, respectively, the other limited reform proposals put forward by other parties and the issues involved in basic reform. At that time it was contemplated that these issues would continue to be addressed under the same, all-inclusive docket.

On further consideration, however, we have decided that separate proceedings to deal with the two remaining groups of issues would be preferable. Our reasons for proceeding in this way are set forth in Orders No. 118 and 119, which are also being issued today, and we need not reiterate them here. Issues found not appropriate for determination in the April 15, 1976, Recommended Decision will be treated in one (or more) of the new dockets we are establishing. Since all remaining classification issues will therefore be subsumed under the new proceedings, there remains no reason to continue Docket No. MC73–1, and we are hereby terminating it.

The Commission orders: Docket No. MC73–1 and all proceedings thereunder are hereby terminated.

By the Commission.

DAVID F. HARRIS,
Acting Secretary.

[FR Doc.76–16618 Filed 6–7–76;8:45 am]

[Docket Nos. MC76–1, MC76–2, MC76–3, MC76–4; Order No. 118]

MAIL CLASSIFICATION SCHEDULE, 1976

Order Instituting Proceedings

JUNE 3, 1976.

Before Commissioners: Clyde S. DuPont, Chairman; Carlos C. Villarreal, Vice-Chairman; Paul A. Miltich; Kieran O'Doherty; Frank P. Saponaro.

On June 2, 1976, the Governors of the Postal Service issued a decision establishing a mail classification schedule pursuant to 39 U.S.C. § 3623(a). The action of the Governors followed our issuance, on April 15, 1976, of a recommended decision approving a settlement reached by parties in Phase I of Docket No. MC73–1 and deciding certain other issues left unresolved by the settlement agreement.

In another Order issued today, Order No. 117, we are terminating that Docket. In this Order, and in Order No. 119 we provide procedures for disposing of the Docket No. MC73–1 issues not resolved in our recent recommended decision or in the decision of the Governors.

By Order No. 51 (July 1, 1974), as clarified by Order No. 56 (January 7, 1975), we distinguished among three types of classification issues: (1) establishment of a classification schedule, including proposals for changes in areas suggested by the Postal Service as part of its statutorily-mandated filing proposing a classification schedule [see 39 U.S.C. § 3623(a)]; (2) proposals for limited changes in classification not included within the first category; and (3) the general issue of "basic" reform. The Commission divided Docket No. MC73–1 into three phases corresponding to these categories of issues.

Phase II of Docket No. M73–1 has been essentially dormant since it was established in Order No. 51. The need to expedite decision on Phase I, which required substantial commitment of the parties' resources during the protracted settlement discussions, has meant that the Phase II issues are still awaiting the development of an evidentiary record. We have concluded that we can most efficiently deal with these issues by treating them in new, separate proceedings.

There are a number of reasons for this determination. A considerable period has elapsed since the parties submitted the proposals for limited reforms which were grouped into Phase II. New proceedings will provide a convenient opportunity for the parties to make any corrections or revisions to their original proposals which they feel are desirable. A party wishing to adhere to its original proposal will of course be free to do so, and we are by this order providing for the incorporation of materials from Docket No. M73–1. However, the establishment of the classification schedule by the recent Governors' decision provides a basis for more concrete proposals than were possible at the beginning of Docket No. MC73–1.[1] At that time, there was no definite and certain schedule to which amendments could be made. Now parties are able—and will be expected—to present their proposals for change in the form of amendments to the schedule which has been established.

The establishment of a classification schedule also alters the position of this Commission with respect to classification changes. Section 3623(b) of our statute specifically provides that following the establishment of a classification schedule the Commission may originate, and submit in the form of recommended decisions, classification changes developed on its own initiative. By establishing new proceedings to deal with the former Phase II issues, we will be better able to utilize this authority should the record indicate that it would be desirable to do so.

In view of the relatively large number of unrelated proposals contained in Phase II, we believe it wise to divide these issues into several separate dockets. Thus we are establishing four proceedings by this order: Docket MC76–1, to consider issues relating to classification of First-Class Mail and Airmail;[2] Docket MC76–2, to consider issues relating to classification of Second-Class Mail and Controlled Circulation;[3] Docket MC76–3, to consider issues relating to classification of Third-Class Mail;[4] and Docket MC76–4, to consider issues relating to classification of Fourth-Class Mail.[5] Issues relating to classification of general provisions should be considered within the docket established for the class of mail affected by a proposed revision, and similarly, special services provisions should be considered with the class of mail with which the service in question is purchased. Although we are hereby establishing discrete proceedings for each of the major classes of mail, we recognize that it may be appropriate for the presiding officer to hold hearings—on a joint record—in two or more dockets if there are common fact questions to be addressed by the same evidence.[6]

As we previously noted, materials from MC76–1 will be incorporated into the record of each of these four new proceedings. We will not, however, restrict these proceedings to matters raised in response to the January 1973 filing of Postal Service. To do so would serve no benefit, and would negate the advantages of several years of inquiry into the existing classification of mail and of the codification of that classification into a clear schedule.

The four classification proceedings establish today will therefore be open to proposals of participants in Docket MC73–1, revised as necessary and recast as specific changes in the classification schedule, and to specific proposals to adjust a classification of mail filed by any interested persons within 30 days of publication of this order.

The parties' proposals are to be supported by a showing that they meet the specific statutory criteria of 39 U.S.C. § 3623. All proposals must likewise be accompanied by the general evidentiary showing of their relationship to long-term reform. In our Recommended Decision in Docket No. MC73–1, we set out our reasons for finding the changes adopted there to be compatible with basic reform.[7] Parties should be prepared to relate their proposals to the standard there expressed, and also to describe the potential intreaction of their proposals with the system of "natural clasifications" set out in the Report of the Kappel Commission.[8] We emphasize that this latter requirement does not imply our espousal of the Kappel Commission's classification blueprint. That blueprint is one among several possible plans[9] for basis reform; additional alternatives will emerge during the long-term classification reform proceeding we are instituting today under Docket No. MC76–5.

By establishing separate proceedings for proposals relating to each of the four major classes of mail, we expect to expedite improvement of the classification schedule and the rapid elimination of anomalies not resolved in Phase I. We expect each case to move toward completion independently, and we contemplate that settlements of limited issues within

[1] Because the Phase II issues have not been actively litigated, we do not believe that any prejudice will result from the fact that the Presiding Officer assigned to these proceedings participated as counsel for the Postal Service in the early stages of Docket No. MC73–1.

[2] Chapter 100 of the mail classification schedule.

[3] Chapter 200 of the mail classification schedule.

[4] Chapter 300 of the mail classification schedule.

[5] Chapter 400 of the mail classification schedule.

[6] We also recognize that, if any matters are raised which do not fit rationally into these categories, it may be necessary to establish additional dockets.

[7] *See* Mail Classification Schedule, 1973, Recommended Decision, pp. 7–8.

[8] *See* Towards Postal Excellence, Report of the President's Commission on Postal Organization, pp. 135–36 (1968).

[9] Several such plans were offered in Docket No. MC73–1 and postponed to Phase III thereof by our Order No. 51 (July 1, 1974). We are also willing to hear evidence of the relationship between a proposal made herein and any of these plans.

In order to accommodate both of these

this proceeding, with Commissioner

Associated Third Class Mail Users
Direct Mail/Marketing Association

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these cases may be possible. As long as legitimate interests of participants are not prejudiced, we will entertain partial initial decisions whenever deemed appropriate by the presiding law judge. To this end we are scheduling a prehearing conference at an early date, covering all of the above listed dockets. The formal proceedings thereafter may be conducted individually or jointly. During the prehearing conferences the Presiding Officer shall undertake—with the participants to each of the proceedings—a thorough exploration of the issues to be presented with a view toward adducing evidence and concluding each of the proceedings in an expeditious manner. To facilitate this goal we are directing the Presiding Officer to prepare, with the assistance of the participants in each of the dockets, a hearing schedule for the duration of each proceeding, including dates for the filing of initial and reply briefs. A model of such a hearing schedule was developed and promulgated by the Commission in the current rate proceedings. See PRC Order No. 94, Attachment A. A review of that hearing schedule reveals that there may be certain additional activities which the Presiding Officer may appropriately add; for example, dates for the incorporation by reference of evidence from Docket MC73–1 proceedings. Upon conclusion of the prehearing conferences, the Presiding Officer should promptly promulgate hearing schedules in each of the dockets. Absent modification of these schedules by the Commission, upon appeals from the parties (see 39 CFR § 3001.32) or sua sponte, they will become the operative schedules governing the proceedings.

The Commission orders: A. The proposals and issues assigned to Phase II of former Docket No. MC73–1 shall be considered within the dockets established by paragraph (B) of this order.

B. The following dockets are established:

Docket MC76–1 to Consider Classification Changes in First-Class Mail
Docket MC76–2 To Consider Classification Changes in Second-Class Mail
Docket MC76–3 To consider Classification Changes in Third-Class Mail
Docket MC76–4 To Consider Classification Changes in Fourth-Class Mail

C. Parties to Docket No. MC73–1 who submitted proposals later deferred to Phase II of that Docket will be required, on or before June 10, 1976, to file petitions to intervene in the new proceedings in accordance with paragraph (E) hereof. Absent extraordinary cause shown, the Commission intends to permit intervention by any party granted leave to intervene in Docket No. MC73–1.

D. All petitions to intervene filed pursuant to paragraph (E) hereof shall be accompanied by a concise statement of the changes in the established mail classification schedule which the petitioner advocates. Where a petitioner has previously submitted a proposal for change in Docket No. MC73–1, that proposal may be changed, corrected, added to, or abandoned. Such materials as the party deems appropriate may be incorporated by reference from the party's filing in Docket No. MC73–1, so long as the party's filing in the present docket is adequately keyed to the established mail classification schedule.

E. Petitions for leave to intervene (including petitions for leave to appear as a limited participator) shall be filed, in accordance with the Commission's Rules of Practice (39 CFR §§ 3001.19a, 3001.20), on or before June 10, 1976.

F. Administrative Law Judge Marvin H. Morse is designated as the Presiding Officer in each of these proceedings.

G. Norman D. Schwartz is designated as the Officer of the Commission appointed to represent the interests of the general public in each of these proceedings, pursuant to 39 U.S.C. § 3624(a).

H. A prehearing conference will be held in these proceedings on June 22, 1976, in the Commission's hearing room at 2000 L Street, N.W., Washington, D.C. at 9:30 A.M.

By the Commission.

[SEAL] DAVID F. HARRIS, *Acting Secretary.*

[FR Doc 76–16619 Filed 6–7–76;8:45 am]

[Docket No. MC76–5; Order No. 119]

BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Order Instituting Proceedings

JUNE 3, 1976.

Before Commissioners: Clyde S. DuPont, Chairman; Carlos C. Villarreal, Vice-Chairman; Paul A. Miltich; Kieran O'Doherty; Frank P. Saponaro.

On June 2, 1976, the Governors of the Postal Service issued a decision establishing a mail classification schedule pursuant to 39 U.S.C. § 3623(a). The action of the Governors followed our issuance, on April 15, 1976, of a recommended decision approving a settlement reached by parties in Phase I of Docket No. MC73–1 and deciding certain other issues left unresolved by the settlement agreement.

In another Order issued today, Order No. 117, we are terminating that Docket. In this Order, and in Order No. 118, we provide procedures for disposing of the Docket No. MC73–1 issues not resolved in our recent recommended decision or in the decision of the Governors.

By Order No. 51 (July 1, 1974), as clarified by Order No. 56 (January 7, 1975), we distinguished among three types of classification issues: (1) establishment of a classification schedule, including proposals for changes in areas suggested by the Postal Service as part of its statutorily-mandated filing proposing a classification schedule (see 39 U.S.C. § 3623(a)); (2) proposals for limited changes in classification not included within the first category; and (3) the general issue of "basic" reform. The Commission divided Docket No. MC73–1 into three phases corresponding to these categories of issues.

A major impetus behind our phasing of Docket No. MC73–1 was a Postal Service suggestion that it undertake an extensive program of studies to examine fundamental issues affecting classification alternatives. As it was clear that considerable time would be necessary in order to develop data on these complex factors, separating the issue of long-range classification reform from the more immediate improvements in the classification of mail was accomplished by establishing Phase III as a distinct part of MC73–1. Coordination of studies to develop a broad basis to test alternative classification theories, and then construction of an optimum classification system was to proceed on an expedited basis in this autonomous phase.

Unfortunately, the parties have failed to pursue development of classification reform with satisfactory vigor. As the attached schedule of events (Appendix A) makes clear, basic classification reform has been allowed to languish in the almost two years it has been a separate phase of Docket No. MC73–1. Postal Service originally saw completion of its total effort by January 1977. Now it seems unlikely that a single study will have been completed by that date, and completion of the entire program remains a distant goal.

Although we have repeatedly requested progress reports and projected schedules, not a single schedule date has been met in this proceeding. This delay in developing an improved long-range classification system for Postal Service should not continue.

We believe that closer monitoring of the progress of the studies and more direct Commission control over the direction of the study effort are necessary. They are not sufficient in themselves to achieve basic classification reform, but our experience in the phase of classification reform just completed leads us to believe that without a large volume of data such as is to be supplied by the study program, basic classification reform becomes far more difficult. We characterize studies of this kind as necessary but not sufficient in order to make clear that, while it is of the utmost importance, completion of the Postal Service study program will not be the end of our effort in this proceeding. Basic reform, like the limited reforms heretofore dealt with, is subject to the procedural requirements of §§ 3623 and 3624 of the Postal Reorganization Act. Interested parties must be afforded a hearing with opportunity to comment on or challenge the basic studies. Their contributions through the hearing process, as well as those made by the underlying basic study program, will determine the ultimate shape of the reformed classification schedule.

In Phase III of Docket No. MC73–1, there were established advisory panels to advise and consult the Postal Service on its study program. See Appendix B. We are reconstituting these panels, and we intend that they will continue to perform the same function in the present docket. We invite comments during the prehearing conference as to the willingness of individual parties to continue as members, and as to the desirability of restructuring the panels or the creation of new ones.

In order to accommodate both of these stages, we are contemplating a proceeding that will fall into two fairly well-marked stages. We do not propose formally to phase it—as we did the original mail classification case—because it may be possible to conduct hearings on some issues while the basic studies are still being carried out on others. In general, however, the first stage wil be that of organizing, conducting, and reporting on the study program. The second stage will provide the hearing procedures referred to above, and will lead to our recommended decision on basic reform.

Accordingly, the first order of business in the docket we are establishing herein will be to expedite the development of relevant data. We will require the submission of monthly progress reports on the Postal Service's study effort. Such reports shall include explanation of changes in the aims, cost, scope, or timing of any of the studies already planned.

We do not contemplate that this initial stage of the proceedings should be a closed dialogue between the Commission and the Service. If any party believes that the study program should be altered—or that proposed alterations should not be made—such suggestions can be made directly to the Commission through an appropriate motion. The same mechanism may be employed if a party believes that substantive hearings would be useful at any point in this stage.

The Commission orders: A. The matters assigned to Phase III of former Docket No. MC73–1 shall be the subject of the Docket created by this Order.

B. Persons who wish to participate in Docket No. MC76–5 shall file petitions for leave to intervene or appear as limited participators on or before June 10, 1976. It will be satisfactory for parties to Docket MC73–1 to file an abbreviated petition (1-page) with us incorporating by reference an earlier petition filed in Docket MC73–1.[1] Service of petitions upon parties presently in MC73–1 will not be required. Absent extraordinary cause shown, the Commission intends to permit participation by any party granted leave to participate in Docket No. MC73–1.

C. Petitions for leave to intervene or to appear as a limited participator may be filed by persons who have not previously been admitted to participation in Docket No. MC73–1, in accordance with §§ 19a and 20 of the Commission's rules of practice (39 C.F.R. §§ 3001.19a, 3001.20), on or before June 10, 1976.

D. A prehearing conference in this docket will be held June 29, 1976, in the Commission's hearing room, at 9:30 a.m. The Postal Service shall have prepared for presentation at such conference a proposed reporting system conforming to the requirements set forth in this Order.

E. The Commission will sit en banc in this proceeding, with Commissioner Paul A. Miltich as Presiding Officer.

F. Norman D. Schwartz is hereby designated as the Officer of the Commission appointed to represent the interests of the general public in this proceeding, pursuant to 39 U.S.C. § 3624(a).

By the Commission.

DAVID F. HARRIS, *Acting Secretary.*

SUMMARY OF PRINCIPAL EVENTS

May 1974 Postal Service motion to suspend Docket MC73–1 for thirty-one months (Jan. 1977) to enable Postal Service to undertake a comprehensive examination of fundamental issues and alternatives for reclassification.
May 1974 Presiding administrative law judge suspends Docket MC73–1 to enable Postal Service to undertake studies.
July 1974 Commission reverses suspension order (Order No. 51). Divides docket into three phases. Instructs Postal Service to recommend within 45 days areas of study necessary to aid long-term classification reform (Phase III), studies and procedures to be determined within 90 days.
Sept. 1974 Postal Service engages personnel to coordinate study effort; briefly comments on objectives of studies it believes appropriate, explains delay in detailing plans.
Feb. 1975 Postal Service admits "puzzled" about what to study. (Tr. 4883) Promises a draft study plan in 60 days.
Apr. 1975 Postal Service submits detailed study plan. Projected completion date June 1978.
May 1975 Participants agree upon procedures for proceeding with studies, coordinated by Postal Service with advice of panels of interested mailer representatives. The basic outline of the Postal Service proposal to be followed.
Oct. 1975 Postal Service acknowledges failure to meet schedule dates for first four studies. (Tr. 11,167) Commission requires submission of a revised schedule.
Nov. 1975 Postal Service files a revised schedule plan. Projected completion date December 1978.
June 1976 Postal Service has failed to meet revised schedule dates for all five studies to be in progress by May 1976.

MEMBERSHIP OF ADVISORY PANELS

MESSAGES PANEL

United States Post Service
Officer of the Commission
American Retail Federation
Council of Public Utility Mailers
Envelope Manufacturers Association
National Association of Greeting Card Publishers
Post Card Manufacturers Association
Reader's Digest Association, Inc.

PUBLICATIONS PANEL

United States Postal Service
Officer of the Commission
Agricultural Publishers Association
American Business Press
American Newspaper Publishers Association
Association of Second Class Mail Publications, Inc.
Classroom Periodical Publishers Association
Magazine Publishers Association
National Newspaper Association
Time, Inc.

ADVERTISING PANEL

United States Postal Service
Officer of the Commission
Advo-Systems, Inc.
Associated Third Class Mail Users
Direct Mail/Marketing Association
Mail Advertising Service Association, International, Inc.
Mail Order Association of America

MERCHANDISE PANEL

United States Postal Service
Officer of the Commission
Association of American Publishers, Inc.
Field Enterprises Educational Corp.
Macmillan, Inc.
Parcel Post Association/Mail Order Association of America
Recording Industry Association of America

COST/OPERATIONS PANEL

United States Postal Service
Officer of the Commission
United Parcel Service
Any interested member of other panels

[FR Doc.76–16620 Filed 6–7–76;8:45 am]

[1] We are not at this stage requiring the usual detailed statement of interest, since in this proceeding much basic data must be assembled before we can focus on concrete classification proposals.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12401; File No. SR–DTC–76–5]

SELF-REGULATORY ORGANIZATIONS

Depository Trust Co.

In the matter of proposed rule change by The Depository Trust Company.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on May 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change permits Participants of The Depository Trust Company (DTC) to deposit at DTC the coupon form of interchangeable corporate debt securities (i.e., corporate debt securities which are issued in both the coupon form and the registered form). Currently, DTC accepts deposits of such securities in the registered form only. The proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR–DTC–76–5.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to permit DTC's Participants to deposit at DTC the coupon form of most DTC-eligible interchangeable corporate debt securities (i.e., corporate debt securities which are issued in both the coupon form and the registered form). Currently, DTC accepts deposits of such securities in the registered form only. The proposed rule change would permit Participants to deposit the coupon form as well. DTC would arrange for the coupon bonds to be exchanged for bonds registered in the name of DTC's nominee, Cede & Co. In most other respects, the corporate bond services provided by DTC would be the same as they are at present.

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Securities Industry Automation Corporation (SIAC), operator of the Continuous Net Settlement (CNS) system for the Stock Clearing Corporation and the American Stock Exchange Clearing Corporation, has notified its clearing members that it intends this year to include all DTC-eligible listed bonds in the CNS system; this cannot be accomplished without substantial problems unless DTC accepts deposits of the coupon form of interchangeable issues. Under the CNS system, deliveries to the clearing corporations by DTC book-entry are mandatory. If SIAC were to include interchangeable issues but DTC did not offer a coupon bond deposit service, Participants would be forced to fail-to-deliver to CNS while awaiting exchanges of coupon bonds to the registered form for subsequent deposit with DTC.

In addition, some Participants holding large blocks of the coupon form of interchangeable bonds in their vaults have notified DTC of their reluctance to maintain depository positions in any bond issue—fully registered or interchangeable—as long as DTC does not accept deposits in the coupon form. DTC has also been informed by Participants that while the number of deliveries of coupon bonds is declining, the number of certificates and attendant processing costs per delivery are substantially greater than for registered bonds because coupon bond denominations typically are small. Such Participants wish DTC to relieve them of the problems related to this situation by enabling them to make book-entry deliveries.

4. BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(a) Not Applicable.

(b) The proposed rule change relates to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by increasing DTC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions in that the proposed rule change will encourage immobilization of corporate debt securities and will facilitate inclusion of interchangeable corporate debt securities in the CNS system.

(c) Not Applicable.

5. COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

DTC developed the proposed rule change as a result of suggestions from Participants. Comments regarding the proposed coupon bond deposit service were solicited from DTC Participants and exchange agents by articles in DTC's Newsletters of December/January 1976 and February 1976. Draft procedures for the proposed coupon bond deposit service, similar to the procedures set forth in Exhibit 2 hereto, were sent to Participants and exchange agents who asked to review draft procedures and to the New York Clearing House Depository Operations Committee. No written comments in response to the Newsletter articles or on the draft procedures were received. In meetings and telephone conversations with Participants and exchange agents, favorable opinions were expressed on the proposed coupon bond deposit service on the grounds that the proposed service would reduce bond processing costs and the risk of loss or theft associated with physical deliveries of coupon bonds by enabling Participants to deposit the coupon form of interchangeable bonds at DTC and by facilitating inclusion of interchangeable bonds in the CNS system.

6. BURDEN ON COMPETITION

None.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rules change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before June 29, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 28, 1976.

EXHIBIT 2.—THE DEPOSITORY TRUST COMPANY, MAY 12, 1976

PARTICIPANTS PROCEDURES FOR COUPON BOND DEPOSITS EFFECTIVE (DATE)

Introduction

The DTC coupon bond service allows Participants to deposit the coupon form of corporate debt instruments ("corporate bonds") that are Eligible Securities and exchangeable for the registered form. The service encourages immobilization of interchangeable corporate bonds and permits their inclusion in the continuous net settlement (CNS) system of Stock Clearing Corporation and American Stock Exchange Clearing Corporation.

The coupon bond service is governed by the Procedures following this introduction. The Procedures are similar to those followed by Participants in depositing registered securities.

The regular Deposit Ticket, specially marked, is used for coupon bond deposits.

A restrictive legend, comparable to the assignment endorsed on registered securities, is stamped on the bonds and on the last affixed coupons.

Coupon bonds and registered securities may be deposited separately at DTC between 8:00 a.m. and 11:00 a.m. Coupon bonds may not be deposited between 4:00 p.m. and 6:00 p.m. as registered securities may be.

Coupon bonds may not be deposited at Depository Facilities as registered securities may be.

DTC credits deposits of coupon bonds to Participants' accounts on the day of deposit, as in the case of registered securities, and submits the bonds to the appropriate agents for exchange to the registered form in the nominee name Cede & Co. DTC neither maintains an inventory of coupon bonds in its vault nor provides withdrawal services in the coupon form.

The coupon bond deposit service supplements basic DTC deposit services. The Procedures described in the following pages assume Participant familiarity with basic DTC deposit services. Participants not familiar with those services should, therefore, read the following Procedures in conjunction with the DTC Rules and Section B of the Participants Operating Procedures (Deposits) which govern matters not covered by the following Procedures.

Procedures for Deposit of Coupon Bonds

1. Check carefully the most recently published DTC Eligible Securities booklet and DTC reorganization notices to make certain that the coupon bonds you wish to deposit qualify for deposit with DTC under these Procedures.

NOTE.— From time to time, DTC notifies Participants by reorganization notice of additions and deletions to the list of "Coupon Bonds Eligible for Deposit". The DTC Eligible Securities booklet which is published periodically contains a cumulative list of "Coupon Bonds Eligible for Deposit". The cumulative list includes the coupon bonds which were previously identified in reorganization notices as qualifying for deposit and which were still qualified at the time the booklet was printed.

Important.—Not all DTC-eligible interchangeable bond issues are eligible for the coupon bond deposit service. Participants are urged to exercise extreme caution in checking the eligibility of a bond issue against the cumulative list of "Coupon Bonds Eligible for Deposit" and reorganization notices before stamping the required restrictive legend on the bonds and coupons. The process for rectifying stamping errors which may involve letters of indemnity and other special paperwork is cumbersome, costly, and time-consuming for both Participants and DTC. Where bonds stamped in error are available in coupon form only, substantial costs may be incurred.

2. Determine that the last coupon affixed to each bond is for the proper interest payment date. With one exception, the last affixed coupon must be the coupon for interest payable on the next interest payment date after the date of deposit.

Exception.—The one exception occurs when the date of deposit is between the day after record date (or cut-off date) and the day before payment date for interest on the registered form of the bond issue. In such event, clip the coupon for the next interest payment date because the bonds will be credited to your interim account at DTC excluding them from the DTC interest collection and distribution process for that payment.

3. Examine all coupons to make certain that none is missing for an interest payment date subsequent to that of the last proper affixed coupon (as determined under 2. above).

4. Examine all coupons to make certain that none is mutilated following current guidelines established by industry organizations; for example, the guidelines established by the New York Stock Exchange, Inc., American Stock Exchange, Inc., National Association of Security Dealers, Inc., and New York Clearing House Association and published in the booklet entitled "Coupon Bonds: Handle with Care".

5. Only after steps 1. through 4. above have been carefully completed, stamp the legend "This security is the property of The Depository Trust Company of 55 Water Street, New York, N.Y." and your Participant Number on the face of each bond and on the last coupon affixed to each bond, as illustrated in Exhibit 1.

NOTE.—The purpose of the restrictive legends is to inhibit unauthorized usage of the bonds and coupons. See Exhibit 2 for specifications of the stamp containing the legend.

6. Prepare a Deposit Ticket in accordance with Section B of the Participants Operating Procedures. In addition, type or print clearly on the Ticket the following information as illustrated in Exhibit 3: the word "Coupon", the payment date of the last affixed coupons, followed by the letters "SCA", meaning "Subsequent Coupons Attached".

Participants are reminded to enter the number of bonds in the Quantity box on the Deposit Ticket (that is, enter "10" for a $10,000 deposit quantity "25" for $25,000, etc.).

7. Package the coupon bond deposits separately from deposits of registered securities.

8. Deliver the coupon bond deposits, between 8:00 a.m. and 11:00 a.m. only, to the "Coupon Bond Deposit" chute in the DTC Central Delivery Department.

9. Deposits meeting the requirements specified above and the requirements of DTC's Rules and Procedures wil be credited on the same day to the Participant's general unpledged account except, as indicated in step 2 above, coupon deposits made between the day after record date (or cut-off date) and the day before payment date for interest on the registered form are credited to the Participant's interim unpledged account.

Long positions created by deposits of coupon bonds are available for the full range of depository services including book-entry deliveries and collateral loans and withdrawals of registered securities in nominee name (CODs) and by transfer (WTs). Withdrawals of bonds in coupon form cannot, however, be effected. Deposits and subsequent transactions appear as usual in the Participants Daily Activity Statement distributed the following morning.

10. Rejected deposits are processed in accordance with Section B of the Participants Operating Procedures. Participants' messengers pick up and sign for rejected bonds between 11:00 a.m. and 1:00 p.m. at the "Coupon Bond" window in the DTC Central Delivery Department. Reject charges are levied in accordance with Section L of the Participants Operating Procedures (Fees for Services Rendered).

[FR Doc.76-16507 Filed 6-7-76;8:45 am]

[Release No. 34-12500;
File Nos. SR-MSTC-76-7 and SR-MCC-76-3]

SELF-REGULATORY ORGANIZATIONS

Midwest Securities Trust Co. and Midwest Clearing Corp.

In the matter of proposed rule changes by Midwest Securities Trust Company and Midwest Clearing Corporation.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 25, 1976, the above-mentioned self-regulatory organizations filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

MSTC AND MCC FEE SCHEDULE CHANGES, EFFECTIVE JUNE 1, 1976

(i) Elimination of the Participant Delivery Program (PDP) charge of $0.50 for the input or acknowledgment of a PDP trade.

(ii) Elimination of the trade-for-trade charge for PDP trades. They are $1.00 per delivery and $0.50 per receipt.

(iii) Increase from $0.55 to $0.65 for a Deposit Delivery Instruction.

(iv) Increase from $0.50 to $0.60 for deposits ($0.25 to $0.35 for afternoon deposits).

(v) Additional $0.015 per 1,000 shares per month custodial charge with a limitation on custodial fees for positions and shares of $3,000 per month.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule changes is to eliminate Participant Delivery Program charges and the trade for trade settlement charge. The elimination of these charges will allow the Midwest Securities Trust Company and the Midwest Clearing Corporation to become more competitive by encouraging institutional customers to participate in a system which heretofore added costs for institutions in bookkeeping settlement with no initial offsetting financial benefits. The purpose of the increased charges for Deposit Delivery Instructions, deposits, and custodial services is to compensate for the revenue eliminated.

According to MSTC and MCC, the proposed rule changes represent an equitable distribution of reasonable fees and charges among its participants.

The Midwest Securities Trust Company and the Midwest Clearing Corporation received favorable comments from institutional participants.

The Midwest Securities Trust Company and the Midwest Clearing Corporation believe that no burden has been placed on competition.

The foregoing rule changes have become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers referenced in the caption above and should be submitted on or before June 29, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 1, 1976.

[FR Doc.76-16508 Filed 6-7-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1225]

ARKANSAS

Declaration of Disaster Area

The above numbered Declaration (see 41 F.R. 15925) for the State of Arkansas is amended by extending the time for filing applications to June 30, 1976, for physical damage, and February 3, 1977, for economic injury.

Dated: May 28, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-16503 Filed 6-7-76;8:45 am]

SAN DIEGO DISTRICT ADVISORY COUNCIL

Public Meeting Date Change

The Small Business Administration San Diego District Advisory Council has changed the date of its public meeting from Thursday, June 17, 1976, to Wednesday, June 30, 1976. The meeting will bt held in the Conference Room at 110 West "C" Street, Suite 705, San Diego, California 92101, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information write or call F. D. Sergent at the above address, (714) 895-5430.

Dated: June 2, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Council.

[FR Doc.76-16502 Filed 6-7-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Florida

This notice announces the ending of the Federal Supplemental Benefit Pe-

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riod in the State of Florida, executive June 12, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are paybale during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Suplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of Florida on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Florida has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 22, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Florida for the week ending on May 22, 1976, and the Federal Supplemental Benefit Period in that State will terminate on June 12, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Florida Division of Employment Security of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Florida should contact the nearest Employment Office or Unemployment Compensation Office of the Florida Division of Employment Security in their locality.

Signed at Washington, D.C., on June 3, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-16598 Filed 6-7-76;8:45 am]

Occupational Safety and Health Administration

UTAH STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Administrator for Occupational Safety and Health (hereinafter called the Assistant Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the Federal Register 38 FR 1178 of the approval of the Utah plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah plan provides for the adoption of Federal standards as State standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the office of the State Archivist.

Section 1952.113 of Subpart E sets forth the State's schedule for adoption of Federal Standards. By letter dated March 4, 1976, from Don J. Christiansen, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted rules and regulations concerning 29 CFR 1910.184 Slings and 29 CFR 1928.51—Roll-Over Protection Structure (ROPS) For Tractors Used in Agricultural Operations; 29 CFR 1928.52—Protective Frames for Wheel Type Agricultural Tractors—Test Procedures and Performance Requirements; and 29 CFR 1928.53—Protective Enclosures For Wheel Type Agricultural Tractors—Test Procedures and Performance Requirements as published in Federal Register 40 FR 27368 dated June 27, 1975, referencing Industrial Slings, and 40 FR 18254 dated April 25, 1975, referencing Agricultural Tractors. These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for Industrial Slings and Agricultural Tractors, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held. The Industrial Slings Part was adopted by the Industrial Commission of Utah, Archives File No. 968 on September 22, 1975, and the Agricultural Tractor Parts were adopted by the Industrial Commission of Utah, Archives File No. 975, on September 22, 1975, pursuant to Title 35-9-6 Utah Code Annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah 84111; and the Tecnical Data Center, Room N3620,

200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Assistant Regional Administrator's approval effective upon publication for the following reasons:

The standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation and notice would be repetitious.

This decision is effective June 8, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Denver, Colorado, this nineteenth day of April 1976.

CURTIS A. FOSTER,
Regional Administrator.

[FR Doc.76-16597 Filed 6-7-76;8:45 am]

Office of the Secretary

[TA-W-678]

AL PETERS SHIRT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-678: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's knit and woven shirts and women's woven blouses at Al Peters Shirt Company, Perth Amboy, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14231). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Al Peters Shirt Company, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 7.7 percent in the first 9 months of 1975 compared to the like period in 1974. Hours worked by production workers in 1975 declined 31.1 percent in the first quarter, 26.5 percent in the second quarter, and 31.9 percent in the third quarter compared to the like quarters in 1974.

The Al Peters Shirt Company production facility was closed on September 12, 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales, in quantity, declined 37.5 percent in the first 9 months of 1975 compared to the like period in 1974. Sales declined, in quantity, 10.1 percent in the first quarter, 32.2 percent in the second quarter, and 67.2 percent in the third quarter of 1975 compared to the like quarters in 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' knit shirts increased absolutely in each year of the three year period 1971 to 1973. The import to production and import to consumption ratios were 21.8 percent and 18.0 percent, respectively, in 1971; 24.0 percent and 19.4 percent, respectively, in 1972; and 25.6 percent and 20.5 percent, respectively, in 1973. In 1974 imports declined, resulting in a decline in the import to production and import to consumption ratios to 17.8 percent and 15.2 percent, respectively. In 1975 imports increased absolutely; causing the import to production and import to consumption ratios to increase to 23.4 percent and 19.1 percent, respectively.

Contributed Importantly. Customers of the Al Peters Shirt Company decreased purchases from the firm because of the availability of less expensive and comparable imported shirts and blouses. Increased purchases of imports by the firm's customers caused the company to substantially reduce production and the number of production workers employed. The number of hours worked by production workers was also reduced.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's knit and woven shirts and women's woven blouses produced by Al Peters Shirt Company, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework and salaried workers engaged in employment related to the production of men's knit and woven shirts and women's woven blouses produced at Al Peters Shirt Company, Perth Amboy, New Jersey who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16439 Filed 6-7-76;8:45 am]

[TA-W-756]

ALLEGHENY LUDLUM STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-756: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheet and strip and silicon steel at the West Leechburg, Pennsylvania plant of Allegheny Ludlum.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (14 FR 17027). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegheny Ludlum, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

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(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Employment of production workers declined 2 percent from 1973 to 1974. Average weekly hours declined 2 percent during the same period. Employment declined 25 percent from 1974 to 1975. Average weekly hours during this period declined 10 percent.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales of stainless strip by Allegheny Ludlum declined 2 percent in quantity from 1973 to 1974. Sales declined 39 percent from 1974 to 1975. West Leechburg accounts for about 75 percent of Allegheny Ludlum's sales of strip.

Annual sales of stainless sheet increased 42 percent from 1973 to 1974. Sales declined 50 percent from 1974 to 1975. West Leechburg accounts for about 1 percent of Allegheny Ludlum's sales of sheet.

Annual sales of silicon steel declined 7 percent in quantity from 1973 to 1974. Sales declined 32 percent from 1974 to 1975. West Leechburg cold rolls all of the silicon steel sold by Allegheny Ludlum.

Increased Imports. Imports of stainless steel strip declined 9.1 percent from 1970 to 1971. Imports increased 52.7 percent from 1971 to 1972. Imports declined 36.9 percent from 1972 to 1973 and 1.9 percent from 1973 to 1974. Imports increased 36.5 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 3.0 percent and 3.2 percent, respectively, in 1974 to 6.9 percent and 6.8 percent in 1975.

Imports of stainless steel sheet increased 14.4 percent from 1970 to 1971. Imports declined 48.6 percent from 1971 to 1972 and 11.9 percent from 1972 to 1973. Imports increased 39.0 percent from 1973 to 1974. Imports decreased 5.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 10.5 percent and 10.0 percent, respectively, in 1974 to 22.4 percent and 19.1 percent in 1975.

Imports of silicon steel were not recorded prior to 1972. Imports declined 25.2 percent from 1972 to 1973 and 20.3 percent from 1973 to 1974. Imports increased 17.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 4.2 percent and 4.0 percent, respectively, in 1974 to 7.4 and 7.0 percent in 1975.

Contributed Importantly. The Department's investigation revealed that customers of Allegheny Ludlum have indicated that they have reduced purchases from Allegheny Ludlum and increased purchases of imported stainless and silicon steel products. The price differential between domestic and imported steel was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless and silicon steel products produced by the West Leechburg plant of Allegheny Ludlum contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the West Leechburg, Pennsylvania plant of the Allegheny Ludlum Steel Corporation who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16443 Filed 6-7-76;8:45 am]

[TA-W-668]

ALLEGHENY LUDLUM STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-668: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on March 12, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheet and tubing at the Wallingford, Connecticut plant of Allegheny Ludlum.

The notice of investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12750). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegheny Ludlum, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Employment of production workers at the Wallingford plant declined 18 percent in 1975 compared to 1974. Average weekly hours declined 14 percent during the same period. All separations involved employees producing stainless steel strip.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales of stainless steel strip at Allegheny Ludlum declined 2 percent in quantity from 1973 to 1974. Sales declined 39 percent in quantity in 1975 compared to 1974. The Wallingford plant accounts for approximately 25 percent of Allegheny Ludlum's sales of stainless strip.

Increased Imports. Imports of stainless strip declined 9.1 percent from 1970 to 1971. Imports increased 52.7 percent from 1971 to 1972. Imports declined 36.9 percent from 1972 to 1973 and 1.9 percent from 1973 to 1974. Imports increased 36.5 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 3.0 percent and 3.2 percent, respectively, in 1974 to 6.9 and 6.8 percent in 1975.

Contributed Importantly. The Department's investigation revealed that customers of Allegheny Ludlum have indicated that they have reduced purchases from Allegheny Ludlum and increased purchases of imported stainless steel products. The price differential between domestic and imported steel was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel strip produced by the Wallingford plant of Allegheny Ludlum contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Wallingford, Connecticut plant of Allegheny Ludlum Steel Corporation who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 13th day of May 1976.

[FR Doc.76-16436 Filed 6-7-76;8:45 am]

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[TA-W-753]

ARMCO STEEL CORP.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-753: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers at the Armco Steel Corporation, Advanced Materials Division, Houston, Texas plant.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17028). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Employment of production workers declined 1.2 percent and 33.3 percent, respectively, in the third and fourth quarters of 1975 compared to the like quarters of 1974, and decreased 47.8 percent in the first quarter of 1976 compared to the like quarter of 1975. Average weekly hours did not change from 1973 to 1974, then declined 19 percent from 1974 to 1975.

Sales or Production, or Both, Have Decreased Absolutely. Company sales increased 28.6 percent from 1973 to 1974, and declined 8.1 percent from 1974 to 1975.

Increased Imports. Imports of stainless steel pipe and tubing fluctuated from 1970 to 1973, and then increased from 1973 through 1975. U.S. imports of stainless steel pipe and tubing increased 28.2 percent from 1974 to 1975. The ratios of imports to shipments and consumption increased from 16.0 percent and 16.3 percent, respectively, in 1974 to 25.7 percent and 24.0 percent, respectively, in 1975.

Contributed Importantly. The Department's investigation revealed that customers of Armco's stainless steel pipe and tubing increased their purchases of imported stainless pipe and tubing. Customers indicated that the lower prices of the imported products were causing the shift.

Conclusion. After careful review of the facts obtained in the investigation, I concluded that increases of imports like or directly competitive with stainless steel pipe and tubing produced at Armco Steel Corporation's Houston, Texas plant contribution importantly to the total or partial separation of the workers at that plant. In accordance with provisions of the Act, I make the following certification:

"All workers engaged in employment related to the production of stainless steel pipe and tubing at the Armco Steel Corporation's Advanced Material Division plant in Houston, Texas who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Wasington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc 76-16444 Filed 6-7-76;8:45 am]

[TA-W-638]

BENDIX CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-638: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by workers and former workers producing components for cylindrical electronic connectors at the Sidney, New York plant of the Electrical Components Division, Bendix Corporation, Southfield, Michigan.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10653). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bendix Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion as not been met.

Significant Total or Partial Separations. The average number of production workers at the Sidney plant declined 1.5 percent in fiscal year 1975 compared to fiscal year 1974. Employment of production workers in Department 52 of the Sidney plant declined 11.0 percent between the same two periods.

Sales, Production, or Both, Have Decreased Absolutely. Sales of cylindrical electronic connectors declined 16.2 percent in the first five months of fiscal year 1976 compared to the like period of fiscal year 1975.

Increased Imports. Imports of cylindrical electronic connectors are included in statistics for all types of electronic connectors. While increasing marginally from 1973 to 1975, imports of electronic connectors during those years remained less than two percent of domestic production. Industry sources estimate that imports of cylindrical electronic connectors between 1973 and 1975 were also less than two percent of domestic production.

Contributed Importantly. Major customers of the Sidney plant utilize electronic connectors in military and commercial aircraft production and industrial applications. Customers reduced purchases from the Sidney plant during 1975 and early 1976 because of adverse domestic economic conditions.

The Bendix Corporation does not import any finished electronic connectors. However, during fiscal year 1974, the Sidney plant was operating near full capacity. Bendix Corporation at that time contracted with foreign suppliers to produce components of cylindrical electronic connectors. Delivery time for orders placed with foreign suppliers ranged from six to eighteen months. Components that were imported by Bendix were manufactured at Sidney exclu-

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sively in Department 52 of that plant. In the 12 month period beginning on March 1, 1975, company imports were equivalent to less than three percent of the production in Department 52.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cylindrical electronic connectors produced at the Sidney, New York plant of the Electrical Components Division of the Bendix Corporation, Southfield, Michigan did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of May 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for International Affairs.

[FR Doc 76-16436 Filed 6-7-76;8:45 am]

[TA-W-545]

CARPENTER TECHNOLOGY CORP.

Notice of Amended Certification of Eligibility To Apply for Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on April 12, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers producing specialty steel at the Reading, Pennsylvania plant, the warehouse locations in Buffalo, New York; Charlotte, North Carolina; Melrose Park, Illinois; Dallas, Texas; Troy Michigan; Houston, Texas; Indianapolis, Indiana; Los Angeles, California; Milwaukee, Wisconsin; Minneapolis; Minnesota; W. Caldwell, New Jersey; Fort Washington, Pennsylvania; St. Louis, Missouri; South Bend, Indiana; and related workers at the corporate headquarters in Reading, Pennsylvania of the Carpenter Technology Corporation. The notice of certification was published in the FEDERAL REGISTER (41 FR 18192-18193) on April 30, 1976.

In an oversight, the following warehouse location was omitted from the original certification:

Hartford, Connecticut.

Accordingly the certification issued on April 12, 1976 is hereby amended to include the warehouse location noted above.

Signed at Washington, D.C. this 6th day of May 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-16447 Filed 6-7-76;8:45 am]

[TA-W-671]

CARPENTER TECHNOLOGY CORP.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-671; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated March 17, 1976 in response to a worker petition received on March 17, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless and alloy welded steel pipe and tubing at the Union New Jersey plant of the Tube Division of Carpenter Technology Corporation, Reading, Pennsylvania. The investigation was expanded to cover the Jonesburg, New Jersey plant.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 12751-12752) on March 26, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Carpenter Technology Corporation, its customers, the American Iron and Steel Institute, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated:

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined one percent in 1975 compared to 1974. The average number of production workers declined in the second, third and fourth quarters of 1975 compared to the prior quarters. Average weekly hours declined 8 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales declined 9 percent in 1975 compared to 1974. Sales declined in each quarter of 1975 compared to the prior quarter.

Increased Imports. Imports of stainless steel pipe and tubing decreased from 12.8 thousand net tons in 1971 to 5.3 thousand net tons in 1973. In 1974 imports increased to 8.5 thousand net tons and further increased to 10.9 thousand net tons in 1975. The ratio of imports to domestic shipments increased from 16.0 percent in 1974 to 25.7 percent in 1975.

More than 95 percent of the output of the Tube Division consists of stainless steel pipe and tubing.

Contributed Importantly. Customers of Carpenter Technology indicated that they reduced purchases from Carpenter Technology because of sales lost to companies that distribute imported steel pipe and tubing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel pipe and tubing produced at the Union, New Jersey and Jonesburg, New Jersey plants of Carpenter Technology Corporation contributed importantly to the total or partial separation of the workers at those plants. In accordance with the provisions of the Act, I make the following certification:

"All workers engaged in employment related to production of stainless steel pipe and tubing at the Union, New Jersey and Jonesburg, New Jersey plants of Carpenter Technology Corporation who became totally or partially separated from employment on or after March 10, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 20th day of May 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-16437 Filed 6-7-76;8:45 am]

[TA-W-599]

COMET MANUFACTURING CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-599: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on that date which was filed by the Knit Goods Union, Local 190, International Ladies Garment Workers Union (ILGWU) on behalf of workers and former workers engaged in the production of men's swimwear, men's, youths' and boys' knit shirts, ladies' blouses and skirts at Comet Manufacturing Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10636-10637). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Comet Manufacturing Company, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that Comet Manufacturing Company produced 50 percent men's and boy's knit shirts and 40 percent men's and boy's swimwear in 1975. Although the first three criteria have been met for men's and boy's knit shirts; the fourth criterion has not been met. In addition, although the first two criteria have been met for men's and boy's swimwear, the third and fourth criterion have not been met.

Significant Total or Partial Separations. The average number of workers decreased 34 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of all products declined 27 percent in value in 1975 compared to 1974.

Increased Imports. U.S. import data for men's swimwear is not available for the period 1970 through 1973. Imports of men's swimear declined slightly in 1975 when compared to 1974 and the ratios of imports to domestic production and consumption decreased from 8.8 percent and 8.0 percent, respectively, in 1974 to 8.3 and 7.7 in 1975.

Imports of men's and boys' knit shirts increased every year from 1970 through 1973. Imports declined in 1974 compared to 1973, but rose 20.6 percent in 1975 compared to 1974.

Contributed Importantly. Most of Comet's major customers who decreased purchases in 1975 switched to other domestic manufacturers. Some major customers increased purchases, particularly of swimwear, from Comet. One major customer which increased its purchases of swimwear from Comet in 1975 also placed a small specialized order with offshore manufacture's. None of Comets other customers purchased imported products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's swimwear and men's, Youths' and boys' knit shirts produced at Comet Manufacturing Company, Philadelphia, Pennsylvania did not contribute importantly to the total or partial separation of the workers of that facility.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16449 Filed 6-7-76;8:45 am]

[TA-W-772]

CYCLOPS CORP., TEX-TUBE DIVISION

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-772; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on that date which was filed by the United Steel Workers of America on behalf of workers and former workers engaged in the production of carbon steel line pipe at the Houston, Texas plant of the Tex-Tube Division of the Cyclops Corporation.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Tex-Tube Division of the Cyclops Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

Significant Total or Partial Separations. Average annual employment of production workers declined 16 percent from 1973 to 1974, and did not change from 1974 to 1975.

Sales or Production, or Both, Have Decreased Absolutely. Company production increased 12 percent from 1973 to 1974 and then decreased 16 percent from 1974 to 1975.

Increased Imports. Imports of carbon steel pipe and tubing increased from 1973 to 1974, and decreased from 1974 to 1975. A decrease in domestic shipments and apparent U.S. consumption in 1975 caused imports to increase relative to U.S. shipments and apparent consumption. Ratios of imports to domestic shipments and consumption increased from 21.5 percent and 19.2 percent respectively, in 1974, to 22.8 and 20.8 percent in 1975.

Contributed Importantly. Customers representing 60 percent of Tex Tube's sales stated that they had overstocked supplies of carbon steel pipe and tubing in 1974, in anticipation of a steel shortage in 1975 and 1976. Since 1974 these firms have been operating from a substantial inventory backlog accumulated during the period of intense demand, and consequently, they have been reducing purchases of carbon steel pipe and tubing. These customers also stated that they did not switch their purchases of carbon steel pipe and tubing to similar imported products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel pipe and tubing produced at the Houston, Texas plant of the Tex-Tube Division of the Cyclops Corporation did not contribute importantly to the total or partial separations at that plan.

Signed at Washington, D.C., this 24th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16438 Filed 6-7-76;8:45 am]

[TA-W-760]

ELECTRALLOY CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-760; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel ingots at the Oil City, Pennsylvania plant of Electralloy Corporation.

The notice of investigation was published in the FEDERAL REGISTER on

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April 23, 1976 (41 FR 17032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from company officials, their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first and second criteria have been met. The third and fourth criteria have not been met.

Significant Total or Partial Separations. The average number of production workers increased 47 percent in 1974 compared to 1973 and then declined 16 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production increased 16 percent in 1974 compared to 1973 and then declined 32 percent in 1975 compared to 1974. From 1973 through 1975, stainless steel ingots represented more than 95 percent of the plant's production.

Increased Imports. U.S. imports of stainless steel ingots, blooms, billets, slabs, castings and sheet bars declined in each year from 27.0 thousand net tons in 1970 to 8.5 thousand net tons in 1973, increased to 12.2 thousand net tons in 1974 and then declined to 7.4 thousand net tons in 1975. The level of imports in 1975 was the lowest recorded for any year during the period of 1970 through 1975.

The ratio of imports to domestic shipments declined from 52.4 percent in 1970 to 15.6 percent in 1973, increased to 17.8 percent in 1974 and then declined to 13.1 percent in 1975. The ratio of imports to domestic shipments in 1975 was the lowest of any year from 1970 through 1975.

Contributed Importantly. Customers of Electralloy Corporation are stainless steel manufacturers who cast ingots in their own facilities and then process them into finished stainless steel products. These customers purchase ingots from Electralloy to supplement their own ingot production. As demand for finished stainless steel products decreased, customers of Electralloy relied on their own facilities to fill their needs rather than purchase ingots from an outside source.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel ingots produced at the Oil City, Pennsylvania plant of Electralloy Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 24th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16441 Filed 6-7-76;8:45 am]

[TA-W-628]

FRIEDMAN MARBLE AND SLATE WORKS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-628: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on that date which was filed by the Bricklayers, Masons and Plasterer's International Union on behalf of workers and former workers producing manufactured marble and slate at the Friedman Marble and Slate Works, Incorporated, Long Island City, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10639–10640). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications from Friedman Marble and Slate Works, Incorporated, its major competitors, the U.S. Department of Interior, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certication of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a signicant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

Significant Total or Partial Separation. From the last quarter of 1974 to the last quarter of 1975, employment of production workers and average weekly hours declined 56 percent and six percent respectively. Significant layoffs occurred during September–October 1975.

Sales or Production, or Both, Have Decreased Absolutely. The dollar value of production at the Long Island City mill declined 84 percent in December 1975–February 1976, compared to the same period of the previous year.

Increased Imports. Imports of marble and related products increased in dollar value each year from 1971 through 1974. In 1975 the import/production ratio of 103.0 percent was above the average ratio of 91.8 percent for the 1971-1974 period. Imports of building slate rose in dollar value each year from 1970 through 1974. In 1975 the import/production ratio of 122.2 percent was above the average ratio of 95.9 percent for the 1970-1974 period. For certain construction uses manufactured marble and manufactured slate are directly competitive with each other.

Contributed Importantly. Following a change in union rules in June 1975, union workers who install marble in the New York City area have been allowed to install marble which has been fabricated abroad. Recent bids on new construction projects in the area have been won by companies using imported prefabricated

All workers engaged in employment related to the fabrication of marble and slate at the Long Island City, New York mill of the Friedman Marble and Slate Works, Incorporated, who became totally or partially separated from employment on or after September 1, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

marble. Since June 1975, the Friedman Marble and Slate Works has imported fabricated marble. Fabrication of marble and employment of fabricators at the Long Island City, New York mill declined significantly in the second half of the 1975 due to the increased use by Friedman of marble fabricated abroad. Installers at the firm have not been affected, however, since they install both domestically fabricated and imported marble.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the marble and slate fabricated at the Long Island City, New York mill of the Friedman Marble and Slate Works, Incorporated, contributed importantly to the total or partial separation of the workers of the firm. In accordance with the provisions of the Act, I make the following certification:

Signed at Washington, D.C., this 24th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16445 Filed 6-7-76;8:45 am]

[TA-W-787]

GEM ART CLOTHES CORP.

Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 9, 1976 in response to a worker petition received on that date which was filed by the Amalagamated Clothing Workers of America on behalf of the workers and former workers of the Gem Art Clothes Corporation, Brooklyn New York.

During the course of the investigation, it was established that all workers of Gem Art Clothes Corporation were separated on or before December 1974. Section 223(b)(1) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is April 1, 1976 and, thus, workers terminated prior to April 1, 1975 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 24th day of May 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-16440 Filed 6-7-76;8:45 am]

[TA-W-641]

H. A. SEINSHEIMER CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-641: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportscoats, slacks, and leisure wear at the Cincinnati, Ohio plant of the H.A. Seinsheimer Company.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the H. A. Seinsheimer Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the works in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Production at the H. A. Seinsheimer Company increased 9 percent in 1975 compared to 1974. Company sales increased 4 percent in 1975 compared to 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, at the Cincinnati, Ohio plant of the H. A. Seinsheimer Company did not decrease absolutely, and therefore workers at the H. A. Seinsheimer Company should not be certified as eligible to apply for adjustment assistance under the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16434 Filed 6-7-76;8:45 am]

[TA-W-640]

H. A. SEINSHEIMER CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-640: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportscoats, slacks, and leisure wear at the New Albany, Indiana plant of the H. A. Seinsheimer Company.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the H. A. Seinsheimer Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (2) has not been met.

Production at the H. A. Seinsheimer Company increased 9 percent in 1975 compared to 1974. Company sales increased 4 percent in 1975 compared to 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, at the New Albany, Indiana plant of the H. A. Seinsheimer Company did not decrease absolutely, and therefore workers at the H. A. Seinsheimer Company should not be certified as eligible to apply for adjustment assistance under the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16450 Filed 6-7-76;8:45 am]

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[TA-W-571]

MODERN SHRINKING AND REFINISHING CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-5571: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1976 in response to a worker petition received on January 30, 1976 which was filed on behalf of workers and former workers of the Modern Shrinking and Refinishing Company, South Boston, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on February 24, 1976 (41 FR 8136). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from company officials.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

The Modern Shrinking and Refinishing Company performs the service of shrinking and inspecting cloth, on a contract basis, for clothing manufacturers. The company was not involved in the production of an article within the meaning of Section 222(3) of the Act.

After careful review of the issues I have determined that services of the kind provided by The Modern Shrinking and Refinishing Company are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16448 Filed 6-7-76;8:45 am]

[TA-W-660]

PETER BRATTI ASSOCIATES, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-660: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976, in response to a worker petition received on that date which was filed on behalf of workers and former workers of Peter Bratti Associates, Incorporated, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12753). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from company officials.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such worker's firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

Peter Bratti Associates, Incorporated, specializes in the design, erection, and installation of exterior stone, granite, interior marble, ceramic tile, terrazzo, and precast architectural concrete. The company is not involved in the production of an article within the meaning of Section 222(3) of the Act.

After careful review of the issues I have determined that services of the kind provided by Peter Bratti Associates, Incorporated, are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16435 Filed 6-7-76;8:45 am]

[TA-W-665]

REPUBLIC STEEL CORP., CANTON PLANT

Notice of Determinations Concerning Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-665: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on March 12, 1976 which was filed by the United Steel Workers of America on behalf of workers and former workers producing stainless steel at the Canton, Ohio plant of Republic Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12754). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corporation, its customers, the International Trade Commission, the Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met for stainless steel but that criterion number (4) has not been met for carbon steel.

Significant Total or Partial Separations. Employment of all production workers at the Canton plant declined 17.9 percent in percent in 1975 compared with 1974. Employment increased 13.3 percent in the first two months of 1976 compared with the previous quarter.

Sales or Production, or Both, Have Decreased Absolutely. Shipments of stainless steel bar in quantity decreased 55.6 percent in the first quarter of 1975 compared with the first quarter of 1974 and declined 64.3 percent in 1975 compared with 1974. Shipments of alloy steel declined 34.3 percent in 1975 compared to 1974.

Shipments of stainless steel ingots in quantity declined 68.1 percent in 1975 compared with 1974.

Increased Imports. Imports of stainless steel bar have increased each year from 1970; by 6.6 percent in 1971, 14.2 percent in 1972, 8.6 percent in 1973, 38.3 percent in 1974, and by 5.0 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and consumption have increased from 16.6 and 15.0 respectively, in 1974 to 29.5 and 23.9 respectively, in 1975.

Imports of alloy steel bar decreased each year from 1971 to 1974. Imports decreased 14.2 percent in 1972 compared with 1971, decreased 17.0 percent in 1973 compared 1972 and decreased 44.5 percent in 1974 compared with 1973. Imports increased 88.1 percent in 1975 compared with 1974 while the ratios of imports to domestic shipments and consumption increased from 1.2 and 1.2 respectively in 1974 to 2.9 and 2.9 respectively, in 1975.

Contributed Importantly. The stainless steel ingots produced in the Canton plant are further processed and finished into stainless steel sheet, strip, plate, bar and other stainless steel products in an integrated production process within the Canton plant or at other Republic Steel plants. Customers of Republic Steel's Canton plant as well as its other plants indicated that they have increasingly turned to foreign sources of supply for stainless steel products because of their lower prices.

Customers of the Canton plants' alloy steel are automobile manufacturers, defense contractors and others large consumers of alloy steel. These customers have reduced purchases because of poor domestic sales conditions. None have switched to foreign sources of alloy steel.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel produced at the Canton plant of Republic Steel Corporation contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to production of stainless steel at the Canton plant of Republic Steel Corporation, Canton, Ohio who became totally or partially separated from employment on or after March 9, 1975 and before March 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with alloy steel produced at the Canton, Ohio plant of Republic Steel Corporation did not contribute importantly to the total or partial separation of the workers at that plant. Signed at Washington, D.C. this 25th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluating Staff.

[FR Doc 76-16442 Filed 6-7-76;8:45 am]

[TA-W-558]

RONSON CORPORATION OF PENNSYLVANIA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-558: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 23, 1976 in response to a worker petition received on January 23, 1976 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing various models of cigarette lighters at the Delaware Water Gap, Pennsylvania plant of the Ronson Corporation of Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on February 6, 1976 (41 FR 5477-5478). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Ronson Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion (3) has not been met.

Significant Total or Partial Separations. The average number of production workers declined 52 percent in 1975 compared to 1974. The plant closed November 28, 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production of refillable butane pocket lighters at the Delaware Water Gap plant declined 58 percent in 1975 compared to 1974.

Increased Imports. Imports of refillable pocket lighters increased absolutely in 1972 and 1973 compared to the preceding year. Imports then declined absolutely in 1974 and 1975 compared to the preceding year. Imports of refillable pocket lighters declined in value from $14.2 million in 1973 to $12.3 million in 1975.

The ratios of imports to domestic production and consumption declined from 38.4 percent and 27.7 percent, respectively, in 1973 to 36.5 percent and 26.7 percent, respectively in 1974.

The ratios of imports to domestic production and consumption increased from 35.4 percent and 26.2 percent, respectively, in the first nine months of 1974 to 41.3 percent, 29.2 percent, respectively, in the first nine months of 1975.

Imports of disposable pocket lighters increased absolutely each year from 1971 through 1974. Imports then declined absolutely from 1974 to 1975. Imports in terms of value decreased from $19.2 million in 1974 to $15.9 million in 1975. Imports declined relative to domestic production and consumption in the first nine months of 1975 compared to a like period in 1974.

Contributed Importantly. Aggregate statistics reveal that there has been a shift in demand from refillable pocket lighters to disposable pocket lighters. A survey conducted by the Office of Trade Adjustment Assistance shows that apparent U.S. consumption of refillable pocket lighters declined in value from 51.3 million in 1973 to 46.9 million in 1974 to 29.2 million in the first nine months of 1975. At the same time apparent U.S. consumption of disposable pocket lighters increased from $13.6 million in 1973 to 34.4 million in 1974 to $43.0 million in the first nine months of 1975.

Until 1973 all of the disposable lighters sold in the U.S. were imported. Major distributors other than Ronson then began manufacturing disposable lighters in the U.S. and domestically produced dis-

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SIGNIFICANT TOTAL OR PARTIAL

[TA-W-710]

SALES OR PRODUCTION, OR BOTH, HAVE

posable lighters increased their share of the total U.S. market from 13 percent in 1973 to 74 percent in the first nine months of 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with lighters produced by the Delaware Water Gap, Pennsylvania plant of the Ronson Corporation of Pennsylvania did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of May 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for International Affairs.

[FR Doc.76-16046 Filed 6-7-76;8:45 am]

[TA-W-533]

THE RUBBER CORPORATION OF PENNSYLVANIA

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-533: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed on behalf of workers and former workers producing injection molded athletic type footwear at the West Hazelton Plant of The Rubber Corporation of Pennsylvania, a subsidiary of The Rubber Corporation of Arkansas, De Queen, Arkansas.

The notice of investigation was published in the FEDERAL REGISTER on January 29, 1976 (41 FR 4381). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Rubber Corporation of Pennsylvania, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Footwear Industries Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 20 percent in the last quarter of 1974 compared to 1973. The average number of production workers declined 16 percent in 1975 compared to 1974. Average weekly hours declined 13 percent in the fourth quarter of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of injected molded athletic type footwear by the Rubber Corporation of Pennsylvania declined 20 percent in the last quarter of 1974 compared to the last quarter of 1973. Production declined 24 percent in 1975 compared to 1974.

Increased Imports. Imports of canvas footwear increased from 18.1 million pairs in 1970 to 28.5 million pairs in 1971 and declined to 20.1 million pairs in 1972. In 1973 and 1974 imports increased to 24.2 million pairs respectively. In the first ten months of 1975 imports declined to 20.8 million pairs compared to 22.8 million pairs during the same period in 1974.

The ratio of imports of canvas footwear to domestic production increased from 12.6 percent in 1972 to 18.2 percent in 1974.

In the first ten months of both 1974 and 1975 the ratio of imports to domestic production was 18.4 percent.

Contributed Importantly. The Department's investigation indicated that a major customer of the Rubber Corporation of Pennsylvania reduced purchases of injection molded athletic type canvas footwear from Rubber Corporation of Pennsylvania. Much of this reduction reflected a shift to imported sources for injection molded footwear.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with injection molded athletic type canvas footwear produced at the West Hazelton plant of the Rubber Corporation of Pennsylvania, a subsidiary of the Rubber Corporation of Arkansas, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of injection molded athletic type canvas footwear who became totally or partially separated from employment at the West Hazelton, Pennsylvania plant of The Rubber Corporation of Pennsylvania on or after November 22, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16432 Filed 6-7-76;8:45 am]

[TA-W-658; 659]

ALTA FOOTWEAR, INC., WILKES-BARRE AND HAZLETON, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-658 & TA-W-659: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to worker petitions received on that date which were filed by the United Textile Workers of America on behalf of workers and former workers producing slippers at the Wilkes-Barre (TA-W-658) and Hazleton (TA-W-659), Pennsylvania plants of Alta Footwear, Inc.

The notices of investigation were published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12750-12751). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alta Footwear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations

Total employment at the Wilkes-Barre and Hazelton plants declined eight percent from 1974 to 1975 and five percent in the first quarter of 1976 compared to the same period in 1975. All employment at the Hazelton plant was terminated in November 1975 when the plant closed.

Sales or Production, or Both, Have Decreased Absolutely

Total sales of men's and ladies' slippers by Alta Footwear declined 13 percent in 1974 from 1973 and increased 11 percent in 1975 from 1974. Production of men's slippers declined from prior quarter's levels by 61 percent and 21 percent in the third and fourth quarters of 1975 respectively. Production of men's slippers declined to nearly zero with the closing of the Hazelton plant in November 1975. Production of ladies slippers declined from the prior quarter's levels by 24 percent and 17 percent respectively in the fourth quarter of 1975 and first quarter of 1976.

Increased Imports

Imports of slippers increased absolutely and relative to domestic consumption and production in each year from 1972 to 1975. Imports relative to domestic consumption and production increased from 22.8 percent and 29.5 percent respectively in 1974 to 29.7 percent and 42.3 percent respectively in 1975.

Contributed Importantly

The evidence developed in the Department's investigation reveals that the closing of the Hazleton plant and declines in production by the Wilkes-Barre plant were due to increased competitive pressures from imported slippers. Customers of Alta indicated that they reduced purchases from Alta while increasing purchases of imported slippers. The customers cited lower prices of slippers offered from foreign sources as the reason for reduced purchases from Alta.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with slippers produced by the Wilkes-Barre and Hazelton, Pennsylvania plants of Alta Footwear, Inc. contributed importantly to the separation of workers from those plants. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Wilkes-Barre and Hazelton, Pennsylvania plants of Alta Footwear, Inc. who became or will become totally or partially separated from employment on or after August 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16606 Filed 6-7-76;8:45 am]

[TA-W-710]

APEX GLOVE CO., INC., MILWAUKEE, WISCONSIN

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-710: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing work gloves at Apex Glove Company, Inc., Milwaukee, Wisconsin.

The notice of investigation was published in the Federal Register on April 13, 1976 (41 FR 15485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Apex Glove Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, Industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessary more important than any other cause.

The investigation reveals that all four criteria have been met.

Significant Total or Partial Separations

The average number of production workers at Apex Glove Co., Inc. declined six percent in 1974 compared to 1973 and declined 18 percent in 1975 compared to 1974. In the first quarter of 1976 the average number of production workers declined 14 percent compared to the same period in 1975. Average weekly hours declined 13 percent in 1975 compared to 1974 and declined six percent in the first quarter of 1976 compared to the same period in 1975.

Sales or Production, or Both, Have Decreased Absolutely

Production of work gloves by Apex declined 35 percent in 1975 compared to 1974 and declined 16 percent in the first quarter of 1976 compared to the same period in 1975.

Increased Imports

Imports of work gloves increased from 2.6 million pairs in 1971 to 5.2 million pairs in 1975.

The ratios of imports of work gloves to domestic production and consumption have increased steadily from 10.0 percent and 9.1 percent, respectively, in 1971 to 25.7 percent and 20.4 percent, respectively, in 1975.

Contributed Importantly

The evidence developed in the Department's investigation of Apex Glove Co., Inc. indicates that customers of the firm, who are buying from foreign sources, are reducing purchases of work gloves from Apex while increasing purchases of imported work gloves. The customers are able to purchase work gloves from foreign sources at a lower cost. The loss of sales by Apex resulting from increased import competition has caused cutbacks in production by the firm and employment reductions at the plant in Milwaukee, Wisconsin.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with work gloves produced by Apex Glove Co., Inc. contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All employees of the Apex Glove Co., Inc., Milwaukee, Wisconsin, who became or will become totally or partially separated from employment on or after March 8, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16607 Filed 6-7-76;8:45 am]

[TA-W-557]

AUTO TERMINALS INC., FENTON, MISSOURI

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-557: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 23, 1976 in response to a worker

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petition received on that date which was filed by the International Brotherhood of Teamsters (IBT) on behalf of workers and former workers of Auto Terminals Inc., Fenton, Missouri, providing automobile transportation services from the Fenton, Missouri assembly plant of the Chrysler Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on February 10, 1976 (41 FR 5881). No public hearing was requested and none was held. The information upon which the determination was made was obtained from officials of Auto Terminals Inc.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

Auto Terminals, Inc. does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services, such as automobile transportation services, are not covered by the adjustment assistance program. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-132, 40 FR 54639). The only question presented by this case is whether Chrysler Corporation, i.e. a firm which produces an article, namely automobiles, and for whom the service is provided, can be considered to be the "workers firm". The Department has also previously determined that an independent firm for which such services are provided can not be considered to be the "workers firm". See Notice of Negative Determination in Nu-Car Driveway, Inc. (TA-W-393, 41 FR 12749).

Auto Terminals Inc. is an independent business incorporated under the laws of the State of Illinois and licensed by the State of Missouri to haul within the commercial zone of St. Louis. Auto Terminals competes for available business with a number of other carriers in the St. Louis area and each is free to haul for any business requesting their services.

Neither Chrysler, on the one hand, nor Auto Terminals on the other, is financially or otherwise involved in the business of the other. Auto Terminals either owns or leases the facilities necessary to the operation of its business, and all equipment is owned and maintained by Auto Terminals or its sister corporation, Cassens Transport.

The workers upon whose behalf this petition was filed were hired and are paid by Auto Teminals. They are supervised by and subject to the control of Auto Terminals personnel only. All employment benefits which they enjoy are provided and maintained by Auto Terminals.

After careful review of the issues and facts involved I have determined that services of the kind provided by Auto Terminals Inc. are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974, and that Chrysler Corporation cannot be considered to be the "workers' firm."

Signed at Washington, D.C. this 9th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-13602 Filed 6-7-76;8:45 am]

[TA-W-670]

BRASSCRAFT MANUFACTURING CO., INC., DETROIT, MICHIGAN

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-670: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a petition received on March 12, 1976 which was filed on behalf of workers formerly producing brass plumbing fittings at the Detroit, Michigan plant of Brasscraft Manufacturing Company, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 13435) on March 30, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brasscraft Manufacturing Company, Inc., its customers, the American Pipe Fitting Association, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 24 percent in 1974 compared to 1973. Employment in the first quarter of 1975 decreased 45 percent from the same period in 1974. All production employment was terminated in April 1975, when the plan was converted into a warehouse facility.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 13 percent in 1974 compared to 1973 and declined 27 percent in the first quarter of 1975 from the same period in 1974. Production ceased in April, 1975.

INCREASED IMPORTS

Imports of brass fittings declined absolutely by 30 percent from 1974 to 1975. The import/production and import/consumption ratios declined from 22.6 percent and 47.7 percent respectively, in 1974 to 16.4 percent and 31.8 percent respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation indicates that the decline in sales and the subsequent ceasing of production of the Detroit plant were due to factors other than increased import competition. Brasscraft's declining sales from 1974 to 1975 resulted from the depressed state of the domestic housing industry. The opening of a Texas production facility by Brasscraft in 1974 coupled with the decline in sales resulted in excess production capacity at all Brasscraft plants and led to the decision to close the Detroit plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brass plumbing fittings produced at the Detroit, Michigan plant of Brasscraft Manufacturing Company,

Incorporated did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 26th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16608 Filed 6-7-76;8:45 am]

[TA-W-709]

BURNHAM-EDINA MANUFACTURING CO., EDINA, MISSOURI

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-709: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing work gloves at Burnham-Edina Manufacturing Company, Edina, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15485-15486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Burnham-Edina Mfg. Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Amalgamated Clothing Workers of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Burnham-Edina Mfg. Co. declined 10 percent in 1975 compared to 1974 and declined 7 percent in the first quarter of 1976 compared to the same period in 1975. Average weekly hours for all production workers declined 15 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of work gloves by Burnham-Edina declined 23 percent in 1975 compared to 1974.

INCREASED IMPORTS

Imports of work gloves increased from 2.6 million pairs in 1971 to 5.2 million pairs in 1975.

The ratios of imports of work gloves to domestic production and consumption have increased steadily from 10.0 percent and 9.1 percent, respectively, in 1971 to 25.7 percent and 20.4 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation of Burnham-Edina Mfg. Co., indicates that customers of the firm who are buying from foreign sources are reducing purchases of work gloves from Burnham-Edina while increasing purchases of imported work gloves. The customers are able to purchase work gloves from foreign sources at a lower cost. The loss of sales by Burnham-Edina resulting from increased import competition caused cutbacks in production and related employment at Edina, Missouri.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with work gloves produced by Burnham-Edina Mfg. Co., contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All employees of the Burnham-Edina Mfg. Co., Edina, Missouri, who became or will become totally or partially separated from employment on or after March 8, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16604 Filed 6-7-76;8:45 am]

[TA-W-652]

CHROMALLOY AMERICAN CORP., TURBINE SUPPORT DIVISION, SAN ANTONIO, TEXAS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-652: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by the International Union of Electrical Radio and Machine Workers on behalf of workers and former workers of Chromalloy American Corporation, Turbine Support Division, San Antonio, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 23, 1976 (41 FR 12109). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Chromalloy American Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed in the Department's investigation reveals that there are no separately identifiable imports of aluminum based or magnesium based protective metal coatings. The products are not listed as a separate item of any

U.S. Tariff Schedule grouping. In addi-

(2) That sales or production, or both,

1976 (41 FR 10643). No public hearing

[TA-W-663]

After careful review of the facts ob-

The term "contributed importantly

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U.S. Tariff Schedule grouping. In addition, industry spokesmen indicated that importing of protective metal coatings is impractical due to the special technological process involved in producing such coatings.

Chromalloy American Corporation's Turbine Support Division manufactures proprietary metal coatings products that are used exclusively by the Turbine Support Division in the application of these coatings to jet aircraft engine parts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the Turbine Support Division of the American Chromalloy Corporation are not being imported in increasing quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc 76-16601 Filed 6-7-76;8:45 am]

[TA-W-691]

LEAR SIEGLER, INC., UNION CITY, TENNESSEE

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-691: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on that date which was filed by three workers on behalf of workers and former workers producing automobile seat assemblies at Lear Siegler, Incorporated, plant located in Union City, Tennessee.

The Notice of Investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14230). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lear Siegler, Incorporated, its customer, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic producton; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Imports of automobile seat assemblies declined both absolutely and relatively in 1975 when compared to 1974. Imports declined 2.1 percent in 1975 compared to 1974. In addition, the single customer purchasing automobile seat assemblies manufactured by the Union City, Tennessee plant of Lear Siegler, Incorporated ceased all purchases in 1975 due to a reduction in domestic consumer demand for full size automobiles and a reallocation of seat assembly production to two other domestic suppliers. The customer did not purchase full size automobile seat assemblies from any foreign or offshore manufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports did not contribute importantly to the total or partial separation of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc 76 16603 Filed 6-7-76;8:45 am]

[TA-W-605]

LEBANON KNITTING MILLS, PAWTUCKET, RHODE ISLAND

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-605: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing knit fabric at the Pawtucket, Rhode Island plant of Lebanon Knitting Mills.

The notice of investigation was published in the FEDERAL REGISTER March 12, 1976 (41 FR 10643). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lebanon Knitting Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation reveals that criteria three and four have not been met.

INCREASED IMPORTS

Imports of man-made fabric declined in each year from 1971 through 1975. Imports declined 7 percent from 1974 to 1975. The ratios of imports to domestic production and consumption declined 1.1 percent and 1.1 respectively, in 1974, to 1.0 percent and 1.0 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that none of Lebanon's customers purchased fabric from foreign suppliers. Customers who decreased purchases did so because new styles do not require the double knit fabric produced by Lebanon.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit fabroc produced at the Pawtucket, Rhode Island plant of Lebanon Knitting Mills did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16600 Filed 6-7-76;8:45 am]

[TA-W-663]

PHILCO-FORD CORP., BLUE BELL, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-663: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on March 12, 1976 which was filed by three workers on behalf of workers and former workers of the Consumer Products Corporate Staff of the Philco-Ford Corporation, Blue Bell, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 14233) on April 2, 1976.

The information upon which the determination was made was obtained from Aeronutronic Ford Corporation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The petitioners were members of the Corporate Staff of the Consumer Products division of Philco-Ford which included the Home Entertainment Products business. The function of the Corporate Staff at Blue Bell, Pennsylvania is to handle all marketing and distributing of the company's consumer entertainment products.

In November 1974, the Home Entertainment Products business was sold to GTE Sylvania. This resulted in the reorganization and reduction of the Corporate Staff. The separations resulted from Philco-Ford's decision to sell its Home Entertainment Products business to another domestic manufacturer and were unrelated to any impact of imported products.

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with products handled by the Consumer Products Corporate Staff of the Philco-Ford Corporation, Blue Bell, Pennsylvania did not contribute importantly to the total or partial separations of the Corporate Staff personnel.

Signed at Washington, D.C. this 27th day of May 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-16599 Filed 6-7-76;8:45 am]

[TA-W-721]

R AND R TOY MANUFACTURING CO., INC., PEN ARGYL, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-721: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing stuffed top animals at the R and R Toy Manufacturing Company, Inc. located in Pen Argyl, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15492–15493). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the R and R Toy Manufacturing Company, Inc., the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Imports of stuffed toy animals decreased 23.5 percent in 1975 compared to 1974. The ratio of imports to domestic production decreased from 10.3 percent in 1974 to 7.5 percent in 1975. Imports of stuffed toy animals have been decreasing steadily both absolutely and relative to domestic production in every year since 1971, except for a very slight increase in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the R and R Toy Manufacturing Company, Inc., Pen Argyl, Pennsylvania are not being imported in increased quantities, either actual or relative to domestic production, and therefore workers at the R and R Toy Manufacturing Company, Inc. should not be certified as eligible to apply for adjustment assistance under the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16605 Filed 6-7-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 63]

ASSIGNMENT OF HEARINGS

JUNE 3, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C 7901, North American Van Lines, Inc.—Investigation and Revocation of Certificates now assigned June 8, 1976 at Fort Wayne, Indiana and will be held in Auxiliary Courtroom 265, Federal Building, and Courthouse, 1300 South Harrison.

MC 107012 (Sub 170), North American Van Lines, Inc. now assigned June 8, 1976 at Fort Wayne, Indiana and will be held in Auxiliary Courtroom 265, Federal Building and Courthouse, 1300 South Harrison.

MC 136469 (Sub 1), Broughton's Trucking Company, Inc. now assigned June 14, 1976 at Boston, Massachusetts is now being cancelled, application dismissed.

MC 134183 (Sub 2), Charles Zumstein, dba C. E. Zumstein Co. now assigned July 14,

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1976 at Columbus, Ohio is now cancelled and being transferred to Modified Procedure.

MC–C–8783, Swift Leasing Co., Airlift International Inc. & R–W Service System, Inc.—Investigation of Operations and Practices and Revocation of Certificates, now assigned June 14, 1976, at Columbus, Ohio is canceled.

MC 128273 Sub 199, Midwestern Distribution, Inc., now being assigned September 27, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F 12677, Ward Trucking Corp.—Purchase—Keystone-Lawrence Transfer and Storage Company now assigned July 20, 1976 in Pittsburgh, Pennsylvania and cancelled and reassigned September 13, 1976 (1 week) at New York, New York in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–16593 Filed 6–7–76;8:45 am]

[Notice No. 265]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 8, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b) ,206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 28, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76437. By order of June 2, 1976 the Motor Carrier Board approved the transfer to Alpha Trucking, Inc., Milford, Ohio, of Certificate No. MC–119531 Sub 117 issued September 14, 1970, to Sun Express, Inc., Warren, Ohio, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, except in bulk, from the plant sites and warehouse facilities of The Proctor and Gamble Company, at or near Cincinnati, Ohio, to Detroit and Plymouth, Mich. Paul F. Beery, Esquire, Paul F. Beery Co., L.P.A., 8 East Broad Street, Columbus, Ohio 43215

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–16592 Filed 6–7–76;8:45 am]

[Section 5a Application No. 79 (Amendment No. 1)]

HAWAIIAN FREIGHT TARIFF BUREAU, INC.

Receipt of Application

MAY 28, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed, as Supplemented, May 28, 1976, by: Milton W. Flack (Attorney for Applicant) Hawaiian Freight Tariff Bureau, Inc., Suite 300, 4311 Wilshire Blvd., Los Angeles, CA 90010.

The amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 28, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–16591 Filed 6–7–76;8:45 am]

federal register

TUESDAY, JUNE 8, 1976

PART II:

ENVIRONMENTAL PROTECTION AGENCY

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Amendments to Reference Methods

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ENVIRONMENTAL PROTECTION ... do was either an Orsat analyzer or a ... sampling runs as well as before. Finally,

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 536-4]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Proposed Amendments to Reference Methods

On December 23, 1971, the Environmental Protection Agency promulgated standards of performance for five categories of stationary sources under section 111 of the Clean Air Act, as amended. An appendix to the regulation contained Reference Methods 1-9, which detailed requirements for performance testing of stationary sources. Since promulgation of these reference methods EPA has continued to evaluate them. As a result, the need for a number of changes which would clarify the methods and/or improve their accuracy and reliability has become apparent. The following proposed amendments incorporate these changes to Reference Methods 1-8. Revisions to Reference Method 9 were promulgated on November 12, 1974 (39 FR 39872).

Changes common to all eight of the reference methods are: (1) the clarification of procedures and equipment specifications, and (2) the addition of metric units along with English units. Specific changes to the methods are:

METHOD 1

A statement was added to clarify that the method does not apply to stacks containing cyclonic or swirling flow or stacks smaller than 0.3 m (1 ft) in diameter or 0.07 m^2 (0.8 ft^2) in cross sectional area. A procedure for verifying the existence of non-cyclonic or non-swirling flow was added. For cases where large cross sectional variation of the pollutant concentration is suspected or for unusually large diameter stacks, the method was revised to provide that more than two traverse diameters may be specified by the Administrator.

METHOD 2

The use of the method has been limited to non-cyclonic or non-swirling gas streams. Greater details for calibration of the Type S pitot tube have been added including: criteria for standard type pitot tubes; specification of calibration at 915 m/min (3000 ft/min); details of acceptable wind tunnel systems; and additional details for calibrating isolated pitot tubes and pitobe assemblies.

METHOD 3

For determining the molecular weight of a stack gas sample, it is now acceptable to use either an Orsat analyzer or a Fyrite[1] type combustion analyzer. Previously, only the Orsat analyzer was specified. The integrated gas-sampling train for this method was altered to include a surge tank before the rate meter in order to eliminate pulsation effects caused by the diaphragm pump. Also, because this method requires proportional sampling, an inclined manometer was added to the train to measure velocity head.

Where low CO_2 (less than 4%) or high O_2 (greater than 15%) concentrations exist, the procedure has been revised to require an Orsat having at least 0.1% subdivisions. The revised method also provides sampling site selection criteria and criteria for determining the number of sample points. More detail has been added to the analytical procedure. Finally, the former criteria for three consecutive measurements have been changed to require three measurements within 0.3% for greater than 3% CO_2 and 0.2% for less than 3% CO_2.

METHOD 4

This method now contains two separate methods for moisture determination: (1) a reference method for cases where the Method 5 train is not used, and (2) an approximation method for moisture content to be used for setting isokinetic sampling rates. In the moisture sampling train by the approximation method, the rate meter is now located before the dry gas meter.

METHOD 5

The specification for temperatures around the filter holder was revised to read "no greater than 120±14° C (248±25° F), or such other temperature as specified by an applicable subpart of the standards." The revised wording of the temperature specification does not change the procedure contained in the original method; it only clarifies the intended procedure by providing more specific instruction. The revised language also provides flexibility for the Administrator to specify other temperature limits in applicable subparts of the standards. Method 5 employs an out-of stack filter to facilitate temperature control. This usage is not changed by these proposed amendments. Specifications for weight and volume measurements were changed to reflect the capabilities of most widely used apparatus. To further insure the validity of the sample, leak checks of the sampling train are now required after sampling runs as well as before. Finally, the gas-sampling train was altered to include a stack gas temperature sensor.

METHOD 6

In the sampling train, the flow control valve is now located before the pump instead of after to allow better leak checks. Samples collected by the train are to be diluted to 100 ml instead of 50 ml to allow the number of rinses of the impingers necessary for adequate sample recovery. The average flow rate through the sampling train was reduced to 1 liter/min to prevent reagent carry-over from one impinger to the next.

METHOD 7

A provision was added to require the potassium nitrate used for preparation of the standard solution to be dried at 105–110° C for a minimum of two hours. Currently, during sample recovery, sodium hydroxide is added to the sample solution. These revisions require that only enough sodium hydroxide be added to adjust the pH to 9–12. This will prevent a large excess of sodium hydroxide. Similarly, during the analysis procedure, only enough ammonium hydroxide may be added to the sample to raise the pH to 10. This requirement prevents possible differences in color intensity due to an excess of ammonium hydroxide. Also during sample analysis, only one-half of the sample is to be analyzed to avoid loss of the sample due to analytical error. Finally, two changes concerning the spectrophotometer were made: (1) for spectrophotometer calibration, an equation is provided to determine a factor that insures the best fit through the calibration points, and (2) the absorbance measurement is now to be made at 410 nm instead of 420 nm.

METHOD 8

During sample analysis a 10 ml aliquot of SO_2 sample is specified instead of 25 ml to reduce the amount of titrant required. A stack gas temperature sensor was added to the integrated gas-sampling train.

Finally, EPA is presently in the process of converting the units in its standards to the International System of Units (SI). In keeping with this policy, we will soon convert the equipment specifications and procedures of the reference methods to SI. We anticipate that in some situations it will be necessary, for practical application, to use a mixture of SI and metric units. We solicit any comments that will expedite and facilitate this transition.

[1] Mention of trade names is not intended to constitute endorsement by EPA.

By this notice, the Administrator is inviting comments on the proposed revisions. Submittals should, wherever possible, be supported with data and/or calculations.

Comments on the proposed revisions should be submitted, in triplicate, to the Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. All comments post-marked no later than July 23, 1976 will be considered.

Copies of comments received will be available for public inspection during normal business hours at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street, SW., Washington, D.C.

This amendment is proposed under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 1857c6).

Dated: May 27, 1976.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 60 of Chapter I of Title 40 of the Code of Federal Regulations by revising Methods 1 through 8 of Appendix A—Reference Methods as follows:

APPENDIX A—REFERENCE METHODS

METHOD 1—SAMPLE AND VELOCITY TRAVERSES FOR STATIONARY SOURCES

1. *Principle and Applicability.*

1.1 Principle. A sampling site and the number of traverse points are selected to aid in the extraction of a representative sample.

1.2 Applicability. This method is applicable to sampling of gas streams contained in ducts, stacks, or flues.

It is intended that all new sources consider the requirements of this method before construction of the affected facility. Should they be overlooked, some sites may not lend themselves to this method and temporary alterations to the stack or deviation from the standard procedure may be required. Such cases are subject to approval by the Administrator.

This method is not applicable to stacks containing cyclonic or swirling flow (see § 2.4) or stacks smaller than about 0.3 m (1 ft) in diameter or 0.07 m^2 (0.8 ft^2) in cross sectional area. When these cases are encountered, an alternate procedure, subject to approval of the Administrator, is required.

2. *Procedure.*

2.1 Sampling site. Select a sampling site that is at least 8 stack or duct diameters downstream and 2 diameters upstream from any flow disturbance such as a bend, expansion, contraction, or visible flame. If impractical, select an alternate site that is at least 2 stack or duct diameters downstream and 0.5 diameter upstream from the flow disturbances. For a rectangular cross section, use an equivalent diameter calculated from the following equation to determine the respective distances:

$$D_e = \frac{2LW}{L+W} \quad \text{Equation 1-1}$$

where:

D_e = equivalent diameter

L = Length

W = Width

2.2 Minimum number of traverse points. When the 8 and 2 diameter criterion can be met, the minimum number of traverse points shall be 12 for stack diameters greater than 0.6m (24 in.) and 8 for stack diameters equal to or less thau 0.6 m (24 in.).

When the 8 and 2 diameter criterion cannot be met, use Figure 1-1 to determine the minimum number of traverse points. To use this figure, first determine the distances from the chosen sampling location to the nearest upstream and downstream disturbances. Divide each distance by the diameter or equivalent diameter to determine the distance in terms of the number of duct diameters. Then, determine from Figure 1-1 the minimum number of traverse points that corresponds (1) to the number of duct diameters upstream and (2) to the number of diameters downstream. Select the higher of the two minimum numbers of traverse points, or a greater value, such that for circular stacks the number is a multiple of four, and for rectangular stacks, the number follows the criteria in section 2.3.2.

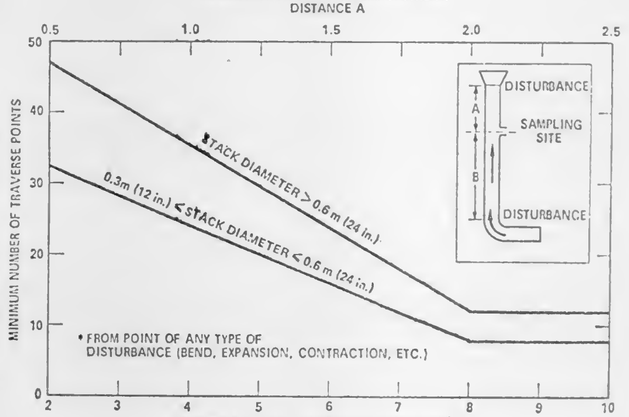

Figure 1-1. Minimum number of traverse points.

2.3 Cross sectional layout and location of traverse points.

2.3.1 Circular stacks. Locate the traverse points on two perpendicular diameters according to Table 1-1 and the example shown in Figure 1-2.

When large cross sectional variation of the pollutant concentration is suspected, the Administrator may specify that more than two diameters which divide the stack cross section into equal parts shall be used. More than two diameters may also be used with approval from the Administrator for unusually large diameter stacks.

One of the diameters shall be in a plane containing the greatest expected concentration variation, e.g., after bends one diameter shall be in the plane of the bend. This latter requirement becomes less critical as the distance from the disturbance increases. Therefore, other diameter locations may be used, subject to approval from the Administrator.

In addition, for stacks greater than 0.6 m (24 in.) no sampling points shall be selected within 2.54 cm (1 in.) of the stack walls, and for stacks equal to or less than 0.6 m (24 in.), no sampling points within 1.27 cm (½ in.) of the stack walls. To meet this criterion, do the following:

2.3.1.1 Stacks greater than 0.6 m (24 in.). When any of the traverse points, as located in section 2.3.1, fall within 2.54 cm (1 in.) of the stack walls, relocate them away from the stack walls to a distance of (1) 2.54 cm (1 in.) or (2) a distance equal to the nozzle inside diameter, whichever is larger. These relocated traverse points (on each end of a diameter) shall be the "adjusted" traverse points.

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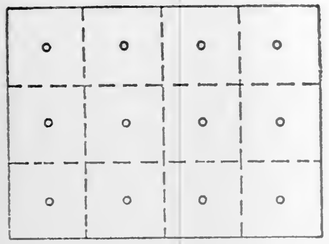

Figure 1-3. Example showing rectangular stack cross section divided into 12 equal areas, with traverse points at centroid of each area.

Table 1-1. Location of traverse points in circular stacks
(Percent of stack diameter from inside wall to traverse point)

Traverse point number on a diameter	Number of traverse points on a diameter											
	2	4	6	8	10	12	14	16	18	20	22	24
1	14.6	6.7	4.4	3.3	2.5	2.1	1.8	1.6	1.4	1.3	1.1	1.1
2	85.4	25.0	14.7	10.5	8.2	6.7	5.7	4.9	4.4	3.9	3.5	3.2
3		75.0	29.5	19.4	14.6	11.8	9.9	8.5	7.5	6.7	6.0	5.5
4		93.3	70.5	32.3	22.6	17.7	14.6	12.5	10.9	9.7	8.7	7.9
5			85.3	67.7	34.2	25.0	20.1	16.9	14.6	12.9	11.6	10.5
6			95.6	80.6	65.8	35.5	26.9	22.0	18.8	16.5	14.6	13.2
7				89.5	77.4	64.5	36.6	28.3	23.6	20.4	18.0	16.1
8				96.7	85.4	75.0	63.4	37.5	29.6	25.0	21.8	19.4
9					91.8	82.3	73.1	62.5	38.2	30.5	26.1	23.0
10					97.5	88.2	79.9	71.7	61.8	39.8	31.5	27.2
11						93.3	85.4	78.0	70.4	61.2	39.3	32.3
12						97.9	90.1	83.1	76.4	69.4	60.7	39.8
13							94.3	87.5	81.2	75.0	68.5	60.2
14							98.2	91.5	85.4	79.6	73.9	67.7
15								95.1	89.1	83.5	78.2	72.8
16								98.4	92.5	87.1	82.0	77.0
17									95.6	90.3	85.4	80.6
18									98.6	92.3	88.4	83.9
19										95.1	91.3	86.8
20										98.7	94.0	89.5
21											96.5	92.1
22											98.9	94.5
23												96.8
24												98.9

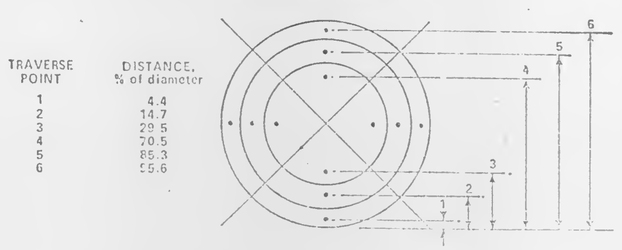

Figure 1-2. Example showing circular stack cross section divided into 12 equal areas, with location of traverse points at centroid of each area.

In some cases, two successive traverse points may need to be relocated to a single adjusted traverse point at each end of the traverse diameters. The sampling time at each of these "adjusted" traverse points shall be twice as long as at a "non-adjusted" sampling point as determined by the respective pollutant sampling method, e.g., Method 5.

2.3.1.2 Stacks equal to or less than 0.6 m (24 in.). Follow the procedure in section 2.3.1.1, noting only that the "adjusted" points should be relocated at 1.27 cm (0.5 in.) from the wall instead of 2.54 cm (1 in.).

2.3.2 Rectangular stacks. Divide the cross section into as many equal rectangular areas as traverse points as determined in sections 2.1 and 2.2 of this method, such that the ratio of the length to the width of the elemental areas is between one and two. Locate the traverse points at the centroid of each equal area according to the example in Figure 1-3.

The situation of section 2.3.1 concerning sampling points too close to the stack walls is not expected to arise with rectangular stacks. On the remote possibility that it does occur, consult with the Administrator.

2.4 Verification of non-cyclonic or non-swirling flow. Generally, cyclonic or swirling flow can be expected after such devices as cyclones and inertial demisters that follow venturi scrubbers or in stacks that have tangential inlets or two inlets that are opposite each other. At times, cyclonic flow can be detected by visual observations of the effluent plume. However, a Type S pitot tube as described in Method 2 can be used as a tool to verify the presence of cyclonic or swirling flow by doing the following:

2.4.1 Level and zero the manometer. Position the Type S pitot tube at each of the traverse points such that the face openings are perpendicular to the stack cross-sectional plane. A null (zero) reading at "0° reference" denotes the absence of cyclonic flow. If the reading is not zero, then rotate the pitot tube about ±10°. A null reading within the limits of ±10° rotation from 0° reference indicates an acceptable flow condition.

2.4.2 Conduct a velocity traverse according to Method 2. If there are negative velocity pressure readings, unacceptable flow conditions exist.

2.4.3 When unacceptable flow conditions are encountered, alternate procedures, subject to approval of the Administrator, are required.

3. *References.*

3.1 Determining Dust Concentration in a Gas Stream, ASME Peerformance Test Code #27, New York, N.Y., 1957.

3.2 Devorkin, Howard, et al., Air Pollution Source Testing Manual, Air Pollution Control District, Los Angeles, Calif., November 1963.

3.3 Methods for Determination of Velocity, Volume, Dust and Mist Content of Gases, Western Precipitation Division of Joy Manufacturing Co., Los Angeles, Calif. Bulletin WP-50, 1963.

3.4 Standard Method for Sampling Stacks for Particulate Matter, In: 1971 Book of ASTM Standards, Part 23, Philadelphia, Pa. 1971. ASTM Designation D-2928-71.

METHOD 2—DETERMINATION OF STACK GAS VELOCITY AND VOLUMETRIC FLOW RATE (TYPE S PITOT TUBE)

1. *Principle and Applicability.*

1.1 Principle. Stack gas velocity is determined from the gas density and from measurement of the velocity head using a Type S (Stausscheibe or reverse type) pitot tube.

1.2 Applicability. This method is applicable for measurement of the average velocity of a gas stream and for quantifying gas flow.

This procedure is not applicable for direct measurement in cyclonic or swirling gas streams. (Method 1, section 2.4 shows how to determine unacceptable flow conditions.) When these conditions exist, procedures such as the use of flow straightening devices must be employed subject to approval by the Administrator, to make accurate flow rate determinations.

2. *Apparatus.*

Specifications for the apparatus are given below. Any apparatus which has been demonstrated subject to approval of the Administrator, to be capable of meeting the specifications will be considered acceptable for the purposes of this method.

2.1 Pitot tube. Type S (Figure 2-1), or equivalent, calibrated according to the procedure in section 4. Other devices may be used when approved by the Administrator.

2.2 Differential pressure guage. Inclined manometer, or equivalent device, capable of measuring velocity head to within 10% of the minimum measured value or ±0.013 mm (0.005 in.), whichever is greater. Below a differential pressure of 1.3 mm (0.05 in.) water gauge, micromanometers with sensitivities of 0.013 mm (0.0005 in.) should be used. However, micromanometers may not easily be adaptable to the existing field conditions and are not easy to use with pulsating flow. Thus, alternative methods or other devices acceptable to the Administrator may be used when conditions warrant.

1.50 - 2.54 cm

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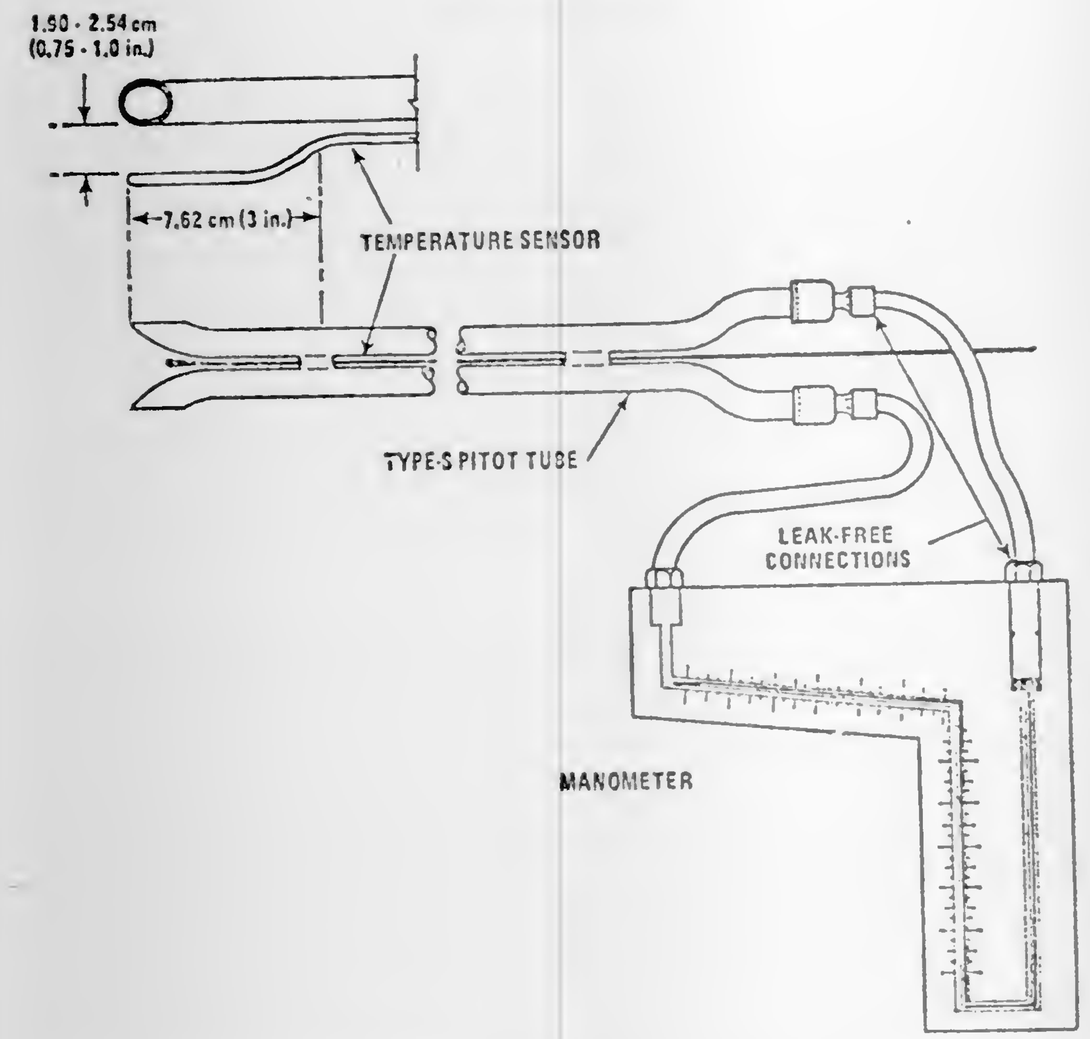

Figure 2-1. Pitot tube-manometer assembly.

The calibration of magnehelics, if used, must be checked on-site before and after each test run.

2.3 Temperature gauge. Thermocouple, liquid filled bulb thermometer, bimetallic thermometer, mercury-in-glass thermometer, or other gauges that are capable of measuring temperature to within 1.5% of the minimum absolute stack temperature. The temperature gauge shall be attached to the pitot tube such that the sensor does not touch any metal and its position is adjacent and about 1.90 to 2.54 cm (0.75 to 1 in.) from the pitot tube openings (see Figure 2-1). Alternate positions may be used if the pitot tube-temperature gauge system is calibrated according to the procedure of section 4. If it can be shown to the satisfaction of the Administrator that a difference of not more than 1% in the velocity measurement will be introduced, the temperature gauge need not be attached to the pitot tube.

2.4 Pressure probe and gauge. Piezometer tube and mercury- or water-filled U-tube manometer capable of measuring stack pressure to within 2.5 mm Hg (0.1 in. Hg). The static tap of a standard type pitot tube or one leg of a Type S pitot tube with the face openings positioned parallel to the gas flow may also be used as the pressure probe.

2.5 Barometer. Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and the sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.6 Gas analyzer. To analyze gas composition for determining molecular weight. Use Method 3 or other methods specified by the Administrator for dry molecular weight and use Method 5 or Reference Method 4 for moisture content. Other methods may be used when approved by the Administrator.

2.7 Calibration pitot tube. Standard type, to calibrate the Type S pitot tube. The standard type pitot tube shall have a known coefficient obtained from the National Bureau of Standards, Route 70 S, Quince Orchard Road, Gaithersburg, Maryland. An alternative is to use a Prandtl type pitot tube designed according to the criteria (given below and illustrated in Figure 2-2; see also Reference 6.7 or 6.8 for greater detail) which ensure that its coefficient will be 0.99±0.01.

2.7.1 Hemispherical or ellipsodial tip (inlet end of the impact tube).

PLANT ______ RUN NO. ______
DATE ______
STACK DIAMETER OR DIMENSIONS, m(in.) ______
BAROMETRIC PRESSURE, mm Hg (in. Hg) ______
CROSS SECTIONAL AREA, m^2(ft^2) ______
OPERATORS ______
PITOT TUBE I.D. NO. ______
AVG. COEFFICIENT, C_p = ______
LAST DATE CALIBRATED ______

SCHEMATIC OF STACK CROSS SECTION

Traverse Pt. No.	Vel. Hd., Δp mm (in.) H_2O	Stack Temperature t_s, °C (°F)	Stack Temperature T_s, °K (°R)	P_g* mm Hg (in.Hg)	$\sqrt{\Delta p}$
Average					

*If preliminary investigation shows that P_g varies no more than 100 mm H_2O (4 in. H_2O), record one reading.

Figure 2-3. Velocity traverse data.

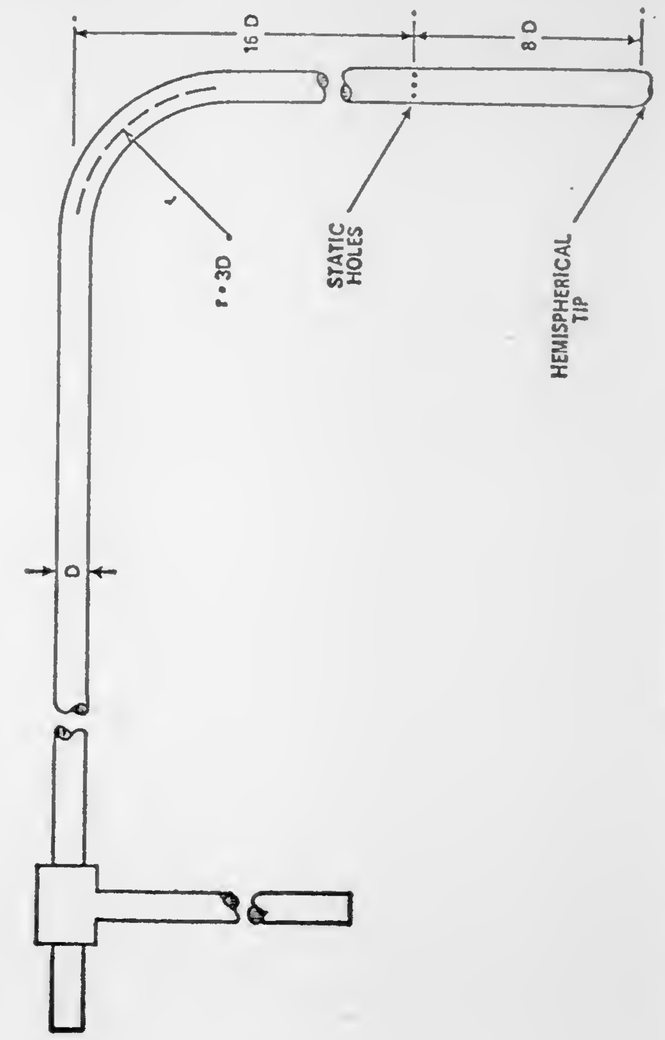

Figure 2-2. Standard Pitot tube.

2.7.2 Eight diameters of straight run (based on the diameter of the external tube) between the tip and the static pressure holes.

2.7.3 Sixteen diameters between the static pressure holes and the centerline of the external tube, following the 90° bend.

2.7.4 Eight static pressure holes of equal size (approximately 0.71 mm or 1/32 in. diameter), equally spaced in a piezometer ring configuration.

2.7.5 Ninety-degree bend of relatively large radius (approximately three diameters).

2.8 Calibration differential pressure gauge—For calibration purposes, inclined manometer, or equivalent device, capable of measuring velocity head to within 0.13 mm H_2O (0.005 in. H_2O).

3. *Procedure.*

3.1 Set up the apparatus as shown in Figure 2-1. Make sure all connections are tight and leak free. Level and zero the manometer. Because the manometer level and zero may drift due to vibrations and temperature changes, make periodic checks during the sample run. Record all necessary data as shown in the example data sheet (Figure 2-3).

3.2 Measure the velocity head and temperature at the traverse points specified by Method 1.

3.3 Measure the static pressure in the stack. One reading is usually adequate for all measuring points during the test; however, this must be confirmed by randomly moving the pressure probe over the cross section to see if there are any significant variations, i.e., greater than about 100 mm H_2O (4 in. H_2O). If there are significant variations, check the location for disturbances. If none are found, measure and record the static pressure at each traverse point.

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3.4 Determine the atmospheric pressure.

3.5 Determine the dry stack gas molecular weight. For combustion processes, use Method 3. For processes emitting essentially air, an analysis need not be conducted: use a molecular weight of 29. For other processes, consult the Administrator.

3.6 Obtain the moisture content from Method 5 or by using Preference Method 4.

3.7 Determine the cross sectional area of the stack or duct at the sampling location. Whenever possible, it is better to physically measure the stack dimensions rather than using blueprints.

4. *Calibration.*

4.1 Pitot tube.

4.1.1 Calibration set-up—Calibration shall be done in a flow system having the following essential design features:

4.1.1.1 The flowing gas stream must be confined to a definite cross-sectional area, either circular or rectangular. For circular cross-sections, the minimum duct diameter shall be 30.5 cm (12 inches); for rectangular cross-sections, the width (shorter side) shall be at least 25.4 cm (10 inches).

4.1.1.2 The cross sectional area must be constant over a distance of 10 or more duct diameters. For a rectangular cross section, use an equivalent diameter calculated from the following equation to determine the number of duct diameters:

$$D_e = \frac{2LW}{(L+W)} \quad \text{Equation 2-1}$$

where:

D_e = Equivalent diameter

L = Length

W = Width

To ensure the presence of stable, fully developed flow patterns at the calibration site, or "test section," the site must be located at least 8 diameters downstream and two diameters upstream from the nearest disturbances.

NOTE.—Wind tunnels with well-developed flow patterns (i.e., flow parallel to the duct axis) may also be used.

4.1.1.3 The flow system shall have the capacity to generate a test-section velocity around 915 m/min. (3000 ft/min.), which is the approximate midpoint of the "normal working range" 305 to 1525 m/min. or ~1000 to 5000 ft/min. This velocity must be constant with time, to guarantee steady flow during calibration.

Note that Type-S pitot tube coefficients obtained by single-velocity calibration at the midpoint of the normal working range will generally be valid to within ±3 percent over the entire range. If a more precise correlation between C_p and velocity is desired, the flow system shall have the capacity to generate a number of distinct, time-invariant test-section velocities, covering the normal working range, and calibration data shall be taken at regular velocity intervals between 305 and 1525 m/min. (1000 and 5000 ft/min.). (See Reference 6.9 for details.)

4.1.1.4 Two entry ports, one each for the standard and Type S pitot tubes, shall be cut in the test section; the standard pitot entry port shall be located slightly downstream of the Type S port, so that the standard and Type S impact openings will lie in the same cross-sectional plane during calibration. To facilitate alignment of the pitot tubes during calibration, it is advisable that the test section be constructed of plexiglas or some other transparent material.

4.1.2 Calibration procedure. Note that this procedure is a general one, and must not be used without first referring to the specific considerations presented in sections 4.1.4–4.1.5. Note also that this procedure applies only to single-velocity calibration; see Preference 6.9 for more details. It is recommended that an identification number be assigned to the pitot tube, and that this number be permanently marked or engraved on the body of the tube; also, one leg of the tube should be marked "A", and the other, "B". To obtain calibration data for both the "A" and "B" sides, proceed as follows:

4.1.2.1 Make sure that the manometer is properly filled and that the oil is free from contamination. Inspect and leak-check all pitot lines; repair or replace if necessary.

4.1.2.2 Level and zero the manometer. Turn on the fan and allow the flow to stabilize. Seal the Type S entry port.

4.1.2.3 Ensure that the manometer is level and zeroed. Position the standard pitot tube at the calibration point (determined as outlined in sections 4.1.4 and 4.1.5), and align it so that its tip is pointed directly into the flow. Particular care should be taken in aligning the tube, to avoid yaw and pitch angles. Make sure that the entry port surrounding the tube is properly sealed.

4.1.2.4 Read ΔP_{std} and record its value in a data table, similar to the one shown in Figure 2-4. Remove the standard pitot tube from the duct and disconnect it from the manometer. Seal the standard entry port.

4.1.2.5 Connect the Type S pitot tube to the manometer. Open the Type S entry port. Check the manometer level and zero. Insert and align the Type S pitot tube so that its "A" side impact opening is at the same point as was the standard pitot tube, and is pointed directly into the flow. Make sure that the entry port surrounding the tube is properly sealed.

4.1.2.6 Read ΔP_s and enter its value in the data table. Remove the Type S pitot tube from the duct and disconnect it from the manometer.

4.1.2.7 Repeat steps 4.1.2.3 through 4.1.2.6 above, until three sets of velocity head readings have been obtained.

4.1.2.8 Repeat steps 4.1.2.3 through 4.1.2.7 above for the B-side of the Type S pitot tube.

PITOT TUBE IDENTIFICATION NUMBER: _____ DATE: _____

CALIBRATED BY: _____

"A" SIDE CALIBRATION

RUN NO.	Δp_{std} cm H_2O (in. H_2O)	$\Delta p_{(s)}$ cm H_2O (in. H_2O)	$C_{p(S)}$	DEV.
1				
2				
3				
		AVERAGE		

"B" SIDE CALIBRATION

RUN NO.	Δp_{std} cm H_2O (in. H_2O)	$\Delta p_{(s)}$ cm H_2O (in. H_2O)	$C_{p(S)}$	DEV.
1				
2				
3				
		AVERAGE		

DEV. = $\frac{C_{p(S)} - C_{p(S)(avg.)}}{C_p}$ (MUST BE ≤ 0.01)

C_p DIFFERENCE: $A_{avg} - B_{avg}$ = _____ (MUST BE ≤ 0.01)

Figure 2-4. Pitot tube calibration data.

4.1.3 Calculations.

4.1.3.1 For each of the 6 pairs of velocity head readings (i.e., 3 from Side A and 3 from side B) obtained in section 4.1.2 above, calculate the value of the Type S pitot tube coefficient, as follows:

$$C_{p(S)} = C_{p(std)} \sqrt{\frac{\Delta p_{std}}{\Delta p_S}} \quad \text{Equation 2-2}$$

where:

$C_{p(S)}$ = Type S pitot tube coefficient

$C_{p(std)}$ = Standard pitot tube coefficient; use 0.99 if the coefficient is unknown and the tuele is designed according to the guidelines in section 2.7

Δp_{std} = Velocity head measured by the standard pitot tube, cm H_2O (in. H_2O)

Δp_S = Velocity head measured by the Type S pitot tube, cm H_2O (in. H_2O)

4.1.3.2 Calculate $\bar{C}_p$ (side A), the mean A-side coefficient, and $\bar{C}_p$ (side B), the mean B-side coefficient; calculate the difference between these two average values.

4.1.3.3 Calculate the deviation of each of the three A-side values of $C_{p(S)}$ from $\bar{C}_p$ (side A), and the deviation of each B-side value of $C_{p(S)}$ from $\bar{C}_p$ (side B). Use the following equation:

$$\text{Deviation} = C_{p(S)} - \bar{C}_p(\text{A or B}) \quad \text{Equation 2-3}$$

4.1.3.4 Calculate σ, the average deviation from the mean, for both the A and B sides of the pitot tube. Use the following equation:

$$\sigma(\text{side A or B}) = \frac{\sum_1^3 |C_{p(S)} - \bar{C}_p(\text{A or B})|}{3} \quad \text{Equation 2-4}$$

4.1.4 Specific considerations pertaining to calibration of isolated type S pitot tubes. When an isolated Type S pitot tube is to be calibrated, select a calibration point at or near the center of the duct, and follow the procedures outlined in sections 4.1.2 and 4.1.3 above. The coefficients so obtained, i.e., $\bar{C}_p$ (side A) and $\bar{C}_p$ (side B), will be valid for the measurement of stack gas velocities between 305 and 1525 m/min. (1000 and 5000 ft/min.), so long as the isolated pitot tube is used. If, however, the pitot tube is used as a component of a pitobe assembly, the isolated coefficient values may or may not apply; this is discussed more fully in section 4.1.5.

4.1.5 Pitobe Assemblies. Generally, when a Type S pitot tube is used as a component of a pitobe assembly, its A and B-side coefficients will differ appreciably from their respective isolated values if there is aerodynamic interactions among the assembly components. The isolated and assembly coefficient values will only be the same if the assembly is constructed according to the following specifications:

(a) To minimize aerodynamic interactions between the pitot tube and sampling nozzle there must be a separation distance (free-space) of at least 1.90 cm (¾ in.) between the nozzle and pitot tube, with the largest size nozzle (usually 1.3 cm or ½ in., I.d.) in place. (See Figure 2-5.)

(b) To minimize aerodynamic interactions between the thermocouple and pitot tube, the thermocouple wire must be mounted on the pitot tube in such a way that the tip of the wire is in line with, but at least 1.90 cm (¾ in.) from the center of the pitot tube impact openings. (See Figure 2-6.)

(c) To eliminate pitot tube-probe sheath interference, there must be at least 7.62 cm (3 in.) between the leading edge of the probe and the center of the pitot tube impact openings. (See Figure 2-7.)

For those assemblies which either (1) meet requirements (a) through (c) above but have unknown isolated coefficients, or (2) fail to meet these requirements, use the procedures to calibrate the pitot tube-nozzle-thermocouple assembles outlined in sections 4.1.2 and 4.1.3, in conjunction with the following special considerations, to determine the A and B-side coefficients of the Type S pitot tube:

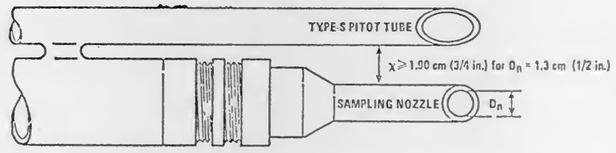

Figure 2-5. Minimum pitot-nozzle separation needed to prevent interference.

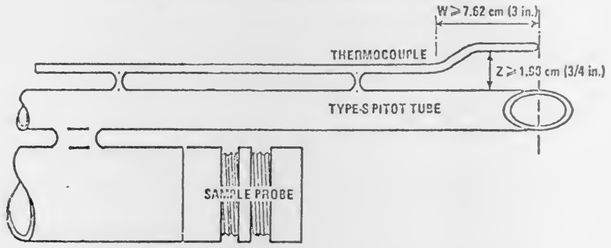

Figure 2-6. Proper thermocouple placement to prevent interference.

A = Cross sectional area of stack, m^2 (ft^2)

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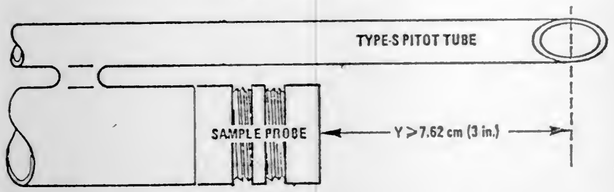

Figure 2-7. Minimum pitot-sample probe separation needed to prevent interference.

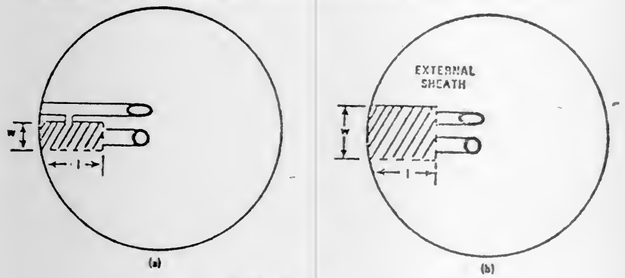

Figure 2-8. Projected-area models for typical pitobe assemblies.

(1) Although it is preferable that the calibration point be located at or near the center of the duct, insertion of a probe sheath into a small duct may cause significant cross-sectional area blockade, and yield incorrect coefficient values. Therefore, to minimize the blockage effect, the calibration point may be a few inches off-center if necessary. To keep the actual reduction in C_p due to blockage below 1 percent, it is necessary that the theoretical blockage, as determined by a projected-area model of the probe sheath, be 2 percent or less of the duct cross-sectional area for assemblies without external sheaths (see Figure 2-8a) and 3 percent or less for assemblies with external sheaths (Figure 2-8b).

(ii) For pitobe assemblies in which pitot tube-nozzle interference is a factor (i.e., those in which the pitot-nozzle separation distance is less than 1.90 cm (¾ in.) with a 1.3 cm (½ in.) nozzle in place) the value of C_p will depend somewhat on the amount of free space between the tube and nozzle; in these instances, separate calibrations shall be performed with each of the commonly used nozzle sizes in place. Note that single-velocity calibration technique will be acceptable for this purpose, even though the larger nozzle sizes (>0.635 cm or ¼ in.) are not ordinarily used for isokinetic sampling at velocities around 915 m/min. (3000 ft/min.), which is the calibration velocity.

4.1.6 Recalibration and Field Use.

4.1.6.1 The Type S pitot tube shall be calibrated before its initial use. Thereafter, if the tube has been significantly damaged by field use (for example, if the impact openings are bent out of shape, cut, nicked, or noticeably misaligned), it shall be repaired if possible and recalibrated, or replaced, if necessary.

4.1.6.2 When the Type S pitot tube is used in the field, the appropriate A or B-side coefficient shall be used to perform velocity calculations, depending upon which side of the pitot tube is pointed toward the flow.

4.1.6.3 When sampling a small duct (~12–36 inches in diameter) with a pitobe assembly, the probe sheath can block a significant part of the duct cross-section, causing a reduction in the value of C_p. Therefore, in certain instances it may be necessary, prior to sampling, to make adjustments in the coefficient values obtained by calibration. Consult Reference 6.9 for details.

4.2 Temperature gauges. Calibrate dial and liquid filled bulb thermometers and thermocouple-potentiometer systems against mercury-in-glass thermometers. Ice bath and boiling water (corrected for barometric pressure) are acceptable reference points. For other devices, check with the Administator.

4.3 Barometers. Calibrate against a mercury barometer.

5. *Calculations.*

Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

5.1 Nomenclature.

A = Cross sectional area of stack, m^2 (ft^2)
B_{ws} = Water vapor in the gas stream (from Method 5 or Reference Method 4), proportion by volume
C_p = Pitot tube coefficient, dimensionless
K_p = Pitot tube constant,

$$34.97 \frac{m}{sec}\left[\frac{(g/g\text{-mole})(mm\ Hg)}{(°K)(mm\ H_2O)}\right]^{1/2}$$

for the metric system and

$$85.48 \frac{ft}{sec}\left[\frac{(lb/lb\text{-mole})(in.\ Hg)}{(°R)(in.\ H_2O)}\right]^{1/2}$$

for the English system
M_d = Molecular weight of stack gas, dry basis (from Method 3 or other approved methods), g/g-mole (lb/lb-mole)
M_s = Molecular weight of stack gas, wet basis, g/g-mole (lb/lb-mole)
$= M_d(1-B_{ws}) + 18B_{ws}$ Equation 2-5
P_{bar} = Atmospheric pressure, mm Hg (in. Hg)
P_g = Stack static pressure, mm Hg (in. Hg)
P_s = Absolute stack gas pressure, mm Hg (in. Hg)
$= P_{bar} + P_g$ Equation 2-6
P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg)
Q_{sd} = Dry volumetric stack gas flow rate corrected to standard conditions, dsem/hr (dscf/hr)
t_s = Stack temperature, °C (°F)
T_s = Absolute stack temperature, °K (°R)
$= 273 + t_s$ for metric Equation 2-7
$= 460 + t_s$ for English Equation 2-8
T_{std} = Standard absolute temperature, 293°K (528°R)
v_s = Average stack gas velocity, m/sec (ft/sec)
Δ_p = Velocity head of stack gas, mm H_2O (in. H_2O)
3600 = Conversion factor, sec/hr
18 = Molecular weight of water, g/g-mole (lb/lb-mole)

5.2 Average stack gas velocity.

$$v_s = K_p C_p (\sqrt{\Delta p})_{avg} \sqrt{\frac{(T_s)_{avg}}{P_s M_s}} \quad \text{Equation 2-9}$$

NOTE.—Equation 2-7 assumes that T_s, P_s, and M_s do not change appreciably (i.e. >1%) with cross section and with time. If they do, consult with the Administrator to determine an acceptable procedure.

5.3 Average stack gas dry volumetric flow rate.

$$Q_{sd} = 3600(1-B_{ws})v_s A\left[\frac{T_{std}}{T_{s(avg)}}\right]\left[\frac{P_s}{P_{std}}\right] \quad \text{Equation 2-10}$$

6. *References.*

6.1 Mark, L. S., Mechanical Engineer's Handbook, McGraw-Hill Book Co., Inc., New York, N.Y. 1951.

6.2 Perry, J. H., Chemical Engineers' Handbook, McGraw-Hill Book Co., Inc., New York, N.Y., 1960.

6.3 Shigehara, R. T., W. F. Todd, and W. S. Smith, Significance of Errors in Stack Sampling Measurements. Paper presented at the Annual Meeting of the Air Pollution Control Association, St. Louis, Mo., June 14–19, 1970.

6.4 Standard Method for Sampling Stacks for Particulate Matter. In: 1971 Book of ASTM Standards, Part 23, Philadelphia, Pa., 1971. ASTM Designation D–2928–71.

6.5 Vennard, J. K., Elementary Fluid Mechanics, John Wiley & Sons, Inc., New York, N.Y., 1947.

6.6 ASME, Fluid Meters—Their Theory and Application, ASME, N.Y., 1959.

6.7 ASHRAE Handbook of Fundamentals, 1972, p. 208.

6.8 ASTM Annual Book of ASTM Standards, Part 26, 1974, p. 648.

6.9 Vollaro, R. F., Guidelines for Type-S Pitot Tube Calibration. Paper presented at 1st Annual Meeting, Source Evaluation Society, Dayton, Ohio, September 18, 1975.

METHOD 3—GAS ANALYSIS FOR CARBON DIOXIDE, OXYGEN, EXCESS AIR, AND DRY MOLECULAR WEIGHT

1. *Principle and Applicability.*

1.1 Principle. An integrated or grab gas sample is extracted from a stack and analyzed for percent carbon dioxide and percent oxygen using an Orsat analyzer or, for molecular weight determinations, a Fyrite[1] type combustion gas analyzer.

1.2 Applicability. This method is applicable for determining carbon dioxide and oxygen concentrations, and molecular weight of a sample from a gas stream.

2. *Apparatus.*

Any apparatus which has been demonstrated to yield results acceptable to the Administrator will be considered acceptable for the purposes of this method.

2.1 Grab sample (Figure 3–1).

2.1.1 Probe—Stainless steel or borosilicate glass equipped with a filter (either in-stack or out-stack) to remove particulate matter.

2.1.2 Pump—One-way squeeze bulb, or equivalent, to transport gas sample to analyzer.

2.2 Integrated sample (Figure 3–2).

2.2.1 Probe—Stainless steel or borosilicate glass equipped with a filter (either in-stack or out-stack) to remove particulate matter.

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

2.3 Analysis.

2.3.1 Orsat analyzer or Fyrite type com-

	TRAVERSE	Δp	Q	Q	K-DEV[3]

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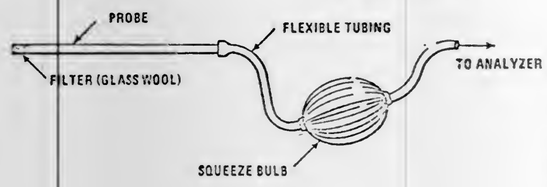

Figure 3-1. Grab-sampling train.

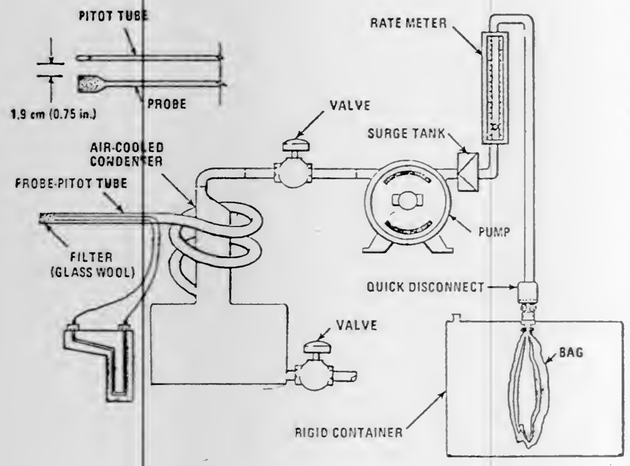

Figure 3-2. Integrated gas-sampling train.

2.2.2 Condenser—Air-cooled condenser, or equivalent, to remove excess moisture.

2.2.3 Valve—Needle valve, to adjust sample gas flow rate.

2.2.4 Pump—Leak-free, diaphragm type, or equivalent, to transport sample gas to the flexible bag. Install a small surge tank between the pump and rate meter to eliminate pulsation effect of diaphragm pump on the rotameter.

2.2.5 Rate meter—Potameter, capable of measuring a flow range from 0 to 1.0 litre per minute.

2.2.6 Flexible bag—Tedlar,[1] or equivalent, with a capacity in the range of 55 to 90 liters. Before each field test run make sure the bag is leak-free by checking it for leaks. To leak check, connect a water manometer and pressurize the bag to 5–10 cm H_2O (2–4 in. H_2O). Allow stand for 10 minutes. Any displacement in the water manometer indicates a leak.

NOTE.—An alternative leak check method is to pressurize the bag to 5–10 cm H_2O or 2–4 in. H_2O and allow to stand overnight. A deflated bag indicates a leak.

2.2.7 Pitot tube—Type S, or equivalent, attached to the probe to allow constant monitoring of the stack gas velocity so that the sampling flow rate can be regulated proportional to the stack gas velocity. The tips of the probe and pitot tube shall be adjacent to each other and the free space between them shall be about 1.9 cm (0.75 in.). When used with this method, the pitot tube need not be calibrated.

2.2.8 Differential pressure gauge—Inclined manometer capable of measuring velocity head to within 10% of the minimum measured value or ±0.013 mm (0.0005 in.), whichever is greater. Below a differential pressure of 1.3 mm (0.05 in.) water gauge, micromanometers with sensitivities of 0.013 mm (0.0005 in.) should be used. However, micromanometers may not easily be adaptable to the existing field conditions and are not easy to use with pulsating flow. Thus, alternative methods or other devices acceptable to the Administrator may be used when conditions warrant.

2.2.9 Manometer—About 28 cm (12 in.) water-filled U-tube manometer, or equivalent, to be used for the flexible bag leak check.

2.2.10 Vacuum gauge—At least 760 mm Hg (30 in. Hg) gauge, to be used for the sampling train leak check.

2.3 Analysis.

2.3.1 Orsat analyzer or Fyrite type combustion gas analyzer. The latter is used only for molecular weight determination. For low CO_2 (less than 4 percent) or high O_2 (greater than 15 percent) concentrations, the measuring burette of the Orsat must have at least 0.01% subdivisions.

3. *Sampling Procedure.*

3.1 Grab sampling. This procedure is primarily used for, but not limited to, determining molecular weight. Other uses must first be approved by the Administrator.

3.1.1 The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft), unless otherwise specified by the Administrator.

3.1.2 Set up the equipment as shown in Figure 3–1, making sure all connections are tight and leak-free by following the procedure in Section 4.

3.1.3 Place the probe in the stack at the sampling point and then purge the sampling line. Draw a sample into the analyzer and analyze according to Section 4.

3.2 Integrated sampling (required when the analytical results will be used to calculate a pollutant emission rate correction factor).

3.2.1 Select the sampling location according to Method 1. In addition to the criteria of Method 1, the sampling location shall be at least 2 diameters downstream from any point of air in-leakage. The downstream distance shall be calculated using the linear distance from the point of air in-leakage, and the diameter of the stack at the sampling location.

3.2.2 A minimum of 8 traverse points, selected according to Method 1, shall be used for circular stacks with diameters less than 0.6 m (2 ft.). A minimum of 12 traverse points, selected according to Method 1, shall be used for all other cases, unless otherwise specified in an applicable subpart, or unless specifically approved by the Administrator.

3.2.3 Leak check the flexible bag as in Section 2.2.6. Set up the equipment as shown in Figure 3–2. Just prior to sampling, leak check the train by placing a vacuum gauge at the condenser inlet pulling a vacuum of at least 250 mm Hg (10 in. Hg), plugging the outlet at the quick disconnect, and then turning off the pump. The vacuum shall remain stable for at least one minute. Evacuate the flexible bag. Connect the probe and place it in the stack and then purge the sampling line. Now, connect the bag and make sure that all connections are tight and leak free.

3.2.4 Sample at a rate proportional (within 20% of constant proportionality, or as specified by the Administrator) to the stack velocity, traversing all sampling points. Record proportional sampling data as shown in Figure 3–3. When analytical results will be used to calculate a pollutant emission rate correction factor, the sampling Must span the length of time the pollutant emission rate is being determined, sampling at each traverse point for an equal length of time. Collect at least 30 liters (1 ft^3) of sample gas.

3.2.5 Obtain and analyze at least one integrated flue gas sample during each pollutant emission rate determination.

4. *Analytical Procedure.*

4.1 Leak check for Orsat analyzer. Moving an Orsat analyzer frequently causes it to leak. Therefore, an Orsat analyzer should be thoroughly leak-checked on-site before the flue gas sample is introduced into it. The suggested procedure for leak-checking an Orsat analyzer is:

4.1.1 Bring the liquid level in each pipette up to the reference mark on the capillary tubing and then close the pipette stopcock.

TIME	TRAVERSE PT.	Δp mm(in.) H_2O	Q 1pm	$R=\frac{Q}{\sqrt{\Delta p}}$	% DEV.[2]
				AVERAGE	

[2] % DEV = $\left(\frac{R - R_{avg}}{R_{avg}}\right) 100$ (MUST BE ≤ 20%)

Figure 3-3. Proportional sampling data.

4.1.2 Raise the leveling bulb sufficiently to bring the confining liquid meniscus onto the graduated portion of the burette and then close the manifold stopcock.

4.1.3 Record the meniscus position.

4.1.4 Observe the meniscus in the burette and the liquid level in the pipette for movement over the next four minutes.

4.1.5 For the Orsat analyzer to pass the leak-check, two conditions must be met:

4.1.5.1 The liquid level in each pipette must not fall below the bottom of the capillary tubing during this four-minute interval.

4.1.5.2 The meniscus in the burette must not change by more than 0.2 ml during this four-minute interval. For the results to be valid the Orsat analyzer must pass this leak test before and after the analysis.

4.1.6 If the analyzer fails the leak-check procedure, all rubber connections and stopcocks should be checked until the cause of the leak is identified. Leaking stopcocks must be disassembled, cleaned and regreased. Leaking rubber connections must be replaced. After the analyzer is reassembled, the leak-check procedure must be repeated.

4.2 Determination of stack gas molecular weight. (Orsat leak check described above is optional). Within eight hours after the sample is taken, analyze it for percent carbon dioxide and percent oxygen using either an Orsat analyzer or a Fyrite type combustion gas analyzer. Determine the percent of the gas that is nitrogen and carbon monoxide by subtracting the sum of the percent carbon dioxide and percent oxygen from 100 percent.

4.2.1 Grab samples—Repeat the sampling and analysis until the molecular weight from each of three consecutive grab samples differs from their means by no more than 0.3 grams/gram mole (0.3 pounds/pound mole).

4.2.2 Integrated samples—Repeat the analysis until the molecular weight for three consecutive analyses differs from their mean by no more than 0.3 gram/gram mole (0.3 pound/pound mole).

4.3 Determination of O_2, CO_2, or excess air for calculating pollutant emission rate correction factors.

NOTE.—The Fyrite type combustion gas analyzers are not acceptable for this purpose, unless otherwise approved by the Administrator. The results may also be used for determining stack gas molecular weight.

4.3.1 Leak check the Orsat analyzer as described in section 4.1. This procedure is mandatory.

4.3.2 Within four hours after the integrated sample is taken, analyze it for percent carbon dioxide and percent oxygen using an Orsat analyzer. To ensure complete absorption of these gases make repeated passes through the absorbing solution until two consecutive readings are the same. Several passes (3–4) should be made between readings. (If constant readings cannot be obtained after three consecutive readings, replace the absorbing solution.) Determine the percent of the gas that is nitrogen and carbon monoxide by subtracting the sum of the percent carbon dioxide and percent oxygen from 100 percent.

This procedure assumes that carbon monoxide concentration is negligible. If appreciable quantities are expected, alternate procedures subject to approval of the Administrator, must be used.

4.3.3 Repeat the analysis on the integrated sample until each of three consecutive analyses for percent carbon dioxide and percent oxygen differ by no more than 0.3 percent by volume when carbon dioxide is greater than 3% and 0.2 percent by volume when carbon dioxide is less than or equal to 3%.

5. *Calculations.*

5.1 Nomenclature:

M_d = Dry molecular weight (gram/gram mole)
%EA = Percent excess air
$\%CO_2$ = Percent carbon dioxide by volume (dry basis)
$\%O_2$ = Percent oxygen by volume (dry basis)
$\%N_2$ = Percent nitrogen by volume (dry basis)
0.264 = Ratio of oxygen to nitrogen in air, v/v
0.28 = Molecular weight of both nitrogen and CO divided by 100
0.32 = Molecular weight of oxygen divided by 100
0.44 = Molecular weight of carbon dioxide divided by 100

5.2 Excess air. Use equation 3–1 to calculate the percent excess air using the three consecutive analyses that meet the requirements of section 4.3.3. Then calculate the average percent excess air.

$$\%EA = \frac{\%O_2(100)}{0.264\ \%N_2 - \%O_2} \qquad \text{Equation 3-1}$$

NOTE.—The equation above assumes that carbon monoxide concentration is negligible. If appreciable carbon monoxide concentrations are expected, consult with the Administrator.

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5.3 Dry molecular weight. Use equation 3–2 to calculate the dry molecular weights using data obtained from sections 4.2.1, 4.2.2, or 4.3.2 and 4.3.3, average the results and report to the nearest 0.1 g/g-mole (0.1 lb/lb-mole).

$$M_d = 0.44(\%CO_2) + 0.32(\%O_2) + 0.28(\%N_2 + \%CO) \qquad \text{Equation 3–2}$$

5.4 Carbon dioxide concentration calculation. Using the three consecutive carbon dioxide analyses that meet the requirements of section 4.3.3, calculate the average carbon dioxide concentration.

6. *References.*

6.1 Altshuller, A. P. Storage of Gases and Vapors in Plastic Bags, International Journal of Air and Water Pollution, *6*, 75–81 (1963).

6.2 Connor, William D. and J. S. Nader, Air Sampling with Plastic Bags, Journal of the American Industrial Hygiene Association, *25*, 291–297 (1964).

6.3 "Burrell Manual for Gas Analysts," Seventh edition (1951), Available from Burrell Corporation, 2223 Fifth Avenue, Pittsburgh, Penna. 15219.

METHOD 4—DETERMINATION OF MOISTURE IN STACK GASES

1. *Principle and Applicability.*

1.1 Principle. A gas sample is extracted proportionally from the source and moisture is removed from the gas stream, condensed, and determined either volumetrically or gravimetrically.

1.2 Applicability. This method is applicable for the determination of moisture in stack gas.

Two methods are given. One is a reference method for the accurate determination of moisture content as needed to calculate emission data. The other is an approximation method for moisture content to be subsequently used for setting isokinetic sampling rates. For this latter purpose, the tester may use any alternate means for approximating the moisture content, e.g. drying tubes, wet bulb-dry bulb technique, condensation techniques, stoichiometric calculations, previous experience, etc. However, the actual isokinetic rate maintained during a pollutant sampling run and the moisture content used to calculate emission data will not be based on the results of the approximation method (see exception in note below), but will be determined from the data of the reference method, which is normally conducted simultaneously with a pollutant measurement run.

NOTE.—Any of the approximation methods which are shown to the satisfaction of the Administration of yielding results to within 1% H_2O of the reference method results may be used in lieu of the reference method.

These methods are not applicable to gas streams that contain liquid droplets. For these cases, assume that the gas stream is saturated. Determine the average stack gas temperature using gauges described in Method 2 and by traversing according to Method 1. Then obtain the moisture percentage by (1) using a psychometric chart and making appropriate corrections, if stack pressure is different from that of the chart, for absolute pressure or (2) by using saturation vapor pressure tables.

2. *Reference Method.*

The procedure for determining moisture content described in Method 5 is acceptable as a reference method.

2.1 Apparatus. A schematic of the sampling train used in this reference method is shown in Figure 4–1. All components shall be maintained and calibrated according to the procedure outlined in Method 5.

2.1.1 Probe—Stainless steel or glass tubing, sufficiently heated to prevent water condensation and equipped with a filter (either in-stack or heated out-stack) to remove particulate matter.

2.1.2 Condenser—Any system that cools the sample gas stream and allows measurement of the water condensed and moisture leaving the condenser, each to within 1 ml or 1 g. Acceptable means are to measure the condensed water either gravimetrically or volumetrically and to measure the moisture leaving the condenser by (1) monitoring the temperature and pressure at the exit of the condenser and using Dalton's law or (2) by passing the sample gas stream through a tared silica gel trap with exit gases kept below 20° C (68° F) and determining the weight gain.

2.1.3 Cooling system—Ice bath container and crushed ice, or equivalent, to aid in condensing moisture.

2.1.4 Drying tube—Tube packed with 6–16 mesh indicating-type silica gel, or equivalent, to dry the sample gas and protect the pump and dry gas meter. This may be an integral part of the condenser system, in which case the tube shall be immersed in the ice bath and a thermometer placed at the outlet for monitoring purposes. If approach (1) of section 2.1.2 is used to measure the moisture leaving the condenser, the temperature and pressure must be monitored before the silica gel tube.

2.1.5 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 3° C (5.4° F), dry gas meter with ±2 percent accuracy, and related equipment, or other metering systems approved by the Administrator, as required to maintain a proportional sampling rate and to determine sample gas volume.

2.1.6 Barometer—Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and the sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

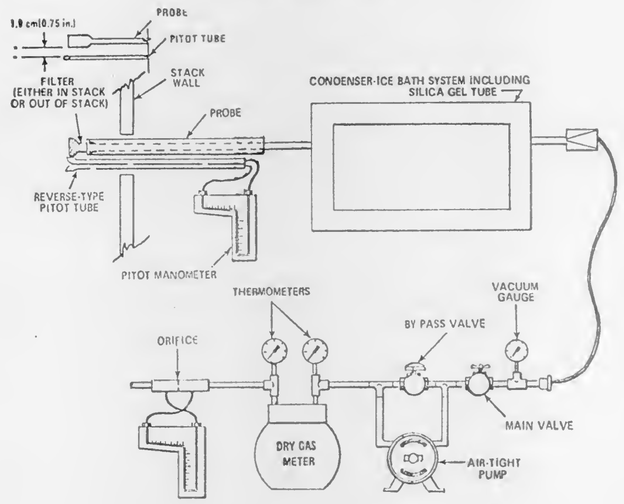

Figure 4-1. Moisture sampling train-reference method.

PLANT _____
LOCATION _____
OPERATOR _____
DATE _____
RUN NO. _____
AMBIENT TEMPERATURE _____
BAROMETRIC PRESSURE _____
PROBE LENGTH m(ft) _____

SCHEMATIC OF STACK CROSS SECTION

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STACK TEMPERATURE °C (°F)	VELOCITY HEAD (ΔP_s), mm(in.)H_2O	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER (ΔH), mm(in.)H_2O	GAS SAMPLE VOLUME m^3 (ft^3)	GAS SAMPLE TEMPERATURE AT DRY GAS METER		TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °C (°F)
						INLET ($T_{m_{in}}$) °C (°F)	OUTLET ($T_{m_{out}}$) °C (°F)	
TOTAL						Avg.	Avg.	
AVERAGE						Avg.		

Figure 4-2. Field moisture determination-reference method.

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	IMPINGER VOLUME, ml	SILICA GEL WEIGHT, g
FINAL		
INITIAL		
DIFFERENCE		

Figure 4-3. Analytical data-reference method.

2.1.7 Pitot tube—Type S, or equivalent, attached to probe to allow constant monitoring of the stack gas velocity so that the sampling flow rate can be regulated proportional to the stack gas velocity. The tips of the probe and pitot tube shall be adjacent to each other and the free space between them shall be about 1.9 cm (0.75 in.). When used with this method, the pitot tube need not be calibrated.

2.1.8 Differential pressure gauge—Inclined manometer capable of measuring velocity head to within 10 percent of the minimum measured value or ±0.013 mm (0.0005 in.). In whichever is greater. Below a differential pressure of 1.3 mm (0.05 in.) water gauge, micromanometers with sensitivities of 0.013 mm (0.0005 in.) should be used. However, micromanometers are not easily adaptable to field conditions and are not easy to use with the pulsating flow. Thus, methods or other devices acceptable to the Administrator may be used when conditions warrant.

2.1.9 Barometer—Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value is adequate. Adjustments for elevation differences between the weather station and sampling point may be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase.

2.1.10 Graduated cylinder and or balance—To measure condensed water and moisture caught in the silica gel to within 1 ml or 1 g. Graduated cylinders shall have subdivisions no greater than 2 ml. Most laboratory balances are capable of weighing to the nearest 0.5 g or less. These balances are suitable for use here.

2.1.11 Temperature and pressure gauges—If Dalton's law is used to monitor temperature and pressure at condenser outlet. The temperature gauge shall have an accuracy of 1° C (2° F). The pressure gauge shall be capable of measuring pressure to within 2.5 mm Hg (0.1 in. Hg).

2.1.12 Silica gel—If used to measure moisture leaving condenser, indicating type, 6-16 mesh. If previously used, dry at 175° C (350° F) for 2 hours. New silica gel may be used as received.

2.2 Procedure. The procedure below is written for a condenser system incorporating silica gel and gravimetric analysis to measure the moisture leaving the condenser and volumetric analysis to measure the condensed moisture.

2.2.1 Select the sampling site and minimum number of sampling points according to Method 1 or as specified by the Administrator. Determine the range of velocity head using Method 2 for the purpose of making proportional sampling rate calculations. Select a suitable velocity head to correspond to about 0.014 m³/min (0.5 cfm). Select a suitable probe and probe length such that all traverse points can be sampled. Consider sampling from opposite sides (four total sampling ports) for large stacks to enable use of shorter probe lengths. Mark probe with heat resistant tape or by some other method to denote the proper distance into the stack or duct for each sampling point. Weigh and record weight of silica gel to the nearest 0.5 g.

2.2.2 Select a suitable total sampling time of no less than 1 hour such that a minimum total gas sample volume of 0.6 m³ (20 ft³) at standard conditions will be collected and the sampling time per traverse point is not less than 2 min., or some greater time interval as specified by the Administrator.

2.2.3 Set up the sampling train as shown in Figure 4-4. Turn probe heating system on to prevent condensation and allow time for temperature to stabilize. Place crushed ice in the ice bath container. Leak check the train by plugging the probe inlet and pulling a 380 mm Hg (15 in. Hg) vacuum. A leakage rate in excess of 4 percent of the average sampling rate or 0.00057 m³/min. (0.02 cfm), whichever is less, is unacceptable.

2.2.4 During the sampling run, maintain a sampling rate within 20 percent, or as specified by the Administrator, of constant proportionality. For each run, record the data required on the example data sheet shown in Figure 4-2. Be sure to record the initial dry gas meter reading. Record the dry gas meter reading at the beginning and end of each sampling time increment, when changes in flow rates are made, and when sampling is halted. Take other data point readings at each sample point at least once during each time increment.

2.2.5 To begin sampling position the probe tip at the first traverse point. Immediately start the pump and adjust the flow to proportional conditions. Traverse the cross section. Add more ice and, if necessary, salt to maintain a temperature of less than 20° C (68° F) at the silica gel outlet to avoid excessive moisture losses.

2.2.6 After collecting the sample, measure the volume increase of the liquid in the first impinger to the nearest 1 ml. Determine the increase in weight of the silica gel tube to the nearest 0.5 g. Record the information (see example data sheet, Figure 4-3) and calculate the moisture percentage. Calculations. Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

2.3.1 Nomenclature.

B_{ws} = Proportion by volume
M_w = Molecular weight of water, 18 g/g-mole (18 lb/lb-mole)
P_m = Absolute pressure (for this method, same as barometric pressure) at the dry gas meter, mm Hg (in. Hg)
P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg)
R = Ideal gas constant, 0.06236 (mm hg)(m³)/(g-mole)(°K) for metric units and 21.83 (in. Hg)(ft³)/(lb-mole)/(lb-mole)(°R) for English units
T_m = Absolute temperature at meter, °K (°R)
T_{std} = Absolute temperature, 293° K (528° R)
V_m = Dry gas volume measured by meter, dcm (dcf)
$V_{m(std)}$ = Dry gas volume measured by the dry gas meter, corrected to standard conditions, dscm (dscf)
$V_{wc(std)}$ = Volume of water vapor condensed corrected to standard conditions, m³ (ft³)
$V_{wsg(std)}$ = Volume of water vapor collected in silica gel corrected to standard conditions, m³ (ft³)
V_f = Final volume of condenser contents, ml
V_i = Initial volume, if any, of condenser contents, ml
W_f = Final weight of condenser contents, g
W_i = Initial weight of condenser contents, g
ρ_w = Density of water, 1 g/ml (0.00220 lb/ml)

2.3.2 Volume of water vapor condensed.

$$V_{wc(std)} = \frac{(V_f - V_i)\rho_w R T_{std}}{P_{std} M_w}$$

$$= K(V_f - V_i) \quad \text{Equation 4-1}$$

where:

$K = 0.00134$ m³/ml for metric units

$= 0.0472$ ft³/ml for English units

2.3.3 Volume of water vapor collected in silica gel.

$$V_{wsg(std)} = \frac{(W_f - W_i) R T_{std}}{P_{std} M_w}$$

$$= K(W_f - W_i)$$

Equation 4-2

where:

$K = 0.00134$ m³/g for metric units

$= 0.0472$ ft³/g for English units

2.3.4 Gas volume.

$$V_{m(std)} = V_m \frac{(P_m)(T_{std})}{(P_{std})(T_m)}$$

$$= K \frac{V_m P_m}{T_m} \quad \text{Equation 4-3}$$

where:
$K = 0.3855$ °K/mm Hg for metric units
$= 17.65$ °R/in. Hg for English units

2.3.5 Moisture Content:

$$B_{ws} = \frac{V_{wc} + V_{wsg}}{V_{wc} + V_{wsg} + V_{mc}}$$

Equation 4-4

2.3.6 Proportional sampling constant—For each time increment, calculate

$$V_m / \sqrt{\Delta \rho}.$$

Calculate the average. If the value for any time increment falls beyond 20 percent of the average, reject the results and do run over.

3. *Approximation Method.*

The approximation method described below is presented only as a suggested method.

3.1 Apparatus.

3.1.1 Probe—Stainless steel or glass tubing sufficiently heated to prevent water condensation and equipped with a filter (either in-stack or heated out-stack) to remove particulate matter.

3.1.2 Impingers—Two midget impingers, each with 30 ml capacity, or equivalent.

Figure 4-4. Moisture-sampling train.

LOCATION _____ COMMENTS
TEST _____
DATE _____
OPERATOR _____
BAROMETRIC PRESSURE _____

CLOCK TIME	GAS VOLUME THROUGH METER, (Vm), m^3 (ft^3)	RATE METER SETTING m^3/min. (ft^3/min.)	METER TEMPERATURE, °C (°F)

Figure 4-5. Field moisture determination.

2.1.1 Probe nozzle—Stainless steel (316) with sharp, tapered leading edge. The angle devices acceptable to the Administrator may be used when conditions warrant.

3.1.3 Ice bath—Container and ice, to aid in condensing moisture in impingers.

3.1.4 Drying tube—Tube packed with 6–16 mesh indicating-type silica gel, or equivalent, to dry the sample gas and to protect the meter and pump.

3.1.5 Valve—Needle valve, to regulate sample gas flow rate.

3.1.6 Pump—Leak-free, diaphragm type, or equivalent, to pull gas through the train.

3.1.7 Volume meter—Dry gas meter, sufficiently accurate to measure the sample volume within 2 percent, and calibrated over the range of flow rates and conditions actually used during sampling.

3.1.8 Rate meter—Rotameter, to measure the flow range from 0 to 3 lpm (0 to 0.11 cfm).

3.1.9 Graduated cylinder—25 ml.

3.1.10 Barometer—Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decreases.

3.1.11 Vacuum gauge—At least 760 mm Hg (30 in. Hg) gauge, to be used for the sampling leak check.

3.2 Procedure.

3.2.1 Place exactly 5 ml distilled water in each impinger. Assemble the apparatus without the probe as shown in Figure 4–4. Leak check by placing a vacuum gauge at the inlet to the first impinger and drawing a vacuum of at least 250 mm Hg (10 in. Hg), plugging the outlet of the rotameter, and then turning off the pump. The vacuum shall remain constant for a least one minute. Carefully release the vacuum gauge before releasing the rotameter end.

3.2.2 Connect the probe and sample at a constant rate of 2 lpm (0.071 cfm). Continue sampling until the dry gas meter registers about 30 liters (1.1 ft³) or until visible liquid droplets are carried over from the first impinger to the second. Record temperature, pressure, and dry gas meter readings as required by Figure 4–5.

3.2.3 After collecting the sample, combine the contents of the two impingers and measure volume to the nearest 0.5 ml.

3.3 Calculations. The calculation method presented is designed to estimate the moisture in the stack gas and therefore other data, which are only necessary for accurate moisture determinations, are not collected. The following equations adequately estimate the moisture content for the purpose of determining isokinetic sampling rate settings.

3.3.1 Nomenclature.

B_{wa} = Approximate water vapor in the gas stream leaving the impinger, 0.025 proportion by volume

B_{ws} = Water vapor in the gas stream, proportion by volume

M_w = Molecular weight of water, 18 g/g-mole (18 lb/lb-mole)

P_m = Absolute pressure (for this method, same as barometric pressure) at the dry gas meter

P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg)

P = Ideal gas constant, 0.06236 (mm Hg)(m³)/(g-mole)(°K) for metric units and 21.83 (in. Hg)(ft³)/(lb-mole)(°R) for English units

T_m = Absolute temperature at meter, °K (°R)

T_{std} = Standard absolute temperature, 293° K (528° R)

V_f = Final volume of impinger contents, ml

V_i = Initial volume of impinger contents, ml

V_m = Dry gas volume measured by dry gas meter, dcm (dcf)

$V_{m(std)}$ = Dry gas volume measured by dry gas meter, corrected to standard conditions, dscm (dscf)

$V_{wc(std)}$ = Volume of water vapor condensed, corrected to standard conditions, m³ (ft³)

ρ_w = Density of water, 1 g/ml (0.00220 lb/ml)

3.3.2 Volume of water vapor collected.

$$V_{wc} = \frac{(V_f - V_i)\rho_w R T_{std}}{P_{std} M_w}$$

$$= K(V_f - V_i) \quad \text{Equation 4-5}$$

Where:

K = 0.00134 m³/ml for metric units

= 0.0472 ft³/ml for English units

3.3.3 Gas volume.

$$V_{m(std)} = V_m \left(\frac{P_m}{P_{std}}\right)\left(\frac{T_{std}}{T_m}\right)$$

$$= K\frac{V_m P_m}{T_m}$$

where:

K = 0.3855 °K/mm Hg for metric units

= 17.65 °R/in. Hg for English units

3.3.4 Approximate moisture content.

$$B_{ws} = \frac{V_{wc}}{V_{wc} + V_{m(std)}} + B_{wm} = \frac{V_{wc}}{V_{wc} + V_{m(std)}} + (0.025) \quad \text{Equation 4-7}$$

4. *Calibration.*

4.1 Use methods and equipment as specified in Methods 2 and 5 and APTD–0576 to calibrate dry gas meter, barometer, and thermometers.

5. *References.*

5.1 Air Pollution Engineering Manual, Danielson, J. A. (ed.), U.S. DHEW, PHS, National Center for Air Pollution Control, Cincinnati, Ohio, PHS Publication No. 999–AP–40, 1967.

5.2 Devorkin, Howard, et al., Air Pollution Source Testing Manual, Air Pollution Control District, Los Angeles, Calif., November 1963.

5.3 Methods for Determination of Velocity, Volume, Dust and Mist Content of Gases, Western Precipitation Division of Joy Manufacturing Co., Los Angeles, Calif., Bulletin WP–50, 1968.

METHOD 5—DETERMINATION OF PARTICULATE EMISSION FROM STATIONARY SOURCES

1. *Principle and Applicability.*

1.1 Principle. Particulate matter is withdrawn isokinetically from the source and collected on glass fiber filter maintained at temperatures in the range of 120±14° C (248±25° F) or such other temperature as specified by an applicable subpart of the standards. The particulate mass is determined gravimetrically after removal of uncombined water.

1.2 Applicability. This method is applicable for the determination of particulate emissions from stationary sources.

2. *Apparatus.*

2.1 Sampling train. A schematic of the sampling train used in this method is shown in Figure 5–1. Commercial models of this train are available. However, if one desires to build his own, complete construction details are described in APTD–0581; for changes from the APTD–0581 document and for allowable modifications to Figure 5–1, see the following subsections.

The operating and maintenance procedures for the sampling train are described in APTD–0576. Since correct usage is important in obtaining valid results, all users should read the APTD–0576 document and adopt the operating and maintenance procedures outlined in it, unless otherwise specified herein.

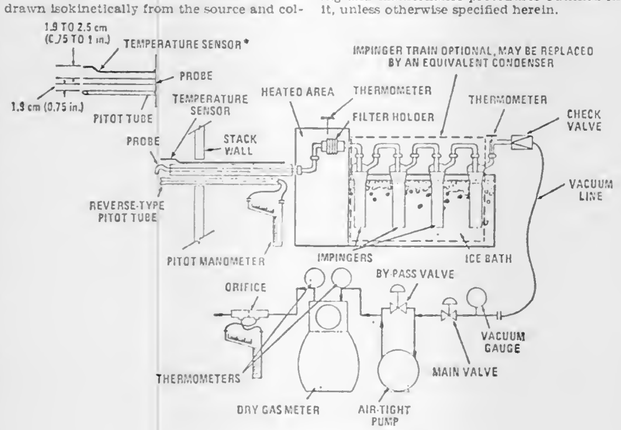

Figure 5-1. Particulate sampling train.

*If difficulty is expected in inserting the temperature sensor-pitot tube probe assembly into the stack due to spacing requirements, the temperature sensor may be located between the probe and pitot tube so that the tip of the temperature sensor is no closer than 5cm (2 in.) from the tip of the pitot tube.

2.1.1 Probe nozzle—Stainless steel (316) with sharp, tapered leading edge. The angle of taper shall be≤30° and the taper shall be on the outside to preserve a constant internal diameter. The probe nozzle shall be of the button-hook or elbow design, unless otherwise approved by the Administrator. The nozzle shall be constructed from seamless stainless steel tubing. Other configurations and construction material may be used subject to approval from the Administrator.

A range of sizes suitable for isokinetic sampling should be available, e.g., 0.32 cm (⅛ in.) up to 1.27 cm (½ in.) (or larger if higher volume sampling trains are used) inside diameter (ID) nozzles in increments of 0.16 cm (1/16 in.). Each nozzle shall be calibrated according to the procedures outlined in the calibration section.

2.1.2 Probe liner—Borosilicate or quartz glass tubing with a heating system capable of maintaining a gas temperature at the exit end during sampling of no greater than 120±14° C (248±25° F) or no greater than such other temperature as specified by an applicable subpart of the standards. Since the actual temperature at the outlet of the probe is not monitored during sampling, probes constructed according to APTD–0581 and utilizing the calibration curves of APTD–0576 or calibrated according to the procedure outlined in APTD–0576 will be considered as acceptable.

Borosilicate or quartz glass probe liners shall be used for temperatures up to about 480° C (900° F) and quartz liners for temperatures up to about 900° C (1650° F). Both may be used at higher temperatures for short periods of time, but must be approved by the Administrator. The softening temperature for borosilicate is 820° C (1508° F) and for quartz it is 1500° C (2732° F).

When length limitations, i.e. greater than about 2.5 m (8.2 ft), are encountered at temperatures less than 320° C (608° F), stainless steel (316) or Incoloy 825[1] (both of seamless tubing), or other materials as approved by the Administrator, may be used. Metal probes for sampling gas streams at temperatures in excess of 320° C (608° F) must be approved by the Administrator.

2.1.3 Pitot tube—Type S, or other device approved by the Administrator, attached to probe to allow constant monitoring of the stack gas velocity. The face openings of the pitot tube and the probe nozzle shall be adjacent and parallel to each other, not necessarily on the same plane, during sampling. The free space between the nozzle and pitot tube shall be at least 1.9 cm (0.75 in.). The free space shall be set based on a 1.3 cm (0.5 in.) ID nozzle. If the sampling train is designed for sampling at higher flow rates than that described in APTD–0581, thus necessitating the use of larger sized nozzles, the largest sized nozzle shall be used to set the free space.

The pitot tube must also meet the criteria specified in Method 2 and calibrated according to the procedure in the calibration section of that method.

2.1.4 Differential pressure gauge—Inclined manometer capable of measuring velocity head to within 10 percent of the minimum measured value or ±0.013 mm (0.005 in.), whichever is greater. Below a differential pressure of 1.3 mm (0.05 in.) water gauge, micromanometers with sensitivities of 0.013 mm (0.0005 in.) should be used. However, micromanometers are not easily adpatable to field conditions and are not easy to use with pulsating flow. Thus, methods or other devices acceptable to the Administrator may be used when conditions warrant.

2.1.5 Filter holder—Borosilicate glass frit filter support and a silicone rubber gasket. Other materials of construction may be used with approval from the Administrator, e.g., if probe liner is stainless steel, then the filter holder may be stainless steel. The holder design shall provide a positive seal against leakage from the outside or around the filter.

2.1.6 Filter heating system—Any heating system capable of maintaining a temperature around the filter holder during sampling of no greater than 120±14° C (248±25° F), or such other temperature as specified by an appplicable subpart of the standards. A temperature gauge capable of measuring temperature to within 30° C (5.4° F) shall be installed such that temperature around the filter holder can be regulated and monitored during sampling. Heating systems other than shown in APTD–0581 may be used.

2.1.7 Condenser—Any system that cools the sample gas stream and allows measurement of the water condenser and moisture leaving the condenser, each to within 1 ml or 1 g. Acceptable means are to measure the condensed water either gravimetrically or volumetrically and to measure the moisture leaving the condenser by (1) monitoring the temperature and pressure at the exit of the condenser and using Dalton's law or (2) by passing the sample gas stream through a tared silica gel trap with exit gases kept below 20° C (68° F) and determining the weight gain.

NOTE.—If "condensible particulate matter" is desired, in addition to moisture content, the following system shall be used—four impingers connected in series with ground glass, leak free fittings or any similarly leak free noncontaminating fittings. The first, third, and fourth impingers shall be of the Greenburg-Smith design, modified by replacing the tip with a 1.3 cm (½ in.) ID glass tube extending to about 1.3 cm (½ in.) from the bottom of the flask. The second impinger shall be of the Greenburg-Smith design with the standard tip. Individual States or control agencies requiring this information shall be contacted as to the sample recovery and analysis of the impinger contents.

For purposes of writing the procedure of this method, the system described in the note above will be used for determining the moisture content of the stack gas. Modifications (e.g. using flexible connections between the impingers or using materials other than glass) may be used with approval from the Administrator.

If means other than silica gel are used to determine the amount of moisture leaving the condenser, it is recommended that silica gel still be used between the condenser system and pump to prevent moisture condensation in the pump and metering devices.

Unless otherwise specified by the Administrator, flexible vacuum lines may be used to connect the filter holder to the condenser.

2.1.8 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature within 3° C (5.4° F), dry gas meter with 2 percent accuracy, and related equipment, or equivalent, as required to maintain an isokinetic sampling rate and to determine sample volume. Sampling trains utilizing metering systems designed for higher flow rates than that described in APTD–0581 or APTD–0576 may be used provided that the specifications in section 2 of this method are met. When the metering system is used in conjunction with a pilot tube, the system shall enable checks of isokinetic rates.

2.1.9 Barometer—Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.1.10 Gas density determination equipment—Temperature and pressure gauges and gas analyzer as described in Methods 2 and 3.

2.1.11 Temperature and pressure gauges—If Dalton's law is used to monitor temperature and pressure at condenser outlet. The temperature gauge shall have an accuracy of 1° C (2° F). The pressure gauge shall be capable of measuring pressure to within 2.5 mm Hg (0.1 in. Hg). If silica gel is used in the condenser system the temperature and pressure must be measured before the silica gel component.

2.2 Sample recovery.

2.2.1 Probe liner and probe nozzle brushes—Nylon bristles with stainless steel wire handles. The probe brush shall have extensions, at least as long as the probe, of stainless steel, nylon, teflon, or similarly inert material. Both brushes shall be properly sized and shaped to brush out the probe liner and nozzle.

2.2.2 Glass wash bottles—Two.

2.2.3 Glass sample storage containers—Chemically resistant, borosilicate glass bottles, for acetone washes, 500 ml or 1,000 ml. Screw cap closures shall be teflon rubber-backed liners or of such construction so as to be leak free and prevent chemical attack from the acetone. (Narrow mouth glass bottles have been found to be less prone to leakage.) Other types of containers must be approved by the Administrator.

2.2.4 Petri dishes—For filter samples, glass or polyethylene, unless otherwise specified by the Administrator.

2.2.5 Graduated cylinder and/or balance—To measure condensed water to within 1 ml or 1 g. Graduated cylinders shall have subdivisions no greater than 2 ml. Most laboratory balances are capable of weighing to the nearest 0.5 g or less. Any of these balances are suitable for use here and in section 2.3.4.

2.2.6 Plastic storage containers—Air tight containers to store silica gel.

2.2.7 Funnel and rubber policeman—To aid in transfer of silica gel to container; not necessary if silica gel is weighed in the field.

2.3 Analysis.

2.3.1 Glass weighing dishes.

2.3.2 Desiccator.

2.3.3 Analytical balance—To measure to within 0.1 mg.

2.3.4 Balance—To measure to within 0.5 g.

2.3.5 Beakers—250 ml.

2.3.6 Hygrometer—To measure the relative humidity of the laboratory environment.

2.3.7 Temperature gauge—To measure the temperature of the laboratory environment.

3. *Reagents.*

3.1 Sampling.

3.1.1 Filters—Glass fiber filters, without organic binder exhibiting at least 99.95 percent efficiency (≤0.05 percent penetration) on 0.3 micron dioctyl phthalate smoke particles. The filter efficiency test shall be conducted in accordance with ASTM standard method D 2986–71. Test data from the supplier's quality control program is sufficient for this purpose.

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

3.1.2 Silica gel—Indicating type, 6–16 mesh. If previously used, dry at 175° C (350°

sampled. Consider sampling from opposite

temperature as specified by an applicable

the train at the sampling site by plugging

by first plugging the inlet to the filter

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3.1.2 Silica gel—Indicating type, 6–16 mesh. If previously used, dry at 175° C (350° F) for 2 hours. New silica gel may be used as received.

3.1.3 Water—When analysis of the material caught in the impingers is required, distilled water shall be used. Run blanks prior to field use to eliminate a high blank on test samples.

3.1.4 Crushed ice.

3.1.5 Stopcock grease—Acetone insoluble, heat stable silicone grease. This is not necessary if screw-on connectors with teflon sleeves, or similar, are used.

3.2 Sample recovery.

3.2.1 Acetone—Reagent grade, ≤0.001 percent residue, in glass bottles. Acetone from metal containers generally has a high residue blank and should not be used. Sometimes, suppliers transfer acetone to glass bottles from metal containers. Thus, acetone blanks shall be run prior to field use and only acetone with low blank values (≤0.001 percent) shall be used.

3.3 Analysis.

3.3.1 Acetone—Same as 3.2.1.

3.3.2 Desiccant—Anhyrdous calcium sulfate, indicating type.

4. *Procedure.*

4.1 Sampling. The sampling shall be conducted by competent personnel experienced with this test procedure.

4.1.1 Pretest preparation. All the components shall be maintained and calibrated according to the procedure described in APTD–0576, unless otherwise specified herein.

Weigh approximately 200–300 g of silica gel in air tight containers to the nearest 0.5 g. Record the total weight, both silica gel and container, on the container. More silica gel may be used but care should be taken during sampling that it is not entrained and carried out from the impinger. As an alternative, the silica gel may be weighed directly in the impinger or its sampling holder just prior to the train assembly.

Check filters visually against light for irregularities and flaws or pinhole leaks. Label a filter of proper diameter on the back side near the edge using numbering machine ink. As an alternative, label the shipping container (glass or plastic petri dishes) and keep the filter in this container at all times except during sampling and weighing.

Desiccate the filters at 20±5.6° C (68±10° F) and ambient pressure for at least 24 hours and weigh at 6 or more hour intervals to a constant weight, i.e., ≤0.5 mg change from previous weighing, and record results to the nearest 0.1 mg. During each weighing the filter must not be exposed to the laboratory atmosphere for a period greater than 2 minutes and a relative humidity above 50 percent.

4.1.2 Preliminary determinations. Select the sampling site and the minimum number of sampling points according to Method 1 or as specified by the Administrator. Determine the stack pressure, temperature, and the range of velocity heads using Method 2 and moisture content using Approximation Method 4 or its alternatives for the purpose of making isokinetic sampling rate calculations. Estimates may be used. However, final results will be based on actual measurements made during the test.

Select a nozzle size based on the range of velocity heads such that it is not necessary to change the nozzle size in order to maintain isokinetic sampling rates. During the run, do not change the nozzle size. Ensure that the differential pressure gauge is capable of measuring the minimum velocity head value to within 10 percent, or as specified by the Administrator.

Select a suitable probe liner and probe length such that all traverse points can be sampled. Consider sampling from opposite sides for large stacks to reduce the length of probes.

Select a total sampling time greater than or equal to the minimum total sampling time specified in the test procedures for the specific industry such that the sampling time per point is not less than 2 min. or some greater time interval as specified by the Administrator and the sample volume that will be taken will exceed the required minimum total gas sample volume specified in the test procedures for the specific industry. The latter is based on an approximate average sampling rate. Note also that the minimum total sample volume is corrected to standard conditions.

It is recommended that ½ or an integral number of minutes be sampled at each point in order to avoid timekeeping errors.

In some circumstances, e.g. batch cycles, it may be necessary to sample for shorter times at the traverse points and to obtain smaller gas sample volumes. In these cases, the Administrator's approval must first be obtained.

4.1.3 Preparation of collection train. During preparation and assembly of the sampling train, keep all openings where contamination can occur covered until just prior to assembly or until sampling is about to begin.

Place 100 ml of water in each of the first two impingers, leave the third impinger empty, and place approximately 200–300 g or more, if necessary, of preweighed silica gel in the fourth impinger. Record the weight of the silica gel and container to the nearest 0.5 g. Place the container in a clean place for later use in the sample recovery.

Using a tweezer or clean disposable surgical gloves, place the labeled (identified) and weighed filter in the filter holder. Be sure that the filter is properly centered and the gasket properly placed so as not to allow the sample gas stream to circumvent the filter. Check filter for tears after assembly is completed.

When glass liners are used, install selected nozzle using a Viton A[1] O-ring when stack temperatures are less than 260° C (500° F) or an asbestos string gasket when temperatures are higher. The Viton A O-ring and asbestos string gasket are installed as a seal where the nozzle is connected to a glass liner. See APTD–0576 for details. When metal liners are used, install the nozzle as above or by a leak free direct mechanical connection. Mark probe with heat resistant tape or by some other method to denote the proper distance into the stack or duct for each sampling point.

Unless otherwise specified by the Administrator, attach a temperature probe to the metal sheath of the sampling probe so that the sensor extends beyond the probe tip and does not touch any metal. Its position should be about 1.9 to 2.54 cm (0.75 to 1 in.) from both the pitot tube and probe nozzle to avoid interference with the gas flow.

Set up the train as in Figure 5–1, using, if necessary, a very light coat of silicone grease on all ground glass joints, greasing only the outer portion (see APTD–0576) to avoid possibility of contamination by the silicone grease. With approval from the Administrator, a glass cyclone may be used between the probe and filter holder.

Place crushed ice around the impingers.

4.1.4 Leak check procedure—After the sampling train has been assembled, turn on and set the filter and probe heating system to the power required to reach a temperature of 120±14° C (248±25° F) or such other

[1] Mention of trade names is not intended to constitute endorsement by EPA.

temperature as specified by an applicable subpart of the standards for the leak check. (If water condensation is not a problem the probe and/or filter heating system need not be used.) Allow time for the temperature to stabilize. If a Viton A O-ring or other leak free connection is used in assembling the probe nozzle to the probe liner, leak check the train at the sampling site by plugging the nozzle and pulling a 380 mm Hg (15 in. Hg) vacuum.

NOTE.—A lower vacuum may be used provided that it is not exceeded during the test.

If an asbestos string is used, do not connect the probe to the train during the leak check. Instead, leak check the train as above by first plugging the inlet to the filter holder. Then connect the probe to the train and leak check at about 25 mm Hg (1 in. Hg) vacuum. A leakage rate in excess of 4 percent of the average sampling rate or 0.00057 m³/min. (0.02 cfm), whichever is less, is unacceptable in either case.

PLANT _____
LOCATION _____
OPERATOR _____
DATE _____
RUN NO. _____
SAMPLE BOX NO. _____
METER BOX NO. _____
METER ΔH@ _____
C FACTOR _____
PITOT TUBE COEFFICIENT, C_p _____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE _____
BAROMETRIC PRESSURE _____
ASSUMED MOISTURE, % _____
PROBE LENGTH, m (ft) _____
NOZZLE IDENTIFICATION NO. _____
AVERAGE CALIBRATED NOZZLE DIAMETER, cm (in.) _____
PROBE HEATER SETTING _____
LEAK RATE, m³/min (cfm) _____
PROBE LINER MATERIAL _____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STATIC PRESSURE mm Hg (in Hg)	STACK TEMPERATURE (T_s) °C (°F)	VELOCITY HEAD (ΔP_s), mm(in.)H_2O	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER mm H_2O (in. H_2O)	GAS SAMPLE VOLUME m^3 (ft^3)	GAS SAMPLE TEMPERATURE AT DRY GAS METER		FILTER HOLDER TEMPERATURE, °C (°F)	TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °C (°F)
							INLET °C (°F)	OUTLET °C (°F)		
TOTAL							Avg.	Avg.		
AVERAGE							Avg.			

Figure 5-2. Particulate field data.

The following leak check instructions for the sampling train described in APTD–0576 and APTD–0581 may be helpful. Start the pump with by-pass valve fully open and coarse adjust valve completely closed. Partially open the coarse adjust valve and slowly close the by-pass valve until 380 mm Hg (15 in. Hg) vacuum is reached. Do not reverse direction of by-pass valve. This will cause water to back up into the filter holder. If 380 mm Hg (15 in. Hg) is exceeded, either leak check at this higher vacuum or end the leak check as shown below and start over.

When the leak check is completed, first slowly remove the plug from the inlet to the probe or filter holder and immediately turn off the vacuum pump. This prevents the water in the impingers from being forced backward into the filter holder and silica gel from being entrained backward into the third impinger.

Leak checks shall be conducted as described whenever the train is disengaged, e.g. for silica gel or filter changes during the test, prior to each test run, and at the completion of each test run. If leaks are found to be in excess of the acceptable rate, the test will be considered invalid. To reduce lost time due to leakage occurrences, it is recommended that leak checks be conducted between port changes at the highest vacuum reading drawn during that sampling traverse.

4.1.5 Particulate train operation—During the sampling run, isokinetic sampling rate to within 10 percent, or as specified by the Administrator, of true isokinetic and the temperature around the filter of no greater than 120±14° C (248±25° F), or as specified by an applicable subpart of the standards, shall be maintained.

For each run, record the data required on the example data sheet shown in Figure 5–2. Be sure to record the initial dry gas meter reading. Record the dry gas meter readings at the beginning and end of each sampling time increment, when changes in flow rates are made, and when sampling is halted. Take other data point readings at least once at each sample point during each time increment and additional readings when significant changes (20 percent variation in velocity head readings) necessitate additional adjustments in flow rate. Level and zero the manometer.

Clean the portholes prior to the test run to minimize the chance of sampling the deposited material. To begin sampling, remove the nozzle cap, verify that the filter and probe are up to temperature, and that the pitot tube and probe are properly positioned. Position the nozzle at the first traverse point with the tip pointing directly into the gas stream. Immediate start the pump and adjust the flow to isokinetic conditions. Nomographs are available for sampling trains using type S pitot tubes with 0.85±0.02 coefficient and when sampling in air or a stack gas with equivalent density (molecular weight equal to 29±4), which aid in the rapid adjustment of the isokinetic sampling rate without excessive computations. APTD–0576 details the procedure for using these nomographs. If C_p and M_s are outside the above stated ranges, do not use the nomograph unless appropriate steps (see Reference 7.7) are taken to compensate for the deviations.

When the stack is under significant negative stack pressure (height of impinger stem), take care to close the coarse adjust valve before inserting the probe into the stack to avoid water backing into the filter

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holder. If necessary, the pump may be turned

silicone grease, cap off the filter holder out-

a final acetone rinse of the probe as de-

Plant _____

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holder. If necessary, the pump may be turned on with the coarse adjust valve closed.

When the probe is in position, block off the openings around the probe and porthole to prevent unrepresentative dilution of the gas stream.

Traverse the stack cross section, as required by Method 1 or as specified by the Administrator, being careful not to bump the probe nozzle into the stack walls when sampling near the walls or when removing or inserting the probe through the portholes, to minimize chance of extracting deposited material.

During the test run, make periodic adjustments to keep the temperature around the filter holder at the proper temperature and add more ice and, if necessary, salt to maintain a temperature of less than 20°C (68°F) at the condenser/silica gel outlet to avoid excessive moisture losses. Also, periodically check the level and zero of the manometer.

If the pressure drop across the filter becomes too high making isokinetic sampling difficult to maintain, the filter may be replaced in the midst of a sample run. It is recommended that another complete filter assembly be used rather than attempting to change the filter itself. After the new filter or filter assembly is installed conduct a leak check. The particulate weight shall include the summation of all filter assembly catches.

A single train shall be used for the entire sample run, except for filter and silica gel changes. However, if approved by the Administrator, two or more trains may be used for a single test run when there are two or more ducts or sampling ports. The results shall be the total of all sampling train catches.

At the end of the sample run, turn off the pump, remove the probe and nozzle from the stack, and record the final dry gas meter reading. Perform a leak check at a vacuum equal to or greater than the maximum reached during sampling. Calculate percent isokinetic (see calculation section) to determine whether another test run should be made. If there is difficulty in maintaining isokinetic rates due to source conditions, consult with the Administrator for possible variance on the isokinetic rates.

4.2 Sample recovery. Proper cleanup procedure begins as soon as the probe is removed from the stack at the end of the sampling period. Allow the probe to cool.

When the probe can be safely handled, wipe off all external particulate matter near the tip of the probe nozzle and place a cap over it to prevent losing or gaining particulate matter. Do not cap off the probe tip tightly while the sampling train is cooling down as this would create a vacuum in the filter holder, thus drawing water from the impingers into the filter.

Before moving the sample train to the cleanup site, remove the probe from the sample train, wipe off the silicone grease, and cap the open outlet of the probe. Be careful not to lose any condensate, if present. Wipe off the silicone grease from the filter inlet where the probe was fastened and cap it. Remove the umbilical cord from the last impinger and cap the impinger. If a flexible line is used between the first impinger or condenser and the filter holder, disconnect the line at the filter holder and let any condensed water or liquid drain into the impingers or condenser. After wiping off the silicone grease, cap off the filter holder outlet and impinger inlet. Either ground glass stoppers or plastic caps or serum caps may be used to close these openings.

Transfer the probe and filter-impinger assembly to the cleanup area. This area should be clean and protected from the wind so that the chances of contaminating or losing the sample will be minimized.

Save a portion of the acetone used for cleanup as a blank. Place about 200 ml of this acetone taken directly from the wash bottle being used in a glass sample container labeled "acetone blank."

Inspect the train prior to and during disassembly and note any abnormal conditions. Treat the samples as follows:

Container No. 1. Carefully remove the filter from the filter holder and place in its identified petri dish container. Use a pair of tweezers and/or clean disposable surgical gloves to handle the filter. If it is necessary to fold the filter, do so such that the particulate cake is inside the fold. Quantitatively remove any particulate matter and/or filter which adheres to the filter holder gasket by carefully using a dry nylon bristle brush and/or a sharp-edged blade and place into this container. Seal the container.

Container No. 2. Taking care to see that dust on the outside of the probe or other exterior surfaces does not get into the sample, quantitatively recover particulate matter or any condensate from the probe nozzle, probe fitting, probe liner, and front half of the filter holder by washing these components with acetone and placing the wash into a glass container in the following manner:

Distilled water may be used instead of acetone when approved by the Administrator or shall be used when specified by the Administrator. In these cases, save a water blank and follow Administrator's directions on analysis.

Carefully remove the probe nozzle and clean the inside surface by rinsing with acetone from a wash bottle and brushing with a nylon bristle brush. Brush until acetone rinse shows no visible particles, after which make a final rinse of the inside surface with acetone.

Brush and rinse with acetone the inside parts of the Swagelok fitting in a similar way until no visible particles remain.

Rinse the probe liner with acetone by tilting the probe and squirting acetone into its upper end, while rotating the probe so that all inside surfaces will be rinsed with acetone. Let the acetone drain from the lower end into the sample container. A funnel may be used to aid in transferring liquid washes to the container. Follow the acetone rinse with a probe brush. Hold the probe in an inclined position, squirt acetone into the upper end as the probe brush is being pushed with a twisting action through the probe, hold a sample container underneath the lower end of the probe, and catch any acetone and particulate matter which is brushed from the probe. Run the brush through the probe three times or more until no visible particulate matter is carried out with the acetone or remains in the probe liner on visual inspection. With stainless steel or other metal probes, run the brush through in the above prescribed manner at least six times since metal probes have small crevices in which particulate matter can be entrapped. Rinse the brush with acetone and quantitatively collect these washings in the sample container. After the brushing make a final acetone rinse of the probe as described above.

It is recommended that two people be used to clean the probe to minimize losing the sample. Between sampling runs, keep brushes clean and protected from contamination.

After ensuring that all joints are wiped clean of silicone grease, clean the inside of the front half of the filter holder by rubbing the surfaces with a nylon bristle brush and rinsing with acetone. Rinse each surface three times or more if needed to remove visible particulate. Make a final rinse of the brush and filter holder. After all acetone washings and particulate matter are collected in the sample container, tighten the lid on the sample container so that acetone will not leak out when it is shipped to the laboratory. Mark the height of the fluid level to determine whether or not leakage occurred during transport. Label container to clearly identify its contents.

Container No. 3. Note color of indicating silica gel to determine if it has been completely spent and make a notation of its condition. Transfer the silica gel from the fourth impinger to the original container and seal. A funnel may make it easier to pour the silica gel without spilling. A rubber policeman may be used as an aid in removing the silica gel from the impinger. It is not necessary to remove the small amount of dust particles that may adhere to the walls and are difficult to remove. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, follow the procedure under analysis.

Impinger water. Treat the impingers or condenser as follows: Make a notation of any color or film in the liquid catch. Measure the liquid which is in the first three impingers to within ±1 ml by using a graduated cylinder or, if available, to within ±0.5 g by using a balance. Record the volume or weight of liquid present. This information is required to calculate the moisture content of the effluent gas.

If analysis of the impinger catch is not required, discard the liquid after measuring and recording the volume or weight. If analysis of the impinger catch is required, leave the impingers intact to transfer the liquid, cap off the inlet, and pour the liquid through the outlet into the graduated cylinder or into a sample container after its weight has been determined.

If a different type of condenser is used, measure the amount of moisture condensed either volumetrically or gravimetrically.

4.3 Analysis. Record the data required on the example sheet shown in Figure 5-3. Handle each sample container as follows:

Container No. 1. Leave in shipping container or transfer the filter and any loose particulate from the sample container to a tared glass weighing dish and desiccate for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh to a constant weight and report the results to the nearest 0.1 mg. For purposes of this section 4.3, the term "constant weight" means a difference of no more than 0.5 mg or 1 percent of total weight less tare weight, whichever is greater, between two consecutive weighings, with no less than 6 hours of desiccation time between weighings and no more than 2 minutes exposure to the laboratory atmosphere (must be less than 50 percent relative humidity) during weighing.

Plant _____

Date _____

Run No. _____

Relative Humidity _____

Amount liquid lost during transport _____

Acetone blank volume, ml _____

Acetone wash volume, ml _____

Acetone blank concentration, mg/mg (equation 5-4) _____

Acetone wash blank, mg (equation 5-5) _____

CONTAINER NUMBER	WEIGHT OF PARTICULATE COLLECTED, mg		
	FINAL WEIGHT	TARE WEIGHT	WEIGHT GAIN
1			
2			
TOTAL			
Less acetone blank			
Weight of particulate matter			

	VOLUME OF LIQUID WATER COLLECTED		
	IMPINGER VOLUME, ml.	SILICA GEL WEIGHT, g	
FINAL			
INITIAL			
LIQUID COLLECTED			
TOTAL VOLUME COLLECTED		g*	ml

CONVERT WEIGHT OF WATER TO VOLUME BY DIVIDING TOTAL WEIGHT INCREASE BY DENSITY OF WATER (1g/ml).

$$\frac{\text{INCREASE, g}}{\text{1 g/ml}} = \text{VOLUME WATER, ml}$$

Figure 5-3. Analytical data.

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Container No. 2. Note level of liquid in container and confirm on analysis sheet whether or not leakage occurred during transport. Measure the liquid in this container either volumetrically to ±1 ml or gravimetrically to ±0.5 g. Transfer the contents to a tared 250 ml beaker, and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

Container No. 3. Weigh the spent silica gel to the nearest 0.5 g using a balance. This step may be conducted in the field.

"Acetone Blank" Container. Measure acetone in this container either volumetrically or gravimetrically. Transfer the acetone to a tared 250 ml beaker and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours and weigh to a constant weight. Report the results to the nearest 0.1 mg.

5. Calibration.

Maintain a laboratory log of all calibrations.

5.1 Probe nozzle. Using a micrometer, measure the inside diameter of the nozzle to the nearest 0.025 mm (0.001 in.). Make 3 separate measurements using different diameters each time and obtain the average of the measurements. The difference between the high and low numbers shall not exceed 0.1 mm (0.004 in.).

When nozzles become nicked, dented, or corroded, they shall be reshaped, sharpened, and recalibrated before use.

Each nozzle shall be permanently and uniquely identified.

5.2 Pitot tube. The pitot tube shall be calibrated according to the procedure outlined in Method 2.

5.3 Dry gas meter and orifice meter. Both meters shall be calibrated according to the procedure outlined in APTD–0576. When a diaphragm pump is used, assure that there is no leak.

5.4 Probe heater calibration. The probe heating system shall be calibrated according to the procedure contained in APTD–0576. Probes constructed according to APTD–0581 need not be calibrated if the calibration curves in APTD–0576 are used.

5.5 Temperature gauges. Calibrate dial and liquid filled bulb thermometers and thermocouple-potentiometer systems against mercury-in-glass thermometers. Ice bath and boiling water (corrected for barometric pressure) are acceptable reference points. For other devices, check with the Administrator.

6. Calculations.

Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

6.1 Nomenclature

A_n = Cross sectional area of nozzle, m^2 (ft^2)
B_{ws} = Water vapor in the gas stream, proportion by volume
C_a = Acetone blank residue concentration, mg/g
c_s = Concentration of particulate matter in stack gas, dry basis, corrected to standard conditions, g/dscm (g/dscf)
I = Percent of isokinetic sampling
m_n = Total amount of particulate matter collected, mg
M_w = Molecular weight of water, 18 g/g-mole (18 lb/lb-mole)
m_a = Mass of residue of acetone after evaporation, mg
P_{bar} = Barometric pressure at the sampling site, mm Hg (in. Hg)
P_s = Absolute stack gas pressure, mm Hg (in. Hg)
P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg)
R = Ideal gas constant, 0.06236 mm Hg-m^3/°K-g-mole (21.83 in. Hg-ft^3/°R-lb-mole)
T_m = Absolute average dry gas meter temperature see (Figure 5-2), °K (°R)
T_s = Absolute average stack gas temperature (see Figure 5-2), °K (°R)
T_{std} = Standard absolute temperature, 293° K (528° R)
V_a = Volume of acetone blank, ml
V_{aw} = Volume of acetone used in wash, ml
V_{lc} = Total volume of liquid collected in impingers and silica gel (see Figure 5-3), ml
V_m = Volume of gas sample as measured by dry gas meter, dcm (dcf)
$V_{m(std)}$ = Volume of gas sample measured by the dry gas meter corrected to standard conditions, dscm (dscf)
$V_{w(std)}$ = Volume of water vapor in the gas sample corrected to standard conditions, scm (scf)
v_s = Stack gas velocity, calculated by Method 2, Equation 2-7 using data obtained from Method 5, m/sec (ft/sec)
W_a = Weight of residue in acetone wash, mg
ΔH = Average pressure differential across the orifice meter (see Figure 5-2), mm H_2O (in. H_2O)
ρ_a = Density of acetone, mg/ml (see label on bottle)
ρ_w = Density of water, 1 g/ml (0.00220 lb/ml)
θ = Total sampling time, min
13.6 = Specific gravity of mercury
60 = Sec/min
100 = Conversion to percent

6.2 Average dry gas meter temperature and average orifice pressure drop. See data sheet (Figure 5-2).

6.3 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (20° C, 760 mm Hg or 68° F, 29.92 in. Hg) by using Equation 5-1.

$$V_{m(std)} = V_m\left(\frac{T_{std}}{T_m}\right)\left[\frac{P_{bar} + \frac{\Delta H}{13.6}}{P_{std}}\right] = KV_m\left[\frac{P_{bar} + \Delta H/13.6}{T_m}\right]$$

Equation 5-1

where:

K = 0.3855 °K/mm Hg for metric units

= 17.65 °R/in. Hg for English units

6.4 Volume of water vapor.

$$V_{w(std)} = V_{lc}\left(\frac{\rho_w}{M_w}\right)\left(\frac{RT_{std}}{P_{std}}\right) = KV_{lc}$$

Equation 5-2

where:
K = 0.00134 m^3/ml for metric units
= 0.0472 ft^3/ml for English units

6.5 Moisture content.

$$B_{ws} = \frac{V_{w(std)}}{V_{m(std)} + V_{w(std)}}$$

Equation 5-3

6.6 Acetone blank concentration.

$$C_a = \frac{m_a}{V_a \rho_a}$$

Equation 5-4

6.7 Acetone wash blank.

$$W_a = C_a V_{aw} \rho_a$$

Equation 5-5

6.8 Total particulate weight. Determine the total particulate catch from the sum of the weights obtained from containers 1 and 2 less the acetone blank (see Figure 5-3).

6.9 Particulate concentration.

$$c_s = (0.001 \text{ g/mg})(m_n/V_{m(std)})$$

Equation 5-6

6.10 Conversion factors:

From—	To—	Multiply by—
scf	m^3	0.0283
g/ft^3	gr/ft^3	15.4
g/ft^3	lb/ft^3	2.205×10^{-3}
g/ft^3	g/m^3	35.31

6.11 Isokinetic variation.

6.11.1 Calculations from raw data.

$$I = \frac{100T_m[KV_{lc} + (V_m/T_m)P_{bar} + \Delta H/13.6)]}{60\theta v_s P_s A_n}$$

Equation 5-7

where:

K = 0.00346 mm Hg-m^3/ml-°K for metric units

= 0.00267 in. Hg-ft^3/ml-°R for English units

6.11.2 Calculations from intermediate values.

$$I = \frac{T_s V_{m(std)} P_{std} 100}{T_{std} v_s \theta A_n P_s 60(1 - B_{ws})}$$

$$= K\frac{T_s V_{m(std)}}{P_s v_s A_n \theta (1 - B_{ws})}$$

Equation 5-8

where:

K = 4.323 for metric units

= 0.0944 for English units

6.12 Acceptable results. If 90 percent ≤I ≤110 percent, the results are acceptable. If the results are low in comparison to the standards and I is beyond the acceptable range, the Administrator may option to accept the results. Use reference 7.4 to make judgments. Otherwise, reject the results and repeat the test.

7. Reference.

7.1 Addendum to Specifications for Incinerator Testing at Federal Facilities, PHS, NCAPC, Dec. 6, 1967.

7.2 Martin, Robert M., Construction Details of Isokinetic Source Sampling Equipment, Environmental Protection Agency, APTD–0581, April 1971.

7.3 Rom, Jerome J., Maintenance, Calibration, and Operation of Isokinetic Source Sampling Equipment, Environmental Protection Agency, APTD–0576, March 1972.

7.4 Smith, W. S., R. T. Shigehara, and W. F. Todd. A Method of Interpreting Stack Sampling Data, Paper presented at the 63d Annual Meeting of the Air Pollution Control Association, St. Louis, Mo., June 14–19, 1970.

7.5 Smith, W. S., et al., Stack Gas Sampling Improved and Simplified with New Equipment, APCA paper No. 67–119, 1967.

7.6 Specifications for Incinerator Testing at Federal Facilities, PHS, NCAPC, 1967.

7.7 Shigehara, R. T., Adjustments in the EPA Nomograph for Different Pitot Tube Coefficients and Dry Molecular Weights, Stack Sampling News 2:4–11, Oct. 1974.

METHOD 6—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES

1. Principle and Applicability.

1.1 Principle. A gas sample is extracted from the sampling point in the stack. The acid mist (including sulfur trioxide) and the sulfur dioxide are separated. The sulfur dioxide fraction is measured by the barium-thorin titration method.

1.2 Applicability. This method is applicable for the determination of sulfur dioxide emissions from stationary sources. The minimum detectable limit of the method has been determined to be 3.4 mg of SO_2/m^3 (2.1×10^{-7} lb/ft^3). No upper limit has been established.

2. Apparatus.

2.1 Sampling. See Figure 6-1.

2.1.1 Probe—Borosilicate glass, approximately 5 to 6 mm ID, with a heating system to prevent water condensation and equipped with a filter (either in-stack or heated out-stack) to remove particulate matter including sulfuric acid mist.

2.1.2 Bubbler and impingers—One midget bubbler, with medium coarse glass frit and borosilicate or quartz glass wool packed in top (see Figure 6-1) to prevent sulfuric acid mist carryover; and three midget impingers, each with 30 ml capacity, or equivalent. The bubbler and midget impingers shall be connected in series with leak free glass connectors. Silicone grease may be used, if necessary, to prevent leakage.

2.1.3 Glass wool-Borosilicate or quartz.

calibrate the rotameter, pitot tube, dry gas

7.5 Rom, J. J., Maintenance, Calibration,

1.2 Applicability. This method is appli-

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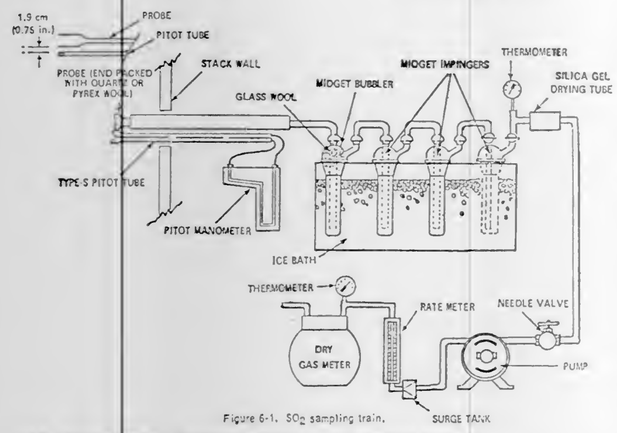

Figure 6-1. SO_2 sampling train.

2.1.4 Stopcock grease—Aceteone insoluble, heat stable silicone grease may be used, if necessary.

2.1.5 Drying tube—Tube packed with 6 to 16 mesh indicating-type silica gel, or equivalent, to dry the gas sample and to protect the meter and pump.

2.1.6 Valve—Needle valve, to regulate sample gas flow rate.

2.1.7 Pump—Leak free diaphragm pump, or equivalent, to pull gas through the train.

2.1.8 Volume meter—Dry gas meter, sufficiently accurate to measure the sample volume within 2 percent, calibrated over the range of flow rates and conditions actually used during sampling and equipped with a temperature gauge (dial thermometer, or equivalent).

2.1.9 Flow Meter—Rotameter, or equivalent, to measure flow range from 0–2 lpm (0 to 5 cfh).

2.1.10 Pitot tube—Type S, or equivalent, attached to probe to allow constant monitoring of the stack gas velocity so that the sampling flow rate can be regulated proportional to the stack gas velocity. The tips of the probe and pitot tube shall be adjacent to each other and the free space between them shall be about 1.9 cm (0.75 in.). When used with this method, the pitot tube need not be calibrated.

The pitot tube shall be equipped with an inclined manometer, or equivalent device, capable of measuring velocity head to within 10 percent of the minimum measured value or ±0.013 mm (0.0005 in.), whichever is greater.

2.1.11 Temperature gauge—Dial thermometer, or equivalent, to measure temperature of gas leaving impinger train to within 1° C (2° F).

2.1.12 Barometer—Mercury, aneroid, or other barometer capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.1.13 Vacuum gauge—At least 760 mm Hg (30 in. Hg) gauge, to be used for the sampling train leak check.

2.2 Sample recovery.

2.2.1 Wash bottles—Polyethylene or glass, 500 ml, two.

2.2.2 Storage bottles—Polyethylene, 100 ml, to store impinger samples (one per sample).

2.3 Analysis.

2.3.1 Pipettes—Volumetric type, 5 ml size, 20 ml size (one per sample), and 25 ml size.

2.3.2 Volumetric flasks—100 ml size (one per sample) and 1000 ml sizes.

2.3.3 Burettes—5 ml and 50 ml sizes.

2.3.4 Erlenmeyer flasks—250 ml size (one for each sample, blank, and standard).

2.3.5 Dropping bottle—125 ml size, to add indicator.

2.3.6—Graduated cylinder—100 ml size.

3. *Reagents.*

Unless otherwise indicated, it is intended that all reagents conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society, where such specifications are available; otherwise use best available grade.

3.1 Sampling.

3.1.1 Water—Deionized, distilled to conform to ASTM specification D1193–72, Type 3.

3.1.2 Isopropanol, 80 percent—Mix 80 ml of isopropanol with 20 ml of deionized, distilled water.

3.1.3 Hydrogen peroxide, 3 percent—Dilute 30 percent hydrogen peroxide 1:9 (v/v) with deionized, distilled water (30 ml is needed per sample). Prepare fresh daily.

3.2 Sample recovery.

3.2.1 Water—Deionized, distilled, as in 3.1.1.

3.2.2 Isopropanol, 80 percent—Mix 80 ml of isopropanol with 20 ml of deionized, distilled water.

3.3 Analysis.

3.3.1 Water—Deionized, distilled, as in 3.1.1.

3.3.2 Isopropanol, 100 percent.

3.3.3 Thorin indicator—1-(o-arsonophenylazo)-2-naphtol-3, 6-disulfonic acid, disodium salt, or equivalent. Dissolve 0.20 g in 100 ml of deionized, distilled water.

3.3.4 Barium perchlorate solution, 0.01 N—Dissolve 1.95 g of barium perchlorate trihydrate [$Ba(ClO_4)_2 \cdot 3H_2O$] in 200 ml distilled water and dilute to 1 liter with isopropanol. $BaCl_2 \cdot 2H_2O$ (1.22 g) may also be used. Standardize as in section 5.2.

3.3.5 Sulfuric acid standard, 0.01 N—Purchase or standardize to ±0.0002 N against 0.01 N NaOH which has previously been standardized against potassium acid phthalate (primary standard grade).

4. *Procedure.*

4.1 Sampling.

4.1.1 Preparation of collection train. Measure 15 ml of 80 percent isopropanol into the midget bubbler and 15 ml of 3 percent hydrogen peroxide into each of the first two midget impingers. Leave the final midget impinger dry. Assemble the train as shown in Figure 6–1. Adjust probe heater to operating temperature. Place crushed ice and water around the impingers. Leak check the sampling train just prior to use at the sampling site by placing a vacuum gauge at the inlet to the first impinger and pulling a vacuum of at least 250 mm Hg (10 in. Hg), plugging or pinching off the outlet of the flowmeter, and then turning off the pump. The vacuum shall remain stable for at least one minute. Carefully release the vacuum gauge before releasing the flowmeter end. Connect the probe.

4.1.2 Sample collection. Record the initial dry gas meter reading and barometric pressure. To begin sampling, position the tip of the probe at the sampling point and start the pump. Adjust the sample flow to a rate of approximately 1 lpm as indicated by the rotameter. Sample at a rate that is proportional (within 20 percent of the average

$$V_m/\sqrt{\Delta P}$$

to the stack gas velocity throughout the run. Take readings (dry gas meter, temperatures at dry gas meter and at impinger outlet, rate meter, and velocity head) at least every five minutes and when significant changes (20 percent variation in velocity head readings) in stack conditions necessitate additional adjustments in sample flow rate. Add more ice during the run to keep the temperature of the gases leaving the last impinger at 20° C (68° F) or less. At the conclusion of each run, turn off the pump, remove probe from the stack, and record the final readings. Conduct a leak check as before. If excessive leakage rate is found void the test run. Remove the probe from the stack and disconnect it from the train. Drain the ice bath and purge the remaining part of the train by drawing clean ambient air through the system for 15 minutes at the sampling rate.

NOTE.—Clean ambient air can be provided by passing air through a charcoal filter or through an extra midget impinger with 15 ml 3 percent H_2O_2. The tester may option to simply use the ambient air.

4.2 Sample recovery. Disconnect the impingers after purging. Discard the contents of the midget bubbler. Pour the contents of the midget impingers into a leak-free polyethylene bottle for shipment. Rinse the three midget impingers and the connecting tubes with deionized, distilled water and add the washings to the same storage container. Mark the fluid level. Seal and identify the sample container.

4.3 Sample analysis. Note level of liquid in container and confirm whether or not any sample was lost during shipment by noting this on analytical data sheet.

NOTE.—Protect the 0.01 N barium perchlorate solution from evaporation at all times.

Transfer the contents of the storage container to a 100 ml volumetric flask and dilute to exactly 100 ml with deionized, distilled water. Pipette a 20 ml aliquo of this solution into a 250 ml Erlenmeyer flask, add 80 ml of isopropanol, two to four drops of thorin indicator and titrate to a pink endpoint using 0.01 N barium perchlorate. Repeat and average the titration volumes. Run a blank with each series of samples. Replicate titrations shall agree within 1 percent.

5. *Calibration.*

5.1 Use methods and equipment as specified in Methods 2 and 5 and APTD–0576 to calibrate the rotameter, pitot tube, dry gas meter, barometer, and thermometers.

5.2 Standardize the barium perchlorate solution against 25 ml of standard sulfuric acid to which 100 ml of isopropanol has been added.

6. *Calculations.*

Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

6.1 Nomenclature.

C_{SO_2} = Concentration of sulfur dioxide, dry basis corrected to standard conditions, mg/dscm (lb/dscf)

N = Normality of barium perchlorate titrant, milliequivalents/ml

P_{bar} = Barometric pressure at the exit orifice of the dry gas meter, mm Hg (in. Hg)

P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg)

T_m = Average dry gas meter absolute temperature, °K (°R)

T_{std} = Standard absolute temperature, 293° K (528° R)

V_a = Volume of sample aliquot titrated, ml

V_m = Dry gas volume as measured by the dry gas meter, dcm (dcf)

$V_{m(std)}$ = Dry gas volume measured by the dry gas meter, corrected to standard conditions, dscm (dscf)

V_{soln} = Total volume of solution in which the sulfur dioxide sample is contained, 100 ml

V_t = Volume of barium perchlorate titrant used for the sample, ml (average of replicate titrations)

V_{tb} = Volume of barium perchlorate titrant used for the blank, ml

32.03 = Equivalent weight of sulfur dioxide

6.2 Dry sample gas volume, corrected to standard conditions.

$$V_{m(std)} = V_m \frac{T_{std}}{T_m} \frac{P_{bar}}{P_{std}} = K \frac{V_m P_{bar}}{T_m}$$

Equation 6–1

where:

K = 0.3855 °K/mm Hg for metric units
= 17.65 °R/in. Hg for English units

6.3 Sulfur dioxide concentration.

$$C_{SO_2} = K \frac{(V_t - V_{tb}) N \left(\frac{V_{soln}}{V_a}\right)}{V_{m(std)}}$$

Equation 6–2

where:

K = 32.03 mg/meq. for metric units
$= 7.05 \times 10^{-5} \frac{(lb)(l)}{(g)(ml)}$ for English units

7. *References.*

7.1 Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, U.S. DHEW, PHS, Division of Air Pollution, Public Health Service Publication No. 999–AP–13, Cincinnati, Ohio, 1965.

7.2 Corbett, P. F., The Determination of SO_2 and SO_3 in Flue Gases, Journal of the Institute of Fuel, 24, 237–243, 1961.

7.3 Matty, R. E. and E. K. Diehl, Measuring Flue-Gas SO_2 and SO_3, Power 101:94–97, November 1957.

7.4 Patton, W. F. and J. A. Brink, Jr., New Equipment and Techniques for Sampling Chemical Process Gases, J. Air Pollution Control Association, 13, 162 (1963).

7.5 Rom, J. J., Maintenance, Calibration, and Operation of Isokinetic Source-Sampling Equipment. Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C., March 1972. APTD–0576.

7.6 Hamil, H. F. and Camann, D. E., Collaborative Study of Method for the Determination of Sulfur Dioxide Emissions From Stationary Sources. Prepared for Methods Standardization Branch, Quality Assurance and Environmental Monitoring Laboratory, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

7.7 Annual Book of ASTM Standards. Part 23; Water, Atmospheric Analysis. pp. 203–205. American Society for Testing and Materials, Philadelphia, Penna. (1972).

METHOD 7—DETERMINATION OF NITROGEN OXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and Applicability.*

1.1 Principle. A grab sample is collected in an evacuated flask containing a dilute sulfuric acid-hydrogen peroxide absorbing solution, and the nitrogen oxides, except nitrous oxide, are measured colormetrically using the phenoldisulfonic acid (PDS) procedure.

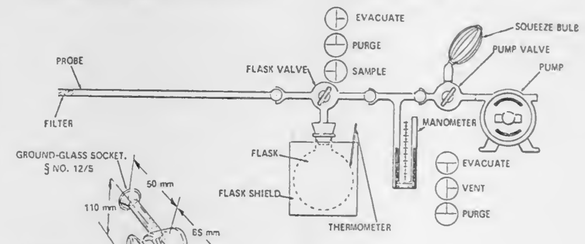

Figure 7-1. Sampling train, flask valve, and flask.

2.1.5 Vacuum line—Tubing capable of withstanding a vacuum of 75 mm Hg (3 in. Hg) absolute pressure, with "T" connection and T-bore stopcock.

2.1.6 Pressure gauge—U-tube monometer, 1-meter, with 1-mm (36-in., with 0.1-in.) divisions, or equivalent.

2.1.7 Pump—Capable of evacuating the collection flask to a pressure equal to or less than 75 mm Hg (3 in. Hg) absolute.

2.1.8 Squeeze bulb—One-way

2.1.9 Volumetric pipette—25-ml.

2.1.10 Stopcock and ground joint grease—A high vacuum, high temperature chlorofluorocarbon grease is required. Halocarbon [1] 25–5S has been found to be effective.

2.1.11 Barometer—Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which case the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.2 Sample recovery.

2.2.1 Graduated cylinder—50-ml with 1-ml divisions.

2.2.2 Storage container—Leak-free polyethylene bottles.

2.2.3 Wash bottle—polyethylene or glass.

2.2.4 Glass stirring rod.

2.2.5 pH indicating test paper—To cover the pH range of 7–14.

2.3 Analysis.

2.3.1 Volumetric pipettes—Two 1-ml, two 2-ml, one 3-ml, one 4-ml and two 10-ml, and one 25-ml for each sample and standard.

2.3.2 Porcelain evaporating dishes. 175 to 250-ml capacity with lip for pouring, one for

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

1.2 Applicability. This method is applicable to the measurement of nitrogen oxides emitted from stationary sources. The range of the method has been determined to be 2 to 400 milligrams NO_x as NO_2 per dry standard cubic meter without having to dilute the sample.

2. *Apparatus.*

2.1 Sampling (See Figure 7–1).

2.1.1 Probe—Borosilicate glass tubing sufficiently heated to prevent water condensation and equipped with a filter (either in-stack or heated out of stack) to remove particulate matter. Heating is unnecessary if the probe remains dry during the purging period.

2.1.2 Collection flask—Two-liter borosilicate, round bottom with short neck and 24/40 standard taper opening, protected against implosion or breakage.

2.1.3 Flask valve—T-bore stopcock connected to a 24/40 standard taper joint.

2.1.4 Temperature gauge—Dial-type thermometer, or equivalent, capable of measuring 1° C (2° F) intervals from −5 to 50° C (25 to 125° F).

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each sample and each standard. The Coors[1] #45006 (shallow-form, 195 ml) has been found to be satisfactory.

2.3.3 Steam bath. (A hot plate is not acceptable.)

2.3.4 Dropping pipette or dropper—Three required.

2.3.5 Polyethylene policeman—One for each sample and each standard.

2.3.6 Graduated cylinder—100-ml with 1-ml divisions.

2.3.7 Volumetric flasks—50-ml (one for each sample), 100-ml (one for each sample, each standard and one for the working standard KNO_3 solution), and one 1000-ml.

2.3.8 Spectrophotometer—To measure absorbance at 410 nm.

2.3.9 Graduated pipette—10-ml, with 0.1-ml divisions.

2.3.10 pH indicating test paper—To cover the pH range of 7–14.

2.3.11 Analytical balance—To measure to 0.1 mg.

3. *Reagents.*

Unless otherwise indicated, it is intended that all reagents conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society, where such specifications are available; otherwise, use best available grade.

3.1 Sampling.

3.1.1 Absorbing solution—Cautiously add 2.8 ml concentrated H_2SO_4 to 1 liter of deionized, distilled water. Mix well and add 6 ml of 3 percent hydrogen peroxide, freshly prepared from 30 percent hydrogen peroxide solution. The solution should be used within one week of its preparation. Do not expose to extreme heat or direct sunlight.

3.2 Sample recovery.

3.2.1 Sodium hydroxide (1N)—Dissolve 40 g NaOH in deionized, distilled water and dilute to 1 liter.

3.2.2 Water—Deionized, distilled to conform to ASTM specifications D1193–72, Type 3.

3.3 Analysis.

3.3.1 Fuming sulfuric acid—15 to 18 percent by weight free sulfur trioxide. Handle with caution.

3.3.2 Phenol—White solid.

3.3.3 Sulfuric acid—Concentrated, 95 percent minimum assay. Handle with caution.

3.3.4 Potassium nitrate—Dried at 105–110° C for a minimum of two hours just prior to preparation of standard solution.

3.3.5 Standard solution—Dissolve exactly 2.1980 g of dried potassium nitrate (KNO_3) in deionized, distilled water and dilute to 1 liter with deionized, distilled water in a 1000-ml volumetric flask. For the working standard solution, dilute 10 ml of the standard solution to 100 ml with deionized distilled water. One ml of the working standard solution is equivalent to 100 μg nitrogen dioxide (NO_2).

3.3.6 Water—Deionized, distilled as in section 3.2.2.

3.3.7 Phenoldisulfonic acid solution—Dissolve 25 g of pure white phenol in 150 ml concentrated sulfuric acid on a steam bath. Cool, add 75 ml fuming sulfuric acid, and heat at 100° C (212° F) for 2 hours. Store in a dark, stoppered bottle.

4. *Procedure.*

4.1 Sampling.

4.1.1 Pipette 25 ml of absorbing solution into a sample flask, retaining a sufficient quantity for use in preparing the calibration standards. Insert the flask valve stopper into the flask with the valve in the "purge" position. Assemble the sampling train as shown in figure 7–1 and place the probe at the sampling point. Make sure that all fittings are tight and leak free, and that all ground glass joints have been properly greased with a high vacuum, high temperature chlorofluorocarbon-based stopcock grease. Turn the flask valve and the pump valve to their "evacuate" positions. Evacuate the flask to 75 mm Hg (3 in. Hg) absolute pressure, or less. Evacuation to a lower pressure (approaching the vapor pressure of water at the existing temperature) is even more desirable. Turn the pump valve to its "vent" position and turn off the pump. Check for leakage by observing the manometer for any pressure fluctuation. (Any variation greater than 10 mm Hg (0.4 in. Hg) over a period of 1 minute is not acceptable, and the flask is not to be used until the leakage problem is corrected. Pressure in the flask is not to exceed 75 mm Hg (3 in. Hg) absolute at the time sampling is commenced.) Record the volume of the flask and valve (V_f), the flask temperature (T_f), and the barometric pressure. Turn the flask valve counterclockwise to its "purge" position and do the same with the pump valve. Purge the probe and the vacuum tube using the squeeze bulb. If condensation occurs in the probe and the flask valve area, heat the probe and purge until the condensation disappears. Then turn the pump valve to its "vent" position. Turn the flask valve clockwise to its "evacuate" position and record the difference in the mercury levels in the manometer. The absolute internal pressure in the flask (P_i) is equal to the barometric pressure less the manometer reading. Immediately turn the flash valve to the "sample" position and permit the gas to enter the flask until pressures in the flask and sample line (i.e., duct, stack) are virtually equal. This will usually require about 15 seconds. A longer period indicates a "plug" in the probe which must be corrected before sampling is continued. After collecting the sample, turn the flask valve to its "purge" position and disconnect the flask from the sampling train. Shake the flask for at least 5 minutes.

4.1.2 If the gas being sampled contains insufficient oxygen for the conversion to NO to NO_2, e.g. an applicable subpart of the standard may require taking a sample of a calibration gas mixture of NO in N_2, then oxygen shall be introduced into the flask to permit this conversion. Oxygen may be introduced into the flask by one of three methods: (1) Before evacuating the sampling flask flush with pure cylinder oxygen (then evacuate flash to 75 mm Hg (3 in. Hg) absolute pressure or less); or (2) inject oxygen into the flask after sampling; or (3) sampling may be terminated with a minimum of 50 mm Hg (2 in. Hg) vacuum remaining in the flask, recording this final pressure and then venting the flask to the atmosphere until the flask pressure is almost equal to atmospheric pressure.

4.2 Sample recovery.

4.2.1 Let the flask set for a minimum of 16 hours and then shake the contents for 2 minutes. Connect the flask to a mercury filled U-tube manometer, open the valve from the flask to the manometer, and record the flash temperature (T_f), the barometric pressure and the difference between the mercury levels in the manometer. The absolute internal pressure in the flask (P_f) is the barometric pressure less the manometer reading. Transfer the contents of the flask to a leak-free polyethylene bottle. Rinse the flask twice with 5-ml portions of deionized, distilled water and add the rinse water to the bottle. Adjust the pH to 9–12 by adding sodium hydroxide (1 N) dropwise (about 25 to 35 drops). Check the pH by dipping a stirring rod into the solution and then touching it to the pH test paper. Remove as little material as possible during this step. Mark the height of the liquid level to determine whether or not leakage occurred during transport. Label container to clearly identify its contents. Seal the container for shipping.

4.3 Analysis.

4.3.1 Note level of liquid in container and confirm whether or not any sample was lost during shipment by noting this on analytical data sheet. Transfer the contents of the shipping container to a 50-ml volumetric flask, rinse the container twice with 5-ml portions of deionized, distilled water, add the rinse water to the flask and dilute to the mark with deionized, distilled water. Mix thoroughly and pipette a 25-ml aliquot into the porcelain evaporating dish. Evaporate the solution to dryness on a steam bath and allow to cool. (Use only a steam bath—a hot plate is not acceptable.) Add 2 ml phenoldisulfonic acid solution to the dried residue and triturate thoroughly with a polyethylene policeman. Make sure the solution contacts all the residue. Add 1 ml deionized, distilled water and four drops of concentrated sulfuric acid. Heat the solution on a steam bath for 3 minutes with occasional stirring. Cool, add 20 ml deionized, distilled water, mix well by stirring and add concentrated ammonium hydroxide dropwise with constant stirring until pH is 10 (as determined by pH paper). If the sample contains solids, filter through Whatman No. 41 filter paper into a 100-ml volumetric flask; rinse the evaporating dish with three 5-ml portions of deionized, distilled water and add these to the filter. Wash the filter with at least three 15-ml portions of deionized, distilled water. Add the filter washings to the contents of the volumetric flask and dilute to the mark with deionized, distilled water. If solids are absent, transfer the solution directly to the 100-ml volumetric flask and dilute to the mark with deionized, distilled water. Mix thoroughly and measure the absorbance at 410 nm using the blank solution as a zero reference. Dilute the sample and the blank with a suitable amount of deionized, distilled water if absorbance exceeds A_4, the absorbance of the 400 μg NO_2 standard (See section 5.3).

5. *Calibration.*

5.1 Flask volume. Assemble the flask and flask valve and fill with water to the stopcock. Measure the volume of water to±10 ml. Number and record the volume on the flask.

5.2 Spectrophotometer calibration. Add 0.0 ml, 1.0 ml, 2.0 ml, 3.0 ml and 4.0 ml of the KNO_3 Working standard solution (1 ml=100 μg NO_2) to a series of five porcelain evaporating dishes. To each, add 25 ml of absorbing solution, 10 ml deionized, distilled water and sodium hydroxide (1 N) dropwise until the pH is 9–12 (about 25 to 35 drops each). Beginning with the evaporation step, follow the analysis procedure of Section 4.3 to collect the data necessary to calculate the calibration factor (Section 5.3). This calibration procedure must be repeated on each day that samples are analyzed.

5.3 Determination of spectrophotometer calibration factor K_e.

$$K_e = 100\,\frac{A_1+2A_2+3A_3+4A_4}{A_1^2+A_2^2+A_3^2+A_4^2}$$

Equation 7–1

where:

K_e = Calibration factor
A_1 = Absorbance of the 100 μg NO_2 standard
A_2 = Absorbance of the 200 μg NO_2 standard
A_3 = Absorbance of the 300 μg NO_2 standard
A_4 = Absorbance of the 400 μg NO_2 standard

5.4 Barometer. Calibrate against a mercury barometer.

5.5 Temperature gauge. Calibrate dial thermometers against mercury-in-glass thermometers.

6. *Calculations.*

Carry out the calculations, retaining at lease one extra decimal figure beyond that of the acquired data. Round off figures after final calculations.

6.1 Nomenclature.

A = Absorbance of sample
C = Concentration of NO_x as NO_2, dry basis, corrected to standard conditions, mg/dscm (lb/dscf)
F = Dilution factor (i.e., 25/5, 25/10, etc, required only if sample dilution was needed to reduce the absorbance into the range of calibration)
K_e = Spectrophotometer calibration factor
m = Mass of NO_x as NO_2 in gas sample, μg
P_f = Final absolute pressure of flask, mm Hg (in. Hg)
P_i = Initial absolute pressure of flask, mm Hg (in. Hg)
P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg)
T_f = Final absolute temperature of flask, °K (°R)
T_i = Initial absolute temperature of flask, °K (°R)
T_{std} = Standard absolute temperature, 293° K (528° R)
V_{sc} = Sample volume at standard conditions (dry basis), ml
V_f = Volume of flask and valve, ml
V_a = Volume of absorbing solution, 25 ml
2 = 50/25, the aliquot factor. (If other than a 25-ml aliquot was used for analysis, the corresponding factor must be substituted.)

6.2 Sample volume, dry basis, corrected to standard conditions.

$$V_{sc} = \frac{T_{std}}{P_{std}}\,(V_f - V_a)\left[\frac{P_f}{T_f} - \frac{P_i}{T_i}\right]$$

$$= K(V_f - 25\text{ ml})\left[\frac{P_f}{T_f} - \frac{P_i}{T_i}\right]$$

Equation 7–2

Where:

$$K = 0.3855\,\frac{°K}{\text{mm Hg}} \text{ for metric units}$$

$$= 17.65\,\frac{°R}{\text{in. Hg}} \text{ for English units}$$

6.3 Total μg NO_2 per sample.

$$m = 2K_eAF \quad \text{Equation 7–3}$$

NOTE.—If other than a 25-ml aliquot is used for analyses, the factor 2 must be substituted by a corresponding factor.

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

6.4 Sample concentration, dry basis, corrected to standard conditions.

$$C = K\,\frac{m}{V_{sc}} \quad \text{Equation 7–4}$$

where:

$$K = 10^3\,\frac{(\text{ml})\ (\text{mg})}{(\text{m}^3)\ (\mu\text{g})} \text{ for metric units}$$

$$= 6.243\times10^{-5}\,\frac{\text{lb/scf}}{\mu\text{g/ml}} \text{ for English units}$$

7. *References.*

7.1 Standard Methods of Chemical Analysis. 6th ed. New York, D. Van Nostrand Co., Inc., 1962, vol. 1, p. 329–330.

7.2 Standard Mohte dofteTst:uaE*Ni

7.2 Standard Method of Test for Oxides of Nitrogen in Gaseous Combustion Products (Phenoldisulfonic Acid Procedure), In: 1968 Book of ASTM Standards, Part 23, Philadelphia, Pa., 1968, ATSM Designation D–1608–60, p. 725–729.

7.3 Jacob, M. B., The Chemical Analysis of Air Pollutants, New York, N.Y., Interscience Publishers, Inc., 1960, vol. 10, p. 351–356.

7.4 Beatty, R. L., Berger, L. B. and Schrenk, H. H., Determination of Oxides of Nitrogen by the Phenoldisulfonic Acid Method, R. I. 3687, Bureau of Mines, U.S. Dept. Interior, February (1943).

7.5 Hamil, H. F., and Camann, D. E., Collaborative Study of Method for the Determination of Nitrogen Oxide Emissions from Stationary Sources (Fossil Fuel-Fired Steam Generators), Southwest Research Institute report for Environmental Protection Agency. October 5, 1973.

7.6 Hamil, H. F., and Thomas, R. E., Collaborative Study of Method for the Determination of Nitrogen Oxide Emissions from Stationary Sources (Nitric Acid Plants), Southwest Research Institute report for Environmental Protection Agency, May 8, 1974.

METHOD 8—DETERMINATION OF SULFURIC ACID MIST AND SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and Applicability.*

1.1 Principle. A gas sample is extracted isokinetically from the stack. The acid mist (including sulfur trioxide) and the sulfur dioxide are separated and both fractions are measured separately by the barium-thorin titration method.

1.2 Applicability. This method is applicable for the determination of sulfuric acid mist (including sulfur trioxide) in the absence of other particulate matter and for sulfur dioxide from stationary sources. Collaborative tests have shown that the minimum detectable limits of the method are 0.05 mg/m³ (0.03×10^{-7} lb/ft³) for sulfur trioxide and 1.2 mg/m³ (0.74×10^{-7} lb/ft³) for sulfur dioxide. No upper limits have been established.

2. *Apparatus*

2.1 Sampling. A schematic of the sampling train used in this method is shown in Figure 8–1; it is similar to the Method 5 train except that the filter position is different and heating of the filter holder is not required. Commercial models of this train are available. However, if one desires to build his own, complete construction details are described in APTD–0581; for changes from the APTD–0581 document and for allowable modifications to Figure 8–1, see the following subsections.

atmospheric pressure to within 2.5 mm Hg

3.3.4 Barium perchlorate (0.01 N)—Dis-

tion 4.1.3, except for the second paragraph drawing clean ambient air through the sys-

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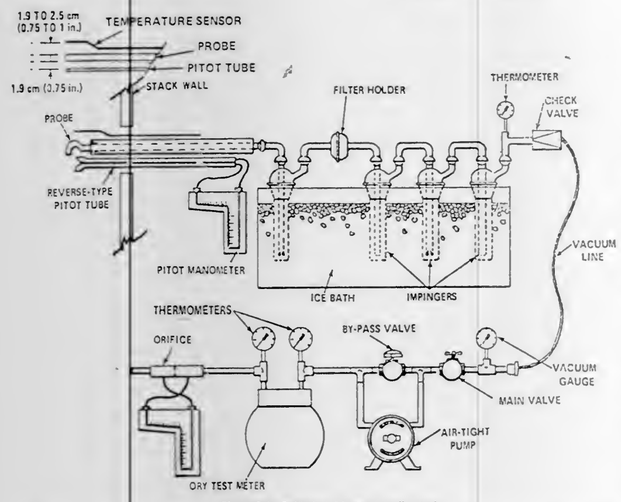

Figure 8-1. Sulfuric acid mist sampling train.

The operating and maintenance procedures for the sampling train are described in APTD–0576. Since correct usage is important in obtaining valid results, all users should read the APTD–0576 document and adopt the operating and maintenance procedures outlined in it, unless otherwise specified herein. Further details and guidelines on operation and maintenance are given in Method 5 and should be read and followed whenever they are applicable.

2.1.1 Probe nozzle—Stainless steel (316) with sharp, tapered leading edge. The angle of taper shall be ≤ 30° and the taper shall be on the outside to preserve a constant internal diameter. The probe nozzle shall be of the button-hook or elbow design, unless otherwise specified by the Administrator. The nozzle shall be constructed from seamless stainless steel tubing. Other configurations and construction material may be used with approval from the Administrator.

A range of sizes suitable for isokinetic sampling should be available, e.g., 0.32 cm (⅛ in.) up to 1.27 cm (½ in.) (or larger if higher volume sampling trains are used) inside diameter (ID) nozzles in increments of 0.16 cm (1/16 in.). Each nozzle shall be calibrated according to the procedures outlined in the calibration section.

2.1.2. Probe liner—Borosilicate or quartz glass, with a heating system to prevent visible condensation during sampling.

2.1.3 Pitot tube—Type S, or other device approved by the Administrator, attached to probe to allow constant monitoring of the stack gas velocity. The face openings of the pitot tube and the probe nozzle shall be adjacent and parallel to each other, not necessarily on the same plane, during sampling. The free space between the nozzle and pitot tube shall be at least 1.9 cm (0.75 in.). The free space shall be set based on a 1.3 cm (0.5 in.) ID nozzle. If the sampling train is designed for sampling at higher flow rates than that described in APTD–0581, thus necessitating the use of larger sized nozzles, the largest sized nozzle shall be used to set the free space.

The pitot tube must also meet the criteria specified in Method 2 and be calibrated according to the procedure in the calibration section of that method.

2.1.4 Differential pressure gauge—Inclined manometer capable of measuring velocity head to within 10 percent of the minimum measured value or ±0.013 mm (0.0005 in.), whichever is greater. Below a differential pressure of 1.3 mm (0.05 in.) water gauge, micromanometers with sensitivities of 0.013 mm (0.0005 in.) should be used. However, micromanometers are not easily adaptable to field conditions and are not easy to use with pulsating flow. Thus, methods or other devices acceptable to the Administrator may be used when conditions warrant.

2.1.5 Filter holder—Borosilicate glass with a glass frit filter support and a silicone rubber gasket. Other materials of construction may be used with approval from the Administrator. The holder design shall provide a positive seal against leakage from the outside or around the filter.

2.1.6 Impingers—Four as shown in Figure 8–1. The first and third shall be of the Greenburg-Smith design with standard tips. The second and fourth shall be of the Greenburg-Smith design, modified by replacing the insert with an approximately 13 mm (0.5 in.) ID glass tube, having an unconstricted tip located 13 mm (0.5 in.) from the bottom of the flask. Similar collection systems, which have been approved by the Administrator may be used.

2.1.7 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 3° C (5.4° F), dry gas meter with 2 percent accuracy, and related equipment, or equivalent, as required to maintain an isokinetic sampling rate and to determine sample volume. When the metering system is used in conjunction with a pitot tube, the system shall enable checks of isokinetic rates.

2.1.8 Barometer—Mercury, aneroid, or other barometers capable of measuring atmospheric pressure to within 2.5 mm Hg (0.1 in. Hg). In many cases, the barometric reading may be obtained from a nearby weather bureau station, in which the station value (which is the absolute barometric pressure) shall be requested and an adjustment for elevation differences between the weather station and sampling point shall be applied at a rate of minus 2.5 mm Hg (0.1 in. Hg) per 30 m (100 ft) elevation increase or vice versa for elevation decrease.

2.1.9 Temperature gauge—Thermometer, or equivalent, to measure temperature of gas leaving impinger train to within 3° C (5° F).

2.2 Sample recovery.

2.2.1 Wash bottles—Polyethylene or glass, 500 ml. (two).

2.2.2 Graduated cylinders—250 ml, 1 liter. (Volumetric flasks may also be used.)

2.2.3 Storage bottles—Leak-free polyethylene bottles, 1000 ml size. (Two for each sampling run.)

2.3 Analysis.

2.3.1 Pipette—Volumetric 25 ml, 100 ml.

2.3.2 Burette—50 ml.

2.3.3 Erlenmeyer flask—250 ml. (One for each sample blank and standard.)

2.3.4 Graduated cylinder—100 ml.

2.3.5 Trip balance—300 g capacity, to measure to ±0.5 g.

2.3.6 Dropping bottle—to add indicator solution, 125 ml size.

3. *Reagents.*

Unless otherwise indicated, it is intended that all reagents conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society, where such specifications are available; otherwise use best available grade.

3.1 Sampling.

3.1.1 Filters—Glass fiber filters, without organic binder exhibiting at least 99.95 percent efficiency (≤0.05 percent penetration) on 0.3 micron dioctyl phthalate smoke particles. The filter efficiency test shall be conducted in accordance with ASTM standard method D 2986–71. Test data from the supplier's quality control program is sufficient for this purpose.

3.1.2. Silica gel—Indicating type, 6–16 mesh. If previously used, dry at 175° C (350° F) for 2 hours. New silica gel may be used as received.

3.1.3 Water—Deionized, distilled, to conform to ASTM specifications D1193–72, Type 3.

3.1.4 Isopropanol, 80 percent—Mix 800 ml of isopropanol with 200 ml of deionized distilled water.

NOTE.—Experience has shown that only A.C.S. grade isopropanol is satisfactory.

3.1.5 Hydrogen peroxide, 3 percent—Dilute 100 ml of 30 percent hydrogen peroxide to 1 liter with deionized, distilled witer. Prepare fresh daily.

3.1.6 Crushed iced.

3.2 Sample recovery.

3.2.1 Water—Deionized, distilled, to conform to ASTM specifications D1193–72, Type 3.

3.2.2 Isopropanol, 80 percent—Mix 800 ml of isopropanol with 200 ml of deionized distilled water.

NOTE.—Experience has shown that only A.C.S. grade isopropanol is satisfactory.

3.3 Analysis.

3.3.1 Water—Deionized, distilled, to conform to ASTM specifications D1193–72, Type 3.

3.3.2 Isopropanol, 100 percent.

3.3.3 Thorin indicator—1-(o-arsonophenylazo)-2-naphthol-3, 6-disulfonic acid, disodium salt, or equivalent. Dissolve 0.20 g in 100 ml of deionized distilled water.

3.3.4 Barium perchlorate (0.01 N)—Dissolve 1.95 g of barium perchlorate trihydrate ($Ba(ClO_4)_2 \cdot 3H_2O$) in 200 ml deionized distilled water and dilute to 1 liter with isopropanol. Standardize with sulfuric acid as in Section 5.2. This solution must be protected against evaporation at all times. ($BaCl_2$ may also be used.)

3.3.5 Sulfuric acid standard (0.01 N)—Purchase or standardize to ±0.0002 N against 0.01 N NaOH which has previously been standardized against primary standard potassium acid phthalate.

4. *Procedure.*

4.1 Sampling.

4.1.1 Pretest preparation—Follow the procedure outlined in Method 5, Section 4.1.1, except that the filter need not be weighed or identified. If the effluent gas is considered to be dry, i.e., moisture free, the silica gel need not be weighed.

4.1.2 Preliminary determinations—Follow the procedure outlined in Method 5, Section 4.1.2.

4.1.3 Preparation of collection train—Follow the procedure outlined in Method 5, Section 4.1.2.

4.1.3 Preparation of collection train—Follow the procedure outlined in Method 5, Section 4.1.3, except for the second paragraph and use Figure 8–1 instead of Figure 5–1. Replace the second paragraph with: Place 100 ml of 80 percent isopropanol in the first impinger, 100 ml of 3 percent hydrogen peroxide in both the second and third impingers, and about 200 g of silica gel in the fourth impinger. Retain a portion of the reagents for use as blank solutions.

4.1.4 Leak-check procedure—Follow the procedure outlined in Method 5, Section 4.1.4, except that the probe heater shall be adjusted to the minimum temperature required to prevent condensation.

4.1.5 Train operation—Follow the procedure outlined in Method 5, Section 4.1.5, except record the data required on the example sheet shown in Figure 8–2. During the sampling period, observe the line between the probe and the first impinger for signs of condensation. If it occurs, adjust the probe heater setting upward to the minimum temperature required to prevent condensation. After turning off the pump and recording the final readings at the conclusion of each run, remove the probe from the stack and disconnect it from the train. Drain the ice bath and purge the remaining part of the train by drawing clean ambient air through the system for 15 minutes at the average flow rate used for sampling.

NOTE.—Clean ambient air can be provided by passing air through a charcoal filter.

4.2 Sample recovery.

4.2.1 Container No. 1—Transfer the contents of the first impinger to a 250 ml graduated cylinder. Rinse the probe, first impinger, and all connecting glassware before the filter with 80 percent isopropanol. Add the rinse solution to the cylinder. Dilute to 250 ml with 80 percent isopropanol. Add the filter to the solution, mix, and transfer to the storage container. Protect the solution against evaporation. Mark the level of liquid on container and identify the sample container.

4.2.2 Container No. 2—Transfer the solutions from the second and third impingers to a 1000 ml graduated cylinder. Rinse all glassware between the filter and silica gel impinger with deionized, distilled water and add this rinse water to the cylinder. Dilute to a volume of 1000 ml with deionized, distilled water. Transfer the solution to a storage container. Mark the level of liquid on container. Seal and identify the sample container.

PLANT _____
LOCATION _____
OPERATOR _____
DATE _____
RUN NO. _____
SAMPLE BOX NO. _____
METER BOX NO. _____
METER ΔH@ _____
C FACTOR _____
PITOT TUBE COEFFICIENT, Cp _____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE _____
BAROMETRIC PRESSURE _____
ASSUMED MOISTURE, % _____
PROBE LENGTH, m (ft) _____
NOZZLE IDENTIFICATION NO. _____
AVERAGE CALIBRATED NOZZLE DIAMETER, cm (in.) _____
PROBE HEATER SETTING _____
LEAK RATE, m^3/min (cfm) _____
PROBE LINER MATERIAL _____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STATIC PRESSURE (P_S), mm Hg (in Hg)	STACK TEMPERATURE (T_S) °C (°F)	VELOCITY HEAD (ΔP_S),	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER mm H_2O (in. H_2O)	GAS SAMPLE VOLUME m^3 (ft^3)	GAS SAMPLE TEMPERATURE AT DRY GAS METER		TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °C (°F)
							INLET °C (°F)	OUTLET °C (°F)	
TOTAL							Avg.	Avg.	
AVERAGE							Avg.		

Figure 8-2. Field data.

$V_{m(std)}$=Volume of gas sample measured

6.7 Isokinetic variation.

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4.3 Analysis.

Note level of liquid in containers 1 and 2 and confirm whether or not any sample was lost during shipment by noting this on analytical data sheet.

4.3.1 Container No. 1—Shake the container holding the isopropanol solution and the filter. If the filter breaks up, allow the fragments to settle for a few minutes before removing a sample. Pipette a 100 ml aliquot of this solution into a 250 ml Erlenmeyer flask, add 2 to 4 drops of thorin indicator, and titrate to a pink endpoint using 0.01 N barium perchlorate. Repeat the titration with a second aliquot of sample and average the titration values. Replicate titrations should agree within 1 percent.

4.3.2 Container No. 2—Throughly mix the solution in the container holding the contents of the second and third impingers. Pipette a 10 ml aliquot of sample into a 250 ml Erlenmeyer flask. Add 40 ml of isopropanol, 2 to 4 drops of thorin indicator, and titrate to a pink endpoint using 0.01 N barium perchlorate. Repeat the titration with a second aliquot of sample and average the titration values. Replicate titrations should agree within 1 percent.

4.3.3 Blanks—Prepare blanks by adding 2 to 4 drops of thorin indicator to 100 ml of 80 percent isopropanol. Titrate the blanks in the same manner as the samples.

5. *Calibration.*

5.1 Use methods and equipment as specified in Methods 2 and 5 and APTD–0576 to calibrate the orifice meter, pitot tube, dry gas meter, thermometers, and barometer.

5.2 Standardize the barium perchlorate solution with 25 ml of standard sulfuric acid, to which 100 ml of isopropanol have been added.

6. *Calculations.*

NOTE.—Carry out calculations retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

6.1 Nomenclature.

A_n = Cross sectional area of nozzle, m^2 (ft^2)

B_{ws} = Water vapor in the gas stream, proportion by volume

$C_{H_2SO_4}$ = Sulfuric acid (including SO_3) concentration, g/dscm (lb/dscf)

C_{SO_2} = Sulfur dioxide concentration, g/dscm (lb/dscf)

I = Percent of isokinetic sampling

N = Normality of barium perchlorate titrant, g. equiv/liter

P_{bar} = Barometric pressure at the sampling site, mm Hg (in. Hg)

P_s = Absolute stack gas pressure, mm Hg (in. Hg)

P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg)

T_m = Absolute average dry gas meter temperature (see Figure 8–2), °K (°R)

T_s = Absolute average stack gas temperature (see Figure 8–2), °K (°R)

T_{std} = Standard absolute temperature, 293° K (528° R)

V_a = Volume of sample aliquot titrated, 100 ml for H_2SO_4 and 10 ml for SO_2

V_{lc} = Total volume of liquid collected in impingers and silica gel (see Figure 8–2), ml

V_m = Volume of gas sample as measured by dry gas meter, dcm (dcf)

$V_{m(std)}$ = Volume of gas sample measured by the dry gas meter corrected to standard conditions, dscm (dscf)

v_s = Stack gas velocity, calculated by Method 2, Equation 2–7 using data obtained from Method 8, m/sec (ft/sec)

V_{soln} = Total volume of solution in which the sulfuric acid or sulfur dioxide sample is contained, 250 ml or 1000 ml, respectively

V_t = Volume of barium perchlorate titrant used for the sample, ml

V_{tb} = Volume of barium perchlorate titrant used for the blank, ml

θ = Total sampling time, min

13.6 = Specific gravity of mercury

60 = Sec/min

100 = Conversion to percent

6.2 Average dry gas meter temperature and average orifice pressure drop. See data sheet (Figure 8–2).

6.3 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (20° C and 760 mm Hg or 68° F and 29.92 in. Hg) by using Equation 8–1.

$$V_{m(std)} = V_m \frac{T_{std}}{T_m} \frac{P_{bar} + \frac{\Delta H}{13.6}}{P_{std}} = K V_m \frac{P_{bar} + \Delta H/13.6}{T_m}$$

Equation 8–1

where:

K = 0.3855 °K/mm Hg for metric units

= 17.65 °R/in. Hg for English units

6.4 Volume of water vapor and moisture content. Use Equation 5–2 and 5–3 of Method 5. If the effluent gas is considered to be dry, these calculations need not be carried out.

6.5 Sulfuric acid (including SO_3) concentration.

$$C_{H_2SO_4} = K \frac{N(V_t - V_{tb}) \frac{V_{soln}}{V_a}}{V_{m(std)}}$$

Equation 8–2

where:

K = 0.04904 g/milliequivalent for metric units

$= 1.08 \times 10^{-4} \frac{(lb)(l)}{(g)(ml)}$ for English units

6.6 Sulfur dioxide concentration:

$$C_{SO_2} = K \frac{N(V_t - V_{tb}) \frac{V_{soln}}{V_a}}{V_{m(std)}}$$

Equation 8–3

where:

K = 0.03203 g/milliequivalent for metric units

$= 7.05 \times 10^{-5} \frac{(lb)(l)}{(g)(m)}$ for English units

6.7 Isokinetic variation.

6.7.1 Calculations from raw data.

$$I = \frac{100 T_s [K V_{lc} + (V_m / T_m)(P_{bar} + \Delta H/13.6)]}{60 \theta v_s P_s A_n}$$

Equation 8–4

where:

K = 0.00346 mm Hg-m^3/ml-°K for metric units

= 0.00267 in. Hg-ft^3/ml-°R for English units

6.7.2 Calculations from intermediate values.

$$I = \frac{T_s V_{m(std)} P_{std} 100}{T_{std} v_s \theta A_n P_s 60 (1 - B_{ws})}$$

$$= K \frac{T_s V_{m(std)}}{P_s v_s A_n \theta (1 - B_{ws})}$$

Equation 8–5

where:

K = 4.323 for metric units

= 0.0944 for English units

6.8 Acceptable results. If 90 percent $\leq$ I $\leq$ 110 percent, the results are acceptable. If the results are low in comparison to the standards and I is beyond the acceptable range, the Administrator may option to accept the results. Use reference 7.4 of Method 5 to make judgments. Otherwise, reject the results and repeat the test.

7. *References.*

7.1 Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, U.S. DHEW, PHS, Division of Air Pollution, Public Health Service Publication No. 999–AP–13, Cincinnati, Ohio, 1965.

7.2 Corbett, D. F., The Determination of SO_2 and SO_3 in Flue Gases, Journal of the Institute of Fuel, 24:237–243, 1961.

7.3 Martin, Robert M., Construction Details of Isokinetic Source Sampling Equipment, Environmental Protection Agency, Air Pollution Control Office Publication No. APTD–0581.

7.4 Patton, W. F., and Brink, Jr., J. A., New Equipment and Techniques for Sampling Chemical Process Gases, J. Air Pollution Control Assoc. 13, 162 (1963).

7.5 Rom, J. J., Maintenance, Calibration, and Operation of Isokinetic Source-Sampling Equipment. Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C., March 1972. APTD–0576.

7.6 Hamil, H. F., and Camann, D. E., Collaborative Study of Method for the Determination of Sulfur Dioxide Emissions from Stationary Sources. Prepared for Methods Standardization Branch, Quality Assurance and Environmental Monitoring Laboratory, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

7.7 Annual Book of ASTM Standards. Part 23; Water, Atmospheric Analysis. pp. 203–205. American Society for Testing and Materials, Phila., Pa. (1972).

[FR Doc.76–16096 Filed 6–7–76;8:45 am]

federal register

TUESDAY, JUNE 8, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

NATIONAL FLOOD INSURANCE PROGRAM

Notice of Flood-Prone Areas of Communities Subject to Section 202; Prohibition of Federal and Federally Related Assistance

V41-111 JUN 8 76 UMI

DEPARTMENT OF HOUSING AND ... lated lending institutions are prohibited ... yet qualified for participation in the Na-

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-376]

NATIONAL FLOOD INSURANCE PROGRAM

Notice of Flood-Prone Areas of Communities Subject to Section 202—Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of section 202 of the Flood Disaster Protection Act of 1973 (PL-93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the FEDERAL REGISTER at 41 F.R. 20806-20858.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to August 1, 1975, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, *until the community participates in the program.*

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., S.W., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the Federal Register under 24 CFR § 1914.4 *List of eligible communities.* At that time the sanctions of section 202 will no longer apply to the communities listed below.

* UNINCORPORATED AREAS ONLY

ALASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
020049	MOONAN, CITY OF (UNORGANIZED BORO.)	JUNE 07, 1974
020108	HOOPER BAY, CITY OF (UNORGANIZED BORO.)	JUNE 24, 1974
	TOTAL IN THE STATE	2

* UNINCORPORATED AREAS ONLY

ALABAMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
010095	AKRON, TOWN	JULY 18, 1975
010234	ENSLEY, TOWN (JEFFERSON CO.)	JULY 18, 1975
010252	BARBIER, TOWN (COVINGTON CO.)	JANUARY 10, 1975
010255	BAKHT, TOWN OF (LAFAYETTE CO.)	DECEMBER 27, 1974
010083A	BELK, TOWN OF (LAFAYETTE CO.)	SEPTEMBER 13, 1974
010257	BLACK, TOWN OF (GENEVA COU)	FEBRUARY 07, 1975
010082	BRIDGEPORT, CITY OF (JACKSON CO.)	JANUARY 28, 1974
010055	BRANTLEY, TOWN OF (CRENSHAW CO.)	JUNE 28, 1974
010119A	CARDIFF, TOWN OF (JEFFERSON CO.)	SEPTEMBER 20, 1974 AND JANUARY 23, 1976
010240	CAROLINA, TOWN (COVINGTON CO.)	JANUARY 10, 1975
010056	CASTLEBERRY, TOWN (ESCAMBIA CO.)	FEBRUARY 07, 1975
010233	CENTRE, CITY OF (CHEROKEE COU)	FEBRUARY 17, 1975
010239	COFFEE COUNTY *	JANUARY 17, 1975
010244	COVINGTON COUNTY *	DECEMBER 13, 1974
010103A	COWARTS, TOWN OF (HOUSTON CO.)	AUGUST 16, 1974
010254	CROSS, TOWN OF (CRENSHAW CO.)	NOVEMBER 20, 1974
010212	ELBERTA, TOWN OF (BALDWIN CO.)	JANUARY 10, 1975 AND MAY 21, 1974
010219A	FAYETTE COUNTY *	NOVEMBER 15, 1974
010027	FIVE POINTS, TOWN OF (CHAMBERS CO.)	JUNE 19, 1975 AND JUNE 02, 1976
010053	FLOMATON, TOWN OF (ESCAMBIA CO.)	JANUARY 10, 1975
010093A	GANTT, TOWN OF (COVINGTON CO.)	SEPTEMBER 20, 1974
010057A	GLENWOOD, TOWN OF (CRENSHAW CO.)	
010293	HARPERSVILLE, TOWN (SHELBY CO)	APRIL 11, 1975
01029 9A	HELENA, TOWN (SHELBY CO)	JANUARY 10, 1975 AND FEBRUARY 13, 1974
010248	MIDLAND CITY, TOWN (DALE CO)	JANUARY 10, 1975
010232	PHATCHEE, TOWN OF (CALHOUN CO)	JANUARY 31, 1975
010256	PICKENSVILLE, TOWN OF (PICKENS CO)	JANUARY 31, 1975
010075	POLLARD, TOWN OF (ESCAMBIA CO)	JANUARY 31, 1975
010159	PROVIDENCE, TOWN OF (MARENGO CO.)	NOVEMBER 01, 1974
010182	RANDOLPH COUNTY *	SEPTEMBER 13, 1974
010243	RED LEVEL, TOWN (COVINGTON CO.)	JANUARY 10, 1975
010253	REFORM, CITY OF (PICKENS CO)	FEBRUARY 24, 1975
010088	RIVERSIDE, TOWN (ST. CLAIR CO)	APRIL 01, 1975
010036	SILAS, TOWN (CHOCTAW CO)	JULY 11, 1975
010227	SNEAD, TOWN (BLOUNT CO)	JUNE 27, 1975
010291	STEELE, TOWN OF (ST. CLAIR COU)	FEBRUARY 07, 1975
010100	TALLADEGA, CITY OF (TALLADEGA CO)	JULY 18, 1975
010104	TAYLOR, TOWN OF (HOUSTON CO.)	SEPTEMBER 13, 1974
010273	THOMASTON, TOWN	JANUARY 10, 1975
010292	VINCENT, TOWN (SHELBY CO)	APRIL 11, 1975
	TOTAL IN THE STATE	40

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• UNINCORPORATED AREAS ONLY

ARIZONA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
040028	GILA COUNTY •	NOVEMBER 01, 1974
	TOTAL IN THE STATE	1

• UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050376	ADONA, CITY OF (PERRY CO.)	APRIL 16, 1976
050377	ALEXANDER, TOWN OF (PULASKI & SALINE)	APRIL 16, 1976
050378	ALICIA, TOWN OF (LAWRENCE CO.)	JULY 11, 1975
050017A	ALPENA, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND OCTOBER 03, 1975
050381	ALTUS, CITY OF (FRANKLIN CO.)	JULY 25, 1975
050303	AMITY, CITY OF (CLARK CO)	FEBRUARY 21, 1975
050382	ASH FLAT, TOWN OF (SHARP CO.)	JUNE 27, 1975
050123	AUBREY, TOWN OF (LEE CO.)	DECEMBER 06, 1974
050306	BARLING, CITY OF (SEBASTIAN)	FEBRUARY 14, 1975
050384	BELLEVILLE, CITY OF (YELL CO.)	APRIL 16, 1975
050304	BERRYVILLE, CITY OF (CARROLL CO)	APRIL 16, 1975
050386	BETHEL HEIGHTS, TOWN OF (BENTON CO.)	APRIL 25, 1975
050387A	BIGELOW, TOWN OF (PERRY CO.)	JUNE 27, 1975 AND FEBRUARY 27, 1976
050390	BLEVINS, CITY OF (HEMPSTEAD CO.)	APRIL 18, 1975
050391	BLUFF CITY, TOWN OF (NEVADA CO.)	JULY 16, 1975
050131	BRADFORD, CITY OF (WHITE CO)	FEBRUARY 21, 1975
050393	BRANCH, CITY OF (FRANKLIN CO.)	MAY 02, 1975
050394	BULL SHOALS, CITY OF (MARION CO.)	APRIL 25, 1975
050310	CAMMACK, TOWN OF (PULASKI CO)	APRIL 18, 1975
050396	CASH, TOWN OF (CRAIGHEAD CO.)	APRIL 18, 1975
050397	CAULKSVILLE, TOWN OF (LOGAN CO.)	JUNE 27, 1975
050313	CAVE CITY, CITY OF (INDEP.-SHARP COS)	JULY 18, 1975
050400	CHIDESTER, CITY OF (OUACHITA CO)	JULY 25, 1975
050404	DAMASCUS, TOWN OF (FAULKNER • VAN BUREN COS.)	APRIL 18, 1975
050405	DELIGHT, CITY OF (PIKE CO)	APRIL 16, 1976
050320	DIENKS, CITY OF (DORADO)	FEBRUARY 14, 1975
050408	DYER, TOWN OF (CRAWFORD CO.)	JULY 11, 1975
050219	ELKINS, TOWN OF (WASHINGTON CO.)	DECEMBER 20, 1974
050410	EMERSON, TOWN OF (COLUMBIA CO)	APRIL 25, 1975
050019A	EVERTON, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND APRIL 09, 1976
050413	FISHER, TOWN OF (POINSETT CO)	APRIL 11, 1975
050414	FOUNTAIN HILL, TOWN OF (ASHLEY CO)	FEBRUARY 21, 1975
050224A	GARNER, TOWN OF (WHITE CO.)	AUGUST 30, 1974 AND NOVEMBER 07, 1975
050324	GENTRY, CITY OF (BENTON CO)	MAY 02, 1975
050245	GILMORE, TOWN OF (CRITTENDEN CO)	JUNE 27, 1975
050248	GUION, TOWN OF (IZARD CO)	APRIL 11, 1976
050249	GUM SPRINGS, TOWN OF (CLARK CO)	JUNE 27, 1975
050330	HANDY, TOWN OF (SHARP CO)	APRIL 25, 1975
050250	HARRELL, TOWN OF (CALHOUN CO)	APRIL 18, 1975
050234A	HAVANA, CITY OF (YELL CO.)	AUGUST 23, 1974
050254	HECTOR, TOWN OF (POPE CO)	APRIL 25, 1975 •
050225A	HIGGINSON, TOWN OF (WHITE CO.)	AUGUST 16, 1974 AND JANUARY 09, 1976
050120A	IMBODEN, TOWN OF (LAWRENCE CO)	MAY 03, 1974 AND

• UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050336	JUNCTION CITY, CITY OF (UNION CO)	OCTOBER 10, 1975
050240	KNOXVILLE, TOWN OF (JOHNSON CO)	APRIL 18, 1975
050261	LEOLA, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
050338	LINCOLN, CITY OF (WASHINGTON CO)	JULY 18, 1975
050339	LOCKESBURG, TOWN OF (SEVIER CO)	APRIL 18, 1975
050344	MAGAZINE, TOWN OF (LOGAN CO)	JULY 11, 1975
050347	MARSHALL, CITY OF (SEARCY CO)	APRIL 25, 1975
050343	MCNEIL, CITY OF (COLUMBIA CO)	MAY 02, 1975
050348	MELBOURNE, CITY OF (IZARD CO)	APRIL 11, 1976
050266	MENIFEE, TOWN OF (CONWAY CO)	APRIL 25, 1975
050069	MITCHELLVILLE, TOWN OF (DESHA CO.)	NOVEMBER 08, 1974
050095	MOUNT PLEASANT, TOWN OF (IZARD CO.)	NOVEMBER 22, 1974
050352	MOUNTAIN VIEW, CITY OF (STONE CO)	JUNE 27, 1975
050051A	MOUNTAINBURG, TOWN OF (CRAWFORD CO.)	MAY 03, 1974 AND NOVEMBER 20, 1975
050267	NORFORK, TOWN OF (BAXTER CO)	JUNE 27, 1975
050269	OAK GROVE, TOWN OF (CARROLL CO)	FEBRUARY 21, 1975
050272	OKOLONA, TOWN OF (CLARK CO)	JULY 11, 1975
050273	OXFORD, TOWN OF (IZARD CO)	APRIL 25, 1975
050271	OZEAN, TOWN OF (RANDOLPH CO)	APRIL 18, 1975
050360	PANGBURN, CITY OF (WHITE CO)	APRIL 18, 1975
050007A	PARKDALE, CITY OF (ASHLEY CO.)	MARCH 29, 1974 AND OCTOBER 31, 1975
050276	PERRY, TOWN OF (PERRY CO)	JUNE 27, 1975
050363	PLAINVIEW, CITY OF (YELL CO)	APRIL 16, 1975
050364	PLUMERVILLE, CITY OF (CONWAY CO)	JUNE 27, 1975
050277	POTTSVILLE, TOWN OF (POPE CO)	APRIL 25, 1975
050278	POYEN, TOWN OF (GRANT CO)	JULY 11, 1975
050279	PRAIRIEVILLE, TOWN OF (GRANT CO)	APRIL 25, 1975
050040A	RISON, CITY OF (CLEVELAND CO.)	MARCH 08, 1974 AND OCTOBER 10, 1975
050284	RUSSELL, TOWN OF (WHITE CO)	APRIL 11, 1975
050286	SCHANTON, TOWN OF (LOGAN CO)	APRIL 18, 1975
050369	STEPHENS, CITY OF (OUACHITA CO)	JUNE 27, 1975
050290	SULPHUR ROCK, TOWN OF (INDEPENDENCE CO)	APRIL 25, 1975
050292	THORNTON, TOWN OF (CALHOUN CO)	JULY 25, 1975
050370	TURRELL, TOWN OF (CRITTENDEN CO)	JULY 11, 1975
050043A	WALDO, CITY OF (COLUMBIA CO.)	APRIL 05, 1974 AND OCTOBER 17, 1975
050298	WICKES, TOWN OF (POLK CO)	JUNE 27, 1975
050299	WILTON, TOWN OF (LITTLE RIVER CO)	APRIL 11, 1975
050077A	WINCHESTER, TOWN OF (CONWAY CO.)	AUGUST 30, 1974 AND OCTOBER 10, 1975
	TOTAL IN THE STATE	81

• UNINCORPORATED AREAS ONLY

CALIFORNIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
060271	BARSTOW, CITY OF (SAN BERNARDINO CO)	JANUARY 17, 1975
060017	BUTTE COUNTY •	SEPTEMBER 06, 1974
060196A	CARMEL BY-THE-SEA, CITY OF (MONTEREY CO.)	JUNE 14, 1974
060299	COACHELLA, CITY OF (RIVERSIDE CO.)	MAY 17, 1974
060110A	COMMERCE, CITY OF (LOS ANGELES CO.)	JUNE 28, 1974
060090	EL DORADO COUNTY •	AUGUST 02, 1974
060445A	FERNDALE, CITY OF (HUMBOLDT CO.)	DECEMBER 20, 1974 AND MARCH 26, 1976
060086	HUGHSON, CITY OF (STANISLAUS CO.)	MAY 24, 1974
060265A	INDIO, CITY OF (RIVERSIDE CO.)	MAY 31, 1974 AND AUGUST 08, 1975
060185A	POINT ARENA, CITY OF (MENDOCINO CO.)	OCTOBER 18, 1974 AND DECEMBER 26, 1975
060056	SELMA, CITY OF (FRESNO CO.)	MAY 29, 1974
	TOTAL IN THE STATE	11

* UNINCORPORATED AREAS ONLY

COLORADO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
080229	AGUILAR, TOWN OF (LAS ANIMAS CO.)	JULY 11, 1975
080003	BENNETT, TOWN OF (ADAMS CO.)	NOVEMBER 22, 1974
080148A	BOONE, TOWN OF (PUEBLO CO.)	SEPTEMBER 06, 1974 AND JANUARY 09, 1976
080111	CROOK, TOWN OF (LOGAN CO.)	NOVEMBER 04, 1974
~~080148A~~	~~DINOSAUR, TOWN OF (MOFFAT CO.)~~	AUGUST 30, 1974
080047A	DOVE CREEK, TOWN OF (DOLORES CO.)	MAY 24, 1974 AND NOVEMBER 28, 1975
080056A	ELIZABETH, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974 AND FEBRUARY 06, 1976
080212	EMPIRE, TOWN OF (CLEAR CREEK CO.)	MAY 02, 1975
080239	FAIRPLAY TOWN (PARK CO)	JULY 18, 1975
080240	FEDERAL HEIGHTS TOWN(ADAMS CO)	JULY 11, 1975
080112	FLEMING, TOWN OF (LOGAN CO.)	NOVEMBER 08, 1974
080073A	FRASER, TOWN OF (GRAND CO.)	SEPTEMBER 06, 1974
080117A	GRAND JUNCTION, CITY OF (MESA CO.)	FEBRUARY 01, 1974 AND JUNE 28, 1974
080074A	HOT SULPHUR SPRINGS, TOWN OF (GRAND CO.)	NOVEMBER 22, 1974
080044	HOTCHKISS, TOWN OF (DELTA CO.)	JUNE 21, 1974
080268A	IGNACIO, TOWN (LA PLATA CO)	MARCH 22, 1974
080240	ILIFF, TOWN OF (LOGAN CO.)	DECEMBER 27, 1974
080057A	KIOWA, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974 AND FEBRUARY 27, 1976
080033	KIT CARSON, TOWN OF (CHEYENNE CO.)	DECEMBER 13, 1974
080046A	LEADVILLE, CITY OF (LAKE CO.)	MAY 17, 1974
080256	NEW CASTLE TOWN (GARFIELD CO)	JULY 25, 1975
080127A	NUCLA, TOWN OF (MONTROSE CO.)	MAY 24, 1974 AND MARCH 26, 1976
080178A	OTIS, TOWN OF (WASHINGTON CO.)	MAY 24, 1974 AND OCTOBER 31, 1975
080170	OVID, TOWN OF (SEDGWICK CO.)	NOVEMBER 15, 1974
085077A	PUEBLO, CITY OF (PUEBLO CO.)	AUGUST 29, 1973
085078A	RIFLE, CITY OF (GARFIELD CO.)	JUNE 15, 1973
080221	ROCKVALE TOWN (FREMONT CO)	JUNE 27, 1975
080150	RYE, TOWN (PUEBLO CO)	JULY 18, 1975
080223	SILT TOWN (GARFIELD CO)	JULY 25, 1975
080200	SILVER PLUME, TOWN OF (CLEAR CREEK CO.)	DECEMBER 13, 1974
080058	SIMLA, TOWN OF (ELBERT CO.)	SEPTEMBER 13, 1974
080106A	STARKVILLE, TOWN OF (LAS ANIMAS CO.)	SEPTEMBER 06, 1974 AND JANUARY 23, 1976
080226	VICTOR CITY (TELLER CO)	MAY 02, 1975
080140A	YAMPA, TOWN OF (ROUTT CO.)	MAY 24, 1974 AND JANUARY 02, 1976

TOTAL IN THE STATE 39

* UNINCORPORATED AREAS ONLY

CONNECTICUT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
090183	CANTERBURY, TOWN (WINDHAM CO)	JANUARY 10, 1975
090156	SALEM, TOWN OF (NEW LONDON CO)	FEBRUARY 21, 1975
090182	SCOTLAND, TOWN OF (WINDHAM CO.)	JANUARY 31, 1975

TOTAL IN THE STATE 3

* UNINCORPORATED AREAS ONLY

DELAWARE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
100013A	KENTON, TOWN OF (KENT CO.)	SEPTEMBER 13, 1974
100014A	LEIPSIC, TOWN OF (KENT CO.)	AUGUST 09, 1974 AND JANUARY 09, 1976
100044A	MILLVILLE, TOWN OF (SUSSEX CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
100056	ODESSA, TOWN OF (NEW CASTLE CO.)	JANUARY 31, 1975

TOTAL IN THE STATE 4

* UNINCORPORATED AREAS ONLY

FLORIDA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
120323	BITHLO, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974
120197A	BRINT BREEZES, TOWN OF (PALM BEACH CO.)	JANUARY 23, 1974 AND JANUARY 30, 1976
120324	BRISTOL, TOWN OF (LIBERTY CO.)	DECEMBER 13, 1974
120016A	BROOKER, TOWN OF (BRADFORD CO.)	AUGUST 30, 1974
120086	BUNNELL, TOWN (FLAGLER CO)	JULY 11, 1975
120126A	CAMPBELLTON, CITY OF (JACKSON CO.)	SEPTEMBER 06, 1974 AND JANUARY 30, 1976
120269	NORTH DAVENPORT, CITY OF (POLK CO)	JUNE 28, 1974
120130A	SNEADS, TOWN OF (JACKSON CO.)	AUGUST 02, 1974 AND MAY 21, 1976

TOTAL IN THE STATE 8

* UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130235A	ADAIRSVILLE, TOWN OF (BARTOW CO.)	JUNE 14, 1974 AND JANUARY 23, 1976
130360	AILEY, TOWN (MONTGOMERY CO.)	APRIL 09, 1975
130358	ALVATON, TOWN (MERIWEATHER CO.)	APRIL 09, 1976
130270A	BAKER COUNTY *	MARCH 26, 1976 AND DECEMBER 10, 1976
130206A	BALDWIN, TOWN OF (BANKS CO.)	JUNE 28, 1974 AND JANUARY 23, 1976
130423	BALL GROUND, CITY (CHEROKEE CO.)	APRIL 09, 1975
130309A	BELLVILLE, CITY (EVANS CO.)	JULY 18, 1976
130272	BETHLEHEM, TOWN (BARROW COUNTY)	JULY 11, 1975
130402	BOSTON, CITY (THOMAS CO.)	APRIL 18, 1975
130362	BOSTWICK, TOWN (MORGAN CO.)	APRIL 09, 1976
130428	BOWMAN, CITY (ELBERT CO.)	APRIL 09, 1976
130343	BRASELTON, CITY OF (JACKSON CO.)	APRIL 18, 1975
130268	BRINSON, TOWN (COLQUITT CO.)	JULY 18, 1975
130369	BUCKHEAD, TOWN (MORGAN CO.)	JULY 11, 1975
130323	BUFORD, CITY (GWINNETT + HALL COS.)	APRIL 09, 1975
130273	CARL, TOWN (BARROW COUNTY)	APRIL 11, 1975
130435	CHALYBEATE SPRINGS, TOWN (MERIWEATHER CO.)	APRIL 18, 1975
130332	CLERMONT, TOWN (HALL CO.)	APRIL 11, 1975
130418	CLEVELAND, CITY (WHITE CO.)	APRIL 11, 1975
130398	COBBTOWN, CITY (TATTNALL CO.)	APRIL 11, 1976
130279	COCHRAN, CITY (BLECKLEY CO.)	APRIL 09, 1975
130365	COLBERT, TOWN (MADISON CO.)	APRIL 18, 1975
130329	CORNELIA, CITY (HABERSHAM CO.)	APRIL 11, 1975
130198A	CRAWFORD, CITY OF (OGLETHORPE CO.)	JUNE 07, 1974 AND JANUARY 23, 1976
130324	DACULA, TOWN (GWINNETT CO.)	APRIL 18, 1976
130129A	DAHLONEGA, CITY OF (LUMPKIN CO.)	JUNE 28, 1974 AND JANUARY 23, 1976
130069	DAWSONVILLE, CITY (DAWSON CO.)	JANUARY 17, 1975
130356	DEARING, TOWN (MCDUFFIE CO.)	APRIL 09, 1975
130330	DEMOREST, TOWN (HABERSHAM CO.)	APRIL 09, 1975
130216	DENTON, CITY OF (JEFF DAVIS CO.)	DECEMBER 13, 1974
130305	DOUGLASVILLE, CITY (DOUGLAS CO.)	APRIL 25, 1975
130217	DUBLIN, CITY (LAURENS CO.)	JULY 11, 1975
130283	FLOVILLA, CITY (BUTTS CO.)	APRIL 11, 1975
130359	FORSYTH, CITY (MONROE CO.)	APRIL 11, 1975
130313	FRANKLIN SPRINGS, CITY (FRANKLIN CO.)	APRIL 09, 1975
130023A	GIRARD, TOWN OF (BURKE CO.)	SEPTEMBER 06, 1974 AND JANUARY 23, 1976
130419	GLENWOOD, CITY (WHEELER CO.)	APRIL 09, 1975
130325	GRAYSON, TOWN (GWINNETT CO.)	JULY 11, 1975
130220	GREENSBORO, CITY OF (GREENE CO.)	DECEMBER 20, 1974
130311A	HAGAN, CITY (EVANS CO.)	APRIL 18, 1975 AND JANUARY 23, 1976
130107A	HAMPTON, CITY OF (HENRY CO.)	JUNE 28, 1974
130299	HAMILTON, TOWN (COWETA + MERIWEATHER COS.)	APRIL 18, 1975

* UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130192A	HELEN, CITY OF (WHITE CO.)	SEPTEMBER 06, 1974 AND OCTOBER 17, 1975
130385	HILLTONIA, TOWN (SCREVEN CO.)	APRIL 11, 1976
130221A	HIRAM, CITY OF (PAULDING CO.)	OCTOBER 18, 1974 AND JANUARY 23, 1976
130271	HOMELAND, TOWN (CHARLTON CO.)	APRIL 11, 1975
130271	HOMER, TOWN (BANKS COUNTY)	APRIL 18, 1975
130399	HOSCHTON, TOWN (JACKSON COUNTY)	APRIL 11, 1976
130375	JASPER, CITY (PICKENS CO.)	APRIL 11, 1976
130043A	JONESBORO, CITY OF (CLAYTON CO.)	MAY 24, 1974 AND MARCH 05, 1976
130277	KINGSTON, CITY (BARTOW CO)	APRIL 18, 1975
130409	LINWOOD, TOWN (WALKER CO.)	APRIL 09, 1975
130326	LUGANVILLE, CITY (GWINNETT + WALTON COS.)	APRIL 09, 1975
130128A	LUDOWICI, CITY OF (LONG CO.)	JUNE 14, 1974 AND JANUARY 23, 1976
130299	LYERLY, CITY (CHATTOOGA CO.)	APRIL 09, 1975
130229	MADISON, CITY OF (MORGAN CO)	FEBRUARY 21, 1975
130392A	MARTIN, TOWN (STEPHENS CO)	APRIL 09, 1975 AND MAY 28, 1976
130342	MCDONOUGH, CITY (HENRY CO.)	APRIL 11, 1975
130421	MCINTYRE, TOWN (WILKINSON CO.)	APRIL 11, 1976
130295	MENLO, TOWN (CHATTOOGA CO.)	APRIL 18, 1975
130024	MIDVILLE, CITY (BURKE CO)	JULY 11, 1975
130376	MOLENA, CITY (PIKE CO.)	APRIL 11, 1976
130300	MORELAND, TOWN (COWETA COUNTY)	APRIL 18, 1975
130252	MOUNTAIN CITY, TOWN (RABUN CO.)	JANUARY 17, 1975
130298A	MOUNTAIN VIEW, CITY OF (CLAYTON CO.)	MAY 10, 1974
130353	NAYLOR, TOWN (LOWNDES CO.)	APRIL 25, 1975
130296	NELSON, CITY (CHEROKEE + PICKENS CO.)	APRIL 11, 1975
130181A	NEWINGTON, TOWN OF (SCREVEN CO.)	SEPTEMBER 06, 1974
130269	OAK PARK, TOWN (EMANUEL CO.)	JULY 18, 1975
130339	OAKWOOD, TOWN (HALL CO.)	APRIL 09, 1975
130189A	ODUM, CITY (WAYNE CO)	JANUARY 03, 1975 AND DECEMBER 19, 1975
130367	OXFORD, TOWN (NEWTON CO.)	APRIL 11, 1975
130284	PULASKI, TOWN (CANDLER, CO.)	APRIL 09, 1975
130426	RINCON, TOWN (EFFINGHAM CO.)	APRIL 11, 1975
130267	RIVERSIDE, TOWN (COLQUITT CO.)	JULY 18, 1975
130162A	ROCKY FORD, TOWN OF (SCREVEN CO.)	SEPTEMBER 06, 1974
130439	SALE CITY, TOWN (MITCHELL CO.)	APRIL 09, 1975
130188	SCOTLAND, CITY OF (TELFAIR + WHEELER COS.)	AUGUST 30, 1974
130401	SENOIA, CITY (COWETA CO.)	APRIL 09, 1975
130339	SHILOH, CITY (HARRIS CO.)	APRIL 09, 1975
130308	STILLMORE, TOWN (EMANUEL CO.)	APRIL 11, 1975
130260	STONE MOUNTAIN, CITY OF (DEKALB CO.)	MAY 12, 1974
130389	SUNNY SIDE, VILLAGE (SPALDING COUNTY)	APRIL 11, 1975

* UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130003	SURRENCY, TOWN (APPLING CO)	JANUARY 03, 1975
130328	SUWANEE, CITY (GWINNETT CO.)	APRIL 09, 1975
130380	TALLULAH FALLS, CITY OF (HABERSHAM & RABUN COS.)	APRIL 25, 1975
130288	TEMPLE, TOWN (CARROLL CO.)	APRIL 11, 1975
130381	TIGER, TOWN (RABUN CO.)	JULY 11, 1975
130422	TOOMSBORO, TOWN (WILKINSON CO.)	APRIL 09, 1975
130361	UVALDA, TOWN (MONTGOMERY CO.)	APRIL 25, 1975
135145A	VERNONBURG, TOWN OF (CHATHAM CO.)	JULY 27, 1973 AND OCTOBER 31, 1975
130278	WHITE, TOWN (BARTOW CO.)	APRIL 09, 1976
130297	WINTERVILLE, CITY (CLARKE CO.)	APRIL 11, 1975
130436	WOODBURY, TOWN (MERIWEATHER CO.)	JUNE 27, 1976

TOTAL IN THE STATE 94

* UNINCORPORATED AREAS ONLY

IDAHO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
160158	ABERDEEN, CITY (BINGHAM CO)	JUNE 27, 1975
160042	ALBION, TOWN (CASSIA CO)	JANUARY 10, 1975
160140	BURLEY, CITY (TWIN FALLS CO)	JUNE 27, 1975
160015A	CHATCOLET, CITY OF (BENEWAH CO.)	SEPTEMBER 13, 1974 AND FEBRUARY 27, 1976
160005A	COUNCIL, CITY OF (ADAMS CO.)	MAY 03, 1974 AND DECEMBER 12, 1975
160068A	FERDINAND, CITY OF (IDAHO CO.)	SEPTEMBER 06, 1974 AND APRIL 09, 1976
160009A	GARDEN CITY, CITY OF (ADA CO.)	DECEMBER 17, 1973
160139	HAGERMAN, CITY (GOODING CO)	MAY 02, 1975
160190	HANSEN, CITY (TWIN FALLS CO)	JUNE 27, 1975
160173	KIMBERLY, CITY (TWIN FALLS CO)	APRIL 25, 1975
160177	MACKAY CITY (CUSTER CO)	MAY 02, 1975
160197	MALTA, TOWN OF (CASSIA CO.)	DECEMBER 13, 1974
160179	MARSING CITY (OWYHEE CO)	JUNE 27, 1975
160181	NEW MEADOWS, CITY OF (ADAMS CO)	FEBRUARY 21, 1975
160045	OAKLEY, TOWN OF (CASSIA CO.)	OCTOBER 18, 1974
160039	PARMA, CITY OF (CANYON CO.)	MAY 17, 1974
160185	POTLATCH CITY (LATAH CO)	JULY 11, 1975
160152	ROBERTS, CITY (JEFFERSON CO)	JANUARY 24, 1975
160193	SODA SPRINGS CITY (CARIBOU CO)	JUNE 27, 1975
160119A	VICTOR, CITY OF (TETON CO.)	SEPTEMBER 06, 1974 AND DECEMBER 05, 1975
160195	WENDELL CITY (GOODING CO)	JULY 11, 1975
160154	WESTON, CITY (FRANKLIN CO)	JULY 18, 1975

TOTAL IN THE STATE 22

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170836	ADELINE, VILLAGE (OGLE CO.)	JULY 11, 1975
170849	ALVIN, VILLAGE OF (VERMILION CO)	FEBRUARY 21, 1975
170489	ANCHOR, VILLAGE OF (MCLEAN CO.)	DECEMBER 06, 1974
170667A	ANNA, CITY OF (UNION CO.)	MARCH 29, 1974 AND APRIL 30, 1976
170791	ASTORIA, TOWN OF (FULTON CO)	JANUARY 31, 1975
170792A	AVON, VILLAGE OF (FULTON CO.)	OCTOBER 18, 1974 AND APRIL 16, 1976
170470A	BARDOLPH, VILLAGE OF (MCDONOUGH CO.)	SEPTEMBER 13, 1974
170859	BARTELSO, VILLAGE OF (CLINTON CO)	MARCH 28, 1975
170494A	BATH, VILLAGE OF (MASON CO.)	DECEMBER 17, 1973
170895	BELGIUM, VILLAGE OF (VERMILION CO)	MARCH 28, 1975
170408A	BLUFFS, VILLAGE OF (SCOTT CO.)	JUNE 07, 1974 AND JANUARY 30, 1976
170248	BOREN, VILLAGE OF (HANCOCK CO.)	NOVEMBER 15, 1974
170898	BRAIDWOOD, CITY (WILL CO)	APRIL 11, 1975
170480A	BROOKPORT, CITY OF (MASSAC CO.)	JUNE 07, 1974
170228	BROWNS, VILLAGE OF (EDWARDS CO.)	NOVEMBER 15, 1974
170747	BRUSSELS, VILLAGE OF (CALHOUN CO.)	NOVEMBER 22, 1974
170796	BRYANT, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170850	BUREAU JUNCTION, VILLAGE OF (BUREAU CO)	MARCH 28, 1975
170471A	BUSHNELL, CITY OF (MCDONOUGH CO.)	JUNE 07, 1974 AND APRIL 02, 1976
170784	BUSH, VILLAGE OF (WILLIAMSON CO.)	MARCH 29, 1974
170785	CAMARGO, VILLAGE OF (DOUGLAS CO.)	APRIL 05, 1974
170260A	CARROLLTON, CITY OF (GREEN CO.)	JUNE 07, 1974 AND MARCH 05, 1976
170039	CASEY, CITY OF (CLARK CO.)	JUNE 28, 1974
170892	CEDARVILLE, VILLAGE (STEPHENSON CO)	APRIL 11, 1975
170011	CHERRY, VILLAGE (BUREAU CO)	JULY 11, 1975
170839	CLEAR LAKE, VILLAGE OF (SANGAMON CO)	FEBRUARY 21, 1975
170499	CLINTON COUNTY •	DECEMBER 20, 1974
170823	CONNELL, VILLAGE OF (LIVINGSTON CO)	MARCH 21, 1975
170498A	CREVE COEUR, VILLAGE OF (TAZEWELL CO.)	MARCH 01, 1974 AND APRIL 30, 1976
170422	CULLOM, VILLAGE OF (LIVINGSTON CO.)	APRIL 22, 1974
170292A	DANFORTH, VILLAGE OF (IROQUOIS CO.) (IROQUOIS CO.)	FEBRUARY 22, 1974 SEPTEMBER 13, 1974 AND FEBRUARY 06, 1976
170751A	DE SOTO, VILLAGE OF (JACKSON CO.)	APRIL 03, 1974 AND APRIL 02, 1976
170447	DEER CREEK, VILLAGE OF (TAZEWELL CO.)	JUNE 28, 1974
170658	DONGOLA, VILLAGE OF (UNION CO.)	MARCH 06, 1974
170875	DOWELL, VILLAGE (JACKSON CO)	APRIL 18, 1975
170896	DUBOIS, VILLAGE OF (WASHINGTON CO)	MARCH 28, 1975
170873	EAST DUNDEE, VILLAGE OF (KANE CO)	MARCH 21, 1975
170432A	EAST GILLESPIE, VILLAGE (MACOUPIN CO)	JULY 19, 1974
170491	EDWARDSVILLE, CITY OF (MADISON CO.)	APRIL 05, 1974
170251A	ELDRED, VILLAGE OF (GREENE CO.)	DECEMBER 17, 1973 AND

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
		JANUARY 16, 1976
170489A	ELLISVILLE, VILLAGE OF (FULTON CO.)	MARCH 22, 1974
170899	ELWOOD, VILLAGE OF (WILL CO)	FEBRUARY 21, 1975
170418	FARMER CITY, CITY OF (DE WITT CO)	MARCH 21, 1975
170427	FOREST CITY, VILLAGE OF (MASON CO)	MARCH 28, 1975
170483A	GALVA, CITY OF (HENRY CO.)	JUNE 14, 1974
170049	GERMANTOWN, VILLAGE OF (CLINTON CO.)	MARCH 29, 1974
170234A	GIBSON CITY, CITY OF (FORD CO.)	MARCH 29, 1974 AND JANUARY 30, 1976
170324A	GILBERTS, VILLAGE OF (KANE CO.)	SEPTEMBER 06, 1974 AND MAY 07, 1976
170885	GOLDEN GATE, VILLAGE (WAYNE CO)	JUNE 27, 1975
170002	GOLDEN, VILLAGE OF (ADAMS CO.)	JUNE 07, 1974
170252	GREENFIELD, CITY OF (GREEN CO.)	FEBRUARY 22, 1974
170862	GREENUP, VILLAGE OF (CUMBERLAND CO)	MARCH 28, 1975
170498A	HAMMOND, VILLAGE OF (PIATT CO.)	JUNE 14, 1974 AND APRIL 09, 1976
170267A	HANCOCK COUNTY	JANUARY 24, 1975 AND FEBRUARY 20, 1976
170465A	HAVANA, CITY OF (MASON CO.)	APRIL 05, 1974 AND JANUARY 30, 1976
170497A	HEYWORTH, VILLAGE OF (MCLEAN CO.)	JUNE 14, 1974
170253	HILLVIEW, VILLAGE OF (GREENE CO.)	DECEMBER 06, 1974
170184	HINCKLEY, VILLAGE OF (DEKALB CO.)	MARCH 01, 1974
170852	HOLLOWAYVILLE, VILLAGE OF (BUREAU CO)	MARCH 28, 1975
170369	INDIAN CREEK, VILLAGE OF (LAKE CO.)	AUGUST 23, 1974
170315	JERSEYVILLE, CITY OF (JERSEY CO.)	JUNE 07, 1974
170757A	JOPPA, VILLAGE OF (MASSAC CO.)	NOVEMBER 22, 1973 AND APRIL 23, 1976
170828	JUNCTION CITY, VILLAGE OF (MARION CO)	MARCH 21, 1975
170860	KEYESPORT, VILLAGE OF (CLINTON CO)	MARCH 21, 1975
170837	KINDERHOOK, VILLAGE OF (PIKE CO)	MARCH 21, 1975
170760	LA PRAIRIE, TOWN OF (ADAMS CO.)	APRIL 25, 1975
170457A	LACON, CITY OF (MARSHALL CO.)	NOVEMBER 30, 1973 AND FEBRUARY 20, 1976
170373A	LAKE BLUFF (VILLAGE OF (LAKE CO.)	FEBRUARY 01, 1974 AND FEBRUARY 06, 1976
170458	LAROSE, VILLAGE OF (MARSHALL CO.)	OCTOBER 25, 1974
170500	LEXINGTON, CITY OF (MCLEAN CO.)	JUNE 28, 1974
170118A	LINCOLNWOOD, VILLAGE OF (COOK CO.)	JUNE 21, 1974
170342	LISBON, VILLAGE OF (KENDALL CO.)	NOVEMBER 01, 1974
170869	LITTLE YORK, VILLAGE OF (WARREN CO)	APRIL 11, 1975
170794	LIVINGSTON, VILLAGE OF (MADISON CO.)	MARCH 22, 1974
170301A	MAKANDA, VILLAGE OF (JACKSON CO.)	AUGUST 23, 1974 AND DECEMBER 26, 1975
170187A	MALTA, VILLAGE OF (DEKALB CO.)	JUNE 07, 1974
170549	MANSFIELD, VILLAGE (PIATT CO)	JANUARY 03, 1975
170836	MAPLETON, VILLAGE OF (PEORIA CO)	MARCH 28, 1975
170351	MAQUON, VILLAGE OF (KNOX CO.)	NOVEMBER 15, 1974

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170764	MARIETTA, VILLAGE OF (MARIETTA CO)	JANUARY 31, 1975
170850A	MARQUETTE HEIGHTS, CITY OF (TAZEWELL CO.)	MARCH 08, 1974 AND MARCH 26, 1976
170091A	MARTINSVILLE, CITY OF (CLARK CO.)	NOVEMBER 23, 1973 AND MARCH 26, 1976
170493	MASON COUNTY •	JANUARY 31, 1975
170833	MATHERVILLE, VILLAGE OF (MERCER CO)	MARCH 28, 1975
170694	MAUNIE, VILLAGE OF (WHITE CO.)	JANUARY 09, 1974
170573A	MCNABB, VILLAGE OF (PUTNAM CO.)	SEPTEMBER 13, 1974 AND MAY 28, 1976
170381	METTAWA, VILLAGE OF (LAKE CO.)	OCTOBER 18, 1974
170880	MIDDLETOWN, VILLAGE OF (LOGAN CO)	MARCH 28, 1975
170685	MILL SHOALS, VILLAGE OF (WHITE CO.)	JULY 19, 1974
170838	MILLSTADT, VILLAGE OF (ST. CLAIR CO)	MARCH 28, 1975
170230	MONTROSE, VILLAGE OF (EFFINGHAM CO.)	AUGUST 23, 1974
170309A	NASON, CITY OF (JEFFERSON CO.)	AUGUST 16, 1974
170559A	NEBO, VILLAGE OF (PIKE CO.)	DECEMBER 20, 1973
170853	NEW BEDFORD, VILLAGE (BUREAU CO.)	JUNE 27, 1975
170555A	NEW CANTON, TOWN OF (PIKE CO.)	AUGUST 16, 1974
170847	NEW MINDEN, VILLAGE (WASHINGTON CO)	JUNE 27, 1975
170749	NEWMAN, VILLAGE OF (DOUGLAS CO.)	NOVEMBER 29, 1974
170303A	NEWTON, CITY OF (JASPER CO.)	DECEMBER 17, 1973 AND MAY 28, 1976
170430A	NIANTIC, VILLAGE OF (MACON CO.)	MARCH 01, 1974
170770A	NORRIS, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170822A	NORTH UTICA, VILLAGE OF (LA SALLE CO)	MARCH 21, 1975 AND JANUARY 23, 1976
170832	OAKFORD, VILLAGE OF (MENARD CO)	MARCH 21, 1975
170831	OAKWOOD HILLS, VILLAGE (MCHENRY CO.)	APRIL 18, 1975
170352	ONEIDA, CITY OF (KNOX CO.)	JUNE 07, 1974
170691A	ORANGEVILLE, VILLAGE OF (STEPHENSON CO.)	AUGUST 16, 1974 AND MARCH 26, 1976
170871	ORIENT, VILLAGE (FRANKLIN CO)	APRIL 04, 1975
170558A	PEARL, VILLAGE OF (PIKE CO.)	DECEMBER 20, 1973 AND MARCH 26, 1976
170797A	PECATONICA, VILLAGE OF (WINNEBAGO CO.)	APRIL 05, 1974 AND APRIL 02, 1976
170538	PERRY COUNTY •	DECEMBER 13, 1974
170542	PIATT COUNTY •	JANUARY 31, 1975
170272A	PONTOOSUC, VILLAGE OF (HANCOCK CO.)	JANUARY 16, 1974 AND MAY 28, 1976
170829	REDDICK, VILLAGE (LIVINGSTON CO.)	APRIL 18, 1975
170883	REYNOLDS, VILLAGE (ROCK ISLAND CO)	APRIL 18, 1975
170493A	RIDOTT, VILLAGE OF (STEPHENSON CO.)	DECEMBER 17, 1973
170603A	RIVERTON, VILLAGE OF (SANGMON CO.)	NOVEMBER 16, 1973 AND MARCH 05, 1976
170867	ROYALTON, VILLAGE OF (FRANKLIN CO)	MARCH 21, 1975
170855	SADORUS, VILLAGE OF (CHAMPAIGN CO)	MARCH 21, 1975
170635	SAUGET, VILLAGE OF (ST. CLAIR CO.)	DECEMBER 13, 1974

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170605	SCHUYLER COUNTY	JANUARY 03, 1975
170595A	SILVIS, CITY OF (ROCK ISLAND CO.)	MAY 31, 1974 AND MAY 21, 1976
170190	SOMONAUK, VILLAGE (DEKALB CO)	JANUARY 24, 1975
170519	SOUTH JACKSONVILLE, CITY OF (MORGAN CO.)	MARCH 29, 1974
170874	SOUTH WILMINGTON, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975
170459A	SPARLAND, VILLAGE OF (MARSHALL CO.)	NOVEMBER 23, 1973 AND MARCH 05, 1976
170887	SPRING BAY, VILLAGE OF (WOODFORD CO)	MARCH 28, 1975
170600	SPRINGERTON, VILLAGE OF (WHITE CO.)	DECEMBER 06, 1974
170800	STONEFORT, VILLAGE OF (SALINE CO.)	AUGUST 30, 1974
170775	ST. DAVID, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170801	ST. FRANCISVILLE, VILLAGE OF (LAWRENCE CO.)	MARCH 29, 1974
170820	ST. MARIE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170921	SUBLETTE, VILLAGE (LEE CO)	JULY 25, 1975
170636A	SUMNERFIELD, VILLAGE OF (ST. CLAIR CO.)	MAY 03, 1974
170005	TAMMS, VILLAGE OF (ALEXANDER CO.)	MAY 10, 1974
170828	TOPEKA, TOWN OF (MASON CO)	MARCH 21, 1975
170869	URBAIN, VILLAGE OF (FRANKLIN CO)	MARCH 21, 1975
170559A	VALLEY CITY, VILLAGE OF (PIKE CO.)	DECEMBER 17, 1973 AND MARCH 19, 1976
170781A	VERMONT, VILLAGE OF (FULTON CO.)	NOVEMBER 29, 1974
170310A	WALTONVILLE, VILLAGE OF (JEFFERSON CO.)	AUGUST 23, 1974 AND MARCH 19, 1976
170455	WAMAC, CITY OF (CLINTON CO)	JUNE 28, 1974
170884	WATEMAN, VILLAGE OF (DE KALB CO)	MARCH 21, 1975
170254A	WHITE HALL, CITY OF (GREENE CO.)	APRIL 05, 1974 AND JANUARY 30, 1976
170821	YALE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170356A	YATES CITY, VILLAGE OF (KNOX CO.)	JUNE 14, 1974 AND JANUARY 30, 1976

TOTAL IN THE STATE 143

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	INDIANA NAME	HAZARD AREA IDENTIFIED
180012A	ADVANCE, TOWN OF (BOONE CO.)	SEPTEMBER 20, 1974
180031	ALTON, TOWN OF (CRAWFORD CO.)	JANUARY 23, 1974
180303	AMBOY, TOWN OF (MIAMI CO.)	NOVEMBER 29, 1974
180097A	ANDREWS, TOWN OF (HUNTINGTON CO.)	JUNE 07, 1974
180315A	ARCADIA, TOWN OF (HAMILTON CO.)	FEBRUARY 01, 1974
180271	ATLANTA, TOWN (HAMILTON CO.)	JULY 11, 1975
180233A	AUSTIN, CITY OF (SCOTT CO.)	NOVEMBER 23, 1973 AND
		MARCH 19, 1976
180112	BARGERSVILLE, TOWN OF (JOHNSON CO.)	NOVEMBER 01, 1974
180316A	BLOOMFIELD, TOWN OF (GREENE CO.)	NOVEMBER 23, 1973
180273A	BOONVILLE, CITY OF (WARRICK CO.)	DECEMBER 28, 1973 AND
		MAY 28, 1976
180087	BROWNSBURG, TOWN OF (HENDRICKS CO.)	NOVEMBER 23, 1973
180318	BURLINGTON, TOWN OF (CARROLL CO.)	NOVEMBER 23, 1973
180319	CAMDEN, TOWN OF (CARROLL CO.)	NOVEMBER 23, 1973
180258A	CAYUGA, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AND
		MAY 21, 1976
180247A	CLEAR LAKE, TOWN OF (STEUBEN CO.)	DECEMBER 06, 1974 AND
		DECEMBER 12, 1975
180167A	CONVERSE, TOWN OF (MIAMI CO.)	MAY 17, 1974
180044	DEKALB COUNTY *	DECEMBER 06, 1974
180051	DUBOIS COUNTY *	DECEMBER 13, 1974
180106	DUMONT, TOWN OF (JEFFERSON CO.)	NOVEMBER 29, 1974
180261	FAIRVIEW PARK, TOWN OF (VERMILLION CO.)	SEPTEMBER 20, 1974
180390	FARMLAND, TOWN OF (RANDOLPH CO)	FEBRUARY 21, 1975
180372A	FORTVILLE, TOWN (HANCOCK CO.)	JULY 11, 1975
180282A	FOUNTAIN CITY, CITY OF (WAY	MAY 10, 1974 AND
		APRIL 16, 1976
180369	FOWLERTON, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180366	FRANCISO, TOWN OF (GIBSON CO)	MARCH 21, 1976
180187	FRENCH LICK, TOWN OF (ORANGE CO.)	FEBRUARY 01, 1974
180070	FULTON COUNTY *	DECEMBER 20, 1974
180360A	GASTON, TOWN OF (DELAWARE CO)	FEBRUARY 21, 1975 AND
		OCTOBER 24, 1975
180325A	GOSPORT, TOWN OF (OWEN CO.)	NOVEMBER 23, 1973
180376	GREENSBORO, TOWN OF (HENRY CO)	MARCH 21, 1975
180365	GREENVILLE, TOWN OF (FLOYD CO)	MARCH 21, 1975
180080	HAMILTON COUNTY *	DECEMBER 13, 1974
180009A	HARTFORD CITY, CITY OF (BLACKFORD CO.)	NOVEMBER 23, 1973 AND
		MARCH 05, 1976
180327	HAZLETON, TOWN OF (GIBSON CO.)	NOVEMBER 23, 1973
180328	HILLSBORO, TOWN OF (FOUNTAIN CO.)	FEBRUARY 01, 1974
180225A	INDIAN VILLAGE, TOWN OF (ST. JOSEPH CO.)	OCTOBER 18, 1974
180108	JENNINGS COUNTY *	DECEMBER 13, 1974
180193	JUDSON, TOWN OF (PARKE CO.)	DECEMBER 17, 1973
180377	KENNARD, TOWN OF (HENRY CO)	MARCH 21, 1975
180090A	KNIGHTSTOWN, TOWN OF (HENRY CO.)	NOVEMBER 30, 1973 AND
		DECEMBER 26, 1975
180172A	LADOGA, TOWN OF (MONTGOMERY CO.)	MAY 24, 1974 AND

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	INDIANA NAME	HAZARD AREA IDENTIFIED
180036	LEAVENWORTH, TOWN OF (CRAWFORD CO.)	DECEMBER 26, 1975
180091	LEWISVILLE, TOWN OF (HENRY CO.)	NOVEMBER 30, 1973
180398	LITTLE YORK, TOWN OF (WASHINGTON CO)	SEPTEMBER 20, 1974
180278	LIVONIA, TOWN OF (WASHINGTON CO.)	MARCH 21, 1976
180307	MACY, TOWN OF (MIAMI CO.)	OCTOBER 18, 1974
180330	MECCA, TOWN OF (PARKE CO.)	DECEMBER 06, 1974
180302	MILFORD, TOWN OF (KOSCIUSKO CO)	JANUARY 23, 1974
180363	MILLERSBURG, TOWN (ELKHART CO.)	MARCH 21, 1976
180010	MONTPELIER, TOWN OF (BLACKFORD CO.)	JULY 11, 1975
180176	MORGAN COUNTY *	DECEMBER 07, 1973
180336A	NEW PALESTINE, TOWN OF (HANCOCK CO.)	DECEMBER 20, 1974
180337A	NEWBERRY, TOWN OF (GREENE CO.)	NOVEMBER 30, 1973
180262A	NEWPORT, TOWN OF (VERMILLION CO.)	FEBRUARY 01, 1974
		MAY 31, 1974 AND
		MAY 21, 1976
180374	NORTH SALEM, TOWN OF (HENDRICKS CO)	FEBRUARY 21, 1975
180072	OAKLAND CITY, CITY OF (GIBSON CO.)	MAY 10, 1974
180206A	OGDEN DUNES, TOWN OF (PORTER CO.)	MAY 31, 1974
180250A	ORLAND, TOWN OF (STEUBEN CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180188A	ORLEANS, TOWN OF (ORANGE CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180229A	OSCEOLA, TOWN OF (ST. JOSEPH CO.)	DECEMBER 17, 1973 AND
		DECEMBER 05, 1975
180189A	PAOLI, TOWN OF (ORANGE CO.)	NOVEMBER 23, 1973 AND
		OCTOBER 31, 1975
180338	PARAGON, TOWN OF (MORGAN CO.)	FEBRUARY 01, 1974
180192	PARKE COUNTY *	DECEMBER 20, 1974
180390	PATOKA, TOWN (GIBSON CO.)	NOVEMBER 23, 1973
180395	PERRYSVILLE, TOWN (VERMILLION CO.)	NOVEMBER 23, 1973
180388	PINES, TOWN OF (PORTER CO)	MARCH 21, 1976
180213	PUTNAM COUNTY	JANUARY 03, 1975
180342	RILEY, TOWN OF (VIGO CO.)	FEBRUARY 01, 1974
180094	ROANOKE, TOWN OF (HUNTINGTON CO.)	DECEMBER 20, 1974
180071A	ROCHESTER, CITY OF (FULTON CO.)	FEBRUARY 15, 1974 AND
		APRIL 09, 1976
180343A	ROSEDALE, TOWN OF (PARKE CO.)	NOVEMBER 30, 1973 AND
		AUGUST 08, 1975
180218A	RUSSELLVILLE, TOWN OF (PUTNAM CO.)	SEPTEMBER 20, 1974
180373	SHIRLEY, TOWN (HANCOCK AND HENRY COS.)	JULY 11, 1975
180346A	SPRING LAKE PARK, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974
180348A	STINESVILLE, TOWN OF (MONROE CO.)	FEBRUARY 01, 1974 AND
		MARCH 06, 1976
180349A	SULPHUR SPRINGS, TOWN OF (HENRY CO.)	FEBRUARY 01, 1974 AND
		APRIL 09, 1976
180370	SWEETSER, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180350	TENNYSON, TOWN OF (WARRICK CO.)	FEBRUARY 01, 1974
180198A	TROY, TOWN OF (PERRY CO.)	MAY 31, 1974
180351	UNIVERSAL, TOWN OF (VERMILLION CO.)	FEBRUARY 01, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	INDIANA NAME	HAZARD AREA IDENTIFIED
180264	WAKARUSA, TOWN OF (ELKHART CO)	FEBRUARY 21, 1975
180176A	WATHEIONN, TOWN OF (MONTGUMERY CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180265	WEST TERRE HAUTE, TOWN (VIGO CO)	NOVEMBER 22, 1974
180379	WHEATFIELD, TOWN (JASPER CO.)	JUNE 27, 1976
180313A	WHITING, CITY (LAKE CO)	JANUARY 10, 1975
180200A	WINSLOW, TOWN OF (PIKE CO.)	DECEMBER 17, 1973 AND
		JANUARY 30, 1976
	TOTAL IN THE STATE	86

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	IOWA NAME	HAZARD AREA IDENTIFIED
190138A	ALDEN, TOWN OF (HARDIN CO.)	JUNE 21, 1974 AND
		DECEMBER 26, 1975
190335	APLINGTON, TOWN (BUTLER CO)	JULY 18, 1975
190092A	ARION, TOWN OF (CRAWFORD CO.)	SEPTEMBER 06, 1974 AND
		MAY 14, 1976
190217	ASHTON, TOWN (OSCEOLA CO)	JULY 11, 1975
190303A	BELMOND, CITY OF (WRIGHT CO.)	MAY 03, 1974 AND
		AUGUST 22, 1975
190093	BUCK GROVE, TOWN OF (CRAWFORD CO.)	NOVEMBER 29, 1974
190277	CALLENDER, TOWN OF (WEBSTER CO.)	NOVEMBER 08, 1974
190269	CHILLICOTHE, TOWN OF (WAPELLO CO.)	NOVEMBER 08, 1974
190514	CLUTIER, TOWN (TAMA CO)	JULY 25, 1975
190307A	COLUMBUS JUNCTION, CITY OF (LOUISA CO.)	JANUARY 09, 1974 AND
		MAY 07, 1976
190921	DAKOTA CITY, TOWN OF (HUMBOLDT CO.)	NOVEMBER 08, 1974
190109	DAVIS CITY, TOWN (DECATUR CO)	JULY 18, 1975
190246	DEFIANCE, TOWN OF (SHELBY CO.)	DECEMBER 20, 1974
190095A	DELOIT, TOWN OF (CRAWFORD CO.)	AUGUST 30, 1974 AND
		DECEMBER 26, 1975
190902	DIKE, TOWN (GRUNDY CO)	JULY 25, 1975
190097A	DOW CITY, TOWN OF (CRAWFORD CO.)	MAY 31, 1974 AND
		DECEMBER 19, 1975
190305A	DOWS, TOWN OF (WRIGHT CO.)	JUNE 21, 1974 AND
		DECEMBER 26, 1975
190569	DYSART, CITY (TAMA CO)	JULY 25, 1975
190329	FAIRBANK, TOWN OF (BUCHANAN & FAYETTE COS.)	JULY 25, 1975
190579	FONTANELLE, CITY (ADAIR CO)	JULY 18, 1975
190027	FREDERIKA, TOWN OF (BREMER CO.)	NOVEMBER 22, 1974
190308	FREDONIA, TOWN OF (LOUISA)	FEBRUARY 14, 1975
190616	GLAUBROOK, TOWN (TAMA CO)	JULY 25, 1975
190279A	GOWRIE, TOWN OF (WEBSTER CO.)	JUNE 28, 1974 AND
		FEBRUARY 06, 1976
190104A	GRANGER, TOWN OF (DALLAS CO.)	MARCH 22, 1974 AND
		JANUARY 02, 1976
190159A	GREEN ISLAND, TOWN OF (JACKSON CO.)	OCTOBER 25, 1974
190236A	HANCOCK, TOWN OF (POTTAWATTAMIE CO.)	AUGUST 30, 1974 AND
		DECEMBER 26, 1975
190280A	HARCOURT, TOWN OF (WEBSTER CO.)	DECEMBER 06, 1974
190224A	HINTON, TOWN OF (PLYMOUTH CO.)	SEPTEMBER 06, 1974 AND
		DECEMBER 26, 1975
190275A	INDIANOLA, CITY OF (WARREN CO.)	JUNE 07, 1974 AND
		APRIL 30, 1976
190511	IRETON, TOWN (SIOUX CO)	JANUARY 24, 1975
190023A	JANESVILLE, TOWN OF (BLACK HAWK AND BREMER COS.)	DECEMBER 28, 1973 AND
		JANUARY 14, 1976
190164A	KELLOGG, TOWN OF (JASPER CO.)	JUNE 21, 1974 AND
		JANUARY 16, 1976
190098	KIRON, CITY OF (CRAWFORD CO.)	NOVEMBER 08, 1974
190006	LANSING, TOWN OF (ALLAMAKEE CO.)	JANUARY 04, 1974

* UNINCORPORATED AREAS ONLY

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190311	LETTS, TOWN OF (LOUISA CO.)	DECEMBER 27, 1974
190032A	LINN GROVE, TOWN OF (BUENA VISTA CO.)	AUGUST 16, 1974 AND MARCH 05, 1976
190078A	LITTLEPORT, TOWN OF (CLAYTON CO.)	AUGUST 23, 1974 AND FEBRUARY 06, 1976
190188	LYNVILLE, TOWN OF (JASPER CO.)	JANUARY 03, 1975
190180A	MANCHESTER, CITY OF (JACKSON CO.)	JUNE 28, 1974 AND FEBRUARY 20, 1976
190198A	MEDALE, TOWN OF (HARRISON CO.)	OCTOBER 18, 1974
190181	MONMOUTH, TOWN OF (JACKSON CO.)	JANUARY 17, 1975
190820	MONONA, TOWN OF (CLAYTON CO.)	FEBRUARY 21, 1975
190312	MORNING SUN, TOWN OF (LOUISA CO.)	JANUARY 17, 1975
190010A	MYSTIC, CITY OF (APPANOOSE CO.)	NOVEMBER 01, 1974 AND JANUARY 30, 1976
190007A	NEW ALBIN, TOWN OF (ALLAMAKEE CO.)	MAY 17, 1974
190062A	NORTH BUENAVISTA, TOWN OF (CLAYTON CO.)	OCTOBER 18, 1974 AND MARCH 19, 1976
190178A	OLIN, TOWN OF (JONES CO.)	AUGUST 30, 1974 AND MARCH 26, 1976
190299A	OTO, TOWN OF (WOODBURY CO.)	SEPTEMBER 13, 1974 AND JANUARY 23, 1976
190172A	OXFORD, TOWN OF (JOHNSON CO.)	MAY 10, 1974 AND FEBRUARY 06, 1976
190151	PISGAH, TOWN OF (HARRISON CO.)	DECEMBER 06, 1974
190041A	PLYMOUTH, TOWN OF (CERRO GORDO CO.)	NOVEMBER 08, 1974 AND MAY 21, 1976
190167A	REASNOR, TOWN OF (JASPER CO.)	NOVEMBER 01, 1974
190100	RICKETTS, TOWN OF (CRAWFORD CO.)	NOVEMBER 22, 1974
190132	SHEFFIELD, TOWN OF (FRANKLIN CO.)	JUNE 28, 1974
190178A	SIGOURNEY, CITY OF (KEOKUK CO.)	MARCH 15, 1974
190058A	STANWOOD, TOWN OF (CEDAR CO.)	AUGUST 09, 1974 AND MAY 14, 1976
190191	STEAMBOAT ROCK, TOWN OF (HARDIN CO.)	JANUARY 03, 1975
190173	TIFFIN, TOWN OF (JOHNSON CO.)	NOVEMBER 22, 1974
190090A	WHEATLAND, TOWN OF (CLINTON CO.)	JUNE 28, 1974 AND APRIL 02, 1976
190070	WOODBURN, TOWN OF (CLARKE CO.)	DECEMBER 20, 1974
190240A	ZEARING, TOWN OF (STORY CO.)	JULY 19, 1974 AND APRIL 09, 1976

TOTAL IN THE STATE 62

* UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200390	ATHOL, CITY OF (SMITH CO.)	DECEMBER 13, 1974
200287A	BELLEVILLE, CITY OF (REPUBLIC CO.)	FEBRUARY 15, 1974 AND OCTOBER 31, 1975
200128	BLUFF CITY, CITY OF (HARPER CO.)	DECEMBER 27, 1974
200393	BRONSON, CITY OF (WOODSON CO.)	JULY 18, 1975
200130A	BURTON, CITY OF (HARVEY CO.)	MARCH 15, 1974 AND OCTOBER 24, 1975
200230A	CANEY, CITY OF (MONTGOMERY CO.)	FEBRUARY 15, 1974 AND OCTOBER 24, 1975
200004	COLONY, CITY OF (ANDERSON CO.)	DECEMBER 20, 1974
200400	CUBA, CITY (REPUBLIC CO.)	JULY 25, 1975
200903	DEARING, CITY (MONTGOMERY CO.)	JULY 25, 1975
200139	DELIA, CITY OF (JACKSON CO.)	AUGUST 30, 1974
200079	DENTON, CITY OF (DONIPHAN CO.)	DECEMBER 27, 1974
200404	DEXTER, CITY (COWLEY CO.)	JULY 25, 1975
200909	DOUGLASS, CITY (BUTLER CO.)	JULY 18, 1975
200235	DUNLAP, CITY (MORRIS CO.)	JANUARY 03, 1975
200236A	ELKHART, CITY OF (MORTON CO.)	MAY 24, 1974 AND DECEMBER 05, 1975
200271	EMMETT, CITY OF (MIAMI CO.)	DECEMBER 20, 1974
200020	FAIRVIEW, CITY OF (BROWN CO.)	NOVEMBER 08, 1974
200221	FONTANA, CITY OF (MIAMI CO.)	DECEMBER 20, 1974
200024	FULTON, CITY (BOURBON CO.)	JANUARY 10, 1975
200342	GALVA, CITY OF (SMITH CO.)	DECEMBER 27, 1974
200227	GLEN ELDER, CITY OF (MITCHELL CO.)	DECEMBER 27, 1974
200206	GOESSEL, CITY OF (MARION CO.)	NOVEMBER 22, 1974
200239A	GOFF, CITY OF (NEMAHA CO.)	NOVEMBER 06, 1974 AND DECEMBER 26, 1975
200111	GRANDVIEW PLAZA, CITY OF (GEARY CO.)	FEBRUARY 01, 1974 AND AUGUST 04, 1974
200004	GREELEY, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200049	GRIDLEY, CITY OF (COFFEY CO.)	NOVEMBER 22, 1974
200355	HADDAM, CITY OF (WASHINGTON CO.)	DECEMBER 27, 1974
200502	HANOVER, CITY (WASHINGTON CO.)	JULY 18, 1975
200352	HANOVERVILLE, CITY OF (WABAUNSEE CO.)	NOVEMBER 06, 1974
200191A	HOLTON, CITY OF (JACKSON CO.)	FEBRUARY 22, 1974
200012	HURON, CITY OF (ATCHISON CO.)	DECEMBER 13, 1974
200118	INGALLS, CITY OF (KEARNY CO.)	DECEMBER 20, 1974
200007	KINCAID, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200329	KISMET, CITY OF (SEWARD CO.)	NOVEMBER 22, 1974
200196A	LA CYGNE, CITY OF (LINN CO.)	MARCH 15, 1974 AND DECEMBER 26, 1975
200103	LANE, CITY OF (FRANKLIN CO.)	DECEMBER 27, 1974
200189A	LANSING, CITY OF (LEAVENWORTH CO.)	AUGUST 23, 1974 AND NOVEMBER 28, 1975
200343	LEBANON, CITY OF (SMITH CO.)	DECEMBER 20, 1974
200046A	LEROY, CITY OF (COFFEY CO.)	DECEMBER 26, 1973 AND OCTOBER 24, 1975
200309	LIEBENTHAL, CITY (RUSH CO.)	JANUARY 03, 1975

* UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200265A	LOGAN, CITY OF (PHILLIPS CO.)	JULY 19, 1974 AND OCTOBER 17, 1975
200222A	LOUISBURG, CITY OF (MIAMI CO.)	MARCH 01, 1974 AND APRIL 18, 1974
200272	LOUISVILLE, CITY OF (POTTAWATOMIE CO.)	DECEMBER 06, 1974
200310	MCCRACKEN, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200051A	MINNEOLA, CITY OF (CLARK CO.)	FEBRUARY 08, 1974 AND OCTOBER 17, 1975
200055	MORGANVILLE, CITY OF (CLAY CO.)	DECEMBER 20, 1974
200032	MORRILL, CITY OF (BROWN CO.)	NOVEMBER 22, 1974
200356	MORROWVILLE, CITY OF (WASHINGTON CO.)	DECEMBER 06, 1974
200197A	MOUND CITY, CITY OF (LINN CO.)	MARCH 01, 1974 AND NOVEMBER 21, 1975 AND APRIL 16, 1976
200019	MUSCOTAH, CITY OF (ATCHISON CO.)	NOVEMBER 22, 1974
200360	NEOSHO FALLS, CITY OF (WOODSON CO.)	JANUARY 31, 1975
200209	NEOSHO RAPIDS, CITY (LYON CO.)	JANUARY 03, 1975
200199	NETAWAKA, CITY OF (JACKSON CO.)	NOVEMBER 22, 1974
200318	NEW CAMBRIA, CITY OF (SALINE CO.)	DECEMBER 27, 1974
200067	NEW STRAWN, CITY OF (COFFEY CO.)	NOVEMBER 22, 1974
200150	NORTONVILLE, CITY OF (JEFFERSON CO.)	MARCH 01, 1974
200292A	OSAGE CITY, CITY OF (OSAGE CO.)	MARCH 01, 1974 AND FEBRUARY 28, 1975
200311	OTIS, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200357	PALMER, CITY OF (WASHINGTON CO.)	DECEMBER 20, 1974
200198	PARKER, CITY OF (LINN CO.)	FEBRUARY 07, 1975
200105A	POMONA, CITY OF (FRANKLIN CO.)	FEBRUARY 06, 1974 AND DECEMBER 26, 1975
200256	PORTIS, CITY OF (OSBORNE CO.)	DECEMBER 27, 1974
200253	QUENEMO, CITY OF (OSAGE CO.)	DECEMBER 20, 1974
200296	RAYMOND, CITY OF (RICE CO.)	DECEMBER 27, 1974
200288	REPUBLIC, CITY OF (REPUBLIC CO.)	DECEMBER 06, 1974
200312	RUSH CENTER, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200315B	RUSSELL, CITY OF (RUSSELL CO.)	FEBRUARY 08, 1974 AND NOVEMBER 06, 1974
200097	SCHOENCHEN, CITY (ELLIS CO.)	JANUARY 17, 1975
200083	SEVERANCE, CITY OF (DONIPHAN CO.)	DECEMBER 20, 1974
200195	SOLDIER, CITY OF (JACKSON CO.)	NOVEMBER 22, 1974
200274	ST. GEORGE, CITY (POTTAWATOMIE CO.)	JANUARY 03, 1975
200369	TURON, CITY OF (RENO CO.)	FEBRUARY 07, 1975
200370	TYRO, CITY (MONTGOMERY CO.)	JULY 25, 1975
200563	WAKEENEY, CITY (TREGO CO.)	JULY 25, 1975
200374	WALTON, CITY (HARVEY CO.)	JANUARY 24, 1975
200277A	WESTMORELAND, CITY OF (POTTAWATOMIE CO.)	MARCH 08, 1974 AND DECEMBER 26, 1975
200008	WESTPHALIA, CITY (ANDERSON CO.)	DECEMBER 20, 1974
200376	WETMORE, CITY OF (NEMAHA)	FEBRUARY 14, 1975
200086	WHITE CLOUD, CITY OF (DONIPHAN CO.)	DECEMBER 27, 1974

* UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200196	WHITING, CITY OF (JACKSON CO.)	NOVEMBER 29, 1974

TOTAL IN THE STATE 80

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• UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
210070A	ALLEN, TOWN OF (FLOYD CO.)	JANUARY 23, 1974 AND FEBRUARY 27, 1976
210093A	ARLINGTON, TOWN OF (CARLISLE CO.)	MAY 17, 1974
210094A	BARDWELL, TOWN OF (CARLISLE CO.)	MAY 17, 1974 AND FEBRUARY 27, 1976
210088	BERRY, TOWN OF (HARRISON CO.)	AUGUST 16, 1974 AND FEBRUARY 20, 1976
210187A	BOONEVILLE, CITY OF (OWSLEY CO.)	FEBRUARY 01, 1974 AND FEBRUARY 20, 1976
210161A	BRADFORDSVILLE, CITY OF (MARION CO.)	MAY 10, 1974 AND FEBRUARY 20, 1976
210023	BREATHITT COUNTY	JANUARY 03, 1975
210201A	BROOKHAVEN, CITY OF (ROCK CASTLE CO.)	MAY 17, 1974 AND FEBRUARY 27, 1976
210154A	CALHOUN, TOWN OF (MCLEAN CO.)	FEBRUARY 01, 1974
210092	CARLISLE COUNTY *	OCTOBER 18, 1974
210053	CASEY COUNTY *	DECEMBER 13, 1974
210057	CLAY COUNTY *	DECEMBER 27, 1974
210111	CLINTON, TOWN OF (HICKMAN CO.)	MAY 17, 1974
210243	COAL RUN, CITY (PIKE CO)	JANUARY 10, 1975
210227A	CORBIN, CITY OF (KNOX CO.)	JUNE 14, 1974 AND FEBRUARY 20, 1976
210193	CRAB ORCHARD, TOWN OF (LINCOLN CO.)	JUNE 14, 1974
210060	CUMBERLAND COUNTY	JANUARY 03, 1975
210290	FLEMING, CITY OF (FLETCHER CO)	MARCH 28, 1975
210238A	FLORENCE, TOWN OF (BOONE CO.)	FEBRUARY 01, 1974 AND FEBRUARY 20, 1976
210038	FORT THOMAS, CITY OF (CAMPBELL CO.)	JANUARY 25, 1974 AND OCTOBER 18, 1974
210030	FREDONIA, TOWN (CALDWELL CO)	JULY 25, 1975
210081	GARRARD COUNTY *	OCTOBER 18, 1974
210096	GHENT, TOWN OF (CARROLL CO.)	JANUARY 16, 1974
210251	GILBERTSVILLE, CITY (MARSHALL CO.)	JULY 25, 1975
210078	GLENCOE, CITY OF (GALLATIN CO.)	FEBRUARY 01, 1974
210094	HARDIN COUNTY *	OCTOBER 18, 1974
210303	HARDIN, CITY OF (MARSHALL CO.)	JUNE 14, 1974
210165	HARDIN, TOWN OF (MARSHALL CO.)	MAY 10, 1974
210032	HAZEL, TOWN OF (CALLOWAY CO.)	AUGUST 09, 1974
210110	HENRY COUNTY *	OCTOBER 18, 1974
210077	HICKMAN, CITY OF (FULTON CO)	JUNE 28, 1974
210112A	HOPKINS COUNTY *	OCTOBER 18, 1974 AND APRIL 23, 1976
210137	HYDEN, CITY OF (LESLIE CO.)	MAY 24, 1974
210138	JENKINS, CITY OF (LETCHER CO.)	JUNE 07, 1974
210134	LAUREL COUNTY *	DECEMBER 27, 1974
210304	LEBANON JUNCTION, CITY OF (BULLITT CO.)	MARCH 15, 1974
210085	LEITCHFIELD, TOWN OF (GRAYSON CO.)	MAY 10, 1974
210191	LEWIS COUNTY *	DECEMBER 20, 1974
210186	MARTIN COUNTY *	DECEMBER 13, 1974

• UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
210071A	MARTIN, TOWN OF (FLOYD CO.)	MAY 24, 1974 AND FEBRUARY 27, 1976
210233A	MCHENRY, TOWN OF (OHIO CO.)	OCTOBER 28, 1974
210153	MCLEAN COUNTY *	DECEMBER 06, 1974
210194	MILLERSBURG, CITY OF (BOURBON CO.)	MAY 10, 1974 AND FEBRUARY 20, 1976
210242A	MORGANTOWN, TOWN OF (BUTLER CO.)	FEBRUARY 01, 1974
210198	OWEN COUNTY *	OCTOBER 18, 1974
210249	PETERSBURG, TOWN OF (BOONE CO.)	JANUARY 23, 1974
210199	POWELL COUNTY *	NOVEMBER 29, 1974
210097A	PRESTONVILLE, TOWN OF (CARROLL CO.)	AUGUST 16, 1974 AND FEBRUARY 20, 1976
210245	ROCKPORT, TOWN OF (OHIO CO.)	FEBRUARY 01, 1974
210260	SADIEVILLE, CITY (SCOTT CO)	JANUARY 03, 1975
210209	SHELBY COUNTY *	OCTOBER 18, 1974
210208A	SHEPHERDSVILLE, CITY OF (BULLITT CO.)	MAY 24, 1974 AND MARCH 05, 1976
210294	SOUTH CARROLLTON, CITY (MUHLENBERG CO)	JULY 25, 1975
210212	TAYLOR COUNTY *	OCTOBER 18, 1974
210218A	UNIONTOWN, TOWN OF (UNION CO.)	MAY 17, 1974
210192A	VICCO, CITY OF (PERRY CO.)	MAY 10, 1974 AND MARCH 05, 1976
210096A	VINE GROVE, CITY OF (HARDIN CO.)	MAY 17, 1974 AND MARCH 05, 1976
210248A	WHEAT CROFT, TOWN OF (WEBSTER CO.)	FEBRUARY 15, 1974 AND MARCH 05, 1976
210307	WINSTON PARK, TOWN OF (KENTON CO.)	JANUARY 23, 1974
210208	WURTLAND, CITY (GREENUP CO)	JULY 28, 1975

TOTAL IN THE STATE 60

• UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
220114	ALBANY, VILLAGE OF (LIVINGSTON PARISH)	APRIL 12, 1974
220231	ANGIE, VILLAGE (WASHINGTON PARISH)	JANUARY 03, 1975
220354	ATHENS, VILLAGE OF (CLAIBORNE PARISH)	FEBRUARY 21, 1975
220026	BEAUREGARD PARISH	JANUARY 17, 1975
220319	BERNICE TOWN (UNION CO)	JANUARY 17, 1975
220147A	BUTCE, TOWN OF (RAPIDES PARISH)	APRIL 05, 1974
220319	CHOUDRANT VIL (LINCOLN CO)	JUNE 27, 1975
220249	CLINTON, TOWN OF (E. FELICIANA PAR)	JULY 18, 1975
220236A	DOTLINE, VILLAGE OF (WEBSTER PARISH)	APRIL 05, 1974 AND OCTOBER 17, 1975
220324	ELIZABETH TOWN (ALLEN CO)	JULY 25, 1975
220325	FARMERVILLE TOWN (UNION CO)	MAY 02, 1975
220326	FLORIEN VIL (SABINE PARISH)	JULY 25, 1975
220265	FOLSOM VIL (ST. TAMMANY CO)	JULY 18, 1975
220117A	FRENCH SETTLEMENT, VILLAGE OF (LIVINGSTON PAR.)	OCTOBER 25, 1974 AND MARCH 12, 1976
220327	GIBSLAND TOWN (BIENVILLE CO)	JULY 11, 1975
220291	GRAND CANE VIL (DE SOTO CO)	MAY 02, 1975
220331	HODGE VIL (JACKSON CO)	JULY 11, 1975
220295	HUSSTON TOWN (CADDO CO)	JULY 25, 1975
220335	JUNCTION CITY, CITY (CLAIBORNE-UNION CO)	JULY 18, 1975
220338	MARION VIL (UNION CO)	MAY 02, 1975
220007A	MORSE, TOWN (ACADIA PARISH)	NOVEMBER 23, 1973 AND MARCH 12, 1976
220302	NORWOOD VIL (EAST FELICIANA CO)	JULY 11, 1975
220012A	OBERLIN, CITY OF (ALLEN PARISH)	JUNE 21, 1974 AND NOVEMBER 14, 1975
220203	PEARL RIVER, TOWN OF (ST. TAMMANY PARISH)	MAY 24, 1974
220308	RODESSA TOWN (CADDO CO)	JULY 18, 1975
220212A	ROSELAND, TOWN OF (TANGIPAHOA PARISH)	OCTOBER 26, 1973 AND APRIL 09, 1976
220258	SIBLEY, VILLAGE OF (WEBSTER PARISH)	FEBRUARY 07, 1975
220050	SICILY ISLAND, VILLAGE OF (CATAHOULA PARISH)	DECEMBER 28, 1973
220310	SIKES, VILLAGE OF (WINN PARISH)	APRIL 25, 1975
220312	SIMSBORO, VILLAGE OF (LINCOLN PARISH)	FEBRUARY 07, 1975
220120	SPRINGFIELD, TOWN OF (LIVINGSTON PARISH)	AUGUST 23, 1974
220137A	STERLINGTON, TOWN OF (OUACHITA PARISH)	DECEMBER 17, 1973 AND JANUARY 09, 1974
220205A	SUN, VILLAGE OF (ST. TAMMANY PARISH)	AUGUST 30, 1974 AND APRIL 16, 1976
220049A	TURKEY CREEK, VILLAGE OF (EVANGELINE PARISH)	AUGUST 30, 1974 AND OCTOBER 31, 1975
220234A	VARNADO, VILLAGE OF (WASHINGTON PARISH)	OCTOBER 25, 1974 AND APRIL 30, 1976
220230	WASHINGTON PARISH	JANUARY 10, 1976
220362	WILSON VIL (EAST FELICIANA CO)	JULY 18, 1975

• UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	TOTAL IN THE STATE	37

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230303	ALEXANDER, TOWN OF (WASHINGTON CO.)	DECEMBER 06, 1974
230283	ALNA, TOWN OF (LINCOLN CO)	JANUARY 03, 1975
230272	AMHERST, TOWN (HANCOCK CO)	JANUARY 24, 1975
230408	ARROOSIC, TOWN (SAGADAHOC CO)	JANUARY 17, 1975
230206	BALDWIN, TOWN OF (CUMBERLAND)	FEBRUARY 14, 1975
230252	BELMONT, TOWN (WALDO CO)	MARCH 14, 1975
230149	BERWICK, TOWN OF (YORK CO.)	AUGUST 09, 1974
230276	BROOKSVILLE, TOWN OF (HANCOCK CO)	FEBRUARY 21, 1975
230130	BURNHAM, TOWN OF (WALDO CO.)	JULY 26, 1974
230374	BURLINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 28, 1975
230375	CARMEL, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230376	CHARLESTON, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230378	CLIFTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230307	COLUMBIA, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230380	CORINTH, TOWN (PENOBSCOT CO)	FEBRUARY 21, 1975
230278	CRANBERRY ISLE, TOWN OF (HANCOCK CO.)	JANUARY 31, 1975
230309	CRAWFORD, TOWN (WASHINGTON CO)	JANUARY 17, 1975
230198	DAYTON, TOWN OF (YORK CO)	JUNE 28, 1974
230279	DEDHAM, TOWN (HANCOCK CO)	APRIL 18, 1975
230084	DRESDEN, TOWN OF (LINCOLN CO.)	SEPTEMBER 20, 1974
230281	EASTBROOK, TOWN (HANCOCK CO)	APRIL 18, 1975
230217A	EDGECOMB, TOWN (LINCOLN CO)	JANUARY 03, 1975 AND APRIL 23, 1976
230389	EMDEN, TOWN OF (SOMERSET CO)	FEBRUARY 21, 1975
230237	FAYETTE, TOWN OF (KENNEBEC CO.)	NOVEMBER 29, 1974
230225	FRIENDSHIP, TOWN (KNOX CO)	JANUARY 03, 1975
230186	GILEAD, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975
230475	GREENE, TOWN (ANDROSCOGGIN CO)	APRIL 11, 1975
230308	GREENFIELD, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230332	GREENWOOD, TOWN OF (OXFORD CO)	FEBRUARY 21, 1975
230314	HARMONY, TOWN OF (WASHINGTON CO)	FEBRUARY 21, 1975
230425	HERSEY, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230382	JACKMAN, TOWN (SOMERSET CO)	JANUARY 24, 1975
230315	JONESBORO, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230393	LAGRANGE, TOWN OF (PENOBSCOT CO.)	FEBRUARY 28, 1975
230193	LEBANON, TOWN OF (YORK COU)	FEBRUARY 07, 1975
230394	LEE, TOWN (PENOBSCOT CO)	JANUARY 31, 1975
230152	LIMINGTON, TOWN OF (YORK CO.)	MAY 31, 1974
230427	LINNEUS, TOWN OF (AROOSTOOK CO.)	FEBRUARY 21, 1975
230428	LITTLETON, TOWN OF (AROOSTOOK CO.)	MARCH 21, 1975
230173	LIVERMORE, TOWN OF (ANDROSCOGGIN CO.)	NOVEMBER 08, 1974
230395	LOWELL, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230429	LUDLOW, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230286	MANAVILLE, TOWN (HANCOCK CO)	MARCH 14, 1975
230410	MEDFORD, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230176	MERCER, TOWN OF (SOMERSET CO.)	JANUARY 31, 1975
230008	MINOT, TOWN OF (ANDROSCOGGIN CO.)	FEBRUARY 01, 1974
230261	MONTVILLE, TOWN OF (WALDO CO)	FEBRUARY 21, 1975

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230383	MOOSE RIVER, TOWN (SOMERSET CO)	JANUARY 17, 1975
230247	MT. DESERT, TOWN (HANCOCK CO)	JANUARY 17, 1975
230218	NEWCASTLE, TOWN OF (LINCOLN CO.)	FEBRUARY 21, 1975
230318	NORTHFIELD, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230180	ORRINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230289	OTIS, TOWN (HANCOCK CO)	APRIL 18, 1975
230412	PARKMAN, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230154	PARSONFIELD, TOWN OF (YORK CO.)	JUNE 28, 1974
230143	PEMBROKE, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974
230290	PENOBSCOT, TOWN (HANCOCK CO)	JANUARY 24, 1975
230330	PERHAM, TOWN (AROOSTOOK CO)	APRIL 18, 1975
230338	PORTER, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975
230264	PROSPECT, TOWN OF (WALDO)	FEBRUARY 14, 1975
230011	SABATTUS, TOWN OF (ANDROSCOGGIN CO.)	MAY 31, 1974
230206	SEBAGO, TOWN (CUMBERLAND CO)	JANUARY 17, 1975
230291	SEDGWICK, TOWN (HANCOCK CO)	JANUARY 24, 1975
230196	SHAPLEIGH, TOWN (YORK CO)	JANUARY 17, 1975
230415	SHIRLEY, TOWN (PISCATAQUIS CO)	JANUARY 24, 1975
230292	SORRENTO, TOWN (HANCOCK CO)	JANUARY 24, 1975
230400	SPRINGFIELD, TOWN (PENOBSCOT CO.)	JANUARY 24, 1975
230323	STEUBEN, TOWN OF (WASHINGTON CO)	FEBRUARY 21, 1975
230035	STOCKHOLM, TOWN (AROOSTOOK CO)	JANUARY 10, 1975
230249	STONINGTON, TOWN OF (HANCOCK CO)	FEBRUARY 21, 1975
230183	ST. FRANCIS, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230297	SWANS ISLAND, TOWN OF (HANCOCK)	FEBRUARY 14, 1975
230268	THORNDIKE, TOWN (WALDO CO)	JANUARY 10, 1975
230329	TOPSFIELD, TOWN (WASHINGTON CO)	MARCH 14, 1975
230298	TREMONT, TOWN (HANCOCK CO.)	JANUARY 31, 1975
230299	TRENTON, TOWN (HANCOCK CO)	JANUARY 24, 1975
230298	VASSALBOROUGH, TOWN OF (KENNEBEC COU)	FEBRUARY 07, 1975
230403	VEAZIE, TOWN (PENOBSCOT CO.)	JANUARY 03, 1975
230439	WALES, TOWN OF (ANDROSCOGGIN CO)	FEBRUARY 21, 1975
230301	WALTHAM, TOWN (HANCOCK CO)	JANUARY 03, 1975
230082	WASHINGTON, TOWN OF (KNOX CO.)	SEPTEMBER 06, 1974
230211	WEST BATH, TOWN (SAGADAHOC CO)	JANUARY 03, 1975
230439	WESTON, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230222	WESTPORT, TOWN (LINCOLN CO)	JANUARY 03, 1975
230087	WHITEFIELD, TOWN OF (LINCOLN CO.)	JULY 26, 1974
230228	WHITING, TOWN OF (WASHINGTON COU)	FEBRUARY 07, 1975
230404	WINN, TOWN (PENOBSCOT CO)	JANUARY 24, 1975

TOTAL IN THE STATE 87

• UNINCORPORATED AREAS ONLY

MARYLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
240102A	DEER PARK, TOWN OF (GARRETT CO.)	NOVEMBER 08, 1974
240106	GALESTOWN, TOWN (DORCHESTER CO)	JULY 11, 1975
240114	LUKE, TOWN (ALLEGANY CO)	JULY 18, 1975
240059	QUEEN ANNE, TOWN OF (QUEEN ANNE'S CO.)	AUGUST 09, 1974

TOTAL IN THE STATE

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260210A	BANGOR, TOWNSHIP (VAN BUREN CO)	JANUARY 10, 1975 AND JANUARY 09, 1976
260192	BERLIN, TOWNSHIP OF (ST. CLAIR CO.)	AUGUST 23, 1974
260027	BLAINE, TOWNSHIP OF (BENZIE CO.)	SEPTEMBER 20, 1974
260467	BROOKS, TOWNSHIP (NEWAYGO CO.)	JULY 18, 1975
260499	BUENA VISTA, TOWNSHIP (SAGINAW CO.)	JULY 25, 1975
260073	BURTON, TWP (GENESEE CO)	AUGUST 16, 1974
260303	CASSOPOLIS, VILLAGE (CASS CO.)	JULY 11, 1975
260509	CENTREVILLE, VILLAGE (ST. JOSEPH CO.)	JULY 11, 1975
260426	CHARLESTON, TOWNSHIP (KALAMAZOO CO.)	JULY 25, 1975
260472A	CLARKSTON, VILLAGE (OAKLAND CO.)	APRIL 25, 1975 AND OCTOBER 31, 1975
260437	CLINTON, VILLAGE (LENAWEE CO.)	APRIL 18, 1975
260195	CLYDE, TOWNSHIP OF (ST. CLAIR CO.)	JULY 26, 1974
260510	COLON, TOWNSHIP (ST. JOSEPH CO.)	JULY 18, 1975
260433	COLUMBIAVILLE, VILLAGE (LAPEER CO.)	JULY 11, 1975
260423	CONCORD, VILLAGE (JACKSON CO.)	JULY 11, 1975
260512	CONSTANTINE, VILLAGE (ST. JOSEPH CO.)	JULY 25, 1975
260515	CROSWELL, CITY (SANILAC CO.)	APRIL 11, 1975
260536	DEXTER, TOWNSHIP (WASHTENAW CO.)	JULY 18, 1975
260369	EDWARDSBURG, VILLAGE (CASS CO.)	JULY 11, 1975
260349	ELLSWORTH, VILLAGE (ANTRIM CO.)	APRIL 11, 1975
260327A	EVART, CITY (OSCEOLA CO.)	APRIL 25, 1975 AND FEBRUARY 06, 1976
260406	FIFE LAKE, VILLAGE (GRAND TRAVERSE CO.)	JULY 11, 1975
260532	MANISTEE, CITY (VAN BUREN CO.)	JULY 11, 1975
260489	MERSEY, VILLAGE (OSCEOLA CO.)	JULY 11, 1975
260485	MESPEMIA, VILLAGE (OCEANA CO.)	JULY 11, 1975
260137	MINTON, TOWNSHIP OF (MECOSTA CO.)	SEPTEMBER 06, 1974
260084	ITHACA, CITY OF (GRATIOT CO.)	DECEMBER 27, 1974
260501	KOCHVILLE, TOWNSHIP (SAGINAW CO.)	JULY 25, 1975
260412	LAKE LINDEN, VILLAGE (HOUGHTON CO.)	APRIL 11, 1975
260403	LAKEVIEW, VILLAGE (MONTCALM CO.)	JULY 11, 1975
260014	LINCOLN, TOWNSHIP OF (ARENAC CO.)	JUNE 14, 1974
260384	MAPLE RAPIDS, VILLAGE (CLINTON CO.)	APRIL 25, 1975
260328	MARION, VILLAGE (OSCEOLA CO.)	APRIL 25, 1975
260310	MELVINDALE, CITY (WAYNE CO)	JANUARY 10, 1975
260394	MIDDLEVILLE, VILLAGE (BARRY CO.)	JULY 18, 1975
260486	MILLS, TOWNSHIP (OGEMAW CO.)	JULY 25, 1975
260358	MONITOR, TOWNSHIP (BAY CO.)	JULY 25, 1975
260521	NEW HAVEN, TOWNSHIP (SHIAWASSEE CO.)	JULY 25, 1975
260332	NORWAY, CITY (DICKINSON CO.)	JULY 11, 1975
260425	PARMA, VILLAGE (JACKSON CO.)	JULY 11, 1975
260534	PINE GROVE, TOWNSHIP (VAN BUREN CO.)	JULY 25, 1975
260460	POWERS, VILLAGE (MENOMINEE CO.)	JULY 11, 1975
260402	RICHFIELD, TOWNSHIP (GENESEE CO.)	JULY 11, 1975
260290B	RIVERVIEW, CITY OF (WAYNE CO.)	MAY 03, 1974 AND FEBRUARY 28, 1975 AND FEBRUARY 13, 1976

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260921	SARANAC, VILLAGE CIONIA CO.)	JULY 11, 1975
260293	SUMPTER, TOWNSHIP OF CWAYNE COU	JUNE 28, 1974
260351	TURNER, TOWNSHIP CARENAC CO.)	JULY 18, 1975
260334	ULBY, VILLAGE CHURON CO.)	APRIL 11, 1975
260370	VANDALIA, VILLAGE CCASS CO.)	JULY 11, 1975
260524	VERNON, VILLAGE CSHIAWASEE CU.)	JULY 11, 1975
260049	WEESAW, TOWNSHIP OF CBERRIEN CO.)	JUNE 28, 1974
260470	WHITE CLOUD, CITY CNEWAYGU CO.)	APRIL 11, 1975
260329	YALE, CITY EST. CLAIR CO.)	APRIL 11, 1975
260541	YORK, TOWNSHIP CWASHTENAW CO.)	JULY 18, 1975

TOTAL IN THE STATE 69

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270492	ALDRICH, CITY OF CWADENA COU)	FEBRUARY 27, 1975
270395A	ASKOV, CITY OF CPINE CO.)	OCTOBER 25, 1974 AND
		AUGUST 29, 1975
270417	AURORA, CITY OF EST. LOUIS CO.)	APRIL 26, 1974
270592	AVOCA, CITY CMURRAY COJ	JANUARY 10, 1975
270493	AYON, CITY OF ESTEARNS CO.)	MARCH 29, 1974
270559	BAUDETTE, CITY OF CLAKE OF THE.WOODS CO.)	DECEMBER 27, 1974
270555A	BEJOU, CITY CMAHNOMEN COJ	JANUARY 03, 1975 AND
		MAY 14, 1976
270241	BISCAY, CITY OF CMCLEOD CO.)	NOVEMBER 18, 1974
270333	BLUFFTON, CITY OF COTTER TAIL CO.)	AUGUST 09, 1974
270293	BOWLUS, CITY OF CMORRISON CO.)	OCTOBER 25, 1974
270070	BRANCH, CITY OF CCHISAGO CO.)	AUGUST 30, 1974
270319	BREWSTER, CITY CNOBLES COJ	APRIL 25, 1975
270557	BROOK PARK, CITY OF CPINE CO.)	OCTOBER 25, 1974
270388	BROOKS, CITY OF CRED LAKE CO.)	AUGUST 09, 1974
270191	BROWNSVILLE, CITY OF CHOUSTON CO.)	OCTOBER 18, 1974
270282	BROWNTON, CITY OF CMCLEOD CO.)	MAY 03, 1974
270294	BUCKMAN, CITY OF CMORRISON CO.)	AUGUST 09, 1974
270281	CEDAR MILLS, CITY OF CMEEKER)	FEBRUARY 14, 1975
270276	CEYLON, CITY CMARTIN COJ	APRIL 11, 1975
270312A	CHANDLER, CITY OF CMURRAY CO.)	AUGUST 09, 1974 AND
		NOVEMBER 21, 1975
270494	CHOKIO, CITY OF CSTEVENS CO.)	MAY 03, 1974
270664A	CLEAR LAKE, CITY CSHERBURNE CO.)	JANUARY 03, 1975 AND
		SEPTEMBER 12, 1975
270559	CLEARBROOK, CITY OF CCLEARWATER CO.)	NOVEMBER 01, 1974
270540	CLEVELAND, CITY OF CLESUEUR CO.)	DECEMBER 27, 1974
270363	CLIMAX, CITY OF CPOLK CO.)	SEPTEMBER 20, 1974
270629	CLINTON, CITY OF CBIG STONE CO.)	MAY 17, 1974
270448	CLONTARF, CITY OF CSWIFT CO.)	JULY 19, 1974
270541	COBDEN, CITY OF CBROWN CO.)	NOVEMBER 01, 1974
270562	COLOGNE, CITY OF CCARVER CO.)	NOVEMBER 01, 1974
270035A	COMFREY, CITY OF CBROWN CU.)	SEPTEMBER 20, 1974 AND
		DECEMBER 22, 1975
270025	CORRELL, CITY CBIG STONE COJ	JANUARY 29, 1975
270282	COSMOS, CITY OF CMEEKER CO.)	MAY 17, 1974
270314	COURTLAND, CITY OF CNICOLLET CO.)	JULY 19, 1974
270313	CURRIE, CITY OF CMURRAY CO.)	AUGUST 02, 1974
270349A	CYRUS, CITY OF CPOPE CO.)	AUGUST 09, 1974
270395	DANUBE, CITY OF CRENVILLE CO.)	SEPTEMBER 20, 1974
270469A	DANVERS, CITY OF CSWIFT CO.)	AUGUST 09, 1974
270334	DEER CREEK, CITY OF COTTER TAIL CO.)	AUGUST 16, 1974
270470	DEGRAFF, CITY OF CSWIFT CO.)	AUGUST 09, 1974
270117	DELAVAN, CITY OF CFAIRBAULT CO.)	AUGUST 16, 1974
270543	DELHI, CITY OF CREDWOOD CO.)	OCTOBER 25, 1974
270396	DENHAM, CITY CPINE COJ	JANUARY 24, 1975
270225	DONALDSON, CITY CKITTSON COJ	JANUARY 24, 1975
270546A	DOVER, CITY OF COLMSTEAD CO.)	NOVEMBER 01, 1974 AND

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270059A	EAST GULL LAKE, CITY OF CCASS CO.)	OCTOBER 17, 1975
		DECEMBER 20, 1974 AND
		OCTOBER 10, 1975
270283	EDEN VALLEY, CITY OF CSTEARNS CO.)	MAY 03, 1974
270320	ELLSWORTH, CITY OF CNOBLES CO.)	MAY 03, 1974
270295	ELMDALE, CITY OF CMORRISON CO.)	AUGUST 09, 1974
270119	ELMORE, CITY OF CFAIRBAULT CO.)	MAY 14, 1974
270657	EMMONS, CITY OF CFREEBORN CO.)	DECEMBER 27, 1974
270336	ERHARD, CITY OF COTTER TAIL CO.)	AUGUST 09, 1974
270422	EVELETH, CITY OF EST. LOUIS CO.)	JUNE 07, 1974
270329A	EYOTA, CITY OF COLMSTEAD CO.)	APRIL 12, 1974
270396	FAIRFAX, CITY OF CRENVILLE CO.)	MARCH 29, 1974
270276A	FAIRMONT, CITY OF CMARTIN CO.)	JUNE 07, 1974 AND
		DECEMBER 12, 1975
270096	FIFTY LAKES, CITY OF CCROW WING CO.)	OCTOBER 18, 1974
270346A	FISHER, CITY OF CPOLK CO.)	AUGUST 02, 1974
270569	FRANKLIN, CITY EST. LOUIS COJ	APRIL 26, 1975
270570	FRAZEE, CITY OF CBECKER CO.)	NOVEMBER 18, 1974
270446A	FREEPORT, CITY OF CSTEARNS CO.)	MAY 03, 1974 AND
		AUGUST 08, 1975
270571	FUNKLEY, CITY CBELTRAMI COJ	JULY 11, 1975
270136	GENEVA, CITY OF CFREEBORN CO.)	SEPTEMBER 04, 1974
270296	GENOLA, CITY OF CMORRISON COU)	FEBRUARY 07, 1975
270439	GIBBON, CITY OF CSIBLEY CO.)	JUNE 21, 1974
270088	GUNVICK, CITY OF CCLEARWATER CO.)	AUGUST 23, 1974
270142B	GOODHUE, CITY OF CGOODHUE CO.)	MAY 24, 1974 AND
		APRIL 23, 1976
270026A	GRACEVILLE, CITY OF CBIG STONE CO.)	MAY 17, 1974 AND
		NOVEMBER 14, 1975
270277	GRANADA, CITY OF CMARTIN CO.)	AUGUST 02, 1974
270447	GREENWALD, CITY OF CSTEARNS CO.)	AUGUST 23, 1974
270061A	HACKENSACK, CITY OF CCASS CO.)	SEPTEMBER 20, 1974
270573	HADLEY, CITY CMURRAY COJ	APRIL 11, 1975
270227	HALMA, CITY OF CKITTSON COJ	JANUARY 31, 1975
270574	HANLEY FALLS, CITY CYELLOW MEDICINE COJ	JULY 11, 1975
270071A	HARRIS, CITY OF CCHISAGO CO.)	SEPTEMBER 20, 1974 AND
		OCTOBER 24, 1975
270355	HATFIELD, CITY OF CPIPESTONE COJ	JANUARY 31, 1975
270338A	HENNING, CITY OF COTTER TRAIL CO.)	MAY 03, 1974 AND
		OCTOBER 31, 1975
270002A	HILL CITY, CITY OF CAITKIN CO.)	NOVEMBER 08, 1974
270409A	HILLS, CITY OF CROCK CO.)	APRIL 12, 1974
270578A	HOFFMAN, CITY OF CGRANT COJ	JANUARY 31, 1975
270490A	HOLDINGFORD, CITY OF CSTEARNS CO.)	MAY 17, 1974
270138	HOLLANDALE, CITY OF CFREEBORN CO.)	SEPTEMBER 20, 1974
270356A	HOLLAND, CITY OF CPIPESTONE CO.)	AUGUST 30, 1974 AND
		DECEMBER 05, 1975
270471	HOLLOWAY, CITY OF CSWIFT CO.)	SEPTEMBER 06, 1974
270228	HUMBOLDT, CITY OF CKITTSON CO.)	AUGUST 09, 1974

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270357	IHLEN, CITY OF CPIPESTONE CO.)	AUGUST 02, 1974
270225A	INTERNATIONAL FALLS, CITY OF CKOOCHICHING CO.)	JUNE 07, 1974 AND
		MARCH 26, 1976
270579	IONA, CITY OF CMURRAY CO.)	DECEMBER 20, 1974
270480	IRON JUNCTION, CITY OF EST. LOUIS CO.)	OCTOBER 25, 1974
270098	JENKINS, CITY OF CCROW WING CO.)	AUGUST 23, 1974
270205	KEEWATIN, CITY OF CITASCA CO.)	MAY 03, 1974
270455	KELLOGG, CITY OF CWABASHA CO)	JANUARY 31, 1975
270143	KENYON, CITY OF CGOODHUE CO.)	MAY 24, 1974
270121	KIESTER, CITY OF CFAIRBAULT CO.)	MAY 10, 1974
270206A	LA PRAIRIE, CITY OF CITASCA CO.)	AUGUST 23, 1974 AND
		OCTOBER 17, 1975
270062A	LAKE SHORE, CITY OF CCASS CO.)	SEPTEMBER 13, 1974 AND
		DECEMBER 19, 1975
270617A	MADELIA, CITY OF CWATONWAN CO.)	APRIL 12, 1974 AND
		MAY 28, 1976
270242	MADISON, CITY OF CLAC QUI PARLE CO.)	APRIL 12, 1974
270667	MAPLE LAKE, CITY CWRIGHT CO.)	JANUARY 10, 1975
270032A	MAPLETON, CITY CBLUE EARTH COJ	APRIL 25, 1975 AND
		OCTOBER 03, 1975
270243	MARIETTA, CITY OF CLAC QUI PARLE CO.)	SEPTEMBER 06, 1974
270053A	MAYER, CITY OF CCARVER CO.)	NOVEMBER 23, 1973
270587	MAYNARD, CITY OF CCHIPPEWA CO.)	NOVEMBER 15, 1974
270487	MAZEPPA, CITY OF CWABASHA CO.)	JULY 19, 1974
270588	MCINTOSH, CITY OF CPOLK CO.)	NOVEMBER 29, 1974
270493B	MENAHGA, CITY OF CWADENA CO.)	APRIL 12, 1974 AND
		AUGUST 29, 1975 AND
		JANUARY 30, 1976
270110A	MENDOTA HEIGHTS, CITY OF CDAKOTA CO.)	NOVEMBER 23, 1973 AND
		APRIL 16, 1976
270109	MENDOTA, CITY OF CDAKOTA CO.)	FEBRUARY 08, 1974
270367	MENTOR, CITY OF CPOLK CO.)	DECEMBER 20, 1974
270270A	MIDDLE RIVER, CITY OF CMARSHALL CO.)	JULY 19, 1974
270111A	MILESVILLE, CITY OF CDAKOTA CO.)	JULY 19, 1974 AND
		JANUARY 23, 1976
270488A	MILLVILLE, CITY OF CWABASHA CO.)	AUGUST 02, 1974 AND
		MARCH 26, 1976
270489	MINNEISKA, CITY OF CWABASHA CO.)	JULY 11, 1975
270122	MINNESOTA LAKE, CITY OF CFAIRBAULT CO.)	MAY 17, 1974
270405A	MORRISTOWN, CITY OF CRICE CO.)	MARCH 29, 1974 AND
		SEPTEMBER 12, 1975
270300A	MOTLEY, CITY OF CMORRISON CO.)	AUGUST 02, 1974 AND
		DECEMBER 19, 1975
270424	MOUNTAIN IRON, VILLAGE OF EST. LOUIS CO.)	MAY 24, 1974
270473A	MURDOCK, CITY OF CSWIFT CO.)	AUGUST 23, 1974
270451	NEW MUNICH, CITY OF CSTEARNS CO.)	OCTOBER 25, 1974
270497A	NEW RICHLAND, CITY OF CWASECA CO.)	APRIL 12, 1974
270315	NICOLLET, CITY OF CNICOLLET CO.)	APRIL 04, 1974
270590	NIELSVILLE, CITY OF CPOLK CO.)	NOVEMBER 01, 1974

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
270591	NIMROD, CITY OF (WADENA CO.)	APRIL	18, 1975
270592	NORCROSS, CITY OF (GRANT CO.)	DECEMBER	13, 1974
270072A	NORTH BRANCH, CITY OF (CHISAGO CO.)	MAY	10, 1974 AND
		APRIL	09, 1976
270512A	OAK PARK HEIGHTS, CITY OF (WASHINGTON CO.)	MARCH	22, 1974 AND
		APRIL	16, 1976
270674	ODIN, CITY OF (WATONWAN CO.)	DECEMBER	13, 1974
270595	OKABENA, CITY OF (JACKSON CO.)	DECEMBER	27, 1974
270389	OKLEE, CITY OF (RED LAKE CO.)	JULY	11, 1975
270498	ONK, CITY OF (ST. LOUIS CO.)	DECEMBER	13, 1974
270658	OSSEO, CITY (HENNEPIN CO.)	JANUARY	10, 1975
270004	PALISADE, CITY OF (AITKIN CO.)	AUGUST	02, 1974
270291A	PEASE, CITY OF (MILLE LACS CO.)	AUGUST	02, 1974 AND
		FEBRUARY	13, 1976
270128A	PETERSON, CITY OF (FILLMORE CO.)	AUGUST	30, 1974
270083A	PILLAGER, CITY OF (CASS CO.)	JULY	19, 1974
270596	PLATO, CITY OF (MCLEOD CO.)	NOVEMBER	01, 1974
270221	PRINSBURG, CITY OF (KANDIYOHI CO.)	AUGUST	23, 1974
270218A	QUAMBA, CITY OF (KANABEC CO.)	AUGUST	09, 1974
270223A	REGAL, CITY OF (KANDIYOHI CO.)	JANUARY	31, 1975 AND
		FEBRUARY	13, 1976
270065	REMER, CITY (CASS CO.)	JULY	11, 1975
270565	REVERE, CITY (REDWOOD CO.)	APRIL	11, 1975
270597	RICE, CITY (BENTON CO.)	JANUARY	17, 1975
270453A	RICHMOND, CITY OF (STEARNS CO.)	MARCH	29, 1974
270341	RICHVILLE, CITY OF (OTTER TAIL CO.)	OCTOBER	25, 1974
270421	ROMNEY, CITY (BENTON CO.)	JULY	11, 1975
270455	RUSCOE, CITY OF (STEARNS CO.)	AUGUST	02, 1974
270073A	RUSH CITY, CITY OF (CHISAGO CO.)	MAY	10, 1974 AND
		MARCH	19, 1976
270360A	RUTHTON, CITY OF (PIPESTONE CO.)	AUGUST	09, 1974
270350	RUTLEDGE, CITY OF (PINE CO.)	AUGUST	09, 1974
270402A	SACRED HEART, CITY OF (RENVILLE CO.)	MAY	03, 1974
270096	SCANLON, CITY OF (CARLTON CO.)	NOVEMBER	02, 1973
270602	SEAFORTH, CITY OF (REDWOOD CO.)	DECEMBER	13, 1974
270494B	SEBEKA, CITY OF (WADENA CO.)	APRIL	12, 1974 AND
		JULY	11, 1975 AND
		MAY	28, 1976
270662	SILVER LAKE, CITY (MCLEOD CO.)	JANUARY	24, 1975
270672	SKYLINE, CITY (BLUE EARTH CO.)	JUNE	27, 1975
270352	STURGEON LAKE, CITY OF (PINE CO.)	OCTOBER	25, 1974
270601	ST. ANTHONY, CITY OF (STEARNS CO.)	JULY	11, 1975
270033	ST. CLAIR, CITY OF (BLUE EARTH CO.)	AUGUST	23, 1974
270458A	ST. STEPHEN, CITY OF (STEARNS CO.)	AUGUST	23, 1974
270460A	S. INTERNATIONAL FALLS, CITY (KOOCHICHING CO.)	JANUARY	17, 1975
270404	TAOPI, CITY (MOWER CO.)	JANUARY	24, 1975
270240A	TAUNTON, CITY OF (LYON CO.)	JULY	19, 1974 AND
		NOVEMBER	14, 1975
270097	THOMSON, CITY OF (CARLTON CO.)	AUGUST	02, 1974

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
270605	TOWER, CITY OF (ST. LOUIS CO.)	DECEMBER	13, 1974
270361	TROSKY, CITY OF (PIPESTONE CO.)	AUGUST	09, 1974
270139	TWIN LAKES, CITY OF (FREEBORN CO.)	AUGUST	02, 1974
270255	TYLER, CITY OF (LINCOLN CO.)	MAY	03, 1974
270304	UPSALA, CITY OF (MORRISON CO.)	OCTOBER	25, 1974
270407	VERNDALE, CITY OF (WADENA CO.)	OCTOBER	25, 1974
270808	VERNON CENTER, CITY (BLUE EARTH CO.)	JANUARY	03, 1975
270409	VESTA, CITY (REDWOOD CO.)	JANUARY	10, 1975
270498	WALDORF, CITY OF (WASECA CO.)	AUGUST	09, 1974
270147A	WANAMINGO, CITY OF (GOODHUE CO.)	MAY	10, 1974 AND
		AUGUST	29, 1975
270210A	WARBA, CITY OF (ITASCA CO.)	SEPTEMBER	13, 1974 AND
		DECEMBER	26, 1975
270286	WATKINS, CITY OF (MEEKER CO.)	APRIL	12, 1974
270410	WATSON, CITY OF (CHIPPEWA CO.)	DECEMBER	06, 1974
270466	WAVERLY, CITY (WRIGHT CO.)	JANUARY	17, 1975
270279	WELCOME, CITY OF (MARTIN CO.)	MAY	10, 1974
270412	WILLIAMS, CITY OF (LAKE OF THE WOODS CO.)	NOVEMBER	29, 1974
270413	WINGER, CITY OF (POLK CO.)	JANUARY	31, 1975
270427	WINTON, CITY OF (ST. LOUIS CO.)	AUGUST	02, 1974
270524A	WOLVERTON, CITY OF (WILKIN CO.)	AUGUST	09, 1974 AND
		DECEMBER	19, 1975
270815	WOOD LAKE, CITY (YELLOW MEDICINE CO.)	JANUARY	17, 1975
270098	WRIGHT, CITY OF (CARLTON CO.)	SEPTEMBER	13, 1974
270211	ZEMPLE, CITY (ITASCA CO.)	JUNE	27, 1975

TOTAL IN THE STATE 184

• UNINCORPORATED AREAS ONLY

MISSISSIPPI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
280156	BRAXTON, VILLAGE OF (SIMPSON CO.)	JULY	19, 1974
280240	CHUNKY, TOWN OF (NEWTON CO.)	DECEMBER	20, 1974
280220	CLARKE COUNTY •	NOVEMBER	29, 1974
280017	DUNCAN, TOWN OF (BOLIVAR CO.)	JUNE	21, 1974
280188	EDEN, VILLAGE OF (YAZOO CO.)	JULY	19, 1974
280006	ETHEL, TOWN OF (ATTALA CO.)	FEBRUARY	07, 1975
280117	GATTMAN, VILLAGE OF (MONROE CO.)	JULY	19, 1974
280045A	GEORGETOWN, TOWN OF (COPIAH CO.)	AUGUST	02, 1974
280093	LAFAYETTE COUNTY •	DECEMBER	27, 1974
280149	LAKE, TOWN OF (SCOTT CO.)	JULY	19, 1974
280209	LENA, TOWN (LEAKE CO.)	OCTOBER	25, 1974
280008	MCCOOL, VILLAGE OF (ATTALA CO.)	JANUARY	31, 1975
280160	MIZE, TOWN (SMITH CO.)	JULY	11, 1975
280225	MONTICELLO, TOWN OF (LAWRENCE CO.)	DECEMBER	27, 1974
280219	PACHUTA, TOWN OF (CLARKE CO.)	NOVEMBER	08, 1974
280234	PONTOTOC COUNTY •	NOVEMBER	29, 1974
280197	PUCKETT, TOWN OF (RANKIN CO.)	AUGUST	23, 1974
280009A	SALLIS, VILLAGE OF (ATTALA CO.)	AUGUST	09, 1974 AND
		JANUARY	30, 1976
280151	SEBASTOPOL, VILLAGE OF (SCOTT CO.)	FEBRUARY	07, 1975
280034	SHUBUTA, TOWN OF (CLARKE CO.)	JUNE	07, 1974
280243	TOCCOPOLA, TOWN OF (POTOTOC CO.)	DECEMBER	13, 1974
280237	UNION COUNTY •	DECEMBER	13, 1974
280122	UNION, TOWN OF (NEWTON CO.)	FEBRUARY	07, 1975
280098	WALNUT GROVE, TOWN OF (LEAKE CO.)	JUNE	28, 1974
280238	WAYNE COUNTY •	DECEMBER	20, 1974
280025	WINSTONVILLE, TOWN OF (BOLIVAR CO.)	JULY	19, 1974

TOTAL IN THE STATE 26

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
290749	ADRIAN, CITY (BATES CO.)	JANUARY	24, 1975
290761	AIRPORT DRIVE, VILLAGE OF (JASPER)	FEBRUARY	14, 1975
290005A	AMAZONIA, TOWN OF (ANDREW CO.)	AUGUST	16, 1974 AND
		FEBRUARY	06, 1976
290762	AMORET, CITY OF (BATES CO.)	FEBRUARY	21, 1975
290217A	ANDERSON, CITY OF (MCDONALD CO.)	MAY	17, 1974 AND
		DECEMBER	26, 1975
290287	ANNADA, VILLAGE OF (PIKE CO.)	FEBRUARY	07, 1975
290763	ANNAPOLIS, CITY (IRON CO.)	APRIL	18, 1975
290229A	ANNISTON, TOWN OF (MISSISSIPPI CO.)	MAY	03, 1974
290281	APPLETON, CITY OF (ST. CLAIR CO.)	FEBRUARY	07, 1975
290041A	ARCHIE, TOWN OF (CASS CO.)	JUNE	07, 1974 AND
		DECEMBER	12, 1975
290765	ASBURY, CITY OF (JASPER CO.)	FEBRUARY	21, 1975
290961	AUGUSTA, VILLAGE OF (ST. CHARLES CO.)	DECEMBER	06, 1974
290121A	AVA, CITY OF (DOUGLAS CO.)	MAY	17, 1974 AND
		APRIL	02, 1976
290767	BAKERSFIELD, VILLAGE (OZARK CO.)	APRIL	25, 1975
290768	BARNARD, CITY (NODAWAY CO.)	JULY	11, 1975
290332	BEL NOR, VILLAGE OF (ST. LOUIS CO.)	APRIL	05, 1974
290421A	BELL CITY, CITY OF (STODDARD CO.)	OCTOBER	16, 1974 AND
		NOVEMBER	21, 1975
290756	BEVIER, CITY OF (MACON)	FEBRUARY	14, 1975
290158	BIGELOW, VILLAGE (HOLT CO.)	JULY	18, 1975
290757	BILLINGS, CITY (CHRISTIAN CO.)	JUNE	27, 1975
290758	BISMARCK, CITY OF (ST. FRANCIS CO.)	FEBRUARY	07, 1975
290139	BLAND, CITY OF (GASCONADE CO.)	MAY	17, 1974
290771	BLODGETT, VILLAGE (SCOTT CO.)	APRIL	25, 1975
290772	BLOOMSDALE, CITY (STE. GENEVIEVE CO.)	JULY	11, 1975
290963	BOSWORTH, CITY (CARROLL CO.)	JANUARY	17, 1975
290274	BRAGG CITY, CITY OF (PEMISCOT CO.)	FEBRUARY	07, 1975
290416	BRASHEAR, CITY OF (ADAIR)	FEBRUARY	14, 1975
290759	BRAYMER, CITY (CALDWELL CO.)	APRIL	25, 1975
290760	BRECKENRIDGE, CITY OF (CALDWELL CO.)	FEBRUARY	07, 1975
290739	BUFFALO, CITY (DALLA CO.)	MAY	02, 1975
290111	BUNCETON, CITY OF (COOPER CO.)	APRIL	25, 1975
290119A	BUNKER, TOWN OF (REYNOLDS CO.)	SEPTEMBER	06, 1974 AND
		APRIL	09, 1976
290790	BURLINGTON JUNCTION, CITY (NODAWAY CO.)	JULY	11, 1975
290620	CAINSVILLE, CITY (HARRISON CO.)	APRIL	25, 1975
290623	CALLAO, CITY OF (MACON)	FEBRUARY	14, 1975
290124	CAMPBELL, CITY OF (DUNKLIN CO.)	MARCH	29, 1974
290180A	CARTERVILLE, TOWN OF (JASPER CO.)	DECEMBER	28, 1973 AND
		FEBRUARY	06, 1976
290625	CENTERTOWN, VILLAGE (COLE CO.)	MAY	02, 1975
290626	CENTERVIEW, CITY (JOHNSON CO.)	APRIL	25, 1975
290303A	CENTER, TOWN OF (CALLS CO.)	JULY	26, 1973
290627	CHILHOWEE, CITY OF (JOHNSON CO.)	APRIL	25, 1975
290628	CHULA, CITY (LIVINGSTON CO.)	MAY	02, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290630A	CLARKSDALE, CITY OF (DE KALB CO)	FEBRUARY 21, 1975
290629	CLARK, CITY OF (RANDOLPH CO)	FEBRUARY 21, 1975
290599	CLEARMONT, CITY (NODAWAY CO.)	JULY 18, 1975
290600	CLEVER, CITY (CHRISTIAN CO.)	JULY 18, 1975
290628A	COLE CAMP, CITY OF (BENTON CO.)	JUNE 14, 1974
290602	CONCEPTION JUNTION, CITY (NODAWAY CO.)	APRIL 25, 1975
290196A	CONWAY, TOWN OF (LACLEDE CO.)	MAY 10, 1974 AND NOVEMBER 21, 1975
290605	CORGILL, TOWN (CALDWELL CO.)	APRIL 18, 1975
290430A	CRANE, CITY OF (STONE CO.)	JUNE 07, 1974 AND OCTOBER 31, 1975
290610	CROSS TIMBERS, VILLAGE OF (MCDONALD CO)	FEBRUARY 21, 1975
290484	DALTON, VILLAGE OF (CHARITON CO.)	DECEMBER 13, 1974
290196	DARLINGTON, VILLAGE OF (GENTRY CO.)	DECEMBER 13, 1974
290055	DELTA, CITY OF (CAPE GIRARDEAU CO.)	DECEMBER 06, 1974
290453	DENVER, VILLAGE OF (KNOX CO.)	NOVEMBER 22, 1974
290613	DES ARC, VILLAGE (IRON CO.)	APRIL 18, 1975
290496A	DEWITT, CITY OF (CARROLL CO.)	SEPTEMBER 06, 1974 AND APRIL 02, 1976
290182A	DUENWEG, CITY OF (JASPER CO.)	MAY 03, 1974 AND OCTOBER 24, 1975
290586	EAGLEVILLE, VILLAGE (HARRISON CO.)	APRIL 18, 1975
290496A	ELLSINORE, CITY OF (CARTER CO.)	OCTOBER 18, 1974 AND NOVEMBER 15, 1975
290219	ELMER, CITY OF (MACON CO.)	DECEMBER 06, 1974
290587	EMMA, CITY (LAFAYETTE CO.)	APRIL 18, 1975
290425A	ESSEX, TOWN OF (STODDARD CO.)	SEPTEMBER 06, 1974 AND DECEMBER 26, 1975
290730	ESTHER, CITY OF (ST. FRANCOIS CO)	FEBRUARY 21, 1975
290589	EVERTON, CITY (DADE CO.)	APRIL 18, 1975
290591	FAIR GROVE, CITY (GREENE CO.)	JUNE 27, 1975
290018	FARMEN, CITY OF (DAUNAIN CO.)	NOVEMBER 01, 1974
290292	FARLEY, TOWN (PLATTE CO)	JANUARY 24, 1975
290731	FORSYTH, CITY OF (TANEY COU)	FEBRUARY 07, 1975
290066A	FREEMAN, CITY OF (CASS CO.)	NOVEMBER 08, 1974 AND JANUARY 16, 1976
290477	FREMONT, VILLAGE OF (CARTER CO)	FEBRUARY 21, 1975
290051A	FULTON, CITY OF (CALLAWAY CO.)	MAY 17, 1974 AND JANUARY 16, 1976
290431A	GALENA, CITY OF (STONE CO.)	AUGUST 30, 1974 AND OCTOBER 31, 1975
290733	GALLATIN, CITY OF (DAVIESS)	FEBRUARY 14, 1975
290151A	GALT, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974 AND APRIL 02, 1976
290735	GOLDEN CITY, CITY OF (BARTON CO)	FEBRUARY 21, 1975
290736	GOODMAN, CITY OF (MC DONALD CO)	FEBRUARY 21, 1975
290480	GRANDIN, CITY OF (CARTER CO.)	NOVEMBER 08, 1974
290710	GREENFIELD, CITY (DADE CO.)	APRIL 25, 1975
290596	GREENTOP, CITY OF (SCHUYLER CO)	FEBRUARY 21, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290597	HALE, CITY OF (CARROLL CO)	FEBRUARY 21, 1975
290712	HALLSVILLE, CITY OF (BOONE)	FEBRUARY 14, 1975
290308A	HENRIETTA, CITY OF (RAY CO.)	OCTOBER 18, 1974
290572	HERMITAGE, CITY (HICKORY CO)	APRIL 25, 1975
290574	HOLLAND, CITY (PEMISCOT CO)	JUNE 27, 1975
290715	HUMANSVILLE, CITY (POLK CO.)	JULY 11, 1975
290577	HUNE, CITY OF (BATES CO)	FEBRUARY 21, 1975
290578	HUNNEWELL, CITY OF (SHELBY CO)	FEBRUARY 21, 1975
290580	IRON GATES, VILLAGE (JASPER CO)	FEBRUARY 14, 1975
290721	JAMESPORT, CITY OF (DAVIESS COU)	FEBRUARY 07, 1975
290581	JAMESTOWN, CITY (MONITEAU CO)	JANUARY 24, 1975
290722	JASPER, CITY OF (JASPER CO)	FEBRUARY 21, 1975
290724	KNOB NOSTER, CITY (JOHNSON CO.)	JUNE 27, 1975
290268A	KOSHKONONG, CITY OF (OREGON CO.)	SEPTEMBER 06, 1974 AND DECEMBER 12, 1975
290696	LA BELLE, CITY OF (LEWIS)	FEBRUARY 14, 1975
290701	LA MONTE, CITY (PETTIS CO.)	MAY 02, 1975
290703	LA PLATA, CITY OF (MACON)	FEBRUARY 14, 1975
290152A	LANEDO, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974
290704	LATHROP, CITY OF (CLINTON COU)	FEBRUARY 07, 1975
290560	LEADINGTON, VILLAGE (ST. FRANCOIS CO)	APRIL 18, 1975
290561	LEASBURG, VILLAGE OF (CRAWFORD CO)	JANUARY 31, 1975
290707	LEXINGTON, CITY (LAFAYETTE CO.)	JULY 25, 1975
290053A	LINN CREEK, CITY OF (CAMDEN CO.)	OCTOBER 25, 1974 AND NOVEMBER 26, 1975
290115	LOCK SPRINGS, TOWN (DAVIESS CO)	JULY 11, 1975
290082A	LURAY, VILLAGE OF (CLARK CO.)	OCTOBER 18, 1974 AND OCTOBER 31, 1975
290031A	LUTESVILLE, CITY OF (BOLLINGER CO.)	MAY 10, 1974 AND DECEMBER 19, 1975
290684	MADISON, CITY OF (MONROE)	FEBRUARY 14, 1975
290402A	MALTA BEND, CITY OF (SALINE CO.)	OCTOBER 18, 1974 AND NOVEMBER 07, 1975
290200A	MARIONVILLE, CITY OF (LAWRENCE CO.)	MAY 17, 1974 AND OCTOBER 17, 1975
290565	MARQUAND, CITY (MADISON CO)	APRIL 18, 1975
290494A	MARTHASVILLE, VILLAGE OF (WARREN CO.)	SEPTEMBER 13, 1974
290369A	MARY RIDGE, VILLAGE OF (ST. LOUIS CO.)	APRIL 05, 1974 AND DECEMBER 24, 1975
290686	MAYSVILLE, CITY (DE KALB CO.)	JULY 25, 1975
290566	MEADVILLE, CITY (LINN CO)	APRIL 25, 1975
290567A	MERCER, CITY (MERCER CO)	APRIL 04, 1975
290271A	METZ, TOWN OF (OSAGE CO.)	SEPTEMBER 13, 1974 AND NOVEMBER 28, 1975
290499	MILL SPRING, VILLAGE OF (WAYNE CO.)	DECEMBER 13, 1974
290570	MINDENMINES, CITY (BARTON CO)	APRIL 18, 1975
290207	MONTICELLO, VILLAGE OF (LEWIS CO.)	DECEMBER 27, 1974
290490	MONTROSE, CITY (HENRY CO.)	APRIL 18, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290491	MOUND CITY, CITY (HOLT CO.)	JULY 25, 1975
290314A	NAYLOR, CITY OF (RIPLEY CO.)	MARCH 01, 1974 AND NOVEMBER 21, 1975
290405A	NELSON, CITY OF (SALINE CO.)	OCTOBER 18, 1974 AND DECEMBER 26, 1975
290548	NEW BLOOMFIELD, CITY (CALLAWAY CO)	MAY 02, 1975
290549	NEW CAMBRIA, CITY (MACON CO)	JULY 25, 1975
290078A	NIXA, CITY OF (CHRISTIAN CO)	JUNE 28, 1974 AND JANUARY 16, 1976
290218A	NOEL, TOWN OF (MCDONALD CO.)	MAY 24, 1974 AND NOVEMBER 14, 1975
290059A	NORBORNE, CITY OF (CARROLL CO.)	APRIL 05, 1974
290293A	NORTHMOOR, TOWN OF (PLATTE CO.)	JULY 19, 1974 AND NOVEMBER 14, 1975
290694	OAK GROVE, CITY (JACKSON CO.)	JULY 11, 1975
290670	OREGON, CITY (HOLT CO.)	JULY 18, 1975
290555	OSBORN, CITY (CLINTON CO)	JULY 18, 1975
290556	OTTERVILLE, CITY (COOPER CO)	APRIL 25, 1975
290224A	PALMYRA, CITY OF (MARION CO.)	MARCH 29, 1974 AND JULY 18, 1975
290533	PARNELL, CITY (NODAWAY CO)	MAY 02, 1975
290674	PASADENA HILLS, VILLAGE (ST. LOUIS CO.)	JULY 11, 1975
290676	PERRY, CITY OF (KALLS COU)	FEBRUARY 14, 1975
290535	PINEVILLE, CITY (MCDONALD CO)	APRIL 18, 1975
290428	PLATTSBURG, TOWN OF (CALDWELL CO.)	MARCH 08, 1974
290541	RAVENWOOD, CITY (NODAWAY CO)	JUNE 27, 1975
290542	RAYMONDVILLE, VILLAGE OF (TEXAS)	FEBRUARY 14, 1975
290655	RICH HILL, CITY OF (BATES)	FEBRUARY 14, 1975
290543	RIDGEWAY, CITY (HARRISON CO)	APRIL 18, 1975
290485	RITCHEY, TOWN (NEWTON CO)	JANUARY 10, 1975
290381A	RIVERVIEW, CITY OF (ST. LOUIS CO)	JUNE 28, 1974 AND NOVEMBER 14, 1975
290438	ROCKAWAY BEACH, TOWN(TANEY CO)	JANUARY 10, 1975
290518	ROCKVILLE, CITY OF (BATES CO)	FEBRUARY 21, 1975
290008	ROSENDALE, CITY OF (ANDREW)	FEBRUARY 14, 1975
290469	SALISBURY, CITY OF (CHARITON COU)	FEBRUARY 07, 1975
290519	SCHELL CITY, CITY (VERNON CO)	APRIL 18, 1975
290521	SELIGMAN, CITY (BARRY CO)	APRIL 25, 1975
290665	SHELBINA, CITY (SHELBY CO.)	APRIL 25, 1975
290666	SHELBYVILLE, CITY (SHELBY CO.)	APRIL 18, 1975
290522	SHELDON, CITY OF (VERNON CO)	JANUARY 31, 1975
290787A	SHUAL CREEK DRIVE, TOWN OF (NEWTON CO.)	AUGUST 16, 1974
290177A	SIBLEY, VILLAGE OF (JACKSON CO.)	AUGUST 30, 1974 AND JANUARY 16, 1976
290212A	SILEX, VILLAGE OF (LINCOLN CO.)	NOVEMBER 22, 1974 AND DECEMBER 05, 1975
290525	SKIDMORE, CITY (NODAWAY CO)	JULY 18, 1975
290530	SPICKARD, CITY OF (GRUNDY COU)	FEBRUARY 07, 1975
290488	STELLA, CITY OF (NEWTON CO)	FEBRUARY 21, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290071A	STRASBURG, CITY OF (CASS CO.)	AUGUST 16, 1974 AND NOVEMBER 14, 1975
290135A	ST. CLAIR, TOWN OF (FRANKLIN CO.)	APRIL 12, 1974 AND DECEMBER 05, 1975
290682	ST. ROBERT, CITY OF (PULASKI COU)	FEBRUARY 07, 1975
290507	SUMMERSVILLE, CITY OF (SHANNON & TEXAS CO)	JANUARY 31, 1975
290076	SUMNER, TOWN (CHARITON CO)	JANUARY 10, 1975
290690	TIPTON, CITY (MONITEAU CO.)	JANUARY 17, 1975
290228A	TUSCUMBIA, VILLAGE OF (MILLER CO.)	OCTOBER 25, 1974 AND NOVEMBER 21, 1975
290514	URBANA, VILLAGE (DALLAS CO)	JUNE 27, 1975
290696	VIBURNUM, CITY OF (IRON CO)	FEBRUARY 21, 1975
290631	WALKER, CITY (VERNON CO.)	APRIL 18, 1975
290633	WANOSVILLE, CITY (COLE CO.)	JULY 11, 1975
290698	WARRENTON, CITY OF (WARREN COU)	FEBRUARY 07, 1975
290029	WASHBURN, TOWN (BARRY CO)	JANUARY 10, 1975
290699	WAVERLY, CITY OF (LAFAYETTE CO.)	JULY 11, 1975
290483	WENTWORTH, TOWN (NEWTON CO)	JANUARY 10, 1975
290635	WESTBORO, VILLAGE (ATCHISON CO.)	JULY 11, 1975
290452A	WILLIAMSVILLE, CITY OF (WAYNE CO.)	OCTOBER 18, 1974 AND MARCH 05, 1976
290654A	WRIGHT CITY, CITY OF (WARREN COU)	FEBRUARY 07, 1975 AND NOVEMBER 14, 1975
290085A	WYACONDA, CITY OF (CLARK CO.)	OCTOBER 18, 1974 AND NOVEMBER 14, 1975
290033A	ZALMA, VILLAGE OF (BOLLINGER CO.)	OCTOBER 25, 1974 AND NOVEMBER 07, 1975

TOTAL IN THE STATE 181

• UNINCORPORATED AREAS ONLY

MONTANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
300089A	ALBERTON, TOWN (MINERAL CO.)	JUNE 27, 1975
300066	BAINVILLE, TOWN (ROOSEVELT CO.)	JANUARY 03, 1975
300012A	BIG SANDY, TOWN OF (CHOUTEAU CO.)	MARCH 29, 1974
300090	BROCKTON, TOWN (ROOSEVELT CO.)	JUNE 27, 1975
300107A	CASCADE, CITY OF (CASCADE)	FEBRUARY 14, 1975
300091	CLYDE PARK, TOWN (PARK CO.)	JANUARY 03, 1975
300020	DENTON, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974
300053	DODSON, TOWN OF (PHILLIPS CO.)	DECEMBER 27, 1974
300092	DUTTON, TOWN (TETON CO.)	APRIL 25, 1975
300044A	ENNIS, TOWN OF (MADISON CO.)	MARCH 15, 1974
300046A	FAIRVIEW, TOWN OF (RICHLAND CO.)	AUGUST 16, 1974 AND MAY 14, 1976
300070A	FORSYTH, CITY OF (ROSEBUD CO.)	MARCH 08, 1974 AND JANUARY 16, 1976
300013A	FORT BENTON, CITY OF (CHOUTEAU CO.)	MAY 10, 1974 AND NOVEMBER 28, 1975
300093	FROID, TOWN (ROOSEVELT CO)	APRIL 16, 1975
300081	GLASGOW, CITY OF (VALLEY CO.)	JANUARY 09, 1974
300021	GRASS RANGE, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974
300095	HINGHAM, TOWN (HILL CO)	JULY 11, 1975
300006	JULIET, TOWN OF (CARBON CO.)	DECEMBER 27, 1974
300116	JORDAN, TOWN (GARFIELD CO)	JUNE 27, 1975
300025A	KALISPELL, CITY OF (FLATHEAD CO.)	FEBRUARY 15, 1974 AND MAY 21, 1976
300096	KEVIN, TOWN (TOOLE CO)	JUNE 27, 1975
300031	LAVINA, TOWN (GOLDEN VALLEY CO)	JANUARY 24, 1975
300074A	PLAINS, TOWN OF (SANDERS CO.)	MARCH 22, 1974 AND DECEMBER 19, 1975
300122	RONAN, CITY (LAKE CO)	APRIL 25, 1975
300069	ROSEBUD COUNTY •	AUGUST 02, 1974
300124A	SCOBEY, CITY (DANIELS CO)	JULY 18, 1975
300037A	STANFORD, TOWN OF (JUDITH BASIN CO.)	JUNE 28, 1974
300123	ST. IGNATIUS, TOWN OF (LAKE)	FEBRUARY 14, 1975
300127	SUNBURST, TOWN (TOOLE CO)	JANUARY 10, 1975
300128	SUPERIOR, TOWN (MINERAL CO)	MAY 02, 1975
300130	THOMPSON FALLS, TOWN OF (SANDERS COU)	FEBRUARY 07, 1975
300131	TOWNSEND, TOWN (BROADWATER CO)	MAY 02, 1975
300133	VALIER, TOWN (PONDERA CO)	APRIL 18, 1975
300134	WALKERVILLE, CITY (SILVER BOW CO)	JULY 18, 1975
300047A	WHITE SULPHUR SPRINGS, CITY OF (MEAGHER CO.)	MAY 24, 1974 AND JANUARY 16, 1976
300052	WINNETT, TOWN OF (PETROLEUM CO.)	DECEMBER 27, 1974

TOTAL IN THE STATE 34

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310244	ALLEN, VILLAGE (DIXON CO.)	JUNE 27, 1975
310390	ANSLEY, VILLAGE (CUSTER CO.)	JULY 25, 1975
310391	ANAPAMOL, CITY (FURNAS CO.)	JULY 25, 1975
310008	ARTHUR, VILLAGE (ARTHUR CO)	JANUARY 10, 1975
310246	ASHTON, VILLAGE (SHERMAN CO.)	JULY 11, 1975
310247	ATKINSON, VILLAGE (HOLT CO.)	JULY 11, 1975
310090A	BARNESTON, TOWN OF (GAGE CO.)	SEPTEMBER 06, 1974 AND NOVEMBER 21, 1975
310248	BARTLEY, VILLAGE (RED WILLOW CO.)	JULY 25, 1975
310348	BEAVER CITY, CITY (FURNAS CO.)	JULY 11, 1975
310249	BELGRADE, VILLAGE (NANCE CO.)	MAY 02, 1975
310026	BELLAIRE, VILLAGE OF (BUTLER CO.)	NOVEMBER 22, 1974
310250	BENEDICT, VILLAGE (YORK CO.)	APRIL 18, 1975
310251	BENNET, VILLAGE (LANCASTER CO.)	APRIL 25, 1975
310066	BIG SPRINGS, VILLAGE OF (DEUEL CO.)	DECEMBER 20, 1974
310252	BLADEN, VILLAGE (WEBSTER CO.)	JULY 11, 1975
310253	BRUNING, VILLAGE OF (THAYER CO)	JANUARY 31, 1975
310189	BUMCHAMP, VILLAGE OF (PAWNEE CO.)	NOVEMBER 08, 1974
310161	BURNS, VILLAGE OF (LOUP CO.)	DECEMBER 06, 1974
310257	CARROLL, VILLAGE OF (WAYNE CO)	JANUARY 31, 1975
310258	CEDAR RAPIDS, VILLAGE (BOONE CO.)	JANUARY 10, 1975
310359	CLARKSON, CITY (COLFAX CO.)	JANUARY 17, 1975
310090A	CLAY CENTER, CITY OF (CLAY CO.)	MARCH 22, 1974
310123A	COOK, VILLAGE OF (JOHNSON CO.)	OCTOBER 18, 1974 AND NOVEMBER 28, 1975
310264	CORTLAND, VILLAGE (GAGE CO.)	JULY 11, 1975
310361	CROFTON, VILLAGE (KNOX CO.)	JUNE 27, 1975
310267	DAVENPORT, VILLAGE (THAYER CO.)	JULY 11, 1975
310268	DAWSON, VILLAGE (RICHARDSON CO.)	JULY 11, 1975
310041	DEWEESE, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310007	DUNNING, VILLAGE OF (BLAINE CO.)	DECEMBER 20, 1974
310273	DWIGHT, VILLAGE (BUTLER CO.)	JULY 18, 1975
310040	EDDYVILLE, VILLAGE OF (DAWSON CO.)	NOVEMBER 29, 1974
310125A	ELK CREEK, VILLAGE OF (JOHNSON CO.)	NOVEMBER 01, 1974 AND NOVEMBER 21, 1975
310114A	EMING, VILLAGE OF (HOLT CO.)	MAY 03, 1974 AND MAY 14, 1976
310061A	FARNAM, VILLAGE OF (DAWSON CO.)	NOVEMBER 08, 1974 AND DECEMBER 05, 1975
310368	FORT CALHOUN, CITY (WASHINGTON CO.)	JULY 25, 1975
310278	GILTNER, VILLAGE (HAMILTON CO.)	APRIL 25, 1975
310279	GLENVIL, VILLAGE (CLAY CO.)	JULY 18, 1975
310373	GREELEY, VILLAGE (GREELEY CO.)	JULY 11, 1975
310280	GUNLEY, VILLAGE (CHEYENNE CO.)	JULY 18, 1975
310213A	HAY SPRINGS, CITY OF (SHERIDAN CO9)	MARCH 22, 1974 AND NOVEMBER 07, 1975
310287	HOLBROOK, VILLAGE (FURNAS CO.)	JULY 11, 1975
310288	HOLSTEIN, VILLAGE (ADAMS CO.)	JULY 18, 1975

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310380	HOWELLS, VILLAGE (COLFAX CO.)	JANUARY 17, 1975
310381A	HUMPHREY, VILLAGE (PLATTE CO.)	JULY 11, 1975 AND OCTOBER 03, 1975
310292	JACKSON, VILLAGE OF (DAKOTA CO.)	DECEMBER 20, 1974
310293	JUNIATA, VILLAGE (ADAMS CO.)	JANUARY 17, 1975
310097	LEWELLEN, VILLAGE (GARDEN CO)	JANUARY 10, 1975
310177A	LINDSAY, VILLAGE OF (PLATTE CO.)	NOVEMBER 06, 1974 AND DECEMBER 05, 1975
310295	LITCHFIELD, VILLAGE (SHERMAN CO.)	JULY 25, 1975
310387	LYMAN, VILLAGE (SCOTTS BLUFF CO.)	APRIL 25, 1975
310085	MAYWOOD, VILLAGE OF (FRONTIER CO.)	DECEMBER 20, 1974
310302	MERNA, VILLAGE (CUSTER CO.)	MAY 02, 1975
310196A	NEMAHA, VILLAGE OF (NEMAHA CO.)	AUGUST 30, 1974 AND MAY 14, 1976
310070A	NICKERSON, TOWN OF (DODGE CO.)	JANUARY 23, 1974
310159	OAK, VILLAGE OF (NUCKOLLS CO.)	NOVEMBER 15, 1974
310081	OHIOWA, VILLAGE OF (FILLMORE CO.)	NOVEMBER 08, 1974
310044	ONG, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310005	ORCHARD, VILLAGE OF (ANTELOPE CO.)	NOVEMBER 15, 1974
310396	OXFORD, VILLAGE (FURNAS-HARLAN CO.)	MAY 02, 1975
310307	PALMER, VILLAGE (MERRICK CO.)	JUNE 27, 1975
310165A	PALMYRA, VILLAGE OF (OTOE CO.)	SEPTEMBER 06, 1974 AND DECEMBER 26, 1975
310308	PETERSBURG, VILLAGE (BOONE CO.)	JULY 25, 1975
310216	PILGER, VILLAGE OF (STANTON CO.)	DECEMBER 06, 1974
310309	PLEASANT DALE, VILLAGE (SEWARD CO.)	JULY 11, 1975
310310	POLK, VILLAGE (POLK CO.)	JUNE 27, 1975
310067A	PONCA, CITY OF (DIXON CO.)	APRIL 12, 1974 AND JANUARY 23, 1976
310202A	PRAGUE, VILLAGE OF (SAUNDERS CO.)	NOVEMBER 15, 1974 AND DECEMBER 26, 1975
310397	RANDOLPH, CITY (CEDAR CO.)	APRIL 25, 1975
310138A	RAYMOND, VILLAGE OF (LANCASTER CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
310312	RISING CITY, VILLAGE (BUTLER CO.)	JULY 11, 1975
310139	ROCA, VILLAGE OF (LANCASTER CO.)	NOVEMBER 29, 1974
310313	ROSALIE, VILLAGE (THURSTON CO.)	APRIL 25, 1975
310314	ROSELAND, VILLAGE (ADAMS CO.)	JULY 18, 1975
310214A	RUSHVILLE, CITY OF (SHERIDAN CO.)	MAY 03, 1974 AND APRIL 02, 1976
310315	RUSKIN, VILLAGE OF (NUCKOLLS CO)	JANUARY 31, 1975
310186A	SALEM, VILLAGE OF (RICHARDSON CO.)	NOVEMBER 08, 1974
310316	SCOTIA, VILLAGE (GREELEY CO.)	MAY 02, 1975
310317	SHICKLEY, VILLAGE OF (FILLMORE CO.)	MAY 02, 1975
310318	SHUBERT, VILLAGE (RICHARDSON CO.)	JULY 18, 1975
310319	SNYDER, VILLAGE (DODGE CO.)	JUNE 27, 1975 AND MARCH 19, 1976
310398	SPALDING, VILLAGE (GREELEY CO.)	JANUARY 10, 1975
310399	SPENCER, VILLAGE (BOYD CO.)	MAY 02, 1975

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310320	SPRINGVIEW, VILLAGE (KEYA PAHA CO.)	JULY 11, 1975
310322	STAPLEHURST, VILLAGE (SEWARD CO.)	JANUARY 10, 1975
310323	STAPLETON, VILLAGE OF (LOGAN CO)	FEBRUARY 21, 1975
310171	STEINAUER, VILLAGE OF (PAWNEE CO.)	NOVEMBER 22, 1974
310324	STELLA, VILLAGE (RICHARDSON CO.)	JULY 11, 1975
310106	STOCKHAM, VILLAGE OF (HAMILTON CO.)	DECEMBER 06, 1974
310400	STUART, VILLAGE (HOLT CO.)	MAY 02, 1975
310119	ST. PAUL, CITY OF (HOWARD COU)	FEBRUARY 07, 1975
310172	TABLE ROCK, VILLAGE OF (PAWNEE CO.)	NOVEMBER 01, 1974
310325	TAYLOR, VILLAGE (LOUP CO.)	JULY 11, 1975
310326	THEDFORD, VILLAGE (THOMAS CO.)	JULY 11, 1975
310328	UPLAND, VILLAGE (FRANKLIN CO.)	JULY 11, 1975
310403	VALENTINE, CITY (CHERRY CO.)	JULY 11, 1975
310329	VENANGO, VILLAGE (PERKINS CO.)	JULY 11, 1975
310331	WACO, VILLAGE (YORK CO.)	MAY 02, 1975
310332	WALLACE, VILLAGE (LINCOLN CO.)	JULY 25, 1975
310205A	WESTON, VILLAGE OF (SAUNDERS CO.)	OCTOBER 18, 1974 AND FEBRUARY 20, 1976
310336	WINSIDE, VILLAGE (WAYNE CO.)	JULY 18, 1975
310049	WISNER, TOWN OF (CUMING CO.)	DECEMBER 07, 1973
310337	WYNOT, VILLAGE (CEDAR CO.)	APRIL 25, 1975

TOTAL IN THE STATE 102

* UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330152	ACWORTH, TOWN OF (SULLIVAN CO.)	SEPTEMBER 13, 1974
330174	ALBANY, TOWN (CARROLL CO)	JANUARY 17, 1976
330041	ALEXANDRIA, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975
330178	ATKINSON, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975
330178	AUBURN, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330177	BARNSTEAD, TOWN (BELKNAP CO)	JANUARY 03, 1975
330178	BARRINGTON, TOWN OF (STRAFFORD CO)	FEBRUARY 21, 1975
330099	BENTON, TOWN OF (GRAFTON CO.)	DECEMBER 27, 1974
330105	BOSCAWEN, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974
330126	CANDIA, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330030	CARROLL, TOWN (COOS CO)	JANUARY 24, 1975
330181	CHATHAM, TOWN (CARROLL CO)	JANUARY 03, 1975
330182	CHESTER, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330109	CHICHESTER, TOWN OF (MERRIMACK CO.)	APRIL 05, 1974
330184	CLARKSVILLE, TOWN (COOS CO)	JANUARY 03, 1975
330185	COLUMBIA, TOWN (COOS CO)	JANUARY 03, 1975
330186	CROYDON, TOWN OF (SULLIVAN CO.)	NOVEMBER 29, 1974
330199	DANVILLE, TOWN (ROCKINGHAM CO)	JANUARY 17, 1975
330127	DEERFIELD, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330050	DURHAM, TOWN (GRAFTON CO)	MARCH 14, 1975
330201	DUMMER, TOWN (COOS CO)	JANUARY 17, 1975
330202	DUNBARTON, TOWN (MERRIMACK CO)	JANUARY 17, 1975
330203	EAST KINGSTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330204	EATON, TOWN (CARROLL CO)	JANUARY 17, 1975
330012	EFFINGHAM, TOWN (CARROLL CO.)	MARCH 15, 1974
330112	EPSOM, TOWN OF (MERRIMACK CO.)	JANUARY 17, 1975
330206	ERROL, TOWN (COOS CO)	AUGUST 30, 1974
330213	FREEDOM, TOWN OF (CARROLL CO.)	AUGUST 09, 1974
330131	FREMONT, TOWN OF (ROCKINGHAM CO.)	FEBRUARY 21, 1975
330004	GILFORD, TOWN OF (BELKNAP CO)	JANUARY 17, 1975
330208	GILMANTON, TOWN (BELKNAP CO.)	JANUARY 17, 1975
330054	GRAFTON, TOWN (GRAFTON CO)	APRIL 04, 1975
330209	GREENFIELD, TOWN (HILLSBOROUGH CO)	JANUARY 24, 1975
330212	HANCOCK, TOWN (CHESHIRE CO)	MARCH 15, 1974
330114	HENNIKER, TOWN OF (MERRIMACK CO.)	FEBRUARY 07, 1975
330214	HILL, TOWN OF (MERRIMACK CO)	MARCH 08, 1974
330092	HUDSON, TOWN OF (HILLSBOROUGH CO.)	JANUARY 24, 1975
330215	JAFFREY, TOWN (CHESHIRE CO)	FEBRUARY 21, 1975
330033	JEFFERSON, TOWN OF (COOS CO)	JANUARY 31, 1975
330216	KENSINGTON, TOWN OF (ROCKINGHAM CO.)	JANUARY 17, 1975
330217	KINGSTON, TOWN (ROCKINGHAM CO)	APRIL 11, 1973
335277A	LANCASTER, TOWN OF (COOS CO.)	DECEMBER 06, 1974
330040	LANDAFF, TOWN OF (GRAFTON CO.)	JANUARY 03, 1975
330159	LANGDON, TOWN (SULLIVAN CO)	JANUARY 31, 1975
330140	LEMPSTER, TOWN OF (SULLIVAN CO.)	FEBRUARY 21, 1975
330062	LINCOLN, TOWN OF (GRAFTON CO)	AUGUST 02, 1974
330117	LOUDON, TOWN OF (MERRIMACK CO.)	SEPTEMBER 13, 1974
330218	LYNDEBOROUGH, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975
330219	MADBURY, TOWN (STRAFFORD CO)	JANUARY 17, 1975
330220	MADISON, TOWN (CARROLL CO)	JANUARY 17, 1975
330221	MASON, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975
330222	MIDDLETON, TOWN OF (STRAFFORD CO.)	JANUARY 31, 1975
330035	MILAN, TOWN OF (COOS CO)	JUNE 28, 1974
330149	MILTON, TOWN OF (STRAFFORD CO)	FEBRUARY 07, 1975
330068	MONROE, TOWN OF (GRAFTON CO.)	NOVEMBER 29, 1974
330224	MOUNT VERNON, TOWN (HILLSBOROUGH CO)	JANUARY 17, 1975
330227	NEW DURHAM, TOWN OF (STRAFFORD CO)	FEBRUARY 07, 1975
330079	NEW IPSWICH, TOWN OF (HILLSBOROUGH CO.)	DECEMBER 13, 1974
330228	NEWBURY, TOWN OF (MERRIMACK CO.)	JANUARY 31, 1975
330229	NEWINGTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330137	NOTTINGHAM, TOWN OF (ROCKINGHAM CO)	JUNE 28, 1974
330069	ORANGE, TOWN (GRAFTON CO)	JANUARY 10, 1975
330186	PITTSBURG, TOWN OF (COOS CO)	JANUARY 31, 1975
330187	RANDOLPH, TOWN (COOS CO)	JANUARY 03, 1975
330188	RICHMOND, TOWN (CHESHIRE CO)	JANUARY 03, 1975
330189	RINDGE, TOWN (CHESHIRE CO)	APRIL 04, 1975
330190	ROLLINSFORD, TOWN (STRAFFORD CO)	JANUARY 03, 1975
330172	RUXBURY, TOWN OF (CHESHIRE)	FEBRUARY 14, 1975
330073	RUMNEY, TOWN OF (GRAFTON CO.)	MARCH 18, 1974
330121A	SALISBURY, TOWN OF (MERRIMACK CO)	FEBRUARY 21, 1975 AND MAY 21, 1974
330191	SANDOWN, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975
330193	SEABROOK, TOWN OF (ROCKINGHAM CO.)	AUGUST 02, 1974
330193	SOUTH HAMPTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330163	SPRINGFIELD, TOWN (SULLIVAN CO)	JANUARY 17, 1975
330194	STEWARTSTOWN, TOWN (COOS CO)	JANUARY 10, 1975
330195	STODDARD, TOWN (CHESHIRE CO)	JANUARY 17, 1975
330196	STRAFFORD, TOWN OF (STRAFFORD CO)	FEBRUARY 28, 1975
330197	STRATHAM, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330170	SURRY, TOWN (CHESHIRE CO)	JANUARY 03, 1975
330118	TAMWORTH, TOWN OF (CARROLL CO.)	JULY 19, 1974
330173	TROY, TOWN (CHESHIRE CO)	JANUARY 03, 1975
330234	TUFTONBORO, TOWN OF (CARROLL CO)	MARCH 28, 1975
330165	UNITY, TOWN OF (SULLIVAN CO.)	MAY 31, 1974
330019	WAKEFIELD, TOWN OF (CARROLL CO.)	JULY 26, 1974
330188	WARREN, TOWN OF (GRAFTON CO.)	SEPTEMBER 13, 1974
330166	WASHINGTON, TOWN OF (SULLIVAN CO.)	DECEMBER 27, 1974
330235	WEARE, TOWN OF (HILLSBOROUGH)	FEBRUARY 14, 1975
330238	WESTMORELAND, TOWN (CHESHIRE CO)	JANUARY 17, 1975
330090	WHITEFIELD, TOWN OF (COOS CO.)	JULY 26, 1974
330124	WILMOT, TOWN OF (MERRIMACK CO.)	AUGUST 16, 1974
330239	WOLFEBORO, TOWN (CARROLL CO)	JANUARY 17, 1975

TOTAL IN THE STATE 91

* UNINCORPORATED AREAS ONLY

NEW JERSEY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
340122	AUDUBON PARK, BOROUGH OF (CAMDEN CO.)	JUNE 21, 1974
340202	FRANKLIN, TOWNSHIP OF (GLOUCESTER CO.)	SEPTEMBER 13, 1974
340529A	GREEN, TOWNSHIP OF (SUSSEX CO.)	NOVEMBER 01, 1974 AND MAY 14, 1974
340395	KINNELON, BOROUGH OF (MORRIS CO.)	JULY 12, 1973
340206A	LOGAN, TOWNSHIP OF (GLOUCESTER CO.)	SEPTEMBER 13, 1974 AND NOVEMBER 29, 1974
340559	MONTAGUE, TOWNSHIP OF (SUSSEX CO)	MARCH 28, 1975
340212	SOUTH HARRISON, TOWNSHIP OF (GLOUCESTER CO)	JUNE 28, 1974
340116A	SPRINGFIELD, TWP (BURLINGTON CO)	JULY 26, 1974 AND MAY 28, 1976
340533	TABERNACLE, TOWNSHIP OF (BURLINGTON COU)	FEBRUARY 07, 1975
340594	TAVISTOCK, BOROUGH OF (CAMDEN CO.)	NOVEMBER 29, 1974
340537	TETERBORO, BOROUGH OF (BERGEN CO.)	NOVEMBER 01, 1974
340479B	WINFIELD, TOWNSHIP OF (UNION CO.)	MARCH 08, 1974 AND OCTOBER 17, 1975

TOTAL IN THE STATE 12

* UNINCORPORATED AREAS ONLY

NEW MEXICO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
350050A	CHAMA, VILLAGE OF (RIO ARRIBA CO.)	AUGUST 16, 1974 AND DECEMBER 12, 1975
350111	CLOUDCROFT, VILLAGE (OTERO CO)	JUNE 27, 1975
350037	COLUMBUS, VILLAGE OF (LUNA CO.)	DECEMBER 13, 1974
350100	DES MOINES, VILLAGE (UNION CO)	JULY 11, 1975
350112	DEXTER, TOWN (CHAVES CO)	MAY 02, 1975
350076A	MAGDALENA, VILLAGE OF (SOCORRO CO.)	AUGUST 02, 1974 AND FEBRUARY 20, 1976
350115A	MELROSE, VILLAGE (CURRY CO)	JULY 25, 1975 AND NOVEMBER 28, 1975
350097	PECOS, VILLAGE OF (SAN MIGUEL CO.)	JUNE 27, 1975
350116	QUESTA, VILLAGE (TAOS CO)	JANUARY 17, 1975
350032A	TATUM, TOWN OF (LEA CO.)	JUNE 21, 1974 AND JANUARY 16, 1976

TOTAL IN THE STATE 10

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360329A	ADAMS, TOWN OF (JEFFERSON CO.)	MAY	31, 1974	AND
		MAY	07, 1976	
361047	ALABAMA, TOWN OF (GENESEE CO.)	MAY	03, 1974	
361341	ALLEN, TOWN OF (ALLEGHANY CO.)	JANUARY	31, 1975	
360980A	ALMA, TOWN OF (ALLEGANY CO.)	DECEMBER	13, 1974	AND
		MAY	28, 1976	
361280	AMBOT, TOWN OF (OSWEGO CO.)	NOVEMBER	15, 1974	
360023	ANGELICA, VILLAGE (ALLEGANY CO)	DECEMBER	06, 1974	
361589	ARGYLE, VILLAGE (WASHINGTON CO)	JULY	18, 1975	
361385	AUSTENLITZ, TOWN OF (COLUMBIA CO.)	NOVEMBER	27, 1974	
360518	AVA, TOWN OF (ONEIDA CO.)	JUNE	28, 1974	
360594A	BALDWIN, TOWN OF (CHEMUNG CO.)	MAY	31, 1974	
360166A	BEEKMANTOWN, TOWN OF (CLINTON CO.)	AUGUST	30, 1974	AND
		FEBRUARY	27, 1976	
361074	BELFAST, TOWN OF (ALLEGANY CO.)	OCTOBER	18, 1974	
361392	BELLMONT, TOWN (FRANKLIN CO)	JANUARY	17, 1975	
361362	BINGSALL, TOWN (ALLEGANY CO)	JANUARY	03, 1975	
361525A	BLACK RIVER, VILLAGE (JEFFERSON CO.)	JANUARY	03, 1975	AND
		JANUARY	30, 1976	
361127A	BLEECKER, TOWN OF (FULTON CO.)	NOVEMBER	26, 1974	AND
		NOVEMBER	19, 1976	
361490	BLOOMINGDALE, VILLAGE OF (ESSEX CO.)	NOVEMBER	15, 1974	
361415	BOYLSTON, TOWN (OSWEGO CO)	JANUARY	03, 1975	
361207A	BRADFORD, TOWN OF (STEUBEN CO.)	DECEMBER	13, 1974	AND
		FEBRUARY	27, 1976	
360521	BRIDGEWATER, TOWN OF (ONEIDA CO.)	SEPTEMBER	06, 1974	
360522	BRIDGEWATER, VILLAGE OF (ONEIDA CO.)	MAY	17, 1974	
361126	BRUADALBIN, TOWN OF (FULTON CO.)	SEPTEMBER	20, 1974	
361480	BRUSHTON, VILLAGE OF (FRANKLIN CO.)	NOVEMBER	15, 1974	
361916	BURLINGTON, TOWN OF (OTSEGO CO.)	NOVEMBER	22, 1974	
361098	BURNS, TOWN OF (ALLEGANY CO.)	NOVEMBER	08, 1974	
361495	BUTLER, TOWN OF (WAYNE CO.)	NOVEMBER	29, 1974	
361297	BUTTERNUTS, TOWN OF (OTSEGO CO.)	DECEMBER	13, 1974	
361223	CAMBRIDGE, TOWN OF (WASHINGTON CO.)	OCTOBER	25, 1974	
361208	CAMERON, TOWN (STEUBEN CO)	JANUARY	10, 1975	
360833	CANDOR, TOWN OF (TIOGA CO.)	AUGUST	02, 1974	
361129	CAYUGA, TOWN OF (FULTON CO.)	NOVEMBER	08, 1974	
360863A	CARROLLTON, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER	20, 1974	AND
		MAY	07, 1976	
361293	CASTILE, TOWN OF (WYOMING CO.)	DECEMBER	27, 1974	
361583	CASTILE, VILLAGE OF (WYOMING CO)	FEBRUARY	28, 1975	
360328C	CHAMPION, TOWN OF (JEFFERSON COU)	MAY	31, 1974	AND
		FEBRUARY	07, 1975	
360999A	CHARLESTON, TOWN OF (MONTGOMERY CO.)	JULY	26, 1974	AND
		MAY	28, 1976	
360136	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)	MAY	10, 1974	
360269	CHESTERFIELD, TOWN OF (ESSEX CO.)	SEPTEMBER	06, 1974	

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361294	CLARENDON, TOWN OF (ORLEANS CO)	MARCH	28, 1975	
360529	CLAYVILLE, VILLAGE OF (ONEIDA CO.)	MAY	24, 1974	
361173A	CLIFTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	29, 1974	AND
		DECEMBER	26, 1975	
361380	CLINTON, TOWN (CLINTON CO)	JANUARY	28, 1976	
360890	CLYDE, VILLAGE OF (WAYNE CO.)	MAY	31, 1974	
360793A	COBLESKILL, VILLAGE OF (SCHOHARIE CO.)	JUNE	07, 1974	AND
		SEPTEMBER	12, 1975	
360069	COLD SPRING, TOWN OF (CATTARAUGUS CO.)	JUNE	21, 1974	
361432	CONESVILLE, TOWN OF (SCHOHARIE CO.)	DECEMBER	13, 1974	
360065	CONEWANGO, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	
360106A	CONNEST, TOWN OF (CAYUGA CO.)	AUGUST	16, 1974	AND
		SEPTEMBER	12, 1975	
360340A	CONSTABLEVILLE, VILLAGE OF (CLERIS CO.)	AUGUST	09, 1974	AND
		MAY	28, 1976	
361491	COURTLAND, CITY OF (CORTLAND CO.)	FEBRUARY	14, 1975	
361375	COVENTRY, TOWN (CHENANGO CO)	JANUARY	17, 1975	
361048A	CROGHAN, VILLAGE OF (LEWIS CO.)	MAY	31, 1974	AND
		MAY	28, 1976	
361099	CUBA, TOWN (ALLEGANY CO)	JANUARY	24, 1975	
361384	CUTLER, TOWN OF (CORTLAN CO)	FEBRUARY	28, 1975	
361381	DANNEMORA, TOWN OF (CLINTON COU)	FEBRUARY	07, 1975	
361209	DANSVILLE, TOWN (STEUBEN CO)	JANUARY	24, 1975	
360300	DANUBE, TOWN OF (HERKIMER CO.)	APRIL	05, 1974	
361368	DELEVAN, VILLAGE (CATTARAUGUS CO)	JANUARY	03, 1975	
361275	DEPEYSTER, TOWN OF (ST. LAWRENCE)	FEBRUARY	14, 1975	
361524	DERING HARBOR, VILLAGE OF (SUFFOLK CO.)	DECEMBER	20, 1974	
360364	DIANA, TOWN OF (LEWIS CO.)	SEPTEMBER	13, 1974	
361122A	DICKINSON, TOWN OF (FRANKLIN CO.)	NOVEMBER	08, 1974	AND
		JANUARY	09, 1976	
360908	DOBBS FERRY, VILLAGE OF (WESTCHESTER CO.)	MAY	17, 1974	
361410	DRESDEN, TOWN OF (WASHINGTON CO.)	FEBRUARY	14, 1975	
361224	EASTON, TOWN OF (WASHINGTON CO.)	DECEMBER	20, 1974	
361189	EDINBURG, TOWN OF (SARATOGA CO.)	NOVEMBER	01, 1974	
361176A	EDWARDS, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1975	AND
		FEBRUARY	06, 1976	
361963A	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	AND
		FEBRUARY	06, 1976	
361499	ELBA, VILLAGE (GENESEE CO)	JANUARY	24, 1975	
361491	ELIZABETHTOWN, VILLAGE (ESSEX CO)	JANUARY	24, 1975	
361382	ELLENBURG, TOWN (CLINTON CO)	MARCH	14, 1975	
361074	ELLINGTON, TOWN OF (CHAUTAUQUA CO.)	OCTOBER	25, 1974	
361374	ERIN, TOWN (CHEMUNG CO)	JANUARY	10, 1975	
361692A	ESPERANCE, VILLAGE (SCHOHARIE CO)	JANUARY	24, 1975	AND
		JANUARY	30, 1976	
361199	ESSEX, TOWN OF (ESSEX CO.)	DECEMBER	20, 1974	
361418	EXETER, TOWN (OTSEGO CO)	JANUARY	10, 1975	
360302	FAIRFIELD, TOWN OF (HERKIMER CO.)	MARCH	29, 1974	
360071	FARMERSVILLE, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360073A	FRANKLINVILLE, VILLAGE OF (CATTARAUGUS CO.)	MAY	31, 1974	
361397	FRANKLIN, TOWN (FRANKLIN CO)	JULY	18, 1975	
361325	FREETOWN, TOWN (CORTLAND CO)	JANUARY	17, 1975	
361195A	FULTON, TOWN OF (SCHOHARIE CU.)	NOVEMBER	08, 1974	AND
		JANUARY	30, 1976	
361225	GALEN, TOWN OF (WAYNE CO.)	DECEMBER	06, 1974	
361561	GALWAY, VILLAGE OF (SARATOGA CO.)	JANUARY	31, 1975	
361101	GENESEE, TOWN OF (ALLEGANY CO.)	DECEMBER	13, 1974	
361452A	GENESEO, VILLAGE OF (LIVINGSTON CO.)	NOVEMBER	15, 1974	AND
		NOVEMBER	15, 1975	
360111	GENOA, TOWN OF (CAYUGA CO.)	JUNE	28, 1974	
361466	GILBERTSVILLE, VILLAGE (OTSEGO CO)	OCTOBER	25, 1974	
360336A	GLEN PARK, VILLAGE OF (JEFFERSON CO.)	MARCH	29, 1974	
361295	GLEN, TOWN (MONTGOMERY CO)	JANUARY	17, 1975	
361178	GOUVERNEUR, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1975	
361363	GRANGER, TOWN (ALLEGANY CO)	JANUARY	03, 1975	
361210	GREENWOOD, TOWN (STEUBEN CO)	JANUARY	03, 1975	
361005	GROVE, TOWN OF (ALLEGANY CO)	JUNE	28, 1974	
361442	HAMPTON, TOWN OF (WASHINGTON CO.)	JANUARY	03, 1975	
361451A	HARRISVILLE, VILLAGE OF (LEWIS CO.)	NOVEMBER	15, 1974	AND
		MAY	28, 1976	
361239	HARTFORD, TOWN OF (WASHINGTON CO.)	DECEMBER	27, 1974	
361271	HARTWICK, TOWN OF (OTSEGO CO.)	OCTOBER	25, 1974	
361513	HEAD OF THE HARBOR, VILLAGE OF (SUFFOLK CO.)	NOVEMBER	15, 1974	
360367	HIGH MARKET, TOWN OF (LEWIS CO.)	SEPTEMBER	13, 1974	
361179	HOPKINTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	
361434	HOWARD, TOWN OF (STEUBEN CO.)	DECEMBER	27, 1974	
360078	HUMPHREY, TOWN OF (CATTARAUGUS CO.)	AUGUST	30, 1974	
360293	HUNTER, VILLAGE OF (GREENE CO.)	AUGUST	16, 1974	
361006	INDEPENDENCE, TOWN OF (ALLEGANY CO.)	SEPTEMBER	06, 1974	
360079A	ISCHUA, TOWN OF (CATTARAUGUS CO.)	MAY	31, 1974	AND
		MAY	21, 1976	
360968	ITALY, TOWN OF (YATES CO.)	JUNE	28, 1974	
361212	JASPER, TOWN OF (STEUBEN CO.)	NOVEMBER	01, 1974	
361294	JAVA, TOWN OF (WYOMING CO.)	OCTOBER	25, 1974	
361151	KEENE, TOWN OF (ESSEX CO.)	NOVEMBER	01, 1974	
360260A	KEESEVILLE, VILLAGE OF (ESSEX CO.)	MAY	31, 1974	AND
		MAY	21, 1976	
361350	LACONA, VILLAGE OF (OSWEGO CO.)	NOVEMBER	22, 1974	
361326	LAPEER, TOWN OF (CORTLAND CO)	FEBRUARY	28, 1975	
361419	LAURENS, TOWN (OTSEGO CO)	JANUARY	03, 1975	
361285	LEICESTER, TOWN OF (LIVINGSTON CO.)	OCTOBER	18, 1974	
361456	LEICESTER, VILLAGE (LIVINGSTON CO)	JANUARY	10, 1975	
360080	LEON, TOWN OF (CATTARAUGUS CO.)	MAY	31, 1974	
361152	LEWIS, TOWN OF (ESSEX CO.)	NOVEMBER	29, 1974	
360348	LEWIS, TOWN OF (LEWIS CO.)	JUNE	28, 1974	
360309A	LITCHFIELD, TOWN OF (HERKIMER CO.)	MARCH	15, 1974	AND
		APRIL	09, 1976	

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361458	LIVONIA, VILLAGE (LIVINGSTON CO)	JANUARY	10, 1975	
360753A	LODI, TOWN OF (SENECA CO.)	JULY	26, 1974	AND
		MAY	28, 1976	
361530A	LODI, VILLAGE OF (SENECA CO)	FEBRUARY	26, 1975	AND
		JANUARY	16, 1976	
361906	LONG LAKE, TOWN (HAMILTON CO)	JULY	26, 1975	
360883A	LYNDON, TOWN OF (CATTARAUGUS CO.)	AUGUST	09, 1974	
360371	LYONSDALE, TOWN OF (LEWIS CO.)	AUGUST	16, 1974	
360084	MACHIAS, TOWN OF (CATTARAUGUS CO.)	OCTOBER	18, 1974	
361292	MADISON, TOWN OF (MADISON CO.)	DECEMBER	20, 1974	
361327	MARATHON, TOWN OF (CORTLAND CO.)	NOVEMBER	29, 1974	
361272	MARYLAND, TOWN OF (OTSEGO CO.)	OCTOBER	18, 1974	
361132	MAYFIELD, TOWN (FULTON CO)	JANUARY	17, 1975	
361983	MAYFIELD, VILLAGE OF (FULTON CO.)	NOVEMBER	15, 1974	
360207	MEREDITH, TOWN OF (DELAWARE CO.)	JUNE	28, 1974	
360654	MEXICO, TOWN OF (OSWEGO CO.)	NOVEMBER	15, 1974	
360209	MIDDLETOWN, TOWN OF (DELAWARE CO.)	SEPTEMBER	06, 1974	
361352	MILFORD, VILLAGE (OTSEGO CO)	JANUARY	10, 1975	
361153	MINERVA, TOWN OF (ESSEX CO.)	DECEMBER	20, 1974	
361132	MOIRA, TOWN OF (FRANKLIN CO.)	NOVEMBER	15, 1974	
361383	MOORES, TOWN OF (CLINTON)	FEBRUARY	14, 1975	
361988	MOORES, VILLAGE (CLINTON CO)	JANUARY	03, 1975	
360117	MORAVIA, TOWN OF (CAYUGA CO.)	JUNE	14, 1974	
361389	MORIAH, TOWN OF (ESSEX CO.)	NOVEMBER	22, 1974	
361275	MORRISTOWN, TOWN OF (ST. LAWRENCE)	SEPTEMBER	06, 1974	
360906	MORRISVILLE, VILLAGE OF (MADISON CO.)	MARCH	08, 1974	
361363A	MORRIS, VILLAGE OF (OTSEGO CO.)	NOVEMBER	15, 1974	AND
		MAY	28, 1976	
360086A	NAPOLI, TOWN OF (CATTARAUGUS CO.)	JUNE	14, 1974	AND
		JANUARY	02, 1976	
361155	NASSAU, TOWN OF (RENSSELAER CO.)	NOVEMBER	22, 1974	
360675A	NASSAU, VILLAGE OF (RENSSELAER CO.)	MARCH	22, 1974	AND
		MARCH	05, 1976	
361420	NEW LISBON, TOWN OF (OTSEGO CO.)	JANUARY	31, 1975	
360836A	NEWARK VALLEY, VIL (TIOGA CO)	JUNE	07, 1974	AND
		APRIL	30, 1976	
360938A	NICHOLS, VILLAGE OF (TIOGA CO.)	JUNE	07, 1974	
361391	NORTH HUDSON, TOWN (ESSEX CO)	JULY	11, 1975	
361900	NORTHAMPTON, TOWN OF (FULTON CO.)	JANUARY	31, 1975	
361908	OHIO, TOWN (HERKIMER CO)	JANUARY	03, 1975	
361545	OLD FIELD, VILLAGE (SUFFOLK CO)	JULY	25, 1975	
361134	OPPENHEIM, TOWN OF (FULTON CO.)	NOVEMBER	08, 1974	
361354	ORISKANY FALLS, VILLAGE OF (ONEIDA CO.)	NOVEMBER	22, 1974	
361262	ORWELL, TOWN OF (OSWEGO CO.)	OCTOBER	25, 1974	
360657A	OSWEGO, TOWN OF (OSWEGO CU.)	MAY	10, 1974	AND
		MAY	14, 1976	
361090	OTSELIC, TOWN OF (CHENANGO CO.)	DECEMBER	20, 1974	

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NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
360090A	OTTO, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974 AND	
		SEPTEMBER 19, 1975	
361413	PALATINE, TOWN OF (MONTGOMERY CO.)	NOVEMBER 29, 1974	
361283	PALERMO, TOWN OF (OSWEGO CO.)	FEBRUARY 07, 1975	
360346B	PAMELIA, TOWN OF (JEFFERSON CO.)	OCTOBER 18, 1974 AND	
		APRIL 23, 1976	
361426	PARISHVILLE, TOWN (ST. LAWRENCE CO.)	JANUARY 17, 1975	
361367	PARISH, TOWN OF (OSWEGO CO.)	DECEMBER 27, 1974	
360091A	PERRYSBURG, TOWN OF (CATTARAUGUS CO.)	MAY 17, 1974 AND	
		APRIL 23, 1976	
360946A	PERRY, TOWN OF (WYOMING CO.)	JUNE 28, 1974 AND	
		MAY 07, 1976	
361426	PIERCEFIELD, TOWN OF (ST. LAWRENCE CO.)	JANUARY 31, 1975	
361027A	PIKE, VILLAGE OF (WYOMING CO.)	AUGUST 09, 1974 AND	
		APRIL 30, 1976	
360375	PINCKNEY, TOWN OF (LEWIS CO.)	SEPTEMBER 09, 1974	
361191A	PINE PLAINS, TOWN OF (DUTCHESS CO.)	DECEMBER 20, 1974 AND	
		DECEMBER 19, 1975	
361277	PITTSFIELD, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974	
361278	PLAINFIELD, TOWN OF (OTSEGO CO.)	NOVEMBER 08, 1974	
361029	PORTAGE, TOWN OF (LIVINGSTON CO.)	AUGUST 16, 1974	
361279	PORTLAND, TOWN OF (CHAUTAUQUA CO.)	JULY 11, 1975	
361306	PRESTON, TOWN OF (CHENANGO CO.)	JANUARY 17, 1975	
361358	PROSPECT, VILLAGE OF (ONEIDA CO.)	NOVEMBER 15, 1974	
361190	PROVIDENCE, TOWN OF (SARATOGA CO.)	NOVEMBER 15, 1974	
360781	RATHBONE, TOWN OF (STEUBEN CO.)	AUGUST 02, 1974	
361598	RED CREEK, VILLAGE (WAYNE CO.)	JANUARY 10, 1975	
361366	RED HOUSE, TOWN OF (CATTARAUGUS CO.)	FEBRUARY 28, 1975	
361266	REDFIELD, TOWN OF (OSWEGO CO.)	NOVEMBER 22, 1974	
360019	RENSSELAERVILLE, TOWN OF (ALBANY CO.)	DECEMBER 06, 1974	
361279	RICHFIELD, TOWN OF (OTSEGO CO.)	OCTOBER 18, 1974	
361210	RICHFORD, TOWN OF (TIOGA CO.)	DECEMBER 20, 1974	
361467	RICHVILLE, VILLAGE (ST. LAWRENCE CO.)	JANUARY 10, 1975	
361257A	RIDGEWAY, TOWN OF (ORLEANS CO.)	FEBRUARY 07, 1975 AND	
		JANUARY 16, 1976	
361035A	ROSLYN HARBOR, VILLAGE OF (NASSAU CO.)	JUNE 28, 1974 AND	
		DECEMBER 19, 1975	
361186A	ROSSIE, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 01, 1974 AND	
		MARCH 26, 1976	
361428	RUSSEL, TOWN OF (ST. LAWRENCE)	FEBRUARY 14, 1975	
361121	RUSSIA, TOWN OF (HERKIMER CO.)	NOVEMBER 01, 1974	
360317	SALISBURY, TOWN OF (HERKIMER CO.)	JUNE 07, 1974	
361358A	SANDY CREEK, VILLAGE OF (OSWEGO CO.)	NOVEMBER 15, 1974	
360171	SARANAC, TOWN OF (CLINTON CO.)	APRIL 16, 1975	
361229	SAVANNAH, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974	
360172	SCHUYLER FALLS, TOWN OF (CLINTON CO.)	SEPTEMBER 12, 1974	
360122A	SCIPIO, TOWN OF (CAYUGA CO.)	MAY 31, 1974 AND	
		MAY 28, 1976	

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NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
360124A	SENNETT, TOWN OF (CAYUGA CO.)	JUNE 14, 1974 AND	
		MAY 14, 1976	
361549A	SHARON SPRINGS, VILLAGE (SCHOHARIE CO.)	JANUARY 10, 1975	
361266A	SHELBY, TOWN OF (ORLEANS CO.)	NOVEMBER 08, 1974 AND	
		DECEMBER 16, 1975	
361373	SHERMAN, TOWN OF (CHAUTAUQUA CO.)	JANUARY 17, 1975	
360099	SOUTH CAIRO, VILLAGE OF (CATTARAUGUS CO.)	MAY 31, 1974	
360100	SOUTH VALLEY, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER 06, 1974	
361208	SPARTA, TOWN OF (LIVINGSTON CO.)	NOVEMBER 08, 1974	
361471A	SPENCER, VILLAGE OF (TIOGA CO.)	NOVEMBER 15, 1974	
361110	STAFFORD, TOWN OF (GENESEE CO.)	JANUARY 24, 1975	
361170	STEPHENTOWN, TOWN OF (RENSSELAER CO.)	DECEMBER 20, 1974	
360126	STERLING, TOWN OF (CAYUGA CO.)	JULY 24, 1974	
360556	STEUBEN, TOWN OF (ONEIDA CO.)	JUNE 28, 1974	
361424	STOCKHOLM, TOWN (ST. LAWRENCE CO.)	JANUARY 03, 1975	
361081A	STOCKTON, TOWN OF (CHAUTAUQUA CO.)	NOVEMBER 01, 1974 AND	
		DECEMBER 19, 1975	
361136	STRATFORD, TOWN OF (FULTON CO.)	NOVEMBER 15, 1974	
361157	ST. ARMAND, TOWN OF (ESSEX CO.)	OCTOBER 25, 1974	
360496	ST. JOHNSVILLE, TOWN OF (MONTGOMERY CO.)	AUGUST 16, 1974	
361330	TAYLOR, TOWN OF (CORTLAND CO.)	JULY 11, 1975	
361213	THURSTON, TOWN OF (STEUBEN CO.)	OCTOBER 25, 1974	
360966A	TORREY, TOWN OF (YATES CO.)	MAY 31, 1974 AND	
		JANUARY 09, 1976	
360557	TRENTON, VILLAGE OF (ONEIDA CO.)	AUGUST 30, 1974	
360055A	TRIANGLE, TOWN OF (BROOME CO.)	APRIL 05, 1974 AND	
		NOVEMBER 21, 1975	
361436	TROUPSBURG, TOWN OF (STEUBEN CO.)	FEBRUARY 21, 1975	
360561	VERONA, TOWN OF (ONEIDA CO.)	SEPTEMBER 13, 1974	
361057	VETERAN, TOWN OF (CHEMUNG CO.)	OCTOBER 25, 1974	
360131A	VICTORY, TOWN OF (CAYUGA CO.)	JULY 26, 1974 AND	
		MARCH 05, 1976	
360731	VICTORY, VILLAGE OF (SARATOGA CO.)	APRIL 05, 1974	
361102	VILLENOVA, TOWN OF (CHAUTAUQUA CO.)	OCTOBER 18, 1974	
361228B	WALWORTH, TOWN OF (WAYNE CO.)	DECEMBER 13, 1974 AND	
		OCTOBER 10, 1975 AND	
		MAY 28, 1976	
361485	WAMPSVILLE, VILLAGE (MADISON CO.)	JANUARY 17, 1975	
361369	WARD, TOWN (ALLEGANY CO.)	JANUARY 17, 1975	
360563	WATERVILLE, VILLAGE OF (ONEIDA CO.)	JUNE 14, 1974	
361462	WATLAND, VILLAGE (STEUBEN CO.)	JULY 18, 1975	
360321	WEBB, TOWN OF (HERKIMER CO.)	JULY 18, 1975	
361112	WELLS, TOWN OF (HAMILTON CO.)	NOVEMBER 29, 1974	
360569	WESTERN, TOWN OF (ONEIDA CO.)	AUGUST 02, 1974	
361282	WESTFORD, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974	
361249	WETHERSFIELD, TOWN OF (WYOMING CO.)	DECEMBER 13, 1974	
361238	WHITE CREEK, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974	
361331	WILLET, TOWN OF (CORTLAND CO.)	DECEMBER 20, 1974	
361267	WILLIAMSTOWN, TOWN OF (OSWEGO CO.)	NOVEMBER 01, 1974	

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360267	WILLSBORO, TOWN OF (ESSEX CO.)	NOVEMBER 08, 1974
361141	WILMINGTON, TOWN OF (ESSEX CO.)	JANUARY 17, 1975
361103	WINT, TOWN OF (ALLEGANY CO.)	APRIL 11, 1975
360901	WOLCOTT, TOWN OF (WAYNE CO.)	JUNE 28, 1974
361283	WORCESTER, TOWN OF (OTSEGO CO.)	NOVEMBER 01, 1974
361202	WRIGHT, TOWN OF (SCHOHARIE CO.)	NOVEMBER 08, 1974
360952	WYOMING, VILLAGE OF (WYOMING CO.)	MAY 17, 1974
361104	YORKSHIRE, TOWN OF (CATTARAUGUS CO.)	APRIL 11, 1975

TOTAL IN THE STATE 248

• UNINCORPORATED AREAS ONLY

NORTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
370358	AUTRYVILLE, TOWN (SAMPSON CO.)	JULY 26, 1974	
370210	CHINA GROVE, TOWN OF (ROWAN CO.)	JANUARY 09, 1974	
370321	CRAMERTON, TOWN (GASTON CO.)	JULY 11, 1975	
370322	DALLAS, TOWN (GASTON CO.)	JUNE 27, 1975	
370359	EAST LAUMINBURG, TOWN (SCOTLAND CO.)	JULY 11, 1975	
370203	GRAHAM, CITY (ALAMANCE CO.)	JULY 11, 1975	
370235A	INDIAN TRAIL, CITY OF (UNION CO.)	SEPTEMBER 06, 1974 AND	
		MARCH 26, 1976	
370136	JOHNSTON COUNTY	JANUARY 03, 1975	
370303	LANDDALE, TOWN (CLEVELAND CO.)	JULY 11, 1975	
370144	LENOIR COUNTY •	DECEMBER 27, 1974	
370090	MACCLESFIELD, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974	
370101	MCADENVILLE, CITY OF (GASTON CO.)	JUNE 21, 1974	
370309	MOCKSVILLE, TOWN (DAVIE CO.)	JULY 11, 1975	
370349	ORRUM, TOWN (ROBESON CO.)	APRIL 25, 1975	
370337	PINE BLUFF, TOWN (MOORE CO.)	JULY 11, 1975	
370318	PRINCEVILLE, TOWN (EDGECOMBE CO.)	JULY 25, 1975	
370324	RANLO, TOWN (GASTON CO.)	JUNE 27, 1975	
370341	RICHLANDS, TOWN (ONSLOW CO.)	JULY 11, 1975	
370104	ROBBINSVILLE, TOWN OF (GRAHAM CO.)	JUNE 14, 1974	
370258A	RONDA, TOWN OF (WILKES CO.)	SEPTEMBER 06, 1974 AND	
		MAY 14, 1976	
370220	SAMPSON COUNTY •	DECEMBER 20, 1974	
370005	SPARTA, CITY (ALLEGANY CO.)	FEBRUARY 16, 1974	
370093A	SPEED, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974 AND	
		APRIL 02, 1976	
370356	SPINDALE, TOWN OF (RUTHERFORD CO.)	JUNE 27, 1975	
370075	VANCEBORO, TOWN OF (CRAVEN CO.)	MARCH 01, 1974	
370259	WAYNE COUNTY •	DECEMBER 27, 1974	
370289A	WEAVERVILLE, TOWN OF (BUNCOMBE CO.)	NOVEMBER 29, 1974 AND	
		MAY 28, 1976	
370345	WINFALL, TOWN (PERQUIMANS CO.)	JULY 25, 1975	

TOTAL IN THE STATE 28

• UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
380182	ADAMS, CITY (WALSH CO)	JULY 25, 1975
380154	ANAMOOSE, CITY (MCHENRY CO)	JANUARY 17, 1975
380156	ANTHUR, CITY OF (CASS)	FEBRUARY 14, 1975
380080	BATHGATE, CITY OF (PEMBINA CO.)	NOVEMBER 26, 1974
380218	BEACH, CITY (GOLDEN VALLEY CO)	JULY 11, 1975
380157	BERTHOLD, CITY (WARD CO)	JULY 11, 1975
380158	BINFORD, CITY OF (GRIGGS)	FEBRUARY 14, 1975
380128	BISBEE, CITY OF (TOWNER CO)	FEBRUARY 21, 1975
380216	BUR BELLS, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380159	BOWDON, CITY (WELLS CO)	JULY 11, 1975
380160	BUFFALO, CITY OF (CASS)	FEBRUARY 14, 1975
380217A	CANDO, CITY (TOWNER CO)	JANUARY 10, 1975 AND SEPTEMBER 26, 1975
380121	COURTENAY, CITY OF (STUTSMAN CO.)	DECEMBER 27, 1974
380093	CRANE, CITY OF (RAMSEY CO.)	NOVEMBER 15, 1974
380039	DAWSON, CITY OF (KIDDER CO.)	DECEMBER 06, 1974
380027	DODGE, CITY (DUNN CO)	APRIL 25, 1975
380222	DRAKE, CITY OF (MCHENRY CO)	FEBRUARY 21, 1975
380223A	EDGELEY, CITY (LA MOURE CO)	JULY 25, 1975 AND FEBRUARY 27, 1976
380226A	ELLENDALE, CITY OF (DICKEY CO)	FEBRUARY 21, 1975 AND SEPTEMBER 12, 1975
380227	FINLEY, CITY OF (STEELE)	FEBRUARY 14, 1975
380169	FLAXTON, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380171	FORTUNA, CITY (DIVIDE CO)	JULY 25, 1975
380035	GILBY, CITY OF (GRAND FORKS CO.)	NOVEMBER 22, 1974
380174	GLENBURN, CITY OF (RENVILLE)	FEBRUARY 14, 1975
380175	GOLDEN VALLEY, CITY (MERCER CO)	JUNE 27, 1975
380176	GRANVILLE, CITY (MCHENRY CO)	JANUARY 17, 1975
380177	GRENORA, CITY (WILLIAMS CO)	MAY 02, 1975
380229	GWINNER, CITY (SARGENT CO)	JANUARY 10, 1975
380094	HAMPDEN, CITY OF (RAMSEY CO.)	NOVEMBER 29, 1974
380178	HANNAFORD, CITY (GRIGGS CO)	JANUARY 17, 1975
380131A	HATTON, CITY OF (TRAILL CO.)	MAY 10, 1974
380233	HETTINGER, CITY (ADAMS CO)	JULY 11, 1975
380044	KARLSRUHE, CITY (MCHENRY CO)	JANUARY 10, 1975
380234	KENMARE, CITY (WARD CO)	MAY 02, 1975
380075A	LAKOTA, CITY OF (NELSON CO.)	MAY 03, 1974 AND DECEMBER 26, 1975
380184	LANSFORD, CITY OF (BOTTINEAU)	FEBRUARY 14, 1975
380095	LARIMORE, CITY OF (RAMSEY CO.)	DECEMBER 06, 1974
380003A	LEEDS, CITY OF (BENSON CO.)	APRIL 05, 1974 AND JANUARY 02, 1974
380043	LEHR, CITY OF (LOGAN • MCINTOSH COS.)	NOVEMBER 22, 1974
380237	LIDGERWOOD, CITY OF (RICHLAND)	FEBRUARY 14, 1975
380187	LITCHVILLE, CITY (BARNES CO)	JANUARY 17, 1975
380004A	MADDOCK, CITY OF (BENSON CO.)	MARCH 08, 1974 AND NOVEMBER 15, 1974
380037	MANVEL, CITY (GRAND FORKS CO)	JANUARY 10, 1975

• UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
380115	MARMARTH, CITY OF (SLOPE CO.)	NOVEMBER 29, 1974
380006	MAXBASS, CITY OF (BOTTINEAU CO.)	NOVEMBER 22, 1974
380040	MAX, CITY OF (MCLEAN CO.)	NOVEMBER 22, 1974
380238	MCVILLE, CITY OF (NELSON)	FEBRUARY 14, 1975
380124	MEDINA, CITY OF (STUTSMAN CO.)	DECEMBER 20, 1974
380240	MINNEWAUKAN, CITY (BENSON CO)	JANUARY 17, 1975
380125	MONTPELIER, CITY OF (STUTSMAN CO.)	NOVEMBER 15, 1974
380189	MUNICH, CITY (CAVALIER CO)	JANUARY 17, 1975
380031A	NEA ROCKFUND, CITY OF (FOSTER CO.)	NOVEMBER 23, 1973 AND APRIL 16, 1976
380243	NEW SALEM, CITY OF (MORTON CO)	FEBRUARY 21, 1975
380009	NEWBURG, CITY OF (BOTTINEAU CO.)	DECEMBER 06, 1974
380192	OSNABRUCK, CITY OF (CAVALIER CO.)	FEBRUARY 21, 1975
380193	PAGE, CITY OF (CASS)	FEBRUARY 14, 1975
380073	PARSHALL, CITY OF (MOUNTRAIL CO.)	NOVEMBER 29, 1974
380197	REEDER, CITY (ADAMS CO)	FEBRUARY 21, 1975
380124	ROCK LAKE, CITY OF (TOWNER CO.)	NOVEMBER 22, 1974
380088	RUGBY, CITY OF (PIERCE CO.)	MARCH 22, 1974 AND OCTOBER 03, 1975 AND MAY 21, 1976
380202	SANBORN, CITY OF (BARNES CO)	FEBRUARY 21, 1975
380145	SANTEE, CITY OF (WARD CO)	JANUARY 31, 1975
380203	SHANON, CITY OF (STEELE)	FEBRUARY 14, 1975
380204	SHERWOOD, CITY OF (RENVILLE)	FEBRUARY 14, 1975
380010	SOURIS, CITY OF (BOTTINEAU CO.)	NOVEMBER 29, 1974
380096	STARKWEATHER, CITY OF (RAMSEY CO.)	DECEMBER 06, 1974
380251	STEELE, CITY OF (KIDDER CO)	FEBRUARY 21, 1975
380252	STRASBURG, CITY OF (EMMONS)	FEBRUARY 14, 1975
380127	STREETER, CITY OF (STUTSMAN CO.)	NOVEMBER 22, 1974
380249	ST. THOMAS, CITY OF (PEMBINA CO)	FEBRUARY 21, 1975
380206	SURREY, CITY (WARD CO)	JUNE 27, 1975
380040	TAPPEN, CITY OF (KIDDER CO.)	DECEMBER 06, 1974
380208	THOMPSON, CITY OF (GRAND FORKS)	FEBRUARY 14, 1975
380210	TOWER CITY, CITY (BARNES CO.)	JANUARY 10, 1975
380253	TURNER, CITY OF (MCHENRY CO)	JANUARY 31, 1975
380081A	TURTLE LAKE, CITY OF (MCLEAN CO.)	MARCH 22, 1974
380041	TUTTLE, CITY OF (KIDDER CO.)	NOVEMBER 29, 1974
380050	UPHAM, CITY OF (MCHENRY CO.)	DECEMBER 06, 1974
380043A	WASHBURN, CITY OF (MCLEAN CO.)	FEBRUARY 01, 1974 AND MAY 07, 1974
380074	WHITE EARTH, CITY OF (MOUNTRAIL CO.)	APRIL 12, 1974
380065A	WILTON, CITY OF (MCLEAN AND BURLEIGH CO.)	MARCH 28, 1975
380212	WIMBLEDON, CITY OF (BARNES)	JANUARY 03, 1975
380213	WING, CITY (BURLEIGH CO)	SEPTEMBER 15, 1974
	TOTAL IN THE STATE 83	JULY 25, 1975
		JULY 25, 1976 AND DECEMBER 06, 1975
		JULY 11, 1975
		MAY 31, 1974
		MAY 17, 1974
		AUGUST 09, 1974
		MARCH 01, 1974
		DECEMBER 06, 1974
		JANUARY 31, 1975
		APRIL 05, 1974
		SEPTEMBER 20, 1974
		APRIL 12, 1974
		JANUARY 31, 1975
		FEBRUARY 15, 1974
		APRIL 05, 1974 AND SEPTEMBER 26, 1975
		APRIL 18, 1975
		APRIL 18, 1976
		FEBRUARY 06, 1974 AND JANUARY 10, 1975
		APRIL 18, 1975
		MAY 10, 1974
		JANUARY 10, 1975
		FEBRUARY 14, 1975
		APRIL 12, 1974 AND MAY 21, 1976
		JANUARY 31, 1975
		JUNE 07, 1974 AND MAY 07, 1974
		FEBRUARY 14, 1975
		AUGUST 09, 1974 AND MAY 28, 1974
		MAY 31, 1974
		JANUARY 10, 1975
		APRIL 18, 1975

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390727	ALBANY, VILLAGE OF (ATHENS)	FEBRUARY 14, 1975
390329	ALEXANDRIA, VILLAGE OF (LICKING CO.)	MAY 31, 1974
390688	AMANDA, VILLAGE (FAIRFIELD CO.)	JULY 25, 1975
390015	AMESVILLE, VILLAGE (ATHENS CO)	JULY 25, 1975
390241	ARCADIA, VILLAGE (HANCOCK CO)	JULY 11, 1975
390207A	ARLINGTON HEIGHTS, VILLAGE OF (HAMILTON CO.)	FEBRUARY 01, 1974 AND DECEMBER 05, 1975
390159A	BALTIMORE, VILLAGE OF (FAIRFIELD CO.)	JUNE 21, 1974 AND APRIL 16, 1976
390024	BARNESVILLE, VILLAGE OF (BELMONT CO.)	JUNE 07, 1974
390695	BERGHOLZ, VILLAGE (JEFFERSON CO.)	JULY 25, 1975
390650A	BERLIN HEIGHTS, VILLAGE OF (ERIE CO.)	APRIL 05, 1974
390674	BETHESDA, VILLAGE OF (BELMONT COU)	FEBRUARY 07, 1975
390500A	BETTSVILLE, VILLAGE OF (SENECA CO.)	APRIL 12, 1974
390074	BLANCHESTER, VILLAGE OF (CLINTON CO.)	APRIL 05, 1974
390749	BOSTON HEIGHTS, VILLAGE (SUMMIT CO)	JULY 25, 1975
390728	BUCHTEL, VILLAGE OF (ATHENS COU)	FEBRUARY 07, 1975
390753	BURBANK, VILLAGE (WAYNE CO)	APRIL 18, 1975
390488	BURGOON, VILLAGE OF (SANDUSKY CO.)	AUGUST 02, 1974
390719	BUTLERVILLE, VILLAGE OF (WARREN)	FEBRUARY 14, 1975
390695	BUTLER, VIL (RICHLAND CO)	JULY 25, 1975
390441	CAMDEN, VILLAGE OF (PREBLE CO.)	MAY 10, 1974
390607	CEDARVILLE, VIL (GREENE CO)	JANUARY 10, 1975
390017A	CHAUNCEY, VILLAGE OF (ATHENS CO.)	JUNE 21, 1974 AND APRIL 16, 1976
390608	CHESAPEAKE, VIL (LAWRENCE CO)	JANUARY 10, 1975
390058A	CHRISTIANSBURG, VILLAGE OF (CHAMPAIGN CO.)	AUGUST 09, 1974
390328A	COAL GROVE, VILLAGE OF (LAWRENCE CO.)	JUNE 14, 1974 AND MAY 21, 1976
390291A	COALTON, VILLAGE OF (JACKSON CO.)	FEBRUARY 01, 1974 AND MAY 21, 1976
390468A	COLUMBUS GROVE, VILLAGE OF (PUTNAM CO.)	FEBRUARY 06, 1974
390711	COMMERCIAL POINT, VILLAGE OF (PICKAWAY COU)	JANUARY 31, 1975
390675A	CRESTON, VILLAGE OF (WAYNE CO.)	FEBRUARY 01, 1974 AND MAY 28, 1974
390187	CROWN CITY, VILLAGE (GALLIA CO)	JANUARY 10, 1975
390654	CUYAHOGA HEIGHTS, VILLAGE OF (CUYAHOGA CO.)	MARCH 29, 1974
390712	DARBYVILLE, VILLAGE OF (PICKAWAY COU)	FEBRUARY 07, 1975
390049A	DELLROY, VILLAGE OF (CARROLL CO.)	AUGUST 09, 1974
390681A	DUNNELSVILLE, VILLAGE OF (CLARK CO.)	FEBRUARY 01, 1974
390720	DUTLESTOWN, VILLAGE OF (WAYNE)	FEBRUARY 14, 1975
390467A	DUPONT, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974
390513	EAST CANTON, VILLAGE(STARK CO)	JULY 18, 1975
390747	EDISON, VILLAGE (MONROE CO)	APRIL 18, 1975
390714	ELDORADO, VILLAGE OF (PREBLE CO)	MARCH 28, 1975
390658A	ELIDA, VILLAGE OF (ALLEN CO.)	MARCH 29, 1974
390219	EVENDALE, VILLAGE OF (HAMILTON CO.)	MARCH 01, 1974
390468	FORT JENNINGS, VILLAGE OF (PUTNAM CO.)	MAY 31, 1974
390395A	FORT RECOVERY, VILLAGE OF (MERCER CO.)	JUNE 07, 1974

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390926	FRAZEYSBURG, VILLAGE OF (MUSKINGHAM CO.)	AUGUST 30, 1974
390185	GALLIA COUNTY •	DECEMBER 27, 1974
390612	GENOA, VIL (OTTAWA CO)	JULY 18, 1975
390469A	GILBOA, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974
390942A	GLENFORD, VILLAGE OF (PERRY CO.)	AUGUST 23, 1974
390819	GRAFTON, VILLAGE OF (LORAIN CO.)	DECEMBER 20, 1974
390554A	HAMDEN, VILLAGE OF (VINTON CO.)	FEBRUARY 01, 1974 AND MAY 07, 1974
390284	HAMLER, VILLAGE OF (HENRY CO.)	APRIL 12, 1974
390499	HANGING ROCK, VILLAGE OF (LAWRENCE CO)	MARCH 28, 1975
390250	HARDIN COUNTY	JANUARY 03, 1975
390255	HARRISON COUNTY •	JANUARY 31, 1975
390331	HARTFORD, VILLAGE OF (LICKING CO.)	SEPTEMBER 15, 1974
390514	HARTVILLE, VILLAGE (STARK CO)	JULY 25, 1975
390110A	HIGHLAND HGTS, CITY (CUYAHOGA CO)	JULY 25, 1975 AND DECEMBER 06, 1975
390741	IRONDALE, VILLAGE (JEFFERSON CO)	JULY 11, 1975
390505	JACKSON CENTER, VILLAGE OF (SHELBY CO.)	MAY 31, 1974
390619A	JACKSONVILLE, VILLAGE OF (ATHENS CO.)	MAY 17, 1974
390496A	JENERA, VILLAGE OF (HANCOCK CO.)	AUGUST 09, 1974
390471	KALIDA, VILLAGE OF (PUTNAM CO.)	MARCH 01, 1974
390201A	KIMBOLTON, VILLAGE OF (GUERNSEY CO.)	DECEMBER 06, 1974
390306	KNOX COUNTY •	JANUARY 31, 1975
390270A	LEESBURG, VILLAGE OF (HIGHLAND CO.)	APRIL 05, 1974
390050A	LEESVILLE, VILLAGE OF (CARROLL CO.)	SEPTEMBER 20, 1974
390485A	LISBON, VILLAGE OF (COLUMBIANA CO.)	APRIL 12, 1974
390491	LOCKBOURNE, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390223	LOCKLAND, CITY OF (HAMILTON CO.)	FEBRUARY 15, 1974
390681A	LUCAS, VILLAGE OF (RICHLAND CO.)	APRIL 05, 1974 AND SEPTEMBER 26, 1975
390750	MACEDONIA, VILLAGE (SUMMIT CO)	APRIL 18, 1975
390748	MARBLEHEAD, VILLAGE (OTTAWA CO)	APRIL 18, 1975
390224A	MARIEMONT, VILLAGE OF (HAMILTON CO.)	FEBRUARY 06, 1974 AND JANUARY 10, 1975
390756	MARSEILLES, VILLAGE (WYANDOT CO)	APRIL 18, 1975
390254A	MCGUFFEY, VILLAGE OF (HARDIN CO.)	MAY 10, 1974
390378	MEDINA COUNTY	JANUARY 10, 1975
390392	MERCER COUNTY •	FEBRUARY 14, 1975
390155A	MILAN, VILLAGE OF (ERIE CO.)	APRIL 12, 1974 AND MAY 21, 1976
390689	MILLERSPORT, VILLAGE OF (FAIRFIELD COU)	JANUARY 31, 1975
390491A	MILLVILLE, VILLAGE OF (BUTLER CO.)	JUNE 07, 1974 AND MAY 07, 1974
390404	MONROE COUNTY •	FEBRUARY 14, 1975
390394A	MONTEZUMA, VILLAGE OF (MERCER CO.)	AUGUST 09, 1974 AND MAY 28, 1974
390581A	MONTPELIER, VILLAGE OF (WILLIAMS CO.)	MAY 31, 1974
390920	MORGAN COUNTY	JANUARY 10, 1975
390746	MORRAL, VILLAGE (MARION CO)	APRIL 18, 1975

* UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390249A	MOUNT CORY, VILLAGE OF (HANCOCK CO.)	SEPTEMBER 20, 1974
390821A	MOUNT ORAB, VIL (BROWN CO)	JULY 25, 1975 AND
		MAY 07, 1976
390722	NEVADA, VILLAGE OF (WYANDOT)	FEBRUARY 14, 1975
390706	NEW STRAITSVILLE, VILLAGE OF (PERRY COU)	FEBRUARY 03, 1975
390285A	NORTH FAIRFIELD, VILLAGE OF (HURON CO.)	MARCH 15, 1974 AND
		APRIL 09, 1976
390679	NORTH HAMPTON, VILLAGE OF (CLARK COU)	FEBRUARY 07, 1975
390734	NORTH RANDALL, VILLAGE (CUYAHOGA CO)	APRIL 18, 1975
390726	NORTHFIELD, VILLAGE OF (SUMMIT COU)	FEBRUARY 07, 1975
390622	NORTHWOOD, VIL (WOOD CO)	JULY 25, 1975
390434A	OAK HARBOR, VILLAGE OF (OTTAWA CO.)	MARCH 01, 1974 AND
		APRIL 16, 1974
390176A	OBETZ, VILLAGE OF (FRANKLIN CO.)	FEBRUARY 15, 1974
390737	ORANGE, VILLAGE (CUYAHOGA CO)	APRIL 18, 1975
390191A	OSGOOD, VILLAGE OF (DARKE CO.)	AUGUST 30, 1974
390150A	OSTRANDER, VILLAGE OF (DELAWARE CO.)	SEPTEMBER 20, 1974
390480	OWENSVILLE, VILLAGE OF (CLERMONT CO)	MARCH 28, 1975
390434A	PAYNE, VILLAGE OF (PAULDING CO.)	MAY 03, 1974
390182A	PICKERINGTON, VILLAGE OF (FAIRFIELD CO.)	JUNE 28, 1974
390425	PLAIN CITY, VIL (MADISON CO)	JULY 25, 1975
390287A	PLYMOUTH, VILLAGE OF (HURON CO.)	MAY 03, 1974 AND
		MAY 21, 1976
390453	PORTAGE COUNTY *	DECEMBER 27, 1974
390700	PROCTORVILLE, VILLAGE (LAWRENCE CO.)	APRIL 18, 1975
390499A	RAMDEN, VILLAGE OF (SCIOTO CO.)	AUGUST 23, 1974 AND
		MAY 21, 1976
390682	RIVERLEA, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390445	ROGERS, VILLAGE OF (COLUMBIANA CO.)	MARCH 22, 1974
390003	ROME, VILLAGE (ADAMS CO)	JULY 25, 1975
390427	SABINA, VIL (CLINTON CO)	JULY 25, 1975
390486	SALEM, CITY OF (COLUMBIANA CO.)	MAY 03, 1974
390706	SARAHSVILLE, VILLAGE OF (NOBLE CO)	MARCH 28, 1975
390710	SHARNEE, VILLAGE OF (PERRY COU)	FEBRUARY 07, 1975
390503	SHELBY COUNTY *	DECEMBER 20, 1974
390494	SHERWOODVILLE, VILLAGE OF (CARROLL CO.)	AUGUST 09, 1974
390447	SHREVE, VILLAGE OF (WAYNE CO.)	MARCH 29, 1974
390046	SOMERVILLE, VILLAGE (BUTLER CO)	JULY 25, 1975
390312	SOUTH MOUNT VERNON, VILLAGE OF (KNOX CO.)	JUNE 21, 1974
390740A	SOUTH RUSSELL, VILLAGE (GEAUGA CO)	JULY 11, 1975
390485A	SOUTH SALEM, VILLAGE OF (ROSS CO.)	AUGUST 23, 1974
390059A	ST. PARIS, VILLAGE OF (CHAMPAIGN CO.)	JUNE 07, 1974
390594	SUGAR CREEK, VILLAGE OF (TUSCARAWAS CO.)	MAY 31, 1974
390632	SWANTON, VIL (FULTON CO)	JULY 25, 1975
390690	THURSTON, VILLAGE OF (FAIRFIELD COU)	JANUARY 31, 1975
390755	TONTOGANY, VILLAGE (WOOD CO)	APRIL 18, 1975
390709	UNION, VILLAGE OF (MONTGOMERY)	FEBRUARY 14, 1975
390848	VAN BUREN, VILLAGE OF (HANCOCK CO.)	MARCH 22, 1974
390476	VAUGHNSVILLE, TOWN OF (PUTNAM CO.)	NOVEMBER 15, 1974

* UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390484A	VERNONA, VILLAGE OF (PREBLE CO.)	OCTOBER 18, 1974 AND
		MAY 28, 1976
390189	VINTON, VILLAGE OF (GALLIA CO.)	DECEMBER 27, 1974
390449	WAITE HILL, VILLAGE OF (LAKE CO.)	DECEMBER 17, 1973
390733	WARSAW, VILLAGE (COSHOCTON CO)	APRIL 18, 1975
390087	WASHINGTONVILLE, VILLAGE OF (COLUMBIANA & MAHONING	NOVEMBER 08, 1973
390579	WAYNE COUNTY	JANUARY 03, 1975
390585	WAYNESVILLE, VILLAGE OF (WARREN CO.)	NOVEMBER 09, 1973
390293	WELLSTON, CITY OF (JACKSON CO.)	FEBRUARY 15, 1974
390436	WEST JEFFERSON, VIL (MADISON CO)	JULY 25, 1975
390681	WEST LAFAYETTE, VILLAGE (COSHOCTON CO.)	JULY 26, 1974
390321	WICKLIFFE, CITY (LAKE CO)	JULY 25, 1975
390772A	WILLIAMSBURG, VILLAGE OF (CLERMONT CO.)	MARCH 29, 1974
390459	WINDHAM, VILLAGE OF (PORTAGE CO.)	MARCH 15, 1974
390345A	ZANESFIELD, VILLAGE OF (LOGAN CO.)	OCTOBER 18, 1974
390752	ZOAR, VILLAGE (TUSCARAWAS CO)	APRIL 18, 1975

TOTAL IN THE STATE 149

* UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
400074A	ADDINGTON, TOWN OF (JEFFERSON CO.)	OCTOBER 18, 1974 AND
		APRIL 16, 1974
400038A	BOSWELL, TOWN OF (CHOCTAW CO.)	MARCH 15, 1974
400249	BRAMAN, TOWN (KAY CO.)	JUNE 27, 1975
400681A	BRISTOW, CITY OF (CREEK CO)	JUNE 28, 1974 AND
		DECEMBER 26, 1975
400351	BUFFALO, TOWN (HARPER CO.)	JULY 25, 1975
400199	BURBANK, TOWN (OSAGE CO)	JANUARY 10, 1975
400175A	BYNG, TOWN OF (PONTOTOC CO.)	AUGUST 30, 1974 AND
		DECEMBER 05, 1975
400187A	CHELSEA, CITY OF (ROGERS CO.)	DECEMBER 26, 1973 AND
		DECEMBER 12, 1975
400183	CHEYENNE, TOWN OF (ROGER MILLS CO.)	JUNE 28, 1974
400226	CONN, TOWN (WASHITA CO)	JANUARY 10, 1975
400122	COUNCIL HILL, TOWN OF (MUSKOGEE CO.)	DECEMBER 13, 1974
400228A	OACOMA, TOWN OF (NOBLE CO.)	NOVEMBER 08, 1974 AND
		DECEMBER 12, 1975
400204A	DAVIDSON, TOWN OF (TILLMAN CO.)	JULY 26, 1974
400229A	FORT SUPPLY, TOWN OF (WOODWARD CO.)	MAY 24, 1974 AND
		JANUARY 16, 1976
400149	GANS, TOWN OF (SEQUOYAH CO.)	NOVEMBER 29, 1974
400340	GARBER, CITY (GARFIELD CO.)	APRIL 25, 1975
400032	GENE AUTRY, TOWN OF (CARTER CO.)	NOVEMBER 08, 1974
400013A	GREENFIELD, TOWN OF (BLAINE CO.)	AUGUST 30, 1974
400147	HAILEYVILLE, CITY OF (PITTSBURG CO.)	JULY 26, 1974
400190	HANNAH, TOWN OF (OKLAHOMA CO.)	AUGUST 02, 1974
400286	HUNTER, TOWN (GARFIELD CO.)	JULY 11, 1975
400029A	HYDRO, TOWN OF (CADDO CO.)	JULY 26, 1974 AND
		DECEMBER 05, 1975
400057A	JAY, TOWN OF (DELAWARE CO)	JUNE 28, 1974 AND
		JANUARY 16, 1976
400007	JET, TOWN OF (ALFALFA CO.)	DECEMBER 08, 1974
400191	JONES, TOWN (OKLAHOMA CO)	JULY 11, 1975
400071	KINTA, CITY OF (HASKELL CO.)	NOVEMBER 08, 1974
400189A	KREBS, CITY OF (PITTSBURG CO.)	DECEMBER 28, 1973 AND
		JANUARY 09, 1976
400298	LEEDEY, TOWN (DEWEY CO.)	MAY 02, 1975
400096	LOGAN COUNTY *	DECEMBER 27, 1974
400085A	LONE WOLF, TOWN OF (KIOWA CO.)	MAY 03, 1974
400019	LONGDALE, TOWN OF (BLAINE CO.)	DECEMBER 13, 1974
400083	LOYAL, TOWN (KINGFISHER CO)	APRIL 25, 1975
400113	MENO, TOWN OF (MAJOR CO.)	NOVEMBER 15, 1974
400217A	OKAY, TOWN OF (WAGONER CO.)	AUGUST 16, 1974 AND
		FEBRUARY 04, 1976
400015A	OKEENE, TOWN OF (BLAINE CO)	JUNE 28, 1974 AND
		DECEMBER 05, 1975
400188	PEORIA, TOWN OF (OTTAWA CO.)	NOVEMBER 22, 1974
400321	RED BIRD, TOWN (WAGONER CO.)	JUNE 27, 1975

* UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
400437	RED OAK, TOWN OF (LATIMER CO.)	DECEMBER 20, 1974
400127A	ROFF, CITY OF (PONTOTOC CO.)	MARCH 22, 1974
400088A	ROOSEVELT, TOWN OF (KIOWA CO.)	NOVEMBER 01, 1974 AND
		FEBRUARY 13, 1976
400681A	SHATTUCK, TOWN OF (CELLIS CO.)	MAY 24, 1974 AND
		APRIL 30, 1976
400128A	TAFT, TOWN OF (MUSCOGEE CO.)	JUNE 28, 1974 AND
		DECEMBER 12, 1975
400065A	THOMAS, CITY OF (CUSTER CO.)	APRIL 05, 1974 AND
		APRIL 23, 1976
400077A	TISHOMINGO, CITY OF (JOHNSTON CO.)	JANUARY 16, 1974 AND
		MAY 07, 1976
400079A	TONKAWA, CITY OF (KAY CO.)	NOVEMBER 23, 1973 AND
		FEBRUARY 20, 1974
400180	WANETTE, TOWN OF (POTTAWATOMIE CO.)	DECEMBER 20, 1974
400109	WRIGHT CITY, TOWN (MCCURTAIN CO)	JANUARY 10, 1975
400141A	WYANDOTTE, TOWN OF (OTTAWA CO.)	JUNE 28, 1974 AND
		DECEMBER 12, 1975

TOTAL IN THE STATE 48

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME / PENNSYLVANIA	HAZARD AREA IDENTIFIED
422500	ADDISON, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422507	ALBION, TOWNSHIP OF (ERIE CO.)	DECEMBER 27, 1974
422509	ALLEGHENY, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422529	ALLEGHENY, TOWNSHIP (VENANGO CO.)	JANUARY 17, 1975
422391	ALLEGHENY, TOWNSHIP OF (BUTLER CO.)	MARCH 28, 1975
422504	ALLEGHENY, TOWNSHIP OF (WESTMORELAND CO.)	MAY 23, 1975 AND NOVEMBER 28, 1975
422481	ASHLAND, TOWNSHIP (CLARION CO.)	JANUARY 10, 1975
422297	ATHENS, BOROUGH OF (SUSQUEHANNA CO.)	JANUARY 31, 1975
422496	ATHENS, TOWNSHIP OF (BRADFORD CO.)	FEBRUARY 07, 1975
422495	BANKS, TOWNSHIP (INDIANA CO.)	JANUARY 17, 1975
422476	BANNER, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 27, 1974
422411	BANNER, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974
422472	BASTRESS, TOWNSHIP OF (LYCOMING COU	DECEMBER 06, 1974
421738	BEALE, TOWNSHIP (JUNIATA COU	DECEMBER 06, 1974
422474	BEAR CREEK, TOWNSHIP OF (LUZERNE CO.)	DECEMBER 27, 1974
422494	BEAR LAKE, BOROUGH OF (WARREN CO.)	DECEMBER 27, 1974
421547	BEAVER, TOWNSHIP OF (COLUMBIA CO.)	NOVEMBER 01, 1974
422482	BEAVER, TOWNSHIP OF (CLARION CO.)	JANUARY 24, 1975
422385	BEAVER, TOWNSHIP OF (CRAWFORD CO)	FEBRUARY 28, 1975
422471	BEAVER, TOWNSHIP OF (JEFFERSON CO.)	JANUARY 17, 1975
422491	BEAVER, TOWNSHIP (LAWRENCE CO)	JANUARY 17, 1975
421659	BELFAST, TOWNSHIP OF (FULTON CO.)	DECEMBER 20, 1974 AND JANUARY 24, 1975
420005A	BELLEVUE, BOROUGH OF (ALLEGHENY CO.)	DECEMBER 28, 1973
422494	BELL, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 13, 1974
421195	BELL, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 13, 1974
422412	BENEZETTE, TOWNSHIP OF (ELK COU	FEBRUARY 07, 1975
421749	BENTON, TWP (CLACKAMANA CO)	JANUARY 10, 1975
421052A	BETHEL, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974 AND JAN. 24, 1975
421408	BETHEL, TWP (DELAWARE CO)	JANUARY 24, 1975
421973	BINGHAM, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974
420482	BIRMINGHAM, BOROUGH OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421709	BLACK LICK, TOWNSHIP OF (INDIANA CO.)	NOVEMBER 15, 1974
421710	BLACK, TOWNSHIP OF (CAMBRIA CO.)	DECEMBER 27, 1974
422191	BLAIR, TOWNSHIP OF (CRAWFORD CO.)	OCTOBER 18, 1974
421332	BLOOMFIELD, TOWNSHIP OF (DEFORD CO.)	JANUARY 31, 1975
421503	BLOOMFIELD, TOWNSHIP OF (PERRY CO.)	FEBRUARY 28, 1975
421515	BOGGS, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
421301A	BOGGS, TOWNSHIP OF (ARMSTRONG CO.)	AUGUST 30, 1974 AND APRIL 09, 1976
420873A	BOLIVAR, BOROUGH OF (WESTMORELAND CO.)	APRIL 09, 1976
420779A	BOSWELL, BOROUGH OF (SOMERSET CO.)	JUNE 14, 1974 AND JULY 26, 1974
		JULY 26, 1974 AND APRIL 16, 1976

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME / PENNSYLVANIA	HAZARD AREA IDENTIFIED
422187	CLINTON, TOWNSHIP OF (WYOMING COU	NOVEMBER 29, 1974
422345	CLINTON, TOWNSHIP OF (HUNTINGDON COU	NOVEMBER 15, 1974
420484	COALMONT, BOROUGH OF (HUNTINGDON COU	MARCH 28, 1975
421838	COGAN HOUSE, TOWNSHIP (LYCOMING COU	APRIL 04, 1975
420470	COLD SPRING, TOWNSHIP (LEBANON CO.)	APRIL 04, 1975
422476	COLEBROOK, TOWNSHIP OF (CLINTON CO.)	JANUARY 17, 1975
422396	CONCORD, TOWNSHIP (BUTLER CO.)	DECEMBER 27, 1974
421716	CONEMAUGH, TOWNSHIP OF (INDIANA CO.)	DECEMBER 27, 1974
422406	CONEMAGO, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER 27, 1974
421341	CONNEAUT, TOWNSHIP OF (ERIE CO.)	DECEMBER 27, 1974
421711	CONNELLSVILLE, BOROUGH OF (FAYETTE CO.)	DECEMBER 10, 1974
421423	CONNELLSVILLE, TOWNSHIP OF (FAYETTE CO.)	DECEMBER 10, 1974
421413	CONNOQUENESSING, BOROUGH OF (BUTLER CO.)	NOVEMBER 15, 1974
421549	CONTINGMAN, TWP (COLUMBIA CO)	JANUARY 03, 1975
421414	CORNPLANTER, TOWNSHIP OF (VENANGO CO.)	SEPTEMBER 20, 1974
421415	COVINGTON, TOWNSHIP OF (CLARION CO.)	DECEMBER 06, 1974
422455	COWANSHANNOCK, TOWNSHIP OF (ARMSTRONG CO.)	JANUARY 10, 1975
421535A	CRAWFORD, TOWNSHIP OF (CLINTON CO.)	SEPTEMBER 13, 1974 DECEMBER 20, 1974 AND MAY 28, 1976
422405	CRESSON, TOWNSHIP OF (CAMBRIA CO.)	JANUARY 24, 1975
422409	CROSS ROADS, BOROUGH OF (YORK CO.)	DECEMBER 13, 1974
421428	DALE, BOROUGH OF (CAMBRIA CO)	MARCH 21, 1975
421319	DANLINGTON, BOROUGH (BEAVER CO)	JANUARY 29, 1975
421390	DEAN, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 08, 1974
421410	DELANO, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER 15, 1974
421417A	DERRY, TWP (MERCER CO.)	JANUARY 10, 1975 AND MAY 21, 1976
421176A	DEERFIELD, TOWNSHIP OF (WARREN CO.)	AUGUST 30, 1974 AND MAY 21, 1976
422110	DEERFIELD, TOWNSHIP OF (WARREN CO.)	NOVEMBER 15, 1974
420490A	DELAWARE, BOROUGH OF (MONROE CO.)	JUNE 21, 1974 AND MAY 21, 1976
422283	DELAWARE, TWP (MERCER CO)	JULY 11, 1976
421964	DINGMAN, TOWNSHIP OF (PIKE)	FEBRUARY 14, 1975
422198	DUNCAN, TOWNSHIP OF (CRAWFORD CO.)	DECEMBER 06, 1974
421489	DUNCANNON, BOROUGH OF (PERRY CO.)	DECEMBER 13, 1974
421489	DUBLIN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 13, 1974
421481A	DUDLEY, BOROUGH OF (HUNTINGDON CO.)	NOVEMBER 08, 1974 AND MAY 14, 1975
422431	DUNKARD, TWP (GREENE CO.)	NOVEMBER 14, 1975
421711	EARLVILLE, TOWNSHIP OF (LUZERNE CO.)	JANUARY 10, 1975
422527	EAGLES MERE, BOROUGH (SULLIVAN CO.)	JANUARY 24, 1975
422252	EAST BANGOR, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
420215	EAST BUTLER, BOROUGH OF (BUTLER CO.)	JULY 26, 1974
422459	EAST CONEMAUGH, TOWNSHIP OF (CAMBRIA)	FEBRUARY 14, 1975
422389	EAST DEER, TOWNSHIP OF (ALLEGHENY CO.)	FEBRUARY 14, 1975
422077	EAST FALLOWFIELD, TOWNSHIP (CRAWFORD CO.)	DECEMBER 27, 1974
422387	EAST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	JANUARY 10, 1975
421761	EAST, TWP (CLACKAMANA CO)	JANUARY 24, 1975
422218	EAST HOPEWELL, TOWNSHIP OF (YORK CO.)	DECEMBER 27, 1974

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME / OREGON	HAZARD AREA IDENTIFIED
410027	PRESCOTT, CITY (COLUMBIA CO.)	JANUARY 10, 1975
410166	ST. PAUL, CITY OF (MARION CO.)	NOVEMBER 22, 1974
	TOTAL IN THE STATE 2	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME / PENNSYLVANIA	HAZARD AREA IDENTIFIED
421262	BRADFORD, WOODS, BOROUGH (CLEARFIELD CO.)	JANUARY 03, 1975
421517	BRADY, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
422241	BRADY, TOWNSHIP OF (BUTLER CO.)	OCTOBER 25, 1974
420297	BRISBIN, BOROUGH OF (CLEARFIELD CO.)	SEPTEMBER 20, 1974
422511	BRUNSWICK, TWP (SOMERSET CO.)	JANUARY 10, 1975
421710	BRUSH VALLEY, TWP (INDIANA CO)	MARCH 03, 1975
421711	BUFFINGTON, TOWNSHIP OF (INDIANA CO.)	JANUARY 03, 1975
421054A	BURLINGTON, TOWNSHIP OF (BRADFORD CO.)	DECEMBER 27, 1974 AND SEPTEMBER 13, 1974
420298	BURNSIDE, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 07, 1974
421303	BURRELL, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER 15, 1974
421929	BUSHKILL, TOWNSHIP OF (NORTHAMPTON CO.)	SEPTEMBER 20, 1974
421304	CADOGAN, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER 08, 1974
422414	CALLENSBURG, BOROUGH OF (CLARION CO.)	DECEMBER 06, 1974
422213	CALVIN, TOWNSHIP OF (BUTLER CO.)	JANUARY 31, 1975
421104	CANAL, TOWNSHIP OF (VENANGO CO.)	AUGUST 04, 1975
421713	CANOE, TWP (INDIANA CO)	DECEMBER 06, 1974
421405	CARBON, TWP (HUNTINGDON CO)	JULY 11, 1975
421037A	CASCADE, TOWNSHIP (LYCOMING CO)	JANUARY 10, 1975 OCTOBER 18, 1974 AND MAY 28, 1976
420795	CASSELMAN, BOROUGH OF (SOMERSET CO.)	NOVEMBER 08, 1974
421484	CASS, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 27, 1974
420129	CENTERPORT, BOROUGH OF (BERKS CO.)	NOVEMBER 22, 1974
420437	CENTERVILLE, BOROUGH OF (CRAWFORD CO.)	MARCH 28, 1975
421417A	CENTER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 20, 1974 AND APRIL 30, 1976
422310	CENTER, TWP (BEAVER CO.)	JANUARY 17, 1975
421058A	CENTRE, TOWNSHIP OF (BERKS CO.)	NOVEMBER 01, 1974 AND NOVEMBER 07, 1975
422251	CHAPMAN, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
422545	CHERRY GROVE, TOWNSHIP OF (WARREN CO.)	DECEMBER 27, 1974
422530	CHERRYTREE, TOWNSHIP (VENANGO CO.)	JANUARY 10, 1975
422342	CHERRY, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
421405	CHESTNUT HILL, TOWNSHIP OF (MONROE CO.)	NOVEMBER 15, 1974
421415	CHEST, TOWNSHIP (CAMBRIA CO.)	JANUARY 10, 1975
422409	CHEST, TOWNSHIP (CAMBRIA CO)	OCTOBER 18, 1974 AND MAY 14, 1975
421979A	CLARA, TOWNSHIP OF (POTTER CO.)	SEPTEMBER 06, 1974 AND MAY 21, 1976
421221A	CLARENDON, BOROUGH (WARREN CO)	JANUARY 03, 1975
421487	CLAY, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 13, 1974
422343	CLAY, TOWNSHIP (BUTLER CO.)	JANUARY 17, 1975
422349	CLEARFIELD, TOWNSHIP OF (CLEARFIELD CO.)	JANUARY 10, 1975
422077	CLIFFORD, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER 27, 1974
421761	CLIFTON, TWP (CLACKAMANA CO)	JANUARY 24, 1975
422632	CLINTONVILLE, BOROUGH OF (VENANGO CO.)	DECEMBER 27, 1974

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• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422188A	EAST HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND
		MAY 21, 1976
422436	EAST MAHONING, TOWNSHIP (INDIANA CO.)	JANUARY 17, 1975
420108A	EAST ROCHESTER, BOROUGH OF (BEAVER CO.)	FEBRUARY 01, 1974 AND
		APRIL 16, 1976
422360	EAST SIDE, BOROUGH OF (CARBON CO.)	JANUARY 31, 1975
421337	EAST ST. CLAIR, TOWNSHIP OF (BEDFORD CO)	FEBRUARY 28, 1975
422314	EASTVALE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422348	EAU CLAIRE, BORO (BUTLER CO.)	JANUARY 10, 1976
420109	ECONOMY, BOROUGH OF (BEAVER CO.)	APRIL 06, 1974
421772A	EDEN, TOWNSHIP OF (LANCASTER CO.)	AUGUST 30, 1974 AND
		MAY 07, 1976
420228	EHRENFELD, BOROUGH OF (CAMBRIA CO.)	AUGUST 09, 1974
421887	ELDRED, TOWNSHIP OF (MONROE CO.)	DECEMBER 06, 1974
422443	ELDRED, TOWNSHIP [illegible]	JANUARY 17, 1975
422546	ELDRED, TOWNSHIP (WARREN CO.)	JANUARY 17, 1975
422048	ELK LICK, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
422096	ELKLAND, TOWNSHIP OF (TIOGA CO.)	NOVEMBER 22, 1974
421752A	ELMHURST, TOWN OF (LACKAWANNA CO.)	OCTOBER 16, 1974 AND
		APRIL 30, 1976
422189A	FAIRFIELD, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 06, 1974 AND
		MAY 21, 1976
422049	FAIRHOPE, TOWNSHIP OF (SOMERSET CO.)	NOVEMBER 15, 1974
421865	FAIRVIEW, TOWNSHIP OF (MERCER CO.)	NOVEMBER 29, 1974
422380	FERGUSON, TOWNSHIP (CLEARFIELD CO.)	JANUARY 03, 1975
422067	FOREST CITY, BOROUGH OF (SUSQUEHANNA CO.)	NOVEMBER 22, 1974
422578	FOREST LAKE, TWP (SUSQUEHANNA CO.)	JANUARY 24, 1975
421419A	FORWARD, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 13, 1974 AND
		APRIL 16, 1976
421502	FOXBURG, BOROUGH OF (CLARION CO.)	DECEMBER 20, 1974
422315	FRANKFORT SPRINGS, BORO (BEAVER CO.)	JANUARY 17, 1975
422593	FRANKLIN, BOROUGH OF (CAMBRIA CO.)	JANUARY 10, 1975
422288	FRANKLIN, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 29, 1974
422350	FRANKLIN, TOWNSHIP (BUTLER CO.)	JANUARY 24, 1975
422573	FRANKLIN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 27, 1974
422595	FRANKLIN, TOWNSHIP (GREENE CO)	JANUARY 03, 1975
422121	FREEHOLD, TWP (WARREN CO)	JANUARY 24, 1976
422432	FREEPORT, TWP (GREENE CO.)	JANUARY 03, 1975
422110	FRENCH CREEK, TOWNSHIP OF (VENANGO CO.)	NOVEMBER 22, 1974
421537	GALLAGHER, TOWNSHIP OF (CLINTON CO)	FEBRUARY 21, 1975
421627	GERMAN, TWP (FAYETTE CO)	JANUARY 03, 1975
422433	GILMORE, TWP (GREENE CO.)	JANUARY 10, 1975
422381	GIRARD, TOWNSHIP (CLEARFIELD CO.)	APRIL 04, 1975
420112A	GLASGOW, BOROUGH OF (BEAVER CO.)	AUGUST 16, 1974 AND
		APRIL 30, 1976
422437	GLEN CAMPBELL, BORO (INDIANA CO.)	JANUARY 24, 1975
420305	GLEN HOPE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 20, 1974
421522	GRAHAM, TWP (CLEARFIELD CO)	JANUARY 03, 1975
421717	GRANT, TOWNSHIP OF (INDIANA CO.)	JANUARY 31, 1975

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421670A	GREENE, TWP (GREENE CO)	JANUARY 17, 1975 AND
		MAY 14, 1976
421365	GREENFIELD, TOWNSHIP OF (ERIE CO.)	DECEMBER 06, 1974
422456	GREENFIELD, TOWNSHIP (LACKAWANNA CO.)	JANUARY 10, 1975
422512	GREENVILLE, TOWNSHIP (SOMERSET CO.)	APRIL 04, 1975
[illegible]	GREENWOOD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 20, 1974
422390	GREENWOOD, TOWNSHIP (CRAWFORD CO.)	JANUARY 17, 1975
421644	GREEN, TWP (FOREST CO)	JANUARY 24, 1975
421639	GRUGAN, TOWNSHIP OF (CLINTON CO.)	NOVEMBER 08, 1974
421888	HAMILTON, TOWNSHIP OF (MONROE CO.)	NOVEMBER 22, 1974
421223	HANOVER, TOWNSHIP OF (BEAVER CO.)	SEPTEMBER 06, 1974
422061A	HARFORD, TOWNSHIP OF (SUSQUEHANNA CO.)	SEPTEMBER 20, 1974 AND
		MAY 28, 1976
422528	HARTLETON, BOROUGH OF (UNION CO.)	DECEMBER 27, 1974
421503	HAWTHORNE, BOROUGH OF (CLARION CO.)	DECEMBER 27, 1974
421728	HEATH, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 06, 1974
421069	HEIDELBERG, TOWNSHIP OF (BERKS CO.)	DECEMBER 06, 1974
421626	HENRY CLAY, TOWNSHIP OF (FAYETTE CO.)	DECEMBER 06, 1974
421399	HERRICK, TWP (BRADFORD CO)	APRIL 04, 1975
422289	HIGHLAND, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 29, 1974
422319	HOOKSTOWN, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421581	HOPEWELL, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421690	HOPEWELL, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421610	HORTON, TOWNSHIP OF (ELK CO.)	SEPTEMBER 13, 1974
420307A	HOUTZDALE, BOROUGH OF (CLEARFIELD CO.)	MAY 17, 1974
421526	HUSTON, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 20, 1974
421323	INDEPENDENCE, TOWNSHIP OF (BEAVER CO.)	AUGUST 30, 1974
420308A	IRVONA, BOROUGH OF (CLEARFIELD CO.)	APRIL 12, 1974
422534	IRWIN, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
420502A	JACKSONVILLE, BOROUGH OF (INDIANA CO.)	DECEMBER 13, 1974 AND
		MAY 21, 1976
421593	JACKSON, TOWNSHIP OF (DAUPHIN CO.)	JANUARY 31, 1975
421691	JACKSON, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 13, 1974
421671	JACKSON, TOWNSHIP OF (GREENE CO.)	DECEMBER 20, 1974
421552	JACKSON, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER 13, 1974
422401	JACKSON, TOWNSHIP OF (LYCOMING CO)	MARCH 28, 1975
422635	JACKSON, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1976
421889	JACKSON, TWP (MONROE CO)	JANUARY 03, 1975
421421	JEFFERSON, TOWNSHIP OF (BUTLER CO.)	NOVEMBER 01, 1974
422457	JEFFERSON, TOWNSHIP (LACKAWANNA CO.)	JANUARY 03, 1975
421629	JEFFERSON, TWP (FAYETTE CO)	JANUARY 03, 1975
422422	JENKS, TOWNSHIP (FOREST CO.)	JANUARY 17, 1975
422514	JENNERSTOWN, BOROUGH OF (SOMERSET CO.)	DECEMBER 27, 1974
422383	JORDAN, TOWNSHIP (CLEARFIELD CO)	JANUARY 17, 1975
420218	KARNS CITY, BOROUGH OF (BUTLER CO.)	NOVEMBER 08, 1974
421528	KARTHAUS, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
421981	KEATING, TOWNSHIP OF (POTTER CO.)	NOVEMBER 22, 1974
422423	KINGSLEY, TOWNSHIP OF (FOREST CO.)	DECEMBER 27, 1974
421342	KING, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975

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PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421209A	KISKIMINETAS, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 20, 1974 AND
		MAY 21, 1976
421730	KNOX, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 20, 1974
422367	KNOX, TOWNSHIP (CLARION CO.)	APRIL 04, 1975
422483	LAKE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
421422A	LANCASTER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 06, 1974 AND
		MAY 07, 1976
422336	LANGHORNE MANOR, BOROUGH OF (BUCKS)	FEBRUARY 14, 1975
422057	LAPORTE, BOROUGH OF (SULLIVAN CO.)	DECEMBER 20, 1974
422515	LARIMER, TOWNSHIP (SOMERSET CO.)	JANUARY 10, 1975
422085	LATHROP, TOWNSHIP OF (SUSQUEHANNA CO.)	NOVEMBER 29, 1974
421454	LAUSANNE, TWP (CARBON CO)	JANUARY 03, 1975
422334	LE RAYSVILLE, BORO (BRADFORD CO.)	JANUARY 24, 1975
422567	LEBANON, TWP (WAYNE CO.)	JANUARY 03, 1975
421540A	LEIDY, TOWNSHIP OF (CLINTON CO.)	DECEMBER 20, 1974 AND
		MAY 28, 1976
422200	LEMON, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 29, 1974
422086	LENOX, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER 20, 1974
422425	LETTERKENNY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 20, 1974
422104	LEWIS, TWP (UNION CO)	JULY 11, 1975
421662A	LICKING CREEK, TOWNSHIP OF (FULTON CO.)	DECEMBER 20, 1974 AND
		APRIL 30, 1976
422368	LICKING, TOWNSHIP (CLARION CO.)	JANUARY 24, 1975
422609	LIGONIER, BOROUGH OF (WASHINGTON CO.)	APRIL 12, 1974
421430	LILLY, BOROUGH OF (CAMBRIA CO.)	NOVEMBER 01, 1974
422547	LIMESTONE, TOWNSHIP OF (WARREN CO.)	DECEMBER 27, 1974
422588	LIMESTONE, TOWNSHIP (LYCOMING CO)	JANUARY 24, 1975
422516	LINCOLN, TOWNSHIP (SOMERSET CO.)	JANUARY 10, 1975
421693	LINCOLN, TWP (HUNTINGDON CO)	JANUARY 03, 1975
421533	LOGANTON, BOROUGH OF (CLINTON CO.)	NOVEMBER 08, 1974
421694	LOGAN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421582	LOWER MIFFLIN, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
422253	LOWER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
422517	LOWER TURKEYFOOT, TWP (SOMERSET CO.)	JANUARY 24, 1975
421630	LOWER TYRONE, TOWNSHIP OF (FAYETTE CO.)	DECEMBER 06, 1974
421811	LOWHILL, TOWNSHIP OF (LEHIGH CO.)	DECEMBER 20, 1974
420309	LUMBER CITY, BOROUGH (CLEARFIELD CO)	FEBRUARY 14, 1975
421812	LYNN, TOWNSHIP OF (LEHIGH CO.)	NOVEMBER 29, 1974
421308	MADISON, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER 22, 1974
421553	MADISON, TOWNSHIP OF (COLUMBIA CO.)	FEBRUARY 07, 1975
421755	MADISON, TWP (LACKAWANNA CO)	JANUARY 03, 1975
420310A	MAHAFFEY, BOROUGH OF (CLEARFIELD CO.)	AUGUST 30, 1974 AND
		APRIL 23, 1976
421554	MAIN, TOWNSHIP OF (COLUMBIA CO)	FEBRUARY 28, 1975
421325	MANNS CHOICE, BOROUGH OF (BEDFORD CO.)	DECEMBER 13, 1974
420219	MARION TWP (BUTLER CO)	JUNE 02, 1974
421936	MCEWENSVILLE, BOROUGH OF (NORTHUMBERLAND CO.)	DECEMBER 27, 1974
421881	MENNO, TOWNSHIP OF (MIFFLIN CO.)	NOVEMBER 22, 1974
422352	MERCER, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422044	METERSDALE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 15, 1974
421443	MIDDLE TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
422518	MIDDLECREEK, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422519	MILFORD, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
421871	MILL CREEK, TOWNSHIP OF (MERCER CO.)	DECEMBER 20, 1974
421695	MILLER, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER 29, 1974
421954	MILLER, TWP (PERRY CO)	JANUARY 17, 1975
421613	MILLSTONE, TOWNSHIP OF (ELK CO)	MARCH 21, 1975
422536	MINERAL, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
421673	MONONGAHELA, TWP (GREENE CO)	JULY 11, 1975
421744	MONROE, TOWNSHIP (JUNIATA CO)	JANUARY 10, 1976
421083	MONROE, TWP (BRADFORD CO)	SEPTEMBER 13, 1974
422426	MONTGOMERY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 13, 1974
421719	MONTGOMERY, TWP (INDIANA CO)	JANUARY 03, 1975
421848	MORELAND, TOWNSHIP OF [illegible] CO.)	FEBRUARY 28, 1975
421674	MORGAN, TOWNSHIP OF (GREENE CO.)	NOVEMBER 01, 1974
421696	MORRIS, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER 22, 1974
420692	MT. POCONO, BOROUGH OF (MONROE CO.)	JANUARY 24, 1975
421847	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER 20, 1974
422263	MUNSTER, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
421348	NAPIER, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
420889A	NEW ALEXANDRIA, BOROUGH OF (WESTMORELAND CO.)	JUNE 28, 1974 AND
		OCTOBER 17, 1975
420799	NEW BALTIMORE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 08, 1974
422012	NEW CASTLE, TOWNSHIP OF (SCHUYLKILL CO.)	DECEMBER 27, 1974
422322	NEW GALILEE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422484	NEW LEBANON, BORO (MERCER CO.)	JANUARY 24, 1975
422485	NEW VERNON, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1976
420312	NEW WASHINGTON, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 20, 1974
420311	NEWBURG, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
421679	NEWVILLE, BOROUGH OF (CUMBERLAND CO.)	JANUARY 31, 1975
422300A	NORTH APOLLO, BOROUGH OF (ARMSTRONG CO.)	JANUARY 31, 1976 AND
		OCTOBER 31, 1975
421795	NORTH BEAVER, TOWNSHIP OF (LAWRENCE)	FEBRUARY 14, 1975
422182	NORTH BELLE VERNON, BOROUGH OF (WESTMORELAND CO.)	NOVEMBER 29, 1974
422203	NORTH BRANCH, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 29, 1974
421085	NORTH FAYETTE, TWP (ALLEGHENY CO)	SEPTEMBER 20, 1974
421086	NORTH HEIDELBERG, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 13, 1974
422438	NORTH MAHONING, TWP (INDIANA CO.)	JANUARY 10, 1975
422204	NORTH MORELAND, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 15, 1974
422354	OAKLAND, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
422111	OAKLAND, TOWNSHIP OF (VENANGO CO.)	DECEMBER 13, 1974
421616A	OHIOPYLE, BOROUGH OF (FAYETTE CO.)	JANUARY 31, 1975 AND
		MARCH 19, 1976
421732	OLIVER, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 13, 1974
421401	ORWELL, TWP (BRADFORD CO)	JANUARY 24, 1975
420313	OSCEOLA MILLS, BOROUGH OF (CLEARFIELD CO.)	MARCH 29, 1974
421840	OTTO, TOWNSHIP OF (MCKEAN CO.)	NOVEMBER 15, 1974

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422588	OVERFIELD, TOWNSHIP OF (ATOMING CO.)	DECEMBER 27, 1974
421402	OVERTON, TOWNSHIP OF (BRADFORD CO.)	AUGUST 30, 1974
421968	PALMYRA, TOWNSHIP OF (PIKE CO.)	DECEMBER 13, 1974
421897	PARADISE, TWP (MONROE CO)	APRIL 11, 1975
421214	PARKER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 20, 1974
[illegible]	[illegible]	JANUARY 17, 1975
422496	PENNSBURG, BOROUGH OF (MONTGOMERY CO.)	DECEMBER 27, 1974
421898	PENN, TOWNSHIP (LYCOMING CO)	NOVEMBER 01, 1974
421830	PENN, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
422994	PERRY, TOWNSHIP (JEFFERSON CO.)	JANUARY 10, 1975
422638	PERRY, TWP (SNYDER CO)	JANUARY 03, 1975
420221	PETNOLIA, BOROUGH OF (BUTLER CO.)	NOVEMBER 24, 1974
421903	PIKE, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974
421190	PIKE, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER 06, 1974
422495	PINECREEK, TOWNSHIP (JEFFERSON CO.)	JANUARY 24, 1975
422538	PINEGROVE, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
421720	PINE, TWP (INDIANA CO)	JANUARY 03, 1975
421984	PLEASANT VALLEY, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974
421327	PLEASANTVILLE, BOROUGH OF (BEDFORD CO.)	NOVEMBER 29, 1974
421313	PLUM CREEK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 06, 1974
420504A	PLUMVILLE, BOROUGH OF (INDIANA CO.)	AUGUST 09, 1974 AND OCTOBER 10, 1975
422539	PLUM, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
421733	POLK, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 06, 1974
421985	PORTAGE, TOWNSHIP OF (POTTER CO.)	DECEMBER 13, 1974
422535	PONTERSVILLE, BORO (BUTLER CO.)	JANUARY 10, 1975
422496	PORTER, TOWNSHIP OF (JEFFERSON)	FEBRUARY 14, 1975
422327	POTTER, TOWNSHIP OF (BEAVER CO.)	DECEMBER 13, 1974
422536	PROSPECT, BORO (BUTLER CO.)	JANUARY 17, 1975
421695	QUINCY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 27, 1974
421721	RAYNE, TWP (INDIANA CO)	JANUARY 17, 1975
421995	READE, TOWNSHIP OF (CAMBRIA CO.)	DECEMBER 06, 1974
421315	REDBANK, TOWNSHIP OF (ARMSTRONG CO.)	DECEMBER 06, 1974
422590	RICHLAND, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
422375	RICHLAND, TOWNSHIP (CLARION CO.)	JANUARY 17, 1975
422447	RINGGOLD, TOWNSHIP (JEFFERSON CO.)	JANUARY 03, 1975
421557	ROARING CREEK, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER 13, 1974
422562	ROBINSON, TWP (WASHINGTON CO.)	JANUARY 17, 1975
422113	ROCKLAND, TWP (VENANGO CO)	JANUARY 10, 1975
422045	ROCKWOOD, BOROUGH OF (SOMERSET CO.)	DECEMBER 06, 1974
422255	ROSETO, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
420824	ROSEVILLE, BOROUGH OF (TIOGA CO.)	DECEMBER 13, 1974
421734	RUSH, TOWNSHIP OF (JEFFERSON CO.)	SEPTEMBER 20, 1974
421986	ROULETTE, TOWNSHIP OF (POTTER CO.)	DECEMBER 20, 1974
422302	RURAL VALLEY, BORO (ARMSTRONG CO.)	JANUARY 24, 1975
422376	SALEM, TOWNSHIP (CLARION CO.)	JANUARY 10, 1975
422192	SALEM, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974
420492	SALTILLO, BOROUGH OF (HUNTINGDON CO.)	JANUARY 31, 1975

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
420505	SALTSBURG, BORO (INDIANA CO)	APRIL 18, 1975
421674	SANDY LAKE, TOWNSHIP OF (MERCER CO.)	DECEMBER 13, 1974
422357	SAXONBURG, BOROUGH OF (BUTLER CO.)	DECEMBER 27, 1974
421757	SCOTT, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER 27, 1974
422592	SCRUBGRASS, TOWNSHIP OF (VENANGO CO)	FEBRUARY 28, 1975
420071	SEWICKLEY HTS, BORO (ALLEGHENY CO)	MARCH 22, 1974 AND MAY 17, 1974
420802	SHANKSVILLE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 15, 1974
421585	SHIPPENSBURG, TWP (CUMBERLAND CO)	SEPTEMBER 06, 1974
420117A	SHIPPING PORT, BOROUGH OF (BEAVER CO.)	FEBRUARY 01, 1974 AND MAY 14, 1974
422336	SILVERDALE, BORO (BUCKS CO.)	JANUARY 03, 1975
421349	SNAKE SPRING, TWP (BEDFORD CO)	JANUARY 24, 1975
422056	SOMERSET, TWP (SOMERSET CO)	JANUARY 24, 1975
421214A	SOUTH BEND, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 20, 1974 AND MAY 14, 1974
420100	SOUTH BETHLEHEM, BOROUGH OF (NORTHUMBERLAND CO)	JUNE 28, 1974
421619	SOUTH CONNELLSVILLE, BOROUGH OF (FAYETTE CO.)	NOVEMBER 08, 1974
422330	SOUTH HEIGHTS, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422194	SOUTH HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	AUGUST 09, 1974
422439	SOUTH MAHONING, TWP (INDIANA CO.)	JANUARY 24, 1975
421584	SOUTH NEWTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421587	SOUTHAMPTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
422523	SOUTHAMPTON, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
421351	SOUTHAMPTON, TOWNSHIP OF (BEDFORD COU)	FEBRUARY 07, 1975
422127	SOUTHEAST, TOWNSHIP OF (WARREN CO.)	NOVEMBER 22, 1974
421614	SPRING CREEK, TOWNSHIP OF (ELK CO.)	DECEMBER 06, 1974
421677	SPRINGHILL, TWP (GREENE CO)	APRIL 11, 1975
421570	SPRING, TOWNSHIP OF (CRAWFORD CO.)	MAY 31, 1974
421795	SPRUCE HILL, TOWNSHIP OF (JUNIATA CO.)	NOVEMBER 22, 1974
421906	STANDING STONE, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER 20, 1974
421407	STEVENS, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974
420152	STRASSTOWN, BORO (LEHIGH CO)	JANUARY 24, 1975
421328	ST. CLAIRSVILLE, BOROUGH OF (BEDFORD CO.)	JANUARY 31, 1975
422191	ST. CLAIR, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974
422594	SUGAR GROVE, TOWNSHIP (WARREN CO.)	JANUARY 24, 1975
422489	SUGAR GROVE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
421598	SUGARLOAF, TWP (COLUMBIA CO)	APRIL 04, 1975
422399	SUMMERHILL, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 31, 1975
422056	SUMMIT, TWP (SOMERSET CO)	JANUARY 03, 1975
421990	SYLVANIA, TOWNSHIP OF (POTTER CO.)	DECEMBER 06, 1974
422397	S. SHENANGO, TOWNSHIP (CRAWFORD CO.)	JANUARY 03, 1975
421989A	TAYLOR, TOWNSHIP OF (CENTRE CO.)	DECEMBER 20, 1974 AND MAY 28, 1976
422339	TELFORD, BOROUGH OF (MONTGOMERY CO.)	JANUARY 10, 1975
421669	THOMPSON, TOWNSHIP (FULTON CO.)	DECEMBER 13, 1974
422576	THREE SPRINGS, BORO (HUNTINGDON CO.)	JANUARY 24, 1975

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422498	TINBLIN, BORO (JEFFERSON CO.)	JANUARY 24, 1975
420948	TIONESTA, TOWNSHIP OF (FOREST CO.)	NOVEMBER 29, 1974
421113	TUWANDA, TOWNSHIP OF (BRADFORD CO.)	JULY 26, 1974
422550	TRIUMPH, TWP (WARREN CO.)	JANUARY 17, 1975
420315	TROUTVILLE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 06, 1974
421115	TULPEHOCKEN, TOWNSHIP OF (BERKS CO.)	NOVEMBER 08, 1974
421898	TUNKHANNOCK, TOWNSHIP OF (MONROE CO.)	JANUARY 31, 1975
421981	TYRONE, TOWNSHIP OF (PERRY CO.)	JANUARY 24, 1975
422584	UNIONDALE, BORO (SUSQUEHANNA CO.)	DECEMBER 06, 1974
421709	UNION, TOWNSHIP (HUNTINGDON CO)	DECEMBER 27, 1974
422430	UNION, TOWNSHIP OF (FULTON CO.)	DECEMBER 27, 1974
422449	UNION, TOWNSHIP OF (JEFFERSON CO.)	AUGUST 30, 1974 AND MAY 21, 1976
421573A	UNION, TOWNSHIP OF (CRAWFORD CO.)	
421531	UNION, TWP (CLEARFIELD CO)	JANUARY 17, 1975
421118	UPPER BERN, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974
421934	UPPER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)	DECEMBER 27, 1974
422525	UPPER TURKEYFOOT, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
421720	UPPER TULPEHOCKEN, TWP (BERKS CO)	JANUARY 10, 1975
420891A	UTICA, BOROUGH OF (VENANGO CO.)	AUGUST 16, 1974 AND MAY 28, 1976
421620	VANDERBILT, BOROUGH OF (FAYETTE CO.)	JANUARY 31, 1975
421798	VANDLING, BOROUGH OF (LACKAWANNA)	FEBRUARY 14, 1975
420355A	VENANGO, BOROUGH OF (CRAWFORD CO.)	AUGUST 30, 1974
421579	VENANGO, TOWNSHIP OF (CRAWFORD CO.)	MAY 31, 1974
422354	VENANGO, TOWNSHIP (BUTLER CO.)	JANUARY 24, 1975
420881A	VERSAILLES, BOROUGH OF (ALLEGHENY CO.)	MARCH 29, 1974
422593	VICTORY, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
421577	* FALLOWFIELD, TWP (CRAWFORD CO)	JANUARY 17, 1975
422577	WALKER, TWP (HUNTINGDON CO.)	JANUARY 10, 1975
420316	WALLACETON, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 08, 1974
420882	WALL, BOROUGH OF (ALLEGHENY CO.)	APRIL 25, 1975
421908	WARREN, TOWNSHIP OF (BRADFORD CO.)	JANUARY 31, 1975
422232	WARRINGTON, TOWNSHIP (YORK CO)	DECEMBER 27, 1974
421705	WARRIORS MARK, TWP (HUNTINGDON CO)	JANUARY 17, 1975
422450	WARSAW, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
421498	WASHINGTON, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
421678	WASHINGTON, TOWNSHIP OF (GREENE CO.)	NOVEMBER 01, 1974
422196A	WASHINGTON, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 06, 1974
421378	WASHINGTON, TOWNSHIP (CLARION CO.)	JANUARY 17, 1975
422468	WASHINGTON, TOWNSHIP OF (LAWRENCE COU)	FEBRUARY 07, 1975
421317	WASHINGTON, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER 15, 1974
420229A	WASHINGTON, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 13, 1974 AND MAY 21, 1976
421383	WASHINGTON, TOWNSHIP OF (BERKS CO.)	NOVEMBER 22, 1974
422207	WASHINGTON, TOWNSHIP OF (ATOMING CO.)	DECEMBER 06, 1974
421722	WASHINGTON, TWP (INDIANA CO)	DECEMBER 27, 1974
422581	WATSON, TWP (WARREN CO.)	JANUARY 10, 1975
421679	WAYNE, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422027	WAYNE, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER 29, 1974
421599	WAYNE, TWP (DAUPHIN CO)	JANUARY 17, 1975
422524	WELLERSBURG, BOROUGH OF (SOMERSET CO.)	JANUARY 31, 1975
421780	WEST ABLINGTON, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER 20, 1974
422507	WEST BLAIRE, TWP (TAYLOR CO.)	JANUARY 24, 1975
422136	WEST BETHLEHEM, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER 29, 1974
422028	WEST BRUNSWICK, TWP (SCHUYLKILL CO)	JANUARY 10, 1975
422106	WEST BUFFALO, TOWNSHIP OF (UNION CO.)	NOVEMBER 01, 1974
421949	WEST CARROLL, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
422585	WEST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER 27, 1974
422304	WEST FRANKLIN, TWP (ARMSTRONG CO.)	JANUARY 10, 1975
421592	WEST KEATING, TOWNSHIP OF (CLINTON CO.)	DECEMBER 06, 1974
421721	WEST MAHONING, TWP (INDIANA CO)	JANUARY 24, 1975
422280	WEST NOTTINGHAM, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 22, 1974
422029	WEST PENN, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER 15, 1974
421223A	WEST ROCKHILL, TOWNSHIP OF (BUCKS CO.)	SEPTEMBER 12, 1974
422402	WEST SHENANGO, TOWNSHIP (CRAWFORD CO.)	JANUARY 17, 1975
421950	WEST TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
421861	WETMORE, TWP (MCKEAN CO)	JULY 25, 1975
421680A	WHITELEY, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974 AND APRIL 30, 1976
422258	WHITE, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
420400	WILLIAMSTOWN, BOROUGH OF (DAUPHIN CO.)	JUNE 28, 1974
421401	WILLIAMS, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER 13, 1974
421215A	WINSLOW, TWP (JEFFERSON CO)	SEPTEMBER 20, 1974 AND MAY 14, 1974
420157A	WOMELSDORF, BOROUGH OF (BERKS CO.)	MAY 24, 1974
421330	WOODBURY, BOROUGH OF (BEDFORD CO.)	DECEMBER 06, 1974
421355A	WOODBURY, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975 AND MAY 21, 1976
422403	WOODCOCK, BOROUGH OF (CRAWFORD CO.)	SEPTEMBER 13, 1974
421532	WOODWARD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 27, 1974
422306	WORTHINGTON, BORO (ARMSTRONG CO.)	DECEMBER 27, 1974
422492	WORTH, TWP (MERCER CO.)	JANUARY 24, 1975
420794A	YORK HAVEN, BOROUGH OF (YORK CO.)	JANUARY 23, 1974 AND MARCH 19, 1976
421726	YOUNG, TWP (INDIANA CO)	DECEMBER 20, 1974

TOTAL IN THE STATE 475

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• UNINCORPORATED AREAS ONLY

SOUTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
450201	ALLENDALE COUNTY •	NOVEMBER 29, 1974
450222A	ATLANTIC BEACH, TOWN OF	AUGUST 23, 1974
450203	BAMBERG COUNTY •	NOVEMBER 29, 1974
450204	BARNWELL COUNTY •	DECEMBER 20, 1974
450116	BETHUNE, TOWN [KERSHAW CO]	JULY 18, 1975
450032	CAMERON, TOWN [CALHOUN CO]	JANUARY 03, 1975
450077	COWARD, TOWN OF [FLORENCE CO.]	OCTOBER [illegible], 1974
450124	CROSS HILL, TOWN OF [LAURENS CO.]	SEPTEMBER 06, 1974
450060	DARLINGTON COUNTY •	DECEMBER 27, 1974
450065	DILLON, TOWN OF [DILLON CO.]	MAY 17, 1974
450074A	EDGEFIELD, TOWN OF [EDGEFIELD CO.]	MAY 24, 1974 AND MARCH 05, 1976
450022	EHRHARDT, TOWN OF [BAMBERG CO.]	JULY 19, 1974
450118	ELGIN, TOWN [KERSHAW CO]	JANUARY 24, 1975
450010A	FAIRFAX, TOWN OF [ALLENDALE CO.]	MAY 31, 1974 AND APRIL 23, 1976
450132	GILBERT, TOWN OF [LEXINGTON CO.]	OCTOBER 26, 1974
450210	GRAY COURT, TOWN OF [LAURENS CO.]	DECEMBER 13, 1974
450163A	HOLLY HILL, TOWN OF [ORANGEBURG CO.]	JUNE 07, 1974 AND APRIL 23, 1976
450037A	HOLLYWOOD, TOWN OF [CHARLESTON CO.]	SEPTEMBER 06, 1974 AND APRIL 23, 1976
450220	JAMESTOWN, TOWN OF [BERKELEY CO]	FEBRUARY 07, 1975
450063	LAMAR, TOWN [DARLINGTON CO]	JULY 18, 1975
450128	LYNCHBURG, TOWN [LEE CO]	JULY 18, 1975
450150	MCCOLL, TOWN [MARLBORO CO]	JULY 25, 1975
450080A	OLANTA, TOWN OF [FLORENCE CO.]	MAY 24, 1974
450081A	PAMPLICO, TOWN OF [FLORENCE CO.]	MAY 10, 1974
450053	PAXVILLE, TOWN OF [CLARENDON CO.]	AUGUST 09, 1974
450135	PELION, TOWN OF [LEXINGTON CO.]	AUGUST 09, 1974
450183A	PINEWOOD, TOWN OF [SUMTER CO.]	JUNE 21, 1974
450218	REEVESVILLE, TOWN OF [DORCHESTER CO.]	DECEMBER 27, 1974
450071A	RIDGEVILLE, TOWN OF [DORCHESTER CO.]	MAY 31, 1974 AND APRIL 30, 1976
450165A	ROWESVILLE, TOWN OF [ORANGEBURG CO.]	SEPTEMBER 20, 1974
450212	SALEM, TOWN OF [OCONEE CO.]	NOVEMBER 08, 1974
450145	SELLERS, TOWN OF [MARION CO.]	JUNE 07, 1974
450155	SILVERSTREET, TOWN [NEWBERRY CO]	JANUARY 24, 1975
450057	SMOAKS, TOWN OF [COLLETON CO.]	SEPTEMBER 06, 1974
450011	SYCAMORE, TOWN OF [ALLENDALE CO.]	OCTOBER 25, 1974
450084A	TIMMONSVILLE, TOWN OF [FLORENCE CO.]	MAY 24, 1974
450012	ULMERS, TOWN OF [ALLENDALE CO.]	AUGUST 16, 1974
	TOTAL IN THE STATE	37

• UNINCORPORATED AREAS ONLY

SOUTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
460152	ALCESTER, CITY [UNION CO]	JULY 11, 1975
460153	ALEXANDRIA, CITY [HANSON CO]	JUNE 27, 1975
460077	ASHTON, CITY OF [SPINK CO.]	DECEMBER 06, 1974
460098	AURORA, TOWN [BROOKINGS CO]	JUNE 27, 1975
460058	BALTIC, TOWN OF [MINNEHAHA CO.]	DECEMBER 06, 1974
460155	BERESFORD, CITY [LINCOLN CO.]	JULY 18, 1975
460105	CLAREMONT, TOWN [BROWN CO]	APRIL [illegible]
460008	COLUMBIA, TOWN OF [BROWN CO.]	DECEMBER 06, 1974
460078	CONDE, TOWN OF [SPINK CO.]	DECEMBER 20, 1974
460107	CRESBARD, TOWN [FAULK CO]	JULY 18, 1975
460168	DE SMET, CITY [KINGSBURY CO]	JULY 11, 1975
460079	DOLAND, TOWN OF [SPINK CO]	FEBRUARY 07, 1975
460169	DUPREE, CITY OF [ZIEBACH CO.]	APRIL 25, 1975
460026A	EDGEMONT, CITY OF [FALL RIVER CO.]	AUGUST 02, 1974 AND JANUARY 16, 1976
460112	GARY, CITY [DEUEL CO.]	JUNE 27, 1975
460115	HAYTI, TOWN [HAMLIN CO]	JUNE 27, 1975
460181	HERREID, CITY [CAMPBELL CO]	JULY 11, 1975
460182	HIGHMORE, CITY [HYDE CO]	JULY 11, 1975
460183	HOWARD, CITY [MINER CO]	JULY 11, 1975
460120	IRENE, TOWN [YANKTON CO.]	JULY 11, 1975
460121	IROQUOIS, CITY [BEADLE CO.]	JULY 18, 1975
460189	LAKE PRESTON, CITY [KINGSBURY CO]	JULY 18, 1975
460125	LANGFORD, TOWN [MARSHALL CO]	JUNE 27, 1975
460190	LEAD, CITY OF [LAWRENCE CO]	FEBRUARY 07, 1975
460068	LEBANON, TOWN [POTTER CO]	JANUARY 03, 1975
460193	LEOLA, CITY [MCPHERSON CO]	JUNE 27, 1975
460127	NEW EFFINGTON, TOWN [ROBERTS CO]	JULY 25, 1975
460209	NEWELL, CITY [BUTTE CO]	JULY 18, 1975
460080	NORTHVILLE, TOWN OF [SPINK CO.]	DECEMBER 13, 1974
460210	ONIDA, CITY [SULLY CO]	JULY 11, 1975
460211	PARKER, CITY [TURNER CO]	JUNE 27, 1975
460132	POLLOCK, TOWN [CAMPBELL CO]	JUNE 27, 1975
460134	RAMONA, TOWN [LAKE CO]	JULY 25, 1975
460137	ROSLYN, TOWN [DAY CO]	APRIL 25, 1975
460214	SELBY, CITY [WALWORTH CO]	JULY 25, 1975
460139	ST. LAWRENCE, TOWN [HAND CO]	JULY 18, 1975
460141	SUMMIT, TOWN [ROBERTS CO]	JULY 18, 1975
460145	TULARE, TOWN [SPINK CO]	JULY 25, 1975
460082	TURTON, TOWN OF [SPINK CO.]	DECEMBER 20, 1974
460146	VEBLEN, TOWN OF [MARSHALL CO.]	APRIL 25, 1975
	TOTAL IN THE STATE	40

• UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
470234	ADAIR, TOWN OF [MADISON CO]	FEBRUARY 07, 1975
470159	ADAMS, TOWN OF [ROBERTSON CO.]	NOVEMBER 15, 1974
470262	ARLINGTON, TOWN [SHELBY CO]	JULY 25, 1975
470265	ATWOOD, TOWN OF [CARROLL CO.]	JULY 18, 1975
470007	BELL BUCKLE, TOWN OF [BEDFORD CO.]	JUNE 14, 1974
470246	BELLS, TOWN [CROCKETT CO]	JANUARY 10, 1975
470218	BENTON COUNTY	JANUARY 10, 1975
470128A	BETHEL SPRINGS, TOWN OF [MCNAIRY CO.]	JUNE 28, 1974 AND APRIL 02, 1976
470220	BLOUNT COUNTY	JANUARY 10, 1975
470057A	BRADFORD, TOWN OF [GIBSON CO.]	JUNE 21, 1974 AND APRIL 23, 1976
470244	BRUCETON, TOWN [CARROLL CO]	JANUARY 10, 1975
470120	CHAPEL HILL, TOWN OF [MARSHALL CO.]	JUNE 14, 1974
470160	CROSS PLAINS, TOWN [ROBERTSON CO]	JANUARY 24, 1975
470046	DICKSON COUNTY •	DECEMBER 06, 1974
470166	EAGLEVILLE, TOWN OF [RUTHERFORD CO.]	AUGUST 23, 1974
470271	ENGLEWOOD, CITY OF [MCMINN CO.]	MAY 17, 1974
470242	FAIRVIEW, CITY [WILLIAMSON CO]	APRIL 11, 1975
470129	FINGER, TOWN OF [MCNAIRY CO.]	SEPTEMBER 06, 1974
470247	GADSDEN, TOWN [CROCKETT CO]	JANUARY 24, 1975
470264	GARLAND, TOWN OF [TIPTON CO]	JANUARY 31, 1975
470286	GIBSON, TOWN OF [GIBSON CO.]	JULY 18, 1975
470190	GILT EDGE, CITY OF [TIPTON CO.]	SEPTEMBER 13, 1974
470255	GRAND JUNCTION, CITY OF [HARDEMAN CO]	JANUARY 31, 1975
470161	GREENBRIER, CITY OF [ROBERTSON CO.]	JUNE 21, 1974
470226	HANCOCK COUNTY	JANUARY 24, 1975
470088	HENDERSON COUNTY •	DECEMBER 20, 1974
470259A	HENNING, TOWN [LAUDERDALE CO]	JANUARY 03, 1975
470101	IRON CITY, CITY OF [LAWRENCE CO.]	JUNE 14, 1974
470052	JAMESTOWN, CITY OF [FENTRESS CO]	MARCH 28, 1975
470224	KENTON, TOWN OF [GIBSON CO.]	DECEMBER 27, 1974
470289	KINGSTON SPRINGS, CITY OF [CHEATHAM CO.]	JULY 18, 1975
470121	LEWISBURG, CITY OF [MARSHALL CO.]	MARCH 01, 1974
470065	LYNNVILLE, CITY OF [GILES CO.]	JUNE 14, 1974
470251	MEDINA, CITY [GIBSON CO]	JANUARY 03, 1975
470139	MORGAN COUNTY	JANUARY 17, 1975
470290	MT. JULIET, TOWN OF [WILSON CO.]	JULY 18, 1975
470291	PEGRAM, TOWN OF [CHEATHAM CO.]	JULY 18, 1975
475442	PIGEON FORGE, CITY OF [SEVIER CO.]	AUGUST 31, 1972
470149	PUTNAM COUNTY •	SEPTEMBER 13, 1974
470131	RAMER, TOWN OF [MCNAIRY CO.]	NOVEMBER 29, 1974
470277	RICHARD CITY, CITY OF [MARION CO.]	FEBRUARY 01, 1974
470162	RIDGETOP, CITY OF [ROBERTSON CO.]	JUNE 07, 1974
470235	RIVES, CITY OF [OBION CO.] (OBION CO.)	JANUARY 03, 1975
470061	RUTHERFORD, TOWN OF [GIBSON CO.]	JUNE 07, 1974
470083	SALTILLO, TOWN OF [HARDIN CO.]	JUNE 14, 1974
470078	SIGNAL MOUNTAIN, TOWN OF [HAMILTON CO.]	JUNE 14, 1974
470239	SPENCER, TOWN OF [VAN BUREN CO]	FEBRUARY 07, 1975

• UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
470256	STANTON, TOWN [HAYWOOD CO]	JANUARY 03, 1975
470180	STEWART COUNTY •	SEPTEMBER 13, 1974
470279	SURGOINSVILLE, CITY OF [HAWKINS CO.]	MAY 17, 1974
470280	TELLICO PLAINS, CITY OF [MONROE CO.]	MARCH 08, 1974
470282	TRACY CITY, CITY OF [GRUNDY CO.]	MAY 10, 1974
470249	TRIMBLE, TOWN [DYER CO]	JANUARY 03, 1975
470009A	WARTRACE, TOWN OF [BEDFORD CO.]	JUNE 14, 1974 AND APRIL 23, 1976
470248	WHITE BLUFF, TOWN [DICKSON CO]	JULY 11, 1975
470118	WHITWELL, CITY OF [MARION CO.]	FEBRUARY 15, 1974
470254	YORKVILLE, CITY [GIBSON CO]	JUNE 27, 1975
	TOTAL IN THE STATE	57

* UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
480740	ADRIAN, CITY	COLDHAM CO]	JULY	25, 1975
481070	ALBA, TOWN	(WOOD CO)	MAY	02, 1975
480968	ALCOO, TOWN	(PARKER CO]	JULY	11, 1975
480397A	ALVARADO, CITY OF (JOHNSON CO.)		AUGUST	09, 1974 AND
			JANUARY	23, 1976
480894	AMHERST, CITY	CLAHB CO]	JULY	11, 1975
480002	ANGELINA COUNTY *		DECEMBER	27, 1974
480132A	ANNA, CITY OF (COLLIN CO.)		AUGUST	09, 1974 AND
			APRIL	23, 1976
480667	ARP, CITY OF (SMITH CO.)		AUGUST	16, 1974
480045	BAILEYS PRAIRIE, TOWN OF (BRAZORIA CO.)		NOVEMBER	08, 1974
480742	BELLEVUE, TOWN	(CLAY CO]	JULY	11, 1975
480888	BENJAMIN, CITY	(KNOX CO]	JUNE	27, 1975
481037	BIG SANDY, TOWN	(UPSHUR CO]	JULY	11, 1975
480952	BLOOMING GROVE, TOWN(NAVARRO CO]		JULY	18, 1975
480754	BLUE RIDGE, TOWN	(COLLIN CO]	JULY	11, 1975
480350	BLUM, CITY OF (HILL CO.)		NOVEMBER	01, 1974
480678A	BOYD, CITY OF (WISE CO.)		DECEMBER	20, 1973 AND
			MARCH	05, 1976
480089	BREASTER COUNTY *		DECEMBER	27, 1974
480379	BRIAR OAKS, CITY OF (JOHNSON CO.)		MARCH	29, 1974
480077	BRYSON, CITY	(JACK CO]	JULY	11, 1975
480856	BUDA, TOWN OF (HAYS COU]		FEBRUARY	07, 1975
480449	BURTON, CITY OF (WASHINGTON CO.)		DECEMBER	20, 1974
480744	BYERS, CITY	(CLAY CO]	JUNE	27, 1975
480995A	CACTUS, CITY OF (MOORE CO.)		JUNE	14, 1974 AND
			MARCH	26, 1976
480384A	CADDO MILLS, CITY OF (HUNT CO.)		JUNE	28, 1974 AND
			MARCH	12, 1976
480365A	CELESTE, CITY OF (HUNT CO.)		JUNE	21, 1974
480566A	CENTER, CITY OF (SHELBY CO.)		MARCH	01, 1974 AND
			JANUARY	02, 1976
481202	CHILLICOTHE, CITY OF (HARDEMAN CO.)		JULY	18, 1975
481141	CHINA GROVE, CITY	(BEXAR CO]	APRIL	25, 1975
480702	CHRISTINE, CITY	(ATASCOSA CO]	JULY	11, 1975
480835	CLARKSVILLE, CITY OF (RED R CO.)		JULY	11, 1975
480721A	CLIFF, TOWN	(CALHOUN CO]	JULY	18, 1975 AND
			MAY	21, 1976
480169	COCKRELL HILL, CITY OF (DALLAS CO.)		DECEMBER	07, 1973
480199	COLORADO COUNTY *		OCTOBER	29, 1974
481094	COMBES, TOWN OF (CAMERON CO.)		MAY	10, 1974 AND
			MAY	21, 1976
480193	COOPER, CITY OF (DELTA CO.)		JANUARY	09, 1973
480527A	COMRIGAN, CITY OF (POLK CO.)		MAY	24, 1974 AND
			APRIL	09, 1976
480909A	CRANDALL, CITY OF (KAUFMAN CO.)		MARCH	08, 1974 AND
			MAY	21, 1976
480953	DAWSON, TOWN	(NAVARRO CO]	JULY	11, 1975
481199	DODD CITY, TOWN	(FANNIN CO]	JULY	18, 1975

* UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
480781	DODSON, TOWN	(COLLINGSWORTH CO]	APRIL	25, 1975
480088A	EARLY, CITY OF (BROWN CO.)		MAY	17, 1974 AND
			JANUARY	30, 1976
480895	EARTH, CITY	(LAMB CO]	MAY	02, 1975
481145	EASTON, VILLAGE	(GREGG AND RUSK COS)	JULY	18, 1975
480809	ECTOR, TOWN	(FANNIN CO]	JULY	11, 1975
480782	EDEN, VILLAGE	(RUNNELS CO]	MAY	02, 1975
480435A	EDNEWOOD, CITY OF (VAN ZANDT CO.)		JUNE	14, 1974 AND
			APRIL	02, 1976
480207	ENNIS, CITY OF (ELLIS CO.)		JUNE	28, 1974
480277	ESTELLINE, CITY OF (HALL CO.)		NOVEMBER	08, 1974
481069	FAIRVIEW, TOWN	(COLLIN CO]	JANUARY	10, 1975
480755	FARMERSVILLE, CITY	(COLLIN CO]	JULY	11, 1975
480226A	FLOYDADA, CITY OF (FLOYD CO.)		MAY	31, 1974 AND
			JANUARY	09, 1976
480496A	FOLLETT, CITY OF (LIPSCOMB CO.)		JUNE	28, 1974 AND
			AUGUST	16, 1974
480003A	FRANKSTON, CITY OF (ANDERSON CO.)		AUGUST	16, 1974 AND
			JANUARY	09, 1976
480523A	FRIONA, CITY OF (PARMER CO.)		APRIL	12, 1974
480954	FROST, TOWN	(NAVARRO CO]	JULY	18, 1975
480435A	GIDDINGS, CITY	(LEE CO.)	JUNE	28, 1974 AND
			JANUARY	16, 1976
480574A	GLEN ROSE, CITY	(SOMERVELL CO]	AUGUST	23, 1974 AND
			FEBRUARY	06, 1976
480889	GOREE, CITY	(KNOX CO]	JULY	11, 1975
480964	GRAFORD, TOWN	(PALO PINTO CO.)	JULY	11, 1975
480691	GRANDVIEW, CITY	(JOHNSON CO]	JULY	11, 1975
481094	GRANGER, CITY OF	(WILLIAMSON COU]	FEBRUARY	07, 1975
481149	GRANITE SHOALS, TOWN	(BURNET CO]	JULY	18, 1975
480328	GUN BARREL CITY, CITY OF (HENDERSON CO.)		NOVEMBER	08, 1974
480832	GUNTER, TOWN	(GRAYSON CO]	JULY	11, 1975
481052A	GUSTINE, TOWN OF (COMANCHE CO.)		AUGUST	02, 1974 AND
			MARCH	19, 1976
480273A	HALE CENTER, CITY OF (HALE CO.)		MAY	10, 1974
481011	HAPPY, CITY OF	(RANDALL & SWISHER)	FEBRUARY	14, 1975
480738	HART, CITY	(CASTRO CO]	JUNE	27, 1975
480600	HASLET, CITY OF (TARRANT CO.)		NOVEMBER	01, 1974
480201A	HEDLEY, CITY OF (DONLEY CO.)		NOVEMBER	08, 1974 AND
			JANUARY	23, 1976
480986A	HEWITT, CITY OF (MCLENNAN CO.)		JANUARY	23, 1974 AND
			MARCH	12, 1976
480699	HOLLIDAY, CITY	(ARCHER CO]	APRIL	18, 1975
480810	HONEY GROVE, CITY	(FANNIN CO]	JULY	11, 1975
480373	HUTCHINSON COUNTY *		FEBRUARY	07, 1975
481072	INDELL, TOWN OF (BOSQUE CO.)		NOVEMBER	01, 1974
480482	JOSHUA, CITY	(JOHNSON CO]	JUNE	27, 1975
480417	KENDALL COUNTY *		DECEMBER	27, 1974
480674	KERMIT, CITY OF (WINKLER CO.)		MAY	24, 1974

* UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
481012	KRESS, CITY OF	(SWISHER CO]	FEBRUARY	21, 1975
480779	KRUM, CITY	(DENTON CO]	JULY	25, 1975
480475A	LACOSTE, CITY OF (MEDINA CO.)		JANUARY	09, 1974 AND
			FEBRUARY	27, 1976
480811	LADONIA, TOWN	(FANNIN CO]	JULY	11, 1975
480278	LAKEVIEW, TOWN OF (HALL CO.)		DECEMBER	06, 1974
480812	LEONARD, CITY	(FANNIN CO]	JULY	25, 1975
480902	LEXINGTON, TOWN OF	(LEE CO]	FEBRUARY	21, 1975
480549A	LINDALE, CITY OF (SMITH CO.)		MARCH	22, 1974 AND
			JANUARY	23, 1976
480451	LLANO, CITY OF (LLANO CO.)		DECEMBER	28, 1973
480890	LUMETA, TOWN	(CAMPASAS CO]	MAY	02, 1975
480368	LONE OAK, CITY	(HUNT CO]	JUNE	27, 1975
481109	LORAINE, TOWN OF	(MITCHELL CO.)	JUNE	27, 1975
481110	LUCAS, TOWN OF		JULY	25, 1975
480268	MARION, CITY OF (GUADALUPE CO.)		JANUARY	09, 1974
480208	MAYPEARL, CITY OF (ELLIS CO.)		NOVEMBER	29, 1974
480257A	MCLEAN, CITY OF (GRAY CO.)		MAY	17, 1974 AND
			JANUARY	30, 1976
481016	MERKEL, CITY	(TAYLOR CO]	MAY	02, 1975
480376A	MERTZON, CITY OF (IRION CO.)		JULY	24, 1974 AND
			FEBRUARY	27, 1976
480591	MIAMI, CITY OF (ROBERTS CO.)		MAY	24, 1974
480479	MINEOLA, CITY OF (WOOD CO.)		MAY	03, 1974
480518	MINGUS, CITY	(PALO PINTO CO]	MAY	02, 1975
480937	MITCHELL COUNTY		APRIL	12, 1974
481003	MORAN, CITY	(SHACKELFORD CO]	APRIL	25, 1975
480933A	MOULTON, TOWN OF (LAVACA CO.)		APRIL	05, 1974 AND
			MARCH	05, 1976
480767	MUENSTER, CITY	(COOKE CO]	JULY	25, 1975
481126	NEVARK, CITY	(WISE CO]	JUNE	27, 1975
480500	NEWTON, CITY OF (NEWTON CO.)		JUNE	07, 1974
480436A	NORMANGEE, CITY OF (LEON CO.)		AUGUST	16, 1974 AND
			MARCH	05, 1976
480437A	OAKWOOD, TOWN OF (LEON CO.)		MAY	24, 1974 AND
			FEBRUARY	06, 1976
480206A	ODESSA, CITY OF (ECTOR CO.)		JUNE	28, 1974
481082	OZUNA, CITY OF (CHEROKEE CO.)		DECEMBER	07, 1973
480852	OIBRIEN, CITY	(HASKELL CO]	JULY	25, 1975
480771	PADUCAH, CITY OF (COTTLE CO.)		JUNE	27, 1975
480509A	PEMBTON, CITY OF (CHILTREE CO.)		SEPTEMBER	13, 1974
481028	PFLUGERVILLE, CITY	(TRAVIS CO]	MAY	02, 1975
480118A	PITTSBURG, CITY OF (CAMP CO.)		JANUARY	23, 1974 AND
			MAY	28, 1976
480757	PRINCETON, CITY	(COLLIN CO]	JULY	25, 1975
480191A	PROSPER, TOWN OF (COLLIN CO.)		JUNE	21, 1974 AND
			JANUARY	30, 1976
480895A	PYOTE, CITY OF (WARD CO.)		AUGUST	16, 1974
480370A	QUINLAN, CITY OF (HUNT CO.)		APRIL	12, 1974 AND

* UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
			APRIL	16, 1976
480295A	RANGER, CITY OF (EASTLAND CO.)		MAY	17, 1974 AND
			APRIL	23, 1976
480628A	RANKIN, CITY OF (UPTON CO.)		MAY	10, 1974 AND
			MARCH	12, 1976
480803	RED OAK, TOWN	(ELLIS CO]	MAY	02, 1975
481158	RETREAT, TOWN	(NAVARRO CO]	JULY	11, 1975
480542A	RICHLAND SPRINGS, CITY OF (SAN SABA CO.)		NOVEMBER	08, 1974 AND
			MARCH	05, 1976
480958	RICHLAND, TOWN	(NAVARRO CO]	JULY	25, 1975
480749	ROBERT LEE, CITY	(COKE CO]	JUNE	27, 1975
480225	ROBY, CITY OF (FISHER CO.)		MAY	17, 1974
481120	RUNGE, TOWN	(KARNES CO]	APRIL	25, 1975
480940	SAINT JO, CITY	(MONTAGUE CO]	JUNE	27, 1975
480667	SAN PERLITA, CITY OF (WILLACY CO.)		OCTOBER	25, 1974
480751	SANTA ANNA, TOWN	(COLEMAN CO]	JUNE	27, 1975
481114	SANTA ROSA, CITY OF (CAMERON CO.)		MAY	17, 1974 AND
			APRIL	02, 1976
480728	SKELLYTOWN, TOWN	(CARSON CO]	MAY	02, 1975
480488A	SPLENDORA, CITY OF (MONTGOMERY CO.)		AUGUST	30, 1974 AND
			MARCH	05, 1976
480375A	STINNETT, CITY OF (HUTCHINSON CO.)		MAY	31, 1974 AND
			JANUARY	16, 1976
480473A	STOCKDALE, CITY OF (WILSON CO.)		MAY	31, 1974 AND
			OCTOBER	10, 1975
481009	STRATFORD, TOWN	(SHERMAN CO]	JULY	11, 1975
480395A	SUNDOWN, CITY OF (HOCKLEY CO.)		APRIL	12, 1974 AND
			MARCH	19, 1976
480995	TATUM, CITY	(RUSK CO]	JULY	11, 1975
480916	TERRELL, CITY OF (KAUFMAN CO.)		DECEMBER	20, 1974
481049	THRALL, CITY OF	(WILLIAMSON CO]	FEBRUARY	21, 1975
480888	TOLAR, TOWN	(HOOD CO]	JULY	18, 1975
480836	TOM BEAN, TOWN	(GRAYSON CO]	JULY	18, 1975
480315	TUMBALL, CITY	(HARRIS CO]	JANUARY	24, 1975
481018	TYLER, CITY	(TAYLOR CO]	JULY	11, 1975
480849	UNCERTAIN, CITY	(HARRISON CO]	JULY	18, 1975
480837	VAN ALSTYNE, TOWN OF	(GRAYSON CO.)	JULY	18, 1975
480883	VENUS, TOWN	(JOHNSON CO]	JULY	11, 1975
480643A	VERNON, CITY OF (WILBARGER CO.)		MAY	17, 1974 AND
			JANUARY	16, 1976
480791	WELLS, TOWN	(CHEROKEE CO]	JULY	11, 1975
480652	WHARTON COUNTY *		AUGUST	02, 1974
480838	WINNSBORO, TOWN	(GRAYSON CO]	JULY	11, 1975
480633A	WILLS POINT, CITY OF (VAN ZANDT CO.)		MAY	17, 1974 AND
			FEBRUARY	27, 1976
480475	WINK, CITY OF (WINKLER CO.)		JUNE	28, 1974
480573A	WINONA, CITY OF (SMITH CO.)		NOVEMBER	01, 1974 AND
			JANUARY	23, 1976
480372A	WOLFE CITY, CITY OF (HUNT CO.)		JUNE	28, 1974

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* UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480339	TOAKUM, CITY OF (LAVACA CO.)	MAY 10, 1974
480487	ZAPATO COUNTY *	AUGUST 02, 1974

TOTAL IN THE STATE 167

* UNINCORPORATED AREAS ONLY

UTAH

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
490123	AURORA, TOWN OF (SEVIER CO)	JANUARY 31, 1975
490002	BEAVER, CITY OF (BEAVER CO.)	JUNE 11, 1974
490153	CEDAR FORT, TOWN OF (UTAH COU)	FEBRUARY 07, 1975
490095	CIRCLEVILLE, TOWN OF (PIUTE CO.)	AUGUST 02, 1974
490007	ELMOOD, TOWN (BOX ELDER CO)	JANUARY 24, 1975
490184A	ENTERPRISE, CITY OF (WASHINGTON CO.)	AUGUST 16, 1974
490147	FRANCIS, TOWN (SUMMIT CO)	JULY 23, 1975
490154	HENOLA, TOWN OF (UTAH COU)	FEBRUARY 07, 1975
490185	GOSHEN, TOWN OF (UTAH COU)	FEBRUARY 07, 1975
490188	HUNTSVILLE, TOWN OF (WEBER CO.)	JUNE 21, 1974
490018A	LEWISTON, CITY OF (CACHE CO.)	AUGUST 16, 1974 AND DECEMBER 19, 1975
490186	LOA, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974
490020	MENDON, CITY (CACHE CO)	JULY 16, 1975
490022	MERTON, TOWN (CACHE CO)	JULY 11, 1975
490100A	RANDOLPH, TOWN OF (RICH CO.)	AUGUST 16, 1974
490030	TRENTON, TOWN (CACHE CO)	JUNE 27, 1975
490197	UNITAH COUNTY *	FEBRUARY 14, 1975
490037A	WELLINGTON, CITY OF (CARBON CO.)	JULY 26, 1974 AND APRIL 09, 1976

TOTAL IN THE STATE 18

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VERMONT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500279	ATHENS, TOWN OF (WINDHAM CO.)	DECEMBER 06, 1974
500042A	BARTON, VILLAGE OF (ORLEANS CO.)	NOVEMBER 08, 1974 AND APRIL 16, 1976
500227	BELVIDERE, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1974
500236	BROOKFIELD, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974
500245	BRUNNINGTON, TOWN OF (ORLEANS CO.)	DECEMBER 13, 1974
500107A	CABOT, VILLAGE OF (WASHINGTON CO.)	SEPTEMBER 06, 1974
500083	CHARLESTON, TOWN OF (ORLEANS CO.)	AUGUST 09, 1974
500185	DANVILLE, TOWN (CALEDONIA CO)	JANUARY 17, 1975
500299	DERBY CENTER, VILLAGE OF (ORLEANS CO)	MARCH 28, 1975
500127	DUVER, TOWN OF (WINDHAM CO.)	AUGUST 02, 1974
500229	EDEN, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1974
500318	ELMORE, TOWN (LAMOILLE CO)	APRIL 11, 1975
500451	ENOSBURG, TOWN OF (FRANKLIN CO.)	AUGUST 09, 1974
500035	ESSEX JCT., VILLAGE OF (CHITTENDEN CO.)	JUNE 28, 1974
500210	FERDINAND, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500251	GLOVER, TOWN OF (ORLEANS CO.)	DECEMBER 20, 1974
500129A	GRAFTON, TOWN OF (WINDHAM CO.)	DECEMBER 06, 1974 AND APRIL 02, 1976
500211	GRANBY, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500003	GRANVILLE, TOWN OF (ADDISON CO.)	JANUARY 24, 1975
500197	HARDWICK, VILLAGE OF (CALEDONIA CO.)	DECEMBER 20, 1974
500313	HUBBARDTON, TOWN OF (RUTLAND CO.)	DECEMBER 13, 1974
500230	HYDE PARK, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1974
500231A	HYDE PARK, VILLAGE OF (LAMOILLE CO.)	AUGUST 30, 1974 AND APRIL 30, 1976
500252	IRASBURG, TOWN OF (ORLEANS CO.)	DECEMBER 20, 1974
500253	JAY, TOWN OF (ORLEANS CO.)	SEPTEMBER 13, 1974
500188	KIRBY, TOWN OF (CALEDONIA CO.)	DECEMBER 13, 1974
500254	LOWELL, TOWN OF (ORLEANS CO.)	SEPTEMBER 20, 1974
500098	LUNENBURG, TOWN OF (ESSEX CO.)	JUNE 28, 1974
500213	MALDSTONE, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500167	MONKTON, TOWN (ADDISON CO)	JANUARY 24, 1975
500255	MORGAN, TOWN OF (ORLEANS CO.)	JANUARY 31, 1975
500242	MT. TABOR, TOWN (RUTLAND CO)	JANUARY 10, 1975
500285	N WESTMINSTER, VILL (WINDHAM CO)	JANUARY 10, 1975
500190	NEWARK, TOWN (CALEDONIA CO.)	JANUARY 10, 1974
500284	NEWFANE, VILLAGE (WINDHAM CO)	JANUARY 03, 1975
500256	NEWPORT, TOWN OF (ORLEANS CO.)	NOVEMBER 01, 1974
500180	NORTH BENNINGTON, VILLAGE OF (BENNINGTON CO)	FEBRUARY 21, 1975
500219	NORTON, TOWN OF (ESSEX CO)	MARCH 28, 1975
500294	PERKINSVILLE, VILL (WINDSOR CO)	JANUARY 03, 1975
500181	PERU, TOWN (BENNINGTON CO)	JANUARY 10, 1975
500218	RICHFORD, TOWN OF (FRANKLIN CO.)	AUGUST 02, 1974
500183	SANDGATE, TOWN OF (BENNINGTON CO.)	JANUARY 31, 1975
500184	SEARSBURG, TOWN OF (BENNINGTON CO.)	NOVEMBER 15, 1974
500287	SOMERSET, TOWN OF (WINDHAM CO.)	NOVEMBER 22, 1974
500321	STRATTON, TOWN OF (WINDHAM CO.)	JANUARY 31, 1975
500269	SUDBURY, TOWN (RUTLAND CO)	JANUARY 24, 1976

* UNINCORPORATED AREAS ONLY

VERMONT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500198	SUTTON, TOWN OF (CALEDONIA CO.)	DECEMBER 13, 1974
500270	TINMOUTH, TOWN OF (RUTLAND CO.)	DECEMBER 06, 1974
500288	TOWNSEND, VILLAGE OF (WINDHAM CO.)	NOVEMBER 29, 1974
500215	VICTORY, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500077A	WASHINGTON, TOWN OF (ORANGE CO)	JUNE 28, 1974 AND FEBRUARY 20, 1976
500233	WATERVILLE, TOWN OF (LAMOILLE CO.)	DECEMBER 20, 1974
500078	WELLS RIVER, VILLAGE OF (ORANGE CO.)	AUGUST 09, 1974
500272	WEST HAVEN, TOWN (RUTLAND CO)	JANUARY 03, 1975
500267	WESTFIELD, TOWN OF (ORLEANS CO.)	SEPTEMBER 06, 1974
500203	WESTFORD, TOWN (CHITTENDEN CO)	JANUARY 03, 1975
500190	WESTMINSTER, VILLAGE OF (WINDHAM CO.)	DECEMBER 20, 1974
500311	WESTMORE, TOWN (ORLEANS CO)	JANUARY 03, 1975
500204	WHEELOCK, TOWN OF (CALEDONIA CO.)	NOVEMBER 15, 1974
500314	WOODBURY, TOWN (WASHINGTON CO)	JANUARY 17, 1975

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* UNINCORPORATED AREAS ONLY

VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
510216A	HALLWOOD, TOWN OF (ACCOMACK CO.)	AUGUST	09, 1974 AND
		MAY	28, 1976
510121A	HAYMARKET, TOWN OF (PRINCE WILLIAM CO.)	AUGUST	09, 1974
510316	HILLSBORO, TOWN (LOUDOUN CO)	APRIL	04, 1975
510309	LUNENBURG COUNTY *	JULY	25, 1975
510226A	NEW CASTLE, TOWN OF (CRAIG CO.)	AUGUST	09, 1974
510237	PURCELLVILLE, TOWN OF (LOUDOUN CO.)	JULY	11, 1975
510322	ROYALS, TOWN OF (SOUTHAMPTON CO.)	MAY	31, 1974
510306	SPOTSYLVANIA COUNTY *	JULY	11, 1975

TOTAL IN THE STATE 8

* UNINCORPORATED AREAS ONLY

WASHINGTON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
530107	ALMIRA, TOWN OF (LINCOLN CO.)	DECEMBER	06, 1974
530272	BLACK DIAMOND, TOWN (KING CO)	JULY	25, 1975
530249	COLTON, TOWN (WHITMAN CO)	MAY	02, 1975
530280	CONNELL, TOWN (FRANKLIN CO)	JULY	11, 1975
530108A	CHESTON, TOWN OF (LINCOLN CO.)	DECEMBER	20, 1974 AND
		APRIL	02, 1976
530338	HARRINGTON, TOWN (LINCOLN CO)	JULY	11, 1975
530150A	FRIDAY HARBOR, TOWN OF (SAN JUAN CO.)	NOVEMBER	29, 1974
530110	HARRINGTON, TOWN OF (LINCOLN CO.)	DECEMBER	13, 1974
530289	KALAMA, TOWN (COWLITZ CO)	JULY	11, 1975
530178	LATAH, TOWN OF (SPOKANE CO.)	DECEMBER	06, 1974
530250	MALDEN, TOWN (WHITMAN CO)	JULY	14, 1975
530253	MOSSYROCK, CITY OF (LEWIS COU)	FEBRUARY	07, 1975
530235	MUKILTEO, TOWN (SNOHOMISH CO)	JULY	11, 1975
530259	PRESCOTT, TOWN (WALLA WALLA CO)	JULY	18, 1975
530112	REARDAN, TOWN (LINCOLN CO)	JANUARY	10, 1975
530042A	REPUBLIC, TOWN OF (FERRY CO.)	JUNE	07, 1974 AND
		JANUARY	14, 1976
530039	ROCK ISLAND, TOWN (DOUGLAS CO)	JANUARY	24, 1975
530242	ROY, TOWN (PIERCE CO)	JULY	18, 1975
530243	S CLE ELUM, TOWN (KITTITAS CO)	JULY	11, 1975
530234	SKYKOMISH, TOWN OF (KING)	FEBRUARY	14, 1975
530264	SPRINGDALE, TOWN (STEVENS CO)	MAY	02, 1975
530031	STARBUCK, CITY (COLUMBIA CO)	JANUARY	03, 1975
530265	TIETON, TOWN (YAKIMA CO)	JULY	11, 1975
530303	TOLEDO, TOWN (LEWIS CO)	JULY	11, 1975
530149	WAVERLY, TOWN OF (SPOKANE CO.)	NOVEMBER	15, 1974
530306	WHITE SALMON, TOWN (KLICKITAT CO)	JULY	11, 1975

TOTAL IN THE STATE 26

* UNINCORPORATED AREAS ONLY

WEST VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
540051	HARDY COUNTY *	APRIL	25, 1975
540053	HARRISON COUNTY *	JULY	11, 1975
540085	LEWIS COUNTY *	FEBRUARY	21, 1975
540270	MASONTOWN, TOWN OF (PRESTON CO.)	NOVEMBER	15, 1974
540278	MONROE COUNTY	JULY	25, 1975
540196	NICHOLAS COUNTY	JULY	25, 1975
540160	PRESTON COUNTY	JULY	25, 1975
540224	RITCHIE COUNTY*	APRIL	25, 1975
540183	ROANE COUNTY *	APRIL	25, 1975
540213	WOOD COUNTY	JANUARY	17, 1975

TOTAL IN THE STATE 10

* UNINCORPORATED AREAS ONLY

WISCONSIN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
550009A	ALMENA, VILLAGE OF (BARRON CO.)	SEPTEMBER	06, 1974 AND
		MAY	14, 1976
550174A	BARNEVELD, VILLAGE OF (IOWA CO.)	MAY	17, 1974 AND
		DECEMBER	26, 1975
550528	BEAR CREEK, VILLAGE OF (OUTAGAMIE CO.)	NOVEMBER	22, 1974
550311	BELGIUM, VILLAGE OF (OZAUKEE CO.)	JUNE	07, 1974
550060A	BELL CENTER, VILLAGE OF (CRAWFORD CO.)	JANUARY	09, 1974
550493A	BIG FALLS, VILLAGE OF (WAUPACA CO.)	AUGUST	30, 1974
550178A	BUSCOBEL, CITY OF (GRANT CO.)	DECEMBER	17, 1973
550181	BRANTOAN, VILLAGE OF (GREEN CO.)	JANUARY	09, 1974
550018A	CABLE, VILLAGE OF (BAYFIELD CO.)	AUGUST	30, 1974 AND
		NOVEMBER	21, 1975
550011A	CAMERON, VILLAGE OF (BARRON CO.)	DECEMBER	26, 1973 AND
		MAY	28, 1976
550358A	CAZENOVIA, VILLAGE OF (RICHLAND CO.)	AUGUST	23, 1974 AND
		OCTOBER	24, 1975
550371A	CONRATH, VILLAGE OF (RUSK CO.)	AUGUST	30, 1974 AND
		MARCH	19, 1976
550069A	DESOTO, VILLAGE (CRAWFORD CO)	JANUARY	09, 1974 AND
		MAY	14, 1976
550961A	EAGLE RIVER, CITY OF (VILAS CO.)	DECEMBER	20, 1973
550917A	ELAND, VILLAGE OF (SHAWANO CO.)	AUGUST	23, 1974 AND
		MARCH	19, 1976
550249	ELDERON, VILLAGE OF (MARATHON CO.)	JULY	19, 1974
550129	FAIRCHILD, VILLAGE OF (EAU CLAIRE CO.)	MAY	31, 1974
550250A	FENWOOD, VILLAGE OF (MARATHON CO.)	AUGUST	02, 1974 AND
		MAY	14, 1976
550110A	FOREST VILLE, VILLAGE OF (DOOR CO.)	NOVEMBER	30, 1974
550367	FORTVILLE, VILLAGE OF (CROIX CO.)	MAY	31, 1974
550238A	FRANCIS CREEK, VILLAGE OF (MANITOWOC CO.)	MAY	17, 1974
550372	GLEN FLORA, VILLAGE OF (RUSK CO.)	NOVEMBER	08, 1974
550050	GRANTON, VILLAGE OF (CLARK CO.)	AUGUST	30, 1974
550202A	HUSTLER, VILLAGE OF (JUNEAU CO.)	AUGUST	23, 1974 AND
		MAY	14, 1976
550379	INGRAM, VILLAGE OF (RUSK CO.)	SEPTEMBER	06, 1974
550393A	IRONTON, VILLAGE OF (SAUK CO.)	AUGUST	16, 1974
550396A	LIME RIDGE, VILLAGE OF (SAUK CO.)	AUGUST	23, 1974 AND
		APRIL	23, 1976
550102A	LORELL, VILLAGE OF (DODGE CO.)	MAY	17, 1974
550434A	LUBLIN, VILLAGE OF (TAYLOR CO.)	SEPTEMBER	20, 1974
550172A	MANUETTE, VILLAGE OF (GREEN LAKE CO.)	DECEMBER	28, 1973
550419	MATTOON, VILLAGE OF (SHAWANO CO.)	AUGUST	30, 1974
550288A	MELVINA, VILLAGE OF (MONROE CO.)	AUGUST	30, 1974 AND
		MAY	28, 1976
550152A	MOUNT HOPE, VILLAGE OF (GRANT CO.)	AUGUST	30, 1974 AND
		MAY	14, 1976
550205A	NECEDAH, VILLAGE OF (JUNEAU CO.)	JANUARY	09, 1974 AND
		MAY	28, 1976
550096	NEW AUBURN, CITY OF (CHIPPEWA CO.)	JULY	19, 1974

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WYOMING	
560041	CHUGWATER, TOWN OF (PLATTE CO.)	DECEMBER 13, 1974
560018	DUBOIS, TOWN OF (FREMONT CO.)	JANUARY 23, 1975
560055A	EAST THERMOPOLIS, TOWN OF (HOT SPRINGS CO.)	NOVEMBER 04, 1975 AND
		FEBRUARY 06, 1976
560113	OLIVER, TOWN OF (DOUGLAS CO.)	FEBRUARY 04, 1974
560057A	ORIANNA, VILLAGE OF (VERNON CO.)	JUNE 21, 1974
560027	OSTERBURG, VILLAGE OF (SHEBOYGAN CO.)	NOVEMBER 22, 1974
560062	PRAIRIE DU SAC, VILLAGE OF (SAUK CO.)	MARCH 22, 1974
560154A	PUTNAM, VILLAGE OF (LINCOLN CO.)	SEPTEMBER 06, 1974 AND
		APRIL 18, 1975
560154	PUTNAM, VILLAGE OF (LINCOLN CO.)	DECEMBER 13, 1974 AND
		DECEMBER 20, 1974
560158A	POTOSI, VILLAGE OF (GRANT CO.)	DECEMBER 20, 1973
560010A	PRAIRIE DU SAC, VILLAGE OF (SAUK CO.)	DECEMBER 07, 1973 AND
560008A	REDGRANITE, VILLAGE OF (WINNEBAGO CO.)	MAY 17, 1974
		DECEMBER 17, 1974 AND
560222	ROCKLAND, VILLAGE OF (LA CROSSE CO.)	JULY 18, 1975
560058	SHULLSBURG HILLS, VILLAGE OF (IOWA CO.)	JANUARY 31, 1975
560230A	SHULLSBURG, CITY OF (LAFAYETTE CO.)	MAY 17, 1974 AND
		DECEMBER 27, 1974
560231A	SOUTH MAINE, VILLAGE OF (LAFAYETTE CO.)	MAY 24, 1974 AND
		DECEMBER 27, 1974
560388	STANTON, TOWN OF (ST. CROIX CO.)	NOVEMBER 15, 1974
560387A	STAR PRAIRIE, VILLAGE OF (ST. CROIX CO.)	DECEMBER 20, 1973 AND
		MAY 24, 1974
560362A	STURTEVANT, VILLAGE OF (RACINE CO.)	DECEMBER 06, 1974
560402	TROY, VILLAGE OF (SAUK CO.)	NOVEMBER 15, 1974
560207	UNION CENTER, VILLAGE OF (JUNEAU CO.)	SEPTEMBER 20, 1974
560257	UNITY, CITY OF (MARATHON CO.)	AUGUST 22, 1974
560519	VESPER, VILLAGE OF (WOOD CO.)	AUGUST 30, 1974
560317	WAUZEKA, VILLAGE OF (CRAWFORD CO.)	AUGUST 30, 1974
560389A	WILSON, VILLAGE OF (ST. CROIX CO.)	JANUARY 16, 1974 AND
560154A	WOODMAN, VILLAGE OF (GRANT CO.)	AUGUST 06, 1975
	TOTAL IN THE STATE	69
	NATIONAL TOTAL	3,098

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: May 28, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16156 Filed 6-7-76;8:45 am]

federal register

TUESDAY, JUNE 8, 1976

PART IV:

DEPARTMENT OF LABOR

Employment and Training Administration

1976/77 TRANSITION QUARTER ALLOCATIONS FOR INDIAN PRIME SPONSORS

V41111 JUN 8 76 UMI

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

1976/77 Transition Quarter Allocations for Indian Prime Sponsors

Notice is hereby given that the Department of Labor, Employment and Training Administration, announces the allocation of 1976/77 transition quarter funds for use by each designated Indian prime sponsor to continue public service employment and comprehensive employment and training programs under Titles II and III, section 302 of the Comprehensive Employment and Training Act (CETA) of 1973 during the period July 1, 1976 through September 30, 1976. The following list represents the allocations by designated prime sponsor:

1976/77 TRANSITION QUARTER FUNDS
CETA TITLES II & III - INDIAN PROGRAMS

ALABAMA

Mr. Houston L. McGhee
Chief
Creek Nation East of the Mississippi
Tribal Council
Route 3, Box 286
Atmore, Alabama 36502

II - $
III - $ 26,288
VI - $
Summer - $ _____
$ 26,288

ALASKA

Mr. Dennis J. Tiepelman
President
Maniilaq Association, Inc.
P.O. Box 256
Kotzebue, Alaska 99752

II - $
III - $ 48,673
VI - $
Summer - $ _____
$ 48,673

Mr. Al Ketzler
President
Tanana Chiefs Conference, Inc.
First and Hall Streets
Fairbanks, Alaska 99701

II - $
III - $ 86,581
VI - $
Summer - $ _____
$ 86,581

Mr. Herbert Smelcer
President
Copper River Native Assn; Inc.
Drawer G
Copper Center, Alaska 99573

II - $
III - $ 10,529
VI - $
Summer - $ _____
$ 10,529

Mr. Cecil Barnes
President
North Pacific Rim Native Corporation
912 East 15th Avenue
Anchorage, Alaska 99501

II - $
III - $ 17,296
VI - $
Summer - $ _____
$ 17,296

Mr. Robert W. Madden
General Manager
Kawerak, Inc.
P.O. Box 505
Nome, Alaska 99762

II - $
III - $ 71,749
VI - $
Summer - $ _____
$ 71,749

ALASKA

Mr. Boris Kostbruk
President
Bristol Bay Native Association
P.O. Box 179
Dillingham, Alaska 99576

II - $
III - $ 40,006
VI - $
Summer - $ _____
$ 40,006

Ms. Juanita M. Corwin
Executive Director
Central Council of the Tlingit and Haida Indians of Alaska
130 Seward Street
Room 412
Juneau, Alaska 99801

II - $
III - $ 103,024
VI - $
Summer - $ _____
$ 103,024

Mr. Oscar Kwagley
Executive Director
Yupiktak Bista, Inc.
P.O. Box 219
Bethel, Alaska 99559

II - $
III - $ 171,596
VI - $
Summer - $ _____
$ 171,596

- ALASKA

Ms. Vera M. Shaflestad
Executive Director
The Aleut League
833 Gambell Street
Anchorage, Alaska 99501

II - $ 32,998
III - $
VI - $
Summer - $ _____
$ 32,998

Mr. Joseph Upicksoun
President
Arctic Slope Regional Corporation
P.O. Box 426
Barrow, Alaska 99723

II - $
III - $ 26,790
VI - $
Summer - $ _____
$ 26,790

Mr. Wallace D. Leask
Mayor
Nelakatla Indian Community
P.O. Box 8
Nelakatla, Alaska 99926

II - $ 1,422
III - $ 48,792
VI - $
Summer - $ _____
$ 50,214

Mr. George Miller, Jr.
Tanaina Corporation
P.O. Box 1210
Kenai, Alaska 99611

II - $
III - $ 15,520
VI - $
Summer - $ _____
$ 15,520

Ms. Joanmarie Larson
Executive Director
Cook Inlet Native Association
P.O. Box 515
Anchorage, Alaska 99510

II - $
III - $ 53,417
VI - $
Summer - $ _____
$ 53,417

Mr. Frank R. Peterson
Executive Director
Kodiak Area Native Association
Box 172
Kodiak, Alaska 99615

II - $
III - $ 22,297
VI - $
Summer - $ _____
$ 22,297

V41111 JUN 8 76 UMI

ARIZONA

Mr. Alexander Lewis, Sr.
Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

II - $ 7,280
III - $118,325
VI - $
Summer - $ _____

$ 125,605

Mr. Tony Chana
Chairman of the Board
American Indian Association, Inc.
2512 S. 6th Avenue
Tucson, Arizona 85713

II - $
III - $59,322
VI - $
Summer - $ _____

$ 59,322

Mr. Buck Kitcheyan
Tribal Chairman
San Carlos Apache Tribe
P.O. Box O
San Carlos, Arizona 85550

II - $ 6,570
III - $ 76,308
VI - $
Summer - $ _____

$ 82,878

Mr. Ronnie Lupe
Tribal Chairman
White Mountain Apache Tribe
P.O. Box 708
Whiteriver, Arizona 85941

II - $ 10,433
III - $99,596
VI - $
Summer - $ _____

$ 110,029

Mr. Anthony Drennan, Sr.
Chairman
Tribal Council
Colorado River Indian Tribes
Route 1, Box 23-B
Parker, Arizona 85344

II - $ 1,433
III - $16,455
VI - $
Summer - $ _____

$ 17,888

Ms. Grace McCullah
Executive Director
The Indian Development District
of Arizona
1230 East Camelback Road
Phoenix, Arizona 85014

II - $ 3,646
III - $ 32,440
VI - $
Summer - $ _____

$ 36,086

ARIZONA

Mr. Herschel Andrews
Vice President
Salt River Pima-Maricopa
Community Manpower Programs
Route 1, Box 216
Scottsdale, Arizona 85256

II - $ 929
III - $27,441
VI - $
Summer - $ _____

$ 28370

Mr. Cecil Williams
Chairman
The Papago Council
The Papago Tribe of Arizona
P.O. Box 837
Sells, Arizona 85634

II - $ 19,112
III - $ 99,861
VI - $
Summer - $ _____

$ 118,973

Mr. Peter MacDonald
Chairman
Navajo Tribal Council
The Navajo Tribe of Indians
Window Rock, Arizona 86515

II - $ 195,639
III - $1,477,874
VI - $
Summer - $ _____

$ 1,673,513

Mr. Abbott Sekaquaptewa
Chairman
Hopi Tribal Council
P.O. Box 123
Oraibi, Arizona 86039

II - $ 7,154
III - $ 78,955
VI - $
Summer - $ _____

$ 86,109

Sister Mary Rose Christy
Project Director
Arizona Indian Centers, Inc.
Suite 908
2721 N. Central Avenue
Phoenix, Arizona 85004

II - $
III - $ 25,721
VI - $
Summer - $ _____

$ 25,721

ARIZONA

Mr. Syd Beane
Executive Director
Phoenix Indian Center
4025 North 2nd Street
Phoenix, Arizona 80012

II - $
III - $ 80,399
VI - $
Summer - $ _____

$ 80,399

CALIFORNIA

Ms. Cosma L. Childs
Chairperson
Candelaria American Indian Council
2739 Buckaroo Avenue
Oxnard, California 93030

II - $
III - $ 23,972
VI - $
Summer - $ _____

$ 23,972

Mr. Lincoln D. Billedeaux
Executive Director
Indian Centers, Inc.
1127 W. Washington Blvd
Los Angeles, California 90015

II - $
III - $ 307,947
VI - $
Summer - $ _____

$ 307,947

Mr. Matthew L. Calac
Executive Director
Americans for Indian Future
and Traditions, Inc.
803 Robinson Building
520 E. Street
San Diego, California 92101

II - $
III - $62,051
VI - $
Summer - $ _____

$ 62,051

Mr. David Peri
Chairman of the Board
YA-KA-AMA Indian Education
and Development, Inc.
6215 Eastside Road
Healdsburg, California 95448

II - $
III - $ 32,237
VI - $
Summer - $ _____

$ 32,237

CALIFORNIA

Mr. Gus M. Adams Director Indian Center of San Jose, Inc. 90 South Second Street San Jose, California 95113	II - $ III - $ 52,119 VI - $ Summer - $ _____ $ 52,119	
Mr. Banning Taylor Chairman Board of Directors California Tribal Chairmen's Association 2427 Marconi Avenue, Suite #7 Sacramento, California 95821	II - $ 2,545 III - $ 30,459 VI - $ Summer - $ _____ $ 33,004	
Mr. Karl Mathiesen Chief Councilman Sacramento Indian Center, Inc. Employment and Training Program 2007 O Street Sacramento, California 95814	II - $ III - $ 37,744 VI - $ Summer - $ _____ $ 37,744	
Mr. Karl Mathiesen Chairman of the Board Region IX American Indian Council 330 Ellis Street Room 518 San Francisco, California 94102	II - $ III - $ 176,447 VI - $ Summer - $ _____ $ 176,447	
Mr. Timothy D. DeAsis Executive Director Orange County Indian Center, Inc. 127 Topanga Drive Anaheim, California	II - $ III - $ 44,768 VI - $ Summer - $ _____ $ 44,768	
Mr. Lawrence M. Blacktooth Chairman The Inter-Tribal Council of California, Inc. Manpower Consortium 2969 Fulton Avenue Sacramento, California 97821	II - $ 5,411 III - $ 437,414 VI - $ Summer - $ _____ $ 442,825	
Mr. John Ayner President San Joaquin Council for the American Indian, Inc. P.O. Box 63 144 Nun Kwok Ln., Suite 446 Stockton, California 95202	II - $ III - $ 17,968 VI - $ Summer - $ _____ $ 17,968	
Mr. Tom Parsons Director Center for Community Development Humboldt State University Room 100, University Annex Building Arcata, California 95521	II - $ III - $ 62,526 VI - $ Summer - $ _____ $ 62,526	

COLORADO

Mr. Manuel L. Sandos Director Training Service Section Colorado Division of Employment and Training 770 Grant Street Room 222 Denver, Colorado 80203	II - $ 2,844 III - $ 25,208 VI - $ Summer - $ _____ $ 28,052
Ms. Gladys Benson Chairperson Denver Native Americans United Employment and Training Program 1525 Josephine Denver, Colorado 80206	II - $ III - $ 32,675 VI - $ Summer - $ _____ $ 82,675

CONNECTICUT

Mr. Brian Myles Executive Director American Indians for Development P.O. Box 117 Meriden, Connecticut 06450	II - $ III - $ 29,246 VI - $ Summer - $ _____ $ 29,246

DELAWARE

State of Delaware	III - $ 3,638

FLORIDA

Mr. Buffalo Tiger Chairman Miccosukee Tribe of Indians of Florida P.O. Box 44004 - Tamiami Station Miami, Florida 33144	II - $ 1,078 III - $ 17,649 VI - $ Summer - $ _____ $ 18,727
Mr. Howard E. Tommie Chairman Seminole Tribe of Florida 6073 Stirling Road Hollywood, Florida 33024	II - $ 871 III - $23,217 VI - $ Summer - $ _____ $ 24,088

HAWAII

Mr. Robert Y. Watada Administrator State of Hawaii Department of Labor and Industrial Relations Office of Manpowe Planning 720 Kapiolani Blvd Room 302 Honolulu, Hawaii 96813	II - $ III - $ 10,355 VI - $ Summer - $ _____ $ 10,355

IDAHO

Mr. Cornell Tahdooahnippah Executive Director Idaho Inter-Tribal Policy Board, Inc. 910 Sonna Building, Suite 214 Boise, Idaho 83702	II - $ 6,902 III - $67,648 VI - $ Summer - $ _____ $ 74,550
Mr. Richard A. Halfmoon Chairman Nez Perce Tribal Executive Council P.O. Box 305 Lapwai, Idaho 83540	II - $ 1,112 III - $ 22,099 VI - $ Summer - $ _____ $ 23,211

ILLINOIS

State of Illinois

II - $
III - $ 104,302
VI - $
Summer - $ _____

$ 104,302

INDIANA

Mr. Sam Walfoff
Indiana Brotherhood Council
8545 Delaware Street
Highland, Indiana 46322

II - $
III - $ 37,384
VI - $
Summer - $ _____

$ 37,384

KANSAS

Mr. Joy R. Hunter
Executive Director
Mid-American All Indian Council, Inc.
1650 East Central
Wichita, Kansas 67214

II - $
III - $ 38,601
VI - $
Summer - $ _____

$ 38,601

Mr. C. J. Morris
Chairman
United Tribes of Kansas and
Southeast Nebraska
P.O. Box 147
Horton, Kansas 66439

II - $ 2,144
III - $ 80,103
VI - $
Summer - $ _____

$ 82,247

LOUISIANA

Mr. L. M. Burgess
Chairman
Board of Directors
Indian Manpower Services, Inc.
11764 S. Harrells Ferry Road
Baton Rouge, Louisiana 70816

II - $ 138
III - $ 74,234
VI - $
Summer - $ _____

$ 74,372

MAINE

Mr. Allen Sockabasin
President
Tribal Governors, Inc.
Maine Indian Manpower Services
93 Main Street
Orono, Maine 04473

II - $ 1,100
III - $ 62,978
VI - $
Summer - $ _____

$ 64,078

MARYLAND

Ms. Marion Pines
Director
Mayor's Office of Manpower Resources
701 St. Paul Street
Suite 105
Baltimore, Maryland 21202

II - $
III - $ 44,840
VI - $
Summer - $ _____

$ 44,840

MASSACHUSETTS

Mr. Clifford Saunders
Executive Director
Boston Indian Council, Inc.
105 S. Huntington Avenue
Jamaica Plain, Massachusetts 02130

II - $
III - $ 55,686
VI - $
Summer - $ _____

$ 55,686

Mr. Anthony P. Lacerda
Director
Yarmouth CETA Consortium
66 Center Street
Hyannis, Massachusetts 02601

II - $
III - $ 9,905
VI - $
Summer - $ _____

$ 9,905

MICHIGAN

Mr. Michael C. Parish
Executive Director
Inter-Tribal Council of
Michigan, Inc.
405 East Easterday Avenue
Sault Ste. Marie, Michigan 49783

II - $ 2,419
III - $
VI - $
Summer - $ _____

$ 2,419

Mr. Joseph K. Lumsden
Tribal Chairman
Sault Ste. Marie Tribe
of Chippewa Indians
206 Greenough Street
Sault Ste. Marie, Michigan 49783

II - $
III - $ 13,861
VI - $
Summer - $ _____

$ 13,861

Mr. L. John Fufkins
Chairman
Michigan Commission on Indian Affairs
Office of American Indian Manpower
Programs
State Secondary Complex
7150 Harris Drive
Lansing, Michigan 48926

II - $
III - $ 231,028
VI - $
Summer - $ _____

$ 231,028

MINNESOTA

Mr. Roger A. Jourdain Chairman Red Lake Tribal Council Red Lake, Minnesota 56671	II - $ 5,400 III - $47,770 VI - $ Summer - $ _____ $ 53,170	
Mr. Harold LaRosa Chairman Urban American Indian Center 1530 East Franklin Avenue Minneapolis, Minnesota 55404	II - $ 665 III - $148,882 VI - $ Summer - $ _____ $ 149,547	
Mr. William J. Houle Chairman Fond du Lac Reservation Business Committee Cloquet, Minnesota 55720	II - $ 837 III - $ 19,477 VI - $ Summer - $ _____ $ 20,314	
Mr. David R. Munnell Chairman Leech Lake Reservation Business Committee Box 308 Cass Lake, Minnesota 56633	II - $ 3,084 III - $ 69,296 VI - $ Summer - $ _____ $ 72,380	
Mr. Bill Dwer Chairman American Indian Fellowship Association 101 N. 1st Avenue, East Duluth, Minnesota 55802	II - $ 287 III - $ 13,875 VI - $ Summer - $ _____ $ 14,162	

MINNESOTA

Mr. Arthur Gahbow Chairman Mille Lacs Reservation Community Action Program Star Route Onamia, Minnesota 56359	II - $ 699 III - $ 11,198 VI - $ Summer - $ _____ $ 11,897
Mr. Harry Boness, Sr. Chairman Nett Lake Reservation Business Committee Nett Lake, Minnesota 55772	II - $ 665 III - $ 26,993 VI - $ Summer - $ _____ $ 27,658
Mr. Rueben Rock Chairman White Earth Reservation Business Committee P.O. Box 274 White Earth, Minnesota 56591	II - $ 3,348 III - $ 41,850 VI - $ Summer - $ _____ $ 45,198

MISSISSIPPI

Mr. Calvin J. Isaac Tribal Chief Mississippi Band of Choctaw Indians Tribal Office Building Route 7, Box 21 Philadelphia, Mississippi 39350	II - $ 1,605 III - $ 117,633 VI - $ Summer - $ _____ $ 119,238

MISSOURI

Mr. Mayme Mattwaoshshe Executive Director Region VIII American Indian Council, Inc. Indian Employment and Training 310 Armour Road, Suite 212 Kansas City, Missouri 64116	II - $ III - $ 69,320 VI - $ Summer - $ _____ $ 69,320

MONTANA

Mr. Charles D. Plummage
President
~~Fort Belknap Indian Community~~
Fort Belknap Agency
Harlem, Montana

II - $ 2,373
III - $ 44,443
VI - $
Summer - $ _____

$ 46,816

Mr. Charles E. Fisher
Board Chairman
Montana United Indian Association
P.O. Box 786
Helena, Montana 59601

II - $
III - $ 103,655
VI - $
Summer - $ _____

$ 103,655

Mr. John Windy Boy
Chairman
Business Committee of the
Chippewa Cree Tribe
Rocky Boy Route
Box Elder, Montana 59521

II - $ 1,892
III - $ 43,552
VI - $
Summer - $ _____

$ 45,444

Mr. Patrick Stands Over Bull
Chairman
Crow Tribe of Indians
Crow Tribal Council
P.O. Box 371
Crow Agency, Montana 59022

II - $ 2,855
III - $ 40,637
VI - $
Summer - $ _____

$ 43,492

Mr. Earl Old Person
Chairman
Blackfeet Tribal Business Council
Browning, Montana 59417

II - $ 3,543
III - $ 109,670
VI - $
Summer - $ _____

$ 113,213

MONTANA

Mr. Norman Hollow
Tribal Chairman
~~Fort Peck Tribal Executive Board~~
Assiniboine and Sioux Tribes
Fort Peck Indian Reservation
Box 1027
Poplar, Montana 59255

II - $ 4,678
III - $ 72,163
VI - $
Summer - $ _____

$ 76,841

Mr. Allen Rowland
Tribal President
Northern Cheyenne Tribal Council
P.O. Box 128
Lame Deer, Montana 59043

II - $ 2,786
III - $ 42,203
VI - $
Summer - $ _____

$ 44,989

Mr. Harold W. Mitchell, Jr.
Tribal Council Chairman
The Confederated Salish and Kootenai
Tribes of the Flathead Reservation
Flathead Sub-Agency
Dixon, Montana 59831

II - $ 1,490
III - $ 52,564
VI - $
Summer - $ _____

$ 54,054

NEBRASKA

Ms. Jan R. Searcy
Executive Director
United Indians of Nebraska
1270 South 119 Court
Omaha, Nebraska 68144

II - $
III - $ 43,987
VI - $
Summer - $ _____

$ 43,987

Mr. Edward L. Cline
Chairman
Omaha Tribe of Nebraska
Omaha Tribal Council
Macy, Nebraska 68039

II - $ 1,662
III - $ 37,382
VI - $
Summer - $ _____

$ 39,044

Mr. Enid Goodteacher
Tribal Chairman
Santee Sioux Tribe of Nebraska
Route 2
Niobrara, Nebraska 68760

II - $ 539
III - $ 25,687
VI - $
Summer - $ _____

$ 26,226

Mr. Art May
Chairman
Nebraska Indian Inter-Tribal
Development Corporation
P.O. Box 238
Winnebago, Nebraska 68071

II - $ 2,167
III - $ 26,450
VI - $
Summer - $ _____

$ 28,617

Mr. Larry M. Manning
Chairman
Executive Board
Inter-Tribal Council of
Nevada, Inc.
98 Colony Road
Reno, Nevada 89502

II - $ 7,498
III - $ 112,832
VI - $
Summer - $ _____

$ 120,330

NEW JERSEY

Mr. William R. Mate
Administrator
Comprehensive Employment and
Training Act
Department of Labor and Industry
State of New Jersey
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

II - $
III - $ 54,941
VI - $
Summer - $ _____
$ 54,941

NEW YORK

Mr. Russell P. Lazare
Head Chief
St. Regis Mohawk Tribe
Cultural Center
Hogansburg, New York 13655

II - $ 2,075
III - $ 32,302
VI - $
Summer - $ _____
$ 34,377

Mr. Robert C. Hoag
President
Seneca Nation of Indians
Manpower Programs
P.O. Box 344
Salamanca, New York 14779

II - $ 5,171
III - $ 210,548
VI - $
Summer - $ _____
$ 215,719

Metropolitan New York City

II - $ 275
III - $ 139,501
$ 139,776

NEW MEXICO

Mr. Delfin J. Lovato
Chairman
All Indian Pueblo Council, Inc.
P.O. Box 6005, Station B
1015 Indian School Road, N.W.
Albuquerque, New Mexico 87107

II - $ 23,320
III - $ 289,782
VI - $
Summer - $ _____
$ 313,102

Mr. Chavey P. Coho
President
Ramah Navajo Schoold Board, Inc.
Box 248
Ramah, New Mexico 87321

II - $
III - $ 19,858
VI - $
Summer - $ _____
$ 19,858

Mr. Virgil Wyaco
Acting Governor
Pueblo of Zuni
Zuni Tribal Council
P.O. Box 339
Zuni, New Mexico 87327

II - $ 8,438
III - $ 74,300
VI - $
Summer - $ _____
$ 82,738

Mr. Gerald T. Wilkinson
Executive Director
National Indian Youth Council
201 Hermosa, N.W.
Albuquerque, New Mexico 87108

II - $
III - $ 108,758
VI - $
Summer - $ _____
$ 108,758

NORTH CAROLINA

Mr. John A. Crowe
Principal Chief
Eastern Bank of Cherokee Indians
P.O. Box 487
Cherokee, North Carolina 28719

II - $ 4,999
III - $ 87,640
VI - $
Summer - $ _____
$ 92,639

Mr. Kenneth R. Maynor
Executive Director
Lumbee Regional Development
Association, Inc.
P.O. Box 68
Pembroke, North Carolina 28372

II - $
III - $ 498,507
VI - $
Summer - $ _____
$ 498,507

Mr. A. Bruce Jones
Executive Director
North Carolina Commission of
Indian Affairs
235 Heart of Raleigh Motel
Raleigh, North Carolina 27603

II - $
III - $ 164,670
VI - $
Summer - $ _____
$ 164,670

NORTH DAKOTA

Mr. Warren W. Means
Executive Director
United Tribes Educational Technical Center
3315 South Airport Road
Bismark, North Dakota 58501
II - $
III - $ 32,338
VI - $
Summer - $ _____
$ 32,338

Mr. Edwin J. Henry
Tribal Chairman
Turtle Mountain Tribal Council
Turtle Mountain Band of Chippewa Indians
Belcourt, North Dakota 58316
II - $ 3,887
III - $ 106,281
VI - $
Summer - $ _____
$ 110,168

Mr. Wayne Packineau
Acting Chairperson
Three Affiliated Tribes
Division of Indian and Native American Programs
Box 597
New Town, North Dakota 58763
II - $ 2,098
III - $42,242
VI - $
Summer - $ _____
$ 44,340

Mr. Pat McLaughlin
Chairman
Standing Rock Sioux Tribe
Manpower Program
Fort Yates, North Dakota 58538
II - $ 3,520
III - $ 72,117
VI - $
Summer - $ _____
$ 75,637

Mr. Carl McKay
Tribal Chairman
Devils Lake Sioux Tribe
Manpower Programs
Fort Totten, North Dakota 58335
II - $ 1,387
III - $ 42,189
VI - $
Summer - $ _____
$ 43,576

OHIO

Ms. Ruby Cooper
Chairperson
Cleveland American Indian Center
5500-5502 Lorain Avenue
Cleveland, Ohio 44102
III - $ 48,800

Mr. Soloman Brokeshoulder
Chairman
Manpower Executive Board
Tecumseh Confederacy
147 Hill Street
Xenia, Ohio
III - $ 25,691

OKLAHOMA

Mr. Leonard Biggoose
Chairman
Ponca Tribe of Indians
P.O. Box 11 (White Eagle)
Ponca City, Oklahoma 74601
II - $
III - $ 26,453
VI - $
Summer - $ _____
$ 26,453

Mr. Ross O. Swimmer
Principal Chief
Cherokee Nation
P.O. Box 119
Tahlequah, Oklahoma 74464
II - $
III - $ 509,874
VI - $
Summer - $ _____
$ 509,874

Mr. Sylvester J. Tinker
Principal Chief
Osage Tribal Council
P.O. Box 178
Pawhuska, Oklahoma 74056
II - $ 2,052
III - $41,299
VI - $
Summer - $ _____
$ 43,351

Mr. Howard Goodbear
Tribal Chairman
Cheyenne and Arapaho Tribes of Oklahoma
P.O. Box 38
Concho, Oklahoma 73022
II - $
III - $ 67,498
VI - $
Summer - $ _____
$ 67,498

Mr. C. David Gardner
Principal Chief
Choctaw Nation of Oklahoma
Box 59
Durant, Oklahoma 74701
II - $
III - $182,245
VI - $
Summer - $ _____
$ 182,245

Mr. Bob Giago
Director
United Urban Indian Club, Inc.
1212 North Hudson
Oklahoma City, Oklahoma 73103
II - $
III - $ 131,323
VI - $
Summer - $ _____
$ 131,323

OKLAHOMA

Mr. Russell B. Ellis
Director
Central Tribes of the Shawnee Area, Inc.
Box 2427, University Station
Shawnee, Oklahoma 74802
II - $
III - $65,715
VI - $
Summer - $ _____
$ 65,715

Mr. Edward F. Mouss
Executive Director
Creek Nation
Department of Manpower
P.O. Box 1114
Okmulgee, Oklahoma 74447
II - $
III - $ 152,220
VI - $
Summer - $ _____
$ 152,220

Mrs. Evelyn F. Stephens
Executive Director
Oklahoma Tribal Assistance Program, Inc.
P.O. Box 2841
Tulsa, Oklahoma 74101
II - $
III - $141,148
VI - $
Summer - $ _____
$ 141,148

Mr. Bob Cannon
Chairman
Kiowa Tribe of Oklahoma
P.O. Box 1028
Anadarko, Oklahoma 73005
II - $
III - $102,115
VI - $
Summer - $ _____
$ 102,115

Mr. Dana A. Knight
Chairman
North Central Inter-Tribal Council, Inc.
315 S. Pine
P.O. Box 2384
Ponca City, Oklahoma 74601
II - $
III - $ 25,314
VI - $
Summer - $ _____
$ 25,314

Mr. Overton James
Governor
Chickasaw Nation of Oklahoma
CETA Program
West First at Muskogee
Box 645
Sulphur, Oklahoma 73086
II - $
III - $ 106,930
VI - $
Summer - $ _____
$ 106,930

OKLAHOMA

Mr. Edwin Tanyan Principal Chief Seminole Nation of Oklahoma 4th and Brown Wewoka, Oklahoma 74884	II - $ III - $46,302 VI - $ Summer - $ _____	$ 46,202
Mr. Lee Motah Chairman Comanche Indian Tribe P.O. Box 1127 Lawton, Oklahoma 73501	II - $ III - $ 55,337 VI - $ Summer - $ _____	$ 55,337

OREGON

Mr. Lowell Curley Chairman Urban Indian Council 2326 N. W. Westover Portland, Oregon 97210	II - $ III - $ 139,023 VI - $ Summer - $ _____	$ 139,023
Mr. Butch Crume Project Director The Klamath Tribe 4054 South 6th Street P.O. Box 5123 Klamath Falls, Oregon 97601	II - $ III - $ 26,216 VI - $ Summer - $ _____	$ 26,216
Mr. Ken Smith General Manager The Confederated Tribes of the Warm Springs Indian Reservation P.O. Box 548 Warm Springs, Oregon 97761	II - $ 1,043 III - $ 53,168 VI - $ Summer - $ _____	$ 54,211

PENNSYLVANIA

Mr. Russell Sims Executive Director Council of Three Rivers American Indian Center, Inc. 803 N. Homewood Avenue Pittsburgh, Pennsylvania 15208	II - $ III - $ 18,362 VI - $ Summer - $ _____	$ 18,362
Mr. Mack C. Lynch President United American Indians of Delaware Valley, Inc. 225 Chestnut Street Philadelphia, Pennsylvania 19106	II - $ III - $ 35,291 VI - $ Summer - $ _____	$ 35,291
Mr. James L. Crews Chairman Susquehannock Area American Indians, Inc. 610 N. 3rd Street Harrisburg, Pennsylvania 17107	II - $ III - $ 16,711 VI - $ Summer - $ _____	$ 16,711

RHODE ISLAND

Mr. William Wilcox Director Rhode Island Indian Council, Inc. D.N. A. P. CETA III 56 Washington Street Providence, Rhode Island 02903	II - $ III - $ 23,094 VI - $ Summer - $ _____	$ 23,094

SOUTH DAKOTA

Mr. Al Trimble President Oglala Sioux Tribe P.O. Box G Pine Ridge, South Dakota 57770	II - $ 7,773 III - $ 159,381 VI - $ Summer - $ _____	$ 167,154
Ms. Elnita Rank Chairperson Crow Creek Sioux Tribe P.O. Box 636 Fort Thompson, South Dakota 57339	II - $ 1,789 III - $ 25,496 VI - $ Summer - $ _____	$ 27,285
Tribal Chairman Yankton Sioux Tribe Route #3 Wagner, South Dakota 57380	II - $ 2,362 III - $ 21,733 VI - $ Summer - $ _____	$ 24,095
Mr. Edward J. Driving Hawk President Rosebud Sioux Tribe Rosebud Indian Reservation Rosebud, South Dakota 57570	II - $ 7,395 III - $ 121,646 VI - $ Summer - $ _____	$ 129,041
Mr. Frank A. Lawrence Executive Director United Sioux Tribes Development Corporation P.O. Box 1193 Pierre, South Dakota 57501	II - $ III - $ 113,756 VI - $ Summer - $ _____	$ 113,756
Mr. Wayne Ducheneaux Tribal Chairman Cheyenne River Sioux Tribe Manpower Program P.O. Box 768 Eagle Butte, South Dakota 57625	II - $ 2,557 III - $ 68,757 VI - $ Summer - $ _____	$ 71,314

SOUTH DAKOTA

Mr. Michael B. Jandreau Chairman Lower Brule Sioux Tribe Lower Brule, South Dakota 57548	II - $ 184 III - $ 11,684 VI - $ Summer - $ _____	$ 11,868
Mr. Jerry Flute Tribal Chairman Sessiton-Wahpeton Sioux Tribe R.R. #2, Box 144 Sessiton, South Dakota 57262	II - $ 4,231 III - $ 37,208 VI - $ Summer - $ _____	$ 41,439

TENNESSEE

Mr. Eugene A. Begay Executive Director United Southeastern Tribes, Inc. 1101 Kermit Drive Nashville, Tennessee 37217	II - $ 287 III - $ 196,939 VI - $ Summer - $ _____	$ 197,226

TEXAS

Mr. Ward A. Phelan Director Indian Employment Training Service, Inc. P.O. Box 206 Livingston, Texas 77351	II - $ 1,147 III - $ 132,844 VI - $ Summer - $ _____	$ 133,991
Mr. Leroy Mason Chairperson Dallas Inter-Tribal Center 336 ½ W. Jefferson Dallas, Texas 75208	II - $ III - $ 91,796 VI - $ Summer - $ _____	$ 91,796

UTAH

Mr. Lester M. Chapoose Chairman Uintah and Ouray Tribal Business Committee P.O. Box 129 Fort Duchesne, Utah 84026	II - $ 1,089 III - $27,179 VI - $ Summer - $	$28,268
Mr. Raymond Carroll Chairman of the Board Utah Native American Consortium, Inc. 120 West 1300 South Salt Lake City, Utah 84115	II - $ 23 III - $49,568 VI - $ Summer - $	$ 49,591

VIRGINIA

Mr. Maurice B. Rowe Chairman Governors Manpower Services Council State Capitol Richmond, Virginia 23219	II - $ 150 III - $ 2,137 VI - $ Summer - $	$ 2,287

WASHINGTON

Mr. Dowayne Goodon Executive Director Native American Center West 1704 - 10th Avenue Spokane, Washington 99204	II - $ III - $ 27,327 VI - $ Summer - $	$ 27,327
Mr. Leo J. LaClair Executive Director Small Tribes Organization of Western Washington P.O. Box 578 Suamer, Washington 98390	II - $ 3,852 III - $ 178,458 VI - $ Summer - $	$ 182,310
Mr. Joseph B. DeLaCruz CHE-HO-QUI-SHO Indian Consortium Quinault Indian Tribe P.O. Box 1228 Taholah, Washington 98587	II - $ 2,293 III - $ 29,557 VI - $ Summer - $	$ 31,850
Mr. Mel White Chairman Eastern Washington Indian Consortium Box 223 Wellpinit, Washington 99040	II - $ 10,926 III - $ 169,908 VI - $ Summer - $	$ 180,834
Mr. Gregory W. Frazier Executive Director Seattle Indian Center, Inc. 619 Second Avenue Seattle, Washington 98104	II - $ III - $103,083 VI - $ Summer - $	$ 103,083
Ms. Linda E. Day Executive Director Northwest Intertribal Council 2731 10th Avenue Everett, Washington 98201	II - $ 5,538 III - $ 36,764 VI - $ Summer - $	$ 42,302

WISCONSIN

Ms. Ada Deer Chairperson Menominee Restoration Committee P.O. Box 397 Keshena, Wisconsin 54135	II - $ 413 III - $ 75,452 IV - $ Summer - $	$ 75,865
Mr. Peter Christensen Executive Director Great Lakes Inter-Tribal Council, Inc. Manpower Consortium Box 5 Lac du Flambeau, Wisconsin 54538	II - $ 1,720 III - $ 52,747 VI - $ Summer - $	$ 54,467
Mr. Eugene W. Taylor Chairman St. Croix Tribal Council Star Route Webster, Wisconsin 54893	II - $ 413 III - $ 16,756 VI - $ Summer - $	$ 17,169
Ms. Petronelle Martin Executive Director Milwaukee Area American Indian Manpower Council, Inc. 3701 W. Lisbon Avenue Milwaukee, Wisconsin 53208	II - $ III - $ 47,435 VI - $ Summer - $	$ 47,435
Mr. Mitchell Whiterabbit Tribal Chairman Wisconsin Winnebago Committee CETA office UW - Stevens Point Nelson Hall, 3rd Floor Stevens Point, Wisconsin 54481	II - $ 1,548 III - $ 22,091 VI - $ Summer - $	$ 23,639

WISCONSIN

Mr. Leonard E. Miller, Jr. Tribal Chairman Stockbridge-Munsee Community Route 1 Bowler, Wisconsin 54416	II - $ 344 III - $ 7,818 VI - $ Summer - $	$ 8,162
Mr. Odric Baker Chairman Lac Courte Oreilles Governing Board Route 2 Stone Lake, Wisconsin 54876	II - $ 3,027 III - $ 24,381 VI - $ Summer - $	$ 27,408
Mr. Purcell Powless Tribal Chairman Oneida Tribe of Indians of Wisconsin, Inc. Oneida, Wisconsin 54155	II - $ 1,147 III - $ 47,708 VI - $ Summer - $	$ 48,855
Mrs. Betty Jack President of the Board American Indian Child Placement and Development Program, Inc. 525 University Avenue Madison, Wisconsin 53703	II - $ III - $ 28,779 VI - $ Summer - $	$ 28,779

WYOMING

Mr. Robert N. Harris Shoshone Council Chairman Mr. Arnold Headley Arapahoe Council Chairman Shoshone and Arapahoe Tribes Box 217 Fort Washakie, Wyoming 82514	II - $ 3,336 III - $ 85,429 VI - $ Summer - $	$ 88,765

Signed at Washington, D.C., this 17th day of May 1976.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.76-16278 Filed 6-7-76;8:45 am]

UMI

UTAH

Mr. Lester N. Chapoose
Chairman
Uintah and Ouray Tribal
Business Committee
P.O. Box 129
Fort Duchesne, Utah 84026

II - $ 1,089
III - $ 27,179
VI - $
Summer - $ ____

$ 28,268

Mr. Raymond Carroll
Chairman of the Board
Utah Native American Consortium, Inc.
120 West 1300 South
Salt Lake City, Utah 84115

II - $ 23
III - $ 49,568
VI - $
Summer - $ ____

$ 49,591

VIRGINIA

Mr. Maurice B. Rowe
Chairman
Governors Manpower Services Council
State Capitol
Richmond, Virginia 23219

II - $ 150
III - $ 2,[illegible]
VI - $
Summer - $ ____

$ 2,[illegible]

WASHINGTON

Mr. Dowayne Goodon
Executive Director
Native American Center
West 1704 - 10th Avenue
Spokane, Washington 99204

II - $
III - $ 27,327
VI - $
Summer - $ ____

$ 27,327

Mr. Leo J. LaClair
Executive Director
Small Tribes Organization
of Western Washington
P.O. Box 578
Suamer, Washington 98390

II - $ 3,852
III - $ 178,458
VI - $
Summer - $ ____

$ 182,310

Mr. Joseph B. DeLaCruz
CHE-HO-QUI-SHO Indian Consortium
Quinault Indian Tribe
P.O. Box 1228
Taholah, Washington 98587

II - $ 2,293
III - $ 29,557
VI - $
Summer - $ ____

$ 31,850

Mr. Mel White
Chairman
Eastern Washington Indian Consortium
Box 223
Wellpinit, Washington 99040

II - $ 10,926
III - $ 169,908
VI - $
Summer - $ ____

$ 180,834

Mr. Gregory W. Frazier
Executive Director
Seattle Indian Center, Inc.
619 Second Avenue
Seattle, Washington 98104

II - $
III - $103,083
VI - $
Summer - $ ____

$ 103,083

Ms. Linda E. Day
Executive Director
Northwest Intertribal Council
2731 10th Avenue
Everett, Washington 98201

II - $ 5,538
III - $ 36,764
VI - $
Summer - $ ____

$ 42,302

WISCONSIN

Ms. Ada Deer
Chairperson
Menominee Restoration Committee
P.O. Box 397
Keshena, Wisconsin 54135

II - $ 413
III - $ 75,452
IV - $
Summer - $ ____

$ 75,865

Mr. Peter Christensen
Executive Director
Great Lakes Inter-Tribal Council, Inc.
Manpower Consortium
Box 5
Lac du Flambeau, Wisconsin 54538

II - $ 1,720
III - $ 52,747
VI - $
Summer - $ ____

$ 54,467

Mr. Eugene W. Taylor
Chairman
St. Croix Tribal Council
Star Route
Webster, Wisconsin 54893

II - $ 413
III - $ 16,750
VI - $
Summer - $ ____

$ 17,16[illegible]

Ms. Petronelle Martin
Executive Director
Milwaukee Area American
Indian Manpower Council, Inc.
3701 W. Lisbon Avenue
Milwaukee, Wisconsin 53208

II - $
III - $ 47,43[illegible]
VI - $
Summer - $ ____

$ 47,435

Mr. Mitchell Whiterabbit
Tribal Chairman
Wisconsin Winnebago Committee
CETA office
WW - Stevens Point
Nelson Hall, 3rd Floor
Stevens Point, Wisconsin 54481

II - $ 1,548
III - $ 22,09[illegible]
VI - $
Summer - $ ____

$ 23,6[illegible]

WISCONSIN

Mr. Leonard E. Miller, Jr. Tribal Chairman Stockbridge-Munsee Community Route 1 Bowler, Wisconsin 54416	II - $ 344 III - $ 7,818 VI - $ Summer - $	$ 8,162
Mr. Odrie Baker Chairman Lac Courte Oreilles Governing Board Route 2 Stone Lake, Wisconsin 54876	II - $ 3,027 III - $ 24,381 VI - $ Summer - $	$ 27,408
Mr. Purcell Powless Tribal Chairman Oneida Tribe of Indians of Wisconsin, Inc. Oneida, Wisconsin 54155	II - $ 1,147 III - $ 47,708 VI - $ Summer - $	$ 48,855
Mrs. Betty Jack President of the Board American Indian Child Placement and Development Program, Inc. 525 University Avenue Madison, Wisconsin 53703	II - $ III - $ 28,779 VI - $ Summer - $	$ 28,779

WYOMING

Mr. Robert N. Harris Shoshone Council Chairman Mr. Arnold Headley Arapahoe Council Chairman Shoshone and Arapahoe Tribes Box 217 Fort Washakie, Wyoming 82514	II - $ 3,336 III - $ 85,429 VI - $ Summer - $	$ 88,765

Signed at Washington, D.C., this 17th day of May 1976.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.76-16278 Filed 6-7-76;8:45 am]

federal register

TUESDAY, JUNE 8, 1976

PART V:

INTERSTATE COMMERCE COMMISSION

RAIL LINES AND SEGMENTS POTENTIALLY SUBJECT TO ABANDONMENT

Requirement for System Disclosure

UMI

"to assure that the most accurate cost system to minimize record keeping re- In addition, the statute contemplates 236, 87 Stat. 985, 994, as amended by sec. system diagram as potentially subject to

DEPARTMENT OF TRANSPORTATION

Interstate Commerce Commission

[49 CFR Part 1201]

[Formal Docket No. 63636]

ACCOUNTS, REPORTS AND RECORDS RAILROAD COMPANIES

Branch Line Accounting System

The Regional Rail Reorganization Act of 1973 (the "RRR Act") (Public Law 93–236) and the Railroad Revitalization and Regulatory Reform Act of 1976 (the "Rail Act") (Public Law 94–210) make comprehensive changes in the substantive and procedural requirements for the abandonment of rail lines by carriers subject to regulation by the Interstate Commerce Commission (the "Commission") under Part I of the Interstate Commerce Act (the "Act"). Under new section 1a(5) of the Act, railroads must publish a transportation system diagram disclosing all rail lines and line segments which are "potentially subject to abandonment" and for which they plan to file abandonment applications.

Section 1a(6) of the Act provides opportunities for financially responsible persons to offer subsidy payments in order to continue rail freight service on lines which the Commission has determined may otherwise be abandoned. Section 1a(8) applies these subsidy provisions to abandonment applications pending on February 5, 1976, the enactment date of the Rail Act as well as to subsequent applications filed before permanent regulations are adopted by the Commission. Section 304 of the RRR Act specifies similar subsidy provisions which enable the continuation of rail freight service in the Northeast and Midwest Region.

The Rail Services Planning Office (the "Office") has issued regulations implementing Section 304 of the RRR Act (49 CFR 1125). The Commission has adopted these regional standards for interim use in processing subsidy offers pertaining to lines subject to pending abandonment applications (Notice, served March 31, 1976). The Commission and the Office are instituting joint rulemaking to revise Part 1121 of ICC regulations to specify procedures for preparing the system diagram, making application to abandon a line and offering to subsidize rail freight service.[1]

Section 205(e)(1)(A) of the RRR Act directs the Office to develop an accounting system in the form of regulations:

> Which will permit the collection and publication by the [Consolidated Rail] Corporation [ConRail] or by profitable railroads providing service over lines scheduled for abandonment, of information necessary for an accurate determination of the attributable revenues, avoidable costs, and operations of light density lines as operating and economic units.

The Commission is similarly instructed under section 20 of the Act to revise its Uniform System of Accounts (USOA) "to assure that the most accurate cost and revenue data can be obtained with respect to light density lines * * *"

As a practical matter, the Office has already developed an accounting system for use in implementing the subsidy provisions of the RRR Act. The regional standards (Part 1125) enumerate those service units and USOA revenue and cost accounts which pertain to branch line service (§§ 1125.4–5), require ConRail (or the designated operator) to establish a system to collect such data at the branch level [§ 1125.9(e)], and specify the methods for assigning and apportioning revenues and costs to the branch (§§ 1125.4–5).

The proposed national abandonment standards (Part 1121) to be issued jointly by the Commission and the Office would also effectively establish an accounting system by following the same approach as the regional standards: the enumeration of service units and pertinent USOA accounts (proposed §§ 1121.42–43), the establishment of a system to collect pertinent data at the branch level [proposed §§ 1121.11, 1121.35(d), and 1121.40(d)], and the specification of methodology for the assignment and apportionment of revenues and costs to the branch (proposed §§ 1121.43–44).

The purpose of this rulemaking is to codify the collection requirements under ICC accounting regulations and to specify provisions for the annual reporting of the data. The proposed regulations appended at the end of this Notice, largely incorporate by reference pertinent provisions of the USOA (Part 1201), the regional standards (Part 1125) and the proposed national standards (Part 1121). This approach will minimize the need to amend the accounting system to conform it to future changes in the USOA and the abandonment and subsidy standards.

The accounting system reouires the collection of revenue, cost and service unit (e.g., car miles, gross ton miles, etc.) data at the branch level in three circumstances:

(1) Where an agreement to subsidize a branch line is in effect;

(2) Where service is being provided on a branch line pursuant to a directed service order issued under section 1 (16)(b) of the Act or section 304(d)(3) of the RRR Act: or

(3) Where a branch line has been designated on a system diagram as potentially subject to abandonment.

The revenue, cost and service unit data collected at the branch level will play an integral role in the abandonment and subsidy process. The data will be used in the national standards [proposed § 1121.35(d)] to compute the "base year" calculation of avoidable loss from operations—the prime factual justification warranting a finding by the Commission that a prospective abandonment is consistent with the public convenience and necessity. The data will also be used to compute the "interim (or estimated) subsidy payment" and the "final subsidy payment" in the regional and national standards [§1125.3 and proposed §1121.40(b) and 1121.41(c)].

In addition, the statute contemplates that the data will be published to assist interested parties in assessing the potential viability of light-density lines. The regional standards presently require the railroad to make available to "any interested person" the "materials and information" used in making its interim subsidy calculation [§ 1125.9(c)]. The regional standards also require the filing of a "Financial Status Report" summarizing the net avoidable loss and reasonable return based on actual operations [§ 1125.9(f)]. The national standards would impose similar requirements concerning abandonment applications and subsidy offers or agreements [proposed §§ 1121.35(d)(4) and 1121.40(b)].

The proposed accounting regulations would augment the above reporting obligations by requiring the railroad to accumulate revenue, cost and service unit data for all lines, subject to branch line accounting, and to file annually with its Form R–1 a single report of the aggregate data. This procedure would minimize the reporting burden—one annual report of aggregate data rather than separate reports for each branch line scheduled for abandonment. The report would, however, provide the Commission and interested parties with a data base from which to conduct an audit.

The regional and proposed national standards do not provide for the inspection of data for an individual branch line during the period subsequent to its designation on the system diagram as potentially subject to abandonment and before the actual filing of an application to abandon the line. The Office believes it may be necessary, for planning purposes, for the Commission, state rail planning agencies and significant users to have access to such data during this interval and the proposed regulations so provide. Comments are requested on whether the foregoing requirements will fullfill the statutory purpose.

The Office is not imposing the proposed branch line accounting regulations on commuter passenger service which may be scheduled for discontinuance. Section 205(e)(1)(A) is phrased in terms of "light-density lines . . . scheduled for abandonment." Commuter service is provided over heavily traveled main lines as well as branch lines. Moreover, in other sections, both the RRR Act and Rail Act distinguish between the "abandonment" of a rail line and the "discontinuance" of rail service (compare sections 304 (a) and (b) of the RRR Act). For these reasons, the Office has concluded that Congress did not intend for the branch line accounting system to apply to commuter service. Comments are requested on the validity of this statutory construction.

As noted above, the Commission is undertaking a comprehensive revision of the Uniform System of Accounts under section 20 of the Act as amended. Its regulations must be issued not later than June 30, 1977, with an effective date of not later than January 1, 1978. The Office will conform its branch line accounting system to the revised uniform system to minimize record keeping requirements to the extent practicable.

[1] A notice setting forth the proposed new Part 1121 regulations will be issued in the near future. The proposed section numbers cited herein may not coincide with those in the final version of the proposed rules.

All persons interested in filing statements of their views on the proposed standards, which are a part of this Notice, are invited to do so. An original and six copies of any statements should be submitted on or before July 15, 1976, to:

RAIL SERVICES PLANNING OFFICE
Interstate Commerce Commission
Washington, D.C. 20423

It is ordered, That a proceeding be, and it is hereby, instituted for the purpose of amending Part 1201 of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations to adopt a branch line accounting system as prescribed by section 205(e)(1)(A) of the Regional Rail Reorganization Act of 1973, as amended by Section 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 31;

It is further ordered, That any interested person may participate in this proceeding by submitting for consideration an original and six copies of written statements, views, arguments, or other comments regarding the proposed regulations on or before July 15, 1976; and that no hearing is contemplated but may be held at a time and place designated in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue; and

It is further ordered, That a copy of this notice and order be served upon railroads subject to Part I of the Interstate Commerce Act; and that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection; and that the statutory notice of the institution of this proceeding be given to the general public by delivery of a copy thereof to the Director, Office of the Federal Register, for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Rail Services Planning Office, Alan M. Fitzwater, Director.

ROBERT L. OSWALD,
Secretary.

Part 1201 is proposed to be amended by redesignating § 1201.1 through § 1201.89 as subpart A and by adding a new subpart B, § 1201.90 through 1201.94 to read as follows:

Subpart B—Branch Line Accounting System

Sec.
1201.90 Purpose and scope.
1201.91 Definitions.
1201.92 Collection of data.
1201.93 Publication of data.
1201.94 Chart of accounts and annual branch line report.

AUTHORITY: Sec. 205(e)(1)(A), Regional Rail Reorganization Act of 1973, Pub. L. 93–236, 87 Stat. 985, 994, as amended by sec. 309, Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 31, 57.

Subpart B—Branch Line Accounting System

§ 1201.90 Purpose and Scope.

Section 205(e)(1) of the RRR Act directs the Office to issue regulations which will permit the collection and publication by the Corporation or by profitable railroads of information necessary to determine accurately the revenues attributable, avoidable costs, and service units of light density lines scheduled for abandonment under Parts 1121 or 1125 of the regulations. The purpose of this Subpart B is to specify an accounting system which will permit the collection and publication of such data.

§ 1201.91 Definitions.

Unless otherwise required by context, the following definitions apply in this subpart:

"Account" means an account in the Commission's Uniform System of Accounts (USOA) for Railroad Companies (49 CFR Part 1201, Subpart A).

"Act" means the Interstate Commerce Act (49 U.S.C. 1 et. seq.) as amended by section 802 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 127.

"Branch" means a rail line or segment of line which (i) has been designated on a transportation system diagram as potentially subject to abandonment; (ii) is the subject of a directed service order pursuant to section 1 (16)(B) of the Act and section 304 (d)(3) of the RRR Act; or (iii) is being subsidized pursuant to Parts 1121 or 1125 of the regulations.

"Commission" means the Interstate Commerce Commission.

"Corporation" means the Consolidated Rail Corporation.

"Lines Potentially Subject to Abandonment" means those lines or portions of lines which a railroad has identified in its transportation system diagram as being potentially subject to abandonment.

"Office" means the Rail Services Planning Office established by Section 205 of the Regional Rail Reorganization Act of 1973 as amended.

"Railroad" means a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act [49 U.S.C. 1(3)], including the Consolidated Rail Corporation.

"RRR Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 93–236, 87 Stat. 985, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210.

§ 1201.92 Collection of data.

(a) *General.* The railroad shall collect the revenue, cost, and service unit data specified in Parts 1121 or 1125 of the regulations for all branch lines as that term is defined in section 1201.91. The data shall be collected commencing:

(1) The first day of the month after the branch has been designated on a system diagram as potentially subject to abandonment and continuing for so long as the branch is retained in that category; or

(2) The effective date of an order directing service on a branch and continuing until the order is withdrawn; or

(3) The effective date of a rail service continuation operating agreement and continuing for the duration of the agreement.

(b) *National Standards.* The railroad shall apply the assignment and apportionment methodology set forth in Part 1121, Subchapter C, to any branch it has designated as potentially subject to abandonment or for which a subsidy agreement is in effect under section 1a (6) of the Act. This subsection does not apply to subsidy agreements for branch lines which are the subject of abandonment applications pending as of February 5, 1976, or of applications filed between that date and the effective date of permanent national abandonment regulations.

(c) *Regional Standards.* The railroad shall apply the assignment and apportionment methodology set forth in Part 1125, Subchapter C, to any branch for which a subsidy agreement is in effect under section 304 of the RRR Act or, prior to the issuance of permanent national standards, under section 1a (6) of the Act.

(d) *Account Texts.* The data collected shall include the items of revenue and expense as described in the pertinent accounts texts listed in Part 1201, Subpart A, except to the extent such descriptions are modified in Parts 1121 or 1125.

§ 1201.93 Publication of data.

(a) *Report.* The railroad shall file annually with its Form R–1 a report listing account by account totals of the aggregate revenue, cost, and service unit data for all branch lines for which it must maintain a system of accounts. Only such data as is required by Parts 1121 or 1125 shall be reported. The data shall be accumulated for the prior calendar year and reported in the format set forth in § 1201.94. On branch costs shall be separated into labor, materials, and other. Separate reports for each branch line are not required.

(b) *Publication.* A copy of the report shall be made available for public inspection at the Commission's Offices in Washington, D.C., and at Field Offices in the State or States in which the branch lines are situated. During the period subsequent to the designation of a branch line on a system diagram as potentially subject to abandonment and before the filing of an abandonment application, the railroad shall upon request also make the data for such branch available for inspection by the Commission or any State in which the branch is situated, or any political subdivision of such state, or any "significant user" of the branch as that term is defined in Part 1125 of the regulations.

§ 1201.94 Chart of Accounts and Annual Branch Line Report.

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Attributable revenues

		Amount
[1] [2] 101	Freight	
[2] 106	Mail	
[2] 107	Express	
110	Switching	
113	Water transfers	
133	Station, train and boat privileges	
135	Storage; freight	
137	Demurrage	
138	Communication	
139	Grain elevators	
141	Power	
142	Rents of buildings and other property	
143	Miscellaneous	
151	Joint facility—Cr	
152	Joint facility—Dr	
	Subsidy payments	
	Total attributable revenues	

[1] Denotes variance in the content or organization of part 1201 accounts.
[2] Apportioned as prescribed by parts 1121 or 1125.

		Labor	Materials	Other
	MAINTENANCE OF WAY AND STRUCTURES			
201	Superintendence			
202	Roadway maintenance			
206	Tunnels and subways			
[1] 208	Bridges, trestles and culverts			
210	Elevated structures			
212	Ties			
214	Rails			
216	Other track materials			
218	Ballast			
220	Track laying and surfacing			
221	Fences, snowsheds, and signs			
227	Station and office buildings			
229	Roadway buildings			
231	Water stations			
233	Fuel stations			
235	Shops and enginehouses			
237	Grain elevators			
239	Storage warehouses			
241	Wharves and docks			
243	Coal and ore wharves			
244	TOFC/COFC terminals			
247	Communication systems			
249	Signals and interlocks			
253	Power plants			
257	Power—transmission systems			
265	Miscellaneous structures			
266	Road property—depreciation			
269	Roadway machines			
271	Small tools and supplies			
272	Removing snow, ice, and sand			
273	Public improvements—maintenance			
274	Injuries to persons			
275	Insurance			
276	Stationery and printing			
278	Maintenance joint tracks and other facilities—Dr			
279	Maintenance joint tracks and other facilities—Cr			
281	Right-of-wsy expenses			
282	Other expenses			
	Total maintenance of way and structures			
	MAINTENANCE OF EQUIPMENT			
301	Superintendence			
302	Shop machinery			
304	Power—plant machinery			
305	Shop and power—plant machinery; depreciation			
[2] 311	Locomotives—repairs			
01	Locomotives road diesel; repairs			
02	Locomotives road other; repairs			
03	Locomotives yard diesel; repairs			
04	Locomotives yard other; repairs			
315	Highway revenue equipment; repairs			
323	Floating equipment; repairs			
326	Work equipment; repairs			
328	Miscellaneous equipment; repairs			
329	Dismantling retired equipment			
330	Retirements; equipment			
[1] [2] 331	Equipment; depreciation			
332	Injuries to persons			
333	Insurance			
334	Stationery and printing			
336	Joint maintenance of equipment expenses—Dr			
337	Joint maintenance of equipment expenses—Cr			
339	Other expenses			
	Total Maintenance of Equipment			

See footnotes at end of table.

		Amount
	TRAFFIC EXPENSES	
351	Superintendence	
352	Outside agencies	
353	Advertising	
354	Traffic associations	
355	Fast freight lines	
356	Industrial and immigration bureaus	
357	Insurance	
358	Stationery and printing	
360	Other expenses	
	Total traffic expenses	
	TRANSPORTATION EXPENSE ACCOUNTS	
371	Superintendence	
372	Dispatching trains	
373	Station employees	
374	Weighing, inspection, and demurrage bureaus	
375	Coal and ore wharves	
376	Station supplies and expenses	
377	Yard masters and yard clerks	
378	Yard conductors and brakemen	
379	Yard switch and signal tenders	
380	Yard enginemen	
[2] 382	Yard switching fuel	
[2] 383	Yard switching power produced	
[2] 384	Yard switching power purchased	
[2] 388	Servicing yard locomotives	
389	Yard supplies and expenses	
390	Operating joint yards and terminals—Dr	
391	Operating joint yards and terminals—Cr	
392	Train enginemen	
[2] 394	Train fuel	
[2] 395	Train power produced	
[2] 396	Train power purchased	
[2] 400	Servicing train locomotives	
401	Trainmen	
[1] [2] 402	Train supplies and expenses	
404	Signal and interlocker operation	
405	Crossing protection	
406	Drawbridge operation	
[1] 407	Communication system operation	
[1] 408	Operating floating equipment	
410	Stationery and printing	
411	Other expenses	
412	Operating joint tracks and facilities—Dr	
413	Operating joint tracks and facilities—Cr	
[1] 414	Insurance	
415	Clearing wrecks	
416	Damage to property	
417	Damage to livestock on right-of-way	
418	Loss and damage; freight	
420	Injuries to persons	
421	TOFC/COFC terminals	
422	Other highway transportation expenses	
	Total transportation expenses	
	MISCELLANEOUS OPERATIONS EXPENSES	
[1] 443	Grain elevators	
[1] 445	Producing power sold	
446	Other miscellaneous operations	
447	Operating joint miscellaneous facilities—Dr	
448	Operating joint miscellaneous facilities—Cr	
	Total miscellaneous operations expenses	
	GENERAL OPERATING EXPENSES	
451	Salaries and expenses of general officers	
452	Salaries and expenses of clerks and attendants	
453	General office supplies and expenses	
454	Law expenses	
455	Insurance	
457	Pensions	
458	Stationery and printing	
460	Other expenses	
461	General joint facilities—Dr	
462	General joint facilities—Cr	
	Total general operating expenses	

[1] Denotes variance in the content or organization of part 1201 accounts.
[2] Apportioned as prescribed by parts 1121 or 1125,

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Income accounts

		Cost or (income)
	ORDINARY ITEMS	
[1] 503	Hire of freight cars and highway revenue freight equipment—credit balance	
504	Rent from locomotives	
506	Rent from floating equipment	
507	Rent from work equipment	
508	Joint facility rent income	
509	Income from lease of road and equipment	
[1] 532	Railway tax accruals	
[1] 536	Hire of freight cars and highway revenue freight equipment—debit balance	
537	Rent for locomotives	
539	Rent for floating equipment	
540	Rent for work equipment	
541	Joint facility rents	
542	Rent for leased roads and equipment	
	Total income accounts	

[1] Denotes variance in the content or organization of part 1201 accounts.

Computed Onbranch and Offbranch costs

		Amount
651	Locomotives return on investment	
652	Freight train car costs	
653	Fringe benefits	
654	Rehabilitation	
	Total onbranch avoidable costs	
	OFFBRANCH AVOIDABLE COSTS	
661	Terminal costs	
662	Freight train car costs	
663	Freight train gross ton-mile costs	
	Total offbranch costs	
	ALL OTHER AVOIDABLE COSTS [1]	
671	Working capital	
672	Required capital expenditures	
673	Deferred maintenance	
674	Current cost of freight train cars, locomotives and other equipment	
675	Foregone tax benefits	
676	Administrative costs	
677	Deferred subsidy payment costs	
678	Casualty expenses	
	Total all other avoidable costs	
681	Reasonable return on the value of properties	
682	Management fee	
	Total of avoidable costs, reasonable return and management fee	

[1] Accounts 671–676 apply to part 1121 only, Account 677 applies to part 1125 only.

Service units

	TRAIN-MILE ACCOUNTS
801	Freight train miles
	TRACK-MILE ACCOUNTS
803	Track miles
	LOCOMOTIVE-MILE ACCOUNTS
813	Locomotive unit-miles
814	....do
	CAR-MILE ACCOUNTS
821	Freight train car miles
822	Freight train loaded car miles by car type
01	Box general service, unequipped
02	Box general service, equipped
03	Box special service
04	Gondola, special service
05	Open hopper, general service
06	Open hopper, special service
07	Cover hopper
08	Tank
09	Refer, meat—mechanical
10	Refer, other than meat—mechanical
11	Refer, meat—nonmechanical
12	Refer, other than meat—nonmechanical
13	Stock
14	Autorack
15	Flat, general service
16	Flat, special service
17	Flat, TOFC
18	All other
	Locomotive unit-hours
	Transportation service; line
	LOCOMOTIVE UNIT-HOURS ACCOUNTS
831	Locomotive unit-hours
832	Road locomotive unit-hours
833	Road diesel locomotive unit-hours
834	....do

	SWITCHING
835	Yard locomotive unit-hours
836	Yard diesel locomotive unit-hours
837	Yard electric locomotive unit-hours

Gross Ton Miles

841	Road diesel locomotive gross ton-miles
842	Road electric locomotive gross ton-miles
843	Freight train gross ton miles by car type
01	Box general service, unequipped
02	Box general service, equipped
03	Box special service
04	Gondola, special service
05	Open hopper, general service
06	Open hopper, special service
07	Cover hopper
08	Tank
09	Refer, meat—mechanical
10	Refer, other than meat—mechanical
11	Refer, meat—nonmechanical
12	Refer, other than meat—nonmechanical
13	Stock
14	Autorack
15	Flat, general service
16	Flat, special service
17	Flat, TOFC
18	All other
	RENTED EQUIPMENT
851	Freight train car-days
852	Floating equipment car-days
855	Locomotive days
	TRAIN HOURS
861	Train hours

[FR Doc.76–16609 Filed 6–7–76;8:45 am]

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Title 21—Food and Drugs (Part 500–599)	3.75
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[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Advisory Group on Earthquake Prediction and Hazard Mitigation, Washington, D.C. (open), 6–14–76.
21848; 5–28–76
Advisory Panel for Developmental Biology, Washington, D.C. (closed), 6–14 and 6–15–76.... 21848; 5–28–76
Food and Nutrition Subgroup, Moffet Field, California (open), 6–14–76.
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Subgroup on Basic Research of the Advisory Group on Anticipated Advances in Science & Technology, Boston, Massachusetts (open), 6–15–76. 21848; 5–28–76

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List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

presidential documents

Title 3—The President

Memorandum of June 2, 1976

Determination Under Section 402(d)(1) of the Trade Act of 1974

[Presidential Determination No. 76–17]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 2, 1976.

Pursuant to the authority vested in me by the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978; hereinafter called the Act), I hereby determine, pursuant to section 402(d)(1) of the Act, that the extension of the waiver authority granted by subsection (c)(1) of section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine, pursuant to subsection (d)(1)(C) of section 402 of the Act, that continuation of the waiver applicable to the Socialist Republic of Romania will substantially promote the objectives of section 402.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.76–16955 Filed 6–8–76;11:26 am]

EDITORIAL NOTE: For the text of the President's message to Congress, dated June 2, 1976, recommending extension of the waiver for Romania under the Trade Act of 1974, see the Weekly Compilation of Presidential Documents (vol. 11, p. 991).

proposed rules

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SUPPORT ACTIVITIES

PART 656—PROCEDURES FOR THE PROTECTION OF ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS-ASSISTED PROGRAMS

On September 3, 1974, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (39 FR 31909) for comment, proposed guidelines entitled Related Environmental Concerns § 650.20 archeological and historical data and historical sites.

No written comments were received on the proposed guidelines. However, SCS personnel visited the offices of the Advisory Council on Historic Preservation, the National Park Service, and others and solicited informal inputs and consultation. These inputs have been incorporated into these interim final guidelines.

On October 30, 1975, using the procedures of the Advisory Council on Historic Preservation as a guide (36 CFR 800.1(b)(2)), the SCS issued interim procedures for the protection of archeological and historical properties to its field offices in the form of Environment Advisory EVT-25. Since that time the SCS has engaged in extensive consultations with the Advisory Council on Historic Preservation and the National Park Service.

As a result of these consultations the SCS, in accordance with section 1(3) of Executive Order 11593, herewith publishes its interim final guidelines Part 656, "Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-assisted Programs." These procedures are in effect for environmental assessments started after July 1, 1976. Comments will be received on these interim final guidelines until August 9, 1976, after which time, final guidelines will be published. Comments should be addressed to:

U.S. Department of Agriculture, Soil Conservation Service, Environmental Services Division, Room 6103 South Agriculture Building, Washington, D.C. 20250

Dated: June 1, 1976.

(Catalog of Federal Domestic Assistance Programs numbered 10.901 and 10.904 National Archives Reference Services.)

R. M. DAVIS,
Administrator,
Soil Conservation Service.

Sec.

656.1 Purpose.
656.2 Archeological and historical laws and executive orders for administering SCS programs.
656.3 Policy.
656.4 Applicability.
656.5 SCS responsibilities for compliance with Section 106, Pub. L. 89-665 (16 U.S.C. 470f), Pub. L. 93-291 (16 U.S.C. 469 et seq.), and Section 1(3) of Executive Order 11593 in project-type actions
656.6 Steps necessary to determine the effects of proposed SCS-assisted actions on archeological and historical properties occurring on nonfederal land during the planning and environmental assessment stage. (See Parts 622.3 and 623 of this chapter.)
656.7 Steps necessary to determine the effects of planned SCS-assisted actions on archeological and historical properties occurring on nonfederal land, during the environmental assessment of a project in the operations stage. (See Parts 622.4, 622.5, and 623 of this chapter.)
656.8 Determination of the course of action when archeological properties are discovered during construction.
656.9 Determination of the effects of proposed or planned actions on archeological and historical properties occurring on federal land.
656.10 Recovery, protection, and/or preservation of significantly important archeological or historical properties which will be adversely affected by construction activities in SCS-assisted actions.

AUTHORITY: 7 CFR 2.62; Sec. 1(3), Executive Order 11593, 36 FR 8921, 3 CFR 1971 Comp. p. 154.

§ 656.1 Purpose.

This part prescribes Soil Conservation Service (SCS) policy, procedures, and guidelines for the implementation of archeological and historical laws and appropriate executive orders for administering SCS programs.

§ 656.2 Archeological and historical laws and executive orders applicable to SCE-assisted programs.

(a) *The Act of June 27, 1960,* relating to the preservation of historical and archeological data, Pub. L. 86-523, 74 Stat. 220, as amended May 24, 1974; Pub. L. 93-291, 88 Stat. 174 (16 U.S.C. 469 et seq.), provides for the preservation of historical and archeological materials or data, including relics and specimens, that might otherwise be lost or destroyed as a result of any federal or federally-assisted or licensed project, activity, or program.

(b) *The National Historic Preservation Act,* Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470 et seq.), authorizes the Secretary of the Interior to maintain and expand a National Register of Historic Places (NRHP), including historic districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, and culture. This law also establishes the Advisory Council on Historic Preservation (ACHP), to be appointed by the President. Section 106 of this Act (16 U.S.C. 470f), requires that prior to the approval of any federal or federally-assisted or licensed undertaking, the federal agency shall afford the ACHP a reasonable opportunity to comment, if National Register properties are affected.

(c) *Executive Order 11593 (36 FR 8921, 3 CFR 1971 Comp. P. 154), Protection and Enhancement of the Cultural Environment,* provides that the federal government shall furnish leadership in preserving, restoring, and maintaining the historic and cultural environment of the nation, and that federal agencies shall administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archeological significance are preserved, restored, and maintained. Section 1(3) directs that agencies institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of nonfederally owned sites, structures, and objects of historical, architectural, or archeological significance in consultation with the ACHP.

§ 656.3 Policy.

SCS recognizes that archeological and historical resources are an important part of our national heritage and that appropriate measures must be taken to protect those which have outstanding value and should be preserved. SCS will take all reasonable precautions to avoid damaging any important historic, cultural, and natural aspects of our national heritage. The procedures contained in this part have been developed in accordance with Section 1(3) of Executive Order 11593.

§ 656.4 Applicability.

(a) (1) This section applies to Conservation Operations Technical Assistance, Part 610 of this chapter; and to the Great Plains Conservation Program, Part 631 of this chapter as they involve nonfederal land.

(2) Each field office will consult current data in the National Register of Historic Places (NRHP), prior to the expenditure of federal funds. If the undertaking is likely to affect properties listed in the NRHP, the field office will request the state conservationist to determine the course of action.

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(3) In addition to historic and archeological sites, structures, or objects listed in the NRHP, important or significant sites may be encountered that have national, state, or local significance. Such sites occurring on nonfederal land may be brought to the attention of SCS during the course of SCS technical assistance activities. If it developes that these sites may be directly affected by the installation of a conservation measure, and are not listed in the NRHP, the SCS technician will encourage the landowner to notify the state historic preservation officer and/or the nearest office of the National Park Service (NPS). Any decision on the disposition of the site or other course of action is the joint responsibility of the concerned state agency and the landowner. Final decisions should be made a part of the administrative file at the appropriate SCS office.

(b) *Project-type technical and financial assistance programs (Watershed and Flood Prevention Projects, Parts 622 and 623 of this chapter, and Resource Conservation and Development Measure Plans (RC&D), Parts 640 and 643 of this chapter).*

The SCS determines environmental effects including archeological and historical impacts as an integral part of the planning process for proposed SCS-assisted project actions. (Pub. L. 91–190, 83 Stat. 852, 42 U.S.C. 4321 et seq.) The procedures for compliance with existing laws are listed in section 656.5 of this part.

§ 656.5 SCS Responsibilities for Compliance with Section 106, Pub. L. 89–665 (16 U.S.C. 470f), Pub. L. 93–291 (16 U.S.C. 469 et seq.), and Section 1(3) of Executive Order 11593 in project-type actions.

(a) *SCS national office.* The Administrator is responsible for establishing and maintaining necessary contacts with other agencies and councils at the national level, and for the preparation and distribution of pertinent material and guidelines to state conservationists.

(b) *SCS state office.* The state conservationist is the responsible federal official for implementing the provisions of this section in his state. He is responsible for establishing and maintaining contacts with state agencies, preparing, and distributing pertinent information to personnel under his jurisdiction, appraising situations and determining the course of action, and distributing current data from the NRHP to field offices with instructions on use of the material.

(c) *Federal property under SCS control.* Inventories and evaluations of places that might qualify for inclusion in the NRHP will be made whenever federal property under SCS custody is to be sold, transferred, demolished, substantially altered, or affected by proposed actions of other agencies, or that is to be acquired for and placed under SCS custody. For actions affecting identified places eligible for inclusion in the NRHP and under SCS control, the state conservationist shall obtain the comments of the ACHP, in accordance with Section 106 of Pub. L. 89–665, and Executive Order 11593.

(d) *Types of archeological and historical investigations in SCS-assisted projects.* The SCS will identify cultural properties in project construction areas by initiating investigations during, and as a part of, the environmental assessment (part 650.5 of this chapter). These investigations will be as follows:

(1) *Archeological and historical review.* This will be made by SCS technicians as part of the field examination stage of plan formulation in consultation with the state historic preservation officer, state and university archeologists, archeological and historical societies, nearby libraries, etc. It will be a literature search and summation of data presently known concerning the area being studied. It will include a brief field review of any site(s) that appears to have archeological or historical values. This review is designed to provide the SCS with enough information on cultural values to determine what additional investigations are necessary. Close coordination and consultation with other agencies and professional organizations are essential. Results of the "Archeological and Historical Review" should be recorded in sufficient detail to document the findings and conclusions. The presentation of factual evidence that cultural properties are likely to be adversely affected by planned construction activities by the state historic preservation officer, state archeologist, and/or historian, or others with expertise, for further, more intensive investigations should weigh heavily in the decision by the state conservationist to make more intensive archeological investigations.

(2) *Archeological and historical reconnaissance.* This investigation will be made by a professional archeologist/historian when it is determined that more detailed investigations are needed. This may be accomplished under contract or cooperative agreement as required. This is an on-the-ground examination of selected portions of the area to be affected (specific sites and/or treatment areas) to assess the general nature and probable impact of the proposed measures on the archeological and historical resources. The "Reconnaissance" should include a detailed appraisal of probable archeological and historical values along with a proposed plan and the estimated cost of possible recovery, protection, and/or preservation of such resources. The results of this investigation will include the opinion of the professional archeologist or historian as to whether the resource in question is of significant value to warrant inclusion in the NRHP. In the final stages of planning, the investigation will also include adequate testing of probable sites to develop the plan for recovery, protection, or preservation, if such a plan is needed.

§ 656.6 Steps necessary to determine the effects of proposed SCS-assisted actions on archeological and historical properties occurring on nonfederal land during the planning and environmental assessment stages (parts 622.3 and 623 of this chapter).

(a) SCS will conduct, in consultation with the state historic preservation officer (SHPO), an "Archeological and Historical Review" of probable construction areas early in plan formulation. Findings should be documented and a determination made as to whether further investigation is necessary.

(b) (1) If the SHPO, state archeologist, or appropriate historical or archeological authority present factual evidence in step (a), that significant cultural properties are likely to be adversely affected by planned construction activities, and that further investigation is necessary; the state conservationist will decide whether to cause an "Archeological and Historical Reconnaissance" to be made. If it is determined that a reconnaissance investigation is necessary, it should be accomplished by contract or cooperative agreement.

(2) The contract or cooperative agreement for this investigation will require the professional archeologist/historian to provide his written opinion as to the eligibility of any identified cultural properties for inclusion in the NRHP. If the professional archeologist/historian recommends recovery, protection, and/or preservation of identified cultural properties, the contract or cooperative agreement should be broad enough to allow adequate testing of the sites to develop a proposed plan for such recovery, protection, and/or preservation.

(c) If no cultural properties are identified in step (b) as either listed in, or eligible for inclusion in the NRHP, SCS will document its files and proceed. Findings should be included in the watershed plan or RC&D measure plan and EIS, if one is prepared.

(d) If the results of the investigation made in step (b) include an opinion by the professional archeologist and/or historian that identified cultural properties are eligible for inclusion in the NRHP, and may be destroyed or adversely affected by construction activities, the state conservationist will request the SHPO to render an opinion on eligibility for inclusion in the NRHP. If, in the opinion of the SHPO, the properties are not of significant value to be included in the NRHP, the state conservationist will document such findings and proceed with the project or measure. The SHPO should be requested to respond within 45 days after receipt of the SCS request.

(e) If the SHPO concurs in the findings of the professional archeologist, or fails to respond within 45 days, that identified cultural properties are significant and may be eligible for inclusion in the NRHP, the state conservationist will request an official determination of eligibility from the NPS. Address all requests for determination of eligibility to Director, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240.

(f) If the NPS determines that the identified sites are not of significant value to be eligible for inclusion in the NRHP, the state conservationist will document his files and proceed.

(g) (1) If the NPS determines that the identified cultural property(ies) is eligible for inclusion in the NRHP, and may be affected by the proposed action, the SCS will attach the proposed plan (see step (b)) for recovery, protection, and/or preservation, developed by the professional archeologist/historian, to the archeologist's report and forward to the ACHP. A letter of concurrence from the SHPO should be included. The letter should request the ACHP's comments on the undertaking, in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. Also, the letter should call attention to the fact that the cultural property(ies) is located on nonfederal land. There will be no change in existing responsibilities of any federal agency under Executive Order 11593 with respect to control or ownership of land. The NPS should be requested to undertake recovery.

(2) Adverse effects generally occur when cultural properties are located within the proposed land disturbance area, including flood pool areas, access roads, borrow pits, and other support areas likely to be disrupted during or after construction. For above ground cultural properties, usually those of historical or architectural significance, adverse effects occur when the project introduces visual, audible, or atmospheric elements that are out of character with the property or alter its setting and occur in near proximity to the proposed construction site.

(3) For archeological sites, a determination of no adverse effect may be made when: the property is not a National Historic Landmark of ethnic or social significance; has minimal value as an in situ exhibit; currently available technology permits adequate recovery of data in accordance with NPS standards.

(4) The state conservationist's letter to the ACHP should request a response within 45 days and state that SCS considers implementation of the plan for recovery, etc., constitutes no adverse effects on the cultural property.

(5) The state conservationist will cooperate with the ACHP in the conduct of necessary consultations, inspections, and meetings to further develop recovery plans to avoid or minimize adverse effects of proposed construction activities.

(h) At the same time the request for comments is sent to the ACHP, the state conservationist will request NPS to carry out the proposed plan for a timely recovery of cultural values. The NPS will be provided the proposed plan for recovery, construction schedules, etc., in order to avoid any delays in construction.

(i) The final EIS, if one is required, should reflect the results of each of the steps as appropriate. However, if steps (d–h) have not been completed at the time of preparation of the final EIS, appropriate statements should be included in the Consultation section to indicate that full compliance with SCS procedures for protection of cultural properties will be accomplished prior to construction.

§ 656.7 Steps necessary to determine the effects of planned SCS-assisted actions on archeological and historical properties, occurring on nonfederal land, during the environmental assessment of a project in the operations stage (parts 622.4, 622.5, and 623 of this chapter).

(a) If an environmental assessment is to be made in an operations project and an "Archeological and Historical Review" has not been made, such a review should be made prior to the signing of a project agreement. Findings should be documented and a determination made if further investigation is necessary.

(b) (1) If the SHPO, state archeologist, or appropriate historical or archeological authorities present factual evidence in step (a), that significant cultural properties are likely to be adversely affected by planned construction activities, and that further investigation is necessary; the state conservationist will decide whether to cause an "Archeological and Historical Reconnaissance" to be made. If it is determined that a reconnaissance investigation is necessary, it should be accomplished by contract or cooperative agreement.

(2) The contract or cooperative agreement for this investigation will require the professional archeologist/historian to provide his opinion as to the eligibility of any identified cultural properties for inclusion in the NRHP. If the professional archeologist/historian recommends recovery, protection, and/or preservation of identified cultural properties, the contract or cooperative agreement should be broad enough to allow adequate testing of the sites to develop a proposed plan for such recovery, protection, and/or preservation.

(c) If no cultural properties are identified in step (b) as either listed, or eligible for inclusion, in the NRHP, SCS will document its files and proceed with construction. Findings should be included in the EIS if one is prepared.

(d) If the results of the investigation made in step (b) include an opinion by the professional archeologist and/or historian that identified cultural properties are eligible for inclusion in the NRHP, and may be destroyed or adversely affected by construction activities, the state conservationist will request the SHPO to render an opinion on eligibility for inclusion in the NRHP. If, in the opinion of the SHPO, the properties are not of significant value to be included in the NRHP, the state conservationist will document such findings and proceed with the project or measure. The SHPO should be requested to respond within 45 days after receipt of the SCS request.

(e) If the SHPO concurs in the findings of the professional archeologist or fails to respond within 45 days, that identified cultural properties are significant and may be eligible for inclusion in the NRHP, the state conservationist will request an official determination of eligibility from the NPS. Address all requests for determination of eligibility to Director, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240.

(f) If the NPS determines that the identified sites are not of significant value to be eligible for inclusion in the NRHP, the state conservationist will document his files and proceed.

(g) (1) If the NPS determines that the identified cultural property is eligible for inclusion in the NRHP, and may be affected by the proposed action, the SCS will attach the proposed plan (see step (b)) for recovery, protection, and/or preservation, developed by the professional archeologist/historian, to the archeologist's report and forward to the ACHP. A letter of concurrence from the SHPO should be included. The letter should request the ACHP's comments on the undertaking, in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. Also, the letter should call attention to the fact that the cultural property(ies) is located on nonfederal land, there will be no change in existing responsibilities of any federal agency under Executive Order 11593 with respect to control or ownership of land, and that the NPS is being requested to undertake recovery.

(2) Adverse effects generally occur when cultural properties are located within the proposed land disturbance area, including flood pool areas, access roads, borrow pits, and other support areas likely to be disrupted during or after construction. For above ground cultural properties, usually those of historical or architectural significance, adverse effects occur when the project introduces visual, audible, or atmospheric elements that are out of character with the property or alter its setting and occur in near proximity to the proposed construction site.

(3) For archeological sites, a determination of no adverse effect may be made when: the property is not a National Historic Landmark of ethnic or social significance; has minimal value as an in situ exhibit; currently available technology permits adequate recovery of data in accordance with NPS standards; and funds are available to adequately recover the data.

(4) The state conservationist's letter to the ACHP should request a response within 45 days and state that SCS considers implementation of the plan for recovery, etc., constitutes no adverse effects on the cultural property.

(5) The state conservationist will cooperate with the ACHP in the conduct of necessary consultations, inspections, and meetings to further develop recovery plans to avoid or minimize adverse

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effects of proposed construction activities.

(h) At the same time the request for comments is sent to the ACHP, the state conservationist will request NPS to carry out the proposed plan for a timely recovery of cultural values. The NPS will be provided the proposed plan for recovery, construction schedules, etc., in order to avoid any delays in construction.

(i) The final EIS, if one is required, should reflect the results of each of the steps as appropriate. However, if steps (d–h) have not been completed at the time of preparation of the final EIS, appropriate statements should be included in the Consultation section to indicate that full compliance with SCS procedures for protection of cultural properties will be accomplished prior to construction.

§ 656.8 Determination of the course of action when archeological properties are discovered during construction.

If cultural properties are discovered during construction, the state conservationist will immediately consult with the SHPO, and NPS (Atlanta, Denver, or San Francisco, Office of Archeology and Historic Preservation), to determine whether there is factual evidence to warrant a decision to undertake detailed survey and recovery. If the evidence is substantive, and at the request of NPS, construction should be stopped to undertake immediate survey and recovery. (See NPS responsibilities, Sec. 4(C) Pub. L. 93–291, 16 U.S.C. 469a–2(c).) If the evidence is inconclusive, construction should continue with caution. In the event that recovery is decided upon, the state conservationist and the sponsors should determine if the landrights are adequate to cover archeological recovery and proceed.

§ 656.9 Determination of the effects of proposed SCS-assisted actions on archeological and historical properties occurring on federal land.

The steps outlined in paragraphs 656.6 and 656.7 of this part are equally applicable for investigations on federal land. However, when significantly important cultural properties are discovered on federal land, the agency having ownership or control of the land must assist in the preparation of plans for recovery, protection, and/or preservation. An appropriate agreement among the land managing agency, SCS, SHPO, NPS, and the ACHP is to be executed prior to implementing the proposed plan for recovery, protection, or preservation.

§ 656.10 Recovery, protection, and/or preservation of significantly important archeological or historical properties which will be adversely affected by construction activities in SCS-assisted actions.

(a) *Nonfederal land.* If it is determined that properties included in or eligible for inclusion in the NRHP are likely to be adversely affected by construction in a watershed project or RC&D measure, and occur on nonfederal land, the state conservationist will cause a plan for recovery, protection, and/or preservation (see subparagraph 656.6(b) or 656.7(b) of this part) to be developed and request the comments on the undertaking from the ACHP. (See 656.6(g) or 656.7(g) this part.) Where no comments are received within 45 days after the request, the state conservationist will initiate recovery procedures. Concurrently with the request for comments from the ACHP, the state conservationist will notify the Atlanta, Denver, or San Francisco (as appropriate) Office of Archeology and Historic Preservation of NPS in writing, and request that recovery, protection, and/or preservation of the significant values be undertaken by the Department of the Interior, as specified in 16 U.S.C. 469 a–2.

(b) *Federal land.* If properties included in or eligible for inclusion in the NRHP are likely to be affected by construction in a watershed project, or RC&D measure, and such cultural property occurs on federally owned or controlled land, the State conservationist, in consultation with the federal agency managing the property, will prepare a plan for recovery, protection, and/or preservation (see subparagraph 656.6(b) or 656.7(b) of this part) and afford the ACHP a reasonable opportunity to comment on the undertaking. The SHPO, NPS, SCS, and the federal agency managing the property will enter into an appropriate agreement to insure proper recovery and/or disposition of the property prior to construction. Concurrently with the request for comments from the ACHP, the state conservationist will notify the Atlanta, Denver, or San Francisco (as appropriate) Office of Archeology and Historic Preservation of NPS in writing, and request that recovery, protection, and/or preservation of the significant values be undertaken by the Department of the Interior, as specified in 16 U.S.C. 469 a–2.

(c) *Notification of NPS in accordance with Section 1, Pub. L. 93–291 (16 U.S.C. 469 a).* The state conservationist will notify the NPS (Atlanta, Denver, or San Francisco) as early as possible after project authorization that he intends to assist with the construction of any dam that creates a reservoir of 40 surface-acres or any floodwater-retarding structure providing 5,000 acre-feet or more of detention capacity. Notification will not be made for smaller dams and reservoirs except as required in 16 U.S.C. 469 a.

(d) *Information to be forwarded to NPS when recovery is called for.* Where it is determined that cultural properties are to be recovered, protected, or preserved, the state conservationist will notify the NPS as early as possible before construction starts. The notice will include site location, approximate area to be flooded, approximate area to be disturbed, archeologist's report, such additional data as may be useful. SCS will request that the Secretary of the Interior, undertake the recovery, protection, and preservation of data as needed. Construction should not begin or be continued until the NPS has responded to the notice and request. The state conservationist will request the NPS, in accordance with 16 U.S.C. 469a–2(c) to initiate the survey or recovery effort within 60 days after notification or within such other time as agreed upon. He will request the NPS to keep SCS informed at all times of the survey or recovery effort so there will be as little disruption or delay as possible. The survey and recovery programs will terminate at a time mutually agreed upon by the Director, NPS, and the Administrator, SCS.

(e) *Granting permission to survey and recover on nonfederal lands.* In accordance with 16 U.S.C. 469a–2(d) prior to undertaking surveys and recovery operations on nonfederal lands, the SCS will assist the NPS, and the project sponsors, to obtain the consent of all persons, associations, or public entities having a legal interest in the property involved. The Secretary of the Interior (16 U.S.C. 469a–2(d)) is to compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned lands. No survey or recovery work will be required which in the determination of the Administrator would impede SCS's activities in connection with any emergency.

[FR Doc.76–16698 Filed 6–8–76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Regulation 76, Amendment 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade Regulations

Effective June 4, 1976, this amendment lowers the minimum grade requirements applicable to domestic and export shipments of white seedless grapefruit and white and pink seeded grapefruit produced in Florida to U.S. No. 2 Russet. The specification of such lower minimum grade requirements is necessary to satisfy the current and prospective demand for such grapefruit. The amended regulation recognizes the quality of much of the white seedless and white and pink seeded grapefruit remaining for fresh shipment from the production area.

Findings.—(1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to white seedless grapefruit and white and pink seeded grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the current and prospective demand for Florida white seedless grapefruit and white and pink seeded grapefruit by fresh market outlets. The U.S. No. 2 Russet minimum grade requirement specified for domestic and export shipments of white seedless grapefruit and white and pink seeded grapefruit reflects the seasonal decline in the external appearance of such grapefruit and the prospective demand for such grapefruit by domestic and export outlets. For the season through May 23, 1976, fresh shipments of Florida grapefruit totaled 36,739 carlots.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment lowers requirements applicable to the handling of white seedless grapefruit and white and pink seeded grapefruit grown in Florida.

Order.—The provisions of paragraphs (a)(1) and (a)(3) and (b)(1) and (b)(3) of § 905.563 (Grapefruit Regulation 76; 40 F.R. 42317, 49785, 54420, 58446; 41 F.R. 15829, 18673, 19965) are amended to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) • • •

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(2) • • •

(3) Any seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet; or • • •

(b) • • •

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(2) • • •

(3) Any seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet; or • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 4, 1976.

Dated: June 4, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–16720 Filed 6–8–76;8:45 am]

[Peach Regulation 8]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Container, Pack and Container Marking Requirements

This regulation is issued pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), which regulate the handling of fresh pears, plums, and peaches grown in California. It requires that any package or container of any variety of peaches handled during the period June 9 through August 1, 1976, shall conform to the pack and labeling requirements hereinafter specified. Those requirements are that (1) all peaches packed in closed containers shall meet the requirements of "standard pack" as specified in the United States Standards for Peaches, (2) each container of peaches shall bear the name "peaches" and the name of the variety or the words "unknown variety" if the variety is not known, (3) each container of peaches shall be marked with the size of the peaches therein, (4) the variation in diameter among peaches in each container shall not exceed the limits hereinafter specified, (5) No. 22D and 22E standard lug boxes shall be labeled according to the applicable net weight hereinafter specified, and (6) bulk bin containers of peaches, in addition to above requirements, as applicable, shall contain at least 400 pounds, net weight, and be marked with the name and address of the shipper and specific net weight.

Peach Regulation 8 contains essentially the same requirements as were in effect in 1975 and prior years except for the requirement that the name "peaches" appear on the container in addition to the varietal name and the additional requirements applicable to bulk bin containers of peaches. This regulation supersedes Peach Regulation 5 (§ 917.436; 40 FR 19633, 25435) which has been in effect since May 7, 1975. This regulatory action is necessary to provide standardized packing practices and more informative labeling that will facilitate more orderly marketing of fresh California peaches and contribute to more effective operations under said marketing agreement and order.

Findings.—(1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for regulation in the interest of consumers and the industry. Fresh shipments from the production area are now in progress. The container and pack requirements provided herein are designed to prevent the handling of fresh peaches, grown in the production area, which do not comply with such requirements so as to provide consumers and the trade with clear and conspicuous labeling of all fresh peach containers, which containers shall have been properly packed.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the date when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective date; the containers and pack of fresh California peaches are currently regulated by Peach Regulation 5 (§ 917.436; 40 FR 19633, 25435) and said regulation will continue indefinitely unless sooner terminated, and good cause exists for making the provisions hereof effective on the date hereinafter set forth. Adequate information pertaining thereto was not available to the Peach Commodity Committee until April 29, 1976, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, peach container and pack regulation. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information and regulation during the period specified herein were promptly submitted to the Department after such meeting was held; necessary supplemental information was received on May 24, 1976. Initial shipments of the 1976 crop of such peaches are currently underway; this regulation should be applicable to shipments of peaches during the period hereinafter set forth in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.442 Peach Regulation 8.

Order.—(a) Peach Regulation 5 (40 F.R. 19633, 25435) is hereby terminated as of the effective date hereof.

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(b) During the period June 9 through August 1, 1976, no handler shall handle any package or container of any variety of peaches except in accordance with the following terms and conditions:

(1) Such peaches, when packed in any closed container, shall conform to the requirements of standard pack.

(2) Each package or container of peaches shall bear, in plain sight and in plain letters on one outside end, the name "peaches" and the name of the variety, if known or, when the variety is not known, the words "unknown variety."

(3) Each package or container of peaches shall bear, on one outside end in plain sight and plain letters, the following count or size description of the peaches as applicable.

(i) The size of peaches packed in molded forms (tray packs) in cartons, lug boxes, No. 12B fruit (peach) boxes, or flats and the size of wrapped peaches packed in rows in No. 12B fruit (peach) boxes shall be indicated in accordance with the number of peaches in the container, such as "80 count," "88 count," etc.

(ii) The size of peaches loose-filled, loose-packed, or tight-filled (not packed in rows) in No. 22D standard lug boxes shall be indicated according to the number of such peaches when packed in molded forms in said boxes in accordance with the requirements of standard pack, such as "88 size," "96 size," etc.

(iii) The size of peaches loose-filled, loose-packed, or tight-filled (not packed in rows) in any container, other than the No. 22D standard lug box, shall be indicated according to the number of such peaches when packed in molded forms in a No. 22D standard lug box in accordance with the requirements of standard pack, such as "80 size," "88 size," etc.

(4) Except as hereinafter provided in subparagraph (5) of this paragraph, the difference in diameter between the smallest and the largest peach in any individual container shall be not greater than

(i) ¼-inch for size 80 or smaller and for the equivalent count of such peaches when packed in molded forms in No. 22D standard lug boxes; or

(ii) ⅜-inch for size 75 or larger and for the equivalent count of such peaches when packed in molded forms in No. 22D standard lug boxes.

(5) Not more than five percent, by count, of the peaches in any individual container may fail to comply with the diameter requirements specified in subparagraph (4) of this paragraph.

(6) Each No. 22D standard lug box of loose-filled or loose-packed peaches (not packed in rows shall bear on one outside end, in plain sight and in plain letters, the words "25 pounds net weight."

(7) Each No. 22B standard lug box of loose-filled or loose-packed peaches (not packed in rows) shall bear on one outside end, in plain sight and in plain letters, the words "35 pounds net weight."

(8) Each bulk bin container of loose-filled or loose-packed peaches shall contain not less than 400 pounds, net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(c) As used herein, "standard pack" shall have the same meaning as set forth in the U.S. Standards for Peaches (§ 51.1210–51.1223 of this title); the terms "No. 22D standard lug box," "No. 22E standard lug box," and "No. 12B fruit (peach) box" shall have the same meaning as set forth in § 1387.11 of the "Regulations of the California Department of Food and Agriculture"; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Effective June 9, 1976.

Dated June 3, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–16718 Filed 6–8–76;8:45 am]

[Grapefruit Regulation 16—Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirements for Imports of White Seedless Grapefruit and White and Pink Seeded Grapefruit

This amendment lowers the minimum grade requirements applicable to imported white seedless grapefruit and white and pink seeded grapefruit to U.S. No. 2 Russet on June 4, 1976. These requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. This amendment fixes the same minimum grade requirements on imported white seedless and white and pink seeded grapefruit as are effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order.—In § 944.112 (Grapefruit Regulation 16; 40 FR 42529, 49787; 41 FR 15829, 18674, 19965) the provisions of paragraph (a) are amended to read as follows:

§ 944.112 Grapefruit Regulation 16.

(a) • • •

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3 1/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3 5/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

• • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirements for imports of white seedless grapefruit and white and pink seeded grapefruit as are applicable under amended Grapefruit Regulation 76 (§ 905.563) to the shipment of white seedless and white and pink seede grapefruit grown in Florida; and (c) this amendment lowers the minimum grade requirements applicable to imported white seedless and white and pink seeded grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1976.

Effective: June 4, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–16719 Filed 6–8–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Environmental Impact Statements

Correction

In FR Doc. 76–15988 appearing on page 22256 in the FEDERAL REGISTER of Wednesday, June 2, 1976 in the third column, the fourth line of paragraph (d) should read, "sumed not to be significant actions under".

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1207—SAFETY STANDARD FOR SWIMMING POOL SLIDES

Amendment to Safety Standards

The purpose of this notice is to amend the safety standard for Swimming Pool Slides (16 CFR Part 1207) to clarify the scope of the standard to ensure that it is in conformance with the provisions of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 et seq.) by specifying that the standard applies only to those swimming pool slides manufactured after the effective date of the standard, July 17, 1976.

The Consumer Product Safety Commission issued the safety standard for Swimming Pool Slides under the CPSA in the FEDERAL REGISTER of Monday, January 19, 1976 (41 FR 2742). The standard establishes requirements for the design, construction, and performance of swimming pool slides manufactured after July 17, 1976. (This date was corrected from July 19 to July 17 by notice in the FEDERAL REGISTER of April 9, 1976 (41 FR 15003)).

Sections 1207.1 and 1207.2 of the standard presently state that the standard applies to all slides "manufactured for sale, offered for sale, distributed in commerce, or imported into the U.S." after the effective date of the standard. However, section 9(d)(1) of the CPSA (15 U.S.C. 2058(d)(1)) specifies that a consumer product safety standard shall be applicable only to consumer products manufactured after the effective date of the standard. Therefore, the Commission amends §§ 1207.1 and 1207.2 to assure that those sections are in conformance with the Act by requiring that only swimming pool slides manufactured after the effective date of the standard comply with the standard.

The Commission finds that this amendment to §§ 1207.1 and 1207.2 of Title 16 is to ensure that the scope of the standard is in conformance with the provisions in section 9(d)(1) of the CPSA which specifies that consumer product safety standards apply only to those products manufactured after the effective date of the standard. Therefore, the Commission finds that the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 553(b)) are unnecessary in this matter and the provisions of section 9(e) of the CPSA for amending standards need not be followed.

Accordingly, pursuant to section 9 of the Consumer Product Safety Act (sec. 9, Pub. L. 92–573, 86 Stat. 1216; 15 U.S.C. 2058), the Commission amends Part 1207 of Title 16 Chapter 2, subchapter B, as follows:

1. In § 1207.1, paragraph (a) is revised as follows:

§ 1207.1 Scope, purpose, and findings.

(a) *Scope and purpose.* This Part 1207 sets forth the consumer product safety standard issued by the Consumer Product Safety Commission for the manufacture and construction of slides for use in swimming pools. The requirements of this standard are designed to reduce or eliminate the unreasonable risks of death or injury associated with swimming pool slides. This standard also makes certain recommendations regarding the installation, maintenance, and intended use of swimming pool slides that supplement its mandatory requirements. This standard is applicable to all swimming pool slides manufactured after July 17, 1976. Paragraph (b) of this section sets forth the findings which the Commission is required to make by section 9(c) of the Consumer Product Safety Act (15 U.S.C. 2058(c)).

2. Section 1207.2 is revised as follows:

§ 1207.2 Effective date.

This Part 1207 shall become effective July 17, 1976. All swimming pool slides manufactured after that date must meet the requirements of this Part 1207.

Effective date. The amendment issued above, 16 CFR 1207.1 and 1207.2, shall take effect July 17, 1976, the effective date of the standard.

(Sec. 9, Pub. L. 92 573, 86 Stat. 1216, 15 U.S.C. 2058)

Dated: June 3, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc 76 16617 Filed 6–8–76;8:45 am]

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Certain Preparations Containing Iron; Child-Resistant Packaging Standards

Correction

In FR Doc. 76–15935 appearing on page 22261 in the issue of Wednesday, June 2, 1976 make the following changes:

On page 22263, the eighteenth line in the last paragraph should have read: "(ten 5 grain ferrous sulphate tablets)".

On page 22264, the first sentence in paragraph E. in the third column should have read; "E. *Effective date.* Section 9 of the PPPA provides, in part, that no standard issued under the act shall go into effect sooner than 180 days or later than 1 year from the date of publication in the FEDERAL REGISTER of the final regulation."

On page 22266, the twelfth line of § 1700.14(a)(1)(12) should have read: "0.10 percent or more on a".

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI–2016]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER (July 9, 1976), or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER (July 9, 1976) or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

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§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Etowah	Gadsden, city of	H 010080A 01 through H 010080A 15	Mayor, Box 267, Gadsden, Ala. 35902	Mar. 8, 1974. May 28, 1976.
Do	Marion	Hamilton, city of	H 010163A 01 through H 010163A 09	Mayor, Box 188, Hamilton, Ala. 35570	May 31, 1974. May 28, 1976.
Do	Marion and Fayette	Winfield, city of	H 010164A 01 through H 010164A 07	Mayor, City of Winfield, P.O. Drawer 579, Winfield, Ala. 35594.	May 10, 194.7 May 28, 1976.
Arizona	Maricopa	El Mirage, town of	H 040041A 01 through H 040041A 04	Mayor, Town Hall, 12205 Well Street, El Mirage, Ariz. 85335.	Feb. 15, 1974. May 28, 1976.
Do	Pinal	Mammoth, town of	H 040086A 01	Town Hall, 716 Clark Street, Mammoth, Ariz. 85618	Dec. 7, 1973. May 28, 1976.
Arkansas	Washington	Fayetteville, city of	H 050216A 01 through H 050216A 19 H 050216A 19	Mayor, City Hall, Fayetteville, Ark. 72701	Dec. 28, 1973. May 28, 1976.
Do	Randolf	Ravenden Springs, town of	H 050281 01	Mayor, Town Hall, Ravender Springs, Ark. 72460	July 23, 1976.
California	Orange	Fountain Valley, city of	H 060218A 01 through H 060218A 05	City Engineer, City Hall, 10200 Slater Ave., Fountain Valley, Calif. 92708.	Mar. 29, 1974. May 28, 1976.
Do	Nevada	Grass Valley, city of	H 060211A 01 through H 060211A 03	Mayor, City Hall, 125 East Main St., Grass Valley, Calif. 95945.	May 17, 1974. May 28, 1976.
Do	San Luis Obispo	San Luis Obispo, city of	H 060310A 01 through H 060310A 06	Civil Engineering Assistant, Public Works Department, 990 Palm St., San Luis Obispo, Calif. 93401.	Oct. 26, 1973. May 21, 1976.
Colorado	Weld	La Salle, town of	H 080186A 01	Mayor, Town Hall, 119 Main St., La Salle, Colo. 80645	May 17 1974.
Do	San Juan	Silverton, town of	H 080165A 01	Mayor, Town Hall, 1360 Greene St., Silverton, Colo. 81433	June 14, 1974. May 28, 1976.
Florida	Gadsden	Havana, town of	H 120411 01	Town Hall, P.O. Box 1068, Havana, Fla. 32333	July 23, 1976.
Do	Palm Beach	Haverhill, town of	H 120205A 01	Mayor, 4585 Charlotte St., West Palm Beach, Fla. 33401	June 28, 1974. May 28, 1976.
Do	do	Juno Beach, town of	H 120208A 01	Town Clerk, Town of Juno Beach, 841 Ocean Dr., Juno Beach, Fla. 33408.	Jan. 16, 1974. May 28, 1976.
Do	Lafayette	Mayo, town of	H 120312A 01	Town Clerk, Town of Mayo, P.O. Box 56, Mayo, Fla. 32066.	June 28, 1974. May 28, 1976.
Do	Lake	Minneola, town of	H 120412 01	Town Hall, P.O. Box 678, Minneola, Fla. 32755	July 23, 1976.
Do	Jefferson	Monticello, city of	H 120365 01 through H 120365 02	Monticello City Hall, P.O. Box 533, Monticello, Fla. 32344.	Do.
Do	Clay	Orange Park, town of	H 120066A 01 through H 120066A 02	Clerk, Town of Orange Park, P.O. Box 237, Orange Park, Fla. 32073.	May 31, 1974. May 28, 1976.
Do	Lee	Sanibel, city of	H 120402 01 through H 120402 01	Mayor, P.O. Drawer 136, Sanibel, Fla. 33957.	July 23, 1976.
Do	Bradford	Starke, city of	H 120017A 01 through H 120017A 02	Mayor, City Hall, Starke, Fla. 32091	July 19, 1974. May 28, 1976.
Do	Hernando	Weeki Wachee, city of	H 120413 01	Weeki Wachee City Hall, P.O. Box 97, Weeki Wachee, Fla. 33512.	July 23, 1976.
Do	Sumter	Wildwood, city of	H 120299A 01 through H 120299A 03	Clerk, City of Wildwood, P.O. Box 267, Wildwood, Fla. 32785.	Jan. 23, 1974. May 28, 1976.
Georgia	Gwinnett	Berkeley Lake, city of	H 130450 01	Berkeley Lake, city of	July 23, 1976.
Do	Miller	Colquitt, city of	H 130135 01 through H 130135 04	Colquitt City Hall, 154 East College St., Colquitt, Ga. 31735.	Do.
Do	Seminole	Donalsonville, city of	H 130164 01 through H 130164 02	Donalsonville City Hall, P.O. Box 308, Donalsonville, Ga. 31745.	Do.
Do	Walton	Jersey, town of	H 130412 01	Mayor, Town Hall, Jersey, Ga. 30235	Do.
Do	Stephens	Martin, town of	H 130392A 01 through H 130392A 02	Mayor, Town Hall, Martin, Ga. 30557	Apr. 4, 1975. May 28, 1976.
Idaho	Nez Perce	Lewiston, city of	H 160104A 01 through H 160104A 07	Mayor, City Hall, Lewiston, Idaho 84501.	Aug. 16, 1974. May 28, 1976.
Do	Clearwater	Orofino, city of	H 160047A 01 through H 160047A 02	Mayor, City Hall, P.O. Box 312, Orofino, Idaho 83544	Nov. 23, 1973. May 28, 1976.
Illinois	Cook	Evergreen Park, village of	H 170733A 01 through H 170733A 02	Village President, village of Evergreen Park, 9418 South Kedzie Ave., Evergreen Park, Ill. 60642.	Mar. 22, 1974.
Do	Du Page	Glendale Heights, village of	H 170266A 01 through H 170266A 02	Village President, 1611 Bloomingdale, Glendale Heights, Ill. 60137.	June 28, 1974. May 28, 1976.
Do	Henry	Green Rock, city of	H 170285A 01	Mayor, City Hall, Green Rock, Ill. 61241	Jan. 16, 1974. May 28, 1976.
Do	Bureau	Manlius, village of	H 170013A 01	Village President, Box 273, Manlius, Ill. 61338	May 28, 1976.
Do	Williamson	Marion, city of	H 170710A 01 through H 170710A 04	City Clerk, City of Marion, 100 Public Sq., Marion, Ill. 62959.	June 7, 1974. May 28, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Clark	Marshall, city of	H 170040A 01	Mayor, City of Marshall, 708 Archer Ave., Marshall, Ill. 62441.	June 14, 1974 May 28, 1976
Do	St. Clair	Mascoutah, city of	H 170030A 01 through H 170030A 02	City Manager, City of Mascoutah, 3 West Main St., Mascoutah, Ill. 62258.	Mar. 1, 1974 May 28, 1976.
Do	Coles	Mattoon, city of	H 170053A 01 through H 170053A 03	Mayor, City of Mattoon, City Hall, Mattoon, Ill. 61938	Mar. 1, 1974 May 28, 1976
Do	Putnam	McNabb, village of	H 170573A 01	Mayor, Box 287, McNabb, Ill. 61335	Sept. 13, 1974 May 28, 1976
Do	Kane	Montgomery, village of	H 170328A 01 through H 170328A 02	Mayor, 1300 South Broadway, Montgomery, Ill. 60538	Oct. 26, 1973 May 28, 1976.
Do	Lee	Nelson, village of	H 170418 01	Village President, Village Hall, Nelson, Ill. 61058	July 23, 1976
Do	Jasper	Newton, city of	H 170303A 01 through H 170303A 03	Mayor, 111 North Van Buren, Newton, Ill. 62448	Dec 17, 1973 May 28, 1976
Do	Montgomery	Nokomis, city of	H 170515A 01 through H 170515A 02	Mayor, 111 South Pine St., Nokomis, Ill. 62075	Mar. 29, 1974 May 28, 1976
Do	Crawford	Palestine, village of	H 170179A 01	Village President, Village Hall, Palestine, Ill. 62451	Nov. 23, 1973
Do	Cook	Phoenix, village of	H 170147A 01	Village Clerk, Village of Phoenix, 15240 Vincennes Rd., Phoenix, Ill. 60426.	Apr. 12, 1974 May 28, 1976.
Do	Hancock	Pontoosuc, village of	H 170272A 01	Mayor, Village Hall, Pontoosuc, Ill. 62350.	Jan. 16, 1974 May 28, 1976
Do	Ogle	Rochelle, city of	H 170532A 01 through H 170532A 02	City of Rochelle, P.O. Box A, Rochelle, Ill. 61068.	May 31, 1974 May 28, 1976
Do	Cook	Rolling Meadows, city of	H 170155A 01 through H 170155A 02	Mayor, 3600 Kirchoff Rd., Rolling, Meadows, Ill. 60008	Feb. 1, 1974 May 28, 1976
Do	do	South Barrington, village of	H 170161A 01 through H 170161A 03	Village President, Munal Hauk Rural Delivery Route 3, Barrington, Ill. 60010.	Mar. 22, 1974 May 28, 1976.
Do	Knox	Watuga, village of	H 170354A 01	Village President, Village Hall, Watuga, Ill. 61488	June 7, 1974 May 28, 1976
Do	St. Clair	Summerfield, village of	H 170036A 01	Village President, Box 82, Summerfield, Ill. 62280	May 3, 1974
Do	Madison	Venice, city of	H 170450A 01	City of Venice, Broadway and Klein Sts., Venice, Ill. 62090.	Feb. 15, 1974
Do	Cass	Virginia, city of	H 170024A 01	City Clerk, City of Virginia, P.O. Box 49, Virginia, Ill. 62691.	Apr. 5, 1974 May 28, 1974
Indiana	Hamilton	Arcadia, town of	H 180315A 01	President, Town Board, Town Hall, Arcadia, Ind. 46030	Feb. 1 1974
Do	Warrick	Boonville, city of	H 180273A 01 through H 180273A 02	Mayor, 113 South 2d St., Boonville, Ind 47601	Dec. 28, 1973 May 28, 1976
Do	St. Joseph	Mishawaka, city of	H 180227A 01 through H 180227A 08	Mayor, City Hall, 201 East 1st St., Mishawaka, Ind 46544	Dec. 28, 1973 May 28, 1976.
Do	Washington	Salem, city of	H 180279A 01	Mayor, City of Salem, City Hall, Salem, Ind 47167	Nov. 23, 1974 May 28, 1976
Do	Hancock	Spring Lake Park, town of	H 180316A 01	Town Board President, Rural Delivery No. 4, P.O. Box 68, Greenfield, Ind. 46140	Feb. 1, 1976.
Do	Kosciusko	Warsaw, city of	H 180123A 01 through H 180123A 04	Mayor, City Hall, Warsaw, Ind 46580	May 10, 1974 May 28, 1976
Do	Hamilton	Westfield, town of	H 180083A 01 through	Clerk Treasurer, P.O. Box 322, Westfield, Ind. 46074	Feb. 1, 1974 May 28, 1976.
Do	Boone	Whitestown, town of	H 180015A 01	Town Board President, Town of Whitestown, Town Hall, Whitestown, Ind. 46075.	Apr. 12, 1974. May 28, 1976
Do	Greene	Worthington, town of	H 180079A 01	Town Board President, Town of Worthington, 320 West Main St., Worthington, Ind. 47471.	Nov. 23, 1973
Iowa	Sac	Lake View, city of	H 190503 01	Mayor, City Hall, Lake View, Iowa 51450.	July 23, 1976
Do	Dallas	Minburn, city of	H 190780 01	Mayor, City Hall, Minburn, Iowa 50167	Do
Do	Mahaska	Oskaloosa, city of	H 190638 01 through H 190638 02	City Planner, City Hall, Oskaloosa, Iowa 52577	Do
Do	Dickinson	Spirit Lake, city of	H 190116A 01 through H 190116A 02	Mayor, City Hall, Spirit Lake, Iowa 51360	May 31, 1974 May 28, 1976.
Louisiana	Avoyelles Parish	Bunkie, town of	H 220020 01 through H 220020 04	Mayor, Town Hall, Bunkie, La 71322	July 23, 1976
Michigan	Ionia	Belding, city of	H 260096A 01 through H 260096A 02	City Manager, 10? South Pleasant St., Belding, Mich. 48809.	Jan. 17, 1975 May 28, 1976
Do	Menominee	Stephenson, city of	H 260130A 01	Mayor, City of Stephenson, City Hall, Stephenson, Mich. 49887.	May 17, 1974 May 28, 1976.
Do	Clinton	Watertown, township of	H 260291A 01 through H 260291A 02	Township Supervisor, Township Hall, 8101 Park Rd., Grand Ledge, Mich. 48837.	Oct. 18, 1974. May 28, 1976.
Minnesota	Wright	Buffalo, city of	H 270535A 01 through H 270535A 03	Clerk/Treasurer, 212 Central Ave., Buffalo, Minn. 55313	May 8, 1974. May 28, 1976
Do	do	Clearwater, city of	H 270536A 01	Clerk/Treasurer, City Hall, Clearwater, Minn. 55320	Aug. 23, 1974.
Do	Hennepin	Corcoran, city of	H 270155A 01 through H 270155A 12	Mayor, 21600 Larkin Rd., Hamel, Minn. 55340	June 7, 1974. May 28, 1976.
Do	Pope	Cyrus, city of	H 270389A 01	Mayor, City Hall, Cyrus, Minn. 56323	Aug. 9, 1974
Do	Jackson	Jackson, city of	H 270213A 01 through H 270213A 03	City Engineer, City of Jackson, City Hall, 604 2d St., Jackson, Minn. 56143.	Oct. 26, 1973. May 28, 1976.
Do	Anoka	Lino Lakes, city of	H 270015A 01 through H 270015A 12	Mayor, 1189 Main St., Lino Lakes, Minn. 55014	Dec. 13, 1974 May 28, 1976.
Do	Ramsey	Little Canada, city of	H 270377 01 through H 270377 02	Mayor, 515 Little Canada Rd., Little Canada, Minn. 55117.	July 23, 1976
Do	Rock	Luverne, city of	H 270411A 01 through H 270411A 02	Administrative Assistant, City of Luverne, City Hall, Luverne, Minn, 56156,	Feb. 15, 1974 May 28, 1976
Do	Watonwan	Madelia, city of	H 270617A 01	Mayor, City Hall, Madelia, Minn, 56062	Apr. 12, 1974. May 28, 1976.
Do	Mahnomen	Mahnomen, city of	H 270266A 01	City Clerk, City of Mahnomen, City Hall, Mahnomen, Minn, 56557.	Apr. 12, 1974.
Do	Steele	Medford, city of	H 270462A 01	City Clerk, City of Medford, 411 3d Ave, SW., Medford, Minn. 55049.	Do
Do	Marshall	Middle River, city of	H 270270A 01	Mayor, City Hall, Middle River, Minn. 56737	July 19, 1974.

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Stearns	Richmond, city of	H 270453A 01	Mayor, City Hall, Richmond, Minn. 56368	Mar. 29, 1974.
Do	Hennepin	St. Bonifacius, city of	H 270183A 01	Mayor, P.O. Box 356, St. Bonifacius, Minn. 55375	June 7, 1974. May 28, 1976.
Do	Wadena	Sebeka, city of	H 270494B 01 through H 270494B 02	Mayor, City Hall, Sebeka, Minn. 56477	Apr. 12, 1974. July 11, 1975. May 28, 1976.
Do	Scott	Shakopee, city of	H 270434A 01 through H 270434A 10	Clerk/Administrator, City of Shakopee, 129 East 1st Ave. Shakopee, Minn. 55379.	June 7, 1974. May 28, 1976.
Do	Crow Wing	Riverton, city of	H 270100A 01	City Clerk, City of Riverton, Riverton Route, Ironton, Minn. 56455.	June 28, 1974. May 28, 1976.
Do	Itasca	Taconite, city of	H 270209 01 through H 270209 02	Mayor, City Hall, Taconite, Minn. 55786	July 23, 1976.
Do	Cottonwood	Windom, city of	H 270090A 01 through H 270090A 02	Building Administrator, City of Windom, 4444 9th St., Windom, Minn. 56101.	Nov. 9, 1973. May 28, 1976.
Mississippi	Humphreys	Belzoni, city of	H 280080A 01	City Clerk, City of Belzoni, P.O. Box 674, Belzoni, Miss. 39038.	Feb. 1, 1974.
Do	DeSoto	Horn Lake, town of	H 280051A 01	Mayor, P.O. Box 37, Horn Lake, Miss. 38637	Feb. 1, 1974. May 28, 1976.
Do	Humphreys	Isola, town of	H 280190A 01	Town Clerk, Town of Isola, Box 203, Isola, Miss. 38754	June 21, 1974. May 28, 1976.
Missouri	Taney	Branson, city of	H 290436A 01 through H 290436A 02	Mayor, City Hall, Branson, Mo. 65616	June 7, 1974. May 28, 1976.
Do	Clay	Excelsior Springs, city of	H 290090A 01 through H 290090A 04	Mayor, City Hall, Excelsior Springs, Mo. 64024	Apr. 5, 1974. May 28, 1976.
New Hampshire	Grafton	Bath, town of	H 330043A 01 through H 330043A 13	Chairwoman, Planning Board, R.F.D. No. 2, Woodsville, N.H. 03785.	Mar. 1, 1974. May 28, 1976.
Do	Belknap	Meredith, town of	H 330006A 01 through H 330006A 19	Town Engineer, Town of Meredith, P.O. Box 709, Meredith, N.H. 03253.	June 14, 1974. May 28, 1976.
New Jersey	Burlington	Bordentown, city of	H 340087A 01	City Clerk, City of Bordentown, 324 Farnsworth Ave., Bordentown, N.J. 08503.	Dec. 20, 0974. May 28, 1976.
Do	Bergen	Franklin Lakes, borough of	H 340036A 01 through H 340036A 05	Boswell Engineering, 78-80 Mount Vernon St., Ridgefield Park, N.J. 17660.	July 26, 1974. May 28, 1976.
Do	Hunterdon	High Bridge, borough of	H 340508A 01	Borough Secretary, Borough of High Bridge, 71 Main St., High Bridge, N.J. 08829.	June 21, 1974. May 28, 1976.
Do	Salem	Lower Alloways Creek, township of.	H 340416A 01 through H 340416A 17	Mayor, Township Bldg., Hancocks Bridge, N J. 08038	Sept. 13, 1974. May 28, 1976.
Do	Mercer	Princeton, township of	H 340252A 01 through H 340252A 05	Mayor, State and Valley Rds., Princeton, N.J. 08540	June 15, 1973. May 28, 1976.
Do	Burlington	Springfield, township of	H 340116A 01 through H 340116A 10	Mayor, Municipal Bldg., Jobstown, N.J. 08041	July 26, 1974. May 28, 1976.
Do	Gloucester	Swedesboro, borough of	H 340519A 01	Borough Clerk, Borough of Swedesboro, Borough Hall, Kings Highway, Swedesboro, N.J. 08050.	Nov. 1, 1974. May 28, 1976.
Do	Passaic	West Milford, township of	H 340411A 01 through H 340411A 24	Township Manager, 1480 Union Valley Rd., West Milford, N.J. 07480.	July 19, 1974. May 28, 1976.
New Mexico	Taos	Taos, town of	H 350080A 01	Mayor, Town Hall, P.O. Drawer M, Taos. N. Mex. 87571	May 17, 1974. May 28, 1976.
New York	Chenango	Afton, village of	H 360979 01	Clerk/Treasurer, Maple St., Afton, N.Y. 13730	June 7, 1974. May 28, 1976.
Do	Allegany	Alma, town of	H 360980A 01 through H 360980A 10	Supervisor, Rural Delivery No. 4, Wellsville, N.Y. 14895	Dec, 13, 1974. May 28, 1976.
Do	Wyoming	Arcade, town of	H 360939A 01 through H 360939A 06	Supervisor, Town of Arcade, Town Hall, Arcade, N.Y. 14009.	July 26, 1974. May 28, 1976.
Do	Livingston	Avon, village of	H 360379A 01 through H 360379A 04	Village Clerk/Treasurer, Village Office, 102 Genesee St., Avon, N.Y. 14414.	May 10, 1974. May 28, 1976.
Do	Ontario	Canadice, town of	H 361297A 01 through H 361297A 03	Supervisor, Bald Hill Road, Rural Delivery No. 1, Hemlock, N.Y. 14466.	Nov, 8, 1974. May 28, 1976.
Do	Chautauqua	Carroll, town of	H 360994A 01 through H 360994A 04	Town Supervisor, 107 West Main St, Falconer, N.Y. 14733,	Sept, 20, 1974. May 28, 1976.
Do	Oswego	Central Sq., village of	H 360647A 01	Mayor, 111 North Main St., Central Sq., N.Y. 13036	May 17, 1974. May 28, 1976.
Do	Nassau	Centre Island, village of	H 360461A 01	Mayor, Centre Island, Oyster Bay, N.Y. 11771	Aug, 9, 1974. May 28, 1976.
Do	Montgomery	Charleston, town of	H 360444A 01 through H 360444A 06	Supervisor, Rural Delivery No. 1, Esperance, N.Y. 12066	July 26, 1974. May 28, 1976.
Do	Chautauqua	Charlotte, town of	H 361070A 01 through H 361070A 05	Supervisor, Town of Charlotte, Rural Delivery No. 2, Casauega, N.Y. 14718.	Oct, 18, 1974. May 28, 1976.
Do	Erie	Cheektowaga, town of	H 360231A 01 through H 360231A 06	Town Clerk, Town of Cheektowaga, Town Hall, Cheektowaga, N.Y. 14227.	Sept, 7, 1973. May 28, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Otsego	Cherry Valley, village of	H 361440A 01	Clerk/Treasurer, Village of Cherry Valley, Village Hall, Main St., Cherry Valley, N.Y. 13320.	Nov. 15, 1974 May 28, 1976
Do	Oneida	Clinton, village of	H 360525A 01	Mayor, Village of Clinton, P.O. Box 242, Clinton, N Y 13323.	Feb. 15, 1974
Do	Steuben	Cohocton, town of	H 360771A 01 through H 360771A 15	Town Clerk, Town of Cohocton, Town Hall, 15 South Main St., Cohocton, N.Y. 14572.	June 28, 1974 May 28, 1976
Do	Chenango	Columbus, town of	H 361086A 01 through H 361086A 05	Chairman of the Board of Supervisors, Town of Columbus, Chenango County Bldg., Norwich, N.Y. 13815	Oct. 18, 1974 May 28, 1976
Do	Erie	Collins, town of	H 360234A 01 through H 360234A 04	Supervisor, Town Collins, 14093 Mill St, Collins, N Y 14034.	Aug. 2, 1974 May 28, 1976
Do	Lewis	Constableville, village of	H 360360A 01	Mayor, Constableville, N.Y. 13325.	Aug. 9, 1974 May 28, 1976
Do	Oswego	Constantia, town of	H 360648A 01 through H 360648A 07	Supervisor, Town of Constantia, Town Hall, Constantia, N.Y. 13028	Apr. 5, 1974 May 28, 1976.
Do	Saratoga	Corinth, village of	H 360714A 01	Town Clerk, Village of Corinth, 6 Sherman Ave., Corinth, N.Y. 12822.	Aug. 7, 1974 May 28, 1976
Do	Orange	Cornwall, town of	H 360611A 01 through H 360611A 08	Supervisor, Town of Cornwall, 183 Main St, Cornwall, N.Y. 12518.	Mar. 29, 1974 May 28, 1976
Do	Greene	Coxsackie, village of	H 360288A 01 through H 360288A 02	Mayor, Village of Coxsackie, 38 Mansion St, Coxsackie, N.Y. 12051.	Mar. 8, 1974 May 28, 1976
Do	Lewis	Croghan, village of	H 361068A 01	Mayor, Village Hall, Croghan, N.Y. 13327	May 31, 1974 May 28, 1976
Do	Allegany	Cuba, village of	H 360029A 01	Mayor, Village of Cuba, Box 12, Cuba, N.Y. 14727	May 17, 1974 May 28, 1976
Do	Oneida	Deerfield, town of	H 360526A 01 through H 360526A 04	Supervisor, 656 Hewey St., Utica, N Y 13502	Aug 2, 1974 May 28, 1976
Do	Orange	Deerpark, town of	H 360612A 01 through H 360612A 06	Town Supervisor, Drawer A. Huguenot, N Y 12746	May 17, 1974 May 28, 1976
Do	Delaware	Delhi, village of	H 360193A 01 through H 360193A 02	Mayor, P.O. Box 328, Delhi, N Y. 13753	May 31, 1974 May 28, 1976
Do	Lewis	Denmark, town of	H 360363A 01 through H 360363A 05	Town Supervisor, Box 61, Deer River, N.Y. 13627	June 28, 1974 May 28, 1976.
Do	Tompkins	Dryden, village of	H 360847A 01 through H 360847A 04	Clerk/Treasurer, Village Hall, Dryden, N.Y 13053	June 7, 1974 May 28, 1976.
Do	Wyoming	Eagle, town of	H 360943A 01 through H 360943A 05	Supervisor, De Witt Rd., Bliss, N.Y. 14024	Sept. 13, 1974 May 28, 1976.
Do	Chenango and Madison.	Earlville, village of	H 360397A 01	Mayor, Village Hall, Earlville, N.Y. 13332.	May 31, 1974 May 28, 1976.
Do	Cattaraugus	East Otto, town of	H 360067A 01 through H 360067A 11	Chairman of Planning Board, East Flats Rd, East Otto, N.Y. 14729.	June 21, 1974 May 28, 1976
Do	Erie	Eden, town of	H 360238A 01 through H 360238A 10	Town Supervisor, 2795 East Church St., Eden, N Y. 14057	Sept. 20, 1974 May 28, 1976
Do	Onondaga	Elbridge, town of	H 360575A 01 through H 360575A 15	Town Clerk, Grimes Rd., Jordan, N.Y 13080	May 31, 1974 May 28, 1976
Do	Westchester	Elmsford, village of	H 360910A 01	Mayor, 15 South Stone Ave., Elmsford, N.Y. 10523	Apr. 12, 1974 May 28, 1976
Do	Chautauqua	Falconer, village of	H 360138A 01	Mayor, 101 West Main St., Falconer, N.Y. 14733	Feb. 22, 1974
Do	Madison	Fenner, town of	H 360399A 01 through H 360399A 02	Supervisor, Rural Delivery No. 1, Cazenovia, N.Y 13035	Sept. 13, 1974 May 28, 1976
Do	Delaware	Fleischmanns, village of	H 360197A 01	Mayor, Village Hall, Fleischmanns, N Y. 12430	Dec 6, 1974 May 28, 1976
Do	Montgomery	Fort Plain, village of	H 360448A 01	Clerk/Treasurer, 168 Canal St., Fort Plain, N.Y. 13339	Apr. 12, 1974 May 28, 1976
Do	Herkimer	Frankfort, town of	H 360303A 01 through H 360303A 03	Town Clerk, Town Hall, Frankfort, N.Y 13340.	Mar. 1, 1974 May 28, 1976
Do	do	Frankfort, village of	H 360304A 01	Village Clerk, 107 West Main St., Frankfort, N Y. 13340	Mar. 22, 1974
Do	Chautauqua	Fredonia, village of	H 360139A 01 through H 360139A 03	Village Administrator, Village Hall, Fredonia, N.Y. 14063	May 3, 1974. May 28, 1976.
Do	Allegany	Friendship, village of	H 360031A 01	Village Clerk, Village Hall, Friendship, N Y. 14739	Feb. 1, 1974. May 28, 1976.
Do	Madison	Georgetown, town of	H 360400A 01	Supervisor, Town Hall, Earlville, N.Y. 13332	Aug. 2, 1974 May 28, 1976
Do	Orange	Goshen, town of	H 360614A 01 through H 360614A 04	Town Supervisor, P.O. Box 217, Goshen, N Y. 10924	Mar. 22, 1974 May 28, 1976
Do	St. Lawrence	Gouverneur, village of	H 360699A 01	Village Clerk, 33 Clinton St, Gouverneur, N Y 13642	Mar 24, 1975.

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Rockland	Grand View-On-Hudson, village of	H 360680A 01 through H 360680A 02	Clerk, 89 River Rd., Grand View-On-Hudson, N.Y. 10960	Oct. 18, 1974. May 28, 1976.
Do	Nassau	Great Neck, village of	H 361519A 01 through H 361519A 02	Village Clerk, 61 Baker Hill Rd., Great Neck, N.Y. 11203	July 26, 1974.
Do	Tompkins	Groton, village of	H 360849A 01	Village Clerk, 108 Cortland St., Groton, N.Y. 13073	Apr. 12, 1974. May 28, 1976.
Do	Oswego	Hannibal, village of	H 360652A 01	Village Clerk, Rural Delivery No. 1, Hannibal, N.Y. 13074	May 31, 1974. May 28, 1976.
Do	Cortland	Harford, town of	H 360180A 01 through H 360180A 03	Town Clerk, Box 43, Hartford Mills, N.Y. 13785	June 28, 1974. May 28, 1976.
Do	Lewis	Harrisville, village of	H 361451A 01	Mayor, Village Hall, Harrisville, N.Y. 13648	Nov. 15, 1974. May 28, 1976.
Do	Herkimer	Herkimer, town of	H 360306A 01 through H 360306A 03	Supervisor, 118 Green St., Herkimer, N.Y. 13350	Mar. 8, 1974.
Do	do	Herkimer, village of	H 360307A 01 through H 360307A 02	Village Engineer, 120 Green St., Herkimer, N.Y. 13350	May 10, 1974. May 28, 1976.
Do	St. Lawrence	Heuvelton, village of	H 360701A 01	Village Clerk, Village Hall, Heuvelton, N.Y. 13654	May 24, 1974.
Do	Nassau	Hewlett Bay Park, village of	H 360468A 01	Mayor, 30 Piermont Ave., Hewlett, N.Y. 11557	June 28, 1974.
Do	Columbia	Hudson, city of	H 361512A 01 through H 361512A 03	Mayor, 520 Warren St., Hudson, N.Y. 12534	Nov. 15, 1974. May 28, 1976.
Do	Ulster	Hurley, town of	H 360857A 01 through H 360857A 04	Town Supervisor, P.O. Box 10, Hurley, N.Y. 12443	May 31, 1974. May 28, 1976.
Do	Chautauqua	Kiantone, town of	H 361075A 01 through H 361075A 05	Supervisor, Rural Delivery No. 5, South Main St. Extension, Kiantone, N.Y. 14701.	Oct. 18, 1974. May 28, 1976.
Do	Washington	Kingsbury, town of	H 361235A 01 through H 3611235A 10	Town Supervisor, 210 Main St., Hudson Falls, N.Y. 12839	Nov. 1, 1974. May 28, 1976.
Do	Seneca	Lodi, town of	H 360753A 01 through H 360753A 04	Town Supervisor, Town Hall, Lodi, N.Y. 14860	July 26, 1974. May 28, 1976.
Do	Lewis	Lyons Falls, village of	H 361065A 01	Mayor, Center St., Lyons Falls, N.Y. 13368	Nov. 1, 1974. May 28, 1976.
Do	Dutchess	Milan, town of	H 361339A 01 through H 361339A 06	Supervisor, Salisbury Rd., Red Hook, N.Y. 12571	Oct. 18, 1974. May 28, 1976.
Do	Onondaga	Minoa, village of	H 361017A 01	Village Clerk, 238 North Main St., Minoa, N.Y. 13116	June 28, 1974. May 28, 1976.
Do	Saratoga	Moreau, town of	H 360723A 01 through H 360723A 13	Town Supervisor, Moreau Town Hall, 61 Hudson St., South Glens Falls, N.Y. 12801.	Aug. 9, 1974. May 28, 1976.
Do	Otsego	Morris, village of	H 361353A 01	Mayor, Morris, N.Y. 13808	Nov. 15, 1974. May 28, 1976.
Do	Oneida	New Hartford, village of	H 360536A 01	Mayor, Butler Memorial Hall, New Hartfor, N.Y. 13413	Feb. 22, 1974. May 28, 1976.
Do	Nassau	North Hempstead, town of	H 360482A 01 through H 360482A 10	Town Engineer, 200 Plandome Rd., Manhasset, N.Y. 11030.	June 28, 1974. May 28, 1976.
Do	Madison	Oneida, city of	H 360408A 01 through H 360408A 02	City Engineer, 109 North Main St., Oneida, N.Y. 13421	Mar. 1, 1974. May 28, 1976.
Do	St. Lawrence	Oswegatchie, town of	H 360708A 01 through H 360708A 05	Town Clerk, Town Clerks Office, Oswegatchie, N.Y. 13670.	Sept. 13, 1974. May 28, 1976.
Do	Oswego	Oswego, city of	H 360656A 01 through H 360656A 06	Mayor, City Hall, Oswego, N.Y. 13126	May 10, 1974.
Do	Seneca	Romulus, town of	H 360755A 01 through H 360755A 06	Town Supervisor, Rural Delivery 1, Romulus, N.Y. 14541.	July 26, 1974. May 28, 1976.
Do	Cayuga	Scipio, town of	H 360122A 01 through H 360122A 05	Supervisor, Town Hall, Aurora, N.Y. 13026	May 31, 1974. May 28, 1976.
Do	Oneida	Sherrill, city of	H 360544A 01	City Clerk, City Hall, 601 Sherrill Rd., Sherrill, N.Y. 13461.	Mar. 8, 1974.
Do	Ulster	Ulster, town of	H 360866A 01 through H 360866A 04	Town Supervisor, Town Hall, Lake Katrine, N.Y. 12449.	May 3, 1974. May 28, 1976.
Do	Wayne	Walworth, town of	H 361228B 01 through H 361228B 09	Deputy Supervisor, Town Hall, Walworth, N.Y. 14568	Dec. 13, 1974. Oct. 10, 1975. May 28, 1976.
North Carolina	Beaufort	Aurora, town of	H 370014A 01	Mayor, P.O. Box 86, Aurora, N.C. 27806.	May 3, 1974.
Do	Yadkin	Jonesville, town of	H 370260A 01 through H 370260A 02	Mayor, 136 West Main St., Jonesville, N.C. 28642	Mar. 4, 1974. May 28, 1976.
Do	Buncombe	Weaverville, town of	H 370269A 01	Mayor, Box 338, Weaverville, N.C. 28787	Nov. 29, 1974. May 28, 1976.
Ohio	Jefferson	Adena, village of	H 390295 01	Mayor, Village Hall, Adena, Ohio 43901	July 23, 1976.
Do	do	Amsterdam, village of	H 390296 01	Mayor, P.O. Box 455, Amsterdam, Ohio 43903	Apr. 12, 1974. May 28, 1976.
Do	Harrison	Bowerston, village	H 390257A 01 through H 390257A 02	Mayor, Box 2, Bowerston, Ohio 44695	Aug. 9, 1974.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Jefferson	Brilliant, village of	H 390297A 01	Mayor, 409 Prospect St., Brilliant, Ohio 43913	Jan. 9, 1974. May 28, 1976.
Do	Medina	Brunswick, city of	H 390380A 01 through H 390380A 05	City Manager, 4095 Centre Rd., Brunswick, Ohio 44212	Nov. 2, 1973. May 28, 1976.
Do	Harrison	Cadiz, village of	H 390258A 01	Mayor, 128 Court St., Cadiz, Ohio 43907	May 31, 1974.
Do	Mahoning	Campbell, city of	H 390368A 01 through H 390368A 03	Mayor, 351 Tinney Ave., Campbell, Ohio 44505	Mar. 1, 1974.
Do	Stark	Canton, city of	H 390512A 01 through H 390512A 08	Mayor, 218 Cleveland Ave., S.W., Canyon, Ohio 44702	Dec. 17, 1973. May 28, 1976.
Do	Hamilton	Cheviot, city of	H 390209A 01	Mayor, 3814 Harrison, Cheviot, Ohio 45211	June 7, 1974. May 28, 1976.
Do	Ross	Chillicothe, city of	H 390482 01 through H 390482 04	Mayor, 26 South Paint St., Chillicothe, Ohio 45601	June 28, 1974.
Do	Clermont	Chilo, village of	H 390067 01	Mayor, P.O. Box 13, Chilo, Ohio 45112	July 23, 1976.
Do	Champaign	Christiansburg, village of	H 390056A 01	Mayor, Wilson and 2d Sts., Christiansburg, Ohio 45389	Aug. 9, 1974.
Do	Hamilton	Cleves, village of	H 390211 01 through H 390211 02	Mayor, 101 North Miami Ave., Cleves, Ohio 45002	July 23, 1976.
Do	Wayne	Creston, village of	H 390575A 01 through H 390575A 04	Mayor, Garden St., Creston, Ohio 44217	Feb. 1, 1974. May 28, 1976.
Do	Tuscarawas	Dennison, village of	H 390542A 01 through H 390542A 02	Mayor, P.O. Box 147, Dennison, Ohio 44621	Mar. 15, 1974. May 28, 1976.
Do	Henry	Deshler, village of	H 390262 01	Mayor, Town Hall, Deshler, Ohio 43516	July 23, 1976.
Do	Lake	Eastlake, city of	H 390313A 01 through H 390313A 04	Mayor, 35150 Lake Shore Blvd., Eastlake, Ohio 44094	November 30, 1973. May 28, 1976.
Do	do	Fairport Harbor, village of	H 390314A 01	Mayor, 220 3d St., Fairport, Harbor Ohio 44077	July 23, 1976.
Do	Knox	Gambier, village of	H 390310 01 through H 390310 02	Mayor, P.O. Box 222, Gambier, Ohio 43022	Do.
Do	Cuyahoga	Gates Mills, village of	H 390593A 01 H 390593A 01	Mayor, River Rd., Gates Mills, Ohio 44040	Nov. 9, 1973. May 28, 1976
Do	Montgomery	Germantown, village of	H 390411A 01 through H 390411A 02	Mayor, Municipal Bldg., Walnuto and Center Sts., Germantown, Ohio 45327.	June 28, 1974. May 28, 1976.
Do	Licking	Granville, village of	H 390330A 01 through H 390330A 02	Village Administrator, 118 South Main St., Granville, Ohio 43023.	June 7, 1974. May 28, 1976.
Do	Darke	Greenville, city of	H 390139A 01 through H 390139A 03	Mayor, Municipal Bldg., Public Sq., Greenville, Ohio 45331.	Feb. 15, 1975. May 28, 1976.
Do	Hardin	Kenton, city of	H 390253A 01 through H 390253A 02	Mayor, 224 West Columbus St., City Bldg., Kenton, Ohio 43326.	Jan. 9, 1974. May 28, 1976.
Do	Guernsey	Kimbolton, village of	H 390201A 01	President of Council, Kimbolton, Ohio 43749	Dec. 6, 1974.
Do	Summit	Lakemore, village of	H 390527A 01	Mayor, 1400 Main St., Lakemore, Ohio 44250	Feb. 8, 1974.
Do	Marion	La Rue, village of	H 390375A 01	Mayor, 86 South High St., La Rue, Ohio 43332	Nov. 23, 1973. May 28, 1973.
Do	Medina	Lodi, village of	H 390382A 01	Mayor, 110 Ainsworth St., Lodi, Ohio 44254	Mar. 15, 1974. May 28, 1976.
Do	Clermont	Loveland, city of	H 390068A 01 through H 390068A 02	Mayor, 120 West Loveland Ave., Loveland, Ohio 45140	Feb. 1, 1974. May 28, 1976.
Do	Hardin	McGuffey, village of	H 390254A 01	Mayor, Village Hall, McGuffey, Ohio 45859	May 10, 1974.
Do	Mercer	Mendon, village of	H 390671A 01	Mayor, Village Hall, Mendon, Ohio 45862	June 14, 1974.
Do	Stark	Minerva, village of	H 390518 01	Mayor, 209 North Market St., Minerva, Ohio 44657	July 23, 1976.
Do	Mercer	Montezuma, village of	H 390396A 01	Mayor, Box 35, Montezuma, Ohio 45866	Aug. 9, 1974. May 28, 1976.
Do	Hancock	Mount Cory, village of	H 390219A 01	Mayor, Route 1, Mount Cory, Ohio 45868	Sept. 20, 1974.
Do	Knox	Mount Vernon, city of	H 390311A 01 through H 390311A 04	Mayor, 40 Public Sq., Mount Vernon, Ohio 43050	May 3, 1974. May 28, 1976.
Do	Hamilton	Newtown, village of	H 390230A 01 through H 390230A 02	Mayor, 3536 Church St., Cincinnati, Ohio 45244	Feb. 1, 1974. May 28, 1976.
Do	Wood	North Baltimore, village of	H 390587A 01	Mayor, P.O. Box 174, North Baltimore, Ohio 45872	Feb. 8, 1974.
Do	Clark	North Ridgeville, city of	H 390352A 01 through H 390352A 06	Mayor, 7307 Avon Belden Rd., North Ridgeville, Ohio 44039.	June 7, 1974. May 28, 1976.
Do	Tuscarawas	Port Washington, village of	H 390664A 01	Mayor, 109 West Main St., Port Washington, Ohio 43837	Apr. 5, 1974.
Do	Marion	Prospect, village of	H 390377A 01	Village President, P.O. Box 67, Prospect, Ohio 43342	Nov. 23, 1973.
Do	Jefferson	Rayland, village of	H 390301A 01	Mayor, P.O. Box 152, Rayland, Ohio 43943	Mar. 22, 1974.
Do	Union	Richwood, village of	H 390549A 01	Mayor, Village Hall, Richwood, Ohio 43344	May 17, 1974.
Do	Mercer	Rockford, village of	H 390397A 01	Mayor, Village Hall, Rockford, Ohio 45882	Apr. 12, 1974.
Do	Wood	Rossford, city of	H 390589A 01 through H 390589A 02	Mayor, 133 Osborn St., Rossford, Ohio 43460	Mar. 1, 1974.
Do	Hamilton	Sharonville, city of	H 390236A 01 through H 390236A 04	Mayor, 10900 Reading Rd., Sharonville, Ohio 45241	Apr. 12, 1974. May 28, 1976.
Do	Champaign	Urbana, city of	H 390060A 01 through H 390060A 04	Mayor, South Main St., City Bldg., Urbana, Ohio 43078	June 7, 1974. May 28, 1976.
Do	Preble	Verona, village of	H 390464A 01	Mayor, P.O. Box 676, Verona, Ohio 45378	Oct. 18, 1974. May 28, 1976.
Do	Huron	Wakeman, village of	H 390288A 01	Mayor, 60 Pleasant St., Wakeman, Ohio 44889	Nov. 9, 1973.
Do	Auglaize	Wapakoneta, city of	H 390023A 01 through H 390023A 02	Mayor, 102 Perr St., Wapakoneta, Ohio 45895	Feb. 15, 1974. May 28, 1976.
Do	Pike	Waverly, city of	H 390452A 01 through H 390452A 02	Mayor, 202 South Market St., Waverly, Ohio 45690	June 21, 1974.

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Lorain	Wellington, village of	H 390388A 01	Mayor, Village Hall, Wellington, Ohio 44090	Jan. 9, 1974. May 28, 1976.
Do	Trumbull and Mahoning.	Youngstown, city of	H 390373A 01 through H 390373A 10	Mayor, 1st Floor, City Hall, Youngstown, Ohio 44503	Apr. 5, 1974. May 28, 1976.
Oklahoma	Muskogee	Fort Gibson, town of	H 400123 01 through H 400123 02	President, City Hall, Fort Gibson, Okla. 74434	July 23, 1976.
Do	Tulsa	Glenpool, town of	H 400268A 01 through H 400268A 08	City Engineer, Spradling & Associates, 5157 East 51st St., Tulsa, Okla. 74135.	June 28, 1974. May 28, 1976.
Do	Pittsburg	McAlester, city of	H 400170A 01 through H 400170A 03	Mayor, P.O. Box 578, Municipal Bldg., McAlester, Okla. 74501.	Feb. 15, 1974. May 28, 1976.
Do	Ottawa	Picher, city of	H 400159 01	Mayor, City Hall, P.O. Box 247, Picher, Okla. 74360	July 23, 1976.
Do	Craig	Vinita, city of	H 400030A 01	Mayor, 104 East Illinois, Drawer D, City Hall, Vinita, Okla. 74301.	May 24, 1974. May 28, 1976.
Do	Woodward	Woodward, city of	H 400232A 01 through H 400232A 03	Mayor, City Hall, 1221 8th, Woodward, Okla. 73801	June 14, 1974. May 28, 1976.
Oregon	Umatilla	Milton-Freewater, city of	H 410210A 01 through H 410210A 02	Mayor, City Hall, Milton-Freewater, Oreg. 97862	Nov. 16, 1973. May 28, 1976.
Do	Douglas	Myrtle Creek, city of	H 410064A 01 through H 410064A 04	Mayor, City Hall, Myrtle Creek, Oreg. 97457	Oct. 12, 1973. May 28, 1976.
Pennsylvania	Montgomery	Abington, township of	H 420605A 01 through H 420605A 04	President, Township Commission, 1176 Old York Rd., Abington, Pa. 19001.	Mar. 2, 1973. May 28, 1976.
Do	Berks	Albany, township of	H 421046A 01 through H 421046A 11	Chairman, Rural Delivery No. 2, Kempton, Pa. 19529	Oct. 18, 1974. May 28, 1976.
Do	Beaver	Aliquippa, borough of	H 420101A 01 through H 420101A 04	Mayor, 300 Franklin Ave., Aliquippa, Pa. 15001	May 31, 1974. May 28, 1976.
Do	Washington	Allenport, borough of	H 420845A 01 through H 420845A 05	mayor, Borough Bldg., Allenport, Pa. 15412	June 21, 1974.
Do	Beaver	Ambridge, borough of	H 420102A 01	Mayor, P.O. Box 220, Ambridge, Pa. 15003	Feb. 22, 1974. May 28, 1976.
Do	Franklin	Antrim, township of	H 421233A 01 through H 421233A 06	Chairman, Township Supervisors, Box 130, Greencastle, Pa. 17225.	Sept. 20, 1974. May 28, 1976.
Do	Beaver	Baden, borough of	H 420103A 01 through H 420103A 04	Mayor, 369 State St., Baden, Pa. 15005	Mar. 22, 1974. May 28, 1976.
Do	Cambria	Barr, township of	H 421434A 01 through H 421434A 10	Supervisor, Township Bldg., Nicktown, Pa. 15762	Jan. 17, 1975. May 28, 1976.
Do	Berks	Bethel, township of	H 421052A 01 through H 421052A 12	Chairman, Rural Delivery 1, Bethel, Pa. 19507	Sept. 20, 1974. May 28, 1976.
Do	Lebanon	do	H 420967A 01 through H 420967A 11	Chairman, Rural Delivery 1, Fredericksburg, Pa. 17026	July 26, 1974. May 28, 1976.
Do	Crawford	Bloomfield, township of	H 421563A 01 through H 421563A 05	Board of Township Supervisors, Rural Delivery No. 3, Union City, Pa. 16438.	Jan. 31, 1975. May 28, 1976.
Do	Lycoming	Cascade, township of	H 421837A 01 through H 421837A 06	Chairman, Township Board, Proctor Star Route, Williamsport, Pa. 17701.	Oct. 18, 1974. May 28, 1976
Do	Allegheny	Castle Shannon, borough of	H 420920A 01	Mayor, 3600 Willow Ave., Pittsburgh, Pa. 15234	June 28, 1974.
Do	Blair	Catherine, township of	H 420662A 01 through H 420662A 06	Chairman, Rural Delivery No. 1, Williamsburg, Pa. 16693	Jan. 23, 1974. May 28, 1976.
Do	Lancaster	Colerain, township of	H 421765A 01 through H 421765A 10	Chairman, Rural Delivery No. 1, Kirkwood, Pa. 17536	Sept. 20, 1974. May 28, 1976.
Do	Beaver	Conway, borough of	H 420107A 01 through H 420107A 03	Mayor, 1208 3rd Ave., Conway, Pa. 15027	Feb. 1, 1974. May 28, 1976.
Do	Clinton	Crawford, township of	H 421535A 01 through H 421535A 08	Chairman, Rural Delivery No. 2, Jersey Shore, Pa. 17740	Dec. 20, 1974. May 28, 1976.
Do	Armstrong	Dayton, borough of	H 421211A 01	Mayor, P.O. Box 25, Dayton, Pa. 16222	Sept. 20, 1974. May 28, 1976.
Do	Monroe	Delaware Water Gap, borough of.	H 420660A 01 through H 420660A 04	Mayor, Delaware Water Gap, Pa. 18327	June 21, 1974. May 28, 1976.
Do	Washington	Donora, borough of	H 420851A 01 through H 420851A 04	Mayor, Box 561, Donora, Pa. 15033	Jan. 23, 1974.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Union	East Buffalo, township of	H 421011A 01 through H 421011A 05	Chairman, Rural Delivery No. 1, Box 610, Lewisburg, Pa. 17837.	June 28, 1974. May 28, 1976.
Do	Chester	East Caln, township of	H 421477A 01 through H 421477A 02	Chairman, P.O. Box 232, Downingtown, Pa. 19335.	Oct. 18, 1974. May 28, 1976.
Do	Allegheny	Edgeworth, borough of	H 420032A 01	Mayor, 301 Beaver Rd., Sewickley, Pa. 15143	Mar. 15, 1974. May 28, 1976.
Do	Beaver	Fallston, borough of	H 420110A 01	Mayor, 147 Beaver St., New Brighton, Pa. 15066	Feb. 8, 1974. May 28, 1976.
Do	Venango	Franklin, city of	H 420836B 01 through H 420836B 03	Mayor, 430 13th St., Franklin, Pa. 16323	Sept. 14, 1973. May 31, 1976.
Do	Allegheny	Hampton, township of	H 420978A 01 through H 420978A 06	Chairman, 3101 McCully Rd., Allison Park, Pa. 15101	Mar. 15, 1974. May 28, 1976.
Do	Susquehanna	Harford, township of	H 422081A 01 through H 422081A 03	Chairman, Rural Delivery No. 1, New Milford, Pa. 18834	Sept. 20, 1974. May 28, 1976.
Do	Beaver	Harmony, township of	H 421038A 01 through H 421038A 04	President of Comm., Woodland Rd., Ambridge, Pa. 15003	Mar. 22, 1974. May 28, 1976.
Do	Montgomery	Hatboro, borough of	H 420897A 01 through H 420897A 02	Mayor, 120 East Montgomery, Hatboro, Pa. 19040	Aug. 9, 1974. May 28, 1976.
Do	Westmoreland	Irwin, borough of	H 420881A 01	Mayor, 421 Main St., Irwin, Pa. 15642	Apr. 12, 1974. May 28, 1976.
Do	Luzerne	Kingston, township of	H 420613A 01 through H 420613A 04	Chairman, 11 Carverton Rd., Trucksville, Pa. 18708	July 19, 1974. May 28, 1976.
Do	do	Larksville, borough of	H 420614A 01 through H 420614A 02	Mayor, Town Hall, Larksville, Pa. 18651	July 6, 1973.
Do	Allegheny	Leet, township of	H 421075A 01	President, Commissioners, 14 Ambridge Ave., Fair Oaks, Pa. 15003.	May 31, 1974. May 28, 1976.
Do	Clinton	Leidy, township of	H 421540A 01 through H 421540A 07	Chairman, Star Route, Revono, Pa. 17764	Dec. 20, 1974. May 28, 1976.
Do	Susquehanna	Little Meadows, borough of	H 420814A 01 through H 420814A 02	Mayor, Rural Delivery 1, Box 72, Little Meadows, Pa. 18830.	Nov. 1, 1974. May 28, 1976.
Do	Montgomery	Lower Merion, township of	H 420701A 01 through H 420701A 08	President, Commissioners, 75 East Lancaster Ave., Ardmore, Pa. 19002.	June 21, 1974. May 28, 1976.
Do	Allegheny	McKeesport, city of	H 420051A 01 through H 420051A 05	Mayor, 201 Lysle Blvd., McKeesport, Pa. 15132.	Dec. 28, 1973. May 28, 1976.
Do	Delaware	Middletown, township of	H 420422A 01 through H 420422A 09	Chairman, P.O. Box 157, Lima, Pa. 19060.	Apr. 12, 1974. May 28, 1976.
Do	Beaver	Monaca, borough of	H 420111A 01 through H 420111A 04	Mayor, 928 Pennsylvania Ave., Monaca, Pa. 15061	Mar. 29, 1974. May 28, 1976.
Do	Allegheny	Monroeville, borough of	H 420054A 01 through H 420054A 07	Mayor, 2700 Monroeville Blvd., Monroeville, Pa. 15146	July 26, 1974. May 28, 1976.
Do	Northampton	Nazareth, borough of	H 420725A 01	Mayor, 30 Belvedere, Nazareth, Pa. 18064	Jan. 9, 1974.
Do	Cumberland	North Middleton, township of.	H 420367A 01 through H 420367A 02	Chairman, Rural Delivery 3, P.O. Box 303, Carlisle, Pa. 17013.	July 26, 1974. May 28, 1976.
Do	Lehigh	North Whitehall, township of.	H 421813A 01 through H 421813A 03	Chairman, Board of Supervisors, Rural Delivery 1, Schnecksville, Pa. 18078.	Oct. 18, 1974. May 28, 1976.
Do	Allegheny	Oakmont, borough of	H 420060A 01 through H 420060A 02	Mayor, 661 7th St., Oakmont, Pa. 15139	Mar. 8, 1974. May 28, 1976.
Do	Montgomery	Perkiomen, township of	H 421915A 01 through H 421915A 05	Chairman, Board of Supervisors, 258 Bridge St., Schwenksville, Pa. 19473.	Oct. 25, 1974. May 28, 1976.
Do	Franklin	Peters, township of	H 421654A 01 through H 421654A 08	Chairman, Rural Delivery 2, Mercersburg, Pa. 17236	Sept. 13, 1974. May 28, 1976.
Do	Schuylkill	Pine Grove, township of	H 420782A 01 through H 420782A 06	Chairman, Rural Delivery 1, Pine Grove Pa. 17963	Aug. 2, 1974. May 28, 1976.
Do	Allegheny	Richland, township of	H 421199A 01 through H 421199A 04	Chairman of Board, 4011 Dickey Rd. Gibsonia, Pa. 15044.	Aug. 2, 1974. May 28, 1976.
Do	Beaver	Rochester, borough of	H 420116A 01	Mayor, 426 Adams St., Rochester, Pa. 15074	Feb. 1, 1974. May 28, 1976.
Do	Bradford	Rome, borough of	H 420471A 01	Mayor, Rural Delivery 1, Rome, Pa. 18837	Sept. 20, 1974. May 28, 1976.
Do	Washington	Roscoe, borough of	H 420858A 01	Mayor, Box 103, Roscoe, Pa. 15477	June 7, 1974.
Do	Delaware	Rutledge, borough of	H 420432A 01	Mayor, 117 Linden Ave., Rutledge, Pa. 19070	July 19, 1974.
Do	Elk	St. Marys, borough of	H 420446A 01 through H 420446A 03	Borough Manager, Municipal Bldg., St. Marys, Pa. 15857	June 14, 1974. May 28, 1976.
Do	Somerset	Salisbury, borough of	H 420801A 01	Mayor, Borough Hall, Salisbury, Pa. 15558	July 10, 1974.
Do	Lackawanna	Scranton, city of	H 420538A 01 through H 420538A 08	Mayor, 430 North Washington Ave., Scranton, Pa. 18503	Jan. 23, 1974. May 28, 1976.
Do	Allegheny	Sewickley, borough of	H 420070A 01	Mayor, 230 Thorn St., Sewickley, Pa. 15143	Jan. 9, 1974.
Do	Northumberland	Shamokin, city of	H 420741A 01 through H 420741A 02	Mayor, City Hall, Shamokin, Pa. 17872	May 10, 1974.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Lackawanna	Taylor, borough of	H 420539A 01 through H 420539A 04	Mayor, 122 Union St., Taylor, Pa. 18517	Jan. 23, 1974. May 28, 1976.
Do	Allegheny	Tarentum, borough of	H 420071A 01 through H 420071A 03	Mayor, 318 2nd Ave., Tarentum, Pa. 15084	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Turtle Creek, borough of	H 420072A 01 through H 420072A 03	Mayor, 125 Monroeville Ave., Turtle Creek, Pa. 15145	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Verona, borough of	H 420073A 01 through H 420073A 03	Mayor, 2800 Verona Ave., Verona, Pa. 15147	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	West Deer, township of	H 420074A 01 through H 420074A 04	Chairman, Board of Supervisors, 1736 Freeport Rd., Russellton, Pa. 15076.	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	West Mifflin, borough of	H 420075A 01 through H 420075A 03	Mayor, 1302 Lebanon Church Rd., West Mifflin, Pa. 15122	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilkinsburg, borough of	H 420076A 01 through H 420076A 03	Mayor, 605 Ross Ave., Wilkinsburg, Pa. 15221	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilmerding, borough of	H 420077A 01 through H 420077A 03	Mayor, 1000 Commercial Ave., Wilmerding, Pa. 15148	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Whitaker, borough of	H 420078A 01 through H 420078A 03	Mayor, 2000 Whitaker Ave., Whitaker, Pa. 15120	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	White Oak, borough of	H 420079A 01 through H 420079A 03	Mayor, 2280 Lincoln Way, White Oak, Pa. 15131	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Whitehall, borough of	H 420080A 01 through H 420080A 03	Mayor, 3219 Mehaffey Bridge Rd., Whitehall, Pa. 15227	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilkins, township of	H 420081A 01 through H 420081A 03	Chairman, Board of Supervisors, 2420 Wilkins Rd., Pittsburgh, Pa. 15239.	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilson, borough of	H 420082A 01 through H 420082A 03	Mayor, 2000 Wilson Ave., Wilson, Pa. 15228	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilkinsburg, borough of	H 420083A 01 through H 420083A 03	Mayor, 605 Ross Ave., Wilkinsburg, Pa. 15221	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilmerding, borough of	H 420084A 01 through H 420084A 03	Mayor, 1000 Commercial Ave., Wilmerding, Pa. 15148	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Whitaker, borough of	H 420085A 01 through H 420085A 03	Mayor, 2000 Whitaker Ave., Whitaker, Pa. 15120	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	White Oak, borough of	H 420086A 01 through H 420086A 03	Mayor, 2280 Lincoln Way, White Oak, Pa. 15131	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Whitehall, borough of	H 420087A 01 through H 420087A 03	Mayor, 3219 Mehaffey Bridge Rd., Whitehall, Pa. 15227	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilkins, township of	H 420088A 01 through H 420088A 03	Chairman, Board of Supervisors, 2420 Wilkins Rd., Pittsburgh, Pa. 15239.	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilson, borough of	H 420089A 01 through H 420089A 03	Mayor, 2000 Wilson Ave., Wilson, Pa. 15228	Jan. 9, 1974. May 28, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Allegheny	Wilkinsburg, borough of	H 420090A 01 through H 420090A 03	Mayor, 605 Ross Ave., Wilkinsburg, Pa. 15221	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilmerding, borough of	H 420091A 01 through H 420091A 03	Mayor, 1000 Commercial Ave., Wilmerding, Pa. 15148	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Whitaker, borough of	H 420092A 01 through H 420092A 03	Mayor, 2000 Whitaker Ave., Whitaker, Pa. 15120	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	White Oak, borough of	H 420093A 01 through H 420093A 03	Mayor, 2280 Lincoln Way, White Oak, Pa. 15131	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Whitehall, borough of	H 420094A 01 through H 420094A 03	Mayor, 3219 Mehaffey Bridge Rd., Whitehall, Pa. 15227	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilkins, township of	H 420095A 01 through H 420095A 03	Chairman, Board of Supervisors, 2420 Wilkins Rd., Pittsburgh, Pa. 15239.	Jan. 9, 1974. May 28, 1976.
Do	Allegheny	Wilson, borough of	H 420096A 01 through H 420096A 03	Mayor, 2000 Wilson Ave., Wilson, Pa. 15228	Jan. 9, 1974. May 28, 1976.

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Schuylkill	Shenandoah, borough of	H 420788A 01 through H 420788A 03	Mayor, 15 West Washington, Shenandoah, Pa. 17976	July 26, 1976. May 28, 1976.
Do	McKean	Smethport, borough of	H 420672A 01	Mayor, 410 Main St., Smethport, Pa. 16749	Dec. 28, 1973. May 28, 1976.
Do	Somerset	Somerset, borough of	H 420803A 01 through H 420803A 08	Mayor, 340 West Union St., Somerset, Pa. 15501	June 28, 1974. May 28, 1976.
Do	Cambria	South Fork, borough of	H 420238A 01	Mayor, P.O. Box 171, South Fork, Pa. 15956	May 31, 1974. May 28, 1976.
Do	Centre	South Philipsburg, borough of.	H 420271A 01	Mayor, 228 Walnut St., P.O. Box 532, Philipsburg, Pa. 16866.	Aug. 9, 1974. May 28, 1976.
Do	Chester	Spring City, borough of	H 420289A 01	Mayor, Hall and Church Sts., Spring City, Pa. 19475	Dec. 28, 1973. May 28, 1976.
Do	Northampton	Stockertown, borough of	H 420730A 01	Mayor, Borough Bldg., Stockertown, Pa. 18083	Aug. 2, 1974. May 28, 1976.
Do	Warren	Sugar Grove, borough of	H 420842A 01 through H 420842A 02	Mayor, Sugar Grove, Pa. 16350	May 31, 1974
Do	Centre	Taylor, township of	H 421469A 01 through H 421469A 08	Chairman, Rural Delivery No. 1, Port Matilda, Pa. 16870	Dec. 20, 1974. May 28, 1976.
Do	Berks	Tilden township of	H 421112A 10 through H 421112A 05	Supervisor, Rural Delery 1, Hamburg, Pa. 19526	July 26, 1974. May 28, 1976.
Do	Allegheny	Turtle Creek, borough of	H 420079A 01 through H 420079A 02	Mayor, 125 Mooreeville Ave., Turtle Creek, Pa. 15145	Feb. 1, 1974. May 28, 1976.
Do	Bradford	Tuscarora, township of	H 421116A 01 through H 421116A 07	Chairman, Rural Delivery 1, Box 39, Laceyville, Pa. 17982	Oct. 18, 1974. May 28, 1976.
Do	Delaware	Upper Chichester, township of.	H 420430A 01 through H 420430A 03	President of Commissioners, P.O. Box 2136, Boothwyn, Pa. 19061.	Jan. 23, 1974. May 28, 1976.
Do	Montgomery	Upper Moreland, township of.	H 421090A 01 through H 421090A 06	President of Commissioners, 117 Park Ave., Willow Grove, Pa.	Dec. 20, 1974. May 28, 1976.
Do	Bucks	Upper Southampton, township of.	H 420880A 02	Chairman, Board of Supervisors, 939 St. Rd., Southampton, Pa. 18966.	Jan. 16, 1974. May 28, 1976.
Do	Venango	Utica, borough of	H 420841A 01 through H 420841A 04	Mayor, Rural Delivery No. 1, Utica, Pa. 16362	Aug. 16, 1974. May 28, 1976.
Do	Chester	Uwchlan township of	H 421492A 01 through H 421492A 03	Chairman, P.O. Box 253, Lionville, Pa. 19353	Sept. 6, 1974. May 28, 1976.
Do	Allegheny	Versailles, borough of	H 420981A 02	Mayor, 5100 Walnut St., Versailles, Pa. 15132	Mar. 29, 1974. May 28, 1976.
Do	Westmoreland	Washington, township of	H 422096A 01 through H 422096A 06	Chairman, Township Supervisors, Rural Delivery No. 1, Appollo, Pa. 15613.	Sept. 6, 1974. May 28, 1976.
Do	Erie	Waterford, borough of	H 420454A 01 through H 420454A 02	Mayor, Box 124, Waterford, Pa. 16441	May 10, 1974. May 28, 1976.
Do	Tioga	Westfield, borough of	H 422963A 01 through H 422963A 02	Mayor, 304 East Main St., Westfield, Pa. 16950	Sept. 20, 1974. May 28, 1976.
Do	Berks	Womelsdorf, borough of	H 420157A 01	Mayor, 16 North Front, Womelsdorf, Pa. 19567	May 24, 1974.
Do	Bradford	Wyalusing, township of	H 421126A 01 through H 421126A 04	Chairman, Board of Supervisors, Rural Delivery 1, Wyalusing, Pa. 18853.	Sept. 20, 1974. May 28, 1976.
Do	Jefferson	Young, township of	H 421737A 01 through H 421737A 05	Chairman, Township Bldg., Delancey, Pa. 15733	Aug. 30, 1974. May 28, 1976.
Do	Westmoreland	Youngstown, borough of	H 420997A 01	Mayor, Box 56, Youngstown, Pa. 15696	Aug. 9, 1974.
S. Carolina	Greenville	Fountain Inn, town of	H 450209 01 through H 450209 02	Mayor, P.O. Box 336, Fountain Inn, S.C. 29644	July 23, 1976.
Do	Spartanburg	Pacolet Mills, town of	H 450180A 01	Mayor, P.O. Box 428, Pacolet Mills, S.C. 29373	June 28, 1974. May 28, 1976.
Do	Sumter	Pinewood, town of	H 450183A 01	Mayor, P.O. Box 236, Pinewood, S.C. 29125	June 21, 1974.
Do	Florence	Scranton, town of	H 450683A 01	Mayor, Town Hall, Scranton, S.C. 29591	May 24, 1974. May 28, 1976.
Do	Dorchester	St. George, town of	H 450072 01	Mayor, Town Hall, St. George, S.C. 29477	July 23, 1976.
S. Dakota	Day	Waubay, city of	H 460226 01	Mayor, City Hall, Waubay, S. Dak. 57273	Do.
Texas	Parker, Tarrant, and Wise.	Briar, city of	H 480588 01 through H 480588 05	Mayor, City Hall, Briar, Tex. 76020	Do.
Do	Hunt	Celeste, city of	H 480365A 01	Mayor, P.O. Box 308, City Hall, Celeste, Tex. 75423	June 21, 1974. May 28, 1976.
Do	Morris	Daingerfield, town of	H 480493A 01	Mayor, 103 Jefferson, Daingerfield, Tex. 75638	May 31, 1974. May 28, 1976.
Do	Williamson	Georgetown, city of	H 480668A 01 through H 480668A 08	Mayor, 9th and Main, P.O. Box 409, City Hall, Georgetown Tex. 78626.	Mar. 8, 1974. May 28, 1976.
Do	Burnet	Marble Falls, city of	H 480093A 01 through H 480093A 07	Mayor, City Hall, 200 Main St., P.O. Drawer F, Marble Falls, Tex. 78654.	May 31, 1974. May 28, 1976.
Do	Collin	McKinney, city of	H 480135A 01 through H 480135A 07	Mayor, City Hall, 130 South Chestnut, McKinney, Tex. 75069.	May 24, 1974. May 28, 1976.
Do	Franklin	Mount Vernon, town of	H 480821 01 through H 480821 02	Mayor, City Hall, P O. Drawer 597, Mount Vernon, Tex. 75457.	July 23, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Gray	Pampa, city of	H 480258A 01 through H 480258A 02	Mayor, City Hall, West Foster and Russell Sts., Pampa, Tex. 79065.	May 10, 1974 May 28, 1976
Do	Camp	Pittsburg, city of	H 480116A 01 through H 480116A 02	Mayor, City Hall, 132 Jefferson St., Pittsburg, Tex. 75686	Jan. 23, 1974 May 28, 1976
Do	Edwards	Rocksprings, town of	H 480116A 02 through H 481118 01 through H 481118 02	Mayor, Town Hall, Rocksprings, Tex. 78880	July 23, 1976
Do	Austin	Sealy, city of	H 480017A 01 through H 480017A 02	Mayor, City Hall, 615 Main St., Sealy, Tex. 77474	Dec. 17, 1973 May 28, 1976
Do	Coleman	Talpa, town of	H 480753 01 through H 480753 02	Mayor, Town Hall, Talpa, Tex. 76882	July 23, 1976
Do	Taylor	Trent, town of	H 481120 01	Mayor, Town Hall, Trent, Tex. 79561	Do.
Vermont	Orange	Strafford, town of	H 500230A 01 through H 500230A 15	Chairman, Board of Selectmen, Town of Strafford, Strafford, Vt. 05072.	Mar. 28, 1975 May 28, 1976.
Virginia	Tazewell	Bluefield, town of	H 510016A 01 through H 510016A 06	Mayor, Box 770, Bluefield, Va. 24605	Aug. 9, 1974. May 28, 1976.
Do	Franklin	Boones Mill, town of	H 510062A 01	Mayor, Box 66, Boones Mill, Va. 24065	Aug. 16, 1974. May 28, 1976.
Do	Rockingham	Bridgewater, town of	H 510013A 01 through H 510013A 02	Mayor, Box 72, Bridgewater, Va. 22812	June 28, 1974. May 28, 1976.
Do	Botetourt	Buchanan, town of	H 510019A 01 through H 510019A 02	Mayor, Box 205, Buchanan, Va. 24066	Feb. 1, 1974 May 28, 1976.
Do	Augusta	Craigsville, town of	H 510014A 01 through H 510014A 02	Mayor, Box 126, Craigsville, Va. 24430	May 31, 1974. May 28, 1976
Do	Frederick	Emporia, city of	H 510047 01	Mayor, 211 North Main St., Emporia, Va. 23847	July 23, 1976
Do		Unincorporated areas	H 510063A 01 through H 510063A 29	Chairman, Board of Commissioners, 9 Co. Sq., Winchester, Va. 22601.	Nov. 8, 1974 May 28, 1976.
Do	Giles	Glen Lyn, town of	H 510289 01	Mayor, Glen Lyn, Va. 24093	July 23, 1976.
Do	Rockbridge	Goshen, town of	H 510237A 01	Mayor, P.O. Box 32, Goshen Va. 24439	Sept. 6, 1974 May 28, 1976
Do	Accomack	Hallwood, town of	H 510218A 01	Mayor, P.O. Box 201, Hallwood, Va. 23359	Aug. 9, 1974. May 28, 1976
Do	Page	Shenandoah, town of	H 510248A 01	Mayor, Town Office, Shenandoah, Va. 22849	Nov. 1, 1974.
Do	Accomack	Wachapreague, town of	H 510065A 01	Mayor, Town Hall, Wachapreague, Va. 23488	Aug. 30, 1974 May 28, 1976.
Washington	Franklin	Pasco, city of	H 530046 01 through H 530046 04	Acting Director, Community Development, P.O. Box 293, Pasco, Wash. 99301.	July 23, 1976
Do	Snohomish	Snohomish, city of	H 530171A 01 through H 530171A 07	Mayor, City Hall, 1009 1st St., Snohomish, Wash. 98290	Mar. 8, 1974 May 28, 1976
West Virginia	Marion	Fairmont, city of	H 540099 01 through H 540099 03	Mayor, P.O. Box 1428, Fairmont, W. Va. 26554	July 23, 1976
Do	Wayne	Fort Gay, town of	H 540202A 01	Mayor, Town Hall, Fort Gay, W. Va. 25214	Sept. 13, 1973. May 28, 1976.
Do	do	Kenova, city of	H 540221A 01 through H 540221A 03	Mayor, P.O. Box 268, Kenova, W. Va. 25530	Mar 3, 1974
Do	McDowell	Northfork, town of	H 540121A 01	Mayor, Northfork, W. Va. 24868	May 24, 1974 May 28, 1976.
Do	Jackson	Ripley, city of	H 540064A 01 through H 540064A 03	Mayor, City Hall, Ripley, W. Va. 25271	May 17, 1974. May 28, 1976
Do	Marion	Rivesville, town of	H 540105A 01	Mayor, P.O. Box 15, Rivesville, W. Va. 26588	May 31, 1974. May 28, 1976
Wisconsin	Waupaca	Big Falls, village of	H 550493A 01	Village President, Village Hall, Big Falls, Wis. 54926	Aug. 30, 1974 May 28, 1976
Do	Grant	Bloomington, village of	H 550146A 01	Mayor, Box 441, Bloomington, Wis. 53804	June 28, 1974
Do	Shawano	Bowler, village	H 550415A 01	Village President, Village Hall, Bowler, Wis. 54416	Nov. 30, 1973 May 28, 1976
Do	Rusk	Bruce, village of	H 550670A 01	Village President, Village Hall, Bruce, Wis. 54819	May 24, 1974. May 28, 1976.
Do	Barron	Cameron, village of	H 550011A 01	Village President, Box Q, Cameron, Wis. 54822	Dec. 28, 1973. May 28, 1976.
Do	Manitowoc	Cleveland, village of	H 550237A 01 through H 550237A 03	Village President, Village Hall, Cleveland, Wis. 53015	June 7, 1974 May 28, 1976
Do	Marinette	Coleman, village of	H 550250A 01	Village President, Coleman, Wis. 54112	May 31, 1974 May 28, 1976
Do	Sawyer	Couderay, village of	H 550408A 01	Village President, Box 76, Couderay, Wis. 54828	Aug. 23, 1974. May 28, 1976.
Do	Lafayette	Darlington, city of	H 550228A 01	Clerk, 135 East Ann St., Darlington, Wis. 53530	Oct. 26, 1973. May 28, 1976.
Do	Dodge	Iron Ridge, village of	H 550100 01	Village President, P.O. Box 142, Iron Ridge, Wis. 53035	July 23, 1976.
Do	Grant	Livingston, village of	H 550151A 01	Village President, Village Hall, Livingston, Wis. 53554	May 17, 1974. May 28, 1976.
Do	Waupaca	Manawa, city of	H 550498A 01	Mayor, 820 Depot St., Manawa, Wis. 54949	Nov. 30, 1973. May 28, 1976.
Do	Dane	Marshall, village of	H 550084A 01	Village President, P.O. Box 45, Marshall, Wis. 53559	Dec. 17, 1973. May 28, 1976.
Do	Monroe	Melvina, village of	H 550288A 01	Village President, Route No. 1, Cashton, Wis. 54619	Aug. 30, 1974 May 28, 1976.
Do	Winnebago	Menasha, city of	H 550510A 01 through H 550510A 03	Clerk, P.O. Box 359, Menasha, Wis. 54952	Nov. 16, 1973. May 28, 1976.
Do	Jackson	Merrillan, village of	H 550189A 01	Village President, Village Hall, Merrillan, Wis. 54754	May 31, 1974. May 28, 1976.
Do	Green	Monroe, city of	H 550162A 01 through H 550162A 02	City Clerk, P.O. Box 200, Monroe, Wis. 53566	May 31, 1974. May 28, 1976.
Do	Marquette	Montello, city of	H 550396A 01	Mayor, 20 Underwood Ave., Montello, Wis. 53949	Dec. 28, 1973.
Do	Iron	Montreal, city of	H 550184A 01	Mayor, City Hall, Montreal, Wis. 54550	May 10, 1974.

ernment's concession, exclusive of statu-

claims totaling more than the respective

(2) On and after July 1, 1974, in coal

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Waukesha	Mukwonago, village of	H 550485A 01 through H 550485A 02	Village President, P.O. Box 96, Mukwonago, Wis. 53149	Dec. 17, 1973. May 28, 1976.
Do	Juneau	Necedah, village of	H 550266A 01	Village President, Village Hall, Necedah, Wis. 54646	Jan. 9, 1974. May 28, 1976.
Do	Clark	Neillsville, city of	H 550053A 01	Clerk, 118 West 5th St., Neillsville, Wis. 54456	Jan. 16, 1974. May 28, 1976.
Do	Marquette	Neshkoro, village of	H 550267A 01	Village President, Village Hall, Neshkoro, Wis. 54960	Aug. 26, 1974.
Do	St. Croix	New Richmond, city of	H 550384A 01 through H 550384A 02	City Attorney, 156 East 1st St., New Richmond, Wis. 54017.	Dec. 28, 1973. May 28, 1976.
Do	Fond Du Lac	North Fond Du Lac, village of.	H 550138A 01	Clerk, 16 Garfield St., North Fond Du Lac, Wis. 54935	Jan. 9, 1974. May 28, 1976.
Do	Oconto	Oconto Falls, city of	H 550298A 01	Mayor, P.O. Box 7D, Oconto Falls, Wis. 54154	Jan. 9, 1974. May 28, 1976.
Do	Waupaca	Ogdensburg, village of	H 550500A 01	Village President, Village Hall, Ogdensburg, Wis. 54967	Aug. 23, 1974. May 28, 1976.
Do	La Crosse	Onalaska, city of	H 550221A 01 through H 550221A 02	City Clerk, 415 Main St., Onalaska, Wis. 54650	Dec. 28, 1973. May 28, 1976.
Do	Vernon	Ontario, village of	H 550457A 01	Village President, Box 22, Ontario, Wis. 54651	Jan. 9, 1974.
Do	Marquette	Oxford, village of	H 550268A 01	Village Clerk, Village Hall, Oxford, Wis. 53952	Sept. 6, 1974. May 28, 1976.
Do	Wood	Pittsville, city of	H 550517A 01	City Clerk, Municipal Bldg., Pittsville, Wis. 54466	Dec. 17, 1973.
Do	Grant	Platteville, city of	H 550154A 01	City Manager, Box 252, Platteville, Wis. 53818	July 19, 1974. May 28, 1976.
Do	do	Potosi, village of	H 550155A 01 through H 550155A 02	Village President, Box 45, Potosi, Wis. 53820	Dec. 28, 1973.
Do	Columbia	Poynette, village of	H 550064A 01	Village President, 305 Main St., Poynette, Wis. 53955	May 3, 1974.
Do	Sauk	Prairie Du Sac, village of	H 550401A 01	Village President, 560 Park Ave., Prairie Du Sac, Wis. 53578.	Dec. 7, 1973.
Do	Barron	Prairie Farm, village of	H 550015A 01	Village President, Box 45, Prairie Farm, Wis. 54762	Do.
Do	Price	Prentice, village of	H 550346A 01	Village President, Box 262, Prentice, Wis. 54556	Dec. 28, 1973. May 28, 1976.
Do	Brown	Pulaski, village of	H 550024A 01	Village President, P.O. Box 310, Pulaski, Wis. 54162	May 24, 1974. May 28, 1976.
Do	Waushara	Redgranite, village of	H 550508A 01	Village President, Village Hall, Redgranite, Wis. 54970	May 17, 1974. May 28, 1976.
Do	Sauk	Reedsburg, city of	H 550402A 01 through H 550402A 02	Mayor, 134 South Locust St., Reedsburg, Wis. 53959	Dec. 17, 1973.
Do	Taylor	Rib Lake, village of	H 550436A 01	Village President, Village Hall, Rib Lake, Wis. 54470	May 24, 1974. May 28, 1976.
Do	Iowa	Ridgeway, village of	H 550181A 01	Village President, Village Hall, Ridgeway, Wis. 53582	Sept. 20, 1974. May 28, 1976.
Do	Fond Du Lac	Ripon, city of	H 550140A 01 through H 550140A 02	Mayor, 100 Jackson St., Ripon, Wis. 54971	May 24, 1974.
Do	Milwaukee	River Hills, village of	H 550280A 01 through H 550280A 02	Village President, 7650 North Pheasant Lane, Milwaukee Wis. 53217.	Dec. 17, 1973. May 28 1976.
Do	Rusk	Sheldon, village of	H 550376A 01	Village President, Box 45, Sheldon, Wis. 54766	Aug. 2, 1974. May 28, 1976.
Do	Lafayette	Shullsburg, city of	H 550230A 01	Mayor, City Offices, Shullsburg, Wis. 53586	May 17, 1974. May 28, 1976.
Do	do	South Wayne, village of	H 550231A 01	Village President, 101 South Varuhn, South Wayne, Wis. 53587.	Dec. 7, 1973. May 28, 1976.
Do	Washburn	Spooner, city of	H 550470A 01	Mayor, City Hall 322-26 Walnut St., Spooner, Wis. 54801	Dec. 21, 1973. May 28, 1976.
Do	Chippewa	Stanley, city of	H 550047A 01	Mayor, 116 3rd Ave., Stanley, Wis. 54768	May 3, 1974. May 28, 1976.
Do	St. Croix	Star Prairie, village of	H 550387A 01	Village President, Village Hall, Star Prairie, Wis. 54026	Dec. 28, 1973. May 28, 1976.
Do	Taylor	Stetsonville, village of	H 550437A 01	Village President, Village Hall, Stetsonville, Wis. 54480	May 17, 1974.
Do	Dane	Stoughton, city of	H 550091A 01	Mayor, City Hall, P.O. Box 247, Stoughton, Wis. 53589	Dec. 17, 1973. May 28, 1976.
Do	Waukesha	Waukesha, city of	H 550491A 01 through H 550491A 07	Mayor, 201 Delafield St., Waukesha, Wis. 53186	Feb. 8, 1974. May 28, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 28, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-16415 Filed 6-8-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Tax Division Directive No. 27]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegation of Authority To Compromise, Settle, and Close Claims

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

SEC. 1. The Chiefs of the Civil Trial Sections, the Court of Claims Section, and the Appellate Section are authorized to reject offers in compromise, regardless of amount, without reference to the Review Section, provided that such action is not opposed by the agency or agencies involved.

SEC. 2. Subject to the conditions and limitations set forth in Section 6 hereof, the Chiefs of the Civil Trial Sections and Court of Claims Section are authorized to accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $35,000, provided that such action is not opposed by the agency or agencies involved.

SEC. 3. Subject to the conditions and limitations set forth in Section 6 hereof, the Chief of the Review Section shall have authority to—

(A) Accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest does not exceed $75,000;

(B) Approve administrative settlements not exceeding $75,000;

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $75,000, and

(D) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amounts,

provided that the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned.

SEC. 4. Subject to the conditions and limitations set forth in Section 6 hereof, the Director, Civil Litigation, shall have authority to—

(A) Accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $250,000,

(B) Approve administrative settlements not exceeding $250,000,

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, and

(D) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the action is not opposed by the agency or agencies involved, the Chief of the Review Section, or the chief of the section to which the case is assigned, and provided further that the limiting amount in (A), (B), and (C) shall be $100,000 if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

SEC. 5. Subject to the conditions and limitations set forth in Section 6 hereof, the Deputy Assistant Attorneys General each shall have authority to—

(A) Accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $250,000,

(B) Approve administrative settlements not exceeding $250,000,

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, and

(D) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amounts,

provided that the limiting amount of (A), (B), and (C) shall be $100,000, if the proposed disposition of the claim is opposed by the agency or agencies involved or if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

SEC. 6. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or concession of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in Sections 2, 3, 4, and 5, the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action is of the opinion that the proposed disposition should be reviewed at a higher level, he shall forward the case for such review.

(C) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part O of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Deputy Attorney General, or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(E) The Assistant Attorney General, at any time, may withdraw any authority delegated by this Directive as it relates to any particular case or category of cases, or to any part thereof.

SEC. 7. This Directive supersedes Tax Division Directive No. 19, approved November 27, 1973.

SEC. 8. This Directive shall become effective June 9, 1976.

SCOTT P. CRAMPTON,
Assistant Attorney General.

Approved:
H. R. TYLER, JR.,
Deputy Attorney General.

MAY 31, 1976.

[FR Doc.76-16716 Filed 6-8-76;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Extension of Time Periods for Installation of Canopies or Cabs on Self-Propelled Electric Face Equipment for Mining Heights of Less Than 30 Inches

In accordance with the provisions of section 317(j) of the Federal Coal Mine Health and Safety Act of 1969 and pursuant to the authority under section 101 of the Act, there was published in the FEDERAL REGISTER for October 3, 1972 (37 FR 20689) mandatory safety standards contained in 30 CFR 75.1710-1 pertaining to the installation of canopies or cabs on self-propelled electric face equipment. These mandatory standards were made effective on January 1, 1973. Time periods for operators to design and install substantially constructed canopies or cabs based upon the mining height of the particular mine were prescribed in §§ 75.1710-1(a)(1) through 75.1710-1(a)(6) as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

As required by section 101(g) of the Act, the Secretary of the Interior made findings of fact which were also published on October 3, 1972. The need for canopies or cabs was reflected in findings of fact numbers (1) and (2):

(1) Roof falls have been the prime cause of fatalities in underground bituminous coal mines, having accounted for an average of over 50 percent of such fatalities.

(2) Fatalities to operators of self-propelled electric face equipment due to falls of roof, face, and rib will be significantly reduced by the installation and use of substantially constructed canopies or cabs on such equipment. Equipment-operator fatalities caused by operators being pinned, squeezed, or crushed against the roof, rib, or other equipment will also be significantly reduced by the installation and use of substantially constructed canopies or cabs on self-propelled electric face equipment.

Analysis of accident data performed by MESA shows that since January 1, 1973 fatalities and injuries to operators of self-propelled electric face equipment, while actually at the operating controls of such equipment, due to falls of roof, face, and rib have decreased. Although the standards have not been in effect long enough to develop definitive conclusions as to their relationship to this decrease, MESA is aware of 60 instances where equipment operators have been saved from death or serious injury because a canopy or cab protected them from falls of roof, face, and rib.

In addition to finding that there was a need for canopies and cabs it was also recognized that human engineering problems remained in mining heights less than 72 inches and that these problems might affect the timetables for canopy or cab installation. Finding of fact number (6) stated:

(6) Although practical technology is available to design and construct a substantial canopy or cab for installation on self-propelled electric-face equipment of sufficient strength to protect the equipment operator from a nonmassive roof fall, it has been shown that in mining heights less than 72 inches, additional research and study is necessary to solve human engineering problems such as reduction of visibility and cramping of the equipment operator. Such research and study is currently being undertaken on behalf of the Bureau of Mines and results will be available in calendar year 1973. Depending upon the results of such research and study, as well as experience gained in the course of enforcement of the

Federal Coal Mine Health and Safety Act of ... "Rules and Regulations for the Control ... ant Order for Rules Industries which ...

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Federal Coal Mine Health and Safety Act of 1969 and other pertinent statutes, the timetables, based on mining heights, for the installation of canopies or cabs on self-propelled electric-face equipment, contained in § 75.1710–1(a) (2), (3), (4), (5), and (6), may be shortened or lengthened. (emphasis added)

Since October 9, 1972, considerable research and study has been performed by the Bureau of Mines, MESA, operators and manufacturers. The results of these efforts, as well as experience gained in the course of MESA enforcement, indicate that practical technology is available to design and construct a substantial canopy or cab for all mining heights.

However, in lower mining heights, particularly those below 30 inches, certain human engineering problems have not been fully solved. While these problems vary depending upon the particular mining equipment, they include impaired operator vision, and operator cramping and fatigue. Because of these unsolved engineering problems the Secretary has determined that certain dates should be extended on and after which coal mines having specific mining heights must install canopies or cabs. This action is considered necessary in order to permit development of additional technology on canopy or cab design, in conjunction with accomplishing equipment design changes to adapt canopies or cabs.

In view of the above circumstances, it is determined that good cause exists for omitting the rulemaking procedure. Therefore, §75.1710–1 is amended as set forth below, effective June 9, 1976.

§ 75.1710–1 [Amended]

1. Paragraph (a) (5) is revised to read as follows:

(a) • • •

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and • • •

2. In paragraph (a) (6), the date reading "July 1, 1976" is changed to read "July 1, 1978".

(Secs. 101(a), 317(j) Federal Coal Mine Health and Safety Act of 1969, as amended, Pub. L. 91–173, 83 Stat. 745, 789, 30 U.S.C. 811(a), 877(j))

Dated: June 3, 1976.

RAYMOND A. PECK, Jr.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76–16626 Filed 6–8–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 557–7]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Idaho SO₂ Control Strategy

The purpose of this rulemaking is to (1) disapprove Regulation R of the "Rules and Regulations for the Control of Air Pollution in Idaho;" (2) promulgate substitute regulations which will provide for the control of SO_2 at The J. R. Simplot Company facility near Pocatello, Idaho; (3) approve a State-issued Consent Order for the control of SO_2 at the Beker Industries facility at Conda, Idaho; (4) revoke the federally promulgated compliance schedule for sulfuric acid plants located in the State of Idaho; and (5) extend the attainment date for meeting national primary and secondary ambient air quality standards for sulfur oxides (sulfur dioxide) in the Eastern Idaho Intrastate Air Quality Control Region to July 31, 1976. The preamble which follows contains the background for these actions, a summary of public comments, the Administrator's findings and a description of the promulgated regulations.

BACKGROUND

The Eastern Idaho Intrastate Air Quality Control Region (AQCR) is classified Priority IA for sulfur oxides (SO_x) due to emissions from the production of sulfuric acid by The J. R. Simplot Company's Minerals and Chemical Division located near Pocatello, Idaho. On May 31, 1972 (37 FR 10842), under Section 110 of the Clean Air Act, the Administrator approved, with specific exceptions, the State of Idaho Air Quality Implementation Plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Specifically, the Administrator disapproved the SO_x control strategy and compliance schedule sections of the Idaho SIP for the Eastern Idaho Intrastate AQCR because the Plan did not contain a regulation for the attainment and maintenance of the SO_x NAAQS in the Eastern Idaho Intrastate AQCR. Subsequently, on October 24, 1972, the State of Idaho adopted Regulation R, "Regulation for Control of Sulfur Oxides Emissions from Sulfuric Acid Plants," as the basis for an SO_x control strategy for the Eastern Idaho Intrastate AQCR. Regulation R restricts SO_x emissions to 28 pounds per ton of 100 percent sulfuric acid produced. The two existing facilities subject to the regulation were The J. R. Simplot Company and the Beker Industries facility.

The Administrator, in the May 14, 1973 FEDERAL REGISTER (38 FR 12702), approved Regulation R as the SO_x control strategy for the Eastern Idaho Intrastate AQCR. In the August 23, 1973 FEDERAL REGISTER (38 FR 22735), EPA promulgated a compliance schedule for the two sources subject to Regulation R. On September 21, 1973 Simplot filed a Petition for Review of EPA's approval of Regulation R and promulgation of the compliance schedule. Simplot's Petition was, in large part, based on the contention that Regulation R was more restrictive than necessary for the attainment and maintenance of the SO_x NAAQS.

Soon after, on October 24, 1973, the Idaho Board of Environmental and Community Services (now the Board of Health and Welfare) adopted a Consent Order for Beker Industries which replaces Regulation R as the regulation applicable to the facility. The Consent Order establishes SO_2 and particulate emissions from the facility, in addition to requiring performance tests and continuous monitoring. Reports on the tests and continuous monitoring are submitted to the Idaho Department of Health and Welfare on a regular basis. The Consent Order was submitted for EPA's approval as a SIP revision on July 28, 1975. The Order was proposed and public comment invited in the November 6, 1975 FEDERAL REGISTER (40 FR 51655). No comments were received during the 30-day public comment period ending December 8, 1975.

In the meantime, from October 1973 through May 1974, EPA gathered and analysed relevant information pertaining to the technical merit of The J. R. Simplot Company's Petition for Review. During this review, EPA worked closely with the State of Idaho and The J. R. Simplot Company.

On May 29, 1974 The J. R. Simplot Company proposed to EPA a method of SO_2 emission control based on a revised sulfuric acid plant configuration. The J. R. Simplot Company requested an EPA technical review and approval of their approach. The May 29 Simplot proposal was evaluated in detail using the results of diffusion modeling in conjunction with analysis of measured ambient SO_2 concentrations. On July 22, 1974 EPA transmitted to Simplot its final report, "Analysis of Technical Contentions Contained in The J. R. Simplot Company Petition for Review." Briefly, the report concludes that Regulation R is inadequate to provide for attainment and maintenance of the NAAQS. Further, the report concludes that Simplot's proposal was inadequate in that a more restrictive (1700 lbs/hr) emission limit would be required for the #300 acid plant.

On September 16, 1974, under the authority of section 110(c) of the Clean Air Act, EPA officially advised the State of Idaho that Regulation R was inadequate to provide for attainment and maintenance of SO_2 NAAQS. The State was given 60 days to revise their SIP.

On October 22, 1974 the Idaho Department of Health and Welfare indicated that due to their heavy involvement with other issues and the pending nature of the Simplot Petition for Review, EPA should proceed with the matter of promulgating the required emission control and compliance schedule for Simplot. Therefore, in the August 20, 1975 FEDERAL REGISTER (40 FR 36385), EPA proposed: (1) disapproval of Regulation R; (2) a substitute emission limiting regulation to apply to The J. R. Simplot Company facility; (3) rescission of the compliance schedule for sulfuric acid plants, 40 CFR 52.677(d), as it applies to Simplot and (4) extension of the attainment date for primary and secondary SO_x NAAQS in the Eastern Idaho Intrastate AQCR to March 31, 1976.

PUBLIC COMMENT

A public hearing on the proposed federal regulation for The J. R. Simplot Company was held in Pocatello, Idaho on September 25, 1975. The proposed EPA regulation and EPA's proposal to disapprove Regulation R elicited limited public comment. The testimonies and submittals to the public hearing record are summarized as follows:

Four individuals presented testimony on behalf of The J. R. Simplot Company. The first representative related the measures taken by Simplot to date to comply with the SO_2 NAAQS, including the currently ongoing installation of an ammonia liquor scrubber which will serve both #100 and #200 sulfuric acid plants. Simplot also stated that they believe that limiting emissions of SO_2 from the #300 sulfuric acid plant to 1700 pounds per hour, as EPA proposed, will reduce effective plant capacity by at least 50 tons of sulfuric acid production per day, thereby potentially decreasing the amount of diammonium phosphate fertilizer produced.

A second representative presented a summary of a study recently prepared for the Company predicting the impact of Simplot's future operations on NAAQS. The study concludes that Simplot could operate the #300 acid plant at an effluent rate of 2190 pounds of SO_2 per hour and the #100 and #200 plants at 200 pounds per hour (equivalent to 2 kg per metric ton or 4 pounds per ton of sulfuric acid produced) without violating the SO_2 NAAQS. A summary of the technical background for the proposal was presented including methods used in the calculations and a summary of the findings.

Simplot also objected to several requirements of the proposed regulation relating to monitoring of emissions because the requirements are inconsistent with the regulations for new sulfuric acid plants as promulgated or, in some cases, proposed by EPA in 40 CFR Part 60, Standards of Performance for New Stationary Sources.

The last representative for the Simplot Company related additional measures the Company is prepared to take should EPA determine that the proposed emission rate of 2190 pounds of SO_2 per hour for #300 plant is not adequate to assure attainment and maintenance of NAAQS. These measures include (1) placing a meteorological station south of the Simplot facility to continuously monitor relevant weather conditions, (2) installing a system to continuously deliver data from the meteorological station to a control room in the plant, and (3) reducing to predetermined levels the production rates under certain weather and operating conditions to assure that no violations of the SO_2 NAAQS will occur.

Simplot also requested that the date for final compliance with the emission limitations be changed to July 31, 1976, rather than the proposed date of March 31, 1976, because the installation of the ammonia liquor scrubber for the #100 and #200 acid plants cannot be completed until that date. Simplot provided written evidence indicating that the delay is due to a delay of delivery of equipment and material.

In addition, six representatives of the public presented testimony at the hearing. In general, their testimony related concern about the problem of SO_2 in the Pocatello area and support for stringent regulations to control emissions from the Simplot facility. Three letters were entered into the record at the hearing which also supported stringent regulations to control SO_2.

During the three week period that the public hearing record remained open to accept comments, two more letters were received from representatives of the general public who testified at the hearing reiterating statements made in support of stringent controls on Simplot.

In response to a question asked by EPA at the hearing, Simplot submitted information relating to a review of the #300 acid plant by a third consultant. This consultant made a number of recommendations to Simplot regarding the operation of the plant to improve its performance. In general, the consultant concluded that by changing some of the operating procedures currently utilized, the plant should be able to meet an SO_2 emissions rate even lower than the 1700 pounds per hour proposed by EPA. This is in agreement with testimony given at the hearing by an EPA technical advisor who indicated that a rate of 1280 pounds SO_2 per hour has been achieved by other similar sulfuric acid plants. Simplot responded that although essentially all of the consultant's recommendations have been completed, the emissions rate achieved by the #300 plant is higher than that projected by the consultant. The #300 acid plant is currently achieving a rate of approximately 2190 pounds SO_2 per hour.

FINDINGS

In the period since the public hearing, the Administrator has carefully reviewed and evaluated all testimony and other submitted materials relating to the proposed federal regulation for the J. R. Simplot Company. The Administrator, the State of Idaho Department of Health and Welfare, and the Simplot Company have agreed that Regulation R is inadequate to prevent violations of the SO_2 NAAQS in the Eastern Idaho Intrastate AQCR. In addition, it is agreed that the proposed SO_2 emission rate of 2 kg per metric ton (4 pounds per ton) of sulfuric acid produced for the combined #100 and #200 sulfuric acid plant can be regarded as the maximum achievable technology and will assure that the #100 and #200 plants alone will not cause a violation of the SO_2 NAAQS.

In regard to Simplot's request that the date for final compliance with the emission limitations be extended to July 31, 1976, the Administrator finds that the delay is beyond the control of Simplot, and since the Company is making a good faith effort to complete installation of the scrubber, the Administrator is granting the request. The Administrator is also extending the attainment date for meeting SO_2 NAAQS in the Eastern Idaho Intrastate AQCR to July 31, 1976. In addition, because of the length of time that has passed prior to the promulgation of these regulations, the Administrator is allowing Simplot until September 30, 1976 to meet the requirements for the installation of the continuous emission and ambient monitoring equipment.

The only remaining principal area of disagreement between EPA and Simplot is the SO_2 emissions rate from the #300 sulfuric acid plant. Both EPA and Simplot submitted detailed technical documents to the record outlining a basis for determining the appropriate SO_2 emissions rate from the #300 plant. Simplot contends that a rate of 2190 pounds SO_2 per hour will assure that no violations of the SO_2 NAAQS will occur. EPA has calculated that a rate of 1700 pounds SO_2 per hour is necessary to assure that no violations occur. Each proposal is based on analytical diffusion techniques and, to a large extent, considers the same data. The Administrator has carefully reviewed and evaluated both documents and has found that some technical weaknesses can be found in each due to the insufficient data upon which both are based. The Administrator has therefore concluded that it would be futile to attempt to do further analysis on the proper emission rate at this time in view of: (1) the lack of adequate technical background data, and (2) the changes that have been made recently in the plant's configuration. The Administrator has determined that the more appropriate action is to base the emissions rate on an analysis of actual measured ambient air quality, meteorological and emissions data.

Therefore, the Administrator is today promulgating an emissions limitation of 2190 pounds of SO_2 per hour for the #300 sulfuric acid plant. Also, in order to determine whether a more restrictive emission limit is required, the Administrator is requiring that Simplot install and operate an expanded ambient monitoring network until such time as the Administrator declares that an adequate data base has been generated which shall be no earlier than at least one year. Within 90 days of the Administrator's declaration of an adequate data base, Simplot will submit for EPA's review a technical analysis indicating the degree of permanent emissions control required on the #300 acid plant to ensure attainment and maintenance of NAAQS.

REGULATIONS

The Administrator is today disapproving Regulation R because it does not ensure the attainment and maintenance of NAAQS for SO_2.

The Administrator is also approving the Consent Order issued by the Idaho Board of Health and Welfare on October 24, 1973, as the applicable regulation for the Beker Industries Corporation, located at Conda, Idaho. The Consent Order has been reviewed by EPA and found to meet the requirements of 40 CFR Part 51. Any future changes to the Order made by the State must be submitted to EPA as an Implementation Plan revision in accordance with 40 CFR 51.6.

The Administrator is promulgating, as amended, (42 U.S.C. 1857c-5(a)) and limit SO_2 emissions from their sulfuric

(B) Continuously monitoring and re-

(ii) At the Administrator's discretion, Simplot Company to comply with any

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The Administrator is promulgating a regulation applicable to The J. R. Simplot Company as follows:

1. The combined SO_2 emissions from the designated #100 and #200 sulfuric acid plants shall not exceed 2 kg per metric ton (4 pounds per ton) of 100 percent sulfuric acid produced.

2. The SO_2 emissions from the designated #300 sulfuric acid plant shall not exceed 994 kg (2190 pounds) per hour.

3. Simplot must utilize best engineering techniques in the operation of their plant to prevent fugitive SO_2 losses.

4. The #100 and #200 sulfuric acid plants, which share a common stack, and the #300 sulfuric acid plant, are subject to performance testing and continuous emission monitoring requirements.

The regulation establishes certain SO_2 emission limitations which the facility must meet by July 31, 1976. The regulation also establishes test methods and procedures to be followed in determining compliance with the promulgated emission limitations.

5. Simplot is required to install, operate and report data from an expanded ambient air monitoring network of sufficient size to fully assess the impact of SO_2 emissions on ambient air quality in the principal downwind directions from the plant. Such a network shall consist of a minimum of four ambient SO_2 monitoring instruments and one meterological station capable of monitoring wind speed and wind direction. All site locations shall be subject to the approval of the Administrator. Simplot shall certify to EPA that the data generated from these instruments is accurate to the manufacturer's suggested specification.

The Administrator is also today extending the attainment date for the SO_2 NAAQS in the Eastern Idaho Intrastate AQCR to July 31, 1976.

Should the State of Idaho Department of Health and Welfare, following promulgation of the regulations for The J. R. Simplot Company, adopt and submit regulations equivalent to the regulations promulgated below, the Administrator will make an appropriate modification to his determination regarding the approvability of the affected portion of the State's Implementation Plan and will rescind these regulations.

The record of EPA's disapproval of Regulation R, and the record of public comment on the proposed federal regulations are available for review at the following locations:

Idaho Department of Health and Welfare, Statehouse, Boise, Idaho 83720.
Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.
Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

The regulations promulgated herein are effective July 9, 1976.

This Notice of Final Rulemaking is issued under the authority of Section 110 (a) and 110(c) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a) and 1857c-5(c)).

Dated: June 2, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart N—Idaho

1. In § 52.670, paragraph (c) is amended by adding subparagraph (15) as follows:

§ 52.670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(15) Consent Order for Beker Industries submitted on July 28, 1975 by the Governor.

2. Section 52.672 is amended by adding paragraph (c) as follows:

§ 52.672 Extensions.

* * * * *

(c) The Administrator hereby extends to July 31, 1976, the attainment date for the primary and secondary standards for sulfur oxides in the Eastern Idaho Intrastate Air Quality Control Region.

3. Section 52.675 is added as follows:

§ 52.675 Control Strategy: Sulfur oxides—Eastern Idaho Intrastate Air Quality Control Region.

(a) Regulation R of the Rules and Regulations for the Control of Air Pollution in Idaho, which is part of the sulfur dioxide (SO_2) control strategy, is disapproved since it is inconsistent with the purposes and provisions of § 51.13. These requirements are not met by Regulation R in that the SO_2 control strategy contained therein is not adequate for the attainment and maintenance of SO_2 national ambient air quality standards (NAAQS).

(b) *Regulation for control of sulfur dioxide (SO_2) emissions: Sulfuric Acid Plants.*

(1) The provisions of this paragraph shall apply to the owner(s) and operator(s) of The J.R. Simplot Company's Minerals and Chemical Division, located in Power County, Idaho, in the Eastern Idaho Intrastate Air Quality Control Region.

(2) The owner(s) and operator(s) of The J. R. Simplot Company facility shall utilize best engineering techniques in the operation of their plant to prevent fugitive SO losses. Such techniques shall include but are not limited to:

(i) Operating and maintaining all conducts, flues, and stacks in a leakfree condition.

(ii) Operating and maintaining all process equipment and gas collection systems in such a fashion that leakage of SO_2 gases will be prevented to the maximum extent possible.

(3) The owner(s) and operator(s) of The J. R. Simplot Company facility shall limit SO_2 emissions from their sulfuric acid plants per the following:

(i) The combined SO_2 emissions from the designated #100 and #200 sulfuric acid plants shall not exceed 2 kilograms (kg) per metric ton (4 pounds per ton) of 100 percent sulfuric acid produced.

(ii) The SO_2 emissions from the designated #300 sulfuric acid plant and stack shall not exceed 994 kg per hour (2190 pounds per hour).

(4) (i) The owner(s) and operator(s) of The J. R. Simplot Company shall achieve compliance with the requirements specified in paragraphs (b) (2) and (b) (3) of this section in accordance with the following schedule:

(A) Advise EPA as to status of contract(s) and construction schedules for pollution abatement projects within 30 days of the effective date of this regulation.

(B) Attain final compliance by July 31, 1976.

(ii) A performance test of the #300 acid plant shall be necessary to determine whether compliance has been achieved with the requirements of paragraph (b) (3) of this section. Such test must be completed within 15 days of the final compliance date specified in paragraph (b) (4) (i) of this section. Notice must be given to the Administrator at least 10 days prior to such a test to afford him an opportunity to have an observer present.

(iii) Within 60 days after achieving the maximum production rate at which the #100 and #200 acid plant will be operated, but not later than 180 days after initial start-up of these plants and at such other times as may be required by the Administrator under Section 114 of the Clean Air Act, the owner(s) and operator(s) of the facility shall conduct performance test(s) in accordance with the requirements of 40 CFR 60.8.

(iv) If the owner(s) and operator(s) of The J. R. Simplot Company facility are presently in compliance with the requirements of paragraph (b) (2) and (b) (3) of this section or in compliance with a portion of these requirements, such compliance shall be certified to the Administrator within 15 days following the date of the publication of these requirements as a final regulation in the FEDERAL REGISTER. If the owner(s) or operator(s) of The J. R. Simplot Company achieve compliance prior to July 31, 1976, such compliance shall be certified to the Administrator within 15 days of the date of achieving compliance. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(5) (i) By no later than September 30, 1976, the owner(s) and operator(s) of The J. R. Simplot Company facility shall install, calibrate, maintain and operate measurement system(s) for:

(A) Continuously monitoring and recording SO_2 concentration rates in each sulfuric acid plant discharge stack per the requirements of 40 CFR 60.13 and 60.84.

(B) Continuously monitoring and recording gas volumetric flow rates in the exhaust stack of the designated #300 sulfuric acid plant.

(ii) By no later than October 30, 1976, and at such other times following that date as the Administrator may specify, the SO_2 concentration measurement system(s) and stack gas volumetric flow rate system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 60.13 and Appendix E to this part, respectively. The Administrator shall be notified at least 10 days prior to the start of this field test period to afford the Administrator the opportunity to have an observer present.

(iii) The sampling point for monitoring the concentration of SO_2 emissions shall be in the duct at the centroid of the cross section of the discharge stack if the cross sectional area is less than 4.65 m^2 (50 ft^2) or at a point no closer to the wall than 0.91 m (3 ft) if the cross sectional area is 4.65 m^2 (50 ft^2) or more. The monitor sample point shall be representative of the average concentration in the duct.

(iv) The measurement system(s) shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.

(v) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of three hour average emission rate measurements for each sulfuric acid plant. Three hour average emission rates shall be calculated for each day beginning at midnight. For the #100 and #200 acid plants, the calculations shall be in conformance with 40 CFR 60.84. For the #300 acid plant, average SO_2 emission rates expressed in kg SO_2 per hour shall be calculated. The results of these calculations for each month shall be submitted to the Administrator within 15 days following the end of each month. Such submission shall identify each period of excess emissions that occurred and the nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted. The records of such measurements including strip charts and other appropriate raw data shall be retained for a minimum of two years following the date of such measurements.

(vi) The continuous monitoring and recordkeeping requirements of paragraph (b) (5) of this section shall become applicable September 30, 1976.

(6) (i) Compliance with the requirements set forth in paragraph (b) (3) of this section shall be determined using the emission rates measured by the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b) (5) of this section.

(ii) At the Administrator's discretion, compliance may also be determined using the manual source test methods per 40 CFR 60.85 and Appendix A to Part 60 of this Title. Emission rates for each stack shall be expressed in units consistent with those in paragraph (b) (3) of this section.

(iii) A violation of the requirements of paragraph (b) (3) of this section shall occur whenever the SO_2 emission rates determined according to paragraph (b) (6) (i) or (b) (6) (ii) of this section exceed the corresponding SO_2 emission rates specified in paragraph (b) (3) of this section.

(7) The owner(s) and operator(s) of The J. R. Simplot Company facility shall by September 30, 1976, install, calibrate, maintain and operate a network for continuously monitoring ground level ambient SO_2 concentrations and wind speed and direction.

(i) The monitoring network shall consist of at least four ambient SO_2 monitoring stations and one meteorological station placed at locations approved by the Administrator.

(ii) The SO_2 monitoring network shall be consistent with automated equivalent methods for measurement of ambient concentrations of SO_2 as defined in Part 53 of this chapter.

(iii) The monitoring network installed and used pursuant to this subparagraph shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.

(iv) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of all measurements required by this subparagraph. Strip charts and other raw data from the monitoring network shall be retained for a minimum of two years following the date of such measurement.

(v) The owner(s) and operator(s) of The J. R. Simplot Company shall calculate hourly average ambient SO_2 concentrations, wind speed, and wind direction from each monitoring station and submit such values to the Administrator within 15 days following the end of each month.

(vi) The continuous monitoring and recordkeeping requirements of paragraph (b) (7) of this section shall become applicable September 30, 1976 and shall remain applicable until such time as the Administrator declares that an adequate ambient air data base has been established, which shall be no earlier than at least one calendar year.

(vii) Within 90 days of the Administrator's declaration of an adequate data base, Simplot shall submit to the Administrator a technical analysis of the degree of permanent control required on the #300 acid plant to ensure attainment and maintenance of NAAQS.

(8) Nothing in paragraph (b) of this section shall be construed to relieve the owner(s) and operator(s) of The J. R. Simplot Company to comply with any applicable requirements of Part 60 of this Title. In the event of conflicting requirements or interpretations between Part 60 of this Title and this paragraph, the more restrictive interpretation or requirement shall apply.

(9) In the event that measurement systems cannot be installed and operational by the date specified in this section, The J. R. Simplot Company shall propose the earliest possible date by which such requirements can be met. Such proposal shall include adequate justification and supporting documentation.

§ 52.677 [Amended]

4. Section 52.677 is amended by revoking paragraph (d) (3) and (d) (4) as follows:

* * * * *

(d) *Federal compliance schedules.*

* * * * *

(3) [Reserved]
(4) [Reserved]

§ 52.680 [Amended]

5. In § 52.680, the letter "a" indicating the date for attainment of the national primary and secondary ambient air quality standards for sulfur oxides in the Eastern Idaho Intrastate Air Quality Control Region is amended to read "*f*", and footnote "*f*" is added beneath the table to read as follows:

* * * * *

f: July 31, 1976.

[FR Doc.76-16746 Filed 6-8-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment E-188]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Validation of Cobol Compilers; Substitute to Standard Terminology

FPMR Amendment E-174 (40 FR 53012), requiring the validation of COBOL compilers, was published on November 14, 1975. FPMR Amendment E-174 requires that all COBOL compilers brought into the Federal inventory must be validated to determine their conformance with Federal Information Processing Standard Publication (FIPS PUB) 21-1, Federal Standard COBOL.

Vendors are unable to comply with certain requirements of the new regulation because their development of compilers based on FIPS PUB 21-1 is in various stages of completion. FIPS PUB 21-1 provides for an interim period (December 1, 1975 to June 1, 1977) to allow vendors to make the transition from the FIPS PUB 21 standard.

This regulation provides a substitute paragraph with special terminology for solicitation documents that will be used by agencies during this transition period.

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Subpart 101-32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

The following note is added after paragraph (h) of § 101-32.1305-1a.

§ 101-32.1305-1a Validation of COBOL compilers.

* * * * *

NOTE.—The following paragraph shall be used to replace paragraph (h) of this section during the interim period of implementation of Federal Standard COBOL (December 1, 1975 to June 1, 1977). The language below is applicable to FIPS PUB 21-1 only. Provisions of § 101-32.1305-1a fully apply to compilers that are based on FIPS PUB 21, offered as a substitute for FIPS PUB 21-1 compilers during the interim period as prescribed in paragraph 11.2 of FIPS PUB 21-1

VALIDATION OF COBOL COMPILERS

(FIPS PUB 21-1, substitute for paragraph (h))

In addition to the specified mandatory COBAL compiler requirements stated in the specification portion of this solicitation, all COBOL compilers brought into the Federal inventory as a result of this solicitation, which have not been tested, must be tested using the official COBOL Compiler Validation System (CCVS). Validation shall be in accordance with Federal Property Management Regulation (FPMR) 101-32.1305-1a. The results of the validation shall be used to confirm that the compiler meets the specified requirements of the designated level of FIPS PUB 21-1 Federal Standard COBOL. To be considered responsive the vendor shall:

i. Certify in the proposal that all COBOL compilers offered in response to this solicitation based upon FIPS PUB 21-1 shall be submitted for validation as set forth in FPMR 101-32.1305-1a no later than June 1, 1977.

ii. Agree to correct all deviations from the standard reflected in the Validation Summary Report (VSR) not previously covered by a waiver. Corrections shall be made within 12 months of receipt of the VSR by the contractor or June 1, 1978, whichever is later unless a shorter period is specified elsewhere in this solicitation. If an interpretation of the standard is required that will invoke the procedures set forth in FIPS PUB 29, such requests for interpretation will be made within 30 calendar days after receipt of the VSR by the contractor.

Any corrections that are required as a result of decisions made under the procedures of FIPS PUB 29 will be completed within 12 months of the date of formal notification of the interpretation to the contractor. Failure to make required corrections within the time provisions set forth above shall be deemed a failure to deliver required software. The liquidated damages as specified for failure to deliver either operating systems or other software shall apply. In addition, such failure falls within the purview of the default clause. If the required corrections are not made within the time provisions specified above, subsequent proposals submitted to the Government offering the deficient COBOL compilers or subsequent uncorrected versions thereto shall be considered non-responsive.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective June 9, 1976.

Dated: June 2, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-16703 Filed 6-8-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Sport Fishing on Big Stone National Wildlife Refuge, Minnesota

On May 13, 1976, there was published in the FEDERAL REGISTER (41 FR 19783) a notice of proposed rulemaking adding Big Stone National Wildlife Refuge, Minnesota to the list of refuge areas which are open for sport fishing. This is published at 50 CFR 33.4.

Pursuant to the authority of 16 U.S.C. § 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at D.M. 242.1.1, the Director has determined that allowing sport fishing on Big Stone National Wildlife Refuge would not be contrary to the provisions of law applicable to the area, would be in the public interest, and that such activity is not detrimental to the objectives for which the area was established.

The public was provided an abbreviated comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection. No comments were received on the proposed rulemaking.

Based on the preceding and an evaluation of the environmental assessment, it has been determined that sport fishing on the Big Stone National Wildlife Refuge is not a major federal action which would significantly affect the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Because of the time limitations involved in coordinating State and Federal fishing regulations, with the State-wide season already open, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d)(3) of the Administrative Procedures Act to expedite the implementation of this rulemaking. Therefore, this rulemaking will become effective June 9, 1976.

Accordingly, the proposed rulemaking is hereby adopted without change and 33.4 amended as set forth below:

§ 33.4 List of open areas; sport fishing.

* * * * *

MINNESOTA

Big Stone National Wildlife Refuge

* * * * *

Dated: June 4, 1976.

JAMES W. PULLIAM, Jr.,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc.76-16648 Filed 6-8-76;8:45 am]

PART 33—SPORT FISHING

Big Stone National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on June 9, 1976.

§ 33.5 Special Regulation; sport fishing; for individual wildlife refuge areas.

MINNESOTA

BIG STONE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Stone National Wildlife Refuge, Ortonville, Minnesota, is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the Office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing is permitted from May 15 to September 30 only.

(2) The Minnesota and Yellow Bank Rivers are open to fishing during daylight hours only for their entire lengths through the refuge.

(3) Canoes (no motors) are allowed only on the Minnesota River channel canoe trail.

(4) Boats, canoes or other floating devices will not be permitted in the pool areas or open marshes. All fishing in these areas shall be from the shoreline only.

(5) Vehicles are restricted to public roads and parking areas. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

JACK E. HEMPHILL,
Regional Director.

MAY 24, 1976.

[FR Doc.76-16647 Filed 6-8-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

On May 28, 1976, the National Marine Fisheries Service published a notice in

the Federal Register, 41 FR 21782, which implemented an Order issued by Federal District Court Judge Charles R. Richey in the cases of *Committee for Humane Legislation, Inc.* v. *Elliot L. Richardson, et al.* (C.A. No. 74-1465, U.S. District Court for the District of Columbia) and *Fund for Animals, et al.* v. *Elliot L. Richardson, et al.* (C.A. No. 75-0227, U.S. District Court for the District of Columbia).

Generally, the purpose of the notice of May 28, 1976, was to implement Judge Richey's Order by (a) informing the appropriate general permit and certificate holders of the status of their general permit and certificates of inclusion as of May 31, 1976, (the effective date of the Judge's Order) and (b) amending the regulations in Part 216 of Title 50, Code of Federal Regulations, to conform to the Court's Order. On May 28, 1976, the Circuit Court of Appeals for the District of Columbia Circuit stayed Judge Richey's Order until 5:00 P.M. June 1, 1976. On June 1, 1976, the stay was extended until further ordered by the Court.

Accordingly, the purpose of this notice is to implement the Court of Appeals' Order Staying Judge Richey's Order by (a) informing the American Tunaboat Association that the general permit issued to it on December 20, 1975, for Category 2, encircling gear, yellowfin tuna purse seining and holders of certificates of inclusion issued under this permit that the general permit and the certificates of inclusion are valid until December 31, 1976, unless otherwise ordered by the Court of Appeals and (b) rescinding that portion of the notice of May 28, 1976, which amended Part 216 of the Code of Federal Regulations Title 50.

Further, certificate holders are advised that National Marine Fisheries Service scientific observers and gear technicians are to continue activities in accordance with prior plans aboard their vessels until further notice. Log sheets required by 50 CFR 216.24(d)(2)(i)(B)(iii) will continue to be maintained.

These changes are effective immediately.

Dated: June 4, 1976.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

§ 216.24 [Amended]

Accordingly, so much of the rulemaking as set forth in the notice of May 28, 1976, which amended Part 216 by revoking paragraphs (b)(1)(ii), (c)(6)(i)(B), (c)(6)(ii)(B), (d)(2) and (f) is rescinded. In addition, the amendment to § 216.24e)(3)(v) is also rescinded. The provisions of § 216.24, in effect on January 1, 1976, are in effect until amended by this agency or otherwise modified by order of the United States Court of Appeals for the District of Columbia Circuit.

[FR Doc.76-16717 Filed 6-8-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Office of the Attorney General

[28 CFR Part 16]

[Order No. 652-76]

THE PRIVACY ACT

Proposed Exemption of a Criminal Division System of Records

The Department of Justice proposes to issue regulations exempting a system of records maintained by the Criminal Division of the Department of Justice from provisions of the Privacy Act of 1974 (5 U.S.C. 552a), for the reasons set forth in the proposed exemption notice.

Persons wishing to comment on the proposed exemption may address their comments in writing to the Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, D.C. 20530. All comments must be received by July 9, 1976.

Dated: June 3, 1976.

EDWARD H. LEVI,
Attorney General.

The Department of Justice proposes to issue regulations exempting a system of records maintained by the Criminal Division known as JUSTICE/CRM-024, Freedom of Information/Privacy Act Records, from the provisions of subsections (c) (3) and (4), (d), (e), (1), (2) and (3), (e), (4) (G), (H), and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a. The principal function of the Criminal Division pertains to the enforcement of criminal laws. The purpose of these exemptions is to maintain the confidentiality and security of information compiled for purposes of criminal investigation or civil or regulatory law enforcement or reports compiled at any stage of the process of enforcement of the criminal laws, to maintain the confidentiality and security of the identity of witnesses, informants, and others protected in witness security programs, and to maintain the confidentiality and security of information that is specifically authorized to be kept secret in the interests of national defense or foreign policy. Some records contained in this system of records may not be subject to exemptions. A determination will be made as to the exemption of a specific record at the time a request for notification or access is made.

Written comments on the proposed exemptions should be clearly labeled "Privacy Act Exemption Comments" and sent to: Assistant Attorney General, Criminal Division, United States Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

All comments must be received no later than July 9, 1976. No oral hearings are contemplated.

By virtue of the authority vested in me by 5 U.S.C. 552a (j) and (k), and as Attorney General of the United States, § 16.91 of Subpart E of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new paragraphs (s) and (t):

§ 16.91 Exemption of Criminal Division Systems—Limited access, as indicated.

* * * * *

(s) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

Freedom of Information/Privacy Act Records (JUSTICE/CRM-024).

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Criminal Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Criminal Division systems and only to the same extent as the records contained in such other systems have been exempted.

(t) The system of records listed under paragraph (s) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and the Department of Justice in claiming correction, the purpose of the Privacy Act in providing such exemptions, and of such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

[FR Doc.76-16651 Filed 6-8-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3520 and 9230]

Amendments

MINERAL LEASING REGULATIONS

This proposed rulemaking would amend three sections of 43 CFR Parts 3520 and 9230 to clearly state that leasable minerals cannot be mined in commercial quantities prior to the issuance of a lease for that purpose.

43 CFR 3510.1-2, in describing the rights conferred under a prospecting permits, states that only such material may be removed from the land as is necessary for experimental work or the demonstration of quantity. Two sections of Part 3520 and one section of Part 9230 now imply that right to remove materials in commercial quantities before a lease has been issued. The Solicitor has determined that there is no authority to permit commercial mining under a prospecting permit or prior to the issuance of a lease. The following proposed amendments clarify the regulations by making Part 3520 consistent with Part 3510 and with the Solicitor's interpretation of the statute.

1. Section 3520.2-2 is changed to eliminate the implication that the removal of commercial quantities of material is allowed prior to the issuance of a lease.

2. Section 3521.4-1 is restated to make mining activity on a permit area, after the prospecting permit has expired and a lease application rejected, an act of trespass.

3. Section 9239.5-3(b) is changed to make mining without a lease an act of trespass.

In summary, the proposed amendments clarify the reguations and make them consistent with the Solicitor's interpretation of the statute. The clarification will help the Agency in managing other resources associated with the mineral resources and protect the rights and privileges of resource users.

In accordance with the Department's policy on public participation in rulemaking (36 Fed. Reg. 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. on or before July 9, 1976.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regulatory Management (Room 5554), Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

These amendments are proposed under the authority of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 181-287) and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359).

It is proposed to amend 43 CFR Parts 3520 and 9230 as follows:

1. Section 3520.2-2(a) is revised to read as follows:

§ 3520.2-2 Dating of Leases.

(a) Leases will be dated the first day of the month following the date signed by the lessor, except that upon receipt of a prior written request, a lease may be dated the first day of the month in which it is signed.

* * * * *

2. Section 3521.4-1 is revised to read as follows:

§ 3521.4-1 Preference right lease.

Mining operations carried on prior to the effective date of a lease shall constitute an act of trespass.

3. Section 9239.5-3(b) is amended to read as follows:

§ 9239.5-3 Coal.

* * * * *

(b) *Coal mined when there is no lease in effect.* Any mining of coal which is not pursuant to a coal lease in effect at the time of the mining shall constitute a trespass, and the coal so mined must be paid for on a trespass basis.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

JUNE 2, 1976.

[FR Doc.76-16706 Filed 6-8-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Proposed Handling Regulation

This notice invites written comment relative to a proposed amendment that would continue Nectarine Regulation 7 (§ 916.349; 41 FR 20545) through May 31, 1977. Said regulation will expire on July 21, 1976, unless extended. The regulation prescribes that shipments of California nectarines grade U.S. No. 1 except that (1) a slightly smaller area of the surface of each fruit may be affected by fairly light colored, fairly smooth scars, and (2) an additional tolerance is provided for individual fruit not well formed but not badly misshapen. The regulation also prescribes minimum sizes for 45 named varieties. The proposed extension of the effective period of Nectarine Regulation 7 is designed to maintain orderly marketing conditions and provide consumers with an ample supply of acceptable-quality fruit. Fresh shipments of California nectarines are expected to total 9,957,000 packages in 1976 compared to actual shipment of 9,595,000 packages last season. The proposed amendment is consistent with the quality and size composition of the estimated crop of California nectarines.

The proposed amendment was submitted by the Nectarine Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), which regulates the handling of nectarines grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments for consideration in connection with Nectarine Regulation 7, as published in the FEDERAL REGISTER on May 19, 1976 (41 FR 20545), or the proposed amendment published herein shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250 not later than June 30, 1976.

The proposal is to amend § 916.349 by changing the date from "July 20, 1976" to "May 31, 1977" where it appears in § 916.349(a) preceding subparagraph (1). As amended said § 916.349 would read as follows:

§ 916.349 Nectarine regulation 7.

(a) During the period June 1, 1976, through May 31, 1977, no handler shall handle:

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: June 3, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-16643 Filed 6-8-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2017]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Farmers Branch, Dallas County, Texas

The Federal Insurance Administrator in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Farmers Branch, Dallas County Texas.

Under these Acts, the Administrator to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Department of Public Works, City Hall, 13000 William Dodson Parkway, Farmers Branch.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify George G. Grimmer, Mayor, P.O. Box 34435, Farmers Branch, Texas 75234. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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FEDERAL COMMUNICATIONS

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Elm Fork of the Trinity River.	South corporate limit (Royal Lane)	430	2,500	(1)
	Farmers Branch Creek confluence	431	600	(1)
	Keenan Bridge Rd	434	3,350	(1)
	Valley View Lane	435	3,470	(1)
Cooks Branch	West corporate limit	435	810	(1)
	Chicago, Rock Island, and Pacific RR	444	50	90
	Interstate Highway 35E	455	1,150	300
	Denton Rd	461	550	380
	Missouri-Kansas-Texas RR	461	610	470
	Bee St	463	170	300
	Valwood Parkway	478	220	200
	Josey Lane	479	340	250
	Hollandale Lane	493	90	40
	North corporate limit	505	120	20
Farmers Branch	Luna Rd	432	65	5,060
	Chicago, Rock Island, and Pacific RR	442	110	150
	Denton Rd	462	(1)	120
	Missouri-Kansas-Texas RR	463	(1)	170
	Ford Rd	467	440	160
	Josey Lane	482	165	210
	Veronica Rd	491	210	125
	Webb Chapel Rd	501	250	190
	Lost Valley Lane	509	25	200
	Valley View Lane	529	780	190
	Marsh Lane	544	450	260
	North corporate limit	522	320	320
	West corporate limit	561	75	120
	North corporate limit	576	35	200
Rawhide Creek	Missouri-Kansas-Texas RR	562	50	10
	Demetra Dr. (extended)	466	260	280
	Dixiana St. (extended)	471	75	125
	Valley View Lane	475	65	180
	Tom Field Rd	481	210	150
	Josey Lane	488	85	200
	Longmeade Dr	500	150	230
	Webb Chapel Rd	506	75	530
	Brookhaven Club Dr	518	375	285
	Pebble Beach Dr	537	220	150
	Garden Brook Dr	552	85	395
	West corporate limits (Marsh Lane)	567	180	260

¹ Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16754 Filed 6-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 557-3]

STATE OF DELAWARE

Proposed Revision to Delaware State Implementation Plan

On September 3, 1975, the State of Delaware submitted to EPA Region III amendments to section V of each portion of the Delaware State Implementation Plan for the attainment and maintenance of ambient air quality standards. The State requested that the modified section V be incorporated as a supplement to the Federally-approved Delaware State Implementation Plan.

The amendments consist of a revised section V—*Surveillance*, for both the State of Delaware and the New Castle County SIP for attainment and maintenance of standards for particulate matter and sulfur dioxide. The changes to section V consist of the following:

1. *General Narrative.*—The modifications listed below have been made:

a. Changes are included to eliminate the requirement to monitor nitrogen dioxide. Monitoring of this pollutant is no longer required in the New Castle County portion of the Metropolitan Philadelphia Interstate AQCR, because this county has been redesignated Priority III (38 FR 16346).

The State has indicated that nitrogen oxides are still being monitored at sites P–1 and P–2, to provide an on-going assessment of its concentration level. The narrative also specifies that carbon monoxide and photochemical oxidants are being monitored at sites P–1 and P–2.

b. A description of a special sampling program for special air pollutants and odors has been added.

c. Changes are included to reflect availability of manually processed data for hourly periods only, rather than for both 15 minute and one hour periods.

2. *Tables and Figures.*—The following modifications listed below have been made:

Table V–1.—The Jacobs-Hochheiser Method for nitrogen dioxide, as well as footnotes c and d, has been deleted.

Table V–2.—This table replaces former Table V–3; former Table V–2 has been deleted.

Table V–3.—Former Tables V–4 and V–5 have been combined and restructured so that the sampling frequency parameter is a function of the air pollutant.

Table V–4.—Former Tables V–6 and V–7 have been combined. Changes made as of January 1, 1973 are reflected.

Table V–5.—This table replaces former Table V–9, and has been restructured in format similar to Table V–3.

Figures V–1 and V–2 are amended to indicate changes in the location of monitoring sites.

3. *Changes to Monitoring Systems.*

a. *Deletion of Narrative.*

The narrative describing proposed additions to the state's monitoring network has been deleted. The amendments being considered for EPA approval incorporate the updated changes to the network.

b. *Primary System.*

i. The types of data listed below are still being generated, but either by using different reference methods or by monitoring only at specific sites:

(a) *Carbon Monoxide.*—The same monitoring technique applies, but this information is being generated only at stations P–1 and P–2.

(b) *Photochemical Oxidents.*—The same monitoring technique applies, but this information is being generated only at Stations P–1 and P–2.

(c) *Nitrogen Oxides.*—Information is being generated only at stations P–1 and P–2.

(d) *Soiling Index.*—Coefficient of Haze Units have replaced reference units and are being monitored at station P–2 only.

ii. Data Reduction.—The 15 minute and 6 hour averages have been deleted; one hour averages are now being reduced manually, and running 24 hour and annual averages are now being generated through computer processing.

iii. Changes in monitoring site.—Monitor P–2 has been relocated in downtown Wilmington and monitor P–1 has been moved to the Woods Haven-Kruse in Claymont.

c. *Secondary System.*

i. The following types of data are still being generated but are either using different reference methods or being monitored only at specific sites:

(a) *Soiling Index.*—the Coefficient of Haze Units, RAC, Continuous (stand-by basis) is replacing the A.I.S.I. Tape Sampler.

(b) *Sulfur Dioxide*—The conductivity method, ½ hour averages is being replaced with the West-Gaeke method (continuous) at all New Castle County Stations. In addition, the bubbler method is being used at stations S–11 and S–12.

ii. The following monitoring sites have been added:

S–11 City Police Station, Dover.

S–12 City Water Tower, Seaford.

S–13 Danneker School, Milford, (Stand-by basis).

iii. The following monitoring sites have been changed in status to standby basis:

S–4 Lombardy School, Faulk Road.

S–6 Ferris School, Centre Road.

S–7 Delaware SPCA, Greater Wilmington Airport.

S–10 County Route 413, East of Mt. Pleasant.

d. *Teritary System.* — (Telephone Poles)—The entire system has been deleted.

e. *Mobile Unit System.*—A mobile unit system has been added.

f. *Federal System.*—The following monitoring sites have been deleted or relocated:

i. P–1, Silverside School, Claymont (deleted)

ii. P–2 Downtown Wilmington (relocated)

All four primary stations and the seven remaining secondary stations located throughout the State will continue full operation. The State has determined that the lack of resources prevents adequate data handling and analysis, and that reallocation of the availble resources to the remining stations would improve the overall efficiency of the network. The State has also indicated that once a fully automatic telemetry network is installed in the four primary stations and additional resources become available, the standby stations will resume operations.

The revised system meets population, instrumentation and emergency episode requirements as well as collection reporting techniques as specified by the Administrator (36 FR 8186 and 38 FR 20832.

This notice is to announce receipt of the amendments to section V of the Delaware and New Castle County portion of the State Implementation Plan, and to request public comment.

All comments received on or before July 9, 1976 will be accepted. The Administrator's decision to approve or disapprove these amendments as a revision to the Federally approved Delaware SIP will be based on whether the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, requirements for preparation, adoption and submittal of Implementation Plans.

Copies of the amended regulations are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Mr. Glenn Hanson.

Delaware Department of Natural Resources & Environmental Control, Tatnall Building, Lackerman Street and Legislative Avenue, Dover Delaware 19901, Attn: Mr. Robert French.

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments should be addressed to:

Mr. Howard Heim, Chief, Air Programs Branch, Division of Air and Hazardous Materials, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: AHOO4DE.

(42 USC 1857–5)

Dated: May 28, 1976.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc.76–16743 Filed 6–8–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20830; RM–2630]

OOLOGAH, OKLAHOMA

Proposed Amendment of FM Table of Assignments

By the Chief, Broadcast Bureau:

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, Oologah, Oklahoma.

1. *Petitioner, Proposal, and Comments:* (a) Notice of Proposed Rule Making is given concerning amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) as concerns Oologah, Oklahoma.

(b) A "Petition for Rule Making" [1] was filed on behalf of William L. Wright seeking the assignment of Channel 291 as a first FM assignment to Oologah. The petitioner has also submitted a supplemental engineering report.

2. *Community Data:* (a) *Location:* Oologah is located approximately 30 miles north of Tulsa, Oklahoma, and 120 miles southeast of Wichita, Kansas.

(b) *Population:* Oologah—458; Rodgers County—28,425.[2]

(c) *Local Broadcast Service:* None.

(d) *Economy:* Little information is provided with regard to the economy of Oologah or its ability to support a broadcast facility.

3. *Preclusion Studies:* The preclusion studies supplied by the petitioner indicate that seven communities with populations greater than 1,000 are located in the areas of preclusion created by the proposed assignment. Petitioner should submit showings as to whether or not alternate channels are available for assignment to these communities.

4. *Additional Considerations:* (a) The petitioner's Roanoke Rapids showings indicate that a station operating as proposed [3] would provide a first FM service to 4,271 persons in an area of 175 square miles and a second FM service to 31,204 persons in an area of 1,015 square miles. It would also provide a second aural service to 6,570 persons in an area of 205 square miles. Further, a staff engineering analysis confirms, as Wright alleged, that Channel 291 is the only FM Channel that can be assigned to Oologah without making other changes in the FM Table of Assignments. This factor plus the knowledge that a significant first and second FM service would be provided by such an assignment persuade us that the assignment should be proposed despite the fact that, in the usual instance, we would not assign a Class C channel to a community the size of Oologah.

[1] Public Notice of the filing of the petition was issued on January 14, 1976 (Rpt. No. 960).

[2] 1970 U.S. Census.

[3] Wright proposes a station on Channel 291 at 400 feet HAAT with an effective radiated power output of 100 kW.

5. *Proposed Amendment to the FM Table of Assignments:* (a) Accordingly for the purpose of eliciting comments on whether or not such an action would benefit the public interest, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission Rules and Regulations) with regard to the community of Oologah, Oklahoma, as follows:

City	Channel No.	
	Present	Proposed
Oologah, Okla		291

6. *Authority:* The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

7. *Comments and Replies:* Interested parties may file comments on or before July 12, 1976, and reply comments on or before August 2, 1976.

Adopted: May 27, 1976.

Released: June 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202 (b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of

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Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commision Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc 76-16640 Filed 6-8-76;8:45 am]

[47 CFR Parts 76 and 78]

[Docket No. 20621; RM-2499]

LIMITATION ON ALIEN OWNERSHIP AND CONTROL OF CABLE TELEVISION SYSTEMS

Report and Order; Proceeding Terminated

In the Matter of: Amendment of Parts 76 and 78 of the Commission Rules to Adopt General Citizenship Requirements for Operation of Cable Television Systems and for Grant of Station Licenses in the Cable Television Relay Service.

By the Commission: Commissioner Washburn concurring and issuing a statement.

1. On October 15, 1975, the Commission released its Notice of Proposed Rule-r aking in Docket 20621, FCC 75-1141, 56 FCC 2d 159 (1975), in which it proposed to add a new § 76.503 to its rules restricting alien ownership of cable television systems. In addition to comments on the proposed citizenship restrictions, the Notice requested comments as to the need for similar restrictions in the Cable Television Relay Service and as to the advisability of requiring divestiture of existing foreign interests in cable television. Comments have been received from domestic and alien owners of cable television systems, trade associations, two public interest groups and a State public utilities agency.

2. The proposed new rule is designed to limit alien ownership and control of cable television systems. If adopted it would prohibit aliens, foreign governments and "foreign" corporations from owning or operating a cable system. Corporations controlled by "foreign" corporations also would be excluded where the "Commission finds that such ownership or control would not be consistent with the public interest."[1] The proposal is similar to section 310 of the Communications Act of 1934, as amended (47 U.S.C. Sect. 310), which imposes citizenship restrictions on ownership and control of certain Commission broadcast licensees.[2]

3. Federal citizenship restrictions in the field of communications were first imposed in 1912 when Congress acted to limit the issuance of radio licenses so,

That such license shall be issued only to citizens of the United States or Puerto Rico, or to a company incorporated under the laws of some State or Territory of the United States or Puerto Rico * * *[3]

The inflexible nature of this statute, however, created a problem during World War I when it was determined that no discretion existed to deny a license to a domestic corporation purportedly owned by German interests. After the war another effort was made to impose workable citizenship limitations on Commission licensees culminating in the Radio Act of 1927. Section 12 of the Act prohibited aliens, foreign governments and foreign corporations from ownership. Also prohibited were certain corporations controlled by aliens. This marked the first time terms were set forth upon which foreign interests could participate in domestic corporations holding radio licenses. Finally, the Communications Act of 1934 was adopted, section 310 of which made the last major change in citizenship restrictions by granting the Commission discretion to allow ownership of licenses by foreign holding companies.

4. The ensuing years have produced only relatively minor changes in Section 310, except that in 1974 Congress acted to exclude certain licensees from the prohibition. That change, in part prompted this rule making proceeding. Previously most cable operators were subject to the prohibitions of section 310 by virtue of their use of microwave radio stations in the Cable Television Relay Service (CARS).[4] In 1974 Congress amended section 310 to exclude from the ownership restrictions certain services apparently including CARS. The legislative history of this change indicates that the intention was to permit the grant of radio licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens and foreign corporations.[5] Therefore, it appears, alien ownership of cable television systems no longer is restricted.

5. Other factors affecting the nature and timing of the rule making are cable television's capacity to originate programming, and the relatively slight foreign influence in the industry today. Cable is a unique communication medium, for in addition to its ability to relay programming and information supplied by others, it also can originate its own material. This serves to distinguish the cable operator from a broadcaster who, for instance, is able to exercise control of the programming broadcast by his station, and from the common carrier who exercises very little control. Thus, cable television cannot be categorized arbitrarily with the other media. Rather, it must be examined separately so that any imposition of ownership restrictions will be in response to needs as they specifically relate to cable. Empirical evidence regarding the effects of foreign ownership is scarce. Although some argue that no action should be taken until a data base is developed demonstrating a need for restrictions, the Commission believes that prudence requires an examination while the industry remains relatively free of foreign influence.

6. Comments in support of the proposed rule were received from Time, Inc., and Viacom International, Inc., two cable television systems operators, and jointly from two public interest groups, Citizens for Cable Awareness in Pennsylvania, and the Philadelphia Community Cable Coalition. First, they argue that alien ownership of cable systems would be contrary to the best interests of the United States. They analogize to section 310 of the Act which prohibits alien ownership of certain licenses issued by the Commission, and assert that similar restrictions are required for those who own and control cable television systems. Cable is described as an industry capable of "profoundly influencing the lives and actions of United States citizens" whose mass takeover by aliens "clearly" would be contrary to the best interests of the American people. Viacom states that this "strategic national industry" supplies many Americans with their only knowledge of the daily news, and argues that it therefore, should not be controlled by those with views contrary to the interests of the United States. Proponents also argue that foreign owners will be unable to identify, evaluate and respond to the needs of the local community with which they are unfamiliar. Finally, Time, Inc., states that the Commission's failure to restrict alien ownership now may in fact encourage increased foreign participation due to the industry's present financial plight.

7. Comments urging rejection of the proposed restrictions were submitted by four multiple system cable operators, three of which are aliens, two foreign CARS operators, one State and two national associations of cable operators, and the New Jersey Department of Public Utilities. They submit that foreign ownership poses no threat to this country's security, that foreign ownership to the extent it exists today has proved beneficial, and that restrictions, if imposed, may prove harmful to the development of cable television in the United States. They suggest that the local nature of cable, and the operator's limited ability to control programming, negate any threat to the national secuity. The National Cable Television Association notes that cable differs from broadcasting and should not be subject to the same restrictions. Suburban Cablevision and McLean-Hunter Cable TV, Canadian companies with cable interests in the United States, characterize Section 310 as "anachronistic" vis-a-vis cable television because it is unlikely ownership of cable systems could be used against the National interest. Suburban operates several cable systems in the State of New Jersey and plans to expand its services in the future. Also, it is noted that the New Jersey Department of Public Utilities, that body which approves each cable franchisee within the State, opposes adoption of the proposed rule and cites the contributions to cable made by aliens. Other opponents argue that the proposed restrictions will have an adverse economic impact on the cable industry by restricting the availability of money and technology controlled by those who are not United States citizens. Lastly, the Commission's asserted authority to impose restrictions on ownership is questioned because, it is argued, the limitations exceed the "reasonable ancillary" test set forth by the Supreme Court in *United States* v. *Midwest Video Corp.*, 405 U.S. 649 (1972), and *United States* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968).

8. Having reviewed the comments in this proceeding and given some additional consideration to the policy matters involved, we have come to the conclusion that while it was timley to raise the question of alien cable ownership restrictions in this proceeding it would be premature at this time to adopt the rule proposed. We have determined instead, without adopting additional rules, to review annually, or more often if necessary, alien ownership trends based on the annual ownership information filed with us (Form 325) and on the information filed with us in connection with Certificate of Compliance applications.[6]

9. As the comments indicate, there is at this time only a very limited amount of foreign investment in cable television in the United States and most of this is by Canadian corporations. We see in this no threat to the security of the United States or to the development of the cable television industry. Unlike broadcast licensees subject to the restriction of section 310, cable television system operators, as a practical matter, have program content control over only a minor portion of the programming they distribute. Most programming viewed by cable subscribers is supplied by those broadcast stations which the cable system "may" or "must" carry. The cable operator has no control over this programming except to the extent he may select stations for carriage (within the bounds established by the Rules).[7] Neither can the operator exercise control over program content on any of the access channels made available to subscribers.[8] And, even the newly developing area of subscription cable operations generally provides programming obtained from producers independent of the cable operation. While the cable operator is free to originate his own programming, is encouraged to do so, and may in fact produce programming of considerable interest in the local community, it is nevertheless clear that the totality of a cable operator's program content control does not approach that required of a broadcaster. Allen ownership restrictions do not apply to comwire news services, non-license radio and television networks, film and television producers, cable system networks and channel leasees, and it is not clear that they should apply to a system operator solely because of his potential ability to influence, through his program origination efforts, the ideas and attitudes of cable subscribers. Likewise foreign ownership of cable appears to present little threat to the national security of the United States at this time. Thousands of different systems are operated across the United States, most diverse in their operations and each individually responsible to the communities that have selected and franchised their operations.[9] It is these local jurisdictions that are initially in the best position to determine whether or not an individual operator's nationality will prevent him from satisfying his "public interest" obligations.

10. The Commission further believes that citizenship prohibitions may in some measure deter the development of cable television in the United States. Although it is hoped that the industry will continue to find sources of domestic capital to fund its growth, it remains at this time relatively undeveloped and in need of new sources of capital and technology to continue its development. Foreign interests, if permitted, could contribute to this development. The Commission, we believe, ought not deny these resources to cable without overriding reasons of national importance. In the absence of a demonstrable harm and where benefits may result, the Commission is inclined to allow free market forces to determine the direction of capital flow within the industry. The proposed resrictions have been termed, in the comments, a "cure for which there is no disease." The slight evidence accumulated regarding cable systems owned by aliens seems to bear this out, for now.

11. In declining to adopt restrictions at this time we do not set aside lightly the possibility that the nature of the cable industry and the services it provides and the amount and type of for-

[1] The new Section 76.503 would read as follows:

§ 76.503 General Citizenship Restrictions.

(a) No cable television system shall be owned or operated by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or a representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or the representative thereof, or by any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that such ownership or control would not be consistent with the public interest; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or the representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that such ownership or control would not be consistent with the public interest.

(b) Corporations seeking Commission approval of existing or proposed interests as described in subparagraphs (a) (6) and (7) of this section shall file with the Commission no later than ten days following the creation of any such interests, a notification clearly stating the extent and nature of such interests, and shall include therewith a copy of the ownership section of FCC Form 325 "Annual Report of Cable Television Systems," supplying the information requested, as if the alien interest were already in existence. The notice shall be filed in accordance with the procedural requirements of Section 76.7 of the Commission's Rules.

[2] Section 310, to the extent here pertinent, states:

(a) The station license required under this Act shall not be granted to or held by any foreign government or the representative thereof.

(b) No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by—

(1) Any alien or the representative of any alien;

(2) Any corporation organized under the laws of any foreign government;

(3) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

(4) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

[3] 37 Stat. 302, Sect. 2 (1912).

[4] While cable television systems are not licensed, stations in the Cable Television Relay Service are authorized by license.

[5] After adoption of the amendment this section's alien ownership prohibitions applied only to "broadcast or common carrier or aeronautical en route or aeronautical fixed station" licenses. See Commission *Order*, —— FCC 2d ——, 40 F.R. 5565 (1975).

[6] A similar policy of "watchful waiting" has been adopted in connection with cross-ownership between local newspaper and cable television and the reasons for the two policies are somewhat similar. See First Report in Docket 18891, FCC 75-303, 52 FCC 2d 170 (1976).

[7] Subpart D of the Rules sets forth the requirements relating to carriage of television broadcast signals.

[8] Section 76.251(a) (9) of the Rules states, in part, that "each such system shall exercise no control over program content on any of the channels described * * *"

[9] Current figures indicate that there are approximately 3400 cable systems serving 7,720 communities in the United States.

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eign investment in it may change rapidly and in ways that would suggest a clear need for ownership restrictions of the type proposed. Because of this possibility we believe it important to attempt, on some systematic basis, to follow trends in foreign investment in United States cable television so that any undesirable consequences of such ownership may be known at an early date. Although information of this type has been available in the past through cable system annual reports it has been difficult to make any systematic use of it because of the time required to process the information manually. In the near future, and in years to come, this information will be sorted and processed with the aid of the Commission's automated data processing facility. We plan to use this capability to monitor developments in this area and to determine if future trends warrant action in this area.

12. There are those who asserted that the Commission would be overstepping its jurisdictional bounds if it were to adopt the proposed rule, and their comments present a thorough discussion of this issue. Although the decision has been made not to adopt the ownership restrictions, this in no way represents a concession that the Commission lacks jurisdiction.[*] The decision to permit alien ownership simply moots the question for this proceeding.

13. In the Notice, comments were requested with respect to two other related issues: alien ownership of CARS stations and "grandfathering" of existing alien interests in cable. Comments urging citizenship restrictions on CARS licensees were received from those who also favored the prohibition on cable owners. They seek a total ban on alien ownership and argue that restricted CARS ownership will reinforce that policy. Similarly, those opposed to restrictions on cable ownership also opposed restrictions in the CARS service. CARS stations are said to be an internal and passive part of cable television service, usually owned by the cable operator. Thus, restricting their ownership would be anomalous if no constraints are imposed on cable systems themselves. As previously noted, Comment Ltd. argues that it will be providing a needed service benefiting the public interest. Absent a more definitive statement by Congress, the Commission has found no compelling reason to impose citizenship restrictions on the ownership of cable systems, and likewise believes that none should be imposed on CARS licensees. CARS stations serve as the links between a cable system and its program sources. To prohibit their ownership by aliens would be inconsistent with, if not destructive of, the decision to permit alien ownership of cable systems. Finally, the question of "grandfathering" is rendered moot by our decision not to impose restrictions on alien ownership of cable television systems or their CARS networks.

In view of the foregoing, The Commission finds that it would not be in the public interest at this time to adopt §.76.503 as proposed.

Accordingly, it is ordered, That this proceeding is terminated.

Adopted: May 19, 1976.

Released: May 28, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Statement filed as part of the original document.

[FR Doc.76-16641 Filed 6-8-76;8:45 am]

[*] As the Commission stated in the Notice: Even in the absence of a specific Congressional directive on this matter, the Commission has general statutory responsibilities in the granting of radio authorizations and regulatory authority over cable television which we believe mandate consideration of whether restrictions on foreign ownership of cable television systems should be adopted.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 700]

ENERGY CONSERVATION CONTINGENCY PLANS AND RATIONING CONTINGENCY PLAN

Change in Hearing Location in San Francisco

On May 25, 1976, the Federal Energy Administration issued for public comment five energy conservation contingency plans (41 FR 21908, May 28, 1976) and a rationing contingency (41 FR 21928, May 28, 1976). Regional hearings are scheduled for June 21 and 22, 1976, respectively, on these proposals. However, the location for the regional hearings in San Francisco has been changed from the site specified in the May 25, 1976 notices. The San Francisco hearings will now be held in the Ceremonial Courtroom, Federal Building, 19th Floor, 450 Golden Gate Avenue, San Francisco, California.

Dated: June 3, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-16611 Filed 6-4-76;9:00 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2602]

PREMIUM PAYMENT AND DECLARATION [1]

Notice of Proposed Rulemaking

On December 10, 1975, the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") published in the FEDERAL REGISTER (40 FR 57457) a revision of Part 2602, Chapter XXVI, of Title 29, Code of Federal Regulations, which imposes the premiums to be paid for basic benefits guaranteed under section 4022(a) of the Employee Retirement Income Security Act of 1974.

As set forth below, the PBGC proposes to amend that regulation to impose the specific premium payment obligation applicable to plan years beginning on or after September 2, 1976, and to incorporate certain additional modifications. The purpose of these proposed modifications is to simplify the premium payment process.

The current premium rate of one dollar or fifty cents per participant is proposed to be retained, but to be based hereafter on the number of participants on the last day of the preceding plan year rather than "at any time during the plan year." If this participant count is not available prior to the premium payment and filing due date, the premium payment would be based on the participant count as last filed with the PBGC for the preceding plan year. The actual count would be due no later than the last date prescribed for the payment of the following year's premiums. The premiums for new plans would be based on the number of participants in the plan on the plan's effective date.

The definition of the term "participant" also would be amended to no longer include in the premium count, for plan years beginning on or after September 2, 1976, and for the reconciliation of the preceding plan year, those retired and other former participants who have received all of their benefits or for whom all benefits are fully guaranteed by a private insurance company annuity contract (immediate or deferred). If under any circumstances, through cancellation of a group policy or otherwise, the insurance company can be relieved of liability to pay the annuity, the retired or former participants must be included as participants. It also should be noted that a non-vested individual with a break in service of not less than one year should not be counted for premium purposes.

Under the proposal, the PBGC will bill plans for any underpayments, i.e., the amount of premiums necessary to reconcile the premiums paid with the actual premiums due. This billing will apply to all plan years in progress on or beginning on or after September 2, 1974. The PBGC will not bill plans filing timely reconciliations for any interest or late payment penalties on any underpayment if the underpayment amount is paid no later than 30 days after it is billed by the PBGC. Because, under the revised premium regulation, interest and late payment penalties no longer will be imposed on such underpayment amounts, it no longer will be necessary for plans to file revisions to their existing premium declaration forms. Accordingly, Form PBGC–1R no longer will be prescribed.

Copies of the revised premium form have been filed with and are available for inspection at the Office of the Federal Register and additional copies are available upon request from the PBGC,

[1] Form PBGC–1 is filed as part of the original document. Copies of Form PBGC–1 may be obtained at the PBGC's Office of Communications, Suite 7100, 2020 K Street, N.W., Washington, D.C., between the hours of 9:00 a.m. and 4:00 p.m.

This proposed regulation was prepared by the staff of the PBGC. With the understanding that this is a staff document without the Board's endorsement of the policies underlying it, the Board of Directors of the PBGC authorized publication of this proposed regulation in the FEDERAL REGISTER to invite public comments and suggestions that will assist the Board in its consideration of the regulation to be finally adopted.

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW., Washington, D.C. 20006. Each person submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments should be submitted not later than July 6, 1976. Copies of written comments will be available for examination by interested persons in the Office of Communications, PBGC, Suite 7100, 2020 K Street, N.W., Washington, D.C. between the hours of 9:00 a.m. and 4:00 p.m. The proposal may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Part 2602, Chapter XXVI of Title 29, Code of Federal Regulations, as set forth below:

PART 2602—DECLARATION AND PAYMENT OF PREMIUMS

Sec.
2602.1 Purpose and scope.
2602.2 Definitions.
2602.3 Filing requirement.
2602.4 Coverage for guaranteed basic benefits.
2602.5 Premium rate.
2602.6 Form.
2602.7 Late payment interest charges.
2602.8 Late payment penalty charges.
2602.9 Waivers.
2602.10 Date of filing.
2602.11 Computation of time.
2602.12 Mailing address.

AUTHORITY: Sections 4002, 4006, 4007; 88 Stat. 1004, 1010, 1013; 29 U.S.C. 1302, 1306, 1307.

§ 2602.1 Purpose and scope.

(a) The purpose of this part is to impose the premiums applicable to plan years in progress on and beginning on or after September 2, 1974.

(b) This part applies to all covered plans, as provided by § 4021 of the Act.

§ 2602.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Multiemployer Plan" means a plan defined in § 4001(a)(3) of the Act.

"Participant" means: (a) an individual currently accruing benefits or retaining or earning credited service under the terms of the plan (but does not include a non-vested former employee who has incurred a break in service of not less than one year); (b) a former employee with vested rights to immediate or deferred benefits; (c) a retiree who is receiving or is eligible to receive benefits from the plan; (d) a deceased participant whose survivors are receiving or are eligible to receive benefits from the plan; (e) any other individual who is defined as a participant under the terms of the plan; and, (f) for plan years beginning before September 2, 1975, a retiree or former employee for whom a fully paid-up immediate or deferred annuity has been purchased if such individual retains a legal claim against the plan for benefits or if the plan retains a participating interest in the annuity policy.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan Year" means the calendar, policy or fiscal year on which the records of the plan are kept.

§ 2602.3 Filing requirement.

(a) No later than October 2, 1974, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part and any estimated premium payments due for any plan year beginning before and in progress on September 2, 1974.

(b) No later than 30 days after the beginning of any plan year beginning on or after September 2, 1974, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part and any premium payments due for such plan year.

(c) No later than 2 years and 30 days after the beginning of any plan year beginning before September 2, 1976, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part to enable the PBGC to reconcile premium payments paid, with the actual premium payment due, for such plan year.

(d) No later than the last date prescribed for the payment of premiums for any plan year beginning on or after September 2, 1977, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part to enable the PBGC to reconcile the premium payments paid, with the actual premium payment due, for any plan year beginning on or after September 2, 1976.

(e) The date prescribed for payment of premiums for plans not previously covered by § 4021 of the Act is 30 days after the later of the date of the plan's adoption or the date of the plan's effectiveness.

(f) Any premium declaration not filed in accordance with this part, not filed in accordance with the instructions contained in the form, not accompanied by the required premium payment or otherwise incomplete may, in the discretion of the PBGC, be returned in whole or in part to the plan administrator and treated as not having been filed.

§ 2602.4 Coverage for guaranteed basic benefits.

(a) The failure by a plan administrator to pay the premiums due under this part will not result in that plan's loss of coverage for basic benefits guaranteed under § 4022(a) of the Act.

(b) The payment of the premiums imposed by this part will not result in coverage for basic benefits guaranteed under § 4022(a) of the Act for plans not covered under § 4021 of the Act.

§ 2602.5 Premium rate.

(a) For plan years beginning before September 2, 1976, the premium rate for basic benefits guaranteed under § 4022(a) of the Act shall be as follows:

(1) Plans which are not multiemployer plans shall pay a premium of one dollar for each individual who is a participant in such plan at any time during the plan year;

(2) Multiemployer plans shall pay a premium of fifty cents for each individual who is a participant in such plan at any time during the plan year.

(b) For plan years beginning on or after September 2, 1976, the premium rate for basic benefits guaranteed under § 4022(a) of the Act shall be as follows:

(1) Plans which are not multiemployer plans shall pay a premium of one dollar for each individual who is a participant in such plan on the last date of the preceding plan year;

(2) Multiemployer plans shall pay a premium of fifty cents for each individual who is a participant in such plan on the last date of the preceding plan year.

(3) For plans not previously covered by § 4021 of the Act, the premium rate shall be one dollar for each participant or fifty cents for each participant, as is appropriate in accordance with paragraphs (1) and (2) of § 2602.5(b), in such plan on such plan's effective date.

§ 2602.6 Form.

The form prescribed by this part for the declaration, payment and reconciliation of premiums is Form PBGC–1 (Rev. 1976).

§ 2602.7 Late payment interest charges.

(a) If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, an interest charge shall be imposed on the unpaid amount at the rate of 6 percent per annum through June 30, 1975, 9 percent per annum through January 31, 1976 and 7 percent per annum thereafter, for the period from the date payment is due to the date the payment is made.

(b) PBGC bills for interest assessed by § 2602.7 will be deemed paid in full if paid no later than 30 days after the date of such bills.

(c) PBGC bills for premium payments necessary to reconcile the premiums paid with the actual premium due, will be deemed paid when due if paid no later than 30 days after the date of such bills.

§ 2602.8 Late payment penalty charges.

If any premium payment due under this part is not paid by the last date

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prescribed for payment in § 2602.3, a late payment charge shall be assessed on the unpaid amount at the rate provided in the following tables.

LATE PAYMENT PENALTY CHARGES

PREMIUM DUE DATE PRIOR TO OCTOBER 2, 1975

Days late from due date:	*Late payment charge (percent)*
1 to 60	0
61 to 90	25
91 to 120	50
121 to 180	75
More than 180	100

PREMIUM DUE DATE ON OR AFTER OCTOBER 2, 1975

Days late from due date:	*Late payment charge (percent)*
1 to 30	5
31 to 60	10
61 to 90	20
91 to 120	40
121 to 150	60
151 to 180	80
More than 180	100

§ 2602.9 Waivers.

The late payment penalty charges imposed by § 2602.8 will not be assessed in whole or in part:

(a) With respect to any premium payment made within 60 days after the last date prescribed for payment in § 2602.3 if, before such last date, the PBGC grants a waiver upon:

(1) A showing of substantial hardship arising from the timely payment of the premium and a showing that the premiums will be paid within such 60 day period; or,

(2) Any other demonstration of good cause;

(b) If the PBGC, on its own motion, waives the application of § 2602.8, or

(c) With respect to any PBGC bills for such charges or PBGC bills for the premium payments necessary to reconcile the premiums paid with the actual premium due, if such bills are paid not later than 30 days after the date of such bills.

§ 2602.10 Date of filing.

(a) Any form required to be filed under the provisions of this part and any payment required to be made under the provisions of this part shall be deemed to have been filed or made on the date on which it is mailed.

(b) A form or payment shall be presumed to have been mailed on the date on which it is postmarked by the United States Postal Service or three days prior to the date on which it is received by the PBGC if not postmarked by the United States Postal Service.

§ 2602.11 Computation of time.

In computing any period of time prescribed by this part, the first day shall not be included and the last day shall be included.

§ 2602.12 Mailing address.

The mailing address of the Pension Benefit Guaranty Corporation is P.O. Box 7119, Washington, D.C. 20044.

Issued in Washington, D.C., this 7th day of June 1976.

KENNETH L. HOUCK,
Executive Director, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving the publication of these proposed regulations and authorizing its Executive Director to issue same.

HENRY ROSE,
Secretary,
Pension Benefit Guaranty Corporation.

[FR Doc.76-16803 Filed 6-8-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 21]

FARMLAND MUTUAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds; Change of Name

Farmers Elevator Mutual Insurance Company, an Iowa corporation, has formally changed its name to Farmland Mutual Insurance Company, effective March 25, 1976. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds dated March 25, 1976, has been issued by the Secretary of the Treasury to Farmland Mutual Insurance Company, under Sections 6 to 13 of Title 6 of the United States Code, to replace the certificate issued July 1, 1975 (40 FR 29250, July 10, 1975) to the company under its former name, Farmers Elevator Mutual Insurance Company. The underwriting limitation of $754,000 previously established for the company remains unchanged.

The change in name of Farmers Elevator Mutual Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 24, 1976.

DAVID MOSSE,
Fiscal Assistant Secretary.

[FR Doc. 76-16644 Filed 6-8-76; 8:45 am]

Office of the Secretary

[Department Circular; Public Debt Series No. 14-76]

TREASURY NOTES OF SERIES D-1980

Interest Rate

JUNE 4, 1976.

The Secretary of the Treasury announced on June 3, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 14-76 dated May 19, 1976, will be 7⅝ percent per annum. Accordingly, the notes are hereby redesignated 7⅝ percent Treasury Notes of Series D-1980. Interest on the notes will be payable at the rate of 7⅝ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-16657 Filed 6-8-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Naval Research Advisory Committee will hold a closed meeting on July 8 and 9, 1976 at the Naval Electronics Laboratory Center, San Diego, California. The topic of the meeting will be "Recent Issues in Naval Research", with emphasis on Arctic Research. Presentations will be made on several sensitive topics: recent Naval operations in the Arctic; plans for future Naval Arctic operations and related requirements for supporting research; classified Naval communications and surveillance requirements for space and ionospheric research; and on recent findings of research in Naval ship acquisition. All sessions will address classified matters required to be kept secret in the interest of the national defense. The Secretary of the Navy has therefore determined in writing that the public interest requires the meeting to be closed to the public because it will be concerned with matters listed in section 552(b)(1) of title 5, United States Code.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

JUNE 2, 1976.

[FR Doc.76-16702 Filed 6-8-76;8:45 am]

DEPARTMENT OF JUSTICE

[Order No. 651-76]

Office of the Attorney General

PRIVACY ACT OF 1974

System of Records

Attached hereto is a notice of a proposed system of records maintained by the Department of Justice and required to be published in the FEDERAL REGISTER and in annual compilation form pursuant to the provisions of the Privacy Act of 1974, Pub. L. No. 93-579.

The following system of records will be maintained by the Criminal Division of the Department of Justice and is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the FEDERAL REGISTER. The system, JUSTICE/CRM-024, Freedom of Information/Privacy Act Records, will come into existence thirty days after publication of this notice.

Pursuant to 5 U.S.C. 552a(e)(11) interested persons are invited to submit written comments on those portions of the notice which describe the routine uses of the system of records listed. Comments may be submitted in writing to the Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, D.C. 20530. All comments must be received by July 9, 1976. No oral hearings are contemplated.

Dated: June 3, 1976.

EDWARD H. LEVI,
Attorney General.

JUSTICE/CRM-024

System name: Freedom of Information/Privacy Act Records.

System location: U.S. Department of Justice, Criminal Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who request access to or correction of records pertaining to themselves contained in Criminal Division systems of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

Categories of records in the system: The system contains copies of all correspondence and internal memorandums related to Freedom of Information and Privacy Act requests, and related records necessary to the processing of such requests received on or after January 1, 1975.

Authority for maintenance of the system: This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et seq. and 28 CFR 16.40 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record maintained in this system may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purpose of per-

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mitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the Criminal Division.

Policies and practices for storing, retrieving, accessing, retainnig, and disposing of records in the system:

Storage: A record contained in this system is stored manually in alphabetical order in file cabinets.

Retrievability: A record is retrieved by the name of the individual or person making a request for access or correction of records.

Safeguards: Access to physical records is limited to personnel of the Freedom of Information/Privacy Act Unit of the Criminal Division and known Department of Justice personnel who have a need for the record in the performance of their duties. The records are safeguarded and protected in accordance with applicable Departmental rules.

Retention and Disposal: Currently there are no provisions for disposal of records contained in this system.

System manager and address: Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedures: A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), or (k)(2). Inquiry concerning this system should be directed to the system manager listed above.

Record access procedures: A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), or (k)(2), to the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the system manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Criminal Division.

Systems exempted from certain provisions of the Act: Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c), and (e) and have been published in the FEDERAL REGISTER.

[FR Doc.76-16650 Filed 6-8-76;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Juvenile Justice and Delinquency Prevention Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Juvenile Justice and Delinquency Prevention Task Force will be meeting at the Airport Park Hotel, 600 Avenue of Champions, Inglewood, California on Saturday, June 26, 1976 from 8:30 a.m. to 5 p.m. The meeting will be open to the public.

The agenda includes the following items:

Consideration of Minutes of the June 4-5, 1976 Task Force meeting.
Report of the NAC June 16-19, 1976 meeting.
Action by the Task Force of NAC requested changes of the Juvenile Justice Standards.
Final Task Force Approval of the Revised Juvenile Justice and Delinquency Prevention Standards and Goals Volume.

For further information, contact Richard Van Duizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisory,
Office of General Counsel.

[FR Doc.76-16626 Filed 6-8-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Change of Meeting

This is to provide notice of change of meeting for the Organized Crime Task Force of the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels previous meeting dates of June 23-24, 1976.

The Organized Crime Task Force will meet on July 7-9, 1976. The meeting will be held at the Ramada Inn, 1900 N. Ft. Myer Drive, Board Room, Arlington, Virginia. The meeting will be open to the public.

Discussion will focus on the recommendations made by the National Advisory Committee on Criminal Justice Standards and Goals and the review of the entire Report of the Organized Crime Task Force.

Meeting Times: July 7 and 8—9 a.m.-9 p.m.; July 9—9 a.m.-Noon.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-16715 Filed 6-8-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 34240]

MONTANA

Application

JUNE 1, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Montana-Dakota Utilities Company has applied for a natural gas pipeline right of way for 6-inch and 12-inch lines across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 58 E.,
Sec. 18 SE¼NW¼; and
Sec. 31, NW¼NE¼.

This pipeline will convey natural gas across 0.54 miles of national resource lands in Richland County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and address to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, MT 59301.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-16705 Filed 6-8-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-177]

EDD POTTER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Edd Potter Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, Woodman, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The petition applies to the following equipment in Petitioner's mine:

Quantity	*Type*
1	Miner.
7	Motors.
2	Roof bolters.

2. The equipment described above is operated in a coal seam between 36 and 39 inches. The condition of the roof in the subject mine is good and a roof control plan approved by MESA is in effect.

3. Petitioner believes that the installation of cabs or canopies on the foregoing equipment will substantially reduce the machine operator's vision and mobility thereby endangering the lives of the operators and other miners in the area.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 9, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16708 Filed 6-8-76;8:45 am]

[Docket No. M 76-92]

GRAYS KNOB COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Grays Knob Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1, 5, and 7 Mines, Harlan County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragrarph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The seams of coal being mined in Harlan County, Kentucky, by Grays Knob Coal Company vary in height from 28 to 46 inches. The face equipment used in these mines is as follows: 12 RB Cutting Machine, 14 BU Joy Loader, CD81 Joy Coal Drill, 100L, 265 Lee Norse Miners, 21 SC Joy Shuttle Cars and Model 300 Galis Roof Bolter. The coal seams are generally level but have some local undulations or dips and rises in the top and bottom.

If cabs and canopies were required to be installed on the face equipment in these mines this method will result in a diminution of safety to the miners in these mines.

Petitioner offers the following in support of the above statement:

1. Cabs or canopies on this equipment would obstruct the field of vision of the operator of the equipment possibly causing him to run into the rib, machinery or other miners.

2. The post supporting the cabs or canopies would cause shadows to be thrown by the operator's cap lamp. These shadows would increase the chances of over or under steering around corners causing the equipment to run into or sideswipe the ribs or other equipment. This could throw the operator from the equipment or injure or kill him.

3. Installation of cabs or canopies on equipment in these mines would cause the operator to lean out of the operator's compartment in order to see where he is going or in the case of a continuous miner whether or not he is cutting in the top or bottom. If he leans out to the side of the equipment to get an unobstructed view of his surroundings or roadway his chances of falling from the equipment is increased or he may sideswipe the rib, a corner, other equipment or some other projecting obstruction and be dragged from or under the equipment and be injured or killed.

4. Installation of cabs or canopies on equipment in these mines would cause the operator to ride on and operate the equipment from a cramped position which may slow reaction time when steering or applying the brakes which may cause him to injure or kill himself or another miner.

5. A majority of the miners who work at these mines have stated that the installation of canopies on equipment would cause death or injury and that they would refuse to operate equipment with canopies on it.

6. Because of cramped quarters in the operator's compartment of this equipment if cabs or canopies are installed the operator would have to get outside of the operator's compartment to turn in the direction of travel. This required movement could cause the operator to be injured or killed or cause harm to come to another miner. It is true that the operator should shut off the power to the equipment and lock the brake but, regardless of prior warning and training, he may not do this. Unmindful of what he does, he should not be penalized with his life when the removal of the canopy would vastly decrease his chances of injury.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 9, 1976.

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Such requests or comments must be filed in this prior to the following [illegible]

Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16709 Filed 6-8-76;8:45 am]

[Docket No. M 76-93]

HARLAN CENTRAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan Central Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. D-1 Mine, Harlan County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The seam of coal being mined in Harlan County, Kentucky, by Harlan Central Coal Company varies in height from 28 to 32 inches. The face equipment used in this mine is as follows: 101 Jeffrey continuous miner and Model 300 Galis Roof Bolter. The coal seam is generally even but has some local undulations or dips and rises in the top and bottom.

If cabs and canopies were required to be installed on the face equipment in these mines this method will result in a diminution of safety to the miners in these mines.

Petitioner offers the following in support of the above statement:

1. Cabs or canopies on this equipment would obstruct the field of vision of the operator of the equipment possibly causing him to run into the rib, machinery or other miners.

2. The post supporting the cabs or canopies would cause shadows to be thrown by the operator's cap lamp. These shadows would increase the chances of over or under steering around corners causing the equipment to run into or sideswipe the ribs or other equipment. This could throw the operator from the equipment or injure or kill him.

3. Installation of cabs or canopies on equipment in these mines would cause the operator to lean out of the operator's compartment in order to see where he is going or in the case of a continuous miner whether or not he is cutting in the top or bottom. If he leans out to the side of the equipment to get an unobstructed view of his surroundings or roadway his chances of falling from the equipment is increased or he may sideswipe the rib, a corner, other equipment or some other projecting obstruction and be dragged from or under the equipment and be injured or killed.

4. Installation of cabs or canopies on equipment in these mines would cause the operator to ride on and operate the equipment from a cramped position which may slow reaction time when steering or applying the brakes which may cause him to injure or kill himself or another miner.

5. A majority of the miners who work at these mines have stated that the installation of canopies on equipment would cause death or injury and that they would refuse to operate equipment with canopies on it.

6. Because of cramped quarters in the operator's compartment of this equipment if cabs or canopies are installed the operator would have to get outside of the operator's compartment to turn in the direction of travel. This required movement could cause the operator to be injured or killed or cause harm to come to another miner. It is true that the operator should shut off the power to the equipment and lock the brake but, regardless of prior warning and training, he may not do this. Unmindful of what he does, he should not be penalized with his life when the removal of the canopy would vastly decrease his chances of injury.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16710 Filed 6-8-76;8:45 am]

[Docket No. M 76-94]

HARLAN-CUMBERLAND COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan-Cumberland Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. H-1 Mine, Harlan County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each undergroemd coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The seams of coal being mined in Harlan County, Kentucky, by Harlan Cumberland Coal Company vary in height from 33 to 46 inches. The face equipment used in these mines is as follows: 265 Lee Norse continuous miner, 21SC Joy Shuttle Car and Model 300 Galis Roof Bolter. The coal seams are generally level but have some local undulations or dips and rises in the top and bottom.

If cabs and canopies were required to be installed on the face equipment in these mines this method will result in a diminution of safety to the miners in these mines.

Petitioner offers the following in support of the above statement:

1. Cabs or canopies on this equipment would obstruct the field of vision of the operator of the equipment possibly causing him to run into the rib, machinery or other miners.

2. The post supporting the cabs or canopies would cause shadows to be thrown by the operator's cap lamp. These shadows would increase the chances of over or under steering around corners causing the equipment to run into or sideswipe the ribs or other equipment. This could throw the operator from the equipment or injure or kill him.

3. Installation of cabs or canopies on equipment in these mines would cause the operator to lean out of the operator's compartment in order to see where he is going or in the case of a continuous miner whether or not he is cutting in the top or bottom. If he leans out to the side of the equipment to get an unobstructed view of his surroundings or roadway his chances of falling from the equipment is increased or he may sideswipe the rib, a corner, other equipment or some other projecting obstruction and be dragged from under the equipment and be injured or killed.

4. Installation of cabs or canopies on equipment in these mines would cause the operator to ride on and operate the equipment from a cramped position which may slow reaction time when steering or applying the brakes which may cause him to injure or kill himself or another miner.

5. A majority of the miners who work at these mines have stated that the installation of canopies on equipment would cause death or injury and that they would refuse to operate equipment with canopies on it.

6. Because of cramped quarters in the operator's compartment of this equipment if cabs or canopies are installed the operator would have to get outside of the operator's compartment to turn in the direction of travel. This required movement could cause the operator to be injured or killed or cause harm to come to another miner. It is true that the operator should shut off the power to the equipment and lock the brake but, regardless of prior warning and training, he may not do this. Unmindful of what he does, he should not be penalized with his life when the removal of the canopy would vastly decrease his chances of injury.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc. 76-16711 Filed 6-8-76;8:45 am]

[Docket No. M 76-233]

HONEY CAMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Honey Camp Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 12 Mine, Trammel, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The petition applies to the following equipment in Petitioner's mine:

Quantity	Name	Height	Length	Width
		Inches	*Feet*	*Feet*
1	Lee Norse Mine, Model Hill 265	32	32½	10½
2	Long-Airdox Roof, Bolters Model CRB 15	28	17½	6
2	Joy Shuttle Cars, Model 85C	28	27	11

2. The equipment described above is operated in a coal seam of 38 inches. The condition of the roof in the subject mine is good and a roof control plan approved by MESA is in effect.

3. Petitioner believes that the installation of cabs or canopies on the foregoing equipment will substantially reduce the machine operator's vision and mobility thereby endangering the lives of the operators and other miners in the area.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16707 Filed 6-8-76;8:45 am]

[Docket No. M 76-137]

ROYAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Royal Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Royal No. 7 Mine, Beckley, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls

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of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

The Royal No. 7 Mine has an average mining height of 32 inches. Due to the limited clearance between equipment and roof support in a seam of this height, the operator must, necessarily, operate under conditions of reduced visibility. The addition of a cab or canopy reduces existing visibility to the point that three hazards are created:

(1) Collisions with Roof Support.

(a) In order to allow an operator even minimal visibility across the top of his machine, a canopy must add several inches of height to a piece of equipment. In a mining height of less than 48 inches, the dimensions of roof support used to supplement the regular bolting plan become very critical; thus, the strength of supplemental roof support must be limited in lower areas in order to accommodate the enlarged equipment.

(b) A canopy obscures an operator's view of overhead roof support; this, along with the accompanying increase in equipment height, substantially increases the probability of roof support being dislodged through an error in judgment by the operator. While a roof fall is not normally the immediate result of such an occurrence, the roof is weakened each time its support is disturbed.

(2) Injury to the operator.

(a) In mining heights under 48 inches, equipment operators use variations in seam height to great advantage. Whenever possible, switching and maneuvering operations are performed where seam height allows the best visibility. In order for a piece of equipment to be used on a given section, its canopy must be lowered to allow clearance under the lowest conditions on that section. Thus, the advantage of using higher areas for difficult maneuvering and safety is lost. The operator is forced to negotiate the entire section under the limiting conditions of only a part of it.

(b) Due to the severely reduced visibility caused by a cab or canopy in mining heights below 48 inches, an operator often must extend his head beyond the side support of the canopy in order to see ahead of his machine. Extending himself to the side of the equipment results in an unnatural operating position for the driver and, thus, reduces his ability to control the equipment. In this position, the operator is vulnerable to injury due to collision with the rib or other obstacles in tight-clearance situations.

(3) Injury to other persons.

When an operator's vision is restricted by the addition of a cab or canopy, the increased hazard to persons working near the moving equipment is obvious. This hazard is made worse when side clearances are reduced due to the installation of a cab, thereby creating a "pinch-point" for persons who happen to be beside a machine while it is in motion.

At present, technology is not available to allow us to install cabs or canopies on the equipment in use at the Royal No. 7 Mine without creating serious safety hazards.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16712 Filed 6-8-76;8:45 am]

[Docket No. M 76-138]

ROYAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § (c) (1970), Royal Coal Company has filed a petition to modify the application of 30 CFR 75.-1710 to its Royal No. 2 Mine, Beckley, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paraargph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The Royal No. 2 Mine has an average mining height of 34 inches. Due to the limited clearance between equipment and roof support in a seam of this height, the operator must, necessarily, operate under conditions of reduced visibility. The addition of a cab or canopy reduces existing visibility to the point that three hazards are created:

(1) Collisions with Roof Support.

(a) In order to allow an operator even minimal visibility across the top of his machine, a canopy must add several inches of height to a piece of equipment. In a mining height of less than 48 inches, the dimensions of roof support used to supplement the regular bolting plan become very critical; thus, the strength of supplemental roof support must be limited in lower areas in order to accommodate the enlarged equipment.

(b) A canopy obscures an operator's view of overhead roof support; this, along with the accompanying increase in equipment height, substantially increases the probability of roof support being dislodged through an error in judgment by the operator. While a roof fall is not normally the immediate result of such an occurrence, the roof is weakened each time its support is disturbed.

(2) Injury to the operator.

(a) In mining heights under 48 inches, equipment operators use variations in seam height to great advantage. Whenever possible, switching and maneuvering operations are performed where seam height allows the best visibility. In order for a piece of equipment to be used on a given section, its canopy must be lowered to allow clearance under the lowest conditions on that section. Thus, the advantage of using higher areas for difficult maneuvering and safety is lost. The operator is forced to negotiate the entire section under the limiting conditions of only a part of it.

(b) Due to the severely reduced visibility caused by a cab or canopy in mining heights below 48 inches, an operator often must extend his head beyond the side support of the canopy in order to see ahead of his machine. Extending himself to the side of the equipment results in an unnatural operating position for the driver and, thus, reduces his ability to control the equipment. In this position, the operator is vulnerable to injury due to collision with the rib or other obstacles in tight-clearance situations.

(3) Injury to other persons.

When an operator's vision is restricted by the addition of a cab or canopy, the increased hazard to persons working near the moving equipment is obvious. This hazard is made worse when side clearances are reduced due to the installation of a cab, thereby creating a "pinch-point" for persons who happen to be beside a machine while it is in motion.

At present, technology is not available to allow us to install cabs or canopies on the equipment in use at the Royal No. 2 Mine without creating serious safety hazards.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16713 Filed 6-8-76;8:45 am]

[Docket No. M 76-136]

ROYAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) 1970), Royal Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Royal No. 5 Mine, Beckley, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

The Royal No. 5 Mine has an average mining height of 38 inches. Due to the limited clearance between equipment and roof support in a seam of this height, the operator must, necessarily, operate under conditions of reduced visibility. The addition of a cab or canopy reduces existing visibility to the point that three hazards are created:

(1) Collisions with Roof Support.

(a) In order to allow an operator even minimal visibility across the top of his machine, a canopy must add several inches of height to a piece of equipment. In a mining height of less than 48 inches, the dimensions of roof support used to supplement the regular bolting plan become very critical; thus, the strength of supplemental roof support must be limited in lower areas in order to accommodate the enlarged equipment.

(b) A canopy obscures an operator's view of overhead roof support; this, along with the accompanying increase in equipment height, substantially increases the probability of roof support being dislodged through an error in judgment by the operator. While a roof fall is not normally the immediate result of such an occurrence, the roof is weakened each time its support is disturbed.

(2) Injury to the operator.

(a) In mining heights under 48 inches, equipment operators use variations in seam height to great advantage. Whenever possible, switching and maneuvering operations are performed where seam height allows the best visibility. In order for a piece of equipment to be used on a given section, its canopy must be lowered to allow clearance under the lowest conditions on that section. Thus, the advantage of using higher areas for difficult maneuvering and safety is lost. The operator is forced to negotiate the entire section under the limiting conditions of only a part of it.

(b) Due to the severely reduced visibility caused by a cab or canopy in mining heights below 48 inches, an operator often must extend his head beyond the side support of the canopy in order to see ahead of his machine. Extending himself to the side of the equipment results in an unnatural operating position for the driver and, thus, reduces his ability to control the equipment. In this position, the operator is vulnerable to injury due to collision with the rib or other obstacles in tight-clearance situations.

(3) Injury to other persons.

When an operator's vision is restricted by the addition of a cab or canopy, the increased hazard to persons working near the moving equipment is obvious. This hazard is made worse when side clearances are reduced due to the installation of a cab, thereby creating a "pinch-point" for persons who happen to be beside a machine while it is in motion.

At present, technology is not available to allow us to install cabs or canopies on the equipment in use at the Royal No. 5 Mine without creating serious safety hazards.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 2, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-16714 Filed 6-8-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

CANE CREEK IMPROVEMENT AREA RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, TENNESSEE

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Cane Creek Improvement Area RC&D Measure, Putnam County, Tennessee, USDA–SCS–EIS–RCD–(ADM)–76–1(F) TN.

The EIS concerns a measure for watershed protection, flood prevention, and public water-based recreation on Cane Creek, Putnam County, Tennessee. The planned works of improvement provide for construction of a multiple-purpose structure with associated recreation development.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available to fill single copy requests at the following location:

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203.

"(Catalog of Federal Domestic Assistance, 10147) of a meeting of the Census Ad-

politan Area Alcoholism, Drug Abuse, and

request from the contact person, been reviewed and it has been deter-

Following this preliminary recom-

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(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: June 1, 1976.

NEIL F. BOGNER,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.76-16699 Filed 6-8-76;8:45 am]

MUDDY CREEK WATERSHED PROJECT MISSISSIPPI AND TENNESSEE

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Muddy Creek Watershed Project, Tippah County, Mississippi and Hardeman County, Tennessee.

The environmental impact statement concerns the channel portion of a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve clearing and debris removal on 8.2 miles of existing channels and enlargement of 23.2 miles of existing channels. The entire 31.4 miles of channel work will be accomplished on previously modified channels. The lower one-third of main Muddy Creek (about 8.0 miles) is perennial with the upper two-thirds of main Muddy Creek and the tributaries being intermittent. Most of the planned land treatment measures, 17 floodwater retarding structures, one multiple-purpose structure, and 28 sediment control structures have been installed or covered under a negative declaration.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 610, Jackson, Mississippi 39205

Dated: June 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 76-16611 Filed 6-8-76; 8:46 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON AGRICULTURAL STATISTICS

Public Meeting Changes

On May 10, 1976, a Notice was published in the FEDERAL REGISTER (41 FR 19147) of a meeting of the Census Advisory Committee on Agriculture Statistics to be held on June 15, 1976 at 9:00 p.m. at the Marriott Inn, Clarksville, Indiana; that meeting has been cancelled. The Federal Register Notice also scheduled a meeting of the Committee for 8:00 a.m. on June 16, 1976 in the Bureau of the Census, Jeffersonville, Indiana; that meeting will now be held at 9:00 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

There are no substantive changes to the agenda as published for the June 16 meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Orvin L. White, Chief, Agriculture Division, Bureau of the Census, Room 3015, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5230.

Dated: June 4, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.76-16642 Filed 6-8-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of June 1976:

MINORITY ADVISORY COMMITTEE, ADAMHA

June 28-29; 9 a.m.

June 28, Conference Room F, June 29, Conference Room A, Parklawn Building, Rockville, Maryland.

OPEN MEETING

Contact Ernest F. Hurst, Parklawn Building, Room 13C-15, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3838.

Purpose: The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda: This meeting will be open to the public. The agenda will include reports by committee members on FY 1976-1977 priority issues and on liaison with national organizations, a review and discussion of the committee's findings and recommendations with the Administrator, ADAMHA, and with the Institute Directors, a meeting with the community representatives and staffs of Metropolitan Area Alcoholism, Drug Abuse, and Mental Health Programs, as well as staff reports on health planning systems, community mental health legislation (status of regulations and impact of legislation on minority groups). Agenda items are subject to change as priorities dictate. Attendance by the public will be limited to space available.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of the committee members. Mr. Helsing is located in Room 16-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3783.

Dated: June 4, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration

[FR Doc.76-16649 Filed 6-8-76;8:45 am]

NATIONAL PANEL ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of June 1976:

NATIONAL PANEL ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

June 30; 9:30 a.m.

Conference Room 14-105, Parklawn Building, Rockville, Maryland.

OPEN MEETING

Contact Mr. Robert W. Brown, Parklawn Building, Room 13C-26, 5600 Fishers Lane, Rockville, Maryland 20851, 301-443-3706.

Purpose: The National Panel on Alcohol, Drug Abuse, and Mental Health advises and makes recommendations to the Secretary concerning the activities to be carried out through the Alcohol, Drug Abuse, and Mental Health Administration. By law, the Panel is composed of three members, one each from the public members of the National Advisory Council on Alcohol Abuse and Alcoholism, National Advisory Council on Drug Abuse, and the National Advisory Mental Health Council.

Agenda: This meeting will be open to the public. Agenda items will include a discussion of the report of the President's Panel on Biomedical Research, State-level organization of Alcohol, Drug Abuse, Mental Health, and State Advisory Councils, and reports by each Panel member on the activities of each Institute's National Advisory Council which cut across the program activities of other Institutes. Agenda items are subject to change as priorities dictate. Public attendance will be limited to space available.

Substantive program information and summaries of meetings may be obtained,

upon request, from the contact person listed above.

Dated: June 3, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-16614 Filed 6-8-76;8:45 am]

Food and Drug Administration

[Docket No. 76F-0186]

3M CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3129) has been filed by the 3M Co., 3M Center, St. Paul, MN 55101, proposing that § 121.2622 Styrene block polymers (21 CFR 121.2622) be amended to provide for safe use of styrene block polymers with 1,3-butadiene as a component of pressure-sensitive adhesive intended to contact nonfatty food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 1, 1976.

DONALD W. RIESTER,
Acting Director, Bureau of Foods.

[FR Doc.76-16615 Filed 6-8-76;8:45 am]

NATIONAL ADVISORY FOOD AND DRUG COMMITTEE

Meeting

This notice announces the forthcoming meetings of a public advisory committee of the Food and Drug Administration and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)):

Committee name	Date, time, and place	Type of meeting and contact person
National Advisory Food and Drug Committee.	June 29 and 30, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion June 29, 9 a.m. to 4 p.m.; open public hearing June 30, 9 to 10 a.m.; open committee discussion June 30, 10 a.m. to 4 p.m.; William V. Whitehorn, M.D. (HFG-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1547.

General function of the committee. Reviews and evaluates agency programs and advises on policy matters of national significance as they relate to the statutory mission of the Food and Drug Administration (FDA) in the areas of foods, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of FDA, as required by law.

Agenda—Open public hearing. Any interested person may present information, data, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. State of agency; status reports on the blending issue and of the Subcommittee on Antibiotics in Animal Feeds; review of agency reforms—(a) report of Subcommittee on FDA reorganization and (b) FDA legislative package; priority planning update; public policy regarding risk; and concerns of the members.

Agenda items are subject to change as priorities dictate.

Dated: June 4, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc 76-16628 Filed 6-8-76;8:45 am]

PANEL ON REVIEW OF GENERAL AND PLASTIC SURGERY DEVICES

Agenda Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I), the Food and Drug Administration announced, in a notice published in the FEDERAL REGISTER of May 19, 1976 (41 FR 20606), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the agenda items listed in the above-mentioned notice of meetings for the Panel on Review of General and Plastic Surgery Devices meeting of June 24 will be superseded by the following agenda items:

Open public hearing. (8 a.m. to 10 a.m.) Presentations will be made by the following: Charles T. Patrick and Alan G. Furler (NDM Corp.)—"Patient Return Electrode Requirements for Electrosurgery"; Dr. Leon Goldman (Director—Laser Laboratory, Medical Center, University of Cincinnati)—"Safety and Efficacy of Surgical Lasers."

Interested parties are encouraged to present information to the panel pertinent to the classification of devices listed at the end of this announcement. Submission of data relative to the panel's tentative classification findings is also invited. Those persons desiring to make formal presentations should notify Mark Parish (HFK-470), 8758 Georgia Ave., Silver Spring, MD 20910, 301-427-7238, before the meeting.

Open committee discussion. (10 a.m. to 3:30 p.m.) The general and plastic surgery panel preliminarily classified electrosurgical units and accessories and surgical lasers into the Class II regulatory category—Standards.

Following this preliminary recommendation, a priority ranking of Class II devices by all of the classification panels resulted in the placement of electrosurgical devices within the group of devices most urgently requiring the development of standards. Surgical lasers were ranked immediately below electrosurgical devices.

The panel will discuss these devices, specifically addressing (1) any potential for hazard in their use, and their effectiveness and (2) whether the development of standards for surgical lasers will be an effective and appropriate method to reduce potential hazards and ensure effectiveness.

The panel will also discuss and formulate its recommendations for the content of performance standards for these devices.

The panel will also review its previous classification results for the following devices according to the statutory requirements of the Medical Device Amendments of 1976 (Pub. L. 94-295): Catheters—balloon type, biliary, cardiovascular, cholangiography, continuous irrigation, eustachian, irrigation; electrosurgical cutting and coagulation devices and accessories; fiberoptic endoscopes; gauze—absorbable, nonabsorbable (medicated, nonmedicated, X-ray detectable); laser—surgical; meshmetallic, polymeric; prosthesis kit and accessories; prostheses—arterial grafts (biological and synthetic), chin, ear, larynx, mamary; suction device—high vacuum; tubing—disposable and reusable.

Dated: June 4, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc 76-16629 Filed 6-8-76;8:45 am]

[Docket No. 76F-0187]

PHELPS DODGE MAGNET WIRE CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3201) has been filed by the Phelps Dodge Magnet Wire Co., P.O. Box 600, Ft. Wayne, IN 46801, proposing that § 121.2628 Polyamide-imide resins (21 CFR 121.2628) be amended to provide for a specification change in the minimum solution viscosity of the resin from the currently permitted 1.550 to a revised minimum viscosity of 1.200 (as determined by a method available from the Commissioner of Food and Drugs).

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, dur-

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ing working hours, Monday through Fri-

CIVIL AERONAUTICS BOARD

on recent results of an ongoing study to

ATTENTION: Russell Train,

lems, we must recommend against the intro-

ing working hours, Monday through Friday.

Dated: June 1, 1976.

DONALD W. RIESTER,
Acting Director,
Bureau of Foods.

[FR Doc.76-16616 Filed 6-8-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-435]

CAMDEN AREA OFFICE, REGION II, NEW YORK

Designation and Delegation of Authority

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following position is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors; Provided, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director
2. The Area Counsel
3. The Director, Housing Production and Mortgage Credit
4. The Equal Opportunity Officer
5. The Director, Community Planning and Development
6. The Director, Housing Management

Effective Date: This designation and delegation shall be effective June 9, 1976.

S. WILLIAM GREEN,
Regional Administrator,
New York Regional Office.

[FR Doc.76-16749 Filed 6-8-76;8:45 am]

[Docket No. D-76-436]

NEWARK AREA OFFICE, REGION II, NEW YORK

Designation and Delegation of Authority

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following position is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors; Provided, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director
2. The Director, Housing Management
3. The Director, Housing Production Mortgage Credit
4. The Director, Community Planning and Development
5. The Director, Equal Opportunity
6. The Area Counsel

Effective Date: This designation and delegation shall be effective June 9, 1976.

S. WILLIAM GREEN,
Regional Administrator,
New York Regional Office.

[FR Doc.76-16748 Filed 6-8-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29278]

STAFF TASK FORCE REPORT ON SERVICE TO SMALL COMMUNITIES

Comment Period Extension

JUNE 4, 1976.

On May 18, 1976, the Civil Aeronautics Board announced that public comment on the Staff Task Force Report on Service to Small Communities should be received at the Board on or before June 18, 1976. The date for the submission of public comments on the report is hereby extended until July 19, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-16701 Filed 6-8-76;8:45 am]

[Docket 27914]

TOURIST ENTERPRISES CORPORATION "ORBIS"

Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a further prehearing conference in the above-entitled matter is assigned to be held on July 15, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., June 1, 1976.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc.76-16700 Filed 6-8-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

JUNE 7, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act, the High Energy Physics Advisory Panel (HEPAP) will meet June 29 through July 1, 1976. The meeting will be held at Argonne National Laboratory; Argonne, Illinois, in the Zero Gradient Synchrotron (ZGS) Building 362. The portion of the meeting which will be open to the public will convene from 10:30 a.m. to approximately 6 p.m. on June 29, reconvene from 9 a.m. to 6 p.m. on June 30, and will resume at 9 a.m. to end at aproximately 11:30 a.m. on July 1.

A major component of the meeting will be to review and discuss the research program and facility development at the ZGS. The Panel will examine the current status of budget requests for the High Energy Physics Program; discuss proton-proton colliding beam facilities; discuss approaches toward a study of manpower projections and analyses; discuss initiation of a study of high energy physics computer needs and policies at national laboratories; and hear a report on recent results of an ongoing study to investigate potential problems that might arise in any future collaborative effort by the U.S., USSR, European nations, and Japan to build a very big high energy accelerator.

In addition to the public sessions, two (2) executive sessions of the Panel are scheduled. The first executive session will occur at approximately 9 a.m. prior to the open sesstion on June 29; the second will begin at approximately 1 p.m. on July 1 and continue throughout the end of the meeting at approximately 4:30 p.m. Topics to be discussed at these executive sessions are the future allocation of resources for operations, priorities among proposed future construction projects and other similar matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b).

It is essential to close these portions of the meeting to protect the free interchange of internal views to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the topics for discussion may do so by mailing 25 copies thereof, postmarked, if possible no later than June 14, 1976, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Ernest Coleman, Division of Physical Research, U.S. Energy Research and Development Administration, Washington, DC 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 16, 1976, to the office of the Executive Secretary of the Panel on (301) 353-3624 between 8:30 a.m. and 5:00 p.m. Eastern Time.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, DC, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-16794 Filed 6-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 557-4]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on May 7, 1976, the Environmental Protection Agency received an application from ASARCO Incorporated to determine if its Model 500 Sulfur Dioxide anayzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

Dated: June 3, 1976.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.76-16742 Filed 6-8-76;8:45 am]

[FRL 557-8; OTS-01-76]

CHLORALKYLENE FLUIDS

Opinion Regarding Use as Dielectric Fluids

On May 14, 1976, the Environmental Protection Agency received a request from the Prodelec Company for the Agency's opinion regarding the environmental risk involved in using chloralkylene fluids as a substitute for polychlorinated biphenyls (PCB's) as dielectric fluids. The Agency responded to this request with the following correspondence:

PRODELEC Specialites Rhone-Progil, Ugine-Kuhlmann, Pour L'Industrie Electrique, 21, Rue Jean Goujon, 75008 Paris Tel.: 256-40-00; Telex: Rhone x 640100 F; Telegr.: Rhodia-Paris 086.

E.P.A., OFFICE OF TOXIC SUBSTANCES, 401 M Street, S.W., WASHINGTON, D.C. (U.S.A.)

Subject: Chloralkylene/substitute dielectric fluid.

Paris, 10th May 1976.

ATTENTION: Russell Train.

DEAR MR. TRAIN: We wish to thank Mr. Schweitzer and his group for the informal meeting at which we discussed the environmental impact study and the other aspects of our proposed replacement for the polychlorobiphenyls used in the American capacitor industry.

We would like to propose our product as the best temporary solution to this problem and we would very much appreciate learning the reaction of the EPA to our request for Chloralkylene to be accepted on a temporary basis until such time a more suitable product can be found completely acceptable for both the environment and for use in the capacitor industry.

Our Chloralkylene is based on mono and dichloro biphenyl which have not been found in the environment (although dichlorobiphenyl amount to 20% in commercial PCB's). The tests carried out on Chloralkylene which could be completed by some additional studies as suggested during our meeting with Mr. Schweitzer, indicate in particular that this product is farly easily metabolized in different biotas and does not offer the risks of persistency and accumulation which in the case of PCB's are of so much concern fo the ecologist.

However, we do not think our product cannot be proved to be completely safe for the environment but at this time it is clear that it fulfills all the requirements of the capacitor industry and could be considered as a biodegradable replacement for PCB's and a comparatively non toxic substitute.

Therefore, we would appreciate your information at this time concerning, whether or not we should continue our studies and whether the EPA is willing to consider Chloralkylene as a suitable temporary replacement.

Yours faithfully,

G. PAINDAVOINE.
B. REY COQUAIS

Mr. GERARD PAINDAVOINE,
Directeur,
Mr. BRUNO REY-COQUAIS, *Ingenieur* I.C.P.I.
Societe Prodelec, 21, rue Jean-Goujon, 75360 Paris, Cedex 08, France.

GENTLEMEN: We have received your letter of May 10, 1976, requesting our views on the environmental acceptability of Chloralkylene, a mixture containing polychlorinated biphenyl compounds and alkylchlorobiphenyl isomers, in electrical capacitors with a potential production level for such application of several tens of millions of pounds annually. Our preliminary conclusions concerning the environmental aspects of this proposed replacement fluid for Aroclor 1016, based on your technical briefing and your supporting documentation, are set forth below.

The data that have been developed on Chloralkylene are inadequate to assess the environmental acceptability of a product with a chemical structure so closely related to other polychlorinated biphenyls which have caused considerable environmental damage. For example, not a single lifetime animal feeding study has been conducted on Chloralkylene nor is one planned. Also, there are serious unresolved questions concerning the persistence of Chloralkylene. Its effects on aquatic organisms are not well understood. We also are concerned that your studies apparently show that metabolites of Chloralkylene may include the hydroxylated biphenyl, which could be of even greater concern than the starting material.

In the absence of more definitive data demonstrating the likelihood that Chloralkylene will not present environmental problems, we must recommend against the introduction of Chloralkylene for use in capacitors.

We are aware that some specialists believe that the less highly chlorinated biphenyls may present less of an environmental hazard than the more highly chlorinated ones. In the absence of more persuasive documentation than is currently available, however, we do not share the view that the degree of chlorination is the only determining factor in considering the environmental acceptability of this class of chemicals. Furthermore, even if some polychlorinated biphenyls are somewhat less toxic, less bioaccumulative, and less persistent than others, we consider that the properties of all members of the class are sufficiently undesirable to warrant major environmental concerns.

Sincerely,

GLENN E. SCHWEITZER,
Director,
Office of Toxic Substances.

The Agency would like to receive any additional information available on this issue. Members of the public or other Federal agencies are invited to submit written comments and other information relevant to this issue or to the correspondence contained in this notice to Dr. I. E. Wallen (WSME 711), Office of Toxic Substances (WH-557), Environmental Protection Agency, Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection in the above office from 8:30 a.m. to 4:00 p.m. during normal working days.

Dated: June 4, 1976.

A. W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-16744 Filed 6-8-76;8:45 am]

[FRL 558-1; OTS-02-76]

POLYDIMETHYLSILOXANE

Opinion Regarding Use as Coolants for Use in Transformers

On May 5, 1976, the Environmental Protection Agency received a request from the Dow Corning Corporation for the Agency's opinion regarding the environmental risk involved in using polydimethylsiloxane fluids as a substitute for polychlorinated biphenyls (PCBs) as coolants for electrical transformers. The Agency responded to this request with the following correspondence:

DOW CORNING

APRIL 30, 1976.

DR. I. E. WALLEN,
Office of Toxic Substances, United States Environmental Protection Agency, Washington, D.C. 20460.

DEAR DR. WALLEN: Enclosed is a copy of our answers to the questions that were raised during our informal technical meeting on March 23. We also have enclosed a number of supporting documents pertinent to these answers.

As you know, we are currently actively carrying out further research into environmental transport and decomposition routes of polydimethylsiloxane. As our information in this area grows, we are designing new experiments to investigate any potential toxicity of decomposition products. It is our in-

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tention to keep you advised of our progress and to rapidly make you aware of significant results, particularly if they are contrary to the general trends we have reported to date.

We request your office to provide us with a statement stating your opinion as to the environmental risk involved in using polydimethylsiloxane fluids as coolants for electrical transformers.

Very truly yours,

JOHN W. RYAN, PH. D.,
Manager Fluids Research,
Dow Corning Corporation.

DR. JOHN W. RYAN,
Manager, Fluids Research, Dow Corning Corporation, Midland, Michigan 48640.

DEAR DR. RYAN: We have received your letter of April 30, 1976, requesting our views on the environmental acceptability of polydimethylsiloxane fluids to be used in electrical transformers. The potential production level of this type of chemical for such application would be several tens of millions of pounds annually. Our preliminary conclusions concerning the environmental aspects of this fluid as a potential replacement for one of the major uses of polychlorinated biphenyls (PCBs), based on your technical briefing and your supporting documentation, are set forth below. However, we have not attempted to assess the performance, flammability, or economic aspects of the use of these fluids in transformers.

We are unaware of any incidents of adverse health or ecological effects associated with the production, use, or disposal of polydimethylsiloxane fluids, which have been produced in the United States at an estimated level of about 340 million pounds for a variety of applications, including applications which result in substantial environmental discharges. Similarly, available laboratory test data do not suggest the likelihood of environmental problems. At the same time, however, we are unaware of any systematic epidemiological or other field efforts to search for adverse effects, and we would like to see more data on chronic health effects and effects in aquatic systems.

Despite the incompleteness of our knowledge concerning the environmental effects of polydimethylsiloxane fluids, we believe that the available information indicates that these fluids are far preferable to PCBs for use in transformers from the environmental viewpoint. Further, we have no basis for suspecting that this closed-system application will result in serious environmental problems.

Given the widespread use of polydimethylsiloxane fluids in open systems, as well as their potential use in transformers, we would encourage expanded efforts to acquire more definitive data as to the health and ecological aspects of these fluids, in addition to your current efforts directed to environmental transport and decomposition. Given the long history of usage of these fluids, epidemiological investigations of workers and users who have been exposed to them for long periods of time at relatively high concentrations should not be too difficult to organize and carry out. The single chronic toxicity animal study conducted in the 1940s was not performed at today's standards for control nor length of study. Additional animal studies of the chronic effects, particularly on the circulatory and respiratory systems, are in order. Finally, we would suggest further investigations of the likely impact of spills of polydimethylsiloxane fluids into confined aquatic areas on aquatic life, including surface dwelling insects. Since previous testing was all done with static bioassay, we would recommend, as a minimum, flow-through-bioassay with fathead minnow, sheepshead minnow, and/or Daphnia.

Sincerely yours,

GLEN E. SCHWEITZER,
Director,
Office of Toxic Substances.

The Agency would like to receive any additional information available on this issue. Members of the public or other Federal agencies are invited to submit written comments and other information relevant to this issue or to the correspondence contained in this notice to Dr. I. E. Wallen (WSME 711), Office of Toxic Substances (WH–557), Environmental Protection Agency, Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection in the above office from 8:30 a.m. to 4:00 p.m. during normal working days.

Dated: June 4, 1976.

A. W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76–16745 Filed 6–8–76;8:45 am]

VINYL CHLORIDE

Recommended Procedures for Disposal of Aerosol Cans

Background. On January 22, 1975, the Environmental Protection Agency in the FEDERAL REGISTER canceled certain indoor aerosol pesticide products which contain vinyl chloride as a propellant (40 FR 3494). Following that action, the Office of Solid Waste Management Programs (OSWMP) of EPA developed internal guidance for the use of its Regional Offices should they be requested to provide disposal advice to affected parties.

On September 5, 1975, and again on February 6, 1976, the Consumer Product Safety Commission (CPSC) reaffirmed in the FEDERAL REGISTER its regulation declaring *any* self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant to be "banned hazardous substances". That action included certain repurchase requirements for manufacturers and had obvious disposal implications. In fact, CPSC in the September 5, 1975, FEDERAL REGISTER notice requested appropriate industry officials to conduct their repurchase and disposal actions in accordance with EPA guidelines (40 FR 41170). It was also noted "* * * that many States and municipalities have adopted codes for the disposal of hazardous wastes * * * [which, in many instances] are in conformity with EPA guidelines and will insure the proper disposal of the products involved." No seizure actions have been initiated to date, but the CPSC, if necessary, "will recommend to the Courts disposal methods consistent with EPA guidelines."

Purpose. Pursuant to section 204(b)(1) of the Solid Waste Disposal Act, as amended, the Administrator may issue guidance and recommendations to State and local government, industry, organizations, and individuals, related to the disposal of waste materials.

The purpose of this publication is to provide guidance for the disposal of vinyl chloride-containing aerosol cans. This guidance is addressed primarily to holders[1] of large quantities of vinyl chloride-containing aerosol cans, although the recommended procedures are appropriate to disposal of any such wastes. These recommended procedures represent the best information available on preferable disposal options for vinyl chloride-containing aerosol cans.

When the problem of disposal surfaced, little was known about the chemical interactions of vinyl chloride monomer (VCM) with the environment. While the chemical and physical properties of VCM as they generally relate to its manufacture and use are known, there is limited information on how VCM reacts in a land disposal site environment. However, comparison of the known properties of VCM to those of other gases has been attempted in order to provide a base for recommended procedures for the disposal of VCM-containing aerosols. The following recommendations acknowledge recommended procedures for pesticide disposal as well as procedures for disposal of heavy-metal containing materials.

Technical background. Vinyl chloride monomer (VCM) is a chlorinated alkene hydrocarbon with a density of twice that of air. Since VCM boils at −13.37 C, it is a gas at normal atmospheric temperature and pressure. Vinyl chloride is highly flammable having a flash point of −78 C. The explosive limits are from 4 to 22 percent VCM in air by volume.

VCM is soluble in organic solvents, but not very soluble in water. The quantity of VCM that dissolves in water depends on the partial pressure of the gas above the solution. If the partial pressure of the gas above the water is reduced, VCM will escape into the gas phase and be released to the ambient air. Chemical reactions, which can occur because of water impurities, might tend to inhibit escape of vinyl chloride. Certain salts have the ability to combine with VCM; for example, soluble silver and copper salts increase the solubility of VCM in water by forming complex dissolved salts.

VCM makes up about 20 percent by volume (equivalent to about 16 percent of the net weight) of the propellant in most of the canceled pesticide aerosols. The pesticides involved are mainly pyrethrins, lindane, and malathion. In hair sprays, deodorants, paints, etc., however, VCM may constitute as much as 40 to 45 percent by volume of the contents. Other propellants are chlorofluorocarbons 11 and 12 (e.g., Freon). Although EPA has no data on the ingredients of non-pesticide aerosols, hairsprays, for example, would be expected to consist mainly of organics, while paints may contain heavy metals such as cadmium, lead, chromium, or mercury.

Disposal of VCM-containing aerosol cans. Final disposal of VCM-containing aerosol cans should be undertaken using methods listed in order of preferred priority:

1. High temperature incineration (except for products containing heavy metals)
2. Burial in a State-approved chemical (or hazardous) waste landfill
3. Burial in a separate area of a State-approved sanitary landfill.

It should be noted that chemical treatment to recover the active materials may be technically feasible, but would require special handling techniques to remove the contents from the cans. Since this process is very costly, its feasibility depends largely upon the value of the recovered materials.

Incineration. Incineration should be used when possible for final destruction of the materials. This method is limited to heavy duty rotary-kiln or other incinerators that (1) can handle aerosol cans without damage, (2) operate at a temperature of 1000 C with two seconds dwell time, and (3) are equipped with appropriate pollution controls to meet State or local air pollution control requirements. Incineration should not be used where the product contains more than trace quantities of heavy metals such as lead, mercury, cadmium and chromium.

High temperature incineration of pesticides, VCM, and the other propellants and solvents or carriers found in aerosol units can effectively be carried out at 1000 C with a dwell time in the combustion zone of two seconds. Although VCM probably is destroyed at a lower temperature (one source indicated 7000 C was sufficient), preparations containing pesticides may not be completely combusted. Additionally, the hair sprays, deodorants, etc. contain unknown resins which may require higher temperatures for complete destruction.

Since the cans explode and produce shrapnel at high temperatures, only heavy duty rotary-kiln or equivalent units should be considered if more than about 12 cans are to be disposed of at one time. Incinerator feed mechanisms should be adjusted to prevent injury or damage from blow-back which may occur when several aerosol units (such as one case) are introduced simultaneously.

A pollution control system will be required to remove potential air contaminants. Most of these aerosols contain chlorofluorocarbon propellants as well as VCM, and, therefore, generate both hydrogen chloride (HCl) and hydrogen fluoride (HF).

EPA publication, Hazardous Waste Management Facilities (EPA/530/SW–146.2),[2] provides information on some incineration facilities. Use of these facilities for incineration of VCM-containing aerosol cans should be checked with EPA Regional and State representatives to assure that the facility has adequate environmental controls to meet Federal/State/local regulations.

Chemical Waste Landfills. In some areas there are public or commercial landfills that have been approved by State agencies to accept industrial hazardous wastes. Such sites are located, engineered, or constructed to avoid hydraulic continuity with either surface or ground water. Disposal of VCM aerosols in these facilities does, however, require extraordinary care above that given to other toxic or hazardous wastes (such as sludges), because the gases that could be released upon rupture of the unit are highly volatile and flammable as well as toxic.

Further details on the recommended site criteria and operating procedures for landfilling are given in the following section. Specifically, however, in the case of VCM disposal in a chemical waste landfill, special bottom liners would not be needed, although all other criteria and procedures should be followed.

State-approved Sanitary Landfills. Sanitary landfills for disposal of aerosols containing VC, should only be considered if an adequate incinerator or chemical waste landfill is not available. Even then, special conditions should be observed to assure proper disposal. Such a landfill should be located and operated in an appropriate manner and be inspected and approved by State and local agencies.

The following procedures discuss the landfilling aspects of disposal of aerosols containing VCM and are only concerned with the propellant. The active ingredients in the aerosol can could dictate more stringent disposal requirements due to their potential hazard to the environment. However, the quantities of active ingredient contained are usually small (1 percent of the net weight or less). Most of the pesticide chemicals involved are insoluble in water and biodegradable. Thus, they may not move from the burial site in ground water or percolating water, but would be biodegraded to their basic constituents in place. Other products, however, may contain soluble materials capable of polluting groundwaters. Procedures discussed in the next section will limit groundwater degradation potential.

Little is known of the soil degradation of VCM gas. However, the polar molecules suggest that the gas will be loosely held in place by soil organic matter, and by the clay fraction of the soil. Soil moisture also impedes the dispersion of gases in soils; however, the best medium to contain gases would have a moisture content approaching 50 percent of field capacity. Such soils also normally contain a large, varied population of microorganisms including several species that might attack the organic compounds found in aerosols.

Recommended Procedures for Landfilling. State-approved sanitary landfills that are located, designed, and operated in accordance with EPA's "Guidelines for the Land Disposal of Solid Wastes" (40 CFR Part 241) published August 14, 1974, in the *Federal Register* (39 FR 29328) are acceptable, provided that the following special criteria and procedures are utilized:

(1) Advance notice is given to the appropriate State agency;

(2) A facility is chosen which has groundwater monitoring facilities or such facilities are provided prior to disposal of the cans. Quarterly monitoring for heavy metals or other potential pollutants should be carried out;

(3) The burial site is specifically recorded in the property records;

(4) A separate, clearly marked area is set aside so that the bottom of the trench (in which the aerosol cans are to be placed) is at least one foot above the 50-year high water table;

(5) A trench with minimum depth of 10 feet is dug;

(6) A high-density polyethylene film (20 to 30 mil) (or equivalent material) is properly installed at the bottom of the trench;

(7) One foot of topsoil covers the film (see note);

(8) A single layer of cases, or randomly distributed cans do not exceed 12 inches in depth and 3 feet in width;

(9) One foot of topsoil covers the cans (see note);

(10) Six feet of cover material is compacted over the topsoil (see note);

(11) A high-density polyethylene film liner (20 to 30 mil) is laid over the compacted cover;

(12) One foot of final cover is compacted; and

(13) The following safety precautions are observed during disposal:

No smoking or open flames, since VCM is a flammable gas,

No direct compaction of cans is undertaken since rupture will expose workers to hazardous or toxic vapors,

Each day's accumulation is covered with at least one foot of topsoil and 6 feet of cover and compacted.

NOTE.—Organic matter, clay, and moisture contents of soils will provide additional protection by interfering with the movement of chlorinated hydrocarbon pesticides and VCM to the surface or to the water table. The topsoil and cover material should contain less than the optimum moisture content for compaction, in order to provide more pore space for the absorption of gases. The final cover should be mounded to approximately six inches above grade in the center to promote runoff and reduce infiltration.

Dated: June 4, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76–16747 Filed 6–8–76;8:45 am]

[1] The CPSC estimated in its September 5, 1975, *Federal Register* notice that an estimated 3.3 million cans of vinyl chloride aerosols were in existence. Of these, approximately one million were in the hands of manufacturers, wholesalers, and retailers. The remaining 2.3 million cans were in the possession of the consumer.

[2] Referenced document may be obtained from Solid Waste Information, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

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FEDERAL DEPOSIT INSURANCE

consideration of the suspension and sup-

Power Commission, 825 North Capitol

This is the latest in a series of opinions

Finally, we provided Arkla 30 days within which to file further revised tariff

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FEDERAL DEPOSIT INSURANCE CORPORATION

FARMERS BANK OF THE STATE OF DELAWARE, DOVER, DELAWARE

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of the suspension of trading in the common stock of Farmers Bank of the State of Delaware being traded otherwise than on a national securities exchange, ordered by the Federal Deposit Insurance Corporation on March 8, 1976, is required in the public interest and for the protection of investors:

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (d.s.t.) on June 6, 1976 through June 15, 1976.

By order of the Board of Directors, June 3, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-16639 Filed 6-8-76;8:45 am]

FEDERAL MARITIME COMMISSION

[No. 76-31]

SOUTH AMERICAN SHOE CORP. V. THE ZIM ISRAEL NAVIGATION COMPANY, LTD.

Filing of Complaint

JUNE 3, 1976.

Notice is hereby given that a complaint filed by South American Shoe Corp. against Zim Israel Navigation Company, Ltd. was served June 3, 1976. The complaint alleges that respondent has violated sections 16, 17, and 18(b)(5) by virtue of applying an outbound freight rate on shoes from New York to Greece significantly in excess of the rate applied inbound from Greece on the same commodity.

Hearing in this matter shall commence on or before December 3, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-16724 Filed 6-8-76;8:45 am]

[Docket No. 76-26]

TRANSCONEX INC.—PROPOSED GENERAL RATE INCREASE IN THE VIRGIN ISLANDS DOMESTIC OFFSHORE TRADE

Order Vacating Suspension of Rates

By Order of Investigation and Suspension served on May 11, 1976, the Commission initiated this proceeding. At issue is a 12 percent general rate increase of Transconex, Inc., an NVOCC, in the Virgin Islands trade. The suspension of the rate increase was based on an analysis of the financial data submitted by Transconex to support the increase.

Subsequent to the Commission's Order, Transconex petitioned via telex for reconsideration of the suspension and supplied additional financial data. The analysis of the additional data indicates that the suspension is no longer warranted.

Therefore, it is ordered, That the suspension of the subject tariff matter, identified in Appendix A, is hereby vacated, but that the investigation portion of the proceeding be continued;

It is further ordered, That pursuant to the provisions of the Commission's Tariff Circular No. 3 (46 CFR 531.20(f)), Transconex may file with the Commission the tariff matter necessary to vacate and set aside the suspension of said rates, such tariff matter to become effective on not less than one day's notice;

It is further ordered, That a copy of this Order shall be filed with Transconex's Tariff FMC-F No. 1, shall be served upon all parties to this proceeding and published in the FEDERAL REGISTER.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

APPENDIX A

TRANSCONEX, INC.

FMC-F NO. 1

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9th Revised Page 24
12th Revised Page 25
10th Revised Page 26
11th Revised Page 25
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[FR Doc.76-16723 Filed 6-8-76;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2376]

APPALACHIAN POWER CO.

Application for Approval of Revised Exhibits J and K and Exhibit R

JUNE 2, 1976.

Public notice is hereby given that an application was filed on February 6, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Appalachian Power Company (Correspondence to: Mr. Herbert B. Cohn, Vice President, Appalachian Power Company, P.O. Box 18, Bowling Green Station; New York, New York 10004) for approval of revised Exhibits J and K and Exhibit R for the constructed Reusens Project No. 2376, located on the James River in Amherst, Bedford, and Campbell Counties, Virginia. Applicant also filed a revised Exhibit F to reflect current land ownership at the project. The proposed change in exhibits would only affect lands in Amherst County, Virginia.

Applicant seeks Commission approval of revised Exhibits J and K and Exhibit R that were filed in accordance with Article 30 of the license for the project. The Exhibit R describes existing recreation facilities for picnicking and boat launching on the 9.35-acre Monacan Recreation Area purchased by Applicant in 1968. No further recreational development is planned. The proposed revision to the Exhibits J and K is to illustrate the inclusion of the above-mentioned tract of land within the project boundary.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if Applicant requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or Applicant fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16682 Filed 6-8-76;8:45 am]

[Docket No. ER76-713]

ARIZONA PUBLIC SERVICE CO.

Tender of Rate Supplement

JUNE 3, 1976.

Take notice that, on May 28, 1976, Arizona Public Service Company (APS) tendered for filing Supplement No. 1 to Service Schedule E of the Power Coordination Agreement between APS and Tucson Gas and Electric Company, Rate Schedule FPC No. 32, APS states that this supplement establishes additional delivery and redelivery points and also provides for a change in the manner for computation of transmission lines.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16692 Filed 6-8-76;8:45 am]

[Docket No. RP74-61(PGA76-3); and RP76-10(PGA76-3)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

JUNE 1, 1976.

Take notice that on May 25, 1976, Arkansas Louisiana Gas Company (Arkla) tendered for filing Eighth Revised Sheet No. 4 in its Rate Schedule G-2, FPC Gas Tariff, First Revised Volume No. 1 and Fifth Revised Sheet No. 185 in its Rate Schedule X-26, FPC Gas Tariff Original Volume No. 3. Arkla requests an effective date of July 1, 1976.

The company states that copies of the revised tariff sheets and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16669 Filed 6-8-76;8:46 am]

[Docket No. RP71-122; Docket No. RP74-94-1]

ARKANSAS LOUISIANA GAS CO. AND ARKANSAS LOUISIANA GAS CO.; ARKANSAS ELECTRIC COOPERATIVE CORP.

Order Affirming in Part, and Modifying in Part, the Initial Decision, and Establishing Procedures

JUNE 2, 1976.

Before Commissioners: Richard L. Dunham, Chairman; John H. Holloman III, and James G. Watt.

This is the latest in a series of opinions and orders dealing with our attempts to devise and implement a plan for required curtailment of gas deliveries on the system of Arkansas Louisiana Gas Company (Arkla). These proceedings were initiated on May 18, 1971, when Arkla filed a proposed curtailment plan which, in the course of time, we ordered Arkla to modify in various respects. In Opinion No. 643,[1] we found, based on the record, the initial decision, and the briefs there before us, that Arkla should be required to institute a plan which incorporated the priorities of service established in Order No. 467,[2] which we issued the same day. Arkla was directed to file revised tariff tsheets reflecting these mandated adjustments. Arkla complied by filing a remodelled plan on or about March 7, 1973. In the interim, however, several of Arkla's customers had sought rehearing of portions of Opinion No. 643. Accordingly, on April 10, 1973, we issued Opinion No. 643-A,[3] wherein we confirmed Opinion No. 643 in all significant respects, but modified slightly the priority of service categories to be observed by Arkla, in conformity with Order No. 467-B,[4] which had been issued the month before. Additionally, we defined certain key terms as used in Opinion No. 643, et seq., including "firm service" and "interruptible service".[5]

[1] 49 F.P.C. (1973).

[2] Order No. 467 entitled "Statement of Policy", Utilization and Conservation of Natural Resources—Natural Gas Act, Docket No. R-469 (issued January 8, 1973), as amended by Order Nos. 467-A, 467-B, and 467-C, issued January 15, 1973, March 2, 1973, April 4, 1974, respectively. Order No. 467, as supplemented, modified Section 2.78 of the Commissions Regulations under the Natural Gas Act, 18 CFR 2.78(a).

[3] 49 F.P.C. 907 (1973).

[4] Order No. 467 was designated "Statement of Policy", and, as such, is not to be considered binding in any given case but, instead, must be supported by substantial evidence of record in each case. *Pacific Gas & Electric Company v. F.P.C., et al.*, 506 F. 2d 33 (D.C. Cir. 1974); *Consolidated Edison of New York, Inc.* v. *F.P.C.*, 512 F. 2d 1332 (D.C. Cir. 1974). As we indicated in Opinion No. 643-A, our decision in Opinion No. 643 to require adherence to the schedule contemporaneously established in Order No. 467 was based upon our consideration of the record, the initial decision, and briefs thereon, and a finding of substantial evidence in support of such a schedule, 49 F.P.C. 907 at 910. Our decision in Opinion No. 643-A to impose further changes was similarly founded.

[5] *Firm Service:* Service from schedules or contracts under which seller is expressly obligated to deliver specific volumes within a given time period and which anticipates no interruptions, but which may permit unexpected interruption in case the supply to higher priority customers is threatened.

Interruptible Service: Service from schedules or contracts under which seller is not expressly obligated to deliver specific volumes within a given time period, and which anticipates and permits interruption on short notice, or service under schedules or contracts which expressly or impliedly require installation of alternate fuel capability.

Finally, we provided Arkla 30 days within which to file further revised tariff sheets. Arkla itself applied for rehearing of Opinion No. 643-A. In our Opinion No. 643-B[6] issued on June 8, 1973, we denied Arkla's application but granted Arkla an extension of time for filing tariff revisions in compliance with Opinion No. 643-A. On July 6, 1973, Arkla tendered for filing a series of tariff sheets which purported to comply with Opinion Nos. 643, 643-A and 643-B. Finding the priorities of service which Arkla therein proposed to deviate from those set out in Opinion No. 643-A, we rejected Arkla's filing on January 22, 1974. Arkla responded on February 5, 1974, by filing further revised sheets in which it had remedied all deficiencies. We accepted these sheets on March 7, 1974, and allowed them to become effective as of February 20, 1974.

The current round of litigation was opened by Mississippi River Transmission Corporation (MRT) and Cities Service Gas Company (Cities), historically two of Arkla's primary sale-for-resale customers, who, on January 4, 1974, and February 21, 1974, respectively, filed motions in Docket No. RP71-122 in which they alleged that Arkla, in attempting to construct its curtailment plan, had persistently refused to properly categorize their requirements in accordance with the schedule developed in Opinion No. 643, as amended. MRT sought to have the Commission order outright reclassification of its requirements; Cities renewed its requests of September 17, 1973, and December 18, 1973, for a hearing on the matter. By order of March 27, 1974, we ordered such a hearing:

> • • • [to] be confined to the issues contemplated by Ordering Paragraph (C) of Opinion No. 643, namely, implementation and classification questions resulting from Arkla's currently effective plan. In addition, the hearing will not be limited to cognizance of the motions of MRT and Cities but will be held to determine the proper implementation of Arkla's deliveries to Cities, MRT, and any other Arkla customer who has intervened in the present docket or who is granted intervention following notice hereof. *Id.* at *Mimeo* page 1.[7]

Ordering Paragraph (D) of the March 27, 1974, order permitted the intervention of the Arkansas Electric Cooperative Corporation (Cooperative). On the following day, March 28, 1974, Cooperative filed in Docket No. RP71-122 a petition for individualized treatment in which it requested that Arkla be ordered

[6] 49 F.P.C. 1316 (1973).

[7] Ordering Paragraph (C) of Opinion No. 643 states:

(C) This docket shall remain open for the purpose of determining the specific volumes to which Arkla's customers both direct and resale, are entitled in times of curtailment based upon end-use in accordance with this opinion and order, and for the purpose of determining the necessity for individualized treatment of the gas needs of any customer because of particular environmental problems or other reasons.

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to assign its new McClellan Power Plant a base daily allowance of gas so as to bring it into parity with other plants whose entitlements were established according to gas takes over a three year historical period. By order of May 24, 1974, we directed that Cooperative's petition be consolidated for hearing and decision with the aforementioned motions of MRT and Cities.[1]

Hearings were held in three sessions, on June 11, June 13, and June 14, 1974, before Administrative Law Judge Samuel Kanell. His initial decision was issued August 26, 1974. Briefs on Exceptions thereto were filed by MRT, Cities, General Motors Corporation (GM), and the Staff. Briefs Opposing Exceptions were submitted by Arkla, Cooperative, Cities, the Staff, and the State of Louisiana.

CITIES

Cities has played an active role in the proceedings at Docket No. RP71-122 from the outset. In Opinion No. 643 we remarked on the impropriety of relegating customers having residential and other high priority needs to the interruptible categories on the basis of contract, and provided that, to the extent that it is entitled to relief from the 467-B priorities thereafter prescribed for Arkla, Cities should pursue its case for individualized treatment in accordance with paragraph 49 of that Opinion. 49 FPC 53 at 61. Cities' motion of February 21, 1974, does not purport to invoke the provisions of Paragraph 49 or any other rule or regulation regarding special relief, but instead reflects dissatisfaction with the way in which Arkla has chosen to implement the new plan itself. As grounds for its motion Cities alleges "despite the Commission's determination in Opinion No. 643 that the same curtailment percentages should be applied to Cities' market categories as Arkla applies to its own customers," [2] Arkla has discriminatorily categorized Cities' industrial customers as interruptible while categorizing its own industrial customers having similar purposes as firm. Additionally, Cities requests that Arkla be ordered to apply curtailment to the specific quantity of gas called for by Cities on any given day, rather than to the fixed volume of 100,000 Mcf per day, as Arkla proposes.[3] Cities states that this caveat will permit maximum protection of fluctuating high priority needs on peak winter days. Finally, Cities contends that one hundred percent of its systemwide operational requirements should be included in priority one under the Arkla curtailment plan.

In his initial decision, the Presiding Judge refers to language in Paragraph 15 of our Opinion No. 643–A, wherein is discussed the reasoning behind the caveat concerning "alternate fuel capabilities" found in priorities six through nine. He concludes that:

> The criteria (sic) for determining whether a specific customer should be classified as firm or interruptible • • • is whether an alternate fuel could have been utilized by the specific end-use customer. . . .

Finding insufficient evidence to make the alternate fuel capability determination for Cities' end-use customers, the Judge orders Cities to compile data on this point and submit it to Arkla for use in correcting any improper classifications. He rejects use of the sliding scale entitlement as potentially discriminatory to Arkla's other curtailed customers on peak winter days. Finally, he rejects Cities' proposal regarding classification of operational requirements, adopting instead Staff's suggestion to limit the volume of priority one gas for this purpose to an amount equal to X in the equation:

$$\frac{X}{\text{Cities total operational requirements}} = \frac{\text{Total Mcf received by Cities from Arkla}}{\text{Total Mcf received by Cities from all sources}}$$

THE FIRM INTERRUPTIBLE DISTINCTION

Cities agrees with the finding of the Presiding Judge that the criterion for determining whether a customer should be classified as firm or interruptible is whether or not alternate fuel could have been used by that customer. In contrast, Staff believes that the Judge's reliance on alternate fuel capability is misplaced. Staff asserts that the language of the contract under which gas service is provided determines whether that service is firm or interruptible, and that alternate fuel capability is only relevant to a determination of whether or not an interruptible customer should be placed in priorities six through nine or in priority three. Staff contends that the evidence presented is sufficient to enable us to find that the industrial sales made by Cities and Gas Service Company, (Gas Service), a distributor customer of Cities, have been properly classified as interruptible by Arkla. Staff's appraisal is correct. Alternate fuel capabilty is relevant to a determinaton of interruptibility only insofar as the terms of a particular contract may advise a buyer that he is responsible for maintaining such a capability because he cannot rely on the continuity of his service. Whether or not he heeds such notice does not change the nature of the service for which he has contracted. Cities' industrial resale contracts require the buyer to discontinue use of gas in times of interruption by "use of standby fuel to be kept in sufficient quantities by buyer at all times", or by shutting down operations (Exhibit No. 74–21, paragraph 7(b)). Gas Service Company requires unequivocally that its customers "keep sufficient quantity of other fuels in stock at all times and • • • maintain proper facilities for using same • • • in case of interruption of gas deliveries" (Exhibit No. 74–12, paragraph 6). From our definition of interruptibility, supra note 5, we find that sales made under either contract are prima facie interruptible.

In its brief on exceptions GM does not dispute the conclusion that the sales which Cities and Gas Service make to their respective industrial customers are interruptible as that term is defined in Opinion No. 643–A, supra note 5. GM does, however, pursue Cities' original position in the instant proceeding by arguing that Cities' affected industrial loads should not be disposed of on that basis alone. According to GM, the firm-interruptible distinction is indefensible insofar as Cities is concerned because vis-a-vis Arkla that distinction fails to accurately reflect the relative intensity of a purchaser's need for gas as required by our Opinion No. 697,[11] with the result that, as between Cities and Arkla, use of the firm-interruptible distinction should be found to be unduly discriminatory (and thus violative of Sections 4 and 5 of the Natural Gas Act). GM therefore concludes that Cities should be granted individualized treatment and classified equally with Arkla's direct customers in priorities 1–5 of Arkla's curtailment plan.

These arguments are similar to those which GM raised before the Court of Appeals in petitioning for review of Opinion No. 643 et seq., arguments which prompted that Court to find that the reasons given by the Commission in Opinion No. 643 in support of the firm-interruptible distinction were not supported by substantial evidence.[12] As identified by the Court, the Commission's two primary reasons for the distinction were that (1) interruptible gas is generally used for inferior purposes, and (2) interruptible customers can be expected to have alternate fuel facilities already operational.[13] Yet, according to the Court, the record there suggested that (1) interruptible gas is in some cases sold to hospitals, schools, and churches, all human needs clustomers, and (2) as echoed above by GM, buyers of interruptible gas did not contemplate lengthly curtailment and thus many did not make provision for adequate standby

[1] In our order of May 24, 1974, we also granted Cooperative's motion of March 22, 1974, in Docket No. RP74–94–1, wherein Cooperative requested Commission authorization to transfer to the McClellan Plant volumes of gas which it was then scheduled to receive from Arkla at two of its other power plants. The authorized transfer was ordered to expire no later than October 30, 1974.

[2] This is an erroneous interpretation of the language of Opinion No. 643 and one which Cities has not actively pursued in this proceeding. It is apparently based on Cities construction of our Opinion No. 527, Cities Service Gas Co., et al., 38 F.P.C. 364, 390 (1967), wherein we stated merely that Cities should not be given a service preference over Arkla's other customers with respect to Arkla gas reserves located outside of the dedicated acreage there in question. Curtailment priorities were not an issue.

[3] Filed as Arkla's Rate Schedule X–26, the contract for Cities is a firm service contract which provides for delivery of an annual average of 100,000 Mcf per day at 14.65 psia, a daily minimum of 75,000 Mcf, and a daily maximum of 133,000 Mcf.

[11] Opinion No. 697, El Paso Natural Gas Company, 51 FPC 2053 (1974).

[12] *Arkansas Power & Light Company, et al. v. F.P.C., et al.*, 517 F. 2d 1223 (D.C. Cir. 1975).

[13] As the court correctly observes, price considerations were ultimately ignored in defense of the firm interruptible distinction. 517 F. 2d at 1233, no. 27.

fuel. Further, the Court expressed concern that interruptible industrial sales for process, feedstock, and plant protection purposes, for which no alternate fuel capacity exists, would be assigned only so high as priority 3 under the Arkla plan, whereas firm gas used for similar purposes enjoys the added protection of Priority 2 classification. In order to resolve the questions left open by these evidentiary deficiencies, the Court has remanded the proceeding to the Commission with instructions to take additional evidence relating, inter alia, to the firm-interruptible distinction. In the interim, the Court has permitted Arkla's 467–B type curtailment plan to remain in effect "for a reasonable period."

From the record in the instant follow-up proceeding, it appears that, insofar as Cities is concerned, the question of how human needs customers purchasing gas on an interruptible basis should be classified under the Arkla plan has not been reintroduced. This suggests that in the revised plan which we accepted on March 7, 1974, Arkla properly relied upon the residential or commercial nature of the end uses of such gas as controlling over the respective contract label.[14] To the extent that our supposition here is erroneous, Arkla is directed to rehabilitate its classifications accordingly.

The validity of the firm-interruptible distinction as used in the Arkla curtailment plan is thus in question only where industrial customers are concerned. The question is whether that distinction accurately reflects differences in end use or alternate fuel capability. There is no record evidence or argument for the proposition, which we have never advanced, that industrial end uses of "interruptible" customers on the Cities system are qualitatively inferior to similar end uses of Arkla's "firm" direct sale customers. Our reliance upon the firm-interruptible distinction is therefore placed squarely on the alternate fuel capability rationale. As observed in Opinion No. 643, the installation of alternate fuel capability was thought to be a natural consequence of an interruptible buyer's apparent willingness to absorb interruptions in service, thus leaving that buyer significantly better equipped to handle the initial brunt of modern curtailment. Based on the aggregate record compiled in Docket No. RP71–122, however, we have reached the conclusion that our reasoning in Opinion No. 643 was erroneous.

The record contains clear and convincing evidence that many of Cities' industrial customers whom Arkla had classified interruptible were historically ill-prepared to absorb curtailment except as required of "firm service" customers, supra note 5. Cities' witness Finch testified that the standby fuel provisions referenced above had been included in the Cities and Gas Service industrial contracts since long before the onset of modern curtailment (Tr. 431–432). Such provisions were assertedly drafted with the objective of protecting those sellers against suits for damages arising out of short term interruptions in service (Tr. 433). As observed by counsel for Arkla, the interruptions to which these provisions originally related were peak day interruptions, and reflected insufficient system capacity rather than a shortfall in available gas supplies (Tr. 439–440). As a result, it appears that many of the customers whom Arkla had classified as interruptible never anticipated having to undertake the major conversion efforts necessary in order to maintain continuous operations during prolonged periods of curtailment, as currently required, and, by virtue of being classified within priorities 6 through 9, were faced with the alternatives of shutting down operations indefinitely or engaging in long-term rebuilding efforts which could force a shutdown of operations for a limited period (Tr. 381–383).

The fact that many of these interruptible contracts gave the buyer the express option of installing alternate fuel or shutting down (Exhibit No. 74–21) corroborates the view that these interruptibility provisions were not directed to long term curtailments. We find it inconceivable that a buyer would knowingly agree to take delivery under conditions which might require the layoff of several thousand employees (Tr. 434) over a sustained period of time.

At the time the standby fuel provisions of the Cities and Gas Service contracts were written, "alternate fuel" included propane. Witness Finch testifies at Tr. 379–380 that approximately 7 percent of Cities' interruptible load relies upon propane or LP gas for plant protection and process requirements. In view of our exclusion of propane or other gaseous fuel as an alternate fuel,[15] there would appear to be no valid reason for classifying those customers in priority 3 while firm customers with similar end uses are placed within priority 2.[16]

Cities' allegations stand virtually uncontroverted on the record. Arkla's classification of approximately 42,000 Mcf per day of Cities' load in priorities 6–9 (Exhibit 74–1, Part 1, Schedule 1) is not shown to be reflective of actual, installed alternate fuel capability. It need not be under the definition of that term adopted in Opinion No. 643–A.

There is evidence that Arkla too has historically sold gas to industrial customers under contracts which were technically interruptible but which gave the buyer insufficient notice to prepare it for the degree of curtailment which might be required thereunder. The record shows that Arkla provides service to two Oklahoma industrial customers under contracts which require these customers to maintain standby fuel sufficient to meet 75 percent of maximum peak day requirements for a period of 10 days (Tr. 82). Apparently in order to avoid the consequences of this caveat, Arkla classifies sales under these contracts as firm (Exhibit No. 74–1. Part 1. Schedule 1). In its Brief Opposing Exceptions, Arkla takes the position that, if determined by the Commission to be interruptible, these contracts should be downgraded; Arkla understandably finds this preferential to a unilateral upgrading of the Cities' contracts to "firm."

The weight of the evidence compels us to find, as we did in Opinion No. 697, supra note 11, that, as between industrial end users on the Arkla system, the firm-interruptible distinction is inaccurate as a reflection of the intensity of a purchaser's need for gas. Whatever validity the firm-interruptible distinction may have for pricing purposes, it can no longer be relied upon for curtailment purposes. Rather than direct a study aimed at retaining the firm-interruptible distinction on a customer-by-customer basis, we find the more prudent course to be elimination in toto of that distinction insofar as it pertains to contracts between ultimate sellers and ultimate purchasers of gas,[17] as a criterion for classifying requirements under the Arkla curtailment plan.[18] We emphasize that our decision here is ad hoc, and does not signal outright abrogation of our 467–B Statement of Policy and the priorities of service described therein.[19] Procedures for the transition shall be outlined elsewhere in this order.

We believe one final point of clarification to be in order here. In connection with its reliance upon our Opinion No. 697, GM asserts that differences between Arkla's and Cities' Industrial contracts, insofar as the firm-interruptible distinction is concerned, are, inter alia, the result of Arkansas' state regulatory policies. This is not the case. In Opinion No. 697, we found that the State of California, through its action in requiring

[14] In accordance with the definitions promulgated in Order No. 643–A and 493–A, 50 FPC 1316 (1973).

[15] Order No 493–A, 50 FPC 1316, 1320 (1973).

[16] We have permitted priorities 2 and 3 to merge in this respect in other cases. Cf. Transcontinental Gas Pipe Line Corporation, Docket No. RP72–99 (order issued November 28, 1975) slip op at 22.

[17] As distinguished from the situation of MRT, treated infra.

[18] We acknowledge our statements in the Order of March 27, 1974 initiating those proceedings to the effect that, because the filed motions do not relate to the form of the plan but rather to its implementation, the scope of the hearing would be confined to implementation and classification questions. Our instant decision to dismantle the firm-interruptible distinction, however, is in response to the mandate of the court in Arkansas Power and Light and is based on evidence in the record of the main curtailment case as well as the follow-up proceedings. Because the issue was raised and fully litigated in connection with the curtailment case, we see no reason to defer our decision herein to another evidentiary proceeding. See *Louisiana Power and Light Company, et al. v. F.P.C.*, 526 F.2d 898, 904 (5th Cir. 1976). Our decision here effectively moots Cities' case for individualized treatment as such.

[19] The Arkansas Power and Light Court expressly avoided a finding that the firm-interruptible concepts are so vague as to be unuseable, explaining that remand of that issue was necessary only because of the absence of record evidence in support of the Commission's reasoning. 517 F.2d at 1233.

all industrial sales in excess of 200 Mcf per day in that state to be made on an

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all industrial sales in excess of 200 Mcf per day in that state to be made on an interruptible basis, had caused the firm-interruptible distinction to become unrepresentative of relative need, such that its reflection in El Paso's 467-B type curtailment plan constituted undue discrimination in violation of the Natural Gas Act. In the instant case, by contrast, although the State of Arkansas directed that Arkla's Arkansas customers be given the opportunity to modify their contracts, there is no evidence that the Arkansas Commission required any unilateral change in contract or tariff within the State of Arkansas which caused contracts which were formerly firm to become interruptible, or vice versa. Findings of the Arkansas Public Service Commission indicate that, prior to 1971, most of the industrial contracts between Arkla and its customers contained interruptibility provisions similar to the following:

> This service is interruptible to the extent necessary to supply *human needs* domestic and commercial consumption and such small industrials as cannot practically be interrupted without interrupting a parity, insofar as parity can practically be obtained, with service to Seller's other industrial purchasers of Buyer's class served under substantially similar terms and conditions.[*] (Emphasis added.)

This provision is essentially the same as that contained in Exhibit No. 74-8 as an example of the currently effective interruptibility provision in Arkla's Arkansas industrial contracts. Although reported by Arkla as "interruptible" in its 1970 FPC Form 2, as noted by GM, sales under these contracts then, as now, clearly fall within the purview of firm service as defined in Opinion No. 643-A, supra note 5.

The Swing Provision of Arkla's Rate Schedule X-26.

As discussed previously, this is the provision whereby Cities is contractually entitled to call for as much as 133,000 Mcf or as little as 75,000 on any given day, with average annual deliveries of 100,000 Mcf per day. In its Brief on Exceptions, Cities points out that this provision is designed primarily for the benefit of its residential and small commercial market in the Joplin-Springfield, Missouri area on cold winter days. Cities argues that without the swing it will be necessary to construct new facilities in order to bring in sufficient volumes of gas from areas to the west. Yet, Cities notes that one of the principal advantages of the Arkla-to-Cities sale in the first place was the fact that Arkla gas was to be delivered directly into the lateral out of Joplin, where peak day volumes were badly needed. See 38 F.P.C. at 455. Cities discounts administrative difficulty for discarding use of the swing and contends that the record fails to suggest the use of the swing would discriminate against Arkla's other customers. On the contrary, Cities alleges that the Presiding Judge's decision on this point will permit Arkla to supply gas to its industrial customers while Cities' residential customers suffer.

Sections 4(b) and 5(a) of the Natural Gas Act prohibit the fixing of rates or charges which are unduly preferential or discriminatory as between localities or classes of customers. In Opinion No. 643, we found "basically correct" Staff's position with respect to Cities which consisted, inter alia, of the argument that Arkla should not be permitted to treat Cities preferentially vis-a-vis other customers during peak day curtailments. 49 FPC at 61. We reaffirm that finding here. It is true, as Cities advises, that from a strict end use standpoint the customers who will be protected under the swing are "superior" to those whose service will have to be commensurately curtailed. In this regard reflection of the swing in Arkla's curtailment plan promotes the primary objective of that plan: to maximize protection of high priority temperature-sensitive loads. Yet pursuit of that objective cannot be the sole standard by which to measure the efficiency of a particular provision of a curtailment plan. Entitlement ratios under priorities of service should be fixed; they are established according to actual historical takes. This enables the supplier (Arkla) to gauge the relative needs of its system against its anticipated supply; conversely, it enables the customers who will be most likely affected by imminent curtailment to acquire alternate fuel sources accordingly. The presence of a swing which may involve as much as 58,000 (133,000—75,000) Mcf per day significantly impairs the ability of such customers to efficiently prepare for the winter and thus frustrates a major purpose of the curtailment plan. Balancing the equities, we believe Cities' argument must fail. Cities is fully capable of remedying the supply deficiency which may be caused by discarding the swing,[31] whereas the loss of reliability which preservation of the swing would cause elsewhere on the Arkla system cannot, it would appear,[32] be satisfactorily restored.

Classification of Cities' Operational Gas Requirements

Cities argues that, because its system is integrated, all of its systemwide operational requirements should be included in priority one under Arkla's curtailment plan. Arkla takes the contrary position that, because all of the gas which it delivers to Cities is received and consumed in the Joplin-Springfield area, Arkla's curtailment plan should be charged with the operational requirements for that area alone. Arkla appears to support the formula, page 6 supra, suggested by Staff and adopted by the Presiding Judge as a fair method of determining the amount to be allocated to operational requirements.

In light of our certification of Transmission facilities in Docket No. CP 75-345, we do not expect Arkla's position to remain that it should be charged with the operational requirements for all operations in Cities' Springfield area. The practicability and equitability of the Presiding Judge's formula are not impaired by this development, however, and, since the record is silent as to how much of the Arkla gas is actually devoted to compressor fuel, is lost or unaccounted for, or is free gas connected to storage lease operations, we find the Judge's solution to be the appropriate one.

Arkla's witness Henderson testified on the record that Arkla's deliveries to Cities during the past annual period represent 3.5 percent of Cities total gas supply during that period (Tr. 175). By contrast, Cities' witness Finch, using the 100,000 Mcfd contract entitlement to compute Arkla's share of Cities total annual input, arrives at a figure of 6.7 percent (Tr. 419). At page 9 of its brief opposing exceptions, Arkla states that in the revised classification of Cities' volumes which it has attached as Appendix A to its brief and which is based on Cities June 28, 1974, revisions to Exhibit No. 74-5, Arkla has assigned 10 percent of Cities' systemwide operational requirements to priority one under its curtailment plan. From a Form 16 comparison of Arkla's actual deliveries to Cities during the reported period ending in August 1975, with the actual deliveries to Cities from all sources during the same period, we find that Arkla's 10 percent assignment is justified under the formula heretofore described. Cities' exception is denied.

MRT

The interruptible requirements of Cities and MRT together comprise the vast majority of what Arkla classifies as the interruptible load on its system, and, like Cities, MRT has been highly visible throughout the proceedings in Docket No. RP71-122. Whereas, in Opinion No. 643 our disposition of MRT turned largely on our interpretation of the "firm-interruptible" distinction and how that distinction applies to the gas purchase agreement between Arkla and

[*] In the Matter of Industrial Contracts of Arkansas Louisiana Gas Company, Docket No. U-2307 (opinion and order issued August 9, 1971) at Section D, p. 2. Orders of the Arkansas PSC are matters of public record, 18 CFR § 1.26(c)(2)(ii), of which we take administrative notice.

[31] In this connection, we reference our certification of 2.9 million dollars worth of facilities which Cities proposed to construct in order to provide adequate gas service to its Joplin-Springfield market. Cities Service Gas Company, Docket No. CP75-345 (order issued November 26, 1975). As recited in its original May 21, 1975, application in Docket No. CP 75-345, and unmodified in either of the supplements thereto filed on August 21, and September 8, 1975, Cities intended to have these facilities operational for use during the 1975-76 winter season.

[32] Arkla's Witness Henderson testified at Tr. 515-16 that Arkla had not been able to devise a workable method of integrating the swing provision into its currently effective curtailment plan.

MRT,[33] in the instant proceeding the dispute involves differing interpretations of Opinion No. 643 itself. MRT asserts that, in Opinion No. 643, as amended, the Commission manifested its intent to require Arkla to classify each of MRT's customers on the basis of MRT's overall end use profile, such that 23,000 Mcf of its 25,000 Mcf per day should be classified within priorities one through three. Arkla disagrees, stating that the Commission in Opinion No. 643 et seq. did not in fact prescribe the method by which deliveries to MRT would be categorized but merely provided that, in appropriate circumstances, the nature of the Arkla-MRT contract could be disregarded.[34] In classifying all of MRT's requirements within priority 9, Arkla demonstrates its belief that such circumstances have not been shown.

The Presiding Judge denies relief to MRT. His decision is based upon an interpretation of Paragraph 29 of Opinion No. 643, (49 F.P.C. 53 at 62). The Judge construes our language there as according to MRT no absolute right to any Arkla gas but instead providing only that MRT might be able to procure some Arkla volumes, provided it could satisfy the requisites for individualized consideration outlined in Paragraph 49 of Opinion No. 643 (49 F.P.C. 53 at 67-68). Finding that MRT has failed to demonstrate on the record that it has encountered any significant difficulty in serving its customers as a result of Arkla's curtailment of gas service to MRT, the Judge holds that MRT has not met its burden of proving a genuine need for gas to protect health or property on its system. He therefore views MRT's motion as a petition for individualized consideration which should be denied.

To begin with, we find it necessary to comment upon the distinction which we precieve between "interruptible service" as reflected in the contracts by which Cities and Gas Service resell gas to industrial customers, and "interruptibility" as it pertains to the contract between Arkla and MRT. As discussed above, the Cities and Gas Service contracts were found to be interruptible primarily due to the presence of language requiring the maintenance of alternate fuel capability. This is interruptibility as it was defined in Opinion No. 643-A and Order Nos. 467-B and 493.[35] It pertains principally, if not exclusively, to contracts between sellers and *ultimate* purchasers. In calling the validity of the firm-interruptible distinction into question, the Arkansas Power court, as heretofore noted, expressed concern as to the actual understanding of end-use customers who had chosen to purchase on an interruptible as opposed to a firm basis. 517 F. 2d at 1233–1234.

The MRT contract with Arkla, by contrast, is a contract between two pipeline companies. It is essentially a contract whereby Arkla, if it so desires, can sell to MRT any surplus gas which it may have after servicing its contract demand requirements. Accordingly, in the proposed curtailment plan which Arkla filed with the Commission on May 18, 1971 pursuant to Order No. 431,[36] Arkla categorized MRT as wholly within Category I, sales which are subject to interruption at seller's discretion under contracts or tariffs which provide in effect for the sale of such gas as seller may be agreeable to selling and buyer may be agreeable to buying. Category I was to be curtailed first under that plan. In reviewing the efficacy of so treating MRT, we found that "MRT receives gas under different conditions than Cities • • • [t]hus, • • • MRT may properly be treated differently than Cities." 49 F.P.C. at 62. The very need for curtailment plans, beginning in 1971, reflected the realization that the natural gas shortage had progressed to the point where contract demand could not be assured of supply throughout the year. Surplus, or "dump", gas would naturally be the first category to come off the line. The Arkansas Power court apparently recognized this when it observed

> • • • the Arkla-MRT contract provides for what might be considered the most interruptible type of service, since under other types of interruptible contracts there is an explicit commitment to sell gas when it is available. 517 F.2d at 1230, n. 21.

"Interruptibility", as applied to the service arrangement between Arkla and MRT, is not defined in terms of alternate fuel capabilities and it is not a product of negotiation between ultimate customers and their immediate sellers. Consequently, the potential infirmities which the Arkansas Power court identified in the firm-interruptible dichotomy as applied to Cities are not in evidence with respect to MRT. We are therefore of the opinion that the Arkansas Power court's remand of Opinion Nos. 643 et seq. in that respect has no material bearing on our resolution of the Arkla-MRT dispute. Interruptibility in the case of pipeline-to-pipeline sales of surplus gas should not be confused with interruptible service at the end of the line.

We acknowledge the Arkansas Power court's reference (517 F.2d at 1233, n. 29) to the same pages of the transcript which we had cited in Opinion No. 643, wherein MRT asserted that it used Arkla gas to service human needs customers. We had trouble in Opinion No. 643, as we do now, in understanding why MRT, as a gas company purchasing certain volumes of gas, the delivery of which is at the sole discretion of one seller, would earmark those volumes for use by ultimate customers whose reliance upon service from MRT is critical. Nevertheless, we determined in Opinion No. 643 that MRT should not be denied the opportunity to show good cause why it should be granted an exception, in the form of "individualized consideration," from the normal operation of the Arkla plan. MRT, like Cities, was therefore directed to paragrah 49[37] of Opinion No. 643, where necessary, 49 FPC 53, 62 and 66, footnote 13. Although the Arkansas Power court, perhaps through a misunderstanding of the breadth of paragraph 49,[38] found recourse to that emergency provision to be unacceptable as a substitute for the "evidentiary shortcomings" of Opinion No. 643, it is again clear that the subject "shortcomings" were those relating to resale contracts of the type used by Cities. We do not perceive this language as constituting any barrier to our power to limit MRT's avenue of redress to that prescribed in paragraph 49 of Opinion No. 643.

From the record in the instant proceeding it is readily apparent that MRT did not avail itself of the opportunity to present evidence on behalf of its human needs customers who allegedly relied upon Arkla volumes for continuity of service. Nor do we find the presence of any petitions for extraordinary relief pursuant to Order No. 467-C, supra note 2.

Certainly, from the overall supply data available to us in this proceeding, it is difficult to perceive exactly how discontinuation of deliveries by Arkla can jeopardize high priority service on the MRT system to a relatively greater extent that forced continuation of such deliveries will jeopardize such service on Arkla's own system. Exhibit No. 74-4 indicates that, for the period from April 1973 through March 1974, Arkla experienced curtailments amounting to 30.3 percent of total (firm and interruptible) requirements, while for MRT's system the corresponding figure was 13.4 percent. According to Arkla's September 30, 1975 Form 16 projections, curtailment of firm service requirements for the period from September 1975 through August 1976 will be 31.73 percent. By comparison MRT projects firm service curtailments of but .16 percent. From the

[33] Filed as Arkla's Rate Schedule XFS-25, MRT's contract with Arkla calls for a delivery of up to 25,000 Mcf per day of excess gas, if and when available, during the heating season from October 15 through April 15. Because of curtailment, Arkla has delivered no gas to MRT since Arkla's interim curtailment plan became effective in the fall of 1971.

[34] Interestingly, Arkla appealed Opinion No. 643 et seq. on the question of whether the Commission had authority to circumvent the contract label and direct delivery of gas to MRT under any circumstances. In Arkansas Power & Light, the Court ruled that the Commission does indeed have such authority under Sections 4 and 5 of the Natural Gas Act. See *American Smelting & Refining Co.* v. *F.P.C.*, 494 F. 2d 925, 934–5, *cert. denied*, 419 U.S. 882 (1974).

[35] 50 F.P.C. 831, 835 (1973).

[36] 45 F.P.C. 570 (1971).

[37] Paragraph 49 (49 F.P.C. at 67–68) is here set forth in its entirety:

> 49. Any customer which seeks individualized consideration of its allocated percentage may assume the burden of establishing its need for an exception from Arkla's classification or proposed curtailment percentage, and of establishing the volume of gas needed for service; such presentation shall be made in this docket and determined hersin.

[38] As evidenced in the foregoing note, individualized consideration is couched in terms of need rather than danger to life or property. The standards for individualized consideration should be distinguished from the more stringent standards which must be met for a grant of extraordinary or special relief from curtailment under Order No. 467-C, supra note 2.

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status reported submitted to us by Administrative Law Judge Sherman P. Kimball on August 18, 1975, pursuant to our omnibus order of June 11, 1975, in Docket Nos. RP74–42, et al. (including Docket No. RP71–122), it appears that required curtailment on the Arkla system was expected to invade Priority 2 on several peak days this past winter. Although we have no such assessment of MRT's curtailment posture, we believe ourselves to be clearly justified in concluding that MRT's gas supply situation for high priority end-users was more optimistic than was Arkla's. Taken together, the dearth of record evidence as to the specific needs of MRT's allegedly dependent high priority customers and the reported severity of Arkla's curtailment outlook when contrasted with MRT's effectively rebut MRT's case for individualized consideration.

It is instructive to contrast our treatment of MRT with our treatment in Opinions Nos. 747 and 747–B [29] of the distributor-customers, notably Carolina Pipeline Company, who traditionally purchase gas from Southern Natural Gas Company under the authorized overrun provisions of Southern's tariff. In each case the subject volumes are excluded from contract demand requirements under the respective pipeline-supplier's effective curtailment plan. Historically, these volumes were supplied out of the pipeline's surplus after contract demand had been met. Accordingly, as we stated above, these volumes would naturally be the first to be taken off the line in time of curtailment, unless a showing of special circumstances could be made to demonstrate why a different result should obtain. In the instant proceeding, MRT failed to make the requisite showing of need to justify a grant of "individualized consideration." In the Southern proceeding, by contrast, the record was found to contain substantial evidence demonstrating a significant degree of dependence which Carolina, among others, had come to attach to the authorized overrun volumes. It was there shown that (1) customers receiving such gas were obligated upon receipt thereof to pay the full fixed costs of such service, as opposed to merely paying the effective commodity rate for such gas; (2) Carolina, and perhaps Southern itself, had been engaged in recent years in system redesign efforts which reflected the expectation that the A–O deliveries would continue; (3) although high priority end-use on the Carolina system could theoretically be supplied despite discontinuation of deliveries from Southern, such a development would cause so significant an impairment in other service as to endanger the financial integrity of that distributor and thus jeopardize service to high priority customers in the long run. Under the circumstances, we concluded that Carolina and others similarly-situated on the Southern system should be accorded what amounts to a grant of "individualized consideration" to permit their A–O service from Southern to be viewed as contract demand under the Southern curtailment plan.

In sum, we find (1) that the evidentiary shortcomings of Opinion Nos. 643 et seq., as identified by the court in Arkansas Power & Light, *supra* note 11, are wholly immaterial to the Arkla-MRT dispute, (2) that, as indicated in Opinion Nos. 643 et seq., MRT's proper avenue of relief is through petition for individualized consideration, and MRT's January 4, 1974 motion should be so treated, and (3) that MRT has failed to make a satisfactory record showing of need as would justify any inclusion of MRT's requirements within the Arkla curtailment plan. As we have noted above, surplus gas deliveries should be discontinued completely before contract service is curtailed unless special circumstances indicate otherwise. Arkla's inclusion of MRT within priority 9 is therefore unwarranted, and MRT will not be affected by the reclassification of priorities which we hereinafter order in connection with the dissolution of the firm-interruptible distinction.

Cooperative

Cooperative is a non-profit organization, formed and owned by sixteen electric distribution parties who receive wholesale power from the Cooperative's plants. It is a member of the Southwest Power Pool, which provides power to areas within six southwestern states, including Arkansas, Louisiana, and Kansas. Cooperative owns three electric steam generating stations, located at Ozark, Augusta, and Camden, Arkansas. The plants at Ozark and Augusta are assigned priority five under the Arkla curtailment plan. Pursuant to Opinion No. 643, their respective base volumes for curtailment were established according to the volumes of gas they each received during the three-year period ending September 30, 1971. The newer McClellan plant at Camden, on the other hand, was not completed until 1972, although work had begun in the pre-curtailment years, 1966–7. Therefore, it has virtually no base volume for curtailment. In addition to natural gas, the boilers in the plants at Ozark and Augusta are also equipped to burn No. 6 fuel oil. However, because use of fuel oil had never been actually required at those two plants, Cooperative chose to design the McClellan plant without such a capability. With the onset of curtailment, Cooperative attempted the use of No. 2 fuel oil to operate the McCellan plant's boilers, but resulting inefficiency caused Cooperative to undertake a program of conversion to No. 6 fuel oil, which program was scheduled for completion by the end of 1974.

Citing the public need for adequate electric power generating capacity, Cooperative requested the Commission to assign the McClellan plant a revised base volume for curtailment periods. Cooperative suggested 16,650 Mcf daily, a figure to which no party to these proceedings excepts.

The Presiding Judge, balancing equities, granted Cooperative's request for individualized consideration, and assigned the McClellan plant a base volume of 16,650 Mcf per day. The Judge relied on the innocence of Cooperative's poor timing, adding that no undue adverse effect would be sustained by any of Arkla's higher-priority gas patrons. The McClellan plant is classified in priority 5.

GM and Staff have filed exceptions to the Administrative Law Judge's decision to grant relief to Cooperative, each alleging that Cooperative has failed to meet the burden of proof required for a grant of individualized consideration. Staff contends that individualized consideration is synonomous with extraordinary relief, and that such relief should issue only upon proof by a customer of his inability to operate his facility in the absence of the requested deliveries of natural gas. Because Cooperative, according to testimony of its own witness, expected completion of the conversion to No. 6 fuel oil [30] by the end of December, 1974, at the latest (Tr. 226–7), Staff sees no reason to continue the Commission's relief beyond that time. Staff adds that the economic detriment [31] which a shutdown of gas supply will cause Cooperative is insufficient reason to permit the McCellan plant to continue to consume gas. GM, in its brief on exceptions, agrees with Staff that Cooperative's planned alternate fuel capability should be the primary reason for denying Cooperative the relief which it seeks in its petition for individualized consideration. GM concludes by stating that, as a matter of policy, the Commission should encourage conversion to alternate fuels whenever possible, especially where new facilities are concerned.

Cooperative takes issue with Staff's characterization of the petition as one seeking "extraordinary relief." Cooperative concedes that the ability of a customer to use alternate fuel would be justification for denying extraordinary relief. Where only "individualized treatment" is sought, however, Cooperative maintains that relief may be appropriate, despite the existence of alternate fuel capability, in circumstances where denial of such relief would result in a basic inequity. Reiterating its position at the hearing, Cooperative points out that its situation is unique, that the McClellan plant's lack of a base daily allowable resulted from forces beyond Cooperative's control, and that Cooperative seeks no new classification for the McClellan plant, thus avoiding any threat to higher priority users. Cooperative argues that its alternate fuel capability should not

[29] Southern Natural Gas Company, Docket Nos. RP74–6 and RP72–74 (opinions issued November 20, 1975 and May 21, 1976, respectively).

[30] At the hearing, Cooperative's witness Fish stated that Cooperative anticipated no difficulty in obtaining sufficient No. 6 fuel oil to fuel the McClellan plant's boilers (Tr. 233).

[31] Cooperative estimates that it can save as much as a million dollars per year if as little as ten percent of the fuel used at the McClellan Plant consists of gas. (Tr. 228.)

be reason for denying it relief, since all other priority five users by definition have such capability, and they each enjoy base daily allowables. Finally, Cooperative rebuts the applicability of GM's policy argument by pointing out that such policy should apply only to parties who have ignored the current realities of the gas supply situation by building facilities in reliance upon a fuel which is known to be dwindling rapidly. Having had no incentive to avoid such reliance at the time construction on the McClellan plant was begun, Cooperative concludes that it should be exempted from such policy consideration.

We find that the exceptions here should be sustained. In so finding, we resolve the apparent inconsistency between the Presiding Judge's treatment of Cooperative's petition for individualized treatment and his treatment of MRT, discussed above. The Judge's denial of MRT's petition was based largely on his finding that MRT had managed to serve its customers in the absence of any gas from Arkla, thus disproving MRT's actual "need" for Arkla gas. The evidence here indicates that the McClellan plant should have been able to serve Cooperative's customers as of January 1, 1975 in the absence of Arkla gas to fuel its boilers. Yet the Presiding Judge granted individualized consideration to Cooperative, such relief to extend indefinitely. Although he did require Cooperative, as a condition for relief, to use diligence in completing its conversion program and to file a progress report thereon with the Commission by January 1, 1975, nowhere in his decision does he state that relief will be terminated on January 1, 1975, or upon completion of the conversion program. In order to make relief fully commensurate with actual need, however, we find that such should have been the case. As we can locate no conversion progress report in the files of this proceeding, we are compelled to conclude that conversion was completed on schedule and that, accordingly there is no present "need" for Arkla gas as boiler fuel.[32] While we are mindful of the fact that it will be significantly more expensive for the McClellan plant to burn fuel oil than gas, we do not find in the record any evidence to suggest that the resultant economic hardship will be so severe as to threaten the continued functioning of the plant and thereby endanger the public through loss of electric service and unemployment. The costs of conversion to, and procurement of fuel oil are sufferable costs which must be justifiably borne in order to insure, insofar as possible, the protection of service to the highest priority end users of gas.[33]

The record contains no evidence to show that the McClellan plant relies upon Arkla gas for uses for which no alternate fuel can be substituted. Cooperative is not precluded, however, from filing a petition pursuant to Order No. 467–C seeking relief from curtailment to the extent that such reliance may in fact exist.

Compliance with Arkansas Power & Light

Based on the record as certified to it by the Commission, the Court of Appeals for the District of Columbia found our Opinion Nos. 643, 643–A and 643–B lacking in three respects and, accordingly, remanded the proceedings to the Commission with instructions to file an environmental impact statement and to take additional evidence relating to the distinction between firm and interruptible service, discussed above, and the proper classification of storage gas under the Arkla curtailment plan. We here manifest our compliance with these directives.

Dismantling of the Firm Interruptible Distinction

Based on evidence adduced in this docket, we find the presently-effective Arkla curtailment plan to be unjust, unreasonable and discriminatory under Sections 4(b) and 5(a) of the Natural Gas Act [34] to the extent that said plan incorporates the firm-interruptible distinction as a criterion for classifying requirements thereunder. When revised to reflect the following priorities of service, by contrast, the Arkla curtailment plan becomes a just and reasonable interim (pending proper classification of storage gas and final compliance with NEPA) mechanism for achieving the purposes for which it was intended. The revised plan shall consist of six priorities:

Priority 1: Residential and small commercial requirements of less than 50 Mcf per peak day.

Priority 2: Commercial requirements of more than 50 Mcf per peak day, industrial requirements for plant protection, feedstock, and process needs, and other industrial requirements of up to 300 Mcf per day.[35] and pipeline customer storage injection requirements.[36]

Priority 3: Industrial requirements in excess of 300 Mcf per day for other than plant protection, fedestock, process, or boiler fuel uses.

Priority 4: Industrial requirements for boiler fuel use of more than 300 Mcf per day but not more than 1,500 Mcf per day.

Priority 5: Industrial requirements for boiler fuel use of more than 1,500 but not more than 3,000 Mcf per day.

Priority 6: Industrial requirements for boiler fuel use of more than 3,000 Mcf per day.

Definitions and guidelines set forth in Opinion Nos. 643, et seq., and Order Nos. 493, et seq., shall govern in all pertinent respects. Aside from the elimination of the firm-interruptible distinction, the only modification of the presently effective plan is the disbursement of boiler fuel loads presently classified in priorities 3 through 9 throughout the last four priorities of the revised plan. This is not truly a material modification of the presently effective plan but is rather designed to reconcile the slight volumetric discrepancies between industrial boiler loads formerly classified as firm and those classified as interruptible.

We are aware that a certain length of time will be required before this plan can be implemented. Accordingly, we shall give Arkla ninety days within which to revise its index of requirements and make effective the changes which we have prescribed herein. It shall be incumbent upon Arkla with the help of its customers, to develop procedures whereby this objective may be achieved.

Finally, due in part to reliance upon the priorities of service established in Opinion Nos. 643, et seq., it may be that certain industrial customers are presently without adequate alternate fuel facilities or sufficient alternate fuel supply to enable them to absorb the level of curtailment which the revised plan and Arkla's system supply projections indicate may be expected next winter. We shall therefore allow a one year grace period from the date of issuance of this order for conversion efforts to be completed. It will be the responsibility of the customer to advise Arkla of its needs in this respect prior to implementation of the revised plan. Absent a grant of extraordinary relief from the Commission, Arkla shall classify such customers in priority 3, but only to the extent that installed alternate fuel facilities and available supplies will not afford complete protection from anticipated curtailment.

Storage Gas

In Opinion No. 643–A, we amended category 2 of Arkla's curtailment plan to include "pipeline customer storage requirements." 49 FPC at 914. Arkla objected to this change, arguing that it might enable pipeline customers to use storage gas to serve their own industrial customers or, alternatively, might result in Arkla supplying these customers' high priority requirements twice over. We dismissed these fears as unfounded in Opinion No. 643–B. 49 FPC at 1320. Nevertheless, Arkla took this issue before the appellate court, contending that our insertion of the storage gas component

[32] In this connection, we note from the Presiding Judge's August 18, 1975, Status Report that Arkla expected to curtail priority five approximately 86 percent on an average daily system-wide basis in November 1975, and 100 percent during the months of December 1975 through March 1976.

[33] Cf. Opinion No. 716, Texas Eastern Transmission Corporation, Docket No. RP74–39–3 (issued December 16, 1974), Mimeo at p. 10.

[34] See *State of Louisiana* v. *F.P.C.*, 503 F. 2d 844 (5th Cir. 1974).

[35] We retain the caveat which appears in Paragraph M, 1st Revised Sheet No. 3D, Arkla FPC Gas Tariff First Revised Volume No. 1 to the effect that, should Arkla be forced at any time to curtail sales in Priority 2, then industrial requirements for feedstock and process needs in excess of 3000 Mcf per day will be curtailed on a pro rata basis before other Priority 2 loads are curtailed. Similarly, we specifically incorporate into Priority 2 of the Revised Plan the caveat reflected in Paragraph L thereof, involving industrial loads of less than 300 Mcf per day.

[36] See the treatment of storage in the next section of this Order.

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into category 2 was not based evidence of record. The court agreed, finding that,

> * * * there is no evidence concerning the needs of Arkla's pipeline customers, the importance of storage with respect to serving the needs of high priority users, or the ultimate disposition of gas withdrawn from storage by Arkla's pipeline customers. 517 F.2d at 1235.

As we indicated earlier, the case was remanded in part for "the taking of further evidence on this aspect of the plan". Id. at 1236.

The proper method of classifying storage gas under a 467–B type curtailment plan is an issue which, since the issuance of Opinion Nos. 643 et seq., we have addressed on an ad hoc basis in other proceedings and upon which we have reached divergent results. On the El Paso system we have found that the projected level of supply and the magnitude of customer storage warrants use of a mechanism which, by means of netting and averaging, insures that priority 2 storage injections will be used for priority 1 and priority 2 requirements only.[37] On the Panhandle system, by contrast, the current year round curtailment in priority 2 effectively moots the need to alter the priority 2 classification of storage injection, and, conversely, enhances the need to encourage the development of additional storage where it can be shown that such facilities will afford better protection of priority 1 and priority 2 loads during periods of critical shortage.[38]

In order to comply with the insructions of the Arkansas Power & Light court, we shall hereinafter order that a hearing be held pursuant to Sections 4 and 5 of the Natural Gas Act for the purpose of taking evidence in support of the method or methods which Arkla and/or its customers deem appropriate for the classification of storage injections, revised tariff sheets to be submitted as necessary.[39] As with the remainder of the Arkla curtailment plan, the protection of high priority temperature-sensitive loads shall be the primary objective of the provisions dealing with storage. It shall be incumbent upon Arkla, in going forward with its evidence, to weigh short term factors (correlation of injection priority with actual end use) against long term factors (incentive toward expanding storage to augment dwindling flowing supplies during future winters), taking into consideration the nature of the storage operations for which it supplies gas and its expected deliverability over time.

[37] Opinion Nos. 697 and 697–A, El Paso Natural Gas Company, Docket No. RP72–6, (issued June 14 and December 19, 1974, respectively.)

[38] See Opinion No. 754, Panhandle Eastern Pipe Line Company, Docket No. RP71–119 (issued February 27, 1976).

[39] We note that service to MRT under Arkla's XPS–25 Rate Schedule provides for service, if any, only during the period October 15 to April 15, effectively mooting the storage classification issue with respect to MRT's storage operations.

NEPA

As noted by the Arkansas Power & Light Court, no party to the original proceedings in Docket No. RP71–122 raised the issue of compliance with NEPA until after the case had left the Commission's jurisdiction and come before the Court. Nevertheless, the court held that, as the Arkla curtailment plan was designed and implemented as a permanent plan, the Commission is required to file an environmental impact statement (EIS) in connection therewith.

Anticipating such a decision on the basis of other relatively recent court discussions and applications of the requirements set forth in 47 U.S.C. § 4332(2)(c) (1970),[40] we directed our Staff to undertake preparation of an EIS some time ago, with the result that a final EIS bearing date of February 20, 1976 has been circulated and made public in accordance with relevant guidelines.[41] However, in view of Staff's need to gauge the environmental consequences of our elimination of the firm-interruptible distinction and our approval of any proposed change in the method of classifying storage injections under the Arkla curtailment plan, we find that no valid purpose would be served in making this document a part of the record in Docket No. RP71–122 at present.

The Commission finds:

(1) The Initial Decision should be affirmed insofar as it treats MRT's January 4, 1974 motion as a petition for individualized consideration and denies said petition.

(2) The Initial Decision should be affirmed insofar as it denies Cities' request that Cities' entitlements under the Arkla curtailment plan be determined according to a daily base which may vary at Cities' discretion.

(3) The Initial Decision should be affirmed insofar as it delimits the volume of Cities' operational requirements which Arkla shall include in priority one under its curtailment plan.

(4) The Initial Decision should be modified insofar as it permits individual consideration for Cooperative to extend beyond January 1, 1975.

(5) The Arkla curtailment plan should be revised to eliminate any reference to "firm service" or "interruptible service", future curtailment to be administered in accordance with the 6-priority schedule set forth in the body of this order.

(6) Arkla should be required to reevaluate its tariff treatment of storage gas and present evidence supporting any proposed revision or maintenance of the status quo, as discussed more fully in the body of this order.

(7) Introduction into the record in Docket No. RP71–122 of the final environmental impact statement should be deferred pending further order of the Commission.

The Commission, pursuant to its authority under provisions of the Natural Gas Act, as amended, particularly Sections 4(b) and 5(a) thereof, and in compliance with instructions of the United States Court of Appeals for the District of Columbia Circuit, orders:

(A) Except as hereinafter modified, the initial decision issued on August 26, 1974, in these proceedings, is affirmed and adopted as the decision of the Commission, effective as of the date of issuance of this order.

(B) The Arkla curtailment plan shall be modified to consist of six priorities of service, as set forth more fully within the body of this order.

(C) To the Presiding Judge's grant of individualized consideration to the Arkansas Electric Cooperative Company is attached the condition that the relief granted shall terminate as of January 1, 1975, although no payback shall be required for volumes taken after that date and prior to the date of issuance of this order.

(D) Exceptions not granted are denied.

(E) Arkla shall file revised tariff sheets in accordance with Ordering Paragraph (B), above, to be effective 90 days from the date of issuance of this order, together with a supporting study showing the effective redistribution of system gas supply which those changes will involve.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside at a conference to be held on July 13, 1976, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 N. Capitol St., N.E., Washington, D.C. for the purpose of prescribing hearing procedures whereby evidence may be presented as to the appropriate method for classifying storage injections under the Arkla curtailment plan.

(G) Due to the probable need of Staff to revise or supplement its final environmental impact statement so as to take into consideration the environmental consequences of the modifications discussed in Ordering Paragraphs (E) and (F), above, that document will be withheld from the record pending further order of the Commission.

(H) Nothing in this order shall prevent Arkla and any other parties to these proceedings from engaging in informal negotiations in order to facilitate compliance with Ordering Paragraphs (E) and (F), above.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16676 Filed 6–8–76;8:45 am]

[40] *American Smelting and Refining Company* v. *F.P.C.*, 494 F. 2d 925 (D.C. Cir. 1974), *cert. denied, sub nom. Southern California Gas Company, et al* v. *F.P.C.*, 419 U.S. 882 (1974); *State of Louisiana* v. *F.P.C.*, 503 F. 2d 844 (5th Cir. 1974).

[41] See the Council on Environmental Quality's Guidelines at 40 C.F.R. § 1500.10 (1973).

[Docket No. ER76–110]

ARKANSAS POWER AND LIGHT CO.

Settlement Conference

JUNE 3, 1976.

Take notice that on June 15, 1976, a conference of all parties to this proceeding and Commission Staff will be held in the Commission's Conference Room No. 3200 (North Building), at 941 North Capitol Street, NE., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed this date to all parties to the proceeding, all of the jurisdictional customers, and all affected state commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16688 Filed 6–8–76;8:45 am]

[Project No. 2245]

CITY OF VANCEBURG, KENTUCKY

Order Granting Rehearing for the Purpose of Further Consideration

MAY 27, 1976.

On April 27, 1976, the City of Vanceburg, Kentucky (Vanceburg) filed a timely petition for rehearing of our Order of March 29, 1976, in which we issued a license to Vanceburg to construct, operate, and maintain the Cannelton Project No. 2245. On May 14, 1976, Vanceburg filed a document entitled "Motion of the City of Vanceburg, Kentucky to Supplement its Petition for Rehearing".

The Commission finds: It is appropriate and in the public interest to grant rehearing for the purpose of further consideration in connection with the above noted documents filed by Vanceburg.

The Commission orders: Rehearing is hereby granted for the purpose of further consideration in connection with the above noted documents filed by Vanceburg.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16660 Filed 6–8–76;8:45 am]

CITY OF VANCEBURG, KENTUCKY

Order Granting Rehearing for the Purpose of Further Consideration

[Project No. 2614]

MAY 27, 1976

On April 27, 1976, the City of Vanceburg, Kentucky (Vanceburg) filed a timely petition for rehearing of our Order of March 29, 1976, in which we issued a license to Vanceburg to construct, operate, and maintain the Greenup Project No. 2614. On May 14, 1976, Vanceburg filed a document entitled "Motion of the City of Vanceburg, Kentucky to Supplement its Petition for Rehearing".

The Commission finds: It is appropriate and in the public interest to grant rehearing for the purpose of further consideration in connection with the above noted documents filed by Vanceburg.

The Commission orders: Rehearing is hereby granted for the purpose of further consideration in connection with the above noted documents filed by Vanceburg.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16661 Filed 6–8–76;8:45 am]

[Docket No. CP75–359]

COLUMBIA GULF TRANSMISSION CO. AND NORTHERN NATURAL GAS CO.

Amendment to Application

JUNE 2, 1976.

Take notice that on May 24, 1976, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75–359, pursuant to Section 7(c) of the Natural Gas Act, an amendment to Columbia Gulf's application for a certificate of public convenience and necessity filed June 5, 1975, as amended October 14, 1975, in the instant docket to reflect Northern as a joint applicant and to reflect certain changes in lateral facilities in order to connect additional gas reserves offshore Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that by the first amended application, Columbia Gulf proposed to construct a 30-inch pipeline between Block 601 and a producer platform in Block 616, West Cameron Area, to connect to the 30-inch pipeline proposed by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), in their joint application pending in Docket No. CP75–262. Additionally it was proposed to construct 5.7 miles of 16-inch lateral line connecting from the 30-inch pipeline to a producer platform at Block 595, West Cameron Area.

Applicants now jointly delete the request for authorization for the 5.7 miles of 16-inch pipeline lateral connecting to Block 595 and add a request for authorization for construction and operation of 6.9 miles of 16-inch pipeline lateral from a producer platform at Blocks 593/594 connecting to the 30-inch pipeline in Block 617. Applicants also propose to construct a 0.6-mile 16-inch pipeline lateral connecting a producer platform in Block 617 to the 30-inch pipeline. The amendment indicates that the instant proposals are estimated to cost $4,108,896 less in the aggregate than the first amended proposal costs of $28,305,137 in the aggregate.

Applicants state that the construction, ownership and operation of the proposed facilities will be as provided in an agreement between Applicants which is being negotiated and will be filed shortly as Exhibit M to the instant amendment. Further, it is stated that in such agreement Columbia Gulf would be named as operator of the facilities.

It is indicated that Columbia Gas Transmission Corporation (Columbia Transmission) has the preferential right to purchase 25 percent of the gas reserves of Exxon Company, U.S.A. (Exxon), in Blocks 616 and 630, West Cameron Area, and that Block 616 gas is expected to become available in December 1976 at an initial deliverability of 136,000 Mcf per day for a 25 percent interest to Columbia Transmission of 34,000 Mcf per day. The Block 630 gas is projected by Exxon to be available by early 1978. Further, it is said that Columbia Transmission has preferential right to purchase 100 percent of the gas reserves of Union Oil Company of California, et al. (Union), in Block 594.

Further, it is indicated that Northern has the preferential right to purchase 30 percent of Exxon's Block 630 gas reserves and is in final stages of negotiation for Mobil's 33⅓ percent of Blocks 617 and 609 West Cameron Area, gas reserves. It is asserted that Columbia Transmission has the preferential right to purchase 50 percent of Amoco Production Company's (Amoco) 33⅓ percent of Blocks 617 and 609 gas reserves through a joint Columbia Transmission-Tennessee advance agreement with Amoco.

Applicants state that reservoir data and dedicated remaining recoverable salable reserves for Blocks 616, 630, 609, and 617 were submitted on March 29, 1976, in a supplement to pending amended applications in Docket Nos. CP75–262 and CP75–359. The instant amendment shows total proven and probable reserves estimated for Blocks 593/594 are 130,000,000 Mcf, 65,000,000 Mcf of which Columbia Transmission has a preferential right to acquire.

Applicants propose to transport through the proposed 30-inch pipeline all of the gas to be produced from Block

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617, Columbia Transmission's share of the gas from Block 616, and all of the gas produced from Blocks 593/594. It is indicated that the gas supply from Block 617 comprises a ⅓ interest committed equally to Columbia Transmission and Tennessee, a ⅓ interest being negotiated for by Northern and a ⅓ interest committed to United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern) and/or Sea Robin Pipeline Company (Sea Robin). It is stated that the gas supply from Blocks 593/594 would be produced from a single platform. It is indicated that Columbia Transmission has 100 percent interest in the Block 594 reserves and Texas Eastern Transmission Corporation (Texas Eastern) has an interest in the Block 593 reserves, with the remaining interest in Block 593 not as yet having been sold by the producer.

It is asserted that by letter of understanding, dated May 21, 1976, Northern agrees to become a joint applicant in this amendment and would become a joint owner with Columbia Gulf in the 30-inch pipeline and the lateral to Block 617 and that Columbia Gulf agrees to provide transportation through the jointly owned facilities of Columbia Gulf and Tennessee proposed in Docket No. CP75-262 and to shore through the Blue Water Project.

It is stated that by memorandum of understanding, dated February 25, 1976, United, Southern, and Sea Robin collectively agree to provide transportation for and onshore exchange of gas with Columbia Gulf from East Cameron Block 335, Eugene Island Block 313 South Marsh Island Blocks 142 and 143, Offshore Louisiana, and that Columbia Gulf agrees to provide transportation for and onshore exchange of gas with United, Southern and/or Sea Robin from Blocks 609 and 617.

Applicants state that in Docket No. CP76-237 Tennessee and Columbia Gulf have filed for authorization to transport and/or exchange Columbia Transmission's Ship Shoal Block 271 gas through Tennessee's Project 349 and for Columbia Gulf to transport and/or exchange Tennessee's West Cameron gas through facilities proposed herein. It is stated that in Docket No. CP76-332 Trunkline has applied for authorization to transport for Columbia Transmission on a short-term basis, subject to interruption arising out of curtailment of Trunkline's customers, up to 27,000 Mcf per day through the Stingray system with onshore delivery. Further, it is asserted that Trunkline and Columbia Gulf have agreed that when Applicants' facilities are completed, an exchange of Block 543/544 gas and Block 616 gas would commence, thereby providing a way to balance these deliveries.

The instant amendment indicates that it is proposed that in 1977 Applicants intend to install lateral facilities to connect to producer platforms in Blocks 609 and 630 and to install additional horsepower on an offshore platform at Vermilion Block 245 to transport the anticipated additional gas deliveries from these blocks.

Applicants state that the facilities applied for herein and those planned for in 1977 when completed would have the capability of handling all of the production from Blocks 609, 617, 630, and 593/594 as well as Columbia Transmission's share from Block 616 and would provide the most efficient utilization of existing offshore facilities, with the gas reserves from the blocks indicated becoming available in 1976-1977. Applicants further indicate that the proposed pipeline is so located as to pass near other blocks which either are committed to the Applicants or are believed to contain reserves expected to become available in 1977 and 1978 and that Applicants have considered those anticipated gas reserves which might be added in 1977 by additional laterals so as to provide the most efficient utilization of said facilities.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16658 Filed 6-8-76;8:45 am]

[Docket No. ER76-320]

THE CONNECTICUT LIGHT AND POWER CO.

Intention To Act

JUNE 3, 1976.

On May 5, 1976 the Conecticut Municipal Group filed a Motion to Reject to proposed rate increase tendered by The Connecticut Light and Power Company (CL&P) on December 2, 1975 in the above-captioned proceeding. The Motion alleges that the percentage increase in actual bills is substantially higher than that asked for by CL&P in its filing and, therefore, the filing should be rejected. The Town of Bozrah filed a similar motion on May 7, 1975, alleging that its bills for March and April were substantially higher or a percentage basis than what was filed for by CL&P and requesting a change in the suspension period to five months. CL&P filed an Answer to the Motion to Reject on May 20, 1976 in which it claimed the actual bills were lower than those estimated in the filing and alleged that the comparisons made by the Connecticut Municipal Group are invalid.

Unless acted upon within 30 days of their filing, the motions of the Connecticut Municipal Group and Bozrah would be deemed to be denied under Section 1.12(e) of the Commission's Rules of Practice and Procedure. Because of the complex issues raised by these motions and the Commission's desire to allow pleadings to be received by all parties before acting, the Commission believes that further consideration is necessary before action is taken on these motions.

Notice is hereby given of the Commission's intention to act upon these motions subsequent to the time prescribed by Section 1.12(e) of the Commission's Rules of Practice and Procedure.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16689 Filed 6-8-76;8:45 am]

[Docket Nos. RP72-104 and RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Order Approving Settlement Agreement and Terminating Docket [1]

JUNE 2, 1976.

Pipeline rates: settlement, termination of docket.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On February 2, 1976, Consolidated Gas Supply Corporation (Consolidated) filed a motion requesting the Commission to approve a settlement agreement in the above-referenced dockets and to terminate the proceedings. The Commission herein accepts and approves the settlement agreement as an appropriate resolution of the issues raised in the proceedings.

These proceedings involve rates filed by Consolidated on January 31, 1972 in Docket No. RP72-104. The rates were suspended by the Commission for five months and became effective August 17, 1972. The rates remained in effect until December 1, 1973 when they were superseded by the rates filed by Consolidated in Docket No. RP73-107. The proceedings in Docket No. RP72-157 concern certain provisions in Consolidated's tariff concerning purchased gas adjustments.

The settlement agreement would terminate the proceedings in Docket No. RP72-104 without a refund obligation based on the finding that Consolidated did not collect excess revenues from its jurisdictional customers during the period the rates were in effect. The agreement would also sever Docket No. RP72-157 and consolidate it for purposes of hearing and decision with Consolidated's recent general rate increase filing in Docket No. RP75-91.

Notice of Consolidated's filing was issued February 17, 1976. Comments were filed by Public Service Commission of the State of New York (PSCNY), Niagara Mohawk Power Corporation, Rochester Gas and Electric Corporation (Rochester), and by the Commission Staff (Staff). No objections to the settlement agreement were filed. However PSCNY, Rochester, and Niagara Mohawk point out that their agreement does not indicate any approval with respect to any ratemaking principles set forth, specifically the zone and allocation issues. Their willingness to settle the case is based on the revenues derived by Consolidated and not on the form of the rates as filed. These parties also emphasize that the cost-allocation and rate design issues are being fully litigated in other Consolidated dockets and that they do not wish to be prejudiced in any way by their lack of opposition to the instant agrement.

Examination of the record in this case reveals a revenue deficiency for Consolidated during the periods that the rates were in effect. Thus despite the wide differences between the parties on matters of principle, there is agreement that no refunds should be required. In addition, the Commission notes that the rates involved have been superseded by several additional Consolidated filings in which the parties have had and will have the opportunity to reexamine those issues which divide them. Accordingly, it is reasonable and appropriate to "close the books" on Docket No. RP72-104 by termination of that docket. The Commission draws the parties' attention to Article III of the agreement and Ordering Paragraph (C), infra, which states that the termination of this docket does not establish any ratemaking principles nor prejudice positions taken by the parties in other proceedings.

The issues raised in Docket No. RP72-157 remain unresolved. Accordingly, the Commission shall sever Docket Nos. RP72-104 and RP72-157 and consolidate RP72-157 with Docket No. RP75-91 for purposes of hearing and decision.

The Commission finds: Good cause exists to accept, approve, and implement the settlement agreement filed in this proceeding.

The Commission orders: (A) The settlement filed in these dockets by Consolidated is hereby accepted and approved.

(B) Docket No. RP72-157 is hereby severed from the proceedings herein and consolidated with Docket No. RP75-91 for purposes of hearing and decision.

(C) Docket No. RP72-104 is hereby terminated.

(D) This order is without prejudice to any findings or orders which have been made or which hereafter may be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Consolidated, or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Consolidated or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16677 Filed 6-8-76;8:45 am]

[1] See Appendices A, B, and C to Consolidated's motion for approval of the settlement agreement.

[Docket No. ER76-45]

CONSUMERS POWER CO.

Conference

JUNE 3, 1976.

Take notice that on June 30, 1976, Staff is convening a conference of all interested persons for the purpose of discussing the issues in the above-captioned docket with a view toward settling this proceeding in Room 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to this proceeding, the jurisdictional customers subject to the proposed rate changes, and the interested state commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16686 Filed 6-8-76;8:45 am]

[Project No. 2232]

DUKE POWER CO.

Order Authorizing Easement Over Project Lands

JUNE 1, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

Application was filed on June 25, 1975, and supplemented on November 10, 1975, by Duke Power Company (Licensee) for Commission authorization to grant an easement to the Town of Great Falls, South Carolina, for the construction, operation, and maintenance of a sewer line and outfall into Cedar Creek Reservoir, part of the Rocky Creek—Cedar Creek Development of Licensee's Catawba-Wateree Project No. 2232. The proposed sewer line and outfall would serve a sewage treatment plant located outside the project boundary, and would discharge treated effluent into project waters.

The affected project lands are located on the Catawba River in the Town of Great Falls, Chester County, South Caroline, about 1,700 feet downstream from the Great Falls—Dearborn Hydroelectric Plant of Project No. 2232. The subject easement would cover a right-of-way 50 feet wide during the construction of the line, and 20 feet wide thereafter. The buried sewer line would extend 18 feet from an existing manhole to the edge of Cedar Creek Reservoir, and thence an additional 18 feet into the project waters. This outfall line would rest on the bottom of the river channel at a depth that would vary from four to eight feet, according to the slope of the bottom. The last eight feet of the line would be perforated at one-foot intervals to facilitate the diffusion of effluent.

Operation of the new treatment plant, which is currently under construction, would result in elimination of three existing discharges of untreated sewage into waters of the Catawba River basin. Two of these discharges are into Rocky Creek, a tributary to Cedar Creek Reservoir, and the third is directly into the Catawba River below the upstream Fishing Creek Reservoir of Project No. 2232. The volume of the present raw sewage discharges is approximately 0.9 mgd (million gallons per day), of which 0.7 mgd is from industrial sources [1] and 0.2 mgd is from domestic sources in the vicinity of Great Falls. The new treatment plant and sewer line would provide for a maximum discharge of 1.4 mgd. One mgd of this capacity would be reserved for industrial waste, and 0.4 mgd would be reserved for municipal waste. Inasmuch as the ultimate capacity of the plant exceeds present discharges, it is apparent that further development in Great Falls and its environs is contemplated.

Consolidated into the new facilities, the existing waste loads would receive secondary treatment, resulting in removal of 83 percent of the BOD_5 and suspended solids in the sewage. The nutrient level of the effluent would also be reduced, with removal of some nitrogen and phosphorous.[2] Cedar Creek Reservoir is classified by the South Carolina Department of Health and Environmental Control as a Class B body of water, denoting uses for domestic water supply (after treatment), propagation of fish, industrial and agricultural purposes, and other purposes requiring water of lesser quality. There is no indication that this classification will change as a result of the proposed sewage treatment.

[1] At present, the sole source of industrial waste in the system is the textile manufacturing operation of J. P. Stevens Company.

[2] A preliminary review of available data compiled by the U.S. Environmental Protection Agency's National Eutrophication Survey and published in November, 1974, shows Fishing Creek Reservoir (above the proposed discharge) and Lake Wateree (below the proposed discharge) to be potentially eutrophic. Cedar Creek Reservoir itself was apparently not sampled.

Due to a paucity of data concerning the flows at the Great Falls—Dearborn Development immediately upstream from the proposed discharge, it is not possible to determine accurately the extent to which the effluent would be diluted. Article 32 of the license for Project No. 2232 specifies a minimum average daily flow of 444 cfs (cubic feet per second) for the Great Falls—Dearborn Development.[3] With such a flow, and with the sewage treatment plant loaded to full capacity, the dilution factor for the effluent would be 215:1. Dilution with the average flow would of course be somewhat greater. Although the actual average flows for the Great Falls—Dearborn Development are not available, we may assume that some discharges from the treatment plant would be made during periods when the powerhouses at that development were not operating. During such non-generating periods, the flow in the reach of the river affected by the effluent discharge would be limited to that created by leakage and spill, if any, and by any continuous low flows that might be provided. Thus, the concentration of the effluent in the receiving water would be expected to fluctuate according to the operational status of the upstream hydroelectric plant.

Effective December 26, 1974, the U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System Permit No. SC0021211 for the proposed effluent discharge to the Town of Great Falls pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1342. Great Falls has also obtained Construction Permits Nos. 2630 and 2631 dated September 10, 1973, from the South Carolina Department of Health and Environmental Control for the construction and operation of the treatment plant and effluent line. The Town anticipates that a portion of the construction cost will be financed with EPA funds.

The agreement by which the subject easement would be granted provides that in the construction, operation, maintenance, use, and/or removal of the sewer line, the Town of Great Falls will comply with all applicable local, State, and Federal laws as well as all ordinances, rules, regulations, and sanctions of any regulatory body or governmental agency having jurisdiction in the premises. The agreement further contains a covenant in accordance with paragraph (C) of Commission Order No. 313[4] to the effect that use of the sewer line will not endanger health, create a nuisance, or otherwise be incompatible with the overall recreational use of the project. Licensee would receive a nominal three dollars for the easement.

The license for Project No. 2232 does not include a recreational use plan (Exhibit (R). However, licensee has reported on the recreational use of project lands and waters in the Form No. 80 filed biennially pursuant to Section 8.11 of our Regulations, 18 C.F.R. § 8.11 (1975). Construction, operation, and maintenance of the sewer line would not interfere with current recreational use at the project. Moreover, we find that replacement of existing raw sewage discharges with a system providing secondary waste treatment, with an attendant improvement in both water quality and the aesthetics of the project area, is a development that comports with the public interest.

Construction of the sewer line and outfall would entail only minor and short-term disturbances to the environment of the project area, and operation of the facilities would result in an improvement in water quality without affecting project operations. We conclude that our authorization of the subject easement would not constitute a major Federal action significantly affecting the quality of the human environment, and thus would not require preparation of a detailed impact statement pursuant to the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, 43 U.S.C. § 4332(2)(C).

Public notice of the application was issued on August 14, 1975, with September 24, 1975, as the last day for filing of protests or petitions to intervene. Notice of the application was published in the FEDERAL REGISTER on August 25, 1975, 40 Fed. Reg. 37090. No protests, notices of intervention, or petitions to intervene were received. By letter dated June 23, 1975, Licensee requested use of the shortened procedures provided for under Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.32(b) (1975).

At a hearing held on May 26, 1976, the Commission on its own motion received and made a part of the record in this proceeding all pleadings, submittals, and other evidence filed in regard to the application here at issue, and upon consideration of the record,

The Commission finds: (1) The subject application conforms to the Commission's Rules and Regulations.

(2) Authorization of the grant by Duke Power Company to the Town of Great Falls, South Carolina, of the easement discussed in this order would not constitute a major Federal action significantly affecting the quality of the human environment.

(3) Construction, operation, and maintenance of the sewer line and outfall discussed in this order would not be inconsistent with recreational use at the project.

(4) It is appropriate for the purposes of the Federal Power Act and in the public interest that Duke Power Company be authorized to grant the subject easement to the Town of Great Falls, South Carolina.

The Commission orders: (A) Duke Power Company is hereby authorized to grant the easement discussed in this order to the Town of Great Falls, South Carolina, subject to the terms and conditions contained in the agreement by which the easement is to be granted.

(B) Duke Power Company shall file with the Commission a copy of the executed agreement within 60 days of its execution.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16673 Filed 6-7-76;8:45 am]

[Docket Nos. ER76-648 and E-9453]

DUKE POWER CO.

Order Accepting for Filing and Suspending Supplemental Agreement, Consolidating Proceedings, and Denying Motion for Waiver

MAY 27, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On April 28, 1976, Duke Power Company (Duke) tendered for filing a revised service schedule[1] to its Interconnection Agreement with Yadkin, Inc. For the reasons stated herein, we shall accept for filing and suspend the proposed rate increase and consolidate this proceeding with the proceeding pending in Docket No. E-9453.

The proposed Service Schedule F would provide for an increase of approximately $600,774, representing a 19.7% increase, in the Supplementary Power and Energy rate to Yadkin, Inc., (Yadkin) for the year following the requested effective date of May 1, 1976. The proposed schedule would make applicable to Yadkin the same rates filed in Duke's general rate case, Docket No. E-9453, now pending before the Commission. That proceeding involves a revision of Duke's Schedule No. 10,[2] which is applicable to municipal and other public utilities. Duke contends that its service to Yadkin is so similar to its service to these municipals as to warrant the application of identical cost of service determinations for both Yadkin and the municipals. It should be noted that Yadkin has executed the proposed Service Schedule F in this proceeding.

Duke's proposed Service Schedule F consists of energy charges applied to blocks of kWh usage. The kWh usage blocks are computed by applying Yadkin's contract demand of 30,000 kW to Duke's present Schedule 10, which is based on hours use of billing demand per month. The minimum monthly bill in the present and proposed schedule is $.75/kW of contract demand (30,000 kW) or $22,500. The proposed charges are subject to a fuel adjustment clause which conforms to Commission Order No. 517.

Public notice of this filing was issued on May 6, 1976, with comments due on or before May 21, 1976. The Commission's review of this filing indicates that the proposed rate increase to Yadkin has not been shown to be just and reasonable and may be unjust, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall suspend the proposed service schedule for one day, subject to refund. Because the rates proposed herein to be applied to Yadkin are equivalent to those rates currently pending before the Commission in Docket No. E-9453, we shall consolidate Docket Nos. E-9453 and ER76-648 for purposes of hearing and decision. The consolidated proceedings shall be governed by the procedures established in Docket No. E-9453.

Duke has requested a waiver of the Commission's notice requirements so as to permit its proposed service schedule to become effective on May 1, 1976. We will deny Duke's request and permit an effective date of May 30, 1976, one day after the expiration of the 30-day notice period.

The Commission finds: (1) Good cause exists to accept for filing the proposed service schedule as designated in footnote 1 and to suspend the use thereof for one day until May 30, 1976, when it may become effective subject to refund, as hereinafter ordered and conditioned.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission consolidate, for purposes of hearing and decision, the present providings with the proceedings in Docket No. E-9453.

(3) Good cause exists to deny Duke's request for waiver of the Commission's notice requirements.

The Commission orders: (A) Duke's filing of April 28, 1976, is hereby accepted for filing, suspended for one day, and permitted to become effective on May 30, 1976, subject to refund.

(B) Pursuant to the provisions of the Federal Power Act and the Commission's Rules and Regulations, the present filing is hereby consolidated, for purposes of hearing and decision, with the proceedings in Docket No. E-9453.

(C) Duke shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(D) Duke's request for waiver of the Commission's notice requirements is hereby denied.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16659 Filed 6-8-76;8:45 am]

[3] See Order Issuing License (Major), Duke Power Co., Project No. 2232, 20 F.P.C. 360, 372 (1958).

[4] 34 F.P.C. 1546, 1549-50 (1965).

[1] Service Schedule F, Supplement No. 8 to Rate Schedule FPC No. 11, superseding Supplement No. 7 to Rate Schedule FPC No. 11.

[2] Schedule No. 10, Resale Service for Municipals and Public Utility Companies was approved by the Commission on March 23, 1973, in Docket No. E-7994. A revised Service Schedule No. 10 is now pending before the Commission in Docket No. E-9453.

[Docket Nos. CP73-47, et al.; Docket Nos. CP73-132, et al.]

EASCOGAS LNG, INC., ET AL. AND DISTRIGAS CORP., ET AL.

Extension of Time

JUNE 1, 1976.

On May 14, 1976, Eascogas, Inc., filed a motion for an extension of time to respond to the motion filed May 10, 1976, by the Public Advocate of New Jersey, et al., to hold the proceedings in abeyance pending results of proposed rulemaking. The motion states that there were no objections to the extension by Staff Counsel, the Public Advocate of New Jersey, et al., nor by other counsel.

Upon consideration, notice is hereby given that the time is extended to and including June 14, 1976, within which to respond to the above motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16674 Filed 6-8-76;8:45 am]

[Docket No. RP72-134; PGA76-16A]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

JUNE 1, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on May 17, 1976, tendered for filing Substitute Twenty-Ninth Revised Sheet No. 3A and Substitute Twenty-Ninth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective May 2, 1976, decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by .001¢ per Mcf to reflect corresponding changes in Transcontinental Gas Pipe Line Corporation's rate schedules by its filing of May 7, 1976.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of May 2, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's May 7 filing of its revised tariff sheets prohibited Eastern Shore from fulfilling the prescribed notice requirements under the General Terms and Conditions of its Tariff.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16670 Filed 6-8-76;8:45 am]

[Docket No. RP72-134; PGA76-14A]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

JUNE 1, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on May 17, 1976, tendered for filing Substitute Twenty-Seventh Revised Sheet No. 3A and Substitute Twenty-Seventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, effective April 1, 1976, decrease the commodity or delivery charges in Eastern Shore's Rate Schedules CD-1, CD-E, E-1, PS-1 and I-1 by .019¢ per Mcf to reflect corresponding decreases in Transcontinental Gas Pipe Line Corporation's rate schedules by its filing of May 7, 1976.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of April 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's May 7 filing of its revised tariff sheets prohibited Eastern Shore from fulfilling the prescribed notice requirements under the General Terms and Conditions of its Tariff.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and

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Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-16687 Filed 6-8-76;8:45 am]

[Docket No. RP72-134 PGA76-15A]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

JUNE 2, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on May 17, 1976, tendered for filing Substitute Twenty-Eighth Revised Sheet No. 3A and Substitute Twenty-Eighth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, effective May 1, 1976, decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by .021¢ per Mcf to reflect corresponding changes by Transcontinental Gas Pipe Line Corporation, Eastern Shore's sole supplier, in its filing of May 7, 1976.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of May 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's May 7 filing of its revised tariff sheets prohibited Eastern Shore from fulfilling the prescribed notice requirements under the General Terms and Conditions of its Tariff.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16690 Filed 6-8-76;8:45 am]

[Project No. 176]

ESCONDIDO MUTUAL WATER CO.

Issuance of Annual License

JUNE 3, 1976.

On April 1, 1971, Escondido Mutual Water Company, Licensee for Project No. 176, located partially along the San Luis Rey River and Escondido Creek in the vicinity of the City of Escondido in San Diego County, California, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 176 was issued effective in 1924 for a period ending June 24, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Escondido Mutual Water Company for continued operation and maintenance of Project No. 176.

Take notice that an annual license is issued to Escondido Mutual Water Company (Licensee) under the Federal Power Act for the period June 25, 1976, to June 24, 1977, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 176, subject to the terms and conditions of its present license.

Should the terms and conditions of the original license which are incorporated into the annual license be clarified by any order of the Commission, they shall become effective immediately upon the issuance of such order. Further, should the Commission for any reason conclude that it does not have jurisdiction to issue an annual license under the circumstances of this case the annual license will terminate as of the date of our opinion to that effect.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16696 Filed 6-8-76;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Order Requiring Payment of Refunds

JUNE 2, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On April 10, 1973, Gulf States Utilities Company (Gulf States) filed a proposed resale rate increase affecting its wholesale customers, among them Sam Rayburn Dam Electric Cooperative (Sam Rayburn). Sam Rayburn filed a protest and motion requesting that the Commission reject the proposed increases as to it as barred by the Mobile[1]—Sierra[2] doctrine. Subsequent orders of the Commission issued on June 14, 1973 and August 7, 1973, set forth, inter alia, the Commission's conclusion that the contract between Sam Rayburn and Gulf States permitted the proposed rate increase. The Commission, therefore, allowed the increase to become effective as to Sam Rayburn subject to refund. However, as detailed below, inasmuch as the Court subsequently determined that the Sam Rayburn-Gulf States contract does not permit such a unilateral rate increase to be filed, the Commission shall herein order Gulf States to refund to Sam Rayburn, with interest, all monies collected from Sam Rayburn pursuant to the rate schedules filed in this docket.[3]

Sam Rayburn sought court review of the abovementioned Commission orders at the United States Court of Appeals, District of Columbia Circuit. That Court issued its judgment on July 11, 1975[4] that the Sam Rayburn-Gulf States contract prohibited unilaterally-filed rate changes, thereby reversing the Commission and rejecting the proposed increase as to Sam Rayburn. Rehearing of that decision was denied on January 12, 1976. The Court, on January 28, 1976, granted a motion for stay of its mandate until February 27, 1976. A motion to further extend the mandate was, however, denied on March 19, 1976, and the mandate of the Court was issued on March 22, 1976. Two subsequent applications to the Supreme Court for stay were denied on April 11, 1976 and April 19, 1976, respectively. A petition for a writ of certiorari was filed with the Supreme Court on April 7, 1976, and has not been acted upon.

The Commission orders: Gulf States shall, within thirty days of the date of issuance of this order, refund to Sam Rayburn, with simple interest compounded at 7% per annum, all monies collected from Sam Rayburn under the rate schedules proposed in Docket No. E-8121. Gulf States shall within fifteen days thereafter, file a report of refunds with this Commission indicating Gulf States' conformance with this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16679 Filed 6-8-76;8:45 am]

[Docket No. ER76-714]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Change

JUNE 3, 1976.

Take notice that Indiana & Michigan Electric Company, on May 28, 1976, tendered for filing proposed changes in its FPC Rate Schedule No. 25, Service to Michigan Power Company, an affiliate. The proposed changes would increase revenues from jurisdictional sales and service by $7,253,836, based on the 12-month period ending December 31, 1976. Indiana & Michigan Electric Company proposes that the rates and charges and terms and conditions of service revised by this filing shall become effective June 27, 1976.

Copies of the filing were served upon the Michigan Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16693 Filed 6-8-76;8:45 am]

[Docket No. ER76-715]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Change

JUNE 3, 1976.

Take notice that Indiana & Michigan Electric Company, on May 28, 1976 tendered for filing proposed changes in its FPC Rate Schedule No. 22, Service to Northern Indiana Public Service Company. The proposed changes would increase revenues from jurisdictional sales and service by $11,300,000, based on the 12-month period ending December 31, 1976. Indiana & Michigan Electric Company proposes that the rates and charges and terms and conditions of service which are revised by this filing shall become effective on June 27, 1976.

Copies of the filing were served upon the Northern Indiana Public Service Company and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16694 Filed 6-8-76;8:45 am]

[Docket No. ER76-716]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Change

JUNE 3, 1976.

Take notice that Indiana & Michigan Electric Company on May 28, 1976, tendered for filing proposed changes in its FPC Electric Tariffs MRS and WS and its FPC Rate Schedules No. 44-A, No. 44-B, No. 46, No. 48, No. 50, No. 52, No. 54 and No. 56. The proposed changes would increase revenues from jurisdictional sales and service by $25,700,000, based on the 12-month period ending December 31, 1976. Indiana & Michigan Electric Company proposes that the rates and charges and terms and conditions of service revised by this filing shall become effective June 27, 1976.

Copies of the filing were served upon the affected customers, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16695 Filed 6-8-76;8:45 am]

[Docket No. RI76-124]

GLEN E. JEFFERY

Petition for Special Relief

JUNE 3, 1976.

Take notice that on April 2, 1976, Glen E. Jeffery, Box 677, Meade, Kansas 67864, filed a petition for special relief in Docket No. RI76-124, pursuant to Order No. 481. Petitioner seeks a price of 45.0¢ per Mcf for the sale of gas to Northern Natural Gas Company from the Berns "A" well in Clerk County, Campbell Unit well in Clark County, and Theis "H" well in Meade County, Kansas. The petition is based on the installation of water lift equipment necessary if gas production is to be increased.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16697 Filed 6-8-76;8:45 am]

[1] *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

[2] *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[3] The Commission notes that Sam Rayburn filed, on May 11, 1976, a Request For Compliance asking for the relief granted in this order.

[4] *Sam Rayburn Dam Electric Coperative v. F.P.C.*, 515 F. 2d 998 (D.C. Cir. 1975).

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[Docket No. CI76-228]

KENT GLASGOW

Certification of Proposed Settlement Agreement

JUNE 1, 1976.

Take notice that on May 20, 1976, Presiding Administrative Law Judge Michel Levant certified to the Commission a Settlement Proposal presented by counsel for Kent Glasgow as a proposed settlement of the issues raised in Docket No. CI76-228. The proposed settlement agreement seeks Commission approval under Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76) of amendments to certain contracts between Kent Glasgow and Champlin Petroleum Company (Champlin) providing for an increase in the price of gas which Champlin will pay to Kent Glasgow from 20.5 to 64.3 cents per Mcf. The increase in price is intended to compensate Kent Glasgow for expenditures related to the correction of pipeline pressure differential problems.

If the Commission approves the proposal, Glasgow would withdraw its application for abandonment.

The record in this proceeding contains comments in support of the settlement proposal from all parties and the Commission Staff.

Any person, including the parties, may file comments on the proposed settlement agreement on or before June 14, 1976. Copies of the proposed settlement agreement are on file and available for public inspection in the Commission's Office of Public Information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16671 Filed 6-8-76;8:45 am]

[Docket No. ER76-699]

KENTUCKY UTILITIES CO.

Filing of Revised Fuel Clause

JUNE 1, 1976.

Take notice that on May 24, 1976, Kentucky Utilities Company (Kentucky) tendered for filing a revised fuel clause applicable to service rendered to the Old Dominion Power Company. Kentucky requests that the fuel clause be permitted to become effective as of January 1, 1976.

Kentucky states that the instant filing is made in order to comply with Section 35.14 of the Commission Regulations as same have been amended by Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16672 Filed 6-8-76;8:45 am]

[Docket No. ER76-700]

KENTUCKY UTILITIES CO.

Filing of Revised Fuel Clause

JUNE 1, 1976.

Take notice that on May 24, 1976, Kentucky Utilities Company (Kentucky) tendered for filing a revised fuel clause applicable to service rendered to the City of Paris, Kentucky. Kentucky requests that the fuel clause be permitted to become effective as of January 1, 1976.

Kentucky states that the instant filing is made in order to comply with Section 35.14 of the Commission Regulations as same have been amended by Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-16673 Filed 6-8-76;8:45 am]

[Project No. 2444]

LAKE SUPERIOR DISTRICT POWER CO.

Order Accepting Withdrawal of Application for Surrender of License and Approving Plan for Rehabilitation of Project

MAY 28, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On May 2, 1975, Lake Superior District Power Company, Licensee for White River Project No. 2444, located on the White River in the vicinity of the City of Ashland, Ashland County, Wisconsin, filed pursuant to Section 1.11(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.11(d) (1975), a notice of withdrawal of its pending application for surrender of the license for the project. In this notice of withdrawal, Licensee stated that it had assessed the comparative feasibility of abandoning the project or repairing the project and continuing operations for power production purposes, and had opted for the latter alternative.

Public notice of the filing of the notice of withdrawal was issued. On May 12, 1975, the State of Wisconsin, Department of Natural Resources (DNR) filed a petition to intervene in the proceeding. DNR asserted that, in the event that withdrawal of the application for surrender were allowed and restoration of the project ensued, the necessary construction would have an impact on the land, air, water, fish, wildlife, natural resources, and ecosystem of the State of Wisconsin. DNR requested that it be made a party to the proceeding in order to effectively carry out its responsibility to protect and manage the natural resources of the State.

By order issued June 2, 1975, the Commission permitted DNR to intervene in the proceeding and required Licensee to file its detailed plans and schedule for rehabilitation of the project.[1] In this order the Commission discussed the measures that would be necessary to restore the project to safe and efficient operating condition. These measures include: replacement of the penstock; replacement of the surge tank; stabilization of the slide area on the downstream slope of the south earthen embankment; repair of the concrete retaining wall at the south earthen embankment; refurbishment of the tainter gates, including replacement of the gate seals; and repair of the spalled concrete on the gate structure.

In the same order the Commission also discussed the need to take into consideration the possible impacts of the construction activity on the area downstream from the project. The Commission noted particularly the interests of the Indians on the Bad River Reservation, who had expressed concerns over the effect of the downstream transportation of silt and sediment upon trapping, fishing, and the harvesting of wild rice and wild cranberries.[2] Accordingly, the Commission stated that the rehabilitation plans submitted by Licensee should include consideration of timing the necessary construction and repairs in such a way as to avoid or minimize as much as possible the transportation of silt and sediment downstream.

[1] Order Permitting Intervention and Requiring Filing of Rehabilitation Plan, Lake Superior District Power Co., Project No. 2444, issued June 2, 1975. By order of August 27, 1975, the Commission granted an extension to December 30, 1975, for the filing of the rehabilitation plan.

[2] Although the Indians have not intervened in this proceeding, they have maintained a close interest in the course of events and have apprised the Commission of the serious nature of their concerns. In a letter dated May 9, 1975, the Bad River Tribal Council informed the Commission that rehabilitation of the White River Project would be in the best interests of the Bad River Reservation, provided that necessary precautions were taken to ensure that the construction would not cause a release of sediment downstream during the crucial fishing season.

The Commission deferred action on Licensee's notice of withdrawal of the application for surrender of license, pending assessment of the rehabilitation plan.

On January 6, 1976, Licensee filed its "Specifications for Repair and Modification of the White River Dam." Accompanying the specifications was a report entitled "Environmental Survey of the White River Downstream from the White River Dam."[3] The specifications encompass all of the rehabilitation measures discussed in the Commission's order of June 2, 1975.

Upon review, the Commission staff recommended to Licensee that certain minor changes be made in the plans and specifications. By letter dated May 6, 1976, Licensee informed the Commission that the plans had been amended to incorporate the proposed changes.

Copies of the specifications and environmental survey were made available to DNR for consideration and comment. Subsequently DNR and Licensee consulted on the steps that should be taken to protect the environment during the rehabilitation period. In a letter to Licensee dated March 24, 1976, DNR outlined the understandings that had been reached on specific areas of concern as follows:

(1) No cofferdam would be necessary, for State Highway 112 crossing over the dam would be closed and the work would be done from the bridge and embankment. This work should cause no erosion problem.

(2) The gates would be removed from the dam for repair and painting. This work would be done in an area providing protection against stream pollution.

(3) The scour hole in the tailrace would be checked and, if found to be full of contaminants, would be cleaned.

(4) A fish barrier would be installed on the apron of the dam. This work would be coordinated with a representative of DNR.

These comments were transmitted to the Commission by Licensee in its letter dated May 6, 1976. In this letter, Licensee stated that the operating procedures set forth in DNR's letter would be adhered to, and that no problems are foreseen. Licensee did note a modification in the plans for a fish barrier at the site. These plans are discussed at greater length below.

The U.S. Department of the Interior, Fish and Wildlife Service (FWS), was also afforded an opportunity to review and comment on the rehabilitation plans and environmental survey. In a letter to Licensee dated May 3, 1976, FWS discussed several matters of concern, and concluded that the proposed repair and modification would be acceptable subject to the following conditions:

(1) A fish barrier of a design acceptable to DNR should be installed at the dam at the time of repair and modification.

(2) Work on the project should be timed so that the dam will be open no earlier than late August or early September.

(3) A safe and adequate portage around the dam should be provided for canoeists.

(4) Flows over the dam should be maintained in conformance with applicable State regulations and statutes and with DNR concurrence.

(5) Standard methods of erosion control should be employed.

(6) The in-water use of construction equipment should be minimized.

(7) Care should be taken to ensure that no fuel, lubricants, preservatives, paint, or other pollutants enter the river.

Licensee addressed these matters in its letter of May 6, 1976. With regard to item number 3, Licensee stated that there is currently a boat landing at the north end of the dam that could also act as a portage route for any canoeists on the river. Licensee expressed concern over the timing of the reservoir drawndown suggested in item number 2; the problem concerning the timing of drawdown is also discussed in greater detail below. Licensee added that all of the other provisions set forth in the FWS letter would be adhered to during construction.

As noted above, the matters of placement of a fish barrier in the river during construction and the timing of the necessary drawdown of the reservoir were raised and discussed in the letters of the commenting agencies. The timing of the drawdown is also of particular importance to the Indians on the Bad River Reservation because of the possibility of silt and sediment being transported downstream. In view of this expressed interest, we find that these matters warrant further discussion.

FISH BARRIER

In order to effectively carry out the needed repairs to the White River Project, it will be necessary to open the gates and drain the reservoir for a certain period of time; in fact, the gates will be physically removed from the dam during a part of this period. This action will result in removal of an insurmountable barrier to the upstream migration of fish. Both DNR and FWS have expressed concerns over the possible upstream migration of sea lamprey. As noted in Licensee's environmental survey:

> The sea lamprey has had a devastating effect on trout populations in Lake Superior where the lamprey feeds on the trout fluids and develops to maturity. The lampreys enter streams to spawn, but the parasitic activity is carried out while they are in Lake Superior. However, it helps facilitate their control to limit access to upstream areas where successful spawning may take place.[4]

DNR and FWS wish to prevent such spawning activity upstream from the White River Project.

Further concerns were raised by FWS over the upstream migration of smelt or other salmonids. FWS asserted in its letter of May 3, 1976 that smelt, if allowed to enter the White River system upstream from the dam, could establish themselves in the lakes where it is anticipated that they would have an adverse impact on the excellent indigenous brown trout sport fishery. This possibility is also discussed in Licensee's environmental survey.[5] Although it is pointed out in Licensee's report that the spawning runs for lamprey and smelt take place in the spring, and that the possibility of migration of these species past the dam during a late summer or fall drawdown is remote, it is also acknowledged that late spawners could gain access to the upstream watershed.

Thus, even though Licensee has planned the drawdown for the late summer and fall months (see discussion below), we find that the extra precaution of a fish barrier in the White River at or below the dam is warranted. Licensee has in fact agreed with DNR upon the use of such a barrier during the construction period. In its letter of May 6, 1976, Licensee indicated that it intends to forego its original plan to use a gravity weir structure in favor of installation of an electric barrier. We have no objection to the use of such a barrier, provided that the method meets with the approval of DNR, and provided further that an auxiliary source of power is available in case the primary source fails. This fish barrier should of course be in operation at the time the project gates are opened, and should remain in use until the gates are closed again.

TIMING OF RESERVOIR DRAWDOWN

There is a general consensus among the commenting agencies and interested parties to this proceeding that the project reservoir should be drawn down during an annual period of low flows, although there is slight disagreement as to when the drawdown should begin. FWS states that the dam should be opened "no earlier than late August or early September," when flows of the White River should be near their seasonal low. Licensee proposes in its specifications for repair to begin draining the reservoir on approximately July 26, 1976, and to complete the drawdown prior to August 2, 1976. The gates would then remain open until approximately November 1, 1976. DNR has voiced no objection to the drawdown schedule proposed by Licensee.

The analysis in Licensee's environmental survey of the sediment transport characteristics of the White River indicates a relatively stable equilibrium as far as the deposition or erosion of sediment in the stream bed is concerned, implying that most of the sediment entering the stream from the watershed is carried to the mouth of the river rather than being deposited in the bed of the

[3] Both documents, dated December, 1975, were prepared for Licensee by Barr Engineering Company, Consulting Engineers, Minneapolis, Minnesota.

[4] Environmental Survey at 17-18.

[5] Id. at 18.

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stream in significant quantities. During periods of flooding, however, when the river has overtopped its natural banks, sediment could be deposited on overbank areas where the flow velocities would be extremely low. The conclusion, as set forth in the environmental survey, is that a quantity of silt will undoubtedly be washed downstream when the reservoir is drawn down, however, the amount of silt will be minimized by conducting the drawdown slowly during the months when the lowest amount of precipitation is expected. Further, a slow drawdown will avoid rapid fluctuations in the water level that could adversely affect downstream wildlife. The months of August, September, October, and November are identified as the period over which White River flows are normally relatively low.[6]

Licensee anticipates that the reservoir will have to remain drained for a period of approximately three months. As proposed, this period would span the months of August, September, and October, during the time generally identified with seasonal low flows. Delaying the beginning of this period by one month, as recommended by FWS, could increase the likelihood of complications caused by the onset of cold weather.[7] Moreover, one of the concerns upon which FWS bases its recommendation is the possibility of the upstream migration of lamprey and smelt, an eventuality that would be precluded by the fish barrier discussed above.

Taking all of the pertinent factors into consideration, we find that the timing proposed by Licensee for the period of reservoir drawdown, and the proposed gradual draining of the reservoir over the span of an entire week, are well suited to minimizing any adverse impacts to the environment downstream from the White River Project, including the environment of the Bad River Reservation. In this regard we note that, due to the ultimate unpredictability of the weather, it is impossible to state with certainty that no such downstream impacts will occur. All that can be done is to go forward on the basis of past data and experience, thereby reducing to a bare minimum the risks involved. This step has indeed been taken. In any case, a rehabilitated White River Project will ensure, in the long run, a more stable downstream environment. To this end, we are requiring that the reservoir be refilled as soon as possible following the necessary repairs to the project works.

We have carefully reviewed Licensee's plans and specifications and environmental survey for the proposed rehabilitation, as well as the comments of all interested entities. The environmental impacts to the project area resulting from the construction will be temporary and short-term in nature, and all possible precautions are being taken to protect the integrity of the White River and its environs both upstream aend downstream from the project.

The structures and operations of the White River Project following the short period of repair will remain essentially the same as in the recent past. We conclude that our approval of Licensee's plan and schedule for rehabilitation of Project No. 2444, as hereinafter conditioned, would not constitute a major Federal action having a significant effect on the quality of the human environment, and would not therefore require preparation of a detailed impact statement pursuant to the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, 43 U.S.C. § 4332(2)(C).

Rehabilitation of the White River Project would result in stabilization of the environment of the river and restoration of the power benefits of the project. We find that this development is appropriate for the purposes of the Federal Power Act, particularly Sections 10(a) and 10(c), 16 U.S.C. §§ 803(a) and 803(c), and that the public interest would be served by accepting the withdrawal of Licensee's application for surrender of license and approving the rehabilitation plans proffered in lieu thereof.

The Commission finds: (1) Rehabilitation of Project No. 2444, as proposed in the plans filed by Lake Superior District Power Company on January 6, 1976, would not be inconsistent with recreational use of the project.

(2) Approval of the rehabilitation plans for Project No. 2444, as hereinafter conditioned, would not constitute a major Federal action having a significant effect on the quality of the human environment.

(3) It is appropriate for the purposes of the Federal Power Act and in the public interest that withdrawal of the application by Lake Superior District Power Company for surrender of the license for Project No. 2444 be accepted, and that the plans for rehabilitation of said project filed on January 6, 1976, be approved.

The Commission orders: (A) Withdrawal of the application by Lake Superior District Power Company for surrender of the license for Project No. 2444 is hereby accepted.

(B) The plans for rehabilitation of Project No. 2444, as filed by Lake Superior District Power Company on January 6, 1976 and subsequently amended, are hereby approved, subject to the following conditions:

(i) A fish barrier of a design approved by the State of Wisconsin, Department of Natural Resources, shall be placed in the White River at a location that is satisfactory to that agency: *Provided*, That if the barrier is electric, there shall be an auxiliary source of electric power on hand at all times: *And provided further*, That the barrier shall be operating at the time the project gates are opened to drain the reservoir, and shall remain in continuous operation until the gates are closed to refill the reservoir; and

(ii) The reservoir shall be refilled as soon as possible following completion of repairs that require the gates to be removed or the reservoir to be drawn down: *Provided*, That while the reservoir is being refilled, any minimum flow releases required by the appropriate authorities of the State of Wisconsin shall be maintained.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16663 Filed 6-8-76;8:45 am]

[6] For full discussion, conclusions, and recommendations concerning the geology, hydraulics, and hydrology of the White River, see Environmental Survey, pp. 3-8, 19-20.

[7] Licensee also noted in its letter of May 6, 1976, that the highway over the project dam is part of a school bus route. Since this bridge must remain closed during construction, and the suggested later schedule would extend into the school year, a considerable detour for the buses would be necessary.

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Notice of Conference on Rates and Charges

JUNE 3, 1976.

Take notice that on June 21, 1976, a conference of all parties to intervene in this proceeding, Montaup Electric Company, and the Commission Staff will be held in the Commission's Conference Room No. 6200, at 825 North Capitol Street, NE., Washington, D.C., at 10:00 a.m. (DST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested state Commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16687 Filed 6-8-76;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Further Extending Time Within Which To File Exceptions

MAY 25, 1976.

On May 24, 1976, National Fuel Gas Supply Corporation filed a motion for a 30 day extension of time within which to file briefs on exceptions to the Presiding Administrative Law Judge's Initial Decision issued March 15, 1976, in the above-designated matter. The motion states that all parties have been contacted and no party objects to the requested extension.

Upon consideration, notice is hereby given that the time within which briefs on exceptions may be filed is extended to and including June 30, 1976. Briefs opposing exceptions may be filed on or before July 20, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16665 Filed 6-8-76;8:45 am]

NATIONAL POWER SURVEY

Executive Advisory Committee and the Coordinating Committee; Order Renewing

JUNE 3, 1976.

This order renews the term of two Advisory Committees of the National Power Survey for an additional period through June 30, 1976. The Executive Advisory Committee was established by Commission order issued August 11, 1972, 37 FR 24213, for a term ending two years thereafter, and renewed by Commission order issued August 7, 1974, 39 FR 29233. The Coordinating Committee was established by Commission order issued November 2, 1972, 37 FR 23868, for a term ending two years thereafter, and renewed by Commission order issued January 13, 1975, 39 FR 3250.

As presently constituted and proposed to be continued thereafter, the respective memberships of these two advisory committees are as set forth in Appendix A hereto.

The Federal Power Commission hereby determines that renewal of the aforesaid advisory committees of the National Power Survey, for the period set forth herein, is in the public interest in connection with the performance of duties imposed upon the Commission by law, and that such action is necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq.

The Commission renews these committees in accordance with the terms of this order and prior Commission orders:

Order Authorizing the Establishment of National Power Survey Advisory Committees and Prescribing Procedures, issued June 29, 1972, 37 FR 13380.

Order Establishing National Power Survey Executive Advisory Committee and Designating Initial Membership and Chairmanship, issued August 11, 1972, 37 FR 24213.

Order Establishing National Power Survey Coordinating Committee and Designating Initial Membership and Chairmanship, issued November 2, 1972, 37 FR 23868.

Order Amending National Power Survey Orders issued December 19, 1972, 37 FR 28661.

General Order No. 464-A, issued August 2, 1974, 39 FR 28929.

Order Renewing National Power Survey Executive Advisory Committees, issued August 7, 1974, 39 FR 29233.

Order Renewing National Power Survey Coordinating Committee, issued January 13, 1975, 39 FR 3250.

By Notice of Determination and Certification with Respect to Renewal of National Power Survey Advisory Committees, dated May 27, 1976, the Chairman of this Commission has determined and certified that the renewal of the aforesaid advisory committees of the National Power Survey for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Advisory Committee Management, has ascertained that the renewal of the aforesaid advisory committees of the National Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773-4.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16684 Filed 6-8-76;8:45 am]

[Docket No. E-9155]

NORTHERN STATES POWER CO.

Order Accepting Settlement Agreement

JUNE 2, 1976.

On February 5, 1976, Northern States Power Company filed a proposed Settlement Agreement in the instant docket, along with a motion requesting approval of the Agreement and termination of the proceedings. The Commission finds that the Agreement is in the public interest and accepts and approves it.

Notice of filing of the proposed Agreement was issued February 17, 1976, with comments due on or before March 1, 1976. The Commission Staff filed comments in support of the Agreement.

Docket No. E-9155 was opened on December 6, 1974, when Northern States Power Company (NSP) filed a rate increase to eleven wholesale customers.[1] NSP's proposed rates would yield increased revenues of approximately $994,000 based on a test year ending September 30, 1974. Ten of the eleven customers subsequently intervened in opposition to the proposed rates and alleged that their service contracts contained anti-competitive provisions.

By Order issued February 5, 1975, the Commission suspended the effectiveness of the proposed increase for one day until February 7, 1975, subject to refund, and provided for a hearing in two phases: Phase I to consider rate levels and Phase II to consider anti-competition allegations.

By letter dated June 30, 1975, Commission Staff filed a position statement with respect to Phase I in which it concluded that, based upon its analysis, NSP's proposed rate increase is just and reasonable.

After negotiations with the customers and Staff, NSP filed a Settlement Agreement, dated January 26, 1976, and signed by NSP and the ten intervenor customers, which would terminate both Phases I and II of this proceeding.

The major elements of the Agreement are as follows:

(1) An overall revenue increase of $994,000, based on a test year ending September 30, 1974;

(2) Revision of the tariff clause entitled "Determination of Demand" to provide for a 60% ratchet on the highest demand billed in the previous eleven months and demand measurement intervals of 15 minutes;

(3) Revision of the service contract clause governing parallel operation by a Municipal customer to provide that, if a Municipality interconnects its electric system with any system other than NSP, the reliability planning and the cost of the interconnection will be shared among the Municipality, NSP, and the third system on the basis of the benefits derived by each from the interconnection;

(4) Elimination from the rate schedules of provisions expressly restricting retail competition between NSP and a customer;

(5) Revision of the rate schedules to require 24 months' prior notice by either party before the service contract can be terminated.

Review of the record demonstrates that the proposed rates are supported by cost evidence and that the rates are just and reasonable. Accordingly, approval and adoption of the Agreement are in the public interest.

In conjunction with acceptance and approval of the Agreement, the Commission shall require NSP to (1) refund any amounts collected in excess of the settlement rates, together with interest calculated at the rate of 9% per annum, (2) submit revised rate schedules, and (3) file refund compliance reports on any refunds made.

The Commission finds: The Agreement filed by Northern States Power Company in this proceeding should be accepted and approved as hereinafter conditioned.

The Commission orders: (A) The settlement agreement filed in this docket is hereby approved, incorporated by reference and accepted subject to the following conditions.

(B) Northern States Power Company shall within 30 days of the issuance of the order file rate schedules appropriate to reflect terms of the Agreement.

(C) Northern States Power Company shall refund, within 30 days after the rate schedules required in (B), supra, are accepted for filing, any and all amounts collected in excess of the settlement rates, with interest at 9% per annum.

(D) Northern States Power Company shall file a report within 15 days after refunds, if any, have been made, such report to show monthly billing determinants and revenues under prior, present and settlement rates. The report shall also show the monthly interest computation, together with a summary of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Northern States Power Company, or any other party or person affected by this order in any proceeding now pending or hereafter instituted by or against Northern States Power Company or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16680 Filed 6-8-76;8:45 am]

[1] The Wisconsin Municipalities of Bangor, Black River Falls, Bloomer, Cadott, Cornell, New Richmond, Rice Lake, Spooner, Trempealeau, Westby, and Whitehall.

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[Docket No. ES76-57]

NORTHWESTERN PUBLIC SERVICE CO.

Application

JUNE 3, 1976.

Take notice that on May 24, 1976, Northwestern Public Service Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of promissory notes to evidence short-term borrowings as needed for its business from time to time during the period beginning with the expiration of the previous authorization by the Commission in Docket No. E-8955 and ending July 1, 1977, provided that the aggregate principal amount of such notes outstanding at any one time shall not exceed $25,000,000.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business as a foreign corporation in the States of South Dakota and North Dakota, and as a domesticated corporation in the State of Nebraska. The notes proposed to be issued pursuant to this Application will be short-term promissory notes which will be issued to commercial banks. Such notes shall bear interest at a rate not to exceed ¼ of 1% above the prime commercial rate of the lending bank, or principal lending bank, as it is in effect from time to time during the terms of such notes. The initial term, and each renewal or extended term, of the notes shall not exceed 360 days (although successive renewals or extensions may occur).

The net proceeds from the notes will be used in part to refund existing short-term borrowings which amounted to $17,000,000 as of the date of the application, and in part to provide funds which, with other funds of the Applicant, will be used for construction, extension and improvement of facilities. Applicant's construction program for the year ending December 31, 1976 is estimated at $15,250,000, of which approximately $8,500,000 is for Applicant's share of expenditures in connection with construction of a large electric generating plant near Beulah, North Dakota, the ownership of which is shared by Applicant and four other parties; $202,000 is for other electric production projects; $2,601,000 is for major electric transmission lines and substations; $1,912,000 is for routine extensions and additions to electric systems; $810,000 is for routine extensions and additions to natural gas distribution systems; and $225,000 is for miscellaneous and general items.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1976, file with the Federal Power Commission, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16685 Filed 6-8-76;8:45 am]

[Docket No. E-8927]

PENNSYLVANIA POWER AND LIGHT CO.

Extension of Time To File Exceptions

MAY 25, 1976.

On May 14, 1976, Intervenors filed a motion for an extension of time within which to file briefs on exceptions to the Presiding Administrative Law Judge's Initial Decision issued on April 20, 1976. The motion states that counsel for Pennsylvania Power and Light Company (PP&L) had no objection to the extension so long as it did not delay any other rate relief to which PP&L may be entitled or any other proceeding in which PP&L is presently involved before the Commission. Staff Counsel had no objection to the extension.

Upon consideration, notice is hereby given that the time within which briefs on exceptions may be filed in the above-designated matter is extended to and including June 21, 1976. Briefs opposing exceptions may be filed on or before July 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16664 Filed 6-8-76;8:45 am]

[Docket No. RP76-103]

PUBLIC SERVICE CO. OF NORTH CAROLINA, INC.

Petition for Declaratory Order

JUNE 2, 1976.

Take notice that on May 24, 1976, Public Service Company of North Carolina, Inc. (Public Service), 400 Cox Road, Gastonia, North Carolina 28052, filed in Docket No. RP76-103 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure for a declaratory order under the Natural Gas Act determining that the Federal Power Commission is without jurisdiction to require that abandonment authorization be sought or obtained prior to the transportation in interstate commerce of the State of Texas' royalty portion of natural gas produced from certain state offshore leases, which gas is the subject of a gas purchase agreement between the State of Texas and Public Service.

Public Service states that it has entered into a contract with the State of Texas, acting by and through the School Land Board of Texas, for the purchase of an approximate total quantity of 1,100,000 Mcf per year of natural gas, representing the State of Texas' royalty portion of gas produced from state offshore leases to be taken in-kind by the state. The gas subject to the contract is produced by Superior Oil Company (Superior) from State Lease Nos. M-58093, M-58094, and M-69629, located in the Gulf of Mexico in Block No. 14-L, High Island Field, Jefferson County, Texas. Superior and its pipeline purchaser, Natural Gas Pipe Line Company of America, recognize a right in the State of Texas to take its royalty interest in the leases in "in kind" gas volumes.

Public Service seeks this supplemental supply of gas in an effort to partially offset the declining deliveries from its interstate pipeline supplier and thereby alleviate to some extent the curtailment of Public Service's customers in its North Carolina service area. Public Service states that the only pipeline company capable of transporting the gas involved has refused to do so unless the Commission rules that abandonment approval need not be obtained.

The petition states that neither the State of Texas, nor an agency of the State, is a "natural-gas" company within the meaning of the Natural Gas Act, and that the requirements of Section 7, including the abandonment provisions of that Section, operate only as to "natural-gas" companies.

Public Service states that expeditious Commission action to grant the requested declaratory order is required to avoid delay in ameliorating the present gas shortage experienced by Public Service and its customers and to avoid possible cancellation of the purchase contract by the State of Texas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16678 Filed 6-8-76; 8:45 am]

[Docket Nos. CS76-830, et al.]

SHEPHERD OFFSHORE VENTURES ET AL.

Applications for "Small Producer" Certificates [1]

JUNE 2, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Filing date	Applicant
CS76-841	....do.....	Elaine Wolf, Suite 1900, 1st of Denver Plaza, 633 17th St., Denver, Colo. 80202.
CS76-842	....do.....	Dyron Corp., 3300 Liberty Tower, Oklahoma City, Okla.
CS76-843	....do.....	Henry Heidtbrink, 155 South Madison St., No. 302, Denver, Colo. 80209.
CS76-844	....do.....	C. S. V. Oil Exploration Co., 2005 South 300 West, Salt Lake City, Utah 84115.
CS76-845	May 21, 1976	Marion Corp., P.O. Box 1600, Mobile, Ala. 36616.
CS76-846	May 26, 1976	Charles R. Wilcox, 2300 Western Federal Savings Bldg., Denver, Colo. 80202.
CS76-847	....do.....	Nettie E. Wilcox, 2300 Western Federal Savings Bldg., Denver, Colo. 80202.
CS76-848	....do.....	Valley Corp., 3120 Security Life Bldg., Denver, Colo. 80202.

[FR Doc.76-16683 Filed 6-8-76;8:45 am]

[Docket No. CP76-377]

SOUTHERN NATURAL GAS CO.

Application

JUNE 1, 1976.

Take notice that on May 24, 1976, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-377 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the Roxie Area Measuring Station No. 2 and service rendered thereby on Applicant's Cranfield-Gwinville pipeline in Franklin County, Mississippi, used to serve The Union Gas Company for Craft Petroleum Company, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that The Union Gas Company has terminated gas deliveries at the request of Craft Petroleum Company and has advised Applicant that the measuring station may be abandoned. Applicant states that no service is currently being rendered by the subject facilities and that it has no further need for the facilities.

Any person desiring to be heard or to make any protests with reference to said application should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Filing date	Applicant
CS76-830	May 20, 1976	Shepherd Offshore Ventures, Suite 290, 1800 St. James Place, Houston, Tex. 77056.
CS76-831	.....do.....	John Ekern Ott, 321 North Justine St., Chicago, Ill. 60607.
CS76-832	.....do.....	John A. Jackson, Individually, and Katie Petroleum Co., 6010 Berkshire Lane, Dallas, Tex. 75225.
CS76-833	.....do.....	Donald Turrietta 2104 Charlevoix NW., Albuquerque, N. Mex. 87104.
CS76-834	.....do.....	Mark D. Wilson, 1705 Briscoe Ave., Artesia, N. Mex. 88210.
CS76-835	May 21, 1976	Clyde C. La Mar, P.O. Box 950, Douglas, Wyo. 82633.
CS76-836	.....do.....	William L. Pease, P.O. Box 371, Gillette, Wyo. 82716.
CS76-837	May 24, 1976	James E. Kemp, 2000 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS76-838	.....do.....	Grady H. Vaughn III, 600 Mercantile Dallas Bldg., Dallas, Tex. 75201.
CS76-839	.....do.....	Joseph J. C. Paine, d.b.a. Paine & Associates, 1018 Patterson Bldg., Denver, Colo. 80202.

[Docket No. G-16388, et al and Docket Nos. G-12823, G-18886, RP61-15 and RP67-10]

SUPERIOR OIL CO. AND TEXAS GAS TRANSMISSION CORP.

Refunds

JUNE 1, 1976.

Take notice that on April 28, 1976, the Texas Gas Transmission Corporation (Texas Gas) tendered for filing its proposed plan for the flow-through of refunds received from United Gas Pipe Line Company (United), pursuant to the Commission order issued March 8, 1976, in Docket No. G-16388, et al., directing disbursements and the filing of a report setting forth the proposed flow-through of refunds. Texas Gas states that this filing pertains to refunds applicable to gas purchases from United from December 1, 1958 to December 31, 1968.

Texas Gas states that copies of this filing were sent to each of its jurisdictional customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16672 Filed 6-8-76;8:45 am]

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[Docket No. RP71-29, et al. (Phase II)]

UNITED GAS PIPE LINE CO.

Order Remanding Matter for Further Hearing; Proposed Tariff Sheets; Accepting and Suspending Use Thereof, and Requiring Further Evidence

MAY 28, 1976.

I. PROPOSED PERMANENT CURTAILMENT PLAN

On April 1, 1976, United Gas Pipe Line Company (United) tendered for filing proposed changes in its FPC Gas Tariff[1] designed to implement a permanent curtailment program when United's current interim plan expires on October 31, 1976. Simultaneously, United filed supporting testimony and exhibits describing the proposed plan and showing the projected impact upon United's customers during the 1976–77 curtailment seasons under both United's current plan and its proposed plan. Public notice of United's filing was issued on May 7, 1976, with comments and petitions to intervene due on May 21, 1976. Comments on United's proposed tariff sheets have been received from numerous parties in addition to motions for rejection or summary disposition of the proposed sheets.[2] Petitions to intervene will be treated by separate order.

A. SUPPORT FOR THE PROPOSED PLAN

As support for its proposed permanent plan, United cites the severe impact upon its direct market customers which would result should the effectiveness of the current interim curtailment plan be extended beyond October 31, 1976. United asserts that, because most small industrial customers do not have alternate fuel capability, the level of curtailment which it projects for next winter would, under the current plan, have a crippling economic impact in scores of communities in the Gulf South region of the United States. United states that its proposed plan would ameliorate this impact through the following devices. The feedstock requirements of the pipeline customers, although classified in Category II, will be curtailed whenever United is curtailing at or below the 300 Mcf per day Category III cutoff. Secondly, the proposed plan provides for a reclassification to Category II of certain high priority direct market industrial requirements now classified in Category III.[3] Third, United would curtail portions of the Category I requirements of its pipeline customers pro rata with the Category II requirements of its direct market customers.[4] The supporting testimony filed by United states that this prorata curtailment of pipeline Category I and direct market Category II requirements would not require the immediate actual curtailment of residential and small commercial customers behind the pipelines because (1) the reduction in deliveries to the pipelines would not be significant, (2) the pipelines are dependent on United for only a portion of their total gas supplies, (3) the pipelines have storage facilities, and (4) many of the pipelines' resale customers have supplemental supply sources.

B. MOTIONS TO REJECT

The Movants base their motions to reject United's tariff filing on various grounds, most of which can be categorized as urging rejections because of a conflict with either statutory law, judicial edict, or Commission regulations or policy. Our review of the proposed tariffs and supporting testimony leads us to conclude that none of the grounds cited constitutes an adequate basis for rejection at this point of the tariff filing.

C. LEGAL STANDARD FOR REJECTION ON SUMMARY DISPOSITION

It is well established that the substantive standard governing our evaluation of curtailment plans is found in Section 4(b) of the Natural Gas Act, and that the filing and review of proposed curtailment plans is properly undertaken in accordance with the procedures of Sections 4(c), (d) and (e) of the Act. *F.P.C. v. Louisiana Power & Light Company*, 406 U.S. 621 (1972). Under those procedures, our authority to summarily reject or dispose of tariff filings has been delineated by judicial rulings. Notably, *Municipal Light Boards, v. F.P.C.*, 450 F. 2d 1341 (D.C.C.A. 1971) distinguishes summary disposition from rejection, and allows disposition of a controversy on the pleadings without an evidentiary hearing only when there is neither a dispute as to material facts nor a need to ventilate the underlying facts to aid in policy determination. In contrast, a rejection is appropriate where the filing is deficient on its face because it is defective in form or a substantive legal nullity. A determination of nullity may be based upon either a conflict with the governing statute or failure to substantially comply with duly issued regulations. We have also summarily disposed of tariff filings because of inconsistency with Commission policy enunciated in previous adjudicative proceedings.[5]

D. BASIS FOR ACCEPTANCE AND SUSPENSION OF TARIFF FILING

Review of United's filing in light of its supporting testimony and the existing record in this proceeding indicates that it entails numerous issues of fact which, as discussed more fully below, require ventilation. Therefore, the filing is not susceptible to summary disposition. Nor do we find it formally defective. There remains the possibility that it is rejectable because inconsistent with a statute, regulation or policy. However, in view of the factual uncertainties associated with United's filing, we do not find that the filing, on its face, violates any such authorities.

Initially and most fundamentally, several Movants assert that United's proposed plan violates Section 4(b) of the Act since it discriminates against United's pipeline customers by simultaneously curtailing the pipeline Category I and and direct market Category II requirements. While it is a close question whether the Category I requirements are so vital that commencement of any curtailment into that Category before complete curtailment of lower categories constitutes an undue discrimination under Section 4(b), United's testimony does offer assurance that curtailment on such differential levels would not necessarily entail actual curtailment of the residential and small commercial

[1] United's proposed tariff sheets are designated Original Sheet No. 70–A, Original Sheet No. 70–B, Fifth Revised Sheet No. 71, Ninth Revised Sheet No. 72, Seventh Revised Sheet No. 72–A, and Original Sheet No. 72–B to First Revised Volume No. 1.

[2] Protests to the proposed tariff sheets were filed by the following: New Orleans Public Service Inc., Long Island Lighting Company, National Gas and Oil Corporation, Illinois Commerce Commission, Louisiana Power & Light Company, Brockway Glass Company, Gulf States Utilities Company, Mississippi Valley Gas Company and Carnegie Natural Gas Company. Protests and motions to reject the proposed tariff sheets were filed by the following (hereafter referred to as "movants"): Southern Natural Gas Company, Columbia Gas Transmission Corporation, Algonquin Gas Transmission Company, New Jersey Natural Gas Company, Laclede Gas Company, Algonquin Customer Group, Brooklyn Union Gas Company, Consolidated Gas Supply Corporation, Texas Eastern Transmission Corporation, Mississippi River Transmission Corporation, General Motors Corporation, Public Service Commission of New York, and Mississippi Public Service Commission. Responses to motions to reject were filed by the following: United, Entex Incorporated, Louisiana Gas Service Company, United Municipal Distributors Group, The State Of Louisiana, Curtaulds North America, Inc., Stauffer Chemical Company, Scott Paper Company, Willamette Industries, Inc. and Allied, et al. Related motions were filed by National Gypsum Company and Willamette Industries Incorporation for increase in their entitlements under United's proposed plan; these latter motions are not treated herein.

[3] Such reclassified volumes would include (1) those direct market plant protection and process gas requirements now classified in Category III and (2) the total industrial requirements of direct market customers using less than 300 Mcf per day. In addition, a temporary Category II status would be accorded to a portion of the industrial requirements of all direct market customers whose total requirements are more than 300 but less than 3000 Mcf per day.

[4] Under the proposed plan, United would curtail pro rata up to 20 percent of each of (1) the Category II requirements of United's direct industrial and city gate customers and (2) the Category I requirements of United's pipeline customers. Thereafter direct industrial and city gate customer Category II requirements would be curtailed two percent for each additional one percent of pipeline Category I curtailment until such time as those Category II requirements were 100 percent curtailed and pipeline Category I requirements were 60 percent curtailed. The remaining Category I requirements of all customers would be curtailed pro rata.

[5] "Order Granting Motion For Summary Disposition And Ordering Refund," issued in *Georgia Power Company*, Docket No. E-9091, on August 5, 1975.

consumers behind the pipelines at least during the 1976–77 winter. By thus raising the issue differing impacts of curtailment upon partial and full-requirements customers, United presents a factual issue which requires further development through a hearing. There being such a factual issue, we are precluded from summarily dismissing the filing on this ground. Furthermore, since the "undue prejudice" standard is essentially a test of reasonableness under the facts of a particular case, it is similarly inappropriate to reject United's filing for violation of Section 4(d) in the absence of a factually complete record.

Movants also argue that United's differential treatment of its partial and full-requirements customers, conflicts with this Commission's policy respecting that distinction as stated in Opinion Nos. 647[6] and 754.[7] Movants observe that in Opinion No. 647 we stated:

> In approving this curtailment plan for United as it affects partial requirements customers, we shall allocate the impact of curtailment equally, insofar as may be possible, upon full and partial requirements customers treating both in the same manner (49 F.P.C. 179 at 191)

Movants further observe that in Opinion No. 754 we rejected a provision imposed by the Presiding Judge which would have reduced curtailment entitlements from the pipeline by the amount of gas received from any other source to serve end-uses being completely curtailed by the pipeline. In response, we would first note that the United States Court of Appeals for the Fifth Circuit in *State of Louisiana v. F.P.C.*, 503 F.2d 844 (1974), recognized that the relative treatment of partial and full requirements customers is an unresolved issue in this proceeding (503 F.2d 869–871). It does not appear that substantial evidence directed to this issue has been developed on the record of this proceeding to date, and it is necessary for United to develop such evidence in support of its tariffs. Secondly, our concern in Opinion No. 754 was the preservation of an incentive to develop and utilize high-cost supplemental supply sources. In its supporting testimony United identifies several devices which temper the effect of curtailment upon customers behind pipelines (e.g. secondary interstate pipeline suppliers and existing storage facilities). To the extent that such devices can be utilized without imposing a burdensome additional cost on the pipeline customers, they can be helpful in cushioning the impact of curtailment on United's system without deterring their further use or development. Such utilization does not conflict with our policy, and we expect that United will meet its burden of proof and, quantify that utilization.

Movants further assert that United's filing conflicts with other Commission policies. It is urged that by simultaneously curtailing the pipeline Category I requirements with the direct market Category II requirements, United abandons the policies enunciated in Order No. 467 regarding end-use principals and regarding the full curtailment of lower priority volumes before curtailment of higher priority volumes. However, this assertion ignores the Commission's oft stated and judicially approved position on the role of the Order No. 467 policies:

> By these order, (Orders 467, 467–A and 467–B) the parties are on notice that we consider the type of curtailment plan set forth in the Orders to be just and nondiscriminatory and nonpreferential. This does not mean that the parties may not propose or the Commission may not adopt variations on the Section 2.78(a) plan, but there must be evidence in the record to support any such variations.[8]

Since it has been our practice to allow parties to challenge the merits of an Order 467 type plan as inappropriate in the circumstances of a particular case, we could hardly reject United's filing on the ground that it deviates from the Order 467 guidelines.

Many of the Movants argue that United's filing should be rejected because it is actually a request for a blanket grant of extraordinary relief which violates the Commission's rules by failing to meet the proper evidentiary standards for such relief. We reject such arguments out of hand. The Order 467–C procedures for obtaining extraordinary relief apply to relief from an existing and effective curtailment plan. The fact that United's proposal deviates from the Order 467 priorities does not require the imposition of the evidentiary standards of Order No. 467–C, but rather requires an evidentiary showing that the proposal is consistent with Section 4(b) of the Natural Gas Act.

Finally, several of the Movants have requested that United be allowed to implement its filing only upon the condition that it be subject to a refund obligation sufficient to protect their customers from the unlawful preferences of that plan. While the imposition of a refund obligation is left to the Commission discretion by Section 4(e) of the Natural Gas Act, such imposition here is problematic. First, Section 4(e) envisions the imposition of a refund obligation in cases "where increased rates or charges are thus made effective." This raises a question of the propriety of a refund in connection with the filing of a curtailment plan, wherein the main concern is a change in the rules governing allocation of gas among its customers during periods of shortage. Secondly, the quantification of the allegedly illegal preferences is a difficult matter due to the lack of a base from which to measure the extent of the preferences. In view of these difficulties, it is our conclusion that United's filing should be accepted without condition as to the payment of a money refund.

II. REMAND CONSIDERATIONS

On November 8, 1974, the United States Court of Appeals for the Fifth Circuit vacated and remanded Commission Opinion Nos. 647 and 647–A in *State of Louisiana, et al. v. F.P.C., supra*. The Court directed replacement of the three-priority plan by the previously effective four-priority plan.[9] On November 29, 1974, the Court granted the Commission's motion for remand of the record and permitted the three-piority plan to continue for a reasonable time pending the Commission's decision on the remanded matters.

On March 7, 1975, the Commission issued an order on remand, *inter alia*, finding the four-priority plan just and reasonable and nondiscriminatory as implemented prior to January 12, 1973, the date of issuance of Opinion No. 647, but finding to the contrary after that date. United was directed to continue curtailing according to the three-priority plan. In its decision in *Louisiana Power & Light Company, et al. v. F.P.C.*, ___ F.2d ___ (5th Cir. Nos. 75–2183, *et al.*, issued February 5, 1976), the Court reviewed the order of March 7, 1975, and the order on rehearing issued May 2, 1975. The Court vacated the finding supporting the reinstitution of the three-priority plan but permitted use of the plan until the winter heating season 1976–77. The March 7, 1975, order was premised upon both the adequacy of alternate fuel capabilities of the electric utilities served by United and the serious and irreparable harm to United's direct market industrial customers. The record was found adequate as to the first premise but not as to the finding of irreparable harm to direct market industrials. The Court has directed the Commission to correct the defects in its prior orders or else the four-priority plan will control United's 1976–77 winter heating season curtailment.

A. ALTERNATE FUEL CAPABILITIES

Particularly significant to the future development of the record in Phase II of this proceeding is the emphasis of the Court upon the need to support the proposition that irreparable harm to United's direct market industrial customers would be averted by utilization of a given permanent curtailment plan with evidence as to alternate fuel capabilities of such customers:

> No record or extra-record support is provided for the assertion that a shut-down of gas service to United's industrial customers will create "serious and irreparable injury, including plant closings, employee lay-

[6] Issued in this docket on January 12, 1973.

[7] Issued in Panhandle Eastern Pipe Line Company, Docket No. RP71–119, on February 27, 1976.

[8] Order No. 467-B (slip) p. 6.

[9] The three-priority plan was formed by consolidating Categories III and IV of the four-priority plan, which contained the following hierarchy.

I. Gas ultimately used by domestic consumers;

II. Gas used by direct industrial customers for feedstock purposes;

III. Gas used to generate electricity for domestic consumption; and

IV. All other requirements.

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offs, and other forms of economic dislocation." The validity of this assertion turns in large measure on the alternate fuel capabilities of United's industrial customers and the degree by which they can cope with deep curtailment. Accepting all of the disputed evidentiary citations in the March 7 order there is still no citation to evidence bearing on the alternate fuel capabilities of United's industrial customers—the logical basis of any finding of irreparable harm to this class of natural gas users by virtue of reinstatement of the four-priority plan. (Slip Opinion, p. 1668–9, footnotes omitted).

We read the foregoing broadly and consider it as an indication that any future curtailment plan which is designed to avoid serious and irreparable injury to direct market industrial or to other gas users who are dependent for some or all of their gas requirements upon United must be supported by evidence of such customers' alternate fuel capabilities.

B. DATA COLLECTION

Applying the foregoing, United's proposed plan is inadequately supported by the accompanying proposed testimony and exhibits. One purported principal feature of the plan is the protection of direct market industrial customers with requirements of 300 Mcf per day or less by placement of such customers' requirements permanently in Category II. None of the proposed exhibits or testimony accompanying United's April 1, 1976, filing reflect alternate fuel capabilities of such customers. We note that United has never before been required by this Commission to obtain such data. We are mindful of the extreme time pressure involved in completing action by November 1, 1976. Collection of data from all of the approximately 1500 such customers, we recognize may be an impossibility, but we believe an attempt to collect a representative sample is possible and, indeed, is required. Therefore, if United wishes to continue to support its proposed plan, United will be required to collect the data as to alternate fuel capabilities from all its direct market industrial customers having daily requirements between 50 Mcf and 300 Mcf by use of a request similar in form to the request required by order issued June 11, 1975, in Alabama-Tennessee Natural Gas Company, et al., Docket No. RP74–42, et al.[10], and by July 1, 1976,[11] to present as evidence a summary of the responses received in a tabular form with supporting analysis. Responses from customers with requirements below 50 Mcf per day will not be required since such customers' requirements would be comparable to residential and small commercial requirements and which, applying common knowledge, we will presume would have no significant alternate fuel capabilities, subject to a showing to the contrary.

Comparing the results of the end-use data response to the Opinion No. 647–A data collection effort with United's proposal exhibit MJG 5, it appears that a substantial number of direct market industrial customers having greater than 300 Mcf per day requirements make boiler fuel use of the gas. Since there is no present or proposed comparable evidence of boiler fuel requirements of direct market industrial customers having requirements below 300 Mcf per day, this data should be requested from such customers along with the data concerning alternate fuel capabilities.

C. THE FOUR-PRIORITY PLAN

Although the Court's statements were directed toward the three-priority plan reinstituted by the March 7, 1975, order, again we read the decision broadly as requiring the Commission's determination supported by substantial evidence that the four-priority plan imposed by the Court during the coming winter season is unjust and unreasonable or unduly discriminatory before it may be replaced by any other plan:

> • • • [T]his is the last year during which the three-priority plan will remain in operation without the support of a proper finding on the invalidity of the four-priority plan. Absent proper compliance by the Commission with our decision on remand, the four-priority plan will control curtailment on the United system for the 1976–77 winter heating season. (Slip Opinion p. 1673).

Thus, each party proposing a new curtailment plan will have the burden of demonstrating the invalidity of the four-priority plan as well as the justness and reasonableness of its proposed plan. We envision that such demonstration would include, but not be limited to, a comparative showing of the effect of the proposed plan versus that of the four-priority plan.

D. PREVIOUSLY RECOGNIZED ISSUES

In light of the Court's discussion of the issues of "misclassification" and of new and enlarged service giving rise to undue preferences and discrimination, we do not view the Court's reversal and remand of the orders of March 7 and May 2, 1975, as disturbing the Commission's assignment of previously identified issues into phased hearings:

> • • • [W]e hold that petitioners' challenge to the placing of the misclassification arguments in Phase I is not yet ripe for judicial review.
>
> • • • • •
>
> Moreover, we must give heed to the power of the Commission to control the scheduling and conduct of its own proceedings. *See, FCC* v. *Pottsville Broadcasting Co., supra.* We hold that the Commission did not err in refusing to consider petitioners' preference arguments in Phase I of the proceedings on remand (Slip Opinion, p. 1672–1673).

Consideration of the issues related to Section 12.3 of United's proposed tariff filed May 12, 1971, and the proceedings in Docket No. RP75–71 shall, therefore, continue in Phase III of this proceeding. Likewise, the allegations of undue preferences and discriminations arising out of new and enlarged service at a time that United knew or should have known that gas supply deficiences might arise shall be addressed by all parties and the Presiding Judge in this Phase II of the proceeding. Staff will prepare and circulate an environmental impact statement in conformity with the National Environmental Policy Act of 1969, Section 102(c).

E. EXPEDITION

At the time that Phase II was established, it was assumed that, while the pace of the hearings would be deliberate, the complex nature of the issues relegated to it would cause it to be somewhat protracted. The Court's decision to implement the four-priority plan this coming heating season unless the four-priority plan is found invalid imposes a procrustean time limit requiring Phase II to be conducted with celerity. We therefore, direct that the Presiding Administrative Law Judge conduct the proceedings and render an initial decision as expeditiously as possible.

The Commission finds: (1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the terms and conditions of service contained in United's proposed tariff sheets tendered April 1, 1976, and that the proposed tariff sheets should be accepted for filing, suspended, and the use thereof deferred as hereinafter ordered.

(2) That United should be required to support its proposed tariff sheets with additional data concerning alternate fuel capabilities and boiler fuel requirements as indicated below.

(3) The motions to reject United's proposed tariff sheets, or to accept them subject to condition, should be denied.

The Commission orders: (A) Pending hearing and a decision hereon, United's proposed tariff sheets are accepted for filing, and suspended for the full statutory period of five months until November 1, 1976, or until such time as they are made effective in the manner provided by the Natural Gas Act.

(B) United shall present on or before July 1, 1976, as evidence in support of its proposed tariff sheets a tabulation and analysis of the responses to a request for disclosure of alternate fuel capabilities and boiler fuel requirements which shall be submitted to all its direct market industrial customers having requirements of 50 Mcf per day to 300 Mcf per day.

(C) All motions to reject United's proposed tariff sheets or to accept them subject to condition are hereby denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16662 Filed 6–8–76;8:45 am]

[10] "Order reopening Proceedings, Providing for Hearing and Establishing Procedures."

[11] Subject to revision by the Presiding Judge upon a showing that a representative sample could not be obtained by adherence to this date.

[Docket No. ER76–707]

WISCONSIN POWER AND LIGHT CO.

Filing of New Interconnection Agreement

JUNE 3, 1976.

Take notice that on May 29, 1976, Wisconsin Power and Light Company (WPL) tendered for filing an Interconnection Agreement dated April 1, 1976 between Wisconsin Power and Light Company and Madison Gas and Electric Company (MGE). The Interconnection Agreement includes Appendix A through I and Service Schedule A through J inclusive and provides for existing and planned interconnections, both permanent and temporary, between the parties.

The provisions of the Interconnection Agreement are proposed to be effective as of April 1, 1976.

WPL states that signed copies of the filing and the Agreement have been provided to MGE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16691 Filed 6–8–76;8:45 am]

[Docket No. ER76–691]

ARKANSAS POWER & LIGHT CO.

Proposed Change in FPC Rate Schedule

JUNE 7, 1976.

Take notice that on May 19, 1976, Arkansas Power & Light Company (Company) tendered for filing proposed changes in one of the Company's rate schedules:

Arkansas Power & Light Company Rate Schedule FPC No. 45

The Company states that Rate Schedule FPC No. 45 is a contract between the Company and Farmers Electric Cooperative Corporation (Cooperative). Changes in FPC No. 45 include increase in capacity made available at six points of delivery for the years 1976, 1977, and 1978. In addition, the changes in FPC No. 45 provide for a review of the loads at three points of delivery subsequent to the summer peak load condition each year. These changes in FPC No. 45 are proposed to take effect on February 18, 1976. For this reason, the Company requests waiver of the Commission's thirty day rule on filings.

The Company states that due to a difficulty in making accurate estimates on the billing effect of this change, no billing data was filed. The Company states that there will be no change in rates or provisions in the schedule other than those noted above. The Company requests waiver of the Commission's regulations concerning this proposed filing.

The Company states that a copy of the filing has been mailed to Farmers Electric Cooperative Corporation.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16923 Filed 6–8–76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F–392]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Delaware Public Service Commission (Docket No. 849) involving the application of the Diamond State Telephone Company for increases in its rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Services.

JUNE 2, 1976.

[FR Doc.76–16704 Filed 6–8–76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

CHANGE OF WORKSHOP TIME

The National Commission on Electronic Fund Transfers will conduct a technology workshop in Washington, D.C. on June 15, 1976, as previously announced in the FEDERAL REGISTER (41 FR 20740, May 20, 1976).

The workshop will be held in the Ben Franklin Meeting Room on the 11th Floor of the Postal Service Building at 475 L'Enfant Plaza Southwest, and will begin at 9:00 a.m. rather than, as previously announced, at 10:00 a.m.

The workshop will be open to public observation on a first-call basis to the extent that limited space permits. Any person interested in observing the workshop should first call Ms. Janet Miller at (202) 254–7400 to check on the availability of space.

Dated: June 2, 1976.

JAMES O. HOWARD, JR.,
Advisory Committee Management Officer.

[FR Doc.76–16838 Filed 6–8–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PUBLIC REPORTS AND RECORDKEEPING

Public Hearing

Pursuant to Public Law 92–463, notice is hereby given of a public meeting to be held by the Office of Management and Budget under the provisions of the Federal Reports Act of 1942 (44 U.S.C. 3506).

The purpose of the hearing is for the Office of Management and Budget to determine whether or not the provisions for public reports and recordkeeping contained in the U.S. Department of Labor, Employment Training Administration Fiscal Year 1977 Forms Preparation Handbook (Comprehensive Employment and Training Act) are necessary for the proper performance of the functions of that agency.

The hearing, to be held in Room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. on June 23, 1976, at 10:00 a.m., will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10201, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395–3772.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76–16627 Filed 6–8–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12502; File No. SR–BSE–76–9]

BOSTON STOCK EXCHANGE

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15

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U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 27, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission certain amendments and corrections to a proposed rule change originally filed on May 4, 1976, the terms and substance of which are as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

CHAPTER II, SECTION 16

(a) No member or member organization shall, for his or its own account or for the account of any other person, effect on the Exchange a short sale (as defined in Rule 3b-3 of the Securities Exchange Act) of any security registered on, or admitted to unlisted trading privileges on the Exchange if trades in such security are reported pursuant to the consolidated transaction reporting system operated in accordance with a plan declared effective under Securities Exchange Act Rule 17a-15 (a "consolidated system") and information as to such trades is made available in accordance with such plan on a real time basis to vendors of market transaction information (i) below the price at which the last sale thereof, regular way, was reported in such consolidated system, or (ii) at such price unless such price is above the next preceding different price at which a sale of such security, regular way, was reported in a consolidated system.

(b) In determining the price at which a short sale may be effected after a security goes ex-dividend, ex-right or ex-any other distribution, all sale prices prior to the "ex" date may be reduced by the value of such distribution.

(c) No member or member organization shall, for his or its own account or for the account of any other person, effect on the exchange a short sale of any security not covered by paragraph (a) of this rule (if all trades in such security are exempted from reporting pursuant to a consolidated system) (i) below the price at which the last sale thereof, regular way, was effected on the exchange, or (ii) at such price unless such price is above the next preceding different price at which a sale of such security, regular way, was effected on the Exchange.

(d) No member or member organization shall, by the use of any facility of the exchange, execute any sell order unless such order is marked either "long" or "short".

(e) No member or member organization shall mark any order to sell a security registered on, or admitted to unlisted trading privileges on the exchange "long" unless (i) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (ii) the member or member organization is informed that the seller owns the security ordered to be sold and, as soon as possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

(f) The provisions of paragraphs (a) and (c) hereof shall not apply to

(1) Any sale by any person, for an account in which he has an interest, if such person owns the security sold and intends to deliver such security as soon as possible without undue inconvenience or expense;

(2) Any member or member organization in respect of a sale, for an account in which he or it has no interest, pursuant to a sell order which is marked "long";

(3) Any sale by a registered odd lot dealer on the exchange to offset odd lot orders of customers;

(4) Any sale by a registered odd lot dealer to liquidate a long position which is less than a round lot, provided such sale does not change the position of such dealer on the exchange to offset odd lot

(5) Any sale of a security covered by paragraph (a) of this rule (except a sale to a stabilizing bid complying with Securities Exchange Act Rule 10b-7) by a registered dealer specialist or market maker registered with the exchange in such security for his or its own account effected at a price equal to or above the last sale reported for such security in a consolidated system;

(6) Any sale of a security covered by paragraph (c) hereof on the Exchange (except a sale to a stabilizing bid complying with Securities Exchange Act Rule 10b-7) effected with the approval of the Exchange, which is necessary to equalize the price of such security thereon with the current price of such security on another national securities exchange which is the principal exchange market for such security;

(7) Any sale of a security for a special arbitrage account by a person who then owns another security by virtue of which he is, or presently will be, entitled to acquire an equivalent number of securities of the same class as the securities sold, provided such sale, or the purchase which such sale offsets, is affected for the bona fide purpose of profiting from a current difference between the price of the security sold and the security owned and that such right of acquisition was originally attached to or represented by another security or was issued to all holders of any such class of securities of the issuer;

(8) Any sale of a security on the Exchange effected for a special international arbitrage account for the bona fide purpose of profiting from a current difference between the price of such security on a securities market not within or subject to the jurisdiction of the United States and on a securities market subject to the jurisdiction of the United States, provided the seller, at the time of such sale knows, or by virtue of information currently received, has reasonable grounds to believe that an offer enabling him to cover such sale is then available to him in such foreign securities market and intends to accept such offer immediately;

(9) Any sale of a security on the Exchange effected in accordance with a special offering plan declared effected by the Securities and Exchange Commission pursuant to paragraph (d) of Rule 10b-2; or

(10) Any sale by an underwriter, or any member of a syndicate or group participating in the distribution of a security, in connection with an over-allotment of securities, or any lay-off sale by such a person in connection with a distribution of securities through rights pursuant to Rule 10b-8 or a standby underwriting commitment.

(g) This section shall not prohibit any transaction or transactions which the Commission, upon written request or upon its own motion, exempts, either unconditionally or on specified terms and conditions.

For the purpose of subparagraph (8) hereof a depository receipt of a security shall be deemed to be the same security as the security represented by such receipt.

STATEMENT OF BASIS AND PURPOSES

PURPOSE OF THE PROPOSED RULE CHANGE

To conform existing rules on trading to the requirements of SEC Rule 10a-1.

BASIS OF THE PROPOSED RULE CHANGE

(i) Not applicable.
(ii) Not applicable.
(iii) Not applicable.
(iv) Not applicable.
(v) Not applicable.
(vi) Not applicable.
(vii) Not applicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received.

BURDEN ON COMPETITION

No burden on competition is perceived by adoption of the proposed amendment.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions

should refer to the file number referenced in the caption above and should be submitted on or before July 9, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 2, 1976.

[FR Doc.76-16656 Filed 6-8-76;8:45 am]

[Release No. 34-12493; SR-NASD-76-4]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Order Approving Proposed Rule Change

MAY 28, 1976.

On March 30, 1976, the National Association of Securities Dealers, Inc. ("NASD"), 1735 "K" Street, N.W., Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Act Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposal would amend Schedule D of the NASD By-Laws to permit stabilizing bids accompanied by penalty stipulations to appear on the National Association of Securities Dealers Automated Quotations System ("NASDAQ") if the penalty stipulation is applicable to selling concessions only.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-12303, April 1, 1976) and by publication in the FEDERAL REGISTER (41 FR 15074, April 9, 1976).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered securities associations, and in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, That the proposed rule change filed with the Commission on March 30, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16653 Filed 6-8-76;8:45 am]

[Release No. 34-12489]

NATIONAL SECURITIES CLEARING CORP.

Application for Registration as a Clearing Agency

The Securities and Exchange Commission hereby announces (i) the institution of proceedings, including hearings, to determine whether to grant or deny the application of the National Securities Clearing Corporation ("NSCC") for registration as a clearing agency, including the proposed merger of three New York-based clearing agencies currently performing the clearance of securities transactions contemplated by NSCC's application for registration (the "proposed merger"), and (ii) extension of the period for the receipt of public comments on NSCC's application for registration. In the proceedings, which are being instituted pursuant to subsections 17A (a) and (b) and subparagraph 19(a)(1)(B) of the Securities Exchange Act of 1934 (the "Act") and Rule 17Ab2-1 [17 CFR 240.17Ab2-1] thereunder, the Commission will consider and hold public hearings on the issues and grounds described herein. At the conclusion of the proceedings, the Commission, by order, will grant or deny NSCC's application for registration, unless the Commission, for good cause, extends the time for conclusion of the proceedings and publishes its reasons for so doing or NSCC agrees to an extension of the time for conclusion of the proceedings.

INTRODUCTION

American Stock Exchange Clearing Corporation ("ASECC"), a wholly-owned subsidiary of the American Stock Exchange, Inc. ("Amex"), Stock Clearing Corporation ("SCC"), a wholly-owned subsidiary of the New York Stock Exchange, Inc. ("NYSE"), and National Clearing Corporation ("NCC"), a wholly-owned subsidiary of the National Association of Securities Dealers, Inc. ("NASD") are "registered clearing agencies" under Section 17A of the Act and pursuant to Rule 17Ab2-1 [17 CFR 240.17Ab2-1] thereunder. NSCC, a New York business corporation, has been formed for the purpose of acquiring and merging the operations of ASECC, SCC and NCC. On March 29, 1976, NSCC filed with the Commission an application for registration as a clearing agency and submitted additional materials for the Commission to consider. On April 5, 1976, the Commission published notice of the filing and solicited public comments until May 17, 1976.[1]

Because ASECC, SCC and NCC, if combined, are likely to achieve a dominant position in securities processing, the Commission believes that NSCC's application raises important and novel legal and policy issues. Although the Commission has received comments on NSCC's application, the Commission believes that further exploration of the issues raised is desirable. Consequently, the Commission has instituted proceedings pursuant to subparagraph 19(a)(1)(B) of the Act to expand its effort to obtain the views of interested persons in order to assist the Commission in determining whether to grant or deny NSCC's application for registration.

STANDARDS FOR REVIEW OF THE MERGER UNDER THE ACT

Paragraph 17A(a)(1) of the Act sets forth the Congressional finding that:

> [T]he prompt and accurate clearance and settlement of securities transactions * * * [is] necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors[,] * * * [that] inefficient procedures for clearance and settlement impose unnecessary costs on investors[,] * * * [and that] new data processing and communication techniques create the opportunity for more efficient, effec and safe procedures for clearance and settlement.[2]

Paragraph 17A(a)(2) of the Act directs the Commission to "* * * use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities * * *." Section 17A of the Act directs the Commission, in carrying out its responsibilities under Section 17A, to have

> due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents.

Subsection 17A(b) of the Act makes it unlawful for a clearing agency to perform clearance and settlement of transactions with respect to securities (other than exempted securities) unless the clearing agency has been registered with the Commission. In the exercise of its authority under Section 17A, on November 3, 1975, the Commission adopted Rule 17Ab2-1 [17 CFR 240.17Ab2-1] and related Form CA-1 [17 CFR 249b-200] for the registration of clearing agencies. Although paragraph 17A(b)(3) of the Act requires the Commission to make a number of determinations with respect to the applicant's operations, capabili-

[1] 41 FR 14455 (April 5, 1976). The Commission announced the filing in Release No. 34-12274 (March 29, 1976) also.

[2] Paragraph 17A(a)(1) provides: "The Congress finds that—

(A) The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

(B) Inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors.

(C) New data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.

(D) The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors."

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ties, and rules[1] before granting registration, paragraph (c)(1) of Rule 17Ab2–1 [17 CFR 240.17Ab2–1] provides that, if requested by an applicant for registration as a clearing agency, the Commission may register the applicant for eighteen months without making all the determinations called for by subparagraphs (A) through (I) of paragraph 17A(b)(3) ("Subparagraphs (A) through (I)").

NSCC applied for registration under paragraph (c)(1) of Rule 17Ab2–1 [17 CFR 240.17Ab2–1] thereby requesting that registration be granted while the registrant is exempted, temporarily, from having to satisfy one or more of the requirements as to which the Commission is directed to make a determination pursuant to Subparagraphs (A) through (I). The Commission has registered thirteen clearing agencies, including ASECC, SCC and NCC, in accordance with paragraph (c)(1) of Rule 17Ab2–1 [17 CFR 240.17Ab2–1], upon the Commission's finding: that the applicant was so organized and had the capacity to safeguard securities and funds in its custody or control or for which it was responsible; that the applicant's rules did not impose any schedule of prices, or fix rates or other fees, for services rendered by participants; and that the applicant's rules assured the safeguarding of securities or funds which were in the custody or control of the applicant or for which it was responsible.

Because Commission approval of the proposed merger is likely to have a determinative impact on the development of a national system for clearance and settlement of securities transactions (a "National System"),[4] the Commission must conduct a broader inquiry with respect to NSCC's application than it has conducted with respect to the applications for registration filed and approved previously. In particular, in addition to making the three determinations made with respect to other clearing agencies registered pursuant to paragraph (c)(1) of Rule 17Ab2–1 [17 CFR 240.17Ab2–1], the Commission must determine whether the merger is consistent with the objectives expressed in paragraphs 17A(a)(1) and (2) of the Act.[5]

In accordance with the foregoing, the Commission believes that its consideration of NSCC's application should weigh any cost, efficiency, and safety benefits that the merger could be expected to produce against any anti-competitive impact that the merger might have.

The NSCC Application

Background

"Clearance and settlement" of securities transactions encompasses the processes by which the parties to securities transactions receive the money or securities to which the parties are entitled as a result of their securities transactions. Clearance and settlement traditionally has been performed by subsidiaries of the exchanges and of the NASD.

SCC and ASECC, serviced by Securities Industry Automation Corporation ("SIAC"),[6] now provide clearance and settlement services for transactions in NYSE and Amex-listed securities. SIAC operates a single system for both SCC and ASECC (the "SCC–ASECC System"). NCC, serviced by Bradford National Clearing Corporation ("Bradford"), provides clearance and settlement services for trades effected in the over-the-counter ("OTC") market for NASD members.

During the late Nineteen-Sixties, inefficiencies in clearance and settlement processes contributed to the securities industry's "Paperwork Crisis." Since the Paperwork Crisis, securities processing has changed substantially, and further changes are likely. Both the securities industry and the Commission have expended continued efforts to make securities processing safer, less costly, and more responsive to the changing needs of the securities industry and the public. In enacting legislation with respect to securities processing in 1975, Congress, while recognizing that much progress had been made in securities processing, sought to ensure that progress would continue and directed the Commission to participate actively in the development process.[7]

The impetus for the merger of ASECC, SCC and NCC appears to be a conviction, held by a significant segment of the New York broker-dealer community, that ASECC, SCC and NCC's existence as separate clearing facilities is unnecessarily costly and operationally burdensome.

The Merger Plan

The NSCC application comprises a number of documents filed with the Commission. The documents and comments on the application received to date, constituting Public File No. 600–15, are available for copying and inspection at the Commission's Public Reference Room. While the Commission urges persons who may wish to comment on the application to examine all of the relevant documents, it recognizes that it may not be feasible for some persons to do so. Consequently, the Commission hopes that the following description, based on the documents filed, will provide information sufficient to acquaint interested persons with the most salient features of the merger plan.

According to NSCC's application, NSCC would effect the acquisition of the clearing agency operations of SCC, ASECC and NCC pursuant to an agreement under which each of SCC and ASECC will transfer to NSCC $300,000 in cash in exchange for 10,000 NSCC common shares and NCC will transfer net assets valued at $900,000 in exchange for 10,000 NSCC common shares and a $600,000 NSCC promissory note. The 30,000 NSCC common shares issued to SCC, ASECC and NCC will constitute all of NSCC's outstanding common shares. In addition, the rights and obligations between each of the merging clearing agencies and its participants will be assigned to and assumed by NSCC; the clearing funds of the merging clearing agencies will be transferred to NSCC; and NSCC will assume certain liabilities of the respective clearing agencies.

NSCC plans to operate under the governance of a sixteen-member board of directors, thirteen members of which are intended to represent NSCC's participants. Each of ASECC, SCC and NCC is to have one representative on the board. Of the fifteen members of NSCC's current board, five members were selected by each of Amex/ASECC, NYSE/SCC, and NASD/NCC. One member of each five member group is intended to represent the selecting exchange/clearing corporation.

Commencing with the transfer of the clearing agency businesses to NSCC as described above, NSCC will operate the business of each transfer or clearing agency as a separate division of NSCC (i.e., the SCC Division, the ASECC Division and the NCC Division). Each division's operations will be subject to substantially the same rules and agreements to which the predecessor of that division was subject prior to the transfer. Operation under the divisional structure is referred to as "Phase I."

During Phase I, NSCC would expect to complete and file with the Commission operating rules for the system that would combine SCC–ASECC's and NCC's systems, negotiate a facilities management contract with SIAC,[8] determine how the operations of the three divisions will be converted to a single system, and develop procedures for the selection of future directors which will comply with subparagraph 17A(b)(3)(C) of the Act.[9]

As is true of the present SIAC-operated, SCC–ASECC system, NSCC's CNS clearance system will utilize the services of The Depository Trust Company ("DTC")[10] to effect securities settlement. (Money settlement will occur in NSCC.) It is expected that, by the time the three-division structure has been converted to a single system ("Phase II"), DTC will expand its list of eligible securities to include all issues now cleared by NCC.

NSCC plans to offer all services now offered by either NCC or SCC–ASECC and to make its services available, directly or indirectly, to all participants of NCC and SCC–ASECC.[11]

NSCC will retain ties with NYSE, Amex, and NASD. NYSE, Amex and NASD are expected to provide self-regulatory and other services to NSCC in exchange for a volume-related fee. The services include conducting examinations of participants' and prospective participants' financial and operating condition and reporting unusual market conditions which might disrupt NSCC's clearance and settlement operations.

NSCC's submission states that fees to participants are to be set, by NSCC's board of directors, on a "cost basis." It is expected that NSCC will not earn profits or pay dividends on its shares.

Issues and Grounds for Consideration

During the proceedings, and in particular in the course of the hearings provided for herein, the Commission will be considering and seeking comment from interested persons on the following issues and grounds in order to assist the Commission in determining whether to grant or deny NSCC's application for registration as a clearing agency.

Cost Savings Estimated to Result from the Merger[12]

NSCC's application contrasts the cost savings of two models. One model ("Model I") assumes the merger has been effected, and the other model ("Model II") assumes the continued existence of SCC–ASECC and NCC as separate, fully-interfaced facilities. NSCC estimates that, as a result of the merger (Model I), annual operating costs for the performance of clearing agency services currently performed by SCC–ASECC and NCC will be reduced $2.4 million (assuming low volume) to $4.1 million (assuming high volume) once Phase II has been inaugurated.[13] NSCC further estimates that, in Phase II, annual clearing costs of its participants would be reduced $10.0 million (assuming low volume) to $13.3 million (assuming high volume). In summary, NSCC estimates that the merger would result in total annual savings to the securities industry of between $12.4 million and $17.4 million.

NSCC estimates that, in contrast to Model I, Model II would increase annual operating costs for the performance of clearing agency services currently performed by SCC–ASECC and NCC $4.8 million (assuming low volume) to $5.3 million (assuming high volume) with the same level of participant savings as is estimated under Model I. Thus, NSCC estimates that Model II would produce annual operating cost savings to the industry of $7.6 million to $12.1 million.

The Commission would like interested persons to comment on the start-up and operating cost estimates furnished by NSCC and to furnish any different estimates or additional information concerning these costs.

Safety and Other Potential Benefits

In NSCC's application, NSCC argues that the merged entity's single processing flow would reduce the overall exposure of a clearing agency to financial loss caused by participant defaults. In addition, NSCC argues, regulation of one entity rather than two entities would be simpler and more effective. The Commission would like interested persons to comment on the ways in which the merger would affect NSCC's exposure and on any regulatory benefits or detriments that might flow from the merger.

The Commission would like comments, also, on whether, and in what ways, the quality of services rendered by NSCC might differ from the quality of the comparable services now rendered by NCC and SCC–ASECC.

Effects on Competition

The Commission seeks to identify all areas in which the merger might inhibit present or potential competition. The Commission is concerned particularly with the potential impact of the merger on clearing corporations and depositories. The Commission is concerned, also, with the potential impact of the merger on broker-dealers, transfer agents, securities markets and the investing public. In connection with its inquiry into the merger's potential impact on the members of the foregoing groups and others, the Commission wishes to consider

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[1] The determinations are set forth in subparagraphs (A) through (I) of subsection 17A(b)(3) of the Act. Subsection 17A(b)(3) provides: A clearing agency shall not be registered unless the Commission determines that—

(A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

(B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

(C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.

(E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

(F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.

(G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

(H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial or participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.

(I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

[4] Commentators have estimated that ASECC and SCC, which operate through a combined system, now clear approximately 75% of transactions processed by registered clearing agencies and that, if the merger were approved, NSCC would clear approximately 85% of transactions processed by registered clearing agencies. If the estimates are accurate, the proposed merger would increase concentration in an already concentrated area.

[5] Paragraphs 17A(a)(1) and (2) are discussed supra.

[6] SIAC is owned jointly by NYSE (67%) and Amex (33%).

[7] See discussion of Section 17A, supra; Section 17A was added to the Act by the Securities Acts Amendments of 1975.

[8] NSCC has determined that SIAC will be its processor, although the terms of a contract with SIAC have not been determined. NCC's contract with Bradford, which is to be assigned to NSCC, will be terminated at the end of Phase I.

[9] Subparagraph 17A(b)(3)(C) provides, in part, that the rules of registered clearing agencies must afford participants "fair representation" in the selection of directors. See fn. 3, supra.

[10] DTC, formerly a wholly-owned subsidiary of the NYSE, is now owned by the following entities and groups: NYSE, 59.3%; Amex, 7.8%; NASD, 7.8%; PBW Stock Exchange, Inc., 0.2%; and institutional participants (principally banks), 24.9%.

[11] NSCC has not yet developed standards for direct access.

[12] While a capsulization of the cost savings which NSCC believes will flow from the merger is presented below, interested persons are encouraged to examine the cost figures submitted by NSCC. These figures appear in a "Justification for the Consolidation of New York Clearing Facilities," which is contained in the public file.

[13] The lower figure is based on estimated volume of 118,000 transaction sides ("low volume"); the higher figure is based on estimated volume of 225,000 transaction sides ("high volume").

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whether, and to what extent, the effects might vary according to the geographic location of the affected members.

The Commission believes it must determine whether the benefits that might flow from the merger could be achieved in a manner that would have less anti-competitive impact than any that the merger might entail. For example, would an interfaced system in New York provide the same benefits as the merger and, if so, would an interfaced system be more conducive to the development of an interfaced national system? As a result of the merger, would SCC–ASECC gain competitive advantages over existing clearing corporations which it would not have were both SCC–ASECC and NCC permitted to compete in clearing listed and OTC transactions? Also, would the merger raise barriers, in addition to any which might otherwise exist now, to the entry of potential competitors into clearing?

Were SCC–ASECC and NCC to remain separate and each charge different fees for its clearing services, a participant could compete for customers by passing on, through lower commission rates, any amounts by which its clearing agency fees were lower than its competitor's clearing agency fees. Would the proposed merger reduce or eliminate the incentive for participants to keep clearing fees low by causing all participants to pay identical clearing agency fees?

In connection with its inquiry into the merger's impact on competition, the Commission intends to consider whether securities processing is an area in which competition does or can exist and, if so, what steps the Commission should take to preserve or encourage competition or, if not, what alternatives the Commission should explore to preserve the benefits that competition would produce, including innovation and low costs. To assist the Commission in this inquiry, the Commission would like to receive comments on whether the high percentage of transactions currently processed by SCC–ASECC would preclude the possibility of successful competition by NCC if both SCC–ASECC and NCC were permitted to clear transactions in all issues. Additionally, the Commission seeks comments on whether the high percentage of transactions which would be processed by NSCC would preclude the possibility of successful competition by any other clearing corporation.

NATIONAL SYSTEM FOR CLEARANCE AND SETTLEMENT

The merger will affect the development of a National System. The Commission, therefore, welcomes comments concerning whether and to what extent the merger might impede or enhance the development of a National System and whether the merger might inhibit or preclude the existence of any beneficial features of a potential National Systm, such as transfer agent depositories.

USER BOARD

In its application, NSCC states that it will be governed by a board of directors dominated by its participants ("users"). NSCC believes that a user-dominated board will provide an incentive for innovation, ensure that NSCC will keep processing costs at a minimum, and ensure that NSC is generally responsive to the needs of the industry.

The Commission invites comments on whether a user-dominated board would be likely to be an effective control against inefficiency, lack of innovation, and uncontrolled cost escalation. Moreover, the Commission would like comment with respect to possible desirable procedures for selecting board members; including, specifically, whether exchanges should be permitted to have representatives on the board, whether NSCC staff members should be permitted to be members of the board, whether the board should include public members, and what procedures would assure that a cross-section of users would be represented on the board.

REGULATORY FEES

The Commission seeks comment on the appropriateness of the transaction fee of 12¢ per side which NSCC proposes to pay to NYSE, Amex and NASD (the "self-regulatory organizations"). The fee is intended to compensate the self-regulatory organizations for performing certain self-regulatory services, including the conducting of examinations of the financial condition of NSCC participants. In particular, the Commission would like comments on whether it is appropriate for the fee to be assessed on the basis of the number of sides cleared through NSCC which originate through the trading facilities of the respective self-regulators and whether the amount of any fee charged and collected by NSCC should be determined annually by NSCC's board of directors based on the board's perception of the value of the services rendered to NSCC by the self-regulatory organizations.

METHODS OF CHARGING COSTS TO SERVICES

NSCC's application states that its fees will be determined on a "cost basis." The Commission would like comments on whether individual services, or services to certain geographic areas, should be charged at actual cost or at some variation from actual cost and, if the latter, for which services or geographic areas would variations from actual cost be appropriate.

EXTENSION OF TIME FOR RECEIPT OF COMMENTS ON NSCC'S APPLICATION

The time for receipt by the Commission of written comments on NSCC's application for registration as a clearing agency has been extended to June 21, 1976. Six copies of each comment letter should be submitted and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Reference should be made to File No. 600–15. All such communications will be placed in the file and will be available for public inspection. In addition to NSCC's application for registration as a clearing agency, all relevant releases and comment letters received to date have been placed in the file and are likewise available for public inspection.

INFORMATION PERTAINING TO PUBLIC HEARINGS

The public hearings are scheduled to commence at 10:00 a.m. on Wednesday, June 16, 1976, in Room 776 at the Commission's Offices in Washington, D.C. Any interested persons desiring to make an oral presentation of their views at the hearings are requested to write or call Ellen Siegler Bennett (telephone (202) 755–8946) prior to June 7, 1976. All witnesses are required to submit 25 copies of their prepared statements not later than four business days in advance of their scheduled date of appearance.

Persons making oral statements should limit their prepared presentations to twenty minutes and should be prepared to respond to specific inquiries from the Commission's staff. In advance of or during the hearings, any person may submit written questions to be directed to a particular witness or group of witnesses; but the presiding hearing officer will determine in his sole discretion whether or to what extent to direct those questions to any witness.

A list of witnesses, setting forth the time of their scheduled appearance, will be published in the SEC News Digest.

(Sections 17A, 19(a), 89 Stat. 141, 146; 15 U.S.C. 78q–1, 78s)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 28, 1976.

[FR Doc.76–16652 Filed 6–8–76;8:45 am]

[Rel. No. 19551; 70–5862]

OHIO POWER CO.

Proposed Sale and Leaseback of Coal Transfer Facility

JUNE 2, 1976.

Notice is hereby given, That Ohio Power Company ("Ohio"), 301 Cleveland Avenue, S.W., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Company, Inc., ("AEP"), a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") regarding the sale and leaseback of a coal transfer facility. Ohio requests approval of these transactions unless advised by the Commission that approval thereof under the Act is not required. All interested persons are referred to the application-declaration as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio states that the coal transfer facility, known as the Cook Coal Terminal ("Facility"), is presently under construction near Metropolis, Illinois. The Facility, which will be ready for operation by June 30, 1976, was built on land acquired by Indiana Franklin Realty, Inc. ("Indiana Franklin"), a real estate subsidiary of AEP, and was constructed through Indiana Franklin. Funds for both land acquisition and construction were furnished by Ohio. It is proposed that the Facility be sold and that simultaneously the surface land thereunder be leased to United States Trust Company of New York as Trustee ("Trustee") under a trust for the benefit of The Pittston Company ("Pittston"), as beneficial owner. The lease of the surface lands underlying the Facility will be effectuated by a Site Lease, which will extend for an initial term of 25 years. During said initial term of the Site Lease, the Trustee will pay to Indiana Franklin for Ohio's account rent at the rate of $80,000 per year, being 10% of the approximate cost of such surface lands, $800,000. The Trustee will immediately lease the Facility and sublease the surface lands thereunder to Ohio. It is stated that Indiana Franklin will sell the Facility to the Trustee for a purchase price equal to its cost of construction, presently estimated at $69,000,000, including $2,500,000 which may be expended for a railway spur to be completed by the end of 1977, and excluding land costs. Title to the Facility will be conveyed to the Trustee in accordance with a Purchase Agreement which is to provide for a bargain and sale deed covering all right, title and interest of Indiana Franklin in and to that portion of the Facility which constitutes real property and a bill of sale with respect to those portions of the Facility constituting personal property.

It is proposed that pursuant to a Participation Agreement, Pittston will furnish to the Trustee funds toward the purchase of the Facility in an amount not less than 20% nor more than 23% of the total cost of the Facility. The balance of the purchase price will be loaned to the Trustee on behalf of Pittston by four lenders secured by a Mortgage encumbering the interests of the Trustee, as legal owner, and of Pittston, as beneficial owner, in the Facility and in the leases, hereinafter described, with Ohio. The Trustee will act both as mortgagor, on behalf of Pittston, and as mortgagee, on behalf of the lenders. The four lenders and their respective participation in the Mortgage loan are: John Hancock Mutual Life Insurance Company—42.4%; Teacher's Insurance and Annuity Association of America—28.8%; Aetna Life Insurance Company—19.2%; and Guardian Life Insurance Company—9.6%. It is stated that although Ohio is a party to the Participation Agreement, said Agreement expressly avoids any privity of contract between Ohio and such lenders. The proposed transactions are contingent upon receipt of a favorable ruling from the Internal Revenue Service that Pittston is entitled to the 10% investment tax credit and related accelerated depreciation for the property.

The surface lands leased to the Trustee pursuant to the Site Lease will be subleased to Ohio, and that portion of the Facility designated as real property improvements will be leased to Ohio, both pursuant to a Realty Lease Agreement from the Trustee to Ohio. That portion of the Facility designated as personal property will be leased to Ohio pursuant to an Equipment Lease Agreement. The term of the Realty Lease Agreement will be co-terminous with the term of the Equipment Lease Agreement, both of which will run concurrently with the Site Lease, unless sooner terminated pursuant to the Realty Lease and Equipment Lease Agreements. These latter Agreements provide that Ohio may terminate such leases at any time after the tenth anniversary of the closing date in the event that Ohio's Board of Directors deem the Facility to be economically obsolete or no longer suited for use in Ohio is obliged to pay the excess of the nate, Ohio must obtain bids for purchase of the Facility from unaffiliated parties. In the event that bids are obtained and the Facility is sold to any of the bidders, Ohio is obliged to pay the exces of the Termination Value, as defined in the Agreements, over the net of sales proceeds less certain expenses incidental to the sale of the Facility.

Both the Realty Lease and Equipment Lease Agreements contain provisions for four consecutive renewal terms of five years each at Ohio's option and at the then fair market rental value. Such renewals must be exercised jointly. Ohio will also have the option to purchase the Facility at the end of the initial term or any renewal term of the Realty Lease and Equipment Lease Agreements at a price equal to the fair market sales value of the Facility at the time the purchase option is exercised. Upon any renewal of the Realty Lease and Equipment Lease Agreements, the Site Lease will automatically be renewed for a like period at a rent equal to that specified for the initial term of the Site Lease. The Realty Lease and Equipment Lease Agreements are net leases pursuant to which, in conjunction with an Indemnity and Supplemental Agreement, Ohio shall pay to the Trustee the basic rent payable thereunder, and, as additional rent, will be responsible for all maintenance, insurance, taxes (other than certain net income taxes) and all other costs in connection with the operation of the Facility, unless such obligations are excused or terminated. Under the Realty Lease Agreement, Ohio will pay basic annual rent at the rate of 9.96% of the portion of the purchase price of the Facility allocated to real property plus approximately $80,000 per year for the sublease of the surface lands. Similarly, the Equipment Lease Agreement provides that Ohio will pay basic annual rent at a rate of 9.96% of the portion of the purchase price of the Facility allocated to personal property. Both the Realty Lease and Equipment Lease Agreements obligate Ohio to pay the rent thereunder in 100 consecutive quarterly installments during the initial terms thereunder; and both Agreements include in the rental payments an effective interest rate for the cost of money of 8.84%.

The Facility will be used by Ohio to transfer low-sulfur coal arriving from the West on unit trains to river barges for delivery to Ohio's steam electric generating plants. It is stated that Ohio considered all existing coal transfer terminal facilities, as well as those under construction, on the upper Mississippi and lower Ohio Rivers and found that such facilities were not suitable for handling unit trains. Consequently, construction of the Facility was undertaken. It is anticipated that during the initial period of operation of the Facility there will exist some unused capacity which, it is proposed, will be made available by Ohio to non-affiliated interests under short-term contracts. Any income received by Ohio from such non-affiliated users will be applied as a reduction of the cost of the operation of the Facility by Ohio. It is also anticipated that the Facility will transfer coal owned by Indiana & Michigan Electric Company ("I&M"), an electric generating subsidiary company of AEP, to I&M's Tanner's Creek Plant. Such transaction and all other transactions by Ohio with affiliated interests are excluded from the instant application-declaration and will be subject to further application and/or order of this Commission.

The proceeds from the sale of the Facility will be used to repay Ohio for funds it has advanced and will advance for construction thereof.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid by Ohio in connection with the proposed transactions include real property transfer taxes of approximately $40,000; title insurance premiums of $110,000; and fees and expenses incurred by the participants, including legal fees, estimated to be not in excess of $300,000. Additional miscellaneous fees, commissions or expenses, including Ohio's legal fees, are estimated to be not in excess of $60,000.

Notice is further given, That any interested person may, not later than June 24, 1976, requestd in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules

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and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16654 Filed 6-8-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 64]

ASSIGNMENT OF HEARINGS

JUNE 4, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F 12630, D. G. Wise & Co., Inc.—Purchase—E. L. Beakley (Barbara Ann Brewer, Independent Executrix) and MC-F 12685, William F. Lewis, Inc.—Purchase (Portion)—E. L. Beakley (Barbara Ann Brewer, Independent Executrix) now assigned July 12, 1976 at Tulsa, Oklahoma is cancelled and reassigned July 12, 1976 (2 days) at Houston, Texas and July 14, 1976 (3 days) at Tulsa, Oklahoma in a hearing room to be later designated.

MC 98701 (Sub-No. 5), Cleveland Express, Inc., application dismissed.

MC 107295 (Sub-No. 805), Pre-Fab Transit Co., application dismissed.

MC 59135 Sub 31, Red Star Express Lines of Auburn, Incorporated, DBA Red Star Express Lines now assigned June 21, 1976, at Pittsburgh, Pa., will be held in the Federal Office Bldg., Room 2218, 1001 Liberty Avenue.

MC 59135 Sub 31, Red Star Express Lines of Auburn, Incorporated, dba Red Star Express Lines, now assigned June 28, 1976, at New York, N.Y., will be held in the Court of Claims Room 238, Court Room A, 26 Federal Plaza.

MC 113855 (Sub 238), International Transport, Inc. now being assigned September 9, 1976 (2 days) at Salt Lake City, Utah in a hearing room to be later designated.

MC 133095 (Sub 91), Texas-Continental Express, Inc. now being assigned September 8, 1976 (1 day) at Salt Lake City, Utah in a hearing room to be later designated.

MC 33641 (Sub 119), IML Freight, Inc., MC-F 12484, IML Freight Inc.—Purchase (Portion)—Delbert H. Stephens and Ferdinand A. Klein, DBA Spokane-St. Maries Auto Freight and Warberg Brothers Company and MC-C 8830, Browning Freight Lines, Inc. Et Al vs. Warberg Brothers Company Et Al now being assigned September 13, 1976 (2 weeks) for continued hearing at Salt Lake City, Utah in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16731 Filed 6-8-76;8:45 am]

[Amendment No. 7; Application No. 48]

EASTERN CENTRAL MOTOR CARRIERS
Agreement Under Sec. 5a

MAY 28, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 24, 1976, by: James T. Henry, Executive Vice President, The Eastern Central Motor Carriers Association, Inc., P.O. Box 3600, Akron, Ohio 44310. John S. Fessenden (of Counsel), 618 Perpetual Building, Washington, D.C. 20004.

The amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 29, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16726 Filed 6-8-76;8:45 am]

[Amendment No. 2; Application No. 106]

HOUSEHOLD GOODS FORWARDERS
Agreement Under Sec. 5a

MAY 28, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 21, 1976, by: Alan F. Wohlstetter, Executive Secretary and General Counsel, Household Goods Forwarders, Tariff Bureau, 1700 K Street, N.W., Washington, D.C. 20006.

The amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 29, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16727 Filed 6-2-76; 8:45 am]

[Amendment No. 6; Application No. 9]

NATIONAL BUS TRAFFIC ASSOCIATION, INC.
Agreement Under Sec. 5a

MAY 28, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 11, 1976, by: P. J. Campbell, Chairman, National Bus Traffic Association, Inc., 506 S. Wabash Ave., Chicago, IL 60605. John S. Fessenden (of counsel), 618 Perpetual Bldg., Washington, D.C. 20004.

The amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 29, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16727 Filed 6-2-76; 8:45 am]

[Amendment No. 1; Application No. 66]

WESTERN TANK TRUCK CARRIERS
Agreement Under Sec. 5a

MAY 28, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed April 29, 1976, as amended May 21, 1976 and May 25, 1976, by: J. R. Smith (Attorney-in-Fact), Western Tank Truck Carriers' Conference, Inc., 4060 Elati Street, Denver, Colorado 80216. Arthur R. Hauver, Jones, Meiklejohn, Kehl & Lyons, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colorado 80203.

The amendments involve: Revisions in the bylaws and rules of procedure to comply with the standards promulgated in Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437; broaden the territorial scope to include the States of Iowa, Nevada and Minnesota; delete reference to intrastate commerce and State regulatory agencies; eliminate the term "in tank vehicles" from the commodity description of "commodities in bulk"; and to make other changes, additions and deletions.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protect and participate in this proceeding shall notify the Commission in writing on or before June 29, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16728 Filed 6-8-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JUNE 4, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 60233 (Sub-No. E1), filed June 7, 1974. Applicant: STANLEYS' EXPRESS, INC., P.O. Box 333, Yarmouth, Maine 04096. Applicant's representative: Erving H. Bickford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Kezar Falls, Maine, on the one hand, and, on the other, Boston, Mass. and points within 10 miles thereof. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 60233 (Sub-No. E3), filed June 4, 1974. Applicant: STANLEYS' EXPRESS, INC., P.O. Box 333, Yarmouth, Maine 04096. Applicant's representative: Erving H. Bickford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill and factory supplies, lumber and box shooks* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Providence and Pawtucket, R.I., on the one hand, and, on the other, Ossipee, Tamworth, Sandwich, and Lincoln, N.H. and points in New Hampshire south and east of U.S. Highways 3 and 302 including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Kezar Falls, Maine.

No. MC 92983 (Sub-No. E73), filed June 4, 1074. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas iCty, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fish oil*, in bulk, in tank vehicles: from poines in Maine to points in Kansas and Nebraska; (B) *Such fish oil*, as is embraced within liquid mixtures of animal feed ingredients, in bulk, in tank vehicles: from points in Maine to points in Colorado (except Henderson); (C) *Fish oil*, in bulk, in tank vehicles: from points in Maine in points in Nevade; (D) *Fish oil*, in bulk, in tank vehicles: from points in Maine to points in Idaho, Oregon, Washington and Wyoming. The purpose of this filing is to eliminate the gateways of: (A) Frytown, Iowa; (B) Frytown, Iowa and Crete, Nebr.; (C) Frytown, Iowa and Nebraska; (D) Frytown, Iowa and Kansas.

No. MC 110683 (Sub-No. E4) (Correction), filed June 4, 1975, published in the FEDERAL REGISTER October 14, 1975, and republished, as corrected, this issue. Applicant: SMITH's TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between points in Augusta, Rockbridge, and Rockingham Counties, Va., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at Philadelphia, Pa., and extending along the Pennsylvania Turnpike (Northeast extension) to intersection U.S. Highway 22, thence over U.S. Highway 22 to Pennsylvania Highway 33, thence over Pennsylvania Highway 33 to Interstate Highway 80 near East Stroudsburg, Pa., and thence over Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Trenton, N.J. The purpose of this correction is to further define the territorial description.

No. MC 41406 (Sub-No. E37), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in McHenry County, Ill., to points in Ohio east and north of a line beginning at the Ohio-Michigan State line at Toledo, Ohio, and extending along U.S. Highway 23 to Columbus, Ohio, thence along Interstate Highway 70 to the Ohio-West Virginia State line (except points in Wyandot, Crawford, Marion, Morrow, Delaware, Knox, and Franklin Counties, Ohio). The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E38), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle, DeKalb, Lee, Whiteside, and Rock Islands Counties, Ill., to points in Ohio east of a line beginning at the Ohio-Michigan State line at Toledo, Ohio, and extending along U.S. Highway 20/23 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 62, thence along U.S. Highway 62 to Washington Court House, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateways of Gary, Ind., Monroe, Mich., and Middletown, Ohio.

No. MC 41406 (Sub-No. E39), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Portage, Ind. to points in Ohio east and north of a line beginning at the Ohio-Michigan State line at Toledo, Ohio, and extending along Interstate Highway 75 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line; from Portage, Ind. to points in West Virginia north of

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Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Monroe, Michigan.

No. MC 41406 (Sub-No. E40), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Ohio, West Virginia, and Pennsylvania within 50 miles of Pittsburgh, Pa., and Youngstown, Ohio to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 41), Ozaukee, Racine (except points on and east of U.S. Highway 41), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateways of Sturgis, Mich. and Gary, Ind.

No. MC 41406 (Sub-No. E41), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cleveland and Lorain, Ohio, to points in Columbia, Crawford, Dane Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 41), Ozaukee, Racine (except points on and east of U.S. Highway 41), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., and Gary, Ind.

No. MC 41406 (Sub-No. E42), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cleveland, Ohio, to points in Douglas, Bayfield, Ashland, Iron, Vilas, Oneida, Price, Sawyer, Washburn, Burnett, Polk, Barron, Rusk, Lincoln, Taylor, Chippewa, Dunn, Saint Croix, Pierce, Eau Claire, Clark, Marathon, Portage, Wood, Pepin, Buffalo, Trempealeau, Jackson, Adams, Juneau, Monroe, LaCrosse, and Vernon Counties, Wis. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., Portage and Gary, Ind., and the plant site of Jones & Laughlin Steel Corporation in Putnam County, Ill.

No. MC 41406 (Sub-No. E43), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Mansfield, Ohio, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 41), Ozaukee, Racine (except points on and east of U.S. Highway 41), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., and Gary Ind.

No. MC 41406 (Sub-No. E44), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Mansfield, Ohio, to points in Douglas, Bayfield, Ashland, Iron, Vilas, Oneida, Price, Sawyer, Washburn, Burnett, Polk, Barron, Rush, Lincoln, Taylor, Chippewa, Dunn, St. Croix, Pierce, Eau Clair, Clark, Jackson, Trempeauleau, Buffalo, La Crosse, Monroe, Pepin, and Vernon Counties, Wis. The purpose of this filing is to eliminate the gateway of Sturgis, Mich., Portage, Ind., Gary, Ind. and plant site of Jones & Laughlin Steel Corporation located in Putham County, Ill. (Hennepin, Ill.)

No. MC 41406 (Sub-No. E45), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Mansfield, Ohio, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 41), Ozaukee, Racine (except points on and east of U.S. Highway 41), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., Portage, Ind., Gary, Ind., and plant site of Jones & Laughlin Steel Corporation, Putnam County (Hennepin, Ill.).

No. MC 41406 (Sub-No. E47), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cleveland, Ohio, to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateways of Sturgis, Mich. and Gary, Ind.

No. MC 41406 (Sub-No. E48), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Mansfield, Ohio, to points in Illinois on and north of Illinois Highway 17. The purpose of this filing is to eliminate the gateways of Sturgis, Mich. and Gary, Ind.

No. MC 41406 (Sub-No. E49), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Mansfield, Ohio, to points in Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 17 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E50), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Steel and steel products*, from points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and Portage, Ind., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Monroe, Mich.

No. MC 41406 (Sub-No. E51), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Joliet, Ill., to points in Ohio on, south, and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio extending along Interstate Highway 70 to Columbus, Ohio to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22 to Cincinnati, Ohio at the Ohio-Kentucky State line, including points in the Cincinnati, Ohio, commercial zone. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E52), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C., 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Decatur, Ill., to points in Ashtabula, Trumbull, Mahoning, Portage, Geauga, Lake, Cuahoga, Summit, Medina, Lorain, Erie, and Ottawa Counties, Ohio, that part of Lucas County east of Toledo, and that part of Sandusky County on and north of U.S. Highway 20 (including Fremont, Ohio). The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E53), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cairo, Ill., to points in Ashtabula, Cleveland, Toledo, and Warren, Ohio. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E54), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Alton and East St. Louis, Ill., to points in Ashtabula, Trumbull, Geauga, Lake, Cuyahoga, Lorain, Erie, Ottawa Counties, and points in Lucas County East of and including Toledo, Ohio. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E55), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Alton, Chester and E. St. Louis, Ill., to points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line on Interstate Highway 80 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E56), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cleveland, Ohio, to points in Lake, Porter, Jasper, and Newton Counties, Ind. The purpose of this filing is to eliminate the gateways of Sturgis, Mich. and Gary, Ind.

No. MC 41406 (Sub-No. E58), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Porter County, Ind., on and north of Indiana Highway 8, to points in Ohio on, east and south of a line beginning at the Ohio-Kentucky State line at Ripley, Ohio, thence extending along U.S. Highway 62 to Washington Court House, Ohio, thence along U.S. Highway 35 to Chillicothe, Ohio and thence along U.S. Highway 50 to Belpre, Ohio at the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E59), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel products*, from Pittsburgh, Pa., and Youngstown, Ohio and points within 50 miles of each located in Ohio, Pennsylvania, and West Virginia, to points in Illinois north of a line beginning at the Illinois-Iowa border extending along Illinois Highway 116 to Peoria, Ill., thence along U.S. Highway 24 to the Illinois-Indiana Border. The purpose of this filing is to eliminate the gateways of Gary, Ind., Portage, Ind., and Sturgis, Mich.

No. MC 41406 (Sub-No. E60), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Pittsburgh, Pa. and Youngstown, Ohio and points within 50 miles of each located in Ohio, Pennsylvania, and West Virginia, to points in Illinois on and south of a line beginning at Illinois-Iowa border, thence along Illinois Highway 116 to Peoria, Ill., extending along U.S. Highway 24 to the Illinois-Indiana border, except points in Iroquois, Ford, and Livingston Counties. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E61), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lackawanna and Hamburg Townships, to points in that part of Iowa on and east of a line beginning at Keokuk, Iowa, and extending along U.S. Highway 218 to Cedar Rapids, Iowa, thence along U.S. Highway 151 to junction Iowa Highway 13, and thence along Iowa Highway 13 to Marquette, Iowa. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., and Gary, Ind.

No. MC 41406 (Sub-No. E62), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lackawanna and Hamburg Townships, Erie County, New York, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41). The purpose

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of this filing is to eliminate the gateways of Sturgis, Mich. and Gary, Ind.

No. MC 41406 (Sub-No. E63), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lackawanna and Hamburg Townships, Erie County, New York, to points in Illinois. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., Gary, Ind., and Portage, Ind., Commercial Zone (Gary, Ind.)

No. MC 41406 (Sub-No. E65), filed November 13 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Champaign, Ill., to Ashtabula, Cleveland, Elyria, Toledo and Warren, Ohio. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E66), filed November 13, 1975. Applicant: ARTIM TRANSPORTATIOI SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Champaign, Ill., to points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 80 to junction on Pennsylvania Highway 36 at Brookville, Pa., thence along Pennsylvania Highway 36 to Hollidaysburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to junction U.S. Highway 11, thence extending along U.S. Highway 11 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E67), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323, Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, to points in Pennsylvania on, south and east of a line beginning at the Ohio-Pennsylvania State line at Paris, Pa., extending along U.S. Highway 22 to Holidaysburg, Pa., to junction U.S. Highway 220 to Williamsport, Pa., thence along U.S. Highway 15 to Lawrenceville, Pa., at the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E68), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lake County, Ind., on and north of Indiana Highway 2, to points in Ohio on, south and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio extending along Interstate Highway 70 to Columbus, Ohio, to junction U.S. Highway 62 to Washington Court House, Ohio, to junction U.S. Highway 22 to Cincinnati, Ohio at the Ohio-Kentucky State line, including ponits in Cincinnati, Ohio commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E69), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lake, McHenry, Kane, DuPage, Cook, and Will Counties, Ill., to points in Pennsylvania on, south and east of a line beginning at the Ohio-Pennsylvania State line at Paris, Pa., extending along U.S. Highway 22 to junction U.S. Highway 119 to Indiana, Pa., extending along U.S. Highway 422 to Ebensburg, Pa., to junction U.S. Highway 22 to Hollidaysburg, Pa., to junction U.S. Highway 220 to Williamsport, Pa., to junction U.S. Highway 15 to Lawrenceville, Pa., at the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E70), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Decatur, Ill., to points in Pennsylvania north and east of a line beginning at Ohio-Pennsylvania State line at New Bedford, Pa., extending along U.S. Highway 422 to Indiana, Pa., to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 11, thence along U.S. Highway 11 to State line, Pa., at the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E74), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from La Salle and Streator, Ill., to points in Pennsylvania on, east, and south of a line beginning at Genesee, Pa., at the New York-Pennsylvania State line extending along Pennsylvania Highway 449 to U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 872, thence along Pennsylvania Highway 872 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 555, thence along Pennsylvania Highway 555 to junction Pennsylvania Highway 255 to Dubois, Pa., extending along U.S. Highway 119 to Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction U.S. Highway 22 to Paris, Pa., at the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Middletown, Ohio.

No. MC 41406 (Sub-No. E75), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Springfield, Ill., to points in Pennsylvania except those in Washington, Greene, and Fayette Counties. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Monroe, Mich.

No. MC 41406 (Sub-No. E76), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Alton and East St. Louis, Ill., to Doylestown, Morrisville, Philadelphia, and Stroudsburg, Pa. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Middletown, Ohio.

No. MC 41406 (Sub-No. E77), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Danville, Ill., to points in Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line at Foster Brook, Pennsylvania, extending along U.S. Highway 219 to Pennsylvania Highway 153, to junction U.S. Highway 322 to Chester, Pa., at the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Monroe, Mich.

No. MC 41406 (Sub-No. E78), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Pekin and Peoria, Ill., to points in Pennsylvania on, south, and east of a line beginning at the Ohio-Pennsylvania State line at Paris, Pa., extending along U.S. Highway 119, to junction U.S. Highway 22, to junction U.S. Highway 220, to junction U.S. Highway 15 to Lawrenceville, Pa., at the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Middletown, Ohio.

No. MC 41406 (Sub-No. E80), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cambridge, Ohio, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 41), Ozaukee, Racine (except points on and east of U.S. Highway 41), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Sturgis, Mich.

No. MC 41406 (Sub-No. E81), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Portsmouth, Ohio, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 41), Ozaukee, Racine (except points on and east of U.S. Highway 41), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Middletown, Ohio.

No. MC 41406 (Sub-No. E83), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cincinnati, Ohio, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 41), Ozaukee, Racine (except points on and east of U.S. Highway 41), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Middletown, Ohio.

No. MC 41406 (Sub-No. E84), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Zanesville, Ohio, to points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha (except points on and east of U.S. Highway 4), Ozaukee, Racine (except points on and east of U.S. Highway 4), Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. The purpose of this filing is to eliminate the gateway of Gary, Ind., and Sturgis, Mich.

No. MC 102616 (Sub-No. E479), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: Fred H. Daly (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Cincinnati, Dayton, Westwood, Fairmount, Cumminsville, St. Bernard, Avondale, Norwood, Oakley, Linwood, and Sedomsville, Ohio, and (a) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 52 to Cincinnati, (b) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 27 to junction Ohio Highway 73, (i) to junction U.S. Highway 127 to Cincinnati, and (ii) to junction Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Middletown, (c) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 127 to Cincinnati, (d) points on a line beginning at junction U.S. Highway 40 and U.S. Highway 25, and extending along U.S. Highway 25 to Cincinnati, (e) points on a line beginning at junction U.S. Highway U.S. Highway 25 and Ohio Highway 4, and extending along Ohio Highway 4

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to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati, (f) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton, to points in New York on and east of U.S. Interstate Highway 81. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Moundsville, West Virginia.

No. MC 102616 (Sub-No. E480), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Akron, Cleveland, Mansfield, and Toledo, Ohio, and points in Ohio on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, to points in Delaware and points in Maryland on and east of U.S. Interstate Highway 81. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Moundsville, W. Va.

No. MC 102616 (Sub-No. E481), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Akron, Cleveland, Columbus, Mansfield, and Toledo, Ohio, and points in a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 25, (i) to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, and (ii) to junction U.S. Highway 33, to points in Iowa, Wisconsin, and Minnesota. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 102616 (Sub-No. E482), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Pennsylvania on and east of U.S. Interstate Highway 81 and on and north of U.S. Interstate Highway 76. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Moundsville, W. Va.

No. MC 102616 (Sub-No. E483), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Akron, Cleveland, and Toledo, Ohio, and points on a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 25 to junction U.S. Highway 6, to points in Iowa, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 102616 (Sub-No. E484), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Flint, Michigan, to (a) Akron, Cincinnati, Cleveland, Columbus, Dayton, Mansfield, Springfield, Toledo, Westwood, Fairmount, Cumminsville, St. Bernard, Avondale, Norwood, Oakley, Linwood, and Sedamsville, Ohio, (b) points on a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 25 to Cincinnati, (c) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 52 to Cincinnati, (d) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 27 to junction Ohio Highway 73, thence over Ohio Highway 73, (i) to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati, (ii) to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Middletown, (e) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati, (f) points on a line beginning at junction of U.S. Highway 25 and Ohio Highway 4 and extending along Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati, (g) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 102616 (Sub-No. E485), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (a) from Cincinnati, Dayton, Columbus, Springfield, Westwood, Fairmount, Cumminsville, St. Bernard, Avondale, Norwood, Oakley, Linwood, and Sedamsville, Ohio, (b) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 52 to Cincinnati, (c) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 27 to junction Ohio Highway 73, (i) to junction U.S. Highway 127 to Cincinnati, and (ii) to junction Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Middletown, (d) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 127 to Cincinnati, (e) points on a line beginning at junction U.S. Highway 40 and U.S. Highway 25, and extending along U.S. Highway 25 to Cincinnati, (f) points on a line beginning at junction U.S. Highway 25 and Ohio Highway 4, and extending along Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati, (g) points on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton, to points in Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 131, to junction U.S. Highway 31, thence along U.S. Highway 31 to Mackinac City, and points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Granger, Indiana.

No. MC 107064 (Sub-No. E182), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Texas east of U.S. Highway 83, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E183), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from points in Texas east of U.S. Highway 83, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E184), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Texas on, south, and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico, to points in Wyoming, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E185) filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Utah, to points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E186), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Utah, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E187), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Washington, to points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E188), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Washington, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E189), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Washington, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale Couuty, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E190), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Washington, to points in Georgia, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E191), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in North Carolina, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E224), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients*, from points in Florida, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E225), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in Maine, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E226), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in New Jersey, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E227), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Idaho, to

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points in South Carolina, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E228), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Idaho, to points in Georgia, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC–107064 (Sub-No. E229), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Idaho, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E230), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Idaho, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E231), filed December 18, 1975. Applicant: STEERE TANK LINES INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Idaho, to points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E232), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, from points in Delaware to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E233), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in New Hampshire, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E234), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in Delaware to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E235), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Maine to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No MC 107064 (Sub-No. E236), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products), from points in New Hampshire to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E237), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dalals, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Idaho to points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E238), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Idaho to points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and

storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E239), filed December 18, 1975. Applicant: Steere Tank Lines, Inc., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags from points in Massachusetts, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E240), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and dry fertilizer, in bags, from points in Maryland to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E421), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, from points in Maryland to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E242), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in California, to points in Kentucky, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E243), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in California, to points in Georgia, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E244), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Maine, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E245), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Florida, to points in Colorado, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E246), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in Florida, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E247), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Connecticut, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E248), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P. O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Connecticut, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E249), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P. O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in California, to points in Tennessee (except Kingsport), restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E250), filed December 18, 1975. Applicant: STEERE

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TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representatives: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in California, to points in South Carolina, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107295 (Sub-No. E24) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER issue of March 12, 1975, and republished, as corrected, this issue. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, from points in Illinois, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 109462 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of July 1, 1975, and republished, as corrected, this issue. Applicant: LUMBER TRANSPORT, INC., P.O. Box 6181 S. Station, Fort Smith, Ark. 72901. Applicant's representative: Ronald E. Butler, 54 W. Lake St., Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in New Mexico, to points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Michigan, and Missouri. The purpose of this filing is to eliminate the gateway of Miami, Okla.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-No. E31) (Partial correction), filed May 8, 1974, published in the FEDERAL REGISTER issues of July 8, 1975 and September 10, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (2) between those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 403 to junction U.S. Highway 119, thence along U.S. Highway 119 to Du Bois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, on the one hand, and, on the other, Danbury, Conn.; (6) between those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to Du Bois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, on the one hand, and, on the other, Putnam, Norwich, New London, Middletown, New Britain, Hartford, Torrington, and Canaan, Conn. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to correct typographical errors. The remainder of the letter-notice remains as previously published.

No. MC 113843 (Sub-No. E162) (Partial correction), filed May 8, 1974, published in the FEDERAL REGISTER issue of June 17, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (4) between those points in Indiana on and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 40 to Terre Haute, thence along U.S. Highway 141 to the Indiana-Illinois State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line, and extending along Pennsylvania Highway 611 to junction Pennsylvania Highway 412, thence along Pennsylvania Highway 412 to junction Pennsylvania Highway 212, thence along Pennsylvania Highway 212 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, and those in Tioga County, Pa. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to correct typographical errors. The remainder of the letter-notice remains as previously published.

No. MC 113843 (Sub-No. E174) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER June 18, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between (1) Westfield, Dunkirk, Fredonia, Brockton, Silver Creek, Farnham, Angola, North Collins, South Dayton, Lawtons, Gowanda, E. Aurora, Eden, N.Y., on the one hand, and, on the other, Gowanda, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y. The purpose of this correction is to correct E. Autora to read as E. Aurora instead. The remainder of the letter-notice remains as previously published.

No. MC 113843 (Sub-No. E269) (Partial correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of June 17, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (8) from Centre, Clinton, and Mifflin Counties, Pa., to those points in Iowa on, north, and west of a line beginning at the Mississippi River and extending along Iowa Highway 9 to Decorah, thence along U.S. Highway 52 to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missourt State line. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

NOTE.—The purpose of this partial correction is to correct a typographical error. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E271) (Partial correction), filed May 17, 1974, published in the FEDERAL REGISTER July 15, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*: (1) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to Northumberland, thence along U.S. Highway 15 to the Pennsylvania-New York State line to those points in Nebraska on, north, and west of a line beginning at the Missouri River and extending along Nebraska Highway 92 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line; (5) from those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 65, thence along Pennsylvania Highway 65 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 322 to Lewistown, thence along U.S. Highway 22 to Harrisburg, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line to points in Nebraska. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y. The purpose of this partial correction is to correct the route descriptions. The remainder of the letter-notice remains as previously published.

No. MC 113843 (Sub-No. E486) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of July 3, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pennsylvania on and west of U.S. Highway 15 and on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 49 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 15, to those points in Missouri on, north, and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 63 to Kirksville, thence along Missouri Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. From Lewisburg, Milton, Wellsboro, and Williamsport, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to correct typographical errors.

No. MC 119864 (Sub-No. E13) (Partial correction), filed May 22, 1974, published in the FEDERAL REGISTER issue of March 3, 1976, and republished, as corrected, this issue. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, and packinghouse products and by-products:* (3) from points in Ohio on, north and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to West Unity, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Mansfield, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to Van Wert, thence along U.S. Highway 224 to the Indiana-Ohio State line, to points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line, restricted to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Gary, Ind.

NOTE.—The purpose of this partial correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 119864 (Sub-No. E23) (Partial correction), filed June 2, 1974, published in the FEDERAL REGISTER issue of March 3, 1976, and republished, as corrected, this issue. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, (3) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois state line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line to points in Ohio on, north and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to West Unity, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Mansfield, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to Van Wert, thence along U.S. Highway 224 to the Indiana-Ohio State line, restricted to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments.

The purpose of this filing is to eliminate the gateway of Gary, Ind.

NOTE.—The purpose of this partial correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16730 Filed 6-8-76;8:45 am]

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federal register

WEDNESDAY, JUNE 9, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

PHA ACQUISITION OF HUD-OWNED PROPERTIES AND PROPERTIES WITH HUD-INSURED AND HUD-HELD MORTGAGES

Interim Rule

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-399]

PART 845—PHA ACQUISITION WITH OR WITHOUT REHABILITATION

PHA Acquisition of HUD-Owned Properties and Properties With HUD-Insured and HUD-Held Mortgages; Interim Rule

The Department of Housing and Urban Development (HUD) is hereby publishing interim regulations to amend Title 24 of the Code of Federal Regulations by adding a new Part 845, "Acquisition With or Without Rehabilitation—Subpart D—PHA Acquisition of HUD-Owned Properties and Properties with HUD-Insured and HUD-Held mortgages."

Under this Subpart HUD will utilize $50 million of annual contributions contract authority under the United States Housing Act of 1937 (Act) for assistance to public housing agencies (PHAs) in the acquisition and subsequent rehabilitation or completion of construction, as required, of HUD-owned multifamily and single family properties and of multifamily properties with mortgages insured or held by HUD. HUD will select HUD-owned multifamily and single family properties to be offered, at prices and terms determined by HUD, to the appropriate PHA. HUD will also select for the same purpose multifamily properties with mortgages insured or held by HUD, after consulting with owners.

(Sec. 845.401.)

Because of the importance of this approach in making housing assistance more widely available to lower-income families and in assisting in the disposition of the acquired property inventory, HUD has determined that the public interest would be served by making the provisions of Subpart D effective upon publication. Therefore, HUD has found that good cause exists for making these regulations effective upon publication on an interim basis.

Written comments and suggestions will be received until June 19, 1976. HUD will make such modifications as it deems appropriate in the final regulations. Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. A copy of each such communication will be available for public inspection during regular business hours at the above address.

A description of the principal features of the new Subpart D of Part 845 is set forth below.

1. (a) In selecting the properties, HUD will consider certain factors including, but not limited to, compliance with certain site and neighborhood standards; degree and complexity of the rehabilitation or completion of construction, as required; feasibility of funding the transaction under the limitations of the Act; feasibility of relocating site occupants, where applicable; and the administrative and operational capability of the PHA. In considering HUD-owned single family properties in soft market or hard to sell areas, HUD may offer such properties in combination with other properties in which the PHA may be interested.

(Sec. 845.402(a)(10).)

(b) In selecting properties with mortgages insured or held by HUD, HUD will rank the properties in the following order: (1) subsidized insured, (2) subsidized with HUD-held mortgages, (3) unsubsidized insured, and (4) unsubsidized with HUD-held mortgages. HUD will give priority to those projects with the lowest income tenant bodies and highest rent-to-income ratios, and to those projects where a mortgage assignment or foreclosure is anticipated.

(Sec. 845.402(b).)

2. Where the PHA is interested in acquiring a selected property, the PHA will submit to HUD an application for a program under the Act and, after approval thereof by HUD, a development program, all in accordance with the HUD prescribed forms and procedures. Following approval of the development program, HUD will enter into an Annual Contributions Contract (ACC) with the PHA, which will include a commitment for loan funds to finance the acquisition of the property and any required rehabilitation or completion as the case may be.

(Sec. 845.403–845.406.)

3. With the funds made available to the PHA under the ACC, the PHA will purchase the property at a closing arranged by the HUD field office.

(Sec. 845.407.)

4. The PHA will generally accomplish any required rehabilitation or completion of the property by contract after competitive bidding, in accordance with HUD prescribed forms and procedures; force account may be used only with HUD approval under exceptional circumstances.

(Sec. 845.408.)

5. Under § 845.412, tenants in occupancy will be given a preliminary notice advising them that the PHA intends to acquire the property pursuant to a financial assistance contract with HUD, and stating, among other things, that they will receive, not later than 10 days following acquisition of the property, either a notice of their right to continue in occupancy or a notice of displacement. If a tenant moves after the PHA has sent a notice of displacement, the tenant will be considered displaced for purposes of the Uniform Relocation Act. If the PHA has sent a tenant a notice of right to continue in occupancy, the following conditions will apply:

(a) The tenant will be assured of a right to occupy the same unit, or another unit in the same or a nearby building in the same project, for at least four years, which unit must be in decent, safe and sanitary condition.

(b) The tenant's monthly housing cost will be no greater than if he had remained in occupancy in the same dwelling unit under the regulations effective for the program which subsidized his occupancy prior to acquisition by the PHA.

(c) The tenant may be required to move temporarily to permit rehabilitation or demolition, but (1) only one such move may be required, (2) the temporary relocation may not be for more than one year, (3) the PHA must make available a unit which is in decent, safe and sanitary condition, and (4) the PHA must pay the actual reasonable expenses, including moving costs and increase in rent, incurred in connection with the temporary relocation.

(d) If the PHA fails to comply with any of these requirements, the tenant will be deemed to have been displaced and will become entitled to relocation payments and assistance pursuant to the applicable HUD regulations.

If the tenant is displaced, whether pursuant to notice or by reason of PHA failure to meet the required conditions, the computation of any replacement housing payment for rental assistance will be based upon the cost of renting a publicly owned or subsidized replacement dwelling, if available and offered to the displaced tenant, which meets all of the requirements for a "comparable replacement dwelling" except that it be "on the private market."

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A finding of inapplicability of inflation impact statement requirements has also been made in accordance with HUD procedures. A copy of these findings will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address shown above.

Accordingly, Title 24, Chapter VIII is amended by adding a new Part 845, Subpart D, to read as follows:

Subpart D—PHA Acquisition of HUD-Owned Properties and Properties With HUD-Insured and HUD-Held Mortgages

Sec.
845.401 Applicability and scope.
845.402 Selection of properties by HUD.
845.403 Notification of PHA.
845.404 Application for low-income housing program (and for preliminary loan where required), preliminary site report.
845.405 Preparation and submission of development program.
845.406 Approval of development program and execution of annual contributions contract.
845.407 Purchase of the property.
845.408 Rehabilitation or construction methods and standards.
845.409 Responsibilities during rehabilitation or construction.
845.410 Inspection upon completion and final settlement.
845.411 Warranties.
845.412 Relocation of tenants.

AUTHORITY: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); sec. 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c (b)).

Subpart D—PHA Acquisition of HUD-Owned Properties and Properties With HUD-Insured and HUD-Held Mortgages

§ 845.401 Applicability and scope.

HUD will utilize $50 million of annual contributions contract authority for assistance to public housing agencies (PHAs) in the acquisition and subsequent rehabilitation or completion, as required, of HUD-owned multifamily and single family properties and of multifamily properties with mortgages insured or held by HUD. HUD will select the properties for such use after consultation with the owners in the case of properties with mortgages insured or held by HUD. Properties so selected by HUD will be made available to the PHAs having jurisdiction over the areas in which the properties are located at prices and terms to be determined by HUD and will be acquired, rehabilitated or completed, as required, by the PHAs with financial assistance under the United States Housing Act of 1937 (Act) and in accordance with the provisions of this Subpart.

§ 845.402 Selection of properties by HUD.

(a) *General.* HUD shall select the properties after considering the following factors:

(1) Compliance with the site and neighborhood standards stated in 24 CFR 881.112 (a), (b), (d), (h) and (i).

(2) The degree and complexity of the rehabilitation or completion of construction necessary to place the property in acceptable physical condition.

(3) The feasibility of funding the acquisition and any rehabilitation or construction under the Act, including the limitation that the cost for dwelling construction and equipment shall not exceed 90 percent of the applicable prototype cost published by HUD and the further limitation that the total development cost shall not exceed 90 percent of the imputed development cost of a hypothetical newly constructed low-rent housing project developed by the PHA to accommodate the comparable number, sizes, and kinds of families to be accommodated by the property in question.

(4) Feasibility of relocating site occupants during and after the rehabilitation, if applicable.

(5) Whether the PHA has sufficient administrative and operational capability.

(6) The likelihood that the unit of general local government would not object under Section 213 of the Housing and Community Development Act of 1974 (HCD Act).

(7) Results of appropriate environmental review conducted in compliance with HUD requirements implementing the National Environmental Policy Act of 1969, as amended; the likelihood of compliance with the A-95 requirements (OMB Circular A-95, January 13, 1976) if applicable; and probable results of Project Selection Criteria evaluation of Application for Low-Income Public Housing (24 CFR 200.700).

(8) If the property is situated in an area that has been identified by HUD as having special flood hazards, the community must have entered the National Flood Insurance Program under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), and the project must be covered by flood insurance under that program and meet any relevant HUD standards and local requirements.

(9) Compliance with the provision of Section 6(a) of the Act which requires that "except in the case of housing predominantly for the elderly, High-rise elevator projects shall not be provided for families with children unless * * * [HUD] makes a determination that there is no practical alternative."

(10) In connection with HUD-owned single family properties in soft market or hard to sell areas (excluding areas which have been identified as Urban Homestead areas under the Urban Homestead Demonstration Program), whether HUD should offer such properties in combination with other properties in which the PHA may be interested. If a PHA expresses an interest in acquiring such properties, the field office shall provide the PHA with a list of all such properties.

(b) *Secretary-Owned Properties.* In selecting properties the field office may initially place emphasis on multifamily properties, then, single family properties and the extent to which the use of the property will help to meet the needs of the PHAs. All properties listed in the Secretary-owned inventory are available to interested PHAs.

(c) *Properties with Mortgages Insured or Held by HUD.*

(1) In selecting properties, the field office shall rank the properties in the following order:

(i) Subsidized insured projects,

(ii) Subsidized projects with HUD-held mortgages,

(iii) Unsubsidized insured projects,

(iv) Unsubsidized projects with HUD-held mortgages.

(2) Within these rankings priority shall be given to those projects with the lowest income tenant bodies and the highest rent-to-income ratios, to insured projects where a mortgage assignment or mortgage foreclosure is anticipated, and to projects with HUD-held mortgages where foreclosure is anticipated.

(3) With respect to those properties which HUD proposes to select in accordance with paragraph (c)(1) of this section, the owners shall be requested in writing to advise whether they are willing to consider a sale of the property to the PHA on a negotiated basis taking into account the amount necessary to satisfy the outstanding mortgage indebtedness, including delinquencies if any, or appropriate portions thereof in the case of uncompleted projects. This shall be subject to the willingness of the PHA to acquire the project and the acceptability of the project from the standpoint of meeting the cost limitations mentioned in paragraph (a)(3) of this section.

§ 845.403 Notification of PHA.

(a) For those properties which have been selected in accordance with § 845.402, the field office shall notify the PHA in writing indicating that the property is available and requesting the PHA to advise, within a specified time, whether it is interested in acquiring the property for subsequent rehabilitation or completion, as required, with financial assistance under the Act.

(b) Upon receipt of an affirmative response from the PHA, the field office shall invite the PHA (and owner, where applicable) to attend a conference at which the basic terms and conditions shall be discussed. The PHA will be furnished with such information and assistance as may be needed for the expeditious preparation and submission to HUD of an application for a low-income housing program and preliminary loan, and preparation and submission of a preliminary site report, all on HUD prescribed forms.

§ 845.404 Application for Low-Income Housing Program (and for preliminary loan where required); preliminary site report.

(a) The PHA shall submit to HUD the application for a low-income housing program (and for a preliminary loan, where required) and all related documents, as well as a preliminary site report, all on HUD prescribed forms.

"Included with the application shall be:

(1) A signed certification of the PHA's intention to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 11246 and Section 3 of the Housing and Urban Development Act of 1968.

(2) A completed Affirmative Fair Housing Marketing Plan, if the application is for five (5) or more units. In utilizing preferences or priorities for the selection of tenants, other than those who previously were occupants of the project and who will return to the project upon completion of rehabilitation, no requirement or priority may be based upon the length of time the applicant has resided in the jurisdiction. Applicants who are working or who have been notified that they are hired to work in the jurisdiction shall be treated as residents of the jurisdiction.

(b) Promptly after receipt of the material submitted in accordance with paragraph (a) of this section, the field office shall:

(1) If the application is subject to A-95 clearance, send a copy of the preliminary site report to the appropriate clearinghouse for review (unless this was previously done by the PHA).

(2) For purposes of compliance with section 213 of the HUD Act, forward (unless this was previously done by the PHA) a copy of the preliminary site report with a brief description of the proposed project to the chief executive officer (or such other designee as such officer may designate) of the unit of general local government in which the project is located.

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(3) Review the application and other

complete, the PHA shall submit for HUD

tenant and has entered into a contract with HUD under which the funds neces-

dwelling occupied prior to acquisition under the regulations effective for the

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(3) Review the application and other material in accordance with applicable HUD procedures.

(c) If the application is determined to be approvable, the field office shall issue a program reservation and approval of a preliminary loan, if applicable.

(d) Promptly after execution of the preliminary loan contract, the PHA shall obtain HUD approval for obtaining legal and architectural services, where such services are necessary in connection with the project.

§ 845.405 Preparation and submission of development program.

The field office shall conduct a Development Conference to discuss the requirements of a development program with the PHA and those who will participate in the preparation of the development program. The development program describes the basic elements of the project and includes a development cost budget prepared on HUD prescribed forms in accordance with applicable instructions. Following the Development Conference, the PHA shall prepare the development program and submit it to HUD for its review and approval.

§ 845.406 Approval of development program and execution of annual contributions contract.

The field office shall review the development program in accordance with applicable HUD procedures. After the development program is approved, the field office shall authorize and proceed to accomplish execution of an annual contributions contract. This shall include a commitment for loan funds to pay off the preliminary loan, if any, and to finance the acquisition and any necessary rehabilitation or completion of construction of the property.

§ 845.407 Purchase of the property.

(a) The PHA shall submit a requisition to HUD for sufficient loan funds to cover the purchase price and other PHA project expenses.

(b) The field office shall arrange for the closing at which the purchase of the property will be accomplished. Any necessary rehabilitation or completion of construction will be performed thereafter in accordance with Sections 845.408, 845.409 and 845.410.

§ 845.408 Rehabilitation or construction methods and standards.

(a) *Contracting.* Except as provided in paragraph (b) of this section, the PHA shall accomplish the necessary rehabilitation or completion of the construction of the property by contract after competitive bidding. The PHA shall, prior to taking of bids, submit for HUD approval the bidding and contract documents prepared on the HUD prescribed forms. HUD shall supply the PHA with the current Davis-Bacon wage rate determination to be used in conjunction with the bid documents.

(b) *Force Account.* (1) The Force Account method, whereby the PHA uses its existing staff or hires additional personnel to perform the work, may be used in exceptional cases with the approval of the Field Office Director for all the work or in combination with contracts for units of work which can be better or more economically performed by an independent contractor. Force Account work shall be subject to Davis-Bacon wage rates. The PHA must justify use of the Force Account method and demonstrate the capabilities of the PHA to successfully implement the force Account method.

(2) For purpose of this paragraph (b), an exceptional case may be, but is not limited to: (i) a project or unit of work of unusually small size, or (ii) a project involving properties requiring only minor rehabilitation or construction, or (iii) a project involving individual small structures requiring major rehabilitation or construction, but where it is necessary to utilize many separate sets of detailed plans and specifications and other contract documents and the work of preparing, advertising, awarding and administering such contracts would be disproportionately difficult, time-consuming, and high in cost.

(c) *Advertising for Bids and Contract Award.* (1) The documents submitted pursuant to paragraph (a) of this Section shall be reviewed by the Field office and, if approved, the PHA shall be authorized to advertise for bids.

(2) After opening the bids, the PHA shall identify the bid which in its judgment is the lowest responsible bid, and the PHA shall submit its recommendation for contract award to the field office for HUD approval.

(3) The field office shall review the proposed contract award and the material submitted by the PHA in connection therewith, and shall notify the PHA of HUD's approval or disaproval of the recommendation made by the PHA.

(4) After HUD approval, the PHA shall execute the construction contract(s) with the contractor(s).

(d) *Rehabilitation or Construction Standards.* Rehabilitation or Construction shall be in compliance with (1) HUD MINimum Design Standards for Rehabilitation for Residential Properties, or HUD Minimum Property Standards, as appropriate, (2) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (3) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or handicapped, (4) HUD requirements pertaining to noise abatement and control, (5) regulations issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and (6) applicable State and local laws, codes, ordinances and regulations.

§ 845.409 Responsibilities during rehabilitation or construction.

(a) The PHA shall accomplish completion of rehabilitation or construction with all practicable dispatch in a sound, efficient manner without waste or extravagance, in strict accordance with the contract documents, and in accordance with the procedures and requirements prescribed by HUD.

(b) The PHA shall at all times retain, preserve and enforce all its rights under the rehabilitation or construction and equipment contracts and under its agreement with the architect for services to be rendered during rehabilitation or construction. The PHA shall not, without prior approval of HUD, waive, release, compromise, or fail to enforce any right or fail to prosecute any claim which it may have under any such contract or agreement.

(c) The PHA shall designate a Contracting Officer to represent it in the administration of rehabilitation or construction and equipment contracts, with power to perform the functions of the PHA as required by such contracts. The designation shall define the scope and limitations of the Contracting Officer's authority. The designation shall be made prior to the issuance of the Notice to Proceed, and the Notice to Proceed shall include a notification concerning the designation and the name of the Contracting Officer.

(d) (1) The PHA shall promptly inform the field office by direct wire of the date on which work actually starts at the site.

(2) The PHA shall submit to the field office periodic reports and other material related to rehabilitation or construction, including copies of all revised drawings, working sketches, correspondence, etc., in the prescribed form and number of copies required by HUD.

(e) The PHA shall provide competent and adequate architectural and engineering inspection of rehabilitation or construction. Such inspectors shall be selected by the PHA and approved by HUD. The PHA shall promptly forward a copy of each inspection report to the field office. This report shall include comments on action taken to remedy deficiencies disclosed by the report.

(f) HUD representatives shall make site visits from time to time, and shall make a report to HUD of each of their visits. HUD shall send a copy of each report to the PHA, with a recommendation of the action, if any, to be taken by the PHA. The HUD report shall include its evaluation of the adequacy of the PHA inspections and the PHA actions with respect thereto.

§ 845.410 Inspection upon completion and final settlement.

(a) The contractor shall notify the PHA in writing as to the date when, in his opinion, the contract work, or stage when applicable, will be completed and ready for final inspection. If the PHA determines that the state of the work is as represented, the PHA shall promptly notify the Field Office and request HUD's participation in the final inspection. The final inspection shall be made jointly by the representatives of the PHA, HUD and the contractor.

(b) If the inspection discloses no deficiencies other than punch list items or items awaiting seasonal opportunity to

complete, the PHA shall submit for HUD approval an Interim Certificate of Completion which shall detail the items. The PHA shall also submit for HUD approval a proposed time schedule agreed to by the contractor for completion of the items. Upon HUD approval of the Interim Certificate and schedule for completion, the PHA may release the monies to the contractor less the withholdings required by the contract. The PHA may permit occupancy prior to PHA sign-off on all punch list items and items awaiting seasonal opportunity.

(c) The contractor shall complete the punch list items and items awaiting seasonal opportunity to complete in accordance with the time schedule for completion of the items as approved by HUD. The contractor will be paid for such items only after inspection and acceptance by the PHA and after HUD approval. The PHA shall not accept any items if there is a dispute as to whether such items have been completed. If the PHA is satisfied that the applicable requirements of the contract have been met, the PHA shall submit to HUD for approval a Final Certificate of Completion and, upon approval thereof by HUD, shall release to the contractor the amounts withheld respect to such items in accordance with the applicable provisions of the contract.

§ 845.411 Warranties.

The rehabilitation or construction and equipment contracts shall specify the warranty periods applicable to items completed as of the date of the approved Interim Certificate of Completion and to items completed after the date of the Interim Certificate, and shall also provide for assignment to the PHA of manufacturers' and suppliers' warranties covering equipment or supplies.

§ 845.412 Relocation of tenants.

(a) *Applicability of Uniform Act.* Any tenant in occupancy on the date the PHA acquires the real property as part of the project and who thereafter moves or moves his personal property from the real property shall be considered a displaced person within the meaning of the Uniform Relocatoin Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), (84 Stat. 1899; 42 U.S.C. 4601 et seq., Pub. L. 91-646), unless the tenant is permitted to continue in occupancy of a dwelling in accordance with paragraphs (b) and (c) of this section. The relocation of any displaced person shall be carried out in compliance with HUD regulations appearing at Part 42 of this Title, as modified by the special policies contained in this section.

(b) *Preliminary notice of each tenant.* Not later than 30 days after the date of execution of the applicable Annual Contributions Contract, the PHA shall issue to each tenant a written communication which shall:

(1) State that the PHA intends to acquire the real property occupied by the tenant and has entered into a contract with HUD under which the funds necessary to acquire the property will be made available;

(2) Inform the tenant whether or not it appears that he will be required to relocate permanently as a result of the PHA's acquisition of the real property;

(3) State that the communication is not a notice to vacate the real property and that, if the tenant moves for any reason, except after being issued a notice of displacement as described in paragraph (d) of this section, he will not be considered a displaced person under the Uniform Act;

(4) Indicate that as soon as feasible, but not later than 10 days following the date of acquisition of the real property, the tenant will receive from the PHA an appropriate notice as specified under paragraph (c) or (d) of this section, as the case may be (the provisions of such notice or notices as are referred to shall be generally described in the communication);

(5) Generally describe the relocation payments and other assistance for which the tenant would be eligible, if displaced under the Uniform Act, including conditions of eligibility therefor; and

(6) Inform the tenant of the policies contained in paragraphs (d)(3), (d)(4)(ii) and (d)(4)(iii) of this section.

(c) *Notice of right to continue in occupancy.* Not later than 10 days after the date of acquisition of the real property, the PHA shall furnish each tenant who will not be displaced a written notice of his right to continue in occupancy, which contains the following conditions:

(1) The tenant shall have the right to lease and occupy a decent, safe and sanitary dwelling which is either his current dwelling or another dwelling located within the same building or nearby building identified as part of the same project, for a period of at least four years beginning on the date of acquisition, or the date the dwelling is placed in decent, safe and sanitary condition, or the date of termination of any temporary relocation, whichever is later, for so long as he complies with the terms of his lease and the rules, regulations and procedures of the PHA. The PHA will assure that at the beginning of such 4-year period the dwelling is decent, safe and sanitary as determined under the housing quality standards set forth at Sec. 882.109 of this Title.

(2) The tenant's monthly housing cost for the first year of the 4-year period, including rental payment and estimated utilities costs, shall not exceed his average monthly housing cost for the 3 months immediately prior to acquisition, or longer period which the PHA determines will more accurately reflect the housing cost to the tenant. Thereafter, increases in the tenant's monthly rental cost shall not be imposed more than once a year and such rental cost shall not exceed that which the tenant would have paid if he had remained in the dwelling occupied prior to acquisition under the regulations effective for the program which subsidized his occupancy prior to acquisition.

(3) The tenant shall not be required to move from his dwelling unless the move is necessary to permit rehabilitation or demolition. If such move is required to be made, (i) not more than one temporary relocation by the tenant shall be required, (ii) the temporary relocation shall not exceed one year in duration, (iii) the PHA shall make available to the tenant for the temporary period decent, safe and sanitary housing meeting the standards of § 882.109, and (iv) the PHA shall pay actual reasonable expenses, including any moving costs or increase in rent, incurred by the tenant in connection with the temporary relocation.

(4) If the PHA fails to comply with any requirement to which it is committed in accordance with this notice, the tenant shall automatically be deemed to have been issued a notice of displacement as described in paragraph (d) of this section and to be entitled to relocation payments and other relocation assistance under HUD regulations at Part 42 of this Title, as modified by the special policies contained in this section.

(d) *Notice of displacement.* To be eligible as a displaced person for relocation payments and other assistance under the Uniform Act, the tenant must be issued scribed in this paragraph (d):

(1) *Timing of notice.* Not later than 10 days after the date of acquisition of the real property, the PHA shall issue to each tenant wno will be displaced a written notice of displacement. The notice shall be effective not later than the date of acquisition.

(2) *Contents of notice.* The notice shall state that if the tenant moves himself or his personal property from the real property on or after the effective date of the notice, he will be considered a displaced person under the Uniform Act and will be entitled to certain relocation payments and other assistance, which shall be generally described, including the maximum allowable dollar amount or range of each payment for which he will apparently be eligible, any conditions of eligibility, and the procedures for obtaining the payment. The basis of the computation of a replacement housing payment, as set forth in paragraph (e) of this section, shall also be fully described.

(3) *Tenant request for notice of displacement.* At any time after the execution of the ACC, a tenant believing that he will qualify as a displaced person under this section may request the PHA to issue him a notice of displacement. Within 30 days after receiving his request, the PHA shall consider the tenant's stated reasons for making the request and shall either issue a notice of displacement or a written statement denying the request and stating the reasons for denial.

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(4) *Automatic notice of displacement.*

computation of any replacement hous-

location payments and assistance under

(4) *Automatic notice of displacement.* A person shall be deemed to have been issued a notice of displacement, effective immediately or on the date of acquisition, whichever is earlier, if the PHA:

(i) Within 30 days after the date of execution of the ACC, fails to issue to the tenant the preliminary notice described in paragraph (b) of this section, except that subsequent issuance of a preliminary notice as described in paragraph (b) shall have the effect of cancelling the notice of displacement; or

(ii) Within 30 days after the date of acquisition of the property, fails to issue to the tenant either the written notice of displacement described in paragraph (d) of this section, or the written notice of the right to continue in occupancy described in paragraph (c) of this section; or

(iii) Fails to fully meet its commitments as set forth in the notice of the right to continue in occupancy as described in paragraph (c) of this section.

(e) *Computation of replacement housing payment.* If a tenant is displaced, the computation of any replacement housing payment for rental assistance under § 42.95(c)(1) of this Title shall be based upon the cost of renting a publicly owned or subsidized replacement dwelling, if available and offered to the displaced tenant, which meets all of the requirements of the term "comparable replacement dwelling" as defined in Sec. 42.20 (b) of this Title except the requirement at Sec. 42.20(b)(3) that it be "on the private market." The offer of an actual, available, comparable, subsidized or publicly owned unit must be documented in the relocation case file, if such unit is used for purposes of calculating the replacement housing payment.

(f) *Notice of determination not to acquire.* If, after execution of the ACC, the PHA determines not to acquire the property, the PHA shall serve a written notice on each tenant occupying the property. The notice shall state that the PHA has determined not to acquire the property and that any tenant moving from the property thereafter will not be eligible as a displaced person for relocation payments and assistance under the Uniform Act.

(g) *Manner of notices.* Any notice which the PHA is required to provide under this section shall be personally served, receipt documented, or sent by certified or registered first-class mail, return receipt requested.

(h) *Temporary relocation costs.* Actual reasonable expenses, including any costs for moving or any increase in rent, incurred in connection with any temporary relocation carried out in accordance with paragraph (c)(3) of this section shall be borne as a development cost of the project.

[It is hereby certified that the economic and inflationary impacts of this interim amendment have been carefully evaluated in accordance with OMB Circular A-107.]

Effective date: These regulations are effective June 9, 1976.

JOHN B. RHINELANDER,
Acting Secretary of Housing and Urban Development.

[FR Doc.76-16490 Filed 6-8-76;8:45 am]

federal register

WEDNESDAY, JUNE 9, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

EMERGENCY HOMEOWNERS' RELIEF PROGRAM

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Title 24—Housing and Urban Development

Appendix 7—Direct Loan Final Accounting

Title 24—Housing and Urban Development

CHAPTER XV—MORTGAGE INSURANCE AND LOAN PROGRAMS UNDER THE EMERGENCY HOMEOWNERS' RELIEF ACT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-355]

PART 2700—EMERGENCY HOMEOWNERS' RELIEF PROGRAM

Direct Loans

On December 30, 1975, the Department of Housing and Urban Development published its final rule on the Emergency Homeowners' Relief Program (40 FR 59866). Subsequently, it received the Department of Justice's disapproval of the plan to have private attorneys handle collection-related litigation in the direct loan program. Accordingly, the Department is amending Supart E and Appendix 7 of Part 2700 to provide that collection-related litigation in the direct loan program will be handled by the Department of Justice. In addition, this amendment gives servicers in the direct loan program an option to purchase direct loans from the Secretary, upon default by the homeowner, so that the servicer can pursue its own collection litigation.

Inasmuch as this amendment reflects a policy position of the Department of Justice which is not subject to rule making procedures under 5 U.S.C. 553 and does no represent an independent policy determination by HUD subject to 24 CFR Part 10, comment and public procedures are not applicable and the amendment is being made effective upon publication.

A Finding of Inapplicability of section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, has been made in accordance with procedures set forth in HUD Handbook 1390.1. That Finding of Inapplicability is available for public inspection during normal business hours in the office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. Similarly, a Statement of Inapplicability of inflation impact statement procedures with respect to these regulation amendments is available for public inspection during normal business hours at the same office.

Thus, pursuant to authority contained in section 108(a) of the Emergency Homeowners' Relief Act, (12 U.S.C. 2707 (a)), Part 2700, Subparts E and F of Title 24 of the Code of Federal Regulations are amended as follows:

1. In Subpart E—Direct Loans, § 2700.430 is revised to read as set forth below:

§ 2700.430 Collection.

(a) If a homeowner defaults on a direct loan, the servicer shall elect (1) to wait while the Department of Justice proceeds against the mortgage securing the loan or attempts to collect on the note, and then to make an accounting and payment to the Secretary, as provided in § 2700.435, or (2) to make an accounting and payment, as provided in § 2700.435, without waiting while the Department of Justice proceeds against the mortgage or note.

(b) If, pursuant to paragraph (a) of this section, the servicer elects to make an accounting without waiting while the Department of Justice against the mortgage or note, the servicer, at the time of that accounting, will have the option of purchasing the loan and underlying mortgage for a price equal to 0.5 times the unpaid principal balance.

2. In Subpart E, § 2700.435 is revised to read as follows:

§ 2700.435 Payment to the Secretary.

(a) Before the expiration of the period of 90 days after the date of default, or such other time period as the Secretary approves, the servicer shall transmit to the Secretary on the last working day of the month the complete credit and collection file pertaining to the emergency loan.

(b) At the same time the servicer makes the transmittal as provided in paragraph (a) of this section, it shall share the loss on the loan by making a payment to the Secretary in an amount equal to 10 percent of the sum of: (1) the unpaid principal amount of the loan less the amount recovered; and (2) the uncollected interest earned up to the date of the final accounting. Accompanying that payment shall be a final accounting of the loan in the form specified in Subpart F, Appendix 7 of this part and the note and mortgage executed in connection with the emergency loan.

(c) Notwithstanding the provisions of paragraph (b) of this section, in the event that the aggregate loss borne by the Secretary reaches 40 percent of the aggregate amount advanced by the servicer on behalf of the Secretary under this subpart, the servicer shall bear the burden of any loss in excess of that 40 percent by making an appropriate payment to the Secretary within the time period specified in paragraph (a) of this section.

(d) If at the time of default or at any time subsequent to default, a person primarily or secondarily liable for the repayment of the loan is a "person in military service," as such term is defined in the Soldier's and Sailor's Civil Relief Act of 1940, as amended, the period he is in the military service and 3 months thereafter will be excluded in computing the time within which an accounting and payment are to be made pursuant to paragraph (a).

3. In Subpart F, Appendix 7 of Part 2700 is amended to read as follows:

Appendix 7- Direct Loan Final Accounting

HUD FORM NO. EHRP—April 1976

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FINANCE AND ACCOUNTING
EMERGENCY HOMEOWNERS' RELIEF PROGRAM

DIRECT LOAN FINAL ACCOUNTING

1. SERVICER'S NAME, ADDRESS AND ZIP CODE:

3. *(HUD USE ONLY)*
Transfer Number: _____

4. DATE OF DEFAULT:

5. DATE OF FORECLOSURE (If applicable):

2. MORTGAGEE REFERENCE NUMBER:

6. DATES OF MILITARY SERVICE (If applicable under 24 CFR, Section 2700.435(d))

7. HOMEOWNER'S NAME, ADDRESS AND ZIP CODE:

8. PROPERTY LOCATION:

SCHEDULE I - COMPUTATION OF SERVICER'S SHARE OF LOSS OF LOAN

A. Unpaid Principal ..... $ _____
B. Less: Recoveries ..... _____
C. Net Amount ..... _____
D. Uncollected Interest ..... _____
E. Sum of Lines C and D ..... _____
F. 90 percent of Line E ..... _____
G. Servicer's Share of Loss (Line E minus Line F) ..... $ _____

SCHEDULE II - COMPUTATION OF CEILING ON LOSS BEARABLE BY HUD

A. Aggregate Losses Borne by HUD before this Claim ..... $ _____
B. 90% of Loss on Loan (Schedule I, Line F) _____
C. Sum of Lines A and B ..... _____
D. 40 % of Aggregate Amount of Funds Advanced; Pursuant to 24 CFR, Part 2700, Subpart E _____
E. Additional Servicer's Loss (Line C minus Line D) (Not to be below zero) ..... $ _____

SCHEDULE III - OPTION TO PURCHASE

☐ I am exercising my option to purchase the loan.
☐ I am not exercising my option to purchase the loan.

Purchase Price (Line A, Schedule I x 0.5) ..... $ _____

SCHEDULE IV - COMPUTATION OF REMITTANCE DUE HUD

A. Servicer's Share of Loss on Loan (Schedule I, Line G) ..... $ _____
B. Additional Servicer's Loss (Schedule II, Line E) ..... _____
C. Purchase Price (Schedule III) ..... _____
D. Remittance due HUD (Total of Lines A, B and C) ..... $ _____

WARNING

Section 1001 of the U.S. Criminal Code (18 U. S. C.) provides in part; "Whoever, in any matter within the jurisdiction of any department ... of the United States knowingly and willfully ... makes any false ... or fraudulent statements or representations ... shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

CERTIFICATION

The undersigned hereby certifies that to the best of his knowledge the amounts listed above comprise the complete basis of the final settlement on the direct loan for the property and homeowner identified above, and the information shown herein is true and correct and is documented to the extent required in the credit and collection file transmitted herewith.

_____ *Date*

_____ *Signature and Title of Official of the Servicer*

NOTE.—It is hereby certified that the eco-

WEDNESDAY, JUNE 9, 1976

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NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Effective Date. This regulation shall be deemed effective on June 9, 1976.

JOHN B. RHINELANDER,
Acting Secretary of
Housing and Urban Development.

[FR Doc.76-16645 Filed 6-8-76;8:45 am]

federal register

WEDNESDAY, JUNE 9, 1976

PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

■

LOW RENT PUBLIC HOUSING

Prototype Cost Limits

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-398]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits

On Tuesday, June 10, 1975, the Department published (40 FR 24818) prototype per unit cost schedules for low-rent public housing pursuant to Section 15(5) of the U.S. Housing Act of 1937. Subsequent to initial publication, the schedules were revised whenever it was found that all or part of the costs for a given area were unworkable.

Section 15(5) of the Act further provides that the prototype costs be determined at least annually and specifies that the costs are not effective until published in the FEDERAL REGISTER. Continuity of contract approvals, therefore, requires publication of these updated schedules for immediate effectiveness.

We believe also that the need for current prototype cost schedules outweighs, in this instance, the advantages of the customary notice of rulemaking and comment procedure, particularly since the updating of these costs is based not only upon information developed in HUD field offices but upon requests for changes submitted by the public as well. Although these schedules will be effective upon publication, timely written comments will nevertheless be considered in preparing revisions to cost limits for individual areas, such revisions to be published in the FEDERAL REGISTER on or before July 1, 1976, and at such time thereafter as the Department finds necessary. Comments with repect to cost limits for a given location should be filed with the Director, Office of Underwriting Standards, HUD Central Office, Room 6156, 451 7th Street, S.W., Washington, D.C. 20410, and a copy should be sent to the local HUD Area Office. A list of these offices and their addresses follow:

REGION I

Connecticut, Hartford, 06105, 999 Asylum Ave.
Massachusetts, Boston, 02114, Bulfinch Bldg., 15 New Chardon St.
New Hampshire, Manchester, 03101, Davison Bldg., 1230 Elm St.

REGION II

New Jersey, Camden, 08103, The Parkdale Bldg., 519 Federal St.
New Jersey, Newark, 07102, 1 Raymond Plaza, Gateway Bldg.
New York, Buffalo, 14202, Grant Bldg., 560 Main St.
New York, New York, 10019, 666 Fifth Ave.
Puerto Rico, San Juan, 00936, P.O. Box 3869 GPO, 255 Ponce de Leon Ave., Hato Rey, P.R.

REGION III

District of Columbia, Washington, 20009, Universal North Bldg., 1875 Connecticut Ave., N.W.
Maryland, Baltimore, 21201, 2 Hopkins Plaza, Mercantile Bank & Trust Bldg.
Pennsylvania, Philadelphia, 19106, Curtis Bldg., 625 Walnut St.
Pennsylvania, Pittsburgh, 15212, 2 Allegheny Center.
Virginia, Richmond, 23219, 701 East Franklin St.

REGION IV

Alabama, Birmingham, 35233, Daniel Bldg., 15 South 20th St.
Florida, Jacksonville, 32204, Peninsular Plaza, 661 Riverside Ave.
Georgia, Atlanta, 30303, Peachtree Center Bldg., 230 Peachtree St., N.W.
Kentucky, Louisville, 40201, Children's Hospital Foundation Bldg., 601 South Floyd St.
Mississippi, Jackson, 39213, Jackson Mall, 300 Woodrow Wilson Ave., West.
North Carolina, Greensboro, 27408, 2309 West Cone Blvd., Northwest Plaza.
South Carolina, Columbia, 29202, 1801 Main St., Jefferson Sq.
Tennessee, Knoxville, 37919, 1 Northshore Bldg., 1111 Northshore Dr.

REGION V

Illinois, Chicago, 60602, 1 North Dearborn St.
Indiana, Indianapolis, 46205, 4720 Kingsway Drive.
Michigan, Detroit, 48226, 15th Fl., McNamara Bldg., 427 Michigan Ave.
Minnesota, Minneapolis-St. Paul, 55104, Griggs-Midway Bldg., 1821 University Ave., St. Paul, Minn.
Ohio, Columbus, 43215, 60 East Main St.
Wisconsin, Milwaukee, 53203, 744 North Fourth St.,

REGION VI

Arkansas, Little Rock, 72201, Union National Bank Bldg., 1 Union National Plaza.
Louisiana, New Orleans, 70113, Plaza Tower, 1001 Howard Ave.
Oklahoma, Oklahoma City, 73102, 301 North Hudson St.
Texas, Dallas, 75201, 2001 Bryan Tower.
Texas, San Antonio, 78285, Kallison Bldg., 410 South Main Ave., P.O. Box 9163.

REGION VII

Kansas, Kansas City, 66101, 2 Gateway Center, Fourth and State Sts.
Missouri, St. Louis, 63101, 210 North 12th St.
Nebraska, Omaha, 68106, Univac Bldg., 7100 West Center Rd.

REGION VIII

Colorado, Denver, 80202, Title Bldg., 909 17th St.

REGION IX

California, Los Angeles, 90057, 2500 Wilshire Blvd.
California, San Francisco, 94111, 1 Embarcadero Center, Suite 1600.

REGION X

Oregon, Portland, 97204, 520 Southwest Sixth Ave., Cascade Bldg.
Washington, Seattle, 98101, Arcade Plaza Bldg., 1321 Second Ave.

The Department has determined that these changes do not have a substantial environmental impact. A finding of inapplicability has been filed with the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C., and is available for public inspection during regular business hours.

Accordingly, the appendix to Part 275 is revised as follows:

APPENDIX

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

(Sec. 209 of the Housing and Urban Development Act of 1970, P.L. 91-609, Sec. 15(5) of the U.S. Housing Act of 1937, 50 Stat. 888, 42 U.S.C. 1401 et seq.; Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); and Secretary's delegation of authority, published at 36 FR 5007, Mar. 16, 1971).

A. Unit prototype cost.—1. Prototype cost comprises the cost of dwelling structures, account No. 1460, and dwelling equipment, account No. 1465, as described in "Low-Rent Housing Accounting Handbook 7510.1," Chapter 3, Section 15, which include their pro rata share of the builder's fee and overhead, insurance, social security, sales tax, and bonds.

2. Prototype cost does not include the costs of site acquisition, site improvement, nondwelling structures or spaces (and equipment), planning (architectural-engineering fees, permit fees, inspection, and similar costs), relocation, interest or local authority administrative costs, all of which are described in "Low-Rent Housing Accounting Handbook 7510.1," Chapter 3, Section 15.

3. Prototype cost takes into account compliance with applicable HUD Minimum Property Standards and planning and design criteria described in HUD Handbook 7410.1, Chapter 3. Current copies of HUD Handbooks are maintained and available for public inspection in the Office of Public Information, Room 1104, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, and in each of the Department's Regional, Area and FHA Insuring Offices.

4. Prototype cost takes into account the extra durability required for economical maintenance of assisted housing and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment.

B. Project prototype costs.—1. The project prototype cost is the sum of the unit prototype costs for the dwellings of various sizes and types comprising the project. The total cost of dwelling construction and equipment (accounts 1460 and 1465), and the related proportionate share of the contingency established by any development cost budget shall not exceed the sum of 105 percent of the project prototype costs for the dwellings to be constructed.

2. A request for approval of a cost which exceeds the 105 percent cost limitation but which is not in excess of the statutory 110 percent may be submitted to the Regional Administrator. Such requests must be supported by a detailed justification with respect to the particular project, taking into account all of the circumstances involved and demonstrating that such approval is necessary and desirable in carrying out the objectives of the Act.

3. If it is found at any time between annual updates that all or part of the current prototype costs for an area office jurisdiction are unworkable, the procedures outlined in HUD Handbooks 7410.1 and 7410.2 (1-74) will be followed for requesting revisions.

4. Development cost budgets, awards of main construction—contracts, preliminary contracts of sale, and contracts of sale for turnkey projects will not be approved unless an appropriate prototype cost for the area is published in the FEDERAL REGISTER.

Effective date: This regulation shall be effective June 9, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

WILLIAM L. WARFIELD,
Special Assistant to the Assistant Secretary for Housing Production and Mortgage Credit.

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS					
	0	1	2	3	4	5	6
REGION I							
CONNECTICUT							
HARTFORD:							
DETACHED AND SEMIDETACHED	14,800	17,700	19,450	23,350	28,100	31,250	32,700
ROW DWELLINGS	13,650	16,250	18,150	21,600	25,900	28,900	30,250
WALKUP	13,300	16,400	18,500	22,100	25,450	28,000	29,400
ELEVATOR-STRUCTURE	20,400	23,650	30,050	------	------	------	------
DANBURY:							
DETACHED AND SEMIDETACHED	15,400	18,450	20,350	24,400	29,300	32,550	34,150
ROW DWELLINGS	14,250	17,000	18,950	22,500	27,100	30,150	31,550
WALKUP	13,050	16,050	18,250	21,550	24,850	27,550	28,800
ELEVATOR-STRUCTURE	19,950	23,250	29,400	------	------	------	------
NEW MILFORD:							
DETACHED AND SEMIDETACHED	14,100	16,850	18,650	22,300	26,850	29,850	31,250
ROW DWELLINGS	13,050	15,550	17,300	20,650	24,800	27,650	28,850
WALKUP	12,700	15,650	17,800	21,050	24,200	26,850	28,100
ELEVATOR-STRUCTURE	20,000	23,250	29,400	------	------	------	------
NEW HAVEN:							
DETACHED AND SEMIDETACHED	14,100	16,900	18,600	22,300	26,900	29,900	31,250
ROW DWELLINGS	13,000	15,550	17,300	20,650	24,800	27,650	28,900
WALKUP	12,700	15,650	17,700	21,150	24,350	26,850	28,100
ELEVATOR-STRUCTURE	18,850	21,900	27,800	------	------	------	------
BRIDGEPORT:							
DETACHED AND SEMIDETACHED	14,100	16,850	18,650	22,300	26,850	29,850	31,250
ROW DWELLINGS	13,050	15,550	17,300	20,650	24,900	27,650	28,850
WALKUP	12,350	15,250	17,300	20,450	23,650	26,150	27,350
ELEVATOR-STRUCTURE	18,050	21,000	26,550	------	------	------	------
NEW LONDON:							
DETACHED AND SEMIDETACHED	14,450	17,300	19,100	22,750	27,600	30,650	32,000
ROW DWELLINGS	13,250	15,900	17,750	21,150	25,400	28,350	29,650
WALKUP	12,300	14,550	16,500	19,600	22,650	25,000	26,250
ELEVATOR-STRUCTURE	19,750	22,950	29,250	------	------	------	------
WINDHAM:							
DETACHED AND SEMIDETACHED	14,450	17,300	19,100	22,750	27,600	30,650	32,000
ROW DWELLINGS	13,250	15,900	17,750	21,150	25,400	28,350	29,650
WALKUP	13,500	15,950	18,100	21,500	24,850	27,450	28,800
ELEVATOR-STRUCTURE	19,450	22,600	28,700	------	------	------	------
STAMFORD:							
DETACHED AND SEMIDETACHED	17,700	21,200	23,400	28,000	33,850	37,450	39,300
ROW DWELLINGS	16,300	19,500	21,750	25,850	31,150	34,750	36,300
WALKUP	15,900	19,650	22,250	26,400	30,550	33,650	35,350
ELEVATOR-STRUCTURE	19,400	22,550	28,600	------	------	------	------
RIDGEFIELD:							
DETACHED AND SEMIDETACHED	17,700	21,200	23,400	28,000	33,850	37,450	39,300
ROW DWELLINGS	16,300	19,500	21,750	25,850	31,150	34,750	36,300
WALKUP	15,900	19,650	22,250	26,400	30,550	33,650	35,350
ELEVATOR-STRUCTURE	21,750	25,250	32,100	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
CONNECTICUT--CONTINUED							
NORWICH:							
DETACHED AND SEMIDETACHED	14,150	17,050	18,800	22,450	27,050	30,050	31,500
ROW DWELLINGS	13,100	15,650	17,500	20,750	24,900	27,850	29,000
WALKUP	12,800	15,700	17,850	21,200	24,400	26,950	28,200
ELEVATOR-STRUCTURE	19,750	22,950	29,250	------	------	------	------
MAINE							
BANGOR:							
DETACHED AND SEMIDETACHED	13,650	16,300	17,200	20,500	24,700	27,400	28,600
ROW DWELLINGS	13,250	15,800	17,550	20,950	25,200	28,000	29,300
WALKUP	11,250	13,900	15,850	18,650	21,700	23,850	25,100
ELEVATOR-STRUCTURE	16,250	18,950	23,950	------	------	------	------
AUGUSTA:							
DETACHED AND SEMIDETACHED	14,050	16,700	18,500	22,200	26,650	29,650	30,950
ROW DWELLINGS	13,650	16,250	18,100	21,650	26,000	28,950	30,200
WALKUP	11,600	14,350	16,400	19,300	22,400	24,650	25,900
ELEVATOR-STRUCTURE	16,850	19,600	24,750	------	------	------	------
BRUNSWICK:							
DETACHED AND SEMIDETACHED	13,950	16,600	18,350	21,950	26,450	29,350	30,750
ROW DWELLINGS	13,500	16,100	17,950	21,450	25,800	28,600	29,950
WALKUP	11,450	14,150	16,250	19,150	22,200	24,300	25,700
ELEVATOR-STRUCTURE	16,600	19,350	24,450	------	------	------	------
CALAIS:							
DETACHED AND SEMIDETACHED	14,950	17,800	19,700	23,500	28,350	31,550	33,000
ROW DWELLINGS	14,250	17,300	19,250	23,050	27,700	30,700	32,150
WALKUP	12,350	15,200	17,400	20,550	23,850	26,100	27,600
ELEVATOR-STRUCTURE	17,800	20,750	26,150	------	------	------	------
LEWISTON:							
DETACHED AND SEMIDETACHED	13,950	16,600	18,350	21,950	26,450	29,350	30,750
ROW DWELLINGS	13,500	16,100	17,950	21,450	25,800	28,600	29,950
WALKUP	11,450	14,150	16,250	19,150	22,200	24,300	25,700
ELEVATOR-STRUCTURE	16,600	19,350	24,450	------	------	------	------
PORTLAND:							
DETACHED AND SEMIDETACHED	13,950	16,600	18,350	21,950	26,450	29,350	30,750
ROW DWELLINGS	13,500	16,100	17,950	21,450	25,800	28,600	29,950
WALKUP	11,650	14,400	16,450	19,400	22,550	24,750	26,100
ELEVATOR-STRUCTURE	16,750	19,450	24,600	------	------	------	------
WATERVILLE:							
DETACHED AND SEMIDETACHED	13,500	16,050	17,750	21,300	25,600	28,400	29,700
ROW DWELLINGS	13,150	15,650	17,350	20,750	25,000	27,750	29,000
WALKUP	11,100	13,800	15,700	18,500	21,450	23,600	24,850
ELEVATOR-STRUCTURE	16,050	18,750	23,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
MASSACHUSETTS							
BOSTON:							
DETACHED AND SEMIDETACHED	15,150	18,000	19,900	23,850	28,650	31,850	33,350
ROW DWELLINGS	14,950	17,850	19,850	23,650	28,550	31,750	33,150
WALKUP	16,000	19,150	21,200	25,350	30,550	33,850	35,500
ELEVATOR-STRUCTURE	20,000	23,250	29,450	------	------	------	------
CAPE COD:							
DETACHED AND SEMIDETACHED	14,450	17,200	19,000	22,750	27,450	30,350	31,850
ROW DWELLINGS	13,900	16,500	18,450	21,950	26,450	29,450	30,750
WALKUP	14,750	17,600	19,700	23,350	28,300	31,450	32,900
ELEVATOR-STRUCTURE	19,050	22,200	28,050	------	------	------	------
PITTSFIELD:							
DETACHED AND SEMIDETACHED	14,300	17,050	18,900	22,600	27,150	30,150	31,600
ROW DWELLINGS	14,150	16,850	18,800	22,350	26,950	29,950	31,250
WALKUP	15,200	18,000	20,050	23,850	28,800	32,000	33,500
ELEVATOR-STRUCTURE	18,100	21,000	26,700	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	14,300	17,050	18,850	22,650	27,200	30,250	31,700
ROW DWELLINGS	13,800	16,450	18,250	21,850	26,250	29,200	30,450
WALKUP	14,300	17,050	18,800	22,600	27,200	30,200	31,650
ELEVATOR-STRUCTURE	20,000	23,350	29,400	------	------	------	------
WORCESTER:							
DETACHED AND SEMIDETACHED	14,550	17,300	19,200	22,900	27,650	30,700	32,150
ROW DWELLINGS	14,450	17,250	19,150	22,800	27,500	30,550	31,900
WALKUP	14,950	18,000	20,000	23,700	28,650	31,800	33,350
ELEVATOR-STRUCTURE	19,450	22,750	28,700	------	------	------	------
FALL RIVER:							
DETACHED AND SEMIDETACHED	14,150	16,900	18,750	22,350	26,950	29,950	31,300
ROW DWELLINGS	13,200	15,700	17,550	20,900	25,100	27,950	29,200
WALKUP	14,800	17,450	19,600	23,350	28,250	31,400	32,850
ELEVATOR-STRUCTURE	18,700	21,750	27,550	------	------	------	------
LOWELL:							
DETACHED AND SEMIDETACHED	14,750	17,650	19,600	23,400	28,150	31,250	32,800
ROW DWELLINGS	14,400	17,100	18,950	22,650	27,200	30,300	31,650
WALKUP	15,300	18,150	20,150	24,100	28,950	32,250	33,850
ELEVATOR-STRUCTURE	19,500	22,800	28,800	------	------	------	------
SALEM:							
DETACHED AND SEMIDETACHED	14,400	17,150	18,950	22,700	27,350	30,300	31,800
ROW DWELLINGS	13,900	16,500	18,400	21,900	26,350	29,350	30,650
WALKUP	14,750	17,650	19,650	23,500	28,300	31,450	32,900
ELEVATOR-STRUCTURE	18,600	21,700	27,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
NEW HAMPSHIRE							
MANCHESTER:							
DETACHED AND SEMIDETACHED	14,400	17,900	19,750	23,700	28,400	31,600	33,250
ROW DWELLINGS	14,250	17,200	19,050	22,600	27,200	30,350	31,650
WALKUP	14,150	17,550	19,950	23,600	27,350	30,000	31,550
ELEVATOR-STRUCTURE	19,750	23,000	29,000	------	------	------	------
CONCORD:							
DETACHED AND SEMIDETACHED	15,500	19,250	21,250	25,350	30,450	33,900	35,600
ROW DWELLINGS	15,200	18,300	20,350	24,150	29,150	32,400	33,800
WALKUP	14,700	18,300	20,800	24,600	28,500	31,250	32,950
ELEVATOR-STRUCTURE	21,100	24,650	31,100	------	------	------	------
DOVER:							
DETACHED AND SEMIDETACHED	14,000	17,250	19,150	22,850	27,400	30,550	32,050
ROW DWELLINGS	13,800	16,550	18,450	21,850	26,300	29,300	30,600
WALKUP	13,650	16,850	19,250	22,750	28,450	31,700	32,650
ELEVATOR-STRUCTURE	19,050	22,100	27,950	------	------	------	------
KEENE:							
DETACHED AND SEMIDETACHED	14,800	18,350	20,250	24,250	29,050	32,300	34,000
ROW DWELLINGS	14,550	17,550	19,500	23,200	27,900	31,200	32,450
WALKUP	14,450	17,900	20,350	24,250	28,000	30,700	32,200
ELEVATOR-STRUCTURE	19,500	23,500	29,700	------	------	------	------
NASHUA:							
DETACHED AND SEMIDETACHED	14,400	17,900	19,750	23,700	28,400	31,600	33,250
ROW DWELLINGS	14,250	17,200	19,050	22,600	27,200	30,350	31,650
WALKUP	14,550	17,950	20,550	24,250	28,050	30,900	32,500
ELEVATOR-STRUCTURE	19,750	23,000	28,950	------	------	------	------
PORTSMOUTH:							
DETACHED AND SEMIDETACHED	15,150	18,700	20,700	24,800	29,800	33,150	34,800
ROW DWELLINGS	14,950	17,950	20,000	23,750	28,500	31,700	33,200
WALKUP	12,700	15,750	17,950	21,250	24,550	26,950	28,300
ELEVATOR-STRUCTURE	20,650	24,000	30,400	------	------	------	------
RHODE ISLAND							
PROVIDENCE:							
DETACHED AND SEMIDETACHED	15,000	18,050	20,000	23,800	28,750	31,900	33,350
ROW DWELLINGS	14,450	17,050	19,050	22,750	27,350	30,400	31,800
WALKUP	14,250	16,900	18,900	22,550	27,200	30,200	31,650
ELEVATOR-STRUCTURE	20,650	24,050	30,250	------	------	------	------
NEWPORT:							
DETACHED AND SEMIDETACHED	15,150	18,150	20,100	24,100	28,950	32,150	33,600
ROW DWELLINGS	14,550	17,150	19,200	22,900	27,700	30,700	32,150
WALKUP	14,450	17,650	19,050	22,800	27,400	30,450	32,050
ELEVATOR-STRUCTURE	20,800	24,350	30,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
RHODE ISLAND--CONTINUED							
WESTERLY:							
DETACHED AND SEMIDETACHED	15,150	18,150	20,100	24,100	28,950	32,150	33,600
ROW DWELLINGS	14,550	17,150	19,200	22,900	27,700	30,700	32,150
WALKUP	14,500	17,150	19,150	22,950	27,700	30,700	32,200
ELEVATOR-STRUCTURE	20,800	24,350	30,650	------	------	------	------
PAWTUCKET:							
DETACHED AND SEMIDETACHED	15,000	18,050	20,000	23,800	28,750	31,900	33,350
ROW DWELLINGS	14,450	17,050	19,050	22,750	27,350	30,400	31,800
WALKUP	14,250	16,900	18,900	22,550	27,200	30,200	31,650
ELEVATOR-STRUCTURE	20,600	24,000	30,200	------	------	------	------
WOONSOCKET:							
DETACHED AND SEMIDETACHED	14,850	17,750	19,750	23,600	28,400	31,450	32,950
ROW DWELLINGS	14,150	16,900	18,800	22,500	27,050	30,050	31,450
WALKUP	14,050	16,800	18,550	22,150	26,900	29,950	31,300
ELEVATOR-STRUCTURE	20,150	23,500	29,600	------	------	------	------
VERMONT							
BURLINGTON:							
DETACHED AND SEMIDETACHED	15,200	18,250	20,150	24,050	28,950	32,200	33,700
ROW DWELLINGS	15,150	17,950	20,000	23,800	28,500	31,850	33,350
WALKUP	13,400	16,450	18,850	22,300	25,750	28,450	29,900
ELEVATOR-STRUCTURE	17,600	20,450	25,950	------	------	------	------
HENNINGTON:							
DETACHED AND SEMIDETACHED	15,200	18,250	20,150	24,050	28,950	32,200	33,700
ROW DWELLINGS	15,150	17,950	20,000	23,800	28,500	31,850	33,350
WALKUP	13,400	16,450	18,850	22,300	25,750	28,450	29,900
ELEVATOR-STRUCTURE	17,600	20,450	25,950	------	------	------	------
BRATTLEBORO:							
DETACHED AND SEMIDETACHED	15,200	18,250	20,150	24,050	28,950	32,200	33,700
ROW DWELLINGS	15,150	17,950	20,000	23,800	28,500	31,850	33,350
WALKUP	13,400	16,450	18,850	22,300	25,750	28,450	29,900
ELEVATOR-STRUCTURE	17,600	20,450	25,950	------	------	------	------
MONTPELIER:							
DETACHED AND SEMIDETACHED	14,850	17,700	19,650	23,350	28,100	31,250	32,750
ROW DWELLINGS	14,650	17,450	19,400	23,050	27,650	30,900	32,350
WALKUP	13,050	16,050	18,300	21,700	24,950	27,600	28,950
ELEVATOR-STRUCTURE	17,600	20,450	25,950	------	------	------	------
RUTLAND:							
DETACHED AND SEMIDETACHED	15,050	17,900	19,800	23,800	28,450	31,750	33,200
ROW DWELLINGS	14,900	17,700	19,650	23,350	28,000	31,350	32,700
WALKUP	13,200	16,150	18,450	21,950	25,300	27,900	29,400
ELEVATOR-STRUCTURE	17,500	20,350	25,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II							
NEW JERSEY							
CAMDEN:							
DETACHED AND SEMIDETACHED	14,750	17,750	19,650	23,400	28,300	31,400	32,950
ROW DWELLINGS	14,050	16,800	18,600	22,200	26,550	29,700	31,000
WALKUP	12,650	15,650	17,850	21,100	24,550	26,950	28,450
ELEVATOR-STRUCTURE	18,050	21,000	26,600	------	------	------	------
ATLANTIC CITY:							
DETACHED AND SEMIDETACHED	14,750	17,700	19,600	23,350	28,200	31,300	32,850
ROW DWELLINGS	14,100	16,900	18,750	22,300	26,700	29,950	31,150
WALKUP	11,750	14,600	16,600	19,600	22,750	25,050	26,400
ELEVATOR-STRUCTURE	17,200	20,000	25,350	------	------	------	------
BURLINGTON:							
DETACHED AND SEMIDETACHED	14,800	17,800	19,750	23,450	28,350	31,450	33,050
ROW DWELLINGS	14,100	16,850	18,750	22,250	26,600	29,750	31,050
WALKUP	12,950	16,000	18,150	21,450	24,900	27,350	28,850
ELEVATOR-STRUCTURE	18,100	21,150	26,750	------	------	------	------
GLOUCESTER:							
DETACHED AND SEMIDETACHED	14,750	17,750	19,650	23,400	28,300	31,400	32,950
ROW DWELLINGS	14,050	16,800	18,600	22,200	26,550	29,700	31,000
WALKUP	12,250	15,200	17,200	20,350	23,650	26,050	27,400
ELEVATOR-STRUCTURE	18,050	21,000	26,600	------	------	------	------
TRENTON:							
DETACHED AND SEMIDETACHED	15,150	18,000	20,050	23,900	28,800	32,000	33,600
ROW DWELLINGS	14,350	17,050	19,050	22,600	27,100	30,250	31,650
WALKUP	13,000	16,050	18,150	21,600	24,950	27,400	28,900
ELEVATOR-STRUCTURE	19,900	23,050	29,200	------	------	------	------
VINELAND:							
DETACHED AND SEMIDETACHED	16,350	19,550	21,700	25,850	31,200	34,700	36,350
ROW DWELLINGS	15,450	18,550	20,550	24,500	29,300	32,700	34,200
WALKUP	13,050	16,200	18,450	21,750	25,100	27,750	29,300
ELEVATOR-STRUCTURE	18,650	21,650	27,450	------	------	------	------
NEWARK:							
DETACHED AND SEMIDETACHED	14,450	17,150	19,100	22,800	27,400	30,400	31,850
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	13,650	17,000	19,350	22,900	26,550	29,200	30,800
ELEVATOR-STRUCTURE	20,550	23,900	30,200	------	------	------	------
ASBURY PARK:							
DETACHED AND SEMIDETACHED	14,450	17,150	19,100	22,800	27,400	30,400	31,850
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	13,400	16,650	18,950	22,450	26,050	28,650	30,150
ELEVATOR-STRUCTURE	19,700	22,900	28,900	------	------	------	------
NORTH BERGEN:							
DETACHED AND SEMIDETACHED	14,450	17,150	19,100	22,800	27,400	30,400	31,850
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	14,000	17,350	19,750	23,400	27,200	29,900	31,450
ELEVATOR-STRUCTURE	20,200	23,500	29,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW JERSEY--CONTINUED							
FREEHOLD:							
DETACHED AND SEMIDETACHED	14,450	17,150	19,100	22,800	27,400	30,400	31,850
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	13,350	16,650	18,900	22,400	26,000	28,600	30,100
ELEVATOR-STRUCTURE	19,700	22,900	28,900	------	------	------	------
NEW YORK							
ALBANY:							
DETACHED AND SEMIDETACHED	15,500	18,500	20,400	24,350	29,500	32,650	34,300
ROW DWELLINGS	14,550	17,550	19,550	23,250	27,950	31,150	32,600
WALKUP	15,150	18,850	21,400	25,400	29,400	32,300	34,000
ELEVATOR-STRUCTURE	20,100	23,250	29,600	------	------	------	------
GLEN FALLS:							
DETACHED AND SEMIDETACHED	14,000	16,750	18,600	22,150	26,600	29,600	31,100
ROW DWELLINGS	13,400	16,000	17,750	21,100	25,350	28,300	29,550
WALKUP	14,550	17,850	20,400	24,150	28,050	30,750	32,400
ELEVATOR-STRUCTURE	18,000	22,250	28,150	------	------	------	------
MASSENA:							
DETACHED AND SEMIDETACHED	14,850	17,800	19,650	23,450	28,250	31,350	33,000
ROW DWELLINGS	14,200	16,950	18,850	22,400	26,850	29,950	31,350
WALKUP	14,650	18,150	20,550	24,400	28,250	31,000	32,800
ELEVATOR-STRUCTURE	19,350	22,400	28,400	------	------	------	------
PLATTSBURGH:							
DETACHED AND SEMIDETACHED	14,700	17,550	19,500	23,250	28,050	31,100	32,650
ROW DWELLINGS	14,100	16,800	18,650	22,200	26,600	29,700	31,000
WALKUP	14,550	17,850	20,400	24,150	28,050	30,750	32,400
ELEVATOR-STRUCTURE	18,000	22,250	28,150	------	------	------	------
SYRACUSE:							
DETACHED AND SEMIDETACHED	15,600	18,650	20,500	24,550	29,700	32,950	34,500
ROW DWELLINGS	14,900	17,750	19,700	23,450	28,150	31,450	32,900
WALKUP	15,350	18,950	21,500	25,600	29,650	32,500	34,350
ELEVATOR-STRUCTURE	20,100	23,350	29,600	------	------	------	------
POUGHKEEPSIE:							
DETACHED AND SEMIDETACHED	15,950	19,050	21,100	25,200	30,400	33,750	35,350
ROW DWELLINGS	15,350	18,100	20,200	24,050	28,900	32,250	33,700
WALKUP	15,750	19,550	22,200	26,350	30,450	33,500	35,250
ELEVATOR-STRUCTURE	20,750	24,050	30,500	------	------	------	------
WATERTOWN:							
DETACHED AND SEMIDETACHED	15,400	18,300	20,300	24,200	29,150	32,400	33,950
ROW DWELLINGS	14,650	17,450	19,450	23,050	27,700	30,900	32,350
WALKUP	15,050	18,700	21,300	25,150	29,200	31,950	33,750
ELEVATOR-STRUCTURE	19,800	22,950	29,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK--CONTINUED							
SCHENECTADY:							
DETACHED AND SEMIDETACHED	15,500	18,500	20,400	24,350	29,500	32,650	34,300
ROW DWELLINGS	14,550	17,550	19,550	23,250	27,950	31,150	32,600
WALKUP	15,150	18,850	21,400	25,400	29,400	32,300	34,000
ELEVATOR-STRUCTURE	20,100	23,250	29,600	------	------	------	------
BINGHAMTON:							
DETACHED AND SEMIDETACHED	15,450	18,300	20,350	24,300	29,300	32,550	34,150
ROW DWELLINGS	15,050	18,000	19,950	23,700	28,500	31,850	33,250
WALKUP	15,100	18,750	21,300	25,200	29,250	32,000	33,800
ELEVATOR-STRUCTURE	20,150	23,400	29,650	------	------	------	------
ITHACA:							
DETACHED AND SEMIDETACHED	15,350	18,200	20,250	24,150	29,050	32,300	33,800
ROW DWELLINGS	14,950	17,850	19,800	23,550	28,250	31,550	32,950
WALKUP	15,000	18,650	21,050	25,050	29,150	31,900	33,650
ELEVATOR-STRUCTURE	19,750	22,900	29,050	------	------	------	------
BUFFALO:							
DETACHED AND SEMIDETACHED	15,700	18,750	20,850	24,850	29,900	33,250	34,850
ROW DWELLINGS	15,400	18,400	20,400	24,300	29,150	32,600	33,950
WALKUP	13,800	16,950	19,250	22,800	26,400	29,000	30,550
ELEVATOR-STRUCTURE	20,150	23,500	29,550	------	------	------	------
ROCHESTER:							
DETACHED AND SEMIDETACHED	15,300	18,300	20,250	24,200	29,250	32,350	33,950
ROW DWELLINGS	15,000	17,950	20,000	23,650	28,450	31,700	33,150
WALKUP	13,350	16,450	18,700	22,200	25,700	28,250	29,750
ELEVATOR-STRUCTURE	19,700	22,950	28,900	------	------	------	------
JAMESTOWN:							
DETACHED AND SEMIDETACHED	15,250	18,200	20,200	24,150	29,050	32,300	33,850
ROW DWELLINGS	14,900	17,900	19,800	23,500	28,300	31,650	32,950
WALKUP	13,350	16,450	18,700	22,200	25,700	28,250	29,750
ELEVATOR-STRUCTURE	19,550	22,750	28,750	------	------	------	------
ELMIRA:							
DETACHED AND SEMIDETACHED	16,300	19,500	21,700	25,850	31,150	34,550	36,250
ROW DWELLINGS	16,000	19,200	21,250	25,200	30,300	33,850	35,300
WALKUP	14,350	17,650	20,000	23,750	27,450	30,250	31,850
ELEVATOR-STRUCTURE	20,950	24,400	30,800	------	------	------	------
NEW YORK CITY:							
DETACHED AND SEMIDETACHED	16,350	19,600	21,700	25,950	31,200	34,700	36,350
ROW DWELLINGS	15,700	18,700	20,750	24,700	29,650	33,000	34,600
WALKUP	17,050	21,150	23,950	28,400	32,900	36,150	38,100
ELEVATOR-STRUCTURE	29,600	34,200	38,900	46,650	54,100	57,550	------
NASSAU COUNTY:							
DETACHED AND SEMIDETACHED	17,600	21,050	23,500	27,900	33,700	37,350	39,150
ROW DWELLINGS	16,950	20,150	22,400	26,550	31,900	35,550	37,200
WALKUP	20,100	24,900	28,250	33,400	38,700	42,600	44,850
ELEVATOR-STRUCTURE	24,850	28,700	32,650	39,200	45,400	48,400	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK--CONTINUED							
PUTNAM COUNTY:							
DETACHED AND SEMIDETACHED	15,300	18,300	20,250	24,250	29,200	32,350	33,950
ROW DWELLINGS	14,700	17,450	19,350	23,000	27,650	30,850	32,250
WALKUP	17,450	21,550	24,450	29,000	33,550	36,900	40,100
ELEVATOR-STRUCTURE	22,650	26,150	29,750	35,700	41,350	44,100	------
SUFFOLK COUNTY:							
DETACHED AND SEMIDETACHED	16,550	19,800	21,950	26,200	31,550	35,000	36,700
ROW DWELLINGS	15,900	18,850	21,000	24,950	29,900	33,350	34,900
WALKUP	18,850	23,300	26,550	31,350	36,300	40,000	42,050
ELEVATOR-STRUCTURE	23,150	26,800	30,450	36,500	42,350	45,050	------
WESTCHESTER COUNTY:							
DETACHED AND SEMIDETACHED	15,950	19,100	21,100	25,300	29,900	33,800	35,450
ROW DWELLINGS	15,300	18,200	20,200	24,100	28,850	32,200	33,800
WALKUP	18,150	22,500	25,450	30,150	35,000	38,550	40,600
ELEVATOR-STRUCTURE	22,350	25,800	29,400	35,200	40,800	43,450	------
ORANGE CO.:							
DETACHED AND SEMIDETACHED	16,350	19,550	21,650	25,900	31,150	34,550	36,200
ROW DWELLINGS	15,650	18,600	20,700	24,550	29,550	32,900	34,450
WALKUP	18,550	23,050	26,150	31,000	35,850	39,500	41,600
ELEVATOR-STRUCTURE	24,250	27,950	31,700	38,100	44,250	47,100	------
ROCKLAND COUNTY:							
DETACHED AND SEMIDETACHED	16,200	19,350	21,500	25,650	30,900	34,350	36,000
ROW DWELLINGS	15,500	18,500	20,550	24,400	29,300	32,700	34,250
WALKUP	18,450	22,850	25,950	30,700	35,650	39,150	41,200
ELEVATOR-STRUCTURE	23,750	27,450	31,150	37,400	43,400	46,150	------
PUERTO RICO							
SAN JUAN:							
DETACHED AND SEMIDETACHED	13,800	16,500	18,300	21,850	26,350	29,200	30,700
ROW DWELLINGS	13,200	15,800	17,600	20,700	25,000	27,800	29,150
WALKUP	12,650	15,650	17,750	21,100	24,400	26,850	28,300
ELEVATOR-STRUCTURE	14,200	16,650	21,050	23,400	25,700	------	------
OLD SAN JUAN:							
DETACHED AND SEMIDETACHED	16,500	19,800	21,900	26,200	31,600	35,050	36,800
ROW DWELLINGS	15,850	18,950	21,100	24,900	30,050	33,400	35,000
WALKUP	15,200	18,700	21,300	25,300	29,250	32,250	34,000
ELEVATOR-STRUCTURE	17,050	19,950	25,250	28,100	30,850	------	------
PONCE:							
DETACHED AND SEMIDETACHED	13,850	16,600	18,350	21,950	26,400	29,250	30,750
ROW DWELLINGS	13,250	15,900	17,650	20,750	25,100	27,850	29,200
WALKUP	12,750	15,700	17,850	21,100	24,500	26,900	28,350
ELEVATOR-STRUCTURE	14,350	16,700	21,150	23,500	25,800	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
PUERTO RICO--CONTINUED							
MAYAGUEZ:							
DETACHED AND SEMIDETACHED	13,850	16,600	18,350	21,950	26,400	29,250	30,750
ROW DWELLINGS	13,250	15,900	17,650	20,750	25,100	27,850	29,200
WALKUP	12,750	15,700	17,850	21,100	24,500	26,900	28,350
ELEVATOR-STRUCTURE	14,350	16,700	21,150	23,500	25,800	------	------
ARECIBO:							
DETACHED AND SEMIDETACHED	13,850	16,600	18,350	21,950	26,400	29,250	30,750
ROW DWELLINGS	13,250	15,900	17,650	20,750	25,100	27,850	29,200
WALKUP	12,750	15,700	17,850	21,100	24,500	26,900	28,350
ELEVATOR-STRUCTURE	14,350	16,700	21,150	23,500	25,800	------	------
VIRGIN ISLANDS							
ST. THOMAS:							
DETACHED AND SEMIDETACHED	16,900	20,250	22,400	26,800	32,250	35,800	37,550
ROW DWELLINGS	16,200	19,300	21,400	25,500	30,600	34,100	35,700
WALKUP	15,750	19,250	21,950	26,000	30,200	33,150	34,900
ELEVATOR-STRUCTURE	16,200	18,850	23,900	26,550	29,200	------	------
ST. CROIX:							
DETACHED AND SEMIDETACHED	16,450	19,650	21,850	26,200	31,400	34,900	36,550
ROW DWELLINGS	15,850	18,900	21,000	24,900	29,900	33,350	34,850
WALKUP	15,150	18,650	21,200	25,100	29,150	32,100	33,750
ELEVATOR-STRUCTURE	15,800	18,400	23,300	25,950	28,500	------	------
REGION III							
DELAWARE							
WILMINGTON:							
DETACHED AND SEMIDETACHED	12,900	15,550	17,200	20,500	24,650	27,500	28,800
ROW DWELLINGS	12,400	14,800	16,300	19,500	23,550	26,100	27,400
WALKUP	11,100	13,600	15,450	18,450	21,400	23,350	24,650
ELEVATOR-STRUCTURE	18,300	21,250	27,100	------	------	------	------
DOVER:							
DETACHED AND SEMIDETACHED	12,950	15,700	17,300	20,650	24,800	27,650	28,950
ROW DWELLINGS	12,450	14,900	16,500	19,600	23,750	26,250	27,550
WALKUP	11,150	13,750	15,600	18,550	21,500	23,600	24,800
ELEVATOR-STRUCTURE	18,450	21,450	27,250	------	------	------	------
WASHINGTON, D.C.							
WASHINGTON, D.C.:							
DETACHED AND SEMIDETACHED	15,350	18,350	20,250	24,250	29,200	32,500	33,950
ROW DWELLINGS	14,600	17,500	19,350	23,050	27,800	30,950	32,250
WALKUP	12,250	15,050	17,350	20,300	23,600	26,050	27,350
ELEVATOR-STRUCTURE	16,550	19,100	24,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
MARYLAND							
BALTIMORE:							
DETACHED AND SEMIDETACHED	13,100	15,750	17,450	20,800	24,950	27,950	29,150
ROW DWELLINGS	12,550	15,100	16,650	19,900	23,900	26,550	27,850
WALKUP	11,150	13,800	15,650	18,550	21,550	23,650	24,900
ELEVATOR-STRUCTURE	17,800	20,700	26,250	------	------	------	------
ABERDEEN:							
DETACHED AND SEMIDETACHED	12,950	15,500	17,250	20,550	24,650	27,550	28,750
ROW DWELLINGS	12,400	14,850	16,400	19,650	23,550	26,200	27,450
WALKUP	10,950	13,500	15,350	18,150	21,050	23,150	24,400
ELEVATOR-STRUCTURE	17,800	20,700	26,250	------	------	------	------
HAGERSTOWN:							
DETACHED AND SEMIDETACHED	13,700	16,350	18,150	21,700	26,050	29,100	30,350
ROW DWELLINGS	13,050	15,650	17,350	20,700	24,850	27,600	28,950
WALKUP	11,700	14,500	16,400	19,500	22,600	24,800	26,200
ELEVATOR-STRUCTURE	17,350	20,150	25,500	------	------	------	------
SALISBURY:							
DETACHED AND SEMIDETACHED	12,900	15,500	17,150	20,450	24,600	27,450	28,650
ROW DWELLINGS	12,400	14,750	16,350	19,550	23,500	26,150	27,350
WALKUP	11,250	13,950	15,800	18,800	21,750	23,900	25,200
ELEVATOR-STRUCTURE	18,050	21,000	26,550	------	------	------	------
ANNAPOLIS:							
DETACHED AND SEMIDETACHED	12,500	14,900	16,550	19,800	23,800	26,550	27,650
ROW DWELLINGS	11,900	14,350	15,800	18,900	22,650	25,300	26,450
WALKUP	10,750	13,300	15,150	17,850	20,700	22,750	23,950
ELEVATOR-STRUCTURE	17,100	20,000	25,250	------	------	------	------
CAMBRIDGE:							
DETACHED AND SEMIDETACHED	12,150	14,600	16,150	19,250	23,150	25,850	27,000
ROW DWELLINGS	11,650	13,900	15,400	18,400	22,100	24,650	25,750
WALKUP	10,100	12,450	14,050	16,750	19,400	21,300	22,500
ELEVATOR-STRUCTURE	17,200	20,000	25,300	------	------	------	------
CUMBERLAND:							
DETACHED AND SEMIDETACHED	12,400	14,850	16,400	19,650	23,550	26,400	27,500
ROW DWELLINGS	11,850	14,200	15,650	18,800	22,550	25,100	26,250
WALKUP	10,550	13,050	14,750	17,550	20,300	22,300	23,500
ELEVATOR-STRUCTURE	16,800	19,550	24,800	------	------	------	------
FREDERICK:							
DETACHED AND SEMIDETACHED	12,650	15,250	16,900	20,150	24,200	27,100	28,200
ROW DWELLINGS	12,200	14,550	16,150	19,250	23,150	25,750	26,950
WALKUP	10,850	13,350	15,200	18,050	20,800	22,850	24,200
ELEVATOR-STRUCTURE	17,350	20,150	25,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA							
PHILADELPHIA:							
DETACHED AND SEMIDETACHED	15,000	18,150	19,700	23,900	28,700	32,000	33,400
ROW DWELLINGS	14,400	17,300	19,100	22,750	27,350	30,500	31,700
WALKUP	12,300	15,250	17,300	20,450	23,750	26,150	27,450
ELEVATOR-STRUCTURE	17,150	19,950	25,300	------	------	------	------
ALLENTOWN:							
DETACHED AND SEMIDETACHED	14,600	17,550	19,350	23,150	27,800	31,000	32,400
ROW DWELLINGS	13,950	16,800	18,500	22,050	26,500	29,550	30,750
WALKUP	11,950	14,800	16,800	19,850	22,950	25,350	26,600
ELEVATOR-STRUCTURE	16,150	18,700	23,700	------	------	------	------
BELLEFONTE:							
DETACHED AND SEMIDETACHED	15,300	18,450	20,400	24,300	29,150	32,600	34,050
ROW DWELLINGS	14,650	17,650	19,500	23,200	27,850	31,100	32,300
WALKUP	12,600	15,550	17,650	20,800	24,200	26,650	27,900
ELEVATOR-STRUCTURE	17,100	19,750	25,150	------	------	------	------
WELLSBORO:							
DETACHED AND SEMIDETACHED	16,300	19,500	21,700	25,850	31,150	34,550	36,250
ROW DWELLINGS	16,000	19,200	21,250	25,200	30,300	33,850	35,300
WALKUP	14,350	17,650	20,000	23,750	27,450	30,250	31,850
ELEVATOR-STRUCTURE	20,950	24,400	30,800	------	------	------	------
HARRISBURG:							
DETACHED AND SEMIDETACHED	14,650	17,700	19,550	23,300	28,000	31,250	32,600
ROW DWELLINGS	14,050	16,850	18,600	22,150	26,650	29,750	30,950
WALKUP	12,000	14,850	16,850	19,950	23,200	25,500	26,750
ELEVATOR-STRUCTURE	16,350	19,000	24,100	------	------	------	------
LANCASTER:							
DETACHED AND SEMIDETACHED	14,250	17,250	19,000	22,650	27,300	30,450	31,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	11,700	14,450	16,450	19,500	22,600	24,900	26,100
ELEVATOR-STRUCTURE	16,150	18,700	23,700	------	------	------	------
YORK:							
DETACHED AND SEMIDETACHED	14,250	17,250	19,000	22,650	27,300	30,450	31,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	11,700	14,450	16,450	19,500	22,600	24,900	26,100
ELEVATOR-STRUCTURE	16,150	18,700	23,700	------	------	------	------
POTTSTOWN:							
DETACHED AND SEMIDETACHED	14,250	17,250	19,000	22,650	27,300	30,450	31,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	11,700	14,450	16,450	19,500	22,600	24,900	26,100
ELEVATOR-STRUCTURE	16,150	18,700	23,700	------	------	------	------
READING:							
DETACHED AND SEMIDETACHED	14,250	17,250	19,000	22,650	27,300	30,450	31,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	11,900	14,700	16,800	19,800	22,950	25,300	26,500
ELEVATOR-STRUCTURE	16,150	18,700	23,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA--CONTINUED							
SCRANTON:							
DETACHED AND SEMIDETACHED	14,450	17,450	19,200	22,900	27,550	30,750	32,050
ROW DWELLINGS	13,850	16,600	18,300	21,850	26,250	29,300	30,450
WALKUP	11,100	13,700	15,600	18,450	21,400	23,600	24,750
ELEVATOR-STRUCTURE	17,200	19,950	25,350	------	------	------	------
BETHLEHEM:							
DETACHED AND SEMIDETACHED	13,900	16,750	18,450	22,050	26,450	29,550	30,750
ROW DWELLINGS	13,350	16,000	17,550	21,000	25,300	28,100	29,150
WALKUP	11,300	14,100	15,950	18,900	21,900	24,000	25,350
ELEVATOR-STRUCTURE	16,400	19,100	24,200	------	------	------	------
PITTSBURGH:							
DETACHED AND SEMIDETACHED	14,800	17,700	19,600	23,300	28,050	31,250	32,650
ROW DWELLINGS	14,100	16,900	18,550	22,200	26,700	29,800	31,000
WALKUP	12,850	16,000	18,200	21,600	25,000	27,550	28,850
ELEVATOR-STRUCTURE	18,050	21,050	26,600	------	------	------	------
ALTOONA:							
DETACHED AND SEMIDETACHED	14,150	16,950	18,800	22,350	26,800	29,900	31,250
ROW DWELLINGS	13,450	16,250	17,800	21,300	25,600	28,500	29,800
WALKUP	12,400	15,300	17,550	20,750	23,950	26,400	27,750
ELEVATOR-STRUCTURE	16,900	19,650	24,800	------	------	------	------
ERIE:							
DETACHED AND SEMIDETACHED	14,650	17,550	19,450	23,150	27,850	31,000	32,400
ROW DWELLINGS	14,000	16,750	18,450	21,900	26,450	29,550	30,750
WALKUP	12,350	15,250	17,450	20,550	23,850	26,300	27,600
ELEVATOR-STRUCTURE	17,850	20,650	26,150	------	------	------	------
JOHNSTOWN:							
DETACHED AND SEMIDETACHED	14,100	16,900	18,750	22,300	26,750	29,850	31,200
ROW DWELLINGS	13,350	16,000	17,650	20,950	25,350	28,200	29,350
WALKUP	12,350	15,250	17,450	20,550	23,850	26,300	27,600
ELEVATOR-STRUCTURE	17,050	19,850	25,100	------	------	------	------
NEW CASTLE:							
DETACHED AND SEMIDETACHED	14,100	16,900	18,750	22,300	26,750	29,850	31,200
ROW DWELLINGS	13,450	16,100	17,750	21,150	25,500	28,400	29,600
WALKUP	12,350	15,250	17,450	20,600	23,900	26,300	27,600
ELEVATOR-STRUCTURE	17,050	19,850	25,100	------	------	------	------
SHARON:							
DETACHED AND SEMIDETACHED	15,350	18,350	20,450	24,250	29,150	32,450	34,000
ROW DWELLINGS	14,650	17,600	19,350	23,000	27,700	30,950	32,250
WALKUP	12,350	15,250	17,450	20,550	23,850	26,300	27,600
ELEVATOR-STRUCTURE	17,050	19,850	25,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
VIRGINIA							
RICHMOND,VA.:							
DETACHED AND SEMIDETACHED	12,700	15,300	18,800	22,500	27,100	30,150	31,450
ROW DWELLINGS	11,400	13,800	16,950	20,300	24,450	27,150	28,300
WALKUP	11,050	13,850	17,400	20,550	23,750	26,150	27,550
ELEVATOR-STRUCTURE	19,150	22,150	28,100	------	------	------	------
NORFOLK:							
DETACHED AND SEMIDETACHED	11,900	14,300	17,500	20,900	25,200	28,100	29,300
ROW DWELLINGS	10,600	12,900	15,800	18,950	22,750	25,300	26,350
WALKUP	9,800	12,150	15,500	18,200	21,050	23,250	24,350
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
VIRGINIA BEACH:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	10,050	12,200	15,000	17,950	21,600	24,050	25,050
WALKUP	9,800	12,150	15,500	18,200	21,050	23,250	24,350
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
PORTSMOUTH:							
DETACHED AND SEMIDETACHED	11,200	13,600	16,600	19,800	23,850	26,600	27,750
ROW DWELLINGS	10,050	12,200	14,950	17,850	21,550	24,000	25,000
WALKUP	9,650	11,950	15,200	17,900	20,700	22,900	24,000
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
CHESAPEAKE:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	10,050	12,200	15,000	17,950	21,600	24,050	25,050
WALKUP	9,500	11,800	15,050	17,600	20,400	22,550	23,650
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
SUFFOLK:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	10,050	12,200	15,000	17,950	21,600	24,050	25,050
WALKUP	9,800	12,150	15,500	18,200	21,050	23,250	24,350
ELEVATOR-STRUCTURE	14,850	17,300	21,800	------	------	------	------
ROANOKE:							
DETACHED AND SEMIDETACHED	11,500	13,900	17,000	20,250	24,350	27,200	28,350
ROW DWELLINGS	10,250	12,500	15,300	18,300	22,050	24,550	25,600
WALKUP	9,800	12,150	15,500	18,200	21,050	23,250	24,350
ELEVATOR-STRUCTURE	14,800	17,100	21,650	------	------	------	------
LYNCHBURG:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	10,050	12,200	15,000	17,950	21,600	24,050	25,050
WALKUP	9,800	12,150	15,500	18,200	21,050	23,250	24,350
ELEVATOR-STRUCTURE	14,800	17,100	21,650	------	------	------	------
DANVILLE:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	10,050	12,200	15,000	17,950	21,600	24,050	25,050
WALKUP	9,900	12,300	15,700	18,400	21,300	23,600	24,750
ELEVATOR-STRUCTURE	14,800	17,100	21,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
VIRGINIA--CONTINUED							
NEWPORT NEWS:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,050	24,150	26,800	27,950
ROW DWELLINGS	10,100	12,250	15,100	18,050	21,750	24,200	25,200
WALKUP	10,050	12,500	15,900	18,750	21,700	24,000	25,200
ELEVATOR-STRUCTURE	16,350	19,050	24,000	------	------	------	------
HAMPTON:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,050	24,150	26,800	27,950
ROW DWELLINGS	10,100	12,250	15,100	18,050	21,750	24,200	25,200
WALKUP	9,850	12,250	15,550	18,350	21,250	23,500	24,700
ELEVATOR-STRUCTURE	16,350	19,050	24,000	------	------	------	------
FREDERICKSBURG:							
DETACHED AND SEMIDETACHED	11,450	13,750	17,000	20,250	24,350	27,100	28,350
ROW DWELLINGS	10,150	12,400	15,200	18,200	22,000	24,350	25,350
WALKUP	10,000	12,250	15,600	18,400	21,400	23,550	24,700
ELEVATOR-STRUCTURE	16,200	18,800	23,750	------	------	------	------
WARRENTON:							
DETACHED AND SEMIDETACHED	11,450	13,750	17,000	20,250	24,350	27,100	28,350
ROW DWELLINGS	10,150	12,400	15,200	18,200	22,000	24,350	25,350
WALKUP	10,000	12,250	15,600	18,400	21,400	23,550	24,700
ELEVATOR-STRUCTURE	16,200	18,800	23,750	------	------	------	------
HARRISONBURG:							
DETACHED AND SEMIDETACHED	11,400	13,700	16,850	20,150	24,250	26,950	28,100
ROW DWELLINGS	10,150	12,300	15,150	18,150	21,850	24,300	25,300
WALKUP	9,900	12,300	15,700	18,400	21,400	23,600	24,800
ELEVATOR-STRUCTURE	14,950	17,400	22,000	------	------	------	------
BRISTOL:							
DETACHED AND SEMIDETACHED	11,650	14,100	17,300	20,750	25,000	27,750	28,950
ROW DWELLINGS	10,500	12,700	15,600	18,650	22,500	25,000	26,100
WALKUP	10,000	12,350	15,750	18,450	21,450	23,600	24,750
ELEVATOR-STRUCTURE	15,850	18,350	23,300	------	------	------	------
EASTERN SHORE:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,050	24,150	26,800	27,950
ROW DWELLINGS	10,100	12,250	15,100	18,050	21,750	24,200	25,200
WALKUP	9,800	12,150	15,500	18,250	21,100	23,350	24,500
ELEVATOR-STRUCTURE	14,950	17,400	22,000	------	------	------	------
CHARLOTTESVILLE:							
DETACHED AND SEMIDETACHED	13,200	15,950	19,600	23,300	28,200	31,350	32,650
ROW DWELLINGS	11,800	14,300	17,600	21,100	25,400	28,250	29,400
WALKUP	11,500	14,300	18,900	21,400	24,850	27,400	28,800
ELEVATOR-STRUCTURE	17,350	20,200	25,600	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
WEST VIRGINIA							
CHARLESTON:							
DETACHED AND SEMIDETACHED	12,050	14,600	18,100	21,500	25,850	28,900	30,150
ROW DWELLINGS	11,550	14,000	17,200	20,550	24,650	27,450	28,600
WALKUP	10,600	13,200	16,800	19,850	23,250	25,400	26,650
ELEVATOR-STRUCTURE	17,200	19,900	25,300	------	------	------	------
BECKLEY:							
DETACHED AND SEMIDETACHED	11,800	14,250	17,550	20,950	25,250	28,150	29,300
ROW DWELLINGS	11,250	13,650	16,750	20,000	24,000	26,850	28,050
WALKUP	10,350	12,900	16,400	19,350	22,350	24,750	25,900
ELEVATOR-STRUCTURE	16,700	19,450	24,600	------	------	------	------
BLUEFIELD:							
DETACHED AND SEMIDETACHED	11,800	14,250	17,550	20,950	25,250	28,150	29,300
ROW DWELLINGS	11,250	13,650	16,750	20,000	24,000	26,850	28,050
WALKUP	10,350	12,900	16,400	19,350	22,350	24,750	25,900
ELEVATOR-STRUCTURE	16,700	19,450	24,600	------	------	------	------
HUNTINGTON:							
DETACHED AND SEMIDETACHED	11,900	14,350	17,700	21,100	25,450	28,400	29,600
ROW DWELLINGS	11,300	13,700	16,950	20,200	24,200	27,050	28,200
WALKUP	10,500	13,000	16,500	19,550	22,650	25,000	26,200
ELEVATOR-STRUCTURE	16,900	19,600	24,900	------	------	------	------
PARKERSBURG:							
DETACHED AND SEMIDETACHED	12,150	14,650	18,150	21,600	26,050	29,050	30,300
ROW DWELLINGS	11,650	14,050	17,350	20,700	24,750	27,650	28,850
WALKUP	10,500	13,000	16,500	19,550	22,650	25,000	26,200
ELEVATOR-STRUCTURE	16,900	19,600	24,900	------	------	------	------
WHEELING:							
DETACHED AND SEMIDETACHED	11,800	14,250	17,550	20,950	25,250	28,150	29,300
ROW DWELLINGS	11,250	13,650	16,750	20,000	24,000	26,850	28,050
WALKUP	10,350	12,900	16,400	19,350	22,350	24,750	25,900
ELEVATOR-STRUCTURE	16,700	19,450	24,600	------	------	------	------
MARTINSBURG:							
DETACHED AND SEMIDETACHED	10,950	13,350	16,400	19,550	23,500	26,250	27,350
ROW DWELLINGS	10,550	12,750	15,600	18,550	22,450	24,950	26,100
WALKUP	9,500	11,850	15,100	17,800	20,650	22,800	23,950
ELEVATOR-STRUCTURE	16,700	19,450	24,600	------	------	------	------
FAIRMONT:							
DETACHED AND SEMIDETACHED	12,100	14,600	18,050	21,500	25,850	28,900	30,150
ROW DWELLINGS	11,550	14,000	17,200	20,550	24,650	27,450	28,750
WALKUP	10,250	12,700	16,150	19,100	22,100	24,400	25,650
ELEVATOR-STRUCTURE	16,650	19,450	24,550	------	------	------	------
POINT PLEASANT:							
DETACHED AND SEMIDETACHED	11,300	13,700	16,950	20,200	24,250	27,100	28,250
ROW DWELLINGS	10,850	13,100	16,150	19,250	23,100	25,750	26,950
WALKUP	10,000	12,450	15,850	18,600	21,550	23,850	25,000
ELEVATOR-STRUCTURE	16,850	19,550	24,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV							
ALABAMA							
BIRMINGHAM:							
DETACHED AND SEMIDETACHED	10,650	12,950	15,900	19,100	23,000	25,500	26,700
ROW DWELLINGS	10,300	12,300	15,200	18,100	21,800	24,250	25,450
WALKUP	8,750	10,800	13,750	16,150	18,800	20,800	21,750
ELEVATOR-STRUCTURE	14,500	17,000	21,400	------	------	------	------
DOTHAN:							
DETACHED AND SEMIDETACHED	10,200	12,350	15,200	18,300	21,950	24,300	25,550
ROW DWELLINGS	9,750	11,750	14,500	17,200	20,750	23,100	24,250
WALKUP	8,250	10,350	13,100	15,550	18,000	19,800	20,850
ELEVATOR-STRUCTURE	14,100	16,450	20,750	------	------	------	------
FLORENCE:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,250	18,400	22,100	24,550	25,700
ROW DWELLINGS	9,800	11,800	14,550	17,500	21,000	23,300	24,400
WALKUP	8,300	10,400	13,150	15,600	18,150	19,900	20,900
ELEVATOR-STRUCTURE	14,350	16,850	21,200	------	------	------	------
HUNTSVILLE:							
DETACHED AND SEMIDETACHED	10,000	12,200	15,050	17,900	21,650	24,050	12,800
ROW DWELLINGS	9,700	11,600	14,400	17,100	20,650	23,000	24,050
WALKUP	8,200	10,250	13,000	15,300	17,750	19,550	20,500
ELEVATOR-STRUCTURE	14,100	16,450	20,800	------	------	------	------
MOBILE:							
DETACHED AND SEMIDETACHED	11,150	13,500	16,700	19,850	23,950	26,600	27,800
ROW DWELLINGS	10,650	12,900	15,900	18,900	22,750	25,300	26,550
WALKUP	9,050	11,300	14,300	16,900	19,700	21,700	22,800
ELEVATOR-STRUCTURE	15,200	17,700	22,250	------	------	------	------
MONTGOMERY:							
DETACHED AND SEMIDETACHED	10,150	12,300	15,150	18,250	21,900	24,250	25,450
ROW DWELLINGS	9,750	11,750	14,500	17,200	20,750	23,100	24,250
WALKUP	8,250	10,300	13,050	15,500	17,900	19,700	20,800
ELEVATOR-STRUCTURE	14,250	16,700	20,950	------	------	------	------
TUSCALOOSA:							
DETACHED AND SEMIDETACHED	10,000	12,200	15,050	17,900	21,650	24,050	25,200
ROW DWELLINGS	9,700	11,600	14,400	17,100	20,650	23,000	24,050
WALKUP	8,200	10,250	13,000	15,300	17,750	19,550	20,500
ELEVATOR-STRUCTURE	14,100	16,450	20,800	------	------	------	------
FLORIDA							
JACKSONVILLE:							
DETACHED AND SEMIDETACHED	10,900	13,100	16,200	19,400	23,250	25,800	27,050
ROW DWELLINGS	10,400	12,550	15,450	18,350	22,050	24,650	25,750
WALKUP	9,200	11,450	14,650	17,200	20,000	21,950	23,000
ELEVATOR-STRUCTURE	16,650	19,250	24,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
FLORIDA--CONTINUED							
FORT WALTON BEACH:							
DETACHED AND SEMIDETACHED	10,750	13,050	16,000	19,150	23,050	25,500	26,800
ROW DWELLINGS	10,350	12,500	15,350	18,250	21,800	24,450	25,450
WALKUP	9,150	11,400	14,500	17,000	19,850	21,750	22,800
ELEVATOR-STRUCTURE	16,500	19,150	24,300	------	------	------	------
GAINESVILLE:							
DETACHED AND SEMIDETACHED	11,250	13,700	16,850	20,150	24,250	26,800	28,100
ROW DWELLINGS	10,750	13,050	16,050	19,050	22,900	25,600	26,750
WALKUP	9,200	11,400	14,650	17,200	19,900	21,950	23,000
ELEVATOR-STRUCTURE	17,300	20,050	25,550	------	------	------	------
PANAMA CITY:							
DETACHED AND SEMIDETACHED	10,750	13,050	16,000	19,150	23,050	25,500	26,800
ROW DWELLINGS	10,350	12,500	15,350	18,250	21,800	24,450	25,450
WALKUP	9,150	11,400	14,500	17,000	19,850	21,750	22,800
ELEVATOR-STRUCTURE	16,500	19,150	24,300	------	------	------	------
PENSACOLA:							
DETACHED AND SEMIDETACHED	10,750	13,050	16,000	19,150	23,050	25,500	26,800
ROW DWELLINGS	10,350	12,500	15,350	18,250	21,800	24,450	25,450
WALKUP	8,950	11,200	14,150	16,700	19,450	21,300	22,300
ELEVATOR-STRUCTURE	16,500	19,150	24,300	------	------	------	------
TALLAHASSEE:							
DETACHED AND SEMIDETACHED	11,150	13,400	16,550	19,850	23,850	26,450	27,700
ROW DWELLINGS	10,600	12,800	15,800	18,850	22,550	25,200	26,350
WALKUP	9,000	11,250	14,450	16,800	19,650	21,550	22,600
ELEVATOR-STRUCTURE	17,000	19,750	25,050	------	------	------	------
MIAMI:							
DETACHED AND SEMIDETACHED	11,850	14,250	17,500	20,950	25,250	28,050	29,400
ROW DWELLINGS	11,250	13,500	16,850	19,950	24,050	26,750	28,050
WALKUP	9,400	11,850	15,050	17,800	20,600	22,700	23,900
ELEVATOR-STRUCTURE	15,450	18,000	22,750	------	------	------	------
FORT LAUDERDALE:							
DETACHED AND SEMIDETACHED	12,050	14,400	17,750	21,250	25,600	28,400	29,850
ROW DWELLINGS	11,400	13,750	17,050	20,300	24,350	27,050	28,400
WALKUP	8,600	10,900	13,900	16,300	18,900	20,800	21,900
ELEVATOR-STRUCTURE	14,750	17,250	21,700	------	------	------	------
FORT MYERS:							
DETACHED AND SEMIDETACHED	10,600	12,700	15,600	18,700	22,550	25,050	27,100
ROW DWELLINGS	10,000	12,100	15,000	17,850	21,400	23,850	25,050
WALKUP	8,200	10,300	13,050	15,500	17,950	19,700	20,700
ELEVATOR-STRUCTURE	14,450	16,850	21,300	------	------	------	------
KEY WEST:							
DETACHED AND SEMIDETACHED	11,850	14,250	17,500	20,950	25,250	28,050	29,400
ROW DWELLINGS	11,250	13,500	16,850	19,950	24,050	26,750	28,050
WALKUP	9,400	11,850	15,050	17,800	20,600	22,700	23,900
ELEVATOR-STRUCTURE	15,450	18,000	22,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
FLORIDA--CONTINUED							
WEST PALM BEACH:							
DETACHED AND SEMIDETACHED	11,100	13,350	16,400	19,650	23,650	26,250	27,500
ROW DWELLINGS	10,550	12,700	15,750	18,700	22,500	24,950	26,250
WALKUP	9,000	11,350	14,450	17,100	19,850	21,850	22,900
ELEVATOR-STRUCTURE	15,100	17,550	22,200	------	------	------	------
TAMPA:							
DETACHED AND SEMIDETACHED	10,050	12,050	14,900	17,850	21,350	23,800	24,900
ROW DWELLINGS	9,550	11,550	14,350	17,000	20,400	22,800	23,800
WALKUP	9,550	11,900	15,150	17,950	20,800	22,800	24,000
ELEVATOR-STRUCTURE	15,750	18,350	23,150	------	------	------	------
COCOA BEACH:							
DETACHED AND SEMIDETACHED	10,000	11,950	14,800	17,650	21,200	23,650	24,700
ROW DWELLINGS	9,500	11,450	14,200	16,800	20,250	22,600	23,600
WALKUP	9,500	11,850	15,000	17,750	20,650	22,600	23,750
ELEVATOR-STRUCTURE	15,650	18,250	22,950	------	------	------	------
DAYTONA BEACH:							
DETACHED AND SEMIDETACHED	11,750	14,050	17,450	20,900	24,950	27,850	29,150
ROW DWELLINGS	11,150	13,500	16,750	19,850	23,850	26,650	27,850
WALKUP	11,150	13,950	17,600	20,900	24,200	26,750	27,950
ELEVATOR-STRUCTURE	18,500	21,500	27,100	------	------	------	------
FORT PIERCE:							
DETACHED AND SEMIDETACHED	10,650	12,700	15,800	18,850	22,650	25,250	26,450
ROW DWELLINGS	10,100	12,150	15,100	17,950	21,550	24,100	25,100
WALKUP	10,200	12,650	16,050	19,000	22,250	24,150	25,450
ELEVATOR-STRUCTURE	16,750	19,450	24,450	------	------	------	------
LAKELAND:							
DETACHED AND SEMIDETACHED	10,100	12,100	15,000	18,000	21,500	24,050	25,050
ROW DWELLINGS	9,600	11,600	14,450	17,150	20,500	22,950	24,050
WALKUP	9,750	12,050	15,250	18,050	20,900	23,050	24,150
ELEVATOR-STRUCTURE	15,750	18,300	23,100	------	------	------	------
ORLANDO:							
DETACHED AND SEMIDETACHED	9,900	11,800	14,650	17,450	20,950	23,300	24,300
ROW DWELLINGS	9,350	11,250	14,000	16,550	19,900	22,200	23,250
WALKUP	9,100	11,400	14,400	17,050	19,700	21,750	22,800
ELEVATOR-STRUCTURE	15,350	17,750	22,500	------	------	------	------
SARASOTA:							
DETACHED AND SEMIDETACHED	10,250	12,350	15,400	18,300	21,950	24,500	25,600
ROW DWELLINGS	9,800	11,900	14,750	17,400	21,000	23,400	24,450
WALKUP	9,950	12,400	15,700	18,700	21,700	23,850	25,050
ELEVATOR-STRUCTURE	16,150	18,800	23,750	------	------	------	------
ST. PETERSBURG:							
DETACHED AND SEMIDETACHED	9,900	11,800	14,650	17,450	20,950	23,300	24,300
ROW DWELLINGS	9,350	11,250	14,000	16,550	19,900	22,200	23,250
WALKUP	9,400	11,750	14,850	17,550	20,350	22,450	23,450
ELEVATOR-STRUCTURE	15,550	18,000	22,650	------	------	------	------

RULES AND REGULATIONS
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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
GEORGIA							
ATLANTA:							
DETACHED AND SEMIDETACHED	10,350	12,450	15,300	18,300	22,050	24,400	25,550
ROW DWELLINGS	9,800	11,800	14,650	17,400	20,950	23,300	24,350
WALKUP	8,700	10,750	13,700	16,100	18,750	20,550	21,650
ELEVATOR-STRUCTURE	16,350	18,950	24,050	------	------	------	------
ALBANY:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,200	18,150	21,750	24,250	25,350
ROW DWELLINGS	9,750	11,750	14,500	17,250	20,700	23,100	24,200
WALKUP	8,600	10,700	13,550	15,950	18,650	20,400	21,500
ELEVATOR-STRUCTURE	16,200	18,850	23,800	------	------	------	------
AUGUSTA:							
DETACHED AND SEMIDETACHED	10,600	12,650	15,750	18,800	22,600	25,050	26,200
ROW DWELLINGS	10,150	12,150	14,950	17,950	21,550	23,900	25,050
WALKUP	8,750	10,750	13,700	16,200	18,750	20,750	21,700
ELEVATOR-STRUCTURE	15,200	17,650	22,350	------	------	------	------
BRUNSWICK:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,300	17,100	20,550	22,850	23,900
ROW DWELLINGS	9,150	11,100	13,650	16,250	19,500	21,750	22,800
WALKUP	7,950	9,850	12,450	14,700	17,100	18,800	19,750
ELEVATOR-STRUCTURE	16,200	18,850	23,800	------	------	------	------
COLUMBUS:							
DETACHED AND SEMIDETACHED	10,050	12,100	15,000	17,950	21,600	23,900	25,100
ROW DWELLINGS	9,700	11,650	14,350	17,150	20,600	22,850	23,900
WALKUP	8,550	10,550	13,450	15,800	18,350	20,300	21,200
ELEVATOR-STRUCTURE	16,100	18,700	23,650	------	------	------	------
MACON:							
DETACHED AND SEMIDETACHED	10,200	12,200	15,200	18,100	21,850	24,150	25,300
ROW DWELLINGS	9,800	11,750	14,450	17,250	20,800	23,050	24,150
WALKUP	8,300	10,250	13,050	15,350	17,850	19,700	20,600
ELEVATOR-STRUCTURE	16,100	18,700	23,650	------	------	------	------
ROME:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,500	17,350	20,800	23,050	24,200
ROW DWELLINGS	9,300	11,200	13,800	16,500	19,750	21,950	23,000
WALKUP	8,050	9,900	12,700	14,900	17,250	19,000	20,000
ELEVATOR-STRUCTURE	15,900	18,500	23,400	------	------	------	------
SAVANNAH:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,300	17,100	20,550	22,850	23,900
ROW DWELLINGS	9,150	11,100	13,650	16,250	19,500	21,750	22,800
WALKUP	7,950	9,850	12,450	14,700	17,100	18,800	19,750
ELEVATOR-STRUCTURE	16,200	18,850	23,800	------	------	------	------
VALDOSTA:							
DETACHED AND SEMIDETACHED	10,000	12,050	14,900	17,850	21,450	23,750	24,850
ROW DWELLINGS	9,550	11,550	14,250	16,950	20,350	22,600	23,700
WALKUP	8,450	10,400	13,300	15,650	18,150	20,000	20,950
ELEVATOR-STRUCTURE	15,900	18,500	23,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY							
LOUISVILLE:							
DETACHED AND SEMIDETACHED	10,850	13,000	16,050	19,250	23,150	25,650	26,950
ROW DWELLINGS	10,350	12,500	15,400	18,300	22,000	24,500	25,600
WALKUP	9,800	12,100	15,400	18,200	21,100	23,150	24,400
ELEVATOR-STRUCTURE	16,900	19,700	24,900	------	------	------	------
ASHLAND:							
DETACHED AND SEMIDETACHED	11,200	13,450	16,600	19,900	23,950	26,600	27,900
ROW DWELLINGS	10,700	12,850	15,950	18,900	22,750	25,300	26,400
WALKUP	9,850	12,200	15,450	18,250	21,250	23,450	24,550
ELEVATOR-STRUCTURE	17,400	20,400	25,750	------	------	------	------
BOWLING GREEN:							
DETACHED AND SEMIDETACHED	10,450	12,600	15,450	18,550	22,400	24,800	26,000
ROW DWELLINGS	10,000	12,050	14,950	17,650	21,350	23,700	24,800
WALKUP	9,050	11,200	14,300	16,950	19,600	21,600	22,700
ELEVATOR-STRUCTURE	16,350	19,000	24,050	------	------	------	------
CORBIN:							
DETACHED AND SEMIDETACHED	10,850	13,000	16,050	19,250	23,150	25,650	26,950
ROW DWELLINGS	10,350	12,500	15,400	18,300	22,000	24,500	25,600
WALKUP	9,350	11,600	14,800	17,450	20,300	22,350	23,500
ELEVATOR-STRUCTURE	16,900	19,700	24,900	------	------	------	------
COVINGTON:							
DETACHED AND SEMIDETACHED	11,650	14,000	17,200	20,600	24,850	27,600	28,900
ROW DWELLINGS	11,050	13,350	16,550	19,600	23,700	26,250	27,500
WALKUP	10,450	13,050	16,500	19,500	22,600	24,850	26,200
ELEVATOR-STRUCTURE	17,850	20,850	26,250	------	------	------	------
FRANKFORT:							
DETACHED AND SEMIDETACHED	10,150	12,100	15,000	18,000	21,700	23,950	25,150
ROW DWELLINGS	9,650	11,650	14,400	17,100	20,600	22,850	23,900
WALKUP	9,100	11,400	14,400	17,050	19,650	21,800	22,850
ELEVATOR-STRUCTURE	15,550	18,200	22,950	------	------	------	------
HOPKINSVILLE:							
DETACHED AND SEMIDETACHED	10,300	12,350	15,200	18,250	21,950	24,400	25,550
ROW DWELLINGS	9,850	11,850	14,650	17,350	20,900	23,300	24,350
WALKUP	8,500	10,600	13,400	15,900	18,450	20,350	21,350
ELEVATOR-STRUCTURE	16,050	18,700	23,650	------	------	------	------
LEXINGTON:							
DETACHED AND SEMIDETACHED	10,500	12,650	15,550	18,700	22,550	25,000	26,150
ROW DWELLINGS	10,050	12,100	15,000	17,750	21,400	23,800	24,950
WALKUP	10,100	12,500	15,850	18,800	21,800	23,950	25,200
ELEVATOR-STRUCTURE	16,900	19,700	24,900	------	------	------	------
MIDDLESBORO:							
DETACHED AND SEMIDETACHED	10,850	13,000	16,050	19,250	23,150	25,650	26,950
ROW DWELLINGS	10,350	12,500	15,400	18,300	22,000	24,500	25,600
WALKUP	9,450	11,700	14,900	17,700	20,450	22,450	23,650
ELEVATOR-STRUCTURE	16,900	19,700	24,900	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY--CONTINUED							
MURRAY:							
DETACHED AND SEMIDETACHED	10,300	12,350	15,200	18,250	21,950	24,400	25,550
ROW DWELLINGS	9,850	11,850	14,650	17,350	20,900	23,300	24,350
WALKUP	8,300	10,400	13,100	15,550	18,050	19,950	20,850
ELEVATOR-STRUCTURE	16,050	18,700	23,650	------	------	------	------
NEWPORT:							
DETACHED AND SEMIDETACHED	11,050	13,300	16,300	19,600	23,700	26,150	27,500
ROW DWELLINGS	10,600	12,750	15,750	18,650	22,550	25,000	26,150
WALKUP	9,600	11,950	15,000	17,850	20,650	22,850	23,950
ELEVATOR-STRUCTURE	17,050	19,900	25,150	------	------	------	------
OWENSBORO:							
DETACHED AND SEMIDETACHED	11,050	13,300	16,300	19,600	23,700	26,150	27,500
ROW DWELLINGS	10,600	12,750	15,750	18,650	22,550	25,000	26,150
WALKUP	9,600	11,950	15,000	17,850	20,650	22,850	23,950
ELEVATOR-STRUCTURE	17,050	19,900	25,150	------	------	------	------
PADUCAH:							
DETACHED AND SEMIDETACHED	10,150	12,100	15,000	18,000	21,700	23,950	25,150
ROW DWELLINGS	9,650	11,650	14,400	17,100	20,600	22,900	23,900
WALKUP	9,100	11,400	14,400	17,050	19,650	21,800	22,850
ELEVATOR-STRUCTURE	16,050	18,700	23,650	------	------	------	------
MISSISSIPPI							
JACKSON:							
DETACHED AND SEMIDETACHED	10,100	12,200	15,050	17,950	21,650	24,000	25,200
ROW DWELLINGS	9,200	11,050	13,550	16,200	19,450	21,550	22,650
WALKUP	8,350	10,450	13,400	15,800	18,250	20,150	21,100
ELEVATOR-STRUCTURE	16,200	18,750	23,800	------	------	------	------
BILOXI:							
DETACHED AND SEMIDETACHED	9,850	11,800	14,700	17,400	21,050	23,350	24,450
ROW DWELLINGS	9,100	10,950	13,550	16,150	19,400	21,550	22,600
WALKUP	8,700	10,900	13,900	16,300	18,850	20,850	21,800
ELEVATOR-STRUCTURE	16,550	19,300	24,500	------	------	------	------
CORINTH:							
DETACHED AND SEMIDETACHED	10,250	12,450	15,350	18,350	22,150	24,600	25,700
ROW DWELLINGS	8,950	10,900	13,550	16,050	19,400	21,500	22,550
WALKUP	8,750	10,850	13,800	16,250	18,900	20,700	21,700
ELEVATOR-STRUCTURE	16,500	19,150	24,150	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	10,100	12,200	15,050	17,950	21,650	24,000	25,200
ROW DWELLINGS	9,200	11,050	13,550	16,200	19,450	21,550	22,650
WALKUP	8,350	10,450	13,400	15,800	18,250	20,150	21,100
ELEVATOR-STRUCTURE	16,050	18,650	23,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
MISSISSIPPI--CONTINUED							
GREENWOOD:							
DETACHED AND SEMIDETACHED	10,100	12,200	15,050	17,950	21,650	24,000	25,200
ROW DWELLINGS	9,200	11,050	13,550	16,200	19,450	21,550	22,650
WALKUP	8,750	10,900	13,900	16,350	18,950	20,850	21,900
ELEVATOR-STRUCTURE	16,200	18,750	23,800	------	------	------	------
GULFPORT:							
DETACHED AND SEMIDETACHED	10,150	12,250	15,100	18,000	21,700	24,050	25,250
ROW DWELLINGS	9,250	11,100	13,650	16,250	19,500	21,650	22,700
WALKUP	8,250	10,350	13,100	15,400	17,850	19,650	20,550
ELEVATOR-STRUCTURE	16,350	19,050	24,050	------	------	------	------
HATTIESBURG:							
DETACHED AND SEMIDETACHED	10,100	12,200	15,050	17,950	21,650	24,000	25,200
ROW DWELLINGS	9,200	11,050	13,550	16,200	19,450	21,550	22,650
WALKUP	8,350	10,450	13,400	15,800	18,250	20,150	21,100
ELEVATOR-STRUCTURE	16,200	18,750	23,800	------	------	------	------
SOUTHAVEN:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,850	17,650	21,250	23,550	24,750
ROW DWELLINGS	9,000	10,850	13,400	15,900	19,150	21,250	22,250
WALKUP	8,850	11,050	14,100	16,500	19,200	21,250	22,200
ELEVATOR-STRUCTURE	15,850	18,550	23,400	------	------	------	------
TUPELO:							
DETACHED AND SEMIDETACHED	10,100	12,200	15,050	17,950	21,650	24,000	25,200
ROW DWELLINGS	9,400	11,350	13,900	16,650	19,950	22,200	23,300
WALKUP	8,550	10,700	13,750	16,050	18,650	20,550	21,500
ELEVATOR-STRUCTURE	16,200	18,750	23,800	------	------	------	------
NORTH CAROLINA							
GREENSHORO:							
DETACHED AND SEMIDETACHED	10,900	13,000	15,850	18,950	22,600	25,100	26,200
ROW DWELLINGS	10,800	12,700	15,700	18,550	22,250	24,700	25,850
WALKUP	9,250	11,200	14,200	16,700	19,350	21,150	22,250
ELEVATOR-STRUCTURE	17,500	20,400	25,850	------	------	------	------
ASHEVILLE:							
DETACHED AND SEMIDETACHED	11,200	13,350	16,350	19,550	23,350	25,850	27,050
ROW DWELLINGS	11,250	13,400	16,450	19,350	23,300	25,900	27,000
WALKUP	9,750	12,050	15,200	17,800	20,500	22,200	23,700
ELEVATOR-STRUCTURE	18,050	20,900	26,400	------	------	------	------
CHARLOTTE:							
DETACHED AND SEMIDETACHED	11,050	13,200	16,100	19,200	22,900	25,450	26,550
ROW DWELLINGS	10,950	13,050	15,950	18,800	22,500	25,000	26,150
WALKUP	9,750	12,000	15,150	17,750	20,450	22,400	23,550
ELEVATOR-STRUCTURE	17,500	20,400	25,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
NORTH CAROLINA--CONTINUED							
CHEROKEE:							
DETACHED AND SEMIDETACHED	11,400	13,600	16,700	19,950	23,700	26,250	27,450
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
DURHAM:							
DETACHED AND SEMIDETACHED	10,700	12,750	15,600	18,650	22,250	24,700	25,850
ROW DWELLINGS	10,750	12,700	15,600	18,450	22,150	24,550	25,700
WALKUP	9,150	10,750	14,200	16,650	19,200	20,950	22,100
ELEVATOR-STRUCTURE	17,450	20,350	25,800	------	------	------	------
ELIZABETH CITY:							
DETACHED AND SEMIDETACHED	11,700	14,050	17,050	20,350	24,350	27,100	28,250
ROW DWELLINGS	10,700	12,900	15,700	18,750	22,500	24,950	26,000
WALKUP	9,800	12,050	15,250	17,800	20,550	22,700	23,750
ELEVATOR-STRUCTURE	17,800	20,750	26,200	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	10,750	12,850	15,650	18,650	22,350	24,800	25,900
ROW DWELLINGS	10,750	12,750	15,650	18,350	22,100	24,500	25,650
WALKUP	8,900	11,000	14,000	16,300	18,800	20,500	21,650
ELEVATOR-STRUCTURE	17,250	19,550	24,300	------	------	------	------
RALEIGH:							
DETACHED AND SEMIDETACHED	10,750	12,900	15,700	18,750	22,400	24,800	25,900
ROW DWELLINGS	10,750	12,850	15,600	18,450	22,150	24,550	25,700
WALKUP	9,000	11,150	14,050	16,600	19,150	21,000	22,100
ELEVATOR-STRUCTURE	17,450	20,350	25,800	------	------	------	------
WILMINGTON:							
DETACHED AND SEMIDETACHED	10,450	12,600	15,500	18,650	22,400	24,850	25,950
ROW DWELLINGS	10,550	12,500	15,200	17,900	21,350	23,750	24,850
WALKUP	9,600	11,750	14,800	17,250	20,000	21,900	22,950
ELEVATOR-STRUCTURE	17,500	20,150	25,100	------	------	------	------
WINSTON-SALEM:							
DETACHED AND SEMIDETACHED	11,000	13,100	16,000	19,150	22,900	25,300	26,500
ROW DWELLINGS	10,600	12,650	15,450	18,250	21,950	24,300	25,400
WALKUP	9,450	11,600	14,600	17,100	19,700	21,500	22,650
ELEVATOR-STRUCTURE	17,450	20,350	25,800	------	------	------	------
FAYETTEVILLE:							
DETACHED AND SEMIDETACHED	10,750	12,900	15,700	18,750	22,400	24,800	25,900
ROW DWELLINGS	10,650	12,650	15,450	18,250	21,950	24,300	25,400
WALKUP	9,450	11,600	14,650	17,150	19,850	21,650	22,750
ELEVATOR-STRUCTURE	17,100	19,550	24,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
SOUTH CAROLINA							
COLUMBIA:							
DETACHED AND SEMIDETACHED	8,900	10,800	13,250	15,900	19,100	21,200	22,200
ROW DWELLINGS	8,600	10,300	12,700	15,100	18,200	20,200	21,150
WALKUP	7,450	9,250	11,800	14,100	16,050	17,650	18,650
ELEVATOR-STRUCTURE	13,450	15,650	19,700	------	------	------	------
AIKEN:							
DETACHED AND SEMIDETACHED	8,900	10,800	13,250	15,900	19,050	21,250	22,250
ROW DWELLINGS	8,550	10,300	12,700	15,050	18,200	20,150	21,150
WALKUP	7,750	9,700	12,250	14,450	16,750	18,450	19,450
ELEVATOR-STRUCTURE	13,650	15,850	20,100	------	------	------	------
ANDERSON:							
DETACHED AND SEMIDETACHED	8,800	10,650	13,100	15,700	18,900	20,950	22,050
ROW DWELLINGS	8,500	10,150	12,600	14,950	18,000	20,000	20,900
WALKUP	7,200	8,900	11,400	13,450	15,550	17,200	18,100
ELEVATOR-STRUCTURE	13,600	15,750	19,800	------	------	------	------
BEAUFORT:							
DETACHED AND SEMIDETACHED	9,100	11,050	13,550	16,250	19,550	21,700	22,800
ROW DWELLINGS	8,800	10,650	13,000	15,450	18,550	20,700	21,700
WALKUP	7,650	9,500	12,000	14,150	16,450	18,150	19,050
ELEVATOR-STRUCTURE	13,800	16,000	20,200	------	------	------	------
CHARLESTON:							
DETACHED AND SEMIDETACHED	9,800	11,900	14,650	17,550	21,050	23,350	24,550
ROW DWELLINGS	9,450	11,350	14,100	16,750	20,100	22,350	23,350
WALKUP	8,000	10,050	12,700	14,950	17,350	19,100	20,100
ELEVATOR-STRUCTURE	14,100	16,400	20,700	------	------	------	------
FLORENCE:							
DETACHED AND SEMIDETACHED	8,550	10,350	12,700	15,300	18,350	20,450	21,400
ROW DWELLINGS	8,200	9,850	12,150	14,500	17,500	19,400	20,350
WALKUP	7,150	8,950	11,300	13,350	15,450	17,050	18,050
ELEVATOR-STRUCTURE	13,650	15,850	20,100	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	8,950	10,850	13,350	15,950	19,250	21,350	22,350
ROW DWELLINGS	8,650	10,350	12,750	15,200	18,300	20,350	21,300
WALKUP	7,250	9,050	11,450	13,500	15,700	17,300	18,200
ELEVATOR-STRUCTURE	13,650	15,850	20,100	------	------	------	------
GREENWOOD:							
DETACHED AND SEMIDETACHED	8,950	10,850	13,400	16,000	19,200	21,350	22,400
ROW DWELLINGS	8,650	10,350	12,800	15,200	18,300	20,400	21,300
WALKUP	7,500	9,300	11,900	14,000	16,150	17,950	18,850
ELEVATOR-STRUCTURE	13,600	15,750	19,800	------	------	------	------
MYRTLE BEACH:							
DETACHED AND SEMIDETACHED	9,100	11,050	13,550	16,250	19,550	21,700	22,800
ROW DWELLINGS	8,800	10,650	13,000	15,450	18,550	20,700	21,700
WALKUP	7,650	9,500	12,000	14,150	16,450	18,150	19,050
ELEVATOR-STRUCTURE	13,800	16,000	20,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
SOUTH CAROLINA--CONTINUED							
NORTH AUGUSTA:							
DETACHED AND SEMIDETACHED	9,500	11,450	14,100	16,900	20,250	22,450	23,600
ROW DWELLINGS	9,000	10,900	13,450	15,950	19,350	21,350	22,350
WALKUP	7,850	9,800	12,500	14,650	17,000	18,800	19,750
ELEVATOR-STRUCTURE	14,250	16,550	20,900	------	------	------	------
ORANGEBURG:							
DETACHED AND SEMIDETACHED	8,900	10,800	13,250	15,900	19,100	21,200	22,200
ROW DWELLINGS	8,600	10,300	12,700	15,100	18,200	20,200	21,150
WALKUP	7,450	9,250	11,800	14,100	16,050	17,650	18,650
ELEVATOR-STRUCTURE	13,450	15,650	19,700	------	------	------	------
ROCKHILL:							
DETACHED AND SEMIDETACHED	9,000	10,950	13,450	16,150	19,350	21,600	22,600
ROW DWELLINGS	8,700	10,450	12,850	15,300	18,450	20,500	21,450
WALKUP	7,600	9,500	11,950	14,100	16,350	18,050	19,000
ELEVATOR-STRUCTURE	13,650	15,850	20,100	------	------	------	------
SPARTANSBURG:							
DETACHED AND SEMIDETACHED	9,200	11,100	13,600	16,350	19,700	21,800	22,850
ROW DWELLINGS	8,800	10,550	13,050	15,550	18,750	20,800	21,750
WALKUP	7,650	9,550	12,050	14,200	16,500	18,200	19,100
ELEVATOR-STRUCTURE	13,650	15,850	20,100	------	------	------	------
TENNESSEE							
KNOXVILLE:							
DETACHED AND SEMIDETACHED	11,050	13,300	16,350	19,650	23,700	26,250	27,450
ROW DWELLINGS	10,550	12,700	15,700	18,700	22,500	24,950	26,200
WALKUP	10,400	13,000	16,450	19,450	22,650	24,900	26,150
ELEVATOR-STRUCTURE	14,600	16,950	21,400	------	------	------	------
CHATTANOOGA:							
DETACHED AND SEMIDETACHED	10,700	12,900	15,850	19,000	23,000	25,300	26,550
ROW DWELLINGS	11,150	13,400	16,650	19,800	23,750	26,450	27,700
WALKUP	11,200	14,000	17,750	21,000	24,400	26,850	28,200
ELEVATOR-STRUCTURE	15,700	18,250	22,900	------	------	------	------
JOHNSON CITY:							
DETACHED AND SEMIDETACHED	10,450	12,650	15,550	18,550	22,500	24,900	26,050
ROW DWELLINGS	10,050	12,050	14,900	17,750	21,350	23,650	24,850
WALKUP	10,400	13,000	16,450	19,450	22,550	24,850	26,150
ELEVATOR-STRUCTURE	14,600	16,950	21,400	------	------	------	------
KINGSPORT:							
DETACHED AND SEMIDETACHED	10,850	13,100	16,100	19,250	23,300	25,750	27,050
ROW DWELLINGS	10,400	12,500	15,450	18,400	22,100	24,500	25,700
WALKUP	9,850	12,200	15,450	18,300	21,250	23,400	24,550
ELEVATOR-STRUCTURE	14,600	16,950	21,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
TENNESSEE--CONTINUED							
OAK RIDGE:							
DETACHED AND SEMIDETACHED	10,700	12,900	15,900	19,000	22,950	25,450	26,650
ROW DWELLINGS	10,300	12,350	15,300	18,200	21,900	24,300	25,500
WALKUP	10,400	13,000	16,450	19,450	22,650	24,900	26,150
ELEVATOR-STRUCTURE	14,600	16,950	21,400	------	------	------	------
MEMPHIS:							
DETACHED AND SEMIDETACHED	10,400	12,600	15,500	18,500	22,350	24,850	25,950
ROW DWELLINGS	9,600	11,650	14,450	17,150	20,600	22,950	24,000
WALKUP	8,800	10,900	13,900	16,400	19,000	20,900	21,950
ELEVATOR-STRUCTURE	14,100	16,350	20,600	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,700	20,000	24,100	26,800	27,950
ROW DWELLINGS	10,350	12,600	15,550	18,500	22,200	24,750	26,000
WALKUP	9,800	12,050	15,500	18,250	21,100	23,200	24,400
ELEVATOR-STRUCTURE	14,100	16,350	20,600	------	------	------	------
UNION CITY:							
DETACHED AND SEMIDETACHED	11,300	13,700	16,800	20,100	24,300	26,950	28,200
ROW DWELLINGS	10,400	12,650	15,650	18,600	22,400	24,950	26,200
WALKUP	8,600	10,600	13,600	16,100	18,600	20,500	21,550
ELEVATOR-STRUCTURE	15,400	17,850	22,500	------	------	------	------
NASHVILLE:							
DETACHED AND SEMIDETACHED	10,050	12,100	14,950	17,850	21,450	23,900	24,950
ROW DWELLINGS	9,550	11,650	14,200	17,000	20,400	22,750	23,850
WALKUP	8,550	10,650	13,550	15,950	18,600	20,450	21,500
ELEVATOR-STRUCTURE	14,050	16,400	20,700	------	------	------	------
CLARKSVILLE:							
DETACHED AND SEMIDETACHED	9,650	11,700	14,400	17,200	20,750	23,050	24,150
ROW DWELLINGS	9,300	11,150	13,750	16,400	19,700	21,900	23,000
WALKUP	7,850	9,800	12,500	14,700	17,050	18,800	19,750
ELEVATOR-STRUCTURE	14,650	17,100	21,600	------	------	------	------
COLUMBIA:							
DETACHED AND SEMIDETACHED	10,100	12,150	15,000	17,900	21,500	23,950	25,050
ROW DWELLINGS	9,600	11,700	14,250	17,050	20,500	22,800	23,900
WALKUP	8,600	10,750	13,750	16,050	18,700	20,650	21,700
ELEVATOR-STRUCTURE	15,100	17,750	22,450	------	------	------	------
REGION V							
ILLINOIS							
CHICAGO:							
DETACHED AND SEMIDETACHED	13,450	16,400	20,100	23,950	28,800	32,100	33,600
ROW DWELLINGS	13,000	15,700	19,300	23,050	27,700	30,800	32,300
WALKUP	12,750	15,800	19,950	23,700	25,550	30,200	31,700
ELEVATOR-STRUCTURE	16,850	19,600	24,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
ILLINOIS--CONTINUED							
MOLINE:							
DETACHED AND SEMIDETACHED	13,050	15,850	19,600	23,300	28,100	31,200	32,650
ROW DWELLINGS	12,250	14,800	18,250	21,750	26,200	29,100	30,550
WALKUP	12,000	14,950	18,900	22,400	24,100	28,500	29,850
ELEVATOR-STRUCTURE	15,850	18,450	23,300	------	------	------	------
ROCKFORD:							
DETACHED AND SEMIDETACHED	12,750	15,450	18,950	22,700	27,300	30,300	31,750
ROW DWELLINGS	12,000	14,450	17,850	21,200	25,500	28,400	29,800
WALKUP	11,750	14,600	18,500	21,850	23,550	27,900	29,150
ELEVATOR-STRUCTURE	15,500	17,900	22,750	------	------	------	------
ROCK ISLAND:							
DETACHED AND SEMIDETACHED	13,050	15,850	19,600	23,300	28,100	31,200	32,650
ROW DWELLINGS	12,250	14,800	18,250	21,750	26,200	29,100	30,550
WALKUP	12,000	14,950	18,900	22,400	24,100	28,500	29,850
ELEVATOR-STRUCTURE	15,850	18,450	23,300	------	------	------	------
STERLING:							
DETACHED AND SEMIDETACHED	13,000	15,750	19,400	23,100	27,800	31,000	32,400
ROW DWELLINGS	12,150	14,650	18,250	21,650	25,900	28,900	30,250
WALKUP	11,950	14,850	18,850	22,250	24,050	28,350	29,700
ELEVATOR-STRUCTURE	15,800	18,350	23,150	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	12,350	15,000	18,450	22,050	26,500	29,450	30,850
ROW DWELLINGS	11,650	13,950	17,250	20,550	24,750	27,550	28,800
WALKUP	11,100	13,750	17,450	20,700	23,850	26,450	26,450
ELEVATOR-STRUCTURE	15,300	17,750	22,400	------	------	------	------
BELLEVILLE:							
DETACHED AND SEMIDETACHED	12,850	15,550	19,250	22,900	27,550	30,650	32,150
ROW DWELLINGS	12,150	14,550	18,000	21,400	25,750	28,750	30,000
WALKUP	11,500	14,300	18,150	21,450	24,850	27,500	28,850
ELEVATOR-STRUCTURE	15,400	17,850	22,550	------	------	------	------
CARBONDALE:							
DETACHED AND SEMIDETACHED	12,350	15,000	18,450	22,050	26,500	29,450	30,850
ROW DWELLINGS	11,650	13,950	17,250	20,450	24,750	27,550	28,800
WALKUP	11,100	13,750	17,450	20,700	23,850	26,450	27,650
ELEVATOR-STRUCTURE	15,300	17,750	22,450	------	------	------	------
CHAMPAIGN:							
DETACHED AND SEMIDETACHED	11,850	14,300	17,800	21,150	25,350	28,200	29,600
ROW DWELLINGS	11,250	13,450	16,550	19,850	23,750	26,550	27,650
WALKUP	10,700	13,250	16,800	19,900	22,900	25,300	26,700
ELEVATOR-STRUCTURE	14,700	17,000	21,500	------	------	------	------
DANVILLE:							
DETACHED AND SEMIDETACHED	12,450	15,100	18,600	22,200	26,700	29,650	31,000
ROW DWELLINGS	11,700	14,150	17,400	20,700	24,900	27,700	28,950
WALKUP	11,250	13,850	17,550	20,800	24,100	26,650	27,950
ELEVATOR-STRUCTURE	15,400	17,850	22,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
ILLINOIS--CONTINUED							
EAST ST LOUIS:							
DETACHED AND SEMIDETACHED	12,200	14,700	18,300	21,800	26,100	29,100	30,450
ROW DWELLINGS	11,450	13,700	17,050	20,200	24,300	27,150	28,350
WALKUP	10,250	12,700	16,150	19,050	22,000	24,350	25,550
ELEVATOR-STRUCTURE	16,600	19,250	24,400	------	------	------	------
LA SALLE:							
DETACHED AND SEMIDETACHED	13,450	16,250	20,100	23,950	28,800	32,000	33,600
ROW DWELLINGS	12,650	15,200	18,800	22,350	26,900	29,950	31,350
WALKUP	11,350	14,100	17,700	21,050	24,250	26,900	28,150
ELEVATOR-STRUCTURE	16,050	18,700	23,650	------	------	------	------
PEORIA:							
DETACHED AND SEMIDETACHED	12,550	15,150	18,750	22,400	26,850	29,950	31,350
ROW DWELLINGS	11,800	14,200	17,550	20,850	25,150	28,000	29,300
WALKUP	11,350	13,950	17,700	21,050	24,300	26,850	28,150
ELEVATOR-STRUCTURE	15,600	18,150	22,850	------	------	------	------
QUINCY:							
DETACHED AND SEMIDETACHED	11,750	14,250	17,600	21,050	25,200	28,050	29,400
ROW DWELLINGS	11,100	13,400	16,400	19,600	23,550	26,150	27,500
WALKUP	10,550	13,150	16,600	19,600	22,800	25,150	26,450
ELEVATOR-STRUCTURE	14,550	16,850	21,300	------	------	------	------
INDIANA							
INIANAPOLIS:							
DETACHED AND SEMIDETACHED	10,700	12,900	15,900	19,000	22,800	25,350	26,500
ROW DWELLINGS	10,150	12,300	15,200	18,100	21,700	24,250	25,300
WALKUP	9,650	12,100	15,300	18,100	20,900	23,050	24,200
ELEVATOR-STRUCTURE	15,850	18,450	23,350	------	------	------	------
BLOOMINGTON:							
DETACHED AND SEMIDETACHED	10,500	12,700	15,650	18,700	22,400	24,950	26,100
ROW DWELLINGS	10,050	12,100	14,950	17,700	21,350	23,750	24,850
WALKUP	10,000	12,500	15,750	18,650	21,700	23,850	25,000
ELEVATOR-STRUCTURE	16,150	18,700	23,800	------	------	------	------
EVANSVILLE:							
DETACHED AND SEMIDETACHED	10,200	12,300	15,200	18,150	21,750	23,250	25,350
ROW DWELLINGS	9,750	11,700	14,450	17,200	20,700	23,100	24,150
WALKUP	10,150	12,750	16,100	19,050	22,000	24,250	25,450
ELEVATOR-STRUCTURE	15,600	18,200	23,100	------	------	------	------
FORT WAYNE:							
DETACHED AND SEMIDETACHED	10,350	12,500	15,400	18,350	22,050	24,700	25,700
ROW DWELLINGS	9,900	11,950	14,700	17,550	21,100	23,550	24,600
WALKUP	9,550	12,000	15,200	17,650	20,700	22,800	24,000
ELEVATOR-STRUCTURE	15,800	18,300	23,250	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
INDIANA--CONTINUED							
GARY:							
DETACHED AND SEMIDETACHED	10,800	13,100	16,150	19,250	23,100	25,650	26,900
ROW DWELLINGS	10,300	12,500	15,400	18,250	21,950	24,600	25,600
WALKUP	10,600	13,150	16,600	19,650	22,700	25,050	26,250
ELEVATOR-STRUCTURE	17,200	19,950	25,250	------	------	------	------
HAMMOND:							
DETACHED AND SEMIDETACHED	11,350	13,850	17,000	20,250	24,300	27,100	28,350
ROW DWELLINGS	10,900	13,200	16,250	19,300	23,200	25,900	27,050
WALKUP	9,850	12,350	15,550	18,400	21,300	23,450	24,600
ELEVATOR-STRUCTURE	16,100	18,700	23,700	------	------	------	------
LAFAYETTE:							
DETACHED AND SEMIDETACHED	10,950	13,250	16,300	19,400	23,250	26,000	27,200
ROW DWELLINGS	10,450	12,650	15,600	18,550	22,250	24,850	25,900
WALKUP	9,900	12,350	15,700	18,500	21,450	23,650	24,800
ELEVATOR-STRUCTURE	16,300	18,900	23,900	------	------	------	------
SOUTH BEND:							
DETACHED AND SEMIDETACHED	11,050	13,350	16,400	19,600	23,500	26,200	27,400
ROW DWELLINGS	10,500	12,750	15,700	18,600	22,400	25,050	26,150
WALKUP	10,150	12,700	16,000	18,900	21,850	24,050	25,300
ELEVATOR-STRUCTURE	16,400	19,100	24,200	------	------	------	------
TERRE HAUTE:							
DETACHED AND SEMIDETACHED	11,300	13,700	16,900	20,150	24,150	26,900	28,100
ROW DWELLINGS	10,850	13,050	16,150	19,200	23,000	25,650	26,850
WALKUP	10,300	12,800	16,200	19,200	22,250	24,500	25,700
ELEVATOR-STRUCTURE	16,650	19,350	24,600	------	------	------	------
MICHIGAN							
DETROIT:							
DETACHED AND SEMIDETACHED	13,500	14,250	17,500	20,900	25,150	28,000	29,250
ROW DWELLINGS	11,200	13,500	16,700	19,850	23,950	26,600	27,850
WALKUP	10,350	12,800	16,250	19,250	22,200	24,550	25,750
ELEVATOR-STRUCTURE	15,700	18,250	23,100	------	------	------	------
ANN ARBOR:							
DETACHED AND SEMIDETACHED	14,500	15,300	18,800	22,450	27,050	30,100	31,450
ROW DWELLINGS	12,050	14,500	17,950	21,350	25,750	28,600	29,950
WALKUP	10,750	13,300	16,850	20,000	23,050	25,500	26,750
ELEVATOR-STRUCTURE	15,700	18,250	23,100	------	------	------	------
FLINT:							
DETACHED AND SEMIDETACHED	15,100	15,950	19,600	23,400	28,100	31,300	32,900
ROW DWELLINGS	12,600	15,150	18,700	22,200	26,700	29,700	31,250
WALKUP	10,100	12,600	15,900	18,850	21,850	24,050	25,200
ELEVATOR-STRUCTURE	15,050	17,500	22,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN--CONTINUED							
SAGINAW:							
DETACHED AND SEMIDETACHED	13,900	14,750	18,100	21,500	25,900	28,850	30,250
ROW DWELLINGS	11,600	14,000	17,200	20,500	24,650	27,400	28,800
WALKUP	10,200	12,750	16,100	19,150	22,200	24,400	25,650
ELEVATOR-STRUCTURE	15,050	17,500	22,200	------	------	------	------
YPSILANTI:							
DETACHED AND SEMIDETACHED	15,300	16,200	19,900	23,650	28,500	31,750	33,200
ROW DWELLINGS	12,800	15,300	18,950	22,600	27,200	30,150	31,650
WALKUP	10,350	12,850	16,200	19,250	22,200	24,550	25,800
ELEVATOR-STRUCTURE	15,500	18,100	22,650	------	------	------	------
GRAND RAPIDS:							
DETACHED AND SEMIDETACHED	10,700	12,900	15,900	18,950	22,800	25,500	26,600
ROW DWELLINGS	10,250	12,350	15,300	18,150	21,800	24,300	25,450
WALKUP	10,450	13,150	16,650	19,600	22,750	25,200	26,350
ELEVATOR-STRUCTURE	14,250	16,600	20,900	------	------	------	------
BATTLE CREEK:							
DETACHED AND SEMIDETACHED	10,950	13,200	16,250	19,450	23,400	26,050	27,200
ROW DWELLINGS	10,500	12,650	15,600	18,600	22,400	24,950	26,100
WALKUP	10,450	13,000	16,550	19,550	22,600	25,000	26,200
ELEVATOR-STRUCTURE	14,550	16,950	21,350	------	------	------	------
BENTON HARBOR:							
DETACHED AND SEMIDETACHED	11,850	14,300	17,550	20,900	25,150	28,150	29,350
ROW DWELLINGS	11,350	13,650	16,850	20,050	24,100	25,650	28,050
WALKUP	11,150	13,900	17,600	20,900	24,000	26,600	27,950
ELEVATOR-STRUCTURE	15,300	17,850	22,500	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	11,350	13,800	17,000	20,200	24,400	27,200	28,450
ROW DWELLINGS	11,000	13,150	16,300	19,400	23,350	26,000	27,200
WALKUP	11,200	14,100	17,750	21,050	24,250	26,900	28,150
ELEVATOR-STRUCTURE	15,200	17,700	22,350	------	------	------	------
KALAMAZOO:							
DETACHED AND SEMIDETACHED	10,750	13,000	16,050	19,050	23,000	25,700	26,750
ROW DWELLINGS	10,350	12,450	15,400	18,300	22,050	24,500	25,700
WALKUP	9,950	12,500	15,850	18,700	21,700	23,950	25,100
ELEVATOR-STRUCTURE	14,350	16,700	21,100	------	------	------	------
LANSING:							
DETACHED AND SEMIDETACHED	12,700	15,300	18,900	22,500	27,050	30,200	31,600
ROW DWELLINGS	12,200	17,200	18,150	21,600	25,950	28,800	30,250
WALKUP	10,900	13,600	17,250	20,400	23,600	26,100	27,350
ELEVATOR-STRUCTURE	14,800	17,350	21,850	------	------	------	------
MARQUETTE:							
DETACHED AND SEMIDETACHED	10,300	12,550	15,350	18,300	22,100	24,650	25,750
ROW DWELLINGS	9,900	11,950	14,750	17,550	21,050	23,450	24,600
WALKUP	10,100	12,700	16,000	18,900	21,900	24,250	25,400
ELEVATOR-STRUCTURE	13,500	15,750	19,850	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN--CONTINUED							
MUSKEGON:							
DETACHED AND SEMIDETACHED	10,750	13,000	16,050	19,100	23,000	25,700	26,800
ROW DWELLINGS	10,400	12,450	15,400	18,300	21,950	24,500	25,750
WALKUP	9,300	11,600	14,700	17,350	20,050	22,150	23,250
ELEVATOR-STRUCTURE	14,250	16,600	20,900	------	------	------	------
TRAVERSE CITY:							
DETACHED AND SEMIDETACHED	11,800	14,250	17,550	20,900	25,100	28,100	29,250
ROW DWELLINGS	11,350	13,650	16,850	20,000	24,100	26,850	28,100
WALKUP	10,200	12,700	16,050	19,050	22,000	24,400	25,400
ELEVATOR-STRUCTURE	15,600	18,200	22,950	------	------	------	------
MINNESOTA							
MINNEAPOLIS:							
DETACHED AND SEMIDETACHED	12,750	15,400	19,050	22,750	27,300	30,400	31,800
ROW DWELLINGS	12,150	14,750	18,100	21,600	25,950	28,900	30,250
WALKUP	10,150	12,700	15,950	18,800	21,750	24,050	25,200
ELEVATOR-STRUCTURE	15,200	17,600	22,350	------	------	------	------
DULUTH:							
DETACHED AND SEMIDETACHED	12,950	15,650	19,300	23,100	27,700	30,900	32,300
ROW DWELLINGS	12,450	14,900	18,400	21,950	26,350	29,400	30,700
WALKUP	10,700	13,250	16,850	19,900	23,000	25,450	26,650
ELEVATOR-STRUCTURE	15,400	17,900	22,600	------	------	------	------
MANKATO:							
DETACHED AND SEMIDETACHED	12,100	14,800	18,150	21,700	26,100	29,100	30,400
ROW DWELLINGS	11,700	14,000	17,300	20,650	24,850	27,650	28,900
WALKUP	10,700	13,200	16,800	19,900	22,900	25,300	26,650
ELEVATOR-STRUCTURE	14,500	16,850	21,250	------	------	------	------
ROCHESTER:							
DETACHED AND SEMIDETACHED	12,500	15,100	18,600	22,200	26,750	29,700	31,050
ROW DWELLINGS	11,950	14,350	17,700	21,150	25,350	28,200	29,600
WALKUP	9,850	12,250	15,500	18,300	21,200	23,450	24,550
ELEVATOR-STRUCTURE	14,150	16,500	20,950	------	------	------	------
ST CLOUD:							
DETACHED AND SEMIDETACHED	12,100	14,600	18,150	21,600	25,900	28,800	30,150
ROW DWELLINGS	11,650	14,050	17,300	20,650	24,750	27,650	28,850
WALKUP	10,150	12,600	16,050	18,950	21,900	24,150	25,350
ELEVATOR-STRUCTURE	14,000	16,250	20,600	------	------	------	------
WORTHINGTON:							
DETACHED AND SEMIDETACHED	11,600	14,000	17,350	20,700	24,750	27,650	28,900
ROW DWELLINGS	11,150	13,350	16,500	19,650	23,650	26,250	27,550
WALKUP	9,300	11,500	14,650	17,300	19,950	22,000	23,150
ELEVATOR-STRUCTURE	13,900	16,150	20,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO							
CINCINATTI:							
DETACHED AND SEMIDETACHED	11,000	13,200	16,350	19,550	23,400	26,150	27,350
ROW DWELLINGS	10,750	13,000	16,050	19,050	22,850	25,500	26,750
WALKUP	10,500	13,000	16,550	19,600	22,600	24,950	26,200
ELEVATOR-STRUCTURE	20,800	24,150	30,500	------	------	------	------
DAYTON:							
DETACHED AND SEMIDETACHED	11,000	13,250	16,400	19,600	23,450	26,200	27,400
ROW DWELLINGS	10,750	13,000	16,050	19,050	22,850	25,500	26,750
WALKUP	10,500	13,000	16,550	19,600	22,600	24,950	26,200
ELEVATOR-STRUCTURE	20,800	24,150	30,500	------	------	------	------
CLEVELAND:							
DETACHED AND SEMIDETACHED	12,450	15,200	18,600	22,250	26,700	29,750	31,150
ROW DWELLINGS	12,100	14,500	17,950	21,450	25,700	28,750	30,000
WALKUP	11,050	13,650	17,250	20,550	23,750	26,200	27,550
ELEVATOR-STRUCTURE	17,600	20,550	26,000	------	------	------	------
AKRON:							
DETACHED AND SEMIDETACHED	10,950	13,350	16,450	19,550	23,450	26,100	27,400
ROW DWELLINGS	11,950	14,300	17,700	21,000	25,300	28,200	29,550
WALKUP	10,750	13,350	16,850	19,950	23,100	25,500	26,700
ELEVATOR-STRUCTURE	16,800	19,550	24,750	------	------	------	------
FINDLEY:							
DETACHED AND SEMIDETACHED	10,250	12,450	15,400	18,350	22,000	24,450	25,650
ROW DWELLINGS	10,950	13,150	16,250	19,350	23,350	25,950	27,200
WALKUP	9,950	12,350	15,600	18,600	21,550	23,700	24,950
ELEVATOR-STRUCTURE	15,950	18,550	23,550	------	------	------	------
LORAIN:							
DETACHED AND SEMIDETACHED	10,800	13,150	16,200	19,350	23,250	25,800	27,000
ROW DWELLINGS	11,600	13,850	17,150	20,400	24,550	27,400	28,650
WALKUP	10,550	13,000	16,500	19,550	22,700	25,050	26,300
ELEVATOR-STRUCTURE	16,850	19,600	24,800	------	------	------	------
MANSFIELD:							
DETACHED AND SEMIDETACHED	10,550	12,850	15,850	18,850	22,600	25,150	26,350
ROW DWELLINGS	11,150	13,350	16,500	19,650	23,700	26,450	27,650
WALKUP	10,250	12,650	16,050	19,100	22,100	24,300	25,550
ELEVATOR-STRUCTURE	16,350	19,100	24,150	------	------	------	------
TOLEDO:							
DETACHED AND SEMIDETACHED	11,200	13,550	16,750	19,900	23,950	26,650	27,900
ROW DWELLINGS	11,900	14,250	17,600	20,950	25,200	28,100	29,350
WALKUP	10,800	13,450	17,050	20,200	23,350	25,800	27,000
ELEVATOR-STRUCTURE	17,250	20,100	25,400	------	------	------	------
YOUNGSTOWN:							
DETACHED AND SEMIDETACHED	10,550	12,850	15,850	18,850	22,600	25,150	26,350
ROW DWELLINGS	11,250	13,450	16,650	19,850	23,950	26,650	27,900
WALKUP	10,250	12,650	16,050	19,100	22,100	24,300	25,550
ELEVATOR-STRUCTURE	16,450	19,150	24,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO--CONTINUED							
COLUMBUS:							
DETACHED AND SEMIDETACHED	11,750	14,150	17,500	20,850	25,050	28,000	29,200
ROW DWELLINGS	11,550	13,950	17,200	20,450	24,550	27,400	28,700
WALKUP	10,200	12,650	16,000	19,050	21,900	24,200	25,450
ELEVATOR-STRUCTURE	16,400	19,050	24,100	------	------	------	------
ATHENS:							
DETACHED AND SEMIDETACHED	11,900	14,400	17,750	21,100	25,450	28,500	29,650
ROW DWELLINGS	11,350	13,600	16,800	20,050	24,050	26,800	28,050
WALKUP	10,350	12,850	16,300	19,350	22,350	24,650	25,950
ELEVATOR-STRUCTURE	16,600	19,300	24,450	------	------	------	------
LIMA:							
DETACHED AND SEMIDETACHED	11,750	14,150	17,500	20,850	25,050	28,000	29,200
ROW DWELLINGS	11,300	13,600	16,800	20,000	24,050	26,750	28,050
WALKUP	10,300	12,800	16,150	19,250	22,200	24,450	25,700
ELEVATOR-STRUCTURE	16,400	19,050	24,100	------	------	------	------
MARIETTA:							
DETACHED AND SEMIDETACHED	11,900	14,400	17,750	21,100	25,450	28,500	29,650
ROW DWELLINGS	11,750	14,100	17,450	20,750	24,950	27,850	29,150
WALKUP	10,150	12,600	15,950	19,000	21,850	24,100	25,400
ELEVATOR-STRUCTURE	16,600	19,300	24,450	------	------	------	------
NEWARK:							
DETACHED AND SEMIDETACHED	11,450	13,850	17,050	20,300	24,500	27,400	28,500
ROW DWELLINGS	11,300	13,600	16,750	19,950	24,000	26,700	27,950
WALKUP	9,950	12,400	15,700	18,650	21,500	23,700	24,900
ELEVATOR-STRUCTURE	16,000	18,650	23,500	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	11,750	14,150	17,500	20,850	25,050	28,000	29,200
ROW DWELLINGS	11,450	13,850	17,050	20,300	24,400	27,150	28,450
WALKUP	10,200	12,650	16,000	19,050	21,900	24,200	25,450
ELEVATOR-STRUCTURE	16,400	19,050	24,100	------	------	------	------
TROY:							
DETACHED AND SEMIDETACHED	11,500	14,000	17,200	20,500	24,650	27,600	28,750
ROW DWELLINGS	11,000	13,250	16,350	19,500	23,350	26,000	27,250
WALKUP	10,100	12,650	15,950	19,000	21,850	24,150	25,300
ELEVATOR-STRUCTURE	16,100	18,750	23,700	------	------	------	------
ZANESVILLE:							
DETACHED AND SEMIDETACHED	11,900	14,400	17,750	21,100	25,450	28,500	29,650
ROW DWELLINGS	11,750	14,100	17,450	20,750	24,950	27,850	29,150
WALKUP	10,150	12,600	15,950	19,000	21,900	24,150	25,400
ELEVATOR-STRUCTURE	16,600	19,300	24,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
WISCONSIN							
MILWAUKEE:							
DETACHED AND SEMIDETACHED	11,900	14,450	17,800	21,200	25,500	28,450	29,800
ROW DWELLINGS	11,300	13,550	16,600	19,850	23,900	26,550	27,850
WALKUP	10,750	13,250	16,850	19,850	23,050	25,450	26,650
ELEVATOR-STRUCTURE	14,550	16,900	21,350	------	------	------	------
EAU CLAIRE:							
DETACHED AND SEMIDETACHED	11,550	13,950	17,200	20,600	24,700	27,600	28,800
ROW DWELLINGS	10,650	12,700	15,650	18,650	22,400	24,950	26,150
WALKUP	10,800	13,400	17,000	20,050	23,250	25,550	26,850
ELEVATOR-STRUCTURE	14,200	16,500	20,800	------	------	------	------
GREEN BAY:							
DETACHED AND SEMIDETACHED	11,050	13,350	16,450	19,700	23,550	26,350	27,600
ROW DWELLINGS	10,100	12,100	14,900	17,850	21,350	23,800	24,950
WALKUP	10,000	12,400	15,650	18,550	21,450	23,750	24,800
ELEVATOR-STRUCTURE	13,550	15,750	19,950	------	------	------	------
MADISON:							
DETACHED AND SEMIDETACHED	11,700	14,200	17,500	20,900	25,150	28,050	29,300
ROW DWELLINGS	10,800	12,850	15,900	18,950	22,750	25,450	26,550
WALKUP	10,650	13,150	16,700	19,700	22,850	25,200	26,350
ELEVATOR-STRUCTURE	14,450	16,800	21,200	------	------	------	------
REEDSVILLE:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,100	24,050	26,950	28,200
ROW DWELLINGS	10,350	12,450	15,250	18,300	21,900	24,450	25,650
WALKUP	10,250	12,750	16,000	19,000	22,050	24,250	25,450
ELEVATOR-STRUCTURE	13,900	16,100	20,400	------	------	------	------
SUPERIOR:							
DETACHED AND SEMIDETACHED	12,050	14,550	17,900	21,400	25,700	28,700	30,000
ROW DWELLINGS	11,050	13,200	16,250	19,450	23,400	26,000	27,250
WALKUP	11,200	13,800	17,500	20,700	23,900	26,400	27,700
ELEVATOR-STRUCTURE	14,750	17,150	21,700	------	------	------	------
WAUSAU:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,100	24,050	26,950	28,200
ROW DWELLINGS	10,300	12,400	15,200	18,250	21,800	24,350	25,550
WALKUP	10,250	12,700	15,950	18,900	21,850	24,150	25,350
ELEVATOR-STRUCTURE	13,850	16,050	20,350	------	------	------	------
REGION VI							
ARKANSAS							
LITTLE ROCK:							
DETACHED AND SEMIDETACHED	11,000	13,350	16,500	19,650	23,600	26,300	27,400
ROW DWELLINGS	10,500	12,750	15,700	18,700	22,500	25,000	26,200
WALKUP	9,450	11,750	14,850	17,650	20,500	22,600	23,650
ELEVATOR-STRUCTURE	14,350	16,550	21,100	------	------	------	------

RULES AND REGULATIONS
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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
ARKANSAS--CONTINUED							
FAYETTEVILLE:							
DETACHED AND SEMIDETACHED	10,950	13,200	16,400	19,450	23,500	26,050	27,250
ROW DWELLINGS	10,450	12,700	15,600	18,600	22,400	24,850	25,950
WALKUP	8,500	10,650	13,450	15,850	18,450	20,300	21,250
ELEVATOR-STRUCTURE	14,200	16,450	20,750	------	------	------	------
FORT SMITH:							
DETACHED AND SEMIDETACHED	10,350	12,550	15,500	18,400	22,150	24,650	25,700
ROW DWELLINGS	10,050	12,150	15,050	17,850	21,500	23,900	25,000
WALKUP	8,950	11,100	14,050	16,600	19,250	21,250	22,250
ELEVATOR-STRUCTURE	14,450	16,800	21,250	------	------	------	------
JONESBORO:							
DETACHED AND SEMIDETACHED	10,250	12,300	15,350	18,200	21,900	24,350	25,300
ROW DWELLINGS	9,850	11,950	14,850	17,550	21,150	23,700	24,550
WALKUP	8,800	10,900	13,800	16,350	18,900	20,850	21,900
ELEVATOR-STRUCTURE	14,000	16,250	20,550	------	------	------	------
TEXARKANA:							
DETACHED AND SEMIDETACHED	10,600	12,750	15,800	18,800	22,650	25,100	26,250
ROW DWELLINGS	10,050	12,250	15,050	17,900	21,600	24,000	25,050
WALKUP	9,000	11,200	14,150	16,800	19,500	21,500	22,550
ELEVATOR-STRUCTURE	14,200	16,450	20,750	------	------	------	------
LOUISIANA							
NEW ORLEANS:							
DETACHED AND SEMIDETACHED	9,700	11,750	14,400	17,100	20,700	23,050	23,950
ROW DWELLINGS	9,100	11,050	13,800	16,400	19,650	21,800	22,900
WALKUP	8,800	11,000	13,850	16,300	18,900	20,900	21,800
ELEVATOR-STRUCTURE	15,700	18,150	23,100	------	------	------	------
BATON ROUGE:							
DETACHED AND SEMIDETACHED	10,450	12,550	15,450	18,300	22,100	24,650	25,600
ROW DWELLINGS	9,800	11,850	14,750	17,500	20,950	23,300	24,450
WALKUP	8,450	10,550	13,300	15,700	18,150	20,050	20,950
ELEVATOR-STRUCTURE	15,550	18,000	22,900	------	------	------	------
BOKAS:							
DETACHED AND SEMIDETACHED	9,850	11,900	14,650	17,450	21,000	23,400	24,450
ROW DWELLINGS	9,350	11,250	14,050	16,700	20,050	22,350	23,300
WALKUP	8,400	10,500	13,250	15,700	18,150	20,050	21,000
ELEVATOR-STRUCTURE	15,900	18,500	23,500	------	------	------	------
HOUMA:							
DETACHED AND SEMIDETACHED	9,650	11,650	14,300	17,000	20,550	22,850	23,750
ROW DWELLINGS	9,050	11,000	13,650	16,250	19,500	21,650	22,750
WALKUP	8,650	10,850	13,550	16,050	18,600	20,550	21,450
ELEVATOR-STRUCTURE	15,550	18,000	22,900	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
LOUISIANA--CONTINUED							
LAFAYETTE:							
DETACHED AND SEMIDETACHED	9,650	11,650	14,300	17,000	20,550	22,850	23,750
ROW DWELLINGS	9,050	11,000	13,650	16,250	19,500	21,650	22,750
WALKUP	8,750	10,950	13,650	16,200	18,800	20,700	21,650
ELEVATOR-STRUCTURE	15,550	18,000	22,900	------	------	------	------
LAKE CHARLES:							
DETACHED AND SEMIDETACHED	10,400	12,550	15,400	18,300	22,100	24,550	25,600
ROW DWELLINGS	9,750	11,800	14,750	17,500	20,950	23,300	24,450
WALKUP	8,900	11,150	14,100	16,600	19,250	21,300	22,250
ELEVATOR-STRUCTURE	15,700	18,150	23,100	------	------	------	------
SHREVEPORT:							
DETACHED AND SEMIDETACHED	11,100	13,350	16,550	19,600	23,700	26,450	27,500
ROW DWELLINGS	10,300	12,550	15,500	18,450	22,300	24,700	25,800
WALKUP	8,750	10,950	13,850	16,450	18,950	21,000	22,050
ELEVATOR-STRUCTURE	14,600	16,950	21,500	------	------	------	------
ALEXANDRIA:							
DETACHED AND SEMIDETACHED	10,100	12,100	15,000	17,850	21,400	23,950	25,000
ROW DWELLINGS	9,950	11,450	14,150	16,850	20,200	22,550	23,550
WALKUP	8,550	10,600	13,450	15,900	18,400	20,300	21,350
ELEVATOR-STRUCTURE	14,150	16,450	20,750	------	------	------	------
MARSHALL, TEXAS:							
DETACHED AND SEMIDETACHED	10,150	12,150	15,050	17,950	21,500	24,050	25,050
ROW DWELLINGS	9,550	11,650	14,350	17,150	20,600	22,950	23,950
WALKUP	8,500	10,550	13,350	15,800	18,350	20,250	21,150
ELEVATOR-STRUCTURE	13,550	15,700	19,950	------	------	------	------
MONROE:							
DETACHED AND SEMIDETACHED	10,050	12,000	14,850	17,650	21,250	23,800	24,700
ROW DWELLINGS	9,400	11,400	14,050	16,800	20,150	22,450	23,400
WALKUP	8,750	10,850	13,800	16,300	18,850	20,800	21,850
ELEVATOR-STRUCTURE	14,450	16,750	21,350	------	------	------	------
NEW MEXICO							
ALBUQUERQUE:							
DETACHED AND SEMIDETACHED	11,100	13,300	14,850	17,700	21,300	23,800	24,800
ROW DWELLINGS	10,550	12,650	14,100	16,800	20,100	22,400	23,500
WALKUP	9,300	11,500	13,050	15,450	17,950	19,700	20,700
ELEVATOR-STRUCTURE	18,850	21,950	27,800	------	------	------	------
ALAMOGORDO:							
DETACHED AND SEMIDETACHED	11,650	13,900	15,550	18,500	22,300	24,900	25,950
ROW DWELLINGS	11,000	13,150	14,650	17,450	20,850	23,200	24,350
WALKUP	9,650	12,000	13,550	16,050	18,600	20,500	21,550
ELEVATOR-STRUCTURE	17,700	20,550	26,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
ARTESIA:							
DETACHED AND SEMIDETACHED	11,650	13,900	15,500	18,450	22,300	24,850	25,750
ROW DWELLINGS	11,000	13,150	14,700	17,600	20,950	23,350	24,450
WALKUP	9,700	12,050	13,600	16,200	18,700	20,650	21,600
ELEVATOR-STRUCTURE	18,000	20,900	26,500	------	------	------	------
CARLSBAD:							
DETACHED AND SEMIDETACHED	11,800	14,200	15,800	18,800	22,650	25,250	26,250
ROW DWELLINGS	11,150	13,450	14,950	17,900	21,300	23,750	24,900
WALKUP	9,600	12,050	13,600	16,050	18,600	20,550	21,500
ELEVATOR-STRUCTURE	18,000	20,900	26,500	------	------	------	------
CLOVIS:							
DETACHED AND SEMIDETACHED	11,650	13,900	15,500	18,450	22,300	24,850	25,750
ROW DWELLINGS	11,000	13,150	14,700	17,600	20,950	23,350	24,450
WALKUP	9,600	11,950	13,450	16,050	18,500	20,450	21,400
ELEVATOR-STRUCTURE	17,750	20,600	26,000	------	------	------	------
FORT SUMNER:							
DETACHED AND SEMIDETACHED	12,050	14,500	16,150	19,200	23,200	25,900	26,950
ROW DWELLINGS	11,450	13,750	15,300	18,250	21,850	24,300	25,500
WALKUP	10,100	12,550	14,150	16,800	19,450	21,450	22,500
ELEVATOR-STRUCTURE	18,500	21,550	27,200	------	------	------	------
GALLUP:							
DETACHED AND SEMIDETACHED	12,700	15,250	17,050	20,250	24,450	27,300	28,400
ROW DWELLINGS	11,850	14,150	15,800	18,800	22,450	25,000	26,200
WALKUP	10,350	12,950	14,600	17,350	20,100	22,100	23,150
ELEVATOR-STRUCTURE	19,000	22,150	27,900	------	------	------	------
HOBBS:							
DETACHED AND SEMIDETACHED	11,650	13,900	15,500	18,450	22,300	24,850	25,750
ROW DWELLINGS	11,000	13,150	14,700	17,600	20,950	23,350	24,450
WALKUP	9,700	12,050	13,600	16,200	18,700	20,650	21,600
ELEVATOR-STRUCTURE	17,750	20,600	26,000	------	------	------	------
LA CRUCES:							
DETACHED AND SEMIDETACHED	11,650	13,900	15,500	18,450	22,300	24,850	25,750
ROW DWELLINGS	11,000	13,150	14,700	17,600	20,950	23,350	24,450
WALKUP	9,900	12,300	13,850	16,450	19,050	21,000	22,000
ELEVATOR-STRUCTURE	17,750	20,600	26,000	------	------	------	------
LAS VEGAS:							
DETACHED AND SEMIDETACHED	11,950	14,350	16,000	19,000	22,950	25,600	26,650
ROW DWELLINGS	11,600	13,800	15,350	18,350	21,950	24,400	25,550
WALKUP	10,100	12,550	14,200	16,850	19,450	21,500	22,550
ELEVATOR-STRUCTURE	18,500	21,450	27,200	------	------	------	------
LOS ALAMOS:							
DETACHED AND SEMIDETACHED	12,400	14,900	16,600	19,650	23,800	26,600	27,650
ROW DWELLINGS	11,850	14,150	15,800	18,800	22,500	25,000	26,250
WALKUP	10,400	12,950	14,600	17,300	20,000	22,050	23,150
ELEVATOR-STRUCTURE	18,950	22,100	27,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
RATON:							
DETACHED AND SEMIDETACHED	11,850	14,250	15,900	18,850	22,750	25,400	26,450
ROW DWELLINGS	11,600	13,800	15,350	18,350	21,950	24,400	25,550
WALKUP	10,100	12,550	14,200	16,850	19,450	21,500	22,550
ELEVATOR-STRUCTURE	18,500	21,450	27,200	------	------	------	------
SANTA FE:							
DETACHED AND SEMIDETACHED	11,900	14,250	15,950	18,900	22,800	25,450	26,500
ROW DWELLINGS	11,600	13,800	15,350	18,350	21,950	24,400	25,550
WALKUP	10,100	12,550	14,200	16,850	19,450	21,500	22,550
ELEVATOR-STRUCTURE	18,500	21,450	27,200	------	------	------	------
SILVER CITY:							
DETACHED AND SEMIDETACHED	12,300	14,850	16,500	19,550	23,700	26,450	27,450
ROW DWELLINGS	11,700	14,050	15,600	18,600	22,300	24,800	26,050
WALKUP	10,300	12,850	14,500	17,050	19,850	21,900	22,950
ELEVATOR-STRUCTURE	18,850	21,900	27,750	------	------	------	------
TRUTH OR CONSEQUENCE:							
DETACHED AND SEMIDETACHED	11,500	13,750	15,400	18,300	22,050	24,550	25,550
ROW DWELLINGS	10,900	13,000	14,600	17,400	20,750	23,150	24,250
WALKUP	9,600	11,950	13,500	16,000	18,550	20,450	21,450
ELEVATOR-STRUCTURE	17,500	20,400	25,800	------	------	------	------
FARMINGTON:							
DETACHED AND SEMIDETACHED	12,400	14,900	16,650	19,800	23,850	26,650	27,750
ROW DWELLINGS	11,850	14,150	15,800	18,800	22,450	25,000	26,200
WALKUP	10,350	12,950	14,600	17,350	20,100	22,100	23,150
ELEVATOR-STRUCTURE	19,000	22,150	27,900	------	------	------	------
TERRA AMARILLO:							
DETACHED AND SEMIDETACHED	12,400	14,900	16,600	19,650	23,800	26,600	27,650
ROW DWELLINGS	11,850	14,150	15,800	18,800	22,500	25,000	26,250
WALKUP	10,400	12,950	14,600	17,300	20,000	22,050	23,150
ELEVATOR-STRUCTURE	18,950	22,100	27,850	------	------	------	------
TAOS:							
DETACHED AND SEMIDETACHED	14,050	16,800	18,750	22,250	26,900	30,000	31,200
ROW DWELLINGS	13,400	16,000	17,850	21,200	25,500	28,300	29,700
WALKUP	11,600	14,350	16,200	19,200	22,250	24,500	25,700
ELEVATOR-STRUCTURE	18,800	21,950	27,700	------	------	------	------
SOCORRO:							
DETACHED AND SEMIDETACHED	11,500	13,750	15,400	18,300	22,050	24,550	25,550
ROW DWELLINGS	10,900	13,000	14,600	17,400	20,750	23,150	24,250
WALKUP	9,600	11,950	13,500	16,000	18,550	20,450	21,450
ELEVATOR-STRUCTURE	17,500	20,400	25,800	------	------	------	------
RUIDOSO:							
DETACHED AND SEMIDETACHED	12,400	14,900	16,600	19,650	23,800	26,600	27,650
ROW DWELLINGS	11,850	14,150	15,800	18,800	22,500	25,000	26,250
WALKUP	10,400	12,950	14,600	17,300	20,000	22,050	23,150
ELEVATOR-STRUCTURE	18,950	22,100	27,850	------	------	------	------

RULES AND REGULATIONS
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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
DULCE:							
DETACHED AND SEMIDETACHED	15,500	18,600	20,700	24,650	29,700	33,200	34,600
ROW DWELLINGS	14,750	17,650	19,700	23,450	28,050	31,250	32,700
WALKUP	12,750	15,750	17,900	21,200	24,600	27,050	28,400
ELEVATOR-STRUCTURE	23,200	27,000	34,100	------	------	------	------
ISLETA:							
DETACHED AND SEMIDETACHED	13,450	16,100	18,000	21,450	25,900	28,900	30,100
ROW DWELLINGS	11,150	13,350	14,850	17,750	21,150	23,650	24,700
WALKUP	9,700	11,950	13,550	16,050	18,600	20,400	21,500
ELEVATOR-STRUCTURE	17,500	20,400	25,800	------	------	------	------
JEMEZ:							
DETACHED AND SEMIDETACHED	13,550	16,300	18,200	21,650	26,100	29,100	30,350
ROW DWELLINGS	12,950	15,500	17,350	20,600	24,700	27,400	31,450
WALKUP	11,200	13,850	15,700	18,600	21,600	23,700	24,950
ELEVATOR-STRUCTURE	20,300	23,700	29,950	------	------	------	------
LAGUNA:							
DETACHED AND SEMIDETACHED	13,800	16,600	18,500	22,050	26,550	29,650	30,900
ROW DWELLINGS	13,200	15,750	17,550	21,000	25,050	27,900	31,900
WALKUP	11,350	14,100	16,000	18,950	22,000	24,150	25,350
ELEVATOR-STRUCTURE	20,650	24,150	30,500	------	------	------	------
MESCALERO:							
DETACHED AND SEMIDETACHED	16,300	19,650	21,900	26,100	31,450	35,050	36,450
ROW DWELLINGS	15,550	18,700	20,800	24,800	29,600	32,950	34,650
WALKUP	13,500	16,650	18,950	22,450	26,050	28,550	29,950
ELEVATOR-STRUCTURE	24,450	28,550	36,100	------	------	------	------
PENASCO:							
DETACHED AND SEMIDETACHED	14,450	17,400	19,400	23,150	27,900	31,150	32,400
ROW DWELLINGS	13,800	16,550	18,450	22,000	26,300	29,250	30,650
WALKUP	11,950	14,850	16,800	19,900	23,000	25,350	26,600
ELEVATOR-STRUCTURE	21,750	25,350	32,000	------	------	------	------
POJOAQUE:							
DETACHED AND SEMIDETACHED	14,200	17,100	19,050	22,700	27,300	30,500	31,700
ROW DWELLINGS	13,500	16,250	18,050	21,550	25,750	28,650	30,100
WALKUP	11,750	14,500	16,500	19,550	22,650	24,850	26,050
ELEVATOR-STRUCTURE	21,250	24,850	31,400	------	------	------	------
OKLAHOMA							
OKLAHOMA CITY:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,600	17,400	20,850	23,300	24,350
ROW DWELLINGS	9,200	11,100	13,650	16,300	19,550	21,800	22,750
WALKUP	8,750	10,950	13,800	16,350	19,050	20,950	22,000
ELEVATOR-STRUCTURE	16,350	19,000	24,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA--CONTINUED							
ADA:							
DETACHED AND SEMIDETACHED	10,300	12,250	15,300	18,200	21,900	24,500	25,450
ROW DWELLINGS	9,600	11,600	14,300	17,050	20,400	22,750	23,800
WALKUP	9,150	11,500	14,450	17,150	20,000	21,950	23,000
ELEVATOR-STRUCTURE	16,700	19,300	24,400	------	------	------	------
ARDMORE:							
DETACHED AND SEMIDETACHED	10,500	12,550	15,700	18,650	22,400	25,050	26,100
ROW DWELLINGS	9,850	11,900	14,650	17,450	20,950	23,350	24,350
WALKUP	9,650	12,000	15,150	18,000	20,900	23,000	24,100
ELEVATOR-STRUCTURE	17,400	20,200	25,550	------	------	------	------
ENID:							
DETACHED AND SEMIDETACHED	10,400	12,450	15,450	18,500	22,200	24,750	25,750
ROW DWELLINGS	9,750	11,800	14,450	17,250	20,700	23,100	24,150
WALKUP	8,900	11,050	13,900	16,550	19,300	21,200	22,200
ELEVATOR-STRUCTURE	17,300	19,900	25,300	------	------	------	------
GUYMON:							
DETACHED AND SEMIDETACHED	10,550	12,650	15,800	18,750	22,500	25,150	26,250
ROW DWELLINGS	9,950	11,950	14,750	17,550	21,100	23,500	24,500
WALKUP	9,500	11,750	14,900	17,650	20,500	22,650	23,700
ELEVATOR-STRUCTURE	17,500	20,350	25,650	------	------	------	------
LAWTON:							
DETACHED AND SEMIDETACHED	9,950	12,000	14,850	17,700	21,300	23,750	24,750
ROW DWELLINGS	9,400	11,300	13,900	16,600	19,900	22,200	23,200
WALKUP	8,900	11,150	14,100	16,600	19,400	21,300	22,350
ELEVATOR-STRUCTURE	16,150	18,700	23,700	------	------	------	------
SHAWNEE:							
DETACHED AND SEMIDETACHED	10,300	12,250	15,300	18,200	21,900	24,500	25,450
ROW DWELLINGS	9,600	11,600	14,300	17,050	20,400	22,750	23,800
WALKUP	9,150	11,500	14,450	17,150	20,000	21,950	23,000
ELEVATOR-STRUCTURE	16,700	19,300	24,400	------	------	------	------
STILLWATER:							
DETACHED AND SEMIDETACHED	10,300	12,250	15,300	18,200	21,900	24,500	25,450
ROW DWELLINGS	9,600	11,600	14,300	17,050	20,400	22,750	23,800
WALKUP	9,150	11,500	14,450	17,150	20,000	21,950	23,000
ELEVATOR-STRUCTURE	16,700	19,300	24,400	------	------	------	------
WOODWARD:							
DETACHED AND SEMIDETACHED	10,400	12,450	15,450	18,500	22,200	24,750	25,750
ROW DWELLINGS	9,750	11,800	14,450	17,250	20,700	23,100	24,150
WALKUP	9,300	11,650	14,600	17,400	20,250	22,250	23,350
ELEVATOR-STRUCTURE	17,300	19,900	25,300	------	------	------	------
TULSA:							
DETACHED AND SEMIDETACHED	10,450	12,600	15,650	18,600	22,400	24,950	26,000
ROW DWELLINGS	9,700	11,800	14,550	17,250	20,750	23,150	24,200
WALKUP	8,800	10,950	13,800	16,350	19,000	20,900	21,950
ELEVATOR-STRUCTURE	13,550	15,650	19,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA--CONTINUED							
BARTLESVILLE:							
DETACHED AND SEMIDETACHED	11,000	13,250	16,450	19,550	23,500	26,150	27,350
ROW DWELLINGS	10,200	12,400	15,250	18,400	21,750	24,250	25,400
WALKUP	8,850	11,050	13,850	16,450	19,200	21,100	22,100
ELEVATOR-STRUCTURE	13,550	15,650	19,850	------	------	------	------
MCALESTER:							
DETACHED AND SEMIDETACHED	11,050	13,200	16,450	19,550	23,450	26,150	27,250
ROW DWELLINGS	10,200	12,350	15,250	18,150	21,750	24,250	25,350
WALKUP	8,600	10,750	13,500	16,000	18,550	20,400	21,400
ELEVATOR-STRUCTURE	13,150	15,300	19,350	------	------	------	------
MUSKOGEE:							
DETACHED AND SEMIDETACHED	11,150	13,400	16,650	19,750	23,750	26,450	27,600
ROW DWELLINGS	10,550	12,800	15,900	18,850	22,600	25,250	26,350
WALKUP	8,800	10,950	13,750	16,300	18,950	20,850	21,850
ELEVATOR-STRUCTURE	13,950	16,150	20,500	------	------	------	------
TEXAS							
DALLAS:							
DETACHED AND SEMIDETACHED	10,450	12,650	15,600	18,600	22,350	24,950	26,000
ROW DWELLINGS	9,000	10,700	13,350	15,900	19,150	21,300	22,250
WALKUP	8,200	10,250	12,950	15,300	17,800	19,500	20,500
ELEVATOR-STRUCTURE	14,150	16,450	20,850	------	------	------	------
SHERMAN:							
DETACHED AND SEMIDETACHED	10,600	12,800	15,800	18,850	22,750	25,200	26,450
ROW DWELLINGS	8,900	10,700	13,300	15,850	19,000	21,200	22,200
WALKUP	8,200	10,250	12,900	15,300	17,800	19,450	20,450
ELEVATOR-STRUCTURE	14,400	16,800	21,200	------	------	------	------
TYLER:							
DETACHED AND SEMIDETACHED	10,100	12,250	15,100	18,050	21,700	24,100	25,150
ROW DWELLINGS	8,750	10,500	13,100	15,500	18,700	20,800	21,750
WALKUP	7,750	9,650	12,200	14,400	16,700	18,350	19,350
ELEVATOR-STRUCTURE	14,650	17,100	21,650	------	------	------	------
WACO:							
DETACHED AND SEMIDETACHED	10,050	12,150	15,050	17,900	21,600	23,950	25,100
ROW DWELLINGS	8,700	10,450	12,950	15,450	18,600	20,700	21,650
WALKUP	7,750	9,700	12,200	14,400	16,800	18,350	19,300
ELEVATOR-STRUCTURE	14,700	16,650	21,050	------	------	------	------
FORT WORTH:							
DETACHED AND SEMIDETACHED	10,300	12,300	15,300	18,250	21,900	24,400	25,500
ROW DWELLINGS	9,600	11,500	14,300	17,050	20,400	22,800	23,850
WALKUP	8,600	10,700	13,500	16,000	18,550	20,450	21,350
ELEVATOR-STRUCTURE	15,100	17,500	22,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
ABILENE:							
DETACHED AND SEMIDETACHED	10,650	12,800	15,900	18,950	22,750	25,450	26,500
ROW DWELLINGS	9,900	11,850	14,750	17,550	21,100	23,600	24,550
WALKUP	8,100	10,100	12,750	15,100	17,450	19,300	20,150
ELEVATOR-STRUCTURE	15,650	18,100	22,950	------	------	------	------
SAN ANGELO:							
DETACHED AND SEMIDETACHED	10,500	12,650	15,750	18,800	22,550	25,200	26,300
ROW DWELLINGS	10,000	11,950	14,800	17,650	21,250	23,700	24,800
WALKUP	8,450	10,500	13,250	15,750	18,300	20,100	21,000
ELEVATOR-STRUCTURE	15,750	18,300	23,150	------	------	------	------
WICHITA FALLS:							
DETACHED AND SEMIDETACHED	10,650	12,750	15,950	18,950	22,700	25,450	26,500
ROW DWELLINGS	10,000	11,950	14,800	17,650	21,250	23,700	24,800
WALKUP	9,400	11,750	14,800	17,550	20,450	22,450	23,500
ELEVATOR-STRUCTURE	15,750	18,300	23,150	------	------	------	------
HOUSTON:							
DETACHED AND SEMIDETACHED	8,850	10,700	13,150	15,650	18,850	21,050	21,950
ROW DWELLINGS	7,800	9,450	11,700	13,900	16,700	18,550	19,450
WALKUP	7,150	8,950	11,250	13,350	15,400	17,000	17,850
ELEVATOR-STRUCTURE	13,650	15,900	20,050	------	------	------	------
BEAUMONT:							
DETACHED AND SEMIDETACHED	9,050	10,950	13,550	16,050	19,400	21,600	22,550
ROW DWELLINGS	8,000	9,650	11,950	14,200	17,100	19,000	19,900
WALKUP	7,250	9,100	11,450	13,550	15,700	17,350	18,150
ELEVATOR-STRUCTURE	14,000	16,300	20,600	------	------	------	------
BRYAN:							
DETACHED AND SEMIDETACHED	10,450	12,650	15,600	18,550	22,400	25,000	25,950
ROW DWELLINGS	8,400	10,200	12,600	14,950	17,950	20,000	20,900
WALKUP	6,550	8,200	10,350	12,300	14,200	15,700	16,450
ELEVATOR-STRUCTURE	13,450	15,650	19,750	------	------	------	------
EL CAMPO:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,350	17,050	20,600	22,950	23,950
ROW DWELLINGS	7,750	9,400	11,600	13,750	16,550	18,400	19,300
WALKUP	7,350	9,200	11,600	13,750	15,900	17,550	18,450
ELEVATOR-STRUCTURE	13,550	15,750	19,900	------	------	------	------
LUFKIN:							
DETACHED AND SEMIDETACHED	9,550	11,500	14,200	16,900	20,350	22,700	23,750
ROW DWELLINGS	8,400	10,200	12,650	15,000	18,000	20,050	20,950
WALKUP	7,150	8,950	11,300	13,400	15,500	17,100	17,950
ELEVATOR-STRUCTURE	13,650	15,900	20,050	------	------	------	------
TEXAS CITY:							
DETACHED AND SEMIDETACHED	8,850	10,700	13,150	15,650	18,850	21,050	21,950
ROW DWELLINGS	7,800	9,450	11,700	13,900	16,700	18,550	19,450
WALKUP	7,450	9,300	11,750	13,900	16,100	17,800	18,700
ELEVATOR-STRUCTURE	13,650	15,900	20,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
LUBBOCK:							
DETACHED AND SEMIDETACHED	10,200	12,200	15,100	18,050	21,800	24,200	25,200
ROW DWELLINGS	8,700	10,450	13,050	15,450	18,550	20,700	21,650
WALKUP	7,850	9,900	12,450	14,700	17,050	18,700	19,600
ELEVATOR-STRUCTURE	15,000	17,400	22,050	------	------	------	------
AMARILLO:							
DETACHED AND SEMIDETACHED	10,800	13,000	16,150	19,250	23,250	25,800	26,900
ROW DWELLINGS	9,200	11,100	13,750	16,350	19,650	21,900	22,800
WALKUP	8,300	10,350	13,100	15,500	18,000	19,800	20,750
ELEVATOR-STRUCTURE	15,400	17,900	22,650	------	------	------	------
EL PASO:							
DETACHED AND SEMIDETACHED	10,200	12,150	15,050	17,950	21,650	24,150	25,150
ROW DWELLINGS	9,700	11,500	14,400	17,100	20,500	23,000	23,900
WALKUP	8,750	10,850	13,700	16,150	18,800	20,650	21,600
ELEVATOR-STRUCTURE	14,600	17,050	21,550	------	------	------	------
MIDLAND:							
DETACHED AND SEMIDETACHED	9,700	11,700	14,500	17,350	20,800	23,200	24,200
ROW DWELLINGS	8,400	10,150	12,550	15,000	18,000	20,050	21,000
WALKUP	7,800	9,850	12,400	14,650	17,000	18,650	19,550
ELEVATOR-STRUCTURE	14,400	16,600	21,100	------	------	------	------
ODESSA:							
DETACHED AND SEMIDETACHED	9,700	11,700	14,500	17,350	20,800	23,200	24,200
ROW DWELLINGS	8,350	10,050	12,450	14,800	17,800	19,850	20,750
WALKUP	7,500	9,350	11,800	14,000	16,200	17,800	18,700
ELEVATOR-STRUCTURE	14,400	16,600	21,100	------	------	------	------
SAN ANTONIO:							
DETACHED AND SEMIDETACHED	9,200	11,000	13,650	16,300	19,650	21,800	22,750
ROW DWELLINGS	10,900	10,600	13,000	15,550	18,700	20,850	21,650
WALKUP	8,400	10,600	13,300	15,750	18,350	20,150	21,100
ELEVATOR-STRUCTURE	15,550	18,100	23,000	------	------	------	------
AUSTIN:							
DETACHED AND SEMIDETACHED	9,550	11,450	14,150	16,900	20,350	22,650	23,600
ROW DWELLINGS	9,050	10,950	13,500	16,100	19,350	21,550	22,450
WALKUP	8,250	10,500	13,100	15,650	18,150	19,850	20,850
ELEVATOR-STRUCTURE	15,450	17,950	22,750	------	------	------	------
CORPUS CHRISTI:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,900	17,750	21,300	23,750	24,700
ROW DWELLINGS	9,550	11,550	14,350	17,050	20,500	22,850	23,750
WALKUP	9,050	11,300	14,300	16,800	19,500	21,450	22,550
ELEVATOR-STRUCTURE	14,450	16,750	21,300	------	------	------	------
DEL RIO:							
DETACHED AND SEMIDETACHED	9,050	10,800	13,400	16,050	19,250	21,450	22,250
ROW DWELLINGS	8,500	10,300	12,750	15,200	18,250	20,350	21,200
WALKUP	8,400	10,550	13,300	15,750	18,350	20,150	21,150
ELEVATOR-STRUCTURE	16,200	18,850	24,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
EAGLE PASS:							
DETACHED AND SEMIDETACHED	10,600	12,650	15,700	18,750	22,550	25,000	26,050
ROW DWELLINGS	8,750	10,600	13,050	15,600	18,750	20,900	21,750
WALKUP	8,650	11,000	13,750	16,400	19,000	20,850	21,900
ELEVATOR-STRUCTURE	16,600	19,350	24,500	------	------	------	------
HARLINGEN:							
DETACHED AND SEMIDETACHED	9,950	11,950	14,800	17,750	21,250	23,700	24,700
ROW DWELLINGS	9,050	10,900	13,500	16,150	19,300	21,550	22,450
WALKUP	8,650	11,000	13,800	16,400	19,050	20,950	22,000
ELEVATOR-STRUCTURE	15,400	17,800	22,600	------	------	------	------
JUNCTION:							
DETACHED AND SEMIDETACHED	9,850	11,900	14,700	17,500	21,100	23,450	24,400
ROW DWELLINGS	8,850	10,750	13,300	15,800	19,050	21,250	22,100
WALKUP	8,800	11,050	13,900	16,600	19,200	21,150	22,200
ELEVATOR-STRUCTURE	16,900	19,650	24,850	------	------	------	------
LAREDO:							
DETACHED AND SEMIDETACHED	9,850	11,850	14,650	17,500	21,000	23,400	24,350
ROW DWELLINGS	9,300	11,300	13,950	16,650	19,950	22,250	23,150
WALKUP	7,650	9,650	12,100	14,350	16,750	18,350	19,300
ELEVATOR-STRUCTURE	16,200	18,850	24,000	------	------	------	------
VICTORIA:							
DETACHED AND SEMIDETACHED	9,300	11,200	13,900	16,550	19,850	22,100	23,000
ROW DWELLINGS	8,800	10,700	13,150	15,700	18,900	21,100	21,950
WALKUP	8,950	11,250	14,150	16,800	19,550	21,450	22,550
ELEVATOR-STRUCTURE	16,800	19,500	24,750	------	------	------	------
REGION VII							
IOWA							
DES MOINES:							
DETACHED AND SEMIDETACHED	11,750	14,200	17,500	20,950	25,200	27,950	29,300
ROW DWELLINGS	11,300	13,600	16,700	19,900	23,950	26,650	27,850
WALKUP	10,700	13,450	17,000	20,150	23,350	25,600	26,950
ELEVATOR-STRUCTURE	16,450	19,050	24,150	------	------	------	------
BETTENDORF:							
DETACHED AND SEMIDETACHED	12,300	14,800	18,250	21,800	26,300	29,200	30,550
ROW DWELLINGS	11,700	14,100	17,350	20,650	24,950	27,800	29,000
WALKUP	11,250	14,000	17,750	20,900	24,300	26,700	28,100
ELEVATOR-STRUCTURE	17,000	19,650	24,900	------	------	------	------
CEDAR RAPIDS:							
DETACHED AND SEMIDETACHED	12,200	14,700	18,150	21,550	26,000	28,900	30,200
ROW DWELLINGS	12,050	14,500	17,850	21,250	25,550	28,500	29,750
WALKUP	11,200	13,900	17,650	21,700	25,100	26,550	27,900
ELEVATOR-STRUCTURE	16,850	19,550	24,800	------	------	------	------

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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
IOWA--CONTINUED							
COUNCIL BLUFFS:							
DETACHED AND SEMIDETACHED	10,650	12,900	15,850	18,950	22,850	25,300	26,500
ROW DWELLINGS	10,200	12,250	15,050	18,100	21,650	24,200	25,250
WALKUP	10,300	12,900	16,350	19,400	22,400	24,650	25,900
ELEVATOR-STRUCTURE	15,150	17,600	22,200	------	------	------	------
DAVENPORT:							
DETACHED AND SEMIDETACHED	12,200	14,700	18,150	21,550	26,000	28,900	30,200
ROW DWELLINGS	11,650	14,050	17,250	20,550	24,700	27,600	28,750
WALKUP	11,200	13,900	17,650	21,700	25,100	26,550	27,900
ELEVATOR-STRUCTURE	17,000	19,650	24,900	------	------	------	------
DUBUQUE:							
DETACHED AND SEMIDETACHED	12,200	14,700	18,150	21,550	26,000	28,900	30,200
ROW DWELLINGS	11,650	14,050	17,250	20,550	24,700	27,600	28,750
WALKUP	11,200	13,900	17,650	21,700	25,100	26,550	27,900
ELEVATOR-STRUCTURE	16,700	19,400	24,550	------	------	------	------
MASON CITY:							
DETACHED AND SEMIDETACHED	12,200	14,700	18,150	21,550	26,000	28,900	30,200
ROW DWELLINGS	11,650	14,050	17,250	20,550	24,700	27,600	28,750
WALKUP	10,600	13,200	16,750	20,650	23,850	25,250	26,500
ELEVATOR-STRUCTURE	16,700	19,400	24,550	------	------	------	------
SIOUX CITY:							
DETACHED AND SEMIDETACHED	12,200	14,700	18,150	21,550	26,000	28,900	30,200
ROW DWELLINGS	11,550	13,900	17,150	20,450	24,600	27,400	28,600
WALKUP	10,650	13,200	16,750	20,700	23,900	25,300	26,550
ELEVATOR-STRUCTURE	16,700	19,400	24,550	------	------	------	------
WATERLOO:							
DETACHED AND SEMIDETACHED	12,200	14,700	18,150	21,550	26,000	28,900	30,200
ROW DWELLINGS	11,650	14,050	17,250	20,550	24,700	27,600	28,750
WALKUP	11,200	13,900	17,650	21,700	25,100	26,550	27,900
ELEVATOR-STRUCTURE	16,700	19,400	24,550	------	------	------	------
KANSAS							
KANSAS CITY:							
DETACHED AND SEMIDETACHED	13,300	16,100	19,850	23,600	28,450	31,600	33,100
ROW DWELLINGS	12,450	14,950	18,500	22,000	26,500	29,500	30,800
WALKUP	11,150	13,800	17,600	20,750	24,000	26,500	27,850
ELEVATOR-STRUCTURE	17,700	20,500	25,950	------	------	------	------
TOPEKA:							
DETACHED AND SEMIDETACHED	12,950	15,600	19,350	22,950	27,650	30,750	32,200
ROW DWELLINGS	12,400	14,750	18,350	21,800	26,250	29,300	30,600
WALKUP	10,350	13,000	16,500	19,400	22,500	24,900	26,000
ELEVATOR-STRUCTURE	18,600	21,550	27,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
KANSAS--CONTINUED							
HOLTON:							
DETACHED AND SEMIDETACHED	14,900	18,000	22,250	26,400	31,800	35,400	37,100
ROW DWELLINGS	12,950	15,450	19,200	22,800	27,500	30,700	32,000
WALKUP	10,850	13,600	17,250	20,300	23,550	26,050	27,200
ELEVATOR-STRUCTURE	18,450	21,400	27,050	------	------	------	------
GARDEN CITY:							
DETACHED AND SEMIDETACHED	12,100	14,600	18,050	21,500	25,900	28,750	30,100
ROW DWELLINGS	11,600	13,850	17,150	20,400	24,550	27,450	28,600
WALKUP	9,750	12,100	15,350	18,250	21,100	23,250	24,400
ELEVATOR-STRUCTURE	17,450	20,200	25,450	------	------	------	------
PITTSBURG:							
DETACHED AND SEMIDETACHED	11,900	14,350	17,750	21,100	25,450	28,300	29,600
ROW DWELLINGS	11,350	13,600	16,850	20,000	24,150	26,950	28,100
WALKUP	9,500	11,950	15,100	17,800	20,700	22,900	23,900
ELEVATOR-STRUCTURE	17,050	19,750	24,950	------	------	------	------
SALINA:							
DETACHED AND SEMIDETACHED	11,900	14,350	17,750	21,200	25,550	28,350	29,700
ROW DWELLINGS	11,400	13,650	17,000	20,100	24,200	27,050	28,250
WALKUP	9,600	12,000	15,200	17,850	20,800	22,900	23,950
ELEVATOR-STRUCTURE	17,200	19,850	25,050	------	------	------	------
WICHITA:							
DETACHED AND SEMIDETACHED	12,500	15,100	18,750	22,200	26,750	29,750	31,200
ROW DWELLINGS	11,900	14,250	17,750	21,000	25,400	28,300	29,550
WALKUP	10,000	12,550	15,950	18,750	21,800	23,950	25,150
ELEVATOR-STRUCTURE	17,050	19,750	24,950	------	------	------	------
MISSOURI							
KANSAS CITY:							
DETACHED AND SEMIDETACHED	13,300	16,100	19,850	23,600	28,450	31,600	33,100
ROW DWELLINGS	12,450	14,950	18,500	22,000	26,500	29,500	30,800
WALKUP	11,150	13,800	17,600	20,750	24,000	26,500	27,850
ELEVATOR-STRUCTURE	17,700	20,500	25,950	------	------	------	------
JOPLIN:							
DETACHED AND SEMIDETACHED	12,300	14,950	18,450	21,950	26,450	29,450	30,800
ROW DWELLINGS	11,650	13,900	17,300	20,550	24,750	27,500	28,700
WALKUP	10,400	12,850	16,400	19,350	22,400	24,650	25,950
ELEVATOR-STRUCTURE	16,550	19,200	24,250	------	------	------	------
ST. JOSEPH:							
DETACHED AND SEMIDETACHED	12,800	15,350	19,000	22,600	27,300	30,400	31,800
ROW DWELLINGS	12,000	14,350	17,750	21,050	25,400	28,350	29,550
WALKUP	10,700	13,350	16,900	19,950	23,200	25,500	26,850
ELEVATOR-STRUCTURE	16,950	19,700	24,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
MISSOURI--CONTINUED							
SEDALIA:							
DETACHED AND SEMIDETACHED	12,800	15,350	19,000	22,600	27,300	30,400	31,800
ROW DWELLINGS	12,000	14,350	17,750	21,050	25,400	28,350	29,550
WALKUP	10,700	13,350	16,900	19,950	23,200	25,500	26,850
ELEVATOR-STRUCTURE	16,950	19,700	24,950	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	12,850	15,450	19,150	22,800	27,500	30,600	32,000
ROW DWELLINGS	12,050	14,450	17,850	21,250	25,600	28,550	29,800
WALKUP	10,200	12,650	16,000	18,900	21,950	24,200	25,350
ELEVATOR-STRUCTURE	16,850	19,550	24,750	------	------	------	------
ST. LOUIS:							
DETACHED AND SEMIDETACHED	12,700	15,300	18,850	22,500	27,100	30,150	31,550
ROW DWELLINGS	11,800	14,050	17,500	20,850	25,000	27,950	29,150
WALKUP	9,100	11,350	14,350	16,950	19,750	21,650	22,700
ELEVATOR-STRUCTURE	17,350	20,150	25,450	------	------	------	------
CAPE GIRARDEAU:							
DETACHED AND SEMIDETACHED	12,000	14,500	17,950	21,400	25,800	28,750	30,100
ROW DWELLINGS	11,300	13,500	16,650	19,850	23,800	26,500	27,700
WALKUP	8,650	10,800	13,600	16,150	18,800	20,550	21,650
ELEVATOR-STRUCTURE	16,600	19,250	24,350	------	------	------	------
COLUMBIA:							
DETACHED AND SEMIDETACHED	12,500	15,000	18,600	22,200	26,700	29,650	31,100
ROW DWELLINGS	11,600	13,850	17,150	20,500	24,600	27,400	28,650
WALKUP	9,000	11,200	14,100	16,750	19,450	21,300	22,350
ELEVATOR-STRUCTURE	16,600	19,250	24,400	------	------	------	------
KIRKSVILLE:							
DETACHED AND SEMIDETACHED	12,500	15,000	18,600	22,200	26,700	29,650	31,100
ROW DWELLINGS	11,600	13,850	17,150	20,500	24,600	27,400	28,650
WALKUP	9,050	11,250	14,200	16,850	19,550	21,500	22,550
ELEVATOR-STRUCTURE	16,600	19,250	24,400	------	------	------	------
ROLLA:							
DETACHED AND SEMIDETACHED	11,350	13,650	16,900	20,150	24,250	26,950	28,200
ROW DWELLINGS	10,550	12,650	15,700	18,650	22,400	25,000	26,100
WALKUP	8,150	10,150	12,850	15,200	17,700	19,400	20,350
ELEVATOR-STRUCTURE	15,250	17,700	22,350	------	------	------	------
NEBRASKA							
OMAHA:							
DETACHED AND SEMIDETACHED	11,650	14,050	17,300	20,600	24,850	27,600	28,850
ROW DWELLINGS	11,100	13,350	16,450	19,650	23,700	26,300	27,450
WALKUP	9,750	12,150	15,350	18,150	21,050	23,200	24,300
ELEVATOR-STRUCTURE	16,300	18,900	23,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
NEBRASKA--CONTINUED							
GRAND ISLAND:							
DETACHED AND SEMIDETACHED	12,200	14,600	17,950	21,450	25,850	28,700	30,100
ROW DWELLINGS	11,750	14,150	17,500	20,900	25,150	27,900	29,150
WALKUP	10,100	12,650	16,050	18,950	22,000	24,200	25,400
ELEVATOR-STRUCTURE	16,850	19,550	24,600	------	------	------	------
LINCOLN:							
DETACHED AND SEMIDETACHED	11,550	14,000	17,150	20,500	24,650	27,400	28,700
ROW DWELLINGS	11,200	13,450	16,500	19,750	23,850	26,400	27,600
WALKUP	9,300	11,550	14,550	17,300	20,050	22,100	23,150
ELEVATOR-STRUCTURE	16,100	18,650	23,450	------	------	------	------
MACY:							
DETACHED AND SEMIDETACHED	13,900	16,700	20,650	24,700	29,700	33,200	34,700
ROW DWELLINGS	13,300	16,000	19,800	23,600	28,350	31,600	32,900
WALKUP	11,450	14,200	18,000	21,250	24,700	27,350	27,850
ELEVATOR-STRUCTURE	19,250	22,250	28,200	------	------	------	------
NORFOLK:							
DETACHED AND SEMIDETACHED	11,800	14,200	17,500	20,950	25,200	28,100	29,400
ROW DWELLINGS	11,300	13,550	16,800	20,000	24,050	26,800	27,900
WALKUP	9,600	11,900	15,100	17,850	20,750	22,950	24,000
ELEVATOR-STRUCTURE	17,050	19,700	25,000	------	------	------	------
NORTH PLATTE:							
DETACHED AND SEMIDETACHED	10,700	12,850	15,850	19,000	22,800	25,450	26,650
ROW DWELLINGS	10,100	12,150	15,000	17,900	21,450	23,900	24,950
WALKUP	9,450	11,700	14,900	17,650	20,450	22,650	23,750
ELEVATOR-STRUCTURE	16,400	19,050	24,100	------	------	------	------
SANTEE:							
DETACHED AND SEMIDETACHED	13,900	16,700	20,650	24,700	29,700	33,200	34,700
ROW DWELLINGS	13,300	16,000	19,800	23,600	28,350	31,600	32,900
WALKUP	11,450	14,200	18,000	21,250	24,700	27,350	28,600
ELEVATOR-STRUCTURE	19,250	22,250	28,200	------	------	------	------
SCOTTSBLUFF:							
DETACHED AND SEMIDETACHED	12,000	14,500	17,750	21,200	25,500	28,400	29,650
ROW DWELLINGS	11,400	13,650	16,950	20,200	24,250	27,000	28,150
WALKUP	10,000	12,400	15,800	18,700	21,550	23,850	25,050
ELEVATOR-STRUCTURE	16,550	19,200	22,950	------	------	------	------
WINNEBAGO:							
DETACHED AND SEMIDETACHED	13,900	16,700	20,650	24,700	29,700	33,200	34,700
ROW DWELLINGS	13,300	16,000	19,800	23,600	28,350	31,600	32,900
WALKUP	11,450	14,200	18,000	21,250	24,700	27,350	28,600
ELEVATOR-STRUCTURE	19,250	22,250	28,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII							
COLORADO							
DENVER:							
DETACHED AND SEMIDETACHED	11,200	13,450	16,500	19,650	23,700	26,450	27,650
ROW DWELLINGS	10,650	12,800	15,850	18,800	22,650	25,250	26,450
WALKUP	9,450	11,800	14,950	17,650	20,350	22,500	23,550
ELEVATOR-STRUCTURE	15,250	17,850	22,450	------	------	------	------
COLORADO SPRINGS:							
DETACHED AND SEMIDETACHED	11,200	13,450	16,500	19,650	23,700	26,450	27,650
ROW DWELLINGS	10,650	12,800	15,850	18,800	22,650	25,250	26,450
WALKUP	9,450	11,800	14,950	17,650	20,350	22,500	23,550
ELEVATOR-STRUCTURE	15,250	17,850	22,450	------	------	------	------
DURANGO:							
DETACHED AND SEMIDETACHED	11,750	14,200	17,500	20,800	25,100	28,000	29,250
ROW DWELLINGS	11,200	13,450	16,550	19,750	23,800	26,500	27,750
WALKUP	9,900	12,350	15,650	18,450	21,450	23,550	24,800
ELEVATOR-STRUCTURE	16,000	18,650	23,600	------	------	------	------
GRAND JUNCTION:							
DETACHED AND SEMIDETACHED	11,600	14,000	17,250	20,600	24,750	27,550	28,800
ROW DWELLINGS	11,150	13,300	16,400	19,600	23,650	26,150	27,500
WALKUP	9,850	12,250	15,500	18,350	21,200	23,400	24,550
ELEVATOR-STRUCTURE	15,900	18,500	23,350	------	------	------	------
GREELEY:							
DETACHED AND SEMIDETACHED	11,600	14,050	17,300	20,650	24,850	27,700	28,900
ROW DWELLINGS	11,200	13,450	16,550	19,750	23,800	26,500	27,750
WALKUP	9,900	12,350	15,650	18,450	21,450	23,550	24,800
ELEVATOR-STRUCTURE	14,500	17,100	21,500	------	------	------	------
PUEBLO:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,200	19,300	23,150	25,800	27,000
ROW DWELLINGS	10,450	12,550	15,400	18,400	22,150	24,550	25,800
WALKUP	9,150	11,450	14,550	17,200	19,750	21,900	22,950
ELEVATOR-STRUCTURE	14,900	17,350	19,700	------	------	------	------
MONTANA							
HELENA:							
DETACHED AND SEMIDETACHED	11,050	13,350	16,450	19,600	23,650	26,350	27,500
ROW DWELLINGS	10,600	12,650	15,800	18,750	22,650	25,150	26,350
WALKUP	10,000	12,600	16,000	18,850	21,800	24,100	25,150
ELEVATOR-STRUCTURE	17,700	20,550	26,100	------	------	------	------
BILLINGS:							
DETACHED AND SEMIDETACHED	10,800	13,000	16,050	19,100	23,000	25,550	26,750
ROW DWELLINGS	10,300	12,200	15,200	18,050	21,750	24,200	25,350
WALKUP	9,550	12,100	15,400	18,100	20,850	23,150	24,200
ELEVATOR-STRUCTURE	17,250	19,900	25,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA--CONTINUED							
BOZEMAN:							
DETACHED AND SEMIDETACHED	11,300	13,550	16,750	20,000	24,050	26,750	28,000
ROW DWELLINGS	10,900	12,900	16,050	19,100	23,050	25,550	26,750
WALKUP	10,150	12,850	16,250	19,200	22,100	24,450	25,650
ELEVATOR-STRUCTURE	18,000	20,900	26,500	------	------	------	------
BUTTE:							
DETACHED AND SEMIDETACHED	11,500	13,850	17,100	20,300	24,450	27,250	28,550
ROW DWELLINGS	11,050	13,200	16,250	19,400	23,450	25,950	27,250
WALKUP	10,200	13,000	16,350	19,300	22,300	24,700	25,750
ELEVATOR-STRUCTURE	18,350	21,250	27,050	------	------	------	------
GLASGOW:							
DETACHED AND SEMIDETACHED	11,300	13,550	16,750	20,000	24,050	26,750	28,000
ROW DWELLINGS	10,900	12,900	16,050	19,100	23,050	25,550	26,750
WALKUP	10,150	12,850	16,250	19,200	22,100	24,450	25,650
ELEVATOR-STRUCTURE	18,000	20,900	26,500	------	------	------	------
GREAT FALLS:							
DETACHED AND SEMIDETACHED	11,600	13,900	17,200	20,550	24,600	27,450	28,700
ROW DWELLINGS	11,150	13,300	16,400	19,700	23,700	26,250	27,750
WALKUP	10,500	13,200	16,650	19,600	22,700	25,150	26,250
ELEVATOR-STRUCTURE	18,600	21,450	27,300	------	------	------	------
HAVRE:							
DETACHED AND SEMIDETACHED	11,300	13,550	16,750	20,000	24,050	26,750	28,000
ROW DWELLINGS	10,900	12,900	16,050	19,100	23,050	25,550	26,750
WALKUP	10,150	12,850	16,250	19,200	22,100	24,450	25,650
ELEVATOR-STRUCTURE	18,000	20,900	26,500	------	------	------	------
KALISPEL:							
DETACHED AND SEMIDETACHED	10,850	13,100	16,200	19,250	23,100	25,750	27,000
ROW DWELLINGS	10,400	12,450	15,400	18,400	22,150	24,550	25,750
WALKUP	9,850	12,450	15,700	18,550	21,350	23,650	24,750
ELEVATOR-STRUCTURE	17,350	20,150	25,600	------	------	------	------
MILES CITY:							
DETACHED AND SEMIDETACHED	11,300	13,550	16,750	20,000	24,050	26,750	28,000
ROW DWELLINGS	10,900	12,900	16,050	19,100	23,050	25,550	26,750
WALKUP	10,150	12,850	16,250	19,200	22,100	24,450	25,650
ELEVATOR-STRUCTURE	18,000	20,900	26,500	------	------	------	------
MISSOULA:							
DETACHED AND SEMIDETACHED	10,800	13,000	16,050	19,100	23,000	25,550	26,750
ROW DWELLINGS	10,300	12,200	15,200	18,050	21,750	24,200	25,350
WALKUP	9,550	12,100	15,400	18,100	20,850	23,150	24,200
ELEVATOR-STRUCTURE	17,250	19,900	25,300	------	------	------	------
RONAN:							
DETACHED AND SEMIDETACHED	15,750	18,900	23,400	27,800	33,450	37,350	39,100
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA--CONTINUED							
BROWNING:							
DETACHED AND SEMIDETACHED	15,750	18,900	23,400	27,800	33,450	37,350	39,100
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
HARLEM:							
DETACHED AND SEMIDETACHED	15,750	18,900	23,400	27,800	33,450	37,350	39,100
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
WOLF POINT:							
DETACHED AND SEMIDETACHED	15,800	19,050	23,400	27,950	33,500	37,400	39,200
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
LODGE GRASS:							
DETACHED AND SEMIDETACHED	15,750	18,900	23,350	27,800	33,450	37,250	38,950
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
NORTH DAKOTA							
FARGO:							
DETACHED AND SEMIDETACHED	10,900	13,050	16,150	19,400	23,300	25,800	27,100
ROW DWELLINGS	10,350	12,600	15,450	18,350	22,200	24,600	25,750
WALKUP	10,500	13,150	16,350	19,400	22,700	24,950	26,250
ELEVATOR-STRUCTURE	16,750	19,500	24,650	------	------	------	------
BISMARCK:							
DETACHED AND SEMIDETACHED	11,200	13,450	16,500	19,800	23,900	26,450	27,750
ROW DWELLINGS	10,650	12,850	15,800	18,850	22,800	25,250	26,450
WALKUP	10,750	13,450	16,600	19,800	23,250	25,500	26,850
ELEVATOR-STRUCTURE	17,150	19,900	25,150	------	------	------	------
DICKINSON:							
DETACHED AND SEMIDETACHED	10,700	12,850	15,900	19,050	22,900	25,450	26,700
ROW DWELLINGS	10,150	12,350	15,250	18,100	21,850	24,200	25,300
WALKUP	10,300	12,950	16,000	18,950	22,350	24,550	25,750
ELEVATOR-STRUCTURE	16,450	19,200	24,200	------	------	------	------
GRAND FORKS:							
DETACHED AND SEMIDETACHED	10,550	12,650	15,600	18,750	22,550	24,950	26,200
ROW DWELLINGS	10,150	12,350	15,250	18,100	21,850	24,200	25,300
WALKUP	10,150	12,650	15,700	18,650	22,000	24,150	25,350
ELEVATOR-STRUCTURE	16,450	19,200	24,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
NORTH DAKOTA--CONTINUED							
MINOT:							
DETACHED AND SEMIDETACHED	10,650	12,750	15,700	18,850	22,750	25,200	26,400
ROW DWELLINGS	10,100	12,250	15,100	18,000	21,650	24,050	25,150
WALKUP	10,150	12,700	15,850	18,900	22,100	24,350	25,600
ELEVATOR-STRUCTURE	16,400	19,050	23,950	------	------	------	------
SOUTH DAKOTA							
SIOUX FALLS:							
DETACHED AND SEMIDETACHED	11,000	13,200	16,300	19,450	23,350	26,050	27,200
ROW DWELLINGS	10,350	12,550	15,550	18,500	22,350	24,600	25,900
WALKUP	9,400	11,650	14,800	17,500	20,300	22,400	23,550
ELEVATOR-STRUCTURE	14,200	16,550	20,850	------	------	------	------
ABERDEEN:							
DETACHED AND SEMIDETACHED	11,050	13,300	16,400	19,500	23,400	26,250	27,300
ROW DWELLINGS	10,400	12,650	15,650	18,600	22,400	24,800	26,050
WALKUP	9,550	11,950	15,050	17,850	20,650	22,750	24,050
ELEVATOR-STRUCTURE	14,250	16,600	21,000	------	------	------	------
PIERRE:							
DETACHED AND SEMIDETACHED	11,600	14,050	17,250	20,500	24,850	27,600	28,750
ROW DWELLINGS	10,850	13,100	16,150	19,250	23,250	25,750	26,950
WALKUP	9,450	11,850	14,850	17,650	20,450	22,500	23,700
ELEVATOR-STRUCTURE	15,350	17,850	22,600	------	------	------	------
RAPID CITY:							
DETACHED AND SEMIDETACHED	11,100	13,450	16,550	19,650	23,600	26,400	27,500
ROW DWELLINGS	10,450	12,800	15,750	18,850	22,550	24,950	26,300
WALKUP	9,800	12,300	15,550	18,300	21,200	23,450	24,700
ELEVATOR-STRUCTURE	14,250	16,600	20,950	------	------	------	------
MISSION:							
DETACHED AND SEMIDETACHED	15,150	18,250	22,550	26,800	32,300	36,000	37,500
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
FORT THOMPSON:							
DETACHED AND SEMIDETACHED	15,150	18,250	22,550	26,800	32,300	36,000	37,500
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
MCLAUGHLIN:							
DETACHED AND SEMIDETACHED	14,900	17,950	22,200	26,350	31,700	35,400	36,950
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
SOUTH DAKOTA--CONTINUED							
EAGLE BUTTE:							
DETACHED AND SEMIDETACHED	14,900	17,950	22,200	26,350	31,700	35,400	36,950
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
WAGNER:							
DETACHED AND SEMIDETACHED	14,900	17,950	22,200	26,350	31,700	35,400	36,950
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
SISSETON:							
DETACHED AND SEMIDETACHED	14,900	17,950	22,200	26,350	31,700	35,400	36,950
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
UTAH							
SALT LAKE CITY:							
DETACHED AND SEMIDETACHED	11,350	13,700	16,950	20,250	24,400	27,050	28,400
ROW DWELLINGS	9,900	11,900	14,700	17,600	21,050	23,400	24,500
WALKUP	8,950	11,200	14,300	16,850	19,550	21,550	22,650
ELEVATOR-STRUCTURE	14,600	17,050	21,550	------	------	------	------
CEDAR CITY:							
DETACHED AND SEMIDETACHED	11,750	14,150	17,450	20,800	25,050	27,900	29,200
ROW DWELLINGS	10,150	12,250	15,050	18,050	21,650	24,150	25,200
WALKUP	9,250	11,600	14,750	17,300	20,150	22,150	23,300
ELEVATOR-STRUCTURE	15,150	17,650	22,300	------	------	------	------
LOGAN:							
DETACHED AND SEMIDETACHED	11,650	13,950	17,200	20,500	24,700	27,550	28,800
ROW DWELLINGS	10,050	12,100	14,900	17,850	21,450	23,850	24,950
WALKUP	9,200	11,400	14,600	17,100	19,900	21,850	23,050
ELEVATOR-STRUCTURE	14,850	17,350	21,900	------	------	------	------
MOAB:							
DETACHED AND SEMIDETACHED	11,800	14,250	17,550	20,900	25,200	28,100	29,400
ROW DWELLINGS	10,200	12,300	15,200	18,100	21,800	24,200	25,400
WALKUP	9,300	11,650	14,800	17,400	20,250	22,250	23,450
ELEVATOR-STRUCTURE	15,200	17,700	22,350	------	------	------	------
PROVO:							
DETACHED AND SEMIDETACHED	11,350	13,700	16,950	20,250	24,400	27,050	28,400
ROW DWELLINGS	9,900	11,900	14,700	17,600	21,050	23,400	24,500
WALKUP	8,950	11,200	14,300	16,850	19,550	21,550	22,650
ELEVATOR-STRUCTURE	14,600	17,050	21,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
UTAH--CONTINUED							
VERNAL:							
DETACHED AND SEMIDETACHED	11,800	14,200	17,500	20,850	25,150	27,950	29,300
ROW DWELLINGS	10,200	12,300	15,200	18,100	21,800	24,200	25,400
WALKUP	9,300	11,650	14,800	17,400	20,250	22,250	23,450
ELEVATOR-STRUCTURE	15,150	17,650	22,300	------	------	------	------
WYOMING							
CASPER:							
DETACHED AND SEMIDETACHED	10,700	12,950	15,950	19,000	22,850	25,450	26,700
ROW DWELLINGS	10,100	12,150	15,100	17,950	21,550	24,050	25,100
WALKUP	9,950	12,500	15,900	18,650	21,700	23,900	25,050
ELEVATOR-STRUCTURE	15,500	18,050	22,900	------	------	------	------
CHEYENNE:							
DETACHED AND SEMIDETACHED	10,100	12,250	15,050	17,950	21,650	24,100	25,250
ROW DWELLINGS	9,550	11,550	14,350	17,800	20,500	22,750	23,750
WALKUP	9,450	11,850	15,050	17,700	20,500	22,700	23,700
ELEVATOR-STRUCTURE	14,700	17,150	21,650	------	------	------	------
CODY:							
DETACHED AND SEMIDETACHED	10,250	12,500	15,350	18,450	22,150	24,600	25,800
ROW DWELLINGS	9,800	11,700	14,550	17,350	20,800	23,100	24,250
WALKUP	9,650	12,100	15,350	18,100	20,850	23,050	24,050
ELEVATOR-STRUCTURE	14,950	17,400	22,050	------	------	------	------
GILLETTE:							
DETACHED AND SEMIDETACHED	11,050	13,350	16,500	19,600	23,700	26,350	27,600
ROW DWELLINGS	10,550	12,550	15,650	18,550	22,250	24,900	25,900
WALKUP	10,250	13,000	16,450	19,350	22,500	24,750	25,900
ELEVATOR-STRUCTURE	16,050	18,600	23,650	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	10,650	12,850	15,800	18,800	22,700	25,250	26,450
ROW DWELLINGS	10,050	12,050	15,000	17,800	21,400	23,900	24,800
WALKUP	9,900	12,350	15,800	18,500	21,550	23,700	24,800
ELEVATOR-STRUCTURE	15,350	17,950	22,650	------	------	------	------
LARAMIE:							
DETACHED AND SEMIDETACHED	10,200	12,350	15,250	18,150	21,950	24,400	25,600
ROW DWELLINGS	9,750	11,650	14,500	17,200	20,700	23,050	24,100
WALKUP	9,550	12,050	15,300	18,050	20,800	22,950	24,000
ELEVATOR-STRUCTURE	14,850	17,300	21,900	------	------	------	------
POWELL:							
DETACHED AND SEMIDETACHED	10,250	12,500	15,350	18,450	22,150	24,600	25,800
ROW DWELLINGS	9,800	11,700	14,550	17,350	20,800	23,100	24,250
WALKUP	9,650	12,100	15,350	18,100	20,850	23,050	24,050
ELEVATOR-STRUCTURE	14,950	17,400	22,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
WYOMING--CONTINUED							
RIVERTON:							
DETACHED AND SEMIDETACHED	11,750	14,150	17,450	20,750	25,000	27,800	29,150
ROW DWELLINGS	11,100	13,300	16,550	19,650	23,550	26,350	27,400
WALKUP	10,250	13,000	16,450	19,350	22,500	24,750	25,900
ELEVATOR-STRUCTURE	16,050	18,600	23,650	------	------	------	------
ROCK SPRINGS:							
DETACHED AND SEMIDETACHED	10,250	12,500	15,350	18,450	22,150	24,600	25,800
ROW DWELLINGS	9,800	11,700	14,550	17,350	20,800	23,100	24,250
WALKUP	9,650	12,100	15,350	18,100	20,850	23,050	24,050
ELEVATOR-STRUCTURE	14,950	17,400	22,050	------	------	------	------
REGION IX							
ARIZONA							
PHOENIX:							
DETACHED AND SEMIDETACHED	12,150	14,600	18,050	21,450	25,850	28,800	30,200
ROW DWELLINGS	11,300	13,650	16,850	20,150	24,150	27,000	28,150
WALKUP	10,500	13,100	16,650	19,650	22,700	25,050	26,300
ELEVATOR-STRUCTURE	17,500	20,300	25,750	------	------	------	------
CASA GRANDE:							
DETACHED AND SEMIDETACHED	12,600	15,200	18,750	22,350	26,950	29,900	31,400
ROW DWELLINGS	11,800	13,650	17,500	20,900	25,100	28,000	29,200
WALKUP	10,100	12,700	16,100	19,050	22,000	24,250	25,450
ELEVATOR-STRUCTURE	17,850	20,700	26,250	------	------	------	------
DOUGLAS:							
DETACHED AND SEMIDETACHED	12,550	15,050	18,650	22,100	26,600	29,700	31,200
ROW DWELLINGS	11,650	14,100	17,400	20,700	24,850	27,800	29,000
WALKUP	10,850	13,550	17,200	20,350	23,400	25,850	27,150
ELEVATOR-STRUCTURE	17,750	20,550	26,050	------	------	------	------
FLAGSTAFF:							
DETACHED AND SEMIDETACHED	12,400	15,000	18,600	22,050	25,900	29,550	31,000
ROW DWELLINGS	11,650	14,100	17,400	20,700	24,850	27,800	29,000
WALKUP	10,800	13,500	17,150	20,200	23,350	25,800	27,000
ELEVATOR-STRUCTURE	18,800	21,750	27,450	------	------	------	------
KAIBAB:							
DETACHED AND SEMIDETACHED	14,500	17,450	21,550	25,700	30,900	34,500	36,050
ROW DWELLINGS	12,800	15,400	19,000	22,750	27,250	30,400	31,750
WALKUP	11,850	14,850	18,950	22,300	25,850	28,450	29,950
ELEVATOR-STRUCTURE	19,150	22,350	28,250	------	------	------	------
KINGMAN:							
DETACHED AND SEMIDETACHED	12,600	15,200	18,750	22,350	26,950	29,900	31,400
ROW DWELLINGS	11,800	13,650	17,500	20,900	25,100	28,000	29,200
WALKUP	10,900	13,700	17,300	20,500	23,650	26,100	27,300
ELEVATOR-STRUCTURE	17,850	20,700	26,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA--CONTINUED							
SACATON:							
DETACHED AND SEMIDETACHED	14,250	17,250	21,200	25,300	30,450	33,850	35,500
ROW DWELLINGS	13,350	16,100	19,850	23,650	28,450	31,750	33,150
WALKUP	11,800	14,850	18,700	22,100	25,500	28,150	29,500
ELEVATOR-STRUCTURE	20,100	23,300	29,550	------	------	------	------
SAN CARLOS:							
DETACHED AND SEMIDETACHED	14,350	17,300	21,400	25,400	30,650	34,100	35,750
ROW DWELLINGS	13,400	16,250	20,050	23,900	28,700	31,950	33,350
WALKUP	11,900	14,900	18,750	22,350	25,700	28,400	29,750
ELEVATOR-STRUCTURE	20,250	23,450	29,750	------	------	------	------
SELLS:							
DETACHED AND SEMIDETACHED	14,650	17,750	21,850	26,050	31,400	34,900	36,600
ROW DWELLINGS	13,750	16,650	20,450	24,400	29,300	32,700	34,150
WALKUP	12,150	15,250	19,200	22,750	26,300	29,000	30,400
ELEVATOR-STRUCTURE	20,700	24,000	30,450	------	------	------	------
WHITE RIVER:							
DETACHED AND SEMIDETACHED	14,800	17,750	21,950	26,150	31,450	34,950	36,750
ROW DWELLINGS	13,800	16,650	20,550	24,450	29,400	32,900	34,250
WALKUP	12,150	15,250	19,200	22,800	26,350	29,100	30,450
ELEVATOR-STRUCTURE	20,800	24,100	30,500	------	------	------	------
SAFFORD:							
DETACHED AND SEMIDETACHED	12,800	15,300	19,000	22,600	27,150	30,300	31,800
ROW DWELLINGS	11,900	14,400	17,850	21,200	25,500	28,500	29,700
WALKUP	11,050	13,800	17,550	20,800	24,000	26,450	27,750
ELEVATOR-STRUCTURE	17,950	20,850	26,350	------	------	------	------
CAMP VERDE:							
DETACHED AND SEMIDETACHED	13,850	16,700	20,600	24,450	29,550	32,900	34,500
ROW DWELLINGS	12,900	15,700	19,300	22,950	27,650	30,850	32,200
WALKUP	11,500	14,350	18,150	21,550	24,800	27,300	28,650
ELEVATOR-STRUCTURE	19,550	22,700	28,700	------	------	------	------
KEAMS CANYON:							
DETACHED AND SEMIDETACHED	16,250	19,550	24,200	28,800	34,700	38,550	40,450
ROW DWELLINGS	15,150	18,300	22,700	27,000	32,350	36,150	37,650
WALKUP	13,450	16,800	21,200	25,150	29,000	31,950	33,650
ELEVATOR-STRUCTURE	21,900	25,300	32,000	------	------	------	------
FORT MCDOWELL:							
DETACHED AND SEMIDETACHED	13,700	16,500	20,450	24,250	29,200	32,550	34,150
ROW DWELLINGS	12,800	15,500	19,100	22,700	27,250	30,600	31,850
WALKUP	11,300	14,150	17,950	21,200	24,450	27,100	28,450
ELEVATOR-STRUCTURE	19,300	22,400	28,350	------	------	------	------
PARKER:							
DETACHED AND SEMIDETACHED	14,200	17,200	21,150	25,150	30,350	33,800	35,400
ROW DWELLINGS	13,350	16,100	19,800	23,600	28,350	31,700	33,100
WALKUP	11,950	14,950	18,900	22,350	25,800	28,550	29,900
ELEVATOR-STRUCTURE	20,050	23,250	29,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA--CONTINUED							
PEACH SPRINGS:							
DETACHED AND SEMIDETACHED	14,450	17,450	21,650	25,650	31,000	34,500	36,100
ROW DWELLINGS	13,550	16,400	20,200	24,100	28,950	32,250	33,700
WALKUP	12,000	15,000	19,000	22,450	25,900	28,650	30,050
ELEVATOR-STRUCTURE	20,450	23,750	29,950	------	------	------	------
TUCSON:							
DETACHED AND SEMIDETACHED	14,150	17,050	21,050	24,950	30,100	33,600	35,200
ROW DWELLINGS	13,150	15,900	19,650	23,400	28,150	31,450	32,850
WALKUP	11,350	14,200	17,950	21,200	24,450	27,000	28,250
ELEVATOR-STRUCTURE	19,300	22,400	28,300	------	------	------	------
YUMA:							
DETACHED AND SEMIDETACHED	12,850	15,500	19,100	22,700	27,350	30,450	31,950
ROW DWELLINGS	11,950	14,450	17,900	21,250	25,650	28,550	29,750
WALKUP	11,200	13,900	17,600	20,900	24,100	26,550	27,850
ELEVATOR-STRUCTURE	17,850	20,800	26,250	------	------	------	------
SAWMILL:							
DETACHED AND SEMIDETACHED	16,250	19,550	24,200	28,800	34,700	38,550	40,450
ROW DWELLINGS	15,150	18,300	22,700	27,000	32,350	36,150	37,650
WALKUP	13,450	16,800	21,200	25,150	29,000	31,950	33,650
ELEVATOR-STRUCTURE	21,900	25,300	32,000	------	------	------	------
NOGALES:							
DETACHED AND SEMIDETACHED	14,800	17,800	22,000	26,100	31,500	35,150	36,800
ROW DWELLINGS	13,750	16,650	20,550	24,550	29,500	32,850	34,200
WALKUP	12,850	15,950	20,200	24,000	27,700	30,500	------
ELEVATOR-STRUCTURE	20,150	23,450	29,700	------	------	------	------
CALIFORNIA							
LOS ANGELES:							
DETACHED AND SEMIDETACHED	11,000	13,150	16,350	19,500	23,450	26,200	27,400
ROW DWELLINGS	10,250	12,400	15,300	18,200	21,950	24,400	25,500
WALKUP	9,200	11,550	14,450	17,150	19,800	21,850	22,950
ELEVATOR-STRUCTURE	19,300	22,450	28,300	------	------	------	------
BAKERSFIELD:							
DETACHED AND SEMIDETACHED	11,000	13,150	16,350	19,500	23,450	26,200	27,400
ROW DWELLINGS	10,250	12,400	15,300	18,200	21,950	24,400	25,500
WALKUP	9,200	11,550	14,450	17,150	19,800	21,850	22,950
ELEVATOR-STRUCTURE	19,300	22,450	28,300	------	------	------	------
INYOKERN:							
DETACHED AND SEMIDETACHED	11,450	13,650	16,950	20,150	24,300	27,200	28,450
ROW DWELLINGS	10,600	12,900	15,750	18,850	22,700	25,200	26,400
WALKUP	9,550	11,950	15,000	17,800	20,550	22,600	23,750
ELEVATOR-STRUCTURE	19,900	23,200	29,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
LANCASTER:							
DETACHED AND SEMIDETACHED	11,050	13,300	16,450	19,600	23,600	26,400	27,650
ROW DWELLINGS	10,300	12,550	15,450	18,400	22,100	24,550	25,700
WALKUP	9,300	11,650	14,550	17,250	20,050	22,000	23,100
ELEVATOR-STRUCTURE	19,400	22,650	28,650	------	------	------	------
LONE PINE:							
DETACHED AND SEMIDETACHED	14,150	16,850	20,900	24,950	30,050	33,600	35,100
ROW DWELLINGS	13,100	15,950	19,600	23,300	28,000	31,200	32,550
WALKUP	11,600	14,450	18,250	21,600	25,000	27,550	28,950
ELEVATOR-STRUCTURE	23,750	27,550	34,900	------	------	------	------
MOJAVE:							
DETACHED AND SEMIDETACHED	11,350	13,550	16,850	20,050	24,150	26,950	28,150
ROW DWELLINGS	10,550	12,800	15,700	18,800	22,600	25,150	26,250
WALKUP	9,500	11,850	14,900	17,600	20,300	22,450	23,550
ELEVATOR-STRUCTURE	19,800	23,100	29,200	------	------	------	------
OJAI:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,550	17,300	20,800	23,250	24,300
ROW DWELLINGS	9,050	11,000	13,550	16,150	19,400	21,600	22,600
WALKUP	8,750	10,950	13,800	16,400	18,950	20,750	21,900
ELEVATOR-STRUCTURE	18,400	21,400	26,900	------	------	------	------
OXNARD:							
DETACHED AND SEMIDETACHED	10,200	12,250	15,200	18,100	21,750	24,300	25,500
ROW DWELLINGS	9,500	11,550	14,200	16,950	20,350	22,700	23,650
WALKUP	9,050	11,350	14,250	16,850	19,500	21,600	22,600
ELEVATOR-STRUCTURE	19,300	22,450	28,300	------	------	------	------
PASO ROBLES:							
DETACHED AND SEMIDETACHED	10,550	12,600	15,600	18,600	22,350	25,000	26,200
ROW DWELLINGS	9,800	11,900	14,600	17,450	20,900	23,400	24,350
WALKUP	9,500	11,850	14,900	17,600	20,300	22,450	23,550
ELEVATOR-STRUCTURE	19,800	23,100	29,200	------	------	------	------
PIRU:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,550	17,300	20,800	23,250	24,300
ROW DWELLINGS	9,050	11,000	13,550	16,150	19,400	21,600	22,600
WALKUP	8,750	10,950	13,800	16,400	18,950	20,750	21,900
ELEVATOR-STRUCTURE	18,400	21,400	26,900	------	------	------	------
RIDGECREST:							
DETACHED AND SEMIDETACHED	10,600	12,650	15,700	18,700	22,600	25,200	26,400
ROW DWELLINGS	9,850	11,950	14,700	17,500	21,050	23,450	24,450
WALKUP	9,550	11,950	15,000	17,800	20,550	22,600	23,750
ELEVATOR-STRUCTURE	19,900	23,200	29,300	------	------	------	------
SAN BERNARDINO:							
DETACHED AND SEMIDETACHED	10,200	12,250	15,200	18,100	21,750	24,300	25,500
ROW DWELLINGS	9,500	11,550	14,200	16,950	20,350	22,700	23,650
WALKUP	9,200	11,550	14,450	17,150	19,800	21,850	22,950
ELEVATOR-STRUCTURE	19,300	22,450	28,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
SANTA BARBARA:							
DETACHED AND SEMIDETACHED	10,250	12,350	15,300	18,200	21,950	24,450	25,650
ROW DWELLINGS	9,550	11,650	14,350	17,050	20,550	22,850	23,800
WALKUP	9,350	11,700	14,700	17,350	20,200	22,200	23,350
ELEVATOR-STRUCTURE	19,400	22,650	28,650	------	------	------	------
SANTA MARIA:							
DETACHED AND SEMIDETACHED	10,550	12,600	15,600	18,600	22,350	25,000	26,200
ROW DWELLINGS	9,800	11,900	14,600	17,450	20,900	23,400	24,350
WALKUP	9,500	11,850	14,900	17,600	20,300	22,450	23,550
ELEVATOR-STRUCTURE	19,800	23,100	29,200	------	------	------	------
TEHACHAPI:							
DETACHED AND SEMIDETACHED	10,550	12,600	15,600	18,600	22,350	25,000	26,200
ROW DWELLINGS	9,800	11,900	14,600	17,450	20,900	23,400	24,350
WALKUP	9,500	11,850	14,900	17,600	20,300	22,450	23,550
ELEVATOR-STRUCTURE	19,800	23,100	29,200	------	------	------	------
VENTURA:							
DETACHED AND SEMIDETACHED	10,200	12,250	15,200	18,100	21,750	24,300	25,500
ROW DWELLINGS	9,500	11,550	14,200	16,950	20,350	22,700	23,650
WALKUP	9,200	11,550	14,450	17,150	19,800	21,850	22,950
ELEVATOR-STRUCTURE	19,300	22,450	28,300	------	------	------	------
SANTA ANA:							
DETACHED AND SEMIDETACHED	10,550	12,650	15,650	18,650	22,500	25,000	26,250
ROW DWELLINGS	9,850	11,900	14,600	17,450	21,000	23,400	24,400
WALKUP	9,550	11,850	14,950	17,650	20,450	22,500	23,600
ELEVATOR-STRUCTURE	20,200	23,400	29,650	------	------	------	------
SACRAMENTO:							
DETACHED AND SEMIDETACHED	10,050	12,050	14,900	17,700	21,350	23,750	24,850
ROW DWELLINGS	9,550	11,500	14,200	16,900	20,350	22,650	23,650
WALKUP	8,800	11,050	14,000	16,450	19,100	21,050	22,050
ELEVATOR-STRUCTURE	19,000	22,050	27,850	------	------	------	------
CHICO:							
DETACHED AND SEMIDETACHED	10,150	12,200	15,100	17,900	21,550	24,050	25,100
ROW DWELLINGS	9,650	11,600	14,400	17,050	20,550	22,850	23,950
WALKUP	8,300	10,400	13,200	15,500	17,950	19,850	20,800
ELEVATOR-STRUCTURE	19,200	22,250	28,100	------	------	------	------
DAVIS:							
DETACHED AND SEMIDETACHED	10,200	12,300	15,200	18,100	21,750	24,200	25,250
ROW DWELLINGS	9,700	11,750	14,500	17,150	20,650	23,000	24,100
WALKUP	9,100	11,300	14,350	16,950	19,650	21,650	22,650
ELEVATOR-STRUCTURE	19,350	22,350	28,400	------	------	------	------
FT BIDWELL:							
DETACHED AND SEMIDETACHED	15,450	18,600	23,050	25,200	27,900	29,600	30,300
ROW DWELLINGS	14,700	17,700	21,950	24,000	26,550	27,600	28,650
WALKUP	13,350	16,050	19,900	21,700	24,050	25,000	26,000
ELEVATOR-STRUCTURE	21,050	24,300	30,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
PLACERVILLE:							
DETACHED AND SEMIDETACHED	10,050	12,050	15,000	17,800	21,450	23,850	24,950
ROW DWELLINGS	9,550	11,550	14,250	17,000	20,400	22,750	23,750
WALKUP	9,100	11,300	14,400	16,950	19,650	21,650	22,650
ELEVATOR-STRUCTURE	19,450	22,750	28,650	------	------	------	------
REDDING:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,350	18,250	21,950	24,450	25,550
ROW DWELLINGS	9,800	11,850	14,600	17,400	20,850	23,300	24,350
WALKUP	9,100	11,300	14,400	16,950	19,650	21,650	22,650
ELEVATOR-STRUCTURE	19,450	22,750	28,650	------	------	------	------
STOCKTON:							
DETACHED AND SEMIDETACHED	10,050	12,050	14,900	17,700	21,350	23,750	24,850
ROW DWELLINGS	9,550	11,500	14,200	16,900	20,350	22,650	23,650
WALKUP	8,800	11,050	13,950	16,450	19,100	21,050	22,050
ELEVATOR-STRUCTURE	19,000	22,050	27,850	------	------	------	------
SUSANVILLE:							
DETACHED AND SEMIDETACHED	13,650	16,450	20,400	23,050	25,750	27,450	28,700
ROW DWELLINGS	13,000	15,650	19,400	21,950	24,500	26,150	27,300
WALKUP	11,750	14,200	17,600	19,900	22,200	23,700	24,800
ELEVATOR-STRUCTURE	19,200	22,250	28,100	------	------	------	------
YREKA:							
DETACHED AND SEMIDETACHED	10,350	12,500	15,400	18,350	22,100	24,650	25,700
ROW DWELLINGS	9,850	11,900	14,700	17,500	21,050	23,400	24,500
WALKUP	9,150	11,400	14,450	17,050	19,750	21,750	22,800
ELEVATOR-STRUCTURE	19,600	22,850	28,850	------	------	------	------
SAN FRANCISCO:							
DETACHED AND SEMIDETACHED	16,200	19,550	24,200	28,800	34,700	38,600	40,350
ROW DWELLINGS	15,500	18,700	23,050	27,500	32,950	36,750	38,450
WALKUP	13,350	16,650	21,050	24,850	28,850	31,750	33,300
ELEVATOR-STRUCTURE	21,700	25,200	31,800	------	------	------	------
FRESNO:							
DETACHED AND SEMIDETACHED	11,150	13,300	16,500	19,600	23,650	26,300	27,500
ROW DWELLINGS	10,550	12,750	15,750	18,750	22,500	25,100	26,250
WALKUP	9,000	11,150	14,150	16,650	19,350	21,300	22,350
ELEVATOR-STRUCTURE	19,300	22,450	28,400	------	------	------	------
GRINDSTONE:							
DETACHED AND SEMIDETACHED	14,400	17,400	21,550	24,400	27,200	29,000	30,300
ROW DWELLINGS	13,750	16,550	20,550	23,200	25,900	27,600	28,850
WALKUP	12,050	14,550	18,050	20,400	22,700	24,250	25,400
ELEVATOR-STRUCTURE	17,400	20,100	25,400	------	------	------	------
HOOPA:							
DETACHED AND SEMIDETACHED	16,350	19,650	24,400	26,600	29,500	30,650	32,050
ROW DWELLINGS	15,550	18,700	23,200	25,300	28,100	29,100	30,250
WALKUP	13,700	16,450	20,400	22,250	24,650	25,600	26,600
ELEVATOR-STRUCTURE	19,000	21,950	27,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
MODESTO:							
DETACHED AND SEMIDETACHED	11,700	14,200	17,450	20,750	25,000	27,800	29,100
ROW DWELLINGS	11,150	13,450	16,600	19,750	23,700	26,400	27,700
WALKUP	9,150	11,400	14,400	16,900	19,600	21,700	22,600
ELEVATOR-STRUCTURE	17,400	20,100	25,400	------	------	------	------
OAKLAND-MARIN:							
DETACHED AND SEMIDETACHED	13,350	16,100	19,900	23,700	28,500	31,750	33,200
ROW DWELLINGS	12,750	15,350	18,950	22,550	27,100	30,200	31,550
WALKUP	10,800	13,400	17,000	20,050	23,300	25,650	26,850
ELEVATOR-STRUCTURE	19,500	22,700	28,650	------	------	------	------
SAN JOSE:							
DETACHED AND SEMIDETACHED	12,400	14,900	18,400	21,950	26,400	29,450	30,750
ROW DWELLINGS	11,800	14,250	17,500	20,900	25,100	28,000	29,200
WALKUP	10,050	12,450	15,750	18,600	21,600	23,750	24,850
ELEVATOR-STRUCTURE	18,100	21,000	26,500	------	------	------	------
SAN RAFAEL:							
DETACHED AND SEMIDETACHED	11,750	14,200	17,450	20,800	25,000	27,850	29,100
ROW DWELLINGS	11,250	13,450	16,600	19,850	23,800	26,550	27,750
WALKUP	11,150	13,800	17,400	20,550	23,900	26,250	27,600
ELEVATOR-STRUCTURE	17,750	20,650	26,000	------	------	------	------
SAN DIEGO:							
DETACHED AND SEMIDETACHED	11,300	13,600	16,850	20,000	24,050	26,850	28,000
ROW DWELLINGS	10,800	13,000	16,050	19,050	22,900	25,600	26,800
WALKUP	9,200	11,500	14,600	17,150	19,900	21,900	22,950
ELEVATOR-STRUCTURE	17,900	20,800	26,300	------	------	------	------
EL CAJON:							
DETACHED AND SEMIDETACHED	11,300	13,600	16,850	20,000	24,050	26,850	28,000
ROW DWELLINGS	10,800	13,000	16,050	19,050	22,900	25,600	26,800
WALKUP	9,400	11,800	15,000	17,700	20,500	22,500	23,600
ELEVATOR-STRUCTURE	17,900	20,800	26,300	------	------	------	------
ARROWHEAD:							
DETACHED AND SEMIDETACHED	11,950	14,350	17,800	21,250	25,600	28,500	29,800
ROW DWELLINGS	11,200	13,600	16,650	19,900	23,950	26,600	27,800
WALKUP	9,800	12,200	15,450	18,250	21,200	23,250	24,500
ELEVATOR-STRUCTURE	19,200	22,550	28,650	------	------	------	------
BARSTOW:							
DETACHED AND SEMIDETACHED	11,800	14,100	17,450	20,900	25,050	27,950	29,200
ROW DWELLINGS	11,000	13,250	16,250	19,550	23,450	26,150	27,200
WALKUP	9,650	11,950	15,100	17,850	20,650	22,750	23,950
ELEVATOR-STRUCTURE	19,050	22,150	28,100	------	------	------	------
BIG BEAR:							
DETACHED AND SEMIDETACHED	11,950	14,350	17,800	21,250	25,600	28,500	29,800
ROW DWELLINGS	11,200	13,600	16,650	19,900	23,950	26,600	27,800
WALKUP	9,800	12,200	15,450	18,250	21,200	23,250	24,500
ELEVATOR-STRUCTURE	19,400	22,550	28,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
DESERT CENTER:							
DETACHED AND SEMIDETACHED	11,650	13,950	17,300	20,650	24,850	27,700	29,050
ROW DWELLINGS	10,900	13,150	16,150	19,300	23,250	25,850	27,050
WALKUP	9,600	11,850	14,950	17,750	20,550	22,550	23,700
ELEVATOR-STRUCTURE	18,900	22,050	27,850	------	------	------	------
NEEDLES:							
DETACHED AND SEMIDETACHED	11,800	14,100	17,450	20,900	25,050	27,950	29,200
ROW DWELLINGS	11,000	13,250	16,250	19,550	23,450	26,150	27,200
WALKUP	9,650	11,950	15,100	17,850	20,650	22,750	23,950
ELEVATOR-STRUCTURE	19,050	22,150	28,100	------	------	------	------
VICTORVILLE:							
DETACHED AND SEMIDETACHED	11,800	14,100	17,450	20,900	25,050	27,950	29,200
ROW DWELLINGS	11,000	13,250	16,250	19,550	23,450	26,150	27,200
WALKUP	9,650	11,950	15,100	17,850	20,650	22,750	23,950
ELEVATOR-STRUCTURE	19,050	22,150	28,100	------	------	------	------
HAWAII							
HONOLULU:							
DETACHED AND SEMIDETACHED	14,950	18,150	22,400	26,600	34,550	35,700	37,350
ROW DWELLINGS	14,350	17,200	21,300	25,300	30,500	34,000	35,500
WALKUP	13,250	16,500	20,900	24,750	28,600	31,550	33,100
ELEVATOR-STRUCTURE	18,400	21,450	27,150	------	------	------	------
HILO:							
DETACHED AND SEMIDETACHED	16,550	19,950	24,650	29,300	35,250	39,200	41,150
ROW DWELLINGS	15,650	18,950	23,400	27,800	33,500	37,350	39,050
WALKUP	14,650	18,150	23,050	27,250	31,550	34,700	36,450
ELEVATOR-STRUCTURE	20,300	23,250	29,800	------	------	------	------
KAUAI:							
DETACHED AND SEMIDETACHED	17,300	21,050	25,800	30,750	37,150	41,200	43,150
ROW DWELLINGS	16,450	19,900	24,650	29,150	35,200	39,300	41,000
WALKUP	14,900	18,550	23,500	27,800	32,250	35,450	37,200
ELEVATOR-STRUCTURE	20,750	24,100	30,500	------	------	------	------
KONO:							
DETACHED AND SEMIDETACHED	16,800	20,450	25,100	29,950	36,100	40,100	41,950
ROW DWELLINGS	16,050	19,350	23,950	28,350	34,250	38,200	39,850
WALKUP	14,900	18,550	23,500	27,800	32,250	35,450	37,200
ELEVATOR-STRUCTURE	20,750	24,100	30,500	------	------	------	------
MAUI:							
DETACHED AND SEMIDETACHED	16,400	19,850	24,350	29,100	35,050	39,000	40,800
ROW DWELLINGS	15,600	18,850	23,300	27,600	33,300	37,150	38,850
WALKUP	14,500	18,050	22,900	27,000	31,250	34,500	36,200
ELEVATOR-STRUCTURE	20,150	23,450	29,650	------	------	------	------

RULES AND REGULATIONS
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PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
HAWAII--CONTINUED							
GUAM:							
DETACHED AND SEMIDETACHED	13,750	16,600	20,500	24,350	29,400	32,700	34,250
ROW DWELLINGS	13,100	15,700	19,500	23,150	28,050	31,050	32,500
WALKUP	12,150	15,050	19,100	22,600	26,200	28,750	30,250
ELEVATOR-STRUCTURE	16,850	19,650	24,900	------	------	------	------
NEVADA							
RENO:							
DETACHED AND SEMIDETACHED	11,450	13,700	17,000	20,200	24,400	27,100	28,400
ROW DWELLINGS	10,350	12,550	15,450	18,350	22,100	24,750	25,750
WALKUP	10,550	13,050	16,700	19,700	22,800	25,150	26,250
ELEVATOR-STRUCTURE	18,350	21,400	27,000	------	------	------	------
LAS VEGAS:							
DETACHED AND SEMIDETACHED	11,850	14,200	17,700	21,050	25,200	28,200	29,500
ROW DWELLINGS	10,750	13,000	16,000	19,000	22,950	25,650	26,750
WALKUP	10,900	13,450	17,100	20,200	23,500	25,850	27,050
ELEVATOR-STRUCTURE	18,950	22,000	27,750	------	------	------	------
ELKO:							
DETACHED AND SEMIDETACHED	------	------	22,850	26,750	31,950	35,400	37,100
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
FALLON:							
DETACHED AND SEMIDETACHED	------	------	22,850	26,750	31,950	35,400	37,100
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
GARDNERVILLE:							
DETACHED AND SEMIDETACHED	------	------	21,050	24,700	29,600	32,650	34,250
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
REGION X							
ALASKA							
ANCHORAGE:							
DETACHED AND SEMIDETACHED	16,950	20,500	25,300	30,250	36,250	40,300	42,250
ROW DWELLINGS	16,150	19,550	24,100	28,650	34,650	38,500	40,200
WALKUP	15,650	19,550	24,700	29,300	33,900	37,300	39,250
ELEVATOR-STRUCTURE	23,600	27,550	34,850	------	------	------	------
FAIRBANKS:							
DETACHED AND SEMIDETACHED	18,100	21,800	26,900	32,200	38,700	43,000	45,050
ROW DWELLINGS	17,250	20,850	25,650	30,500	36,900	41,000	42,900
WALKUP	16,650	20,800	26,350	31,150	36,100	39,800	41,850
ELEVATOR-STRUCTURE	25,050	29,100	36,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
ALASKA--CONTINUED							
JUNEAU:							
DETACHED AND SEMIDETACHED	16,400	19,850	24,400	29,200	35,000	39,000	40,900
ROW DWELLINGS	15,700	18,950	23,400	27,900	33,650	37,350	39,050
WALKUP	15,650	19,550	24,800	29,300	33,900	37,400	39,250
ELEVATOR-STRUCTURE	22,850	26,600	33,600	------	------	------	------
KETCHIKAN:							
DETACHED AND SEMIDETACHED	16,300	19,750	24,350	29,100	34,800	38,850	40,650
ROW DWELLINGS	15,500	18,800	23,200	27,500	33,250	36,900	38,650
WALKUP	15,700	19,600	24,850	29,400	34,000	37,500	39,400
ELEVATOR-STRUCTURE	23,150	26,900	34,000	------	------	------	------
KODIAK:							
DETACHED AND SEMIDETACHED	16,300	19,750	24,350	29,100	34,900	38,850	40,700
ROW DWELLINGS	15,500	18,800	23,200	27,500	33,250	36,900	38,650
WALKUP	15,700	19,600	24,850	29,450	34,000	37,500	39,400
ELEVATOR-STRUCTURE	23,250	27,000	34,200	------	------	------	------
SITKA:							
DETACHED AND SEMIDETACHED	16,400	19,800	24,450	29,200	35,000	39,000	40,850
ROW DWELLINGS	15,700	18,900	23,300	27,600	33,400	37,100	38,900
WALKUP	15,900	19,900	25,100	29,850	34,450	37,900	39,800
ELEVATOR-STRUCTURE	23,850	27,750	35,050	------	------	------	------
KENAI:							
DETACHED AND SEMIDETACHED	18,850	22,800	28,150	33,500	40,200	44,950	46,900
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
YAKUTAT:							
DETACHED AND SEMIDETACHED	18,850	22,800	28,150	33,500	40,200	44,950	46,900
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
FORT YUKON:							
DETACHED AND SEMIDETACHED	31,050	37,650	46,550	55,450	67,600	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
GALENA:							
DETACHED AND SEMIDETACHED	33,350	40,550	50,050	59,600	72,600	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
COASTAL AREA, NORTH OF ALEUTIANS:							
DETACHED AND SEMIDETACHED	37,550	45,700	56,400	67,100	81,950	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
ALASKA--CONTINUED							
TOK JUNCTION:							
DETACHED AND SEMIDETACHED	28,750	34,900	43,050	51,250	62,500	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
BARTER ISLAND, NORTH COASTAL AREA:							
DETACHED AND SEMIDETACHED	38,700	47,000	58,050	69,100	84,350	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
INLAND AREA, NORTH OF ALEUTIANS:							
DETACHED AND SEMIDETACHED	42,650	52,150	64,400	76,750	93,550	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
IDAHO							
BOISE:							
DETACHED AND SEMIDETACHED	11,000	13,300	16,300	19,550	23,500	26,100	27,400
ROW DWELLINGS	10,450	12,600	15,500	18,550	22,350	24,850	26,050
WALKUP	9,850	12,250	15,600	18,450	21,250	23,500	24,600
ELEVATOR-STRUCTURE	14,400	16,750	21,200	------	------	------	------
IDAHO FALLS:							
DETACHED AND SEMIDETACHED	11,350	13,850	16,950	20,300	24,400	27,100	28,350
ROW DWELLINGS	10,800	13,150	16,150	19,200	23,200	25,850	27,550
WALKUP	10,300	12,750	16,150	19,150	22,050	24,450	25,600
ELEVATOR-STRUCTURE	14,950	17,350	22,000	------	------	------	------
MCCALL:							
DETACHED AND SEMIDETACHED	11,500	13,950	17,050	20,500	24,550	27,300	28,650
ROW DWELLINGS	11,000	13,250	16,250	19,450	23,400	26,050	27,300
WALKUP	10,400	12,900	16,300	19,250	22,300	24,650	25,800
ELEVATOR-STRUCTURE	15,050	17,450	22,200	------	------	------	------
POCATELLO:							
DETACHED AND SEMIDETACHED	12,050	14,700	18,050	21,600	26,000	28,850	30,250
ROW DWELLINGS	11,550	14,000	17,150	20,500	24,600	27,450	28,800
WALKUP	10,800	13,600	17,200	20,400	23,500	26,050	27,300
ELEVATOR-STRUCTURE	15,950	18,500	23,400	------	------	------	------
TWIN FALLS:							
DETACHED AND SEMIDETACHED	12,000	14,550	17,900	21,400	25,800	28,650	30,100
ROW DWELLINGS	11,400	13,850	17,050	18,550	24,450	27,250	28,600
WALKUP	10,750	13,450	17,100	20,200	23,350	25,800	27,050
ELEVATOR-STRUCTURE	15,800	18,400	23,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
IDAHO--CONTINUED							
LEWISTON:							
DETACHED AND SEMIDETACHED	11,750	14,250	17,650	20,900	25,250	28,100	29,400
ROW DWELLINGS	11,250	13,550	16,800	19,900	24,000	26,700	27,950
WALKUP	9,800	12,150	15,450	18,200	21,050	23,250	24,450
ELEVATOR-STRUCTURE	14,800	17,300	21,800	------	------	------	------
COEUR D ALENE:							
DETACHED AND SEMIDETACHED	13,950	16,850	20,850	24,800	29,900	33,300	34,800
ROW DWELLINGS	10,800	13,100	16,150	19,150	23,200	25,700	26,950
WALKUP	10,450	12,950	16,550	19,450	22,500	24,850	26,050
ELEVATOR-STRUCTURE	16,150	18,900	23,800	------	------	------	------
OREGON							
PORTLAND:							
DETACHED AND SEMIDETACHED	10,000	12,000	14,800	17,750	21,300	23,650	24,800
ROW DWELLINGS	9,500	11,550	14,250	16,850	20,400	22,650	23,650
WALKUP	8,300	10,400	13,150	15,500	18,050	19,850	20,850
ELEVATOR-STRUCTURE	14,050	16,200	20,550	------	------	------	------
ONTARIO:							
DETACHED AND SEMIDETACHED	10,600	12,800	15,700	18,900	22,650	25,200	26,450
ROW DWELLINGS	10,200	12,250	15,050	17,900	21,650	24,150	25,300
WALKUP	8,900	11,100	14,000	16,650	19,150	21,200	22,200
ELEVATOR-STRUCTURE	14,700	17,100	21,750	------	------	------	------
BEND:							
DETACHED AND SEMIDETACHED	9,700	11,700	14,400	17,300	20,750	23,000	24,150
ROW DWELLINGS	9,200	11,200	13,900	16,400	19,850	22,050	23,000
WALKUP	7,950	9,900	12,550	14,800	17,250	18,900	19,900
ELEVATOR-STRUCTURE	14,050	16,200	20,550	------	------	------	------
COOS BAY:							
DETACHED AND SEMIDETACHED	9,750	11,800	14,500	17,450	20,900	23,250	24,300
ROW DWELLINGS	9,300	11,250	13,950	16,450	19,950	22,150	23,100
WALKUP	8,550	10,650	13,500	15,950	18,600	20,400	21,450
ELEVATOR-STRUCTURE	14,400	16,700	21,000	------	------	------	------
EUGENE:							
DETACHED AND SEMIDETACHED	9,300	11,250	13,850	16,650	19,900	22,150	23,200
ROW DWELLINGS	8,850	10,800	13,350	15,750	19,050	21,200	22,100
WALKUP	7,650	9,100	12,150	14,350	16,700	18,350	19,300
ELEVATOR-STRUCTURE	13,750	15,950	20,200	------	------	------	------
MEDFORD:							
DETACHED AND SEMIDETACHED	9,450	11,350	14,000	16,800	19,100	22,450	23,450
ROW DWELLINGS	9,000	10,900	13,500	15,950	19,300	21,450	22,350
WALKUP	8,150	10,100	12,850	15,100	17,600	19,400	20,450
ELEVATOR-STRUCTURE	13,900	16,050	20,350	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
OREGON--CONTINUED							
WEST SALEM:							
DETACHED AND SEMIDETACHED	9,550	11,600	14,200	17,100	20,500	22,750	23,850
ROW DWELLINGS	9,100	11,100	13,750	16,200	19,650	21,800	22,750
WALKUP	7,950	9,900	12,500	14,750	17,200	18,900	19,900
ELEVATOR-STRUCTURE	14,100	16,450	20,700	------	------	------	------
WASHINGTON							
SEATTLE:							
DETACHED AND SEMIDETACHED	12,800	15,500	19,100	22,800	27,350	30,350	31,850
ROW DWELLINGS	10,150	12,250	15,150	18,000	21,650	24,100	25,200
WALKUP	9,950	12,400	15,700	18,550	21,500	23,650	24,850
ELEVATOR-STRUCTURE	17,650	20,500	25,850	------	------	------	------
PORT ANGELES:							
DETACHED AND SEMIDETACHED	13,150	15,850	19,550	23,350	28,100	31,250	32,700
ROW DWELLINGS	10,400	12,600	15,450	18,450	22,250	24,700	25,900
WALKUP	9,750	12,100	15,350	18,100	21,000	23,100	24,300
ELEVATOR-STRUCTURE	18,050	21,050	26,600	------	------	------	------
TAHOLA:							
DETACHED AND SEMIDETACHED	13,800	16,650	20,550	24,500	29,500	32,800	34,350
ROW DWELLINGS	10,900	13,250	16,200	19,400	23,350	25,950	27,200
WALKUP	10,250	12,700	16,300	19,000	22,050	24,250	25,500
ELEVATOR-STRUCTURE	19,000	22,100	27,950	------	------	------	------
LONGVIEW:							
DETACHED AND SEMIDETACHED	13,200	15,950	19,700	23,500	28,300	31,450	32,950
ROW DWELLINGS	10,500	12,750	15,650	18,550	22,450	25,000	26,100
WALKUP	10,300	12,800	16,250	19,200	22,200	24,500	25,650
ELEVATOR-STRUCTURE	18,150	21,250	26,800	------	------	------	------
ABERDEEN:							
DETACHED AND SEMIDETACHED	12,950	15,600	19,200	23,000	27,700	30,700	32,150
ROW DWELLINGS	10,200	12,350	15,250	18,200	21,900	24,300	25,500
WALKUP	10,050	12,500	15,900	18,650	21,650	23,950	25,100
ELEVATOR-STRUCTURE	17,750	20,600	26,150	------	------	------	------
BELLINGHAM:							
DETACHED AND SEMIDETACHED	12,950	15,600	19,200	23,000	27,700	30,700	32,150
ROW DWELLINGS	10,200	12,350	15,250	18,200	21,900	24,300	25,500
WALKUP	10,050	12,500	15,900	18,650	21,650	23,950	25,100
ELEVATOR-STRUCTURE	17,750	20,600	26,150	------	------	------	------
OLYMPIA:							
DETACHED AND SEMIDETACHED	12,950	15,600	19,200	23,000	27,700	30,700	32,150
ROW DWELLINGS	10,200	12,350	15,250	18,200	21,900	24,300	25,500
WALKUP	10,050	12,500	15,900	18,650	21,650	23,950	25,100
ELEVATOR-STRUCTURE	17,750	20,600	26,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
WASHINGTON--CONTINUED							
YAKIMA:							
DETACHED AND SEMIDETACHED	13,400	16,250	19,900	23,950	28,750	32,050	33,600
ROW DWELLINGS	10,850	12,900	15,950	18,950	22,800	25,350	26,450
WALKUP	9,900	12,350	15,700	18,600	21,500	23,750	24,900
ELEVATOR-STRUCTURE	18,500	21,600	27,300	------	------	------	------
NESPELEM:							
DETACHED AND SEMIDETACHED	13,800	16,700	20,600	24,500	29,500	32,800	34,400
ROW DWELLINGS	10,700	12,900	15,950	18,950	22,900	25,400	26,550
WALKUP	10,700	13,300	16,900	19,900	23,050	25,450	26,700
ELEVATOR-STRUCTURE	18,200	21,150	26,900	------	------	------	------
SPOKANE:							
DETACHED AND SEMIDETACHED	13,150	15,900	19,600	23,300	28,100	31,250	32,750
ROW DWELLINGS	10,200	12,300	15,200	18,050	21,800	24,200	25,300
WALKUP	10,200	12,650	16,100	18,950	21,950	24,250	25,450
ELEVATOR-STRUCTURE	15,000	17,450	22,150	------	------	------	------
CHENEY:							
DETACHED AND SEMIDETACHED	13,250	16,100	19,900	23,650	28,500	31,750	33,200
ROW DWELLINGS	10,300	12,500	15,400	18,300	22,050	24,500	25,650
WALKUP	9,350	11,600	14,750	17,350	20,100	22,150	23,250
ELEVATOR-STRUCTURE	15,200	17,750	22,350	------	------	------	------
KENNEWICK:							
DETACHED AND SEMIDETACHED	13,400	16,200	20,000	23,800	28,600	31,850	33,350
ROW DWELLINGS	10,600	12,800	15,850	18,900	22,700	25,200	26,400
WALKUP	10,300	12,750	16,250	19,100	22,150	24,400	25,650
ELEVATOR-STRUCTURE	16,350	19,000	24,100	------	------	------	------
PULLMAN:							
DETACHED AND SEMIDETACHED	13,800	16,600	20,500	24,500	29,400	32,750	34,250
ROW DWELLINGS	10,950	13,250	16,250	19,350	23,300	25,950	27,150
WALKUP	10,400	12,900	16,450	19,400	22,500	24,850	25,950
ELEVATOR-STRUCTURE	16,500	19,300	24,400	------	------	------	------

[FR Doc.76-16493 Filed 6-8-76;8:45 am]

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CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1976)

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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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HEW/FDA—Exemption of certain food additives from the requirement of tolerances; safrole, oil..... 19207; 5–11–76

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Interior/NPS—Special regulations, areas of the National Park Service; bicycles Gateway National Recreation Area.
18220; 5–11–76

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S. 2498..... Pub. Law 94–305
An act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing program for small business, and for other purposes
(June 4, 1976; 90 Stat. 663)

H.R. 8719 ..... Pub. Law 94–306
An act to provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority
(June 4, 1976; 90 Stat. 672)

H.R. 9630..... Pub. Law 94–309
Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976
(June 5, 1976; 90 Stat. 683)

H.R. 12132..... Pub. Law 94–308
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(June 4, 1976; 90 Stat. 682)

H.R. 12453 ..... Pub. Law 94–307
National Aeronautics and Space Administration Authorization Act, 1977
(June 4, 1976; 90 Stat. 677)

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 11—Federal Elections

NONPUBLICATION OF JANUARY 1, 1976 CODE OF FEDERAL REGULATIONS VOLUME

EDITORIAL NOTE: Under normal publication schedules Title 11 of the Code of Federal Regulations would be revised annually as of January 1. However, as of January 1, 1976, no codified regulations had been promulgated for Title 11.

The only Federal agency authorized to issue regulations in Title 11 is the Federal Elections Commission (FEC). The newly-reconstituted Commission is in the process of proposing regulations. If the quantity of regulatory material adopted by FEC warrants publication of a CFR volume before the next normal revision date (January 1, 1977), the Office of the Federal Register will issue a special CFR edition.

In that event, the Office of the Federal Register will make an appropriate announcement in the FEDERAL REGISTER.

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 301—DESCRIPTION OF ORGANIZATION

PART 307—TECHNICAL ASSISTANCE, RESEARCH AND INFORMATION

Economic Development Administration Regional Offices

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends Part 307, Subpart D and Part 301, Subpart C of 13 CFR Chapter III, by amending §§ 307.52(a)(1) and 301.31(e).

The purpose of the above amendment is to include the new Commonwealth of the Northern Mariana Islands as eligible for assistance under the Public Works and Economic Development Act of 1965, as amended. By making the Northern Mariana Islands eligible for assistance EDA will be complying with Pub. L. 94-241 (March 24, 1976) which made available to the Northern Mariana Islands the full range of federal programs and services available to the territories of the United States.

In that the material contained herein is a matter relating to the EDA grant and loan program and because immediate corrective action is necessary, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding 13 CFR 307.52(a)(1) and 301.31(e) to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230 by July 12, 1976. All suggestions will be considered in revising or amending these regulations.

1. 13 CFR Part 307 is amended by revising § 307.52(a)(1) to read as follows:

§ 307.52 Eligible applicants.

(a) Eligible applicants under § 302(a) of the Act are:

(1) The Governor of a State or an agency designated by him, and the Chief Executive Officer of the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, and Northern Mariana Islands.

* * * * *

2. 13 CFR Part 301 is amended by revising § 301.31(e) to read as follows:

§ 301.31 Economic Development Administration Regional Offices.

* * * * *

(e) *Western.* 1700 Westlake North, Seattle, WA 98109. Serving: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Washington, and Northern Mariana Islands.

* * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121); Department of Commerce Organization Order 10-4, 40 FR 56702)

Effective date: This amendment becomes effective on June 10, 1976.

It is hereby certified that the economic and inflationary impacts of these regulations have been carefully evaluated in accordance with OMB Circular A-107.

Dated: June 4, 1976.

J. W. EDEN,
Acting Assistant Secretary for Economic Development.

[FR Doc.76-16872 Filed 6-9-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NE-20; Amdt. 39-2635]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming T5508D Model Engines

There have been failures of the compressor air bleed band on an Avco Lycoming T5508D engine. This could result in a partial power loss if the bleed band fails while the engine is operating at a power level which requires the bleed band to be closed. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to:

(a) Require a daily inspection of the compressor air bleed band for edge wear and cracks, and repair or replacement if necessary.

(b) Require replacement of the affected components with improved design components prior to July 1, 1976.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AVCO LYCOMING. Applies to all Avco Lycoming T5508D model engines equipped with P/N 2-160-147-02 retaining plate spacers and P/N 2-161-182-01 compressor air bleed bands. Compliance required as indicated.

To prevent partial power loss due to failure of the compressor air bleed band while the engine is operating at a power level which requires the bleed band to be closed, perform the following:

(a) Prior to the first flight of each day, conduct an inspection of the compressor air bleed band for edge wear and cracks, and repair or replace as necessary in accordance with the instructions in Avco Lycoming Service Bulletin, Product Support No. 5508-0003, dated November 30, 1975, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(b) Prior to July 1, 1976, replace P/N 2-160-147-02 retaining plate spacers with P/N 2-160-561-01 retainers and replace P/N 2-161-182-01 compressor air bleed band with P/N 2-161-182-03 compressor air bleed band, in accordance with the instructions in Avco Lycoming Service Bulletin, Product Support No. 5508-0007, dated April 30, 1976, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(c) Equivalent methods of compliance may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

The manufacturer's Service Bulletins identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Avco Lycoming Engine Group, Stratford Division, 550 South Main Street, Stratford,

V 41 I 113 JUN 10 76 UMI

Connecticut 06497. These documents may

Issued in Forth Worth, Texas, on

an airworthiness directive requiring in-

the second stage fan blade pin rivets.

B. Remove from service second stage fan

the disk temperature and resulted in

Connecticut 06497. These documents may also be examined at the Office of the Regional Counsel, New England Region, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the New England Regional Office in Burlington, Massachusetts.

This amendment becomes effective June 23, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts on June 2, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-16791 Filed 6-9-76;8:45 am]

[Airworthiness Docket No. 73-SW-39, Amdt. 39-2637]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 205 Series Helicopters

Amendment 39-1727 (38 FR 27045), AD 73-20-6, requires a daily inspection for cracks in the tail rotor blades, P/N 206-010-750, on Bell Model 206 series helicopters. After issuing Amendment 39-1727, the agency has determined by service experience that these mandatory daily inspections are not necessary.

The agency has not received a report of a cracked tail rotor blade being found as a result of the inspections required by AD 73-20-6. By letter dated March 30, 1976, an operator requested relief from the requirements of AD 73-20-6 since they had conducted 47,332 inspections and accumulated in excess of 71,000 hours of time in service with no evidence of a cracked tail rotor blade. Therefore, the necessity for AD 73-20-6 is obviated.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding Amendment 39-1727 (38 FR 27045), AD 73-20-6.

This Amendment 39-2637 cancels and entirely deletes AD 73-20-6 and becomes effective June 14, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Forth Worth, Texas, on May 28, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-16630 Filed 6-9-76;8:45 am]

[Airworthiness Docket No. 73-SW-60, Amdt. 39-2633]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 47B, 47B-3, 47D, 47D-1, 47E, 47G, 47G-2, and 47H-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of 50 additional tail rotor yokes before attaining 400 hours' time in service for Bell Models 47B, 47B-3, 47D, 47D-1, 47E, 47G, 47G-2, and 47H-1 helicopters was published in 41 FR 15864.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 47B, 47B-3, 47D, 47D-1, 47E, 47G, 47G-2, and 47H-1 helicopters certificated in all categories.

Compliance required as indicated.

To prevent possible fatigue failure of the tail rotor yoke, Part Number 47-641-057-9, remove and replace tail rotor yokes having Serial Number SR29-50501 through SR29-50507, SR29-50509 through SR29-50528, SR29-50530 through SR29-50533, SR29-50535 through SR29-50537, SR29-50539 through SR29-50544, and SR29-50546 through SR29-50554, as specified below.

(a) Replace those yokes with 390 or more hours' total time in service on the effective date of this AD, within 10 hours' time in service.

(b) Replace those yokes with less than 390 hours' total time in service on the effective date of this AD, prior to accumulating 400 hours' total time in service.

(c) Compliance with Bell Helicopter Company Service Bulletin Number 47-05-73-1, Revision A, dated November 18, 1975, fulfills compliance with this AD.

(d) The requirements of this AD do not affect other Model 47 series helicopter tail rotor yokes.

This amendment becomes effective July 14, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on May 28, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-16631 Filed 6-9-76;8:45 am]

[Airworthiness Docket No. 70-SW-19, Amdt. 39-2636]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, and 47H-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of bolts, Part Number 47-461-194-1, and associated blade seals, Part Number 47-641-042-3, on Bell Models 47B, 47B-3, 47D, 47D-1, 47G, 47G-2 and 47H-1 helicopters within 300 hours' time in service was published in 41 FR 15863.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, and 47H-1 helicopters certificated in all categories.

Compliance required within 300 hours' time in service after the effective date of this AD unless already accomplished.

To prevent possible fatigue failure of tail rotor hub bolt, Part Numbers 47-641-052 -3 or -5, accomplish the following:

(a) Remove and disassemble the tail rotor hub and blade assembly.

(b) Remove the metal grease seal from each tail rotor blade grip and install the seal, Part Number 47-611-012-3, in each blade grip to clear the head of the hub bolt.

(c) Remove the hub assembly bolts, Part Numbers 47-611-052 -3 or -5, from the tail rotor hub assembly. Install hub bolts, Part Number 47-611-194-1, in the tail rotor hub as specified in paragraph 6-16.e., Section VI, Models 47D-1, 47G, and 47G-2 Maintenance and Overhaul Instruction Manual, as revised August 15, 1961, or as specified by equivalent FAA approved procedures.

(d) Assemble and track and balance the tail rotor hub and blade assembly as specified in the pertinent Model Maintenance and Overhaul Instruction Manual or as specified in FAA approved equivalent procedures.

(e) Compliance with Bell Helicopter Company Service Bulletin No. 47-76-1 dated January 5, 1976, or later approved revision fulfills compliance with this AD.

This amendment becomes effective July 14, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on May 28, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-16632 Filed 6-9-76;8:45 am]

[Docket No. 76-NE-21; Amdt. 39-2639]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney JT8D Aircraft Engines

There have been numerous instances of failed second stage fan blade pin rivets on certain Pratt & Whitney JT8D aircraft engines that have resulted in liberation of the second stage fan blade. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require an inspection of the second stage fan blade pin rivets. The inspection must be accomplished prior to 1200 hours time in service since new blade pin rivets were installed, or within the next 300 hours time in service after the effective date of this AD, whichever is later, and repetitively at intervals of 600 hours time in service. In addition, the rivet and pin configuration must be replaced with an improved rivet and pin configuration by January 1, 1979.

The compliance time for the initial inspection has been established by the agency on the basis of safety considerations. To proceed with the issuance of a Notice in this instance could result in an extension of the initial inspection compliance time expressed in this AD. Therefore, accomplishment of the initial inspection required by this AD, within the time the agency has determined is necessary, makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective July 12, 1976. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested parties. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt and Whitney Aircraft JT8D -9, -11, -15 and -17 engines containing second stage fan blade pin, P/N 520456, rivet, P/N 520457, and bushing, P/N 520458.

Compliance required as indicated unless already accomplished.

A. To preclude liberation of second stage fan blades, inspect the blade pin rivet, P/N 520457, for loss of head or for missing bushing, P/N 520458, in accordance with P&WA Service Bulletin No. 4577 dated April 26, 1976, or later FAA approved revision or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, prior to the accumulation of 1200 hours time in service since new blade pin rivets were installed or within the next 300 hours time in service after the effective date of this AD, whichever is later. Inspect thereafter at intervals not exceeding 600 hours time in service since the last inspection. Remove engines from service with failed second stage fan blade pin rivets before further flight.

B. Remove from service second stage fan blade pin, P/N 520456, rivet, P/N 520457, and bushing, P/N 520458, and replace with pin, P/N 758242, and rivet, P/N 760187, or other FAA approved parts prior to January 1, 1979.

The manufacturer's service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt and Whitney Aircraft, 400 Main Street, East Hartford, Connecticut 06108.

These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at Federal Aviation Administration Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the Federal Aviation Administration at its headquarters in Washington, D.C., and at the New England Regional Office in Burlington, Massachusetts.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective July 12, 1976.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts on June 2, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-16792 Filed 6-9-76;8:45 am]

[Docket No. 76-NE; Amdt. 39-2634]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt and Whitney Aircraft JT9D Engine

There has been a rupture of a sixth stage turbine disk on a Pratt and Whitney JT9D turbofan engine. Investigation revealed a heavy oil loss due to a cracked oil pressure tube in the No. 4 bearing compartment permitting oil to leak into the turbine exhaust case diaphragm cavity. This cavity continued to fill with oil until it overflowed, through a hole in the case for the No. 4 bearing breather tube assembly, into the area between the turbine exhaust case and the sixth disk. The high temperature in this area ignited the oil which raised the disk temperature and resulted in disk rupture.

Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require a repetitive inspection of the engine tailpipe/exhaust area to determine if oil loss is occurring in the No. 4 bearing compartment area.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PRATT AND WHITNEY. Applies to all Pratt and Whitney Aircraft JT9D Turbofan Engines containing turbine exhaust cases, part numbers 701877, 728301 thru 728309, 731370 thru 731373, 731377, 731565, 738438, 739431, 741128, 746272 thru 746274, 749510, 752872 thru 752876, 754763, 756838 and 761943.

Compliance required once each day the engine is operated.

In order to preclude failure of the sixth stage turbine disk resulting from an oil fire in the No. 4 bearing area, visually inspect the engine tailpipe/exhaust case area, to determine if there is oil leakage from the No. 4 bearing area.

If oil leakage is found in the No. 4 bearing compartment area, either of the following corrective actions must be taken prior to further flight:

1. Inspect the No. 4 bearing oil pressure and scavenge tubes. Replace cracked or blocked tubes with new or serviceable parts.

2. Drill a drain hole in the turbine exhaust case inner flow path wall in accordance with Pratt and Whitney Alert Service Bulletin 4552 dated March 20, 1976, or later FAA approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt and Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

This amendment becomes effective June 22, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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Issued in Burlington, Massachusetts on June 1, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-16789 Filed 6-9-76;8:45 am]

[Airspace Docket No. 76-NE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On page 16829 of the FEDERAL REGISTER dated April 22, 1976 (41 FR 16829), the Federal Aviation Administration published a Notice of Proposed Rule Making which would alter the Madison, Connecticut, 700-foot Transition Area.

Interested parties were given thirty (30) days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted effective 0901 GMT, July 7, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Burlington, Massachusetts, on May 28, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

§ 71.181 [Amended]

In § 71.181 add the following transition area:

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the center (latitude 41°16'17" N., longitude 72°32'58" W.) of the Griswold Airport; within a 7-mile radius of the center of the airport extending clockwise from the 248° bearing to the 102° bearing.

[FR Doc.76-16790 Filed 6-9-76;8:45 am]

[Docket No. 15772; Amdt. No. 1024]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and addition covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPS are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 29, 1976.

Redding, CA—Redding Muni. Arpt., VOR Rwy 34, Amdt. 6
Redding, CA—Redding Muni. Arpt., VOR/DME Rwy 34, Amdt. 4

• • • effective July 22, 1976

Orlando, FL—Orlando Jetport at McCoy, VOR/DME Rwy 36L, Amdt. 1
Orlando, FL—Orlando Jetport at McCoy, VOR/DME Rwy 36R, Amdt. 5
Marion, IL—Williamson County Arpt., VOR Rwy 2, Amdt. 6
Marion, IL—Williamson County Arpt., VOR Rwy 20, Amdt. 8
Marion, IL—Williamson County Arpt., VOR-A, Amdt. 1
Louisville, KY—Bowman Field, VOR Rwy 32, Amdt. 9
Reidsville, NC—Shiloh Arpt., VOR/DME-A, Original
Grove City, PA—Grove City Arpt., VOR-A, Original
San Juan, PR—Puerto Rico Int'l Arpt., VOR Rwy 7 and 10, Amdt. 3

• • • effective May 28, 1976

Salt Lake City, UT—Salt Lake City Int'l Arpt., VOR Rwy. 16L, Amdt. 5
Salt Lake City, UT—Salt Lake City Int'l Arpt., VOR Rwy 16R, Amdt. 16.
Salt Lake City, UT—Salt Lake City Int'l Arpt., VORTAC Rwy 34L, Amdt. 2

• • • effective May 27, 1976

Ontario, CA—Ontario Int'l Arpt., VOR Rwy 25 (TAC), Amdt. 2
Rio Vista, CA—Rio Vista Muni. Arpt., VOR-A, Amdt. 1

• • • effective May 25, 1976

Long Beach, CA—Long Beach Arpt. (Daugherty Field), VOR Rwy 30 (TAC), Amdt. 3

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 29, 1976.

Redding, CA—Redding Muni. Arpt., LOC/DME(BC) Rwy 16, Amdt. 2

• • • effective May 25, 1976

Long Beach, CA—Long Beach Arpt. (Daugherty Field), LOC(BC) Rwy 12, Amdt. 3

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 29, 1976.

Redding, CA—Redding Muni. Arpt., NDB Rwy 34, Original

• • • effective July 22, 1976

Savannah, GA—Savannah Muni. Arpt., NDB Rwy 9, Amdt. 13
Marion, IL—Williamson County Arpt., NDB Rwy 20, Amdt. 2
Louisville, KY—Bowman Field, NDB Rwy 32, Amdt. 9

• • • effective July 15, 1976

Crescent City, CA—Jack McNamara Field, NDB Rwy 11, Original

• • • effective July 1, 1976

Laredo, TX—Laredo Int'l Arpt., NDB Rwy 17R, Original

• • • effective July 17, 1976

West Yellowstone, MT—Yellowstone Arpt., NDB Rwy 1, Original

• • • effective May 28, 1976

Salt Lake City, UT—Salt Lake City Int'l Arpt., NDB Rwy 34L, Amdt. 1

• • • effective May 27, 1976

Ontario, CA—Ontario Int'l Arpt., NDB Rwy 25, Amdt. 26

• • • effective May 25, 1976

Long Beach, CA—Long Beach Arpt. (Daugherty Field), NDB Rwy 30, Amdt. 3

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending or canceling the following ILS SIAPs, effective July 29, 1976.

Redding, CA—Redding Muni. Arpt., ILS Rwy 34, Amdt. 5

• • • effective July 22, 1976

Savannah, GA—Savannah Muni. Arpt., ILS Rwy 9, Amdt. 18
Marion, IL—Williamson County Arpt., ILS Rwy 20, Amdt. 2
Orlando, FL—Orlando Jetport at McCoy, ILS Rwy 36L, Amdt. 4

• • • effective July 1, 1976

Laredo, TX—Laredo Int'l Arpt., ILS Rwy 17R, Original

• • • effective June 17, 1976

Riverside, CA—Riverside Muni. Arpt., ILS Rwy 9, Original
West Yellowstone, MT—Yellowstone Arpt., ILS Rwy 7, Original

• • • effective May 28, 1976

Knoxville, TN—McGhee Tyson Arpt., ILS Rwy 22R, Amdt. 1

Salt Lake City, UT—Salt Lake City Int'l Arpt., ILS Rwy 16L, Amdt. 4
Salt Lake City, UT—Salt Lake City Int'l Arpt., ILS Rwy 34L, Amdt. 33

• • • effective May 27, 1976

Ontario, CA—Ontario Int'l Arpt., ILS Rwy 25, Amdt. 27

• • • effective May 25, 1976

Long Beach, CA—Long Beach Arpt. (Daugherty Field), ILS Rwy 30, Amdt. 26

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 29, 1976.

Denver, CO—Arapahoe County Arpt., RADAR-1, Amdt. 4

• • • effective May 28, 1976

Salt Lake City, UT—Salt Lake City Int'l Arpt., RADAR-1, Amdt. 11

• • • effective May 27, 1976

Ontario, CA—Ontario Int'l Arpt., RADAR-1, Amdt. 5, canceled

• • • effective May 25, 1976

Long Beach, CA—Long Beach Arpt. (Daugherty Field), RADAR-1, Amdt. 7, canceled

§ 97.33 [Amended]

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 22, 1976.

West Palm Beach, FL—Palm Beach Int'l Arpt., RNAV Rwy 13, Amdt. 2
San Juan, PR—Puerto Rico Int'l Arpt., RNAV Rwy 10, Amdt. 2

• • • effective May 25, 1976

Long Beach, CA—Long Beach (Daugherty Field), RNAV Rwy 25R, Amdt. 1
Long Beach, CA—Long Beach (Daugherty Field), RNAV Rwy 30, Amdt. 1

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on June 3, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.76-16793 Filed 6-9-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8938-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Liggett & Myers Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

In the matter of Liggett & Myers Incorporated, a corporation

Order requiring among other things, one of the largest manufacturers of dog food, located in Durham, N.C., to divest itself completely of a competitive company within one year, subject to F.T.C. approval. Additionally, the order prohibits the company from acquiring corporations engaged in selling or producing dog foods for a period of ten years.

The Final Order, is as follows: [1]

Respondent's appeal from the initial decision in this matter having been heard by the Commission upon briefs and oral argument by respondent and complaint counsel; and the Commission for the reasons stated in the accompanying opinion having concluded that the appeal should be denied;

It is ordered, That the initial decision, as supplemented and modified by the Commission's opinion in this matter, and the order contained in said initial decision, be, and hereby are adopted as the decision and order of the Commission.

Opinion of the Commission by Commissioner Nye.

The Final Order was issued by the Commission, April 29, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16810 Filed 6-9-76;8:45 am]

[Docket No. 8996-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Simeon Management Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1395 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase of deal: § 13.206 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the matter of Simeon Management Corporation, a corporation, and John D. Howell, individually and as principal investor in Simeon Management Corporation; Simeons Weight Clinics Foundation, a corporation, and Robert Van Dine, and J. William Byrd, individually and as officers of Simeons Weight Clinics Foundation; Medical Weight Loss, Inc., a corporation; Darrel P. Simpson, individually and as an officer of Medical Weight Loss, Inc.; Bariatric Medical Clinics Management Corporation, a corporation, and David L. Cunningham, individually and as an officer of Bariatric Medical Clinics Management Corporation; Harvey J. Lobelson, an individual doing business as Weight Reduction Medical Clinic: C. M. Norcal, Inc., a corporation, and HGG Weight Clinics Foundation, a corporation, and Peter J. Marengo, III, and Joseph Costa, individually and as officers of C. M. Norcal, Inc. and HCG Weight Clinics Foundation

Order requiring five independent California weight reduction clinic operators, among other things to cease failing to make conspicuous disclosure statements in advertising, and to potential purchasers that drugs used in weight reducing programs have not been approved by Federal Drug Administration as safe and effective for weight control; drugs do not cause more attractive redistribution of weight; and treatment required adherence to a 500 caloric daily diet.

The final order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

This matter having been heard by the Commission upon the separate appeals of complaint counsel and respondents from the initial decision; and

The Commission having considered the oral arguments of counsel, their briefs, and the whole record; and

The Commission, for reasons stated in the accompanying Opinion, having denied in part and granted in part the appeal of complaint counsel and having denied in full the appeal of respondents' counsel; accordingly

It is ordered, That, except to the extent that it is inconsistent with the Commission's Opinion, the Initial Decision of the Administrative Law Judge be, and it hereby is, adopted together with the Opinion accompanying this Order as the Commission's final findings of fact and conclusions of law in this matter;

It is further ordered, That the following cease and desist order be, and it hereby is, entered:

ORDER

It is ordered, That respondents Simeon Management Corporation, Medical Weight Loss, Inc., Simeons Weight Clinics Foundation, Bariatric Medical Clinics Management Corporation, C. M. Norcal, Inc., and HCG Weight Clinics Foundation, corporations, their successors and assigns and their officers, and Harvey J. Lobelson, individually and trading and doing business as weight Reduction Medical Clinic, or under any

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

other name or names, his successors and

which is likely to induce, directly or in-

It is further ordered, That each re-

[Docket No. C-2628]

described in Paragraph 12 of the order

Title 21—Food and Drugs

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other name or names, his successors and assigns, and John D. Howell, Robert Van Dine, Darrel F. Simpson, J. William Byrd, David L. Cunningham, Peter J. Marengo, III, and Joseph Costa, individually and as officers, respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution, directly or indirectly, of the "Simeon" or "Simeons" treatment for weight reduction, of any other weight reducing service, product or treatment, or of any drug do forthwith cease and desist from disseminating or causing the dissemination of any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any drug or any weight control or reduction service, treatment, or product (where such advertisement is disseminated by means of the United States mail, or by any means in or affecting or having an effect upon commerce, or where said purchase would be in or affecting or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act) when performance of said treatment or service or use of said product or drug may involve the use of HCG or any drug in any manner or for any purpose, which manner or purpose would, if included in the labeling of such drug when such drug was introduced into commerce, cause such drug to be mislabeled under the terms of the Federal Food, Drug and Cosmetic Act, or which the Secretary of the Department of Health, Education, and Welfare or his delegate has, under color or authority of that Act, determined would cause said drug to be so mislabeled, without making the following disclosure in a clear and conspicuous manner:

THESE WEIGHT REDUCTION TREATMENTS INVOLVE THE INJECTION OF A PRESCRIPTION DRUG WHICH HAS NOT BEEN APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AS SAFE AND EFFECTIVE IN THE TREATMENT OF OBESITY OR WEIGHT CONTROL. THERE IS NO SUBSTANTIAL EVIDENCE THAT THIS DRUG INCREASES WEIGHT LOSS BEYOND THAT RESULTING FROM CALORIC RESTRICTION, THAT IT CAUSES A MORE ATTRACTIVE OR "NORMAL" DISTRIBUTION OF FAT, OR THAT IT DECREASES THE HUNGER AND DISCOMFORT ASSOCIATED WITH CALORIE-RESTRICTIVE DIETS.

It is hereby provided that: (a) if the drug employed is not a prescription drug, respondents shall omit the word "prescription", (b) if the drug is not to be injected, respondents shall employ the word "use" instead of "injection", (c) if the advertised product, service, or treatment does not relate to weight reduction, respondents shall petition the Commission to request that the disclosure be reworded as is appropriate for the particular product, service, or treatment offered.

It is further ordered, That respondents cease and desist from disseminating or causing the dissemination of any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of the "Simeon" or "Simeons" treatment for weight reduction (where such advertisement is disseminated by means of the United States mail, or by any means in or affecting or having an effect upon commerce, or where said purchase would be in or affecting or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act) without disclosing, in a clear and conspicuous manner, that the treatments usually include adherence to a 500 calorie daily diet

It is further ordered, That each respondent forthwith cease and desist from failing to furnish the following disclosure to each potential subscriber to the course of weight reduction treatments he offers (where such treatment involves the use of HCG or any drug in any manner or for any purpose, which manner or purpose would, if included in the labeling of such drug when such drug was introduced into commerce, cause such drug to be mislabeled under the terms of the Federal Food, Drug and Cosmetic Act, or which the Secretary of the Department of Health, Education and Welfare or his delegate has, under color of authority of that Act, determined would cause said drug to be so mislabeled) unless at the time of sale and prior to the sale becoming final and prior to the commencement of the treatment or service or transfer to the purchaser of the product or drug, there is clearly and conspicuously disclosed to the purchaser, in writing, the following statement:

THESE WEIGHT REDUCTION TREATMENTS INVOLVE THE INJECTION OF A PRESCRIPTION DRUG WHICH HAS NOT BEEN APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION AS SAFE AND EFFECTIVE IN THE TREATMENT OF OBESITY OR WEIGHT CONTROL. THERE IS NO SUBSTANTIAL EVIDENCE THAT THIS DRUG INCREASES WEIGHT LOSS BEYOND THAT RESULTING FROM CALORIC RESTRICTION, THAT IT CAUSES A MORE ATTRACTIVE OR "NORMAL" DISTRIBUTION OF FAT, OR THAT IT DECREASES THE HUNGER AND DISCOMFORT ASSOCIATED WITH CALORIE-RESTRICTIVE DIETS.

It is hereby provided that: (a) if the drug employed is not a prescription drug, respondents shall omit the word "prescription", (b) if the drug is not to be injected, respondents shall employ the word "use" instead of "injection".

It is further ordered, That each respondent and its successor or assignee (1) deliver a copy of this Order to cease and desist to all persons now engaged, or who become engaged, in the management, advertising, promotion, or marketing of weight reducing treatments as respondent's agents, salesmen, representatives, franchisees or employees, (2) secure from each of said persons a signed statement acknowledging receipt of a copy thereof and (3) continue to engage such a person only so long as such person abides by the terms of this order.

It is further ordered, That each respondent and its successor or assignee notify the Commission at least thirty (30) days prior to any proposed change in their respective corporate respondent, successor or assignee, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment whose activities include the offering of treatments or other methods for reduction of weight or in the use of drugs which are required under the Federal Food, Drug and Cosmetic Act to be approved by the Food and Drug Administration as safe and effective for the conditions for which they are to be used and are not so approved. Such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order; and the full names and addresses of any parties to whom any respondent has sold, transferred or conveyed any interest in a business subject to the complaint which led to this order, since the date of service of said complaint. With respect to any such sale, transfer or conveyance, the report shall set forth in detail the date of each transaction, the nature and extent of any respondent's continuing interest in the business resulting from said transaction, the manner and form in which any purchaser was given notice of the pendency of the subject complaint, and any other information which may affect compliance obligations arising out of this order.

Opinion of the Commission by Commissioner Dole.

Chairman Collier having not participated in the oral argument in this matter, did not participate in its resolution.

The Final Order was issued by the Commission April 29, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16811 Filed 6-9-76;8:45 am]

[Docket No. C-2628]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Weaver Airline Personnel School, Inc., et al.

For codification under Part 13 and final order see 40 FR 15872.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the matter of Weaver Airline Personnel School, Inc., and General Educational Services Corporation

Order requiring respondents to show why order to cease and desist should not be altered and modified; reopening the proceeding; and staying and suspending until further order of the Commission the enforcement of and respondents' duty to comply with Paragraph 12 of the order.

The Order to show cause and order modifying order is as follows:

On February 24, 1976, the Commission issued an order to show cause why the Order to Cease and Desist, issued February 13, 1975, in this proceeding, should not be reopened and Paragraph 12 of said order modified and altered. Paragraph 12 requires the creation of an escrow account from which partial restitution to certain students is to be made. Complaint counsel represented to the Commission, and respondents do not deny, that federal tax liens in the amount of $564,611 may attach to such escrow account, just they they have attached to the accounts receivable of respondent Weaver Airline Personnel School, Inc.

Paragraph 12 further requires respondent Weaver to notify former students who had made partial payments towards tuition on the date the order became final of their right to partial restitution if they make affirmations as set out in the order. Since one of the affirmations is that a student has paid his tuition in full, the notifying letter would encourage former students to pay their outstanding accounts in the expectation of receiving partial restitution. The satisfaction of the federal tax liens out of the escrow account could eliminate or substantially diminish the funds in the escrow account. Therefore, to avoid the possibility that respondents' compliance with Paragraph 12 would encourage student funding of an escrow account that would not benefit the students, our Order to Show Cause proposed to modify Paragraph 12 by staying and suspending respondents' duty to comply with Paragraph 12 until further order of the Commission.

It is now clear, however, that the necessity for a permanent stay is obviated by Paragraph 13 of the order, which provides that respondent General Educational Services Corporation (GESC) will guarantee the restitution requirements imposed upon respondent Weaver Airlines under the order. Respondent GESC, in its letter of March 3, 1976, to Eric Rubin, Assistant Director for Compliance, Bureau of Consumer Protection, agrees that Paragraph 13 applies "to the eligible Weaver students described in Paragraph 12 of the order pursuant to the terms and conditions of such order." Complaint counsel suggest, however, a possible ambiguity as to the application of Paragraph 13 to Paragraph 12, believing that it is possible to read Paragraph 12 so that "respondents' obligation to pay restitution could * * * be construed as requiring the distribution of only the amount of money left in the escrow account after levy on the tax lien," and not requiring distribution by GESC on the date specified by Paragraph 12 if a payout from the escrow account is prevented by a tax lien.

We disagree with this interpretation. We recognize, however, that we are not the final arbiter in the interpretation of Commission orders, and that if a court should disagree with us as to the application of Paragraph 13 to Paragraph 12, students making payment to the escrow account might ultimately be harmed. We, therefore, find it necessary to clarify the order.

Accordingly,

It is ordered, Pursuant to § 5(b) of the Federal Trade Commission Act and § 3.72 of the Commission's Procedures and Rules of Practice, that on or before the thirtieth (30th) day after service of the Order to Show Cause upon them, respondents show cause, if any there be, why the Commission should not alter and modify said Order by issuing the following Order:

It is ordered, That the following language be added to Paragraph 12(2)(c) of the Order:

Provided, however, That if any of the sums required to be deposited into the Escrow Funds have been removed at any time or for any other reason cannot be distributed within thirty (30) days after the final date established for submission of student requests for restitution under this Paragraph, respondent General Educational Services Corporation, as guarantor, shall assure that the total sum paid in restitution under this Paragraph includes funds that have been removed, and that the total sums required to be deposited into the Escrow Fund for restitution are paid no later than sixty (60) days after the final date established for submission of student requests for restitution under this Order.

* * * * * *

Because the obligation of GESC has not been finally resolved, it is necessary to continue the stay of respondents' compliance with Paragraph 12.

Accordingly,

It is ordered, That the proceeding be, and it hereby is reopened.

It is further ordered, That the enforcement of the notification requirement of Paragraph 12 of the Order of February 13, 1975, and the respondents' duty to comply therewith be, and they hereby are, stayed and suspended until further order of the Commission.

The Order to show cause and order modifying order was issued by the Commission May 18, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16812 Filed 6-9-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 559-4; FAP3H5032/R24]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

2,4-D

On April 1, 1976, notice was given (41 FR 13984) that the Tennessee Valley Authority, 268-401 Building, Chattanooga TN 37401, had filed a petition (FAP 3H5032) with the Environmental Protection Agency (EPA). This petition proposed that CFR 123.100 be amended by establishing a regulation permitting the use of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in potable water with a tolerance limitation of 0.1 part per million for residues resulting from the application of its dimethylamine salt or its butoxyethanol ester for Eurasian watermilfoil control in programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.). Therefore, the regulation is being established as proposed.

Any person adversely affected by this regulation may, on or before July 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St, SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on June 10, 1976, 21 CFR 123.100 is amended as set forth below.

(Sec. 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348))

Dated: June 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

21 CFR 123.100 is amended by adding paragraph (d) under the paragraph beginning "0.1 part per million * * *" to read as follows.

§ 123.100 2,4-D.

* * * * * *

(d) as a result of application of its dimethylamine salt or its butoxyethanol ester for Eurasian watermilfoil control in programs conducted by the Tennessee

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Valley Authority in dams and reservoirs of the TVA system.

• • • • •

[FR Doc.76-16780 Filed 6-9-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC OPERATIONS

Traffic Control Devices on Federal-Aid and Other Streets and Highways; Correction

○ *Purpose.* The purpose of this document is to correct a citation in the regulations. ●

In FR Document 74-22948, appearing at page 35651 in the FEDERAL REGISTER October 3, 1974 (23 CFR 655.606(b)), the reference to "paragraph 8(c) of this part" is corrected to read "section 655.607(c) below."

Issued on: May 28, 1976.

DOWELL H. ANDERS,
Acting Chief Counsel.

[FR Doc.76-16335 Filed 6-9-76;8:45 am]

PART 663—BIKEWAY DEMONSTRATION PROGRAM

○ *Purpose.* The purpose of this document is to issue final regulations implementing Section 119, "Bikeway Demonstration Program," of the Federal-Aid Highway Amendments of 1974 enacted January 4, 1975, as Public Law 93-643. ●

On February 26, 1976, there was published in the Federal Register by the Federal Highway Administration an interim regulation adding Part 663 to this chapter.

The public was invited to participate in the formulation of a final regulation through the submission of written comments. Only two interested groups submitted comments on the regulations as published in the Federal Register by the March 30 deadline. However, many comments were received from State transportation agencies and FHWA field offices on the corresponding internal directive simultaneously provided to these organizations.

Much of the concern expressed in the comments was directed at the short time permitted between the date of issuance of the directive and the dates proposals for the projects had to be submitted to the State highway agencies and Washington Headquarters. Accordingly, in section 663.19 the period has been extended for 2 months. Under the final regulations, projects must be submitted to the State by August 1, 1976, and to Washington Headquarters by September 15, 1976.

A number of comments expressed concern that disqualifying all bikeway projects that are eligible for funding as incidental features of Federal-aid highway construction projects would eliminate many potential worthwhile bikeways which although eligible would never be constructed as part of the Federal-aid highway program. For this reason, § 663.5 was revised to allow bikeway projects which would be eligible as incidental features of highway projects provided the highway project has not been advanced beyond a certain stage. Where highway improvement projects are planned and the bikeway can be constructed as a part of such improvement, the bikeway should be constructed as an incidental feature of the highway construction project in accordance with Part 652 of this chapter. Section 663.5 was also revised to include the requirement in the law that an urban area must include an urban system as designated by the State highway department under section 103 (d) of Title 23 U.S.C. and in accordance with Part 473A of this chapter in order to be eligible for funding under this program.

It was suggested that, in addition to the American Association of State Highway and Transportation Officials' "Guide for Bicycle Routes," equivalent standards developed in cooperation with State or local officials and acceptable to the Division Office of FHWA be permitted. This suggestion was adopted and § 663.7 has been modified to permit the use of standards approved by the Division Offices of FHWA.

A number of comments were received from States expressing concern that although they had responsibilities as outlined in the directive they did not have any voice in the selection process. Accordingly, § 663.11 of the regulation was revised to request State comments on each proposal submitted. These comments will be considered in the selection process.

A number of comments were received expressing concern that the regulation required applicants to obtain information on previous funding of bikeway facilities by other organizations. This could be very difficult, if not impossible, in many cases so the requirement was deleted.

In its place, however, a requirement was added, to insure accommodation with 23 U.S.C. 134, that proposals contain a description of the extent to which the project plays a part in the transportation system management strategy of the Transportation Improvement Program (TIP). The extent to which the project plays a part was also made a criterion of the selection process. The TIP regulations (Part 450C of this chapter) were published in the FEDERAL REGISTER on September 17, 1975 (40 FR 42979).

A suggestion was made that informing the public of new facilities is sometimes an important consideration. Therefore, an additional requirement was added in § 663.15 making each proposal contain a brief description of the plan for informing the public of the existence and nature of the new facility.

A suggestion was made that one of the criteria for selection should be the likelihood of early implementation. This criterion was added to § 663.15 also.

Appendix A has been revised to include space for the Project Contact Person's address and telephone number.

This regulation codifies Volume 6, Chapter 9, Section 14 of the Federal-Aid Highway Program Manual.

Effective date: June 11, 1976.

Issued on: June 4, 1976.

NORBERT T. TIEMAN,
Federal Highway Administrator.

Chapter I of title 23 is amended by substituting the final regulation as Part 663 in place of the Interim Regulation.

Sec.
663.1 Purpose.
663.3 Definitions.
663.5 Eligible Projects.
663.7 Construction Standards.
663.9 Federal Participation.
663.11 Application Procedures.
663.13 Content of Proposals.
663.15 Project Selection Criteria.
663.17 Programming and Fiscal Procedures.
663.19 Submission Date.
Appendix A—Summary Sheet.

AUTHORITY: Section 119, Pub. Law 93-643, 88 Stat. 2286, 23 U.S.C. 315, 49 CFR 1.48(b).

§ 663.1 Purpose.

This part prescribes the policies and procedures for administering the Bikeway Demonstration Program which is intended to provide additional Federal funds for bikeway projects of national interest and promote bicycling as a safe and viable alternative mode of transportation for commuter and/or recreational use in urban or urbanized areas.

§ 663.3 Definitions.

As used herein:

(a) *"Bikeway."* A bicycle lane or path, a bicycle traffic control device, a shelter, a parking facility, or other support facility to serve bicycles and persons using bicycles.

(b) *"Urbanized area."* An area (of more than fifty thousand population) so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval of the Federal Highway Administrator and the Urban Mass Transportation Administrator. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

(c) *"Urban area."* An urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized areas in each State, or an urban place as designated by the Bureau of the Census, having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Federal Highway Administration. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

(d) *"State."* Any one of the fifty States, the District of Columbia, or Puerto Rico.

(e) *"Applicant."* A public agency or a nonprofit public service organization.

(f) *"Grantee."* A State, acting for itself, or on behalf of an applicant.

§ 663.5 Eligible projects.

(a) Grants made for projects under this section shall be in addition to, and not in lieu of, funds made available for bicycle projects under the provisions of Part 652 of this chapter, "Bikeways and Pedestrian Walkways in Conjunction with Federal and Federal-aid Highways." The following bikeway projects are *not* eligible for Bikeway Demonstration funds:

(1) Bikeway projects currently advanced to the "authorization to proceed" stage for any phase of work (Part 630A of this chapter), and

(2) Bikeway projects which are eligible for funding as incidental features of: current Federal-aid highway construction projects; or highway projects currently advanced to the "authorization to proceed" stage for any phase of work (Part 630A of this chapter).

(b) Bikeway demonstration projects eligible for funding shall be used for commuting and/or recreational purposes, and shall be located in urbanized areas and such other urban areas as are designated by the State highway department under subsection 103(d) of title 23 U.S.C. and in accordance with Part 473A of this chapter.

(c) Bikeway demonstration projects in urbanized areas shall be in accordance with the continuing comprehensive transportation planning process carried on cooperatively by States and local communities pursuant to Part 450A of this chapter.

(d) The provisions of title 23 U.S.C. apply. Federal-aid procedures established by existing directives are to be followed except where otherwise prescribed. Many bikeway projects will be of such a nature or magnitude that they will not have a significant impact on the environment. Therefore, in accordance with the policy prescribed in 23 U.S.C. 101(e) the timesaving procedures for specific projects outlined in § 655.506(b) of this chapter for Highway Safety Improvement Program projects should be utilized to the extent feasible.

§ 663.7 Construction standards.

The American Association of State Highway and Transportation Officials' "Guide for Bicycle Routes" or equivalent standards developed in cooperation with State or local officials and accentable to the Division Office of the FHWA shall be used as standards for the construction and design of bicycle routes. Reasonable deviations will be permitted in the interest of demonstrating innovations in bikeway design. These deviations should be briefly explained in the proposal.

§ 663.9 Federal participation.

(a) The Federal share of any demonstration project for the construction of a bikeway shall be 80 per centum of the total eligible cost of such project.

(b) Federal participation in eligible bikeway demonstration projects may include the cost of preliminary engineering, right-of-way, construction, and evaluation.

§ 663.11 Application procedures.

(a) Applicants shall submit eight (8) copies of their proposal to the appropriate State highway agency which will transmit seven (7) copies of each proposal, together with their comments, to the Regional Federal Highway Administrator through the FHWA Division Office. When the State highway agency is the applicant, only seven (7) copies need be submitted.

(b) The FHWA Regional Office shall review the proposals, together with State and Division Office comments, recommend not more than ten (10) proposals for demonstration in the Region, and transmit five (5) copies of each recommended proposal and one copy of all other proposals together with the Region's comments to the FHWA Design Division, HNG-20, Washington Headquarters. The Regional Office shall ensure that the applicants are notified of the Region's action on the proposals.

(c) The Federal Highway Administration shall make the final selection of projects on a nationwide basis. A committee composed of representatives from appropriate Department of Transportation offices will make the initial project selections and forward their recommendations to the Federal Highway Administrator for final project selection.

(d) The State Highway agency will be responsible for:

(1) Certifying the proposed project(s) as being in accordance with section 134 of title 23 U.S.C.,

(2) Making the program funds available to the selected applicants,

(3) Overseeing project evaluation and the preparation of a final evaluation report, and

(4) Ensuring that projects are completed in substantial conformance with the details outlined in the applicant's proposal.

§ 663.13 Content of proposals.

Each proposal should include as appropriate:

(a) A statement summarizing the need for the proposed project,

(b) Concise statement(s) of what the project is designed to demonstrate and the expected results and benefits,

(c) A description of project activities, including how and where the demonstration project will be implemented,

(d) A demonstration project time schedule (including future use beyond end of demonstration period) and plans for development, implementation and operation,

(e) A brief description of the area, available transportation facilities, and other proposed or existing bicycle transportation system improvements,

(f) A summary of project costs and breakdown of funding sources,

(g) A description of an evaluation plan to measure the success in achieving the project objectives,

(h) Identification of participating organizations and a statement on coordination with ongoing planning efforts,

(i) A description of the extent to which the project plays a part of a transportation system management strategy of the transportation improvement program (TIP),

(j) A determination that:

(1) For urbanized areas the project is in accordance with Section 134 of title 23 U.S.C. and

(2) A public agency will be responsible for maintenance,

(k) A one-page project summary sheet (see Appendix A), and

(l) A brief description of the applicant's plan for informing the public of the existence and nature of the new bikeway facility, if applicable.

§ 663.15 Project selection criteria.

(a) Emphasis will be on the selection of a range of projects with potential for nationwide application—differing sizes, types, and geographic locations—in which maximum benefits are achieved soon after project completion.

(b) The following criteria will be applied by FHWA Regional and Washington Headquarters in selecting demonstration projects:

(1) Application of new ideas in design, construction, operation, maintenance, utilization, and promotion of bikeways. Particular emphasis will be given to those projects that will provide a safe bicycling environment,

(2) Involvement in the project by local, State, and Federal agencies,

(3) Extent to which the project supports the development and/or implementation of any bikeway portion of a transportation system management element (TSME) being considered in the TIP,

(4) Quality of proposed monitoring and evaluation, along with the ability to modify the facility or operation as a result of that evaluation,

(5) Likelihood of early implementation, and

(6) The present and projected utility of the proposed project, and the degree to which the project will serve in satisfying community and national goals such as in reducing air pollution and energy consumption.

§ 663.17 Programming and fiscal procedures.

(a) Once a project has been approved, no further programming action is required. Project development shall be in accordance with procedures applicable to Federal-aid highway projects unless modified by this regulation.

(b) Upon selection of projects, allotments will be made to the Regional Administrators for projects located in their region. Payment of the Federal share of the costs incurred will be made through the States' current billing procedures as a construction project.

§ 663.19 Submission date.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Develop-

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§ 663.19 **Submission date.**

Proposals shall be submitted to the appropriate State Highway agency by August 1, 1976.

Proposals shall be received in the Washington Headquarters by September 15, 1976.

APPENDIX A—SUMMARY SHEET

BIKEWAY DEMONSTRATION PROJECT

1. Project Title or Identification No._____
2. Project Sponsor_____
3. Project Contact Person_____
Address: _____ Tel. No. _____
4. Type of Service: Mainly Commuter____, Mainly Recreational _____, Both _____
5. Project Length (if applicable) _____
6. Estimated Total Cost: _____
Estimated Bikeway Demonstration Funds: _____
7. Estimated Average Number of Weekly Bicyclists: _____ 1st Yr. _____ 2nd Yr.
8. Brief Summary of Demonstration Project Objectives and Expected Results (one paragraph): _____

[FR Doc.76-16775 Filed 6-9-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI-844]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Upper, Cape May County, N.J.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Upper under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Hall, Tuckhoe, New Jersey.

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tuckahoe River	Garden State Parkway	9	(1)	2,300
	Highway 9	9	(1)	600
	Dennisville Rd	9	(1)	600
	Pennsylvania-Reading Seashore RR	9	(1)	25
	Highway 49	9	(1)	150
Cedar Swamp Creek	Highway 50	9	1,850	1,850
	Tuckahoe Rd	9	4,100	6,050
Atlantic Ocean	Tyler Rd (extended)	9	4,100	4,100
	Pennsylvania-Reading Seashore RR	9	²6,700	²6,700
	Roosevelt Blvd	9	²5,600	²5,600

¹ Corporate limits.
² From corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1938), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16750 Filed 6-9-76;8:45 am]

[Docket No. FI-2015]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Washington Park, N.C.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Washington Park, North Carolina under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Washington Park Municipal Building, 419 Fairview Street, Washington Park, North Carolina 27889.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary
Pamlico River	Pine St	10	Street section south of north shoulder of Isabella Ave.
	College Ave	10	Street section southeast from point 400 ft southeast of Pine St.
	Pine St	10	Street section north from point 70 ft north of Isabella Ave.
	River Rd	10	Street section west from point 600 ft west of Hickory St.
	College Ave	10	Street section west from point 340 ft west of Pine St.
	Hickory St	10	Street section south from point 80 ft south of Small St.
	Spruce St	10	Street section south from point 170 ft south of Small St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1938), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16751 Filed 6-9-76;8:45 am]

[Docket No. FI-847]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Upland, Delaware County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determination of flood elevations for the Borough of Upland, Delaware County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Hall, Main and Castle Avenues, Upland.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
PRESENT CONDITIONS				
Chester Creek	East corporate limits	25	280	(1)
	B. & O. RR	25	440	(1)
	West 21st St. (extended)	25	240	(1)
	24th St. (extended)	26	180	(1)
	Kerlin St	26	320	(1)
	Hill St. (extended)	26	480	(1)
	8th St. (extended)	26	620	(1)
	7th St. (extended)	26	520	(1)
	4th St. (extended)	26	680	(1)
	Main St. (extended)	27	740	(1)
	Upland Rd	28	560	(1)
	West Corporate limits	29	420	(1)
Maris Run	Church St		120	80
	11th St		120	120
	Main St		120	120
Luken's Run	Roland Rd		120	80
	Church St		120	150
	North corporate limits		80	220
FUTURE CONDITIONS DUE TO NEW STORM SEWERS				
Chester Creek	East corporate limits	25	260	(1)
	B. & O. RR	25	440	(1)
	West 21st St. (extended)	25	260	(1)
	24th St. (extended)	26	280	(1)
	Kerlin St	26	260	(1)
	Hill St. (extended)	26	400	(1)
	8th St. (extended)	26	1,160	(1)
	7th St. (extended)	26	240	(1)
	4th St. (extended)	26	660	(1)
	Main St. (extended)	27	720	(1)
	Upland Rd	28	540	(1)
	West corporate limits	29	400	(1)
Maris Run	Church St		160	100

¹ Corporate limits.

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16753 Filed 6-9-76;8:45 am]

[Docket No. FI-846]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Cheltenham, Montgomery County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for Cheltenham under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Mr. Price's Office, Administration Building, 8230 Old York Road, Elkins Park.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tacony Creek	Cheltenham Ave	74	100	50
	Lwick St	86	160	40
	Central Ave	98	220	120
	Jenkintown Rd	113	125	345
	New 2d St	126	90	260
	High School Rd	144	190	45
	Old York Rd	160	55	235
	Church Rd. Bridge (at foot of Ivy Lane)	174	125	85
	Washington Lane	190	80	45
	Foot of Hescock Lane	194	80	175
	Greenwood Ave	203	75	105
	Prices Mill Rd	224	155	85
	Bickley Rd	233	540	145
	Springhouse Lane	244	120	90
	Limekiln Turnpike	253	55	40
Jenkintown Creek	Foot of Hammond Road at Jenkintown Rd.	114	165	50
	Church Rd	133	90	55
Rock Creek	Widener Rd	182	140	45
	Serpentine Lane Bridge	186	160	125
	Rock Lane Bridge	188	50	145

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 21, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16752 Filed 6-9-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 558-3; OPP-260020]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Parathion or Its Methyl Homolog

On November 12, 1974, the Environmental Protection Agency (EPA) announced (39 FR 39878) that in response to a pesticide petition (PP 1F1091) submitted by the National Agricultural Chemicals Association, 1155 15th St. NW, Washington DC 20005, a tolerance had been established for a negligible residues of the insecticide parathion or its methyl homolog in or on the raw agricultural commodities almonds, filberts, pecans, potatoes, safflower seed, sorghum, sugar beets, sugar beet tops, sugarcane, sugarcane fodder and forage, sweet potatoes, and walnuts at 0.1 part per million (ppm).

Prior to the establishment of this tolerance, an interim tolerance (40 CFR 180.319) had been established (37 FR 17554) for the raw agricultural commodities listed above at 0.1 ppm. Because a permanent tolerance has been established, it is not necessary that this interim tolerance remain codified as part of the regulations. Therefore, 40 CFR 180.319 is being amended by deleting the table entry headed "0.1 ppm" for parathion or its methyl homolog, as set forth below.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)])

Dated: June 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 180.319 [Amended]

Part 180, Subpart C, § 180.319, is amended by deleting the entry "0.1 part per million * * *" from the table entries under the heading "Parathion (*O,O,*-diethyl-*O*-*p*-nitrophenylthiophosphate) or its methyl homolog".

[FR Doc.76-16761 Filed 6-9-76;8:45 am]

[FRL 559-3; PP6F1665/R96]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Propargite

On September 19, 1975, notice was given (40 FR 43273) that Uniroyal Chemical Co., 74 Amity Rd., Bethany CT 06525, had filed a petition (PP 6F1665) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.259 be amended by establishing a tolerance for residues of the miticide propargite (2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite) in or on the raw agricultural commodities peanuts at 0.1 part per million (ppm) and peanut forage, hay, and hulls at 10.0 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated and it is concluded the tolerances should be established. The pesticide is oconsidered useful for the purposes for which the tolerance is sought. The existing tolerances for meat, milk, poultry, and eggs are adequate to cover any secondary residues resulting from the proposed use. Additional amendments to 40 CFR 180.259 are also being made at this time. Since data on cattle can be translated to horses as well, § 180.259 is being amended to include a tolerance of 0.1 ppm in the fat, meat, and meat byproducts of horses and the current tolerance for corn grain (including popcorn) at 0.1 ppm is being revised to read simply corn grain since the commodity by definition includes this variety of corn. In addition, the negligible residue (N) designation has been removed from all existing tolerances because long-term feeding studies are now available. The tolerances established by amending 40 CFR 180.259 will protect the public health.

Any person adversely affected by this regulation may, on or before July 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions for the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on June 10, 1976, 40 CFR 180.259 is amended as set forth below.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)])

Dated: June 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Title 40, Part 180, Subpart C, § 180.259, is amended and revised as follows.

§ 180.259 Propargite; tolerances for residues.

Tolerances are established for residues of the pesticide propargite (2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl ln or on the following raw agricultural commodities.

Commodity:	Parts per Million
Almonds	0.1
Almonds, hulls	55.0
Apples	33.0
Apricots	7.0
Cattle, fat	.1
Cattle, mbyp	.1
Cattle, meat	.1
Corn, fodder	10.0
Corn, forage	10.0
Corn, grain	.1
Cottonseed	.1
Cranberries	10.0
Eggs	.1
Figs	3.0
Goats, fat	.1
Goats, mbyp	.1
Goats, meat	.1
Grapefruit	5.0
Grapes	10.0
Hogs, fat	.1
Hogs, mbyp	.1
Hogs, meat	.1
Hops	15.0
Horses, fat	.1
Horses, mbyp	.1
Horses, meat	.1
Lemons	5.0
Milk, fat (0.08 ppm in milk)	2.0
Mint	50.0
Nectarines	4.0
Oranges	5.0
Peanuts	.1
Peanuts, forage	10.0
Peanuts, hay	10.0
Peanuts, hulls	10.0
Peaches	7.0
Pears	3.0
Plums (fresh prunes)	7.0
Poultry	.1
Potatoes	.1
Sheep, fat	.1
Sheep, mbyp	.1
Sheep, meat	.1
Strawberries	7.0

[FR Doc.76-16771 Filed 6-9-76;8:45 am]

[FRL 558-4; PP6E1719 & 4F1428/R91]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terbacil

PP6E1719 On April 6, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (41 FR 14527) a notice of proposed rulemaking pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act to amend 40 CFR 180.209 by establishing a tolerance for combined residues of the herbicide terbacil (3 - *tert* - butyl - 5-chloro-6-methyluracil) and its hydroxylated metabolites (calculated as terbacil) in or on the raw agricultural commodity blueberries at 0.1 part per million (ppm). This action was taken in response to a pesticide petition (PP 6E1719) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Stations of Connecticut, New Jersey, North Carolina, Pennsylvania, and West Virginia. No comments or requests for referral to an advisory committee were received with regard to this notice of proposed rulemaking.

Effective on June 10, 1976, therefore, 40 CFR 180.209 is amended as proposed. This tolerance will protect the public health.

PP4F1428 On October 26, 1973 the EPA gave notice (38 FR 29645) that E. I. DuPont de Nemours & Co., Inc., Wilmington DE 19898, had filed a pesticide petition (PP 4F1428). This petition proposed that 40 CFR 180.209 be amended by establishing tolerances for residues of terbacil and its hydroxylated metabolites (calculated as terbacil) in or on the raw agricultural commodities alfalfa (hay and forage) and birdsfoot trefoil (hay and forage) at 5 ppm, and in milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm.

This petition was subsequently amended to request the establishment of tolerances in or on alfalfa hay and forage at 5 ppm, in milk fat at 0.5 ppm (reflecting 0.1 ppm in whole milk), and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerances are sought. The tolerances established by amending 40 CFR 180.209 are adequate to cover residues resulting in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, and there is no reasonable expectation of residues in poultry and eggs as delineated in 40 CFR 180.6(a)(3). The tolerances established by amending 40 CFR 180.209 will protect the public health, and it has been concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before July 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 12, 1976, 40 CFR 180.209 is revised as set forth below.

(Secs. 408(e) and 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e) & (d)(2)])

Dated: June 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.209 is revised (1) by designating the existing tolerances as paragraph (a), (2) by adding the new paragraph (b) containing

tolerances for residues of the herbicide phenoxyacetic acid (2,4-D) in or on the

Title 42—Public Health

§ 3206.1-2 Filing of bonds.

(2) Planning and developing emer-

Title 7—Agriculture

CHAPTER XVII—FEDERAL CROP INSUR-

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tolerances for residues of the herbicide terbacil and its hydroxylated metabolites in or on alfalfa (hay and forage) at 5 ppm and blueberries at 0.1 ppm, and in milk fat at 0.5 ppm (reflecting 0.1 ppm in whole milk), and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm, and (3) by editorially restructuring the section into an alphabetized columnar listing, to read as follows:

• • • • •

§ 180.209 Terbacil; tolerances for residues.

(a) Tolerances are established for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Apples	0.1
Citrus fruits	.1
Peaches	.1
Pears	.1
Peppermint hay	.1
Spearmint hay	.1
Sugarcane	.1

(b) Tolerances are established for combined residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) and its metabolites 3-*tert*-butyl - 5 -chloro-6-hydroxymethyluracil, 6-chloro-2, 3-dihydro-7-hydroxymethyl-3,3-dimethyl-5H-oxazolo (3,2-a) pyrimidin-5-one, and 6-chloro-2,3-dihydro-3,3,7-trimethyl-5H-oxazolo (3,2-a) pyrimidin-5-one (calculated as terbacil) in or on raw agricultural commodities as follows:

Commodity:	*Parts per million*
Alfalfa, forage	5.0
Alfalfa, hay	5.0
Blueberries	0.1
Cattle, fat	.1
Cattle, mbyp	.1
Cattle, meat	.1
Goats, fat	.1
Goats, mbyp	.1
Goats, meat	.1
Hogs, fat	.1
Hogs, mbyp	.1
Hogs, meat	.1
Horses, fat	.1
Horses, mbyp	.1
Horses, meat	.1
Milk, fat (=0.1 in whole milk)	.5
Sheep, fat	.1
Sheep, mbyp	.1
Sheep, meat	.1

[FR Doc.76-16762 Filed 6-9-76;8:45 am]

[FRL 559-5; PP3E1390/R94]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-D

On April 15, 1976, the Environmental Protection Agency (EPA) proposed (41 FR 15874) that 40 CFR 180.142 be amended by establishing a tolerance for residues of the pesticide 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodity fish at 1.0 part per million. This proposal was based on a petition (PP3E1390) submitted to the Agency by the Tennessee Valley Authority, 268-401 Building, Chattanooga TN 37401. Residues of 2,4-D would result from the application of its dimethylamine salt or its butoxyethanol ester in aquatic weed control programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system. The Tennessee Valley Authority also filed a petition (FAP 3H5032) for the establishment of a food additive regulation permitting the use of 2,4-D in potable water (41 FR 13984). A regulation to this effect also appears in today's FEDERAL REGISTER.

No comments or requests for an advisory committee were received by the Agency in response to this notice of proposed rulemaking. Therefore, the regulation is being established as proposed. The tolerance established by amending 40 CFR 180.142 will protect the public health.

Any person adversely affected by this regulation may, on or before July 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on June 10, 1976, 40 CFR 180.142 is amended as set forth below.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(c)])

Dated June 10, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.142 is amended by adding the new paragraph (i) to read as follows.

§ 180.142 2,4-D; tolerances for residues.

• • • • • •

(i) A tolerance is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) for applications of its dimethylamine salt or its butoxyethanol ester for Eurasian Watermilfoil control in programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system at 1.0 part per million in or on the raw agricultural commodity fish.

• • • • • •

[FR Doc.76-16759 Filed 6-9-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 122—HEALTH SYSTEMS AGENCIES

Designation and Funding; Correction

In FR Doc. 76-8416 appearing at page 12812 in the FEDERAL REGISTER of March 26, 1976, the last sentence of paragraph (a) of § 122.209, appearing on page 12833, is corrected by adding the word, "sex", immediately following the words, "on the ground of", and immediately before the word, "age".

Dated: May 24, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: June 4, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-16841 Filed 6-9-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

[Circular No. 2397]

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

Bond Requirements

On March 1, 1976, there was published in the FEDERAL REGISTER (41 FR 8794) a notice of proposed rulemaking liberalizing the time requirement on a geothermal lessee to file a compliance bond.

Interested parties were given until March 29, 1976 to submit comments, suggestions, or objections on the proposed rulemaking. One comment was received. It recommended that in § 3206.1-1 the words "applicant" and "successful bidder" be replaced with the word "lessee." This change in wording has been made.

The rulemaking is hereby adopted amending 43 CFR Part 3200 as set forth below and shall become effective July 12, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

JUNE 3, 1976.

Subpart 3206 Lease Bonds is amended as follows:

1. Paragraph (b) of § 3206.1-1 is amended to read:

§ 3206.1-1 Types of bonds.

• • • • • •

(b) Lease compliance bond. The lessee must furnish, prior to entry on the leased lands, and thereafter maintain a bond of not less than $10,000 conditioned on compliance with all the terms of the lease.

2. Section 3206.1-2 is amended to read:

§ 3206.1-2 Filing of bonds.

A single original copy of the bond on forms approved by the Director must be filed in the proper BLM office as required and directed by the authorized officer. For unit bond forms see 30 CFR Part 271.

[FR Doc.76-16821 Filed 6-9-76;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

State Emergency Welfare Preparedness Federal Financial Participation

Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on March 15, 1976 (41 FR 10914). The purpose of the Notice was to transfer from Part V of the Handbook of Public Assistance Administration to the Code of Federal Regulations the provisions for Federal matching in State emergency welfare preparedness activities under the financial assistance titles. The basis of this amendment is the Department's belief that planning to assure continuity of public assistance during emergency situations is necessary for the proper and efficient operation of the State plan.

We received responses to the Notice from two State welfare agencies. One agency favored the proposal and the other felt that the 50 percent Federal matching rate was unrealistic, and suggested a 75 percent matching rate.

The law provides for a 50 percent matching rate for income maintenance functions under the financial assistance titles; therefore, only an amendment to legislation can alter the matching rate.

The regulations have been revised to clarify what State emergency welfare situations are.

Accordingly, the regulations as modified are hereby adopted and are set forth below:

Section 205.45(a) of Part 205, Chapter II, Title 45 of the Code of Federal Regulations is revised as set forth below:

§ 205.45 Federal financial participation in relation to State emergency welfare preparedness.

(a) Under title IV-A, Federal financial participation is available at the rate of 50 percent in expenditures for development and planning activities for emergency welfare preparedness. Such activities must relate to emergency welfare situations resulting from natural disasters, civil disorders, and enemy caused disasters, as prescribed in "Guidelines for the Preparation of State Emergency Welfare Services Plan" issued by Social and Rehabilitation Service, DHEW publication No. (SRS) 72-23004. These activities include:

(1) Safekeeping essential documents and records;

(2) Planning and developing emergency operating capability for providing food, lodging, clothing, and welfare registration and inquiry;

(3) Assuring that qualified individuals are responsible for the planning and operation of each welfare function essential under emergency conditions for care and services for public assistance recipients and potential recipients;

(4) Coordinating with other government and voluntary welfare agencies, and welfare-related business and professional organizations and associations, in developing emergency operating plans and attaining operational readiness;

(5) Preparing and maintaining data on kinds, numbers, and locations of essential welfare resources, including manpower;

(6) Developing ability to assess emergency welfare resources and determining requirements necessary to care for public assistance cases in the event of disaster or attack;

(7) Preparing plans for claiming and distributing the above resources;

(8) Developing mutual aid agreements at State and local levels with neighboring welfare organizations;

(9) Preparing and distributing written emergency operations plans for public assistance agencies and operating units;

(10) Participating in preparedness exercises for the purpose of testing plans and determining the role of public assistance programs in relation to the overall preparedness program; and

(11) Travel incidental to any of the above activities.

(b) Federal financial participation is available at 75 percent for providing training in emergency welfare preparedness for all staff and for volunteers except that, for Guam, Puerto Rico and the Virgin Islands under title IV-A, the rate is 60 percent.

(c) For Guam, Puerto Rico, and the Virgin Islands, this section is also applicable to public assistance under titles I, X, XIV, and XVI (AABD) of the Social Security Act.

(d) The cost of these activities must be allocated to all programs benefitted in accordance with Part 74, Subtitle A of Title 45 of the Code of Federal Regulations.

Effective date: This regulation is effective September 8, 1976, or earlier at State option.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance Maintenance Assistance (State Aid).)

Dated: May 12, 1976.

DON WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

Approved: June 4, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-16844 Filed 6-9-76;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 76]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

WHEAT ENDORSEMENT—APPLICABLE IN ALL STATES EXCEPT NORTH DAKOTA

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.126 of the Federal Crop Insurance Regulations contained in 7 CFR, Part 401, is amended, effective with the 1977 crop year in the following respects:

1. The heading of § 401.126 is changed to read as follows:

§ 401.126 The wheat endorsement (applicable in all States except North Dakota).

2. Section 7, *Cancellation and Termination for indebtedness dates.*

In the table at the end thereof, strike the following:

North Dakota:
Adams, Bowman, Golden Valley, and Slope Counties; June 30; Do.; (Sept. 15)
All other North Dakota counties; Dec. 31; Apr. 15

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

Except for the above nonsubstantive changes, the regulations for insuring wheat crops in all states except North Dakota remain the same. The foregoing amendment merely changes the heading and deletes any reference to North Dakota from the table at the end thereof.

This amendment was made necessary since the Board of Directors approved a separate wheat endorsement for insuring wheat crops in North Dakota which differs from the wheat endorsement under which wheat crop insurance is offered in all other states.

The rules herein do not fall within the criteria set forth by the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

Since the changes proposed above are not substantive in nature, the Board of Directors found that it would be unnecessary and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was

5. *Claims for loss.* (a) Any claim for loss

(f) Notwithstanding paragraph (e) of this

contractual provisions with respect to

and public participation prescribed by 5

provide equity of marketing opportunity

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Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

Approved on June 7, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.76-16876 Filed 6-9-76;8:45 am]

[Amendment No. 77]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

WHEAT ENDORSEMENT—APPLICABLE ONLY IN NORTH DAKOTA

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1977 crop year in the following respect:

1. The following section is added:

§ 401.153 The wheat endorsement (applicable only in North Dakota).

The provisions of this endorsement, which shall be applicable for the 1977 and succeeding crop years in those counties where the actuarial table so provides, are as follows:

1. *Insured crop.* The crop insured shall be wheat seeded for harvest as grain, as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that wheat was seeded with flax or other small grains, vetch, Austrian winter peas, or dry edible peas. Insurance shall not attach to any acreage planted for the development of hybrid seed.

2. *Annual premium.* (a) There will be a reduction in the annual wheat premium for each insurance unit of 4 percent for the first full 200 acres of insured wheat acreage on the insurance unit (hereinafter called "unit") and an additional 2 percent reduction for each additional full 100 acres: *Provided, however,* That the total reduction shall not exceed 20 percent.

(b) Whether or not the insured is eligible for the reduction provided in section 6(b) of the policy, the insured's annual wheat premium may be reduced in lieu thereof for any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured wheat crops preceding the current crop year equals or exceeds his total production guarantee based on the amount per acre shown on the county actuarial table (hereinafter called "actuarial table").

3. *Production guarantee.* The production guarantee per acre shown on the actuarial table shall be increased by 1.5 bushels for any harvested acreage on which the amount harvested is 1.5 or more bushels per acre.

4. *Insurance period.* Insurance on any spring-seeded insurable wheat acreage shall attach at the time the wheat is seeded. Insurance on any fall-seeded insurable wheat acreage shall attach on the April 15 following seeding: *Provided,* That there is an adequate stand of wheat on such acreage on this date to produce a normal crop for the area as determined by the Corporation. Insurance shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the wheat is normally harvested.

5. *Claims for loss.* (a) Any claim for loss shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of wheat on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) substracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his insurable acreage or interest the amount of loss shall be determined with respect to all of his insurable acreage and interest, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted on any acreage of wheat (1) which, with the consent of the Corporation, is seeded in the current crop year, before harvest becomes general, to any other crop insurable in the county for the current crop year under the regulations of the Corporation, shall be 50 percent of the production guarantee for such acreage or the appraised production, whichever is greater; (2) which is unharvested or from which the production harvested is less than 1.5 bushels per acre shall be the appraised production and the harvested production in excess of 1.5 bushels per acre, except as to the acreage referred to in the following items (3) and (4); (3) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (4) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(e) In determining total production, volunteer small grains, volunteer Austrian winter peas, volunteer dry edible peas, and volunteer vetch growing with the seeded wheat crop and small grains seeded in the growing wheat crop on acreage on which the Corporation has not given its consent to be put to another use, shall be counted as wheat on a weight basis.

(f) Notwithstanding paragraph (c) of this section for determining production to be counted, the production to be counted of any threshed wheat which does not grade No. 3 or better, and, in addition, does not grade No. 5 or better on the basis of test weight only but otherwise grades No. 3 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period, and would not meet these grade requirements if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged wheat as determined by the Corporation, by the market price per bushel at the local market at the time the loss is adjusted for wheat grading No. 2, or if the damaged wheat has been sold, by dividing the value of the damaged wheat by the No. 2 price on the date of sale at the local market, and (2) by multiplying the result thus obtained by the number of bushels of such damaged wheat.

If the threshed wheat does grade No. 5 or better on the basis of test weight only, and otherwise grades No. 3 or better, and it is determined that the production contains a moisture content of 15 percent or more, such production shall be reduced 1.2 percent for each full percentage point in excess of 14 percent.

6. *Meaning of terms.* For purposes of insurance on wheat the term:

(a) "Harvest" means the mechanical severance from the land of matured wheat for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date is the December 31 and the termination date for indebtedness is the April 15 immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

The foregoing amendment will establish regulations for insuring wheat crops only in North Dakota effective with the 1977 crop year, combining the offer of protection on spring-seeded and fall-seeded wheat. The principle differences from the standard wheat crop insurance endorsement applicable in all states except North Dakota are (a) the provision that insurance shall not attach on any acreage planted for the development of hybrid seed, (b) the provisions for the attachment of insurance on the two types of wheat grown in North Dakota, spring-seeded and fall-seeded, found in section 4 which will serve to eliminate any adverse selectivity, and (c) define the cancellation and the termination for indebtedness dates to accommodate both crops.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

It is desirable that the above amendment be made effective with the 1977 crop year, and notice of changes must be given to present insureds by June 15, 1976. It would therefore be impossible to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the

contractual provisions with respect to filing such changes in time to be effective for the 1977 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

Approved on June 7, 1976.

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.

[FR Doc.76-16877 Filed 6-9-76;8:45 am]

[Amendment No. 78]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPLICATION

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.103 of the Federal Crop Insurance Regulations, contained in 7 CFR Part 401, is amended, effective beginning with the 1977 crop year in the following respects:

§ 401.103 [Amended]

1. Section 401.103(a)(2), in the fifth and sixth lines thereof, is amended by striking out the words "North Dakota and" immediately following the word "in", and immediately before the words "South Dakota".

2. The portion of the table relating to "Closing Dates" following paragraph (a) of § 401.103 of this chapter under the heading "Wheat" is amended by striking out the portion reading as follows:

"North Dakota:
Adams, Bowman, Golden Valley, and Slope Counties; Do.: (Sept. 15)
All other North Dakota counties; Apr. 15",

and inserting in lieu thereof, the following:

"North Dakota; Apr. 15.

(Secs. 506, 516, 52 Stat. 73 as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

The proposed amendment will make no substantive changes in the regulations except to make the closing date for all North Dakota counties April 15.

The rules herein do not fall within the criteria set forth by the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

Since the changes proposed above are not substantive in nature, the Board of Directors found that it would be unnecessary and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

Approved on June 7, 1976.

[SEAL] PETER F. COLE,
Secretary,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.76-16878 Filed 6-9-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 384]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period June 11–17, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.684 Navel Orange Regulation 384.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues reasonably firm. Prices f.o.b. averaged $3.07 a carton on a reported sales volume of 636 carlots last week, compared with an average f.o.b. price of $3.20 per carton and sales of 991 carlots a week earlier. Track and rolling supplies at 291 cars were down 112 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period June 11, 1976, through June 17, 1976, are hereby fixed as follows:

(i) District 1: 500,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. plement), and so forth, in paragraph 1 ture, the other revisions are matters of

the National Office; paragraph (b) (3) (i) Number of farms with production loss: the State Director. The authority to

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17144 Filed 6–9–76;11:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.1]

PART 1831—OPERATING LOANS

Subpart A—Operating Loan Policies and Authorizations

MISCELLANEOUS AMENDMENTS

Section 1831.12 of Subpart A of Part 1831, Title 7, Code of Federal Regulations (37 FR 14858) is amended. Paragraphs (a)(2) and (6)(ii) are revised to include contract rights into the broadened definition of accounts; paragraph (a)(9) is amended by adding a sentence to point out the possible need for State Supplements to further explain the taking of a security interest in fixtures since the Uniform Commercial Code (UCC) provisions regarding fixtures was altered. These provisions are being published without notice of proposed rulemaking since Farmers Home Administration is merely allowing for compliance with the 1972 amendments to the UCC, and providing for these regulations to be suitable to those States which have adopted the Model UCC. For that reason, public notice and procedure thereon are unnecessary. Accordingly, the last sentence in § 1831.12(a)(2) and the last sentence in paragraph (a)(6)(ii) are revised; and paragraph (a)(9) is amended by adding a sentence to the end of this paragraph.

As revised and added, the last sentences in § 1831.12 (a)(2) and (6)(ii), and paragraph (a)(9) reads as follows:

§ 1831.12 Security policies.

(a) • • •

(2) *Crops grown under contract when title to the crop is held by the contractor.* • • • In UCC States, if an assignment on the crop income is taken, such assignment will constitute a security agreement on such income and the share lease, share agreement, or contract will be described specifically, or as "Contract Rights" or as "Contracts Rights in Crops" (or "Accounts" or "Accounts in Crops", if required by a State Supplement), and so forth, in paragraph 1(b) of the financing statement.

• • • • • •

(6) • • •

(ii) • • • In UCC States, if an assignment on the livestock income is taken, such assignment will constitute a security agreement on such income and the share lease, share agreement, or contract will be described specifically, or as "Contract Rights" or as "Contract Rights in Livestock" (or "Accounts" or "Accounts in Livestock," if required by a State Supplement), and so forth, in paragraph 1 (b) of the financing statement.

• • • • • •

(9) *Real estate.* • • • When determined necessary by the State Director and OGC, a State Supplement will be issued to further explain the taking of a security interest in fixtures.

• • • • • •

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10 P.L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. These amendments are effective on June 10, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–16881 Filed 6–9–76;8:45 am]

[FmHA Instruction 441.3]

PART 1831—OPERATING LOANS

Subpart B—Operating Loan Processing

MISCELLANEOUS AMENDMENT

Section 1831.32(h) of Subpart B of Part 1831, Title 7, Code of Federal Regulations (37 FR 14858; as amended at 38 FR 14155) is amended to change the word "loan" to "advances planned." It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER inasmuch as the change is administrative in nature and does not affect the public's interest.

The fourth sentence of § 1831.32(h) as revised, reads as follows:

§ 1831.32 Loan forms and routines.

• • • • • •

(h) *Form FmHA 444–1, "Promissory Note."* • • • The first installment may not be less than the amount equal to interest on the advances planned from the estimated date of closing to January 1 of the next calendar year. • • •

• • • • • •

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. These amendments are effective June 10, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–16881 Filed 6–9–76;8:45 am]

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures, and Authorizations

MISCELLANEOUS REVISIONS

Various sections of Subpart A of Part 1832, Title 7, Code of Federal Regulations (40 FR 42321) are revised. Some of these revisions, including changes in Appendixes I and III, are editorial in nature, the other revisions are matters of internal agency procedures.

Therefore, it is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER.

As amended, various sections of Subpart A of Part 1832 and changes in Appendixes I and III read as follows:

1. In § 1832.3(x), the last two sentences are revised to change "USDA State Emergency Memorandum No. 54" to "USDA Emergency Operations Handbook (EOH);" Paragraph (z)(7) is added to this section to include "EOH" in the list of abbreviations, and paragraphs (z)(7) through (z)(19) are redesignated as (z)(8) through (z)(20) without change.

As amended, § 1832.3 (x) and (z) read as follows:

§ 1832.3 Definitions.

• • • • • •

(x) *USDA Emergency Board.* • • • The SEB's and the CEB's natural disaster responsibilities are contained in "USDA EMERGENCY OPERATIONS HANDBOOK (EOH)." A copy of the EOH is available for inspection at any State Office or County Office of the FmHA or ASCS, and in the National Office of FmHA at 14th and Independence Avenue SW., Washington, DC 20250.

• • • • • •

(z) *Abbreviations.* A list of abbreviations used in this regulation and their meaning are listed below.

• • • • • •

(7) EOH—USDA Emergency Operations Handbook.

(8) FDAA—Federal Disaster Assistance Administration.

• • • • • •

(20) United States Department of Agriculture.

• • • • • •

2. In § 1832.9(b)(1) the first sentence is revised by deleting reference to "USDA State Emergency Memorandum No. 54;" paragraph (b)(2) is revised by changing the parenthetical reference to read "(in accordance with paragraphs 68 and 70 of the EOH);" paragraph (b)(3) is amended by adding subdivision "(iii) SEB members." As amended § 1832.9(b)(1), (2) and (3) read as follows:

§ 1832.9 Reporting natural disasters.

• • • • • •

(b) *Action.* • • •

(1) The County Supervisor will report immediately to the CEB the occurrence of any natural disaster causing substantial property loss, damage, or injury, including severe production losses in his County Office area, regardless of whether EM loans will be needed.* • •

(2) The CEB will report the natural disaster (in accordance with paragraphs 68 and 70 of the EOH) to:

(3) • • •

(iii) SEB members.

• • • • • •

3. Section 1832.10 is amended as follows:

a. Paragraph (b)(3) is revised to provide that the State Director will take the required actions upon notification from the National Office; paragraph (b)(3)(i) and (b)(4) are revised to change reference to "USDA Emergency Memorandum No. 54" to "EOH."

b. A new paragraph (b)(5) is added to require County Supervisors to provide additional information as an attachment to Damage Assessment Reports (DAR).

c. Former paragraphs (b)(5) through (b)(8) are redesignated (b)(6) through (b)(9) and revised in part as follows:

i. Paragraph (b)(6) is revised to change "and recommendation" at the end of the first sentence and insert "or nonconcurrence;" at the end of the last sentence, "with the SEB recommendation" is deleted.

ii. Paragraph (b)(7) is revised to conform with changes made in processing Damaged Assessment Reports; paragraphs (b)(7)(i) and (iii) are revised for editorial purposes.

iii. Paragraph (b)(9) is revised to delete "Secretarial Disaster Designation Number."

iv. Paragraph (c) is revised to delete "and the CEB" from the second sentence; paragraph (c)(1) is revised to delete "State Director Authorization Number" from the first sentence; paragraph (c)(3) is revised to provide for the attachment to the DAR to be sent to the National Office and to change "CEB" to "an Indian Tribal Council."

As amended, § 1832.10 (b) and (c) read as follows:

§ 1832.10 Making EM loans available.

• • • • • •

(b) *Designation by the Secretary of Agriculture.*

• • • • • •

(3) Upon receiving his copy of the Governor's request or notification from the National Office the State Director will immediately take the following actions:

(i) Advise the SEB Chairman that a DAR is needed in accordance with the EOH for the requested county or counties. The State Director will request the SEB Chairman, to ask the CEB Chairman to invite the county governing body to participate in the CEB meeting. The SEB Chairman will ask the CEB Chairman to have his DAR in by a specific date.

• • • • • •

(4) The CEB meets and prepares the DAR in accordance with the EOH. The county governing body of its appropriate representatives will be encouraged to attend the CEB meeting. The completed DAR will be sent to the SEB Chairman.

(5) When a DAR has been prepared by CEB and sent to the CEB, the County Supervisor will also provide the following additional information, to the State Director, as agreed upon by the CEB:

Attachment to DAR Dated: ---------- 19----
State: ---------- County:----------

Number of farms with production loss:

100 pct loss	------
90 to 99 pct loss	------
80 to 89 pct loss	------
70 to 79 pct loss	------
60 to 69 pct loss	------
50 to 59 pct loss	------
40 to 49 pct loss	------
30 to 39 pct loss	------
20 to 29 pct loss	------
Less than 20 pct loss	------

Number of farms with physical loss:

Major loss	------
Minor loss	------

County Supervisor

(6) The SEB Chairman shall edit each county DAR as necessary in cooperation with FmHA and other board members as appropriate and indicate the SEB concurrence or non-concurrence. The SEB Chairman will provide the FmHA State Director a copy of the completed DAR.

(7) When the State Director receives a copy of the completed DAR from the SEB Chairman, he will attach the additional information received from the County Supervisor in accordance with paragraph (b)(5) of this section, review each DAR with attachment and take one of the following actions:

(i) Refer the DAR to the National Office, Attention: Director, Emergency Loan Divisions, by letter, recommending the county for designation and providing his comments. These comments should indicate his views on the entire situation as it relates to the need for EM loans as a direct result of the natural disaster. If he has additional supporting information not contained in the DAR, he should present this information.

• • • • • •

(iii) If EM loans are needed and not more than 25 farmers in a county have been affected, the State Director can authorize EM loans in accordance with paragraph (c) of this section.

• • • • • •

(9) When a county is designated by the Secretary of Agriculture, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the type of disaster; the county or counties designated; the termination dates for receiving EM loan applications; the incidence period for the disaster; the SDDN (Example: A205); and the date loan activity reporting will commence. The Governor of the state and each Senator and Congressman representing the area involved will be notified simultaneously of the action taken.

• • • • • •

(c) *State Director Authorization.* If the State Director finds in any county that the requirements of paragraph (b)(1)(i), (ii), and (iii) of this section are met, except that 25 or less farmers have been substantially affected by the natural disaster, EM loans may be authorized by the State Director. The authority to make EM loans available by the State Director will only be exercised after the Governor, the county governing body or its authorized representative, or an Indian Tribal Council has made a formal written request for such action to the State Director and he has given prior notice to the National Office by telephone. This authorization may not be used to make EM loans available immediately in anticipation of a later designation by the Secretary of Agriculture based on the same natural disaster.

(1) The SDAN (Example: N186), termination dates for receiving EM loan applications, the date loan reporting will commence, and the incidence period for this disaster will be established by the National Office when the prior telephone notice is given.

• • • • • •

(3) The State Director will send to the National Office a copy of his authorization letter written to the County Supervisor; the DAR and attachment; and the formal written request from the Governor, the county governing body or its authorized representative, or an Indian Tribal Council.

• • • • • •

4. Section 1832.21 (a) and (b) are revised as follows: Paragraph (a) is revised to indicate that the prevailing market rates of interest are shown in Subpart A, Part 1810 of this Chapter, and that these rates are established by the Secretary of Agriculture, on July 1, and January 1 of each year; Paragraph (b) is revised to delete the last two sentences which are now added to Paragraph (a).

§ 1832.21 Rates and terms.

(a) *Interest rates.* The interest rates for EM loans for actual losses will be 5 percent. The interest rate for EM loans made under § 1832.20 (b) and (c)(2) (Subtitle B purposes), and made under § 1823.20(c)(1) (Subtitle A purposes), will be at an interest rate prevailing in the private market for similar loans, as determined by the Secretary of Agriculture. The prevailing market rates are specified in Subpart A of Part 1810 of this chapter. These interest rates, for other than actual losses, will be reviewed in June and December of each year with new interest rates established on July 1 and January 1 of each year by the Secretary. Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance.

(b) *Terms of loans.* EM loans will be scheduled for repayment in annual installments as set forth below, consistent with the applicant's reasonable ability to pay. This will be determined by his operations as reflected in his farm and home plan.

• • • • • •

5. Appendix I is amended as follows: Paragraph III, A, and C, are revised to

change "USDA State Emergency Memo-

SUBCHAPTER F—SECURITY SERVICING

fully considered and taken into account

Sec.

§ 805.2 General definitions.

directly and/or indirectly, an equivalent interest

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change "USDA State Emergency Memorandum No. 54" to "USDA Emergency Operations Handbook (EOH)," wherever it appears; Paragraph III, D is revised for editorial purposes.

As revised, paragraphs III A, C, and D read as follows:

APPENDIX I

RELATIONSHIP BETWEEN FARMERS HOME ADMINISTRATION (FmHA) AND THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION (FDAA)

* * * * * *

III * * *

A. When a request is made by FDAA for information on losses and damages caused by a natural disaster, FDAA will be advised to contact the State Emergency Board (SEB) Chairman. USDA Emergency Handbook (EOH) provides that the SEB and County Emergency Board (CEB) will prepare the Department's "Damage Assessment Report." State Directors and County Supervisors should cooperate with SEB and CEB Chairmen in preparing the reports.

* * * * * *

C. If a request is made by FDAA for FmHA employees to man FDAA's "Disaster Assistance Centers," it will be advised to contact the SEB Chairman. The EOH provides that the SEB Chairman shall select qualified U.S. Department of Agriculture (USDA) personnel to represent USDA at each center. State Directors should cooperate with the SEB Chairman in providing personnel for these Centers.

D. If FDAA requests State Directors for disaster lending activity reports, it will be advised that reports cannot be made more often than monthly as established by applicable FmHA regulations (FmHA Instruction 492.7). However, State Directors, as authorized by applicable FmHA regulations (paragraph III B 4 of FmHA Instruction 492.7), may authorize County Supervisors to report on Form FmHA 492-7, "Report of EM Loan Applications," more frequently than monthly, but not more often than weekly, providing they need such information in administering the EM loan program.

6. Appendix III is revised by adding a note at the end of this Appendix to indicate that the USDA Emergency Memorandum No. 54 has been replaced by the USDA Emergency Operations Handbook, as follows:

APPENDIX III

MEMORANDUM OF UNDERSTANDING AND COORDINATION BETWEEN THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS) AND THE FARMERS HOME ADMINISTRATION (FMHA) PERTAINING TO DISASTER TYPE ASSISTANCE

* * * * * *

NOTE.—USDA Emergency Memorandum No. 54 which is referred to in paragraph II B of this Appendix has been replaced by the USDA Emergency Operations Handbook (EOH).

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This document shall be effective on June 10, 1976.

Dated: May 21, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16882 Filed 6-9-76;8:45 am]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FmHA Instruction 462.1]

PART 1871—CHATTEL SECURITY

Subpart A—Servicing Chattel Security

MISCELLANEOUS AMENDMENT

Section 1871.4 of Subpart A of Part 1871, Title 7, Code of Federal Regulations (36 FR 1110) is amended. Paragraph (f) (1) (ii) is amended by revising the second sentence to indicate when to take an additional Security Agreement in order to comply with the 1972 version of the UCC. This amendment will, therefore, serve to point out the possible need to issue State Supplements. This amendment is hereby published without notice of proposed rulemaking because it merely recognizes change in State laws in those States which have adopted the Model UCC. For that reason, public notice and procedure thereon are unnecessary.

In § 1871.4, the second sentence in paragraph (f) (1) (ii) is revised to read as follows:

§ 1871.4 Keeping security instruments current and taking additional security.

* * * * * *

(f) * * *

(1) * * *

(ii) *Security Agreements.* * * * A State Supplement will be issued when considered necessary by the State Director and OGC to further explain the situations requiring the taking of an additional Security Agreement. * * *

* * * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment is effective on June 10, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16883 Filed 6-9-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS, U.S. DEPARTMENT OF COMMERCE

PART 805—PRELIMINARY SURVEY OF INTERNATIONAL LEASING TRANSACTIONS IN 1975

Final Adoption

On April 20, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 16559). The public was given the opportunity to submit written comments, data, views, arguments, objections, or suggestions pertaining to the proposed survey regulations prior to their publication in final form. Comments were also solicited from interested parties by the Office of Management and Budget in July, 1975, pursuant to its authority under the Federal Reports Act (44 U.S.C. 3501 et seq.). All suggestions and comments received have been carefully considered and taken into account in the survey regulations published herein. The changes resulting from public suggestions and comments in these regulations are of a clarifying nature and include the following: (1) The filing date was extended to August 31, 1976. (2) The specification of the exemption from filing BE-811 was clarified to exempt a United States person otherwise required to report, if, at both the beginning and end of the reporting period, the sum of the aggregated original cost of the tangible property leased to unaffiliated foreigners and from unaffiliated foreigners worldwide was less than $250,000. (3) The rules are adopted as final permanent regulations.

The survey will be taken pursuant to the authority of the Bretton Woods Agreements Act (22 U.S.C. 286f) and Executive Order 10033. The preliminary survey was approved by the National Advisory Council on International Monetary and Financial Policies on February 24, 1976, and by the Office of Management and Budget on March 16, 1976.

The following forms are to be used in the survey: BE-580 (Leasing of Tangible Property to or from Foreign Affiliate in 1975), BE-608 (Leasing of Tangible Property to or from Foreign Parent in 1975), BE-810 (Leasing of Reusable Cargo Containers to or from Foreign Residents in 1975), BE-811 (Leasing of Tangible Property to or from Unaffiliated Foreigners in 1975). The survey will collect data on a country-by-country basis and will measure the book value of property being leased, the change in book value, and the size of lease payments.

The preliminary survey will collect data for the year 1975. The survey is designed to measure the extent of international leasing transactions (excluding real estate) by direct investors, leasing companies, vessel owners, offshore drilling and service firms, banks and other financial institutions, and other persons, and their effect on the U.S. balance of payments. It also will provide the information necessary to determine whether any leasing transactions are being covered in existing reporting systems, although not separately identified as such, and whether separate data series should be constructed and included as a separate entry in the balance of payments accounts. Thus, if the results of the preliminary survey reflect a need to continue gathering data in this area, these regulations will be appropriately revised.

This part becomes effective on June 10, 1976.

Accordingly, Part 805 is promulgated as set forth below.

Sec.
805.1 Who must report.
805.2 General definitions.
805.3 Number of copies.
805.4 Estimates.
805.5 Filing date.
805.6 Special filing procedures.

Sec.
805.7 Where to send reports.
805.8 Confidentiality.
805.9 Penalty for refusal to file.
805.10 Information regarding preparation of reports.

AUTHORITY: 22 U.S.C. 286f and Executive Order 10033.

§ 805.1 Who must report.

(a) *United States person who engaged in leasing transactions with its foreign affiliates.* One Form BE-580 (Leasing of Tangible Property to or from Foreign Affiliate in 1975) must be filed by a U.S. person for each foreign affiliate for which it filed a Form BE-577, BE-577A, BE-578, BE-578B, or BE-578I in 1975, and with which affiliate it engaged in lease transactions. Foreign affiliates should be consolidated as reported on Form BE-577, BE-578, BE-578B, or BE-578I for 1975.

(b) *United States person who engaged in leasing transactions with its foreign parent or a foreign affiliate of its foreign parent.* One Form BE-608 (Leasing of Tangible Property to or from Foreign Parent in 1975) must be filed by a U.S. person for each foreign parent or foreign affiliate of a foreign parent for which the U.S. person filed a Form BE-605, BE-606, BE-606B, or BE-606I in 1975, and with which the U.S. person had leasing transactions. The same consolidation of U.S. business enterprises should be used on this form as used on the corresponding BE-605, BE-606, BE-606B, or BE-606I for 1975.

(c) *United States person, not a carrier, who leases or who manufactures and sells reusable cargo containers to foreigners.* The above person must file a report on Form BE-810 (Leasing of Reusable Cargo Containers to or from Foreign Residents in 1975). A U.S. person otherwise required to report is exempt from filing a report on Form BE-810 if the sum of both lease receipts and payments for the reporting period is less than $50,000.

(d) *United States person who engaged in leasing transactions with unaffiliated foreigners.* The above must file a report on Form BE 811 (Leasing of Tangible Property to or from Unaffiliated Foreigners in 1975). One Form BE-811 is to be filed for each country with which the U.S. person conducted leasing transactions. A consolidated report may be filed covering all transactions with more than one unaffiliated foreigner within a country. A United States person otherwise required to report is exempt from filing Form BE-811 if, at both the beginning and end of the reporting period, the sum of the aggregated original cost of the tangible property leased to unaffiliated foreigners and the tangible property leased from unaffiliated foreigners worldwide was less than $250,000.

(e) United States carriers leasing ships or reusable cargo containers to or from foreigners should report on BE-30 (Ocean Freight Revenue and Expenses—United States Carriers) or BE-37 (American Airline Operators Foreign Revenues and Expenses).

§ 805.2 General definitions.

For the purpose of these reports, the following definitions are prescribed:

(a) *United States.* United States shall mean the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) *Foreign.* Foreign shall mean that which is situated outside the United States: belonging to, characteristic of, or under the jurisdiction of a country or political entity other than the United States.

(c) *U.S. Person.* A U.S. person shall mean an individual, a government, a corporation, a branch, a partnership, an associated group, a joint stock company, a trust, an estate, or other entity under the jurisdiction of the United States and residing in the United States, including its territories and possessions.

(d) *Associated Group.* An associated group shall mean two or more U.S. persons who, by the appearance of their actions, by agreement, or by understanding, exercise their voting privileges in a concerted manner to influence the management of a foreign business enterprise. The following are deemed to be associated groups:

(1) Members of the same family.

(2) A business enterprise and one or more of its officers or directors.

(3) Members of a syndicate or joint venture.

(4) A corporation and its domestic subsidiaries.

(e) *Reporter.* A U.S. reporter shall mean a U.S. person from whom a report is required. If the U.S. person is an enterprise that is not identifiable by name, the report may be filed on behalf of the U.S. person by an agent or representative or by the beneficial owner.

(f) *Foreign Person.* Foreign person shall mean any person, including U.S. persons, residing outside the United States. A person shall include an individual, partnership, association, corporation, estate, trust, or other entity created or organized under the laws of a foreign country.

(g) *Foreign Parent.* A foreign parent shall mean any foreign person directly and/or indirectly owning 10 percent or more of the voting securities of a U.S. corporation or of other ownership equities in other types of U.S. organizations. In some cases there may be more than one parent. (If the amounts being reported are for transactions or accounts of the U.S. reporter with a person who is not the equity owner but who is acting for the equity owner—for example, with the home office of a bank or an insurance company which itself is not the equity owner—that person shall be considered the foreign parent for purposes of the report.)

(h) *Foreign Affiliate.* A foreign affiliate shall mean any incorporated foreign business enterprise in which a U.S. person owns, directly and/or indirectly, 10 percent or more of the voting securities, or any unincorporated foreign business enterprise in which the U.S. person owns, directly and/or indirectly, an equivalent interest.

(i) *Affiliated Foreigner.* An affiliated foreigner shall mean either a foreign affiliate of a U.S. person or a foreign parent (including foreign affiliates of the foreign parent) of a U.S. person.

(j) *Unaffiliated Foreigner.* An unaffiliated foreigner shall mean any foreigner who is neither a foreign affiliate of a U.S. person nor a foreign parent (including foreign affiliates of the foreign parent) of a U.S. person.

(k) *Carrier.* Carrier shall mean the owner of a vessel or the operator of a chartered or subchartered vessel, who enters into and carries out any form of transportation contract with the shippers of merchandise.

(l) *Lease.* Lease shall mean a contract by which one person gives another person the use and possession of tangible property (other than real estate) for a specified time in return for agreed-upon payments.

(1) *Financial Lease* shall mean a long-term lease under which a sale of the property is recognized at the inception of the lease (these may be shown as lease contracts or accounts receivable on the lessor's books). Total lease payments made pursuant to the lease agreement consist of payments of principal (return of capital), which relate to the value of the leased tangible property, and interest.

(2) *Operational Lease* shall mean a lease with a term which is less than the useful life of the property. Total lease payments pursuant to the lease agreement may be viewed as consisting of depreciation (return of capital) of the leased tangible property and net rent.

NOTE: In determining whether a lease is financial or operational, reporters should use the same criteria applied in recording the lease on their books.

(m) *Net Book Value.* Net Book Value shall mean, under an operational lease, the original cost less the accumulated depreciation of the leased tangible property, or, under a financial lease, the amount of principal payments remaining due at any given time for the leased tangible property under the lease contract.

§ 805.3 Number of copies.

A single original copy of each form shall be filed with the Bureau of Economic Analysis.

§ 805.4 Estimates.

Every question on a form which a reporter is required to file must be answered. If the information is not available as specified on the form, a reasonable estimate should be entered and labeled as such. If there is no basis for such an estimate, state, "unknown" with an appropriate explanation.

§ 805.5 Filing date.

Forms shall be filed on or before August 31, 1976, or no later than 60 days after publication of final regulations in the FEDERAL REGISTER, whichever date is later. If additional time is required

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for completion, extensions may be ar-

proposed to amend the rules on main-

ments of Pub. Law 92-205 as amended.

for completion, extensions may be arranged through written application to the Balance of Payments Division BE-58(L), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230.

§ 805.6 Special filing procedures.

When data specified on a report form are not available to the reporter, or when consolidation beyond that specifically provided for above would reduce reporting burden without loss of significant information, the reporter may apply in writing to the Balance of Payments Division BE-58(L), Bureau of Economic Analysis, Department of Commerce, Washington, D.C. 20230, for consideration of the specific problem.

§ 805.7 Where to send reports.

All reports shall be sent to the Balance of Payments Division BE-58(L), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230.

§ 805.8 Confidentiality.

(a) All reports will be held in strict confidence pursuant to the provisions of the Bretton Woods Agreements Act (22 U.S.C. 286f).

(b) The public's attention is invited to 22 U.S.C. 286f(c) which provides for a fine and/or imprisonment for the unlawful disclosure by an officer or employee of the Government of any information obtained under the Bretton Woods Agreements Act.

§ 805.9 Penalty for refusal to file.

The public's attention is invited to 22 U.S.C. 286f(b) which provides subpoena power to the Government to compel the production of data and enforcement of that power through contempt proceedings in a U.S. district court.

§ 805.10 Information regarding preparation of reports.

Anyone desiring information concerning these reports, or copies of forms, may apply directly to the Bureau of Economic Analysis BE-58(L) U.S. Department of Commerce, Washington, D.C. 20230. Each reporting form contains the specific instructions needed for completion.

Dated: June 2, 1976.

GEORGE A. JASZI,
Director, Bureau of Economic Analysis.

[FR Doc.76-16873 Filed 6-9-76;8:45 am]

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER A—GENERAL REGULATIONS

PART 908—MAINTAINING RECORDS AND SUBMITTING REPORTS ON WEATHER MODIFICATION ACTIVITIES

In a notice published in the FEDERAL REGISTER of February 24, 1976 (41 FR 8064), the Administrator of the National Oceanic and Atmospheric Administration proposed to amend the rules on maintaining records and submitting reports on weather modification activities (37 FR 22974 and 39 FR 1832). Interested persons were given until March 25, 1976 to submit written views, objections, recommendations, or suggestions in connection with the proposed amendments. The few comments received in response to the notice have been considered in detail, and, as a result, some revisions have been made in these amendments.

The first revision covers § 908.3(d), the amendment that allows the Administrator to waive some requirements in the reporting of certain weather modification attempts. This amendment has been clarified to provide specifically that all weather modification activities are to be reported to NOAA, that the Administrator may decide to waive some subsequent reporting requirements for certain activities after initial notification, and that the basis for such decision will be the general acceptability, from a technical or scientific viewpoint, of the apparatus and techniques to be used.

The second revision concerns the period for filing interim and final reports. Sections 908.5(a) and 908.6 now provide for such reports to be filed within 45 days, since some respondents stated that they would encounter difficulty in meeting a 30 day requirement.

The final revision is in § 908.5(a), with respect to the effective closing date for the interim report period. In reconsidering this amendment, NOAA has decided to adopt January 1 as the closing date for the interim report in order to avoid ambiguity and to prepare summary reports that more accurately reflect the status of weather modification activities during a calendar year.

The original rules on maintaining records and submitting reports on weather modification activities were published in the FEDERAL REGISTER (37 FR 22974). These rules were subsequently amended (39 FR 1832). For completeness, the revisions mentioned above and the remainder of the amendments now being effected are summarized as follows:

1. Section 908.1(k) and (l) have been added to define sponsor and operator.
2. The last sentence in § 908.3(c) has been restated.
3. Section 908.3 (d) and (e) have been added.
4. Section 908.4(a) has been revised.
5. Section 908.5(a) has been changed.
6. Section 908.5(b)(2) has been reworded.
7. Section 908.6 has been changed.
8. Section 908.6(c) has been changed.
9. Section 908.8(a)(1)(viii) has been reworded.
10. Section 908.8(a)(2) has been reworded.

The purpose of these rules is to provide for the reporting to the Administrator of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, of weather modification activities taking place within the United States, pursuant to the requirements of Pub. Law 92-205 as amended. The Secretary of Commerce (and by delegation the Administrator) is charged under the above law with the responsibility to assemble and retain records of such weather modification activities, to make these records publicly available to the fullest extent practicable, and to publish summaries thereof from time to time. The intent of this program is that expertise in the field of weather modification will be increased; that scientists and other concerned persons will have access to information about past and ongoing efforts toward weather modification; that concerned persons can determine whether their activities will be necessary or duplicative, can check both desirable and undesirable atmospheric changes against records of weather modification, and can be alert to possible territorial overlappings of weather modification operations. In addition, this reporting program provides information on the possibility of harm to persons, property, or the environment, or of interference with Federal research projects.

Appropriate Federal agencies also report their weather modification activities to the Secretary of Commerce. This Federal reporting complements the reporting of non-Federally sponsored projects and provides for a central source of information on all weather modification activities in the United States.

The actions of the Department of Commerce under these rules are not intended as, nor do they constitute, control or regulation of weather modification operations. Any notification that may be made to operators and State officials on the basis of information received will be advisory only.

Therefore, pursuant to the authority contained in 15 U.S.C. 330-330e and 15 U.S.C. 313, the National Oceanic and Atmospheric Administration (NOAA) has amended Title 15, Code of Federal Regulations by the addition of Part 908. These rules are administered by the Administrator, National Oceanic and Atmospheric Administration, on behalf of the Secretary of Commerce, pursuant to the Secretary's delegation of authority in section 3, subparagraph .01t of U.S. Department of Commerce Organization Order 25-5A. The current rules, including all amendments, are republished below in their entirety.

ROBERT M. WHITE,
Administrator.

JUNE 4, 1976.

Part 908 reads as follows:

Sec.

908.1 Definitions.
908.2 Persons subject to reporting.
908.3 Activities subject to reporting.
908.4 Initial report.
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908.10 Penalties.
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908.19 Publication of notice of proposed amendments.
908.20 Effective date.
908.21 Report form.

AUTHORITY: Pub. L. 92-205, 85 Stat. 735, December 18, 1971.

§ 908.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Administrator.* The Administrator of the National Oceanic and Atmospheric Administration.

(b) *Person.* Any individual, corporation, company, association, firm, partnership, society, joint stock company, any State or local government or any agency thereof, or any other organization, whether commercial or nonprofit, except where acting solely as an employee, agent, or independent contractor of the Federal Government.

(c) *Weather modification activity.* Any activity performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere.

(d) *United States.* The several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or insular possession of the United States.

(e) *Persons whose activities relate to weather modification.* Persons engaged in weather modification activities or engaged in the distribution or sale of weather modification apparatus or materials known by them to be destined for use in weather modification activities.

(f) *Project.* A related series of weather modification activities having a common objective.

(g) *Modification mission.* One or more airborne weather modification activities intended to affect the same target area, or one or more weather modification activities carried out by items of ground-based weather modification apparatus intended to affect the same target area. For purposes of these rules, activities that extend beyond 1 calendar day shall constitute a separate mission for each day that they continue.

(h) *Target area.* The ground area within which the effects of the weather modification activity are expected to be found.

(j) *Control area.* A preselected, untreated ground area used for comparison with a target area.

(j) *Weather modification apparatus.* Any apparatus used with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere. For example: Seeding generators, propane devices, flares, rockets, artillery projectiles, jet engines, etc.

(k) *Sponsor.* The primary person for whom the weather modification activity is performed.

(l) *Operator.* The person who is primarily responsible for carrying out the weather modification activity.

§ 908.2 Persons subject to reporting.

Any person engaged or intending to engage in any weather modification activity in the United States shall be subject to the reporting provisions of this part.

§ 908.3 Activities subject to reporting.

(a) The following, when conducted as weather modification activities, shall be subject to reporting:

(1) Seeding or dispersing of any substance into clouds or fog, to alter drop size distribution, produce ice crystals or coagulation of droplets, alter the development of hail or lightning, or influence in any way the natural development cycle of clouds or their environment;

(2) Using fires or heat sources to influence convective circulation or to evaporate fog;

(3) Modifying the solar radiation exchange of the earth or clouds, through the release of gases, dusts, liquids, or aerosols into the atmosphere;

(4) Modifying the characteristics of land or water surfaces by dusting or treating with powders, liquid sprays, dyes, or other materials;

(5) Releasing electrically charged or radioactive particles, or ions, into the atmosphere;

(6) Applying shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere;

(7) Using aircraft propeller downwash, jet wash, or other sources of artificial wind generation; or

(8) Using lasers or other sources of electromagnetic radiation.

(b) In addition to the activities listed above, other similar activities falling within the definition of weather modification as set forth in § 908.1 are also subject to reporting.

(c) The requirement for reporting shall not apply to activities of a purely local nature that can reasonably be expected not to modify the weather outside of the area of operation. This exception is presently restricted to the use of lightning deflection or static discharge devices in aircraft, boats, or buildings, and to the use of small heat sources, fans, fogging devices, aircraft downwash, or sprays to prevent the occurrence of frost in tracts or fields planted with crops susceptible to frost or freeze damage. Also expected from the requirement for reporting are religious activities or other ceremonies, rites and rituals intended to modify the weather.

(d) All activities noted in §§ 908.3(a) and (b) are subject to initial reporting. However, after the Administrator has received initial notification of a planned activity, he may waive some of the subsequent reporting requirements. This decision to waive certain reporting requirements will be based on the general acceptibility, from a technical or scientific viewpoint, of the apparatus and techniques to be used.

(e) Other reporting exceptions may be made in the future by rule of the Administrator.

§ 908.4 Initial report.

(a) Any person intending to engage in any weather modification project or activity in the United States shall provide a report of his intention, to be received by the Administrator at least 10 days before the commencement of such project or activity. This report shall contain at least the following:

(1) The designation, if any, used by the operator for the project or activity;

(2) The following dates for weather modification activities:

(i) The date the first actual weather modification activity is to be undertaken;

(ii) The date on which the final modification activity is expected to occur;

(3) The following information on persons involved with the project or activity:

(i) The name, affiliation, and address of the sponsor;

(ii) The name, affiliation, and address of the operator;

(4) The purpose of the project or activity;

(5) A map showing the approximate size and location of the target and control areas, and the location of each item of ground-based weather modification apparatus, precipitation measuring device, and, for airborne operations, the airport;

(6) A description of the weather modification apparatus, modification agents, and the techniques to be employed;

(7) The name and address of the responsible individual from whom log books or other records of the project or activity may be obtained;

(8) Answers to the following questions on project safeguards:

(i) Has an Environmental Impact Statement, Federal or State, been filed: Yes ____ No _____. If Yes, please furnish a copy as applicable.

(ii) Have provisions been made to acquire the latest forecasts, advisories, warnings, etc. of the National Weather Service, Forest Service, or others when issued prior to and during operations? Yes ____ No _____. If Yes, please specify on a separate sheet.

(iii) Have any safety procedures (operational constraints, provisions for suspension of operations, monitoring meth-

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ods, etc.) and any environmental guidelines (related to the possible effects of the operations) been included in the operational plans? Yes ____ No ____. If Yes, please furnish copies or a description of the specific procedures and guidelines; and

(9) Optional remarks, to include any additional items which the person deems significant or of interest and such other information as the Administrator may request the person to submit.

(b) If circumstances prevent the signing of a contract or agreement to perform, or receipt of an authorization to proceed with, a weather modification activity at a date early enough to comply with paragraph (a) of this section, the initial report shall be provided so as to be received by the Administrator within 10 days of the date of signing of the contract or agreement, or receipt of authorization to proceed. In such cases, the report shall be accompanied by an explanation as to why it was not submitted at least 10 days prior to the commencement of the activity.

(c) In the event that circumstances beyond the control of the person liable to report under these regulations prevent the submission of the initial report in a timely manner as described above, the report shall be forwarded as early as possible, accompanied by an explanation as to why a timely report has not been provided. If such explanation is deemed adequate, the Administrator will consider the report as timely filed.

§ 908.5 Interim reports.

(a) Any person engaged in a weather modification project or activity in the United States on January 1 in any year shall submit to the Administrator, not later than 45 days thereafter, an interim report setting forth as of such date the information required below with respect to any such continuing project or activity not previously furnished to the Administrator in a prior interim report; provided that the January 1 date shall not apply if other arrangements have previously been made with the written approval of the Administrator.

(b) The interim report shall include the file number assigned by the Administrator and shall provide a summary of the project or activity containing at least the following information for each month:

(1) Number of days on which actual modification activities took place;

(2) Number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities;

(3) Number of modification missions that were carried out;

(4) Total number of hours of operation of each type of weather modification apparatus (i.e., net hours of agent release);

(5) Total amount of agent used. If more than one agent was used, each should be totaled separately (e.g., carbon dioxide, sodium chloride, urea, silver iodide).

(c) The totals for the items in paragraph (b) of this section shall be provided for the period covered by the interim report.

§ 908.6 Final report.

Upon completion of a weather modification project or activity the person who performed the same shall submit a report to the Administrator not later than 45 days after completion of the project or activity. The report shall include the file number assigned by the Administrator and the following items:

(a) Information required for the interim reports (to the extent not previously reported).

(b) The total number of days on which actual modification activities took place during the project or activity.

(c) The total number of days during the project or activity on which weather modification activities were conducted, segregated by each of the major purposes of the activities.

(d) The total number of modification missions that were carried out under the project or activity.

(e) The total number of hours of operation of each type of weather modification apparatus during the project or activity (i.e., net hours of agent release).

(f) The total amount of modification agent(s) dispensed during the project or activity. If more than one agent was used, each should be totaled separately (e.g., carbon dioxide, sodium chloride, urea, silver iodide).

(g) The date on which the final weather modification activity occurred.

§ 908.7 Supplemental reports.

Notwithstanding other regulations, a supplemental report in letter form referring to the appropriate NOAA file number, if assigned, must be made to the Administrator immediately if any report of weather modification activities submitted under § 908.4, § 908.5, or § 908.6 is found to contain any material inaccuracies, misstatements, and omissions. A supplemental report must also be made if there are changes in plans for the project or activity.

§ 908.8 Maintenance of records.

(a) Any person engaging in a weather modification activity in the United States shall maintain a record of such activity. This record shall contain at least the following, when applicable:

(1) A chronological record of activities carried on, preferably in the form of a daily log, which shall include the NOAA file number assigned to the project, the designation of each unit of weather modification apparatus, and at least the following information for each unit:

(i) Date of the weather modification activity.

(ii) Position of each aircraft or location of each item of weather modification apparatus during each modification mission. Maps may be used.

(iii) Time when weather modification activity began and ended.

(iv) Total duration of operation of each unit of weather modification apparatus (i.e., net hours of agent release).

(v) Type of each modification agent used.

(vi) Rate of dispersal of each agent during the period of actual operation of weather modification apparatus.

(vii) Total amount of agent used. If more than one agent was used, report total for each type separately.

(viii) Number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities.

(2) The monthly totals of hours of modification activity, the amount of modification agent used, and the number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities, shall be shown on the daily log sheet for the last day of each month.

(b) When the activity involves ground-based weather modification apparatus, records of the following shall also be maintained, when applicable, but need not be made part of the daily log:

(1) The location of each item of weather modification apparatus in use and its identification such as type and manufacturer's model number. If the apparatus is not commercially available, a brief description of the apparatus and the method of operation should be recorded.

(2) The name and address of the person responsible for operating each weather modification apparatus;

(3) The altitude and type of weather phenomenon subjected to weather modification activity during each operational period (e.g., cumulus clouds between 10,000 and 30,000 feet m.s.l.; ground fog).

(c) When the activity involves airborne weather modification apparatus, records of the following shall also be maintained, when applicable, but need not be made a part of the daily log: For each airborne weather modification apparatus run: altitude, air speed; release points of modification agents, method of modification and characteristics of flares, rockets, or other delivery systems employed; temperature at release altitude; and, for aircraft: the type of aircraft, its identification number, the airport or airports used, and the names and addresses of crew members and the person responsible for operating the weather modification apparatus; and the altitude and type of weather phenomenon subjected to weather modification activity during each operational period (e.g., cumulus clouds between 10,000 and 30,000 feet m.s.l.; ground fog).

(d) The following records shall also be maintained, whenever applicable, but need not be made a part of the daily log. Only data specifically collected for the reported activity need be retained; data available from other sources need not be included.

(1) Any descriptions that were recorded of meteorological conditions in target and control areas during the periods of operation; for example: percent of cloud cover, temperature, humidity, the presence of lightning, hail, funnel clouds, heavy rain or snow, and unusual radar patterns.

(2) All measurements made of precipitation in target and control areas.

(3) Any unusual results.

§ 908.9 Retention of records.

Records required under § 908.8 shall be retained and available for inspection by the Administrator or his designated representatives for 5 years after completion of the activity to which they relate. Such records shall be required to be produced for inspection only at the place where normally kept. The Administrator shall have the right to make copies of such records, if he deems necessary.

§ 908.10 Penalties.

Knowing and willful violation of any rule adopted under the authority of section 2 of Pub. L. 92–205 shall subject the person violating such rule to a fine of not more than $10,000, upon conviction thereof.

§ 908.11 Maintenance of records of related activities.

(a) Persons whose activities relate to weather modification activities, other than persons engaged in weather modification activities, shall maintain records concerning the identities of purchasers or users of weather modification apparatus or materials, the quantities or numbers of items purchased, and the times of such purchases. Such information shall be retained for at least 5 years.

(b) In addition, persons whose activities relate to weather modification shall be required, under the authority of section 4 of Pub. L. 92–205, to provide the Administrator, on his request, with information he deems necessary to carry out the purposes of this act.

§ 908.12 Public disclosure of information.

(a) Any records or other information obtained by the Administrator under these rules or otherwise under the authority of Pub. L. 92–205 shall be made publicly available to the fullest practicable extent. Such records or information may be inspected on written request to the Administrator. However, the Administrator will not disclose any information referred to in section 1905 of title 18, United States Code, and that is otherwise unavailable to the public, except that such information shall be disclosed—

(1) To other Federal Government departments, agencies, and officials for official use upon request;

(2) In any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding; and

(3) To the public, if necessary to protect their health and safety.

(b) Certified copies of such reports and information, to the extent publicly disclosable, may be obtained from the Administrator at cost in accordance with the Department of Commerce implementation of the Freedom of Information Act.

(c) Persons reporting on weather modification projects or related activities shall specifically identify all information that they consider not to be subject to public disclosure under the terms of Pub. L. 92–205 and provide reasons in support thereof. A determination as to whether or not reported information is subject to public dissemination shall be made by the Administrator.

(d) When consideration of a weather modification activity report and related information indicates that a proposed project may significantly depart from the practices or procedures generally employed in similar circumstances to avoid danger to persons, property, or the environment, or indicates that success of Federal research projects may be adversely affected if the proposed project is carried out as described, the Administrator will notify the operator(s) and State officials of such possibility and make recommendations where appropriate. The purpose of such notification shall be to inform those notified of existing practices and procedures or Federal research projects known to NOAA. Notification or recommendation, or failure to notify or recommend, shall not be construed as approval or disapproval of a proposed project or as an indication that, if carried out as proposed or recommended it may, in any way, protect or endanger persons, property, or the environment or affect the success of any Federal research project. Any advisory notification issued by the Administrator shall be available to the public and be included in the pertinent activity report file.

§ 908.13 Address of letters.

Letters and other communications intended for the Administrator, in connection with weather modification reporting or activities, shall be addressed to: The Administrator, National Oceanic and Atmospheric Administration, Environmental Modification Office, Rockville, Md. 20852.

§ 908.14 Business to be transacted in writing.

All business transacted with the National Oceanic and Atmospheric Administration with regard to reports of weather modification activities should be transacted in writing. Actions of the National Oceanic and Atmospheric Administration will be based exclusively on the written record.

§ 908.15 Times for taking action; expiration on Saturday, Sunday, or holiday.

Whenever periods of time are specified in these rules in days, calendar days are intended. When the day, or the last day, fixed under these rules for taking any action falls on a Saturday, Sunday, or on a Federal holiday, the action may be taken on the next succeeding day which is not a Saturday, Sunday, or Federal holiday.

§ 908.16 Signature.

All reports filed with the National Oceanic and Atmospheric Administration must be dated and signed by or on behalf of the person conducting or intending to conduct the weather modification activities referred to therein by such person, individually or, in the case of a person other than an individual, by a partner, officer, or other person having corresponding functions and authority. For this purpose "officer" means a president, vice president, treasurer, secretary, or comptroller. Notwithstanding the foregoing, such reports may also be signed by the duly authorized agent or attorney of the person whose activities are being reported. Proof of such authorization shall be furnished to the Administrator when filing a report, unless previously furnished.

§ 908.17 Suspension or waiver of rules.

In an extraordinary situation, any requirement of these rules may be suspended or waived by the Administrator on request of the interested party, to the extent such waiver is consistent with the provisions of Pub. L. 92–205 and subject to such other requirements as may be imposed.

§ 908.18 Matters not specifically provided for in rules.

All matters not specifically provided for or situations not specifically addressed in these rules will be decided in accordance with the merits of each case by or under the authority of the Administrator, and such decision will be communicated in writing to all parties involved in the case.

§ 908.19 Publication of notice of proposed amendments.

Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to these rules will be published in the FEDERAL REGISTER. If not published with the notice, copies of the text of proposed amendments will be furnished to any person requesting the same. All comments, suggestions, and briefs received within the time specified in the notice will be considered before adoption of the proposed amendments, which may be modified in the light thereof. Informal hearings may be held at the discretion of the Administrator.

§ 908.20 Effective date.

These rules are effective on June 10, 1976.

§ 908.21 Report form.

Pub. L. 92–205 and these rules should be studied carefully prior to reporting. Reports required by these rules shall be submitted on forms obtainable on request from the Administrator, or on an equivalent format.[8] In special situations, such alterations to the forms as the circumstances thereto may render necessary may be made, provided they do not depart from the requirements of these rules or of Pub. L. 92–205.

[FR Doc.76–16807 Filed 6–9–76;8:45 am]

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Title 19—Customs Duties

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(d) *Declaration requirements.* All dec-

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Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-166]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Entry of Foreign-Made Pleasure Boats and Equipment

On June 17, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 25595), which proposed to amend Part 12 of the Customs Regulations (19 CFR Part 12) to reflect and implement those sections of the Coast Guard Regulations which set forth safety standards for certain foreign-made pleasure boats imported into the United States after November 1, 1972. The subject Coast Guard Regulations (33 CFR Parts 181, 183) were issued under the authority of sections 5, 7, and 39 of the Federal Boat Safety Act of 1971, Public Law 92-75, approved August 10, 1971 (46 U.S.C. 1451, 1456, 1483). Section 11 of the Act (46 U.S.C. 1460) provides that the Secretaries of the Department of the Treasury and the Department of Transportation may issue joint regulations concerning the importation of pleasure boats under safety standards described in accordance with the Act.

Interested persons were given 45 days from the date of publication of the notice to submit data, views or arguments with respect to the proposed amendment. After consideration of the comment received, it has been determined that the proposed amendment should be adopted as set forth in the notice of proposed rulemaking.

Accordingly, Part 12 of the Customs Regulations (19 CFR Part 12) is amended as set forth below.

Effective date. This amendment shall become effective July 12, 1976.

R. RAYMOND,
Acting Commissioner of Customs.

Approved: April 14, 1976.

DAVID R. MACDONALD,
Asistant Secretary of the Treasury.

Approved: May 28, 1976.

O. W. SILER,
Commandant, United States Coast Guard.

Part 12 is amended by adding section 12.85 under the center heading "Safety Standards for Boats and Associated Equipment".

SAFETY STANDARDS FOR BOATS AND ASSOCIATED EQUIPMENT

§ 12.85 Coast Guard boat and associated equipment safety standards.

(a) *Applicability of standards or regulations prescribed by the Commandant, U.S. Coast Guard.* Boats and associated equipment (as hereinafter defined) are subject to U.S. Coast Guard safety regulations or standards when imported or, under certain conditions, brought into the United States after November 1, 1972. Those regulations or standards are prescribed by the Commandant, U.S. Coast Guard, pursuant to sections 5, 7, and 39, Federal Boat Safety Act of 1971 (46 U.S.C. 1454, 1456, 1488), as set forth in 33 CFR Parts 181, 183.

(1) The term "boats" includes:

(i) All vessels manufactured or used primarily for noncommercial use.

(ii) All vessels leased, rented, or chartered to another for the latter's noncommercial use.

(iii) All vessels engaged in the carrying of six or fewer passengers (see section 4.80 of this chapter on prohibitions against foreign vessels transporting passengers in the coastwise trade).

(2) For purposes of § 12.85 the term "boat" does not include:

(i) Foreign vessels temporarily using waters subject to U.S. jurisdiction.

(ii) Military or public vessels of the United States, except recreational type public vessels.

(iii) A vessel whose owner is a State or subdivision thereof, which is principally used for governmental purposes, and which is clearly identifiable as such.

(iv) Ships' lifeboats.

(3) The term "associated equipment" means:

(i) Any system, part, or component of a boat as originally manufactured, or a similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component (excluding radio equipment).

(ii) Any accessory or equipment for, or appurtenance to, a boat (excluding radio equipment).

(iii) Any marine safety article, accessory, or equipment intended for use by a person on board a boat (excluding radio equipment).

(4) The term "product" as used in this section, includes the terms "boats" and "associated equipment" as defined in paragraphs (a) (1), (2), and (3) of this section.

(b) *Evidence of compliance with boating standards or regulations as condition of entry.* A product for which entry is sought into the Customs territory of the United States will, subject to the exceptions specified in paragraph (c) of this section, be denied entry unless accompanied by evidence of compliance with standards or regulations as follows:

(1) A product subject to standards prescribed in 33 CFR Part 183 will have affixed to it a compliance certification label in accordance with the requirements of Subpart B, 33 CFR Part 181.

(2) A boat hull subject to Subpart C, 33 CFR Part 181 will have affixed to it a hull identification number affixed by the importer or the original manufacturer. The number shall comply with the format requirements of Subpart C, 33 CFR Part 181.

(c) *Products not in compliance with standards or regulations; Alternative evidence required as condition of entry and release.* Certain products shall be permitted entry and release without a compliance certification label or hull identification number affixed, as is required by Subparts B and C, 33 CFR Part 181, if they fall within one of the following categories, and if the conditions for entry and release specified for each category of product are met:

(1) *Products manufactured before standards or regulations in effect.* For certain products manufactured before an applicable standard or regulation was in effect, a declaration will be filed in accordance with the requirements of paragraph (d) of this section. The declaration will state that the product was manufactured before the applicable standard or regulation was in effect. If the district director believes that it is necessary in a particular case, he may communicate with the nearest Coast Guard district commander by the most expedient means to request that the Coast Guard determine that alteration of the product is not required. A verbal declaration is acceptable at the option of the district director for products entering from Canada or Mexico otherwise than by sea.

(2) *Products exempted from standards or regulations by Coast Guard Grant of Exemption.* For certain products specifically exempted from applicable standards or regulations by a Coast Guard Grant of Exemption, a declaration will be filed in accordance with paragraph (d) of this section. The declaration will state that the product has been specifically exempted from applicable standards or regulations by a U.S. Coast Guard Grant of Exemption, issued under the authority of section 9 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1458), and in effect on the date the product was manufactured. The declaration will also state that the product complies with all the terms and conditions of the exemption. A copy of the exemption, certified by the importer or consignee to be a true copy, shall be attached to each declaration.

(3) *Products to be brought into conformity.* In the case of products that are not in conformity at the time of entry but will be brought into conformity, a declaration will be filed in accordance with paragraph (d) of this section. The declaration will state that the product does not conform with applicable safety standards or regulations, but that the importer or consignee will bring the product into conformity with safety standards or regulations, and will also state that the product will not be sold or offered for sale, or used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for a vessel owned in the United States except for the purpose of bringing it into conformity, until the bond has been satisfied with respect to this obligation. To secure entry under this provision, bond must be given in accordance with paragraph (e)(1) of this section.

(4) *Certain products entering the United States for repair or alteration.* In the case of a nonresident of the United States who wishes to enter a product for the purpose of making repairs or alterations to it for a period not exceeding 60 days from the date of entry, a declaration will be filed in accordance with paragraph (d) of this section. The declaration shall state that the importer or consignee is a nonresident of the United States, that the product is being brought in for the purpose of making repairs or alterations to it, that it will not remain in the Customs territory of the United States for more than 60 days following the date of the entry, and that it will not be offered for sale, sold, or used for pleasure in waters subject to the jurisdiction of the United States during that time. However, the declaration required by this subparagraph shall be waived for persons regularly entering the United States from Canada or Mexico otherwise than by sea who obtain, by application to the district director, an appropriate means of identification that has been affixed to the boat to serve in place of the declaration.

(5) *Products owned by certain foreign government or international organization personnel.* In the case of an importer or consignee employed in one of the capacities set forth in this subparagraph, a declaration will be filed in accordance with paragraph (d) of this section. The declaration shall state that the importer or consignee is either a member of the armed forces of a foreign country on assignment in the United States, or is a member of the Secretariat of a public international organization so designated pursuant to section 1 of the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. 288), on assignment in the United States, or is a member of the personnel of a foreign government on assignment in the United States who comes within the class of persons for whom free entry of boats has been authorized by the Department of State, and that he is importing the product for purposes other than resale.

(6) *Certain products entered for tests or experimentation.* In the case of an importer or consignee seeking to enter a product, for tests or experimentation for a period not to exceed 1 year, that will not be sold in the United States, a declaration will be filed in accordance with the requirements of paragraph (d) of this section. The declaration will state that the importer or consignee is importing the product solely for the purpose of tests or experiments and it will not be sold or operated in the United States, except where such operation is an integral part of the tests and experiments for which the product was imported. The importer will attach to the declaration a description of the tests and experiments for which the product is being imported, the time period estimated to complete the tests, and the disposition to be made of the product after the tests and experiments are completed. Entry under this subparagraph may be authorized for a period not to exceed 1 year.

(d) *Declaration requirements.* All declarations submitted under paragraph (c) of this section, except verbal declarations submitted pursuant to paragraph (c)(1) of this section, must:

(1) Be filed with the entry, in duplicate.

(2) Be signed by the importer or consignee.

(3) State the name and U.S. address of the importer or consignee.

(4) State the entry number and date.

(5) Provide the make, model, and hull identification number, if affixed, of any boat, and a description of any equipment or component.

(6) Identify, if known, the city or State in which the product will be principally located.

The district director shall immediately forward the original of a declaration to the Commandant (G-BBC/62), U.S. Coast Guard, Washington, D.C. 20590.

(e) *Release under bond*—(1) *When bond required.* A bond in the amount prescribed by § 113.14 of this chapter will be required of the importer or consignee on Customs Form 7551, 7553, or 7595 when a declaration is made that a product is to be brought into conformity. When the importer or consignee of a product declares that it will be brought into conformity before being sold or offered for sale, or before being used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for a vessel owned in the United States and seeks entry of the product under paragraph (c)(3) of this section, the entry shall be accepted only if bond is given for the production of a statement by either the importer or the consignee that the product described in the declaration is in conformity with applicable safety standards or regulations. The statement shall identify the person or firm who has brought the product into conformity with the standards or regulations and shall describe the nature and extent of the work performed.

(2) *Time limitation to produce statement for which bond is obligated.* Within 90 days after entry, or any additional period as the district director may allow for good cause shown, the importer or consignee shall deliver to both the district director and the Commandant, U.S. Coast Guard, a copy of the statement for production of which the bond was obligated. If the statement is not delivered to the district director for the port of entry of the product within 90 days after the date of entry or within an additional period allowed by the district director for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director those products which were released in accordance with this paragraph.

(3) *Damages to be assessed against bond.* In the event that any product is not redelivered within 5 days following the date required by subparagraph (2) of this paragraph, liquidated damages shall be assessed in the full amount of the bond given on Customs Form 7551. When the transaction has been charged against a bond given on Customs Form 7553 or 7595, liquidated damages shall be assessed in the amount that would be demanded under the preceding sentence if the product had been released under a bond given on Customs Form 7551.

(f) *Products refused entry.* If a product is denied entry under the provisions of this section, the district director shall refuse to release the product for entry into the United States and shall issue a notice of the refusal to the importer or consignee.

(g) *Disposition of products refused entry into the United States; redelivered products.* Products which are denied entry under paragraph (b) of this section, or which are redelivered in accordance with paragraph (e)(2) of this section, and which are not exported under Customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery, shall be disposed of under Customs laws and regulations. However, no such disposition shall result in an introduction into the United States of a product in violation of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451-1489).

(Sec. 623, 46 Stat. 759, as amended, secs. 5, 6, 7, 11, 15, 85 Stat. 215, 216, 217, 219 (19 U.S.C. 1623, 46 U.S.C. 1454, 1455, 1456, 1460, 1464) R.S. 251, as amended, secs. 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 66, 1624).)

[FR Doc.76-16945 Filed 6-9-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[Notice No. 293; Reference T.D. ATF-23]

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Recodification of Regulations and Transfer of High-Proof Concentrates; Correction

In FEDERAL REGISTER Doc. 76-1460 appearing on page 2643 for Monday, January 19, 1976, certain material was omitted. The document was a final Treasury decision to amend and recodify regulations on the production of volatile fruit-flavor concentrates, pursuant to a notice of proposed rulemaking published in the FEDERAL REGISTER on March 15, 1974.

In recodifying 27 CFR Part 198 as 27 CFR Part 18, one section, § 18.75, Continuing partnerships, was omitted from the text of both the notice of proposed rulemaking and the Treasury decision, as the result of a typographical error. Although the Table of Contents to Part 18 showed that previous § 198.68 was being recodified as new § 18.75, the actual regulatory language was inadvertently left out. No changes were made to § 18.75, except that a reference to another section in Part 18 was amended to reflect the renumbering and recodification to Part 18 from Part 198.

In consideration of the foregoing, amended § 18.75, as it should have appeared in T.D. ATF-23, reads as follows:

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§ 18.75 Continuing partnerships.

If, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the plant under the prior qualification of the partnership, provided a consent of surety, wherein the surety and the surviving partner agree to remain liable on the bond given on Form 1694, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall qualify in his own name from the date of acquisition, as provided in § 18.73(a). The rule set forth in this section shall also apply where there is more than one surviving partner.

Signed: June 3, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-16788 Filed 6-9-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-023]

PART 82—BOUNDARY LINES OF INLAND WATERS

PART 84—TOWING OF BARGES

Corrections

The Coast Guard is correcting non-substantive errors in Part 82. The errors were detected in a general review of the part and the corrections do not change any of the lines of demarcation as published in the Code of Federal Regulations or on current editions of charts issued by the National Ocean Survey.

Since these corrections are non-substantive it is unnecessary to issue a notice of proposed rulemaking and these corrections are effective immediately upon publication in the FEDERAL REGISTER.

In consideration of the foregoing Parts 82 and 84 of Title 33, Code of Federal Regulations are amended as follows:

1. By amending the authority citation in Part 82 to read as follows:

AUTHORITY: Sec. 2, 28 Stat. 672 as amended (33 U.S.C. 151); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

2. By correcting § 82.15(b) by changing Nantucket Island to Esther Island on line 2.

3. By correcting § 82.95 by changing Pass a Loutre Daybeacon to Pass a Loutre Abandoned Lighthouse on the last line.

4. By correcting § 82.103 by changing Calcasieu Channel Lighted Whistle Buoy 20 to Calcasieu Channel Lighted Buoy 20 on line 8, and Sabine Bank Channel Lighted Bell Buoy 18 to Sabine Bank Channel Lighted Bell Buoy 12 on the last line.

5. By correcting § 82.106 by changing Sabine Bank Channel Lighted Bell Buoy 18 to Sabine Bank Channel Lighted Bell Buoy 12 on line 2.

6. By correcting § 82.131 by correcting the spelling of the word Buoy on line 4.

7. By correcting § 82.230 by changing Cayos Pajaros to Cayos De Pajaros on line 6.

(Sec. 2, 28 Stat. 672, as amended (33 U.S.C. 151); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

8. By amending Part 84 by amending the authority citation to read as follows:

AUTHORITY: Sec. 14, 35 Stat. 428 as amended (33 U.S.C. 152), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

(Sec. 14, 35 Stat. 428 as amended (33 U.S.C. 152); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Effective date. June 10, 1976.

Dated: June 4, 1976.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.76-16843 Filed 6-9-76;8:45 am]

[CGD 72-168]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

St. Lucie River, Florida

This amendment changes the regulations for the Roosevelt Bridge across the St. Lucie River (Okeechobee Waterway), mile 7.5, at Stuart, Florida, to require that the draw open for the passage of vessels on the hour and half-hour from 7:30 to 9:00 a.m., and from 4:30 to 6:00 p.m., Monday through Friday. At all other times, the draw shall open on signal. This amendment was circulated as a public notice dated November 28, 1975, by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CG 72-168) on November 21, 1975 (40 FR 54259). Eight replies were received. Four favored the proposal and one offered no objection. Two agreed that this proposal was needed but objected to the alleged operation violation of an adjacent drawbridge, contending that if this bridge was not opened in concert with the Roosevelt bridge hazardous conditions could develop. No specific times and dates were presented to support these allegations and the bridge owner contended that the bridge is normally operated in compliance with current regulations. In view of the above, these two replies are considered as favoring the proposal. The eighth reply objected to the proposal but offered no specific reason for the objection, nor any alternative thereto.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations, is amended by adding a new § 117.438b immediately after § 117.438a to read as follows:

§ 117.438b St. Lucie River, Florida, Roosevelt Bridge, U.S. Highway No. 1, Stuart.

(a) From 7:30 a.m. to 9:00 a.m. and 4:30 p.m. to 6:00 p.m., Monday through Friday, the draw need not open for passage of vessels except that on the hour and half-hour the draw shall open to pass awaiting vessels. At all other times the draw shall open on the signals set forth in § 117.240.

(b) The draw shall open at any time for the passage of public vessels of the United States, state or local government vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations both upstream and downstream on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 332, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on July 12, 1976.

Dated: June 7, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-16850 Filed 6-9-76;8:45 am]

[CGD-76-076]

PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEM

Editorial Corrections

The purpose of this amendment is to change certain portions of Subchapter S, Parts 173 and 174 of Title 33, Code of Federal Regulations.

Appendix A of 33 CFR 173 lists those States which conduct the functions of issuing boat numbers and requiring the reporting of boating accidents, and those States which do not conduct these functions. In the latter case, the Coast Guard issues the numbers and requires the reporting of accidents.

Two States became issuing and reporting authorities since the Appendix was published: Guam became an authority on 1 January 1973 and the District of Columbia became an authority on 1 February 1975. The Coast Guard is revising Appendix A to reflect these changes.

33 CFR 174.125 lists the address to which reports required by 33 CFR 174.123 must be forwarded. The mail routing symbol has changed since these regulations were originally published. The Coast Guard is revising this section to reflect the current mail routing symbol.

In as much as these amendments only consist of editorial changes and, therefore, do not affect the substance of the regulations being amended, good cause exists for omitting notice and public procedure thereon pursuant to 5 U.S.C. 553 (b)(3)(B).

In consideration of the foregoing, Subchapter S, Title 33 of the Code of Federal Regulations is amended as follows:

Appendix A [Amended]

1. By revising paragraph (a) of Appendix A of Part 173 by adding the phrase, "District of Columbia–DC" after the phrase, "Delaware–DL", and before the phrase, "Florida–FL"; and by adding the phrase, "Guam–GM" after the phrase, "Georgia–GA", and before the phrase, "Hawaii–HA".

2. By revising paragraph (b) of Appendix A of Part 173 by deleting the phrases, "District of Columbia–DC", and "Guam–GM," from the list of States.

3. By revising § 174.125 to read as follows:

§ 174.125 Coast Guard Address.

The report required by § 174.123 must be sent to the Commandant (G-BLC), U.S. Coast Guard, Washington, D.C. 20590.

(Secs. 18 and 39, 85 Stat. 213, 220, 228 (46 U.S.C. 1451, 1488), 49 CFR 1.46 (n)(1))

Effective date: This amendment takes effect on June 10, 1976.

Dated: June 3, 1976.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.76-16851 Filed 6-9-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-061]

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

Construction of Cargo Tanks

This amendment corrects an error in the regulations prescribing construction materials for cargo tanks used by commercial fishing vessels that dispense petroleum products.

In the FEDERAL REGISTER issue of June 29, 1973 (38 CFR 17229) the Coast Guard amended Table 105.20-3(a)(1) of Part 105 in Title 46, Code of Federal Regulations, to include aluminum as an acceptable material to use in the construction of the gasoline and diesel fuel cargo tanks of commercial fishing vessels that dispense petroleum products. Through a drafting oversight the enumeration of acceptable materials in the text of paragraph (a)(1) of § 105.20-3 of that part was not also amended to reflect the acceptability of aluminum. This amendment adds aluminum to the enumeration of acceptable materials.

Since this amendment is purely editorial in nature prior notice and public comment procedure are unnecessary and the amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 105 of Title 46, Code of Federal Regulations, is amended by revising the first sentence of paragraph (a)(1) of § 105.20-3 to read as follows:

§ 105.20-3 Cargo tanks.

(a) *Construction and Materials.* (1) The cargo tanks must be constructed of iron, steel, copper, nickel alloy, copper alloy; or aluminum. * * *

* * * * *

(14 U.S.C. 2 and 633, 46 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); and 49 CFR 1.4 (b) and 1.46)

Effective date: June 10, 1976.

Dated: June 3, 1976.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.76-16849 Filed 6-9-76;8:45 am]

[CGD 74-13]

PART 143—SOLIDS IN BULK

Carriage of Solid Hazardous Materials in Bulk; Changes and Transfer

The purpose of these amendments to the dangerous cargo regulations is to transfer the requirements for the carriage of solid hazardous materials in bulk from 46 CFR 146 to 46 CFR 148 and in addition to make several changes to the existing requirements for these bulk hazardous materials.

Interested persons have been afforded an opportunity to participate in this rule making by notice of proposed rule making that was published in the FEDERAL REGISTER on May 15, 1974 (39 FR 17331) and by a public hearing that was held on July 16, 1974. Two oral and seven written comments were received. All comments received supported the consolidation of the requirements for the carriage of solid hazardous materials in bulk and the transfer of these requirements to a separate part. Several comments were made on specific requirements.

One comment suggested that § 148.01-7 Permitted Cargoes, should supply additional information as to the hazard of the cargoes listed. The need for information concerning the hazard associated with bulk shipments of the permitted cargoes is essential to the shipper, the carrier, and to emergency response personnel. On the basis of the comment and the need for additional information, § 148.01-7 is being modified to identify the hazard class of each of the permitted cargoes and to provide a statement of the characteristic hazard. Also, several additional cargoes are being permitted which were previously authorized in 46 CFR 146 but were omitted inadvertently from the proposal. In addition, the shipping paper requirements, § 148.02-1, are being modified to require the inclusion of the hazard class of the material after the shipping name.

A comment pointed out that the requirements for Filing of Special Petition for Special Permit, § 148.01-9, do not allow sufficient flexibility in view of the 45 day period specified for advance filing and processing. The section dealing with the issuance of special permits is being retained as proposed. This section does provide for priority treatment of special permit requests where evidence is presented that the request is of an emergency nature and in the interest of the public safety or welfare.

A comment addressing § 148.02-3 stated that this section would not apply to unmanned barges. On the basis of this comment and the consideration that the dangerous cargo manifest is an essential document on any vessel transporting hazardous materials, § 148.02-3 is being modified to add an additional paragraph which will require the dangerous cargo manifest to be in a retrievable location on unmanned barges carrying hazardous materials. A comment was received concerning § 148.03-7. The comment states that on unmanned barges it is virtually impossible to inspect cargo for temperature changes. On the basis of this comment, and in view of the limited number of casualties reported on the transportation of solid hazardous materials in bulk on unmanned barges, § 148.03-7 is being modified so as to continue the exemption from the requirement to inspect cargo during transport previously granted unmanned barges.

A comment stated that § 148.04-1(b) would prohibit reuse of holds if there is a significant removable radioactive surface contamination. It was further stated that the use of the term "significant" without numerical definition would lead to confusion. It was suggested that the paragraph be amended to add a reference to 49 CFR 173.397, "Contamination Control," which sets forth the numerical value of contamination that is not significant. On the basis of this comment, § 149.04-1(b) has been so amended.

A comment on the section of fishmeal, § 148.04-9, pointed out that the preamble to the proposal indicated that the revision of the entry for fishmeal is based on the new IMCO recommendations. It was pointed out that the IMCO recommendations also provide temperature requirements for the cargo at the time of loading. On the basis of this comment the section on fishmeal, § 148.04-9, is being modified to reflect IMCO recommendations with respect to the temperature of the cargo at the time of loading.

One comment was directed at the carbon dioxide fire extinguishment system which is required for the shipment of metal turnings and borings in bulk § 148.04-13. The comment stated that this system as well as the temperature requirements imposed on the cargo would impose numerous limitations on the movement of the cargo. The section on metal turnings and borings, § 148.04-13, is being retained as proposed since these requirements were not amended by the proposal but merely transferred from Part 146 to 148. Changes to these requirements would have to be the subject of a future rulemaking. A current proposal does exist in 40 FR 32341 which would, if adopted, eliminate the require-

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ment for carbon dioxide fire extinguishment systems for the shipment of metal turnings and borings in bulk. When that rulemaking is finalized the outcome will be reflected in these requirements.

A comment received on the section concerning the shipment of sulfur in bulk stated that the requirement to restrict air circulation to holds in which sulfur is being loaded increases the potential for dust explosions. This comment is consistent with the IMCO recommendations for the shipment of sulfur in bulk, therefore, the section dealing with the shipment of sulfur in bulk is being modified to require that cowl ventilators serving a hold in which sulfur is being loaded be opened to provide circulation of air.

A comment to the section on coconut meal, § 148.04-21, pointed out that the dunnage requirements in that section are directed to the shipment of the material in packaged form. Reference to dunnage requirements are being deleted.

In the August 15, 1975 FEDERAL REGISTER (40 FR 34340) the Coast Guard published an amendment to 46 CFR 146 to provide for the shipment of unslaked lime in bulk. The substance of that amendment is being incorporated into this rule making.

Compliance with these amendments before the effective date is considered by the Coast Guard as compliance with existing regulations. Under 46 U.S.C. 170 (9), the Commandant of the Coast Guard is authorized to make additions, alterations, amendments, or repeals of regulations implementing 46 U.S.C. 170 effective within a shorter time than ninety days after their promulgation.

EFFECTIVE DATE: This Part becomes effective on June 30, 1976, to preserve continuity of the existing regulations in view of the fact that the Director, Materials Transportation Bureau, on behalf of the Coast Guard, revoked effective July 1, 1976, 46 CFR Subparts 146.01, 146.23 and 146.30 which contained these regulations (41 FR 15972). In consideration of the foregoing, Title 46 of the Code of Federal Regulations is amended by adding Part 148—Solids in Bulk as follows:

Subpart 148.01—General

Sec.

148.01-1 Purpose and Applicability.
148.01-7 Permitted Cargoes.
148.01-9 Filing of Special Petition for Special Permit.
148.01-11 Special Permits; Standard Conditions.
148.01-13 Assignment and Certification.

Subpart 148.02—Vessel Requirements

148.02-1 Shipping Papers.
148.02-3 Dangerous Cargo Manifest.
148.02-5 Report of Hazardous Materials Incidents.

Subpart 148.03—Minimum Transportation Requirements

148.03-1 General.
148.03-3 Direction and Observation.
148.03-5 Prior to Loading.
148.03-7 During Transport.
148.03-11 Stowage Conditions.
148.03-13 Completion of Off-Loading.

Subpart 148.04—Special Additional Requirements for Certain Materials

148.04-1 Radioactive Material, Low Specific Activity (LSA).
148.04-9 Fishmeal or Scrap, Ground or Pelletized; Fishmeal or Scrap, Ground and Pelletized (Mixture).
148.04-13 Metal Borings, Shavings, Turnings, Cuttings.
148.04-15 Petroleum Coke, Uncalcined; Petroleum Coke, Uncalcined and Calcined (Mixture).
148.04-17 Petroleum Coke, Calcined, at 130° F or above.
148.04-19 Tankage, Garbage or Rough Ammoniate, Solid.
148.04-20 Sulfur.
148.04-21 Coconut Meal Pellets (Also known as Copra Pellets).

AUTHORITY: 46 U.S.C. 170, 49 U.S.C. 1655 (b); 49 CFR 1.46 unless otherwise noted.

Subpart 148.01—General

§ 148.01-1 Purpose and Applicability.

(a) 46 U.S.C. 170(6)(a) prohibits transportation of bulk solid hazardous materials on board any vessel, subject to certain exceptions in 46 U.S.C. 170(6)(b), except as permitted by the regulations of the Commandant of the Coast Guard. This Part prescribes regulations under which bulk solid hazardous materials may be transported. Each master, person in charge of the vessel, owner, charterer and agent shall ensure compliance with this Part and communicate the requirements of this Part to every person performing any function covered by this Part. Each person involved in the transportation of bulk solid hazardous materials shall comply with the requirements of this Part within the scope of his job responsibilities.

(b) For the purposes of this Part, the term "bulk" applies only to cargoes transported on board cargo vessels or barges without mark or count and which are to be directly loaded into the holds of such vessels or barges without containers or wrappers.

(c) For the purposes of this Part, the term "vessel" means a "cargo vessel or barge" which is not exempt from the provisions of 46 U.S.C. 170.

(d) For the purposes of this Part, the term "transported" includes the various operations associated with the cargo transportation such as, loading, offloading, handling, storing, stowing, carrying, conveying, using, etc.

(e) The term "hazardous materials" is defined in Title 46 CFR 2.20-65(a). The term "hazardous materials" includes a number of specific classes, the definitions of which are contained in Title 49 CFR Parts 170-189.

§ 148.01-7 Permitted Cargoes.

(a) The solid hazardous materials cargoes listed here may be transported in bulk on board vessels if they comply with the regulations in this Part. Unlisted cargoes may be transported only if express authority is given by the Commandant in accordance with § 148.01-9 of this Part.

Shipping name of the hazardous material	Hazard class of the hazardous material	Characteristic properties of the hazardous materials
Aluminum dross	Flammable solid	Contact with water may cause self-heating and the evolution of flammable gas.
Aluminum nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Ammonium nitrate fertilizer, formulation or mixture, containing less than 60 pct ammonium nitrate with no organic filler.	do	Do.
Ammonium sulfate nitrate	Hazardous article	Do.
Barium nitrate	Oxidizing material	Do.
Calcium nitrate	do	Do.
Charcoal briquets	Flammable solid	Contact with water may cause self-heating.
Coconut meal pellets (or copra pellets) containing at least 5 pct and not more than 12 pct moisture and not more than 10 pct residual fat content.	Hazardous article	Subject to spontaneous heating by biological decay or by oxidation.
Copra, dry	do	Susceptible to spontaneous heating or fire from spark or open flame.
Ferrophosphorous	do	May evolve poisonous gas (phosphine) in contact with moisture.
Ferrosilicon, containing 20 pct or more but not more than 70 pct silicon.	do	May evolve poisonous and flammable gases (arsine/phosphine) in contact with water, acids, or alkalines.
Fishmeal or scrap, ground, containing 6 to 12 pct moisture and no more than 18 pct fat by weight.	do	Susceptible to spontaneous heating and ignition.
Fishmeal or scrap, ground and pelletized (mixture), containing 6 to 12 pct moisture and no more than 18 pct fat by weight.	do	Do
Fishmeal or scrap, pelletized, containing 6 to 12 pct moisture and no more than 18 pct fat by weight.	do	Do.
Lead nitrate	Oxidizing material	If involved in fire will greatly intensify the burning of combustible materials.
Lime, unslaked	Hazardous article	Evolves heat on contact with water.
Magnesium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Metal borings, shavings, turnings, or cuttings.	Hazardous article	Susceptible to spontaneous heating and ignition.
Petroleum coke, calcined, at 130° F or above	do	Do.
Petroleum coke, uncalcined	do	Do.
Potassium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Radioactive material, low specific activity (LSA).	Radioactive material	Radiation hazard from ingestion, inhalation, and contact with mucus membranes.
Sawdust	Hazardous article	Susceptible to fire from sparks or open flame.
Sodium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Strontium nitrate (not radioactive)	do	Do.
Sulfur	Hazardous article	Dust forms explosive mixtures with air.
Tankage, garbage, or rough ammoniate, solid	do	Susceptible to spontaneous heating and ignition.

(b) A mixture or blend of two or more cargoes, one or more of which is listed in paragraph (a) of this section, will be treated as an unlisted cargo and specific authorization by the Commandant, in accordance with § 148.01-9, for shipment in bulk is required.

§ 148.01-9 Filing of Special Petition for Special Permit.

(a) A petition for authorization to transport an unlisted cargo or to use alternative procedures must be submitted to the U.S. Coast Guard (G-MHM-2/83), Washington, D.C. 20590, and must contain the following minimum information:

(1) The regulatory provisions involved.

(2) The justification for the proposed shipments or alternative procedure, including any reasons why the current regulations are not appropriate, why the public interest would be served by the proposal, and the basis upon which the proposal would provide an equivalent degree of safety to those shipments conducted in accordance with the current regulations.

(3) A detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, test results, previous approvals or permits, and any other supporting information.

(4) The chemical name, common name, hazard classification for properties (chemical and physical), and characteristics of the materials covered by the proposal, including composition and ingredient percentages (specified by weight) if a mixture.

(5) Any relevant shipping or accident experience.

(6) A description of the vessel or vessels to be employed for the shipments and the U.S. ports to be involved.

(7) A statement or recommendation regarding any changes to the regulations which would be desirable to obviate the need for similar permission from the Commandant.

(b) Unless there is a good reason for priority treatment, each proposal is considered in the order in which it is received. To permit timely consideration, proposals should be submitted at least 45 days before the requested effective date.

§ 148.01-11 Special Permits; Standard Conditions.

(a) Each person to whom a special permit is issued under the terms of § 148.01-9 shall comply with all requirements of this Part except as specifically provided by the terms of the special permit.

(b) Unless otherwise specified in the special permit, each shipment made under special permit must comply with the following:

(1) Each shipping paper issued and the dangerous cargo manifest prepared in connection with such shipment must bear the notation "CG Special Permit No. *" with the * to be filled in with the assigned special permit number.

(2) Each person to whom a special permit is issued shall furnish a summary of experience to the U.S. Coast Guard (G-MHM-2/83), Washington, D.C. 20590, before the date of expiration of the permit and when any amendment to the special permit is requested. The information must include the number of shipments made, tonnage of each shipment, and what vessels and U.S. Ports were involved. In addition, an immediate report must be submitted the U.S. Coast Guard (G-MHM-2/83) in the event of any casualty, accident, or damaging incident which occurs when transporting solid hazardous materials in bulk under the terms of a special permit.

(3) A copy of the special permit, kept current, and any amendments thereto, must be on board each vessel while transporting solid hazardous materials in bulk under the terms of a special permit. The special permit must be kept with the dangerous cargo manifest (§ 148.02-3).

(c) Each permit is subject to suspension or revocation for cause by the U.S. Coast Guard before its expiration date.

§ 148.01-13 Assignment and Certification.

(a) The National Cargo Bureau, Inc., is authorized to assist the U.S. Coast Guard in administering the provisions contained in this Part that are applicable to the transportation of solid hazardous materials in bulk on vessels with respect to:

(1) Inspection of vessels for suitability for loading such materials in bulk;

(2) Examination of stowage of such materials loaded in bulk on board vessels;

(3) Making recommendations as to stowage requirements applicable to the transportation of such materials in bulk; and

(4) Issuing of certificates of loading, setting forth that the stowage of such materials in bulk is in accordance with applicable regulations contained in this Part.

(b) Certificates of loading from the National Cargo Bureau, Inc., are accepted as evidence of compliance with the applicable provisions of this Part with respect to the transportation of solid hazardous materials in bulk on board vessels.

Subpart 148.02—Vessel Requirements

§ 148.02-1 Shipping Papers.

(a) Carriers may not accept for transportation nor transport by vessel in bulk any solid hazardous materials listed in § 148.01-7(a) of this Part, unless the hazardous materials offered for such shipment is accompanied by a shipping paper on which the following information is shown:

(1) The shipping name and hazard class of the hazardous material as listed in § 148.01-7(a) of this Part.

(2) The quantity of the hazardous material to be transported.

(3) The name and address of the U.S. shipper or his authorized representative.

(4) A certification which bears the following statement, signed by the shipper or his authorized representative: "This is to certify that the above-named hazardous material is properly named, prepared, and otherwise in proper condition for bulk shipment by vessel in accordance with the applicable regulations of the U.S. Coast Guard".

(b) For import shipments, the consignee shall advise the carrier or foreign shipper (consignor) of the applicable U.S. Coast Guard regulations. The carrier or foreign shipper (consignor) shall then furnish the information required in paragraph (a) of this section, as advised by the consignee, either on the shipping papers or dangerous cargo manifest.

(c) Shipping papers issued in connection with solid hazardous materials shipments in bulk must be kept on board the vessel along with the dangerous cargo manifest (§ 148.02-3 of this Part).

§ 148.02-3 Dangerous Cargo Manifest.

(a) Each vessel, except for unmanned barges, transporting solid hazardous materials in bulk under the terms of this Part must have on board a dangerous cargo manifest, kept in a conspicuous place on or near the bridge house, on which the following information is entered:

(1) Name of vessel and official number. (If the vessel has no official number, the international radio call sign must be substituted.)

(2) Nationality of vessel.

(3) The name of the hazardous material as listed in § 148.01-7(a) of this Part.

(4) The hold(s) in which the material is being transported.

(5) The quantity of the material loaded in each hold.

(6) Date and signature of Master of the vessels' owner or his authorized representative to acknowledge correctness of the dangerous cargo manifest.

(b) Each unmanned barge transporting solid hazardous materials in bulk under the terms of this Part must have on board, in a readily retrievable location, such as a metal tube attached to the barge, a dangerous cargo manifest prepared in accordance with paragraph (a) of this section.

§ 148.02-5 Report of Hazardous Materials Incidents.

(a) In the event of an incident involving hazardous materials an immediate report must be sent to the Coast Guard in accordance with 46 CFR § 2.20-65.

Subpart 148.03—Minimum Transportation Requirements

§ 148.03-1 General.

The regulations in this Subpart apply to each bulk shipment of a solid hazardous material listed in § 148.01-7 of this Part.

§ 148.03-3 Direction and Observation.

Loading or off-loading of a solid hazardous material in bulk within the navigable waters of the U.S. must be conducted only under the direction and observation of a person assigned or employed for such duty by the vessel's mas-

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ter or owner or authorized representative.

§ 148.03–5 Prior to Loading.

Prior to loading any solid hazardous material in bulk on board a vessel:

(a) Each hold must be thoroughly cleaned of all loose debris and dunnage; but permanent wooden battens or sheathing may remain in the hold; and

(b) each hold and each bilge of that hold must be dry.

§ 148.03–7 During Transport.

During the transport of a solid hazardous material in bulk, except for unmanned vessels, cargo shall be periodically inspected to ensure that there are no undetected increases in temperature in that cargo and that no other changes in the cargo are occurring that might affect the safety of his vessel and the results of these inspections shall be recorded in a log.

§ 148.03–11 Stowage Conditions.

(a) Other hazardous materials cargo must not be stowed in the same hold or on deck above a hold in which a solid hazardous material in bulk is loaded.

(b) No explosive Class C, flammable liquid, flammable solid, flammable or nonflammable compressed gas, organic peroxide, or extremely dangerous poison may be stowed in any hold adjacent to a hold in which a solid hazardous material in bulk is loaded.

(c) All explosive Class A and B materials must be stowed longitudinally at least one hold (or an equivalent longitudinal distance if on deck) from any hold in which hazardous material in bulk is loaded.

(d) Combustible cargo must not be stowed in a hold in which a solid hazardous material in bulk is loaded.

§ 148.03–13 Completion of Off-loading.

Upon the completion of off-loading of a solid hazardous material in bulk, each hold must be thoroughly cleaned of all residue of such material.

Subpart 148.04—Special Additional Requirements for Certain Material

§ 148.04–1 Radioactive Material, Low Specific Activity (LSA).

(a) Authorized materials are limited to:

(1) Uranium or thorium ores and physical or chemical concentrates of such ores;

(2) Uranium metal, natural thorium metal and alloys of these metals; and

(3) Material of low radioactive concentration, if the estimated radioactivity concentration does not exceed 0.001 millicurie per gram and the contribution from Group I material (See Title 49, Code of Federal Regulations, Parts 170 to 189, inclusive) does not exceed 1 percent of the total radioactivity.

(b) Each hold used for the transportation of any of these materials must be surveyed with appropriate radiation-detection instruments after the completion of off-loading. Such holds must not again be used for the transportation of any cargo until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and until there is no significant removable radioactive surface contamination according to 49 CFR 173.397.

§ 148.04–9 Fishmeal or Scrap, Ground or Pelletized; Fishmeal or Scrap, Ground and Pelletized (Mixture).

(a) The fishmeal or scrap, ground or pelletized and fishmeal or scrap, ground and pelletized mixture must contain at least 6 percent moisture by weight but not more than 12 percent moisture by weight.

(b) The material must not contain more than 18 percent fat by weight.

(c) At the time of production of the material, it must be treated with at least 400 ppm antioxidant (ethoxyquin); in the case where the material contains more than 12 percent fat by weight, it must be treated with at least 1000 ppm antioxidant (ethyoxyquin) at the time of production.

(d) Shipment of the material in bulk must take place within twelve months of the date of production.

(e) The temperature of the material to be loaded must not, at the time of loading exceed 35° C (95° F), or 5° F above ambient temperature, whichever is greater.

(f) The material must contain at least 100 ppm antioxidant (ethoxyquin) at the time of shipment.

(g) Each shipment of the material in bulk must be accompanied by a statement in which the shipper certifies—

(1) The moisture content of the material;

(2) The fat content of the material;

(3) The concentration of antioxidant (ethoxyquin) in the material in ppm at the time the material is loaded on a vessel in bulk;

(4) Date and place of production of the material; and

(5) The physical state of the material (ground, pelletized, or mixture).

(h) Temperature readings must be taken three times a day and recorded. If the temperature of the cargo exceeds 130° F and continues to increase, ventilation to the hold must be restricted.

§ 148.04–13 Metal Borings, Shavings, Turnings, Cuttings.

(a) Metal borings, shavings, turnings and cuttings must not be stowed and transported in bulk unless the following conditions are met:

(1) Each hold in which the article is stowed must have a fire extinguishment system that uses carbon dioxide or an equivalent to carbon dioxide with respect to fire extinguishing capability. Temporary systems are acceptable.

(2) All wooden sweat battens, dunnage and debris must be removed from the hold before the article is loaded.

(3) During loading and transporting, the bilge of each hold in which the article is stowed or is to be stowed must be as dry as practicable.

(4) During loading, the article must be compacted in the hold as frequently as practicable with a bulldozer or means that provide equivalent surface compaction. Upon completion of loading, the article must be trimmed to eliminate peaks or mounds and compacted.

(5) Other cargo must not be loaded in a hold containing the article if:

(i) The cargo to be loaded in the same hold with the article is another hazardous material as defined in this Part or a combustible material;

(ii) The loading of the article is not completed first; and

(iii) The temperature of the article in the hold is above 130° F or has increased within eight hours before loading of the other cargo.

(6) During loading, the temperature of the article in the pile being loaded must be less than 130° F.

(7) Upon completion of loading, the vessel may not leave the port unless:

(i) The temperature of each article in each hold is less than 150° F and, if the temperature of the article in a hold has been more than 150° F during loading, the temperature of each article has shown a downward trend below 150° F for at least eight hours after completion of loading of the hold; or

(ii) The vessel intends to sail directly to another port that is no further than twelve hours sailing time for the vessel concerned, for the purpose of loading more of the article in bulk or to completely off-load the article, and the temperature of the article is less than 190° F and has shown a downward trend for at least eight hours after completion of loading.

(b) For the purposes of each temperature requirement of this section, the temperature of the article is the highest temperature taken between eight and fourteen inches below the surface at ten-foot intervals over its length and width.

(c) The master or person in charge of a vessel that is loading or transporting the article must ensure that the temperature of the article is taken:

(1) Before loading;

(2) During loading, in each hold and in the pile being loaded at least every twenty-four hours and, if the temperature is rising, as often as necessary to ensure the conditions in this section are met; and

(3) After loading, in each hold at least every twenty-four hours.

(d) During loading, if the temperature of the article in a hold is 200° F or higher, the master or person in charge of the vessel must notify the Coast Guard Captain of the Port and suspend loading until the temperature of the article is less than 190° F.

(e) After loading:

(1) If the temperature of the article is 150° F or above, the master or person in charge must notify the Captain of the Port and ensure that the vessel remains in the port area until the conditions of paragraph (a)(7)(i) of this section are met; or

(2) In the case of a short-duration voyage to which paragraph (a)(7)(ii)

of this section applies, if the temperature of the article in a hold is 190° F or above, the master or person in charge must notify the Captain of the Port and ensure that the vessel remains in the port area until the conditions of paragraph (a)(7)(ii) of this section are met.

(f) Except for shipments of the article in bulk which leave the port of loading under the conditions specified in paragraphs (a)(7)(ii) of this section, after the vessel leaves the port, if the temperature of the article in the hold rises above 149° F, the master must notify the nearest Coast Guard Captain of the Port as soon as possible of:

(1) The name, nationality, and position of the vessel;

(2) The most recent temperature taken;

(3) The length of time that the temperature has been above 149° F and the rate of rise, if any;

(4) The port where the article was loaded and the destination of the article;

(5) The last port of call of the vessel and its next port of call;

(6) What action has been taken; and

(7) Whether any other cargo is endangered.

(g) To meet the conditions of this section, the master of a vessel that is transporting the article must ensure that each temperature taken is recorded.

§ 148.04–15 Petroleum Coke, Uncalcined; Petroleum Coke, Uncalcined and Calcined (Mixture).

The material at 130° F or above must not be loaded in bulk on any vessel.

§ 148.04–17 Petroleum Coke, Calcined, at 130° F or Above.

(a) The requirements of this Part do not apply to bulk shipments of petroleum coke, calcined, on any vessel when the material is less than 130° F.

(b) The material must not be loaded in cargo vessels when temperatures exceed 225° F.

(c) Other hazardous materials must not be stowed in any hold adjacent to any other containing this material except as provided in paragraph (d) of this section.

(d) In holds over tanks containing fuel or material having a flashpoint under 200° F, a two-to-three foot layer of the material at a temperature not greater than 110° F must be first loaded into that hold. Only then may the material at 130° F or above be loaded into that hold.

(e) The loading of the material must be as follows:

(1) For shipments in holds over fuel tanks, the loading of the two-to-three foot layer of the material at a temperature not greater than 110° F (as required by paragraph (d) of this section) in these holds must be completed prior to the loading of the material at 130° F or above in any hold of the vessel.

(2) Upon completion of the loading described in paragraph (c)(1) of this section, a two-to-three foot layer of the material at 130° F or above must first be loaded in each hold (including those holds, if any, already containing a layer of the material at a temperature not greater than 110° F) in which the material is to be loaded in accordance with this section.

(3) Upon the completion of the loading of the two-to-three-foot layer of the material at 130° F or above in each hold, as required in paragraph (e)(2) of this section, the normal loading of the material at 130° F or above may proceed to completion.

(f) Personnel must be warned by the Master of the vessel or his authorized representative that calcined petroleum coke loaded and transported under the terms of this section is hot and that injury due to burns is possible.

§ 148.04–19 Tankage, Garbage or Rough Ammoniate, Solid.

(a) The material must contain at least 7 percent moisture by weight.

(b) The material must not be loaded if the temperature in the material, before loading, exceeds 100° F.

§ 148.04–20 Sulfur.

(a) When sulfur is loaded in a deep hold with general cargo in the 'tween deck hold above the sulfur, a dust proof wooden bulkhead enclosure must be built in the hatchways from the over deck of the lower hold to the weather deck forming a tight enclosure capable of preventing sulfur dust from entering the 'tween decks during loading.

(b) Ceiling must be made tight to prevent sulfur dust from entering the bilges; any chinking necessary in the way of tank tops or bilges must be made of noncombustible material.

(c) Cowl ventilators serving the hold into which sulfur is being loaded or discharged must be opened to provide circulation of air.

(d) No smoking is permitted on board the vessel and "No Smoking" signs must be conspicuously posted.

(e) If a metal chute is used it must be grounded using a flexible cable.

(f) Upon completion of loading, the sulfur must be leveled off. Any decks, bulkheads, or overheads containing sulfur dust must be swept clean or washed down.

(g) Other cargo, which is oxygen bearing, must not be stowed in the same hold with sulfur.

(h) An oxygen breathing apparatus, or proper gas mask, must be made available.

(i) A fire hose, preferably supplied with fresh water from a shore supply source, must be available at each hatch through which sulfur is being loaded.

§ 148.04–21 Coconut Meal Pellets (also known as Copra Pellets).

(a) Coconut meal pellets:

(1) Must contain at least 6 percent and not more than 13 percent moisture and not more than 10 percent residual fat contents;

(2) Must not be loaded if the temperature exceeds 120° F;

(3) Must not be stowed within 4 feet of any bulkheads subject to artificial heat; and

(4) Must not be overstowed with any other cargo.

(b) A clear space of at least 1 foot must be provided between the top of the cargo and underside of deck beams.

Effective date. This Part becomes effective on June 30, 1976.

Dated: June 3, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status for the Yellow-Shouldered Blackbird

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to Sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 87 Stat. 884; hereinafter the Act), which would determine the Yellow-shouldered Blackbird (*Agelaius xanthomus*) to be an Endangered Species and which would determine Critical Habitat for that species. This species occurs on Puerto Rico and Mona Island.

BACKGROUND

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence.

This authority has been delegated to the Director.

On June 1, 1975, the Service entered into a contract with the North Carolina Foundation for Mental Health, Inc., Raleigh, North Carolina, to investigate the status of the Yellow-shouldered Blackbird. A final report dated December 12, 1975, contained information indicating that the Yellow-shouldered Blackbird proposed herein was Endangered as provided for by the Act.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the Yellow-shouldered Blackbird are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Yellow-shouldered Blackbird nests and roosts in the coastal mangrove ecosystem, particularly on small off-shore cays. The natural integrity of this ecosystem within the species' range is rapidly altered or lost through development.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable for this species.

3. *Disease or predation.* This is probably the most significant factor contributing to the current plight of the species.

The Shiny Cowbird (*Molothrus bonariensis*) invaded Puerto Rico from other antillean islands to the southeast in 1955. In 1957, it parasitized 74% of Yellow-shouldered Blackbird nests significantly lowering nesting success. Only 25% of parasitized nests produced any young, whereas 50% of unparasitized nests were productive.

Three introduced nest predators, the Black Rat (*Rattus rattus*), Norway Rat (*Rattus norvegicus*), and the Mongoose (*Herpestes javanicus*), destroy Yellow-shouldered Blackbird nests. As a result the blackbirds usually choose predator-free nest sites such as small mangrove islands and cactus or palm leaves.

Fowl Pox currently infects about 19% of the adult population.

In southwest Puerto Rico, the site of the major blackbird population, the annual adult mortality rate is about 31%, where annual production of adults is only about 10%, a low figure which may be largely attributed to nest parasites and predators. At these rates the bird may be expected to become extirpated there in about 5 years.

4. *The inadequacy of existing regulatory mechanisms.* There currently exists no regulations pertaining to the protection and conservation of this species.

5. *Other natural or man-made factors affecting its continued existence.* The use of broad spectrum rat poisons, such as alpha-chloralose, placed around monkey feeders on two monkey islands in southwest Puerto Rico has resulted in the death of some Yellow-shouldered Blackbirds which fed on the poison baits.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation", states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of Endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term critical habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764–17765).

The areas delineated below do not necessarily include the entire critical habitat of the Yellow-shouldered Blackbird, and modifications to critical habitat descriptions may be proposed in the future. In accordance with Section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat of the Yellow-shouldered Blackbird found within the areas delineated below.

It is recognized that some of the delineated areas are large and may contain man-made structures, settlements, and other localities that are not of primary use to the Yellow-shouldered Blackbird. It should be stressed, however, that this is only a proposed rulemaking that is setting forth the outer parameters of the critical habitat areas in question, and that based upon data received and additional studies conducted by the Fish and Wildlife Service, the final rulemaking may exclude areas found to be devoid of critical habitat significance.

Until the issuance of additional guidelines, all Federal departments and agencies should, in accordance with section 7 of the Act, consult with the Secretary of the Interior with respect to any actions which might reasonably be expected to affect critical habitat within the delineated areas.

CRITICAL HABITAT DETERMINATION

Based upon a contract study by Dr. Will Post of all known nesting areas of the subject species, Critical Habitat for the Yellow-shouldered Blackbird includes the following areas:

(i) *Mona Island.* Entire Island.

(ii) *Puerto Rico.* (a) An area of land, water, and airspace within Puerto Rico beginning at a point where the Quebrada Boqueron joins the Bahia de Boqueron; thence proceeding southwesterly along the coast to Cabo Rojo; thence eastward along the coast, including off-shore cays, to the point where highway 332 meets the Bahia de Guanica; thence northward on highway 332 to its junction with highway 116; thence westward on highway 116 to its junction with highway 305; thence westward on highway 305 to its junction with highway 303; thence northward on highway 303 to its junction with highway 101; thence westward on highway 101 to the point where it crosses Quebrada Boqueron; thence along Quebrada Boqueron to the point where it joins the Bahia de Boqueron.

(b) A circular area of land, water, and airspace with a one mile radius, the center being the junction of highways 360 and 102 in the town of San German.

(c) Roosevelt Roads Naval Station southeast of Ceiba.

EFFECT OF THE RULEMAKING

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. All of those prohibitions and exceptions also apply to any Threatened Species unless a Special Rule pertaining to that Threatened Species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered Species, are found at § 17.21 of Title 50 and; for the convenience of the reader, are reprinted below:

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by livecapturing, and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

The determination set forth in these Proposed Rules and the proposal of critical habitat also would make the Yellow-shouldered Blackbird eligible for the consideration provided by section 7 of the Act.

The Director is preparing, in consultation with the affected agencies, guidelines for Federal agencies for the application of section 7 of the Act. In the future, regulations will be published regarding section 7.

Regulations published in the FEDERAL REGISTER of September 26, 1975, (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances. Such permits involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to section 4(b) of the Act, the Director will notify the Governor of Puerto Rico with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the Yellow-shouldered Blackbird;

(2) The location of and reasons why any habitat of the Yellow-shouldered Blackbird should or should not be determined to be "Critical Habitat" as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of the Yellow-shouldered Blackbird.

Final promulgation of the regulations on the Yellow-shouldered Blackbird will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species and International Activities, 1612 K Street, NW., Washington, D.C. 20240, may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102 (2)(c) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate to Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments and materials received no later than August 9, 1976, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

Dated: June 1, 1976.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

1. It is proposed to amend § 17.11 by adding in alphabetical order the following to the list of animals:

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§ 17.11 **Endangered and threatened wildlife.**

Species		Range			Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered			
BIRDS							
Blackbird, Yellow-shouldered.	*Agelaius xanthomus.*	Not applicable.	Puerto Rico and Mona Island.	Entire	E		Not applicable.

2. It is further proposed to add a new § 17.87 as follows:

§ 17.87 **Yellow-shouldered blackbird.**

(a) The following area is Critical Habitat for the Yellow-shouldered Blackbird (*Agelaius xanthomus*):

(1) *Mona Island.* Entire Island.

(2) *Puerto Rico.* (i) An area of land, water, and airspace within Puerto Rico beginning at a point where the Quebrada Boqueron joins the Bahia de Boqueron; thence proceeding southwesterly along the coast to Cabo Rojo; thence eastward along the coast, including off-shore cays, to the point where highway 332 meets the Bahia de Guanica; thence northward on highway 332 to its junction with highway 116; thence westward on highway 116 to its junction with highway 305; thence westward on highway 305 to its junction with highway 303; thence northward on highway 303 to its junction with highway 101; thence westward on highway 101 to the point where it crosses Quebrada Boqueron; thence along Quebrada Boqueron to the point where it joins the Bahia de Boqueron.

(ii) A circular area of land, water, and airspace with a one mile radius, the center being the junction of highways 360 and 102 in the town of San German.

(iii) Roosevelt Roads Naval Station southeast of Ceiba.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

[Docket No. AO 232-A2]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oregon.

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by June 25, 1976. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Parma, Idaho, April 14, 1976. Notice of the hearing was published in the March 23, 1976, issue of the FEDERAL REGISTER (41 FR 12040). The proposals contained in the notice were submitted by the Idaho-Eastern Oregon Onion Committee.

Material issues. The material issues of record are as follows:

(1) Amending § 958.47 *Research and development* to authorize production research;

(2) Providing for the receipt of voluntary contributions to finance research projects;

(3) Changing the time for submission to the Secretary of the annual budget of the committee's expenses for the fiscal period;

(4) Revising the basis for determining committee expenses and compensation;

(5) Revising the definition of onions to include the scientific name;

(6) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

(1) Section 958.47 of the order should be amended to authorize production research. Onion growers in Idaho-Eastern Oregon requested of the Secretary that the marketing agreement and order (hereinafter in the text of Findings and conclusions collectively referred to as the "order") be amended to provide for production research in addition to marketing research and development projects.

Research on the production of onions in Idaho and Eastern Oregon is performed mainly by growers' associations and the agricultural schools in both States and currently is financed by several methods. The growers' associations use State taxing authorities to collect funds to be used for research. In addition, both Oregon State University and the University of Idaho finance onion research projects out of their regular budgets. In recent years, competition for research dollars has been strong in the agricultural community, with producers of different commodities advocating more emphasis on projects of particular interest to them. Expenditures for onion production research have been relatively stable in terms of total dollars. But with individual project costs rising due to inflationary factors, the quantity of research performed has declined.

However, the needs for research remain at a high level and must be met if the industry is to stay healthy and viable. The needs for research are reflected in an increasing incidence of cullage or shrink of onions as they go into storage from the field, while in storage, and when they are being graded and packed for market. During the past four years shrink has ranged from 17 to 27 percent, with the 27 percent factor in 1975 representing some 3,000 carlots of onions. This shrinkage affects the profitability of growing and handling onions from producer to consumer. The record evidence shows that it costs on the average $1,340 to grow an acre of onions in Malheur County, Oregon, and costs are increasing nearly every year as prices for fuel, seed, fertilizer and labor rise. Because of rising costs of production and a high rate of cullage, growers must receive ever higher prices if they are to stay in business. If production research results in reducing the shrink factor even moderately, substantial savings should accrue.

Low quality associated with production problems is also of concern to the shipper because it makes it difficult to deliver a product that is acceptable to customers in receiving markets. Poor quality onions in such markets often require price adjustments which in turn result in lost profits.

Proponents of incorporating production research authority in the order testified to the relationship of such research to the promotion activities carried out under the order. For some years the Idaho-Eastern Oregon industry has financed an advertising program designed to increase the demand for its onions. For such a program to be fruitful, it is essential that a good quality product be generally available. Production research can contribute directly to better quality and adequate supplies.

There are a number of cultural practices that affect the quality of onions, and a comprehensive program of research is needed to determine the best practices. Typical of the needs specified in the record are continuing research programs to evaluate the effectiveness of pesticides and herbicides. Fertilizer compounds and application rates as well as the use of irrigation have an impact on yields and the inherent quality of onions. The mechanization of harvesting requires mature onions; conditions that

contribute to maturity at harvest time need to be determined. Improvements in any and all of these areas should increase yields of better quality, longer keeping onions. As technological improvements occur, research will be required to adopt such improvements for use by the onion industry. Furthermore, because it is impossible to foresee all the needs at this time, production research projects should not be limited to the aforementioned projects. The committee should have broad and flexible authority for timely development of production research programs suitable to solving any problems that arise.

The marketing order committee and the growers believe that their objective of finding a solution to the production problems that have affected onion crops in the area during recent years can best be accomplished through a research program financed through the marketing order. The Act provides that an assessment can be levied on handlers for specific purposes including production research. With these added funds, the committee can make a substantial commitment to research. The production research activities would most likely be carried out by the two State universities. However, this would not rule out having private organizations or the committee itself conduct such research.

All proposals for research must be submitted to the Secretary for approval. Also, the committee should have the authority to appoint a subcommittee to guide the research approved by the full committee and the Secretary. The subcommittee should have the authority to make any necessary changes in the format of the research project as long as it does not change the original objectives. Any change that required a greater expenditure of funds would require committee and Departmental approval. Activity reports on research conducted should be issued by the committee annually, although interim reports on research projects may be issued. Reports should also be issued in writing or verbally by the organization conducting the research. All written reports should be provided to the Secretary and committee members as well as any other interested parties.

The record has demonstrated that a program of production research administered by the marketing order committee will have a positive effect upon the production and storage of Idaho-Eastern Oregon onions, thereby increasing returns to growers. In view thereof, it is concluded that the order should be amended to authorize production research.

Since authority for production research would be added to the order, a conforming change is necessary in paragraph (e) of § 958.25 *Duties*, by the addition of the word "production" before the word "handling." This would add the production activity to the types of research and service activities htat may be approved by the Secretary.

(2) A new § 958.46 should be added to the order to provide for the receipt of voluntary contributions to be used only for research and development projects. Record evidence indicates that research and market development projects for Idaho-Eastern Oregon onions directly benefit growers of that commodity, and secondarily benefit other grouns and businesses whose interests are allied with the production and marketing of onions. These groups frequently desire to contribute resources to research and development projects and the order should provide that contributions may be accepted by the committee. It is important, however, that the committee have complete control over the use of any contributions, which must be free of any encumbrances by the donor.

(3) Paragraph (h) of § 958.25 *Duties* should be revised to require the committee to submit to the Secretary a budget of its proposed expenses together with a report thereon before each fiscal period begins. This paragraph originally provided that the budget be submitted at the beginning of each fiscal period. However, the proposed budget should be developed earlier in order that it can be reviewed and approved early enough so programs and activities of the committee can be carried out without interruption.

Such a change in committee duties would require a conforming change in § 958.41 *Budget* so it would state that prior to each fiscal period the committee shall prepare a budget of estimated income and expenditures.

(4) § 958.26 *Expenses and compensation* should be revised by providing that committee members and alternates be reimbursed for reasonable expenses incurred by them in the performance of their duties, while deleting the reference to receiving compensation at a rate not to exceed $10 a day. Experience gained in the administration of the order indicates that reimbursement for expenses such as meals and travel for committeemen and alternates is a proper and satisfactory arrangement. However, the committee has never provided for compensation and record evidence shows that the proviso is no longer appropriate.

(5) In § 958.5 *Onions*, the definition should be revised by making reference to the scientific name for onions, Allium cepa. In the original language of the order, the proper scientific name for onions was not included but it should now be referenced in the order to bring its usage into conformity with other Federal marketing orders. Allium is the genus which includes the many species like leeks and chives. When the genus allium is combined with the word cepa it creates a specific name which describes the onions that are grown in the production area. It is intended that the definition and the terms and provisioins of the order should apply specifically to onions as such commodity is recognized throughout the production area.

(6) Some of the amendatory actions included in this recommended decision require certain conforming changes be made so that the order, as amended, will be in conformity with those actions. Such changes (in paragraph (e) of § 958.25 *Duties;* and § 958.41 *Budget*) are discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order. In addition, paragraph (b)(5) of § 958.47 should be modified by changing the program designation from "USDA's Plentiful Foods Program" to "USDA's Food Marketing Alert or other similar programs." This would merely update the present program designation, and provide for any future changes, for this type of activity.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed April 30, 1976, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of onions grown in the production area; and

(6) All handling of onions grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or di-

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rectly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Revise § 958.5 to read as follows:

§ 958.5 Onions.

"Onions" means all varieties of Allium cepa, commonly known as onions, grown, or which may be grown in the production area.

2. Revise paragraphs (e) and (h) of § 958.25 to read as follows:

§ 958.25 Duties.

* * * * * * *

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping and marketing conditions with respect to onions and to engage in such research and service activity which relate to the production, handling or marketing of onions as may be approved by the Secretary.

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(h) Prior to each fiscal period, to submit to the Secretary a budget of its proposed expenses for such fiscal period, together with a report thereon;

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3. Revise § 958.26 to read as follows:

§ 958.26 Expenses.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. However, at its discretion the committee may request the attendance of alternates at any or all meetings notwithstanding the expected or actual presence of the respective members.

4. Revise the first sentence of § 958.41 to read as follows:

§ 958.41 Budget.

Prior to each fiscal period, and as may be necessary thereafter the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part.

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5. Add a new § 958.46 to read as follows:

§ 958.46 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 958.47. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

6. Amend § 958.47 to read as follows:

§ 958.47 Research and development.

(a) The committee with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of onions. Any such project for the promotion and advertising of onions may utilize an identifying mark which shall be made available for use by all handlers in accordance with such terms and conditions as the committee with the approval of the Secretary, may prescribe. The expenses of such projects shall be paid from funds collected pursuant to § 958.42 or § 958.46.

(b) In recommending projects pursuant to this section the committee shall give consideration to the following:

(1) The expected supply of onions in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity;

(5) The need for a coordinated effort with USDA's Food Marketing Alert or other similar programs.

(c) If the committee should conclude that a program of research or development should be undertaken, or continued, in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to the funds to be obtained pursuant to § 958.42 or § 958.46;

(2) Its recommendation as to any research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

(d) Upon conclusion of each activity, but at least annually, the committee shall summarize and report the results of such activity to its members and to the Secretary.

Signed at Washington, D.C., on June 7, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16884 Filed 6-9-76;8:45 am]

Farmers Home Administration

[7 CFR Part 1806]

[FmHA Instruction 426.1]

REAL PROPERTY INSURANCE

Proposed Revisions

Notice is hereby given that the Farmers Home Administration has under consideration the proposed revision of Subpart A of Part 1806, Title 7, Code of Federal Regulations (35 FR 17238, and amended at 37 FR 17051, 37 FR 2879, 37 FR 25499, as redesignated at 39 FR 17093, and amended at 40 FR 2420, 40 FR 10953). This revision will relieve the County Supervisor of the responsibility to check and monitor Farmer Program (FP) and section 502 Rural Housing (RH) borrower insurance accounts for adequate coverage after the loan has been outstanding for 1 year. Also included are editorial changes for clarity, but specifically, this revision will:

1. Relieve the County Supervisor of the responsibility for checking or monitoring to see that Farmer Programs (FP) or section 502 RH borrowers maintain adequate insurance coverage on their property after the loan has been outstanding for 1 year.

2. Authorize the County Supervisor to return the insurance policy or declaration page to Farmer Program and section 502 Rural Housing borrowers after the first year of the loan.

3. Limit authorization to pay insurance premiums by SF 1034, "Public Voucher for Purchases and Services Other Than Personal," for insurance on property securing a Farmer Program or section 502 Rural Housing loan to instances where unusual and severe hazards exist and insurance is necessary to protect the interests of the Government.

4. State the borower's and County Supervisor's responsibilities in cases of partial or total losses and damage to security property with or without adequate insurance coverage.

Interested persons are invited to submit written comments, suggestions, or objections to the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room No. 6316, South Building, Washington, D.C. 20250, on or before July 12, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.-4:45 p.m.).

It is proposed that Subpart A of Part 1806 of the Code of Federal Regulations read as follows:

Subpart A—Real Property Insurance

Sec.
1806.1 General.
1806.2 Companies and policies.
1808.3 Coverage requirements.
1806.4 Examining and general servicing of insurance.
1806.5 Losses.
1806.6 Failure of borrower to provide insurance.
Exhibit A—Escrow agreement, real property insurance.
Exhibit B—Notice of expiration of insurance (for FP and section 502 RH borrowers).

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C 301; delegation of authority by the Sec. of Agri., 7 CFR § 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR § 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.

Subpart A—Real Property Insurance

§ 1806.1 General.

(a) *Authority.* This Instruction prescribes the authorizations, methods, and procedures to be followed in obtaining and servicing property insurance on buildings and on owned or leased land securing the interest of the Farmers Home Administration (FmHA) in connection with Farmer Program (FP), Rural Housing (RH), Labor Housing

(LH), Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Recreation Loans (RL), Other Real Estate (ORE), Soil and Water (SW), Timber Development (TD), and Land Conservation and Development (LCD) loans. For the purpose of this instruction, FP means direct and insured individual farm real estate, operating and emergency loans secured by real estate.

(b) *Borrower to furnish insurance.* The real estate mortgage executed by the borrower provides that he will furnish and continually maintain and pay for insurance on buildings situated or constructed on the property with companies, in amounts, and on terms and conditions satisfactory to the FmHA until the loan is repaid.

(c) *Borrower's selection of company.* The borrower may select the insurance company provided that the company and insurance policy comply with all the requirements set forth in this Instruction.

(d) *Responsibility.* The County Supervisor is responsible for taking all actions in connection with insurance as may be necessary to protect the security interest of the FmHA. Any unusual situation that may arise with respect to obtaining or servicing insurance should be referred to the State Director. The State Director will refer any questions of a legal nature to the Office of the General Counsel (OGC).

(e) *Use of Form FmHA 426–1, "Valuations of Buildings."* The minimum insurance required will be indicated in the appraisal report by the employee who makes the appraisal of property that includes insurable buildings. In the case where no real estate appraisal is required or the appraisal report does not indicate the minimum insurance coverage, Form FmHA 426–1 will be prepared by the County Supervisor. Reevaluation of the buildings will not be done on appraisal reports; however, when new buildings are constructed or values increase or decrease materially and reevaluation is necessary to properly reflect the buildings' security interest of the FmHA, the County Supervisor will prepare or revise Form FmHA 426–1 as appropriate. Changes made on an existing Form FmHA 426–1 will be dated and initialed. The reason for any deletion will be noted on the Form.

§ 1806.2 Companies and policies.

Property insurance policies or other evidence of insurance will be accepted from borrowers when the requirements outlined herein are complied with fully.

(a) *Companies.* It is desirable that companies be licensed to do business in the particular State or other jurisdiction where the property is located, or that they be otherwise authorized by law to transact business within such State or other jurisdiction (hereinafter called "State"). If the required insurance is not available locally at comparable rates from an insurance company licensed or otherwise authorized to do business in the State, insurance may be accepted from another company if (1) the OGC advises that policies issued by such company will not be rendered unenforceable by virtue of the company's failure to be licensed or otherwise authorized to transact business in the State and that the company is a legal entity which may be sued in the State where the insured property is located, and (2) the State Director determines that the company is reputable and financially sound. In making the above determinations, the State Director will consider all relevant available information such as that which may be obtained from financial statements, Best's Insurance Reports, State insurance authorities, and other lending institutions.

(b) *Insurance policies*—(1) *Standard policies.* If a standard fire insurance policy has been adopted for the State, it should be used unless State statutes exempt the company from the regulations requiring its use. The standard policy is one containing substantially the same standard provisions adopted or recommended by legislative action or by order of the supervisory insurance authorities of the State in which the security is located.

(2) *Other policies.* To be acceptable, any other insurance policies must conform to the requirements of this Instruction.

(i) "Homeowner's" policies, "All Physical Loss" policies. "Broad Form" policies, and other such all-inclusive policies are acceptable if they otherwise meet the requirements of this Instruction.

(ii) A builder's risk policy naming the borrower as the insured or a builder's risk endorsement for a policy issued to the borrower may be accepted during the period a building is under construction if the policy otherwise meets the requirements of this Instruction. If such a policy or endorsement does not automatically convert to full coverage when the building is completed, acceptable insurance must be obtained simultaneously with the expiration of the builder's risk provisions of the policy.

(iii) A builder's risk insurance policy issued to a contractor only may not be substituted for the property insurance, the borrower is required to provide.

(iv) Borrowers eligible for insurance under the National Flood Insurance Act of 1968, as amended by the Flood Disaster Act of 1973, will be serviced in accordance with FmHA Instruction 426.2.

(3) *State instructions.* If the State Director and the OGC consider it advisable, a State Instruction may be issued to help County Supervisors identify standard insurance policies adopted for the State. The Instruction should also furnish a guide to assist in identifying other acceptable insurance policy forms that are commonly used by insurance companies in the State, recognizing that such information is not all inclusive.

(4) *Binders.* Whenever there is a justifiable reason for not issuing a policy or endorsement, as required, a written binder will be acceptable for a period not to exceed 60 days from the effective date of the insurance. Form FmHA 426–7, "Insurance Binder," may be used in lieu of a standard binder form provided by the insurance company or agent. The written binder must have attached thereto the approved form of mortgage clause. Such a binder will be submitted to the County Supervisor in lieu of an insurance policy or endorsement and the insurance policy or endorsement will be submitted on or before the expiration date of the binder. The State Director, with the advice of the OGC and subject to prior approval of the National Office, may issue a State Instruction authorizing such binders to be accepted for periods longer than 60 days.

(5) *Submission of policies.* The original policy or declaration page must be delivered to the County Supervisor by the borrower, except that a certificate of insurance, a copy of the policy, or other evidence of insurance is acceptable for loans which are secured by other than first liens if the mortgage clauses include the names of prior mortgagees. For FP and section 502 RH loans, the County Supervisor will not retain the insurance policy or declaration page after the loan has been outstanding for 1 year. The County Supervisor will return the insurance policy of FP and Section 502 RH borrowers and notify each borrower by letter similar to Exhibit B of this Instruction of his continued liability to insure buildings securing FmHA loans against loss. The County Supervisor will not, however, be responsible for further checking or monitoring to see that a FP or section 502 RH borrower insures security property and will process a SF 1034, "Public Voucher for Purchases and Services other than Personal," to pay for insurance only in strict compliance with provisions of § 1806.6.

(6) *Master sets.* If the master sets meet all of the requirements of this Instruction they may be accepted in lieu of an original policy for each FmHA borrower.

(i) One complete master set of the different insurance forms for policies issued by the insurance company must be on file in each County Office where the company insures property of FmHA borrowers.

(ii) The "Declaration Page" furnished by the insurance company for each borrower insured, in lieu of a complete policy, will be filed in the borrower's case folder. When a "Declaration Page" in the form of a computer printout is used by an insurance company an endorsement on every policy issued by that company or a letter from that company will be obtained and attached to the printout. However, a letter signed by an authorized official of the company and addressed to the State Director may cover all policies issued by that company in the State. Any such endorsements or letters should clearly state that the company considers the printout to be an original "Declaration Page". Such endorsements or letters are not necessary if the printout itself clearly states that it is an original "Declaration Page."

(7) *Name and location.* The name or names of the assured in the policy must be readily identifiable as the owners of

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the property being insured. If title is vested in the husband and wife, the policy should contain the names of both; however, if the policy, when issued, shows the name of only the husband, it will not be necessary to return it for correction. The location of the property should be described sufficiently to identify it. The complete legal description by metes and bounds of the property is not required.

(8) *Loss or damage covered.* Buildings must be insured against loss or damage by fire, lightning, windstorm, hail, explosion, riot, civil commotion, aircraft, vehicles, and smoke.

(9) *Effective date of insurance.* If there are insurable buildings located on the property, the borrower will arrange with his agent or company to have adequate insurance in force at the time the loan, assumption, or credit sale is closed so that the policy will properly insure the borrower and the mortgagees. When new buildings are erected or major improvements are made to existing buildings, such insurance will be made effective as of the date materials are delivered to the property. The County Supervisor will make no payments from loan funds for labor or materials until the borrower has furnished adequate insurance to protect the interest of the FmHA in the buildings being erected or improved.

(10) *Term.* The borrower will be required to furnish insurance for a term of at least one year with evidence that a full year's premium is paid. The term "premium" as used herein includes any assessments which may be charged to the borrower. If the assessments are of the type imposed only after a loss occurs involving property insured by the insurance company, then the borrower must present evidence (such as a letter from the company) that he currently does not owe any such assessments. The borrower may receive a discount for insuring for a longer period such as three years or five years and with an annual premium. If the insurance contains an automatic renewal clause, its provision should be substantially the following to be acceptable to FmHA:

> This policy will be automatically extended for successive terms at expiration of the original term and of each extension thereof, upon payment of renewal premiums.' It is a condition of this policy that if the policy expires or is canceled for nonpayment of premium, or for any other reason, the mortgagee will be given 10 days notice.

(11) *Mortgage clause.* The standard mortgage clause adopted by the State must be attached to or printed in the policy, or Form FmHA 426–2, "Property Insurance Mortgage Clause (Without Contribution)," must be attached to or the provisions thereof printed in the policy. A letter signed by an authorized official of an insurance company to the State Director, stating that all insurance policies the company issues in the State and in which the FmHA has a mortgage interest incorporates all of the provisions of Form FmHA 426–2 may be accepted in lieu of attaching Form FmHA 426–2 to each policy. If such a blanket letter is used, the FmHA will be named in the loss payable clause and a State Instruction will be issued, after prior approval is obtained from the National Office, authorizing the use of such method.

(i) If the use of a mortgage clause, other than the standard mortgage clause (without contribution), has been made mandatory by State laws or insurance regulations, a State Instruction will be issued, after prior approval is obtained from the National Office, authorizing the use of such a form.

(ii) When an approved mortgage clause is printed in the policy a "Loss Payable Clause" is acceptable provided the FmHA, as mortgagee, would receive payment in case of loss even though the company would not be liable to the borrower. A "Loss Payable Clause" which contains the statement that the mortgagee is "subject to all terms and conditions of the policy" is not acceptable.

(iii) Whenever a new mortgage clause including the interest of the FmHA is issued after the policy has been in force, the new mortgage clause must be signed by an authorized agent or officer of the company that issued the policy. Form FmHA 426–6, "Transmittal of Property Insurance Mortgage Clause," may be used to transmit the mortgage clause to the insurance official.

(iv) The FmHA and all other mortgagees whose interests are insured by the policy will be shown either in the mortgage clause or in the "Declaration Page" in the order of priority of their mortgages.

(A) "United States of America (Farmers Home Administration)" will be named in the mortgage clause for direct and insured loan mortgages naming FmHA as mortgagee, whether in its own right or as trustee under a 2(f) or other agreement with a State Rural Rehabilitation Corporation.

(B) "United States of America (Farmers Home Administration), as first mortgagee or as statutory agent and insurer of such mortgagee," will be named in the mortgage clause for insured FO mortgages naming the lender as mortgagee, whether the mortgage is held by the original or a subsequent lender or by the insurance fund or by FmHA under a trust agreement or declaration of trust.

(C) If the designation is not identical to that set forth in paragraph 1806.2(b)(11)(iv) (A) or (B) of this section, whichever is applicable, it will be sufficient if the mortgagee is readily identifiable as the Farmers Home Administration.

(c) *Evidence of premium payment.* (1) When Form FmHA 426–2 is attached to or the provisions thereof are printed in the policy, or a blanket letter from an insurance company incorporating the provisions of Form FmHA 426–2 in all policies in which the FmHA has a mortgagee interest is in effect in accordance with paragraph (b)(11) of this section, no evidence of premium or assessment payment is required except for the first year.

(2) When a mortgage clause requires the mortgagee to pay the premium if the insured does not, the borrower will be required to furnish, with the policy, proper evidence that the premium has been paid for the full term of the policy, unless a State Instruction has been issued in accordance with paragraph (c)(3) of this section or an exception is otherwise authorized by the National Office. The evidence of a premium payment may be (i) a receipt, (ii) the policy or bill for the premium stamped "Premium Paid," (iii) the endorsement renewing or continuing the policy stamped "Premium Paid," or (iv) a letter or statement signed by the agent or company stating that the premium has been paid. In case the policy is written by an assessment mutual insurance company on an annual assessment basis, proper evidence will accompany the policy to show that the most recent annual assessment has been paid.

(3) In those States in which laws or regulations do not permit the use of Form FmHA 426–2, the State Director may issue a State Instruction which sets forth the manner in which premium payment will be handled.

(d) *Policy restrictions.* (1) Any insurance on essential buildings as defined in § 1806.3 having restrictions which limit the amount of collectable insurance to less than FmHA requirements, generally must have such restrictions eliminated or modified to afford the required protection; otherwise, the policy usually will not be accepted. However, the restrictions may be acceptable if they meet the conditions set forth below (except for the clause described in subparagraph (iv) which is never acceptable).

(i) *Coinsurance Clause.* This clause generally provides that in consideration of a reduced rate, the borrower agrees to maintain insurance on his buildings up to a specified percentage (usually 80 percent) of their value and that the company will not be liable for a greater proportion of any partial loss than the amount of insurance bears to the specified percentage of either the undepreciated replacement value or the depreciated replacement value (actual cash value) of the buildings at the time of the loss. When the buildings are insured for the specified percentage of their value, the company, in the event of a partial loss, will be liable for the full amount of the loss not to exceed the amount of insurance. A coinsurance clause can be accepted only where the amount of insurance is at least equal to the specified percentage of either the undepreciated replacement value or the depreciated replacement value (actual cash value). For example, an 80 percent coinsurance clause can be accepted only where the amount of insurance on each insured building is at least equal to 80 percent of the appropriate replacement value of the insured building.

(ii) *Three-Fourths' Value Clause.* This clause provides that the liability of the company shall be limited to three-fourths of the depreciated replacement value of the buildings covered at the time of the loss, not to exceed the amount

of insurance. This clause may be accepted if the unpaid balance of the loan is not greater than three-fourths of the depreciated replacement value of the building and the amount of insurance is at least equal to the unpaid balance of the loan and any prior liens and no building is insured for more than three-fourths of its depreciated replacement value.

(iii) *Loss Deductible Clause.* This clause generally provides that loss to each building to the extent of the limitation is not recoverable. The company is liable only for loss to each building in excess of such limitation stated in the clause. This clause may be accepted where the limitation does not exceed $150, or one percent of the insurance coverage, whichever is greater. In no case, however, may the limitation on any one building exceed $300.00.

(iv) *Three-Fourths' Loss Clause.* This clause provides that the company will not pay more than three-fourths of any loss, nor more than three-fourths of the amount of insurance in force. This clause is never acceptable and must be eliminated.

(v) *Deferred Loss Payable Clause.* This clause provides that, if the amount payable under the policy for any loss to any building insured shall be in excess of a specified portion, (usually 60 percent) of the amount of insurance on such building, the company will withhold from its initial loss payment any sum in excess of the specified portion of the amount of insurance on such building. If the building sustaining such loss is repaired or replaced within six months from the date of the fire and at or within 300 feet of the original location, as described in the policy, the company upon receipt of evidence to that effect from the insured will pay the full balance withheld from the initial payment, provided the amount expended in repairing or replacing the building damaged or destroyed will equal or exceed the amount of loss as determined under the terms of the policy. Failure to repair or replace any insured building within the time and within the manner provided will constitute acceptance of the initial payment as full and final settlement under the policy with respect to the loss. This clause may be accepted if the amount of insurance is for the full depreciated replacement value (actual cash value) of the building and the unpaid balance of the loan and any prior lien(s) is not greater than the initial loss payment made by the company.

(vi) *Construction Specifications and Use Conditions.* If the insurance policy contains clauses which specify certain standards of construction or prescribes certain uses of the property for the insurance to be valid, the policy is acceptable only if the property meets such specifications or conditions at the time of acceptance. For example, if the policy provides that the chimney be constructed of a certain type of material, the County Supervisor should be assured that the required material has been used, or if the policy provides that farming operations are not carried out on the premises he should be assured that this condition is met.

(2) Policies generally will not be accepted if, under the terms of the policies or local laws, contributions or assessments may be made against the FmHA. However, policies which impose assessments on the borrower may be accepted only if the FmHA mortgage will be recorded prior to any failure of the borrower to pay any such assessments. Policies also will not be accepted if, by their terms or other conditions, loss payments are contingent upon action by the Board of Directors, the stockholders, or the members. The employment of an individual member(s) or director(s), for example, as appraisers or claims adjusters does not fall within this prohibition.

(e) *Buildings on leaseholds.* The policy will indicate that the insured is the lessee or tenant and not the owner of the buildings securing the FmHA loan; or, if he is the owner of the building on the leased land, the policy will indicate that the insured is the owner of the building, but not of the land. State Directors, with the advice of the OGC will issue State Instructions to meet any other special requirements needed to conform with the insurance requirements of the State to enable leaseholders to obtain property insurance for buildings which are security for FmHA loans.

§ 1806.3 Coverage requirements.

The County Supervisor should encourage the borrower for his own protection to insure for their depreciated replacement value (actual cash value) all essential buildings. Essential buildings include the dwelling and any other buildings that are necessary for the operation of the property or that provide income to assure orderly repayment of the loan. If insurance is for less that the depreciated replacement value of all essential buildings, the County Supervisor will see that the coverage is obtained on one or more of the most essential buildings. The minimum amount of coverage will be furnished as prescribed below:

(a) *Loans secured by a first lien.* (1) When the unpaid balance of the FmHA loan secured by a first lien is equal to or greater than the depreciated replacement value of the essential buildings, or the cost of adequate essential buildings which can be constructed for amounts less than the depreciated replacement value of the existing buildings, the essential buildings will be insured, to the nearest multiple of insurance that is available, for the lessor of (i) their depreciated replacement value, or (ii) the cost of constructing adequate essential buildings. For example, if insurance is available in only multiples of $1,000, the minimum insurance required on an essential building valued at $6,600 would be $7,000, and that required on an essential building valued at $6,400 would be $6,000.

(2) When the unpaid balance of the loan is less than the sum of the depreciated replacement value of the essential buildings to be insured, the total amount of insurance must be at least equal to the lesser of (i) the unpaid balance of the loan, or (ii) the cost of adequate essential buildings which can be constructed for amounts less than the depreciated replacement value of the existing buildings to be insured.

(3) When, by the use of loan funds or otherwise, buildings are erected or substantial improvements are made to essential buildings, the amount of insurance will be adjusted in accordance with paragraph (a) (1) or (2) of this section, whichever is applicable.

(b) *Loans secured by other than first liens.* The amount of insurance on buildings in the case of FmHA loans secured by other than a first lien will be the same as required in paragraph (a) of this section, with the understanding that the unpaid balance of the loan will be deemed for this purpose to be the amount of the total real estate mortgage indebtedness owed all prior mortgagees named in the mortgage clause, plus the debt to the FmHA which is secured by real estate mortgage.

(c) *Exception of buildings from insurance.* (1) Insurance will not be required on a building:

(i) That is not essential.

(ii) In such a state of disrepair that the cost of insurance would be prohibitive.

(iii) Which has a depreciated replacement value of $2,500 or less.

(iv) Which is being or has been repaired with a section 504 loan. Families receiving section 504 loans should be encouraged but not required to carry insurance on their home.

(v) On LH security property which was not built or repaired with FmHA loan funds provided that the State Director determines that the land and other structures adequately secure the FmHA loan and any prior liens.

(vi) On which the hazards are so slight because of the character and construction of the building, or the cost of the insurance is so high in comparison with the value of the building that, according to common standards of judgment, it should not be insured, including but not limited to windmills, silos, and fire-cured tobacco barns.

(vii) In cases where the unpaid balance of the FmHA loans and any prior liens have been reduced to $2,500 or less, property insurance need not be required if the borrower wants to discontinue it, provided the County Supervisor determines that the value of the land security itself is sufficient to protect the FmHA in its collection of the amount of the outstanding indebtedness.

(viii) If insurance for windstorm and hail to meet all FmHA requirements is not available in a hurricane area, the County Supervisor may accept from the borrower or applicant the windstorm and hail insurance policy that most nearly conforms to FmHA requirements. If such an exception is made, the situation should be fully documented in the borrower's case file. However, if the best

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insurance policy a borrower or applicant can obtain at the time he receives a loan contains a loss deductible clause for windstorm and hail damage exceeding $250 or 10 percent of the actual cash value of the buildings, whichever amount is greater, the insurance policy, with an explanation of the reasons why more adequate insurance is not available will be submitted to the State Office for prior approval.

§ 1806.4 Examining and general servicing of insurance.

(a) *Examination by county office of policies, endorsements, binders, and other evidence of insurance.* Upon receipt in the County Office of a policy, endorsement, binder, or other evidence of insurance, submitted by a borrower, it will be examined promptly for compliance with the requirements of this Instruction. If the evidence of insurance is found to be acceptable, it will be placed in the borrower's case folder.

(1) *Unacceptable policies.* (i) When the borrower furnishes any policy or other evidence of insurance which does not meet the requirements of this Instruction such policy or other evidence of insurance will be returned to the borrower with the reasons why it is not acceptable.

(ii) If the borrower does not furnish acceptable insurance by the date the previous policy expired or was canceled, the County Supervisor will proceed as provided in § 1806.6.

(2) *Expiration records and notices.* After the insurance has been accepted, the expiration date will be inserted on Form FmHA 405–1, "Management System Card—Individual," or Form FmHA 405–5, "Management System Card—Individual (Rural Housing Only)," or Form FmHA 405–10, "Management System Card—Association or Organization," or Form FmHA 405–12, "Monthly Insurance Expirations," as provided in FmHA Instruction 405.1 for servicing the renewal of the insurance.

(i) In cases other than those involving FP or section 502 RH borrowers, the County Supervisor will notify the borrower of the expiration of his insurance at least 30 days in advance of such expiration unless he has received written evidence that the insurance has been renewed. Form FmHA 426–3, "Notice of Expiration of Insurance," may be used for this purpose.

(ii) FP and section 502 RH borrowers will be given notice in writing similar to Exhibit B, at least 30 days prior to expiration of the first premium installment regardless of whether the County Supervisor has received written evidence that the insurance has been renewed. Thereafter County Supervisor will not be required to further determine whether the borrower has adequately maintained insurance after the premium expiration period. If, however, further notice of expiration of insurance is received in the county office, the County Supervisor will forward another notice to the borrower similar to Exhibit B.

(3) *Release of mortgage interest.* When the borrower's loan has been paid in full and the satisfaction or release of the mortgage has been executed, the County Supervisor or his delegate will execute the following Release of Mortgage Interest on the mortgage clause attached to the policy or other evidence of insurance and transmit it with the policy or other evidence of insurance, the paid-in-full note, and the satisfaction to the borrower:

It is understood and agreed that the interest of the United States of America in the property insured hereunder ceased as of (Date of Final Payment), and that the Government shall have no interest in any loss or damage to such property occurring thereafter.

(4) *Lost or misplaced policies.* When an unexpired insurance policy or other evidence of insurance is lost or misplaced, it will be necessary to obtain a replacement policy or other evidence of insurance. The County Supervisor is authorized to sign a Lost Policy Receipt on behalf of the FmHA. For FP and section 502 RH loans, this paragraph applies only during the period the policy is retained in the County Office.

(5) *Disposition of expired and canceled policies.* An expired or canceled policy or other evidence of insurance will be returned to the borrower, unless (i) there is a loss settlement pending or, (ii) there has been a foreclosure sale or conveyance and the borrower's account has not been satisfied.

(b) *Special servicing of insurance.* (1) *Vacancy or unoccupancy—tenant occupancy—increased hazard.* If the County Supervisor has knowledge that insured property is vacant or unoccupied or that the ownership or occupancy has changed from owner to tenant, or that the hazards otherwise are increased, he will examine the policy to determine whether the policy permits such conditions. Unless the insurance permits such conditions, the County Supervisor will immediately notify the company or agent in writing. In any case where there is an additional premium due because of vacancy, unoccupancy, tenant occupancy, or other increased hazard, and upon demand to FmHA from the company or agent because the borrower cannot, or will not, pay the additional premium, it may be paid by Standard Form 1034, "Public Voucher for Purchases and Services Other than Personal," to the company or agent. For FP and Section 502 RH borrowers, Std. Form 1034, "Public Voucher," will not be used except in cases where an unusual and severe hazard exists and insurance is necessary to protect the interests of the Government.

(2) *Transfer of property.* (i) When a borrower or transferee requests the consent of FmHA to a transfer the security property which already has been made, or when the County Supervisor learns that any such transfer has been made, he will immediately inform the transferee that the mortgage requires the owner to provide and maintain adequate insurance acceptable to, and with loss payable to, FmHA as mortgagee. The transferee may obtain a new insurance policy or the transferor may have the insurance company or agent issue an endorsement to the current insurance policy changing the name of the assured to that of the transferee. If a new insurance policy is obtained, the old policy or other evidence of insurance will be returned to the transferor unless there is an unsettled loss. If there is an unsettled loss, the policy or other evidence of insurance will not be returned until the claim has been settled. The County Supervisor, with the concurrence of the State Director and the OGC, will notify the borrower and transferee that acceptance of the new policy or endorsement will not constitute consent by the Government to the transfer even though the Government is protected by a loss payable clause in such an insurance policy.

(ii) In case of a transfer for which prior consent is requested insurance will be obtained as required in Subpart A of Part 1872 of this Chapter for a transfer case.

(3) *Voluntary conveyance of property to the government and foreclosure.* Insurance will not be carried on buildings which the Government has acquired. After a foreclosure sale has been held, or after a deed of conveyance to the Government in lieu of foreclosure has been filed for record, insurance will not be maintained by the Government (whether or not subject to redemption). Any insurance in force at the time the property is acquired will not be cancelled. However, renewal premiums will not be paid by the Government.

§ 1806.5 Losses.

(a) *Protecting property.* It is the responsibility of the borrower to immediately notify the County Supervisor and insurance company or agent of any loss or damage to insured property and collect the amount of the loss. When the County Supervisor learns of a loss to property which secures an FmHA loan, he will:

(1) Check the borrower's casefile for an insurance policy or other evidence of insurance. When a policy or other evidence of insurance has not been retained by the FmHA, such as for FP and section 502 RH borrowers, the County Supervisor will determine whether the property was insured and whether FmHA was named as mortgagee in the insurance policy.

(2) Determine that the borrower has taken such steps as are necessary to protect the interest of the FmHA in the security property against further damage. When serious problems arise with respect to protecting the property from further damage, the borrower cannot or will not arrange adequate protection for the property, or when legal action appears to be necessary, the County Supervisor will arrange for emergency protection and immediately refer the case with complete information to the State Director.

(b) *Loss covered by insurance.* (1) If the FmHA is listed as mortgagee in the

insurance policy, the County Supervisor will collect the amount of the loss and may consent to the borrower using funds to repair or replace damaged or destroyed property or to apply loss proceeds to his loan account or to any prior lien that might exist in order of their priority.

(2) If the FmHA is not listed as mortgagee in the insurance policy, the County Supervisor will contact the borrower to determine whether he has received the loss proceeds. If the borrower has received the loss proceeds but not yet paid for improvements to repair or replace the property, or has not received the loss proceeds the County Supervisor will:

(i) Notify the insurance company in writing of the FmHA's interest in the security property and request that the loss proceeds be made payable jointly to the FmHA and the borrower.

(ii) Inform the borrower of his responsibility for repairing or replacing the damaged or destroyed property or for authorized disposition of the loss proceeds as outlined in paragraph (b) (1) of this section.

(c) *Loss drafts—when loan is secured by a first mortgage.* (1) A loss draft which in the opinion of the County Supervisor represents a satisfactory adjustment of the loss will be endorsed immediately without recourse and deposited in a supervised bank account to be used in repairing or replacing the damaged building, except:

(i) Where the amount of the loss is $1,000 or less and the borrower will use the funds for repairing or replacing an essential building, the loss draft may be endorsed without recourse and given to the borrower upon satisfactory proof that the repairs or replacements have been made, or upon satisfactory assurance that the work will be performed.

(ii) When (A) the essential buildings are not to be repaired or replaced and other suitable buildings are not to be erected, or (B) a balance remains after all repairs, replacements, and other authorized disbursements have been made, such insurance funds will be applied on prior liens or as an extra payment to the borrower's loan accounts secured by the real estate or disposed of in accordance with the general principles applicable to the use of proceeds from the sale of a part of the security under Subpart A of Part 1872 of this Chapter.

(iii) An insurance payment for loss or damage to a nonessential building the borrower voluntarily insured will be (A) released to the borrower unless his account is in default or (B) if the account is in default, disposed of as authorized by the State Director.

(iv) When the indebtedness secured by the insured property has been paid in full or the draft is in payment for loss of property on which the FmHA has no claim, a loss draft which includes the FmHA as a joint payee may be endorsed without recourse and deliver it to the borrower.

(d) *Loss drafts—When loan is secured by other than first mortgage.* (1) When the loss draft does not include the interest of a prior mortgagee, it will be processed as provided in paragraph (c) of this section.

(2) When the loss draft incudes the interest of a prior mortgagee, the County Supervisor is authorized to endorse and process the draft as follows:

(i) When the prior mortgagee will permit the use of such loss funds to repair or replace the damaged building, the draft may be endorsed without recourse upon satisfactory proof that the repairs or replacements have been made or upon satisfactory assurance that the work will be performed.

(ii) When the amount of the draft does not exceed the amount of the indebtedness then secured by the prior mortgage as stated in writing by the holder of the prior mortgage, and the holder of the prior mortgage has agreed in a written statement to the County Supervisor that he will apply such funds as a payment on the borrower's prior mortgage indebtedness, the draft may be endorsed without recourse.

(iii) When the amount of the draft exceeds the amount of the indebtedness then secured by the prior mortgage, as stated in writing by the holder, and he has agreed in writing to pay such indebtedness from the loss funds, the draft will be endorsed without recourse only after all parties named as payees in the draft have signed an agreement to deliver the draft "in escrow" to a bank acceptable to the named parties. The agreement will specify the manner in which the funds will be disbursed by the bank, as escrow agent, to the several mortgagees named in the draft. After the loss funds have been collected by the bank, it will issue cashier's checks in the manner prescribed in the escrow agreement (see Exhibit A for suggested form). If this procedure is found to be impractical in an individual instance, the State Director may authorize an alternative method for disbursing the loss funds to protect the Government's financial interest.

(iv) Drafts which have been endorsed by all other payees will be endorsed immediately without recourse. Such drafts or other loss funds will be processed in accordance with the methods described in paragraph (c) of this section.

(e) *Servicing insurance losses under special circumstances—(1) Foreclosures and voluntary conveyances.* Losses on properties in process of foreclosure or voluntary conveyance will be handled with the advice of the OGC. If the necessary cooperation of the borrower cannot be obtained, the State Director, with the advice of the OGC, will determine the proper action to be taken. To the extent feasible from a legal and practical standpoint, all loss payments should be received for a damaged or destroyed building and applied on the borrower's real estate indebtedness before title to the property is taken by the Government through foreclosure sale, voluntary conveyance, or otherwise, unless absolute assignment has been made by the borrower to the Government of all loss funds due from the insurance company.

(2) *Subrogation agreements.* When a company claims nonliability to the borrower and subrogation to the rights of the FmHA, the County Supervisor will forward a full report of the facts in the case to the State Director. The State Director will upon advice from OGC, instruct the County Supervisor regarding further action to be taken.

(f) *Repairs and replacements.* When any loss payments have been deposited in a supervised bank account, all repairs and replacements done by or under the direction of the borrower, or by contract, will be planned, performed, inspected, and paid for in the same manner as improvements financed with loan funds.

(g) *Completing adjustment.* The borrower must complete the adjustment of the loss with the company or its authorized representatives. The County Supervisor, upon request of the borrower may consult with the borrower regarding the loss adjustment, but will not enter into negotiations with insurance adjusters or company representatives relative to the adjustment or settlement of losses on borrower property, or make any commitments, or sign any forms in connection with the adjustment of the loss. The FmHA will not waive any rights which it may have against the company except when the borrower's account or the FmHA claim has been paid-in-full.

(1) The County Supervisor will maintain a proper followup on all loses until satisfactory settlement has been made by the company.

(2) Where the County Supervisor has evidence that the adjustment agreed to by the borrower is significantly less than the amount of damage to which the borrower is entitled under the terms of the policy, the loss draft accompanied by a report will be sent to the State Director so that he may reopen the adjustment, if he considers it is in the interest of the FmHA to do so.

(3) When it appears evident that the amount of the loss is $1,000 or less, the County Supervisor may rely on estimates of contractors, building supply firms, reliable carpenters, or other evidence rather than personal inspection in determining whether the adjustment is equitable and the Government's interest is protected.

(h) *Reinstatement after loss.* In cases where insurance in the amount of the loss is not reinstated automatically by the provisions of the policy, it will be the responsibility of the County Supervisor to have the borrower reinstate as much of the insurance as may be necessary to fulfill the requirements of the FmHA.

(i) *Losses not covered by insurance.* When a loss occurs and insurance is not in force, the County Supervisor will:

(1) Inform the borrower that he has violated the security instrument by not providing insurance coverage and that it is his responsibility to make the needed replacements or repairs.

(2) If the borrower is unable or unwilling to make needed repairs or re-

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placements from his own resources, the County Supervisor will submit complete information to the FmHA official authorized to determine whether FmHA will or will not continue with the loan. The County Supervisor's report will include recommendations on the following items:

(i) The advisability and possibility of making a subsequent loan to pay for needed repairs.

(ii) Subordination of the FmHA real estate lien to permit the borrower to obtain funds for needed repairs from another source.

(iii) The possibility of the borrower obtaining funds secured by a junior lien from another source.

(iv) Whether an advance is needed to protect the Government's interest in the property.

(3) If the loan will not be continued with the borrower, it must be serviced in accordance with the applicable Instructions.

(4) If the borrower has improperly disposed of loss proceeds, the County Supervisor will refer the case with complete information and recommendations to the State Director. The State Director will consult the Regional Attorney when necessary and advise the County Supervisor as to appropriate servicing actions.

§ 1306.6 Failure of borrower to provide insurance.

When a borrower fails to provide and maintain acceptable property insurance, the County Supervisor will immediately make every effort to have the borrower provide with his own funds a policy acceptable to the FmHA. The County Supervisor will emphasize the borrower's responsibility to continue to provide and maintain proper insurance and that failure to do so is grounds for foreclosure. If a FP or section 502 RH borrower still fails to provide acceptable insurance, the County Supervisor will process a SF 1034 to pay for insurance in accordance with provisions of this paragraph, only in cases where unusual and severe hazard exists such as recurring forest fires or unstable ground conditions. Failure to provide insurance will be considered a nonmonetary default and the advice of the State Director will be obtained before foreclosure action is started. If a borrower indebted for any other type loan fails to provide acceptable insurance, the County Supervisor will take the following action:

(a) *Expired Policies.* (1) The County Supervisor will request the insurance agency or broker who issued the expired policy to issue a new policy which is acceptable to the FmHA.

(i) The new policy will be effective as of the date of the County Supervisor's contact with the insurance agency or broker or as soon thereafter as possible, and will be for a term of one year. If State insurance regulations require a longer term, the State Director will issue a State Instruction authorizing County Supervisors to obtain policies for the minimum period permitted by State insurance regulations.

(ii) The FmHA will be shown in the loss payable clause and in the mortgage clause in the proper order of priority.

(iii) Insurance coverage on each building usually will be the same as shown on the expired policy if it meets or exceeds FmHA requirements. If the coverage shown on the expired policy does not meet FmHA requirements, proper coverage will be obtained.

(iv) The County Supervisor will, if possible, have an automatic renewal provision included in the policy.

(v) If the borrower refuses to pay the insurance premium with his own funds or arrange with the agent for subsequent payment by premium note or otherwise, the County Supervisor will prepare and process Standard form 1034 in accordance with FmHA Instruction 322.1, to cover the amount of the insurance premium. The amount of the premium payment will be charged to the borrower's FmHA account with the highest lien priority as a recoverable cost item.

(vi) If the insurance agency or broker who issued the expired policy refuses to issue a new policy, the County Supervisor will have the borrower designate in writing another insurance agency or broker from whom the insurance can be obtained.

(vii) After the County Supervisor and the borrower exhaust all efforts to obtain acceptable insurance, the County Supervisor will request advice from the State Office as to companies issuing acceptable policies in the State and from which the borrower might be able to obtain an acceptable policy. If the borrower still cannot obtain an acceptable policy from any such company, and continuance of the account with the borrower is appropriate under § 1872.1(b) of Subpart A of Part 1872 of this Chapter, the County Supervisor will temporarily accept from the borrower the available insurance policy the County Supervisor determines most nearly conforms to the requirements of § 1806.2

(A) In making this determination, the following deficiencies become more objectionable in the order from (*1*) to (5) below:

(*1*) A policy written for an initial term of less than on year.

(2) A policy which will insure the most essential buildings but will not cover all essential buildings.

(3) A policy which covers major risks such as fire and lightning, but does not include one or more of the other risks specified in § 1806.2(8).

(*4*) A policy for a lesser amount of insurance than is required by § 1806.3.

(5) A policy that is issued by a company which is not licensed to do business in the State or otherwise does not meet the requirements of § 1806.3.

(B) Whenever adequate insurance becomes available, the County Supervisor will require the borrower to deliver to the County Office an acceptable insurance policy. The temporary policy will be returned to the borrower for cancellation after all losses claimed under the policy have been settled.

(C) If the borrower is unable to furnish a property insurance policy of any kind, he is still responsible for the debt in the event of loss.

(D) If the County Supervisor accepts an inadequate insurance policy under these conditions or the borrower fails to furnish any insurance policy, the County Supervisor will include in his report to the State Director an explanation of the efforts he and the borrower made to obtain acceptable insurance and his justification for accepting an inadequate policy, or for not obtaining an insurance policy of any kind.

(b) *Insurance canceled for reasons other than nonpayment of insurance premium.* (1) The County Supervisor, immediately upon receipt of a 10-day notice of cancellation for a policy, will urge the borrower to provide acceptable insurance.

(2) If the borrower fails to provide acceptable insurance before the cancellation is effective, the County Supervisor will contact the insurance agency or broker who issued the insurance policy to determine the reasons for cancellation and, if possible, have the policy reinstated.

(3) If the insurance company will not reinstate the policy, the County Supervisor will attempt to obtain an acceptable insurance policy from another agency or broker in accordance with the provisions of paragraph (a) of this section.

(c) *Insurance canceled for nonpayment of premium.* (1) The County Supervisor, immediately upon receiving a 10-day cancellation notice for a policy, will, if possible, contact the borrower in an effort to have him pay the insurance premium from his own funds or arrange with the agent for subsequent payment by premium note, or otherwise.

(2) If the borrower does not pay or arrange to pay the premium before the policy cancellation is effective, the County Supervisor will, before the cancellation becomes effective, notify the insurance company or broker by certified mail (return receipt requested), that the FmHA as mortgagee (or trustee) will pay the premium for one year to continue the policy in effect for that period. The County Supervisor will then prepare and process Standard Form 1034 to cover the amount of the premium for a period of one year. The amount of the premium will be charged to the borrower's loan account as a recoverable cost item.

(3) If a property insurance mortgage clause other than Form FmHA 426–2 is used in connection with the policy and the insurance company or broker refuses to accept payment from the FmHA in this manner to reinstate or continue the policy, the County Supervisor will attempt to obtain an acceptable insurance policy from another insurance company or broker in accordance with the provisions of paragraph (a) of this section.

EXHIBIT A—ESCROW AGREEMENT REAL PROPERTY INSURANCE

Date _____

_____
(name of bank)
_____
(city or town)
_____
(State)

Gentlemen: Attached is Draft No. _____, for $_____, issued by the _____ Insurance Company in payment of _____ loss which damaged the buildings on the farm of _____, of _____ County, State of _____.

This draft has been endorsed by the undersigned payees who request that you collect these funds and issue cashier's checks to the following payees for the following amounts:

_____, First Mortgage $_____
_____, Second Mortgage $_____
_____, Third Mortgage $_____

The balance only, if any, will be paid to _____, the owner of the property.

_____
First Mortgagee
_____
Second Mortgagee
_____
Third Mortgagee
_____
Owner

EXHIBIT B—NOTICE OF EXPIRATION OF INSURANCE (FOR FP AND SECTION 502 RH BORROWERS)

DATE_____

_____
(name)
_____
(address)

Dear _____: This will advise that the property insurance on your dwelling and other essential buildings will expire on (date). Although the FmHA will no longer require that your original policy or other evidence of insurance be retained in your County Office file, this does not in any way lessen your responsibility to the Government.

The real estate mortgage which you signed at the time the loan was made requires that you continually maintain property insurance in amounts and on terms and conditions satisfactory to the FmHA until the loan is repaid. Failure to provide such insurance and list FmHA on the policy as mortgagee violates the conditions listed in the security instrument you signed when you received your loan. This may result in the FmHA having to take action necessary to protect its interest in your property.

Sincerely,

County Supervisor.

Dated June 4, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16797 Filed 6-9-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI–2021]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Cleona, Lebanon County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Cleona, Lebanon County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Cleona National Bank, 421 East Penn Avenue, Cleona.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Mark Wolfe, Garfield and East Penn Avenues, Cleona, Pennsylvania 17042. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Quittapahilla Creek	Eastern corporate limit and Dairy Rd.	420		220
	Garfield Rd.	427		350
	Western corporate limit	423		440

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1938), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16758 Filed 6-9-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2020]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Gilberton, Schuylkill County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Gilberton, Schuylkill County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the home of Mayor Ed Pautienus, Maizeville/Gilberton, Pennsylvania 17934.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Ed Pautienus, Maizeville/Gilberton, Pennsylvania 17934. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Mahanoy Creek	Corporate limits	1,092	75	55
	Island Rd.	1,104	40	50
	Bridge St.	1,114	225	125
	Reading RR	1,115	45	40
	Pottsville St.	1,124	115	20
	State Route 024	1,130	60	40
	Church St. (extended)	1,136	20	630
	Quality Hill Rd.	1,136	375	400
	Corporate limits	1,141	280	100

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 2974)

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16757 Filed 6-9-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2019]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Nanticoke, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Nanticoke, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Lobby of City Hall, 1 East Ridge Street, Nanticoke.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Frank J. Wadzinski, Mayor of Nanticoke, 1 East Ridge Street, Nanticock, Pennsylvania 18634. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	West corporate limits	538	300	(1)
	Private road (extended)	540	270	(1)
	Conrail Bridge	541	2,550	(1)
	Nanticoke Rd. Bridge	541	2,610	(1)
	East corporate limits	541	1,970	(1)
Newport Creek	Market Street Bridge	542	30	30
	West corporate limits	561	110	20
South branch, New port Creek.	River Rd	567	80	20

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16756 Filed 6-9-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2018]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Plymouth, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a))) hereby gives notice of his proposed determinations of flood elevations for the Township of Plymouth, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that

are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Tilbury Volunteer Fire Company, Routes 11 and 29, West Nanticoke, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Nevin Balliet, Chairman of the Board of Supervisors of Plymouth, 28 Orchard Avenue, Tilbury Terrace, West Nanticoke, Pennsylvania 18634. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limits	534	(1)	(2)
	Erie-Lackawanna R.R. (extended northwest).	542	(1)	4,500
	River Rd. Bridge	542	(1)	400
	Nanticoke Rd. Bridge	541	(1)	140
	Mill St. (extended southwest)	539	(1)	1,500
	Downstream corporate limits	537	(1)	260
Harveys Creek	Sullivan Trail	539	1,400	1,800
	Route 29 (river crossing)		180	20
	Unnamed road		(1)	1 200

[1] Outside corporate limits.
[2] From bank to corporate limits.
[3] From 100-year boundary to corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16755 Filed 6-9-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 76-39]

PUGET SOUND AREA, WASHINGTON

Proposed Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations for the Puget Sound Area by establishing a general anchorage off Cherry Point, Washington. This anchorage is needed for vessels awaiting pier space and no anchorage ground exists in the vicinity. The establishment of this anchorage will enhance safety in this area.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to the Commander, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 76-39), and give reasons for any recommended change in the proposal. Copies of all written comments will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard district will forward all comments received before July 26, 1976, and his recommendation to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that a new paragraph (a) (14) be added to § 110.230 of Part 110 of Title 33 of the Code of Federal Regulations to read as follows:

§ 110.230 Puget Sound Area, Washington.

(a) • • •

(14) *Cherry Point General Anchorage.* The waters within a circular area with a radius of 0.8 nautical mile, having its center at latitude 48°48'30'' N., longitude 122°46'00'' W.

• • • • • •

(Sec. 7, 38 Stat. 1053, as amended, sec. 6 (g)(1)(A), 80 Stat. 937; (33 U.S.C. 471), (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1).)

Dated: June 2, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine, Environment and Systems.

[FR Doc.76-16846 Filed 6-9-76;8:45 am]

Federal Aviation Administration

[Docket No. 76-NW-8-AD]

[14 CFR Part 39]

AIRWORTHINESS DIRECTIVES

Boeing Model 727-100 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model B727-100 Series airplanes with deactivated static port heater circuits. There have been incidents of small amounts of water freezing in the deactivated heater assembly of the static port system in B727-100 Series airplanes with static port heaters deactivated in accordance with Boeing Service Bulletin 25-42, dated October 20, 1965, or Revision 1, dated March 4, 1968, that could result in the loss of altitude and airspeed reference vital to the safe operation of modern jet airplanes. Since this condition is likely to exist or develop in other B727-100 Series airplanes of the same type design, the proposed airworthiness directive would require either the reactivation of the static heater circuit or replacement of the deactivated heater assembly, Boeing P/N 10-60723-1, with elbow fitting MS21908D6 in conjunction with enlarging the static port sensing holes from .047'' dia. to .125'' dia.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Council, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before August 1, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 727-100 series airplanes certificated in all categories with static port heater circuits deactivated. Compliance required as indicated unless already accomplished.

To prevent the loss of altitude and airspeed reference due to a small amount of water freezing in the static port system, accomplish the following:

Within the next 500 hours time in service after the effective date of this AD, accomplish either of (1) or (2) below:

(1) Reactivate the static port heater circuits to the original FAA approved B727-100 configuration; or

(2) Replace the deactivated heater assembly, P/N 10-60723-1, with elbow fitting MS21908D6 in accordance wtih Boeing Serv-

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ice Bulletin 727-34-95 (to be released) or later FAA approved service bulletins, and enlarge the static port sensing holes from .047" dia. to .125" dia. in accordance with Boeing Service Bulletin 727-34-94 (to be released) or later FAA approved service bulletins.

Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Wash., on May 26, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-16489 Filed 6-9-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15773]

AIRWORTHINESS DIRECTIVES

Dowty Rotol Type (c) R175/4–30–4/13E and (c) R212/4–30–4/22 Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Dowty Rotol Type (c) R175/4–30–4/13E and (c) R212/4–30–4/22 propellers. These propellers are installed on Fokker Model F-27 and Hawker Siddeley Model 748 Series 2A airplanes. There have been reports of hub cracks on these propellers due to improper machining that could result in propeller failures. Since this condition is likely to exist or develop in other propellers of the same type design, the proposed airworthiness directive would require inspection and rework, if necessary, of the affected Dowty Rotol propellers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW, Washington, D.C. 20591. All Comunications received on or before July 12, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL: Applies to Dowty Rotol Type (c) R175/4–30–4/13E and (c) R212/4–30–4/22 propellers having hub and driving center, P/N 601023166, 601023223, or 601023227 modified to Dowty Rotol Mod. No. (c) VP2381 standard. These propellers are installed on, but not necessarily limited to, Fokker Model F–27 Mks. 100, 300, and 700 Series and Hawker Siddeley Model 748 Series 2A airplanes.

Compliance is required at the next propeller overhaul or within the next 4700 hours propeller time in service after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent cracking and possible failure of the hub driving center due to improper machining, accomplish the following:

(a) For Type (c) R175/4–30–4/13E propellers, that incorporate the following hub and driving center assemblies, rework the hub driving center to salvage scheme No. 610144020 in accordance with Paragraph 2A of Dowty Rotol Service Bulletin 61–857, dated February 3, 1975, or an equivalent approved in accordance with paragraph (c) of this AD:

HUB AND DRIVING CENTER ASSEMBLY SERIAL NUMBERS

175/58/67	175/58/146
175/58/72	175/59/184
175/58/91	

(b) For Type (c) R175/4–30–4/13E propellers that incorporate hub and driving center assemblies having serial numbers not listed in paragraph (a) of this AD and Type (c) R212/4–30–4/22 propellers—

(1) Inspect the hub driving center to verify correct machining in accordance with Paragraph 2B of Dowty Rotol Service Bulletin 61–857 dated February 3, 1975, or an equivalent approved in accordance with paragraph (c) of this AD; and

(2) If the hub driving center is found to have been incorrectly machined, rework it to salvage scheme no. 610144020 in accordance with Paragraph 2A of Dowty Rotol Service Bulletin 61–857, dated February 3, 1975, or an equivalent approved in accordance with paragraph (c) of this AD.

(c) The equivalent means of compliance specified in paragraphs (a) and (b) of this AD must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region c/o American Embassy, APO New York, N.Y. 09667.

Issued in Washington, D.C. on June 2, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-16633 Filed 6-9-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15774]

AIRWORTHINESS DIRECTIVES

Dowty Rotol Type (c)R193/4–30–4/50, (c) R257/4–30–4/60, and (c)R184/4–30–4/50 Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dowty Rotol Type (c)R193/4–30–4/50, (c)R257/4–30–4/60, and (c)R184/4–30–4/50 propellers. There have been reports of hub cracks on these propellers due to improper machining that could result in propeller failures. Since this condition is likely to exist or develop in other propellers of the same type design, the proposed airworthiness directive would require inspection and rework, if necessary, of the affected Dowty Rotol propellers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before July 12, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL: Applies to Dowty Rotol Type (c)R193/4–30–4/50, (c) R257/4–30–4/60, and (c)R184/4–30–4/50 propellers having Hub Driving Centers, P/N 601026638, modified to Dowty Rotol Mod. No. (c) VP2186. These propellers are installed on, but not necessarily limited to, Fokker Model F–27, Fairchild Model FH–227 and Grumman Model G–159 Series airplanes.

NOTE.—Dowty Rotol Mod. No. (c) VP2486 is covered in Dowty Rotol Services Bulletin 61–573A dated June 1968, and the incorporation of the modification is required by AD 68–20–7.

Compliance is required at the next propeller overhaul or within the next 4,700 hours propeller time in service after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent cracking and possible failure of the hub driving center due to improper machining accomplish the following:

(a) For propellers that incorporate hub and driving center assemblies having the following serial numbers, rework the hub driving center to salvage scheme No. 640144000, in accordance with Dowty Rotol Service Bulletin 61–858, dated February 4, 1975, or an equivalent approved in accordance with paragraph (c) of this AD:

HUB AND DRIVING CENTER ASSEMBLY SERIAL NUMBERS

Serial No.	*Propeller type*
184/59/47	R184/4–30–4/50
184/59/60	R184/4–30–4/50
184/59/62	R184/4–30–4/50
184/59/61	R184/4–30–4/50
184/59/65	R184/4–30–4/50
184/60/79	R184/4–30–4/50
184/60/88	R184/4–30–4/50
184/60/89	R184/4–30–4/50
184/60/94	R184/4–30–4/50
184/60/95	R184/4–30–4/50
184/60/96	R184/4–30–4/50
184/60/99	R184/4–30–4/50
184/60/103	R184/4–30–4/50

Serial No.	*Propeller type*
184/60/126	R184/4–30–4/50
184/60/146	R184/4–30–4/50
184/60/147	R184/4–30–4/50
184/60/159	R184/4–30–4/50
184/60/160	R184/4–30–4/50
DRG/10/61	R184/4–30–4/50
DRG/12/61	R184/4–30–4/50
DRG/14/61	R184/4–30–4/50
DRG/17/61	R184/4–30–4/50
DRG/20/61	R184/4–30–4/50
DRG/24/61	R184/4–30–4/50
DRG/25/61	R184/4–30–4/50
DRG/31/61	R184/4–30–4/50
DRG/38/61	R184/4–30–4/50
DRG/41/61	R184/4–30–4/50
DRG/43/61	R184/4–30–4/50
DRG/44/61	R184/4–30–4/50
DRG/48/61	R184/4–30–4/50
DRG/49/61	R184/4–30–4/50
DRG/58/81	R184/4–30–4/50
DRG/2/62	R184/4–30–4/50
DRG/9/62	R184/4–30–4/50
DRG/10/62	R184/4–30–4/50
DRG/11/62	R184/4–30–4/50
DRG/19/62	R184/4–30–4/50
DRG/31/62	R184/4–30–4/50
DRG/288/64	R184/4–30–4/50
DRG/290/64	R184/4–30–4/50
DRG/56/65	R184/4–30–4/50
DRG/116/65	R184/4–30–4/50
DRG/122/65	R184/4–30–4/50
DRG/152/65	R184/4–30–4/50
DRG/223/65	R184/4–30–4/50
DRG/224/65	R184/4–30–4/50
DRG/42/66	R184/4–30–4/50
DRG/122/66	R184/4–30–4/50
193/58/11	R193/4–30–4/50
193/58/17	R193/4–30–4/50
193/58/27	R193/4–30–4/50
193/58/38	R193/4–30–4/50
193/59/116	R193/4–30–4/50
193/59/119	R193/4–30–4/50
193/60/150	R193/4–30–4/50
193/60/151	R193/4–30–4/50
DRG/32/62	R193/4–30–4/50
DRG/119/66	R193/4–30–4/50
DRG/442/66	R193/4–30–4/50
DRG/131/66	R257/4–30–4/60
DRG/407/66	R257/4–30–4/60
DRG/408/66	R257/4–30–4/60
DRG/454/66	R257/4–30–4/60
DRG/28/67	R257/4–30–4/60
DRG/30/67	R257/4–30–4/60
DRG/86/67	R257/4–30–4/60
DRG/93/67	R257/4–30–4/60
DRG/95/67	R257/4–30–4/60
DRG/189/67	R257/4–30–4/60
DRG/194/67	R257/4–30–4/60
DRG/231/67	R257/4–30–4/60
DRG/233/67	R257/4–30–4/60
DRG/344/67	R257/4–30–4/60
DRG/345/67	R257/4–30–4/60
DRG/348/67	R257/4–30–4/60

(b) For propellers that incorporate hub and driving center assemblies having serial numbers not listed in paragraph (a) of this AD, accomplish the following in accordance with Dowty Rotol Service Bulletin 61–858, dated February 4, 1975, or an equivalent approved in accordance with paragraph (c) of this AD:

(1) Inspect the hub driving center to verify correct machining.

(2) If the hub driving center is found to be incorrectly machined, rework the hub driving center to salvage scheme No. 640144000.

(c) The equivalent means of compliance specified in paragraphs (a) and (b) of this AD, must be approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa and Middle East Region c/o American Embassy, APO New York, N.Y. 09667.

Issued in Washington, D.C. on June 2, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-16634 Filed 6-9-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-21]

ALTERATION OF VOR AIRWAY

Proposed Extension of VOR Airway

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V–217 from Duluth, Minn., VORTAC to Winnipeg, Manitoba, VORTAC and realign V–129W between the Hibbing, Minn., VORTAC and the International Falls, Minn., VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before July 12, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would:

1. Extend V–217 from Duluth, Minn., via Hibbing, Minn.; Baudette, Minn.; to the intersection of the Baudette 313° T (306° M) and Winnipeg, Manitoba, 116° T (108° M) radials, excluding the portion within Canada.

2. Realign V–129W in part from Hibbing, Minn., via the intersection of the Hibbing 319° T (314° M) and International Falls, Minn., 182° T (176° M) radials; to International Falls.

These airway actions are necessary for air traffic control to better accommodate the increased number of flights between Hibbing, Minn., and Winnipeg, Manitoba.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 3, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-16635 Filed 6-9-76;8:45 am]

Federal Highway Administration

[23 CFR Part 640]

[FHWA Docket No. 76-8]

CERTIFICATION ACCEPTANCE

Advance Notice of Proposed Rulemaking

Section 117 ("Certification Acceptance") of Title 23, United States Code, provides for an alternative method by which the Secretary of Transportation may discharge his responsibilities for some sections of Title 23 on certain Federal-aid highway projects. Section 116 (a) of the Federal-Aid Highway Act of 1976, which was signed into law on May 5, amends section 117(a) of Title 23. The requirement that a State must have laws, regulations, directives and standards establishing requirements "at least equivalent to" those contained in Title 23 or issued pursuant thereto has been modified to require that a State must have laws, etc., "which will accomplish the policies and objectives" of Title 23 and regulations, directives, and standards issued pursuant thereto. It is anticipated that the Federal Highway Administration (FHWA) will implement this amendment to 23 U.S.C. 117(a) through revision of 23 CFR, Part 640, and the Federal-Aid Highway Program Manual, Volume 6, Chapter 5, section 2, "Interim Directive for Certification Acceptance."

In connection with the implementation of the subject amendment and in an effort to assure consideration of the views and opinions of all interested persons, the FHWA hereby invites the submission of such views and opinions, especially in the following area: Criteria and procedures pursuant to which the FHWA will be able to determine that "projects will be carried out in accordance with State laws, regulations, directives, and standards which will accomplish the policies and objectives contained in or issued pursuant to" Title 23, United States Code.

Data and comments on this advance notice of proposed rulemaking should be submitted in triplicate to the Federal Highway Administration, Department of Transportation, Room 4230, Docket No. 76–8, 400 7th Street, SW, Washington, D.C. 20590. All written communications received by July 26, 1976, will be considered before final action is taken on this proposal. Copies of comments received will be available for examination during normal business hours, 7:45 a.m. to 4:15 p.m., at the foregoing address.

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This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. 315 and 49 CFR 1.48.

Issued: June 1, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-16821 Filed 6-9-76;8:45 am]

National Highway Traffic Safety Administration

[23 CFR Part 1204]

[Docket 75-2; Notice 5]

HIGHWAY SAFETY PROGRAM STANDARDS

Additional Public Meetings and Establishment of Evening Sessions

This notice announces that the National Highway Traffic Safety Administration (NHTSA) will hold five additional public meetings to receive public comments concerning a proposed revision of the highway safety program standards issued under the authority of the Highway Safety Act of 1966.

By notice of May 20, 1976 (41 FR 20705), the NHTSA announced that it would hold five public meetings to receive comments concerning a proposed revision of the highway safety program standards administered by the agency and to receive recommendations concerning new standards. The advance notice of proposed rulemaking which outlined the rationale and initial thoughts of the NHTSA on this subject was published in the FEDERAL REGISTER on January 22, 1976 (41 FR 3315).

In order to increase the opportunity for the public to comment on these proposals and to allow the NHTSA to benefit from the experience of the public in the area of highway safety, the NHTSA has decided to add five additional public meetings, each with an evening session from 6:00 p.m.–10:00 p.m. In addition, an evening session from 6:00 p.m.–10:00 p.m. will be added to the already scheduled meetings. The full schedule for the public meetings appears below:

Tuesday, June 15, 1976, Washington, D.C., Federal Aviation Administration Auditorium, 800 Independence Ave., S.W.

Tuesday, June 22, 1976, San Francisco, California, Room 13450, Federal Building, 450 Golden Gate Avenue.

Thursday, June 24, 1976, Denver, Colorado, Post Office Auditorium, 1823 Stout Street.

Tuesday, June 29, 1976, Atlanta, Georgia, Room 401, Georgia Department of Transportation Bldg., No. 2 Capitol Square.

Wednesday, June 30, 1976, New York City, Americana Hotel, Biarritz Room, 52nd Street & 7th Avenue.

Thursday, July 1, 1976, Kansas City, Missouri, Room 340, New Federal Office Bldg., 601 East 12th Street.

Wednesday, July 7, 1976, Seattle, Washington, New Federal Building, 4th Floor South Auditorium, Enter 915 Second Avenue.

Wednesday, July 7, 1976, Cambridge, Massachusetts, Transportation Systems Center Auditorium, 55 Broadway.

Friday, July 9, 1976, Chicago, Illinois, Ramada O'Hara Inn, Salon No. 1 Room, 6600 N. Mannheim, Des Plaines, Illinois.

Friday, July 9, 1976, Fort Worth, Texas, Hilton Inn, Astor Room, Interstate 20 and Commerce.

The meetings will be held from 9:00 a.m. to 12:00 p.m., from 1:30 p.m. to 4:00 p.m., and from 6:00 p.m. to 10:00 p.m.

The meetings will be informal in nature and will be conducted by a senior NHTSA official representing the Associate Administrator, Traffic Safety Programs (TSP).

All interested persons are invited to attend the meetings and to present oral or written comments concerning the proposed revision of the NHTSA standards. Persons making oral statements are encouraged to submit their comments in written form either at the meeting or by mail.

The sequence of speakers at each meeting will be based on the order of registration. Persons who wish an opportunity to speak are requested to register in advance of the meeting by notifying NHTSA of meeting date and city, and the approximate length of their presentation. Requests for advance registration are to be mailed to Docket No. 76-2, National Highway Traffic Safety Administration, Room 5103, 400 Seventh Street, S.W., Washington, D.C. 20590 or can be made by calling Mr. Len Tabor at (202) 426-9581. Further general information may also be obtained by calling this number.

The standards affected by the proposed revision are designated as follows:

Standard No.
1. Periodic motor vehicle inspection.
2. Motor vehicle registration.
3. Motorcycle safety.
4. Driver education.
5. Driver licensing.
6. Codes and laws.
7. Traffic courts.
8. Alcohol in relation to highway safety.
10. Traffic records.
11. Emergency medical services.
14. Pedestrian safety (pedestrian-related aspects).
15. Police traffic services.
16. Debris hazard control and cleanup.
17. Pupil transportation safety.
18. Accident investigation and reporting.
Pedalcyclist Safety (Proposed Rulemaking, 41 FW 3317; January 22, 1976)

Persons who do not have access to the Code of Federal Regulations may obtain copies of the standards by writing to: Mr. Charles Livingston, Director, Office of Driver and Pedestrian Programs, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C., 20590.

The standards as currenty written require the States to implement specific countermeasurers, such as classified drivers' licenses, periodic motor vehicle inspection, and implied consent legislation. Since the standards were issued, experience and research have increased the agency's knowledge and insight into traffic crash countermeasures and performance specifications. Consequently, the revision process is designed to accomplish the following purposes:

1. Elimination of conflicts, inconsistencies, and duplication among the standards.

2. Incorporation into the standards of new techniques and countermeasures developed through research and empirical testing.

3. Increasing the performance orientation of the standards and their pertinence to crash reduction.

4. Improving the evaluation of the standard's effectiveness.

To further improve the standards, NHTSA is considering a new conceptual format. As pointed out in the January 22 notice, it appears that some standards are too narrow to deal with the specific and localized problems which a State may experience, and that the requirement to implement them across the board may not be appropriate in every instance.

NHTSA realizes that States need flexibility in their programming efforts and that the nature and magnitude of highway safety problems and programs vary between and within the States. There are, however, generally applicable national requirements which can successfully be applied in all States and lead to a uniformity and consistency of direction and purpose.

To accommodate the desire of the States for maximum flexibility in establishing the elements of their highway safety programs, while also satisfying the Congressional mandate for uniform standards, NHTSA is considering a new approach in revising the safety standards. The proposed standard format would be divided into two basic elements. The first element would consist of minimum performance requirements for all States, but would be considerably less comprehensive than previous highway safety program standards. The second element would consist of supplementary requirements. Each State would be required to undertake a highway safety program which includes second level activities based upon problems identified within the State. The specific activities carried out by a particular State would be determined cooperatively by the State and the NHTSA. In this way, a State would tailor a special program to most effectively meet the needs of highway safety in its own jurisdiction.

The concept of a bilevel standard is a new departure by the NHTSA, but is fully warranted by the growing sophistication of the States in analyzing and evaluating their highway safety problems and potential. Likewise, the role of the Federal Government as a resource upon whose expertise the States can draw rather than the architect of State and local programs is consistent with the concept of Federal-State partnership and the principles of management by objectives.

Issued on June 4, 1976.

(Pub. L. 89-564, 80 Stat. 731, 23 U.S.C. 401-406, as amended.)

FRED W. VETTER, JR.,
Associate Administrator for Traffic Safety.

[FR Doc.76-16906 Filed 6-8-76;8:45 am]

Federal Railroad Administration

[49 CFR Part 258]

[Docket No. 76-01; Notice 1]

REGULATIONS GOVERNING APPLICATIONS UNDER SECTION 505(a)(1) OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Correction

In FR Doc. 76-15876 appearing on page 22220 in the issue of June 1, 1976 make the following corrections:

1. On page 22224 in column 3, the table of contents entry for § 258.17 should read: "Information requests."

2. On page 22225 in column 2 the 16th line of § 258.7(a)(C) should read: "streams must be provided; and an esti- * * *"

[49 CFR Part 260]

[Docket No. 73-02; Notice 1]

REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Correction

In FR Doc. 76-15877 appearing on page 22228 in the issue of June 1, 1976 make the following corrections:

1. On page 22229, column 1, the figure in line 2 should read: "2050.4."

2. In column 2 on page 22229 the section designation in paragraph C. should read: "*511(i).*"

3. In the 1st full paragraph on page 22230, the second word in the last line should read: "anniversary."

4. In the 3rd full paragraph on page 22230 the 4th word in the 4th line should read: "balance."

5. On page 22232 in column 2, paragraph (C) of § 260.7(a)(13) should read as follows:

"(C) Statement of the relationship of the project to proposed land use plans, policies, and controls of affected communities. Where such project is inconsistent with any such plans, policies, or controls the statement should describe and explain the reasons for such inconsistency in detail."

6. On page 22233 in column 1, paragraph (d) of § 260.9, the 2nd word in line 2 should read: "marked."

7. In § 260.9(u)(1) on page 22234, column 2, line 8, the second word should read: "designated."

8. On page 22235 in column 3, the section reference in the penultimate line of § 260.25 should read: "§ 260.29."

9. On page 22236 in column 2, the last sentence of § 260.29 should read as follows:

"Good cause may include, but is not limited to, insufficient capital resources of the recipient to comply with these maintenance standards or changes in the level of service required for any facility subject to this subpart."

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-12490; File No. S7-636]

SECO BROKER-DEALERS FEES AND ASSESSMENTS

Proposal To Modify Fees and Fiscal Year 1976 Assessments for Nonmember (SECO) Broker-Dealers and To Change the SECO Fiscal Year From July 1 to October 1

The Securities and Exchange Commission has announced a proposal to modify the fees and assessments payable to the Commission for fiscal year 1976 (July 1, 1975 to September 30, 1976) by registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. ("nonmember" or "SECO" broker-dealers). The Commission also proposes to amend Rule 15b9-2 (17 CFR 240.15b9-2) to conform the SECO fiscal year to the new federal fiscal year, October 1–September 30. Accordingly, SECO charges for fiscal year 1976 will be based upon the fifteen month period from July 1, 1975 to September 30, 1976. As a result of this proposed change, the Commission has postponed the due date for filing Form SECO-4-76 from on or before June 1, 1976 to on or before September 1, 1976.

Sections 15(b)(7) and 15(b)(8) (15 U.S.C. 78o (b)(7) and (b)(8)) of the Securities Exchange Act of 1934 (the "Act"), as recently amended,[1] authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to nonmember broker-dealers and their associated persons.[2] Pursuant to these sections, the Commission had adopted Rule 15b9-1 (17 CFR 240.15b9-1) to establish initial entry fees and Rule 15b9-2 to provide for annual assessments. This proposal concerns amendments to the special instructions to Form U-4 (formerly Form SECO-2) under Rule 15b9-1, which sets initial fees paid by SECO broker-dealers on behalf of new associated persons, and the adoption, pursuant to Rule 15b9-2, of new Form SECO-4-76 which establishes the levels for annual nonmember assessments for the current fiscal year.

The Commission has this year determined to modify the annual SECO assessment schedule to include a gross income levy, in order to mitigate possible inequities in the current assessment structure. At the present time there is no SECO levy directly related to the volume of business done by SECO firms; the main sources of SECO revenue are the fees and assessments related primarily to the number of securities personnel employed by each firm. As a result of the 1975 Amendments to the Federal securities laws, municipal securities broker-dealers now are required to register with the Commission as broker-dealers and, consequently, to become members of the National Association of Securities Dealers, Inc. ("NASD") or become subject to the SECO program of the Commission. A number of these firms have substantial gross income and relatively few assessable personnel and, because of the emphasis on personnel in the present dues structures, would, if within the SECO program, therefore absorb a substantially smaller share of the costs of regulation than other SECO firms. Also, certain other SECO firms with relatively low gross securities income but numerous assessable personnel may presently bear a disproportionately large share of the total SECO financial burden. (It is anticipated that total SECO regulatory costs will be approximately $623,208 in fiscal 1976 including, for reasons discussed later in this release, the three additional months of July through September 1976.) Accordingly, the Commission believes that a gross income assessment based upon securities revenue will produce a more equitable method of assessment and can be administered without undue burden on SECO firms or the Commission.

As a result of the introduction of the new gross income levy, it will be possible for the Commission to reduce certain other charges as indicated below.

Proposed Initial Fees for Nonmember Broker-Dealers

Rule 15b9-1 provides that every broker or dealer who becomes registered with the Commission and who does not make a bona fide application for membership to a registered securities association within 45 days of such registration must file with the Commission a Form U-4 on behalf of each associated person and pay to the Commission the fee prescribed by the form. This initial fee must also be paid each time an individual becomes associated with a SECO broker-dealer. The fee for fiscal year 1975 was $50; the reduced fee to be set forth on the proposed revised special instructions to Form U-4 would be $35.[3] The text of the proposed Special Instructions to Form U-4 is as follows:

SPECIAL INSTRUCTIONS FOR COMPLETING FORM U-4, UNIFORM APPLICATION FOR SECURITIES AND COMMODITIES INDUSTRY REPRESENTATIVE AND/OR AGENT

NON-MEMBER ("SECO") BROKER-DEALERS

1. Rule 15b8-1 under the Securities Exchange Act of 1934 ("Act") provides

[1] The numbering of these sections was changed by the 1975 Amendments to the Securities Exchange Act of 1934 (Pub. L. 94-29 (June 4, 1975)); they were formerly Sections 15(b)(8) and 15(b)(9), respectively.

[2] SECO fees and assessments are in addition to any charges levied by the Municipal Securities Rulemaking Board.

[3] This fee is in addition to the fee required by the Commission pursuant to Rule 15b8-1 to defray the costs of administering the general securities examination and other expenses. This fee is presently $30.

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that this Form must be filed by every broker or dealer registered under Sections 15 or 15B of the Act, who is not a member of a registered securities association (e.g., the National Association of Securities Dealers, Inc.) for every associated person engaged directly or indirectly in securities activities for or on behalf of such non-member broker or dealer, before such person engages in any activities on behalf of such broker or dealer unless such broker-dealer is qualified for an exemption from compliance with this Rule.

2. A filing fee of $35 must accompany this Form. A check should be made payable to the Securities and Exchange Commission and mailed with one (1) copy of this Form to the Office of the Comptroller.

3. Under Sections 15(b), 17(a) and 23 (a) of the Act and the rules and regulations thereunder, the Commission is authorized to solicit the information required to be supplied by this Form from associated persons of non-member (SECO) broker-dealers. Although it is not required that social security numbers be disclosed, such voluntary disclosure will assist the Commission in identifying applicants and in promptly processing the Forms. Information supplied on this Form shall be non-public but will be available to any person to whom the Commission authorizes disclosure in the public interest. Routine uses of Form U-4 are described on the reverse side of these Special Instructions.

4. A Form which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. Acceptance of this Form, however, shall not constitute any finding that the information submitted is true, current, or complete. Intentional misstatements or omissions of fact may constitute federal criminal violations. (See 18 U.S.C. 1001 and 15 U.S.C. 78ff (a)).

5. Applicants should note the provisions of Sections 15(b) (7), (8) and (9) of the Securities Exchange Act of 1934 and the Rules thereunder.

Form SECO-5, setting an initial fee of $500 for new SECO broker-dealers, remains unchanged.

Proposed Annual Assessments for Fiscal Year 1976

The annual assessment for each fiscal year is set forth on Form SECO-4 for that year. As indicated above, the Commission has determined this year to amend the annual SECO assessment structure to provide for a .375% annual assessment, based upon the nonmember's gross annual over-the-counter securities income as shown on the firm's most recent Form X-17A-10 required to be on file with the Commission under the Act. Because of the change in the Commission's fiscal year from July 1 to October 1, the Commission must, for this year only, recover regulatory expenses for a 15-month period. Accordingly, this assessment would be based upon a 15-month period from July 1, 1975 to September 30, 1976. (The NASD's annual gross income levy is .3% for 12 months.) The basic membership assessment of $250 would be retained; however, the annual personnel assessment paid by each firm for each associated person would be reduced from $15 to $5.

Proposed Form SECO-4-76, which includes revised Special Instructions for computing and reporting gross income for assessment purposes, is as follows:

FORM SECO-4-76

INSTRUCTIONS

1. Rule 15b9-2 under the Securities Exchange Act (the "Act") provides that brokers or dealers registered with the Commission as of August 15, 1976 who were nonmember brokers or dealers for at least 45 days immediately prior to that date or who were nonmember brokers or dealers for at least 90 days during the period beginning July 1, 1975 and ending August 15, 1976 shall, on or before September 1, 1976 file Form SECO-4-76 and pay to the Commission a fee pursuant to Section 15(b)(8) of the Act to defray certain costs of regulation for the fiscal year ending September 30, 1976. The term "nonmember broker or dealer" is defined in paragraph (f)(2) of Rule 15b9-2.

2. Rule 15b9-2 provides that brokers or dealers who were nonmember brokers or dealers for less than 180 days during the period beginning July 1, 1975 and ending August 15, 1976 shall pay one-half the fees otherwise payable pursuant to Section 15(b)(8) for the fiscal year 1976.

3. Checks should be made payable to the "Securities and Exchange Commission" and mailed to the Office of the Comptroller, Securities and Exchange Commission, Washington, D.C. 20549.

4. If the space provided for any answer is insufficient, the complete answer should be prepared on a separate sheet which should be attached to the form and identified as "Answer to Item ---------."

5. Failure to include or file information required to be reported or the making of any false statements may result in the institution of administrative or civil proceedings. Moreover, intentional misstatements or omissions of material facts constitute federal criminal violations punishable by up to five years imprisonment and fines up to $10,000 for each offense. (See 18 U.S.C. 1001 and Section 32(a) of the Act.)

6. Willful nonpayment of fees prescribed by the Commission pursuant to its authority under Section 15(b)(8) may result in the institution of disciplinary proceedings under Sections 15(b)(4) and 15(b)(5) of the Act.

7. Each SECO broker-dealer subject to Rule 15b9-2 is to report gross income from over-the-counter transactions in corporate, state, municipal and other securities for the preceding calendar year. Please refer to Table A or your firm's Form X-17A-10 filed for calendar year 1975 for assistance in computing such gross income. Gross income includes profits, commissions, surcharges, concessions, fees, allowances, discounts and reimbursements for expenses before the deduction of any expenses other than any commissions, concessions or other allowances paid to another member in connection with the execution or clearance of any transactions. Gross income does not include interest and dividends, transaction fees, commissions derived from transactions executed on a national securities exchange or a foreign securities exchange and fees received solely for investment advisory services. Also excluded are profits and losses derived from (1) transactions in which both the purchase and sale are executed outside the territorial limits of the United States, (2) transactions in exempted securities as defined in Section 3(a)(12) of the Act, (3) transactions in commercial bank time certificates of deposit and commercial paper, which is defined to include drafts, bills of exchange, and bankers acceptances having maturities at the time of issuance of not exceeding one year, and (4) transactions in securities which are clearly identified by the firm to be held specifically for investment purposes as described in Section 1236 of the Internal Revenue Code.

Notice of Postponement of Due Date for Filing Form SECO-4-76 and Annual Assessments

Broker-dealers filing Form SECO-4-76 and annual assessments should note that, because of the proposed amendments to the SECO assessment schedule and to Rule 15b9-2, the due date for SECO assessments will be September 1, 1976.

Proposal to Amend Rule 15b9-2

The Commission believes it is appropriate to conform the SECO fiscal year, which is presently July 1-June 30, to the new federal fiscal year, October 1-September 30. Accordingly, the Commission proposes to amend Rule 15b9-2 to reflect changes in the filing, payment and applicability dates resulting from the proposed new SECO fiscal year. The Commission also is proposing various technical amendments to the rule including clarifications of the usage of the terms "fee" (generally a non-periodic charge based upon the occurrence of a specific event) and "assessment" (a regular, annual levy) and deletions of several sections of the rule which are no longer applicable.

Statutory Basis and Competitive Considerations

These proposed modifications of fees and fiscal year 1976 assessments for nonmember (SECO) broker-dealers and amendments to Rule 15b9-2 would be adopted pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(b)(8), 15(b)(9), 17(a) and 23 (a) thereof. The Commission finds that any burden imposed upon competition by the proposed amendments is necessary and appropriate in furtherance of the purposes of the Act, particularly to implement the Commission's continuing mandate under Section 15(b)(8) to collect such reasonable fees and charges as may be necessary to defray the costs of the specified regulatory duties required to be performed with respect to nonmember broker-dealers.

ATTENTION

The texts of the following proposed amendments are using ►◄ arrows to indicate additions and [ ] brackets to indicate deletions.

Text of Proposed Amendments to Rule 15b9-2

Securities Exchange Act Rule 15b9-2 (Section 240.15b9-2) is proposed to be amended to read as follows (deletions appear in brackets; new material is indicated by arrows):

§ 240.15b9-2. Annual ►Assessments◄ for registered brokers and dealers not members of a [national] ►registered◄ securities association.

(a) *Applicability.* This rule shall apply to every nonmember broker or dealer who, on [May 15] ►August 15◄ of any particular year, has been a nonmember broker or dealer for a period of at least 45 days immediately prior to such date, and any other broker or dealer registered with the Commission on [May 15] ►August 15◄ of any particular year who has been a nonmember broker or dealer for a period of at least 90 days after [July 1] ►October 1◄ of the previous year.

(b) [Fees] ►*Assessments.*◄ On or before [June 1] ►September 1◄ of each year every broker or dealer to whom this rule applies shall file the Form SECO-4 provided for the particular fiscal year and pay the total [fees] ►assessments◄ prescribed by the form. Such [fees] ►assessments◄ shall include: (1) A base [fee] ►assessment◄ applicable to all brokers or dealers, and (2) a►n◄ [fee] ►assessment◄ for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer prior to [May 15] ►August 15◄ during the fiscal year, at any time in which the broker or dealer was a nonmember broker or dealer: Provided, however, that the [fee] ►assessment◄ shall not be paid for any person who confines his securities activities to areas outside the United States, its territories and possessions, and who does not deal with or act for any U.S. resident or national wherever located.

(c) *Reductions.* Brokers or dealers who were nonmember brokers or dealers for less than 180 days shall pay one-half the [fees] ►assessments◄ required by this rule.

[(d) *Limitations.* In no case shall the total fees required by this rule exceed the limitation set each year on the Form SECO-4 provided for that particular fiscal year.]

[(e)] ►(d)◄ *Penalties.* Every broker or dealer who fails to pay [fees] ►assessments◄ as and when required by this rule shall pay an additional [fee] ►amount◄ of $100 to defray the administrative costs incurred as a result of such failure.

[(f)] ►(e)◄ *Exemptions.* A broker or dealer shall not be required to pay the [fees] ►assessments◄ required by this rule if:

(1) He has made a bona fide application for membership to a [national] registered securities association within 45 days of his becoming registered with the Commission as a broker or dealer and such application for membership is still pending on [May 15] ►August 15◄ of the particular year in which the [fees] ►assessments◄ are due; or

(2)(i) His application for membership in a registered [national] securities association has been denied or withdrawn, or his membership has been denied or withdrawn, or his membership has been terminated for any reason; (ii) he has immediately discontinued all securities activities; and (iii) he has filed Form BDW (Notice of Withdrawal From Registration) within 45 days after such denial, withdrawal, or termination; or

(3)(i) He is a member of a national securities exchange; (ii) he carries no accounts for customers; and (iii) his annual gross income derived from purchases [,] ►and◄ sales [and exchanges] of securities otherwise than on a national securities exchange of which he is a member is an amount no greater than $1,000. [Such a member of a national securities exchange shall, however, file the Form SECO-4 provided for the particular fiscal year.] Provided, however, that gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer shall not be subject to such limitation.

[(g)] ►(f)◄ *Definitions.* For the purpose of this [section] ►rule◄:

(1) The term "associated person" shall mean any partner, officer, director, or branch manager of a broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such broker or dealer (other than one whose functions are solely clerical or ministerial), and any broker or dealer conducting business as a sole proprietor.

(2) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under Section 15 ►or 15B◄ of the Act, who is not a member of a [national] ►registered◄ securities association [registered with the Commission under Section 15A of the Act].

[(3) The term "office" shall mean every place or establishment which is owned or controlled by a broker or dealer in or from which the broker or dealer engaged in the securities business. Every broker or dealer shall be deemed to have at least one office.]

Request for Comments

All interested persons are invited to submit their views and comments concerning the proposed modifications to the SECO fees and fiscal year 1976 assessments and the amendments to Rule 15b9-2. All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than June 30, 1976. Reference should be made to File No. S7-636. All comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MAY 28, 1976.

[FR Doc.76-16655 Filed 6-9-76;8:45 am]

'This change will become effective on July 5, 1976. See Securities Exchange Act Release No. 12468.

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 558-5; OPP-33000/414]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before Aug. 9, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Date: June 3, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATION RECEIVED (OPP-33000/414)

EPA File Symbol 10373-T. All-Brite Sales Co., 2204 Haines St., Jacksonville FL 32206. MINT ODOR PLUS CLEANER, DISINFECTANT DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 400%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10373-A. All-Brite Sales Co. MINT ODOR CLEANER, DISINFECTANT DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 37982-E. All Pure Chemical Co., PO Box 268, Tracy CA 93476. CHLORINE GAS. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 36736-R. ARC Chemical Corp., PO Box 180, Slate Hill NY 10973. ETHYLENE OXIDE. Active Ingredients: Ethylene Oxide 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 3125-277. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kanas City MO 64120. SENCOR. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl) - 3-(methylithio),-1,2,4,-triazin-5-(4*H*)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 34871-E. C. E. McMurdo Co., 7315 NE 27th Ave., PO Box 11081, Portland OR 97211. CEMCO #983. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene - (dimethyliminio)ethylenedichloride]30.0%. Method of Suport: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 7173-RUG. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. CHEMPAR LINDANE TECHNICAL. Active Ingredients: Lindane (Gamma isomer of Benzene Hexachloride) 99.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 33934-E. Chemply, Inc., P.O. Box 18049, Elizabeth-Glassport Rd., Elizabeth PA 15037. SOD.UM HYPOCHLORITE. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 100-523. Ciba-Geigy, PO Box 11422, Greensboro NC 27409. TOLBAN. Active Ingredients: Profluralin: N-(cyclopropylmethyl)-*a,a,a,*-trifluoro-2,6-dinitro - N-propyl-p-toluidine 43.0%; Related compounds 1.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA File Symbol 10810-A. Dacar Chemical Co., 1007 McCartney St., Pittsburgh PA 15220. DACARCIDE BLF. Active Ingredients: Dioctyl dimethyl ammonium chloride 10%; Ethyl alcohol 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 192-85. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL DE-SEED. Active Ingredients: Trifluralin (a,a,a,-Trifluoro-2,6-dinitro - N,N - dipropyl-p-toluidine) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 33660-R. I.PI.CI. Industria Prodotti Chimici S.p.A., Via Fratelli Beltrami 11, Novate Milanese-Italy 20026. U.S. Agent—Levy, Fivona, Cohen, Attys. at Law, 10 E. 40th St., New York, NY 10016. ATRAZINE TECHNICAL. Active Ingredients: atrazine (2-chloro-4-ethylamino-6-isopropyamino-s-triazine 96%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 37589 R. Eccon, Inc., 4785 N. E. 10 Ter., Ft. Lauderdale FL 33334. X-162. Active Ingredients: activated carbon 99.89%; silver (elemental) 0.11%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 17866-G. Industrial Maintenance Corp., 3520 Tryclan Dr., Charlotte NC 28210. IMCOR BA-107. Active Ingredients: Disodium cyanodithioimidocarbonate 4.23% Ethylenediamine 1.60%; Potassium N-methyldithiocarbamate 5.83%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 17866-U. Industrial Maintenance Corp. IMCOR BA-108. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 13186-L. Maintenance Research Laboratories, 11940 Grand River, Detroit MI 48204. VIKING MICRO SHEILD. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37532-E. Mogul Maintenance Systems, Div. of The Mogul Corp., Pine & Mogul Sts., Chagrin Falls OH 44022. MOGUL-CIDE 256. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 33370-L. Morton Herman Co., Inc., 207 W. University Dr., Arlington Heights IL 60004. WHITE PINE-ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 35926-1. Mutual Hardware Corp., 5-45 49th Ave., Long Island City NY 11101. X-FOUL BOTTOM COAT-BLUE. Active Ingredients: tributyltin fluoride 11.43%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA File Symbol 13680-R. Ozark Chemical Co., PO Box 1348, Little Rock AK 72203. PEAK #470 SYNERGIZED PYRETHRIN OIL BASE INSECTICIDE. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide, technical 0.50%; N-Octyl bicycloheptene dicarboximide 0.84%; Petroleum distillate 98.41%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 13680-U. Ozark Chemical Co. PEAK #464 WATER BASE PYRETHRIN INSECTICIDE. Active Ingredients: Pyrethrins 0.10%; Piperonyl butoxide, technical 0.20%; N-Octyl bicycloheptene dicarboximide 0.33%; Petroleum distillate 0.48%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 33955-235. Acme Div., PBI/Gordon Corp., 300 South St., Kansas City KS 66118. ACME EMO-NIK. Active Ingredients: Mineral Oil 80.00%; Nicotine Alkaloid 1.50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM17

EPA Reg. No. 11273-17. Sandoz, Inc., Crop Protection, PO Box 1489, Homestead FL 33030. ELCAR BIOLOGICAL INSECTICIDE. Active Ingredients: Polyhedral Inclusion Bodies of Heliothis Nuclear-Polyhedrosis Virus 0.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 11715-48. Speer Products, Inc., PO Box 9383, 105 S. Parkway, West, Memphis TN 38109. SPEER INDOOR PLANT SPRAY. Active Ingredients: Pyrethrins 0.02%; Rotenone 0.13%; Other Cube Resins 0.26%; Technical Piperonyl Butoxide 0.25%; Petroleum Distillate 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 11715-17. Speer Products, Inc., PO Box 9383, 105 S. Parkway, West, Memphis TN 38109. SPEER INDUSTRIAL INSECTICIDE. Active Ingredients: Pyrethrins 0.500%; Piperonyl Butoxide, Technical 4.000%; Petroleum Distillates 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 11350-11. Standard Paint & Varnish Co., PO Box 826, New Orleans LA 70058. MARINE COATINGS 639 ALUM-A-TOX ANTI-FOULING WHITE. Active Ingredients: Tributyltin Fluoride 7.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 11350-10. Standard Paint & Varnish Co. MARINE COATINGS 635 ALUM-A-TOX ANTI-FOULING BLUE. Active Ingredients: Tributyltin Flouride 7.42%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 11350-7. Standard Paint & Varnish Co. MARINE COATINGS BIKINI MUNEQUITA SPEED KOTE-NO-FOUL 14-AF 23 GREEN. Active Ingredients: Tributyltin Flouride 15.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 11350-6. Standard Paint & Varnish Co. MARINE COATINGS BIKINI MUNEQUITA SPEED KOTE-NO-FOUL 14-AF 22 BLUE. Active Ingredients: Tributyltin Flouride 15.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 11350-5. Standard Paint & Varnish Co. MARINE COATINGS BIKINI MUNEQUITA SPEED KOTE-NO-FOUL 14-AF 21 RED. Active Ingredients: Tributyltin Flouride 15.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 11350-4. Standard Paint & Varnish Co. MARINE COATINGS BIKINI MUNEQUITA SPEED KOTE NO-FOUL 14-AF 20 WHITE. Active Ingredients: Tributyltin Flouride 15.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA File Symbol 11474-ER. Sungro Chemical, Inc., PO Box 24632, Los Angeles CA 90024. SUNBUGGER SS SYSTEMIC INSECTICIDE. Active Ingredients: S-2(ethylsulfinyl) ethyl O,O-Dimethyl phosphorothioate 2.0%; Aromatic Petroleum Distillate 51.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 557-ROEE. Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago IL 60604. GOLDEN VIGORO WEED AND FEED. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 0.22%; Dimethylamine salt of 2,4-dichlorophenoxycetic acid 0.48%; Dimethylamine salt of Dicamba (3,6-dichloro-anisic acid) 0.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 557-ROEG. Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago IL 60604. GOLDEN VIGORO WEED AND FEED FOR NORTHERN LAWNS. Active Ingredients: 2,4-dichlorophenoxyacetic acid 0.49%; 2-(2-Methyl-4-chlorophenoxy) propionic acid 0.20%; Dicamba (3,6-dichloro-o-anisic acid) 0.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 1386-563. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO LO V ESTER 33 WEED KILLER. Active Ingredients: Isooctyl Ester of 2,4-dichlorophenoxyacetic acid 55.80%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1386-90. Universal Cooperatives, Inc. UNICO 2,4-D BUTYL ESTER WEED KILLER. Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 56.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1386-21. Universal Cooperatives, Inc. UNICO 2,4-D ESTER WEED KILLER. Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 47.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 34743-R. Wai-Ben Industries, Inc., Carrier Chemical Co. Div., 516 Chicopee St., Chicopee MA 01013. DU-WELL SO-CLEAR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 37756-E. Water Safe Products, Inc., 8337 Nieman Rd., Lenexa KS 66214. RECHARGE PAK FOR INSTANT CLEAN CLEAN WATER MAKER. Active Ingredients: Metallic Silver 1.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37062-R. Wechsler Contracting Co., Inc., 11 Bushnell Ave., Monticello NY 12701. SODIUM HYDOCHLORITE. Active Ingredients: Sodium Hypochlorite 12½%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

CORRECTED ITEMS

The following are corrections to the list of Applications Received previously published in the FEDERAL REGISTER.

EPA File Symbol 38089-R. Mid-West Chemical & Supply Inc., Columbus OH 43227. SUPER HI-CHLOR GRANULAR CHLORINATED SWIM POOL ALGAECIDE AND BACTERICIDE. (Originally published with incorrect product name) PM34 [41 FR 20914 (5/21/76)]

EPA File Symbol 37092-E. Syntech Products Corp., 4654 Vicksburg St., Sylvania OH 43560. TECH CIDE 1000. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio)ethylene dichloride] 30% (Originally published with incorrect chemical name) PM34 [41 FR 20914 (5/21/76)]

[FR Doc.76-16768 Filed 6-9-76;8:45 am]

[FRL 558-6; OPP-33000, 413]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

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31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

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Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquires and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: May 27, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP—33000/413)

EPA File Symbol 10737–L. All-Brite Sales Co., 2204 Haines St., Jacksonville FL 32206. ODORLESS DISINFECTANT SANITIZER. Active Ingredients: Alkyl (C14 50%, C12, 40%, C16 10%) dimethylbenzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12015–RL. Allied Laboratories, Inc., 975 Lake Rd., Medina OH 44256. SPEEDEE—217. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl ammino betaine 1.000%; Hydrogen chloride 8.000%; Alkyl=C8 7%, C10 8%, C12 46%, C14 24%, C16 10%, C18 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 34429–R. American Chemical Corp., PO Box 296, Bayamon PR 00619. SUPER PINE. Active Ingredients: Pine Oil 65%; Soap 25%. Method of Support. Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 5736–LG. DuBois Chemicals, Div. of Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. GAX–15 MICROBIOCIDE. Active Ingredients: Sodium pentachlorophenate 25.3%; Sodium 2,4,5-trichlorophenate 3.5%; Sodium salts of other chlorophenols and related compounds 3.5%; 3-(3-methoxypropoxy)-1-propanol 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA 5736–LE. DuBois Chemicals. X–PERGE. Active Ingredients: Methylene Bis(thiocyanate) 1.86%; Bis(trichloromethyl) sulfone 7.84%; Bis(tributyltin) oxide 2.38%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 5736–LR. DuBois Chemicals, Div. of Chemed Corp., DuBois Tower, Cincinnati OH 45202. GAX–11. Active Ingredients: n-Alkyl (60% C14, 5% C12, 30% C14, 5% C18) Dimethyl Benzyl Ammonium Chloride 12.50%; Bis (Tri-n-Butyltin) Oxide 2.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA Reg. No. 3770–169. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. FLOR-ADORN. Active Ingredients: trifluralin (a,a,a - trifluoro - 2,6-dinitro-N,N-dipropyl-p-toluidine) 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 3770–170. Economy Products Co., Inc. CLEAN GRASS & WEED CONTROL. Active Ingredients: trifluralin (a,a,a - trifluoro - 2,6 - dinitro - N,N-dipropyl-p-toluidine 1.47%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM 25

EPA Reg. No. 3770–194. Economy Products Co., Inc. ROSE ADORN. Active Ingredients: trifluralin (a,a,a,-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 0.114%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 3770–GER. Economy Products Co., Inc. PRESSURIZED FLY SPRAY. Active Ingredients: Butoxypolypropylene glycol 15.00%; Technical Methoxychlor 2.00%; Technical Piperonyl Butoxide 1.07%; Pyrethrins 0.17%; Mineral Oil 1.80%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA Reg. No. 1471–70. Elanco Products Co., Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206. ELANCO TRIFLURALIN TECHNICAL. Active Ingredients: trifural in (a,a,a - trifluoro-2,6-dinitro,N,N-dipropyl-p-toluidine) 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 1471–59. Elanco Products, Div. of Eli Lilly. TREFLAN 5G. Active Ingredients: trifluralin (a,a,a, - trifluoro - 2,6-dinitro-N,N-dipropyl - p - toluidine) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 1471–66. Eli Lilly & Co., Elanco Products Div., PO Box 1750, Indianapolis IN 46206. ELANCO TREFLAN 5G. Active Ingredients; trifluralin (a,a,a, - trifluoro-2,6 - dinitro - N,N - dipropyl - p-toluidine) 5.0%. Method of Support: Application proceeds under 2(b) of interm policy. PH23.

EPA File Symbol 21270–0. E. Targosz & Co., 736 Estes Ave., Schaumburg IL 60172. CRYSTAL DISINFECTANT BOWL CLEANER. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 1.250%; Dioctyl Dimethyl Ammonium Chloride 0.625%; Didecyl Dimethyl Ammonium Chloride 0.625; Alkyl Amino Betaine 1.000%; Hydrogen Chloride 8.000%; Alkyl-C8 7%, C10 8%, C12 46%, C14 24%, C16 10%, C18 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 279–EOAU. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY. DIPEL 2 SULFUR 25 DUST. Active Ingredients: Bacillus thuringiensis Berliner, 320 International Units of Potency per mg (at least 0.5 billion viable spores per gm) 0.064%; Sulfur 25.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 7296–RN. Gem City Chemicals, Inc., 1287 Air City Ave., Dayton OH 45404. GEMCHLOR SWIMMING POOL SANITIZER. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 34911–I. HI-Yield Chemical Co., Box 460, Bonham TX 75418. HI-YIELD BUG BAIT. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 4%; Metaldehyde 1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 17866–E. Industrial Maintenance Corp., 3520 Tryclan Dr., Charlotte NC 28210. A–101 ALGAECIDE. Active Ingredients: Sodium Penta Chlorophenate 79%; Sodium Salts of other Chlorophenols 11%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 33660–G. Industria Prodotti Chimici, Robert Allkonis, Suite 575, 1629 K St., NW., Washington DC 20006. TRIFLURALIN TECHNICAL AN HERBICIDE FOR FORMULATING USE. Active Ingredients: trifluralin (a,a,a - trifluoro - 2,6-dinitro-N,N-dipropyl - p - toluidine) 97%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 618–IT. Merck & Co., Inc., Rahway NJ 07065. METACIDE 38. Active Ingredients: 1,2-dibromo-2,4-dicyanobutane 98%. Method of Support: Application proceeds under 2(a) of interim policy. PM22

EPA File Symbol 37532–R. Mogul Maintenance Systems, Div. of The Mogul Corp., Pine & Mogul Sts., Chagrin Falls OH 44022. MOGUL-CIDE 48. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1597–RU. Omaha Compound Co., 21st & Nicholas Sts., Omaha NE 68102. HY-GEE-NITE ODORLESS SANITIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 3635–ERR. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1217. Active Ingredients: Isopropanol 11.30%; Sodium xylene sulfonate 4.40%; Sodium ortho-benzylparachlorophenate 4.54%; Sodium paratertiary butylphenate 8.98%; Tetrasodium ethylenediaminetetraacetate 3.80%; Sodium orthophenylphenate 4.20%. Method of Support: Application proceeds under 2(c) of interim policy. Republished. Revised offer to pay statement submitted. PM32

EPA File Symbol 3635–ERN. Oxford Chemicals. OXFORD 1220. Active Ingredients: Isopropanol 10.50%; Tetrasodium ethylenediaminetetraacetate 4.24%; Sodium xylene sulfonate 2.10%; Sodium ortho-benzylparachlorophenate 4.67%; Sodium paratertiary butylphenate 2.15%; Sodium ortho-phenylphenate 2.21%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 9779–EEG. Riverside Chemical Co., PO Box 171199, Memphis TN 38117. RIVERSIDE ANT BAIT WITH DYLOX. Active Ingredients: Dimethyl (2,2,2,-Trichloro-1-Hydroxy-ethyl) Phosphonate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted with 1–1–70 date for label originally rec'd 2–10–75. PM16

EPA File Symbol 38886–R. Polaris Water Purifiers, Inc., 3210 N. Powerline Rd., Pompano Beach FL 33067. POLARISDYNAMIC WATER SYSTEM. Active Ingredients: Metallic Silver 1.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 201–331. Shell Chemical Co., Div. of Shell Oil Co., Suite 200, 1025 Connecticut Ave., Washington DC 20036. NOPEST STRIP INSECTICIDE. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 19.2%; Related Compounds 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 10352–RU. Union Carbide Corp., 270 Park Ave., New York NY 10017. UCARCIDE 125. Active Ingredients: Glutaraldehyde 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

[FR Doc.76–16767 Filed 6–9–76;8:45 am]

[FRL 558–7; OPP–33000/412]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: June 2, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/412)

EPA Reg. No. 241–233. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. CYGON 400 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (0,0-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 43.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 241–94. American Cyanamid Co., Agricultural Div. CYGON 267 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (0,0-dimethyl S-(N-methylcarbamoylmethyl phosphorodithioate). 30.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 2914–UI. Calgon Commercial Div., PO Box 147, 7501 Page, St. Louis MO 63166. SUM TOTIL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Tetrasodium ethylenediamine tetraacetate 1.00%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 3125–11. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. METASYSTOX–R SPRAY CONCENTRATE. Active Ingredients: *S*-[2-(Ethylsulfinyl) ethyl]*O,O*-dimethyl phosphorothioate 25%; Aromatic Petroleum Distillate 14%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted and added claim. PM16

EPA Reg. No. 3125–148. Chemagro Agricul-

EPA Reg. No. 352–370. E. I. Du Pont De Ne-

EPA Reg. No. 1021–88. McLaughlin, Georgia-

EPA Reg. No. 602–165. Ralston Purina Co.,

phenoxy acetic acid 37.17%. Method of Support: Application proceeds under 2(b)

EPA hereby gives notice of the applica-

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EPA Reg. No. 3125–148. Chemagro Agricultural Div., Monsay Chemical Corp. BAYTEX LIQUID CONCENTRATE INSECTICIDE. Active Ingredients: Fenthion O,O-Dimethyl O-[3-methyl-4-(methylthio) phenyl] phosphorothioate 93%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional use. PM15

EPA File Symbol 900–RNI. Chemical Service, Div. of American Chemmate Corp., Howard & West St., Baltimore MD 21230. CS BACTERIOSTATIC CREME CLEANER. Active Ingredients: Ammonium Oxalate 1.30%; 2,2-Methylenebis (3,4,6-Trichlorophenol) 0.30%; Ammonium Ethylene Diamine Tetraacetate 0.20%; 2,4,4'-Trichloro-2-hydroxydiphenylether 0.10%; Ammonium Ortho Phenylphenate 0.05%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 7616–GU. Chem Lab Products, Inc., 2854 E. Coronado, Anaheim CA 92806. KEM TEK 30% LIQUID SWIMMING POOL ALGAECIDE. Active Ingredients: Poly [oxyethylene (dimethyliminio)ethylene(dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 239–IA. Chevron Chemical Co., Ortho Div., San Francisco CA 94119. ORTHO ORNAMENTAL WEED AND FEED 12–16–8. Active Ingredients: trifluralin (a,a,a - trifluoro - 2,6 - dinitro - N,N - dipropyl - p-toluidine) 0.74%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 239–2418. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO ORTHENE 75 S SOLUBLE POWDER. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 239–2186. Chevron Chem. Co., 940 Hensley Dr., Richmond CA 94801. ORTHO PARAQUAT CL. Active Ingredients: Paraquat dichloride (1,1'dimethyl-4,4'-bipyridinum dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 3867–GG. Cleveland Chemical Co., Box 520, Cleveland MS 38732. C C C BRAND 3-3 EMULSIFIABLE INSECTICIDE CONCENTRATE. Active Ingredients: O-Ethyl O-p-Nitrophenyl Phenyl-phosphonothioate 31.00%; O,O-Dimethyl O-p-Nitrophenyl Thiophosphate 31.00%; Aromatic Petroleum Solvent 32.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 464–LGG. The Dow Chemical Co., 2030 Dow Center, Midland MI 48640. DOW HOSPITAL CLEANER AND DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.125%; n-Alkyl (68% C12, 32% C14) dimethylethyl benzyl ammonium chlorides 0.125%; Tetrasodium salt of ethylenediamine tetraacetic acid 1.56%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 352–342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Dupont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE. Active Ingredients: S-methyl-N-[(methyl-carbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352–370. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Dupont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl-N-[(Methylcarbamoyl)oxy]thioacetimidate 0.24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA File Symbol 2623–G. Everpure, Inc., 660 Blackhawk Dr., Westmont IL 60559. EVERPURE BROMINATING CARTRIDGE. Active Ingredients: Trimethylbenzylammonium Resin, Polybromide form 100% (Available Bromine 30%). Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 8928–13. Exxon Chemical Co., U.S.A., PO Box 3272, Houston TX 77001. RUSTBAN VY 5529 ORGANOMETALLIC ANTI-FOULING PROTECTIVE COATING. Active Ingredients: Tributyltin Fluoride 16.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 8928–12. Exxon Chemical Co., U.S.A., RUSTBAN VY 5528 ORGANOMETALLIC ANTI-FOULING PROTECTIVE COATING. Active Ingredients: Tributyltin Fluoride 10.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA File Symbol 7796–G. Dr. MacDonald's Vitamized Feed Co., Inc., PO Box 1077, Fort Dodge IA 50501. DR. MACDONALD's G-F-L KONTROL INSECTICIDAL MINERAL. Active Ingredients: O,O-dimethyl O-(2,4,5-trichlorophenyl) Phosphorothioate 6.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 5736–25. DuBois Chemicals, Div. of Chemed Corp., 3630 E. Kemper Rd., DuBois Tower, Cincinnati OH. CONTROL. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.25%; n-alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 5.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM31

EPA File Symbol 8730–RN. Health-Chem Corp., 1107 Broadway, New York NY 10010. HERCON "INSECTAPE" CONTAINS CHLORPYRIFOS. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2 pyridyl) phosphorothioate) 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA File Symbol 1182–EE. Hubman Chemicals, 1123 W. Goodale Blvd., Columbus OH 43212. MAXSAN 7M. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.12%; Isopropanol 0.12%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 303–86. Huntington Laboratories, Inc., 968 E. Tipton St., Huntington IN 46750. MATAR GERMICIDAL DETERGENT. Active Ingredients: Sodium o-benzyl-p-chlorophenate 9.50%; Sodium o-phenylphenate 6.00%; Sodium xylene sulfonate 5.93%; Isopropanol 3.16%; Sodium p-tert-amylphenate 3.00%; Tetrasodium ethlenadiamine-tetraacelate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 6962–UL. Madison Bionics, 11250 Addison St., Franklin Park IL 60131. RADENE. Active Ingredients: Phosphoric acid 12.75%; Citric acid 1.00%; Essential oils 0.30%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 1021–88. McLaughlin Gormley King Co. 8810 Tenth Ave., N. Minneapolis MN 55427. METERED INSECTICIDE AEROSOL. Active Ingredients: Pyrethrins 1.00%; Piperonyl butoxide, technical 2.00%; N-octyl bicycloheptene dicarboximide 3.34%; Petroleum distillate 13.66%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 524–153. Monsanto Co., Agricultural Products, 800 N. Lindburgh Ave., St. Louis MO 63166. RAMROD 65. Active Ingredients: 2-Chloro-N-isopropylacetanilide 65%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM25

EPA Reg. No. 524–286. Monsanto Co. RAMROD ATRAZINE. Active Ingredients: 2-Chloro-N-isopropylacetanilide 48.1%; Atrazine, [2 - Chloro - 4 - (ethylamino) -6-(isopropylamino) -s-triazine] 20.9%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM25

EPA Reg. No. 524–285. Monsanto Co. LASSO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 675–UU. National Laboratories, Lehn & Fink Industrial Products—Div. of Sterling Drug, Inc., Montvale NJ 07645—Plant. NEW CON-O-SYL. Active Ingredients: O-Phenylphenol 9.20%; o-Benzyl-p-chlorophenol 2.80%; p-Tert Amylphenol 1.70%; Tetasodium Ethylenediamine Tetraacetate 2.80%; Sodium Dodecylbenzenesulfonate 3.00%; Isopropyl Alcohol 2.60%, Essential Oils, 0.25%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 2675–RN. National Purity Soap & Chemical Co., 110 Fifth Ave., Southeast, Minneapolis MN 55414. ASEPTIC-CLEAN II DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0% Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7001–EGN. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. SYSTEMIC INSECT SPRAY. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 18.0%; S-(2-(ethylsulfinyl)ethyl) O,O-Dimethyl phosphorothioate 6.0%; Aromatic Petroleum Distillate 36.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM 16

EPA File Symbol 7001–OG. Occidental Chemical Co. BEST EARWIG & SOWBUG BAIT. Active Ingredients: o-Isopropoxyphenyl Methylcarbamate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 538–102. O. M. Scott & Sons, Marysville OH 43040. SCOTTS. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6,-dinitro-N,N-dipropyl-p-toluidine) 2.65%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–480. PBI/Gordon Corp., 300 South Third St., Kansas City, KS 66118. GORDON'S WEEDER GRANULES. Active Ingredients: Trifluralin a,a,a-Trifluoro-2,6 - dinitro - N,N-dipropyl - p - toluidine 1.47%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 602–165. Ralston Purina Co., General Offices, Checkerboard Square, St. Louis MO 63188. PURINA WEED-KILL GRANULES. Active Ingredients: trifluralin a,a,a - trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine 1.47%. Method of Support. Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 602–221. Ralston Purina Co. PURINA CATTLE DUST. Active Ingredients: Methoxylchlor, Technical 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 478–28. Realex Corp., Box 78, 2500 Summit St., Kansas City MO 64161. REAL-KILL INSECT SPRAY LIQUID MATA MOSCAS MOSQUITOS. Active Ingredients: Petroleum distillate 99.525%; Technical piperonyl butoxide 0.400%; pyrethrins 0.075%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 476–2157. Stauffer Chemical Co., 1200 South 47th St., Richmond CA 94804. ERADICANE 6,7-E. Active Ingredients: S-Ethyl Dipropylthiocarbamate 82.6%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 148–RERU. Thompson-Hayward Chem Co., 5200 Speaker Rd., Kansas City KS 66106. ATRAZINE 80W. Active Ingredients: Atrazine (2-chloro-4-ethylamino - 6 - isopropylamino - s - triazine) 77.6%; Related Compounds 2.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 400–104. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Naugatuck CT 06770. COMITE AGRICULTURAL MITICIDE (EAST OF THE ROCKY MOUNTAINS). Active Ingredients: 2-(p-tert-butylphenoxy) cyclohexyl sulfite 76.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA Reg. No. 400–104. Uniroyal Chemical, Div. of Uniroyal, Inc. COMITE AGRICULTURAL MITICIDE (WEST OF THE ROCKY MOUNTAINS). Active Ingredients: 2-(p-tert-butylphenoxy)cyclohexyl 2- propynyl sulfite 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA File Symbol 7546–RI. United States Chemical Corp., PO Box 366, Watertown WS 53094. EMERGE NO. 75. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 1386–60. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO 2,4-D LO V ESTER WEED KILLER. Active Ingredients: Iso-octyl ester of 2,4-dichlorophenoxyacetic acid 69.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 3442–ATN. USS Agri-Chemicals, Div. of U.S. Steel Corp., PO Box 1685, Atlanta GA 30301. FLOWABLE SULFUR. Active Ingredients: Sulfur as S 52.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New product, Revised offer to pay statement submitted. PM22

EPA Reg. No. 876–203. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL WEEDMASTER HERBICIDE. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 12.37%; Dimethylamine salts of related acids 1.53%; Dimethylamine salt of 2,4-dichlorophenoxy acetic acid 37.17%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 7401–LR. Voluntary Purchasing Groups, Inc., Box 460, Bonham TX 75418. FERTI-LOME PLANT FOOD. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate) 1.786%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 7407–IR. Voluntary Purchasing Groups, Inc. SEVIN SULFUR 10–40 DUST. Active Ingredients: Carbaryl (1-naphthyl N-Methylcarbamate) 10.0%; Sulfur 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 168–454. Wasatch Chemical Div., Entrada Industries, Inc., 1979 South 7th. West PO Box 6219, Salt Lake City UT 84106. MORGRO GRASS & WEED SEED KILLER WITH TREFLAN. Active Ingredients: Trifluralin (a,a,a,-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 499–160. Whitmire Research Labs., Inc. 3568 Tree Court Industrial Blvd., St. Louis MO 63122. WHITMIRE PRESCRIPTION TREATMENT NO. 110 AEROSOL GENERATOR. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3 - (2 - methylpropenyl)cyclopropanecarboxylate 1.000%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 499–180. Whitmire Research Labs., Inc. WHITMIRE PRESCRIPTION TREATMENT NO. 1200 AEROSOL GENERATOR. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 1.000%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

[FR Doc.76–16766 Filed 6–9–76;8:45 am]

[FRL 559–1; OPP 33000/415]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

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Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in suppport of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: June 2, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/415)

EPA File Symbol 1757–AL. Drew Chemical

EPA File Symbol 7455–EI. International Mul-

EPA File Symbol 8708–LI. Wm. Wrigley Jr.

2(a), or 2(b) method of support spec-

(C14 50%, C12 40%, C16 10%) dimethyl

EPA Reg. No. 2217–628. PBI/Gordon Corp.,

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EPA File Symbol 1757-AL. Drew Chemical Corp., 701 Jefferson RD., Parsippany NJ 07054. BIOSPERSE 217. Active Ingredients: Dioctyl dimethyl ammonium chloride 12.5%; Ethyl alcohol 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE L. Active Ingredients: S-methyl-N-[(methyl carbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L. Active Ingredients: S-methyl-N-[(methyl carbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L. Active Ingredients: S-methyl-N-[(methyl carbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc. LANNATE. Active Ingredients: S-methyl-N-[(methyl carbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc. LANNATE. Active Ingredients: S-methyl-N-[(methyl carbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc. LANNATE. Active Ingredients: S-methyl-N-[(methyl carbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 1598-215. FCX, Inc., PO Box 2419, Raleigh NC 27602. FCX GREEN SHRUB WEEDER. Active Ingredients: Trifluralin (a,a,a, trifluoro-2,6-dinitro-N, N-dipropyl-p-toluidine) 0.93%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4816-35. FMC Corp., A.C.D. Industrial Sales Dept., 100 Niagara St., Middleport NY 14105. EMULSIFIABLE PYRENONE 10-1. Active Ingredients: Pyrethrins 1.18%; Piperonyl Butoxide, Technical 11.84%; Petroleum Base Oil 72.18%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Ref. No. 279-2712. FMC Corp. FURADAN 10 GRANULES. Active Ingredients: Carbofuran 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 279-2925. F.M.C. Corp. KOLO-100. Active Ingredients: Sulfur 75.4%; Diclone (2,3-Dichloro-1,4-naphthoquinone) 3.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 891-159. Hercules, Inc., Synthetics Dept., 910 Market St., Wilmington DE 19899. TORBIDAN 38. Active Ingredients: Toxaphene 52.6%; O,O-Dimethyl O-p-nitrophenyl thiophosphate 26.3%; Xylene range aromatic solvent 15.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA File Symbol 7455-EL. International Multifoods, 1200 Multifoods Bldg., Minneapolis MN 55402. SUPERSWEET RABON 6.98% PREMIX MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 6.98%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 337-AU. Lester Laboratories, Inc., 2370 Lawrence St., Atlanta GE 30344. MICROBIOCIDE-100. Active Ingredients: Methylenebis (thiocyanate) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 618-IU. Merck & Co., Inc., Merck Chemical Div., Rahway NJ 07065. MERTECT LSP FUNGICIDE. Active Ingredients: 2-(4-thiazolyl)-benzimidazole 30.88%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 1275-UE. Oliver Chemical Co., Inc., Cincinnati OH 45225. KLEER POOL X ALGAECIDE CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.2%; n-Dialkyl (60% C14, 30% C16, 5% C12, 5% C18) methylbenzyl ammonium chlorides 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 27570-R. Paddock Pool Construction Co., 6525 E. Thomas Rd., Scottsdale AR 85251. PAD TABLETS. Active Ingredients: Trichloro -s- triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 2750-E. Paddock Pool Construction Co. PAD ALGAE KILL. Active Ingredients: Trichloro -s- triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 2750-G. Paddock Pool Construction Co. PAD CHEM. Active Ingredients: Sodium Dichloro-s-triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 1Q133-O. Selig Chemical Industries, 840 Selig Dr., S.W., Atlanta GA 30336. ZEOLITE NP-171-L ALGAECIDE. Active Ingredients: Sodium Pentachlorophenate 6.95%; Sodium Salts of other Chlorophenols 0.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 38452-R. Swift Chemical Co., 201 S. Arkansas, Rogers AK 72756. 3 D Active Inrgedients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Sodium metasilicate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 11656-UN. Western Farm Service, Inc., 2401 Crow Canyon Rd., San Ramon CA 94583. TORBIDAN 28 INSECTICIDE. Active Ingredients: Toxaphene 66.6%; O,O-dimethyl-O-p-nitrophenyl thiophosphate 16.8%; Xylene 11.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 769-377. Woolfolk Chemical Works, Inc., PO Box 938, Fort Valley GA 31030. EZE GARDEN WEED KILLER. Active Ingredients: Trifluralin (a,a,a,-trifluoro-2, 6-dinitro-N,N-dipropyl-p-toluidine) 1.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 9782-LU. Woodbury Chemical Co. PO Box 4319, Princeton FL 33030. SUPER D-2 INSECTICIDE. Active Ingredients: Chlorpyrifos (O, O-diethy (3,5,6-trichloro-2-pyridyl) phosphorothioate 24.00%; 2,2-dichlorovinyl dimethyl phosphate 5.60%; Related Compounds 0.41%; Aromatic Petroleum Derivative Solvent 56.74%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA Reg. No. 1270-101. ZEP Manufacturing Co., PO Box 2015, Atlanta GA 30301. ZEP FORMULA 2566. Active Ingredients: Sodium o-benzyl-p-chlorophenate 12.00%; Sodium dodecylbenzene sulfonate 12.00%; Isopropanol 11.50%. Sodium xylene sulfonate 8.00%; Sodium p-tertiary-amylphenate 5.00%; Sodium 4-chloro-2-phenylphenate 4.00%; Sodium o-phenylphenate 2.80%; Tetrasodium ethylene diamine tetraacetate 2.00%; Sodium 6-chloro-2-phenylphenate 0.94%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claims and revised offer to pay statement submitted. PM32

[FR Doc.76-16764 Filed 6-9-76;8:45 am]

[FRL 558-8; OPP-33000,416]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the

2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: June 2, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATION RECEIVED (OPP—33000/416)

EPA Reg. No. 33955-528. Acme Div., PBI Gordon Corp., 300 S. 3rd St., Kansas City KS 66118. ACME METHOXYCHLOR 50% WETTABLE. Active Ingredients: Methoxychlor Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 36532-G. Better Water Corp., 500-C Allied Dr., Nashville TN 37211. BIOPOOL. Active Ingredients: Poly-[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 900-RNO. Chemical Service, Div. American Chemmate Corp., Howard & West Sts., Baltimore MD 21230. ATA 111. Active Ingredients: Isopropyl alcohol 15.000%; Propylene glycol 8.000%; n-Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chlorides 0.100%; Ethyl alcohol 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 9143-LL. Chemscope Corp., 1909 Hi-Line Dr., PO Box 10752, Dallas TX 75207. CHEMSCOPE LEMON-KLEAN CLEAR DISINFECTANT. Active Ingredients: Methyldodecylbenzyl trimethyl ammonium chloride 4.0%; Methyldodecyloxyethenebis (trimethyl ammonium chloride) 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 1990-164. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. CO-OP METHOXYCHLOR "50". Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application of reregistration. PM13

EPA File Symbol 32922-R. Holiday Industries, 523 E. Rock Island Rd., Grand Prairie TX 75050. POOL-CARD ALGAE CONTROL NF SUPER CONCENTRATE. Active Ingredients: Poly[oxyethylene-(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished. Revised offer to pay statement submitted. PM34

EPA Reg. No. 2393-320. Hopkin Agricultural Chemical Co., PO Box 584, Madison WI 53701. HOPKINS 75% METHOXYCHLOR DUST BASE. Active Ingredients: Methoxychlor, Technical 75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 35561-R. Landmark, Inc., 245 N. High St., Columbus OH 43216. PRO BLEND 50 (RA) (CONTAINS ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 35561-E. Landmark, Inc. 44% MILMAKER (RA) (CONTAINS ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 35928-R. Marathon, Inc., Box 24383, Indianapolis IN 46224. MICROBICIDE #42. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride] 20.0%. Method of Support: Application proceeds of interim policy. PM 34

EPA File Symbol 3432-UI. N. Jonas & Co., Inc., 1301 Adams Rd., Cornwells Heights PA 19020. J-90 GIANT CHLORINATING STICKS. Active Ingredients: Trichloro-S-Triazinetrione 100%; Available Chlorine 90%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 3432-UA. N. Jonas & Co., Inc. J-90 CHLORINATING STICKS. Active Ingredients: Trichloro-S-Triazinetrione 100%; Available Chlorine 90%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4029-EA. Oil Specialties & Refining Co., Inc., 18 Bridge St., Brooklyn NY 11201. CRAWLING RESIDUAL INSECTICIDE SPRAY. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 98.808% Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 3008-GO. Osmose Wood Preserving Co. of America, Inc., Buffalo NY 14209. TIMBERFUME. Active Ingredients: Chloropicrin 99%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA Reg. No. 2217-628. PBI/Gordon Corp., 300 S. 3rd St., Kansas City KS 66118. METHOXYCHLOR 75 DUST BASE. Active Ingredients: Methoxychlor Technical 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 2217-129. PBI/Gordon Corp., 300 S. 3rd St., Kansas City KS 66118. 50% METHOXYCHLOR WETTABLE POWDER. Active Ingredients: Methoxychlor Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 1159-91. Seacoast Laboratories, Inc., 257 Highway 18, East Brunswick NJ 08816. TWIN LIGHT 5% METHOXYCHLOR DUST. Active Ingredients: Methoxychlor, Technical 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 449-78. Techne Corp., PO Box 788, St. Joseph MO 64502. TECHNE METHOXYCHLOR 50. Active Ingredients: Methoxychlor, Technical 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration, PM13

EPA Reg. No. 148-667. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. METHOXYCHLOR DUST NO 5 Active Ingredients: Technical Methoxychlor 5.0%. Method of Support: Application proceeds under 2(b) of interim policy Application for reregistration. PM13

EPA Reg. No. 1386-43. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO 2,4-D AMINE WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

[FR Doc.76-16765 Filed 6-9-76;8:45 am]

[FRL 559-2; OPP-33000,417]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed

EPA File Symbol 11668-L. T & R Chemicals

exemption for rice and establishment of

Delehanty, Danny Michael, 1508 Byron Drive, Clarksville, Indiana, convicted on Septem-

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below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: June 2, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000, 417)

EPA File Symbol 551-EGE. Baird & McGuire, Inc., South St., Holbrook MA 02343. D-TOX-AG-500 INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidyl) phosphorothioate 18.2%; Xylene 39.6%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 7052-RT. Big D Chemical Co., PO Box 82822, Oklahoma City OK 73108. BIG D DISINFECTANT, DEODORIZER SANITIZER. Active Ingredients: Alkyl (C14, 50%; C12, 40%; C16, 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 7052-RO. Big D Chemical Co. BIG D LEMON DISINFECTANT DETERGENT SANITIZER. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36532-E. Better Water, Inc., 500 C Allied Dr., PO Box 11506, Nashville TN 37211. BIO-110. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylenedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 38903-R. Boca Pool-Trol Lab., Inc., 303 NW 1st Ave., Boca Raton FL 33432. ALLIED POOL GUARD CHLORINATING LIQUID SOLUTION. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 802-167. Charles H. Lilly Co., 100 SE Alder, Portland OR 97214. MILLER'S METHOXYCHLOR 5D. Active Ingredients: Methoxychlor, technical 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 239-2404. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO MONITOR 4 SPRAY. Active Ingredients: O,S-dimethyl phosphoramidothioate 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 1677-TO. Economics Laboratory, Inc., Osborn Building, St. Paul MN 55102. MIKRO-QUAT-50. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 4.5%; Trisodium ethylenediamine-tetraacetate 0.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 1990-GTE. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. TURBEX. Active Ingredients: Alkyl 1,3-Propylene Diamine 0.03%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 961-283. Lebanon Chemical Corp. (The Bishop Co. Div.), PO Box 180, Lebanon PA 17042. GREENVIEW EVER PREEN. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine 0.74%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-280. Lebanon Chemical Corp. GREENVIEW PREEN THE WEED PREVENTER. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 1.47%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 961-250. Lebanon Chemical Corp. LEBANON FLOWER AND SHRUBBERY BED WEED CONTROL CONTAINS TREFLAN. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-(p-toluidine) 1.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 337-AL. Lester Laboratories, Inc., 2370 Lawrence St., Atlanta GA 30344. MICROBIOCIDE-330. Active Ingredients: Dodecylguanidine Hydrochloride 33%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 1553-RNG. Momar Inc., PO Box 19567, Station N, Atlanta GA 30325. MOMAR POULTRY-DYNE #165. Active Ingredients: Alpha-(Para-nonylphenyl)-Omega-Hydroxypoly (Oxyethylene)-Iodine Complex 13.89%; Phosphoric Acid 8.50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 6020-RA. Mom Chemical Co., Inc., 7775 N.W. 66 St., Miami FL 33166. WHISP DISINFECTANT-DEODORIZER-MILDEWCIDE. Active Ingredients: Alkyl (C14, 90%; C12, 5%; C16, 5% Dimethyl 3,4-Dichlorobenzyl Ammonium Chloride 1.250%; Alkyl (C14, 58%; C16, 28%, C12, 14%) Dimethyl Benzyl Ammonium Chloride 0.625%; Alkyl (C14, 90%; C12, 5%; C16, 5%) Dimethyl Ethyl Ammonium Bromide 0.625%; Sodium Carbonate 0.500%; Ethylenediaminetetraacetic Acid, Tetrasodium Salt 0.190%; Essential Oils 0.250%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 538-83. O. M. Scott & Sons, Marysville OH 43040. SCOTTS SHRUB & TREE WEED PREVENTER PLUS FERTILIZER. 20-4-8. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 0.68%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 38900-R. Pedrick Plumbing & Sprinkler, 151 NE 2 Ave., Deerfield Beach FL 33441. ALLIED POOL GUARD CHLORINATING LIQUID SOLUTION. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 7138-T. Southern States Cooperative, Inc., Feed Div., P.O. Box 656, Richmond VA 23123. FLY BAN TOP DRESS (CONTAINS RABON ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl 0.46%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 11668-O. T&R Chemicals, PO Box 135, El Paso TX 79941. T&R SUPER LEMON DISINFECTANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11668-I. T & R Chemicals Inc. T & R LEMON DISINFECTANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11668-L. T & R Chemicals Inc. T & R SUPER MINT DISINFECTANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM31

EPA File Symbol 11668-U. T & R Chemicals Inc. T & R MINT DISINFECTANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 400-75. Uniroyal Chem Co., Div. of Uniroyal Co., Amity Rd., Bethany CT 06525. DYANAP. Active Ingredients: Sodium N-1-naphthylphthalamate 22.3%; Sodium Salt of dinoseb (2-sec-butyl-4,6-dinitrophenol) 11.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol: 876-ELR. Velsicol Chemical Corp., 341 E Ohio St., Chicago IL 60611. GOLD CREST TSAR 4E. Active Ingredients: 48.3% 1-methyl ethyl (E)-3-[[(ethylamino) methoxyphosphinothioyl]oxy]-2-butenoate. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA Reg. No. 2853-45. Vineland Chemical Co., West Wheat Road, Vineland NJ 08360. Active Ingredients: 1,4-Bis (bromoacetoxy)-2-butene 48%; 2,3-dibromopropionaldehyde 32%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

[FR Doc.76-16763 Filed 6-9-76;8:45 am]

[FRL 558-2; PP 4G1511/T63]

COLLETOTRICHUM GLOEOSPORIOIDES

Renewal and Establishment of a Temporary Exemption From the Requirement of a Tolerance

On September 25, 1975, the Environmental Protection Agency (EPA) announced (40 FR 44186) that the temporary exemption from the requirement of a tolerance for residues of the mycoherbicide *Colletotrichum gloeosporioidcs* f. sp. *aeschynomene* in or on rice (when used as an herbicide to control northern jointvetch *Aeschynomene virginica*) established in response to a pesticide petition (PP 4G1511) submitted by the University of Arkansas, Fayetteville AR 72701, had been extended for 99 days and was scheduled to expire December 31, 1975.

The University of Arkansas has requested a one-year renewal of this temporary exemption from the requirement of a tolerance and has also requested the establishment of a temporary exemption for residues of the mycoherbicide in or on the raw agricultural commodity soybeans. These temporary exemptions are to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that is being renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that a renewal of the temporary exemption for rice and establishment of the temporary exemption for soybeans will protect the public health, and it is concluded, therefore, that temporary exemptions be established/renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. The University of Arkansas must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University must also keep records of distribution and performance and on request make the records available to any authorized officer of employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires June 4, 1977. Residues remaining in or on rice and soybeans after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption. This temporary exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: June 4, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-16769 Filed 6-9-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Aker, Robert E., 226 Tim Rick Drive, Munster, Indiana, convicted on or about March 2, 1944, in the Circuit Court of Allen County, Fort Wayne, Indiana.

Bryant, John L., 257 Signal Company, APO San Francisco, California, convicted on April 11, 1972, in the Headquarters Company, Third Regional Assistance Command, Cam Ranh Bay, Republic of Vietnam.

Delehanty, Danny Michael, 1508 Byron Drive, Clarksville, Indiana, convicted on September 23, 1968, in the Gallatin Circuit Court, Commonwealth of Kentucky.

Dismang, Melvin L., 6525 Michigan Avenue, St. Louis, Missouri, convicted on April 26, 1957, in the Circuit Court, St Louis, Missouri.

Duke, Charles Marshall, 2201 Battleford Road, Columbia, South Carolina, convicted on March 17, 1969, in the United States District Court, Columbia, South Carolina.

Dyer, Andrew L., 1579 Rhinelander Avenue, Bronx New York, convicted on December 10, 1956, in the Essex County Court, Newark, New Jersey.

Enloe, Charles Newton, 800 North Kelly Avenue, Hominy, Oklahoma, convicted on July 3, 1957, in the District Court of Osage County, Oklahoma; and on August 7, 1975 in the District Court, Osage County, Oklahoma.

Field, Charles R., Junction 219 & 140, East Sumner, Maine, convicted on March 5, 1956, in the Monmouth County Court, New Jersey.

Gillespie, Daryl R., 541 College, Idaho Falls, Idaho, convicted on June 30, 1972, in the Fourth Judicial Court, Utah County, Utah.

Godfrey, Arthur R., 1416 Ellis Street, Caldwell, Idaho, convicted on July 5, 1933, in the District Court of the Seventh Judicial District, State of Idaho.

Grant, George, 2095 Creston Avenue, Bronx New York, convicted on January 12, 1973 in the Supreme Court, Bronx County, New York.

Hannah, Mike E., 201 North Sarnoil Drive, Tucson, Arizona, convicted on September 26, 1968, in Superior Court I, Monroe County, Indiana; and on April 12, 1973, in the United States District Court, Judicial District Court of Arizona, Tucson, Arizona.

Higgins, Richard L., 36 South 8th Street, Noblesville, Indiana, convicted on March 12, 1931, in the Boone Circuit Court, Boone County, Indiana.

Janney, Larry R., 6265 Alkire Road, Galloway, Ohio, convicted on October 25, 1961, in the Franklin County Court of Common Pleas, Columbus, Ohio.

Jones, Malcolm L., Route 4, Box 653, Morehead, Kentucky, convicted on October 16, 1972, in the United States District Court, Eastern District of Kentucky.

Keaton, Lafayette F., 3540 N. Mississippi Avenue, Portland, Oregon, convicted on November 27, 1972, in the Circuit Court of the State of Oregon for Multnomah County.

Keith, Gary L., 5309 Division Avenue, Birmingham, Alabama, convicted on June 25, 1964, in the United States District Court, Northern District of Alabama.

King, John H., 4127 Joliet, Warren, Michigan, convicted on May 27, 1947, in the Kent County Circuit Court, Michigan.

King, Terry Floyd, 2010 South 74th Street, West Allis, Wisconsin, convicted on May 1, 1967, in the Circuit Court, County of Milwaukee, Milwaukee, Wisconsin; and on or about May 1, 1970, in the Circuit Court, Branch II, Waukesha County, Waukesha, Wisconsin.

Kirksey, Charles E., 235 Holyhead, Houston, Texas, convicted on October 8, 1969, in the 176th District Court of Harris County, Texas.

Kunz, Gary L., 2002 Pasadena Drive, Austin, Texas, convicted on March 1, 1973, in the 167th Judicial District Court, Travis County, Texas.

Lindeman, Ronnie R., Glenham, South Dakota, convicted on September 14, 1972, in the Circuit Court, Sixth Judicial Circuit, Mobridge, South Dakota.

V41113 JUN 10 76 UMI

Equitable Arrangements for Em- required. This requirement applies only is required. However, the protective pro-

Loshek, Charles E., 526½ East Third Street, Winona, Minnesota, convicted on February 4, 1974, in the District Court, Third Judicial District, Winona County, Minnesota.

Lucas, Clark Gary, 3645 E. Kirby, Detroit, Michigan, convicted in October 1955, in the Eighth Judicial District Court, Nevada; and in September 1960, in the Superior Court for the County of Los Angeles, California.

Marr, Joleen M., Box 524, Armstrong, Iowa, convicted on July 20, 1972, in the District Court, Dickinson County, Spirit Lake, Iowa.

Montgomery, Joseph D., 3218 Green Street, Harrisburg, Pennsylvania, convicted on March 11, 1971, in the Dauphin County Criminal Court, Harrisburg, Pennsylvania.

Noto, Henry Anthony, 8076 Albert Drive, Baton Rouge, Louisiana, convicted on May 21, 1971, in the United States District Court, Eastern District of Louisiana, Baton Rouge, Louisiana.

Payne, James H., Box 174, Overton, Nebraska, convicted on August 29, 1958, in the District Court, Merrill County, Bridgeport, Nebraska.

Provencher, Leo N., RFD #1, Limerick, Maine, convicted on April 14, 1972, in the United States District Court, Southern Division, District of Maine; and on June 1, 1972, in the York County Superior Court, Maine.

Rutherford, Donald R., 271 Marston, Detroit, Michigan, convicted on September 24, 1945, and on September 20, 1962, in the Recorder's Court, Detroit, Michigan.

Schaeffer, Steven D., 2121 N. Dekum, Portland, Oregon, convicted on November 22, 1971, in the Multnomah County Circuit Court, Oregon.

Schirmer, Paul V., U.S. 42, West Main Street, Warsaw, Kentucky, convicted on November 8, 1974, in the United States District Court, Eastern District Kentucky, Frankfort, Kentucky.

Snyder, James O., 120 Edsel, Otsego, Michigan, convicted on October 25, 1966, in the United States District Court, Del Rio, Texas.

Souas, Marcellino Bento, 47½ Mill Street, Augusta, Maine, convicted on June 10, 1963, in the Superior Court, Kennebec County, Maine.

Sparks, Donald E., P.O. Box 1, Fiddletown, California, convicted on July 22, 1963, in the Superior Court, Alameda County, California.

Trenary, Ronald Eugene, Box 147, Gilmore City, Iowa, convicted on or about September 14, 1970, in the Iowa District Court, Humboldt County.

Tuttle, Robert R., Rural Route 4, Winterset, Iowa, convicted on April 17, 1959, in the District Court, Madison County, Winterset, Iowa.

Wergin, John C., 1201 N. 3rd Avenue, Wausau, Wisconsin, convicted on January 3, 1973, in the County Court, Branch 2, Rock County, Wisconsin.

Signed at Washington, DC, this 2nd day of June 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-16787 Filed 6-9-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

The USAF Scientific Advisory Board (SAB) Strategic Panel will hold a meeting on June 30, 1976 from 8:00 a.m. to 5:30 p.m. at HQ NORAD/ADCOM, Ent Air Force Base, Colorado.

The Panel will receive classified informational briefings on operational issues facing NORAD/ADCOM today.

The meeting concerns matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

JUNE 2, 1976.

[FR Doc.76-16808 Filed 6-9-76;8:45 am]

Department of the Navy

SECRETARY OF THE NAVY OCEANOGRAPHIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Secretary of the Navy Oceanographic Advisory Committee will meet on July 1–2, 1976, at the facilities of the Oceanographer of the Navy, 200 Stovall Street, Alexandria, Virginia. Sessions of the meeting will commence at 9:00 a.m. and 1:00 p.m. on July 1 and at 9:00 a.m. on July 2. The July 2 morning session will be closed to the public.

The purpose of the meeting is to elicit the advice of the committee concerning various ocean-science, ocean-operations, and ocean-engineering programs being conducted by the Navy in connection with the national defense effort. Matters concerning the programs which will be discussed during the July 2 morning session are classified and required to be kept secret in the interest of the national defense. The Secretary of the Navy has therefore determined in writing that the public interest requires the July 2 morning session of the meeting to be closed to the public because it will be concerned with matters listed in section 552(b)(1) of title 5, United States Code.

Dated: June 4, 1976.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General, (Civil Law).

[FR Doc.76-16809 Filed 6-9-76;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATION INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Sunday, July 18, 1976, starting at 4:00 p.m. and on Monday, July 19, 1976, starting at 8:00 a.m., in the Conference Room of the Federal Bureau of Prisons Staff Training Center, 15400 East 14th Place, Aurora, Colorado.

At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board) the Board will revise internal policy and further refine the Institute's thrust areas.

Signed at Washington, D.C., this 3rd day of June, 1976.

SHERMAN R. DAY,
Director.

[FR Doc.76-16822 Filed 6-9-76;8:45 am]

Law Enforcement Assistance Administration

EMPLOYEE PROTECTION

Proposed LEAA Guideline Revision for Implementation of the Employee Protection Provisions of the Juvenile Justice and Delinquency Prevention Act of 1974

Notice is hereby given that the Law Enforcement Assistance Administration, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. § 5601, et seq., proposes to issue a revision to State Planning Agency Grants Guideline Manual, M 4100.1E, January 16, 1976, Chapter 3, paragraph 77(m).

The cited guideline provision sets forth State plan requirements which must be met to assure the implementation of equitable arrangements for employees affected by assistance under the formula grant program of the subject Act. Protective arrangements are required by Section 223(a)(17) of the Act to be established as a condition for approval of State plans submitted to the Administrator of the Law Enforcement Assistance Administration under the Act.

Pursuant to Congressional direction, LEAA has consulted with the Secretary of Labor in the formulation of the revised employee protection guideline.

In view of the potential impact of the revised guideline on State and local governments, labor organizations, and public employees whose interests may be affected by assistance granted under the Act, LEAA desires to receive the views and comments of interested parties. Therefore, this notice and opportunity to submit written views and comments is provided as a supplement to the formal LEAA guideline clearance process provided under Title IV of the Intergovernmental Cooperation Act (Pub. L. 90-577) and Office of Management and Budget Circular No. A-85 (January 20, 1971).

Interested persons are invited to submit written comments, suggestions, or objections to Mr. Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW., Room 1268, Washington, D.C. 20531, on or before July 15, 1976.

It is, therefore, proposed to revise LEAA State Planning Agency Grants Guideline Manual, M 4100.1E, January 16, 1976, Chapter 3, paragraph 77(m) by substituting for the current guideline requirement a new paragraph 77(m) to read as set forth below.

m. *Equitable Arrangements for Employees Affected by Assistance under this Act.*

(1) *Act Requirement.*—Section 223(a)(17) of the Juvenile Justice Act requires that the State plan "provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) The preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) The continuation of collective-bargaining rights;

(C) The protection of individual employees against a worsening of their positions with respect to their employment;

(D) Assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) Training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;".

(2) *Purpose.*—The creation of innovative community-based facilities and services at the State and local level may result in changes in employment opportunities or status which will affect current State, county, and local governmental employees. This plan requirement is intended to protect the employment interests of such employees when affected by assistance granted under the Juvenile Justice Act.

(3) *Scope.*—The scope of employee protections extends to employees of State, county, and local governments who are employed at a "correctional institution or facility" for juveniles as defined in Section 103(12) of the Juvenile Justice Act. This definition includes detention facilities.

(4) *Responsibility.*—It is the responsibility of the cognizant State or unit of general local government to meet the terms and conditions set forth in the State plan for the implementation of this provision and to provide the required protections to affected employees. For this reason the State should require that sub-grant applications specifically address this issue.

(5) *Terms and Conditions.*—The terms and conditions of such protective arrangements must include, to the maximum extent feasible, provisions necessary to assure:

(a) *The preservation of rights, privileges, and benefits under existing collective-bargaining agreements or otherwise:* Rights, privileges, and benefits include accrued pension benefits, vacation benefits, insurance benefits, and other benefits that are individual in nature. This provision requires that a new job, offered to an affected employee, not terminate these benefits. A substantial preservation of these employee rights is required. This requirement applies only to jobs offered by the State or a unit of general local government pursuant to the operation of this requirement and not to jobs found independently by a terminated employee seeking alternative employment. The new employing agency would incur the costs of preserving these benefits.

(b) *The continuation of collective-bargaining rights:* Such rights should be preserved in two circumstances: 1 When the administration of a correctional institution or facility is transferred from one governmental unit to another, for example, from State to county as a result of the requirements of the Juvenile Justice Act.

2 When an entire employee group of an existing correctional institution or facility is moved intact to a new facility with no new additional employees in the labor force.

(c) *Protection of individual employees against a worsening of their position with regard to their employment:* This provision requires that an employee whose job was terminated by operation of this legislation cannot be offered a job, for example, at a substantial decrease in pay, or with a substantial increase in health or safety hazard, or be taken from a position of significant responsibility and placed in a menial position. While exact equality in wages, status, working conditions, or hours is not required, a reasonable effort to obtain comparable conditions must be made.

(d) *Assurances of employment to employees of any state or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this act:* This provision requires that affected employees be offered a job that conforms with these guidelines. It requires that the State or unit of general local government assume responsibility as the employer of last resort but in no event will the State or unit of general local government be obligated to provide employment to an individual in the same job capacity or locality as his previous employment. Provision should be made for the payment of relocation expenses where the employee's new work location is not within a reasonable distance from the employee's previous work location.

(e) *Training or retraining programs:* Affected employees should not be compelled to work in a capacity in which they have no experience or training. The State must assume the major responsibility for providing training or retraining programs, either on the job or paid training, to employees of the State or units of general local government affected by assistance under the Juvenile Justice Act.

(f) Any other provision(s) deemed necessary to protect the interests of employees affected by assistance under the Juvenile Justice Act.

(6) *Maximum Extent Feasible.*—As applied to the specific protective arrangements, means that a good faith effort to protect each displaced employee is required. However, the protective provisions will not require that either the State or a unit of general local government provide cash payments or otherwise subsidize the salary of any affected employee. A reasonable time should be established in order to provide an opportunity for a good faith effort to be made to effectuate protective action. Further, maximum extent feasible recognizes that while the State planning agency can require State agencies or units of general local government to provide protective arrangements as a condition of the receipt of formula grant funds, it may not be able to control the actions of such units which are not recipients of formula grant funds.

(7) *Methods Available to State Planning Agency to Carry Out the Terms and Conditions.*—It is expected that the State planning agency will consult with relevant State agencies, units of general local government, and employee organizations in the formulation of the terms and conditions of the protective arrangements. Executive or legislative action to assure cooperation and implementation should be considered. Formal agreements with State agencies and units of local government which operate correctional institutions or facilities for juveniles would be appropriate. Utilization of Federal and State resources (Comprehensive Employment and Training Act funds, Part E Crime Control Act funds for retraining, State employment services, etc.) should be explored and utilized where possible. Recipients of LEAA funds for juvenile justice programs should be required, through appropriate special conditions, to cooperate wherever possible in the provision of protections, in providing training or retraining, and in giving preference for employment to affected employees. Further, procedures should be established which will identify affected employees and employee groups entitled to protection under the Act and provide for arbitration procedures, at no expense to employees, where disputes arise with regard to eligibility for or provision of protections pursuant to the approved State plan.

(8) *Plan Requirements.*—The State plan should set forth a complete plan for meeting this requirement, including at a minimum the following:

(a) An assessment of the impact of Juvenile Justice Act funds to date, with particular emphasis on the impact on employees of correctional institutions and facilities of efforts to meet the deinstitutionalization of status offenders requirement (Section 223(a)(12)).

(b) An assessment of the anticipated future impact of Juvenile Justice Act funds on such employees over the next three plan years.

(c) A description of the process used to formulate the terms and conditions of the protective arrangements established pursuant to this requirement.

(d) The terms and conditions of the protective arrangements established pursuant to this requirement.

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(e) The procedures and mechanisms established to assure, to the maximum extent feasible, that the full range of protective arrangements are available to employees affected by assistance under the Juvenile Justice Act.

(f) Future efforts which the State planning agency will pursue where all necessary procedures and mechanisms are not yet in place.

RICHARD W. VELDE,
Administrator.

[FR Doc.76-16823 Filed 6-9-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Change of Names of Major Administrative Units

JUNE 3, 1976.

Notice is hereby given that the four Administrative Units within the Ely District, BLM, are changed. The Moriah and Pony Springs Resource Areas are combined, and named, The Schell Resource Area; the Currant and Cherry Creek Resource Areas are combined, and named, The Egan Resource Area.

E. I. ROWLAND,
State Director, Nevada.

[FR Doc.76-16818 Filed 6-9-76; 8:45 am]

NEVADA

Redelegation of Authority to District Managers

JUNE 3, 1976.

Pursuant to Redelegation of Authority granted under Bureau Order 701, dated July 23, 1964, as amended, in Section 1.1 and Section 3.9(g), the authorization to take all actions delegated by Section 1.9(g) of said Order 701 is hereby redelegated to District Managers, Nevada. This order will become effective on June 1, 1976.

E. I. ROWLAND,
State Director, Nevada.

[FR Doc.76-16817 Filed 6-9-76;8:45 am]

[NM 28218 and 28219]

NEW MEXICO

Applications

JUNE 2, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 10, NE¼SW½ and N½SE¼.
T. 19 S., R. 32 E.,
Sec. 9, W½SE¼.

These pipelines will convey natural gas across .897 of a mile of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-16816 Filed 6-9-76;8:45 am]

NEW MEXICO STATE MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the New Mexico State Multiple Use Advisory Board will meet at the Inn of the Mountain Gods, Mescalero Apache Indian Reservation, Otero County, New Mexico, for one day July 7, 1976, as follows:

8:30 a.m. to 4:30 p.m. Further deliberations and possible recommendations pertaining to an airport proposed for lands on the Fort Stanton reservation; further deliberation and possible recommendations pertaining to previous Board committee work and recommendations, especially regarding work of the committee on environmental assessment processes and utility transmission lines; discussion and possible recommendations pertaining to the required rechartering and possible recomposition of the Board's membership as provided by the National Advisory Committee Act, and discussion and selection of topics to be considered at the Board's fall meeting.

There will be 15-minute recesses at 10 a.m. and 3 p.m., and a recess for lunch beginning at 12 Noon and ending at 1:00 p.m.

The meeting will be open to the public. Effort will be made on a space-available and time-available basis to accommodate members of the public wishing to participate in the sessions, and wishing to make written or oral statements to the Board, provided that notice of such desire and intent are communicated to the New Mexico State Director of the Bureau of Land Management not later than 4:00 p.m. July 1, 1976.

Written communications and requests for information on the meetings should be directed to the Office of Public Affairs, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone requests or messages on the same subjects should be directed to Doyle Kline (505) 988-6316.

ARTHUR W. ZIMMERMAN,
State Director.

JUNE 3, 1976.

[FR Doc.76-16815 Filed 6-9-76;8:45 am]

[INT. FES 76-30]

PROPOSED PHOSPHATE LEASE WITHIN THE LOS PADRES NATIONAL FOREST, VENTURA COUNTY, CALIFORNIA

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental impact statement relating to a proposed phosphate lease covering 2,434 acres within the Los Padres National Forest, Ventura County, California. The environmental statement considers the possible effects the proposed mining operation and the construction of the necessary facilities would have upon the environment, including the California condor.

The final environmental impact statement has been submitted to the Council on Environmental Quality and made available to government agencies and the public.

Copies of the final environmental impact statement are available for inspection at libraries in the locality and the following offices:

Bureau of Land Management, Department of the Interior, 19th and C Streets, N.W., Washington, D.C.
Bureau of Land Management, Federal Building, Room E2841, 2800 Cottage Way, Sacramento, California.
Bureau of Land Management, Bakersfield District Office, U.S. Federal Building, Room 331, 800 Truxton Avenue, Bakersfield, California.
Forest Supervisor, Los Padres National Forest, 42 Aero Camino, Goleta, California.
District Ranger, Ojai Ranger District, 1190 East Ojai Avenue, Ojai, California.
U.S. Forest Service, Department of Agriculture, Rooslyn Plaza East, Room 810, Arlington, Virginia.

A limited number of single copies may be obtained from the following offices:

Director (731), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.
California State Office, Bureau of Land Management, Federal Building, Room E2841, 2800 Cottage Way, Sacramento, California 95825.
Office of the Forest Supervisor, Los Padres National Forest, 42 Aero Camino, Goleta, California 93017.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: June 7, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-16802 Filed 6-9-76;8:45 am]

[Wyoming 54972]

WYOMING

Application

JUNE 2, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company filed an application for a right-of-way to construct a 10 inch pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN

T. 16 N., R. 112 W.,
Sec. 18: Lots 7, 8;
Sec. 20: SW¼SW¼;
Sec. 30: SE¼NE¼, E½SE¼.

T. 15 N., R. 113 W.,
Sec. 12: NW¼NW¼;
Sec. 14: W½NE¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 23: E½SE¼;
Sec. 25: SW½NW¼, W½SW¼;
Sec. 26: E½NE¼, NE¼SE¼;
Sec. 36: W½NW¼.
T. 16 N., R. 113 W.,
Sec. 12: E½E½, SW¼NE¼.

The pipeline will transport natural gas from the sweetening plant within the Butcher Knife Spring Unit Area to the Mountain Fuel Supply Company's Church Buttes Unit Area.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc 76-16819 Filed 6-9-76;8:45 am]

[Wyoming 55324]

WYOMING

Application

JUNE 4, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Company filed an application for a right-of-way to construct a four inch pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 78 W.,
Sec. 26: NW¼NE¼, N½NW¼, SW¼NW¼.

The pipeline will transport natural gas from the Little Medicine Bow Anticline in Carbon County, Wyoming to the applicant's Rawlins-Medicine Bow eight inch transmission line.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-16820 Filed 6-9-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

Bureau of Land Management,
P.O. Box 1150,
Fairbanks, Alaska 99707.
Attention: Curtis V. McVee.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

FORM NO. 42-R1570

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
To conduct nesting raptor inventories on national resource lands in Alaska; includes habitat of peregrine falcon.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Louis D. Jurs
Bureau of Land Management
555 Cordova Street
Anchorage, Alaska 99501

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'2" WEIGHT: 200
DATE OF BIRTH: February 7, 1941
COLOR HAIR: Brown COLOR EYES: Green
PHONE NUMBER WHERE EMPLOYED: 907-277-1561
SOCIAL SECURITY NUMBER: 560-52-2466
OCCUPATION: Wildlife Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: U.S.D.I. Bureau of Land Management

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Management of public lands of the United States
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Curt McVee, State Director
IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Various Alaska locations including, Fortymile River, Black River, Christian River, Yukon River, Naval Petroleum Reserve, Alyeska Pipeline Corridor, Portage Management Area, Denali Highway, and other areas.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
Permit pending - State of Alaska

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: June 7, 1976

11. DURATION NEEDED: 3 months

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Curtis V. McVee, State Director
DATE: June 1, 1976

DESCRIPTION OF PROJECT

The baseline study of nesting raptors is a continuation of the project begun last year in cooperation with FWS. It was funded by BLM and FWS with close coordination and some assistance from ADFG. The project consists of a visual inventory of nesting raptors, including but not limited to, the endangered American and arctic peregrine falcon.

Other raptors inventoried include bald and golden eagles, gyrfalcons, ospreys, and other hawks. The purpose of the inventory is to provide base data for long range land-use planning in order to insure protection to these species and their habitats.

The project is to continue this year with some cooperative effort from the U.S. Forest Service and the National Park Service. Areas to be inventoried include the Black River and its tributaries, the Charley River, the 40 Mile River, parts of the lower Yukon and Kuskokwim

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uals that did not appear to be going to

Currently there are no records of these

All relevant comments received on or be-

V4113 JUN 10 76 UMI

drainages, and the Sagwon area of the Sagavonirktok River. Other areas may be checked if time permits.

Alaska Department of Fish and Game and Fish and Wildlife Service personnel will also assist in the project.

It is expected that the inventory work will be completed by late August. All cooperating agencies will receive a copy of the final report, maps, etc. This should be completed by September 15, 1976.

FEDERAL FISH AND WILDLIFE LICENSE PERMIT APPLICATION

1. Species: Peregrine Falcon. *Falco peregrinus.* Activity: To improve and stabilize nest sites of the peregrine falcon and other raptors at the Sagwon Bluffs; if necessary, to install artificial nest structures.
2. The birds are and will remain in the wild.
3. Resume: (By BLM Biologists).

1974: Sagavnirktok River: Pipeline construction stipulations
1975: Noatak River: Raptor Survey (with Dr. John Haugh).
1975: Upper Yukon River: Raptor survey
1975: Yukon River: Raptor Survey (Yukon Flats to Tanana)

4. NA.
5. NA.
6. NA.
7. Contracts: No contract, BLM Force Account.
8. (i) This permit will enable the BLM to improve and stabilize several nest sites used by peregrines and other raptors at the Sagwon Bluffs. Nest stabilization would be accomplished by improving the existing sites with hand tools or in some cases installing artificial structures which the peregrines would accept and use.

(ii). These activities would be carried out by wildlife biologist at the BLM during the summer of 1976, after that breeding season is over. The biologist would improve the nest sites as necessary in late August or September, so no disturbance of this years' breeding attempts will occur. The artificial nest structures will be made of wood using examples of Richard Fyfe (Canadian Wildlife Service), Tom Cade (Cornell University) and others who have had experience in making and installing man-made nest structures.

(iii) The stabilization of these nest sites is necessary because of the very poorly consolidated formation of the Sagwon Bluffs, and in years past loss of young due to rock slides because of the unstable nature of the bluffs.

(iv) NA.

(v) All work will be done after review and approval of the peregrine Recovery Team.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before July 12, 1976.

Dated: June 7, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-16776 Filed 6-9-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application for Amendment

A permit authorizing scientific research activities with ALEUTIAN CANADA GEESE (*Branta canadensis leucopareia*), was issued to Gordon W. Watson, Alaska Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska, on March 18, 1975.

A notice containing the application for the permit was published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1283–84), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on August 5, 1975 (40 FR 32849–50).

Under date of May 10, 1976, the Deputy Area Director, Alaska Area Office, Anchorage, Alaska, has submitted a request for an amendment to the permit. Published herewith is a copy of the terms of the permit, and the request for an amendment. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

U.S. FISH AND WILDLIFE SERVICE,

May 10, 1976.

To: SAC Hester, LE, WDC.
From: Deputy Area Director Hansen, Alaska Area Office, Anchorage, Alaska.
Subject: Revision of Endangered Species Permit PRT 8–100–C.

This memo is a follow-up to our fax-form of 05/05/76 and ASAC Hood's conversation with you on the same date, concerning needed revisions of the above permit. These revisions have been requested by the Aleutian Canada Goose Recovery Team, after discussions with the Permit Coordinator and his staff.

Because of the recent recoveries of banded geese on the wintering grounds, an expansion of the area of research has become very apparent. Precise determinations of where and when the birds are on their wintering areas are badly needed if we are to provide maximum protection from hunting pressure.

In addition, expanded authority is needed to transport birds to and from Patuxent Wildlife Research Center for propagation and research studies. The feasibility of establishing additional captive flocks of geese at other research stations will also be looked into by persons working under the permit.

The research conducted outside of Alaska will be done by members of the Recovery Team. Since some of the members do not fit into the "catagories" listed in 11 C of the permit, the coverage of the permit needs to be broadened.

The various changes in 11 D 1 are made for the following reasons:

1. The trapping and additional handling procedures may be expanded to areas other than the Aleutian Island, NWR; and

2. There is a need to provide some wild-caught birds to Patuxent and possibly other research stations for research and new breeding stock. Also, this change would allow for the return to Patuxent of injured birds or captive-reared individuals that did not appear to be going to survive in the wild.

New authorization is needed on the permit to allow for the importation of any dead or injured birds that might turn up in Canada or Mexico. Contact has already been made with officials in British Columbia, and we have been assured that if any birds are obtained there, they would be made available to the Recovery Team for research purposes. Currently there are no records of these geese occurring in Mexico, but individuals have turned up at Salton Sea, so straggling into Mexico could occur. If any birds did become available from Mexico, the Recovery Team would be very interested in obtaining them.

If you have any questions about this request, please contact me. We do need this authorization as soon as possible, since the field season is drawing near.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE: Gordon W. Watson, Alaska Area Director, U.S. Fish and Wildlife Service, 813 D Street, Anchorage, Alaska 99501	2. AUTHORITY - STATUTES: 16 U.S.C. 1539(a); REGULATIONS (attached): 50 C.F.R. 17.23
	3. NUMBER: PRT-8-100-C
	4. RENEWABLE: ☐ YES ☒ NO
	5. MAY COPY: ☒ YES ☐ NO
	6. EFFECTIVE: MAR 18 1975
	7. EXPIRES: 12/31/77
8. NAME AND TITLE OF PRINCIPAL OFFICER (If 11 is a business)	9. TYPE OF PERMIT: Endangered Species

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
State of Alaska (primarily Aleutian Island NWR)

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIAL CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREON MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES SET FORTH IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE and any person who is under the direct control of, or who is employed by or under contract to, the permittee.

D. 1. You may trap or capture, hold temporarily, band or otherwise mark, radio-tag, weigh, measure, extract blood samples and feathers, disturb for scientific purposes, salvage and hold for rehabilitation purposes, and transport as necessary Aleutian Canada geese (Branta canadensis leucopareia) on the Aleutian Islands National Wildlife Refuge. Birds may be transferred from Buldir Island to other locations within the Refuge in order to attempt to establish new breeding locations. Captive-reared Aleutian Canada geese may be transported from Patuxent Wildlife Research Center to the Aleutian Islands NWR, held temporarily and then released on the refuge; these birds may be radio-tagged, banded or otherwise marked.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY: s/ Loren K. Parcher — Chief, Division of Law Enforcement — DATE: MAR 18 1975

DISTRIBUTION

☆ U.S. Government Printing Office: 1974 - 624-815

2. Activities conducted under authority of this permit must be for official business.

E. 1. Permittee must have a copy of this permit in his possession while conducting the activities authorized.

REPORTING REQUIREMENTS

A report summarizing the activities conducted under this permit to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036, within 30 days after close of each calendar year.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Services's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036.

All relevant comments received on or before July 12, 1976.

Dated: June 3, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-16777 Filed 6-9-76;8:45 am]

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on June 29, 1976, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80–795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman)
Mr. John P. Bracken
Hon. Michael J. Bradley
Hon. James A. Byrne
Mr. Michael J. Byrne
Mrs. Richard Lonsdorf
Mr. Filindo B. Masino
Mr. John B. O'Hara
Mr. Frank C. P. McGlinn
Mr. Howard D. Rosengarten
Mr. Charles R. Tyson

The matters to be considered at this meeting include:

1. Recognition of new member.
2. Review of attendance at Park facilities
3. July 4—Independence Day Program
4. Visit of Queen Elizabeth II
5. Superintendent's Report

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at 215–597–7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: June 1, 1976.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.76-16779 Filed 6-9-76;8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Research Service

GENERAL CONFERENCE COMMITTEE OF THE NATIONAL POULTRY IMPROVEMENT PLAN

Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-779) notice is hereby given that a public meeting of the General Conference Committee of the National Poultry Improvement Plan will be held on July 6 in the Board Room, Sheraton-Boston Hotel, Boston, Massachusetts. The meeting is open to the public and will convene at 1 p.m. Members of the public may submit comments before or after the meeting.

The purpose of the meeting is to review the duties of the Committee members when they serve as Chairmen or Cochairmen of the four committees established to give preliminary consideration to the proposed changes to the National Poultry Improvement Plan provisions which will be voted on by official delegates to the National Plan Conference. If any proposed changes are late in being submitted to the Department, the Committee will rule on whether or not they will be allowed to be considered by the Delegates. Also to be discussed is the Committee members' role in presenting these proposed changes to the delegates for voting on the final day of the Conference.

The National Plan Conference will be held in the Sheraton-Boston Hotel on July 7-9.

Copy of the agenda and further information concerning the meeting may be obtained by contacting Dr. James W. Smith, Chairman, Animal Physiology and Genetics Institute, ARS, Building 161, BARC-East, Beltsville, Maryland 20705. His telephone number is 301/344-2259.

Done at Washington, D.C. this 26th day of May, 1976.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.76-16796 Filed 6-9-76;8:45 am]

Forest Service

LAND USE PLAN, VOLCANOVILLE PLANNING UNIT—ELDORADO NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan, Volcanoville Unit, Eldorado National Forest, California USDA-FS-R5-DES(Adm)-76-5.

The environmental statement concerns a proposed land use plan for the 16,900 acres of National Forest land known as the Volcanoville Unit of the Eldorado National Forest in El Dorado County, California. There are no inventoried roadless areas within the planning unit.

The draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on June 2, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3204, 12th St. & Independence, SW., Washington, D.C. 20250.
Forest Supervisor, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667.
Regional Forester, U.S. Forest Service, Rm. 529, 630 Sansome Street, San Francisco, CA 94111.
Forest Service, District Ranger, Georgetown, California 95634.

A limited number of single copies are available, upon request, from Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, California 95667.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effects for which comments have not be specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, California 95667. Comments must be received on or before August 9, 1976 to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: June 2, 1976.

DOUGLAS R. LEISZ,
Regional Forester.

[FR Doc.76-16805 Filed 6-9-76;8:45 am]

SOUTH KAIBAB GRAZING ADVISORY BOARD

Meeting

The South Kaibab Grazing Advisory Board will meet at 9:30 a.m. July 10, 1976, at the Williams Country Club, Williams, Arizona.

The following items will be discussed:

1. Minutes of July 7, 1975 Advisory Board meeting.
2. Grazing fees—how established and adjusted.
3. Off road vehicle policy.
4. Communication between Forest Officers and grazing Permittees on activities within the allotment.
5. Range study program.
6. Forest service policy on filing for water rights under state laws.
7. Range improvements—policies, practices and financing.
8. Presentation of Supervisor's tentative FY 1977 budget and program.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, P.O. Box 817, Williams, Arizona, telephone 635-4481. Written statements may be filed with the board before or after the meeting.

Those attending may express their views when recognized by the Chairman.

Dated: June 3, 1976.

LEONARD A. LINDQUIST,
Forest Supervisor.

[FR Doc.76-16861 Filed 6-9-76;8:45 am]

SAMUEL R. MCKELVIE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Samuel R. McKelvie National Forest Grazing Advisory Board will meet at 2:00 P.M., MDT, July 10, 1976, at the Niobrara Ranger Station, located 19 miles south of Nenzel, Nebraska.

The purpose of this meeting is to elect advisory board members and officers and to discuss various grazing resource management practices.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533-2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.

2. Any member of the public who wishes to do so should file a written statement with the Committee, either before or after the meeting.

LAWRENCE C. SUTTON,
Forest Supervisor.

JUNE 4, 1976.

[FR Doc.76-16804 Filed 6-9-76;8:45 am]

Office of the Secretary

AGRICULTURAL GRANT AND AGREEMENT REGULATIONS

Promulgation of Policies and Procedures for Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects

On April 13, 1976, there was published in the FEDERAL REGISTER (41 FR 15464), a notice promulgating interim policies and procedures to implement the Office of Management and Budget Circular No. A-95, Revised, January 2, 1976, as published in the FEDERAL REGISTER of January 13, 1976, (41 FR 2052). The Circular provides guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects.

The policies and procedures were issued and made effective on April 13, 1976, on an interim basis.

Interested persons were invited to submit written comments and views concering the interim regulations no later than April 23, 1976, as to whether they should be adopted as final implementing

procedures and regulations as written or whether they should be revised before such adoption.

No public comments were received. Limited internal comments indicated need for additional clarification of three paragraphs:

Paragraph 553. c. 4. is revised to read:

4. Insuring that agency implementing procedures notify potential applicants that public agencies charged with enforcing or furthering the objectives of State and local civil rights laws should be provided opportunity by appropriate clearinghouses to participate in the review process established under Part I of the Circular.

Paragraph 557. c. is revised to read:

c. Agencies shall insure that applicants submitting Federal Management Circular 74-7 Preapplication Forms (See EXHIBIT 12—4 AR 442—Form AD 621) for projects covered under Part I of the Circular No. A-95, have submitted copies of the form to the appropriate clearinghouse(s). Copies of the form should be submitted to the clearinghouse(s) for information purposes at the same time they are submitted to agency program offices.

Paragraph 557. f. is revised to read:

f. Agency regulations and procedures shall advise applicants of those Departmental programs requiring environmental impact information. Applicants should also be advised that comments from the clearinghouse(s) on the environmental significance of proposed projects should be submitted with project applications.

Paragraph 602. d. 1. is revised to read:

1. If the applicant is other than the areawide comprehensive planning agency, Departmental agency procedures shall include provisions for memorandums of agreement between the applicant and the areawide comprehensive planning agency to insure that related planning and development activities under other Federal programs in multijurisdicational areas are consistent with activities of the areawide comprehensive planning agency. Such agreements should cover matters listed in paragraph 3 of Part IV of the Circular (see Exhibit 37 for sample agreement).

Accordingly, the interim policies and procedures are adopted as final implementing procedures and regulations with changes as set out above.

Effective Date: June 10, 1976.

Dated: June 7, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-16795 Filed 6-9-76;8:45 am]

FEDERAL CROP INSURANCE CORP.

Organization, Functions, and Delegations of Authority

The notice of Organization, Functions, and Delegations of Authority of the Federal Crop Insurance Corporation appearing in 40 FR 52424-52425 is superseded and the following is substituted therefor:

SUBPART A—ORGANIZATION

Sec.
1. Creation.
2. Stock.
3. Management.
4. Board of Directors.
5. Offices of the Corporation.
6. Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

7. Crops insured.

SUBPART C—DELEGATIONS OF AUTHORITY

8. Delegations of authority affecting crop insurance contracts.

SUBPART A—ORGANIZATION

Sec. 1. *Creation.* The Federal Crop Insurance Corporation was created February 16, 1938, by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and is an agency within the U.S. Department of Agriculture.

Sec. 2. *Stock.* All capital stock of the Federal Crop Insurance Corporation is owned by the United States.

Sec. 3. *Management.* The Management of the Federal Crop Insurance Corporation is vested in the Board of Directors, subject to the general supervision of the Secretary of Agriculture. The Manager of the Corporation is its chief executive officer, and he is appointed by and holds office at the pleasure of the Secretary of Agriculture. Under the general supervision of the Board, the Manager is responsible for the general direction and supervision of all activities of the Corporation.

Sec. 4. *Board of Directors.* The Federal Crop Insurance Act provides that the Board of Directors shall consist of the Manager of the Corporation, two other persons employed in the Department of Agriculture, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board is appointed by and holds office at the pleasure of the Secretary of Agriculture.

Sec. 5. *Offices of the Corporation.* The principal office of the Federal Crop Insurance Corporation is composed of the Office of the Manager and seven division and staff offices. The Office of the Manager and other components of the principal office are located at Washington, D.C. 20250, in the South Agriculture Building, except that the National Service Office and the Actuarial Division are located at 8930 Ward Parkway, Kansas City, Missouri 64141.

(1) *Office of the Manager.* The Office of the Manager is composed of the Manager and his immediate staff, including a Deputy Manager. Within established policies and regulations, the Manager is responsible for the executive direction, coordination, and control of the Corporation's programs and activities, the determination of goals and objectives, and the approval of plans, methods and procedures proposed or used.

(i) *Research and Development Staff.* The Research and Development Staff collaborates with the Office of the Manager in devising and developing research studies on insured and uninsured crops and counties, the effects of changing climatological conditions and technological developments, and new insurance concepts and territories. It researches and develops proposed insurance programs, forms and related procedures. It collaborates with other agencies, commodity groups, handlers, and processors on proposed projects and research related to new crop insurance programs. It prepares and issues specific and periodic reports and coordinates material for the Board of Directors. It is also responsible for contract development and revision and preparation of insurance regulations and Federal Register notices. It participates in the preparation of legislative proposals and reports. It prepares the Annual Report to Congress.

(2) *Actuarial Division.* The Actuarial Division, which is located at 8930 Ward Parkway, Kansas City, Missouri 64141, formulates and advises management on actuarial/underwriting policies of the Corporation; establishes and revises insurance coverages and rates for crops insured by county; develops actuarial/underwriting formulas and techniques for measuring insurance risks; devises methods for accumulating statistical data for actuarial analyses; develops and issues actuarial/underwriting procedures, instructions and forms; develops production cost by crops and counties and restricts coverage to the cost of production; and directs four regional underwriting offices. The four regional underwriting offices and states comprising the regions are:

(i) *North Central Regional Underwriting Office,* Room 106, U.S. Post Office and Courthouse, Springfield, Illinois 62701—Serving Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Pennsylvania (Erie County), Wisconsin, and New York.

(ii) *Southeast Regional Underwriting Office,* Room M-116, U.S. Post Office and Federal Building, 401 North Patterson Street, Valdosta, Georgia 31601—Serving Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania Counties except Erie County, South Carolina, Tennessee, and Virginia.

(iii) *Southwest Regional Underwriting Office,* 50th & N. Pennsylvania, Suite 1410, 50 Penn Place, Oklahoma City, Oklahoma 73118—Serving Arizona, California, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas.

(iv) *Northwest Regional Underwriting Office,* 2602 First Avenue, North, Room 219, Billings, Montana 59103—Serving Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wyoming, and Utah.

(3) *National Service Office.* The National Service Office is located at 8930 Ward Parkway, Kansas City, Missouri 64141. This office performs the accounting functions of the Corporation, including administrative and program cost ac-

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counts through use of automatic data processing, performs contract servicing and audit functions, develops statistical information and prepares statistical and financial reports; processes claims and computes and schedules indemnities for payment; and serves as the central supply and distribution center for forms and procedures.

(4) *Operations Division.* This Office formulates and recommends policy and advises management on the development of operations programs, directs a coordinated Marketing and Contract Service program, including all phases of FCIC's sales, claims, loss adjustment, public relations, and field servicing activities. The two staffs and functions which they perform within established policies and regulations and subject to the direction of the Director, Operations Division, are as follows:

(i) *Contract Service Staff.* This staff plans and coordinates all Crop Insurance Contract Service activities, including developing programs, issuing procedures and instructions, and training personnel. It recommends policies, devices and installs systems, methods, procedures, instructions, forms, and techniques assuring consistent and equitable adjustment of losses and processing of claims for insured crops and inspection and/or review of applications or acreage reports involving high liability, transfers of interests, unit agreements or unusual or controversial claims. It develops and implements recruiting, training, supervision, career development and incentive programs, standards, and performance appraisal methods and techniques for loss adjusters. It advises and assists Regional Directors and Contract Service Branch Chiefs with plans, problems, training and recruiting. It serves as a support group in assisting the Director, Operations Division, in carrying out his supervisory functions. It also reviews and recommends proposed contract changes.

(ii) *Marketing Staff.* This staff develops overall marketing promotion and business retention plans, commodity sales plans, product lines, product mix, product quotas, and collection procedure. It reviews and recommends proposed contract changes. It develops overall sales training programs, methods, and techniques. It develops sales aids and promotional materials. It develops uniform reporting systems and sales performance evaluation techniques. It prepares procedures, instructions, and forms required. It develops sales incentive systems, qualification standards, and performance appraisal methods and techniques for sales personnel. It works with private insurance groups, communications media, other governmental and nongovernmental agencies, farm organizations, and business groups to promote better understanding and acceptance of the purpose and value of crop insurance. It advises and assists Regional Directors and Marketing Branch Chiefs with plans, problems, training, and recruiting. It also serves as Washington representative to close large and complex sales and to stimulate sales campaigns. It maintains continuous review of sales, programs, and activities procedures. It serves as a support group in assisting the Director, Operations Division, in carrying out his supervisory functions.

(iii) *Regional Offices.* There are 14 Regional Offices serving the states in which crop insurance is being offered. Each Regional Office is under the supervision of a Regional Director who is responsible for the general administration of the loss adjustment, claims, servicing programs, sales and collections in his assigned territory, recruiting and training personnel, advising management and recommending contract and other changes. The Regional Director conducts his activities through a Contract Service Branch, a Marketing Branch, and a Support Operations Branch. Claims specialists and assistants supervise and coordinate the loss adjustment and service work of fieldmen under the Contract Service Branch. District and area sales supervisors coordinate the sales and collection work of fieldmen in a specified group of counties under the Marketing Branch. Offices for the county are under the Support Operations Branch. Regional Offices with the territories which they serve are as follows:

North Dakota: Room 234, Federal Building, 220 East Rosser Avenue, Bismarck, North Dakota 58501.

Texas, Oklahoma, New Mexico: USDA Building, College Station, Texas 77840.

Georgia, Florida, South Carolina, and the following Alabama counties: Baldwin, Barbour, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Pike: Room 303, 240 Stoneridge Drive, One Greystone West Building, Columbia, South Carolina 29210.

Iowa and the following Missouri counties: Adair, Andrew, Atchison, Audrain, Boone, Buchanan, Caldwell, Callaway, Carroll, Cass, Chariton, Clark, Clinton, Cooper, Daviess, De Kalb, Franklin, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Nodaway, Pettis, Pike, Platte, Ralls, Randolph, Ray, St. Charles, Saline, Scotland, Shelby, Sullivan, Worth: 509 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Arizona and the following California counties: Fresno, Imperial, Kern, Kings, Madera, Merced, Riverside, San Joaquin, Stanislaus, Tulare: Room 4110, Federal Building, U.S. Courthouse, 1130 "O" Street, Fresno, California 93721.

Mississippi, Arkansas, Louisiana, and the following Alabama counties: Blount, Cherokee, Chilton, Colbert, Cullman, Dallas, De Kalb, Etowah, Hale, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan, Pickens, Shelby, Tuscaloosa: Room 610 Milner Building, 200 South Lamar Street, Jackson, Mississippi 39201.

Montana and the following Wyoming counties: Big Horn, Park, Washakie: 2602 First Avenue, North, Billings, Montana 59103.

Nebraska, South Dakota, and the following Wyoming counties: Goshen, Laramie, Platte: Room 443, Federal Building, U.S. Courthouse, 100 Centennial Mall, Lincoln, Nebraska 68508.

Kansas, Colorado, and the following Missouri counties: Barton, Bates, Dade, Jasper, Lawrence, Vernon: 2601 Anderson Avenue, Manhattan, Kansas 66502.

Tennesee, Kentucky, the following Missouri Counties: Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard; and the following Virginia counties: Lee, Russell, Scott, Smyth, Washington: U.S. Courthouse, Room 508, Nashville, Tennessee 37203.

North Carolina, Delaware, Maryland, the following Pennsylvania counties: Adams, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York; and the following Virginia counties: Amelia, Appomattox, Brunswick, Campbell, Charlotte, Cumberland, Dinwiddie, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nansemond, Nottoway, Patrick, Pittsylvania, Prince Edward, Prince George, Southampton, Surry, Sussex: Room 612 Federal Office Building, 310 New Bern Avenue, Raleigh, North Carolina 27601.

Illinois, Michigan, Ohio, Indiana, New York, and Erie County in Pennsylvania: Atkinson Square West, Suite 1501, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Washington, Oregon, Idaho, Utah, and Modoc County in California: Room 369, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201.

Minnesota and Wisconsin: Room 222, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minnesota 55101.

(A) *Office for the County.* Field offices serving one or more counties are established to administer the crop insurance program at the local level. Most of these offices are staffed by regular employees of the Corporation. These offices are charged with the responsibility of servicing crop insurance contracts. They receive, process and transmit applications for insurance, contract changes, acreage reports, premiums, notices of loss and notices of cancellation, and related forms to Regional and National Service Offices as required. Some counties are handled by agents under contract with the Corporation to only sell the insurance and in others to both sell and service the insurance. The county actuarial table, which shows the premium rates and coverages available and the insurable acreage in the county, is on file in the office for the county and available for public inspection. Changes in insurance contracts to be effective for a coming crop year are also filed in the office for the county and are available for public inspection. Forms which are required to be used in connection with crop insurance contracts may be obtained at the office for the county upon request. The location of the office serving any county may be obtained from the Regional Office.

(5) *Administrative Management Division.* This division formulates and recommends policy and advises management on the development of administrative programs. It directs a coordinated Budget, Finance, Administrative Services, and Personnel program. It plans, directs, and coordinates the fiscal, budget and accounting activities of the Corporation with respect to both capital and administrative funds. It plans, directs, performs and coordinates procurement, space, communications, records, and paperwork management functions. It plans, directs, performs, and coordinates personnel functions, including organization and manpower planning, recruiting, staffing, placement and utilization, position classification, employee development, Equal Employment Opportunity, employee and labor relations, safety, health, and disciplinary actions.

Sec. 6. *Availability of information and records.* Any person desiring information with respect to crop insurance may request such information from the office for his county, from the Regional Director for his State, or from the Manager, Federal Crop Insurance Corporation, United States Department of Agriculture, Washington, D.C. 20250. Records of the Corporation, including those maintained in the field offices, are currently available for examination in accordance with the rules issued by the Secretary of Agriculture (7 CFR 1.1 et seq.) and the Corporation (7 CFR Part 412).

SUBPART B—FUNCTIONS AND PROCEDURES

Sec. 7. *Crops insured.* (a) The Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.) authorizes the Corporation to insure crops against unavoidable losses for the purpose of determining the most practical plan, terms and conditions of insurance for agricultural commodities. Crop insurance may be offered in each year in not to exceed 150 counties in addition to the number of counties in which such insurance was offered in the preceding year. Insurance may be offered each year on not more than three agricultural commodities in addition to those previously insured, except that other agricultural commodities may be included in combined crop insurance (insurance on two or more agricultural commodities under one contract with a producer). Insurance within the limitation set forth above is now offered on wheat, cotton, flax, corn, tobacco, dry beans, citrus, soybeans, barley, peaches, grain sorghum, oats, rice, raisins, peanuts, peas, apples, tomatoes, sunflowers, sugar beets, sugarcane, grapes, and combined crops.

(b) Regulations governing current insurance programs may be found in the FEDERAL REGISTER and in Title 7, Code of Federal Regulations, Parts 401 through 404, 406, and 408 through 413.

SUBPART C—DELEGATIONS OF AUTHORITY

Sec. 8. *Delegations of authority affecting crop insurance contracts.* The authority delegated by this section to act on behalf of the Corporation in matters affecting crop insurance contracts shall be exercised in accordance with established policies and procedures and subject to the supervision and direction of the Manager. This delegation of authority shall not preclude the Manager from exercising the same authority whenever he deems it necessary under the circumstances.

(a) *Delegations to Regional Directors.* Each Regional Director, in the state or states served by his office, is authorized to: Reject applications for crop insurance; cancel crop insurance contracts in accordance with their terms (but the voidance of a contract for the misrepresentation or fraud of an insured is reserved to the Manager of the Corporation); accept or reject proposed agreements with insureds for the division of insured acreage in a county into two or more insurance units, where a crop insurance contract so provides; approve or reject a transfer of interest under an insurance contract; recommend approval or rejection of claims in accordance with administrative procedure; determine the insured acreage and interest or declare the insured acreage to be zero where the insured fails to timely file an acreage report or files an acreage report which is found to be erroneous; and determine when replanting of an insured crop is practical.

(b) *Delegations to Fieldmen.* The fieldmen (known as "Adjuster") assigned to make an inspection of insured acreage, after notice of loss and a request by the insured for consent to put such acreage to another use, is authorized to give such consent in writing on behalf of the Corporation in accordance with the policy and the applicable endorsement and loss adjustment procedure.

(c) *Delegation to Director, National Service Office.* The Director of the National Service Office is authorized to accept applications for insurance, changes in elections, and contract reinstatements; to process, suspend, approve or reject claims for indemnity, and to adjust, cancel, or terminate or suspend collection action with respect to claims for premiums under Public Law 518 (12 U.S.C. 1150 and 1151) and the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953).

Approved by the Board of Directors on May 12, 1976.

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.

Approved: June 7, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-16879 Filed 6-9-76;8:45 am]

Soil Conservation Service

BUCK AND DOE RUN CREEKS WATERSHED PROJECT, MISSOURI

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500) and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Buck and Doe Run Creeks Watershed Project, Clark and Lewis Counties, Missouri.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one single purpose floodwater retarding structure, one grade stabilization structure and 2.3 miles of channel work on a manmade intermittent stream.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service. Parkade Plaza Shopping Center, Terrace Level, 601 Business Loop 70 West, Columbia, Missouri 65201.

A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until June 25, 1976.

Dated: June 3, 1976.

JAMES W. MITCHELL,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-16806 Filed 6-9-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-512]

FARRELL LINES INC.

Notice of Application

Notice is hereby given that Farrell Lines Incorporated, One Whitehall Street, New York, New York 10004, has filed an application dated May 28, 1976, as supplemented June 1, 1976, to amend its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-352 (the Agreement), by adding the SS EXPORT CHAMPION, a C3-S-46b design type vessel to be chartered from American Export Lines, Inc., for an initial period of 60 days with an option for an additional 60 days. The vessel is intended for use on Farrell's Trade Route 14-1 service between U.S. Atlantic ports and ports in West Africa from the southern border of French Morocco to the southern border of Angola with privilege calls at Great Lakes ports and at Madeira, Azores, as well as, the Canary, Cape Verde and other islands adjacent to the West Coast of Africa.

Any person having an interest in the granting of the application and who would contest a finding of the Maritime Subsidy Board (Board) that the service now provided by vessels of U.S. regis-

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try for the carriage of cargoes is inadequate, must on or before June 14, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201).

Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended, (the Act), and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application hereinabove described is one, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

Dated: June 4, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-16774 Filed 6-9-76;8:45 am]

Office of the Secretary

PRIVACY ACT

Notice of Additional Routine Use

In accordance with 5 U.S.C. 552a(e)(4) and (11), Section 3 of the Privacy Act of 1974 (P.L. 93-579, 88 Stat. 1896), the Department of Commerce hereby gives notice that it proposes to amend its Notice of Systems of Records by adding a new use No. 12 to the Prefatory Statement of General Routine Uses for the Systems of Records of the Department of Commerce.

Any person interested in this notice may submit written data, views, or arguments to the Assistant Secretary for Administration (Attn: Information Management Division), (Stop 206), Room 5026, U.S. Department of Commerce, 14th & E Streets, N.W., Washington, D.C. 20230 on or before July 12, 1976. The comments received will be available, as received, for public inspection at the above address between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (except holidays).

The Systems of Records of the Commerce Department were adopted on October 2, 1975 (40 FR 45634-74), with the Prefatory Statement of General Routine Uses appearing at 40 FR 45635.

This proposed new routine use would permit the transfer of data such as that requested by the Civil Service Commission regarding a current Commission survey on sick leave, and the transfer of data for similar purposes in the future. This routine use is being added to the Prefatory Statement of General Routine Uses upon the request of the Civil Service Commission, because the existing general routine uses, although they cover many data transfers to the Civil Service Commission, do not cover all and do not cover the specific situation mentioned above. Further, since this Routine Use will be applicable to a number of Departmental Systems of Records, we are proposing it as a general routine use to avoid unnecessary repetition which would hamper the public in its review and use of the systems notices.

It is therefore proposed to amend the Department of Commerce Notice of Systems of Records by adding an additional general routine use, which is compatible with the purpose for which the Systems are maintained as follows:

12. A record in this system may be transferred, as a routine use, to the Civil Service poses; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for Commission: for personnel research purrelated manpower studies.

Dated: June 4, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-16875 Filed 6-9-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DENTAL DRUG PRODUCTS ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Dental Drug Products Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond June 6, 1976.

Authority for this committee will expire on June 6, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: June 3, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16784 Filed 6-9-76;8:45 am]

DRUG ABUSE RESEARCH ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the FDA/NIDA Drug Abuse Research Advisory Committee by the Secretary, Department of Health, Education, and Welfare. The joint Food and Drug Administration and National Institute on Drug Abuse Committee has been reviewed for an additional period of 2 years beyond June 30, 1976.

Authority for this committee will expire June 30, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: June 3, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16785 Filed 6-9-76;8:45 am]

NEUROLOGIC DRUGS ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Neurologic Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond June 4, 1976.

Authority for this committee will expire June 4, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: June 3, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16782 Filed 6-9-76;8:45 am]

PSYCHOPHARMACOLOGICAL AGENTS ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Psychopharmacological Agents Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond June 4, 1976.

Authority for this committee will expire June 4, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: June 3, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16783 Filed 6-9-76;8:45 am]

SCIENCE ADVISORY BOARD TO THE NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Science Advisory Board to the National Center for Toxicological Research by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond June 2, 1976.

Authority for this board will expire June 2, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: June 3, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16786 Filed 6-9-76;8:45 am]

[Docket No. 76N-0210]

RECOMMENDATIONS CONCERNING MAMMOGRAPHY

Invitation To Submit Data, Information, and Views

The Food and Drug Administration (FDA) is inviting the submission of data, information, and views on voluntary radiation safety recommendations to minimize unnecessary radiation exposure associated with mammographic examinations. Comments and data should be submitted by September 8, 1976 to: Office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Food and Drug Administration, through the Bureau of Radiological Health and under authority of the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), conducts and supports research, training, and operational activities to minimize unnecessary exposure of the public to electronic product radiation. In carrying out the purposes of the act, the Commissioner of Food and Drugs is authorized to make such recommendations relating to the control of electronic product radiation as he considers appropriate (42 U.S.C. 263d). In this capacity, the Commissioner is considering the development of recommendations to health practitioners and public health officials concerning minimization of unnecessary radiation exposure in the conduct of mammographic examinations.

These recommendations would be among several that will be proposed by the Commissioner concerning the hazards and control of electronic product radiation or radiation from other sources. Some of these recommendations may be established in areas or activities inappropriate for mandatory control and thus would be voluntary. They will be developed in cooperation with national scientific and technical authorities and representatives of professional, public, and private groups that have an interest and knowledge in the field. The recommendations would therefore represent a consensus of expert opinion upon which individual practitioners and allied health personnel can rely. These recommendations, which will provide guidance on techniques for reducing unnecessary exposure to electronic products or other sources of radiation, would be implemented through educational programs and cooperative activities with professional organizations and State health agencies. This notice is being issued pursuant to FDA policy of early public participation in the development of radiation protection recommendations by the agency.

Mammography is currently a widely used and accepted diagnostic examination for breast cancer detection. Practitioners employ several mammographic techniques. The range of radiation exposures associated with proper use of these techniques has been reported to be from less than 1 to over 10 roentgens per view at the surface of the breast, with 2 or 3 views of each breast comprising a typical examination. This variability in exposure is due to a variety of factors, some of which relate to the equipment and technique used and others which relate to the specific diagnostic information of interest. A large segment of the adult female population is likely to undergo a number of mammographic examinations and thus may be subject to a significant exposure to ionizing radiation.

The medical community and public health officials are currently developing methods to minimize the radiation exposure associated with mammography, while still retaining the desired diagnostic information. The Food and Drug Administration has encouraged the implementation of facility-based quality assurance programs in all diagnostic x-ray facilities, including mammography facilities. The goal of such programs is to assure that the facility will produce consistently high quality radiographs at minimum cost and minimum patient exposure.

An advanced notice of the intent to develop quality assurance recommendations was published in the FEDERAL REGISTER of May 7, 1976 (41 FR 18863). Other FDA activities, such as the publication of quality assurance procedure manuals, the development of equipment catalogs, etc., will provide guidance to diagnostic x-ray facilities as an aid to implementation of individual quality assurance programs. These facility-based programs are expected to minimize unnecessary radiation exposure during all diagnostic x-ray examinations, including mammographic examinations.

Because of the extra potential for high exposure in mammographic examinations, the Commissioner proposes to pursue two additional concurrent projects to minimize unnecessary radiation exposure in this area:

1. The Bureau of Radiological Health has begun pilot tests of a state-based quality assurance program in mammography. The state-based program is designed to identify mammography facilities requiring special attention. In conjunction with one State and one local health department, cooperating clinical facilities are mailed thermoluminescent dosimeters to be exposed at those mammographic technique factors that are used in the craniocaudal view of the "average" breast. In addition to the dosimetry, data are also collected on the type of image receptor and processing, and on the number and age of women being examined. Facilities at which the exposure appears to be high for the image receptor used are visited by trained persons from the appropriate radiation control agency; these persons try to make recommendations to improve one or more aspects of the technique. The goal of the improved technique is to reduce exposure while retaining or improving diagnostic capability. The information obtained by these pilot studies will be used to make recommendations for state-based mammography quality assurance monitoring and followup procedures, which will be available to all radiation control agencies nationwide. This information is also expected to be of value in implementing the facility-based diagnostic X-ray quality assurance programs.

2. The Bureau of Radiological Health proposes to compile a report that will contain information on technique-equipment combinations presently being used or promoted for use. Currently, a variety of x-ray tubes, technique factors, and image receptors are employed in mammographic examinations. No consensus exists among investigators in the field on the optimal equipment or technique. It appears that the choice depends upon the experience and preference of the practitioner and upon what features he deems most important to visualize. For example, xeroradiography is claimed to be superior in visualizing ductal patterns, whereas diffuse masses may be more easily detected using film as the image receptor. This report would reference data on factors such as the following: x-ray tube target material, type and thickness of x-ray filter, peak kilovoltage, source-to-skin distance, image receptor, imaging qualities, and expected range of exposure to the patient. Such a report could then serve as a guide to the selection of the technique-equipment combination appropriate for minimizing patient dose while obtaining the desired information. The data used in compiling this report would then be used in conjunction with opinions from the medical community in developing radiation safety recommendations for equipment used in mammography.

Interested persons are invited to participate in developing the proposed recommendations by submitting written data, information, and views on the subject. Comments are particularly desired on the two items described above, namely, the state-based mammography quality assurance program and the mammography technique information

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report. All such submissions should be identified with the docket number in the heading of this notice and be filed with the Hearing Clerk, Food and Drug Administration. Comments received on or before September 7, 1976 will be considered by the Commissioner in formulating the recommendations. All recommendations and technical reports that result from this study will be published and made available to all interested parties by means of a notice of availability published in the FEDERAL REGISTER.

Persons or organizations who wish to receive copies of draft recommendations, reports, and any related documents distributed for review during development of the mammography technique information report should write to the Food and Drug Administration, Bureau of Radiological Health, (HFX-440), 5600 Fishers Lane, Rockville, MD 20852.

Dated: June 4, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16781 Filed 6-9-76;8:45 am]

[Docket No. 76P-0169]

TRI/VALLEY GROWERS

Canned Peaches, Pears, and Fruit Cocktail Deviating From Identity Standard; Amendment of Temporary Permit for Market Testing

The Food and Drug Administration has granted Tri/Valley Growers an amendment to their temporary permit for market testing canned peaches packed in sweetened peach nectar, canned pears packed in sweetened pear nectar, and canned fruit cocktail packed in sweetened peach nectar and pineapple juice. The amendment provides for the market testing of 260,000 cases of 24/303 cans of the test canned fruits and the expansion of the marketing areas to include Milwaukee, Wisconsin: Minneapolis, Minnesota; and Dallas/Houston, Texas.

In accordance with § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), the Commissioner of Food and Drugs issued a notice published in the FEDERAL REGISTER of October 26, 1973 (38 FR 29630) that a temporary permit had been issued to Tri/Valley Growers, 100 California St., San Francisco, CA 94106, for a period of 12 months. The permit covered limited interstate market testing of canned peaches, canned pears, and canned fruit cocktail that deviate from the standards of identity for these foods under §§ 27.2, 27.20, and 27.40 (21 CFR 27.2, 27.20, and 27.40), respectively, in that the peaches and pears are packed in sweetened fruit nectar prepared from the fruit being packed. The fruit cocktail is packed in sweetened peach nectar and pineapple juice. The nectars are prepared in accordance with the stayed identity standard for canned fruit nectars under § 27.126 (21 CFR 27.126). The sweetness level for the entire contents of the can is within the 14° to 16° Brix range. The principal display panel of the labels on the canned peaches and canned pears bears the statement "in sweetened _____ _____nectar" (the blank is filled in with the name of the fruit being packed). In addition, the statement "in peach nectar for more natural flavor" or "in pear nectar for more natural flavor" appears on the label. The label on the canned fruit cocktail bears the statements "in sweetened peach nectar and pineapple juice" and "in fruit nectar for more natural flavor."

Tri/Valley Growers subsequently submitted a request for extension of the time period of the temporary marketing permit, as required by § 10.5, together with a petition to amend the definitions and standards of identity of 10 canned fruits, based on their initial limited test marketing experience. Notice of the extension and the petition was published in the FEDERAL REGISTER of February 28, 1975 (40 FR 8581). The extension provided for the market testing of 150,000 cases of 24/303 cans of the products (55,000 cases each of canned peaches and canned fruit cocktail and 40,000 cases of canned pears) for 1 year in the marketing areas of Fresno, California; Tucson/Phoenix, Arizona; and Buffalo/Syracuse, New York.

The petition proposed amendment of the identity standards to provide for fruit nectar(s) as an optional packing medium for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40), canned plums (21 CFR 27.45), and canned figs (21 CFR 27.70). The petition also proposed amendment of the definition section for canned fruits and fruit juices (21 CFR 27.1) to include a defintion for fruit nectars. The petition is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, for review by interested persons.

Tri/Valley Growers maintains that although there have been some favorable indications of consumer acceptance of the products, it is necessary to expand the market testing program to obtain sufficient information to assess fully the products' commercial prospects.

The Commissioner concludes that it is in the interest of consumers to amend the Tri/Valley Growers marketing permit. Accordingly, Tri/Valley Growers is permitted to expand its test marketing program to include the marketing areas of Milwaukee, Wisconsin; Minneapolis, Minnesota; and Dallas/Houston, Texas; in addition to those of Fresno, California; Tucson/Phoenix, Arizona; and Buffalo/Syracuse, New York. Tri/Valley Growers is also permitted to increase the amount of the three products to be market tested from a total of 150,000 cases of 24/303 cans of the products, as originally provided for, to a total of 260,000 cases of 24/303 cans produced at its plant at Modesto, California. Under § 10.5, all interested persons may participate in the marketing tests under the conditions that apply to Tri/Valley Growers, including the labeling requirements and the amount to be distributed (260,000 cases of 24/303 cans of the three products). The designated area of distribution does not apply to such interested persons. Any interested person who elects to participate in the marketing test shall notify the Commissioner in writing of that fact, the amount to be distributed, and the area of distribution. Along with such notification, he shall submit the labeling under which the food is to be distributed.

Dated: June 3, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16780 Filed 6-9-76;8:45 am]

Health Service Administration

INDIAN HEALTH SERVICE

Indian Self-Determination; Delegation of Authority

Notice is hereby given that on May 25, 1976, the Assistant Secretary for Health superseded the March 12, 1976 delegation of authority to the Administrator, Health Services Administration (HSA), under Title I, Indian Self-Determination and Education Assistance Act, Public Law 93-638. The March 12, 1976 delegation had superseded the July 3, 1975 delegation made under this same act (40 FR 29319, July 11, 1975). In accordance with the May 25, 1976 delegation the Administrator, HSA, has made the following redelegation:

I hereby redelegate to the Director, Indian Health Service, those authorities under Title I delegated to me by the Assistant Secretary for Health. The exercise of the authority under section 106(b) to make advance payments for any contract under section 103 is subject to the provisions that (1) there be a prior review and documented recommendation by the Director, Office of Contracts and Grants, HSA, on each proposed advance and (2) a copy of each approved advance be submitted (within two weeks of its approval) to the Director, Office of Administrative Management, Office of the Assistant Secretary for Health.

These authorities, except for authority under section 106(b), may be further redelegated with the further exception that grant and contract related authorities may be redelegated to field components of the Indian Health Service only with my prior concurrence.

This supersedes my previous delegation, effective September 2, 1975, of authorities under Title I of the Indian Self-Determination and Education Assistance Act. Previous redelegations of these authorities within the Indian Healh Service, in particular that redelegation made by the Director, Indian Health Service, and concurred in by the Administrator,

Health Services Administration, on December 17, 1975, which are consistent with the provisions of this document are continued until rescinded, superseded, or amended.

This delegation was effective May 27, 1976.

LOUIS M. HELLMAN, M.D.,
Administrator, Health Services Administration.

[FR Doc.76-16813 Filed 6-9-76;8:45 am]

Office of Human Development

TRANSPORTATION DEMONSTRATION GRANT PROGRAM

Announcement of Program; Correction

In FR Doc. 76-15302 appearing at page 21505 in the FEDERAL REGISTER of Wednesday, May 26, 1976, the first paragraph is corrected in the third and fourth lines by changing the date to read "January 21, 1977."

Dated: June 4 1976.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

[FR Doc.76-16828 Filed 6-9-76;8:45 am]

National Institutes of Health

CARCINOGENESIS BIOASSAY OF CHLOROFORM

Availability of Report

Chloroform has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report and additional background information are available to the public.

Summary: A carcinogenesis bioassay of USP grade chloroform was conducted using Osborne-Mendel rats and B6C3F1 mice. Chloroform was administered orally (by gavage) in corn oil to 50 animals of each sex and at two dose levels five times per week for 78 weeks. *Rats* were started on test at 52 days of age and sacrificed after 111 weeks. The dose levels for males were 90 and 180 mg/kg body weight. Female rats were started at 125 and 250 mg/kg, reduced to 90 and 180 mg/kg after 22 weeks, with an average level of 100 and 200 mg/kg for the study. A decrease in survival rate and weight gain was evident for all treated groups. The most significant observation ($P=.0016$) was kidney epithelial tumors in male rats with incidences of: 0% in controls, 8% in the low dose and 24% in the high dose groups. Although an increase in thyroid tumors was also observed in treated female rats, this finding was not considered biologically significant. *Mice* were started on test at 35 days and sacrificed after 92-93 weeks. Initial dose levels were 100 and 200 mg/kg for males and 200 and 400 mg/kg for female mice. These levels were increased after 18 weeks to 150/300 and 250/500 mg/kg respectively so that the average levels were 138 and 277 mg/kg for males and 238 and 477 mg/kg for female mice. Survival rates and weight gains were comparable for all groups except high dose females which had a decreased survival. Highly significant increases ($P<.001$) in hepatocellular carcinoma were observed in both sexes of mice with incidences of: 98% and 95% for males and females at the high dose; 36% and 80% for males and females at the low dose as compared with 6% in both matched and colony control males, 0% in matched control females and 1% in colony control females. Nodular hyperplasia of the liver was observed in many low dose male mice that had not developed hepatocellular carcinoma.

Single copies of the 60-page report and additional background information are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalog of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: April 27, 1976.

DONALD S. FREDERICKSON,
Director, National Institutes of Health.

[FR Doc.76-16028 Filed 6-9-76;8:45 am]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on July 11, 1976, beginning at 5:00 p.m. to July 13, 1976, 4:00 p.m. at the Whispering Pines Conference Center, West Greenwich, Rhode Island.

The Board of Advisors to the Fund is established under the Education Amendments of 1972 (P.L. 92-318, section 301 (a), adding new section 404 to the General Education Provisions Act). The Committee is established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount.

The meeting will be for the sole purpose of reviewing program performance and developing future program policies.

The meeting will be open to the public. A summary of the proceeding of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3141, Washington, D.C. 20202, telephone 202-245-8091.

Signed at Washington, D.C. on June 7, 1976.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.76-16839 Filed 6-9-76;8:45 am]

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and other private organizations; and develop information designed for dissemination to the general public.

The Committee will meet on Thursday, July 8, 1975, registration in the afternoon and a general session from 7:30 p.m. to 9:30 p.m.; Friday, July 9, 1976, 9:00 a.m. to 5:00 p.m., and Saturday, July 10, 1976, 9:00 a.m. to noon at the Conrad Hilton Hotel, 720 S. Michigan Avenue, Chicago, Illinois. The meeting will be a regional public symposium to enable the Committee to gain information about the accomplishments, issues, and needs for programs in mental retardation and related disabilitles in the States of DHEW Region V. There will also be discussion of future goals and strategies for implementing these goals in the years to come. The following States will participate: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. These meetings are open to the public.

Dated: May 25, 1976.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.76-16814 Filed 6-9-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 7, 1976, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building, U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Executive Airways, Inc., Alcoa, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: June 4, 1976.

R. S. BIELAK,
Director, VA Regional Office, Nashville, Tennessee.

[FR Doc.76-16827 Filed 6-9-76;8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE CONNECTIONS

Offers To Develop Standard

The purpose of this notice is to announce that the Consumer Product Safety Commission has extended the time period within which the Commission must publish either a proposed consumer product safety sandard for aluminum wire connections or a notice withdrawing the previously published notice of proceeding to develop such a standard. This notice is also intended to apprise all interested parties of the present status of the proceeding.

BACKGROUND

In the FEDERAL REGISTER of November 4, 1975 (40 FR 51218), the Consumer Product Safety Commission published a notice commencing a proceeding for the development of a consumer product safety standard applicable to household wiring systems involving solid aluminum wire in no. 10 American Wire Gage (AWG) size and smaller diameters and all tipes of termination devices and connections. The Commission initiated the development of such a standard after it had preliminarily determined that such aluminum wire connections presented an unreasonable risk of death or injury and that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks. The notice invited all interested persons to submit either of the following on or before December 4, 1975:

(1) One or more existing standards as a proposed consumer product safety standard.

(2) An offer to develop one or more proposed consumer product safety standards.

The notice also discussed in detail the background of the development proceeding, the basis for the Commission's preliminary determination of unreasonable risk of injury, the nature of the risk of injury associated with aluminum wire connections, existing standards which might be relevant to the proceeding, and the Commission's requirements and procedures for the submission of existing standards and offers to develop standards. The Commission's regulations concerning the submission of existing standards and the development of standards are set forth at Title 16, Code of Federal Regulations, Part 1105 (16 CFR 1105).

RECENT DEVELOPMENTS

In response to the invitation contained in the notice of November 4, 1975, the Commission received one submission of existing standards and one offer to develop a standard. After considering the submission and offer which were received, however, the Commission on December 30, 1975, determined that neither response was acceptable because both failed to fully comply with the regulations of the Commission and were not fully responsive to the invitation. The Commission staff was instructed to develop a plan under which the Commission itself would develop the standard under section 7(e)(2).

On March 11, 1976, the Commission received an unsolicited proposal from Battelle Columbus Laboratories to undertake and manage the development of a safety standard for aluminum wire connections. This proposal is being held for consideration in connection with the Commission's plan to develop the standard itself.

Copies of the notice of proceeding, the applicable regulations, the responses to the invitation, the unsolicited proposal, and briefing papers prepared by the Commission's staff containing evaluations of the adequacy of the submitted offer, standards, and unsolicited proposal are available from, or for inspection in, the Office of the Secretary, Consumer Product Safety Commission, 8th floor, 1750 K St., N.W., Washington, D.C. 20207 (phone 202-634-7700) during working hours.

Section 7(e) of the Consumer Product Safety Act [15 U.S.C. 2056(e)] provides that the Commission may develop a proposed consumer product safety standard itself if it has not accepted an offer to do so within 30 days after the date of publication of the notice of proceeding. In view of the fact that no acceptable offer has been received, the Commission has decided that it is desirable for the Commission to develop a proposed consumer product safety rule for aluminum wire connections under section 7(e) of the Act. Accordingly, the Commission is considering various means of developing this standard within the limitations of money and personnel which are available for this purpose.

EXTENSION

Section 7(f) of the act provides that the Commission, within 210 days after the publication of the notice of proceeding, must publish either a proposed rule or a notice withdrawing the notice of proceeding to develop a rule unless this time period is extended for good cause by a notice in the FEDERAL REGISTER. This 210-day period expired on June 1, 1976. The Commission finds, however, that additional time will be required in order to prepare a plan for the method of developing the standard and for the allocation of the Commission's resources to that task. This will include a decision of how much of the development effort will be accomplished directly by the Commission's staff and how much will be accomplished by contractors. The Commission expects that these decisions can be made within an additional ninety days, and the time period specified in section 7(f) of the act is hereby extended for ninety days, until August 30, 1976.

It should be noted, however, that the actual development of the standard will require a much longer period of time, and that a further extension of time will be required. The length of additional time which will be required depends on the particular development plan decided upon by the Commission and will be announced by a notice in the FEDERAL REGISTER.

COMMENTS AND PARTICIPATION BY THE PUBLIC

During the development of this standard by the Commission, interested person will be afforded the right and opportunity to participate in the development of the standard. For the purposes of this proceeding, interested persons include individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations. The procedures by which such persons may participate in the development of the standard will be announced by a notice in the FEDERAL REGISTER at a later date.

All inquiries or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 (phone 202-634-7700).

Dated: June 7, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-16845 Filed 6-9-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

TASK FORCE ON DEMONSTRATION PROJECTS AS A COMMERCIALIZATION INCENTIVE

Notice of Meeting

JUNE 8, 1976.

In accordance with provisions of P. L. 92-463 (Federal Advisory Committee Act), the Task Force on Demonstration Projects as a Commercialization Incentive will meet on Tuesday, June 22, 1976, in Room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. The meeting will be open to the public, and begin at 9:00 am and end at approximately 4:00 p.m. The meeting is to be a working session concerned with preliminary report preparation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the report preparation may do so by mailing 12 copies thereof, postmarked no later than June 18, 1976, to the Director, Office of Industry, State and Local Relations, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the report preparation. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on June 18, 1976, to the Office of Industry, State and Local Relations on (202) 376-4119 between 8:30 am and 5:00 pm, e.s.t.

(c) Questions at the meeting may be propounded only by members of the Task Force and ERDA officials assigned to participate with the Task Force in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-17073 Filed 6-9-76;8:45 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 8210-32 provides that all provisions of any applicable inland European tariff shall be by two-thirds vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-16868 Filed 6-9-76;8:45 am]

DELTA STEAMSHIP LINES, INC. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

In the matter of Delta Steamship Lines, Inc., Gulf Caribbean Marine Line, Inc. and Lykes Bros. Steamship Co., Inc., Agreement No. 10243, among the abovenamed parties, permits the parties to confer and agree upon rates, charges and related tariff matters affecting the trade from United States Gulf of Mexico ports in the Brownsville/Tampa range to ports in the Dominican Republic and Haiti, with each party having the right to take independent action upon 48 hours notice to the other parties.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-16867 Filed 6-9-76;8:45 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 7670-15 provides that all provisions of any applicable inland European tariff shall be by two-thirds vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-16866 Filed 6-9-76;8:45 am]

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NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9214–17 provides that all provisions of any applicable inland European tariff shall be by three-fourths vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 76-16871 Filed 6-9-76;8:45 am]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 7770–15 provides that all provisions of any applicable inland European tariff shall be by three-fourths vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 76-16870 Filed 6-9-76;8:45 am]

SCANDINAVIA BALTIC/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9982–7 provides that all provisions of any applicable inland European tariff shall be by two-thirds vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 76-16869 Filed 6-9-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-6-25; Dockets 28670, 26471]

DELFORD M. SMITH, ET AL.

Order Tentatively Approving Transfer of Assets and Denying Motion To Reopen Record

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of June, 1976.

Application of Delford M. Smith; Evergreen Helicopters, Inc., Evergreen International Airlines, Inc. and Evergreen Air of Montana, Inc., for an exemption, waiver, and approval of transfer of assets and control relationships; Evergreen Helicopters, Inc. et al.; acquisition of Johnson Flying Service, Inc.

Mr. Delford Smith, Evergreen Helicopters, Inc. (Helicopters), Evergreen International Airlines, Inc. (Evergreen) and Evergreen of Montana, Inc. (Montana) have filed an application with the Board seeking approval under section 408 of the Act of (1) the transfer of Evergreen's small aircraft operations to Montana and (2) the control relationships, both direct and indirect, that would be created by such transfer. The applicants also seek an exemption from section 401 and a Waiver of Part 298 of the Board's Economic Regulations so that Montana may operate as an air taxi while its affiliate, Evergreen, simultaneously operates as a certificated supplemental air carrier.

The International Association of Machinists and Aerospace Workers has filed

an answer opposing the foregoing application, a motion to reopen the record in Docket 26471,[1] and a motion to consolidate the application and the IAM's requests for reopening for hearing. The applicants have filed a consolidated reply to the Union's pleadings. Finally, the Union has filed in response to the applicants' reply.

Upon consideration of the matters presented, the Board has decided to tentatively approve the proposed transfer of Evergreen's small aircraft operations to Montana subject to conditions. It is also our intention to authorize Montana to operate as an air taxi, subject to conditions, and to exempt the control relationship resulting from the subject transaction from the requirements of section 408 of the Act pursuant to section 408 (a)(5). Finally, the Board has determined to deny the IAM's motion to reopen the record in the acquisition proceeding.

We turn to a detailed discussion of our decision.

1. *Background.* By Orders 75–10–23 and 75–10–24, served October 7, 1975, the Board approved the acquisition of Johnson Flying Service, Inc. by Helicopters and the resulting common control relationships created by the acquisition. At the time of the acquisition Johnson offered passenger charters pursuant to certificates of public convenience and necessity issued by the Board. It also offered other air services, including certain fixed-base operations, air taxi charters, and specialized charters on behalf of government agencies and private industry.[2]

The acquisition was approved subject to a number of conditions, including, pursuant to the request of the IAM, imposition of the Board's standard labor protective provisions. The Board also carefully considered the Union's request that it condition its approval of the acquisition so as to require the postacquisition carrier to assume and honor the collective bargaining agreement previously in force between Johnson and its mechanical workers and to accept the IAM as the duly authorized bargaining representatives of the Mechanical Workers.[3] The Board denied the Union's request on two counts. First, it found that the course of action sought by the Union, i.e. Board intervention in representational disputes between employees and management, was outside the scope of the Board's air transportation responsibilities. Second, it found that such action was in any event unnecessary since Evergreen had pledged to consider in good faith the wishes of the employees for or against representation by the IAM.

Following the issuance of the Board's decision, the IAM, according to information submitted by the Union, requested Evergreen to voluntarily recognize the Union.[4] Evergreen declined, after, it asserted, considered in good faith the wishes of the affected employees. "Evergreen further informed the IAMAW that certain events had transpired which raised questions as to whether the employees involved desired IAMAW representation and expressed good faith doubt as to IAMAW's representative status of these employees."[5] On October 17, 1975, the IAM filed an application with the National Mediation Board requesting, in effect, that the NMB certify the IAM as the authorized representative of Evergreen's mechanical employees. That application is currently pending before the NMB.

By Order 75–11–115, dated November 28, 1975, the Board approved the transfer of Johnson's certificates to Evergreen, after Evergreen agreed to accept the Board's conditions for approval of the acquisition, and after the Board once more considered and rejected the IAM's request that it require Evergreen to assume Johnson's contractual obligations with the union.

2. *Reorganization of Evergreen International.* Under the proposed transaction Johnson's small aircraft operations, which had been acquired by Evergreen International, will be transferred to Evergreen of Montana, a recently created wholly owned subsidiary of Helicopters. That is, Montana will acquire most of Evergreen International's small aircraft, all ground property, office-related equipment, land owned at Missoula, Montana and McCall, Idaho, other assets and other liabilities relating to the transferred aircraft. Evergreen International will retain three Electra aircraft, two DC–3 aircraft and one C–46 aircraft, and other assets and liabilities relating to the retained aircraft. Evergreen International's supplemental operations will be based at the Evergreen Air Center at Marana, Arizona, while Montana's small aircraft operations will be based at Missoula and McCall, Montana. The applicants state that the transfer is oral in nature and subject to the authority requested herein.

Consummation of the transaction, which is in effect a corporate reorganization, will permit the applicants to separate the small and large aircraft operations acquired from Johnson into two separate corporations within the Helicopter system. Evergreen will engage in certificated charter operations, while Montana will continue the fixed base, small aircraft and specialized charter services historically operated by Johnson. It appears that the day-to-day operations of Evergreen will be directed by persons not involved in the operation of Montana, and vice versa, while certain administrative positions of both (i.e. Secretary and Treasurer) will be filled by the same persons.

Consummation of the proposed transaction will also result in the acquisition of control of Montana by Helicopters and common control relationships between Montana, on the one hand, and Evergreen and other aeronautically related subsidiaries of Helicopters, on the other. It will also result in the indirect control of Montana by Mr. Smith (through Helicopters) affecting additional common-control relationships involving other members of the Evergreen family of corporations,[6] and will give rise to certain interlocking relationships involving Mr. Smith and other corporate employees.

In support of the proposed transfer, the applicants state that the simultaneous operation of small and large aircraft services by Johnson created a number of problems for that carrier which continue at present, including difficulties in (1) designing tariff rates to cover its small aircraft operations, particularly with respect to some of the specialized flying operations in which such aircraft are used and (2) complying with the Board's reporting requirements with respect to the small aircraft operations, which resulted in an enforcement proceeding concerning Johnson's accounting delays and deficiencies. The applicants state that the proposed transaction is designed to obviate these difficulties.

The IAM advances three major arguments in opposition to approval of the proposed corporate reorganization. First, the IAM contends that the subject transaction has been consummated without prior Board approval, and, thus, the applicants are in violation of section 408 of the Act. Second, the IAM asserts that the transfer of Evergreen's small aircraft operations to Montana is inconsistent with the Board's approval of Evergreen's acquisition of Johnson. Third, the IAM argues that Evergreen has split Johnson's operations into two corporations in order to avoid the jurisdiction of the National Mediation Board, and, thereby, to defeat the rights of the employees represented by the Union under the Railway Labor Act. The Union seeks a hearing on the method and manner in which the small aircraft operations in question were transferred to Montana. It also requests that if the Board decides to approve the reorganization it should impose conditions on its approval that will protect the former employees of Johnson who may have been adversely affected by the transaction.

In our view the incorporation of Montana technically results in the direct acquisition and control of an air carrier by a person controlling an air carrier (Heli-

[1] We shall grant the Union's motion for leave to file this pleading as an otherwise unauthorized document. We shall also grant the Union's motion to file certain documents tendered in connection with the Union's response to the applicants' consolidated reply to the Union's various pleadings.

[2] See Orders 75–10–23/24 at 2.

[3] Id. at 14.

[4] In this connection, the IAM has requested the Board to take notice of, inter alia, certain representations made by Evergreen to the National Mediation Board relating to the status of Evergreen of Montana. We shall grant the Union's request.

[5] See Evergreen's Response to the IAM's application to the National Mediation Board to "Interpret Certification," set forth in C.A.B. Docket 28670 as Exhibit B to the IAM's motion to the C.A.B. of January 14, 1976.

[6] See Orders 75–10–23/24 at 10.

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NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9214–18 provides that all provisions of any applicable inland European tariff shall be by three-fourths vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 76-16872 Filed 6-9-76;8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9880–6 provides that all provisions of any applicable inland European tariff shall be by three-fourths vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 76-16873 Filed 6-9-76;8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9880–7 provides that all provisions of any applicable inland European tariff shall be by three-fourths vote of members eligible and represented except that general rate increases, new or per unit rates and charges and matters pertaining to border crossing traffic shall be by unanimous vote.

By Order of the Federal Maritime Commission.

Dated: June 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 76-16874 Filed 6-9-76;8:45 am]

copters) and indirectly in common control relationships between an air carrier, on the one hand, and another air carrier and various persons engaged in phases of aeronautics, on the other, all within the provisions of section 408(a)(5) of the Act. However, by Order 75-10-24, supra, the Board considered and approved control relationships basically similar to those involved herein.[7] In these circumstances, we conclude that it would be in the public interest to exempt the foregoing control relationships from the requirements of section 408 pursuant to the proviso of subsection (a)(5) thereof.[8]

In addition, although Evergreen and Montana are affiliates and each a wholly owned subsidiary of Helicopters, the proposed transfer of Evergreen's small aircraft to Montana falls technically within the ambit of section 408(a)(2) because it involves the purchase of a substantial part of the properties of one air carrier by another.[9] However, the Board tentatively concludes that it should approve the proposed transfer without hearing under the third proviso of section 408(b) of the Act.

As noted in Orders 75-10-23/24, Johnson's passenger charters and multifaceted small aircraft operations have long been provided under the umbrella of a single corporate entity. To be sure, the record in the acquisition proceeding demonstrated that both operations provided valuable public service. On the other hand, it also demonstrated that Johnson's amalgamated supplemental and small aircraft services created inhibiting operational and administrative problems for the carrier. For one thing, Johnson's corporate structure did not lend itself to the vigorous promotion of its supplemental operations, due, in part, to the inherent requirement that management's attention and resources be divided beween the operation of the carrier's passenger and specialized services. Indeed, at the time of the acquisition Johnson was not only the smallest supplemental, but also provided relatively limited passengers charters pursuant to its certificate authority. For another, since all of the Johnson's small aircraft operations were performed under the carrier's supplemental authority, they were subject to detailed reporting requirements imposed on all supplemental air carriers pursuant to part 241 of the Board's Economic Regulations. The history of Johnson's problems in complying with these requirements is documented in the acquisition proceeding and in the Johnson Flying Service, Inc. Enforcement Proceeding (Docket 26332). In the latter case, the Board determined, after hearing, that Johnson had violated the Act by failing to promptly file its reports with the Board. The evidence in that proceeding indicated that the carrier's problems stemmed in part from difficulties that it had experienced in keeping track of, and, thereafter, reporting, its complex and disparate aircraft activities. While the record supported the administrative law judge's conclusion that this consideration did not excuse Johnson's malfeasance, it nevertheless raised questions as to whether the public benefits obtained from application of the Board's reporting regulations to Johnson's small aircraft operations were commensurate with the burden and expense imposed upon the small supplemental, and, ultimately upon the traveling public.

In our view, reorganization of Evergreen along the lines set forth by the applicants represents a reasonable solution to the foregoing operational and administrative problems, and, equally significant, an encouraging indication that Evergreen will, as it represented to the Board in the acquisition proceeding, act to develop and improve Johnson's former supplemental operations. Thus, for example, segregation of the supplemental and specialized operations into different corporations, and the assignment of different personnel to supervise the operation of each, should enhance Evergreen's efforts at concentrating on the development of its supplemental services, and enable the carrier to operate in a manner similar to other certificated supplemental air carriers. Similarly, the transfer of small aircraft operations to Montana should significantly diminish the reporting requirements heretofore attendant to such operations. While it is true that public information concerning such operations will be reduced as a result of the corporate reorganization, we believe that, on balance, this consideration is substantially outweighed by the positive contribution that the reorganization should make to the overall efficiency of Evergreen's supplemental services and to the concomitant reduction in the costs of regulation. These are public benefits which are likely to be passed on to the traveling public in the form of improved public service, more attractive fares, or both.[10]

In considering the IAM's contentions that a hearing must be held for approval of the property transfer, it is important to emphasize that the Board has held that a hearing under section 408 of the Act is neither necessary nor warranted where the matters sought to be litigated are not material to the merits of the subject transaction or not sufficient by themselves to invoke the hearing process or block the transaction. See, e.g., Lofleidir-Seaboard Lease case, Order 70-5-111 (May 21, 1970), and Application of Aries Air Cargo International, Inc., Order 73-4-104 (April 25, 1973). This is the situation which we find present in the instant case.

To begin with, the primary purpose of section 408(a)(2) is to assure that an air carrier which disposes of a substantial part of its assets does not thereby impair its ability to perform its authorized services. There is no evidence, or indeed an allegation, that the aircraft or other properties to be transferred to Montana are needed in Evergreen's supplemental operations or that the terms of the transaction will in any way burden the supplemental carrier. On the contrary, what evidence exists establishes that consummation of the proposed transfer should have a positive impact on Evergreen's ability to discharge its certificate responsibilities.

We are also unable to find that evidentiary proceedings are warranted for the purpose of ruling upon the IAM's contention that the applicants have consummated the proposed reorganization without first obtaining the Board's approval. The Union is, in essence, requesting that hearings be held to determine whether the applicants have violated the Board's Sherman Doctrine. The Sherman Doctrine provides that the Board will not, in the absence of exceptional circumstances, process applications under section 408 of the Act where it appears that prohibited activity has been consummated without prior Board approval. Sherman, Control and Interlocking Relationships, 15 C.A.B. 876 (1952). The Doctrine was developed essentially as an administrative tool to deter willful circumvention of the Board's authority to decide 408 transactions prior to their consummation. In this connection, it is important to note that in approving

[7] Our approval was made subject to conditions permitting the public monitoring of intercorporate business transactions between Evergreen, on the one hand, and other members of the Evergreen organization, on the other. See Orders 75-10-23/24, at 10-11. In these circumstances, pursuant to subsection (a)(5) thereof, future corporate transactions between Evergreen and Evergreen of Montana will be subject to the conditions imposed by ordering paragraphs 3(b)-3(e) of Order 75-10-24.

[8] To the extent that the interlocking relationships within the meaning of section 409 of the Act will exist as a result of the control relationships authorized herein, such relationships fall within the exemption from section 409 provided by Part 287 of the Board's Economic Regulations.

[9] Evergreen is a supplemental air carrier (see Order 75-11-115) and Montana will be an air carrier within the meaning of section 101 of the Act upon receipt of the air taxi authority issued to it herein. The property acquired by Montana represents a substantial part of the properties of Evergreen under the 10% test historically used by the Board. (See e.g. Order 73-4-109.)

[10] The applicants have submitted a balance sheet in connection with their application showing the financial effects of the proposed reorganization. The balance sheet indicates that Evergreen's financial position would be improved as a result of the reorganization. On the other hand, it also indicates that Montana may begin operations in an undercapitalized position. Based upon the record in the acquisition proceeding, it is reasonable to assume that Helicopters will provide Montana with financial assistance, if needed, during the air-taxi's startup period. Nevertheless, we recognize that the liabilities to be assumed by the air taxi were initially generated by certificated operations, and, in these circumstances, the possibility that Montana may not meet its obligations as they become due could adversely affect investor confidence in the supplemental industry. Consequently, we shall require as a condition to approval herein that the applicants submit a financial plan for enabling Montana to meet its current obligations until sufficient revenues can be generated by that carrier.

Evergreen's acquisition of Johnson, the Board also approved, and in fact encouraged, continuation of Johnson's fixed-base and small aircraft activities. Significantly, the applicants do not seek new operating authority; nor do they seek to provide any service which Evergreen cannot now provide under its existing authorization from the Board. They have merely applied for permission to restructure their supplemental and specialized small aircraft operations by the type of services to be performed. In these circumstances, it is apparent that the IAM's allegation that the applicants have effected the subject corporate reorganization without Board approval, even if established, would not cause us to interfere with the proposed transaction because to the extent that there may have been a violation of the Doctrine, we find that the unique factors just discussed constitute exceptional circumstances warranting a waiver of our policies in this area.[11]

In summary, we must conclude that the IAM has not raised any issue which would be appropriate for a hearing, and, therefore, that a hearing would serve no purpose other than delay.

We also disagree with the IAM's assertion that the operation of Johnson's former certificated and specialized services by two corporations, rather than by one as the applicants had proposed in the acquisition proceeding, is materially inconsistent with the Board's decision therein. As Orders 75-10-23/24 make clear, the Board approved the acquisition primarily for the purpose of providing the traveling public with continued and improved supplemental air transportation, under circumstances that would not radically transform the nature of the certificated carrier's operations. The Board found that integration of the post-acquisition carrier into the Evergreen organization would accomplish this goal:

> • • • Evergreen offers JFS badly needed working capital, new credit opportunities, and a chance to become part of a well-managed and successful business enterprise. These benefits will rescue the carrier from its immediate financial situation. More importantly, they should provide a sound basis for JFS's future growth and development. • • • [12]

Approval of the proposed corporate reorganization should advance Evergreen's public service potential as we have already discussed in detail. Further, there is nothing in the subject application which indicates that the applicants plan to disgorge themselves of Johnson's former specialized or supplemental operations, or that the reorganized supplemental and new air taxi affiliate will not receive the benefits resulting from integration into the Evergreen organization, or that the applicants otherwise contemplate a radical transformation of the operations they proposed to provide during the acquisition proceeding. In these circumstances the splitting of Evergreen's operations into two separate corporation is fundamentally consistent with the Board's decision in the acquisition proceeding, and, in our judgment, this consideration provides an additional reason for approving, rather than disapproving, the subject application.

Finally, the Board has carefully considered the IAM's contention that the proposed transaction should be disapproved because the applicants have established a small aircraft subsidiary for the purpose of depriving mechanical employees of their right to be represented by the IAM. It appears that the Union's contention is based upon Evergreen's decision to transfer Johnson's former mechanical employees to Montana, and its position before the NMB that Montana is not a common carrier and thus outside the NMB's jurisdiction.

We do not share the IAM's conclusion that the proposed reorganization of Evergreen is nothing more than a subterfuge for depriving Evergreen's mechanics of their right to decide whether or not they wish to be represented by the IAM, since, as previously detailed, it is apparent that the reorganization is designed to achieve benefits wholly unrelated to the on-going IAM-Evergreen labor dispute. Conversely, disapproval of the proposed transaction as requested by the union would serve to penalize the traveling public by denying them these benefits for reasons relating solely to the dispute. In our judgment this result cannot be reconciled with the public interest, particularly since the IAM is collaterally seeking more appropriate relief from a tribunal charged under Federal law with the primary responsibility for dealing with labor conflicts such as the one at hand.

On the other hand, we agree with the IAM that our air transportation responsibilities do require that we take steps to insure that the transaction we are approving does not deprive Evergreen's employees of rights they would otherwise enjoy pursuant to the Board's approval of Evergreen's acquisition of Johnson. Accordingly, the Board shall, as a condition to its approval of this transaction, make its labor protective provisions expressly applicable to former employees of Johnson who are now employees of Evergreen of Montana. Further, without intending to intervene in the subject representational dispute, we believe that our responsibilities also require that we take other steps to prevent the Federal Aviation Act from being used as a vehicle for circumventing jurisdiction otherwise vested in the NMB. Thus, while it is of course for the NMB to rule upon its own jurisdiction, we point out that the conduct of operations by Montana under its Part 298 authority unquestionably establishes it as an air carrier within the meaning of section 101 of the Federal Aviation Act.

In all these circumstances, the Board tentatively concludes that it should approve the proposed transfer of Evergreen's small aircraft operations to Montana. In our judgment, such transfer does not in and of itself affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, and does not result in the creation of a monopoly or tend to restrain competition. Further, for reasons that have been explained, no substantial cause for hearing has been demonstrated, and it is tentatively concluded that the public interest does not require a hearing. In all these circumstances, it is the Board's tentative view that, subject to the conditions set forth herein, the proposed transfer of Evergreen's small aircraft operations to Montana will not be inconsistent with the public interest and the conditions of section 408 of the Act will be fulfilled.[13]

3. *Air Taxi Authorization.* In approving Evergreen's acquisition of Johnson, the Board also authorized Evergreen Helicopters and Evergreen Helicopters of Alaska to continue their respective air taxi operations subject to a condition limiting such operations to charter trips.[14] Subsequently, in transferring Johnson's certificates to Evergreen, the Board imposed further conditions designed to protect the traveling public against any confusion which might exist as a result of the operations of certificated and noncertificated services by members of the Evergreen family of corporations.[15]

[11] In these circumstances, we need not reach the merits of the union's allegations. However, we note that the applicants deny the union's allegation that the small aircraft in question have in fact been transferred to Montana and that Montana is operating these properties. Their denial is supported by information provided the Board by the Federal Aviation Administration establishing that Montana has only recently received an FAA operating authorization, and, significantly, that such authorization was issued long after the IAM filed its opposition to approval of the proposed transfer. The IAM also alleges that Montana is conducting fixed-base operations for Evergreen and customers unrelated to Evergreen. Assuming for present purposes that the Union is correct, it is apparent for reasons stated in the text that any violation of the Board's Sherman Doctrine resulting from the continuation of Evergreen's fixed-base operations by Montana is negated by the exceptional circumstances we find herein.

[12] Orders 75-10-23/24 at p. 4.

[13] In accordance with section 408(b) of the Act, this order constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision. In its final order, the Board will reserve jurisdiction over the transaction to take whatever action may be required in the public interest.

[14] Part 298 of the Board's Economic Regulations establishes a class of air carrier known as "air taxi operators," and, inter alia, permits members of this class to engage in air transportation free from the certificate requirements of section 401 of the Act. However, an airline which either holds, or is affiliated with a carrier that holds, a certificate issued by the Board is not included in that class, and, therefore, must obtain specific authority from the Board in order to operate as an "air taxi."

[15] Order 75-11-115, supra, at 3 and ordering paragraph 6.

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We believe that Montana should be authorized to operate as an air taxi subject to the same conditions imposed on the continued operations of Evergreen Helicopters and Evergreen Helicopters of Alaska, and contingent upon our ultimate disposition of the applicants' request to transfer Evergreen's small aircraft operations to Montana. In our judgment, those considerations which led us to authorize those carriers to operate as air taxis are presently in force with respect to Montana's request. Significantly, Montana seeks authority that would permit it to continue Evergreen's small air carrier charter operations, or, in other words, to do no more than to provide services which Evergreen is presently authorized to provide. In all these circumstances, we find that enforcement of section 401 of the Act and section 298.3 of the Board's Economic Regulations, insofar as such sections would otherwise prevent Montana from conducting charter air taxi operations, would be an undue burden upon Montana by reason of the limited extent of, and unusual circumstances affecting, its operations, and is not in the public interest.

4. *Motion to Reopen the Record.* The major thrust of the IAM's petition is that events occurring subsequent to the Board's decision in the acquisition proceeding demonstrate that the labor protective provisions imposed by the Board therein are inadequate to protect the rights of affected employees. The Union alleges that Evergreen has refused to employ Johnson's former mechanics in its supplemental operations, and has otherwise acted in a manner to limit or eliminate their work opportunities. In this regard it maintains that when Johnson and Evergreen filed their application for approval of the acquisition, Johnson employed 34 mechanical employees represented by the IAM; that Johnson thereafter reduced its forces so that by the time the Board transferred Johnson's certificates to Evergreen only 6 mechanics were still actively employed by the supplemental air carrier; and that Evergreen subsequently transferred these mechanics to Montana and continued the others in a furloughed status while Evergreen and Montana employed non-Johnson mechanical workers to perform their mechanical work. The Union also alleges that Evergreen has reneged on its representations to the Board that it would respect the rights of its employees to choose whether or not they desire Union representation. It has done so, the Union alleges, by refusing to recognize the Union, or the collective bargaining agreement previously in force between Johnson and the mechanical workers represented by the Union, and by adopting a course of conduct designed to discourage Union membership. As a result of the foregoing, the Union argues that the labor protective provisions as they are presently constituted do not adequately protect the recall rights of furloughed mechanical employees, or their "contractual right to perform mechanical work on Johnson's aircraft used in its supplemental activity." Accordingly, the IAM requests that the record be reopened in the acquisition proceeding so that it may demonstrate that Evergreen has improperly acted to discourage Union membership, and for the purpose of imposing "such additional protective provisions as this Board deems just and reasonable. * * *"

In its reply, Evergreen asserts that there is no merit to the Union's allegations, and that the Union has provided no basis for additional labor protective provisions. It asserts that to the extent that any Johnson employees may be affected by the acquisition, they are fully covered by the existing labor protective provisions. "In actual fact," Evergreen maintains, "none of the former employees have been injured by such acquisition. Instead they are now receiving considerably better compensation and fringe benefits than they did before." Evergreen also avers that the transfer of employees referred to by the IAM is merely technical in nature, involves all the ground personnel concerned with Montana's prospective operations (and not merely the mechanical workers in question), and that "from an operational standpoint, such employees are regarded as being loaned to and part of the small aircraft division of Evergreen International." Finally, as discussed, Evergreen has taken the position that it has respected the wishes of its employees regarding Union representation, and that its decision not to recognize the Union was based upon its "good faith doubt" as to the Union's representative status.

As indicated, the Board has decided to deny the IAM's motion to reopen the record. In our judgment, no compelling reason has been advanced for amending the labor protective provisions as requested by the Union. Fundamental to our conclusion is our determination that the right to recall, to the extent that it may exist, is already preserved by the existing protective provisions, and our further determination that use of the provisions as a vehicle for providing the Union with the other relief that it seeks would not be consistent with the public interest. In these circumstances, it is unnecessary to resolve the conflicting presentations of the parties, or to otherwise hold further evidentiary proceedings as sought by the IAM.

On numerous prior occasions, the Board has ruled on the applicability of its labor protective provisions to employees in a furloughed status. The Board has held that its labor protective provisions cover furloughed employees "having employment rights" at the time the transaction in question is consummated, and, equally, significant for present purposes, that such rights include the right to be recalled to active employment. In a leading case the Board explained:

> * * * As the examiner correctly pointed out, we do not interpret the term 'employee,' as used in the United-Capital provisions, as limited to those persons on active service at the time of the merger. Rather, the term includes all individuals having employment rights at the time of [the] merger. The right to recall, to the extent that it may exist, is a valuable employee right. As the examiner pointed out, whether an employee not in active service has employment rights depends on the provisions of his contract or, in the case of an unorganized employee, on company practice or policy. For the purposes of the protective provisions, such rights exist whether or not the contract survives the merger. * * * American-Trans Caribbean Merger Case, Order 70-12-161 at 15, served December 31, 1970.

In our judgment, the principle discussed in American-Trans Caribbean, and more recently affirmed in the Delta-Northeast Merger Case, Order 72-5-73/74, served May 19, 1972, is applicable to the instant situation. In this connection the IAM states that at the time the acquisition was consummated Johnson's mechanical employees enjoyed the right to be recalled to positions for which they were qualified in order of seniority. Evergreen does not dispute the Union's assertion nor otherwise challenge the Union's characterization of the rights held by Johnson's mechanical workers. In these circumstances, and assuming the Union's representations to be correct, it follows from precedent that this "employment right" exists and has been preserved by the protective provisions irrespective of whether or not the Johnson-IAM collective bargaining agreement itself survived the acquisition. Accordingly, no specific amendments are necessary to cover such rights, as they are already protected by the existing protective provisions. We shall leave implementation of the right to recall to negotiations between the parties, noting that section 13 of the provisions provides a mechanism for the resolution of disputes that may arise in connection therewith.

On the other hand, the Board's protective provisions do not guarantee Johnson's former mechanical workers the right to work on Evergreen's supplemental aircraft, or, for that matter, the right to be represented by the IAM. However, we cannot find that in the circumstances presented it would be either appropriate or consistent with the Board's air transportation responsibilities to amend the provisions to create such rights. Although the IAM has couched its petition in terms of requesting additional protective provisions, it is clear that the Union ultimately seeks to have the Board intervene either directly or indirectly, in its on-going labor dispute with Evergreen, and require Evergreen to recognize the Union, or the Johnson-IAM collective bargaining agreement, or both. However, as the Board has repeatedly stated (including in its order approving Evergreen's acquisition of Johnson), the relief that the Union seeks is outside the scope of its labor related policies. Moreover, even if this were not the case, it would be imprudent for the Board to inject itself into the instant controversy since the question of the IAM's right to represent

Evergreen's mechanical employees is now before the NMB, an expert tribunal which Congress has entrusted with the primary responsibility for resolving such disputes.

Accordingly, it is ordered, That: 1. Interested persons are hereby afforded a period of 21 days from service in which to file comments with respect to the Board's proposed action; [10]

2. The Attorney General of the United States shall be furnished a copy of this order within one day of publication; and

3. The motion of the International Association of Machinists and Aerospace Workers to reopen the record in Docket 26471 be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX

LABOR PROTECTIVE PROVISIONS

Section 1. The fundamental scope and purpose of the conditions hereinafter specified are to provide for compensatory allowances to employees who may be affected by the proposed acquisition of Johnson Flying Service, Inc., by Evergreen Helicopters, Inc., through Evergreen Air, Inc. (now Evergreen International Airlines, Inc.) approved by Orders 75-10-23/24, and it is the intent that such conditions are to be restricted to those changes in employment due to and resulting from such acquisition. Fluctuations, rises and falls, and changes in volume or character of employment brought about by other causes are not covered by or intended to be covered by these provisions.

Section 2(a). The term "effective date of acquisition" as used herein shall mean the effective date of the amended authority transferred to Evergreen International Airlines, Inc., pursuant to the approval granted in Orders 75-10-23/24.

(b) The term "employee" as used herein shall mean an employee of Evergreen International Airlines, an affiliate or subsidiary thereof, or Evergreen Helicopters, Inc. (hereinafter referred to collectively as Evergreen) who, immediately prior to the acquisition, was employed by Johnson Flying Service, Inc., in other than a temporary or part-time position.

Section 3. Insofar as the acquisition affects the seniority rights of Johnson Flying Service, Inc., employees, provisions shall be made for the integration of seniority lists in a fair and equitable manner, including, where applicable, agreement through collective bargaining between Evergreen and the representatives of the employees affected. In the event of failure to agree, the dispute may be submitted by either party for adjustment in accordance with section 13.

Section 4(a). Subject to the applicable conditions set forth herein, no employee of Johnson Flying Service, Inc., who is continued in service by Evergreen shall as a result of the acquisition be placed in a worse position with respect to compensation than he occupied immediately prior to his displacement so long as he is unable in the normal exercise of his seniority rights under existing agreements, rules, and practices to obtain a position producing compensation equal to or exceeding the compensation of the position held by him immediately prior to such date, except, however, that if he fails to exercise his seniority rights to secure another available position, which does not require a change in residence, to which he is entitled under the working agreement and which carries a rate of pay and compensation exceeding those of the position which he elects to retain, he shall thereafter be treated for the purposes of this section as occupying the position which he elects to decline.

(b) The protection afforded by the foregoing paragraph is hereby designated as a "displacement allowance" which shall be determined in each instance in the manner hereinafter described. Any employee entitled to such an allowance is hereinafter referred to as a "displaced" employee.

(c) Each displacement allowance shall be a monthly allowance determined by computing the total compensation received by the employee and his total time paid for during the last 12 months in which he performed service immediately preceding the date of his displacement (such 12 months being hereinafter referred to as the "test period") and by dividing separately the total compensation and the total time paid for by 12, thereby producing the average monthly compensation and average monthly time paid for, which shall be the minimum amounts used to guarantee the displaced employee; and if his compensation in his current position is less in any month in which he performs work than the aforesaid average compensation, he shall be paid the difference, less compensation for any time lost on account of voluntary absences to the extent that he is not available for service equivalent to his average monthly time during the test period, but he shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of the average monthly time paid for during the test period.

(d) The protection afforded herein shall only apply to displacements occurring within a period of 3 years from the effective date of the acquisition (referred to herein as the claim period); and the period during which this protection is to be given (referred to herein as the protective period) shall extend for a period of 4 years from the date on which the employee is displaced.

Section 5(a). Any employee of Johnson Flying Service, Inc., who is deprived of employment as a result of said acquisition shall be accorded an allowance (hereinafter termed a "dismissal allowance"), based on length of service, which (except in the case of an employee with less than 1 year of service) shall be a monthly allowance equivalent in each instance to 60 percent of the average monthly compensation of the employee in question during the last 12 months of his employment in which he earned compensation prior to the date he is first deprived of employment as a result of the acquisition. This dismissal allowance will be made to each eligible employee, while unemployed, by Evergreen during a period beginning at the date he is first deprived of employment as a result of the acquisition and extending in each instance for a length of time determined and limited by the following schedule:

Length of service in years:	*Period of payment (months)*
1 and less than 2	6
2 and less than 3	12
3 and less than 5	18
5 and less than 10	36
10 and less than 15	48
15 and over	60

In the case of an employee with less than 1 year of service such employee shall not be covered by the benefits provided in this section, but shall receive such benefits, and only such benefits, as are provided by section 7.

(b) For the purpose of these provisions, the length of service of the employee shall be determined from the date he last acquired an employment status with Johnson Flying Service, Inc., and he shall be given credit for 1 month's service for each month in which he performed any service (in any capacity whatsoever) and 12 such months shall be credited as 1 year's service. The employment status of an employee shall not be interrupted by furlough in instances where the employee has a right to and does return to service when called. In determining length of service of an employee acting as an officer or other official representative of an employee organization he will be given credit for performing service while so engaged on leave of absence from the service of Johnson Flying Service, Inc.: *Provided*, That in calculating the dismissal allowance for such an employee, such allowance shall be based upon the compensation paid such employee by the carrier during his last 12 months of service on the company payroll and not on the compensation he may have been paid by the employee representative organization.

(c) An employee shall not be regarded as deprived of employment in case of his resignation, death, or retirement on account of age or disability in accordance with the current rules and practices applicable to employees generally, dismissal for justifiable cause in accordance with the rules, or furlough because of reduction in forces due to seasonal requirements of the service; nor shall any employee be regarded as deprived of employment as the result of the acquisition who is not deprived of his employment within 3 years from the effective date of said acquisition.

(d) Each employee receiving a dismissal allowance shall keep Evergreen informed of his address and the name and address of any other person by whom he may be regularly employed.

(e) The dismissal allowance shall be paid to the regularly assigned incumbent of the position abolished. If the position of an employee is abolished while he is absent from service, he will be entitled to the dismissal allowance when he is available for service. The employee temporarily filling said position at the time it was abolished will be given a dismissal allowance on the basis of said position until the regular employee is available for service and thereafter shall revert to his previous status and will be given a dismissal allowance accordingly if any is due.

(f) An employee receiving a dismissal allowance shall be subject to call to return to service after being notified in accordance with the working agreement, and such employee may be required to return to the service of Evergreen for other reasonably comparable employment for which his is physically and mentally qualified and which does not require a change in his place of residence, if his return does not infringe upon the employment rights of other employees under the working agreement.

(g) If any employee who is receiving a dismissal allowance returns to service the dismissal allowance shall cease while he is so reemployed and the period of time during which he is so reemployed shall be deducted from the total period for which he is entitled to receive a dismissal allowance. During the time of such reemployment, however, he shall be entitled to protection in accordance with the provisions of section 4.

[10] Comments so filed shall conform to the requirements of the Board's Rules of Practice (14 CFR 302) for the filing of documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

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(h) If an employee who is receiving a dismissal allowance obtains other employment, his dismissal allowance shall be reduced to the extent that the sum total of his earnings in such employment plus his allowance and any unemployment insurance benefit (or similar benefit) exceed the amount upon which his dismissal allowance is based: *Provided*, That this shall not apply to employees with less than 1 year's service.

(i) A dismissal allowance shall cease prior to the expiration of its prescribed period in the event of—

1. Failure without good cause to return to service after being notified of a position for which he is eligible and as provided in paragraphs (f) and (g).
2. Resignation.
3. Death.
4. Retirement on account of age or disability in accordance with the current rules and practices applicable to employees generally.
5. Dismissal for justifiable cause.

Section 6. An employee affected by the acquisition shall not during the applicable protective period be deprived of benefits attaching to his previous employment, such as hospitalization, relief, and the like.

Section 7. Any employee eligible to receive a dismissal allowance under section 5 hereof may, at his option at the time of acquisition, resign and (in lieu of all other benefits and protections provided in these provisions) accept in a lump sum a separation allowance determined in accordance with the following schedule:

Length of service in years:	*Separation allowance (months' pay)*
1 and less than 2	3
2 and less than 3	6
3 and less than 5	9
5 and over	12

In the case of employees with less than 1 year's service, 5 days' pay, at the straight-time rate per working day of the position last occupied, for each full month in which they performed service will be paid as the lump sum.

(a) Length of service shall be computed as provided in section 5.

(b) One month's pay shall be computed by multiplying by 30 the calendar daily rate of pay received by the employee in the position last occupied prior to the time of the acquisition.

Section 8(a). Any employee of Johnson Flying Service, Inc., who is retained in the service of Evergreen (or who is later restored to service from the group of employees entitled to receive a dismissal allowance) who is required to change the point of his employment as a result of such acquisition, and is therefore required to move his place of residence, shall be reimbursed for all expenses of moving his household and other personal effects and for the traveling expenses of himself and members of his family including living expenses for himself and his family and his own actual wage loss during the time necessary for such transfer, and for a reasonable time thereafter (not to exceed 2 working days), used in securing a place of residence in his new location. The exact extent of the responsibility of Evergreen under this provision and the ways an means of transportation shall be agreed upon in advance between Evergreen and the affected employee or his representative. No claims for expenses under this section shall be allowed unless they are incurred within 3 years from the effective date of the acquisition, and the claim must be submitted within 90 days after the expenses are incurred.

(b) Changes in place of residence subsequent to the initial change caused by the acquisition which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

Section 9(a). The following provisions shall apply, to the extent they are applicable in each instance, to any employee who is retained in the service of Evergreen (or who is later restored to such service from the group of employees entitled to receive a dismissal allowance) who is required to change the point of his employment as a result of such acquisition and is therefore required to move his place of residence.

1. If the employee owns his own home in the locality from which he is required to move, he shall at his option be reimbursed by Evergreen for any loss suffered in the sale of his home for less than its fair value. In each case the fair value of the home in question shall be determined as of a date sufficiently prior to the acquisition to be unaffected thereby; *Provided, however*, That if the home is not sold within a substantial period of time after the acquisition, then the fair value of the home shall be determined as of a date as closely related to the date of sale as possible, with an agreed upon adjustment being made to exclude any effect of the acquisition on such fair value. Evergreen shall in each instance be afforded an opportunity to purchase the home at such fair value before it is sold by the employee to any other party.

2. If the employee is under a contract to purchase his home Evergreen shall protect him against loss to the extent of the fair value of any equity he may have in the home and in addition shall relieve him from any further obligations under his contract.

3. If the employee holds an unexpired lease of a dwelling occupied by him as his home, Evergreen shall protect him from all loss and cost in securing the cancellation of his said lease.

(b) Changes in place of residence subsequent to the initial change caused by the acquisition which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

(c) No claim for loss shall be paid under the provisions of this section which is not presented within 3 years after the effective date of the acquisition.

(d) Should a controversy arise in respect to the value of the home, the loss sustained in its sale, the loss under contract for purchase, loss and cost in securing termination of lease, or any other question in connection with these matters, it shall be decided through joint conference between the employee or his representative and Evergreen and, in the event they are unable to agree, the dispute may be referred by either party to a board of three competent real estate appraisers, selected in the following manner: One to be selected by the employee or his representative and one by Evergreen, respectively; these two shall endeavor by agreement within 10 days after their appointment to select the third appraiser, or to select some person authorized to name the third appraiser; and in the event of failure to agree, then the Chairman of the National Mediation Board shall be requested to appoint the third appraiser. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the salary of the appraiser selected by such party.

Section 10. If Johnson Flying Service, Inc., on or after February 21, 1974 rearranges or adjusts its forces in anticipation of the acquisition, with the purpose or effect of depriving an employee of benefits to which he should be entitled under these provisions as an employee immediately affected by the acquisition, these provisions shall apply to such an employee as of the date when he is so affected.

Section 11. Evergreen shall give at least 45 days' written notice containing a full and adequate statement of the proposed changes to be effected by the acquisition, including an estimate of the number of employees of each class, craft, or field of endeavor affected by the intended changes. Such notice shall be posted on bulletin boards or other conspicuous places convenient to the employees of Johnson Flying Service, Inc., and a copy of the notice shall be sent by registered mail to all authorized representatives of any of the employees of Johnson Flying Service, Inc.

If requested in writing by any employee or employees Johnson Flying Service, Inc., or the authorized representative of such employee or employees, the date and place of a meeting between said employees or their representatives and the representatives of Evergreen to settle problems of the rearrangement of such employees arising out of and because of the acquisition shall be agreed upon within 10 days after such request is received by Evergreen. The meeting shall commence within 30 days from the date the request is received.

In the event of a failure to agree upon a settlement of a problem or of problems presented at the meeting, the unsettled problems may be submitted by either party for adjustment in accordance with section 13.

Section 12. No employee of Johnson Flying Service, Inc., shall, as a condition of eligibility for the protection afforded by the terms of this order be required to accept employment with Evergreen, that is not within the class, craft, or field of endeavor in which he was employed by Johnson Flying Service, Inc., on the date of the attached order.

Section 13(a). In the event that any dispute or controversy (except as to matters arising under section 9) arises with respect to the protection provided herein, which cannot be settled by the parties within 20 days after the controversy arises, it may be referred by any party to an arbitrator selected from a panel of seven names furnished by the National Mediation Board for consideration and determination. The parties shall select the arbitrator from such panel by alternatively striking names until only one remains, and he shall serve as arbitrator. Expedited hearings and decisions will be expected, and a decision shall be rendered within 90 days after the controversy arises, unless an extension of time is mutually agreeable to all parties. The salary and expenses of the arbitrator shall be borne equally by Evergreen and (1) the organization or organizations representing the employee or employees, or (ii) if unrepresented, the employee or employees or group or groups of employees. The decision of the arbitrator shall be final and binding on the parties.

(b) The above condition shall not apply if the parties by mutual agreement determine that an alternative method for dispute settlement or an alternative procedure for selection of an arbitrator is appropriate in their particular dispute. No party shall be excused from complying with the above condition by reason of having suggested an alternative method or procedure, unless and

until that alternative method or procedure shall have been agreed to by all the parties.

[FR Doc.76-16863 Filed 6-9-76;8:45 am]

[Order 76-6-41; Docket 26856]

UNITED AIR LINES, INC.

Application for Amendment of Carriers' Discount Fare Tariffs

Application of United Air Lines, Inc. for amendment of carriers' discount-fare tariffs.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of June, 1976.

By Order 76-4-88, the Board directed the carriers to place expiration dates on all discount fares not now bearing expiry dates. The dates designated were: September 30, 1976 for group fares; October 31, 1976 for individual tour-basing fares; and November 30, 1976 for all other types of discount fares. The order provided for the filing of exceptions to the dates specified.

Allegheny Airlines, Inc. (Allegheny) has filed a request that the Board extend the expiration dates by 90 days so that the group fares would be marked to expire December 31; individual tour-basing fares January 31; and all other discount fares February 28. The carrier states that two of its discount fares are affected by the Board's order (the group-10 and weekend excursion fares), and that the presently prescribed dates provide insufficient time to develop and implement the necessary data-collection procedures on these fares, analyze the results, and prepare the necessary economic justification to accompany the tariff filings Allegheny must make to extend the fares.

Southern Airways, Inc. (Southern) has filed an answer in support of Allegheny's exception, and United Air Lines, Inc. (United) has filed in opposition.[1] The thrust of United's objection is that further delay in implementation of the Board's Phase 5 policy is undesirable and totally unjustified by the allegations of Allegheny and Southern.

In view of the alleged difficulties in data collection and preparation of justifications within the time frames entailed by the presently specified expiration dates, a three-month extension does not appear unreasonable, and we will therefore revise our earlier order as requested by Allegheny.

United raises another issue which is related to the question of the expiry dates. It requests that the Board require their publication not later than 30 days following service of its final order in this proceeding, since such action would preclude a carrier now offering a discount fare with no expiry date from promoting and selling that fare for travel at any future time up to 30 days prior to the expiration date directed by the Board. In the absence of such a provision, United contends that carriers, such as itself, whose fares already bear an earlier expiration date could be forced to remove that date for the interim period or face substantial traffic loss to other carriers.

We believe United's request has merit and the order will be so amended. Among other things, it will put all carriers on the same footing, and preclude carriers from placing later expiration dates than those intended by the Board and then amending their tariffs to conform to the Board's order only 30 days prior to the prescribed dates. This should also deter a carrier from selling a discount fare in the interim (which presently does not bear an expiry date) for travel subsequent to the expiration date set by the Board, only later notifying the passenger that the fare the passenger intended to use is marked to expire before travel is to begin.

Accordingly, upon consideration of the foregoing matters,

It is ordered, That:

1. Ordering paragraph 1 of Order 76-4-88 is amended to read as follows:

"All scheduled certificated air carriers shall file tariff revisions no later than 30 days after service of this order, on at least 30 days' notice, placing the following expiration dates on discount fares applicable to air transportation of persons within 48 contiguous states and the District of Columbia not now bearing an expiration date:

Type of discount fare	Expiration date[2]
(a) Group (tour-basing & non-tour-basing)	Dec. 31, 1976.
(b) Individual tour-basing	Jan. 31, 1977.
(c) All other types of discount fares not included in (a) and (b) above	Feb. 28, 1977.

[2] Carriers are, of course, free to fix earlier expiration dates than those indicated.

2. Copies of this order be served upon all scheduled certificated air carriers providing air transportation within the 48 contiguous states and the District of Columbia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-16865 Filed 6-9-76;8:45 am]

[Order 76-6-30; Docket 28848]

WICHITA

Improved Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of June, 1976.

The *Improved Authority to Wichita Case* was an outgrowth of a petition by the Kansas Parties (the State of Kansas, from Kansas and northern Oklahoma) for an investigation of the need for new and improved air service in selected Wichita markets.[1]

In its order instituting the proceeding, Order 76-2-27, the Board concluded that the Wichita-Denver market is sufficiently large to warrant consideration of the need for competitive nonstop service. The Board also noted that several pending certificate amendment applications filed in response to the petition of the Kansas Parties proposed service between Wichita and other points in connection with Wichita-Denver service, and that it would be an efficient use of the Board's resources to consider service in these other markets at the same time the Wichita-Denver market was considered. Specifically, the Board found that it should consider the removal or modification of the following restrictions on the authority of incumbent carriers which would permit the operation of improved service on a permissive basis: Frontier Airlines' one-stop restriction in the Wichita-Denver/Little Rock/Memphis markets; Continental Air Lines' restriction against single-plane service between Wichita and Los Angeles, via Denver; and Trans-World Airlines' one-stop restriction in the Wichita-Atlanta market.

The Board consolidated applications of Delta Air Lines for Memphis-Wichita-Denver authority, and of Eastern Air Lines for Atlanta-Wichita-Denver authority to afford them an opportunity to demonstrate that their applications should be granted in lieu of, or in addition to, the removal of restrictions from the certificates of the incumbent carriers. The Board, however, declined to expand the proceeding beyond the scope outlined above and denied Eastern's request to consolidate its application for an Atlanta-Wichita-San Francisco route.

The end product of the Board's findings was a proceeding directed to the consideration of improved service in several specified Wichita markets. The markets included all of those the Kansas Parties sought to have considered except Wichita-San Francisco.

As provided for by the Board's order, a number of air carriers and civic parties filed petitions for reconsideration and clarification of the order, motions to consolidate applications, and answers in support of, or in opposition to, the petitions and motions.[2] The petitions and

[1] We will grant the motions of Southern and United for leave to file an otherwise unauthorized document, *i.e.*, answers to Allegheny's exception.

[1] The petition sought consideration of (1) first unrestricted service between Wichita, on the one hand, and Atlanta, Little Rock, and Memphis, on the other hand; (2) first competitive unrestricted service between Wichita and Denver; (3) competitive single-plane service between Wichita and Los Angeles, via Denver; and (4) additional unrestricted service between Wichita and San Francisco.

[2] Petitions for reconsideration were filed by Continental, Delta, Frontier, the Kansas Parties, National Airlines, the San Francisco Parties (the City, Chamber of Commerce, and County of San Francisco), and Southern Airways. Motions to consolidate were filed by Braniff Airways, Continental, Frontier, Piedmont Aviation, Southern, and TWA. Answers were filed by Delta, the Denver Parties (the City, Chamber of Commerce, and County of Denver, and the Colorado Public Utilities Commission), Eastern, Frontier, the Kansas Parties, the Memphis Parties (the City and Chamber of Commerce of Memphis), TWA and the Bureau of Operating Rights. After the time prescribed by the Board's order for motions to consolidate, Frontier filed an amended certificate application and an amended motion to consolidate, and Texas International Airlines filed an answer to the amended motion.

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motions seek a broadening of the proceeding to include the following issues: Memphis-Denver nonstop service; competitive Wichita-San Francisco service; modification of Continental's Pacific Northwest long-haul restriction so as to make possible Wichita-Houston, Wichita-New Orleans, and Wichita-Oklahoma City turnaround service; modification of the "stop" restrictions of Frontier's certificate relating to Las Vegas-Little Rock/Memphis flights, Las Vegas-Wichita flights, and Denver-Little Rock/Memphis flights; and termination or restriction of TWA's authority to provide Wichita-Las Vegas single-plane service.

Additionally, the filings request imposition of a pretrial restriction prohibiting TWA under any authority that may be awarded it from providing one-stop single-plane service between Atlanta and Florida points, on the one hand, and San Francisco, on the other hand; clarification of the order on the question of whether the case, as constituted, includes the issues of Atlanta-Denver and Wichita-Los Angeles nonstop service; and elimination of the requirement that the parties file environmental information pursuant to Part 312 of the Board's Economic Regulations.

Upon consideration of the matters presented, the Board finds, for the reasons hereinafter set forth, that the requested modifications of the issues should be denied, except to the limited extent of adding the possible modification of certain stop restrictions of Frontier's certificate.[3]

Delta, Piedmont, and Southern seek the inclusion of Memphis-Denver nonstop service.[4] At the outset, we reject the arguments of Piedmont and Southern that an award of Memphis-Denver one-stop authority to some other carrier (particularly should the recipient be Frontier, a subsidized local service carrier) on top of the Memphis-Denver nonstop authority of Braniff would preclude a subsequent grant of their applications for Memphis-Denver nonstop authority and that consolidation of their nonstop requests is therefore required under the so-called *Ashbacker* doctrine.[5]

Although mutual exclusivity depends peculiarly upon the specific facts of each individual case, the Board has observed that a one-stop operation in a market is not sufficiently competitive with nonstop service to preclude, on that basis, a subsequent award of nonstop authority. See: *Piedmont Aviation, Inc./Eastern Air Lines Route Transfer and Certificate Amendments* case, Order 72-11-22, November 7, 1972, pp. 3-4; Texas International Airlines, Inc. Route Realignment, Order 73-1-47, January 15, 1973. We find nothing that would warrant a different conclusion here.

It is true that service in most markets, especially smaller markets like Wichita-Memphis must rely on traffic in beyond markets, as well as on purely local traffic. However, the question of whether an additional carrier will be certificated to provide Memphis-Denver nonstop service and, if so, which carrier should be selected wil depend upon a wide variety of factors—the preexisting service in the market (as distinguished from the services that may be operated pursuant to any awards made inthe present case); the size of the beyond traffic flows at either end of the route, the cities that provide the beyond traffic, and the ability of the various carriers to tap these flows; the relative importance, in the context of the overall public convenience and necessity, of additional Memphis-Denver nonstop service and service in the intermediate markets; and the magnitude of the financial impact that an award of competitive nonstop authority might have on both applicant and incumbent carriers, to mention but a few of the relevant factors. Viewing the situation overall, we conclude that Piedmont and Southern have not presented facts which establish that a grant of permissive Memphis-Wichita-Denver authority in this proceeding would preclude a subsequent grant of their excluded nonstop applications.

Both carriers will, of course, have a full opportunity to prosecute their own applications for Memphis-Witchita-Denver authority in the present proceeding on the same basis as other applicants for such authority. Further, both will have the opportunity normally accorded parties asserting *Ashbacker* claims to establish by evidence on the record that a grant of one-stop authority to another carrier would preclude as a matter of economic fact a later grant of their nonstop applications.

On the merits, we also conclude that the requests should be denied.[6] While Memphis-Denver nonstop overlaps the issues in the *Wichita* case, inclusion of the nonstop question is not necessary to a sound disposition of the issues in *Wichita*, would substantially broaden and complicate the case, and would shift the focus of the proceeding from its basic objective of considering the service needs of Wichita.

It is significant that the Memphis and Denver Parties, who strongly assert their entitlement to a prompt hearing on Memphis-Denver service, do not see the *Wichita* case as an appropriate forum for consideration of the nonstop issue, and filed concurrently with their answers a joint petition for institution of a separate proceeding to consider the question of Memphis-Denver nonstop service. They point out that the Memphis-Denver nonstop question includes issues of beyond-Denver and beyond-Memphis traffic flows and service patterns broader than those involved in the *Wichita* case, and that using the *Wichita* case as the forum for considering the nonstop question would detract from the prime focus of the proceeding—consideration of Wichita's service needs—as well as diluting and confusing the type of consideration the Memphis-Denver nonstop question requires.

The joint petition of the Memphis and Denver Parties will be dealt with later in a separate order and we express no views on what should be the disposition of that petition. We note only that whatever the ultimate action on the petition may be, it would not affect our conclusion that Memphis-Denver nonstop service should not be added as an issue in the present proceeding.

The petitions of the Kansas and San Francisco Parties for reconsideration of the determination not to include the Wichita-San Francisco market in the case will be denied. The original request of the Kansas Parties that the issue of competitive Wichita-San Francisco service be included was fully considered by the Board in framing the issues in the case. The petitioners have not shown error in the Board's determination not to include the Wichita-San Francisco market, nor have they presented new matters that would require or warrant the requested broadening of the issues.

Continental requests inclusion of the issue of modifying the Pacific Northwest long-haul restriction in its certificate for Route 29 so as to make possible Wichita-Houston, Wichita-New Orleans, and Wichita-Oklahoma City turnaround service. Continental asserts that it has on file a Subpart N application, Docket 27124, seeking removal of the long-haul restriction; that while the purpose of this case was to provide incumbent Wichita carriers with relief from operating restrictions affecting service to Wichita, the Board included none of Continental's markets; and that inasmuch as the Board has already carved out of the Subpart N application for hearing in the *Oklahoma-Denver-Southeast Points* case the Oklahoma City-Denver market, it should do the same here unless it decides to set the Subpart N application for hearing promptly.

[3] A number of petitions for leave to intervene have been filed. Those petitions will be left for disposition by the administrative law judge under delegated authority.

[4] Delta and Piedmont take the position that the Board's order may be construed as having already placed nonstop service in issue. The order as a whole makes it clear, we think, that the Board, in setting up this proceeding to consider Wichita's needs, did not intend to include the issue of service between cities east and west of Wichita overflying that point. To remove any uncertainty, we will impose a pretrial limitation providing that flights between points east of Wichita and west of Wichita operated pursuant to any new or improved authority granted in the proceeding shall serve Wichita.

[5] The applications of Piedmont and Southern request a Memphis-Wichita-Denver route segment, but with the right to operate nonstop between Memphis and Denver.

[6] In support of their requests, Delta, Piedmont, and Southern cite the Board's refusal to include Memphis-Denver service in the *Oklahoma-Denver-Southeast Points Investigation*, Docket 20421; the possible termination of the Braniff/Eastern Denver-Memphis-Atlanta interchange as an outcome of the case and a resulting downgrading of Braniff's Denver-Memphis service for a substantial volume of traffic; and the ability of carriers with the support traffic of routes east of Memphis to provide the kind of service needed in the Memphis-Denver market.

Since the time that Continental's petition was filed, the Board has issued Order 76-3-71 directed to Continental's Subpart N application. Although the Board in that order refused to set the Subpart N application for hearing, it directed interested persons to show cause why it should not modify Continental's long-haul restriction to make possible Wichita-Houston and Wichita-New Orleans turnaround service. The Board did not include Wichita-Oklahoma City turnaround service in the show-cause order on the ground that Continental's schedule exhibits attached to its Subpart N application showed no proposed change in its existing pattern of Wichita-Oklahoma City service. The Board also noted that Wichita-Oklahoma City is smaller than the other markets and that Braniff, rather than Continental, is the predominant carrier in the market.

It appears that the action taken in Order 76-3-71 has satisfied in substantial part Continental's petition here, and the carrier has presented nothing that would warrant adding Wichita-Oklahoma City turnaround service as an issue. Neither the Kanasas Parties nor any other city or civic group filed in support of Continental's request and Frontier, while not opposing the request, has indicated that if Wichita-Oklahoma City turnaround service is added it will seek inclusion of the modification of its own Wichita-Oklahoma City one-stop restriction. Under the circumstances, a grant of Continental's petition would unnecesarily broaden and complicate the proceeding.

Frontier, in its petition for reconsideration, requests modification of the stop requirements in its certificate relating to flights between Denver and Little Rock/Memphis, Las Vegas and Wichita, and Las Vegas and Little Rock/Memphis.[7] The background of Frontier's request is this: Following the filing of the petition of the Kansas Parties for hearing, Frontier filed an application for amendment of its certificate under Subpart M procedures to make possible nonstop operations between Denver and Wichita and Wichita and Little Rock. In the supporting documents accompanying the application, Frontier proposed two daily round trips Denver-Wichita-Little Rock-Memphis, with one of the round trips serving Las Vegas as a point beyond Denver. At that time, Frontier had a Las Vegas-Denver nonstop segment with no restriction on service between Las Vegas and the points to the east, and if granted the authority sought in the Subpart M application could have operated Las Vegas-Denver-Wichita-Memphis-Little Rock flights by tacking the new authority to its existing Las Vegas-Denver authority.

Thereafter, the Board realigned Frontier's route into a single segment (Order 75-7-5), and in the process imposed various stop requirements on flights in specified markets.[8] It is those requirements that Frontier seeks to have modified.[9] Frontier alleges that the restrictions reflected the preexisting segmentation of its certificate and that if it is awarded authority in the primary markets these "certificate anachronisms," which would prevent it from providing benefits to beyond markets, should no longer apply.

With respect to the Denver-Little Rock/Memphis restrictions, the Board, by consolidating Delta's application, has already placed in issue Denver-Memphis one-stop service, so that the only additional issue would be one-stop Denver-Little Rock service via Wichita. Turning to the Las Vegas restrictions, Frontier, as noted, could have obtained authority for Las Vegas-Denver-Wichita-Little Rock-Memphis flights but for the realignment and proposed such flights in its Subpart M application. Consolidation of the proposed stop modifications would not unduly broaden the case or change its focus and could afford Frontier additional scheduling flexibility and traffic support for service in the Wichita markets in issue.

Nearly two weeks after the date prescribed for petitions for reconsideration, applications, and motions to consolidate, Frontier filed Amendment No. 2 to its certificate application and an amended motion to consolidate which sought to include the following additional stop modifications: reduce from two to one the required stops between Tucson and Wichita and between Colorado Springs and Memphis; reduce from three to two the stops between Phoenix and Little Rock; and remove the requirement that flights between Albuquerque and Little Rock serve Dallas.

Texas International Airlines, which did not file an answer to Frontier's petition for reconsideration or its original motion to consolidate, filed an answer to the amended motion opposing not just the new proposal, but also the original request as it related to Las Vegas-Little Rock/Memphis.[10]

Frontier's amended motion was untimely and the carrier did not seek leave to file or make any showing of good cause for its late filing. Frontier's amended motions, Amendment No. 2, and Texas International's answer accordingly will be dismissed. Even were we to consider the amended motion on the merits, we would deny the request.

The additional stop restrictions sought to be included relate only indirectly to consideration of Wichita's service needs, their addition would unnecessarily broaden the proceeding, and some of the markets, *e.g.* Albuquerque-Little Rock, could be highly controversial. Under the issues as framed, Frontier can receive authority to operate through-plane service beyond Denver to Las Vegas—the only single-plane service it proposed in its Subpart M application—and there is nothing which would indicate that the additional authority sought is necessary to economical service in the Wichita markets at issue.

In connection with its request for modification of the stop requirements relating to Las Vegas, Frontier seeks to include the issue of whether TWA's authority to provide single-plane Wichita-Las Vegas service should be terminated or restricted. The Kansas Parties support the request and TWA and the Bureau oppose.

Frontier points to TWA's failure to utilize its Wichita-Las Vegas nonstop authority, or even to provide single-plane service in the market. It asserts that the Board in prior cases has recognized the need to examine the dormant authority of an incumbent carrier which could be resurrected to undermine the developmental efforts of a new applicant and that a failure to do so here could have an adverse effect on service to Wichita, since TWA's dormant authority would be a "dis-incentive" to Frontier's development of the Wichita-Las Vegas market.[11] The Kansas Parties take the position that the proposed issue is a logical corollary of the issue of Wichita-Las Vegas one-stop authority, and that although they do not at this time endorse restriction of TWA's authority, the Board should know TWA's intentions regarding its presently unused nonstop authority.

The request will be denied. The limited expansion of the issues to allow consideration of a modification of Frontier's Las Vegas stop requirements does not warrant a still further expansion to consider the controversial issue of trunkline deletion. Additionally, since Frontier is a major participant in the Las Vegas-Denver market and already operates a substantial number of nonstop Las Vegas-Denver flights, the carrier's argument as to the inhibiting effect TWA's dormant authority could have on its developmental efforts is not persuasive. Finally, while we deem a detailed analysis of prior Board actions unnecessary, we note that the cases cited by Frontier

[7] Frontier simultaneously filed Amendment No. 1 to its certificate application, Docket 27980, and a motion to consolidate. The Kansas Parties and the Bureau support Frontier's request and no person filed an answer in opposition to the petition or motion to consolidate.

[8] The stop requirements included the following: one-stop: Denver-Wichita, Wichita-Little Rock, and Wichita-Memphis; two-stop: Denver-Little Rock, Denver-Memphis, and Las Vegas-Wichita; three-stop, plus the requirement that the flights serve Albuquerque and Dallas/Ft. Worth, Las Vegas-Little Rock, and Las Vegas-Memphis.

[9] Frontier would reduce the required two and three stops by one in the listed markets and would eliminate the requirement for service to Albuquerque and Dallas/Ft. Worth.

[10] TXIA has single-plane Albuquerque-Little Rock authority. It is not certificated to serve Las Vegas, but has pending an application for Albuquerque-Las Vegas authority.

[11] Frontier cites inclusion of the issue of suspension or termination of United's single-plane Rochester/Buffalo-Twin Cities authority in the *Buffalo-Twin Cities Nonstop Service Investigation*, Order 68-9-77, of its own authority in the Dallas-Kansas City and Omaha-Chicago markets, Orders 76-1-82 and 72-10-10, and of the authority of the incumbent carriers in the recently instituted *Baltimore-Norfolk Service Case*, Order 76-7-22.

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differed in significant respects from the situation here.[12]

National, supported by Delta and Eastern, requests imposition of a pretrial restriction prohibiting TWA under any authority granted in the case from providing one-stop single-plane service between Atlanta and San Francisco via Wichita.[13] National takes the position that since the Board refused to consolidate Eastern's application for an Atlanta-Wichita-San Francisco segment, in part to prevent the *Wichita* case from becoming a forum for consideration of new transcontinental services, it should, in keeping with that action, preclude at the outset possible transcontinental service between Southeastern States and Florida points and San Francisco, via Wichita. National asserts that the Atlanta-San Francisco market is not large; that the Board has authorized suspension of National's competitive nonstop service since 1974 in recognition of market size and Delta's alternative services; that when National resumes service in the near future, it will take time to develop traffic to support economical operations; and that the last thing it needs is to have a major carrier enter the market with expedited through services as a result of an unrestricted award in this proceeding.

The request will be denied. The tacking of preexisting authority is a normal incident of a grant of new route authority, and the matters that have been presented do not warrant imposition of a pretrial restriction limiting, in advance of the evidentiary hearing, the through services TWA should be allowed to provide ursuant to any new authority it may receive in the case. Eastern's application sought a lengthy new route extension to an entirely new point, and the refusal to consolidate that application provides no basis for imposing the requested pretrial limitation on TWA. National can fully protect its interests by evidence at the hearing and argument in support of any restrictions it may believe should be imposed on authority awarded in the case.

The remaining matters raised by the petitions for reconsideration—clarification as to whether the proceeding, as now constituted, includes the issue of Atlanta-Denver and Wichita-Los Angeles nonstop service, and elimination of the requirement that the applicants submit environmental data—can be disposed of briefly.

The Board did not intend to place Atlanta-Denver nonstop service, which is already in issue in *Oklahoma-Denver-Southeast Points*, in issue in the present proceeding. Also, the Board in including Wichita-Los Angeles service intended to go no farther than to consider modification of Continental's restriction prohibiting single-plane service so as to permit one-stop service via Denver. While several carriers requested clarification, no party has urged that nonstop service in either market be placed in issue. The petitioning parties have not presented matters that warrant elimination of the requirement that they file environmental data pursuant to Part 312 of the Procedural Regulations.

A number of carriers have filed motions to consolidate applications. Piedmont's application (Docket 28930), and Southern's application (Dockket 28931) both request a Memphis-Wichita-Denver route segment and should be consolidated, except to the extent they seek Memphis-Denver nonstop authority. Braniff's application (Docket 28929) seeks a Denver-Witchita-Little Rock-Memphis segment and a separate Wichita-Atlanta segment and shuold be consolidated. Continental's application (Docket 28927) for modification of its certificate restriction against single-plane Wichita-Los Angeles service should also be consolidated. For the reasons heretofore set forth, Continental's request for consolidation of portions of its Subpart N application (Docket 27124) should be denied. Also, for the reasons previously given, Amendment No. 1 to Frontier's application (Docket 27980) should be consolidated and both its motion to consolidate Amendment No. 2 and the amendment should be dismissed.

TWA has filed and requested consolidation of its application in Docket 28932. That application seeks a new segment between Atlanta, Wichita, and Denver, and also seeks the deletion of Condition No. 32 from its certificate for Route 2. Condition No. 32 provides that the holder "shall not provide single-plane service between Denver, Colo., on the one hand, and Atlanta, Ga., Miami, Fort Lauderdale, or Tampa-St. Petersburg-Clearwater, Fla., on the other hand." The Atlanta-Wichita-Denver segment sought is squarely within the issues. Elimination of Condition No. 32 in its entirety would make possible new single-plane service between points that are not in issue and also single-plane service between Atlanta and Denver via St. Louis. Condition No. 32, accordingly, will be placed in issue only to the extent it precludes single-plane service between Atlanta and Denver, via Wichita.[14]

Accoringly, *is is ordered:*

1. That the issues in the proceeding be and hereby are modified by imposing the following limitation on the awards that may be made in the case: Flights between a point or points east of Wichita and a point or points west of Wichita operated pursuant to new or improved authority granted in the proceeding shall serve Wichita;

2. That the following applications, to the extent that they conform to the scope of the issues, be and hereby are consolidated into the proceeding: Braniff Airways, Inc., Docket 28929; Continental Air Lines, Inc., Docket 28927; Piedmont Aviation, Inc., Docket 28930; and Southern Airways, Inc., Docket 28931;

3. That the application of Trans World Airlines, Inc., Docket 28932, be and hereby is consolidated into the proceeding: *Provided,* that the proposed modification of Condition No. 32 of the carrier's certificate for Route 2 is consolidated only to the extent such condition would otherwise preclude single-plane service between Atlanta, Ga., and Denver, Colo., via Wichita, Kans.;

4. That Amendment No. 1 to the application of Frontier Airlines, Inc., Docket 27980, be and hereby is consolidated into the proceeding;

5. That the motion of Continental to consolidate a portion of its application, Docket 27124, be and hereby is denied; that the amended motion of Frontier to consolidate Amendment No. 2 to its application, Docket 27980, Amendment No. 2 itself, and the answer of Texas International Airlines, Inc., to the amended motion be and hereby are dismissed;

6. That all requests for elimination of the requirement for filing environmental evaluations imposed by directory paragraph 14 of Order 76–2–27, be and hereby are denied;

7. That all petitions for reconsideration and/or clarification, except to the extent that the action taken herein constitutes a grant thereof, be and hereby are denied; and

8. That to the extent the applications listed in paragraphs 2 and 3 hereof do not conform to the scope of the proceeding, the nonconforming portions thereof be and hereby are dismissed without prejudice.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc 76–16864 Filed 6–9–76;8:45 am]

[12] For example, *Buffalo-Twin Cities* involved a 700-mile extension of Mohawk's routes to an entirely new point. The other cases had such distinguishing characteristics as much large markets, the authority of the incumbent carriers was in markets that were a primary focus of the proceedings, or the incumbent carriers did not object to inclusion of the suspension/termination issue.

[13] The Bureau and TWA oppose the requests. TWA's answer was not timely. However, the carrier filed an appropriate motion for leave to file, alleging that it did not receive a copy of National's petition and became aware of the proposal only through references to it in Eastern's answer. TWA has shown good cause for the late filing and its answer will be received.

[14] As a technical matter, TWA's Condition 29 will also be placed in issue for modification insofar as it would preclude single-plane service between Atlanta and Wichita (other than via Kansas City), and between Atlanta and Denver via Wichita.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76–101]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Open Meeting

The Chemical Transportation Industry Advisory Committee Task Group on Liquefied Gas Vessels will conduct an open meeting on 29 June 1976 in Room 8332 of the Nassif Building, 400 7th Street SW., Washington, D.C. The meeting is scheduled to begin at 8:30 a.m.

The purpose of the meeting is to discuss the IMCO Codes for Liquefied Gas Ships, new and existing, and other appropriate matters that may be brought before the task group.

The Coast Guard Chemical Transportation Industry Advisory Committee was established to provide the Commandant of the Coast Guard advice and consultation with respect to safe water transportation of hazardous materials.

Members of this committee serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to:

Mr. W. E. McConnaughey, Commandant (G–MHM), U.S. Coast Guard, Washington, D.C. 20590.

or by calling (202) 426–2306.

This notice is issued under section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463, 96 Stat. 70, 5 U.S.C. App. I.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76–16858 Filed 6–9–76;8:45 am]

[CGD 76–100]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Open Meeting

The Chemical Transportation Industry Advisory Committee Task Group on Chemical Vessels will conduct open meetings on 30 June and again on 10 August 1976, in Room 8332 of the Nassif Building, 400 7th Street S.W. Washington, D.C. The meetings are scheduled to begin at 8:30 a.m.

The agenda for these meetings is as follows:

(1) Introduction of attendees.

(2) Report on First Session of IMCO's Subcommittee on Bulk Chemicals.

(3) Discussion of:

a. Amendment procedure for the IMCO Code.

b. Damage stability of existing chemical tankers.

c. List of cargoes requiring respiratory protection for each crew member.

d. Revision of special requirements for propylene oxide.

e. Revision of materials of construction special requirements.

f. Data on new products.

g. Overflow controls and quick closing valves.

h. Carriage of chemicals in deep tanks of cargo ships; and

i. Other appropriate matters that may be brought before the committee.

The Coast Guard Chemical Transportation Industry Advisory Committee was established to provide the Commandant of the Coast Guard advice and consultation with respect to safe water transportation of hazardous materials.

Members of this committee serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meetings by writing to:

Mr. W. E. McConnaughey, Commandant (G–MHM), U.S. Coast Guard, Washington, D.C. 20590

or by calling (202) 426–2306.

This notice is issued under section 10 (a) of the Federal Advisory Committee Act (Pub. L. 92–463, 96 Stat. 70, 5 U.S.C. App. I.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76–16859 Filed 6–9–76;8:45 am]

[CGD 76–168]

THE SHIP STRUCTURE COMMITTEE

Notice of Renewal

The Charter for the Ship Structure Committee has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1976 through June 30, 1978. The Secretary has determined that this renewal is in the public interest.

The purpose of the Committee is to conduct an aggressive research program which will, in the light of changing technology in marine transportation, improve the design, materials and construction of the hull structure of ships by an extension of knowledge in these fields for the ultimate purpose of increasing the safe operation of ships.

The Committee is composed of the following ex-officio members or their designated representatives.

Commandant, U.S. Coast Guard, Department of Transportation.
Commander, Military Sealift Command, Department of the Navy.
President, American Bureau of Shipping.
Commander, Naval Sea Systems Command, Department of the Navy.
Assistant Secretary for Maritime Affairs, Department of Commerce.

Interested persons may seek additional information by writing: LCDR E. A. CHAZAL, Jr. USCG, Secretary, Ship Structure Committee, U.S. Coast Guard (G–MMT–4), Washington, D.C. 20590.

This notice is issued under the authority of the Federal Advisory Committee Act (P.L. 92–463; 5 U.S.C. App. I) of October 6, 1972.

Dated: June 4, 1976.

S. A. WALLACE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Public and International Affairs.

[FR Doc 76–16860 Filed 6–9–76;8:45 am]

[CGD 76–094]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from February 2, 1976 to March 25, 1976 (List No. 4–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/1/3, MSA One-Man Combination Hose Mask, supplied-air respirator; Part No. 457140 with centrifugal blower and One-Man Combination Hose Mask with displacement blower, Part No. 457141; both with MSA Ultra-Vue Facepiece and Cleartone speaking diaphragm facepiece; Bureau of Mines Approval No. 1905A, dwg. Nos. A1129–1, revision 13 dated June 17, 1968; B–84062, revision 10 dated August 28, 1970; B–48011, revision 10 dated August 28, 1970; B–84063, revision 10 dated August 28, 1970; B–84012, revision 9 dated August 28, 1970; A–96680 dated February

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21, 1965, manufactured by Mine Safety Appliances Company, 201 North Braddock Avenue, Pittsburgh, Pennsylvania 15208, effective February 2, 1976. (It is an extension of Approval No. 160.011/1/3 dated March 24, 1971.)

Approval No. 160.011/2/3, MSA Two-Man Combination Hose Mask with displacement blower Part No. 457143 and Two-Man Combination Hose Mask with centrifugal blower Part No. 457142, with Ultra-Vue Facepiece which may be used with Cleartone speaking diaphragm facepiece assembly Part No. 48526, Bureau of Mines Approval No. 1905A, dwg. Nos. A1129–1, revision 13 dated June 17, 1968; B–84062, revision 10 dated August 28, 1970; B–84011, revision 10 dated August 28, 1970; B–84063, revision 10 dated August 28, 1970; B–84012, revision 9 dated August 28, 1970; and dwg. No. A–96680 dated February 21, 1965, manufactured by Mine Safety Appliances Company, 201 North Braddock Avenue, Pittsburgh, Pennsylvania 15208, effective February 2, 1976. (It is an extension of Approval No. 160.011/2/3 dated March 24, 1971.)

LIFEBOATS

Approval No. 160.035/472/1, 30.0′ × 10.0′ × 4.33′ fibrous glass reinforced plastic (FRP), totally enclosed (covered) Clas 1 motor-propelled, lifeboat, 64-person capacity, identified by general arrangement dwg. No. P–30–2M, Rev. D (undated), and drawing list PC–30–MP, Rev. C, dated January 21, 1976, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=8,297 pounds; Condition "B"=20,150 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective March 10, 1976. (It supersedes Approval No. 160.035/472/1 dated October 5, 1973 to show updated general arrangement dwg. and dwg. list.)

Approval No. 160.035/473/0, 26.0′ × 9.0′ × 3.83′ fibrous glass reinforced plastic (FRP), totally enclosed (covered) Class 1 motor-propelled, lifeboat, 42 person capacity identified by general arrangement dwg. No. P–26–2M, Rev. B dated January 15, 1975, and drawing list PC–26–MP, Rev. B, dated January 2, 1976, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=6,932 pounds; Condition "B"=14,785 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective March 10, 1976. (It supersedes Approval No. 106.035/473/0 dated October 9, 1973 to show updated general arrangement dwg. and dwg. list.).

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/223/1, special approval for 14′′ × 17′′ × 2′′, rectangular ribbed type kapok buoyant cushion, 21 oz. kapok, Dwg. Nos. 1 and 2, Rev. 2 dated July 7, 1966, Type IV PFD, manufactured by Style-Crafters, Inc., Box 8277, Station A, Greenville, South Carolina 29604, effective March 1, 1976. (It is an extension of Approval No. 160.048/223/1 dated April 27, 1971.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/72/0, 4-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1976. (It supersedes Approval No. 160.051/72/0 dated April 28, 1975; "Remarks" information added.)

Approval No. 160.051/73/0, 6-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1975. (It supersedes Approval No. 160.051/73/0 dated April 28, 1975; "Remarks" information added.)

Approval No. 160.051/74/0, 8-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1975. (It supersedes Approval No. 160.051/74/0 dated April 28, 1975; "Remarks" information added.)

Approval No. 160.051/75/0, 10-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1975. (It supersedes Approval No. 160.051/75/0 dated April 28, 1975; "Remarks" information added.)

Approval No. 160.051/76/0, 12-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1976. (It supersedes Approval No. 160.051/76/0 dated April 28, 1975; "Remarks" information added.)

Approval No. 160.051/77/0, 15-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1976. (It supersedes Approval No. 160.051/77/0 dated April 28, 1975; "Remarks" information added.)

Approval No. 160.051/78/1, 20-person inflatable life raft, identified by general arrangement drawing E 741–150, revision 3 dated October 23, 1975 and drawing list dated October 29, 1975, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1976. (It supersedes Approval No. 160.051/78/1 dated December 17, 1975; "Remarks" information added.)

Approval No. 160.051/79/0, 25-person inflatable life raft with "Limited Service Equipment"; identified by general arrangement drawing E 741–150, revision 3 dated October 23, 1975 and drawing list dated October 29, 1975, inflation system can use either steel or aluminum cylinders, two (2) in number, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1976. (It supersedes Approval No. 160.051/79/0 dated April 28, 1975; "Remarks" information added.)

Approval No. 160.051/80/0, 25-person inflatable life raft with "Ocean Service Equipment"; identified by general arrangement drawing E 741–150, revision 3 dated October 23, 1975 and drawing list dated October 29, 1975, inflation system requires two (2) aluminum cylinders, passed 100 foot drop test, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective March 25, 1976. (It supersedes Approval No. 160.051/80/0 dated January 5, 1976; "Remarks" information added.)

Approval No. 160/051/88/0, inflatable life raft, 10-person capacity; identified by general arrangement drawing 5RA 1010, revision B dated January 19, 1976 and Specification RFD–US–100, revision No. 3, dated December 9, 1974, canopy supported by centered strut-tube, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective February 27, 1976.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/12/0, Models 211–SF–17.5 and 231–SF–17.5 unicellular plastic foam work vests, dwgs. 61D821 and 61D823 with bills of material dated June 21, 1961, Type V PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective March 1, 1976. (It is an extension of Approval No. 160.053/12/0 dated April 7, 1971.)

MARINE BUOYANT DEVICE

Approval No. 160.064/1080/0, child small, cloth covered unicellular plastic foam "Fish and Hunt Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 196, factory location: 76 Railroad Street, New London, Ohio 44875, Type III PFD, manufactured by Kent Sporting Goods, 710 Orange Street, Ashland, Ohio 44805, effective March 2, 1976.

Approval No. 160.064/1081/0, child medium, cloth covered unicellular plastic foam "Fish and Hunt Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 196, factory location: 76 Railroad Street, New London, Ohio 44875, Type III PFD, manufactured by Kent Sporting Goods, 710 Orange Street, Ashland, Ohio 44805, effective March 2, 1976.

Approval No. 160.064/1082/0, adult, cloth covered unicellular plastic foam "Fish and Hunt Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 196, factory location: 76 Railroad Street, New London, Ohio 44875, Type III PFD, manufactured by Kent Sporting Goods, 710 Orange Street, Ashland, Ohio 44805, effective March 2, 1976.

Approval No. 160.064/1083/0, adult cloth covered unicellular plastic foam "Fish and Hunt Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 196, factory location: 76 Railroad Street, New London, Ohio 44875, Type III PFD, manufactured by Kent Sporting Goods, 710 Orange Street, Ashland, Ohio 44805, effective March 2, 1976.

Approval No. 160.064/1084/0, adult, cloth covered unicellular plastic foam "Fish and Hunt Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 196, factory location: 76 Railroad Street, New London, Ohio 44875, Type III PFD, manufactured by Kent Sporting Goods, 710 Orange Street, Ashland, Ohio 44805, effective March 2, 1976.

Approval No. 160.064/1085/0, adult, cloth covered unicellular plastic foam "Fish and Hunt Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 196, factory location: 76 Railroad Street, New London, Ohio 44875, Type III PFD, manufactured by Kent Sporting Goods, 710 Orange Street, Ashland, Ohio 44805, effective March 2, 1976.

Approval No. 160.064/1096/0, adult, Model No. LSV–U, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 174, factory location: West Austin Street, Tolono, Illinois 61880, Type III PFD, manufactured by Fabrionics, Inc., P.O. Box 1061, Tolono, Illinois 61880, effective March 24, 1976.

Approval No. 160.064/1097/0, adult, Model Angler, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective March 2, 1976.

Approval No. 160.064/1098/0, adult, Model Angler, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective March 2, 1976.

Approval No. 160.064/1099/0, adult, Model Angler, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective March 2, 1976.

Approval No. 160.064/1100/0, adult, Model Angler, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective March 2, 1976.

Approval No. 160.064/1106/0, adult, Model No. 57821, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Fabrionics, Inc., P.O. Box 1061, Tolono, Illinois 61880, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective March 24, 1976.

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/21/0, Type 1511 Series cast iron safety valve for steam heating boilers and unfired steam generators, dwg. No. 3VP953, dated February 10, 1956, approved for a maximum pressure of 30 p.s.i.g. in the following sizes and relieving capacities:

Size (inches)	Type No.	Capacity (pounds per hour at 30 lb/in²g)
1¼	1511 H	1,615
1½	1511 J	2,650
2	1511 K	3,790
2½	1511 L	5,875
3	1511 M	7,410
4	1511 N	8,635
4	1511 P	13,135

manufactured by DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective March 8, 1976. (It is an extension of Approval No. 162.012/21/0 dated March 9, 1971.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval 164.009/28/1, "B–E–H Spun Felt", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Report Nos. TG10210–1921: FP3257 dated December 16, 1954, and TG10210–2021: FP3448 dated May 6, 1958, approved in a density of from 2½ to 4 pounds per cubic foot, manufactured by Keene Corporation, Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, New Jersey 08540, Plant: Huntington, Indiana, effective March 2, 1976. (It is an extension of Aproval No. 164.009/28/1 dated April 2, 1971.)

Approval No. 164.009/144/0, "Birma Incombustible CG Insulation" fibrous glass insulation material identical to that described in National Bureau of Standards Test Report No. FR3751 dated April 1, 1971 and Birma Products Corporation letters dated January 26, 1971 and February 22, 1971, approved in a ½′′ through 2′′ thickness and 4.5 pounds per cubic foot density, manufactured by Birma Products Corporation, Jernee Mill Road, Sayreville, New Jersey 08872, effective March 2, 1976. (It is an extension of Approval No. 164.009 144/0 dated April 29, 1971.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc 76–16852 Filed 6–9–76;8:45 am]

[CGD 76-095]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 29, 1976 to April 12, 1976 (List No. 6–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/64/0, Rottmer type releasing gear, approved for maximum working load of 25,100 pounds per hook, identified by disengaging apparatus drawing No. 502–111 dated August 21, 1975 and Model 5000 disengaging apparatus master drawing list dated March 31, 1976, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective April 12, 1976.

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LIFEBOATS

Approval No. 160.035/483/0, Model CA 5000, 19.75' x 14.0' x 5.12' fibrous glass reinforced plastic (FRP) motor propelled, totally enclosed survival capsule fitted with Perkins 4.154 diesel engine, 50 person capacity, as alternate for lifeboat, inflatable life raft or life float, identified by master drawing list for Model 5000, revision B, dated April 6, 1976 and general arrangement drawing CA5000–101 dated February 12, 1976, designated as Model CA5001 when equipped with righting bag, identified by master drawing list for Model 5001, dated February 20, 1976 and general arrangement drawing CA5001–101 dated February 12, 1976, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled, semi-submersible and nonself-propelled, 46 CFR 160.035–13(c) marking, weights: Condition "A"=7,435 pounds; Condition "B"=16,824 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective April 12, 1976.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/387/0, adult, Model AP–2, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 139, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.052/387/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/388/0, child medium, Model CPM, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 139, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.052/388/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 106.052/389/0, child small, Model CPS, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file no MQ 139, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.052/389/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/414/0, adult, Model AP, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 170, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.052/414/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/415/0, child medium, Model CPM, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 170, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.052/415/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/416/0, child small, Model CPS, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 170, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.052/416/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/417/0, adult, Model AP, non-standard unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.052/417/0 dated June 10, 1975 to show change of name of manufacturer.)

Approval No. 160.052/418/0, child medium, Model CPM, non-standard unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.052/418/0 dated June 10, 1975 to show change of name of manufacturer.)

Approval No. 160.052/419/0, child small, Model CPS, non-standard unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 170, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.052/419/0 dated June 10, 1975 to show change of name of manufacturer.)

MARINE BUOYANT DEVICE

Approval No. 160.064/24/0, 18-inch, Model No. 6534–18, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type IV PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/24/0 dated August 4, 1972 to show change of name of manufacturer and Model No.)

Approval No. 160.064/147/0, child small, Model No. CGV–XS, vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/147/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/148/0, child medium, Model No. CGV–S/M vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/148/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/149/0, adult large, Model No. CGV–M/L, vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/149/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/150/0, adult X-large, Model No. CGV–L/XL, vinyl dipped unicellular plastic foam "Ski 'N' Sport Safety Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/150/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/151/0, child small, Model CGV–XS, vinyl dipped unicellular plastic foam "Ski and Sport Safety Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/151/0 dated April 4, 1973 to show change of name of manufacturer.)

Approval No. 160.064/152/0, child small, Model No. CGV–S/M, vinyl dipped unicellular plastic foam "Ski and Sport Safety Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/152/0 dated April 4, 1973 to show change of name of manufacturer.)

Approval No. 160.064/153/0, adult, Model No. CGV–M/L, vinyl dipped unicellular plastic foam "Ski and Sport Safety Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/153/0 dated April 4, 1973 to show change of name of manufacturer.)

Approval No. 160.064/154/0, adult, Model No. CGV–L/XL, vinyl dipped unicellular plastic foam "Ski and Sport Safety Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/154/0 dated April 4, 1973 to show change of name of manufacturer.)

Approval No. 160.064/195/0, child small, Model No. 7–0075, vinyl dipped unicellular plastic foam "Ski & Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 63, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Western Wood Manufacturing Company, Lake Oswego, Oregon 97034, effective March 31, 1976. (It supersedes Approval No. 160.064/195/0 dated May 16, 1972 to show change of name of manufacturer.)

Approval No. 160.064/196/0, child small, Model No. 7–0076, vinyl dipped unicellular plastic foam "Ski & Sports Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 63, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Western Wood Manufacturing Company, Lake Oswego, Oregon 97034, effective March 31, 1976. (It supersedes Approval No. 160.064/196/0 dated May 16, 1972 to show change of name of manufacturer.)

Approval No. 160.064/197/0, adult, Model No. 7–0077, vinyl dipped unicellular plastic foam "Ski & Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 63, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Western Wood Manufacturing Company, Lake Oswego, Oregon 97034, effective March 31, 1976. (It supersedes Approval No. 160.064/197/0 dated May 16, 1972 to show change of name of manufacturer.)

Approval No. 160.064/198/0, adult, Model No. 7–0078, vinyl dipped unicellular plastic foam "Ski & Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 63, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Western Wood Manufacturing Company, Lake Oswego, Oregon 97034, effective March 31, 1976. (It supersedes Approval No. 160.064/198/0 dated May 16, 1972 to show change of name of manufacturer.)

Approval No. 160.064/214/0, child small, Model No. VX80–XS, vinyl dipped unicellular plastic foam "Ski & Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/214/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/215/0, child small, Model No. VX80–S/M, vinyl dipped unicellular plastic foam "Ski & Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/215/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/216/0, adult, Model No. VX80–M/L, vinyl dipped unicellular plastic foam "Ski & Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/216/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/217/0, adult, Model No. VX80–L/XL, vinyl dipped unicellular plastic foam "Ski & Sport Safety Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/217/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 106.064/234/0, child medium, Model No. 6653, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 106.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/234/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/235/0, adult, Model No. 6653, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/235/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/236/0, adult, Model No. 6653, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/236/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/237/0, adult, Model No. 6653, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121,

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formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/237/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/238/0, adult, Model No. 6653, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/238/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/239/0, adult ladies, Model No. 6654, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/239/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/240/0, child medium, Model No. PS–G, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/240/0 dated February 22, 1973 to show change of name of manufacturer.)

Approval No. 160.064/241/0, adult, Model No. PM–G, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/241/0 dated February 22, 1973 to show change of name of manufacturer.)

Approval No. 160.064/242/0, adult, Model No. PL–G, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/242/0 dated February 22, 1973 to show change of name of manufacturer.)

Approval No. 160.064/243/0, adult, Model No. PXL–G, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/243/0 dated February 22, 1973 to show change of name of manufacturer.)

Approval No. 160.064/244/0, adult, Model No. PXXL–G, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/244/0 dated February 22, 1973 to show change of name of manufacturer.)

Approval No. 160.064/245/0, ladies adult, Model No. LPZ–G, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/245/0 dated February 22, 1973 to show change of name of manufacturer and Model No.)

Approval No. 160.064/258/0, child medium, Model No. SR–S, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/258/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/259/0, adult, Model No. SR–M, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/259/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/260/0, adult, Model No. SR–L, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/260/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/261/0, adult, Model No. SR–XL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/2261/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/262/0, adult, Model No. SR–XXL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/262/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/263/0, ladies adult, Model No. SR–W, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/263/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/264/0, child medium, Model No. CDV–4, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/264/0 dated May 31, 1972 to show change of name of manufacturer.)

Approval No. 160.064/265/0, adult, Model No. CDV–5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/265/0 dated May 31, 1972 to show change of name of manufacturer.)

Approval No. 160.064/266/0, adult, Model CDV–6, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/266/0 dated May 31, 1972 to show change of name of manufacturer.)

Approval No. 160.064/267/0, adult, Model No. CDV–7, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/267/0 dated May 31, 1972 to show change of name of manufacturer.)

Approval No. 160.064/268/0, adult, Model No. CDV–8, vinyl dipped unicellular plastice foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/268/0 dated May 31, 1972 to show change of name of manufacturer.)

Approval No. 160.064/269/0, ladies adult, Model No. CLF–5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/269/0 dated May 31, 1972 to show change of name of manufacturer and Model No.)

Approval No. 160.064/281/0, child medium, Model No. VX75CG–S vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.-064/281/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/282/0, adult, Model VX75CG–M, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/282/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/283/0, adult, Model No. VX75CG–L, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc.. 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064 283/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/284/0, adult, Model No. VX75CG–XL, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego. California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/284/0 dated May 15, 1972 to show change of name and manufacturer.)

Approval No. 160.064/285/0, adult, Model No. VX75CG–SXL, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/285/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/286/0, ladies adult, Model No. VX78CG, vinyl dipped unicellular plastic foam "Water Ski-Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/286/0 dated May 15, 1972 to show change of name of manufacturer.)

Approval No. 160.064/310/0, child medium, Model DV–S, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/310/0 dated March 22, 1972 to show change of name of manufacturer.)

Approval No. 160.064/311/0, adult, Model DV-Med., vinyl dipped PVC foam water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/311/0 dated March 22, 1972 to show change of name of manufacturer.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76 16853 Filed 6-9-76;8:45 am]

[CGD 76–098]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 29, 1976 to April 7, 1976 (List No. 7–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Com-

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mandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

MARINE BUOYANT DEVICE

Approval No. 160.064/312/0, adult, Model DV–Lg., vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/312/0 dated March 22, 1972 to show change of name of manufacturer.)

Approval No. 160.064/313/0, adult, Model DV–Xlg., vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/313/0 dated March 22, 1972 to show change of name of manufacturer.)

Approval No. 160.064/314/0, adult, Model DV–XXLg., vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/314/0 dated March 22, 1972 to show change of name of manufacturer.)

Approval No. 160.064/315/0, adult ladies, Model DV-Ladies, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/315/0 dated March 22, 1972 to show change of name of manufacturer.)

Approval No. 160.064/362/0, child medium, Model No. 3H34A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Chrysler Outboard Corporation, Hartford, Wisconsin 53027, effective March 31, 1976. (It supersedes Approval No. 160.064/362/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/363/0 adult, Model No. 3H35A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 106.064 and UL/MD report file No. MQ 166, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Chrysler Outboard Corporation, Hartford, Wisconsin 53027, effective March 31, 1976. (It supersedes Approval No. 160.064/363/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/364/0, adult, Model No. 3H36A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Chrysler Outboard Corporation, Hartford, Wisconsin 53027, effective March 31, 1976. (It supersedes Approval No. 160.064/364/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/365/0, adult, Model No. 3H37A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Chrysler Outboard Corporation, Hartford, Wisconsin 53027, effective March 31, 1976. (It supersedes Approval No. 160.064/365/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/366/0, adult ladies, Model No. 3H38A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 166, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Chrysler Outboard Corporation, Hartford, Wisconsin 53027, effective March 31, 1976. (It supersedes Approval No. 160.064/366/0 dated August 8, 1972 to show change of name of manufacturer.)

Approval No. 160.064/379/0, child medium, Model No. TDV–4, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/379/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/380/0, adult, Model No. TDV–5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/380/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/381/0, adult, Model No. TDV–6, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/381/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/382/0, adult, Model No. TDV–7, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976 (It supersedes Approval No. 160.064/382/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/383/0, adult, Model No. TDV–8, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/383/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/384/0, adult ladies, Model TLV–5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin

54114, effective April 1, 1976. (It supersedes Approval No. 160.064/384/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/394/0, adult S/M, Model No. 100D or 8219, cloth covered unicellular plastic foam "Sailor's Bouyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/394/0 dated April 16, 1974 to show change of name of manufacturer.)

Approval No. 160.064/396/0, adult L/XL, Model No. 100F or 8220, cloth covered unicellular plastic foam "Sailor's Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation effective March 29, 1976. (It supersedes Approval No. 160.064/396/0 dated April 16, 1974 to show change of name of manufacturer.)

Approval No. 160.064/397/0. adult S/M, Model No. 200H or 8221, cloth covered unicellular plastic foam "Sportsman Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/397/0 dated April 16, 1974 to show change of name of manufacturer.)

Approval No. 160.064/398/0, adult L/XL, Model No. 200J or 8222, cloth covered unicellular plastic foam "Sportsman Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/398/0 dated April 16, 1974 to show change of name of manufacturer.)

Approval No. 160.064/424/0, adult S/M, Model No. 100DM, vinyl dipped unicellular plastic foam "Sailor's Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/424/0 dated June 19, 1973 to show change of name of manufacturer.)

Approval No. 160.064/425/0, adult L/XL, Model 100FM, vinyl dipped unicellular plastic foam "Sailor's Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/425.0 dated June 19, 1973 to show change of name of manufacturer.)

Approval No. 160.064/426/0, adult S/M, Model No. 200HM, vinyl dipped unicellular plastic foam "Sportsman Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/426 0 dated December 1972 to show change of name of manufacturer.)

Approval No. 160.064/427/0, adult L/XL, Model No. 200JM, vinyl dipped unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/427/0 dated December 22, 1972 to show change of name of manufacturer.)

Approval No. 160.064/451/0, child XX-small, Model No. 6655, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/451/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/452/0, child X-small, Model No. 6655, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 29, 1976. (It supersedes Approval No. 160.064/452/0 dated April 16, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/453/0, child small, Model No. CGSV–P, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatic, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/453/0 dated February 26, 1973 to show change of name of manufacturer.)

Approval No. 160.064/454/0, child small, Model No. CGSV–J, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 32, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 7, 1976. (It supersedes Approval No. 160.064/454/0 dated February 26, 1973 to show change of name of manufacturer.)

Approval No. 160.064/475/0, child XX-small, Model No. PXS–G, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Bernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/475/0 dated October 10, 1974 to show change of name of manufacturer.)

Approval No. 160.064/476/0, child X-small, Model No. PSS–G, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street. San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/476/0 dated October 10, 1974 to show change of name of manufacturer.)

Approval No. 160.064/477/0, adult medium, Model No. YVS/M, cloth covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report File No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation. for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/477/0 dated June 19, 1973 to show change of name of manufacturer.)

Approval No. 160.064/478/0, adult X-large, Model No. YVL/XL, cloth covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31. Type III PFD, manufactured by Medalist

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Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/478/0 dated June 19, 1973 to show of name of manufacturer.)

Approval No. 160.064/479/0, adult medium, Model No. SVS/M, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/479/0 dated June 19, 1973 to show change of name of manufacturer.)

Approval No. 160.064/480/0, adult X-large, Model No. SVL/XL, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/480/0 dated June 19, 1973 to show change of name of manufacturer.)

Approval No. 160.064/483/0, child XX-small, Model No. SR–P, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/483/0 dated October 11, 1974 to show change of name of manufacturer.)

Approval No. 160.064/484/0, child X-small, Model No. SR–J, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/484/0 dated October 11, 1974 to show change of name of manufacturer.)

Approval No. 160.064/521/0, child XX-small, Model No. DVP, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/521/0 dated October 11, 1974 to show change of name of manufacturer.)

Approval No. 160.064/552/0, child X-small, Model DVJ, vinyl dipped unicellulas plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/522/0 dated October 11, 1974 to show change of name of manufacturer.)

Approval No. 160.064/540/0, child small, Model No. VX75 CG P, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/540/0 dated May 1, 1974 to show change of name of manufacturer.)

Approval No. 160.064/541/0, child small, Model No. VX75 CG J, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ71, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/541/0 dated May 1, 1974 to show change of name of manufacturer.)

Approval No. 160.064/552/0, child medium, Model No. 7201, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/552/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/553/0, adult, Model No. 7202, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/553/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/554/0, adult, Model No. 7203, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/554/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/555/0, adult, Model No. 7204, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976, (It supersedes Approval No. 160.064/555/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/556/0, adult Model No. 7205, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/556/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/557/0, adult ladies, Model No. 7206, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/557/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/558/0, child small, Model No. 7202, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/558/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/559/0, child small, Model No. 7208, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/559/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/560/0, adult S/M, Model No. 7219, cloth covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/560/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/561/0, adult L/XL, Model No. 7220, cloth covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/561/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/562/0, adult S/M, Model No. 7221, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/562/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/563/0, adult L/XL, Model No. 7222, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/558/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/564/0, 18-inch, Model No. CG–18, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type IV PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/564/0 dated May 3, 1974 to show change of name of manufacturer.)

Approval No. 160.064/641/0, child medium, Model No. 6656, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/641/0 dated April 23, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/642/0, child medium, Model No. 7209, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/642/0 dated October 9, 1974 to show change of name of manufacturer.)

Approval No. 160.064/643/0, child medium, Model No. SR–XS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/643/0 dated October 11, 1974 to show change of name of manufacturer.)

Approval No. 160.064/644/0, child medium, Model No. VX75CG–XS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective April 6, 1976. (It supersedes Approval No. 160.064/644/0 dated October 9, 1974 to show change of name of manufacturer.)

Approval No. 160.064/645/0, child medium, Model No. PMS–G, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/645/0 dated October 10, 1974 to show change of name of manufacturer.)

Approval No. 160.064/660/0, child medium, Model No. DV–XS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/660/0 dated October 11, 1974 to show change of name of manufacturer.)

Approval No. 160.064/715/0, child medium, Model No. 6604, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/715/0 dated February 1, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/716/0, adult, Model No. 6604, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective March 30, 1976. (It supersedes Approval No. 160.064/716/0 dated February 1, 1975 to show change of name of manufacturer and Model No.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76-16855 Filed 6-9-76;8:45 am]

[CGD 76-099]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and

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materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 30, 1976 to April 8, 1976 (List No. 8-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

MARINE BUOYANT DEVICE

Approval No. 160.064/717/0, adult, Model No. 6604, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/717/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/718/0, adult, Model No. 6606, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/718/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/719/0, adult, Model No. 6604, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/719/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/720/0, child small, Model No. 6616, cloth covered unicellular plastic foam "Boating Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/720/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/721/0, child small, Model No. 6616, cloth covered unicellular plastic foam "Boating Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/721/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/722/0, child medium, Model No. 6617 or 6621, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/722/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/723/0, adult medium, Model No. 6617 or 6621, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/723/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/724/0, adult large, Model No. 6617 or 6621, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/724/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/725/0, adult X-large, Model No. 6617 or 6621, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/725/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/726/0, adult SX-large, Model No. 6617 or 6621, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/726/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/727/0, adult medium, Model No. 6618 or 6622, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/727/0 dated December 6, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/728/0, adult large, Model No. 6618 or 6622, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/728/0 dated December 6, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/729/0, child medium, Model No. 6627, cloth covered unicellular plastic foam "Marine Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/729/0 dated December 6, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/730/0, adult medium, Model No. 6627, cloth covered unicellular plastic foam "Marine Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 30, 1976. (It supersedes Approval No. 160.064/730/0 dated December 6, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/731/0, adult large, Model No. 6627, cloth covered unicellular plastic foam "Marine Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/731/0 dated December 6, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/732/0, child small, Model No. 6632, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/732/0 dated December 30, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/733/0, child medium, Model No. 6632, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/73/0 dated December 30, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/734/0, adult, Model No. 6632, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/734/0 dated December 30, 1974 to show change of name of manufacturer and Model No.)

Approval No. 160.064/735/0, adult medium, Model No. 6612, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/735/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/736/0, adult large, Model No. 6612, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/736/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/737/0, adult X-large, Model No. 6612, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/737/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/738/0, adult SX-large, Model No. 6612, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/738/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/730/0, adult medium, Model No. 8340, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/730/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/740/0, adult large, Model No. 8341, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/740/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/741/0, adult X-large, Model No. 8342, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/741/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/742/0, adult SX-large, Model No. 8343, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/742/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/771/0, child medium, Model No. 6656, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/771/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/772/0, adult medium, Model No. 6656, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/772/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/773/0, adult large, Model No. 6656, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/773/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/774/0, adult X-large, Model No. 6656, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, effective March 31, 1976. (It supersedes Approval No. 160.064/774/0 dated February 11, 1975 to show change of name of manufacturer and Model No.)

Approval No. 160.064/802/0, child medium, Model No. 6308, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin

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54114, effective April 1, 1976. (It supersedes Approval No. 160.064/802/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/803/0, adult, Model No. 6309, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/803/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/804/0, adult, Model No. 6310, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/804/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/805/0, adult, Model No. 6311, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/805/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/806/0, adult, Model No. 6312, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/806/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/807/0, child medium, Model No. 6350, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/807/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/808/0, adult medium, Model No. 6351, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/808/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/809/0, adult large, Model No. 6352, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/809/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/810/0, adult X-large Model No. 6353, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist/Thompson, Crivitz, Wisconsin 54114, effective April 1, 1976. (It supersedes Approval No. 160.064/810/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/823/0, child small, Model No. 7321, cloth covered unicellular plastic foam "Child's Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/823/0 dated December 30, 1974 to show change of name of manufacturer.)

Approval No. 160.064/824/0, child small, Model No. 7322, cloth covered unicellular plastic foam "Child's Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective April 5, 1976. (It supersedes Approval No. 160.064/824/0 dated December 30, 1974 to show change of name of manufacturer.)

Approval No. 160.064/826/0, child medium, Model No. VSC Youth, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/826/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/827/0, adult, Model No. VSC Medium, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/827/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/828/0, adult, Model No. VSC Large, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/828/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/829/0, adult, Model No. VSC X-L, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/829/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/830/0, adult, Model No. VSC-XX-L, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective April 2, 1976. (It supersedes Approval No. 160.064/830/0 dated February 14, 1975 to show change of name of manufacturer.)

Approval No. 160.064/831/0, child medium, Model No. SVS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/831/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/832/0, adult medium, Model No. SVM, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/832/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/833/0, adult large, Model No. SVL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/833/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/834/0, adult X-large, Model No. SVXL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective April 2, 1976. (It supersedes Approval No. 160.064/834/0 dated February 11, 1975 to show change of name of manufacturer.)

Approval No. 160.064/874/0, child medium, Model No. CV-SM, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/874/0 dated April 2, 1975 to show change of name of manufacturer.)

Approval No. 160.064/875/0, adult, Model No. CV-MD, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/875/0 dated April 2, 1975 to show change of name of manufacturer.)

Approval No. 160.064/876/0, adult, Model No. CV-LG, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/876/0 dated April 2, 1975 to show change of name of manufacturer.)

Approval No. 160.064/877/0, adult, Model No. CV-XL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. HQ 114, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, effective April 1, 1976. (It supersedes Approval No. 160.064/877/0 dated April 2, 1975 to show change of name of manufacturer.)

Approval No. 160.064/911/0, child medium, Model 173097, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, a Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/911/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/912/0, adult, Model 173098, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/912/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/913/0, adult, Model 173099, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/913/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/914/0, adult, Model 173100, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/914/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/915/0, adult, Model 173101, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/915/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/916/0, child medium, Model 173121, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/916/0 dated October 1, 1975 to show change of name of manufacturer.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76-16854 Filed 6-9-76;8:45 am]

[CGD 76-106]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject

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to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 14, 1976 to April 29, 1976 (List No. 10–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/47/0, Ammonia Gas Mask with Cleartone Speaking Diaphragm and Ultraview Facepiece, MSA dwg. Nos. B457081, A96680, C993866, and Bureau of Mines Approval No. 14F–58, manufactured by Mine Safety Appliance Company, 201 North Braddock Avenue, Pittsburgh, Pennsylvania 15208, effective April 15, 1976. (It is an extension of Approval No. 160.011/47/0 dated June 29, 1971.)

Approval No. 160.011/48/0, MSA Gas Mask Type N with Cleartone Speaking Diaphragm and Ultraview Model SW Facepiece, MSA dwg. Nos. B457076, B994069, A96680 and Bureau of Mines Approval No. 14F–66A, manufactured by Mine Safety Applicances Company, 201 North Braddock Avenue, Pittsburgh, Pennsylvania 15208, effective April 15, 1976. (It is an extension of Approval No. 160.011/48/0 dated June 29, 1971.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/111/0, Model LS–1711 E survival capsule launching winch; approval listed to mechanical components only, and for a maximum working load of 17,000 lbs. on a single-partfall; identified by assembly drawing 57414, revision K dated April 15, 1976, and drawing list 41349–03–200 dated November 5, 1974, approved for on nonself-propelled drilling rigs, artificial islands, and fixed structures for the Whittaker Survival Capsule, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective April 29, 1976.

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/5/1, Model CG–2, emergency signaling mirror, 4'' x 5'' reflex type, identified by mirror and packing drawing No. CG–2 dated August 15, 1966, manufactured by Revere Glass Company, 583 Beach Street, Revere, Massachusetts 02151, effective April 15, 1976. (It is an extension of Approval No. 160.020/5/1 dated June 8, 1971.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/205/0, Type 20–20 (MK II) mechanical davit, steel straight boom and sheath screw; approved for maximum working load of 5,800 lbs. per set (2,900 lbs. per arm); identified by general assembly drawing D1–F–298, revision B dated March 26, 1976 and drawing list, revision A dated March 29, 1976, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective April 23, 1976.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/144/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(1), Type IV PFD, manufactured by Miltco Products Corporation, 139 Emerson Place, Brooklyn, New York 11205, effective April 15, 1976. (It is an extension of Approval No. 160.–048/144/0 dated May 26, 1971.)

Approval No. 160.048/260/0, special approval for a rectangular buoyant cushion, 13¼'' x 17'' x 2'', manufactured in accordance with U.S.C.G. Specification Subpart 160.048 and UL/MD report file No. MQ 81, Type IV PFD, manufactured by Crawford Manufacturing Company, Inc., 3rd & Decatur Streets, Richmond, Virginia 23212, effective April 15, 1976. (It is an extension of Approval No. 160.–048/260/0 dated June 3, 1971.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/10/1, Model 211–VF–17.5 unicellular plastic foam work vest, dwg. list No. 60F736 dated August 15, 1960 and Bill of Materials dated March 12, 1971, Type V PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 15, 1976. (It is an extension of Approval No. 160.053/10/1 dated May 3, 1971.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/58/0, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, Dwg. No. 160.055–1A (sheet 1) and COMDT (MMT–3) letter dated August 29, 1966, Type I PFD, manufactured by Crawford Manufacturing Company, Inc., 3rd & Decatur Streets, Richmond, Virginia 23212, effective April 15, 1976. (It is an extension of Approval No. 160.055/58/0 dated June 3, 1971.)

Approval No. 160.055/59/0, Model 66, child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, Dwg. No. 160.055–1A (sheet 2) and COMDT (MMT–3) letter dated August 29, 1966, Type I PFD, manufactured by Crawford Manufacturing Company, Inc., 3rd & Decatur Streets, Richmond, Virginia 23212, effective April 15, 1976. (It is an extension of Approval No. 160.055/59/0 dated June 3, 1971.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/64/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, external separately mounted bell, dwg. No. 91–01, Alt. 0, Model SWT–H, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective April 14, 1976. (It is an extension of Approval No. 161.005/64/0 dated May 10, 1971.)

NOZZLES, FIREHOSE, COMBINATION SOLID STREAM AND WATER SPRAY (1½-INCH AND 2½-INCH) FOR MERCHANT VESSELS

Approval No. 162.027/2/1, Rockwood 1½'' SG70 combination solid stream and water spray fire hose nozzle, 1½'' Type TCG high-velocity head, and either 10' −90° Type CGC, 10' −90° CGG, 4' −60° Type CGC, or 4' −60° Type CGG applicator with Type T–11 low-velocity head; dwg. Nos. S–4787 dated February 9, 1955; S–4352, Rev. B dated June 21, 1956; S–6742 dated October 23, 1959; S–6748 dated October 23, 1959; S–6740 dated October 23, 1959; S–6744 dated October 23, 1959; and S–6738 dated October 19, 1959, applicators were formerly Type CG; low-velocity head was formerly Type T–11A; due to orifice sizes no special self-cleaning strainer is required, manufactured by Rockwood, 80 Second Street, South Portland, Maine 04106, effective April 21, 1976. (It reinstates and supersedes Approval No. 162.027/2/1 terminated February 19, 1976.)

Approval No. 162.027/3/1, Rockwood 2½'' SG70 combination solid stream and water spray fire hose nozzle, 2½'' Type TCG high-velocity head, and 12' −90° Type CGG or Type CGG applicator with Type T–10 low-velocity head; dwg. Nos. S–4992 dated September 8, 1955; S–4993 dated September 8, 1955; S–6741 dated October 23, 1959; S–6743 dated October 20, 1959; and S–6733 dated October 16, 1959, applicators were formerly Type CG; low-velocity head was formerly Type T–10A, manufactured by Rockwood, 80 Second Street, South Portland, Maine 04106, effective April 21, 1976. (It reinstates and supersedes Approval No. 162.027/3/1 terminated February 19, 1976.)

Approval No. 162.027/8/0, Rockwood 1½'' SG71 combination solid stream and water spray fire hose nozzle, 1½'' Type TCG high-velocity head, and either 10' −90° Type CGC, 10' −90° CGG, 4' −60° Type CGC, or 4' −60° Type CGG applicator with Type T–11 low-velocity head; dwg. Nos. 10–07832, Rev. B dated June 27, 1966; S–4352, Rev. B dated June 21, 1956;

S–6742 dated October 23, 1959; S–6748 dwated October 23, 189vi dated October 23, 1959; S–6740 dated October 23, 1959; S–6744 dated October 23, 1959; and S–6738 dated October 19, 1959, applicators were formerly Type CG; low-velocity head was formerly Type T–11A; due to orifice sizes no special self-cleaning strainer is required, manufactured by Rockwood, 80 Second Street, South Portland, Maine 04106, effective April 21, 1976. (It reinstates and supersedes Approval No. 162.027/8/0 terminated February 19, 1976.)

Approval No. 162.027/9/0, 1-½ inch combination solid stream and water spray fire hose nozzle, Style 2032, Bill of Material dated January 16, 1970, dwg. No. 1595 dated June 1, 1970, Style HV 15 high-velocity head, and either Style 415 4' −60° applicator or Style 1015 10' −90° applicator with Style LV15 low-velocity head, due to orifice sizes, no special self-cleaning strainer is required, the 4' −60° applicator is intended for nozzle installations in propulsion machinery spaces containing oil-fired boilers, internal combustion machinery or oil fuel units, manufactured by Akron Brass Manufacturing Company, Inc., Wooster, Ohio 44691, effective April 21, 1976. (It is an extension of Approval No. 162.027/9/0 dated June 2, 1971.)

Approval No. 162.027/10/0, 2-½ inch Style 2046 combination solid stream and water spray fire hose nozzle ball type, Bill of Material dated January 19, 1970, dwg. No. 1596 dated June 1, 1970, Style HV 25 high-velocity head, and Style 1225 25' −90° applicator with LV 25 low-velocity head, due to orifice sizes, no special self-cleaning strainer is required, manufactured by Akron Brass Manufacturing Company, Inc., Wooster, Ohio 44691, effective April 21, 1976. (It is an extension of Approval No. 162.027/10/0 dated June 2, 1971.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/40/0, "Thermafiber Felt" mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report FR 3812 dated July 12, 1972, approved without any other insulating material to meet Class A–60 requirements in a 3 inch thickness with a density of 7 pounds per cubic foot, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, plant locations: Corsicana, Texas; South Plainfield, New Jersey; Torrance, California; Wabash, Indiana; Tacoma, Washington, Birmingham, Alabama, effective April 14, 1976. (It supersedes Approval No. 164.007/40/0 dated January 23, 1975 to show additional plant location.)

Approval No. 164.007/46/0, "Thermafiber Felt" mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report 3812 dated July 12, 1972, approved without any other insulating material to meet Class A–30 requirements in a 2 inch thickness with a density of 6 pounds per cubic foot, this material may not be used as a component of Class A–60 construction, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, plant locations: Corsicana, Texas; South Plainfield, New Jersey; Torrance, California; Wabash, Indiana; Tacoma, Washington; Birmingham, Alabama, effective April 14, 1976. (It supersedes Approval No. 164.007/46/0 dated January 23, 1975 to show additional plant location.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/54/0, "Thermafiber Glass Fiber", fibrous insulation type combustible material identical to that described in National Bureau of Standards Report No. TG10210–2028:FP3461 dated August 1, 1958, approved in a density of 3 pounds per cubic foot, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, plant locations: Corsicana, Texas; South Plainfield, New Jersey; Torrance, California; Wabash, Indiana; Tacoma, Washington; Birmingham, Alabama, effective April 14, 1976. (It supersedes Approval No. 164.009/54/0 dated July 18, 1975 to show plant locations.)

Approval No. 164.009/124/0, "Thermafiber" mineral wool panels identical to that described in National Bureau of Standards Test Report No. TG10230:FR–3644 dated December 16, 1964 and U.S.C.G. letter dated March 14, 1969, approved in density of 4 through 8 pounds per cubic foot, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, plant locations: Corsicana, Texas; South Plainfield, New Jersey; Torrance, California; Wabash, Indiana; Tacoma, Washington, Birmingham, Alabama, effective April 14, 1976. (It supersedes Approval No. 164.009/124/0 dated January 8, 1974 to show additional plant locations and change of address of manufacturer.)

Approval No. 164.009/143/0, "CG Coating CP 61" composition type coating incombustible material, identical to that referred to in National Bureau of Standards Test Report FR 3759 dated May 24, 1971 and Childers Products Company letter dated January 5, 1971, manufactured by Childers Products Company, P.O. Box 505, Bristol, Pennsylvania 19007, plant located Bristol, Pennsylvania, effective April 21, 1976. (It is an extension of Approval No. 164–009/143/0 dated June 15, 1971.)

Approval No. 164.009/145/0, "CG Adhesive CP 92" incombustible material, identical to that referred to in National Bureau of Standards Test Report FR 3759 dated May 24, 1971 and Childers Products Company letter dated January 5, 1971, manufactured by Childers Products' Company, P.O. Box 505, Bristol, Pennsylvania 19007, plant located Bristol, Pennsylvania, effective April 21, 1976. (It is an extension of Approval No. 164.–009/145/0 dated June 15, 1971.)

Approval No. 164.009/169/0, U.S. Gypsum's "Thermafiber Number 10 Granulated Wood" identical to that described in U.S. Gypsum's letter dated May 10, 1973, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, plant locations: Corsicana, Texas; South Plainfield, New Jersey; Torrence, California; Wabash, Indiana; Tacoma, Washington, Birmingham, Alabama, effective April 14, 1976. (It supersedes Approval No. 164.009/169/0 dated April 16, 1975 to show additional plant location.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76–16856 Filed 6–9–76;8:45 am]

[CGD 76–107]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 29, 1976 to April 13, 1976 (List No. 9–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

MARINE BUOYANT DEVICE

Approval No. 160.064/917/0, adult, Model 173123, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Acces-

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sories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/917/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/918/0, adult, Model No. 173125, vinyl dipped unicelluar plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/918/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/919/0, adult, Model 173127, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/919/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/920/0, adult Model 173129, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/920/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/921/0, adult, Model 173131, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/921/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/922/0, child small, Model 173067, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL MD report file No. MQ 243, Type III, PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92131, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/922/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/923/0, child small, Model 173068, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/923/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/924/0, child medium, Model 173069, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/924/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/925/0, adult, Model 173070, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/925/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/926/0, adult, Model 173071, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 8, 1976. (It supersedes Approval No. 160.064/926/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/927/0, adult, Model 173072, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/927/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/928/0, adult, Model 173073, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/928/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/929/0, adult, Model 173074, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/929/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/930/0, adult, Model 173075, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/930/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/931/0, adult Model 173093, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/931/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/932/0, adult, Model 173094, cloth covered unicellular

plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/932/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/933/0, adult, Model 173095, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/933/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/934/0, adult, Model 173096, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/934/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/935/0, adult, Model 173089, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts I Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/935/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/936/0, adult, Model 173090, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/936/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/937/0, adult, Model 173091, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/937/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/938/0, adult, "Model 17302, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 9, 1976. (It supersedes Approval No. 160.064/938/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/939/0, child medium, Model 173137, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/939/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/940/0, adult, Model 173139, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/940/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/941/0, adult Model 173141, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/941/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/942/0, adult, Model 173143, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type IH PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/942/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/943/0, adult, Model 173145, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/943/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/944/0, child medium, Model 173197, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/944/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/945/0, adult, Model 173198, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufacturer by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/945/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/946/0, adult, Model 173199, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Ac-

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cessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/946/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/947/0, adult, Model 173200, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/947/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/948/0, adult, Model 173201, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/948/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/949/0, adult, Model 173202, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/949/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/950/0, child small, Model 173167, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/950/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/951/0, child small, Model 173168, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/951/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/552/0, child medium, Model 173269, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 12, 1976. (It supersedes Approval No. 160.064/952/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/953/0, adult, Model 173170, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/953/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/954/0, adult, Model 173171, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/954/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/955/0, adult, Model 173172, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/955/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/956/0, adult, Model 173173, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/956/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/957/0, adult, Model 173174, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/957/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/958/0, adult, Model 173175, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/958/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/959/0, adult, Model 173193, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/959/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/960/0, adult, Model 173194, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/960/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/961/0, adult, Model 173195, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/961/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/962/0, adult, Model 173196, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/962/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/963/0, adult, Model 173189, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/963/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/964/0, adult, Model 173190, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/964/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/965/0, adult, Model 173191, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corportaion, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/965/0 dated October 1, 1975 to show change of name of manufacturer.)

Approval No. 160.064/966/0, adult, Model 173192, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, formerly Cut 'N' Jump Ski Corporation, for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective April 13, 1976. (It supersedes Approval No. 160.064/966/0 dated October 1, 1975 to show change of name of manufacturer.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/221/0, series VM–110, cast carbon steel body spring loaded nozzle type safety valve, maximum pressure 120 p.s.i., maximum temperature 650° F, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Company, Red Lion Road West of Verree Road, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective March 29, 1976. (It is an extension of Approval No. 162.001/221/0 dated February 19, 1971.)

Approval No. 162.001/222/0, series VM–120, cast carbon steel body spring loaded nozzle type safety valve maximum pressure 92 p.s.i., maximum temperature 800° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Company, Red Lion Road West of Verree Road, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective March 29, 1976. (It is an extension of Approval No. 162.001/222/0 dated February 19, 1971.)

Approval No. 162.001/223/0, series VM–130, cast carbon steel body spring loaded nozzle type safety valve, maximum pressure 70 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Company, Red Lion Road West of Verree Road, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective March 29, 1976. (It is an extension of Approval No. 162.001/223/0 dated February 19, 1971.)

SAFETY RELIEF VALVES, LIQUEFIED

Approval No. 162.018/31/1, series W–100 and W–300 safety relief valves for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, subject to pressure-temperature limitations on J. E. Lonergan Company drawing No. A–1681 dated January 23, 1962, drawing A–1681, Note 4 only ASTM A–216 Grade WCB will be used for bonnet material, Note 5 is not applicable, manufactured by J. E. Lonergan Company, Red Lion Road West of Verree Road, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective March 29, 1976. (It is an extension of Approval No. 162.018/31/1 dated February 17, 1971 and "Remarks" information added.)

Dated: June 4, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76–16857 Filed 6–9–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

CERTIFICATE OF APPORTIONMENTS

Apportionment of Transition Quarter Non-Interstate and Forest Highways

CERTIFICATE OF APPORTIONMENT OF THE SUM OF $1,637,390,000 FOR CERTAIN PROJECTS AUTHORIZED BY TITLE 23 UNITED STATES CODE, AUTHORIZED TO BE APPROPRIATED FOR THE TRANSITION QUARTER ENDING SEPTEMBER 30, 1976.

To the Secretary of the Treasury of the United States and the State Highway Departments:

Pursuant to section 104 of the Federal-Aid Highway Act of 1976, approved May 5, 1976, P.L. 94–280 (90 Stat. 425) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23, I hereby certify—

First. That I have determined that the full sum of $1,637,390,000 authorized to be appropriated, out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, by section 104(a) of the Federal-Aid Highway Act of 1976 for those projects authorized by title 23 of the United States Code, the approval of which creates a contractual obligation of the United States for payment out of the Highway Trust Fund of the Federal share of such projects except those authorized by section 142 of such title, and those on the Interstate System (other than as permitted in section 104 (b) of the Federal-Aid Highway Act of 1976) shall be apportioned among the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Second. That I have computed the apportionments among the several States, the District of Columbia and the Commonwealth of Puerto Rico of the said sum authorized to be appropriated in the manner provided by law and in accordance with the formula set forth in section 104(a) (1) and (2) of the Federal-Aid Highway Act of 1976.

Third. That the sums which are hereby apportioned and made available to each State, the District of Columbia, and the Commonwealth of Puerto Rico, effective May 5, 1976, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION

Apportionment of funds authorized by Sec. 104(A) of the Federal-Aid Highway Act of 1976 for the transition quarter ending Sept. 30, 1976

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State:	Amount
Alabama	$32,681,960
Alaska	54,708,876
Arizona	19,534,341
Arkansas	23,204,779
California	97,151,951
Colorado	23,539,345
Connecticut	16,804,052
Delaware	6,655,256
Florida	41,972,094
Georgia	41,936,638
Hawaii	7,360,656
Idaho	14,007,869
Illinois	65,326,987
Indiana	40,043,030
Iowa	33,056,890
Kansas	29,606,851
Kentucky	29,913,778
Louisiana	28,689,438
Maine	11,764,232
Maryland	22,433,121
Massachusetts	26,351,617
Michigan	59,077,502
Minnesota	39,402,490
Mississippi	26,044,017
Missouri	42,790,083
Montana	20,646,650
Nebraska	22,348,309
Nevada	12,643,733
New Hampshire	7,258,151
New Jersey	30,234,733
New Mexico	17,957,282
New York	90,889,451
North Carolina	47,164,838
North Dakota	15,494,398
Ohio	64,712,454
Oklahoma	28,000,333
Oregon	22,838,998
Pennsylvania	75,345,336
Rhode Island	7,932,490
South Carolina	24,451,154
South Dakota	16,711,721
Tennessee	35,679,378
Texas	92,995,056
Utah	13,445,417
Vermont	6,326,512
Virginia	35,819,150
Washington	27,570,915
West Virginia	17,315,320
Wisconsin	38,710,730
Wyoming	12,090,572
District of Columbia	2,405,862
Puerto Rico	16,343,224
Total	1,637,390,000

CERTIFICATE OF APPORTIONMENT OF THE SUM OF $8,250,000 AUTHORIZED TO BE APPROPRIATED FOR FOREST HIGHWAYS BY THE FEDERAL-AID HIGHWAY ACT OF 1976 FOR THE TRANSITION QUARTER ENDING SEPTEMBER 30, 1976

Pursuant to subsection (a) of section 202 of title 23, United States Code, and in accordance with the provisions of section 104(c) of the Federal-Aid Highway Act of 1976, approved May 5, 1976, P.L. 94-280, 90 Stat. 425, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23, I hereby certify—

First. That I have apportioned, effective May 5, 1976, the sum of $8,250,000 authorized to be appropriated for Forests highways for the transition quarter ending September 30, 1976, by section 104(c) of the Federal-Aid Highway Act of 1976, in the same percentage as the amounts apportioned for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for Forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 percent for the State of Iowa, because of the conveyance of all National Forest Lands in Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for the other participating States on a proportional basis.

Second. That the total of the sums which I have thus apportioned for expenditures in the several States and the Commonwealth of Puerto Rico for Forest highways are, respectively, as follows:

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION

Apportionment of Forest Highway Funds Authorized by sec. 104(c) of the Federal-Aid Highway Act of 1976 for the Transition Quarter Ending Sept. 30, 1976

State:	Amount
Alabama	$23,625
Alaska	719,140
Arizona	464,379
Arkansas	112,155
California	1,181,541
Colorado	592,478
Florida	47,926
Georgia	29,066
Idaho	839,998
Illinois	9,509
Indiana	5,530
Kentucky	16,959
Louisiana	19,037
Maine	3,090
Michigan	88,530
Minnesota	114,095
Mississippi	38,919
Missouri	42,166
Montana	657,641
Nebraska	7,701
Nevada	147,997
New Hampshire	44,087
New Mexico	330,593
North Carolina	50,831
North Dakota	29
Ohio	4,518
Oklahoma	5,690
Oregon	1,136,516
Pennsylvania	22,019
South Carolina	27,046
South Dakota	64,636
Tennessee	27,656
Texas	26,116
Utah	273,987
Vermont	14,761
Virginia	53,649
Washington	573,422
West Virginia	32,558
Wisconsin	46,138
Wyoming	351,939
Puerto Rico	2,327
Total	8,250,000

Done at the City of Washington this 5th day of May 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-16826 Filed 6-9-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. LI-76-3]

BOSTON AND MAINE CORP.

Waiver of Locomotive Inspection and Safety Appliance Standards

The Boston and Maine Corporation (B&M) has petitioned the Federal Railroad Administration (FRA) for a temporary waiver of compliance with certain provisions of the Locomotive Inspection regulations (49 CFR Part 230) and a single provision of the Safety Appliance Standards (49 CFR Part 231). B&M has requested the waiver in order to operate a Fiat Rail Diesel Car (Flat 920) in a performance test for the Massachusetts Bay Transportation Authority. B&M intends to use this car on its Boston to Reading line, in both revenue and non-revenue service.

The waiver would apply to the following provisions of the Locomotive Inspection Regulations: § 230.201(d), which requires slipping or sliding wheel alarms (The Fiat 920 is equipped with a tachometer for each power wheel. These tachometers are visible to the engineer.); § 230.231(a), which requires headlights to be visible at a distance of 800 feet (B&M notes that one objective of the road test would be to determine whether the headlight is in compliance.); § 230.231(c), which requires dimmers (The top headlight is not equipped with a dimmer, however, there are two additional automotive type headlights which are equipped with dimmer switches); § 230.232, which requires suitable steps for servicing headlights (This unit is not equipped with steps for servicing headlights.); and, § 230.235, which requires locomotives to be equipped with a sanding apparatus (The Fiat 920 is not equipped with a sander).

The solitary provision of the Railroad Safety Appliance Standards, to which the waiver would apply, is § 231.14(f)(4)(iii), which prescribes standards for vertical handholds required on passenger-train cars that are not equipped with end platforms.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if requested by an interested person prior to June 21, 1976. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number LI-76-3) and shall be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 21, 1976, will be considered by the FRA before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

This notice is issued under the authority of 45 U.S.C. §§ 12, 28; 49 U.S.C. § 1655(e); and, Section 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c).

Issued in Washington, D.C. on June 3, 1976.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel, Safety Regulation Division, Federal Railroad Administration.

[FR Doc.76-16770 Filed 6-9-76;8:45 am]

[FRA Waiver Petition Number PB-75-1]

NORFOLK AND WESTERN RAILWAY CO.

Petition for Waiver of Power Brake Requirements

Notice is hereby given that the Norfolk and Western Railway Company has petitioned the Federal Railroad Administration (FRA) for a temporary waiver of compliance from the testing and repair requirements of 49 CFR 232.17(a)(1) and (b). The temporary waiver is requested in order to conduct a limited study and evaluation of the service life reliability of specific types of power brake equipment.

The current provisions for the testing and repair of freight car brake equipment have been premised on test results obtained through Association of American Railroad sponsored and supervised test programs. In generalized terms those tests obtained evidence of valve component condition by sampling inspections after specific period of time. On the basis of the evidence produced by this inspection sampling technique intervals were established for the cleaning, oiling, testing and stenciling (COT&S) of freight car brake equipment. The previous testing did not provide useful records of interim failures or performance malfunctions.

The N&W proposes to conduct a test program which would provide information concerning the failure and other performance malfunctions of a variety of specific types of power brake equipment. Petitioner proposes to employ a fleet of approximately 54,000 open top hopper cars for this test program. N&W would utilize an existing computerized history file which it maintains for each car in this fleet of hopper cars. Approximately thirty-one (31) percent of this fleet is now equipped with ABD type brakes which currently are given COT&S attention at periods which do not exceed one hundred twenty-months (120 month COT&S), forty-two (42) percent are equipped with AB type brakes (48 month COT&S), twenty-two (22) percent are equipped with ABD-1 type brakes (48 months COT&S) and five (5) percent are equipped with AEC-1 type brakes (48 month COT&S). The test program would, therefore, produce a data base to evaluate the service life potential for all types of freight car brake equipment and assist in evaluating the safe time intervals for the performance of COT&S work.

Petitioner notes that this car fleet is primarily used for hauling coal and as consequence the cars would be exposed to coal dust and the extreme heat used in thawing at discharge plant operations in addition to all of the normal environmental conditions to which the general freight car fleet is exposed. Petitioner indicates that this fleet is operated under relatively controlled conditions since the cars are returned to the N&W when empty.

During the period of the test program, N&W proposes to have the complete COT&S of the air brake equipment performed only when any portion of that equipment has been broken, damaged by fire, submerged in water, or in the event that a car has failed to pass an In Date Single Car Code of Tests. Petitioner notes that the cars in this fleet average being on a repair track two or three times per year and are generally subjected to the In Date Single Car Code of Tests when the cars are placed on a repair track. Consequently the cars would normally receive a minimum of two tests per year. In the event that a car fails an In Date Single Car Code of Tests, the car will be given a documented inspection that details the condition of the brake cylinder, dirt collector, pipe bracket strainer as well as the entire system. The valvular portions of the brake will be removed, placed in a protective container and shipped to petitioner's facilities at Norfolk, Virginia. A detailed inspection and testing of these components will be conducted at that location. The data derived would be recorded and periodic reports will be provided to interested parties.

Petitioner states that safety would not be adversely affected by conducting a test program in this manner. N&W has not proposed a specific period for the duration of this program.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number PB-75-1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before July 15, 1976, will be considered by the FRA before final action is taken. Comments received after that date will be considered so far as practical. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

In addition, the FRA will conduct a public hearing at 10:00 a.m., June 30, 1976, in Room 6332, Nassif Building, 400 Seventh Street, SW., Washington, D.C. That hearing will be an informal one, not a judicial or evidencing type of hearing. There will be no cross examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing.

Interested persons will then have the opportunity to present their oral statements. At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, before June 25, 1976, stating the amount of time required for his initial statement.

This notice is issued under the authority of 45 U.S.C. 9; and 49 U.S.C. 1655(e).

Issued in Washington, D.C. on June 4, 1976.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel, Safety Regulation Division, Federal Railroad Administration.

[FR Doc.76-16772 Filed 6-9-76;8:45 am]

[FRA Waiver Petition Docket No. RSFC-74-6; Notice 3]

NORFOLK AND WESTERN RAILWAY CO.

Waiver of Periodic Lubrication

On October 22, 1974, the Federal Railroad Administration (FRA) published a notice in the FEDERAL REGISTER (39 FR 37526) that the Norfolk and Western Railway Company (N&W) has petitioned the FRA for permission to continue a test program in which 13,000 low mileage low top hopper cars would be operated for a period not to exceed eight years without compliance with the present FRA periodic lubrication requirements (49 CFR 215.99).

The N&W subsequently requested to amend the aforementioned petition, to include an additional 2,000 hopper cars, which were also to be subject to the same test conditions previously described. Notice of this request was published in the FEDERAL REGISTER on May 9, 1975 (40 FR 20337).

On September 16, 1975, the N&W requested to amend the petition to extend the lubrication test interval from eight years to ten years. This extension was to apply to all 15,000 cars.

The Railroad Safety Board of the FRA, after reviewing all of the information submitted in connection with these proceedings, granted the requested waivers and the extension. In reaching these decisions, the Railroad Safety Board specifically found that granting the waiver was in the public interest and consistent with railroad safety.

The N&W has recently requested permission to operate the remainder of its fleet of open top hopper cars that are equipped with roller bearing trucks for intervals which would not exceed ten years between periodic lubrications. The group of cars under consideration would

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not be added to the present set of cars being utilized for test purposes. Instead it is proposed to provide an exemption for this group of cars on the strength of the data produced by the current test.

The group of cars under consideration consists of approximately 15,397 open top hopper cars equipped with roller bearing trucks. The cars bear N&W reporting marks in the following series: 3000–4999, 9250–9999, 30000–30999, 66000–66999, 67000–69499, 74000–76591, 92000–94999, 117000–119999, 133000–133099, 166000–169499, 174000–175999, 230000–230999, and 234250–234499.

Petitioner notes that the Association of American Railroads and the Roller Bearing Manufacturer's Engineers Committee, which is composed of technical representatives from all freight car roller bearing manufacturers, have endorsed the 10 year extended lubrication program of the N&W. The N&W also cites as justification for granting the exemption the fact that N&W maintains a computerized history file on each of the cars in the fleet which can provide information on single cars, groups of cars as well as the entire fleet.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if requested by any interested person prior to June 21, 1976. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC–74–6; Notice 3) and shall be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 15, 1976, will be considered by the FRA before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

This notice is issued under the authority of 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on June 4, 1976.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel, Safety Regulation Division, Federal Railroad Administration.

[FR Doc.76–16773 Filed 6–9–76;8:45 am]

FEDERAL POWER COMMISSION

CITIES SERVICE GAS CO.

[Docket No. RP75–27]

Notice of Certification of Proposed Settlement Agreement

JUNE 8, 1976.

Take notice that on May 17, 1976, pursuant to Section 1.18(e) of the Commission's Rules of Practice and Procedure, a stipulation and settlement agreement received in evidence by Presiding Administrative Law Judge Sherman P. Kimball on May 10, 1976, was certified, together with the record in this proceeding, to the Commission for appropriate action.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 11, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76–17038 Filed 6–9–76;8:45 am]

[Docket No. RP72–64]

TEXAS GAS TRANSMISSION CORP.

Notice of Availability of Final Environmental Impact Statement

Notice is hereby given in the above Docket that on May 28, 1976, the Staff's Environmental Impact Statement was made available. This Statement deals with the environmental impact of alternative permanent curtailment plans proposed in the above-docketed proceeding across the Texas Gas Transmission Corporation system.

This Statement has been circulated to Federal, State and local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Regional Offices located at Room 500, 730 Peachtree Building, Atlanta, Georgia 30308; Thirty-first Floor, Federal Building, 230 S. Dearborn Street, Room 3140B, Chicago, Illinois 60604; and 819 Taylor Street, Fort Worth, Texas 75102.

Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76–17039 Filed 6–9–76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST YUKON BANKSHARES, INC.

Formation of Bank Holding Company

First Yukon Bankshares, Inc., Oklahoma City, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.77 per cent of the voting shares of The First National Bank of Yukon, Yukon, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 30, 1976.

Board of Governors of the Federal Reserve System, June 1, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76–16888 Filed 6–9–76;8:45 am]

UNION TRUST BANCORP

Proposed Acquisition of Fidelity Finance Company

Union Trust Bancorp, Baltimore, Maryland, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of Fidelity Finance Company, Elkins, West Virginia, through Applicant's subsidiary Landmark Financial Services, Inc., Silver Spring, Maryland. Notice of the application was published on May 7, 1976, in The Inter-Mountain, a newspaper circulated in Elkins, West Virginia.

Applicant states that the proposed subsidiary would engage in the activities of making installment loans for personal, family or household purposes; purchasing sales financing contracts, executed in connection with the sale of personal, family or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; and acting as agent in the sale of insurance protecting collateral held against its extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increase competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 30, 1976.

Board of Governors of the Federal Reserve System, June 2, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76–16889 Filed 6–9–76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 76–24]

ACCIDENT REPORT; RECOMMENDATIONS AND RESPONSE

Availability and Receipt

Highway Accident Report.—The National Transportation Safety Board announces the release of its report on the investigation of the collapse on February 23, 1975, of the Yadkin River Bridge near Siloam, North Carolina, after an automobile crashed into one of the bridge's vital structural members. After the impact, the bridge collapsed; both the automobile and the bridge fell into the river. Six more vehicles vaulted into the collapse zone within a 17-minute period. Four persons were killed and 16 were injured. The Safety Board determined that the probable cause of the bridge collapse was the penetration of the timber railing by the vehicle and its subsequent impact with and crushing of a vital structural member of the bridge truss. The timber railing was not adequate to sustain impact at posted speeds.

The report, No. NTSB–HAR–76–3, was released June 4. In a letter issued May 11, 1976, the Secretary of Transportation, the Safety Board presented five "priority followup" recommendations to the Federal Highway Administration. The recommendations, Nos. H–76–11 through H–76–15, are reproduced in the report. See also 41 FR 20747, May 20, 1976.

Aviation Safety Recommendations.—The emergency landing of a Mercer Airlines DC–6 on a golf course in Van Nuys, California, last February 8, has been the subject of a recent investigation by the Safety Board. Investigation of the accident has revealed that the emergency was the result of an in-flight failure of a Curtiss-Wright Model 632S–B Type 744 hollow steel propeller blade which resulted from a fatigue crack. Further, investigation disclosed that the blade, hidden under a deicing boot or sheath, had been overhauled 85 operating hours before the accident; the sheath was not removed during overhaul. The Safety Board found that the certificated repair station's procedure for inspecting the blade was not the same as that prescribed in the manufacturer's overhaul manual and that the repair station did not have a current manual. The latest revision to the service/overhaul manual is dated March 1, 1962. The repair station copy was dated 1950. The propeller is no longer being manufactured.

The Safety Board expresses concern that components and accessories no longer manufactured are not being maintained, repaired, and overhauled according to current procedures, and the Board believes that this investigation has revealed circumstances which may exist in other certificated repair stations. Accordingly, the Board recommends that the Federal Aviation Administration (1) review the overhaul manuals for all metal propeller blades that are sheath equipped and insure that the manuals require that the surfaces of these blades beneath the sheaths be inspected either by removal of the sheath or by an alternate method which will detect cracks underneath the sheath; (2) remind 14 CFR 121 certificate holders of their responsibility for insuring the adequacy of maintenance of their aircraft and components, even if the maintenance is contracted to outside repair stations; and (3) review FAA surveillance procedures for certificated repair stations to insure that they are adequate and that all repair stations maintain and use complete and current maintenance manuals. The three recommendations, Nos. A–76–77 through A–76–79, were issued June 3 in a letter to FAA. The first two recommendations are "Class I—urgent followup"; the third recommendation is "Class II—priority followup."

Letter in Response to Pipeline Safety Recommendations.—The Transcontinental Gas Pipe Line Corporation (TRANSCO) letter of May 24 to the Safety Board provides an update of company action since last October to implement recommendations P–75–9 through P–75–11—recommendations made by the Board after investigation of the June 4, 1974, pipeline failure in TRANSCO's system near Bealeton, Virginia. (See 40 FR 36638, August 21, 1975; 41 FR 21713, May 27, 1976.) Attached to TRANSCO's May 24 letter is a copy of the company's letter of October 27, 1975, directed to the Office of Pipeline Safety, which spells out TRANSCO's actions to improve emergency and shutdown procedures in event of an accident or failure.

Re recommendation P–75–9, TRANSCO's May 24 letter indicates that installation of valve operators on open crossover and block valves in "Class III" areas and installation of sensitive rate-of-flow automatic valve shutdown services on crossovers normally open are scheduled to be completed by December 31, 1976. Re P–75–10 and P–76–11, TRANSCO states, ". . . installation of sensitive rate-of-flow automatic valve shutdown devices on open crossovers should assure the effectiveness of the existing pipeline failure alarm system at Compressor Stations." Installation of dial-type pressure gauges has been completed at all Stations. TRANSCO is scheduling completion by year's end of installation of a rate-of-pressure drop alarm on the discharge and suction headers at each Compressor Station as a backup for the existing alarm system.

Both the accident report and the safety recommendation letter are available to the general public; single copies may be obtained without charge. Copies of the letter responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the highway accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Dated: June 7, 1976.

MARGARET L. FISHER,
Federal Register Liaison Officer.

[FR Doc.76–16885 Filed 6–9–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–324]

CAROLINA POWER AND LIGHT CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR–62 issued to the Carolina Power and Light Company, which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit 2, located in Brunswick County, North Carolina. The amendment is effective as of the date of issuance.

This amendment (1) authorizes operation of Brunswick Steam Electric Plant Unit 2 with the lower core support bypass flow holes plugged, and (2) establishes operating limits for the four new fuel elements added during the April–May 1976 outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954,

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as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (1) above was published in the FEDERAL REGISTER on February 19, 1976 (41 FR 7594). No request for a hearing or petition for leave to intervene was filed following notice of this proposed action. Prior public notice of item (2) above is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 4 and April 27, 1976, as supplemented March 5, April 21 and 30, 1976, (2) Amendment No. 14 to License No. DPR–62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–16565 Filed 6–9–76;8:45 am]

[Docket Nos. 50–237 and 50–249]

COMMONWEALTH EDISON CO.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 18 and 16 to Facility Operating License Nos. DPR–19 and DPR–25 (respectively), issued to Commonwealth Edison Company, which revised Technical Specifications for operation of the Dresden Nuclear Power Station Unit Nos. 2 and 3 (the facilities) located in Grundy County, Illinois. These amendments are effective as of their date of issuance.

These amendments modify the use of existing isolation valves which serve as part of the new nitrogen recirculating system.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commision has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated April 12, 1976, and a related filing dated March 12, 1976, (2) Amendment Nos. 18 and 16 to License Nos. DPR–19 and DPR–25, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library at 604 Library Street in Morris, Illinois 60451.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of May 1976.

For the Nuclear regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2 Division of Operating Reactors.

[FR Doc.76–16562 Filed 6–9–76;8:45 am]

[Docket No. 50–213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–61 issued to Connecticut Yankee Atomic Power Company (the licensee) for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

This amendment would provide for the Cycle VII reload a revised curve for allowable power vs. incore axial offset based on a Babcock & Wilcox "Flame 3" code which has not previously been used for a Haddam neck reload.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 12, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 3, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Russell Library, 119 Broad Street, Middletown, Connecticut. The license amendment and the Safety evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc.76–16550 Filed 6–7–76;9:29 am]

[Docket Nos. Stn 50–491, Stn 50–492, and Stn 50–493]

DUKE POWER CO., CHEROKEE NUCLEAR STATION, UNITS 1, 2, AND 3

Notice of Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Duke Power Company to conduct certain site activities in connection with the Cherokee Nuclear Station, Units 1, 2, and 3, prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e) and include the following:

Preparation of the site for construction of the facility, installation of temporary construction support facilities, excavation for facility structures, construction of service facilities including access roads, and construction of permanent structures, systems, and components which are not subject to the provisions of Appendix B.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Duke Power Company and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on May 21, 1976. A copy of (1) the Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated October 1975; and (5) the Commission's letter of authorization, dated May 28, 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Cherokee County Library, 300 East Rutledge Avenue, Gaffney, South Carolina.

Dated at Rockville, Maryland, this 28th day of May 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.76–16556 Filed 6–9–76;8:45 am]

[Docket No. 50–334]

DUQUESNE LIGHT CO., ET AL.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that, pursuant to an Initial Decision by the Atomic Safety and Licensing Board dated May 28, 1976 the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR–66, issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company for the Beaver Valley Power Station, Unit No. 1, located in Beaver County, Pennsylvania. The amendment authorizes testing and low power operation of the facility at up to thirty-five percent of the steady state reactor core full power level of 2652 megawatts thermal, for the purpose of start-up testing, including synchronization of the turbine-generator and "hot" licensing training of the reactor operators. Previously, the facility had been restricted to five percent of the steady state reactor core power level for the purpose of a limited amount of testing.

The amendment also revises portions of the Technical Specifications and relative to limiting conditions for operation and surveillance requirements regarding secondary water chemistry. Facility Operating License No. DPR–66, as amended, will expire following completion of start-up testing, including synchronization of the turbine-generator, and "hot" licensing training of the reactor operators.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The application, including its amendments, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the Initial Decision dated May 28, 1976, (2) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, Supplement No. 3, dated March 19, 1976, (3) Amendment No. 3 to License No. DPR–66, and (4) the Commission's related "Interim Safety Evaluation Report on Westinghouse Fuel Rod Bowing", dated April 1976. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Beaver Valley Memorial Library, 100 College Avenue, Beaver, Pennsylvania.

A copy of items (2), (3, and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 28th day of May 1976.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Branch No. 5 Division of Project Management.

[FR Doc.76–16561 Filed 6–9–76;8:45 am]

[Docket No. 50–70]

GENERAL ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. TR–1 issued to General Electric Company, which revised licensed conditions for operation of the General Electric Test Reactor, located in Pleasantan, California. The amendment is effective as of its date of issuance.

The amendment changes certain license provisions for the receipt, possession and use of special nuclear, source, and byproduct materials, to clarify the license language and to change the type of source material permitted in instrument check sources.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 2, 1976, (2) Amendment No. 7 to License No. TR–1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

A copy of items (2) and (3) may be obtained upon request addressed to the

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U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc.76-16567 Filed 6-9-76;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment will incorporate revised operating limits into the Technical Specifications based upon an Emergency Core Cooling System (ECCS) Analysis which takes credit for the improved post-loss-of-coolant accident (LOCA) core reflood capability resulting from recently completed modifications to the Low Pressure Coolant Injection (LPCI) system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 9, 1976, (2) Amendment No. 33 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 27th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc.76-16567 Filed 6-9-76;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electic Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that modify the usage of existing automatic isolation valves associated with the installation of a nitrogen recirculation system.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determines that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 13, 1976, (2) Amendment No. 32 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's public Document Room, 1717 H Street N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 1st day of June 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-16569 Filed 6-9-76;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electic Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that modify the usage of existing automatic isolation valves associated with the installation of a nitrogen recirculation system.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determines that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 13, 1976, (2) Amendment No. 32 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's public Document Room, 1717 H Street N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 28th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-16564 Filed 6-9-76;8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATIONS, UNIT NO. 1)

Notice of Reconstitution of Board

In the matter of Kansas Gas and Electric Company, and Kansas City Power and Light Company, (Wolf Creek Generating Station, Unit No. 1).

Margaret M. Laurence, Esq., was a member of the Atomic Safety and Licensing Board established for the above proceeding. Because of schedule conflicts, she is unable to continue in her duties as a member of this Board.

Accordingly, Daniel M. Head, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of this Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Bethesda, Maryland this 1st day of June 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-16555 Filed 6-9-76;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Order Convening Hearing

In the matter of Kansas Gas and Electric Company and Kansas City Power and Light Company (Wolf Creek Generating Station, Unit No. 1).

The Atomic Safety and Licensing Board, in a further consideration of schedules and available dates for further evidentiary hearings in this proceeding can now confirm the suggested dates as stated at an evidentiary hearing which was held on April 30, 1976.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary hearing in this proceeding shall convene at 9:00 a.m. on Thursday, June 24, 1976 in the Legislative Chambers, Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106.

Issued May 28, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-16560 Filed 6-9-76;8:45 am]

[Docket No. 50-398]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

This amendment revised the Technical Specifications for the facility to increase the allowable reactor coolant conductivity limit from 2 to <5 micromhos prior to startup, during operation up to 10% of rated power, and during hot standby.

The application, as modified, for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 20, 1976 and letter dated May 24, 1976, (2) Amendment No. 27 to License No. DPR-46, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland. this 24th day of May 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-16563 Filed 6-9-76;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revised the provisions in the Technical Specifications of the facility to authorize (1) reduction of the main steam line low pressure isolation setpoint, and (2) reduction of the operating Minimum Critical Power Ratio (MCPR) limits for 7 by 7 and 8 by 8 fuel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on February 6, 1976 (41 FR 5460). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 1, 1975, and the supplement thereto dated February 27, 1976, (2) Amendment No. 19 to License No. DPR-22, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of May 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-16558 Filed 6-9-76;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Notice of Issuance of Amendments to Facility Operating Licenses and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 21 and 21 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of their date of issuance.

The amendments consist of changes to the Environmental Technical Specifications that will allow operation with less than all cooling towers in service pending completion of repairs to the cooling towers.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations to 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments were not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Peach Bottom Atomic Power Station, Units 2 and 3 published in April 1973, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendments dated May 13, 1976, (2) Amend-

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ments No. 21 to License No. DPR–44, and (3) Amendment No. 21 to License No. DPR–56. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3 Division of Operating Reactors.

[FR Doc 76–16568 Filed 6–9–76;8 45 am]

[Docket Nos. 50–277 and 50–278]

PHILADELPHIA ELECTRIC CO. ET AL.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 19 and 19 to Facility Operating Licenses Nos. DPR–44 and DPR–56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of their date of issuance.

The amendment will incorporate management organization changes into the Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 8, 1976, (2) Amendment No. 19 to License No. DPR–44, (3) Amendment No. 19 to License No. DPR–56 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 25 day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–16553 Filed 6–9–76;8:45 am]

[Dockets Nos. 50–266 and 50–301]

POINT BEACH NUCLEAR PLANT, UNIT NO. 1 AND UNIT NO. 2

Petition for Order To Show Cause

Notice is hereby given that by Petition dated May 17, 1976, the Public Interest Research Group and the Wisconsin Coalition for Energy Alternatives filed a request for an Order to Show Cause why Licenses Nos. DPR–24 and DPR–27 should not be suspended and why civil penalties should not be imposed. The requested order would be issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company. In accordance with the procedures specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Document Department, University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin 54481.

Dated at Bethesda, Maryland this 30th day of May 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–16554 Filed 6–9–76;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. NPF–1 issued to Portland General Electric Company, the City of Eugene, Oregon and Pacific Power and Light Company which revised a condition of the license for operation of the Trojan Nuclear Plant located on the west shore of the Columbia River in Columbia County, Oregon. The amendment is effective as of its date of issuance.

This amendment extends for five days the time allowed to replace certain output relays with relays which meet the seismic qualification criteria for Trojan Nuclear Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 13, 1976, (2) Amendment No. 7 to License No. NPF–1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of May, 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc.76–16566 Filed 6–9–76;8:45 am]

[Docket No. 50–333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License NO. DPR–59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees), for operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego County, New York.

The amendment would provide for a reduction in the Safety Limit Minimum

Critical Power Ratio from 1.06 to 1.05, for future reactor operation.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By July 12, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, N.W., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 19, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. The license amendment and Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of June, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76–16552 Filed 6–9–76;8:45 am]

[Docket Nos. STN 50–546 and STN 50–547]

PUBLIC SERVICE COMPANY OF INDIANA (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Notice of Reconstitution of Board

In the matter of Public Service Company of Indiana, Inc., (Marble Hill Nuclear Generating Station, Units 1 and 2).

Dr. William E. Martin was a member of the Atomic Safety and Licensing Board established to consider the above application. Because of schedule conflicts, Dr. Martin is unable to continue in his duties as a member of this Board.

Accordingly, Dr. Quentin J. Stober, whose address is Fisheries Research Institute, University of Washington, Seattle, Washington 98195, is appointed a member of this Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Bethesda, Maryland, this 1st day of June 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76–16559 Filed 6–9–76;8:45 am]

[Docket No. STN 50–485]

ROCHESTER GAS AND ELECTRIC CORP. (STERLING POWER PROJECT NUCLEAR UNIT NO. 1)

Order Setting Time

In the matter of Rochester Gas and Electric Corporation, (Sterling Power Project Nuclear Unit No. 1).

On May 19, 1976 the Licensing Board gave notice of a Prehearing Conference to be held in this proceeding on June 22, 1976 at the Oswego County Legislative Chambers, Oswego County Building, 3rd Floor, 46 East Bridge Street, Oswego, New York.

The time for the commencement of that Prehearing Conference is hereby established as 9:30 a.m.

It is so ordered.

Dated at Bethesda, Maryland this 1st day of June 1976.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.76–16557 Filed 6–9–76;8:45 am]

[Docket No. 50–301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company for operation of the Point Beach Nuclear Plant Unit No. 2, located in the Town of Two Creeks, Manitowac County, Wisconsin.

The amendment would revise the provisions in the Technical Specifications relating to core DNB (Departure from Nucleate Boiling) safety limits and hot channel factors associated with a proposed new fuel assembly design for operation of Unit 2 in core Cycle 4, in accordance with the licensee's application for amendment, dated May 12, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By July 12, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Bruce Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street, N.W., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the

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Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 12, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Document Department, University of Wisconsin—Stevens Point Library, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 1st day of June 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3 Division of Operating Reactors.

[FR Doc.76-16551 Filed 6-9-76;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.14, "Personnel Neutron Dosimeters," provides guidance acceptable to the NRC staff on the use of personnel neutron dosimeters where exposure to neutrons occurs. This guide endorses ANSI Standard N319–1975, "Personnel Neutron Dosimeters (Neutron Energies Less than 20 MeV)."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 8.14 will, however, be particularly useful in evaluating the need for an early revision if received by August 6, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 1st day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-16570 Filed 6-9-76;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO. (DONALD C. COOK NUCLEAR PLANT UNIT NO. 1)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR–58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company. The amendment revises the Technical Specifications for operation of the Donald C. Cook Nuclear Plant Unit 1 located in Berrien County, Michigan, and is effective as of May 15, 1976.

The amendment changes certain Technical Specifications to correct original errors in the limits of control rod worth for ejected control rods.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment is not required because the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that, pursuant to 10 CFR 51.5(d)(4), an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 17, 1976, (2) Amendment No. 15 to License No. DPR–58, (3) the Commission's letter to the licensee dated May 15, 1976, and (4) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 2nd day of June 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2, Division of Project Management.

[FR Doc.76-16624 Filed 6-9-76;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO. (DONALD C. COOK NUCLEAR PLANT, UNIT 1)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR–58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company for operation of the Donald C. Cook Nuclear Plant, Unit 1, located in Berrien County, Michigan. This amendment is effective as of its date of issuance.

The amendment increases the authorized power at which the Donald C. Cook Nuclear Plant, Unit 1, may be operated to 3250 megawatts thermal (100 percent of rated power). This authorization is effective only until such time as the reactor is next refueled, at which time the authorized power level will be 2632.5 megawatts thermal (81 percent of rated power).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment was published in the FEDERAL REGISTER on April 8, 1976 (41 FR 14954).

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental

impact appraisal need not be prepared in connection with issuance of this amendment.

The basis for this licensing action is contained in a Safety Evaluation Report dated May 1976.

For further details with respect to these actions see (1) the application for amendment dated October 15, 1975, (2) March 11, 1976 report to the Commission by the Advisory Committee on Reactor Safeguards, and (3) Amendment No. 14 to Facility Operating License DPR–58 with the Commission's related Safety Evaluation. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 28 day of May 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2, Division of Project Management.

[FR Doc.76-16625 Filed 6-9-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR POWER STATION UNITS 1 AND 2

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Diablo Canyon Nuclear Power Station, Units 1 and 2 will hold a meeting on June 25 and 26, 1976 at the Royal Inn, 241 Madonna Road, San Luis Obispo, CA. The purpose of this meeting is to continue review of the application of the Pacific Gas and Electric Company for a license to operate Units 1 and 2.

The agenda for the subject meeting shall be as follows:

Friday, June 25, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

9:00 a.m. until the conclusion of business on June 25, and 8:30 a.m. until the conclusion of business on Saturday, June 26. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Pacific Gas and Electric Company, and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 18, 1976 to Mr. J. C. McKinley, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555 and at the San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

(b) These persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call on June 23, 1976 to the Office of the Executive Director of the Committee (Attn: Mr. J. C. McKinley, telephone 202/634–1371) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than safeguards information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. J. C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 2, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 and at the San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after September 27, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 7, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-16995 Filed 6-11-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the Public received by the Office of Management

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and Budget on June 3, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Questionnaire on Reasons for VA Physician and Dentist Separations, single-time, voluntarily separating from VA, Reese, B. F., 395-3211.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Study to Assess and Compare Type A Lunches with Alternative Subsidized Lunches Among High School Students, single-time, high school food service managers and students, Raynsford, R., 395-3814.

DEPARTMENT OF COMMERCE

Economic Development Administration, Technical Assistance Implementation Inquiry, ED-373, single-time, recipients of EDA Technical assistance, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:
Survey of Participants and Non-Participants in the Atlanta Amniocentesis Program, CDC 4.514 A, single-time, women 40+ who did and did not have amniocents, Richard Eisinger, 395-6140.

Office of Human Development:
Instruction for Applying for Grants from OHD Programs on Occasion, Non-Profit Organizations, Budget Review Division, Caywood, D. P., 395-4775.

DEPARTMENT OF LABOR

Departmental and Other, An Analysis of the Effectiveness of Counseling in the U.S. Employment Service, MT-278, single-time, uses clients, C. Louis Kincannon, 395-3211.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Job Qualifications Statement, SF173, on occasion, applicants for blue collar positions, Caywood, D. P., 395-3443.

OFFICE OF MANAGEMENT AND BUDGET

Application for Federal Assistance-non-Construction on Occasion, Non-Profit Agencies, Budget Review Division, Caywood, D. P., 395-4775.

VETERANS ADMINISTRATION

Application for Ordinary Life Insurance (at age 65), 29-8486, on occasion, insured veterans, Caywood, D. P., 395-3443.

Authorization for Release of Information • • • Insurance Records, 29-4337, on occasion, insured veterans, Caywood, D. P., 395-3443.

Application for Conversion, 29-358, on occasion, insured veterans, Caywood, D. P., 395-3443.

Loan and Cash Surender Values, 29-5772, on occasion, insured veterans, Caywood, D. P., 395-3443.

Obtaining Original Information from Doctor, FL 29-551A, on occasion, physician, Caywood, D. P., 395-3443.

Application for Reduction, Government Life Insurance, 29-339, on occasion, insured veterans, Caywood, D.P., 395-3443.

Farm Survey and Overall Farm and Home Plan-Self-Proprietor Chapter 31, Title 38, U.S.C., 21-E1905N, on occasion, on-farm contract instructor, Caywood, D. P., 395-3443.

Statement of Applicant and/or Physical Examination Report, 29-4465, on occasion, veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Employment and Training Administration, CETA Forms Preparation Handbook for Title I and II, MA 2-202, 203 219, 220, MA-5-134-136, 145, 145A, other (see SF-83), State and local agencies, Lowry, R. L., Caywood, D. P., 395-3772.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

1975 Quick Response Survey of Graduate Science and Engineering Enrollment, annually, graduate science department chairmen, Kathy Wallman, 395-6140.

Survey of Graduate Science Student Support and Summary, NSF 811, annually, graduate science department chairmen, Kathy Wallman, 395-6140.

DEPARTMENT OF AGRICULTURE

Agriculture Research Service, and Regulations—National Poultry and Turkey Improvement Plans, on occasion, farms. Traynham, Marsha, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Census, Incorporated Place Survey Sheet, GE061-L, annually, incorporated cities and towns, Maria Gonzalez, 395-6132.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Recertification of Family Income and Composition Section 235, (B) HUD 93191, 93101A, 93101B, on occasion, homeowners receiving assistance, Community and Veterans Affiars Division, 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Talc, Soapstone, and Pyrophyllite (Production), 6-1290-A, annually, Producers of Talc, etc., Marsha Trayhan, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-17074 Filed 6-9-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12516]

BOSTON STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

In the Matter of Boston Stock Exchange, Inc., 53 State Street, Boston, Massachusetts 02109 (SR-BSE-76-7).

On March 17, 1976, the Boston Stock Exchange filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to define members, member organization, and associated persons pursuant to Section 3(a)(18) of the Securities Exchange Act of 1934 and to revise the qualifications of membership as required by the 1975 Amendments to the Act.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12227 (March 17, 1976)) and by publication in the FEDERAL REGISTER (41 FR 12099 (March 23, 1976)). On June 1, 1976 the Boston Stock Exchange, Inc. made certain technical revisions in the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on March 17, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16834 Filed 6-9-76;8:45 am]

[Release No. 19554; 70-5799]

CONSOLIDATED NATURAL GAS CO.

Proposed Issuance and Sale of Common Stock Pursuant to Employee Stock Ownership Plan and Dividend Reinvestment Plan

JUNE 3, 1976.

Notice is hereby given That Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated March 1, 1976 (HCAR No. 19409), the Commission authorized Consolidated to amend its Charter to permit its Board of Directors to issue and sell, without first making an offering to its existing common shareholders on a subscription basis, unissued shares of common stock presently or hereafter authorized to (1) any employee stock ownership plan which

may be adopted by Consolidated or any of its subsidiaries whereby Consolidated would be permitted by Federal tax law to fund the plan by reducing its taxes in an amount equal to such funding and (2) any dividend reinvestment plan with respect to Consolidated's common stock.

Consolidated now proposes, in accordance with said amendment to its Charter, to issue and sell authorized and unissued shares of its common stock, to (a) an employee stock ownership plan ("ESOP") whereby Consolidated would be permitted by Federal tax law to fund the plan by reducing its taxes in an amount equal to such funding and/or (b) a dividend reinvestment plan ("DRP") available to Consolidated's common stockholders. At present, Consolidated has total authorized capital stock of 24,500,000 shares, divided into 2,500,000 shares of preferred stock of the par value of $100 each and 22,000,000 shares of common stock of the par value of $8 each; 500,000 shares of preferred stock are issued and outstanding, as are 18,919,362 common shares.

The proposed issuance and sale of common stock is estimated at up to 750,000 shares, consisting of (a) an aggregate of 680,000 shares to Manufacturers Hanover Trust Company ("Manufacturers"), agent for those common stockholders participating in the DRP, or to Manufacturers' nominee, until December 31, 1978, and (b) an aggregate of 70,000 shares to the Trustees of the ESOP until December 31, 1977.

The declaration states that the Tax Reduction Act of 1975 permits a corporation to elect an additional 1% investment tax credit on qualified property additions during the period January 22, 1975, through December 31, 1976, provided an amount equivalent to the additional tax credit is invested in the corporation's common stock through an employee stock ownership plan and that, in effect, said act allows a corporation to fund the plan by reducing taxes to the extent of the additional 1% credit. Shares are acquired at no cost by employees.

With respect to Consolidated's proposal, the number of shares to be sold to the Trustees of the ESOP will be determined by dividing the amount of the additional 1% allowable investment tax credit by the average closing price of the stock on the New York Stock Exchange for the 20 consecutive trading days immediately preceding the date of issue of the shares. Based on the Consolidated system's qualifying property additions for 1975 and those budgeted for 1976, it is estimated that the additional 1% investment tax credit for both years would amount to an aggregate of $1,750,000. The system's 7,700 employees would thereby acquire approximately 70,000 shares of common stock if the price to be paid, as determined above, were $25 a share. At that price, no employee would receive more than 30 shares of stock for 1975.

The declaration states that since December 1973 Manufacturers Hanover Trust Company has been administering a dividend reinvestment plan as agent for participating common shareholders of Consolidated. Dividends received by shareholders have been reinvested through the purchase of the common stock of the company on the open market. The approximately 3,000 shareholders currently participating in the plan acquired some 20,000 shares of Consolidated's stock in the calendar year 1975 through dividend reinvestment of $500,000. Consolidated now intends to sell directly to the agent such authorized and unissued shares of its common stock as may be needed for the reinvestment of dividends and for optional cash investment under the plan. The shares would be sold by Consolidated at the average closing price on the New York Stock Exchange for the 20 consecutive trading days immediately preceding the dividend payment date. Consolidated asserts that stockholders participating in the dividend reinvestment plan would benefit from the proposed sale of shares inasmuch as the brokerage commissions on shares now being bought by the agent on the open market would be eliminated. Also, it is the intention of Consolidated to absorb the agent's service charge during the period of sale.

It is further stated that the proposed transactions will provide Consolidated with an additional source of common equity capital at the most economical cost to the company and that, in addition, they will help to reduce the size of any public or subscription offering and thereby proportionately lessen the depressing effect that such an offering would usually have on the market price of the company's common stock.

The fees and expenses incurred or to be incurred in connection with the proposed transactions are estimated at $104,000, including accountants' fee of $13,500, geologists' fee of $7,500, and system service company charges, at cost, of $25,000. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Consolidated has requested that the issuance and sale of the common stock be excepted from the competitive bidding requirements of Rule 50 under the Act.

Notice is further given That any interested person may, not later than July 1, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 76-16830 Filed 6-9-76;8:45 am]

[File No. 500-1]

GEICO

Suspension of Trading

JUNE 3, 1976.

In the matter of trading in securities of Government Employees Insurance Company.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Government Employees Insurance Company being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:00 a.m. (EDT) on June 3, 1976 through June 12, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 76-16831 Filed 6-9-76;8:45 am]

[File No. 500-1]

PENN FRUIT CO., INC., ET AL.

Suspension of Trading

JUNE 2, 1976.

In the matter of trading in securities of Penn Fruit Company, Inc., Macmillan Ring-Free Oil Co., Inc., Tremont Corp., Riverside Properties, Prel Corp., Weston International Corp.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of the above companies being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors:

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1:45 p.m.

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(EDT) on June 2, 1976 through June 11, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16832 Filed 6-9-76;8:45 am]

[File No. 24A-2277, A-843]

W. E. HAUCK, INC.

Order Temporarily Suspending Exemption

JUNE 2, 1976.

In the matter of W. E. Hauck, Inc., 1207 Alpharetta Street, Alpharetta, Georgia.

I. On October 31, 1975, W. E. Hauck, Inc. (the "Issuer") filed with the Atlanta Regional Office a Notification and Offering Circular pursuant to Regulation A, promulgated under Section 3(b) of the Securities Act of 1933. The Issuer was incorporated on September 3, 1975, under the laws of the State of Georgia, with an authorized capitalization of 2,000,000 shares of Common Stock, par value $.10. According to the Issuer's Articles of Incorporation, the firm was organized for the purpose of, generally, manufacturing, purchasing, selling, importing, exporting and generally dealing in various pharmaceutical and medical merchandise.

The Issuer proposed to offer, pursuant to Regulation A, 425,000 shares of its Common Stock for cash at $1.00 per share, 52,000 shares of its Common Stock in exchange for Common Stock in Reid-Provident Laboratories, Inc., and 25,000 shares of its Common Stock for certain assets of American Research Laboratories, Inc. The Atlanta firm of ETI Investment Corporation was to serve as underwriter for this offering. No shares, however, have yet to be sold pursuant to the Regulation A exemption, nor has the Atlanta Regional Office cleared the filing.

II. The Commission, on the basis of information provided by its staff, has reason to believe that:

A. The Notification and Offering Circular of the Issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the existence of a special brokerage account and the fact that the stock contained therein had been deposited pursuant to a previously proposed securities offering but had not been returned to the stockholders;

2. The failure to disclose the use of a solicitation letter prior to filing of the Notification and Offering Circular;

3. The failure to disclose that the offering had in fact commenced prior to the filing of the Notification and Offering Circular, in violation of Section 5 of the Securities Act of 1933;

4. The failure to disclose that the Commission had not given preliminary approval to the Issuer's offering, as falsely stated in the solicitation letter;

5. The failure to disclose that the Issuer had no reasonable basis for estimating the number of shares to be sold and the number of physicians that would invest in the Issuer, as falsely stated in the solicitation letter; and

6. The failure to disclose that the solicitations prior to the Regulation A filing were directed at a class of individuals broader than that implied in the solicitation letter.

B. The Issuer failed to comply with the terms and conditions of Regulation A in that it:

1. Failed to disclose the facts enumerated above in section 'A'; and

2. Failed to comply with the requirements of Rules 253 and 254 in that the offering would exceed the Regulation A ceiling limitation.

C. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it is hereby, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the Issuer file an answer to the allegations contained in the order within thirty (30) days of the entry thereof.

Notice is hereby given That any person having an interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty (30) days after entry of this order; that within twenty (20) days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for such hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16833 Filed 6-9-76;8:45 am]

[Release No. 34-12513; File No. SR-DTC-76-4]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 29, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF PROPOSED RULE CHANGE

1. *Text of Proposed Rule Change*

(a) Amend the definitions of "ASECC" and "SCC" in Rule 1 as follows:

ASECC: The term "ASECC" means [American Stock Exchange Clearing Corporation] *the ASECC Division of NSCC.*

NCC: *The term "NCC" means the NCC Division of NSCC.*

NSCC: *The term "NSCC" means the National Securities Clearing Corporation.*

Amend the last paragraph of Rule 6 as follows:

For the purposes of this Rule a Special Representative shall include any of the following persons who acts on behalf of a Participant: (1) [the National Clearing Corporation ("[NCC]")], but only insofar as NCC acts on behalf of a Participant who is a member of NCC and from which Participant the Corporation has not received notice that such Participant has ceased to be a member of NCC, (2) [Carlisle De Coppet & Co., but only to the extent that firm acts as an odd-lot broker or dealer under the rules of the New York Stock Exchange, Inc. and (3)] SCC, but only insofar as SCC acts on behalf of a Participant who is a member of SCC and from which Participant the Corporation has not received notice that such Participant has ceased to be a member of SCC and [(4)] (3) ASECC, but only insofar as ASECC acts on behalf of a Participant who is a member of ASECC and from which Participant the Corporation has not received notice that such Participant has ceased to be a member of ASECC.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. *Purpose of Proposed Rule Change*

One purpose of the proposed rule change is to change the references in the Rules to Stock Clearing Corporation (SCC), American Stock Exchange Clearing Corporation (ASECC) and National Clearing Corporation (NCC) to references to the SCC Division, ASECC Division and NCC Division in anticipation of the acquisition of the businesses of SCC, ASECC and NCC by National Securities Clearing Corporation (NSCC) and the operation thereof as such Divisions. The portion of the proposed rule change relating to these matters will become effective upon such acquisition by NSCC.

In addition, reference to Carlisle De Coppet & Co. (Carlisle) as a Special Representative has been deleted because of the acquisition of Carlisle's business by the New York Stock Exchange, Inc. (NYSE)

4. *Basis Under the Act for Proposed Rule Change.*

(a) Not Applicable.

(b) The change in the Rules relates to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by perfecting the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions in that it permits DTC to continue to provide services now provided notwithstanding changed conditions.

(c) Not applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change.*

No comments have been solicited.

6. *Burden on Competition.*

None

On or before July 19, 1976 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rules change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before July 1, 1976.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 3, 1976.

[FR Doc.76-16837 Filed 6-9-76;8:45 am]

[Release No. 34-12512; File No. SR-NYSE-76-29]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given that on April 30, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change effects changes in Article XII and Article XIII of the New York Stock Exchange, Inc. (the Exchange) Constitution, adds a new Rule 14 to the Rules of the Exchange, amends Rules 165, 167, 183, 194, 196, 200, 209, 281 and 376 of the Rules of the Exchange and indirectly amends other Rules of the Exchange by substituting the SCC Division of National Securities Clearing Corporation (NSCC) for the term "Stock Clearing Corporation" and similar terms effective upon the transfer of the clearing agency business of Stock Clearing Corporation to the SCC Division of NSCC and making other changes necessary to reflect such transfer.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. *Purpose of Proposed Rule Change.*

The purpose of the proposed rule change is to make appropriate changes in the Constitution and the Rules of the Exchange in order to reflect the transfer of the clearing agency business of Stock Clearing Corporation to National Securities Clearing Corporation.

Article XII, Sections 2 and 3.

Section 2 of Article XII would be amended to delete provisions which subject Exchange Contracts to the By-Laws and Rules of SCC. Transactions to which a SCC member who becomes a participant in NSCC is a party which are not completed prior to the Effective Date will be subject to the Rules of NSCC by agreement between SCC, NSCC and each member of SCC. Transactions which are not completed prior to the Effective Date to which SCC members who do not become participants in NSCC will be subject to the By-Laws and Rules of SCC by reason of existing agreements between such SCC members and SCC.

It is not proposed to subject Exchange Contracts to the Rules of NSCC by Exchange Constitutional provisions. NSCC Rules will apply to Exchange Contracts cleared and settled through NSCC by agreement between NSCC and its participants.

The first paragraph of Section 3 of Article XII would be amended as of the Effective Date to provide for the delivery and payment of every Exchange Contract through NSCC unless otherwise agreed and the second paragraph would be amended to refer to the NSCC Rules as to who may clear and settle through NSCC.

Article XIII, Section 2

Section 2 of Article XIII would be amended to eliminate the possibility of suspension of a member upon advice of the Board of Directors of SCC in recognition of the fact that SCC will not, after the Effective Date, be engaged in a business relevant to such a determination. NSCC has not been substituted for SCC. Under the Securities Exchange Act of 1934 the Exchange is entitled to suspend a member summarily if he is suspended by a registered clearing agency.

Rules.

It is proposed that a new Rule 14 be added to the Rules of the Exchange which would define Stock Clearing Corporation to mean the SCC Division of NSCC, except in the case of Rules 196 and 200. Since the National OTC Clearing Corporation has been succeeded by National Clearing Corporation and, on the Effective Date, National Clearing Corporation will become the NCC Division of NSCC, Rule 14 would define National OTC Clearing Corporation to mean said NCC Division.

Rules 165, 167, 183, 194, 281 and 376 make reference to the By-Laws of SCC. These Rules would be amended to refer to the SCC Division of NSCC and to delete references to the By-Laws thereof since all relevant provisions of the By-Laws of SCC will be contained in the Rules of the SCC Division of NSCC.

Rule 196 provides that when the name of SCC has been inserted in an assignment, as attorney, or in a power of substitution, as substitute attorney, a power of substitution shall be executed in blank by SCC. Since after the Effective Date certificates in which the name of SCC has been inserted as aforesaid may be in the public domain, it is not proposed to amend such provision. However, to provide similarly for NSCC, it is proposed that Rule 196 be amended to add a like provision with respect to NSCC.

Likewise, subparagraphs (a), (c) and (e) of Rule 200 provide for the use of signatures and facsimile signatures of SCC and its officers and employees. For the reasons stated above in connection with Rule 196, these provisions will not be deleted; instead NSCC will be placed in the same position as SCC by amendments to subparagraphs (a) and (c) and a provision equivalent to existing subparagraph (e) in relation to facsimile signatures will be added to Rule 200 as a new subparagraph (g). Similar changes are to be made in Rules 200.10 and 200.20.

4. *Basis under the Act for Proposed Rule Change.*

(a) The proposed rule change relates the fostering of cooperation and coordination with persons engaged in clearing and settling and facilitating transactions in securities in that it provides for the conduct of clearance and settlement through NSCC after NSCC acquires the Clearing agency business of SCC.

(b) Not applicable.

(c) Not applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change.*

Comments on the proposed rule change were not solicited.

6. *Burden on Competition.*

None.

On or before July 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should

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file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 3, 1976.

1. *Text of Proposed Rule Change.*

(a) It is proposed that the Constitution and the Rules of the New York Stock Exchange, Inc. (the Exchange) be amended as provided below effective upon the transfer (the Effective Date) of the clearing agency business of Stock Clearing Corporation (SCC) to National Securities Clearing Corporation (NCC):

Amend Sections 2 and 3 of Article XII of the Constitution as follows:

Sec. 2. The provisions of the Constitution of the Exchange and of the rules adopted pursuant to thereto shall be a part of the terms and conditions of all Exchange Contracts [and the By-Laws and the Rules of Stock Clearing Corporation approved by the Board of Directors shall be a part of the terms and conditions of every contract which is to be cleared or settled through Stock Clearing Corporation,] and all such contracts shall be subject to the exercise by the Board of Directors [and Stock Clearing Corporation] of the powers with respect thereto vested in them by the Constitution and rules adopted pursuant thereto [and by the By-Laws and the Rules of Stock Clearing Corporation, respectively].

Sec. 3. On every Exchange Contract delivery and payment shall be made through [Stock] *National Securities* Clearing Corporation as required by the By-Laws and Rules of [Stock] *National Securities* Clearing Corporation unless it is otherwise stipulated in the bid or offer, or it is otherwise mutually agreed by the parties to the contract, or [Stock] *National Securities* Clearing Corporation either in the particular instance or in pursuance of its By-Laws and Rules refuses to act in the matter.

A Party to any such contract who is not a [Clearing Member as defined in the By-Laws of Stock Clearing Corporation] *participant in National Securities Clearing Corporation entitled to clear and settle any such contract through National Securities Clearing Corporation* shall cause the transaction to be cleared or settled for him by a [Clearing Member] *Participant in National Securities Clearing Corporation who is so entitled.*

Amend Section 2 of Article XIII of the Constitution as follows:

Sec. 2. Whenever it shall appear to the Chairman of the Board that a member has failed to meet his engagements, or is insolvent, or the Chairman of the Board has been advised by the Board of Directors of the Exchange [or by the Board of Directors of Stock Clearing Corporation] that such member is in such financial or operating condition that he cannot be permitted to continue in business with safety to his creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member shall thereby become suspended from membership until he has been reinstated as provided in Section 5 of this Article.

Whenever it shall appear to the Chairman of the Board that a member firm or member corporation has failed to meet its engagements, or is insolvent, or the Chairman of the Board has been advised by the Board of Directors of the Exchange [or by the Board of Directors of Stock Clearing Corporation] that such member firm or member corporation is in such financial or operating condition that it cannot be permitted to continue in business with safety to its creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member firm or member corporation shall thereby become suspended as a member firm or as a member corporation and every member or allied member who is a general partner or holder of voting stock therein shall thereby become suspended from membership or allied membership, until reinstated as provided in Section 5 of this Article.

Add a new Rule 14, as follows:

Rule 14. The terms "Stock Clearing Corporation", "Stock Clearing" and "Clearing Corporation" mean the SCC Division of National Securities Clearing Corporation, except that in Rules 196 and 200 the term "Stock Clearing Corporation" shall mean Stock Clearing Corporation. The term "National OTC Clearing Corporation" means the NCC Division of National Securities Clearing Corporation.

Amend the following Rules in the manner indicated:

Rule 165. The party who is partially unsecured by reason of a change in the market value of the subject of an Exchange Contract other than a contract included in Continuous Net Settlement System of [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation*, may demand from the other party the difference between the contract price and the market price. The party from whom such difference is demanded shall immediately either (1) pay the same directly or through [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation* to the party who is partially unsecured, in which case the money so paid shall bear interest at the current renewal rate for call loans, except in the case of a loan of securities when the money so paid shall be considered part of such loan, or (2) deposit the same with [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation*, if permitted by its [By-Laws and] Rules.

Rule 167. If the party required to make a deposit with [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation* is not a Clearing Member as defined in the [By-Laws] *Rules* of [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation*, he shall cause the deposit to be made for him by a Clearing Member. The cash so deposited with [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation* shall be held by it subject to its [By-Laws and] Rules.

Rule 183. In all deliveries of securities, the party delivering shall have the right to require the purchase money to be paid upon delivery; if delivery is made by transfer, payment may be required at the time and place of transfer; provided, however, that payment on deliveries through [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation* shall be made in conformity with its [By-Laws and] Rules.

Rule 194. Each delivery of securities subject to tax on transfer or sale must be accompanied by a sales ticket stamped in accordance with the laws of the State of New York, except that in the case of securities cleared or deliverable through [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation*, sales tickets so stamped shall be delivered in accordance with its [By-Laws and] Rules.

Amend Rule 196 by adding the following paragraph at the end thereof:

When the name of National Securities Clearing Corporation has been inserted in an assignment, as attorney, or in a power of substitution, as substitute attorney, a power of substitution shall be executed in blank by National Securities Clearing Corporation as provided in Rule 200(g).

Amend Rule 200 by amending paragraphs (a) and (c) and adding a new paragraph (g) at the end thereof as follows:

(a) A member corporation may authorize one or more of its officers, or one or more other persons, who are either its employees or who are officers or employees of Stock Clearing Corporation *or National Securities Clearing Corporation*, to assign registered securities in the name of the member corporation and on its behalf and to guarantee assignments, by filing with the Exchange, in the form prescribed by it, a certified copy of resolutions of its Board of Directors, authorizing such person or persons so to act.

(c) A member or member firm may authorize one or more persons, who are either his or its employees or who are officers or employees of Stock Clearing Corporation *or National Securities Clearing Corporation*, to assign registered securities in the name of such member or member firm and to guarantee assignments, with the same effect as if the name of such member or firm had been signed under like circumstances by such member or by one of the partners of the firm, by executing and filing with the Exchange, in the form prescribed by it, a separate Power of Attorney for each person so authorized.

(g) National Securities Clearing Corporation may execute powers of substitution by means of a mechanically reproduced facsimile signature of an officer of such corporation, provided such corporation shall have (1) executed and filed with the Exchange, in the form prescribed by it, an agreement with respect to the use of such facsimile signature, (2) filed with the Exchange, in the form prescribed by it, a certified copy of resolutions of the Board of Directors of such corporation authorizing the execution and filing with the Exchange of such agreement, and (3) complied with such other requirements as may be prescribed by the Exchange, in connection with the use of facsimile signatures.

Amend the ninth paragraph of Rule 200.10 as follows:

In filing resolutions (Other than Officers) the Exchange requires a covering letter stating that the person being authorized is an employee of the member corporation (or an officer or employee of Stock Clearing Corporation *or of National Securities Clearing Corporation*).

Amend the fourth paragraph of Rule 200.20 as follows:

A power of attorney filed with the Exchange must be accompanied by a specimen of the signature which will be used by the person appointed, together with a covering letter stating that the person being authorized is an employee of the member firm (or an officer or employee of Stock Clearing Corporation *or of National Securities Clearing Corporation*). On receipt of a power of attorney in proper form and a specimen signature, the Exchange will undertake to have cards prepared bearing facsimile signatures which will be furnished to transfer agents of all listed securities together with notice of the appointment.

Amend the last paragraph of Rule 209 to read as follows:

Each signature to a power of substitution executed by other than a member, member organization, Stock Clearing Corporation, *National Securities Clearing Corporation* or a nominee referred to in this Rule shall be guaranteed in like manner.

Amend the first paragraph of Rule 281 as follows:

Rule 281. When an announcement is made of the suspension of a member or member organization pursuant to the provisions of Article XIII of the Constitution, members or member organizations having Exchange contracts with the suspended member or member organization for the purchase, sale or loan of securities shall, without unnecessary delay, proceed to close such contracts on the Exchange or in the best available market, except insofar as the [By-Laws and] Rules of [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation are applicable and provide the method of closing; provided, however, that upon any such suspension, the Board may, in its discretion, suspend the mandatory closeout provisions of this rule and may, in its discretion, reinstate such provisions at such time as it may determine.*

Amend Rule 376 as follows:

Rule 376. Unless otherwise agreed by the parties concerned, all payments between members on account of commissions on business when a principal is given up shall be made through [Stock Clearing Corporation] *the SCC Division of National Securities Clearing Corporation* as prescribed by its [By-Laws and] Rules.

[FR Doc.76-16836 Filed 6-9-76;8:45 am]

[Release No. 34-12514; File No. SR-OCC-76-3]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 25, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule changes would establish net capital requirements for Clearing Members which have elected to operate under the alternative net capital requirements set forth in SEC Rule 15c3-1(f) and would increase the initial net capital requirements for Clearing Member applicants which have not so elected.

The proposed rule changes would also require Clearing Members to file copies of their FOCUS reports (SEC Form X-17A-5) with OCC, in lieu of the monthly trial balances previously required. In addition, the proposed rule changes would make certain revisions in OCC's requirements with respect to early warning notices and would change definitions of certain terms used in OCC's net capital rules.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to Rule 301 is to establish initial net capital requirements for Clearing Member applicants which have elected to operate under the alternative net capital requirements set forth in SEC Rule 15c3-1(f), and to increase OCC's initial net capital requirements for other applicants. The purpose of the proposed amendment to Rule 302 is to establish minimum net capital maintenance requirements for Clearing Members operating under the alternative net capital requirements. The proposed amendment to Rule 303 would establish early warning notice requirements for such Clearing Members, and would change the time of day by which early warning notices are required to be filed by all Clearing Members from 9:00 A.M. (Central Time) to 3:00 P.M. (Central Time). The proposed amendment to Rule 304 would prohibit withdrawals of capital from Clearing Member organizations if the effect would be to reduce the organization's net capital below the early warning level (as opposed to the initial net capital level). The effect of that change, with respect to Clearing Members not electing to operate under the alternative net capital requirements, would be to continue in effect OCC's existing prohibition of withdrawals of capital which would reduce net capital below 8⅓% of aggregate indebtedness. The proposed amendment to Rule 305 would require Clearing Members to file copies of their FOCUS reports (SEC Form X-17A-5) with OCC in lieu of the monthly trial balances required to be filed under Rule 305 in its present form. The amendment to Rule 306 would require net capital and aggregate indebtedness to be computed, for the purposes of the OCC Rules, in accordance with SEC Rule 15c3-1.

In addition, the amendment would change the definition of "Examining Authority" to conform to the definition in the General Instructions to Part II of the FOCUS report, and define certain new terms used in the amendments discussed above. Present Rule 307 would be deleted in its entirety (because its subject matter is now covered by SEC Rule 15c3-1, the provisions of which are incorporated by reference in Rule 306, as proposed to be amended) and present Rule 308 would be renumbered as Rule 307.

The proposed rule changes are designed to protect investors and the public interest by strengthening OCC's initial net capital requirements for Clearing Members and by improving the quality and quantity of financial and related information received from Clearing Members. In addition, the proposed rule changes are intended to foster cooperation and coordination with regulatory authorities and other self-regulatory organizations by conforming OCC's reporting requirements to those imposed by SEC Rule 17a-5, as amended, and by conforming OCC's requirements with respect to the computation of net capital and aggregate indebtedness to those imposed by SEC Rule 15c3-1, as amended.

Comments were not and are not intended to be solicited with respect to the proposed rule changes. However, certain Clearing Members have from time to time objected to furnishing certain information contained in their FOCUS reports to OCC. Copies of three letters on the subject are attached hereto as Exhibits 2a, 2b and 2c. Clearing Members which are publicly held corporations (or subsidiaries of such corporations) have expressed concern at being required to disclose profit and loss information to OCC before that information is disclosed to

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the public. OCC believes that prompt receipt of all of the information contained in Clearing Members' FOCUS reports is necessary to enable OCC to discharge its self-regulatory obligations in an effective manner.

OCC does not believe that the proposed rule changes impose any burden on competition. The proposed rule changes do establish initial net capital requirements for Clearing Member applicants electing to operate under the alternative method of capital computation and increase the initial net capital requirements for applicants not so electing. However, OCC believes that the new requirements are necessary and appropriate for the protection of OCC, its Clearing Members and investors, in view of the nature of the obligations undertaken by Clearing Members of OCC.

On or before July 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 3, 1976.

TEXT OF PROPOSED RULE CHANGE

INITIAL NET CAPITAL

RULE 301. Every Clearing Member shall have an initial net capital of not less than [the greater of] $150,000. [or 8⅓ per cent of such Clearing Member's aggregate indebtedness.] *Every Clearing Member which has not elected to operate pursuant to the alternative net capital requirements shall also have an initial net capital of not less than 12½ per cent of such Clearing Member's aggregate indebtedness. Every Clearing Member electing to operate pursuant to the alternative net capital requirements shall also have an initial net capital of not less than 7 percent of its aggregate debit items.*

MINIMUM NET CAPITAL

RULE 302. No Exchange transaction shall be cleared by or through any Clearing Member at any time when such Clearing Member's net capital is less than the greater of $100,000 or *(in the case of a Clearing Member not electing to operate pursuant to the alternative net capital requirements)* 6⅔ per cent of its aggregate indebtedness[.] or *(in the case of a Clearing Member electing to operate pursuant to the alternative net capital requirements) 4 per cent of its aggregate debit items.*

EARLY WARNING NOTICE

RULE 303. A clearing Member shall notify the Corporation promptly, and in any event prior to [9:00 A.M.] *3:00 P.M.* Central Time ([10:00 A.M.] *4:00 P.M.* Eastern Time) of the following business day, if such Clearing Member's net capital shall become less than the greater of $150,000, or *(in the case of a Clearing Member not electing to operate pursuant to the alternative net capital requirements)* 8⅓ percent of its aggregate indebtedness[.] or *(in the case of a Clearing Member electing to operate pursuant to the alternative net capital requirements) 6 percent of its aggregate debit items.*

RESTRICTIONS ON DISTRIBUTIONS

RULE 304. No Clearing Member shall withdraw any funds from any subordinated loan account (whether at the maturity of the subordinated loan or otherwise) or out of the accounts of partners (if such accounts are included as part of the net capital of the Clearing Member) and no Clearing Member shall make any payment, whether by dividend or distribution or otherwise, to its stockholders or partners if the effect of such payments would be to reduce the net capital of the Clearing Member below the [initial net capital required by Rule 301] *early warning levels specified by Rule 303* hereof.

[TRIAL BALANCES] REPORTS

RULE 305. Every Clearing Member *who clears or carries customer accounts* shall file with the Corporation [at least once monthly, a trial balance including a detailed computation of such Clearing Member's net capital.] *a true and complete copy of Part I of Securities and Exchange Commission Form X–17A–5 within 10 business days after the end of each month. Every Clearing Member shall file with the Corporation a true and complete copy of Part II (or Part IIA in the case of a Clearing Member which files Part IIA with the Securities and Exchange Commission or its designated Examining Authority in lieu of Part II) of Securities and Exchange Commission Form X–17A–5 within 17 business days after the end of each calendar quarter and within 17 business days after the date selected for the annual audit of financial statements where said date is other than a calendar quarter. Notwithstanding the foregoing, no Clearing Member shall be required to file with the Corporation Part I or Part II or IIA of Form X–17A–5 prior to the earlier of (i) the date when such Part is filed with the Clearing Member's designated Examining Authority, or (ii) the date when such Part is required to be filed with such Examining Authority pursuant to the rules and regulations of the Securities and Exchange Commission and the procedures of such Examining Authority and any extensions of time duly granted to the Clearing Member thereunder. In the event the designated Examining Authority of any Clearing Member shall at any time require such Clearing Member to file any of the foregoing reports with such Examining Authority on a more frequent basis, then such Clearing Member shall file with the Corporation a true and complete copy of each such report at the same time it is filed with the designated Examining Authority.* The Corporation may require any Clearing Member at any time [to make more frequent net capital computations or] to file with the Corporation *the above reports on a more frequent basis or such other net capital requirements" shall mean the requirements set forth in paragraph (f) of said Rule 15c3–1. Except as otherwise limited by said paragraph (f), the term "aggregate debit items" shall be computed for a Clearing Member in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers (Exhibit A to Securities and Exchange Commission Rule 15c3–3). The term "Examining Authority" of a Clearing Member shall have the meaning set forth in the General Instructions to Part II of Securities and Exchange Commission Form X–17A–5. For the purpose of this Chapter III only, the term "customer" shall have the meaning set forth in paragraph (c)(6) of said Rule 15c3–1.*

POSITIONS IN MARKET-MAKER'S AND SPECIALIST'S ACCOUNTS

RULE 307. With respect to any position in option contracts maintained in any *reports or* financial statements in such *form or* detail as may be prescribed by the Corporation.

DEFINITIONS

RULE 306. The terms "net capital" and "aggregate indebtedness" shall be computed for a Clearing Member in accordance with [the rules of the self-regulatory organization which is the examining authority for the Clearing Member pursuant to the provisions of the Securities Investor Protection Act of 1970 (the "examining authority") except that (a) the deduction in respect of the market values of long and short futures contracts in commodities carried for the accounts of customers shall be ½% instead of 1½%, and (b) the deduction in respect of positions in Market-Maker's and specialist's accounts shall be as set forth in Rule 307.] *Securities and Exchange Commission Rule 15c3–1.* The term "alternative Market Maker's account, specialist's account or combined Market-Maker's or specialists' account carried by a Clearing Member, the Clearing Member shall adjust its net capital by adding the credit balance (if any) and the current market value of all securities (including option contracts) held in a long position in such account, by deducting the debit balance (if any) and the current market value of all securities (including option contracts) held in a short position in such account, by deducting the percentage charges required by the rules of the examining authority in respect of the positions in the account in securities other than option contracts, and by deducting 130 per cent of the market value of each option contract held in a short position in such account and 30 per cent of the market value of each option contract held in a long position in such account; provided, however, that in the case long positions and short positions in the same class of options are maintained in such account, the deduction shall be the greater of (a) 30 per cent of the market value of such long positions or (b) 130 per cent of the market value of such long positions; and provided, further, that in no event shall this Rule 307 result in increasing the net capital of such Clearing Member.]

AUDITS

RULE [308.] *307.* The financial books and records of every Clearing Member shall be audited at least once annually by a firm of independent public accountants satisfactory to the Corporation, and a report thereof shall be filed with the Corporation in such form as the Corporation may prescribe.

EXHIBIT 2B

APRIL 5, 1976.

OPTIONS CLEARING CORP.,
Room 6105,
Sears Tower,
Chicago, Illinois 60606

(Attention: Mr. George Janos, Director of Compliance).

GENTLEMEN: This letter has been requested by your Mr. Beck, pursuant to our conversation of April 2.

We have filed copies of our FOCUS reports with you, as requested, although we fail to see the regulatory need for such filing. It is our understanding that one of the purposes of FOCUS was to reduce the extent of regulatory reporting, by only requiring filings with the broker-dealer's principle exchange and with the S.E.C. It is our strong belief that such filings should satisfy all regulatory needs.

Although we will provide you with copies of FOCUS, Smith Barney, Harris Upham & Co. Incorporated is not willing to disclose its monthly earnings to any further audience than already required by the N.Y.S.E. and S.E.C. While we can appreciate your need for this information from smaller, purely over-the-counter broker-dealers, we feel that any member of the N.Y.S.E. should be exempt from this requirement.

We trust that this satisfactorily explains our position.

Very truly yours,
ROBERT B. KANE,
Vice President & Controller

EXHIBIT 2C

APRIL 28, 1976.

MR. GEORGE F. JANOS,
Director of Compliance, The Options Clearing Corporation, 6150 Sears Tower, 233 S. Drive, Chicago, Illinois 60606.

DEAR MR. JANOS: Goldman, Sachs & Co. has, on a monthly basis, for the past several years been sending the Options Clearing Corporation that portion of the Joint Regulatory Report which contains balance sheet and capital computation information. We have never included P & L information with our monthly filing, but have indicated whether we were profitable for the month. Where we were not profitable we would indicate the amount of such loss. It is our intention to continue this procedure with the advent of the FOCUS Report in the belief that this information meets the requirements of the by-laws of the Options Clearing Corporation.

Goldman Sachs justifiably enjoys a reputation of one of the best and most strongly capitalized Firms in the industry as is reflected in our most recent audited financial statement, a copy of which I have enclosed. As a privately held partnership, we regard our P & L information as highly confidential and would be extremely upset if this information became widely known. As a result, we feel strongly that unless there is some demonstrated need for our monthly P & L figures, beyond that which I have described above, our financial filing should be sufficient to meet the many regulatory requirements to which we are subject.

Please let me know if you have any questions or need any additional information.

Very truly yours,
ROBERT A. FRIEDMAN.

RAF:aa
Encl.

EXHIBIT 2A

MARCH 30, 1976.

THE OPTION CLEARING CORPORATION.
6150 Sears Tower,
233 So. Wacker Drive,
Chicago, Illinois 60606
(Attention: Mr. George JANOS).

DEAR SIR: Enclosed herewith please find the Focus Report as of February 27, 1976. The Firm has been profitable for the period.

In connection with the above, we wish to emphasize that the figures contained in the Focus Report are to be treated as confidential and are submitted to you in your capacity as a regulatory agency.

Very truly yours,
MERRILL LYNCH, PIERCE, FENNER, & SMITH, INC.,
J. V. BRULL,
Manager, Financial Reporting Department.

JVB/sc
Enc.

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INTERSTATE COMMERCE COMMISSION

[Notice No. 65]

ASSIGNMENT OF HEARINGS

JUNE 7, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136786 (Sub 91), Robco Transportation, Inc. now being assigned July 23, 1976 (1 day) at Omaha, Nebraska in a hearing room to be later designated.

MC 59856 Sub 65, Salt Creek Freightways, now being assigned September 27, 1976, (1 Week), at Great Falls, Montana, in a hearing room to be later designated.

MC–C–9002, Crouse Cartage Company—Investigation and Revocation of Certificates, now assigned July 23, 1976, at Omaha, Nebr. is potponed indefinitely.

MC–C–8884, Centroport Drayage, Inc. Westwind Africa Line Limited, and Southern Star Shipping Co., Inc.—Investigation of Operations, now assigned July 26, 1976, at New Orleans, La., is canceled.

MC 133194 (Sub-No. 3), Woodline, Inc., now being assigned September 13, 1976 (2 weeks), at Little Rock, Ark., in a hearing to be later designated.

MC 38536 Sub 2, Coast Cartage Co., now being assigned September 13, 1976, at the Office of Interstate Commerce Commission, Washington, D.C.

MC 113495 Sub 73, Gregory heavy Haulers, Inc., now being assigned September 9, 1976, at the Offices of the Interstate Commerce, Commission, Washington, D.C.

MC–F 12743, The Chief Freight Lines Company dba Chief Freight Lines—Purchase—W. V. Williams dba Williams Transport now assigned July 19, 1976 (5 days) at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 136343 (Sub 65), Milton Transportation, Inc. now assigned July 13, 1976 (1 day) at Columbus, Missouri and will be held in Room 235, Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 114028 (Sub 22), Rowley Interstate Transportation Company, Inc. now assigned July 16, 1976 (1 day) at Kansas City, Missouri and will be held in Room 609, Federal Office Building, 911 Walnut Street. AB 6 (Sub 18), Burlington Northern Inc., Abandonment Between Lamoni and Mount Ayr, In Ringgold and Decatur Counties, Iowa now assigned July 13, 1976 (2 days) at Mount Ayr, Iowa and will be held at the Courthouse Assembly Room, Ringo County Courthouse.

MC–C 8920, Price Hill Coach Line, Inc. vs. David P. White dba Student Charter Service now assigned July 19, 1976 (2 days) at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC–C 8754, Price Hill Coach Line, Inc. vs. Megacity Transit Lines Inc. now assigned July 19, 1976 (2 days) at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 136371 (Sub 16), Concord Trucking Co., Inc. now assigned July 16, 1976 (1 day) at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 123407 (Sub 273), Sawyer Transport, Inc. now assigned July 15, 1976 (1 day) at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 119632 (Sub 64), Reed Lines, Inc. now assigned July 21, 1976 (3 days) at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 33426 (Sub 6), Fuller Transportation, Inc. now assigned July 12, 1976 (2 weeks) at Columbia, South Carolina and will be held at the Municipal Court, 811 Washington Street.

MC 72285 (Sub 11), Motor Transport Company, now assigned July 12, 1976 (1 week) at Madison, Wisconsin and will be held at Room 468, Wisconsin Public Service Commission, Hillfarm State Office Building, 4802 Sheboygan Avenue.

MC 125113 (Sub 4), Christman Trucking Corporation now assigned July 26, 1976 (1 week) at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 119774 (Sub 88), Eagle Trucking Company now assigned July 26, 1976 (1 week) at Dallas, Texas and will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 134323 (Sub 80), Jay Lines, Inc. now assigned July 20, 1976 (1 day) at Dallas, Texas and will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 107678 (Sub 59), Hill & Hill Truck Line, Inc. now assigned July 21, 1976 (3 days) at Dallas, Texas and will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 130342, Consolidated Tours, Inc. now assigned July 19, 1976 (1 week) at St. Paul, Minnesota and will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Roberts.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–16899 Filed 6–9–76;8:45 am]

[Ex Parte No. MC–37 (Sub-No. 28)]

COMMERCIAL ZONE

Evansville, Ind.

Joint Petitioners: Indiana Port Commission and the State of Indiana.

Petitioners' representatives: Thomas G. Woodall, Moshman Associates, Inc., 6400 Goldsboro Road, Washington, D.C. 20034; William E. Daily, Deputy Attorney General, State of Indiana, Indianapolis, Ind. 46204.

By joint petition filed April 27, 1976, the above-named petitioners request that the Commission institute a rule-making proceeding for the purpose of redefining the limits of the Evansville, Ind., commercial zone, which is presently defined by reference to the population-mileage formula at 49 CFR 1048.101. Petitioners request that the Evansville commercial zone be redefined to include: (a) the city of Evansville and that area lying within 5 miles of its corporate limits, (b) the city of Mt. Vernon, Ind., and that area lying within 3 miles of its corporate limits, and (c) an intervening corridor bounded by lines running parallel with Indiana Highway 62 at a distance of 3 miles to the north and 3 miles to the south of Indiana Highway 62.

Petitioners are directed to submit detailed maps of the areas proposed for inclusion within the proposed commercial zone. The proposed action is not expected to significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with this Commission on or before July 27, 1976. A copy of each representative should be served upon petitioners' representatives. Written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–16903 Filed 6–9–76;8:45 am]

[EX PARTE NO. MC–7 (Sub-No. 1)]

COMMERCIAL ZONES AND TERMINAL AREAS

Washington, D.C.

Petitioner: Montgomery County, Md. Petitioner's representative: Charles Ephraim, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036.

By petition filed June 1, 1976, the above-named petitioner requests that the Commission institute a rule-making proceeding for the purpose of redefining the limits of the Washington, D.C., commercial zone. The present description of the Washington, D.C., commercial zone can be found at 49 CFR 1048.4. Petitioner desires to change the following pertinent portion of that definition:

* * * thence west on Maryland Highway 28 to its junction with Shady Grove Road, thence northeast on Shady Grove Road approximately 2.7 miles to Crabbs Branch * * *

to read as follows:

* * * thence west on Maryland Highway 28 to its junction with Shady Grove Road, thence northeasterly on Shady Grove Road to its junction with Briardale Road, thence southeasterly on Briardale Road to its junction with Redland Road, thence southwesterly on Redland Road to Crabbs Branch * * *

Petitioner is directed to submit a detailed street map of the areas proposed for inclusion within the proposed commercial zone. The proposed action is not expected to significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with this Commission on or before July 12, 1976. A copy of each representation should be served upon petitioner's representative. Written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–16904 Filed 6–9–76;8:45 am]

[Notice No. 269]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. FD–28191, filed May 17, 1976. Transferee: ALOHA FREIGHT FORWARDERS, INC., 13901 Mica Street, Santa Fe Springs, California 90670. Transferor: ALOHA CONSOLIDATORS INTERNATIONAL, 13901 Mica Street, Santa Fe Springs, California 90670. Applicants' representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, California, 90017. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Fourth Amended Permit and Order No. FF–269 and Sub Numbers thereunder, issued July 31, 1973, as corrected September 13, 1973, as follows: General Commodities (except household goods as defined by the Commission, unaccompanied baggage and used automobiles), Between points in California and Hawaii; General Commodities (except household goods, as defined by the Commission), between points in Los Angeles, Orange, Riverside and San Bernardino Counties, Calif., on the one hand, and, on the other, points in Hawaii; General Commodities (except household goods as defined by the Commission, unaccompanied baggage and used automobiles), between points in Hawaii, on the one hand, and, on the other, points in Oregon (except Medford), and Washington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

No. MC–FC–76525, filed April 14, 1976. Transferee: J. P. OSBORNE, III, doing business as J. O. IRRIGATION, Seminole, Texas 79360. Transferor: WILEY REYNOLDS, SR. and WILEY REYNOLDS, JR., a partnership, doing business as SHOE NAIL SUPPLY, Pampa, Texas 79065. Applicant's representative: Charles J. Kimball, Kimball and Williams, 350 Capitol Life Bldg., Denver, Colo. 80203. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139135 (Sub-No. 1), issued December 23, 1974, as follows: Meat scraps, bone meal, meat meal, and blood meal, in bulk, from Clovis, N. Mex., to points in Texas, Oklahoma, Arkansas, and Missouri and from Pampa, Tex., to points in Olkahoma, Arkansas, and Missouri, subject to certain restrictions. Transferee presently holds no authority from this Commission.

No. MC–FC–76552, filed June 4, 1976. Transferee: LANCASTER LIMOUSINE SERIVCE, LTD., 228 East Maine St., Mount Joy, Pa. 17552. Transferor: ANDREW F. REYMER, doing business as LANCASTER LIMOUSINE SERVICE, 228 East Main St., Mount Joy, Pa. Applicant's representative: William A. Chesnutt, Esq., 1776 F Street, NW., Washington, D.C. 20006. Authority sought for purchase of transferee of the operating rights of transferor, as set forth in Certificate No. MC–138981 (Sub-No. 2), issued May 7, 1975, as follows: passengers and their baggage, in non-scheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats in special operations, between points in Lancaster County, Pa., on the one hand, and, on the other, the Washington National and Dulles International Airport at or near Washington, D.C., Friendship International Airport at or near Baltimore, Md., Newark Airport at or near Newark, N.J., John F. Kennedy International and La Guardia Airports, at or near New York, N.Y. the dock facilities of New York, N.Y., Port Authority at the New York, N.Y., and the dock facilities at the Baltimore, Md., Port Authority at Baltimore, Md., restricted to the transportation of passengers and baggage having a prior or subsequent movement by air or water. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

No. MC–FC–76604, filed May 26, 1976. Transferee: PAUL LESTER HIGGINS, doing business as WEIRTON TRANSFER, 311 Center Street, Cove Station, Weirton, West Virginia 26062. Transferor: GEORGE J. BOND, doing business as BOND MOVING & STORAGE, 312 N. 7th Street, Steubenville, Ohio 43952. Applicants' attorneys: James R. Stiverson and John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC–47374 and MC–47374 (Sub-No. 2), filed March 21, 1949 and December 4, 1957, respectively, as follows: specified commodities and household goods, from specified points in West Virginia and Ohio to specified points in West Virginia, Ohio and Maryland; and household goods, office furniture and equipment, and store fixtures, between Steubenville, Ohio and points within 25 miles thereof, on the one hand, and, on the other, points in Indiana, Michigan, Pennsylvania and West Virginia. Transferee is presently authorized to operate as a common carrier under Certificate No. MC–4739, issued September 30, 1966. Application has not been filed for temporary authority under Section 210a(b).

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76 16901 Filed 6–9–76;8:45 am]

[Notice No. 268]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 10, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

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Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 30, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76115. By order entered June 3, 1976 the Motor Carrier Board approved the transfer to T. E. Andresen, Incorporated, Swampscott, Mass., of the operating rights set forth in Certificate No. MC-34648, issued July 27, 1965, to Harry Edward Spurr, Jr., doing business as Spurr & McKay, Somerville, Mass., authorizing the transportation of household goods, between Somerville, Mass., and points in Massachusetts within 15 miles of Somerville, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and New York. Thomas E. Andresen, Jr., 67 Stetson Ave., Swampscott, Mass. 01907, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16902 Filed 6-9-76;8:45 am]

[Notice No. 69]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 3, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 340 (Sub-No. 39 TA), filed May 24, 1976. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt Liquor beverages*, except commodities in bulk, in tank vehicles, from San Antonio, Tex., to points in Ohio, Indiana, Illinois, Wisconsin, Lower Michigan, and St. Louis County Mo., and points within a 50-mile radius thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pearl Brewing Company, Inc., 312 Pearl Parkway, San Antonio, Tex. 78296. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission; Room B-400 Federal Bldg., 727 E. Durango, San Antonio, Tex. 78206.

No. MC 830 (Sub-No. 2 TA), filed May 17, 1976. Applicant: MUELLER CARTAGE CO., 2510 Adie Road, Maryland Heights, Mo. 63043. Applicant's representative: Michael C. Kerls (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fired clay brick, concrete and haydite masonry units* by boom truck, from Maryland Heights, Mo., to Wabash, Lawrence, Crawford, Clark, Edgar, Coles, Douglas, Macon, Piatt, Champaign, Vermillion, Dewitty, McLean, Ford, Iroquois, Livingston, Kankakee, Woodford, Tazewell, Peoria, Marshal, Putnam, Stark, Knox, Warren, Henderson, Mercer, Rock Island, Henry, Bureau, La Salle, Grundy, Will, Kendall, DeKalb, Lee, Whiteside, Carroll, Ogle, Kane, McHenry, Boone, Winnebago, Stephenson, Jo-Davies, Lake, Dupage and Cook Counties, Ill., under a continuing contract with Alton Brick Company, for 180 days. Supporting shipper: Alton Brick Company, 2510 Adie Road, Maryland Heights, Mo. 63043. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 2002 (Sub-No. 13 TA), filed April 14, 1976. Applicant. PHILIPP TRANSIT LINES, INC., 1804-12 East 5th Street, P.O. Box 358, Washington, Mo. 63090. Applicant's representative: Lucy Kennard, 910 Brookfield Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Kansas City, Kans., to points in Missouri East of Highway 63 and South of Interstate 70, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Continental Processors, Inc. P.O. Box 414, Lafayette, Calif. 94549, Inland Storage Distribution Center 6500 Inland Drive, Kansas City, Kans. 66110. Send protests to: District Supervisor, J. P. Werthann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 11722 (Sub-No. 51 TA), filed May 20, 1976. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Philip G. Skofstad, 18448 S. E. Pine St., Portland, Oreg. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and combination metal and fibreboard cans and can ends* from Junction City, Portland, Astoria and Salem, Oreg. to points in Washington and Idaho; and from Walla Walla, Moses Lake, Yakima, Seattle and Olympia, Wash. to points in Oregon and Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Company, 10200 N. Lombard, Portland, Oregon, 97203. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 14107 (Sub-No. 1TA), filed May 18, 1976. Applicant: W. M. GIRVAN, INC., 65 Railroad Avenue, Albany, N.Y. 12205. Applicant's representative: Neil D. Breslin, Twin Towers-99, Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between East Hartford, Conn., on the one hand, and, on the other, points and places within the territory bounded by a line beginning at Rouses Point, N.Y., and extending west along the boundary line of the U.S. and Canada to Fort Covington, N.Y., thence south through Bombay, Saint Regis Falls, Tupper Lake, Blue Mountain Lake, Lake Pleasant, Little Falls, Richfield Springs, Oneonta, Meredith, Fleischmanns, East Branch, and Livingston Manor to Liberty, N.Y., thence east through Ellenville, Marlboro, Poughkeepsie, and Dover Plains to Amenia, N.Y., thence in a northeasterly direction to Norfolk, Conn., thence north through Lee, Mass., Hindsdale, West Hawley, and Zoar, Mass., Searsburg, Vt., Windham, Weston, Summith, Stockbridge, and East Warren to Waterbury, Vt., thence east to West Danville, Vt., thence north through Irasburg to North Troy, Vt., and thence west along the boundary of the U.S. and Canada to Rouses Point, under a continuing contract with The Great Atlantic & Tea Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Great Atlantic & Tea Co., Inc., 2 Paragon Drive, Montvale, N.J. 07645. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Building, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 52704 (Sub-No. 129TA), filed May 19, 1976. Applicant: GLEN MCCLENDON TRUCKING COMPANY INC., Post Office Drawer H, Opelika Highway, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper* (except in bulk), from the plantsite of Bowater Southern Paper Corporation at Calhoun, Tenn., to points in Georgia and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bowater Southern Paper Corporation. Calhoun, Tenn. 37309. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 52871 (Sub-No. 4TA), filed May 21, 1976. Applicant: OVERCASH TRANSFER, INC., P.O. Box 3117, C.R.S., Rock Hill, S.C. 29730. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. N.W., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer, fiberboard and hardboard* from points in Orangeburg and Colleton Counties, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, Delaware, Maryland, Pennsylvania, Ohio and the District of Columbia, under a continuing contract with Holly Hill Lumber Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holly Hill Lumber Company, Holly Hill, S.C. 29059. Send protests to: E. E. Strotheid, District Supervisor, ICC, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 61396 (Sub-No. 310 TA), filed May 27, 1976. Applicant: HERMAN BROS, INC., 2565 St. Mary's Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, in bulk, in tank vehicles, from the plantsite and storage facilities of Occidental Chemical Co. at or near Grant, Nebr., to points in Kansas, Colorado, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mike Gonzales, Manager-Motor Transportation, Occidental Chemical Co. 2000 South Post Oak Road, P.O. Box 1185, Houston, Tex. 77001. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 106674 (Sub-No. 196 TA), filed May 18, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled shavings, bagged sawdust, and wood residuals*, from Savannah, Tenn. to Bearden, Camden, Little Rock, and Stephens, Ark.; Auburn, Carbondale, Champaign, Chicago, Collinsville, Decatur, Joliet, Mt. Carmel, Red Bud, and Springfield, Ill., Murray, Ky., New Orleans and Slidell, La., Meridian, Miss., and Joplin, Monett, and St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert L. Ciuferi Sawdust Milling, Inc., 314 West Main Street, Collinsville, Ill. 62234. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 1031 TA), filed May 21, 1976. Applicant: RUAN TRANSPORT CORP., 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Independence, Kans. to Wood River, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 109821 (Sub-No. 46 TA), filed May 21, 1976. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Dewey T. Whitford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing, heating, and electrical supplies and equipment* used in the sale and distribution thereof (except in bulk), between the facilities of Raub Supply Company, located in Olean, N.Y. and points in Pennsylvania, for 180 days. Supporting shipper: Raub Supply Company, 631 N. Union Street Ext., Olean, N.Y. 14760. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 115311 (Sub-No. 188TA), filed May 24, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials* (except in bulk); rovings or strands, glass fibre; mats or matting, glass fibre, from the facilites of Certain-Teed Products Corporation located at or near Athens, Ga., to points in Texas, Missouri, Illinois, Ohio, Pennsylvania, New Jersey and Delaware, for 180 days. Supporting shipper: Certain-Teed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commisison, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 116073 (Sub-No. 323TA), filed May 17, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Aven., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, and *buildings*, from Elkhart, near Howe and Goshen, Ind., to points in Illinois, Indiana, Kentucky, Lower Michigan, Ohio and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Skyline Corporation, 2520 Bypass Road, Elkhart, Ind. 46514. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116519 (Sub-No. 34 TA), filed May 19, 1976. Applicant: FREDERICK TRANSPORT LTD., R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, except truck tractors, and *attachments and equipment* designed for use with such articles, when moving in mixed loads therewith, from the warehouse and facilities of Allis-Chalmers Corporation at or near Norfolk, Va., to points on the United States-Canada International Boundary line located in New York, Maine, Vermont and Michigan. Restriction: The authority granted herein is restricted to the transportation of shipments moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allis-Chalmers Corporation, Manager, Corporate Transportation, Ralph E. Hallock, P.O. Box 512, Milwaukee, Wis. 53201. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 123383 (Sub-No. 77 TA), filed May 24, 1976. Applicant: BOYLE BROTHERS, INC., RD. 2, Box 329C, Medford, N.J. 08055. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paperboard and paperboard products*, from Lynchburg, Va. to points in Connecticut, Delaware, Maine,

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Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, for 180 days. Supporting shippers: Weyerhaeuser Company, 201 Dexter Street, West Chesapeake, Va. 23324. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 123675 (Sub-No. 2 TA), filed May 21, 1976. Applicant: ELI I. SOLDIER and JAMES J. SOLDIER, a partnership, doing business as, SOLDIER BROS. AUTO BODY TRANSIT LINES, 614 Paine Avenue, Toledo, Ohio 43605. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railway Passenger Car Seats, set up, wrapped*, from Toledo, Ohio, to Philadelphia, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The City Auto Stamping Co., Division of Sheller-Globe Corporation, Lint and Dura Avenues, Toledo, Ohio 43612. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, ICC, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604.

No. MC 124821 (Sub-No. 19 TA), filed May 20, 1976. Applicant: WILLIAM GILCHRIST, 105 N. Keyser Ave., Old Forge, Pa. 18518. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass lens blanks*, from Duryea, Pa., to South Bridge, Mass., and Liverly and Petersburg, Va., for 180 days. Supporting shipper: Schott Optical Glass, Inc. 400 York Avenue, Duryea, Pa. 18642. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U. S. Post Office Building, Scranton, Pa. 18503.

No. MC 126118 (Sub-No. 20 TA), filed May 17, 1976. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio and its commercial zone to Johnson City, Tenn. and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. Stuart Wood, President, Holston Distributing Company, P.O. Box 1575 Johnson City, Tenn. 37601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 127411 (Sub-No. 3 TA), filed May 24, 1976. Applicant: KERDELL WITTMIER, doing business as, WITTMIER TRUCKING SERVICE, Napoleon, N. Dak. 58561. Applicant's representative: Kerdell Wittmier (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Paul, Minn., to Spokane, Wash., under a continuing contract with Northwest Distributors, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northwest Distributors, Inc., E. 202 Riverside, Spokane, Wash. 99202. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340 Fargo, N. Dak. 58102.

No. MC 135082 (Sub-No. 28 TA), filed May 11, 1976. Applicant: BURSCH TRUCKING, INC., doing business as, ROADRUNNER TRUCKING, INC., 415 Rankin Road, N.E., Post Office Box 26784, Albuquerque, N. Mex. 87125. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled waste paper* from Los Angeles County, Orange County, and San Bernardino County, Calif., to Navajo County, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwest Forest Industries, 3443 North Central Avenue, Phoenix, Ariz. 85012. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 135895 (Sub-No. 8 TA), filed May 17, 1976. Applicant: DON RAY BOYD AND JACKIE ROGERS, partners, doing business as, B & R DRAYAGE CO., North Bierdeman Road, Jackson, Miss. 39208. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Non-electric, reflective traffic control products and glass abrasive products* (except commodities in bulk and commodities which because of size, weight or value require the use of special equipment) between the plant sites and warehouses of Cataphote Division, Ferro Corporation at or near Flowood, Rankin County, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, and (2) *equipment, machinery, materials and supplies* used in the manufacture of non-electric reflective traffic control products and glass abrasive products (except commodities which because of size, weight or value require the use of special equipment) between points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, Oklahoma, Tennessee, and Texas, on the one hand, and, on the other, the plant sites and warehouses of Cataphote Division, Ferro Corporation located at or near Flowood, Rankin County, Miss., for 180 days. Supporting shipper: Cataphote Division, Ferro Corporation, P.O. Box 2369, Jackson, Miss. 39205. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136762 (Sub-No. 7 TA), filed May 24, 1976. Applicant: OSBORNE HIGHWAY EXPRESS CORP., 125 University Ave., Berkeley, Calif. 94710. Applicant's representative: James Gulseth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs, extruded sawdust and parafin combined*, from Stockton and the Port of Stockton, Calif., to points in Oregon, Washington and the panhandle of Idaho (Grangeville and north) for 180 days. Supporting shipper: Duraflame, Inc. 385 Foster City Boulevard, Foster City, Calif. 94404. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MC 139336 (Sub-No. 8TA) (correction), filed January 26, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, and republished as corrected this issue. Applicant: TRANSTATES, INC., 2449 Marseilles Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft tires*, for the account of Thompson Aircraft Tire Corporation, between San Francisco, Calif., on the one hand, and, on the other, Minneapolis, Minn., Kansas City, Kans.; Denver, Colo., and Chicago, Ill., under a continuing contract or contracts with Thompson Aircraft Tire Corporation of South San Francisco, Calif., for 180 days of operating authority. Supporting shippers: Thompson Aircraft Tire Corporation, 160 Beacon Street, South San Francisco, Calif. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

NOTE.—The purpose of this republication is to indicate that the commodity description above has been modified to read "Aircraft tires" in lieu of "retreaded and new aircraft tires," and the addition of "on the one hand, and, on the other."

No. MC 141141 (Sub-No. 3 TA), filed May 24, 1976. Applicant: NAVAJO LINE, INC., Route 1, Moncure, N.C. 27559. Applicant's representative: Wilmer B. Hill, 666–11th St. N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, (except in bulk), including *brick, ceramic tile, floor tile*, and *wall tile*, (1) from points in Chatham and Wake Counties, N.C. to points in West Virginia and Ohio; and (2) from Nitro, W. Va., Ironton, Ohio, and Minerva, Ohio

to points in North Carolina, South Carolina, and Virginia; (3) from York County, S.C. to points in North Carolina, South Carolina, Virginia, and West Virginia, under a continuing contract with Cherokee Brick Co. of N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cherokee Brick Co. of N.C. 4027 Beryl Rd., Raleigh, N.C. 27606. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, ICC, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 142045 TA, filed May 10, 1976. Applicant: McNEIL TRANSPORT LTD., 147 North Augusta Road, Brockville, Ontario, Canada K6V 2Y1. Applicant's representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* on rolls and *window shades and curtain and drapery rods, fixtures and hardware* between Ogdensburg, N.Y., on the one hand, and, on the other, the Port of Entry on the U.S.-Canada boundary line at or near Ogdensburg, N.Y. Restricted to traffic originating at or destined to points in Canada, for 180 days. Supporting shippers: John Donofrio, General Manager, Standard Shade Roller Div. of Joanna Western Mills Co. Covington Street, Ogdensburg, N.Y. 13669, John E. Hertogs, Vice-Pres., Gen. Manager, Heeshade Company Limited, 132 Railside Road, Don Mills, Ontario, Canada M3A 1A3. Send protests to: Morris H. Gross, Dist. Supvr. Interstate Commerce Commission, Rm. 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-16900 Filed 6-9-76;8:45 am]

[Notice No. 70]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 4, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 50069 (Sub-No. 509TA), filed May 24, 1976. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 455 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Goolan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid*, in bulk, in tank vehicles, from Fort Wayne, Ind., and Toledo, Ohio, to points in Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Inland Chemical Corporation 1810 Magnavox Way, Fort Wayne, Ind. 46804. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 88594 (Sub-No. 29TA), filed May 21, 1976. Applicant: CARLETON G. WHITAKER, INC., Rt. 17 Exit 84, Town of Dep., Delaware County, N.Y. 13754. Applicant's representative: Norman Weiss, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* in vehicles equipped with mechanical refrigeration, from North Lawrence, N.Y., to Springfield and White River Junction, Vt.; North Concord, N.H.; and North Limington and Portland, Maine; * * * moving in conjunction with presently authorized stop-off loads to Framingham, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sealtest Foods, North Lawrence, N.Y. 12967. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Building, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 103993 (Sub-No. 869TA), filed May 17, 1976. Applicant: MORGAN DRIVE AWAY, INC. 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts, (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company located at or near Annville, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Butler Manufacturing Company, 400 North Weaber, P.O. Box F, Annville, Pa. 17003. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 111729 (Sub-No. 658TA), filed May 17, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media*, between Greenwich, Conn., on the one hand, and, on the other, Falmouth, Maine; Boston, Lexington, Springfield, and Worcester, Mass.; Manchester and Portsmouth, N.H.; Mountainside, Oradell, and Princeton, N.J.; Albany, Binghampton, Blauvelt, Buffalo, Lake Success, New York, Rochestser, Syracuse, Tarrytown, and Woodbury, N.Y.; Erie, Pa., and Providence, R.I., on traffic moving to or from the facilities of Xerox Corporation, Greenwich, Conn., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Xerox Corporation, Route 303, Blauvelt, N.Y. 10913. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119726 (Sub-No. 70TA) filed May 21, 1976. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Stone County, Mass. to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Texas, Arizona, Tennessee, Alabama (except Mobile, Ala.), Florida, Georgia, North Carolina, South Carolina, and California; and (2) *Materials and supplies* used in the manufacture of paper and paper products, from points in the destination states named in (1) above to points in Stone County, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dunn Paper Com-

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pany, 218 Riverview Street, Port Huron, Miami, 48060. Send protests to: William S. Ennis, Trans. Specialist, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 426, Indianapolis, Ind. 46204.

No. MC 119726 (Sub-No. 71TA), filed May 20, 1976. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and closures therefor*, and *corrugated boxes*, from the plant site of Star City Glass Co., Universal Glass Products Div. at Joliet, Ill., to Louisville, Bardstown, Clermont, Owensboro, Frankfort, Lexington, Stanley and Lawrenceburg, Ky.; Geneva, Portland, Sunman and Lawrenceburg, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Bottle Company, Star City Glass Co. One Bala Cynwyd Plaza, Bala Cynwyd, Pa. 19004. Send protests to: Patrick G. Collins, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 123255 (Sub-No. 74TA), filed May 18, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods*, from Perrysville, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Miami, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting shipper: Mansfield Sanitary, Inc., Perrsville, Ohio, 44864. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 200 Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio, 43215.

No. MC 124221 (Sub-No. 55TA), filed May 18, 1976. Applicant: HOWARD BAER, P.O. Box 27, Rt. 98 W., Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and delicatessen products*, from Kroger Dairy Plant facilities at Fort Worth, Tex., to Kroger Dairy Plant facilities at Hazelwood, Mo.; (2) *Empty milk cases* (used), from Kroger warehouse and facilities at North Little Rock, Ark., to Kroger Dairy Plant and facilities at Hazelwood, Mo.; (3) *carbonated beverages*, from the plant site and facilities of Specialized Beverages, Atlanta, Ga., to Kroger distribution facilities at Salem, Va., under a continuing contract with The Kroger Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kroger Co., H. B. deHamel, Mgr. of Distribution Systems, 1014 Vine Street, Cincinnati, Ohio, 45201. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1386, Chicago, Ill., Everett McKinley Dirksen Building, 219 S. Dearborn Street.

No. MC 127651 (Sub-No. 34TA), filed May 18, 1976. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, Wis. 54449. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden doors*, from the plantsite of Graham Manufacturing Corporation at or near Marshfield, Wis., to points in Minnesota and Iowa, restricted to traffic originating at said plantsite and destined to points in the involved states, for 180 days. Supporting shipper: Graham Manufacturing Corporation, 1920 East 26th St. Marshfield Wis. 54449. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 128273 (Sub-No. 226TA), filed May 18, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt St., Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fittings, fixtures, equipment, materials and supplies*, from Ferguson, Ky., to points in Alabama, Arizona, Connecticut, District of Columbia, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Maryland, Maine, Miami, Minnesota, Mississippi, Missouri, North Carolina, North Dakota, New Hampshire, New Jersey, New York, Nebraska, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crane Co. 300 Park Avenue, New York, N.Y. 10022. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133689 Sub-No. 74TA, filed May 21, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St. S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverage preparations and additives*, dry (except commodities in bulk), and (2) *commodities*, the transportation of which is otherwise exempt under Section 203 (b) of the Interstate Commerce Act, when moving in mixed loads with the commodities described in (1) above (except commodities in bulk), from Manawa, Wis., and St. Louis Park, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, District of Columbia, Kentucky, Tennessee, North Carolina, South Carolina and Georgia, restricted to traffic originating at the plantsite and storage facilities of Saco Foods, Inc. at the above named origins and destined to the above named destination states, for 180 days. Supporting shipper: Saco Foods, Inc., P.O. Box 5461, Madison, Wis. 53705. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55041.

No. MC 134388 (Sub-No. 13TA), filed May 20, 1976. Applicant: HOME RUN, INC., 3 East Wash. St., Jamestown, Ohio 45335. Applicant's representative: Boyde B. Ferris, Law Offices of Muldon, Pemberton & Ferris, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and componcnt parts, materials, supplies and fixtures* used in the erection or assembly of buildings (except buildings in sections when mounted on wheeled undercarriages, and cement), from points in New Jersey, to Bowie and Largo, Md., and Richmond, Va., under a continuing contract with Levitt Residential Communities, Inc. Restricted: to the transportation of shipments originating at the plantsite and facilities of Levitt Residential Communities, Inc. in Camden County, N.J. said operations are limited to a transportation service to be performed under a continuing contract or contracts, with Levitt Residential Communities, Inc., Sicklerville, N.J., for 180 days. Supporting shipper: Jason Griffin, Plant Manager, Levitt Residential Communities, Inc. Rd. #1, Box 975, Sicklerville, N.J. 08081. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134404 (Sub-No. 27TA), filed May 19, 1976. Applicant: AMERICAN TRANS-FREIGHT INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbonate, drugs, chemicals, medicines and toilet preparations* (except commodities in bulk), for the account of Miles Laborotories, Inc. (1) from North Adams, Mass., to Trenton, N.J.; (2) from Trenton, N.J. to West Haven, Conn.; (3) from West Haven, Conn., to Gloucester City, N.J., under a continuing contract with Miles Laboratories, Inc., for 180 days. Applicant also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miles Laboratories, Inc., Corporate Traffic Manager—James F. Piechorowski, 1127 Myrtle Street, Elkhart, Ind. 46514. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, 9 Clinton St., Newark, N.Y. 07102.

No. MC 134734 (Sub-No. 30TA), filed May 20, 1976. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts tools and related advertising materials*, from the plantsite and facilities of Moog Automotive, Inc., at or near Creve Coeur, Mo., to Pierce, Spokane, and King Counties, Wash., Orange, Riverside, Los Angeles, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, Contra Costa, Sacramento, Fresno, Kern, Tulare, and San Joaquin, Counties, Calif.; and Multnomah and Lane Counties, Oreg.; under a continuing contract or contracts with Moog Automotive, Inc., for 180 days. Supporting shipper: Bernard Mellitz, Vice President, Moog Automotive, Inc., P.O. Box 7224, St. Louis, Mo. 63177. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135705 (Sub-No. 6TA), filed May 21, 1976. Applicant: MELROSE TRUCKING CO., INC., 6360 Raderville Route, Casper, Wyo. 82601. Applicant's representative: John P. Thompson, 450 Capitol Life Center, E. 16th at Grant, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk in tank vehicles, from the Ideal Basic Industries Cement Division Plantsite, located at or near Boettcher Co., to the Wheatland Power Plant Project located approximately six (6) miles north of Wheatland, Wyo., for 180 days. Supporting shippers: Flatiron Pre-Mix Cement Company, P.O. Box 229, Boulder, Colo. 80302, Monolith Portland Midwest Co. Suite 162B, 2480 West 26th Ave. Denver, Colo. 80211., Ideal Basic Industries Cement Division, Ideal Plaza, 950 17th St. P.O. Box 8789, Denver, Colo. 80201. Send protests to: District Supervisor P. A. Naughton, Interstate Commerce Commission Rm 1006 Federal Bldg & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 136221 (Sub-No. 5TA), filed May 19, 1976. Applicant: H. L. STANSELL, INC., 1 15 Illinois Avenue, P.O. Box 158, Palm Harbor, Fla. 33653. Applicant's representative: David C. Venable, Suite 805, 666 11th Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients* and (2) *commodities* exempt from economic regulation in mixed shipments with feed and feed ingredients (except in bulk), from the plant site and storage facilities used by Milk Specialities Co., Division of Cudahy Co., at or near East Dundee, Ill., to points in Alabama, Florida, Georgia, and Tennessee, under a continuing contract with Milk Specialties Co., for 180 days. Supporting shipper: Milk Specialties Co., Division of Cudahy Co., P.O. Box 278. E. Dundee, Ill. 60118. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operation, Monterev Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 136408 (Sub-No. 36TA), filed May 19, 1976. Applicant: CARGO CONTRACT CARRIER, CORP., P.O. Box 206, Highway 20, Sioux City, Iowa 51102. Applicant's representative: Bill J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07054. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing and defoaming soaps and compounds, oils, paints, rust* and *paint removing compounds, and disinfectant and water treating compounds* (except in bulk, in tank vehicles), between Romulus, Mich., on the one hand, and, on the other, Omaha, Nebr.; Wichita, Kans.: Kansas City and St. Louis Mo.; Duluth and Minneapolis, Minn.; Davenport, Iowa; Milwaukee, Wis., Chicago, Ill.; Indianapolis and Fort Wayne, Ind.; Grand Rapids, Mich., Cincinnati and Cleveland, Ohio, and Metuchen, N.J., Restriction: Services authorized herein are restricted to a transportation service to be performed under a continuing contract or contracts with Oakite Products, Inc. Berkeley Heights, N.J. and further restricted to services between the plant sites and warehouse facilities of Oakite Products, Inc. named above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John J. Bailey, Traffic Manager, Oakite Products, Inc., 50 Valley Road, Berkeley Heights, N.J. 07922. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136828 (Sub-No. 9TA), filed May 20, 1976. Applicant: COX & SHAY, INC., P.O. Drawer "O", Pinson, Ala. 35126. Applicant's representative: Louis J. Amato, P.O. Box F, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Republic Steel Corporation, Gadsden, Ala., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Republic Steel Corporation, 174 South 26th Street, Gadsden, Ala. 35901 Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616–2121 Building, Birmingham, Ala. 35203.

No. MC 136888 (Sub-No. 8TA), filed May 17, 1976. Applicant: NORMAN & SON, INC., 72520 North 69th Street, Houston, Tex. 77020. Applicant's representative: Timothy Mashburn, 1806 Rio Grande, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Petroleum coke*, in bulk, in dump trailer equipment, from Texas City, Tex., to Port Arthur, Tex., for 180 days. Supporting shipper: Otto Wolff, Inc., 110 S. Dearborn St. Chicago, Ill. 60603. Send protests to: District Supervisor John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg. 515 Rusk. Houston, Tex. 77002.

No. MC 138635 (Sub-No. 24TA), filed May 20, 1976. Applicant: DEL R. AND WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052., Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass* from West Shelby, N.C., Amsterdam, N.Y., and Graham, Tex., to Seattle Wash., and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Durkin Chemicals, Inc., Box 655, Kirkland, Wash. 98033. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd—Rm CC 516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 139306 (Sub-No. 6TA), filed May 20, 1976. Applicant: CAROLINA-JOE R. STANAGE doing business as STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, Ark. 71901. Applicant's representative: Gary E. Thompson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass) in bulk, in dump vehicles, between Little Rock, Ark., Paris, Tex., Logan, Ohio, Fairmont, W. Va., Reform, Ala., Salina, Kans., and Owensboro, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westinghouse Electric Corporation, Roosevelt Road, Little Rock, Ark. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139468 (Sub-No. 17TA), filed May 19, 1976. Applicant: INTERNATIONAL CONTRACT CARRIER, INC., 6534 Gessner Road, Houston, Tex. 77040. Applicant's representative: Dave Parker, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor

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vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down and in sections, *building sections and panels; parts and accessories*, used in manufacture, installation and completion of the commodities indicated above, from the plant site and storage facilities of National Steel Production, at or near LaGrange, Ga., to Alabama, Delaware, Florida, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Maine, New Hampshire, Vermont, New York, Ohio, Massachusetts, Connecticut, Rhode Island, under a continuing contract with National Steel Products Co., Inc. Supporting shipper: National Steel Products Co., Inc., P.O. Box 40490, Houston, Tex. 77040. Send protests to: Interstate Commerce Commission, District Supervisor John F. Mensing, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 139615 (Sub-No. 2TA), filed May 19, 1976. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 94, Oskaloosa, Iowa 52577. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, and equipment*, (2) *industrial* and *construction machinery and equipment*, and (3) *parts, attachments, and accessories* for commodities in parts (1) and (2) from Pella, Iowa, to points in Oregon, California, Montana, Oklahoma, Texas, Michigan, Pennsylvania, New York, New Jersey, Maryland, West Virginia, and North Dakota and Louisiana. Applicant intends to interline with other carriers at points of entry between Canada and the United States on foreign commerce from Pella to points in Canada, for 180 days. Supporting shipper: Vermeer Mfg. Co. Inc., P.O. Box 200, Pella, Iowa, 50219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309:

No. MC 140677 (Sub-No. 11TA), filed May 20, 1976. Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER doing business as BREWER TRUCKING, 1603 E. Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses, unassembled and house parts*, from Rothschild, Wis., to points in Wyoming, Colorado and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Industrial Co. of Steamboat Springs, Inc., P.O. Box 9056, Steamboat Springs, Colo. 80477, R. W. McKenzie, President, SEND PROTESTS TO: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 140677 (Sub-No. 12TA), filed May 20, 1976. Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER doing business as BREWER TRUCKING, 1603 East Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses, prefabricated, unassembled and house parts*, from Rothschild, Wis., to points in Minnesota, on and south of U.S. Highway 12 and on and west of Interstate Highway 35, for 180 days. Supporting shipper: Golden West Corp. Box 711, Beresford, S. Dak. 57004, Thomas E. Weber, Production Coordinator. Send protests to: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 141429 (Sub-No. 2TA), filed May 20, 1976. Applicant: DEL ACRES RANCH doing business as D. E. LESTER, Old River Road, P.O. Box 776, Natchitoches, La. 71457. Applicant's representative: D. E. Lester (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground dry veneer and plywood trimmings*, in bulk, from the plant sites of Vancouver Plywood Co., Inc., at Florien, La., and Oakdale, La., to Corrigan, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vancouver Plywood Co., Inc. P.O. Box 128, Florien, La. 71429, Louisiana Pacific Corp. P.O. Box 126, Urania, La. 71480. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 U.S. Postal Service Building, 701 Loyola Ave., New Orleans, La. 70113.

No. MC 141911 (Sub-No. TA), filed May 18, 1976. Applicant: ARTHUR D. DeMONTIGNY doing business as DeMONTIGNY TRUCKING, 6509 E. 10th, Spokane, Washington, 99206. Applicant's representative: Arthur D. DeMontigny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar fencing and fencing materials*: From Troy and Calder, Idaho and Superior, Mont., to Arvida, Boulder, Broomfield, Colorado Springs, Fort Collins, Greeley, Lakewood, Littleton, Longmont and Pueblo, Colo., and Murray, Ogden, Orem and Salt Lake City, Utah., for 180 days. Supporting shipper: Idaho Cedar Sales, P.O. Box 398, Troy, Idaho, 83871. Send protests to: L. D. Boone T/S Rm 858, 915 2nd Ave. Seattle, Wash. 98174.

No. MC 141982 (Sub-No. 1TA), filed May 21, 1976. Applicant: LEE GRIPP TRANSFER COMPANY, INC., 600 East 4th Street, Davenport, Iowa 52801. Applicant's representative: Robert Henri Gosselin, 700 West 58th Street, Davenport, Iowa 52807. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, from Davenport, Iowa to the counties of Rock Island, Whiteside, Carroll, Bureau, Henry, Mercer, Warren, and Knox, Ill., under a continuing contract with J. C. Penney Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. C. Penney Company, Inc., 320 West Kinberly Road, Davenport, Iowa 52806. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 142042 (Sub-No. 1TA), filed May 18, 1976. Applicant: HAROLD E. VOKOUN, doing business as VOKOUN TRUCKING, R. R. #3, Dunkerton, Iowa 50626. Applicant's representative: James L. Wagner, Suite 250 Waterloo Savings Bank, Waterloo, Iowa 50701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients, particularly linseed meal, linseed oil, wheat mids, soybean meal, corn gulton, corn and oats* from Belmon, Mason City, Des Moines, and Cedar Rapids, Iowa, to points in Western Ill., bounded on the East by U.S. #51 and on the South by I–70, under a continuing contract or contracts with Finch Feed Company, Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Finch Feed Company, P.O. Box 15305, Minneapolis, Minn. 55415. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 142053 (Sub-No. 1TA), filed May 17, 1976. Applicant: NORTH GEORGIA BUS LINES, INC., 7410 Perimeter Center East, Atlanta, Ga. 30346. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express* (shipments weighing 100 pounds or less), between Lavonia and Atlanta, Ga., via Royston, Carnesville, Commerce, Athens, Jefferson, Winder, Lawrenceville, Lilburn and Decatur, via State Hwys. 17, 281, 145, 59, U.S. Hwy. 441, U.S. Hwy. 129, State Hwy. 11, U.S. Hwy. 29, serving intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. There are approximately 17 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 142070 TA, filed May 19, 1976. Applicant: NEW HAMPSHIRE SECURITY GUARD SERVICE, INC., 548 Mast Road, Manchester, N.H. 03102. Applicant's representative: Arthur R. Bussiere (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks* (not cancelled), *other non-negotiable documents* for computer processing, *inter-company correspondence and computer printed reports*, (1) between the Operations Center of Bank of New Hampshire, N. A. at Manchester, N.H., on the one hand, and, on the other, Shawmut National Bank, Federal National Bank, State Street Bank and First National Bank of Boston at Boston, Mass.; restricted to a transportation service to be performed under a continuing contract or contracts with Bank of New Hampshire, N.A.; (2) between Indian Head Banks, Inc. at Nashua, N.H., and Bellows Falls, Trust Company at Bellows Falls, Vermont, restricted to a transportation service to be performed under a continuing contract or contracts with Indian Head Banks, Inc., for 180 days. Supporting shippers: Bank of New Hampshire, N. A., P.O. Box 600, Manchester, N.H. 03105. Attn: Richard C. Sturgill; Indian Head Banks, Inc., 55 High Street, Nashua, N.H. 03060, Attn: Donald L. McFarland. Send protests to: District Supervisor Ross J. Seymour Bureau of Operations, Interstate Commerce Commission, 208 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

No. MC 142072 TA filed May 20, 1976. Applicant: PACKARD CONTRACT TRUCKING, INC., 1914 Veverly Place, South Bend, Ind., 46616. Applicant's representative: Bernard E. Packard (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty malt beverage containers*, from plantsite of Stroh Brewery at or near Detroit, Mich.; and plantsite of Anheuser-Busch Inc. at or near Columbus, Ohio to South Bend, Ind., under a continuing contract with United Beverage Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Beverage Company, 840 So. Prairie Ave., South Bend, Ind. Send protests to: J. H. Jefferson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

No. MC 142076 TA, filed May 14, 1976. Applicant: DONALD P. AVERILL, P.O. Box 191, Tillamook, Oreg. 97141. Applicant's representative: Donald G. Averill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Tillamook County, Oreg., to the Port of Garibaldi, Oreg. under a continuing contract with Publishers Paper Company, Tillamook Division, for 180 days. Supporting shipper: Publisher Paper Company-Tillamook Division, P.O. Box 471, Tillamook, Oregon, 97141. Send protests to: District Supervisor, A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg., 97204.

No. MC 142079 TA, filed May 24, 1976. Applicant: MICHIANA TRANSPORT, INC., P.O. Box 435, South Bend, Ind. 46624. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, materials and supplies*, between Bremen, Ind., and points in Wisconsin, Minnesota, Iowa, Oklahoma, Missouri, Kentucky, Ohio, Pennsylvania and Michigan and Illinois, in non-radial movements, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Foam Corporation, 1111 West Dewey Street, Bremen, Ind. 46506. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

PASSENGER APPLICATION

No. MC 142069 TA filed May 21, 1976. Applicant: CAMIONETAS MODERNAS, 1504 W. 18th Street, Chicago, Ill. 60608. Applicant's representative: Herminia Romero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to transportation in van type vehicles not to exceed fourteen seats, between Chicago, Ill., and Laredo, Tex., for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office names below. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-16898 Filed 6-9-76;8:45 am]

[Notice No. 266]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 10, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76599. By application filed March 4, 1975, CAREY AIRPORT LIMOUSINE SERVICE OF NEW JERSEY, INC., 24 Commerce Street, Newark, N.J., 07102, seeks temporary authority to lease the operating rights of AIRPORT LIMOUSINE SERVICE, INC. (JAY S. MACNEILL, RECEIVER), 683 Frelinghuysen Avenue, Newark, N.J., 07114, under section 210a(b). The transfer to CAREY AIRPORT LIMOUSINE SERVICE OF NEW JERSEY, INC., of the operating rights of AIRPORT LIMOUSINE SERVICE, INC. (JAY S. MACNEILL, RECEIVER), is presently pending.

By the Commission.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-16897 Filed 6-9-76;8:45 am]

[Volume 34]

PERMANENT AUTHORITY PETITIONS AND APPLICATIONS; FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES); RAILROAD ABANDONMENTS; ALTERNATE ROUTE DEVIATION LETTER-NOTICES; AND INTRASTATE APPLICATIONS CONCURRENTLY SEEKING AUTHORITY ON INTERSTATE OR FOREIGN COMMERCE

JUNE 4, 1976.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 43269 (Sub-No. 48), (notice of filing of petition for removal of restriction) filed May 10, 1976. Petitioner: WELLS CARGO, INC., 1775 East 4th Street, P.O. Box 1511, Reno, Nev. 89505. Petitioner's representative: David N. Inwood (same address as petitioner). Petitioner holds a motor *common carrier* Certificate in No. MC 43269 (Sub-No. 48), issued December 24, 1974, authorizing transportation, as pertinent, over irregular routes, of *construction materials, supplies, and equipment*, (except petroleum products, in bulk, liquid commodities, in bulk, in tank vehicles, and trucks), and *commodities* which by reason of their size, weight or other physical characteristics, require the use of special equipment, for their transportation, loading, or unloading, between

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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points in Nevada, on the one hand, and, on the other, points in Alpina, Mono and Inyo Counties, Calif., and that part of San Bernardino County, Calif., on and northwest of that certain unnumbered highway from Rice through Milligan, McCoy, and Cadiz to junction U.S. Highway 66, thence westerly along U.S. Highway 66 through Amboy, Bagdad, and Newberry to Barstow, thence westerly along U.S. Highway 466 to junction U.S. Highway 395, and thence northerly along U.S. Highway 395 to junction with the boundary of San Bernardino County, restricted against the transportation of lumber and forest products, cement, plaster, and plaster board between points in the described area of San Bernardino County, Calif., and points in Nevada.

By the instant petition, petitioner seeks to delete from its authority the above restriction.

No. MC 109533 (Sub-No. 36), (notice of filing of petition to add base points) filed May 24, 1976. Petitioner: OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, 1100 Commerce Rd., Richmond, Va. 23224. Petitioner's representative: Eugene T. Liipfert, Suite 1100, 1660 L St., N.W., Washington, D.C. 20036. Petitioner holds a motor *common carrier* Certificate in No. MC 109533 (Sub-No. 36), issued September 4, 1974, authorizing transportation, as pertinent, over irregular routes, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Alabama within 85 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, points in that part of Georgia on and west of U.S. Highway 129, restricted against the transportation of cement and lime from the origin points of Leeds, Roberta, Ragland, and North Birmingham, Ala.

By the instant petition, petitioner seeks to modify its Certificate by adding Atlanta and Macon, Ga., and Gaffney, S.C. as base points to the above authority.

No. MC 112184 (Sub-No. 40), (notice of filing of petition to add a contracting shipper) filed May 27, 1976. Petitioner: THE MANFREDI MOTOR TRANSIT CO., 11250 Kinsman, Newbury, Ohio 44065. Petitioner's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* permit in No. MC 112184 (Sub-No. 40), issued November 30, 1973, authorizing transportation over irregular routes, of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with Cargill Incorporated, located in Dayton, Ohio.

By the instant petition, petitioner seeks to add CAR–MI, Inc., located in Dayton, Ohio as a contracting party.

No. MC 117823 (Sub-No. 32), (notice of filing of petition for modification of certificate) filed May 17, 1976. Petitioner: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, Utah 84104. Petitioner's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 94111. Petitioner holds a motor *common carrier* Certificate in No. MC 117623 (Sub-No. 32), issued January 15, 1969, authorizing transportation over irregular routes, of *foodstuffs* (except frozen foods, bananas, and commodities in bulk), in mechanically refrigerated vehicles, when transported at the same time and in the same vehicle with frozen foods (otherwise authorized), from points in California, to points in Utah.

By the instant petition, petitioner seeks to modify its Certificate by deleting the above restriction "when transported at the same time and in the same vehicle with frozen foods (otherwise authorized)".

No. MC 118468 (Sub-No. 37), (notice of filing of petition to modify permit) filed May 12, 1976. Petitioner: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Petitioner holds motor *contract carrier* permit in No. MC 118468 (Sub-No. 37), issued April 14, 1975, authorizing transportation, over irregular routes, of *lumber and lumber products*, from points in Washington, Oregon, Montana, Idaho, Wyoming, Colorado, North Dakota and Nebraska, to points in Iowa, Minnesota, Nebraska, Missouri, Wisconsin, Illinois, Kansas, North Dakota and South Dakota, under a continuing contract, or contracts with Emmer Bros., Inc., located at Edina, Minn.

By the instant petition, petitioner seeks to add "building materials (except iron and steel, iron and steel articles, and commodities in bulk)", as an additional description to the above authority.

No. MC 133095 (Sub-No. 52), (notice of filing of petition for modification of certificate) filed May 25, 1976. Petitioner: TEXAS CONTINENTAL EXPRESS, INC., 2603 W. Euless Blvd., P.O. Box 434, Euless, Tex. 76039. Petitioner's representative: Rocky Moore (same address as petitioner). Petitioner holds a motor *common carrier* Certificate in No. MC 133095 (Sub-No. 52), issued November 13, 1975, authorizing transportation over irregular routes, of *such merchandise* as is dealt in by retail discount stores (except foodstuffs, and commodities in bulk), from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut (except Stamford and points in its commercial zone as defined by the Commission), Rhode Island, New York, Pennsylvania, Delaware, and New Jersey, to the retail discount stores and storage facilities of Howard Discount Stores located in Arkansas (except Little Rock and its commercial zone as defined by the Commission), Oklahoma (except Oklahoma City and Tulsa, and their respective commercial zones as defined by the Commission), and Texas (except Dallas, Fort Worth, San Antonio and Houston, and their respective commercial zones as defined by the Commission), restricted (1) to the transportation of shipments originating at the above-named states and destined to shipper's facilities in the named destination states, and (2) subject to the condition that the transportation of drugs, toilet preparations, paper, paper products, new furniture, plumbing fixtures, materials equipment and supplies and/or entertainment products, is limited to the transportation of such commodities in mixed loads with other merchandise dealt in by retail discount stores, subject to the right of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operation shall conform to the provisions of Section 210 of the Act.

By the instant petition, petitioner seeks to modify its Certificate (1) by reflecting the correct name of the Company authorized to be served as Howard Discount Centers, Inc. in lieu of Howard Discount Stores; (2) by modifying the territorial description so as to read "to the facilities utilized by Howard Discount Centers, Inc. in lieu of "to the retail discount stores and storage facilities of Howard Discount Stores;" and (3) by modifying the restriction in Part (1) so as to read "restricted to the transportation of shipments originating at the named origins and destined to the named destination points".

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 140873 (republication), filed April 11, 1975, and published in the FEDERAL REGISTER issue of May 15, 1975, and republished this issue. Applicant DOWNEAST MOVING & STORAGE CORPORATION, 9 Moulton Street, Portland, Maine 04111. Applicant's representative: Earle W. Noyes, Jr. same address as applicant). An Order of Division 1, Acting as an Appellate Division, dated May 13, 1976 and served May 21, 1976, finds that the present and future public convenience and necessity require operations by applicant, as a motor *common carrier*, by motor vehicle, over irregular routes, in the transportation of *used household goods*, between Portland, Maine, on the one hand, and, on the other, points in Maine, restricted to the transportation of shipments having a prior or subsequent movement, in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service.

NOTE.—The purpose of this republication is to indicate the grant of the amended commodity description "used household goods" in lieu of "household goods as defined by the Commission" as previously noticed.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interests in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission and, a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2900 (Sub-No. 290), filed May 7, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: John W. Carter, P.O. Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Ore-Ida Foods, Inc., at Greenville, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 568), filed May 5, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dodge City, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at and destined to, the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 50544 (Sub-No. 67), filed May 10, 1976. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities*, in service auxiliary to and supplemental of rail service of the Texas and Pacific Railway Company as follows: Between the junction of Louisiana Highway 1 and U.S. Highway 190 and Natchez, Miss.: From junction of Louisiana Highway 1 and U.S. Highway 190 over U.S. Highway 190 to junction U.S. Highway 61, thence over U.S. Highway 61 to Natchez, Miss., serving no intermediate points, and serving Natchez, Miss. only to interchange traffic in through trailers with affiliated Missouri Pacific Truck Lines, Inc., restricted the service authorized herein is subject to the following conditions: Carrier's service is limited to that which is auxiliary to, or supplemental of, train service of The Texas and Pacific Railway Company, The Weatherford, Mineral Wells, and Northwestern Railway Company, or Texas-New Mexico Railway Company; add between El Paso and Sierra Blanca, Tex., train service of Texas and New Orleans Railroad Company, hereinafter called the Railways. Shipments may be handled at motor carrier rates on The Texas and Pacific Motor Transport Company billing. Substitution of The Texas and Pacific Railway Company rail service for motor service is authorized between points which cannot be served by highway because of restrictions in this certificate. No rail traffic shall be transported by carrier in all-highway service at a rate lower than if it had moved on a motor carrier bill of lading. Carrier shall not render any service to or from any point not a station on a rail line of the Railways.

No shipments shall be transported by carrier between any of the following points, or through, or to, or from, more than one of said points: New Orleans, and Shreveport, La., Texarkana, Tex.-Ark., Fort Worth-Dallas (considered as one), and El Paso, Tex. Shreveport, La., shall apply as a key point only with respect to commodities in bulk and on traffic moving from, to, or through points on the Texas and Pacific Railway between Shreveport and New Orleans, La., including New Orleans.

All contractual arrangements between carrier and Railways shall be reported to the Commission, and shall be subject to revision, if and when it is found necessary, in order that such arrangements shall be fair and equitable to the parties.

Such further specific conditions as in the future the Commission may find necessary to impose in order to insure that carrier's service shall be auxiliary to, or supplemental of, train service of the railways.

NOTE.—The sole purpose of this application is to secure a shorter closed door route in conjunction with the Missouri-Pacific Truck Lines, Inc. for operating convenience only, between New Orleans, La. and Monroe, La. via Natchez, Miss. in lieu of and in addition to the presently authorized route of these two companies between New Orleans, La. and Monroe, La. via Alexandria, La. Missouri Pacific Truck Lines, Inc. has authority between Natchez, Miss. and Monroe, La. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 51146 (Sub-No. 466), filed May 13, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's

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representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Hudson Falls, N.Y., to points in Virginia, Maryland, and Pennsylvania; (2) from West Point, Va., to Cleveland and Toledo, Ohio; and Goshen, Ind.; (3) from Chagrin Falls, Ohio, to Goshen, Ind.; St. Louis, Mo.; Sibley, Iowa; Chicago, Ill.; New Orleans, La.; and Grand Rapids, Mich.; and (4) from Crosset, Ark., to Springfield and Chicago, Ill.; St. Louis, Mo.; Sibley, Iowa; Toledo and Cleveland, Ohio; Buffalo, N.Y.; Evansville and Indianapolis, Ind.; Tiffin, Iowa; and Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71459 (Sub-No. 57) filed April 28, 1976. Applicant: O.N.C. FREIGHT SYSTEMS, P.O. Box 386, Elwood, Kans. 66204. Applicant's representative: Roland Rice, 1111 E Street, N.W., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Ashfork and Kingman, Ariz., in connection with carrier's authorized regular route operations, serving no intermediate points, but serving Kingman, Ariz., for purposes of joinder only: From Ashfork, over U.S. Highway 66 (Interstate Highway 40) to Kingman, and return over the same route; (2) Between Wickenburg and Kingman, Ariz., in connection with carrier's authorized regular-route operations, serving no intermediate points but serving Kingman, Ariz., for purposes of joinder only: From Wickenburg, over U.S. Highway 93 to junction Interstate Highway 40, thence over Interstate Highway 40 to Kingman, and return over the same route; and (3) Between San Bernardino, Calif., and Kingman, Ariz., in connection with carrier's authorized regular-route operations, serving no intermediate points, but serving Kingman, Ariz., for purposes of joinder only: From San Bernardino over Interstate Highway 15 to junction Interstate Highway 40, thence over Interstate Highway 40 to Kingman, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Washington, D.C.

No. MC 79523 (Sub-No. 4), filed May 11, 1976. Applicant: THE NORRIS BROTHERS COMPANY, 2138 Davenport Avenue, Cleveland, Ohio 44114. Applicant's representative: Ambrose A. Such, 5275 Ridge Road, Cleveland, Ohio 44129. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring the use of special equipment or handling on flatbed or low-boy equipment, between Fairport, Fairport Harbor, Madison, Plainesville and Perry, Ohio, on the one hand, and, on the other, Cleveland Electric Illuminating Company Power Plant, located at North Perry, Ohio, restricted to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 109478 (Sub-No. 142), filed May 11, 1976. Applicant: WORSTER MOTOR LINES, INC., R.D. No. 1 Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (except in bulk, in tank vehicles), and *advertising materials*, when moving in mixed loads with malt beverages, from Utica, N.Y., to points in Erie, Crawford, Mercer, Venango, Warren, Forrest, Clarion, Lawrence, Beaver, Westmoreland, McKean, Elk, Jefferson, Clearfield, Cameron, Potter, Alleghany, Butler, Armstrong and Indiana Counties, Pa., and points in Ohio; and (2) *empty malt beverage containers* and *refused and rejected shipments*, from the destination points named in (1) above, to Utica, N.Y., restricted in (1) and (2) above to traffic originating at the above named origin points and destined to the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109682 (Sub-No. 35) filed May 13, 1976. Applicant: WHITEFORD TRANSPORT, INC., 620 Ireland Road, South Bend, Ind. 46614. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses and bus chassis*, in driveaway service, (1) from ports of entry on the International Boundary line between the Republic of Mexico and Texas; and (2) from Woodlawn, Tex., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 111274 (Sub-No. 13), filed May 11, 1976. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL doing business as SCHMIDGALL TRANSFER, P.O. Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, P.O. Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and fencing materials, farm buildings, materials and components of farm buildings*, between Morton, Ill., on the one hand, and, on the other points in Tennessee, under a continuing contract, or contracts, with Morton Buildings, Inc., (formerly Interlocking Fence Co.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 111729 (Sub-No. 656) filed May 12, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal samples, coal dust, materials related to mining* (used picks and shovels), and *business records*, restricted against the transportation of packages or articles weighing in excess of 20 pounds each from one consignor to one consignee on any one day, between Charleston, W. Va., on the one hand, and, on the other, points in Allegheny, Washington, and Westmoreland Counties, Pa.

NOTE. Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 657), filed May 13, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, prescriptions, drug store and toilet supplies, and displays*, from Tacoma, Wash., to points in Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Josephine, Jackson, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, Oreg., restricted against the transportation of packages or articles weighing in excess of 150 pounds, and further restricted to the transportation of traffic moving on behalf of Northwestern Drug Company located at Tacoma, Wash.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112750 (Sub-No. 325) filed May 14, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Pittsburgh, Pa., on the one hand, and, on the other Elkins, Keyser, Moorefield, Petersburg, and Romney, W. Va., under a continuing contract or contracts with, Mellon Bank, N. A.; Citizens National Bank; Farmers and Merchants Bank of Keyser; South Branch Valley National Bank; Potomac Valley Bank and The Bank of Romney.

NOTE.—Applicant holds common carrier authority in MC 111729 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113083 (Sub-No. 5), filed April 14, 1976. Applicant: JOHN F. MAHR, doing business as MAHR BROS. TRANSPORTATION CO., Standish Road, Coventry, Conn. 06238. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic and plastic articles* (except in bulk), from Gales Ferry, Conn. and Carteret, N.J., to points in Florida, Georgia, North Carolina, and South Carolina, under a continuing contract, or contracts with Dow Chemical Company.

NOTE.—Applicant holds common carrier authority in No. MC 124674, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114211 (Sub-No. 266), filed May 6, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds, and accessories*, from the plant site and storage facilities of Elk Corporation, located at or near Stephens and Camden, Ark., to points in Alabama, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge, La. or Little Rock, Ark.

No. MC 114211 (Sub-No. 267), filed May 6, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated lumber, lumber mill products, posts and poles*, from Bradley County, Ark., to points in Indiana, Iowa, Kansas, Missouri, Minnesota, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Baton Rouge, La.

No. MC 114211 (Sub-No. 268), filed May 7, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural machinery and industrial equipment dealers (except commodities in bulk), from points in Nueces County, Tex., to points in the United States, including Alaska but excluding Hawaii; and (2) *equipment, materials and supplies* used in the manufacture and distribution of the above named commodities (except commodities in bulk), from points in the United States, including Alaska but excluding Hawaii to points in Nueces County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 114211 (Sub-No. 269), filed May 12, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foamboard, insulation, insulated gypsum foam board panels and insulated building systems*, from Dallas County, Tex., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 117878 (Sub-No. 11), filed May 10, 1976. Applicant: DWIGHT CHEEK, doing business as, DWIGHT CHEEK TRUCKING, 2909 S. Pierce, Amarillo, Tex. 79105. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), (1) from Roswell, N. Mex. to points in Arizona and California; and (2) from Amarillo, Tex. to points in Arizona, California, and Las Vegas, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 119619 (Sub-No. 87), filed May 12, 1976. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd St., Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from the plantsite and storage facilities of Elcona Foods, Inc. located at Elkhart, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant did not specify a location.

No. MC 119632 (Sub-No. 65), filed May 14, 1976. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except fresh meat, frozen foods and commodities in bulk, in tank vehicles), from Napoleon, Ohio, to points in New York, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119872 (Sub-No. 12), filed May 3, 1976. Applicant: GULF TRANSPORT, LIMITED, 16 Exhibition Drive, Charlottetown, Prince Edward Island, Canada. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diced onions and frozen onion rings*, from points on the International Boundary line between the United States and Canada, located at or near Houlton and Calais, Maine to points in Connecticut, Maine, Massachusetts, New York, New Jersey, and Pennsylvania, restricted to shipments originating at Oxford, Nova Scotia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 124939 (Sub-No. 8), filed May 7, 1976. Applicant: FOOD HAUL, INC., 1215 West Mound Street Rear, Columbus, Ohio 43223. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Dubuque, Iowa, restricted against the transportation of commodities in bulk, under a continuing contract, or contracts with The Great Atlantic & Pacific Tea Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requeste it be held at Washington, D.C.

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No. MC 124939 (Sub-No. 9), filed May 10, 1976. Applicant: FOOD HAUL, INC., 1215 West Mound Street Rear, Columbus, Ohio 43223. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh bakery products*, from the facilities of The Kroeger Company, at Solon, Ohio, to the facilities of The Kroeger Company, at Ft. Wayne, Ind.; (2) *merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials and supplies*, used in the conduct of such business (except commodities in bulk), between Livonia, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, West Virginia, and points in Pennsylvania on and west of U.S. Highway 219; (3) *merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business (except commodities in bulk), between Columbus, Ohio, on the one hand, and, on the other, Atlanta, Ga.; Charleston, W. Va.; Dallas and Houston, Tex.; Detroit and Grand Rapids, Mich.; Ft. Wayne and Indianapolis, Ind.; Kansas City, Kans.; Little Rock, Ark.; Louisville, Ky.; Memphis and Nashville, Tenn.; Peoria, Ill.; Pittsburgh, Pa.; Roanoke, Va.; and St. Louis, Mo.; and (4) *merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business (except commodities in bulk), between Cincinnati, Ohio, on the one hand, and, on the other, points in Arkansas, Georgia, Indiana, Illinois, Kentucky, points in the lower peninsula of Michigan, points in Missouri, Ohio, those points in Pennsylvania on and west of U.S. Highway 219, and points in Tennessee, Texas, Virginia, and West Virginia, under a continuing contract or contracts with The Kroeger Company, restricted against the transportation of commodities in bulk, and further restricted to movements originating at, and destined to a facility of The Kroeger Company, and all operations will be conducted in vehicles equipped with mechanical refrigeration.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125356 (Sub-No. 21), filed May 7, 1976. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment and materials*, used in the manufacture, assembly and repair of automotive buses, from Centerville, Iowa and Coldwater, Mich., to Pembina, N. Dak., under a continuing contract, or contracts, with Motor Coach Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 128273 (Sub-No. 227), filed May 11, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., 121 Humboldt St., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal products*, from Laredo, Tex., to points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128375 (Sub-No. 143), filed April 30, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal food, materials and supplies, and ingredients*, used in the manufacture, distribution, and sale thereof, *and pet supplies* (except in bulk), (1) between Saline, York, and Lancaster Counties, Nebr., on the one hand, and, on the other, Billings, Mont., and points in New York, Oregon, and Washington; and (2) between York and Lancaster Counties, Nebr., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois (except Chicago), Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota (except St. Paul), Mississippi, Missouri, Montana (except Billings), Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming, under a continuing contract with Allen Products Co., a Division of Liggett & Myers Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Lincoln, Nebr.

No. MC 133490 (Sub-No. 11), filed April 29, 1976. Applicant: LEE'S TRUCKING, INC., Route 1, Box 223A, Wyoming, Minn. 55092. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Dunkirk, Ind.; Mundelein, Ill.; Zanesville, Ohio; Brockport, N.Y.; Washington, Pa. and Huntington, W. Va. to Minneapolis, Minn.; (2) *Plastic containers*, from La Porte and Ligonier, Ind.; Streamwood, Ill.; Paterson, N.J.; Port Clinton, Ohio and New York, N.Y. and its Commercial Zone, to Minneapolis, Minn.; and (3) *pottery*, from Scio, Ohio, to Minneapolis, Minn., (1), (2), and (3) are under a continuing contract or contracts with TCB, Incorporated, Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 134323 (Sub-No. 84), filed May 3, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Jay Trammell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities of MBPXL Corporation, located at or near Friona, Tex., to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, West Virginia, and Wyoming; (2) *meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities of MBPXL Corporation, located at or near Plainview, Tex., to points in Iowa, Idaho, Kansas, Montana, North Dakota, Nebraska, Nevada, Missouri, Oregon, Minnesota, South Dakota, Utah, Washington, and Wyoming; and (3) *such commodities* as are used by meat packers in the conduct of their business, as described in Sections A, C, and D of Appendix I in Descriptions in Motor Carrier Certificates, 61 M.C.C. 766, between the plantsites and storage facilities of MBPXL Corporation, located at or near Friona and Plainview, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (1), (2), and (3) are under a continuing contract or contracts with MBPXL Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Amarillo, Tex.

No. MC 138824 (Sub-No. 4), filed May 12, 1976. Applicant: REDWAY CARRIERS, INC., 411 Eleventh Street, P.O. Box 104, North Chicago, Ill. 60064. Applicant's representative: Paul J. Maton, Ten South LaSalle Street, Suite 1620, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, dry or liquid, in containers, *materials and supplies* incidental to, and used in the processing, canning, and bottling of food products, between the plantsite and warehouse facilities of Ocean Spray Cranberries, Inc., located at points in Kenosha County, Wis., North Chicago, Ill., points in Missouri on and east of U.S. Highway 65 (except Springfield, Mo.), and points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana Mississippi, Ohio, and Tennessee, under a continuing contract, or contracts, with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139493 (Sub-No. 2), filed May 7, 1976. Applicant: LESCO TRANSPORTATION COMPANY, INC., 7540 LBJ Freeway, Dallas, Tex. 75240. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel scrap*, from points in Arkansas, Louisiana, Mississippi, and Oklahoma to Lone Star, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 141228 (Sub-No. 2), filed March 29, 1976. Applicant: TRUX TRANSPORT, INC., 508 So. Airport Boulevard, South San Francisco, Calif. 94080. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in San Francisco, San Mateo, and Santa Clara Counties, Calif., on the one hand, and, on the other, points in Los Angeles and Orange Counties, Calif., having a prior or subsequent out-of-state movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 141940 (Sub-No. 1), filed May 10, 1976. Applicant: KEG TRANSPORTATION, INC., West Park Avenue, Oakhurst, N.J. 07755. Applicant's representative: Donald M. Gallagher, 25 Cori Street, Parlin, N.J. 08859. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, pails, covers, caps and handles*, loose and in cartons, from Englishtown, N.J. to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, under a continuing contract with Bennett Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 141955 (Sub-No. 2), filed May 7, 1976. Applicant: SECURITY FREIGHT LINES, INC., 7230 N.W. 56th Street, Miami, Fla. 33166. Applicant's representative: Richard B. Austin, Suite 214 Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, or commodities which, by reason of size or weight, require specialized handling and equipment), between Miami, Fla., and its Commercial Zone, as generally defined in 49 CFR 1048.101 under contract with Security Forwarding Service, Inc., restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 142058, filed May 7, 1976. Applicant: C.R.R. DELIVERY SERVICE, INC., 368 West 17th Street, Hialeah, Fla. 33010. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, livestock, those requiring the use of special handling and equipment, and commodities requiring refrigeration), between points in Dade County, Fla., restricted to the transportation of shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Miami, Fla.

PASSENGER APPLICATION

No. MC 139343 (Sub-No. 6), filed May 11, 1976. Applicant: MEXICOACH, INC., 1050 Kettner Blvd., San Diego, Calif. 92102. Applicant's representative: Eric Rath, P.O. Box 226, La Jolla, Calif. 92037. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) Between Los Angeles, Calif., and Tecate, Calif.: From Los Angeles, Calif., over Interstate Highway 5 to junction California Highway 94, thence over California Highway 94 to junction California Highway 188 west of Potrero, Calif., thence over California State Highway 188 to the International Boundary line between the United States and the Republic of Mexico, located at Tecate, Calif., and return over the same route, serving no intermediate points; (2) Between Anaheim, Calif., and Tecate, Calif.: From Anaheim, Calif., over Interstate Highway 5 to junction California Highway 94, thence over California State Highway 188 to the International Boundary line, between the United States and the Republic of Mexico, located at Tecate, Calif., and return over the same route, serving no intermediate points; and (3) Between Santa Ana, Calif., and Tecate, Calif.: From Santa Ana, Calif., over Interstate Highway 5 to junction California Highway 94, thence over California Highway 94 to junction California State Highway 188 west of Potrero, Calif., thence over California State Highway 188 to the International Boundary line between the United States and the Republic of Mexico, located at Tecate, Calif., and return over the same route, serving no intermediate points, restricted in (1), (2), and (3) above to the transportation of passengers and their baggage originating at or destined to points in Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Diego, Calif.

WATER APPLICATION

No. W-71 (Sub-1), filed April 30, 1976. Applicant: BRUSCO TOWBOAT COMPANY, Foot of Water St., Cathlamet, Wash. 98612. Applicant's representative: David C. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *commodities generally*, by general towage and non-self-propelled vessels with the use of separate towing vessels, between ports and points along the Columbia, Snake and Clearwater Rivers: from Booneville Dam on the Columbia River to Priest Rapids Dam, Washington on the Columbia River and up to 3 miles above the mouth of the Grande Ronde River on the Snake River in Idaho and to Hog Island on the Clearwater River in Idaho (approximately eight and one-half miles from the confluence of the Snake River and Clearwater River).

NOTE.—Applicant states it will tack at the Booneville Dam on the Columbia River to serve ports and points on the Columbia River and its tributaries below the Booneville Dam and to Oregon City on the Willamette River. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12840. Authority sought for purchase by ROLLAND GUENTHER, DBA R. GUENTHER TRUCKING COMPANY, Post Office Box 175, Ross, Ohio, 45061, of a portion of the operating rights of JACKSON TRUCKING, INCORPORATED, 1210 106th Avenue, Plainwell, MI. 49080, of control of such rights through the purchase. Applicants' attorney: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI. 48933. Operating rights sought to be transferred: *Paper and paper products, empty steel drums and supplies* used by paper mills in the manufacture of paper, as a *contract carrier* over regular routes between Otsego, Michigan and Aurora, Illinois serving the intermediate point of Joliet, Illinois, restricted to traffic moving to or from Otsego; from Otsego over Michigan Highway 89 to Plainwell, Michigan, thence over Business Route U.S. Highway 131 to Kalamazoo, Michigan, thence over unnumbered highway (formerly portion U.S. Highway 12) to junction Interstate Highway 94, thence over interstate Highway 33 to junction U.S. High-

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way 12, thence over U.S. Highway 12 to Gary, Indiana, thence over Michigan City Road to Riverdale, Illinois, thence over Illinois Highway 1 via Harvey, Illinois to junction U.S. Highway 6, thence over U.S. Highway 6 to Joliet, Illinois, thence over U.S. Highway 30 to Aurora and return over the same route, from Otsego to Harvey as specified above, thence over Illinois Highway 1 to Chicago Heights, Illinois, thence over U.S. Highway 30 to Joliet, Illinois, thence over Illinois Highway 53 to junction U.S. Highway 66, thence over U.S. Highway 66 to Cicero, Illinois (also from Joliet over Illinois Highway 171 to Cicero), thence over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora and return over the same routes, between Otsego, Michigan and Chicago, Illinois serving the intermediate points of South Chicago and Cicero, Illinois, restricted to traffic moving to or from Otsego, from Otsego to Gary as specified above, thence over U.S. Highway 20 to Chicago and return over the same route. *Paper and paper products, empty steel drums and supplies* used by paper mills in the manufacture of paper, as a *contract carrier* over irregular routes, between Otsego, Michigan, on the one hand, and, on the other, points in Indiana, *paper mill products*, from Otsego, Michigan to points in Ohio, *scrap or waste paper, paper mill rolls, skids and covers for skids*, from points in Ohio to Otsego, Michigan. Vendee is authorized to operate as a *contract carrier* in Illinois, Ohio, Indiana, Michigan, New York, Wisconsin, Missouri, and Pennsylvania, and as a *common carrier* in Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12843. Authority sought for control and merger by TRANSCON LINES, P.O. Box 92220, Los Angeles, CA. 9009, of the operating rights and property of POTTER FREIGHT LINES, P.O. Box 428, Highway 42, Sparta, TN. 38583. Applicants' attorneys: Wenthworth E. Griffin, 1221 Baltimore Avenue, Sixth Floor, Midland Building, Kansas City, MO. 64105, and James Clarence Evans, 18th Floor, Third National Bank Building, Nashville, TN. 37219. Operating rights sought to be controlled and merged: General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), as a *common carrier*, over regular and irregular routes, between specified points in the state of Tennessee, with certain restrictions, serving various intermediate points, including various alternate routes for operating convenience only, as more specifically described in Docket No. MC-28893 and Sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full the entirety thereof. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—MC–110325 (Sub No. 74) is a directly related matter.

No. MC–F–12844. Authority sought for purchase by AURORA FAST FREIGHT, INC., 1859 Plain Avenue, Aurora, IL. 60505, of a portion of the operating rights and property of KESSMAN TANK SERVICE, INC., 23 Lexington Drive, Fairview Heights, IL. 62208, and for acquisition by ROBERT M. HARTMANN, 2452 Cambridge Rd., Aurora, IL., TERRY M. HARTMANN, R 1 Box 663J Batavia, IL., and KENNETH R. HARTMANN, 1071 Adobe Dr., Aurora, IL., of control of such rights and property through the purchase. Applicants' attorney: Daniel C. Sullivan 327 S. La Salle Street, Chicago, IL. 60604. Operating rights and property sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading, as a common carrier over irregular routes between Hamel, Ill. and St. Louis, Missouri serving the intermediate and off-route points within ten miles of Hamel, Illinois: from Hamel over By-Pass U.S. Highway 66 to junction Illinois Highway 157, thence over Illinois Highway 157, thence over Illinois Highway 40 to St. Louis, and return over the same route. Vendee is authorized to operate as a *common carrier* in Illinois and Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC–120523 (Sub No. 2) is a directly related matter.

No. MC–F–12845. Authority sought for control by J. D. GARRISON, (an individual) non-carrier, Highway 81 & Interstate 75, Route 3, McDonough, GA. 30253, of GEORGE BENNETT MOTOR EXPRESS, INC., Highway 81 & Interstate 75, Route 3, McDonough, GA. 30253. Applicants' attorney: GUY H. POSTELL, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA. 30326. Operating rights sought to be controlled: *Implements, implement and tractor* (except truck tractor) *carts*, and *lubricating oil*, in containers, and *tractors* (except truck tractors), when moving in mixed loads with the above-specified commodities, as a *contract carrier* over irregular routes from the warehouse of Ford Motor Company at Tucker, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized; *implements, implement and tractor parts* (except truck tractor) and *tractors* (except truck tractors), from the facilities of Ford Motor Company dealers in Alabama, Florida, North Carolina, South Carolina, and Tennessee, to Tucker, Ga., and points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized; *bakery products and stationery*, from the plant site of the Sunshine Biscuit Company, at Columbus, Ga., to points in Florida; and *bakery materials and supplies*, from points in Florida, to the plant site of the Sunshine Biscuit Company, at Columbus, Ga.; *bakery products*, except frozen, from the plant site of Sunshine Biscuit Company at Columbus, Ga., to points in North Carolina, South Carolina, Alabama, Louisiana, Tennessee, and Mississippi, with no transportation for compensation on return except as otherwise authorized; (1) *implements, implement and tractor parts* (except truck tractor parts), and *lubricating oil*, in containers, (2) *tractors* (except truck tractors), when moving in mixed loads with the specified commodities in (1) above, and (3) *related publications, advertising materials, packaging and shipping supplies*, from various points, highways and intersections in Tennessee, Mississippi, Louisiana, Alabama, Kentucky, Missouri, and Arkansas, with restrictions.

This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. J. D. GARRISON, holds no authority from this Commission. However, it is affiliated with SPECIALIZED TRUCK SERVICE, INC., who under MC–135384 and subs thereunder, is authorized to operate as a *common carrier* in Georgia, Alabama, Florida, North Carolina, South Carolina, Tennessee, Arkansas, Kentucky, Louisiana, Mississippi, Virginia, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, West Virginia, Wisconsin, the District of Columbia, Kansas, Iowa, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12847. Authority sought for purchase by GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, Ga. 30315 of the operating rights of JAMES B. ALEXANDER D/B/A ALEXANDER TRUCKING COMPANY, South Main Street, P.O. Box 103, Davidson, N.C. 28036, and for acquisition by H. D. WINSHIP, JR., W. C. WINSHIP, both of Atlanta, GA. 30315, EMORY WINSHIP, of 1105 Beachview Drive, St. Simons Island, GA. 31522, and

by ANNE W. KELLEHER, of 158 Stockbridge Avenue, Atherton, CALIF. 94025, of control of such rights through the purchase. Applicants' attorneys: Robert C. Dryden, 2090 Jonesboro Road, S.E., P.O. Box 6944, Atlanta, GA. 30315, Bates B. Block, First National Bank Towers, Atlanta, GA. 30303 and T. W. Alexander, 3450 NCNB Plaza, Charlotte, N.C. 28280. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–121655, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of North Carolina. Vendee is authorized to operate as a *common carrier* in the states of Alabama, Florida, Georgia, Illinois, North Carolina and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12848. Authority sought for purchase by HENRY ZELLMER, DBA ZELLMER TRUCK LINES, P.O. Box 996, Granville, IL 61326, of the operating rights of MADWYN JAMES, DBA JAMES TRANSFER, 1134 E. Hawthorne Avenue, St. Paul, MN., and for acquisition by HENRY ZELLMER, P.O. Box 996, Granville, IL. 61326, of control of such rights through the purchase. Applicants' attorney: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20000. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes from Milwaukee, and Sheboygan, Wis., to Albert Lea, Austin, Owatonna, and Rochester, Minn., with no transportation for compensation on return except as otherwise authorized; from LaCrosse, Wis., to Albert Lea, Austin, North Mankato, Owatonna, and Rochester, Minn., with no transportation for compensation on return except as otherwise authorized, with restrictions: *malt beverages*, from St. Paul and Minneapolis, Minn., to points in Nebraska and that part of Iowa on and west of U.S. Highway 65, with no transportation for compensation on return except as other wise authorized. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

MC–F–12849. Authority sought for purchase by ATLANTA MOTOR LINES, INC., 1622 Cedar Grove Road (P.O. Box 345), Conley, GA. 30027, of a portion of the operating rights of NORTHERN FREIGHT LINES, INC., 41015 Interstate Highway 85 (P.O. Box 10303) Charlotte, N.C. 28201, and for acquisition by JENNINGS E. WATKINS and JAMES L. WATKINS, both of P.O. Box 345, Conley, GA. 30027, of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, P.O. Box 872, Atlanta, GA. 30301. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes between Greenville, S.C., on the one hand, and on the other, points in Georgia lying West of U.S. Highway 221 within 100 miles of Greenville (except Toccoa, GA., and points in the Toccoa, GA., commercial zone, as defined by the Commission). Vendee is authorized to operate as a common carrier in North Carolina, South Carolina, Georgia, and Tennessee. Application has been filed for temporary authority under section 210a(b).

Finance Docket No. 27971 (Second Correction) (McHUGH BROTHERS HEAVY HAULING, INC.) published in the May 6, 1976, and the May 27, 1976, issues of the FEDERAL REGISTER. Prior notices should read as follows:

NOTICE

McHUGH BROTHERS HEAVY HAULING, INC. (McHugh), Box 196, Penndel, Bucks County, Pennsylvania 19047, represented by Mr. James C. McHugh, Box 196, Penndel, Pennsylvania 19407, hereby give notice that, on the 4th day of August 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for McHugh to lease from the Bucks County Industrial Development Corporation the properties of the New Hope and Ivyland Railroad Company (New Hope), a common carrier by rail. McHugh will lease and operate the properties for a 3-year period.

The operating rights sought to be controlled are the operating rights and property of the New Hope to Ivyland, Pennsylvania, which application is assigned Finance Docket No. 27971.

As the New Hope is in reorganization, a Plan of Reorganization was submitted to the Interstate Commerce Commission and the Reorganization Court and was approved by both. The above-described transaction constitutes part of the Plan.

McHugh, a non-carrier, is controlled by James C. McHugh and Robert C. McHugh through stock ownership. James C. and Robert McHugh also control through stock ownership Bucks County Construction Company, a motor common carrier subject to Part II of the Act. Bucks County Construction Company operates pursuant to authority authorized in No. MC–126034 to operate as a common carrier over irregular routes from, to, and between points and places in the States of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, West Virginia, Maryland, and the District of Columbia.

Applicants have stated in their application that the quality of the human environment will not be affected by the in the application. In accordance with proposed Commission's action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

MC HUGH BROTHERS HEAVY HAULING, INC.

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 57697 (Sub-No. 2), filed May 17, 1976. Applicant: LESTER SMITH TRUCKING, INC., a Corporation, 822 W. Main, Sterling, Colo. 80751. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural commodities, feed, seed, building materials and farm machinery*, between points in Wyoming on the one hand, and, on the other, points in Iowa, Kansas, Nebraska, and South Dakota (except North Platte, Ogallala and Chappell, Nebr.); and (2) *building materials* (except precase and prestressed concrete products and commodities which by reason of size or weight require the use of special equipment), from points in Missouri to points in Wyoming. The purpose

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of this filing is to eliminate the gateway of Julesburg, Colo.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12827 published in the FEDERAL REGISTER issue of May 6, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Denver, Colo. Special Instruction: Applicant has filed its case-in-chief. An original and two copies of *complete verified statments in opposition* including all evidence upon which the opposing party intends to rely must be filed with the Commission within 30 days after this FEDERAL REGISTER notice.

No. MC 134356 (Sub-No. 5) filed May 10, 1976. Applicant: GALE DELIVERY, INC., 45 Sweeneydale Avenue, North Bayshore, Long Island, N.Y. 11706. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone as defined by the Commission, and points in Nassau and Suffolk Counties, N.Y.; and (2) between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone. The purpose of this filing with respect to both Parts (1) and (2) above is to request tacking and concurrently elliminate a gateway at that portion of Hudson County, N.J. within the New York, N.Y. Commercial Zone.

NOTE.—Applicant states that its tacking operations with respect to Part (1) are provided by joining its existing authority in its Sub 2 with authority it seeks to acquire in MC–F–12120, and then joining the combined authority with its existing authority in its Sub 3. Applicant further states that its tacking operations with respect to Part (2) are provided by joining its existing authority in its Sub 3 with the authority it seeks to acquire in MC–F–12120. This is a matter directly related to a Section 5(2) finance proceeding presently pending on a petition for reconsideration in MC–F–12120 which was published in the FEDERAL REGISTER issue of February 6, 1974. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. Special Instruction: Applicant has filed its case-in-chief. An original and two copies of *complete verified statements in opposition* including all evidence upon which the opposing party intends to rely must be filed with the Commission within 30 days after this FEDERAL REGISTER notice.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 109324 (Deviation No. 4), GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601, filed May 28, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 167 and Arkansas Highway 25 over Arkansas Highway 25 to junction Arkansas Highway 14, thence over Arkansas Highway 14 to Mountain View, Ark., thence over Arkansas Highway 66 to junction U.S. Highway 65 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 167 and Arkansas Highway 25 over U.S. Highway 167 to junction Arkansas Highway 69, thence over Arkansas Highway 69 to junction Arkansas Highway 9, thence over Arkansas Highway 9 to junction Arkansas Highway 56, thence over Arkansas Highway 56 to junction Arkansas Highway 5, thence over Arkansas Highway 5 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Arkansas Highway 66, and return over the same route. Restriction: The operations authorized herein are restricted against the transportation of shipments (1) from Little Rock and Conway, Arkansas, Springfield and Joplin, Missouri, and the commercial zones thereof as defined by the Commission to Memphis, Tennessee, and the commercial zone thereof as defined by the Commission, and (2) from Memphis, Tennessee, and the commercial zone thereof as defined by the Commission to Little Rock and Conway, Arkansas, Springfield and Joplin, Missouri, and the commercial zones thereof as defined by the Commission, including shipments originating at or interchanged at the above-named points.

No. MC 111231 (Deviation No. 52), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed May 21, 1976. Carrier's representative: James B. Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 to Montgomery, Ala., thence over U.S. Highway 80 to junction U.S. Highway 43 near Demopolis, Ala., thence over U.S. Highway 43 to junction U.S. Highway 84 near Grove Hill., Ala., thence over U.S. Highway 84 to junction Interstate Highway 55 near Brookhaven, Miss., thence over Interstate Highway 55 to junction Interstate Highway 12 near Hammond, La., thence over Interstate Highway 12 to junction Interstate Highway 10 near Baton Rouge, La., thence over Interstate Highway 10 to New Orleans, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to junction Interstate Highway 20 near Vicksburg, Miss., thence over combined U.S. Highway 80 and Interstate Highway 20 to junction U.S. Highway 49 near Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 11 to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans, La., and return over the same route. Said operations are restricted against the transportation of (a) traffic originating at or received from connecting carriers at Memphis, Tenn., and points in its commercial zone, as defined by the Commission, and destined to points east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada Boundary line; (b) traffic originating at points east of the line described in (a) above and destined to or delivered to connection carriers at Memphis, Tenn., and points in its commercial zones, as defined by the Commission; (c) traffic moving between Atlanta, Ga., and Birmingham, Ala., and points in their commercial zones, as defined by the Commission; (d) traffic moving between Forth Worth and Dallas, Tex., on the one hand, and, on the other, Atlanta, Ga., and Birmingham, Ala., and points in their respective commercial zones, as defined by the Commission; and (e) the transportation of traffic originating at, destined to, or interchanged with, connecting carriers at Chicago, Ill., and points in its commercial zone, as defined by the Commission.

No. MC 22229 (Deviation No. 23), TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave., S.E., Atlanta, Ga. 30316, filed May 27, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 to Petersburg, Va., thence over Interstate Highway 95 to junction Interstate Highway 495 south of Washington, D.C., thence over Interstate Highway 495 around Washington, D.C. to the East thereof to junction Interstate Highway 95 north of Washington, D.C., thence over Interstate Highway 95 to junction Interstate Highway 695 south of Baltimore, Md., thence over Interstate Highway 695 around Baltimore, Md., to the West thereof to junction Interstate Highway 83, thence over Interstate Highway 83 to junction Interstate Highway 81 near Harrisburg, Pa., thence over Interstate Highway 81 to junction Interstate Highway 84 near Scranton, Pa., thence over Interstate Highway 84 to junction Interstate Highway 86 near Hartford, Conn., thence over Interstate Highway 86 to junction Interstate Highway 90 East of Boston, Mass., thence over Interstate Highway 90 to Boston, Mass., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky., thence over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, thence over Interstate Highway 71 to Cleveland, Ohio, thence over U.S. Highway 20 to Erie, Pa., thence over Pennsylvania Highway 5 to the Pennsylvania-New York State Line, thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to junction New York Highway 234, thence over New York Highway 234 to Vernon, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Deviation No. 9), CAPITOL BUS COMPANY, 1061 S. Cameron St., Harrisburg, Pa. 17105, filed May 24, 1976. Carrier's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 495 and Maryland Highway 190 (River Road) over Maryland Highway 190 to Western Ave., thence over Western Ave. to junction U.S. Highway 240 (Wisconsin Ave.), and (2) From junction Interstate Highway 495 and George Washington Memorial Parkway over George Washington Memorial Parkway to Key Bridge, thence over Key Bridge to Washington, D.C., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Gettysburg, Pa., over U.S. Highway 15 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., and (2) From junction U.S. Highway 240 (Interstate Highway 70S) and Interstate Highway 270 over Interstate Highway 270 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 29 (also known as Fairfax Circle) and return over the same routes. Restriction: Said operations in (1) above, are restricted (1) against the pick-up of passengers at Frederick, Md., on southbound trips, and (2) against the discharge of passengers at Frederick, Md., on northbound trips.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–16732 Filed 6–9–76;8:45 am]

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federal register

THURSDAY, JUNE 10, 1976

PART II:

ENVIRONMENTAL PROTECTION AGENCY

MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards; Interim Rule and Notice of Proposed Rule Making

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 557-1]

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below amends Part 436—mineral mining and processing point source category and will be applicable to existing sources for the crushed stone subcategory (subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), and the phosphate rock subcategory (Subpart R) of the mineral mining and processing point source category pursuant to sections 301, and 304(b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 and 1314(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for new sources. These latter limitations and guidelines are published for the above four subcategories (Subparts B, C, D and R) and also for those subcategories for which effluent limitations and guidelines representing the best practicable control technology currently available were promulgated on October 6, 1975. At that time the best available technology economically achievable, standards of performance for new point sources and pretreatment standards for new sources were not specified. A description and discussion of this legal authority is contained in Appendix A to this preamble.

The mineral mining and processing point source category was first studied to determine whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. The control and treatment technologies existing within each segment were identified in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. This information was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions. A substantial summary of the method of study, the several factors considered in subcategorization and the conclusions reached are set forth as Appendix B to this preamble.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. S.W., Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

Prior to this publication, many agencies and groups were consulted and given the opportunity to participate in the development of these limitations, guidelines and standards. All participating agencies have been informed of project developments. Initial drafts of the Development Documents were sent to all participants and comments were solicited on those reports. A summary of these comments and the agencies' response and consideration of these is contained in Appendix C to this preamble.

The Agency has made a study of the costs and economic and inflationary impacts of this regulation. It is estimated that the capital cost of complying with the limitations based on the best practicable control technology currently available will be $23.9 million. There will be no significant additional costs of complying with regulations based on the best available control technology economically achievable. There will be no cost of complying with pretreatment standards for new sources. The total annual operating costs for these requirements is estimated to be $10.1 million. The proposed new source performance standards are identical to the limitations representing the best available technology economically achievable. Hence, the costs per ton of product will be the same. These costs and the resultant economic and inflationary impact are briefly discussed in Appendix B to this preamble and are substantially detailed in the economic analysis document. It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* et al. (Cv. No. 1609-73) which requires the promulgation of regulations for this industry category no later than June 1, 1976. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 60 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. A copy of the preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before August 9, 1976, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 436 is hereby amended as set forth below.

(Secs. 301, 304 (b) and (c), 306(b) and 307(c), Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c)); 86 stat. 816 et seq.; Pub. L. 92-500)

Dated: May 28, 1976.

JOHN QUARLES,
Acting Administrator.

APPENDIX A
LEGAL AUTHORITY

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301(b)(1) and 304(b) of the Act, for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D) and the phosphate rock subcategory (Subpart R) of the mineral mining and processing point source category. The regulation herein also sets forth effluent limitations and guidelines, pursuant to sections 301(b)(2) and 304(b) of the Act, for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulation proposed herein sets forth the standards of performance applicable to new sources for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

(3) Pretreatment for new sources.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements which may not be fulfilled by this interim final regulation.

APPENDIX B
TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

This Appendix summarizes the basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) General methodology.

The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit appli-

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cations, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D) and the phosphate rock subcategory (Subpart R) of the mineral mining and processing point source category.

A summary of conclusions for the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) was given in the FEDERAL REGISTER on October 16, 1975 (40 FR 48652). That discussion also applies to the proposed limitations and standards.

(i) Categorization.

For the purpose of studying waste treatment and establishing effluent limitations guidelines and standards of performance, the mineral mining and processing category was divided into 38 discrete subcategories. These subcategories consist of specific mineral types or classes of minerals. In addition, within each subcategory a determination was made whether subparts required different effluent limitations based on type of ore, method of ore transport, type of processing, use of wet air emissions control devices, type of product, and ground water seepage and runoff into the mine and process waste water impoundments. For the four commodities, crushed stone, construction sand and gravel, industrial sand and phosphate rock, the processing techniques were sufficiently different to form four separate subcategories. In addition, within each subcategory there were different processes used and separate consideration was given to each as given in the following list.

Crushed stone: dry processing, wet processing, flotation processing, mine dewatering, area runoff.

Construction sand and gravel: dry processing, wet processing, dredging with land processing, dredging water, other process water, mine dewatering, area runoff.

Industrial sand: dry processing, wet processing, acid and alkali flotation, HF flotation, mine dewatering, area runoff.

Phosphate rock: flotation processing, other processing, mine dewatering, area runoff.

Upon completion of the technical and economic analysis several processes within a given commodity were combined because of the feasibility of achieving a common effluent limitation. Hence, the dry, wet and flotation processing of crushed stone were combined. Dry and wet processing of construction sand and gravel were combined. Dry, wet and acid and alkali flotation processing of industrial sand were combined. Dredge water discharge from land based construction sand and gravel plants is not regulated at this time pending further study. Dredging and on-board processing in navigable waters are regulated by the Corps of Engineers pursuant to section 404 of the Act. Area runoff is likewise not regulated at this time unless the runoff enters process or mine dewatering waste water impoundments.

(ii) Waste characteristics.

The known significant pollutants and properties resulting from the four subcategories covered include pH and total suspended solids. Fluoride is present in the process waste waters of the HF flotation, industrial sand subcategory. Although fluoride, phosphate and radium 226 exist in the waste waters from the phosphate rock subcategory, control of total suspended solids to the promulgated limits will also control these pollutants.

(iii) Origin of waste water pollutants.

The sources of waste water pollutants at the mine include surface runoff of rain water into the mine and mine water treatment systems, ground water seepage and infiltration into the mine, and process water used to transport the ore to the processing plant. The quantity of mine water is either unrelated or only indirectly related to the mine production rate. Therefore, effluent limitations are expressed in terms of concentration rather than units of production.

Mine dewatering is defined as any water that is pumped, drained or otherwise removed from the mine through the direct action of the mine operator. Pit pumpage of ground water, seepage and precipitation or surface runoff entering the active mine workings is an example of mine dewatering. Mine dewatering discharges are regulated. Runoff that is not classified as mine dewatering or does not commingle with process generated waste water is not regulated at this time. Preliminary information indicates that a significant economic impact could result if stringent limitations were promulgated. Therefore, regulations covering plant and mine runoff will not be promulgated until additional information is assessed.

The sources of waste water pollutants at the process facility include transport water, ore and product wash water, dust suppression water, classification water, heavy media separation water, flotation water, solution water, air emissions control equipment water and equipment and floor wash down water. Where production could be related to process water flow, the effluent limitations are tied to the units of production. In cases where uncontrolled volumes of water, such as mine dewatering, are normally mixed with process water or in cases where process water flow cannot be related to the rate of production, the effluent limitations for process waste water are expressed in terms of concentration.

(iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available. The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other waste water treatment alternatives which provide equivalent or better levels of treatment.

In the following discussion normal weather conditions are assumed. In the event of an extreme precipitation event an allowance for unregulated discharge is made. The best practicable control technology currently available is that treatment systems be designed, constructed and maintained to treat waste water to the applicable effluent quality level during the 10-year 24 hour precipitation event. Successive storm events that in total exceed the 10-year 24 hour event will thus qualify for this exemption if the treatment systems are properly maintained.

The Agency has no data to show that an accumulation of dissolved solids occurs in the recirculation systems for subcategories in which no discharge of process generated waste water pollutants is required or that such an accumulation would prevent total recycle. However, the Agency has not inspected all of the approximately 10,000 aggregate operations. Therefore, a variance from the requirements of no discharge of process generated waste water pollutants may be warranted if the accumulated dissolved solids content of the water necessitates a blowdown discharge. This may also be the case if a change to the dry process, because of no discharge limitations, would adversely affect required product purity.

(1) Treatment for the crushed stone subcategory. Dry processing plants will have no discharge. Water at wet processing plants is used to wash the stone and control dust. The waste water is clarified in a settling pond and is usually of sufficient quality that it is recirculated directly to the process. If precautions are taken to preclude storm runoff and mine water from the treatment system, there will be no cause for a discharge. At facilities that use flotation, such as to obtain calcite, the waste flotation water can be used to wash the stone. Excess waste water can also be used for dust suppression.

Due to the nature of the hard rock in crushed stone quarries, water that collects on the quarry floor is quite clear. This water can originate from direct rainfall or ground water seepage into the quarry. It is poor practice to allow surface runoff to enter the quarry, and diversion ditches or berms can prevent this. Quarry water is collected in a low spot or sump, which is rarely designed to efficiently remove suspended solids. From this sump quarry water is pumped to the surface and discharged. Fortunately, despite such common poor practices as positioning the pump near the sump influent and allowing mine vehicles to drive through flooded areas, this water is typically of excellent purity. Data from several quarries demonstrate that a total suspended solids concentration of 30 mg/l need not be exceeded. In instances where the mine water quality may not meet this limitation, better water handling practices can be instituted. The sump can be enlarged to provide adequate settling time. The sump pump can be positioned opposite the sump influent. Pumping may be temporarily stopped to allow the water to clear. In extreme cases a settling pond at ground level may be built to provide additional settling time. The intermittent use of flocculants is a possible but unexpected alternative. In general mine dewatering for all subcategories is limited on a daily maximum basis only, since mine dewatering may occur on an intermittent basis.

(2) Treatment for the construction sand and gravel subcategory. Processing plants that do not use water have no process generated waste water discharge. Water at wet processing plants is used for ore washing, dust suppression, heavy media separation and classification. As is the case for crushed stone, process waste water can be completely recycled after clarification in settling ponds. A series of ponds is recommended in order to improve the settling efficiency and allow for dredging of the primary pond without having to discontinue recycle. The use of flocculants in the secondary ponds is sometimes practiced. After adequate clarification water, which may exceed water quality limits for total suspended solids, is good enough to recycle. For land-based processers, particularly small plants, treatment other than single settling ponds followed by recycle may be the only economically viable technology (Level C in the Development Document). The limitations, therefore, are based on this technology. In dredged ponds that are not navigable waters, process waste water is almost always returned to the ponds untreated

to maintain the water level. This is acceptable practice. Discharges from these ponds to navigable waters do not normally occur. Discharges from these ponds due to subsurface ground water intrusion are considered to be mine dewatering.

For dredging operations in navigable waters, slurry water pumped ashore is still under investigation. Few facilities operate in this mode. Land based processing facilities that do not slurry transport from the dredge can recycle process waste water as do other land based non-dredge operations.

If mine dewatering is practiced a total suspended solids concentration of 30 mg/l can be met by the use of well designed and operated settling ponds. Intermittent use of flocculants as practiced for process waste water treatment will aid in extreme cases. For sand and gravel plants, mine water is often treated in process waste water ponds. This practice is allowed, provided process waste water is recycled.

(3) Treatment for the industrial sand subcategory. This subcategory resembles the construction sand and gravel subcategory except that additional beneficiation is done. The best facilities recycle all process waste water afer settling in ponds. Certain operations require fresh water make-up, but this excess is balanced by water lost through evaporation, product drying and sludge disposal. Clarifiers are used at some locations to increase settling efficiency and to minimize the treatment area. However, this latter technology is not economically feasible for all plants. Therefore the limitations are based on the technology of settling and recycle (Level B in the Development Document). Sludge disposal can present problems if a watershed is dammed and an excess of runoff enters the sludge pond. This runoff can be diverted around the impoundment and the supernatant pond water returned to the process water system.

There is one plant that uses hydrofluoric acid in the flotation circuit. At the present time this facility is able to recycle about 90% of the process waste water. Total recycle is claimed to hinder the HF flotation of feldspar. The daily maximum for total suspended solids was based on plant data.

Industrial sand mines are identical to sand and gravel mines and the same reasoning for the mine dewatering limitation applies.

(4) Treatment for the phosphate rock subcategory. There are two types of processing operations that effect the process waste water in different ways. Facilities that practice flotation with amines, fatty acids and other reagents experience interference when excessive concentrations of impurities build-up in a total recirculation system. A discharge may then be necessary. There is some leeway for partial recirculation, and these facilities are urged to recycle as much as possible. Because large amounts of mine water, runoff and rainfall can enter the treatment system, the limitations are expressed in terms of concentration. Although radium 226, phosphate and fluoride are present in the waste water, the existing treatment systems are not designed to specifically remove these pollutants. Furthermore, additional treatment of these pollutants to concentrations below present levels is not judged to be practicable. Effective control of total suspended solids should adequately control these pollutants. Facilities that do not float process the ore and non-flotation unit operations within flotation plants are able to use recycled waste waters.

Process waste water management is complicated by inclusion of mine drainage or of surface runoff if watersheds are dammed. This practice is acceptable in that large amounts of make-up water are needed, and the use of runoff minimizes the depletion of ground water. It is estimated that over 50 billion gallons annually are bound in the waste phosphate slimes. Thus, nonflotation plants are permitted to discharge to the specified limits if the damming of watersheds results in periodic overflow. These plants, however, must use this slime pond water as make-up water. Other sources of make-up water can be used only if no discharge will result. This same principle applies to flotation plants. Recycled water can be satisfactorily used as wash water, transport water, pumpseal water, and air scrubber water. Since a discharge will occur, because of the use of fresh water make-up for the flotation circuits and the inclusion of mine water and runoff into the process water system, the above listed nonflotation process water uses must not add to the discharge volume and the pollutant quantities by taking unnecessary fresh water into the process. Although total recycle of non-flotation process water can be achieved by use of separate waste water treatment systems for flotation and non-flotation waste waters, this is judged to be overly severe if universally applied.

A statistical analysis of the long term effluent data from several facilities shows that a total suspended solids concentration of 30 mg/l can be met as a maximum monthly average and 60 mg/l as a daily maximum. As noted in the Development Document several plants are meeting these limitations 100 percent of the time. Those plants that do not achieve the standards all of the time can upgrade their treatment system by various methods. Some plants are continuing to use their ponds beyond their useful life, thus discharging some of the sludge that has settled. One plant was observed to be fertilizing the inner pond walls and excessive aquatic growth apparently resulted which increased the total suspended solids level. Earthen ditches are frequently used to convey the pond overflow to the discharge point. Excessive flow rates through these ditches were observed to result in erosion to the walls. Larger channels with well compacted walls or concrete or pipe conveyances would minimize this problem. The use of wooden boards in overflow towers can result in significant leaks between the boards of subsurface levels of water in the impoundments which have higher levels of suspended solids.

(5) Solid wastes. Solid waste control must be considered. Most of the solid wastes for this category are inert solids. However, salt concentrates are ponded for the salines from brine lakes, borax, potash, and sodium sulfate subcategories. Best practicable control technology as known today, requires disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of waste water pollutants.

The costs estimated to result from the promulgated regulations are listed below.

[In thousands]

Subcategory	Capital costs	Annual costs
Crushed stone	$12,420	$6,548
Construction sand and gravel	7,460	2,283
Industrial sand	644	160
Phosphate rock	3,340	1,056
Total	23,864	10,056

(vi) Energy requirements and nonwater quality environmental impacts.

The additional energy requirements are estimated as follows:

Mineral:	mil kw hrs per yr
Crushed stone	140
Construction sand and gravel	22.7
Industrial sand	8
Phosphate rock	42.3
Total	213

These figures are conservative in that the savings in not pumping as much fresh water as make-up were not subtracted.

The regulations will increase the amount of solid wastes. Assuming that only a few plants are discharging untreated raw wastes, however, the increased amount of solid wastes resulting from recirculation systems is small when compared to the sludge currently deposited in an adequately maintained settling pond prior to acceptable discharge of the clarified water.

(vii) Economic impact analysis.

The impact of these regulations on phosphate mining and processing are not expected to be significant. Prices may increase about $0.11 per ton, or less than 1 percent over mid-1974 levels of $12.10 per ton. No plants are expected to close, and the effects on the balance of trade will be minimal.

Overall production of the crushed stone industry will not be affected by the guidelines. Several hundred plants which presently have no treatment and which are unable to pass control costs on are likely to shift from production of both dry processed and wet processed stone to entirely dry processing. Depending on the local market characteristics, the price for crushed stone could remain stable or increase up to 8 percent. No closures will occur.

The economic analysis of the sand and gravel industry indicated that the only technology which is economically viable is a settling pond with recycle. More extensive treatment which involves additional ponds or flocculation may be feasible for some plants but is considered to be economically impracticle in general. In particular, plants which have no treatment at present and are in a large metropolitan market will be unable to install treatment past settling and recycle. Therefore, the BPT limitations are based on a technology of settling and recycle. The price of sand and gravel may increase from between $0.04 to $0.20 per ton in small cities or rural areas. Up to 26 plants in major metropolitan areas which have to absorb control costs may close. These plants represent a total of 0.3 percent of the present national production and are a very small proportion of the 5,150 operations in the industry. The closures could result in the loss of work for up to 86 persons but are not expected to affect local economies.

The price of industrial sand will increase less than 1 percent over present levels of about $5 to $7 per ton. Because plants requiring mechanical thickening which have no treatment at present could be seriously impacted, it has been determined that this option is economically infeasible. Settling with recycle is the technology on which the best

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practicable technology guidelines are based. Therefore, no closures are predicted, and local economies, unemployment, industry growth and the balance of trade will not be significantly affected.

APPENDIX C

SUMMARY OF PUBLIC PARTICIPATION

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the mineral mining and processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the Ohio River Valley Sanitation Commission; (4) the Delaware River Basin Commission; (5) the New England Interstate Water Pollution Control Commission; (6) U.S. Department of Commerce; (7) U.S. Department of the Interior; (8) U.S. Department of Defense; (9) U.S. Department of Agriculture; (10) U.S. Department of Transportation; (11) U.S. Department of Health, Education and Welfare; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of Treasury; (14) Tennessee Valley Authority; (15) Council of Environmental Quality; (16) National Commission on Water Quality; (17) Federal Power Commission; (18) Federal Energy Administration; (19) Office of Management and Budget; (20) Internal Revenue Service; (21) Nuclear Regulatory Commission; (22) The American Society of Mechanical Engineers; (23) The Conservation Foundation; (24) Businessmen for the Public Interest; (25) Environmental Defense Fund, Inc.; (26) Natural Resources Defense Council, Inc.; (27) The American Society of Civil Engineers; (28) Water Pollution Control Federation; (29) National Wildlife Federation; (30) Gypsum Association; (31) Indiana Limestone Institute of America; (32) Marble Institute of America; (33) National Crushed Stone Association; (34) National Industrial Sand Association; (35) National Limestone Institute; (36) National Sand and Gravel Association; (37) American Mining Congress; (38) Asbestos Information Association of North America; (39) Barre Granite Association; (40) Brick Institute of America; (41) Building Stone Institute; (42) The Fertilizer Institute; (43) Florida Limerock Institute; (44) Florida Phosphate Council; (45) North Carolina Minerals Association; (46) North Carolina Sand, Gravel and Crushed Stone Association; (47) Portland Cement Association; (48) The Refractories Institute; (49) Salt Institute; (50) Sorptive Minerals Institute; (51) National Clay Pipe Institute; (52) National Lime Association; (53) Environmental Protection Service, Canada; (54) Manufacturing Chemists Association; and (55) Georgia Association of Mineral Producing Industries.

The following responded with comments: Effluent Standards and Water Quality Information Advisory Committee; Southwestern Graphite Co.; Indiana Limestone Institute of America; Delaware Department of Natural Resources and Environmental Control; Gypsum Association; Illinois State Geological Survey; Swift Chemical Co.; Illinois Association of Aggregate Producers; American Aggregates Corp.; Texas Water Quality Board; North Carolina Industrial Mineral Association; Brick Institute of America; International Minerals and Chemicals Corp.; Asbestos Information Association; American Mining Congress; The Feldspar Corp.; Sobin Chemicals, Inc.; Harris Mining Co.; Water Resources Commission, Michigan; Winter Brothers Material Co.; Illinois Environmental Protection Agency; Waverly Mineral Products Co.; Department of Natural Resources, Georgia; U.S. Water Resources Council; Colorado Department of Health; Ohio Environmental Protection Agency; State of Florida Department of Pollution Control; Department of Health, Education, and Welfare; Delta Materials, Inc.; Harry T. Campbell Sons' Co.; Bethlehem Steel Corp.; Ingram Materials, Inc.; National Lime Association; Cape Girardeau Sand Co.; Becker Sand and Gravel Co.; New York State Department of Environmental Conservation; Unsil Corp.; U.S. Department of Agriculture; National Sand and Gravel Association; National Industrial Sand Association; U.S. Department of Transportation; Freeport Minerals Co.; Erie Sand and Gravel Co.; The Georgia Kaolin Co.; American Limestone Co.; The Refractories Institute; State of Indiana Department of Natural Resources; Atlantic Richfield Co.; Ottawa Silica Co.; American Sand and Gravel Co.; Globe Refractories; CF Industries; Mr. David Branfman; Duval Corp.; Milchem—Mineral Division; Great Salt Lake Minerals and Chemicals Co.; Morton Salt Co.; Dresser Industries; Environmental Protective Service, Canada; J. R. Simplot Co.; U.S. Borax; Englehard Minerals and Chemicals Corp.; The Fertilizer Institute; North Carolina Department of Natural and Economic Resources; Commonwealth of Pennsylvania, Department of Environmental Resources; Freeport Sulfur Co.; American Industrial Clay Co.; National Limestone Institute; Thiele Kaolin Co.; Cyprus Minerals Co.; Anglo-American Clay Corp.; Gardinier, Inc.; Assistant Secretary of Defense; Jefferson Lake Sulfur Co.; National Clay Pipe Institute; Kerr-McGee Corp.; International Minerals and Chemical Corp.; J. M. Huber Corp.; Freeport Kaolin Co.; Lithium Corporation of America; Foote Mineral Co.; New Riverside Ochre Co.; TexasGulf Inc.; Agrico; Basic Inc.; Brewster Phosphates, USS Agri-Chemicals; W. R. Grace and Co.; Kaiser Refractories; Morton Salt Co.; Martin Marietta; Ozark-Mahoning Co.; Florida Phosphate Council; Salt Institute; Sorptive Minerals Institute; Manufacturing Chemists Association; Kaiser Cement and Gypsum Corp.; U.S. Department of the Interior; Lone Star Industries, Inc.; Monsanto; The Fertilizer Institute; General Refractories Co.; Allied Chemical; Pfizer, Minerals, Pigments and Metals Division; North American Refractories Co.; GAF Corp.; National Wildlife Federation; Kaiser Cement and Gypsum Association; Ideal Basic Industries; Martin Marietta Cement; Huron Cement; Southwestern Portland Cement Co.; Lehigh Portland Cement Co.; General Portland, Inc.; Medusa Cement Co.; Portland Cement Association; Flintkote Co., Calaveras Cement Division; A. P. Green Refractories Co.; Evansville Materials, Inc.; Conrock Co.; Mulzer Crushed Stone Co.; Martin Marietta Cement; Pennsylvania Glass Sand Corp.; Cooley Gravel Co.; and National Crushed Stone Association.

A large number of comments were received long after the period of comment had expired. These comments were assessed as time was available. With few exceptions these late comments express the same interests as described below. The more significant issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) There was considerable comment on the requirement of treating mine and plant area runoff until reclamation is successfully completed and of diverting storm runoff away from mines and process waste water impoundments.

Only two areas involving runoff will be regulated at this time, mine dewatering and runoff into waste water treatment systems. Mine dewatering is defined as any water that is pumped, drained or otherwise removed, from the mine through the direct action of the mine operator. Pit pumpage of ground water, seepage and precipitation or surface runoff entering the active mine workings is an example of mine dewatering. Mine operators are encouraged to divert surface runoff away from the active mine workings. Surface runoff that enters a waste water treatment system becomes waste water and must meet the appropriate effluent limitation. In the case of limitations specifying no discharge of process waste water pollutants, diversion of storm waters around the impoundments may be necessary.

(2) Many of the commenters suggested that the pH range 6-9 should be expanded because some natural waters have a pH less than 6.

In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted. This problem was noted by plants in the crushed stone, construction sand and gravel, and industrial sand subcategories. In particular for the phosphate subcategory this situation has not been commented on by the industry, and allowing a lower pH could have the adverse effect of dissolving radium 226 in the sludge.

(3) Some commenters recommended that the effluent limitations should be applied on a net basis, especially where no discharge of pollutants is required.

The Agency has promulgated regulations (40 CFR Part 125) concerning the net or gross application of effluent standards. Prior to the time of permit issuance an affected plant can petition for a net limit if the applicant demonstrates that specified pollutants which are present in the applicant's intake water will not be removed by waste water treatment systems designed to reduce process waste water pollutants and other added pollutants to the levels required by the applicable limitations or standards. The effluent limitations promulgated are based on the gross discharge of pollutants.

(4) Three commenters insisted that process waste water should be defined to omit that water which contacts the ore before it is mined.

Process waste water does not include mine runoff contacting the ore unless this water enters the process waste water treatment system. The term process generated waste water is used to clarify this.

(5) There were objections to the omission of total dissolved solids (TDS) and of certain constituents of TDS such as calcium, magnesium, and nitrates from the limitations. In addition one company wanted to be able to exceed the water quality standards for TDS.

Total dissolved solids are limited where the effluent limitation specifies no discharge of process waste water pollutants. In this case the limitation can be met by total recycle or impoundment with no discharge. For those subcategories with limitations other than no discharge of pollutants it is not economically practicable to treat for total dissolved solids or certain constituents of TDS such as calcium, magnesium and nitrates. This does not relieve the discharger from meeting applicable water quality standards.

(6) It was suggested that for the phosphate subcategory the subcategorization not be based on Eastern versus Western operations because new operations in the West that may slurry transport the ore will not be able to achieve no discharge of pollutants. Another commenter suggested that Tennessee operations be subcategorized separately from Florida and North Carolina operations.

Eastern operations, especially those in Florida and North Carolina cannot now achieve a permanent no discharge condition because of excessive mine water and the need to principally use fresh make-up water in the flotation circuit. The subcategorization has been redefined to distinguish between flotation processes and other processing and mine dewatering. It is not universally practicable to separate all mine water, rainfall and runoff and process waste water for this subcategory. Thus the limitations allow a discharge for flotation process water, mine dewatering and excess rainfall and runoff into process waste water impoundments. Slurry water is recycled at all existing plants and this practice is incorporated into the criteria used to determine the new source performance standards. Hence all new plants, Eastern or Western, will have to recycle this water.

(7) Several phosphate mining companies suggested that fluoride and phosphorus not be regulated since the present treatment systems are not designed to specifically remove these parameters. In addition it was contested their presence is due to the suspended solids which are regulated.

Upon review of the contractor's data, additional plant inspections by EPA personnel and data submitted by this industry it was found that only pH and TSS need be regulated by effluent limitations guidelines at this time. The phosphate and fluoride concentrations appeared to be affected both by the quality of the well water intake and to their presence in suspended solids which are treated. Specific treatment for these pollutants was judged to be prohibitively expensive.

(8) It was suggested that the limits for the phosphate subcategory be in units of mg/l instead of kg/kkg since mine water, runoff and process water are one and the same, and this combined flow cannot be related to production. A TSS limit of 30 mg/l as an average and 150 mg/l as a daily maximum was suggested.

Because mine water, runoff and process waste water cannot be economically segregated, the units of the limits are more appropriate as concentrations. A statistical analysis of data from several plants indicates that a well designed and operated mine pond can achieve 30 mg/l TSS as a maximum monthly average and 60 mg/l as a daily maximum.

(9) There was considerable comment on the contractor's recommendations concerning dredging for sand, gravel and shell.

Discharges from dredges mining mineral deposits in navigable waters are regulated under section 404 of the "Permits for Dredged or Fill Material." Discharges originating from hydraulic dredges that pump to shore for processing are not regulated by these effluent limitations pending additional investigation. Other discharges from shore based plants are regulated.

(10) One commenter questioned whether the return flow of process waste to dredged pits need to meet no discharge of process waste water pollutants.

The limits are only to be applied to point source discharges to navigable waters. Hence the standards only apply to the discharge of the pit to navigable waters if the pit itself is a non-navigable water.

(11) One aggregate processing company claimed that it will discharge water from its treatment pond system as it tries to match the water lost by evaporation and percolation with fresh water intake.

Adequate control of the intake water volume will prevent treatment pond overflow in this case.

(12) One commenter claimed that not enough sand, gravel and crushed stone plants were visited.

Approximately 57 sand and gravel and 37 crushed stone plants were visited by the EPA contractor. It would be impossible to visit all 10,000 plants and it is questionable whether much additional treatment technology information would be gained by doing so. Plant inspection selection was decided after consultation with national and state trade associations. These plants are of various sizes and property dispositions. The plants visited are therefore considered to be a good sample of the industry. The comment period to the draft reports allowed companies not inspected to describe their particular situations.

(13) The land cost was claimed to be too low for the treatment of process waste waters.

The land cost factor was an average value. The economic analysis indicates that even if the total treatment costs were significantly higher the results would be the same.

(14) One commenter complained that the cost of recycling water will increase as new ponds are located farther from the process equipment.

The newer plants have usually taken this into acount when the plant was constructed. Common practice for older plants include moving the plant to a more favorable location, pumping farther distances to new treatment ponds or dredging the existing ponds to prolong their life. The tailings from dredging may be disposed of in inactive sections of the mine.

(15) Another commenter suggested that portable aggregate processing plants should be a separate subcategory.

Portable crushed stone plants were studied by the contractor and there is no reason why they cannot recycle process waste water as do permanent processing facilities. At a minimum a treatment pond should already exist at portable plant locations, and this system can be modified to recycle the waste water. Further subcategorization is therefore not necessary.

(16) Instead of no discharge of pollutants for process water, a national trade association recommended that both mine water and process water for sand and gravel be limited to 100 mg/l TSS.

Many sand and gravel plants in different parts of the United States were found to achieve no discharge of process waste water. The limitations for best practicable control technology currently available are based on the average performance of the best existing treatment rather than on what most plants currently achieve. The technologies cited in the development document are applicable to those that presently do not recycle process waste water.

(17) Some sand and gravel commenters pointed out that there can be land availability problems in building treatment ponds and in disposing sludge.

Alternative treatments can be employed if sufficient land is unavailable to construct large settling ponds. These technologies include flocculants, cyclones, clarifiers, or thickeners used in conjunction with smaller settling ponds. However, the economic analysis indicated that should treatments other than simple settling and recycle be necessary, operations could suffer severe economic impacts and possibly close. Therefore, the limitations are only based on the basic settling pond treatment. Section 436.32 for sand and gravel specifies the manner for seeking relief in unusual situations.

In the case where commenters claim that total recycle will result in an unmanageable amount of additional sludge, the EPA believes this is overstated. The additional sludge resulting from settling the solids for an existing discharge, were it to be recycled and hence the suspended solids ultimately settled, are minor compared to the several thousand milligrams per liter of suspended solids that need be settled from the raw waste before a discharge would be ever acceptable.

(18) One plant operator claimed that when a new quarry face is opened the quarry sump will not be able to achieve the proposed limits for TSS.

Proper location of the quarry sump or the use of an additional settling pond will prevent this problem.

(19) Some commenters observed that no discharge of process waste water is not possible from a dredged pit if ground water intrusion into the pit is high.

Excess water discharged from wet pits due to direct rainfall and ground water seepage is classified as mine dewatering and is regulated under the combined discharges clause.

(20) One person complained that dry processing plants which have wet scrubbers must discharge and cannot achieve the no discharge standards.

Dry processing plants that use scrubbers are totally recycling this process waste water after adequate settling.

(21) A few crushed stone companies complained of the severity of the mine dewatering limitation.

The mine dewatering limitation is based on existing plant data. Crushed stone quarries, because they are hard rock operations instead of strip mining operations involving much topsoil, are able to discharge mine water that is much cleaner than 30 mg/l of TTS. Discharges in excess of this are either due to inadequate sump or pond size or poor quarry practice such as allowing surface runoff to enter the quarry.

(22) Several commenters suggested that the 10- and 25-year 24 hour precipitation event criteria be replaced by the 1-year 24 hour event. This was claimed to be more cost beneficial because of the infrequency of the 10- and 25-year events.

There is some misunderstanding that the regulation language in the case of limitations specifying no discharge of process waste water pollutants would allow a discharge only once in 10 years when the respective event occurs. Constructing and operating impoundments to contain the 10-year event and even less frequent events is standard engineering practice. However, if closely spaced storms or a prolonged storm equals the 10-year event a discharge will occur for a pond so designed. Thus an allowable discharge of pollutants may occur more frequently depending upon the occurrence of major storm events. This storm event is defined by the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. It is determined by detailed statistical analysis. It is quite possible that more than one 24 hour rainfall in the last 10 years has exceeded the defined 10-year 24 hour event. Therefore, the agency cited above should be consulted rather than company records alone.

The draft recommendations suggesting treatment up to the 25-year 24 hour storm event for the 1983 limitations and the new source performance standards were replaced by the 10-year 24 hour storm event as required by the 1977 limitations. It is judged that for the pollutants present for this industry, principally suspended solids, little

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added environmental benefit is gained by the added expenditures to heighten the impoundment walls or divert storm waters.

(23) It was contested that no discharge of process waste water pollutants for the industrial sand subcategory is too costly. A limit of 100 mg/l TSS was suggested.

The economic analysis evaluated several treatment options for achieving no discharge of process water. Because it was determined that plants requiring mechanical thickening could suffer a severe economic impact, the guidelines are only based on a technology of settling ponds and recycle. Based on this technology, the economic analysis indicated that the industrial sand industry would not be seriously impacted.

(24) There was confusion between what is included in the HF and wet processing divisions of the industrial sand subcategory.

Only an industrial sand plant that employs HF flotation is classified in the HF subcategory.

1. Part 436 is amended by adding the following sections to the table of contents.

Subpart B—Crushed Stone Subcategory

Sec.
436.20 Applicability; description of the crushed stone subcategory.
436.21 Specialized definitions.
436.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart C—Construction Sand and Gravel Subcategory

436.30 Applicability; description of the construction sand and gravel subcategory.
436.31 Specialized definitions.
436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Industrial Sand Subcategory

436.40 Applicability; description of the industrial sand subcategory.
436.41 Specialized definitions.
436.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

. . . . .

Subpart R—Phosphate Rock Subcategory

436.180 Applicability; description of the phosphate rock subcategory.
436.181 Specialized definitions.
436.182 Effluent limitations guidelines representing the degree of effluent reduction attaintable by the application of the best practicable control technology currently available.

2. Subpart B is amended by adding §§ 436.20, 436.21 and 436.22 as follows:

Subpart B—Crushed Stone Subcategory

§ 436.20 Applicability; description of the crushed stone subcategory.

The provisions of this subpart are applicable to the mining or quarrying and the processing of crushed and broken stone and riprap. This subpart includes all types of rock and stone. Rock and stone that is crushed or broken prior to the extraction of a mineral are elsewhere covered. The processing of calcite, however, in conjunction with the processing of crushed and broken limestone or dolomite is included in this subpart.

§ 436.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is pumped, drained or otherwise removed from the mine through the direct action of the mine operator.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively used for or resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range of 6.0 to 9.0.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitations for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

3. Subpart C is amended by adding §§ 436.30, 436.31 and 436.32 as follows:

Subpart C—Construction Sand and Gravel Subcategory

§ 436.30 Applicability; description of the construction sand and gravel subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for construction or fill uses. The dredging of sand and gravel from navigable waters is regulated in 33 CFR Part 209, "Permits for Activities in Navigable Waters or Ocean Waters." Discharges from dredges in navigable waters resulting from the on-board processing of sand and gravel are also regulated in 33 CFR Part 209. Discharges from shore based facilities of waste water originating solely from the suction dredging of deposits in navigable waters are not included in this subpart.

§ 436.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is pumped, drained or otherwise removed from the mine through the direct action of the mine operator. This shall include wet pit overflows caused solely by direct rainfall and ground water seepage.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively used for or resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range of 6.0 to 9.0.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

4. Subpart D is amended by adding §§ 436.40, 436.41 and 436.42 as follows:

Subpart D—Industrial Sand Subcategory

§ 436.40 Applicability; description of the industrial sand subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for uses other than construction and fill. These uses include, but are not limited to glassmaking, molding, abrasives, filtration, refractories and refractory bonding.

§ 436.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is pumped, drained or otherwise removed from the mine through the direct action of the mine operator. This shall include wet pit overflows caused solely by direct rainfall and ground water seepage.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land actively used for a resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available, and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may

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approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Except for HF flotation facilities, there shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Process generated waste water from facilities employing HF flotation shall not exceed the following limitations:

[Metric units, kg/kkg of total product; English units, lb/1,000 lb of total product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	0.064	0.023
Total fluoride	0.060	0.003
pH	Within the range 6.0 to 9.0.	

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range of 6.0 to 9.0.

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

5. Subpart R is amended by adding §§ 436.180, 436.181 and 436.182 as follows:

Subpart R—Phosphate Rock Subcategory

§ 436.180 Applicability; description of the phosphate rock subcategory.

The provisions of this subpart are applicable to the mining and the processing of phosphate bearing rock, ore or earth for the phosphate content.

§ 436.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is pumped, drained or otherwise removed from the mine through the direct action of the mine operator.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively used for or resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Process waste water generated from froth flotation operations, mine dewatering and surface runoff into waste water treatment systems shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS, milligrams per liter	60	30
pH	Within the range 6.0 to 9.0	

(2) For all other process generated waste water, such as ore transport water, pump seal water, air scrubber water and ore wash water, there shall be no discharge of pollutants into navigable waters.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 436]

[FRL 557-2]

MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Proposed Standards of Performance for New Sources and Pretreatment Standards for Existing and for New Source Categories

Notice is hereby given that effluent limitations for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On October 16, 1975 EPA promulgated a regulation adding Part 436 to Chapter 40 of the Code of Federal Regulations (40 FR 48652). That regulation established effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for 17 subcategories of the mineral mining and processing point source category. Pretreatment standards for existing sources were proposed at that time for the same subcategories. The regulation proposed below will amend 40 CFR 436—mineral mining and processing point source category by adding sections 436.53, 436.55 and 436.56 to the gypsum subcategory (Subpart E); sections 436.63, 436.65 and 436.66 to the asphaltic minerals subcategory (Subpart F); sections 436.73, 436.75 and 436.76 to the asbestos and wollastonite subcategory (Subpart G); sections 436.103, 436.105 and 436.106 to the barite subcategory (Subpart J); sections 436.113, 436.115 and 436.116 to the fluorspar subcategory (Subpart K); sections 436.123, 436.125 and 436.126 to the salines from brine lakes subcategory (Subpart L); sections 436.133, 436.135 and 436.136 to the borax subcategory (Subpart M); sections 436.143, 436.145 and 436.146 to the potash subcategory (Subpart N); sections 436.153, 436.155 and 436.156 to the sodium sulfate subcategory (Subpart O); sections 436.193, 436.195 and 436.196 to the Frasch sulfur subcategory (Subpart S); sections 436.223, 436.225 and 436.226 to the bentonite subcategory (Subpart V); sections 436.233, 436.235 and 436.236 to the magnesite subcategory (Subpart W); sections 436.243, 436.245 and 436.246 to the diatomite subcategory (Subpart X); sections 436.253, 436.255 and 436.256 to the jade subcategory (Subpart Y); sections 436.263, 436.265 and 436.266 to the novaculite subcategory (Subpart Z); sections 436.323, 436.325 and 436.326 to the tripoli subcategory (Subpart AF); and sections 436.383, 436.385 and 436.386 to the graphite subcategory (Subpart AL) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations establishing effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for four additional subcategories of the mineral mining and processing point source category. The regulation proposed below will also amend 40 CFR 436—mineral mining and processing point source category by adding sections 436.23, 436.25 and 436.26 to the crushed stone subcategory (Subpart B); sections 436.33, 436.35 and 436.36 to the construction sand and gravel subcategory (Subpart C); sections 436.43, 436.45 and 436.46 to the industrial sand subcategory (Subpart D); and sections 436.183, 436.185 and 436.186 to the phosphate rock subcategory (Subpart R). A description and discussion of the legal authority is contained in Appendix A to this preamble.

(a) Summary and basis of proposed limitations and standards.

The general methodolgy and summary of conclusions were discussed in considerable detail in the preamble of the interim final regulations published October 16, 1975 in the FEDERAL REGISTER (40 FR 48652) for the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL). The information contained in the preamble to that interim final regulation is incorporated herein by reference. The general methodology and summary of conclusions are discussed in considerable detail in the preamble and appendices of the interim final regulations for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D) and the phosphate rock subcategory (Subpart R) of the mineral mining and processing point source category which are being promulgated simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for new sources for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to new sources which discharge to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Industry" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., S.W., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of these documents are available. Persons wishing to obtain a copy may write the EPA Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(b) Summary of public participation.

A full listing of participants and discussion of comments and responses to the draft Development Document is included in the preamble of the interim final regulation for the subcategories being simultaneously promulgated by EPA and are incorporated herein by reference. There were no substantive comments received on those 17 subcategories for which regulations were promulgated October 16, 1975 in the FEDERAL REGISTER (40 FR 48652) establishing effluent limitations and guidelines for existing sources based on the best practicable control technology currently available. No substantive comments were received on the corresponding proposed pretreatment standards for existing sources.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

In addition to encouraging written comments on the proposed regulation, the Agency would like to encourage written comments on the problem of defining which activities and which land areas should be covered by this regulation.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic analysis referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before July 12, 1976, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.)

Dated: May 28, 1976.

JOHN QUARLES,
Acting Administrator.

APPENDIX A—LEGAL AUTHORITY

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304 (b) of the Act, for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 (b)(1)(A) of the Act. On October 16, 1975 a notice appeared in the FEDERAL REGISTER titled "Addition to the List of Categories of Sources" (40 FR 48668). This notice added the mineral mining and processing point source category to those categories listed in 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the crushed stone subcategory (Subpart B), the construction sand and gravel category (Subpart C), the industrial sand subcategory (Subpart D), the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

Section 307(c) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. However due cause is found to set aside for this regulation the applicability of that portion of 40 CFR 128.133 requiring the Agency to propose pretreatment standards concerning the application of effluent limitations to pretreatment at the time such effluent limitations are promulgated. The Agency will establish pretreatment standards for existing sources within the mineral mining and processing point source category at a future date.

1. The table of contents is amended by adding the following sections.

Subpart B—Crushed Stone Subcategory

Sec.
436.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.24 [Reserved]
436.25 Standards of performance for new sources.
436.26 Pretreatment standards for new sources.

Subpart C—Construction Sand and Gravel Subcategory

436.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.34 [Reserved]
436.35 Standards of performance for new sources.
436.36 Pretreatment standards for new sources.

Subpart D—Industrial Sand Subcategory

436.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.44 [Reserved]
436.45 Standards of performance for new sources.
436.46 Pretreatment standards for new sources.

Subpart E—Gypsum Subcategory

436.51 Specialized definitions.
436.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.55 Standards of performance for new sources.
436.56 Pretreatment standards for new sources.

Subpart F—Asphaltic Minerals Subcategory

436.60 Applicability; description of the asphaltic minerals subcategory.
436.61 Specialized definitions.
436.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.65 Standards of performance for new sources.
436.66 Preatreatment standards for new sources.

Subpart G—Asbestos and Wollastonite Subcategory

436.71 Specialized definitions.
436.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.75 Standards of performance for new sources.
436.76 Pretreatment standards for new sources.

Subpart J—Barite Subcategory

Sec.
436.101 Specialized definitions.
436.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.105 Standards of performance for new sources.
436.106 Pretreatment standards for new sources.

Subpart K—Fluorspar Subcategory

436.111 Specialized definitions.
436.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.115 Standards of performance for new sources.
436.116 Pretreatment standards for new sources.

Subpart L—Salines from Brine Lakes Subcategory

436.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.125 Standards of performance for new sources.
436.126 Pretreatment standards for new sources.

Subpart M—Borax Subcategory

436.131 Specialized definitions.
436.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.135 Standards of performance for new sources.
436.136 Pretreatment standards for new sources.

Subpart N—Potash Subcategory

436.141 Specialized definitions.
436.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.145 Standards of performance for new sources.
436.146 Pretreatment standards for new sources.

Subpart O—Sodium Sulfate Subcategory

436.151 Specialized definitions.
436.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.155 Standards of performance for new sources.
436.156 Pretreatment standards for new sources.

Subpart R—Phosphate Rock Subcategory

436.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.184 [Reserved]
436.185 Standards of performance for new sources.
436.186 Pretreatment standards for new sources.

Subpart S—Frasch Sulfur Subcategory

436.191 Specialized definitions.
436.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.195 Standards of performance for new sources.
436.196 Pretreatment standards for new sources.

Subpart V—Bentonite Subcategory

436.221 Specialized definitions.
436.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.225 Standards of performance for new sources.
436.226 Pretreatment standards for new sources.

Subpart W—Magnesite Subcategory

436.231 Specialized definitions.
436.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.235 Standards of performance for new sources.
436.236 Pretreatment standards for new sources.

Subpart X—Diatomite Subcategory

436.241 Specialized definitions.
436.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.245 Standards of performance for new sources.
436.246 Pretreatment standards for new sources.

Subpart Y—Jade Subcategory

436.251 Specialized definitions.
436.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the applicaton of the best available technology economically achievable.
436.255 Standards of performance for new sources.
436.256 Pretreatment standards for new sources.

Subpart Z—Novaculite Subcategory

436.261 Specialized definitions.
436.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.265 Standards of performance for new sources.
436.266 Pretreatment standards for new sources.

Subpart AF—Tripoli Subcategory

436.321 Specialized definitions.
436.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available

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Sec.
436.323 technology economically achievable.
436.325 Standards of performance for new sources.
436.326 Pretreatment standards for new sources.

Subpart AL—Graphite Subcategory

436.381 Specialized definitions.
436.383 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
436.385 Standards of performance for new sources.
436.386 Pretreatment standards for new sources.

2. Subpart B is amended by adding §§ 436.23, 436.24, 436.25 and 436.26 as follows:

Subpart B—Crushed Stone Subcategory

§ 436.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.24 [Reserved]

§ 436.25 Standards of performance for new sources.

(a) Subject to the provisions of paragraphs (b) and (c) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorized such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.26 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the crushed stone subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

3. Subpart C is amended by adding §§ 436.33, 436.34, 436.35 and 436.36 as follows:

Subpart C—Construction Sand and Gravel Subcategory

§ 436.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.34 [Reserved]

§ 436.35 Standards of performance for new sources.

(a) Subject to the provisions of paragraphs (b) and (c) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.36 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the construction sand and gravel subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

4. Subpart D is amended by adding §§ 436.43, 436.44, 436.45 and 436.46 as follows:

Subpart D—Industrial Sand Subcategory

§ 436.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) Except for HF flotation facilities, there shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Process generated waste water from plants employing HF flotation shall not exceed the following limitations:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	*Effluent limitations*	
	Maximum for any 1 day	*Average of daily values for 30 consecutive days shall not exceed—*
TSS	0.046	0.023
Total fluoride	0.006	0.003
pH	Within the range 6.0 to 9.0.	

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.44 [Reserved]

§ 436.45 Standards of performance for new sources.

(a) Subject to the provisions of paragraphs (b) and (c) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Except for HF flotation facilities, there shall be no discharge of process generated waste water pollutants into navigable waters.

(2) Process generated waste water from plants employing HF flotation shall not exceed the following limitations:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	*Effluent limitations*	
	Maximum for any one day	*Average of daily values for 30 consecutive days shall not exceed—*
TSS	0.046	0.023
Total fluoride	0.006	0.003
pH	Within the range 6.0 to 9.0.	

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	*Effluent limitations—maximum for any 1 day*
TSS	30 mg/l.
pH	Within the range 6.0 to 9.0.

(4) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

§ 436.46 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the industrial sand subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	*Effluent limitations*	
	Maximum for any one day	*Average of daily values for 30 consecutive days shall not exceed—*
TSS	0.046	0.023
Total fluoride	0.006	0.003
pH	Within the range 6.0 to 9.0.	

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[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
TSS	No limitation	No limitation.
Total fluoride	0.006	0.003.

5. Subpart E is amended by adding paragraphs (b) and (c) to § 436.51, and adding §§ 436.53, 436.55 and 436.56 as follows:

Subpart E—Gypsum Subcategory

§ 436.51 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: For operations not employing wet air emissions control scrubbers there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.55 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing wet air emissions control scrubbers there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the gypsum subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

6. Subpart F is amended by revising § 436.60, by adding paragraphs (b) and (c) to § 436.61, and by adding §§ 436.63, 436.65 and 436.66 as follows:

Subpart F—Asphaltic Minerals Subcategory

§ 436.60 Applicability; description of the asphaltic minerals subcategory.

The provisions of this subpart are applicable to the processing of bituminous limestone, oil-impregnated diatomite and gilsonite not primarily used as an energy source.

§ 436.61 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.65 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the asphaltic minerals subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

7. Subpart G is amended by adding paragraphs (b) and (c) to § 436.71 and by adding §§ 436.73, 436.75 and 436.76 as follows:

Subpart G—Asbestos and Wollastonite Subcategory

§ 436.71 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24-hour precipitation event shall not be subject to the limitations of this section.

§ 436.75 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.76 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the asbestos and wollastonite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24-hour precipitation event shall not be subject to the limitations of this section.

§ 436.75 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.76 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the asbestos and wollastonite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

Subpart J—Barite Subcategory

8. Subpart J is amended by adding paragraphs (b) and (c) to § 436.101, and by adding §§ 436.103, 436.105 and 436.106 as follows:

§ 436.101 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: For operations not employing wet processes or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.105 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing wet processes or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.106 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the barite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

9. Subpart K is amended by adding paragraphs (b) and (c) to § 436.111 and by adding §§ 436.113, 436.115 and 436.116 as follows:

Subpart K—Fluorspar Subcategory

§ 436.111 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: For operations not employing heavy media separation or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

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(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.115 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing heavy media separation or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.116 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the fluorspar subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

10. Subpart L is amended by adding §§ 436.123, 436.125 and 436.126 as follows:

Subpart L—Salines From Brine Lakes Subcategory

§ 436.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

(b) The limitations specified in subparagraph (a) of this section shall be applied on a net basis if the discharge is in compliance with 40 CFR 125.28: "the source of the applicant's water supply is the same body of water into which the discharge is made * * * "

§ 436.125 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b) The limitations specified in subparagraph (a) of this section shall be applied on a net basis if the discharge is in compliance with 40 CFR 125.28: "the source of the applicant's water supply is the same body of water into which the discharge is made * * * "

§ 436.126 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the salines from brine lakes subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

11. Subpart M is amended by adding paragraph (b) to § 436.131 and by adding §§ 436.133, 436.135 and 436.136 as follows:

Subpart M—Borax Subcategory

§ 436.131 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.135 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.136 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the borax subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this setcion, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

12. Subpart N is amended by adding paragraph (b) to § 436.141 and by adding §§ 436.143, 436.145 and 436.146 as follows:

Subpart N—Potash Subcategory

§ 436.141 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.145 Standards of performance for new sources

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.146 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the potash subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property	*Pretreatment standard*
TSS	No limitation.

13. Subpart O is amended by adding Paragraph (b) § 436.151 and by adding §§ 436.153, 436.155 and 436.156 as follows:

Subpart O—Sodium Sulfate Subcategory

§ 436.151 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hours precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.155 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.156 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the sodium sulfate subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant property	*Pretreatment standard*
TSS	No limitation

14. Subpart R is amended by adding §§ 436.183, 436.184, 436.185 and 436.186 as follows:

Subpart R—Phosphate Rock Subcategory

§ 436.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

(1) Process waste water generated from froth flotation operations, mine dewatering and surface runoff into waste water treatment systems shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS, milligrams per liter	60	30
pH	Within the range 6.0 9.0.	-- --

(2) For all other process generated waste water, such as pump seal water, air scrubber water and ore wash water, there shall be no discharge of pollutants into navigable waters.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

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§ 436.184 [Reserved]

§ 436.185 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Process waste water generated from froth flotation operations, mine dewatering and surface runoff into waste water treatment systems shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS, milligrams per liter	60	30
pH	Within the range 6.0 to 9.0.	

(2) For all other process generated waste water, such as pump seal water, air scrubber water and ore wash water, there shall be no discharge of pollutants into navigable waters.

(3) In the event that waste streams from various sources are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.186 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the phosphate rock subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

15. Subpart S is amended by adding paragraph (b) to § 436.191 and by adding §§ 436.193, 436.195 and 436.196 as follows:

Subpart S—Frasch Sulfur Subcategory

§ 436.191 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 436.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: For operations mining anhydrite deposits, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.195 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations mining anhydrite deposits, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.196 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Frasch sulfur subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

16. Subpart V is amended by adding paragraphs (b) and (c) to § 436.221 and by adding §§ 436.223, 436.225 and 436.226 as follows:

Subpart V—Bentonite Subcategory

§ 436.221 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.225 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.226 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the bentonite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

17. Subpart W is amended by adding paragraphs (b) and (c) to § 436.231 and by adding §§ 436.233, 436.235 and 436.236 as follows:

Subpart W—Magnesite Subcategory

§ 436.231 Specialized definitions.

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(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.235 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.236 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the magnesite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

18. Subpart X is amended by adding paragraphs (b) and (c) to § 436.241 and by adding §§ 436.243, 436.245 and 436.246 as follows:

Subpart X—Diatomite Subcategory

§ 436.241 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.245 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.246 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the diatomite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

19. Subpart Y is amended by adding paragraphs (b) and (c) to § 436.251 and by adding §§ 436.253, 436.255 and 436.256 as follows:

Subpart Y—Jade Subcategory

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§ 436.251 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.255 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.256 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the jade subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

20. Subpart Z is amended by adding paragraphs (b) and (c) to § 436.261 and by adding §§ 436.263, 436.265 and 436.266 as follows:

Subpart Z—Novaculite Subcategory

§ 436.261 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.265 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.266 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the novaculite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.

22. Subpart AF is amended by adding paragraphs (b) and (c) to § 436.321 and by adding §§ 436.323, 436.325 and 436.326 as follows:

Subpart AF—Tripoli Subcategory

§ 436.321 Specialized definitions.

* * * * *

(b) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(c) The term "process generated waste water" shall mean any waste water resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

§ 436.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: For operations not employing wet processes there shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.325 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: For operations not employing wet processes there shall be no discharge of process generated waste water pollutants into navigable waters.

§ 436.326 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the tripoli subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant Property	*Pretreatment standard*
TSS	No limitation.

22. Subpart AL is amended by adding §§ 436.381, 436.383, 436.385 and 436.386 as follows:

Subpart AL—Graphite Subcategory

436.381 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is pumped, drained or otherwise removed from the mine through the direct action of the mine operator.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land actively used for or resulting from the extraction of a mineral from natural deposits.

§ 436.383 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of the following paragraphs of this section, process waste water and mine drainage shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for 30 consecutive days shall not exceed—
		mg/l
TSS	20 mg/l	10
Total Fe	2 mg/l	1
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.385 Standards of performance for new sources.

(a) Subject to the provisions of the following paragraphs of this section, process waste water and mine drainage shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
		mg/l
TSS	20 mg/l	10
Total Fe	2 mg/l	1
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff resulting from a 10-year 24 hour precipitation event shall not be subject to the limitations of this section.

§ 436.386 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the graphite subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation
Iron, dissolved	50 mg/l.

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THURSDAY, JUNE 10, 1976

PART III:

ENVIRONMENTAL PROTECTION AGENCY

WATER PROGRAM

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Proposed Toxic Pollutant Effluent Standards

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 129]

[FRL 551-7]

WATER PROGRAM

Proposed Toxic Pollutant Effluent Standards

1. Notice is hereby given that the Environmental Protection Agency, pursuant to the authority contained in section 307 (a) of the Federal Water Pollution Control Act (the Act) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 816, (33 U.S.C. § 1251 et seq.)), proposes a new Part 129, setting forth proposed effluent standards for certain toxic pollutants included on a list of toxic pollutants previously published by the Agency pursuant to section 307(a)(1), 38 FR 24342 et seq. (September 7, 1973). This list and matters relating thereto are discussed below.

Section 307(a)(2) of the Act provides as follows:

> Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed effluent standard (or prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

The regulations proposed at this time establish effluent standards for manufacturers and formulators, both existing and new sources, for the toxic pollutants listed below:

1. Aldrin and dieldrin (These substances are treated together because of their close chemical relationship, and from time to time are referred to collectively as "aldrin/dieldrin").
2. DDT, DDD and DDE. (These substances are from time to time referred to collectively as "DDT" or "DDT and its metabolites").
3. Endrin.
4. Toxaphene.

The following, together with the materials and information hereinafter referred to and incorporated by reference, sets forth the basis and purpose of the effluent standards proposed in this Part.

SUMMARY OF PRINCIPAL FEATURES AND BENEFITS OF THE PROPOSED REGULATIONS

The regulations here proposed would establish effluent standards for all manufacturers and formulators of any of the following four toxic pollutants who discharge directly into the navigable waters: aldrin/dieldrin, DDT (DDE, DDD), endrin and toxaphene. Standards are established for both existing sources and new sources. Manufacturers and formulators who discharge into publicly owned treatment works, as defined in section 212 of the Act, are not covered by the standards hercin proposed. However, the Agency expects to propose pretreatment standards for such indirect dischargers pursuant to the authority contained in section 307 of the Act in due course.

The four toxic pollutants covered in this proposed rulemaking are among the nine toxic pollutants listed for control by the Agency pursuant to section 307(a)(1) on September 7, 1973. They are among the most highly toxic pesticides known to man. All four have been clearly shown to result in lethal and sublethal toxic effects at low dose levels upon a wide range of fish, birds, mammals, and other wildlife, and have also demonstrated serious adverse health effects to man. Moreover, all four pollutants are highly mobile and persistent in the environment, and have demonstrated particular harm to aquatic organisms, in which they bioaccumulate greatly. Aldrin/dieldrin and DDT have previously been found by the Administrator to pose a cancer threat to man and accordingly most registered uses of them have been cancelled under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as discussed more fully below.

Although manufacture and formulation of these pesticides are presently somewhat limited, the potential for export sales as well as domestic uses makes it reasonable to expect that these substances will continue to be manufactured and formulated. This in turn poses the prospect of continued aqueous discharge and resulting environmental contamination, hence the need for controls under section 307(a) of the Act.

The proposed standards would require no aldrin/dieldrin or DDT (DDE, DDD) in any discharge from new or existing manufacturers or formulators of these substances. For endrin and toxaphene the proposed standards for existing manufacturers in terms of concentration and weight respectively are 1.5 μg/l and 0.0003 kg/kkg of endrin produced, and 1.5 μg/l and 0.00001 kg/kkg of toxaphene produced. A more stringent standard is proposed for new manufacturing sources. Both substances are prohibited in the discharges from formulators. Data available to the Agency indicate that these standards will provide the degree of protection for aquatic and other organisms and human health required by the Act, and are technologically achievable by industry without serious adverse economic or environmental impacts.

In the interest of complete coverage, the Agency has incorporated into its definition of pesticide manufacturers both those owners and operators who manufacture the pesticides and those owners or operators who use such pesticides as an input constituent in manufacturing another product. The Agency is unaware of any such subsequent manufacturing uses of these four pesticides by any owner or operator who directly discharges to a navigablye water (although one such manufacturing operation has been identified where the waste is introduced into a publicly owned treatment works). The Agency hereby solicits any information concerning such subsequent manufacturing use of these pesticides including information such as the identification of such owners or operators, the pesticide being so used, the final product, suitability of substitute non-pesticidal input materials, the characterization of wastewaters produced, and the availability and effectiveness of any known waste treatment technology.

I. BACKGROUND

A. PRIOR REGULATORY ACTION UNDER SECTION 307(a)

On July 6, 1973, the Agency published in the FEDERAL REGISTER a proposed list of nine toxic pollutants pursuant to section 307(a)(1) of the Act, 38 FR 18044. The nine substances were: aldrin/dieldrin, benzidine, cadmium, cyanide, DDT (DDD, DDE), endrin, mercury, polychlorinated biphenyls, and toxaphene. Following receipt of public comment, the list was promulgated on September 7, 1973, together with a discussion of the Agency's selection criteria and a response to comments received on the proposed list, 38 FR 24342 et seq. The promulgated list consisted of the same nine substances previously proposed.

On December 27, 1973, the Agency published proposed toxic pollutant effluent standards for each of these nine substances, together with a summary of the factors considered in setting the standards, and a list of point source categories of dischargers proposed for coverage, 38 FR 35388 et seq. As recited in that notice of proposed rulemaking, the standards proposed therein were developed under severe time constraints imposed by court order in response to litigation commenced by the Natural Resources Defense Council, *NRDC* v. *Fri*, Civ. Action No. 849-73 (D.D.C. June 19, 1973, as modified), with the result that the Agency had not had time to develop data in certain areas. In accordance with section 307(a)(2) of the Act, a formal rulemaking hearing on the proposed standards was scheduled.

A prehearing conference was held on January 25, 1974, followed by a 30-day evidentiary hearing during April and May. Thirty-eight objecting parties participated, most of whom were industries or industry associations who would be affected by the proposed standards. During these hearings industry objectors introduced evidence which tended to show the following problems:

(1) Questions were raised as to whether the technology existed to monitor and detect the presence of some of the toxic pollutants in effluents at the low levels of concentration prescribed in the proposed standards with any degree of accuracy or reliability.

(2) The proposed standards were based in part upon certain hydrological considerations, including the flow rate and volume of rivers, and the propensity of a pollutant to disperse following discharge and become less concentrated in the area in the immediate vicinity of the discharge (substantially the equivalent of a "mixing zone"). It was argued that these assumptions were oversimplified, and evidence was presented indicating that attempts in the proposed standards to prescribe different discharge levels based upon flow rates and volumes of the receiving waters could result in unrealistic and unfair discrimination among dischargers, as well as major administrative problems. No evidence was submitted to indicate a reasonable alternative approach.

(3) The standards for each substance included a provision for allowable discharges based upon a conservative seven day "low flow" of the water body for a recurrence frequency of ten years. The low flow for an estuary was defined in § 129.01(c) of the proposed standards as the low flow of its tributaries. Evidence was submitted that many major estuaries have no tributaries, with the result that allowable discharge for industries located on them would be zero. Time constraints did not allow for the correction of this problem prior to the conclusion of the hearing.

(4) Many industries presented evidence to show that the technology available to them either could not achieve the proposed effluent limitation levels, or could not be installed within the one-year compliance time contained in the statute (cf. § 307(a)(6) and 307(d)). Other industries presented evidence to show that even where such control technology might be available, it could only be installed at very substantial expense. Further evidence was introduced to show that promulgation of the proposed standards would force large segments of major American industries to shut down. No evidence was available in the record by which to test the validity or strength of these claims.

In addition, there were some gaps in the Agency's data concerning the identification and extent of point source discharge of the substances. This in turn affected the Agency's ability to promulgate standards for the range of point sources proposed for coverage.

B. THE DECISION TO GATHER ADDITIONAL DATA AND REPROPOSE

Following the completion of these hearings, which had proceeded within the extremely short 6-month time frame following proposal of standards as prescribed in section 307(a)(2), the Agency concluded that because of the problems and data gaps in the hearing record referred to above it could not promulgate responsible and defensible standards based upon that record. This is not to say that the effluent standards originally proposed by EPA are indefensible, but rather to emphasize that at the time of the hearing on those proposed standards, the Agency did not have available to it the necessary data to fully substantiate the proposed standards or to respond effectively to the problems raised by the objectors. The status of the hearing record is critical, because under sections 307(a)(2) and (3) it is the sole basis for the promulgation of final standards, and the hearing record on the proposed toxic standards revealed that those standards could not be defended based on its contents.

At the same time the Agency was deeply concerned with the fact that it was then behind the time schedule which Congress prescribed for the setting of standards under section 307(a), and that to take the time to gather additional data would cause the Agency to fall further behind that timetable. The result was one apparently not anticipated by Congress at the time section 307(a) was drafted, namely, that the hearing record, though voluminous, did not contain sufficient evidence upon which defensible standards could be promulgated. The proposed standards could not be defended on the record, and no specific modification could be "justified based upon a preponderance of evidence adduced at the hearings" (section 307(a)(2)).

Faced with the choice between (a) promulgating standards on an insufficient record which were subject to almost certain challenge in court with the likely result of protracted litigation followed by a remand, or (b) taking the time to gather additional data to fill the gaps and make a fresh proposal, the Agency has elected the latter course as the more responsible. The Agency believes that the purpose of the Act is better served by proposing responsible and defensible standards, though late, than by rushing to meet a timetable which experience has shown to be too optimistic.

The permissibility of deferring regulatory action beyond the statutorily prescribed deadline was recognized by the U.S. Court of Appeals for the District of Columbia Circuit in allowing EPA to exceed certain statutory deadlines for issuing its effluent limitations guidelines and new source performance standards under the Act when resource constraints so dictated, *Natural Resources Defense Council* v. *Train*, 510 F. 2d 692 at 712-713 (D.C. Cir. 1975):

> The Act contemplates that the Agency's guidelines will be defensible if attacked by polluters seeking to avoid the effluent limitations. We perceive two types of constraints which might delay the formulation of adequate guidelines for some few categories of point sources beyond the deadline established by the Act. First, it is possible that budgetary commitments and manpower demandes required to complete the guidelines by December 31 are beyond the Agency's capacity or would unduly jeopardize the implementation of other essential programs. Second, EPA may be unable to conduct sufficient evaluation of available control technology to determine which is the best practicable or may confront problems in determining the components of particular industrial discharges. The courts cannot responsibly mandate flat guideline deadlines when the Administrator demonstrates that additional time is necessary to insure that the guidelines are rooted in an understanding of the relative merits of available control technologies. The delay required to give meaningful consideration to the technical intricacies of promising control mechanisms may well speed achievement of the goal of pollution abatement by obviating the need for time-consuming corrective measures at a later date.

Other judicial authority exists as well as for the Agency to deviate from the timetable in section 307(a) when such deviation will result in actions that will better serve the goals of the Act, e.g., *Commonwealth of Pennsylvania* v. *Lynn*, 501 F. 2d 848 (D.C. Cir. 1974). Moreover, the courts have not hesitated to reject and remand for further Agency consideration regulations promulgated on an inadequate record, e.g., *Portland Cement Association* v. *Ruckelshaus*, 488 F. 2d 375, 393 (D.C. Cir. 1973).

Since the 1974 hearing a number of measures have been taken by the Agency to remedy the problems elicited at that hearing and to provide the data base necessary for standards under section 307(a). The results of these efforts, insofar as they relate to the four substances for which standards are proposed at this time, are discussed more fully below. The principal areas of data gathering are briefly identified as follows:

First, the Agency has substantially expanded its data base with respect to the toxicity and environmental behavior and effects of the substances. This is in accord with the language of section 307(a) which requires the Administrator, both in the selection of substances and in the publication of standards, to consider "the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms. * * *"

The data include human health efforts to the extent available. Although human beings are not enumerated in section 307(a) among the organisms sought to be protected thereunder, other sections of the Act as well as the legislative history make it clear that Congress intended human health effects to be considered under section 307(a). Section 402(k), dealing with implementation of limitations and standards through the National Pollutant Discharge Elimination System (NPDES) permit program, accords special weight to "any standard imposed under section 307 for a toxic pollutant injurious to human health." The definition of "toxic pollutant" in section 502(13) describes a number of illustrative health effects of concern in human as well as aquatic organisms, and expresses concern with "ingestion through food chains" of toxic pollutants. Man as a consumer of fish and other aquatic organisms occupies a critical position in such food chains, and is thereby directly exposed to any toxic pollutant present in such organisms. He may also be exposed through ingestion of or contact with the water itself in which such pollutants are or may be present.

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The legislative history of the Act further indicates that one of its fundamental objectives is protection of human health. The following language appears in the Report of the Senate Committee on Public Works discussing the definition of "toxic pollutant" in section 502(13) referred to above:

> A definition of toxic substances is provided to assist the Administrator in implementing his authority under Section 307 to regulate toxic discharges. The definition provides a benchmark for evaluating those pollutants which in certain concentrations would have a particularly adverse impact on humans as well as other forms of life. S. Rept. No. 92-414, 92nd Cong., 1st Sess., October 28, 1971, p. 77, reprinted in "A Legislative History of the Water Pollution Control Act Amendments of 1972" (hereinafter cited as "Legis Hist.") at p. 1495.

The Report then proceeds to describe some of the features of a toxic pollutant which the Committee expected the Administrator to consider in the exercise of his authority under section 307 including, among others, "the seriousness and irreversibility of any effects on man or the environment that might occur" and "the possibility for incorporation into biological organisms and man in concentrations which the latest scientific knowledge suggests will produce effects on man and organisms." S. Rept., 92-414 at p. 78; Legis. Hist. at p. 1496. The public health concern is also reflected in the Report at p. 3-4, Legis. Hist. at p. 1421-2.

Second, the Agency has given further attention to measuring and monitoring technology capability in considering new standards. Third, it has reconsidered its hydrological assumptions and has eliminated from the operative language of the standards proposed at this time the use of "low flow" rates and "mixing zones." Fourth, the Agency has gathered additional data and has reassessed its previously accumulated data with respect to discharge of particular pollutants by particular industrial point source categories.

C. CONSIDERATION OF TECHNOLOGICAL AND ECONOMIC FACTORS

In addition, though not specifically required to do so under the language of section 307(a), the Agency has gathered data on available control technologies as well as the economic impact of the imposition of such controls. Section 307(a) is, by its terms, concerned primarily with protection of environmental health, including that of aquatic organisms, humans, and others along the food chain (c.f. Section 502(13)). Thus the Agency could set standards on the authority of this section without regard to technology constraints or economic impact. However, the statute does not preclude consideration of such factors, and in light of the claims raised by industry objectors at the previous hearings the Agency has concluded that the interests of responsible rulemaking are best served by giving at least some consideration to technological factors and the likely impact, if any, of the proposed regulations on the national economy. This approach has received judicial approval in other contexts. *Buckeye Power v. EPA*, 481 F. 2d 162 (6th Cir. 1973); *Environmental Defense Fund Inc. v. Ruckelshaus*, 439 F. 2d 584, 594 (D.C. Cir. 1971); *International Harvester v. Ruckelshaus*, 478 F. 2d 615, 637, 641 (D.C. Cir. 1973); c.f. also *Natural Resources Defense Council v. EPA*, 489 F. 2d 390, 411-412 (5th Cir. 1972) ("considerations of economic cost or technological feasibility are *always* to be subordinate to considerations of public health.") (Emphasis in original).

Consideration of technological factors, and by implication economic impact, appears in the legislative history of the Act with reference to section 307(a)(5), which requires the Administrator to "designate the category or categories of sources to which the effluent standard (or prohibition) shall apply." Congress clearly expected different levels of standards for different categories of industrial sources. The Senate Report states concerning section 307(a)(5):

> • • • The Committee has provided the Administrator with authority to differentiate among categories of sources in establishing requirements under this Section.
>
> This authority, for example, would give the Administrator the latitude to treat a plant that processes cadmium ore differently than he might treat a plant in which cadmium appears as a trace impurity. A similar ability to differentiate exists in the Clean Air Act. S. Rept., No. 92-414, 92nd Cong. 1st Sess. at 61 (1971); Legis. Hist. p. 1479.

The House Report states.

> The Administrator is directed under this Section to establish a list of substances which are recognized to be toxic when released into the environment. However, the standards which are to be established for that list may be varied pursuant to Section 307(a)(5) according to the category or categories of source to which the effluent standards shall apply. H. Rept., No. 92-911, 92nd Cong., 2nd Sess. at 112 (1972), Legis. Hist. 799.

Section 307(a)(5), as explained in the Committee reports, authorizes EPA to establish toxic standards at different levels for different categories of point sources. The only basis for establishing different levels for different point source categories would appear to be technological or economic differences in the various control techniques involved. If the standards were to be based solely on health or environmental effects there would be no basis for distinguishing among point source categories.

A further indication that the Administrator is allowed to give some considerations to such factors can be inferred from the language of sections 307(a)(1) and (2). These sections require that, both in publishing a list of toxic pollutants and in developing effluent standards for them, the Administrator shall take into account "the importance of the affected organisms." The statute does not say in relation to what the importance is to be considered. However, if the importance of the affected organisms is to be given a meaningful role in determining the stringency of the standards, it is a reasonable inference that Congress had in mind a consideration of their importance in relation to other important social and economic values.

Based upon the foregoing considerations, the Agency has concluded that it is authorized to give at least some consideration to the economic impact, including the availability of control technology, in setting standards under section 307(a), even though such factors must always be given less weight than the environmental and public health factors for which the standards must, under section 307(a)(4), provide "an ample margin of safety."

Apart from the Act itself, economic impact must be considered by the Agency under Executive Order No. 11821, 39 FR 41501 (signed November 27, 1974). This order and the implementation guidelines issued by the Office of Management and Budget, OMB Circular A-107, require federal agencies, including EPA, to assess the economic and inflation impact of proposed regulations and standards and make a determination as to whether or not the proposal is likely to have a significant impact on inflation. If it is concluded that such impact is likely, an Inflation Impact Statement (IIS) must be prepared by the Agency which evaluates, among other things, the probable effects of the regulations on costs, productivity, competition, and supplies of goods and services. In compliance with this Executive Order, it is the Agency's practice to make sufficient examination and assessment of the likely economic impact of its regulations to determine whether or not an IIS is required, and to prepare such a statement in all cases where it is required.

Executive Order 11821 requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposals has been evaluated. The Administrator has directed that all regulatory actions that are likely to result in (1) annualized costs of $100 million, (2) additional costs of production more than 5% of the selling price, or (3) an energy consumption increase equivalent to 25,000 barrels of oil per day will require a certified inflationary impact statement. The analysis indicates that the total investment required to meet these regulations is $0.8-1.1 million with an annualized cost of $0.5-0.7 million. The costs as a percent of selling price are no more than 2.3%. Although the criteria for performing a certified inflationary impact statement have not been met, the Agency has assessed the potential economic impact of these regulations and concludes that there will be no significant adverse impact on production, prices, or the consumers of these products. More detailed information regarding economic impact is found in the discussion of each of the four pesticides.

D. THE NEED TO PROCEED WITH A LIMITED NUMBER OF SUBSTANCES AT A TIME

Experience with the 1974 hearings demonstrated that it is neither practical nor feasible to try to conduct a formal rulemaking hearing on as many as nine substances involving numerous different, unrelated industries. The very tight time constraints imposed by section 307(a) allow only six months between proposal and final promulgation. To proceed with numerous substances poses unwarranted and intolerable burdens on the objecting parties, the Agency, and the presiding officer, with the likely result that the quality of the rulemaking will suffer.

For this reason, and in light of past experience, the Agency has decided to propose standards for a more limited number of substances at a time, in the hope that a hearing of limited scope will result in promulgation of responsible, well-developed standards within the six month time frame presently required by section 307(a). Thus the present proposal sets forth standards for four substances, and further proposals are expected in the future for additional substances.

It is against this background, and in this context, that the standards hereinafter set forth have been developed and are now proposed.

II. THE PROPOSED STANDARDS

In developing the standards proposed herein the Administrator has given careful consideration to each of the factors enumerated in section 307(a)(2). These factors include "the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms." In light of the Act's manifest concern for public health as discussed above, the Administrator has also considered available data concerning human health effects attributable to the substances. The data considered by the Administrator relating to these factors of toxicity and environmental fate and effects are set forth for each of the four substances in a "Criteria Document." These four criteria documents, together with a general introduction thereto, are hereby incorporated by reference as a part of the statement of basis and purpose for the standards hereinafter proposed.

In addition, for the reasons stated in the preceding Section, the Administrator has considered the availability of various methods of control and related technology by which discharge of each of the substances might be eliminated or reduced. In order to obtain relevant data for this function, EPA engaged the services of an outside contractor, Midwest Research Institute ("MRI") of Kansas City, Missouri, who are experts on pesticide manufacturing and formulating wastewater treatment technology. Reports have been prepared and submitted by MRI concerning control technologies which actually are in use or which are or may be available to manufacturers and formulators of each of the four chemical pesticides for which standards are hereinafter proposed. Those reports are hereby incorporated by reference as part of the statement of basis and purpose of this proposed rulemaking.

The Administrator has also considered, for the reasons stated in the preceding section, the impact on the nation's economy of the setting of standards as hereinafter proposed. In order to assist the Agency in making this assessment, the Agency retained as outside consultants the firm of Arthur D. Little, Inc. of Cambridge, Massachusetts. Arthur D. Little, Inc. has submitted to the Agency a report for the four substances for which standards are hereinafter proposed. This report is hereby incorporated by reference as part of the statement of basis and purpose for those proposed standards.

Copies of each of the aforesaid criteria documents and reports are available for public inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460, and in similar Public Information Reference Units in each of the ten EPA Regional Offices, during normal business hours. In addition, copies of the reports may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, Virginia.

The approach utilized in arriving at the standards for each substance is as follows. First, because the most important element in setting the standards is the toxicity considerations enumerated in section 307(a)(2), the starting point is the development of the criteria documents, which set forth extensive data with respect to the environmental effects and behavior of each pollutant. The purpose of each criteria document is to arrive at an ambient level of the subject pollutant, based upon the data, which will provide an ample margin of safety for all important aquatic organisms and others up the food chain, including man, who may become exposed to it. This ambient water criterion is expressed as a concentration of the pollutant in the water, normally in micrograms per liter (ug/1), or the equivalent measurement of parts per billion (ppb).

The toxicity data were derived from laboratory studies as well as field observations on the effects and behavior of each of the substances. These studies have been conducted on a variety of organisms including invertebrate, vertebrate, and mammalian test species, and are well documented in the scientific literature. In addition, recent data developed by the Agency's Office of Research and Development through its various laboratories, and other non-Agency sources, have been considered. These studies provided extensive acute and chronic toxicity data based primarily on feeding experiments for a wide range of aquatic organisms and consumers of aquatic organisms.

Studies documenting bioaccumulation in the food chain organisms and bioconcentration by organisms directly from the water provided an important additional component data base upon which criteria were derived. Appropriate human toxicity data and mammalian carcinogenesis studies, where available, were also considered, as were data on persistence and degradability.

Data on toxic effects of pollutants are not available for all species that may be exposed to toxic pollutants in the complex ecosystem. There is a vast number of species throughout the entire ecosystem, and it would be impractical to try to gather test data on every one, or even most of them. Because such data are not available on all species, the range of sensitivity of a smaller number of tested species is used to provide a measure of the range of sensitivity of all species. The Agency's criteria for these four pesticides are based upon a wide range of toxicity data for a phylogenetic cross section of organisms as well as species representative of a wide geographic distribution.

Section 307(a) requires consideration of the importance of organisms likely to be affected. Ecological importance of an organism is dependent on the role the organism plays within the ecosystem and upon its relationship to the food chain within the aquatic community and to consumers of aquatic life, including man. Thus, toxicity data for the carnivores at the top of the food chain in a given ecosystem, as well as economically important species such as trout, salmon, menhaden and shrimp are properly considered in the development of a protective criterion level. Toxicity data for organisms such as the stonefly and *Daphnia* are also important since these organisms are a food base for higher consumers and are representative of invertebrate species found in most waters of the United States.

On the basis of the foregoing data, a concentration level is selected which, it is believed, will provide an ample margin of safety for all important organisms likely to be affected by it, assuming a continued, or chronic, presence of the pollutant at that level in the water.

After thus arriving at an ambient water criterion, or prohibition where justified, the Agency examined feasible control technology to ascertain what concentration levels industrial dischargers might be able to achieve in their effluents. The ambient water criterion for each of these four pesticides was found to be extremely low, for example, 0.004 $\mu g/1$ for endrin and 0.005 $\mu g/1$ for toxaphene. Apart from a prohibition on discharge, there does not appear to be any wastewater treatment technology available to achieve these levels. Indeed, as discussed more fully below, the best that laboratory-demonstrated technology appears to be able to achieve within the tight one-year compliance time required under section 307(a) is in the vicinity of 1 to 1.5 $\mu g/1$. This exceeds the ambient water criterion by a factor of several hundred.

Discharge of relatively modest amounts of a pollutant into the water at 200 to 300 times the ambient water criterion may be allowed, however, without necessarily failing to provide an ample margin of safety for affected organisms. First, the actual discharge concentration does not normally remain the ambient concentration. In fact, for the typical discharge situation, the effluent disperses

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following discharge and becomes greatly diluted. The area of dilution is often referred to as a "mixing zone," and will vary in size and shape from one body of water to the next. The result of this phenomenon is that the pollutant concentration typically becomes greatly diluted in the receiving water and may not even be detectable. Concededly, there may in some instances, be adverse effects on some organisms in the immediate vicinity of the outfall. However, for chronic effects to be observed, the exposure time would have to be quite lengthy—perhaps a lifetime. Even acute toxic effects, which normally occur at much higher dosage levels than chronic effects, are generally recorded based upon a 96-hour exposure.

Recognizing these realities, the Agency has concluded that with respect to the pollutants for which standards are proposed at this time, adequate protection under section 307(a) can be achieved by requiring existing dischargers to do the very best that is possible within the bounds of feasibility, and that standards should be set which take into account methods which achieve or most nearly approach the ambient water criterion. For new sources, if further technology advances can be reasonably expected, a more stringent limitation may be set to take such expected advances into account. Where the criteria data warrant prohibition on discharge of the pollutant and either (a) there are no known dischargers in the category covered; or (b) technology can feasibly achieve a prohibition, then the standard should require a prohibition.

To minimize total environmental burden, a limitation on discharge based upon weight per unit of production expressed in terms of kilograms per thousand kilograms is also included. The weight loading is tied to production levels to provide even-handed treatment to small and large producers.

Translating a safe water quality criterion number to an end-of-the-pipe standard is at best an imprecise calculation. The dispersion and dilution factors discussed above are expected to insure that, in most cases, an ample margin of safety is provided. The Agency recognizes, however, that there may be a few cases where, because of local receiving water conditions, notably with respect to hydrology, sufficient dispersion and dilution may not take place. To deal with such cases, the proposed standards include provision in the nature of a more stringent variance allowing the cognizant regulating authority (normally the issuer of an NPDES permit applicable to the discharger) to impose such more stringent effluent limitations as may be required in order to achieve the ambient water criterion, at least beyond the boundaries of any applicable mixing zone. This mechanism assures reasonable compliance with the statutory baseline of an "ample margin of safety." It is possible that an exercise of this variance provision could result in plant closure, although none is expected at this time. In any case, by allowing some consideration for technology, even though considerations of ecological and health effects are predominant, this approach makes it reasonably probable that if there are to be any shutdowns, they will occur only after a site-specific examination, and only because of a failure to meet the minimum requirements of section 307(a).

Setting an "end-of-the-pipe" effluent standard at a level which is substantially less stringent than the chronic criterion recognizes the inherent safety factors built into the latter number, which is derived from direct, sustained exposure of the more sensitive species with no dilution or dispersion allowance. Clearing, as one backs away from that very stringent number the amplitude of the margin of safety is decreased. Yet the statutory "ample margin" concept is an elastic one which, like the importance of the organism, allows for considerable exercise of judgment by the Administrator in setting the standards. In any case where a discharge is allowed, on the spectrum ranging from certain safety (a prohibition) to that uncertain point where harmful effects are caused and safety ends, a logical break point is struck where the very best that control technology can do is required. Setting a standard at this point, coupled with the "tightening" variance, achieves the purpose of the Act without inflicting unreasonable and unjustifiable economic and social costs.

The proposed regulations, including the standards for each of the four substances which are the subject of this rulemaking, are discussed in the following paragraphs.

General Provisions

Sections 129.1 through 129.8 of the proposed regulations contain general provisions including such matters as scope, definitions, and compliance. Sections 129.100 through 129.103 then set forth the specific standards applicable to each of the toxic pollutants.

With respect to general provisions, § 129.1 entitled "Scope and Purpose" describes generally the application of the standards. Subsection (a) establishes the applicability of the standards and prohibition to all owners and operators of facilities within the specified industrial categories which discharge process wastes or process-related wastewater. A special subsection entitled "Applicability" is included in the standards proposed for each of the four pollutants covered at this time (see, for example, § 129.100 (b)(1)) which specifies that the coverage includes all process wastes and all discharges (including stormwater runoff) from the immediate manufacturing, loading, storage, incineration, and related areas. The standards do not apply to runoff from areas contaminated solely by fallout from air emissions. Furthermore, the standards do not apply to nonprocess discharges from locations outside these areas. However, these latter discharges must nevertheless be covered by conventional NPDES permits if they are from lands or facilities used for industrial or commercial activities, and if they convey stormwater runoff contaminated by contact with aggregations of wastes, raw materials, or pollutant-contaminated soil (41 FR 11303 (1976)). Effluent limitations for such discharges will be established by permit issuing authorities on a case-by-case basis.

Subsection (b) provides that the standards may be incorporated in any NPDES permit, modification or renewal thereof. Subsection (c) provides for the application of the provisions of 40 CFR Part 124 and Part 125 with respect to permits.

Section 129.2 defines the terms used throughout this Part. As noted in the Section itself all terms not defined in the Section will have the meanings given them in either the Act or 40 CFR Part 124, or 125 as applicable. Most of the terms are so defined except the following:

(1) Subsection (c) defines "effluent standard" to be equivalent to the term "effluent limitation", as defined in section 502(11) of the Act, with the exception that it does not include a schedule of compliance. This definition is adopted for purposes of these standards since the term "effluent standard" is not defined in the Act and further because a permit may in fact contain a limitation on effluents which may vary from the specific number provided in the national standard, and discharge in compliance with such a permit should not be treated as a violation within the meaning of section 307(d) of the Act.

(2) Subsection (d) defines "prohibited" as the absence in a discharge of a specified pollutant in any amount detectable by any method.

(3) Subsection (g) defines an "ambient water criterion" of a substance in the receiving water as that level at which no adverse effects are observed (or expected, based upon test data) with respect to an organism over at least a 96-hour period, and normally extending through one reproductive life cycle, or which is determined on the basis of information relevant to human exposure. This definition is intended to provide a ceiling of safety in the receiving water for aquatic life and other organisms likely to be affected by continued discharges of the pollutant in question.

(4) The terms "new source," "existing source," "source," "owner or operator," and "construction," defined in subsections (h), (i), (j), (k) and (l) respectively, are adapted from section 306(a) of the Act.

(5) Subsection (n) defines "process wastes" to mean any of the designated toxic pollutants whether in wastewater or otherwise present which is inherent to or unavoidably resulting from any manufacturing process and is subject to discharge into the navigable waters.

(6) The terms "air emissions," "fugitive dust, mist or vapor," and "stack" in subsections (o), (p) and (q), respectively, are defined so that a distinction can be made between a pollutant which results from a spill or poor "housekeeping" practice and that same pollutant which results from fallout from air emissions. For the limited areas specified in the standards, runoff containing the toxic pollutant caused by spills and "housekeeping" are subject to the standards. Runoff from excluded areas is not covered.

Section 129.4 entitled "Toxic Pollutants" lists the pollutants that will be regulated under this Section of the Act, and provides the chemical definition for each. As noted in this proposed rulemaking, only four pesticides are included.

These are aldrin/dieldrin, DDT (DDD and DDE), endrin, and toxaphene. In each subsequent proposed rulemaking this section will be amended to include additional toxic pollutants and their chemical definitions.

Section 129.5 pertains to compliance and provides for implementation through the NPDES permit program. Sections 402(a)(1) and 402(b)(1)(A) require that any NPDES permit insure compliance with any applicable requirement under section 307(a). Thus, while enforcement for violation of a 307(a) standard may be effected directly through section 307(d), it is also contemplated that the standard be actually incorporated and implemented in an NPDES permit issued to any point source discharger to whom a 307(a) standard applies. Consequently present regulations require permits to include applicable 307(a) standards. 40 CFR 124.45(g), 125.22(a)(6).

Subsection (a)(1) of § 129.5 provides that any owner or operator subject to these standards notify the cognizant NPDES permit issuing authority within 60 days of the date of promulgation of any applicable toxic pollutant effluent standard. Such notification should include identification of the point source and of the applicability of the standard to it. The permitting authority then has the option of issuing a permit or permit modification to the source which incorporates the 307(a) standard together with applicable monitoring and reporting requirements, or of notifying the owner or operator of the source by letter as to these requirements without actually issuing a permit or modification at that time. Subsection (a)(2) provides that any owner or operator who does not have a discharge at the time of promulgation of an applicable standard and who subsequently commences or intends to commence such a discharge must notify the permit issuing authority at least 60 days prior to such discharge.

Subsection (b) provides that the process of incorporating a 307(a) standard into an NPDES permit is to follow the procedures established in the applicable provisions of 40 CFR, Parts 124 and 125, which pertain to NPDES permits. Although public hearings and adjudicatory proceedings might be held pursuant to those Sections in connection with any permit or application, or variance proceeding, the scope of any such proceedings is limited by subsection (g) discussed below.

Subsection (c) provides that any permit containing a toxic pollutant effluent standard is subject to revision following the completion of any proceeding revising the underlying toxic pollutant effluent standard regardless of the duration specified in a permit. This is to indicate that even though a permit may be issued for a 5-year period, if the underlying standard is changed the permit automatically becomes subject to that change in the toxic pollutant effluent standard at that time. This is pursuant to section 402(k) of the Act, which excepts "any standard imposed under section 307 for a toxic pollutant injurious to human health" from the general rule that compliance with a permit, once issued, will be deemed compliance with sections 301, 302, 306, 307, and 403 for the duration of the permit. All 307(a) toxic pollutants are regarded as injurious to human health unless the particular standard for such pollutant specifies to the contrary. This provision is also consistent with section 307(a)(3) of the Act, which requires that the standards be reviewed and revised where appropriate every three years.

Subsection (d)(1) establishes compliance monitoring and reporting requirements. It provides the Regional Administrator (or State Director, if appropriate) the authority to impose monitoring, sampling, recording, and reporting requirements upon any dischargers subject to § 307(a) standards or prohibitions. It is intended that this authority will be used for compliance monitoring and other data gathering purposes, particularly with regard to dischargers whose NPDES permits have not been modified or reissued to reflect § 307(a) standards or prohibitions. Section 308 of the Act provides EPA (and the States) the legal authority to impose such monitoring and reporting requirements upon dischargers.

Subsection (d)(2) provides that in addition to monitoring and reporting requirements specified in NPDES permits pursuant to subsection (d)(1), the owner or operator of a discharge subject to a section 307(a) standard or prohibition shall report annually on the compliance of such discharge. This subsection specifies the basic content of the report.

Subsection (e) provides that these regulations do not prohibit either a Regional Administrator (paragraph (1)) or a State Director (paragraph (2)), as appropriate, from making permit conditions more stringent pursuant to § 301 (b)(1)(C) of the Act, so as to meet State water quality standards or other requirements of law.

Subsection (f) provides that any owner or operator of a facility who discharges partially to a publicly owned treatment works and partially directly to navigable waters must restrict his total emission. The total amount discharged must conform to the less restrictive of either a direct discharge standard or a pretreatment standard, but the proportional amount discharged to the navigable waters must not exceed the level specified in these standards.

Subsection (g) provides that in any permit hearing or other administrative proceeding relating to the implementation or enforcement of these standards, or any modification thereof, or in any judicial proceeding other than a petition for review of those standards pursuant to section 509(b)(1)(C) of the Act, the parties may not contest the validity of any national standards established in this Part, or the ambient water criterion established herein for any toxic pollutant. The proper forum for challenging any proposed standard and its underlying data base including, for example, data relating to toxicity, persistence, bioaccumulation and related matters is the rulemaking hearing. Similarly the exclusive procedure established by Congress for judicial review of the standard is a petition to the United States Court of Appeals pursuant to section 509(b)(1)(C) of the Act. Sound administration requires that the standards, including the ambient water criteria which are established as part of the standards, not be "relitigated" in every permit proceeding or enforcement action. This approach is consistent with that followed by the Agency with respect to its effluent limitations guidelines established pursuant to section 301 and 304 of the Act, the contents of which may be challenged solely under section 509(b) of the Act and not in any subsequent permit or enforcement proceedings. Cf. Section 509(b)(2) of the Act and Decision No. 4 of the General Counsel on Matters of Law Pursuant to 40 CFR 125.36(m) issued March 6, 1975.

Section 129.6 provides for an allowance for the presence of toxic pollutants in intake waters. Under this section, to the extent that the inability of a discharger to meet an effluent standard for a particular toxic pollutant results from presence of that same pollutant in his intake waters, a credit should be provided, so that the standard shall be applied to that extent on a "net" basis. The credit is allowed only when the source of the intake waters is the same as that to which the discharge is made. This incorporates the principles established in 40 CFR 125.28.

Section 129.7 establishes a mechanism for imposing an effluent limitation on a particular discharger more stringent than that prescribed in the national standard where, because of unusual site-specific receiving water conditions, a more stringent limitation should be imposed in order to provide the measure of safety required by the Act. This is, in effect, a "tightening" variance clause. Section 307(a) neither expressly permits nor forbids the use of such a variance clause. The purpose for which this clause is proposed is to deal with such situations as could occur where there are multiple discharges of the toxic pollutant into a body of water, poor dilution, or insufficient dispersion. Such conditions may result in a concentration in the receiving water which is greater than the ambient water criterion determined by the Agency in establishing the national effluent standard in these proceedings. These conditions may result in, or may cause or contribute to, significant adverse effects to aquatic or other organisms usually or potentially present, or to human health. Such situations would call for a more stringent effluent limitation for discharges to that body of water than that established in the national standard in order to provide the "ample margin of safety" specified in section 307(a)(4) of the Act.

It is neither practical nor possible to set a national standard which is precisely tuned to the hydrology, hydrography, and water quality conditions of the receiving waters of each discharger who might be affected by these regulations.

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Because the national standard for some substances may be set at a number which is several orders of magnitude more relaxed than the ambient water criterion, as in the proposed standards for endrin and toxaphene manufacturers, the proposed variance would, in effect, give the regulations some degree of flexibility. The overall result is to allow a discharge in those cases and at those levels where technological and economic considerations indicate that this is justified, and where the safety requirements of section 307(a) are not violated, and to provide for a tightening of the limitations where site-specific conditions require it in order to provide the necessary environmental protection.

Ample judicial authority exists for such a variance clause, even absent express statutory authority, in order to achieve what is frequently characterized as the salutory objective of administrative flexibility and the avoidance of harsh or unjust results. See, e.g., *Train v. Natural Resources Defense Council, Inc.*, 95 S. Ct. 1470 and cases discussed at 1478–1479 (1975); *Gulf Oil Co. v. Hickel*, 435 F. 2d 440, 447 (D.C. Cir. 1470); *Portland Cement Association v. Ruckelshaus*, 486 F.2d 375, 398–399 (D.C. Cir. 1973); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969); *National Petroleum Refiners Association v. FTC*, 482 F. 2d 672 (D.C. Cir. 1973); *United States v. Allegheny Ludlum Steel Corp.*, 406 U.S. 742, 755 (1972).

Thus in *Portland Cement Association v. Ruckelshaus, supra*, in discussing a proposed variance procedure in the Agency's Clean Air Act new source performance standards, the Court stated that such a provision:

> (I)n some sense • • • imparts a construction of "reasonableness" to the standards as a whole and adopts a more flexible system of regulation than can be had by a system devoid of "give". As we noted in *International Harvester, supra*, a regulatory system which allows flexibility, and a lessening of firm prescriptions in a proper case can lend strength to the system as a whole. The limited safety valve permits a more vigorous adherence to an effective regulation. 478 F.2d at 641.

For these reasons, in its regulations issued pursuant to sections 301 and 304 prescribing effluent limitations and guidelines based upon "the best practicable control technology currently available," EPA has provided for a permit variance from national effluent guidelines in cases where the site-specific factors are "fundamentally different" from those upon which the national regulation was based, see, e.g., 40 CFR 430.32, even though there is no express authority in the statute for such a provision. Use of this variance clause was recently upheld by the Third Circuit in its review of the Agency's effluent limitations and guidelines for the steelmaking phase of the iron and steel industry. *American Iron and Steel Institute et al. v. EPA* 526 F.2d 1027, 1049, 1061 (3rd Cir. 1975), (remanded on other grounds). See also *E. I. du Pont de Nemours & Co. et al. v. Train*, — F.2d —, 8 E.R.C. 1718, 1722 (4th Cir. 1976).

The variance clause herein proposed is expected to be used only in exceptional circumstances. If the Regional Administrator or State Director has evidence that a discharge at the level required by the standard will cause ambient receiving water quality, even outside a reasonable mixing zone, to exceed the ambient water criterion, and that this is resulting in or may cause or contribute to, significant adverse effects to aquatic or other organisms usually or potentially present, or to human health, he may propose a more stringent limitation. In subsequent proceedings under the existing NPDES rules of procedure (40 CFR Part 124 or 125), the proponent of such variance has the burden of showing it is justified. Evidence thereof would normally include results of sampling and analysis of receiving water in various locations both near and remote from the proposed outfall, and projections as to the effect thereon of the proposed discharge, both at the level allowed by the national standard and at the more stringent level proposed by the regulating authority, taking into consideration dilution, dispersion, and other relevant hydrologic and hydrographic considerations. Any modification of the national standard must provide "an ample margin of safety" as required by the Act, which in turn is reflected in the ambient water criterion. Review by the Administrator under subsection (c) will be used to assure this objective as well as to maintain consistent application of the variance clause throughout the nation. The Agency believes that this procedure will best reconcile the statutory requirement of a uniform national standard with the need for fairness and some degree of site-specific flexibility.

Section 129.8 establishes that the effluent standards shall be complied with not later than one year after promulgation, unless an earlier compliance date is provided in a particular standard for a particular pollutant. This provision is required by section 307(a)(6) of the Act. It is also provided in light of that Section that no permit proceedings (including any variance proceeding) shall operate to delay the effective date herein established. The need for compliance on or before the effective date is required by section 307(d) of the Act, which provides that:

> After the effective date of any effluent standard or prohibition or pretreatment standard it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition or pretreatment standard.

The phrase "effective date" as used in that section was apparently intended by Congress to mean the date for compliance and is so construed in these proposed regulations.

These general regulatory provisions are not "Standards" within the meaning of section 307(a) and therefore need not be subject to formal rulemaking hearings. The Agency is, however, proposing them together with the proposed standards in a single proceeding in order to allow public comment and participation on the proposed standards in the context of the general provisions in the belief that this will result in a more informed rulemaking proceeding. However in the event that future amendment of the general provisions becomes appropriate, this may be done through the "informal" rulemaking procedure under 5 U.S.C. 553.

THE STANDARDS

Sections 129.100 through 129.103 contain the effluent standards themselves. The standards here proposed are to cover manufacturers of each of the pesticides as well as formulators of any products containing such pesticides. Manufacturers are defined to include anyone who produces, prepares or processes the substance or uses it in the production of another synthetic organic substance. With respect to the later category, the Agency is unaware of any existing direct discharger, though at least one discharger to a publicly owned treatment works exists. It is believed that this provides coverage for all known point sources of discharge or potential discharge. Coverage is provided for both existing and new sources, the latter being defined as any source on which construction is begun following the date of this proposed rulemaking, patterned after the definition contained in section 306 of the Act.

A separate section is established for each toxic pollutant. Within that section there are established standards for manufacturers and formulators, for new and existing sources. Each section also describes the applicability of the standard and acceptable analytical methods. In addition, provision is made for determination of weights and concentrations. The specialized definition of "manufacturer" for each pesticide is so worded as to make clear the Agency's intent that an individual engaged solely in agriculture or silviculture and who, as such, may be an end user of products containing one or more of these pesticides is not a "source" covered by these proposed standards.

In cases where a discharge is allowed, the standard will be specified as an average concentration limit calculated using the results from the working days in a month, a maximum concentration for the sample representing any working day and a standard specified as a mass emission per unit of manufacturing output. In the case of pesticides the manufacturing output selected will be kilograms discharged per thousand kilograms of active ingredient produced.

A. ALDRIN/DIELDRIN

(1) *Nature and Use; Manufacture and Formulation; Wastewater Characteristics.* Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1, 4 - endo - 5,8-exo-dimethanonaphthalene) and dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a - octahydro - 1,4 - endo-5,8 - exo - dimethanonaphthalene) are chlorinated hydrocarbon pesticides and have been two of the most widely used domestic pesticides. Although aldrin is used in greater quantity than dieldrin, it is quickly transformed to dieldrin in the environment. They are currently used primarily for the control of termites, for moth proofing, and for nursery dipping of roots and tops of nonfood plants. Since aldrin is rapidly transformed to dieldrin the term aldrin/dieldrin is used as a single entity. Aldrin/dieldrin bioaccumulates, is persistent, and is toxic to aquatic organisms and consumers of aquatic life, including man.

Aldrin use in the U.S. peaked in 1966 at 19 million pounds, but had dropped to about 10.5 million pounds by 1970. During that same period dieldrin use decreased from one million pounds to about 670,000 pounds.

Based on registrations currently on file with the Agency, neither aldrin nor dieldrin is presently manufactured in the United States. The last manufacturer was the Shell Chemical Company. Shell ceased manufacturing aldrin and dieldrin in 1975 following cancellation by the Environmental Protection Agency of most uses of these pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended by the Federal Environmental Pesticide Control Act of 1972, (7 USC § 135 et seq.), discussed below. EPA's suspension order dated October 1, 1974, permitted use of aldrin and dieldrin for subterranean termite control, as a root and top dip for non-food plants, and for use in closed moth proofing systems.

The manufacturing process at Shell for aldrin did not have a liquid process waste stream. The only liquid waste generated by this part of Shell's plant was floor washings and spill cleanups which were contaminated by small amounts of aldrin. The dieldrin portion of the plant had some contaminated process waste streams. Shell's method of disposal for all chemical waste generated from these operations was an evaporation pond covering approximately 100 acres. Shell estimated the evaporation basin to be capable of evaporating a minimum of 150 gallons of water per minute on a year round average basis. The pond was reported to have had no detectable leaks in its 17 years of use and was used for many other substantial waste streams in addition to discharges from the aldrin/dieldrin manufacturing operations.

There were basically seven types of aldrin and dieldrin formulations available: emulsifiable concentrates, granules, wettable powders, dust, seed dressing, oil solution, and fertilizer mixture. The emulsifiable concentrates accounted for 35 to 40% of the formulated product, while granules accounted for another 35 to 40%. Available data indicate that currently there are 3 plants formulating aldrin and 6 formulating dieldrin products.

(2) *FIFRA Proceedings.* In early 1970, based on a concern to limit dispersal of aldrin/dieldrin in the environment, the U.S. Department of Agriculture cancelled all registrations for these pesticides in or on aquatic areas.

On December 3, 1970, the Environmental Defense Fund, Inc. filed a petition with EPA requesting immediate cancellation and suspension of all Federal registrations of aldrin/dieldrin products under FIFRA on the basis that these substances cause severe environmental damage and appeared to be probable carcinogens.

On March 18, 1971, the Administrator announced that since the material contained in the petition and in scientific literature raised a substantial question as to the safety of these products, EPA was issuing notices of cancellation of all registrations of aldrin and dieldrin products.

In response to a request by 84 companies whose products would be affected by the cancellation order, a scientific advisory committee reviewed the matter and issued a report in March 1972 recommending that the following uses be disallowed: all applications by aircraft; all foliage methods in which residues are discharged into waterways or settling ponds; all uses in structures occupied by humans or livestock; use on turf except as controlled by trained or licensed pest-control operators, greenskeepers and nurseymen; and any use involving application in aquatic environments.

Because the Administrator in 1971 declined to suspend all registrations of aldrin/dieldrin during the administrative cancellation proceedings, the Environmental Defense Fund petitioned for review of this decision in the D.C. Court of Appeals. In May 1972, the Court remanded the matter to EPA for further consideration in light of the advisory committee report, which was issued on May 28, 1972, *Environmental Defense Fund, Inc. v. EPA*, 465 F. 2d 528 (D.C., Cir. 1972).

In June 1972, an amended EPA order lifted cancellation of aldrin/dieldrin for restricted termite use, nursery dipping of roots and tops of non-food plants, and mothproofing of woolen textiles and carpets where there is no effluent discharge. These are the only uses for which registrations are being accepted as of the present date. Cancellation of all other major uses of these chemicals was continued.

During the course of the cancellation proceedings substantial evidence was developed indicating strongly that aldrin/dieldrin poses a severe hazard to human health as well as to the health of other organisms, and that it is a dangerous carincogen. Accordingly, the Administrator announced on August 2, 1974, his intention to suspend the registrations and prohibit the production for use of all pesticide products containing aldrin or dieldrin which were the subject of the still-pending cancellation proceedings. Following a hearing before EPA's Chief Administrative Law Judge, and based upon detailed findings of fact and conclusions, suspension was recommended on September 20, 1974, and was then ordered by the Administrator on October 1, 1974. The Administrator's Notice of Intent to Suspend and Findings as to an Imminent Hazard on August 2, 1974, together with the Recommended Decision of the Administrative Law Judge of September 20, 1974, and the Administrator's Opinion and Order on the suspension of October 1, 1974, were published in the FEDERAL REGISTER. Vol. 39, No. 203, captioned *Shell Chemical Co. et al.*, EPA FIFRA Docket Nos. 145 etc, 39 F.R. 37246 et seq. (October 18 1974).

Thereafter the U.S. Court of Apepals for the D.C. Circuit affirmed the suspension order, remanding only for the limited purpose of considering whether the ban should be broadened to include existing stocks, *Environmental Defense Fund, Inc. v. EPA*, 510 F. 2d 1292 (D.C. Cir. 1975). Among other things the court upheld the evidentiary basis for the Administrator's conclusions that aldrin/dieldrin is carcinogenic in mice and rats approved the Agency's extrapolation to humans of data derived from tests on animals, and affirmed the conclusion that aldrin and dieldrin pose a substantial risk of cancer to humans and thus constitute an "imminent hazard" to man.

Notwithstanding the Administrator's decision as to the cancellation of the various uses of aldrin/dieldrin in the United States, the pesticides will continue to be formulated, and may again be produced in this country as long as any uses are permitted and as long as demand for them continues in other parts of the world. Therefore, limits that protect all receiving water uses must be placed on concentrations of aldrin/dieldrin in effluents of plants that produce or formulate these pesticides.

(3) *Toxicity.* Toxic effects resulting from the presence of aldrin/dieldrin in water have been documented for aquatic organisms representing a wide phylogenetic cross section and a wide geographic distribution. Extrapolation of such effects found in laboratory and field studies is a reliable means of predicting the effects of aldrin and dieldrin on individual organisms and their food chains and is recognized as such by the scientific community. In addition to reliable laboratory data, aldrin and dieldrin have been identified as having caused or contributed to a number of fishkills and deaths of other organisms as a result of its use in the environment.

A review of published toxicity values shows that levels in the range of 1 microgram per liter of aldrin and dieldrin are toxic to many fish and invertebrate species, to such commercially important species as the shrimp, and to food chain links such as stoneflies. These pesticides are also acutely toxic to birds and mammals. Human acute poisoning has resulted from ingestion, inhalation and/or skin absorption. Liver damage from chronic exposure has also been reported.

Species which have been tested are found distributed widely in fresh or marine waters and some are important food organisms. The dose concentration which is lethal to 50 percent of a tested species over a period of 96 hours, known as the LC50 (or LD50 or TLm), is a commonly used indicator of acute toxicity. Two examples of important species and their 96-hr LC50 values for aldrin/dieldrin are: 0.7 ug/1 (micrograms per

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liter) for the commercially important human food organism, pink shrimp, and 0.5 ug/1 for the stonefly. With aldrin the corresponding value for the hermit crab has been reported as 33 ug/1. A 96-hour LC50 value for the bluegill exposed to aldrin was reported as 5.2 ug/1. Juvenile white mullet yield a 48-hour TLm of 2.8 ug/1. Ninety-six hour LC50 values for the shiner perch and dwarf perch were reported as 2.26 ug/1 and 2.03 ug/1, respectively.

For dieldrin, 96-hr LC50 values have been found to be: bluegill, 2.8 ug/1; shiner perch, 1.5 ug/1; dwarf perch, 2.4 ug/1; and American eel, 0.9 ug/1.

Growth and reproductive performance of the sailfin molly were adversely affected during a 14-week exposure to 0.75 ug/1 dieldrin. Similar results have been reported with other fishes. These effects include changes in oxygen consumption, adverse effects to whole body lipid and liver condition and reduced ability to withstand temperature change.

Dieldrin has been shown to be both acutely and chronically toxic to birds. The LD50 for the sharp-tailed grouse was reported as 6.9 mg/kg (milligrams per kilogram, or parts per million) of body weight. Long-term feeding studies have demonstrated a variety of subacute and chronic effects attributable to aldrin and dieldrin. These include reduced fertility and egg production, adverse behavioral changes as measured by visual cliff tests, growth depression, mortality of young and eggshell thinning.

In rats aldrin and dieldrin have been shown to be acutely toxic at levels of 50–56 mg/kg of body weight. Single doses as low as 30 mg/kg of body weight have produced impaired liver function in rats, while 100 parts per million (ppm) in feed caused abortions in guinea pigs. Effects of dieldrin on other mammals include increased neonatal mortality, fetal malformations, kidney damage, cytogenetic aberrations, liver enlargements, and dose-responsive tumor production. In feeding studies with CF–1 mice, tumors were produced by dietary levels as low as 2.5 ppm.

(4) *Human Health Effects.* Evidence that aldrin/dieldrin poses a cancer hazard to man is provided by laboratory data using rodents. The carcinogenicity of aldrin/dieldrin to mouse strains other than the CF–1 studies mentioned above has been demonstrated. Although the liver is the principal organ affected in the mouse and was a major site of action in rats, there was also an increase in tumors of the lungs and other organs.

Aldrin and dieldrin poisoning of humans may occur by ingestion, inhalation and/or skin absorption. Severe symptoms may result from ingestion or percutaneous absorption of as little as 1 gram, especially in the presence of liver disease. Renal damage, tumors, ataxia and convulsions, followed by central nervous system depression, respiratory failure and death are symptoms resulting from acute exposure. Chronic exposure over a prolonged period may result in liver damage. In humans, pregnancy has been observed to offer a degree of protection from dieldrin intoxication to the mother, but at the expense of the fetus which concentrates dieldrin in its tissues.

Chemicals known to cause cancer in man have been identified only through epidemiological studies, either in the general public or in occupationally exposed workers. In the case of aldrin/dieldrin, epidemiological studies have not been possible because there are no clear-cut differential levels of exposure and because the period of exposure has been too short. Some cancers in man do not develop until late in life, following a 20- to 40-year incubation period. Animal studies are accepted as reliable indicators when assessing the carcinogenic potential of a chemical to man.

Mice and rats are commonly used experimental animal species, both because their relatively short life span permits lifetime testing within a reasonable period of time and because the development of tumors in these species is well known. Laboratory testing has established that aldrin/dieldrin induces cancer in five different strains of mice and probably in the rat. Based on these data this Agency concluded in the FIFRA proceedings discussed above, that aldrin and dieldrin pose a serious cancer risk and health threat to man.

(5) *Persistence and Degradability.* Aldrin is readily converted to dieldrin in the environment, and dieldrin is persistent. If it degrades at all, it does so at an almost imperceptible rate. Few bacterial isolates were found to degrade dieldrin and biodegradation studies using higher organisms confirmed its relatively inert nature with respect to metabolism. Because of these findings it has been concluded that no biological systems are important in reducing the actual toxicity of dieldrin entering their metabolism.

Experimental studies have shown that ultraviolet light produces photoconversion isomers of aldrin/dieldrin which may be more toxic than the original compounds. Sunlight also causes degradation, but overall decomposition rates are inadequate to prevent its persistence in the biosphere. Rain waters, drinking waters and non-potable waters have been shown to contain dieldrin.

(6) *Bioaccumulation.* Because of its extreme insolubility in water and high lipid solubility, aldrin/dieldrin is readily bioaccumulated. A 7,480-fold accumulation has been reported in algae; 114,935 in snails; 100,000 in fish; 247 in crabs and 1,015 in the clam. An ostracod has been shown to accumulate dieldrin to levels as high as 260,000 times those of the initial calculated water concentration. Residues of aldrin and dieldrin have been found in most molluscs, fishes, birds, and mammal species, regardless of geographical location.

(7) *Criteria Formulation.* An ambient water criterion of 0.003 μg/1 would provide for the protection of aquatic life. In view of the persistence, bioaccumulation potential and carcinogenicity of aldrin/dieldrin every reasonable effort should be made to minimize human exposure.

Bioaccumulation studies with aldrin/dieldrin have shown that fish tissue accumulates as much as 100,000 times the ambient water concentrations. The primary impact of this bioaccumulation in fish and their food sources centers on the biological transport of aldrin/dieldrin to birds and to mammals, including man. With carcinogens there is no demonstrated "no effect" level. Therefore all human exposure to aldrin/dieldrin should be minimized.

The National Academy of Sciences recommends that in determining a chronically safe exposure level it is reasonable to apply an "application factor" to available acute toxicity data. The resulting chronic level is lower than the acute toxicity level, since effects from long-term exposure are observed at lower concentrations than in cases of 96-hour or other short-term exposure. The National Academy prescribes an application factor of 0.01 times the demonstrated acute toxicity levels for chlorinated hydrocarbon pesticides such as aldrin/dieldrin. See National Academy of Sciences/National Academy of Engineering, *Water Quality Criteria 1972* (Washington, D.C. 1973), p. 185 (See also *Society of Plastics Ind.* v. *OSHA*, 509 F. 2d 1301, 1308 (2nd Cir, 1975)). Applying this factor to the toxicity data noted above, including acute toxicity to several important species which clustered around or just below the 3 μg/1 level, a criterion of 0.003 μg/1 would be protective of commercially important food organisms such as the pink shrimp, and the organisms at the base of the food chains as represented by the stonefly.

Establishment of so restrictive a criterion is supported by reference to bioaccumulation factors coupled with the aldrin/dieldrin tolerances prescribed by the Food and Drug Administration (FDA) in fish. Aldrin/dieldrin has been shown to bioaccumulate by as much as 100,000-fold in fish. Applying this factor to the FDA tolerance level of 0.3 ppm established for fish yields a concentration ceiling of 0.003 ug/1 in order to avoid exceeding that tolerance. The FDA tolerance is discussed in *United States of America* v. *Ewig Bros. Co., Inc.*, 502 F.2nd 715, n. 31 (7th Cir. 1974).

(8) *Control Technology Available to Manufacturers and Formulators.* Since Shell Chemical Company was the last producer of aldrin and dieldrin and disposed of its wastes in an evaporation pond, little additional research effort has been directed towards alternative treatment facilities. Shell's operation of a lined pond apparently provided effective control, eliminating any direct discharge to the navigable waters. In light of the toxicity data discussed above, any new manufacturer should be required to take advantage of location selection so that evaporation would be a viable means to achieve zero liquid discharge. Similar control technology appears to be available to formulators as well.

Estimates have indicated that a potential domestic market of about 1 million pounds of aldrin with possibly some dieldrin can be developed, particularly if

the use of other pesticides is restricted in such areas as subterranean termite control. In light of this potential market as well as the export market, standard setting is appropriate under section 307 (a) of the Act despite the present limited activity in the manufacturing and formulating of compounds containing aldrin and dieldrin.

Midwest Research Institute (MRI), in studying the control technology, concluded that the lined pond, or lagoon, is feasible for manufacturers.

Formulators employ technologies which are essentially devoid of water use. With the use of roofing, diking, and diversion structures, process-related runoff can be eliminated as a pollution source.

MRI's cost estimates, based upon the potential domestic market described above, are that a small but sufficient evaporation pond would cost approximately $24,100 to install and $5610 per year to operate. Assuming an annual production rate of 1,000,000 pounds of aldrin, this would amount to $12.30 per thousand kilograms produced.

Costs for formulators depend on size of plant and other variables. Costs for roofing and other runoff control measures are estimated to range from $1000 to $4000.

It is expected that evaporation pond technology will not result in significant adverse non-water quality environmental impact, provided that proper care is used in the location, construction, and operation of such a pond.

(9) *Economic Impact*—(a) *Manufacturers.* Currently, there are no manufacturers of aldrin/dieldrin in the United States who discharge to the navigable waters, and due to FIFRA restrictions it appears unlikely that new manufacturing plants will be constructed. If a new plant were to be established, a closed system such as that previously operated by Shell would provide an economically feasible means of compliance. Although accurate costs for a new system which considers opportunities for flow reduction and other in-plant abatement methods are unavailable, the costs experienced by Shell provide a rough upper bound. Thus, the projected capital cost is about $25,000 with an annual operating cost of about $6,000 which equates to $0.006 per pound of aldrin for a 1 million pound plant or 0.6 percent of the current selling price. It is estimated that this additional cost could be passed on as a price increase without significant impact on production or use of the pesticides.

No information was available for assessing potential economic impact in regard to sources who may use this pesticide as a material in the production, preparation, or processing of another synthetic organic substance (other than formulators of this pesticide).

(b) *Formulators.* The assessment of potential economic impact for formulators was carried out for all formulators of the four pesticides together rather than separately for each pesticide. The general conclusion is that there will be no significant costs of compliance, and, therefore, no significant impact on either the formulators or the consumers of their products.

This finding is based on a telephone survey conducted by the economic contractor in which 16 companies operating 32 plants (of the approximately 145 plants believed to currently formulate these products) were contacted. The respondents believed that they are currently in substantial compliance with the proposed prohibition on discharge and that no significant additional costs would be incurred. The economic contractor expects that this finding is generally valid for the formulator industry.

Compliance with the proposed standards is achievable by enclosure of formulation operations to preclude contaminated runoff and disposal of spilled material or washwater. As indicated in the control technology discussion above, EPA estimates that adequate enclosure can be accomplished by the installation of roofing, curbing, and flooring at an annual cost of approximately $1000 to $4000 depending on plant size. Although survey results indicate that these costs will not generally be incurred by formulators, it can be assumed that such costs, if necessary, would fall most heavily on those formulators whose output of the 307(a) pesticides is small in absolute terms (i.e., the cost is large compared to sales volume) but large relative to total output of all pesticides (i.e., the line could not be dropped without potentially serious profit impact). In order to roughly determine the number of plants which might fit this set of conditions, a cost-to-price ratio of 5% or greater and a 307(a) pesticide-to-total output ratio of 5% or greater were selected as criteria which might reasonably define such a set of plants. The application of these criteria indicates that less than 20 plants might fit the specified conditions.

(10) *Rationale for Standards.* Because of the demonstrated toxicity of aldrin/dieldrin to aquatic and other organisms at low concentrations, its persistence in the environment, and the cancer threat posed to man, a prohibition on discharge is proposed for manufacturers and formulators.

In proposing this prohibition the Administrator considered the feasibility of compliance. In this regard the absence of any existing manufacturer, and the fact that the last active manufacturer achieved no discharge using the technology described above, indicates that this standard can be complied with without undue hardship to the industry. Any new manufacturing source reasonably can be expected and required to locate its plant in an area which allows utilization of the evaporation technology employed by the last active manufacturer, or to utilize any additional technology which may be available to achieve zero discharge.

With respect to formulators, a prohibition is likewise feasible. EPA studies have shown that: (1) Formulator operations generally use only small amounts of water, principally related to cleanup; and (2) complete containment of aqueous wastes related to pesticide formulation is an installed, demonstrated practice. Contaminated rainwater runoff can be avoided by enclosure.

B. DDT (DDD, DDE)

(1) *Nature and Use; Manufacture and Formulation; Wastewater Characteristics.* DDT [1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane and some o,p'-isomers] is a chlorinated hydrocarbon pesticide which has been widely used for the spraying of crops, including notably cotton and tobacco. It has also been used extensively as a household insecticide. Since DDT is almost insoluble in water and is readily sorbed, it tends, in aquatic systems, to associate with particulate material. Because of its high lipid solubility and resistance to degradation, it accumulates in the fatty tissues of aquatic organisms. Its closely associated metabolities, DDD and DDE, are included in the coverage of this regulation, and are collectively referred to as "DDT."

DDT is manufactured presently at only one plant in the United States, the Montrose Chemical Corporation at Torrance, California. It has been estimated that the 1975 production of DDT at this plant was about 60 million pounds, and current production levels appear to be in excess of that. The present sales price for technical grade DDT is about 50¢ per pound. The rate of production for 1976 and 1977 is expected to approach the plant's presently estimated capacity of approximately 85 million pounds per year. Montrose sells technical grade DDT and formulated products to the World Health Organization and the Agency for International Development, as well as directly to foreign nations in both the northern and southern hemispheres.

The Montrose manufacturing plant operates on a three shifts per day, seven days per week basis except for routine maintenance or breakdowns in operating equipment. The company reports on-stream time each calendar year of about 360 days.

The continuous manufacturing process involves the condensing of monochlorobenzene and chloral in the presence of concentrated sulfuric acid. The reaction is kept below 30 degrees celsius and takes place at atmospheric pressure in a stirred reactor system. DDT recovery is by crystallization. Impure DDT crystals are first washed with caustic solution, and then unreacted monochlorobenzene is removed by melting the crystals and bubbling steam through the melt. The purified crystals are then dried and flaked.

Wastewater flow at the Montrose plant is contained within the plant by a closed loop processing system and the use of a sealed bottom holding-recycling pond. Recycle water typically contains 10 to 15 mg/l DDT. Montrose currently segregates about 30,000 gallons/day of alkaline DDT wastes. These wastes are currently removed by truck and placed in a California approved Class I dump. Wastewater from vent scrubbers and surface drainage from the plant area are collected in a holding-recycling pond and recycled to the process. This pond serves

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as a surge capacity for the cooling water system.

At present the liquid waste streams segregated in the DDT plant average about 40,000 gallons/day: 30,000 gallons from the caustic liquor DDT washer and miscellaneous sources, and 10,000 gallons of the so-called acid waste which contains spent hydrochloric and sulfuric acids, monochlorobenzene, sodium monochlorobenzene sulfonate, chloral sodium hydroxide, and sulfonic acid derivatives.

Montrose believes that their offsite waste disposal operations may have to be discontinued in the near future because of the complete utilization of acceptable landfill areas. Montrose is therefore investigating alternative methods for treatment and disposal of their process waste.

At present, the composite wastes from the plant contain approximately 60 mg/l DDT, 60 mg/l DDD and 70 mg/l DDE for a total output of approximately 39 lbs/day of DDT and its degradation products. Although there is no present direct discharge to the navigable waters, there could be in the future in light of exhaustion of available landfill sites and the resulting needs for alternative disposal practices.

There is no formulator of DDT known to the Agency at this time with a direct discharge of DDT to the navigable waters. According to FIFRA registrations there is only one company other than Montrose currently engaged in DDT formulation.

(2) *FIFRA Proceedings.* DDT and its derivatives are among the most widely distributed synthetic chemicals on earth. They are found in soils, runoff water, air, rainwater, and in the tissues of animals. Basic characteristics of DDT include persistence, mobility, and a broad range of toxic effects. Because of these toxic effects and the cancer risk to man posed by DDT, most uses of this pesticide were cancelled by the Agency in FIFRA proceedings on June 14, 1972, 37 FR 13369.

In his decision the Administrator stated that he was "persuaded • • • that the long-range risk of continued use of DDT for use on cotton and most other crops is unacceptable and outweighs any benefits." 1972 Order, 37 FR 13369. The Administrator found that "once dispersed, DDT is an uncontrollable, durable chemical that persists in the aquatic and terrestrial environments." 1972 Order, 37 FR 13370. He concluded that DDT was "highly volatile" (37 FR 13370 n. 16) and "transported by drift during aerial application" as well as by runoff (*Id.*, n. 13). He found that, "Given its insolubility in water and its propensity to be stored in tissues, it collects in the food chain and is passed up to higher forms of aquatic and terrestrial life." (*Id.* at 13370). He further found that DDT "can persist in the soils for years and even decades" and "can persist in aquatic ecosystems" (*Id.* at 13375). As a result of its persistence and mobility, the Administrator found that DDT is "concentrated in organisms and transferred through food webs," that DDT "accumulation in the food chain and crop residues results in human exposure," and that "human beings store DDT" in their tissues (*Id.* at 13375).

The Administrator also found that DDT poses hazards to birds, fish and other animal life:

1. DDT affects phytoplankton species' composition and the natural balance in aquatic ecosystems.
2. DDT is lethal to many beneficial agricultural insects.
3. DDT can have lethal and sublethal effects on useful aquatic freshwater invertebrates, including arthropods and molluscs.
4. DDT is toxic to fish.
5. DDT can affect the reproductive success of fish.
6. DDT can have a variety of sublethal physiological and behavioral effects on fish.
7. Birds can mobilize lethal amounts of DDT residues.
8. DDT can cause thinning of birds' eggshells and thus impair reproductive success. (Id at 13375).

With respect to human health, the Administrator found that "DDT causes tumors in laboratory animals," that "there is some indication of metastasis" of such tumors, that "tumor induction in mice is a valid warning of possible carcinogenic properties," that there are "no adequate negative experimental studies in other mammalian species," and that for obvious reasons one cannot run experiments on human beings to gather such data. Accordingly, the Administrator found that DDT poses a cancer risk to man. (Id at 13375).

The Administrator's cancellation order was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in 1973, *Environmental Defense Fund* v. *EPA*, 489 F. 2d 1247 (D.C. Cir. 1973). Subsequently, in reviewing a petition by the State of Louisiana for reconsideration of this order, the Administrator reaffirmed it, finding that recent data strengthened and confirmed the findings on which the prior order was made. 40 CFR 15934 *et seq.* (April 8, 1975).

Notwithstanding the cancellation of most uses of DT under FIFRA, pesticides utilizing DDT will continue to be produced and formulated in this country as long as demand for them continues in other parts of the world. Therefore, limits that protect all receiving water uses must be placed on DDT in effluents of plants that produce and formulate these pesticides.

(3) *Toxicity.* Toxic effects resulting from the presence of DDT in water have been documented for aquatic organisms representing a wide phylogenetic cross section and geographic distribution. A review of published toxicity data shows that DDT causes adverse effects on primary producers, and that 96-hr LC50 values as low as 0.12 ug/l have been demonstrated for some invertebrates. Fish have died from a four-day exposure to 0.4 ug/l. Birds have died from as little as 415 mg/kg of DDT in their feed.

Examples of important aquatic invertebrates and their 96-hr LC50 values are: 2 species of scuds, 0.8 μg/l and 1.0 μg/l; sand shrimp, 0.6 μg/l; and crayfish, 0.24 μg/l. For the pink shrimp a 28-day TL50 (LC50) of 0.12 μg/l has been reported. 96-hr LC50 values reported for fish include: Atlantic silverside, 0.4 μg/l; striped mullet, 0.9 μg/l; striped killifish, 1.0 μg/l; largemouth bass, 2 μg/l; and brown trout, 2 μg/l. These fish species are widely distributed in the fresh and marine waters o fthe United States. An amphipod widely distributed throughout the waters of the United States has a 48-hr EC50 for DDT of 0.36 μg/l.

DDT has resulted in numerous fish-kills in various parts of the United States. DDT has also been implicated as the cause of blindness as well as abortions among fish which survived relatively high levels of the toxicant, and death of fry of exposed mothers when residues of DDT–DDD in the eggs exceeded 4,750 μg/kg.

With respect to mammals, LD50 values in the range of 100–500 mg/kg of body weight have been reported for several species. In long-term studies, monkeys fed 50 mg/kg of body weight/day at first showed signs of intoxication, followed by apparent recovery. However, between the 4th and 14th weeks of the experiment, all died. In rabbits, a dosage of 50 mg/kg/day caused premature delivery of young and an increased number of resorptions. A dose of 12 mg/kg/day lowered the reproductive ability of beagle dogs. Effects noted in the dogs included reduced libido, stillbirths and lack of mammary development, with reduced milk production.

Chromosomal abnormalities (primarily deletions and stickiness) have been reported in mice at dosages of 150 ppm or higher in the diet. Further evidence of the mutagenic potential of DDT, DDD and DDE comes from *in vitro* studies with kangaroo rat cell lines, in which concentrations as low as 10 μg/l of p,p'-isomers of DDT, DDD and DDE in the medium caused cell damage. Administration of 46.4 mg/kg of body weight to two strains of mice maintained on a diet containing 140 ppm resulted in a 50% incidence of hepatomas in 36 males and a 14% incidence in 36 females. In 169 control animals of both sexes, the incidence of hepatomas was 7 percent.

Bald/c mice were fed 2.8 to 3 ppm DDT for six months and were observed for an additional 20 months. In the test group of 684 mice, tumors developed at an incidence greater than in the controls. The DDT-fed group showed a greater incidence of leukemia and malignant tumors than the controls of F1 and F2 generations. The accumulated DDT content in the fatty tissues of the experimental group amounted to 7 to 11 mg/kg—levels comparable to those found in the fatty tissues of urban human populations.

A 1972 study on CF–1 mice fed DDT over their entire lifespans for two generations at concentrations of 2–250 ppm showed an increase at the 10 and 50 ppm levels and a marked increase at 250 ppm. Both age at death with liver tumors and incidence of liver tumors were dose related. An earlier study which used

p,p'-DDT on still another strain of mice produced similar findings.

Russian scientists, in a multi-generation study using A-strain mice fed 10 and 50 ppm DDT in the parent generation and 10 ppm in five succeeding generations, found an increase in lung tumors in all five succeeding generations. A Hungarian report presented data showing that DDT caused a significant increase in leukemia and malignant tumors at several different sites in the second through the fifth generations of mice fed approximately 3 ppm DDT in the diet.

In March 1974, long-term feeding studies of p,p'-DDE, the principal metabolite found in all humans, were reported. At the only feeding level tested (250 ppm), p,p'-DDE was an extremely effective liver carcinogen in both males and females, with a 98 percent incidence of tumors in the females, compared to a one percent incidence in the control animals.

(4) *Human Health Effects.* DDT poisons man primarily by attacking the central nervous system, including the cerebellum and the higher motor cortex. Sensations such as prickling, burning, or itching, as well as tumors or convulsions may follow exposure to appreciable amounts, as well as irritability, nervous tension and fatigue. It also attacks the adrenal gland.

As previously discussed, experimentation with mammals has led to the conclusion that DDT is a potential carcinogen which poses a substantial human health hazard.

(5) *Persistence; Degradability.* DDT is highly persistent. It has been shown to persist in soil for at least 17 years, and persists for many years in the aquatic environment as well. DDT may be transported to water bodies by direct discharges from manufacturing plants, by drifting air sprays applied over fields, and by runoff from treated soils. It accumulates in sediments, suspended particulate matter and living organisms. When it reaches the surface of a water body, it tends to enter the atmosphere by co-distillation with water, thereafter to be transported worldwide by wind and rain.

(6) *Bioaccumulation.* Aquatic organisms are often extremely efficient at concentrating DDT from low ambient water levels to much higher levels in their tissues. Bioaccucmulation of DDT residues as much as two million times ambient water concentrations occur in fish. The oyster has been reported to concentrate DDT by a factor of 70,000. When DDT was applied directly to an estuarine water, residues of 1 part per billion (ppb; equivalent to 1 μg/l) were found in the water, 15,000 ppb in fish and 800,000 ppb in the porpoise. Sediments in Lake Michigan have been found to average 14 ppb DDT and DDE. An amphipod in the Lake had levels of 410 ppb, while fish had levels 10 times higher, and the concentration of DDT in breast muscle from gulls averaged 27 times that of the concentration in lake alewives. Gull fat had a concentration of 2,441 ppm DDT.

Studies with brook trout have shown that a major source for DDT accumulation can be the food web rather than uptake from water. Thus, the fact that the food organism, *Daphnia magna*, can concentrate DDT to 16,000 to 23,000 times water concentration within 24 hours has highly significant implications for the rest of the food web. In a model ecosystem laboratory study, it was found that mosquito larva, fish and snails concentrated DDT (as DDT, DDD or DDE) from 10,000 to 100,000 times.

From the foregoing it can be seen that DDT and its metabolites accumulate in aquatic food chain organisms, thus becoming available to higher carnivores, including man.

(7) *Criteria Formulation.* An ambient water criterion of 0.001 μg/l is recommended for protection of aquatic life. In addition, due to the demonstrated carcinogenic activity of DDT every reasonable effort should be made to minimize human exposure.

DDT in water has been shown to be acutely toxic to aquatic vertebrates at 0.12 μg/l. DDT also has been observed to accumulate in fish tissue to levels two million times those of the ambient water. Mice exposed to 2 mg/kg of DDT in their feed (the lowest dose tested) developed hepatic tumors. Recognizing that 2 mg/kg of DDT in a diet has been demonstrated to cause tumors in mice, the concentration of DDT in aquatic organisms should be less than 2 mg/kg to protect consumers of aquatic organisms. Since bioaccumulation by factors as high as two million has been demonstrated, a level of 0.001 μg/l in water could produce concentrations as high as 2 mg/kg in fish flesh. Thus, even at a water concentration of 0.001 μg/l some adverse effects might be expected among animals preying on aquatic organisms.

In man, tissue concentrations can reach levels which cause adverse physiological reactions, including the potential for carcinogenesis. Since there is no demonstrated "no effect" level for carcinogens, and in light of the bioaccumulation potential of DDT, all human exposure should be minimized.

(8) *Control Technology Available to Manufacturers and Formulators.* The only presently operating domestic manufacturer of DDT, Montrose Chemical Company, disposes all liquid wastes to a landfill. With the landfill nearing capacity, Montrose is exploring alternatives, including preatreatment. Montrose has been awarded an EPA grant in conjunction with the Envirogenics Systems Company to evaluate a scheme of treating the alkaline portion of the DDT waste stream which constitutes about three quarters of the total wastewater discharged. It is presumed that acid waste would still be landfilled. The grant application identified a technology which consists of a liquid-liquid extraction using a high shear extraction loop with monochlorobenzene as a solvent. Following either single or double stage extraction, and activated carbon treatment, the wastewater would be discharged to the Los Angeles County sewage system, while the DDT-laden solvent would be processed to recover the solvent. The recovered solvent would be returned to the manufacturing process while the residue would be treated by a Fridel-Crafts destruction system. Bottoms from the Fridel-Crafts reaction would then be either landfilled or possibly incinerated.

The aqueous phase discharge from the extraction loop is estimated to contain about 1 μg/l of DDT and DDD and 30 μg/l of DDE in conjunction with a small amount of monochlorobenzene. This wastewater could be treated subsequently by activated carbon to remove essentially all the monochlorobenzene and reduce the total cumulative DDT, DDD, and DDE concentration to approximately 1 μg/l. The system contemplated for Montrose is for pretreatment at the present time, and not for discharge to any navigable water.

For new manufacturing sources, an evaporation pond similar in concept to that used by Shell Chemical for aldrin/dieldrin could be employed for DDT wastes. Such a system would require selection of a location with a suitable climate and underlying geologic conditions.

By use of control technology similar to that employed by aldrin/dieldrin formulators, DDT formulators can achieve no discharge.

(9) *Economic Impact*—(a) *Manufacturers.* Currently, there are no manufacturers of DDT discharging directly to the navigable waters. However, if a new direct-discharging plant were to be established, it is assumed as indicated above, that compliance could be achieved using a closed system similar to that of the former Shell aldrin/dieldrin plant. Thus, the projected capital cost is about $25,000 with an annual operating cost of about $6000 or $0.00012 per pound of DDT (at an assumed output of 50 million pounds) equivalent to 0.02 percent of current selling price. It is estimated that this additional cost could be passed on as a price increase without significant impact on production or use of the pesticide.

No information was available for assessing potential economic impact in regard to sources who may use this pesticide as a material in the production, preparation, or processing of another synthetic organic substance (other than formulators of this pesticide).

(b) *Formulators.* The assessment of potential economic impact for formulators was carried out for all formulators of the four pesticides together rather than separately for each pesticide. The reader is referred to the discussion of economic impact on formulators presented for aldrin/dieldrin.

(10) *Rationale for Standards.* Because of its toxicity to a wide range of organisms at low dosage levels, its persistence and mobility in the environment, and its cancer risk to man, a prohibition on discharge is proposed for all manufacturers and formulators of DDT, both existing and new sources. Based upon the information available at this time to the Administrator, compliance with this standard is feasible in light of the absence of any known present direct discharger to

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the navigable waters, and the availability of evaporation technology for new sources.

The prohibition on discharge proposed herein is predicated on two facts: first, there is no direct discharge to navigable waters at the present time; and second, any potentially new manufacturer or formulator of DDT would have the opportunity to select a site where total waste evaporation would be available, and achieve zero discharge.

C. ENDRIN

(1) *Nature and Use; Manufacture and Formulation; Wastewater Characteristics.* Endrin (1, 2, 3, 4, 10, 10-hexachloro-6, 7, -epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo, -5, 8-endo-dimethanonaphthalene) is one of the chlorinated cyclodiene pesticides.

Since it is non-polar, endrin dissolves more readily in fats than in water, a property common to organic pesticides which bioaccumulate. Like other non-polar molecules in the environment, endrin can be strongly adsorbed by particulate matter, a property of considerable importance in its distribution between the water and sediments of receiving water bodies.

The Velsicol Chemical Corporation plant at Memphis, Tennessee, is the sole manufacturer of endrin in the United States. This facility uses a Diels-Alder reaction of hexachlorocyclopentadiene with vinyl chloride. The plant operates 24 hours/day, 7 days/week with production steady throughout the calendar year. It has been estimated that Velsicol produces endrin at an annual rate of about 6 million pounds. At the present time Velsicol is discharging 3 waste streams: two of these, consisting of plant runoff and cooling water amounting to approximately 1,000 gallons/minute and containing about 0.07 lbs/day endrin, are discharged to the navigable waters, while the principal industrial waste stream of about 2,500 gallons/minute with 80 μg/l of endrin contributing about 2.4 lbs/day endrin is discharged to the Memphis sewerage system. Velsicol therefore qualifies as a direct discharger to the navigable waters and is also subject to any applicable pretreatment regulations.

The status of the formulating industry is quite dynamic and the number of formulators varies from year to year. There are 39 currently active formulators with endrin registrations on file with EPA. Endrin is principally formulated as an emulsified concentrate with about 90 percent of the total products being of that nature. Wettable powders and granules constitute the remaining 10 percent of the products that are formulated.

The Midwest Research Institute, under contract with the Agency as noted above, reports that while 39 firms were registered as formulators of endrin, only three were listed in the 1975 *Farm Chemical Handbook* as actually formulating. One of these, Velsicol, both manufactures and formulates endrin. The two other formulators of endrin are located in Florida and achieve zero discharge of process wastewater.

(2) *Toxicity.* Many incidents of endrin-related fishkills have been reported. The types of fish killed have ranged from game fish such as the crapple and bluegill, to non-game fish important in the food chain such as the mosquitofish.

The brown pelican population in the lower Mississippi valley began to decline when endrin was re-introduced to the area in 1974 for cotton insect pest control. Chemical analysis of the brains of dead birds revealed levels of endrin which could account for their deaths. The brown pelican is a fish predator and would receive endrin by way of the food chain, as demonstrated by Rosato and Ferguson in 1968 when consumption of endrin-resistant mosquitofish loaded with endrin resulted in the death of "predators."

Toxic effects resulting from the presence of endrin in water have been documented for aquatic organisms representing a wide phylogenetic cross section and a wide geographic distribution. While all test organisms used may not be universally distributed in the waters of the United States, they do represent organisms present in fresh, marine and estuarine systems thoughout the country. Extrapolation from the effects found in laboratory and field tests is a reliable means for predicting effects of endrin on individual organisms and their food chains and is recognized as such by the scientific community.

A review of published toxicity values shows that endrin is extremely toxic to many fish and to invertebrate species such as stoneflies and shrimp. Endrin is also acutely toxic to birds and mammals. Human poisoning resulting from accidental consumption of endrin-contaminated food also has been reported.

Endrin toxicity values for invertebrate species extend below the one microgram per liter range. The species tested are found distributed widely in fresh or marine waters and some are important human food organisms. Examples of important species and their 96-hour LC50 values are: 0.037 ug/l for the pink shrimp using the flow-through bioassay; and 3.0 ug/l for the scud; 0.25 ug/l and 0.32 ug/l for two species of stoneflies in static bioassays. A 30-day LC50 of 0.035 ug/l has been reported for the naiad of a stonefly species.

The 96-hour TLm (LC50) values for a variety of freshwater fishes have been reported to range from 0.27 μg/l for coho salmon to 0.048 μg/l for chinook salmon. Other researchers have reported the 96-hour TLm values for chinook salmon, coho salmon, and rainbow trout as 1.2, 0.51, and 0.58 μg/l, respectively. The 96-hour TLm for bluntnose minnows has been reported to be 0.27 μg/l. The bluegill was reported as having a 96-hour TLm value of 0.6 μg/l, while the striped bass has been shown to have a 96-hour LC50 of 0.94 μg/l. A 36-hour TLm study on the black bullhead catfish disclosed a value of 0.37 μg/l. These fish species are widely distributed throughout the fresh waters of the United States.

Marine or estaurine studies also have been conducted using a variety of species representative of coastal United States waters. It has been reported that the static 96-hour TLm (LC50) values vary from 0.3 μg/l for the striped killifish to 3.1 μg/l for the Northern puffer. Further, static 96-hour TLm values of 0.44 and 0.50 μg/l for marine threespine sticklebacks in waters of 5 and 25 parts per thousand salinity, respectively, have been reported.

Birds as well as mammals are very sensitive to endrin poisoning. For example, the LD50 for mallard ducks has been shown to be 5.6 mg/kg. The oral LD50 of endrin to a standard laboratory test animal, the Sherman rat, has been shown to range from 1.8 to 43 mg/kg of body weight.

(3) *Human Health Effects.* Endrin has been reported to cause convulsions or death in humans following consumption of contaminated foods, inhalation or sorption. A compilation of data developed by the Commission of the European Communities details the cases both in the United States and abroad. It was reported that convulsions begin at blood levels of 0.053 μg/ml. However, there is a rapid elimination of endrin from the blood.

(4) *Persistence; Degradability.* Endrin may be transported to water bodies by direct discharges from manufacturing plant effluent pipes, by drifting air sprays applied to fields, and by runoff from treated soils. Once in the aquatic environment it can persist in the water column, or may enter sediments. It has been shown to persist for at least 14 years in soil and as long as nine years in water.

(5) *Bioaccumulation.* Plants or animals may bioaccumulate endrin. Transfer of endrin from water to organism or sediment, or from organism to organism has been shown to occur. Endrin-resistant strains of food organisms have been shown capable of transferring lethal doses of the pesticide to fish, reptiles or birds. Bioaccumulation levels in fish found in nature have been reported as high as 12,000 ug/kg of dry body weight, while 214,000 ug/kg (428 times the water concentration) has been achieved in resistant fish living in the laboratory.

Fathead minnows exposed to 0.015 ug/l had total body concentrations 10,000 times greater than the water. Residue accumulation up to 10,000-fold was observed in flagfish exposed for 60 days to several concentrations between 0.05 and 0.3 ug/l.

The concentration of endrin in adult medaka tissue has been found to be 17,000 to 26,000 times the water concentration. This degree of accumulation is based only on observations of uptake directly from the water and does not allow for accumulation via the food chain or significantly higher accumulation rates possible in other, untested fish species.

(6) *Critcria Formulation.* Endrin is extremely toxic to important aquatic invertebrates such as shrimp, which are consumed by other aquatic organisms and by man, and to lower species such as stoneflies, which serve as food organisms

for higher aquatic life forms. It is also extremely toxic to such fishes as the coho salmon, the chinook salmon, and rainbow trout, all of which are consumed by man in commercially important quantities.

Endrin degrades more rapidly than DDT and aldrin/dieldrin, and is eliminated from the body more rapidly than either of those substances or toxaphene. At the same time, it has been shown to bioaccumulate in fish flesh by factors as high as 26,000. Research with the flagfish has shown that the safe to lethal ratio, or application factor, for exposure to endrin lies between 0.26 and 0.35 of the 96-hour LC50. Complete life-cycle studies with the sheepshead minnow indicate that a safe to lethal ratio is about 0.3 of the 96-hour LC50. These results indicate that use of the National Academy of Sciences' application factor of 0.01 would be overly protective in the case of endrin, and that an application factor of 0.1 will assure adequate protection.

Based upon the 0.037 μg/l 96-hour LC50 value for the commercially important pink shrimp, and the 0.048 μg/l 96-hour LC50 value for the chinook salmon, the aforesaid application factor yields an ambient water criterion of 0.004 μg/l.

(7) *Control Technology Available to Manufacturers and Formulators.* Three independent systems were identified for potential application to the Velsicol endrin process waste. These processes were adsorption on polymeric resins, e.g., the Rohm and Haas XAD–4 resin; reductive degradation, which is a process identified by the Envirogenics Company which uses iron as the reducing compound and a copper catalyst; and adsorption on activated carbon. These processes were evaluated independently since there are some data available on the Velsicol wastes for resin adsorption and reductive degradation and some data available in the literature on carbon adsorption isotherms for endrin from which estimates could be made on the proper size treatment facilities for Velsicol.

EPA has awarded a research and development grant to Velsicol Chemical Corporation to evaluate, on a pilot plant scale, the resin adsorption system and reductive degradation system, both individually and in series, to determine the treatment efficiency of these systems. The preliminary data based on laboratory scale systems indicated that resin adsorption by itself reduced endrin to approximately 1.4 μg/l, while the reductive degradation system reduced endrin to approximately 1 μg/l. With the two systems in series, endin could be reduced to 0.1 μg/l. Carbon adsorption was estimated to be capable of reducing enrin to about 2 μg/l using a reasonable design contact time.

By use of controls similar to those used by aldrin/dieldrin and DDT formulators, endrin formulators can achieve no discharge.

(8) *Economic Impact*—(a) *Manufacturers.* The sole endrin manufacturer is both a direct and an indirect discharger and is, therefore, subject to both toxic pollutant effluent standards and pretreatment standards. While the major stream of polluted wastewater is discharged indirectly, the economic impact of the cost of treatment for all streams is considered here under the presumption that Section 307(a) regulations will be issued and require compliance sooner than standards for dischargers to publicly owned treatment works (sometimes referred to as "indirect dischargers") pursuant to Section 307 of the Act. The treatment technologies are available for both direct and indirect dischargers and the costs, as developed by MRI, are applicable in either instance. The Agency presently expects to propose pretreatment standards for endrin requiring approximately the same limitations on discharges based upon the same technologies as set forth herein. As indicated in paragraph (7) above, the discharger could achieve compliance with either the resin adsorption or the reductive degradation system.

For impact assessment we have examined the less costly system, reductive degradation, assuring the discharger would be expected to elect the lesser cost system. According to the MRI data, the projected additional capital cost is $242–362 thousand and the additional annual operating cost is $109–161 thousand or $0.02–0.03 per pound of endrin produced which represents 0.6–0.9 percent of the selling price of endrin. It is estimated that this additional cost could be passed on as a price increase without significant impact on production or use of the pesticide. For a new source, compliance with the more stringent standard would require use of the resin adsorption and reductive degradation systems in series. The new source cost based on a 6 million pound plant would be approximately $1.5 million investment and $1.2 million annual operating cost or $0.20 per pound. This cost is considered a "worst case" since it does not include further flow reductions or other in-plant modifications available to a new plant. This additional cost, which represents 6.7 percent of the current selling price, could probably be absorbed or partially passed on as a price increase without significant impact on the production or use of endrin.

No information was available for assessing potential economic impact in regard to sources who may use this pesticide as a material in the production, preparation, or processing of another synthetic organic substance (other than formulators of this pesticide).

(b) *Formulators.* The assessment of potential economic impact for formulators was carried out for all formulators of the four pesticides toegther rather than separately for each pesticide. The reader is referred to the discussion of economic impact on formulators presented for aldrin/dieldrin.

(9) *Rationale for Standards.* The ambient water criterion for endrin was determined to be 0.004 μg/l. Although an effluent discharge of that concentration level would provide an ample margin of safety even for organisms located at the immediate outfall over a 96-hour period, there does not appear to be an available control technology to achieve this level in an effluent stream. Technology would appear, however, to be capable of achieving a concentration of 0.1 to 1 μg/l based upon laboratory data. In actual practice it appears reasonable to expect that the reductive degradation system or the resin adsorption system could achieve at least 1.5 μg/l and, if used together, even lower levels can be expected. A standard of 1.5 μg/l, given the usual dispersion factors following discharge, would appear to provide an ample margin of safety for important organisms which might be affected by the discharge. This concentration is proposed as a monthly average standard for existing dischargers.

A maximum concentration level of 7.5 μg/l in samples representing any working day will provide safety against acute toxic effects from a single "dose" or "slug" in excess of the monthly average. An overall weight limit of 0.0003 kg/kkg of production will provide a reasonable overall limitation on the amount of endrin placed into the environment from such sources.

For new manufacturing point sources, time exists to plan for even better technology, which can in turn be expected to provide an even greater margin of safety than that required of existing sources. This would include, for example, the use of resin adsorption plus reductive degradation to achieve a concentration level of 0.1 μg/l. This then is proposed as the average monthly concentration with a weight loading maximum of 0.00002 kg/kkg of production, and a maximum concentration level of 0.5 μg/l in samples representing any working day.

The mass emission loadings for the pesticide manufacturers were calculated by using existing flows at a selected plant multiplied by the average concentration specified in the standards and by a conversion factor to yield kg per day. The average daily production was determined by providing the maximum estimated annual production (in kg) by the number of operating days per year if known, or by 360 if not known. The allowable pollutant emission per unit of production was then calculated by dividing the average daily mass emission by the estimated average daily production.

In the case of endrin manufacturing, the specified parameters were taken from those of the Velsicol plant. The average concentration was 1.5 μg/l for existing sources and 0.1 μg/l for new sources, the flow selected was 300 gallons per minute (gpm), and the annual production was 6 million lbs of endrin.

The intention of the Agency in including such a mass emission rate is the avoidance of the sole application of dilution by a discharger in lieu of actual reduction either by in-process changes or by add-on treatment or both. Although toxic effects are basically concentration-related, the Agency believes that one objective of section 307(a) is to minimize the discharges of toxic pollutants regardless of concentration.

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For formulators, a prohibition of discharge is proposed, since this provides the maximum degree of safety and appears to be feasible. The Agency does not have any information indicating that this would cause undue hardship to any formulators.

There may be some instances where receiving water conditions are such that a discharge at the level proposed in this standard may result in a cronic or ambient concentratoin of endrin in the receiving waters in excess of 0.004 μg/l, owing to discharges from other sources, or hydrologic or hydrographic conditions, or both, even beyond the area of a reasonable mixing zone. The "tighthening" variance established in § 129.7 of these regulations is available to the permit issuing authority to require a more stringent limitation in order to achieve or contribute to the achievement of the desired concentration level. An alternative authority which may be utilized to achieve the same objective is that established in section 301(b)(1)(C) of the Act, expressly preserved in § 120.5(e) of these regulations, which requires a more stringent limitation wherever needed to meet applicable water quality standards or other requirements of law. The Agency expects that the States will, in due course, establish such water quality standards pursuant to Section 303 and, where applicable, section 208 of the Act.

D. TOXAPHENE

(1) *Nature and Use; Manufacture and Formulation; Wastewater Characteristics.* Toxaphene is defined as chlorinated camphene (67–69 percent chlorine) and has the empirical formula C(10)H(10)Cl(8) with an average molecular weight of 414. Toxaphene is commercially produced by reacting camphene and chlorine in the presence of ultraviolet radiation and certain catalysts to yield the final chlorinated camphene product. Like other chlorinated hydrocarbon pesticides in the aquatic environment, toxaphene degrades slowly and bioaccumulates in fatty tissue of animals.

There are four manufacturers of the generic compound toxaphene in the United States: the Hercules, Inc. plant at Brunswick, Georgia; the Tenneco Chemicals, Inc. plant at Fords, New Jersey; the Vicksburg Chemical Company plant in Vicksburg, Mississippi; and the Riverside Chemical Company, at Groves, Texas.

Estimates of production figures for toxaphene indicate that Hercules produces 50 to 80 million pounds year, Tenneco produces 10 to 11 million pounds/year, Riverside produces 12 to 14 million pounds/year, and Vicksburg produces 9 to 11 million pounds/year.

Comparisons among the plants indicate substantial differences in wastewater flow rates. Such differences are caused by both the sales of by-product muriatic acid and the type manufacturing process employed.

Of the manufacturers, only Hercules, Inc. has installed treatment at the present time. Hercules provides neutralization by use of a limestone containing substantial clay impurities. The clay impurity is designed to provide surface area for adsorption of toxaphene. The mixture is put through settling lagoons, then mixed with other effluents from the manufacturing complex and discharged to a small creek before going into St. Simon's Sound. Hercules currently discharges about 114 μg/l of toxaphene in about 2.4 million gallons of treated water per day.

Tenneco Chemicals, Inc. sells by-product muriatic acid and discharges very small amounts of liquid waste (about 100 gallons/day) with a claimed concentration of toxaphene of less than 5 μg/l. This discharge goes to the Middlesex County Sewer system for subsequent treatment.

Vicksburg Chemical Company is a direct discharger to the Mississippi River. Discharges from this plant amount to some 14,000 gallons per day from their caustic scrubber. The discharge is claimed to contain a low level of toxaphene.

Riverside Chemical Company discharges approximately 12,000 gallons/day with an estimated 300 μg/l of toxaphene in the effluent. This discharge also constitutes direct discharge to the navigable waters, but at the present time no treatment is provided.

With respect to formulators, there are approximately 133 currently active formulators with registrations for toxaphene on file with EPA. Emulsifiable concentrate and wettable powders account for about 90% of the products with the remainder accounted for by dust and oil solutions. EPA has issued a few NPDES permits to formulators discharging toxaphene.

(2) *Toxicity.* Toxic effects resulting from the presence of toxaphene in water have been documented for aquatic organisms representing a wide phylogenetic cross section and geographic distribution.

A review of published toxicity values shows that toxaphene is extremely toxic to many fish and to invertebrate species such as shrimp in marine waters and the stonefly in fresh waters. Toxaphene 96-hour LC50 values for stoneflies range from 1.3 μg/l to 3.0 μg/l. The pink shrimp, a commercially important food organism, and the grass shrimp, an important link in the food chain, were shown to have 96-hour EC50 values of 1.4 μg/l and 4.4 μg/l respectively. The American oyster, which is taken for human food both commercially and recreationally, had a 96-hour EC50 of 4.9 μg/l. All of these organisms are of food chain importance and are widely distributed in fresh or marine waters.

Considerable work has been done on the effects of toxaphene on freshwater fish. Species representing those found in nearly all U.S. waters and species of both commercial and game fishing importance have been tested. Some representative 96-hour LC50 values determined in static bioassays are: largemouth bass 2 μg/l; brown trout, 3 μg/l; carp, 4 μg/; rainbow trout, 11 μg/l; coho salmon, 8 μg/l; channel catfish, 13 μg/l; fathead minnow, 5.1 μg/l; and chinook salmon, 2.5 μg/l.

The pinfish, a marine species found from Cape Cod to the Yucatan Peninsula, had a 96-hour EC50 of 0.5 μg/l in a flow-through bioassay. Similarly the TL50 (TLm or LC50) for the striped bass has been reported as 4.4 μg/l. These fish represent an important link in the food chain for man and other consumers of aquatic life, including those within the aquatic ecosystem.

In addition to the foregoing acute toxicity data, the chronic, or long-term effects of toxaphene have been documented. For example, it has been demonstrated in flow-through bioassays that 0.28 μg/l will, during a 128-day exposure, result in the stunting of yearling brook trout.

Toxaphene has been shown to be toxic to a variety of birds including ducks, grouse, pheasants and cranes with the LD50's being reported as 99 mg/kg; 50 mg/kg; 10 mg/kg; 100 mg/kg respectively. The chronic effects are manifested by decreased egg laying, hatchability, and food intake, and subsequent decrease in weight gains. Examples of LC50 values of toxaphene for mammalian species are: rat, 60 mg/kg; dog, 49 mg/kg; guinea pig, 270 mg/kg; cat 25 mg/kg; rabbit, 75 mg/kg.

Toxaphene has been implicated in a number of fishkills. Unusually high mortalities were observed in fish-eating birds at the Tule Lake and Lower Klamath Refuge in 1960, 1961, and 1962. The mortalities were reportedly and apparently due to application of large quantities of toxaphene for several years, starting in 1956, to the agricultural lands immediately surrounding the refuge. Water from the farmlands drains into the marshes. Toxaphene was found in the fish from the marshes at levels of about 8 ppm.

(3) *Human Health Effects.* In humans, acutely toxic doses of toxaphene produce symptoms that include salivation, spasms of the leg and back muscles, nausea, vomiting, hyperexcitability, tremors, chronic convulsions and tetanic contractions of all skeletal muscles. Most of these effects are the results of diffuse stimulation of the cerebrospinal axis. After lethal doses the convulsions continue until death occurs. Respiration is arrested due to tetanic muscular contractions.

When toxaphene was first used, four cases of poisoning by ingestion in children under 4 years of age were reported. The same report contained a description of severe toxaphene poisoning in adults from accidents or injudicious use of the pesticide. The dosage of toxaphene estimated to have been ingested by three of the people ranged from 9.5 to 47 mg/kg.

(4) *Persistence and Degradability.* Toxaphene may persist in soil from several months to more than 10 years. It has been shown to persist for up to 9 years in lakes and ponds.

(5) *Bioaccumulation.* Bioaccumulation of toxaphene has been shown to occur in a number of freshwater and marine species. In addition, toxaphene has been shown to persist in the aquatic environment for years. This poses a

latent and continuing threat to aquatic life of commercial and recreational importance. The accumulation by such widespread organisms as oysters, trout, and catfish, all of which are consumed by man, carries the threat of toxic effects directly to man.

Toxaphene has been shown to bioaccumulate in Davis Lake, Oregon, to concentrations in aquatic organisms at many times the water levels. In a study conducted there during 1961–1963 the following bioaccumulation ratios between organism tissue and water concentration were observed: 500 for aquatic plants, 1000 to 2000 for aquatic invertebrates, 10,000 to 20,000 for rainbow trout, 4000 to 8000 for Atlantic salmon and 1000 to 2000 for lake bottom and mud.

In a study using marine organisms it was demonstrated that an accumulation of as much as 30 ppm took place in oysters exposed for 24 weeks to 1 ppb of toxaphene—a concentration factor of 30,000. In the ensuing 16 weeks in clean seawater the oysters excreted 90 percent of this load, but retained 3.0 ppm in their tissues—still 3,000 times the water concentration they had been exposed to originally. The oyster is a species used for human food and is of both commercial and recreational importance.

(6) *Criteria Formulation.* The available scientific data establish that toxaphene is a powerful insecticide capable of persisting in the aquatic environment, the soil or animal tissues for long periods, capable of bioaccumulating by factors of as much as 30,000, and capable of producing chronic deleterious effects on fish at levels as low as 0.039 μg/l for brook trout and 0.055 μg/l for the fathead minnow. Since at least some aquatic organisms can readily bioaccumulate toxaphene, formulation of criteria for this pesticide in waterways must take into account the potential danger to terrestrial predators, including man, which consume that aquatic life. Moreover, many important aquatic organisms are explicitly sensitive to direct poisoning by toxaphene and must themselves be protected.

Acute toxicity has been reported at levels as low as 0.5 μg/l of toxaphene. Thus, some damage to aquatic life could be expected at higher levels. At levels of around 1.0 μg/l a large number of species are known to be affected. These include 96-hr LC50 or comparable data for stoneflies at 1.3 μg/l; the sheepshead minnow at 1.1 μg/l; the black bullhead at 1.8 μg/l; the pinfish at 0.5 μg/l; the pink shrimp at 1.4 μg/l and the spot (48-hr LC50; 1 μg/l; 144-hr LC50; 0.5 μg/l).

These data cluster between 0.5 and 1.0 μg/l. The pinfish, an organism of wide geographic distribution and of ecological importance in the food chain, has an LC50 value of 0.5 μg/l. The use of the National Academy of Sciences' application factor of 0.01 is especially appropriate in the case of toxaphene since long-term studies with fathead minnows and brook trout failed to establish a no-effect level. Application of this factor to the pinfish data yields an ambient water criterion of 0.005 μg/l.

(7) *Control Technology Available to Manufacturers and Formulators.* The only existing system at full scale for treating toxaphene manufacturing wastes is that of Hercules, Inc. MRI, using information developed by Envirogenics and Rohm and Haas Company on laboratory scale processes, has indicated that any of the resin adsorption, reductive degradation, and activated carbon systems would be transferrable to toxaphene-type wastes with a reasonable degree of confidence. It was likewise believed that the reductions achieved in full scale operation would be comparable to those achieved in the laboratory scale operations.

The available data indicates that the resin adsorption system is capable of reducing toxaphene to 1.4 μg/l and the reductive degradation system to approximately 3 μg/l. The resin adsorption and reductive degradation in series appears to reduce toxaphene to 0.1 μg/l. Activated carbon appears to reduce toxaphene to less than 5 μg/l. These data are based upon laboratory studies.

By use of controls similar to those used by aldrin/dieldrin and DDT formulators, toxaphene formulators can achieve no discharge.

(8) *Economic Impact*—(a) *Manufacturers.* Three toxaphene manufacturers are subject to the direct discharge regulations. For purposes of economic analysis the least-cost treatment system was assessed assuming that the discharger would elect to install the least-cost system. Based upon this assumption investment costs for all 3 plants total $603–776 thousand and annual operating costs $416–521 thousand. Expressed in relation to the current selling price these additional costs represent 1.1, 1.3, and 1.6–2.1 percent for Vicksburg, Riverside, and Hercules, respectively.

Although this spread suggests possible effects on the competitive structure of this industry, the results are difficult to predict given a lack of detailed information on production costs, margins, and relative market strengths of the companies involved. However, given the relatively low costs involved it seems likely that significant impact on production and use of toxaphene will be avoided by some combination of price increase and cost absorption and that intra-industry competitive effects will be minimized.

For a hypothetical new plant of 55 million pounds capacity the additional cost of compliance (based on resin adsorption and reductive degradation in series) will represent approximately 2–4 percent of selling price which may be considered an upper bound since new plants generally have less costly alternatives to end-of-pipe treatment. As with existing plants, this additional cost can presumably be accommodated with a combination of price increase and cost absorption without significant impact on production and use.

No information was available for assessing potential economic impact in regard to sources who may use this pesticide as a material in the production, preparation, or processing of another synthetic organic substance (other than formulators of this pesticide).

(b) *Formulators.* The assessment of potential economic impact for formulators was carried out for all formulators of the four pesticides together rather than separately for each pesticide. The reader is referred to the discussion of economic impact on formulators presented for aldrin/dieldrin.

(9) *Rationale for Standards.* Considering the toxicity data and the technology data set forth above, standards are proposed for existing toxaphene manufacturers of 1.5 μg/l, on the monthly average or 0.00001 kg/kkg of toxaphene produced, not to exceed 7.5 μg/l in samples repersenting any working day. For new sources innovative process changes and designs can be utilized. These include, at the least, use of resin adsorption and reductive degradation in series, as well as the option of selecting a plant site to achieve net evaporation. These factors will allow a greater margin of safety to be achieved through more stringent limitations. Hence, for new sources, the proposed standards are on a monthly average, 0.1 μg/l or 0.0000006 kg/kkg of toxaphene produced, not to exceed 0.5 μg/l in samples representing any working day.

Mass emission standards for toxaphene were calculated using the same procedures as outlined for endrin, above. The manufacturer from which the specified parameters were taken was the Hercules plant at Brunswick, Georgia, which is the largest toxaphene manufacturer, and on which considerable data are available. The average concentration used was 1.5 μg/l for existing sources and 0.1 μg/l for new sources, the flow selected was 2.4 million gpd, and the annual production was 80 million lbs of toxaphene.

For toxaphene formulators, considering the absence of any known existing direct dischargers and the demonstrated technology of evaporation ponds for new sources, a prohibition on discharge is proposed.

As in the case of endrin a more stringent limitation should be required pursuant to the provisions of § 129.7 or 129.5 (e) in the case of any individual discharger when, because of unusual site-specific circumstances, a discharge at the level prescribed in the standard will result in an ambient or chronic concentration in the receiving water, even outside of any mixing zone, in excess of the ambient water criterion. This will assure provision of the margin of safety for the ecosystem required by the Act.

III. PUBLIC PARTICIPATION IN RULEMAKING PROCESS

A public hearing to consider the proposed effluent standards will be held pursuant to section 307(a)(2) of the Act commencing July 12, 1976,[1] at 1:30 PM

[1] The date entered here will be 30 days following publication of this proposal. If that date falls on a Saturday, Sunday, or holiday, the date entered will be that of the previous working day.

Discharge Elimination System Program

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in Room 2409, Waterside Mall at 401 M Street, SW., Washington, D.C.

In accordance with the Agency's rules of practice governing public hearings on effluent standards for toxic pollutants, 40 CFR Part 104 as amended, 41 FR 17898 (April 29, 1976), the first hearing day shall include a prehearing conference at the above time and place. All persons interested in participating in those hearings as objecting parties should refer to the amended rules of practice, and should not rely on previous editions. Any person who has any objection to any standard proposed herein may file with the Hearing Clerk (A–100), Room 1019 WSME, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, within 25 days of the date of this notice, a statement of objection in triplicate which shall meet all of the requirements of 40 CFR §§ 104.3 (a) and (b). The presiding officer may refuse to permit any person to participate in said hearing who fails to comply with any of the provisions of those sections.

In addition to the foregoing, any person interested in this proposed rulemaking but who does not participate as a party in the formal hearing may submit written comments to the Agency on the proposed rulemaking. Such comments should be filed in triplicate, if possible, and should be addressed to: Hearing Clerk (A–100), Room 1019 WSME, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All comments which are received by the hearing clerk and which are postmarked on or before July 12, 1976 shall become a part of the hearing record in the manner prescribed in 40 CFR, § 104.3(d) and shall be considered by the Administrator prior to the promulgation of final standards.

Dated: June 1, 1976.

JOHN QUARLES,
Acting Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended by revising Part 129, as follows:

PART 129—TOXIC POLLUTANT EFFLUENT STANDARDS

Subpart A—Toxic Pollutant Effluent Standards and Prohibitions

Sec.
129.1 Scope and purpose.
129.2 Definitions.
129.3 Abbreviations.
129.4 Toxic pollutants.
129.5 Compliance.
129.6 Adjustment of effluent standard for presence of toxic pollutant in the intake water.
129.7 Requirement and procedure for establishing a more stringent effluent limitation.
129.8 Compliance date.
129.9–129.99 [Reserved]
129.100 Aldrin/Dieldrin.
129.101 DDT, DDD and DDE.
129.102 Endrin.
129.103 Toxaphene.

AUTHORITY: Sec. 307, 308, and 501 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500, 86 Stat. 816, (33 U.S.C. 1251 *et seq.*)).

Subpart A—Toxic Pollutant Effluent Standards and Prohibitions

§ 129.1 Scope and purpose.

(a) The provisions of this Subpart apply to owners or operators of specified facilities discharging into navigable waters.

(b) The effluent standards or prohibitions for toxic pollutants established in this Subpart shall be applicable to the sources and pollutants hereinafter set forth, and may be incorporated in any NPDES permit, modification or renewal thereof, in accordance with the provisions of this Subpart.

(c) The provisions of 40 CFR Parts 124 and 125 shall apply to any NPDES permit proceedings for any point source discharge containing any toxic pollutant for which a standard or prohibition is established under this Part.

§ 129.2 Definitions.

All terms not defined herein shall have the meaning given them in the Act or in 40 CFR Parts 124 or 125. As used in this Part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended (Pub. L. 92–500, 86 Stat. 816 *et seq.*, (33 U.S.C. 1251 *et seq.*)). Specific references to sections within the Act will be according to Pub. L. 92–500 notation.

(b) "Administrator" means the Administrator of the Environmental Protection Agency or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

(c) "Effluent standard" means, for purposes of section 307, the equivalent of "effluent limitation" as that term is defined in section 502(11) of the Act with the exception that it does not include a schedule of compliance.

(d) "Prohibited" means that the constituent shall be absent in any discharge subject to these standards, as determined by any analytical method.

(e) "Permit" means a permit for the discharge of pollutants into navigable waters under the National Pollutant Discharge Elimination System established by section 402 of the Act and implemented in regulations in 40 CFR Parts 124 and 125.

(f) "Working day" means the hours during a calendar day in which a facility discharges effluents subject to this Part.

(g) "Ambient water criterion" means that concentration of a toxic pollutant in a navigable water that, based upon available data, will not result in adverse impact on important aquatic life, or on consumers of such aquatic life, after exposure of that aquatic life for periods of time exceeding 96 hours and continuing at least through one reproductive cycle; and will not result in a significant risk of adverse health effects in a large human population based on available information such as mammalian laboratory toxicity data, epidemiological studies of human occupational exposures, or human exposure data, or any other relevant data.

(h) "New Source" means any source discharging a toxic pollutant, the construction of which is commenced after proposal of an effluent standard or prohibition applicable to such source if such effluent standard or prohibition is thereafter promulgated in accordance with section 307.

(i) "Existing Source" means any source which is not a new source as defined above.

(j) "Source" means any building, structure, facility, or installation from which there is or may be the discharge of toxic pollutants designated as such by the Administrator under section 307(a)(1) of the Act;

(k) "Owner or operator" means any person who owns, leases, operates, controls or supervises a source as defined above.

(l) "Construction" means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

(m) "Manufacturer" means any establishment engaged in the mechanical or chemical transformation of materials or substances into new products including but not limited to the blending materials such as pesticidal products, resins, or liquors.

(n) "Process Wastes" means any designated toxic pollutant, whether in wastewater or otherwise present, which is inherent to or unavoidably resulting from any manufacturing process, including that which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product and is discharged into the navigable waters.

(o) "Air emissions" means the release or discharge of a toxic pollutant by an owner or operator into the ambient air either (1) by means of a stack or (2) as a fugitive dust, mist or vapor as a result inherent to the manufacturing or formulating process.

(p) "Fugitive dust, mist or vapor" means dust, mist or vapor containing a toxic pollutant regulated under this Part which is emitted from any source other than through a stack.

(q) "Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

(r) "Ten year 24-hour rainfall event" means the maximum precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service in technical paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

(s) "State Director" means the chief administrative officer of a State or interstate water pollution control agency operating an approved NPDES permit program. In the event responsibility for water pollution control and enforcement is divided among two or more State or interstate agencies, the term "State Director" means the administrative officer authorized to perform the particular procedure to which reference is made.

§ 129.3 Abbreviations.

The abbreviations used in this Part represent the following terms:

lb—pound (or pounds)
g—gram
μg l—micrograms per liter (1 one-millionth gram/liter)

§ 129.4 Toxic pollutants.

The following are the pollutants subject to regulations under the provisions of this subpart:

(a) Aldrin/Dieldrin—"Aldrin" means the compound aldrin as identified by the chemical name, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro - 1,4 - endo - 5,8-exo-dimethanonaphthalene; "Dieldrin" means the compound dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro - 6,7 - epoxy-1,4,4a,5,6,7,8,8a-octahydro - 1,4-endo-5,8-exo-dimethanonaphthalene.

(b) DDT—"DDT" means the compounds DDT, DDD, and DDE as identified by the chemical names: (DDT)-1,1,1 - trichloro - 2,2,bis(p-chlorophenyl) ethane and some o,p'-isomers; (DDD) or (TDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethane and some o,p'-isomers; (DDE) 1,1 - dichloro - 2,2-bis(p-chlorophenyl) ethylene.

(c) Endrin—"Endrin" means the compound endrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1, 4,4a,5,6,7,8,8a - octahydro - 1,4-endo-5,8-endodimethanonaphthalene.

(d) Toxaphene—"Toxaphene" means a material consisting of technical grade chlorinated camphene having the approximate formula of C(10)H(10)Cl(8) and normally containing 67–69 percent chlorine by weight.

§ 129.5 Compliance.

(a)(1) Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the Regional Administrator (or State Director, if appropriate) of such discharge. Such notification shall include such information and follow such procedures as the Regional Administrator (or State Director, if appropriate) may require.

(2) Any owner or operator who does not have a discharge subject to any toxic pollutant effluent standard at the time of such promulgation but who thereafter commences or intends to commence any activity which would result in such a discharge shall first notify the Regional Administrator (or State Director, if appropriate) in the manner herein provided at least 60 days prior to any such discharge.

(b) Upon receipt of any application for issuance or reissuance of a permit or for a modification of an existing permit for a discharge subject to a toxic pollutant effluent standard or prohibition the permitting authority shall proceed thereon in accordance with 40 CFR Parts 124 or 125, whichever is applicable.

(c)(1) Every permit which contains limitations based upon a toxic pollutant effluent standard or prohibition under this Part is subject to revision following the completion of any proceeding revising such toxic pollutant effluent standard or prohibition regardless of the duration specified on the permit.

(2) For purposes of this section, all toxic pollutants for which standards are set under this Part are deemed to be injurious to human health within the meaning of section 402(k) of the Act unless otherwise specified in the standard established for any particular pollutant.

(d)(1) Upon the compliance date for any section 307(a) toxic pollutant effluent standard or prohibition, each owner or operator of a discharge subject to such standard or prohibition shall comply with such monitoring, sampling, recording, and reporting conditions as the Regional Administrator (and/or State Director, if appropriate) may require for that discharge. Notice of such conditions shall be provided in writing to the owner or operator.

(2) In addition to any conditions required pursuant to subparagraph (d)(1) of this section and to the extent not required in conditions contained in NPDES permits, within 60 days following the close of each calendar year each owner or operator of a discharge subject to any toxic standard or prohibition shall report to the Regional Administrator (and State Director, if appropriate) concerning the compliance of such discharges. Such report shall include, as a minimum, information concerning (i) relevant identification of the discharger such as name, location of facility, discharge points, receiving waters, and the industrial process or operation emitting the toxic pollutant; (ii) relevant conditions (pursuant to subparagraph (d)(1) of this section or to an NPDES permit) as to flow, section 307(a) toxic pollutant concentrations, and section 307(a) toxic pollutant mass emission rate; (iii) compliance by the discharger with such conditions.

(3) When samples collected for analysis are composited, such samples shall be composited in proportion to the flow at time of collection and preserved in compliance with requirements of the Regional Administrator (or State Director, if appropriate), but shall include at least five samples collected at approximately equal intervals throughout the working day.

(e)(1) Nothing in these regulations shall preclude a Regional Administrator from requiring in any permit a more stringent effluent limitation or standard pursuant to section 301(b)(1)(C) of the Act and implemented in 40 CFR 125.11 and other related provisions of 40 CFR Part 125.

(2) Nothing in these regulations shall preclude the Director of a State Water Pollution Control Agency or interstate agency operating a National Pollutant Discharge Elimination System Program which has been approved by the Administrator pursuant to section 402 of the Act from requiring in any permit a more stringent effluent limitation or standard pursuant to section 301(b)(1)(C) of the Act and implemented in 40 CFR 124.42 and other related provisions of 40 CFR Part 124.

(f) Any owner or operator of a facility which discharges a toxic pollutant to the navigable waters and to a publicly owned treatment system shall limit the summation of the mass emissions from both discharges to the less restrictive standard, either the direct discharge standard or the pretreatment standard; but in no case will this Subsection allow a discharge to the navigable waters greater than the toxic pollutant effluent standard established for a direct discharge to the navigable waters.

(g) In any permit hearing or other administrative proceeding relating to the implementation or enforcement of these standards, or any modification thereof, or in any judicial proceeding other than a petition for review of these standards pursuant to section 509(b)(1)(C) of the Act, the parties thereto may not contest the validity of any national standards established in this Part, or the ambient water criterion established herein for any toxic pollutant.

§ 129.6 Adjustment of effluent standard for presence of toxic pollutant in the intake water.

(a) Upon the request of the owner or operator of a facility discharging a pollutant subject to a toxic pollutant effluent standard or prohibition, the Regional Administrator (or State Director, if appropriate) shall give credit, and shall adjust the effluent standard(s) in such permit to reflect credit for the toxic pollutant(s) in the owner's or operator's water supply if (1) the source of the owner's or operator's water supply is the same body of water into which the discharge is made and if (2) it is demonstrated to the Regional Administrator (or State Director, if appropriate) that the toxic pollutant(s) present in the owner's or operator's intake water will not be removed by any wastewater treatment systems whose design capacity and operation were such as to reduce toxic pollutants to the levels required by the applicable toxic pollutant effluent standards in the absence of the toxic pollutant in the intake water.

(b) Effluent limitations established pursuant to this Section shall be calculated on the basis of the amount of Section 307(a) toxic pollutant(s) present in the water after any water supply treatment steps have been performed by or for the owner or operator.

(c) Any permit which includes toxic pollutant effluent limitations established pursuant to this Section shall also contain conditions requiring the permittee to conduct additional monitoring in the manner and locations determined by the Regional Administrator (or State Director, if appropriate) for those toxic pollutants for which the toxic pollutant effluent standards have been adjusted.

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§ 129.7 Requirement and procedure for establishing a more stringent effluent limitation.

(a) In exceptional cases (1) where the Regional Administrator (or State Director, if appropriate) determines that the ambient water criterion established in these standards is not being met or will not be met in the receiving water as a result of one or more discharges at levels allowed by these standards, and (2) where he further determines that this is resulting in or may cause or contribute to significant adverse effects on aquatic or other organisms usually or potentially present, or on human health, he may issue to an owner or operator a permit or a permit modification containing a toxic pollutant effluent limitation at a more stringent level than that required by the standard set forth in these regulations. Any such action shall be taken pursuant to the procedural provisions of 40 CFR Parts 124 and 125, as appropriate. In any proceeding in connection with such action the burden of proof and of going forward with evidence with regard to such more stringent effluent limitation shall be upon the Regional Administrator (or State Director, if appropriate) as the proponent of such more stringent effluent limitation.

Evidence in such proceeding shall include at a minimum: an analysis using data and other information to demonstrate receiving water concentrations of the specified toxic pollutant, projections of the anticipated effects of the proposed modification on such receiving water concentrations, and the hydrologic and hydrographic characteristics of the receiving waters including the occurrence of dispersion of the effluent. Detailed specifications for presenting relevant information by any interested party may be prescribed in guidance documents published from time to time, whose availability will be announced in the FEDERAL REGISTER.

(b) Any effluent limitation in an NPDES permit which a State proposes to issue which is more stringent than the toxic pollutant effluent standards promulgated by the Administrator is subject to review by the Administrator under section 402(d) of the Act. The Administrator may approve or disapprove such limitation(s) or specify another limitation(s) upon review of any record of any proceedings held in connection with the permit issuance or modification and any other evidence available to him. If he takes no action within ninety days of his receipt of the notification of the action of the permit issuing authority and any record thereof, the action of the State permit issuing authority shall be deemed to be approved.

§ 129.8 Compliance date.

(a) The effluent standards or prohibitions set forth herein shall be complied with not later than one year after promulgation unless an earlier date is established by the Administrator for an industrial subcategory in the promulgation of the standards or prohibitions.

(b) Toxic pollutant effluent standards or prohibitions set forth herein shall become enforceable under Sections 307(d) and 309 of the Act on the date established in subparagraph (a) of this section regardless of proceedings in connection with the issuance of any NPDES permit or application therefor, or modification or renewal thereof.

§§ 129.9–129.99 [Reserved]

§ 129.100 Aldrin/Dieldrin.

(a) *Specialized Definitions.* (1) "Aldrin/Dieldrin Manufacturer" means a manufacturer, excluding any source which is exclusively an aldrin/dieldrin formulator, who produces, prepares or processes technical aldrin or dieldrin or who uses aldrin or dieldrin as a material in the production, preparation or processing of another synthetic organic substance.

(2) "Aldrin/Dieldrin Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of either aldrin or dieldrin and inert materials or other diluents, into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et. seq.).

(3) The ambient water criterion for aldrin/dieldrin in navigable waters is 0.003 μg/l.

(b) *Aldrin/Dieldrin Manufacturer*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the manufacturing process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard*—(i) *Existing Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

(ii) *New Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

(c) *Aldrin/Dieldrin Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the formulating process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard*—(i) *Existing Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

(ii) *New Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

§ 129.101 DDT, DDD and DDE.

(a) *Specialized Definitions.* (1) "DDT Manufacturer" means a manufacturer, excluding any source which is exclusively a DDT formulator, who produces, prepares or processes technical DDT, or who uses DDT as a material in the production, preparation or processing of another synthetic organic substance.

(2) "DDT Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of DDT and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for DDT in navigable waters is 0.001 μg/l.

(b) *DDT Manufacturer*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the manufacturing process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard.* (i) *Existing Sources.* DDT is prohibited in any discharge from any DDT manufacturer.

(ii) *New Sources.* DDT is prohibited in any discharge from any DDT manufacturer.

(c) *DDT Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the formulating process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.*— Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard*—(i) *Existing Sources.* DDT is prohibited in any discharge from any DDT formulator.

(ii) *New Sources.* DDT is prohibited in any discharge from any DDT formulator.

§ 129.102 Endrin.

(a) *Specialized Definitions.* (1) "Endrin Manufacturer" means a manufacturer, excluding any source which is exclusively an endrin formulator, who produces, prepares or processes technical endrin or who uses endrin as a material in the production, preparation or processing of another synthetic organic substance.

(2) "Endrin Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of endrin and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et. seq.).

(3) The ambient water criterion for endrin in navigable waters is 0.004 μg/l.

(b) *Endrin Manufacturer*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the manufacturing process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136.

(3) *Effluent Standard*—(i) *Existing Sources.* Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 1.5 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0003 kg/kkg of endrin produced; and shall not exceed 7.5 μg/l in a sample(s) representing any working day.

(ii) *New Sources.* Discharge from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 0.1 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00002 kg/kkg of endrin produced; and shall not exceed 0.5 μg/l in a sample(s) representing any working day.

(c) *Endrin Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the formulating process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard*—(i) *Existing Sources.*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 1.5 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00001 kg/kkg of toxaphene produced, and shall not exceed 7.5 μg/l in a sample(s) representing any working day.

(ii) *New Sources.*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 0.1 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0000006 kg/kkg of toxaphene produced, and shall not exceed 0.5 $\mu\mu$g/l in a sample(s) representing any working day.

(c) *Toxaphene Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the formulating process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136.

(3) *Effluent Standard*—(i) Existing *Sources.*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 1.5 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00001 kg/kkg of toxaphene produced, and shall not exceed 7.5 μg/l in a sample(s) representing any working day.

(ii) *New Sources.*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 0.1 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0000006 kg/kkg of toxaphene produced, and shall not exceed 0.5 $\mu\mu$g/l in a sample(s) representing any working day.

(c) *Toxaphene Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the formulating process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that

(2) "Toxaphene Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of toxaphene and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for toxaphene in navigable waters is 0.005 μg/l.

(b) *Toxaphene Manufacturer*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the manufacturing process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.*— Environmental Protection Agency method specified in 40 CFR Part 136.

(3) *Effluent Standard*—(i) Existing *Sources.*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 1.5 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00001 kg/kkg of toxaphene produced, and shall not exceed 7.5 μg/l in a sample(s) representing any working day.

(ii) *New Sources.*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 0.1 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0000006 kg/kkg of toxaphene produced, and shall not exceed 0.5 $\mu\mu$g/l in a sample(s) representing any working day.

(c) *Toxaphene Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the formulating process, including but not limited to:

(*1*) Stormwater and other runoff; and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that

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exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standards*—(i) *Existing Sources.* Toxaphene is prohibited in any discharge from any toxaphene formulator.

(ii) *New Sources.* Toxaphene is prohibited in any discharge from any toxaphene formulator.

(d) The standards set forth in this Section shall apply to the total combined weight or concentration of toxaphene, excluding any associated element or compound.

[FR Doc.76-16741 Filed 6-9-76;8:45 am]

federal register

THURSDAY, JUNE 10, 1976

PART IV:

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

PRACTICES AND PROCEDURES FOR HEARINGS

Notice of Proposed Rulemaking

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Metropolitan Area Transit Regulation

Subpart B—Parties

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

[36 CFR Part 1150]

PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

Notice of Proposed Rulemaking

The Architectural and Transportation Barriers Compliance Board (hereinafter referred to as A&TBCB) was established under Section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391. Section 502(d), 29 U.S.C. 792(d), provides that the A&TBCB shall hold hearings and issue orders it deems necessary to ensure compliance with the standards for buildings and facilities issued under the Architectural Barriers Act of 1968, Pub. L. 90–480, as amended, 42 U.S.C. 4151 et. seq. The provisions of Subchapter II of Chapter 5 and Chapter 7 of Title 5, United States Code apply to the A&TBCB procedures. An order of compliance issued by the A&TBCB is a final order for purposes of judicial review. Pub. L. 93–516, 88 Stat. 1621, the Rehabilitation Act Amendments of 1974, provides that an order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with the applicable standards.

The A&TBCB is concerned that ready access to and use of buildings be effective through voluntary compliance with applicable standards. Nevertheless, the A&TBCB has received and is processing numerous complaints of alleged noncompliance. Notice is hereby given that to provide a formal system for determination of those complaints which cannot be amicably resolved to ensure accessibility by means of compliance with the required standards, the A&TBCB is proposing to issue the following regulations. Title 36 of the Code of Federal Regulations would be amended by adding a new Chapter XI, Architectural and Transportation Barriers Compliance Board, consisting at this time of the following Part 1150, Practice and Procedures for Compliance Hearings.

While these regulations relate solely to the A&TBCB practice and procedures, and notice of public procedure thereon is not required, A&TBCB recognizes its responsibility to the public and invites comments concerning the regulations. Public comments from interested parties and government agencies will be received by the A&TBCB at its offices, 330 "C" Street SW., Room 1010, Washington, D.C. 20201, on or before July 12, 1976. Comments received may be seen at the above offices during the hours of 9:00 a.m.–5:30 p.m. Monday through Friday and will be considered by the A&TBCB before final adoption of the procedures.

The A&TBCB recognizes that while these regulations will be issued as final after analysis of public comments, additional parts of Chapter XI, Part 1150, will be issued at a later date which will fully implement Section 502 of the Rehabilitation Act, as amended. This will include guidelines for voluntary compliance for agencies and programs subject to the jurisdiction of the A&TBCB.

It is therefore proposed to amend Title 36, Code of Federal Regulations, by addition of Part 1150 as set forth below.

Dated: June 4, 1976.

STANLEY B. THOMAS, Jr.,
Chairman, Architectural and Transportation Barriers Compliance Board.

PART 1150—PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

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AUTHORITY: Sec. 502, Pub. L. 93–112, 87 Stat. 391 (29 U.S.C. 792).

Subpart A—General Information

§ 1150.1 Purpose and application.

(a) The purpose of the regulations in this part is to implement Section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391 29 U.S.C. 792, as amended to provide procedures for public hearings to require compliance with the standards issued pursuant to the Architectural Barriers Act of 1968, Pub. L. 90–480, as amended 42 U.S.C. 4151 et. seq. It is the policy of the Architectural and Transportation Barriers Compliance Board to ensure maximum compliance through amicable resolution of compliance related matters.

(b) These regulations apply to all buildings designed, constructed, or altered after the effective date of a standard issued under the Architectural Barriers Act of 1968 applicable to such building.

§ 1150.2 Definitions.

(a) "A&TBCB" means the Architectural and Transportation Barriers Compliance Board.

(b) "Agency" means Federal department, agency or instrumentality as defined in Subchapter II and Chapter 7 of Title 5 of the United States Code or an official thereof.

(c) "Alteration" means repairing, improving, remodeling, extending, or otherwise changing a building, or part thereof.

(d) "Architectural Barriers Act" means the Architectural Barriers Act of 1968, Pub. L. 90–480, as amended, 42 U.S.C. 4151 et seq.

(e) "Building" means any building or facility, including the site thereof, and structures appurtenant thereto, (other than (1) a privately owned residential structure and (2) any building or facility on a military installation designed and constructed primarily for use by able-bodied military personnel) the intended use of which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons, which building or facility is (i) to be constructed or altered by or on behalf of the United States; or (ii) to be leased in whole or in part by the United States after August 12, 1968, after construction or alteration in accordance with plans and specification of the United States; or (iii) to be financed in whole or in part by a contract, grant or loan made by the United States after August 12, 1968, if such building or facility may be subject to standards for design, construction or alteration issued under the law authorizing the grant or loan; (iv) to be constructed under authority of the National Capital Transportation Act of 1965, or Title III of the Washington,

Metropolitan Area Transit Regulation Compact.

(f) "Chairman" means the Chairman of A&TBCB.

(g) "Construction" means the construction of a new building, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings.

(h) "Day" means calendar day.

(i) "Executive Director" means the A&TBCB Executive Director.

(j) "Handicapped Individual" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

(k) "Judge" means hearing examiner appointed or designated by the A&TBCB pursuant to section 502(e) of the Rehabilitation Act.

(l) "PER" means Provisional Expedited Relief.

(m) "Privately Owned Residential Structure" means a residential structure not owned by a Federal agency or instrumentality, a state or political subdivision thereof, or an instrumentality of a state or of a political subdivision thereof.

(n) "Rehabilitation Act" means the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391, 29 U.S.C. 792, as amended.

(o) "Respondent" means a party answering the sitation, including PER citation.

(p) "Standard" means any standard for accessibility and usability prescribed pursuant to the Architectural Barriers Act, including but limited to ANSI 117.1, the American National Standard Institute Specification for making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.

§ 1150.3 Scope of rules.

(a) These rules shall govern all compliance proceedings before the A&TBCB and judges.

(b) In the absence of a specific provision, in these rules, procedure shall be in accordance with the Administrative Procedure Act, Subchapter II of Chapter 5 and Chapter 7, of Title 5, United States Code, and the Federal Rules of Civil Procedure, in that order.

§ 1150.4 Use of gender and number.

(a) Words importing the singular number may extend and be applied to a plural and vice versa.

(b) Words importing the masculine gender may be applied to feminine gender.

§ 1150.5 Suspension of rules.

Upon notice of all parties, the chairman or the judge, with respect to matters pending before them, may modify or waive any rule in these regulations upon determination that no party will be unduly prejudiced and that the ends of justice will thereby be served.

Subpart B—Parties

§ 1150.11 Parties.

(a) The term party shall include any agency, state body, or other person to whom a notice of hearing or opportunity for hearing has been mailed naming them as respondent.

(b) The Executive Director shall be the party initiating proceedings hereunder by the issuance of a citation under § 1150.42.

§ 1150.12 Complainants.

(a) A person submitting a written complaint alleging noncompliance with the standards issued pursuant to the Architectural Barriers Act is not a party as to a matter of course to the proceedings governed by these regulations, but may petition to intervene or to appear as an amicus curiae. Whether or not the petition to intervene or to appear as amicus curiae is granted, the complainant shall receive a copy of the final order issued by the judge and the A&TBCB.

(b) The identification of all persons submitting complaints shall be held in confidence unless such person requests otherwise in writing.

(c) All persons submitting written complaints shall be given or mailed, by certified mail, return receipt requested, a copy of these regulations.

§ 1150.13 Intervenors.

(a) A petition to intervene may be filed at any stage of a proceeding by persons, organizations, or agencies not party to the proceedings.

(b) The petition shall set forth the interest of the petitioner in the proceedings, show that the participation of the petitioner will assist in the determination of the issue in question, and that the appearance will not unnecessarily delay the proceedings.

(c) The judge may grant the petition to intervene to such an extent and upon such terms, including the extent to which the petitioner may introduce evidence and question witnesses as the judge shall determine.

(d) When a petition to intervene is granted, in whole or in part, the petitioner shall be deemed a party for purposes of filing and receiving copies of all documents, orders and decisions hereunder as well as participating in proceedings hereunder.

§ 1150.14 Amicus curiae.

(a) Any interested person or organization may file a petition to participate in a proceeding as a amicus curiae. Such petition shall be filed prior to the prehearing conference, or if none is held, before the commencement of the hearing, unless the petitioner shows good cause for filing the petition later. The judge may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome, and may contribute materially to the proper disposition thereof. An amicus curiae is not a party and may not introduce evidence at a hearing.

(b) An amicus curiae may submit a statement of position to the judge prior to the beginning of a hearing, and shall serve a copy on each party. The amicus curiae may submit a brief on each occasion a decision is to be made or a prior decision is subject to review. His brief shall be filed and served on each party within the time limits applicable to the party whose position he deems himself to support; or if he does not deem himself to support the position of any party, within the longest time limit applicable to any party at that particular stage of the proceedings.

(c) When all parties have completed their initial examination of a witness, any amicus curiae may request the judge to propound specific questions to the witness. The judge, in his discretion, may grant any such request if he believes the proposed additional testimony may assist materially in elucidating factual matters at issue between the parties and will not expand the issues.

§ 1150.15 Appearance.

(a) A party may appear in person or by counsel or other representative and participate fully in any proceedings. An agency, state body, or corporation may appear by any of its officers or by any employee it authorizes to appear on its behalf. Counsel must be members in good standing of the Bar of the State, Territory, or a possession of the United States or the District of Columbia or the Commonwealth of Puerto Rico.

(b) A representative of a party or amicus curiae shall be deemed to control all matters respecting the interest of such party or amicus curiae in the proceedings.

(c) Nothing contained herein shall be construed to require any representative to the be an attorney at law.

(d) Withdrawal of appearance of any representative will be effective by filing a written notice of withdrawal and by serving a copy thereof on all parties and amicus curiae.

Subpart C—Form, Execution, Service and Filing of Documents

§ 1150.21 Form of documents to be filed.

Documents to be filed under the rules in this part shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed but the name of the person signing the original shall be reproduced. Documents shall be legible and shall not be more than 8½ inches wide and 12 inches long.

§ 1150.22 Signature of documents.

The signature of a party, authorized officer, employee or attorney constitutes a certification that he has read the document, that to the best of his knowledge,

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information, and belief there is a good ground to support it, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may proceed as though the document had not been filed.

§ 1150.23 Filing and service.

All notices by a member of the A&TBCB or A&TBCB staff, and all written motions, requests, petitions, memoranda, pleadings, exceptions, briefs, decisions, and correspondence to the judge, or an A&TBCB member or A&TBCB staff from a party, or vice versa, relating to a proceeding after its commencement shall be filed and served on all parties and amicus curiae. Parties shall supply the original and two copies of documents, exhibits, and transcripts of testimony submitted for filing. Filings shall be made with the hearing clerk at the address stated in the notice of hearing or notice of opportunity for hearing, during regular business hours. Regular business hours are every Monday through Friday (Federal legal holidays excepted) from 9 a.m. to 5:30 p.m., Eastern Standard or Daylight Savings Time, whichever is effective in the District of Columbia at the time. Filing may be in person or by mail.

§ 1150.24 Service—how made.

Service of one copy shall be made on each party, and amicus curiae, by personal delivery or by certified mail, return receipt requested, properly addressed with postage prepaid. When a party or amicus curiae has appeared by attorney or other representative, service upon such attorney or representative will be deemed service upon the party or amicus curiae.

§ 1150.25 Date of service.

The date of service shall be the day when the matter is deposited in U.S. mail or is delivered in person, except that the date of service of the initial notice of hearing or opportunity for hearing shall be the date of its delivery, or the date that its attempted delivery is refused.

Subpart D—Time

§ 1150.31 Computation.

In computing any period of time under the rules in this part or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or Federal legal holiday, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computation.

§ 1150.32 Extension of time or postponement.

Requests for extension of time shall be served on all parties and amicus curiae, and should set forth the reasons for the application. Applications may be granted by the judge upon a showing of good cause by the applicant. From the designation of a judge until the issuance of his decision such requests should be addressed to him. Answers to such request, are permitted, if made promptly.

Subpart E—Proceedings Prior to Hearings; Pleadings and Motions

§ 1150.41 Informal resolution.

All complaints of alleged noncompliance with the standards issued pursuant to Architectural Barriers Act shall be resolved as expeditiously and informally as possible to ensure the accessibility and usability of the building complained of. In amicably resolving complaints the A&TBCB and A&TBCB staff take such actions as may be necessary, including but not limited to, surveying and investigating buildings; monitoring compliance programs of agencies; furnishing technical assistance, including standard interpretation, to agencies, and obtaining such assurances, certifications, and plans of action from agencies as may be necessary to ensure compliance. To the extent practicable, in the course of informally resolving allegations of noncompliance, persons who may become parties to compliance proceedings, should be appraised of the alleged instances of noncompliance and afforded the opportunity to respond or submit documents with respect thereto.

§ 1150.42 Citations.

(a) If there appears to be a failure or threatened failure to comply with the standards issued pursuant to the Architectural Barriers Act, and if the noncompliance or threatened noncompliance cannot be corrected or resolved by informal means under § 1150.41, the Executive Director shall issue a written citation requesting such relief as is necessary to ensure compliance with the standards issued pursuant to Architectural Barriers Act, which may include the suspension or withholding of funds. The citation shall be served upon all interested parties, including the agency having custody or control of, and the agency funding by contract, grant, or loan, the allegedly noncomplying building. The citation shall contain a concise jurisdictional statement reciting the provisions of the Rehabilitation Act and Architectural Barriers Act pursuant to which the requested action may be taken as well as a short and plain basis for requesting the imposition of the sanctions. The citation shall also (1) (i) advise the agency and interested parties that a hearing concerning the matter in question has been scheduled and advise them of the time and place of hearing or (ii) fix a date, not less than fifteen, (15) days after the date of the citation within which the agency or affected parties may request a hearing, and (2) contain a list of all pertinent documents including, but not limited to, contracts, grants, invitations for bids, specifications, contract or grant drawings, and correspondence, necessary for the judge to make a decision on the alleged noncompliance. The time and place of hearing fixed in the citation shall be reasonable and shall be subject to change for cause.

(b) In addition to all other forms of relief requested, the citation shall request Provisional Expedited Relief (PER) when it appears from a complaint or otherwise to the Executive Director, or it has been brought to his attention by a member of the A&TBCB or A&TBCB staff, that immediate and irreparable noncompliance with the standards issued pursuant to the Architectural Barriers Act are occurring or are about to occur. Citations requesting PER shall recite specific facts and affidavits or notarized complaint upon which the need for PER is based. Citations requesting PER shall recite that a hearing regarding the PER has been scheduled eight (8) days after receipt of the citation. Citations requesting PER may be filed without prejudice to proceedings commencing subsequently in which PER is not requested.

(c) The Executive Director shall file copies of all pertinent documents listed in the citation simultaneously with filing the citation.

§ 1150.43 Answers.

(a) Answers shall be filed by respondents within fifteen (15) days after receipt of a citation. The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the citation, unless the respondent is without knowledge, in which case the answer shall so state and such statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Failure to file an answer shall constitute an admission of all facts recited in the citation. Answers shall contain a list of additional pertinent documents not listed in the citation which documents, respondent believes, are necessary for the Board or the judge to make a decision in the proceedings herein. Copies of the listed documents shall be filed with the answer.

(b) Answers to citations requesting PER shall be in the form of all answers, as set forth in paragraph (a) of this section, and shall be filed within four (4) days after receipt of the citation and shall also recite in detail with affidavits or by notarized answer why the PER requested should not be granted.

(c) When a citation contains a request for relief to ensure compliance with standards issued pursuant to the Architectural Barriers Act as well as PER, an answer to the PER request shall be filed in accordance with paragraph (a) of this section.

§ 1150.44 Amendments.

(a) The Executive Director may amend the citation as a matter of course before an answer is filed. A respondent may amend its answer once as a matter of course, not later than five (5) days after the filing of the original answer. Other amendments of the citation or the answer shall be made only by leave of judge. An amended citation shall be answered within five (5) days of its service, or within the time for filing an answer to original notice, whichever is longer.

(b) Citations and answers in PER proceedings may not be amended prior to hearing. However, citations and answers in such proceedings may be amended at the hearing with the permission of the judge.

§ 1150.45 Request for hearing.

Within fifteen (15) days from service of a citation which does not fix a date for a hearing, the respondent, either in its answer in a separate paragraph thereof, or in a separate document, may request a hearing Failure of a respondent to request a hearing shall be deemed a waiver of the right to a hearing and to constitute consent to the making of a decision on the basis of such information as is available.

§ 1150.46 Motions.

Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing, these matters shall be in writing. If made at the hearing, they may be stated orally or the judge may require that they be reduced in writing and filed and served on all parties. Except as otherwise ordered by the judge, responses to a written motion or petition shall be filed within ten (10) days after the motion or petition is served. An immediate oral response may be made to an oral motion. All arguments on motions will be at the discretion of the judge.

§ 1150.47 Disposition of motions and petitions.

The A&TBCB or the judge may not sustain or grant a written motion or petition prior to expiration or the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response; providing, however, that prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. All motions and petitions may be ruled upon immediately after response. Motions and petitions not disposed of in separate rulings or in decisions will be deemed denied.

Subpart F—Responsibilities and Duties of Judge

§ 1150.51 Who presides.

(a) A judge assigned under 5 U.S.C. 3105 or 3344 (formerly Sec. 11 of the Administrative Procedure Act) shall preside over the taking of evidence in any hearing to which these rules of procedure apply.

(b) Pending designation of a judge, the responsibilities, duties and authorities of the judge under these regulations shall be executed by the A&TBCB through the Chairman or other member of the A&TBCB designated by the Chairman.

(c) The Chairman, or other member of the A&TBCB designated by the Chairman, shall preside over proceedings before the A&TBCB.

§ 1150.52 Designation of judge.

The designation of the judge as presiding officer shall be in writing and may also fix the time and place of hearing. A copy of such order shall be served on all parties. After service of an order designating a judge to preside and until the judge makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness disqualification or unavailability of the designated judge, another judge shall be designated to take his place.

§ 1150.53 Authority of judge.

The judge shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings, or, on due notice to the parties, to change the date, time, and place of hearings previously set.

(b) Hold conferences to settle, simplify, or fix the issues in proceedings, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties and amicus curiae to state their position with respect to the various issues in the proceedings.

(d) Administer oaths and affirmations.

(e) Rule on motions, and other procedural items on matters pending before him.

(f) Regulate the course of the hearing and conduct of counsel therein.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude or limit evidence.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(j) Issue decisions.

(k) Take any action authorized by the rules in this part or in conformance with the provisions of 5 U.S.C. 551–559 (the Administrative Procedure Act).

§ 1150.54 Disqualification of judge.

(a) A judge may withdraw from a proceeding whenever he deems himself disqualified.

(b) Any party may request the judge, at any time following his designation and before the filing of his decision, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.

(c) If, in the opinion of the judge, the affidavit referred to in paragraph (b) of this section is filed with due diligence and is sufficient on its face, the judge shall forthwith disqualify himself and withdraw from the proceeding.

(d) If the judge does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and shall proceed with the hearing, or, if the hearing has closed, he shall proceed with the issuance of his decision, and the provisions of Section 1150.102 shall thereupon apply.

Subpart G—Prehearing Conferences and Discovery

§ 1150.61 Prehearing conference.

(a) At any time before a hearing, the judge, on his own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which tend to simplify the issues or expedite the proceedings.

(b) The judge may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served upon all parties and amicus curiae and shall be a part of the record.

§ 1150.62 Discovery.

(a) Parties are encouraged to engage in voluntary discovery procedures. For good cause shown under appropriate circumstances but not as a matter of course, the judge will entertain motions for permission for discovery, issue orders including orders for the taking of testimony upon oral examination or written interrogatories before an officer authorized to administer oaths, to permit service of written interrogatories upon the opposing party, to produce and permit inspection of designated documents, and to permit service upon the opposing party a request for the admission of specified facts.

(b) Motions for discovery shall be granted only to the extent and upon such terms as the judge in his discretion considers to be consistent with the objective of securing a just and inexpensive determination of the merits of the citation without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

(c) In connection with any discovery procedure, the judge may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense, including limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents. If any party fails to comply with a discovery order of the judge under these rules, without an excuse or explanation satisfactory to the judge for such failure, the judge may decide the fact or issue relating to the material requested to be produced, or the subject matter of the probable testimony, in accordance with claims of the other party in interest or in accordance with the other evidence available to the judge, or make such other ruling as he determines just and proper.

Subpart H—Hearing Procedures

§ 1150.71 Briefs.

The judge may require parties and amicus curiae to file written statements of position prior to the beginning of a hearing. The judge may also require the parties to submit trial briefs.

§ 1150.72 Evidentiary purpose.

Hearings for the reception of evidence will be held only in cases where issues of fact must be resolved. Where it appears

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from the Citation, the Answer, stipulations, or other documents in the record, that there are no matters of material fact in dispute, the judge may enter an order so finding, vacating the hearing date, if one has been set, and fixing the time for filing briefs.

§ 1150.73 Testimony.

(a) Formal rules of evidence shall not apply but rules or principles designed to assure production of the most probative evidence available will be applied. Testimony shall be given orally under oath or affirmation; but the judge, in his discretion, may require or permit the direct testimony of any witness be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing, and filed as part of the record thereof.

(b) All witnesses shall be available for cross-examination and at the discretion of the judge, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding.

(c) When testimony is taken by deposition, an opportunity shall be given, with appropriate notice, for all parties to cross-examine the witness. Objections to any testimony or evidence presented therein shall be deemed waived unless raised at the time of the deposition.

(d) Witnesses appearing before the judge shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

§ 1150.74 Exclusion of evidence.

The judge may exclude evidence which is immaterial, irrelevant or unduly repetitious.

§ 1150.75 Objections.

Objections to evidence or testimony shall be timely and shall briefly state the ground.

§ 1150.76 Exceptions.

Exceptions to rulings of the judge are unnecessary. It is sufficient that a party, at the time the ruling of the judge is sought, makes known the action which he desires the judge to take, or his objection to an action taken, and his grounds therefor.

§ 1150.77 Official notice.

Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded an opportunity to show the contrary.

§ 1150.78 Public document items.

Whenever there is offered (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice, as a public document item by specifying the document or relevant part thereof.

§ 1150.79 Offer of proof.

An offer of proof made in connection with an objection taken to a ruling of the judge rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 1150.80 Appeals from ruling of judge.

(a) Rulings of the judge may not be appealed to the A&TBCB prior to his consideration of the entire proceeding except with the consent of the judge and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party, or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the A&TBCB within such period as the judge directs.

(b) There shall be no oral argument or appearances on any appeal or any motion unless the A&TBCB directs otherwise.

§ 1150.81 Consolidated or joint hearing.

In cases in which the same or related facts are asserted to constitute noncompliance with standards issued pursuant to the Architectural Barriers Act, the judge may order all such related cases consolidated and may make such other orders concerning proceedings therein as will be consistent with the objective of securing a just and inexpensive determination of the case without unnecessary delay.

§ 1150.82 PER proceedings.

(a) In proceedings in which a citation, or part thereof, seeking PER has been filed, the judge shall make necessary rulings with respect to time for filing of pleadings, the conduct of the hearing and with respect to all other matters, and shall do all other things necessary to complete the proceeding in the minimum time consistent with the objective of securing an expeditious, just and inexpensive determination of the case. The times for actions set forth in these rules shall be followed unless otherwise ordered by the judge.

(b) Orders of PER shall be on such terms and conditions as the judge directs, consistent with preserving the rights of all parties so as to permit the timely processing of the citation, or part thereof, not requesting PER, as well as the provisions and objectives of the Architectural Barriers Act and the Rehabilitation Act. In issuing an order for PER the judge shall make specific findings of fact and conclusions of law that the Executive Director or another party, or amicus curiae, has shown:

(i) Likelihood of succeeding on the merits of a proceeding; and

(ii) That the threatened injury or violation outweighs the threatened harm to the respondent if PER is granted; and

(iii) Granting PER is in the public interest.

(c) The judge may order dismissed any citation or part thereof seeking PER when the judge finds that the timely processing of a citation not requesting PER will adequately ensure the objective of Section 502 of the Rehabilitation Act and that immediate and irreparable noncompliance with the standards issued pursuant to the Architectural Barriers Act are not occurring or about to occur.

Subpart I—The Record

§ 1150.91 Record for decision.

The transcript of testimony, exhibits, and all papers, documents and requests filed in the proceeding, including briefs and proposed findings and conclusions, shall constitute the record for decision.

§ 1150.92 Official transcript.

The A&TBCB will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the judge. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the A&TBCB and the reporter. Upon notice to all parties, the judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

Subpart J—Posthearing Procedures; Decisions

§ 1150.101 Posthearing briefs; proposed findings.

(a) The judge shall fix the terms, including time for filing post-hearing statements of position or briefs, which may contain proposed findings of fact and conclusions of law. The judge may fix a reasonable time for such filing but such period shall not exceed thirty (30) days from the receipt by the party of the transcript of the hearing.

(b) No briefs or statements shall be required in proceeding seeking Provisional Expedited Relief (PER) unless specifically ordered by the judge.

§ 1150.102 Decision.

(a) Within twenty (20) days after the filing of briefs, or proposed findings, or if no briefs or proposed findings are filed within twenty (20) days after the close of the hearing, the judge shall issue a decision which decision shall state findings of fact, conclusions of law, and the reasons therefor, upon all material issues of fact or law presented on the record, and may recommend action be taken. The decision shall contain such terms, conditions and other provisions as are consistent with, and will effectuate the purposes of the Architectural Barriers Act and the Rehabilitation Act, and may include provision for the suspension or withholding of Federal funds with respect to any building found not to be in compliance with the standards issued pursuant to the Architectural Barriers Act.

(b) In proceedings seeking Provisional Expedited Relief (PER) the decision shall be made within three (3) days after the hearing and may be given orally at the close of the hearing.

(c) The findings, conclusion and decision shall be served on all parties and amicus curiae to the proceedings.

§ 1150.103 Exceptions to decision.

(a) Within eight (8) days after receipt of the judge's decision, any party may appeal to the A&TBCB by submitting exceptions to the decision stating reasons therefor with the Chairman. These exceptions shall be responded to by other parties within five (5) days of the receipt by said parties.

(b) In proceedings seeking Provisional Expedited Relief (PER), all appeals and exceptions to the decision shall be filed within two (2) days after receipt of the decision, if written, or two (2) days after announcement of judge's decision if oral. The exceptions shall be responded to by other parties within two (2) days of the receipt by said parties.

§ 1150.104 Record for final A&TBCB decision.

The record for the A&TBCB's final decision shall consist of the record for the decision, the rulings, and decision of the judge, and the exceptions and briefs filed subsequent to the judge's decision.

§ 1150.105 Final A&TBCB decision.

(a) If no appeal and exceptions to the decision of the judge are filed within the period specified in § 1150.103, such decision shall become the final decision of the A&TBCB under Section 502 of the Rehabilitation Act.

(b) Upon the filing of an appeal and exceptions of the judge's decision, the A&TBCB shall review the judge's decision and issue its own decision thereon, which shall constitute the final decision of the A&TBCB under section 502 of the Rehabilitation Act.

(c) The decisions of the A&TBCB shall contain findings of fact, conclusions of law, and the reasons therefor. The decision of the A&TBCB shall contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of the Architectural Barriers Act and the Rehabilitation Act, and may include provision for the suspension or withholding of Federal funds with respect to any building found not to be in compliance with the standards issued pursuant to the Architectural Barriers Act.

(d) The decision of the A&TBCB may affirm, modify, set aside, or remand to the judge, in whole or in part, the recommended findings, conclusions and decision of the judge, and shall be based upon the record for decision.

(e) All final decisions shall be promptly served on all parties and amicus curiae.

§ 1150.106 Judicial review.

Action taken pursuant to Section 502 of the Rehabilitation Act is subject to judicial review as provided therein. A final order of compliance affecting any Federal department, agency or instrumentality of the United States shall be final and binding on such department, agency or instrumentality.

Subpart K—Miscellaneous Provisions

§ 1150.111 Ex parte communications; conflict of interests.

(a) No person having an interest in such case shall make or cause to be made an ex parte communication to the judge or the A&TBCB with respect to such case, unless all parties and amicus curiae, to the case are given timely and adequate notice of such advice, communication, or consultation, and reasonable opportunity to respond.

(b) No member of the A&TBCB shall participate in any decision of the A&TBCB concerning a building in any proceeding to which such member's agency is a party.

§ 1150.112 Post order proceedings.

(a) Any party adversely affected by an order issued by a judge or the A&TBCB may make a motion to the judge or the A&TBCB, whichever issued the order, to have such order vacated upon a showing that the building complies with the standards issued pursuant to the Architectural Barriers Act.

(b) Notice of motion and copies of all pleadings shall be served on all parties and amicus curiae, to the original proceeding that the moving party seeks to vacate was issued. Responses to the motion to vacate shall be filed within ten (10) days after receipt of the motion unless the judge or the A&TBCB for good cause shown grants additional time to respond.

(c) Oral argument on the motion may be ordered by the judge under such terms as he may direct, consistent with the objective of securing a prompt, just, and inexpensive determination of the motion.

(d) Within ten (10) days after receipt of all answers to the motion, the judge shall issue his decision in accordance with § 1150.102.

(e) The judge's decision shall be subject to finality and reviewable by the A&TBCB in accordance with § 1150.105.

(f) Exceptions to the decision on the motion to vacate shall be filed within three (3) days after receipt of the judge's decision.

(g) By service of an order on all parties, and amicus curiae, the A&TBCB may remand motions to vacate filed with the A&TBCB to the judge.

(h) Decisions of the judge not appealed to the A&TBCB for decision under § 1150.105 shall be considered decisions of the judge for purposes of this section.

§ 1150.113 Amicable resolution.

(a) Amicable resolution is encouraged at any stage of proceedings where such resolution is consistent with the provisions and objectives of the Architectural Barriers Act and Rehabilitation Act.

(b) Agreements to amicably resolve pending proceedings shall be submitted by the parties and shall be accompanied by an appropriate proposed order.

(c) The Executive Director shall be authorized to resolve any proceeding on behalf of the A&TBCB unless otherwise specifically directed by the A&TBCB and may file appropriate stipulations or notices of discontinuance.

§ 1150.114 Effect of partial invalidity.

If any section, subsection, paragraph, sentence, clause or phrase of these regulations shall be declared invalid for any reason whatever, the remaining portions of these regulations that are severable from the invalid part shall remain in full force and effect. If a part of these regulations is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.

[FR Doc.76-16829 Filed 6-9-76;8:45 am]

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federal register

THURSDAY, JUNE 10, 1976

PART V:

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

FOREIGN INVESTMENT AND RECEIPTS AND PAYMENTS OF ROYALTIES AND FEES

Reporting Requirements

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Title 15—Commerce and Foreign Trade

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS, DEPARTMENT OF COMMERCE

PART 803—REPORTS ON FOREIGN INVESTMENT AND ON INTERNATIONAL RECEIPTS AND PAYMENTS OF ROYALTIES AND FEES

Reporting Requirements

On February 24, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 8060) changing the reporting requirements of 15 CFR, Part 803, pertaining to certain foreign business enterprises owned by U.S. persons and U.S. business enterprises owned by foreign persons. Interested persons were given until March 25, 1976, to submit written comments, suggestions, or objections. No comments were received concerning the proposed changes, which are hereby adopted. It should be noted that, in conjunction with their adoption, forms BE-578I and BE-606I for insurance companies and form BE-35 for motion picture companies are hereby rescinded. Reporters heretofore required to file these reports will now report quarterly on forms BE-577, BE-578, BE-605, or BE-606 as appropriate (see sections 803.1(a)(5), 803.1(a)(6), and 803.1(b)(3)).

The amended reporting requirements do not fall within the criteria set forth in the Department Administrative Order relating to the Inflationary Impact Statement required by Office of Management and Budget Circular No. A-17.

In addition to adoption of the proposed changes contained in the February 24, 1976 notice, pursuant to recent Office of Management and Budget guidelines to executive agencies concerning a reduction in reporting burden, we are hereby raising the exemption level concerning reporting U.S. direct investment abroad on forms BE-577, BE-577A, BE-577S, BE-578, and BE-578B. The exemption level for individual foreign subsidiaries, affiliates, or branches required to be reported is being raised from $25,000 to $500,000. (See section 803.4(a).)

The data reported for these small affiliates has become relatively insignificant and its absence will not effect the universe estimates for the various data series on U.S. direct investment abroad prepared by this Bureau.

Certain nonsubstantive language changes are also made herein. One is to reflect organizational changes involving the establishment of the International Investment Division within the Bureau of Economic Analysis. The others relate to report form BE-93 "International receipts and payments of royalties and fees," primarily a change in the title to "International transactions in royalties, licensing fees, film rentals, management fees; etc., with unaffiliated foreign residents" in order to more accurately reflect the coverage of the form.

Because of the change in the title of form BE-93 concerning royalties and fees, the title of Part 803 is being changed to "Reports on Foreign Investment and on International Transactions in Royalties and Fees."

In consideration of the above and pursuant to the authority contained in title 22, United States Code, section 286(f) and Executive Orders 10033 and 11269 the proposed reporting requirements are hereby adopted effective January 1, 1976. After giving effect to the proposed changes and the other changes detailed above, 15 CFR, Part 803, reads as set forth below.

Dated: June 2, 1976.

GEORGE JASZI,
Director,
Bureau of Economic Analysis.

PART 803—REPORTS ON FOREIGN INVESTMENT AND ON INTERNATIONAL TRANSACTIONS IN ROYALTIES AND FEES

GENERAL INSTRUCTIONS

Sec.
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AUTHORITY: R.S. 161; 5 U.S.C. 301. Interpret or apply sec. 8, 59 Stat. 515; 22 U.S.C. 286f, E.O. 10033, 14 F.R. 561, 3 CFR, 1949 Supp.

SOURCE: 27 F.R. 3846, Apr. 21, 1962, and at 40 FR 21705, May 19, 1975.

General Instructions

§ 803.1 Who must report.

(a) *United States business investments abroad*—(1) *Basic requirement.* A report is required from every corporation, partnership, individual, or any other person or closely related group of persons subject to the jurisdiction of the United States and ordinarily residing within the United States having:

(i) Ownership of 25 percent or more of the voting stock of foreign corporations, either directly or together with domestic or foreign affiliates (Forms BE-577 and BE-577S). See § 803.2(a)(1) for further detail.

(ii) Ownership of at least 10 percent, but less than 25 percent, of the voting stock of foreign corporations, or the equivalent interest in an unincorporated foreign enterprise, held either directly or together with domestic affiliates (Form BE-577A). See § 803.2(a)(1) for further detail.

(iii) Unincorporated foreign branches, or other direct foreign operations conducted by a United States incorporated enterprise or other business organization in its own name in a foreign country. This includes mining claims, oil concessions, exploration and development activities or other property held by United States persons directly or jointly with others (Form BE-578). See § 803.2(a)(1) for further detail.

(2) *Estates and trusts.* Direct foreign investments held by a domestic estate or trust, i.e., an estate or trust created under the laws of the United States or any subdivision thereof, shall be reported by the fiduciary and not by a beneficiary. Such property must be reported whether or not any beneficiary is subject to the laws of the United States or any subdivision thereof.

(3) *Persons beneficially interested in property.* If direct foreign investments beneficially owned by a person subject to the jurisdiction of the United States were held by or in the name of another, only the person having the beneficial interest shall report, except as specifically provided above regarding domestic estates and trusts.

(4) *More than one person owning an interest in the same foreign organization.* Each owner is required to report if the aggregate ownership of the affiliated persons in the foreign organization totals 25 percent or more of the voting securities. However, combined reports may be filed to cover the transactions of more than one owner. Where combined reports are filed, all owners other than the reporter(s) filing the full report remain liable for the report.

(5) *Insurance companies.* Reports for foreign branches or subsidiaries are required on Form BE-577 or BE-578 as applicable.

(6) *Motion picture companies.* United States producers or distributors of motion pictures operating in foreign countries through subsidiaries, affiliates or branches, must file quarterly reports on Form BE-577 or BE-578 as applicable. Forms BE-577S and BE-577A must be filed annually, if applicable.

(b) *Foreign business investment in the United States*—(1) *Basic requirement.* A report is required to be filed with respect to every business enterprise subject to the jurisdiction of the United States in which foreign persons, either as individuals or as affiliates hold a 10 percent or more ownership interest, or which is owned in a maner indicated in paragraph (b)(2) of this section directly or indirectly by a foreign person or persons. Such business enterprises shall include, but not be limited to, corporations, partnerships, investments in real property, leaseholds, estates, trusts, and sole proprietorships or other forms of outright individual ownership.

(2) *Foreign beneficial interest.* If the foreign-owned interest in a United States business enterprise, including commercial real property, is held, exercised, or administered by a United States estate, trust (including irrevocable trusts), nominee, agent, representative, custodian, or other intermediary of the foreign beneficial owners, such intermediary shall be responsible for reporting for the business enterprise the required information on Form BE-605, BE-606, BE-606B, or BE-607, or shall instruct the United States business enterprise in question to submit the required information. This does not relieve the United States business enterprise of responsibility for reporting if such business enterprise has knowledge of the direct or indirect foreign-owned interest, but only one report should be filed for each such enterprise. For the purposes of this report, accounts or transactions of a United States business enterprise with a United States estate, trust, nominee, or other intermediary of foreign beneficial owners shall be considered as accounts or transactions with such beneficial owners.

(3) *Insurance companies.* Reports for U.S. branches or subsidiaries of foreign insurance companies are required on Form BE-605 or BE-606 as applicable.

(4) *Consolidated reports.* If a reporter held a 10 percent or more ownership interest in other United States enterprises engaged in the same type of business and is required to report, the information requested in the reporting forms may be consolidated for such reporter and enterprises, provided all accounts are fully consolidated. A list of the enterprises included in the consolidations must be provided.

(c) *International transactions in royalties, licensing fees, film rentals, management fees, etc., with unaffiliated foreign residents.* United States individuals and firms who have entered into agreements with residents or governments of foreign countries to sell or buy outright or provide or be provided with the use of intangible assets or rights such as patents, techniques, processes, formulae, designs, trademarks, copyrights, franchises, manufacturing rights, film rentals, and other similar intangible property or rights shall report on Form BE-93.

NOTE: Oil royalties and other natural resources (mining) royalties are not reportable on this form.

§ 803.2 Forms to be used and frequency of reports.

(a) *Each reporter is required to submit reports on the following forms, as applicable.* (1) United States direct investments abroad:

Form BE-577. One Form BE-577 is to be filed quarterly for each foreign corporation directly owned by the reporter and/or its domestic and foreign affiliates to the extent of at least 25 percent of total outstanding voting stock. Where more than one domestic affiliate has transactions with, or interests in, the same foreign corporation, consolidated reports should be filed; consolidated reports may also be filed where several foreign subsidiaries operate in the same country and industry. Reports are also required for direct transactions with foreign enterprises in which 25 percent or more of the voting stock is held through primary foreign enterprises.

Form BE-578. One Form BE-578 is to be filed quarterly for each foreign branch and other direct foreign operations of American reporters, including mining claims, oil concessions held directly or jointly with others and other property such as real estate but excluding branches of banks which are reportable on Form BE-578B. Separate reports should be filed for each foreign branch. Where a reporter, or several affiliated American corporations, has (or have) branches operating in the same country, or a joint interest in one or more branches, consolidated reports may be filed.

Form BE-578B. One Form BE-578B is to be filed quarterly for each foreign branch of a United States banking institution. Separate reports should be filed for each foreign branch; consolidated reports may however be filed where a United States bank has several branches operating in the same country.

Form BE-577A. One Form BE-577A is to be filed annually covering the foreign organizations in which the reporter and its domestic affiliates own in excess of 10 percent, but less than 25 percent, of voting stock, or equivalent ownership in unincorporated foreign enterprises.

Form BE-577S. Reports covering transactions between primary and secondary foreign corporations (see § 803.6(a) for definitions) are to be filed on an annual basis. Separate reports should be filed for each secondary foreign corporation owned through a primary foreign corporation and its foreign affiliates for which the United States equity amounts to 25 percent or more of its voting securities. However, a reportable interest is deemed to exist only if the United States parent owns 50 percent or more of the voting stock of the primary foreign corporation and it in turn owns at least 50 percent of the voting stock of the secondary foreign organization. Transactions of domestic affiliated companies directly with such secondary foreign corporations should be treated as primary relationships, and are reportable on Form BE-577 on a quarterly basis. Combined reports may be filed where several secondary foreign corporations operating in the same country are owned by the same primary foreign corporation. (See also § 803.6(a)(2)).

(2) Foreign direct investments in the United States.

Form BE-605. One Form BE-605 is to be filed quarterly for each United States corporation 10 percent or more of whose voting stock is owned directly or indirectly by a foreign person(s) or organization(s) and its United States or foreign affiliates.

Form BE-606. One Form BE-606 is to be filed quarterly for each United States branch of a foreign business organization, or for leaseholds, real property or other United States unincorporated business property owned directly by a foreign person or organization but excluding branch operations in the United States of foreign banks.

Form BE-606B. One Form BE-606B is to be filed quarterly for each United States branch of a foreign banking institution. Where a foreign bank has more than one United States branch, consolidated reports may be filed.

Form BE-607. One Form BE-607 is to be filed for (i) each U.S. business enterprise newly established or acquired by a foreign person to the extent of 10 percent or more of the voting securities in a U.S. corporation or of other ownership equities in other types of U.S. organizations; (ii) an existing U.S. reporter which has not previously filed a form containing similar information (such as the BE-12) with BEA; and (i) an existing U.S. reporter whose industrial orientation has changed so that previous reports do not accurately reflect the current situation.

(3) International transactions in royalties, licensing fees, film rentals, management fees, etc., with unaffiliated foreign residents.

Form BE-93. One Form BE-93 is to be filed annually by each United States person or firm receiving from unaffiliated foreigners, or paying to unaffiliated foreigners, royalties, licensing fees, film rentals, etc., arising from the use, purchase or sale of intangible assets or rights.

(b) *Frequency of reports.* Reports on Forms BE-577S, BE-577A and BE-93 must be filed annually beginning with a report covering the calendar or fiscal year 1961; reports on Forms BE-577, BE-578, BE-578B, BE-605, BE-606 and BE-606B must be filed quarterly beginning with a report for the first calendar or fiscal quarter of 1962; Form BE-607 is to be filed as required under § 803.2(a)(2).

§ 803.3 Reporting by banks.

United States banks, including agencies of foreign banks, reporting on Forms BE-577, 577A, 577S, 578B, 605 or 606B. In order to avoid duplication of claims or liabilities reported on Treasury Foreign Exchange Forms B-1 and B-2, intercompany or branch accounts reported on the Commerce forms listed above should exclude accounts with or investments in foreign branches or subsidiaries of accounts with a foreign parent organization and its affiliates, to the extent they are included in the Treasury foreign exchange forms. However, data covering earnings, income, fees or other charges remitted or credited, or permanent investments not includible in the Treasury forms, should be reflected in the Commerce forms.

§ 803.4 Exemptions.

(a) *United States direct investments abroad*—(1) *Exemption based on value of property.* A reporter whose investment in foreign countries, at any time during the reporting period, exceeds an aggregate value of $2,000,000 based on the value of holdings of securities, equity in surplus accounts, and intercompany indebtedness or net branch investment in foreign countries, unless otherwise exempt from reporting, is required to report. Value is to be determined by the book value as carried on the books of the foreign organization converted into United States dollars. Reports for individual foreign subsidiaries, affiliates, or branches (other than banks) which are inactive, or have a book value which at no time during the reporting period exceeds $500,000, can be omitted with a note to that effect. For foreign branches of banks, reports are required if either (i) the book value exceeds $500,000 or (ii) the total assets exceed $2,000,000.

(2) Certain persons exempted regardless of the amount or kind of property. Report need not be made by any person who is within any of the following categories.

(i) Members of the Armed Forces of the United States serving outside continental United States;

(ii) Citizens of the United States who permanently reside in a foreign country;

(iii) Officers or employees of foreign governments and members of the immediate families of such persons, provided they are not citizens of the United States;

(iv) Religious bodies, charitable organizations and other nonprofit organizations, except for the interests of such groups in foreign organizations conducting business for profit.

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(b) *Foreign direct investment in the United States*—(1) *Exemption based on value.* If the value of a foreign-owned U.S. business organization exceeds $2,000,000 at any time during the reporting period, the business organization is required to report. Otherwise, the business organization (other than a U.S. branch or agency of a foreign bank) is not required to report. The value is to be determined by the book value of the foreign owner's holdings in the securities, surplus accounts, and liability accounts of the reporter. For banks, reports are required if total assets exceed $3,000,000.

(2) *Certain property exempted.* Reports are not required for foreign-owned assets in the United States not employed in connection with a United States business enterprise controlled abroad. Assets of religious bodies, charitable organizations or other non-profit organizations are exempt from reporting, except for the interest of such groups in United States enterprises primarily conducting business for profit. Real or personal property acquired for personal use or occupancy by a foreign owner is exempt from reporting. However, interests in real property in the United States acquired for business purposes by a foreign owner must be reported, except as otherwise exempted by this section.

(c) *International transactions in royalties, licensing fees, film rentals, management fees, etc., with unaffiliated foreign residents.* Reports on Form BE–93 are not required if the respondent's annual foreign receipts and payments, combined, of the types covered by the form, are less than $15,000 in the year covered by the report.

§ 803.5 General definitions.

For the purpose of these reports, the following definitions are prescribed:

(a) *Person.* "Person" shall include an individual, partnership, association, corporation, estate or trust or other organization.

(b) *Person subject to the jurisdiction of the United States.* (1) Any person ordinarily residing in the United States.

(2) Any corporation or other organization created or organized under the laws of the United States or any State, territory, district, or possession thereof.

(3) Any other resident of the United States including branches of foreign organizations, real property, leaseholds, sole proprietorships and partnerships.

(c) *United States.* United States shall mean the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) *Foreign.* Foreign shall mean subject to the jurisdiction of a country other than the United States, and when applied to persons shall also mean not ordinarily residing within the United States.

(e) *Affiliates.* (1) Any group of persons who ordinarily exercise their voting rights in a business organization as a unit.

(2) In relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities thereof.

(3) As to any other organization, any person who owns or controls 10 percent or more of the comparable ownership rights therein.

Any corporation or other business organization of which a person was an affiliate also shall be deemed to be affiliates of each other.

(f) *Control or controlling interest.* Control or controlling interest shall mean, for the statistical purposes of these reports, the direct ownership and/or indirect ownership through intermediaries or affiliates of 25 percent or more of the voting securities of a corporation or of other ownership equities in other types of organizations. Indirect control should be deemed to exist only if the United States parent owns 50 percent or more of the voting stock of the primary foreign corporation and it in turn owns at least 50 percent of the voting stock of the secondary foreign corporation.

(g) *Parent.* Parent shall mean any person or affiliated group of persons directly owning 10 percent or more of the voting securities of a corporation or of other ownership equities in other types of organizations. In some cases, there may be more than one parent.

§ 803.6 Specific definitions.

(a) *Terms relating to the reporting of United States direct investments abroad.* (1) Primary foreign organizations shall include the following organizations located in or under the jurisdiction of a foreign country:

(i) Any foreign corporation of which—

(A) The reporting organization owns 25 percent or more of the voting securities, or

(B) The reporting organization owns less than 25 percent of the voting securities but affiliates, either domestic or foreign, or the reporting organization own additional voting securities which when added to the amount owned by the reporting organization total 25 percent or more, or

(C) The reporting organization owns none of the voting securities but does own bonds, notes, or other certificates of indebtedness or has direct dealings by exchange of merchandise or rendering services, and 25 percent or more of the voting securities are owned by affiliates (domestic or foreign) of the reporting organization.

(ii) Any partnership in which a person subject to the jurisdiction of the United States is one of the partners, whether general, special, limited, or otherwise.

(iii) Branch: The interest of any person subject to the jurisdiction of the United States in property in any foreign country allocated to or held in the name or for the use of any branch, depot, or office outside of the United States maintained by such person for the transaction of any of his business. Foreign operations conducted by United States corporations in their own names and not through foreign incorporated companies are to be reported as branch operations.

(iv) Any business enterprise or real property owned outright by a resident of the United States.

(2) "Secondary foreign organization" shall include the following organizations:

(i) A foreign organization allied with the reporter through the ownership of at least 50 percent of its voting securities or other certificates of ownership by a primary foreign organization, which in turn is owned by the reporting organization to the extent of at least 50 percent of its voting stock, giving the U.S. reporter an ownership of at least 25 percent of the secondary foreign organization.

(ii) Branches of primary foreign organizations located in countries other than the primary organization have to be reported separately. However, branches or subsidiaries of a primary foreign organization located in the same country and engaged in the same type of business as the primary organization may be combined and one report submitted covering the activities of all of these organizations. The report must be a consolidated report showing the total activities of all organizations and not a report of the primary organization showing only the investment of the primary in the secondary organizations. Provide a list of all organizations included in such consolidations.

(3) "Associated" foreign organization: The ownership of at least 10 percent but less than 25 percent of the voting securities of a corporation, or an equivalent interest in an unincorporated foreign organization, held directly by the reporter and its United States affiliates, shall constitute association with that organization for the purposes of these reports. Note that separate reports are required for each "associated foreign organization." (When the ownership of the foreign organization is 25 percent or more, either entirely by the reporter or in conjunction with affiliates, the foreign organization must be reported on Form BE–577.)

(b) *Terms relating to the reporting of foreign direct investment in the United States.* (1) "Branch" shall mean an unincorporated business enterprise subject to the jurisdiction of the United States controlled by a foreign person or organization, including all assets or liabilities connected with the operations of such a branch.

(2) "Reporter" shall mean the business enterprise for which a report is required. If the enterprise is in the nature of a leasehold or real property not identifiable by name, the report may be filed on behalf of the reporter by an

agent or representative of the foreign beneficial owner or by such owner.

§ 803.7 Estimates.

Every question on the reporting forms which a reported is required to use in rendering his report must be answered. If the information is not available as specified in the form, a reasonable estimate should be entered, labeled as such. If there is no basis for such an estimate, state, "unknown" with an appropriate explanation. However, if and when the information becomes available, a supplementary report must be filed promptly with a full explanation.

§ 803.8 Space not needed.

Space not needed or inapplicable for supplying requested information should be left entirely bank. When there is nothing to report under any question state "no" or "none."

§ 803.9 Special filing procedures.

When data specified on the reporting forms are not available to the reporter, or when consolidation beyond that specifically provided for above would reduce reporting burden without loss of significant information, the reporter may apply to the International Investment Division of the Bureau of Economic Analysis, United States Department of Commerce, for consideration of the specific problem concerning all the forms except Form BE–93. Problems concerning Form BE–93 should be addressed to the Balance of Payments Division, of the Bureau of Economic Analysis.

§ 803.10 Number of reports.

Only the original report should be filed.

§ 803.11 Time and place of filing reports.

Reports on Forms BE–577, BE–578, BE–578B, BE–605, BE–606 and BE–606B shall be filed on a quarterly basis within 30 days of the close of the calendar or fiscal period used by the reporter except for the final quarter of the calendar or fiscal year when reports may be filed within 45 days. Reports on Form BE–577S, BE–577A, and BE–93 shall be filed on an annual basis within 90 days of the close of the calendar or fiscal year. Form BE–607 should be filed along with the related form which the U.S. reporter is required to file.

All reports except Form BE–93 should be sent to the Department of Commerce, Bureau of Economic Analysis, BE–50, Washington, D.C. 20230. Form BE–93 should be sent to the Department of Commerce, Bureau of Economic Analysis, BE–58, Washington, D.C. 20230. If additional time is needed to prepare the reports, a request for an extension of time should be addressed to the appropriate office listed above.

§ 803.12 Information regarding preparation of reports.

Anyone desiring information concerning these reports, or copies of forms, except form BE–93, may apply directly to the United States Department of Commerce, Bureau of Economic Analysis, BE–50, Washington, D.C. 20230. For form BE–93, application should be to the United States Department of Commerce, Bureau of Economic Analysis, BE–58, Washington, D.C. 20230. Each reporting form contains the specific instructions needed for completion.

[FR Doc.76–16874 Filed 6–9–76;8:45 am]

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THURSDAY, JUNE 10, 1976

PART VI:

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

METAL AND NONMETALLIC MINES

Miscellaneous Mandatory Health and Safety Standards

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Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for metal and nonmetallic mines, a notice of proposed rulemaking was published on Thursday, September 25, 1975, in Part III of the FEDERAL REGISTER (40 FR 44272–44275) to amend Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations by revising certain existing standards, by revising certain advisory standards to make them mandatory, and by adding new mandatory standards. Each of the standards and actions contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which was to be a mandatory standard was designated by the word "Mandatory" at the beginning of the standard and if the mandatory standard had been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, the standard is preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC ____."

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)), on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health or safety standard which was designated as a mandatory standard under subsection (b) and (c) of section 6 of the Act (30 U.S.C. 725 (b) and (c)) and which had not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary written objections stating the grounds for such objections and requesting a public hearing subject to the provisions of the Administrative Procedure Act (5 U.S.C. 556, 557) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to a public hearing.

Interested persons were requested to submit written data, views, arguments, and objections, including a request for a public hearing, to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, on or before November 6, 1975. By a notice published in the FEDERAL REGISTER on Tuesday, November 4, 1975 (40 FR 51202) the period of time for the submission and filing of comments, objections and requests for public hearing was extended to and including Friday, December 5, 1975.

Written comments, data, views, arguments, suggestions, objections and requests for public hearing on proposed standards subject to a public hearing were timely received. In some instances requests for a public hearing were made on proposed standards which had been recommended to be mandatory by the Advisory Committee. The requests for public hearing made on standards which are not subject to a public hearing are denied.

The standards which are promulgated below are proposed standards which were not subject to a public hearing, or standards on which no comments were received. Pursuant to section 6(d) of the Act a notice, specifying proposed mandatory standards subject to a public hearing and to which objections and the grounds for such objections have been timely filed, has been or will be published in the FEDERAL REGISTER and a hearing held thereon at a time and place specified in such notice.

The comments, views, and suggestions which were received have been fully and carefully considered. Action is being withheld at this time on a number of proposed standards and proposed revocation of standards which are not subject to a public hearing, particularly those with respect to explosives, because of the interrelation with proposed standards on which hearings have been requested and on which hearings are to be held. However, there are some explosives standards which are being promulgated at this time which are not related to requests for hearing or which will not be affected by a hearing. In consideration of comments and suggestions received some revisions have been made in standards as proposed and recommended to be mandatory by the Advisory Committee. Standard 55.6–93 has been revised for clarity and intent to provide that where there is an obstruction in a borehole the obstruction shall be cleared before the hole is charged. In standard 55.9–49 the requirement of a red light or red flag on loads projecting from the sides or rear of vehicles has been revised to require a warning light or warning flag without specifying the color. Standard 55.9–66 has been revised to permit the use of a cable to move equipment on a different track.

Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended as set forth below.

Effective date: The amendments, revisions, and revocation of standards shall be effective on July 15, 1976.

Dated: June 4, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended and revised as follows:

§ 55.4 [Amended]

1. Advisory standard 55.4–24 is made mandatory and revised to read as follows:

55.4–24 Mandatory. Fire extinguishers and fire suppression devices shall be:
(a) Of the appropriate type for the particular fire hazard involved.
(b) Adequate in number and size for the particular fire hazard involved.
(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.
(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.
(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

2. Advisory standard 55.4–27 is renumbered 55.4–39 and standard number 55.4–27 is reserved. 55.4–27 [Reserved]

3. New mandatory standard 55.4–28 is added to read as follows:

55.4–28 Mandatory. Welding, cutting, arc welding or soldering shall be performed by a competent person.

4. New mandatory standard 55.4–35 is added to read as follows:

55.4–35 Mandatory. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filled with water.

5. Advisory standard 55.4–12 is renumbered 55.4–49 and standard number 55.4–12 is reserved. 55.4–12 [Reserved]

§ 55.5 [Amended]

1. A new center heading entitled "Air Quality" is added immediately below the heading of § 55.5 and preceding standard 55.5–1.

2. A new center heading entitled "Physical Agents" is added preceding standard 55.5–50.

§ 55.6 [Amended]

1. Advisory standard 55.6–49 is revoked and standard number 55.6–49 is reserved. 55.6–49 [Reserved]

2. New mandatory standard 55.6–93 is added to read as follows:

55.6–93 Mandatory. Boreholes shall be cleared of obstructions before charging.

3. Mandatory standard 55.6–100 is revised to read as follows:

55.6–100 Mandatory. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be nonsparking materials.

4. Advisory standard 55.6–136 is made mandatory and revised to read as follows:

55.6–136 Mandatory. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

§ 55.9 [Amended]

D. § 55.9 Loading, hauling, dumping is amended as follows:

1. Mandatory standard 55.9–9 is revised to read as follows:

55.9–9 Mandatory. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

2. Advisory standard 55.9–17 is made mandatory and revised to read as follows:

55.9–17 Mandatory. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

3. Advisory standard 55.9–19 is made mandatory and revised to read as follows:

55.9–19 Mandatory. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

4. Advisory standard 55.9–21 is revoked and standard number 55.9–21 is reserved. 55.9–21 [Reserved]

5. New mandatory standard 55.9–26 is added to read as follows:

55.9–26 Mandatory. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

6. Mandatory standard 55.9–37 is revised to read as follows:

55.9–37 Mandatory. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

7. Mandatory standard 55.9–33 is revoked and standard number 55.9–33 is reserved. 55.9–33 [Reserved]

8. Mandatory standard 55.9–40 is revised to read as follows:

55.9–40 Mandatory. Men shall not be transported:
(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.
(b) On top of loaded haulage equipment.
(c) Otuside the cabs and beds of mobile equipment, except trains.
(d) Between cars of trains.
(e) In conveyances equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

9. Advisory standard 55.9–42 is made mandatory and revised to read as follows:

55.9–42 Mandatory. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

10. Mandatory standard 55.9–43 is revoked and standard number 55.9–43 is reserved. 55.9–43 [Reserved]

11. Advisory standard 55.9–49 is made mandatory and revised to read as follows:

55.9–49 Mandatory. When in the dark or under conditions of limited visibility, all vehicles carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a warning light at the end of the projection; or in the light, a warning flag not less than 12 inches square shall be displayed at the end of the projection.

12. Advisory standard 55.9–53 is made mandatory and revised to read as follows:

55.9–53 Mandatory. Water, debris or spilled material which create hazards to moving equipment shall be removed.

13. Advisory standard 55.9–55 is made mandatory and revised to read as follows:

55.9–55 Mandatory. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

14. Advisory standard 55.9–65 is made mandatory and revised to read as follows:

55.9–65 Mandatory. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

15. New mandatory standard 55.9–66 is added to read as follows:

55.9–66 Mandatory. When a locomotive on one track is used to move equipment on a different track, a suitable chain, cable, or drawbar shall be used.

16. Advisory standard 55.9–71 is made mandatory and revised to read as follows:

55.9–71 Mandatory. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

17. Advisory standard 55.9–84 is revoked and standard number 55.9–84 is reserved. 55.9–84 [Reserved]

18. Mandatory standard 55.9–85 is revised to read as follows:

55.9–85 Mandatory. Tools, materials and equipment shall not be transported with persons in vehicles, rail cars, and other conveyances unless means have been provided to make such transportation safe.

19. Advisory standard 55.9–86 is revoked and standard number 55.9–86 is reserved. 55–9–86 [Reserved]

20. Advisory standard 55.9–4 is renumbered 55.9–87 and is made mandatory and revised to read as follows:

55.9–87 Mandatory. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

21. Standard number 55.9–4 is reserved. 55.9–4 [Reserved]

§ 55.19 [Amended]

1. Advisory standard 55.19–22 is made mandatory and revised to read as follows:

55.19–22 Mandatory. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

2. Advisory standard 55.19–23 is revoked and standard number 55.19–23 is reserved. 55.19–23 [Reserved]

3. Advisory standard 55.19–63 is made mandatory and revised to read as follows:

55.19–63 Mandatory. Only authorized persons shall be in hoist rooms.

4. Advisory standard 55.19–95 is made mandatory and revised to read as follows:

55.19–95 Mandatory. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

4. Advisory standard 55.19–103 is made mandatory and revised to read as follows:

55.19–103 Mandatory. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

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PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, CRUSHED STONE OPERATIONS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for metal and nonmetallic mines, a notice of proposed rulemaking was published on Thursday, September 25, 1975, in Part III of the FEDERAL REGISTER (40 FR 44275–44278) to amend Part 56, subchapter N, Chapter I, Title 30, Code of Federal Regulations by revising certain existing standards, by revoking certain standards, by revising certain advisory standards to make them mandatory, and by adding new mandatory standards. Each of the standards and actions contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which was to be a mandatory standard was designated by the word "Mandatory" at the beginning of the standard and if the mandatory standard had been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, the standard is preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC ____."

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of sub-

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section (d) of section 6 of the Act (30 U.S.C. 725(d)), on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health or safety standard which was designated as a mandatory standard under subsection (b) and (c) of section 6 of the Act (30 U.S.C. 725(b) and (c)) and which had not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary written objections stating the grounds for such objections and requesting a public hearing subject to the provisions of the Administrative Procedure Act (5 U.S.C. 556, 557) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to a public hearing.

Interested persons were requested to submit written data, views, arguments, and objections, including a request for a public hearing, to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, on or before November 6, 1975. By a notice published in the FEDERAL REGISTER on Tuesday, November 4, 1975 (40 FR 51202) the period of time for the submission and filing of comments, objections and requests for public hearing was extended to and including Friday, December 5, 1975.

Written comments, data, views, arguments, suggestions, objections and requests for public hearing on proposed standards subject to a public hearing were timely received. In some instances requests for a public hearing were made on proposed standards which had been recommended to be mandatory by the Advisory Committee. The requests for public hearing made on standards which are not subject to a public hearing are denied.

The standards which are promulgated below are proposed standards which were not subject to a public hearing, or standards on which no comments were received. Pursuant to section 6(d) of the Act a notice specifying proposed mandatory standards subject to a public hearing and to which objections and the grounds for such objections have been timely filed, has been or will be published in the FEDERAL REGISTER and a hearing held thereon at a time and place specified in such notice.

The comments, views, and suggestions which were received have been fully and carefully considered. Action is being withheld at this time on a number of proposed standards and proposed revocation of standards which are not subject to a public hearing, particularly those with respect to explosives, because of the interrelation with proposed standards on which hearings have been requested and on which hearings are to be held. However, there are some explosives standards which are being promulgated at this time which are not related to requests for hearing or which will not be affected by a hearing. In consideration of comments and suggestions received some revisions have been made in standards as proposed and recommended to be mandatory by the Advisory Committee. Standard 56.6–93 has been revised for clarity and intent to provide that where there is an obstruction in a borehole the obstruction shall be cleared before the hole is charged. In standard 56.9–49 the requirement of a red light or red flag on loads projecting from the sides or rear of vehicles has been revised to require a warning light or warning flag without specifying the color. Standard 56.9–66 has been revised to permit the use of a cable to move equipment on a different track.

Part 56, subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended as set forth below.

Effective date: The amendments, revisions, and revocation of standards shall be effective on July 15, 1976.

Dated: June 4, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

Part 56, subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended and revised as follows:

§ 56.4 [Amended]

1. Advisory standard 56.4–24 is made mandatory and revised to read as follows:

56.4–24 Mandatory. Fire extinguishers and fire suppression devices shall be:
(a) Of the appropriate type of the particular fire hazard involved.
(b) Adequate in number and size for the particular fire hazard involved.
(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.
(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.
(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

2. Advisory standard 56.4–27 is renumbered 56.4–39 and standard number 56.4–27 is reserved. 56.4–27 [Reserved]

3. New mandatory standard 56.4–28 is added to read as follows:

56.4–28 Mandatory. Welding, cutting, arc welding or soldering shall be performed by a competent person.

4. New mandatory standard 56.4–35 is added to read as follows:

56.4–35 Mandatory. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filled with water.

5. Advisory standard 56.4–12 is renumbered 56.4–49 and standard number 56.4–12 is reserved. 56.4–12 [Reserved]

§ 56.5 [Amended]

1. A new center heading entitled "Air Quality" is added immediately below the heading of § 56.5 and preceding standard 56.5–1.

2. A new center heading entitled "Physical Agents" is added preceding standard 56.5–50.

§ 56.6 [Amended]

1. Advisory standard 56.6–49 is revoked and standard number 56.6–49 is reserved. 56.6–49 [Reserved]

2. New mandatory standard 56.6–93 is added to read as follows:

56.6–93 Mandatory. Boreholes shall be cleared of obstructions before charging.

3. Mandatory standard 56.6–100 is revised to read as follows:

56.6–100 Mandatory. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be nonsparking materials.

4. Advisory standard 56.6–136 is made mandatory and revised to read as follows:

56.6–136 Mandatory. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

§ 56.9 [Amended]

1. Mandatory standard 56.9–9 is revised to read as follows:

56.9–9 Mandatory. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

2. Advisory standard 56.9–17 is made mandatory and revised to read as follows:

56.9–17 Mandatory. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

3. Advisory standard 56.9–19 is made mandatory and revised to read as follows:

56.9–19 Mandatory. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

4. Advisory standard 56.9–21 is revoked and standard number 56.9–21 is reserved. 56.9–21 [Reserved]

5. New mandatory standard 56.9–26 is added to read as follows:

56.9–26 Mandatory. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

6. Mandatory standard 56.9–37 is revised to read as follows:

56.9–37 Mandatory. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

7. Mandatory standard 56.9–33 is revoked and standard number 56.9–33 is reserved. 56.9–33 [Reserved]

8. Mandatory standard 56.9–40 is revised to read as follows:

56.9–40 Mandatory. Men shall not be transported:
(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.
(b) On top of loaded haulage equipment.
(c) Outside the cabs and beds of mobile equipment, except trains.
(d) Between cars of trains.
(e) In conveyances equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

9. Advisory standard 56.9–42 is made mandatory and revised to read as follows:

56.9–42 Mandatory. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

10. Mandatory standard 56.9–43 is revoked and standard number 56.9–43 is reserved. 56.9–43 [Reserved]

11. Advisory standard 56.9–49 is made mandatory and revised to read as follows:

56.9–49 Mandatory. When in the dark or under conditions of limited visibility, all vehicles carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a warning light at the end of the projection; or in the light, a warning flag not less than 12 inches square shall be displayed at the end of the projection.

12. Advisory standard 56.9–53 is made mandatory and revised to read as follows:

56.9–53 Mandatory. Water, debris or spilled material which create hazards to moving equipment shall be removed.

13. Advisory standard 56.9–55 is made mandatory and revised to read as follows:

56.9–55 Mandatory. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

14. Advisory standard 56.9–65 is made mandatory and revised to read as follows:

56.9–65 Mandatory. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

15. New mandatory standard 56.9–66 is added to read as follows:

56.9–66 Mandatory. When a locomotive on one track is used to move equipment on a different track, a suitable chain, cable, or drawbar shall be used.

16. Advisory standard 56.9–71 is made mandatory and revised to read as follows:

56.9–71 Mandatory. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

17. Advisory standard 56.9–84 is revoked and standard number 56.9–84 is reserved. 56.9–84 [Reserved]

18. Mandatory standard 56.9–85 is revised to read as follows:

56.9–85 Mandatory. Tools, materials and equipment shall not be transported with persons in vehicles, rail cars, and other conveyances unless means have been provided to make such transportation safe.

19. Advisory standard 56.9–86 is revoked and standard number 56.9–86 is reserved. 56.9–86 [Reserved]

20. Advisory standard 56.9–4 is renumbered 56.9–87 and is made mandatory and revised to read as follows:

56.9–87 Mandatory. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

21. Standard number 56.9–4 is reserved. 56.9–4 [Reserved]

§ 56.19 [Amended]

1. Advisory standard 56.19–22 is made mandatory and revised to read as follows:

56.19–22 Mandatory. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

2. Advisory standard 56.19–23 is revoked and standard number 56.19–23 is reserved. 56.19–23 [Reserved]

3. Advisory standard 56.19–63 is made mandatory and revised to read as follows:

56.19–63 Mandatory. Only authorized persons shall be in hoist rooms.

4. Advisory standard 56.19–95 is made mandatory and revised to read as follows:

56.19–95 Mandatory. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

4. Advisory standard 56.19–103 is made mandatory and revised to read as follows:

56.19–103 Mandatory. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

[FR Doc.76–16800 Filed 6–9–76;8:45 am]

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for metal and nonmetallic mines, a notice of proposed rulemaking was published on Thursday, September 25, 1975, in Part III of the FEDERAL REGISTER (40 FR 44279–44285) to amend Part 57, subchapter N, Chapter I, Title 30, Code of Federal Regulations by revising certain existing standards, by revoking certain standards, by revising certain advisory standards to make them mandatory, and by adding new mandatory standards. Each of the standards and actions contained in the notice was developed or revised after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

The notice further provided that each proposed standard which was to be a mandatory standard was designated by the word "Mandatory" at the beginning of the standard and if the mandatory standard had been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee, the standard is preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC ____."

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)), on or before the last day of the period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health or safety standard which was designated as a mandatory standard under subsection (b) and (c) of section 6 of the Act (30 U.S.C. 725 (b) and (c)) and which had not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee, was afforded an opportunity to file with the Secretary written objections stating the grounds for such objections and requesting a public hearing subject to the provisions of the Administrative Procedure Act (5 U.S.C. 556, 557) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to a public hearing.

Interested persons were requested to submit written data, views, arguments, and objections, including a request for a public hearing, to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, on or before November 6, 1975. By a notice published in the FEDERAL REGISTER on Tuesday, November 4, 1975 (40 FR 51202) the period of time for the submission and filing of comments, objections and requests for public hearing was extended to and including Friday, December 5, 1975.

Written comments, data, views, arguments, suggestions, objections and requests for public hearing on proposed standards subject to a public hearing were timely received. In some instances requests for a public hearing were made on proposed standards which had been recommended to be mandatory by the Advisory Committee. The requests for

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public hearing made on standards which are not subject to a public hearing are denied.

The standards which are promulgated below are proposed standards which were not subject to a public hearing, or standards on which no comments were received. Pursuant to section 6(d) of the Act a notice, specifying proposed mandatory standards subject to a public hearing and to which objections and the grounds for such objections have been timely filed, has been or will be published in the FEDERAL REGISTER and a hearing held thereon at a time and place specified in such notice.

The comments, views, and suggestions which were received have been fully and carefully considered. Action is being withheld at this time on a number of proposed standards and proposed revocation of standards which are not subject to a public hearing, particularly those with respect to explosives, because of the interrelation with proposed standards on which hearings have been requested and on which hearings are to be held. However, there are some explosives standards which are being promulgated at this time which are not related to requests for hearing or which will not be affected by a hearing. In consideration of comments and suggestions received some revisions have been made in standards as proopsed and recommended to be mandatory by the Advisory Committee. As proposed, paragraph (e) of standard 57.5–31 would require both audible and visual warning devices on mechanically operated ventilation doors. The Advisory Committee recommended the use of either audible or visual warning devices. The word "and" was inadvertently used in proposed paragraph (e) and has been changed to "or" to accurately reflect the intention and recommendation of the Advisory Committee. Standard 57.6–93 has been revised for clarity and intent to provide that where there is an obstruction in a borehole the obstruction shall be cleared before the hole is charged. In standard 57.9–49 the requirement of a red light or red flag on loads projecting from the sides or rear of vehicles has been revised to require a warning light or warning flag without specifying the color. Standard 57.9–66 has been revised to permit the use of a cable to move equipment on a different track.

Part 57, subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended as set forth below.

Effective date: The amendments, revisions, and revocation of standards shall be effective on July 15, 1976.

Dated: June 4, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended and revised as follows:

§ 57.4 [Amended]

1. Advisory standard 57.4–24 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.4–24 Mandatory. Fire extinguishers and fire suppression devices shall be:
(a) Of the appropriate type for the particular fire hazard involved.
(b) Adequate in number and size for the particular fire hazard involved.
(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.
(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.
(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

2. Advisory standard 57.4–27 is renumbered 57.4–39 and standard number 57.4–27 is reserved. 57.4–27 [Reserved]

3. New mandatory standard 57.4–28 which is applicable to surface and underground is added to read as follows:

57.4–28 Mandatory. Welding, cutting, arc welding or soldering shall be performed by a competent person.

4. New mandatory standard 57.4–35 which is applicable to surface and underground is added to read as follows:

57.4–35 Mandatory. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filled with water.

5. Advisory standard 57.4–12 is renumbered 57.4–49 and is made applicable to surface only. Standard number 57.4–12 is reserved. 57.4–12 [Reserved]

6. New mandatory standard 57.4–50 which is applicable to underground only is added to read as follows:

57.4–50 Mandatory. All flammable and combustible waste materials, grease, lubricants or flammable liquids shall not be allowed to accumulate where they can create a fire hazard.

7. Reserved standard number 57.4–39 is transferred to immediately follow the center subheading "Surface Only" and immediately preceding standard number 57.4–40. Advisory standard number 57.4–27 is renumbered 57.4–39 and shall be applicable to surface only. The revisions will read as follows:

* * * * *

SURFACE ONLY

57.4–39. Suitable fire extinguishers should be provided on self-propelled mobile equipment with enclosed cabs.

8. New mandatory standard 57.4–85 which is applicable to underground only is added to read as follows:

57.4–85 Mandatory. Stationary diesel equipment shall not be supported on a combustible base.

9. New mandatory standard 57.4–86 which is applicable to underground only is added to read as follows:

57.4–86 Mandatory. Stationary diesel equipment shall be provided with a thermal sensor which automatically stops the diesel engine should overheating occur.

§ 57.5 [Amended]

1. A new center heading entitled "Air Quality" is added immediately below the heading of § 57.5 and immediately preceding the present center heading entitled "General—Surface and Underground."

2. Advisory standard 57.5–15 which is applicable to underground only is made mandatory and revised to read as follows:

57.5–15 Mandatory. Air in all active workings shall contain at least 19.5 volume percent oxygen.

3. New center subheadings are added and reserved standard numbers are established as follows:

(a) The entry "57.5–16 through 57.5–19 [Reserved]" is revised to read "57.5–16 through 57.5–17 [Reserved]."

(b) A new center subheading entitled "General-Surface and Underground" is added immediately below the center heading entitled "Ventilation" which follows reserved standard numbers 57.5–16 and 57.5–17. Reserved standard number 57.5–18 is revoked and a new series of reserved standard numbers 57.5–18A through 57.5–18Z are established and added under the new center subheading entitled "General-Surface and Underground."

(c) A new center subheading entitled "Surface Only" is added immediately preceding the present center subheading entitled "Underground Only." Reserved standard number 57.5–19 is revoked and a new series of reserved standard numbers 57.5–19A through 57.5–19Z are established and added under the new center subheading "Surface Only."

As revised the reserved standard numbers and center and subheadings will read as follows:

* * * * *

57.5–16 through 57.5–17 [Reserved]

VENTILATION

GENERAL—SURFACE AND UNDERGROUND

57.5–18A through 57.5–18Z [Reserved]

SURFACE ONLY

57.5–19A through 57.5–19Z [Reserved]

UNDERGROUND ONLY

* * * * *

4. New mandatory standard 57.5–31 which is applicable to underground only is added to read as follows:

57.5–31 Mandatory. Ventilation doors shall be:
(a) Substantially constructed.
(b) Covered with fire-retardant material, if constructed of wood.
(c) Maintained in good condition.
(d) Self-closing, if manually operated.
(e) Equipped with audible or visual warning devices, if mechanically operated.

5. New mandatory standard 57.5–32 which is applicable to underground only is added to read as follows:

57.5–82 Mandatory. When ventilation control doors are opened as a part of the normal mining cycle, they shall be closed as soon as possible to re-establish normal ventilation to working places.

6. Mandatory standard 57.5–38 which is applicable to underground only is revised to read as follows:

57.5–38 Mandatory. No person shall be permitted to receive an exposure in excess of 4 WLM in any calendar year.

7. Mandatory standard 57.5–39 which is applicable to underground only is revised to read as follows:

57.5–39 Mandatory. Except as provided by standard 57.5–5, persons shall not be exposed to air conditioning concentrations of radon daughters exceeding 1.0 WL in active workings.

8. Mandatory standard 57.5–41 which is applicable to underground only is revised to read as follows:

57.5–41 Mandatory. Smoking shall be prohibited in all areas of a mine where exposure records are required to be kept in compliance with standard 57.5–40.

9. A new center heading and new center subheading are added immediately preceding standard 57.5–50 as follows:

PHYSICAL AGENTS

GENERAL—SURFACE AND UNDERGROUND

§ 57.6 [Amended]

1. Advisory standard 57.6–49 is revoked and standard number 57.6–49 is reserved. 57.6–49 [Reserved]

2. Advisory standard 57.6–179 is renumbered 57.6–93 which is applicable to surface and underground and is made mandatory and revised to read as follows:

57.6–93 Mandatory. Boreholes shall be cleared of obstructions before charging.

3. Standard number 57.6–179 is reserved. 57.6–179 [Reserved]

4. Mandatory standard 57.6–100 which is applicable to surface and underground is revised to read as follows:

57.6–100 Mandatory. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be of nonsparking materials.

5. Advisory standard 57.6–136 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.6–136 Mandatory. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

6. Advisory standard 57.6–197 is revoked and standard number 57.6–197 is reserved. 57.6–197 [Reserved]

§ 57.9 [Amended]

1. Mandatory standard 57.9–9 which is applicable to surface and underground is revised to read as follows:

57.9–9 Mandatory. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

2. Advisory standard 57.9–17 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–17 Mandatory. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

3. Advisory standard 57.9–19 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–19 Mandatory. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

4. Advisory standard 57.9–21 is revoked and standard number 57.9–21 is reserved. 57.9–21 [Reserved]

5. Advisory standard 57.9–100 is renumbered 57.9–26 and is made mandatory and applicable to both surface and underground and is revised to read as follows:

57.9–26 Mandatory. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

6. Standard number 57.9–100 is reserved. 57.9–100 [Reserved]

7. Mandatory standard 57.9–33 is revoked and standard number 57.9–33 is reserved. 57.9–33 [Reserved]

8. Mandatory standard 57.9–37 which is applicable to surface and underground is revised to read as follows:

57.9–37 Mandatory. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

9. Advisory standard 57.9–38 is revoked and standard number 57.9–38 is reserved. 57.9–38 [Reserved]

10. Mandatory standard 57.9–40 which is applicable to surface and underground is revised to read as follows:

57.9–40 Mandatory. Men shall not be transported:
(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.
(b) On top of loaded haulage equipment.
(c) Outside the cabs and beds of mobile equipment, except trains.
(d) Between cars of trains.
(e) In conveyances equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

11. Advisory standard 57.9–42 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–42 Mandatory. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

12. Mandatory standard 57.9–43 is revoked and standard number 57.9–43 is reserved. 57.9–43 [Reserved]

13. Advisory standard 57.9–44 is revoked and standard number 57.9–44 is reserved. 57.9–44 [Reserved]

14. Advisory standard 57.5–49 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–49 Mandatory. When in the dark or under conditions of limited visibility, all vehicles carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a warning light at the end of the projection; or in the light, a warning flag not less than 12 inches square shall be displayed at the end of the projection.

15. Advisory standard 57.9–53 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–53 Mandatory. Water, debris, or spilled material which create hazards to moving equipment shall be removed.

16. Advisory standard 57.9–55 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–55 Mandatory. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

17. Advisory standard 57.9–65 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–65 Mandatory. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

18. Advisory standard 57.9–66 which is applicable to surface and underground is made mandatory and revised to read as follows:

57.9–66 Mandatory. When a locomotive on one track is used to move equipment on a different track, a suitable chain, cable, or drawbar shall be used.

19. Advisory standard 57.9–84 is renumbered 57.9–71 and is made mandatory and applicable to both surface and underground and revised to read as follows:

57.9–71 Mandatory. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

20. Standard number 57.9–84 is reserved. 57.9–84 [Reserved]

21. Mandatory standard 57.9–85 which is applicable to surface only is revised to read as follows:

57.9–85 Mandatory. Tools, materials and equipment shall not be transported with persons in rail cars and other vehicles and conveyances unless means have been provided to make such transportation safe.

22. Advisory standard 57.9–86 is revoked and standard number 57.9–86 is reserved. 57.9–86 [Reserved]

23. Advisory standard 57.9–4 is renumbered 57.9–87 and is made mandatory and applicable to surface only and is revised to read as follows:

57.9–87 Mandatory. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

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24. Advisory standard number 57.9–4 is reserved. 57.9–4 [Reserved]

25. Advisory standard 57.9–96 which is applicable to underground only is made mandatory and is revised to read as follows:

57.9–96 Mandatory. Tools or materials, except properly located and secured rerailing devices, shall not be carried on top of locomotives. Tools or materials shall not be carried in the cab if they would interfere with the operation of the locomotive.

26. Advisory standard 57.9–109 is revoked and standard number 57.9–109 is reserved. 57.9–109 [Reserved]

27. Advisory standard 57.9–111 which is applicable to underground only is made mandatory and revised to read as follows:

57.9–111 Mandatory. Shelter holes shall be at least 4-feet wide, marked conspicuously with lights or reflective signs or reflective tape or reflectors or luminous paint, provide a minimum of 40-inch clearance from the farthest projection of moving equipment, and shall not be used for storage of timber, tools, or other materials unless a 40-inch clearance is maintained.

28. Mandatory standard 57.9–117 is revoked and standard number 57.9–117 is reserved. 57.9–117 [Reserved]

§ 57.19 [Amended]

1. Advisory standard 57.19–22 is made mandatory and revised to read as follows:

57.19–22 Mandatory. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

2. Advisory standard 57.19–23 is revoked and standard number 57.19–23 is reserved. 57.19–23 [Reserved]

3. Advisory standard 57.19–63 is made mandatory and revised to read as follows:

57.19–63 Mandatory. Only authorized persons shall be in hoist rooms.

4. Advisory standard 57.19–95 is made mandatory and revised to read as follows:

57.19–95 Mandatory. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

5. Advisory standard 57.19–103 is made mandatory and revised to read as follows:

57.19–103 Mandatory. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

§ 57.21 [Amended]

1. Mandatory standard 57.21–2 is revised to read as follows:

57.21–2 Mandatory. Flammable gases detected only while unwatering mines or flooded sections of mines or during other mine reclamation operations shall not be used to permanently classify a mine gassy. During such periods that any flammable gas is present in the mine, the affected areas of the mine shall be operated in accordance with appropriate standards in this Section 57.21.

2. Advisory standard 57.21–25 is made mandatory and revised to read as follows:

57.21–25 Mandatory. When there has been a failure of mine ventilation other than a failure of a main fan as described in standard 57.21–24, the operator shall take the following immediate actions:

(a) Withdraw all persons from the affected active workings.

(b) Deenergize the power in affected active workings. The power shall not be restored or persons permitted to reenter the affected active workings until a competent person(s) has determined that the methane concentration in such active workings is less than 1.0 percent.

3. Mandatory standard 57.21–28 is revised to read as follows:

57.21–28 Mandatory. Booster fans shall be:

(a) Operated by permissible drive units maintained in permissible condition.

(b) Operated only in air containing less than 1.0 percent methane.

(c) Kept in continuous operation when persons are in active workings of the mine affected by such fans.

4. Mandatory standard 57.21–29 is revised to read as follows:

57.21–29 Mandatory. Booster fans shall be:

(a) Provided with an automatic signal device to give warning or alarm should the fan system malfunction. The signal device shall be so located that it can be seen or heard by a responsible person at all times when persons are underground.

(b) Equipped with a device that automatically deenergizes the power in affected active workings should the fan system malfunction.

(c) Provided with air locks, the doors of which open automatically should the fan stop.

(d) Equipped with two sets of controls capable of starting, stopping, and reversing the fans. One set of controls shall be located at the fans. A second set of controls shall be at another location remote from the fans.

5. New mandatory standard 57.4–64 is added to read as follows:

57.21–64 Mandatory. Each operator shall use permissible devices accepted by the Secretary of the Interior for detecting flammable gases, oxygen deficiency, carbon monoxide, and other air contaminants. Such permissible devices shall be provided and maintained in serviceable and permissible condition. In the detection of flammable gases, a permissible flame safety lamp may be used only as a supplementary testing device.

6. New mandatory standard 57.21–67 is added to read as follows:

57.21–67 Mandatory. All gassy mines shall be ventilated mechanically.

7. New mandatory standard 57.21–68 is added to read as follows:

57.21–68 Mandatory. Airflow shall be maintained in all intake and return air courses of a mine. When multiple main fans are used, such ventilation systems shall not develop neutral areas (areas without perceptible air movement).

8. New mandatory standard 57.21–69 is added to read as follows:

57.21–69 Mandatory. In mines ventilated by a combination of multiple blowing or multiple exhausting main fans, each main fan installation shall be equipped with noncombustible doors designed and positioned so that, in the event of failure of a main fan, these doors will automatically close to prevent air reversal through the fan. The doors shall be located so that they are not in direct line with forces which would come out of the mine, should an explosion occur.

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THURSDAY, JUNE 10, 1976

PART VII:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

REAL ESTATE SETTLEMENT PROCEDURES

Special Information Booklet

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SETTLEMENT COSTS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N-76-525]

REAL ESTATE SETTLEMENT PROCEDURES

Special Information Booklet

The Department of Housing and Urban Development published for comment, (41 FR 20280) a draft of the Special Information Booklet, on settlement costs. This booklet is required, under the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93-533), 12 U.S.C. 2601 et. seq., to be provided at time of loan application to each borrower for a mortgage loan qualifying under RESPA. The booklet contained herein is intended to implement Section 5 of RESPA, "Special Information Booklet" and becomes effective June 30, 1976.

Comments on the booklet were solicited from a variety of sources. In addition, special requests were made to selected industry and consumer groups and individuals. Groups contacted were the United States League of Savings Associations, American Bankers Association, American Land Title Association, American Bar Association, National Association of Realtors, Consumer Federation of America, Consumers Union, Center for the Study of Responsive Law, and Center for National Policy Review. In addition, selected consumer advocates were contacted and their comments were considered. As a result of these comments, numerous technical changes were made in the text of the booklet. A major reordering of textual materials was made. All information dealing with shopping for real estate settlement services was moved to the front of the booklet. Technical discussions were placed towards the end of the booklet.

The Department recognizes that the description of the real estate settlement process contained in the booklet does not describe the procedure followed in each community. Lenders are encouraged to provide applicants a description that particularizes the settlement process for their locality. This may be done in a question and answer format or in a narrative treatment. In this way, many of the misunderstandings may be avoided, a benefit to both lender and consumer. Moreover, over the next year, the Department invites comments from consumers, lenders and others involved in the settlement process as to possible improvements in the booklet. Comment should be sent to the Assistant Secretary for Consumer Affairs and Regulatory Functions; address is provided below.

A major substantive comment, made by almost all groups, was that the booklet, to be fully effective, should be handed to potential home buyers before they sign a contract of sale. Many of the crucial decisions which affect total costs and the allocation of costs as between the buyer and the seller are made when the contract of sale is negotiated between buyer and seller. Most of those commenting recognized that the RESPA legislation only requires that the booklet be provided by lenders to borrowers at the time of loan application, an event which inevitabley comes after the execution of the contract of sale. The Department was encouraged to seek, through various means, the distribution of the booklet at an earlier time than written loan application so that consumers can receive the maximum benefit from this document. Suggestions range from making the booklet available through the Government Printing Office and widely advertising its existence, to seeking the assistance of real estate agents in making the document available to the home buyer before contract execution. The Department will pursue these suggestions. Comment was also made that a second booklet, covering issues concerning the purchase of a home and what should be in a sales contract, be developed by the Department for widespread distribution. This suggestion is under serious consideration by the Department.

It is expected that lenders will secure copies of the booklet from firms that previously provided them with copies of the first Special Information Booklet. To assist in the rapid distribution, the Department will make available to any firm planning to publish the booklet for distribution to lenders a copy of the Special Information Booklet. Firms interested in securing a copy are to send their requests to the Assistant Secretary for Consumer Affairs and Regulatory Functions, Attn: RESPA, Suite 4100, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. The booklet will also be available through the Government Printing Office, North Capitol & H Sts., N.W., Washington, D.C. 20401. Copies can be purchased from that source by early July.

Recognizing the statutory requirement that after June 30, 1976 the lender provide an applicant a copy of the booklet at time of loan application, the Department will allow lenders to reproduce the booklet contained herein for distribution to borrowers for purposes of meeting the statutory requirement. Lenders who select this option are to use the printed booklet as soon as it becomes available through normal sources.

On May 22, 1975 (40 FR 22459) the Department issued a special information booklet which was published along with HUD Real Estate Settlement Procedures Regulations setting forth various procedural and substantive requirements of the Real Estate Settlement Procedures Act of 1974. The Department is hereby publishing the revised booklet to provide appropriate notice of its contents. The text of the Special Information Booklet for the Real Estate Settlement Procedures Act follows:

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions, U.S. Department of Housing and Urban Development.

SETTLEMENT COSTS

A HUD Guide

U.S. Department of Housing and Urban Development
June 1976

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SETTLEMENT COSTS

INTRODUCTION

For many people, buying a home is the single most significant financial step of a lifetime. The Real Estate Settlement Procedures Act (RESPA), a Federal statute, helps to protect you at this step.

Settlement is the formal process by which ownership of real property passes from seller to buyer. It is the end of the home buying process, the time when title to the property is transferred from the seller to the buyer.

RESPA covers most residential mortgage loans used to finance the purchase of one to four family properties, such as a house, a condominium or cooperative apartment unit, a lot with a mobile home, or a lot on which you will build a house or place a mobile home using the proceeds of the loan.

RESPA was not designed to set the prices of settlement services. Instead, it provides you with information to take the mystery out of the settlement process, so that you can shop for settlement services and make informed decisions.

This information booklet was prepared as provided in RESPA by the Office of Consumer Affairs and Regulatory Functions of the U.S. Department of Housing and Urban Development.

Part One of this booklet describes the settlement process and nature of charges and suggests questions you might ask of lenders, attorneys and others to clarify what services they will provide you for the charges quoted. It also contains information on your rights and remedies available under RESPA, and alerts you to unfair or illegal practices.

Part Two of this booklet is an item-by-item explanation of settlement services and costs, with sample forms and worksheets that will help you in making cost comparisons. Remember that terminology varies by locality so that terminology used here may not exactly match that used in your area. For example, settlement is sometimes called closing and settlement charges are frequently referred to as closing costs.

PART I

WHAT HAPPENS AND WHEN

Suppose you have just found a home you would like to buy. In a typical situation, when you reach an agreement with the seller on the price, you then sign a sales contract. The terms of the sales contract can be negotiated to your benefit, as the booklet explains below.

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Next you will probably seek a mortgage to finance the purchase. This booklet suggests questions you should raise as you shop for a lender.

When you file your application for a loan, the lender is required by RESPA to provide a good faith estimate of the costs of settlement services and a copy of this booklet. The lender has three business days, after written loan application, to mail these materials to you.

Between loan application time and settlement, you usually have a chance to shop for settlement services, to ensure that you will obtain good value for your money.

Finally, one business day before settlement, if you so request, the person conducting the settlement must allow you an opportunity to see a Uniform Settlement Statement that shows whatever figures are available at that time for settlement charges you will be required to pay. At settlement, the completed Uniform Settlement Statement will be given to you.

Note: In some parts of the country where there is no actual settlement meeting, or in cases where neither you nor your authorized agent attends the closing meeting, the person conducting settlement has the obligation to deliver the Uniform Settlement Statement to you by mail.

There is no standard settlement process followed in all localities; therefore, what you experience, involving many of the same services, will probably vary from the description in this booklet.

SHOPPING FOR SERVICES

When settlement arrives, you are committed to the purchase of the property and may have made a partial payment, sometimes called earnest money, to the seller or his agent. Services may have been performed for which you are obligated to pay. Unless a seller fails to perform a legally binding promise or has acted in a fraudulent fashion, you are normally obligated to complete your part of the contract and pay settlement costs. Thus the time to decide the terms of sale, raise questions, and establish fair fees is not at time of settlement, but earlier, when you negotiate with the seller and providers of settlement services. By the time of settlement, any changes in settlement costs and purchase terms may be difficult to negotiate.

You can also negotiate with the seller of the house about who pays various settlement fees and other charges. There are generally no fixed rules about which party pays which fees, although in many cases this is largely controlled by local custom.

Among the many factors that determine the amount you will pay for settlement costs are the location of your new home, the type of sales contract you negotiate, the arrangements made with the real estate broker, the lender you select, and your decisions in selecting the various firms that provide required settlement services.

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If the chosen house is located in a "special flood hazard area," identified as such by HUD on a flood insurance map, the lender may require you to purchase flood insurance pursuant to Federal law (See page 23). Information on flood insurance availability, limits of coverage and copies of maps can be obtained through the National Flood Insurers Association servicing company for your State or by calling HUD toll free numbers 800-424-8872 or 73.

Role of the Broker

Although real estate brokers provide helpful advice on many aspects of home buying, and may in some areas supervise the settlement, they normally serve the interests of the seller, not the buyer. The broker's basic objective is to obtain a signed contract of sale which properly expresses the agreement of the parties, and to complete the sale. However, as state licensing laws require that the broker be fair in his dealings with all parties to the transaction, you should feel free to point this out to the broker if you feel you are being treated unfairly.

A broker may recommend that you deal with a particular lender, title company, attorney, or other provider of settlement services. Ask brokers why they recommend a particular company or firm in preference to others. Advise them that while you welcome their suggestions (and, indeed, they probably have good contacts), you reserve the right to pick your own providers of services.

Negotiating a Sales Contract

If you have obtained this booklet before you have signed a sales contract with the seller of the property, here are some important points to consider regarding that contract.

The sales agreement you and the seller sign can expressly state which settlement costs you will pay and which will be paid by the seller although some may be negotiable up to time of settlement. Buyers can and do negotiate with sellers as to which party is to pay for specific settlement costs. The success of such negotiations depends upon factors such as how eager the seller is to sell and you are to buy, the quality of the house itself, how long the house has been on the market, whether other potential buyers are interested, and how willing you are to negotiate for lower costs. If the contract is silent on these costs, they are still open to negotiation.

There is no standard sales contract which you are required to sign. You are entitled to make any modifications or additions in any standard form contract to which the seller will agree. You should consider including the following clauses:

- The seller provides title, free and clear of all liens and encumbrances except those which you specifically agree to in the

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contract or approve when the results of the title search are reported to you. You may negotiate as to who will pay for the title search service to determine whether the title is "clear."

. A refund of your deposit (earnest money) be made by the seller or escrow agent, and cancellation of the sale if you are unable to secure from a lending institution a first mortgage or deed-of-trust loan with an amount, interest rate, and length of term, as set forth in the contract, within a stated time period.

. A certificate be provided at time of settlement, stating that the house is free from termites or termite damage.

. A certificate that the plumbing, heating, electrical systems and appliances are in working order, and that the house is structurally sound. Negotiate who pays for any necessary inspections. There is no uniform custom in most areas. Many buyers prefer to pay for these inspections because they want to know that the inspector is conducting the service for them, not for the seller. (You can also purchase a warranty to back up the inspection, if you wish.)

. An agreement be reached on how taxes, water and sewer charges, premiums on existing transferable insurance policies, utility bills, interest on mortgages, and rent (if there are tenants) are to be divided between buyer and seller as of the date of the settlement.

Before you sign the sales contract, make sure that it correctly expresses your agreement with the seller on such important details as the sales price of the home, method of payment, the time set for your taking possession, what fixtures, appliances, and personal property are to be sold with the home, and the other items described above.

The above list is not complete, but does illustrate the importance of the sales agreement and its terms. Before you sign a sales contract you may want to ask an attorney to review the proposed agreement and determine if it protects your interests for once signed, the contract is binding on you and the seller. If you do not know of an attorney you may wish to consult the local bar association referral service or neighborhood legal service office.

Selecting an Attorney

If you seek the aid of an attorney, first ask what services will be performed for what fee. If the fee seems too high, shop for another lawyer. Does the attorney have substantial experience in real estate?

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The U. S. Supreme Court has said that it is illegal for bar associations to fix minimum fee schedules for attorneys, so do not be bashful about discussing and shopping for legal fees you can afford. Your attorney will understand.

Questions you may wish to ask the attorney include: What is the charge for reading documents and giving advice concerning them? For being present at settlement? Will the attorney represent any other party in the transaction in addition to you? In some areas attorneys act as closing agents handling the mechanical aspects of the settlement. A lawyer who does this may not fully represent your interests since as closing agent, he would be representing the seller and other interests as well.

Selecting a Lender

Your choice of lender will influence not only your settlement costs, but also the monthly cost of your mortgage loan.

Lending institutions require certain settlement services, such as a new survey or title insurance, or they may charge you for other settlement-related services, such as the appraisal or credit report. You may find, in shopping for a lender, that other institutions may not have such requirements. Part Two of this booklet provides a descriptions of the various kinds of services that may be required and fees that may be charged to you. You will also find a worksheet in Part Two, which you can use to compare requirements and cost estimates from different lenders.

Many lending institutions deal regularly with certain title companies, attorneys, appraisers, surveyors, and others in whom they have confidence. They may want to arrange for settlement services to be provided through these parties. This booklet discusses your rights in such a situation under the section below on Homebuyer's Rights.

If you choose a lending institution which allows you a choice of settlement service providers, you should shop and compare among the providers in your area, to find the best service for the best price. Where the lender designates the use of particular firms, check with other firms to see if the lender's stated charges are competitive.

Questions you may want to ask the lender should include these:

. Are you required to carry life or disability insurance? Must you obtain it from a particular company? (You may prefer no insurance or may wish to obtain it at a better premium rate elsewhere.)

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. Is there a late payment charge? How much? How late may your payment be before the charge is imposed? You should be aware that late payments may harm your credit rating.

. If you wish to pay off the loan in advance of maturity (for example, if you move and sell the house), must you pay a prepayment penalty? How much? If so, for how long a period will it apply?

. Will the lender release you from personal liability if your loan is assumed by someone else when you sell your house?

. If you sell the house and the buyer assumes your loan, will the lender have the right to charge an assumption fee, raise the rate of interest, or require payment in full of the mortgage?

. If you have a financial emergency, will the terms of the loan include a future advances clause, permitting you to borrow additional money on the mortgage after you have paid off part of the original loan?

. Will you be required to pay monies into a special reserve (escrow or impound) account to cover taxes or insurance? If so, how large a deposit will be required at the closing of the sale? The amount of reserve deposits required is limited under RESPA. Some recent state laws have required that these accounts bear interest for the benefit of the borrower (buyer). If reserve requirements can be waived, you will be responsible for paying the particular charges for taxes or insurance directly to the tax collector or insurance company. Further information is in "Reserve Accounts" in Part Two of this booklet.

. In looking for the best mortgage to fit your particular financial needs, you may wish to check the terms and requirements of a private conventional loan versus a loan insured through the Federal Housing Administration or Farmers Home Administration or guaranteed by the Veterans Administration. The FHA, VA, and Farmers Home Administration loans involve Federal ceilings on permissible charges for some settlement services, which may be of interest to you. Ask lenders about these programs. Another source of information about the federally insured or guaranteed programs is from public documents some of which are listed in the bibliography of this booklet.

. If you are dealing with the lender who holds the existing mortgage, you might be able to take over the prior loan, in a transaction called "assumption". Assumption usually saves money in settlement costs if the interest rate on the prior loan is lower than that being asked in the market. In times of inflation in the housing market, a higher downpayment might be required than if you had obtained a new loan. You may want to ask the seller whether he would be willing to "take back" a second mortgage to finance part of the difference between the assumed loan and the sales price.

Selecting a Settlement Agent

Settlement practices vary from locality to locality, and even within the same county or city. In various areas settlements are conducted by lending institutions, title insurance companies, escrow companies, real estate brokers, and attorneys for the buyer or seller. By investigating and comparing practices and rates, you may find that the first suggested settlement agent may not be the least expensive. You might save money by taking the initiative in arranging for settlement and selecting the firm and location which meets your needs.

Securing Title Services

A title search may take the form of an abstract, a compilation of pertinent legal documents which provides a condensed history of the property ownership and related matters. In many areas title searches are performed by extracting information from the public record without assembling abstracts. In either situation, an expert examination is necessary to determine the status of title and this is normally made by attorneys or title company employees. In areas where both title insurance companies and attorneys perform these and other settlement services, compare fees for services (such as title certification, document preparation, notary fee, closing fee, etc.), provided by each to determine the better source for these services.

In many jurisdictions a few days or weeks prior to settlement the title insurance company will issue a binder (sometimes called a Commitment to Insure) or preliminary report, a summary of findings based on the search or abstract. It is usually sent to the lender for use until the title insurance policy is issued after the settlement. The binder lists all the defects in and liens against the title identified by the search. You should arrange to have a copy sent to you (or to an attorney who represents you) so that you can raise an objection if there are matters affecting the title which you did not agree to accept when you signed the contract of sale.

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Title insurance is often required to protect the lender against loss if a flaw in title is not found by the title search made when the house is purchased. You may also get an owner's title policy to protect yourself. In some states, attorneys provide bar-related title insurance as part of their services in examining title and providing a title opinion. In these states the attorney's fee may include the title insurance premium, although the total title-related charges in the transaction should be taken into account in determining whether you will realize any savings.

Bear in mind that a title insurance policy issued only to the lender does not protect you. Similarly, the policy issued to a prior owner, such as the person from whom you are buying the house, does not protect you. To protect yourself from loss because of a mistake made by the title searcher, or because of a legal defect of a type which does not appear on the public records, you will need an owner's policy. Such a mistake rarely occurs but, when it does, it can be financially devastating to the uninsured. If you buy an owner's policy it is usually much less expensive if purchased simultaneously with a lender's policy.

To reduce title insurance costs, be sure to compare rates among various title insurance companies, and ask what services and limitations on coverage are provided by each policy so that you can decide whether a higher rate is consistent with your needs.

Depending upon practice in your jurisdiction, there may be no need for a full historical title search each time title to a home is transferred. If you are buying a home which has changed hands within the last several years, inquire at the title company that issued the previous title insurance policy about a "reissue rate," which would be a lower charge than for a new policy. If the title insurance policy of the previous owner is available, take it to the title insurer or lawyer whom you have selected to do your search.

To mark the boundaries of the property as set out in the title, lenders may require a survey. A homebuyer may be able to avoid the cost of a repetitive complete survey of the property if he can locate the surveyor who previously surveyed the project which he can update. However, the requirements of investors who buy loans originated by your lender may limit the lender's discretion to negotiate this point. Check with the lender or title company on this.

HOMEBUYER'S RIGHTS

Information Booklet

When you submit or the lender prepares your written application for a loan, the lender is legally required, under RESPA to give you a copy of this booklet.

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If the lender does not give it to you in person on the day of your loan application, he must put it in the mail to you no later than three business days after your application is filed.

Good Faith Estimates

When you file your application for a loan, the lender must also, under the terms of RESPA, provide you with good faith estimates of settlement services charges you will likely incur. If he does not give it to you, he has three business days in which to put it in the mail.

See Part Two of this booklet for a full item-by-item discussion of settlement services. On the form entitled "Settlement Statement," you will find Section L, which lists possible settlement services and charges you will encounter.

The lender is required to give you his good faith estimate, based upon his experience in the locality in which the property is located, for each settlement charge in Section L that he anticipates you will pay, except for paid in advance hazard insurance premium (line 903) and reserves deposited with the lender (all Section 1000 items). The estimate may be stated as either a dollar amount or range for each charge. Where the lender designates the use of a particular firm, the lender must make its good faith estimate based upon the lender's knowledge of the amounts charged by the firm. The form used for this good faith estimate must be concise and clear, and the estimates must bear a reasonable relationship to the costs you will likely incur. If the lender provides you good faith estimates in the form of ranges, ask the lender what the total settlement costs will most likely be. While the lender is not obligated to provide this information under RESPA, it is important for you to know as you evaluate the different mortgage packages being offered you.

Lenders were not required to give good faith estimates for reserves deposited with them or for the prepaid hazard insurance premium because these charges require information not normally known to the lender at time of loan application. It is important for you to make these calculations because they can represent a sizeable cash payment you may have to make at settlement. Calculation of the reserve items is presented later in this booklet under "Reserve Accounts." Ask the lender what his policies are in terms of reserve accounts, for what items the lender requires reserves and for what period of time. You may want to ask the lender to run through a hypothetical calculation for you based upon the date you will most likely close on the house. Other assumptions may be necessary, for example, the assessed value of the property for determining property taxes. The lender can probably be more

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specific on hazard insurance premiums, particularly for those coverages which a lender requires.

Once you have obtained these estimates from the lender be aware that they are only estimates. The final costs may not be the same. Estimates are subject to changing market conditions, and fees may change. Changes in the date of settlement may result in changes in escrow and proration requirements. In certain cases, it may not be possible for the lender to anticipate exactly the pricing policies of settlements firms. Moreover, your own careful choice of settlement firms might result in lower costs, just as hasty decisions might result in higher costs. Remember that the lender's estimate is not a guarantee.

Lender Designation of Settlement Service Providers

Some lending institutions follow the practice of designating specific settlement service providers to be used for legal services, title examination services, title insurance, or the conduct of settlement.

Where this occurs the lender, under RESPA, is required to provide you as part of the good faith estimates a statement in which the lender sets forth:

(1) The name, address and telephone number of each provider he has designated. This must include a statement of the specific services each designated firm is to provide for you, as well as an estimate of the amount the lender anticipates you will have to pay for the service, based on the lender's experience as to what the designated provider usually charges. If the services or charges are not clear to you, ask further questions.

(2) Whether each designated firm has a business relationship with the lender.

While designated firms often provide the services needed, a conflict of interest may exist. Take for example the situation where the provider must choose between your interests and those of the lender. Where legal services are involved, it is wise to employ your own attorney to ensure that your interests are properly protected. It is wise for you to contact other firms to determine whether their costs are competitive and their services are comparable.

Disclosure of Settlement Costs One Day Before Closing and Delivery

One business day before settlement, you have the right to inspect the form, called the Uniform Settlement Statement, on which are itemized the services provided to you and fees charged to you.

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This form (developed by the U.S. Department of Housing and Urban Development) is filled out by the person who will conduct the settlement meeting. Be sure you have the name, address, and telephone number of the settlement agent if you wish to inspect this form or if you have any questions.

The settlement agent may not have all costs available the day before closing, but is obligated to show you, upon request, what is available.

The Uniform Settlement Statement must be delivered or mailed to you (while another statement goes to the seller) at or before settlement. If, however, you waive your right to delivery of the completed statement at settlement, it will then be mailed at the earliest practicable date.

In parts of the country where the settlement agent does not require a meeting, or in cases where you or your agent do not attend the settlement, the statement will be mailed as soon as practicable after settlement and no advance inspection is required.

The Uniform Settlement Statement is not used in situations where: (1) there are no settlement fees charged to the buyer (because the seller has assumed all settlement-related expenses), or (2) the total amount the borrower is required to pay for all charges imposed at settlement is determined by a fixed amount and the borrower is informed of this fixed amount at the time of loan application. In the latter case, the lender is required to provide the borrower, within three business days of application, an itemized list of services rendered.

Escrow Closing

Settlement practices differ from state to state. In some parts of the country, settlement may be conducted by an escrow agent, which may be a lender, real estate agent, title company representative, attorney, or an escrow company. After entering into a contract of sale, the parties sign an escrow agreement which requires them to deposit specified documents and funds with the agent. Unlike other types of closing, the parties do not meet around a table to sign and exchange documents. The agent may request a title report and policy; draft a deed or other documents; obtain rent statements; pay off existing loans; adjust taxes, rents, and insurance between the buyer and seller; compute interest on loans; and acquire hazard insurance. All this may be authorized in the escrow agreement. If all the papers and monies are deposited with the agent within the agreed time, the escrow is "closed".

The escrow agent then records the appropriate documents and gives each party the documents and money each is entitled to receive, including the completed Uniform Settlement Statement. If one party has failed to fulfill his agreement, the escrow is not closed and legal complications may follow.

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Truth-in-Lending

The lender is required to provide you a Truth-in-Lending statement by the time of loan consummation which disclosed the annual percentage rate or effective interest rate which you will pay on your mortgage loan. This rate may be higher than the contract interest rate because the latter includes only interest, while the annual percentage rate includes discount points, fees, and financing charges and certain other charges besides on the loan. The Truth-in-Lending statement will also disclose any additional charges for prepayment should you pay off the remaining balance of the mortgage before it is due.

Lenders are not required to provide you a Truth-in-Lending disclosure at the time of loan application, when the good faith estimate of settlement costs and this informational booklet are given to you. However, since the annual percentage rate the lender will be charging you is an important item of information which you can use as you shop for services, you may want to request its disclosure at time of loan application.

Protection Against Unfair Practices

A principal finding of Congress in the Real Estate Settlement Procedures Act of 1974 is that consumers need protection from "...unnecessarily high settlement charges caused by certain abusive practices that have developed in some areas of the country." The potential problems discussed below may not be applicable to most loan settlements, and the discussion is not intended to deter you from buying a home. Most professionals in the settlement business will give you good service. Nevertheless, you may save yourself money and worry by keeping the following considerations in mind:

Kickbacks. Kickbacks and referrals of business for gain are often tied together. The law prohibits anyone from giving or taking a fee, kickback, or anything of value under an agreement that business will be referred to a specific person or organization. It is also illegal to charge or accept a fee or part of a fee where no service has actually been performed. This requirment does not prevent agents for lenders and title companies, attorneys, or others actually performing a service in connection with the mortgage loan or settlement transaction, from receiving compensation for their work. It also does not prohibit payments pursuant to cooperative brokerage, such as a multiple listing service, and referral arrangements or agreements between real estate agents and brokers.

The prohibition is aimed primarily at eliminating the kind of arrangement in which one party agrees to return part of his

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fee in order to obtain business from the referring party. The danger is that some settlement fees can be inflated to cover payments to this additional party, resulting in a higher total cost to you. There are criminal penalties of both fine and imprisonment for any violation of these provisions of law. There are also provisions for you to recover three times the amount of the kickback, rebate, or referral fee involved, through a private lawsuit. In any successful action to enforce your right, the court may award you court costs together with a fee for your attorney.

Title Companies. Under the law, the seller may not require, as a condition of sale, that title insurance be purchased by the buyer from any particular title company. A violation of this will make the seller liable to you in an amount equal to three times all charges made for the title insurance.

Fair Credit Reporting. There are credit reporting agencies around the nation which are in the business of compiling credit reports on citizens, covering data such as how you pay your bills, if you have been sued, arrested, filed for bankruptcy, etc.. In addition, this file may include your neighbors' and friends' views of your character, general reputation, or manner of living. This latter information is referred to as an "investigative consumer report."

The Fair Credit Reporting Act does not give you the right to inspect or physically handle your actual report at the credit reporting agency, nor to receive an exact copy of the report. But you are entitled to a summary of the report, showing the nature, substance, and sources of the information it contains.

If the terms of your financing have been adversely affected by a credit report, you have the right to inspect the summary of that report free of charge (there may otherwise be a small fee). The accuracy of the report can also be challenged, and corrections required to be made. For more detailed information on your credit report rights, contact the Federal Trade Commission (FTC) in Washington, D. C. or the nearest FTC regional office. The FTC Buyer's Guide No. 7: Fair Credit Reporting Act is a good summary of this Act.

The Right to File Complaints

As with any consumer problems, the place to start if you have a complaint is back at the source of the problem (the lender, settlement agent, broker, etc.). If that initial effort brings no satisfaction and you think you have suffered damages through violations of the Real Estate Settlement Procedures Act of 1974, as amended, you may be entitled to bring a civil action in the U.S. District Court for the District in which the property involved is located, or in any

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other court of competent jurisdiction. This is a matter best determined by your lawyer. Any suit you file under RESPA must be brought within one year from the date of the occurrence of the alleged violation. You may have legal remedies under other State or Federal laws in addition to RESPA.

You should note that RESPA provides for specific legal sanctions only under the provisions which prohibit kickbacks and unearned fees, and which prohibit the seller from requiring the buyer to use a particular title insurer. If you feel you should recover damages for violations of any provision of RESPA, you should consult your lawyer.

Most settlement service providers, particularly lenders, are supervised by some governmental agency at the local, State and/or Federal level. Others are subject to the control of self-policing associations. If you feel a provider of settlement services has violated RESPA, you can address your complaint to the agency or association which has supervisory responsibility over the provider. The supervisory agency for the lending institution is provided on the back cover of this booklet. If the lender has given you this information elsewhere, he is not required to provide it here. For the names of agencies supervising other providers, you will have to check with local and State consumer agencies. You are also encouraged to forward a copy of complaints regarding RESPA violations to the HUD Office of Consumer Affairs and Regulatory Functions, which has the primary responsibility for administering the RESPA program. Your complaints can lay the foundation for future legislative or administrative actions.

Send copies of complaints, and inquiries, to:

Assistant Secretary for Consumer Affairs and
Regulatory Functions
Attention: RESPA Office
U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Room 4100
Washington, D.C. 20410

THE HOMEBUYER'S OBLIGATIONS (REPAYMENT OF LOAN AND MAINTENANCE OF HOME)

At settlement you will sign papers legally obligating you to pay the mortgage loan financing the purchase of your home. You must pay according to the terms of the loan - interest rate, amount and due date of each monthly payment, repayment period - specified in the documents signed by you. You will probably sign at settlement a note or bond which is your promise to repay the loan for the unpaid balance of the purchase price. You will also sign a mortgage or deed of trust which pledges your home as security for repayment of the loan.

Failure to make monthly mortgage payments on time may lead to a late payment charge, if provided for in the documents. If you default on the loan by missing payments altogether and do not make them up within a period of time usually set by State law, the documents also specify certain actions which the lender may take to recover the amount owed. Ultimately, after required notice to you, a default could lead to foreclosure and sale of the home which secures your loan.

You should also be careful to maintain your home in a proper state of repair, both for your own satisfaction and comfort as the occupant and because the home is security for your loan. The mortgage or deed of trust may in fact specifically obligate you to keep the property in good repair and not allow deterioration.

Read the documents carefully at or before settlement, and be aware of your obligations as a homeowner.

PART TWO

This part of the booklet provides an item-by-item discussion of possible settlement services that may be required and for which you may be charged. It also provides a sample of the Uniform Settlement Statement form, and worksheets which you may find handy for comparing costs from different service providers.

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Form Approved
OMB NO. 63-R-1501

A.

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SETTLEMENT STATEMENT

B. TYPE OF LOAN

1. ☐ FHA 2. ☐ FmHA 3. ☐ CONV. UNINS.
4. ☐ VA 5. ☐ CONV. INS.

6. File Number: 7. Loan Number:

8. Mortgage Insurance Case Number:

C. NOTE: *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D. NAME OF BORROWER:	E. NAME OF SELLER:	F. NAME OF LENDER:
G. PROPERTY LOCATION:	H. SETTLEMENT AGENT: PLACE OF SETTLEMENT:	I. SETTLEMENT DATE:

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		*400. GROSS AMOUNT DUE TO SELLER:*	
101. Contract sales price		401. Contract sales price	
102. Personal property		402. Personal property	
103. Settlement charges to borrower *(line 1400)*		403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		*Adjustments for items paid by seller in advance*	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER		*420. GROSS AMOUNT DUE TO SELLER*	
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		*500. REDUCTIONS IN AMOUNT DUE TO SELLER:*	
201. Deposit or earnest money		501. Excess deposit *(see instructions)*	
202. Principal amount of new loan(s)		502. Settlement charges to seller *(line 1400)*	
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		*Adjustments for items unpaid by seller*	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213.		512.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER		*520. TOTAL REDUCTION AMOUNT DUE SELLER*	
300. CASH AT SETTLEMENT FROM/TO BORROWER		*600. CASH AT SETTLEMENT TO/FROM SELLER*	
301. Gross amount due from borrower *(line 120)*		601. Gross amount due to seller *(line 420)*	
302. Less amounts paid by/for borrower *(line 220)*	( )	602. Less reductions in amount due seller *(line 520)*	( )
303. CASH (☐ FROM) (☐ TO) BORROWER		*603. CASH (☐ TO) (☐ FROM) SELLER*	

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L. SETTLEMENT CHARGES		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700. TOTAL SALES/BROKER'S COMMISSION based on price $ @ % =			
Division of Commission (line 700) as follows:			
701. $ to			
702. $ to			
703. Commission paid at Settlemeot			
704.			
800. ITEMS PAYABLE IN CONNECTION WITH LOAN			
801. Loan Origination Fee %			
802. Loan Discount %			
803. Appraisal Fee to			
804. Credit Report to			
805. Lender's Inspection Fee			
806. Mortgage Insurance Application Fee to			
807. Assumption Fee			
808.			
809.			
810.			
811.			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE			
901. Interest from to @ $ /day			
902. Mortgage Insurance Premium for months to			
903. Hazard Insurance Premium for years to			
904. years to			
905.			
1000. RESERVES DEPOSITED WITH LENDER			
1001. Hazard insurance	months @ $ per month		
1002. Mortgage insurance	months @ $ per month		
1003. City property taxes	months @ $ per month		
1004. County property taxes	months @ $ per month		
1005. Annual assessments	months @ $ per month		
1006.	months @ $ per month		
1007.	months @ $ per month		
1008.	months @ $ per month		
1100. TITLE CHARGES			
1101. Settlement or closing fee to			
1102. Abstract or title search to			
1103. Title examination to			
1104. Title insurance binder to			
1105. Document preparation to			
1106. Notary fees to			
1107. Attorney's fees to			
(includes above items numbers:)			
1108. Title insurance to			
(includes above items numbers:)			
1109. Lender's coverage $			
1110. Owner's coverage $			
1111.			
1112.			
1113.			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES			
1201. Recording fees: Deed $; Mortgage $; Releases $			
1202. City/county tax/stamps: Deed $; Mortgage $			
1203. State tax/stamps: Deed $; Mortgage $			
1204.			
1205.			
1300. ADDITIONAL SETTLEMENT CHARGES			
1301. Survey to			
1302. Pest inspection to			
1303.			
1304.			
1305.			
1400. TOTAL SETTLEMENT CHARGES (enter on lines 103, Section J and 502, Section K)			

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SETTLEMENT COSTS WORK SHEET *(Use this worksheet to compare the charges of various lenders and providers of settlement services.*	*PROVIDER 1*	*PROVIDER 2*	*PROVIDER 3*
800. ITEMS PAYABLE IN CONNECTION WITH LOAN:			
801. Loan Origination Fee %			
802. Loan Discount %			
803. Appraisal Fee to			
804. Credit Report to			
805. Lender's Inspection Fee			
806. Mortgage Insurance Application Fee to			
807. Assumption Fee			
808.			
809.			
810.			
811.			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE:			
901. Interest from to @ $ per day			
902. Mortgage Insurance Premium for months to			
903. Hazard Insurance Premium for years to			
904. years to			
905.			
1000. RESERVES DEPOSITED WITH LENDER:			
1001. Hazard Insurance months @ $ per month			
1002. Mortgage Insurance months @ $ per month			
1003. City property taxes months @ $ per month			
1004. County property taxes months @ $ per month			
1005. Annual assessments months @ $ per month			
1006. months @ $ per month			
1007. months @ $ per month			
1008. months @ $ per month			
1100. TITLE CHARGES:			
1101. Settlement or closing fee to			
1102. Abstract or title search to			
1103. Title examination to			
1104. Title insurance binder to			
1105. Document preparation to			
1106. Notary fees to			
1107. Attorney's fees to			
(includes above items numbers;)			
1108. Title insurance to			
(includes above items numbers;)			
1109. Lender's coverage $			
1110. Owner's coverage $			
1111.			
1112.			
1113.			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES:			
1201. Recording fees: Deed $; Mortgage $; Releases $			
1202. City/county tax/stamps: Deed $; Mortgage $			
1203. State tax/stamps: Deed $; Mortgage $			
1204.			
1205.			
1300. ADDITIONAL SETTLEMENT CHARGES:			
1301. Survey to			
1302. Pest inspection to			
1303.			
1304.			
1305.			
1400. TOTAL SETTLEMENT CHARGES			

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Sections A through I of the Uniform Settlement Statement contain information concerning the loan and parties to the settlement. Sections J and K contain a summary of all funds transferred between the buyer, seller, lender, and providers of settlement services. The bottom line in the left-hand column shows the net cash to be paid by the borrower, while the bottom line in the right-hand column shows the cash due the seller.

Section L is a list of settlement services that may be required and for which you may be charged. Blank lines are provided for any additional settlement services.

You would add up the costs entered on the lines of Section L, and carry them forward to Sections J and K, in order to arrive at the net cash figures on the bottom lines of the left and right columns.

Uses of This Form

(1) Settlement services comparisons. As you shop for settlement services, you can use the Settlement Costs Worksheet as a handy guide, noting on it the different services required by different lenders and the different fees quoted by different service providers.

(2) Disclosure of actual settlement costs. A copy of this form, or one with similar terminology, sequence and numbering of line items, must be filled out by the person conducting the settlement meeting. Your right to inspect the form one business day before settlement was discussed earlier in this booklet. The form will be completely filled in at the settlement meeting.

SPECIFIC SETTLEMENT SERVICES

The following defines and discusses each specific settlement service. The numbers correspond to the items listed in Section L of the Uniform Settlement Statement form.

700. SALES/BROKER'S COMMISSION This is the total dollar amount of sales commission, usually paid by the seller. Fees are usually a percentage of the selling price of the house, and are intended to compensate brokers

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or salesmen for their services. Custom and/or the negotiated agreement between the seller and the broker determine the amount of the commission.

701-702. Division of Commission

If several brokers or salesmen work together to sell the house, the commission may be split among them. If they are paid from funds collected for settlement, this is shown on lines 701-702.

703. Commission Paid at Settlement

Sometimes the broker will retain the earnest money deposit to apply towards his commission. In this case, line 703 will show only the remainder of the commission which will be paid at settlement.

800. ITEMS PAYABLE IN CONNECTION WITH LOAN

These are the fees which lenders charge to process, approve and make the mortgage loan.

801. Loan Origination

This fee covers the lender's administrative costs in processing the loan. Often expressed as a percentage of the loan, the fee will vary among lenders and from locality to locality. Generally the buyer pays the fee unless another arrangement has been made with the seller and written into the sales contract.

802. Loan Discount

Often called "points, " a loan discount is a one-time charge used to adjust the yield on the loan to what market conditions demand. It is used to offset constraints placed on the yield by state or federal regulations. Each "point" is equal to

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one percent of the mortgage amount. For example, if a lender charges four points on a $30,000 loan this amounts to a charge of $1,200.

803. Appraisal Fee

This charge, which may vary significantly from transaction to transaction, pays for a statement of property value for the lender, made by an independent appraiser or by a member of the lender's staff. The lender needs to know if the value of the property is sufficient to secure the loan if you fail to repay the loan according to the provision of your mortgage contract, and the lender must foreclose and take title to the house. The appraiser inspects the house and the neighborhood, and considers sales prices of comparable houses and other factors in determining the value. The appraisal report may contain photos and other information of value to you. It will provide the factual data upon which the appraiser based the appraised value. Ask the lender for a copy of the appraisal report or review the original.

The appraisal fee may be paid by either the buyer or the seller, as agreed in the sales contract. In some cases this fee is included in the Mortgage Insurance Application Fee. See line 806.

804. Credit Report Fee

This fee covers the cost of the credit report, which shows how you have handled other credit transactions. The lender uses this report in conjunction with information you submitted with the application regarding your income, outstanding bills, and employment, to determine whether

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you are an acceptable credit risk and to help determine how much money to lend you.

Where you encounter credit reporting problems you have protections under the Fair Credit laws as summarized under "Homebuyer's Rights" in this booklet.

805. Lender's Inspection Fee

This charge covers inspections, often of newly constructed housing, made by personnel of the lending institution or an outside inspector. (Pest or other inspections made by companies other than the lender are discussed in connection with line 1302).

806. Mortgage Insurance Application Fee

This fee covers processing the application for private mortgage insurance which may be required on certain loans. It may cover both the appraisal and application fee.

807. Assumption Fee

This fee is charged for processing papers for cases in which the buyer takes over payments on the prior loan of the seller.

900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE

You may be required to prepay certain items, such as interest, mortgage insurance premium and hazard insurance premium, at the time of settlement.

901. Interest

Lenders usually require that borrowers pay at settlement the interest that accrues on the mortgage from the date of settlement to the beginning of the period covered by the first monthly payment. For example, suppose your settlement takes place on April 16, and your first

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regular monthly payment will be due June 1, to cover interest charges for the month of May. On the settlement date, the lender will collect interest for the period from April 16 to May 1. If you borrowed $30,000 at 9% interest, the interest item would be $112.50. This amount will be entered on line 901.

902. Mortgage Insurance Premium

Mortgage insurance protects the lender from loss due to payment default by the home owner. The lender may require you to pay your first premium in advance, on the day of settlement. The premium may cover a specific number of months or a year in advance. With this insurance protection, the lender is willing to make a larger loan, thus reducing your downpayment requirements. This type of insurance should not be confused with mortgage life, credit life, or disability insurance designed to pay off a mortgage in the event of physical disability or death of the borrower.

903. Hazard Insurance Premium

This premium prepayment is for insurance protection for you and the lender against loss due to fire, windstorm, and natural hazards. This coverage may be included in a Homeowners Policy which insures against additional risks which may include personal liability and theft. Lenders often require payment of the first year's premium at settlement.

A hazard insurance or homeowner's policy may not protect you against loss caused by flooding. In special flood-prone areas identified by HUD, you may be required

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by federal law to carry flood insurance on your home. Such insurance may be purchased at low federally subsidized rates in participating communities under the National Flood Insurance Act.

1000. RESERVES DEPOSITED WITH LENDERS

Reserves (sometimes called "escrow" or "impound" accounts) are funds held in an account by the lender to assure future payment for such recurring items as real estate taxes and hazard insurance.

You will probably have to pay an initial amount for each of these items to start the reserve account at the time of settlement. A portion of your regular monthly payments will be added to the reserve account. RESPA places limitations on the amount of reserve funds which may be required by the lender. Read "Reserve Accounts" in this booklet for reserve calculation procedures. Do not hesitate to ask the lender to explain any variance between your own calculations and the figure presented to you.

1001. Hazard Insurance

The lender determines the amount of money that must be placed in the reserve in order to pay the next insurance premium when due.

1002. Mortgage Insurance

The lender may require that part of the total annual premium be placed in the reserve account at settlement. The portion to be received in reserve may be negotiable.

1003-1004. City/County Property Taxes

The lender may require a regular monthly payment to the reserve account for property taxes.

1005. Annual Assessments

This reserve item covers assessments that may be imposed by subdivisions or municipalities for special improvements (such as sidewalks, sewers or paving) or fees (such as homeowners association fees).

1100. TITLE CHARGES

Title charges may cover a variety of services performed by the lender or others for handling and supervising the settlement transaction and services related thereto. The specific charges discussed in connection with lines 1101 through 1109 are those most frequently incurred at settlement. Due to the great diversity in practice from area to area, your particular settlement may not include all these items or may include others not listed. Ask your settlement agent to explain how these fees relate to services performed on your behalf. An extended discussion is presented in "Securing Title Services" earlier in this booklet.

1101. Settlement or Closing Fee

This fee is paid to the settlement agent. Responsibility for payment of this fee should be negotiated between the seller and buyer, at the time the sales contract is signed.

1102-1104. Abstract or Title Search, Title Examination, Title Insurance Binder

These charges cover the costs of the search and examination of records of previous ownership, transfers, etc., to determine whether the seller can convey clear title to the property, and to disclose any matters on record that could adversely affect the

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buyer or the lender. Examples of title problems are unpaid mortgages, judgment or tax liens, conveyances of mineral rights, leases, and power line easements or road right-of-ways that could limit use and enjoyment of the real estate. In some areas, a title insurance binder is called a commitment to insure.

1105. Document Preparation

There may be a separate document fee that covers preparation of final legal papers, such as a mortgage, deed of trust, note, or deed. You should check to see that these services, if charged for, are not also covered under some other service fees, ask the settlement agent.

1106. Notary Fee

This fee is charged for the cost of having a licensed person affix his or her name and seal to various documents authenticating the execution of these documents by the parties.

1107. Attorney's Fees

You may be required to pay for legal services provided to the lender in connection with the settlement, such as examination of the title binder or sales contract. Occasionally this fee can be shared with the seller, if so stipulated in the sales contract. If a lawyer's involvement is required by the lender, the fee will appear on this part of the form. The buyer and seller may each retain an attorney to check the various documents and to represent them at all stages of the transaction including settlement. Where this service is not required and is paid for outside of closing, the person conducting settlement is not obligated to record the fee on the settlement form.

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1108. Title Insurance

The total cost of owner's and lender's title insurance is shown here. The borrower may pay all, a part or none of this cost depending on the terms of the sales contract or local custom.

1109. Lender's Title Insurance

A one-time premium may be charged at settlement for a lender's title policy which protects the lender against loss due to problems or defects in connection with the title. The insurance is usually written for the amount of the mortgage loan and covers losses due to defects or problems not identified by title search and examination. In most areas this is customarily paid by the borrower unless the seller agrees in the sales contract to pay part or all of it.

1110. Owner's Title Insurance

This charge is for owner's title insurance protection and protects you against losses due to title defects. In some areas it is customary for the seller to provide the buyer with an owner's policy and for the seller to pay for this policy. In other areas, if the buyer desires an owner's policy he must pay for it.

1200. GOVERNMENT RECORDING AND TRANSFER CHARGES

These fees may be paid either by borrower or seller, depending upon your contract when you buy the house or accept the loan commitment. The borrower usually pays the fees for legally recording the new deed and mortgage (item 1201). These fees, collected when property changes hands or when a mortgage loan is made, may be quite large and are set by state and/or local governments. City, county and/or state tax stamps may have to be purchased as well (item 1201 and 1203).

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1300. ADDITIONAL SETTLEMENT CHARGES

1301. Survey

The lender or the title insurance company may require that a surveyor conduct a property survey to determine the exact location of the house and the lot line, as well as easements and rights of way. This is a protection to the buyer as well. Usually the buyer pays the surveyor's fees, but sometimes this may be handled by the seller.

1302. Pest and Other Inspections

This fee is to cover inspections for termite or other pest infestation of the house. This may be important if the sales contract included a promise by the seller to transfer the property free from pests or pest-caused damage. Be sure that the inspection shows that the property complies with the sales contract before you complete the settlement. If it does not you may wish to require a bond or other financial assurance that the work will be completed. This fee can be paid either by the borrower or seller depending upon the terms of the sales contract. Lenders vary in their requirements as to such an inspection.

Fees for other inspections, such as for structural soundness, are entered on line 1303.

1400. TOTAL SETTLEMENT CHARGES

All the fees in the borrower's column entitled "Paid from Borrower's Funds at Settlement" are totaled here and transferred to line 103 of Section J, "Settlement charges to borrower" in the Summary of Borrower's Transaction on page 1

of the Uniform Settlement Statement. All the settlement fees paid by the seller are transferred to line 502 of Section K, Summary of Seller's Transaction on page 1 of the Uniform Settlement Statement.

COMPARING LENDER COSTS

If a lender is willing to reduce his fees for such items as loan origination, discount points and other one-time settlement charges, he may gain it back if he charges a higher mortgage interest rate.

Here is one rule of thumb which you can use to calculate the combined effect of the interest rate on your loan and the one-time settlement charges (paid by you) such as "points." While not perfectly accurate, it is usually close enough for meaningful comparisons between lenders. The rule is, that one-time settlement charges equaling one percent of the loan amount increase the interest charge by one-eighth(1/8) of one percent. The 1/8 factor corresponds to pay a back period of approximately 15 years. If you intend instead to hold the property for only five years and pay off the loan at that time, the factor increases to 1/4.

Here is an example of the rule. Consider only those charges that differ between lenders. Suppose you wish to borrow $30,000. Lender A will make the loan at 8.5 percent interest, but charges a two percent origination fee, a $150.00 application fee, and requires that you use a lawyer, for title work, selected by the lender at a fee of $300.

Lender B will make the loan at 9 percent interest, but has no additional requirements or charges. As part of that nine percent interest, though, Lender B will not charge an application fee and will absorb the lawyer's fee. What are the actual charges for each case?

Begin by relating all of Lender A's one-time charges to percentages of the $30,000 loan amount:

2 percent origination fee	=	2 percent of loan amount
$150 application fee	=	0.5 percent of loan amount
$300 lawyer's fee	=	1 percent of loan amount
Total	=	3.5 percent of loan amount

Since each 1 percent of the loan amount in charges is the equivalent of 1/8 percent increase in interest, the effective interest

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rate from Lender A is the quoted or "contract" interest rate, 8.5 percent plus .44 percent (3.5 times 1/8), or a total of 8.94 percent interest. Since Lender B has offered a nine percent interest rate, Lender A has made a more attractive offer. Of course, it is more attractive only if you have sufficient cash to pay Lender A's one-time charges and still cover your downpayment, moving expenses, and other settlement costs. This is simply a method to compare diverse costs on an equal basis. In the above illustration, Lender A does not receive the $300 lawyer fee.

The calculation is sensitive to your assumption about the period of time you plan to own the house before paying off the mortgage. As indicated above, the factor increases to 1/4 if you expect to pay off the mortgage in five years. Applying this new factor to the above illustration, the effective interest rate for Lender A would be 8.5 percent plus .87 (3.5 x 1/4) for a total of 9.37 percent interest. Lender A's offer is no longer more attractive than Lender B's which was 9.0 percent.

In doing these calculations you should also be careful as to which one time fees you place into the calculation. For example, if Lender B in the above illustration did not include in his charge a legal fee but told you that you had to secure legal services in order to obtain the loan from him, you would have to add to Lender B's interest rate the legal fee that you had to incur.

You can use this method to compare the effective interest rates of any number of lenders as you shop for a loan. If the lenders have provided Truth-in-Lending disclosures, these are even a better comparative tool. You should question lenders carefully to make sure you have learned of all the charges they intend to make. The good faith estimate you receive when you make a loan application is a good checklist for this information, but it is not precise. Thus, you should ask the lender how the charges and fees are computed.

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A Sample Worksheet

This page is a sample worksheet for a family purchasing a $35,000 house and getting a new $30,000 loan. Line 103 assumes that their total settlement charges are $1000. (This figure is the sum of all the individual settlement charges, which will be listed in detail in Section L, of their Uniform Settlement Statement.) The $1000 figure is merely illustrative. The amount may be higher in some areas and for some types of transactions, and lower for others.

J. SUMMARY OF BORROWER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:	
101. Contract sales price	35,000.00
102. Personal property	200.00
103. Settlement charges to borrower *(line 1400)*	1,000.00
104.	
105.	
Adjustments for items paid by seller in advance	
106. City/town taxes to	
107. County taxes to	
108. Assessments 6-30 to 7-31 (owners assn)	20.00
109. Fuel oil 25 to gal @ .50/gal	12.50
110.	
111.	
112.	
120. GROSS AMOUNT DUE FROM BORROWER	36,232.50
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:	
201. Deposit or earnest money	1,000.00
202. Principal amount of new loan(s)	30,000.00
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208.	
209.	
Adjustments for items unpaid by seller	
210. City/town taxes to	
211. County taxes 1-1 to 6-30 @$600/yr	300.00
212. Assessments 1-1 to 6-30 @$100/yr	50.00
213.	
214.	
215.	
216.	
217.	
218.	
219.	
220. TOTAL PAID BY/FOR BORROWER	31,350.00
300. CASH AT SETTLEMENT FROM/TO BORROWER	
301. Gross amount due from borrower *(line 120)*	36,232.50
302. Less amounts paid by/for borrower *(line 220)*	(31,350.00)
303. CASH (☒ FROM) (☐ TO) BORROWER	4,882.50

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Your Financial Worksheet

Once you have decided which providers you wish to use for your settlement services and have selected the lender who will make your loan, you can calculate the total estimated cash you will need to complete the purchase. The form below, which is a part of the Uniform Settlement Statement, can be used as a worksheet for this purpose.

J. SUMMARY OF BORROWER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:	
101. Contract sales price	
102. Personal property	
103. Settlement charges to borrower *(line 1400)*	
104.	
105.	
Adjustments for items paid by seller in advance	
106. City/town taxes to	
107. County taxes to	
108. Assessments to	
109.	
110.	
111.	
112.	
120. GROSS AMOUNT DUE FROM BORROWER	
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:	
201. Deposit or earnest money	
202. Principal amount of new loan(s)	
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208.	
209.	
Adjustments for items unpaid by seller	
210. City/town taxes to	
211. County taxes to	
212. Assessments to	
213.	
214.	
215.	
216.	
217.	
218.	
219.	
220. TOTAL PAID BY/FOR BORROWER	
300. CASH AT SETTLEMENT FROM/TO BORROWER	
301. Gross amount due from borrower *(line 120)*	
302. Less amounts paid by/for borrower *(line 220)*	( )
303. CASH (☐ FROM) (☐ TO) BORROWER	

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100. GROSS AMOUNT DUE FROM BORROWER

Page 1 of the Uniform Settlement Statement summarizes all actual costs and adjustments for the borrower and seller, including total settlement fees and charges found on line 1400 of Section L.

101. Contract Sales Price

This is the price of the home agreed to in the sales contract between the buyer and seller.

102. Personal Property

If, at the time the sales contract was made, you and the seller agreed that some items were to be transferred with the house, the price of those items is entered here. If it was agreed to include these items in the price of the home, their cost will be part of the sales price recorded on line 101. Personal property could include items such as carpets, drapes, stove, refrigerator, etc.

103. Settlement Charges to Borrower

The total charges detailed in Section L and totaled on line 1400, are recorded here. This figure includes all of the items payable in connection with the loan, items required by the lender to be paid in advance, reserves deposited with the lender, title charges, government recording and transfer charges, and any additional related charges.

104-105. Additional Costs

This space is for listing any additional amounts owed the seller, such as reserve funds if the buyer is assuming the seller's loan. This may not be applicable to your settlement.

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106-112. Adjustments

These include taxes, front footage charges, insurance, rent, fuel and other items that the seller has previously paid for covering a period which runs beyond the settlement date. The costs are usually divided on a proportional basis with the seller being reimbursed for charges accruing after the date of transfer of title.

120. GROSS AMOUNT DUE

This is the total of lines 101 through 112.

200. AMOUNTS PAID BY OR ON BEHALF OF BORROWER

201. Deposit or Earnest Money

This is the amount which you paid against the sales price when the sales contract was signed. It is credited to the purchase.

202. Principal Amount of New Loan

This is the amount of the new mortgage which you will repay to the lender in the future.

203. Existing Loan(s)

If you are taking over the seller's mortgage(s) instead of obtaining a new loan or paying all cash, the amount still owed on those prior loans will be shown here.

210-219. Adjustments

This includes taxes or assessments which become due after settlement, but which the seller pays because they cover a period of time prior to settlement. See "Reserve Accounts" for a further discussion of these matters.

220. TOTAL AMOUNTS PAID BY/FOR BORROWER

This is the sum of lines 201 through 219.

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300. CASH AT SETTLEMENT FROM/TO BUYER

Remaining are the summary lines which are 301-303 for the borrower (and 601-603 for the seller). Subtracting line 302 (gross amount paid by or for the borrower) from line 301 (gross amount due from the borrower) results in the net cash the borrower must pay at settlement.

RESERVE ACCOUNTS

In most instances, a monthly mortgage payment is made up of a payment on the principal amount of the mortgage debt which reduces the balance due on the loan, an interest payment which is the charge for use of the borrowed funds, and a reserve payment (also known as an escrow or impound payment) which represents approximately one-twelfth of the estimated annual insurance premiums, property taxes, assessments and other recurring charges.

When settlement occurs you may need to make an initial deposit into the reserve account; otherwise, your regular monthly deposits to it will not accumulate enough to pay the taxes, insurance or other charges when they fall due. Under RESPA, the maximum amount the lender can require borrowers or prospective borrowers to deposit into a reserve account at settlement is a total gross amount not to exceed the sum of: (a) an amount that would have been sufficient to pay taxes, insurance premiums, or other charges which would have been paid under normal lending practices, and ending on the due date of the first full monthly mortgage installment payment; plus (b) an additional amount not in excess of one-sixth (2 months) of the estimated total amount of taxes, insurance premiums and other charges to be paid on the dates indicated above during any twelve month period to follow.

An illustration will help clarify this calculation. Assume the following set of facts on a loan, and that taxes are paid at the end of the period against which taxes are assessed.

Example:	
Settlement date	April 30, 1977
Due Date of first mortgage loan repayment	June 1, 1977
Taxes due yearly	$360.00
Monthly tax accrual	$ 30.00
Due date for taxes	December 1st for the calendar year

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The reserve amount for category (a) is $180.00. This represents the amount of taxes accruing between December 1, 1976 (the last tax due date) and May 30, 1977 ($30.00 x 6 months). Reserve amounts chargeable under category (b) could be up to two months advance payment times $30.00 or a total of $60.00. Therefore, total reserve deposits for taxes at settlement would be a maximum of $240.00. Changing the due date for taxes and/or the first mortgage payment results in a different reserve amount for the same illustration.

The same procedure is used to determine the maximum amounts that can be collected by the lender for insurance premiums or other charges. You need to know the charges and due dates in order to compute the amounts.

Once you begin your monthly mortgage payments, you cannot be required to pay more than one-twelfth of the annual taxes and other charges each month, unless a larger payment is necessary to make up for a deficit in your account or to maintain the cushion of the one-sixth of annual charges mentioned in (b) above. A deficit may be caused, for example, if your taxes or insurance premiums are raised.

You should note that the above monthly mortgage payments reserve limitations apply to all RESPA covered mortgage loans whether they were originated before or after the implementation of RESPA.

ADJUSTMENTS BETWEEN BUYER AND SELLER

The previous section dealt with setting up and maintaining your reserve account with the lender. At settlement it is also usually necessary to make an adjustment between buyer and seller for property taxes and other charges. This is an entirely separate matter from the initial deposit which the borrower makes into the new reserve account.

The adjustments between buyer and seller are shown in Sections J and K of the Uniform Settlement Statement. In the example given in the foregoing section, the taxes, which are payable annually, had not yet been paid when the settlement occurs on April 30. The homebuyer will have to pay a whole year's taxes on the following December 1. However, the seller lived in the house for the first four months of the year. Thus, four-twelfths of the year's taxes are to be paid by the seller. Accordingly, lines 208 and 508 on the Uniform

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Settlement Statement would read as follows:

County taxes 1/1/77 to 4/30/77 $120.00

The buyer would be given credit for this amount in the settlement and the seller would have to pay this amount or count it as a deduction from sums payable to the seller.

In some areas taxes are paid at the beginning of the taxable year. If, in our example, the taxes were paid by the seller on January 1, 1977 for the following tax year ending December 31, 1977, the buyer will have to compensate the seller for the taxes paid by the seller for those months that the buyer will be in possession of the property (April 30-December 31). This adjustment will be shown on lines 107 and 407 of the Uniform Settlement Statement. With settlement occurring on April 30, those lines will read as follows:

County taxes 4/30/77 to 12/31/77 $240.00

This amount would be credited to the seller in the settlement.

Similar adjustments are made for insurance (if the policy is being kept in effect), special assessments, fuel and other utilities, although the billing periods for these may not always be on an annual basis. Be sure you work out these prorations with the seller prior to settlement. It is wise for you to notify utility companies of the change in ownership and ask for a special reading on the day of settlement, with the bill for pre-settlement charges to be mailed to the seller at his new address. This will eliminate much confusion that can result if you are billed for utilities which cover the time when the seller owned the unit.

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CONSUMER LITERATURE ON HOME PURCHASING, MAINTENANCE, PROTECTION, AND OTHER TOPICS

U. S. Department of Housing and Urban Development

Appraisals

Questions and Answers on FHA Home Property Appraisals	HUD-38-F

Condominiums

Financing Condominium Housing	HUD-77-F
HUD/FHA Non-Assisted Program for Condominium Housing	HUD-227-F
Questions About Condominiums	HUD-365-F
HUD/FHA Comparison of Condominium and Cooperative Housing	HUD-321-F

Cooperatives

Let's Consider Cooperatives	HUD-17-F
HUD/FHA Program for Unsubsidized Cooperative Housing	HUD-256-F

Home Mortgage Insurance

Home Mortgage Insurance	HUD-43-F
Programs for Home Mortgage Insurance	HUD-97-F

Home Ownership

The Home Buying Serviceman.	HUD-121-F
HUD's Home Ownership Subsidy Program	HUD-419-HPMC

Miscellaneous

Protecting Your Home Against Theft	HUD-315-F
Termites	HUD-323-F
Be An Energy Miser in Your Home	HUD-324-PA

Mobile Homes

Buying and Financing a Mobile Home	HUD-243-F
Mobile Home Financing Through HUD	HUD-265-F

General Interest

Wise Home Buying	HUD-267-F
Should You Buy or Rent a Home	HUD-328-F

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Protecting Your Housing Investment	HUD-346-PA
Home Owners Glossary of Building Terms	HUD-369-F
Home Buyers Vocabulary	HUD-383-HM
Your Housing Rights	HUD-177-EO

Contact: U.S. Department of Housing & Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, Room B-258 or HUD Regional Area and Insuring Offices throughout the country.

U.S. Veterans Administration

Pointers for the Veteran Homeowner
Questions and Answers on Guaranteed and Direct Loans for Veterans
To the Home-Buyer Veteran

Contact: Your Nearest VA Regional Office

U.S. Department of Agriculture

Selecting and Financing a Home

Contact: Office of Communications, U.S. Department of Agriculture
Washington, D.C. 20250

U.S. Department of Labor

Rent or Buy? (No. 178D)

Contact: Consumer Information Center,
Pueblo, Colorado 81009

General Services Administration

Consumer Information: A Catalog of Selected Federal Publications

Contact: Consumer Information Center,
Pueblo, Colorado 81009

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Equal Credit Opportunity Notice

The lender may provide the applicant the Equal Credit Opportunity Notice on this page. (Federal Reserve Board Regulation B, 12 CFR 202.4(d)) The Equal Credit Opportunity Act, 15 U.S.C. 1691 et. seq., prohibits discrimination against credit applicants on the basis of sex and marital status. Beginning March 23, 1977, the Act extends this protection to race, color, religion, national origin, age, whether all or part of the applicant's income is derived from any public assistance program, or if the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The applicant should note that the lender must either provide the notice here, on an application form, or on some other separate sheet of paper. This notice provides the name of the lender's supervising agency.

[FR Doc.76-16775 Filed 6-7-76;10:33 am]

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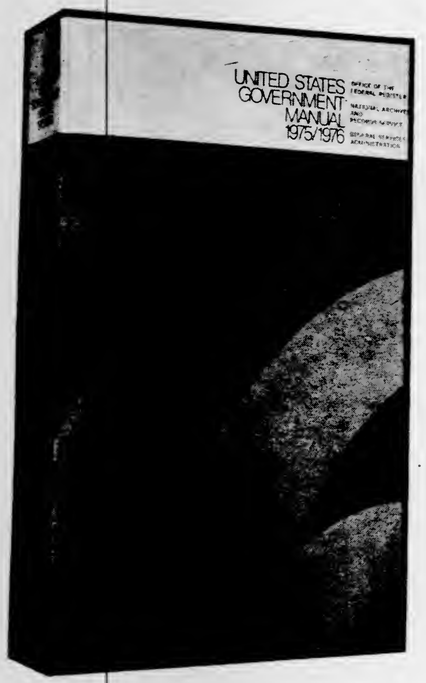

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Rules Going Into Effect Today

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List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

Executive Order 11919 • June 9, 1976

Delegating Authority of the President To Concur in Designations of Commissioners, United States Parole Commission

By virtue of the authority vested in me by section 301 of title 3, United States Code, and section 4204(a)(5) of title 18, United States Code, as enacted by the Parole Commission and Reorganization Act (Public Law 94–233), and as President of the United States of America, it is hereby ordered that the Attorney General shall serve as the President's designee for purposes of concurring in designations of Commissioners of the United States Parole Commission to serve on the National Appeals Board, as vice chairman of the Commission, and as regional Commissioner.

Gerald R. Ford

THE WHITE HOUSE,
June 9, 1976.

[FR Doc.76-17278 Filed 6-9-76;4:45 pm]

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Executive Order 11920 June 10, 1976

Establishing Executive Branch Procedures Solely for the Purpose of Facilitating Presidential Review of Decisions Submitted to the President by the Civil Aeronautics Board

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 801 of the Federal Aviation Act, as amended (49 U.S.C. 1461), and as President of the United States of America, solely to provide Presidential guidance to department and agency heads and in order to facilitate Presidential review of decisions submitted to the President for his approval by the Civil Aeronautics Board pursuant to section 801 of the Federal Aviation Act, as amended, it is hereby ordered as follows:

SECTION 1. (a) Except as provided in this section, decisions of the Civil Aeronautics Board, hereinafter referred to as the CAB, transmitted to the President pursuant to section 801 of the Federal Aviation Act, as amended, hereinafter referred to as section 801, may be made available by the CAB for public inspection and copying following submission to the President.

(b) In the interests of national security, and in order to allow for consideration of appropriate action under Executive Order No. 11652, as amended, decisions of the CAB transmitted to the President under section 801 shall be withheld from public disclosure for five days after submission to the President.

(c) At the same time that decisions of the CAB are submitted to the President pursuant to section 801, the CAB shall transmit copies thereof to the Secretary of State, the Secretary of Defense, and the Assistant to the President for National Security Affairs.

(d) The Secretary of State and the Secretary of Defense, or their designees, shall review the decisions of the CAB transmitted pursuant to subsection (c) above, and shall promptly advise the Assistant to the President for National Security Affairs or his designee, whether, and if so, why, action pursuant to Executive Order No. 11652, as amended, is deemed appropriate. If, after considering the above recommendations, the Assistant to the President for National Security Affairs or his designee determines that classification under Executive Order No. 11652 is appropriate, he shall take such action and immediately so inform the CAB. Action pursuant to this subsection shall be completed within five days of receipt of the decision by the President.

(e) On and after the sixth day following receipt by the President of a CAB decision submitted pursuant to section 801, the CAB is authorized to disclose all unclassified portions of the text of such decision. Nothing in this section is intended to affect the ability to withhold material under Executive order or statute other than section 801.

SEC. 2. (a) Views of departments and agencies outside of the Executive Office of the President, other than those views involving considerations of defense or foreign policy (including international negotiations costs) which are to be the subject of recommendations to the President in connection with his review under section 801, shall be presented to the CAB in accordance with the procedures of the CAB. While some issues will inevitably involve both questions of regulatory policy and defense or foreign policy, departments and agencies outside of the Executive Office of the President should make a conscientious effort to present their views on regulatory matters in proceedings before the CAB, and raise only matters of defense or foreign policy that are of Presidential concern in the course of the review under section 801.

(b) Departments and agencies outside of the Executive Office of the President which intend to make recommendations to the President on matters of defense or foreign policy and have such intentions while the matter is pending before the CAB, shall, except as confidentiality is required for reasons of defense or foreign policy,

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make the existence of such intentions and the conclusions to be recommended known to the CAB in the course of its proceedings.

SEC. 3. (a) In advising the President with respect to his review of an order submitted to him pursuant to section 801, departments and agencies outside of the Executive Office of the President shall:

(1) identify any matter contained in their respective recommendations which was not previously submitted to the CAB pursuant to section 2(a) above;

(2) explain why such matter was not previously submitted to the CAB for its consideration; and

(3) identify with particularity the defense or foreign policy implications of the CAB decision which are deemed appropriate for the President's consideration.

(b) Orders involving foreign and overseas air transportation certificates of U.S. carriers that are subject to the approval of the President are not subject to judicial review when the President approves or disapproves an order for reasons of defense or foreign policy. All disapprovals necessarily are based on such a Presidential decision, but approval by the President does not necessarily imply the existence of any defense or foreign policy reason. For the purpose of assuring whatever opportunity is available under the law for judicial review of the CAB decisions, all departments and agencies which make recommendations to the President pursuant to section 801 should indicate separately whether, and why, if the order or any portion of the order is approved, the President cannot state in his approval that no defense or foreign policy reason underlies his action.

SEC. 4. Individuals within the Executive Office of the President shall follow a policy of (a) refusing to discuss matters relating to the disposition of a case subject to the approval of the President under section 801 with any interested private party, or an attorney or agent for any such party, prior to the President's decision, and (b) referring any written communication from an interested private party, or an attorney or agent for any such party, to the appropriate department or agency outside of the Executive Office of the President. Exceptions to this policy may only be made when the head of an appropriate department or agency outside of the Executive Office of the President personally finds that direct written or oral communication between a private party and a person within the Executive Office of the President is needed for reasons of defense or foreign policy.

SEC. 5. Departments and agencies outside of the Executive Office of the President which regularly make recommendations to the President in connection with the Presidential review pursuant to section 801 shall, consistent with applicable law, including the provisions of Chapter 5 of Title 5 of the United States Code:

(a) establish public dockets for all written communications (other than those requiring confidential treatment for defense or foreign policy reasons) between their officers and employees and private parties in connection with the preparation of such recommendations; and

(b) prescribe such other procedures governing oral and written communications as they deem appropriate.

SEC. 6. Although it is recognized that the provisions set forth in this Order will frequently apply to review of decisions made in adversary proceedings involving private parties, this Order is intended solely for the internal guidance of the departments and agencies in order to facilitate the Presidential review process. This Order does not confer rights on any private parties.

SEC. 7. The provisions of this Order shall be effective on the 30th day following publication in the FEDERAL REGISTER.

THE WHITE HOUSE,
June 10, 1976.

Gerald R. Ford

[FR Doc.76-17296 Filed 6-10-76;10:58 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the positions of Private Secretary and Special Assistant to the Assistant Secretary for Economic Affairs are no longer excepted under Schedule C and that the following positions are excepted under Schedule C: two positions of Confidential Assistant and one position of Private Secretary to the Chief Economist.

Effective June 11, 1976, §§ 213.3314 (a) (4) and (11) are revoked and §§ 213.3314(a) (23) and (24) are added as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(4) [Revoked]

• • • • • •

(11) [Revoked]

• • • • • •

(23) Two Confidential Assistants to the Chief Economist.

(24) One Private Secretary to the Chief Economist.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-17047 Filed 6-10-76;8:45 am]

PART 752—ADVERSE ACTIONS BY AGENCIES

Physical Handicap

Section 752.104(c) is amended by removing the word "or" in the fifth line, and § 752.304(b)(2) is amended by removing the words "or" and "because of" in the fourth line.

Effective June 11, 1976, these sections are amended as set out below.

§ 752.104 General standards.

• • • • • •

(c) An agency may not take an adverse action against an employee covered by this part that is based on discrimination because of race, color, religion, sex, national origin, age, or for physical handicap with respect to any position the duties of which may be effectively performed by a person with the physical handicap.

• • • • • •

§ 752.304 Appeal rights to the Commission.

• • • • • •

(b) *Scope of review.* • • •

(2) When an employee alleges that a suspension was taken as a result of discrimination on grounds of race, color, religion, sex, national origin, or age: *Provided*, That the employee was at least 40 years of age but less than 65 years of age, the Commission refers the allegation of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491; 3 CFR, 1966–1970 Comp., p. 861)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-17046 Filed 6-10-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Docket No. R-0026]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Adoption of Revised Form

Pursuant to the authority of Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board of Governors has adopted a revised Federal Reserve Form U–1, "Statement of Purpose of a Stock-Secured Extension of Credit by a Bank," effective September 1, 1976.[1] This form is for use by banks in fulfilling certain requirements of Part 221 of Title 12 (Regulation U).

On February 7, 1968 the Board published a notice in the FEDERAL REGISTER (33 FR 2702) announcing, inter alia, that, effective March 11, 1968, § 221.3(a) of Regulation U is amended to add a requirement that a bank shall obtain and keep for a prescribed period in connection with any stock-secured loan, on a form prescribed by the Board, a statement relating to the purpose of the loan by (i) the customer and (ii) the officer extending the credit. The Board commented that the changes in § 221.3(a) of Regulation U were designed to make uniform the evidentiary requirements of such section.

[1] A copy of the Federal Reserve Form U–1 is filed as a part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System or any Federal Reserve Bank.

Pursuant to and simultaneously with the notice of amendment to § 221.3(a), the Board published in the FEDERAL REGISTER on February 7, 1968 (33 FR 2721), a notice of adoption, effective March 11, 1968, of, inter alia, Federal Reserve Form U–1, "Statement of Purpose of the Proceeds of a Stock-Secured Extension of Credit by a Bank", for use by banks in implementing and fulfilling the requirements of that Section.

In 1969, the Board adopted an amendment to § 221.3(a), effective July 8, 1969, to reduce the time required for retaining Federal Reserve Form U–1 (34 FR 9203, June 11, 1969) and adopted a revised Form U–1 to reflect such change (34 FR 12330).

Since the last revision of Federal Reserve Form U–1 in 1969, substantial experience has been gained by banks, law enforcement agencies and System staff in the use of the form. Such experience leads to the conclusion that certain revisions of Form U–1 are necessary and appropriate, if it is to continue to serve as a useful evidentiary tool in maintaining compliance with provisions of Regulation U.

Generally, the revised Form U–1 will embody the following changes:

(1) The addition of caveats and definitional aids to prospective borrowers respecting their potential criminal liability under various statutes and the provisions of the Board's Regulation X. The purpose of Regulation X, which was adopted by the Board on November 1, 1971, is to prevent infusion into United States securities markets of unregulated credit obtained in circumvention of the provisions of the Board's margin regulations, or by borrowers falsely certifying the purpose of a loan, or otherwise willfully and intentionally evading the provisions of those regulations.

(2) A revision of the format to provide increased assistance to law enforcement agencies and bank examiners by requiring, inter alia, a borrower to specifically state whether or not a proposed stock-secured extension of credit is for the purpose of purchasing or carrying margin stock.

(3) Inclusion of a requirement for affirmative representation by borrowers respecting the integrity of the collateral offered as security for an extension of credit, and a requirement that a duly authorized officer of the lending bank shall undertake, in addition to other required procedures, an examination of the physical aspects of the securities offered as collateral and perform such validation procedures with respect thereto as are mandated by bank policy and governmental regulations.

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Because the revisions to Form U–1 are designed to make uniform evidentiary requirements pursuant to § 221.3(a) and are procedural in nature the Board concluded that the notice and public procedure contemplated by Section 553 of Title 5, United States Code, was unnecessary with respect to such changes.

By order of the Board of Governors, May 25, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76–16954 Filed 6–10–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 378—SPECIAL NUCLEAR CONTROLS

Addition of Grenada to List of Countries Adhering to Limited Nuclear Test Ban Treaty

Part 378 sets forth the procedures that exporters should follow in exporting commodities and technical data related to nuclear weapons, nuclear explosive devices or nuclear testing. Certain provisions of these regulations do not apply to countries that are adherents to the Limited Nuclear Test Ban Treaty. The countries adhering to this treaty are listed in Supplement No. 1 to Part 378 of the Export Administration Regulations (15 CFR Part 378). Grenada has notified the U.S. Department of State that it considers itself unrestrictedly bound by the Treaty. As a result of this notification, Grenada is now added to the list of countries adhering to the Limited Nuclear Test Ban Treaty.

Effective date of action: June 1, 1976. Accordingly, Supplement No. 1 to Part 378 of the *Export Administration Regulations* (15 CFR Part 378) is amended to insert "Grenada," following "Greece," in the list of "Countries Adhering to the Limited Nuclear Test Ban Treaty".

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.76–17112 Filed 6–10–76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12496]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Brokers and Dealers Effecting Transactions in Municipal Securities

Extension to October 1, 1976 of certain aspects of the financial responsibility and reporting program pertaining to transactions in municipal securities.

The Securities and Exchange Commission today announced the extension until October 1, 1976 of certain aspects of the financial responsibility and reporting program pertaining to transactions in municipal securities. The effected components of the program consist of the Commission's previous interpretations respecting the application of Rules 17a–3, 17a–4 and 17a–11(c) [17 CFR 240.17a–3, –4 & –11(c)] to brokers and dealers effecting transactions solely in municipal securities.

Section 17(a)(1)[1] of the Securities Exchange Act of 1934 ("the Act") requires registered brokers and dealers, inter alia, to make and keep such records for such periods of time as the Commission by rule prescribes as necessary or appropriate in the public interest or for the protection of investors. Among the rules adopted pursuant to this rulemaking authority are Rules 17a–3, 17a–4 and 17a–11 [17 CFR 240.17a–3, –4 & –11]. Rule 17a–3 [17 CFR 240.17a–3] essentially requires that brokers and dealers registered pursuant to section 15 of the Act shall make and keep current specified books and records relating to their business. Rule 17a–4 [17 CFR 240.17a–4] requires the preservation for specified lengths of time of the books and records maintained pursuant to Rule 17a–4 (b), (c) and (d) [17 CFR 240.17a–4 (b), (c) & (d)].[2] Paragraph (c) of Rule 17a–11 [17 CFR 240.17a–11] requires that brokers and dealers give immediate, telegraphic notice of a Rule 17a–3 [17 CFR 240.17a–3] violation to the Commission, and take corrective measures within forty-eight hours after transmittal of such notice.

In Securities Exchange Act Release No. 11854 (November 20, 1975) ("Release No. 11854") [40 FR 57786 (Dec. 12, 1975)], the Commission adopted a financial responsibility and reporting program pertaining to transactions in municipal securities, including certain amendments, temporary amendments and interpretations to the uniform net capital rule (Rule 15c3–1), the customer protection rule (Rule 15c3–3), and other related financial responsibility and reporting rules, including Rules 17a–3, 17a–4 and 17a–11(c) [17 CFR 240.17a–3, –4 & –11(c)]. In Release No. 11854, the Commission noted that brokers and dealers effecting transactions solely in municipal securities might be largely unfamiliar with the requirements of Rule 17a–3 [17 CFR 240.17a–3], and might experience difficulty in digesting and implementing all of the rule's provisions prior to December 1, 1975, by which date these brokers and dealers would become subject to Rule 17a–3 [17 CFR 240.17a–3].[3]

The Commission concluded that it was necessary and appropriate to provide a transitional period during which brokers and dealers effecting transactions solely in municipal securities could educate themselves concerning Rule 17a–3 [17 CFR 240.17a–3] and make those adjustments to their bookkeeping and recordkeeping systems dictated by the rule's provisions. The Commission accordingly interpreted Rule 17a–3 [17 CFR 240.17a–3] to require brokers and dealers effecting transactions solely in municipal securities to make and keep current books and records sufficient to demonstrate their financial condition, to reflect the receipt and delivery of all funds and securities, and to reflect all customer activity.[4] A companion interpretation of Rule 17a–4 [17 CFR 240.17a–4] provided that brokers and dealers effecting transactions solely in municipal securities would be required to preserve in an easily accessible place those books and records maintained pursuant to Rule 17a–3 [17 CFR 240.17a–3] as interpreted, and such other business records required to be preserved by Rule 17a–4 [17 CFR 240.17a–4]. In addition, the Commission interpreted Rule 17a–11(c) [17 CFR 240.17a–11(c)] to apply only to violations of Rule 17a–3 [17 CFR 240.17a–3] as interpreted.[5] The Commission stated its intention to consult and coordinate with the Municipal Securities Rulemaking Board ("the Board") concerning appropriate books and records requirements for brokers and dealers effecting transactions solely in municipal securities and invited public comment concerning numerous questions pertaining to appropriate financial responsibility and reporting requirements for these brokers and dealers.[6]

The interpretations to Rules 17a–3, 17a–4 and 17a–11(c) [17 CFR 240.17a–3, –4 & –11(c)] discussed above originally were scheduled to expire on January 15, 1976. However, prior to that date, certain interested members of the public and the Board requested that these interpretations be extended. The Board indicated at that time that it had under active consideration certain proposals concerning books and records requirements which it expected to publish for comment in the near future, as a prelude to a formal filing with the Commission, pursuant to Section 19(b) of the Act, of a proposed books and records rule by March, 1976. The Commission responded by extending these interpretations until March 31, 1976.[7]

On February 3, 1976, the Board made available to interested members of the public an exposure draft of rules establishing recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The Board solicited public comments concerning these draft proposals during a period expiring March 5, 1976. On March 2, 1976, in response to this invitation, the Commission transmitted

[1] Securities Acts Amendments of 1975, Pub. L. No. 94–29, section 14, 89 Stat. 137 (June 4, 1975), formerly ch. 404, section 17, 48 Stat. 897 (1934).

[2] The Commission calls attention to Securities Exchange Act Release No. 11935 (Dec. 17, 1975), 40 FR 59706 (Dec. 30, 1976), wherein the Commission amended Rule 17a–4 to require brokers and dealers filing Parts II or IIA of Form X–17A–5 to make and keep certain additional books and records.

[3] Securities Exchange Act Release No. 11854, at 22–23 (Nov. 20, 1975), 40 FR 57786 (Dec. 12, 1975).

[4] Id. at 23.

[5] Id. at 24–25.

[6] Id. at 23, 26–27.

[7] Securities Exchange Act Release No. 12021 (Jan. 15, 1976), 41 FR 3469 (Jan. 23, 1976).

the staff's preliminary comments and suggestions with respect to the exposure draft. The Board's exposure draft also generated substantial interest among members of the public. The Board considered its proposed recordkeeping and preservation requirements at its regularly scheduled meeting on March 25 and 26, 1976. As the Board's revised schedule would not allow completion of the public procedures provided for in Section 19(b) prior to the expiration of the interpretations of Rules 17a–3, 17a–4 and 17a–11(c) [17 CFR 240.17a–3, –4 & –11(c)], the Commission deferred the expiration date of these interpretations from March 31, 1976 to June 1, 1976.[8]

The Board filed its proposed recordkeeping rules under Section 19(b) of the Act on April 8, 1976.[9] With certain exceptions, Section 19(b) requires that the terms of substance of proposed rules of self-regulatory organizations be published for public comment in the FEDERAL REGISTER, and precludes, except for good cause, Commission approval of such proposals until thirty days after such publication. The Board's proposed rules were published in the FEDERAL REGISTER on April 30, 1976.[10] In filing the proposed rules, the Board consented to an extension of the time for Commission action thereon to 90 days after their publication, and thus Commission action with respect to these rules is not required until July 29, 1976, almost two months after the expiration of the interpretations. In addition, the public comment period with respect to these rules does not close until June 14, 1976, two weeks after the expiration of the interpretations. It is apparent that the Board's proposed recordkeeping and preservation rules, if approved, could not become effective prior to the expiration of the Commission's previous extension of its interpretations of Rules 17a–3, 17a–4 and 17a–11(c) [17 CFR 240.17a–3, –4 & –11(c)].

The Commission has determined that it is appropriate in the public interest and for the protection of investors to continue the existing regulatory structure with respect to brokers and dealers effecting transactions solely in municipal securities until the Commission is in a position to consider and approve appropriate recordkeeping and preservation rules for such brokers and dealers. Accordingly, the Commission hereby extends the aforementioned interpretations of Rules 17a–3, 17a–4 and 17a–11(c) [17 CFR 240.17a–3, –4 & –11(c)] until October 1, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 28, 1976.

[FR Doc.76–16982 Filed 6–10–76;8:45 am]

[8] Securities Exchange Act Release No. 12288 (March 31, 1976), 41 FR 15842 (April 15, 1976).

[9] Rule 19b–4 Filing No. MSRB–76–4 (April 8, 1976).

[10] 41 FR 18175 (April 30, 1976).

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76–167]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the period January 1975 through December 1975 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 159.47(f), Customs Regulations, amended.

The Treasury Department is in receipt of official information that the rate of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on the exportation during the period January 1975 through December 1975 of approved fruit products and other approved products containing sugar was nil.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, or estimated to be the rate stated above. Accordingly, no additional duties on the above-described commodities, imported directly or indirectly from that country, shall be assessed and collected under section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)), under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 70–225, 71–276, and 73–277, and (2) by adding a reference to this Treasury Decision. As amended, the last four lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
•	•	•	•
		55716	Certain articles exempted as to shipments exported on or after July 19, 1962.
		74–133	New rate.
		75–54	Do.
		76–167	Do.

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, as amended, 759; 19 U.S.C. 66, 1303, 1624).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: June 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–16991 Filed 6–10–76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7418]

PART 1—INCOME TAX; TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 1953

Farm Losses; Correction

On May 7, 1976, T.D. 7418 was published in the FEDERAL REGISTER (41 FR 18811).

1. The words "of $25,000" in Example (3) of paragraph (b)(6) of § 1.1251–1 should read "to $25,000".

2. The first word in the title to paragraph (b)(3) of § 1.1251–2 should read "Electing".

3. The words "of § 1.125–8" in paragraph (d)(1) of § 1.1251–2 should read "of § 1.1251–3".

4. The number "14.20%" in the table in Example (1)(i) of paragraph (e)(3) of § 1.1251–2 should read "14.28%".

5. The following should be inserted immediately before the end of Example (1)(i) of paragraph (c)(3) of § 1.1251–2:

Since the potential gain limitation percentage for the 1-year period beginning on September 1, 1970, exceeds 25 percent, a portion of A's excess deductions account, under the provisions of subparagraph (2)(iv) of this paragraph, is succeeded to by C and D. Similarly, since such percentage for the 1-year period beginning May 1, 1973, exceeds 25 percent, such provisions apply to the gift made to F. Since, however, such percentage is 25 percent or less for all 1-year periods in which the gift to E falls (i.e., 25 percent and 14.28 percent for the 1-year periods beginning, respectively, on August 1, 1971, and March 1, 1972) such provisions do not apply to the gift to E.

6. The number "106%" in the table in Example (1)(ii) of paragraph (c)(3) of § 1.1251–2 should read "100%".

7. Example (3) of paragraph (e)(3) of § 1.1251–2 should be deleted.

8. The words "of § 1.1254–4" in paragraph (a)(1) of § 1.1251–4 should read "of § 1.1245–4".

9. The table in Example (2) of paragraph (c)(5) of § 1.1251–4 should be changed by inserting a double line below the number "$15,000" in line (1)(c), by inserting a single line below the number "$5,000" in line (2)(b), and by inserting double lines below the number "$10,000" in lines (2)(c) and (3).

10. Example (3) of paragraph (d)(2) of § 1.1251–4 should be changed by adding a double line below the number "$10,000" in line (3).

11. The table in Example (2) of paragraph (e) of § 1.1252–1 should be changed by deleting the lines below the number "$5,000" in line (3), by changing the double line below the number "100%" in line (4) to a single line, by inserting a double line below the number "$5,000" in line (9).

12. The number "2152" in the table in Example (3) of paragraph (e) of § 1.1252–1 should be changed to "1252".

13. A double line should be added below the number "$7,000" in line (9) of

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Example (2)(ii) of paragraph (a)(4) of § 1.1252–2.

14. Example (3) of paragraph (c)(4) of § 1.1252–2 should be changed by deleting the lines below the number "$13,000" in line (1)(c), by changing the double line below the number "100%" in line (1)(d) to a single line, by changing the single line below the number "$20,000" in line (1)(h) to a double line, by changing the single line below the number "$3,000" in line (2)(c) to a double line, and by adding a double line below the number "$3,000" in line (3).

15. A double line should be inserted below the number "$18,000" in line (9) of Example (1)(i) of paragraph (d)(2) of § 1.1252–2.

16. The double line below the number "$13,000" in line (1)(c) of Example (2)(i) of paragraph (d)(2) of § 1.1252–2 should be deleted.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76–17091 Filed 6–10–76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Iowa Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa Plan and the adoption of Subpart J of Part 1952 containing the decision and describing the plan. By a letter dated September 3, 1975, from Jerry Addy, Iowa Commissioner of Labor, to J. A. Reidinger, former Assistant Regional Director for OSHA, Region VII, and by letters dated December 19, 1975, January 27, 1976, January 28, 1976, and February 6, 1976, from Region VII officials (J. A. Reidinger, former Assistant Regional Director for OSHA; Vernon Strahm, present Regional Administrator for OSHA, Region VII; and T. A. Housh, Jr., Solicitor of Labor for Region VII), State plan modification materials were transmitted to Barry J. White, Associate Assistant Secretary for Regional Programs, for his determination as to whether these supplements should be approved. These supplements fulfill the corresponding commitments in Iowa's developmental schedule, as outlined in 29 CFR 1952.164 as further revised and published in the FEDERAL REGISTER on May 7, 1976 (41 FR 18835).

2. *Description of the supplements.* (a) *Enabling Legislation Becomes Effective.* Chapter 88 of the Iowa Code (Iowa Senate File 1218), effective on July 1, 1972, was approved as State enabling legislation in the FEDERAL REGISTER approval notice of the Iowa Plan on July 20, 1973 (38 FR 19368), fulfilling the commitment contained in 29 CFR 1952.163(a). This approval was conditional on the provision that certain corrective amendments would be incorporated into the State law. These amendments as enacted were approved by notice in the FEDERAL REGISTER on September 2, 1975 (40 FR 40156).

(b) *Hiring Qualified Personnel.* In order for the State of Iowa to have an adequate number of personnel to enforce state occupational safety and health standards, as required by Section 18(c)(1) of the Act, a commitment was given in the State's developmental schedule (29 CFR 1952.163(f)) under which the State was obligated to hire a full complement of qualified enforcement personnel by April 1974. As of April 24, 1974, the State had employed twenty-one safety inspectors, three industrial hygienists, and five safety engineers under the Federally approved Iowa Merit Employment Department system, thus fulfilling the State's obligation for hiring.

(c) *Basic Training of Staff.* In order that all Iowa occupational safety and health enforcement personnel have the knowledge and expertise to perform their inspections and related duties in an efficient and professional manner, all compliance personnel were to attend the Basic Compliance Officers Course at the Occupational Safety and Health Institute in Rosemont, Illinois. This commitment, described in 29 CFR 1952.163(g), was fulfilled by May 9, 1975.

(d) *Training Program for Employers and Employees.* Since the voluntary compliance of employers and the knowledgeability of employees as to their rights and obligations under the Iowa plan are essential to the program, a commitment was given in 29 CFR 1952.163(e) to develop a training program which would utilize the services of local colleges. As of October 1974, a program of training for employers and employees had been developed with the Des Moines Area Community College in Ankeny, Iowa, and Kirkwood Community College in Cedar Rapids, Iowa.

(e) *Management Information System.* Under the requirements of section 18(c)(8) of the Act, approved 18(b) plan States would have to "make reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require." In order to establish source files for these reports, to provide internal management control and direction of compliance activities, and also to help facilitate monitoring under section 18(f) of the Act, the State gave a commitment in 29 CFR 1952.163(h) to develop a Management Information System (MIS). The Iowa Bureau of Labor had a functioning manual MIS system in operation as of July 1972.

(f) *Consultation.* In order to encourage voluntary compliance among employers, the Iowa designee gave a commitment to develop an on-site consultation program (29 CFR 1952.163(k)). According to OSHA Program Directives Nos. 72–27 and 74–13, the State on-site consultation program must not work to the detriment of the enforcement program; must include provisions for the abatement of serious hazards and for the referral of imminent danger situations to the enforcement section; and must not have any other direct relationship to the enforcement program itself. The Iowa Bureau of Labor, by September 1975, initiated a program which met these basic requirements for State on-site consultation.

(g) *Adoption of the Federal Standards as Interim State Standards.* The State of Iowa temporarily adopted extant Federal occupational safety and health standards in 29 CFR Parts 1910 and 1926 as of July 1, 1972 (State Code, Chapter 88), thus fulfilling the commitment given in 29 CFR 1952.163(c). At the time of the notice of the Approval of the Iowa Plan, the State was conducting hearings on the adoption of all Federal occupational safety and health standards (except maritime) as permanent State standards.

(h) *Permanent Standards.* Under section 18(c)(2) of the Act, an approved-plan State must "provide for the development and enforcement of safety and health standards" which "will be at least as effective in providing safe and healthful employment and places of employment" as the Federal standards. A Regional Office comparison determined that the standards promulgated by the State of Iowa are identical both in substance and numbering system to the Federal standards. These standards (29 CFR Parts 1910 and 1926) were adopted as interim standards, as mentioned in the Iowa State plan approval notice and were subsequently adopted as permanent State occupational safety and health standards on August 15, 1973, thus fulfilling the commitment expressed in 29 CFR 1952.163(d).

(i) *Commencement of Compliance Activities.* The State of Iowa fulfilled the commitment given in 29 CFR 1952.163(i) by initiating the enforcement of its occupational safety and health standards immediately after the approval of the Iowa plan (July 20, 1973). Since that date, the State compliance activities have been monitored in five semi-annual evaluations which have favorably reported the State's developmental progress in compliance activities as well as other aspects of the program.

(j) *Development of Compliance Programs in Agriculture, Mercantile, and Service Issues.* Under the provision of Section 6.1.a of Chapter 88 of the Iowa Code, the State was required to develop compliance programs in all issues covered by the Federal regulations, except maritime. The final areas of the State's enforcement programs were implemented as of July 1975, as evidenced by provisions of the Operational Agreement, notice of which was published in the FEDERAL REGISTER on October 31, 1975 (40 FR 50716), fulfilling the commitment given in 29 CFR 1952.163(j).

3. *Location of the plan and its supplements for inspection and copying.* A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N–3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; OSHA Technical Data Center (TDC), Room N–3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106; Iowa Bureau of Labor, State House, East 7th and Court Avenue, Des Moines, Iowa 50319.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Iowa plan supplements described above are consistent with commitments contained in the approved plan, and are substantially similar to parallel Federal regulations and procedures. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Iowa plan supplements outlined above are approved under 29 CFR Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart J of 29 CFR Part 1952 is amended to reflect the completion of developmental steps by revising 29 CFR 1952.164(c) through (l) as follows:

§ 1952.164 Completed developmental steps.

* * * * *

(c) In accordance with the commitment contained in § 1952.163(a), the State of Iowa enacted occupational safety and health enabling legislation which became effective on July 1, 1972.

(d) In accordance with the commitment contained in § 1952.163(f), the State of Iowa, as of April 24, 1974, hired a sufficient number of qualified safety and health personnel under the approved Iowa Merit Employment Department system.

(e) In accordance with the commitment contained in § 1952.163(g), all basic training of Iowa compliance personnel was completed as of May 9, 1975.

(f) In accordance with the commitment contained in § 1952.163(e), a program of education and training of employers and employees was developed with local community colleges as of October 1974.

(g) In accordance with the commitment contained in § 1952.163(h), the Iowa Bureau of Labor developed an approved manual Management Information System as of July 1972.

(h) In accordance with the commitment contained in § 1952.163(k), the Iowa Bureau of Labor initiated an approved program of on-site consultation as of September 1975.

(i) In accordance with the commitment contained in § 1952.163(c), the State of Iowa adopted Federal standards as interim State standards under Chapter 88 of the Iowa Code, effective on July 1, 1972.

(j) In accordance with the commitment contained in § 1952.163(d), the State of Iowa promulgated Federal occupational safety and health standards (29 CFR Parts 1910 and 1926) as permanent State Standards as of August 16, 1973.

(k) In accordance with the commitment contained in § 1952.163(i), the Iowa Bureau of Labor began its compliance activities in July 1973.

(l) In accordance with the commitment contained in § 1952.163(j), the Iowa Bureau of Labor implemented compliance programs in the agriculture, mercantile, and service issues by July 1975.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667)).

Signed at Washington, D.C. this 8th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17094 Filed 6–10–76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Oregon Plan Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On December 28, 1972, a notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon Plan and of the adoption of Subpart D of Part 1952 containing the decision. Further a notice of Approval of Revised Developmental Schedule was published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The State of Oregon has submitted a supplement to the plan involving implementation of its commitment to develop the basis for an on-going affirmative action plan. The supplement was evaluated by the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) in conjunction with the regional Civil Service Commission officials. Under this evaluation the Affirmative Action Plan was accepted as meeting at this time the State's commitment and forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for his determination as to whether it should be approved as meeting this commitment. The supplement is described below.

2. *Description of the Supplement.* Affirmative Action Plan. The Workmen's Compensation Board of Oregon has developed an Affirmative Action Plan outlining its policy of equal employment opportunity and establishing practices and procedures for the recruiting and hiring of minority and women employees, to assure its commitment to an on-going program that provides equal employment opportunity to all persons on the basis of individual merit.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the plan and its supplement may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N–3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Oregon plan supplement described above is consistent at this time with commitments contained in the approved plan, which was previously made available for public comment. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After consideration, the Oregon plan change outlined herein is approved under Part 1953. In addition, Subpart D of 29 CFR Part 1952 is hereby amended to reflect the approved plan change. Accordingly, § 1952.109(e) of Subpart D is hereby amended as follows:

§ 1952.109 Completed developmental steps.

* * * * *

(e) In accordance with § 1952.108(f) Oregon has developed and implemented an Affirmative Action Plan.

* * * * *

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C. this 4th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17095 Filed 6–10–76;8:45 am]

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PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Washington Plan; Approval of Plan Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington Plan and the adoption of Subpart F to Part 1952 containing the decision. On April 2, 1976 the State of Washington submitted a supplement to the plan involving a developmental change to the Seattle Regional Office of the Occupational Safety and Health Administration. Following regional review, the supplement was forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for his determination as to whether it should be approved. The supplement is described below.

2. *Description of the supplement.* Upgrading of salaries of safety personnel. The state has submitted a statement certifying that, in accordance with salary survey findings, the salaries of State safety personnel were increased by an average of 12 percent as of March 1, 1975. This increase completes the objectives as set forth in the State plan for upgrading of safety personnel.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the plan and its supplement may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; and the Department of Labor and Industries, General Administration Building, Olympia, Washington 98504.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Washington plan supplement described above is consistent with the commitment contained in the approved plan, which was previously made available for public comment. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Washington plan supplement described above is hereby approved under Subpart B of Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart F of 29 CFR Part 1952 is hereby amended to reflect the approved plan change. Accordingly, § 1952.124 of Subpart F is hereby amended by adding a new paragraph (g) as follows:

§ 1952.124 Completed developmental steps.

* * * * * *

(g) In accordance with § 1952.123(f) Washington has completed the upgrading of salaries of safety personnel.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C. this 4th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-17096 Filed 6-10-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5586; (C-22357)]

COLORADO

Transfer of Jurisdiction and Addition to Arapaho National Forest

Pursuant to the Act of December 31, 1974, Pub. L. 93-575, 88 Stat. 1878, it is ordered as follows:

1. Subject to valid existing rights, and all prior withdrawals, the following described public lands under the jurisdiction of the Secretary of the Interior, being adjacent to the boundaries of the Arapaho National Forest, Colorado, as of December 31, 1974, are hereby transferred to the Secretary of Agriculture and made a part of the Arapaho National Forest:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 78 W.,
Sec. 6;
Sec. 7, lots 1, 4, 5, 7, 17, N½NE¼;
Sec. 8, lots 2, 3, 7, 19, N½N½, SW¼NW¼;
Sec. 9, E½E½, NW¼NE¼, N½NW¼, NE¼SW¼;
Sec. 18, lot 21;
Sec. 19, lots 9, 11, 14 thru 19;
Sec. 22, lots 1, 3, 9, 10, N½, E½SE¼;
Sec. 23, lots 1 thru 4, E½W½;
Sec. 26, lots 1 thru 5, E½NW¼, NE¼SW¼;
Sec. 27, lots 1, 2, 8 thru 12, E½NE¼, NE¼SW¼, SE¼;
Sec. 28, lots 16, 19, 20, N½SE¼;
Sec. 29, lots 10, 11, 14;
Sec. 30, lots 1 thru 4, E½W½, N½SE¼;
Sec. 32, NE¼;
Sec. 33, lots 2, 8, NW¼NW¼;
Sec. 34, NE¼;
Sec. 35, NW¼.
T. 4 S., R. 78 W. (partially surveyed),
Sec. 3, lots 1, 2, 7, 8, 9;
Sec. 4, lots 15 and 16;
Sec. 9, lots 6 thru 13, NW¼SE¼;
Sec. 10, lots 7, 11, NE¼SE¼;
Sec. 14, W½;
Sec. 15, lots 3, 4, 5, 11, 12, 13, 14, SE¼NE¼;
Sec. 22, lots 1, 12, 15, 22, W½SW¼;
Sec. 23, lots 1, 2, 4, 6 thru 9, NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 25, lot 2, E½NW¼, S½;
Sec. 26, lots 5, 15, 16, 20;
Sec. 35, lots 1 and 4.
T. 2 S., R. 79 W. (partially surveyed),
Sec. 7, SE¼SE¼;
Sec. 8, E½, S½SW¼;
Sec. 9, W½;
Sec. 16, W½;
Sec. 17, N½, N½SW¼, N½S½SW¼, SE¼;
Sec. 18, N½NE¼, SE¼NE¼, NE¼NW¼, E½E½SE¼;
Sec. 19, lot 7;
Sec. 20, N½NE¼, SE¼NE¼, E½ lot 10;
Sec. 21, NW¼, N½SW¼, NE¼SE¼SW¼;
Sec. 27, E½SW¼, SE¼;
Sec. 33, lot 1, NW¼NE¼, NE¼NW¼;
Sec. 34, lots 1 thru 4, 8 thru 11, 28 and 30;
Sec. 35, N½SW¼, SE¼.
T. 3 S., R. 79 W. (partially surveyed),
Sec. 1, lots 1, 2, 4, 9, 10, S½NE¼, E½SE¼;
Sec. 2, lots 1, 2, SW¼NW¼, NW¼SW¼;
Sec. 3, lots 1, 2, 3, 5, 6, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 10, lots 1 thru 4, W½NE¼, NW¼, NW¼SE¼;
Sec. 12, lot 8;
Sec. 13, lots 5 and 6.
T. 2 S., R. 80 W. (partially surveyed),
Sec. 11, lot 7;
Sec. 13, lot 10;
Sec. 18, E½;
Sec. 21, NE¼SW¼;
Sec. 28, E½E½.
Totaling 11,670.94 acres in Summit County.

2. The exterior boundaries of the Arapaho National Forest are hereby extended to include all of the lands not presently within such boundaries, lying in T. 3 S., R. 78 W.; T. 4 S., R. 78 W.; T. 2 S., R. 79 W.; T. 3 S., R. 79 W.; and T. 2 S., R. 80 W., secs. 7 thru 18, and sec. 20 thru 28, all of the Sixth Principal Meridian.

3. Effective upon approval of this order, the lands described in paragraph 1 of this order shall be subject to such forms of disposition and use as by law may be made of national forest lands. The use and disposal of such lands shall hereafter be governed by the rules and regulations promulgated by the Secretary of Agriculture.

4. This order does not alter the applicability of the U.S. mining laws or the mineral leasing laws. The purpose of this order is to transfer surface management jurisdiction.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 4, 1976.

[FR Doc.76-16960 Filed 6-10-76;8:45 am]

[Public Land Order 5587; (Idaho 5276)]

IDAHO

Amendment of Public Land Order No. 5499

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented; 43 U.S.C. 416, it is ordered as follows:

Public Land Order No. 5499 of May 1, 1975, published in the May 8, 1975, issue of the FEDERAL REGISTER, revoking Secretarial Orders of September 10, 1937, November 9, 1937, December 29, 1938, March 27, 1941, and April 21, 1942, which withdrew lands for general investigations and the Boise Project, is hereby amended to include the following described lands which were inadvertently omitted:

BOISE MERIDIAN

T. 13 N., R. 11 E.,
Secs. 33 thru 36.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 4, 1976.

[FR Doc.76-16961 Filed 6-10-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-394]

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

Corrections

In Part III of the FEDERAL REGISTER for Friday, June 4, 1976, appearing on pages 22702-22712, the following corrections should be made:

§ 3500.6 [Amended]

1. Page 22705, § 3500.6(a) is corrected by inserting in the third sentence the word "Information" after the word "Special", and by inserting the word "but" after the word "received"; by inserting the words "them in" after the word "placing", and deleting the word "or" after the word "mail" in the fourth sentence; and by deleting in the last sentence the period after the word "Board" and adding the words "unless provided elsewhere."

§ 3500.7 [Amended]

2. Page 22705, § 3500.7(d)(1) delete the quotation mark after the word "items" and add a quotation mark after the phrase "amounts at settlement".

§ 3500.9 [Amended]

3. Page 22706, § 3500.9(a)(3) is corrected by inserting in the first sentence a period after the words "lines 100-1400" and inserting the phrase "However, blank lines or items listed in lines 100-1400" before the word "which".

4. Page 22706, § 3500.9(a)(5) is corrected by inserting the word "of" after the word "form" in the last sentence.

5. On page 22709, the paragraph dealing with lines 1111-1113 is corrected by deleting the last sentence and adding the following, "Show the attorney's fees for legal representation on lines 1111-1113."

6. On page 22712, add the following phrase: *"Effective date:* June 30, 1976" before the signature block.

Effective June 8, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76-17093 Filed 6-10-76;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Utilization Control—Methodology for Determining Number of Days Subject to Reductions in the Federal Medical Assistance Percentage

The Administrator of the Social and Rehabilitation Service, with the approval of the Secretary, is hereby revising 45 CFR 250.20(b)(2) and redesignating that paragraph as 45 CFR 250.18(f) in order to correct a technical error and bring the wording of the provision into line with the Department's intent at the time it was issued. The current wording of that paragraph states that a State's quarterly utilization control (UC) "showing" must include a description of the methodology that the State uses to keep track of the patient days potentially subject to a reduction in the Federal medical assistance percentage under section 1903(g) of the Social Security Act. This language appears to suggest that the failure of a State to include this description in its quarterly showing will trigger the imposition of reductions under section 1903(g) of the Act. It was never the intent of the Department, however, to effectuate such a result. The purpose of requiring this methodology is to provide the Administrator with a means of accurately calculating the correct reduction in FFP in the event that a State is found to be out of adherence with Federal UC standards. The existence (or lack thereof) of this methodology was never meant to be itself a factor in determining whether reductions should actually be applied.

The revised (and redesignated) paragraph, hereby issued, continues to require that States have available the same information required by the original paragraph. However, it clarifies that a State must have this information as part of its responsibilities under its State title XIX plan, rather than as an integral component of the quarterly UC showings required under section 1903(g) of the Act. Since the revision is of a technical nature, intended only to clarify the Department's original intent in promulgating paragraph (b)(2) of 45 CFR 250.20, the Department finds that there is good cause to dispense with proposed rulemaking procedures. The revision will be retroactively effective to July 1, 1975—the effective dates of 45 CFR 250.18 and 250.20.

45 CFR Chapter II, paragraph (b)(2) of § 250.20 is revised and redesignated as paragraph (f) of § 250.18. As so amended, §§ 250.18 and 250.20 read as follows:

§ 250.18 Utilization control.

* * * * * *

(f) Each State must have procedures for determining promptly the number of days which each title XIX patient for whom payment is made under the State plan has received care beyond sixty days, or, for inpatient mental hospital services, beyond ninety days. The records containing this information on patient-days must be available at the single State agency for review by Federal officials. In determining the number of days each individual has received institutional services, there shall not be counted any days with respect to which such individual is entitled to have payments made (in whole or in part) on his behalf under section 1812 of the Social Security Act.

§ 250.20 Federal financial participation in State expenditures for control and review of utilization of care and services.

(b)

* * * * * *

(2) [Reserved]

* * * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Effective date: This revision and redesignation are retroactively effective as of July 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: May 21, 1976.

M. KEITH WEIKEL,
Acting Administrator, Social and Rehabilitation Service.

Approved: June 8, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-17234 Filed 6-10-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-489]

PART 73—RADIO BROADCAST SERVICES

Applicability of the Fraudulent Billing Rule

JUNE 10, 1976.

On October 20, 1965, the Commission amended Part 73 of its rules and regulations to prohibit fraudulent billing practices by broadcast licensees. At the same time, it issued a Public Notice containing illustrative examples of certain kinds of fraudulent billing practices with which the Commission was familiar. It cautioned that "Since fraudulent billing practices may take many forms, the following list of examples should not be considered all-inclusive." 1 FCC 2d 1068, 1075. The fraudulent billing rule, now designated as § 73.1205 of the Commission's rules and regulations, was amended on May 13, 1970 to clarify its meaning and the previously-issued Public Notice was correspondingly amplified with two new examples. 23 FCC 2d 70.

The Commission has now further amended § 73.1205. In view of the amendments, it is appropriate to add corresponding illustrative examples to the pre-

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viously issued Public Notice and to issue a revised and consolidated Notice incorporating the additions adopted in 1970 as well. The examples which follow are, like those previously released, not to be considered all-inclusive but merely illustrative of the application of the rule to some practices.

EXAMPLES

1. A licensee issues a bill or invoice to local dealer for 50 commercial spots at a rate of $5 each for a total of $250. In connection with the same 50 commercial spots, the station also supplies the local dealer or an advertising agency, jobber, distributor, or manufacturer of products sold by the local dealer, another affidavit, memorandum, bill, or invoice which indicates that the amount charged the local dealer for the 50 spots was greater than $5 per spot.

Interpretation: This is fraudulent billing, since it may deceive the manufacturer, jobber, distributor or advertising agency to which the inflated bill eventually is sent, as to the amount actually charged and received by the station for the advertising.

2. A licensee issues a bill or invoice to a local dealer for 50 commercial spots at $5 each and the bill, invoice or accompanying affidavit indicates that the 50 spots were broadcast on behalf of certain cooperatively advertised products, whereas some of the spots did not advertise the special products, but were used by the local dealer solely to advertise his store or products for which cooperative sponsorship could not be obtained.

Interpretation: This is fraudulent billing, even though the station actually received $5 each for the 50 spots, because by falsely representing that the spots advertised certain products, the licensee has enabled the local dealer to obtain reimbursement from the manufacturer, distributor, jobber or advertising agency for advertising on behalf of its product which was not actually broadcast.

3. A licensee sends, or permits its employees to send, blank bills or invoices bearing the name of licensee or his call letters to a local dealer or other party.

Interpretation: A presumption exists that licensee is tacitly participating in a fraudulent scheme whereby a local dealer, advertising agency or other party is enabled to deceive a third party as to the rate actually charged by licensee for advertising, and thereby to collect reimbursement for such advertising in an amount greater than that specified by the agreement between the third party and the local dealer. It is the licensee's responsibility to maintain control over the issuance of bills and invoices in the licensee's name, to make sure that fraud is not practiced.

4. A licensee submits bills or invoices to an advertising agency, station representative, or other party indicating that licensee's rate per spot is $50, whereas the licensee actually receives only $5 or $10 per spot in actual payment from the agency, representative or other party. Licensee claims that the remaining 80 or 90 percent of its original invoice has been deducted by the agency as "commission" and therefore no fraudulent billing is involved.

Interpretation: This is fraudulent billing. The agency discount does not customarily exceed 15 percent and the supplying of bills and invoices by the licensee to agencies which indicate that the licensee is charging several times as much for advertising as he actually receives constitutes participation in a fraudulent scheme.

5. A licensee submits a bill or invoice to a local dealer or other party for 50 commercial spots at $5 for a total of $250. However, the bottom of the bill or invoice carries an addendum so placed that it may be cut off of the bill or invoice without leaving any indication that the invoice originally carried such an addendum. The addendum specifies a "discount" to the advertiser based on volume, frequency or other consideration, so that the amount actually billed at the bottom of the page is less than $5 for each spot.

Interpretation: The preparation of bills or invoices in a manner which seems designed primarily to enable the dealer to deceive a cooperative advertiser as to the amount actually charged for cooperative advertising raises a presumption that the licensee is participating in a fraudulent scheme.

6. A licensee submits a bill or invoice to a local dealer for 50 spots involving cooperative advertising of a certain product or products at a rate of $5 each and actually collects this amount from the dealer. However, as a bonus the licensee "gives" the dealer 50 additional spots in which the product or products named on the original invoice are not advertised, so that the dealer actually obtains the benefit of 100 spots in return for payment to the station of the $250 billed for the 50 cooperative spots.

Interpretation: If the 50 "bonus" spots were broadcast as the result of any agreement or understanding expressed or implied, that the dealer would receive such additional advertising in return for contracting for the first 50 spots at $5 each, the so-called "bonus" spots were, in fact, a part of the same deal, and the licensee, by his actions, is participating in a scheme to deceive or defraud a manufacturer, jobber, distributor or advertising agency.

7. A local appliance dealer agrees to purchase 1,000 spots per year from a station and thereby earns a discount which reduces his rate per spot from $10 to $5. During the course of the year, the dealer purchases 100 spots from the station which advertises both the dealer and "Appliance A" and for which the dealer pays $5 per spot. Since the station's rate per spot for 100 spots is $10, the dealer asks the station to supply him with an invoice for the 100 spots on behalf of "Appliance A" at $10 spot, claiming that if the manufacturer of the applicance had purchased the 100 spots, or if the dealer himself had purchased only these 100 spots within the course of a year, the $10 rate would apply, and that, therefore, the manufacturer should be required to reimburse the dealer at the $10 rate.

Interpretation: This practice constitutes fraudulent billing unless the licensee makes certain that the manufacturer of "Appliance A" is alerted to the fact or possibility of the dealer's earning a volume discount. Thus, unless the dealer provides satisfactory evidence that the manufacturer is aware that the dealer actually paid only $5 per spot, the licensee should print or stamp a statement on the face of the affidavit of performance which is to be forwarded to the manufacturer. The statement might be, for example, "RATE SUBJECT TO VOLUME DISCOUNT TO DEALER."

8. A licensee issues a bill or invoice to a dealer for commercial spots which were never broadcast.

Interpretation: This practice, prima facie, involves fraud, either against the dealer or against a third party which the dealer expects to provide partial reimbursement for the nonexistent advertising.

9. A licensee knowingly issues a bill or invoice to a local or national advertiser which shows broadcast of commercial announcements 1 minute in length, whereas in fact some of the announcements were only 30 seconds in length.

Interpretation: This is fraudulent billing, since it misrepresents the length of the commercials, a highly important element of the price charged for them.

10. A licensee knowingly issues a bill or invoice to a local or national advertiser which sets forth the time of day or date on which commercial announcements were broadcast, where as in fact they were presented at a substantially or materially different time or on a different day, or were not broadcast at all.

Interpretation: This is fraudulent billing, since time of broadcast is often highly important in its value and the price charged for it. Charging for advertising not broadcast is clearly fraudulent.

11. The licensee of a station affiliated with a network furnishes a written certification that the station has broadcast a certain network program in full, whereas in fact the station has not broadcast a part of the advertising content of the program, or has failed to broadcast a portion of the program other than advertising.

Interpretation: Falsely certifying to the network that a network program was broadcast in its entirety constitutes a violation of § 73.1205(b) of the Rules regardless of whether the matter not broadcast consists of advertising or other matter.

12. A licensee enters into a barter agreement with a program supplier whereby the licensee agrees to broadcast the entire program as furnished by the supplier, including commercial spots which the supplier already has sold. The station itself is permitted to sell a number of additional spots for insertion in the program. The station is required by its agreement with the syndicator or supplier to furnish a statement as to whether each program was broadcast in full as furnished by the supplier. Although the station furnishes certification that the program was broadcast in its entirety, it has in fact omitted portions of either the commercial or noncommercial segments of the program.

Interpretation: As in Example 11 above, such false certification constitutes a violation of § 73.1205(b) of the rules.

13. One or more station employees, as a result of willfulness, mistake, misunderstanding or carelessness, are issuing false bills, invoices, affidavits, certifications or other documents such as are described in § 73.1205 (a) or (b). For example, an employee is issuing bills based on advertising contracts or "start orders" without checking the program logs or equivalent station records to make sure that the advertising was broadcast as represented in the bills. Although the principals of the licensee are unaware of the fact, they would have known if they had periodically reviewed their billing practices with reasonable diligence for practices that have proved by experience to be likely to result in issuance of false bills or invoices.

Interpretation: The unawareness of the principals of the licensee of the issuance of false bills or invoices is not an excuse, even where the false bills were issued by an employee because of mistake, misunderstanding or carelessness, since the principals failed to exercise reasonable diligence to assure that their employees did not issue false bills or invoices. Note, however, that the rule does not preclude a station from billing in advance. In such circumstances, the station has a general obligation to check program logs or equivalent station records to assure that all time previously billed/or paid for was later broadcast or to make an appropriate adjustment.

Action by the Commission May 25, 1976. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17014 Filed 6-10-76;8:45 am]

[Docket No. 20726; RM-2828]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Mariposa, California).

By the Chief, Broadcast Bureau:

1. The Commission has under consideration its notice of proposed rule making (41 FR 9190) adopted February 23, 1976, proposing the substitution of Channel 242 for Channel 284 at Mariposa, California. Petitioner, Mariposa Broadcasting, Inc., is the only commenting party.

2. The notice set forth relevant demographic data and noted that Channel 284 has remained unoccupied since it was assigned in 1969. Petitioner states that it unsuccessfully applied for the channel last year since its proposed transmitter site was short-spaced, about 10 miles, to the site of Station KSRN (Channel 283), Reno, Nevada. Petitioner asserts that there is no site location which would comply with both the Commission's minimum mileage separation and principal community coverage requirements (§§ 73.207 and 73.315(a) of the Commission's Rules, respectively), due to the mountainous terrain in the area. Based on petitioner's showing, we believe that a substitute assignment which would provide the Mariposa area with a first local aural service is appropriate.

3. The assignment of Channel 242 to Mariposa will cause no new preclusion on Channels 240A, 241, 242, 243, and 244A. There is an abundance of Class A channels available in this area and, if needed, there is one Class B or C channel (depending on the zone) also available to each community precluded on Channels 241, 242 or 243. In addition, Channel 242 meets all mileage separation requirements at Mariposa and the transmitter site may be located at any site not more than 8 miles northwest of the community.

4. We believe, therefore, that the substitution of Channel 242 for Channel 284 at Mariposa would be an efficient use of the remaining FM frequencies in this area. The need for a Class B channel had been previously demonstrated and that need has become greater since the population in the area has increased.[1] There are presently no local aural services in Mariposa County. We regret the delay in instituting service to the Mariposa area due to the unavailability of a suitable transmitter site as noted before. Accordingly, we have processed this petition more expeditiously than usual in order to provide interested persons the opportunity to apply for Channel 242, assigned herein, at the earliest possible date in accordance with a request from petitioner for expedited action. Petitioner has indicated that it will promptly apply for the channel.

5. In light of the above, it is ordered, That effective July 16, 1976, the FM Table of Assignments (§ 73.202(b) of the Commission's rules) is amended as it pertains to the community listed below:

City:	Channel No.
Mariposa, Calif.	242

6. Authority for the actions taken herein is found in Sections 4(i), 303(g) and (r), 307(b) and 310(a) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 310, 48 Stat., as amended, 1063, 1082, 1083, 1086; 47 U.S.C. 154, 303, 307, 310.)

Adopted: June 2, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17010 Filed 6-10-76;8:45 am]

[FCC 76-488; Docket No. 20199]

PART 73—RADIO BROADCAST SERVICES

Prohibition of Fraudulent Billing Practices

In the matter of amendment of § 73.1205 of the Commission's rules in order to prohibit certain fraudulent billing practices.

By the Commission:

1. Now under consideration are: (a) our notice of proposed rule making in Docket No. 20499 (Notice), 53 FCC 2d 900, 40 FR 26695 (1975)[1]; and (b) responsive comments and a reply comment.[2] Comments were sought on the proposed changes in the rule and on a modified Public Notice illustrating the applicability of the rule.

A reply comment was filed by American Broadcasting Companies, Inc.

2. The background of our concern with fraudulent billing practices was fully summarized in the Notice and will not be repeated here. The purpose of the present proceeding is to consider extending the applicability of § 73.1205 to cover the issuance of fraudulent documents to program suppliers with respect to noncommercial matter, which is not encompassed under the present rule; and to provide clarification of aspects of the applicability of the rule, especially with respect to the licensee's responsibility for employees who issue certain documents that contain false information. To those ends, we put out for comment the following proposed revision of § 73.1205:

§ 73.1205 Fraudulent billing practices.

(a) No licensee of a standard, FM, or television broadcast station shall knowingly issue to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber, or any other party, any bill, invoice, affidavit or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued, or which misrepresents the nature or content of such advertising, or which misrepresents the quantity of advertising actually broadcast (number or length of advertising messages) or the time of day or date at which it was broadcast.

(b) Where a licensee and any program supplier have entered into a contract or other agreement obligating the licensee to supply any document providing specified information concerning the broadcast of the program or program matter supplied, including noncommercial matter, the licensee shall not knowingly include in that document information required by the contract or agreement which is false.

(c) A licensee shall be deemed to have violated this section if it fails to exercise reasonable diligence to see that its agents and employees do not issue documents containing the false information specified in (a) and (b) above.

Subsection (b) is new, and subsection (c) was proposed in place of the last sentence of the existing rule, which now states, "Licensees shall exercise reasonable diligence to see that their agents and employees do not issue any documents which would violate this section if issued by the licensee." No other change was proposed in what is designated above as subsection (a).

3. Although the comments were few in number, they have provided useful guidance and suggestions in the disposition of this proceeding. They range from full support to complete opposition. We shall discuss first comments pertaining to the substance or advisability of the proposed amendments. We shall then turn to the comments suggesting changes in the drafting of the rule to reach more clearly substantive goals, and conclude with consideration of the comments on the revised Public Notice.

4. We believe that it is appropriate to start the disposition of this proceeding with a quotation from our decision in Fraudulent Billing Practices, 1 FCC 2d 1068 (1965), in which we adopted the fraudulent billing rule. We stated there:

The practice of "double billing" is patently fraudulent and is condemned by all those filing comments. It is urged, however, by some of the parties that while "double billing"

[1] A recent estimate places the 1975 population of Mariposa County at 8,441 compared to the 1970 Census of 6,015 population.

[1] The time for filing comment and reply comments was extended to November 28 and December 29, 1975. See 40 FR 37054 (1975) and 40 FR 51483 (1975).

[2] Comments were filed by: American Broadcasting Companies, Inc.; Dempsey and Koplovitz—Arkansas Television Company, Delaware Broadcasting Company, El Mundo Broadcasting, The Hearst Corporation, International Broadcasting Corporation; Haley, Bader & Potts; Metromedia, Inc.; National Association of Broadcasters; National Broadcasting Company, Inc.; Westinghouse Broadcasting Company, Inc.

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might reflect upon a licensee's character and would, therefore, be a relevant consideration upon a renewal of license, it is a business practice which does not affect a station's service to the public and therefore a matter which the Commission may not regulate by rule. This contention has little force in our view. We are not concerned here with a practice engaged in outside of the radio field by broadcast licensees. We are here concerned with this one aspect of the operation of the licensed facilities. The public interest standard of the Communications Act implies a requirement that a licensee be law abiding in the operation of his station. *Federal Communications Commission* v. *American Broadcasting Co.*, 347 U.S. 284, 290 (1954); *Granik* v. *F.C.C.* 234 F. 2d 682 (1956). The prohibition of a particular fraudulent practice as being inconsistent with operation in the public interest is not the "supervision" of a licensee's business practices and policies which Congress withheld when it determined that broadcast station should operate in a competitive market rather than under a form of common carrier or public utility regulation. Furthermore, the practice of "double billing" has an impact beyond the particular parties concerned. The use of this concededly improper and illegal practice affects adversely the operation of competitive stations not engaging therein, and also is clearly a matter of proper Commission concern. See *Federal Trade Commission* v. *Keppel & Bro.*, 291 U.S. 304.

It is also contended that the adoption of the rules would constitute double jeopardy, since other legal remedies are available against "double billing." However, the availability of other remedies to other local or Federal bodies does not require that this Commission stand aside. *Federal Communications Commission* v. *American Broadcasting Co., supra, Mester* v. *U.S.*, 70 F. Supp. 118 (D.C., N.Y., 1947), aff'd 332 U.S. 749, rehearing den., 332 U.S. 820. [1 FCC 2d at 1069–70]

5. After the adoption of the fraudulent billing rule in 1965,[3] the problem of "network clipping" came to our attention. See Radiozark Broadcasting of Louisiana, Inc., 32 FCC 2d 603 (1971) and Channel 13 of Las Vegas, Inc., 37 FCC 2d 518 (1972). We found that some stations were clipping portions of material supplied by a network, commercial and noncommercial, sometimes for the insertion of additional local commercial matter, but were not advising the networks of the deletions when certifying their performance in order to obtain payment from the network.[4] Under the existing rule, we are in the anomalous situation of being able to fine a station if it deletes a network commercial and fraudulently certifies that it was broadcast, but unable to impose a fine if the station issues a similar fraudulent statement as to deletion of noncommercial program matter in order to insert local commercials or other material. See our Public Notice on network clipping, 40 FCC 2d 136 (1973).

6. A second related development has been the adoption of the prime time access rule, § 73.658(k), which limits the amount of the time television stations in larger markets can devote to programming supplied by the networks. There has been a concomitant rise in the amount of "syndicated" or non-network programming. In some cases, the station simply purchases the rights to the programming from the syndicator. However, in other cases, the programming is supplied along with commercials that are to be broadcast within the program. The contract may also specify the date and time period in which the program is to be broadcast. In such circumstances the program syndicator may require a certificate of performance stating that the program was broadcast, including the commercials, at the required date and time. Such arrangements may be for a single program, or for an ongoing series of daily or weekly programs.

7. Our concern at the time we considered the adoption of what is now § 73.1205 was the participation by a licensee in fraudulent activity. See the quoted material in paragraph four, above, from our decision in Fraudulent Billing Practices. Our concern in this proceeding is the same.[5] We believe that a fraudulent statement raises the same questions, regardless of whether the subject of the statement is commercial matter or other program matter. Similarly, we see no reason for treating fraudulent statements issued to program syndicators any differently from those issued to networks. This is especially true when the syndicator is providing an ongoing program series, since the syndicator-licensee relationship is virtually identical to the network-licensee relationship, except as to the method of program distribution. Accordingly, for the reasons set out above and in Fraudulent Billing Practices, quoted above, we reject the contentions that we should repeal the rule, that the amendments are beyond our statutory authority, that the amendments are not needed because local courts have criminal or civil jurisdiction in cases where fraudulent practices are found, and that the rule should not be extended to cover program syndicators.

8. Other comments express the views that the amendments proposed put us into the position of being an interpreter of contracts, intrude the government into another area of business regulation, and are therefore contrary to our "deregulation" efforts. The "deregulation" contention has been raised in several recent rule making proceedings that would increase the burdens placed on licensees. However, as we have recently noted:

This agency's responsibility to act in furtherance of the public interest remains paramount, even if it seems to involve some conflict with our re-regulation policy. Although some burden may be felt, the public interest nevertheless may require us to act. The re-regulation approach requires us to be quite sure that such action is in fact required. (AM–FM Program Duplication, Docket No. 20016, FCC 76-406, released May 6, 1976, paragraph 15).

The proposed changes will extend our regulation of this area of conduct. Nevertheless, the changes will make uniform the applicability of the rule to conduct covered in substantial part by existing requirements. While the broadening of the coverage of the rule is modest, our concern about the issuance of fraudulent documents is great. When balancing this concern against our re-regulation policy, we believe the public interest scale clearly tips toward the broadening of the scope of the rule.

9. Moreover, where the public interest requires, we already review contracts. For example, we may be required to review network affiliation contracts to determine compliance with the chain broadcasting rules.[6] We already have to review affiliation contracts under the present fraudulent billing rule when we investigate allegations of clipping of network commercial matter. As a practical matter, determining the obligation imposed on a licensee under its network affiliation contract has not been a difficult problem to date, since the terms relating to network certifications are relatively straightforward. See Channel 13 of Las Vegas, Inc., above. Thus, we conclude that the views expressed at the beginning of paragraph eight do not bar the amendments proposed in this proceeding.

10. Some parties commented about the requirement proposed in new subsection (c) of the rule that holds a licensee responsible if it fails to exercise "reasonable diligence" and, as a result, its employees issue documents containing false information of the sort described in subsections (a) and (b) of the rule. They believe that the rule should be recast in terms of the employee "knowingly" issuing documents containing false information. In this way it is urged that the licensee will not be an absolute insurer of the truth of all information contained in all documents covered by the rule. We reject the suggestion that the employee must "knowingly" issue documents containing false information. We are seeking in this subsection to impose on licensees an obligation to review and to supervise their activities so that their employees cannot engage in a pattern of issuing false information, regardless of whether issuance of the information resulted from willfulness, mistake, misunderstanding or carelessness. Moreover, we believe that "reasonable diligence" is the appropriate standard. We propose to find violations of the rule where em-

[3] Fraudulent Billing Practices, above. The rule was modified and consolidated into its present form in Fraudulent Billing Practices, 23 FCC 2d 70 (1970).

[4] In order to obtain payment from the network, an affiliate is required to certify periodically that it has broadcast specified material provided by the network. The form used for these certifications typically has a column in which cancellations or deletions of the network material can be indicated. An affiliate is, of course, always free to delete material it believes contrary to the public interest. It is the failure to disclose such deletions that is our concern in this proceeding.

[5] Our concern is not, as suggested by one party, what network material is deleted by an affiliate.

[6] See §§ 73.131–73.138, 73.231–73.236, and 73.658 of the Rules.

ployees issue documents containing false information, and the licensee knows that fact, or would have known had it given periodic, diligent, reasonable supervision to this area of its operations. On the other hand, the licensee is not absolutely liable for errors, since we do not propose to find violations where the licensee lacked knowledge and where the false information appears to have been issued as the result of an occasional mistake not indicating a pattern or where reasonable diligence would not uncover the issuance of false information, such as carefully concealed wrongdoing.

11. One party hypothesized the following situation:

> • • • suppose a radio licensee with an automated commercial traffic and billing system plans to present five commercial announcements between 7:00 A.M. and 7:30 A.M. on its morning drive-time program. The orders would be key-punched into the automated system, assigned specific broadcast times (e.g., 7:05, 7:11, 7:12, 7:20 and 7:29) and printed on the advance program schedule. Then, during the program, the operating engineer would log the exact times the announcements were broadcast. Every one of these times might vary slightly from the times indicated on the advance program schedule for a variety of reasons. Now, the licensee can simply correct any major consequential changes in the planned times and then simply let his automated system prepare his invoices. Or, he can re-punch the entire commercial inventory to reflect every minor inconsequential change in planned times of broadcast and then let his automated system generate his invoices. Obviously, the latter alternative is a far more costly and time-consuming process.
>
> The key question is whether there is any legitimate basis for requiring the licensee to undergo the expense and burden of making all of these minor inconsequential changes. The answer is no. If the licensee simply corrects any major deviations and then generates his invoices utilizing the same data base which produced the pre-printed log, there is no way that such a procedure could contribute to a fraudulent billing scheme. As a practical matter, it is of absolutely no significance that a spot invoiced as 7:10 A.M. was actually broadcast at 7:08 A.M. or 7:14 A.M.
>
> The party suggests, therefore, that the rule be modified to pertain to the issuance of a document "which substantially and materially misrepresents the time of day or date" at which an announcement was broadcast.

12. We believe the comment is well taken in the circumstances described. However, the use of the proposed language in other circumstances would lead to undesirable results. There are times where a few minutes difference in time, although not substantial, would be material. Thus, if an advertiser pays a premium rate for advertising during drive time, which the particular licensee defines as 6:30 a.m. to 9:00 a.m., the difference between broadcasting the announcement at 8:59 a.m., as opposed to 9:01 a.m., would be material. Similarly, if an advertiser pays a premium rate for an announcement to be broadcast at a set position (at the end of the evening news program, for example), the broadcast of the announcement a few minutes late would be material. We also believe that the date is always substantial and material unless the contract specifies otherwise.[7] Thus, we propose to amend the rule to apply to a document that substantially and/or materially misrepresents the time an announcement was broadcast or that misrepresents the date of its broadcast.

13. Another party noted that subsections (a) and (c) refer to the issuance of a document that contains false information, but that subsection (b) refers to documents that include false information. Technically, false information might be included in a document that is never issued. Thus, we believe it appropriate to frame subsection (b), as are subsections (a) and (c), in terms of issuing a document that contains false information.

14. One party commented on new example 13 of the proposed Public Notice, pertaining to the licensee's responsibility for the acts of its employees who may issue fraudulent bills. We believe that part of this party's concern is answered above in paragraph ten, concerning the substantive requirements of § 73.1205(c). We shall revise the example to reflect our interpretation of the requirements of § 73.1205(c) as set out in paragraph ten. It is also suggested that under proposed example 13 a licensee is required to check its program logs in preparing its bills or invoices. It is stated that this requirement is unnecessarily restrictive and that "program logs or equivalent station records" should be substituted. We agree that this change would be appropriate. It should be understood, however, that we define "equivalent station records" to mean records that accurately reflect what was actually broadcast. Finally, the commenting party notes that for advertising clients without an established credit rating or for groups without a continuing existence, such as ad hoc political campaign committees, many licensees require payment before any material is broadcast. The party requests that we revise example 13 "to make it clear that it is not intended to preclude stations from billing in advance of broadcast so long as program logs or equivalent stations records are checked to insure that all time previously billed and/or paid for was later broadcast or adjustment made." We do not interpret § 73.1205 to cover the situation described, since at the time of issuance there is no way to determine whether the information contained in the bill is false. However, we believe that stating this interpretation as a part of example 13 would be helpful, and an appropriate revision will be made. It should be emphasized that the examples are not all inclusive and are intended to provide general illustrations of the applicability of the rule. It is not possible to foresee all possible practices or to pose all possible factual variations of main themes that we have already found. Thus, we believe that licensees should be guided generally by the examples, but should turn to the provisions of the rule itself when new situations or fact patterns are confronted.

15. With respect to new subsection (b), we believe that following statement from our Public Notice on network clipping, above, bears repeating here:

> Nothing in this Notice should be interpreted to place any limitation on the licensee's discretion to delete any material that it believes to be indecent, profane, obscene, in bad taste, or otherwise contrary to the public interest. The Notice is intended to emphasize that such deletions or cancellations should be accurately disclosed in the certifications to the network. This Notice is not intended to apply to clipping of a few seconds duration that occasionally results from switching or other technical problems. (40 FCC 2d at 137)

Although that statement was directed to certificates issued to networks, we shall apply the thoughts expressed there to affidavits of performance issued to program syndicators.

16. In light of the above, we believe that the public interest will be served by amending § 73.1205 of the Rules and revising the accompanying interpretive Public Notice. Authority for amending the rule is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Authority for revising the Public Notice is contained in Section 4(i) of the Act, 47 U.S.C. 154(i).

17. Accordingly, It is ordered, effective July 15, 1976, That § 73.1205 of the rules and regulations is amended as indicated below.

18. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: May 25, 1976.

Released: June 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

1. Section 73.1205 is amended to read as follows:

§ 73.1205 Fraudulent billing practices.

(a) No licensee of a standard, FM, or television broadcast station shall knowingly issue or knowingly cause to be issued to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber, or any other party, any bill, invoice, affidavit or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued, or which misrepresents the nature or content of such advertising, or which misrepresents the quantity of advertising actually broadcast (number or length of advertising

[7] For example, in an affidavit of performance for the broadcast of 20 run-of-schedule announcements to be broadcast in the period from September 1 through September 10, the beginning and end dates are material, although the exact dates the announcements were broadcast would not necessarily be material.

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messages) or which substantially and/or materially misrepresents the time of day at which it was broadcast, or which misrepresents the date on which it was broadcast.

(b) Where a licensee and any program supplier have entered into a contract or other agreement obligating the licensee to supply any document providing specified information concerning the broadcast of the program or program matter supplied, including noncommercial matter, the licensee shall not knowingly issue such a document containing information required by the contract or agreement that is false.

(c) A licensee shall be deemed to have violated this section if it fails to exercise reasonable diligence to see that its agents and employees do not issue documents containing the false information specified in paragraphs (a) and (b) above.

NOTE.—Commission interpretations of the rule may be found in a separate Public Notice issued June 10, 1976, entitled "Applicability of the Fraudulent Billing Rule," FCC 76-489 FR Doc. 76-17014, page 23673 (41 FR 23673).

[FR Doc.76-17009 Filed 6-10-76;8:45 am]

[FCC 76-519]

PART 76—CABLE TELEVISION SERVICES

Clarification

In re: clarification of § 76.256 of the Commission's rules and regulations.

By the Commission: Commissioner Reid absent; Commissioners Hooks and Robinson concurring in the result.

1. Since the adoption of the Cable Television Report and Order in 1972 (FCC 72-108, 36 FCC 2d 143 (1972)) we have required cable operators to have rules prohibiting the presentation of obscene or indecent matter on access channels (§ 76.256 (d) (1), (2), and (3)).[1] Because of an apparent ambiguity in the way our rule was originally written and an increasing number of questions from cable operators and others we are taking this opportunity to clarify the rule and further discuss the obligations of cable operators in this area.

2. The ambiguity arises in the existing rule because while we require the operator to have regulations prohibiting obscene or indecent programming we do not appear to require specifically that the operator has the obligation to keep this matter off the system. This is, however, what we intended and it is how we have interpreted the rule since its inception. Accordingly, we are clarifying the language in § 76.256 (d) (1), (2), and (3) to provide that in addition to having rules prohibiting obscene and indecent programming on the access channels, it is also the cable operator's responsibility to enforce these rules.

3. Thus, while, consistent with § 76.256(b), the operator may not in general exercise program content control over programming on access channels, he explicitly does have the power and obligation under our rules to proscribe obscene or indecent matter. Indeed, he is responsible to the Commission for doing so. This has always been our intent and we believe the language change in the rule will make that clear.

4. We recognize that the obligation we impose on the operator may be a difficult one. This is particularly true when the access channels are being significantly used. Therefore we have adopted a rule of reasonableness with respect to how we expect the operator to comply. Since the volume of programming may increase considerably on the channels not under the direct control of the operator, it would be unreasonable to require him to monitor all such programming prior to its being played to guarantee that objectionable material is not included. Indeed, such a procedure would be impossible on "live" presentations. Hence the operator cannot be held responsible for occasional violations of the prohibitions which he had no reason to believe would be violative of these rules. However, once programming has been submitted and played that does violate the proscription, or if the operator is on notice in some other manner that the particular programmer in question has a history of including, or intention to include questionable material, then we believe that the operator should exercise his responsibility. By adopting this approach to enforcing our rule, we hope to reaffirm our proscription of obscence or indecent programming while also easing the concern of cable operators that we will hold them responsible for isolated events not reasonably within their control.

5. Once the operator, either because of the programmer's prior history or for any other reason, is on notice that questionable material may be included in a program he should take appropriate steps (which may include pre-screening) to insure that any proscribed programming is not cablecast. One reasonable approach would be to request that the offending portion be deleted. If the programmer refuses to delete the objectionable material, the operator can simply refuse to allow the program on the system.

6. Should the operator not have reason to question a program which subsequently, upon cablecasting, appears to violate our rule, it would be within the operator's discretion to withhold further access to the system at least until clear procedures could be worked out between the parties to assure that such material will not be cablecast again. We do not foreclose the possibility that in some instances the most reasonable way of enforcing the rule would be to prohibit future access to a particular programmer for a considerable length of time. We hope, however, that this extreme would be a last resort. It would certainly be no substitute for a reasonable understanding between the parties.

7. This clarification of our rule prohibiting obscene and indecent programming on the access channels is intended to enunciate a policy of reasonability. The Commission appreciates the practical difficulty that would arise were an operator forced to pre-screen numerous channels of access programming. We are aware that this is a delicate area in which a doctrinaire approach might produce a "chilling effect" on the growth of access services. Further, we are pleased to note that with only occasional exceptions since we adopted the access requirements there appears to have been compliance with our rules without creating a "chilling effect". We believe this situation can continue and that the guidelines we are suggesting here will prove beneficial.

8. Obviously, there will be situations where a program is not proscribed by our rule but, in the opinion of the cable operator, might prove distasteful to some subscribers. We, of course, cannot and should not attempt to regulate such situations. There is no Constitutional safeguard against unpleasantness. We have suggested in the past, however, and still believe that as a matter of taste and common sense it would be appropriate for such programming to be cablecast at hours that would tend to minimize its exposure to children. Our rules do not require such scheduling, but we wish to make clear again that neither do they prohibit it.

9. The Commission is recommending to the Congress that the Communications Act be amended to provide inter alia that those who use the access channels (as well as cable operators who use their own channels) be liable to criminal prosecution for programming obscene or indecent material. In addition, state or local laws may well apply to the users of such channels. With respect to the cable operator's responsibility for access programming, however, we have decided to retain our present rule, as clarified, rather than seeking the sterner remedy of criminal liability. This approach has been adopted largely because of our continuing desire to promote the most open use of access channels. At the same time, it must be understood that Constitutionally unprotected material should be proscribed. We believe that this is an area where administrative flexibility can accomplish both goals.

10. Authority for the adoption of the attached amendments contained in sections 4(i), 303(r), 308, and 309 of the Communications Act of 1934, as amended. Because they are interpretive in nature, the prior notice and effective date requirements of 5 U.S.C. 553 are inapplicable.

11. Accordingly it is ordered that § 76.256(d) (1), (2), and (3) is amended as set forth below, effective June 18, 1976.

(Secs. 4, 303, 308, 309, 48 Stat., as amended, 1066, 1082, 1084, 1085; 47 U.S.C. 154, 303, 308, 309.)

Adopted: June 2, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Section 76.256(d) (1), (2) and (3) are amended to read as follows:

[1] On the public and educational access channels, advertising is also prohibited. Lotteries are prohibited on public, educational and leased access channels.

§ 76.256 Access services.

• • • • • •

(d) • • •

(1) For public access programming, such system shall prohibit the presentation of: any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information; and obscene or indecent matter, and shall establish rules to this effect as well as rules requiring first-come nondiscriminatory access, and rules permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of two years.

(2) For educational access programming, such system shall prohibit the presentation of: any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information; and obscene or indecent matter, and shall establish rules to this effect including a rule permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of two years.

(3) For leased access programming, such system shall prohibit the presentation of: lottery information; and obscene or indecent matter and shall establish rules to this effect; and other rules requiring first-come, nondiscriminatory access, sponsorship identification (see § 76.221), specifying an appropriate rate schedule and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting time. Such a record shall be retained for a period of two years.

• • • • • •

[FR Doc.76-17008 Filed 6-10-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—PIPELINE SAFETY

[Docket No. OPSO-36, Amdt. No. 25]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; MINIMUM FEDERAL SAFETY STANDARDS

Caulked Bell and Spigot Joints

This amendment to Part 192 revises § 192.753(a) which requires that cast-iron caulked bell and spigot joints subject to pressures of 25 psig or more must be sealed with mechanical leak clamps. This revision establishes performance standards for the use of other sealing methods and materials that provide a level of safety at least equal to that provided by mechanical leak clamps in sealing cast-iron bell and spigot joints. The performance standards are (1) flexibility in the joint, (2) permanent chemical or mechanical bonding of the sealant with the pipe, and (3) compliance with the strength, environmental, and chemical compatibility requirements of §§ 192.53 and 192.143.

The Materials Transportation Bureau (MTB) issued Notice 75-6 (40 FR 52855, November 13, 1975) proposing this amendment on the basis of a petition from Miller Pipeline Corporation dated July 8, 1974, and a waiver from § 192.753 granted by the Ohio Public Utilities Commission. Both the petition and the waiver were supported by extensive test data collected from foreign and domestic sources on the Avonseal process. Because other sealing methods are also in use, the standards proposed in the Notice were intended to have broad application and allow the use of any sealing method which can serve as a safe alternative to mechanical leak clamps. Interested persons were invited to participate in the rulemaking by submitting written data, views, and arguments by December 29, 1975.

Seventeen persons filed written comments to Notice 75-6 in response to the invitation to participate. Fourteen of these favored adoption of the revised rule, as proposed, and three others favored adoption with certain minor changes.

It was suggested by one commenter that the final rule should allow the use of a sealant which bonds with either the cylindrical surface of the pipe adjacent to the bell or the bell surface. MTB believes this suggestion would add flexibility to the rule and permit the use of improved techniques and methods. Therefore, in the final rule, § 192.753(a) (2) (ii) is changed to require permanent bonding with the bell and spigot metal surfaces or the adjacent metal surfaces of the pipe.

Another commenter proposed that each operator using a sealing method other than mechanical leak clamps be required to submit supporting data on the method as a means of verifying compliance with the performance standards. MTB has not adopted this comment, preferring to establish general standards for performance to obviate the need for MTB approval of any particular method. Each operator is responsible under the law for ensuring that the performance objectives are met. Approvals would only appear as MTB endorsements of proprietary items. Further, if needed for enforcement purposes, MTB is empowered to obtain from operators any information which relates to determining compliance.

Also, in response to a commenter's suggestion, for clarity the words "material or device" are used in the final rule to refer to a sealing method which may serve as an alternative to mechanical leak clamps.

REPORT OF THE TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards pertaining to gas pipelines be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each proposal." The proposed amendment to § 192.753 was submitted to the Committee as Item A-1 in a list of three proposed amendments.

On April 16, 1976, the Committee filed the following favorable report:

This communication is the official report of the Technical Pipeline Safety Standards Committee concerning the Committee's action on three amendments to 49 CFR Part 192 proposed by the Office of Pipeline Safety Operations and other matters which the Committee decided should be brought to the attention of the Department of Transportation.

The following described actions were taken by the Committee at a meeting held in New Orleans, Louisiana, on March 30, 31, 1976.

Item A-1 of the agenda was a proposal by OPSO to revise Section 192.753, Caulked bell and spigot joints, to permit use of sealing techniques other than mechanical leak clamps on cast iron bell and spigot joints operated at 25 psig or more.

By a vote (12 affirmative—1 negative) the Committee found that the • • • (proposed revision of) § 192.753(a) is technically feasible, reasonable and practicable.

• • • • • •

Throughout the body of this report the OPSO proposals which were accepted by the Committee as technically feasible, reasonable and practicable were those proposals contained in the agenda submitted to the Committee and do not necessarily conform to the proposals contained in the Notice of Proposed Rulemaking which appeared in the FEDERAL REGISTER.

The minority views of Mr. A. W. Peabody, member of the Committee, are as follows:

I have reviewed the committee report which you distributed under date of April 1. Although I have no problem with any of the actions which were taken during the March meetings, I do wish to point out one item which OPSO might wish to consider for editorial change.

The item in question is § 192.753(a) (2) (ii) which reads "Permanently bonds, either chemically or mechanically or both, with the pipe or bell and spigot metal surfaces; and." My problem is the underlined words. The intent of the words should not, I am sure, permit a choice between bonding to the pipe and bonding to the bell and spigot. The bell and spigot are specific parts of a piece of cast-iron pipe and it is essential that these two items be sealed at the joint between the two. By leaving the wording as it is, the inference might be that one could provide a bond chemically or mechanically or both with the cast-iron pipe in general which of course is not the intent of the section.

Various wordings would correct the situation. One way would be to leave out the words "pipe or" which would return the wording to that contained in the original notice issued, by OPSO. Another solution would be to have the reading "• • • with both bell and spigot metal surfaces;" or "• • • with the metal surfaces of both the bell and the spigot;"

As I recall, I brought this to the attention of the Committee during our meeting but we did not reach the point of taking any action. Actually, as I indicated above, I believe that this could be readily handled on an editorial basis.

Effective date. Section 3(e) of the Natural Gas Pipeline Safety Act of 1968

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requires that standards and amendments thereto prescribed under the Act be effective 30 days after the date of issuance unless the Secretary determines good cause exists for an earlier or later effective date as a result of the period reasonably necessary for compliance. Accordingly, the revised § 192.753(a) will become effective 30 days after issuance, on July 4, 1976.

In consideration of the foregoing, § 192.753(a) is revised to read as follows:

§ 192.753 Caulked bell and spigot joints.

(a) Each cast-iron caulked bell and spigot joint that is subject to pressures of 25 psig or more must be sealed with:

(1) A mechanical leak clamp; or

(2) A material or device which—

(i) Does not reduce the flexibility of the joint;

(ii) Permanently bonds, either chemically or mechanically, or both, with the bell and spigot metal surfaces or adjacent pipe metal surfaces; and

(iii) Seals and bonds in a manner that meets the strength, environmental, and chemical compatibility requirements of §§ 192.53 (a) and (b) and 192.143.

* * * * * *

(Sec. 3, Pub. L. 90–481, 82 Stat. 721, 49 USC 1672; 40 FR 43901, 49 CFR 1.53.)

Issued in Washington, D.C. on June 4, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.76–17086 Filed 6–10–76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—MARINE MAMMALS

Incidental Taking in the Course of Commercial Fishing Operations

On December 5, 1975, the National Marine Fisheries Service (the Service) promulgated amendments to regulations then in effect at 50 CFR 216.24 governing the incidental taking of marine mammals in the course of commercial fishing operations, pursuant to the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407. The amendments were intended to be effective during the 1976 fishing season, and reflected the latest developments in the Service's program of reduction in porpoise mortalities occurring incidentally to commercial tuna purse seining. Subsequently, on December 20, 1975, a general permit was issued to the American Tunaboat Association to conduct fishing operations involving porpoise during 1976.

As a result of a legal action brought against the Service by the Committee for Humane Legislation and other private groups, these regulations, and the general permit and certificates of inclusion issued thereunder were declared void as contrary to law by Judge Charles R. Richey of the United States District Court for the District of Columbia on May 11, 1976. Judge Richey stayed the effective date of his order until May 31, 1976, but declared that subsequent to that date no fishing in association with marine mammals in the manner permitted by the regulations, the general permit, and certificates of inclusion could be carried on without the Service having first made certain findings with respect to existing porpoise populations, the optimum sustainable population of each species of porpoise, and the effects of proposed takings on them, deemed by the Court to be required by the Act. Additionally, the Court found that the Service had erred in not stating, as a condition of the general permit, the numbers of animals that were permitted to be killed pursuant thereto.

The Service appealed the order of the District Court, and requested a further stay of the order pending the disposition of this appeal. The request was initially denied, but the Service sought a stay of the order from the Court of Appeals for the District of Columbia Circuit. By affidavit submitted in conjunction with this request, on May 28, 1976, Robert W. Schoning, Director, NMFS, stated:

The District Court has indicated that the Agency, although acting in good faith, acted improperly in the issuance of the general permit without a specific limitation at the time of issuance. Therefore, if a stay of the order of the District Court is granted pending appeal, the Agency will forthwith impose a quota for the full 1976 season of 78,000 porpoises as the total number of porpoises which may be killed by the U.S. fleet in connection with commercial fishing for tuna by setting or porpoise. This figure represents:

(a) The best estimate of agency scientists as to the total kill of porpoise by U.S. fishermen this season within reasonable confidence limits;

(b) A substantial reduction from the 1975 total kill of 134,217, and as well from the 1974 kill of 97,800;

(c) A level of mortality well below the threshold (94,000) established by the Agency for 1976; and

(d) A level of mortality which will further assure that existing population stocks will not be diminished (agency scientists have previously indicated that, if up to 195,000 porpoises were killed annually, the rate of change in the existing populations would be low (plus or minus 2 percent)).

The Court of Appeals subsequently granted a stay of the District Court's order until further order by the Court of Appeals. In view of the opportunity to continue research efforts resulting from the Court's action, the Service is initiating efforts to increase the number of scientific observers placed aboard tuna purse seine vessels and to maintain the ongoing cooperative gear testing program on commercial vessels. Additionally, the Service intends to honor the commitment to establish a quota for the 1976 season made to the Court in the affidavit of May 28, 1976, cited above. In light of the fact that the regulations amended on December 5, 1975 remain in effect pursuant to the stay, the Service hereby amends § 216.24(d)(2)(i)(A) of these regulations so as to limit to 78,000 the porpoises that may be killed pursuant to the 1976 general permit (which also remains valid pending further judicial action). Since this amendment is prescribed under sanction of a Court of the United States, it is effective immediately, in accordance with the provisions of 5 U.S.C. § 553(d).

Dated: June 8, 1976.

ROBERT W. SCHONING,
Director.

Accordingly, 50 CFR 216.24(d)(2)(i)(A) is amended to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * * *

(d) * * *

(2) *Encircling gear; yellowfin tuna purse seining.* (i)(A): A certificate holder may take marine mammals, so long as such taking is an incidental occurrence in the course of normal commercial fishing operations, except that no certificate holder shall encircle pure schools of striped dolphin (*Stenella coeruleoalba*). The number of all other stocks or species of marine mammals that may be killed by all certificate holders in the course of commercial fishing operations shall not exceed 78,000. The Director shall determine, on the basis of all evidence available to him, the date upon which this number will be reached or exceeded, and shall prohibit thereafter the encircling of any marine mammal by purse seine in the course of commercial fishing operations. Notice of the Director's determination shall be published in the FEDERAL REGISTER not less than 30 days prior to the date upon which the prohibition is to become effective.

* * * * * *

[FR Doc.76–16994 Filed 6–10–76;8:45 am]

PART 245—OFFSHORE SHRIMP FISHERIES

Interim Regulations Adopted

On April 22, 1976, there were published in the FEDERAL REGISTER (41 FR 16805) interim regulations setting forth the requirements of issuing permits and the required receipt of said permits by officials of the Federative Republic of Brazil prior to commencement of fishing operations and amendments to various sections of the existing regulations. Interested persons were given the opportunity to submit, not later than May 24, 1976, data, views, and recommendations regarding the notice.

No comments have been received, and the interim regulations are hereby adopted as final regulations without change.

Effective date: June 11, 1976.

Signed at Washington, D.C., on June 7, 1976.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.76–16983 Filed 6–10–76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS AND GRADES WITH RESPECT THERETO

Voluntary Grading

Under authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, 7 U.S.C. 1621 et seq.), the United States Department of Agriculture hereby revises the regulations in 7 CFR Part 70 to provide for the voluntary grading of poultry products and rabbit products. Accordingly, the present regulations providing for the voluntary grading of domestic rabbits in 7 CFR Part 54 would be revoked simultaneously with the effective date of the revision to 7 CFR Part 70. In addition, regulations governing the inspection of rabbit and poultry products in 9 CFR Parts 354 and 362, respectively (administered by the Animal and Plant Health Inspection Service, USDA) would be made effective simultaneously with the effective date of the revisions herein and the current regulations pertaining to the inspection of rabbit and poultry products in 7 CFR Parts 54 and 70 would be revoked.

STATEMENT OF CONSIDERATIONS

A notice of rulemaking to revise the regulations in Part 70 to incorporate provisions for the voluntary grading of poultry products and the voluntary grading of rabbit products was published in the March 8, 1976, issue of the FEDERAL REGISTER (41 FR 9982–9996).

The notice of rulemaking provided for the filing of written data, views, or comments with respect to the proposed revision of Part 70 not later than April 15, 1976. Four letters were received within the prescribed time, of which one was limited to a request for further information and two were general comments favoring the proposed revision. The fourth letter received from a rabbit processing company contained a number of comments proposing modifications to the rulemaking proposal. These comments have been carefully reviewed and adopted in part, as specified below.

The first point raised in the comments concerns the use of the word "domestic" in describing rabbits asserting that it could imply "native to" rather than "tame" or "domesticated" and thus could fail to adequately differentiate between farm-raised domesticated rabbits and wild rabbits. For a rabbit to be eligible for grading under the proposed regulations, it must be "domesticated" or "tame" as a farm-raised animal would be. Accordingly, to eliminate possible confusion the comment is adopted and all reference to "domestic" has been removed from the regulations. In lieu of the term "domestic," rabbit has been defined in § 70.1 to include only "domesticated rabbit."

Another comment concerns the omission from the proposal of a definition of "giblets," edible organs, with reference to rabbits. In view of the fact that this revision combines the grading regulations for both poultry and rabbit products, and the fact that the proposal contained a definition of poultry "giblets," the comment is adopted to the extent that section 70.1 now contains a definition of rabbit "giblets."

Further, a comment suggests that the term "Rump" more appropriately describes the rabbit part than the term "Back" that was set forth in the proposal. Accordingly, the word "Back" in § 70.310(e)(4) and all other references to "Back" have been changed to "Rump."

Reference in the proposal is made in the rabbit grade standards to interior fat in the carcass or part. A comment calls attention to the fact that such reference is appropriate for carcasses but not for parts since most of the parts would be separated from the interior fat. Based upon the fact that interior fat is usually not associated with rabbit parts, the comment is adopted and reference to interior fat in rabbit parts has been deleted in §§ 70.320(e), 70.321(c), and 70.322(c).

The word "skin" is used in the proposal in connection with freezing defects for rabbits. A comment suggests use of another term since the skin of a rabbit is removed with the pelt in the dressing operation. Accordingly, in §§ 70.320(d) and 70.321(d) the word "skin" is changed to "outer layer of flesh."

Several comments were not adopted. One suggested expanding the terms used to describe rabbit classes. This point is denied since there is no evidence that the present classes of "Fryer or Young Rabbit" and "Roaster or Mature Rabbit" are not adequate. However, within these classes, the use of words such as "broiler" or "stewer" would be approved as appropriate for young or mature rabbits, respectively. Another comment was to eliminate the word "old" in describing class, on the basis that the term had not been used before, but, in fact, this term has been in the class description for some time. Accordingly, there is no reason to justify its removal. Several other comments were raised concerning the administration of the rabbit grading program. These are not directly related to the revision of the regulations and, therefore, need not be discussed in this statement.

After consideration of all relevant matters, including the proposal set forth in the notice and comments received in response thereto, the regulations providing for the voluntary grading of rabbits in 7 CFR Part 54 are hereby revoked and the regulations providing for the voluntary grading of poultry products and rabbit products are hereby revised as proposed except to the extent that certain modifications have been made in accordance with the comments adopted above and minor editorial corrections have been made.

The revised regulations are as follows:

1. Part 54 is removed.
2. Part 70 is revised as follows:

Subpart A—Grading of Poultry Products and Rabbit Products

GENERAL

Sec.
70.1 Definitions.
70.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.
70.3 Administration.
70.4 Grading services available.
70.5 Nondiscrimination.

BASIS OF SERVICE

70.10 Grading service.
70.11 Continuous grading service.
70.12 Supervision.
70.13 Ready-to-cook poultry and rabbits and specified poultry food products; eligibility.
70.14 Squabs and domesticated game birds; eligibility.
70.15 Equipment and facilities to be furnished for use of graders in performing service on a resident basis.
70.16 Prerequisites to grading.
70.17 Accessibility of products.
70.18 Schedule of operation of official plants.

PERFORMANCE OF SERVICES

70.20 Licensed or authorized graders.
70.21 Suspension of license; revocation.
70.22 Surrender of license.
70.23 Identification.
70.24 Financial interest of graders.
70.25 Political activity.

APPLICATION FOR GRADING SERVICE

70.30 Who may obtain grading service.
70.31 How application for service may be made; conditions of service.
70.32 Filing of application.
70.33 Authority of applicant.
70.34 Application for grading service in official plants; approval.
70.35 Rejection of application.
70.36 Withdrawal of application.
70.37 Order of service.
70.38 Suspension or withdrawal of plant approval for correctable cause.

DENIAL OF SERVICE

70.40 Debarment.
70.41 Misrepresentation, deceptive, or fraudulent acts or practices.
70.42 Use of facsimile forms.
70.43 Willful violation of the regulations.
70.44 Interfering with a grader or employee of Service.
70.45 Misleading labeling.
70.46 Miscellaneous.

IDENTIFYING AND MARKING PRODUCTS

70.50 Approval of official identification and wording on labels.
70.51 Marking graded products.
70.52 Prerequisites to packaging ready-to-cook poultry or rabbits identified with consumer grademarks.
70.54 Retention authorities.
70.55 Check grading officially identified product.

REPORTS

70.60 Report of grading work.
70.61 Information to be furnished to graders.
70.62 Report of violations.

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FEES AND CHARGES

Sec.
70.70 Payment of fees and charges.
70.71 On a fee basis.
70.72 Fees for appeal grading, laboratory analyses, or examination or review of a grader's decision.
70.73 Laboratory analysis.
70.74 Fees for additional copies of grading certificates.
70.75 Travel expenses and other charges.
70.76 Charges for continuous poultry grading performed on a nonresident basis.
70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.
70.78 Fees or charges for grading service performed under cooperative agreement.

GRADING

70.80 General.
70.81 Ready-to-cook poultry and rabbits and specified poultry food products.

GRADING CERTIFICATES

70.90 Forms.
70.91 Issuance and disposition.
70.92 Advance information.

APPEAL OF A GRADING OR DECISION

70.100 Who may request an appeal grading or review of a grader's decision.
70.101 Where to file an appeal.
70.102 How to file an appeal.
70.103 When an application for an appeal grading may be refused.
70.104 Who shall perform the appeal.
70.105 Procedure for appeal gradings.
70.106 Appeal grading certificates.

SANITARY REQUIREMENTS, FACILITIES, AND OPERATING PROCEDURES

70.110 Minimum standards for sanitation, facilities, and operating procedures in official plants.

Subpart B—United States Classes, Standards, and Grades for Poultry

UNITED STATES CLASSES OF READY-TO-COOK POULTRY

70.200 General.
70.201 Chickens.
70.202 Turkeys.
70.203 Ducks.
70.204 Geese.
70.205 Guineas.
70.206 Pigeons.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

Sec.
70.210. General.

STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY

70.220 A Quality.
70.221 B Quality.
70.222 C Quality.

STANDARDS FOR QUALITY OF SPECIFIED POULTRY FOOD PRODUCTS

70.230 Poultry roast—A Quality.
70.231 Boneless poultry breast and thigh—A Quality.

UNITED STATES GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

70.240 General.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

Sec.
70.250 U.S. Grade A.
70.251 U.S. Grade B.
70.252 U.S. Grade C.

UNITED STATES READY-TO-COOK GRADE FOR FURTHER PROCESSING

70.260 U.S. Grade A—For Further Processing.

UNITED STATES PROCUREMENT GRADES FOR READY-TO-COOK POULTRY

70.270 U.S. Procurement Grade I.
70.271 U.S. Procurement Grade II.

Subpart C—United States Classes, Standards, Rabbits

UNITED STATES CLASSES OF READY-TO-COOK RABBITS

70.300 General.
70.301 Fryer or young rabbit.
70.302 Roaster or mature rabbit.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK RABBITS

70.310 General.

STANDARDS FOR QUALITY

70.320 A Quality.
70.321 B Quality.
70.322 C Quality.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK RABBITS

70.330 U.S. Grade A.
70.331 U.S. Grade B.
70.332 U.S. Grade C.

AUTHORITY: 60 Stat. 1087, 7 U.S.C. 1621 et seq.

Subpart A—Grading of Poultry Products and Rabbit Products

GENERAL

§ 70.1 Definitions.

Unless the context otherwise requires, the following terms shall have the following meaning:

"Acceptable" means suitable for the purpose intended and acceptable to the Service.

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

"Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may hereafter be delegated the authority to act in his stead.

"Applicant" means any interested person who requests any grading service.

"Carcass" means any poultry or rabbit carcass.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

"Condition" means any condition, including but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any condition, including but not limited to the processing, handling, or packaging which affects such product.

"Condition and wholesomeness" means the condition of any product and its healthfulness and fitness for human food.

"Department" means the United States Department of Agriculture.

"Free from protruding pinfeathers" means that a poultry carcass is free from protruding pinfeathers which are visible to a grader during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.

"Giblets" means the following poultry organs when properly trimmed and washed: the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed. With respect to rabbits "giblets" means the liver from which the bile sac has been removed and the heart from which the pericardial sac has been removed.

"Grader" means any Federal or State employee or the employee of a local jurisdiction or cooperating agency to whom a license has been issued by the Secretary to investigate and certify in accordance with the regulations in this part the class, quality, quantity, or condition of products.

"Grading" or "grading service" means: (1) The act whereby a grader determines, according to the regulations in this part the class, quality, quantity, or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto, except that with respect to grading service performed on a resident basis, the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to any official plant, the act whereby a grader determines that the product in such plant was processed, handled, and packaged in accordance with § 70.110, or (4) any regrading or any appeal grading of a previously graded product.

"Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

"Holiday" or "Legal Holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5, of the United States Code.

"Identify" means to apply official identification to products or the containers thereof.

"National supervisor" means (1) the officer in charge of the poultry grading service of the Agricultural Marketing Service, and (2) other officers and employees of the Department designated by the officer in charge of the poultry grading service of the Agricultural Marketing Service.

"Office of grading" means the office of any grader.

"Official plant" or "official establishment" means one or more buildings or parts thereof comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for grading service and in which grading is carried on in accordance with the regulations in this part.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

"Poultry" means any kind of domesticated bird, including, but not being limited to, chickens, turkeys, ducks, geese, pigeons, and guineas.

"Poultry food product" means any article of human food or any article intended for or capable of being so used, which is prepared or derived in whole or in substantial part, from any edible part or parts of poultry.

"Poultry product" means any ready-to-cook poultry carcass or part therefrom or any specified poultry food product.

"Poultry grading service" means the personnel who are actively engaged in the administration, application, and direction of poultry and rabbit grading programs and services pursuant to the regulations in this part.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Rabbit" means any domesticated rabbit whether live or dead.

"Rabbit product" means any ready-to-cook rabbit carcass or part therefrom.

"Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs, and lungs have been removed, and with or without the giblets, and which is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of such poultry, or any edible part thereof.

"Ready-to-cook rabbit" means any rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing. Ready-to-cook bit also means any cut-up or disjointed portion of rabbit or any edible part thereof.

"Regional director" means any employee of the Department in charge of poultry grading service in a designated geographical area.

"Regulations" means the provisions of this entire part and such United States classes, standards, and grades for products as may be in effect at the time grading is performed.

"Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

"Service" means the Agricultural Marketing Service of the Department.

"Soundness" means freedom from external evidence of any disease or condition which may render a carcass or product unfit for food.

"State supervisor" or "Federal-State supervisor" means any authorized and designated individual who is in charge of the poultry grading service in a State.

§ 70.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identification and devices for making such marks or identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meaning specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grademark and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product or affixed to or printed on the packaging material of any product, stating that the product was graded or indicating the appropriate U.S. Grade or condition of the product, or for maintaining the identity of products graded under this part, including but not limited to, those marks set forth in § 70.51.

(d) "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

§ 70.3 Administration.

The Administrator shall perform for and under the supervision of the Secretary such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures and grading techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations. The Agricultural Marketing Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

§ 70.4 Grading services available.

The regulations in this part provide for the following kinds of service; and any one or more of the different services applicable to official plants may be rendered in an official plant:

(a) Grading of ready-to-cook poultry and rabbits in an official plant or at other locations with adequate facilities.

(b) Grading of specified poultry food products in official plants.

§ 70.5 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

BASIS OF SERVICE

§ 70.10 Grading service.

Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States classes, standards, and grades as contained in Subparts B and C of this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant, and such service, when approved by the Administrator, shall be rendered on the basis of such specifications.

§ 70.11 Continuous grading service.

Except as otherwise approved by the regional director, continuous grading

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service in an official plant may be rendered only when a majority of the grader's time each month is utilized in performing grading for quality on the basis of the U.S. standards set forth in Subparts B and C of the regulations in this part.

§ 70.12 Supervision.

All grading service shall be subject to supervision at all times by the responsible State supervisor, regional director, and national supervisor. Such service shall be rendered in accordance with instructions issued by the Administrator where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grademarks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

§ 70.13 Ready-to-cook poultry and rabbits and specified poultry food products; eligibility.

Only ready-to-cook poultry and rabbits and specified poultry food products which are inspected and passed by the poultry inspection service of the U.S. Department of Agriculture or by any other official inspection system acceptable to the Department may be graded.

§ 70.14 Squabs and domesticated game birds; eligibility.

Squabs and domesticated game birds (including, but not being limited to, quail, pheasants, and wild species of ducks and geese raised in captivity) may be graded under the regulations in this part, only if they have been inspected and passed by the poultry inspection service of the U.S. Department of Agriculture or have been inspected by any other official inspection system acceptable to the Department.

§ 70.15 Equipment and facilities to be furnished for use of graders in performing service on a resident basis.

Such equipment and facilities shall include but not be limited to:

(a) An accurate metal stem thermometer.

(b) A drill with a steel bit to drill holes in frozen product for inserting the metal thermometer stem to determine temperature.

(c) Scales graduated in ounces or less for weighing individual birds and test weights for such scales.

(d) Scales graduated in ounces for weighing bulk containers of poultry and test weights for such scales.

(e) Furnished adequate office space, a desk equipped with a satisfactory locking device, lockers or cabinets suitable for the protection and storage of official supplies and facilities suitable for graders to change clothing.

§ 70.16 Prerequisites to grading.

Grading of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.17 Accessibility of products.

Each product for which grading service is requested shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 70.18 Schedule of operation of official plants.

Grading operating schedules for services performed pursuant to §§ 70.76 and 70.77 shall be requested in writing and be approved by the Administrator. Normal operating schedules for a full week consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 consecutive days per week, within the period of Monday through Saturday, for each shift required. Less than 8-hour schedules may be requested and will be approved if a grader is available. Sundays may not be approved in any tour of duty. Clock hours of daily operations need not be specified in the request, although as a condition of continued approval, the hours of operation shall be reasonably uniform from day to day. Graders are to be notified by management 1 day in advance of any change in the hours grading service is requested.

PERFORMANCE OF SERVICES

§ 70.20 Licensed or authorized graders.

(a) Any person who is a Federal or State employee, the employee of a local jurisdiction, or the employee of a cooperating agency possessing proper qualifications as determined by an examination for competency and who is to perform grading service under this part may be licensed by the Secretary as a grader.

(b) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading service of the Agricultural Marketing Service or any other designated officer of such Service.

(c) Any person who is employed by any official plant and possesses proper qualifications as determined by the Administrator may be authorized to grade poultry and/or rabbits on the basis of the U.S. classes, standards, and grades under the supervision of a grader. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all products graded by any such person shall thereafter be check graded by a grader.

§ 70.21 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform grading service may, whenever he deems such action necessary to assure that any grading services are properly performed, suspend any license to perform grading service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading service is revoked.

§ 70.22 Surrender of license.

Each license which is suspended or revoked shall immediately be surrendered by the licensee to the office of grading serving the area in which he is located. Upon termination of the services of a licensed grader, the licensee shall surrender his license immediately for cancellation.

§ 70.23 Identification.

Each grader shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 70.24 Financial interest of graders.

No grader shall render service on any product in which he is financially interested.

§ 70.25 Political activity.

All graders are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 70.20 through 70.25 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

APPLICATION FOR GRADING SERVICE

§ 70.30 Who may obtain grading service.

An application for grading service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 70.31 How application for service may be made; conditions of service.

(a) *Noncontinuous grading service on a fee basis.* An application for any noncontinuous grading service on a fee basis may be made in any office of grading or with any grader at or nearest the place

where the service is desired. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader with whom such application is made or the Administrator may require that the application be confirmed in writing.

(b) *Continuous grading service on a resident basis or continuous grading service on a nonresident basis.* An application for continuous grading service on a resident basis or for continuous grading service on a nonresident basis must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, regional, or State grading office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading of products as may be issued from time to time by the Administrator). No member of or Delegate to Congress or Resident Commissioner shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

§ 70.32 Filing of application.

An application for grading service shall be regarded as filed only when made pursuant to the regulations in this part.

§ 70.33 Authority of applicant.

Proof of the authority of any person applying for grading service may be required at the discretion of the Administrator.

§ 70.34 Application for grading service in official plants; approval.

Any person desiring to process and pack products in a plant under grading service must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for grading service to be rendered in an official plant shall be approved according to the following procedure: *Survey.* When application has been filed for grading service, as aforesaid, the State supervisor or his assistant shall examine the grading office, facilities, and equipment and specify any additional facilities or equipment needed for the service. When the plant survey for poultry or rabbit grading has been completed and approved in accordance with the regulations in this part, service may be installed.

§ 70.35 Rejection of application.

Any application for grading service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the Act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant, is currently denied the benefits of the Act, or was responsible in whole or in part for the current denial of the benefits of the Act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the Act to obtain grading service; (e) whenever the applicant, after an initial survey has been made in accordance with § 70.34, fails to bring the grading facilities and equipment into compliance with the regulations within a reasonable period of time; or (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

§ 70.36 Withdrawal of application.

Any application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment by the applicant, of all expenses incurred by the Service in connection with such application.

§ 70.37 Order of service.

Grading service shall be performed, insofar as practicable and subject to the availability of qualified graders, in the order in which applications therefor are made, except that precedence may be given to any application for an appeal grading.

§ 70.38 Suspension or withdrawal of plant approval for correctable cause.

(a) Any plant approval given pursuant to the regulations in this part may be suspended by the Administrator for (1) failure to maintain grading facilities and equipment in a satisfactory state of repair, sanitation, or cleanliness; (2) the use of operating procedures which are not in accordance with the regulations in this part; or (3) alterations of grading facilities or equipment which have not been approved in accordance with the regulations in this part.

(b) Whenever it is feasible to do so, written notice in advance of a suspension shall be given to the person concerned and shall specify a reasonable period of time in which corrective action must be taken. If advance written notice is not given, the suspension action shall be promptly confirmed in writing and the reasons therefor shall be stated, except in instances where the person has already corrected the deficiency. Such service, after appropriate corrective action is taken, will be restored immediately, or as soon thereafter as a grader can be made available. During such period of suspension, grading service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless such service is terminated in accordance with the provisions of this part.

(c) If the grading facilities or methods of operation are not brought into compliance within a reasonable period of time as specified by the Administrator, he shall initiate withdrawal action pursuant to the Rules of Practice Governing Withdrawal of Inspection and Grading Service (7 CFR Part 50), and the operator shall be afforded an opportunity for an oral hearing upon his written request in accordance with such Rules of Practice, with respect to the merits or validity of the withdrawal action, but any suspension shall continue in effect pending the outcome of such hearing unless otherwise ordered by the Administrator. Upon withdrawal of grading service in an official plant, the plant approval shall also become terminated, and all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the service, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the service.

(d) In any case where grading service is withdrawn under this § 70.38, the person concerned may thereafter apply for grading service as provided in §§ 70.30 through 70.37 of these regulations.

DENIAL OF SERVICE

§ 70.40 Debarment.

The acts or practices set forth in §§ 70.41 through 70.46, or the causing thereof, may be deemed sufficient cause for the debarment by the Administrator of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The rules of practice governing withdrawal of grading services, set forth in Title 7, Part 50 of the Code of Federal Regulations, shall be applicable to such a debarment action.

§ 70.41 Misrepresentation, deceptive, or fraudulent acts or practices.

Any willful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service, appeal or regarding service;

(b) The making of the product accessible for grading;

(c) The making, issuing, or using, or attempting to issue or use any grading certificate, symbol, stamp, label, seal, or identification, authorized pursuant to the regulations in this part;

(d) The use of the terms "United

§ 70.51 Marking graded products.

§ 70.52 Prerequisites to packaging

(c) Fees and charges for any grading per diem, and any other expenses. Ex-

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(d) The use of the terms "United States" or "U.S." in conjunction with the grade of the product;

(e) The use of any of the aforesaid terms or any official stamp, symbol, label, seal, or identification in the labeling or advertising of any product.

§ 70.42 Use of facsimile forms.

Using or attempting to use a form which simulates in whole or in part any certificate, symbol, stamp, label, seal, or identification authorized to be issued or used under the regulations in this part.

§ 70.43 Willful violation of the regulations.

Any willful violation of the regulations in this part or the Act.

§ 70.44 Interfering with a grader or employee of Service.

Any interference with or obstruction or any attempted interference or obstruction of, or assault upon any grader, licensee, or employee of the Service in the performance of his duties. The giving or offering, directly or indirectly, of any money, loan, gift, or anything of value to an employee of the Service, or the making or offering of any contribution to or in any way supplementing the salary, compensation, or expenses of an employee of the Service, or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

§ 70.45 Misleading labeling.

The use of the terms "Government Graded" and "Federal State Graded" or terms of similar import in the labeling or advertising of any product without stating in the labeling or advertisement the U.S. grade of the product as determined by an authorized grader.

§ 70.46 Miscellaneous.

The existence of any of the conditions set forth in § 70.35 constituting a basis for the rejection of an application for grading service.

IDENTIFYING AND MARKING PRODUCTS

§ 70.50 Approval of official identification and wording on labels.

Any label or packaging material which bears any official grade identification shall be used only in such a manner as the Administrator may prescribe, and such labeling or packaging materials, including the wording used on such materials, shall be approved in accordance with and conform with the provisions of this Part 70 and the applicable provisions of §§ 381.115 through 381.141 of 9 CFR Part 381, Poultry Inspection Regulations. Labeling requirements for ready-to-cook rabbits, except for the product name, shall be the same as for ready-to-cook poultry. For ready-to-cook rabbits the class name shall be shown on the label. The appropriate designation, "young," "mature," or "old," may be used as a prefix to the word rabbit" in lieu of the class name.

§ 70.51 Marking graded products.

(a) *Information required on grademark.* Except as otherwise authorized by the Administrator, each grademark, which is to be used, shall include the letters "USDA" and the U.S. Grade of the product it identifies, such as "U.S. A Grade," and such information shall be printed in a light color on a dark field. In addition, a term, such as "Federal-State Graded," or "Government Graded," may be used adjacent to but not within the grademark.

(b) *Form of official identification symbol and grademark.* (1) The shield set forth in Figure 1, containing the letters "USDA" shall be the official identification symbol for purposes of this part, and when used, imitated, or simulated in any manner in connection with poultry or rabbits, shall be deemed prima facia to constitute a representation that the product has been officially graded for the purposes of § 70.2.

FIGURE 1

(2) Except as otherwise authorized, the grademark permitted to be used to officially identify consumer graded poultry and rabbit products, shall be of the form and design indicated in Figure 2 or 3 of this section. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion and size as shown in Figures 2 and 3.

FIGURE 2

FIGURE 3

(c) *Products that may be individually grade marked.* The grademarks set forth in Figures 2 and 3 may be applied individually to ready-to-cook poultry and rabbits and specified poultry food products for which consumer grades are provided in Subparts B and C of this chapter, or to the containers in which such products are enclosed for the purpose of display and sale to household consumers, only when such products qualify for the particular grade indicated in accordance with the consumer grades.

(d) *Identification of U.S. Grade A—For Further Processing.* The grademark indicated in Figure 4, below, is restricted to turkeys meeting the requirements of § 70.260. The grademark may be applied only to master shipping containers and not to individual birds. The block containing the words "For Further Processing" in Figure 4 shall be located as indicated and shall be at least as wide and at least ¼ as high as the height of the grademark. The words "For Further Processing" shall be in the same boldness of type as the wording in the grademark.

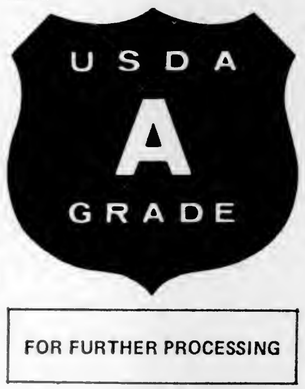

FIGURE 4

§ 70.52 Prerequisites to packaging ready-to-cook poultry or rabbits identified with consumer grademarks.

The official identification of any graded product as provided in §§ 70.50 and 70.51 shall be done only under the supervision of a grader. The grader shall have supervision over the use and handling of all material bearing any official identification.

§ 70.54 Retention authorities.

A grader may use retention tags or other devices and methods as approved by the Administrator for the identification and control of poultry or rabbit products which are not in compliance with the regulations or are held for further examination. Any such item shall not be released until in compliance with the regulations and retention identification shall not be removed by anyone other than a grader.

§ 70.55 Check grading officially identified product.

Officially identified poultry or rabbit products may be subject to final check grading prior to their shipment. Such product found not to be in compliance with the assigned official grade shall be placed under a retention tag until it is regraded to comply with the grade assigned or until the official identification is removed.

REPORTS

§ 70.60 Report of grading work.

Reports of the work of grading carried on within official plants shall be forwarded to the Administrator by the grader in such manner as may be specified by the Administrator.

§ 70.61 Information to be furnished to graders.

When grading service is performed within an official plant, the applicant for such grading shall furnish to the grader rendering such service such information as may be required for the purposes of §§ 70.60 through 70.62.

§ 70.62 Reports of violations.

Each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the Act and the regulations in this part of which he has knowledge.

FEES AND CHARGES

§ 70.70 Payment of fees and charges.

(a) Fees and charges for any grading service shall be paid by the interested party making the application for such service in accordance with the applicable provisions of this section and §§ 70.71 through 70.78 inclusive. If so required by the grader, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Agricultural Marketing Service and remitted promptly to the Service.

(c) Fees and charges for any grading under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 70.71 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook rabbits, or specified poultry food products are involved. The hourly charge shall be $14.00 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.48 per hour. Information on legal holidays is available from the supervisor.

§ 70.72 Fees for appeal grading, laboratory analyses, or examination or review of a grader's decision.

(a) The fee to be charged for any appeal grading or laboratory analysis or examination shall be based on the hourly rates as specified in § 70.71(b) or (c). If the result of the appeal grading or laboratory analysis or examination discloses that a material error was made in the original grading, analysis or examination, no fee will be charged.

(b) No fee shall be charged for the appeal under § 70.101(a) of the grader's decision, unless special travel was necessary to perform the appeal service and the grader's decision was upheld on the appeal. In such cases, the fee shall be based on the hourly rates as specified in § 70.71 (b) or (c).

§ 70.73 Laboratory analysis.

Fees and charges for any laboratory analysis or examination performed by the Poultry Division in connection with the grading of poultry or poultry products, or rabbits or rabbit products made under this part shall be assessed and collected in accordance with the provisions for fees and charges for such services as contained in Part 55 of this chapter.

§ 70.74 Fees for additional copies of grading certificates.

Additional copies, other than those provided for in §§ 70.91 and 70.106, of any grading certificates may be supplied to any interested party upon payment of a fee of $2.00 for each set of five or fewer copies.

§ 70.75 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Service in connection with rendering grading service. Such charges shall include the cost of transportation, per diem, and any other expenses. Expenses are to be charged on an appeal certificate regardless of the grading results. Ten percent of the total expenses shall be added to cover administrative costs of the Department. The minimum expense charge shall be $0.50 per certificate.

§ 70.76 Charges for continuous poultry grading performed on a nonresident basis.

Fees to be charged and collected for grading service on a nonresident grading basis shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.72.

(a) *Charges.* The charges for the grading of poultry and edible products therof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt. (1) A charge to cover the actual cost to AMS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated headquarters when service is inaugurated. (2) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant, except that no charge will be made when the assigned grader is temporarily reassigned by AMS to perform grading service for other than the applicant. Base salary rates will be determined on a national average for all official plants operating in States under a Federal Trust Fund Agreement where Federal graders or a combination of Federal and State graders are used, by averaging the salary rates paid to each full-time Federal or State grader assigned to such plants. There will be two base salary rates—one for grading service performed at the GS-7 level and one for grading service performed at the GS-9 level. Charges to plants are as follows:

(i) For all regular hours of work scheduled and approved as an established tour of duty for a plant, the regular rate charge will be made. The regular rate charge will be determined by adding an amount to the base salary rate to cover the costs to AMS for such items as the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, severance pay, sick leave, annual leave, additional salary and travel costs for relief grading service, accident payments,

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certain moving costs, and related servicing costs.

(ii) All hours worked by an assigned grader or another grader in excess of the approved tour of duty, or worked on a nonscheduled workday, or actually worked on a holiday in excess of the tour of duty, will be considered as overtime. The charge for such overtime will be 150 percent of the grader's base salary rate.

(iii) For work performed on a holiday which is within the established tour of duty approved for a plant, the added charge will be the same as the grader's base rate.

(iv) For work performed between 6 p.m. and 6 a.m., night differential charges (for regular, overtime, or holiday hours worked during this period) will be at the applicable rates established plus 10 percent of the base rate.

(v) For all hours of work performed in a plant without an approved tour of duty, the charge will be one of the applicable hourly rates in § 70.71.

(vi) For work performed by an employee of another Federal agency on a part-time basis for the Poultry Division, AMS, the charge will be the established hourly rate agreed to between the two agencies for cross-utilized employees.

(3) A charge of 110 percent of any expenses incurred (including travel and per diem costs) by each grader assigned while performing grading service at the applicant's request.

(4) An administrative service charge equal to 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary costs.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by AMS based on the expected demand for service.

(3) The grading service shall be provided at designated locations and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice by either the applicant or AMS specifying the date of suspension, withdrawal or termination;

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Action taken by AMS pursuant to the provisions of §§ 70.38 or 70.40.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That in no instance may the graders assume the duties of management.

(5) When similar nonresident grading services are furnished to the same applicant under Part 55 or Part 56 of this chapter, the charges listed in this section shall not be repeated.

§ 70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.72.

(a) *Charges.* The charges for the grading of poultry and rabbits and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt.

(i) An inauguration charge of $200 will be made at the time an application for service is signed, except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location within 12 months from the date of the inauguration of service.

(2) A charge to cover the actual cost to AMS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant, that no charge will be made when the assigned grader is temporarily reassigned by AMS to perform grading service for other than the applicant. Base salary rates will be determined on a national average for all official plants operating in States under a Federal Trust Fund Agreement where Federal graders or a combination of Federal and State graders are used by averaging the salary rates paid to each full-time Federal or State grader assigned to such plants. There will be two base salary rates—one for grading service performed at the GS-7 level and one for grading service performed at the GS-9 level. Charges to plants are as follows:

(i) For all regular hours of work scheduled and approved as an established tour of duty for a plant, the regular rate charge will be made. The regular rate charge will be determined by adding an amount to the base salary rate to cover the costs to AMS for such items as the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, severance pay, sick leave, annual leave, additional salary and travel costs for relief grading service, accident payments, certain moving costs, and related servicing costs.

(ii) All hours worked by an assigned grader or another grader in excess of the approved tour of duty, or worked on a nonscheduled workday, or actually worked on a holiday in excess of the tour of duty will be considered as overtime. The charge for such overtime will be 150 percent of the grader's base salary rate plus an added 10 percent for administrative overhead charges.

(iii) For work performed on a holiday which is within the established tour of duty approved for a plant, the added charge will be the same as the grader's base rate plus an added 10 percent for administrative overhead charges.

(iv) For work performed between 6 p.m. and 6 a.m., night differential charges (for regular, overtime, or holiday hours worked during this period) will be at the applicable rates established plus 10 percent of the base rate.

(v) For all hours of work performed in a plant without an approved tour of duty, the charge will be one of the applicable hourly rates in § 70.71.

(vi) For work performed by an employee of another Federal agency on a part-time basis for the Poultry Division, AMS, the charge will be the established hourly rate agreed to between the two agencies for cross-utilized employees.

(4) A charge for the actual cost to AMS for any other expenses incurred by AMS (including travel and per diem costs) plus an added 10 percent for administrative overhead charges:

(i) For each grader, other than a relief grader, who performs work on a day with an established tour of duty.

(ii) For each grader normally assigned to the plant, while performing grading service at the applicant's request outside his official plant.

(5) A charge at the hourly rates specified in § 70.71, plus actual travel expenses incurred by AMS for intermediate surveys to firms without grading service in effect.

(6) For poultry grading: An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following:

(i) Total pounds per billing period multiplied by $.00014, except that the minimum charge per billing period shall be $80[1] and the maximum charge shall be $625.

(7) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $80 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service. (2) AMS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by AMS based on the expected demand for service. (3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Action taken by AMS pursuant to the provisions of §§ 70.38 or 70.40.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That in no instance may the graders assume the duties of management.

[1] Also applies where an approved application is in effect and no product is handled.

§ 70.78 Fees or charges for grading service performed under cooperative agreement.

Fees or charges to be made to an applicant for any grading service which differ from those listed in §§ 70.70 through 70.77, shall be provided for by a cooperative agreement.

Grading

§ 70.80 General.

Whenever grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers indicated in the following table and footnote. All of the poultry or rabbits in the sample containers drawn shall be examined with the exception of individual birds weighing under 6 pounds in bulk containers indicated in the footnote. (Minimum number of containers comprising a representative sample.)[2]

Containers in lot:	*Containers in sample*
3 or less	All
4 to 20	4
21 to 100	6
101 to 500	8
501 to 1,000	15
1,001 to 2,000	25
2,001 to 4,000	40
Over 4,000	60

§ 70.81 Ready-to-cook poultry and rabbits and specified poultry food products.

(a) Ready-to-cook poultry or rabbit carcasses or parts or specified poultry food products may be graded only if they have been inspected and certified by the poultry inspection service of the U.S. Department of Agriculture, or inspected and passed by any other inspection system which is acceptable to the Department.

(b) Only when ready-to-cook poultry carcasses or parts, including those used in the fabrication of poultry food products, have been graded on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, and when fabrication of the poultry food products has been done under supervision of a grader, may the container or the individual carcass or part or poultry food product be identified with the appropriate official letter grademark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

(c) Only when ready-to-cook rabbit carcasses or parts have been graded on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, may the container or the individual carcass or part be identified with the appropriate official letter grademark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

Grading Certificates

§ 70.90 Forms.

Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

§ 70.91 Issuance and disposition.

(a) *Resident grading basis.* Certificates will be issued only upon a request therefor by the applicant or the Service. When requested, a grader shall issue a certificate covering product graded by him. In addition, a grader may issue a grading certificate covering product graded in whole or in part by another grader when the grader has knowledge that the product is eligible for certification based on personal examination of the product or official grading records.

(b) *Other than resident grading.* Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader if such person has been designated as the authorized agent of such grader by the national supervisor: *Provided*, That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further*, That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading. In such case, the authorized agent shall sign both his own and the grader's name e.g., "John Doe by Richard Roe."

(c) The original and a copy of each grading certificate, issued pursuant to §§ 70.90 through 70.92, and not to exceed two additional copies thereof if requested by the applicant prior to issuance shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for grading program records. Additional copies of any such certificate may be furnished to any interested party, as provided in § 70.74.

§ 70.92 Advance information.

Upon the request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

Appeal of a Grading or Decision

§ 70.100 Who may request an appeal grading or review of a grader's decision.

An appeal grading may be requested by any interested party who is dissatisfied with the determination by a grader of the class, quality, quantity, or condition of any product as evidenced by the USDA grademark and accompanying label, or as stated on a grading certificate, and a review may be requested by the operator of an official plant with respect to a grader's decision on any other matter relating to grading in an official plant.

§ 70.101 Where to file an appeal.

(a) *Appeal from resident grader's grading or decision in an official plant.* Any interested party who is not satisfied with the determination of the class, quality, quantity, or condition of product which was graded by a grader in an official plant and has not left such plant, and the operator of any official plant who is not satisfied with a decision made by a grader or any other matter relating to grading in such plant, may request an appeal grading or review of the decision by filing such request with the grader's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with

[2] For large bulk containers containing poultry (combo bins, tanks, etc.) where individual birds weigh over 6 pounds, the representative sample may be reduced by one-half. Where individual birds weigh under 6 pounds, 100 birds may be selected from each container in the representative sample.

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the determination of the class, quality, quantity, or condition of product which has left the official plant where it was graded, or which was graded other than in an official plant, may request an appeal grading by filing such request with the regional director in the area where the product is located or with the Chief of the Grading Branch.

§ 70.102 How to file an appeal.

Any request for an appeal grading or review of a grader's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service, and a description of the product or the decision which is questioned. If such appeal request is based on the results stated on an official certificate, the original and all available copies of the certificate shall be returned to the appeal grader assigned to make the appeal grading.

§ 70.103 When an application for an appeal grading may be refused.

When it appears to the official with whom an appeal request is filed that the reasons given in the request for an appeal grading are frivolous or not substantial, or that the quality or condition of the product has undergone a material change since the original grading, or that the original lot has changed in some manner, or the Act or the regulations in this part have not been complied with, the applicant's request for the appeal grading may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

§ 70.104 Who shall perform the appeal.

(a) An appeal grading or review of a decision requested under § 70.101(a) shall be made by the grader's immediate supervisor or by a licensed grader assigned by the immediate supervisor other than the grader whose grading or decision is being appealed.

(b) Appeal gradings requested under § 70.101(b) shall be performed by a grader other than the grader who originally graded the product.

(c) Whenever practical, an appeal grading shall be conducted jointly by two graders. The assignment of the grader(s) who will make the appeal grading requested under §70.101(b) shall be made by the regional director or the Chief of the Grading Branch.

§ 70.105 Procedures for appeal gradings.

(a) When all of the originally graded and identified samples are available, the appeal sample shall consist of such samples plus an equal number of samples.

(b) When the original samples are not available, the appeal sample size for the lot shall consist of double the samples required in § 70.80.

(c) Poultry or rabbits in an unfrozen state must be adequately protected and kept in good condition until the appeal grading is performed.

(d) Overwraps on frozen poultry or rabbits shall be removed from all birds or rabbits in the sample prior to appeal grading for quality or to determine the class.

(e) When the appeal is based on grading or class determination factors, each frozen carcass shall be defrosted prior to conducting the appeal grading. Whether defrosting poultry or rabbit carcasses for other types of appeals will be required by the appeal grader, will depend upon the reason for the appeal.

§ 70.106 Appeal grading certificates.

Immediately after an appeal grading is completed, an appeal certificate shall be issued to show that the original grading was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal grader assigns a different grade to the lot, the existing grademark shall be changed or obliterated as necessary. When the appeal grader assigns a different class or quantity designation to the lot, the labeling shall be corrected.

SANITARY REQUIREMENTS, FACILITIES, AND OPERATING PROCEDURES

§ 70.110 Minimum standards for sanitation, facilities, and operating procedures in official plants.

(a) The minimum requirements for sanitation, facilities, and operating procedures in official plants shall be the applicable provisions stated in 9 CFR Part 381 for poultry, and for rabbits the requirements shall be the applicable provisions stated in 9 CFR Part 382.

(b) With respect to grading services, there shall be a minimum of 50-foot candles of light intensity at grading stations; and acceptable means, when necessary, of maintaining control and identity of products segregated for quality, class, condition, weight, lot, or any other factor which may be used to distinguish one type of product from another.

Subpart B—United States Classes, Standards, and Grades for Poultry

UNITED STATES CLASSES OF READY-TO-COOK POULTRY

§ 70.200 General.

The provisions of §§ 70.200 through 70.206 apply to individual carcasses of ready-to-cook poultry in determining the kind of poultry and its class. The kinds of poultry are as follows: Chickens, turkeys, ducks, geese, guineas, and pigeons.

§ 70.201 Chickens.

The following are the various classes of chickens:

(a) *Rock Cornish game hen or Cornish game hen.* A Rock Cornish game hen or Cornish game hen is a young immature chicken (usually 5 to 6 weeks of age), weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken.

(b) *Rock Cornish fryer, roaster, or hen.* A Rock Cornish fryer, roaster, or hen is the progeny of a cross between a purebred Cornish and a purebred Rock chicken, without regard to the weight of the carcass involved; however, the term "fryer," "roaster," or "hen," shall apply only if the carcasses are from birds with ages and characteristics that qualify them for such designation under paragraphs (c) and (d) of this section.

(c) *Broiler or fryer.* A broiler or fryer is a young chicken (usually under 13 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(d) *Roaster or roasting chicken.* A bird of this class is a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer.

(e) *Capon.* A capon is a surgically unsexed male chicken (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(f) *Hen, fowl, or baking or stewing chicken.* A bird of this class is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster or roasting chicken and nonflexible breastbone tip.

(g) *Cock or rooster.* A cock or rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone tip.

§ 70.202 Turkeys.

The following are the various classes of turkeys:

(a) *Fryer-roaster turkey.* A fryer-roaster turkey is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(b) *Young turkey.* A young turkey is a turkey (usually under 8 months of age) that is tender-meated with soft, pliable smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey. Sex designation is optional.

(c) *Yearling turkey.* A yearling turkey is a fully matured turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin. Sex designation is optional.

(d) *Mature turkey or old turkey (hen or tom).* A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(e) For labeling purposes, the designation of sex within the class name is optional, and the two classes of young turkeys may be grouped and designated as "young turkeys."

§ 70.203 Ducks.

The following are the various classes of ducks:

(a) *Broiler duckling or fryer duckling.* A broiler duckling or a fryer duckling is a young duck (usually under 8 weeks of age), of either sex, that is tender-meated and has a soft bill and a soft windpipe.

(b) *Roaster duckling.* A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(c) *Mature duck or old duck.* A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

§ 70.204 Geese.

The following are the various classes of geese:

(a) *Young goose.* A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(b) *Mature goose or old goose.* A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

§ 70.205 Guineas.

The following are the various classes of guineas:

(a) *Young guinea.* A young guinea may be of either sex, is tender-meated, and has a flexible breastbone cartilage.

(b) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex, has toughened flesh, and a hardened breastbone.

§ 70.206 Pigeons.

The following are the various classes of pigeons:

(a) *Squab.* A squab is a young, immature pigeon of either sex, and is extra tender-meated.

(b) *Pigeon.* A pigeon is a mature pigeon of either sex, with coarse skin and toughened flesh.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

§ 70.210 General.

(a) The United States standards for quality contained in §§ 70.210 through 70.231 are applicable as indicated in the headings with respect to said sections, to individual carcasses of ready-to-cook poultry, to parts of ready-to-cook poultry as described in paragraph (e) of this section, and to individual units of the specified poultry food products.

(b) Carcasses, parts, or poultry food products found to be unsound, unwholesome, or otherwise unfit for human food in whole or in part, shall not be given any of the quality designations specified in §§ 70.210 through 70.231.

(c) In interpreting the respective requirements specified in §§ 70.210 through 70.222 for A quality, B quality, and C quality, the intensity, aggregate area involved, and locations of (1) discolorations (whether or not caused by dressing operations); (2) bruises; (3) exposed flesh (resulting from cuts, tears, and missing skin); (4) pinfeathers; and (5) freezing defects, as such defects individually, or in combination, detract from the general appearance, shall be considered in determining the particular quality of an individual carcass or part.

(d) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed. The fact that a portion has been removed, will not be considered in determining the quality of the balance of the carcass if the remaining portion of the carcass is to be disjointed and packed as parts or used in the fabrication of poultry food products. Poultry parts which have been properly cut as described in paragraph (e) of this section may be graded after they have been cut from the carcass, if the class is known and the parts are not misshapen or have nearly the same appearance as prior to cutting from the carcass.

(e) The standards of quality are applicable to poultry parts cut in the manner described in paragraphs (e)(1) through (16) of this section. Similar parts cut in a manner other than described in paragraphs (e)(1) through (16) of this section may be grade identified only when approved by the Administrator upon his determination that the labeling for such parts accurately describes the product. Requests for such approval shall be made to the national supervisor.

(1) "Breasts" shall be separated from the back at the shoulder joint and by a cut running backward and downward from that point along the junction of the vertebral and sternal ribs. The ribs may be removed from the breasts, and the breasts may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in paragraph (e)(3) of this section, may be removed cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes, and the package may contain two or more of such parts without affecting the appropriateness of the labeling as e.g., "chicken breasts." Neck skin shall not be included with the breasts, except that "turkey breasts" may include neck skin up to the whisker.

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in paragraph (e)(3) of this section, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weightmaking purposes, and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breasts with ribs." Neck skin shall not be included.

(3) "Wishbones" (Pulley Bones), with covering muscle and skin tissue, shall be severed from the breast approximately halfway between the end of the wishbone (hypocledium) and from point of the breastbone (cranial process of the sternal crest) to a point where the wishbone joins the shoulder. Neck skin shall not be included with the wishbone.

(4) "Drumsticks" shall be separated from the thigh by a cut through the knee joint (femorotibial and patellar joint) and from the hock joint (tarsal joint).

(5) "Thighs" shall be disjointed at the hip joint and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be incuded.

(6) "Legs" shall include the whole leg, i.e., the thigh and the drumstick, whether jointed or disjointed. Back skin shall not be included.

(7) "Wings" shall include the entire wing with all muscle and skin tissue intact, except that the wingtip may be removed.

(8) "Backs" that are officially identified shall meet the applicable provisions of §§70.220, 70.221, and 70.222.

(9) "Halves" are prepared by making a full-length back and breast split of an eviscerated poultry carcass so as to produce approximately equal right and left sides.

(10) "Quarters" consist of the entire eviscerated poultry carcass, which has been cut into four equal parts, but excluding the neck.

(11) "Breast quarter" consists of half a breast with the wing and a portion of the back attached.

(12) "Breast quarter without wing" consists of a front quarter of a poultry carcass, from which the wing has been removed.

(13) "Leg quarter" consists of a poultry thigh and drumstick, with a portion of the back attached.

(14) "Thigh with back portion" consists of a poultry thigh with back portion attached.

(15) "Legs with pelvic bone" consists of a poultry leg with adhering meat and skin and pelvic bone.

(16) "Wing drummette" consists of the humerus (first portion) of a poultry wing with adhering skin and meat attached.

STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY

§ 70.220 A Quality.

(a) *Conformation.* The carcass or part is free of deformities that detract from its appearance or that affect the normal distribution of flesh. Slight deformities, such as slightly curved or dented breastbones and slightly curved backs, may be present.

(b) *Fleshing.* The carcass has a well developed covering of flesh considering the kind, class, and part.

(1) The breast is moderately long and deep, and has sufficient flesh to give it a rounded appearance with the flesh carrying well up to the crest of the breastbone along its entire length.

(2) The leg is well fleshed and moderately thick and wide at the knee and hip joint area, and has a well-rounded,

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plump appearance with the flesh carrying well down toward the hock and upward to the hip joint area.

(3) The drumstick is well fleshed and moderately thick and wide at the knee joint, and has a well-rounded, plump appearance with the flesh carrying well down toward the hock.

(4) The thigh is well to moderately fleshed.

(5) The wing is well to moderately fleshed.

(c) *Fat covering.* The carcass or part, considering the kind, class, and part, has a well-developed layer of fat in the skin. The fat is well distributed so that there is a noticeable amount of fat in the skin in the areas between the heavy feather tracts.

(d) *Defeathering.* The carcass or part has a clean appearance, especially on the breast. The carcass or part is free of pinfeathers, diminutive feathers, and hair which are visible to the grader.

(e) *Exposed flesh.* Parts are free of exposed flesh, resulting from cuts, tears, and missing skin (other than slight trimming on the edge). The carcass is free of these defects on the breast and legs. Elsewhere, the carcass may have exposed flesh due to slight cuts, tears, and areas of missing skin, provided that the aggregate of the areas of flesh exposed does not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb, 8 oz	None	¾ in.
Over 1 lb, 8 oz	6 lb	do	1½ in.
Over 6 lb	16 lb	do	2 in.
Over 16 lb	None	do	3 in.

(f) *Disjointed and broken bones and missing parts.* Parts are free of broken bones. The carcass is free of broken bones and has not more than one disjointed bone. The wing tips may be removed at the joint, and in the case of ducks and geese, the parts of the wing beyond the second joint may be removed, if removed at the joint and both wings are so treated. The tail may be removed at the base. Cartilage separated from the breastbone is not considered as a disjointed or broken bone.

(g) *Discolorations of the skin and flesh.* The carcass or part is practically free of such defects. Discolorations due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding, such as more than an occasional slightly reddened feather follicle, is not permitted. Flesh bruises and discolorations of the skin, such as "blue back," are not permitted on the breast or legs of the carcass, or on these individual parts, and only lightly shaded discolorations are permitted elsewhere. The total areas affected by flesh bruises, skin bruises, and discolorations, such as "blue back," singly, or in any combination, shall not exceed one-half of the toal aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed that of a circle one-fourth inch in diameter for poultry weighing up to 6 pounds and one-half inch in diameter for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb, 8 oz	½ in	1 in.
Over 1 lb, 8 oz	6 lb	1 in	2 in.
Over 6 lb	16 lb	1½ in	2½ in.
Over 16 lb	None	2 in	3 in.

(h) *Freezing defects.* With respect to consumer packaged poultry, parts, or specified poultry food products, the carcass, part, or specified poultry food product is practically free from defects which result from handling or occur during freezing or storage. The following defects are permitted if they, alone or in combination, detract only very slightly from the appearance of the carcass, part, or specified poultry food product:

(1) Slight darkening over the back and drumsticks, provided the frozen bird or part has a generally bright appearance;

(2) Occasional pockmarks due to drying of the inner layer of skin (derma) (however, none may exceed the area of a circle one-eighth inch in diameter for poultry weighing 6 pounds or less and one-fourth inch in diameter for poultry weighing over 6 pounds);

(3) Occasional small areas showing a thin layer of clear or pinkish colored ice.

(i) *Backs.* A quality backs shall meet all applicable provisions of this section pertaining to parts, and shall include the meat contained on the ilium (oyster), pelvic meat and skin and vertebral ribs and scapula with meat and skin.

§ 70.221 B Quality.

(a) *Conformation.* The carcass or part may have moderate deformities, such as a dented, curved, or crooked breast, crooked back or misshapen legs or wings, which do not materially affect the distribution of flesh or the appearance of the carcass or part.

(b) *Fleshing.* The carcass has a moderate covering of flesh considering the kind, class, and part.

(1) The breast has a substantial covering of flesh with the flesh carrying up to the crest of the breastbone sufficiently to prevent a thin appearance.

(2) The leg is fairly thick and wide at the knee and hip joint area, and has sufficient flesh to prevent a thin appearance.

(3) The drumstick has a sufficient amount of flesh to prevent a thin appearance with the flesh carrying fairly well down toward the hock.

(4) The thigh has a sufficient amount of flesh to prevent a thin appearance.

(5) The wing has a sufficient amount of flesh to prevent a thin appearance.

(c) *Fat covering.* The carcass or part has sufficient fat in the skin to prevent a distinct appearance of the flesh through the skin, especially on the breast and legs.

(d) *Defeathering.* The carcass or part may have a few nonprotruding pinfeathers or vestigial feathers which are scattered sufficiently so as not to appear numerous. Not more than an occasional protruding pinfeather or diminutive feather shall be in evidence under a careful examination.

(e) *Exposed flesh.* Parts may have exposed flesh resulting from cuts, tears and missing skin, provided that not more than a moderate amount of the flesh normally covered by skin is exposed. The carcass may have exposed flesh resulting from cuts, tears, and missing skin, provided that the aggregate of the areas of flesh exposed does not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb., 8 oz	¾ in	1½ in.
Over 1 lb., 8 oz	6 lb	1½ in	3 in.
Over 6 lb	16 lb	2 in	4 in.
Over 16 lb	None	3 in	5 in.

Notwithstanding the foregoing, a carcass meeting the requirements of A quality for fleshing may be trimmed to remove skin and flesh defects, provided that no more than one-third of the flesh is exposed on any part, and the meat yield of any part is not appreciably affected.

(f) *Disjointed and broken bones and missing parts.* Parts may be disjointed, but are free of broken bones. The carcass may have two disjointed bones, or one disjointed bone and one nonprotruding broken bone. Parts of the wing beyond the second joint may be removed at a joint. The tail may be removed at the base. The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area halfway between the base of the tail and the hip joints.

(g) *Discolorations of the skin and flesh.* The carcass or part is free of serious defects. Discoloration due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding shall be no more than very slight. Moderate areas of discoloration due to bruises in the skin or flesh and moderately shaded discoloration of the skin, such as "blue back" are permitted, but the total areas affected by such discolorations, singly or in any combination, may not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed the area of a circle having a diameter of one-half inch for poultry weighing up to 1 pound, 8 ounces; 1 inch for poultry weighing over 1 pound, 8 ounces, but not more than 6 pounds; and 1½ inches for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb., 8 oz	1 in	2 in.
Over 1 lb., 8 oz	6 lb	2 in	3 in.
Over 6 lb	16 lb	2½ in	4 in.
Over 16 lb	None	3 in	5 in.

(h) *Freezing defects.* With respect to consumer packaged poultry, parts, or specified poultry food products, the carcass, part or specified poultry food product may have moderate defects which result from handling or occur during freezing or storage. The skin and flesh shall have a sound appearance, but may lack brightness. The carcass or part may have a few pockmarks due to drying of the inner layer of skin (derma). However, no single area of overlapping pockmarks may exceed that of a circle one-half inch in diameter. Moderate areas showing layers of clear pinkish or reddish colored ice are permitted.

(i) *Backs.* B quality backs shall meet all applicable provisions of this section pertaining to parts, and shall include either the meat contained on the ilium (oyster) and meat and skin from the pelvic bones or the vertebral ribs and scapula with meat and skin.

§ 70.222 C quality.

(a) A part that does not meet the requirements for A or F. quality may be of C quality if the flesh is substantially intact.

(b) A carcass that does not meet the requirements for A or B quality may be C quality. Both wings may be removed or neatly trimmed. Trimming of the breast and legs is permitted, but not to the extent that the normal meat yield is materially affected. The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

(c) C quality backs shall include the meat and skin from the pelvic bones, except that the meat contained in the ilium (oyster) may be removed. The verbal ribs and scapula with meat and skin may also be removed, but the remaining portion must have the skin substantially intact.

STANDARDS FOR QUALITY OF SPECIFIED POULTRY FOOD PRODUCTS

§ 70.230 Poultry roast—A quality.

The standard of quality contained in this section is applicable to raw poultry products labeled in accordance with 9 CFR Part 381 as ready-to-cook "Rolls," "Roasts," or with words of similar import.

(a) The deboned poultry meat used in the preparation of the product shall be from young poultry of A quality with respect to fleshing and fat covering.

(b) All tendons, cartilage, large blood vessels, blood clots, and discolorations shall be trimmed from the meat.

(c) All pinfeathers, bruises, hair, discolorations, and blemishes, shall be removed from the skin, and where necessary, excess fat shall be removed from the skin covering the crop area or other areas.

(d) Seventy-five percent or more of the outer surface of the product shall be covered with skin, whether attached to the meat or used as a wrap. The skin shall not appreciably overlap at any point. The combined weight of the skin and fat used to cover the outer surface and that used as a binder shall not exceed 15 percent of the total net weight of the product.

(e) The product shall be fabricated in such a manner that each slice remains substantially intact (does not separate into more than three parts) when sliced warm after cooking. This may be accomplished by use of large pieces of poultry or by use of approved binders.

(f) Seasoning or flavor enhancers, if used, shall be uniformly distributed.

(g) Product shall be fabricated or tied in such a manner that it will retain its shape after defrosting and cooking.

(h) Packaging shall be neat and attractive.

(i) Product shall be practically free of weepage after packaging and/or freezing, and if frozen, shall have a bright, desirable color.

(j) Product packaged in an oven-ready container shall meet all the requirements of paragraphs (a) through (i) of this section, except that with respect to skin covering, the exposed surface of the roast need not be covered with skin. If skin is used to cover the exposed surface, it may be whole or emulsified. Additionally, for roasts packaged in oven-ready containers, comminuted (mechanically deboned) meat may be substituted in part for skin, but may not exceed 8 percent of the total weight of the product.

§ 70.231 Boneless poultry breast and thigh—A quality.

The standards of quality contained in this section are applicable to raw poultry products labeled as ready-to-cook boneless poultry breasts or thighs, or as read-to-cook boneless poultry breast

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fillets or thigh fillets, or with words of similar import.

(a) The breast or thigh shall be cut as specified in § 70.210(e) (1), (2), or (5), respectively.

(b) Prior to deboning, the breast or thigh shall meet the A quality requirements for ready-to-cook poultry parts as specified in § 70.220 (a), (b), (c), (d), (e), and (g).

(c) The bone or bones shall be removed in a neat manner without undue mutilation of adjacent muscle.

UNITED STATES GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

§ 70.240 General.

(a) All terms in the United States standards for quality set forth in §§ 70.210 through 70.231 shall, when used in §§ 70.240 through 70.271, have the same meaning as when used in said standards.

(b) The U.S. Grades for Ready-To-Cook Poultry and Specified Poultry Food Products are applicable to poultry of the kinds and classes set forth in §§ 70.200 through 70.206 when the carcasses or parts, including those used in the fabrication of poultry food products, have been graded in accordance with § 70.20 on an individual basis or on the basis of each carcass in a representative sample, whichever is applicable in accordance with paragraph (c) or (d) of this section, and when fabrication of the poultry food products has been done under the supervision of a grader.

(c) United States Consumer Grades for ready-to-cook poultry and poultry food products may be assigned only when each carcass or part, including those used in the fabrication of poultry food products, has been (1) graded on an individual basis, and (2) graded and identified in an unfrozen state.

(d) U.S. Procurement Grades may be assigned to ready-to-cook poultry when graded as a lot on the basis of an examination of each carcass or part in the lot or each carcass in a representative sample thereof. Such ready-to-cook poultry carcasses or parts may be graded in a frozen or unfrozen state.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

§ 70.250 U.S. Grade A.

A lot of ready-to-cook poultry, parts, or poultry food products consisting of one or more ready-to-cook carcasses or parts, or individual units of poultry food products of the same kind and class, each of which conforms to the requirements for A quality as specified in this part, may be designated as U.S. Grade A.

§ 70.251 U.S. Grade B.

A lot of ready-to-cook poultry or parts consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for B quality or better may be designated as U.S. Grade B.

§ 70.252 U.S. Grade C.

A lot of ready-to-cook poultry or parts consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for C quality or better, may be designated as U.S. Grade C.

UNITED STATES READY-TO-COOK GRADE FOR FURTHER PROCESSING

§ 70.260 U.S. Grade A—for further processing.

Any lot of ready-to-cook poultry composed of one or more turkey carcasses may be designated as "U.S. Grade A—For Further Processing" when each carcass in the lot meets the requirements for U.S. A quality as described in this subpart, with the following exceptions: (a) Exposed flesh and discolorations of the skin and flesh may be as described for U.S. B quality in this subpart; (b) any number of disjointed bones are permitted; (c) part or all of one or both wings may be missing when severed at a joint, and (d) the back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

UNITED STATES PROCUREMENT GRADES FOR READY-TO-COOK POULTRY

§ 70.270 U.S. Procurement Grade I.

Any lot of ready-to-cook poultry composed of one or more carcasses of the same kind and class may be designated and identified as U.S. Procurement Grade I when: (a) 90 percent or more of the carcasses in such lot meet the requirements of A quality, with the following exceptions: (1) Fat covering and conformation may be as described in this subpart for B quality; (2) trimming of skin and flesh to remove defects is permitted to the extent that not more than one-third of the flesh is exposed on any part, and the meat yield of any part is not appreciably affected; (3) discoloration of the skin and flesh may be as described in this subpart for B quality; (4) one or both drumsticks may be removed if the part is severed at the joint; (5) the back may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints; (6) the wings or parts of wings may be removed if severed at a joint; and (b) the balance of the carcasses meet the same requirements, except they may have only a moderate covering of flesh.

§ 70.271 U.S. Procurement Grade II.

Any lot of ready-to-cook poultry of the same kind and class which fails to meet the requirements of U.S. Procurement Grade I may be designated and identified as U.S. Procurement Grade II, provided that (a) trimming of flesh from any part does not exceed 10 percent of the meat; and (b) portions of a carcass weighing not less than one-half of the whole carcass may be included, if the portion approximates in percentage the meat to bone yield of the whole carcass.

Subpart C—United States Classes, Standards and Grades for Rabbits

UNITED STATES CLASSES OF READY-TO-COOK RABBITS

§ 70.300 General.

For the purpose of §§ 70.300 through 70.302, the classes of ready-to-cook rabbits are fryer or young rabbit and roaster or mature rabbit.

§ 70.301 Fryer or young rabbit.

A fryer or young rabbit is a young rabbit carcass weighing not less than 1½ pounds and rarely more than 3½ pounds processed from a rabbit usually less than 12 weeks of age. The flesh of a fryer or young rabbit is tender and fine grained, and of a bright pearly pink color.

§ 70.302 Roaster or mature rabbit.

A roaster or mature rabbit is a mature or old rabbit carcass of any weight, but usually over 4 pounds processed from a rabbit usually 8 months of age or older. The flesh of a roaster or mature rabbit is more firm and coarse grained, and the muscle fiber is slightly darker in color and less tender, and the fat may be more creamy in color than that of a fryer or young rabbit.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK RABBITS

§ 70.310 General.

(a) The United States standards for quality contained in §§ 70.320 through 70.322 are applicable to individual carcasses of ready-to-cook rabbits and parts as described in paragraph (e) of this section.

(b) Carcasses or parts found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in §§ 70.320 through 70.322.

(c) In interpreting the respective requirements specified in §§ 70.320 through 70.322 for A quality, B quality, and C quality, (1) the intensity of coagulation due to incomplete bleeding, (2) freedom from foreign material, (3) broken bones, flesh bruises, defects, and deformities, and (4) freezing defects, as such defects individually or in combination, detract from the general appearance, shall be considered in determining the particular quality of an individual carcass or part.

(d) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed. The fact that a portion has been removed will not be considered in determining the quality of the balance of the carcass, if the remaining portion of the carcass is to be disjointed and packed as parts. Rabbit parts which have been properly cut as described in paragraph (e) of this section may be graded after they have been cut from the carcass, if the class is known and the parts are not misshapen, or have nearly the same appearance as prior to cutting from the carcass.

(e) The standards of quality are applicable to rabbit parts cut in the manner described in paragraphs (e) (1) through (5) of this section. Similar parts cut in a manner other than as described in paragraphs (e) (1) through (5) of this section may be grade identified only when approved by the Administrator upon his determination that the labeling for such parts accurately describes the product. Requests for such approval shall be made to the National Supervisor.

(1) "Forelegs" shall be removed by cutting straight across the backbone at the eighth or ninth thoracic vertebra. The legs are divided by a lengthwise cut along the backbone to produce two approximately equal halves.

(2) "Ribs" shall be removed by cutting straight across the backbone between the third and fourth lumbar vertebrae. The rib section is further divided by a lengthwise cut along the backbone.

(3) "Loin" is separated from the rump by cutting straight across the backbone between the sixth and seventh lumbar vertebrae. There is no further division of this part.

(4) "Rump" is separated from the hind legs by cutting on a straight line from the base of the tail to a point approximately one-half inch above the stifle joint. There is no further division of the rump.

(5) "Hind legs" need no further division after separation from the rump.

STANDARDS FOR QUALITY

§ 70.320 A quality.

(a) The carcass or part (1) is free from evidence of incomplete bleeding such as more than an occasional slight coagulation in a vein, (2) is free from any evidence of reddening of the flesh due to fluid in the connective tissues, (3) is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet, and (4) is free from broken bones, flesh bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

(b) The carcass: (1) Is short, thick, well-rounded, and full-fleshed, (2) has a broad back, broad hips, and broad, deep-fleshed shoulders, and firm muscle texture, and (3) has a fair quantity of interior fat in the crotch and over the inner walls of the carcass, and a moderate amount of interior fat around the kidneys.

(c) The part: (1) is full-fleshed and (2) has firm muscle texture.

(d) *Freezing defects.* With respect to consumer packaged rabbit carcasses or parts, they are practically free from defects which result from handling or occur during freezing or storage. The following defects are permitted if they, alone or in combination, detract only very slightly from the appearance of the carcass or part: (1) Slight darkening provided the frozen carcass or part has a generally bright appearance, (2) occasional pockmarks due to drying of the outer layer of flesh and (3) occasional small areas showing a thin layer of clear or pinkish colored ice.

§ 70.321 B quality.

(a) The carcass or part: (1) is free of evidence of incomplete bleeding such as more than an occasional slight coagulation in a vein, (2) is free from any evidence of reddening of the flesh due to fluid in the connective tissues, (3) is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet, and (4) is free from broken bones and practically free from bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

(b) The carcass: (1) Is short, thick, fairly well-rounded and fairly well-fleshed, (2) has a fairly broad back, fairly broad hips, and fairly broad and deep-fleshed shoulders, and fairly firm muscle texture, and (3) has at least a small amount of interior fat in the crotch and over the inner walls of the carcass with a small amount of interior fat around the kidneys.

(c) The part: (1) Is fairly well-fleshed, and (2) has fairly firm muscle texture.

(d) *Freezing defects.* With respect to consumer packaged rabbit carcasses or parts, they may have moderate defects which result from handling or occur during freezing or storage. The flesh shall have a sound appearance but may lack brightness. The carcass or part may have a few pockmarks due to drying of the outer layer of flesh. Moderate areas showing layers of clear, pinkish, or reddish colored ice are permitted.

§ 70.322 C quality.

(a) The carcass or part that does not meet the requirements for A or B quality may be of C quality, and such carcass or part: (1) May show very slight evidence of reddening of the flesh due to blood in the connective tissues, (2) is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or feet, and (3) may have moderate bruises of the flesh, moderate defects, and moderate deformities; may have not more than one broken bone in addition to broken ends of leg bones due to removal of the feet; and may have a small portion of the carcass or part removed because of serious bruises. Discoloration due to bruising in the flesh shall be free of clots (discernible clumps of dark or red cells).

(b) The carcass: (1) May be long, rangy, and fairly well-fleshed, (2) may have thin, narrow back and hips, and soft flabby muscle texture, and (3) may show very little evidence of exterior fat.

(c) The part: (1) Is fairly well-fleshed, and (2) has soft, flabby muscle texture.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK RABBITS

§ 70.330 U.S. Grade A.

A lot of ready-to-cook rabbit carcasses or parts, consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for A quality as specified in this part, may be designated as U.S. Grade A.

§ 70.331 U.S. Grade B.

A lot of ready-to-cook rabbit carcasses or parts, consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for B quality as specified in this part, may be designated as U.S. Grade B.

§ 70.332 U.S. Grade C.

A lot of ready-to-cook rabbit carcasses or parts, consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for C quality as specified in this part, may be designated as U.S. Grade C.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C. on June 3, 1976, to become effective July 15, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16587 Filed 6-10-76;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 23]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Implementation

On January 30, 1976, there was published in the FEDERAL REGISTER (41 FR 4596) a proposed amendment to the regulations governing the National School Lunch Program. The main purpose of the proposed amendment was the implementation of Pub. L. 94–105.

On May 4, 1976, regulations implementing a portion of the proposed amendments were published in the FEDERAL REGISTER establishing the eligibility of residential child care institutions to participate in the Program and allowing State agencies, other than State educational agencies, to administer the Program.

The purpose of this amendment is to implement the remaining provisions of the proposed amendment: (1) To provide that senior high school students not be required to accept more than three of the five food items comprising the Type A lunch; (2) to eliminate butter or fortified margarine from the meal patterns; and (3) to limit Federal reimbursement for lunches served in excess of the number of children. All of the comments received on these proposals have been carefully considered. The most substantive comments and recommendations affecting portions of the proposed regulations, together with the resulting changes in the proposal or reasons for not accepting the suggestions are set forth below.

Seventy-five respondents of 108 opposed the provision that senior high

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school students shall not be required to accept offered foods which they do not intend to consume. Many of the respondents opposed to this provision took the position that the nutritional integrity of the Type A lunch should not be disturbed. Opposition focused upon the diminished nutrition provided by less than the complete Type A lunch. Also, the administrative and operational problems which would be encountered in implementing such a policy were cited. Since Congress mandated the provision that senior high school students not be required to accept offered foods which they do not intend to consume, the Department will reflect this mandate in the regulations.

Several comments were received which suggested that, while senior high school students not be required to take all the items of a Type A lunch, a specific item such as a fruit, vegetable, or milk must be taken. However, there was no consensus among the respondents as to which item should be compulsory. In recognition of the varying preferences of students and of the nutritive value of the food items within the Type A lunch relative to each other, the Department will retain the provision that three unspecified items be taken.

Thirteen respondents of 33 commented in favor of the elimination of the butter/margarine requirement from the lunch pattern, while twenty respondents were opposed. Those in favor included State School Food Service Directors, local school personnel, concerned citizens, and a professional nutrition association. Comments supporting the elimination of this requirement were that the nutritional adequacy of the Type A lunch pattern could be maintained without a butter/margarine requirement; there was a need to reduce the amount of fat in the diet; and that food waste was increased by the inclusion of butter/margarine in lunches, such as some cold sandwiches with salad, fruit, and milk, which have no menu items in which butter/margarine is an acceptable ingredient.

Respondents objecting to the elimination of this requirement generally addressed the nutrient contribution of butter/margarine. However, such respondents did not consider the nutrient contribution of the other components of the total meal. A few respondents opposed the elimination of butter/margarine since these foods contribute to the palatability of the diet.

The Department will retain the provision that butter/fortified margarine be eliminated based on the following considerations:

The elimination of this requirement will have no detrimental effect on the nutritional integrity of the meal.

The expected decrease in energy level is insignificant and a reduction in the consumption of fat is consistent with current nutrition knowledge indicating possible undesirable effects of excess fat in the diet.

Data indicate that butter/margarine will continue to be used to provide palatable lunches even though there is no requirement.

Forty-one respondents of 45 opposed the limitation of Federal reimbursement to one lunch per child per day. Several variations of the proposed concept were offered. There was no clear consensus in terms of recommendations as to what was the best approach. However, there was general agreement that the regulations as proposed create problems, to wit, (1) children in need of the additional nutrition provided by a second lunch would be denied the additional lunch; (2) the provision could not be administered at the local level and would result in ill will among students and school administrators. Moreover, it was felt there was no acknowledgement of problems associated with forecasting food production in relation to participation trends.

Inasmuch as the proposed concept was found to be objectionable to a considerable number of respondents, the Department is issuing regulations which are consistent with its philosophy limiting Federal reimbursement to one lunch per child per day, but which also will reflect a practical approach to situations in which lunches have been prepared in excess of one lunch per child. This approach will acknowledge fluctuations in participation brought about by sickness, absenteeism, and other factors. The regulations will require that School Food Authorities plan and prepare lunches in accordance with participation trends, with the objective of providing one lunch per child per day. School Food Authorities must maintain records which will demonstrate positive action toward this objective. However, in order to allow some latitude where excessive lunches are prepared, yet remain consistent with the Department's philosophy, reimbursement will be allowed for more than one lunch per child where it can be demonstrated by School Food Authorities that lunches were planned on the basis of one lunch per child per day. However, reimbursement cannot be claimed for free and reduced price lunches in excess of the number of children approved for free and reduced price meals.

Accordingly, this part is amended as set forth below:

1. In § 210.2, paragraph (q–1) is revised to read as follows:

§ 210.2 Definitions.

* * * * *

(q–1) "Senior high school students" means students (1) of a high school grade level as determined by State and local educational agencies, and (2) enrolled in a school as defined in paragraph (o)(1) of this section.

* * * * *

2. In § 210.10, paragraph (a)(2)(v) is deleted, in paragraphs (b)(3) (i) and (ii), the words "; and one-half teaspoon of butter or fortified margarine" are deleted, and a new paragraph (a)(4) is added as follows:

§ 210.10 Requirements for lunches.

* * * * *

(a) * * *

(4) Senior high school students shall be offered the complete Type A lunch pattern listed in paragraph (a)(2) of this section. Such students must choose at least three of the five food items contained within the four food components of the Type A lunch, but the choice of fewer than all five items shall not relieve nonneedy students from paying the full price of the Type A lunch or those students determined eligible for reduced price lunches under Part 245 of this chapter from paying the reduced price charge.

* * * * *

3. In § 210.11, paragraph (a) is revised to read as follows:

§ 210.11 Reimbursement payments.

(a) State agencies, or FNSROs where applicable, shall make reimbursement payments to schools only in connection with lunches meeting the requirements of § 210.10. General cash-for-food assistance payments shall be used to assist schools in financing the cost of obtaining food. Special cash assistance payments shall be used to assist schools in financing the cost of providing free and reduced price lunches served to children eligible for such lunches. School Food Authorities shall plan for and prepare lunches on the basis of participation trends, with the objective of providing one lunch per child per day. Production and participation records shall be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to precisely estimate the number of lunches needed and to reduce the resultant waste, any excess lunches that are prepared may be served to eligible children and may be claimed for reimbursement unless the State agency, or FNSRO where applicable, determines that the School Food Authority has failed to plan and prepare lunches with the objective of providing one lunch per child per day. In no event shall the School Food Authority claim or be eligible for special cash assistance reimbursement for free and reduced price meals in excess of the number of children approved for free and reduced price meals.

* * * * *

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This amendment shall become effective on June 3, 1976.

Dated: June 3, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–16646 Filed 6–10–76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 531]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 11–17, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.831 Valencia Orange Regulation 531.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve. Prices f.o.b. for the week ending June 3 were $3.23 a carton on 249 cars as compared with $3.00 per carton on 197 cars during the prior week. Track and rolling supplies at 161 cars were up 11 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation on or before July 12, 1976, because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 11, 1976, through June 17, 1976, are hereby fixed as follows:

(i) District 1: 292,000 cartons;

(ii) District 2: 358,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17145 Filed 6–10–76;8:45 am]

[Lemon Reg. 43]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 13–19, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.343 Lemon Regulation 43.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is still only fair this week. Average f.o.b. price was $6.08 per carton the week ended June 5, 1976, compared to $6.15 per carton the previous week. Track and rolling supplies at 237 cars were up 62 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current

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week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 13, 1976, through June 19, 1976, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17803 Filed 6–10–76;11:52 am]

[Lime Reg. 2]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 13–19, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.302 Lime Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues about unchanged from last week. Fresh shipments for the weeks ended June 5, 1976, and May 29, 1976, were 19,449 bushels and 28,826 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1976.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 13, 1976, through June 19, 1976, is hereby fixed at 32,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17146 Filed 6–10–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.3]

PART 1831—OPERATING LOANS

Operating Loan Processing

MISCELLANEOUS AMENDMENTS

Section 1831.32 of Subpart B of Part 1831, Title 7, Code of Federal Regulations (37 FR 14858; as amended at 38 FR 14155) is amended. Paragraph (v)(7) is revised to add language allowing for a change in notice requirements for secured parties holding an interest in inventory property; paragraph (v)(11) is revised to make reference to the necessity of issuing State Supplements to provide for the 1972 version of the UCC. If it has been adopted in a particular State. These amendments are being published without notice of proposed rulemaking because they merely recognize changes in State laws in those States which have adopted the Model UCC. For that reason public notice and procedure thereon is unnecessary.

In § 1831.32 paragraphs (v)(7) and (v)(11) are amended by adding a sentence to the end of each paragraph to read as follows:

§ 1831.32 Loan forms and routines.

* * * * *

(v) *Taking security instruments.* * * *

(7) *Additional actions required to perfect a purchase money interest in inventory.* * * * When determined necessary by the State Director and OGC, a State Supplement will be issued to further explain the requirements for perfecting a purchase money security interest in inventory.

* * * * *

(11) *Requirements by State Office.* * * * State Supplements will also be issued when considered necessary by the State Director and OGC to reflect any State Statutory changes in its version of the UCC.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10 P.L. 93–357, 88 Stat 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. These amendments are effective on June 11, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76–17061 Filed 6–10–76;8:45 am]

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Emergency Loan Policies, Procedures and Authorizations

MISCELLANEOUS AMENDMENT

Section 1832.33 of Subpart A of Part 1832, Title 7, Code of Federal Regulations (40 FR 42321) is amended. Paragraph (a)(7) is revised to add language pertaining to a change in notice requirements for several parties holding an interest in inventory property in accordance with 1972 amendments to the Uniform Commercial Code. This amendment is published without notice of proposed rulemaking because it merely recognizes changes in State laws in those States which have adopted the Model UCC. For that reason, public notice and procedures thereon are unnecessary.

As amended, § 1832.33(a)(7) is amended by adding a sentence to the end of this paragraph as follows:

§ 1832.33 Taking security instruments.

(a) *Chattels and crops.* * * *

(7) *Perfecting a purchase money security interest in inventory.* * * * When determined necessary by the State Director and OGC, a State Supplement will be issued to further explain the requirements for perfecting a purchase money security interest in inventory.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10 P.L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment is effective on June 11, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76–17060 Filed 6–10–76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

This amendment excludes Hillsborough County in New Hampshire from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No areas in the continental United States remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, paragraph (c)(2) relating to the State of New Hampshire is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendment shall become effective June 4, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 4th day of June 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76–16721 Filed 6–10–76;8:45 am]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Change in Disease Status of Switzerland; Swine Vesicular Disease

The purpose of these amendments is to add Switzerland to the list of countries considered to be free of swine vesicular disease.

Statement of considerations. These amendments will add Switzerland to the list of countries in § 94.12(a) which are considered to be free of swine vesicular disease, and to the list of countries in § 94.13 which are declared to be free of swine vesicular disease in § 94.12(a) but which supplement their national meat supply by the importation of fresh, chilled, or frozen meat of swine from countries where swine vesicular disease is considered to exist; or which have a common border with such countries; or which have certain trade practices that are less restrictive than are acceptable to the United States.

On basis of a review of documents submitted by the responsible authorities of Switzerland and an on-site inspection made by a Veterinary Services veterinarian, it has been determined that Switzerland is free of swine vesicular disease. Switzerland, however, has common borders with countries where swine vesicular disease is considered to exist.

Accordingly, Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

§ 94.12 [Amended]

1. In § 94.12(a) the name of "Switzerland" is added immediately after the reference to "Rumania."

§ 94.13 [Amended]

2. In § 94.13, in the first sentence of the introductory paragraph the name of "Switzerland," is added immediately after the reference to "Yugoslavia,".

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (31 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendments shall become effective June 11, 1976.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of swine vesicular disease, and they must be made effective immediately to be of maximum benefit to affected persons.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of June 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76–17059 Filed 6–10–76;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

MEAT AND POULTRY INSPECTION

Sanitary Requirements for Vehicles

• Purpose. The purpose of this document is to amend the Federal meat in-

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spection regulations and the poultry products inspection regulations to clarify the sanitary requirements for vehicles which carry meat or poultry products. •

This amendment is issued pursuant to the authority contained in section 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 463), and in sections 21 and 24 of the Federal Meat Inspection Act, as amended (21 U.S.C. 621, 624), Part 381 of the poultry products inspection regulations (9 CFR Part 381.190) and Parts 308 and 325 of the Federal meat inspection regulations (9 CFR Parts 308.12, 325.1).

Statement of Considerations.—A total of 22 comments were received pursuant to a notice of rulemaking published in the FEDERAL REGISTER (38 FR 27069) concerning the proposal to amend the regulations to clarify the requirement that trucks and other means of conveyance used to carry meat or poultry products be clean and sanitary to insure against possible adulteration of such products.

Six favored the proposal. Four of these were from private citizens who saw it as a positive step toward further assuring that consumers receive only wholesome food. One was from a wholesale meat dealers' association supporting the proposal as a means of cleaning up the trucks it observed delivering meat to its members. One was from a USDA employee favoring it as a means of assigning definite authority to inspectors to control the cleanliness of vehicles transporting meat and poultry products.

Three comments opposed the proposal. All three were from poultry industry groups who felt the proposal generally was giving the USDA too much authority and control over the physical condition of vehicles transporting meat and poultry. The Department believes it must have the right to reject unclean or otherwise unacceptable vehicles to prevent the possible adulteration of such products during transit. There is ample authority in the Federal meat and poultry products inspection Acts to support this action; however, the regulations are not clear in this respect. These amendments clarify this matter and place the regulated industry on notice of its responsibility to prevent adulteration of meat, meat food products and poultry products by assuring that conveyances which are utilized to transport such products are clean and sanitary.

Some of the criteria for determining whether product moved in a conveyance could become adulterated are included in the regulation.

One State Department of Agriculture questioned whether the proposal was meant to apply to the transportation of meat carcasses by custom farm slaughterers for the owner thereof. The regulation will apply to the transportation of meat carcasses by custom farm slaughterers for the owners thereof as custom slaughterers are not exempt from the adulteration requirements set forth in the Federal Meat Inspection Act.

Twelve comments favored the proposal in principle, but objected to some parts of it or questioned the possible interpretation of some of the language. Ten of these comments were from poultry processors and poultry industry organizations. The major point made in these comments was that poultry products are packaged prior to transportation and are, therefore, protected from adulteration or contamination. They point out that, under this circumstance, the requirement that such products be transported in a closed vehicle would work a hardship on direct purchasers of poultry products such as schools, hospitals, etc., who pick up poultry in pickup trucks, school buses, station wagons, etc., which would not meet the requirements set forth in the proposal. The National Canners' Association pointed out that all their members' products are hermetically sealed in containers and are amply protected against outside contamination or adulteration. Each of these twelve commenters felt a provision should be included to allow packaged products to be hauled in open or partially open conveyances. The Department agrees that it is not necessary for product which is sufficiently wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants to be shipped in a completely enclosed conveyance, and the proposal has been changed accordingly in regard to both meat and poultry products.

The comments also expressed concern that so-called "nit picking" and "red tagging" of vehicles would result in processors being unable to get anyone to haul their products. To the extent that such concern is justified, the Department deems that it is outweighed by the interest of the consumer in sanitary conditions for transportation of meat and poultry products.

The original proposal appeared to require that vehicles used to transport meat and poultry products be airtight. Such a requirement is impractical and was not intended. That requirement has been restated to require only tight fitting doors and other covers.

In addition, several changes have been made in the proposal to clarify the meaning and intent of these amendments.

Therefore, Parts 308 and 325 of the meat inspection regulations and Part 381, Subpart S, of the poultry products inspection regulations are amended as set forth below:

PART 308—SANITATION

1. The Table of Contents is amended to reflect the new section heading for § 308.12 to read as follows:

§ 308.12 Second-hand tubs, barrels, and other containers.

2. Paragraph (b) of § 308.12 is revoked, and the "(a)" designation is deleted.

PART 325—TRANSPORTATION

1. The Table of Contents of Part 325 is amended to reflect a new section heading for § 325.1, and § 325.1 is amended by changing the section heading and by adding a new paragraph (c) as follows:

§ 325.1 Transactions in commerce prohibited without official inspection legend or certificate; exceptions; and vehicle sanitation requirements.

. . . . . .

(c) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, meat or meat food products capable of use as human food, or importing such articles, shall transport, offer for transportation, or receive for transportation in commerce or in any State designated under § 331.2 of this subchapter, any such meat or meat food product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants, unless the railroad car, truck, or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings. In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that product placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the means of conveyance prior to its use. Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any official establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine if product in such conveyance is, or when moved could become, adulterated. Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en route. Any means of conveyance found upon such inspection to be in such condition that product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with § 318.2(d) of this subchapter.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

4. The Table of Contents of Part 381, Subpart S, is amended to reflect a new heading for § 381.190, and § 381.190 is amended by changing the section heading and by adding a new paragraph (c) as follows:

§ 381.190 Transactions in slaughtered poultry and other poultry products restricted; vehicle sanitation requirements.

. . . . . .

(c) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, poultry products capable of use as human food, or importing such articles, shall transport, offer for transportation, or receive for transportation, in commerce or in any State designated under § 381.221, any poultry product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants, unless the railroad car, truck, or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings. In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that product placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the means of conveyance prior to its use. Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any official establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Inspection Service's discretion and shall be adequate to determine if poultry product in such conveyance is, or when moved could become, adulterated

Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en route. Any means of conveyance found upon such inspection to be in such condition that poultry product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Poultry product placed in any means of conveyance that is found by the inspector to be in such condition that the poultry product may have become adulterated shall be removed from the means of conveyance and handled in accordance with § 381.145(b).

(Secs. 21 and 24, 34 Stat. 1264, as amended, 21 U.S.C. 621, 624; Sec. 14, 71 Stat. 441, as amended, 21 U.S.C. 463; 37 F.R. 28464, 28477)

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional information available to the Department which would alter the decision in this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice or other public rulemaking proceedings on these amendments are impracticable and unnecessary.

These amendments shall become effective September 9, 1976.

Done at Washington, D.C., on June 7, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-16886 Filed 6-10-76;8:45 am]

PART 314—HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

Parasitic Liver Handling

• Purpose. The purpose of this docket is to change requirements for special treatment of livers condemned because of certain parasites. •

Pursuant to authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), this document amends § 314.10 of the Federal meat inspection regulations (9 CFR 314.10) to allow certain condemned and denatured livers to be removed from official establishments without cooking or freezing, to require others to be destroyed, and to eliminate unnecessary certification requirements in connection with their transportation.

Statement of Considerations. On November 13, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 52854) regarding this matter. Interested persons were given 60 days in which to submit to the Hearing Clerk of the Department views and comments concerning the proposed amendment.

The Department received six written comments; four supported the amendment, one opposed it, and one wanted to be sure that the requirement that abscesses be removed would be enforced. Those supporting the amendment represented three meatpackers and an industry association. The one opposition comment was received from a consumer advocate who was concerned about parasitism in young children who might consume pet food. These parasites are destroyed by the ordinary processing to which commercial pet foods are subjected, so there is no danger of transmission to either children or pets. This regulation will be enforced to assure that only properly trimmed livers are allowed to leave official establishments.

One of the proponents requested that the parasitic livers be packed separately from normal livers. Livers allowed to leave official establishments under this regulation will be denatured and labeled as an inedible product to readily distinguish them from inspected and passed livers.

No new information was presented in the comments which would require changing the regulation as proposed. Therefore, after considering all the relevant information available to the Department, including comments received pursuant to the notice, § 314.10 is adopted as set forth in the proposal.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477.)

It does not appear that further public rulemaking procedure on these amendments would make additional relevant information available to the Department which would alter the decision in this matter. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found that further rulemaking proceedings are impracticable and unnecessary.

This amendment shall become effective June 11, 1976.

Done at Washington, D.C. June 7, 1976.

F. J. MULHERN,
Administrator Animal and Plant Health Inspection Service.

Section 314.10 is revised to read as follows:

§ 314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food.

(a) Livers condemned on account of hydatid cysts shall be disposed of by tanking pursuant to the provisions of § 314.1 of this subchapter if condemned at official establishments having facilities for tanking; otherwise they shall be destroyed pursuant to the provisions of § 314.3 of this subchapter.

(b) Livers condemned because of parasites other than hydatid cysts; and livers condemned because of telangiectasis, angioma, "sawdust" condition, cirrhosis, carotenosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be shipped from an official establishment only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the establishment, and all livers are processed and denatured, with any agent prescribed in § 325.13(a) (1) or (2) or (5), and in accordance with § 325.13(a)(6) of this subchapter. This provision for movement from an official establishment is made solely under the Federal Meat Inspection Act and is not intended to relieve or modify any other applicable requirements under any other law regarding the movement of such articles, for purposes other than use as human food.

(c) Livers condemned because of conditions described in paragraph (b) of this section shall be in containers plainly marked "inedible".

[FR Doc.76-16887 Filed 6-10-76;8:45 am]

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Official Marks, Devices, and Certificates; Export Certificates; Certification Procedures; Citation Change for Voluntary Poultry Inspection

• *Purpose:* The purpose of this document is to change the citations to the

POST-MORTEM INSPECTION Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 product has not lost its identity as an in-

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voluntary poultry inspection regulations contained in the meat inspection regulations and the poultry products inspection regulations. ●

Statement of Considerations: Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service is amending the Federal meat inspection regulations (9 CFR Part 318) and the poultry products inspection regulations (9 CFR Part 381) to change the citations to the voluntary poultry inspection regulations which are amended in this issue of the FEDERAL REGISTER.

Accordingly, the meat inspection regulations and the poultry products inspection regulations (9 CFR Parts 318 and 381) are amended as follows:

§ 318.6 [Amended]

1. In § 318.6(b)(9) of the meat inspection regulations (9 CFR 318.6(b)(9)), the words "or 70" are deleted, and the words "362 or" are added immediately after the phrase "9 CFR Part".

§ 381.107 [Amended]

2. In § 381.107 of the poultry products inspection regulations (9 CFR 381.107), the footnote emblem "1" is deleted after the number "362", and Footnote 1 is deleted in its entirety.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; Sec. 14, 71 Stat. 441, as amended, 21 U.S.C. 463; 37 FR 28464, 28477.)

These amendments merely change a regulation citation and do not involve a change in policy. They do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures concerning these amendments are impracticable and unnecessary.

These amendments shall become effective July 15, 1976.

Done at Washington, D.C., on June 9, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-17118 Filed 6-10-76;8:45 am]

PART 354—VOLUNTARY INSPECTION OF RABBITS AND EDIBLE PRODUCTS THEREOF

Voluntary Rabbit Inspection Regulations

● *Purpose:* The purpose of this document is to transfer regulations governing the voluntary inspection of rabbits and rabbit products from 7 CFR Part 54 to 9 CFR Part 354 with minor changes. ●

Statement of Considerations: Voluntary Inspection of Rabbits and Rabbit Products is available under the Agricultural Marketing Act of 1946. Such rabbits and rabbit products, when produced under the voluntary inspection program, are certified by the Department and carry the mark of Federal inspection.

The provisions for grading and inspection services for rabbits, which may be requested and rendered on a fee basis, are provided for in 7 CFR Part 54. These services are referred to as "voluntary." At one time, such grading and inspection services were rendered by the same Agency of the Department—the Consumer and Marketing Service.

However, Secretary's Memorandum No. 1762, Supplement 1, dated March 22, 1972, and a notice published in the FEDERAL REGISTER on March 28, 1972 (37 FR 6327-6328), announced that effective April 2, 1972, the name of the Consumer and Marketing Service would be changed to the Agricultural Marketing Service, and the Animal and Plant Health Inspection Service would be formed. The Poultry Division, which administers grading service functions, was placed in the Agricultural Marketing Service. The Meat and Poultry Inspection Program, which administers the inspection functions, was placed in the Animal and Plant Health Inspection Service. Since the programs responsible for administering the voluntary grading and inspection services are in separate Agencies, it is impractical to have the voluntary grading and inspection regulations codified together.

This amendment would separate those portions of 7 CFR Part 54 that deal with inspection activities, and codify them in Title 9, Chapter III, Subchapter B, as a new Part 354. For clarity, and to achieve congruity with the rabbit grading regulations, the terms "rabbit" and "giblets" have been defined. These new definitions do not change the interpretation that has been given to these terms in the past. Other minor, nonsubstantive changes have been made for clarification.

Therefore, all provisions in 7 CFR Part 54 concerning the voluntary inspection of rabbits are hereby revoked. Contemporaneously with this action, the Agricultural Marketing Service is transferring all provisions in 7 CFR Part 54 concerning the grading of rabbits to 7 CFR Part 70 (see FR Doc. 76-16587, appearing under title 7 in the Rules and Regulations section of this issue).

Therefore, the Table of Contents for Title 9, Chapter III, Subchapter B, is amended to show a new Part 354, and regulations to appear in Part 354 are issued to read as follows:

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354.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

ADMINISTRATION

354.3 Administration.

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351.12 Eligibility.
354.13 Supervision.
354.14 Authority to waive provisions of § 354.12.

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354.21 Suspension of license; revocation.
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AUTHORITY: Secs. 203, 205; 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624; 37 FR 28464, 28477.

GENERAL

§ 354.1 Definitions.

Unless the context otherwise requires, the following terms shall have the following meaning:

(a) "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) "Acceptable" means suitable for the purpose intended and acceptable to the Service.

(c) "Administrator" means the Administrator of the Animal and Plant Health Inspection Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(d) "Applicant" means any interested party who requests any inspection service.

(e) "Area supervisor" means any employee of the Department in charge of rabbit inspection service in a designated geographical area.

(f) "Carcass" means any rabbit carcass.

(g) "Circuit supervisor" or "technical supervisor" means the officer in charge of the rabbit inspection service in a circuit consisting of a group of stations within an area.

(h) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

(i) "Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness, of any product or the processing, handling, or packaging which may affect such product.

(j) "Condition and wholesomeness" means the condition of any product, its healthfulness and fitness for human food.

(k) "Department" means the United States Department of Agriculture.

(l) "Edible product" means any product derived from ready-to-cook domestic rabbits.

(m) "Giblets" means the liver from which the bile sac has been removed and the heart from which the pericardial sac has been removed.

(n) "Holiday" or "legal holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5, of the United States Code.

(o) "Identify" means to apply official identification to products or to containers thereof.

(p) "Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(q) "Inspection", "inspection service", or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this Part, (1) the condition and wholesomeness of rabbits, or (2) the condition and wholesomeness of any edible product at any state of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product.

(r) "Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the regulations in this Part, relative to the condition and wholesomeness of products.

(s) "Inspector" means any person who is licensed by the Secretary to investigate and certify, in accordance with the regulations in this Part, the condition and wholesomeness of products. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(t) "Interested party" means any person financially interested in a transaction involving any inspection.

(u) "National supervisor" means (1) the officer in charge of the rabbit inspection service of the Animal and Plant Health Inspection Service, and (2) other officers or employees of the Department designated by the officer in charge of the rabbit inspection service of the Animal and Plant Health Inspection Service.

(v) "Official plant" means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection service and in which inspection is carried on in accordance with the regulations in this Part.

(w) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(x) "Potable water" means water that has been approved by the State health authority as safe for drinking and suitable for food processing.

(y) "Product" means ready-to-cook cooked rabbits, or edible products derived therefrom.

(z) "Rabbit" means any domesticated rabbit, whether live or dead.

(aa) "Rabbit inspection service" means the personnel who are engaged in the administration, application, and direction of rabbit inspection programs and services pursuant to the regulations in this Part.

(bb) "Ready-to-cook domestic rabbit" means any rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing. Ready-to-cook rabbit also means any cut-up or disjointed portion of rabbit or any edible part thereof, as described in this paragraph.

(cc) "Regulations" means the provisions of this entire Part as may be in effect at the time inspection is performed.

(dd) "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(ee) "Service" means the Animal and Plant Health Inspection Service of the Department.

(ff) "Station supervisor" means any authorized individual who is designated

available. Sundays may not be approved

(d) Specifications. Specifications cov-

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to supervise rabbit inspection service in a large official plant or in a group of several small plants.

§ 354.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the inspection of agricultural products under said section. For the purposes of said subsection and the provisions in this Part, the terms listed in this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this Part to certify with respect to the inspection or class or condition of products.

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of inspecting or sampling, pursuant to this Part, any processing or plant operation report made by an authorized person in connection with inspecting or sampling under this Part, and any report made by an authorized person of services performed pursuant to this Part.

(c) "Official mark" means the inspection mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was inspected, or indicating the condition of the product, or for the purpose of maintaining the identity of products inspected under this Part, including, but not limited to, that set forth in § 354.65.

(d) "Official identification" means any symbol, stamp, label, or seal indicating that the product has been officially inspected and/or indicating the class or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

ADMINISTRATION

§ 354.3 Administration.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this Part and as the Secretary may require in the administration of the regulations in this Part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and, at the same time, to assure full compliance with the spirit and intent of the regulations. The Animal and Plant Health Inspection Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this Part.

BASIS OF SERVICE

§ 354.10 Inspection service.

Any inspection service in accordance with the regulations in this Part shall be for condition and wholesomeness.

§ 354.12 Eligibility.

(a) Only rabbits which are processed in official plants in accordance with the regulations in this Part may be inspected.

(b) All rabbits that are eviscerated in an official plant where inspection service is maintained shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products shall be brought into such official plant.

§ 354.13 Supervision.

All inspection service shall be subject to supervision at all times by the station supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite inspectors are available.

§ 354.14 Authority to waive provisions of § 354.12.

The Administrator is authorized to waive the provisions of § 354.12 which pertain to the entry of uninspected edible products into official plants in specific instances where rabbits are to be brought into compliance with a law under the provisions of a court order. Such rabbits shall be handled in an official plant in accordance with such procedures as the Administrator may prescribe to insure proper segregation and identity of the rabbits or rabbit products until they are shipped from the official plant.

PERFORMANCE OF SERVICES

§ 354.20 Licensed or authorized inspectors.

(a) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency, and who is to perform inspection service under this Part may be licensed or otherwise authorized by the Secretary as an inspector.

(b) All licenses issued by the Secretary shall be countersigned by the officer in charge of the rabbit inspection service of the Animal and Plant Health Inspection Service or any other designated officer of such Service.

§ 354.21 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform inspection service may, whenever he deems such action necessary to assure that any inspection service is properly performed, suspend any license to perform inspection service issued pursuant to this Part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform inspection service is revoked.

§ 354.22 Surrender of license.

Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed inspector, the licensee shall promptly surrender his license to his immediate superior.

§ 354.23 Identification.

Each inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 354.24 Financial interest of inspectors.

No inspector shall render service on any product in which he is financially interested.

§ 354.25 Political activity.

All inspectors are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 354.20 to 354.25 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 354.26 Schedule of operation of official plants.

Inspection operating schedules for services performed pursuant to § 354.107 shall be requested in writing and be approved by the Administrator. Normal operating schedules for a full week consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 consecutive days per week, within the period of Monday through Saturday, for each shift required. Less than 8-hour schedules may be requested and will be approved if an inspector is

available. Sundays may not be approved in any tour of duty. Clock hours of daily operations need not be specified in the request, although as a condition of continued approval, the hours of operation shall be reasonably uniform from day to day. Inspectors are to be notified by management 1 day in advance of any change in the hours inspection service is requested.

APPLICATION FOR INSPECTION SERVICE

§ 354.30 Who may obtain inspection service.

An application for inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 354.31 How application for service may be made; conditions of resident service.

(a) On a fee basis. An application for any inspection service on a fee basis may be made in any office of inspection or with any inspector at or nearest the place where the service is desired. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If the application for inspection service is made orally, the office of inspection or the inspector with whom the application is made, or the Administrator, may require that the application be confirmed in writing.

(b) On a resident inspection basis. An application for resident inspection service must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, area, or State inspection office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing inspection of products as may be issued from time to time by the Administrator). No member of or delegate to Congress or Resident Commissioner shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

§ 354.32 Filing of application.

An application for inspection service shall be regarded as filed only when made pursuant to the regulations in this Part.

§ 354.33 Authority of applicant.

Proof of the authority of any person applying for inspection service may be required at the discretion of the Administrator.

§ 354.34 Application for inspection service in official plants; approval.

Any person desiring to process and pack products in a plant under inspection service must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for inspection service to be rendered in an official plant shall be approved according to the following procedure:

(a) Initial survey. When application has been filed for inspection service as aforesaid, the area supervisor, or his assistant, shall examine the plant, premises, and facilities and shall specify any additional facilities required for the service. Appeals with respect to any such specification may be made to the national supervisor.

(b) Drawings and specifications to be furnished in advance of construction or alterations. (1) Four copies of drawings or blueprints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, and properly drawn to scale, and shall consist of floor plans and a plot plan.

(2) The plot plan shall show such features as the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and roadways and railroads serving the plant.

(3) The floor plan shall show all space to be included in the official plant. If rooms or compartments shown on the drawings or blueprints are not to be included as part of the official plant, this shall be clearly indicated thereon.

(4) The sheets of paper on which drawings or blueprints are made shall not exceed a size 34" x 44". The drawings other than of the plot plan shall be made to a scale of ⅛" per foot, except that additional plans for some areas showing detail may be drawn to a scale of ¼" per foot. The plot plan may be drawn to a scale of not less than 1/32" per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (e.g., basement, first, or second).

(c) Features required to be shown on floor plan. The following features shall be shown on the floor plan:

(1) The principal pieces of equipment drawn to scale in the proper locations.

(2) The name of the firm and the address of the plant by street and street number, or by other means properly identifying the location of the plant.

(3) One point of the compass.

(4) The doors and openings for passageways, designating those which are self-closing or permanently closed.

(5) All floor drain openings and gutter drains.

(6) Lavatories in toilet and processing rooms (lavatories which are other than hand-operated shall be so designated on the drawings or blueprints).

(7) All steam and hot and cold water outlets for cleanup purposes.

(8) Ice-making and storage facilities.

(9) The point at which live rabbits are hung on the conveyor line, the point at which the ready-to-cook rabbits are removed, and any intermediate transfer points.

(10) The routes of the edible and inedible products.

(11) The location of fresh air inlets, exhaust fans, and hoods.

(d) Specifications. Specifications covering the following items shall accompany the drawings:

(1) Height of ceilings.

(2) Type of ceilings—open or closed.

(3) Finish of ceilings; for example—cement plaster, metal, marine plywood, cement, asbestos board, etc.

(4) Finish of walls; for example—cement plaster, glazed tile, glaze brick, glass blocks, etc.

(5) Screens—indicate whether all outside openings are screened or provided with other suitable devices against entrance of flies or other insects.

(6) Finish of floors—concrete, brick, mastic material, etc.

(7) Drainage—indicate the amount of slope of floors to the drains in processing rooms, coolers, toilets, and refuse rooms, and give description of trapping and venting of drainage lines and of floor drain openings. Indicate size of drainage lines and whether house drainage lines and toilet soil lines are separate to a point outside of buildings.

(8) Heating—indicate type.

(9) Water supply—indicate whether public or private water supply, or both, and specify in terms of gallons of water available per minute for the processing needs of the plant. Also indicate whether or not a nonpotable water supply is used for any purpose in the plant and, if so, specify such uses.

(10) Hot water facilities—specify facilities such as boilers, storage tanks, mixing valves, etc., and indicate the size and number of boilers and storage tanks.

(11) Specify number of men and number of women who will use each toilet room.

(12) Sewage disposal—indicate whether city sewer, cesspool, sedimentation tank, etc.

(13) Approximate rate of production—indicate hourly rate of slaughter and evisceration for rabbits.

(e) Rooms and compartments which must be included in the official plant. The official plant shall include employees' toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and rooms, compartments, or passageways where rabbits or any ingredients to be used in the preparation of products under inspection will be handled or kept. It also may include other rooms or compartments located in the buildings comprising the official plant.

(f) Changes in drawings or blueprints. When changes are proposed in areas for which drawings or blueprints have been previously approved, one of the following types of revised drawings or blueprints shall be submitted for review and consideration.

(1) A completely revised sheet or sheets showing proposed alterations or additions, or

(2) Approved pasters of the proposed changes which may be affixed to the affected areas on the previously approved drawings or blueprints in a manner not obscuring essential data. Paster drawings and blueprints shall be prepared to

label or packaging material bearing official identification. In the case of institutional packs, the inspection marks

§ 354.65 Form of inspection mark.

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the same scale and presented on a background similar to that of the originally approved drawing or blueprint.

(g) Final survey and plant approval. Prior to the inauguration of the inspection service, a final survey of the plant and premises shall be made by the area supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this Part. The plant may be approved by the Administrator only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

§ 354.35 Rejection of application.

Any application for inspection service may be rejected by the Administrator:

(a) Whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available;

(b) Whenever the product is owned by or located on the premises of a person currently denied the benefits of the Act;

(c) Where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the Act or was responsible in whole or in part for the current denial of the benefits of the Act to any person;

(d) Where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the Act to obtain inspection service;

(e) Whenever the applicant, after an initial survey has been made in accordance with § 354.34(a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; or

(f) Notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

§ 354.36 Withdrawal of application.

Any application for inspection service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

§ 354.38 Suspension of plant approval.

(a) Any plant approval given pursuant to the regulations in this Part may be suspended by the Administrator for:

(1) Failure to maintain plant and equipment in a satisfactory state of repair;

(2) The use of operating procedures which are not in accordance with the regulations in this Part; or

(3) Alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations in this Part.

(b) During such period of suspension, inspection service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless such service is terminated in accordance with the provisions of this Part. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the service shall be terminated. Upon termination of inspection service in an official plant pursuant to the regulations in this Part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Service, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Service.

VIOLATIONS

§ 354.45 Denial of service.

(a) The acts or practices set forth in §§ 354.46 through 354.51 or the causing thereof may be deemed sufficient cause, for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period after notice and opportunity for hearing has been afforded.

(b) Whenever the Administrator has reason to believe that any person or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in §§ 354.46 to 354.51, he may, without hearing, direct that the benefits of the Act be denied such person, including any agents, officers, subsidiaries, or affiliates of such person, pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the Act within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the Act pending investigation and hearing. Within 20 days following the receipt of such petition for reconsideration, the Administrator shall reinstate the benefits of the Act or notify the petitioner of the reasons for continued interim denial.

§ 354.46 Misrepresentation; deceptive or fraudulent acts or practices.

Any willful misrepresentation or any deceptive or fraudulent act or practice made or committed by any person in connection with:

(a) The making or filing of any application for any inspection service;

(b) The making of the product accessable for inspection;

(c) The making, issuing, or using, or attempting to issue or use any inspection certificate, symbol, stamp, label, seal or identification, authorized pursuant to the regulations in this Part;

(d) The use of the terms "U.S. Inspected" or "Government Inspected", or any term of similar import in the labeling or advertising of any product.

§ 354.47 Use of facsimile forms.

Using or attempting to use a form which simulates, in whole or in part, any certificate, symbol, stamp, label, seal or identification authorized to be issued or used under the regulations in this Part.

§ 354.48 Willful violation of the regulations.

Any willful violation of the regulations in this Part or the Act.

§ 354.49 Interfering with an inspector or employee of Service.

Any interference with or obstruction or any attempted interference or obstruction of or assault upon any inspector or employee of the Service in the performance of his duties. The giving or offering directly or indirectly of any money, loan, gift, or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation, or expenses of an employee of the Service, or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

§ 354.51 Miscellaneous.

The existence of any of the conditions set forth in § 354.35 constituting a basis for the rejection of an application for inspection service.

OTHER APPLICABLE REGULATIONS

§ 354.53 Other applicable regulations.

Compliance with the regulations in this Part shall not excuse failure to comply with any other Federal or any State or municipal applicable laws or regulations.

IDENTIFYING AND MARKING PRODUCTS

§ 354.60 Approval of official identification.

(a) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing official identification shall be printed for use until the printer's final proof has been approved by the Administrator, and no label, other than labels for shipping containers or containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly to the container, the principal display panel of such container shall, for this purpose, be considered as the label.

§ 354.62 Inspection mark with respect to product.

The Administrator is authorized to prescribe and approve the form of the inspection mark that may be used.

§ 354.63 Marking inspected products.

(a) Wording and form of inspection mark. Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for Wholesomeness by U.S. Department of Agriculture." This wording shall be contained within a circle in the form and arrangement shown in § 354.65. The appropriate plant number of the official plant shall be included in the circle unless it appears elsewhere on the packaging material. The Administrator may approve the use of abbreviations of such inspection mark, and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. When the inspection mark, or the approved abbreviation thereof, is used on packaging material, it shall be printed on such material or on a label to be affixed to the packaging material and the name of the packer or distributor of such product shall be printed on the packaging material or label, as the case may be, except that on shipping containers and containers for institutional packs, the inspection marks may be stenciled on the container and, when the inspection mark is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp. Notwithstanding the foregoing, the name and address of the packer or distributor, if appropriately shown elsewhere on the packaging material, may be omitted from insert labels which bear an official identification if the applicable plant number is shown.

(b) Wording on labels. Each trade label to be approved for use pursuant to §§ 354.60 to 354.64 with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and in prominent letters and figures of uniform size, the inspection mark, as aforesaid, and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified. The class of the rabbits shall be shown on the label. The appropriate designation "young", "mature", or "old" may be used as a prefix to the word "rabbit" in lieu of the class name.

(c) Labels in foreign languages. Any trade label to the affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to §§ 354.60 to 354.64.

(d) Unauthorized use or disposition of approved labels.

(1) Labels approved for use pursuant to §§ 354.60 to 354.64 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labels or labels bearing official identification may result in cancellation of the approval and denial of the use of labels bearing official identification or denial of the benefits of the Act pursuant to the provisions of § 354.60.

(2) The use of simulations or imitations of any official identification by any person is prohibited.

(e) Rescindment of approved labels. Once a year, or more often if requested, each applicant shall submit to the Administrator a list in triplicate of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of product or other designation showing the class of material.

§ 354.64 Form of official identification.

The form prescribed in § 354.65 is subject to the requirements of §§ 354.60 to 354.64, Identifying and Marking Products.

§ 354.65 Form of inspection mark.

The inspection mark approved for use on inspected and certified edible products shall be contained within a circle and include the following wording: "Inspected for Wholesomeness by U.S. Department of Agriculture." The form and arrangement of such wording shall be as indicated in the example below. The plant number of the official plant shall be set forth if it does not appear on the packaging material.

SUPERVISION OF MARKING AND PACKAGING

§ 354.70 Evidence of label approval.

No inspector shall authorize the use of official identification for any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of §§ 354.60 to 354.64.

§ 354.71 Affixing of official identification.

(a) No official identification or any abbreviation, copy, or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by an inspector or under the supervision of an inspector. All such products shall have been inspected and certified. The inspector shall have supervision over the use and handling of all material bearing any official identification.

(b) Each container of inspected and certified products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(1) The name of the inspected and certified products in the container;

(2) The name and address of the packer or distributor of such products;

(3) The net weight of the container;

(4) The inspection mark permitted to be used pursuant to the regulations in this Part unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(5) The plant number of the official plant where the products were packed.

§ 354.72 Packaging.

No container which bears or may bear any official identification or any abbrevi-

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ation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified and are, at the time of such filing, sound, wholesome, and fit for human food. All such filling of containers shall be under the supervision of an inspector.

§ 354.73 Retention labels.

An inspector may use such labels, devices, and methods as may be approved by the Administrator for the identification of:

(a) Products which are held for further examination, and

(b) All equipment and utensils which are to be held for proper cleaning.

§ 354.74 Prerequisites to inspection.

Inspection of products shall be rendered pursuant to the regulations in this Part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 354.75 Accessibility of products.

Each product for which inspection service is requested shall be so arranged so as to permit adequate determination of its class, quantity, and condition as the circumstances may warrant.

§ 354.76 Time of inspection in an official plant.

The inspector who is to perform the inspection in an official plant shall be informed, in advance, by the applicant of the hours when such inspection is desired. Inspectors shall have access at all times to every part of any official plant to which they are assigned.

REPORTS

§ 354.90 Report of inspection work.

Reports of the work of inspection carried on within official plants shall be forwarded to the Administrator by the inspector in such manner as may be specified by the Administrator.

§ 354.91 Information to be furnished to inspectors.

When inspection service is performed within an official plant, the applicant for such inspection shall furnish to the inspector rendering such service such information as may be required for the purposes of §§ 354.90 to 354.92.

§ 354.92 Reports of violation.

Each inspector shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the Act and the regulations in this Part of which he has knowledge.

FEES AND CHARGES

§ 354.100 Payment of fees and charges.

(a) Fees and charges for any inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§ 354.100 to 354.110, both inclusive. If so required by the inspector, such fees and charges shall be paid in advance.

(b) Fees and charges for any inspection service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Animal and Plant Health Inspection Service and remitted promptly to the Service.

(c) Fees and charges for any inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 354.101 On a fee basis.

(a) Unless otherwise provided in this Part, the fees to be charged and collected for any service performed, in accordance with this Part, on a fee basis shall be based on the applicable rates specified in this section.

(b) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be $12.40 for base time and $12.40 for overtime or holiday work.

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this Part related to the inspection service shall be $19.92 per hour.

§ 354.105 Fees for additional copies of inspection certificates.

Additional copies, other than those provided for in §§ 354.141, 354.142, and 354.143, of any inspection certificates may be supplied to any interested party upon payment of a fee of $2.00 for each set of five or fewer copies.

§ 354.106 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Service in connection with rendering inspection service. Such charges shall include the costs of transportation, per diem, and any other expenses.

§ 354.107 Continuous inspection performed on a resident basis.

(a) Except as provided in paragraph (b) of this section, the charges for inspection of rabbits and products thereof shall be those provided for in § 354.101 (b) when the inspection service is performed on a continuous year-round resident basis and the services of an inspector or inspectors are required 4 or more hours per day. When the services of an inspector are required on an intermittent basis, the charges shall be at the hourly rate provided for in § 354.101(b) plus the travel expense and other charges provided for in § 354.106.

(b) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

§ 354.109 Fees or charges for inspection service performed under cooperative agreement.

Fees or charges to be made to an applicant for any inspection service which differ from those listed in §§ 354.100 through 354.107 shall be provided for by a cooperative agreement.

§ 354.110 Disposition of fees for inspection made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Service.

INSPECTION PROCEDURES; ANTE-MORTEM INSPECTIONS

§ 354.120 Manner of handling products in an official plant.

Unless otherwise specified in the regulations in this Part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

§ 354.121 Ante mortem inspection.

An ante-mortem inspection of rabbits shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of rabbits on the day of slaughter in any official plant processing rabbits under inspection pursuant to the regulations in this Part.

§ 354.122 Condemnation on ante-mortem inspection.

Rabbits found in a dying condition on premises of an official plant shall be immediately destroyed and, together with any rabbits found dead on such premises, shall be disposed of in accordance with § 354.132. Rabbits plainly showing, on ante mortem inspection, any disease or condition, that under §§ 354.129 to 354.131, inclusive, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned. Rabbits which, on ante-mortem inspection, are condemned shall not be dressed, nor shall they be conveyed into any department of the plant where rabbit products are prepared or held. Rabbits which have been condemned on ante-mortem inspection and have been killed shall, under the supervision of an inspector of the Inspection Service, receive treatment as provided in § 354.132.

§ 354.123 Segregation of suspects on ante-mortem inspection.

All rabbits which, on ante-mortem inspection, do not plainly show, but are suspected of being affected with any disease or condition that under §§ 354.129 to 354.131, inclusive, may cause condemnation in whole or in part on post-mortem inspection, shall be segregated from the other rabbits and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when such segregated lots are presented for post-mortem inspection and inspection of such rabbits shall be conducted separately. Such procedure for the correlation of ante-mortem and post-mortem findings by

the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

§ 354.124 Quarantine of diseased rabbits.

If live rabbits, which are affected by any contagious disease which is transmissible to man, are brought into an official establishment, such rabbits shall be segregated. The slaughtering of such rabbits shall be deferred and they shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the rabbits will not create a health hazard, the lot shall be subject to ante-mortem and post-mortem inspection pursuant to the regulations in this Part.

(b) If it is determined by a veterinary inspector that further handling of the rabbits will not create a health hazard, such rabbits may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful rabbit-by-rabbit ante-mortem inspection shall be made, and all rabbits found to be, or which are suspected of being, affected with the contagious disease transmissible to man shall be condemned.

POST-MORTEM INSPECTION

§ 354.125 Evisceration.

No viscera or any part thereof shall be removed from any rabbits which are to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook rabbit.

§ 354.126 Carcasses held for further examination.

Each carcass, including all parts thereof, in which there is any lesion of disease or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 354.127 Condemnation and treatment of carcasses.

Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector, as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 354.128 Certification of carcasses.

Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this Part.

DISPOSITION OF DISEASED RABBIT CARCASSES AND PARTS

§ 354.129 General.

The carcasses or parts of carcasses of all rabbits inspected at an official establishment and found at the time of post-mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other sections in this Part, shall be disposed of in accordance with the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or condition and to designate at just what stage a disease process results in an unwholesome product, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by the regulations, or by instructions of the Administrator issued pursuant thereto, shall be left to the inspector in charge, and if the inspector in charge is in doubt concerning the disposition to be made, specimens from such carcasses shall be forwarded to the laboratory for diagnosis.

§ 354.130 Diseases or conditions evident which require condemnation.

(a) Carcasses of rabbits affected with or showing lesions of any of the following named diseases or conditions shall be condemned: Tularemia, anthrax, hemorrhagic septicemia, pyemia, septicemia, leukemia, acute enteritis, peritonitis, sarcomatosis, metritis, necrobacillosis (Smorl's Disease), tuberculosis, emaciation, streptobacillary pseudotuberculosis, and advanced stages of snuffles. Rabbits from pathological laboratories shall be condemned.

(b) Any organ or part of a rabbit carcass affected with a tumor shall be condemned and when there is evidence that the general condition of the rabbit has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned. In cases of malignant neoplasms involving any internal organ to a marked extent, or affecting the muscles, skeleton, or body lymph glands, even primarily, the whole carcass shall be condemned.

(c) Carcasses of rabbits showing any disease such as generalized melanosis, pseudoleukemia, and the like, which systemically affect the rabbit, shall be condemned.

(d) Any organ or part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore, shall be condemned. Parts or carcasses which are contaminated by pus shall be condemned.

(e) Carcasses of rabbits contaminated by volatile oils, paints, poisons, gases, or other substances which affect the wholesomeness of the carcass shall be condemned.

(f) All carcasses of rabbits so infected that consumption of the meat or meat food products thereof may give rise to meat poisoning shall be condemned. This includes all carcasses showing signs of any of the following diseases: Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges; septicemia or pyemia, whether traumatic, or without evident cause; gangrenous or severe hemorrhagic enteritis or gastritis; polyarthritis and acute nephritis. Immediately after the slaughter of any rabbit so infected, the infected premises and implements used shall be thoroughly sanitized. The part or parts of any carcass coming into contact with the carcass or any part of the carcass of any rabbit covered by this section other than those affected with acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, shall be condemned.

(g) Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition, show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.

(h) Carcasses of rabbits affected with mange or scab in advanced stages, or showing emaciation or extension of the inflammation to the flesh, shall be condemned. When the diseased condition is slight, the carcass may be passed for food after removal and condemnation of the affected parts.

(i) In the disposal of carcasses and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the non-affected portion of the carcass, or part of the carcass, may be certified for food after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be certified for food and the entire carcass shall be condemned. Carcasses infested with a hydatid cyst or cysts (Echinococcus granulosis), transmissible to dogs and from dogs to man, shall in all cases be condemned regardless of the degree of infestation.

(j) Carcasses of rabbits showing such degree of emaciation or anemic condition as would render the meat unwholesome, and carcasses which show a slimy degeneration of the fat or a serous infiltration of the muscles shall be condemned.

§ 354.131 Decomposition.

(b) Any product which is prepared, § 354.141 [illegible]

until otherwise ordered by the Admin-

SANITARY REQUIREMENTS

ously with the word "retained" in letters

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§ 354.131 Decomposition.

Carcasses of rabbits deleteriously affected by post-mortem changes shall be disposed of as follows:

(a) Carcasses which have reached a state of putrefaction or stinking fermentation shall be condemned.

(b) (Reserved)

(c) Carcasses affected by types of post-mortem change which are superficial in nature may be certified for food after removal and condemnation of affected parts.

§ 354.132 Disposal of condemned carcasses and parts.

All condemned carcasses, or parts of carcasses, shall be disposed of by one of the following methods, under the supervision of an inspector of the Inspection Service: (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

(a) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection, by means of pipes or otherwise, between tanks containing inedible products and those containing edible products.

(b) Incineration or complete destruction by burning.

(c) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

(1) Crude carbolic acid,

(2) Kerosene, fuel oil, or used crank case oil,

(3) Any phenolic disinfectant conforming to commercial standards CS 70–41 or CS 71–41 which shall be used in at least 2 percent emulsion or solution, or

(4) Any other substance that the Administrator approves which will decharacterize the carcasses or parts to the extent necessary to accomplish the purposes of this section.

REINSPECTION AND INGREDIENTS

§ 354.133 Reinspection of edible products; ingredients.

(a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 354.71(b) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive treatment as provided in § 354.127.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive treatment as provided in § 354.127.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food. Liquid and frozen egg products used in the preparation of any edible product shall have been prepared under continuous inspection of the Department.

APPEALS

§ 354.134 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided*, That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection. The cost of any such appeal shall be borne by the applicant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be based on the hourly rates as specified in § 354.101(b).

INSPECTION CERTIFICATES

§ 354.140 Forms of inspection certificates.

Each inspection certificate issued pursuant to the regulations in this Part shall be approved by the Administrator as to form, and:

(a) Each rabbit inspection certificate shall show the class or classes of rabbits, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(b) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(c) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

§ 354.141 Issuance and disposition of rabbits inspection certificates.

(a) Upon the request of an interested party, any inspector is authorized to issue a rabbit inspection certificate with respect to any lot of rabbits inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of rabbits, each such inspector shall sign the certificate with respect to such lot.

(b) The original and a copy of each inspection certificate, issued pursuant to §§ 354.140 to 354.144, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the area supervisor serving the area in which the inspection was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 354.105.

§ 354.142 Food product inspection certificates; issuance and disposition.

(a) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

§ 354.143 Export certificates; issuance and disposition.

(a) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate, and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued, and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained

until otherwise ordered by the Administrator.

§ 354.144 Advance information.

Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

BASIS OF ACCEPTABILITY OF OTHER OFFICIAL INSPECTION SYSTEMS

§ 354.160 General.

Any rabbit inspection system may be deemed to be acceptable to the Administrator which:

(a) Is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook rabbits are prepared and

(b) Imposes at least the requirements set forth in § 354.161: *Provided*, That no such inspection shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook rabbits are prepared if he finds at any time that such requirements are not adequately enforced.

§ 354.161 Requirements as to manner of inspection.

(a) The inspection shall be conducted by an inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(b) The inspection shall include post-mortem examination of each rabbit carcass during the evisceration operation.

(c) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

§ 354.162 Determining compliance with § 354.161.

A qualified veterinary supervisor of the rabbit inspection service shall investigate the manner of operation of the inspection system to determine the adequacy of the post-mortem examination and the compliance with the requirements contained in §§ 354.160 to 354.162 prior to approving the official plant for the inspection of ready-to-cook rabbits. This supervisor, as well as any official graders who may be stationed in the official plant, shall periodically observe the inspection operations in the official plant to determine that the requirements of §§ 354.160 to 354.162 are being met.

SANITARY REQUIREMENTS

GENERAL

§ 354.210 Minimum standards for sanitation, facilities, and operating procedures in official plants.

The provisions of §§ 354.210 to 354.247 shall apply with respect to inspection service in all official plants. The table set forth in § 354.247 indicates some of the types of material which may be used in the construction of equipment, utensils, and facilities for use in the plant.

BUILDINGS AND PLANT FACILITIES

§ 354.220 Buildings.

The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin.

(a) Outside openings. (1) The doors, windows, skylights, and other outside openings of the plant, except receiving rooms and live rabbit holding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and live rabbit holding rooms, shall be self-closing and so hung that not over ¼-inch clearance remains when closed. Screen doors shall open toward the outside of the building.

§ 354.221 Rooms and compartments.

Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where rabbits are slaughtered and skinned. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner, and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(a) Rooms for separate operation. The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted, but, in no case, shall the receiving or holding of live rabbits or killing operations be permitted in rooms in which eviscerating operations are performed:

(1) The receiving and feeding of live rabbits.

(2) Killing and skinning operations.

(3) Eviscerating, chilling, and packing operations for ready-to-cook rabbits.

(4) Inedible products departments.

(5) Refuse room.

(b) Rooms for holding carcasses for further inspection. Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(c) Coolers and freezers. Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of ready-to-cook rabbits prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(d) Refuse rooms. Refuse rooms shall be entirely separate from other rooms in the plant, and shall have tight fitting doors and be properly ventilated.

(e) Storage and supply rooms. The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(f) Boiler room. The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where ready-to-cook rabbits are prepared, processed, handled, and stored.

(g) Inspector's office. Furnished office space, including, but not being limited to, light, heat, and janitor service shall be provided rent free in the official plant for the exclusive use for official purposes of the inspector and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated, and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(h) Toilet rooms. Toilet rooms opening directly into rooms where rabbit products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

§ 354.222 Floors, walls, ceilings, etc.

(a) Floors. All floors in rooms where exposed products are prepared or handled shall be constructed of or finished with materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning, and cannery rooms shall be graded for complete runoff with no standing water.

(b) Walls, posts, partitions, doors. All walls, posts, partitions, and doors in rooms where exposed products are prepared or handled shall be smooth and constructed of materials impervious to moisture to a height of 6 feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material.

(c) Ceilings. Ceilings must be moisture-resistant in rooms where exposed products are prepared or handled, and finished and sealed to prevent collection of dirt or dust that might sift through flooring above or fall from collecting surfaces on equipment or exposed product.

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§ 354.223 Drainage and plumbing.

There shall be an efficient drainage and plumbing system for the plant and premises.

(a) Drains and gutters. All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick runoff of all water from plant buildings, and surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(b) Sewage and plant wastes. (1) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.

(2) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from or loaded into vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(3) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless they are positively trapped to prevent backing up. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(4) All floor drains shall be equipped with traps, constructed so as to minimize clogging, and the plumbing shall be so installed as to prevent sewerage from backing up and from flooding the floor.

(5) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to outside air.

(6) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

§ 354.224 Water supply.

The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant and its protection against contamination and pollution.

(a) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(b) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(c) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; the rooms, cans, and equipment shall be cleaned after each day's use.

§ 354.225 Lavatory accommodations.

Modern lavatory accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient metal containers shall be provided for used towels and other wastes.

(c) An adequate number of hand washing facilities serving areas where dressed rabbits and edible products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(e) Toilet facilities shall be provided according to the following formula:

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of ⅓ of the total number of bowls stated.

§ 354.226 Lighting and ventilation.

There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(a) All rooms in which rabbits are killed, eviscerated, or otherwise processed shall have at least 30 foot candles of light intensity on all working surfaces except that at the inspection stations such light intensity shall be of 50 foot candles. In all other rooms, there shall be provided at least 5 foot candles of light intensity when measured at distance of 30 inches from the floor.

(b) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

EQUIPMENT AND UTENSILS

§ 354.230 Equipment and utensils.

Equipment and utensils used for the preparation, processing, or other handling of any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.

(a) Live rabbit holding pens shall be so constructed as to allow satisfactory ante-mortem examination and to permit proper cleaning.

(b) Metal refuse containers shall be provided, and such containers shall be kept covered.

(c) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(d) Chilling vats or tanks used for chilling ready-to-cook rabbits shall be made of metal or other hard-surfaced impervious material.

(e) Where grading bins are used for ready-to-cook rabbits, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all ready-to-cook rabbits shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(f) Except as otherwise provided herein, all equipment and utensils used in the killing, skinning, eviscerating, chilling, and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(g) Conveyors: (1) Conveyors used in the preparation of ready-to-cook rabbits shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.

(2) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Nonmetallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(h) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(i) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(j) Water spray washing equipment shall be used for washing carcasses inside and out.

(k) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of ready-to-cook rabbits.

(l) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector

in charge, shall be equipped with facilities for locking and sealing.

(m) Freezing rooms should be adequately equipped to freeze ready-to-cook rabbits solid in less than 48 hours. Ready-to-cook rabbits should be frozen at temperatures of −10° F. to −40° F. and should be stored at 0° F. or below, with the temperature maintained as constant as possible. Freezing room should be equipped with floor racks or pallets and fans to insure air circulation.

(n) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(o) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

§ 354.231 Accessibility.

All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

§ 354.232 Restrictions on use.

Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food) from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

§ 354.240 General.

The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

§ 354.241 Cleaning of rooms and compartments.

Rooms, compartments, or other parts of the official plant shall be kept clean and in sanitary condition.

(a) All blood, offal, rabbits or parts of rabbits too severely damaged to be salvaged and all discarded containers and other materials shall be completely disposed of daily.

(b) All windows, doors, and light fixtures in the official plant shall be kept clean.

(c) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(d) Live rabbit receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning, and such docks and rooms should be kept clean at all times.

(e) Floors in live rabbit holding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(f) The killing and skinning room shall be kept clean and free from offensive odors at all times.

(g) The walls, floors, and all equipment and utensils used in the killing and skinning room shall be thoroughly washed and cleaned after each day's operation.

(h) The floor in the killing and skinning rooms shall be cleaned frequently during killing and skinning operations and be kept reasonably free from accumulated blood, offal, water, and dirt.

(i) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(j) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

§ 354.242 Cleaning of equipment and utensils.

Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.

(a) Pens shall be cleaned regularly and the manure removed from the plant daily.

(b) All equipment and utensils used in the killing and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The eviscerating, chilling, and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(c) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(d) All crates or pens used for transporting live rabbits to the plant shall be cleaned regularly.

(e) Chilling vats or tanks, if practicable, shall be emptied after each use. They shall be thoroughly cleaned once daily and, after each cleaning operation, they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(f) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(g) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual metal tray of seamless construction, and such trays shall be completely washed and sanitized after each use.

(h) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook rabbits shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(i) Drums, cans, tanks, vats, and other receptacles used to hold or transport ready-to-cook rabbits shall be kept in a clean and sanitary condition.

§ 354.243 Operations and procedures.

Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(a) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(b) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(c) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water.

(d) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(e) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(f) Mechanized packaging equipment shall be maintained in good sanitary condition.

(g) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(h) Paper and other material used for lining containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product. Wooden containers to be used for packaging ready-to-cook rabbits shall be fully lined except when the individual carcasses to be packaged therein are fully wrapped.

(i) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(j) Refuse may be moved directly to loading docks only for prompt removal.

(k) Cleanliness and hygiene of personnel: (1) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(2) Hands of employees handling edible products or edible products handling equipment shall be free of infected cuts,

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boils, and open sores at all times while thus engaged.

(3) Every person, after each use of toilet or change of garments, shall wash his hands thoroughly before returning to duties that require the handling of edible products or containers therefor or edible products handling equipment.

(4) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

§ 354.244 Temperatures and cooling and freezing procedures.

Temperatures and procedures which are necessary for cooling and freezing of rabbits in accordance with sound commercial practice shall be maintained in the coolers and freezers, and chilling temperatures and procedures shall also be in accordance with sound commercial practice.

(a) Cooling. Immediately after evisceration and washing of the carcass, it shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcass. Carcasses shall not be allowed to remain in the cooling tank for longer than 1 hour.

(b) Air chilling. Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to from 36° F. to 40° F., both inclusive, within 24 hours.

(c) Freezing. (1) When ready-to-cook rabbits are packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 48 hours.

(2) Frozen ready-to-cook rabbits shall be held under conditions which will maintain the product in a solidly frozen state with temperature maintained as constant as possible.

(d) Refrigeration. Immediately after packaging, all ready-to-cook rabbits, other than those which are shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer provided such rabbits are held at not above 36° F.

§ 354.245 Vermin.

Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant. Dogs, cats, and other pets shall be excluded from rooms where edible products are processed, handled, or stored.

§ 354.246 Exclusion of diseased persons.

No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked edible products are prepared, processed, or otherwise handled.

§ 354.247 Table showing types of materials.

Equipment, utensils, and facilities	Iron	Stainless steel and monel metal	Aluminum	Galvanized iron
Holding pens	A	A	A	A
Overhead conveyors	A	A	A	A
Conveyor track	A	A	----------	A
Shackles	----------	A	----------	A
Shackle chain	A	A	----------	A
Eviscerating pans	----------	A	----------	A
Inspection table	----------	A	A	A
Inside and outside washer	----------	A	A	A
Cooling tanks and racks	----------	A	A	A
Utensils for handling edible products	----------	A	A	A
Framework (of equipment)	A	----------	----------	----------

Key: A—Acceptable.

It does not appear that public participation in rulemaking proceedings on these amendments would make additional information available to the Department which would affect the decision in this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice or other public rulemaking proceedings on this amendment are impracticable and unnecessary.

The foregoing amendment shall become effective July 15, 1976.

Done at Washington, D.C., on: June 9, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-17120 Filed 6-10-76;8:45 am]

PART 362—VOLUNTARY POULTRY INSPECTION REGULATIONS

Voluntary Poultry Inspection Regulations

Statement of Considerations: Prior to the passage of the Poultry Products Inspection Act in 1957, provisions were made under the Agricultural Marketing Act of 1946 (7 CFR 1621 et seq.) for the Federal inspection of poultry and poultry products. This activity was provided on a voluntary basis to the poultry industry and operated on a fee schedule. With the passage of the Poultry Products Inspection Act in 1957, inspection of certain poultry and poultry products, as defined in the Act and the regulations, became mandatory and, except for overtime and holiday service, was free to the poultry industry.

Inspection of poultry and poultry products which were not covered by the Poultry Products Inspection Act was still available on a fee basis under the Agricultural Marketing Act of 1946, as amended. Such poultry and poultry products, when produced under the voluntary inspection program, are certified by the Department and carry the mark of Federal inspection. To qualify for this service and the mark of inspection, the establishment, its facilities and equipment, and its procedures must meet the requirements of the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), and must be, for all intents other than mandatory coverage, an official establishment. Therefore, it seems reasonable to incorporate the relevant substantive requirements of the poultry products inspection regulations into the voluntary regulations, instead of restating those requirements in other terms.

The provisions of the current voluntary poultry inspection regulations dealing with denial and withdrawal of inspection are somewhat lacking in clarity and organization. Therefore, a new section has been added based mainly upon the voluntary meat grading regulation (7 CFR 53.13), and the relevant sections of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622), and the Poultry Products Inspection Act (21 U.S.C. 456 and 467). There are only two important changes from the current regulations. The first is that, under certain circumstances, conviction of crimes involving food or a lack of integrity is a basis for denial or withdrawal of service (9 CFR 362.4(a)(1)(viii) below). This is similar to the basis for withdrawal under the Poultry Products Inspection Act (21 U.S.C. 467). The second important change is that the acts that constitute a basis for a disciplinary denial or withdrawal under the regulations will include those committed under other meat and poultry inspection programs of the Animal and Plant Health Inspection Service (9 CFR 362.4(a)(1)(i–vii) below). Presently, the acts must be committed under the voluntary poultry inspection program to constitute a basis for such withdrawal of service. Since these bases all involve wrongful acts, such a limitation does not seem reasonable.

The provisions for mandatory poultry products inspection are covered under regulations codified in 9 CFR Part 381. However, other grading and inspection services, which may be requested and rendered on a fee basis, are provided for in 7 CFR Part 70. These latter services are referred to as "voluntary." At one time, such grading and inspection services were rendered by the same Agency of the Department—that was the Consumer and Marketing Service.

However, Secretary's Memorandum No. 1762, Supplement 1, dated March 22, 1972, and a notice published in the FEDERAL REGISTER on March 28, 1972 (37 FR 6327–6328), announced that effective April 2, 1972, the name of the Consumer and Marketing Service would be changed to the Agricultural Marketing Service, and the Animal and Plant Health Inspection Service would be formed. The Poultry Division, which administers grading service functions, was placed in the Agricultural Marketing Service. The Meat and Poultry Inspection Program, which administers the inspection functions, was placed in the Animal and Plant Health Inspection Service. Since the programs responsible for administering the voluntary grading and inspection services are in separate Agencies, it is impractical to have the voluntary grading and inspection regulations codified together.

This amendment promulgates regulations that deal with the administration of voluntary inspection activities, incorporate the relevant mandatory inspection regulations by reference, and codify them in Title 9, Chapter III, Subchapter B, as a new Part 362. Therefore, all provisions in 7 CFR Part 70 concerning voluntary poultry inspection are hereby deleted. Contemporaneously with this action, the Agricultural Marketing Service is amending the grading regulations in 7 CFR Part 70. Therefore, the use of 7 CFR Part 70 is now exclusively vested in the Agricultural Marketing Service.

Therefore, Part 362 is revised as follows:

Sec.
362.1 Definitions.
362.2 Types and availability of service.
362.3 Application for service.
362.4 Denial or withdrawal of service.
362.5 Fees and charges.

AUTHORITY: Secs. 203, 205; 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624; 37 FR 28464, 28477.

§ 362.1 Definitions.

The definitions in § 381.1 are incorporated in this Part except for the definitions found in §§ 381.1(b)(2), 381.1(b)(5), 381.1(b)(26), 381.1(b)(28), 381.1(b)(40), 381.1(b)(41), 381.1(b)(42), 381.1(b)(46), and 381.1(b)(56) which are excluded in § 362.2(a). In addition to those definitions, the following definitions will be applicable to the regulations in this Part:

(a) *Act.* "Act" means the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

(b) *Inspector.* "Inspector" means any officer or employee of the Department authorized to perform any duties under the regulations in this Part.

(c) *Person.* "Person" means any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other organized business unit.

(d) *Poultry.* "Poultry" means any migratory water fowl, game bird or squab, whether live or dead.

(e) *Poultry product.* "Poultry product" means any poultry carcass or part thereof; or any human food product which is made wholly or in part from any poultry carcass or part thereof; or any human food product which is made wholly or in part from the carcass of any domesticated bird (chickens, turkeys, ducks, geese, or guineas) and is excepted from the inspection requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

§ 362.2 Types and availability of service.

Upon application, in accordance with § 362.3, the following types of service may be furnished under the regulations in this part:

(a) Inspection service. An inspection and certification service for wholesomeness relating to the slaughter and processing of poultry and the processing of poultry products. All provisions of Subchapter C of this chapter shall apply to the slaughter of poultry, and the preparation, labeling, and certification of the poultry and poultry products processed under this poultry inspection service except for the following provisions: §§ 381.1(b)(2), 381.1(b)(5), 381.1(b)(26), 381.1(b)(28), 381.1(b)(40), 381.1(b)(41), 381.1(b)(42), 381.1(b)(46), 381.1(b)(56), 381.3(a), 381.6, 381.10, 381.13–381.17, 381.21, 381.29, 381.39–381.42, 381.175(a)(2), 381.175(a)(3), 381.179, 381.185–381.187, 381.192, and 381.195–381.225.

(b) Export certification service. At the request of any person intending to export any slaughtered poultry or poultry product, inspectors may make certification regarding products for human food purposes, to be exported, as meeting conditions or standards that are not imposed or are in addition to those imposed by the regulations in Part 381 of this chapter and the laws under which such regulations were issued.

§ 362.3 Application for service.

Any person who desires to receive service under the regulations in this Part for poultry or other product eligible therefor under such regulations may make application for service to the Administrator, upon an application form which will be furnished by the Administrator upon request to the Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The application must include all the information called for by that form. In case of change of name, ownership, management, or location, a new application shall be made.

§ 362.4 Denial or withdrawal of service.

(a) *For disciplinary reasons*—(1) *Bases for denial or withdrawal.* An application or request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person who, or whose employee or agent in the scope of his employment or agency, (i) has willfully made any misrepresentation or has committed any other fraudulent or deceptive practice in connection with any application or request for service under the regulations in this chapter; (ii) has given or attempted to give, as a loan or for any other purpose, any money, favor, or other thing of value, to any employee of the Department authorized to perform any function under the regulations in this chapter; (iii) has interfered with or obstructed, or attempted to interfere with or to obstruct, any employee of the Department in the performance of his duties under the regulations in this chapter by intimidation, threats, assaults, abuse, or any other improper means; (iv) has knowingly falsely made, issued, altered, forged, or counterfeited any official certificate, memorandum, mark, or other identification, or device for making any such mark or identification authorized or issued under this chapter; (v) has knowingly uttered, published, or used as true any such falsely made, issued, altered, forged, or counterfeited certificate, memorandum, mark, identification, or device; (vi) has knowingly obtained or retained possession of any such falsely made, issued, altered, forged, or counterfeited certificate, memorandum, mark, identification, or device, or of any carcass or poultry or product bearing any such falsely made, issued, altered, forged or counterfeited certificate, memorandum, mark, or identification; (vii) has knowingly represented that any carcass, poultry, or product has been officially inspected and passed (by an authorized inspector) under this chapter, when it had not in fact been so inspected; (viii) has, within the previous ten years, been convicted of any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food, or fraud in connection with transactions in food, or any felony indicating a lack of the integrity needed for the conduct of operations affecting the public health; (ix) has in any manner not specified in this paragraph violated subsection 203(h) of the Act:

Provided, That subdivision (vi) of this subparagraph shall not be deemed to be violated if the person in possession of any item mentioned therein notifies the inspector without delay that he has possession of such item and, in the case of an official device, surrenders it to the inspector, and, in the case of any other item, surrenders it to the inspector or destroys it or brings it into compliance with the regulations by obliterating or removing the violative features under supervision of the inspector; *And provided further,* That an application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person who operates an establishment for which he has made application for service if, with the knowledge of such operator, any other person conducting any operations in such establishment has committed any of the offenses specified in paragraphs (a)(1)(i) through (ix) of this section after such application was made. Moreover, an application or a request for service made in the name of a person otherwise eligible for service under the regulations may be

rejected, or the benefits of the service

(b) The fees and charges provided for

[FRL 561-7; PP3F1416/R95]

(Sec. 409(d)(2) of the Federal Food, Drug, ... [3,3-dimethylpentane-2,3-dicarboxylic acid)

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rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, such a person (a) in case the service is or would be performed at an establishment operated (1) by a corporation, partnership, or other person from whom the benefits of the service are currently being withheld under this chapter, or (2) by a corporation, partnership, or other person having an officer, director, partner, or substantial investor from whom the benefits of service under this chapter are currently being withheld and who has any authority with respect to the establishment where service is or would be performed, or (b) in case the service is or would be performed with respect to any poultry or product in which any corporation, partnership, or other person within (a)(1) of this section has a contract or other financial interest.

(2) *Procedure.* All cases arising under this paragraph shall be conducted in accordance with the rules of practice governing disciplinary withdrawal of inspection service under the Act.

(b) *For correctable cause*—(1) *Basis for denial or withdrawal.* An application or request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person whose establishment does not meet the requirements as to premises, facilities, and equipment, and the operation thereof, prescribed in the regulations to prevent the distribution of adulterated poultry or poultry products, or who has not received approval of labeling and containers to be used at the establishment as required by the regulations.

(2) *Procedure.* All cases arising under this paragraph shall be conducted in accordance with the rules of practice governing conditional withdrawal of inspection service under the Act.

(c) *For miscellaneous reasons.* An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person, without a hearing, by the official in charge of the appropriate regional office, with the concurrence of the Regional Director (1) for administrative reasons such as the nonavailability of personnel to perform the service; (2) for the failure to pay for service; (3) in case the application or request related to birds or products which are not eligible for service under Part 362; or (4) in case the person is a partnership, corporation, or other person from whom the benefits of the service are currently being withheld under paragraph (a) of this section. Notice of such denial or withdrawal, and the reasons therefor, shall promptly be given to the person involved.

§ 362.5 Fees and charges.

(a) Fees and charges for service under the regulations in this Part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $12.40 per hour for base time, $12.40 per hour for overtime including Saturdays, Sundays, and holidays, and $19.92 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative work week.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624; 37 FR 28464, 28477.)

It does not appear that public participation in rulemaking proceedings on these amendments would make additional information available to the Department which would substantially affect this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice or other public rulemaking proceedings on this amendment are impracticable and unnecessary.

The foregoing amendment shall become effective July 15, 1976.

Done at Washington, D.C., on June 9, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-17119 Filed 6-10-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 560-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Indefinite Suspension of Parking Management Regulations; Correction

FEDERAL REGISTER Document 75-18201 appearing at page 28713 on July 15, 1975, incorrectly identified the Maryland State implementation plan management of parking supply regulation. The number in Part 52 of Chapter I, Title 40 of the Code of Federal Regulations should read 52.1111.

Dated: June 7, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-17081 Filed 6-10-76;8:45 am]

[FRL 561-7; PP3F1416/R95]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endothall

On July 25, 1973, notice was given (38 FR 19925) that Pennwalt Corp., PO Box 1297, Tacoma, WA 98401, had filed a petition (PP 3F1416) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.293 be amended by establishing a tolerance of 0.05 part per million for residues of the herbicide endothall (7-oxabicyclo[2.2.1] heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity rice arising from the use of its mono-*N,N*-dimethylalkylamine salt as an aquatic herbicide.

Pennwalt Corp. subsequently submitted a petition (PP 4G1449) requesting establishment of temporary tolerances for endothall in or on rice from use of its mono-*N,N*-dimethylalkylamine salt as an aquatic herbicide. Temporary tolerances were established as requested on condition that the pesticide be used in accordance with an experimental use permit issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), to accumulate information necessary to support registration. These temporary tolerances expire May 23, 1976.

The data submitted in pesticide petition 3F1416, information gathered under the experimental use program, and other relevant material have been evaluated. It is concluded that the tolerance should be established as proposed, even though a teratology requirement will not be satisfied until September 1976, since no residue is expected on rice or rice straw. The pesticide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in meat, milk, poultry, and eggs, and 40 CFR 180.6(a)(3) applies. The tolerance established by amending the regulations will protect the public health. Therefore, 40 CFR 180.293 is revised as set forth below.

Any person adversely affected by this regulation, on or before July 12, 1976 may file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective June 11, 1976, Part 180, Subpart C, is amended by revising § 180.293 as follows.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).)(2).)

Dated: June 8, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Program.

§ 180.293 Endothall; tolerances for residues.

Tolerances are established for residues of the pesticide endothall (7-oxabicyclo[2.2.1] heptane-2,3-dicarboxylic acid) from use of its mono-*N,N*-dimethylalkylamine salt wherein the alkyl group is the same as in the fatty acid of coconut oil in or on the following raw agricultural commodities:

Commodity:	Parts per million
Cottonseed	0.1
Potatoes	0.1
Rice, grain	0.05 (N)
Rice, straw	0.05 (N)

[FR Doc.76-17260 Filed 6-10-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 100]

CORAL BAY, ST. JOHN, VIRGIN ISLANDS

Proposal to Close Port of Entry

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 100.4(c)(2) pertaining to Ports of Entry for aliens arriving by vessel or by land transportation.

It is proposed to close the port at Coral Bay, St. John, V.I., due to the fact that only three or four inspections are performed there each month. These inspections can conveniently be performed by Service personnel located at Cruz Bay, St. John, V.I.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All material received before July 12, 1976 will be considered.

In § 100.4(c)(2), it is proposed to delete Coral Bay, St. John, V.I. from the list of Class A ports under District 27—San Juan, P.R. As amended, proposed § 100.4(c)(2) reads in pertinent part as follows:

§ 100.4 Field Service.

* * * * *

(c) *Suboffices.* * * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* * * *

DISTRICT NO. 27—SAN JUAN, P.R.

CLASS A

Aguadilla, P.R.	*Christiansted, St. Croix, V.I.
Ensenada, P.R.	Frederiksted, St. Croix, V.I.
Fajardo, P.R.	*Cruz Bay, St. John, V.I.
Humacao, P.R.	*Charlotte Amalie, St. Thomas, V.I.
Jobos, P.R.	
Mayaguez, P.R.	
*Ponce, P.R.	
San Juan, P.R.	

* * * * *

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

Dated: June 7, 1976.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-17043 Filed 6-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1823]

[FmHA Instruction 442.12]

GRANTS FOR PRIVATE BUSINESS ENTERPRISES AND COMMUNITY WATER AND WASTE DISPOSAL FACILITIES

Proposed Miscellaneous Amendments

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendments to §§ 1823.451 and 1823.452 of Subpart 0 of Part 1823, Title 7, Code of Federal Regulations (38 FR 29037; 39 FR 3814). As proposed, the amendments provide additional criteria for determining whether or not an applicant is located in a rural area, and include the payment of interest costs for interim financing as an eligible use of funds.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, DC 20250, on or before July 12, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.).

1. It is proposed that § 1823.451 be revised as follows:

§ 1823.451 Eligibility.

(a) *Applicants.* Applicants eligible for grants are public bodies serving rural areas such as States, counties, cities, townships, and incorporated towns and villages, boroughs, authorities, districts, and Indian tribes on Federal and State reservations and other Federally recognized Indian tribes.

(b) *Location.* As used herein "rural" and "rural area" may include all territory of a State, the Commonwealth of Puerto Rico or the Virgin Islands, that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than one hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States. The following will be used by FmHA in making area eligibility determinations when it is not clear from the geographical location of the applicant.

(1) Urbanized area immediately adjacent to a city having a population of 50,000 or more. An urbanized area immediately adjacent to a city having a population of 50,000 or more is an area constituting, for general social and economic purposes, a single community having a boundary contiguous with that of the city. Such community may be incorporated or unincorporated and will extend from the contiguous boundary(ies) to recognizable open country, less densely settled areas, or natural boundaries such as airports, industrial sites, recreational facilities or public parks shall be disregarded. Outer boundaries of an incorporated community will extend at least to its legal boundaries. Cities which may have a contiguous bzorder with another city but are located across a river from such city and recognized as a separate community and are not otherwise considered a part of an urbanized or urbanizing area as defined in this section are not in a nonrural area.

(2) Urbanizing area. An urbanizing area is one defined as a community which is not now or within the foreseeable future not likely to be clearly separate from and independent of a city of 50,000 or more population and its immediately adjacent urbanized areas. A community will be considered as "separate from" when it is separated from the city and its immediately adjacent urbanized area by open country, less densely settled areas, or natural barriers such as forests or water. Minor open spaces such as airports, industrial sites, recreational facilities or public parks shall be disregarded. A community will be considered as "independent of" when its social and economic structure (e.g., government; educational, health, and recreational facilities; business, industry, tax base, and employment opportunities) is not primarily dependent on the city and its immediately adjacent urbanized area.

(3) The State Director will proceed as follows in rural area determinations. When the FmHA State Director determines an area to be urbanizing, he must then determine the population density per square mile. If the area appears to be eligible, the State Director will request the National Office to provide him with the correct density figure. All such density determinations will be made on the basis of minor civil division or census county divisions as used by the Bureau of the Census. In making the density calculations, there will be excluded large non-residential tracts devoted to urban land uses such as railroad yards,

airports, industrial sites, parks, golf courses and cemeteries, or land set aside for such purposes.

(c) *Priority.* Priority for industrial development grants shall be given to areas other than cities having a population of more than twenty-five thousand.

2. It is proposed that § 1823.452 be revised as follows:

§ 1823.452 Use of grant funds.

Grant funds may be used to finance industrial sites in rural areas including the acquisition and development of land and the construction, conversion, enlargement, repairs or modernization of buildings, plants, machinery, equipment, access streets and roads, parking areas, transportation serving the site, utility extensions, necessary water supply and waste disposal facilities, pollution control and abatement incidental to site development, fees, interest costs for interim financing, and refinancing for debts incurred by or on behalf of an association prior to an application for a grant when the following conditions exist: The debts were incurred for the facility or part thereof or service to be installed or improved with the grant; and arrangements cannot be made with the creditors to extend or modify the terms of the existing debt. Such grants may be made only when there is reasonable prospect that they will result in development of private business enterprises. When and is to be purchased, the purchase price will not exceed its "fair market value." When required by FmHA, the applicant will submit an appraisal report prepared by an independent qualified appraiser. FmHA grant funds may be used jointly with funds furnished by the grantee including FmHA loan funds.

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70 (Con. Act))

Dated: June 4, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-17062 Filed 6-10-76;8:45 am]

Food and Nutrition Service

[7 CFR Part 250]

COMMODITIES FOR DISASTER FEEDING

Food Donation Program

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations for the operation of the food donation program (31 FR 14297), as amended, to revise provisions respecting disaster feeding in conformance with the pertinent provisions of the Disaster Relief Act of 1974 (42 U.S.C. 5121), Executive Order 11795, dated July 11, 1974 (39 FR 25939), and the regulations relating to Federal Disaster Assistance issued by the Department of Housing and Urban Development, Federal Disaster Assistance Administration (FDAA), on May 28, 1975 (24 CFR Part 2205).

Under these authorities, FDAA is responsibile for assuring that adequate stocks of food will be ready and conveniently available for mass feeding or distribution in any area of the United States which suffers a Presidentially-declared major disaster or an emergency (24 CFR 2205.49). While, in the event of either a major disaster or an emergency, FDAA may direct the Department of Agriculture to provide food assistance (24 CFR 2205.8), it is contemplated that emergency mass care will be furnished by the Red Cross or other voluntary agencies, and Federal emergency assistance will be approved only upon an affirmative showing that such organizations will not provide for essential needs (24 CFR 2205.28). The Department stands ready to respond to any direction of FDAA, and the subject regulations will provide the framework for that cooperation.

The food distribution regulations currently provide for special feeding programs through institutions or associations in situations of distress. It is proposed to broaden that provision to add "organizations" to the specified agencies which are eligible to receive commodities for use in such situations, and to make it clear that major disasters and emergencies, as those terms are defined in the Disaster Relief Act of 1974, are excluded. Thus, this regulation would cover organizations which provide distress or relief feeding, in other than households, in the event of disasters or emergencies not covered by the authorities referred to above.

As to household feeding, the Food Stamp Act (7 U.S.C. 2011) and the Disaster Relief Act of 1974 provide for food assistance by the Secretary of Agriculture, in the event of a Presidentially-declared major disaster, through the issuance of food stamps to households under the Food Stamp Program and through the distribution of federally donated foods, and the Food Stamp Act also has provisions respecting other disasters. The Food Stamp regulations are set out at 7 CFR Part 274. It is proposed in the subject regulations, in nonfood stamp areas, to effect emergency and major disaster assistance to households through welfare agencies; however, it is stipulated that such assistance will be provided under the proposed regulations only at the direction to the Department by FDAA. The proposed regulations further provide that, in the event of an emergency or major disaster, distributing agencies need not require welfare agencies to apply the income and resource standards which are otherwise applicable to household feeding in determing eligibility of applicants. In other distress situations, distribution to households will be effected in the prgsent manner.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions or objections should be received by Juan del Castillo, Director, Food Distribution Division, Food and Nutrition Service U.S. Department of Agriculture, Washington, D.C. 20250, no later than July 1, 1976. Communications should identify the regulation sections and paragraphs on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director In Room 600, at 500 12th St. S.W., Washington, D.C., during regular business hours, 8:30 a.m. to 5:00 p.m. (7 CFR 1.27(b)).

Accordingly, the food distribution regulations would be amended as follows:

1. In § 250.1, paragraph (b)(11) is revised to read as follows:

§ 250.1 General purpose and scope.

* * * * *

(b) *Legislation.* * * *

* * * * *

(11) Section 409 of the Disaster Relief Act of 1974, which reads as follows:

SEC. 409. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture or other appropriate agencies coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 (Pub. L. 91-671; 84 Stat. 20248) and to make surplus commodities available pursuant to the provisions of this Act.

(b) The President, through the Secretary of Agriculture or other appropriate agencies, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households, to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in an area affected by a major disaster.

* * * * *

2. In § 250.3, the numerically identified footnote and the similarly identified references thereto in paragraphs (d) and (m) are deleted; paragraphs (c), (d), (j) and (k) are revised to read as follows:

§ 250.3 Definitions.

* * * * *

(c) "Major disasters" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act of 1974, (42 U.S.C. 5121), above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local gov-

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ernments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(d) "Emergency" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, health and safety or to avert or lessen the threat of a disaster.

(j) "Recipient agencies" means charitable institutions, nonprofit summer camps for children, schools, service institutions, nonresidential child care institutions and nutrition programs for the elderly, receiving foods for their own use; and welfare agencies receiving foods for distribution to eligible recipients.

* * * * *

(k) "Recipients" means needy persons, including needy Indians, receiving commodities for their own use.

* * * * *

3. In § 250.4, paragraph (a) is amended by revising the last sentence to read as follows:

§ 250.4 Availability of donated foods.

(a) Distribution and use of donated foods. * * * In areas where a Food Stamp Program (7 CFR Parts 271–274) is in effect, there shall be no distribution of donated foods to households under this part except (1) in accordance with such instructions as FNS may specify, during temporary distress situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such period of time as the Secretary determines necessary to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by the Food Stamp Program; or (3) on request of an authorized State welfare agency, under the terms and conditions set forth in § 271.(a) of this chapter.

* * * * *

4. In § 250.6, paragraph (g) is amended by deleting the words "and disaster organizations" from the second sentence, paragraph (e)(5) is amended by adding a proviso after the last sentence, and a new subdivision (14) is added to paragraph (e), as follows:

§ 250.6 Obligations of distributing agencies.

* * * * *

(e) *Household distribution.* * * *

(5) * * *: *And provided, further,* That temporary standards of eligibility shall be established, without regard to income or resources, for use by welfare agencies for households which may be in need of food assistance in the event of an emergency or major disaster.

* * * * *

(14) Provisions for making distribution to households during an emergency or major disaster when the Department has been directed by the Federal Disaster Assistance Administration, Department of Housing and Urban Development, to make commodities available.

* * * * *

§ 250.8 [Amended]

5. In § 250.8, paragraph (e) is deleted.

§ 250.9 [Amended]

6. In § 250.9, paragraph (b) is deleted.

§ 250.10 [Amended]

7. In § 250.10, paragraph (d) is amended by deleting the words within the parentheses and inserting in lieu thereof the words "needy persons and children."

8. Section 250.13 is revised to read as follows:

§ 250.13 Special feeding programs.

(a) In situations of distress other than a major disaster or emergency, in which needs for food assistance cannot be met under other provisions of this part, any distributing agency may, upon request to and approval by the Secretary, distribute commodities to any charitable institution, or to any organization or association of persons engaged in charitable activities for use in conducting special group-feeding programs on a temporary basis for persons in need of such food assistance. The distributing agency and any such charitable institution, organization, or association shall conduct any distribution under this section in accordance with such instructions as FNS may specify; and any such institution, organization, or association shall give to the distributing agency an assurance that feeding programs will be conducted in accordance with the instructions.

(b) Distribution of commodities for mass feeding in any area which suffers a major disaster or emergency shall be made only at the direction to the Department by the Federal Disaster Assistance Administration, Department of Housing and Urban Development.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Section.)

Dated: June 4, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc 76-16798 Filed 6-10-76;8:45 am]

[7 CFR Part 271]

[Amdt. No. 85]

FOOD STAMP PROGRAM

Test Projects

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend Part 271 of its regulations governing the operation of the Food Stamp Program, 7 CFR 271. The amendment is for the purpose of authorizing the Secretary to suspend or create regulations at his discretion for the purpose of conducting tests of administrative procedures which may have National applicability.

The Food Stamp Act authorizes the Secretary of Agriculture to issue necessary and appropriate regulations for the effective and efficient administration of the Food Stamp Program (7 U.S.C. 2013). The use of the authority to conduct tests of administrative procedures allows the Secretary to evaluate alternative plans and to determine which are the most cost effective and the most generally applicable. Test projects permit States an opportunity to demonstrate the administrative and cost benefits of procedures not currently authorized by program regulations. Such projects will often require that certain regulations be suspended or promulgated in the particular test areas. The regulations proposed herein outline the Secretary's authority to suspend or promulgate regulations through issuance of a Notice in the FEDERAL REGISTER for the purpose of conducting demonstration or experimental projects. The regulations also set forth guidelines for State agencies to follow in requesting the Secretary's approval to carry out demonstration or experimental projects. In no event may test procedures run counter to provisions of the Food Stamp Act.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to Vernon R. Morgan, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than June 26, 1976. All comments, suggestions, or objections received by this date will be considered before the final regulations are issued.

Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m.–5 p.m.) at 500 12th Street, SW., Washington, D.C., Room 650.

Section 271.(j) is amended to read as follows:

§ 271.1 General terms and conditions for State agencies.

* * * * *

(j) *Administration of certification and issuance.* Each State agency shall administer the program in accordance with the provisions of this chapter, all FNS Instructions issued pursuant thereto, and its Plan of Operation. The Secretary reserves the right to suspend or add to any part or parts of this subchapter for the purpose of testing administrative procedures which are not in conflict with express provisions of the Food Stamp Act and which have potential for nationwide applicability. The Secretary may suspend specified provisions of this subchapter for all households in a defined locality for the purposes of a demonstration project or for only some of the households in a defined locality as necessary for an experimental project. States wishing to test administrative procedures which would require creation or suspension of provisions of this subchapter prior to a test shall submit to FNS for the Secretary's approval, a plan which, at a minimum, shall include:

(1) The purpose of the test and the benefits of the new procedures;

(2) The specific FNS regulations to be suspended and the new procedures to be tested;

(3) The schedule for the test and reporting to FNS of test results;

(4) The scope and methodology for the test and evaluating the results sufficient to demonstrate the validity of the test;

(5) The estimated cost of the test which would be eligible for Federal funding; and

(6) Any other information or reports as requested by FNS.

Implementation of test procedures shall not be initiated prior to approval of the plan by the Secretary. All plans so approved shall be published as a Notice in the FEDERAL REGISTER at least 30 days prior to the effective date for the suspension or creation of the regulations required by the test.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: June 4, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-16722 Filed 6-10-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1915, 1916, 1926]

[Docket No. H-102]

ABRASIVE BLASTING

Advance Notice of Proposed Rulemaking

The Occupational Safety and Health Administration, U.S. Department of Labor, is studying the health hazards involved in abrasive blasting operations. It is considering proposing a revised standard, which will more effectively protect the health and safety of employees engaged in abrasive blasting operations. Abrasive blasting occurs in industries such as stone and monument cutting, structural steel maintenance, potteries, foundries, shipbuilding and repair, construction and others.

Such a proposed standard would modify or replace the current standards on abrasive blasting contained in Title 29, Code of Federal Regulations, covering general industry (§ 1910.94(a)), ship repairing (§ 1915.23(c)) and shipbuilding (§ 1916.23(c)). OSHA is also considering whether to develop, after consultation with the Advisory Committee on Construction Safety and Health, a separate standard on abrasive blasting for the construction industry to be included within Part 1926 (Safety and Health Regulations for Construction). There is now no specific standard on abrasive blasting included within Part 1926, but the general industry standard is applicable to the construction industry pursuant to the provisions of 29 CFR 1910.5.

In 1974 the National Institute for Occupational Safety and Health (NIOSH) submitted to OSHA a document entitled *Occupational Exposure to Crystalline Silica, Criteria for a Recommended Standard.* Among other things NIOSH recommended that "silica sand, or other materials containing more than 1 percent free silica, should be prohibited as an abrasive substance in abrasive blasting cleaning operations."[1]

OSHA published an advance notice of proposed rulemaking for crystalline silica in the FEDERAL REGISTER on December 27, 1974 (39 FR 44771), which referred to the NIOSH document. About 150 comments requested additional time to study the abrasive blasting recommendation. A number of the substantive comments received were directed primarily at the subject of abrasive blasting. These generally discussed the importance of abrasive blasting, the economic and technical advantages of the use of sand as an abrasive, and long term individual experiences indicating no negative effects on the health of employees. Several of the comments pointed out the need in abrasive blasting for proper respiratory protection, medical surveillance, and work practices.

Two recent studies commissioned by NIOSH indicate that there is a wide variation in the quality of respiratory protection provided to both abrasive blasters and other employees working in proximity to abrasive blasting operations. The use and maintenance of such equipment is often either lacking or substandard.[2, 3] Recent studies in New Orleans reveal some cases of rapidly developing silicosis leading to early death in abrasive blasters who were utilizing some type, but probably not the proper type, of respirator protection.[4, 5] Certain of the substitutes for sand may also create health hazards in abrasive blasting, some of which may not be known because dose response data is not available. Additionally, the materials abraded during abrasive blasting may contain contaminants such as lead, arsenic and coal tar pitch which, in themselves, may present significant health hazards.

The above information has focused attention on the need for OSHA to develop a more effective abrasive blasting standard, whether or not limitations are placed on the use of sand as an abrasive. An improved abrasive blasting standard would give more specific guidance on employee protection during abrasive blasting and be easier to enforce.

This advance notice of proposed rulemaking is being published to permit interested persons to submit information useful in the preparation of a proposed standard and suggest requirements to be included within it. Interested persons will also be entitled to participate in the rulemaking process after the publication of any proposed rule on abrasive blasting through written comments and participation at a hearing if requested.

Accordingly, interested persons are invited to submit by July 30, 1976, written data, views and comments concerning a standard on abrasive blasting for employees to the Docket Officer, Docket No. H–102, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3620, 200 Constitution Ave., NW., Washington, D.C. 20210 (Telephone (202) 523–8076). Comments are specifically requested concerning:

(1) What work practice controls are appropriate for abrasive blasting operations;

(2) What types of respirators are suitable to protect abrasive blasters, their helpers and other employees located near the abrasive blasting operations and the reliability, testing, and maintenance of those respirators;

(3) What other protective equipment is needed for abrasive blasting operations;

(4) What types of engineering controls are feasible for the various types of abrasive blasting operations;

(5) Whether sand or other materials should be banned or their use limited in abrasive blasting;

(6) Which materials other than sand are used for abrasive blasting, when can they be substituted for sand and what are their health dangers;

(7) What type of medical examinations should be given to abrasive blasters and other affected personnel and at what frequency;

(8) Whether there should be different provisions for abrasive blasting in the construction, shipbuilding, and ship repairing industries;

(9) Any other information useful in preparing a more effective abrasive blasting standard.

Comments already submitted on abrasive blasting in response to the crystalline silica advance notice will be considered without need for resubmission. Additional information from persons who have already submitted comments will be accepted.

1. National Institute for Occupational Safety and Health, *Occupational Exposure to Crystalline Silica, Criteria for a Recommended Standard*, U.S. Dept. of Health, Education, and Welfare, 1974 (HEW Publication No. (NIOSH) 75–120), p. 10.

2. National Institute for Occupational Safety and Health, *Abrasive Blasting Respiratory Protection Practices*, U.S. Dept. of Health, Education, and Welfare, 1974 (HEW Publication No. (NIOSH) 74–104).

3. National Institute of Occupational Safety and Health, *Industrial Health and Safety Criteria for Abrasive Blast Cleaning Operations*, U.S. Dept. of Health, Education, and Welfare, 1974 (HEW Publication No. (NIOSH) 75–122).

4. Behzad Samini, Hans Weill, Morton Ziskind, "Respirable Silica Dust Exposure of Sandblasters and Associated Workers in Steel

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Fabrication Yards," *Arch Environ Health*, 29:61, Aug. 1974.

5. William C. Bailey, Morton Brown, Howard A. Buechner, Hans Weill, Herbert Ichinose, Morton Ziskind, "Silo-Mycrobacterial Disease in Sandblasters," *American Review of Respiratory Disease*, 110:115, 1974.

Reference no. 1 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, as GPO Stock No. 1733–00050 for $1.95. References nos. 2 and 3 may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161. Reference no. 2 is Stock No. PB 223073 at $6.00 and reference no. 3 is Stock No. PB223022/5 at $7.75.

This advance notice of proposed rulemaking is issued under sections 4(b), 6(b) and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599; 29 U.S.C. 653(b), 655(b), 657), section 41 of the Longshoremen's and Harbor Workers Compensation Act (44 Stat. 1444 as amended by 72 Stat. 835; 33 U.S.C. 941), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (83 Stat. 96; 40 U.S.C. 333), sections 1 and 4 of the Walsh-Healy Public Contracts Act (49 Stat. 2036, 2038; 41 U.S.C. 35, 38), of the Walsh-Healy Public Contracts Act of 1965 (79 Stat. 1034, 1035; 41 U.S.C. 351, 353), section 5(j) of the National Foundation of the Arts and Humanities Act of 1965 (79 Stat. 848; 20 U.S.C. 954 (j)) and Secretary of Labor's Order No. 8–76.

Signed at Washington, D.C. this 4th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17097 Filed 6–10–76;8:45 am]

[29 CFR Part 1960]

SAFETY AND HEALTH TRAINING GUIDELINES

Proposed Safety and Health Training Guidelines for Federal Employees

Pursuant to sections 19 and 24 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1609, 1614; 29 U.S.C. 668, 673), Secretary of Labor's Order 12–71 (36 FR 8754) and Executive Order 11807, section 3(1), it is proposed to amend Part 1960 of Title 29, Code of Federal Regulations, by adding new regulatory guidelines for the establishment of federal employee training programs as § 1960.20.

On October 9, 1974, Safety and Health Provisions for Federal Employees were published in the FEDERAL REGISTER as 29 CFR Part 1960 (39 FR 36454). At that time it was indicated that further guidance would be provided to Federal agencies to assist them in carrying out their obligation under section 2(4) of Executive Order 11807 to provide adequate safety and health training for designated categories of federal employees. On November 17, 1975, the Federal Advisory Council on Occupational Safety and Health published notice in the Federal Register that the subject of federal safety and health training courses would be discussed at its public meeting on December 3, 1975 (40 FR 53324). The Council welcomed written data, views or comments concerning safety and health programs for federal employees and provided an opportunity for oral submissions. At the December 3 meeting, the Council adopted recommendations which are the basis of the regulatory guidelines proposed herein by the Occupational Safety and Health Administration.

The proposed regulatory guidelines differ from the recommendations of the Council that, where the Council's draft contained the auxiliary verb "shall", the proposal uses in lieu thereof the word "should" or, in paragraph (c) (Department of Labor Assistance), "will". The changes in paragraph (c) are made to reflect the fact that it is the Secretary who is undertaking the obligations specified therein. Therefore, the use of the word "shall" applicable to the agency issuing the directive is not appropriate. The remaining changes, from "shall" to "should", are made to conform to the language and intent of section 19 of the Act, Executive Order 11807, and the previously promulgated regulatory guidelines of 29 CFR Part 1960. With the exception of the recordkeeping provisions, all existing provisions of 29 CFR Part 1960 contain the word "should" rather than "shall". Section 1960.20 is designed to provide guidance to Federal agencies in carrying out their obligation under Executive Order 11807, section 2(4), to provide adequate safety and health training for their employees. While the duty to provide such training is not qualified, the duty of federal agencies under section 2(7) of the Executive Order to "observe the guidelines" of the Secretary of Labor must be viewed in the context of the statutory scheme of section 19 which places the responsibility for establishing occupational safety and health programs for agency employees upon each Federal agency. Moreover, that the use of the word "shall" is not consistent with the proviso in the Executive Order permitting agencies to give "due consideration to the mission, size and organization of the agency." The use of the term "shall" might be incorrectly construed to the effect that Federal agencies do not have the flexibility needed to establish training programs which fit their own unique requirements although such flexibility is recognized in the remaining sections of Part 1960. The use of the term "should" avoids this and insures consistency in the regulatory guidelines which, in turn, reflect the basic statutory scheme of section 19 of the Act, placing primary responsibility for safety and health on the separate agencies. It should be noted, however, that the duty of Federal agencies to "observe" the Secretary's guidelines is mandatory and that, pursuant to section 3(5) of the Executive Order, agency programs will be evaluated in terms of the adequacy of their training programs and their consistency with the Secretary's guidelines.

Interested persons are invited to submit in writing data, views and arguments on the proposed regulatory guidelines on or before August 10, 1976. Comments should be directed to the Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, Room N3673, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210. Copies of the comments which are received will be available for public inspection at this address. Changes may be made in the proposed regulatory guidelines as a result of comments which are submitted.

It is proposed to amend 29 CFR Part 1960 by adding the following:

§ 1960.20 Agency safety and health training guidelines.

(a) *Purpose.* The purpose of this section is to establish uniform training guidelines for all agencies, thereby assisting agency heads in meeting the requirement of Section 2, paragraph 4 of Executive Order 11807 to "—provide adequate safety and health training for officials at the different management levels, including supervisory employees, employees responsible for conducting occupational safety and health inspections, and other employees".

(b) *Agency training programs.* Appropriate job-related safety and health training, including training as required in OSHA Safety and Health Standards, should be provided for the following groups: employees, employee representatives, supervisors, senior officials, and safety and health personnel:

(1) Occupational safety and health training for employees as defined in 29 CFR 1960.2(c) should include specialized job safety and health training appropriate to the work performed by the employees, for example: clerical, printing, welding, crane operation, chemical analysis, computer operations, etc. Such training should also include informing employees of their rights and responsibilities under section 19 of the Occupational Safety and Health Act of 1970, Executive Order 11807, 29 CFR Part 1960, and the agency's safety program.

(2) Training for employees of the agency who are representatives of employee groups such as labor organizations which are recognized by the agency should include introductory and specialized courses and materials which will enable such groups to function appropriately in the interest of ensuring safe and healthful working conditions and practices in the workplace, and, in particular, to enable them to effectively assist in the conducting of workplace safety and health inspections. Nothing in this paragraph shall be construed to alter the provisions of Executive Order No. 11491, as amended by Executive Orders Nos. 11636, 11616 and 11838, nor other provisions of law providing for collective bargaining agreements and procedures, nor any agreements entered into pursuant to such provisions.

(3) Supervisors should be trained through introductory and specialized courses, materials, and learning experiences which will enable them to recognize and eliminate occupational safety and health hazards in their working units. Such training should also include the development of requisite skills in managing the agency's safety program within the work unit, including the training and motivation of subordinates toward safe and healthful work practices.

(4) Designated safety and health officials, as defined in § 1960.2(g) and other top management officials should receive orientation and other learning experiences, which will enable them to manage the occupational safety and health programs of their agencies. Such orientation should include coverage of the Occupational Safety and Health Act of 1970, Executive Order 11807, the requirements of 29 CFR Part 1960—Safety and Health Provisions for Federal Employees—and applicable agency safety and health standards.

(5) Safety and health specialists as defined in § 1960.2(h), should be trained through courses, laboratory experiences, field study, and other learning experiences, to perform the necessary technical monitoring, consulting, testing, inspecting, designing, and other tasks which will enable them to determine whether applicable agency standards are being met in the workplace. Training should be designed so as to develop skill in recommending specific corrective actions where standards are not being met and in functioning as consultants to agency management.

(6) Safety and health inspectors, as defined in § 1960.2(i), should be trained through courses, field study, and other learning experiences, to perform inspections of workplaces, including the preparation of reports and documentation to support the results of inspections.

(7) Collateral duty safety personnel should be trained through courses in the basic elements of safety and health planning to organize, plan, and implement an effective safety and health program.

(c) *Department of Labor assistance.* The Department of Labor will provide each Federal agency head with training materials which will assist agencies to fulfill the training needs in paragraph (b) of this section. The Department of Labor will also provide resident and field training courses through the Occupational Safety and Health Training Institute, designed to meet selected training needs of a federal agency's safety and health specialists and/or safety and health inspectors as defined in § 1960.2 (h), (i). These materials and courses in no way reduce the responsibility of each agency to provide whatever specialized training is required by the unique characteristics of its work.

(Secs. 19, 24, 84 Stat. 1609, 1614 (29 U.S.C. 668, 673); and the provisions of E.O. 11807)

Signed at Washington, D.C. this 4th day of June, 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76–17098 Filed 6–10–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2 and 87]

[Docket No. 20123; RM–2622]

AERONAUTICAL ADVISORY FREQUENCIES

Utilization and Assignment

In the matter of utilization and assignment of aeronautical advisory frequencies. Amendment of Part 87 of the FCC rules and regulations regarding utilization and assignment of the aeronautical advisory and aeronautical multicom frequencies.

In the notice of proposed rulemaking in the above-entitled matter (FCC 76–461) released May 26, 1976, the last quoted paragraph of paragraph 20 should read as follows:

As a separate action, AOPA and other user groups are recommending modernization of the FSS system that includes a discontinuance of airport advisory service by FSS on 123.6. Since the FAA has been pushing the procedure of aircraft announcing their position in a traffic pattern at uncontrolled airports, AOPA is suggesting that the FSS stop giving airport advisory service and that 123.6 be assigned for the purpose of announcing position in the traffic pattern. This will remove those announcements from the frequencies used for Unicom and remove a great deal of the existing congestion. The frequency would be restricted to use at traffic pattern altitude so as to reduce the distance that it could interfere with traffic at other airports. Where airports are in very close proximity with overlapping traffic patterns, the fact that a pilot in one could bear a pilot in the other would be an added safety feature.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–17011 Filed 6–10–76;8:45 am]

[47 CFR Part 15]

[Docket No. 20780]

Order Extending Time To File Comments & Reply Comments

In the matter of amendment of Part 15 to redefine and clarify the rules governing restricted radiation devices and low power communication devices.

Several requests for extension of time within which to file Comments in this proceeding have been filed. A review of these requests reveals that an extension is warranted. Accordingly an extension of time to August 23, 1976 for the filing of Comments and September 23 for the filing of Reply Comments is ordered pursuant to § 0.251(b) of the Commission's rules.

Adopted: June 4, 1976.

Released: June 4, 1976.

ASHTON R. HARDY,
General Counsel.

[FR Doc.76–17012 Filed 6–10–76;8:45 am]

[47 CFR Part 97]

[Docket 2077; RM–1429, 2163, 2170, 2330, RM–2429, 2507, 2545, 2550]

AMATEUR RADIO SERVICE

Authorized Emissions

In the matter of deregulation of Part 97 of the Commission's rules regarding emissions authorized in the amateur radio service.

By Chief, Safety and Special Radio Services Bureau:

1. On April 22, 1976, the Commission released a notice of proposed rule making in the above captioned matter. The cutoff dates for filing of comments and reply comments were set at June 23, 1976, and July 23, 1976, respectively. The American Radio Relay League, ARRL, has petitioned to have these dates extended to August 4, 1976, and September 3, 1976, respectively.

2. In support of its petition, ARRL states that the proposals in the Notice, if adopted, may have "far reaching and possible adverse effect upon a substantial number of amateurs licensed by the Commission. . . ." Further, because news of the Notice will be reaching the majority of amateurs in the June issues of amateur publications, there will be insufficient time for many amateurs and amateur groups to adequately formulate their responses.

3. We recognize the desire of the ARRL to make the comments of as many amateurs as possible available to the Commission in this proceeding, and agree that the requested extension of time will make possible more comprehensive consideration of the Commission's proposals.

Accordingly, in view of the foregoing. *It is ordered*, Pursuant to authority contained in §§ 0.331 and 1.46 of the Commission's Rules, that the time for filing comments in Docket 20777 is extended from June 23, 1976, to August 4, 1976, and that the time for filing reply comments is extended from July 23, 1976 to September 3, 1976.

Adopted: June 2, 1976.

Released: June 4, 1976.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.76–17013 Filed 6–10–76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76–16]

LABOR DEPARTMENT, RESIDENTIAL ELECTRIC BILL DATA

United States Bureau of Labor Statistics FPC Form No. 3–P

JUNE 4, 1976.

Pursuant to section 553 of the Administrative Procedure Act, 5 U.S.C. 553 and sections 301, 304, 309 and 311 of the Federal Power Act (49 Stat. 854–856, 858–859; 16 U.S.C. 825(a), 825(b), 825(c), 825s(b), 825c(c), 825h, 825j), the Commission gives notice that it proposes to amend its regulations by adding

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a new § 141.28 to Part 141 of the Approved Forms under the Federal Power Act to revise FPC Form No. 3–P for the collection of electric bill data.

Section 311 of the Federal Power Act (49 Stat. 859; 16 U.S.C. 825j) provides that the Commission is to secure and keep current information relating to the rates, charges and contracts in respect of the sale of electric energy and its service to residential, rural, commercial and industrial consumers and other purchases by private and public agencies. In accordance with section 311 and pursuant to an agreement between the Federal Power Commission and the Bureau of Labor Statistics (Division of Statistical Standards of the Bureau of the Budget) dated November 5, 1940, the Commission has been supplying monthly electric bill data for a selected number of communities to the Bureau of Labor Statistics in order to eliminate duplicate requests among government agencies for information on electric rates.

The data now collected are used in the compilation of the Consumer Price Index and the Wholesale Price Index, the Federal government's official indicators of price movements and are widely used for measuring changes in the Nation's economy. The data, collected on FPC Form No. 3–P, consist of (1) residential electric bill data for the Consumer Price Index, and (2) commercial and industrial electric bill data for the Wholesale Price Index. The Bureau of Labor Statistics determines the data to be collected.

Consumer Price Index: A total of 116 communities (three communities are counted twice—Anchorage, Alaska; Cleveland, Ohio; Portland, Oregon) serviced by eighty-one utilities are canvassed monthly by the Commission to determine the price of electric service to residential customers. In addition, three communities in Alaska (Juneau, Fairbanks and Ketchikan) served by three utilities are canvassed on May 15 and November 15 only. These communities surveyed comprise fifty-six Standard Metropolitan Statistical Areas (SMSA) or Pricing Sample Units (PSU).

A total of 404 residential electric bills comprise the monthly sample for the Consumer Price Index. Between three and five residential bills are reported for each community canvassed. Each residential electric bill consists of a net base bill, a total bill and where applicable a fuel adjustment, sales and/or gross receipts tax, and other tax or charge. If applicable, respondents are also requested to provide the monthly fuel cost and the fuel adjustment per kilowatt-hour and the rate of sales or other tax.

Wholesale Price Index: Eighty-eight cities (thirty-two are also canvassed for residential service and Cleveland, Ohio is counted twice) served by eighty-eight utilities are canvassed monthly to determine the price of electric power to commercial and industrial customers.

A total of 171 electric power bills comprise the monthly sample for the Wholesale Price Index. Four utilities supply bills for commercial service only and one utility supplies a bill for industrial service only. Each commercial and industrial electric bill consists of a net base bill and a total bill, and where applicable, a fuel adjustment and/or other charge. Sales taxes are not to be included, however taxes charged to the utility and passed on to the customer are to be included.

The Bureau of Labor Statistics is presently revising the Consumer Price Index with a scheduled initial publication date of April 1977. The current Index will be continued until September 1977, and then terminated. Both indices will be published during the interim period. No change in the Wholesale Price Index is planned at this time. Pursuant to the revisions being instituted by the Bureau of Labor Statistics, the Commission proposes to make the appropriate changes and additions to its Form No. 3–P. The changes are:

(1) The schedule entitled "Residential Electric Bill Data for U.S. Bureau of Labor Statistics—Consumer Price Index" would be entitled "Schedule 1" in addition.

(2) The schedule entitled "Commercial and Industrial Electric Bill Data for the U.S. Bureau of Labor Statistics—Wholesale Price Index" would also be entitled "Schedule 2" in addition.

The following additional proposed changes all pertain to "Schedule 1":

(3) Bill specifications would not be preprinted on Line 1, Line 7 and Line 13 as is done presently, e.g. 100 kWh, 250 kWh and 500 kWh. Instead, each individual respondent would be given a unique set of kilowatt-hour (kWh) specifications for reporting monthly bills. This will greatly increase the accuracy of the measurement of the Consumer Price Index.

(4) An additional line titled "Subtotal" would be added. This will greatly aid in identifying data for use in two separate indexes; one calculated on bills without taxes and one calculated on bills with taxes.

(5) All applicable taxes would be calculated by respondent and the total amount reported on one line titled "Taxes." This line would replace the lines titled "Sales or gross receipt tax" and "other tax or charge." This will more easily identify the various components of the total price.

(6) The lines titled "Other tax or charge" would read "Other charges." Applicable charges other than taxes would be reported here and would be needed to calculate a subtotal (a bill without taxes).

(7) The lines titled "Total Bill (nearest 1¢)" will read "Total Bill including taxes (nearest 1¢)". This will provide bills with taxes for calculating an index including taxes.

(8) In addition to supplying the fuel cost per kWh and fuel adjustment per kWh as are now required on Line 31 and Line 32 respectively, respondents would be asked to supply Minimum Bill and Minimum Kilowatt-hours included for each specified rate schedule; purchased power adjustment per kWh; power cost adjustment per kWh. This will aid in verification of the bill data and identify the specific type of fuel adjustment as reported on the line titled "Fuel adjustment".

(9) Respondents would also be asked to report applicable tax rates, such as the sales tax, gross receipts tax, franchise tax and others, as well as to report the percent of prompt payment discount. This will aid in verification of the bill data and identify the various taxes reported as a total on the line titled "Taxes".

A sample of revised form No. 3–P is shown in Appendix A.

The utilities required to file the schedules on existing Form No. 3–P and revised Schedule 1 are listed in the several appendices. The fifty-one utilities listed in Appendix B do not currently file Form No. 3–P. They would commence reporting only residential data on revised Schedule 1 as of the date an order issues in this rulemaking. The fourteen utilities listed in Appendix C are currently reporting commercial and industrial data only, and will continue to do so in the future. They do not currently report residential data but would commence reporting residential data on revised Schedule 1 as of the date an order issues in this rulemaking. The fifty-three utilities listed in Appendix D are currently reporting residential data on the existing schedule, and shall continue doing so through September 1977, when such reporting would be terminated. In addition, they would commence reporting residential data on revised Schedule 1 as of the date an order issues in this rulemaking. This short period of paralled reporting will be required for coordination of the revised Schedule 1. The ten utilities listed in Appendix E are currently reporting residential data on the existing schedule and would continue to do so through September 1977 when such reporting shall be terminated. These utilities are currently reporting commercial and industrial data and shall continue to do so. The twenty-one utilities listed in Appendix F are currently reporting on residential data on the existing schedule and would continue to do so through September 1977. At that time all such reporting would be terminated.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 1, 1976 data, views, comments or suggestions in writing concerning all or part of the revisions proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 141 of the Commission's Approved Forms under the Federal Power Act would be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly Sections 301, 304, 309 and 311 (49 Stat. 854–856, 858–859; 16 U.S.C. 825(a), 825(b), 825(c), 825c(b), 825c(c), 825h, 825j).

Accordingly, the Commission proposes to amend Part 141, Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 141.28 revising FPC Form No. 3–P, Monthly Report of Residential, Commercial and Industrial Electric Bill Data, in the format set out in Appendix A attached hereto. New § 141.28 will read as follows:

§ 141.28 Form No. 3–P, Monthly report of residential, commercial and industrial electric bill data.

This form is designed to obtain monthly information concerning residential, commercial and electric bill data. Data collected include the net base bill, fuel adjustment, other charges, taxes, fuel cost per kilowatt-hour (kWh), fuel adjustment per kWh, minimum bill and kWh for each specified rate schedule, tax rates for the sales tax, gross receipts tax, franchise tax and others, as well as the amount of applicable discounts. The data are to be used in computing the Consumer Price Index and the Wholesale Price Index.

The Secretary shall cause prompt publication of this Notice to be made in the FEDERAL REGISTER.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A—REVISED FORM NO. 3–P AND INSTRUCTIONS ON A FORM NO. 3–P

Reference: Monthly Residential, Commercial and Industrial Electric Bill Data for the U.S. Bureau of Labor Statistics—Consumer and Wholesale Price Indexes.

Gentlemen: Your cooperation is requested in providing each month to the Commission specified electric bills for transmittal to the U.S. Bureau of Labor Statistics, for use in computing the Consumer Price Index, Wholesale Price Index and other indexes. These price indexes are the Government's official indicators of price movements and are widely used for measuring changes in the national economy.

Please verify, and if necessary correct, the appropriate bills to be charged to residential, commercial and industrial customers under rates and applicable adjustments effective on the 15th of each month, for the kilowatt-hours specified. The base bills computed should be net bills, after discount for prompt payment or before penalty for late payment. Please report the total amount of applicable fuel adjustment, purchased power and/or power cost adjustment and show basis for this figure on lines 37–40. Other charges should include surcharges, interim rate adjustment or other charges directly affecting the base rate. The subtotal should include all of the above applicable charges before any taxes. The total amount of taxes (including sales, gross receipts, franchise, utility, etc.) should be reported on the line titled 'Taxes' and the rate of tax reported on lines 42–45, as applicable. The 'Total Bill' should include all applicable charges and taxes.

If no change has occurred since the preceding month, simply check the "no change" box at the top of the column for the current month. When any change occurs, please enter the complete bill computation. PLEASE ATTACH ONE COPY OF THE NEW OR REVISED RATE SCHEDULE, IF THE BASE RATE CHANGES.

An envelope requiring no postage is enclosed for your use in returning the schedule to us. PLEASE RETURN THIS SCHEDULE BEFORE THE 25TH OF THE MONTH

Very truly yours,

W. RIDGWAY,
Chief, Bureau of Power

COMMERCIAL AND INDUSTRIAL ELECTRIC BILL DATA FOR BUREAU OF LABOR STATISTICS - Wholesale Price Index

INSTRUCTIONS: Bills should be adjusted to 85% power factor and computed to the nearest cent. Fuel, tax (except sales taxes), commodity or wage level adjustments, if applicable, should be included in the total bill. If bills are changed from those last reported, please insert the revised data.

Where the change is based on new or revised rate schedules ONE COPY of such rate schedules should be enclosed. Detailed specifications for computing these bills are the same as those used for the annual typical bill reports to the Commission.

(If no change enter "✓" in box provided)	19__	19__			
COMMERCIAL - 40 KW, 10,000 KWH BILL	DEC 15 ☐	JAN 15 ☐	FEB 15 ☐	MAR 15 ☐	
Rate Designation					
Net base bill	$	$	$	$	
Fuel adjustment					
Other charges (Specify)					
Total Bill (Nearest 1¢)					
INDUSTRIAL - 500 KW, 200,000 KWH BILL					
Rate Designation					
Net base bill	$	$	$	$	
Fuel adjustment					
Other charges (Specify)					
Total Bill (Nearest 1¢)					
COMMERCIAL - 40 KW, 10,000 KWH BILL	APR 15 ☐	MAY 15 ☐	JUNE 15 ☐	JULY 15 ☐	
Rate Designation					
Net base bill	$	$	$	$	
Fuel adjustment					
Other charges (Specify)					
Total Bill (Nearest 1¢)					
INDUSTRIAL - 500 KW, 200,000 KWH BILL					
Rate Designation					
Net base bill	$	$	$	$	
Fuel adjustment					
Other charges (Specify)					
Total Bill (Nearest 1¢)					
COMMERCIAL - 40 KW, 10,000 KWH BILL	AUG 15 ☐	SEPT 15 ☐	OCT 15 ☐	NOV 15 ☐	DEC 15 ☐
Rate Designation					
Net base bill	$	$	$	$	$
Fuel adjustment					
Other charges (Specify)					
Total Bill (Nearest 1¢)					
INDUSTRIAL - 500 KW, 200,000 KWH BILL					
Rate Designation					
Net base bill	$	$	$	$	$
Fuel adjustment					
Other charges (Specify)					
Total Bill (Nearest 1¢)					

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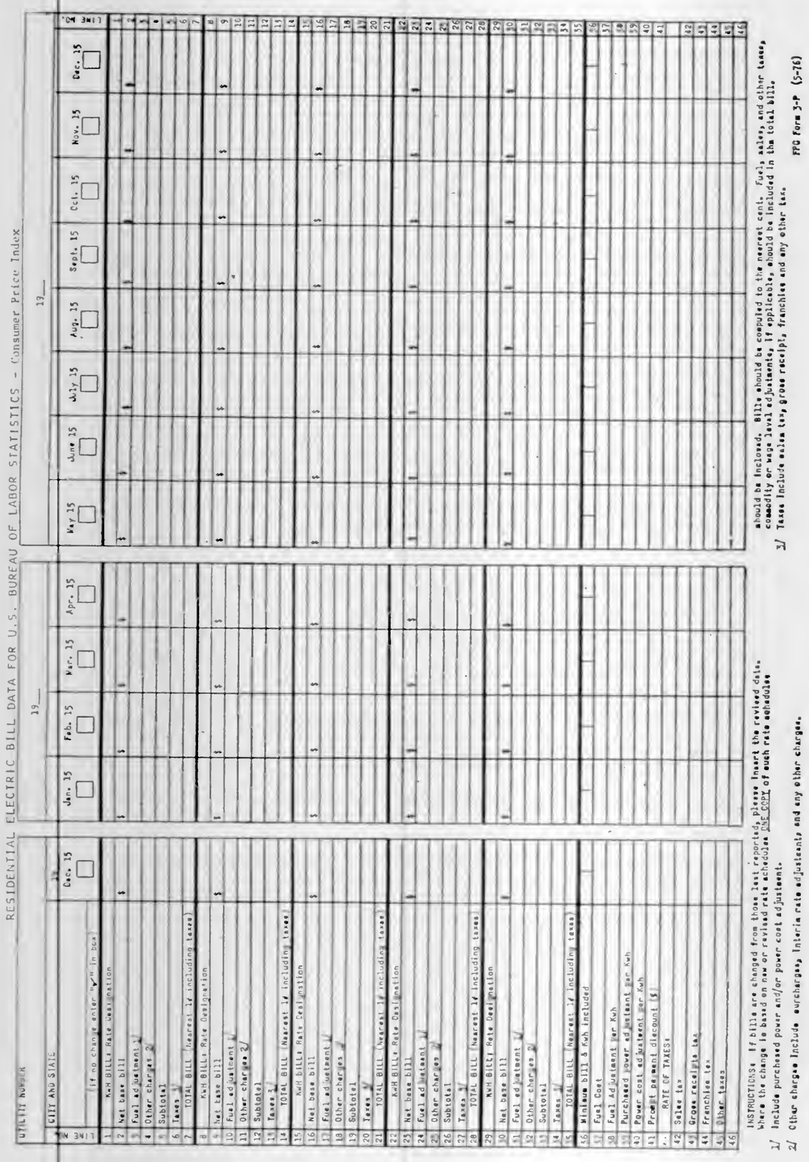
RESIDENTIAL ELECTRIC BILL DATA FOR U.S. BUREAU OF LABOR STATISTICS - Consumer Price Index



FPO Form 3-P (5-76)

1/ Texas include sales tax; gross receipts, franchise and any other tax.

2/ Other charges include surcharges, interim rate adjustments and any other charges.

APPENDIX B

The fifty-one utilities listed in Appendix B do not currently file Form No. 3-P. They would commence reporting only residential data on revised Schedule 1 as of the date an order issues in this rulemaking.

Athens Electric Department, Alabama
Matanuska Electric Association, Inc., Alaska
Tucson Gas & Electric Company, Arizona
Alameda Bureau of Electricity, California
Banning Electric Department, California
Intermountain Rural Electric Association, Colorado
Florida Power Corporation
Tampa Electric Company, Florida
Homestead Municipal Electric Department, Florida
Albany Water, Gas & Light Commission, Georgia
Central Georgia Electric Membership Corp.
Public Service Company of Indiana, Inc.
Iowa-Illinois Gas & Electric Company
Webster City Municipal Light & Power, Iowa
Kentucky Power Company
New Orleans Public Service, Inc., Louisiana
New Bedford Gas & Edison Light Company, Massachusetts
Western Massachusetts Electric Company
Minnesota Power & Light Company
Anoka Water, Light Department (Municipal), Minnesota
Detroit Lakes Municipal Utilities, Minnesota
Wadena Electric & Water Works Department, Minnesota
Mississippi Power Company
Missouri Edison Company
Missouri Power & Light Company
Missouri Public Service Company
Hannibal Board of Public Works, Missouri
Montana Power Company
Grand Island Electric Department, Nebraska
Jersey Central Power & Light Company
Orange & Rockland Utilities, Inc., New York
Rochester Gas & Electric Corp., New York
Carolina Power & Light Company
Columbus & Southern Ohio Electric Company
Toledo Edison Company, Ohio
Painesville Electric Division, Ohio
Central Lincoln People's Utilities District, Oregon
Metropolitan Edison Company, Pennsylvania
Pennsylvania Electric Company
Pennsylvania Power Company
Windber Electric Corporation, Pennsylvania
Blackstone Valley Electric Company, Rhode Island
The Narragansett Electric Company, Rhode Island
South Carolina Electric & Gas Company
The Middle Tennessee Electric Membership Corp.
Community Public Service Company, Texas
Brownsville Public Utilities Board, Texas
Garland Electric Department, Texas
Robstown Utility System, Texas
Logan City Municipal Power & Light Department, Utah
Public Utilities Dist. No. 1 of Cowlitz County, Washington

APPENDIX C

The fourteen utilities listed in Appendix C are currently reporting commercial and industrial data only, and will continue to do so in the future. They do not currently report residential data, but would commence reporting residential data on revised Schedule 1 as of the date an order issues in this rulemaking.

Huntsville Utilities, Alabama
Arkansas Power & Light Company
Colorado Springs Department of Public Utilities, Colorado
United Illuminating Company, Connecticut
Florida Power & Light Company
Louisville Gas & Electric Company, Kentucky
Louisiana Power & Light Company
Chicopee Electric Light Department, Massachusetts
Nebraska Public Power District
Ohio Edison Company
Memphis Light, Gas & Water Division, Tennessee
Texas Electric Service Company
San Antonio Public Service Board, Texas
Appalachian Power Company, Virginia

APPENDIX D

The fifty-three utilities listed in Appendix D are currently reporting residential data on the existing schedule, and shall continue doing so through September 1977, when such reporting shall be terminated. In addition, they would commence reporting residential data on revised Schedule 1 as of the date an order issues in this rulemaking.

Anchorage Munic. Light & Power Department, Alaska
Chugach Electric Association, Inc., Alaska
Pacific Gas & Electric Company, California
San Diego Gas & Electric Company, California
Southern California Edison Company
Los Angeles Department of Water & Power, California
Public Service Company of Colorado
Connecticut Light & Power Company
Potomac Electric Power Company, District of Columbia
Georgia Power Company
Hawaiian Electric Company, Inc.
Commonwealth Edison Company, Illinois
Illinois Power Company
Indianapolis Power & Light Company, Indiana
Central Maine Power Company
Baltimore Gas & Electric Company, Maryland
Boston Edison Company, Massachusetts
Brockton Edison Company, Massachusetts
Cambridge Electric Light Company, Massachusetts
Massachusetts Electric Company
Consumers Power Company, Michigan
Detroit Edison Company, Michigan
Northern States Power Company (Minn.)
Kansas City Power & Light Company, Missouri
Union Electric Company, Missouri
Independence Power & Light Department, Missouri
Public Service Electric & Gas Company, New Jersey
Consolidated Edison Company of N.Y., Inc.
Long Island Lighting Company, New York
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation, New York
Duke Power Company, North Carolina
Cincinnati Gas & Electric Company, Ohio
Cleveland Electric Illuminating Company, Ohio
Ohio Power Company
Pacific Power & Light Company, Oregon
Portland General Electric Company, Oregon
Duquesne Light Company, Pennsylvania
Pennsylvania Power & Light Company
Philadelphia Electric Company, Pennsylvania
West Penn Power Company
Nashville Electric Service, Tennessee
Central Power & Light Company, Texas
Dallas Power & Light Company, Texas
Gulf States Utilities Company, Texas
Houston Lighting & Power Company, Texas
Texas Power & Light Company
Utah Power & Light Company
Virginia Electric Power Company
Puget Sound Power & Light Company, Washington
Public Utility Dist. No. 1 of Snohomish County, Washington
Seattle Department of Lighting, Washington
Wisconsin Electric Power Company

APPENDIX E

The ten utilities listed in Appendix E are currently reporting residential data on the existing schedule and would continue to do so through September 1977 when such reporting shall be terminated. These utilities are currently reporting commercial and industrial data and would continue to do so.

Hartford Electric Light Company, Connecticut
Orlando Utilities Commission, Florida
Kansas Gas & Electric Company
Kansas City Board of Public Utilities, Kansas
Braintree Electric Light Department, Massachusetts
Peabody Municipal Light Plant, Massachusetts
Reading Municipal Light Department, Massachusetts
Mississippi Power & Light Company
Cleveland Division of Light & Power, Ohio
Austin Electric Department, Texas

APPENDIX F

The twenty-one utilities listed in Appendix F are currently reporting only residential data on the existing schedule, and would continue doing so through September 1977. At that time, all such reporting would be terminated.

Florence Electricity Department, Alabama
Alaska Electric Light & Power Company
Fairbanks Municipal Utilities System, Alaska
Ketchikan Public Utilities, Alaska
College Park Munic. Elec. Light Department, Georgia
East Point Municipal Electric Department, Georgia
Northern Indiana Public Service Company
Logansport Municipal Utilities, Indiana
Iowa Electric Light Power Company
Union Light, Heat & Power Company, Kentucky
Wellesley Municipal Light Plant, Massachusetts
Niles Board of Public Works, Michigan
Otter Tail Power Company, Minnesota
Nevada Power Company
Atlantic City Electric Company, New Jersey
Central Hudson Gas & Electric Corp., New York
The Dayton Power & Light Company, Ohio
Mangum Light & Power Department, Oklahoma
Union Utility Department, South Carolina
Martinsville Municipal Electric Department, Virginia
Wisconsin Public Service Corporation

[FR Doc.76-16926 Filed 6-10-76;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1611]

ELIGIBILITY

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996l ("the Act"), for purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(a)(2) of the Act requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, eligibility guidelines which take into account certain enumerated factors, and priorities to insure that persons least able to afford legal assistance are given preference in furnishing such assistance.

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Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning eligibility for legal assistance. Public comment will be received by the Corporation at its headquarters office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before July 12, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1611 is added in proposed form as set forth below:

PART 1611—ELIGIBILITY

Sec.
1611.1 Purpose.
1611.2 Definition.
1611.3 Maximum income level.
1611.4 Authorized exceptions.
1611.5 Determination of eligibility.
1611.6 Manner of determining eligibility
1611.7 Change in circumstances.
1611.8 Priorities.

AUTHORITY: Section 1007(a)(2); 42 U.S.C. 2996(a)(2).

§ 1611.1 Purpose.

This part is designed to insure that a recipient will determine eligibility according to criteria that give preference to the legal needs of those least able to obtain legal assistance, and still afford sufficient latitude for a recipient to consider local circumstances and its own resource limitations. The Part also seeks to insure that eligibility is determined in a manner conducive to development of an effective attorney-client relationship.

§ 1611.2 Definition.

"Income" means actual current gross annual income of all persons who are members of, and contribute to, the support of a family unit.

§ 1611.3 Maximum income level.

(a) Every recipient shall establish a maximum income level for persons receiving legal assistance under the Act. Unless specifically authorized by the Corporation, the income level chosen shall not deviate more than twenty-five percent (25%) from the maximum income level established periodically by the Corporation, which shall be the official poverty threshold, as defined by the Office of Management and Budget, and modified, when necessary, by the percentage change in the National Consumer Price Index, published by the Bureau of Labor Statistics, for the period since the last OMB definition. The maximum income level chosen by a recipient shall take into account the following factors:

(1) Cost-of-living in the locality;

(2) The population at and below alternative income levels in the geographic area served by the recipient; and

(3) The number of clients that can be served by the resources of the recipient.

(b) Unless authorized by § 1611.4, no person whose income exceeds the maximum income level established by a recipient shall be eligible for legal assistance under the Act.

§ 1611.4 Authorized exceptions.

A person whose income exceeds the maximum income level established by a recipient pursuant to § 1611.3 may not be provided legal assistance under the Act unless;

(a) The person's circumstances require that an exception be made on the basis of one or more of the factors set forth in § 1611.5(b); or

(b) The person is seeking legal assistance to obtain or prevent the loss of benefits provided by a governmental program for the poor; or

(c) The person's income is derived, in major part, from benefits provided by governmental programs for the poor.

§ 1611.5 Determination of eligibility.

(a) The governing body of a recipient shall adopt guidelines, consistent with these regulations, for determining the eligibility of persons seeking legal assistance under the Act. At least once a year, guidelines shall be reviewed and appropriate adjustments made.

(b) In addition to annual income, a recipient shall consider other relevant factors indicating that legal assistance should be denied, or that an exception should be made pursuant to § 1611.4(c). Factors considered shall include:

(1) Seasonal variations in income;

(2) Liquid net assets;

(3) Fixed debts and obligations, medical expenses, child care expenses necessary for employment;

(4) Age or physical infirmity of family members;

(5) Other factors related to financial inability to afford legal assistance; and

(6) Priorities adopted by the governing body.

(c) Evidence of a prior administrative or judicial determination that a person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment, shall disqualify the person from receiving legal assistance under the Act. This paragraph does not bar provision of legal assistance to an otherwise eligible person who seeks representation in order to challenge the prior determination.

(d) A recipient may provide legal assistance to a group or association if:

(1) The group is primarily composed of persons eligible for legal assistance under the Act, or

(2) The primary purpose of the group is to represent the interests of persons in the community unable to afford legal assistance, and

(3) The group provides information showing that it lacks, and has no practical means of obtaining funds to retain private counsel.[1]

[1] The original draft of the eligibility regulation contained the additional requirement that, for a recipient to provide legal assistance to a group or association:

"two members or representatives of the group [must] establish their own eligibility by furnishing the information required by the form referred to in § 1611.6(a)."
Although this requirement was deleted at the request of the Board of Directors, the Corporation invites comment on the advisability of including such a requirement.

§ 1611.6 Manner of determining eligibility.

(a) A recipient shall adopt a simple form and procedure for obtaining from a potential client, in a manner that promotes the development of trust between attorney and client, eligibility information required by its guidelines and by the Corporation. The form and procedure adopted shall be subject to approval by the Corporation, and eligibility information shall be preserved, in a manner that protects confidentiality, for audit by the Corporation.

(b) If there is substantial reason to doubt the accuracy of eligibility information, a recipient shall make appropriate inquiry to verify it, in a manner consistent with an attorney-client relationship.

§ 1611.7 Change in circumstances.

If an eligible client becomes ineligible through a change in circumstances, a recipient shall discontinue representation if the change in circumstances is sufficiently stable for the client to obtain private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities.

§ 1611.8 Priorities.

To insure that the legal needs of persons least able to afford legal assistance are given preference, a recipient shall adopt procedures for establishing priorities in the allocation of its resources. The following factors shall be among those considered in establishing priorities:

(a) The resources of the recipient;

(b) The size of the financially eligible population in the geographic area served by the recipient;

(c) The availability of another source of legal assistance in a particular category of cases or matters;

(d) The urgency of particular legal problems of the clients of the recipient; and

(e) The general effect of the resolution of a particular category of cases or matters on persons least able to afford legal assistance in the community served.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-16964 Filed 6-10-76;8:45 am]

[45 CFR Part 1613]

RESTRICTIONS ON LEGAL ASSISTANCE WITH RESPECT TO CRIMINAL PROCEEDINGS

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(b)(1) of the Act restricts the use of Corporation funds in criminal proceedings.

Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning restrictions on legal assistance with respect to criminal proceedings. Public comment will be received by the Corporation at its headquarters office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before July 12, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1613 is added in proposed form as set forth below:

PART 1613—RESTRICTIONS ON LEGAL ASSISTANCE WITH RESPECT TO CRIMINAL PROCEEDINGS

Sec.
1613.1 Purpose.
1613.2 Definition.
1613.3 Prohibition.
1613.4 Authorized representation.

AUTHORITY: Section 1007(b)(1); 42 U.S.C. 2996f(b)(1).

§ 1613.1 Purpose.

This Part is designed to insure that Corporation funds will not be used to provide legal assistance with respect to criminal proceedings unless such assistance is required as part of an attorney's responsibilities as a member of the Bar.

§ 1613.2 Definition.

"Criminal proceeding" means the adversary judicial process initiated by a formal complaint, information, or indictment charging a person with an offense punishable by death, imprisonment, or a jail sentence, but does not include a misdemeanor or lesser offense tried in an Indian tribal court.

§ 1613.3 Prohibition.

Corporation funds shall not be used to provide legal assistance with respect to a criminal proceeding, unless authorized by § 1613.4.

§ 1613.4 Authorized representation.

Legal assistance may be provided with respect to a criminal proceeding

(a) Pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the recipient after a determination that it is consistent with the recipient's primary responsibility to provide legal assistance to eligible clients in civil matters; or

(b) When professional responsibility requires continued representation of a juvenile pursuant to § 1614.6.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-16965 Filed 6-10-76;8:45 am]

[45 CFR Part 1614]

RESTRICTIONS ON LEGAL ASSISTANCE TO JUVENILES

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(b)(4) of the Act restricts the use of Corporation funds in the representation of juveniles.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning restrictions on legal assistance to juveniles. Public comment will be received by the Corporation at its headquarters office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before July 12, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1614 is added in proposed form as set forth below:

PART 1614—RESTRICTIONS ON LEGAL ASSISTANCE TO JUVENILES

Sec.
1614.1 Purpose.
1614.2 Definitions.
1614.3 Restrictions.
1614.4 Request of a parent, guardian, or court.
1614.5 Representation without request of a parent, guardian, or court.
1614.6 Continuity of representation.

AUTHORITY: Section 1007(b)(4); 42 U.S.C. 2996f(b)(4).

§ 1614.1 Purpose.

This part is designed to prevent improper interference in parent-child relationships, while permitting legal assistance when it is necessary to protect essential rights of a juvenile.

§ 1614.2 Definitions.

As used in this part,

(a) "Guardian" means a person or institution lawfully appointed to protect the interests of a juvenile.

(b) "Institution" means any facility, public or private, providing a juvenile with shelter, care, education or other services.

(c) "Juvenile" means any person less than 18 years of age who is not emancipated under applicable law.

§ 1614.3 Restrictions.

(a) Corporation funds shall not be used to provide legal assistance to a juvenile, unless authorized by this part.

(b) Legal assistance shall not be provided in criminal proceedings, as defined in § 1613.2, unless required as part of an attorney's professional responsibilities, as provided for in § 1613.4 or § 1614.6.

(c) Legal assistance may be provided with respect to a case, matter, or proceeding in which a juvenile has a legal right to appointed counsel:

(1) Pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or

(2) At the request of a court if reasonable compensation is provided to the recipient furnishing assistance; or

(3) At the request of the juvenile, or a parent or guardian of the juvenile, if no other counsel can be obtained.

§ 1614.4 Request of a parent, guardian, or court.

Subject to § 1614.3, legal assistance may be provided to a juvenile

(a) When the written request of a parent or guardian of the juvenile is received; or

(b) At the request of an official or agent of a court of competent jurisdiction.

§ 1614.5 Representation without request of a parent, guardian, or court.

Subject to § 1614.3, legal assistance may be provided to a juvenile without a request from a parent, guardian, or court in

(a) Cases, proceedings, or matters

(1) Involving child abuse or neglect;

(2) To determine legal custody or guardianship of a juvenile;

(3) In which a court has jurisdiction by reason of a juvenile's alleged need for supervision and control, including but not limited to proceedings formally designed for persons in need of supervision (PINS) under state law; or

(4) Involving the initiation, continuation, or conditions of institutionalization of a juvenile; and

(b) When no judicial action is commenced against the parent or non-institutional guardian of the juvenile, legal assistance may be provided

(1) To secure or prevent the loss of benefits or services, or

(2) To prevent the imposition of services against the will of the juvenile.

§ 1614.6 Continuity of representation.

If a criminal proceeding, as defined in § 1613.2, arises out of a case, proceeding, or matter with respect to which a juvenile has received assistance authorized by this Part, an attorney should make a good faith effort, consistent with professional responsibility, to obtain approval of the court to withdraw from representation in the criminal proceed-

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ing, but may continue to provide representation unless relieved by the court.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-16966 Filed 6-10-76;8:45 am]

[45 CFR Part 1615]

RESTRICTIONS ON ACTIONS CHALLENGING CRIMINAL CONVICTIONS

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(b)(1) of the Act restricts the use of Corporation funds in civil actions challenging criminal convictions.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning restrictions on actions challenging criminal convictions. Public comment will be received by the Corporation at its headquarters office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before July 12, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1615 is added in proposed form as set forth below:

PART 1615—RESTRICTIONS ON ACTIONS CHALLENGING CRIMINAL CONVICTIONS

Sec.
1615.1 Purpose.
1615.2 Prohibition.
1615.3 Application of this part.

AUTHORITY: Section 1007(b)(1); 42 U.S.C. 2996f(b)(1).

§ 1615.1 Purpose.

This part prohibits the provision of legal assistance in certain actions brought to challenge criminal convictions.

§ 1615.2 Prohibition.

Except as authorized by § 1615.3, no Corporation funds shall be uesd to provide legal assistance in an action challenging the validity of a criminal conviction, if the action

(a) Is brought against an officer of a court, a law enforcement official, or a public officer who has custody of a convicted person; and

(b) Alleges that the conviction is invalid because of any misfeasance or nonfeasance.

§ 1615.3 Application of this part.

This part does not prohibit legal assistance

(a) To challenge a conviction resulting from a criminal proceeding in which the defendant received representation from the recipient pursuant to §§ 1613.4 and 1614.6; or

(b) Pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the recipient after a determination that it is consistent with the primary responsibility of the recipient to provide legal assistance to eligible clients in civil matters.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-16967 Filed 6-10-76;8:45 am]

[45 CFR Part 1616]

ATTORNEY HIRING

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(a)(8) of the Act provides that the Corporation shall ensure that recipients solicit recommendations of the local bar in filling staff attorney positions, giving preference to qualified local residents; section 1006(b)(6) requires the Corporation to provide, to the extent feasible, in areas where a language other than English is the principal language of significant numbers of eligible clients, that such language is used in the provision of legal assistance to those clients; and section 1006(b)(4) limits compensation to attorneys admitted or authorized to practice law or to provide legal assistance in the jurisdiction where such assistance is provided.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning attorney hiring. Public comment will be received by the Corporation at its headquarters office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before July 12, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1616 is added in proposed form as set forth below:

PART 1616—ATTORNEY HIRING

Sec.
1616.1 Purpose.
1616.2 Definition.
1616.3 Qualifications.
1616.4 Recommendations.
1616.5 Preference to local applicants.
1616.6 Equal employment opportunity.

AUTHORITY: Sections 1007(a)(8); 1006(b)(6); 1006(b)(4) (42 U.S.C. 2996f(a)(8); 2996e(b)(6); 2996e(b)(4)).

§ 1616.1 Purpose.

This part is designed to promote a cooperative relationship between a recipient and the local Bar and community, and to insure that a recipient will choose the most highly qualified attorneys for its staff.

§ 1616.2 Definition.

"Community", as used in this part, means the geographical area most closely corresponding to the area served by a recipient.

§ 1616.3 Qualifications.

A recipient shall establish qualifications for individual positions for attorneys providing legal assistance under the Act, that may include, among other relevant factors:

(a) Academic training and performance;

(b) The nature and extent of prior legal experience;

(c) Knowledge and understanding of:

(1) The legal problems of the poor, and

(2) The provision of legal services to the poor;

(d) Prior working experience in the client community, or in other programs to aid the poor;

(e) Ability to communicate with persons in the client community, including, in areas where significant numbers of eligible clients speak a language other than English as their principal language, ability to speak that language; and

(f) Cultural similarity with the client community.

§ 1616.4 Recommendations.

(a) Before filling an attorney position, a recipient shall notify the organized Bar in the Community of the existence of a vacancy, and seek recommendations for attorneys who meet the qualifications established for the position.

(b) A recipient shall similarly notify and seek recommendations from other organizations, deemed appropriate by the recipient, that have knowledge of the legal needs of persons in the community unable to afford legal assistance.

§ 1616.5 Preference to local applicants.

When equally qualified applicants are under consideration for an attorney position, a recipient shall give preference to an applicant residing in the community to be served.

§ 1616.6 Equal employment opportunity.

A recipient shall adopt employment qualifications, procedures, and policies that meet the requirements of applicable laws prohibiting discrimination in employment, and shall take affirmative action to insure equal employment opportunity.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-16968 Filed 6-10-76;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2602]

PREMIUM PAYMENT AND DECLARATION

Notice of Proposed Rulemaking

CROSS REFERENCE

For a document on the above subject, see FR Doc. 76-16803, appearing at page 23212, in the issue for Wednesday, June 9, 1976.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

BUSINESS LOAN POLICY

Proposed Amendment To Clarify "Media" Policy

Section 120.2(d)(4) of SBA's Regulations (13 CFR 120.2(d)(4)) sets forth SBA's policy that small businesses distributing ideas, opinions or similar communications to the general public (opinion molders) are generally ineligible for loan assistance.

SBA proposes to amend this section to clarify the scope of this policy and identify existing exceptions. This amendment makes it possible for pospective loan applicants to determine whether their businesses would be eligible for SBA loan assistance.

Interested persons are invited to make written comments on this proposed amendment. All comments should be addressed to John T. Wettach, Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Comments received on or before July 12, 1976 will be considered before this amendment is republished in final form.

(72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634.)

It is proposed to amend § 120.2(d)(4) as follows:

§ 120.2 Business Loans and Guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

* * * * *

(d) Financial assistance will not be granted by SBA:

* * * * *

(4) If the applicant is engaged in the creation, origination, expression, dissemination, propagation or distribution of ideas, values, thoughts, opinions or similar intellectual property, regardless of medium, form, or content. Financial assistance to such applicants is barred in order to avoid Government interference, or the appearance thereof, with the constitutionally protected freedoms of speech and press. *Provided, however,* That nothing herein shall preclude finance to any otherwise eligible applicant engaged in one or more of the following activities:

(i) Printing: A firm solely engaged in commercial or job printing, if there is no common ownership with any concern ineligible under this subparagraph (4) and the printer has no direct financial interest in the commercial success of the material so produced.

(ii) Publishing, etc.: Publishers of shoppers' newspapers or circulars consisting of advertising material only, without editorial, narrative or filler material. All other publishers, including so-called "vanity" publishers, as well as producers, importers, exporters or distributors of communications, including newspapers, magazines, books, greeting cards, sheet music, pictures, posters, film, tape, live broadcasts, recordings or reproductions of sight, sound or musical programs or products, or theatrical productions, are ineligible. For an exception to the foregoing rule, see paragraph (d)(v) of this section.

(iii) Advertising and technical material: Firms producing advertisements and promotional material for a client's goods or services, or of technical or instructional material relating to such goods or services.

(iv) Reproduction: Firms providing motion picture, videotape, sound recording or theatrical technical production facilities, or the technical reproduction of motion picture, videotape or sound recordings without editorial or artistic participation therein, without a direct interest in the commercial success of material so produced, and without common ownership between the concern providing such services and the concern interested in such success.

(v) Cable TV: Cable TV operations only where operators are solely engaged in the passive and contemporaneous retransmission of programs originating elsewhere, with no capacity to originate live or taped programs, whether or not such capacity is required by law or any governmental agency.

(vi) Education: Vocational, technical and other nonacademic schools which do not also teach academic subjects; and nursery and pregrade schools if they are not primarily engaged in teaching academic subjects.

(vii) Distributors of books, etc. General merchandise stores also selling books, newspapers, magazines, records, etc., and general book or music (record) stores. Specialty stores primarily selling products that promote or advocate ideas, including ideological, political or philosophical viewpoints, and specialized delivery, distribution or transportation concerns limited to the distribution of ineligible material (such as books, newspapers, etc.), are ineligible.

* * * * *

Dated: June 5, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-16969 Filed 6-10-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN FASTENERS FROM JAPAN

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on April 21, 1976, alleging that payments or bestowals, conferred by the Government of Japan upon the manufacture, production or exportation of nuts, bolts, and cap screws having shanks or threads over 0.24 inch in diameter, of iron or steel, from Japan constitute the payment of bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to section 303(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1303 (a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued with 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than October 21, 1976, as to whether or not the alleged payments or bestowals conferred by the Government of Japan upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than April 21, 1977.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: June 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-16992 Filed 6-10-76;8:45 am]

ROUND HEAD STEEL DRUM PLUGS FROM JAPAN

Antidumping Proceeding Notice

On May 5, 1976, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from Allen-Stevens Drum Accessories Corporation of Somerset, New Jersey, indicating a possibility that round head steel drum plugs from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

For purposes of this notice, the term "round head steel drum plugs" includes such items whether or not plated or coated with zinc or other nonprecious metal, and whether or not furnished with gaskets.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. Available information indicates that there may have been some price depression and loss of profitability to the petitioner as a result of alleged less than fair value imports from Japan.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of price information received from all sources is as follows:

The information received tends to indicate that the price of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-16993 Filed 6-10-76;8:45 am]

Internal Revenue Service

[Order No. 59 (Rev. 7)]

CASHIERS FOR INVESTIGATIVE PURPOSES

Delegation Order

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 152 (Revised), dated October 15, 1959, there is hereby delegated to the officials named below the authority to determine the need for imprest funds for investigative purposes, and the locations at which such imprest funds are required; to request the designation of officers and employees to serve as cashiers with authority to hold cash for investigative purposes; to request the revocation of such designations; and to request the amount of advance to be carried by each such cashier:

Fiscal Management Officer
Assistant Fiscal Management Officer
Chief, Accounting Branch, Fiscal Management Division
Chief, Fiscal Section, Fiscal Management Division
Regional Commissioners
Assistant Regional Commissioners (Administration)
Chiefs, Fiscal Management Branches
Chiefs, Fiscal Sections, Fiscal Management Branches

The authority delegated herein may not be redelegated.

This Order supersedes Delegation Order No. 59 (Rev. 6), issued January 30, 1976.

Issued June 9, 1976.

Effective June 24, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-17092 Filed 6-10-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

ALARM COMMITTEE OF THE PRIVATE SECURITY ADVISORY COUNCIL

Rescheduled Meeting

Notice is hereby given of a change in the dates of a meeting previously announced in the Thursday, June 3, 1976, issue of the FEDERAL REGISTER.

The Alarm Committee of LEAA's Private Security Advisory Council (PSAC) will meet Tuesday and Wednesday, June 29 & 30, 1976, instead of June 24 & 25, as previously announced. The meeting will convene at 9 a.m., June 29 at the Imperial House, 4343 Everhard Road, in Canton, Ohio. The meeting is scheduled to adjourn by noon, June 30.

Topics under discussion will be: (1) Communication problems of the alarm industry; and (2) requirements of a proposed study of the false alarm problem. The meeting will be open to the public.

For further information, please contact: Mr. Irving Slott, Director, Program Evaluation and Monitoring Staff, Office of Regional Operations, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. 202/376-3830.

JAY A. BROZOST,
Attorney-Adviser,
Office of General Counsel.

[FR Doc.76-16944 Filed 6-10-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENT

Public Meetings

The Bonneville Power Administration hereby gives notice of a series of public meetings to be held to discuss BPA's Fiscal Year 1978 Draft Environmental Statement. The purpose of the meetings is twofold: to present to the public BPA's proposed Fiscal Year 1978 Program, and to elicit comments from the public with respect to the environmental impact of EPA's proposed program. The dates, hours, and places of these meetings are as follows: July 19, 1976, 8 p.m., Ellensburg City Hall, Ellensburg, Washington; July 21, 1976, 11 a.m., Friday Harbor Grange Hall, Friday Harbor, Washington; July 22, 1976, 7:30 p.m., Lincoln First Federal Savings and Loan, Meeting Room, Ritzville, Washington.

For those who cannot attend any of these meetings, written comments will be accepted until the end of the close of comment period, which is July 30, 1976.

Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; (503) 234-3361, Ext. 5136.

Dated: June 9, 1976.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.76-17156 Filed 6-10-76;8:45 am]

Bureau of Land Management

AREA MANAGERS, NEW MEXICO

Redelegation of Authority

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492: 29 FR 10526), as amended, the Area Managers of the Farmington, Rio Peurco, and Rio Grande-Las Vegas Resource Areas of the Albuquerque District, New Mexico, are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, Part III, as amended (including redelegations made by the State Director in accordance with Part I, Section 1.1(a), together with any limitations specified below).

(1) Section 3.9(g): Material other than forest products not exceeding $500.00 in value.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective June 1, 1976.

R. KEITH MILLER,
District Manager.

Approved: June 1, 1976.

ARTHUR W. ZIMMERMAN,
State Director.

[FR Doc.76-16962 Filed 6-10-76;8:45 am]

[NM 28225]

NEW MEXICO

Application

JUNE 3, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 1, lot 8.
T. 21 S., R. 27 E.,
Sec. 6, lots 4 and 5.

This pipeline will convey natural gas across .395 of a mile of natural resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-16946 Filed 6-10-76;8:45 am]

Geological Survey

GULF OF MEXICO

Revision of OCS Order No. 6 Completion and Workover Operations

On December 11, 1974, notice was given of the intention of the Geological Survey to develop a new Outer Continental Shelf (OCS) Order to provide requirements for oil and gas well completion and workover procedures for the Gulf of Mexico Area. On January 6, 1975, notice was given of the intention to incorporate such requirements in a revision of existing OCS Order No. 6 for both the Pacific and Gulf of Mexico Areas.

Notice is now given that the comments on the intention to revise OCS Order No. 6 have been reviewed and a draft revised OCS Order No. 6, Gulf of Mexico Area, is proposed below. The proposed Order includes requirements for initial completion operations and the various workover operations which may occur during the remaining well life.

Comments are solicited from the general public and interested parties on the content of the proposed OCS Order No. 6, Gulf of Mexico Area. Such comments should be forwarded to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, Reston, Virginia 22092, to arrive no later than August 3, 1976.

W. A. RADLINSKI,
Acting Director.

OCS ORDER NO. 6

Effective (Date)

COMPLETION AND WORKOVER OPERATIONS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11. All completion and workover operations on oil and gas wells shall be carried out in accordance with 30 CFR 250.36, 250.92, and the provisions of this Order.

Completion operations shall be considered as the initial effort to test and to commence producing a new well drilled according to a plan under 30 CFR 250.34. Workover operations follow the initial completion effort and the first sustained production period. All such operations seeking to change the condition of a well shall be responsive to this Order. Completion operations (not previously approved) and workover operations shall be approved under 30 CFR 250.36, using the appropriate application forms required in 250.91 or 250.92. Such operations may include, but shall not be limited to, deepening, plugging back, repairing, acidizing or other stimulation work, perforating, sidetracking, and squeeze cementing.

Multiple completion and workover operations require approval through submittal of Form 9-331, accompanied by a well schematic and the proposed blowout-preventer arrangement. Certain wireline operations are no more than service work and therefore do not require approval by the District Supervisor. However, all such operations shall comply with the procedures following.

Blowout preventers and other surface pressure-control equipment shall be rated at a working pressure which is at least as high as the maximum anticipated pressure to be encountered. The maximum anticipated pressure shall be determined from reservoir data in the area and from the gradient of the reservoir fluids over the well depth.

Blowout preventers and related well-control equipment shall be installed, used, and tested in a manner necessary to prevent blowouts.

An operable back-pressure valve and safety valve to fit each drill pipe or tubing workstring shall be available for use on the rig floor and shall have a pressure rating exceeding the anticipated maximum well pressure.

1. *Conventional Rig Operations.* Conventional rig operations imply that the wellhead assembly is not connected and that surface control of the well in the event of a blowout depends entirely on the blowout preventers. Although not always the case, as when the wellhead assembly is installed above the blowout preventers for production tests, the blowout preventers shall still be considered as the primary control element for purposes of this Order.

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A. *Blowout-Preventer Requirements.* Before working below the intermediate casing depth, set in accordance with OCS Order No. 2, Gulf of Mexico Area, or at any depth where the shut-in tubing pressure at the surface may be in excess of 5,000 psi, the blowout-preventer equipment shall include a minimum of: (1) four remotely controlled, hydraulically operated blowout preventers with a working pressure which exceeds the maximum anticipated surface pressure, including at least two preventers equipped with pipe rams, one with blind rams, and one annular type; (2) a drilling spool with side outlets, if side outlets are not provided in the blowout-preventer body; (3) a choke line and manifold; (4) a kill line separate from the choke line; and (5) a fill-up line.

For lesser depths and/or pressures than the above, the blowout-prevention equipment shall include at least three remotely controlled, hydraulically operated blowout preventers with a working pressure which exceeds the maximum anticipated surface pressure, one being equipped with pipe rams, another with blind rams, and the third with an annular type.

An operable remote blowout-preventer control station shall be provided in addition to the one on the rig floor.

(1) *Pressure Testing.* The ram-type blowout preventers and related-control equipment shall be pressure tested to the rated working pressure of the stack assembly, or to 70.0% of the casing minimum internal yield pressure (as indicated in API Bul. 5C2), whichever is less: (1) when installed; (2) not less than once each week using each of the control stations alternately; and (3) following repairs that reequire disconnecting a pressure seal in the assembly. The annular-type preventer shall be pressure-tested to 70.0% of the above pressure limits.

(2) *Actuation.* The ram-type blowout preventers shall be actuated to test proper functioning at least once each day or as is consistent with safe operating procedures. The annular-type blowout preventer shall be actuated on the workstring in use once each day. Accumulators and/or pumps shall maintain a pressure capacity reserve at all times to provide for repeated operations of hydraulic preventers.

(3) *Drills.* A blowout-prevention drill for each workover crew shall be conducted at the beginning of workover operations and not less than once every seven days thereafter.

(4) *Records.* All tests and drills shall be recorded in the log.

B. *Well-Control Fluid.* The characteristics and use of drilling mud or other well-control fluid shall be such as are necessary to prevent the blowout of any well. Quantities of such materials sufficient to insure well control shall be maintained readily accessible for use at all times. The type, weight, and volume of fluid to be used, as well as the quantities of dry materials, shall be submitted with the competition or workover application. The type and weight of fluid to be left in the hubing-casing annulus shall also be submitted.

(1) *Well Control During Trips.* A back-pressure valve shall be installed in each tubing string before removing the wellhead and installing blowout preventers.

Before retrieving the well tubing from the well bore, each tubing string and the casing annulus shall be circulated with drilling mud or other well-control fluid preliminary to or concurrently with the release of each packer or as each tubing string is released from a packer.

If circulation at or near packer depth is not possible, a shallow point of circulation may be used provided a well-control fluid sufficiently heavy to overbalance formation pressures is circulated. Fill-up operations shall be monitored during all trips out of the hole. The hole shall be filled before the fluid level drops as much as 200 feet by accurately measured volumes of the well-control fluid. The number of stands of the workstring that may be pulled between the times of filling the hole shall be calculated and posted. The number of barrels and pump strokes required ot fill the hole for the designated number of workstring stands shall be posted.

C. *Tubing and Wellhead Requirements.* A conventional completion shall be considered as one with one or more tubing strings inside a production string of casing. A tubingless completion shall be considered as one with one or more tubing strings cemented in the open hole.

All tubing strings, whether for a conventional or a tubingless completion, shall have a rated minimum internal yield pressure (as indicated in API Bul. 5C2) at least 20.0% higher than the shut-in pressures from reservoirs flowing through such strings. All tubing strings shall be tested accordingly to such maximum anticipated pressures or higher before commencing production. Only new tubing shall be run in wells where corrosive conditions exist. Such tubing may be plastic coated internally, but each installation must meet the manufacturer's specifications as to temperature and well fluid characteristics.

(1) *Single and Multiple Completions.* Information shall be submitted on, or enclosed to, Form 9–331, showing the top and bottom of all zones proposed for completion or alternate completion, including a partial electric log and a diagrammatic sketch showing such zones and equipment to be used.

The casing annulus and tubing strings shall be monitored throughout completion and/or workover operations to detect pressure changes and fluid communication between strings and to prevent or minimize equipment damage due to burst, collapse, and tensional forces.

When communications occurs between zones approved for multiple completion, the lessee shall immediately repair and separate the zones as approved by the District Supervisor.

(2) *Tubingless Completions.* All tubing strings in a multiple-completed well shall be run to the same depth below the deepest producible zone.

The tubing string(s) shall be new pipe and shall be cemented with a sufficient volume of cement to extend a minimum of 500 feet above the uppermost producible zone.

A temperature or cement bond log shall be run in all wells completed without tubing where lost circulation or other unusual circumstances occur during the coment operations.

Information shall be submitted on, or enclosed to, Form 9–331, showing the top and bottom of all zones proposed for completion or alternate completion, including a partial electric log and a diagrammatic sketch showing such zones and equipment to be used.

(3) *Wellhead Equipment.* All completed wells shall be equipped with casingheads or tubing heads, wellhead fittings, valves, and connections with a rated working pressure equal to or greater than the surface shut-in pressure of the well. Connections and valves shall be designed and installed to permit fluid to be pumped between any two strings of casing. Two master valves (the top valve may be a surface safety valve) shall be installed on the tubing in all wells completed after the effective date of this Order. All wellhead equipment shall be assembled and tested, prior to installation, by a fluid pressure which shall be equal to the rated test pressure of the equipment.

D. *Zone Separation.* Multiple completions in the same well bore require zone separation either through packers or cement or a combination of the two. OCS Order No. 11, Gulf of Mexico Area, provides for the testing for zone separation and the reporting procedure.

2. *Through-Tubing Rig Operations.* Through-tubing rig operations shall be considered as those completion or workover activities carried out through the use of a small-tubing workstring (usualy 1¼" I.D. or smaller) without removal of the wellhead. The manifolding for well circulation shall include the use of the wellhead wing line (or the choke and fill-up lines with a conventional rig on location.) Both small-tubing and coiled-tubing rigs and, in some cases, the snubbing unit perform as through-tubing operations and therefore shall comply with the requirements as follows.

A. *Small-Tubing Rigs.* The small-tubing rig shall be considered as one which works through the wellhead and well tubing with jointed pipe.

The wellhead shall have a work or swab valve or a blind ram-type blowout preventer mounted above the wing line to serve as a base for the blowout-preventer stack.

The blowout-preventer stack shall consist of two pipe-rams and a blind-ram preventer where the shut-in tubing pressure may be in excess of 5,000 psi. Otherwise, a pipe-ram and a blind ram preventer shall be considered sufficient.

The blowout preventers and the wellhead assembly down to the lower master valve shall be pressure tested to the rated working pressure of the stack or to 90.0% of the rated working pressure of the wellhead assembly, whichever is the less: (1) when installed; (2) at least once each week; and (3) following repairs that require disconnecting a pressure seal in the assembly. All such tests shall be recorded in the log.

The characteristics, use, and the quantities of the well-control fluid shall be proper and sufficient to prevent the blowout of any well. The well shall be maintained full of the well-control fluid within acceptable safety tolerances while making trips to assure a continuing overbalance toward the reservoir. When circulation is lost partially and the well will not stand reasonably full of fluid, a gel or a filtering fluid or other substance shall be placed across the perforations to regain circulation before retrieving the pipe.

When oil is used as the well fluid to maintain circulation or is found accumulated in the upper well section, a stripper rubber shall be used above the blowout-preventer assembly to avoid spillage overboard.

The work string shall be pressure tight. Proper cleaning, lubrication, and handling of the joints shall be standard procedure, as well as immersion of the total joint when not in use. Except for clean-out operations, the work string shall be pressure tested at the depth of usage.

B. *Coiled-tubing Rigs.* The coiled-tubing rig shall be considered as one which works through the wellhead and well tubing with spooled nonjointed pipe.

The wellhead shall have a work or swab valve or a blind ram-type blowout preventer mounted above the wing line to serve as a base for the blowout-preventer stack.

The blowout-preventer stack shall consist of the following, commencing from the bottom: two pipe-ram blowout preventers with one hydraulically operated, hydraulically operated two-way pipe slips, spool with connecting valve, pipe cutter, blind-ram blowout preventers, pipe stripper.

The blowout preventers and wellhead assembly down to the lower master valve shall be pressure tested to the rated working pressure of the stack or to 90.0% of the rated working pressure of the wellhead assembly, whichever is the less: (1) when installed; (2) at least once every seven days; and (3) following repairs that require disconnecting a pressure seal in the assembly. All such tests shall be recorded in the log.

The characteristics, use, and the quantities of the well-controlled fluid shall be proper and sufficient to prevent the blowout of any well. The well shall be maintained full of the well-control fluid within acceptable safety tolerances while making trips to assure a continuing overbalance toward the reservoir. When circulation is lost partially and the well will not stand reasonably full of fluid, a gel or a filtering fluid or other substance shall be placed across the perforations to regain circulation before retrieving the pipe.

The work string shall be pressure tight and precautions shall be taken to avoid breakage. A stripper rubber shall be used in the blowout preventer assembly to avoid spillage. The proper tools to fish and repair the work string shall be on the unit.

C. *Snubbing Unit.* A snubbing unit shall be considered as one which works with jointed small tubing as necessary under pressure conditions, either through the wellhead and well tubing of a completed well or through the blowout preventers and well bore of a conventional operation. Whether pressure conditions are obvious or not, the snubbing unit shall be equipped and set up for pressure operations to the maximum of the reservoir potential.

With the wellhead installed, a work or swab valve or a blind ram-type blowout preventer shall be mounted above the wing line to serve as a base for the blowout-preventer stack.

The blowout-preventer stack shall consist of the following, commencing from the bottom: two pipe-ram blowout preventers hydraulically operated, blind-ram blowout preventers, pipe stripper, snubber slips and assembly (hydraulically operated).

The blowout preventers and wellhead assembly down to the lower master valve shall be pressure tested to the rated working pressure of the stack or to 90.0% of the rated working pressure of the wellhead assembly, whichever is the lesser: (1) when installed; (2) at least once every seven days; and (3) following repairs that require disconnecting a pressure seal in the assembly. All such tests shall be recorded in the log.

The stripper rubber, the blowout preventers, and the snubbing slips shall be maintained and operated to continuously control the well. For well pressures above 3,000 psi, the ram-type blowout preventers shall be used for the stripping operation.

Once the well pressure is overcome through circulation of a heavy well-control fluid and the well is considered safe, the snubbing unit reverts to a small-tubing unit for purposes of this Order.

3. *Wireline Operations.* Wireline operations include all downhole services performed through the use of a lubricator assembly, a wireline unit, and a wireline. The wireline may be either solid or braided for mechanical service. Well control must be maintained. Wells with pressure shall not be allowed to flow through the wireline packoff any more than is necessary to permit free movement of the wireline. Any fluid flow allowed shall be contained and piped to a tank. Lubricators shall be pressure-tested at least annually to their rated working pressure, and the test date shall be indicated by an attached metal banding. When the wireline obstructs the wellhead valves and operations cannot continue for some reason, the well shall be monitored until operations commence. Any work performed at night under pressure, including swabbing, shall require preliminary approval from the District Supervisor.

A. *Solid- and Braided-line Services.* Operations such as paraffin cutting, setting subsurface valves, bailing sand, calipering, and running bottom-hole pressure surveys shall be considered as service operations performed with a solid or, for some jobs, with a small braided wireline. When the well condition is changed, as when exposing new perforations, a completion or workover application shall be submitted. Service operations may be performed with the wellhead in place or, in some cases, with a wellhead or other manifold assembly mounted above a blowout-prevenier stack.

The wellhead shall have a swab or work valve above the wing line to serve as a base for the lubricator equipment. Above the swab valve, the equipment shall consist of a wireline blowout preventer, a lubricator, and a pack-off head.

The lubricator shall be sufficiently long to house the wireline tools above the swab valve. A bleed valve with piping shall be installed in the lower portion of the lubricator so that well pressures can be bled down and the fluids contained. The wireline pack-off shall be dismantled and checked daily to assure a proper seal under pressure conditions.

The lubricator assembly shall have a rated working pressure at least equal to the maximum anticipated surface pressure, or 3,000 psi, whichever is greater. It shall be pressure tested monthly to the higher pressure when in usage.

The lubricator assembly for special high-pressure operations (above 4,000 psi) shall be pressure tested biweekly to the maximum anticipated surface pressure when in usage. For such operations, the blowout preventer shall be equipped with remote controls.

B. *Conductor Line Services.* Perforating and logging shall be considered as conductor line services. The provisions of 3.A above shall apply to conductor-line operations with the wellhead installed. The provisions shall apply also to solid- or braided-line operations using battery-powered instruments through the wellhead.

When perforating without the wellhead installed, the wellbore shall contain a filtering fluid sufficiently heavy to overcome the reservoir pressure. A lubricator or shooting nipple assembly shall be installed above the blowout-preventer stack with sufficient length to house the gun assembly. The lubricator assembly shall be pressure tested to at least 1,000 psi monthly when in use.

All perforating systems shall include proper grounding and a continuity determination of the grounding circuitry. Such a determination shall be made prior to each separate run of the gun assembly.

C. *Swabbing Services.* The swabbing of wells to initiate reservoir flow shall be performed with a complete lubricator assembly including a wireline blowout preventer and wireline pack-off. Whether carried out with a small or large braided line, the provisions of 3.A above shall apply.

4. *Special Operations.* Completion and workover jobs comprise numerous special operations which will vary with the well problem and the well conditions. Such operations may include the many stimulation techniques (acidizing, hydraulic fracturing, explosives, etc.), cementing and cement repair work, drill-stem and production testing and wireline sampling, the full complement of subseacompleted well activities, and the complications of tubing and casing repair, sand control, and corrosion. Well safety and pollution prevention shall be maintained throughout each operation under the guidelines following, if not covered previously.

A. *Pump-down Tools.* The pump-down technique whether for a conventional, a tubingless, or a subsea wellhead type of completion, requires a circulation means from the pump manifold to a well depth suitable for clean-out and recompletion operations. Both direct and indirect circulation shall be provided through the pump and flow line manifolding. The flow lines from the wellhead to the pump manifold shall have a pressure rating by API which is at least equal to the well tubing, or at least 20.0% in excess of the highest anticipated pumping pressure, whichever is less. A lubricator assembly with the necessary shut-off valves, bleed valves, and pump connections to permit safe installation and removal of the pumpdown tools shall be connected to the flowlines downstream of the pump manifold.

The lubricator shall be sufficiently long to house the entire length of tools in use. Any polluting fluids bled from the lubricator shall be piped to a tank.

B. *Pumping-type jobs.* The flowline from the pumping unit to the well connection shall be pressure tested to the highest anticipated pump pressure, or higher, preliminary to the well pumping operation. Appropriate high-pressure shut-off and bleed valves shall be installed as a part of the pump manifolding to permit disconnecting the pump if needed. Well fluids returning from the well during pumping operations shall be contained unless free of pollutants.

C. *Drill-stem Testing (DST).* The drill-stem test tools, test string, control head, and surface test equipment and lines shall be selected and utilized so as to safely manipulate the test string and control the pressures encountered during the testing operations. Casing pressure shall be monitored for communication throughout the DST operations. Flowline equipment shall be securely anchored to prevent excessive movement during testing operations. All surface control equipment shall have a pressure rating at least 40.0% higher than the maximum anticipated well pressure.

A cushion shall be utilized to minimize shock loads of a formation test, to reduce pressure differentials across the formation, and to avoid the possibility of collapse of the test string by the annulus fluid.

Drill stem test tools shall be opened or closed during daylight hours only.

All engines and electrical equipment shall be shut down or equipped to prevent accidental ignition during DST operations.

Following the drill-stem test, any produced fluids remaining in the well shall be circulated out and disposed of safely without polluting. During removal of the test string from the hole, the well shall be monitored for correct fill-up and well control actions taken, if necessary.

5. *Other Related Operations.*

A. *Hazardous or Toxic Materials.* All personnel engaged in the handling of hazardous materials shall be instructed in regard to the safe and proper methods of handling, storing, and utilizing flammable or explosive materials or fluids, including radioactive materials, fuels, chemicals, bottled gas, and associated equipment.

Toxic materials shall be handled in accordance with the instructions provided for the particular material. Well operations encountering hydrogen sulfide (H_2S) shall conform to the applicable provisions of GSS–OCS–1 "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," Febru-

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ary 1976. A degasser shall be used where circulated fluids contain gas. The entire shale shaker and mud pit area shall be well ventilated.

Fuels, chemicals, and other flammable fluids or materials shall be identified, stored, handled, and utilized in a manner necessary to prevent ignition from electrical circuits, welding and burning operations, facility operations, personnel smoking, refueling, chemical stimulation operations, or any other known potential means of ignition. Flammable fluids shall not be placed in tanks having open tops.

B. *Safety Meetings.* A safety meeting shall be held before operations commence and weekly thereafter until such operations are completed. Instructions at safety meetings shall provide guidance and information in regard to the safety aspects of the particular operations to be performed, possible hazards to be encountered, and general safety considerations with respect to personnel, equipment, and environment. Records of safety meetings, subject(s) of discussions, and attendance shall be maintained on the facility. The API Bulletin T-5, "Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations," First Edition, September 1974, shall be used for reference.

C. *Crane Operations.* Cranes shall be designed, operated, and maintained in accordance with the provisions of API Specification 2C, "Specification for Offshore Cranes," February 1972, and API RP 2D, "Operation and Maintenance of Offshore Cranes," October 1972.

Records of inspection and maintenance shall be kept at the facility.

D. *Good Housekeeping and Workmanlike Operations.* The rig floor and adjoining areas shall be maintained free of debris, rubbish, and tools not in use. Debris and rubbish shall be collected and disposed of for pollution control. Special provisions shall be made to contain the oil muds in order to avoid pollution and to maintain a clean working area. Well fluids or well-control fluids containing pollutants shall be disposed of in accordance with OCS Order No. 7, Gulf of Mexico Area.

E. *Rigging Up or Down of Workover or Completion Equipment.* The movement of workover or completion rigs and related equipment onto and off an offshore facility, or from well to well, on the same platform, including rigging up and rigging down, shall be conducted during daylight hours only, unless otherwise approved by the District Supervisor. Those well heads, flowlines, and production and other equipment which could be damaged by moving operations shall be shut-in, bled down, shut down, or protected, as appropriate, prior to moving operations. A tubing plug or back-pressure valve shall be installed in each tubing string of all wells that are exposed to possible damage in moving operations. Activation of a surface-controlled subsurface safety valve will suffice as a tubing plug.

Where more than one well operation on the same platform is to be performed simultaneously with another, approval by the District Supervisor of an Operator's Contingency Plan for Simultaneous Operations as set forth in OCS Order No. 8, Gulf of Mexico Area, shall be required.

The well shall be continuously monitored during workover or completion operations and shall not be left unattended at any time unless shut-in with assurance of complete well control.

F. *Completion and Workover Structures.* Derricks, masts, substructures, and related equipment shall be selected, installed, utilized, and maintained with consideration given to the potential loads and conditions of loading that may be encountered by the operations, including setback, wind, pulling and running tubular goods and bottom hole equipment, fishing, drilling, and jarring operations.

Workover and completion rigs which are capable of tripping drill pipe or production tubing shall be equipped with an operable traveling block safety control device.

D. W. SOLANAS,
Oil and Gas Supervisor,
Gulf of Mexico Area.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.76-16947 Filed 6-10-76;8:45 am]

National Park Service

PACIFIC NORTHWEST REGION

Use Limitations

On January 30, 1976, a notice was published in the FEDERAL REGISTER (41 FR 4536) pertaining to regulations of Public Use.

The purpose of this public notice is to list those areas within the Pacific Northwest Region which regulate public use by reservation, permit, or registration. Listed below are those areas which fall under this purview, the notice for Mount Rainer National Park having been previously published.

CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO

A written permit is required for all persons camping overnight in the Craters of the Moon National Monument Wilderness Area and outside the perimeters of any designated and developed camping areas. Permits are available in person or by writing to the Superintendent, Craters of the Moon National Monument, Box 29, Arco, Idaho 83213.

MOUNT MCKINLEY NATIONAL PARK, ALASKA

A system for limiting public use in the backcountry is in effect in Mount McKinley National Park, Alaska. As part of this system, Backcountry Use Permits are required and may be obtained in person, at no cost, in the park at the Riley Creek Visitor Orientation Center, Eielson Visitor Center, Park Headquarters, and any ranger station. Complete information on public use limits and Backcountry Use Permits should be requested from the park superintendent prior to planning a trip. Backcountry reservations are not accepted. To avoid delay or disappointment, please write for more complete and precise information to Superintendent, Mount McKinley National Park, Box 9, McKinley Park, Alaska 99755.

NORTH CASCADES NATIONAL PARK SERVICE COMPLEX, WASHINGTON

Limits have been established on the maximum number of persons and, where appropriate, the number, type, and use of animals and/or the amount, size, and type of equipment permitted to enter, be brought into, or to remain in designated areas or facilities of the park's backcountry at one time. These limits are administered through a Backcountry Management Plan which requires that a permit be secured in advance of all overnight stays, within the backcountry. Permits may be obtained in person at park offices. For purposes of this notice, "Backcountry" includes all lands and facilities not readily accessible by motorized vehicles. More complete and precise information should be requested prior to trip planning to avoid delay or disappointment. This information is available by writing to the Superintendent, North Cascades National Park Service Complex, 311 State Street, Sedro Woolley, Washington 98284.

OLYMPIC NATIONAL PARK, WASHINGTON

Backcountry permits are required for each overnight hike. This permit may be obtained at the ranger station where the hike begins. At isolated trailheads, self-registration boxes are provided. Any persons desiring further information should write to the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Washington 98362, before planning a trip.

RUSSELL E. DICKENSON,
Regional Director,
Pacific Northwest Region.

[FR Doc.76-16989 Filed 6-10-76;8:45 am]

Office of the Secretary

DIRECTOR, GEOLOGICAL SURVEY

Delegation of Authority

This notice is published in accordance with the provisions of 5 U.S.C. 552(a)(1)(E). The delegation of authority to the Director, Geological Survey, was previously published in the FEDERAL REGISTER at 33 FR 5812. The delegation of authority to the Director contained in Chapter 4, Part 220 of the Department of the Interior Manual has been amended to include authority for the approval or prescription of agreements providing for cooperative or unit plans of development or operation under the Geothermal Steam Act of 1970.

The following material is a portion of the Departmental Manual, and the numbering system is that of the Manual.

PART 220—GEOLOGICAL SURVEY

CHAPTER 4—MINERAL AND GEOTHERMAL RESOURCES FUNCTIONS

220.4.1 *Delegation of Authority.*

A. *Functions relating to unit agreements.*

(1) *Onshore Lands.* The Director, Geological Survey, is delegated the authority vested in the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C., 181 et seq.), to approve agreements which provide for cooperative or unit plans of development or operation.

(2) *Outer Continental Shelf Lands.* The Director, Geological Survey, is delegated the authority of the Secretary of the Interior under section 5(a)(1) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 464; 43 U.S.C., sec. 1334(a)(1)), to approve unitization, cooperative, pooling, and drilling agreements, and to require lessees to subscribe to and operate under such agreements for the development and operation of an area, field, or pool, or part thereof as the Director may determine to be practicable and necessary or advisable.

(3) *Geothermal Resources.* The Director, Geological Survey, is delegated the authority vested in the Secretary of the Interior under the Geothermal Steam Act of 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025) to approve agreements which provide for cooperative or unit plans of development or operation and to require lessees to subcribe to and operate under agreements approved or prescribed by him which provide for cooperative or unit plans of development or operation.

B. *Functions relating to claimed discoveries of new oil or gas deposits.* The Director, Geological Survey, is authorized to act on applications for royalty benefits by reason of a claimed discovery of a new oil or gas deposit under the Act of August 8, 1946 (60 Stat. 950), and to determine whether a new oil or gas deposit has been discovered and the effective date of such discovery.

C. *Determination of productive limits of a producing oil or gas deposit.* The Director, Geological Survey, is authorized to determine under the Act of August 8, 1946 (60 Stat. 950) the productive limits of a producing oil or gas deposit, as such limits existed on August 8, 1946, on his own initiative or on application by a holder of an oil and gas lease or his operator.

D. *Approval of communitization or drilling agreements.* The Director, Geological Survey, is authorized to give final approval to communitization or drilling agreements submitted for approval in accordance with 43 CFR 3105.2.

E. *Suspension of operations and production.* The Director, Geological Survey, may act for the Secretary of the Interior in finally approving applications for suspension of operations or production or both, filed pursuant to 43 CFR 3103.3–8 or 3503.2–2 and in terminating suspensions of this kind which have been or may be granted.

F. *Oil and gas sales contracts.* The Director, Geological Survey, may act for the Secretary of the Interior in finally approving oil and gas sales contracts and agreements filed pursuant to 30 CFR Part 223.

G. *Definition of known geological structures of producing oil and gas fields.* The Director, Geological Survey, is authorized to determine the boundaries of the known geologic structures of producing oil and gas fields under the Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181 et seq.).

H. *Definition of known geothermal resources areas.* The Director, Geological Survey, is authorized to determine the boundaries of known geothermal resources areas under the Geothermal Steam Act of 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025), and to publish notices of such determinations in the FEDERAL REGISTER.

Dated: June 2, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.76-16963 Filed 6-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Grain Inspection Point

Statement of considerations. Cargill, Inc., has constructed a new export grain elevator in St. John the Baptist Parish, Louisiana. It is expected that this new elevator will require official grain inspection services on or about June 15, 1976, pursuant to the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.) and the regulations thereunder (7 CFR Part 26).

Three firms have expressed interest in providing necessary inspection services. They are the Mississippi River Board of Trade Inc., the Destrehan Board of Trade, and the South Louisiana Grain Services, Inc.

The Mississippi River Board of Trade, Inc., is not presently an officially designated inspection agency under the U.S. Grain Standards Act and regulations thereunder.

The Destrehan Board of Trade has been providing official grain inspection services in the State of Louisiana since 1961.

The South Louisiana Grain Services, Inc., has been providing official grain inspection services in the State of Louisiana since 1963.

Based on available information, it has been determined that the South Louisiana Grain Services, Inc., shall provide the necessary grain inspection services at the new Cargill elevator on an interim basis. Therefore, according to the regulations under the U.S. Grain Standards Act, the assignment of the South Louisiana Grain Services, Inc., is hereby amended to add the new Cargill elevator as a designated inspection point on an interim basis. This interim designation will be effective June 15, 1976, and will continue until an agency can be formally designated in accordance with the regulations under the U.S. Grain Standards Act.

It has been determined that the new Cargill elevator will require official grain inspection services on or about June 15, 1976. Therefore, under administrative procedures provisions of 5 U.S.C. 553, it is found that good cause exists to implement this interim designation without public notice and participation in rulemaking on such interim designation and that good cause is found for making the interim designation of the South Louisiana Grain Services, Inc., effective less than 30 days after publication in the FEDERAL REGISTER.

Any interested persons who wish to submit views and comments regarding the designation of an official inspection agency are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at the Cargill grain elevator in St. John the Baptist Parish, Louisiana.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than July 12, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on June 7, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-17147 Filed 6-10-76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Tuesday, July 6, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-17048 Filed 6-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Results Tabulated

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P–28, prepared by the Bureau of the Census.

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For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since July 1, 1975, for which tabulations were completed between May 1, 1976, and May 31, 1976.

Dated: June 8, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas: Texarkana, city	Miller	Mar, 11, 1976	21, 192
Florida: Opa-Locka, city	Dade	Mar, 4, 1976	13, 729
Idaho: American Falls, city	Power	Mar, 15, 1976	3, 403
Illinois:			
Byron, village	Ogle	Feb, 25, 1976	1, 852
Crainville, village	Williamson	Mar, 31, 1976	855
Des Plaines, city (annexations only)	Cook	Apr, 5, 1976	1, 411
Hennepin, village	Putnam	Mar, 22, 1976	628
Winnebago County (unincorporated area only)		Feb, 16, 1976	76, 872
Iowa: Hudson, city	Black Hawk	Apr, 5, 1976	1, 970
Michigan:			
Avon, township	Oakland	Feb, 19, 1976	31, 269
Commerce, township	do	Mar, 18, 1976	17, 108
Delta, township	Eaton	Feb, 25, 1976	20, 932
Hamburg, township	Livingston	Feb, 11, 1976	7, 541
Kalkaska, township	Kalkaska	Feb, 25, 1976	3, 115
Pontiac, township	Oakland	Mar, 2, 1976	14, 668
Superior, township	Washtenaw	Mar, 22, 1976	6, 396
Taylor, city	Wayne	Mar, 8, 1976	77, 490
Minnesota: Hassan, township	Hennepin	Mar, 30, 1976	1, 618
North Dakota: Gwinner, city	Sargent	Mar, 22, 1976	792
Wisconsin:			
Allouez, town	Brown	Feb, 11, 1976	15, 159
La Crosse, city	La Crosse	Jan, 19, 1976	48, 804
Palmyra, village	Jefferson	Feb, 20, 1976	1, 524

[FR Doc.76-17037 Filed 6-10-76;8:45 am]

Domestic and International Business Administration

JOHNS HOPKINS UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00348. Applicant: The Johns Hopkins University, Charles & 34th Streets, c/o Chesapeake Bay Institute, Baltimore, Maryland 21218. Article: Four (4) Recording Current Meters, Model #RCM-4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for studies of the vertical and horizontal water structure of the continental shelf of Virginia, Maryland, and Delaware. The basic experiment consists of placing unattended vertical arrays of these instruments, each with a self-contained power supply data logging capability on prescribed stations.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 23, 1975). Reasons: The foreign article provides the capabilities for measurement of water velocity (zero to five knots) and conductivity (salinity), as well as, the capability to measure each parameter every 20 minutes for up to 3 months in a self-contained instrument. The National Oceanic and Atmospheric Administration (NOAA) advises in its memorandum dated May 18, 1976 that the capabilities of the article described above are pertinent to the purposes for which the article is intended to be used. NOAA also advises there are two recently marketed instruments that appear to meet the applicant's needs (Plessey Environmental Systems, Model 9021 and Hydro Products, Model Sea Trak) but it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes of this article is intended to be used, which being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-17020 Filed 6-10-76;8:45 am]

JOHNS HOPKINS UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 1, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00410. Applicant: The Johns Hopkins University, Dept. of Anatomy, 725 N. Wolfe St., Baltimore, Maryland 21205. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to study biological specimens drawn from the the blood, blood producing tissues, and immune system tissues in experiments to be conducted on animals in which these tissues will be selectively treated with drugs, chemicals, and irradiation. In addition, diseased tissues from humans and animals will be studied to gain an understanding of the structure and function of these tissues and to obtain information necessary for treatment and cure of leukemia, anemia, multiple myeloma, and related diseases. The article will also be used in graduate and medical courses in cell biology and histology. Application received by Commissioner of Customs: May 20, 1976.

Docket number: 76-00418. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, Connecticut 06115. Article: EMI Scanner with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used for clinical studies, the results of which will be the subject of papers to be presented at hospital, state, and national medical societies and publications pertinent to the field of medicine. The article will also be used in an educational activity formulated at the following levels of organization:

1. Brain Scanner Operation—Teaching the theory of scanner and actual operation to technicians, radiologist, and repair personnel.

2. Brain Scanning—Teaching and training radiology residents, radiologists, neurologists, and neurosurgeons to interpret brain scanner images for medical diagnosis.

3. Brain Scanning—Teaching practical application so that staff completing the program will be capable of operation of a scanning unit.

Application received by Commissioner of Customs: May 20, 1976.

Docket number: 76-00419. Applicant: Cornell University, Bard Hall, Ithaca, New York 14853. Article: Rotaflex 12 kW Rotating Anode X-ray Generator, RU-200. Manufacturer: Rigaku Ltd., Japan. Intended use of article: The article is intended to be used to perform X-ray diffraction studies of the structure of grain boundaries in thin gold bicrystals. Application received by Commissioner of Customs: May 20, 1976.

Docket number: 76-00420. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., P.O. Box O, 1000 Bullock Blvd., Socorro, NM 87801. Article: TE_{01} Mode Helical Circular Waveguides and Coupling Sleeves. Manufacturer: Sumitomo Electric, Japan. Intended use of article: The article is intended to be used as part of the very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe. Application received by Commissioner of Customs: May 20, 1976.

Docket Number: 76-00421. Applicant: (NCI) National Cancer Institute, (NIH) National Institutes of Health, Bldg. 10, Room 5B-36, Laboratory of Pathophysiology, DCBD, NCI, NIH, Bethesda, Maryland 20014. Article: TV Scanning Device for JEM-100C E.M. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron miscroscope which is intended to be used in studies of biological materials (both pathogenic and nonpathogenic microorganisms). Properties of the materials to be investigated are those, (1) which lend themselves to the understanding of transport processes for micro- and macromolecules into and across cells and cellular barrier, (2) which provide an understanding of evolution of intracellular environment, (3) which lead to the understanding of physiological and pathological changes in the cell. The objectives to be pursued in the course of investigation are to reveal the relationship between the molecular organization and the function of cellular and subcellular components of biological system. Application received by Commissioner of Customs: May 20, 1976.

Docket Number: 76-00422. Applicant: University of Dayton, 300 College Park, Dayton, Ohio 45469. Article: Electron Spectrometer, Model ES 100B and accessories. Manufacturer: AEI, United Kingdom. Intended use of article: The article is intended to be used for x-ray excited photoelectron spectroscopy of solids, liquids and gases with both polychromatic and monochromatic excitation and for ultraviolet radiation excited photoelectron spectroscopy of both solids and gases. Spectroscopic experiments will be done for the purpose of characterization of new chemical compounds, both organic and inorganic; for analysis of compounds and mixtures for elements in particular oxidation states; for determination of changes in oxidation states of elements when reactions take place; for study of catalytic gas-surface reactions of multiple samples and for study of bonding in gaseous and solid compounds. The article will also be used for MS and Phd dissertation work in the Physics, Chemistry and Biology departments. Application received by Commissioner of Customs: May 20, 1976.

Docket Number: 76-00423. Applicant: Northwestern University Medical School, Dept. of Anesthesia, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Four Choice Reaction Tester and accessory unit. Manufacturer: Kneesworth Electronics, United Kingdom. Intended use of article: The article is intended to be used for studies of the reaction times of subjects following a number of experimental conditions of anesthetic exposure. The objectives pursued in the course of investigation will be confined to establishing the normal reaction time, using this test system, of normal subjects to the flashing light display. The subject will then be studied following a variety of anesthetic exposure conditions, in order to determine how long it takes to return to the normal, baseline, reaction time level. Application received by Commissioner of Customs: May 21, 1976.

Docket number: 76-00424. Applicant: University of Wisconsin-Madison, Purchasing Department, 750 University Avenue, Madison, WI 53706. Article: 3-Component Flux-gate magnetometer, Model FM 100B. Manufacturer: EDA Electronics Ltd., Canada. Intended use of article: The article is intended to be used for studies of fluctuations in the Earth's magnetic field in the frequency range 0-1 Hz to determine the geological structure of the Earth to a depth of about 100 km. Application received by Commissioner of Customs: May 24, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc 76-17024 Filed 6-10-76;8:45 am]

STATE UNIVERSITY OF NEW YORK

Application for Duty-Free Entry of Scientific Articles

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 7970 in the FEDERAL REGISTER of Monday, February 23, 1976, the following amendment is hereby made to reflect more fully the intended uses of the article:

Docket number: 76-0026B. Applicant: State University of New York at Binghamton, Dept. of Biological Sciences, Vestal Parkway East, Binghamton, N.Y. 13901. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for a variety of ultrastructural studies in different organisms by graduate studies, staff members, and faculty of the Department of Biological Sciences. The main areas of research to be pursued are the following:

1. Comparative ultrastructure of mammalian and amphibian liver.

2. Glomerular lesions occurring in rodents with renal disease.

3. Mitochondrial development in insect flight muscle.

4. Subunit structure of P_i ATPase.

5. Morphological purity of sub-cellular fractions from porcine thyroid gland.

6. Ultrastructure of the photosynthetic apparatus of Cyanobacteria (blue-green algae).

7. Fine structure of the cell membrane of iron-oxidizing Thiobacilli.

8. Morphology of the vaginal and uterine linings of the mouse during the estrous cycle and pregnancy.

9. Ultrastructural response of blue-green algae to environmental parameters.

10. Ultrastructural changes in chlorella vulgaris when cell growth is uncoupled from cell division.

The article will also be used for educational purposes in the following courses:

(1) Cellular Ultrastructure (Bio Sci. 271).—An introductory course in the interpretation of cellular ultrastructure as seen with the electron microscope.

(2) Techniques in Electron Microscopy (Bio Sci. 271).—An introductory course in sample preparation and the use of the electron microscope.

(3) Independent Study (Bio Sci. 397).—Special training in subjects not offered in regular course.

(4) Advance Techniques in Electron Microscopy (Bio Sci. 401M).—Advanced Techniques in electron microscopy.

Application Received by Commissioner of Customs: January 23, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-17022 Filed 6-10-76;8:45 am]

NIH—BETHESDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

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of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00365. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. Article: Electron Microscope Scanning Attachment and Large Angle Tilting Attachment. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope and will be used to observe the presence of deposits of immunohistochemical reagents on the surface of plastic sections by SEM.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–17021 Filed 6–10–76;8:45 am]

UNIVERSITY OF HAWAII

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00351–89–46070. Applicant: University of Hawaii, Hawaii Institute of Geophysics, 2525 Correa Rd., Honolulu, Hawaii 96822. Article: Scanning Electron Microscope, Model S4–10. Manufacturer: Cambridge Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used in carrying out various research projects which include the following:

(1) Quartz sand grain studies,

(2) Shell structure of Mollusks, coral, and other invertebrates,

(3) Observation of organic coatings on micro and nanno fossils as chemical solution inhibitors in the deep-sea,

(4) Study of wet fecal pellets as microfossil preservations,

(5) Growth lamellae in manganese nodules, and study of included organisms, such as bacteria and algae,

(6) Replacement and fixation of iron and manganese by organisms in the deep-sea.

(7) Clay and soil mineralogy.

(8) Study of nutrient effects of silica body structure and development in epidermal cells of pineapple leaves, and studies of other plant tissues,

(9) Investigation of the biology of cephalpod molluses. The article will also be used to help students in the following courses understand the structure and micromorphology of organisms and minerals: Oceanography, Agronomy, Soil Sciences, Microbiology, and Botany.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 31, 1972). Reasons: This application is a resubmission of Docket Number 73–00174–89–46070 which was denied without prejudice to resubmission on October 29, 1974 for informal deficiencies. At the time the foreign article was ordered the applicant intended to study a number of specimens which normally contain a high degree of moisture and art significantly altered as drying occurs. Although several methods are currently widely accepted as a means of studying such specimens in scanning electron microscopes without maintaining the wet condition, at the time of order direct examination of wet specimens was worthy of investigation. The foreign article provides the capability of independently pumping the column and chamber, so that column vacuum is maintained while allowing vacuum deterioration in the chamber with the necessary vacuum isolation. The National Bureau of Standards (NBS) advises in its memorandum dated May 7, 1976 that the capability described above is pertinent to the applicant's intended study of wet samples containing large amounts of water (35 percent or more). NBS also advises that it knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was being manufactured in the United States at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–17023 Filed 6–10–76;8:45 am]

UNIVERSITY OF VERMONT, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 1, 1976.

Amended regulations issued under cited Act (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00408. Applicant: University of Vermont, Waterman Building, Burlington, Vermont 05401. Article: High Pressure Calorimeter. Manufacturer: Lunds Universitetet, Sweden. Intended use of article: The article is intended to be used in determining thermodynamic parameters for the absorption (desorption) of hydrogen by a series of representative intermetallic compounds that have potential usefulness for energy (hydrogen) storage. Among the systems that will be investigated are $LaCo_5/H_2$, $LaNi_5/H_2$, $LaCo_5/H_2$, and $FeTi/H_2$. It is proposed to determine thermodynamic absorption parameters by direct calorimetry and from pressure-composition-temperature (p-c-t) relationships. The two types of measurements will be performed concomitantly in a single apparatus that mates a precision calorimeter to a gas-handling system. Application received by Commissioner of Customs: May 12, 1976.

Docket number: 76–00425. Applicant: Yerkes Regional Primate Research Center of Emory University, Emory University, 954 North Gatewood Road, Atlanta, Ga. 30322. Article: Electron Microscope, Model EM 9S–2, including spare parts and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in an interdisciplinary program of primate research in which the brains of monkeys and apes will be prepared for electron microscopy using standard neuroanatomical techniques. The current objective is to elucidate the anatomical substrate underlying the physiological phenomena of vision. The article will also be used for the training of medical and graduate students at the Center, as well as, for post-graduate education. Application received by Commissioner of Customs: May 28, 1976.

Docket number: 76–00426. Applicant: University of Texas Medical Branch, Marine Biomedical Institute, 200 University Blvd., Galveston, Texas 77550. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of embryonic marine fish larvae, particularly the leptocephalous larvae of eels and related fishes. Experimental investigation will center on tracing the development of embryonic cells as they transform to adult organs with specific function. The development throughout will be studied both at the cellular level in the electron microscope and at the tissue and organ level in the light microscope. The objectives pursued in the course of the investigation will be to identify the phylogenetic position of the Anguilliform leptocephali. Special emphasis will be placed on the ultrastructure and function of their osmoregulatory system. Another group of fishes under study are the ceratioid or deep-sea angler fishes. Special attention will be given to the ultrastructure of this light organ and to the intracellular bacteria contained therein. Application received by Commissioner of Customs: May 28, 1976.

Docket number: 76–00427. Applicant: University of Rochester, Rochester, N.Y. 14627. Article: Carbon Dioxide Laser, Model TEA–103–1 and accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for studies to discover new lasers, or techniques of up-conversion of CO_2 lasers into a region where they are more suitable for laser-fusion purposes. Experiments will include the following:

(a) Intradiation of C_2H_4 to determine spectrum of emitted light.

(b) Irradiation of $CH_3{=}CN$ to determine whether inversion achievable.

(c) Irradiation of SF_6 to achieve efficient dissociation.

Application received by Commissioner of Customs: May 28, 1976.

Docket number: 76–00428. Applicant: Loyola University Stritch School of Medicine, Pharmacology Dept., 2160 South First Avenue, Maywood, Ill. 60153. Article: Peterfi-type micromanipulator. Manufacturer: Narishige Scientific Instruments, Japan. Intended use of article: The article is intended to be used to position electrodes to record from single cells to study the function of single cells in the myenteric plexus of small mammals (rats, guinea pigs, rabbits). Application received by Commissioner of Customs: May 28, 1976.

Docket number: 76–00429. Applicant: University of California-Lawrence Livermore Laboratory, P.O. Box 808, Livermore, California 94550. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of cells that have been grown in culture, some normal, other transformed toward becoming carcinomas, for the study of certain enzymes and the study of tissue specimens by ultrastructural and cytochemical techniques. All studies will relate to basic cellular phenomena of enzyme function which will increase knowledge and understanding of ultrastructural-chemical relationship. Application received by Commissioner of Customs: May 28, 1976.

Docket number: 76–00430. Applicant: Northwestern University Medical School, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of the factors modifying the development of cancer and elucidating the biological and functional role of peroxisomes, which are cytoplasmic organelles. The materials used for this research include liver, kidney, pancreas, parotid, testicular interstitial tissue, and isolated cultured liver cells. The article will also be used in the courses designed to teach principles of cell biology, pathobiology and ultrastructural pathology for undergraduates, and graduate students. Also interns and residents in pathology, who participate in research training will be using the article. Application received by Commissioner of Customs: May 28, 1976.

Docket number: 76–00431. Applicant: Frederick Cancer Research Center, Post Office Box 'B', Frederick, Maryland 21701. Article: Cryokit, Model LKB 14801–1, Set of tools and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the localization of subviral proteins in normal and infected tissue culture cells. These proteins are immunochemically tagged and frozen thin sections offer retention of antigen sites. Frozen thin sections will be prepared of cells and virus pellets and specifically prepared tags will be reacted to these sections. Application received by Commissioner of Customs; May 28, 1976.

RICHARD M. SEPPA,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.76–17025 Filed 6–10–76;8:45 am]

National Oceanic and Atmospheric Administration

AQUARIUM OF CAPE COD, INC.

Issuance of Permit To Take Marine Mammals

On March 19, 1976, notice was published in the FEDERAL REGISTER (41 FR 11593) that an application had been filed with the National Marine Fisheries Service by Aquarium of Cape Cod, Inc., Route 28, West Yarmouth, Massachusetts 02673, for a permit to take two (2) harbor seals (*Phoca vitulina*) for the purpose of public display.

Notice is hereby given that, on May 28, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362–1407), the National Marine Fisheries Service issued a permit for the above taking to Aquarium of Cape Cod, Inc., subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 02673.

Dated: May 28, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76–16986 Filed 6–10–76;8:45 am]

DR. JAMES H. W. HAIN

Receipt of Application for Scientific Research and Scientific Purposes

Notice is hereby given that the following Applicant has applied for Permits to take and import marine mammals or parts thereof for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Dr. James H. W. Hain, Sea Education Association, Box 6, Woods Hole, Massachusetts 02543, to conduct scientific research with all species of cetaceans and pinnipeds (except walruses), including the following species listed on the Endangered Species List:

Blue whale (*Balaenoptera musculus*)
Fin whale (*Balaenoptera physalus*)
Sei whale (*Balaenoptera borealis*)
Humpback whale (*Megaptera novaeangliae*)
Right whale (*Eubalaena* spp.)
Sperm whale (*Physeter catodon*)
Gray whale (*Eschrictius robustus*)

The proposed research will be conducted, over a five-year period in all parts of the world, principally the waters of the North Atlantic, Caribbean, Bahamas, and Gulf of Mexico.

The goals of the research program will be to gather data on the numbers, distribution, behavior, migratory routes, and social organization of the whales. Initial emphasis will be on the right and humpback whales in order to study their migratory routes and behavior as they travel between their feeding grounds in northern latitudes and their winter mating and calving grounds in warmer waters. The whale movement and distribution will be examined for correlations with hydrographic features and submarine topography.

The program will involve extensive surface vessel observations, photography and underwater listening and recording from the R/V *Westward*. In addition, aerial and underwater observation and photography will be utilized.

The Applicant states there will be no capture of living animals.

The Applicant requests authority to collect and study dead marine mammals,

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or parts thereof, stranded in the Cape Cod area or encountered on cruises.

The utilization of all specimens will be coordinated between all those in the area with a particular interest in the specimen at hand.

The Applicant will make the appropriate arrangements with the country from which parts or specimens are to be removed prior to the taking.

The Application for the Marine Mammal Protection Act permit will be considered under the Regulations Governing the Taking and Importing of Marine Mammals. The application for the Endangered Species Act Permit will be considered under the Regulations Governing Endangered Fish and Wildlife Permit.

Documents submitted in connection with these applications are available in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application for the Marine Mammal Protection Act permit to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on these applications should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before July 12, 1976. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of these applications are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: June 7, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-16988 Filed 6-10-76;8:45 am]

MARINE ANIMAL PRODUCTIONS, INC. AND J. & L. ATTRACTIONS, INC.

Issuance of Permit To Take Marine Mammals

On March 19, 1976, notice was published in the FEDERAL REGISTER (41 FR 11594) that an application had been filed with the National Marine Fisheries Service by Marine Animal Productions, Inc., and J & L Attractions, Inc., 150 Debuys Road, Biloxi, Mississippi 39531, for a permit to take six (6) Atlantic bottlenosed dolphins (*Tursiops truncatus*), ten (10) California sea lions (*Zalophus californianus*), and four (4) Pacific harbor seals (*Phoca vitulina*), for the purpose of public display.

Notice is hereby given that, on May 26, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above described taking to Marine Animal Productions, Inc., and J & L Attractions, Inc., subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North Seattle, Washington 98109; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: May 26, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-16985 Filed 6-10-76;8:45 am]

SENECA PARK ZOO, NEW YORK

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the regulations governing the taking and importing of marine mammals (39 FR 1851, January 18, 1974), the public display permit issued to Seneca Park Zoo, Rochester, New York, on June 17, 1975, is modified, by means of modification No. 1, in the following manner:

The modification extends the period of validity of the permit, with respect to the authorized taking, from June 1, 1976, to December 31, 1976.

This modification is effective on June 11, 1976.

The permit, as modified, is available for review in the offices of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Etreet, Gloucester, Massachusetts 01930.

Dated: May 26, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-16984 Filed 6-10-76;8:45 am]

DR. AKHOURI A. SINHA

Issuance of Permit To Import

On March 31, 1976, notice was published in the FEDERAL REGISTER (41 FR 13645) that an application had been filed with the National Marine Fisheries Service by Dr. Akhouri A. Sinha, Building 49, Room 207, Veterans Administration Hospital, Minneapolis, Minnesota 55417 for a permit to import about 500 histological slides and about 50 male and female reproductive tracts or their parts of southern fur seals (*Arctocephalus gazella*) which were taken in the vicinity of the South Georgia Islands, Antarctica by the British Antarctic Survey, United Kingdom.

Notice is hereby given that on June 3, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above importing to Dr. Akhouri A. Sinha subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235; and
Regional Director, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: June 3, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-16987 Filed 6-10-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE AND INDIAN HEALTH ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, (5 U.S.C. Appendix I), the Health Services Administration announces the renewal by the Secretary, HEW, on June 1, 1976, with the concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committees:

Committees	Termination date
Maternal and Child Health Research Grants Review Committee.	June 30, 1978.
Indian Health Advisory Committee.	June 30, 1978.

Authority for these committees will expire on the date indicated, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 7, 1976.

WILLIAM H. ASPEDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.76-17056 Filed 6-10-76;8:45 am]

National Institutes of Health AGING REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Aging Review Committee, National Institute on Aging, which was published in the FEDERAL REGISTER on Monday, May 10, 1976, 41 FR 19148-49.

This Committee was to have convened at 9 a.m., but the convening time has been changed to 1 p.m. The dates and meeting place remain the same—June 24–25, 1976, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 1 p.m. to 2 p.m. on June 24.

Dated: June 7, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-17027 Filed 6-10-76;8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart and Lung Institute, July 12–13, 1976, Landow Building, Conference Room C418, Bethesda, Maryland.

This meeting will be open to the public on July 12 and 13 from 8:30 a.m. to 9:30 a.m. when the current progress of the Hypertension Detection and Follow-Up Program and the Aspirin Myocardial Infarction Study will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. to adjournment on July 12 and 13, 1976, for the review of contract renewal proposals related to the Hypertension Detection and Follow-Up Program, the Aspirin Myocardial Infarction Study and the Epidemiology Studies. These proposals contain information of a proprietary or confidential nature, including technical information, financial data, such as salaries of research personnel and personal information concerning individuals associated with the contract proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. William J. Zukel, Executive Secretary of the committee, Landow Building, Room C809, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: June 1, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-17031 Filed 6-10-76;8:45 am]

CLINICAL CANCER PROGRAM PROJECT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, July 7–8, 1976, National Institutes of Health, Building 31C, Conference Room 5.

This meeting will be open to the public on July 7, 1976, from 8:30 a.m. to 10 a.m. to discuss administrative details, including future meeting dates and other informational items. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of P.L. 92-463, the meeting will be closed to the public on July 7, from 10 a.m. to 6 p.m., and on July 8, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will provide summaries of the meeting and rosters of committee members.

Dr. Louise G. Thomson, Executive Secretary, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312, National Institutes of Health.)

Dated: May 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-17030 Filed 6-10-76;8:45 am]

COMMISSION FOR THE CONTROL OF EPILEPSY AND ITS CONSEQUENCES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Commission for the Control of Epilepsy and Its Consequences, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on June 28, 1976, at the Airport Marina, Dallas/Ft. Worth Airport, Dallas, Texas 75216.

The entire meeting will be open to the public from 9 to 5 p.m., for the purpose of obtaining an overview of the status of governmental private services within the states of Texas, New Mexico, Oklahoma, Arkansas and Louisiana, and to obtain information regarding the unmet needs of persons with epilepsy as viewed within that region. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, Maryland 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Dr. Richard L. Masland, Executive Director, Federal Bldg., Room 1C06, Bethesda, Maryland 20014, (301) 496-1378, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13852, National Institutes of Health.)

Dated: June 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
Las Vegas Resource Areas,

[FR Doc.76-17026 Filed 6-10-76;8:45 am]

NATIONAL COMMISSION ON DIABETES

Notice of Extension

Pursuant to section 701 of the Health Research and Health Services Amendments of 1976 (Pub. L. 94-278), the National Institutes of Health announces the extension of the National Commission on Diabetes.

This extension will allow the Commission to facilitate action for the utilization and coordination of national resources for diabetes research, treatment and education as recommended by the Long-Range Plan, submitted on December 10, 1975.

The Commission shall cease to exist on September 30, 1976.

Dated: June 4, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.76-17032 Filed 6-10-76;8:45 am]

NATIONAL COMMISSION ON DIABETES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of an organizational meeting to reestablish the National Commission on Diabetes, July 6, 1976, in Building 31, C Wing, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. From 9 a.m.

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to 12:30 p.m. representatives of the Health Services Administration will discuss their agency's mission as it relates to diabetes; from 1:30 p.m. to 5 p.m. the Commission will meet in a reorganizational session.

Messr. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: June 7, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–17033 Filed 6–10–76;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, July 2, 1976, 9:30 a.m., to adjournment, National Institutes of Health, Building 31, Conference Room 7. The entire meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Director, National Cancer Program, National Cancer Institute, report from the Chairman, President's Cancer Panel and review of the budget. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide substantive program information, transcripts of the meeting and roster of committee members.

Dated: May 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–17028 Filed 6–10–76;8:45 am]

PUBLIC ADVISORY COMMITTEES

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Committee	*Termination date*
National Advisory Eye Council	June 30, 1977.
Population Research Committee	May 31, 1977.
Vision Research Program Committee	June 30, 1977

Authority for these committees will expire on the date indicated unless the Secretary formally determines that continuance is in the public interest.

The following committee, which was established by an Act of Congress, shall file a charter upon the expiration of each successive two-year period in accordance with Pub. L. 92–463. That rechartering date is indicated below.

Committee	*Rechartering date*
National Heart and Lung Advisory Council	June 30, 1977.

Dated: June 4, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.76–17035 Filed 6–10–76;8:45 am]

REVIEW OF RESEARCH CONTRACT PROPOSALS, NATIONAL CANCER INSTITUTE

Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other isues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: Breast Cancer Treatment Committee.
Dates: July 8, 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Times: Open: July 8, 8:30 a.m.–12 noon. Closed: July 8, 1:30 p.m.–5 p.m.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Mary E. Sears, Address: Landow Building, Room A404, National Institutes of Health, Phone: 301/496–6773.
Catalog of Federal Domestic Assistance Number 13.825.
Name of committee: Breast Cancer Experimental Biology Committee.
Dates: July 8, 1976, 8:30 a.m.
Place: Landow Building, Conference Room C–418, 7901 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open. July 8, 8:30 a.m.–12:30 p.m. Closed: July 8, 1:30 p.m.–adjournment.
Agenda/open portion: To discuss administrative details and review new program projects.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. D. Jane Taylor, Address: Landow Building, Room A–422, National Institutes of Health, Phone: 301/496–6718.
Catalog of Federal Domestic Assistance Number 13.825.
Name of committee: Breast Cancer Epidemiology Committee.
Dates: July 8, 1976; 8:30 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open: July 8, 10:00 a.m.—adjournment. Closed: July 8, 8:30 a.m.–10:00 a.m.
Agenda/open portion: Discussion of possible future Requests for Proposals and of progress on ongoing contracts.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Elizabeth P. Anderson, Address: Landow Building, Room A406, National Institutes of Health, Phone: 301/496–6718.
Catalog of Federal Domestic Assistance Number 13.825.
Name of committee: Breast Cancer Diagnosis Committee.
Dates: July 8, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open: July 8, 8:30 a.m.–10:30 a.m. Closed: July 8, 10:30 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Bernice T. Radovich, Address: Landow Building, Room B404, National Institutes of Health, Phone: 301/496–6773.
Catalog of Federal Domestic Assistance Number 13.825.
Name of committee: Cancer Control Community Activities Review Committee.
Date: July 16, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open: July 16, 8:30 a.m.–9:00 a.m. Closed: July 16, 9:00 a.m.–adjournment
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Robert Browning, Address: Blair Building, Room 7A07, National Institutes of Health, Phone: 301/427–7945.
Catalog of Federal Domestic Assistance Number 13.825.
Name of Committee: Drug Development Committee.
Date: July 23, 1976; 9:00 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open: July 23, 9:00 a.m.–9:45 a.m. Closed: July 23, 9:45 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Mrs. Naomi FitzGibbon, Address: Blair Building, Room 5A03, National Institutes of Health, Phone: 301/427–7337.
Catalog of Federal Domestic Assistance Number 13.825.

Dated: June 1, 1976.

SUZANNE FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–17034 Filed 6–10–76;8:45 am]

TEMPORARY REVIEW COMMITTEE FOR FREDERICK CANCER RESEARCH CENTER

Notice of Establishment

The Director, National Institutes of Health, announces the establishment on May 20, 1976, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Temporary Review Committee for Frederick Cancer Research Center.

Purpose: The Committee provides to the Director, NCI, advice on its evaluation of the technical merit of the concept and content of the request for proposals for the recompetition of the contract for operation of the Frederick Cancer Research Center and the proposals received in response to the request. The Committee will also conduct a scientific review of the present operating contractor's basic research program and proposals for its continuation, as well as any alternate proposals that may be received. Authority for this committee will expire on or before August 31, 1977.

Dated: June 4, 1976.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc.76–17029 Filed 6–10–76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that a meeting of the National Advisory Council on Ethnic Heritage Studies will be held July 14–16, 1976, in Detroit, Michigan, at the Detroit Cadillac Hotel. The opening meeting on July 14 will be in session from 6 p.m. to 8 p.m.; meetings on the 15th and 16th of July will be from 9 a.m. to 4:30 p.m.

The National Advisory Council on Ethnic Heritage Studies was established by Title IX of the Elementary and Secondary Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92–463). The Council shall advise the Commissioner concerning matters of general policy arising from the administration of programs in ethnic heritage studies. Functions may include the determination of needs and objectives of programs in the field and provisions of support in the implementation nationally of program goals of ethnic heritage studies.

All meetings of the Council are open to the public. The meeting will involve (1) the determination of long term goals of the Ethnic Heritage Studies Program; (2) discussion of the utilization of results of previous grants; and (3) discussion of the relationship of the Council to related programs and Councils. In addition the Council will visit projects in the Detroit area which have been funded under the program.

Records are kept of all Council proceedings and shall be available for public inspection at the office of the Chief of the Ethnic Heritage Studies Branch, Division of International Education, located in Room 3919, ROB No. 3, 7th and D Streets, SW., Washington, D.C.

Signed at Washington, D.C. on June 8, 1976.

WILLIAM H. MARTIN,
Chief, Ethnic Heritage Studies Branch.

[FR Doc.76–16912 Filed 6–10–76;8:45 am]

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the Legislative Subcommittee of the National Advisory Council on Equality of Educational Opportunity will convene at 9:30 a.m. on Monday, June 28, until 4:30 p.m., and reconvene at 9:30 a.m. on Tuesday, June 29, until 4:30 p.m., at Room 1197, Patrick V. McNamara Building, 477 Michigan Street, Detroit, Michigan.

The National Advisory Council on Equality of Educational Opportunity is established under Section 716 of the Emergency School Aid Act (Pub. L. 92–318, Title VII, as amended by Pub. L. 93–380). The Council is established to: (1) advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting of the Legislative Subcommittee, which shall be open to the public, will be for the purpose of discussing the need for possible legislative change in the Emergency School Aid Act. Presentations will be made by various agencies and organizations that are familiar with the present legislation.

Signed at Washington, D.C., on June 8, 1976.

LEO A. LORENZO,
Executive Director.

[FR Doc.76–17158 Filed 6–10–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–333; FDAA 505–DR]

IDAHO

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 6, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Idaho due to the collapse of the Teton Dam and resultant flooding beginning on June 5, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Idaho.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. William H. Mayer, HUD Region X, to act as the Federal Coordinating officer for this declared major disaster.

I do hereby determine the following areas in the State of Idaho to have been adversely affected by this declared major disaster:

The Counties of:

Bingham	Jefferson
Bonneville	Madison
Fremont	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 6, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–17051 Filed 6–10–76;8:45 am]

[Doc. No. NFD–332; FDAA–504–DR]

OKLAHOMA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 5, 1976, the President declared a major disaster as follows:

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I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding beginning about May 30, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Oklahoma.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by this declared major disaster:

The Counties of:

Tulsa
Wagoner

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 5, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–17052 Filed 6–10–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OFFSHORE PIPELINES

Memorandum of Understanding Between the Department of Transportation and the Department of the Interior

I. INTRODUCTION

The Department of Transportation (DOT) has the responsibility for promulgating and enforcing safety regulations for the transportation of gases and hazardous liquids by pipeline.

The DOT regulatory responsibilities include all offshore pipelines both on State lands beneath navigable waters as that area is defined in the Submerged Lands Act (43 U.S.C. 1301 et seq.) and on the Outer Continental Shelf (OCS) as that area is defined in the Outer Continental Shelf Lands Act (OCS Act) (43 U.S.C. 1331 et seq.). The DOT administers the following laws as they relate to pipelines: (1) the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 et seq.); (2) the Transportation of Explosives Act (18 U.S.C. 831–835); (3) section 28 of the Mineral Leasing Act, as amended (30 U.S.C. 185); (4) the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.); (5) the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.).

The Department of the Interior (DOI has certain responsibilities under the OCS Act including the issuing of rights-of-way and rights-of-use and easements for the construction of pipelines on the OCS and enforcing regulations necessary for the prevention of waste and conservation of natural resources of the OCS.

In recognition of each of the parties' respective regulatory responsibilities, the DOT and the DOI agree that a memorandum of understanding is needed to avoid duplication of regulatory efforts regarding offshore pipelines and to maximize the exchange of relevant information.

II. RESPONSIBILITIES OF THE PARTIES

For the foregoing reasons, the DOT and the DOI agree to the following division of offshore pipeline regulatory responsibilities:

DOT RESPONSIBILITIES

1. The DOT will establish and enforce design, construction, operation, and maintenance regulations for those pipelines extending to the shore from the outlet flange at—

(i) each facility where hydrocarbons are produced, or

(ii) each facility where produced hydrocarbons are first separated, dehydrated, or otherwise processed,

whichever facility is farther downstream, including subsequent on-line transmission equipment but not including any subsequent production equipment. The diagram attached as an addendum illustrates the pipeline facilities regulated by DOT that are described in this paragraph.

2. The DOT will send copies of all contemplated Notices of Proposed Rule Making (NPRMs) concerning offshore pipelines to the DOI, before they are published in the FEDERAL REGISTER, for review by the DOI. However, publication of NPRMs by the DOT is not contingent upon the receipt of comments from the DOI.

DOI RESPONSIBILITIES

1. The DOI will establish and enforce design, construction, operation, and maintenance regulations for offshore pipelines extending upstream from the outlet flange described in paragraph 1 of the "DOT Responsibilities" set forth in this Memorandum of Understanding into each production well on the OCS.

2. The DOI will send copies of all contemplated NPRMs and OCS Orders concerning offshore pipelines to the DOT before they are published in the FEDERAL REGISTER for review by the DOT. However, publication of NPRMs and OCS Orders in the FEDERAL REGISTER is not contingent upon the receipt of comments from the DOT.

3. The DOI, in issuing rights-of-way, rights-of-use, and easements on the OCS for offshore pipelines which are subject to DOT's offshore pipeline regulations, will condition those rights and easements on the pipelines being designed, constructed, operated, and maintained in compliance with the applicable DOT regulations.

4. The DOI which receives, reviews, and as appropriate, approves operator's plans for development of the OCS, including plans for construction of pipelines on the OCS, will provide copies of those plans to the DOT.

5. The DOI which receives and processes applications and prepares environmental assessments for rights-of-way, rights-of-use, and easements for pipelines to be constructed on the OCS, will provide copies of those applications and assessments to the DOT.

6. The DOI which performs pipeline management studies as necessary in newly developing areas on the OCS where pipelines systems do not exist or are poorly developed, will provide copies of those studies to the DOT.

JOINT RESPONSIBILITIES

1. The DOT and DOI will coordinate all of their respective research and development projects concerning offshore pipelines.

2. The DOI will perform inspection and enforcement activities necessary to enforce its regulations and OCS Orders relating to pipelines on the OCS. With respect to other offshore pipelines originating on the OCS and subject to DOT regulations, the DOT and DOI will coordinate and perform inspection activities. In the latter case, the DOT will perform enforcement activities and the DOI will provide the DOT with reports of DOI inspections for such further enforcement actions as may be appropriate.

3. At least once each calendar year, DOT and DOI will jointly review all existing standards, regulations, orders, and operating practices concerning pipelines on the OCS.

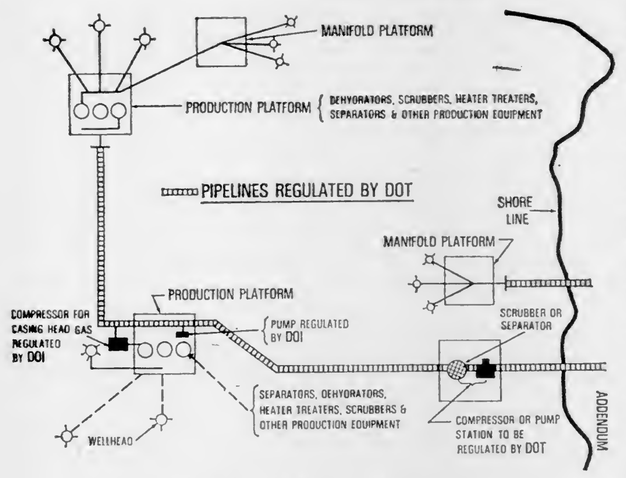
For the Department of Transportation:

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

For the Department of the Interior:

MAY 6, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.



[FR Doc.76–17066 Filed 6–10–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26973]

AEROMAR, C. POR A.

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on June 24, 1976 (41 F.R. 22294, June 2, 1976), is postponed to August 19, 1976, at 9:30 a.m. (local time), and will be held in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, Washington, D.C.

Dated at Washington, D.C., June 7, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.76–17054 Filed 6–10–76;8:45 am]

[Docket 29351]

CATHAY PACIFIC AIRWAYS LTD.

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 7, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Ronnie A. Yoder.

Dated at Washington, D.C., June 8, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–17055 Filed 6–10–76;8:45 am]

[Docket 24869; Order 76–6–43]

TRANS WORLD AIRLINES, INC.

Excess Baggage Charges; Order Rejecting Tariffs

JUNE 7, 1976.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of June, 1976.

After a full evidentiary hearing in Baggage Allowance Tariff Rules In Overseas & Foreign Air Transportation, Docket 24869, the Board found, inter alia, that the carriers' tariff rules providing for excess-baggage charges are unjust and unreasonable, in violation of section 404(a) of the Act, and by Order 76–3–81, served March 12, 1976, ordered the rules canceled within 90 days. The charges ordered canceled were set at one percent of the applicable one-way first-class fare for each kilogram of baggage in excess of the free-baggage allowance.

In that decision, based on the assumption that standard economy fares were not below fully allocated costs, the Board concluded that an excess-baggage charge of seven-tenths of one percent of the economy fare bears a reasonable relationship to costs and that it would be anomalous to require a carrier proposing that rate to provide economic justification after the lengthy hearings on the issue in the proceeding. However, the Board said that carriers desiring to file tariffs proposing different rates would be expected to accompany any such filings with a thorough economic justification. By Order 76–5–26, May 10, 1976, disposing of various petitions for reconsideration of Order 76–3–81, the Board reiterated its position that any tariff filings proposing rates other than seven-tenths of one percent of the economy fare per kilogram, should be accompanied by a thorough economic justification.

On May 13, 1976, Trans World Airlines, Inc. (TWA) filed tariff revisions for effect June 12, 1976 which propose to establish the charge for excess baggage at one percent of the applicable peak-season normal economy fares, regardless of season in which travel actually occurs. In support of the filing TWA states its view that reasonable excess-baggage charges will be ultimately fixed at a rate quite in excess of the seven-tenths of one percent acknowledged as reasonable by the Board. The carrier states that, in the interim, it is filing the instant charge which is premised on an adjustment of the costs accepted by the Board in Order 76–3–81 to allow for cost increases experienced by the carriers since 1973. TWA contends that since 1973, the base period used by the Board in its decision, its experienced unit operating costs per revenue-ton-mile were 60 percent greater in 1975 and 64 percent greater for the first quarter of 1976, while the normal economy fare has only increased 22 percent. On this basis alone, TWA alleges that a minimum rate of .93 percent of the economy fare is justified and is consistent with Board policy allowing rates to reflect costs incurred during the latest periods available.

In addition, TWA alleges that the Board's methodology employed the 12 percent domestic rate of return standard and that a 21 percent return on international investment should have been used; that no consideration was given to the cost of additional stops for fuel or lost opportunity costs where freight had to be rejected or off-loaded to accomodate other traffic; and finally that a charge of one percent is reasonable in terms of value of service considerations vis-a-vis alternate means of transportation.

We will reject TWA's proposed tariffs as the justification provided is clearly insufficient to establish the reasonableness of the proposed charge and clearly does not conform to the standards set forth in the Board's decisions in the Baggage Case, Orders 76–3–81 and 76–5–26. Although TWA was an active participant in the investigation in Docket 24869, and as such provided detailed data for evaluation, it has chosen not to submit any detailed data in support of its instant proposal. Rather, TWA justifies its filing by reliance on a comparison of present unit operating costs per revenue-ton-mile with the base 1973 unit costs and contrasts this greater increase with the lesser increase in economy fares over the same period of time. However, the Board's finding in Docket 24869 that a seven-tenths of one percent charge was reasonable was grounded upon the assumption that normal economy fares cover total economic costs. Moreover, in Order 76–4–175, the Board indicated that normal economy fares are now, and have been, set at levels significantly above total economic costs. Accordingly, we

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find TWA's position unpersuasive and its justification clearly deficient.[1] Finally, we would point out that TWA has failed to explain why the charges would be based upon the peak season economy fare regardless of season of travel rather than on the applicable season fare.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. 18th Revised Page 24 to Trans World Airlines, Inc.'s Local and Joint International Passenger Rules Tariff No. R-3, C.A.B. No. 17, be and hereby is rejected; and

2. A copy of this order shall be served upon Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17051 Filed 6-10-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of Proposed Additions to Procurement List 1976, November 25, 1975 (40 FR 54742), was published in the FEDERAL REGISTER on April 9, 1976 (41 F.R. 15059).

Pursuant to the above notice, the following service is added to the Procurement List:

SIC 7349

Janitorial/Custodial Service (SH), Federal Building, Muskogee, Oklahoma.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-17041 Filed 6-10-76;8:45 am]

PROCUREMENT LIST 1976

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodity and services to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 6515

Crutch, Aluminum, Cane type, 6515-00-810-9092.

SIC 7349

Janitorial/Custodial Service, Naval Air Station BEQ Barracks, Buildings 243, 374, 375, 376, 377, and 2551, Whidbey Island, Washington.

Bursting and Packaging of Commemorative Year Mint Stamp Sets, U.S. Postal Service.

[1] The remaining points raised by TWA in support of its filing are inappropriate and constitute a repetitive petition for reconsideration of the Board's decision in Docket 24869 and do not set forth any economic justification in support of the tariff filing.

Comments and views regarding this proposed addition may be filed with the Committee on or before July 12, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-17042 Filed 6-10-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from June 1 through June 4, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (July 26, 1976.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Forest Highway 34 (Swift Trail) (2), Graham County, Ariz., June 2: This statement is a revision of a draft EIS filed with CEQ September 29, 1975. The statement concerns a new alternative for construction of a road to the top of the Pinaleno Mountains. The new alternative will be a modification of Alternative C, which includes plans to retain the existing road and pave it to Shannon Campground. This alternative involves drainage structure modification, minor subgrade reinforcement, 2-inch bituminous pavement, a Type 3 seal coat, and center line striping. (ELR Order No. 60802.)

Boise National Forest Timber Management Plan, several counties in Idaho, June 3: This statement proposes to evaluate the primary and secondary effects of the proposed Boise National Forest Timber Management Plan. This plan is being developed within the allocation and direction provided in the twelve approved Land Use Plans, and will affect about 2,270,000 acres of National Forest land. There will be short-term adverse effects on air and water quality, aesthetics, wildlife, and recreation. (ELR Order No. 60818.)

Final

Pacific Northern Co. Timber Sale, Tongass National Forest, Alaska, June 2: Proposed is the clearcutting of 220 million board feet of timber during the 1977-1981 operating period of the Pacific Northern Timber Company. The proposed cutting areas cover portions of Wrangell, Etolin, Woronkofski, Zarembo and Mitkof Islands in Tongass National Forest, Alaska. Surface erosion will be accelerated in some areas and sediment production to streams will increase. The proposed action will modify 143,500 acres of land to the degree that it will no longer qualify for consideration for inclusion into the Wilderness Preservation System. Permanent roads and quarries will be constructed. Comments made by: AHP, DOC, EPA, COE, DOI, and State agencies. (ELR Order No. 60807.)

Truckee-Little Truckee Rivers Unit Plans, California and Nevada, June 3: This statement concerns a proposed land use plan for portions of the Truckee and Sierraville Ranger Districts, Tahoe National Forest and a part of the Carson Ranger District, Toiyabe National Forest. The plan applies to 156,955 acres of National Forest land located within a study area boundary containing 320,000 acres. The unit is primarily recreational, other uses being those of timber, range, and wildlife. Plan implementation could result in adverse effects on transportation system, and a reduction in air quality. Comments made by: COE, DOI, DOT, USDA, EPA, State and local agencies, and concerned groups. (ELR Order No. 60811.)

San Juan National Forest Timber Plan Revision, Colorado, June 4: The proposed action is the implementation of a revised Timber Management Plan for the San Juan National Forest for the 10-year period of 1977-1986. It provides for the management of resources on certain lands of the National Forest through the silvicultural treatment of 110,900 acres of forested land with options for treating additional forested lands if Federal funds are appropriated for road construction or if market or demand increases during the plan period. Adverse effects include a slight increase in availability of wood products in the economy, and erosion of wilderness values on inventoried roadless areas not selected as New Study Areas. Comments made by: USDA, EPA, DOI, State and local agencies and concerned groups. (ELR Order No. 60826.)

SOIL CONSERVATION SERVICE

Final

Middle Walnut Watershed Project, several counties in Kansas, June 2: Proposed is a project for watershed protection, flood prevention, and public recreation in Butler, Cowley, Sedgwick, and Sumner Counties, Kansas. Adverse impacts of the project include the elimination of agricultural use and terrestrial wildlife habitat use of 518 acres, the interruption of agricultural and terrestrial wildlife habitat use of 1,225 acres by periodic flooding, the elimination of 167 acres of agricultural land for dams and spillways, and the relocation of 15 persons. Comments made by: USA, DOI, DOC, HEW, DOT, EPA, AHP, State and local agencies. (ELR Order No. 60805.)

Muddy Creek Watershed, Mississippi and Tennessee, June 3: Proposed is a project for flood prevention in Tippah County, Mississippi and Hardeman County, Tennessee. Project plans involve installation of land treatment measures and 28 sediment control structures, construction of 17 floodwater retarding structures and one multiple purpose structure for recreation and floodwater retardation, and 31.4 miles of channel work. Adverse effects include the loss of wildlife habitat on 230 acres of forest land. Approximately 31.4 miles of existing stream fisheries resources will be temporarily altered by the proposed channel work. Comments made by: HEW, DOT, EPA, State agencies, and interested groups. (ELR Order No. 60817.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

San Francisco Bay to Stockton Project, San Joaquin County, Calif., June 4: The proposed plan of improvement involves widening and deepening the existing ship channels in the Suisun Bay and Sacramento-San Joaquin Delta. Specifically, the plan provides for deepening the Suisun Bay and Stockton Deep Water Ship Channel between Point Edith and Stockton from their present 30-foot depths to 35 feet, realigning one reach, and providing recreation facilities, fish and wildlife management areas, and bank protection at specific locations. Adverse effects include the loss of fish, wildlife, and aesthetic values in some areas (Sacramento District). (ELR Order No. 60829.)

Richard B. Russell Dam and Lake, Supplement, Georgia and South Carolina, June 2: The statement is a supplement to a final EIS filed with CEQ 20 May 1974. The proposed action consists of the installation of four 75,000 kw reversible motor generator units driven by four reversible pump turbines and four conventional 75,000 kw generators. The reversible pump-turbines pump water back into an elevated reservoir when electrical demand is low and excess electricity is available. When electrical demand is high, the water is returned to a lower reservoir via generation. Large numbers of eggs and young fishes are vulnerable to entrainment during pumping and generating operations (Savannah District). (ELR Order No. 60803.)

Little Wood River Flood Damage Reduction, Lincoln and Gooding Counties, Idaho, June 3: Proposed is the improvement of the existing system for diverting floodwater from the Little Wood River into nearby lava fields through the construction of two diversion projects near Gooding and Shoshone, Idaho. The water would be disposed of by percolation and evaporation. Flood protection for 2,560 acres of rural and urban area would be provided. Terrestrial flora and fauna would be adversely affected (Walla Walla District). (ELR Order No. 60820.)

Atchafalaya River and Bayous (Supplement), Assumption, St. Mary, and Terrebonne Counties, La., June 3: This statement is a supplement to a final EIS filed with CEQ January 17, 1974. The proposed project, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, is located in the coastal area of south-central Louisiana. The stream segments included in this project are located to the east and south of Morgan City, Louisiana, between U.S. Highway 90 and the Gulf of Mexico. The purpose of the project is to enlarge existing navigation channels sufficiently to permit the passage of large offshore drilling rigs and related marine equipment between construction and repair facilities on Bayous Boeuf and Black, and drilling sites in the Gulf of Mexico (New Orleans District). (ELR Order No. 60810.)

Tensas-Concordia Pumping Plant (2), Concordia County, La., June 3: The statement concerns the construction of a 4,000 cubic-feet-per-second pumping plant in the Red River Backwater levee, which presently protects the Tensas-Concordia area. The present plan also includes new gravity flood gate in the Black River Levee, inlet and outlet channels from Bayou Cocdrie to Black River, and the installation of water control structures and public access and other fish and wildlife mitigation facilities. The environment would be adversely affected by the clearing of bottomland and hardwood forest at an accelerated rate, the reduction of quality and extent of fish and wildlife habitat, and construction and maintenance activities (Vicksburg District). (ELR Order No. 60815.)

Mitigation of Shore Damage, Frankfort Harbor, Benzie County, Mich., June 2: The Corps of Engineers proposes to mitigate shore erosion damage in the vicinity of Frankfort Harbor that is attributable to the Federal navigation structures at the harbor. The plan includes a public information program, a shore protection permit program, and the establishment of maintenance dredging guidelines. Impacts will result from rigorous enforcement of shore protection permit restrictions associated with the proposed project. Localized accretion normally accompanying groin construction would be limited as a secondary effect of restricting shore protection. (Detroit District.)

Final

Apalachicola, Chattahoochee and Flint Rivers, O&M, Alabama, Florida, and Georgia, June 4: Proposed is the continued operation and maintenance of the Apalachicola, Chattahochee and Flint Rivers for navigation, flood control, hydropower and recreation. Navigation features consist of channel construction the length of the authorized project. Dredging activities for commercial sand and gravel production are discussed as they relate to the purpose of maintaining the Federal project. Adverse effects include temporary increase in turbidity and suspended solids concentrations near the dredge and disposal areas, loss of wildlife habitation and blocking of upstream migration of fish. Comments made by: DOI, DOC, HUD, DOT, USCG, EPA, USDA, and FPC. (ELR Order No. 60822.)

White Lake Harbor, Mitigation of Shore damage, Muskegon County, Mich., June 3: Proposed is a project to mitigate shore damage that is partly attributable to federal navigation structures at White Lake Harbor. The plan entails establishment of five beach nourishment supply sites. Sediment accumulations in the mouth of the harbor will serve as the unpolluted source of material. The dredging and disposition of sand for the project will cause local benthos damage, temporary increases in noise, night time nuisance light, exhaust emissions discharge, and associated detraction in the recreational and aesthetic qualities of the area. (Detroit District.) Comments made by: USDA, DOI, USCG, EPA, DOC, State agencies, and concerned groups. (ELR Order No. 60812.)

Grand Haven Harbor, Grand River Dredging, Ottawa County, Mich., June 4: Proposed is the periodic maintenance dredging of the navigation channels in Grand Haven Harbor and the Grand River, Michigan. Unpolluted materials removed from the 14.5 mile long upstream channel will be placed primarily on shoreline reaches, particularly those that have been subject to erosion. Polluted materials dredged from the harbor proper will be contained in a confined disposal site. Disruption of benthic habitat will occur due to construction. (Detroit District.) Comments made by: EPA, DOI, DOC, USDA, DOT, AHP, State, and local agencies. (ELR Order No. 60833.)

DEPARTMENT OF DEFENSE, NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202-692-3227.

Final

Indian Island Annex, NTS Keyport, Jefferson County, Wash., June 4: Proposed is construction of new facilities at the existing Navy owned Indian Island Annex, NTS Keyport, Washington. Project plans include construction of a two berth ammunition pier, an ammunition segregation renovation facility, two missile magazines, four truck holding yards, an ordinance disposal facility, renovation of some existing buildings, construction of new support buildings and sewage treatment facility, and construction of road and utility systems to support the new facilities. Adverse effects include the clearance of 100 acres of timberland and discharge of approximately 50,000 gpd of sewage treatment plant effluent. Comments made by: USDA, DJUS, DOI, USN, and local agencies (ELR Order No. 60832.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, SW., Washington D.C 20460, 202-755-0780 (stop 406).

Draft

Contra Costa County Wastewater Management, Contra Costa County, Calif., June 2: The proposed wastewater management plan for East/Central Contra Costa County consists of conveyance of sewage from Shore Acres, Pittsburg and Antioch to a subregional treatment facility located to the east of Pittsburg, local secondary treatment and land disposal by evaporation/percolation at Brentwood, Byron, Discovery Bay, and Oakley, and discharge to the surface waters of the Sacramento at Mountain View and at Port Costa. Direct impacts of the proposal include the continued discharge of effluent containing heavy metals and other toxic substances. Indirect impacts will result from project growth accommodation. (Region IX.) (ELR Order No. 60801.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405 202 343-4161.

Final

Motor Pool & Vehicle Maintenance Facility, Miami, Dade County, Fla., June 2: Proposed is the construction by the General Services Administration in Miami, Florida of a new motor pool and vehicle maintenance facility. The project is necessary because the land where it is now located, which is adjacent to the U.S. Post Office and Courthouse in downtown Miami, is required as the site for a new U.S. Courthouse Annex. Thus, GSA must relocate the facility to a permanent structure on a site to be acquired. No adverse effects are expected to result from the project. Comments made by: USDA, COE, DOC, HEW, HUD, DOI, DLAB, EPA, State, and local agencies. (ELR Order No. 60804.)

Otisville Federal Correctional Institution, Orange County, N.Y., June 4: The proposed action consists of construction of a new Federal Correctional Institution in Otisville, New York by the General Services Administration for the Fedderal Bureau of Prisons. The complex will contain a gross area of approximately 250,000 square feet of profile one and two story buildings, and will house approximately 500 adult Federal law offenders. Adverse effects include loss of some natural land cover and minor disruptions to wildlife. Comments made by: HEW, DOI, DJUS, USDA, DOT, AHP, and local agencies. (ELR Order No. 60834.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258,

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451 7th Street, SW., Washington, D.C. 20410, 202–755–6308.

Draft

Harriman Park and Lakehurst West III, Jefferson County, Colo., June 4: The developers of Harriman Park and Lakehurst West are proposing to build 1089 single family and 334 multi-family housing units in southeastern Jefferson County, Colorado. Both developers have requested a Federal Housing Administration feasibility analysis for mortgage insurance on single family units in the Subdivisions. Adverse effects include groundwater and erratic subsoils upon structural foundations, increased traffic upon existing roads, and increased demand upon health and social services. (ELR Order No. 60824.)

Summerlakes, Warrenville, Ill., Du Page, County, Ill., June 3: Proposed is the construction of Summerlakes, a residential development of a 321 acre tract of land over approximately a 7 year period. Included in the plan is the construction of 1195 dwelling units and a community center. Adverse impacts of the project include the conversion of agricultural land to urban use, some increase in air pollution and community noise levels, increased storm water runoff, and some traffic congestion. (ELR Order No. 60814.)

Draft

Water Distribution System, Sumter Co., Sumter County, Ala., June 2: Proposed is the installation of a distribution system to provide potable water to the area between Livingston and Gainesville in Sumter County. This system proposes initially to install approximately 14 miles of 8 inch diameter water pipe, approximately 13 miles of 6 inch diameter water pipe, approximately 6 miles of 3 inch diameter pipe, a 200,000 gallon storage reservoir, and a pumping station. Construction disruption will result. (ELR Order No. 60808.)

Water Distribution System, DeKalb Co., DeKalb County, Tenn., June 2: Proposed is the installation of 12.5 miles of 6-inch potable water line in the northwest section of DeKalb County for approximately 70 families who either cannot find any water by drilling or can find only brackish water by drilling, and some of whom must transport their potable water from rather distant sources. Construction disruption will result. (ELR Order No. 60809.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF INDIAN AFFAIRS

Draft

Navajo Indian Irrigation Project, San Juan County, N. Mex., June 3: Proposed is the construction for the Navajo Tribe of Indians of a 110,630 acre irrigation project. The Navajo Tribe proposes to construct a related agribusiness complex near Farmington in northwestern New Mexico. Water for farming will come from the Navajo Reservoir on the San Juan River. Public services for the increased population can be provided without substantially increasing taxes, or other problems, only if "front end" financing is obtained and other proposed energy-producing projects are not developed concurrently. Social impacts of the proposed irrigation project alone will be manageable, but if experienced at the same time, the cumulative effect will be considerable. (ELR Order No. 60816.)

BUREAU OF LAND MANAGEMENT

Draft

Challis Planning Unit Grazing Program, Custer County, Idaho, June 4: The statement concerns domestic livestock management plans for the Challis Unit, which includes 330,617 acres of national resource lands. The plan would include permanent grazing systems, range improvements including water developments, fencing, cattleguards and gates, vegetative manipulation and stock trails. Adverse impacts would include periodic increases of sedimentation in pastures where livestock would be concentrated for early spring use, short-term impacts of vegetation because of plants not being permitted to meet growth requirements, occasional competition of wildlife and wild horses for vegetation, and a decrease of grazing for operators. (ELR Order No. 60827.)

OCS Lease Sale No. 44, Gulf of Mexico, Texas and Louisiana, June 3: This statement concerns the leasing of 61 tracts of OCS land offshore Texas and Louisiana, for oil and gas exploration and development. All tracts offered pose some degree of pollution risk to the environment. Adverse environmental impacts will result from accidental or chronic spillage. (ELR Order No. 60813.)

BONNEVILLE POWER ADMINISTRATION

Draft

FY 1978 Program, June 4: The proposed construction for fiscal year 1978 will include new transmission lines and reconducted lines, three possible new substations, equipment additions to six existing substations, maintenance of 12,500 miles of existing transmission lines, control of vegetation on approximately 16,500 acres of transmission line rights-of-way and 950 acres of substation property. Adverse impacts include construction disruption and increased risk of man-caused accidents. (ELR Order No. 60930.)

NUCLEAR REGULATORY COMMISSION

Contract: Mr. Benard Rerssbe, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Diable Canyon Nuclear Plant, Units 1 and 2 (S), California, June 3: This statement is a supplement to a final EIS filed with CEQ June 4, 1973. The proposed action is the issuance of operating licenses to the Pacific Gas and Electric Company for Diable Canyon Units 1 and 2 located on the California Coast 12 miles southwest of San Luis Obispo, California. Both Units employ pressurized water reactors to produce up to 3568 megawatts thermal each. Each turbine generator will use this heat to provide about 1150 MW of electrical power capacity. The exhaust steam will be cooled with a once-through flow of water from the Pacific Ocean. (ELR Order No. 60821.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I–66 Corridor, Capital Beltway to Potomac River, Arlington and Fairfax Counties, Va., June 4: Proposed is the construction of a 9.6 mile segment of a 4-lane, limited access road connecting the existing I–66 west of the Beltway to Theodore Roosevelt Bridge across the Potomac River. Traffic management would promote the high occupancy usage of privately owned automobiles by restricting peak flow traffic to buses and automobiles with four or more occupants. Thirty-four residential streets would be severed or connected to service streets, visual intrusion would occur, 8.79 acres of park land would be required, 67 families and 1 business would be displaced, and noise levels would increase, at nine locations in excess of Federal standards. (ELR Order No. 60831.)

S.R. 82 and S.R. 97 Connection, Union Gap, Yakima County, Wash., June 4: The proposed project consists of a 1.9 mile connection via a loop type interchange between existing SR 82 and SR 97 south of the City of Union Gap in central Washington State. The improvement would also add an additional two lanes to a short segment of rural two lane roadway which joins a four lane segment. The proposed roadway would consist of a four lane asphalt concrete roadway with 10' asphalt concrete shoulder and a 16' median with median barrier. Adverse effects include removal of 31 acres of wildlife habitat and displacement of one family residence. (ELR Order No. 60828.)

I–43 Manitowoc Road, Manitowoc County, Wis., June 3: The proposed project is located in the City and County of Manitowoc, Wisconsin. The project begins at the intersection of U.S.H. 141 and Waldo Boulevard and extends westerly to the future interchange with I–43. The length of the proposed project is approximately 1.5 miles. The project will require the acquisition of 30 acres of land. (ELR Order No. 60819.)

Final

Coast Highway (SR 1) Bridge, Upper Newport Bay, Orange County, Calif., June 4: This statement refers to the construction of a 0.6 mile, 6-lane bridge over Upper Newport Bay, replacing the existing 4-lane structure and widening the approaches. The proposed project displaces up to 31 living units, 8 businesses, 13 families, and 36 employees. An historical landmark monument commemorating the first boat landing in Newport Beach will be relocated to a suitable location in the vicinity of the existing site. (Region 9.) Comments made by: EPA, DOI, COE, USCG, and local officials. (ELR Order No. 60825.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–17018 Filed 6–10–76;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Report to President

The Council on Environmental Quality hereby gives notice of the availability of its report to the President "Environmental Impact Statements: An Analysis of Six Years' Experience of Seventy Federal Agencies." The report presents the results of a year long review in 1975 of the experiences of federal agencies in implementing section 102(2)(C) of the National Environmental Policy Act of 1969. It examines the use and effect of the impact statement process in federal planning and decisionmaking, time required to complete the process, content and quality of impact statements, and the comment process, among other topics. It recommends further CEQ and agency action to improve the process. Based on this report and its recommendations, the Council will hold public meetings later in the year to solicit views of industry, labor, environmental and other interest groups and members of the general public. Notice of these public meetings will appear in the FEDERAL REGISTER.

The Council's report is being distributed to Federal agencies, Members of Congress, State Governors and State and local agencies. Copies may be obtained by writing: "EIS Report", Council on Environmental Quality, 722 Jackson Place, NW., Washintgon, D.C. 20006.

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–17057 Filed 6–10–76;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

RISING HEALTH CARE COSTS

Public Hearing

This notice is intended to provide the time, date and place of a public hearing about rising health care costs, to be held by the Council on Wage and Price Stability in New York City. This hearing will be held on June 29, 1976, in Room 305 of 26 Federal Plaza in New York City, starting at 9 a.m. and continuing until completed.

The above hearing, and hearings to be subsequently held in Chicago and San Francisco, were previously announced in a notice in the June 3, 1976 FEDERAL REGISTER. (See 41 FEDERAL REGISTER 22407.) As explained in that notice, the hearing will focus principally on the following topics:

(1) What factors are responsible for the rapid rise in health care costs?

(2) What can and is being done by the medical care industry, by third-party payers, by the consumer, or by labor and management in other sectors of the economy to stem the increases in costs?

The above June 3, 1976 FEDERAL REGISTER notice directed parties interested in presenting oral and/or written testimony to contact Susanne Tierney of the Council on Wage and Price Stability at Room 4002, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20506 (telephone 202–456–7113).

WILLIAM LILLEY III,
Acting Director.

[FR Doc.76–17058 Filed 6–10–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 560–6; OPP–50171]

ARIZONA UNIVERSITY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the University of Arizona, Tucson, Arizona 85721. Such permit is in accordance wth, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471–EUP–47) allows the use of 150 grams of the pheromone (Z,Z)-7,11-hexadecadien-1-ol and (Z,E)-7,11-hexadecadien-1-ol in traps in cotton fields to evaluate control of the pink bollworm moth through mass trappings. The program calls for the use of 150,000 traps; the program is authorized only in the State of Arizona. The experimental use permit is effective from May 18, 1976, to May 18, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Moday through Friday.

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–17084 Filed 6–10–76;8:45 am]

[FRL 560–7; OPP–50173]

CITIES SERVICE CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Cities Service Company, Cranbury, New Jersey 08512. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1109–EUP–2) allows the use of 410 pounds of the fungicide copper salts of fatty and rosin acids (copper as metallic) on potatoes to evaluate control of early and late blight. A total of 27 acres is involved; the program is authorized only in the States of Iowa, Minnesota, and North Dakota. The experimental use permit is effective from May 21, 1976, to May 21, 1977. An exemption from the requirement of a tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.1001 (b)(1)).

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–17085 Filed 6–10–76;8:45 am]

[FRL 561–4; OPP–50178/50180]

FISONS CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to Fisons Corporation, Bedford, Massachusetts 01730. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

These experimental use permits (No. 10065–EUP–4, 10065–EUP–6, and 10065–EUP–7) allow the use of 15,540 pounds of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate on sugarbeets to evaluate control of certain broadleaf weeds and grasses. A total of 34,020 acres is involved, if the applications are made on a banded basis; the programs are authorized only in the States of Arizona, California, Colorado, Idaho, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oregon, Texas, Utah, Washington, and Wyoming. The experimental use permits are effective from May 17, 1976, to May 17, 1977. A temporary tolerance for residues of the active ingredient in or on sugarbeets has been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–17090 Filed 6–10–76;8:45 am]

[FRL 561–2; OPP–50176]

GAF CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to GAF Corporation, New York, New York 10020. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1529–EUP–2) allows the use of 1,000 pounds of the plant regulator ethephon on pineapples. A total of 600 acres is involved; the program is authorized only in

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the State of Hawaii. The experimental use permit is effective from May 24, 1976, to May 24, 1977. A permanent tolerance for residues of the active ingredient in or on pineapples has been established (40 CFR 180.300).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc 76-17085 Filed 6-10-76;8:45 am]

[FRL 561-1; OPP-50175]

MOBAY CHEMICAL CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobay Chemical Corporation, Kansas City, Missouri 64120. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 3125-EUP-131) allows the use of 9,300 pounds of the insecticide dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate on forest and shade trees to evaluate control of the Spruce Budworm and the Western Spruce Budworm. A total of 12,000 acres is involved; the program is authorized only in the States of Maine and Montana. The experimental use permit is effective from May 24, 1976, to May 24, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-17087 Filed 6-10-76;8:45 am]

[FRL 561-3; OPP-50177]

MOBAY CHEMICAL CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobay Chemical Corporation, Chemagro Agricultural Division, Kansas City, Missouri 64120. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 3125-EUP-133) allows the use of 1,200 pounds of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1, 2, 4-triazan-5(4H) one on soybeans to evaluate control of certain grasses and broadleaf weeds. A total of 2,400 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, and Wisconsin. The experimental use permit is effective from May 24, 1975, to May 24, 1976. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.332).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-17089 Filed 6-10-76;8:45 am]

[FRL 560-8; OPP-50174]

SELLERS CHEMICAL CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Sellers Chemical Corporation, Harahan, Louisiana 70183. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 9538-EUP-2) allows the use of 652 pounds of the herbicide n-decanol on tobacco to evaluate control of sucker growth. A total of 76 acres is involved; the program is authorized only in the States of Georgia, Kentucky, and North Carolina. The experimental use permit is effective from May 21, 1976, to May 21, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-17086 Filed 6-10-76;8:45 am]

[FRL 560-1]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following subcommittee meeting:

Name: Municipal Operations Strategy Subcommittee.
Date: June 30, 1976.
Place: U.S. Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas.
Time: 9:00 a.m.-4:00 p.m. (approximately).
Proposed Agenda: Further consideration of issues involved in municipal operations strategy.

Date: June 4, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator
For Water and Hazardous Materials.

[FR Doc.76-17083 Filed 6-10-76;8:45 am]

[FRL 560-2; PP6G1744/T67]

THOMPSON-HAYWARD CHEMICAL CORP.

Establishment of a Temporary Tolerance

Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110 has submitted a pesticide petition (PP 6G1744) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for residues of the insecticide N-[(4-chlorophenyl) amino]-(carbonyl)] 2,6-difluorobenzamide in or on the raw agricultural commodities cottonseed at 0.20 part per million (ppm), and in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm.

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Thompson-Hayward Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 7, 1977. Residues not in excess of 0.20 ppm in or on cottonseed and 0.05 ppm in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: June 7, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-17082 Filed 6-10-76;8:45 am]

registration is being issued at this time to:

Applicant	EPA file symbol	Product name
Chempar Chemical Co., Inc., 2600 Madison Ave., New York, N.Y. 10016.	7173-RGA	Chempar chlorobenzilate technical.

The above applicant for registration is being notified by certified mail of the rebuttable presumption issued on May 26, 1976.

The above applicant for registration shall have until July 20, 1976, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice of such an extension, if granted, will appear in the FEDERAL REGISTER.

During the time allowed for submission of rebuttal evidence, any member of the public or any other federal agency is invited to submit written comments and other information relevant to the presumption against registration and continued registration contained in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear the identifying notation "OPP-30000/3". Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11 (a)(5)(ii). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. during normal working days.

Dated: June 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.76-16909 Filed 6-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 559-9; OPP-30000/3A]

PESTICIDE PROGRAMS

Presumption Against Registration and Continued Registration of Pesticide Products Containing Chlorobenzilate

On May 26, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 21517) that the Deputy Assistant Administrator of the Office of Pesticide Programs had determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing chlorobenzilate as an ingredient for all uses. Registrants and applicants for registration identified in the notice were notified by certified mail of this action.

Recently, an additional application for registration of a product containing chlorobenzilate has come to the attention of the Agency. In light of the above action, a notice of presumption against

[FRL 559-6; OPP-33000/411]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Decision (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 10, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for

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which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before July 12, 1976.

Dated: June 2, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/411)

EPA Reg. No. 264-138. Amchem Products Inc., Brokside Ave., Ambler PA 19002. AMIBEN PREEMERGENCE HERBICIDE. Active Ingredients: Ammonium salt of chloramben (3-amino-2,5-dichlorobenzoic acid) 21.1%; Ammonium sals of related aminochlorobenzoic acids 2.3%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use and revised offer to pay statement submitted. Application for reregistration. PM25

EPA File Symbol 6612-OU. B & G Co., PO Box 20372, Dallas TX 75220. B & G DURSBAN ½G. Active Ingredients: Chlorpyrifos (O,O-Diethyl O-(3,5,6-Trichloro-2-Pyridyl) Phosphorothioate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 3125-288. Chemagro Div., Baychem Corp., PO Box 4913, Kansas City MO 64120. MESUROL 75% WETTABLE POWDER INSECTICIDE. Active Ingredients: 3,5 - Dimethyl - 4 - (methylthio) phenol methylcarbamate 75%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. Application for reregistration. PM12

EPA Reg. No. 2204-12. Diamond Shamrock, Process Chemicals Div., PO Box 2386-R, 350 Mt. Kemble Ave., Morristown NJ 07960. NOPCOCIDE N-96. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 96.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. Application for reregistration. PM12

EPA Reg. No. 464-448. The Dow Chemical Co., Midland MI 48640. LORSBAN 4E INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 40.7%; Aromatic petroleum derivative solvent 22.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 34292-1. Dow Corning Corp., South Saginaw Rd., Midland MI 48640. DOW CORNING Q9-5700. Active Ingredients: 3-(trimethoxysilyl)-propyldimethyloctadecyl ammonium chloride 42%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 352-342. E. I. DU Pont De Nemours & Co., Inc., Biochemicals Dept., 7056 Dupont Bldg., Wilmington DE 19898. LANNATE. Active Ingredients: S-methyl N-[(methyl carbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. Application for reregistration. PM12

EPA Reg. No. 352-362. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 7056 Dupont Bldg., Wilmington DE 19898. LANNATE WP. Active Ingredients: S-methyl N-[(methylcarbamoyl)-oxy]thioacetimidate 25%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. Application for registration. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L. Active Ingredients: S-methyl N-[(methylcarbamoyl)-oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. Application for reregistration. PM12

EPA Reg. No. 352-375. E. I. Du Pont De Nemours & Co., Inc. LEXONE METRIBUZIN WEED KILLER. Active Ingredients: 4-Amino - 6 - (1,1 - dimethylethyl) - 3-(methylthio) - 1,2,4 - triazin - 5(4H) - one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use and revised offer to pay statement submitted. Application for reregistration. PM25

EPA File Symbol 9193-GI. Free Flow Fertilizer, PO Box 119, Maumee OH 43537. FORTIFY LAWN FUNGICIDE. Active Ingredients: Chlorothalonil (Tetrachloroisophthalonitrile) 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 2596-50. The Hartz Mountain Corp., 700 S. 4th St., Harrison NJ 07029. HARTZ 2 IN 1 COLLAR FOR DOGS. Active Ingredients: 2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate 9.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA Reg. No. 891-23. Hercules, Inc., Synthetics Dept., 910 Market St., Wilmington DE 19899. HERCULES TOXAPHENE 72% EMULSIFIABLE CONCENTRATE. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67-69% chlorine) 72%; Xylene Range Aromatic Solvent 23%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use and general revision of label. Application for reregistration. PM12

EPA Reg. No. 707-71. Rohm and Haas, Independence Mall, West, Philadelphia PA 19105. KARTHANE LIQUID CONCENTRATE AGRICULTURAL FUNGICIDE AND MITICIDE: Active Ingredients: 2,4-Dinitro-6-octyl phenyl crotonate) 35.0%; 2,6-Dinitro-4-octyl phenyl crotonate) Nitrooctyl phenol (principally dinitro) 2.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 38962-3, Mississippi Authority for Control of Fire Ants, PO Box 1609, Jackson, MS 39205. MIREX GRANULATED BAIT 10-5. Active Ingredients: Dodecachlorooctahydro - 1,3,4 - Metheno - 2H cyclobuta(CD)pentalene 0.1%. Method of Support: Application proceeds under 2(b) interim policy. Republished: Name change from "2x Mirex", and formulation change. PM15

EPA File Symbol 11273-RO. Sandoz Inc. Crop Protection, PO Box 1489, Homestead FL 33030. SOLICAM 80 WP HERBICIDE. Active Ingredients: norflurazon [4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone] 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 9078-0. Tennessee Farmers Cooperative, Box 157, General Office, LaVergne TN 37086. CO-OP 36% DAIRY CONCENTRATE. Active Ingredients: 2-chloro-1-(2,4,5-trichloro-phenyl) vinyl dimethyl phosphate 0.087%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 9078-RN. Tennessee Farmers Cooperative, CO-OP 12% CATTLE MINERAL (CONTAINS RABON ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichloro-phenyl)vinyl dimethyl phosphate 0.93%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 1016-78. Union Carbide Corp., 1730 Pennsylvania Ave., NW, Washington DC 20006. TEMIK 15% GRANULAR. Active Ingredients: Aldicarb [2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl)oxime] 15%. Republished: Method of Support changed from 2(b) to 2(a) of interim policy. Application for reregistration. PM12

EPA Reg. No. 400-104. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. COMITE AGRICULTURAL MITICIDE (WEST OF THE ROCKY MOUNTAINS). Active Ingredients: Propargite 2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. Application for reregistration. PM13

EPA File Symbol 6704-TI. U.S. Department of the Interior, U.S. Fish & Wildlife Service, Washington DC 20240. ZINC PHOSPHIDE ON ROLLED OAT GROATS FOR THE CONTROL OF CALIFORNIA GROUND SQUIRRELS ON NONCROP RIGHT-OF-WAYS AND ADJACENT NONCROP AREAS. Active Ingredients: Zinc Phosphide 2.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA Reg. No. 2935-407. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93175. RED-TOP GOLDEN-DEW. Active Ingredients: Sulfur 92.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. Application for reregistration. PM22

[FR Doc.76-16910 Filed 6-10-76;8:45 am]

[FRL 559-7; OPP-33000/410]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Streets, S.W., Washington DC 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before August 10, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before July 12, 1976.

Dated: June 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/410)

EPA Reg. No. 3276-25. A & L Laboratories, Inc., 1001 Glenwood Ave., Minneapolis MN 55405. AL-CLOR 6.6 SANITIZER. Active Ingredients: Sodium Hypochlorite 6.6%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 7043-RA. American Oil & Suppy Co. Distributors, 238 Wilson Ave., Newark NJ 07105. PQ PROVEN QUALITY BLEACH. Active Ingredients: Sodium Hypochlorite 12%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 1317-IA. An-Fo Manufacturing Company, 3129 Elmwood Ave., Oakland CA 94601. DAIRY-DU SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 8.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 33283-E. Branchemco, Inc., 8286 Western Way Circle, D-9, Jacksonville FL 32216. BRANCHEMCO NO. 331. Active Ingredients: Sodium Dimethyldithiocarbamate 40%; Isopropanol 2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 33283-G. Branchemco, Inc. BRANCHEMCO 314. Active Ingredients: Sodium pentachlorophenate 21.5; sodium salts of other chlorophenols 3.0%; Isopropanol 5.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10082-AE. Athea Laboratories, Inc., 4180 N. First St., Milwaukee WI 53212. COCKROACH KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2 - dimethyl - 3 - (2 - methylpropenyl) - cyclopropanecarboxylate 0.250%; Related Compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 99.375%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 1459-LI. Bullen Chemical Co., Hook Road, Folcroft PA 19032. BULLEN INDUSTRIAL WATER COOLING TOWER ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5429-EG, Cello Chemical Co., A Grow Chemical Subsidiary, 6200 Fischer Rd., Baltimore MD 21222. CELLO MINT DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Essential Oils 0.20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 35495-1. Chemax, Inc., Industrial Chemistry, 2106 N.W. 24th Ave., Portland OR 97210. PASTADE 474 DISINFECTANT-SANITIZER FUNGICIDE-DEODERIZER. Active Ingredients: Alkyl (C14 68%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 68%; C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35495-G. Chemax, Inc. 488. Active Ingredients: Disodium cyanodithioimidobarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 11598-2. Connecticut Aerosols, Inc., 85 Furniture Row, Milford CT 06460. INSECT REPELLENT SPRAY FOR PERSONAL USE. Active Ingredients: N,N-diethyl-m-toluamide 6.65%; Other isomers 0.35%; N-Octyl bicycloheptene dicarboximide 2.00%; 2,3:4, 5-Bis (2 butylene) tetrahydro - 2 - furaldehyde .50%; Di-n-propyl isocinchomeronate 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 677-166. Agricultural Chemicals Div., Diamond Shamrock Corporation, 1100 Superior Ave., Cleveland OH 44114. DACTHAL W-75. Active Ingredients: Dimethyl tetrachloroterephthalate 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM23

EPA File Symbol 464-LGE. Dow Chemical Co., #2030 Dow center, Indianapolis IN 46268, Midland MI 48640. DISINFECTANT BATHROOM CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.1%; Tetrasodium ethylenediamine tetraacetate 2.92%. Methods of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 38807-R. Du-Well Products, Div. of Wal-Ben Industries, Inc., 516 Chicopee St., Chicopee MA 01013. DU-WELL SO CLEAR. Active Ingrgedients: Sodium Hypochlorite 12½%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 352-346. E. I. DuPont De Nemours Co., 6054 DuPont Bldg., Wilmington DE 19898. HYVAR X-L BROMACIL WEED KILLER. Active Ingredients: Lithium salt of bromacil (5-bromo-3-sec-butyl-6 methyluracil) 21.9%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 1471-RNG. Elanco Products Co., PO Box 1750, Indianapolis IN 46206. SPIKE 5%P. Active Ingredients: N-[5-(1,1 - dimethylethyl) - 1,3,4 - thiadiozol-2-yl]-N,N'-dimethylures 5%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 1471-RNU. Elanco Products Co. SPIKE 1%P. Active Ingredients: N-[5-(1,1-dimethylethyl) -1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea 1%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 2098-GR. Empire Chemical Co., 715 Lamar St., Los Angeles CA 90031. 75 SC-10. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.2%; N-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.2%; Sodium Carbonate 2.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 912-IG. Farmers Union Central Exchange, Inc., PO Box "G", General Offices, St. Paul MN 55165. CENEX A D E (CONTAINS RABON ORAL LARVICIDE). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 4.78%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 912-IE. Farmer Union Central Exchange, Inc. CENEX MILK BOOSTER-FLY MINERAL. Active Ingredients: 2 - chloro - 1 - (2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 1.19%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

V41-114 JUN 11 76 UMI

EPA Reg. No. 2596-50. Hartz Mountain Corp., 700 So. 4th St., Harrison NJ 07029. HARTZ 2 IN 1 COLLAR FOR DOGS. Active Ingredients: 2 - Chloro - 1 - (2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 9.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claims. PM15

EPA File Symbol 1617-RT. Geisler Pet Products, Inc., 3902 Leavenworth St., Omaha NE 68105. GEISLER DOG FLEA & TICK POWDER. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 35300-R. Guardian Pools, Inc., 650 N. State Rd. 7, Hollywood FL 33021. ALLIED POOL GUARD. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 19605-A. Gulf Chemicals Co., 6840 Piccadilly, Houston TX 77061. SWIMCHEM SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5905-UUE. Helena Chemical Co., Clark Tower—5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA. Active Ingredients: Alkanolamine salts (of the ethanol and Isopropanol series) of dinoseb (2-sec-butyl-4,6-dinitrophenol) 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA File Symbol 8730-I. Herculite Protective Fabrics Corp., 1107 Broadway, New York NY 10010. HERCON "INSECTAPE" PROFESSIONAL STRENGTH WITH DIAZINON. Active Ingredients: [O,O-diethyl-O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 6962-19. Madison Bionics, 11250 W. Addison St., Franklin Park IL 60131. DIE-SECT SPRAY POWDER. Active Ingredients: Orthoboric Acid 6.83%; Sodium Tetraborate Decahydrate 0.07%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claims. PM15

EPA Reg. No. 6962-19. Madison Bionics. DIE-SECT SPRAY POWDER. Active Ingredients: Orthoboric Acid 6.83%; Sodium Tetraborate Decahydrate 0.07%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claims. PM15

EPA File Symbol 1307-REN. Magnolia Chemical Co., Inc., 2646 Rodney Lane, PO Box 29179, Dallas TX. MAGNOLIA SUPERKILL. Active Ingredients: Prometon (2,4-bis(isopropylamino) - 6 - methoxy - s - triazine) 1.75%; Pentachlorophenol 0.74%; 2,3,4,6-Tetrachlorophenol 0.10%; Petroleum Hydrocarbons 92.14%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 18962-A. Med-Tex, Inc., 16255 Ventura Blvd., Encino CA 91436. ALGAE FREE. Active Ingredients: Benzethonium Chloride 20%; (Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride). Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10454-T. Metropolitan Petroleum, Petrochemicals Co., Inc., 25 Caven Point Rd., Jersey City NJ 07305. BIOSUL. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 38835-R. Midgewater Enterprises, Box 364, Guilderland NY 12084. ADIRONDACK BUG BAR. Active Ingredients: N,N-Diethyl-m-Toluamide 50%; Oil of Cedarwood 2%; Oil of Citronella 2%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 10535-G. Professional Chemists, Inc., 700 Center Point Rd., N.E., Cedar Rapids IA 52402. PRO-SAN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 11547-UR. Share Corp., PO Box 9, Brookfield WI 53005. PINE ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Pine Oil 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 201-369. Shell Chemical Co., Suite 200 1025 Connecticut Ave., N.W., Washington DC 20460. VENDEX 50 WETTABLE POWDER. Active Ingredients: Hexakis (2-methyl-2-phenylpropyl) -distannoxane 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM13

EPA File Symbol 38819-R. Solvent Manufacturing Co., Inc. 1517 Ocama Blvd., Midwest City OK 73110. SWIMMING POOL ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethylimino) ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 436-EL. Standard Chemical, Box 3844, 701 So. 42nd St., Omaha NE 68103. CATTLE PRE-MIX NO. 6. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.28%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 436-EA. Standard Chemical. STANDARD'S DAIRY BASE MIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 436-EU. Standard Chemical. 1½ x 1 MINERAL NO. 6. Active Ingredients: 2 - chloro - 1 - (2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 2.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 148-RELD. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City, Kansas 66110. DYMIL'N W-25. Active Ingredients: N-[[(4-chlorophenyl) amino]carbonyl] - 2,6 - difluorobenzamide 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 400-75. Uniroyal Chemicals, 74 Amity Rd., Bethany CT 06525. DYANAP. Active Ingredients: Sodium N-1-naphthylphthalamate 22.3%; Sodium salt of dinoseb (2-sec-butyl-4,6-dinitrophenol) 11.5. Method of Support: Application proceeds under 2(b) of interim policy. Republished; Added uses and Revised offer to pay statement submitted. PM25

EPA File Symbol 1388-LII. Universal Cooperatives, Inc. 111 Glanorgan St., Alliance Ohio 44601. UNICO ATRAZINE 4L HERBICIDE. Active Ingredients: 2-chloro-4-ethylamino - isopropylamino - s triazine 40.8%; Related Compounds 2.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Offer to pay statement submitted. PM25

EPA File Symbol 7401-ELO. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 95418. DIPEL. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of potency per milligram: At least 6.75 billion viable spores per gram 0.86. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 3525-AG. Utility Chemical Co., 145 E. Peel St., Paterson NJ 07524. UTIKEM SODIUM HYPOCHLORITE LIQUID CHLORINATING AGENT FOR SWIMMING POOLS. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 11659-RN. Walling Chemical Co., PO Box 408, 2008 Westport Ave., Sioux Falls SD 57101. A-229. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylenedichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 99-RRU. Watkins Products, Inc., 150 Liberty St., Winona, MN 55987. SWAT FOR DAIRY CATTLE. Active Ingredients: 2 - chloro - 1 - (2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 0.70%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

[FR Doc.76-16911 Filed 6-10-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 21]

ACTIONS OF THE BOARD; APPLICATIONS AND REPORTS

Week Ending May 22, 1976

In the matter of actions of the Board of Governors and applications and reports received during the week ending May 22, 1976.

ACTIONS OF THE BOARD

Statement by Governor J. Charles Partee before the Senate Committee on Banking, Housing and Urban Affairs, on S. 50, the "Full Employment and Balanced Growth Act of 1976", the bill would amend the Employment Act of 1946.

Report on bill H.R. 12344, a bill to amend Title VIII of the Civil Rights Act of 1968; letter in response to request for comments sent to Honorable Gladys Noon Spellman.

Report on bill S. 2347, a bill that would impose certain standards and limitations upon the issuance of standby letters of credit, ineligible acceptances, and related instruments; letter in response in request for Board's comments sent to Chairman Proxmire Senate Committee on Banking, Housing and Urban Affairs.

Regulation Y interpretation regarding the underwriting of credit life and credit accident and health insurance by subsidiaries of bank holding companies.

First Missouri Bank of Gasconade County, Hermann, Missouri, issuance of subordinated capital notes.

First National Charter Corporation, Kansas City, Missouri, extension of time to December 23, 1976, within which to divest of a tract of land it acquired indirectly in connection with the acquisition of Bank of Carthage, Carthage, Missouri.

Davenport Bank and Trust Company, Davenport, Iowa, to make an investment in bank premises.[1]

First Bancshares of Florida, Inc., Boca Raton, Florida, extension of time until September 19, 1976, within which to acquire 90 per cent or more of the voting shares of Vero Beach National Bank, Vero Beach, Florida.[1]

Republic of Texas Corporation, Dallas, Texas, 90-day extension of time to August 18, 1976, within which to consummate the acquisition of First National Bank of Henderson, Henderson, Texas, and First Bank in Groveton, Groveton, Texas.[1]

Southern Illinois Bancorporation, Inc., Highland, Illinois, extension of time to May 31, 1976, within which to file its registration statement.[1]

SWB Corporation, Oklahoma City, Oklahoma, extension of time to August 19, 1976, within which to consummate the acquisition of The Southwestern Bank & Trust Company, Oklahoma City, Oklahoma.[1]

Union Illinois Company, East St. Louis, Illinois, 30-day extension of time to June 17, 1976, within which to acquire a majority of the shares of Union National Bank of East St. Louis, East St. Louis, Illinois.[1]

First Freeport Bank, National Association, Freeport, Illinois, proposed merger with First National Bank of Freeport, Freeport, Illinois; report to the Comptroller of the Currency on competitive factors.[1]

First National Bank of Mount Savage, Mount Savage, Maryland, proposed merger with The First National Bank and Trust Company of Western Maryland, Cumberland, Maryland; report to the Comptroller of the Currency on competitive factors.[1]

Westgate Plaza Branch, San Diego, of Bank of Montreal (California), San Francisco, California, proposed acquisition by Japan California Bank, Los Angeles, California; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

TO FORM A BANK HOLDING COMPANY PURSUANT TO SECTION 3(A)(1) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Crawford State Company, Crawford, Nebraska, for approval to acquire 94 per cent or more of the voting shares of Crawford State Bank, Crawford, Nebraska.

Elgin Bancshares, Inc., Elgin, Oklahoma, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of The Bank of Elgin, Elgin, Oklahoma.[2]

Woodbine Agency, Inc., Woodbine, Kansas, for approval to acquire 50.8 per cent or more of the voting shares of The Citizens State Bank, Woodbine, Kansas.

Panhandle Bancshares, Inc., Panhandle, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of The First National Bank of Panhandle, Panhandle, Texas.[2]

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 3(A)(3) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Southwest Florida Banks, Inc., Fort Myers, Flordia, for approval to acquire 80 per cent or more of the voting shares of First National Bank and Trust Company of Naples, Naples, Florida.

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(C)(8) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Dakota Bancorporation, Rapid City, South Dakota, for approval to continue to engage in the activity of a general insurance agency, through Columbus Insurance Agency, Columbus, North Dakota.

Crawford State Company, Crawford, Nebraska, for permission to acquire Crawford Bank Agency, Crawford, Nebraska.

Woodbine Agency, Inc., Woodbine, Kansas, for permission to continue to engage in general insurance agency activities in a community with a population not exceeding 5,000 persons.

Republic of Texas Corporation, Dallas, Texas, for approval to continue the lending activities of its trusteed affiliate, The Howard Corporation, Dallas, Texas.

Delayed

Liberty National Corporation, Oklahoma City, Oklahoma, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or the account of others, loans or other extensions of credit) at 100 Broadway, Oklahoma City, Oklahoma (5/21/76).[3]

Reactivated

Commercial Security Bancorporation, Ogden, Utah, notification of intent to engage in *de novo* activities (to act as a lender in the making or acquiring of consumer loans; CSB Leasing, Inc., will act as a regulated lender as provided for under the provisions of the Utah Uniform Consumer Credit Code) at 2491 Washington Boulevard, Ogden; 3565 Harrison Boulevard, Ogden; 3775 Wall Avenue, South Ogden; 124 West 4600 South, Washington Terrace; 79 South State Street, Salt Lake City; 2299 Highland Drive, Salt Lake City; 130 West 2100 South, Salt Lake City; 5625 South Waterbury Way, Salt Lake City; 5101 South State Street, Murray; 924 East Union Fort Boulevard, Midvale; 201 North Main Street, Tooele; 50 West Main Street, Grantsville; 185 South State Street, Orem; 207 North University Avenue, Provo; 3081 South State Street, Salt Lake City; 290 South 1300 East, Salt Lake City; and 280 North Main Street, Logan, all located in Utah, through its subsidiary, CSB Leasing, Inc. (5/20/76).[3]

Permitted

First National Boston Corporation, Boston, Massachusetts, notification of intent to engage in *de novo* activities (providing bookkeeping or data processing services for the internal operations of First National Boston Corporation and its subsidiaries, storing and processing banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services for others and providing all such other data processing services and engaging in all other activities as are presently permissible as incidental activities) at the intersection of Route 9 and Lyman Street, Westborough, Massachusetts, through a subsidiary, Firstbank Data Services, Inc., Boston, Massachusetts (5/22/76).[3]

Industrial National Corporation, Providence, Rhode Island, notification of intent to relocate *de novo* activities (origination and sale of residential mortgages, servicing of residential mortgage loans, and insurance agency for any insurance directly related to an extension of credit or provision of other financial services or otherwise sold as a matter of convenience to the purchaser) from 609 East Jolly Road, Lansing, Michigan to 700 North Washington, Lansing, Michigan, through a subsidiary, Mortgage Associates, Inc. (5/21/76).[3]

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in *de novo* activities (mortgage banking, including the making, acquiring, and servicing for its own account or the account of others, loans and other extensions of credit) at Suite 301, 71 Broadway, New York City, New York, through its wholly-owned subsidiary, The Kissell Company, Springfield, Ohio. (5/17/76).[3]

Southern Bancorporation, Inc., Greenville, South Carolina, notification of intent to engage in *de novo* activities (making extensions of credit as a licensed consumer finance lender under the Consumer Finance Act of South Carolina as supervised by the South Carolina Board of Bank Control, Consumer Finance Division; and acting as agent for the sale of credit related life/accident and disability insurance, and credit related property and casualty insurance issued in connection with the above-mentioned extensions of credit) in Goose Creek, South Carolina, through its subsidiary, World Finance Corporation of South Carolina (5/16/76).[3]

United Carolina Bancshares Corporation, Whiteville, North Carolina, notification of intent to relocate *de novo* activities (making loans, including but not limited to, loans under the Georgia Industrial Loan Act, first and second mortgage loans, purchase of retail paper; and acting as agent with respect to the sale of credit life, credit accident and health, and physical damage insurance that is directly related to an extension of credit made by First Credit Corporation of Georgia) from 42 West Railroad Avenue, Pine Mountain, Georgia to 34 South Court Square, LaGrange, Georgia, through its subsidiary, First Credit Corporation of Georgia (5/22/76).[3]

Combanks Corporation, Winter Park, Florida, notification of intent to engage in *de novo* activities (the sale to mortgage applicants of credit life insurance on an agency basis) at 411 Wymore Road, Winter Park, Florida, through a subsidiary, Combanks Mortgage Company (5/22/76).[3]

Southern Bancorporation of Alabama, Birmingham, Alabama, notification of intent to engage in *de novo* activities (providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial, or other related economic data such as performing payroll, accounts receivable or payable, or billing services for others) at 2430 Fairlane Drive, Montgomery, Alabama and 1820 Montgomery Highway, Dothan, Alabama, through a subsidiary, Southern Data Services, Inc. (5/22/76).[3]

Commercial Security Bancorporation, Ogden, Utah, notification of intent to engage in *de novo* activities (to act as a lender in the making or acquiring of consumer loans; CSB Leasing, Inc., will act as a regulated lender as provided for under the provisions of the Utah Uniform Consumer Credit Code) at 2491 Washington Boulevard, Ogden; 3565 Harrison Boulevard, Ogden; 3775 Wall Avenue, South Ogden; 124 West 4600 South, Washington Terrace; 79 South State Street, Salt Lake City; 2299 Highland Drive, Salt Lake City; 130 West 2100 South, Salt Lake City; 5625 South Waterbury Way, Salt Lake City; 5101 South State Street, Murray; 924 East Union Fort Boulevard, Midvale; 201 North Main Street, Tooele; 50 West Main Street, Grantsville; 185 South State Street, Orem;

See footnotes at end of document.

207 North University Avenue, Provo; 3081 South State Street, Salt Lake City; 290 South 1300 East, Salt Lake City; and 280 North Main Street, Logan, all located in Utah, through its subsidiary, CSB Leasing, Inc. (5/20/76).[3]

Commercial Security Bancorporation, Ogden, Utah, notification of intent to engage in *de novo* activities (to act as a lender in the making or acquiring of consumer loans; CSB Leasing, Inc., will act as a regulated lender as provided for under the provisions of the Utah Uniform Consumer Credit Code) at 2491 Washington Boulevard, Ogden; 3565 Harrison Boulevard, Ogden; 3775 Wall Avenue, South Ogden; 124 West 4600 South, Washington Terrace; 79 South State Street, Salt Lake City; 2299 Highland Drive, Salt Lake City; 130 West 2100 South, Salt Lake City; 5625 South Waterbury Way, Salt Lake City; 5101 South State Street, Murray; 924 East Union Fort Boulevard, Midvale; 201 North Main Street, Tooele; 50 West Main Street, Grantsville; 185 South State Street, Orem; 207 North University Avenue, Provo; 3081 South State Street, Salt Lake City; 290 South 1300 East, Salt Lake City; and 280 North Main Street, Logan, all located in Utah, through its subsidiary, CSB Leasing, Inc. (5/20/76).[3]

Commercial Security Bancorporation, Ogden, Utah, notification of intent to engage in *de novo* activities (to act as a lender in the making or acquiring of consumer loans; CSB Leasing, Inc., will act as a regulated lender as provided for under the provisions of the Utah Uniform Consumer Credit Code) at 2491 Washington Boulevard, Ogden; 3565 Harrison Boulevard, Ogden; 3775 Wall Avenue, South Ogden; 124 West 4600 South, Washington Terrace; 79 South State Street, Salt Lake City; 2299 Highland Drive, Salt Lake City; 130 West 2100 South, Salt Lake City; 5625 South Waterbury Way, Salt Lake City; 5101 South State Street, Murray; 924 East Union Fort Boulevard, Midvale; 201 North Main Street, Tooele; 50 West Main Street, Grantsville; 185 South State Street, Orem;

Board of Governors of the Federal, at the hearing and a statement of the

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207 North University Avenue, Provo; 3081 South State Street, Salt Lake City; 290 South 1300 East, Salt Lake City; and 280 North Main Street, Logan, all located in Utah, through its subsidiary, CSB leasing, Inc. (5/20/76) [3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in *de novo* activities (operating as an industrial loan company in the manner authorized by the law of the State of Washington which law does not permit the acceptance of demand deposits; the company will not make commercial loans) at 3000 South Main Street, Union Gap, Washington, through a subsidiary, Rainier Industrial Loan Company, a subsidiary of Rainier Credit Company (5/17/76) [3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in *de novo* activities (operating as an industrial loan company in the manner authorized by the law of the State of Washington which law does not permit the acceptance of demand deposits; the company will not make commercial loans) at 824 East Pike, Seattle, Washington, through a subsidiary, Rainier Industrial Loan Company, a subsidiary of Rainier Credit Company (5/17/76) [3]

APPLICATIONS RECEIVED

TO ESTABLISH A DOMESTIC BRANCH PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

The Richwood Banking Company, Richwood, Ohio. Branch to be established at 601 West Main Street, Plain City, Union and Madison Counties.

New Bank of Roanoke, Roanoke, Virginia. Branches to be established at the following locations:

A. At 5301 Williamson Road, N.W., Roanoke.

B. At the Oak Grove Plaza, Virginia Route 410, Roanoke County.

Louisville Trust Bank, Inc., Louisville, Kentucky. Branch to be established at 3940 Westport Road, Louisville, Jefferson County.

TO FORM A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(1) OF THE BANK HOLDING COMPANY ACT OF 1956

Central Bancorp, Inc., Owensboro, Kentucky, for approval to acquire 80 per cent of the voting shares of Central Bank & Trust Company, Owensboro, Kentucky, Owensboro, Kentucky.

First Yukon Bankshares, Inc., Oklahoma City, Oklahoma, for approval to acquire 84.77 per cent of the voting shares of The First National Bank of Yukon, Yukon, Oklahoma.

United Bankshares, Inc., Salina, Kansas, for approval to acquire 80 per cent or more of the voting shares of Planters State Bank and Trust Company, Salina, Kansas.

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(3) OF THE BANK HOLDING COMPANY ACT OF 1956

First United Bancorporation, Inc., Fort Worth, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Las Colinas National Bank of Irving, Irving, Texas, a proposed new bank.

First Security Corporation, Salt Lake City, Utah, for approval to acquire 98.75 percent of the voting shares of First Security Bank of Orem, National Association, Orem, Utah, a proposed new bank.

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(c)(8) OF THE BANK HOLDING COMPANY ACT OF 1956

C.I.T. Financial Corporation, New York, New York, for approval to acquire substantially all of the assets of 27 offices of Guardian Commercial Corp., Roslyn Heights, New York, (engaged in making, acquiring and servicing loans and other extensions of credit such as would be made by a finance company; and making available to customers credit life, accident and health insurance in connection with such loans and other extensions of credit and casualty insurance in connection with collateral securing such loans and extensions of credit)

Walter E. Heller International Corporation, Chicago, Illinois, for approval to acquire the shares of PepsiCo Leasing Corporation, Lexington, Massachusetts, (to engage in the business of (1) commercial finance, (2) leasing (but not operation) of personal property, and (3) furnishing electronic data processing service of a financial or economic nature)

Root River Agency, Inc., Preston, Minnesota, notification of intent to engage in *de novo* activities (an agricultural credit company) at 100 St. Anthony 1 North, Preston, Minnesota (5/21/76) [3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in *de novo* activities (the origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties for its own account or for sale to others and the servicing of such loans for others) at 710 South Broadway Street, Walnut Creek, California, through its subsidiary, Security Pacific Mortgage Corporation (5/13/76) [3]

REPORTS RECEIVED

OWNERSHIP STATEMENT FILED PURSUANT TO SECTION 13(D) OF THE SECURITIES EXCHANGE ACT

Received

Bank of Commonwealth, Detroit, Michigan (Amendment #2—filed by Ghaith Pharaon)

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, June 4, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17072 Filed 6-10-76;8:45 am]

BAYBANK NEWTON-WALTHAM TRUST CO.

Order Approving Application for Merger of Banks

Baybank Newton-Waltham Trust Company, Waltham, Massachusetts ("Applicant"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with The Union Market National Bank of Watertown, Watertown, Massachusetts ("Union Market"), under the charter and title of Applicant. Incident to the proposed merger, the existing offices of Union Market would become branches of Applicant. The merging banks involved in this proposal are subsidiaries of Baystate Corporation, Boston, Massachusetts, a registered bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841 et seq.)

As required by the Act, notice of the proposed transaction, in a form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments received in the light of the factors set forth in the Act.

Applicant, with deposits of approximately $236.1 million, is the eleventh largest commercial bank in Massachusetts [1] and controls approximately 1.8 percent of the total deposits in commercial banks in the Boston banking market.[2] The Boston banking market is the relevant banking market for purposes of this proposal.[3] Union Market, with deposits of $64 million, is also located in the Boston banking market and controls 0.5 percent of total deposits in the market.

Since both of the banks involved in this proposal are subsidiaries of the same bank holding company, consummation of the proposal would not eliminate any existing or potential competition, or increase the concentration of banking resources; nor does it appear that the proposal would have any adverse effect on other banks within the relevant banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Union Market are consistent with approval of the application. It is anticipated that the proposed merger would result in operational economies and a more efficient use of management skills and resources by Baystate Corporation. In addition, public convenience in the service area of Union Market may be enhanced as a result of access to services provided by Applicant including a broader range of trust and commercial lending services. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order nor (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[4] effective June 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17066 Filed 6-10-76;8:45 am]

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated atuhority.

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

[2] Banking data with respect to the Boston banking market are as of June 30, 1974.

[3] The Boston banking market is approximated by the Boston Ranally Metropolitan Area.

CENTRAL BANCORP, INC.

Formation of Bank Holding Company

Central Bancorp, Inc., Owensboro, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent of the voting shares of Central Bank and Trust Company, Owensboro, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 28, 1976.

Board of Governors of the Federal Reserve System, June 4, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17067 Filed 6-10-76;8:45 am]

FIRST COLONIAL CORP.

Formation of Bank Holding Company

First Colonial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Colonial Bank and Trust Company of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 2, 1976.

[4] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, and Lilly. Absent and not voting: Governors Wallich and Partee.

Board of Governors of the Federal Reserve System, June 3, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-16953 Filed 6-10-76;8:45 am]

FIRST UNITED BANCORPORATION, INC.

Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Las Colinas National Bank of Irving, Irving, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 25, 1976.

Board of Governors of the Federal Reserve System, June 7, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17068 Filed 6-10-76;8:45 am]

FORT SAM HOUSTON BANKSHARES, INC.

Proposed Acquisition of Life Insurance Co.

Fort Sam Houston Bankshares, Incorporated, San Antonio, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Greenwood Life Insurance Company, San Antonio, Texas. Notice of the application was published on May 6, 1976 in The San Antonio Light, a newspaper circulated in San Antonio, Texas.

Applicant states that the proposed subsidiary would engage in the following activities: act as underwriter for credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 7, 1976.

Board of Governors of the Federal Reserve System, June 7, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17069 Filed 6-10-76;8:45 am]

MONTGOMERY BANCORPORATION, INC.

Formation of Bank Holding Co.

Montgomery Bancorporation, Inc., Winchester, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The Montgomery National Bank of Mt. Sterling, Mt. Sterling, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 6, 1976.

Board of Governors of the Federal Reserve System, June 4, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17070 Filed 6-10-76;8:45 am]

UNITED BANKSHARES, INC.

Formation of Bank Holding Company

United Bankshares, Inc., Salina, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Planters State Bank and Trust Company, Salina, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 28, 1976.

Board of Governors of the Federal Reserve System, June 4, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17071 Filed 6-10-76;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19989; FCC 76-497]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Transmittal No. 11935; and Revisions to the Wide Area Telecommunications Service (WATS) Tariff F.C.C. No. 259

By the Commission: Commissioner Hooks concurring in the result; Commissioner Washburn concurring and issuing a statement.*

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1. Before setting forth our decision in detail, we believe it would be useful to briefly summarize our major conclusions in this proceeding. This proceeding involves significant and substantial changes in Bell's Wide Area Telecommunications Service (WATS) rate structure filed by Bell under AT&T Transmittal No. 11935 in January 1974. Our major conclusion is that Bell has failed to carry its burden of showing that the resulting Outward and Inward WATS rate structure and rate levels are just, reasonable and free of unlawful discrimination within the meaning of Sections 201(b) and 202(a) of the Act, 47 U.S.C. 201(b) and 202(a). Among other things, we conclude that in designing Outward and Inward WATS monthly service charges, Bell proposed a novel ratemaking approach which results in unjustified and therefore unlawful charges; that Bell's identical pricing of Outward and Inward WATS services results in unjustified and therefore unlawful charges because Outward and Inward WATS services are different classifications of communications service within the meaning of Section 201(b) of the Act which must be separately justified and priced accordingly; and, more generally, that Bell's WATS tariff filing is unjustified and unlawful because serious questions exist regarding the validity of the embedded and incremental cost justification, and traffic and revenue projections, which were provided by Bell, in part, as evidence of the lawfulness of its WATS tariff.

I. PROCEDURAL HISTORY

2. On January 15, 1974, the American Telephone and Telegraph Company-Long Lines Department[1] filed significant and substantial changes in the internal rate structure for its Wide Area Telecommunications Service (WATS). After an exchange of pleadings,[2] we designated the tariff revision filed with Transmittal No. 11935 for hearing and investigation by Memorandum Opinion and Order released April 5, 1974, 46 FCC 2d 81, and suspended their effective date until July 1, 1974.[3] The investigation of the rate structure changes filed with Transmittal No. 11935 is referred to herein as "Phase I" of Docket No. 19989. Our decision herein concerns primarily these changes. Phase II of Docket No. 19989 concerns the lawfulness of certain changes in the WATS tariff filed by AT&T in March 1975 under Transmittal No. 12303. Phase II was initiated in accordance with our Memorandum Opinion and Order released March 27, 1975, 52 FCC 2d 155, and was recently deferred pending our Phase I decision, FCC 76-305, adopted March 30, 1976.[4] Bell filed further changes in its WATS tariff, under Transmittal No. 12497, effective February 29, 1976, Docket No. 20732, 58 FCC 2d 1 (1976).

3. In our Designation Order for Phase I and a subsequent procedural order released July 9, 1974, FCC 74-730, 39 F.R. 26929, we established "paper" hearing procedures and determined that the Commission would issue a final decision upon the close of the record in Phase I without preparation of an initial or recommended decision by the Administrative Law Judge (ALJ).[5] Our Designation Order established the following specific issues for investigation, without limiting in any way the scope of the proceeding:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of Section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of Section 202(a) of the Act;

(3) Whether the revised tariff schedules conform to the requirements of Section 203 of the Act and Part 61 (47 CFR Part 61) of our Rules implementing that Section;

(4) If any such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to Section 2$5 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed.

In addition, our Designation Order, 46 FCC 2d at 84-85, referred to questions of lawfulness raised in connection with other dockets, e.g., Docket No. 13914, Re-WATS, 37 FCC 688 (1964), 38 FCC 475 (1965) and Docket No. 19129.

4. The record for decision consists of AT&T's original justification and other material filed with Transmittal No. 11935 pursuant to Section 61.38 of the Rules, as supplemented, plus the direct cases of the other participants, several rounds of interrogatories and responses filed by participants in the hearing and Proposed Findings of Fact and Conclusions of Law and Replies thereto. The filing parties in this proceeding were AT&T, the Trial Staff of the Common Carrier Bureau (Trial Staff), the Committee of Corporate Telephone Users (CCTU), CARSI, McGraw-Hill, and National Data. MCI, Computoll, the National Retail Merchants Association, Inc.

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*Commissioner Washburn's statement filed as part of the original document.

[1] Our Designation Order herein, designated as respondents AT&T and all carriers listed in AT&T's Tariff FCC Nos. 259 and 264 as concurring carriers. AT&T Long Lines and the Bell System operating companies are referred to herein as AT&T or Bell.

[2] Petitions for suspension and investigation were filed by Computoll Corporation (Computoll), The Committee of Corporate Telephone Users (CCTU), Aerospace Industries Association (AIA), Computerized Automotive Reporting Service Inc. (CARSI), McGraw-Hill, Inc. (McGraw-Hill), National Data Corporation (National Data), Ad Hoc Telecommunications Committee (Ad Hoc), and MCI Telecommunications Corporation, Microwave Communications Inc., MCI New York West, Inc. and Interdata Communications, Inc. (MCI). MCI's petition for rejection was denied by the Chief, Common Carrier Bureau by Order adopted March 27, 1974, 46 FCC 2d 13.

[3] Certain changes as described below became effective six months later on January 1, 1975.

[4] See also our Memorandum Opinion and Orders released March 6, 1975, 51 FCC 2d 619, and December 11, 1975, 57 FCC 2d 11 (1976).

[5] See also our order adopted July 17, 1974, 47 FCC 2d 1183, and the ALJ's orders released September 5, 1974, FCC 74M-1092; November 26, 1974, FCC 74M-1544; February 24, 1975, FCC 75M-341; March 6, 1975, FCC 75M-434; March 25, 1975, FCC 75M-567; April 14, 1975, FCC 75M-674; and May 6, 1975, FCC 75M-827.

(NRMA) and the Chicago and North Western Transportation Company[6] participated at various stages of the hearing but did not file Proposed Findings of Fact and Conclusions of Law or Reply Findings and Conclusions. The presiding ALJ certified the record in Phase I to the Commission for decision by order released July 10, 1975, FCC 75M-1220.

II. FINDINGS

A. BACKGROUND

5. AT&T introduced interstate Outward WATS service in 1961 to provide a subscriber having requirements for substantial amounts of communications to diverse geographical points with the means of making telephone calls from his premises to telephones anywhere within a specified Service Area(s) at monthly rates. See generally Re WATS, supra. Outward WATS is a customer-dialed service, i.e., it does not include person-to-person, collect, conference, credit card calls or calls charged to a third number. Interstate Inward WATS service was introduced by AT&T in 1967. Outward and Inward WATS customers do not have the option of making or receiving calls which require the service of an operator except Inward WATS calls from a coin telephone. Inward WATS calls are dialed by the caller but are paid for by the Inward WATS subscriber. Although both Outward and Inward WATS services utilize the same public switched network they do so in a significantly different manner. While Outward WATS calls are screened and blocked (to determine whether a call is in the authorized Service Area or not) in the originating toll office, such screening and blocking of Inward WATS calls occurs after the call has traversed the telephone network, in a terminating toll office serving the Inward WATS access line. A single access line is precluded by Bell's tariff from both originating Outward WATS and receiving Inward WATS calls. Both Outward and Inward WATS services are used in computer applications, reservation services, credit verification services, store and forward message services, etc.

6. During the period since 1961, Outward and Inward WATS have experienced substantial growth. For example, overall WATS revenues have grown from $18 million in annual revenue in 1961 to approximately $925 million in 1974. At this writing annual revenues exceed $1 billion. The annual growth rate in revenues during the last three years is about 25%. The number of WATS access lines have grown from 1900 in 1961 to 108,000 in 1974. In particular, access line growth in Inward WATS service has been at an average of 35% annually.

7. Prior to the rate structure changes at issue herein, Outward and Inward WATS were offered on both a Full Time (FT) and Measured Time (MT) basis. Under FT service the customer was provided an access line which he could use 24 hours a day, 7 days a week, for which he paid a flat monthly rate irrespective of the time of use or number of duration calls made. In MT service the access line was also continuously available but the monthly initial period rate covered 10 hours of use per month with additional charges applying for each additional hour or portion thereof of use during the month. In both FT and MT services, the customer had a choice of six progressively larger geographic Service Areas. The largest included the entire United States, excluding Alaska and Hawaii and the customer's home state. In both monthly initial and additional periods, charges varied generally with the size of the geographical areas service. Itemized billing was not provided as part of the WATS offering and payment of monthly initial period charges was in advance.

8. The WATS tariff changes filed by Bell under Transmittal No. 11935 and at issue herein are:[7]

(1) "Alignment" of the rates for WATS MT service "more closely" with the current MTS dial station-to-station rates (MTS DDD). In the MT service the initial period and additional period rates in the low mileage rate steps (below 250 miles) are increased and the initial period and additional period rates in the medium and high mileage rate steps (over 300 miles) are generally reduced. Initial period rates remain the same for distances from 251-300 miles.

(2) The FT service is changed to Full Business Day (FTB) service with a flat rate for 240 hours a month service and additional period rates for usage in excess of 240 hours per month. The additional period rates for usage over 240 hours are set at a level of two-thirds of the equivalent hourly rate for the initial period.

(3) "Alignment" of the rates for FBD service with the revised rates for MT service. In the FBD service the initial period rates in the low and medium mileage rate steps are increased (below 1200 miles) and the initial period rates in the high mileage rate steps (over 1200 miles) are reduced.

(4) In both the FBD and MT services additional charges are imposed for large volumes of completed calls when the average length of each call is less than one minute.

(5) Two physical terminations are required for Inward WATS. The first Inward service in each service group arranged for either MT or FBD to a Service Area requires two physical terminations. The usage of the dual terminations is rated as one service. No additional charge applies for the additional termination. This change became effective six months later than other changes.

(6) The number of geographical Service Areas is reduced from 6 to 5 by combining existing Service Areas 5 and 6.

(7) The following non-recurring charges are increased:

Description of charge	Former	Revised and effective July 1, 1974
Installation of service	$10	$50
Move:		
Same premises	10	25
Different premises	10	50
Suspension of service	15	50
Maintenance of service	10	25
Adjustment of signal power	10	25

Installation and Move charges became effective six months later than other charges.

(8) A "Conversion Charge" of $25.00 is established to apply to requested changes in class of service, service area, or telephone number assignment subsequent to the initial service installation. This change became effective six months later than other changes.

(9) The monthly rates for WATS extension stations are increased as follows:

	Former	Revised and effective July 1, 1974
First station in an exchange	$12.50	$15
Each additional station in an exchange	7.50	10

(10) The allowance for service interruptions is revised by reducing the period for an allowance for MT service to two hours or more, the same as for FBD service. The proposed regulation will provide for an allowance equal to a full day's rate (1/30 of the monthly initial period rate) for an interruption of eight hours or more per day.

(11) Various changes and clarifications are made in the text of the tariff including definition of the following terms:

Access Line	Premises
Customer	Rate Center
Exchange Area	Service Group
Interexchange Channel	Service Terminal
Move	Station

AT&T stated that the estimated effect of these revisions would be to increase the charges for about 40% of the existing WATS customers and reduce the charges for about 60% of such customers. However, AT&T alleged that there would be no significant change in total WATS revenues or earnings. In this regard, AT&T stated that the changes in the MT monthly rates would result in reduction of about $10 million in net annual revenues; that the changes in FT (now FBD) monthly rates would produce a net annual revenue increase of about $5 million; and that increases in nonrecurring charges and other changes referred to above would produce an increase of about $5 million a year.

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[6] Chicago and North Western Transportation Company filed a notice of withdrawal of participation on September 20, 1974.

[7] Initial and additional period rates for MT and Full Business Day (FBD) have been revised as a result of Bell's March 1975 (Transmittal No. 12303) and February 1976 (Transmittal No. 12497) WATS tariff filings. Adjustments were also made at the same times in nonrecurring and other charges.

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B. BELL'S JUSTIFICATION FOR INITIAL AND ADDITIONAL PERIOD MONTHLY CHARGES FOR MT AND FBD SUBCLASSES OF OUTWARD AND INWARD WATS

1. Discussion of Bell's "alignment" ratemaking theory

9. In purported justification of the WATS tariff changes filed with Transmittal No. 11935, Bell claims that initial and additional period monthly charges for MT and FBD subclasses of Inward and Outward WATS may be justified solely on the basis of maintaining "consistent" rate relationships over distance between WATS and MTS rates and that therefore independent cost of service studies, such as studies of WATS costs by length of haul, are not required to support or explain WATS charges resulting from such "alignment".[8]

10. In Bell Exhibit No. 2, Bell provides the following explanation of its "alignment" theory. It claims that "over the past few years changes in MTS dial station-to-station [MTS DDD] rates have had the effect of reducing rates for longer distances while increasing them for shorter distances."[9] Thus, Bell indicates that "as a part of its current review of WATS, the relationships over distance between WATS rates and MTS dial station-to-station [MTS DDD] rates were compared for consistency." It states that "economies inherent in WATS should be reflected in the rates more consistently over distance," and that "in view of the cross-elasticity between Measured Time WATS and MTS, it is desirable to maintain a consistent rate relationship between the two services over distance." Bell claims that the MT rates it has filed accomplish this objective. The methodology employed by Bell to demonstrate "alignment" consists of comparing graphically initial period Outward MT WATS rates with "repriced" or "equivalent" MTS DDD rates at specific points over distance at 10 hours of usage. "Equivalent" MTS DDD charges were developed by applying MTS DDD rates to 10 hours of usage consisting of messages having average Outward MT WATS characteristics as to lenth of conversation, time of day, length of haul, and day of the week. The changes in MT monthly charges which Bell alleges were necessary to achieve "alignment" with MTS DDD charges over distance result generally in increased MT rates at shorter distances and decreases at longer distances.[10]

11. According to Bell, the next step in its "alignment" theory was to align rates for FT (now FBD) service with the revised rates for MT service. Bell claims the revisions in FBD service are "similar" to those described for MT service and were made "to maintain appropriate rate relationships between them over distance." It alleges that without "alignment" of MT and FBD over distance the hours of use at which charges for MT service would be equal to charges for FBD service, range from 44 to 87 hours. It asserts this "economic crossover range" is "significantly narrowed" by the FBD rate revisions. The FBD revisions which Bell claims were necessary to achieve "alignment" of FBD charges with MT charges result generally in increased FBD rates at shorter distances and decreased rates at longer distances.[11]

12. For the reasons discussed below, we find that support for Bell's justification for its ratemaking approach is either nonexistent in this record or where presented it is unexplained. Further, Bell's "alignment" approach results in unjustified discriminations in favor of long-haul WATS users vis-a-vis short-haul WATS users. Further, we find that Bell's "alignment" approach contradicts well-established Commission policy which holds that costs of providing service are at the heart of the statutory requirement of Sections 201–205 of the Act for just, reasonable and non-discriminatory charges and that such costs are the benchmark from which the lawfulness of departures from costs are to be measured and justified.[12] We shall discuss our later findings first.

13. Bell's "alignment" theory is a departure from conventional ratemaking methodology whereby charges for a service are based upon the independent costs of providing the service and other pertinent characteristics indigenous to the service. Well-established Commission policy holds that cost of providing service is at the heart of the statutory requirements under Sections 201–205 of the Act for just, reasonable and non-discriminatory rates and that costs are to be directly controlling in the fixing of rates, or are to be considered as reference points or benchmarks, from which to measure the extent of any departures therefrom. Private Line Rate Cases, 34 FCC 244, 297 (1961), 34 FCC 217, 231 (1963); Re WADS, 35 FCC 149, 153–56 (1963); Re WATS, 37 FCC 695, 698 (1964); Re Part 61 of the Rules, 25 FCC 957, 965 (1970), 40 FCC 2d 149, 154 (1973); Re 48 khz, 29 FCC 2d 493 (1971); and Hi-Lo, 55 FCC 2d 224, 241 (1975), 58 FCC 2d 362, 266 (1976). Further, we have held that departures from costs in rate design must be "clearly warranted". Private Line Rate Cases, 34 FCC at 231, 291. Thus, even assuming arguendo, "aligment" might be an appropriate ratemaking concept, the independent costs of providing WATS services must be provided in the first instance so that the Commission may have a benchmark from which to measure the lawfulness of departures from costs, such as those which may result from "alignment". Accordingly, to the extent that Bell's "alignment" theory ignores the independent costs of providing Inward and Outward MT and FBD WATS services, such as studies of WATS costs by length of haul, we must find it is contrary to clearly established Commission policy and unacceptable. The specific cost and other data which must be submitted to permit reasoned consideration of the lawfulness of WATS rate changes is set forth in the guidelines for filing WATS tariff revisions in accordance with this decision at paras. 82–86 below.

14. In view of Bell's sole reliance on "alignment" in developing the initial and additional period monthly charges for MT and FBD subclasses of Outward and Inward WATS services an our findings that such approach is unjustified and unacceptable, we must find that the lawfulness of such charges has not been shown by Bell.

15. Apart from the patent illegality of Bell's "alignment" approach we find it is unjustified and unacceptable for other reasons. The Bell "alignment" approach is based on key assumptions and judgments for which there is no record support. Bell fails to explain on the record why it believes MTS and WATS rates should be "consistent" over distance or even what it means by "consistent". Nor does Bell explain why the mere existence of cross-elasticity between WATS and MTS services justifies "alignment" and its failure to supply independent WATS cost and revenue data.

Further, there is no record support for the proposition that transmission costs over distance for WATS and MTS services are similar, such as independent WATS cost data by length of haul compared to MTS cost data by length of haul. Even assuming that "alignment" could be a valid rate making tool, Bell's application of the approach in this case to develop Outward and Inward MT and FBD WATS monthly charges is unjustified. Bell attempts only a graphic comparison of Outward MT charges with "equivalent" MTS DDD charges.[13] It does not make such graphic comparisons for Outward FBD, Inward MT and FBD, but rather piggybacks them on the Outward MT comparison.

[8] In a February 18, 1976 hearing conference in Phase II of this proceeding, counsel for Bell characterized Bell's Phase I ratemaking theory as follows, Transcript, Vol. 3, p. 94: "* * * and bear in mind our ratemaking theory is that you do not justify WATS rates by virtue of WATS costs and revenues. Now rightly or wrongly, that is the position that was submitted in Phase I." A further description of Bell's ratemaking methodology for WATS rates is set forth at footnote 2 of our Memorandum Opinion and Order released in Phase II herein on December 11, 1975, 57 FCC 2d 11, 12 (1976).

[9] We note that the lawfulness of varying MTS rates over distance is an issue in Docket No. 19129, Phase II.

[10] As noted above, in March 1975, and February 1976, Bell filed further WATS tariff changes. These changes resulted in further rate increases for short-haul WATS users and generally reduced or unchanged charges for long-haul WATS users. According to Bell, these changes were necessary in order to maintain "consistent" WATS–MTS rate relationships over distance.

[11] Supra, n. 10.

[12] This is not to say that ratemaking factors other than costs may not be relevant. However, costs of providing service must be provided in any event.

[13] We note some of the non-Bell parties challenge the validity of the specific reprice model utilized by Bell.

16. In the case of Inward WATS MT and FBD charges, Bell's failure to explain or justify its piggyback procedure is significant. Bell admits that "Inward WATS and Dial Station-to-Station [MTS DDD] are not substitutes for each other and are not considered highly cross-elastic." Thus, to the extent that Bell considers cross-elasticity between WATS and MTS DDD services necessary for "alignment", which the record appears to indicate it does, then Bell's admission that Inward WATS is not cross-elastic with MTS DDD means that according to Bell's own theory Inward WATS charges may not be aligned with MTS DDD charges.[14] Similarly, the record does not indicate whether or to what extent the cross-elasticity between WATS service and MTS DDD service, which Bell appears to consider necessary for "alignment", exists between Outward FBD service and MTS DDD service. As to Bell's claim that "alignment" of Outward FBD rates with Outward MT rates "significantly narrows" the "economic crossover range" between FBD and MT services we find Bell fails to explain in the record why the narrowing of the "economic crossover range" is of decisional significance in or itself or why it justifies "alignment". Accordingly, the record does not support Bell's purported "alignment" of Outward WATS FBD, Inward WATS MT and FBD monthly charges with MTS DDD charges over distance.

17. Bell's purported "alignment" of Outward MT charges with "equivalent" MTS DDD charges, upon which Bell depends to justify "alignment" of the entire WATS service offering, is also of questionable validity. Although there may be cross-elasticity between Outward MT and MTS DDD services, Bell fails to explain on the record what level of cross-elasticity is necessary before "alignment" of Outward MT and MTS DDD charges becomes appropriate or how it would measure this cross-elasticity. Further, on the face of Bell's "alignment" presentation, serious questions also arise as to the reasonableness of Bell's judgment to align Outward MT rates with "equivalent" MTS DDD rates at 10 hours of usage. For example, the only justification Bell provides is its statement that the "appropriate point" to determine the rate relationship between Outward MT WATS and MTS DDD is at 10 hours of use since "that is the entry point between those classes of service, from the users' standpoint." If Bell means to imply that the customer will always evaluate his decision on whether to switch from MTS DDD to Outward MT WATS at the 10 hour usage level, we believe its view is questionable. It would seem irrational for a customer not to make this evaluation on any other basis than that of comparing the cost of procuring either Outward MT WATS or MTS DDD at his particular level of usage. Moreover, Bell's rationale is based upon the perspective of the individual customer and ignores the body or Outward MT WATS users as a whole. Bell fails to explain why "alignment" at the average usage level of 25 hours, which on its face seems more equitable to Outward MT WATS users as a whole, was not considered and why it would not be appropriate. In sum, Bell's judgment to align at 10 hours of usage appears to be a judgment for which there is no record support and therefore it is subject to serious question. Accordingly, Bell has not justified "alignment" in theory, and its mechanical presentation of "alignment", assuming *arguendo* it could be a valid ratemaking approach in general, has not been justified on this record.

18. Bell's "alignment" theory must also be rejected because it results in unjustified discriminations in favor of long-haul WATS subscribers vis-a-vis short-haul WATS subscribers. In further implementation of its "alignment" approach, Bell determined the Outward and Inward FBD and MT WATS monthly charges applicable to each of 58 originating service areas by matching the weighted mileage figures for these areas against a WATS rate table consisting of 19 rate steps and associated mileage bands.[15] As already noted the result of the process is Outward and Inward FBD and MT WATS monthly rates which vary considerably over distance with short-haul WATS users paying proportionately higher charges over distance than long-haul WATS users.[16]

19. We find the differing rate treatment accorded short-haul WATS users vis-a-vis long-haul WATS users constitutes a "discrimination" or "preference" within the meaning of Section 202(a) of the Act which must be justified by Bell. Hi-Lo, 58 FCC 2d at 368. The only justification Bell offers in support of setting MT and FBD WATS rates in the manner it has over distance in its "alignment" theory. No independent WATS cost and revenue data by length of haul was supplied by Bell for the record. For the reasons stated above, we have found Bell's "alignment" theory unjustified and in violation of Commission policy. Therefore, we must find also that Bell has failed to justify the price discrimination between short-haul and long-haul WATS users on this record. When Bell files tariff revisions in accordance with this decision it shall be required to furnish independent WATS cost and revenue data by length of haul in addition to any other ratemaking factors upon which it may rely, to enable the Commission to consider the lawfulness of any rate preferences given Outward and Inward WATS subscribers on the basis of considerations of distance. By requiring such data, we are not implying that it may not be appropriate to vary Outward and Inward WATS charges over distance. Our finding merely reflects the necessity for having sufficient evidence provided so we can give reasoned consideration to the lawfulness of WATS charges.

20. Accordingly, for the reasons set forth above, we find that Bell has failed to justify its "alignment" approach, the discrimination resulting thereunder, and its departure from Commission policy and conventional ratemaking methodology. Therefore, we must find the Outward and Inward FBD and MT WATS monthly rates filed by Bell and based upon its "alignment" theory are unjustified and unlawful.

2. Discussion of "revenue requirement" test of Docket No. 13914

21. Before we discuss our finding that Outward and Inward WATS are different classifications of communications service within the meaning of Section 201(b) of the Act which must be separately justified and priced accordingly, weshall address the Trial Staff's position that there is considerable doubt regarding whether or to what extent the existence of a "discounted" WATS service, i.e., "discounted" from MTS, is justified. The Trial Staff's concern was reflected in its challenge of Bell's "alignment" reprice model. For example, the Trial Staff alleges that Bell's "alignment" reprice model results in "sharp unjustified discounts" in the amounts a user must pay for Outward and Inward MT and FBD WATS services vis-a-vis MTS DDD.[17] The Trial Staff bases its position and analysis on our Decision in Docket No. 13914, Re WATS, supra, wherein the initial Outward WATS service offering was considered.

22. It was Bell's contention in Docket No. 13914 that the offering of Outward WATS service was made possible because of technological advances in communication, advances which allowed the service to be provided in a more economical manner compared to MTS. Re WATS, 37 FCC at 692. This ability to supply the Outward WATS service at rates "discounted" from MTS was one consideration in Bell's decision to offer Outward WATS. Another important consideration was Bell's perception of a demand for an interstate service for large volume communications users allowing access to telephones anywhere within a specified geographic service area.

[14] Moreover, our findings at paras. 26–35 below that Outward and Inward WATS services are different classifications of service under Section 201(b) of the Act which must be separately justified and priced accordingly, make invalid under any circumstances Bell's attempted piggyback "alignment" of Inward MT and FBD charges.

[15] Bell's March 1975 WATS tariff changes reduced the number of rate steps and mileage bands to 18.

[16] Supra, n. 9.

[17] On June 10, 1975, Bell filed a Motion to Strike substantial portions of the Trial Staff's Proposed Findings of Fact and Conclusions of Law, including the Trial Staff's entire challenge of its reprice model as follows: (1) para. 158, p. 100; (2) paras. 163–66, pp. 105–06; (3) para. 168, pp. 108–09; (4) para. 169, p. 109; (5) para. 192, pp. 126–27; (6) paras. 200–03, pp. 133–34; (7) pp. 135–95; (8) paras. 250–53, pp. 197–98; and (9) Appendices I, II and III. Bell contends in support of its Motion that the material contains both factual and opinion evidence which is not part of the record and that it has had no opportunity

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23. Since MTS and Outward WATS each provided service from one point to any one of many other points, it was reasonable to assume in Docket No. 13914 that the initial users of the new Outward WATS service would for the most part be former or "diverted" MTS users. Given this source for initial Outward WATS users, and the ability to offer Outward WATS service at a "discount" from MTS, Bell designed the initial Outward WATS rate structure to maintain unchanged the net operating income from MTS traffic diverted to Outward WATS. As explained in Docket No. 13914, the initial Outward WATS rate structure "[s]ought to equate the estimated reduction in total revenues because of such diversion with the resulting reductions in expenses or costs associated with that diversion." Re WATS, 37 FCC at 692. Bell provided an estimate of cost reductions resulting from its initial offering of Outward WATS in Docket No. 13914 in the form of a list of the ways in which Outward WATS would bring about economies and cost savings vis-a-vis MTS. Re WATS, 37 FCC at 603–04. The Trial Staff calls this the "revenue requirements" test for the lawfulness of WATS and asserts it is the only appropriate method to test the lawfulness of WATS services and WATS rates. We approved generally the so-called "revenue requirements" concept in Docket No. 13914 and accepted with reservations Bell's calculation of estimated cost savings accompanying the diversion of calls from MTS to Outward WATS. Re WATS. 37 FCC at 697. The Trial Staff seeks in this proceeding to re-apply this "revenue requirements" concept as a test for determining the validity of the WATS rate filing in issue herein. In arguing that the Bell WATS filing at issue does not meet the "revenue requirements" test it contends that the economies and cost savings originally attributed to WATS vis-a-vis MTS have either been reduced since 1961 or have disappeared. For example, the Trial Staff contends operator savings are now common to both WATS and MTS. Bell argues that Outward and Inward WATS continue to offer economies or cost savings, e.g., it notes there is not itemized billing under the WATS tariff. Bell did not provide, however, a specific dollar amount for such alleged economies and cost savings.

24. We find that a rigid application of the "revenue requirements" concept is no longer appropriate today. The "revenue requirements" concept was proposed and explained in an investigation made fifteen years ago for the purpose of initiating Outward WATS service. Outward and Inward WATS services now account for in excess of $1 billion in revenues annually and WATS revenues overall are growing faster than revenues for any other Bell service. In light of the level of growth and maturity achieved by WATS services, we believe that the most appropriate method to examine the lawfulness of Outward and Inward WATS services and rate levels is to consider them for this purpose as distinct services. As distinct services, they must be considered on the basis of their own costs and other indigenous characteristics. In this regard, both the "revenue requirements" concept and Bell's "alignment" theory rely on MTS costs and revenues as the benchmark for considering the lawfulness of WATS rates rather than independent WATS costs and revenues.

Our rejection of the "revenue requirements" concept does not mean that economies or cost savings Bell may realize in the provision of Outward and Inward WATS services are no longer an important factor in justification for the offering of the services and the applicable rate levels. To the extent that economies and cost savings arise from Bell's provision of Outward and Inward WATS services, we expect that they will be reflected in the independent WATS cost of service studies and other justification provided by Bell in support of Outward and Inward WATS services and rate levels when it files tariff revisions in accordance with this decision.[18]

25. Although we find herein that Inward and Outward WATS services can be considered distinctly from other Bell services for the purpose of evaluating their lawfulness, that does not mean that Bell has established on this record that such services, in particular, Outward WATS, are distinguishable functionally and economically from MTS and other Bell services. Indeed, Bell's attempt herein to "align" the entire WATS service offering including Outward WATS to MTS service, and its failure to provide independent and valid cost data for Outward WATS, seems to indicate that Bell itself may perceive no significant difference between Outward WATS services and MTS service. Thus there is a distinct implication that Outward WATS may be no more than a bulk-rate offering of a form of MTS service. When Bell files tariff revisions in accordance with this decision, we expect it to separately justify its offering of Inward and Outward WATS services (see paras 26–36 herein) and to distinguish clearly all categories and subclasses of WATS service from other Bell services including MTS. In the case of Outward WATS, however, Bell must either demonstrate that it is not merely a form of MTS and provide complete cost and other justification for it as a separate service, or provide complete cost and other justification for it as a bulk-rate offering of MTS. In the event Bell chooses to justify the lawfulness of Outward WATS separately from other Bell services including Inward WATS and MTS, we expect it to provide all cost, marketing, operational data, etc., relied upon in arriving at its decision.

C. INWARD AND OUTWARD WATS AS DIFFERENT CLASSIFICATIONS OF COMMUNICATIONS SERVICE

26. Since the initiation of Inward WATS service in 1967, Bell has priced Inward WATS service identically with Outward WATS service. Thus, an Inward WATS subscriber has been able to obtain either Inward FT (now FBD) or MT service at the same monthly charges as he could obtain Outward FT (now FBD) or MT service. The Trial Staff contends that Inward and Outward WATS services should be considered as entirely different services for pricing purposes. In support of its position, it urges basically that the two services have different costs, serve different markets and use the public switched network in a significantly different manner. It also raises the question of possible unlawful cross-subsidization of Inward WATS subscribers by Outward WATS subscribers. In reply, Bell asserts Inward and Outward services are merely rate elements of the aggregate WATS service and that the concern should be whether WATS service is compensatory overall, not whether one or more rate elements therein cross-subsi-

to challenge such evidence. We shall deny Bell's motion to the extent set forth below. We have carefully examined the challenged portions of the Trial Staff's Proposed Findings and conclude that the vast majority of the material is entirely within the appropriate scope of argument and does not involve the presentation of new evidence. Instances where it appears the Trial Staff may have improperly presented extra-record evidence are at para. 158, which refers to certain inquiries the Trial Staff made to the Common Carrier Bureau Staff concerning termination or refusal of service to customers who refused to purchase a second Inward WATS termination when their volume indicated the need for a second termination, and at paras. 163–66, where the Trial Staff refers to letters of complaint to the Commission from Bell customers concerning the two termination requirement for Inward WATS service. On June 25, 1975, in their Proposed Findings of Fact at para. 167, p. 107, and Proposed Conclusions at para. 6, p. 205, the Trial Staff requested that certain portions of the Bell presentation be stricken from the record. We have carefully examined this challenge also and it likewise shall be denied. We note the challenged Trial Staff and Bell material are not essential to our basic determination in this proceeding that Bell has failed to meet its burden of proof. For the most part, we have exercised our expertise in determining the findings and conclusions to be drawn from the underlying facts of record and Bell's presentation. *Market Street Railway Co.* v. *Railroad Commission*, 324 U.S. 548, rehearing denied, 324 U.S. 890 (1945).

[18] We note one of the issues in Docket No. 13914 was whether the economies made possible by direct distance dialing, which were presented, in part, as justification for Outward WATS, are fairly and adequately reflected in MTS DDD charges or whether the relatively small group of WATS users was being given an undue preference in this respect. Re WATS, 37 FCC at 701. The extent to which MTS DDD charges may reflect the aforementioned economies is more appropriately before the Commission in Docket No. 19129, Phase II.

dize another.[19] Further, Bell argues that the Trial Staff distorts the issue of "compensativeness" by claiming Outward WATS users are subsidizing Inward WATS users. It argues that the Trial Staff is in error in assuming that all rates must be set in some fixed relationship to cost. While costs are an important consideration in the setting of rates Bell argues they are not the only consideration. AT&T claims that the Commission recognized this in discussing the relationship of FT and MT classes of WATS in Docket No. 13914. At page 27 of its Reply Findings, Bell cites to Docket No. 13914 as follows:

Thus, Bell asserts "appropriate and economically sound ratemaking should take into account demand and other pertinent ratemaking factors in addition to cost between Outward and Inward WATS," e.g., the elimination of customer confusion between Outward and Inward WATS by identical pricing.

27. For the reasons to follow, we find that Outward and Inward WATS services are not mere rate elements of the aggregate WATS service. We find they are different classifications of communications service within the meaning of Section 201(b) which must be separately justified nad priced accordingly. Subscribers to Outward WATS service or Inward WATS service do not obtain the same communications service as implied by Bell's identical pricing of the two services.[20] The two services are functionally different and they serve different subscriber communication needs.[21] Moreover, we find that the support given by Bell for the identical pricing of Outward and Inward WATS services does not constitute justification for identical pricing. The services are functionally different because, as noted at para. 5 above, the two services use the public switched network in significantly different ways. An Outward WATS call is screened and blocked (to determine whether a call is in the authorized Service Area or not) in the originating toll office while such screening and blocking for the Inward WATS call occurs at the terminating toll office. In addition, a single WATS access line is precluded by Bell from both receiving Inward WATS calls and originating Outward WATS calls. Bell's tariff also embodies the functional distinctiveness of the two services by requiring, among other things, two terminations for Inward WATS subscribers for the first service group (see our discussion at paras. 61–65 below), but not Outward WATS subscribers, and by setting forth a special "termination of service for cause regulation" (Section 2.5.2 of Tariff FCC No. 259), applicable only to Inward WATS. The essence of the termination for cause provision is that Bell may terminate or refuse service if the Inward WATS subscriber impairs or adversely effects Bell's ability to provide other services.

28. Another factor supporting our finding that Outward and Inward WATS are different classifications of service is that Inward WATS serves different subscriber communication needs than Outward WATS.[22] Bell has gone to great lengths in the record to distinguish Inward WATS service from Outward WATS service and other Bell services on the basis of the markets they serve. For example, Bell asserts that from the customer's viewpoint, there is no viable alternative to Inward WATS. It indicates that it is a unique and valuable service, stating that "[o]perator handled collect MTS, Enterprise service, and Foreign Exchange service simply are not acceptable as substitutes by the Inward WATS customers who require automatic collect service from widely dispersed points," and that "[s]ince Inward WATS is a unique direct dialed inward service, it represents in large part business that would not otherwise exist." Bell further contends that the very existence of some businesses is dependent on the Inward WATS service offering. The distinctiveness of Outward and Inward WATS services in terms of type of customer served is also demonstrated, in part, by Bell internal company correspondence. For example, a July 24, 1972 memorandum from Bell's Director (Sales Projects) and Traffic Operations Director (Network Administration) to various Bell marketing and other managers stated that: "* * * inward WATS and Outward WATS are comparable only from a pricing standpoint. The amounts of traffic offered to the network with Outward WATS can be anticipated and controlled at the point of origin; but the calling characteristics, volumes and patterns of calls to Inward WATS lines are influenced by the promotional efforts of the customer and are therefore not controllable from the originating point."

29. Finally, the only justification we find Bell alleges for the identical pricing of Inward WATS and Outward WATS services, other than claiming they are merely rate elements, are its statements to the effect that ratemaking factors other than costs, e.g., the elimination of customer confusion between Outward and Inward WATS services, must also be taken into account in designing rates. While it is true as Bell points out (see para. 2 above) that in Docket No. 13914 we stated there need not be "* * * precise and absolute correlation between costs of serving different classes of customers and rates applicable to the service rendered each class to the exclusion of other relevant considerations of ratemaking," Re WATS, 37 FCC at 698, we find that Bell misinterprets our discussion in Docket No. 13914. The discussion referred to by Bell involved the lawfulness of the internal rate levels and rate relationships within Outward WATS service. We were not discusing the pricing of two different classifications of communication service which must be separately justified and priced accordingly such as is the case with Outward WATS service and Inward WATS service.[23] Further, in any event, Bell cites our language out of context. In the sentence which follows the language

[19] See following table:

1973 Revenue/cost comparisons (in cents)

	Average incremental revenue/min	Average incremental cost/min	Incremental revenue less incremental cost
Outward WATS	22	12	10
MTS dial, station-to-station	21	13	8
Total, difference	1	(1)	2
Inward WATS	21	15	6
MTS operator, station-to-station	27	23	4
Total, difference	(6)	(8)	+2

Source: Bell proposed findings, p. 100.

It is Bell's contention that these figures demonstrate that Outward and Inward WATS services in general are compensatory and not a "burden" on users of other Bell services, in particular, users of MTS. Bell also alleges that the aggregate Fully Distributed Cost results of record show that WATS service overall is compensatory and not a "burden" on other Bell services. We note that the figures above are not studies of the effects of the rate changes at issue but are studies of increments of the market used to determine marginal revenue/cost relationships. The cost figures were, in part, derived from Bell's Incremental Network Cost (INC) system. The validity of the above cost figures is questionable in light of our findings at Appendix A attached hereto.

It cannot be accepted that the relative costs of furnishing both full-time and measured-time WATS are to be ignored in ascertaining the propriety of the rates for each class of service. *This does not mean that there must be precise and absolute correlation between costs of serving different classes of customers and the rates applicable to the service rendered each class to the exclusion of other relevant considerations of ratemaking.* (37 FCC at 698) (Emphasis supplied.)

[20] Before us here are more than subclasses of a particular category of communications service such as was the case in Hi-Lo, wherein we found that Hi-D, Lo-D and Short Haul were separate but like services of Series 2000/3000 private line service within the meaning of Section 202(a) of the Act. 55 FCC 2d 224, 231. We find that Outward and Inward WATS services are entirely dissimilar classifications of service within the meaning of Section 201(b) of the Act.

[21] Because of the manner in which Inward WATS uses the public switched network, it would appear reasonable to find that it also costs Bell more to provide Inward WATS service than Outward WATS service. In this connection, see our discussion of the Inward WATS two termination requirement at paras. 61–65 below.

[22] Our finding that Inward and Outward WATS serve different subscriber communication needs should not be interpreted necessarily as a finding that Bell's provision of both Inward and Outward WATS services has been justified on this record. As noted above, reasoned consideration of Bell's justification for Inward and Outward WATS services and rate levels is not possible absent the provision of independent studies of WATS costs and revenues in conjunction with any other ratemaking factors upon which Bell may rely. We expect Bell to provide separate justification for the offering of Inward and Outward WATS services and their respective subclasses of service when it files WATS tariff revisions in accordance with this decision.

[23] Supra, n. 20.

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quoted by Bell we qualified our remarks regarding the need for cost data in rate design by stating "(b)ut *for one class of user to bear an inordinate share of costs generated by other classes of users clearly gives rise to undue discrimination which should not be tolerated in the absence of other overriding circumstances*" (Emphasis supplied). Re WATS, 37 FCC at 698. Thus, our discussion in Docket No. 13914, when considered in its entirety, cannot be construed as a recognition by the Commission that the independent costs of providing Outward and Inward WATS services are irrelevant to considering the lawfulness of WATS rates. In addition, we are of the view that the alleged ratemaking factor relied upon by Bell for pricing Inward WATS and Outward WATS services identically, namely, the elimination of customer confusion between Inward and Outward WATS, does not constitute justification for identical pricing. The validity of Bell's argument is premised on its erroneous assumption that Inward WATS and Outward WATS are merely rate elements of an aggregate WATS service. Bell's purported justification is invalid on its face in light of our finding that Inward WATS and Outward WATS are different classifications of communications service within the meaning of Section 201(b) of the Act which must be separately justified and priced accordingly.

30. In separately justifying Inward and Outward WATS services Bell must show that Inward and Outward WATS services, respectively, are compensatory and otherwise lawful. This means for future WATS tariff filings we shall consider Outward and Inward WATS services separately for the purposes of satisfying the statutory requirements of Sections 201–205 of the Act for just, reasonable and non-discriminatory rates and for the purposes of compliance with applicable Commission Rules.[24] Bell must also show that the internal rate levels and rate relationships within Outward and Inward WATS services, respectively, are just, reasonable and free of unlawful discrimination within the meaning of Sections 201(b) and 202(a) of the Communications Act. See Re WADS, 35 FCC at 93, Re WATS, 37 FCC at 698–99 and Hi-Lo, 55 FCC 2d at 231. Thus, within both Inward and Outward WATS services, respectively MT and FBD subclasses of service must be examined to determine whether and to what extent there may be unlawful cross-subsidies or discriminations between the subclasses of service and whether such subclases of service are each compensatory.[25] Bell's failure to treat Outward and Inward services as distinct service classifications cast serious doubt on the lawfulness of the internal rate levels and rate relationships within the two services respectively. Further questions of lawfulness arise because of Bell's reliance on an "alignment" ratemaking theory which ignores independent WATS costs and revenues, such as WATS costs and revenues by length of haul. Thus, on the basis of these findings alone we cannot find herein that Bell has shown the lawfulness of the internal rate levels and rate relationships within Outward and Inward WATS services respectively.

31. Where cost or other data were provided by Bell in purported justification of the lawfulness of the internal rate levels and rate relationships of Outward and Inward WATS services we find it fails to establish the lawfulness of such internal rate levels and rate relationships. The Trial Staff requested Bell to provide FDC studies disaggregated for Outward MT and Outward FBD services, and also for Inward MT and Inward FBD services, but Bell declined on the basis that such studies could not be completed within the time frame contemplated for the proceeding. Bell also indicated that collection of a substantial amount of additional data would be required and a study methodology would have to be developed. In the case of Outward WATS service, however, Bell did provide in response to a Trial Staff request relative 1973 incremental revenue/cost minute figures for Outward MT and FBD services,[26] which it alleges demonstrate that both Outward MT and FBD services are compensatory. In regard to providing incremental minute revenue/cost figures for Inward MT and FBD WATS services, Bell declined to provide such studies on the basis that "the requested figures cannot be developed as data are not available to separately produce incremental annual cost studies for these elements of Inward WATS."

32. On the basis of the workpapers submitted by Bell underlying its incremental minute revenue/cost figures for Outward WATS, the Trial Staff calculated incremental annual revenue/cost ratios for Outward MT WATS (2.178) and Outward FBD WATS (1.569), utilizing the same methodology it employed in developing similar ratios for Outward WATS overall (1.802) and Inward WATS overall (1.398). The Trial Staff urges that since the incremental annual revenue/cost ratios for Outward MT WATS (2.178) is 39% higher than the incremental annual revenue/cost ratio for Outward FBD WATS (1.569), it appears the Commission's concerns in Docket No. 13914 about MT users possibly being burdened with FT (now FBD) costs are warranted. Re WATS, 37 FCC at 698. In response to the Trial Staff, Bell alleges essentially what it alleged in purported justification of pricing Outward and Inward WATS services identically, i.e., general statements that ratemaking factors other than costs are pertinent in rate design (see para. 26 above). In this case, Bell claims that effects of price on market demand must be considered in designing rates.

33. The data and arguments set forth above are all that is available on this record to examine the lawfulness of the internal rate levels and rate relationships within both Outward and Inward WATS services. We find that Bell's 1973 incremental minute revenue/cost figures and the incremental annual revenue/cost ratios calculated by the Trial Staff are of little value as far as showing compensatory charging or demonstrating cross-subsidies due to the questions we raise at Appendix A below, regarding the validity of Bell's incremental cost data which underlies the figures and ratios presented by Bell and the Trial Staff. We express no opinion herein regarding the appropriateness of Bell's use of WATS incremental minute revenue/cost figures or the Trial Staff's use of WATS incremental annual revenue/cost ratios as tools to demonstrate that Outward and Inward MT and FBD WATS subclasses are compensatory or to show that cross-subsidizations may exist. Whether incremental-type cost data and/or FDC-type cost data is appropriate for establishing compensatory charging or cross-subsidies is an issue that is before the Commission in Docket No. 18128. However, when Bell files WATS tariff revisions in accordance with this decision it is obvious we must have sufficient data available to give reasoned consideration to the lawfulness of the internal rate levels and rate relationships within Outward and Inward WATS services respectively. Therefore, during the pendency of Docket No. 18128, we believe it is appropriate that Bell provide both incremental and FDC cost studies disaggregated for the respective subclasses of Outward and Inward WATS services.[27] We set forth specific guidelines for filing this cost and revenue data at paras. 82–86 below.

34. To the extent that Bell may rely on ratemaking factors other than the cost data which we are requiring it to file in accordance with our decision herein, we expect it to provide more than mere statements to the effect that ratemaking factors other than costs are pertinent in designing rates. While it is true that effects of price on market demand are relevant, marketing studies and marketing data should be provided which relate directly to and establish the reasonableness of managerial judgments as to the particular internal rate levels and rate relationships chosen for the subclasses within Outward and Inward WATS services. For example, in this record, Bell relies on a Colorado WATS/MTS Correlation Study and a Social Research, Inc. Report in support of its position that price is an important motivating factor in a customer's utilization of WATS and was taken into account by Bell in designing the rates in issue. However, Bell does not show how either study relates directly to, or establishes the reasonableness of, managerial judgments as to the particular internal rate levels and rate relationships chosen for Outward and Inward MT and FBD WATS services.[28]

35. Accordingly, for the reasons set forth above, we find that Inward and Outward WATS services are different classifications of communication service within the meaning of Section 201(b) of the Act which must be separately justified and priced accordingly. We also find that Bell has not separately justified Outward and Inward WATS services and rates on this record. In view of this finding we cannot find that the Outward and Inward MT and FBD WATS monthly charges filed are just, reasonable and otherwise lawful.

D. VALIDITY OF INCREMENTAL AND EMBEDDED COST JUSTIFICATION AND TRAFFIC AND REVENUE PROJECTIONS

36. As was the case in Hi-Lo, 55 FCC 2d at 245, substantial questions are raised herein regarding, among other things, the validity of Bell's incremental and embedded cost justification and traffic and revenue projections, filed in purported compliance with Section 61.38 and 1.363 of the Commission's Rules and offered, in part, as evidence of the lawfulness of Bell's WATS tariff. More generally, substantial questions arise regarding the validity of the outputs, i.e., incremental costs, from Bell's INC model which are offered by Bell to show costs for the Inward WATS two termination requirement, costs for WATS extension stations, costs associated with short-hold calls of less than one minute, costs for hourly usage beyond 240 hours, incremental minute costs for Outward and Inward WATS, etc. Our concerns do not arise from the nature of the selected measures of economic effect, such as ROR, LRIC, incremental minute revenue/cost figures, etc., which have been selected as compute output parameters, nor are they with the magnitudes of the specific results which were obtained and introduced into the record as indications of the lawfulness of the WATS tariff. Rather, our concern is that we cannot determine from the record before us the validity of these results which have been presented in part, as evidence of lawfulness. This failure of Bell to meet its burden of proof constitutes still another ground for finding its WATS tariff filing is unjustified and unlawful. Our detailed findings are attached as Appendix A hereto.

E. NONRECURRING AND OTHER CHARGES

1. Nonrecurring charges

37. Installation and Move charges were raised by Bell from $10 for either to $50 for Installation, $25 for Inside Moves and $50 for Outside Moves.[29] The Suspension of Service charge was increased from $15 per suspension to $50 per month.[30] The Maintenance of Service and Signal Adjustment charge, which is for customer related work, was increased from $10 to $25.[31] The cost studies in support of the foregoing changes were based upon costs of individual operations which were compiled in 1971 through "consultation with Operating Methods personnel in the various responsible departments." Installation items were assumed to require at some point in the future a corresponding removal cost. Costs associated with removals were discounted by the average installation life for a WATS service of approximately five years as determined through analysis of Market Research Information System data. Through the use of multipliers, labor costs were "grown to estimated 1974 levels for installations and 1979 levels for removals." Bell claims generally that the changes in non-recurring charges were necessary to "better reflect costs since non-recurring charges had remained substantially unchanged since 1961."

38. The Trial Staff claims the Bell cost figures underlying the changes are questionable. First, it alleges they were based on "consultation" and not upon actual studies of the time spent in performing the indicated operations for which cost figures are supplied. Second, it alleges that they are based on a four-year out-of-date 1971 study, which may or may not be reflective of current operational techniques and concommitant time for each operation and may well change by 1979. Third, it asserts the questionable 1971 results were adjusted to 1974 levels by multiplying by 1.23, for which factor there is no justification of record. Fourth, the Trial Staff alleges the questionable 1971 results were adjusted to 1979 levels, on the unsupported assumption that an average WATS installation will last for five years, by multiplying the 1971 results by the factor 1.65. The Trial Staff also claims there is no justification presented for the 1.66 multiplier. The Trial Staff also submits tables showing generally that Bell's proposed charges are insufficient to recover Bell's reported costs for performing the indicated operations. The Trial Staff claims that cost figures in support of non-recurring charges should be supported by "current, valid data, derived on the basis of time studies and not 'consultations' and without unsupported multipliers applied to stale, unreliable data." However, assuming that the Bell figures have some validity the Trial Staff urges that (a) the installation rates for Inward and Outward WATS should differ in proportion to their attributable costs; (b) the costs which are not universal to all WATS customers should be recovered from the customer who incurs them; and (c) the Inside Move, Outside Move, Maintenance of Service and Adjustment of Signal Power charges should be raised to levels which recover the costs of performing these operations upon condition that AT&T supply reliable, current, valid cost data in support of such increased charges. In regard to the Suspension of Service charge, the Trial Staff recommends that pending submission of valid cost data in support of a continuing monthly suspension charge, the $50 charge be limited to once per suspension.

39. Bell claims in reply to the Trial Staff that there is nothing in the record to suggest that studies based on consultations or interview are "inherently inappropriate and do not yield valid results." As to the Trial Staff's contention that the data are stale, Bell argues there is no evidence in the record which would indicate that the study data are not reflective of current operations techniques. It also asserts there is no probative evidence in the record which would support the use of any costs other than those actually employed by Bell. Bell further alleges that the Trial Staff's assertion that "the $50 charge be limited to once per suspension" is predicated on the erroneous assumption that the $39 monthly carrying cost for access lines is unsupported. Bell cites to a portion of the record where it alleges the cost is developed, Bell Ex. 14, p. 36.

40. It appears that increases in non-recurring charges may be warranted in view of the fact that such charges have remained substantially unchanged since

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[24] We express no opinion herein regarding the treatment of Outward and Inward WATS services as far as implementation of such guidelines and principles as we may adopt in Docket No. 18128. Our comments at para. 25 above are also pertinent with respect to Outward WATS.

[25] We find that MT and FBD subclasses of Inward and Outward WATS services, respectively, are separated but like communications services within the meaning of Section 202(a) of the Act. An Outward WATS subscriber's choice of either MT or FBD service is dictated by the parameters Bell has established in its tariff for the respective services. Hi-Lo, 55 FCC 2d at 368. The same is true for an Inward WATS subscriber's choice of MT or FBD service. For example, a single Outward or Inward WATS access line may not be simultaneously arranged for both MT and FBD service. Even assuming arguendo that MT and FBD services were not separate but like services, however, they could still be found unlawful pursuant to Section 202(a) of the Act if they give any "unreasonable preference to any particular person, class of persons, or locality." Hi-Lo, 58 FCC 2d at 368. Outward and Inward FBD WATS subscribers clearly received a rate preference vis-a-vis Outward and Inward MT subscribers.

[26] See following table:

[In cents]

	Incremental revenue/min	Incremental cost/min
Measured outward WATS	32	15
Full business day outward WATS	19	12

Source: Bell response 16g to trial staff second interrogatories.

These figures were developed in a manner similar to the 1973 incremental minute revenue/cost figures for Inward WATS service overall and Outward WATS service overall set forth earlier, supra, n. 19.

[27] Our requiring the filing of both types of cost data in this case is, of course, subject to such principles and guidelines as we may adopt in Docket No. 18128. In this regard, under present court schedules, our decision in Docket No. 18128 will be issued prior to August 2, 1978.

[28] We note the Colorado MTS/WATS correlation Study itself cautions that "[t]hese findings are not statistically valid and provide only indication of results warranting further study." Attachment to Bell Response 6a. Thus, by Bell's own admission, its study is of questionable value.

[29] Following Bell's March 1975 and February 1976 tariff filings Installation charges are now $54.15, Outside Move charges are $54.15 and Inside Move charges are $27.07.

[30] Following Bell's March 1975 and February 1976 tariff filings Suspension of Service charges are now $54.15

[31] Following Bell's March 1975 and February 1976 tariff filings Maintenance of Service and Signal Adjustment charges are now $27.10.

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1961. However, on the basis of this record we cannot make a definitive finding that the actual charges filed by Bell are just, reasonable and otherwise lawful. While there appears to be nothing "inherently inappropriate" in utilizing a "consultation" procedure to develop historic cost figures, Bell provides no basis in this record for its judgment as to why the specific consultations conducted for this proceeding can be relied upon to produce reasonable results. Further, the procedure may be subject to serious question where, as here, less than recent data (in this case 1971 data) and unexplained and undocumented multipliers are used in conjunction with it. We also have other questions and observations on the non-recurring charges filed. From Bell's presentation it appears that costs attributable to the operations for which there is a non-recurring charge are covered, in part, by recurring monthly charges. We believe in appropriate circumstances the recurring monthly charges may cover the remainder of the costs which are not covered by non-recurring charges. Where this occurs, however, we expect that any deviations in the percentages of costs which are not covered by non-recurring charges, as shown in Bell Ex. 14, p. 71, should be fully explained and justified. This may be of importance in those cases where the non-recurring costs which are incurred are not universal to all Outward and Inward WATS customers but can be traced directly to the customer who incurs them. Moreover, consistent with our findings above that the Outward and Inward WATS services are different services, in those cases where it costs more to perform a particular operation for Inward WATS than Outward WATS the non-recurring charges should reflect that difference. Accordingly, in light of the above questions and observations, we cannot reach a definitive finding as to the lawfulness of the non-recurring charges filed.

2. Conversion charge

41. There had not previously been a charge for converting an existing service to another class of service or Service Area at the customer's request, e.g., changing from Outward MT service to Outward FBD service or from Service Area 1 to Service Area 5, or for changing the telephone number assigned to an Inward WATS access line. Bell claims that since there are substantial costs associated with such changes, such as processing of service orders, making equipment changes in central offices and record keeping, a Conversion charge of $25 has been introduced to reflect these costs.[*]

42. The Trial Staff challenges the Conversion charge on the same basis as it challenges the non-recurring charges, i.e., it is based on 1971 data which were derived by "consultation" and not by time studies and an unjustified multiplier was used for projection forward to 1974. The Trial Staff also provides a chart which shows the $25 Conversion charge fails to cover the reported conversion costs for Inward WATS and Outward WATS respectively. Assuming, however, that the figures have some validity to Trial Staff urges that (a) the rates for all conversions other than a change in class of service unaccompanied by other changes should differ for Inward and Outward WATS in proportion to their costs; (b) the costs for changes of service should be recovered from the customer who incurs them; and (c) the Conversion of service charges should be raised to levels which recover the costs of performing these operations upon condition that Bell supply reliable, current, valid cost data in support of such increased charges.

43. Bell reiterates its response to prior Trial Staff assertions regarding non-recurring charges. It further argues that the Trial Staff's assertion that the Conversion charges "are not being recovered through the imposition of charges on the customers who incur them and * * * the cost are therefore * * * a burden on other WATS customers," is erroneous. Bell claims that the Trial Staff fails to recognize that these charges will be recovered through recurring monthly charges to users.

44. Our findings and observations above with respect to non-recurring charges are generally applicable here. Although we find that the institution of a Conversion charge is appropriate, we are unable to make a definitive finding that the actual charge filed is justified and lawful.

3. Extension charges

45. Bell increased the monthly rate for the first WATS extension station in an exchange from $12.50 to $15, and the rate for each additional extension station was increased from $7.50 to $10.00.[**] Bell states that these increases were required to "better reflect the costs" incurred in providing extension stations. The facilities used to furnish WATS extensions are similar to those used for private line service and the revised rates are the same as those applicable for service terminals for voice grade private line services at the time the rates were filed. AT&T states that the WATS access line station is considered as the first station for the purpose of rating extension stations in that exchange. Bell derived what it considered to be the relevant incremental costs of providing extensions by utilizing information on WATS exchange and subscriber plant investments developed from its INC model to estimate the investment associated with WATS extensions. A five percent sample of WATS services made in 1969 by Bell Telephone Laboratories was relied upon by Bell to provide information on numbers of extensions. This sample was used to estimate the fraction of extensions on premises and off premises in order to arrive at a weighted average cost. Bell assumed that all off premise extensions required a complete local loop but that no extension requires a remote exchange line. Bell concluded that the monthly incremental cost for both the first and any additional extension in an exchange was $13.59.

46. The Trial Staff questions the validity of the incremental figures developed by Bell on the basis that they were predicated on out-of-date 1969 data and that the five percent sample relied upon to obtain information on extensions may have been insufficient. Further, it claims embedded cost data should have been provided. It urges that since the relevant costs of extensions are the same regardless of whether an extension is the first or an additional extension, the rates for an extension should be "equalized" at $15 regardless of whether it is a first or an additional extension. Otherwise, it claims the manner in which Bell plans to price additional extensions ($10 for additional extensions when Bell's alleged costs are $13.59 per extension) results in noncompensatory charges.

47. We have serious questions regarding the validity of the 1969 study data relied upon by Bell to obtain information on extensions. Not only does it appear to be outdated but we have no way of knowing whether the sampling methodology utilized produced reliable results. In this connection, Bell failed to comply with Section 1.363 of the Commission's Rules which requires, among other things, a clear and complete description of sampling techniques, assumptions, etc. relating to such studies. Moreover, Bell does not provide an explanation for setting monthly rates for additional extensions ($10.00) below what it contends are relevant costs ($13.59). Nor does it explain how the revenue deficiency arising in such circumstances will be covered. Also, the questions raised above regarding the validity of Bell's incremental cost analyses make Bell's claimed extension costs of questionable validity. Because of these unresolved questions we cannot make a definitive finding on this record that the extension charges proposed by Bell are just, reasonable or otherwise lawful.

4. Revision of allowance for service interruptions

48. The minimum length of interruption previously required before a credit allowance applied was two hours for FT service and 24 hours for MT service. Under the Bell revisions, an allowance is given when either MT or FBD service is interrupted for two hours or more. The new provision also provides for an allowance equal to a full day's rate (1/30 of the monthly initial period rate) for an interruption of eight hours or more per day. We find that this change appears to be appropriate for both Outward and Inward WATS services.

F. USAGE SENSITIVE PRICING CHANGES

1. Need for FBD service and change of FT service to FBD

49. As noted above, the tariff revisions in issue replace the flat rate structure of

[*] Following the March 1975 and February 1976 WATS tariff changes the Conversion charge is now $27.10.

[**] The charge for the first extension is now $16.20 and the additional extension charge is now $10.80 following Bell's March 1975 and February 1976 WATS tariff filings.

FT Outward and FT Inward WATS services by setting an initial period rate for 240 hours usage. Additional period rates are introduced for usage in excess of 240 hours per month at a level of two-thirds of the equivalent hourly rate for the initial period. We noted in our Designation Order that this change appeared to be a step in the right direction away from flat rate pricing to usage sensitive pricing. 46 FCC 2d at 84. A closely related question is whether there is a need for a full time class of service at all and whether all WATS services should be priced on a measured time basis. This latter question was left unresolved in Docket No. 13914. Re WATS, 37 FCC at 699–700.

50. In support of the need for FBD service Bell claims basically that if some form of FBD had not been offered (FT), much of the present WATS business would never have developed. For example, it asserts that some 70% of total WATS usage on access lines (Inward and Outward) is FBD. Bell claims that many customers for FBD WATS would not have otherwise ordered service and others would not have developed the same volumes of use. Further, Bell contends that FT/FBD service permits maximum realization of the operating economies that are possible through WATS services with resultant low unit costs. Bell claims that it has shown that FT/FBD traffic on the public switched network is less apt to fall in peak hours than is MT traffic. For example, according to Bell, a higher percentage of FT/FBD calls occur on the weekend such that Outward FT/FBD costs $0.12/minute whereas Outward MT costs $0.15/minute on an incremental cost basis and relative to MTS. Bell also asserts that having both FBD and MT available permits customers to subscribe concurrently to both, or shift from one to the other as their needs require, thus making WATS attractive to more users. In this connection, Bell claims that FBD and MT are integrated in the WATS offering. If only MT were offered, Bell argues, many customers with requirements for substantial volumes of communications would not have a fully satisfactory and economically advantageous way of benefitting from WATS.

51. The Trial Staff contends that Bell's allegations as to broad customer acceptance of FBD WATS and their desire for such service in addition to MT WATS do not constitute sufficient justification for FBD WATS service. The Trial Staff claims that "need and desire are not necessarily synonomous." It asserts that "assuming that a customer of FBD WATS has a viable communications alternative (which would be the case for Outward WATS—all communications on Outward WATS may be made through the use of MTS), then there is no necessity for him to have the service." The Trial Staff contends, "the discount available to him in WATS as compared to MTS makes WATS more desirable, but not necessary."

52. In support of the change from FT service to FBD service Bell argues that the monthly usage of FT WATS has averaged about 110 hours but that new and emerging applications of WATS by customers have resulted in use of some WATS access lines in excess of 300 hours per month, and substantial growth of this type of use is expected to continue. Bell argues that the incremental costs of serving customers with such heavy use are greater than the incremental costs associated with average usage, and it is appropriate that the extra costs should be borne by the customers whose usage occasions them, rather than by the general body of WATS customers. Bell states that so that the rates for this class of service will "better reflect the related costs," additional period charges for usage in excess of 240 hours per month are appropriate. In this connection, Bell argues that only about four percent of FT access lines exceeded that level of usage, so the great majority of customers will not incur the new charges, but with the additional period charges the minority of customers whose usage is unusually heavy will bear their share of related costs.

53. In opposing the FBD revision, but supporting instead retention of the FT class of service, the customer parties (CARSI, CCTU and National Data) allege generally that the additional perior rates will result in a shift of traffic to peak period usage, thereby causing increased costs; that the additional period rates will have an unreasonable impact on customers; and that Bell incorrectly calculated the costs for additional period usage, by including separations costs which they claim are not "true" costs at all. The Trial Staff, relying on its analysis of, and calculations based on, Bell's incremental cost data, challenges the FBD revision on the basis that "AT&T set the cut-off level of 240 hours such that they do not recover the monthly costs of an access line for usage between 218 and 240 hours in a month, and the additional period rates are set such that the costs per hour beyond 240 hours are not fully recovered." Therefore, the Trial Staff argues that service rendered to an access line with more than 218 hours of usage a month is not compensatory and that the cut-off should be set at 210 hours instead. The Trial Staff also requested embedded cost data per hour of usage up to 240 hours but Bell did not provide the requested data on the ground that it could not be developed using presently available data and methodology.

54. We cannot resolve on the basis of this record the question of whether there is a continued need for some form of Inward and Outward FT service, such as FBD, or whether all Inward and Outward WATS service should be priced on a measured time basis. Moreover, while we continue to believe that a FBD change is a positive step away from flat rate pricing and toward usage sensitive pricing, we cannot make a definitive finding on this record that the change of FT service to FBD service is just, reasonable or otherwise lawful. As noted above, the validity of Bell's incremental cost data which is presented, in part, to justify the FBD change, is questionable. Further, substantial cost and other data was not provided for the record with respect to, among other things, Inward WATS service overall, Outward WATS overall, Inward MT and FBD services and Outward MT and FBD services. We have found herein that such data is essential for a reasoned and comprehensive consideration of the lawfulness of Outward and Inward WATS services and their respective internal rate levels and rate relationships. In regard to the question of the need for a FT-type WATS service, such as FBD, it could be that a FT/FBD WATS service has gained wide customer acceptance merely because applicable rate levels are not reflective of costs incurred in providing the service. Therefore, the extent to which internal rate levels and rate relationships within both Outward and Inward MT and FBD WATS services are lawful is a key factor in assessing the need for a full time class of service, such as FBD, or whether all service should be priced on a measured time basis. Moreover, the lawfulness of internal rate levels and rate relationships within Outward and Inward WATS, respectively, is also of substantial importance in determining the lawfulness of Bell's change of FT service to FBD service. For example, Bell's justification for the FBD change is based, in part, upon its contention that because WATS FBD initial and additional period rate levels are set where they are; there is no economic advantage to motivate customers with more than 240 hours of monthly usage to alter their calling habits and place calls during peak usage periods and increase costs. Absent the cost and other data noted above, we have no way of determining the validity of this aspect of Bell's alleged justification for the FBD change. Finally, we note that Bell's FBD change itself and Bell's arguments for the need for a fulltime class of service such as FBD, treat Outward and Inward WATS services in the aggregate. We have found that Outward and Inward WATS are different services which must be separately justified and priced accordingly. Thus, we have no way of determining from this record whether and to what extent Outward and Inward WATS services should be considered distinctly for purposes of usage sensitive pricing and as far as justification for the existence of a full time class of service. Accordingly, we can make no definitive finding herein regarding the need for a full time class of service, such as FBD, or whether the change from FT to FBD service is lawful.

2. Additional charges for large volumes of completed calls under one minute

55. In support of this change, Bell argues that the costs necessary to complete or "set-up" a connection on the public switched network are a significant part of the total cost of a WATS call. Since the prior WATS rates were not sentitive to the number of calls made and charges were on the basis of conversation time only, Bell undertook a study to find the relationship between incre-

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mental set-up costs and conversation time costs and to determine how much chargeable time (i.e., length of conversation) must result from a completed call if setup costs were to be recovered. Bell claims that this study indicated that on the average, under the former WATS rate structure, costs were not recovered when the chargeable time is less than about one minute.

56. Bell states that the average length of WATS calls is 4.5 minutes for Outward WATS and 3 minutes for Inward WATS. Although presently, less than two percent of Bell WATS customers have usage with average call durations of less than one minute, Bell expected the strong growth in this segment of the market to continue. Under such circumstances, Bell claims it is appropriate to introduce an element in the rate structure so that revenues from this rapidly growing market segment will "better reflect" the costs of serving it.

57. Accordingly, Bell revised its WATS rate structure for Outward and Inward WATS so that monthly charges are determined on the basis of (1) total conversation time, or (2) number of completed calls multiplied by one minute, whichever is greater. Bell states that the second alternative becomes operative only when the "average length of calls in a month" is less than one minute. In such event, Bell states that "the appropriate additional period charge is billed if the result (number of calls multiplied by one minute and then expressed in hours and a fraction of an hour) exceeds the initial period for the class of service involved (10 hours for measured time, or 240 hours for Full Business Day)." Bell further states that the information needed to charge customers on this basis, i.e., the number of calls completed a month is already being collected on almost all WATS access lines, since it is used for customer servicing and administrative purposes. Bell claims this rate structure change results in no significant added cost.

58. Customer parties such as CCTU, CARSI, McGraw-Hill, and National Data challenge the foregoing rate structure change for several reasons. For example, they claim the set-up costs used by Bell are excessive because they do not take into account the allegedly higher call completion ratios of computer related calls; that Bell's under one minute cost data is invalid because Bell employed completion ratios based on MTS experience and not WATS experience; that the rate structure for short-hold calls should charge customers at their average length of conversation time rather than at the one-minute level where revenues equal costs; that the surcharge for short-haul charges will encourage inefficient utilization of computer communications facilities and hinder further development of computer technology; and that it is unreasonable to increase charges to a class of WATS users as long as WATS revenues exceed WATS costs for the overall WATS service.

59. The Trial Staff takes the position that the minimum average time requirement should be rejected due to Bell's failure to provide embedded cost data in justification thereof. Further, it challenges Bell's incremental cost study methodology. Using Bell provided data, it recalculated the set-up and conversation time costs separately for Inward and Outward WATS. After comparing its calculations with Bell provided incremental revenue data, it concluded that the appropriate minimum average time period should be 30 seconds rather than one minute, claiming that the cross-over point between revenues and costs was at 30 seconds rather than one minute. National Data supports this view if there is to be a charge for short-haul calls. The Trial Staff conclusion was also based in part on its view that the revenues from completed calls with an average duration of 60 seconds do not cover the costs incurred by such calls.

60. Although we continue to believe that the establishment of additional charges for large volumes of short-haul calls under one minute is a step in the right direction towards usage sensitive pricing, we cannot make a definitive finding on this record that the actual charges filed are just reasonable and otherwise lawful. First, the validity of Bell's incremental cost data utilized to show costs and thus support the change is subject to question for reasons already noted above. Secondly, the additional charges would appear to be directed primarily at those customers with very high volumes of hourly usage, such as FBD users. This is evident from the positions taken by the customer parties herein. Until it is demonstrated by Bell that there is a need for a full time class of WATS service, such as FBD, definitive findings on usage sensitive tariff changes directed primarily at that class of customers would be premature. In this connection, as noted at para. 54 above, no determination is possible on this record as to the need for a full time class of service, such as FBD. Finally, in light of our finding that Outward and Inward WATS are entirely different services which must be separately justified and priced accordingly, such services should be considered separately for usage sensitive pricing purposes.

G. TWO TERMINATION REQUIREMENT FOR INWARD WATS SERVICE AND EFFECT OF INWARD AND OUTWARD WATS ON PEAK HOUR USAGE

1. Two termination requirement for inward WATS

61. One of the tariff revisions at issue required installation of a second physical termination for the more than 7,000 previous one-access line Inward WATS installations. The second termination was provided at no additional charge to Inward WATS subscribers.[34] According to Bell, the purpose of this revision was to improve the call completion ratio for Inward WATS, and thereby reduce network congestion and costs associated with blocking. Bell measured the annual costs associated with blocking of calls made to single termination Inward WATS access lines as being $1,731,000. Bell estimated that the provision of the second termination would reduce these costs to $239,000. In determining the cost of the additional terminations and in determining annual separations cost savings Bell utilized investments attributed by its INC system.

62. While requiring additional terminations for Inward WATS subscribers may appear to be a reasonable response to the Inward WATS network congestion problem, for several reasons, we cannot make a definitive finding on this record that the two termination requirement is just, reasonable and otherwise lawful. As noted above, questions exist regarding the validity of the incremental cost data relied upon by Bell to show costs associated with the two termination requirement. We also question the reasonableness of Bell's decision not to charge Inward WATS subscribers fully for the additional terminations made necessary by their usage of the network in light of our finding above that Inward and Outward WATS are distinct services which require separate justification. As a general rule, it appears WATS subscribers whose usage results in network congestion and inordinate costs should be charged rates which reflect the extent of such usage. We note that Bell appeared to rely on this consideration in attempting to justify the FBD revision and charges for large volumes of calls under one minute.

63. Other questions which must be answered are raised by the Trial Staff. The Trial Staff raised several questions which addressed the capability of the two termination requirement to achieve its stated goal, i.e., improvement of the call completion ratio for Inward WATS, thereby reducing network congestion and costs. It determined that: (a) there was doubt as to whether the second termination would be used by all Inward WATS subscribers to whom it was provided, i.e., subscriber office structure and organization would not be able to incorporate use of the second termination; (b) there would be little incentive to use the second termination in cases where there was little or no congestion caused by a particular subscriber's use of Inward WATS to begin with; and (c) the second termination might be neglected in instances where subscribers with key telephone systems, PBXs. Centrex systems, etc., may not want to incur the additional charges which would apply if the second Inward WATS termination were connected to this existing equipment. In these cases, the Trial Staff notes, "AT&T will have incurred the added costs of providing the non-utilized second termination, an unnecessary expenditure and inefficient use of plant and equipment." We find that the observations of the Trial Staff, in which we concur, may cast some doubt on the reasonableness of Bell's approach to the

[34] This revision applies only to Inward WATS since Inward WATS subscribers, under Bell's rate structure, cannot effectively control the time when calls are placed. This contrasts with Outward WATS subscribers, who can dial only one call per access line at a time. This difference between the services, along with others already noted, supports our finding that the two services are different services which must be separately justified.

Inward WATS network congestion problem.

64. Finally, a question also exists as to whether appropriate consideration was given by Bell to other available alternatives to the Inward WATS network congestion problem. For example, the record does not provide a sufficient explanation as to why it was not possible to make rate structure changes, such as charging Inward WATS subscribers or busy calls. The Bell approach seems to address only the supply side of Inward WATS service without giving equally important consideration to the demand side of the service.

65. Accordingly, absent further documentation on the record regarding the record deficiencies and observations noted above, we cannot make a definitive finding that the two termination requirement for Inward WATS is just, reasonable and otherwise lawful.

2. Effect of inward and outward WATS on peak hour usage

66. Observations are warranted with respect to the effect of the provision of Outward and Inward WATS services on peak hour usage of the public switched network. In further support of its argument that the "revenue requirements" test of Docket No. 13914 is the appropriate method to test the lawfulness of WATS services and rate levels, the Trial Staff argues that the stimulation of WATS usage during peak period which has occurred over the years since WATS has been offered has caused additional and unjustified costs, thereby upsetting the equilibrium achieved through the "revenue requirement" objective in Docket No. 13914.[35] At paras. 21–24 above, we set forth our view that it is inappropriate to apply standards developed for initiating Outward WATS service in 1961, i.e., the "revenue requirements" test, to circumstances as they exist today in Outward and Inward WATS. However, certain positions taken by Bell in response to the Trial Staff raise questions regarding whether or to what extent WATS rate structures encourage efficient utilization of the public switched network. These Bell positions warrant comment.

67. In responding to the Trial Staff, Bell claims that the Trial Staff misinterprets the nature of the Commission's concern in Docket No. 13914 with respect to the effect of WATS an peak hour usage. Bell contends that the Commission's questioning in Docket No. 13914 of the effect of WATS on peak hour traffic and whether stimulation would result in increases in costs, was raised as part of an underlying concern that WATS revenues should be sufficient to recover costs incurred in furnishing the service, i.e., be compensatory. Bell further claims that the Commission's concern was not simply whether stimulated usage would be in off-peak hours. Rather, it asserts the Commission directed its attention to the issue of whether any stimulation of use on a WATS access line above the average use would produce revenues sufficient to cover costs associated with increased use regardless of Bell asserts that a complete reading of the Commission's decision in Docket No. 13914 makes it apparent "that the Commission was * * * concerned with whether increased use of a single average FT access line because of stimulation would result in additional peak hour use with additional network costs but no increase in revenue." AT&T asserts that a complete reading of the Commission's decision in Docket No. 13914, concerning MT service, "also shows clearly that the Commission's concern was whether additional stimulation would result in increased costs without increased revenues." Thus, Bell's position appears to be that the sole factor in assessing the lawfulness of WATS rate structures is whether or not resulting WATS revenues are sufficient to recover the costs incurred in furnishing WATS service, regardless of whether or to what extent those costs are incurred by WATS through peak hour usage.

68. At the outset, we believe it is important to consider Bell's view regarding WATS rate structures and peak hour usage from a fresh perspective and not in terms of our decision in Docket No. 13914. Our conclusions there with respect to the effect of the provision of Outward WATS on peak hour traffic on the public switched network for example, were based solely upon 1961 projections by Bell and no actual experience was then before us. Re WATS, 37 FCC at 697. Further, Inward WATS was not before us in Docket No. 13914 since Bell introduced the service in 1967.[36] Moreover, Outward WATS since 1961, and Inward WATS since 1967, have experienced substantial growth. These services are growing faster than any other Bell service including MTS, and account for at this writing in excess of $1 billion in revenues annually. Thus, unlike 1961, Outward and Inward WATS services are now a significant factor in public switched network investment and planning.

69. We are not persuaded that the sole criterion for judging the lawfulness of WATS rate structures, or rate structures in general, is whether or not the rate structures generate compensatory revenues.[37] We believe that sound regulatory policy should encourage the development of rate structures which in addition to being compensatory, tend to promote efficiency in the use of the public switched network by allowing and encouraging subscribers to shift usage out of peak peerlods.[38] The WATS rate structure before us does not provide for alternatives such as off-peak pricing incentives. In this regard, Bell indicated that "[i]ntroduction of off-hour rates for WATS, involving as it would, message accounting procedures not presently employed, is not considered feasible at this time" (Bell Response 6(c) to Trial Staff First Interrogatories). This is the extent of the consideration given in the record to the subject of alternative Outward and Inward WATS rate structures which might tend to promote our policy goal noted above. Thus, no firm findings or conclusions are possible. However, given our general policy view we expect consideration to be given by Bell to the development of rate structures for Outward and Inward WATS services which allow and encourage efficient use of the public switched network.[39]

H. DECREASE THE NUMBER OF SERVICE AREAS TO FIVE BY COMBINING EXISTING SERVICE AREAS 5 AND 6

70. Prior to the tariff changes in issue, WATS was offered to a total of six Service Areas of progressively greater sizes. Re WATS, 37 FCC at 690–91. Bell claims that a study of the six Service Areas showed that Service Area 5 had the least customer appeal. It states that as of September 1973, only 6.3 percent of all interstate access lines were for Service Area 5 and it accounted for only 5.1 percent of all interstate access lines added in the 12 month period ending September, 1973. According to Bell, combining Service Areas 5 and 6 into one Service Area (Number 5) simplifies tariff structure and its administration and simplifies physical arrangements in central offices. Bell claims that the combination of Service Areas 5 and 6 will have minimal customer impact because it coincides with rate reductions at longer distances with the result that most existing subscribers to Service Area 5 will have the benefit of considerably expanded calling areas with little or no increase from their present rates.

71. We cannot make a definitive finding on this record that the combination of Service Areas 5 and 6 into one Service Area is just, reasonable and otherwise lawful. Among other things, Bell alleges that it will have minimal customer impact because it coincides with rate reductions at longer distances. As noted

[35] That is, reduced revenues resulting from diversion of MTS calls to WATS should be equalized by cost economies achieved in the provision of WATS.

[36] In light of our finding that Inward and Outward WATS are distinct services which require separate justifications, we expect Bell to undertake studies so that the impact of Inward and Outward WATS services and their respective subclasses of services on peak hour usage may be separately evaluated. Our comments at para. 25 with respect to Outward WATS are also pertinent.

[37] We note that no studies were provided by Bell which demonstrate that WATS usage during peak periods is compensatory. The studies submitted by Bell merely attempt to demonstrate that the WATS rate structure in the aggregate and certain disaggregated categories of WATS, such as Outward WATS, may be compensatory.

[38] We note that rate structures which strive for such efficiency would appear to be very much in the interest of the ratepayers and Bell stockholders. Rate structures which allow provision of an adequate supply of communications at the least possible cost, i.e., minimum investment and expenses, insure that society as a whole is allocating as few of its resources as possible in order to obtain the service, leaving the maximum amount of resources available for other desirable uses.

[39] This concern was present in our consideration of Bell's two termination requirement for Inward WATS.

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in our above findings, the lawfulness of the preferential rate treatment and rate reductions given to long-haul Outward and Inward WATS subscribers has not been shown on the record. Accordingly, the validity of Bell's statement in support of the change, and thus the validity of the change itself, cannot be determined.

I. 1973 WATS RATE INCREASES AND WATS USE OF SERVICE PROVISIONS

72. On January 12, 1973 Bell filed increases in WATS rates (Transmittal No. 11657) pursuant to authority granted by us in Docket No. 19129 and by Memorandum Opinion and Order released March 13, 1973, we placed the lawfulness of such revised WATS schedules in hearing in Docket No. 19129, 40 FCC 2d 18 (1973). These WATS rate increases were estimated to increase WATS revenues by about $11 million based on the 12-month period ending September 30, 1972. Our Designation Order included the lawfulness of this 1973 rate increase for consideration herein.

73. On the basis of the record before us we must find that Bell has failed to show the 1973 rate increases filed under Transmittal No. 11657 were just, reasonable and otherwise lawful. As was the case with the WATS tariff revisions filed under Transmittal No. 11935 Bell failed to present sufficient record evidence to justify, among other things, the lawfulness of the 1973 WATS rate levels and rate structure with respect to all categories of WATS service as called for by the issues set forth in the Commission's March 13, 1973 order, 40 FCC 2d at 19 and our Designation Order herein. Instead, Bell chose to address the lawfulness of the 1973 WATS changes only in the aggregate which is insufficient for reasons already noted above.

74. Our Designation Order also placed in issue the reasonableness of the restrictive language in the WATS tariff concerning the use of service by WATS customers which was an issue in a formal complaint filed against AT&T by the Associated Students of the University of Arizona in 1974, 43 FCC 2d 197. Since this subject is more appropriately before the Commission in Docket No. 20097, Resale and Shared Use Inquiry, 47 FCC 2d 744 (1974), we make no findings herein on the question of resale or shared use of WATS services.

J. INTERCONNECTION ISSUES

75. As noted in our Designation Order, we intended that the prospective interconnection issues raised in Computoll's pending complaint filed in March 1973, be considered in this proceeding, i.e., that portion of the complaint which challenges the validity for the present and future of the provisions of the WATS tariff relating to interconnection filed under Transmittal No. 11935. We indicated that any action on Computoll's request for damages for alleged past unlawfulness of the WATS tariffs would be deferred pending our decision on the lawfulness of the revised WATS tariffs. We find that the regulatory interconnection issues raised by Computoll's complaint could be more appropriately addressed in the context of a separate proceeding.

III. CONCLUSIONS

76. We have set forth in the above findings our reasons for concluding that Bell has not met its burden of showing that the initial and additional period monthly charges for Outward and Inward MT and FBD WATS services filed under Transmittal No. 11935 are just, reasonable and free of unlawful discrimination. A novel "alignment" ratemaking theory was relied upon by Bell in designing the aforementioned charges. The basis of Bell's "alignment" approach was that initial and additional period monthly charges for Outward and Inward MT and FBD WATS services could be justified solely by maintaining "consistent" rate relationships with MTS DDD charges over distance, and that therefore independent cost of service studies were not required to explain or support Outward and Inward MT and FBD WATS monthly charges. We have found that Bell's use of the "alignment" theory as the sole basis for justifying WATS charges is unacceptable and violative to clearly established Commission policy. Further, while ratemaking factors other than costs may be relevant, we found that the costs of providing Outward and Inward WATS services must be provided in the first instance as a benchmark to permit reasoned consideration of the lawfulness of departures from costs in rate design which might result from "alignment." Apart from the patent illegality of Bell's "alignment" approach, we found it was not justified for other reasons. Assuming arguendo it could be a valid ratemaking approach in general, there was no basis provided in the record for the key assumptions and judgments upon which "alignment" was based and the manner in which Bell applied "alignment," was theoretically and mechanically unsound and unacceptable. Finally, we found Bell's "alignment" approach resulted in preferential rate treatment for long-haul Outward and Inward WATS subscribers vis-a-vis short-haul Outward and Inward WATS subscribers and that this preference and discrimination had not been justified by Bell on the record. In view of the foregoing, we must conclude that the Outward and Inward MT and FBD WATS monthly charges filed under Transmittal No. 11935 are unjustified and unlawful. Since the Outward and Inward MT and FBD WATS monthly charges filed by Bell in March 1975 (Transmittal No. 12303) and February 1976 (Transmittal No. 12497) were also designed under Bell's "alignment" approach we must also conclude that the WATS monthly charges resulting from those filings are also unjustified and unlawful. We also found above that Bell had failed to justify the lawfulness of its 1973 WATS rate increases (Transmittal No. 11657).

77. We conclude that the initial and additional period monthly charges for Outward and Inward MT and FBD WATS services must be found unjustified and unlawful for an additional reason. We found above that Bell had not justified the identical pricing of Outward and Inward WATS services. Indeed, we found that Outward and Inward WATS are different classifications of communications service within the meaning of Section 201(b) of the Act which must be separately justified and priced accordingly. In particular, we found that Inward and Outward WATS services are functionally different and serve different customer needs. We also found on the basis of this record we could not determine that the internal rate levels and rate relationships within Outward and Inward WATS services, respectively were just, reasonable and free of unlawful discrimination within the meaning of Sections 201(b) and 202(a). Thus, it was not possible to determine whether or to what extent MT and FBD subclasses of Outward and Inward WATS services, respectively, are compensatory or whether there may exist unlawful cross-subsidies or discriminations between such subclasses of service. We further found that Bell must either demonstrate that Outward WATS is not merely a form of MTS and provide complete cost and other justification for it as a separate service, or provide complete cost and other justification for it as a bulk-rate offering of MTS.

78. We also found that, in general, the validity of the incremental and embedded FDC cost data filed in purported compliance with Sections 61.38 and 1.363 of the Commission's Rules is subject to serious question in this proceeding. Further, Bell failed to justify the traffic and revenue projections it filed in purported compliance with Section 61.38. We found that the validity of the outputs from Bell's INC model, which were utilized by Bell to show costs and otherwise support several of its WATS tariff revisions, is questionable. We conclude that the questions of validity raised are of such a fundamental nature that they constitute still another ground for concluding Bell has failed to demonstrate the lawfulness of the WATS tariff revisions filed under Transmittal No. 11935 and related filings.

79. We further found above, that although rate increases for non-recurring changes appeared timely, we could not make a definitive finding on this record that the actual charges filed were just, reasonable and otherwise lawful absent the filing of sufficient documentation. Similarly, no definitive findings could be made with respect to conversion and extension charges or the change from six Service Areas to five Service Areas. In regard to usage sensitive pricing tariff changes, we found that the record was insufficient to permit a definitive ruling on the need for a full time class of service such as FBD, or the lawfulness of the FBD change itself. As to Bell's imposition of additional charges for large volumes of calls under one minute, we also found that no definitive ruling was possible. With respect to the tariff provisions filed under Transmittal No. 11935 relating to interconnection we found that the regulatory interconnection issues raised by Compatoll could be more appropriately addressed in a separate proceeding. We further found above that the WATS use of service provisions were more appropriately before the Commission in Docket No. 20097, supra.

80. In addition, we found that no definitive finding could be reached regarding the lawfulness of Bell's two termination requirement for Inward WATS service. Basically, we found that while requiring additional terminations appeared reasonable the lawfulness of Bell's approach addressing the problem of network congestion caused by Inward WATS had not been demonstrated on the record. Further, we raised a question as to whether Bell had given sufficient consideration to other available alternatives, such as revising the Inward WATS rate structure to charge Inward WATS subscribers for uncompleted or busy calls. We also made certain observations regarding the extent to which Outward and Inward WATS rate structures encourage efficient utilization of the public switched network.

81. In view of the foregoing, we conclude that, except for the exceptions noted herein, Bell has not satisfied its burden of justifying the WATS tariff revisions filed under Transmittal Nos. 11657, 11935, 12303 and 17497. Its failure to submit sufficient and appropriate evidence to justify WATS tariff charges and other tariff revisions is fatal to its case. Re Part 61 of the Rules, 40 FCC 2d at 151–2 (1973). Therefore, we conclude the tariff schedules at issue are null and void.

82. In light of our findings and conclusions above with respect to the insufficiency of this record, the following specific guidelines are offered to Bell for filing tariff revisions in accordance with this decision. In this connection, material which must be filed pursuant to Section 61.38 of our Rules should be developed, and supplemented where appropriate, in light of these guidelines. For example, in estimating traffic, revenue and cost effects of tariff changes on other Bell interstate services and on Bell traffic, revenues and costs overall for the 12-month historical period and the three-year prospective period, such estimates should also be provided in terms of the effects caused by rate changes in each category and subclass of WATS service, and in terms of the effects caused by rate changes in each such category and subclass by rate step. Accordingly, for the 12-month historical period immediately preceding the tariff revisions filed in accordance with this decision: [40]

(a) Compute the rate of return (ROR) for the aggregate WATS service using FDC Method 1 and any other methodologies which Bell wishes to provide;

(b) Compute the ROR for Outward and Inward WATS services, respectively, and their respective subclasses of service (and the ROR for each such category and subclass broken down by rate step) using FDC Method 1 and any other methodologies which Bell wishes to provide;

(c) Provide the traffic and revenue data by individual rate elements underlying the ROR calculations above;

(d) Provide the expenses and investment data underlying the ROR calculations above, with detailed breakdown (in terms of nomenclature, quantities and dollar value) for each category and subclass of WATS service setting forth the facilities, facilities mix, investments by plant facilities classes, and equipment categories;

(e) Show the effects of the proposed rate revisions on (a)–(d) above taking into account the appropriate price elasticities and cross-elasticities;

(f) Using appropriate incremental cost and revenue analyses:

(1) Compute the revenue/cost ratios for Outward and Inward WATS services, respectively, and their respective subclasses of service (and for each such category and subclass broken down by rate step);

(2) Show the effects, allowing for appropriate elasticities and cross-elasticities of demand, that the proposed tariff revisions would have on the revenue/cost ratios computed for (1) above; and

(3) Show the effects that the proposed tariff revisions would have on the costs and revenues for Outward and Inward WATS services, respectively, and their respective subclasses of service (and for each such category and subclass broken down by rate step), providing detailed breakdown (in terms of nomenclature, quantities, and dollar value) for each category and subclass of WATS service setting forth the facilities, facilities mix, investment by plant facilities classes, and investment by equipment categories.

83. Data must also be filed to show the likely changes in Outward and Inward WATS traffic, revenues and costs that will occur over the three-year prospective period immediately following the filing of tariff revisions in accordance with this decision. For this three-year prospective period estimate the effects of the proposed tariff changes on traffic, revenues and costs for Outward and Inward WATS services, respectively, for their respective subclasses of service, and for each such category and subclass broken down by rate step, providing the following:

(a) The traffic, revenues and costs assuming no tariff changes were to take place;

(b) The traffic, revenues and costs assuming that the proposed tariff revisions were in effect, taking into account the appropriate price elasticities and cross-elasticities of demand; and

(c) The expenses and investments with detailed breakdown (in terms of nomenclature, quantities and dollar value) of the facilities, facilities mix, investment by plant facilities classes, and investment by equipment categories.

84. For the 12-month historical period, and for the three-year prospective period, any other revenue and cost data, or other data and studies, which have been relied upon in developing and justifying the proposed tariff charges should be provided. In all cases where the incremental cost methodology is utilized in supporting or explaining Inward and Outward WATS tariff changes, Bell should also provide where possible, embedded cost data developed under FDC Method 1 and any other methodologies Bell wishes to provide.[41]

85. The information specified in paras. 82–84 above should include all derivations, necessary workpapers, explanations and narratives required to support and justify the calculations and computations made. Specifically this must include:

(a) Justification of the cost and investment allocations made between and among Outward and Inward WATS services and their respective subclasses of service and between such categories and subclasses and other interstate services offered by Bell, especially explaining the relation of the allocation factors, and the "busy hour" and "total day" message minute mile (MMM) studies;

(b) Justification of the use of all factors, ratios and costs not studied currently, which were derived from earlier studies, showing the dates of the studies, and the basis and accuracy of trending and extrapolating data to be used in the filing; and

(c) For Inward and Outward WATS services and their respective subclasses of services and for the rate steps of each such category and subclass, introduce, show the derivation of, and justify elasticities of demand, growth factors, and cross-elasticities of demand with other Bell interstate services, and between and among WATS service categories and subclasses. Show the relationship of these elasticities, cross-elasticities, and growth factors to other important factors such as changes in economic conditions.

86. It is likely that computer and other sophisticated statistical, econometric and marketing analysis techniques will be utilized in developing information requested in paras. 82–85 above as well as in developing other information which Bell may submit. The following guidelines are presented to demonstrate the kind of documentation which we believe would be consistent with Section 1.363 of the Commission's Rules, and which should provide the Commission with an adequate basis to evaluate Bell's filing:

(a) Documentation: (1) A detailed systems flow chart should be presented, showing the logical sequence by which primary data is collected, processed, and ultimately transformed into the results presented. This flowchart should identify the inputs and outputs, and summarize the operation of function of each study, model or program used in the overall process. A narrative explanation and discussion of this should be included, setting forth in complete detail the explanation and justification of the complete process and all the algorithms used:

[40] Supra, n. 27. Our guidelines set forth in paras. 82–86 shall also apply in the event Bell chooses to justify Outward WATS as a bulk-rate offering of MTS service (see para. 25 above).

[41] Supra, n. 27

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(2) A detailed flowchart should be included for all computer programs (except standard statistical packages) used in the process. Detailed flowcharts should be written using standard flowcharting symbols and algebraic notation, should correspond very closely to the version of the program submitted, and should contain a minimum of computer language statements;

(3) Wherever possible, computer programs should be internally documented. Non-standard statements and calls to special library routines should be explained. Specific program initiation and operating procedures should be documented;

(4) A program listing of each program used should be included;

(b) In each instance where statistical, econometric, marketing, or other analytical techniques are used as part of a system or study, or in the development of parameters, factors, inputs or coefficients of a system or study, the following types of information should be included:

(1) The exact procedure followed;

(2) Alternate formulations which logically could have been used, and the reason for their rejection;

(3) The statistical confidences which are associated with the output of these procedures;

(4) Any data or logic which tends to verify the output of these procedures, especially boundaries within which the outputs are known to lay;

(5) The justification of all assumptions implicit in the procedure followed;

(c) Document all procedures used to validate the system output, and show the sensitivity of system output to error in the inputs, or in the internal parameters; and

(d) In some cases it may be desirable for the staff to obtain computer programs and input data files and to make independent runs. Sufficient materials are to be retained so that a speedy conversion may be made if necessary.

87. As found above, the record is insufficient to support the lawfulness of the four WATS tariff filings at issue herein. We conclude that the record is also insufficient to permit us to justify any rate structure or rate prescription, even for an interim period. It is thus incumbent on Bell to file tariff revisions accompanied by the material required by Section 61.38 of our Rules, which meet our guidelines set forth herein, and which are otherwise lawful. Among other things, we expect Bell to separately justify the lawfulness of Inward and Outward WATS services, and their respective subclasses of service, and to clearly distinguish its offering of all categories and subclasses of WATS service, in particular, Outward WATS services, from other Bell services including MTS. However, if our decision were effective after the minimum 30 day period allowed pursuant to Section 408 of the Act, 47 U.S.C. 408, the result could be a hiatus in Inward and Outward WATS services for Bell customers, since we believe a 30 day period would be insufficient to permit Bell to file a revised tariff containing the justification required herein. In this regard, it appears that Bell may have to gather substantial new data and in some cases develop new study methodologies to justify the tariff revisions which must be filed in accordance with this Decision. In particular, we are requiring Bell to separately justify the lawfulness of Inward WATS services and rates which it has not attempted to do in the past. Further, we are requiring Bell to address in detail the functional and economic relationship of Outward WATS service to MTS service. In our expert judgment, it is likely to require approximately five months for Bell to prepare its filing. Therefore, we shall require Bell to file tariff revisions to become effective on the effective date of this Decision, which shall be 210 days after publication in the FEDERAL REGISTER. Such revisions shall be filed on not less than 60 days notice and actual notice to customers of such tariff changes shall be given at the earliest possible date. We believe in our expert judgment, the foregoing action is the most appropriate under the circumstances of this case. Although the WATS tariff has been found unlawful as indicated herein, there is a clear public interest requirement for continuity of Inward and Outward WATS service to the public. Further, this procedure will avoid the confusion and administrative difficulties which would likely arise if an alternative WATS tariff was filed to become effective during the interim period while Bell prepared the tariff filing required by our Decision. Finally, we note that existing accounting orders shall continue as set forth herein to protect the public and we retain our rights to investigate or reject or impose an accounting order with respect to the tariff revisions which Bell must file. In view of the foregoing, the course outlined above will best serve the public interest.

88. Our Designation Order herein imposed an accounting order by individual customer account on Bell for all charges which were increased under the filing of Transmittal No. 11935, 46 FCC 2d at 86. No accounting order was imposed for the increased charges resulting from Bell's March 1975 filing under Transmittal No. 12303, 52 FCC 2d 155, 156, and a "class" accounting order was imposed for the increased charges resulting from Bell's February 1976 filing under Transmittal No. 12493, Docket No. 20732, 58 FCC 2d, 1, 4–5 (1976). Moreover, an accounting order by individual customer account remains outstanding with respect to the 1973 WATS rate increases, 40 FCC 2d 18, 20. As indicated above, we have found the foregoing WATS tariff filings unlawful. In the normal case where charges are found unlawful after hearing, we would prescribe lawful rates, and therefore know what portions of the increases are lawful. Here, however, we have an insufficient record to support a rate prescription, and we therefore believe it an appropriate exercise of our discretion not to order any refunds pending consideration of the tariff revisions filed in accordance with this Decision. Accordingly, we will leave the accounting orders now pending in effect. However, to the extent possible, we shall order Bell to convert the existing accounting orders by individual account into "class" accounting orders, i.e., for Outward MT, Outward FBD (FT), Inward MT and Inward FBD (FT) services, upon the effective date of this decision.

89. Some of the information required to be filed under our guidelines above should be readily available while other material may require some time to prepare. In order to isolate the specific filings which must be made with a new tariff and to determine the time necessary to develop such material, we shall direct the Chief, Common Carrier Bureau, to confer with Bell at a time and under procedures which he shall specify in a subsequent order. Should some of the requested information be considered sensitive or proprietary appropriate arrangements will be made to provide adequate protection. It may also be necessary to discuss the feasibility of converting accounting orders by individual account to "class" accounting orders at these conferences.

90. Accordingly, *it is ordered*, That pursuant to Sections 201(b) and 202(a) of the Act the tariff schedules filed with Bell Transmittal Nos. 11657 and 11935 (and revisions thereto) are found unlawful as indicated herein, are null and void, effective 210 days after publication of this Decision in the FEDERAL REGISTER.

91. *It is further ordered*, That Bell shall file tariff revisions accompanied by the information required by Section 61.38 of the Commission's Rules, 37 C.F.R. 61.38, and which meet the guidelines specified herein;

92. *It is further ordered*, That as indicated at para. 25 above, Bell must either demonstrate that Outward WATS is not merely a form of MTS and provide complete cost and other justification for it as a separate service, or provide complete cost and other justification for it as a bulk-rate offering of MTS;

93. *It is further ordered*, That the provisions of Section 61.58 of the Commission's Rules, 47 C.F.R. 61.58, are waived, and the tariff revisions to be filed as required herein must be filed on not less than 60 days notice;

94. *It is further ordered*, That the accounting orders ordered pursuant to 40 FCC 2d 18, 20 and 46 FCC 2d 81, 86 shall be converted to class accounting orders (for Outward MT, Outward FT/FBD, Inward MT, Inward FT/FBD categories of service) insofar as feasible;

95. *It is further ordered*, That the Bell and Trial Staff Motions to Strike are hereby denied as indicated at para. 21, fn. 17 herein;

96. *It is further ordered*, That Docket No. 19989 (Phase I and Phase II [42]) is terminated.

Adopted: May 27, 1976.

Released: June 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX A

1. EMBEDDED COST JUSTIFICATION

1. In purported compliance with Section 61.38 and 1.363 of our Rules, Bell filed a (FDC) study and embedded costs by rate element, accompanied by workpapers, intended to comprehend the most recent twelve-month period prior to the tariff filing. The twelve-month period ending June 30, 1973, was selected by Bell. For the same period Bell also provided estimates of the effects of its revised WATS rates upon WATS traffic and revenues, upon traffic and revenues for other Bell interstate services, and upon traffic and revenues of the Bell System overall. The Bell FDC study cited computed earnings ratios (net operating earnings to net investment) for the aggregate WATS service under the effective WATS tariff preceding the filing of Transmittal No. 11935. Revenues, expenses, investments and earnings ratios were calculated under FDC Methods 1–7. Earnings ratios (rates of return (ROR)) ranged from 9.5% (Method 1) to 17.5% (Method 3). Updated bottom line results furnished by Bell for the twelve-month period ending December 31, 1973 ranged from 12.6% (Method 1) to 17.9% (Method 2).[1]

2. Several problems of the nature encountered in Hi-Lo emerge from Bell's submission. In general, the amounts of investment, revenues and expenses allocated to WATS were not wholly derived from an analysis of historical records pertaining to the current test period but rather from the extrapolation of the data in an earlier study, in particular, a 1972 WATS study. For example, to determine the WATS interexchange (IXC) investment for FDC Methods 1 through 6, the 1972 investment was trended forward and then distributed between MTS and WATS on the basis of message-minute-miles (MMM). The remaining outside plant, central office equipment, and station equipment for WATS were trended forward based on the overall WATS revenue growth. Land and buildings investments for WATS were trended forward based on the increase in the investment in all central office equipment and IX outside plant. Other investment accounts were also derived by trending forward the results of previous studies. The record thus traces, to an extent, the manner in which the components of total plant investment allocable to WATS service overall were obtained.

3. Our major concern is that the record does not indicate the basis for determining investment, revenues and expenses for WATS services on a disaggregated basis, i.e., Outward, Inward, Outward MT and FBD (FT), Inward MT and FBD (FT) services. Further, there are several uncertainties associated with the validity of the expense and investment data filed in support of the aggregate historical cost of service study. As was the case in Hi-Lo, we are concerned with the methodologies employed and the ambiguities and omissions in the explanations and workpapers filed. For example, we are concerned that trending and extrapolating data from earlier studies (some of which had also been trended) may not represent a reasonably current and accurate determination of embedded costs since the results of each study have been trended forward based on certain ratios, revenue trends and aggregated investment and expense experience to arrive at the data representing the current twelve-month period ended June 30, 1973. While the general textual description of the methodology may appear reasonable on the surface, we are particularly concerned that no quantitative demonstration was presented showing that the underlying assumptions are indeed reasonable or that the source data upon which the extrapolations are based have been accurately determined or that the computations have been properly performed.

4. Similarly, as was the case in Hi-Lo, we are concerned about the validity of the computer computation of the earnings ratios as well as the computation of intermediate results. Questions arise as to the sufficiency and validity of the computer program, logic, instructions, printouts and narrative as well as the derivation of the basic inputs and intermediate calculations and the resulting outputs and format. Basically, the documentation of the validity of the inputs to the computer model appears inadequate. Due to these cosiderations, we have no way of judging whether the investments and expenses allocated to WATS in total have been properly derived. Further, we do not know how much of this total is applicable to each of the disaggregated WATS services. In this connection, we are given the results for WATS service overall but we have no information that allows us to determine, on a disaggregated basis, the facilities mixes, the investments and expenses applicable to Outward and Inward WATS services and their respective subclasses of service. Lacking this information we cannot determine whether or to what extent the Outward and Inward WATS internal rate levels and rate structures, respectively, may be non-compensatory or may include internal cross-subsidies. Further, we have found that Inward and Outward WATS services use the network in entirely different ways, and that the demand for these services are predicated on different needs and affected by different factors. Thus, it is clear that the error of using a procedure dependent on trending and other estimates, will be compounded by failure to treat entirely different services distinctly.

2. INCREMENTAL COST JUSTIFICATION

We also have problems similar to those encountered in *Hi-Lo* with the validity of Bell's incremental cost submission. In purported compliance with Sections 61.38 and 1.363 of our Rules, Bell presented incremental cost projections derived from the Incremental Network Cost System (INC) for the calendar years 1974, 1975 and 1976. For the same three-year period, Bell also provided estimates of the effects of its WATS rate changes upon WATS revenues and traffic, upon the traffic and revenues for other Bell interstate services, and upon the traffic and revenues of the Bell System overall. This data was offered generally for the purpose of showing that WATS service overall is compensatory and will not adversely affect the business in the forecast period 1974–1976. Bell also relied on the outputs of its INC model for other purposes. For example, Bell utilized outputs from the INC model to estimate the cost effects related to the provision of two terminations for Inward WATS, costs for WATS extension stations, the costs associated with short-hold WATS calls under one minute, the costs for hourly usage beyond 240 hours, to derive incremental minute cost figures for Outward and Inward WATS services, etc. As noted previously, Bell does not rely on independent cost of service studies to develop or justify specific WATS monthly rates but rather it relies on its "alignment" theory.

6. It is evident from the foregoing that to the extent Bell relies upon incremental cost analyses to justify its three-year projections of costs filed in purported compliance with Section 61.38 or justify, in part, particular WATS tariff changes, such as to show the costs for the FBD revision or show costs for extension stations, the validity of the outputs from the INC model is of basic importance.[2] One of the key factors in assessing the validity of INC model outputs is to determine whether or to what extent the inputs to the INC model can be reliably used to produce valid results. Basically the INC model is designed to demonstrate the effects of changes in demand on investment and net expenses. In developing the INC model, it appears Bell considered the entire public switched network. Thus, changes in MTS, Inward WATS and Outward WATS demand are provided by Bell as inputs to the INC model. For WATS services, these demand estimates are provided on a system-wide basis (national total), disaggregated by mileage bands (length of haul). The WATS demand estimates are combined with growth estimates to produce estimates of the change in plant requirements of specific units and kinds of facilities, estimates of other elements of expenses, etc. Thus, one of the critical inputs into the INC model for assessing the cost effect of WATS tariff changes are WATS demand estimates.

7. For the reasons that follows we find that the validity of the WATS demand estimates used as inputs into the INC model is subject to question. This in turn raises questions regarding the validity of the INC model outputs, i.e., incremental costs, and the three-year cost projections and particular WATS tariff changes which such outputs alledgedly support. Although Bell's WATS demand estimates were not probed on their merits by the non-Bell parties we find several questions of validity arise on the face of Bell's presentation. An explanation of Bell's methodology in developing WATS demand estimates is pertinent.

8. Critical to the development and validity of WATS demand estimates is the separate determination of Outward and Inward WATS demand elasticities. Bell developed the WATS demand elasticities it relies upon in the following manner. Using the Centralized Message Data Sample (CMDS), AT&T measured WATS service usage during March, 1974. This CMDS sample enabled Bell to disaggregate the data by distance (15 mileage bands) and time of day (18 groups of one or more hours).

[42] Since the tariff filing which precipitated Phase II was based on Bell's "alignment" approach and has therefore been found unlawful herein no useful purpose would be served by continuing the proceeding in Phase II.

[1] National Data alleges that the WATS overall ROR is "excessive" and therefore urges that a ceiling be placed on the WATS ROR. National Data claims that such a ceiling on WATS would prevent the subsidization of MTS by WATS and would assure that "the most service is provided to the greatest number of customers at the lowest possible cost." We express no view herein on an appropriate ROR for WATS service as such question is subject to such policies and principles as we may adopt in Docket No. 18128. Supra, n. 27 of Decision.

[2] Bell's INC system, as it relates to MTS, is before the Commission in Docket No. 19129, Phase II.

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This process resulted in 270 "cells" for Inward WATS and 270 "cells" for Outward WATS. This data represented current usage or, as Bell terms it, "Old WATS Demand". Bell estimated the level of usage it expected to occur after the rate changes in issue became effective by applying the following formula for each cell: [4]

New WATS demand = Old WATS demand $\times \left[\frac{\text{Filed rate}}{\text{Existing rate}}\right]^{\text{Shift factor}}$

The "New WATS Demand" is then used as an input to the INC model. The exponent in the above formula labeled "Shift Factor" is the elasticities of WATS demand. AT&T has submitted 15 Inward WATS and 15 Outward WATS shift factors or elasticities of WATS demand, which correspond to the 15 mileage band breakdowns it uses. To arrive at these Outward and Inward WATS demand elasticities AT&T started its analysis with Business Station MTS price elasticities.[5] AT&T had available MTS price elasticities which corresponded to the 15 mileage band breakdowns, and to time of day breakdowns. For each mileage band, AT&T combined various time of day breakdowns to produce MTS "composite" price elasticities for each mileage band. AT&T then multiplied these composite MTS price elasticities by ½ to arrive at the Outward WATS elasticities of demand, and by ¼ to arrive at the Inward WATS elasticities of demand.

9. Several questions of validity arise from the procedure utilized by Bell to develop the Outward and Inward WATS demand elasticities which are basic to developing WATS demand estimates as inputs into the INC model. Section 1.363 of our Rules clearly directs that statistical procedures such as the one utilized by Bell in developing WATS demand elasticities, when offered in evidence, must be accompanied by a comprehensive dilineation of the assumptions underlying the study; the reasons for each assumption; alternative models and variables which have been employed; the formulas used to make statistical estimates; and the standard errors, and test statistics associated with these estimates. None of this information has been presented with respect to the MTS price elasticities which are fundamental to the whole procedure utilized in developing Outward and Inward WATS demand elasticities.[6] Further, assuming arguendo that the MTS price elasticities presented by Bell are valid and in some way are relevant to the calculation of Outward and Inward WATS demand elasticities, AT&T has failed to sufficiently explain and justify on the record why the MTS composite price elasticities should be multiplied by ½ in the case of Outward WATS and by ¼ in the case of Inward WATS to arrive at WATS demand elasticities. Absent documentation for these multipliers we have no way of knowing whether the resulting Outward and Inward WATS demand elasticities can be relied upon to produce valid results.[7] The WATS elasticities of demand used by AT&T in developing Outward and Inward WATS demand estimates are also questionable for other reasons. The greatest estimated elasticity occurs in mileage band 5, the lowest estimated elasticity in mileage band 6. There is no explanation on the record of the great differences between the elasticities for the two adjacent mileage bands. An explanation of the relation of price elasticity to distance would appear to be necessary before the set of numbers could be relied upon by the Commission. Furthermore, there is no showing that these numbers or comparable numbers have ever been tested against actual WATS data as evidence of reliability. In this connection, the record does not indicate that Bell has an ongoing effort to study (independently of MTS) Outward and Inward WATS demand, Outward and Inward WATS growth trends, Outward and Inward WATS price elasticities or Outward and Inward WATS cross-elasticities. Thus, we find that the elasticities of demand which AT&T used in developing Outward and Inward WATS demand estimates as inputs into the INC model are conjectural and insufficiently supported. Accordingly, the WATS incremental cost estimates, which are outputs of the INC model, are of questionable validity, as are three-year cost projections and the tariff changes which such INC model outputs allegedly support.

10. The outputs from the INC model relied upon by Bell in this proceeding are of questionable validity for still other reasons. As was the case in Hi-Lo the documentation presented with the INC computer model results does not satisfy the requirements of Section 1.363(a) of our Rules. A computer model is a collection of statistical relationships. Bell's presentation is based upon a great number of coefficients, factors, and formulas. Bell notes many of these to be the result of regression analyses and other statistical techniques. Nonetheless, neither the assumptions behind most of these numbers and calculations, nor the statistical confidences which can normally be derived with them, are provided for the record as required by Section 1.363 of our Rules. Further, recognizing that the relationship of cost and distance is an important consideration in setting Outward and Inward WATS rates, it appears appropriate that other schemes in addition to the current 15 mileage band approach be evaluated and tested in an INC–type model. In this regard, it appears desirable that, consistent with our other findings herein, that Outward and Inward WATS services and their respective subclasses of service be independently evaluated. In addition, it is not clear from the record the extent to which actual Inward and Outward WATS usage data or reasonable forecasts of Inward and Outward WATS usage including attempts during peak hours results in capital and depreciation charges being added to the incremental costs of WATS. Moreover, inasmuch as AT&T has used the INC model to provide three years of forecasts to show that WATS rates overall are allegedly compensatory, it is necessary to understand how estimates of inflation are used in developing price and wage factors. Bell does not explain this in record. Due to the lack of information provided for the record, these concerns cannot be evaluated and the validity of the outputs from the INC model are subject to further question.

11. Accordingly, we find serious questions of validity exist regarding the embedded and incremental cost justification submitted by Bell in this proceeding in purported compliance with Sections 61.38 and 1.363 of our Rules, as well as provided to support three-year costs projections and certain other WATS tariff changes.

3. TRAFFIC AND REVENUE PROJECTIONS

12. As noted above, AT&T also filed three-year prospective estimates of the effects of the proposed WATS tariff changes on, among other things, overall WATS traffic and revenues. These estimates, for the years 1974, 1975 and 1976, were also filed in purported compliance with Section 61.38 of the Commission's Rules. Bell derived these estimates by first estimating the WATS traffic and revenues for the three years under consideration, under the assumption that no rate changes would be made. Then it attempted to estimate how much these traffic and revenue figures would change during the three-year period under the proposed WATS rate changes. AT&T employed the following methodology in developing its projections. It collected detailed data on the number of interstate WATS access lines as of June 1973 and call distribution information for WATS by length of haul and time of day from March 1973 data. AT&T also gathered data on the number of WATS access lines from the June, 1970 through September, 1973 monthly accounting summaries. Using this data, and making some assumptions about the state of the economy in 1974, 1975 and 1976, AT&T estimated the growth in WATS access lines for those years. AT&T assumed that the average hours of usage of WATS access lines would grow at the same growth rate as the number of WATS access lines. From these estimates of WATS access lines and hours of usage, and using the rates then in effect, it appears Bell derived estimates of WATS revenues for the three-year period.

13. AT&T did not file these traffic and revenue projections, but rather filed the changes in these figures which it expected to occur under the proposed rate changes. These expected changes are referred to by Bell as "the effects of WATS rate revisions on Traffic and Revenue." AT&T derived these "traffic and revenue effects" by using the following methodology. Bell used Outward and Inward WATS elasticities of demand factors to estimate the amount of traffic that would be stimulated or depressed by the proposed rate changes. AT&T also submitted cross-elasticity shift factors which it used to estimate the amount of traffic which would shift between WATS services and MTS service, and between WATS services and Bell private line service, under the proposed WATS rates. Using the estimates of WATS traffic, referred to at paragraph 12 above, adjusted for the expected changes in traffic due to the imposition of the new rates, AT&T estimated the revenues that would result for each of the years, 1974, 1975 and 1976. Comparing these revenue estimates to the revenue estimates made assuming no rate changes were made, AT&T derived the "revenue effect" of the proposed rate changes. Using a similar methodology AT&T also estimated the effects that the proposed tariff changes would have on the traffic and revenues of the 12-month historical period ending June 30, 1973.

14. We find that on the face of Bell's presentation, questions exist regarding the validity of its three-year projections which were offered to show the changes in traffic and revenues which would occur in 1974, 1975 and 1976 under the proposed rate changes. We find first that AT&T has provided no explanation or justification for the process used to make the estimate of growth in access lines. In this connection, Bell does not clearly explain how it takes into account expected changes in business conditions in developing WATS access line growth estimates. We note that 1974 was the worst recession year since World War II. Bell, in making its projections, however, assumed that economic conditions would only be "slightly less favorable" in 1974 than in 1973. Under such circumstances, Bell should have documented the sensitivity of its estimates of growth in WATS traffic and revenue to erroneous assumptions regarding the state of the economy. This it did not do. Further, no explanation, or justification is provided for Bell's assumption that average hourly WATS usage will grow at the same growth rate as the number of interstate WATS access lines. Bell merely states this assumption but fails to provide the basis for its judgment. In addition, we have questioned above the validity of the Outward and Inward WATS demand elasticity factors utilized by Bell to develop demand estimates as inputs into the INC model. As noted above, these same Outward and Inward WATS demand elasticity factors were used, in part, to estimate the changes in traffic and revenue which will occur in the 1974–1976 period due to the proposed WATS rate changes. It therefore follows that the validity of Bell's estimates of "traffic and revenue effects" of the proposed rate changes based, in part, on questionable Outward and Inward WATS demand elasticity factors, is also subject to question. Finally, AT&T provided insufficient explanation and justification for the process used to calculate the cross-elasticity shift factors upon which it relies, *i.e.*, factors utilized in developing estimates of traffic shifts between WATS services and other Bell services including MTS. These cross-elasticity shift factors are based primarily on unproven assertions regarding what Bell calls "economic cross-over points", i.e., points (price relationships) at which Bell claims customers will rationally shift from one Bell service to another Bell service. Bell did not show how the factors presented were calculated, nor was documentation provided demonstrating the validity or reliability of the factors shown. Therefore, we find that the estimates of traffic and revenues, which are based, in part, upon those cross-elasticity shift factors, are of questionable validity. Inasmuch as the estimates of the traffic and revenue effects of the proposed rate changes on the 12-month historical period ending June 30, 1973 were also based, in part, on the same Outward and Inward WATS elasticity of demand factors and the same cross-elasticity shift factors discussed herein, the validity of these estimates is also questionable.

15. Accordingly, we find that the validity of Bell's traffic and revenue projections, the validity of its embedded and incremental cost justification filed in purported compliance with Section 61.38 of our Rules and more generally the validity of INC model outputs are subject to serious question for the reasons stated above. This failure of Bell to meet its burden of proof constitutes still another ground for finding Bell's WATS tariff filing is unjustified and unlawful. Specific guidelines for filing tariff revisions in accordance with this decision are set forth at paras. 82–86 in the body of our Decision.

[FR Doc.76–17017 Filed 6–10–76;8:45 am]

[4] This formula is known as the constant elasticity of demand formula. It is one of many that are frequently used when using statistical techniques to estimate the effects of price changes. The assumption that the user of this formula makes is that the elasticity of demand is constant over time, and regardless of the magnitude of the rate change. Having a constant elasticity of demand does not mean that the effect of all rate changes would be the same. For example, if prices were reduced by 10% and demand increased by 5%, a second price reduction of 10% would be expected to elicit a second 5% demand increase.

[5] The MTS price elasticities were presumably taken from the Long Distance Interstate (LDI) demand model, which has been used by AT&T in other proceedings. While we don't challenge the validity of the LDI model herein, since it is before the Commission in Docket No. 19129, Phase II, we believe it is nevertheless incumbent on Bell to justify and explain fully its judgment for using the LDI model and its components in conjunction with Outward and Inward WATS services respectively.

[6] Supra, n. 4.

[7] Bell's decision to apply these different multipliers to Inward WATS and Outward WATS adds further support to our finding that the two services are entirely different services which must be separately justified and priced accordingly.

FM RULES RELATING TO POWER VS. HEIGHT

Interim Policy

In concluding our rulemaking which culminated in the adoption of revised FM field strength curves, Report and Order in Dockets 16004 and 18052, 53 FCC 2d 855, 34 RR 2d 361 (1975), we did not amend figure 3 of § 73.333 of our rules. Figure 3 contains power versus height curves for class A, B, and C FM stations and governs the reductions in power arising from the use of tall towers. We are presently preparing a replacement for figure 3 which takes into account the effect of the new field strength curves. Until such time as figure 3 is replaced, we will follow a policy of processing and granting applications with the average of the heights above average terrain for the eight radials greater than the maximum for the class of station provided that the distance to the 1 mV/m (60 dBu) contour is no greater than would occur if the station operated with the maximum power and height for the class of station. These determinations are, of course, made with the newly-adopted F(50,50) field strength curves. Thus, proposals with average heights above average terrain greater than the following values may propose powers such that the distance to the proposed 60 dBu contour does not exceed the specified distances:

Class	Height	Distance
	Feet	*Miles*
A	300	14.5
B	500	32.5
C	2,000	57.5

While this reflects a new Commission policy, this does not eliminate the necessity of complying with our agreements with Canada and Mexico. Thus, stations within 250 miles of the Canadian-United States border must comply with the Working Arrangement for Allocation of FM Broadcasting Stations on Channels 221–300 under the Canada-United States FM Agreement of 1947. And stations within 199 miles of the Mexican-United States border must comply with the Agreement Between the United States of America and the United Mexican States Concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band.

Stations within the border areas which must operate with less than maximum power and height for the class of station in accordance with § 73.213 because they are short-spaced with domestic stations may utilize the policy we adopt here to increase power provided that the limits in our agreements with Canada and Mexico are not exceeded.

Stations whose 60 dBu contours presently exceed the specified distances do not fall under this interim policy.

When the new figure 3 is finally adopted, stations which were authorized increased facilities under this interim policy may be required to slightly reduce power to bring them into accordance with the new figure 3.

This policy does not apply to television applications. The Commission is presently considering an interim policy concerning television applications; it will be released at a later date.

Action by the Commission May 11, 1976, Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–17019 Filed 6–10–76;8:45 am]

NATIONAL INDUSTRY ADVISORY COMMITTEE, EXECUTIVE COMMITTEE

Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Executive Committee of the National Industry Advisory Committee to be held Monday, June 28, 1976. The Executive Committee will meet at the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. in Room 847 at 10:00 A.M.

Purpose: To review past acomplishments of the National Industry Advisory Committee and to establish goals for the future.

Agenda:

Item:

1. Chairman' Opening Remarks.
2. Comments by the Defense Commissioner.
3. Reports of past accomplishments presented by the Chairman of the various subcommittees of the National Industry Advisory Committee (NIAC).
4. Discussion of tasks to be accomplished in the future by the NIAC subcommittees.
5. Closing comments and adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the date of the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202 632–7232.

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–17016 Filed 6–10–76;8:45 am]

PERSONAL USE RADIO ADVISORY COMMITTEE (PURAC)

Meeting

Date: July 29, 1976 (Thursday).

Location: FCC Laurel Laboratory, 7435 Oakland Mills Road, Guilford, Maryland.

Morning agenda (10 a.m.): Tours of FCC laboratory.

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Afternoon agenda (1:30 p.m.): Chairman's remarks and introductions, reports on action items, reports by task coordinators, other business to be determined, review of action item list, adjournment.

Public participation: Meetings of PURAC are open to the public, subject to available meeting space. Observers desiring to make an oral presentation at this meeting should coordinate their presentation with the Chairman. Required information includes: Name, mailing address and telephone number of person making the presentation; outline of material to be presented; duration of presentation; audio/visual aids required. Written statements may also be submitted to the Committee, and should be addressed to the Chairman, John B. Johnston, Personal Use Radio Advisory Committee, Room 5114, Federal Communications Commission, Washington, D.C. 20554.

Directions: North on Interstate 95 from the Washington Beltway (I-495) approximately 12 miles to Route 32. West on new Route 32 to stop sign at Guilford Road. East ¼ mile to Oakland Mills Road. North ¼ mile to entrance to FCC Laboratory on right.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17015 Filed 6-10-76;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY FOR OIL POLLUTION

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01017---	Westfal-Larsen & Co. A/S: *Porsanger.*
01105---	Tschudi & Eitzen: *Sistella.*
01145---	Det Bergenske Dampskibsselskab: *Cometa.*
01185---	Aksjeselskapet Kosmos: *Javara.*
01255---	Skjelfreds Rederi A/S: *Nortrans Elma.*
01360---	Midland Enterprises Inc.: *Ralph E. Flagge.*
01529---	Oy Pulpships AB: *Taifun.*
01533---	Henry Nielsen OY/AB: *Levante.*
01830---	Cardon Tankers Corp.: *World Heritage.*
01854---	Southern Towing Co.: *STC-2003.*
01857---	OHG. I. FA. Berhard Schulte: *Cap Mabas.*
01989---	Erik Thun Aktiebolag: *Thuntank 6.*
02032---	D.B. Deniz Nakiyati T.A.S.: *Mentes.*
02038---	Polskie Linie Oceaniczne: *Tadeusz Ordszynski.*
02040---	Odra-Swinoujscie: *Orcyn.*
02198---	Peninsular & Oriental Steam Navigation Co.: *Strathdirk, Strathdoon.*
02266---	Marine Mercante Nicaraguense S.A.: *Ciudad De Leon.*
02416---	Boland & Cornelius, Inc.: *St. Clair.*
02429---	G & C Towing Inc.: *Walter G. Hougland.*
02453---	The Turnbull Scott Shipping Co. Ltd.: *Southgate.*
02715---	Allied Towing Corp.: *ATC-6000, ATC-141, Bruce.*
02975---	Venture Shipping (Managers) Ltd.: *Pacific Venture, Successful Venture.*
02982---	The Shipping Corp. of India Ltd.: *Vishva Chetana.*
03069---	Alfred C. Toepfer Schiffahrtsges MBH: *Wien, Basel, Warschau.*
03216---	Salenrederierna AB: *Baltic Wasa.*
03252---	Cleveland Tankers, Inc.: *Jupiter.*
03273---	Dunlap Towing Co.: *ZB 180.*
03398---	Interessentskapet Norse Mountain: *Norseman.*
03474---	Nippon Suisan K.K.: *Itsukushima Maru.*
03614---	A/S Kristian Jebsens Rederi: *Riknes, Rognes.*
03751---	Castle & Cooke Inc.: *Pan Alaska, Royal Sea, Royal Alaskan, Vic Hansen, Magellan.*
04259---	Continental Oceanic Navigation Corp. Ltd.: *Camerona.*
04276---	Rivtow Straits Ltd.: *Straits Water Skidder.*
04356---	Pacific Far East Line, Inc.: *Westward Venture, Saudi Bear.*
04404---	Lars Rej Johansen: *Jobebe.*
04565---	Consolidated Navigation Corp.: *Empress of Eden.*
04625---	American Commercial Lines, Inc.: *Sonny Ivey.*
04640---	McAllister Lighterage Line, Inc.: *Steel Deck Barge SSC 1, Steel Deep Boat No. 285, McAllister 20.*
04642---	South African Marine Corp. Ltd: *S A Wolraad Woltemade.*
04933---	The Revilo Corp.: *Mary 120, NBC 922.*
05053---	Wakefield Seafoods, Inc.: *Akutan.*
05098---	Esso Tankers Inc.: *Esso Japan.*
05235---	Gulfcoast Transit Co. *Barbara Vaught, Louise Kirkpatrick, Pearle Jahn, Thelma Collins, Wanda Wheelock.*
05239---	Zapata Off-Shore Co.: *Lquisiana.*
05579---	Black Sea Shipping: *Yakov Bondarenko.*
05624---	Perusahaan Pertambangan Minyak Dan Gas Bumi Negara: *Permina 3001.*
05760---	Reoch Transports Ltd.: *Brookdale.*
05845---	Shinto Kaiun K.K.: *Toshu Maru.*
06234---	Kokusai Gyogyo Kabushiki Kaisha: *Anyo Maru No. 22.*
06282---	Avondale Shipyards Inc.: *Asi Drydock.*
06359---	Malaysian International Shipping Corporation Berhad: *Bunga Sripagi.*
06413---	Nanayo Kisen Kabushiki Kaisha: *Housei Maru.*
06721---	Kooll Industrial Co., Ltd.: *O Dae Yang No. 212.*
06995---	Novorossiisk Shipping Co.: *Grigoriy Vakulenchuk, Mosovskiy Festival, Grigoriy Achkanvo, Nikolay Podvoyskiy, Riyeka, Marshal Biryuzov, Pyotr Alekseyev, Dmitriy Zhloba, Yepifan Kovtyukh, Dzhuzeppe Garibaldi, Budapesht, Praga, Pkhenyan, Gavana, Gdynya, Palmiro Tolyatti, Sofiya, George Georgiu Dezh, Pyatidesyatiletiye Oktyabrya, Mekhanik Afanasyev, Leonardo Da Vinchi, Galileo Galiley, Dzhuzeppe Verdi, Fyodor Poletayev, Lenkoran, Lyubotin, Lyudinovo, Lyublino, Varshava, Gelendzhik.*
07118---	Mingtai Navigation Co., Ltd.: *Bright Star.*
07188---	Maritime Reefer Service, Inc.: *Sol Eclipse.*
07308---	Del Bene Ultramar S.A.C.I.YF: *Pampero I, St. Margaret, Acandi.*
07662---	Tankreederei De Vries & Co. KG: *Thoralbe, Thorheide, Thordrache, Thorhamer, Thorhaven, Thorodland.*
08151---	Carasco Navigation Co. Ltd.: *Athens Sun.*
08317---	South East Asia Shipping Co. Ltd.: *Mahajagvijay.*
08473---	Tokyo Marine Co., Ltd.: *Fujihoshi Maru.*
08576---	Cretanor Maritime Co. Ltd.: *Kimberley.*
08889---	Companhia Portuguesa De Transportes Maritimos Sarl: *Carvalho Araujo, Congo, Muzima, Rocadas, Serpa Pinto, Cedros, Gorgulho, Horta, Lagoa, Lima, Monte Brasil, Ponta Garca, Ribeira Grande, Sete Cidades.*
09074---	Zuito Shipping Co. Ltd.: *Woko Maru.*
09389---	Triangle Shifting and Fleeting Service Inc.: *WGH No. 9, WGH No. 11.*
09870---	Corco Transportation Co., Inc.: *Commonwealth.*
10322---	Duk Soo Moolsan Co. Ltd.: *Duk Soo No. 15.*
10434---	Chelsea Navigation Co., Inc.: *Paola.*
10487---	Swire Northern Offshore Corp.: *Pacific Explorer.*
10588---	Shrine Navigation Co., Ltd. S.A.: *Kamo.*
10718---	Smit Lloyd B.V.: *Smit Lloyd 114.*
10772---	Daiwa Line S.A.: *Tokelau.*
10869---	Transocean Prezdsiebiorstwo Przemysiowo Uslugowe Rybolowstwa Morskiego: *Kaszuby II.*
10931---	Hansung Shipping Co. Ltd.: *Blue Neptune.*
11040---	Skanfil Shipping Inc.: *Atitlan.*
11055---	Cosmos Navigation Inc.: *Holy Queen.*
11092---	Wan Tun Maritime Co., S.A.: *World Medal.*
11115---	Andromeda Bulkshipping S.A.: *Andromed.*
11142---	New Triumph Line S.A.: *New Triumph.*
11150---	Ab Korsholm Shipping OY: *Frances.*
11153---	Sea Containers International Corp.: *Maersk Tempo.*
11160---	Blenheim Navigation, Inc.: *Chios.*
11178---	Larnax Compania Naviera S.A.: *Stavronikita.*
11190---	Compania Canaria Naviera S.A.: *Hamburger Flagge.*
11192---	MS Wieland Dietrich Tamke KG.: Wieland. *Wieland.*
11194---	Cronos Maritime Ltd. Inc.: *Moon River.*
11197---	West and East Maritime Corp.: *Salvia.*
11201---	Paul Y Navigation Co., Inc.: *Pacemaker.*
11202---	Partenreederei MS Kirsten Wesch: *Kirsten Wesch.*
11207---	Torco Oil Co.: *TT 7002, TT 7005, TT 7003, TT 7000, TT 7004, TT 7006, TT 7001, TT 7007.*

Certificate No.	*Owner/Operator and Vessels*
11218---	Cindy Ann Joint Venture: *Cindy Ann.*
11223---	Adalbert Friesecke: *Frank Friesecke.*
11228---	Trinagia S.A.: *Anna C.*
11230---	Riqueza Maritima, S.A.: *Asian Trader.*
11231---	Sunrise Shipping Inc.: *Sydfors.*
11232---	Gerd Ritscher KG M/S Jan: *Jan.*
11233---	Golden Frog Investments Corp.: *General Paez.*
11235---	TTT Shipping Services, Inc.: *El Taino.*
11239---	Partenreederei Nordic: *Nordic.*
11241---	Ever Shine Line, S.A.: *Ever Shine.*
11244---	Partenreederei M/S Triton: *Triton.*
11246---	Timor Shipping Limited: *Ocean Valour.*
11248---	Santa Soña Naviera S.A.: *Elpis.*
11249---	Maya Enterprise Co. Ltd.: *Maya Pioneer.*
11250---	Asia Africa Agencies Ltd: *Uniamerica, Unieurope.*
11251---	Rederikommanditselskabet Merc Scandia 10: *Mercandian Sky.*
11252---	Rederikommanditselskabet Merc Scandia 11: *Mercandian Sun.*
11253---	I/S Rederiet Ty Line: *Jette Ty.*
11260---	Intercontinental Transportation Services, Ltd: *Golar Frost, Golar Freeze.*
11262---	Panamerica Inc.: *Panamerica.*
11266---	Pacific Union Container Services, Inc.: *Oriental Financier.*
11267---	Hae Woi Industrial Co., Ltd.: *King Star No. 315, King Star No. 316, King Star No. 317, King Star No. 318.*
11270---	Paulrich Corporation of Panama: *Paulrich Trader.*
11271---	China Merchants Steam Navigation Co., Ltd.: *Hai Kwang, Hai Hui.*
11272---	Corriente Navegacion Panama, S.A.: *Pacific Master.*
11274---	Ocean Maid Foods Ltd: *Atlantic Ocean Maid, Atlantic Gairdner, Atlantic Hawke, Atlantic Paton, Atlantic J.A.G.*
11280---	Ricky James Inc.: *Ricky James.*
11282---	Wright Chemical Corp.: *Rockland II.*
11283---	Odeco (U.K.) Inc.: *Ocean Prospector.*
11284---	Massman Construction Co.: *ZB 205.*
11285---	Sestos Shipping Company, Inc.: *Cape Ann.*
11286---	Binion Marine Service Inc.: *SC-35, ETT-105, T-5000, T-6000.*
11289---	Sajo Industrial Co. Ltd.: *Oryong No. 53.*
11290---	Hae Chang Fisheries Co. Ltd.: *Hae Hae Chang No. 77.*
11291---	Hull Investments Ltd.: *Kanimbla, Manoora.*
11292---	Toei Development SDN. BHD.: *Yuuta Maru.*
11293---	St. Paul Maritime Corp.: *Sunward.*
11295---	Maroco Tankers, S.A.: *Barbara Massey.*
11296---	Delfimar Inc.: *Pelagos.*
11297---	Marittima Mellonl S.P.A.: *Piviere, Gazza.*
11303---	Sea Transport Company, Inc.: *Micronesia Transport.*
11304---	Issei Kaiun Yugen Kaisha: *Akitu Maru No. 5.*
11305---	Toxotis Shipping Co. S.A.: *Eva.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17065 Filed 6-10-76;8:45 am]

CONTINENTAL/U.S. GULF FREIGHT ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 1, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9988-6, amends the scope of the Agreement to include cargo originating at inland points in Europe and moving through Bordeaux/Hamburg range ports to and including June 4, 1978.

By Order of the Federal Maritime Commission.

Dated: June 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17064 Filed 6-10-76;8:45 am]

NORTH ATLANTIC/WEST EUROPE RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 1, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9552-3 extends application of the basic agreement to intermodal shipments, whether moving under through bills of lading or otherwise and to matters and activities relating thereto. It also provides that the parties may, subject to independent action, consult, cooperate and agree with Conferences serving the same European ports in establishing, enforcing and policing rules and charges related to movements of containers outside the member lines' terminals.

By order of the Federal Maritime Commission.

Dated: June 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17063 Filed 6-10-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R-424]

ACCOUNTING FOR PREMIUM, DISCOUNT AND EXPENSE OF ISSUE, GAINS AND LOSSES ON REFUNDING AND REACQUISITION OF LONG TERM DEBT, AND INTERPERIOD ALLOCATION OF INCOME TAXES

Conference

JUNE 3, 1976.

Take notice that on June 29, 1976, a conference of all interested parties in this proceeding and the Commission staff will be held in a Conference Room at the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. at 10 a.m. (d.s.t.), to consider the "Settlement Offer of Interstate Natural Gas Association of America and Texas Eastern Transmission Corporation", filed March 3, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16925 Filed 6-10-76;8:45 am]

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[Project No. 349]

ALABAMA POWER CO.

Issuance of Annual License

JUNE 4, 1976.

On June 1, 1970, Alabama Power Company, Licensee for Martin Dam Project No. 349, located on the Tallapoosa River in Elmore, Tallapoosa, and Coosa Counties, within 30 miles of the cities of Alexander City, Auburn and Montgomery, Alabama, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The License for Project No. 349 was issued effective June 9, 1923, for a period ending June 8, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Alabama Power Company for continued operation and maintenance of Project No. 349.

Take notice that an annual license is issued to Alabama Power Company (Licensee) for the period of June 9, 1976 to June 8, 1977, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Martin Dam Project No. 349, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16945 Filed 6-10-76;8:45 am]

[Docket Nos. E-7775, E-9091, E-9448, E-9518, ER76-126, ER76-137, ER76-321, ER76-420, and ER76-425]

APPALACHIAN POWER CO.

Filing of Joint Motion for an Order Approving Settlement

JUNE 4, 1976.

Take notice that on May 21, 1976, a joint motion was filed in Docket No. E-7775 by Appalachian Power Company (Apco) and its wholesale for resale customers (customers) for an order approving a settlement in that docket.

The proposed settlement, if approved, would terminate all proceedings in Docket No. E-7775. Additionally, since certain aspects of other proceedings have been consolidated with Docket No. E-7775, the petitioners request termination of the consolidated portions of Docket Nos. E-9091, E-9448, E-9518, ER76-126, ER76-137, ER76-321, ER76-420, and ER76-425.

The joint motion filed by Apco and its customers included the following:

1. Exhibit A—An Agreement of Settlement and compromise, which provides the dates which the increased rates went into effect with the respective customers and for refunds of incremental amounts collected from its customers by Apco between March 22, 1973 to and including April 30, 1974. The parties have further agreed that interest will accrue on the refund liability from the date the settlement is filed with the Commission (May 21, 1976) until Commission action on the settlement at the rate of 7% per annum.

2. A simultaneous submittal of 18 supplements to Apco's FPC rate schedules incorporating service agreements to its customers.

Apco requests that the Commission incorporate by reference as part of its Motion its 1974 costs of service study filed on October 6, 1975 in Docket No. E-7775.

Copies of the joint Motion filed by Apco and its customers incorporating the proposed settlement as well as copies of the tendered rate schedule supplements are on file with the Commission and available for public inspection. Any person desiring to comment upon such matters contained in the filing should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 11, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16939 Filed 6-10-76;8:45 am]

[Docket No. CP75-93]

BLACK MARLIN PIPELINE CO.

Order Naming Party Respondents, Requiring Respondents and Applicant To Show Cause, Granting Interventions, Setting Formal Hearing, and Prescribing Procedures

JUNE 7, 1976.

On September 20, 1974, Black Marlin Pipeline Company (Black Marlin) filed in Docket No. CP75-93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to continue to operate previously constructed facilities for the purpose of receiving deliveries of natural gas into its pipeline system in order to enable it to transport natural gas at levels previously certificated by the Commission in its order issued June 13, 1966, in Docket No. CP66-333, 35 FPC 976. Notice of the application was published in the FEDERAL REGISTER on October 9, 1974 (39 FR 36376).

Black Marlin was previously authorized by the June 13, 1966, order to construct and operate approximately 54 miles of 16-inch pipeline and to transport gas from offshore Federal Blocks 135, 136, 160 and 161, collectively known as the Den Field, to Texas City, Texas. The leases in the Den Field are owned jointly and equally by Shell Oil Company (Shell), the operator of the properties, and Phillips Petroleum Company (Phillips). Shell's gas is sold to Union Carbide Corporation (Union Carbide), the parent corporation of Black Marlin, and delivered to Black Marlin in Block 136 for the account of Union Carbide. Union Carbide receives that gas from Black Marlin in Texas City and utilizes the gas in a chemical plant complex which is located there. Phillips' gas is delivered to Black Marlin with Shell's gas in Block 136, and is redelivered by Black Marlin for Phillips' account to Amoco Gas Company (Amoco) at a point slightly downstream from Union Carbide's redelivery point. Pursuant to a March 30, 1966, letter agreement between Phillips and Pan American Gas Company (the predecessor of Amoco), Phillips' gas is being redelivered to it by Amoco [1] at points in Texas for use and consumption as fuel or feedstocks within Phillips' plants, refineries, petrochemical centers and other operations.

The transportation agreement between Union Carbide and Black Marlin, dated March 1, 1966, sets forth the service authorized by the June 13, 1966, order in Docket No. CP66-333. The agreement is for a term of twelve years. The agreement reserves a daily transmission capacity of 154,375 Mcf (14.65 psia) to Union Carbide. It provides for a Contract Quantity (minimum billing quantity) of 123,500 Mcf per day, but permits Union Carbide to release transportation space for use by others and receive credits against its minimum bill obigations to the extent such space is utilized by others. By virtue of this provision, Union Carbide executed a Limited Release which allowed Black Marlin and Phillips to execute a Limited Gas Transportation Agreement dated April 1, 1966, providing for the transportation of Phillips' gas from the Den Field, in quantities equal to those to be delivered by Shell, for a term ending: (a) when Phillips has delivered 250,000,000 Mcf, (b) when Phillips' wells cease to produce in commercial quantities, or (c) after 12 years, whichever first occurs.

The volumes authorized to be transported pursuant to the above agreements are as follows (indicating volumes provided from each source on an annual basis):

	1,000 ft³ at 14.65 lb/in²a		
	Phillip	Union carbide	Total
Contract quantity	55,600	67,900	123,500
Transportation quantity	69,500	84,875	154,375

The Transportation Quantities are 125% of the Contract Quantities. It may be noted that Black Marlin was authorized to transport greater volumes for Union Carbide than for Phillips. While this apparently was in recognition of Union Carbide's contract right to have gas other than Shell's transported, no specific authorization was requested for any such other transportation service or for any facilities necessary therefor.

Four taps and related facilities were installed by Black Marlin as part of its original construction project, allegedly under the authorization granted in

[1] By Commission order issued June 13, 1966, in Docket No. CP66-369, Pan American was declared exempt from jurisdiction pursuant to Section 1(c) of the Natural Gas Act.

Docket No. CP66-333. The tap located in Block 136 has always been the point of receipt of gas from the Den Field. A tap located in Block 108 is currently receiving gas for Union Carbide's account from The California Company, a Division of Chevron Oil Company (Chevron),[2] via a line installed by Sotex which connects production in Block 140. A tap was installed on the Bolivar Peninsula to take, also for Union Carbide's account, gas production from a well located approximately 9,000 feet distant which was owned by Gulf Oil Corporatjon (Gulf).[3] Black Marlin states that although such well is depleted, Gulf is currently drilling in the area for gas which would be delivered to Black Marlin for Union Carbide's account. The fourth tap, located in Block 99 (nearly midway between the Chevron and Gulf taps), was never used.

Black Marlin's transportation agreements with Union Carbide and Phillips both provide for a transportation charge of 2.1 cents per Mcf of gas, to be effective over the terms of the agreements.[4] In addition, Black Marlin is entitled to retain any condensate removed from the gas stream by conventional lease separation after the gas enters its pipeline.[5]

Black Marlin now requests specific authorization for certain facilities (Chevron, Gulf and Block 99) previously constructed without authorization in order that it may transport volumes up to the previously certificated level.[6] It is stated that production has declined in the Den Field to the extent that only approximately 97,000 Mcf per day is currently available to be transported through Black Marlin's pipeline. This volume includes 28,000 Mcf per day from production other than the Shell-Phillips volumes. While it is not so stated, such other volume is apparently attributable to Chevron's production, since Black Marlin's FPC Form No. 2 for 1974 shows that it received 10,053,684 Mcf (at 14.73 psia) from that producer for Union Carbide's account.[7]

The Public Service Commission of the State of New York (New York) filed a notice of intervention on October 21, 1974, requesting a hearing. On October 22, 1974, the Associated Gas Distributors (AGD) filed a petition for leave to intervene requesting that the subject application be set for hearing in order that the Commission be able to determine whether the proposal is consistent with the public interest. AGD states that the proposal appears to raise policy questions similar to those involved in Opinion No. 727, issued April 17, 1975, Tennessee Gas Pipeline Company, et al., Docket Nos. CP72-6, et al.[8] Black Marlin filed out of time, on November 27, 1974, its Response to Petition to Intervene stating that its application was not for the attachment of additional offshore gas reserves as alleged by AGD, and that, therefore, the issue of attachment of additional new offshore gas reserves for transportation and consumption in industrial plants, as considered in Opinion No. 727, is not in question here.

The available information relative to the connection by Black Marlin of new offshore reserves not previously certificated for transportation is unclear. We will, therefore, set this matter for hearing in order to obtain a complete record and determine whether any unauthorized transportation service has been rendered and whether the authorization now requested is in the public convenience and necessity.

In order to make these determinations, we will herein order Black Marlin to clarify the specific sources from which it transports gas. Black Marlin should provide evidence showing the following:

(1) The identities of the various producers and locations of reserves from which gas has been and is expected to be received;

(2) The prices to be paid by the purchaser(s) for all gas to be transported;

(3) The volumes to be transported from each source, and the term;

(4) The specific end uses of the gas now transported and proposed to be transported; and

(5) Whether such volumes would otherwise become available for sale for resale in interstate commerce.

To facilitate the introduction of the above material into evidence, and to make any other relevant information easily accessible we shall make all producers delivering into the Black Marlin system party respondents. Those respondents, as ascertained by available information, are Shell, Phillips, Chevron and Gulf. Any other producer delivering or proposing to deliver gas to the Black Marlin system shall be notified by Black Marlin, and shall be added as a party respondent. Such producers shall provide all contracts and other information as is necessary.

Because it appears that the only transportation service authorized in the June 13, 1966, order in Docket No. CP66-333 is transportation of volumes from the Den Field, as described therein, transportation of all other volumes by Black Marlin does not appear to be authorized. It is pointed out that in one year (1969), according to Black Marlin's annual report, it transported a total volume of 56,809,140 Mcf at 14.73 psia (57,119,317 Mcf at 14.65 psia), or an average of 156,491 Mcf per day at 14.65 psia, which exceeded the authorized maximum daily volume of 154,375 Mcf. Black Marlin should show cause as to why transportation of volumes in excess of the authorized maximum daily volumes and of volumes from the reserves of Chevron and Gulf was not in violation of the Natural Gas Act.

Inasmuch as Gulf is not meetings its commitments to Texas Eastern Transmission Corporation (Texas Eastern) under a warranty sale certificated in Docket No. CI64-26, pursuant to a contract executed on January 6, 1964, on file with the Commission as Gulf's FPC Gas Rate Schedule No. 278, Gulf should show cause why any new gas which it finds contiguous with Black Marlin's pipeline should not be made available to Texas Eastern under the warranty sale. Gulf should file testimony along with Black Marlin in accordance with this order.

The Commission finds: (1) That it may be in the public interest to allow the aforementioned party who has formally petitioned to intervene in the above-captioned proceeding, to intervene in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined.

(2) That good cause exists to set for formal hearing the application filed in the above-captioned docket.

(3) That in order to obtain full information and insure the participation of parties who may have an interest in this proceeding it is in the public interest to join herein as party respondents the Phillips Petroleum Company, Shell Oil Company, Gulf Oil Corporation, The California Company, a Division of Chevron Oil Company, and any other producer who has delivered, is delivering or plans to deliver gas to Black Marlin Pipeline Company.

(4) That good cause exists for requiring, and the public interest in administering Sections 7, 14, 15 and 16 of the Natural Gas Act demands, that Black Marlin Pipeline Company show why the transportation of volumes from reserves not described in the June 13, 1966, Commission order in Docket No. CP66-333 is not in violation of the Natural Gas Act.

(5) That good cause exists for requiring, and the public interest in administering Sections 7, 14, 15 and 16 of the Natural Gas Act demands, that Gulf Oil

[2] Formerly the Standard Oil Company of Texas Division of Chevron (Sotex). The tap in Block 108 is approximately 13 miles downstream from the Den Field delivery point.

[3] The original tap was inoperable and could not be used. It remains in place adjacent to a second tap which is operable. These taps are nearly 26 miles downstream from Block 108 tap.

[4] The agreements with Union Carbide and Phillips are on file as Black Marlin's Rate Schedule Nos. 1 and 2, respectively.

[5] Black Marlin's annual reports (Form No. 2) show sales of such condensate to Shell and Chevron, with revenues of $10,504 therefrom in 1974.

[6] Black Marlin previously filed, in Docket No. CP75-11, an application for budget-type authorization for the subject gas connection facilities previously constructed without authorization and to construct during the year ending July 1, 1975, and operate such facilities as necessary to enable it to receive deliveries so that it could transport gas volumes at the certificated level. Said application was rejected by letter dated August 2, 1974, on the basis that Black Marlin was not eligible to file such a budget-type application for gas-purchase facilities. The same letter advised Black Marlin that it should file an application for jurisdictional facilities constructed without authorization, which it has now done by the instant application.

[7] From the beginning (1967), Black Marlin's annual reports have indicated that gas was received for transport in Block 108 (Chevron tap) and on the Bolivar Peninsula (Gulf tap), but not until its 1970 annual report did Black Marlin identify Gulf and Chevron as suppliers of gas (for Union Carbide's account).

[8] Rehearing was denied by order of June 13, 1975.

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Corporation show cause why volumes of gas which may be located adjacent to Black Marlin Pipeline Company should not be used to meet commitments to Texas Eastern Transmission Corporation under the warranty sale certificated in Docket No. CI64–26.

The Commission orders: (A) The above named petitioner, who has petitioned to intervene, in this proceeding, is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission in this proceeding.

(B) Phillips Petroleum Company, Shell Oil Company, Gulf Oil Corporation, The California Company, a Division of Chevron Oil Company, and any other producer whose volumes have been, are now, or are proposed to be transported in the Black Marlin Pipeline Company system, are hereby made party respondents in this proceeding.

(C) Black Marlin Pipeline Company shall show cause why the transportation of volumes from sources other than the Den Field is not in violation of the Natural Gas Act.

(D) Gulf Oil Corporation shall show cause why volumes it proposes to develop adjacent to and which may be transported in the Black Marlin Pipeline Company system should not be used to meet existing obligations to Texas Eastern Transmission Corporation under the warranty sale certificated in Docket No. CI64–26.

(E) Shell Oil Company, Gulf Oil Corporation, Phillips Petroleum Company, The California Oil Company, a Division of Chevron Oil Company, and any other producer who has delivered, is delivering, or plans to deliver volumes into the Black Marlin Pipeline system, are hereby ordered to file testimony and documentary evidence on or before August 9, 1976. Such evidence should be responsive to the above enumerated questions and the order to show cause.

(F) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on September 14, 1976, at 10 a.m. (e.d.t.), in order to determine whether or not the Commission should issue Black Marlin Pipeline Company a certificate of public convenience and necessity as set forth in its application filed in Docket No. CP75–93 and to enable the Commission to resolve the other matters that we have noted in the body of this order.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedures).

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16917 Filed 6–10–76;8:45 am]

[Project No. 588]

CROWN ZELLERBACH CORP.

Issuance of Annual License

JUNE 3, 1976.

On June 1, 1973, Crown Zellerbach Corporation, Licensee for Glines Canyon Project No. 588, located on the Elwha River in the State of Washington, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 588, was issued effective June 4, 1926, for a period ending June 3, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Crown Zellerbach Corporation for continued operation and maintenance of Project No. 588.

Take notice that an annual license is issued to Crown Zellerbach Corporation (Licensee) under the Federal Power Act for the period June 4, 1976, to June 3, 1977, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Glines Canyon Project No. 588, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76–16943 Filed 6–10–76; 8:45 am]

[Docket No. RP76–102]

DISTRIGAS CORP.

Order Rejecting Proposed Purchased LNG Cost Adjustment

JUNE 4, 1976.

On May 7, 1976, Distrigas Corporation (Distrigas) tendered for filing tariff sheets[1] which provide for a Purchased LNG Cost Adjustment, and a tariff sheet[2] in purported compliance with a Commission letter dated April 22, 1976, in which the Commission accepted Distrigas' Special Rate Schedule No. 1 for filing subject to Distrigas deleting certain language.[3] For the reasons stated, the Commission will reject the proposed sheets providing for a Purchased LNG Cost Adjustment, and will reject without prejudice Substitute Original Sheet No. 2.

The sheets filed by Distrigas apply to its Special Rate Schedule No. 1 which is an agreement between Distrigas and Distrigas of Massachusetts Corporation (DOMAC), a subsidiary of Distrigas. Under its proposed Purchased LNG Cost Adjustment Distrigas may increase or decrease the rates for gas sales under its Special Rate Schedule to reflect corresponding fluctuations in the cost of its purchases of imported LNG. Any change from the base rate which Distrigas is unable to recover concurrently will be accumulated in an unrecovered purchased LNG cost account. The amount accumulated in this account will be reflected as a surcharge or surcharge credit over the following six month period. If the rate for imported LNG changes after the proposed effective date, then a corresponding change will be made to the base rate in the applicable rate schedule.

While this proposal is styled in the fashion of a PGA clause, the Commission is bound to look beyond the form of the clause to its substance. Because the entire rate under Special Rate Schedule No. 1 is based upon and determined by the purchased LNG cost adjustment, the practical effect of Distrigas' proposal is to provide a cost of service tariff for its service to DOMAC.[4] The base rate may be changed at any time through use of the current and cumulative adjustments and thus it is not a specified rate, but a fluctuating one. In the normal PGA situation, the Commission retains a large element of control over the rates to be charged by the pipeline under its PGA. In general, the suppliers of pipelines which have PGA clauses fall within the Commission's jurisdiction. Because the Commission has control over the rates charged by the supplier as well as those charged by the pipeline, we can assure that the costs flowed through under a PGA clause are just and reasonable. In the instant case, Distrigas is supplied with Algerian LNG by companies over which the Commission has no control. Section 154.38(d)(1) and (d)(3) of the Commission's Regulations prohibit the use of automatic adjustment provisions, such as that proposed by Distrigas here. These Regulations may be waived when good cause has been shown. In view of the fact that the Commission has no control over the prices charged by DOMAC's LNG suppliers, good cause has not been shown to waive these Regulations in order to accept the proposed purchased LNG adjustment clause. Accordingly, it is appropriate to reject Distrigas' filing.

With respect to Substitute Original Sheet No. 2, which Distrigas intended to

[1] Original Sheet Nos. PGA–1, 2, 2–A and 2–B to its FPC Gas Tariff, Original Volume No. 1.

[2] Substitute Original Sheet No. 2.

[3] The Commission required the deletion of the following language: "Such price to Buyer is subject to the same adjustment as the import price to Seller."

[4] See Substitute Original Sheet No. 2 which states that "DOMAC shall pay for LNG purchased by it * * * at the price specified in the applicable supply contract." The current price under the applicable supply contract "is indicated on Original Sheet No. PGA–1."

be in compliance with the Secretary's letter of April 22, 1976, it is necessary to reject the tariff sheet since the rate therein specified is referenced to Original Sheet No. PGA–1, which the Commission is rejecting. The rejection of Substitute Original Sheet No. 2 is without prejudice to Distrigas' filing of a revised tariff sheet in compliance with the Secretary's letter directive of April 22, 1976.

The Commission finds: (1) Good cause does not exist to permit waiver of § 154.38 (d)(1) and (d)(3) of the Commission's regulations.

(2) Good cause exists to reject the proposed Purchased LNG Cost Adjustment Clause filed by Distrigas in Original Sheet Nos. PGA–1, 2–A and 2–B to its FPC Gas Tariff, Original Volume No. 1.

(3) Good cause exists to reject the proposed Substitute Original Sheet No. 2 filed by Distrigas without prejudice to its filing of a revised tariff sheet in compliance with the Secretary's letter directive of April 22, 1976.

The Commission orders: (A) Distrigas' proposed Purchased LNG Cost Adjustment Clause included in Original Sheet Nos. PGA–1, 2–A and 2–B to its FPC Gas Tariff, Original Volume No. 1 is hereby rejected.

(B) Distrigas' proposed Substitute Original Sheet No. 2 is hereby rejected without prejudice to its filing of a revised tariff sheet in compliance with the Secretary's letter directive of April 22, 1976.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16934 Filed 6–10–76;8:45 am]

[Docket No. E–7160]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

Request for Confirmation and Approval of Rates

JUNE 7, 1976.

Take notice that on May 17, 1976, the Department of the Interior, on behalf of the Southeastern Power Administration (SEPA), filed pursuant to section 5 of the Flood Control Act of 1944, a request for Commission confirmation and approval of the following Wholesale Power Rate Schedules: GAMF–1–A, GAMF–2–A, ALA–1–A, MISS–1–A, SC–1 (Revised), SC–2, CAR–1 (Revised), and CAR–2 (Revised). These rates will be applicable to power marketed from the Allatoona, Buford, Clark Hill, Hartwell, Walter F. George, Millers Ferry, West Point, Jones Bluff, and Carters Projects. Approval of these rate schedules is requested for a period beginning June 20, 1976, and ending June 30, 1979. Presently effective rate schedules applicable to power generated in the Georgia-Alabama system of projects were approved on June 29, 1970, in Docket No. E–7160 for a 4-year period ending June 20, 1974. The approval for these rates was extended by subsequent orders to June 20, 1976.

The above rate schedules applicable to customers located in the service areas of Duke Power Company and South Carolina Public Service Authority are the ones currently approved by the Commission.

The rate schedules applicable to customers located in the service area of the Georgia Power Company, Alabama Power Company, Mississippi Power Company and Gulf Power Company contain the same unit power rates as similar rate schedules presently approved by the Commission; however, these schedules are applicable to power generated at the three new projects as well as the old six projects in the system and are available to a wider range of customers. Additionally, these schedules reflect anticipated revisions in SEPA's existing arrangements in Georgia and Alabama which include (1) a reallocation of power between preferred customers and the Georgia and Alabama Companies, (2) a reduction in losses on energy wheeled to preferred customers for the account of the Government, and (3) the establishment of an energy bank concept under which all project energy will be sold to preference customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed by June 18, 1976. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16924 Filed 6–10–76;8:45 am]

[Docket Nos. RP72–155 and RP75–39 (PGA 76–1)]

EL PASO NATURAL GAS CO.

Extension of Time

JUNE 4, 1976.

On May 28, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by notice issued May 21, 1976, in the above-designated proceeding. The motion states that El Paso has no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff and Intervenor Testimony, June 11, 1976.

Service of Company Rebuttal, June 25, 1976.

Hearing, July 13, 1976 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16937 Filed 6–10–76;8:45 am]

[Docket Nos. RP72–150 (Rate Design), RP73–104, RP74–22, RP74–23, RP74–57, and RP75–39]

EL PASO NATURAL GAS CO.

Informal Conference

JUNE 4, 1976.

Take notice that on June 11, 1976, an additional informal conference will be held commencing at 10:00 a.m., in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference will be between El Paso Natural Gas Company, the Commission Staff and all interested persons and will be for the purpose of discussing the possibility of settlement of issues presented in this proceeding. The room number of such conference will be posted with the schedule of hearings on the Second Floor of the Commission's offices.

El Paso has indicated that it will contact all of its jurisdictional customers and all interested state commissions of the convening of this conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16938 Filed 6–10–76;8:45 am]

[Docket Nos. RP75–53 and RP75–1]

FLORIDA GAS TRANSMISSION CO.

Pipeline Rates; Order Accepting Stipulation Agreement and Consolidating Dockets

JUNE 4, 1976.

On February 25, 1976 the Presiding Administrative Law Judge certified to the Commission a proposed stipulation agreement in Docket No. RP75–53. This agreement proposes to settle all issues in this case, with the exception of the return on common equity. Florida Gas Transmission Company (FGT) filed on February 24, 1975 a Motion to Consolidate Proceedings for Trial and Decision on Reserved Rate of Return Issue which requests that the hearing in the instant case on the return issue be consolidated with the hearing in Docket No. RP75–1 on the same issue.[1] The stipulation agreement will be accepted and the dockets consolidated.

The rate increase in Docket No. RP75–53 was tendered for filing by FGT on January 10, 1975. This tender was accepted for filing and its use suspended until July 10, 1975 by Commission order issued February 7, 1976. FGT has subsequently tendered for filing another rate

[1] The Commission approved a settlement of all issues, except rate of return, in Docket No. RP75–1 by order issued February 9, 1976. At the prehearing conference on February 26, 1976 in that proceeding, the procedural dates were suspended pending ruling on the motion to consolidate that hearing with the one in RP75–53.

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increase in Docket No. RP76-24. By order issued November 15, 1976, the Commission accepted this proposal for filing and suspended its use until April 15, 1976. Thus, the rate in Docket No. RP75-53 was applicable during the locked in period, July 10, 1975 to April 15, 1976.

The stipulation agreement was certified to the Commission on February 25, 1976. Notice of the certification was issued on March 16, 1976 with comments due on or before April 6, 1976. Comments were filed by the Commission Staff and Southern Gas Company (SGC) supporting the proposed agreement. A reply to SGC's comments was filed by FGT.

Article II of the proposed agreement, which is attached hereto, provides that the cost of service will be determined by use of actual sales volumes and operating expenses for the period from July, 1975 to March, 1976. The report of this data will be filed by FGT on or before May 31, 1976. The other parties are afforded the opportunity to review and to challenge any of the data within a time limit prescribed by Article II. The agreement provides in Article III that the United [2] method of cost classification will be used to determine the jurisdictional costs and costs of service for jurisdictional classes. The agreement further provides for the elimination of the air conditioning discount contained in FGT's Rate Schedule G by the filing of alternate tariff sheets in Docket No. RP76-24.[3]

The parties agreed in Article V to the capitalization and long term debt cost applicable in this case:

[In percent]

	Ratio	Cost	Cost rate
Debt	50.08	7.34	4.31
Equity	49.92		
Total	100.00		

The cost for return on common equity has been reserved for hearing by the parties. FGT filed on February 24, 1976 a Motion to consolidate the reserved issue in the instant case with the hearing in Docket No. RP75-1 which also concerns a reserved issue of the proper return on common equity to be allowed FGT. Since these two cases raise similar questions of law and fact, consolidation is proper.

In its comments SGC, without objecting to the stipulation, raised a question of the proper depreciation rates to be applied to FGT's transportation customers. As stated by SGT:

Because of the failure of the settlement agreement to assign a greater depreciation expense to the transportation services, Intervenors are unable to support the agreement. However, Intervenors do not oppose the settlement agreement since they are encouraged by FGT's filing in Docket No. RP76-24 which provides for an increase to 5.5% in the depreciation rate for the transmission facilities.

As raised by SGC, the question does not lead SGC to oppose the stipulation agreement. It is the Commission's opinion that SGC's problems with the depreciation rates are more properly an issue to be raised in Docket No. RP76-24 than a matter which should be decided here.

Upon its review, the Commission has concluded that the proposed stipulation agreement reflects a just and reasonable resolution of the issues in this proceeding and should be approved without modification.

The Commission finds. (1) Good cause exists to accept and approve the stipulation agreement certified by the Presiding Administrative Law Judge on February 25, 1976 in Docket No. RP75-53.

(2) Good cause exists to consolidate the hearings on the rate of return issue in Docket Nos. RP75-1 and RP75-53.

The Commission orders. (A) The stipulation agreement certified by the Presiding Administrative Law Judge, and incorporated herein by reference, is hereby accepted and approved.

(B) Docket Nos. RP75-1 and RP75-53 are hereby consolidated for purposes of hearing and decision.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrtive Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside over the hearing in the consolidated hearing ordered herein. The Presiding Judge shall establish the procedural dates for this consolidated hearing.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff, FGT, SGC, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against FGT or any other person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

ARTICLE II

STIPULATED PROCEDURES TO DETERMINE COST OF SERVICE; COST OF SERVICE REPORT

In order to resolve factual differences as to sales volumes and operating expenses, it is stipulated and agreed that the cost of service shall be determined, in accordance with the procedures set forth below, based upon actual facts obtained from the books and records of the Company for the nine months of July, 1975 through March, 1976.

On or before May 31, 1976 Florida Gas shall prepare and serve upon the Staff, all intervenors and all jurisdictional customers, a Cost of Service Report based upon such actual facts, and reflecting the methods set forth in Appendix A to this Stipulation and Agreement.

Within forty-five (45) days from the date of receipt of the Company's Cost of Service Report, Staff of the Commission shall audit the Report, and submit the results of such audit, either by evidencing agreement with the Company Report or alternatively, by submittal of its own Cost of Service Report identifying any differences and proposed adjustment to the Company Report. The Staff Report shall be served upon Florida Gas, all intervenors and jurisdictional customers.

Within fifteen days after service of the Staff Report, any intervenor shall advise the Staff and the Company of any differences or objections to either the Staff or Company Reports.

If any differences are developed either because of the Staff audit or because of an intervenor notification, Staff shall convene a conference to resolve differences or to establish procedures for decision upon any differences which cannot be resolved.

The rate of return to be employed for illustrative purposes in such Report shall be that advocated by Florida Gas without prejudice to any ultimate decision upon the reserved issue (Article V, infra).

[FR Doc.76-16940 Filed 6-10-76;8:45 am]

[Project No. 362]

FORD MOTOR CO.

Issuance of Annual License

JUNE 4, 1976.

On May 31, 1974, the Ford Motor Company, Licensee for Twin City Lock and Dam No. 1 on the Mississippi River in Hennepin and Ramsey Counties between the Cities of St. Paul and Minneapolis, Minnesota, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The License for Project No. 362 was issued effective June 7, 1923 for a period ending June 6, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Ford Motor Company for continued operation and maintenance of Project No. 362.

Take notice that an annual license is issued to the Ford Motor Company (Licensee) for the period June 7, 1976 to June 6, 1977, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Twin City Lock and Dam Project No. 362, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[Fr. Doc.76-16933 Filed 6-10-76;8:45 am]

[Project No. 2413]

GEORGIA POWER CO.

Application for Approval of Reservoir Clearing Plan

JUNE 7, 1976.

Public notice is hereby given that application has been filed on March 26, 1976 under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, P.O. Box 4545, 270 Peachtree Street, Atlanta, Georgia 30302) for Commission approval of a reservoir clearing plan filed pursuant to Article 54 of the license for its partially constructed Wallace Dam Project No. 2413. The project is located on the Oconee River in Putnam, Morgan, Oconee, Oglethorpe, Greene and Hancock Counties, Georgia near the Cities and Towns of Athens, Eatonton, Madison and Greensboro.

The reservoir clearing plan includes a set of maps showing: (1) Locations and sizes of hardwood forested areas in the reservoir zone to be left uncleared for fish and wildlife habitat enhancement (1250 acres); (2) locations and sizes of areas in the reservoir zone where hardwood trees are to be topped at elevation 425 feet for fish habitat enhancement (50 five-acre tracts); (3) the locations and widths of cleared strips between the uncleared areas in the reservoir and the shoreline; and (4) a provision that a three-foot horizontal strip will be cleared above the full pool level at elevation 435 feet.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32 (b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16913 Filed 6-10-76;8:45 am]

[Docket No. ID-1780]

C. A. HELLER

Application

JUNE 3, 1976.

Take notice that on April 21, 1976 and May 13, 1976, C.A. Heller (Applicant), filed applications with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Vice President, Beech Bottom Power Company, Inc., Electric Utility.
Executive Vice President and Director, Ohio Electric Company, Electric Utility.
Vice President, Cardinal Operating Company, Electric Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16921 Filed 6-10-76;8:45 am]

[Docket No. ER76-469]

IDAHO POWER CO.

Order Granting Motion for Change of Suspension Period

JUNE 7, 1976.

By Commission order issued March 8, 1976, the Commission accepted for filing and suspended until May 19, 1976 Supplement 1 to Idaho Power Company's (Idaho) Rate Schedule FPC #57. This Supplement proposes to increase rates from sales of electric power and energy by Idaho to California-Pacific Utilities Company (Cal-Pac). On May 3, 1976, Idaho and Cal-Pac filed a Joint Motion To Postpone Effective Date Of Filed Rate Increase. The Commission will grant this motion.

The motion states that Idaho and Cal-Pac are actively engaged in settlement discussion and have reasonable expectations of reaching an agreement. In view of this, Idaho is willing to defer the effective date of the proposed rate increase until June 18, 1976 in order to provide further time for settlement discussions with Cal-Pac. In view of the Commission's policy of encouraging settlement discussions, see Administrtative Order No. 157, and the fact that this is a joint motion by Idaho and Cal-Pac, the motion will be granted.

Accordingly, the proposed effective date for the rate increase filed by Idaho in this docket will be extended until June 18, 1976, as requested by the parties.

The Commission finds. (1) Good cause exists to grant the Joint Motion.

(2) Good cause exists to extend the suspension period in this docket to June 18, 1976.

The Commission orders. (A) The joint motion of Idaho and Cal-Pac is hereby granted.

(B) The suspension period for the proposed rate increase of Idaho in this docket is hereby extended to June 18, 1976 at which time the rates will be permitted to become effective, subject to refund.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16918 Filed 6-10-76;8:45 am]

[Docket No. ER76-131]

KANSAS CITY POWER & LIGHT CO.

Order Accepting Initial Rate for Filing, Establishing Section 206 Procedures, and Granting Intervention

JUNE 7, 1976.

On September 17, 1975, as amended on January 12, 1976 and March 1, 1976, Kansas City Power & Light Company (KCPL) tendered for filing a Municipal Participation Agreement dated August 11, 1975 between KCPL and the City of Osawatomie, Kansas (Osawatomie).[1] KCPL states that the agreement provides for the interconnection of their systems and initial rates and charges for certain wholesale service by KCPL to Osawatomie. On October 15, 1975, Osawatomie filed a protest, petition to intervene out of time, and request for Commission determination, in which it is claimed that the pending interconnection contract is either lacking or unreasonable in many areas, and that it falls far short of permitting Osawatomie to attain the full benefits of an interconnected system. Review and consideration of the filing and objections raised thereto indicate that the contract should be accepted for filing to become effective thirty days after completion of the filing, and set for investigation under Section 206 of the Federal Power Act to determine the justness and reasonableness of the proposed rates.

Notices of KCPL's filings were issued on September 26, 1975 and March 5, 1976, with all protests or petitions to intervene due on or before October 7, 1975 and March 23, 1976, respectively. Only Osawatomie has petitioned to intervene in this proceeding.

Osawatomie's protest states that although it signed the August 11, 1975 Agreement, it did so with the full understanding by KCPL that it was without

[1] See Attachment A for designations.

[2] United Gas Pipe Line Company, 50 FPC 1348 (1973).

[3] The Commission accepted by letter order dated April 14, 1976 alternate tariff sheets filed by FGT in conformity to this provision of the agreement.

prejudice to Osawatomie's right to pro- and transfer of power and energy in and which shall constitute

[Docket No. CI76-279]

petition for reconsideration on its merits

The principal elements of the Agree-

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prejudice to Osawatomie's right to protest the terms and conditions contained therein. Osawatomie further states that KCPL agreed to make refunds if, after appropriate regulatory proceedings, the rates contained in this initial contract are found to be excessive. KCPL's response of November 10, 1975 to Osawatomie's protest affirms, inter alia, that the company is willing to refund any and all moneys collected under rates found to be excessive since the inception of the subject agreement.

Specifically, Osawatomie's significant contentions are as follows: (1) the proposed firm transmission service charge improperly requires Osawatomie to absorb a disproportionate share of the cost of the transmission line, (2) the transmission charge prohibits Osawatomie from receiving the benefits of its economical power purchases, and (3) the Agreement fails to provide a general tariff for transmission service throughout KCPL's system, thereby preventing Osawatomie from efficiently coordinating its energy sources. Moreover, Osawatomie has enumerated several other items relative to the Agreement which it claims are in need of further investigation (a $60,000 additional facilities charge for connection at the Paola Substation, the liability clause, the metering compensation clause, the obligation of KCPL to deliver economy energy, the ability of Osawatomie to purchase off-peak power and energy from KCPL). Osawatomie therefore requests that the Commission suspend the operation of the Agreement for one day, allowing the rates contained therein to become effective subject to refund, and that hearing procedures be established to investigate the terms and conditions of said Agreement.

KCPL's response alleges that the Agreement is just, reasonable and lawful in all respects. KCPL responded to each of Osawatomie's arguments and concluded that it would not be appropriate to suspend the Agreement or set the matter for hearing. However, KCPL states:

> Should the Commission determine that it needs further time to examine the reasonableness of the rates for Long Term Transmission and Transfer Services under Schedules E and F of the Agreement, pending receipt by the FPC of KCPL's pending costs of service study therefor based on data for the test year ended June 30, 1975, then KCPL joins with the City and urges the Commission to accept the filing of the Agreement with an effective date as requested, subject to KCPL's refund obligation under Article X, Section 2 of the Agreement, and to reserve for a future FPC determination the question as to whether a hearing will be required concerning such rates for Long Term Transmission and Transfer Services.[3]

On January 12, 1976, KCPL filed a revised cost of service study based on data for the test year ended June 30, 1975 for transmission and transfer service to Osawatomie, as well as a cost of service study for 161/69/34.5 KV transformation and transfer of power and energy in KCPL's east and south districts. As a result of these studies, KCPL filed revised tariffs to reduce the rate for long term transmission service to Osawatomie and to reflect a reduction in power and energy loss factors. On January 16, 1976, Osawatomie filed its concurrence with KCPL's revised filing of January 12, 1976, but nevertheless reserved all objections to KCPL's original filing and renewed its request for a hearing in this proceeding. Osawatomie subsequently renewed its request for a hearing in a March 23, 1976 response to KCPL's filing of March 1, 1976, at which time it also requested an expedited hearing schedule. We find that the issues raised by Osawatomie are matters that may be properly raised during the evidentiary proceeding to be prescribed, infra.

Our review of the filing indicates that it has not been shown to be just and reasonable and may be unjust, unreasonable, discriminatory, or otherwise unlawful. We shall therefore accept the proposed initial rates for filing to become effective April 1, 1976, thirty days after completion of the filing, and shall institute a Section 206 investigation into the lawfulness of the rates charged and collected by KCPL. Pursuant to its agreement, KCPL shall refund all amounts collected that are found to be excessive, thereby assuring that Osawatomie will be protected from excessive charges during the entire effective period of these rates. We shall permit Osawatomie to intervene in this proceeding and shall order KCPL to file its full case-in-chief with respect to these rates within 30 days.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that the commission accept for filing KCPL's filing of September 17, 1976, as amended on January 12, 1976 and March 1, 1976, and permit the proposed rates to become effective April 1, 1976, subject to refund in accordance with the agreement of the parties.

(2) A Section 206 investigation into the lawfulness of the rates charged and collected by KCPL should be instituted.

(3) Intervention by the City of Osawatomie in this proceeding may be in the public interest.

The Commission orders. (A) KCPL's Initial Rate Filing of September 17, 1975, as amended on January 12, 1976 and March 1, 1976 is hereby accepted for filing to become effective April 1, 1976, subject to refund, in accordance with the Agreement of the parties.

(B) Pursuant to the authority contained in the Federal Power Act, particularly Section 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of KCPL's proposed initial rates filed in Docket No. ER76-131 for the City of Osawatomie, Kansas.

(C) KCPL shall submit, within 30 days of the issuance of this order, testimony and exhibits which shall constitute KCPL's case in chief in this proceeding.

(D) KCPL shall file monthly with the Commission the report on billing determinants and revenues collected under the proposed rates filed in Docket No. ER76-131, as required by Section 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(E) The City of Osawatomie is hereby permitted to intervene in Docket No. ER76-131, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of this intervenor shall be limited to matters effecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of authority, 13 CFR 3.5(d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(G) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on June 17, 1976, at 9:30 a.m., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

RATE SCHEDULE DESIGNATIONS

KANSAS CITY POWER AND LIGHT COMPANY

Docket No. ER76-131

Designations	*Descriptions*
Rate schedule FPC No. 77	Municipal participation agreement.
Supplement No. 1 to rate schedule FPC No. 77	Reserve capacity deficiency energy.
Supplement No. 2 to rate schedule FPC No. 77	Standby service.
Supplement No. 3 to rate schedule FPC No. 77	Firm power service.
Supplement No. 4 to rate schedule FPC No. 77	Economy energy service.
Supplement No. 5 to rate schedule FPC No. 77	Transfer service.
Supplement No. 6 to rate schedule FPC No. 77	Transmission service.
Supplement No. 1 to Supplement No. 6 to rate schedule FPC No. 77 (supersedes supplement No. 6).	Revised transmission rates.

[FR Doc.76-16915 Filed 6-10-76;8:45 am]

[3] Response of KCPL, filed November 10, 1975, pages 4-5.

[Docket No. CI76-279]

MARATHON OIL CO.

Order Granting Reconsideration for Purposes of Further Consideration

JUNE 4, 1976.

On May 14, 1976, Marathon Oil Company (Marathon) filed an application for rehearing of a letter order dated April 5, 1976, issuing a permanent certificate.[1]

The letter order contained a condition in accordance with § 2.83(d) of the Commission's General Policy and Interpretations, as prescribed in Order No. 539.[2]

Order No. 539, issued and effective on October 14, 1975, was a statement of policy that reiterated the Commission's policies with respect to the enforcement of certificated minimum delivery obligations. In that order the Commission promulgated new Section 2.83, subsection (d) of which was directed to be included as a condition in all temporary and permanent certificates issued on or after the effective date of Order No. 539. On November 28, 1975, the Commission issued an order in Docket No. RM76-8 granting reconsideration of Order No. 539 for the purpose of further consideration.

On March 26, 1976, the Commission issued Order No. 539-A, which amended Section 2.83(d) of the Regulations to permit a party to object to the inclusion of the amended § 2.83(d) language in the certificate by requesting a hearing on that question. In addition, under that order a producer may commence deliveries as applied for, without prejudice to its right to seek rehearing of any Order No. 539 conditions included in the certificate and its right to seek review thereof under Section 19 of the Natural Gas Act.

Applicant for reconsideration[3] contends that the condition added to all newly issued temporary and permanent certificates pursuant to Order No. 539 is unlawful in that it exceeds the Commission's jurisdiction, which immediately aggrieves the petitioner.

A reasoned analysis of the questions posed in the petition for reconsideration requires that we first consider the relevance of this petition to the issues raised upon reconsideration of Order No. 539; however, this determination must await the Commission's final order in the proposed rulemaking in Docket No. RM76-8. Therefore, we will grant the petition for reconsideration solely for the purpose of further consideration. This action does not constitute a grant or denial of the petition for reconsideration on its merits in whole or in part.[4]

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16927 Filed 6-10-76;8:45 am]

[1] Marathon filed a certificate application in this docket on November 19, 1975, and received a temporary certificate by letter order of December 19, 1975. Marathon filed for rehearing on January 16, 1976, and rehearing purposes of further consideration was granted on February 13, 1976. The April 5, 1976, letter order issued a permanent certificate.

[2] Policy With Respect To Enforcement Of Deliverability And Rendition Of Natural Gas Services Under Certificated Arrangements, Order No. 539, Docket No. RM76-8, ---- FPC ---- (October 14, 1975).

Since Marathon's application for rehearing was filed untimely, it is being treated here as an application for reconsideration.

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Order Accepting Settlement Agreement

JUNE 7, 1976.

On December 15, 1975, Presiding Administrative Law Judge Thomas L. Howe certified to the Commission a proposed settlement agreement (Agreement) in the captioned docket, together with the record of this proceeding. The Agreement would resolve all issues among the parties hereto and terminate proceedings herein. The Commission finds that acceptance of the Agreement is in the public interest and, accordingly, accepts and approves it subject to certain conditions hereinafter specified.

Public notice of the Presiding Judge's certification was issued on January 2, 1976, with comments due on or before January 23, 1976. Comments in support of the Agreement were timely filed by the Commission Staff.

Proceedings in this docket were initiated on November 29, 1974, when Mississippi Power Company (MPCO) tendered for filing revisions to its FPC Electric Tariff, Original Volume No. 1, incorporating a proposed rate increase to Coast Electric Power Association, East Mississippi Electric Power Association, and Singing River Electric Power Association (the EPA's). The proposed increase was designed to produce additional revenues of $3,380,000 annually, based upon data for calendar year 1975 (Period II). MPCO's filing also included an environmental protection cost adjustment clause, an income tax adjustment clause, and a fuel cost adjustment clause.

By order issued December 31, 1974, the Commission accepted for filing MPCO's revised tariff sheets, suspended their use for one day until January 2, 1975, and established hearing procedures to determine the lawfulness of the proposed rates and charges. The proposed fuel clause was rejected by the Commission because of the clause's failure to substantially comply with the applicable Commission Regulations.

By letter dated January 14, 1975, MPCO submitted for filing a revised fuel clause which the Commission found to be in compliance with its Regulations. The revised clause was accepted by letter order issued February 12, 1975, and made effective as of January 2, 1975.

The EPA's timely petition to intervene was granted by Commission order issued January 20, 1975.

The principal elements of the Agreement provide that:

(1) Under the settlement rates to be effective as of January 2, 1975, MPCO will earn additional revenues of approximately $2,012,000 annually, an increase of approximately 13.8 percent over the rates previously in effect;

(2) The discount for delivery at 115 kV shall be increased from 20¢/kW to 25¢/kW;

(3) The provisions for automatic adjustment of rates to reflect (a) changes in MPCO's costs resulting from governmentally-imposed environmental regulations and (b) changes in MPCO's income tax liability, shall be deleted from MPCO's tariff;

(4) MPCO shall not tender for filing any proposed increases in rates or charges to the EPA's to become effective prior to November 1, 1976;

(5) The Agreement shall be withdrawn unless accepted by the Commission in its entirety; and

(6) The Agreement represents a compromise with respect to MPCO's rates and, except as expressly stated in said Agreement, no party shall be deemed to have approved, accepted, agreed or consented to any rate of return, ratemaking or tariff principle or any method of cost of service determination, cost allocation or rate design underlying or supposed to underlie any of the rates provided for in said Agreement.

The Commission's review of the proposed settlement rates indicates that such rates are supported by cost evidence[1] and are otherwise just and reasonable. Accordingly, the Agreement should be incorporated herewith by reference and approved.

In conjunction with acceptance and approval of the subject Agreement, the Commission shall require MPCO to: (1) tender for filing revised tariff sheets reflecting the settlement rate level; (2) refund to the EPA's all amounts collected since January 2, 1975, in excess of the settlement rate level, together with interest calculate at nine percent per annum; and (3) file refund compliance reports.

The Commission finds. The Agreement certified to the Commission by the Presiding Administrative Law Judge in this proceeding should be accepted, incorporated herewith by reference, and approved, as hereinafter ordered and conditioned.

The Commission orders. (A) The Agreement certified to the Commission in this docket is hereby accepted, incorporated herewith by reference, and approved, subject to the conditions set forth below.

(B) Within 30 days of issuance of this order, MPCO shall file revised tariff sheets to become effective as of January 2, 1975, reflecting the settlement rate level incorporated into the subject Agreement.

(C) Within 30 days after the revised tariff sheets required in paragraph (B), supra, are accepted for filing, MPCO shall refund to the EPA's all amounts

[4] Area Rate Proceeding, et al. (Southern Louisiana Area), 40 FPC 1091 (1968).

The Commission orders. The application for reconsideration filed by Marathon in Docket No. CI76-279 is granted for purposes of further consideration.

[1] See, e.g., Exhibit No. ---- (S-1) Revised and Tr. 361.

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collected since January 2, 1975, in excess of the settlement rate level, together with interest calculated at nine percent per annum.

(D) Within 15 days after refunds described in paragraph (C), supra, have been made, MPCO shall file a report of such refunds with the Commission. Such report shall show, for the entire refund period, monthly billing determinants and revenues under prior, present, and settlement rates, and the monthly interest computation, together with a summary of such information for the entire refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Commission Staff, MPCO, the EPA's, or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against MPCO or any other person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16920 Filed 6-10-76;8:45 am]

[Docket No. ER76-539]

MISSOURI POWER & LIGHT CO.

Order Granting Petition for Rehearing and Amending Prior Order

JUNE 4, 1976.

On May 7, 1976, the City of Marceline, Missouri (Marceline), filed a petition for rehearing of the Commission's April 26, 1976 order in this proceeding. For the reasons discussed below, the Commission shall grant rehearing of and amend its April 26, 1976 order in this proceeding.

On March 2, 1976, Missouri Power & Light Company (Missouri) tendered for filing proposed changes in its FPC Electric Tariff Rate Schedule Nos. 39, 41, 42, 44, 45, and 46 to increase its jurisdictional revenues by approximately $104,000 from the Cities of Centralia, Kahoka, Linneus, Marceline, Owensville, and Perry, Missouri. By order issued April 26, 1976, the Commission rejected the proposed rate increase with respect to the Cities of Owensville and Perry, Missouri upon finding that the contracts did not provide for a unilateral rate increase. With respect to the remaining Cities the Commission's order accepted the proposed changes for filing, suspended their effectiveness for one month and permitted them to become effective May 27, 1976, subject to refund.

On May 7, 1976, Marceline filed a petition for rehearing of the Commission's order requesting that the Commission find that no rate increase may become effective for Marceline until a final order is issued approving a proposed rate change. In support of its petition Marceline pointed to the following contractual language in its agreement with Missouri:

1. Company shall supply and customers shall accept and pay for all electric energy it may require for the operation of its water works and other municipal requirements, street lighting system, and for distribution and sale to its electrical customers, at the rates and charges applicable to the two types of service hereby offered. The rates to be charged by the Company under this agreement shall be in accordance with the attached rate schedules marked Exhibit A and Exhibit B; *provided, however, that said rates may be changed during the term of the contract, but only with the approval of the appropriate regulatory agency having jurisdiction.* (Emphasis added).

Upon review of this contractual provision the Commission is persuaded that the increase proposed by Missouri cannot lawfully be effectuated until the Commission issues a final order on the justness and reasonableness of the rates. Under this procedure the Commission shall investigate the proposed rates pursuant to Section 206 of the Federal Power Act and adopts as the burden of proof the just and reasonable standard of Section 206 of the Federal Power Act rather than the Mobile-Sierra standard.[1] The rates that the Commission finds to be just and reasonable after hearing and decision will then be permitted to become effective prospectively. We shall therefore grant Marceline's petition for rehearing.

Upon further review of Missouri's contracts with its other municipal customers the Commission finds it necessary and appropriate to further amend its order issued in this docket on April 26, 1976. The contracts with the Cities of Centralia [2] and Kahoka [3] also provide that final Commission approval be received prior to effectuating a rate change. The Commission shall therefore amend its April 26, 1976 order by finding that Missouri's proposed increase to these two municipal customers may become effective only prospectively from a final Commission decision after hearing on the proposed rates. As discussed above with respect to the Marceline contract, the Company shall be required to meet the Section 206 just and reasonable burden of proof to warrant an increase to these two customers.

In the event Missouri has collected any increased revenues from the Cities of Marceline, Centralia, and Kahoka associated with its proposed rate increase it shall be required to refund such amounts.

The Commission finds. (1) Good cause exists to grant the City of Marceline's petition for rehearing of the Commission's April 26, 1976 order in this docket insofar as it requests a finding that the proposed increased rates of Missouri to the City of Marceline may become effective only prospectively from final Commission approval.

(2) Good cause exists to amend the Commission's April 26, 1976 order in this docket by finding that the proposed increased rates of Missouri to the Cities of Centralia and Kahoka may become effective only prospectively from final Commission approval.

The Commission orders. (1) The City of Marceline's May 7, 1976 petition for rehearing of the Commission's April 26, 1976 order in this docket is hereby granted insofar as it requests a finding that the proposed increased rates of Missouri to the City of Marceline may become effective only prospectively from final Commission approval.

(2) The Commission's April 26, 1976 order in this docket is further amended by the finding that the proposed increased rates of Missouri to the Cities of Centralia and Kahoka may become effective only prospectively from final Commission approval.

(3) In the event Missouri has collected any revenues associated with its proposed increased rates to the Cities of Marceline, Centralia and Kahoka, it is hereby ordered to refund such amounts within 30 days of the issuance of this order and to report to the Commission the amount of such refunds.

(4) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16936 Filed 6-10-76;8:45 am]

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[1] *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956) The Mobile-Sierra standard requires a finding that the contractual rates are so low as to adversely affect the public interest. *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. at 355.

[2] The pertinent contractual provision is as follows:

1. Company shall supply and Customer shall accept and pay for all electric energy it may require for its municipal operations, street lighting system, and for distribution and resale to its electrical customers. The rates to be charged by the Company under this agreement shall be in accordance with the Municipal Electric Service Wholesale Rate, Rate Designation MESWR, copy of which is attached hereto and made a part of this agreement; *provided, however, that said rate may be changed during the term of the agreement with the approval of the appropriate regulatory agency having jurisdiction.* (Emphasis added.)

[3] The pertinent contractual provision is as follows:

1. Company shall supply and Customer shall accept and pay for all electric energy it may require for the operation of its water works and other municipal requirements, street lighting system, and for distribution and sale to its electrical customers, at the rates and charges applicable to the two types of service hereby offered. The rates to be charged by the Company under this agreement shall be in accordance with the attached rate schedules marked Exhibit A and Exhibit B; *provided however, that said rates may be changed during the term of the contract, but only with the approval of the appropriate regulatory agency having jurisdiction.* (Emphasis added.)

[Project No. 1553]

NEW JERSEY ZINC CO.

Issuance of Annual License

JUNE 4, 1976.

On June 12, 1970, The New Jersey Zinc Company, Licensee for Fall Creek Hydroelectric Project No. 1553, located on Fall Creek in Eagle County, Colorado, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 1553 was issued effective June 29, 1950, for a period ending June 28, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The New Jersey Zinc Company for continued operation and maintenance of Project No. 1553.

Take notice that an annual license is issued to The New Jersey Zinc Company (Licensee) for the period June 29, 1976, to June 28, 1977, until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Fall Creek Hydroelectric Project No. 1553, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16931 Filed 6-10-76;8:45 am]

[Project No. 2600]

NIAGARA MOHAWK POWER CORP.

Application for Change in Land Rights

JUNE 7, 1976.

Public notice is hereby given that an application was filed on November 6, 1975, under the Federal Power Act, 16 U.S.C. 791a–825r, by Niagara Mohawk Power Corporation (Correspondence to: John H. Terry, Senior Vice President and General Counsel, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202) for Commission approval of a 0.35-acre permanent easement and a 1.17-acre construction easement to Saratoga County Sewer District No. 1 (Grantee) for the purpose of constructing and maintaining a 42-inch wastewater effluent line. The effluent line would be situated in the Town of Half-Moon, in Saratoga County, New York.

The pipeline would extend approximately 510 feet along the project shoreline and would then extend approximately 180 feet along the reservoir bottom. The last 45 feet of pipe would contain diffusers to discharge the treated effluent into the Hudson River. The wastewater outfall pipeline would be part of a proposed 13 mgd wastewater treatment plant to be constructed by Grantee. The plant would eliminate the discharge of inadequately treated wastewater into local surface or ground waters. The quality of the effluent has been approved by the New York State Department of Health. In addition, permits have been received from the New York Department of Environmental Conservation, the New York Department of Transportation, the U.S. Department of the Army, Corps of Engineers (construction permit), and the U.S. Environmental Protection Agency (NPDES permit). Applicant has requested the shortened procedures under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1975).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1976, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16914 Filed 6-10-76;8:45 am]

[Project No. 619]

PACIFIC GAS AND ELECTRIC CO.

Application for Approval of Revised Exhibits F, K, and R

JUNE 3, 1976.

Public notice is hereby given that an application was filed on February 2, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Pacific Gas and Electric Company (Correspondence to: W. M. Gallavan, Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Commission approval of revised Exhibits F, K, and R for Bucks Creek Project No. 619, located on Bucks, Grizzly, and Milk Ranch Creek, all tributaries of the North Fork Feather River, in Plumas County, California, near the towns of Quincy, Westwood, and Chico and the Plumas National Forest.

The application was filed pursuant to Article 34 of the Project No. 619 license, which requires Licensee to include all ultimate recreational developments on United States and Licensee owned lands within the project boundary and to delete the proposed Grizzly and Three Lakes Campgrounds. The application also proposes changes in types and schedules of recreational developments approved in the license which include: (1) substitution of 32 acres of public campground and beach development for 47 acres of picnic and beach development; (2) reduction by 12 acres of the land proposed for group camp development; and (3) reduction of the overall ultimate public campground capacity from 403 to 226 units.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein and if the applicant requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or the applicant fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16942 Filed 6-10-76;8:45 am]

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[Project No. 502]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

JUNE 4, 1976.

On October 31, 1963, Pacific Gas and Electric Company, Licensee for Drum-Spaulding-Summit Transmission Line Project No. 502, located in Nevada County, State of California, filed an application for surrender of license. On the same date, Pacific Gas and Electric Company filed an application for amendment of license for Project No. 2310. The proposed amendment would make the Drum-Spaulding-Summit transmission line a part of Project No. 2310, effective as of the date of the surrender of the license for Project No. 502.

The license for Project No. 502 was issued effective June 23, 1924, for a period ending June 23, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pending Commission action on Licensee's application to surrender or the filing of an application for a new license and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 502.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) for the period June 24, 1976, to June 23, 1977, or until amendment of the license for Project No. 2310, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Drum-Spaulding-Summit Transmission Line Project No. 502, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16930 Filed 6-10-76;8:45 am]

[Docket Nos. CI76-421, CI76-422,[1] CI76-405, et al.[2]]

PHILLIPS PETROLEUM COMPANY, ET AL.

Order Deferring Action on Application for Partial Abandonment

JUNE 7, 1976.

On February 6, 1976 Kerr-McGee Corporation, et al. (Kerr-McGee) filed a petition for permission to partially abandon a sale to Phillips Petroleum Company (Phillips) due to the expiration of the fifty year lease that authorized Kerr-McGee to produce the gas dedicated to the subject sale. On March 12, 1976 the Commission issued a protective order requiring that the sale to Phillips continue pending the outcome of pending litigation on the same or similar issues raised by the Kerr-McGee application for abandonment.[3] Rehearing of the issuance of the protective order was denied on May 7, 1976.[4]

Prior to the denial of rehearing, Phillips, the purchaser from Kerr-McGee, applied on March 12, 1976 for permission to partially abandon its resales of the Kerr-McGee gas to El Paso Natural Gas Company (El Paso) in Docket No. CI76-421 and to Panhandle Eastern Pipe Line Company in Docket No. CI76-422. Phillips requests the abandonment authority in the event Kerr-McGee receives authorization for its partial abandonment.

El Paso filed a petition to intervene in this proceeding on May 10, 1976 along with a request that the order of May 7, 1976 providing protection for Phillips in the event of paybacks to the reversioners be expanded to include El Paso. El Paso will be permitted to intervene and the language set forth in Ordering Paragraph (C) below, as proposed by El Paso, will be incorporated into the order issued May 7, 1976 in Docket Nos. CI76-405, et al., which is also deemed to apply herein.

Since the Commission has deferred ruling on the Kerr-McGee abandonment application pending the outcome of the court litigation, action on the Phillips application will likewise be deferred pending further Commission order with respect to Kerr-McGee. In the interim, while deliveries are continued to Phillips pursuant to the March 12, 1976 protective order, the related resales by Phillips will also continue under the applicable certificate authorization.

The Commission orders. (A) The application for partial abandonment filed by Phillips in Docket Nos. CI76-421 and CI76-422 is deferred pending further order of the Commission.

(B) El Paso is permitted to intervene in the above proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petitions for leave to intervene and that said intervenor takes the record as it finds it, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(C) Ordering Paragraph (B) of the order of May 7, 1976 in Kerr-McGee Corporation, et al., Docket Nos. CI76-405, et al. is further modified to include the following language:

[I]n the event Phillips should be required to repay to the reversioner volumes of gas pursuant to the protective provisions granted by the Commission, Phillips will be entitled to reduce its redeliveries of said gas to El Paso, up to the volumes of such gas Phillips delivered to El Paso, until such time as the volumes repaid equal the reduced volumes. Such reduction in redeliveries to El Paso is to be made by Phillips subject to the condition that the reduction is to be made in an equitable manner over a reasonable period of time, subject to further Commission order as to scheduling but not as to entitlement if El Paso and Phillips cannot agree as to such scheduling.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16916 Filed 6-10-76;8:45 am]

[Project No. 372]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Annual License

JUNE 4, 1976.

On June 16, 1969, Southern California Edison Company, Licensee for Lower Tule River Project No. 372, located on the Tule River in Tulare County, California, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 372, was issued effective December 31, 1941, for a period ending June 15, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Southern California Edison Company for continued operation and maintenance of Project No. 372.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under the Federal Power Act for the period June 16, 1976, to June 15, 1977, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Lower Tule River Project No. 372, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16932 Filed 6-10-76;8:45 am]

[Project No. 460]

TACOMA, WASHINGTON

Issuance of Annual License

JUNE 3, 1976.

On November 5, 1974, the City of Tacoma, Licensee for Lake Cushman Project No. 460, located in Mason County, State of Washington, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The License for Project No. 460 was issued effective June 3, 1924, for a period ending June 3, 1974. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the City of Tacoma for continued operation and maintenance of Project No. 460.

Take notice that an annual license is issued to the City of Tacoma (Licensee) for the period June 4, 1976 to June 3, 1977, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Lake Cushman Project No. 460, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16941 Filed 6-10-76;8:45 am]

[Project No. 488]

THERMALITO IRRIGATION DISTRICT AND TABLE MOUNTAIN IRRIGATION DISTRICT

Issuance of Annual License

JUNE 4, 1976.

On August 27, 1974, Thermalito Irrigation District and Table Mountain Irrigation District, Licensees for Concow Dam Project No. 488, located on Concow Creek in Butte County, California, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 488 was issued effective June 10, 1925 for a period ending June 9, 1975. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Thermalito Irrigation District and Table Mountain Irrigation District for continued operation and maintenance of Project No. 488.

Take notice that an annual license is issued to Thermalito Irrigation District and Table Mountain Irrigation District (Licensees) for the period June 10, 1976, to June 9, 1977, unless during that period a new license for the project is issued for the continued operation and maintenance of Concow Dam Project No. 488, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16928 Filed 6-10-76;8:45 am]

[Docket Nos. RP 75-75 (Advance Payments), and RP75-75 (AP76-5) RP75-75 (AP76-6) RP75-75 (AP76-7)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Consolidating Dockets

JUNE 4, 1976.

On April 14, 1976 Transcontinental Gas Pipe Line Corporation (Transco) filed a motion to consolidate the above-referenced dockets. Docket Nos. RP75-75 (AP76-5) and RP75-75 (AP76-6) have previously been consolidated. The issues of fact and law in each docket are similar and accordingly the Commission shall consolidate the dockets for purposes of hearing and decision. The proceeding shall be governed by the procedural schedule established in Docket Nos. RP75-75 (AP76-5) and RP75-75 (AP76-6).

The Commission finds. Good cause exists to grant Transco's motion to consolidate.

The Commission orders. (A) Docket Nos. RP75-75 (Advance Payments), RP75-75 (AP76-5), RP75-75 (AP76-6), and RP75-75 (AP76-7) are hereby consolidated for purposes of hearing and decision.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16929 Filed 6-10-76;8:45 am]

[Docket No. ID-1787]

JOHN J. TUOHY

Application

JUNE 3, 1976.

Take notice that on May 12, 1976, John J. Tuohy, (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Chairman of the Board, Chief Executive Officer, and Director, Long Island Lighting Company, Public Utility.
Director, Empire State Resources, Public Utility.

Long Island Lighting Company, (LILCO) is a gas and electric corporation organized and existing under the Transportation Corporations Law of the State of New York. LILCO provides electric service to approximately 814,000 industrial, commercial, and residential customers and gas service to approximately 388,000 customers in Nassau and Suffolk Counties and the contiguous Rockaway peninsula in New York City. LILCO owns 23⅓ percent of the common stock of Honeoye Storage Corporation, a gas storage company.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., LILCO, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16922 Filed 6-10-76;8:45 am]

[Docket No. E-9496]

UNION ELECTRIC CO.

Order Accepting Settlement Agreement

JUNE 7, 1976.

On February 19, 1976, the Presiding Administrative Law Judge in this proceeding certified to the Commission a settlement agreement (Agreement) together with the record in this case. The Commission finds that the Agreement is in the public interest and accepts and approves it subject to certain conditions as hereinafter specified.

The subject docket was initiated on June 13, 1975, when Union Electric Company (Union) filed a proposed rate increase for electric service to fifteen wholesale customers[1] under its W-2 Electric Tariff, to Missouri Power and Light Company (MP&L) and to Missouri Utilities Company (Missouri). The proposed rate increase would increase revenues from sales to those customers by $15,953,000 based on the 12 month period ended May 31, 1976. By order issued July 11, 1975, the Commission accepted the proposed rates for filing and suspended their use for two months to become effective November 1, 1975, as to Missouri and September 13, 1975, as to all of the

[1] Arkansas-Missouri Power Company, Citizens Electric Corporation, City of Farmington, City of Fredericktown, City of Hannibal, Iowa Army Ammunition Plant, Iowa Electric Light & Power Company, City of Kirkwood, Missouri Power & Light Company, Missouri Utilities, City of Rolla, City of St. James, Sho-Me Power Corporation, and Town of West Point.

[1] Originally filed as Docket Nos. G-2619 and CI63-1371, respectively, since it was in those dockets that Phillips received certificate authorization to make resales of residue gas purchased from Kerr-McGee Corporation.

[2] This order does not consolidate any of the proceedings herein.

[3] Opinion Nos. 737 and 737-A, appeal pending, *Southland Royalty Corporation* v. *Federal Power Commission*, Nos. 75-3373, et al. (5th Cir.).

[4] **Order Denying Rehearing, Granting Interventions, Clarifying Orders, And Denying Motion**, Kerr-McGee Corporation, et al., Docket Nos. CI76-405, et al. (May 7, 1976).

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[Docket No. CP76-332]

ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 4, 1976.

Take notice that on May 17, 1976, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP76-332 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to transport and sell natural gas to Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 16-inch tap and valve, a 16-inch meter station, and 1,000 feet of 16-inch pipeline in Framingham, Massachusetts. Applicant states that the facilities would enable it to deliver up to 30,000 Mcf of natural gas per day to Boston Gas for its Framingham distribution system. Applicant estimates the cost of the facilities to be $1,000,000, which would be financed from funds on hand.

Applicant states that it has entered into a gas sales contract with Boston Gas dated April 1, 1976, which provides for the sale of up to 30,000 Mcf of natural gas per day. Applicant states that the contract is subject to approval by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16931 Filed 6-10-76;8:45 am]

[Docket No. CP76-331]

ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 4, 1976.

Take notice that on May 17, 1976, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP76-331 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to transport and sell natural gas to Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 16-inch tap and valve, a 16-inch meter station, and 1,000 feet of 16-inch pipeline in Framingham, Massachusetts. Applicant states that the facilities would enable it to deliver up to 30,000 Mcf of natural gas per day to Boston Gas for its Framingham distribution system. Applicant estimates the cost of the facilities to be $1,000,000, which would be financed from funds on hand.

Applicant states that it has entered into a gas sales contract with Boston Gas dated April 1, 1976, which provides for the sale of up to 30,000 Mcf of natural gas per day. Applicant states that the contract is subject to approval by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16933 Filed 6-10-76;8:45 am]

[Docket No. CP76-330]

ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 4, 1976.

Take notice that on May 17, 1976, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP76-330 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to transport and sell natural gas to Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 16-inch tap and valve, a 16-inch meter station, and 1,000 feet of 16-inch pipeline in Framingham, Massachusetts. Applicant states that the facilities would enable it to deliver up to 30,000 Mcf of natural gas per day to Boston Gas for its Framingham distribution system. Applicant estimates the cost of the facilities to be $1,000,000, which would be financed from funds on hand.

Applicant states that it has entered into a gas sales contract with Boston Gas dated April 1, 1976, which provides for the sale of up to 30,000 Mcf of natural gas per day. Applicant states that the contract is subject to approval by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16934 Filed 6-10-76;8:45 am]

[Docket No. CP76-329]

ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 4, 1976.

Take notice that on May 17, 1976, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP76-329 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to transport and sell natural gas to Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 16-inch tap and valve, a 16-inch meter station, and 1,000 feet of 16-inch pipeline in Framingham, Massachusetts. Applicant states that the facilities would enable it to deliver up to 30,000 Mcf of natural gas per day to Boston Gas for its Framingham distribution system. Applicant estimates the cost of the facilities to be $1,000,000, which would be financed from funds on hand.

Applicant states that it has entered into a gas sales contract with Boston Gas dated April 1, 1976, which provides for the sale of up to 30,000 Mcf of natural gas per day. Applicant states that the contract is subject to approval by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16935 Filed 6-10-76;8:45 am]

[Docket No. CP76-328]

ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 4, 1976.

Take notice that on May 17, 1976, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP76-328 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to transport and sell natural gas to Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 16-inch tap and valve, a 16-inch meter station, and 1,000 feet of 16-inch pipeline in Framingham, Massachusetts. Applicant states that the facilities would enable it to deliver up to 30,000 Mcf of natural gas per day to Boston Gas for its Framingham distribution system. Applicant estimates the cost of the facilities to be $1,000,000, which would be financed from funds on hand.

Applicant states that it has entered into a gas sales contract with Boston Gas dated April 1, 1976, which provides for the sale of up to 30,000 Mcf of natural gas per day. Applicant states that the contract is subject to approval by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16936 Filed 6-10-76;8:45 am]

other affected customers.* Additionally, Union was ordered to file on or before August 30, 1975, substitute tariff sheets reflecting the exclusion of CWIP from rate base. Accordingly, Union filed revised tariffs reflecting a reduction in the proposed $15,953,000 rate increase by $1,196,000.

Public notice of the settlement filing was issued on February 18, 1976, with comments due on or before March 19, 1976. Commission Staff filed comments in support of the filed settlement.

The proposed settlement will reduce the adjusted rate increase of $14,757,000 (excludes CWIP) by $4,725,000. The proposed settlement would resolve all issues in this proceeding with the following exception as set out in the Agreement:

None of the parties hereto shall be deemed to have approved, accepted, agreed or consented to any ratemaking principle, any method of cost of service or other determination, or any cost allocation underlying any of the rates of Union Electric Company shown in the attachments. It is further agreed that none of the issues involved in the proceedings in this docket (E-9496) including those of discrimination, rate design, cost of service, rate of return, and allocations have been adjudicated or decided in any way by these proceedings on this settlement agreement and that the discrimination issues raised in the pleadings are not resolved by the settlement herein but will not be litigated in this proceeding.

The Agreement further provides for refunds with interest at 9% per annum and that Union will not file any rate increase as to the affected wholesale customers before November 1, 1976.

Review of the record demonstrates that the proposed settlement rates are supported by cost evidence and that they are just and reasonable. Accordingly, approval and adoption of the Agreement is in the public interest.

In conjunction with acceptance and approval of the agreement the Commission shall require Union to (1) refund amounts collected in excess of the settlement rates, together with interest calculated at the rate of 9% per annum, (2) submit revised rate schedules, and (3) file refund compliance reports.

The Commission finds. The Agreement certified to the Commission by the Presiding Administrative Law Judge in this proceeding is supported by cost evidence and should be accepted and approved as hereinafter conditioned and ordered.

The Commission orders. (A) The Agreement certified to the Commission in this docket is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Union shall file within 30 days of the issuance of this order rate schedules appropriate to reflect the terms of the Agreement.

(C) Union shall refund, within 30 days after the rate schedules required in (B), supra are accepted for filing, all amounts collected in excess of the settlement rates with interest at 9% per annum.

(D) Union shall file a report within 15 days after refunds have been made, such report to show monthly billing determinants and revenues under prior, present and settlement rates. The report shall also show the monthly interest computation, together with a summary of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Union, or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Union or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16919 Filed 6-10-76;8:45 am]

* Union proposed to make the increased rates effective as of July 13, 1975, except those implemented by a new service agreement with Missouri for which an effective date of September 1, 1975, was proposed.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12519, SR-AMEX-76-1]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 7, 1976.

On January 8, 1976, the American Stock Exchange, 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would conform the Exchange's net capital rule and business restriction and reduction requirements to the standards of Commission Rule 15c3-1.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12369 (April 23, 1976)) and by publication in the FEDERAL REGISTER (41 FR 18174 (April 30, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16970 Filed 6-10-76;8:45 am]

[70-5687]

APPALACHIAN POWER CO.

Request for Exception From Competitive Bidding for Commercial Paper

JUNE 4, 1976.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a post-effective amendment to the application previously filed in this matter, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By orders dated July 31, 1975 and September 17, 1975 (HCAR Nos. 19108 and 19176), this Commission authorized Appalachian, for the period commencing July 1, 1975 and ending June 30, 1976, to issue and sell short-term notes to banks and to dealers in commercial paper in an aggregate amount not to exceed $115,000,000 outstanding at any one time. The notes were to be issued to 99 banks from time to time prior to June 30, 1976, as funds are required, provided that none of the notes or commercial paper will mature later than December 31, 1976. Said orders granted Appalachian an exemption from the provisions of Section 6(a) of the Act afforded by the first sentence of Section 6(b) of the Act.

Appalachian will issue short-term indebtedness in an aggregate principal amount not in excess of the 5% of capitalization maximum authorized by Section 6(b) of the Act during the period July 1, 1976 through June 30, 1977. Said short-term indebtedness will mature not later than December 31, 1977. As of March 31, 1976, 5% of the capitalization of Appalachian would be $52,391,000. If Appalachian increases its capitalization by additional bonds and stock, the maximum amount allowable would increase accordingly.

Each note payable to a bank to be issued by Appalachian will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest not greater than the prime rate of commercial banks in effect at the time of issuance or in effect from time to time, and will be prepayable at any time without premium or penalty. Appalachian will be required to maintain compensating balances of approximately 20% of the bank lines made available by such banks. If the full amonut were borrowed from the banks, the effective interest cost to Appalachian, based on a price commercial rate of 7%, would be 8.75%.

Appalachian proposes to issue commercial paper in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue, and none will be prepayable prior to maturity. The commercial paper notes

will be sold directly by Appalachian to Lehman Commercial Paper Incorporated (the "dealer") at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Appalachian could borrow from banks.

The dealer will reoffer the commercial paper notes to not more than 100 of the dealer's customers, indentified and designated in a nonpublic list prepared by the dealer in advance, at a discount rate of ⅛ of 1% per annum less than the discount rate to Appalachian. It is expected that such customers of the dealer will hold the commercial paper notes to maturity, but, if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commerical paper sold by it and reoffer it to other customers on its nonpublic list.

The proceeds from the issue and sale of the notes will be used by Appalachian to reimburse its treasury for past expenditures made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditure for the years 1976 and 1977 are estimated at approximately $127,000,000 and $192,000,000, respectively.

Appalachian requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and the current rates for commercial paper for prime borrowers such as Appalachian are publised daily in financial publications.

Applicant states that no state commission has jurisdiction over borrowings of the magnitude proposed herein and that no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail if the person being served is located more than 500 miles from the point upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as now amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commisison, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16972 Filed 6-10-76;8:45 am]

[70-5861]

APPALACHIAN POWER CO., ET AL.

Proposed Issue and Sale of Short-Term Notes

JUNE 4, 1976.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, and Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Va. 24009, Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Ind. 46801, and Ohio Power Company ("Ohio"), 301 Cleveland Avenue, S.W., Canton, Ohio 44701, its subsidiary electric utility companies, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6, 6(b), 10 and 12 of the Act and Rules 50 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP requests that it be authorized to issue and sell, from time to time prior to June 30, 1977, as funds may be required, short-term notes (including commercial paper) in an aggregate amount not to exceed $175,000,000 outstanding at any one time. None of such notes or commercial paper shall mature later than December 31, 1977. As of April 22, 1976, AEP has no short-term debt outstanding under this Commission's previous order in File No. 70-5690, HCAR No. 19067, June 30, 1975.

The notes to be sold to banks will be dated as of the date of the borrowing which they evidence, will mature not more than 270 days from the date of issue or reissue thereof, will bear interest not greater than the prime rate of commercial banks at the time of issuance and will be prepayable at any time without premium or penalty. AEP will be required to maintain compensating balances, generally 10% of the amount of the bank lines made available by such banks, and additional compensating balances, generally 10%, of the amount of any borrowings. If the full amount were borrowed from the banks, the effective interest cost to AEP would be approximately 1.7% above a prime commercial rate of 6¾% or about 8.45%. AEP proposes to issue and sell such short-term notes to 8 banks with lines of credit in an aggregate amount of $105,000,000.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 of varying maturities, with no such maturity more than 270 days after the date of issue, and none will be prepayable prior to maturity. The commercial paper notes will be sold directly to Lehman Commercial Paper Incorporated (the "dealer"), at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days if such commercial paper notes would have an effective interest cost which exceeds the effective interest cost at which AEP could borrow from banks.

The dealer will reoffer the commercial paper notes to not more than 200 of such dealer's customers, identified and designated in a nonpublic list prepared by the dealer in advance at a discount rate of ⅛ of 1% per annum less than the discount rate to AEP. It is expected that such customers of the dealer will hold the commercial paper notes to maturity; but, if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper sold by it and reoffer it to other customers on the list.

AEP also proposes to make investments in the equity of two of its public-utility subsidiary companies in the form of the purchase from time to time prior to July 1, 1977 of a total of (1) 750,000 shares of common stock of Appalachian for a consideration of $40 a share, or a total consideration of $30,000,000 and (2) 3,333,334 shares of common stock of Ohio for a consideration of $15 a share, or a total consideration of $50,000,010.

AEP requests authority to make capital contributions from time to time prior to July 1, 1977, to its public-utility subsidiary company I&M in an aggregate amount not to exceed $50,000,000.

The proceeds from the sale of the short-term notes are to be applied by AEP to make additional investments in certain of its public-utility subsidiary companies to assist them in financing the costs of their respective construction programs. The construction programs of AEP's public-utility subsidiary companies for 1976 are estimated as follows: $127,000,000 for Appalachian, $220,000,000 for I&M and its generating subsidiary, and $182,000,000 for Ohio and its generating subsidiary. For 1977, the estimates for each company are: $192,000,000 for Appalachian, $193,000,000 for

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I&M and its generating subsidiary, and $205,000,000 for Ohio and its generating subsidiary.

AEP requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper on the grounds of that the commercial paper to be issued will have maturities of not more than nine months, the current rates for commercial paper for prime borrowers such as AEP are published daily in financial publications and it is not practical to publish invitations for bids for commercial paper.

The application-declaration states that fees and expenses of approximately $12,000 are to be incurred by AEP in connection with the proposed transactions. It is further stated that the State Corporation Commission of Virginia, the Public Service Commission of West Virginia, and the Public Service Commission of Tennessee have jurisdiction over the issue and sale by Appalachian of its common stock to AEP and the Public Utilities Commission of Ohio has jurisdiction over the issue and sale by Ohio of its common stock to AEP. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16971 Filed 6-10-76;8:45 am]

[70-5869]

CONNECTICUT YANKEE ATOMIC POWER CO.

Proposed Issue and Sale of First Mortgage Bonds and Promissory Note

JUNE 4, 1976.

Notice is hereby given that Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), P.O. Box 270, Hartford, Connecticut 06101, a subsidiary of Northeast Utilities and New England Electric System, both registered holding companies, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee proposes to issue and sell up to $14,000,000 principal amount of its First Mortgage Bonds, Series B ("Bonds") to John Hancock Mutual Life Insurance Company. The Bonds will be issued as serial bonds, will bear interest at the rate of 9¾% per annum and, assuming the issue of $14,000,000 principal amount of Bonds, will have the following maturities:

July 1, 1981	$1,400,000
July 1, 1982	1,400,000
July 1, 1983	1,400,000
July 1, 1984	1,400,000
July 1, 1985	1,400,000
July 1, 1986	7,000,000

The Bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of January 1, 1965 between Connecticut Yankee and Hartford National Bank and Trust Company, Trustee, as heretofore supplemented and as to be further supplemented by a Second Supplemental Mortgage Indenture to be dated as of June 1, 1976, making various amendments to the provisions with respect to the terms on which Connecticut Yankee may issue bonds to finance nuclear fuel. It is stated that the Second Supplemental Indenture does not require the consent of the bondholders. The Mortgage Indenture will be further supplemented by a Third Supplemental Indenture dated July 1, 1976, which includes (a) a prohibition until July 1, 1981, against refunding the Bonds with or in anticipation of the proceeds from borrowings at a lower effective interest cost and (b) a provision that so long as any of the Bonds shall be outstanding, Connecticut Yankee will not issue additional bonds on the basis of retired Bonds.

Connecticut Yankee further proposes to issue and sell a promissory note ("Note") to The Connecticut Bank and Trust Company in the principal amount of $10,000,000, maturing in two years and bearing interest at 1¾% above the prime rate in effect from time to time at the bank. The Note may be prepaid at any time without premium or penalty and there will be no requirement for a commitment fee or compensating balances.

The net proceeds from the sales of the Bonds and Notes will be used to repay, in part, Connecticut Yankee's outstanding short-term debt, estimated to be $26,600,000 at the time of he proposed sales. Such short-term borrowings were used primarily to finance the purchase of nuclear fuel. It is stated that the issuance of the Note will not cause Connecticut Yankee to exceed its level of short-term debt authorized by the Commission (HCAR No. 19407). The maximum allowable short-term debt will be reduced by the amount of the net proceeds from the sale of the Bonds. Connecticut Yankee estimates its required spending for nuclear fuel will be $8,800,000 in 1976 and $66,300,000 during the period 1977 through 1980. It expects to finance such additional fuel primarily from internally generated funds. It is stated that the sales of the Bonds and Notes are exempted from the competitive bidding requirements of Rule 50 by reason of Rule 50(a)(2) since no finder's fee or other fee will be payable to any third person in connection with the negotiation of either the Bonds or the Note.

It is stated that the transactions are subject to the approval of the Connecticut Public Utilities Control Authority. It is stated that no other State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than June 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the applicant-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16973 Filed 6-10-76;8:45 am]

[70-5858]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Issue and Sale of Notes

JUNE 4, 1976.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rules 50(a)(2) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

I&M requests that, from the date of the granting of this application to June 30, 1977, the exemption from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks, to dealers in commercial paper and demand notes to bank trust departments in an aggregate amount not to exceed $150,000,000 outstanding at any one time. I&M's Articles of Acceptance provide, inter alia, that I&M may not issue or assume any unsecured debt securities, as defined therein, if immediately after such issuance or acceptance, the total principal amount of such unsecured debt securities, other than the principal amount of all long-term unsecured debt securities, as defined therein, not in excess of 10% of the capitalization of I&M, issued or assumed by I&M and then outstanding, would exceed 10% of the capitalization of I&M, without the consent of the holders of a majority of the total number of shares of cumulative preferred stock then outstanding. I&M proposed to the holders of the cumulative preferred stock, and received the consent of such holders at a special meeting of shareholders held on March 12, 1973, that I&M be authorized to incur additional short-term indebtedness in excess of 10% (but together with long-term unsecured indebtedness outstanding at the time of any computation not in excess of 20%) of the capitalization of I&M as then to be stated on the books of account of I&M for a period of time commencing on April 1, 1973 to and ending on December 31, 1976, provided that none of such unsecured indebtedness outstanding on December 31, 1976, shall mature later than June 30, 1977. Before December 31, 1976 and subsequent to seeking and receiving authority from this Commission to do so, which will be the subject of a separate application, I&M plans to hold a special meeting of its shareholders to obtain an extention of the authorization to incur additional short-term in excess of 10% of capitalization of I&M through at least the period covered by the instant application. The notes are to be issued from time to time prior to July 1, 1977, as funds may be required, provided that none of the notes, commercial paper, and demand notes to bank trust departments will mature later than December 31, 1977. As of April 22, 1976, I&M had short-term notes, including commercial paper and demand notes, outstanding in an aggregate amount of $76,500,000.

Each note payable to a bank to be issued by I&M will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest at an annual rate of interest not greater than the prime rate of commercial banks in effect at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. In the case of most of the banks from which I&M proposes to borrow, sufficient bank balances to meet operating and financial needs are kept at such banks to satisfy any compensating balance requirements of such banks in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balance requirements of such banks, generally up to about 20%, the effective interest cost to I&M of issuance and sale of such notes to such banks would be approximately 1.7% above a prime commercial rate of 6¾, or about 8.45%. In the case of those banks in which I&M does not maintain bank balances for operating and financial needs, I&M will be required to maintain compensating balances, generally 10% of the amount of the bank lines made available by such banks and additional compensating balances, generally 10%, of the amount of any borrowings. If the full amount were borrowed from these banks, the effective interest cost to I&M would be approximately 1.7% above a prime commercial rate of 6¾%, or about 8.45%. I&M will also file with the Commission, by Post-effective Amendment, lists of other banks not previously identified in filings with the Commission in this proceeding to which it proposes to issue and sell notes, and no such notes will be issued and sold to such banks not previously identified prior to the issuance of a Supplemental Order by the Commission in connection therewith. Such Post-effective Amendments will also indicate the compensating balances, if any, required to be maintained in connection with such borrowings and the effective annual cost of the borrowings. I&M proposes to issue and sell such short-term notes to 37 banks with lines of credit in an aggregate amount of $178,695,000.

I&M also proposes to issue commercial paper in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000, which will be of varying maturities, with no maturity more than 270 days after the date of issue and none will be prepayable prior to maturity. The commercial paper notes will be sold directly by I&M to Lehman Commercial Paper Incorporated (the "dealer") at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days if such commercial paper notes would have an effective interest cost which exceeds the effective interest cost at which I&M could borrow from banks. The dealer will reoffer the commercial paper notes to not more than 200 of the dealer's customers identified and designated in a nonpublic list prepared by the dealer in advance, at a discount rate of ⅛ of 1% per annum less than the discount rate to I&M. It is expected that such customers of the dealer will hold the commercial paper prior to maturity, but, if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper sold by it and reoffer it to other customers on its nonpublic list.

I&M also proposes to issue and sell its demand notes to the trust departments of Fort Wayne National Bank, Fort Wayne, Indiana and Lincoln National Bank, Fort Wayne, Indiana, in the maximum amounts of $5,000,000 and $10,000,000, respectively. It is stated that the bank trust departments have a flow of funds, as fiduciary for various accounts, which would be available for investment in such demand notes. These demand notes will be in the form of promissory notes in denominations of not less than $1,000 bearing an interest rate equivalent to the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of less than 180 days. Notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature January 1 of the following year. The bank trust departments will have the right to demand payment at any time and I&M will have the right to repay at any time without penalty, all or part of the principal amount of such notes outstanding.

On April 22, 1976, the highest rate paid by General Motors Acceptance Corporation on its commercial paper with a maturity of less than 180 days was 5⅛%. This rate was approximately 1¼% less than the rate at which I&M was then able to issue commercial paper of comparable maturites and approximately 3% below the effective rate for bank borrowings based on the then current prime rate of 6¾% and compensating balances of 15% and 20%. It is stated that based on past experiences, the rate on these demand notes will consistently be lower than the comparable rates for commercial paper and bank borrowings including the effect of compensating balances.

The proceeds from the issue and sale of the notes will be used by I&M to reimburse its treasury for past expenditures

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made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditures for the years 1976 and 1977 are estimated at approximately $140,000,000 and $106,000,000, respectivley, exclusive of the cost of the construction program of I&M's subsidiary, Indiana & Michigan Power Company. Estimates of this subsidiary's construction expenditures for the years 1976 and 1977 are approximately $80,000,000 and $87,000,000, respectively.

I&M claims exception from the competitive bidding requirements of Rule 50 for the proposed issuance of notes to banks and demand notes to bank departments pursuant to paragraph (a)(2) thereof. Additionally, I&M requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as I&M are published daily in financial publications.

The application states that expenses of approximately $12,000 are to be incurred in connection with the proposed transactions. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16974 Filed 6-10-76;8:45 am]

[70-5859]

KENTUCKY POWER CO.

Proposed Issue and Sale of Short-Term Notes to Banks

JUNE 4, 1976.

Notice is hereby given that Kentucky Power Company ("Kentucky"), 15th Street and Carter Avenue, Ashland, Kentucky 41101, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50(a)(2) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Kentucky requests that, from the date of the granting of this application to June 30, 1977, the exemption from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b), relating to the issue of short-term notes, be increased to provide that the aggregate principal amount of all short-term notes outstanding at any one time shall not exceed $20,000,000. The notes are to be issued from time to time prior to July 1, 1977, as funds may be required, provided that none of the notes will mature later than December 31, 1976.

Kentucky has established lines of credit with two commercial banks under which it may borrow an aggregate amount not to exceed $20,000,000 outstanding at any one time. Each note payable to these banks to be issued by I&M will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest at an annual rate of interest not greater than the prime rate of commercial banks in effect at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. Sufficient bank balances to meet operating and financial needs must be kept at these banks to satisfy any compensating balance requirements of these banks in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balance requirements of such banks, generally about 20%, the effective interest cost to Kentucky would be approximately 1.7% above a prime commercial rate of 6¾% or about 8.45%. At April 22, 1976, Kentucky had short-term notes to these banks outstanding in an aggregate amount of $3,000,000 pursuant to the authorization of this Commission in File No. 70-5691, HCAR No. 19109, July 31, 1975.

The proceeds from the issue and sale of the notes will be used by Kentucky to reimburse its treasury for past expenditures made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditures for the years 1976 and 1977 are estimated at approximately $38,000,000 for each year.

Kentucky claims exception from the competitive bidding requirements of Rule 50 for the proposed issuance of notes to the banks pursuant to paragraph (a)(2) thereof.

The application states that expenses of approximately $2,500 are to be incurred in connection with the proposed transaction. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices, and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16975 Filed 6-10-76;8:45 am]

[70-5870]

MIDDLE SOUTH UTILITIES, INC. AND LOUISIANA POWER & LIGHT CO.

Proposed Issuance and Sale of Common Stock and Increase in Stated Value of Capital Stock

JUNE 4, 1976.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70012, a registered holding company, and Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, a public-utility subsidiary company of Middle South, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as

applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell to Middle South (the holder of all of the issued and outstanding shares of Louisiana's no par value common stock), the Middle South proposes to acquire, 3,900,000 additional shares of Louisiana's common stock for an aggregate purchase price of $25,000,000 in cash. Louisiana further proposes, concurrently with the consummation of the proposed stock sale, and in order to strengthen its capital structure for the benefit of holders of all classes of its securities, to increase the stated value of that part of its capital stock represented by the 41,500,000 shares of its common stock which will then be outstanding from $263,760,000 to $273,900,000 by transferring $10,140,000 from its Retained Earnings Account to its Common Stock Account. Louisiana proposes to use the net proceeds from the sale of the additional common stock in part or in whole for its construction program, estimated at $145,000,000 for 1976, for the payment of outstanding short-term promissory notes, and for other corporate purposes.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no special or separate expenses are anticipated in connection with the proposed transactions other than the filing fee of $2,000 and legal fees not exceeding $1,000.

Notice is further given that any interested person may, not later than July 1, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16976 Filed 6-10-76;8:45 am]

[70-5867]

NEW ENGLAND POWER CO.

Proposed Continuation of Increase in Permitted Short-Term Unsecured Indebtedness

JUNE 4, 1976.

Notice is hereby given that New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Mass. 01581, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7(e), and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposal. All interested persons are referred to the declaration as amended, which is summarized below, for a complete statement of the proposal.

The terms of the Cumulative Preferred Stock as set forth in the Articles of Organization and By-Law provide that, except as voted by holders of said stock, the short-term unsecured indebtedness of NEPCO shall not exceed 10% of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of NEPCO, and that all unsecured indebtedness of NEPCO shall not exceed 20% of such sum.

By votes of March 30, 1970, and February 22, 1973, pursuant to Commission approval (HCAR Nos. 16653 and 17853), and as part of the amendment of the Articles of Organization and By-Laws on July 25, 1975, preferred stockholders authorized NEPCO to issue short-term unsecured indebtedness in excess of the 10% limitation provided that all unsecured indebtedness would not exceed 20% of the sum of the principal amount of all bonds and other secured indebtedness and the capital, premium, and surplus of NEPCO and that such short-term unsecured indebtedness would be issued with limited periods after such votes. The current authority expires July 1, 1976. It is now proposed that this authorization be continued on the same terms, except that (1) such indebtedness shall be issued not later than July 1, 1980 and (2) such indebtedness shall have a maturity not later than July 1, 1981.

NEPCO states that the experience of the current authorization of the permitted amount of short-term unsecured indebtedness has demonstrated that temporary financing through larger amounts of short-term unsecured indebtedness pending completion of, and realization of earnings from, facilities under construction provides greater flexibility in financing and lower interest costs. NEPCO states further that since the 1970 authorization, referred to above, the need for a waiver of the 10% limitation has been accentuated due to inflation, larger unit sizes, and delays in obtaining licenses and regulatory approvals, including environmental requirements.

NEPCO intends to submit the proposal to the holders of Cumulative Preferred Stock for their approval at a special meeting to be held on June 30, 1976. In connection therewith, NEPCO proposes, pursuant to Rule 62 under the Act, to solicit proxies from such stockholders through the use of proposed soliciting material to be voted at said special meeting. It is stated that continuation of the current permitted amount of short-term unsecured indebtedness requires the affirmative vote of a majority of the total number of shares of Cumulative Preferred Stock of all series outstanding.

Expenses to be incurred by NEPCO in connection with the proposed transaction are estimated at $10,000, including services of the system service company, at cost, of $2,800. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 29, 1976, request in writing that a hearing be held with respect to the proposed continuation of the increase in permitted short-term unsecured indebtedness, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to this Commission that the declaration, insofar as it proposes the solicitation of proxies from NEPCO's preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of

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proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16977 Filed 6-10-76;8:45 am]

[70-5860]

OHIO POWER CO.

Proposed Issue and Sale of Notes

JUNE 4, 1976.

Notice is hereby given that Ohio Power Company ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rules 50(a)(2) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio requests that, from the date of the granting of this application to June 30, 1977, the exemption from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks, to dealers in commercial paper and demand notes to bank trust departments in an aggregate amount not to exceed $150,000,000 outstanding at any one time. In no event will the amount outstanding be in excess of the maximum amount allowable both under its Articles of Incorporation and the consent granted by its Cumulative Preferred stockholders permitting an increase in the amount of unsecured short-term debt that Ohio could incur. The notes are to be issued from time to time prior to July 30, 1977, as funds may be required, provided that none of the notes, commercial paper, and demand notes to bank trust departments will mature later than December 31, 1977. As of April 22, 1976, Ohio had short-term notes, including commercial paper and demand notes, outstanding in an aggregate amount of $151,000,000.

Each note payable to a bank to be issued by Ohio will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest at an annual rate of interest not greater than the prime rate of commercial banks in effect at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. In the case of most of the banks from which Ohio proposes to borrow, sufficient bank balances to meet operating and financial needs are kept at such banks to satisfy any compensating balance requirements of such banks in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balance requirements of such banks, generally up to about 20%, the effective interest cost to Ohio of issuance and sale of such notes to such banks would be approximately 1.7% above a prime commercial rate of 6¾% or about 8.45%. In the case of those banks in which Ohio does not maintain bank balances for operating and financial needs, Ohio will be required to maintain compensating balances, generally 10% of the amount of the bank lines made available by such banks and additional compensating balances, generally 10%, of the amount of any borrowings. If the full amount were borrowed from these banks, the effective interest cost to Ohio would be approximately 1.7% above the current prime commercial rate of 6¾%, or about 8.45%. Ohio states that it will file with the Commission, by Post-Effective Amendment, lists of other banks not previously identified in filings with the Commission in this proceeding to which it proposes to issue and sell notes, and no such notes will be issued and sold to such banks not previously identified prior to the issuance of a Supplemental Order by the Commission in connection therewith. Such Post-Effective Amendments will also indicate the compensating balances, if any, required to be maintained in connection with such borrowings and the effective annual cost of the borrowings.

Ohio also proposes to issue commercial paper in the form of promissory notes in denominations of not less than $50,000, nor more than $5,000,000, will be of varying maturities with no maturity more than 270 days after the date of issue, and will not be prepayable prior to maturity. The commercial paper notes will be sold directly by Ohio to Lehman Commercial Paper Incorporated (the "dealer"), at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Ohio could borrow from banks. The dealer will reoffer the commercial paper notes to not more than 200 of the dealer's customers identified and designated in a nonpublic list prepared by the dealer in advance, at a discount rate of ⅛ of 1% per annum less than the discount rate to Ohio. It is expected that such customers of the dealer will hold the commercial paper notes to maturity, but, if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper sold by it and reoffer it to other customers on its nonpublic list.

Ohio also proposes to issue and sell its demand notes to the trust departments of The Cleveland Trust Company, Cleveland, Ohio, and The Fidelity Bank, Philadelphia, Pennsylvania, in the maximum amounts of $10,000,000 and $20,000,000, respectively. It is stated that the bank trust departments have a flow of funds, as fiduciary for various accounts, which would be available for investment in such demand notes. These demand notes will be in the form of promissory notes in denominations of no less than $1,000 bearing an interest rate equivalent to not more than the sum of ¼% and the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of less than 180 days. Notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature on January 1 of the following year. The bank trust departments will have the right to demand payment at any time and Ohio will have the right to repay, without penalty, all or any part of the principal amount of such demand notes outstanding.

On April 22, 1976, the highest rate paid by General Motors Acceptance Corporation on its commercial paper with a maturity of less than 180 days was 5⅛%. This rate plus the ¼% referred to above was approximately ⅜% less than the rate at which Ohio was then able to issue commercial paper of comparable maturities and approximately 2¾% below the effective rate for bank borrowings based on a prime rate of 6¾% and compensating balances of 15% to 20%. It is stated that based on past experience, the rate on these demand notes will consistently be lower than the comparable rates for commercial paper and bank borrowings including the effect of compensating balances.

The proceeds from the issue and sale of the notes will be used by Ohio to reimburse its treasury for past expenditures made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditures for the years 1976 and 1977 are estimated at approximately $163,000,000 and $201,000,000, respectively, exclusive of the cost of the construction program of Ohio's subsidiary, Ohio Electric Company. Estimates of this subsidiary's construction expenditures for the years 1976 and 1977 are approximately $19,000,000 and $4,000,000, respectively.

Ohio claims exception from the competitive bidding requirements of Rule 50 for the proposed issuance of notes to banks and demand notes to bank departments pursuant to paragraph (a)(2) thereof. Additionally, Ohio requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Ohio are published daily in financial publications.

The application states that expenses of approximately $12,000 are to be incurred in connection with the proposed

transactions. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16979 Filed 6-10-76;8:45 am]

[Release No. 34-12508; File No. SR-PSE-76-8]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 13, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is intended to permit the trading of put option contracts on the Pacific Stock Exchange ("PSE") on much the same basis as it trades call option contracts. PSE proposes to trade puts pursuant to procedures very similar to those proposed to be utilized by the CBOE. The principal difference between the CBOE and PSE proposals is that a PSE employee called an Order Book Official will administer the book of limit orders. On CBOE an exchange member called a Board Broker performs this function.

The subjects dealt with by the present filing are certain definitions of terms involved in put trading, position limits, restrictions on out-of-the-money options, floor procedures, matters relating to customer accounts, exercise of options, and margin rules.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The general purpose of the proposed rule changes is to provide the self-regulatory framework for the trading of put options on PSE. In addition, certain related clarifying amendments are proposed with respect to existing rules applicable to call options. The purpose of each of the proposed rule changes is as set forth below:

RULE VI, SECTION 1(a)(23) DEFINITION OF "COVERED"

The principal purpose of this amendment is to define the term "covered" with respect to a short position in a put option to mean the situation where the writer of a put option holds on a share-for-share basis in the same account as the short put position a long position in a put option of the same class having an exercise price equal to or greater than the exercise price of the short put position. In addition, in the interest of clarity, it is proposed to add to the definition of a covered short position in a call option the situation where the obligation of the writer of the call is covered on a share-for-share basis with a long position in a call option contract of the same class having an exercise price equal to or less than the exercise price of the short call position. Appropriate changes are proposed in Section 5 of PSE's Rule VI (Position Limits) and Section 11 of PSE's Rule VI (Restriction of Out-of-the-Money Options) so that there will be no change in the application of these rules.

RULE VI, SECTION 5 POSITION LIMITS

Section 5 of PSE's Rule VI is being amended in a separate filing to express numerical position limits. PSE believes that these same position limits should be applicable to put options.

RULE VI, SECTION 11 RESTRICTION OF OUT-OF-THE-MONEY OPTIONS

Section 11 of PSE's Rule VI is proposed to be amended to provide limitations on the trading of out-of-the-money put options identical to the limitations applicable to the trading of out-of-the-money call options. In addition, the rule is to be amended to reflect the proposed clarification of the definition of "covered" discussed above. The deletion of Commentary 11.01 and the amendment of Commentary 11.03 reflect the proposed changes in Section 11.

RULE VI, SECTION 31 ALLOCATION OF EXERCISE ASSIGNMENT NOTICES

The proposed amendment makes clear that the provision of Rule VI, Section 31 which authorizes the Clearing Corporation to direct the allocation of an exercise notice to a customer who has made a specific deposit of an underlying security applies only to call option contracts.

RULE VI, SECTION 32 DELIVERY AND PAYMENT

The proposed amendment to Rule VI, Section 32 reflects that as between a call option and a put option, the respective roles of the holder and writer are reversed with respect to delivery and payment following exercise.

RULE VI, SECTION 36 TRADING ROTATIONS

Commentary 36.01 is to be amended by providing in respect of both opening rotations and closing rotations that when series of put and call option contracts covering the same underlying securities are traded, the Order Book Official shall determine the order in which such series of options should be opened or closed in light of current market conditions.

RULE VI, SECTION 49 PRIORITY OF BIDS AND OFFERS

The proposed amendment to Commentary 49.02 provides for straddle orders (as defined in proposed Section 57(e), below) the same priority as presently is provided for spread orders. This interpretation means that where a straddle order may be executed on the basis of bids or offers in the trading crowd, but may not be executed within the bids or offers displayed in the Order Book Official's book, the order may be filled in the trading crowd notwithstanding that one side, but not both sides, of the order touches a bid or an offer in the Order Book Official's book. Thus, if a Floor Broker has an order to buy an XYZ July 50 straddle for a total price of 10, and the Order Book Official is offering an XYZ July 50 call at 5⅜ and an XYZ July 50 put at 4¾, the order may be filled on the basis of a total offer in the crowd of 10 for the straddle, reflecting an offer of 5¼ for the call and 4¾ for the put.

RULE VI, SECTION 55 REPORTING DUTIES

Commentary 55.01 is proposed to be amended to provide that the card or ticket on which a transaction on the floor is reported shall include, in addition to the information presently set forth, the type of option contract that is the subject of the transaction i.e., whether it is a put or a call).

RULE VI, SECTION 57 CERTAIN TYPES OF ORDERS DEFINED

It is proposed to add to Section 57 the definition of "straddle order". This definition is relevant for the purpose of Section 49, and it conforms to existing interpretations of the Internal Revenue Service which provides special tax treatment for orders to buy or to sell the same number of options of each type (put or call) with respect to the same underlying security and having the same exercise

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price and expiration date. In addition, the definition of "spread order" is proposed to be amended to mean an order to buy a stated number of option contracts and sell the same number of option contracts of the same class (i.e., a spread order may pertain to puts or to calls, but not to both puts and calls, with respect to the same underlying security.)

RULE VI, SECTION 62
RESPONSIBILITIES OF FLOOR BROKERS

The proposed amendment to paragraph (c) of Section 62 of PSE's proposed Rule VI would replace the word "spread" with the word "combination". This change reflects the fact that with the advent of put trading there will be multiple option orders in addition to spread orders (e.g., straddle orders) for which a Floor Broker may not be held responsible during a rotation, when options are traded one series at a time.

RULE VI, SECTION 80 RESTRICTION ON ACTING AS MARKET MAKER AND FLOOR BROKER

The proposed change to delete the phrase "same class" in Section 80 and to substitute therefor the pharse "covering the same underlying security" reflects that the restriction of this Rule applies to both puts and calls, which are separate "classes" of options.

RULE VI, SECTION 82 FINANCIAL ARRANGEMENTS OF MARKET MAKERS

The proposed amendment to Section 82 reflects that Market Makers appointed to both puts and calls in the same underlying security are appointed to separate classes of options. Accordingly, the amendment would require Market Makers to report all of their financial arrangements as Market Makers.

RULE X, SECTION 18
DOING A PUBLIC BUSINESS IN OPTIONS

The proposed amendment to Rule X, Section 18(c)(2)(b) would apply the same suitability standard presently applied to recommendations of uncovered call option writing transactions to recommendations of all put option writing, whether or not the short put position is "covered". Although analytically only the put writer who is also short the underlying security is subject to risks comparable to those of an uncovered call writer, PSE has determined to follow the more conservative approach of applying the special suitability standards of Rule X, Section 18(c)(2) to all recommended put writing transactions.

RULE XI. MARGINS
RULE XI, SECTION 2(c) EXCEPTIONS TO RULE

Changes are proposed in the provision titled "Long" and "Short" Provisions in Exchangeable or Convertible Securities and the provision titled Offsetting "Long" and "Short" Positions in the same security to make it clear that these provisions do not apply to options.

RULE XI, SECTION 2(d)
OTHER PROVISIONS

The proposed amendment to Section 2(d)(2)(E) dealing with margin when both a put and a call are short in an account, strengthens the existing rule by providing that in addition to maintaining margin on the put or the call, whichever is greater, there shall also be maintained the amount of any unrealized loss on the other option, provided that both the put and the call shall be subject to a minimum requirement of $250. The existing rule provides that the margin shall not be less than the combined unrealized loss on both the put and the call.

It is also proposed to amend Section 2(d) by adding a new clause (2) to Section 2(d)(2)(F), which will provide for puts equivalent treatment to that provided for calls in existing subparagraph (F). The present Section 2(d)(2)(F) provides that where an account reflects a so-called "spread" position between a short position in a call option and a long position in a call option on the same underlying security, the minimum margin required on such positions shall be the amount by which the exercise price of the long call option exceeds the exercise price of the short call option.

The proposed amendment would add a comparable provision applicable to a spread position in put options, providing that when an account is short a put option and is at the same time long a put option covering the same number of units of the same underlying security, and the long put does not expire prior to the expiration of the short put, the minimum margin shall be the amount by which the exercise price of the short put exceeds the exercise price of the long put.

It is proposed to add new sub-paragraph (5) to Section 2(d)(2)(F). This sub-paragraph would permit a member to accept, in lieu of the margin otherwise required in respect of a short position in a put option, a letter of guarantee issued by an approved bank certifying that the bank holds for the account of the writer of the option the full amount of cash necessary to satisfy the writer's obligation on the option, and that the bank will pay this amount to the member against delivery of the underlying security. This provision is intended to facilitate put option writing by those customers who would not be able to maintain cash in a margin account with a broker, but who could deposit cash with a bank under the terms of a letter of guarantee. In this respect, the rule reflects established practice in the over-the-counter put option market.

It is also proposed that the existing language contained in Section 2(d)(2)(G) dealing with specific deposits or escrow deposits, and dealing with the situation when puts are carried short against a net short position in the underlying security, should be placed in separate subsections under subparagraph (G) and minor clarifying changes are made in these provisions.

PSE believes it is consistent with the protection of investors and the public interest to provide a central, regulated, competitive market for the trading of put options, complementary with the market PSE proposes to provide for the trading of call options. The basic economic function of a put option, as with a call option, is to permit the separation of the risks and opportunities of investing in securities, and their redistribution between the holder and the writer of the option. The advantages which a liquid trading market have provided calls will similarly benefit the trading of puts.

PSE believes there are many economic functions of put options, alone or in combination with calls or underlying securities, which will benefit investors. For example, the addition of put option trading will permit increased possibilities for the hedging of positions in common stocks by investors. The only manner in which listed options may be used to hedge long stock positions at the present time is by writing call options against such positions. This strategy serves the need of investors who are willing to sell stock at the exercise price but it only protects against a downside movement in the stock price which is no greater than the amount of the premium and further requires the investor to forego the opportunity for gain if the stock price should move above the exercise price by more than the amount of the premium. On the other hand, for the cost of the option, a put provides complete protection against loss no matter how far the price of the stock may decline below the exercise price, and the investor does not give up the opportunity to participate in increases in the stock price.

In addition, the commencement of put trading on PSE will give investors the opportunity to purchase puts as a risk limiting alternative to a short sale of common stock. Since an investor may be able to purchase puts covering a greater number of shares than he could have sold short, put options will permit leveraged participation in stock price declines. In addition, as with call options, puts may be written on a covered or uncovered basis to generate income for the writer.

Put options may also be used by investors who would not be adverse to acquiring a particular stock at a price less than the current market price. By writing a put option, such investors will be in a position to accomplish their objective and purchase the stock at a predetermined price, if the stock declines in price. Should the stock not decline, the writer will still benefit by the amount of premium income generated in the writing transaction.

While the uses of put options discussed above may be theoretically available in the over-the-counter options market, it is the secondary market that enables the risk limiting uses of options to achieve their full potential, since only in an exchange market may the investor establish and liquidate options positions in coordination with the establishment and liquidation of stock positions.

With respect to the safeguards needed for the prevention of fraudulent and manipulative acts and practices, and to enable PSE to enforce compliance by its members, PSE believes that the risks of put trading, both from an economic point of view and from the point of view of market regulation, are no different in kind or degree from the risks of call trading and are susceptible to the same types of controls. Since the pattern of regulatory rules and procedures which PSE is proposing to regulate trading of calls has worked well for call options, PSE sees no reasons why put options will require different kinds of safeguards. Accordingly, PSE proposes to extend to put trading the safeguards which it presently applies to calls.

PSE's position and exercise limit rules will apply to put options, just as they apply to call options. PSE's suitability rule will be applied to recommended transactions in put options, and special suitability standards will apply to all recommended writing transactions in puts in the same manner that they presently apply to recommendations for the writing of uncovered call options. PSE's prospectus delivery requirement will apply equally to put and call options and PSE understands that The Options Clearing Corporation is preparing a single prospectus for both types of options. PSE further believes that its proposal for trading puts will contribute to the removal of impediments to and perfection of the mechanism of a free and open market in options. PSE expects a substantial number of the calls traded by it will be calls on the same underlying securities as are traded on other exchanges, on a same expiration cycle basis and/or on an alternate expiration cycle basis. Puts are so complementary to calls, in terms of the trading strategies that combined put and call trading make possible, that once other exchanges commence put trading, PSE will be unable to provide a competitive market place for the trading of calls unless it can also provide put trading. Orders will flow to, and market-making activity will concentrate in, the exchanges that can provide combined executions of puts and calls. By providing a competitive market place for put and call trading, PSE believes that investors will be better served by more liquid markets.

PSE recognizes that it has not yet gained great experience with the trading of calls. It has, however, closely studied the experience of other exchanges in trading calls, and has modeled its present program for trading calls very closely after the way calls are traded on the Chicago Board Options Exchange.

PSE has furnished the rule changes required to commence trading in put options to the members of its options Committee and has described its plans for trading puts to the members of this committee. The comments of these persons were strongly in support of PSE's proposal for trading puts. Apart from this, comments have neither been formally solicited nor received from any persons.

PSE believes that the proposed rule changes will impose no burden on competition. To the contrary, by enabling PSE to develop a complete options trading facility, the proposed rule changes will promote competition by promoting the development of a competing marketplace with competing market makers.

On or before July 19, 1976, within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 3, 1976.

[FR Doc.76-16908 Filed 6-10-76;8:45 am]

[Release No. 12520; SR-PBWSE-76-1]

PHILADELPHIA STOCK EXCHANGE
Order Approving Proposed Rule Change

JUNE 7, 1976.

On February 18, 1976, the Philadelphia Stock Exchange, 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would conform the Exchange's net capital requirements to the standards of Rule 15c3-1.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12368 (April 23, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 18372 (May 3, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-16978 Filed 6-10-76;8:45 am]

[Release No. 34-12517; File No. SR-PHLX 76-13]

PHILADELPHIA STOCK EXCHANGE, INC.
Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 1, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule 1077. *No securities orders other than option contract orders or equity orders that are in the underlying security or convertible into the underlying security of the options traded on the Exchange can be received in or transmitted to the options room.*

PHILADELPHIA STOCK EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the rule change is to enable the exchange to offer a more efficient, fair and orderly method of combination stock and option execution.

The proposed rule change was prompted by the Philadelphia Stock Exchange Options Advisory Board which is composed of prominent members of the securities industry who are experts in the options field. The Board members felt that they, as brokers, had need at this time for combined option-underlying security execution as a more efficient and economical means of handling these types of orders.

Therefore, the Philadelphia Exchange believes that enactment of the proposed rule change will foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to, and facilitating transactions in securities and will protect investors and be in the public interest.

The Committees on Options and on Floor Procedure supported the proposed rule change as did the Options Advisory Board.

The Philadelphia Exchange does not believe that the proposed rule change would impose a burden on competition, but, rather, the enactment of the proposed rule change will foster competition between the Philadelphia Exchange and the Pacific Exchange which presently offers combined option-underlying security execution.

On or before July 19, 1976, or within such longer period (i) as the Commis-

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sion may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Istitute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 12, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 4, 1976.

[FR Doc.76-16980 Filed 6-10-76;8:45 am]

[Release No. 9313; 811-1904]

SELECTED OPPORTUNITY FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company has Ceased To Be an Investment Company

JUNE 4, 1976.

Notice is hereby given that Selected Opportunity Fund, Inc. ("Applicant"), 111 West Washington Street, Chicago, Illinois 60602, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end management investment company, filed an application on May 21, 1976, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act by filing its Notification of Registration on Form N-8A on October 30, 1969.

On May 3, 1976, pursuant to an Agreement and Plan of Reorganization which had been approved by Applicant's shareholders on April 27, 1976, Applicant sold substantially all of its assets to Selected Special Shares, Inc. ("Special"), also a registered open-end investment company under the Act, in exchange for shares of common stock of Special which have been delivered to or credited to the accounts of shareholders of Applicant according to their respective interests in liquidation of Applicant.

Applicant represents that it presently has no shareholders, no assets or liabilities, and engages in no business activity. Applicant, further represents that on May 6, 1976, it filed its certificate of dissolution with the Secretary of the State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16907 Filed 6-10-76;8:45 am]

[Release No. 34-12511; File No SR-SCCP 76-2]

STOCK CLEARING CORP. OF PHILADELPHIA

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 25, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Stock Clearing Corporation of Philadelphia (SCCP) proposes a series of rule changes for the purpose of clarifying the status of its liens on stock carried in its members' accounts in order to comply specifically with the requirements of Rules 8c-1(g) and 15c2-1(g) under the Securities Exchange Act of 1934 (the Act). Deleted material is in brackets and new material is underlined.

BY-LAWS

Article X, Sec. 2(a). Such clearing member shall in writing, in such form as may be approved by the Board of Directors, authorize Stock Clearing Corporation [of Philadelphia] to hypothecate any securities carried for such [member] *member's margin accounts and any securities in such member's cash account for which Stock Clearing Corporation has not been fully paid,* and shall give the Corporation [adequate] authority to liquidate [all or] *the unpaid* part of his account at any time.

(b) With regard to its depository account such clearing member may in writing, in such form as may be approved by the Board of Directors, authorize Stock Clearing Corporation to segregate its positions therein in order that the member may hypothecate or pledge such segregated positions to a bank or other organization with which Stock Clearing Corporation has a pledge agreement.

Article XI, Sec. 1. Stock Clearing Corporation [of Philadelphia] may, from time to time, borrow money in such amounts as may be reasonably necessary to effect the extension of credit to members and may pledge as collateral for such loans any securities carried in such members' *margin* accounts and *any securities in such members' cash accounts for which Stock Clearing Corporation has not been paid in full.* The Treasurer or an Assistant Treasurer or such other officer or officers as may be authorized to act for them shall sign notes or other instruments necessary to effectuate such loans.

RULES

Rule 13(a). In order to secure the payment of all money due Stock Clearing Corporation from a clearing member, [Stock Clearing] the Corporation shall have a lien therefor upon all securities in the account of the clearing member *for which the Corporation has not been paid in full.* Such lien [to] *shall* continue until all obligatoins of the clearing member to [Stock Clearing] *the* Corporation have been fulfilled. [The provisions of this Rule shall not apply to member banks or trust companies.]

(b) Stock Clearing Corporation as a custodian of securities held for a clearing member in its system agrees that it will not for any reason, including the assertion of any claim, right or lien of any kind, refuse or refrain from promptly delivering any such securities (other than securities then hypothecated in accordance with such system) to such clearing member or as directed by it, except that nothing in these rules shall be deemed to require the Corporation as such custodian to deliver any securities in contravention of any notice of levy, seisure or similar notice, or order, or judgment, issued or directed by a governmental agency or court, or officer thereof, having jurisdiction over the Corporation as such custodian, which on its face affects such securities.

A further change is represented by SCCP Member Bulletin No. 56 entitled "Pledging of Collateral Securities to Lending Banks" and attached as Exhibit 3. The Bulletin describes the procedures whereby SCCP members may use the depository facility of SCCP (called PHILADEP after its nominee name) to hypothecate securities to a bank by means of a book entry pledge in order to collateralize a loan. After discussing several advantages of the procedures, the Bulletin describes (1) how a pledge is made, (2) how it is released, (3) what reports are generated, (4) how dividends are processed and (5) what charges are applied.

STATEMENT OF BASIS AND PURPOSE

The main purpose of the rule changes is to describe clearly that SCCP does not have a lien on any stock for which the clearing member has paid SCCP in full, thereby establishing the status of stock held in custodial capacity by SCCP to be in a good control location according to the requirements of Rule 15c3-3(c)(1) under the Act. An additional purpose is to set forth more specifically the authority of SCCP with regard to the segregation of hypothecated or pledged securities upon instructions from clearing members.

The proposed rules relate to the following standards contained in Section 17A(b)(3) of the Act as well as to rules under the Act hereafter cited:

(a) They provide safeguards for securities and funds in the custody and control of SCCP for which SCCP is responsible;

(b) They comply, more specifically, with Rules 8c-1(g), 15c2-1(g) and 15c3-3(c)(1) under the Act relating to control locations;

(c) They protect investors against impositions of unwarranted liens which might be asserted in favor of SCCP or third parties.

SCCP has revised its membership application form in keeping with the concept of no liens on fully paid stock. Upon distribution of these forms for re-execution, no adverse comment has been received from members.

No burden on competition will be imposed by the proposed rules.

On or before July 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 10549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 2, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 7, 1976.

[FR Doc.76-16981 Filed 6-10-76;8:45 am]

[Release No. 34-12528]

SETTLING DISPUTES BETWEEN CUSTOMERS AND REGISTERED BROKERS AND DEALERS

Development of Nationwide Procedures

The Commission today invited all interested persons to submit in writing their ideas for a procedure that will be available nationwide through the self-regulatory organizations to investors for settling disputes arising out of dealings in securities between a customer and a registered broker-dealer.

In a letter to President Ford on January 8, 1976, Chairman Hills reported upon the actions that had been and would be taken at the Securities and Exchange Commission to implement the President's four point regulatory program.[1] The third point of that program was the matter of responsiveness to consumers, including the handling of investor complaints. The Chairman reported that two programs would be developed in response to the need to deal more effectively with investor complaints.

The first of these two programs is underway. On May 20, 1976, Chairman Hills announced the creation of an Office of Consumer Affairs and named Van P. Carter as its Acting Director.[2]

The second program involves the development of a model and uniform system of dispute grievance procedures for the adjudication of small claims. This system could provide for the efficient and economical disposition of grievances and should not be burdensome, complex or costly to the investor; in other words, the system could function in a manner similar to a small claims court. The Commission invites all interested persons to submit written comments dealing with the organization and operation of such a procedure. It is anticipated that a streamlined dispute grievance procedure will increase the effectiveness of existing arbitration facilities made available by the American Arbitration Association, the American, Boston, Cincinnati, Midwest, New York, Pacific and Philadelphia Stock Exchanges, the Chicago Board Options Exchange, and the National Association of Securities Dealers.

The establishment of an efficient system for resolving disputes involving small sums should contribute significantly to the protection of investors (which is the objective of the federal securities laws), to the increased participation of individual investors in the securities market (which the securities industry has often encouraged), and to the conduct of a securities business in a manner that observes high standards of commercial honor as required, for example, by Article III, Section 1 of the Rules of Fair Practice of the National Association of Securities Dealers, and that promotes just and equitable principles of trade as required by Section 6(b)(5) of the Securities Exchange Act of 1934.

Commentators are requested not to recite the factual basis for any pending or previous dispute or grievance against brokers, dealers or other persons; however, comments on the effectiveness of ongoing dispute grievance systems are invited. In addition, comments on the following matters would be appreciated:

1. The manner and practicality of making such a system readily available to investors in every city with a population of 100,000 and over.

2. Who should be permitted to participate in the system, e.g. should counsel be permitted for either party?

3. Should the system be restricted to claims below a stated dollar amount, for example, $1,000? $500? $300?

4. How will the system integrate with existing procedures, such as the current arbitration procedures available through certain self-regulatory organization and state and federal courts?

5. What standards should the Commission apply in determining whether to review the disposition of a complaint?

6. What is the role of the self-regulatory organizations and in what way can outside organizations, such as the American Arbitration Association and the Better Business Bureau, be utilized?

7. What procedures should apply to the receipt, processing and disposition of disputes submitted under this system;

8. The availability and procedures for selecting qualified persons to adjudicate grievances.

9. How should the expense of such a system be defrayed and to what extent should investors bear some portion, if any, of these expenses.

Written comments should be received by Monday, June 28, 1976 and may be addressed to Van P. Carter, Acting Director, Office of Consumer Affairs, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, marked Attention: Dispute Grievance Study. A public meeting will be held on Wednesday, July 7, 1976 in Room 776 at the foregoing address.

Persons or organizations who have submitted written comments may be invited to make an oral presentation at this meeting and requests to make such a presentation should accompany the written comments. In order to have a balanced sample of all points of view at the public meeting, the written submissions of all persons who have stated a desire to appear will be reviewed promptly as they are received and, as soon as possible after the June 28 deadline for such written submissions, the persons who will be invited to make a presentation will be notified. Oral presentations will be limited to 10 minutes for each individual or organization; and the staff may address questions to the speakers.

[1] The four principal points of a regulatory reform program had been articulated by the President on July 10, 1975 in a meeting with the ten independent regulatory agencies.

[2] An announcement dated May 20, 1976 describing the functions of the new office is available upon request from the Commission's Office of Public Information, 500 North Capitol Street, Washington, D.C. 20549.

tice, as prescribed in the procedural
ceipt by an aggrieved person of actual

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All written responses will be placed in File No. S7-639 and will be available for public inspection in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 9, 1976.

[FR Doc.76-17280 Filed 6-10-76;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

EDUCATION PANEL

Meeting

JUNE 3, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will convene at 9 a.m. both days at Washington, D.C., on July 8 and 9, 1976.

The purpose of the meeting is to review Pilot Grant Program applications submitted to the National Endowment for the Humanities for grants to educational institutions and nonprofit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation on the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-16948 Filed 6-10-76;8:45 am]

PLANNING OFFICE PANEL

Meeting

MAY 13, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Planning Office Panel will meet at Washington, D.C., on July 8 and 9, 1976 from 9 a.m. to 5:30 p.m.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for project grant awards.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code (202) 382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-16949 Filed 6-10-76;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

JUNE 1, 1976.

Pursuant to the provisions of the Federal Advisory Committee (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Mystic, Connecticut on July 1, and 2, 1976, commencing at 9 a.m.

The purpose of the meeting is to review Humanities Museums and Historical Organizations grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code (202) 382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-16950 Filed 6-10-76;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

MAY 26, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on July 6 and 7, 1976, commencing at 9:30 a.m.

The purpose of the meeting is to review Humanities Program Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code (202) 382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-16951 Filed 6-10-76;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

MAY 27, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C., on July 7, 8, and 9, 1976, commencing at 1 p.m.

The purpose of the meeting is to review Humanities Media Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Declaration of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 25th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-16952 Filed 6-10-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NOTICE OF CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 21, 1976—May 28, 1976

Notice is hereby given that during the week of May 21 through May 28, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

JUNE 7, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, May 21 to 28, 1976*

Date	Name and location of applicant	Case No.	Type of submission
May 21, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: The exception decision issued to Atlantic Richfield Co. on May 14, 1976, would be modified.)	FEX-0044	Supplemental Order: Atlantic Richfield Co., FEA par. ---- (May 143 1976).
Do	BP Oil, Inc., Cleveland, Ohio. (If granted: FEA's interpretation would be rescinded and BP Oil, Inc., would receive an exception from the provisions of 10 CFR 212.112.)	FEA-0843	Appeal of FEA's interpretation.
Do	Gary Operating Co., Englewood, Colo. (If granted: Gary Operating Co. would receive an extension of the price relief granted in FEA's Mar. 19, 1976, decision and order.)	FEE-2499	Extension of FEA's exception relief: Gary Operating Co., 3 FEA par. ---- (Mar. 19, 1976).
Do	Shell Oil Co. (Bayou Goula), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2522	Extension of FEA's exception relief: Shell Oil Co., 3 FEA par. 83,169 (Apr. 23, 1976).
Do	Shell Oil Co. (Camargo), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 26, 1976, decision and order.)	FEE-2523	Do.
Do	Shell Oil Co. (Chalkley), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2524	Do.
Do	Shell Oil Co. (Elk City), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2525	Do.
Do	Shell Oil Co. (Goodwater), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2526	Do.
Do	Shell Oil Co. (Iowa), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1967, decision and order.)	FEE-2527	Do.
Do	Shell Oil Co. (KSDU), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2528	Do.
Do	Shell Oil Co. (Mermantua), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2529	Do.
Do	Shell Oil Co. (Noreol), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2530	Do.
Do	Shell Oil Co. (Person), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2531	Do.
Do	Shell Oil Co. (Prentice), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2532	Do.
Do	Shell Oil Co. (Red Fish Bay), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2533	Do.
Do	Shell Oil Co. (Red Fish Bay), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2534	Do.
Do	Shell Oil Co. (Van), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2535	Do.
Do	Shell Oil Co. (West Seminole), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's Apr. 23, 1976, decision and order.)	FEE-2539	Price exception (sec. 212.165).
Do	Shell Oil Co. (Conley), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2540	Do.
Do	Shell Oil Co. (Halley), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2541	Do.
Do	Shell Oil Co. (Lake Washington), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect product cost increases in excess of $0.005/gal.).	FEE-2542	Do.
Do	Shell Oil Co. (Lirette), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.).	FEE-2543	Do.
Do	Shell Oil Co. (O'Keene), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.).	FEE-2544	Do.
Do	Shell Oil Co. (Seiling), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.).	FEE-2545	Do.
Do	Shell Oil Co. (TXL), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2546	Do.
Do	Shell Oil Co. (Yates), Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2502	Extension of FEA's exception relief: Sun Oil Co., 3 FEA par. 83,102 (Feb. 13, 1976).
Do	Sun Oil Co. (Carney), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2503	Do.

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Date	Name and location of applicant	Case No.	Type of submission
Do	Sun Oil Co. (Concho), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2504	Do.
Do	Sun Oil Co. (Cowden), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2505	Do.
Do	Sun Oil Co. (Heyser), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2506	Do.
Do	Sun Oil Co. (Luby), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2507	Do.
Do	Sun Oil Co. (Markham), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2508	Do.
Do	Sun Oil Co. (Maurice), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2509	Do.
Do	Sun Oil Co. (Peoria), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2510	Do.
Do	Sun Oil Co. (Rolstown), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2511	Do.
Do	Sun Oil Co. (Steedman), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2512	Do.
Do	Sun Oil Co. (Tonkawa), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Feb. 13, 1976, decision and order.)	FEE-2513	Do.
Do	Sun Oil Co. (Mermentau), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 31, 1976, decision and order.)	FEE-2514	Extension of FEA's exception relief: Sun Oil Co., 3 FEA par. 83, 153 (Mar. 31, 1976).
Do	Sun Oil Co. (Spivey), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 31, 1976, decision and order.)	FEE-2515	Do.
Do	Sun Oil Co. (Canales), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 12, 1976, decision and order.)	FEE-2516	Extension of FEA's Exception relief: Sun Oil Co., 3 FEA par. 83,129 (Mar. 12, 1976).
Do	Sun Oil Co. (Delhi), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 12, 1976, decision and order.)	FEE-2517	Do.
Do	Sun Oil Co. (Dragon Trail), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 12, 1976, decision and order.)	FEE-2518	Do.
Do	Sun Oil Co. (Halley), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 12, 1976, decision and order.)	FEE-2519	Do.
Do	Sun Oil Co. (Jameson), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 12, 1976, decision and order.)	FEE-2520	Do.
Do	Sun Oil Co. (Mayfield), Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted in FEA's Mar. 12, 1976, decision and order.)	FEE-2521	Do.
May 24, 1976	Colton Petroleum Corp., Denver, Colo. (If granted: Crude oil produced from the North Goose Lake unit, Sheridan County, Mont., would be sold at upper tier ceiling prices.)	FEE-2497	Price exception (sec. 212.74).
Do	Gustafson Oil Co., Washington, D.C. (If granted: FEA's Apr. 29, 1976, decision and order would be rescinded and Gustafson Oil Co. would retroactively be permitted to sell residual fuel oil at prices in excess of maximum levels computed pursuant to 10 CFR 212.83.)	FEA-0842	Appeal of FEA's exception decision and order: Gustafson Oil Co., 3 FEA par. 83,168 (Apr. 20, 1976).
Do	Goldking Production Co., Houston, Tex. (If granted: Crude oil produced from the Hummels unit No. 1, East Pheasant Field, Matagorda County, Tex., would be sold at upper tier ceiling prices.)	FEE-2498	Price exception (sec. 212.-74).
Do	Monsanto Co., St Louis, Mo. (If granted: Monsanto Co. would receive an exception from the provisions of 10 CFR 211.65, 211.66, and 211.67.)	FEE-2500	Allocation exception.
Do	PRC Computer Center, Inc., McLean, Va. (If granted: FEA's May 6, 1976, information request denial would be rescinded and Mr. Tupac of PRC Computer Center, Inc., would receive information pertaining to contract C-05-50950-50-00.)	FEA-0841	Appeal of FEA's information, request denial.
Do	Shell Oil Co. (Molino), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's May 7, 1976, decision and order.)	FEE-2536	Extension of FEA's Exception relief: Shell Oil Co., 3 FEA par. .... (May 7,
Do	Shell Oil Co. (Tallahala), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price in FEA's May 7, 1976, decision and order.)	FEE-2537	Do.
Do	Shell Oil Co. (Ventura), Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted in FEA's May 7, 1976, decision and order.)	FEE-2538	Do.
Do	Southland Oil Co. (VGS), Jackson, Miss. (If granted: Southland Oil Co. would not be required to reduce its gasoline prices in May to reflect a decline in purchased gasoline costs.)	FEE-2501 FES-2501	Price exception (sec. 212.81), stay requested.

Date	Name and location of applicant	Case No.	Type of submission
May 25, 1976	Equitable Petroleum Corp., New Orleans, La. (If granted: Crude oil produced from the Little Lake Field, Jefferson Parish, La., would be sold at upper tier ceiling prices.)	FEE-2547	Price exception (sec. 212.74).
Do	Getty Oil Co., New York, N.Y. (If granted: FEA's Mar. 26, 1975, decision and order would be modified.)	FMR-0054	Modification of FEA's decision and order, San Joaquin Refining Co.; West Coast Oil Co., 1 FEA par. 20,759 as modified by Getty Oil Co., 2 FEA par. 80,321 (Mar. 26, 1975).
Do	Signal Petroleum, New Orleans, La. (If granted: Signal Petroleum would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $.005/gal.)	FEE-2548	Price exception (sec. 212.165).
Do	Union Carbide Caribe, Inc., Washington, D.C. (If granted: FEA's May 4, 1976, decision and order granting Commonwealth Oil Refining Co. entitlements for naphtha it imports and uses in an aromatics plant located in Penuelas, Puerto Rico, would be expanded through a rulemaking proceding to include Union Carbide Caribe, Inc., and other Puerto Rican petrochemical producers.)	FEA-0844	Appeal of FEA's exception decision and order: Commonwealth Oil Refining Co., 3 FEA par. .... (May 4, 1976).
Do	Varibus Corp., Beaumont, Tex. (If granted: Varibus Corp. would receive an exception from the provisions of the FEA mandatory petroleum pricing regulations as they pertain to transactions between Varibus and 3 nonaffiliated entities.)	FEE-2549	Price exception (sec. 212.-).
May 26, 1976	Crystal Skyways, Minneapolis, Minn. (If granted: FEA's Mar. 8, 1976, decision and order would be rescinded and Crystal Skyways would receive an increase in its base period use of aviation fuel.)	FMR-0055	Modification of FEA's decision and order: Crystal Skyways, 3 FEA par. 83,123 (Mar. 8, 1976).
Do	Midway Gas, Inc., Dadeville, Ala. (If granted: Midway Gas, Inc., would be assigned a new, lower priced supplier of propane.)	FEE-2550	Exception to change suppliers.
May 27, 1976	Ashland Oil Co., San Francisco, Calif. (If granted: The application, if granted, would reinstate the exception relief granted in the order issued by the FEA on Apr. 30, 1976, Ashland Oil Co., 3 FEA par. 83,173 (Apr. 30, 1976), which was suspended by the FEA in its May 4, 1976, order, Ashland Oil Co., 3 FEA par. .... (May 4, 1976).)	FEX-0045	Supplemental order: Ashland Oil Co., 3 FEA par. .... (May 4, 1976).
May 28, 1976	Allen Oil Co., Union, N.J. (If granted: Allen Oil Co., would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Ashland Oil Co.)	FEE-2551	Exception to change suppliers.
Do	Clark Equipment Co., Buchanan, Mich. (If granted: Clark Equipment Co. would receive an increase in its base period use of propane.)	FEE-2553	Exception to base period use.
Do	Fortune Drilling Corp., San Angelo, Tex. (If granted: Fortune Drilling Corp. would receive an exception from the mandatory petroleum price regulations for the crude oil produced from the Ruth Gordon lease during the period November 1973 through June 1975.)	FEE-2554	Price exception.
May 27, 1976	National Oil Jobbers Council, Washington, D.C. (If granted: FEA's information request denial of Apr. 29, 1976, would be rescinded and National Oil Jobbers Council would receive sections of the FEA Compliance Manual which were withheld.)	FEA-0845	Appeal of FEA's information request denial.
May 28, 1976	Pecos Valley Gas Co., Carlsbad, N. Mex. (If granted: Pecos Valley Gas would be assigned a new, lower priced supplier of propane to replace its base period suppliers, Queen Oil & Gas & Arrow Gas Co.)	FEE-2552	Exception to change supplier.

[FR Doc.76-16905 Filed 6-7-76;4:43 pm]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary's Labor review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

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1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility under the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these appplications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 7th day of June 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending June 4, 1976

Name of applicant	Location of enterprise	Principal product or activity
Casey Dairy Products, Inc	Casey, P.R	Manufacture and packing of ice cream mixes and frozen dessert mixes.
M. Frenville Co	Gloversville, N.Y	Manufacture of leather goods.
Orlando Coals, Inc-Liqui-Gas, Inc	Glenville, W. Va	Coal mining; processing of natural gas and its distribution.
Cotton Patch Restaurant	Eutaw, Ala	Restaurant.
Rockwell Tire & Fuel Co., Inc	Rockwell, N.C	Retail sales and services of agricultural products.
Pineville Health Care Center, Inc	Pineville, Ky	Nursing care.
Manchester Health Care Center, Inc	Manchester, Ky	Do.
South Gate Mall	South Leitchfield, Ky	Shopping center.
Wilbourn Development Co., Inc	Grenada, Miss	Medical services.
Harral Helicopter, Inc	Circleville, Ohio	Crop services.
The Enstrom Helicopter Corp	Menominee, Mich	Manufacture of helicopters.
Tom W. Kaufman Co	Carrollton, Ohio	Manufacture of stainless steel.
Riverland Oil Mill, Inc	Bossier City, La	Cottonseed oil mill.
Louisiana Gulf Industries, Inc	Houma, La	Administrative and clerical services.
Crescent Chemical, Inc	Rosenburg, Tex	Manufacture and distribution of agricultural chemicals.
Variform Plastics, Inc	Kearney, Mo	Extrusion of plastic shapes.
Norman F. Toft	Bennett, Colo	Retail grocery store.
Service & Parts	Maddock, N. Dak	Farm equipment sales and service.
Keese Motor Co	Cortez, Colo	Auto sales.
Kelsen's	Lisbon, N. Dak	Restaurant and bowling alley.
Watkins Chevrolet Co	Avondale, Ariz	Auto sales.
Country Meats, Inc	Blackfoot, Idaho	Meat packing plant.
Santa Rosa Hospital	Guayama, P.R	Hospital.

[FR Doc.76-16959 Filed 6-10-76;8:45 am]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107 (e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) will meet on Tuesday, June 29, and Wednesday, June 30, 1976, starting at 9:00 a.m. in the Caucus Room of the Holiday Inn Central, 1501 Rhode Island Avenue, N.W., Washington, D.C. The meeting is open to the public.

The purpose of this meeting will be the presentation and adoption by the full committee of recommendations developed by the Asbestos Subgroup for a vertical standard regulating the use of asbestos in the construction industry.

Written data, views, or arguments may be submitted, preferably with 20 copies to the Committee Management Office. Any such submissions received prior to the meeting will be provided to the members of the group and will be included in the record of the meeting.

Communications may be mailed to:

J. Goodell, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, Third Street and Constitution Avenue, N.W., Room N-3635, Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-17101 Filed 6-10-76;8:45 am]

CITATION GUIDELINES IN MULTI-EMPLOYER WORKSITES

Extension of Time for Public Comment

On Tuesday, April 27, 1976, notice was published in the FEDERAL REGISTER (41 FR 17639) of citation guidelines in multi-employer worksites covered by the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.). Interested persons were invited to submit data, views and arguments regarding the proposed guidelines on or before May 27, 1976. In response to the proposal submissions have been received from several interested parties requesting additional time in which to file comments. Generally, the reasons given for the requests are that the issues raised by the proposed guidelines are novel and complex and that more time is essential in order to properly respond to the proposed guidelines.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments and objections.

Moreover, an extended comment period will permit public consideration of recent Occupational Safety and Health Review Commission decisions in "Secretary v. Bechtel Power Corporation," OSHRC Docket No. 5064 (Rev. Com'n. March 11, 1976), "Secretary v. Grossman Steel & Aluminum Corp.," OSHRC Docket No. 12775 (Rev. Com'n. May 12, 1976) and "Secretary v. Anning-Johnson Company," OSHRC Docket No. 12775 (Rev. Com'n. May 12, 1976). These decisions detail the Occupational Safety and Health Review Commission's position on employer responsibility at multi-employer construction worksites. Therefore, notice is hereby given that the period for submitting written data, views and arguments, as well as for the filing of objections is extended from May 27, 1976 to July 12, 1976. As originally directed such material must be submitted in quadruplicate to Barry White, Associate Assistant Secretary for Regional Programs, Room N-3603, 200 Constitution Avenue, N.W., Washington, D.C. 20210 no later than July 12, 1976.

Signed at Washington, D.C. this 3rd day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-17100 Filed 6-10-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Compliance, National Advisory Committee on Occupational Safety and Health (NACOSH), will meet on July 16, 1976 in Room N-3437, Department of Labor Building, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act.

The meeting will begin at 9 a.m. The public is invited to attend. The Subgroup will discuss issues regarding employer responsibility for safety and health conditions on multi-employer construction sites. OSHA has recently proposed new guidelines on this issue (41 FR 17639) and requested written comments from the public. The Subgroup wishes to provide the public an opportunity to comment informally before developing its recommendations to the full committee on this matter.

For additional information on the Subgroup's agenda, please contact:

Nancy L. Hucke, National Advisory Committee on Occupational Safety and Health, Department of Labor–OSHA, Committee Management Office, Room N-3635, Third Street and Constitution Avenue, NW, Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning this agenda item or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 2nd day of June 1976.

JOANNE L. GOODELL,
Executive Secretary.

[FR Doc.76-16733 Filed 6-10-76;8:45 am]

SOUTH CAROLINA STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.41 of 29 CFR provides that "A State initiated change supplement is required whenever the State takes with regard to its plan an action not otherwise covered by this part that would impact on the effectiveness of the State program." By letter dated March 17, 1976 from Edgar L. McGowan, Commissioner, South Carolina Department of Labor to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan, the State submitted the following amended State standards: amendments to § 1910.66, § 1910.68, § 1910.94, § 1910.103, § 1910.107, § 1910.108, § 1910.143, § 1910.178, § 1910.261, § 1910.263, § 1910.308, § 1910.309, § 1926.151, § 1926.351, § 1926.400, § 1926.401, § 1926.404, § 1926.803.

These standards were promulgated after public hearings held on March 11, 1976 and by filing with the South Carolina Secretary of State on March 11, 1976, respectively, pursuant to Act 379, South Carolina Acts Joint Resolutions, 1971 (Sections 40–261 through 40–274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards while differing somewhat from the Federal provide equivalent worker protection. The differences include:

1. The provisions of the 1975 National Electrical Code (NFPA No. 70–1975 and ANSI C1–1975) are to be enforced.

2. Portions of NFPA 33–1975 and NFPA 34–1975 have been incorporated in the spray finishing (§ 1910.107) and dip tank (§ 1910.108) sections. These amendments are necessary for consistency with the 1975 National Electrical Code adoption.

The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the comparable Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective June 11, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)) Signed at Atlanta, Georgia, this 26th day of April 1976.

DONALD E. MACKENZIE,
Regional Administrator.

[FR Doc.76-17099 Filed 6-10-76;8:45 am]

Office of the Secretary

[TA-W-755]

ALLEGHENY LUDLUM STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-755: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheet, strip, plate and silicon steel at the Brackenridge, Pennsylvania plant of Allegheny Ludlum.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17027–17028). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegheny Ludlum, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Brackenridge plant increased 2 per-

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rough and manufactured granite de-

19, 1976 (41 FR 11638–11639). No public

turer. Retail customers of that manu-

cent from 1973 to 1974. Average weekly hours increased 2 percent during the same period. Employment declined 31 percent from 1974 to 1975. Average weekly hours during this period declined 9 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of hot rolled stainless strip by Allegheny Ludlum declined 71 percent in quantity from 1973 to 1974. Sales declined 71 percent in quantity from 1973 to 1974. Sales declined 100 percent from 1974 to 1975. Brackenridge accounts for all of Allegheny Ludlum's sales of hot rolled strip.

Annual sales of cold rolled stainless strip by Allegheny Ludlum declined 2 percent in quantity from 1973 to 1974. Sales declined 99 percent from 1974 to 1975. Brackenridge accounts for about 1 percent of Allegheny Ludlum's sales of cold rolled strip.

Annual sales of hot rolled sheet declined 94 percent in quantity from 1973 to 1974. Sales increased 37 percent from 1974 to 1975. Brackenridge accounts for all of Allegheny Ludlum's sales of hot rolled sheet. Hot rolled sheet accounts for less than 2 percent of total stainless product sales.

Annual sales of cold rolled stainless sheet increased 42 percent from 1973 to 1974. Sales declined 50 percent from 1974 to 1975. Brackenridge accounts for about 60 percent of Allegheny Ludlum's sales of cold rolled sheet.

Annual sales of stainless plate increased 51 percent in quantity from 1973 to 1974. Sales declined 12 percent from 1974 to 1975. Brackenridge melts and casts all of the plate sold by Allegheny Ludlum.

Annual sales of silicon steel declined 7 percent in quantity from 1973 to 1974. Sales declined 32 percent from 1974 to 1975. Brackenridge melts and hot rolls all of Allegheny Ludlum's silicon steel.

Total stainless steel melt production at the Brackenridge plant increased 1 percent from 1973 to 1974. Production decreased 36 percent from 1974 to 1975.

INCREASED IMPORTS

Total silicon steel melt production at the Brackenridge plant declined 4 percent from 1973 to 1974. Production declined 39 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of hot and cold rolled stainless steel strip declined 9.1 percent from 1970 to 1971. Imports increased 52.7 percent from 1971 to 1972. Imports declined 36.9 percent from 1972 to 1973 and 1.9 percent from 1973 to 1974. Imports increased 36.5 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 3.0 percent and 3.2 percent, respectively, in 1974 to 6.9 percent and 6.8 percent in 1975.

Imports of hot and cold rolled stainless steel sheet increased 14.4 percent from 1970 to 1971. Imports declined 48.6 percent from 1971 to 1972 and 11.9 percent from 1972 to 1973. Imports increased 39.0 percent from 1973 to 1974. Imports decreased 5.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 10.5 percent and 10.0 percent, respectively, in 1974 to 22.4 percent and 19.1 percent in 1975.

Imports of stainless steel plate increased 25.3 percent from 1970 to 1971 and 65.4 percent from 1971 to 1972. Imports declined 33.9 percent from 1972 to 1973. Imports increased 13.3 percent from 1973 to 1974 and further increased 36.7 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 10.0 percent and 9.5 percent, respectively, in 1974 to 18.6 and 16.3 percent in 1975.

Imports of silicon steel were not recorded prior to 1972. Imports declined 25.2 percent from 1972 to 1973 and 20.3 percent from 1973 to 1974. Imports increased 17.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 4.2 percent and 4.0 percent, respectively, in 1974 to 7.4 percent and 7.0 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Allegheny Ludlum have indicated that they have reduced purchases from Allegheny Ludlum and increased purchases of imported stainless and silicon steel products. The price differential between domestic and imported steel was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless and silicon steel products produced by the Brackenridge plant of Allegheny Ludlum contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Brackenridge, Pennsylvania plant of Allegheny Ludlum Steel Corporation who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of May 1976.

GLORIA G. PRATT,
Office of Foreign Economic Policy.

[FR Doc.76-16734 Filed 6-10-76;8:45 am]

[TA-W-637]

ATLAS TILE AND MARBLE WORKS, INC.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-637: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers who fabricate marble and granite at the Brooklyn, New York mill of the Atlas Tile and Marble Works, Incorporated, New Rochelle, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10653). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Atlas Tile and Marble Works, Incorporated, its major customers, the U.S. Department of Interior, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly and salaried workers rose 25 percent from 1973 and 1974 and declined eight percent in 1975 compared to 1974. Since January 1976 the Brooklyn mill has been shutdown due to lack of work.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total dollar sales increased three percent from 1973 to 1974 and decreased 15 percent in 1975 compared to 1974. Labor costs for the Brooklyn mill, an indicator of fabrication activities, declined 38 percent from July–December 1974 to the like period in 1975.

INCREASED IMPORTS

Imports of marble and related products increased in dollar value each year from 1971 through 1974. In 1975 the ratio of marble imports to domestic production was 103.0 percent, which was above the average ratio of 91.8 percent for the 1971–1974 period. Imports of rough and manufactured granite decreased in dollar value from 1972 through 1974 but increased 28 percent in 1975 over 1974. The import/production ratio for granite increased from 12.1 percent in 1974 to 19.4 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that production and employment at the Brooklyn fabrication mill have been adversely affected by increased imports and a change in union rules effective in June, 1975 allowing New York City union workers for the first time to install imports of manufactured marble. In June 1975 the Atlas Tile and Marble Works began using imports of manufactured marble on its current New York contracts. Departmental files indicate that imports of manufactured marble and granite are being used to an increasing extent on new construction projects in the New York City area.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the marble and granite fabricated at the Brooklyn mill contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the fabrication of marble and granite at the Brooklyn, New York mill of the Atlas Tile and Marble Works, Incorporated, New Rochelle, New York who became totally or partially separated from employment on or after June 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Directing Planning and Evaluation Staff.

[FR Doc.76-16737 Filed 6-10-76;8:45 am]

[TA-W-649]

BRISTOL CLOTHING MANUFACTURING, INC.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-649: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing boy's sportcoats and suit coats at the New Bedford, Mass. plant of Bristol Clothing Mfg., Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11638–11639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bristol Clothing, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 16 percent in 1974 compared to 1973. The average number of weekly workers declined 3 percent in 1975 compared to 1974. Average weekly hours worked declined 38 percent from 1973 to 1974 and then increased 25 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 45 percent in quantity in 1974 compared to 1973 and declined 33 percent in quantity in 1975 compared to 1974.

Production at Bristol is equivalent to sales.

INCREASED IMPORTS

Imports of men's and boy's dress coats and sportcoats increased both absolutely and relatively in each year from 1971 to 1973. Imports increased relatively from 1973 to 1974, and then increased absolutely and relatively from 1974 to 1975. The ratios of imports of men's and boy's dress coats and sportcoats to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that Bristol performed contract operations primarily for one manufacturer. Retail customers of that manufacturer did not switch purchases to imports in 1974 and 1975. Those customers who reduced purchases switched to other domestic manufacturers in order to obtain a wider variety of styles. The manufacturer decreased purchases from Bristol as a result of the decline in demand by the manufacturer's customers.

CONCLUSION

After careful review of the facts obtained in the course of the investigation, I conclude that increases of imports like or directly competitive with boy's sportcoats and suit coats produced at Bristol Clothing Mfg., Inc. did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16738 Filed 6-10-76;8:45 am]

[TA-W-775]

COLT INDUSTRIES—CRUCIBLE STEEL-TRENT TUBE DIVISION

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-775: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steel Workers of America on behalf of workers and former workers producing stainless steel pipe and tubing at the East Troy, Wisconsin plant of Colt Industries—Crucible Steel-Trent Tube Division.

Notice of the Investigation was published in the FEDERAL REGISTER on May 4, 1976 (41 FR 18486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Colt Industries—Trent Tube Division, its customers, the International Trade Commission, the Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or

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subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Trent Tube Division East Troy plant increased 5.4 percent in 1975 compared to 1974 and declined 9.8 percent in the first quarter of 1976 compared with the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in quantity of stainless steel pipe and tubing decreased 9.8 percent in 1975 compared with 1974 and decreased 23.4 percent in the first quarter of 1976 compared with the first quarter of 1975.

Production of stainless steel pipe and tubing declined 4.9 percent in 1975 compared with 1974 and declined 22.2 percent in the first quarter of 1976 compared with the first quarter of 1975.

INCREASED IMPORTS

Imports of stainless steel pipe and tubing decreased 36.7 percent in 1972 compared with 1971 and decreased 34.6 percent in 1973 compared with 1972. In 1974, imports of stainless steel pipe and tubing increased 60.4 percent compared with 1973 and in 1975 increased 28.2 percent compared with 1974. The ratios of imports to domestic shipments and consumption increased from 16.0 and 16.3 respectively in 1974 to 25.7 and 24.0 respectively in 1975.

CONTRIBUTED IMPORTANTLY

Major customers of the Trent Tube Division East Troy plant indicated that they have increasingly turned to foreign sources of supply for stainless steel pipe tubing because of its lower price. Several customers indicated that their competitive stature had been eroded by competitors who have switched to lower priced imports of stainless steel pipe and tubing.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel pipe and tubing produced at the East Troy, Wisconsin plant of the Trent Tube Division of Colt Industries-Crucible Steel contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to production of stainless steel pipe and tubing at the East Troy, Wisconsin plant of Colt Industries-Crucible Steel-Trent Tube Division who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16891 Filed 6-10-76;8:45 am]

[TA-W-776]

COLT INDUSTRIES—CRUCIBLE STEEL—TRENT TUBE DIVISION

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-776: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steel Workers of America on behalf of workers and former workers producing stainless steel pipe and tubing at the Carrollton, Georgia plant of Colt Industries—Crucible Steel—Trent Tube Division.

Notice of the Investigation was published in the FEDERAL REGISTER on May 4, 1976 (41 FR 18486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Colt Industries—Trent Tube Division, its customers, the International Trade Commission, the Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Trent Tube Division, Carrollton plant increased 58.8 percent in 1974 compared to 1973, increased 41.7 percent in 1975 compared to 1974 and declined 7.9 percent in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales in quantity of stainless steel pipe tubing increased 4.4 percent in 1975 compared with 1974 and decreased 44.0 percent in the first quarter of 1976 compared with the first quarter of 1975.

Production of stainless steel pipe and tubing increased 43.5 percent in 1974 compared with 1973 and increased 17.6 percent in 1975 compared with 1974. Production declined 64.5 percent in the first quarter of 1976 compared with the first quarter of 1975.

INCREASED IMPORTS

Imports of stainless steel pipe and tubing decreased 36.7 percent in 1972 compared with 1971 and decreased 34.6 percent in 1973 compared with 1972. In 1974, imports of stainless steel pipe and tubing increased 60.4 percent compared with 1973 and in 1975 increased 28.2 percent compared with 1974. The ratios of imports to domestic shipments and consumption increased from 16.0 and 16.3 percent respectively in 1974 to 25.7 and 24.0 percent respectively in 1975.

CONTRIBUTED IMPORTANTLY

Major customers of the Trent Tube Division, Carrollton plant indicated that they have increasingly turned to foreign sources of supply for stainless steel pipe and tubing because of its lower price. Several customers indicated that their own competitive stature was being eroded by competitors who have switched to lower priced imports of stainless steel pipes and tubing.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel pipe and tubing produced at the Carrollton, Georgia plant contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to production of stainless steel pipe and tubing at the Carrollton, Georgia plant of Colt Industries—Crucible Steel—Trent Tube Division who became totally or partially separated from employment on or after February 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16892 Filed 6-10-76;8:45 am]

[TA-W-774]

CYCLOPS CORPORATION, SAWHILL TUBULAR DIVISION

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-774; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America, AFL-CIO on behalf of workers and former workers producing steel pipe products at the Sharon, Pennsylvania plant of the Sawhill Tube Division of Cyclops Corporation, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 17030) on April 23, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cyclops Corporation, its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 6 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 9 percent in 1974 compared to 1973 and then declined 19 percent in 1975 compared to 1974.

INCREASED IMPORTS

U.S. imports of carbon steel pipe and tubing declined from 1971 to 1973, increased from 1973 to 1974, and then decreased from 1974 to 1975. Because of an 18 percent decline in domestic shipments and a 20 percent decline in apparent U.S. consumption, imports increased relative to domestic shipments and consumption from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 21.5 percent and 19.2 percent, to 22.8 percent and 20.0 percent respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Sawhill Tubular Division do not purchase imported steel pipe products. Customers who reduced purchases reported that their own sales had declined due to a reduced level of activity in the construction industry and a reduced level of capital investment by electric utilities. In addition some sales were lost due to a shift from steel pipe and tube to domestically produced alternate materials such as copper and plastic.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel pipe produced at the Sharon, Pennsylvania plant of the Sawhill Tubular Division of Cyclops Corporation did not contribute importantly to the total or partial separations of the worker at such plant.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16893 Filed 6-10-76;8:45 am]

[TA-W-490-516, 592]

FORD MOTOR CO.

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-490-516, 592: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 18, 1975 in response to worker petition (TA-W-483-516, 592) received on the same date which were filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of full size cars, subcompact cars and components for such cars at thirty-five (35) plants of the Ford Motor Company, Dearborn, Michigan. This determination applies to workers at the twenty-eight (28) plants which produced components for Ford automobiles. During the course of the investigation, the UAW informed the Department that its petition was not intended to cover assembly plants or supplier plants involved in the production of Mercury automobiles. Injury was alleged only at auxiliary plants supplying parts to Ford luxury small and subcompact cars.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 1342) on January 7, 1976. A public hearing was properly requested by the UAW and was held on January 26, 1976.

The information upon which the determination was made was obtained principally from officials of Ford Motor Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers declined from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Buffalo, New York—6.4 percent; Chicago, Illinois—17.3 percent; Cleveland, Ohio (Walton Hills)—17.7 percent; Dearborn, Michigan—13.5 percent; Woodhaven, Michigan—18.5 percent; Transmissions and chassis—Sharonville, Ohio—2.4 percent; Fairfax, Ohio—33.6 percent; Canton, Ohio—13.4 percent; Monroe, Michigan—8.1 percent; Warren, Michigan (Sterling Van Dyke)—10.8 percent; Engines—Cleveland, Ohio—11.6 percent; Lima, Ohio—16.0 percent; Northville, Michigan—7.6 percent; Castings—Cleveland, Ohio—2.4 percent; Flat Rock, Michigan (Michigan Casting Center)—10.8 percent; Dearborn, Michigan—7.5 percent; Muscle Shoals, Alabama (Sheffield)—1.9 percent; Dearborn, Michigan (Vulcan Forge)—7.2 percent; Glass—Nashville,

at the Sharonville, Ohio transmission

before October 1, 1975 are eligible to apply

York plant of L. and W. Brassiere Com-

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Tennessee—14.6 percent; Dearborn, Michigan—12.8 percent; Steel—Dearborn, Michigan—0.9 percent; Electrical Equipment — Rawsonville, Michigan (Ypsilanti) — 7.1 percent; Ypsilanti, Michigan — 15.2 percent; Sandusky, Ohio—14.1 percent; Climate Control—Plymouth, Michigan (Sheldon Road)—16.6 percent; Green Island, New York—31.4 percent; Miscellaneous — Saline, Michigan—14.2 percent; Mt. Clemens, Michigan—20.8 percent; Utica, Michigan*—7.9 percent; Indianapolis, Indiana—17.6 percent.

The average number of hourly workers increased from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Maumee, Ohio—34.4 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of parts for use in Ford Motor Company subcompact and luxury small cars declined in real terms from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Buffalo, New York—27.1 percent; Chicago, Illinois—70.8 percent; Cleveland, Ohio (Walton Hills)—47.5 percent; Dearborn, Michigan—51.6 percent; Woodhaven, Michigan—46.1 percent; Transmission and Chassis—Sharonville, Ohio—77.9 percent; Canton, Ohio—37.6 percent; Monroe, Michigan—48.3 percent; Warren, Michigan (Sterling/Van Dyke)—45.7 percent; Engines—Lima, Ohio (Four Cylinder)—51.7 percent; Northville, Michigan—66.9 percent; Castings—Cleveland, Ohio—34.8 percent; Flat Rock, Michigan (Michigan Casting Center)—41.7 percent; Dearborn, Michigan—47.7 percent; Muscle Shoals, Alabama (Sheffield)—61.5 percent; Dearborn, Michigan (Vulcan Forge)—53.4 percent; Glass—Nashville, Tennessee—68.3 percent; Dearborn, Michigan—20.6 percent; Steel—Dearborn, Michigan—32.9 percent; Electrical Equipment—Rawsonville, Michigan (Ypsilanti)—39.0 percent; Ypsilanti, Michigan—47.2 percent; Sandusky, Ohio—47.5 percent; Climate Control—Plymouth, Michigan (Sheldon Road)—51.1 percent; Green Island, New York—82.4 percent; Miscellaneous—Saline, Michigan—47.6 percent; Mt. Clemens, Michigan—56.6 percent; Utica, Michigan—23.0 percent; Warren, Michigan (Van Dyke)—23.2 percent; Indianapolis, Indiana—52.1 percent.

Sales of parts for use in Ford Motor Company luxury small and subcompact cars increased in real terms from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Maumee, Ohio—166.8 percent; Engines—Cleveland, Ohio (Eight Cylinder)—423.1 percent.

The following plants did not have any production of parts for use in Ford luxury small or subcompact cars in model year 1974 or model year 1975: Transmission and Chassis—Fairfax, Ohio; Engines—Cleveland, Ohio (Six Cylinder); Lima, Ohio (Six and Eight Cylinder).

INCREASED IMPORTS

Retail sales of new automobiles in the U.S. declined 18.3 percent from MY 1973 to MY 1974 and declined 14.4 percent from MY 1974 to MY 1975. Sales of domestically built cars declined more rapidly, falling 19.6 percent from MY 1973 to MY 1974 and 20.4 percent from MY 1974 to MY 1975. Imports of new cars declined 14.0 percent from MY 1973 to MY 1974 and then increased 4.6 percent from MY 1974 to MY 1975. Imports increased their share of domestic consumption from 22.8 percent in MY 1973 to 24.0 percent in MY 1974 and to 29.3 percent in MY 1975.

The decline in retail sales of subcompact cars was less pronounced than the decline in the market as a whole. Sales of subcompact cars fell by 365 thousand units or 15.0 percent from MY 1973 to MY 1974 and fell by 188 thousand units or 9.1 percent from MY 1974 to MY 1975. Sales of domestically produced subcompact cars declined 11.8 percent from MY 1973 to MY 1974 and 25.0 percent from MY 1974 to MY 1975. Sales of imported subcompact cars decreased from 1,630 thousand units comprising 67.0 percent of the U.S. subcompact car market in MY 1973 to 1,360 thousand units comprising 65.7 percent of the market in MY 1974. In MY 1975, import sales declined slightly in absolute terms to 1,349 thousand units but rose to 71.7 percent of domestic sales.

In contrast to the subcompact car market, domestic sales of luxury small cars rose sharply during the same period, increasing 30.8 percent from MY 1973 to MY 1974 and 64.6 percent from MY 1974 to MY 1975. Sales of domestically produced luxury small cars increased 91.8 percent from MY 1973 to MY 1974 and 71.0 percent from MY 1974 to MY 1975. Sales of imported luxury small cars decreased 10.2 percent from MY 1973 to MY 1974 and then increased 55.3 percent from MY 1974 to MY 1975. The market share held by imports declined steadily from 59.8 percent in MY 1973 to 41.0 percent in MY 1974 and to 38.7 percent in MY 1975.

CONTRIBUTED IMPORTANTLY

The Department of Labor previously determined that increased imports of luxury small cars from Canada and overseas imports of subcompact cars "contributed importantly" to the total or partial separation of workers employed in the production of Ford Motor Company luxury small and subcompact cars at three Ford assembly plants. (TA-W-487–489) (41 FR 20042–4)

The determination of injury to workers producing Ford luxury small cars was based upon the finding that increased imports of General Motors luxury small cars from Canada in MY 1975 adversely affected sales of the Ford Mustang. The increase in sales of imported General Motors luxury small cars from MY 1974 to MY 1975 was 38 percent greater than the decline in Mustang sales during the same period.

The determination of injury to workers producing Ford subcompact cars was based upon the finding that sales of imported subcompact cars (including those produced in Canada) increased as a percentage to domestic subcompact car consumption from 65.7 percent in MY 1974 to 71.7 percent in MY 1975 and that consumers in the MY 1975 period shifted their purchases to foreign subcompacts. Sales of subcompacts imported from overseas increased from 54.6 percent to 65.9 percent of domestic subcompact car sales during the same period.

It was further determined that imports of cars other than luxury small cars from Canada and subcompacts had a negligible impact on Ford's domestic production of luxury small and subcompact cars.

Nearly all of the petitioning auxiliary plants produce only a fraction of their output for use in Ford luxury small and subcompact cars. Eight of the petitioning auxiliary plants produced a significant proportion of their output for use in Ford subcompact and luxury small cars. The Maumee, Ohio stamping plant, one of the eight, began production in July 1974. Total sales from that plant increased by almost 375 percent from MY 1974 to MY 1975 while sales of stampings to the affected carlines increased by more than 150 percent.

The Lima, Ohio engine plant produced all of its four cylinder engines for use in the adversely affected cars. The Cleveland, Ohio stamping plant; the Dearborn, Michigan stamping plant; the Woodhaven, Michigan stamping plant; the Warren, Michigan (Sterling/Van Dyke) transmission and chassis plants; and the Utica, Michigan trim plant produced approximately one-fourth to one-third of their output for use in Ford subcompact and luxury small cars.

It is concluded that increased imports of subcompact cars and luxury small cars contributed importantly to decreased sales and employment at the seven plants listed above. Declines in dollar sales (in real terms) of parts for use in Ford subcompact and luxury small cars and in total plant employment from MY 1974 to MY 1975 are shown below: Cleveland, Ohio (Walton Hills) stamping plant—47.5 percent and 17.7 percent; Dearborn, Michigan stamping plant—51.6 percent and 13.5 percent; Woodhaven, Michigan stamping plant—46.1 percent and 18.5 percent; Warren, Michigan (Sterling/Van Dyke) transmission and chassis plants—45.7 percent and 10.8 percent; and the Utica, Michigan trim plant—23.0 percent and 7.9 percent.

The remaining petitioning auxiliary plants of Ford produced less than one-fifth of their output for use in subcompact and luxury small cars. These plants include cases TA-W-491, 493–497, 500–506, 509, 511, 513–516, and 592.

*(Includes employment at the Van Dyke Trim plant as well).

At the Sharonville, Ohio transmission plant, production of automatic transmissions for 2.8 liter Ford Pinto engines was reduced and eliminated during the 1975 model year. The production of the automatic transmissions was transferred to a Ford Motor Company facility in Bordeaux, France. The automatic transmissions for the 2.8 liter Ford Mustang engine were not affected by the transfer and are still exclusively made at the Sharonville facility. Sales of transmissions for 2.8 liter Ford Pinto engines declined 87.9 percent in value (in real terms) from MY 1974 to MY 1975 and total plant employment declined 2.4 percent during the same period.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with Ford Motor Company luxury small and subcompact cars contributed importantly to the total or partial separation of workers producing parts for such Ford Motor Company cars at the Cleveland, Ohio (Walton Hills) stamping plant; the Dearborn, Michigan stamping plant; the Woodhaven, Michigan stamping plant; the Warren, Michigan (Sterling and Van Dyke) transmission and chassis plants; the Lima, Ohio engine plant (four cylinder engines only); and the Utica, Michigan trim plant of the Ford Motor Company; and that increases of imports like or directly competitive with automatic transmissions for Ford Pintos produced at the Sharonville, Ohio plant of the Ford Motor Company contributed importantly to the total or partial separation of the workers at that plant. I further conclude that increases of imports like or directly competitive with Ford Motor Company cars did not contribute importantly to the total or partial separation of workers at the remaining twenty (20) petitioning auxiliary plants of the Ford Motor Company.

In accordance with the provisions of the Act, I make the following certifications:

All hourly and salaried workers of the Ford Motor Company Cleveland, Ohio (Walton Hills) stamping plant (TA-W-508) engaged in employment related to the production of parts for use in Ford subcompact or luxury small cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the Ford Motor Company Dearborn, Michigan stamping plant (TA-W-512) engaged in employment related to the production of parts for use in Ford subcompact or luxury small cars who become totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the Ford Motor Company Woodhaven, Michigan stamping plant (TA-W-507) engaged in employment related to the production of parts for use in Ford subcompact or luxury small cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the Ford Motor Company Lima, Ohio engine plant (TA-W-490) engaged in employment related to the production of four cylinder engines for use in Ford subcompact or luxury small cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the Ford Motor Company Warren, Michigan (Sterling) transmission and chassis plant (TA-W-498) engaged in employment related to the production of parts for use in Ford subcompact or luxury small cars who become totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the Ford Motor Company Warren, Michigan (Van Dyke) transmission and chassis plant (TA-W-499) engaged in employment related to the production of parts for use in Ford subcompact or luxury small cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the Ford Motor Company Utica, Michigan trim plant (TA-W-510) engaged in employment related to the production of parts for use in Ford subcompact or luxury small cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the Ford Motor Company Sharonville, Ohio transmission plant (TA-W-492) engaged in employment related to the production of parts for use in Ford subcompact or luxury small cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974

Signed at Washington, D.C. this 2d day of June 1976.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.76 16894 Filed 6-10-76;8:45 am]

[TA-W-616]

L. AND W. BRASSIERE CO.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-616: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the Corset and Brassiere Workers Union on behalf of former workers producing brassieres, blouses, and bikinis at the New York City, New York plant of L. and W. Brassiere Company.

The Notice of Investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10643). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of L. and W. Brassiere Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by workers' firm or an appropriate subdivision thereof, have increased either absolutely, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at L. and W. Brassiere Company increased 14 percent in the last six months of 1974 from the last six months of 1973. Employment fell in the first, second and third quarters of 1975 compared to the same quarter of the previous year.

Employment of salaried workers fell 30 percent in the last six months of 1974 from the last six months of 1973 and 50 percent in the first ten months of 1975 from the first ten months of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of domestically manufactured brassieres, girdles and panties by L. and W. Brassiere declined seven percent from 1973 to 1974 and declined ten percent from 1974 to 1975.

Production data was not available for the L. and W. Brassiere Company. All production ceased in November 1975, when the company closed.

INCREASED IMPORTS

Imports of brassiers, bra-lettes and bandeaux increased in each year from 1970 through 1974, both absolutely and relative to domestic production and consumption. The ratio of imports to domestic production and consumption increased from 31.7 and 30.1 percent, respectively in 1973 to 35.4 percent and 37.0

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percent, despectively in 1974. Imports increased absolutely by 12 percent from 1974 to 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that L. and W. Brassiere Company began importing brassiers in 1975 to fill out inventories and because of the lower prices afforded by imports. In 1975, approximately twenty five percent of L. and W.'s total sales consisted of imports. The investigation further revealed that L. and W.'s largest customer decreased purchases of L. and W. brassieres in 1975 and increased purchases of imported brassieres.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the New York City, New York plant of L. and W. Brassiere Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of brassieres at the New York City, New York plant of L. and W. Brassiere Company who became totally or partially separated from employment on or after February 12, 1975 and before December 31, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16736 Filed 6-10-76;8:45 am]

[TA-W-618]

MELTON SHIRT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-618: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on the same date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and boys' shirts and jackets at the Batavia plant of the Melton Shirt Company, Batavia, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10644). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Melton Shirt Company, its customers, the Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 19 percent in 1974 compared to 1973, then decreased 22 percent from 1974 to 1975.

Average weekly hours worked by production workers rose 5 percent from 1973 to 1974 and then declined 9 percent in 1975 compared to the previous year.

Employment fell in each quarter of 1975 from the same quarter of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales rose 18 percent from 1973 to 1974, then declined 22 percent from 1974 to 1975. Sales fell 54 percent in the first quarter of 1975 when compared to the same quarter, previous year.

Production of cotton flannel shirts increased 59 percent from 1973 to 1974, then decreased 2 percent from 1974 to 1975. Production of wool shirts declined 6 percent from 1973 to 1974 and 36 percent from 1974 to 1975. Wool jacket production fell 1 percent from 1973 to 1974 and 44 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of men's and boys' woven cotten sport shirts increased absolutely and relatively from 1971 to 1972, then fell absolutely and relatively from 1972 to 1973. Imports increased absolutely and relatively 1973 to 1974 and from 1974 to 1975. The ratio of imports to domestic production and consumption rose from 53.4 percent and 34.8 percent respectively in 1974 to 58.4 percent and 36.9 percent respectively in 1975.

Imports of men's and boys' woven wool sport shirts increased relatively in each year from 1971 to 1973, then decreased both absolutely and relatively from 1973 to 1974. Imports increased absolutely from 1974 to 1975. The ratios of imports to domestic production and consumption in 1975. of 52.2 percent and 34.3 percent respectively, while decreasing from the 1974 ratios, exceed the 1970-1974 averages of 44.8 percent and 27.4 percent respectively.

Imports of men's and boys' non-tailored outer jackets increased absolutely in each year from 1971 to 1973. Imports decreased relative to domestic production and consumption from 1971 to 1972, then increased relatively from 1972 to 1973. From 1973 to 1974, imports declined absolutely and relatively. Imports fell absolutely from 1974 to 1975. The ratio of imports to domestic production and consumption increased from 48.4 percent and 32.6 percent respectively in 1974 to 58.9 percent and 37.1 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that most customers surveyed reduced purchases of shirts and jackets from the Melton Shirt Company and increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and boys' shirts and jackets produced at the Batavia, New York plant of the Melton Shirt Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's and boys' shirts and jackets at the Batavia, New York plant of the Melton Shirt Company who became totally or partially separated from employment on or after February 5, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16735 Filed 6-10-76;8:45 am]

[TA-W-633]

PENN FOOTWEAR CO.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-633: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing women's and children's casuals and infants' shoes at Penn Footwear Company, Nanticoke, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10661-10662). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Penn Footwear Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibilty requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with articles produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers increased by 1.4 percent in 1974 compared to 1973 and declined 18.3 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production, in quantity, declined 17.1 percent in 1974 compared to 1973 and 26.9 percent in 1975 compared to 1974.

INCREASED IMPORTS

Imports of infants' and babies' nonrubber footwear increased from 1971 to 1972, decreased in 1973 and 1974 compared to the preceding year, and increased in 1975 compared to 1974. The import to production and import to consumption ratios increased from 28.6 percent and 22.2 percent, respectively, in 1974 to 31.5 percent and 24.0 percent, respectively, in 1975.

Imports of children's nonrubber footwear increased from 1971 to 1972 and decreased every year thereafter up to and including 1975. The import to production and import to consumption ratios increased from 1971 to 1972, decreased in 1973, and increased every year thereafter up to and including 1975. Imports of children's nonrubber footwear decreased 9.0 percent in 1975 compared to 1974, while apparent U.S. consumption and production declined also. The import to production and import to consumption ratios increased from 59.2 percent and 37.2 percent, respectively, in 1974 to 64.5 percent and 39.2 percent, respectively in 1975.

Imports of women's and misses' nonrubber footwear with nonleather uppers alternately rose and fell between 1971 and 1975 beginning with a decrease from 1971 to 1972 and ending with a 3.6 percent increase in 1975 compared to 1974. The ratios of imports to production and consumption increased annually from 151.2 and 60.2 percent, respectively in 1971 to 174.5 and 63.6 percent, respectively, in 1974. In 1975 the ratios of imports to production and consumption increased to 160.1 and 61.6 percent, respectively.

CONTRIBUTED IMPORTANTLY

Customers of Penn Footwear Company indicated that increased purchases of imported women's and children's casual shoes resulted in decreased purchases of shoes from the Penn Footwear Company. A number of reasons, including cheaper prices, were given by customers as influencing their decision to purchase imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and children's casuals and infants' shoes produced by the Penn Footwear Company, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Penn Footwear Company who became totally or partially separated from employment on or after February 19, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16740 Filed 6-10-76;8:45 am]

[TA-W-666]

REPUBLIC STEEL CORP.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 222 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-666: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on March 12, 1976 which was filed by the United Steel Workers of America on behalf of workers and former workers producing stainless steel at the Massillon plant of Republic Steel Corporation, Massillon, Ohio.

Notice of the Investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12754). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corporation, its customers, the International Trade Commission, the Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 27.0 percent in 1975 compared with 1974. Average weekly hours worked declined 7.7 percent in 1975 compared with 1974. Employment of production workers within the Enduro Division declined 43.7 percent in 1975 compared with 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production figures are furnished in terms of shipments in quantity. Shipments of all stainless steel products from the Massillon plant decreased 56.1 percent in 1975 compared with 1974. Shipments declined every quarter of 1975 compared with the like quarters of 1974.

Shipments of stainless steel sheet decreased 60.8 percent in 1975 compared with 1974. Shipments declined every quarter of 1975 compared with the like quarters in 1974.

Shipments of stainless steel strip decreased 54.4 percent in 1975 compared with 1974. Shipments declined every quarter of 1975 compared with the like quarters in 1974.

Shipments of stainless steel plate increased 0.5 percent in 1975 compared with 1974. However, shipments declined in the last two quarters of 1975 compared with the like quarters of 1974. Stainless steel plate represented less than 2 percent of total company stainless steel shipments in 1975.

Shipments in stainless steel bars decreased 24.3 percent in 1975 compared

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with 1974. Shipments declined in the last three quarters of 1975 compared to the like quarters of 1974.

Shipments of semifinished stainless steel decreased 18.3 in 1975 compared with 1974.

INCREASED IMPORTS

In absolute terms, imports of stainless steel sheet declined in 1972 by 48.6 percent compared to 1971 and again in 1973 by 11.9 percent compared with 1972. Imports of sheet increased in 1974 by 39.0 percent compared with 1973. Imports declined by 5.0 percent in 1975 compared with 1974 in absolute terms. The ratios of imports to domestic shipments and consumption increased from 10.5 and 10.0, respectively, in 1974 to 22.4 and 19.1, respectively in 1975.

Imports of stainless steel strip increased by 52.7 percent in 1972 compared with 1971. Imports decreased by 36.9 percent in 1973 compared with 1972 and again in 1974 by 1.9 percent compared with 1973. In 1975, imports increased by 36.5 percent compared with 1974. The ratios of imports to domestic shipments and consumption increased from 3.0 and 3.2 respectively in 1974 to 6.9 and 6.8 respectively in 1975.

Imports of stainless steel plate increased by 64.4 percent in 1972 compared to 1971. Imports declined in 1973 by 33.9 percent compared with 1972, increased by 13.3 percent from 1973 to 1974 and increased again in 1975 compared with 1974 by 36.7 percent. The ratios of imports to domestic shipments and consumption increased from 10.0 to 9.5, respectively, in 1974 to 18.6 and 16.3, respectively, in 1975.

Imports of stainless steel bar have increased each year from 1971 to 1975; by 14.2 percent in 1972 compared to 1971, 8.6 percent in 1973 compared to 1972, and 38.3 percent in 1974 compared to 1973. Imports increased 5.0 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and consumption increased from 16.6 and 15.0, respectively, in 1974 to 29.5 and 23.9 respectively in 1975.

CONTRIBUTED IMPORTANTLY

Customers of the Republic Steel Massillon Works plant indicated that they have increasingly turned to foreign sources for these stainless steel products. The reason given for these increased purchases of imports was the price differential which exists between domestic and imported stainless steel.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel produced at the Massillon Works plant contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to production of stainless steel at the Massillon, Ohio plant of the Republic Steel Corporation who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16895 Filed 6-10-76;8:45 am]

[TA-W-617]

WARNER GEAR CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-617; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on that date which was filed by the United Automobile Workers of America on behalf of workers and former workers producing transmissions at the Warner Gear Company, Muncie, Indiana.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10652). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Warner Gear Company, its major customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Warner Gear Company rose three percent from 1973 to 1974 and dropped 41 percent in 1975 compared to 1974. Starting in the fourth quarter of 1975, however, recalls exceeded layoffs causing monthly employment of production workers to rise.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Unit sales of automobile and truck transmissions increased 14 percent from 1973 to 1974 and decreased 47 percent in 1975 compared to 1974. Total dollar sales of all transmissions and of certain sub-assemblies and replacement parts increased 26 percent from 1973 to 1974 and dropped 32 percent from 1974 to 1975.

INCREASED IMPORTS

Import data for automotive transmissions and for marine and industrial transmissions are not separately identifiable. The results of an OTAA survey indicate that imports of three-speed manual transmissions increased absolutely and relatively from 1973, when there were no reported imports, through 1975, when the import/consumption ratio reached 40.5 percent.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that major customers, who bought automotive transmissions from Warner Gear, had purchased substantial quantities of three-speed manual transmissions from a Mexican firm in 1974–1975. Manual transmissions for cars and trucks comprised over 80 percent of total transmission shipments by Warner Gear during the 1974–1975 period. This loss of business adversely affected sales and employment at Warner Gear from mid-1974 through the third quarter of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the transmissions produced at the Warner Gear Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of transmissions at the Warner Gear Company, Muncie, Indiana, who became totally or partially separated from employment on or after February 10, 1975 and before October 1, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16739 Filed 6-10-76;8:45 am]

[TA-W-693]

WOHL SHOE COMPANY WAREHOUSE

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-693: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America on behalf of workers and former workers of the St. Louis, Missouri warehouse of Wohl Shoe Company, a division of Brown Group, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14225). No public hearing was requested and none was held. The information upon which the determination was made was obtained principally from Wohl Shoe Company.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

The St. Louis warehouse of Wohl Shoe Company is a finished goods warehouse handling footwear and accessories purchased for retail distribution by Wohl Shoe Company. Wohl Shoe Company performs no manufacturing operations. Footwear is purchased from both domestic and foreign sources; no more than 15 percent of the footwear purchased by Wohl in recent years has been produced by Brown Shoe Company, which is also a division of Brown Group. Employees of the warehouse are not involved in the production of an article within the meaning of Section 222(3) of the Act. Employment reductions at the St. Louis warehouse in 1975 were due to a decision by Wohl to have shoe orders "pre-packed" by manufacturers prior to shipment.

After careful review of the issues, I have determined that services of the kind provided by workers at the St. Louis, Missouri warehouse of Wohl Shoe Company are not "articles" within the meaning of section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-16890 Filed 6-10-76;8:45 am]

[International Labor Affairs Revised Order No. 1]

WORKER ADJUSTMENT ASSISTANCE

Assignment of Responsibility and Designation of Certifying Officers

1. Purpose. To assign responsibility and designate officials as certifying officers to carry out functions required under the worker adjustment assistance provisions of the Trade Act of 1974 (19 U.S.C. 2101 et seq.; hereinafter referred to as the Act) and the implementing regulations published in 29 CFR Part 90.

2. Background. Pursuant to the Act and the implementing regulations, the Secretary of Labor must expeditiously process petitions filed by worker groups and promptly reach a determination of whether such groups should be certified as eligible to apply for adjustment assistance. The Act and the regulations also provide for the issuance of subpenas and when requested by petitioners or other interested parties, public hearings concerning determinations on petitions. Secretary's Order 3-75 (40 FR 17863) delegated general responsibility for administration of the petitioning and determination processes to the Deputy Under Secretary for International Affairs; and the regulations (29 CFR Part 90) authorize persons titled "certifying officers" to issue subpenas, preside at public hearings, make determinations, order is issued to designate those persons issue certifications, and perform such other duties as may be required. This order is issued to designate those persons who shall act as certifying officers under the implementing regulations.

3. Assignment of Responsibility and Designation of Officials.

a. The following officials of the Bureau of International Labor Affairs are hereby designated as certifying officers under 29 CFR 90:

1. The Deputy Under Secretary for International Affairs;

2. The Associate Deputy Under Secretary for International Affairs;

3. The Director of the Office of Foreign Economic Policy;

4. The Director of Planning and Evaluation Staff; and

5. The Acting Executive Assistant to the Deputy Under Secretary.

b. Persons designated as certifying officers are hereby assigned responsibility to make determinations and issue certifications of eligibility to apply for adjustment assistance, preside at public hearings held under 29 CFR 90.13, issue subpenas under 29 CFR 90.14, issue terminations certifications of eligibility under 29 CFR 90.17, and make findings of fact concerning determinations, pursuant to 29 CFR 90.16 and 90.17.

c. Any certifying officer who receives the recommendations of the Director of the Office of Trade Adjustment Assistance, pursuant to 29 CFR 90.15, shall generally continue to act as the certifying officer with regard to the particular petition involved until a notice of negative determination or a notice of certification is issued covering the group of workers involved.

4. Effective Date. This order is effective immediately.

Signed at Washington, D.C. on this 3d day of June 1976.

JOEL SEGALL,
Deputy Under Secretary for International Affairs.

[FR Doc.76-16890 Filed 6-10-76;8:45 am]

[TA-W-809]

ASTOR CLOTHES COMPANY, INC.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 23, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of the Astor Clothes Company, Inc., Brooklyn, New York.

Notice of the investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20041). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of the Astor Clothes Company, Inc. were separated on or before November 20, 1974. Section 223(b)(1) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is April 1, 1976 and, thus, workers terminated prior to April 1, 1975 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 2d day of June 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-17102 Filed 6-10-76;8:45 am]

[TA-W-884]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated May 7,

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1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lackawanna plant, Woodlawn, New York, subsidiary of Bethlehem Steel Corp., Bethlehem, Pa. (TA–W–884).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel bars, beams, strips, ingots, billetts and specialty steel items produced by Bethlehem Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–17103 Filed 6–10–76;8:45 am]

[TA–W–885]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania (TA–W–885).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial fasteners produced by Bethlehem Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
of Trade Adjustment Assistance.

[FR Doc.76–17104 Filed 6–10–76;8:45 am]

[TA–W–872]

DANA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 20, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America on behalf of the workers and former workers of Spicer Transmission Division of Dana Corporation, Toledo, Ohio (TA–W–872).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with truck transmissions produced by Dana Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–17106 Filed 6–10–76;8:45 am]

[TA–W–684]

JAY GARMENT CO.

Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 19, 1976, in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of the Brookville, Indiana plant of Jay Garment Company, Portland, Indiana.

Notice of the Investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14231). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of the Brookville, Indiana plant were separated on or before January 1975. Section 223 (b) (1) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the

date of the petition on which such certification is granted.

The date of the petition is this case is March 9, 1976, and, thus, workers terminated prior to March 9, 1975, are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C., this 27th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–17105 Filed 6–10–76;8:45 am]

[TA–W–883]

SATRALLOY INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated April 29, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Satralloy, Inc., Steubenville, Ohio, a subsidiary of Satra Corporation, Pittsburgh, Pennsylvania (TA–W–883).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with low carbon ferro chrome alloys produced by Satralloy, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–17107 Filed 6–10–76;8:45 am]

[TA–W–880]

TELEDYNE PITTSBURGH TOOL STEEL

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Teledyne Pittsburgh Tool Steel, Monaca, Pennsylvania, a division of Teledyne Inc., Los Angeles, California (TA–W–880).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cold finished steel produced by Teledyne Pittsburgh Tool Steel, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–17108 Filed 6–10–76;8:45 am]

[TA–W–881]

TORRINGTON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated May 6, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Broad Street plant of The Torrington Company, Torrington, Connecticut (TA–W–881).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with anti-friction bearings produced by the Broad Street plant of The Torrington Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76–17109 Filed 6–10–76;8:45 am]

[TA–W–873]

TYROL SPORTSWEAR, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated May 1,

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[Notice No. 267]

FARMS, INC., of the operating rights of

1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Tyrol Sportswear, Incorporated, Brooklyn, New York (TA–W–873).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and women's sweaters produced by Tyrol Sportswear, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–17110 Filed 6–10–76;8:45 am]

[TA–W–879]

WESCO INDUSTRIES CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated April 28, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Wesco Industries Corp., Plainview, N.Y., a wholly owned subsidiary of Ingersoll-Rand Corp., Woodcliffe Lake, N.J. (TA–W–879).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stop motion devices produced by Wesco Industries Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–17111 Filed 6–10–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 66]

ASSIGNMENT OF HEARINGS

JUNE 7, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 121745 Sub-2, J. T. Spain And C. D. Spain, d.b.a. Spain's Transfer, now being assigned September 13, 1976 (1 Week), at Bismarck, N. Dakota, in a hearing room to be later designated.

MC 59120 (Sub-No. 38), Eazor Express, Inc., now assigned June 23, 1976, at Pittsburgh, Pa., is postponed indefinitely.

MC–C–8958, Global Van Lines, Inc.—Investigation and Revocation of Certificates, now assigned July 7, 1976, at Los Angeles, Calif. will be held in Room 552, Federal Courthouse, 312 North Spring St.,

MC 141722, Norm's Delivery Service, Inc. now assigned July 8, 1976, at Los Angeles, Calif. will be held in Room 522, Federal Courthouse, 312 North Spring Street.

MC 135518 Sub-4, Everett Trucking, Inc., now being assigned October 18, 1976 (1 Week), at Salem, Oregon, in a hearing room to be later designated.

MC–F–12713, Campbell Sixty-Six Express, Inc.—Purchase (Portion)—Tranamerican Freight Lines, Inc. now assigned July 7, 1976, at St. Louis, Mo. will be held in Court Room 3, 5th Floor, 1114 Market Street.

MC–F–12312, Whitfield Transportation, Inc.—Purchase (Portion)—Lee Hawkes Transfer; and Whitfield Transportation, Inc.—Control and Merger—Miller Bros. Truck Line and MC 108461 (Sub-No. 123), Whitfield Transportation, Inc. now assigned August 9, 1976, at Salt Lake City, Utah is postponed indefinitely.

MC 141726 Sub-3, 4, and 5, National Distributors, Inc., now being assigned July 26, 1976 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 138253 Sub-2, Monfort Transportation Company, now being assigned September 27, 1976 (1 day), at Denver, Colo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–17077 Filed 6–10–76;8:45 am]

[Ex Parte No. MC–43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 28th day of May 1976.

It appearing, That a petition has been filed by Wells Cargo, Inc. (MC 43269) and Wells Cargo, Inc., Operator of Western Truck, Inc. (MC 121319), for waiver of paragraph (d) of section 1057.5 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning inspection of equipment interchanged between petitioners;

It appearing, That the U.S. Department of Transportation offers no adverse comment;

It further appearing, That petitioners have offered no evidence warranting the broad relief requested, which would include waiver of the proviso of paragraph (d) above;

It is ordered, That waiver of the requirements of paragraph (d) of section 1057.5 as set forth in the first paragraph of this Order be, and it is hereby denied, because the relief requested has not been found to be justified.

By the Commission, Motor Carrier Leasing Board, Board members Teeple and Sibbald.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–17076 Filed 6–10–76;8:45 am]

[Notice No. 267]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76608. By application filed June 2, 1976, MILKO-AMERICAN FARMS, INC., 1225 West Main, Norman, OK, seeks temporary authority to lease the operating rights of GOVAN EXPRESS, INC., 103 Southwest Sixth, Oklahoma City, OK, under section 210a(b). The transfer to MILKO-AMERICAN FARMS, INC., of the operating rights of GOVAN EXPRESS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–17078 Filed 6–10–76;8:45 am]

[Notice No. 131]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Krobbin Refrigerated Express, Inc., MC–30844 Sub-545	MC–30844 Sub-531	June 1, 1976
Refrigerated Transport Co., Inc., MC–107515 Sub-930	MC–107515 Sub-880	May 28, 1976
Umthun Trucking Co., MC–118468 Sub-41	MC–118468 Sub-40	Do.
D.b.a. Central Transport Co., MC–119489 Sub-41	MC–119489 Sub-42	June 1, 1976
Merchants Home Delivery Service, Inc., MC–136211 Sub-30	MC–136211 Sub-31	May 28, 1976
Logan Motor Lines, Inc., MC–139091 Sub-8	MC–139091 Sub-7	Do.
National Carriers, Inc., MC–139495 Sub-121	MC–139495 Sub-75	Do.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–17075 Filed 6–10–76;8:45 am]

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federal register

FRIDAY, JUNE 11, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

GRANTS

Project Grants for Community Health Services

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Title 42—Public Health

Title 42—Public Health

CHAPTER 1—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 51—GRANTS TO STATE FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

PART 51c—GRANTS FOR COMMUNITY HEALTH SERVICES

Project Grants for Community Health Services

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby adopts a new Part 51c, entitled "Grants for Community Health Services," of Title 42, Code of Federal Regulations. Subpart E of Part 51 of Title 42, Code of Federal Regulations, entitled "Grants for Family Health Center Projects," is hereby revoked. For the reasons set out below, the Secretary has determined that public participation in rulemaking and postponement of effective date with respect to these regulations would be impractical and contrary to the public interest, and, accordingly, that good cause exists for making these regulations effective immediately on June 11, 1976.

Title V of Pub. L. 94-63, which became effective on July 29, 1975, repealed section 314(e) of the Public Health Service Act (42 U.S.C. 246(e)) and replaced it with a new section 330 (42 U.S.C. 254(c)). In accordance with the expressed Congressional intent to continue the program formerly funded under section 314(e), the Secretary has provided continuation funding under section 330 for grantees under the former section 314(e). However, in accordance with the determination set forth at 40 FR 59346-7 (December 23, 1975), new grants under section 330 are not being funded in the absence of program regulations. Issuance of the regulations set forth below is necessary in order to allow new grants to be made prior to the expiration of fiscal year 1976 funds appropriated for that purpose and to clarify the responsibilities of all grantees under section 330. In addition, issuance of regulations effective immediately will permit assignment, under section 329 of the Act, of personnel due to enter the National Health Service Corps at the close of the academic year to new projects funded under section 330.

The regulations set forth below establish requirements for all grants under section 330. Subpart A of the new Part 51c sets forth general administrative and management requirements applicable to all grants under section 330. Subpart B contains specific program requirements applicable to grants for planning and developing community health centers under section 330(c). Subpart C contains specific program requirements applicable to grants for operating community health centers under section 330(d)(1)(A). Subpart D establishes specific program requirements applicable to grants for operating community health projects under section 330(d)(1)(B). Subpart E, which will be issued at a later date, will contain specific program requirements applicable to all grants under section 330 which contain authority to acquire or modernize existing buildings.

Interested persons are invited to submit written comments, suggestions, or objections concerning Part 51c to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6-17, 5600 Fishers Lane, Rockville, Maryland 20852, on or before August 10, 1976. All comments received in timely response will be considered, and will be available for public inspection at the above address during regular business hours. Following the close of the comment period, the regulations will be revised as warranted by the public comments received in response to this Notice. It is intended to publish the regulations as revised within 60 days following the close of the comment period, and the regulations, as so revised, will be binding on all grantees who are awarded grants subsequent to June 11, 1976.

Part 51c of Title 42, Code of Federal Regulations is adopted and Subpart E of Part 51, Code of Federal Regulations is revoked effective as of June 11, 1976.

Dated: May 12, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: June 4, 1976.

MARJORIE LYNCH,
Acting Secretary.

§§ 51.401-51.417 (Subpart E) [Revoked]

1. Subpart E of 42 CFR Part 51 is revoked.

2. Title 42, CFR, Part 51c is revised to read as follows:

Subpart A—General Provisions

Sec.
51c.101 Applicability.
51c.102 Definitions.
51c.103 Eligibility.
51c.104 Application.
51c.105 Accord with health planning
51c.106 Amount of grant.
51c.107 Use of project funds
51c.108 Grant payments.
51c.109 Nondiscrimination.
51c.110 Confidentiality.
51c.111 Publications and copyright.
51c.112 Grantee accountability.
51c.113 Applicability of 45 CFR Part 74.

Subpart B—Grants for Planning and Developing Community Health Centers

51c.201 Applicability.
51c.202 Application.
51c.203 Project elements.
51c.204 Grant evaluation and award.

Subpart C—Grants for Operating Community Health Centers

51c.301 Applicability.
51c.302 Application.
51c.303 Project elements.
51c.304 Governing board.
51c.305 Grant evaluation and award.

Subpart D—Grants for Operating Community Health Projects

Sec.
51c.401 Applicability.
51c.402 Application.
51c.403 Project elements.
51c.404 Grant evaluation and award.

AUTHORITY: Secs. 215, 330, Public Health Service Act (42 U.S.C. 216, 254c).

Subpart A—General Provisions

§ 51c.101 Applicability.

The regulations of this subpart are applicable to all project grants authorized by section 330 of the Public Health Service Act (42 U.S.C. 254c).

§ 51c.102 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act.

(b) "Catchment area" means the area served by a project funded under section 330 of the Act.

(c)(1) "Community health center" or "center" means an entity which, through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities, provides for all residents of its catchment area:

(i) Primary health services;

(ii) As determined by the Secretary to be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services;

(iii) Referral to providers of supplemental health services and payment, as determined by the Secretary to be appropriate and feasible, for their provision of such services;

(iv) Environmental health services, as determined by the Secretary to be appropriate for particular centers; and

(v) Information on the availability and proper use of health services.

(2) For purposes of paragraph (c)(1) of this section, the provision of a given service by a center will be determined by the Secretary to be appropriate where

(i) There is a need, as determined by the Secretary, for the provision of such service in the catchment area; and

(ii) The provision of such service by the center is feasible, taking into consideration the center's projected revenues, other resources, and grant support under this part.

(d) "Environmental health services" means the detection and alleviation of unhealthful conditions of the environment of the catchment area, such as problems associated with water supply, sewage treatment, solid waste disposal, rodent and parasite infestation, and housing conditions. For the purposes of this part, the detection and alleviation of unhealthful conditions of the environment includes the notification of and making of arrangements with appropriate Federal, State, or local authorities responsible for correcting such conditions.

(e) "Medically underserved population" means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services. Medically underserved areas will be designated by the Secretary through publication in the FEDERAL REGISTER from time to time, taking into consideration the following factors, among others:

(1) Available health resources in relation to size of the area and its population, including appropriate ratios of primary care physicians in general or family practice, internal medicine, pediatrics, or obstetrics and gynecology to population;

(2) Health indices for the population of the area, such as infant mortality rate;

(3) Economic factors affecting the population's access to health services, such as percentage of the population with incomes below the poverty level; and

(4) Demographic factors affecting the population's need and demand for health services, such as percentage of the population age 65 and over.

(f) "Nonprofit," as applied to any private agency, institution, or organization, means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(g) "Physician" means a licensed doctor of medicine or doctor of osteopathy.

(h) "Primary health services" means:

(1) Diagnostic, treatment, consultative, referral, and other services rendered by physicians, and, where feasible, by physicians' extenders, such as physicians' assistants, nurse clinicians, and nurse practitioners;

(2) Diagnostic laboratory services and diagnostic radiologic services;

(3) Preventive health services, including children's eye and ear examinations, prenatal and post-partum care, prenatal services, well child care (including periodic screening), immunizations, and voluntary family planning services;

(4) Emergency medical services, including provision, through clearly defined arrangements, for access of users of the center to health care for medical emergencies during and after the center's regularly scheduled hours;

(5) Transportation services as needed for adequate patient care, sufficient so that residents of the catchment area served by the center with special difficulties of access to services provided by the center receive such services; and

(6) Preventive dental services provided by a licensed dentist or other qualified personnel, including (i) oral hygiene instruction; (ii) oral prophylaxis, as necessary; and (iii) topical application of fluorides, and the prescription of fluorides for systemic use when not available in the community water supply.

(i) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(j) "Supplemental health services" means health services which are not included as primary health services and which are:

(1) Inpatient and outpatient hospital services;

(2) Home health services;

(3) Extended care facility services;

(4) Rehabilitative services (including physical and occupational therapy) and long-term physical medicine;

(5) Mental health services, including services of psychiatrists, psychologists, and other appropriate mental health professionals;

(6) Dental services other than those provided as primary health services;

(7) Vision services, including routine eye and vision examinations and provision of eyeglasses, as appropriate and feasible;

(8) Allied health services;

(9) Pharmaceutical services, including the provision of prescription drugs;

(10) Therapeutic radiologic services;

(11) Public health services (including nutrition education and social services);

(12) Ambulatory surgical services;

(13) Health education services; and

(14) Services, including the services of outreach workers, which promote and facilitate optimal use of primary health services and services referred to in the preceding subparagraphs of this paragraph and, if a substantial number of individuals in the population served by the center are of limited English-speaking ability, the services of outreach workers and other personnel fluent in the language or languages spoken by such individuals.

§ 51c.103 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this part.

§ 51c.104 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part. The application must describe how and the extent to which the project has met, or plans to meet, each of the requirements in Subpart B (relating to grants for planning and developing community health centers), Subpart C (relating to grants for the operation of community health centers), or Subpart D (relating to grants for the operation of community health projects), as applicable. In addition, applications must include:

(1) A statement of specific, measurable objectives and the methods to be used to assess the achievement of the objectives in specified time periods and at least on an annual basis.

(2) The precise boundaries of the catchment area to be served by the applicant, including an identification of the medically underserved population or populations within the catchment area. In addition, the application shall include information sufficient to enable the Secretary to determine that the applicant's catchment area meets the following criteria:

(i) The size of such area is such that the services to be provided by the applicant are available and accessible to the residents of the area promptly and as appropriate;

(ii) The boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and areas served by Federal and State health and social service programs; and

(iii) The boundaries of such area eliminate, to the extent possible, barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

(3) The results of an assessment of the need that the population served or proposed to be served has for the services to be provided by the project (or in the case of applications for planning and development projects, the methods to be used in assessing such need), utilizing, but not limited to, the factors set forth in § 51c.102(e)(1)-(4).

(4) Position descriptions for key personnel who will be utilized in carrying out the activities of the project and a statement indicating the need for the positions to be supported with grant funds to accomplish the objectives of the project.

(5) Letters and other forms of evidence showing that efforts have been made to secure financial and professional assistance and support for the project within the proposed catchment area and the continuing involvement of the community in the development and operation of the project.

(6) An assurance that an independent certified public accountant will be engaged to certify that the system for the management and control of its financial assets will be in accord with sound financial management practices, including applicable Federal requirements.

(7) A list of all services proposed to be provided by the project.

(8) A list of services which are to be provided directly by the project through its own staff and resources and a description of any contractual or other arrangements (including copies of documents, where available) entered into, or planned for the provision of services.

(9) The schedule of fees and/or payments and schedule of discounts for services provided by the project.

(10) Evidence that:

(i) The requirements of Part I of Office of Management and Budget Circular No. A-95 have been satisfied, and

(ii) All applicable requirements for review and/or approval of the applica-

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tion under Title XV of the Act have been met.

(11) An assurance that the project will be conducted in accordance with the applicable requirements of this part.

(c) The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the applicable regulations of this part, and any additional conditions of the grant.

§ 51c.105 Accord with health planning.

A grant may be made under this part only if the applicable requirements of title XV of the Act relating to review and approval by the appropriate health planning agencies have been met.

§ 51c.106 Amount of grant.

(a) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount in excess of the total cost found necessary by the Secretary to carry out the project.

(i) In determining the percentage of project costs to be borne by the grantee, factors which the Secretary will take into consideration will include the following:

(A) The ability of the grantee to finance its share of project costs from non-Federal sources;

(B) The need in the area served by the project for the services to be provided; and

(C) The extent to which the project will provide services in an innovative manner which the Secretary desires to stimulate in the interest of developing more effective health service delivery systems on a regional or national basis.

(ii) At any time after approval of an application under this part, the Secretary may retroactively agree to a percentage of project costs to be borne by the grantee lower than that determined pursuant to paragraph (a)(2)(i) of this section where he finds that changed circumstances justify a smaller contribution.

(iii) In determining the grantee's share of project costs, costs borne by Federal grant funds, or costs used to match other Federal grants, may not be included except as otherwise provided by law or regulations.

(b) All grant awards shall be in writing, and shall set forth the amount of funds granted and the period for which support is recommended.

(c) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application.

§ 51c.107 Use of project funds.

(a) Any funds granted pursuant to this part, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with section 330 of the Act, the applicable regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this part may be used for, but need not be limited to, the following:

(1) The costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans), but only in accordance with subpart E of this part and as approved in the grant award;

(2) The costs of obtaining technical assistance to develop and improve the management capability of the project, but only as approved by the Secretary;

(3) To reimburse members of the grantee's governing board, if any, for reasonable expenses actually incurred by reason of their participation in board activities;

(4) To reimburse governing board members for wages lost by reason of participation in the activities of such board if the member is from a family with an annual family income below $10,000 or if the member is a single person with an annual income below $7,000;

(5) The cost of delivering health services, including services rendered on a prepaid capitation basis, to residents of the project's catchment area within the following limitations: grant funds may be used to pay the full cost of project services to individuals and families with annual incomes at or below those set forth in the most recent "CSA Income Poverty Guidelines" (45 CFR 1060.2) issued by the Community Services Administration; and to pay the portion of the cost of services provided in accordance with the schedule of discounts which, under such schedule, is uncompensated; *Provided,* That (i) charges will be made to such individuals and families in accordance with § 51c.303(f) of Subpart C; (ii) reasonable effort shall be made to collect such charges under a billing and collections system; and (iii) the charge to grant funds shall exclude any amounts collected pursuant to paragraph (b)(5)(ii) of this section;

(6) The cost of insurance for medical emergency and out-of-area coverage;

(7) The cost of providing to the staff of the project training related to the provision of health services provided or to be provided by the project, and, to the staff and governing board, if any, training related to the management of an ambulatory care facility, consistent with the applicable requirements of 45 CFR Part 74;

(8) The cost of developing and maintaining a reserve fund where required by State law for prepaid health care plans.

(c) Prior approval by the Secretary of revisions of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 51c.108 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 51c.109 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, (42 U.S.C. 2000d et seq.)) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation, in be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition, no person shall, on the grounds of age, sex, creed, or marital status (unless otherwise medically indicated), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity so receiving Federal financial assistance.

(b) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 51c.110 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about recipients of services shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to

the individual or to provide for medical audits by the Secretary or his designee with appropriate safeguards for confidentiality of patient records. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

§ 51c.111 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 51c.112 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid as well as other funds and in-kind contributions by presenting or otherwise making available evidence satisfactory to the Secretary of expenditure for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for interest earned on grant funds.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the government of the political subdivisions of the State. All grantees other than a State, as defined, must return all interest earned on grant funds to the Federal Government.

(c) *Grant closeout.* (1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (a) of this section;

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

§ 51c.113 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

SUBPART

- A General.
- B Cash depositories.
- C Bonding and insurance.
- D Retention and custodial requirements for records.
- F Grant-related income.
- G Matching and cost sharing.
- K Grant payment requirements.
- L Budget revision procedures.
- M Grant closeout, suspension, and termination.
- O Property.
- Q Cost principles.

Subpart B—Grants for Planning and Developing Community Health Centers

§ 51c.201 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this subpart, are applicable to grants awarded pursuant to section 330(c) of the Act for projects for planning and developing community health centers which will serve medically underserved populations.

§ 51c.202 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 51c.104 of Subpart A, contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of § 51c.203.

§ 51c.203 Project elements.

A project for the planning and developing of a community health center supported under this subpart must:

(a) Prepare an assessment of the need of the population proposed to be served by the community health center for the services set forth in § 51c.102(c)(1) of Subpart A, with special attention to the need of the medically underserved population for such services. Such assessment of need shall, at a minimum, consider the factors listed in § 51c.102(e)(1)–(4).

(b) Design a community health center program for such population, based on such assessment, which indicates in detail how the proposed community health center will fulfill the needs identified in the assessment prepared pursuant to paragraph (a) of this section and how it will meet the requirements contained in subpart C of this part.

(c) Develop a plan for the implementation of the program designed pursuant to paragraph (b) of this section. Such implementation plan shall provide, for the time-phased recruitment and training of the personnel essential for the operation of a community health center and the gradual assumption of operational status of the project so that the project will, in the judgment of the Secretary, meet the requirements contained in subpart C of this part as of the end of the project period.

(d) Implement the plan developed pursuant to paragraph (c) of this section in accordance with such paragraph.

(e) Make efforts to secure, within the proposed catchment area of such center to the extent possible, financial and professional assistance and support for the project.

(f) Initiate and encourage continuing community involvement in the development and operation of the project.

(g) Establish standards and qualifications for personnel (including the project director).

(h) Utilize, to the maximum extent feasible, other Federal, State, local, and private resources available for support of the project, prior to use of project funds under this subpart.

§ 51c.204 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 330(c) of the Act and the applicable regulations of this part, taking into account:

(1) The degree to which the proposed project satisfactorily provides for the elements set forth in § 51c.203;

(2) The relative need of the population to be served for the services to be provided;

(3) The administrative and management capability of the applicant;

(4) The potential of the project for development of new and effective methods for health services delivery and management;

(5) The soundness of the fiscal plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(6) The extent to which community resources will be utilized in the project;

(7) The extent to which grants approved under this part will provide for an appropriate distribution of resources throughout the country, taking into consideration the following factors;

(i) The urban-rural area to be served;

(ii) The nature of the organization applying; and

(iii) The organizational structure for delivery of services;

(8) Whether the project's catchment area is exclusive of the area served by a community health center;

(9) The degree to which the applicant

(d) Develop management and control

ment of land, buildings, and equipment

and private resources available for sup-

project director may be a non-voting, ex-

funds and maximizing non-grant rev-

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(9) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other Federally assisted health services or reimbursement programs or projects.

(b) The Secretary may:

(1) Make no more than two grants under this subpart for the same project.

(2) Make a grant under this subpart to an entity which has been awarded one or more grants under section 330(d)(1)(A) and/or section 330(d)(1)(B) of the Act only if the grant under this subpart is for a new project.

Subpart C—Grants for Operating Community Health Centers

§ 51c.301 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart A, are applicable to grants awarded pursuant to section 330(d)(1)(A) of the Act for the costs of operation of community health centers which serve medically underserved populations.

§ 51c.302 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 51c.104 of Subpart A,

(a) Be submitted by an entity which the Secretary determines is a community health center, and

(b) Contain information sufficient to enable the Secretary to determine that the center will meet the requirements of § 51c.103.

§ 51c.303 Project elements.

A community health center supported under this subpart must:

(a) Provide the health services of the center so that such services are available and accessible promptly, as appropriate, and in a manner which will assure continuity of service to the residents of the center's catchment area.

(b) Implement a system for maintaining the confidentiality of patient records in accordance with the requirements of § 51c.110 of Subpart A.

(c) Have an ongoing quality assurance program which provides for the following:

(1) Organizational arrangements, including a focus of responsibility, to support the quality assurance program and the provision of high quality patient care;

(2) Periodic assessment of the appropriateness of the utilization of services and the quality of services provided or proposed to be provided to individuals served by the center. Such assessments shall:

(i) Be conducted by physicians or by other licensed health professionals under the supervision of physicians;

(ii) Be based on the systematic collection and evaluation of patient records; and

(iii) Identify and document the necessity for change in the provision of services by the center and result in the institution of such change, where indicated.

(d) Develop management and control systems which are in accordance with sound financial management procedures, including the provision for an audit on an annual basis (unless waived for cause by the Secretary) by an independent certified public accountant to determine, at a minimum, the fiscal integrity of grant financial transactions and reports, and compliance with the regulations of this part and the terms and conditions of the grant.

(e) Where the cost of care and services furnished by or through the project is to be reimbursed under Title XIX or Title XX of the Social Security Act, obtain or make every reasonable effort to obtain a written agreement with the Title XIX or Title XX State agency for such reimbursement.

(f) Have prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts adjusted on the basis of the patient's ability to pay. *Provided*, That such schedule of discounts shall provide for a full discount to individuals and families with annual incomes at or below those set forth in the most recent CSA Poverty Income Guidelines (45 CFR 1060.2) and for no discount to individuals and families with annual incomes greater than twice those set forth in such Guidelines.

(g) Make every reasonable effort, including the establishment of systems for eligibility determination, billing, and collection, to:

(1) Collect reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Title XVIII of the Social Security Act, to medical assistance under a State plan approved under Title XIX of such Act, to social services and family planning under Title XX of such Act, or to assistance for medical expenses under any other public assistance program, grant program, or private health insurance or benefit program on the basis of the schedule of fees prepared pursuant to paragraph (f) of this section without application of any discounts, and

(2) Secure from patients payments for services in accordance with the schedule of fees and discounts required by paragraph (f) of this section.

(h) Have a governing board which meets the requirements of § 51c.304.

(i) Have developed an overall plan and budget for the center that:

(1) Provides for an annual operating budget and a three-year financial management plan which include all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items;

(2) Provides for a capital expenditures plan for at least a three-year period (including the year to which the operating budget described in paragraph (i)(1) of this section is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objective of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment and the replacement, modernization and expansion of buildings and equipment which would, under generally accepted accounting principles, be considered capital items;

(3) Provides for plan review and updating at least annually; and

(4) Is prepared under the direction of the governing board, by a committee consisting of representatives of the governing board, and administrative staff, and the medical staff, if any, of the center.

(j) Establish basic statistical data, cost accounting, management information, and reporting or monitoring systems which shall enable the center to provide such statistics and other information as the Secretary may reasonably require relating to the center's costs of operation, patterns of utilization of services, and the availability, accessibility, and acceptability of its services and to make such reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(k) Review its catchment area annually to insure that the criteria set out in § 51c.104(b)(2) of Subpart A are met and, where such criteria are not met, revise its catchment area, with the approval of the Secretary, to conform to such criteria to the extent feasible.

(l) In the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, have developed a plan and made arrangements responsive to the needs of such populations for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and have identified an individual on its staff who is fluent in both that language and in English and whose responsibilities include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences. If more than one non-English language is spoken by such group or groups, an individual or individuals fluent in those languages and English shall be so identified.

(m) Be operated in a manner calculated to preserve human dignity and to maximize acceptability and effective utilization of services.

(n) To the extent possible, coordinate and integrate project activities with the activities of other Federally funded, as well as State and local, health services delivery projects and programs serving the same population.

(o) Establish means for evaluating progress toward the achievement of the specific objectives of the project.

(p) Provide sufficient staff, qualified by training and experience, to carry out the activities of the center.

(q) Assure that facilities utilized in the performance of the project meet applicable fire and life safety codes.

(r) Utilize, to the maximum extent feasible, other Federal, State, and local, and private resources available for support of the project, prior to use of project funds under this part.

(s) Provide for community participation through, for example, contributions of cash or services, loans of full- or part-time staff, equipment, space, materials, or facilities.

(t) Where the center will provide services through contract or other cooperative arrangements with other providers of services, establish rates and methods of payment for health care. Such payments must be made pursuant to agreements, with a schedule of rates and payment procedures maintained by the project. The project must be prepared to substantiate that such rates are reasonable and necessary.

(u) Operate in a manner such that no person shall be denied service by reason of his inability to pay therefor. *Provided, however*, That a charge for the provision of services will be made to the extent that a third party (including a Government agency) is authorized or is under legal obligation to pay such charges.

(v) In addition to the above, projects which are supported with grant funds for the operation of a prepaid health care plan also must provide:

(1) A marketing and enrollment plan, including market analysis, marketing strategy, and enrollment growth projections.

(2) A plan that provides for funding on a capitation basis of such portion of the residents of the catchment area of the center, as the Secretary shall determine.

(3) An assurance that services shall be available to all residents of the catchment area without regard to method of payment or health status.

§ 51c.304 Governing board.

A governing board for the center shall be established by an applicant as follows:

(a) *Size.* The board shall consist of at least 9 but not more than 25 members.

(b) *Composition.* (1) A majority of the board members shall be individuals who are or will be served by the center and who, as a group, represent the individuals being or to be served in terms of demographic factors, such as race, ethnicity, sex.

(2) No more than one-half of the remaining members of the board may be individuals who derive more than 10 percent of their annual income from the health care industry.

(3) The remaining members of the board shall be representative of the community in which the center's catchment area is located and shall be selected for their expertise in community affairs, local government, finance and banking, legal affairs, trade unions, and other commercial and industrial concerns, or social service agencies within the community.

(4) No member of the board shall be an employee of the center, or spouse or child, parent, brother or sister by blood or marriage of such an employee. The project director may be a non-voting, ex-officio member of the board.

(c) *Selection of members.* The method of selection of all governing board members shall be prescribed in the by-laws or other internal governing rules of the center. Such by-laws or other rules must specify a process of selection of individuals on the governing board who represent the population served or to be served by the center so that such individuals, as a group, are representative of such population. Such process of selection in the by-laws or other rules is subject to approval by the Secretary.

(d) *Functions and responsibilities.* (1) The governing board for the center shall have authority for the establishment of policy in the conduct of the center.

(2) The governing board shall hold regularly scheduled meetings, at least once each month, for which minutes shall be kept.

(3) The governing board shall have specific responsibility for:

(i) Approval for the selection and dismissal of a project director or chief executive officer of the center;

(ii) Establishing personnel policies and procedures, including selection and dismissal procedures, salary and benefit scales, employee grievance procedures, and equal opportunity practices;

(iii) Adopting policy for financial management practices, including a system to assure accountability for center resources, approval of the annual project budget, center priorities, eligibility for services including criteria for partial payment schedules, and long-range financial planning;

(iv) Evaluating center activities including services utilization patterns, productivity of the center, patient satisfaction, achievement of project objectives, and development of a process for hearing and resolving patient grievances;

(v) Assuring that the center is operated in compliance with applicable Federal, State, and local laws and regulations; and

(vi) Adopting health care policies including scope and availability of services, location and hours of services, and quality-of-care audit procedures.

§ 51c.305 Grant evaluation and award.

Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 330(d)(1)(A) of the Act and the applicable regulations of this part, taking into consideration:

(a) The extent to which the project would provide for the elements set forth in § 51c.303;

(b) The relative need of the population to be served for the services to be provided;

(c) The potential of the center for the development of new and effective methods for health services delivery and management;

(d) The soundness of the fiscal plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(e) The administrative and management capability of the applicant;

(f) The extent to which grants approved under this part will provide for an appropriate distribution of resources throughout the country, taking into consideration the following factors:

(1) The urban-rural area to be served;

(2) The nature of the organization applying;

(3) The organizational structure for delivery of services;

(g) The number of users of the center and the level of utilization of services in previous operational periods, if any;

(h) Whether the center's catchment area is exclusive of the area served by another center;

(i) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other Federally assisted health services or reimbursement programs or projects;

(j) The extent to which community resources will be utilized by the project;

(k) The extent to which the center will provide preventive health services so as to maintain and improve the health status of the population served; and

(l) The extent to which center operations will emphasize direct health services, efficiency of operations and sound financial management.

Subpart D—Grants for Operating Community Health Projects

§ 51c.401 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart A are applicable to grants awarded pursuant to section 330(d)(1)(B) of the Act for the costs of operation of projects which provide health services to medically underserved populations.

§ 51c.402 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 51c.104 of Subpart A, contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of § 51c.403 of this subpart.

§ 51c.403 Project elements.

A project for the operation of a community health project supported under this subpart must:

(a) Meet all of the requirements of § 51c.303 of this part except for paragraph (h).

(b) Provide those services enumerated in § 51c.102(c)(1) of this part which the Secretary determines to be feasible and desirable and which are specified in the grant award.

(c) Establish a governing board meeting the requirements of § 51c.304 by the end of the period of support under section 330(d)(1)(B) of the Act and this subpart.

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§ 51c.404 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 330(d)(1)(B) of the Act and the applicable regulations of this part.

(1) Where the project meets the requirements of § 51c.403(a); and

(2) Taking into consideration the following:

(i) The degree to which the project would provide the services enumerated in § 51c.102(c)(1) and the feasibility of its providing all of such enumerated services by the end of the period of support under section 330(d)(1)(B) of the Act and this subpart;

(ii) Whether the project will have a governing board meeting the requirements of § 51c.304 by the end of the period of support under section 330(d)(1)(B) of the Act and this subpart;

(iii) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other Federally assisted health service or reimbursement programs or projects;

(iv) The need of the population to be served for the services to be provided;

(v) The potential of the project for the development of new and effective methods for health services delivery and management;

(vi) The soundness of the fiscal plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(vii) The administrative and management capacity of the applicant; and

(viii) The extent to which community resources will be utilized in the project.

(b) The Secretary may:

(1) Make no more than two grants for the same entity under section 330(d)(1)(B) of the Act;

(2) Not make any grant under section 330(d)(1)(B) to an entity which, for the same project, has been awarded more than one grant under section 330(c) of the Act;

(3) Not make a grant under section 330(d)(1)(B) to an entity which has been awarded a grant under section 330(d)(1)(A) of the Act.

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FRIDAY, JUNE 11, 1976

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BILINGUAL EDUCATIONAL PROGRAM

Criteria for Governing Grants Awards

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Title 45—Public Welfare

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 123—BILINGUAL EDUCATION PROGRAM

Criteria for Governing Grants Awards

Notice of proposed rulemaking was published in the FEDERAL REGISTER on April 8, 1976 (41 FR 14986) setting forth a proposed regulation under the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93-380 (20 U.S.C. 880b-880b-13).

The proposed regulation set forth proposed rules and criteria for governing the award of grants by the Commissioner of Education under Part A of the Bilingual Education Act and the award of grants and contracts by the Commissioner or the Director of NIE under Part C of the Bilingual Education Act.

In developing both the proposed and final regulations, the Office of Bilingual Education met and consulted with State and local educational agencies and appropriate organizations representing parents and children of limited English-speaking ability and teachers and educators involved in bilingual education.

A. *Summary of comments; changes in the regulation.* Interested members of the public were invited to offer their recommendations or comments in response to the proposed regulation, and a number of comments were received. All of these comments and recommendations have been carefully reviewed. Summaries of the comments on the proposed regulation are set forth below on a section by section basis, together with responses explaining the changes which have been made in the final regulation in response to the comments, or indicating why no changes were deemed appropriate. The comments and responses are organized in the order of the sections of the regulation.

1. *Comment.* One commenter made a number of suggestions with respect to teachers of English for speakers of other languages (ESOL) and its emphasis in the regulation. One suggestion was to encourage program administrators to involve ESOL specialists who may not be fluent in the first language of the students in the program while the specialists are studying the first language of the students. Another suggestion was to allot more funds to support the teaching of ESOL in content areas. The commenter also suggested standards for the preparation of language teachers.

Response. No change has been made in the regulation. § 123.02(g) of the regulation defines a "program of bilingual education" to include "instruction given in, and study of, English and (to the extent necessary to allow a child to progress effectively through the educational system) the native or dominant language of the children of limited English-speaking ability." It also provides that with respect to elementary school instruction, such instruction be given "in all courses of study necessary to allow a child to progress effectively through the educational system." While it is clear that a bilingual education program is something more than merely ESOL, it is also clear that ESOL is a necessary part of a bilingual education program, that ESOL should apply to elementary school instruction in the content areas, and that training for personnel participating in, or preparing to participate in, bilingual education programs may include training for teachers of ESOL. However, the specific suggestions of the commenter, if implemented by amendments to the regulation, would unnecessarily interfere with the discretion of grant recipients in fashioning their projects. The regulation deliberately leaves to applicants and grantees discretion as to how to treat the specific matters raised in the comment.

2. *Comment.* One comment recommended amending § 123.02(d) to include "nonprofit educational agencies" which receive funding from a public board of education within the definition of a "local educational agency."

Response. The definition of "local educational agency" in the regulation is taken directly from section 801(f) of the Elementary and Secondary Education Act and cannot be amended as suggested by the comment. The type of agency described by the comment would not appear to constitute a public authority for purposes of the statutory and regulatory definition, but this type of determination would have to be made by the Office of Education in reviewing specific applicants on a case by case basis.

3. *Comment.* Several commenters protested the limitation in § 123.02(j) of stipends for full-time baccalaureate students to $800, which was understood to be a reduction in the level of stipends provided in prior years under the Bilingual Education Program.

Response. The stipend level for full-time students at the baccalaureate level has been increased to $1,500 for a twelve-month program of study (or $1,000 for an 8 month academic year program), provision has been made for dependency allowances for these students, and other changes have been made in the definition of "stipend" to clarify the scope and applicability of the provisions. Under program regulations previously in effect, traineeships were limited to $3,500, but this amount had to cover stipends, tuition, books, and all other training costs (45 CFR 123.12(h)). The proposed regulation properly separated out tuition and other fees from stipends in order not to prejudice students at institutions of higher education charging high tuition levels, with the result that many students may in effect receive a higher traineeship award under the proposed regulation than was the case in prior years. The stipend figure of $800 in the proposed regulation for students at the baccalaureate level was derived from the one or two other programs which the Commissioner was able to identify as paying stipends at the baccalaureate level. However, in light of the comments that this figure may reduce stipend support for students at institutions with very low tuition levels, the stipend level has been increased, and provision has been made for dependency allowances. The new stipend levels were arrived at with reference to the graduate level stipend rate structure prescribed by Department policy and are deemed to be adequate at the undergraduate level, particularly when coupled with support for tuition and other fees and dependency allowances and considering the likelihood that many trainees will also be receiving remuneration for part-time work in bilingual education programs.

In accordance with Department policy, references to stipend levels have been amended to relate to a twelve month period (rather than an academic year), and provisions have been added to clarify that proportionate stipends will be awarded when an individual attends school for less than a twelve-month period. The proposed regulation had also inadvertently omitted stipend rates for graduate level (non-fellowship) training, and provisions have been added to cover this. Provisions in the proposed regulation on short-term training have been clarified, and language has been added to indicate that the hourly payments are in addition to any tuition and related costs and to provide for higher hourly pay when educational personnel participating as trainees receive higher hourly wages under a collective bargaining agreement.

4. *Comment.* One commenter objected that "the compulsory 15 percent for training in the demonstration program is somewhat of a burden on projects that have a rural population" and suggested an exception to that requirement for those programs in rural areas.

Response. The requirement of § 123.13(c) that no less than 15 percent of the amounts paid to the applicant for the purpose of carrying out a basic program be expended for auxiliary and supplementary training programs is mandated by section 721(b)(2)(B) of the Act. While the concern of the commenter is well-taken, the Office of Education is without authority to make the suggested change.

5. *Comment.* Several commenters objected to the provision in § 123.14(b)(4) of the proposed regulation which they interpreted to limit the amount of a Federal award to the product of one-third of the combined State and local educational agency per pupil expenditures for the applicant local educational agency multiplied by the number of participating children in the program. The comments expressed the understanding that the provision would reduce the level of Federal support for ongoing bilingual education projects and questioned the statutory basis for the provision.

Response. The subject provision was never intended as a limitation on the amount of specific project awards to be made, but rather was promulgated in order to provide a ballpark figure for the guidance of applicants. The regulation has been amended to clarify this. As amended, § 123.14(b)(4) clearly does not preclude the award of individual projects in excess of the formula provided. The

formula is appropriate as a guide to applicants. Funds available for the program are not unlimited, and the Commissioner is responsible, under section 721(b)(2) of the Act, for assuring an equitable distribution of assistance. In the past, for want of this type of guidance, particular applicants have wasted considerable time and effort preparing applications which asked for so much money that they stood no reasonable chance of being funded. Contrary to the understanding of the commenters, the greatest proportion of ongoing bilingual education projects involve costs within the range suggested by § 123.14(b)(4). So as not to put poorer school districts at a disadvantage (even in terms of guidance), the final regulation has also been amended to relate the guide formula to the average per pupil expenditures by the State and local educational agencies for the State as a whole rather than to such expenditures by the State and applicant local educational agency for the applicant local educational agency.

6. *Comment.* With reference to § 123.14(b)(8), requiring each application for a basic program of bilingual education to include a statement that the appropriate State educational agency (SEA) has been given a reasonable opportunity to offer recommendations to the applicant and to the Commissioner on the proposed activities and to include a copy of any recommendations made by the SEA to the applicant, one comment recommended that the provision requiring inclusion in the application of copies of SEA recommendations be deleted, or alternatively, that it be waived for this year. The commenter expressed the view that the time required to submit the application to the SEA and to provide the SEA an opportunity for review would create an undue burden on the applicant preparing an application within tight time deadlines. The commenter also argued that most State educational agencies have neither the time nor the resources to perform this task with the prompt and careful attention it deserves.

Response. No change has been made in the regulation. Section 721(a)(2)(D) of the Bilingual Education Act provides that an application for a grant under Part A of the Act may be approved only if the State educational agency "has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Commissioner." The regulation provision must comport with this statutory provision and is not subject to waiver. The concern of the commenter with respect to time constraints for preparing applications really bears upon the issue of whether the SEA ought to be given the opportunity to make recommendations on the application to the applicant, but that is an issue foreclosed by the statute. No extra time burdens are placed upon the applicant as a result of the specific requirement that applicants attach to the application SEA comments, if there are any SEA comments. It should be noted in this connection that there is nothing in the regulation to preclude submission of an application if an SEA fails to comment on the application; the regulation merely requires that the SEA be given a reasonable opportunity to offer recommendations on the application. What may constitute a "reasonable opportunity" may vary depending upon the amount of time available to an applicant to prepare and submit the application. In this respect, the proposed regulation provides more flexibility than the regulation heretofore in effect, which required that the SEA have at least 15 days to review the proposed program (45 CFR 123.13(b)(8)). Finally, the real answer to the commenter's concern lies in providing applicants with sufficient time to prepare the application and to obtain SEA recommendations. OE believes that sufficient time was provided for these purposes in FY 1976 and is committed to providing applicants with more time for these purposes in successive fiscal years.

7. *Comment.* Section 123.15(a)(1)(iii) of the proposed regulation provides that in evaluating applications for basic bilingual education projects, the Commissioner will consider recommendations from the appropriate State educational agency as to the relative need for the authorized activities in different geographic areas within the State, the relative ability of local educational agencies within the State to conduct such activities, and other factors relevant to achieving an equitable distribution of assistance within the State. One commenter recommended deletion of this provision, on the basis that many SEAs are not capable of making a reliable assessment of relative need among local educational agencies and that such information should be self-evident from data in the applications. The commenter recommended that if the provision were not deleted, amendments be added to require the SEA to develop its recommendations in consultation with LEA applicants and to provide its recommendations in writing to each grant applicant to be included in the grant application.

Response. The subject provisions concerning recommendations by the SEA are derived directly from section 721(b)(2)(A) of the Bilingual Education Act and therefore may not be deleted from the regulation. As regards the alternative suggestion respecting consultation with the affected LEAs, the Office of Education would certainly encourage SEAs to follow the suggested procedures as a matter of relationships with their LEAs, but does not believe that a Federal requirement on this would be appropriate.

8. *Comment.* One commenter suggested that applicants be reminded that information related to program participants required in § 123.14(b)(5) is also to be provided for eligible children enrolled in nonprofit, nonpublic schools.

Response. Such information has always been supplied by applicants. The final regulation, however, does explicitly require such information by adding a new § 123.16(a)(3), in accordance with the comment.

9. *Comment.* One commenter felt that § 123.16(a)(1) left unclear the extent of the local educational agency's obligation to service nonpublic school children, stating: "No provision is made to assure that the number of nonpublic school students participating in the program reflects a proportion of the total nonpublic school population which is equivalent to the proportion of public school eligible students being served."

Response. Section 123.16(a)(1) reflects the wording of the statute—section 721(b)(2)(C)(ii) of the Act. The language of both—"to the extent consistent with the number of children enrolled in nonprofit, nonpublic schools in the area to be served"—has consistently been interpreted as requiring equitable participation by such children. See Sen. Rept. No. 93-1026, at 150 (1974). Such participation, therefore, means proportional participation, as the commenter suggests. Prior to this restatement of the regulations, it was not deemed necessary explicitly to state this matter in the regulation. However, appropriate language has been added to § 123.16 to clarify this point, by relettering § 123.16(b) of the notice of proposed rulemaking as § 123.16(d) and providing a new § 123.16(b) and (c) in the final regulation. The new § 123.16(c) provision is quite similar to the regulatory scheme of Title I of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 242) in 45 CFR 116.19(b) and Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 344b) in 45 CFR 118.15(a). In the case of applicants which opt, under § 123.16(b), to serve private school children whose dominant language is other than the dominant language of public school children of limited English-speaking ability to be served by the program, this rule on proportionate participation would apply with reference to the cumulative numbers of children of limited English-speaking ability of both dominant languages in public and private schools (at the appropriate age or grade levels) in the area to be served.

10. *Comment.* One comment took issue with the apparent ineligibility, under § 123.22, of institutions to apply to serve children outside of their own designated area. The comment indicated that there might be children with a particular dominant language other than English scattered among a number of the service areas without adequate concentration in any one service area to warrant a training center or resource center within the area specifically addressing their needs. The comment further expressed the view that skilled resources may be lacking within particular service areas to address the needs of children with a particular dominant language other than English. In sum, the commenter recommended that permitting applicants to provide services beyond the designated service areas would better meet the needs of children and result in a more efficient use of personnel and resources.

Response. A new paragraph (d)(3) has been added to § 123.22 to address the

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problem raised by the commenter by au-

of such transmission, subject to the pro-

Subpart A—General Provisions

(20 U.S.C. 880b-8 (a), (b); 881(f))

ing ages or levels of educational attain-

the field of bilingual education, the

problem raised by the commenter by authorizing departures from the service areas where specifically justified. It should also be noted that § 123.22(d)(2) in the proposed regulation is another route to ensuring that the needs for activities under subpart C are met.

11. *Comment.* One commenter expressed concern that a vehicle for an advisory council "does not exist specifically for input in the design, evaluation and monitoring of bilingual education graduate and undergraduate college level programs."

Response. No change is necessary in the regulation. Such a vehicle does exist in the Act and is reflected in the regulation. Section 723(a)(5) requires parent and community participation for certain specified training activities which may involve institutions of higher education. Section 123.33(b)(10) of the regulation reiterates this same requirement.

12. *Comment.* One commenter recommended the establishment of "a separate bilingual advisory group, composed of fellowship recipients, faculty and LEA bilingual program administrators, whose duties would entail monitoring and evaluating the IHE's bilingual [fellowship] program, as well as providing interim and final reports on the quality of the program."

Response. No change has been made in the regulation. Whereas the Act provides for an advisory council in connection with basic programs of bilingual education and certain training activities (Sections 703(a)(4)(E) and 723(a)(5)), the fellowship provisions of the Act (20 U.S.C. 880b-9(a)(2)-(3)) do not provide for the establishment of a separate advisory group for the fellowship program. Under these circumstances, it would not be appropriate to mandate by regulation an advisory council for the fellowship program. However, there is no provision in the Act or regulation that precludes establishment of such a group by local grantees at their discretion.

B. *Other changes.* 1. Section 123.04 has been added to authorize multi-year projects (project period awards) under any of the subparts of the regulation excepting Subparts E and F. These provisions were set forth in the proposed regulation only for the basic program under Subpart B in § 123.15(b) and the training program under Subpart D in § 123.34(b). Conforming amendments in §§ 123.15(b) and 123.34(b) have been made.

2. Other changes of a typographical and technical nature have been made.

C. *Promulgation of regulation.* After consideration of all comments, Part 123 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

D. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions thereof concerning congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.403, Bilingual Education.)

Dated: May 26, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Dated: May 27, 1976.

VIRGINIA Y. TROTTER,
Assistant Secretary for Education.

Approved: June 4, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

PART 123—BILINGUAL EDUCATION ACT

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AUTHORITY: Title VII of the Elementary and Secondary Education Act of 1965, as amended, 81 Stat. 816–819 (20 U.S.C. 880b–880b-13).

Subpart A—General Provisions

§ 123.01 Purpose.

The purpose of awards under this Part is, in order to establish equal educational opportunity for all children, to encourage the establishment and operation of educational programs using bilingual educational practices, techniques, and methods and to demonstrate effective ways of providing, for children of limited English-speaking ability, instruction designed to enable them, while using their native or dominant language, to achieve competence in the English language.

(20 U.S.C. 880b(a))

§ 123.02 Definitions.

The following definitions shall apply to the terms used in this Part:

(a) "Dominant language" means the language most relied upon for communication in the home.

(20 U.S.C. 880b-1(a)(1)(B))

(b) "Institution of higher education" means an educational institution in any State which meets the requirements set forth in section 801(e) of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 881(e))

(c) "Limited English-speaking ability," when used with reference to an individual, means individuals who have difficulty speaking and understanding instruction in the English language by reason of their being:

(1) Individuals who were not born in the United States or whose native language is a language other than English; or

(2) Individuals whose dominant language is other than English.

(20 U.S.C. 880b-1(a)(1))

(d) "Local educational agency" means:

(1) A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(2) A nonprofit institution or organization of an Indian tribe which:

(i) Operates an elementary or secondary school in which Indian children constitute more than 50 per cent of the enrollment, and

(ii) Is approved by the Commissioner of Education for purposes of this Part; and

(3) An elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior.

(20 U.S.C. 880b-8 (a), (b); 881(f))

(e) "Low income," when used with reference to a family, means an annual income which does not exceed the low annual income determined pursuant to section 103 of Title I of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 241c; 880b-1(a)(3))

(f) "Native language," when used with reference to an individual of limited English-speaking ability, means the language normally used by such individual, or, in the case of a child, the language normally used by the parents of the child.

(20 U.S.C. 880b-1(a)(2))

(g) "Program of bilingual education" means:

(1) A program of instruction, designed for children of limited English-speaking ability in elementary or secondary schools, in which, with respect to the years of study to which such program is applicable:

(i) There is instruction given in, and study of, English and (to the extent necessary to allow a child to progress effectively through the educational system) the native or dominant language of the children of limited English-speaking ability;

(ii) Such instruction is given with appreciation for the cultural heritage of such children; and

(iii) With respect to elementary school instruction, such instruction is given in all courses or subjects of study necessary to allow a child to progress effectively through the educational system.

(2) A program of bilingual education shall also meet the requirements of § 123.17, regarding parent and community participation, and the requirements set forth in paragraphs (g)(2)(i), (ii), and (iii) below:

(i) A program of bilingual education may make provision for the voluntary enrollment to a limited degree therein, on a regular basis, of children of other than limited English-speaking ability, in order that they may acquire an understanding of the cultural heritage of the children of limited English-speaking ability for whom the particular program of bilingual education is designed. In determining eligibility to participate in such programs, priority shall be given to children of limited English-speaking ability. In no event shall the program be designed for the purpose of teaching a foreign language to English-speaking children.

(ii) In such courses or subjects of study as art, music, and physical education, a program of bilingual education shall make provision for the participation of children of limited English-speaking ability in regular classes.

(iii) Children enrolled in a program of bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment, as determined after measuring such attainment through the use of all necessary languages. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual education shall seek to ensure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

(20 U.S.C. 880b-1(a)(4); Sen. Rep. No. 93-1026, at 148–49 (1974))

(h) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 881(j))

(i) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 881(k))

(j) "Stipend" means an allowance for subsistence and other expenses for an individual and his or her dependents, to enable such individual to participate in training activities where authorized under Subparts B, C, D, and E.

(1) *Fellowships.* (i) In the case of a recipient of a fellowship under subpart E of this Part, the amount of the stipend for a support year of twelve months shall be the sum of the following:

(A) The costs of tuition, books, and fees, and other costs directly related to the program of study in which the recipient is enrolled and required by the institution of higher education offering the program (but not including any indirect or operational costs of the institution);

(B) An allowance of $600 for each dependent of the recipient; and

(C) An allowance, for subsistence and other expenses of the recipient, of $2,400 for the first post-baccalaureate year, $2,600 for any year after the first post-baccalaureate year except in the terminal year of the program of study, and $2,800 for the terminal year.

(ii) Where a recipient of a fellowship has had professional work experience in the field of bilingual education, the amount of the allowance referred to in paragraph (j)(1)(i)(C) of this section shall be the following:

(A) At least one but less than 12 months of experience—$3,000.

(B) At least 12 but less than 24 months of experience—$3,300.

(C) At least 24 but less than 36 months of experience—$3,600.

(D) At least 36 but less than 48 months of experience—$3,900.

(E) At least 48 months of experience—$4,200.

(iii) Each full-time academic year of study above the baccalaureate level in the field of bilingual education shall equal 12 months of experience for purposes of paragraph (j)(1)(ii) of this section.

(iv) Where a recipient of a fellowship has been awarded a Master's degree in the field of bilingual education, the amount of the allowance referred to in paragraph (j)(1)(ii) of this section shall be increased by $500.

(2) *Post-baccalaureate training.* In the case of an individual enrolled at an institution of higher education at the post-baccalaureate level in training under Subparts B, C, or D (other than in short-term training described in paragraph (j)(5) of this section), the stipend shall be for an amount up to the appropriate amounts prescribed in paragraph (j)(1) of this section, at the discretion of the grantee.

(3) *Baccalaureate level training.* In the case of an individual enrolled in an institution of higher education at the baccalaureate level in training under Subparts B, C, or D (other than in short-term training described in paragraph (j)(5) of this Paragraph) the amount of the stipend for a support year of twelve months shall be for up to the sum of the following, at the discretion of the grantee:

(i) The costs of tuition, books, and fees, and other costs directly related to the bilingual education program of study in which the individual is enrolled and required by the institution offering the program;

(ii) Where the individual is enrolled on a full-time basis, $1,500; and

(iii) An allowance of $600 for each dependent of the individual.

(4) *Attendance part-time or for less than a full year.* Amounts determined pursuant to paragraphs (j)(1), (2), or (3) of this section shall be proportionately reduced for attendance on a part-time basis or for less than a twelve-month period. As provided in § 123.41, fellowships may be awarded only for a full-time program of study, which may be an academic year shorter than a twelve-month period. This subparagraph, and paragraphs (j)(1), (2), and (3) of this section, do not apply to short-term training described in subparagraph (5) of this paragraph.

(5) *Short-term training.* In the case of an individual participating in a training activity under Subparts B, C, or D designed to provide individual participants with training with a duration of 90 days or less, the amount of the stipend shall be:

(i) Any costs of tuition, books, and fees, and other costs directly related to the bilingual education program of study in which the individual is enrolled, required by the institution offering the program, and not otherwise paid for under this part.

(ii) Where the individual receives no other compensation for participating in, or performing work during, the activity, $6 for each hour of participation, except that the amount shall exceed neither (A) $30 for any day, nor (B) $150 for any week, except as provided under paragraph (j)(5)(iii) of this section.

(iii) Where educational personnel participating as trainees are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum hourly rate for any such individual is more than

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$6 per hour, such individual would be compensated at the minimum hourly rate provided for under the collective bargaining agreement.

(20 U.S.C. 880b–9(a)(3))

§ 123.03 General terms and conditions.

Assistance provided under this Part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), except that such assistance shall not be subject to the provisions of § 100a.26(b) of this chapter, relating to criteria for awards.

(20 U.S.C. 880b—880b–13)

§ 123.04 Duration of projects.

(a) The provisions of this section apply to awards of assistance under this part, excepting awards under Subparts E and F.

(b) Awards of assistance under this part shall be made for a specified project period. The duration of the project shall be only for the minimum period determined by the Commissioner to be needed to carry out the demonstration or other approved objectives of the program.

(c) New applications proposing multiyear projects must be accompanied by an explanation of the need for multiyear support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(d) Applications for assistance to continue a program during the project period but subsequent to the initial fiscal year of assistance shall be evaluated on the basis of the progress of the program in meeting its objectives, except that where funds are insufficient to support all programs determined on such basis to merit continuation, applications for continued support shall be evaluated on the basis of the applicable criteria set forth in other subparts of this part.

(e) Following the expiration of the project period for a particular program, an application for further assistance to support such program shall be evaluated on the basis of the applicable criteria set forth in other subparts of this part in competition with other applications to which such criteria apply.

(20 U.S.C. 1221e–3(a)(1), 880b)

§§ 123.05–123.10 [Reserved]

Subpart B—Basic Programs of Bilingual Education

§ 123.11 Eligibility for assistance.

(a) *General.* An application for a grant under this subpart for a basic program of bilingual education may be submitted by:

(1) One or more local educational agencies, or

(2) An institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies.

(b) *Joint applications.* In the case of a joint application for a basic program of bilingual education submitted pursuant to paragraph (a)(2) of this section, a single application with a single budget shall be submitted, and a single local educational agency shall serve as the fiscal agent for all joint applicants.

(20 U.S.C. 880b–7(b)(1))

§ 123.12 Authorized activities.

The following activities are authorized to be carried out with financial assistance made available under this subpart where such activities are designed to carry out the purposes described in § 123.01:

(a) Establishing, operating, and improving programs of bilingual education;

(b) Providing auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of programs described in paragraph (a) of this section, including such activities as:

(1) Adult education programs related to the purposes of this Part, particularly for parents of children participating in programs of bilingual education, and carried out, where appropriate, in coordination with programs assisted under the Adult Education Act, as amended (20 U.S.C. 1201–1211a); and

(2) Preschool programs preparatory and supplementary to bilingual education programs;

(c) Providing auxiliary and supplementary training programs for personnel preparing to participate in, or personnel participating in, the conduct of a basic program, including:

(1) Programs emphasizing oportunities for career development, advancement, and lateral mobility;

(2) Special training programs designed to meet individual needs;

(3) The operation of short term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs; and

(4) The payment of stipends, as defined in § 123.02, to personnel participating in such training programs; and

(d) Planning, and providing technical assistance for, and taking other steps leading to the development of, such programs.

(20 U.S.C. 880b–7(a)(1), (2), (3)(B), (4); 880b–9(a)(1)(A)(i)(I), (A)(ii)(I), (B), (a)(3), (a)(5); Sen. Rep. No. 93–1026, at 153 (1974))

§ 123.13 Requirements of a basic program.

(a) A basic program shall meet the requirements for a "program of bilingual education" as those requirements are set forth in § 123.02.

(20 U.S.C. 880b–1(a)(4))

(b) Nothing in this Part shall be construed to authorize isolation of children of limited English-speaking ability by language or ethnic background unless the applicant demonstrates that separation for specific language learning activities for a portion of the school day is essential to the achievement of the purposes of this Part.

(42 U.S.C. 2000d–2000d–6)

(c) Auxiliary and supplementary training programs described in § 123.12(c) to train personnel preparing to participate in, or personnel participating in, the conduct of a basic program shall be included in each such program. Not less than 15 percent of the amounts paid to the applicant for the purpose of carrying out a basic program shall be expended for auxiliary and supplementary training programs.

(20 U.S.C. 880b–7(a)(3)(B), (b)(2)(B))

(d) A basic program assisted under this subpart shall include provisions for making available, at a cost not exceeding the actual cost of reproduction, sample copies of any materials resulting from the program to any local educational agency which requests copies of such materials.

(20 U.S.C. 880b–7(b)(1))

(e) Federal funds made available under this Part shall not be used for religious worship or instruction, or in connection with any part of a school or department of Divinity. "School or department of Divinity," for purposes of this paragraph, means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(20 U.S.C. 885; *Lemon v. Kurtzman*, 403 U.S. 602 (1971))

§ 123.14 Applications.

(a) *General provisions.* An applicant desiring to receive assistance under this subpart shall submit to the Commissioner an application which shall include a description of the activities set forth in § 123.12 which the applicant desires to carry out, and which shall provide evidence that the activities so described will make substantial progress toward making programs of bilingual education available to the children having need thereof in the area served by the applicant. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto (including reports concerning performance and evaluation of approved programs) shall be made readily available to members of the public by the applicant. The applicant shall make copies of such materials available at a cost not exceeding the actual cost of reproduction.

(20 U.S.C. 88b–7(b)(1); 1231d)

(b) *Content of application.* Applications for assistance under this subpart shall contain the following assurances and information:

(1) *Administration by applicant.* Evidence that the activities for which assistance is sought under this subpart will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient administration of the program;

(3) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart;

(4) *Budget and justification.* A statement detailing the costs of services and property in the budget for the proposed program. It is expected that funds made available to carry out a basic program of bilingual education under this subpart generally will not exceed an amount equal to one-third of the State average per pupil expenditure (computed with regard to expenditures by the State educational agency and by all local educational agencies in the State) multiplied by the number of participating children in the proposed program. Nothing in this subparagraph shall be construed as a limitation on the amount of funds which may be made available to a particular grantee;

(5) *Program participants.*—(i) The number and percentage of children of limited English-speaking ability enrolled in the schools of the applicant local educational agency or agencies as of the date of the application;

(ii) The number of children of limited English-speaking ability and other than limited English-speaking ability to be served by the proposed program;

(iii) A description of when and how the applicant identified the children of limited English-speaking ability for whom the proposed program is designed, measured the extent of such children's lack of competence in the English language, and otherwise assessed the needs of such children; and

(iv) In the case of an application to carry out the activities described in § 123.12(a) or (b), the number of persons from low-income families sought to be benefitted by the proposed program, and a description of how such persons will be benefitted;

(6) *Use of educational resources.* A description of provisions made by the applicant for the use, in connection with the proposed program, of the assistance of the most qualified available personnel with expertise in the educational problems of children of limited English-speaking ability, and for the use in such program of the cultural and educational resources in the area to be served. For purposes of this subparagraph, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit nonpublic schools, and public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television outlets, and other cultural and educational resources;

(7) *Evaluation, reports, and records.*—(i) Evidence that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in achieving the purposes of this Part;

(ii) Evidence that the applicant will submit to the Commissioner such reports, in such form and containing such information as the Commissioner may reasonably require to carry out the Commissioner's functions under this Part (including reports of evaluations of any approved program, to be submitted at least twice annually), and will keep such records and afford such access thereto as the Commissioner may find necessary to verify such reports; and

(iii) A description of the evaluation design of the proposed program. Such evaluation design shall include provisions for assessing the applicant's progress in achieving the objectives set out in its application for assistance. In the case of an application to carry out the activities described in § 123.12(a), the evaluation design shall also include the following:

(A) Provisions for comparing the performance of participating children on tests of reading skills in English and in the language other than English to be used in the proposed program with an estimate of what such children's performance would have been in the absence of the program. Where the applicant chooses to base such estimate on the performance of nonparticipating but similar children on such tests, the evaluation design shall include a description of the methods used to identify nonparticipating but similar children for such purpose;

(B) A description of instruments of measurement to be used by the applicant in evaluating the performance of participants in the program, the rationale for selecting these instruments, and procedures to be followed in their use; and

(C) Provisions for reporting pre-test and post-test results on reading tests for all participating children (and, where their performance is compared with the performance of nonparticipating but similar children, for all such nonparticipating children) using mean scores, standard deviations, and appropriate tests of statistical significance. No application which fails to include the elements of an evaluation design described in this paragraph will be approved for assistance under this subpart;

(8) *Review by State educational agency.* A statement indicating that the appropriate State educational agency, as defined in § 123.02, has been given a reasonable opportunity to offer recommendations to the applicant and to the Commissioner on the proposed activities, including the identity of the State official or agency to whom the proposed program was submitted, the date of such submission, and a copy of any recommendations made by such official or agency to the applicant. In the case of an application submitted by an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior, the Secretary of the Interior or the Secretary's designate shall be treated as the appropriate State educational agency for purpose of this subparagraph;

(9) *Coordination.* A description of procedures employed and to be employed by the applicant to coordinate its proposed program with related activities carried out or to be carried out with Federal or non-Federal funds;

(10) *Cross-reference.* The assurances and information described in § 123.16 and § 123.17(a).

(20 U.S.C. 880b–7(b)(1), (b)(2)(A), (C), (D); 1232c(a)(1), (2)(b)(3))

(c) *Information pertaining to Indian institutions and organizations.* In addition to the assurances and information required in paragraph (b) of this section, an application submitted by a nonprofit institution or organization of an Indian tribe operating an elementary or secondary school for Indian children shall include:

(1) The date when such school was founded and a brief summary of the number of children enrolled in, number of staff employed by, and grade structure of, the school since its founding; and

(2) Evidence of the applicant's nonprofit status. Any of the following shall be acceptable evidence of nonprofit status:

(i) A reference to the organization's listing in the Internal Revenue Service's most recent cumulative list of organizations described in section 501(c) of the Internal Revenue Code as tax exempt;

(ii) A copy of a currently valid Internal Revenue Service tax exemption certificate;

(iii) A statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State, and that no part of its net earnings may lawfully inure to the benefit of any private shareholder or individual;

(iv) A certified copy of the organization's certificate of incorporation or similar document, where such document clearly establishes the nonprofit status of the organization;

(v) Any of the evidence described in clauses (i) through (iv) of this subparagraph which applies to a State or national parent organization, and a statement by the parent organization that the applicant organization is a local nonprofit affiliate.

(20 U.S.C. 880b–8(a))

§ 123.15 Criteria for assistance.

(a) *General criteria.* In evaluating applications for assistance under this subpart (except as provided in paragraph (b) of this section) the Commissioner shall apply the following criteria:

(1) *Need for assistance.* (20 points) The need for assistance, as indicated by:

(i) The number and percentage of children of limited English-speaking

ability enrolled in the schools of the

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ability enrolled in the schools of the applicant local educational agency or agencies as of the date of the application;

(ii) The extent of such children's lack of competence in the English language and other needs related to their ability to progress effectively through the educational system, where the existence of such needs is supported by reliable evidence contained in the application; and

(iii) Recommendations from the appropriate State educational agency as to the relative need for the activities described in § 123.12 in different geographic areas within the State, the relative ability of local educational agencies within the State to conduct such activities, and other factors relevant to achieving an equitable distribution of assistance under this subpart within the State.

(2) *Approach.* (50 points) The quality of the applicant's educational approach, as indicated by the following factors:

(i) The extent to which the application sets forth objectives, designed to meet the needs assessed, which objectives are interrelated, specific, measurable, and realistically attainable within specified periods; and the extent to which the proposed program provides for concentrating services for a limited number of participants;

(ii) The extent to which the proposed program:

(A) Employs a comprehensive approach for instruction in, and the study of, English and the dominant language of participating children of limited English-speaking ability;

(B) Incorporates instruction in the history and culture of the United States and the history and culture of the geographic area associated with the dominant language of such children;

(C) Includes effective use of the cultural and educational resources in the area to be served;

(D) Affords promise of facilitating conceptual development and the improvement of reading and writing skills in English and a language other than English, on the part of participating children of limited English-speaking ability which will permit such children to progress through the educational system at the same rate as other children of the same age; and

(E) In the case of an application to carry out the activities described in § 123.12 (a) or (b), provides for benefiting persons from low-income families;

(iii) The extent to which the proposed program includes an adequate staffing plan, and will employ the services of persons with proficiency in the dominant language of participating children of limited English-speaking ability and experience in carrying out activities designed to develop listening, speaking, reading, writing, and other academic skills in the English language and in the dominant language of such children;

(iv) The extent to which the application:

(A) Provides for auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of the proposed program; and

(B) Delineates specific opportunities for the participation of the community advisory committee described in § 123.17 in the planning, implementation, and evaluation of the proposed program, and contains evidence that such participation has been encouraged and has in fact occurred; and

(v) The extent to which the auxiliary and supplementary training activities included in the proposed program afford promise of increasing the effectiveness of the program;

(3) *Administration.* (15 points) The extent to which the application sets forth:

(i) Effective methods of administration;

(ii) Effective financial management procedures;

(iii) Reasonable costs for services and property for the proposed program, and evidence that efforts have been made to minimize funds requested for the purchase of equipment and for personnel normally supported by the applicant;

(iv) Procedures for effective coordination of activities under the proposed program with related activities not funded under this subpart; and

(v) A plan for continuing the program without Federal support at the end of the project period; and

(4) *Evaluation.* (15 points) The extent to which the application sets forth an evaluation design as described in § 123.14(b)(7)(iii) which ensures a reliable and comprehensive assessment of the performance of participants in the proposed program.

(b) *Continuation awards.* Applications for assistance to continue a program during the project period but subsequent to the initial fiscal year of assistance shall be evaluated in accordance with § 123.04(d).

(20 U.S.C. 880b(a); 880b–7 (b)(1)(B), (b)(2)(A), (b)(2)(C)(i), c); Sen. Rep. No. 93–763, at 43–45 (1974); Sen. Rep. No. 93–1026, at 149 (1974))

§ 123.16 Participation of children enrolled in nonpublic schools.

(a) An application for assistance under this subpart shall contain:

(1) Evidence that, to the extent consistent with the number of children of limited English-speaking ability enrolled in nonprofit nonpublic schools in the area to be served, provision has been made for the participation of such children in the proposed program;

(2) A description of the nature and extent of such participation; and

(3) The information relating to program participants described in § 123.14(b)(5) as applied to eligible children enrolled in nonprofit, nonpublic schools.

(b) The participation of children of limited English-speaking ability enrolled in nonprofit, nonpublic schools in the area to be served may, at the option of the applicant, involve children enrolled in a nonpublic school whose dominant language is other than the dominant language of public school children of limited English-speaking ability to be served by the proposed program.

(c) The number of children of limited English-speaking ability enrolled in nonprofit, nonpublic schools who participate in the program, in relation to the total number of such children in the area to be served whose educational needs are of the type the program is designed to meet, shall be consistent with the number of public school children of limited English-speaking ability who participate in the program in relation to the total number of public school children in the area to be served whose educational needs are of the type the program is designed to meet.

(d) The applicant shall provide information satisfactory to ensure that services to participating nonpublic school children will be provided under public administrative direction and control.

(20 U.S.C. 880b–7(b)(2)(C)(ii); Sen. Rep. No. 93–1026, at 150 (1974))

§ 123.17 Parent and community participation.

(a) *Information and assurances.*—(1) Applications for assistance under this subpart shall contain a description of the procedures by which parents of children of limited English-speaking ability, teachers, secondary school students (where the proposed program will serve students enrolled in secondary schools), and other interested persons in the areas to be served have been consulted in the development of the application.

(2) An application for assistance under this subpart shall contain an assurance that in the event the application is approved:

(i) The applicant will consult with a community advisory committee established in accordance with paragraph (b) of this section at reasonable intervals (at formal meetings open to the public) with respect to the administration and operation of the program;

(ii) The applicant will provide such committee with a reasonable opportunity periodically to observe (upon prior and adequate notice by the applicant and at such time or times as such committee and such applicant may agree) and comment upon all activities included in the program; and

(iii) The applicant will make such provisions as are necessary to ensure the participation of such committee in the evaluation of the program.

(b) *Composition of community advisory committee.* The community advisory committee required by this section shall be composed of, and selected by, parents of children of limited English-speaking ability in the areas to be served and, where the program will serve students enrolled in secondary schools, representatives of secondary school students to be served.

(20 U.S.C. 880b–1(a)(4)(E); 1231d)

§§ 123.18–123.20 [Reserved]

Subpart C—Support Services for Programs of Bilingual Education

§ 123.21 Eligibility for assistance.

(a) An application for a grant under this subpart for the operation of a training resource center serving a designated service area may be submitted by:

(1) One or more institutions of higher education (including junior colleges and community colleges) which apply after consultation with, or jointly with, one or more local educational agencies;

(2) One or more local educational agencies; or

(3) One or more State educational agencies.

(20 U.S.C. 880b–9(b))

(b) An application for a grant under this subpart for the operation of a materials development center serving a designated service area, or for the operation of a dissemination/assessment center serving a designated service area, may be submitted by:

(1) One or more local educational agencies; or

(2) An institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies.

(20 U.S.C. 880b–7(b)(1))

(c) In the case of a joint application submitted pursuant to paragraphs (a)(1) or (b)(2) of this section, a single application with a single budget shall be submitted, and a single institution of higher education shall serve as the fiscal agent for all joint applicants.

(20 U.S.C. 880b–7(b)(1), 880b–9(b))

§ 123.22 Designated service areas.

(a) *Training resource centers.* Activities authorized under § 123.23(a), relating to training resource centers, shall be carried out in one of the following designated service areas:

(1) Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont);

(2) Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands);

(3) Regions III and IV (Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee);

(4) Regions V and VII (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, and Nebraska);

(5) Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas);

(6) Regions VIII and X (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, Alaska, Idaho, Oregon, and Washington); and

(7) Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, and the Trust Territory of the Pacific Islands).

(c) *Dissemination/assessment centers.* Activities authorized under § 123.23(c), relating to dissemination/assessment centers, shall be carried out in one of the following designated service areas:

(1) Regions I, II, III, and IV (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Puerto Rico, the Virgin Islands, Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee);

(2) Regions V, VI, VII, and VIII (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, Nebraska, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); and

(3) Regions IX and X (Arizona, California, Hawaii, Nevada, American Samoa, Guam, the Trust Territory of the Pacific Islands, Alaska, Idaho, Oregon, and Washington).

(d) (1) No more than one award of assistance shall be made to carry out the activities authorized under § 123.23 (a), (b), and (c), respectively, in any fiscal year in a designated service area unless the Commissioner determines that additional awards are required to meet the needs for such activities in any such area, or except as provided in paragraph (d)(3) of this section.

(2) Where the Commissioner determines that the needs for activities authorized under § 123.23 (a), (b), or (c) in all or part of a designated service area will not be met by the activities proposed in pending applications, the Commissioner may require applicants whose applications are of sufficient merit to warrant approval to expand their proposed activities to meet such needs.

(3)(i) Where the Commissioner determines that it is necessary in order to meet the needs for activities authorized under § 123.23 (a), (b), or (c) or otherwise to carry out the purposes of this subpart most effectively, the Commissioner may award one or more specific projects to carry out activities authorized under § 123.23 (a), (b), or (c) without regard to the service areas designated in this section.

(ii)(A) Applications under this subpart which propose to carry out activities without regard to the service areas designated in this section must set forth a special justification in terms of the standard described under paragraph (a)(1)(i) of this section for not following the service area designations.

(B) For applications under this subparagraph, requirements and criteria in this subpart referring to "designated service area" shall be applied with reference to the areas proposed to be served by the application.

(20 U.S.C. 880b–7 (a) (1) and (4), (b) (1), (2)(A), (c); 880b–9)

§ 123.23 Authorized activities.

The following activities are authorized to be carried out with financial assistance made available under this subpart where such activities are designed to carry out the purposes described in § 123.01:

(a) *Training resource centers.* In the case of a training resource center, the training of teachers, administrators, paraprofessionals, teacher aides, parents, and other persons associated or preparing to be associated, with a program of bilingual education (including persons employed by institutions of higher education and State educational agencies who are providing training under subpart B, D, or E of this Part) in the skills set forth in this paragraph, and the payment of stipends, as defined in § 123.02, to personnel participating in such training activities. In carrying out training activities described in this paragraph, priority shall be given to improving the likelihood of success of programs of bilingual education assisted under this Part in the designated service area.

(1) The use of bilingual educational practices, techniques, and methods;

(2) The use of instructional materials for programs of bilingual education, including procedures for field or pilot testing of such materials;

(3) The selection and use of appropriate instruments for measuring the educational performance of children of limited English-speaking ability;

(4) Means of involving parents and community organizations in programs of bilingual education, and of incorporating into such programs the use of available cultural and educational resources;

(5) The development and implementation of procedures to evaluate the impact of programs of bilingual education; and

(6) Any other skills which the Commissioner determines would facilitate the success of programs of bilingual education.

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(b) *Materials development centers.* Activities authorized under § 123.23(b), relating to materials development centers, shall be carried out in one of the following designated service areas:

(1) Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont);

(2) Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands);

(3) Regions III and IV (Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee);

(4) Regions V and VII (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, and Nebraska);

(5) Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas);

(6) Regions VIII and X (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, Alaska, Idaho, Oregon, and Washington); and

(7) Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, and the Trust Territory of the Pacific Islands).

(c) *Dissemination/assessment centers.* Activities authorized under § 123.23(c), relating to dissemination/assessment centers, shall be carried out in one of the following designated service areas:

(1) Regions I, II, III, and IV (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Puerto Rico, the Virgin Islands, Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee);

(2) Regions V, VI, VII, and VIII (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, Nebraska, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); and

(3) Regions IX and X (Arizona, California, Hawaii, Nevada, American Samoa, Guam, the Trust Territory of the Pacific Islands, Alaska, Idaho, Oregon, and Washington).

(d) (1) No more than one award of assistance shall be made to carry out the activities authorized under § 123.23 (a), (b), and (c), respectively, in any fiscal year in a designated service area unless the Commissioner determines that additional awards are required to meet the needs for such activities in any such area, or except as provided in paragraph (d)(3) of this section.

(2) Where the Commissioner determines that the needs for activities authorized under § 123.23 (a), (b), or (c) in all or part of a designated service area will not be met by the activities proposed in pending applications, the Commissioner may require applicants whose applications are of sufficient merit to warrant approval to expand their proposed activities to meet such needs.

(3)(i) Where the Commissioner determines that it is necessary in order to meet the needs for activities authorized under § 123.23 (a), (b), or (c) or otherwise to carry out the purposes of this subpart most effectively, the Commissioner may award one or more specific projects to carry out activities authorized under § 123.23 (a), (b), or (c) without regard to the service areas designated in this section.

(ii)(A) Applications under this subpart which propose to carry out activities without regard to the service areas designated in this section must set forth a special justification in terms of the standard described under paragraph (a)(1)(i) of this section for not following the service area designations.

(B) For applications under this subparagraph, requirements and criteria in this subpart referring to "designated service area" shall be applied with reference to the areas proposed to be served by the application.

(20 U.S.C. 880b–7 (a) (1) and (4), (b) (1), (2)(A), (c); 880b–9)

§ 123.23 Authorized activities.

The following activities are authorized to be carried out with financial assistance made available under this subpart where such activities are designed to carry out the purposes described in § 123.01:

(a) *Training resource centers.* In the case of a training resource center, the training of teachers, administrators, paraprofessionals, teacher aides, parents, and other persons associated or preparing to be associated, with a program of bilingual education (including persons employed by institutions of higher education and State educational agencies who are providing training under subpart B, D, or E of this Part) in the skills set forth in this paragraph, and the payment of stipends, as defined in § 123.02, to personnel participating in such training activities. In carrying out training activities described in this paragraph, priority shall be given to improving the likelihood of success of programs of bilingual education assisted under this Part in the designated service area.

(1) The use of bilingual educational practices, techniques, and methods;

(2) The use of instructional materials for programs of bilingual education, including procedures for field or pilot testing of such materials;

(3) The selection and use of appropriate instruments for measuring the educational performance of children of limited English-speaking ability;

(4) Means of involving parents and community organizations in programs of bilingual education, and of incorporating into such programs the use of available cultural and educational resources;

(5) The development and implementation of procedures to evaluate the impact of programs of bilingual education; and

(6) Any other skills which the Commissioner determines would facilitate the success of programs of bilingual education.

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(20 U.S.C. 880b(a); 880b–9 (a)(1)(A)(1) (II) and (III), (a)(3))

(b) *Materials development centers.* In the case of a materials development center:

(1) The development of instructional and testing materials for use in programs of bilingual education in the designated service area; and

(2) The development of instructional materials for use by institutions of higher education in preparing persons for vocations in the field of bilingual education.

(20 U.S.C. 880b–7(a) (1), (4))

(c) *Dissemination/assessment centers.* In the case of a dissemination/assessment center:

(1) The publication and distribution of instructional and testing materials for use in programs of bilingual education, and by institutions of higher education in preparing persons for vocations in the field of bilingual education;

(2) The assessment of the effectiveness and applicability of materials described in subparagraph (1) of this paragraph with respect to various language groups of limited English-speaking ability residing in the designated service area; and

(3) The assessment of the need for instructional and testing materials on the part of children of limited English-speaking ability residing in the designated service area.

(20 U.S.C. 880b–7(a) (1), (4))

§ 123.24 Applications.

(a) *General provisions.* An applicant desiring to receive assistance under this subpart for a training resource center, a materials development center, or a dissemination/assessment center shall submit to the Commissioner an application which shall include a description of the activities set forth in § 123.23(a), (b), or (c) which the applicant desires to carry out. Where an applicant desires to operate more than one type of center described in this subpart, a separate application for each center shall be submitted. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto (including reports relating to performance and evaluation of approved centers) shall be made readily available to members of the public by the applicant. The applicant shall make copies of such materials available at a cost not exceeding the actual cost of reproduction.

(b) *Content of application.* An application for assistance under this subpart for a training resource center, a materials development center, or a dissemination/assessment center shall contain the following information:

(1) *Administration by applicant.* Evidence that the activities for which assistance is sought under this subpart will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient administration of the center;

(3) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart;

(4) *Budget and justification.* A statement detailing the costs of services and property in the budget for the proposed center;

(5) *Needs and needs assessment.* A description of the needs in the designated service area for the activities proposed by the applicant, and of the procedures employed by the applicant to identify and assess such needs;

(6) *Staffing.* A description of the professional qualifications of key personnel for the proposed center, as such qualifications relate to the activities which the applicant proposes to carry out;

(7) *Evaluation, reports, and records.*

(i) Evidence that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in achieving the purposes of this part; and

(ii) Evidence that the applicant will submit to the Commissioner such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out the functions under this Part, and will keep such records and afford such access thereto as the Commissioner may find necessary to verify such reports;

(8) *Coordination.* A description of procedures employed and to be employed by the applicant to coordinate the activities of the proposed center:

(i) With the activities of other centers assisted under this subpart;

(ii) With activities under other Federally-supported programs to assist children of limited English-speaking ability; and

(iii) In the case of a training resource center, with any other programs training auxiliary educational personnel for programs of bilingual education;

(9) *Review by State educational agency.* In the case of an application for a materials development or a dissemination/assessment center, a statement indicating that the State educational agencies, as defined in § 123.02, in the designated service area of the proposed center have been given a reasonable opportunity to offer recommendations to the applicant and the Commissioner for the improvement of the proposed activities, including the identity of the State officials or agencies to whom the proposed activities were submitted, the date of such submission, and a copy of any recommendations made by such officials or agencies to the applicant. In the case of an application submitted by an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior, the Secretary of the Interior or the Secretary's designate shall be treated as the appropriate State educational agency for purposes of this subparagraph.

(20 U.S.C. 880b–7(b)(1), (b)(2)(D); 800b–9; 1231d; 1232c (a) (1), (2), (b)(33))

§ 123.25 Criteria for assistance—training resource centers.

In evaluating applications for assistance under this subpart for training resource centers, the Commissioner shall apply the following criteria:

(a) *Needs identification.* (20 points) The extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the needs for the authorized training activities described in § 123.23(a) in the designated service area;

(b) *Approach.* (50 points) The quality of the applicant's training approach, as indicated by the following factors:

(1) The extent to which the application sets forth objectives designed to meet the needs identified, which objectives are interrelated, specific, measurable, and realistically attainable within specified periods;

(2) The extent to which the application includes an adequate staffing plan, and the extent to which personnel who will carry out the proposed activities are proficient in a dominant language of children of limited English-speaking ability residing in the designated service area and possess demonstrated competence and experience in the authorized training activities described in § 123.23 (a);

(3) The extent to which the application provides for a continuing exchange of information between the applicant and both administrators of programs of bilingual education assisted under this Part and other persons providing training under this Part in the designated service area; and

(4) The extent to which the application contains provisions for effective coordination with the activities of other centers assisted under this subpart and other programs training auxiliary educational personnel for programs of bilingual education;

(c) *Administration.* (15 points) The extent to which the application sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures; and

(3) Evidence that efforts have been made to minimize funds requested for the purchase of equipment, travel, and other support costs; and

(d) *Evaluation.* (15 points) The extent to which the application sets forth procedures for evaluating, by objective and quantifiable means, the success of the proposed activities in achieving the applicant's objectives.

(20 U.S.C. 880b–7 (b)(2)(A), (c); 880b–9)

§ 123.26 Criteria for assistance—materials development centers.

In evaluating applications for assistance under this subpart for materials development centers, the Commissioner shall apply the following criteria:

(a) *Needs identification.* (20 points) The extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the needs for the kinds of materials described in § 123.23(b) in the designated service areas;

(b) *Approach.* (50 points) The quality of the applicant's approach, as indicated by the following factors:

(1) The extent to which the application sets forth objectives designed to meet the most critical needs identified, which objectives are specific, measurable, and realistically attainable within specified periods;

(2) The extent to which the application includes an adequate staffing plan, and the extent to which personnel who will carry out the proposed activities are proficient in a dominant language of children of limited English-speaking ability residing in the designated service area and possess demonstrated competence and experience in the development of the kinds of materials described in § 123.23(b);

(3) The extent to which the application contains provisions for the effective use of cultural and educational resources in the designated service area; and

(4) The extent to which the application contains provisions for effective coordination with the activities of other centers assisted under this subpart;

(c) *Administration.* (15 points) The extent to which the application sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures; and

(3) Evidence that efforts have been made to minimize funds requested for the purchase of equipment, travel, and other support costs; and

(d) *Evaluation.* (15 points) The extent to which the application sets forth procedures for evaluating, by objective and quantifiable means, the success of the proposed activities in achieving the applicant's objectives.

(20 U.S.C. 880b–7 (b)(2)(A), (c))

§ 123.27 Criteria for assistance—dissemination/assessment centers.

In evaluating applications for assistance under this subpart for dissemination/assessment centers, the Commissioner shall apply the following criteria:

(a) *Needs identification.* (20 points) The extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the needs for the activities described in § 123.23(c) in the designated service area;

(b) *Approach.* (50 points) The quality of the applicant's approach, as indicated by the following factors:

(1) The extent to which the application sets forth objectives designed to meet the needs identified, which objectives are specific, measurable, and realistically attainable within specified periods;

(2) The extent to which the application includes an adequate staffing plan, and the extent to which personnel who will carry out the proposed activities are proficient in a dominant language of children of limited English-speaking ability residing in the designated service area and possess demonstrated competence and experience in the authorized activities described in § 123.23(c); and

(3) The extent to which the application contains provisions for effective coordination with the activities of other centers assisted under this subpart;

(c) *Administration.* (15 points) The extent to which the application sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures; and

(3) Evidence that efforts have been made to minimize funds requested for the purchase of equipment, travel, and other support costs; and

(d) *Evaluation.* (15 points) The extent to which the application sets forth procedures for evaluating, by objective and quantifiable means, the success of the proposed activities in achieving the applicant's objectives.

(20 U.S.C. 880b–7 (b)(2)(A), (c))

§§ 123.28–123.30 [Reserved]

Subpart D—Training Programs

§ 123.31 Eligibility for assistance.

(a) An application for assistance under this subpart may be submitted by:

(1) One or more institutions of higher education (including a junior or community college) which apply after consultation with, of jointly with, one or more local educational agencies;

(2) One or more local educational agencies; or

(3) One or more State educational agencies.

(b) In the case of a joint application submitted pursuant to paragraph (a)(1) of this section, a single application with a single budget shall be submitted, and a single institution of higher education shall serve as the fiscal agent for all joint applicants.

(c) Not more than 15 percent of the funds obligated for training activities under this subpart and subparts B, C, and E of this Part in any fiscal year shall be made available to State educational agencies in that fiscal year.

(20 U.S.C. 880b–9 (a)(4), (b))

§ 123.32 Authorized activities.

The following activities are authorized to be carried out with financial assistance made available under this subpart where such activities are designed to carry out the purposes described in § 123.01:

(a) Training programs designed to prepare personnel to participate in, or for personnel participating in, the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility. In the case of applications submitted by an institution of higher education after consultation with, or jointly with, one or more local educational agencies, these programs may include payment to the institution of higher education of costs associated with the enrollment and attendance of such persons in a program of study at the institution of higher education which will lead to a degree or credential in the field of bilingual education. In selecting recipients of traineeships under this paragraph, the applicant shall give priority to bilinqual persons and to persons who have demonstrated a high degree of interest in pursuing a vocation in the field of bilingual education.

(b) Training programs for teachers, administrators, paraprofessionals, teacher aides, and parents associated with programs of bilingual education;

(c) Programs to train persons to teach and counsel those persons described in paragraph (b) of this section;

(d) Training programs designed to improve programs of bilingual education by meeting individual needs of persons associated with such programs;

(e) Training programs designed to encourage reform, innovation, and improvement in educational curricula (applicable to programs of bilingual education) in graduate education, in the structure of the academic profession, and in the recruitment and retention of higher education and graduate school faculties, as related to bilingual education. It is anticipated that no more than $100,000 will be awarded to any training program described in this paragraph;

(f) The operation of short term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs; and

(g) The payment of stipends, as defined in § 123.02, to personnel participating in training programs described in paragraphs (a)–(f) of this section except that stipends to persons who are enrolled in a full-time program of study at an institution of higher education under paragraph (a) of this section, and who are engaged in gainful employment on a full-time basis, shall include only the costs of tuition, books and fees and other costs directly related to the program of study and required by the institution of higher education.

(20 U.S.C. 880b–9(a) (1), (3))

§ 123.33 Applications.

(a) *General provisions.* An applicant desiring to receive assistance under this subpart shall submit to the Commissioner an application which shall include a description of the activities set forth in § 123.32 which the applicant desires to carry out. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto (including reports relating to performance and evaluation of approved

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programs) shall be made readily available to members of the public by the applicant. The applicant shall make copies of such materials available at a cost not exceeding the actual cost of reproduction.

(20 U.S.C. 880b–9; 1231d)

(b) *Content of application.* Applications for assistance under this subpart shall contain the following assurances and information:

(1) *Administration by applicant.* Evidence that the activities for which assistance is sought under this subpart will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient administration of the program;

(3) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart;

(4) *Budget and justification.* A statement detailing the costs of services and property in the budget for the proposed program;

(5) *Need for assistance.* A description of the nature and magnitude of the need for the proposed training activities, and the means by which the applicant has assessed such need;

(6) *Evaluation, reports, and records.*—(i) Evidence that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in achieving the purposes of this Part;

(ii) Evidence that the applicant will submit to the Commissioner such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out the functions under this Part, and will keep such records and afford such access thereto as the Commissioner may find necessary to verify such reports; and

(iii) A description of the evaluation design for the proposed program;

(7) A description of the professional qualifications of persons who will conduct the proposed training activities;

(8) *Coordination.* A description of procedures employed and to be employed by the applicant to coordinate its proposed program with any other programs training auxiliary educational personnel, including training activities assisted under subparts B, C, and E of this Part;

(9) *Consultation with local educational agencies.* In the case of an application submitted by an institution of higher education after consultation with one or more local educational agencies:

(i) The name of such agency or agencies;

(ii) A description of how the agency or agencies were consulted; and

(iii) A description of how the agency or agencies will be involved in the proposed program; and

(10) *Parent and community participation.* In the case of an application for a program described in § 123.32 (a), (d), or (f), the information and assurances required by § 123.17(a) (1) and (2).

(20 U.S.C. 880b–9 (a) (1), (5), (b); 1231d; 1232c (a) (1), (2), (b) (3))

§ 123.34 Criteria for assistance.

(a) *General criteria.* In evaluating applications for assistance under this subpart (except as provided in paragraph (b) of this section) the Commissioner shall apply the following criteria:

(1) (15 points) The nature and magnitude of the need for the proposed training activities;

(2) (10 points) The soundness of the proposed program, in terms of the extent to which the application sets forth objectives designed to meet the needs assessed, which objectives are interrelated, specific, measurable, and realistically attainable within specified periods;

(3) (20 points) The extent to which persons who will conduct the proposed training activities possess demonstrated competence and experience in the field of bilingual education;

(4) (10 points) The extent to which the proposed program affords promise of increasing the number of professional educational personnel capable of participating in programs of bilingual education;

(5) (10 points) The extent to which the proposed program will increase the applicant's capacity for training personnel in the field of bilingual education;

(6) (10 points) The extent to which the proposed program will incorporate the use of both English and a language other than English;

(7) (10 points) The extent to which the proposed program includes field experience with programs of bilingual education;

(8) (5 points) The extent to which the application sets forth procedures for a reliable and comprehensive evaluation of the impact of the proposed program;

(9) (5 points) The extent to which the application sets forth procedures for effective coordination of the proposed program with other programs training auxiliary educational personnel, including training activities assisted under subparts B, C, and E of this Part; and

(10) (5 points) The extent to which the application sets forth effective methods of administration and financial management procedures, and reasonable costs.

(b) *Continuation awards.* Applications for assistance to continue a program during the project period but subsequent to the initial fiscal year of assistance shall be evaluated in accordance with § 123.04(d).

(20 U.S.C. 880b(a); 880b–9(a) (1), (4))

§§ 123.35–123.40 [Reserved]

Subpart E—Fellowships for Preparation of Teacher Trainers

§ 123.41 General provisions.

(a) The Commissioner may award fellowships to individuals for the purpose of permitting such individuals to enroll in a full-time program of study in the field of training teachers for bilingual education.

(b) Fellowships shall be awarded to eligible individuals accepted for enrollment in a full-time program of study offered by an institution of higher education approved for participation under this subpart by the Commissioner.

(c) Allowable costs for the fellowships include stipends, as defined in § 123.02, except that stipends to recipients of fellowships who are engaged in gainful employment on a full-time basis shall include only the costs of tuition, books and fees, and other costs associated with the program of study and required by the institution of higher education.

(20 U.S.C. 880b–9(a) (2), (3))

§ 123.42 Participation by institutions of higher education.

(a) An institution of higher education which offers a program of study leading to a degree above the baccalaureate level in the field of training teachers for programs of bilingual education may submit to the Commissioner a request for participation under this subpart. Such request shall contain the following information:

(1) A description of the existing program of study in which recipients of fellowships under this subpart will be enrolled, including:

(i) The organizational location of such program;

(ii) The requirements for satisfactory progress in, and completion of, the program;

(iii) A description of the theoretical and methodological framework of the program, including any interdisciplinary aspects of the program;

(iv) A description of opportunities for field-based experience included in the program; and

(v) Evidence that the program has been or will be adopted as a permanent part of the graduate programs of study offered by the institution of higher education;

(2) A description of the professional qualifications of faculty members in the program of study, including their experience in teacher training and in bilingual education, their bilingual competence, and their knowledge of the history and culture of the United States and geographical areas associated with a language other than English;

(3) A description of the nature and extent of any consultation and coordination, both accomplished and planned, with local educational agencies and persons or organizations with expertise in teacher training or the educational problems of children of limited English-speaking ability, including a description of any arrangements made for the implementation of field-based aspects of the program;

(4) A description of the competencies, relating to training teachers for programs of bilingual education, which individuals completing the program of study may expect to acquire, including the ability to prepare teachers to:

(i) Teach various subjects or courses of study in elementary or secondary schools using English and a language other than English as the media of instruction;

(ii) Provide instruction in elementary or secondary schools in the history and culture of the United States and geographical areas associated with a language other than English;

(iii) Select and use appropriate instruments for measuring the educational performance of children of limited English-speaking ability; and

(iv) Involve parents and community organizations in programs of bilingual education, and incorporate into such programs the use of available cultural and educational resources, as described in § 123.14(b)(6);

(5) A statement of the costs to the recipient of the fellowship of enrollment in the program of study, including tuition, books and fees, and other costs required by the institution of higher education (but not including any indirect or operational costs of such institution);

(6) The name, position, address and professional qualifications of the individual who will have primary responsibility for administering the program of study for recipients of fellowships under this subpart;

(7) An estimate of the number of recipients of fellowships to be enrolled in the program of study; and

(8) A description of the criteria to be used in selecting nominees and alternates for fellowships under this subpart, including a discussion of how such criteria relate to the likelihood that such nominees and alternates will satisfactorily complete the program.

(b) In evaluating requests for participation by institutions of higher education, the Commissioner will consider the quality of the program of study described by the institution pursuant to paragraph (a) of this section, with particular reference to the following factors:

(1) The extent to which the program includes effective means of providing field-based experience;

(2) The extent to which the program has been adopted as a permanent part of the graduate programs of study offered by the institution;

(3) The qualifications of faculty members for the program, especially with regard to their bilingual competency;

(4) The extent to which the program affords promise of imparting each of the competencies described in paragraph (a)(4) of this section; and

(5) The extent to which the criteria for selection of nominees and alternates described in paragraph (a)(8) of this section give priority to bilingual persons and to persons who have demonstrated a high degree of interest in vocation in the field of bilingual education.

(20 U.S.C. 880b–9(a)(2))

§ 123.43 Awards of fellowships to individuals.

(a) An individual is eligible to receive a fellowship under this subpart where such individual:

(1) Is a citizen of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands; and

(2) Has been accepted for enrollment in a full-time program of study offered by an institution of higher education approved for participation under this subpart.

(b) An individual desiring to receive a fellowship under this subpart may apply for such fellowship by submitting an application therefor through a participating institution of higher education. A list of such institutions may be obtained from the Commissioner upon request.

(c) In awarding fellowships under this subpart the Commissioner will be guided by the relative need of various language groups of limited English-speaking ability, and of various geographical areas, for teachers for program of bilingual education.

(d) A recipient of a fellowship under this subpart may continue to receive a stipend only for such period as he or she maintains satisfactory progress in the program of study described in § 123.42(a).

(20 U.S.C. 880b–7(c), 880b–9(a)(2), (3); Sen. Rep. No. 93–1026, at 151–52 (1974))

§§ 123.44–123.50 [Reserved]

Subpart F—Coordination of Technical Assistance by State Educational Agencies

§ 123.51 Eligibility for awards.

A State educational agency in a State where programs of bilingual education assisted under this Part were operated during the fiscal year preceding the fiscal year for which assistance is sought may submit an application for a contract for the purpose of coordination by such agency of technical assistance to programs of bilingual education.

(20 U.S.C. 880b–7(b)(3)(A))

§ 123.52 Authorized activities.

(a) Funds made available under this subpart shall be used for the coordination of technical assistance to programs of bilingual education assisted under this Part and operated by local educational agencies in the State of the applicant.

(b) The amount paid to any State educational agency under this subpart shall not exceed 5 per cent of the aggregate of the amounts paid under this Part to local educational agencies in the State of such agency in the fiscal year preceding the fiscal year for which assistance under this subpart is sought.

(20 U.S.C. 880b–7(b)(3) (A), (B); Sen. Rep. No. 93–1026, at 150–51 (1974))

§ 123.53 Program applications.

(a) A State educational agency desiring to enter into a contract pursuant to this subpart for any fiscal year shall submit to the Commissioner a program application for that fiscal year. Such application shall include the following information:

(1) A description of the programs of bilingual education assisted under this Part within the State during the fiscal year preceding the fiscal year for which assistance is sought, a description of the activities of the State educational agency in coordinating and providing technical assistance to such programs during such preceding fiscal year, a description of the organization of the State educational agency, and the names and professional qualifications of the principal staff members of such agency who have provided services to programs of bilingual education;

(2) A description of the need for coordination of technical assistance to programs of bilingual education assisted under this Part in the State during the fiscal year for which assistance is sought, in terms of factors indentified by the applicant;

(3) A description of the activities which the applicant desires to carry out to meet the needs which it has identified, including:

(i) A description of a plan for monitoring programs of bilingual education assisted under this Part within the State;

(ii) A description of a plan for evaluating the impact of such programs; and

(iii) A description of a plan for facilitating the exchange of information among such programs;

(4) A budget detailing the costs of activities for which assistance is sought; and

(5) Provisions for making available, at a cost not exceeding the actual cost of reproduction, sample copies of any materials resulting from the applicant's activities under this subpart to any local educational agency within the State which requests copies of such materials.

(b) The applicant shall also provide the following assurances:

(1) An assurance that funds made available under this subpart for any fiscal year will be so used as to supplement and to the extent practical increase the level of funds that would, in the absence of such funds, be made available by the State for the activities described in § 123.52(a) and in no case to supplant such funds.

(2) An assurance that the applicant will:

(i) Cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in improving programs of bilingual education funded under this Part; and

(ii) Submit to the Commissioner such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out the functions under this Part (including reports of evaluations of any approved program, to be submitted at least twice annually) and will keep such records and afford such access thereto as the Commissioner may find necessary to verify such reports.

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(20 U.S.C. 880b–7(b)(3)(A); 1232c(a) (1), (2))

§ 123.54 Criteria for assistance.

In evaluating applications for assistance under this subpart, the Commissioner will consider the following factors:

(a) The extent to which the applicant coordinated and provided technical assistance to programs of bilingual education assisted under this Part within the State during the fiscal year preceding the fiscal year for which assistance is sought;

(b) The extent to which the services described in paragraph (a) of this section were effective in improving the quality of such programs of bilingual education;

(c) The extent to which the application includes an adequate staffing plan and provides for employing the services of persons qualified to coordinate the provision of technical assistance to programs of bilingual education assisted under this Part within the State;

(d) The extent of the need for assistance under this subpart as indicated by the number of programs of bilingual education assisted under this Part within the State during the fiscal year preceding the fiscal year for which assistance under this subpart is sought, and factors identified by the applicant;

(e) The extent to which the proposed activities afford promise of improving programs of bilingual education assisted under this Part within the State; and

(f) The extent to which the applicant sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures;

(3) Provisions for coordinating its activities with related activities supported by Federal and non-Federal funds; and

(4) Reasonable costs.

(20 U.S.C. 880b–7(b)(3))

§§ 123.55–123.60 [Reserved]

Subpart G—Research and Demonstration Projects

§ 123.61 Authorized activities.

The following activities are authorized to be carried out with funds made available under this subpart:

(a) Research in the field of bilingual education in order to enhance the effectiveness of:

(1) Programs assisted under this Part;

(2) The program authorized by section 708(c) of the Emergency School Aid Act (20 U.S.C. 1607(c));

(3) The programs carried out in coordination with the provisions of the Bilingual Education Act (20 U.S.C. 880b–b–13) pursuant to:

(i) Section 122(a)(4)(C) and part J of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(C) and 20 U.S.C. 1393 *et seq.*); and

(ii) Section 306(a)(11) of the Adult Education Act (20 U.S.C. 1205(a)(11)); and

(4) Programs and projects serving areas with high concentrations of persons of limited English-speaking ability pursuant to section 6(b)(4) of the Library Services and Construction Act (20 U.S.C. 351d(b)(4));

(b) Testing the effectiveness of research findings by the National Institute of Education in the field of bilingual education;

(c) Demonstrating new or innovative practices, techniques, and methods for use in prgrams assisted under this Part;

(d) Undertaking studies to determine the basic educational needs and language acquisition characteristics of, and the most effective conditions for educating, children of limited English-speaking ability;

(e) Developing and disseminating instructional materials and equipment suitable for use in bilingual education programs; and

(f) Establishing and operating a national clearinghouse of information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and programs related thereto.

(20 U.S.C. 880b–1(a)(8); 880b–13 (a), (b), (c); Sen. Rep. No. 93–1026, at 153–54 (1974))

§ 123.62 Administration; award procedures.

(a) Awards for the research activities described in § 123.61(a) shall be made by the National Institute of Education in accordance with the provisions of 20 U.S.C. 1221e.

(b) Awards for the activities described in § 123.61 (b)–(f) shall be made by the Director of the National Institute of Education or by the Commissioner of Education, or jointly by the Director and the Commissioner, to one or more public or private educational agencies, institutions, or organizations. The awards described in this paragraph (b) shall be in the form of competitive contracts, and shall be governed by the provisions of the Federal Procurement Regulations (41 Code of Federal Regulations, Chapters 1 and 3).

(20 U.S.C. 880b–13 (a), (b), (c))

§ 123.63 Consultation.

In carrying out their responsibilities under this subpart, the Commissioner of Education and the Director of the National Institute of Education will periodically consult with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

(20 U.S.C. 880b–13(d))

[FR Doc.76–16842 Filed 6–10–76;8:45 am]

federal register

FRIDAY, JUNE 11, 1976

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

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claimed as an exemption for Federal

Dated: April 26, 1976

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

A notice of proposed rulemaking was published in the FEDERAL REGISTER on August 14, 1975 (40 FR 34331) to amend Subparts C and D of Part 190 of Title 45 of the Code of Federal Regulations, dealing with the Family Contribution Schedules for the Basic Educational Opportunity Grant Program. The amendments were designed to make the Family Contribution Schedules more equitable and were developed in response to concerns raised during the past year of program operations. These proposed amendments (a) increased the amount of the asset reserve, (b) provided special treatment for farm and business assets, (c) and increased the amount of the family size offsets to reflect inflation during 1975, as measured by the 1975 Consumer Price Index.

Interested parties were invited to submit written comments, suggestions, or objections with regard to the proposed amendments. In addition, as required by section 411(a)(3)(A)(ii) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070(a)(3)(A)(ii)), the Schedules were submitted to the President of the Senate and the Speaker of the House and hearings on these Schedules were held by the Senate Subcommittee on Education on September 11, 1975 and by the House Subcommittee on Education on October 2, 1975.

Comments from the public, as well as Congressional comments, centered around two primary issues in the Schedules: The relationship of the Family Contribution Schedules to the "consensus" model for need analysis as proposed by the National Task Force on Student Aid Problems and the treatment of assets as it relates to applicants with farm and business assets.

During the past 18 months, considerable attention was given by the Financial Aid community and the Office of Education to simplify and coordinate the results of various need analysis systems and procedures and to standardize the data requirements necessary to obtain comparable need analysis results. In this context, the National Task Force on Student Aid Problems was established with the primary objective to develop a common need analysis system and a common data form which would be acceptable to all interested parties. The Task Force developed a series of proposals, including a single "consensus" model for need analysis and a common data form. Comments suggested that the Basic Grant Program adopt the "consensus" model for need analysis and the common data form. However, these proposals were not adopted.

The primary objections to the proposed common form are that it is designed to collect a significant amount of information which is not needed by the Basic Grant Program, thereby complicating the application form unnecessarily. In addition, collection of such additional information raises serious legal questions under the Privacy Act.

With regard to the proposed "consensus" model of need analysis, the results produced by the model yield consistently different results from those produced by the Basic Grant Family Contribution Schedules. Adoption of the "consensus" model, as presently proposed for the determination of Basic Grant eligibility, would significantly expand the population served and would, as a result, have major budget implications for the program. Considering the major impact of such a change, it was determined that adoption of the "consensus" model would be premature and that a full assessment of all possible consequences of such a major change would be required.

At the same time, the Office of Education strongly endorses the concept of a common need analysis system and a common student form. To this end, a number of steps were taken to move toward the achievement of these objectives. Specifically, based on the Office of Education's benchmark criteria for approval of need analysis systems, the consensus model has been approved as an acceptable system for determining financial need under the College Work-Study, Supplemental Educational Opportunity Grants, and National Direct Student Loan programs for the 1976–77 academic year. In addition, the Basic Grant application form for the 1976–77 academic year was expanded to include certain data elements actually needed to compute the family contribution amounts using the computation methods of the "consensus" model. Procedures have also been established to provide applicant data under special agreement with State Scholarship Commissions to permit the computation of the family contribution using the "consensus" model computational methods with data collected on the Basic Grant application form. This approach is expected to facilitate the coordination of financial aid resources and to reduce duplication of effort on the part of the applicant. These objectives are consistent with the purposes of the proposals advanced by the Task Force.

A second major concern was expressed regarding the treatment of farm and business assets. The proposed amendments provide for an asset reserve of $12,500 for applicants who do not report farm and business assets and $25,000 for applicants who do report farm and business assets. However, both Congressional and public concern was expressed that the automatic application of a $25,000 asset reserve to the total asset equity for any applicant reporting farm and business assets may provide an unfair advantage to applicants having high equity in non-farm and non-business assets and a low farm and business asset equity. For example, under the proposed amendments, a family reporting $24,000 in non-farm equity and $1,000 in farm assets would be entitled to a $25,000 offset, even though the majority of reported equity is in the form of personal assets.

In response to this concern, the proposed regulations have been further amended to include a provision which would limit the asset reserve against non-farm and non-business asset equity to $12,500 and provide a maximum asset reserve against the total preported asset equity, including farm and business assets, of $25,000. As such, the minimum asset reserve against farm and business asset equity is $12,500. The amount of this asset reserve would increase to the extent that the reserve for non-farm and non-business assets is not "used". For example, a business owner who reports $14,000 of home equity and a business equity of $10,000 would receive an asset reserve of $12,500 against the home value and an asset reserve of $10,000 against the business property. As such, $1,500 of the reported home equity would be included in the determination of that applicant's eligibility index. On the other hand, if a business or farm owner reports a home equity of $10,000 and business or farm assets of $14,000, he would receive an asset reserve of $10,000 against the reported home value and an asset reserve of $14,000 against the reported farm or business equity. In this case, no assessment against assets will be made in the calculation of that applicant's reported assets. The limitation of the asset reserve against non-farm and non-business equity to $12,500 provides for identical treatment of such assets for all applicants. At the same time, the asset treatment also recognizes the special conditions of those families whose occupation requires a substantial asset position in order to achieve a relatively low level of income.

In addition to the above changes, the definition of "parent" has been modified in order to retain the concept of the parent's primary responsibility for financial support of their children's education, while dealing more equitably with situations in which persons, who, for any number of reasons, act in lieu of the student's parents. This modification was not published under the proposed rulemaking procedure. These amendments are to apply for the academic year 1976–77.

Present regulations require that any person who provided one half of the applicant's support during the base year be considered the student's "parent", even if that person no longer provides one half support during the year of application. That person's income was to be reported for purposes of calculating the eligibility index. Such an approach is unfair to a student whose reported resources on which financial aid is calculated are no longer available to him.

The amended regulations seek first to maintain the concept of the relationship between the applicant and his parents as the primary one for financial support. If, during the base year, the year of application, or the succeeding year, the student was claimed or will be claimed as an exemption for Federal Income Tax purposes, lived or will live for more than two consecutive weeks in the parents' home, or received or will receive over $600 from his parents, that student is considered a dependent student for purposes of the Basic Grant Program.

If none of these conditions exist with the student's natural parents, the amended regulations provide that the student may still be considered to have a "parent" if he received over one half support from any person during the base year. However, such a student is considered to be independent if during the year of application he no longer receives one half support from that "parent" or from any other person. He is, of course, considered dependent if he receives one half support from any person during the year of application, regardless of the base year circumstances, and must report that "parent's" income on the application.

It should be further noted that in view of the pressing need to incorporate the provisions dealing with the definition of parent as part of the application process for the 1976–77 academic year, it has been determined in accordance with 5 U.S.C. 553(b) that to resort to proposed rulemaking procedures with respect to this provision would be impractical and contrary to public interest. Since the Family Contribution Schedules are required to be submitted annually for Congressional approval and public comments, there will be additional opportunity to make further modifications if subsequent program experience and public comments warrant such changes.

Other amendments and changes, as follows, are primarily of a technical nature. As stated in the notice of proposed rulemaking, the 10 percent figure for the rise in the cost of living was used as an estimate to determine the family size offsets with the expectation that it would need to be adjusted. In actuality, the Consumer Price Index rose only 7.6 percent and family size offsets have been altered to reflect that figure.

The Family Contribution Schedules as published also contained some technical inaccuracies and omissions. These inaccuracies and omissions have been corrected in this publication of the regulations.

In light of the foregoing, Part 190 of Title 45 of the Code of Federal Regulations is amended by the revision of Subpart C and D as set forth below.

Effective Date: Pursuant to section 431(d) of the General Education Provision Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section further provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

Dated: April 26, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: June 4, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 190 of Chapter I of Title 45 of the Code of Federal Regulations would be amended as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

1. Section 190.32 would be amended as follows:

Paragraph (d) through (h) becomes (e) through (j); paragraph (j) through (n) becomes (l) through (p); paragraph (o) is revised; and by adding new paragraphs (d) and (k) to read as follows:

§ 190.32 Special definitions.

• • • • • •

(d) "Business Assets" means property that is used in the operation of a trade or business including real estate inventories, buildings, machinery and other equipment inventories, patents, franchise rights, and copy rights.

• • • • • •

(k) "Farm Assets" means any property owned and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, but some income is derived from incidental sales.

• • • • • •

(o) (1) For purposes of this Subpart and Subpart D, "parent" means the mother, father, or legal guardian of a student unless any other person, except the student's spouse, during the base year provided more than one-half of the student's support and claimed or was eligible to claim the student as an exemption for Federal income tax purposes.

(2) Notwithstanding the provisions of paragraph (o)(1) of this section, the student's mother or father or legal guardian will be considered the student's parent (i) if, for the calendar year(s) for which aid is received or the calendar year prior to the school year for which aid is requested, either claimed or will claim the student as an exemption for Federal income tax purposes, or contributed or will contribute more than $600 to the student in any of such years, or (ii) if the student has lived or will live for more than two consecutive weeks in their home during such years.

(3) If neither the student's mother, father, or legal guardian qualify, for purposes of this part, as the student's parent under paragraphs (o) (1) and (2) of this section, the person, other than the student's spouse, who provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested shall be considered the student's parent. If no person, except the student's spouse, provides more than one-half of the student's support in the first calendar year in which assistance is requested, the person other than the student's spouse who provided more than half of the student's support in the base year shall be considered the student's parent.

• • • • • •

2. Section 190.33 would be amended by revising paragraph (c)(1) to read as follows:

§ 190.33 The expected family contribution for dependent students from parents' and student's effective income.

• • • • • •

(c) • • •

(1) *Family size offset.* A family size offset is the amount specified in the folloding table. Family size includes the student, the student's parents and the student's parents' dependents. If the parents are divorced or separated, family size shall include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents.

FAMILY SIZE OFFSETS

Family size	*Dollar amounts*
2	3,650
3	4,400
4	5,600
5	6,600
6	7,500
7	8,300
8	9,150
9	10,000
10	10,850
11	11,700
12	12,550

• • • • • •

3. In § 190.35, paragraph (a)(2) would be revised to read as follows:

§ 190.35 Computation of standard expected contribution from parents' assets.

(a) • • •

(2) If the net assets determined in paragraph (a)(1) of this section include farm assets or business assets as defined in § 190.32(d) and (k), deduct an asset reserve of $25,000 from the net assets, except that an asset reserve of no more than $12,500 may be deducted from non-farm and/or non-business assets owned by the parents. If the net assets determined in paragraph (a)(1) of this section do not include farm or business assets, deduct an asset reserve of $12,500 from the net assets.

• • • • • •

4. Section 190.42 is amended by revising paragraph (a) to read as follows:

§ 190.42 Special definitions.

• • • • • •

(a) (1) A student shall qualify as an independent student if his parent, pursuant to § 190.32(o), is his mother or father and if he:

(i) Has not and will not be claimed as an exemption for Federal income tax purposes by his parent for the calendar year(s) in which aid is received and the

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calendar year prior to the academic year for which aid is requested.

(ii) Has not and will not receive financial assistance of more than $600 per year from his parent in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(iii) Has not lived or will not live for more than 2 consecutive weeks in the home of his parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

(2) A student shall qualify as an independent student if, pursuant to § 190.32 (o) the student's parent is the person, other than the student's spouse, who provided more than one-half of his support in the base year, and if that parent does not or will not provide one-half support during the first calendar year for which aid is requested.

(3) A student may not be considered an independent student if, pursuant to § 190.32(o), his parent is the person, other than the student's spouse, who provided or will provide more than half of his support for the first calendar year in which aid is requested.

5. Section 190.43 is amended by revising the paragraph (c)(1) to read as follows:

§ 190.43 The expected family contribution for independent students from annual adjusted family income.

• • • • • •

(c) • • •

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family size includes the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

FAMILY SIZE OFFSETS

Family size	*Dollar amounts*
2	3,650
3	4,400
4	5,600
5	6,600
6	7,500
7	8,300
8	9,150
9	10,000
10	10,850
11	11,700
12	12,500

An offset of $1,000 shall be made for the single independent student.

[FR Doc.76-16840 Filed 6-10-76;8:45 am]

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PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENT

Amendments to Departmental Handbook

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transfer of property has no effect upon whether the total large scale subdivision EIS may jeopardize approval of the

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-76-182]

PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Amendments to Departmental Handbook

On April 26, 1976 the Department of Housing and Urban Development published in the FEDERAL REGISTER (41 FR 17506) proposed amendments to the Departmental Handbook 1390.1, which was published July 18, 1973 (Docket No. N-73-182, 38 FR 19182) and amended November 4, 1974 (39 FR 38922) to change certain procedures with respect to protection and enhancement of environmental quality. The proposed changes were as follows:

1. Environmental Impact Statements have heretofore been required for subdivisions of over 500 units. Under these amendments, a new section will provide for prompt action on such subdivision applications in order to minimize delays, while, at the same time, complying with NEPA. Approval of a segment of a large scale development is proposed to be authorized under certain conditions while an EIS is under preparation for the larger development.

2. The Environmental Impact Statement required for 500-unit multifamily projects in high density areas has been subject to a waiver on a case-by-case basis by the Assistant Secretary for Community Planning and Development where typical densities in the immediate environs exceeds 50 units per acre. Under these amendments, this exemption is automatic, under certain conditions, if projects have already been constructed and the impact on the environment has therefore occurred.

3. Section 311(a) of the Housing and Community Development Act of 1974 added a new Subsection (f) to Section 223 of the National Housing Act. This new Subsection deals with the purchase and refinancing of existing multifamily structures. A project which has a mortgage insured under this provision will involve only minor repairs, if any; substantial rehabilitation is not allowed. Under these amendments, an environment assessment for a Section 223(f) application will be made by performing a Normal Environmental Clearance under Sections A, B, C, F, and I of Form ECO 2/3. In addition, the automatic size thresholds requiring a Special Environmental Clearance or an Environmental Impact Statement are not to be applied for this program. A Special Environmental Clearance will not be prepared for applications under this program since the Special Environmental Clearance deals with the impact of the project on the environment; under this program, however, the construction and the impact on the environment has already taken place. HUD's main area of environmental concern under this program would be to site suitability characteristics which are covered in the Normal Environmental Clearance. Under Paragraph 5.5, HUD Handbook 4565.1, proposed projects receiving unacceptable ratings in the environmental analysis of site suitability will not be approved.

4. As heretofore constituted, the environmental clearance threshold criteria for Property Disposition actions have been inconsistent with such criteria for Housing Production and Mortgage Credit actions. Under these amendments, environmental clearance threshold criteria for Property Disposition actions for Normal Environmental Clearance, Special Environmental Clearance and Environmental Impact Statements are being established which are consistent with those applicable to Housing Production and Mortgage Credit actions.

5. The environmental review requirements for actions in the New Communities program which have been in effect heretofore have become out of date, as the program, and the approved new community projects, have developed. The amendments for the New Communities program would delete existing environmental review requirements, and impose new requirements as follows: (a) Approvals of new projects would, consistent with prior provisions, require an Environmental Impact Statement, (b) Amendments to existing Development Plans which require the approval of the Secretary would require at least a Normal Environmental Clearance. Where such amendments include changes in project land use or total population, but the changes were less than 30 percent, then at least a Special Environmental Clearance would be required.

Where changes in project land use or total population are of a magnitude of 30 percent or more, an Environmental Impact Statement would be the minimum requirement. Change in project land use is defined as a change in amount, absorption, intensity, or location of a category of land use. Concerning the environmental Clearances at the Normal or Special level, if the conclusion of such a clearance were that a higher level of clearance was not required, that is, a Finding of Inapplicability of Section 102(2)(C) of NEPA, such finding would require the concurrence of the Assistant Secretary for Community Planning and Development; (c) Where the approval of the New Community Development Corporation Board of Directors is required for financial transactions in connection with an approved project, the Board approval would be preceded by at least a Normal Environmental Clearance. If Board approval of the financial transaction were predicated on a future change in project land use or total population which would require the approval of the Secretary, then that approval by the Board would require at least a Special Environmental Clearance. As would be the case regarding less than Environmental Impact Statement review of Development Plan changes, the Finding of Inapplicability would require a concurrence as in (b) above.

Interested persons were given until May 27, 1976 to submit written comments and all comments received were given careful consideration. The comments were to the folowing effect, with HUD responses stated immediately after each comment:

1. The proposed special procedures for first segment of large scale subdivisions requiring an Environmental Impact Statement, added as paragraph 5 a.(10), would limit and compel future HUD decisions and is contrary to the National Environmental Policy Act of 1969 (NEPA).

These special procedures are optional and not required. HUD has carefully provided criteria requiring each such segment to be both financially and functionally separate and complete, independent of any additionally proposed development, in order to avoid any such limitation and to comply with NEPA. In addition, HUD has provided for a Special Environmental Clearance in order to assure that the segment itself has no significant impact upon the environment.

2. Paragraph 5.2.(10) limits the "early start" provisions to large scale subdivisions, which would include only projects involving insurance of individual home mortgages and sale of lots in residential subdivisions, but would exclude all multi-family housing projects; it should also include such multi-family projects.

The reason HUD has limited these special procedures to subdivisions is that in the case of subdivisions the total development is usually, in the normal course of events, presented to HUD in a segmented manner and separate filings and approvals are made in segments of the total development. Later developments or segments of a given subdivision may or may not be submitted to HUD, depending upon whether the developer elects to seek HUD financing or conventional financing. Multi-family developments, on the other hand, are normally submitted to HUD and approved as a single project, even though staged or segmented development occurs. HUD intends to study the feasibility of extending the "early start" concept to multi-family projects, during the 12 month trial period specified in these amendments.

3. The "early start" provisions of paragraph 5.2.(10) specifies a level of "less than 200 units." The level of units should not be fixed in the handbook, but should be left for determination on a case-by-case basis.

This amendment is an experimental program and while determining the level of units on a case-by-case basis might be otherwise desirable, HUD has determined there should be strict limits and conditions for this option during the trial period, in the interests of control and uniformity.

4. HUD Handbook 1390.1 should not establish a threshold requiring an Environmental Impact Statement (EIS) for subdivisions of 500 units or more. Instead, the determination of whether or not an EIS is required should be made on a case-by-case basis.

The three level environmental review and clearance process outlined in HUD Handbook 1390.1 does have the effect of determining, on a case-by-case basis, whether or not an EIS is required. The fact that thresholds are specified does not mean an EIS would not be required for a project below the threshold. However, HUD believes that magnitude can be determinative of environmental impact and has, in deference to the spirit of NEPA, determined that projects meeting the stated thresholds should be the subject of an EIS. HUD is currently reexamining the stated thresholds and is studying the feasibility of variable or sliding-scale thresholds, based upon density, pace of development and other factors. However, pending completing of such studies, HUD believes that presently fixed thresholds should remain applicable.

5. There should be no requirement for environmental review in the case of Property Dispositions, since the mere

transfer of property has no effect upon the environment.

HUD has determined that the Department is obligated under existing case law to apply NEPA to its Property Disposition activities.

6. Instead of conducting its own environmental reviews, HUD should accept environmental reviews carried out under local and state laws.

The environmental responsibilities under NEPA are imposed upon the "responsible Federal official." Absent specific authority in the law, HUD is obligated to carry out its own environmental reviews.

7. Several commenters suggested substitute language for the purpose of clarifying portions of the amendments and the clarifying changes which have been incorporated in the final notice are based upon suggestions received from the public. These are: (1) Clarification of the language at paragraph 5.a.(10)(ii) making it clear that the Special Environmental Clearance will include the analysis of the condition and use of the surrounding land if the remainder of the large scale subdivision were not to be developed; and (ii) provision at paragraph 5.a.(10)(iii) that the letter from HUD will pertain to the same project that is the subject of the EIS.

The Department anticipates processing a significant number of mortgage insurance applications during the next 30 days, the efficiency of which processing would be substantially improved by proceeding under the changes made by these amendments. Accordingly, the Secretary has determined that the public interest would best be served by making these amendments effective immediately and, good cause appearing therefore, deferral of the effective date under 5 U.S.C. 553 (d) is waived and they shall become effective upon publication.

A Finding of Inapplicability of Section 102(2)(C) of the National Environmental Policy Act of 1969 has been made respecting these amendments in accordance with Department procedures set forth in HUD Handbook 1390.1. A copy of the finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C.

Accordingly, HUD Handbook 1390.1 is hereby amended as follows:

1. Paragraph 5.a.(10) is added to read:

(10) Special Procedures for First Segment of Large Scale Subdivisions Requiring An Environmental Impact Statement:

(a) Where Appendix A-2 requires an Environmental Impact Statement on a large scale subdivision, processing of the first segment of the large scale subdivision may begin and be completed prior to the completion of the Environmental Impact Statement processing if the first segment would form a subdivision which would be financially and functionally separate and complete, without regard to whether the total large scale subdivision is developed, and the following criteria are also satisfied for such first segment:

(i) It is not located such that it would have an environmental impact on an area designated under Federal, State or local law as park, outdoor recreation, wildlife, historic, archeological, scenic, or aesthetic preservation or conservation district or area;

(ii) It is not located in a pristine natural area;

(iii) It has received a Special Environmental Clearance as further set forth in subparagraph (b) below, and it has been found to have no significant environmental impacts;

(iv) It is less than 200 units;

(v) It is in an existing urbanized area with a population density of 1,000 or more persons per square mile or within 2 miles of such areas;

(vi) It can currently be served with existing roads, sewer and water, and other utilities located off-site;

(b) Documentation must be provided which clearly demonstrates the first segment of a large scale subdivision proposed for approval to be in compliance with the criteria of paragraph (a) above. The documentation is subject to the following further conditions:

(i) A Special Environmental Clearance (ECO 2/3) shall be completed and concurred in by the Area/Insuring Office Environmental Clearance Officer (ECO) on the proposed segment, thus making the determination that the project has no significant impact on the natural or man-made environment in terms of NEPA, Council on Environmental Quality guidelines, and HUD environmental policies;

(ii) The Special Environmental Clearance shall include information on the entire development plan and its consistency with areawide planning. In addition, it shall include an analysis of the condition and use of the surrounding land if the remainder of the large scale subdivision were not to be developed;

(iii) A letter from HUD will inform the developer that there will be no further application approvals for applications which pertain to the same project that is the subject of the EIS, until that EIS has been satisfactorily completed, and any actions taken by the developer as to that project that would foreclose future options to be explored in that EIS may jeopardize approval of the larger project;

(iv) The segment must not have received any substantive, unresolved adverse comment on environmental grounds by any State, regional or any local agencies commenting on the proposal;

(v) A statement requesting early start permission and setting forth conditions requiring the early start will be prepared by the subdivision appraiser and concurred in by the Area/Insuring Office ECO and Director;

(vi) A Notice of Intent to File an EIS with respect to the entire large scale subdivision shall be published in a newspaper of general circulation in the area of the proposed large scale subdivision.

(c) A copy of the early start request and supporting documentation will be sent to the Regional Environmental Clearance Officer (Attention: ESO) and sent to the Departmental Environmental Clearance Officer, CPD, Central Office.

The Special procedures contained in this paragraph are limited to a period of one year from the date of this amendment.

2. The footnote at the end of Appendix A2, as amended by the November 4, 1974 amendment to the Regulations (39 FR 38992) is numbered "1" and is further amended after "* * * Assistant Secretary," as follows: "The automatic EIS threshold for multifamily housing projects does not apply (and a waiver is not required) for projects already constructed where the HUD action is solely approval of subsidies when the following conditions are satisfied:

(a) The Housing project is located in a previously cleared HUD assisted urban renewal project area and HUD has approved residential reuse on the parcels;

(b) A Special Environmental Clearance for the housing project has been completed and indicates no unresolved environmental problems;

(c) Regarding the urban renewal project, the remaining options subject to the Federal review have no significant environmental impact;

(d) There is no known opposition on environmental grounds; and

(e) The project exceeds the 50 unit per acre density requirement for a waiver described above."

3. Add to Appendix A-2 the following:

Program	Decision point	Requirement
Section 223(f):		
Purchase	Issuance of conditional commitment.	Normal environmental clearance.[1]
Refinancing	Issuance of firm commitment.	Do.[1]

[1] Special clearances or environmental impact statements will not be prepared, since properties with undesirable environmental features will not be accepted. (Par. 5-5, HUD Handbook 4565.1.)

4. Change Appendix A-1 "Project Level Actions Subject to Threshold Criteria" (38 FR 19188), under the column headed "Thresholds" relative to Property Disposition to read: 200 contiguous or non-contiguous one-to-four family properties or vacant lots, 200 unit multifamily project (including scattered sites), 200 student project—college housing, 200 unit mobile home park, 200 bed nursing home, 200 bed hospital.

Group practice facility with site acreage of 50,000 sq. ft., or gross floor area of 30,000 sq. ft.

5. Add to Appendix A-2 the following, as indicated:

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Action	Decision point	Requirement
Property disposition	Approved disposition program for 500 or more 1- to 4-family properties, vacant lots, mobile home park units, or 500-bed hospital or 500-unit multifamily project, or any combination thereof.	Environmental impact statement.

6. In Appendix A–2, the two New Communities items under each of the three column headings are deleted, and the following New Communities items are added to Appendix A–2, as indicated:

New Communities

Action	Decision point	Requirement
NONAPPROVED PROJECTS		
Debt guarantee, or certification of eligibility, or interest loan.	Authorization by NCDC board of offer of commitment, or certification of eligibility, or approval of interest loan.	Environmental impact statement.
APPROVED PROJECTS		
Amendment to development plan resulting in a change in project land use,[1] or total population, by 30 pct or more.	Approval by secretary	Do.
Amendment to development plan which requires the prior approval of the secretary and which concerns a change in project land use,[1] or total population, by less than 30 pct.	do	Special environmental clearance.[2]
Any amendment to development plan (other than those described above) which requires the prior approval of the secretary.	do	Normal environmental clearance.[2]
Additional guarantee, or other financial arrangement including investment (other than a change in management and/or ownership alone):		
Predicated on a future change in project land use,[1] or total population, which would require the approval of the secretary.	Approval by New Community Development Corp.	Special environmental clearance.[2]
Not predicated on a future change in project land use,[1] or total population, which would require the approval of the secretary.	do	Normal environmental clearance.[2]

[1] A change in project land use means a change in amount, absorption, intensity, or location of a category of land use.

[2] Findings of inapplicability following these levels of environmental review shall not be effective without the concurrence of the assistant secretary for community planning and development.

(Section 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).)

Effective Date: This amendment shall be effective on June 11, 1976.

(It is hereby certified that the economic and inflationary impact of these amendments have been carefully evaluated in accordance with OMB Circular 107)

JOHN B. RHINELANDER,
Acting Secretary of Housing and Urban Development.

[FR Doc.76–17049 Filed 6–10–76;8:45 am]

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PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determination in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedures for Predetermination of Wages Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AR76–4003; AR76–4004	Jan. 16, 1976.
California:	
CA76–5019; CA76–5020	Mar. 5, 1976.
Florida:	
FL75–1080	Sept. 5, 1975.
FL76–1021	Jan. 30, 1976.
FL76–1059	May 14, 1976.
Indiana:	
IN75–2133	Dec. 19, 1975.
IN76–2056	Apr. 16, 1976.
Kentucky:	
KY75–1101	Oct. 17, 1975.
KY76–1028	Feb. 20, 1976.
Minnesota:	
MN76–2003	Jan. 23, 1976.
Nevada:	
NV76–5046	May 21, 1976.
Oklahoma:	
OK76–4020	Feb. 6, 1976.
South Carolina:	
SC76–1067	May 28, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Kansas:	
KS75–4193 (KS76–4096)	Nov. 21, 1975.
KS75–4191 (KS76–4098); KS 75–4194 (KS76–4095); KS 75–4199 (KS76–4097).	Dec. 5, 1975.
Nebraska:	
NE76–4075 (NE76–4205)	Apr. 30, 1976.
Nevada:	
NV76–5005 (NV76–5053)	Jan. 16, 1976.
Ohio:	
AR–3035 (OH76–2069)	Aug. 23, 1974.
AR–3169 (OH76–2074)	Nov. 15, 1974.
AR–3172 (OH76–2075)	Nov. 22, 1974.
Pennsylvania:	
PA75–3025 (PA76–3180)	Mar. 21, 1975.
PA75–3054 (PA76–3177)	July 3, 1975.
PA75–3055 (PA76–3178)	June 27, 1975.
South Dakota:	
SD75–5153 (SD76–5054)	Jan. 9, 1976.
SD76–5014 (SD76–5055)	Jan. 30, 1976.
Tennessee:	
TN75–1110 (TN76–1071)	Nov. 28, 1975.

Signed at Washington, D.C., this 4th day of June 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA76-5019 - Mod. #3 (41 FR 9725 - March 5, 1976) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Changes:					
Marble Setters	$10.64	$ 1.00	.83	$ 1.03	
Plaster Tenders (Monterey Co.)	9.65	.80	1.40		
Plumbers: Steamfitters: Marin, Mendocino, San Francisco and Sonoma Cos.	11.75	1.905	1.50	1.17	.15
Add:					
Glaziers (Remainder of Counties)	9.745	.37	1.20		
Painters: Butte, Colusa, Glenn, Lassen (excluding the extreme SE corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties:					
Brush; Pot Tenders; Rollers	8.00	.60	.25		
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	8.25	.60	.25		

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AR76-4003 - Mod. #2 (41 FR 2541 - January 16, 1976) Conway, Faulkner and Perry Counties, Arkansas					
CHANGE:					
LINE CONSTRUCTION:			12%		3/8%
Lineman	$10.00		12%		3/8%
Cable splicers	10.25		12%		3/8%
Operator	10.00				
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	9.70	.30	.55		.02
Over 10 mile from Pulaski County Courthouse	10.00	.30	.55		.02
BOILERMAKERS	9.00	.50	1.00		.02
CARPENTERS:					
Faulkner County and the Eastern half of Conway and Perry Counties	7.93	.45	.30		.04
Carpenters	8.33	.45	.30		.04
Millwrights & Piledrivermen					
DECISION NO. AR76-4004 - Mod. #3 (41 FR 2543 - January 16, 1976) Pulaski County, Arkansas					
CHANGE:					
LINE CONSTRUCTION:	$10.00		12%		3/8%
Lineman	10.125		12%		3/8%
Cable splicers	10.00		12%		3/8%
Operator					
PLUMBERS & PIPEFITTERS:					
Pulaski County Courthouse	9.70	.30	.55		.02
Over 10 miles from Pulaski County Courthouse	10.00	.30	.55		.02
BOILERMAKERS	9.00	.50	1.00		.02
CARPENTERS:					
Carpenters	7.93	.45	.30		.04
Millwrights & piledrivermen	8.33	.45	.30		.04

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MODIFICATIONS P. 3

DECISION NO. CA76-5020 - Mod. #3 (41 FR 9742 - March 5, 1976) Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plaster Tender:					
Monterey County	$ 9.65	.80	$ 1.40		
Plumbers; Steamfitters:					
Marin, San Francisco and Sonoma Counties	11.75	1.905	1.50	1.17	.15
Add:					
Glaziers (Remainder of Counties)	9.745	.37	1.20		
Painters:					
Shasta, Sutter, Tehama and Yuba Counties;					
Brush; Pot Tenders; Roller; Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	8.00	.60	.25		
	8.25	.60	.25		

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # FL76-1021 - Mod. #1 (41 FR-4749 - January 30, 1976 Bay, Escambia, Gulf, Okaloosa, Santa Rosa, and Walton Counties, Florida.					
Delete:					
Ironworkers:					
Rodman	2.30				
Truck drivers:					
Low boy	2.85				
Single rear axle	2.61				
Heavy duty	2.70				
Multi rear axle	2.50				
POWER EQUIPMENT OPERATORS:					
Loaders-Front End:					
1 cu. yd or less	3.00				
Over 1 cu. yd.	2.83				
Rollers	2.25				
Finisher	2.93				
Self-propelled rubbertired	2.68				
Add:					
Truck drivers	2.56				
POWER EQUIPMENT OPERATORS:					
Front end loader	2.90				
Roller	2.69				

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #FL75-1080 - Mod. # 1 (40FR-41358 - September 5, 1975) Alachua, Bradford, Calhoun, Citrus, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lake, Lafayette, Leon, Levy, Liberty, Madison, Marion, Pasco, Putnam, Sumter, Suwanee, Taylor, Union, Wakulla, and Washington Counties, Florida.					
Delete:					
Ironworkers:					
Rodman	2.85				
POWER EQUIPMENT OPERATORS:					
Loaders:					
Front end	3.04				
Over 1 cubic yard	3.50				
1 cubic yard or less	3.00				
Add:					
Front end loader	3.10				
DECISION # FL76-1059 - Mod. # 1 (41 FR-20130 - May 14, 1976) Bay County, Florida					
Change:					
Electricians:					
Industrial	9.37	.40			.03

MODIFICATIONS P. 6

DECISION NO. IN76-2056 - Mod. #4 (41 FR 16374 - April 16, 1976) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Line Construction:					
Grant County					
Add:					
Grant County					
LINE CONSTRUCTION					
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

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MODIFICATIONS P. 7

DECISION NO. IN75-2133 - Mod. #5
(40 FR 59155 - December 14,197
Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Omit:					
Line construction schedules: Statewide, except Clinton, DuBois, Fountain, Gibson, Grant, Howard, Miami, Perry, Pike, Posey, Spencer, Tipton, Vanderburgh, Vermillion, Wabash, Warren, & Warrick Counties					
Clinton, Grant, Howard, Miami, Tipton, Wabash Counties					
Add:					
Line Construction Schedules:					

Statewide, except Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick, Fountain, Vermillion, Warren, Miami (Peru & Grissom AFB), & Clinton (Frankfort)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

MODIFICATION P. 8

DECISION NO. IN75-2133 Cont'd

Clinton County (Frankfort only) & Miami County (Peru & Grissom AFB)

IND-LC-AREA IV

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$9.43	.35	1%		½ of 1%
CABLE SPLICERS	10.23	.35	1%		½ of 1%
HEAVY EQUIPMENT OPERATORS"B"	7.61	.35	1%		½ of 1%
POWDERMAN; Equipment mechanic	7.44	.35	1%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	6.25	.35	1%		½ of 1%
GROUNDMAN - truck driver with winch	5.98	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	5.96	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	5.78	.35	1%		½ of 1%
GROUNDMAN - truck driver without winch	5.35	.35	1%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	4.96	.35	1%		½ of 1%

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
DECISION #KY76-1009 - Mod. # 3 (41 FR-7905 - February 20, 1976) Franklin County, Kentucky					
Change: Electricians	10.65	.40	1%+.50		½ of 1%
DECISION #KY75-1101 - Mod. #1 (40 FR-48857 - October 17, 1975) Fayette County, Kentucky					
Change: Bricklayers	9.25	.25	.50		
Electricians	10.65	.40	1%+.50		½ of 1%

MODIFICATIONS P. 10

DECISION #MN76-2003 - Mod. #1 (41 FR 3510 - January 23, 1976) Stearns County, Minnesota	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers & Stonemasons	$10.10		.25		
Carpenters & Piledrivermen	9.43		.75		
Cement Masons:					
Building					
Cement Masons & Plasterers	9.30		.25		
Site Preparation, Excavation & Incidential Paving					
Cement Masons	9.30		.25		
Glaziers	8.73	.40			
Ironworkers	10.35	.55	.55		.02
Laborers - Building					
General Laborers; Derolition & Wrecking; Concrete Joint Saw Operators; Signal Men	7.80	.20	.15		
Power Buggy Operators	7.85	.20	.15		
Mortar Mixers; Plasterer Tender	7.90	.20	.15		
Jackhammer Men	7.95	.20	.15		
Underground; Caisson; Cofferdam; Tunnel Work	8.05	.20	.15		
Dynamite Men	8.10	.20	.15		
Laborers - Site Preparation, Excavation & Incidential Paving					
Class 1	7.25	.40	.35	.40	
Class 2	7.30	.40	.35	.40	
Class 3	7.35	.40	.35	.40	
Class 4	7.40	.40	.35	.40	
Class 5	7.60	.40	.35	.40	
Class 6	7.65	.40	.35	.40	
Class 7	7.70	.40	.35	.40	
Class 8	7.75	.40	.35	.40	
Marble Setters	9.875	.555	.33		
Sheet Metal Workers	10.13	.42	.20		.02
Sprinkler Fitters	11.23	.60	.90		.08
Truck Drivers - Building	7.80				
Truck Drivers - Site Preparation, Excavation & Incidential Paving:					
Group 1	7.72	.40	.45		
Group 2	7.42	.40	.45		
Group 3	7.32	.40	.45		
Group 4	7.12	.40	.45		

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MODIFICATIONS P. 11

DECISION #NV76-2003 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Building					
Class 1	$13.45	.45	.40		
Class 2	11.05	.45	.40		
Class 3	10.70	.45	.40		
Class 4	10.60	.45	.40		
Class 5	10.50	.45	.40		
Class 6	10.25	.45	.40		
Class 7	10.13	.45	.40		
Class 8	10.05	.45	.40		
Class 9	9.78	.45	.40		
Class 10	9.50	.45	.40		
Class 11	9.05	.45	.40		
Site Preparation, Excavating & Incidental Paving - East of the Western Right-of-Way of U.S. Hwy #15					
Group I	13.30	.45	.35		
Group II	10.01	.45	.35		
Group III	9.75	.45	.35		
Group IV	9.63	.45	.35		
Group V	9.53	.45	.35		
Group VI	8.85	.45	.35		
Group VII	8.55	.45	.35		
Site Preparation, Excavating & Incidental Paving - Remainder of the County					
Group I	13.05	.45	.35		
Group II	8.87	.45	.35		
Group III	8.62	.45	.35		
Group IV	8.48	.45	.35		
Group V	8.40	.45	.35		
Group VI	7.87	.45	.35		
Group VII	7.47	.45	.35		

MODIFICATIONS P. 12

DECISION NO. NV76-5046 - Mod. #1
(41 FR 21108 - May 21, 1976)
Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Glaziers:					
Clark, Esmeralda, Lincoln and south half of Nye Counties	$11.57	.35		4%	.05
Plumbers (Utility):					
Statewide except Clark, Esmeralda, Lincoln and South half of Nye Counties	10.64	.73	.80	1.95	.10
Plumber Helper (Utility)	5.60	.73	.10	.50	.10
Power Equipment Operators: (Except Piledriving and Steel Erection)					
Remaining Counties					
Group 1:					
Area 1	8.35	.87	1.98	.82	.20
Area 2	9.50	.87	1.98	.82	.20
Group 2:					
Area 1	8.72	.87	1.98	.82	.20
Area 2	9.87	.87	1.98	.82	.20
Group 3:					
Area 1	8.92	.87	1.98	.82	.20
Area 2	10.07	.87	1.98	.82	.20
Group 4:					
Area 1	9.44	.87	1.98	.82	.20
Area 2	10.59	.87	1.98	.82	.20
Group 5:					
Area 1	9.65	.87	1.98	.82	.20
Area 2	10.80	.87	1.98	.82	.20
Group 6:					
Area 1	9.77	.87	1.98	.82	.20
Area 2	10.92	.87	1.98	.82	.20
Group 7:					
Area 1	9.94	.87	1.98	.82	.20
Area 2	11.09	.87	1.98	.82	.20
Group 8:					
Area 1	10.32	.87	1.98	.82	.20
Area 2	11.47	.87	1.98	.82	.20

MODIFICATIONS P. 13

DECISION NO. NV76-5046 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 9:					
Area 1	$10.54	.87	1.98	.82	.20
Area 2	11.69	.87	1.98	.82	.20
Group 10:					
Area 1	10.77	.87	1.98	.82	.20
Area 2	11.92	.87	1.98	.82	.20
Group 10-A:					
Area 1	10.89	.87	1.98	.82	.20
Area 2	12.04	.87	1.98	.82	.20
Group 11:					
Area 1	11.06	.87	1.98	.82	.20
Area 2	12.21	.87	1.98	.82	.20
Group 11-A:					
Area 1	12.14	.87	1.98	.82	.20
Area 2	13.29	.87	1.98	.82	.20
Laborers:					
Remaining Counties					
Group 1	$7.15	.50	.65		.10
Group 2	7.25	.50	.65		.10
Group 3	7.40	.50	.65		.10
Group 4	7.65	.50	.65		.10
Group 5	7.95	.50	.65		.10
Group 6-A	7.95	.50	.65		.10
Group 6-B	7.65	.50	.65		.10
Group 6-C	7.30	.50	.65		.10

MODIFICATIONS P. 14

DECISION NO. OK76-4020 - Mod.#2
(41 FR 5555 - February 6, 1976)
Garfield County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
ZONE I	$8.80	.50	1%+.50		1/2%
ZONE II	9.05	.50	1%+.50		1/2%
ZONE III	9.30	.50	1%+.50		1/2%
CABLE SPLICERS:					
ZONE I	9.05	.50	1%+.50		1/2%
ZONE II	9.30	.50	1%+.50		1/2%
ZONE III	9.55	.50	1%+.50		1/2%
BRICKLAYERS-Stonemasons	8.05				
CARPENTERS:					
Carpenters	7.75				
Millwrights-Piledrivermen	8.30				

DECISION # SC76-1067 - Mod. # 1
(41 FR-22024 - May 28, 1976)
Charleston, Berkeley and Dorchester County, South Carolina

Change:
Roofers 5.00

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Shawnee
DECISION NO.: KS76-4095 DATE: Date of Publication
Supersedes Decision No. KS75-4194, dated December 5, 1975 in 40 FR 57093
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS: Stonemasons	9.44	.40	.25		
CARPENTERS:					
Carpenters	8.55	.40	.25		.05
Millwrights; Piledrivermen	8.925	.40	.25		.05
CEMENT MASONS:					
Cement masons	8.45	.40	.35		
Machine operators	8.575	.40	.35		
Composition color or chloride additives	8.65	.40	.35		
ELECTRICIANS	5.95	.40	1%+.20		.05
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS (Building Construction)					
General laborer	7.25	.40	.35		.10
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated, georgia buggy	7.45	.40	.35		.05
Mason tenders, plaster tenders, mortar mixers for plaster masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.55	.40	.35		.05
Sand and concrete gun nozzleman and powderman	7.65	.40	.35		.05
LABORERS (Site Preparation and Grading):					
Group 1	6.40	.40	.35		.05
Group 2	6.55	.40	.35		.05
Group 3	6.65	.40	.35		.05
Group 4	6.80	.40	.35		.05
Group 5	6.90	.40	.35		.05

CLASSIFICATION DEFINITIONS

LABORERS(Site Preparation and Grading):
Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lifts nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated); grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines
Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.25		.20		
PAINTERS:					
Brush, drywall, sanding and taping, roller	8.90	.35			.02
Painting of structures over 50' (all types); spray	9.40	.35			.02
PLASTERERS	8.30				
PLUMBERS: Pipefitters	10.10	.40	.55		.02
POWER EQUIPMENT OPERATORS: (Building Construction):					
Group 1	9.60	.50	1.00	.50	.10
Group 2	9.20	.50	1.00	.50	.10
Group 3:					
(a)	8.15	.50	1.00	.50	.10
(b)	8.40	.50	1.00	.50	.10
Group 4:					
(a)	7.85	.50	1.00	.50	.10
(b)	8.10	.50	1.00	.50	.10
Group 5	10.10	.50	1.00	.50	.10
Group 6	9.85	.50	1.00	.50	.10
Group 7	10.10	.50	1.00	.50	.10
Group 8	10.60	.50	1.00	.50	.10
Group 9	11.60	.50	1.00	.50	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (2); boom cat, boring machine, ditching machine, concrete ready-mix plant; crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve); gradall hi-loaders (over 1 yd); hoist, two; locomotive; mechanic or welder; mixer-mobile; paver, or any other machine with power swing; pilediver operator; power shovel; pump, concrete or other material

Group 2 - A-frame truck; barber greene loader or similar type; bob cat hi-loaders (1 yd. and under); boiler (1); ditching machine-small; elevator operator; firemen; fork lift; greaser, equipment;hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom, pump, 4" or larger, small machine engineer; welding machine (1)

Group 3 - (a) Farm tractor (without attachments)
(b) Farm tractor (with attachments)

Group 4 - (a) Oiler
(b) Motor crane oiler

Group 5 - Tower cranes and derricks; franki-type piledriving machines; (4) drum hoist
Group 6 - Crane & shovels 100 ft of hoom or over (including jib) or 2 yds capacity or over or 30 tons or over; (3) drum hoist

Group 7 - Crane & shovels booms 200 ft and over

Group 8 - Cranes with lifting ring

Group 9 - Master mechanic

Hoist each additional drum over two - an additional .25c

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS Site Preparation and Grading					
Group 1	7.85	.50	1.00	.50	.10
Group 2	7.60	.50	1.00	.50	.10
Group 3	7.35	.50	1.00	.50	.10
Group 4	7.00	.50	1.00	.50	.10
Group 5	7.10	.50	1.00	.50	.10
Group 6	8.10	.50	1.00	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS(Site Preparation and Grading):
Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-mobile; multi-unit scraper; pile driver operator; power shovel operator; quad track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pusncat operator

Group 2 - Asphalt plant operator; elevating grader operator

Group 3 - A-frame truck; asphalt roller operator; ashalt plant boiler fireman; backfiller operator; barber greene loader; boiler - other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane opeator, fork lift; form grader operator; greaser;hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers flat, slate and tile, dampproofers and waterproofers	8.86	.30	.60		
Roofers working in pitch, tar or creosote, coal	9.71	.30	.60		
SHEET METAL WORKERS	8.53	.35	1.10	.78	.04
SOFT FLOOR LAYERS	7.39	.40	.45	10%	.04
SPRINKLER FITTERS	11.23	.60	.90		.08
TILE SETTERS	8.50				

DECISION NO. KS76-4095

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Building Construction)					
Light, pickups, stations wagons	7.475	.40	.35		
Medium flat beds and dumps, 5 tons or less; warehousemen and partsmen	7.575	.40	.35		
Truck over 5 tons and semi-trailers	7.825	.40	.35		
TRUCK DRIVERS (Site Preparation and Grading)					
Group 1	6.50	.40	.35		
Group 2	6.60	.40	.35		
Group 3	6.75	.40	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)

Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen

Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Kansas
COUNTY: Shawnee
DECISION NO.: KS76-4096
DATE: Date of Publication
Supersedes Decision No. KS75-4193 dated November 21, 1975 in 40 FR 54405
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; Stonemasons	9.44	.40	.25		
CARPENTERS:					
Carpenters	8.55	.40	.25		.05
Millwrights; Pliedrivermen	8.925	.40	.25		.05
CEMENT MASONS:					
Cement masons	8.45	.40	.35		
Machine operators	8.575	.40	.35		
Composition color or chloride additives	8.65	.40	.35		
ELECTRICIANS:					
Electricians	10.40	.45	1%+.50		.05
Cable splicers	11.44	.45	1%+.50		.05
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				
GLAZIERS	8.79	.55	.40	13.29%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS (Building Construction);					
General laborers	7.25	.40	.35		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	7.45	.40	.35		.05
Mason tenders, plaster tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.55	.40	.35		.05
Sand and concrete gun nozzleman and powderman	7.65	.40	.35		.05

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-1st 6 months-none; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

DECISION NO. KS76-4096

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Site Preparation and Grading)					
Group 1	6.40	.40	.35		.05
Group 2	6.55	.40	.35		.05
Group 3	6.65	.40	.35		.05
Group 4	6.80	.40	.35		.05
Group 5	6.90	.40	.35		.05

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated); grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.25		.20		
LINE CONSTRUCTION:					
Lineman	8.62	.35	1%		½%
Cable splicers	9.05	.35	1%		½%
Groundman, over 1 year	5.39	.35	1%		½%
Groundman, 1st year	4.11	.35	1%		½%
Powderman	7.16	.35	1%		½%
Line Truck and Equipment Operators:					
1st year	5.52	.35	1%		½%
2nd year	6.59	.35	1%		½%
Over 3 years' experience	7.16	.35	1%		½%
PAINTERS:					
Brush, drywall, sanding and taping	8.90	.35			.02
Painting of structures over 50' (all types); spray	9.40	.35			.02
PLASTERERS	8.30				
PIPEFITTERS; Plumbers	10.10	.40	.55		.02
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	9.60	.50	1.00	.50	.10
Group 2	9.20	.50	1.00	.50	.10
Group 3:					
(a)	8.15	.50	1.00	.50	.10
(b)	8.40	.50	1.00	.50	.10
Group 4:					
(a)	7.85	.50	1.00	.50	.10
(b)	8.10	.50	1.00	.50	.10
Group 5	10.10	.50	1.00	.50	.10
Group 6	9.85	.50	1.00	.50	.10
Group 7	10.10	.50	1.00	.50	.10
Group 8	10.60	.50	1.00	.50	.10
Group 9	11.60	.50	1.00	.50	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - ~~Bolters (1); boom cat, boring machine, ditching machine,~~ concrete ready-mix plant; crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve); gradall hi-loaders (over 1 yd); hoist, two; locomotive; mechanic or welder; mixer-mobile; paver, or any other machine with power swing; pile driver operator; power shovel; pump, concrete or other material

Group 2 - A-frame truck; barber greene loader or similar type; bob cat h-loaders (1 yd. and under); boiler (1); ditching machine-small; elevator operator; firemen; fork lift; greaser, equipment;hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom, pump, 4" or larger, small machine engineer; welding machine (1)

Group 3 - (a) Farm tractor (without attachments)
(b) Farm tractor (with attachments)

Group 4 - (a) Oiler
(b) Motor crane oiler

Group 5 - Tower cranes and derricks; frankl-type piledriving machines; (4) drum hoist

Group 6 - Crane & shovels 100 ft of boom or over (including jib) or 2 yds capacity or over or 30 tons or over; (3) drum hoist

Group 7 - Crane & shovels booms 200 ft and over

Group 8 - Cranes with lifting ring

Group 9 - Master mechanic

Hoist each additional drum over two - an additional .25c

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Site Preparation and Grading)					
Group 1	7.85	.50	1.00	.50	.10
Group 2	7.60	.50	1.00	.50	.10
Group 3	7.35	.50	1.00	.50	.10
Group 4	7.00	.50	1.00	.50	.10
Group 5	7.10	.50	1.00	.50	.10
Group 6	8.10	.50	1.00	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-mobile; multi-unit scraper; pile driver operator; power shovel operator; quad track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; elevating grader operator

Group 3 - A-frame truck; asphalt roller operator; ashalt plant boiler fireman; backfiller operator; barber greene loader; boiler - ther than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane opeator, fork lift; form grader operator; greaser;hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer of similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS, FLAT, SLATE & TILE DAMPROOFERS AND WATERPROOFERS	8.86	.30	.60		
ROOFERS WORKING IN PITCH, TAR OR CREOSOTE, COAL	9.71	.30	.60		
SHEET METAL WORKERS	8.53	.35	1.10	.78	.04
SOFT FLOOR LAYERS	7.39	.40	.45	10%	.04
SPRINKLER FITTERS	11.23	.60	.90	.	.08
TILE SETTERS	8.50				
TRUCK DRIVERS (Building Construction):					
Light, pickups, Station wagons	7.475	.40	.35		
Medium flat beds and dumps, 5 tons or less; warehousemen and partsmen	7.575	.40	.35		
Truck over 5 tons and semi-trailers	7.825	.40	.35		
TRUCK DRIVERS (Site preparation and grading):					
Group 1	6.50	.40	.35		
Group 2	6.60	.40	.35		
Group 3	6.75	.40	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)

Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen

Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Sedgwick
DECISION NO: KS76-4097 DATE: Date of Publication
Supersedes Decision No. KS75-4199, dated December 5, 1975 in 40 FR 57100
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.90	.46	.125		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; STONEMASONS	9.58	.50	.25		.02
CARPENTERS:					
Carpenters	9.15	.50			.05
Millwrights, piledrivermen	9.45	.50			.05
CEMENT MASONS:					
Cement masons	9.35				
Troweling machine operator	9.60				
ELECTRICIANS	9.70	.35	1%		1%
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years service, and 2% of basic hourly rate for 6 mos. to 5 years as vacation Pay Credit. b-1st 6 months none; 6 months - 5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.					
IRONWORKERS	9.88		.25	.53	.02
LABORERS (BUILDING CONSTRUCTION):					
GROUP 1 - Common laborers	6.85	.45	.25		.05
GROUP 2 - Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, mason tenders, plaster tenders, mortar mixers for plasterers, mason and cement finishers, all stocking, scaffold, clean up for masons (building & wrecking), sand and concrete gun nozzleman, powderman	7.00	.45	.25		.05
LABORERS (SITE PREPARATION & GRADING)					
GROUP 1	4.90	.45	.35		.05
GROUP 2	5.05	.45	.35		.05
GROUP 3	5.15	.45	.35		.05
GROUP 4	5.30	.45	.35		.05
GROUP 5	5.40	.45	.35		.05

DECISION NO. KS76-4097

CLASSIFICATION DEFINITIONS

LABORERS:
GROUP 1 - Board mat weavers & cable tiers, georgia buggy (manually operated), mixerman-no skip, lift, hatlers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, & all other general laborer including flagmen
GROUP 2 - Air tool operators, cement handlers (bulk) chain saw, georgia buggy (mechanically operated), grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper & scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper-dry batch, vibrator operator, wagon and churn drill operator
GROUP 3 - Asphalt raker, barco tamper, concrete saw, creosote material handling & applying, nozzle burner (cutting torch and burning bar)
GROUP 4 - Conduit pipe, tile & duct line setter, form setter & liner on concrete paving, powderman, sandblasting & gunnite nozzleman, sanitary sewer pipe layer, steel plate structure erectors, water and gas distribution lines
GROUP 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$8.40		.15		.01
LINE CONSTRUCTION:					
Linemen	8.62	.35	1%		½%
Cable splicers	9.05	.35	1%		½%
Groundman, over 1 year	5.39	.35	1%		½%
Groundman, 1st year	4.11	.35	1%		½%
Powderman	7.16	.35	1%		½%
Line truck & equipment operators:					
1st year	5.52	.35	1%		½%
2nd year	6.59	.35	1%		½%
Over 2 years experience	7.16	.35	1%		½%
PAINTERS:					
GROUP 1 - Brush, sheetrock taping and finishing	8.47		.20		.01
GROUP 2 - Stage chair and window jack work to and including five stories high	8.82		.20		.01
GROUP 3 - Stage chair and window jack work over five stories high; elevated tanks, towers, & stack over 75 ft. high; sandblasting & water blasting work from picks; stage chairs or platforms over 24 ft. in height	9.07		.20		.01
GROUP 4 - Structural steel not done from scaffolding	9.22		.20		.01
PLASTERERS	8.50				
PIPEFITTERS, PLUMBERS	10.78	.64	.80		.04

DECISION NO. KS76-4097

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):					
GROUP 1	9.60	.50	1.00	.50	.10
GROUP 2	9.20	.50	1.00	.50	.10
GROUP 3:					
(a)	8.15	.50	1.00	.50	.10
(b)	8.40	.50	1.00	.50	.10
GROUP 4:					
(a)	7.85	.50	1.00	.50	.10
(b)	8.10	.50	1.00	.50	.10
GROUP 5	10.10	.50	1.00	.50	.10
GROUP 6	9.85	.50	1.00	.50	.10
GROUP 7	10.10	.50	1.00	.50	.10
GROUP 8	11.60	.50	1.00	.50	.10
GROUP 9	10.60	.50	1.00	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP 1 - boilers (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over 1 yd), hoist, two drums, locomotive, mechanic or welder, mixermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material
GROUP 2 - A-frame truck, barber-greene loader or similar type, bob cat ht loaders (1 yd and under), boiler (1), ditching machine-small, elevator operator, firemen, fork lift, greaser, equipment, hoist, one active drum, hydra hammer, jeep ditcher, mixer, other than paver, power broom, pump, 4" or larger, small machine engineer, welding machine (1)
GROUP 3 - (a) farm tractor (without attachments), (b)Farm tractor (with attachments)
GROUP 4 - (a)Oiler, (b)motor crane oiler
GROUP 5 - Tower cranes and derricks, frankie-type pile driving machines
GROUP 6 - Cranes and shovels 100 ft. of boom or over (including jib) or 2 yds. capacity or over or 30 tons or over (3) drum hoist
GROUP 7 - Cranes and shovels booms 200 ft. and over; (4) drum hoist
GROUP 8 - Master mechanic
GROUP 9 - Cranes with lifting ring

DECISION NO. KS76-4097

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (SITE PREPARATION & GRADING):					
GROUP 1	7.85	.50	1.00	.50	.10
GROUP 2	7.60	.50	1.00	.50	.10
GROUP 3	7.35	.50	1.00	.50	.10
GROUP 4	7.00	.50	1.00	.50	.10
GROUP 5	7.10	.50	1.00	.50	.10
GROUP 6	8.10	.50	1.00	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
Group 1 - Asphalt paver & spreader, back hoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete central plant operator, (automatic), crane, truck crane, pitman crane hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, euclid loader, hoist-2active drums, loader, all types, mechanic or welder, mixer-mobile, multi-unit scraper, piledriver operator, power shovel operator, quad track, scoop operator, all types, side boom cat-cherry picker, skimmer scoop operator, pushcat operator
Group 2 - Asphalt plant operator, elevating grader operator
Group 3 - A-frame truck, asphalt roller operator, asphalt plant boiler fireman, backfiller operator, barber-greene loader, boiler-other than asphalt, bull float operator, churn drill operator, compressor operator (1), concrete central plant operator, concrete mixer operator skip, concrete pump operator, crusher operator, distributor operator, finish machine operator-concrete, fireman other than asphalt, flex plane operator, fork lift, form grader operator, greaser, hoist 1 drum, jeep ditching machine, pavement breaker, self-propelled (of the hydra hammer or similar type), pump operator, 4" or over, two, pump operator other than dredge, screening & wash plant operator, small machine operator spreader box operator-self-propelled tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt, siphon & jets, subgrading machine operator, tank or car heater operator, combination booster & boiler, towboat operator, vibrating machine operator, not hand
Group 4 - Concrete gang saw, self-propelled (con-cut), conveyor operator harrow disc seeder, oiler, tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

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DECISION NO. KS76-4097

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers, Kettlemen	7.80	.28	.20		.02
Pitch	8.55	.28	.30		.02
Helpers	3.50	.28	.20		.02
SHEET METAL WORKERS	9.915	.55	.40		.06
SPRINKLER FITTERS	11.23	.60	.90		.08
TRUCK DRIVERS (BUILDING CONSTRUCTION):					
GROUP 1 - Pickups, station wagons, flat beds-12,000# & under GVW lincense capacity	7.30	.45	.35		
GROUP 2 - Flat beds-16,000# GVW lincense capacity	7.375	.45	.35		
GROUP 3 - Flat beds-20,000# over GVW lincense capacity, dump, batch & water trucks, single axle	7.45	.45	.35		
GROUP 4 - Lowboys, semi-trailers dumpstors, a-frame tandems winch truck when used as such & transit mix	7.05	.45	.35		
TRUCK DRIVERS PREPARATION & GRADING):					
GROUP 1	6.40	.50	.35		
GROUP 2	6.50	.50	.35		
GROUP 3	6.65	.50	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen, mechanic helpers and servicemen
Group 3 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle), a-frame and winch trucks when used as such, euclid, end and bottom dump, tournarockers, atheys, dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Leavenworth
DECISION NO.: KS76-4095 DATE: Date of Publication
Supersedes Decision No. KS75-4191, dated December 5, 1975 in 40 FR 57096
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; Stonemasons	9.725	.55	.35	1.00	
CARPENTERS; Millwrights and Pile-drivermen	10.20	.50	.30		.05
CEMENT MASONS	9.475	.40	.50	.50	
ELECTRICIANS:					
Zone 1 - Delaware, Kickapoo, High Prairie and Leavenworth Townships)	10.62	.29	1%+.31	.80	.06
Zone 2 - Remainder of County	10.40	.45	1%+.50		.05
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years service, and 2% of basic hourly rate for 6 mos. to 5 years as vacation Pay Credit. b-1st 6 months - none; 6 months - 5 years-2%; over 5 years-4% of the basic hourly rate; also 6 paid holidays.					
GLAZIERS	9.50	.55	.51	15.416%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
General laborer	7.00	.30	.30		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools concrete saws, mechanically operated georgia buggy, rubbing concrete, form setters and liners, concrete paving, mason tenders, plaster tenders, mortar mixets for plasterers, masons & cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand & concrete gun nozzleman, powderman	7.25	.30	.30		.05

DECISION NO. KS76-4098

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Site Preparation and Grading):					
Group 1	6.50	.30	.35		.05
Group 2	6.65	.30	.35		.05
Group 3	6.75	.30	.35		.05
Group 4	6.90	.30	.35		.05
Group 5	7.00	.30	.35		.05

CLASSIFICATION DEFINITIONS

Group 1 - Board mat weavers and cable tiers, georgia buggy (manually operated), mixerman-no skip lift, nailers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated) grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper and scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper - dry batch, vibrator operator, wagon and chorn drill operator

Group 3 - Asphalt raker, barco tamper, concrete saw, creosote material - handling and applying, nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe, tile and duct line setter, form setter and liner on concrete paving, powderman, sandblasting and gunnite nozzleman, sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadmen or pusher

DECISION NO KS76-4098

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$ 9.70	.50			
LINE CONSTRUCTION:					
Zone 1 - Southwest 2/3 of Leavenworth County					
Lineman	8.62	.35	1%		½%
Cable splicers	9.05	.35	1%		½%
Groundman, over 1 year	5.39	.35	1%		½%
Groundman, 1st year	4.11	.35	1%		½%
Powderman	7.16	.35	1%		½%
Line Truck & Equipment Operators:					
1st year	5.52	.35	1%		½%
2nd year	6.59	.35	1%		½%
Over 2 years' experience	7.16	.35	1%		½%
Zone 2 - Remainder of Leavenworth County					
Lineman	10.56	.38	1%+.15		½%
Heavy Equipment Operator	9.83	.38	1%+.15		½%
Groundman powderman	7.34	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
MARBLE AND TILE SETTERS	10.26	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	8.48				
PAINTERS:					
Zone 1 - Northern 2/3 of County					
Brush, roller, tapers	8.10	.55	.70		
Spray	9.10	.55	.70		
Zone 2 - Remainder of County					
Brush, roller, tapers	8.70	.30	.35		
Spray	9.70	.30	.35		
PLASTERERS	10.25	.30			
PIPEFITTERS	10.42	.52	1.05		1%
PLUMBERS	10.69	.60	.70		.10
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	8.60	.50	1.00	.75	.10
Group 4	9.10	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	9.35	.50	1.00	.75	.10
Group 7	10.35	.50	1.00	.75	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) CONT'D:					
Group 8	10.60	.50	1.00	.75	.10
Group 9	10.10	.50	1.00	.75	.10
Group 10	11.10	.50	1.00	.75	.10
Group 11	10.60	.50	1.00	.75	.10
Group 12:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Asphalt paver and spreader, asphalt plant mixer operator, asphalt plant operator, back fillers, backhoe, all types, barber-greene loader (similar type), blade-power, all types, boats-power, boilers (2), boring machines (all types), cableways, cherry pickers (all types), chip spreader, clamshells, combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional), compressors (2) 105 ft. or over not more than 20' apart, compressors tandem (any sizes), compressors single, truck mounted, concrete ready-mixed plant. portable (job site); concrete mixer paver, crane-overhead, crusher, rock, derricks and derrick cars (power operated), ditching machines, dozers, draglines, dredges - any type power, grede-all - similar types, hoist, hoist, endless chain - power operated with power travel, loaders - all types, locomotives all types, mechanic and welder, mucking machine, orange peels, piledrivers - all types;pumps - material all types, push cats, scoops all types, self-propelled rotary drill, shovel, power, side boom, skimmer scoop, testhole machine, throttle man

Group 2 - A-frame trucks, boilers (1), brooms-power operated (all types), chip spreader (front man), clef plane operator, compressors (1) 105' or over, concrete saws, (self-propelled), conveyor operator, crab-power operated, curb finishing machine, firemen on rigs, flex plene, floating machine, form grader, fork lift - all types and sizes (except masonry), greaser, hoist, hoist, endless chain-power operated, hopper-power operated, hydra hammer (all types), lad-a-vator - similar type, mixers with side loaders, jennies, sub-grader, tractors over 50 h.p., pumps (with well points); pump; rollers - all types, siphons, jets

Group 3 - Oiler

Group 4 - Fork lift-masonry

Group 5 - Oiler driver all types

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POWER EQUIPMENT OPERATORS CLASSIFICATIONS CONTD:

Group 6 - Tractors (except when hauling material) less than 50 h.p.

Group 7 - Clamshells, 80 ft. of boom or over (including jib), crane or rigs, 80 ft. of boom or over (including jib), draglines, 80 ft. of boom or over (including jib), piledrivers, 80 ft. of boom or over (including jib)

Group 8 - Cranes or rigs, over 200 ft of boom

Group 9 - Hoists each additional drum over 1 drum

Group 10 - Master mechanic

Group 11 - Crane - tower or climbing

Group 12 - Ready mixed concrete plants; (a) crane operator, (b) loader operator, (c) plant man, (d) conveyor operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Site Preparation and Grading					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	10.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, backhoe, blade operator, all types, boilers - 2; booster pump or dredge, boring machine (truck or crane mounted), bulldozer operator, clam-shell operator, compressor maintenance operator - 2; concrete plant operator, central mix, concrete mixer paver, crane operator, derrick or derrick trucks, ditching machine, dragline operator, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine, rotary, self-propelled, high loader-fork lift, hoisting engine - 2 active drums, locomotive operator, standard gauge, mechanics and welders, field or shop, maintenance operator, mucking machine, pile driver operator, pitman crane operator, pump-2, quad-trac, scoop operator all types; scoops in tandem, self-propelled rotary drill (Leroy or equal - not air trac); shovel operator, side discharge spreader, sideboom cats, skimmer scoop operator, slip-form paver (CMI, REX, or equal), throttle man, truck crane welding machine maintenance operator - 2

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POWER EQUIPMENT OPERATORS (CONTD):
Site Preparation and Grading

Group 2 - A-frame truck, asphalt hot mix silo, asphalt plant fireman, drum or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller operator, backfiller operator, chip spreader, concrete batch plant, dry power operator, concrete mixer operator, skip loader, concrete pump operator, crusher operator, elevating grader operator, greaser, hoisting engine-1 drum, latourneau rooter, multiple compactor, pavement breaker, self-propelled, of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator over 50 h.p.

Group 3 - Boilers - 1, chip spreader (front man), churn drill operator, compressor maintenance operator - 1, concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, rig, float operator, form grader operator, pump, pump maintenance operator, other than dredge, roller operator, other than high type asphalt, screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets, sub-grading machine operator, tank car heater operator operators - combination boiler and booster, tractor, 50 h.p. or less, without attachments, vibrating machine operator, not hand, welding machine maintenance operator-1

Group 4 - Mechanic's helpers, oiler

Group 5 - Oiler.driver, all types

Group 6 - Clamshells, 3 yds. capacity or over, crane or rigs, 80 ft. of boom or over (including jib), draglines, 3 yds. capacity or over, piledrivers, 80 ft. of boom or over (including jib), shovels, 3 yds capacity or over

Group 7 - Cranes or rigs, over 200 ft. of boom (including jib)

Group 8 - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:	9.30	.30	.60		.04
Roofers					
Helpers:					
1st 6 mos.	5.58	.30	.60		.04
2nd 6 mos.	6.05	.30	.60		.04
3rd 6 mos.	6.51	.30	.60		.04
4th 6 mos.	6.98	.30	.60		.04
5th 6 mos.	7.44	.30	.60		.04
6th 6 mos.	7.91	.30	.60		.04
7th 6 mos.	8.37	.30	.60		.04
SHEET METAL WORKERS	10.70%	.35	.50		.05
SPRINKLER FITTERS	11.23	.60	.90		.08
TERRAZZO WORKERS	9.93	3.65%	3.25%		

DECISION NO. KS76-4098

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Building Construction:					
Group 1	8.525	.50	1.00		
Group 2	8.575	.50	1.00		
Group 3	8.65	.50	1.00		
Group 4	8.775	.50	1.00		
Group 5	8.675	.50	1.00		
Group 6	8.875	.50	1.00		
Group 7	8.725	.50	1.00		
Group 8	8.625	.50	1.00		

TRUCK DRIVERS (Building Construction) (Cont'd)

CLASSIFICATION DEFINITIONS

Group 1 - Warehousemen and truck man

Group 2 - [illegible] dump trucks, under 10 yds.

Group 3 - Dump trucks, 10 yds. and over, steel trucks, semi truck drivers

Group 4 - Straddle trucks, wheel tractors (when used for towing), hydro lift trucks, hydraulically operated serial lifts, heavy hauling, a-frame winch and fork lifts, heavy excavating (dumpter, euclid, etc.), double bottom units (20 tons cap. and over)

Group 5 - Distributor truck drivers and operators, oilers, greasers and mechanics' helpers

Group 6 - Mechanics

Group 7 - Transit mix, 5 yds. and over

Group 8 - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site preparation and Grading					
Group 1	8.59	.50	1.00	.75	
Group 2	8.79	.50	1.00	.75	
Group 3	9.10	.50	1.00	.75	
Group 4	9.25	.50	1.00	.75	
Group 5	8.365	.50	1.00	.75	

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TRUCK DRIVERS
CLASSIFICATION DEFINITIONS

Group 1 - Car haul, station wagons, pickup trucks, material trucks, single axle, tank wagon drivers, single axle

Group 2 - Material trucks, tandem, two teams, semi-trailers, winch trucks-fork trucks, distributors drivers and operators, agitator and transit mix, tank wagon drivers, single axle, tank wagon drivers tandem or semi-trailers, Insley wagon, dump trucks, excavating, 5 cu. yds. and over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment

Group 3 - A-frame, lowboy, and boom truck driver

Group 4 - Mechanics and welders

Group 5 - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NO.: NE76-4205
Supersedes Decision No.: NE76-4075 dated April 30, 1976, in 41 FR 18270
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Lancaster
DATE: Date of Publication

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	10.91	.10	.51	4%	.03
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS: Stonemasons	8.875	.45	.30		
CARPENTERS:					
Carpenters	7.25	.20	.20		
Piledrivermen	7.50	.20	.20		
CEMENT MASONS:					
Cement masons	7.725	.45	.30		
Swing Stage	7.975	.45	.30		
ELECTRICIANS:					
Electricians:					
Zone A	10.31	.42	1%		.01
Zone B	10.61	.42	1%		.01
Zone C	10.91	.42	1%		.01
Zone D	11.31	.42	1%		.01
Cable Splicers:					
Zone A	10.56	.42	1%		.01
Zone B	10.86	.42	1%		.01
Zone C	11.16	.42	1%		.01
Zone D	11.56	.42	1%		.01
ELEVATOR CONSTRUCTORS	10.41	.495	.32	3%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.45	.40	.35		.01
IRONWORKERS	8.10	.30	.20	.50	
LABORERS:					
Common Laborers	6.465	.45	.30		
Machine and air tool operators,. Mason tenders	6.615	.45	.30		
Plasterers tenders	6.69	.45	.30		
LATHERS	7.80	.50	1.00		.01
MARBLE MASONS	7.65		.25		

ELECTRICIANS - CABLE SPLICERS' ZONE DEFINITION

Electricians-Cable Splicers from the main Post Office in Lincoln, Nebraska:

ZONE A - 0 to 15 miles
ZONE B - 15 to 30 miles
ZONE C - 30 to 75 miles
ZONE D - Over 75 miles

DECISION NO. NE76-4205

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$6.775	.30	.20		
Spray, Steel , Swing stage	7.275	.30	.20		
Paperhangers, Taper	7.025	.30	.20		
PLASTERERS	7.475	.30	.20		
PLUMBERS: Pipefitters	9.11	.58	.60		.10
ROOFERS:					
Composition	7.45		.10		
Slate and Tile	7.85		.10		
SHEET METAL WORKERS	7.96	.35	.20		.03
SOFT FLOOR LAYERS	8.00				
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS	8.10		.25		
TRUCK DRIVERS:					
Single Axle	5.825	.20	.25		
Tandem Axle	5.95	.20	.25		
Trailers and Lowboys	6.075	.20	.25		
Lumber Carriers	6.25	.20	.25		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 2% of the basic hourly rate for 6 months to 5 years' service and 4% of the basic hourly rate for over 5 years' service as Vacation Pay Credit.

b. The following paid holidays: A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
LINE CONSTRUCTION:					
Linemen	$ 8.86	.35	1%		1/2%
Cable Splicers	9.26	.35	1%		1/2%
Truck Driver	6.42	.35	1%		1/2%
Equipment Operator	8.33	.35	1%		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	3.01	.35	1%		1/2%
(Inexperienced) 2nd 6 months	4.40	.35	1%		1/2%
Thereafter	5.81	.35	1%		1/2%
POWER EQUIPMENT OPERATORS:					
Group 1	6.575	.45	.30		
Group 2	6.70	.45	.30		
Group 3	7.25	.45	.30		
Group 4	7.425	.45	.30		
Group 5	7.05	.45	.30		
Group 6	7.775	.45	.30		
Group 7	7.70	.45	.30		
Group 8	7.75	.45	.30		
Group 9	7.85	.45	.30		
Group 10	8.10	.45	.30		

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITION

GROUP 1: Firemen Oilers; Greasers; Mechanic's Helpers; Industrial type tractor without attachments
GROUP 2: Pumps - 4 inches and over
GROUP 3: Industrial type tractor with attachments
GROUP 4: Forklift or similar type equipment
GROUP 5: Compressors - 300 cu. ft. or over, or a series of compressors equalling 300 cu. ft. or over
GROUP 6: Economobile
GROUP 7: Single drum trucks or boom hoists; winch trucks; concrete pumps
GROUP 8: One drum hoists; air tugger; mixer with capacity or 1 yard or more; Blade Graders; Bulldozers; front end loaders; hydraulic backhoe on industrial type tractor
GROUP 9: Rubber tired earth moving equipment; hydrocrane
GROUP 10: Two drum hoists; Mechanics; Cranes; Piledrivers; Shovels; Draglines; Clamshells; Orange Peel; Backhoe; All shovel type equipment; All derricks and cranes

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SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
Carpenter	$5.25				
Carpenter helper	4.00				
Cement finisher	4.80				
Concrete saw operator	4.60				
Form setter (road)	4.55				
Form setter (structures)	3.75				
Laborer	3.45				
Manhole builder	4.25				
Painter	3.60				
Piledriver leadsman	3.60				
POWER EQUIPMENT OPERATORS:					
All purpose spreader	4.10				
Asphalt distributor	4.00				
Asphalt distributor helper	3.75				
Asphalt heaterman	3.80				
Asphalt paving machine	4.75				
Asphalt paving machine screedman	4.25				
Stationary Pl. (base of stabilization)	4.60				
Stationary Pl. (asphalt or concrete)	4.90				
Beginner Operator	4.25				
Bulldozer:					
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.25				
Cement handler	3.50				
Clamshell, dragline, backhoe, crane, pile driver or shovel	5.35				
Concrete mixer	3.60				
Concrete paver	4.45				
Slip form paver	5.25				
Conveyor	3.60				
Crusher (including those with integral screening plant)	4.65				
Dredge pump under 10"	4.00				
Dredge pump 10" and over	4.45				

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SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
POWER EQUIPMENT OPERATORS (Cont'd)					
Fireman (boiler)	$3.80				
Front End Loader:					
3½ cu. yds. or less	4.55				
over 3½ cu. yds.	4.65				
Mechanic	5.35				
Mechanic helper	4.60				
Motor grader	5.15				
Oiler or greaser	4.50				
Roller, self-propelled (hot mix)	4.50				
Roller or compactor, self-propelled (other)	4.50				
Scraper under 16 cu. yds.	4.75				
Scraper 16 cu. yds. and over	5.25				
Power grade machine (trimmer)	5.25				
TRACTOR:					
Farm type (towing)	3.65				
Farm type (with attachments)	3.95				
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.00				
Traveling plant (stabilization)	4.60				
Traveling plant helper (stabilization)	3.90				
Concrete finishing machine and spreader	4.80				
TRUCK DRIVERS:					
Single Axle	3.65				
Tandem Axle	3.75				
Semi-Trailer	3.85				
Transit Mix	3.85				
Lowboy	4.25				

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Nevada Test Site including Tonopah Test Range in Clark and Nye Counties

DECISION NUMBER: NV76-5053

DATE: Date of Publication

Supersedes Decision No. NV76-5005 dated January 16, 1975, in 41 FR 2601

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$11.36	.78	1.02		
BRICKLAYERS	10.87	.45	.50		.06
BRICK TENDERS	7.77	.36	1.25	1.00	
CARPENTERS (Nevada Test Site);					
Carpenters	8.24	.55	.90	.80	.03
Floor layers	8.265	.55	.90	.80	.03
Millwrights	8.54	.55	.90	.80	.03
CARPENTERS (Tonopah Test Range):					
Carpenters; Power actuated tools	6.86	.55		2.10	
Floorlayers; Shinglers	6.885	.55		2.10	
Power Saw Operator (overhead)	7.005	.55		2.10	
CEMENT MASONS:					
Cement Masons	7.55	1.00	.20	2.00	.08
Floor Finishing Machine	7.90	1.00	.20	2.00	.08
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	10.62	.63	17+.40		.05
Cable Splicers	10.95	.63	17+.40		.05
Groundman	8.42	.63	17+.40		.05
IRONWORKERS:					
Reinforcing; Ornamental; Structural	10.53	1.03	1.65	1.10	.03
PAINTERS:					
Brush; Roller	8.27	.75	.35	1.50	.05
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	8.62	.75	.35	1.50	.05
Buffing; Sandblasters, Steel	8.88	.75	.35	1.50	.05
PLUMBERS; Steamfitters	10.75	.70	1.70	1.60	.08
ROOFERS	10.53	.65			
SHEET METAL WORKERS	9.93	.83	1.60	1.00	.05+.02
SPRINKLER FITTERS	14.80	.60	.90		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$7.23	.36	.95	1.00	
Group 2	7.28	.36	.95	1.00	
Group 3	7.31	.36	.95	1.00	
Group 4	7.33	.36	.95	1.00	
Group 5	7.35	.36	.95	1.00	
Group 6	7.36	.36	.95	1.00	
Group 7	7.38	.36	.95	1.00	
Group 8	7.41	.36	.95	1.00	
Group 9	7.42	.36	.95	1.00	
Group 10	7.44	.36	.95	1.00	
Group 11	7.49	.36	.95	1.00	
Group 12	7.52	.36	.95	1.00	
Group 13	7.54	.36	.95	1.00	
Group 14	7.57	.36	.95	1.00	
Group 15	7.59	.36	.95	1.00	
Group 16	7.655	.36	.95	1.00	
Group 17	7.68	.36	.95	1.00	
Group 18	7.75	.36	.95	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	8.43	.95	1.75	.30	.04
Group 2	8.67	.95	1.75	.30	.04
Group 3	8.91	.95	1.75	.30	.04
Group 4	9.02	.95	1.75	.30	.04
Group 5	9.21	.95	1.75	.30	.04
Group 6	9.31	.95	1.75	.30	.04
Group 7	8.31	.75	1.75	.30	
Group 7-A	8.02	.75	1.75	.30	
Group 7-B	7.91	.75	1.75	.30	
Group 7-C	7.67	.75	1.75	.30	
TRUCK DRIVERS					
Group 1	8.065	.223	.65		
Group 2	8.12	.223	.65		
Group 3	8.17	.223	.65		
Group 4	8.33	.223	.65		
Group 5	8.515	.223	.65		

LABORERS

Group 1: Laborers - General or Construction; Demolition (cleaning of brick, lumber, etc.); Dry packing of concrete and filling of formbolt holes; Gas and Oil Pipeline; Laborer - temporary water lines (portable type); Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Mortar Man; Kettleman; Potman and man applying asphalt, Lay-kold Creosote, Lime, and similar type materials

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-Impervious Membrane and Oiler of all materials; Riprap Stonepaver; Sandblaster (pot tender); Making and Caulking of all non-metallic Pipe Joints

Group 10: Operators and Tenders of Pneumatic and Electric Tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench Multi-plate and similar mechanical tools not separately classified herein; Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger mixers and handling bulk cement); Concrete Saw Man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas and Oil Pipeline Wrapper-pot Tender and Form Man; Operator of Cement Grinding Machine; Roto-scraper; Tree Climber,'Faller, Chain Saw Operator, Pittsburgh Chipper and similar type brush shredders

Group 11: Rock Slinger; Scaler (using Boa'n Chair or Safety Belt or Power Tools)

Group 12: Driller and/or Pavement Breaker

Group 13: Oversize Concrete Vibrator Operator, 70 lbs. and over; Laying of all non-metallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

LABORERS (Cont'd)

Group 15: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Powerman-blaster - all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing

Group 16: Steel Headboardman

Group 17: Sandblaster (Nozzleman); Driller (Core, Diamond, or Wagon, Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 and similar type drills)

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, Pump or Generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, Wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yard or less (w/o dragtype attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Rodman and Chainman; Ross Carrier; Self-propelled Tar Pipelining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Instrumentman; Locomotive Engineer; Power Sweeper; Roller, compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), Soil, Cement, Asphalt - Finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Heavy Duty Welder; Machine Tool; Pavement Breaker; Pneumatic Heading Shield - Tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber-tired,heavy duty equipment (Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Skiploader, Wheeltype, over 3/4 yards, up to and including 1½ yds.; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tractor drag type shovel, Bulldozer, Tamper, Scraper and Push Tractor

DECISION NO. NV76-5053

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Combination Heavy Duty Repairman and Welder; Concrete Mixer - Paving; Concrete Mobile Mixer; Concrete Pump or Pumpcrete Gun; Crushing Plant Engineer; Elevating Grader; Heavy Duty Repairman; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader-Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or size); Multiple Engine-earth moving machinery; Party Chief; Pneumatic Concrete Placing Machine - Hackley-Presswell or similar type; Rotary Drill, excluding Caisson type; Skiploader, Wheeltype, over 1½ yards; Surface Heater and Planer; Tractor Loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, Cleaning and Bending Machine; Trenching Machine (over 6 feet depth); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, Derrick, Derrick Barge, Crane, Piledriver and Mucking Machine); Forklift, over 5 tons

Group 7: Driller Operator; Fishing Tool Engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drillers Helpers

TRUCK DRIVERS

Group 1: Light Duty Driver; Warehouseman

Group 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

Group 3: Tireman; Warehouse Clerk

Group 4: Heavy Duty Driver; Forklift Driver; Equipment Parts; Stockroom Clerk

Group 5: Extra Heavy Duty Driver

SUPERSEDEAS DECISION

STATE: Ohio
DECISION NO: OH76-2069
Supersdes Decision No. AR-3035, dated August 23, 1974 in 39 FR 30778
DESCRIPTION OF WORK: Building Construction, including Residential Construction

COUNTIES: Cuyahoga and Lake
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	$12.23				
BOILERMAKERS	10.00	.50	.85		.01
BRICKLAYERS & STONEMASONS	10.60	.85	.90		.01
CARPENTERS AND SOFT FLOOR LAYERS	11.00	.57	.85		.03
Millwrights and Piledrivermen	10.05	.57	1.00		.03
CEMENT MASONS	12.03				
ELECTRICIANS: Cuyahoga County	11.91	.50	.42+1%		.02
Lake County	11.83	.50	1%+.50		.3%
ELEVATOR CONSTRUCTORS	11.23	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.86	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	9.73	.40	.65		.01
GLAZIERS					
IRONWORKERS: Structural and Ornamental and Reinforcing	10.92	.60	.80		.03
LABORERS:					
Laborers, construction	8.97	1.07	.70		
Gunite Operator	9.29	1.07	.70		
Blasters and Shooters	9.29	1.07	.70		
Caisson, well cylinders, mine workers without air, cofferdams	9.29	1.07	.70		
Jackhammer, acetylene burners, vibrator	9.17	1.07	.70		
Sewer & Utility laborers	9.12	1.07	.70		
Swinging scaffolds	9.22	1.07	.70		
Topman on free standing radial stack	9.47	1.07	.70		
Powerdriven tools and vibrator	9.12	1.07	.70		
LINEMEN: Cuyahoga County	9.11	.35	1%		.25%
Lake County	11.03	.50	1%+.50		.5%
LATHERS	11.58		.75		.01
LEADBURNERS	10.50	.35			
MARBLE SETTERS	10.60	.85	.90		
MARBLE SETTERS' HELPERS	10.46				
PAINTERS:					
Brush, Paperhangers & Rollers	10.27	.48	.59		.03
Structural Steel & Bridge	10.97	.48	.59		.03
Swing Stage & Bos'n Chair	10.57	.48	.59		.03

DECISION NO OH76-2069

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS & SPRINKLER FITTERS	$10.67	.95	.80		.05
PLASTERERS	12.08				.01
PLUMBERS	10.73	.60	1.00		.02
ROOFERS	11.48	.25	.50		.005
SHEET METAL WORKERS	11.13	.25	80		.02
TERRAZZO WORKERS	10.60	.85	.90		
TERRAZZO WORKERS' HELPERS	10.87		.40		
TILE SETTERS	10.495		1.36		
TILE SETTERS' HELPERS	10.99		.25		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C- Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation pay credit for employee who has worked in business more than 5 years. Employer conbtributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

DECISION NO OH76-2060

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$11.02	.46	.80		.11
GROUP B	10.87	.46	.80		.11
GROUP C	10.52	.46	.80		.11
GROUP D	9.74	.46	.80		.11
GROUP E	9.42	.46	.80		.11
GROUP F	8.34	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submericble pumps under 4" discharge

SUPERSEDEAS DECISION

STATE: Ohio COUNTY: Ashtabula
DECISION NUMBER: OH76-2074 DATE: Date of Publication
Supersedes Decision NO. AR-3169, dated November 15, 1974 in 39 FR 40401
DESCRIPTION OF WORK: Building, including Residential Construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS (Cities of Ashtabula & Geneva)	$12.23				
Remainder of County	10.28	.30	.30		.02
BOILERMAKERS	10.88	.50	.85		.01
BRICKLAYERS AND STONEMASONS	9.12	.50	.45	1.00	
CARPENTERS & SOFT FLOOR LAYERS	11.00	.57	.85		.03
Millwirghts and Piledrivermen	10.85	.57	1.00		.03
CEMENT MASONS	9.12	.50	.45	1.00	
ELECTRICIANS: (Colebrook, Wayne, Williamsfield, Orwell & Windsor Townships)	10.93	.60	5%		.1%
ELECTRICIANS AND LINEMEN (Remainder of County)	11.40	.65	1%+.75		.2%
ELEVATOR CONSTRUCTORS	9.95	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.965	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.975				
GLAZIERS	9.73	.40	.65		.01
LATHERS	11.58		.75		.01
MARBLE SETTERS	9.12	.50	.45	1.00	
PAINTERS:					
Commercial & Residential Brush	10.27	.40	.59		.03
Spray; Sandblast & Waterblast	10.67	.48	.59		.03
PIPEFITTERS & SPRINKLER FITTERS	10.67	.95	.80		.05
PLASTERERS	9.12	.50	.45	1.00	
PLUMBERS	10.73	.60	1.00		.02
ROOFERS	11.48	.25	.50		
SHEET METAL WORKERS	11.13		.80		.02
TERRAZZO WORKERS	9.12	.50	.45	1.00	
TILE SETTERS	9.12	.50	.45	1.00	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO OH76-2074

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation pay credit for employee who has worked in business less than 5 years.

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Colebrook, Orwell, Wayne, Williamsfield, & Windsor Townships:					
Linemen, Cablesplicer Operator, pole digging equipment operator	$11.49	.35	1%		
Groundman - over 18 mos.	10.50	.35	1%		
Groundman - 3rd 6 mos.	10.45	.35	1%		
Groundman - 2nd 6 mos.	10.39	.35	1%		
Groundman - 1st 6 mos.	10.34	.35	1%		
Remainder of Ashtabula County: Linemen, Equipment operator,					
Cable splicer, line truck driver	11.40	.65	1%+.75		.2%
Groundman over 12 mos.	8.55	.65	1%+.75		.2%
Groundman 6-12 mos.	7.40	.65	1%+.75		.2%
Groundman 0-6 mos.	6.30	.65	1%+.75		.2%

UMI

DECISION NO. OH76-2074

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Power Blasters	$ 9.40				
Gunnite Operators	9.35				
Tunnel laborers	9.25				
Stackmen, swinging scaffold men	9.15				
Air & machine driven tool op., sewer pipe layers, bottom men (6ft. & over), power driven wheelbarrows & sweepers, brick batter & droppers	9.05				
Spreader box men (asphalt), stone masons' assistant plasterers or motor mixers squeeze man	9.00				
Sheeting & shoring men, asphalt rakers and tampers, dumpmen (Batch truck), signalmen, concrete workers, building wreckers, tool checkers, carpenters' tenders, construction laborers, all work not mentioned in above classifications to be paid at the rate of Construction Laborers	8.85				

DECISION NO. OH76-2074

	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$11.02	.46	.80		.11
GROUP B	10.87	.46	.80		.11
GROUP C	10.52	.46	.80		.11
GROUP D	9.74	.46	.80		.11
GROUP E	9.42	.46	.80		.11
GROUP F	8.34	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over dischargo), Submersible pumps (4" and over dischargo), tronchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

SUPERSEDEAS DECISION

STATE: Ohio

COUNTIES: Erie, Huron, Ottawa & Sandusky

DECISION NUMBER: OH76-2075

DATE: Date of Publication

Supersedes Decision No. AR-3172, dated November 22, 1974 fn 39 FR 41102

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
Sandusky, Ottawa Counties and Western half of Erie County	$11.23	.35	.75		.02
Huron and Eastern half of Erie County	12.23				
BOILERMAKERS	11.90	.50	.60		.01
BRICKLAYERS: Cement masons, Plasterers and Narble Masons	10.00	.50	.35		.01
CARPENTERS: Soft Floor Layers	10.36	.50	.80		.04
ELECTRICIANS:					
Sandusky and Ottawa Counties	11.65	.40	1%+.55		.1%
Erie County and northern half of Huron County	11.05	.48	1%		.1%
Southern half of Huron County (Townships of Richmond, New Haven, Ripley & Greenwich)	10.30	.33	1%+.25		.1%
ELEVATOR CONSTRUCTORS:					
Erie and Huron Counties:					
Elevator Constructors	11.23	.495	.32	4%+a+b	.02
Elevator Constructors' Helpers	7.86	.495	.32	4%+a+b	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Ottawa & Sandusky Counties:					
Elevator Constructors	11.27	.495	.32	4%+a+b	.02
Elevator Constructors' Helpers	7.89	.495	.32	4%+a+b	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS					
Erie & Huron Counties	9.73	.40	.65		.01
Ottawa & Sandusky Counties	9.975	.50	.45		.01
IRONWORKERS:					
Erie and Huron Counties	10.92	.60	.80	1.00	.03
Ottawa and Sandusky Counties	11.05	.60	8%		.04
LATHERS	10.95	.60	.10		.01
LEADBURNERS	10.50	.35			.01
MILLWRIGHTS:					
Huron and Erie Counties, east of B & O tracks	10.36	.50	.80		.03
Erie County, West of B & O Tracks and Ottawa, and Sandusky Counties	11.10	.60	.50		.04

DECISION NO. OH76-2075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Erie, Huron and Sandusky Counties:					
Brush, roller, Washing & Cleaning dry wall	$ 8.30	.40	.50		
Work between 40 ft. and 60 ft. above ground level	8.55	.40	.50		
60 ft. above ground or floor level	9.40	.40	.50		
Ottawa County:					
Brush; paperhangers; drywall tampers & finishers	9.74	.60	.50		
Open strucutral steel-brush	9.99	.60	.50		
Spray, sandblasting & pressure cleaning	10.29	.60	.50		
PILEDRIVERMEN:					
Huron County and Erie County east of B & O RR Tracks	10.36	.50	.80		.03
Ottawa & Sandusky Cos. and Erie Co. West of B&O RR Tracks	11.10	.60	.50		.03
PLUMBERS & STEAMFITTERS:					
Erie and Huron Counties	10.905	.45	.80		.025
Ottawa and Sandusky Counties	10.635	.45	.75		.06
ROOFERS	11.48	.25	.50		
SHEET METAL WORKERS:					
Erie, Huron & Sandusky Counties	11.13		.80		.02
Ottawa County	11.075	.60	.80		.045
SPRINKLER FITTERS	12.05	.60	.90		.08
TERRAZZO WORKERS: Tile Setters:					
Erie County	10.00	.50	.35		.01
TRUCK DRIVERS:					
Single axle, Tandem, axle, Semi	7.56	64.25d	14.00e		
Heavy Duty Trucks, 5 axles or over Winch trucks; Carry alls;					
Low Boys	7.79	64.25d	14.00e		

DECISION NO OH76-2075

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays; A through F providing employee worked the Day preceding and the regularly scheduled day next forllowing such holiday (except excused absences).

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Two paid holidays: Memorial Day and Labor Day

d. Per month per employee.

e. Per week per emp-oyee.

DECISION NO OH76-2075

LABORERS: Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP A					
Building & construction laborers, signalman, flagman, tool cribman, carpenter tenders, Finisher tender, concrete handler, utility construction laborer, guardrail erectors	$ 8.53	.55	.30		.02
GROUP B					
Bottom men, scaffold, tunnel laborers, pipelayers, air & power driven tools burner on demolition work, swinging scaffold, mucker, caisson workers, cofferdam worker, power man and dynamite blasterers, cresote workers, mortar mixer, form setter, mason tender, plaster tender, hod carrier, laser beam set up man	8.73	.55	.40		.05
GROUP C					
Gunnite Operator	9.13	.55	.30		.02
LINE CONSTRUCTION					
Sandusky & Ottawa Counties:					
Linemen; Welders; Technicians	10.65	.30	1%	a	.25%
Cable Splicers	10.90	.30	1%	a	.25%
Erie and northern half of Huron Counties:					
Linemen; Technicians; Equipment Operators	11.05	.48	1%		.1%
Southern half of Huron County:					
Lineman; Equipment Operators	10.30	.33	1%+.25		.25%
Line Truck Driver	6.70	.33	1%+.25		.25%
Groundman	6.18	.33	1%+.25		.25%

FOOTNOTE:

a. Six Paid holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

ZONE #1 Ottawa and Sandusky Counties

DECISION NO OH76-2075

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.74	.46	.80		.11
GROUP B	10.58	.46	.80		.11
GROUP C	10.23	.46	.80		.11
GROUP D	9.42	.46	.80		.11
GROUP E	9.09	.46	.60		.11
GROUP F	7.98	.46	.00		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemah (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 5" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submerisble pumps under 4" discharge

ZONE #2 Erie and Huron Counties

DECISION NO OH76-2075

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$11.02	.46	.80		.11
GROUP B	10.87	.46	.80		.11
GROUP C	10.52	.46	.80		.11
GROUP D	9.74	.46	.80		.11
GROUP E	9.42	.46	.80		.11
GROUP F	8.34	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 5" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submerisble pumps under 4" discharge

SUPERSEDEAS DECISION

STATE: Pennsylvania **COUNTY:** Erie
DECISION NO.: PA76-3177 **DATE:** Date of Publication
Supersedeas Decision No. PA75-3054, dated July 3, 1975, in 40 FR 29355.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	10.84	.35	.70		.02
BOILERMAKERS	10.03	.50	.85		.01
BRICKLAYERS	11.11	.30	.40		
CARPENTERS	9.60	.30	.30		.02
CEMENT MASONS	9.92	.30	.25		.015
ELECTRICIANS	10.20	3%	3%		1/2 of 1%
ELEVATOR CONSTRUCTORS	9.95	.495	.32	4 %+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4 %+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.41	.30	.20		
IRONWORKERS:					
Structural	10.00	1.11	1.01		.10
Ornamental	10.00	1.11	1.01		.10
Reinforcing	10.00	1.11	1.01		.10
LATHERS	10.48	.30	.10		.02
LABORERS:					
Building & common, carpenter tender, heaters & salamanders, power sweepers, power vacuum sweepers, pumps including 1-1/2", signal man concrete bucket, wrecking & demolition, window washing	7.80	.40	.50		.01
Bricklayer & mason tenders, electric operated conveyor, electric operated hoist, fork lift up to 9 ft., plumber & sewer laborers, scaffold builders, float grinder & sander	7.90	.40	.50		.01
Burners, concrete saw operator, hod carriers, mortar mixers, plaster tenders, powered wheelbarrows & buggies	8.00	.40	.50		.01
Dual vibrator roller (walk behind type) Berfix cutting tool, blasters helpers, drill operator helper, jackhammer & air tool operators, mechanical tampers & air tampers, vibrator - air or otherwise	8.05	.40	.50		.01

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Mixing mortar for more than 3 masons by hand	$ 8.10	.40	.50		.01
Blasters, drill operators, gunite nozzle man & machine man	8.20	.40	.50		.01
Plaster mixing machine & pump	8.25	.40	.50		.01
LINE CONSTRUCTION:					
Linemen, Heavy equipment Operator	10.00	.20	1%		3/8 of 1%
Winch - Truck driver	7.10	.20	1%		3/8 of 1%
Groundmen	6.80	.20	1%		3/8 of 1%
MARBLE SETTERS	9.25	.30	.40		
MILLWRIGHTS	9.75	.30	.30		
PAINTERS:					
Brush	8.03	.37	.40		.03
Structural steel	8.63	.37	.40		.03
Spray	8.43	.37	.40		.03
PILEDRIVERMEN	9.75	.30	.30		.02
PLASTERERS	9.36	.30			.015
PLUMBERS	10.81	.41	.50		.04
ROOFERS:					
Composition	9.44	.30	.30		
SHEET METAL WORKERS	9.58	.35	.80		.055
SOFT FLOOR LAYERS	9.60	.30	.30		.02
SPRINKLER FITTERS	11.61	.60	.90		.08
STEAMFITTERS	10.81	.41	.50		.04
STONEMASONS	11.11	.30	.40		
TERRAZZO WORKERS	9.25	.30	.40		
TILE SETTERS	9.25	.30	.40		
TRUCK DRIVERS:					
Truck drivers	5.75	d	e	a	
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental					

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POWER EQUIPMENT OPERATORS (Building Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	10.55	.65	.60		.10
Class 1-A	10.82	.65	.60		.10
Class 1-B	11.08	.65	.60		.10
Class 1-C	11.35	.65	.60		.10
Class 2	10.10	.65	.60		.10
Class 3	9.95	.65	.60		.10
Class 4	9.16	.65	.60		.10
Class 5	8.62	.65	.60		.10
Class 6	8.36	.65	.60		.10
Class 6-A	8.62	.65	.60		.10
Class 6-B	9.05	.65	.60		.10

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POWER EQUIPMENT OPERATORS

Class 1: Auger (truck or tractor mounted), Austin Western or similar type, Austin Western or similar type up to 25 tons (25 tons or over requires an oiler), Backhoe, Backhoe (under 5/8 yd.), Batch Plant - Automatic, Boom - side, Cableways, Conveyors Belts - up to 4 floors, Conveyor Belts - over 4 units, Crane - Tower (climbing type), Derrick (all types), Derrick - Traveler, Dragline, Drill - Caisson, Electro Metic or similar, Gradall (remote control or otherwise), Helicopter, Helicopter - hoisting operating, Hi-lift (3 yards or over), Hoist - on 50 ft. stack or over, Hoist on slip form job, Hoist - hod (single cage), Hoist - hod (2 cages up to 10 floors), Hop-to or similar type with 360 degree swing, Hop-to or similar type with 360 degree swing under 5/8 yd., Koehring Scooper, Kocal or similar type, Leverman, Mix Mobile or similar type, Mixer - concrete paving, Mixer - paving (self-propelled), Multiple Bowl Machines or Multi-engine, Pile Driver - Franki or similar type, Pile Driver (when assistance is required it will be an operating engineer), Placer - belt (concrete), Plant - Central Mix, Quad Nine, Shovels (all types), Shovels under 5/8 yd.) Tractors - boom mounted (all types), Tugboat, Whirlers, Boat - job work (inboard or outboard), Bulldozer, Carrier Ross or similar type, Compactor - (with blade attached), Curb Builder - self-propelled, Drill - Core, Drill - Well and Core (truck mounted), Engineer - maintenance (daily rated) Grader, Grader - Elevating, Greaser - equipment, Hi-lift (less than 3 yards), Hoist 2 drums in one unit, Hop-to or similar type with 180 degree swing, Tractors (all types with hydraulic backhoe attached), Cranes, Tower, Metro Chip Harvester (or similar type), Mixer - paving mixer - mortar - over 10 cu. ft., Plant - crushing and screening, Pumpcrete - mobile or similar type, Road Builder - Automatic, Scoop - self-powered and Tractor drawn (single bowl), Spray Cure Machine (power driven), Spreader, Steam Jenny (or similar type), Syphon (steam or air) Tractors (all types with hydraulic backhoe attached)

Class 1-A: Austin Western or similar type with jib + 25c, Austin Western or similar type 25 tons or over with jib + 25c, Cranes (excluding over head cranes), Crane -placed on building structure, Hoist single cage with Chicago Boom attached + 25c, Engineer - lead, Hoist hod (2 cages over 10 floors), Cranes - 100 feet to 150 feet

Class 1-B: Cranes - 150 feet to 200 feet

Class 1-C: Cranes - 200 feet and over

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POWER EQUIPMENT OPERATORS (Cont'd)

Class 2: Backfilling Machine, Boat - material or personnel, Compressor and air pump, Compressor and air tugger, Compressor and gunite machine (combination), Compressors and sandblasting unit (combination), Compressors (two), crane - overhead, Fork lift - elevating - hull or similar type generators - two, Grade - sub, Jumbo - power, Layer - cable, Layer - pipe - no joint, Lift Slab Machine, Locomotive, Machines - other minor, machines - small (two), Mucking Machine, Mobile Tower, Pipe - bending Machine (pipeline only), Pipe - cleaning machine, Pipe - wrapping machine, Plant - asphalt operator, Plant - portable crushing and screening, Plant - refrigeration pump - grout, Spreader-concrete, Asphalt and Stone, Well point systems (Section IC), Winch Truck (handling steel), Wire wrapping machine - pre-stress, Drill - Davey or similar, Drill - truck mounted and/or core drill for testing, Elevator (new buildings and major remodeling of old), Hoist one drum, Paver - asphalt, Post Driver - guard rail (other than truck mounted), Post Driver - guard rail (truck mounted), Pumpcrete - or similar type (not self-propelled), Tire Repairman, Trencher Machine, Welder, Welding Machines (up to and including 4)

Class 3: Boiler, Breaker - pavement (self-propelled or ridden), Compactor (ridden or self-propelled), Crane - carry, Crusher - stone, Drill - well (horizontal), Drill (self-propelled and self contained), Elevator (alterations of old buildings), Finisher - broom (C.M.I. or similar type), Finishing Machine and Spreader (concrete), Forklifts (ridden or self-propelled), Form Line Machine, Minor equipment (all other), Motorman, Pipe Dream, Roller, Saw - concrete (ridden or self-propelled), Soil Stabilizer, Tractors (when used for snaking and hauling), Truck - winch, Tugger

Class 4: Compressor (single (over 65 cu. ft. regardless of power used, Hoist - monorail (regardless of power used), Pump (over 1½ inch discharge regardless of power used), Oiler - truck crane (50 tons or over and Fireman)

Class 5: Blaster - water, Boring Machine, Broom - power, Compressor - 65 cu. ft, or under (regardless of power used) (2 gun painters), Conveyor - 1 story (regardless of power used), Conveyor (over 1 and up to 3 units regardless of power used), Generator (4 KW or over), Hauck Machine or similar type, Heaters - up to and including four), Jack and Pump - motor hydraulic, Jenny - steam (or similar type), Ladavator, Mixer - concrete (regardless of power used), Mixer - mortar (over 10 cu. ft. regardless of power used), Mobile - track (or similar type), Mulching Machine, Pin Puller, Pulverizer, Pump - 1½ inch discharge or less, Regulator - Ballast, Seeding Machine, Shoulder, Spray Cure Machine, Syphon - (steam or air), Tie Tamper (multiple heads), Tractor - farm (when used for landscaping), Welding machine - single (300 amp. or over), Oiler, Truck Crane.

Class 6: Brake man, Deck hand, Helicopter signalman, Oiler, Mechanic helper

Class 6-A: Oiler, Truck crane

Class 6-B: Oiler, Truck crane (50 tons or over)

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One week vacation after 1 year's work; two week's vacation after five years of service.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Employee agree to contribute $54.94 per month.

e. Employer agree to contributes $12.00 per week.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Berks
DECISION NO. PA76-3176 DATE: Date of Publication
Supersedes Decision No. PA75-3055, dated June 27, 1975 in 40 FR 2737.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.31	.52	.50		.01
Boilermakers	11.05	.65	1.00		.02
Bricklayers	9.20	.45	.50		
Carpenters	9.18	.52	.45		
Cement masons	9.69		.50		
Electricians:					
Herford, Longswamp & Washington Twps. portion of Maxatawney, Twp. east of Sacony Creek	10.35	.30	.104		.02
Marion, Tulpehocken & Bethel twps.	9.00	.45	1%		½ of 1%
Remainder of County	9.99	.53	1%		.03
Elevator Constructors	10.45	.495	.32	6% +b+o	.02
Elevator constructors' helpers	7.315	.495	.32	½ 7+b+o	.02
Elevator constructors' helpers (prob.)	5.225				
Glaziers	9.14	.35	.10		.01
Ironworkers, structural & ornamental, bridge	10.20	.79	1.11		.02
Ironworkers, reinforcing	10.20	.79	1.11		.02
Laborers:					
Unskilled Laborers	7.30	.25	.25		
Operators of Jackhammer	7.53	.25	.25		
Cofferdam	7.58	.25	.25		
Handling & Using Torches and plasterer Tenders	7.69	.25	.25		
Mason Tenders	7.73	.25	.25		
Blasters	7.75	.25	.25		
Lathers	9.83		.15		.01
Lead Burners	9.25	.35		a	.01
Line Construction:					
Cable splicers	10.25	.25	1%		3/4 of 1%
Groundman	6.15	.25	1%		3/4 of 1%
Linemen	10.25	.25	1%		3/4 of 1%
Winch truck operator	7.18	.25	1%		3/4 of 1%
Millwrights	9.70	.52	.45		
Painters:					
Brush	8.40	.60	.45		
Bridge, tower, stacks & tanks	9.85	.60	.45		
Spray and steel	9.45	.60	.45		
Piledrivermen	10.42	1.88	1.30	k	.12
Plasterers	9.71		.53		.01
Plumbers	11.56	.57	1.00		.11

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Roofers:					
Albany, Maxatany and Windsor Composition adn slate	10.40	.40	.35		
Remainder of County	10.60				
Composition, damp & waterproof	10.60	.45	.25	d	
Precast slab	11.40	.45	.25	d	
Slate, tile & asbestos	11.15	.45	.25	d	
Sheet metal workers	9.18	.83	.50		.01
Soft floor layers	9.18	.52	.45		
Sprinkler fitters	11.61	.60	.90		.08
Steam fitter	11.56	.57	1.00		.11
Stone masons	9.20	.45	.50		
Truck drivers:					
Truck drivers	6.23	f	g		
Truck drivers; helpers	6.18	f	g		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 9 paid holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F

d. Paid holiday: Election Day and Labor Day

f. Employer contributes $58.37 per month to a Health and Welfare.

g. Employer contributes $43.34 per month to a Pension Fund.

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

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GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

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SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Luzerne
DECISION NO.: PA76-3180 DATE: Date of Publication
Supersedeas Decision No. PA75-3025, dated March 21, 1975, in 40 FR 12982.
DESCRIPTION OF WORK: Building construction, including single family homes and garden type apartments up to and including 4 stories.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.55	.50	.35		.01
Boilermakers	11.05	.65	1.00		.02
Bricklayers and Stonemasons					
Avoca, Exeter, & Pittston	8.30	.20		c	
Hazleton, Berwick & Freeland:					
Commercial	9.70	.35	.50		
Nescopeek, Hollenback & Salem Twps.	9.35	.40	.50		
Remainder of County	10.30	.50	.50		
Carpenters:					
Hazleton, Freeland, Black Creek, Butler, Dennison, Foster, Hazle, Hollenback, Nescopeck, Sugarloaf and lower part of Salem Twps.	9.50	.35	.40		.03
Remainder of County	9.36	.30	.35		.03
Cement Masons:					
Pittston, Yatesville, Laflin, Exeter Wyoming, Duryea & Avoca	9.15	.40	.40		
Hazleton and Freeland	8.075				
Remainder of County	10.50				
Electricians (Hazleton)					
Commercial	9.82	.35	1%+.25	f	k
Remainder of County	10.29	.30	1%+.65		.03
Elevator Constructors	10.00	.495	.32	4%+a+b	.02
Elevator Constructors' helpers	7.00	.495	.32	4%+a+b	.02
Elevator Constructors' helpers (Prob)	5.00				
Glaziers	8.25	.35	.40		
Ironworkers:					
Structural and Ornamental	10.55	d			.10
Reinforcing	10.45	d			.10
Laborers (Hazleton)	7.11	.25	.55		
Mason Tenders including Scaffold Builders	7.51	.25	.55		
Pneumatic, electrical & mechanical tool operators, 2" pumps-non metallic pipelaying and making joint clay, terra cotta, ironstone vitrified concrete, handling of burning torches asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist	7.21	.25	.55		

DECISION NO. PA76-3180 Cont'd. P. 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plasterers tenders, blasters, and wagon drill operators	7.36	.25	.55		
Laborers: Remainder of County					
Unskilled laborers	8.27	.25	.65		
Semi skilled laborers, Pneumatic and other mechanical tool ops; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelayer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	8.47	.25	.65		
Plasterers tenders, blaster, wagon drill ops.	8.59	.25	.65		
Mason tenders & scaffold builders	8.67	.25	.65		
Lathers:					
Pittston, Avoca, Dupont & Duryea	9.54		.10		.01
Remainder of County	9.08		.15		.01
Leadburners	9.25	.35		e	.01
Line Construction:					
Linemen, Dynamiteman, Heavy equipment operator	10.00	.20	1%		
Groundman	6.80	.20	1%		
Winch truck driver	7.10	.20	1%		
Marble setters:					
Pittston	8.15	.20			
Hazleton	7.80	.35	.50		
Remainder of County	8.82				
Millwrights	10.61	.35	.40		.03
Painters:					
Pittston:					
Commercial Brush	6.20		.25		
Industrial Brush	6.99		.25		
Remainder of County					
Brush	7.90	.40	.30		.05
Tapers	8.16	.40	.30		.05
Hazardous	9.16	.40	.30		.05
Piledrivermen	10.42	1.88	1.30	g	.12

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DECISION NO. PA76-3180 Cont'd. P. 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plasterers:					
Hazleton	9.08				
Pittston, Yatesville, Laflin, Exeter, Wyoming, Duryea and Avoca	7.85	.40	.40		
Remainder of County	9.83				
Plumbers:					
Pittston	7.77	.35	.75		.06
Hazleton:					
Commercial	9.35	.30	.25		
Wilkes Barre	10.74	.40	.75		.04
Roofers, composition & Kettlemen	9.30	.65	.70		
Sheet metal workers	10.37	.71	.40		.02
Soft floor layers	8.63	.35	.40		.03
Sprinkler fitters	11.61	.60	.90		.08
Steamfitters:					
Wilkes Barre	10.75	.39	.75		.04
Pittston	7.77	.35	.70		.06
Hazleton	9.35	.30	.25		
Truck Drivers; Pittston:					
Truck Drivers:					
Class I					
Helper, Stake Body Truck (single axle Dumpster)	7.92				
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	7.99				
Class III					
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	8.48				
Remainder of County:					
Pickups service dump and flat incl. z license	8.07	h	j		

DECISION NO. PA76-3180 Cont'd. P. 4

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers (CONT'D)					
All trucks over z license	$ 8.12	h	j		
Fork lifts, tow motors, front and pneumatic tired loaders	8.08	h	j		

Welder receive rate for craft

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day- F- Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Paid Holiday: July 4th.

d. Employer contributes $1.90 per hour to health and welfare and pension fund.

e. Eight(8) paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

f. Paid Holidays: July 4th and Labor Day, Thanksgiving Day.

g. Paid Holidays: Washington's Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day; and Thanksgiving Day.

h. $41.00 per month for employees who have worked 60 hours or more during the month.

j. $25.00 per month to employee employed for over 13 weeks.

k. Employer shall contribute .12 per day per employee.

DECISION NO. PA76-3180 Cont'd. P. 5

POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

DECISION No. PA76-3180 Cont'd. P. 6

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), graders, ~~mucking machines in tunnel~~, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, rock finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD76-5054 DATE: Date of Publication
Supersedes Decision No. SD75-5153 dated January 9, 1976, in 41 FR 1700
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.49	.35	.40		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons	9.15	.35	.30		
CARPENTERS:					
Carpenters, Piledrivermen	8.83		.20		.05
Millwrights	9.79		.20		.05
CEMENT MASONS	8.40				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	8.77	.40	1%	6%	1-1/2%
Cable Splicers	9.66	.40	1%	6%	1-1/2%
Over 30 miles from Sioux Falls Post Office					
Electricians	9.77	.40	1%	6%	1-1/2%
Cable Splicers	10.66	.40	1%	6%	1-1/2%
GLAZIERS	6.54				
LABORERS:					
Laborers	4.35				
Mortar Mixers, Paving Breakers, Jack Hammer Operator	4.45				
Nozzleman (gunnite, sandblast and shotcrete)	4.60				
LATHERS	8.50				.01
PAINTERS:					
Brush	6.79				
Spray	7.29				
Tapers	7.04				
PLASTERERS	7.53				.01
PLUMBERS; Steamfitters	8.46	.32	.15	.17	.03
SHEET METAL WORKERS	8.62		.15	.35	
SPRINKLER FITTERS	9.45	.60	.90		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD76-5055 DATE: Date of Publication
Supersedes Decision No. SD76-5014 dated January 30, 1976, in 41 FR 4797
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.49	.35	.40		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.60		.15		
CARPENTERS:					
Carpenters, Acoustical and Drywall Applicators	8.51		.30		.05
Piledrivermen	8.76		.30		.05
Millwrights	9.01		.30		.05
CEMENT MASONS	7.85	.35	.40		
ELECTRICIANS:					
Within 15 miles radius of Rapid City Post Office					
Electricians	8.45	.30	1%	6%	1½
Cable Splicers	9.00	.30	1%	6%	1½
Outside of 15 miles radius of Rapid City Post Office					
Electricians	8.85	.30	1%	6%	1½
Cable Splicers	9.40	.30	1%	6%	1½
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Sheeter; Structural	9.15	.55	.85		.25
LABORERS:					
Laborers; Power Tool Operator or all Mechanical Air, Gas, Electrical Tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plaster Tender	5.40	.35	.05		
Gunnite Nozzlemen; Powdermen; Miner; Timberman	5.90	.35	.05		
PAINTERS:					
Brush	5.25				.005
Drywall Finishers and Tapers	5.40				.005
All painting over 30 ft.; Paint Mitt; Sandblasting; Spray Steel (structural); Swing Stage; Windowjack	5.75				.005
PLASTERERS	$6.55				
PLUMBERS; Steamfitters	8.53	.30	.20		.03
SHEET METAL WORKERS	8.65				.005
SPRINKLER FITTERS	9.45	.60	.90		.08
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

DECISION NO. SD76-5055

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Hamilton
DECISION NO.: TN76-1071 DATE: Date of Publication
Supersedes Decision No.: TN75-1110 dated November 28, 1975, in 40 FR-55630
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Asbestos workers	8.73	.45	.20		.01
Boilermakers	8.80	.60	1.00		.02
Bricklayers: Concrete block layers, Marble setters, Stonemasons, Terrazzo workers, tile setters	9.10	.30	.30		
Carpenters:					
Carpenters, soft floor layers	7.88	.40	.35		.03
Piledrivermen	8.005	.40	.35		.03
Millwrights	8.33	.40	.35		.02
Cement masons:					
Cement masons	7.80				
Power machine operator, Swinging scaffold & boa'n chair	8.00				
Electricians:					
Electricians	8.45	.50	1%+.20		1%
Cable splicers	8.70	.50	1%+.20		1%
Elevator constructors	8.66	.495	.32	1%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	1%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.83			a	
Ironworkers	8.11	.40	.35		1%
Lathers	8.05				.01
Leadburners	10.25	.35		d	.01
Painters:					
Commercial	7.00		.25		
Industrial	7.25		.25		
Sandblasting	7.50		.25		
Plasterers	8.15				
Plumbers, Steamfitters	9.20	.35	.40	.20+f	.08
Roofers:					
Composition, damp & waterproofers	8.20		.10		
Slate and tile	8.40		.10		
Kettlemen	7.80		.10		
Sheet metal workers	8.91	.35	.50		.04
Sprinkler fitters	10.10	.60	.90		.08
Truck Drivers:					
Up to 3 tons	5.96	g	e		
3 to 5 tons	6.11	g	e		
5 to 7 tons	6.26	g	e		

TN76-1071 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Truck Drivers (Cont'd)					
Helpers and warehousemen	5.91	g	e		
Special equipment	6.46	g	e		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $12.00 per week for each employee.

f. Paid Holiday D provided employee has been on payroll for (2) two weeks prior to the holiday and works the regular scheduled work days immediately preceding & following the holiday.

g. $14.00 per week for each employee.

TN76-1071 - (Cont'd)

BUILDING AND HEAVY CONSTRUCTION

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.45	.20	.20		
GROUP B	5.55	.20	.20		
GROUP C	5.65	.20	.20		
GROUP D	5.75	.20	.20		
GROUP E	5.80	.20	.20		
GROUP F	6.10	.20	.20		
GROUP G	6.15	.20	.20		
GROUP H	5.85	.20	.20		
GROUP I	6.00	.20	.20		
GROUP J	6.00	.20	.20		
GROUP K	6.25	.20	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powderman, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel Laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

GROUP K: Tunnel miner, including men required to go down in pier holes drilled by machine

TN76-1071 - (Cont'd)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	7.65	.25	.25		
GROUP B	6.85	.25	.25		
GROUP C	6.25	.25	.25		
GROUP D	5.95	.25	.25		

GROUP A: Backhoes, Cableways, Boss carrier, Clamshells, Cranes, Derricks, Draglines, Turnapulls, Pans, Scrapers, Scoops, Etc., Head tower machines, Endloaders, Locomotives (over 20 tons), Shovels, Dozers, Fork-lifts with over 8' lift, Core drills, Foundation drills, Graders, Mechanics, Welders, Winch truck with A Frame, Skimmer scoops, Locomotive cranes, Overhead cranes, Skid rigs, Pile drivers, Side boom tractors, Euclid loaders, Derrick boat, Dredge boats, Hoist (any size handling steel or stone), Engines used in connection with hoist material with an attached device on tower or engine, Mucking-machines, Hi-lifts or end loaders, Finish graders on bluetop, Trenching machines, Cherrypickers, Tower crane, Skylift, Gradall

GROUP B: Tractors, Farm type tractors with attachments, Central compressor plants, Elevators used for hoisting building materials, Central mixing plants, Hoist, Pump crete machine, Concrete pumps, Backfillers (other than cranes), Tracmobile, Crushing plant operators, Elevating graders, Earth augers, Forklifts, Paving machines (Blacktop), Paving machines (Concrete), Boat operator or engineer (30 tons or over), Blacktop rollers, Switchman, Locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, Engine tender other than steam, Mixers (over 2 bags, not to include central plants), Pumps (2 not more than 3, Scarifiers, Spreader box (Bituminous), Asphalt mixers, Portable compressors (2 not more than 3), Rollers, Sub-grader machine, Tractors (Farm-type without attachments), Cable head tower engineman, Dredge booster pump operator, Boat operator or engineers (under 30 tons), Finishing machine, Fireman & Oiler (Combination), Motor crane oiler & driver, Welding machine (2 not more than 3), Heaters, Stationary or portable (to 5), Compressors (Portable, 2 not more than 3), Greaser or fuel trucks

GROUP D: Air compressor (1 portable), Fireman, Portable crushers, Welding machine (1), Conveyors, Pumps (1), Oiler, Heater (1)

[FR Doc.76-16637 Filed 6-10-76;8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Regulation 36, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Requirements

The amendment to Lime Regulation 36 continues on and after June 20, 1976, the same grade and size requirements for the handling of fresh Florida limes as are currently in effect through June 19, 1976. The amendment reflects the composition of the currently available supply of limes and is necessary to provide consumers with acceptable size and quality fruit.

On May 6, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 18678), regarding a proposed amendment to said regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The proposed amended regulation was recommended by the Florida Lime Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The aforesaid notice allowed interested persons until May 14, 1976, to submit written data, views, or arguments for consideration in connection with the proposed amended regulation. None were received.

The amended regulation is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1976–77 season is estimated at 1.76 million bushels, which would equal the previous record crop. Fresh shipments for the 1976–77 season began on April 1, 1976, and shipments in increased volume are being made as the season progresses. Total fresh shipments are now expected to require about 950,000 bushels of such production. Ample supplies of acceptable sizes and grades of limes are available to fill fresh market demands. The reestablishment of the regulation is designed to prevent the handling of lower grade and smaller limes, which do not provide consumer satisfaction, and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the amended regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amended regulation until July 14, 1976 because the time intervening between the date when information upon which it is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time. Shipments of Florida limes are presently subject to grade and size regulation, pursuant to the amended marketing agreement and order; the amended regulation herein specified, except for the new effective dates, is identical with that currently in effect; the recommendation and supporting information for regulation were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 7, 1976; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting and thereafter with respect to the May 6, 1976, notice of proposed rulemaking; the provisions of this amended regulation are identical with the proposed regulation contained in said notice, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with the amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The provisions of § 911.338 (Lime Regulation 36; 41 FR 16547) are hereby amended to read as follows:

§ 911.338 Lime Regulation 36.

Order. (a) During the period June 20, 1976, through April 30, 1977, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) Limes, except as to color: *Provided*, That true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) Limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss and similar varieties) which do not grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply: *Provided further*, That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than $1\frac{7}{8}$ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3), not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 9, 1976.

Effective date: June 20, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17159 Filed 6–11–76;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1250—EGG RESEARCH AND PROMOTION

Rules and Regulations

Correction

In FR Doc.76–16586, appearing at page 22923, in the issue for Tuesday, June 8, 1976, make the following changes:

1. In § 1250.523(a)(2), change the words "names", "addresses" and "numbers" to read "name(s)", "address(es)" and "number(s)".

2. In the fourth line of § 1250.530(c) insert a comma after the word "days", in the fifth line of the same paragraph, change the word "who" to read "whom".

3. In the twenty-fourth line of § 1250.542, insert a comma after the word "fiscal".

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grains Price Support Regulations, 1976 Crop Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Rice Loan and Purchase Program

A notice of proposed rulemaking was published in the FEDERAL REGISTER on March 2, 1976, (41 F.R. 8978), stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for 1976 crop rice. Such determinations included determining loan rates, premiums and discounts for grades, classes, other qualities, location differentials, and other provisions as may be needed to carry out the program. Interested persons were given until March 15 to submit recommendations, views, and comments. No responses were received.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops and the 1976 and Subsequent Crops Rice Loan and Purchase Program Regulations are further supplemented, as stated herein, for the 1976 crop of rice. The material previously appearing in this subpart remains in full force and effect as to the crops to which it was applicable. Accordingly, the regulations in §§ 1421.325 through 1421.328 are revised to read as follows:

Sec.
1421.325 Purpose.
1421.326 Availability.
1421.327 Maturity of loans.
1421.328 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note and 1421).

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300–312 of the 1976 and Subsequent Crops Rice Loan and Purchase Program Regulations, apply to loans and purchases for the 1976 crop rice.

§ 1421.326 Availability.

(a) *Loans.* A producer must request a loan on his 1976 crop eligible rice on or before March 31, 1977.

(b) *Purchases.* Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county ASCS office prior to April 30, 1977, a purchase agreement (Form CCC–614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1977.

§ 1421.328 Loan and purchase rates.

(a) *Farm-storage loans.* The loan rate for farm-storage rice shall be $6.00 per hundredweight for any class. The settlement rate shall be the applicable basic rate specified in paragraph (c) of this section, adjusted in accordance with the provision of this section and §§ 1421.310 and 1421.22.

(b) *Warehouse-storage loans and purchases.* The loan rate for rice stored modified-commingled and identity-preserved in an approved warehouse shall be the applicable basic rate specified in paragraph (c) of this section, adjusted as provided in paragraphs (e) and (f) of this section. The loan rate for rice stored commingled in an approved warehouse and for settlement for modified-commingled and identity-preserved loans and purchases shall be the applicable basic rate specified in paragraph (c) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.22.

(c) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the milling yield (in pounds per hundredweight) of whole kernels by the applicable loan rate for whole kernels (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total milling yield and the whole kernels yield (in pounds per hundredweight) by the applicable loan rate for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan and purchase rate per 100 pounds of rice and express such rate in dollars and cents.

Loan rates for whole kernels and broken rice [1]

[In cents per pound]

Rough rice class	Whole kernels	Broken rice
Long grains	10.44	4.60
Medium grains	8.94	4.60
Short grains	8.94	4.60

[1] These loan rates may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1976.

(d) *Premium.* The basic rate determined under paragraph (c) of this section shall be adjusted by the following premium:

	Cents per 100 lbs.
Grade U.S. No. 1	5

(e) *Discounts—(1) Grade.* The basic rate determined under paragraph (c) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 lbs.
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	30

(2) *Smut damage.* The rate for rice evidencing smut damage shall be further adjusted by the following discounts:

PERCENT SMUT DAMAGE

	Cents per 100 lbs.
Trace	0
0.1 to 1.0	5
1.1 to 2.0	10
2.1 to 3.0	15
3.1 and over	25

(f) *Location differentials.* For rice produced in the areas specified below, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic rate determined under paragraph (c) of this section and shall be in addition to any adjustment under paragraphs (d) and (e) of this section. *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area:	Discount per 100 lbs.
Imperial County, California, and adjacent counties in Arizona and California	$1.99
State of Florida	2.17
States of North Carolina and South Carolina	1.97
Counties of Marion, Pike, and St. Charles, Mo.	1.30
Counties of Lafayette, Little River, and Miller, Arkansas; Bowie, Texas; McCurtain, Oklahoma; and Bossier Parish, Louisiana	.13

Effective date: This amendment takes effect on June 11, 1976.

Signed at Washington, D.C., on June 4, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76–17155 Filed 6–11–76;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Codes and Standards for Nuclear Power Plants

On February 12, 1976, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (41 FR 6256) amendments of the Commission's regulation 10 CFR Part 50, which, among other changes, modify the inservice inspection requirements applicable to components and systems of nuclear power reactors through the service life of the facility.

The prefatory language of § 50.55a published on February 12, 1976 states that "each operating license for a utilization facility shall be subject to the conditions in paragraph (g) . . . ." The code incorporated by reference in paragraph (g) applies solely to boiling and pressurized water-cooled nuclear power facilities. It appears that use of the overly broad term "utilization facility" in the prefatory language can be construed to apply the ASME Code to facilities not presently covered by it. It was not intended that § 50.55a expand the applicability of section XI of the ASME Code to facilities other than those power reactors to which this Code applies.

Accordingly, the Commission is issuing clarifying amendments to the prefatory language of § 50.55a and to § 50.55a (g) to clarify this intent.

Inasmuch as the amendments set forth below are of a minor nature, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective June 14, 1976.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50 are published as a document subject to codification.

In § 50.55a, the prefatory language is amended as set forth below. In paragraphs (g)(1), (g)(2), (g)(3), the prefatory sentence of paragraph (g)(4), paragraphs (g)(4)(v) and (g)(5)(i) are amended by adding the term "boiling or pressurized water-cooled nuclear power" before the term facility.

§ 50.55a Codes and Standards.

Each operating license for a boiling or pressurized water-cooled nuclear power facility shall be subject to the conditions in paragraph (g) and each construction permit for a utilization facility shall be subject to the following conditions in addition to those specified in § 50.55.

. . . . . .

Effective date: These amendments become effective on June 14, 1976.

(Secs. 103, 104, 1611, Pub. Law 83–703; Stat. 936, 937, 948, (42 U.S.C. 2133, 2134, 2201(1).)

Dated at Bethesda, Maryland this 3d day of May 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76–17287 Filed 6–11–76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R–0029; Reg. C]

PART 203—HOME MORTGAGE DISCLOSURE

Implementation Regulations

By notice of proposed rulemaking published in the FEDERAL REGISTER on March 31, 1976 (41 F.R. 13619), the Board of Governors of the Federal Reserve System proposed for comment a new Part 203 (Regulation C) to implement the Home Mortgage Disclosure Act of 1975 (Title III of Pub. L. 94–200; 89 Stat. 1125 et seq.) [hereinafter referred to as "the Act"], which requires the disclosure of mortgage loan data by depository institutions that both make federally related mortgage loans as determined by the Board and are located in standard metropolitan statistical areas. These proposals were issued pursuant to section 305 of the Act which requires the Board to prescribe implementing regulations. A public hearing regarding the proposals was held on April 22, 1976. Comments were received through May 3, 1976.

After consideration of all comments received, statements made at the hearing, and staff analyses and recommendations, the Board has determined to adopt the regulations substantially as proposed. The purposes of the regulations are, among other things, to describe the mortgage loan data to be disclosed, indicate the extent to which such data are to be itemized by census tracts or ZIP codes, suggest a guideline mortgage loan disclosure statement form, specify the dates by which mortgage loan disclosure statements are to be made available to the public, and establish procedures to be followed by State-chartered depository institutions seeking an exemption from the Act. Nothing in the regulations is intended to encourage unsound lending practices or the allocation of credit.

The most significant changes made in the regulations since they were proposed are the following:

1. The category of mortgage loans to be disclosed has been narrowed to exclude junior lien loans (except for home improvement purposes) and first lien loans where the lien arises incidentally in connection with a business loan. Two kinds of mortgage loans will be required to be reported: "residential mortgage loans" and "home improvement loans." Residential mortgage loans are defined to include only first lien loans to purchase or improve residential real property. Home improvement loans will include loans that the depository institution records on its books as home improvement loans and that are unsecured, or secured by collateral other than the property to be improved, or secured by junior liens on the property to be improved.

2. The deadline for making available the initial mortgage loan statements has been extended by one month to September 30, 1976.

3. Depository institutions will be required to take affirmative action to notify their depositors of the availability of the mortgage loan disclosure statements and to designate in their mortgage loan disclosure statements the name and address of their respective Federal enforcement agency.

A discussion of the regulations, including the substantive changes made since the proposals were announced, follows.

SECTION 203.2—DEFINITIONS

Definition of "depository institution."—"Depository institution" is defined to mean any commercial bank, saving bank, savings and loan association, building and loan association, homestead association (including cooperative banks), or credit union, which makes federally related mortgage loans. Any majority-owned subsidiary of a depository institution is deemed to be part of its parent depository institution for the purposes of the home mortgage disclosure regulations.

As proposed, the Board has exercised its general regulatory authority pursuant to the Act to bring the mortgage lending operations of majority-owned subsidiaries under the coverage of the Act. Without such a provision, the Board believes that an inaccurate and incomplete picture of the mortgage lending practices of a depository institution might be presented if the institution conducts all or part of its mortgage lending operations in a subsidiary. Moreover, without this provision, a depository institution might avoid the Act entirely by originating all its federally related mortgage loans through its subsidiary. This approach is consistent with other provisions of Federal law that, in effect, treat a depository institution and its subsidiary as one entity. However, the Board does not believe that it is necessary to extend coverage to collateral affiliates of depository institutions.

The proposed definition was amended to clarify the following:

1. A depository institution is subject to the Act if either it or its majority-owned subsidiary makes federally related mortgage loans.

2. The assets of the majority-owned subsidiary are to be combined with the assets of the parent in determining whether the depository institution meets

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the total asset limitation of $10,000,000 to qualify for an exemption.

3. In view of the definition of "branch office" (discussed hereinafter), none of the offices of the majority-owned subsidiary would be considered to be a home or branch office of the parent for the purpose of determining for which standard metropolitan statistical area ("SMSA") the parent must prepare statements. If a majority-owned subsidiary is located in a SMSA in which the parent does not have a home or branch office, loans originated or purchased by the subsidiary on property in that SMSA are to be included in the aggregate mortgage loan data relating to loans on residential real property located outside the relevant SMSA (or SMSAs).

4. Mortgage loans originated or purchased by a majority-owned subsidiary must be included in the mortgage loan disclosure statements to be made available at offices of the parent depository institution. A depository institution may decide, at its option, whether to show loans of the subsidiary separately, or on a consolidated basis, in its disclosure statement.

Definition of "branch office."—This section was adopted without change. A "branch office" is defined to mean any office approved as a branch of the depository institution by that depository institution's federal or State supervisory agency. Administrative offices, data processing offices, and loan production offices are excluded because these offices are not approved as branches. Electronic banking machines, such as automated tellers and point-of-sale terminals, are excluded because the Board does not regard machines as "offices."

Definition of "federally related mortgage loan."—The definition of "federally related mortgage loan" adopted by the Board is essentially the definition of that term in the Real Estate Settlement Procedures Act of 1974. The result is that every depository institution (with assets of more than $10,000,000) located in a SMSA is subject to the home mortgage disclosure regulations if (i) it makes first lien mortgage loans on one- to four-family residences in the United States or Puerto Rico, and (ii) it is federally insured or regulated, or originates loans that are insured or guaranteed by HUD, or are intended to be sold to FNMA, GNMA, or the FHLMC.

The only change made in the definition is the addition of the phrase "located in a State" to exclude loans on property located outside the United States and Puerto Rico. It would be unduly burdensome to require depository institutions to review their foreign loan files for the few mortgage loans they may make outside the country, and reporting of such loans does not appear necessary to effectuate the purposes of the Act.

Definitions of "mortgage loan" and "residential mortgage loan."—"Mortgage loan" is defined in the regulation to mean any "residential mortgage loan" or any "home improvement loan." The narrower term "residential mortgage loan," in turn, is defined as a loan which is secured by a first lien on residential real property located in a State, including a first lien refinancing of an existing loan, but does not include (i) temporary financing, (ii) purchase of an interest in a pool of mortgage loans, or (iii) a loan made primarily for purposes other than the purchase, repair, rehabilitation or remodeling of residential real property, but in connection with which a first lien on the residential real property is taken as collateral.

In adopting the final definitions, the Board made the following changes from the proposals:

1. The proposals did not have a definition of "residential mortgage loan" but included such loans in the definition of the broader term "mortgage loan." The adoption of the term "residential mortgage loan" is a technical device that permits a clearly identifiable segregation in the disclosure statement of home improvement loans from other statutorily-defined "mortgage loans" and minimizes the use in the disclosure statement of the term "mortgage loan," which is not generally understood as including home improvement loans.

2. There was general agreement among depository institutions and consumer and public interest groups that inclusion of mortgage loans unrelated to housing needs would distort the data from the standpoint of the purposes of the Act and that first lien loans should be separately identified. The Board believes that repeated references in the legislative history of the Act to "homeownership and home repair" support a narrower definition of mortgage loan than was proposed. Accordingly, the final regulations exclude mortgage loans secured by junior liens (except loans secured by junior liens that are undertaken for home improvement purposes) and loans made primarily for business or consumer purposes but in connection with which a first lien is taken as collateral. For example, the latter exclusion would apply to loans made in the following kinds of situations: (1) a commercial loan is made to a small business and a lien is taken on the property of the officer or owner as additional collateral; (2) a loan is undertaken by the borrower for business purposes and he executes a confession of judgment note which, when recorded, effects a lien upon all real property of the borrower in the county where the note is recorded; and (3) a commercial or consumer loan is initially unsecured but the borrower subsequently encounters problems causing the depository institution to demand collateral.

3. Rather than excluding from mortgage loans to be reported all refinancings involving no increase in the unpaid principal amount which was the proposal, the Board has decided that different treatment is appropriate for originations and purchases. Purchasers of refinanced residential mortgage loans will report all refinanced loans since, from their standpoint, there is no reason to distinguish between an original loan and a refinanced loan. An originator of a refinanced residential mortgage loan, however, will not be permitted to report a refinanced loan if the depository institution and the borrower were the same parties to the loan being refinanced and no additional principal is advanced. If the originator advances additional principal, the loan would be reported in the full principal amount of the refinanced loan since, in effect, it is an entirely new loan. The Board has implemented this distinction by defining all first lien refinancings as residential mortgage loans but providing in section 203.4(a)(4)(i)(A) of the regulations for the exclusion of originated refinancings in the circumstances described herein.

4. For the reason discussed earlier, the phrase "located in a State" has been added.

5. There were several requests for the Board to clarify the term "temporary financing." The intent of the lender and borrower would be determinative in a particular case, but essentially the term refers to short-term lending where a source of permanent financing will later be required. For example, in addition to construction loans, it would also apply to "bridge financing" where a purchaser of a new home needs temporary financing to provide payment for the new home pending the sale and receipt of the proceeds from his prior residence. Whether or not there is a firm take-out commitment for permanent financing, the Board regards these temporary loans as commercial or consumer loans rather than mortgage loans and believes their inclusion in the term "mortgage loan" would distort the data contrary to the purposes of the Act.

Definition of "home improvement loan."—"Home improvement loan" is defined to mean an unsecured loan or a loan secured by collateral other than a first lien on residential real property that meets both of the following conditions: (i) the proceeds of the loan are to be used for the purpose of repairing, rehabilitating, or remodeling an existing residential dwelling located in a State as stated by the borrower to the lender at the time of the loan transaction, and (ii) that is recorded on the books of the depository institution as a home improvement loan.

The definition has been amended to clarify that both conditions must be met and that condition (ii) refers to the recording of the loan as a home improvement loan rather than the recording of the statement of the borrower. The two substantive changes made in the final definition are:

1. A loan that might be used for home improvement purposes and that is secured by a first lien on the property is to be reported as a "residential mortgage loan" rather than a "home improvement loan." The Board has decided that it is preferable that the nature of the collateral take precedence over the purpose of the loan in this case for the purpose of the disclosure statement because of the emphasis placed on first lien loans by consumer and public interest groups and in the light of similar treatment in

financial statements required to be filed with federal supervisory agencies. The Board believes that the mortgage loan data will not be significantly affected by this classification because first lien loans for home improvement purposes are comparatively rare.

2. For the reason discussed earlier, the phrase "located in a State" has been added.

Some depository institutions have classified loans on their books as home improvement loans for the purpose of State law that do not meet the purpose statement (i.e., condition (i)) of the Board's definition. It would be very burdensome and, perhaps, impossible for such institutions in preparing their initial mortgage loan disclosure statements to isolate those loans that meet the State law definition but do not meet the Board definition. Accordingly, the Board has provided in section 203.4(a)(4)(ii)(A) that, with respect to the disclosure statement for a full fiscal year ending prior to July 1, 1976, depository institutions may elect to follow the State law definition that they used in classifying home improvement loans provided they make clear in the statement that the State law definition is being utilized.

Some depository institutions objected to the inclusion of unsecured home improvement loans. The Board's review of the legislative history of the Act does not lend support to that view, and the Board is adhering to its proposal in that regard. A technical change has been made in several places in the regulations by adding the phrase "or, in the case of home improvement loans, the property to be improved" to conform to the inclusion of unsecured loans.

A question has also been raised as to whether home improvement installment sales contracts that are discounted by depository institutions should be considered to be "home improvement loans." It is the Board's view that where a depository institution has an arrangement with a vendor whereby the institution will investigate the creditworthiness of the consumer prior to the services being rendered and purchase the installment sales contract when it has approved the credit, such contracts should be considered to be home improvement loans if recorded on the books of the depository institution as home improvement paper or a home improvement loan.

Definition of "residential real property."—The only change made in the definition of "residential real property" is to make clear that the term includes dwellings for from two to four families, as well as single-family homes, multi-family dwellings, and individual units of condominiums and cooperatives.

Definition of "State."—For the reason discussed earlier, the term "State" has been added and is defined to include any State of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

SECTION 203.3—EXEMPTIONS

This section has been adopted without change. It provides for the exemption of depository institutions that (1) have no more than $10,000,000 in total assets, or (2) do not have a home or branch offices in standard metropolitan statistical areas ("SMSAs"), or (3) are State-chartered institutions that the Board determines are subject to similar State mortgage disclosure laws. A depository institution that loses its exemption must make available a mortgage loan disclosure statement for each year beginning with its last full fiscal year prior to the loss of the exemption and will be permitted to use ZIP code itemization in its initial statement.

There are not likely to be many changes in the definitions of SMSAs prior to the expiration date of the Act that would cause a depository institution to lose its exemption. However, to apprise institutions of such changes, the Board is undertaking to issue a timely announcement in the event any changes are made by the Office of Management and Budget. A list of the currently defined SMSAs as of the effective date of these regulations is available from the Board or the Reserve Banks and is being distributed to the other Federal enforcement agencies for their use and the use of the institutions they supervise.

SECTION 203.4—COMPILATION OF MORTGAGE LOAN DATA

Breakdowns of required mortgage loan data.—This section establishes six categories of mortgage loan data: (i) FHA, FmHA, or VA loans except on multi-family dwellings; (ii) all other residential mortgage loans except on multi-family dwellings; (iii) total residential mortgage loans except on multi-family dwellings (which is the sum of the preceding two categories); (iv) total home improvement loans except on multi-family dwellings; (v) total mortgage loans on multi-family dwellings; and (vi) all mortgage loans to non-occupants of the property, except loans on multi-family dwellings. (The first five categories include loans to both occupants and non-occupants, and the last category is merely an addendum item.) Each of these categories must be broken down into originated loans and purchased loans, and further broken down into loans on property located within the relevant SMSA and loans on property located outside the relevant SMSA (or SMSAs).

A number of technical and conforming changes discussed above and certain clarifying changes have been made in the final regulations regarding the breakdowns. The significant changes are the following:

1. The addendum category for non-occupant loans has been eliminated only with respect to mortgage loan data relating to residential real property located outside the relevant SMSA (or SMSAs). The data on outside SMSA loans are aggregate figures without further geographical itemization. Elimination of the aggregate figure for such loans made to non-occupants will not diminish the usefulness of the data, but will significantly reduce the reporting burden on depository institutions.

2. In recognition of the need to clarify the term "reside" for the purpose of the non-occupant loan category, the Board has indicated in the regulation that the term refers to principal dwelling. Accordingly, a loan or a second home or summer home would be regarded as a loan to a non-occupant. The Board believes that such interpretation of the term best effectuates the purposes of the Act.

3. A category for total residential mortgage loans except on multi-family dwellings has been added to supply a simple calculation for those who are not interested in a breakdown of residential mortgage loans between conventional loans and FHA, FmHA, and VA loans. The Board believes that such a category is more useful than the category proposed in the guideline disclosure statement form for "total mortgage loans" that summed up residential mortgage loans, home improvement loans, and loans on multi-family dwellings.

Geographical itemization of the data.—The Board has adhered to its proposed approach regarding geographical itemization of mortgage loan data. Prospective mortgage loan data relating to residential real property located within the relevant SMSA must be further itemized by the census tract in which the principal residential real property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved) is located; itemization may be by ZIP codes, in lieu of census tracts, only to the extent that the area in which the property is located is not tracted on the PHC–(1) census tract maps prepared by the Bureau of the Census. However, with respect to a full fiscal year ending prior to July 1, 1976, mortgage loan data relating to residential real property located within the relevant SMSA may be itemized by ZIP codes, in lieu of census tracts, in all cases; ZIP code itemization of the data for a part of a fiscal year is also permissible if that part ends on June 30, 1976, provided that a separate statement for such a short year is furnished. The reasons that the Board has adhered to this approach are discussed at length later in this notice.

The PHC–(1) Series reports containing the tract maps may be ordered through the U.S. Government Printing Office at prices ranging from $.45 to $12.75, (with 97 per cent of the reports priced at less than $4.00). There has been some difficulty in the past in obtaining the reports for certain SMSAs. To assure that maps will be available, the Bureau of the Census has undertaken to become another public source of the maps at a similar price range. (Inquiries should be addressed to Customer Services Branch, Data User Services Division, Bureau of the Census, Washington, D.C. 20233.) Census block maps, providing greater geographical detail for urbanized core areas of SMSAs, may also be ordered through the Government Printing Office or the Bureau of the Census. There are

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also commercial firms that produce the

2. The regulations have been adopted ITEMIZATION BY CENSUS TRACTS AND ZIP

also commercial firms that produce the maps, frequently with special overlay features, including at least one company that publishes an atlas for all SMSAs.

Materials are available for use in conjunction with census tract maps that will facilitate itemization of loans by census tracts for each SMSA. The Census Bureau provides address coding guides for matching street addresses to census tracts (at $65 per reel to produce a printed copy and $80 per reel of computer tape). Directories similar to ZIP code directories may be available for this purpose from some local governmental agencies or from commercial firms. In addition, there are data processing firms in the business of furnishing computer services for automatically matching addresses to census tracts.

The Board has declined to make an exception, as requested, to permit the use of the billing address, rather than the address of the property, in itemizing retrospective mortgage loan data. A billing address that is not the same as the property address frequently means that a loan was made to a non-occupant. Whether or not there is a high correlation between billing addresses and property addresses in a depository institution's total portfolio, one of the principal purposes of the Act is to ascertain whether there is a high correlation in particular areas of the SMSA. Furthermore, in reviewing its mortgage loan files to determine whether loans are made to non-occupants, a depository institution incurs little additional burden in comparing the billing address and the property address.

The Board has not adopted the literal reading of the Act that was sought by some groups to require a depository institution operating on a July 1–June 30 fiscal year to compile data beginning with the last half of 1974. The use of July 1, 1976, rather than June 28, 1976, as the division between prospective and retrospective data, is a de minimis adjustment and conforms to normal accounting practices whereby a fiscal quarter ends on June 30. Furthermore, in view of the difficulties of compiling retrospective data, requiring some institutions to compile 1974 data is, in the Board's opinion, not justified.

Mortgage loans excluded from disclosure statements.—Loans that were both originated and sold or both purchased and sold during a full fiscal year ending prior to July 1, 1976, may be kept in the depository institution's inactive files. To require a depository institution to review all its inactive files for the few loans likely to be in this category seems unduly burdensome. As long as the depository institution consistently either includes or excludes such loans, there should be no distortion of its lending patterns within its relevant SMSA, and the exception has been modified to mandate such consistent treatment if the option is selected. Furthermore, the requirement that a depository institution make clear in its disclosure statement that this option has been selected will indicate to the public that the institution's total mortgage loans may be somewhat understated and will enable an appropriate evaluation to be made on that basis.

The Board has also expanded the exception somewhat to include loans that were both originated and paid in full or both purchased and paid in full during a full fiscal year ending prior to July 1, 1976. Again, this category is likely to be small, and the treatment of such mortgage loans logically should be the same as the category of loans discussed in the preceding paragraph.

An exception has been added for a loan originated or purchased by the depository insitution acting as trustee or in some other fiduciary capacity. Obviously, only loans that the institution originates or purchases for its own account should be counted.

The exceptions for certain refinancings and for home improvement loans as defined under State law are discussed above in the section of this notice regarding definitions.

Amount of mortgage loan to be reported.—A depository institution will report the original principal amount of a loan originated by the depository institution to the extent of its interest, where the loan is made jointly or cooperatively, and the unpaid principal balance of a loan purchased by the institution to the extent of its interest in the purchased loan.

The Board has adopted an exception that was not in the proposals to permit the inclusion of unpaid finance charges in the case of purchased home improvement loans. This will facilitate reporting by depository institutions which receive the data in this form and will not significantly affect the data in the mortgage loan disclosure statements.

Applicable presumption.—A depository institution must review its mortgage loans to determine which were made to non-occupants. If the depository institution does not have that information in its records pertaining to that loan and the loan was originated by the depository institution prior to July 1, 1976, or purchased at any time, the institution may presume that the loan was made to a resident if the loan relates to a one- to four-family residence. This provision has been adopted with conforming changes only.

Section 203.5—Disclosure Requirements

Dates disclosure statements due.—The deadline for the disclosure statement with respect to a full fiscal year ending prior to July 1, 1976, and for the part-year disclosure statement through June 30, 1976, has been extended one month to September 30, 1976. (A corresponding extension of one month has been made for the initial disclosure statement of a depository institution that loses its exemption.) The original deadline was projected on the basis of certain estimates given by depository institutions. It has become apparent to many institutions that providing the data breakdowns will require more processing of the data than was originally thought. Many questions of interpretation have already been presented which the Board is seeking to answer in this notice, but other questions may be forthcoming as depository institutions work with the data. The Board anticipates that some depository institutions would not be able to comply with the deadline originally proposed; furthermore, the granting of an additional month to prepare the initial statement would not detract from the basic purposes of the Act. However, in view of the fact that the Board, in the final regulations, has narrowed somewhat the category of mortgage loans to be disclosed, any further extension of time beyond that provided appears unnecessary.

Offices at which mortgage loan data would be made available.—In the case of a depository institution that has offices in only one SMSA, complete mortgage loan data would be made available at the home office of the depository institution and at least at one branch office in that SMSA. In the case of a depository institution that has offices in more than one SMSA, at least one branch office in each SMSA would be required to make available data itemized by census tracts (or ZIP codes, where permissible) relating to mortgage loans on property in that particular SMSA, as well as aggregated data (i.e., not itemized by census tracts or ZIP codes) relating to mortgage loans on property located elsewhere. If a depository institution operates in more than two SMSAs, aggregated figures to be made available at a branch office in one SMSA must be given separately for each other SMSA. Of course, the depository institution may simply make the entire disclosure statement available in each SMSA where it has offices, if it so desires.

The change represented since the proposals were announced is the requirement that, in the case of a multi-SMSA depository institution, the data available at a branch in one SMSA must also include aggregate data for loans on property in the institution's other SMSAs. The final regulations are designed to provide complete mortgage loan data at an office in each SMSA where the depository institution operates but without the detail of census tract itemization of loans on property located in other SMSAs. A conforming change has been made in the provisions regarding limited public access depository institutions, such as credit unions in private industrial plants or in restricted Government areas, which are permitted to make the data available by mail or at designated places conveniently accessible to the general public.

The Board believes it is unnecessary to provide for a central location in each SMSA where the data for all depository institutions in that SMSA would be made available. The issue was considered during the legislative process regarding the Act but was not adopted. The administrative complexities of establishing such a system outweigh, in the Board's opinion, the minimal increase in convenience that would be of benefit to only a small segment of the public.

However, since it is recognized that depositors generally will be unaware of the availability of the mortgage loan data, the Board has added a requirement that each depository institution shall make appropriate efforts at least once each year to notify its depositors of the availability of its mortgage loan data. The Board has indicated in the regulations examples of the kinds of steps that it believes to be appropriate.

Manner of making disclosure statements available.—The mortgage loan disclosure statements must be made available for inspection or copying during the normal business hours of the office of the depository institution that has the data. If a depository institution makes reproduction facilities available, it may impose a reasonable charge for the cost of reproduction of the data. These provisions were adopted without change.

The Board believes it is unnecessary further to define "reasonable charge" as used in the regulations; but it emphasizes that the charge must be related to the cost of reproducing the data and not the cost of compiling the mortgage loan data. Nor does the Board believe it is necessary to mandate that offices maintain supplies of copies to be handed out. The Board expects that depository institutions will furnish copies of the data upon request to their depositors as a matter of customer relationships and to others if the statements are lengthy. If it develops that depository institutions are attempting to frustrate the purposes of the Act, the Board will give consideration to amending the regulations.

Section 203.6—Sanctions for Violations

This section was adopted without change. It states that a violation is subject to sanctions as provided in section 305 of the Act and provides relief for an unintentional error in compiling mortgage loan data provided that the depository institution maintains procedures reasonably adopted to avoid any such error.

Several requests were received that the Board adopt additional regulations relating to enforcement of the Act. The Board believes that it is not appropriate for it to determine enforcement procedures for the other federal supervisory agencies. Each of the federal agencies has its own enforcement procedures established and their decisions as to how to enforce the Act should be respected.

Effective Date

The effective date of the regulation is June 28, 1976, as proposed.

It is the Board's normal practice to delay the effective date of its regulations, if the delay is not contrary to the public interest, for a period of at least 30 days after the final regulations are promulgated. The Board has not done so in this case principally for the following reasons:

1. The Act becomes effective on June 28, 1976, and the Board believes it is desirable to have the effective date of the regulations coincide with the effective date of the Act.

2. The regulations have been adopted substantially as proposed. The changes that have been made have not increased the reporting burden for depository institutions.

3. No immediate action will be required at the time the regulations go into effect. The first mortgage loan disclosure statement required pursuant to the regulations is not due until September 30, 1976.

Supplement to Part 203

The Supplement sets forth the procedures to be followed by State-chartered depository institutions in seeking an exemption from the Act on the grounds that they are subject to the mortgage loan disclosure laws (statutes or regulations) of a State or subdivision thereof that contain (i) requirements substantially similar to those imposed under the Act and (ii) adequate provisions for enforcement.

The only change made in the Supplement is to provide in paragraph (d) thereof that a copy of a notice of an exemption will be furnished by the Board to each interested person who has participated in the proceeding relating to a request for a State exemption.

Appendix to Part 203

The Appendix contains the guideline mortgage disclosure statement form with certain instructions on page 2 of the form.[1]

Changes have been made in the final form to conform to changes in the regulations previously discussed. In addition, lines have been provided for each depository institution to insert the name and address of its respective Federal enforcement agency under the Act. A mortgage loan disclosure statement that does not contain this information would not be regarded as "in a format similar to guideline Form HMDA–1" within the meaning of section 203.4(a)(1) of this Part.

The Board continues to believe it is desirable to permit some flexibility in the format, provided that the kind of detailed data required by the regulations are clearly and conspicuously disclosed in the mortgage loan disclosure statement. For example, the order of the columns may be rearranged; or each of the columns may be stated as separate schedules; or greater detail than that required may be provided by dividing the "FHA, FmHA, or VA loans" column into separate columns for FHA loans, FmHA loans, and VA loans. Separate schedules might be useful for depository institutions that maintained retrospective home mortgage loan data by census tracts, but wish to report retrospective residential home improvement loans by ZIP codes. Nothing in the regulations is intended to preclude a depository institution from disclosing additional mortgage loan data, provided that any such additional data are stated separately from required data.

[1] Filed as part of the original document.

Itemization by Census Tracts and Zip Codes

In general, there was agreement with the Board's position as represented in the notice of proposed rulemaking, that itemization of prospective data by census tracts is feasible and that the materials for doing so are available. By adopting the PHC–(1) series of maps as the basic census tract tool and providing for ZIP code itemization of loans on property located in an area of a currently defined SMSA that is not tracted in that series of maps, the Board has fulfilled its directive pursuant to section 304(a)(2) of the Act to make a determination regarding the feasibility of census tract itemization. The fact of the matter is that census tract itemization of loan data has been accomplished in several States. It can be reasonably expected that, largely as a result of the Board's adoption of the regulation, additional developments will occur to facilitate the process of census tract itemization.

A number of depository institutions asked that census tract itemization of data be delayed until 1977. The Board notes, however, that the Act was approved on December 31, 1975, containing the statutory preference for census tract itemization. In the notice of proposed rulemaking, the Board indicated the source and costs of census tract maps and depository institutions will have had three months since the date of the Board's proposals to begin preparing for the use of census tract itemization. Furthermore, the initial mortgage loan disclosure statements containing census tract itemization will not be due until the end of March 1977, for depository institutions that are on a calendar year basis. The Board believes that a delay in the implementation of census tract itemization is not justified.

However, the Board has adhered to its approach of permitting ZIP Code itemization, rather than census tract itemization, in all cases with respect to the initial mortgage loan disclosure statement relating to full fiscal years ending prior to July 1, 1976 (as well as to the portion of the current fiscal year for a period that ends on June 30, 1976, if a statement for such period is made available by September 30, 1976, and to the initial statement due from a depository institution that becomes subject to the Act in the future). The Board summarized its reasons for this position in the notice of proposed rulemaking; and, it has reviewed its position in the light of comments received on the proposal. For the following principal reasons, the Board continues to believe that the exception is fully warranted.

1. The Board's determination pursuant to section 304 of the Act is based upon the feasibility of using the PHC–(1) census tract maps for census tract itemization. These maps are merely outline maps of the tract boundaries containing no interior detail, such as streets or addresses. They can be used for prospective data because the geocoder has the assistance of the loan applicant to

pinpoint the property within the tract. Board believes that the

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pinpoint the property within the tract boundaries and of the appraiser who actually visits the property. It is quite different when the geocoder is given a list of addresses and has no such assistance. Attempts to use the maps for retrospective data will surely result in a high degree of inaccuracy. A number of surveys, such as the Fair Housing Survey, demonstrate this point. Indeed, one commission chartered by a local government to gather mortgage loan data testified at the hearing that, in view of the difficulties involved in gathering restrospective data, it agreed with the Board's approach and had, in fact, modified its own survey on the basis of such considerations.

2. Supplemental tools for census tract itemization are helpful but inadequate. Block maps contain interior street detail but not street addresses. Furthermore, unlike census tract maps which use readily identifiable boundaries such as county, city or town boundaries, many block maps do not use such boundaries so that they are more difficult to work with. Address coding guides are incomplete and unavailable for many SMSAs.

3. With the difficulties attendant in the use of census tract materials for itemizing retrospective data, many institutions would have to turn to automated services, and this means of geocoding would disproportionately increase the costs for many of them. Geocoding is cost efficient in high volume, but virtually every data processing firm imposes relatively high minimum charges.

4. Additional time would be needed if census tract itemization of retrospective data were required. A reasonable estimate would be that the statements could not be required before the end of 1976 without creating great burden and substantially increasing costs to the depository institutions. Extending the deadline to that degree would appear to be inconsistent with the purpose of requiring a year's restrospective reporting, which was to make the Act have an impact this year. Furthermore, an extension of time would not solve the problem of the high degree of inaccuracy and other problems associated with retrospective census tract itemization. In the Board's judgment, there is little justification for requiring disclosure of inaccurate, incomplete data on an untimely and costly basis when there is an accurate, complete, timely, and less costly alternative in the form of ZIP code itemization of retrospective data.

5. ZIP code itemization of data is not useless; otherwise the Act would not have provided for this alternative. Several communities have already had some success (without the aid of census tract data) in identifying areas which were not receiving mortgage credit and were able to obtain agreements from local depository institutions to commit funds to those areas.

6. The principal reason given by some groups that are urging census tract itemization is to have retrospective data comparable with prospective data. The Board believes that the concern for comparability is incidental, not fundamental, to the Act. The purpose of the Act is disclosure so that the lending practices of a depository institution may be evaluated each year, and this evaluation may be made with or without regard to its past practices. Analysis of trends may be useful for analytical purposes but are not essential to the purposes of the Act.

7. ZIP code itemization of retrospective data would clearly be cheaper. Data are generally already geocoded by ZIP codes, and obviously it will be considerably more expensive to geocode the data by census tracts. Based upon presently available information, the Board estimates that cost of census tract itemization of retrospective loan data is likely to be double that of ZIP code itemization, depending upon the size of the institution involved.

FUTURE STUDY

Pursuant to section 308 of the Act, the Board is authorized and directed to carry out a study to determine the feasibility and usefulness of requiring depository institutions located outside standard metropolitan statistical areas to make disclosures comparable to those required by this regulation. The experience of depository institutions presently subject to the Act should provide valuable information in this respect, as well as information that might serve as the basis of other legislative recommendations for amendment of the Act.

With this objective in mind, the Board welcomes the submission of information by depository institutions and the public regarding the costs of compiling mortgage loan data and itemizing the data by ZIP codes or census tracts; the number of requests received to inspect the data or to make copies; the use made of the information by the public; and changes in lending practices that may have been adopted as a result of evaluation of the data.

TEXT OF THE FINAL REGULATIONS

Pursuant to the authority granted in the Home Mortgage Disclosure Act of 1975 (Title III of Public Law 94-200, 89 Stat. 1125 et seq.), the Board is adopting the following regulations:

1. A new Part 203 (Regulation C) is added, as follows:

Sec.
203.1 Authority, Scope, and Enforcement.
203.2 Definitions.
203.3 Exemptions.
203.4 Compilation of Mortgage Loan Data.
203.5 Disclosure requirements.
203.6 Sanctions for Violations.

AUTHORITY: Home Mortgage Disclosure Act of 1975 (Title III, Pub. L. 94-200; 89 Stat. 1125, et seq.).

§ 203.1 Authority, scope, and enforcement.

(a) *Authority and scope.* This Part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to the Home Mortgage Disclosure Act of 1975 (Title III of Pub. L. 94-200; 89 Stat. 1125 et seq.). This Part applies to depository institutions which make federally related mortgage loans. Nothing in the Act or this Part is intended to, nor shall it be construed to, encourage unsound lending practices or the allocation of credit.

(b) *Administrative enforcement.* As set forth more fully in sections 305 and 306 of the Act, compliance with the provisions of the Act and this Part shall be enforced by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), and the Administrator of the National Credit Union Administration.

§ 203.2 Definitions.

For the purposes of this Part, the following definitions apply unless the context indicates otherwise:

(a) "Act" means the Home Mortgage Disclosure Act of 1975 (Title III of Pub. L. 94-200; 89 Stat. 1125 et seq.).

(b) "Branch office" means any office approved as a branch of the depository institution by that depository institution's federal or State supervisory agency.

(c) "Depository institution" means any commercial bank, savings bank, savings and loan association, building and loan association, homestead association (including cooperative banks), or credit union, which makes federally related mortgage loans. Any majority-owned subsidiary of a depository institution shall be deemed to be part of its parent depository institution for the purposes of this Part.

(d) "Federally related mortgage loan" means any loan (other than temporary financing such as a construction loan) which (i) is secured by a first lien on residential real property (including individual units of condominiums and cooperatives) that is designed principally for the occupancy of from one to four families and is located in a State; and (ii) (A) is made in whole or in part by a depository institution the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by a depository institution which is regulated by any agency of the Federal Government; or (B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by any other such officer or agency; or (iii) is intended to be sold by the depository institution that originates the loan to the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or a financial institution from which it is to be purchased by the Federal Home Loan Mortgage Corporation.

(e) "FHA, FmHA, or VA loans" means mortgage loans which are insured under Title II of the National Housing Act or under Title V of the Housing Act of 1949 or which are guaranteed under Chapter 37 of Title 38, United States Code.

(f) "Home improvement loan" means a loan, unsecured or secured by collateral other than a first lien on residential real property, (i) the proceeds of which are to be used for the purpose of repairing, rehabilitating, or remodeling an existing residential dwelling located in a State as stated by the borrower to the lender at the time of the loan transaction, and (ii) that is recorded on the books of the depository institution as a home improvement loan.

(g) "Mortgage loan" means a "residential mortgage loan" as defined in paragraph (h) of this section or a "home improvement loan" as defined in paragraph (f) of this section.

(h) "Residential mortgage loan" means a loan which is secured by a first lien on residential real property located in a State, including a first lien refinancing of an existing loan, but shall not include (i) temporary financing (such as a construction loan), or (ii) purchase of an interest in a pool of mortgage loans (such as mortgage participation certificates issued or guaranteed by the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or the Farmers Home Administration), or (iii) a loan made primarily for business or consumer purposes (other than to purchase, repair, rehabilitate or remodel residential real property) but in connection with which a first lien on residential real property is taken as collateral.

(i) "Residential real property" means improved real property used or to be used for residential purposes, including single-family homes, dwellings for from two to four families, multi-family dwellings, and individual units of condominiums and cooperatives.

(j) "State" means any State of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 203.3 Exemptions.

(a) The following categories of depository institutions are exempt from the compilation of data and disclosure requirements of sections 203.4 and 203.5 of this Part:

(1) Any depository institution that has total assets as of the last day of its last full fiscal year of $10,000,000 or less; or

(2) Any depository institution that has neither a home office nor any branch office located in a standard metropolitan statistical area ("SMSA") as currently defined by the Office of Management and Budget of the United States Government; or

(3) Any State-chartered depository institution subject to the mortgage loan disclosure laws (statutes or regulations) of a State or subdivision thereof that the Board determines, in accordance with the procedures set forth in the Supplement to this Part, contain (i) requirements substantially similar to those imposed under the Act, and (ii) adequate provisions for enforcement.

(b) A depository institution that was exempt on or after the effective date of this Part on the basis of paragraph (a) of this section and that subsequently becomes no longer exempt shall compile the data described in section 203.4 of this Part for each fiscal year beginning with its last full fiscal year ending prior to the date it was no longer exempt, and that last full fiscal year shall be deemed to be a "full fiscal year ending prior to July 1, 1976" for the purposes of section 203.4 of this Part.

§ 203.4 Compilation of mortgage loan data.

(a) *Data to be included.*—(1) Each depository institution shall aggregate, separately for each standard metropolitan statistical area ("SMSA") in which it has a home office or branch office, its mortgage loan data for each fiscal year beginning with its last full fiscal year ending prior to July 1, 1976, with the exception of mortgage loans described in (a)(4) of this section. Mortgage loan data relating to residential real property located within the relevant SMSA (i.e., the SMSA where a home or branch office is located) shall be segregated from mortgage loan data relating to residential real property located outside the relevant SMSA and shall be itemized by the census tract in which the principal residential real property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved) is located (except as provided in paragraph (a)(2) of this Section) according to the following classifications in a format similar to guideline Form HMDA-1, which is set forth in the Appendix to this Part: [1]

(i) FHA, FmHA, or VA loans, except on multi-family dwellings (i.e., dwellings for more than four families), subdivided as to those loans (A) originated and (B) purchased by the depository institution, during that fiscal year;

(ii) Residential mortgage loans other than FHA, FmHA, or VA loans and other than loans on multi-family dwellings, subdivided as to those loans (A) originated and (B) purchased by the depository institution, during that fiscal year;

(iii) All residential mortgage loans, except on multi-family dwellings, (i.e., sum of classifications (i) and (ii)), subdivided as to those loans (A) originated and (B) purchased by the depository institution, during that fiscal year;

(iv) Home improvement loans, except on multi-family dwellings, subdivided as to those loans (A) originated and (B) purchased by the depository institution, during that fiscal year;

(v) All mortgage loans (home improvement loans and residential mortgage loans) on multi-family dwellings, subdivided as to those loans (A) originated and (B) purchased by the depository institution, during that fiscal year; and

(vi) All mortgage loans (home improvement loans and residential mortgage loans), except on multi-family dwellings, made to any borrower who did not, at the time of the loan transaction intend to reside as his principal dwelling in the property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved), subdivided as to those loans (A) originated and (B) purchased by the depository institution, during that fiscal year.

Classifications (i) through (v) include loans to both occupants and non-occupants of the property. Mortgage loan data relating to residential real property located outside the relevant SMSA (or relevant SMSAs in the case of a depository institution with home or branch offices in more than one SMSA) shall also be itemized according to classifications (i) through (v) set forth above, but further itemization of that data by census tracts or United States Postal Service ZIP codes is not required.

(2) Mortgage loan data relating to residential real property located within the relevant SMSA may be itemized, according to the classifications specified in (a)(1) of this section, by United States Postal Service ZIP codes for the area in which the principal residential real property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved) is located, in lieu of census tracts, to the extent that such data relate to:

(i) A full fiscal year ending prior to July 1, 1976; or

(ii) A part of a fiscal year if that part ends on June 30, 1976, provided that a mortgage loan disclosure statement for that part of the fiscal year is made available by the depository institution by September 30, 1976, and a separate mortgage loan disclosure statement for the remaining part of that fiscal year (itemizing mortgage loan data relating to residential real property within the relevant SMSA by census tracts) is made available by the depository institution within ninety days of the end of that fiscal year; or

(iii) Residential real property located in an area of a currently defined relevant SMSA that is not tracted on the maps (as a portion of then-defined SMSAs or otherwise) in the series "1970 Census of Population and Housing: CENSUS TRACTS, Final Reports, PHC(1) Series" prepared by the Bureau of the Census of the United States Department of Commerce.

(3) Mortgage loan data to be compiled as described in this paragraph shall be in terms of number of loans and total dollar amounts (original principal amounts of loans originated by the institution to the extent of its interest, where the loan is made jointly or cooperatively and unpaid principal balances of loans purchased by the depository institution, to the extent of its interest in such purchased loans), except that, in the case

[1] Form HMDA-1 is filed as part of the original document.

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of purchased home improvement loans, the amount to be reported may include the unpaid finance charges. The compilations shall be on an annual basis and relate to mortgage loans originated or purchased solely during the relevant fiscal year.

(4)(i) A depository institution shall not include in its mortgage loan data to be compiled pursuant to paragraph (a) of this section:

(A) A refinancing that it originates involving no increase in the outstanding balance of the principal due on the existing loan where the depository institution and the borrower are the same parties to the existing loan and the refinancing; and

(B) A loan originated or purchased by the depository institution acting as trustee or in some other fiduciary capacity.

(ii) For the purpose of compiling mortgage loan data pursuant to paragraph (a) of this section with respect to a full fiscal year ending prior to July 1, 1976, a depository institution may—

(A) Notwithstanding the definition contained in section 203.2(f) of this Part, itemize as home improvement loans those loans that it has classified as home improvement loans for the purposes of State law, provided that no loans secured by first liens on residential real property shall be included as home improvement loans in the mortgage loan disclosure statement and reference is made in the disclosure statement to the State law definition of home improvement loan that is being utilized; or

(B) Omit, at its option, any mortgage loan that was (1) both originated and either sold or paid in full during such fiscal year, or (2) both purchased and either sold or paid in full during such fiscal year, provided that the depository institution consistently applies this option with respect to all loans in those categories and clearly states in its mortgage loan disclosure statement for that year that such data have been omitted.

(b) *Applicable SMSAs, census tracts and ZIP codes.*—(1) For the purpose of determining whether a mortgage loan is to be included in the classifications relating to residential real property within the relevant SMSA as described in paragraph (a) of this section (but not for the purpose of determining exemptions pursuant to § 203.3(a)(2) of this Part), the applicable areas of the relevant SMSA shall be those as defined by the Office of Management and Budget of the United States Government and in effect on June 28, 1976, or the first day of the fiscal year to which the mortgage loan disclosure statement relates, whichever is the later date.

(2) Applicable census tract numbers and boundaries shall be those appearing on the census tract maps in the series "1970 Census of Population and Housing: CENSUS TRACTS, Final Reports, PHC (1) Series" prepared by the Bureau of the Census, United States Department of Commerce. If the number itself would be duplicated in the mortgage loan disclosure statement for the relevant SMSA, the county, city, or town that uniquely identifies the census tract shall be identified in that disclosure statement.

(3) An applicable ZIP code shall be that for the area in which the principal residential real property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved) is located. No depository institution is obligated to revise its mortgage loan data to reflect official changes of ZIP code numbers or boundaries made after the ZIP code for a particular loan is recorded.

(4) Nothing contained in this paragraph is intended to prohibit the use of maps, directories, computer programs, or the like that have more recent definitions of the applicable SMSA areas than those specified in paragraph (b)(1) of this section, provided that every mortgage loan relating to residential real property within the applicable areas of the relevant SMSA as specified in paragraph (b)(1) of this section or within the areas of the relevant SMSA as more recently defined shall be included in the data to be itemized by census tracts or ZIP codes as required by paragraph (a) of this section. If such updated revisions are utilized, the mortgage loan disclosure statement shall indicate the source of the revision.

(c) *Applicable presumption.*—For the purpose of compiling mortgage loan data described in paragraph (a) of this section, a depository institution may presume (unless its records relating to that loan contain information to the contrary) with respect to any mortgage loan originated prior to June 28, 1976, or purchased at any time, that the borrower intended, at the time of the loan transaction, to reside as his principal dwelling in the property securing the residential mortgage loan (or, in the case of home improvement loans, the property to be improved), if such property is a residential dwelling used or to be used by from one to four families.

§ 203.5 **Disclosure requirements.**

(a) *Dates disclosure statements due.*—(1) Each depository institution shall make available to the public by the following dates mortgage loan disclosure statements required to be compiled pursuant to § 203.4 of this Part:

(i) September 30, 1976, in the case of a disclosure statement relating to a full fiscal year ending prior to July 1, 1976, except as provided in (a)(2) of this section;

(ii) Within ninety days of the end of the relevant fiscal year in the case of a disclosure statement that relates to a full fiscal year ending subsequent to June 30, 1976; and

(iii) Within ninety days of the date a depository institution becomes no longer exempt in the case of the initial disclosure statement required pursuant to § 203.3(b) of this Part.

(2) If an application for an exemption is filed by September 30, 1976, pursuant to § 203.3(a)(3) of this Part, a State-chartered depository institution subject to the mortgage disclosure laws of a State or subdivision thereof being considered in the application shall not be required to compile and make available to the public a mortgage loan disclosure statement relating to a full fiscal year ending prior to July 1, 1976, while the application is pending before the Board. If the State-chartered depository institution is not granted an exemption by the Board's determination on the application, that depository institution shall make the disclosure statement for that fiscal year available within sixty days of the date of the Board's determination.

(3) Any mortgage loan disclosure statement required to be made available shall be maintained and made available for a period of five years after the close of the first fiscal year during which that disclosure statement is required to be maintained and made available.

(b) *Offices at which disclosure statements to be made available.*—(1) Except as provided in paragraph (b)(2) of this section, each depository institution shall make available to the public disclosure statements required to be compiled pursuant to § 203.4 of this Part, by the dates specified in paragraph (a) of this section, at its home or branch offices, as follows:

(i) In the case of depository institutions that have home or branch offices in only one SMSA, the entire mortgage loan disclosure statement shall be made available at the home office and at least at one branch office (if there is such a branch office) within that SMSA; and

(ii) In the case of depository institutions that have home and branch offices in more than one SMSA, (A) the entire mortgage loan disclosure statement (relating to all SMSAs with respect to which the depository institution is required to compile mortgage loan data) shall be made available at the home office and (B) the entire mortgage loan disclosure statement shall also be made available at least at one branch office within every SMSA where the depository institution has branch offices (including the SMSA where the home office is located), except that the disclosure statement at a particular branch office need not include census tract or ZIP code itemizations with respect to relevant SMSAs other than the SMSA in which the particular branch office is located, provided that aggregated data from the disclosure statement with respect to each of those other relevant SMSAs (i.e., the column totals of Section I of the Appendix to this Part) are furnished.

(2) Any depository institution all of whose offices (home and branch) are located where there is no general public access shall make available mortgage loan disclosure statements required to be compiled pursuant to § 203.4 of this Part, by the dates specified in paragraph (a) of this section, in either of the following ways:

(i) It shall designate a place convenient and accessible to the public within the SMSA of its home office where the entire mortgage loan disclosure statement (relating to all SMSAs with respect to which it is required to compile mortgage loan data) will be available at reasonable times, and shall designate a convenient and accessible place within every other SMSA where it has a branch office, at which designated place will also be made available the entire mortgage loan disclosure statement except for the omission, at the option of the depository institution, of census tract or ZIP code itemizations with respect to relevant SMSAs other than the SMSA where the particular branch is located provided that aggregated data from the disclosure statement with respect to each of those other relevant SMSAs (i.e., the column totals of Section I of the Appendix to this Part) are furnished; or

(ii) It shall promptly furnish by mail to anyone requesting the information a copy of a required mortgage loan disclosure statement, imposing no more than a reasonable charge for the cost of reproduction of the data.

(3) A depository institution shall make appropriate efforts at least once each year to notify its depositors of the availability of its mortgage loan data, such as by (i) inserting a notice in a periodic account statement or other communication to depositors, (ii) posting a notice in the lobbies of its home and branch offices located in SMSAs for at least one month, or (iii) publishing a notice in a newspaper or newspapers of general circulation in the SMSAs in which its home and branch offices are located.

(4) Upon request, any office of a depository institution shall promptly provide information regarding the location of any office or designated place of that depository institution at which mortgage loan disclosure statements are available.

(c) *Manner of making disclosure statements available.*—Each office or designated place of a depository institution that is required pursuant to paragraph (b) of this section to make a mortgage loan disclosure statement available shall make such a mortgage loan disclosure statement available to anyone requesting it for inspection or copying during the hours in which such office or designated place is normally open to the public for business. If a depository institution makes reproduction facilities available, it may impose a reasonable charge for the cost of reproduction of the data.

§ 203.6 **Sanctions for violations.**

(a) A violation of the Act or this Part is subject to sanctions as provided in section 305 of the Act.

(b) An error in compiling or disclosing required mortgage loan data shall not be deemed to be a violation of the Act or this Part if the error was unintentional and resulted from a bona fide mistake notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

2. A new Supplement to Part 203 (Regulation C) is added, as follows:

PROCEDURES FOR AN APPLICATION FOR EXEMPTION PURSUANT TO PARAGRAPH (a)(3) OF SECTION 203.3

(a) *Application.*—Any State or subdivision thereof,[1] State-chartered depository institution, or association of State-chartered depository institutions, may make application to the Board pursuant to the terms of this Supplement and the Board's Rules of Procedure (12 CFR 262) for a determination that, under the laws of that State or municipality,[2] a State-chartered depository institution is subject to requirements substantially similar to those imposed by Regulation C (12 CFR 203) and that there is adequate provision for enforcement of such requirements.

(b) *Supporting documents.*—The application, which may be made by letter, shall be accompanied by (1) a copy of the full text of the laws of the State or municipality which are claimed by the applicant to impose requirements substantially similar to those imposed by this Regulation; (2) a statement of reasons to support the claim that applicable requirements of the laws of the State or municipality are substantially similar to all requirements imposed under this Regulation including an explanation of reasons as to why any differences are not significant; (3) a copy of the full text of the laws of the State or subdivision thereof which provide for enforcement of the State laws referred to in subparagraph (1) of this paragraph; and (4) an undertaking to inform the Board within 30 days of the occurrence of any change in the applicable law or regulations of the State or municipality.

(c) *Public notice of filing.*—In connection with any application which has been filed in accordance with the requirements of paragraphs (a) and (b), notice of such filing will be published by the Board in the FEDERAL REGISTER, and a copy of such application will be made available for examination by interested persons during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which the applicant is situated. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to that application. Should multiple applications be received with respect to the laws of the same State or municipality, the Board may, in its discretion, (1) consolidate the notice of receipt of all such applications in one FEDERAL REGISTER notice, and (2) dispense with publication of the notice of applications received after the publication of an application relating to the laws of the same State or municipality.

(d) *Exemption from requirements.*—If the Board determines on the basis of the information before it that under the laws of a State or municipality some or all State-chartered depository institution(s) are subject to requirements substantially similar to those imposed by this Regulation, and that there is adequate provision for enforcement of such requirements, the Board will exempt those State-chartered depository institutions in that State or municipality that are subject to such requirements from the requirements of the Act and the Board's regulations in the following manner: (1) Notice of the exemption will be published in the FEDERAL REGISTER and the Board will furnish a copy of such notice to the applicant, to each State or municipal authority responsible for administrative enforcement of the laws of the State or municipality, to the regulatory authorities specified in section 305(b)(1) of the Act, and to each interested person who has participated in the proceeding. (2) The Board will inform the appropriate official of any State or municipality in which State-chartered depository institutions that have received an exemption are located of any subsequent amendments of the Act (including the implementing provisions of this Part and published interpretations of the Board) which might call for amendment of the law, regulations or official interpretations of the State or municipality.

(e) *Revocation of exemption.*—(1) The Board reserves the right to revoke any exemption if it at any time determines that the laws of a State or municipality do not in fact impose requirements which are substantially similar to those imposed by this Regulation or that there is not in fact adequate provision for enforcement. (2) Notice of the Board's intention to revoke any exemption previously granted shall be published in the FEDERAL REGISTER and shall be transmitted to the appropriate official of the State or municipality. A period of time will be allowed from the date of publication for the Board to receive written comments from interested persons with respect to the proposed revocation. (3) In the event of revocation of such exemption, notice of such revocation shall be published by the Board in the FEDERAL REGISTER and a copy of such notice shall also be furnished to the appropriate official of the State or municipality and to regulatory authorities specified in section 305(b)(1) of the Act.

Effective: June 28, 1976.

By order of the Board of Governors, June 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17163 Filed 6-11-76;8:45 am]

[1] Hereinafter referred to as a municipality.

[2] Any reference to the laws of a State or municipality in this Supplement includes a reference to any regulations which implement such laws and official interpretations thereof, and to regulations of a State or municipal agency or department having jurisdiction over a class or classes of depository institutions.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 76-SW-19; Amdt. 39-2640]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 204B and 205A-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring repetitive inspections at 25-hour intervals of the tail rotor pitch control chains, Part Number 204-001-739-3, on all Bell Models 204B and 205A-1 helicopters was published in 41 FR 75864.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One letter was received from an operator recommending an inspection interval of 50 or 100 hours and recommending continued use of chains with a specific number of cracked links, provided they are not adjacent, in conjunction with a reduced

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inspection interval. Bell Helicopter Textron also submitted a letter recommending a 10-hour inspection interval to agree with their service bulletins, No.'s 204–75–4 and 205–75–9.

The agency responded to the operator's letter and noted that due to service experience and due to a possible jam of the tail rotor control their recommendations shall not be adopted. However, the agency accepts the operator's other recommendation to specifically limit the AD applicability to chains, P/N 204–001–739–3. The agency believes an inspection interval of 25 hours will be sufficient to maintain airworthiness of the chains since the inspection must be conducted by an appropriately rated mechanic.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 204B and 205A–1 helicopters certificated in all categories.

Compliance required within 25 hours' time in service after the effective date of this AD and, thereafter, at intervals not to exceed 25 hours' time in service from the last inspection.

To detect cracks in the tail rotor pitch change chain link segments and to prevent possible failure of the tail rotor pitch change chains, accomplish the following repetitive inspections on chains, Part Number 204–001–739–3.

(a) Remove the cover, if installed, from the chain assembly.

(b) Inspect each chain assembly for cracks in the link segments using a 10-power or higher magnifying glass. Particular attention should be placed on the portion of the chain that travels over the sprocket and that extends six inches each side of this area or portion.

(c) Remove chains with cracked or broken links or segments before further flight in accordance with the applicable maintenance manual or an equivalent FAA approved procedure.

(d) Install chains with uncracked segments in accordance with the applicable maintenance manual and rig the controls as specified in the applicable maintenance manual or an equivalent FAA approved procedure.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(f) This AD is applicable to only chains, P/N 204–001–739–3.

This amendment becomes effective July 19, 1976.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on June 3, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76–16936 Filed 6–11–76;8:45 am]

[Docket No. 75–EA–91; Amdt. 39–2641]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Hiller

On page 15863 of the FEDERAL REGISTER for April 15, 1976, the Federal Aviation Administration published a proposed rule which would issue an airworthiness directive applicable to Fairchild Hiller FH–227 type airplanes.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective June 18, 1976.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on June 4, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

FAIRCHILD: Applies to FH–227 Type Airplanes Certificated in all categories.

Compliance required as indicated.

To detect the development of cracks in the wing area, accomplish the following:

(a) Within 25 hours time in service after the accumulation of the specified hours in service, unless already accomplished, inspect or continue to inspect in accordance with Fairchild Service Bulletin 51–1, as amended by Revision 6, of December 12, 1975 or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region or with an approved equivalent inspection.

(b) Where a visual inspection may be accomplished in lieu of x-ray, at least a 10-power glass must be used.

(c) For those aircraft incorporating Fairchild Service Bulletin 51–1, Appendix No. 1, dated January 5, 1973, or an approved equivalent special structural inspection and alteration, the inspection interval for the outer wing panel without cracks remains at 1200 hours. If any cracks were discovered prior to the alteration the inspection interval will be that specified in paragraph 1.D(1) of the Appendix.

(d) If new cracks are found or if repaired cracks are found to be propagating, replace the cracked part with a part of the same part number or with an approved equivalent part, or incorporate an approved repair before further flight. However, upon request, with descriptive information of the crack and proposed operating limitations submitted through an FAA maintenance inspector, the flight of the airplane in accordance with FAR 21.197 to a base where the repair can be made, may be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(e) Equivalent inspection, repairs or parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(f) Upon request, with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

[FR Doc.76–16957 Filed 6–11–76;8:45 am]

[Docket No. 15497; Amdt. 39–2563]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Ltd., DH–114 "Heron" Airplanes

Correction

In FR Doc. 76–8757 appearing on page 12877 in the issue of March 29, 1976 the docket number should be designated as set forth above.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76N–0070]

PART 121—FOOD ADDITIVES

Acrylonitrile Copolymers Intended for Use in Contact With Food

The Food and Drug Administration (FDA) is establishing, on an interim basis, safe conditions for the use of acrylonitrile copolymers, pending resolution of certain safety questions. The requirements for those uses of acrylonitrile copolymers that are food additive uses are effective June 14, 1976; objections must be filed by July 14, 1976. The requirements for those uses of acrylonitrile copolymers that are "prior-sanctioned" are effective July 14, 1976.

In the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), the Commissioner of Food and Drugs proposed: (1) To identify the uses of acrylonitrile copolymers that were sanctioned by FDA before the passage of the Food Additives Amendment of 1958 (sec. 409, Pub. L. 85–929, Sept. 6, 1958, 72 Stat. 1785–1788 (21 U.S.C. 348)), and hence are exempt from the requirements for food additives; (2) to prescribe, on an interim basis, conditions of safe use for all applications of acrylonitrile copolymers in food-contact articles; and (3) to require submission of chemical and toxicological data to support the continued use of acrylonitrile copolymers in food-contact articles. These actions were proposed because of recently developed evidence that more acrylonitrile monomer may migrate to food from food-contact articles than previously thought.

Ten comments were received in response to the proposal. In addition, five comments received in response to the draft environmental impact statement on plastic bottles for carbonated beverages and beer raised the issue of the safety of extractives of acrylonitrile bottles and are discussed in this document.

The specific questions raised in the comments and the Commissioner's responses are as follows:

ADMINISTRATIVE/LEGAL

1. One comment stated that all information concerning use of acrylonitrile copolymers as containers for alcoholic foods should be made public.

The Commissioner advises that only one regulation, § 121.2614 *Nitrile rubber modified acrylonitrile-methyl acrylate copolymers* (21 CFR 121.2614), permits the use of acrylonitrile copolymers in contact with alcoholic foods. The data submitted in support of § 121.2614 and other data and information related to a food additive are public and may be obtained by writing to the Public Records and Documents Center, HFC–18, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

2. One comment requested identification of those polymers that have been tested and found to meet the requirements of the interim regulation.

The Commissioner advises that the acrylonitrile copolymers regulated under § 121.2614, § 121.2625 *Acrylonitrile/styrene copolymer modified with butadiene/styrene copolymer* (21 CFR 121.2633) § 121.2627 *Acrylonitrile/butadiene/styrene/methyl methacrylate copolymer* (21 CFR 121.2627), § 121.2629 *Acrylonitrile/styrene copolymer* (21 CFR 121.2629), and § 121.2633 *Acrylonitrile/butadiene/styrene copolymer* (21 FR 121.2633) have been fully tested in accordance with the interim regulation and found to be in compliance with all the chemistry requirements of the regulation. The test data are available through the Public Records and Documents Center.

3. One comment proposed that a revised notice of proposed rule making should issue after all the information and data received in response to the original proposal had been evaluated, because additional comments on the revised proposal would form the basis for a better final regulation.

The Commissioner concludes that sufficient information has been received in response to the proposal to permit issuance of a final regulation without the need for further public comment.

4. Numerous comments were received requesting an additional 60 days to submit comments.

The Commissioner did not extend the comment period for the proposal but has given consideration to all pertinent comments received after the closing date for comments.

5. One comment stated that household items should be covered under proposed § 121.14 (21 CFR 121.14, proposed in the FEDERAL REGISTER of April 12, 1974 (39 FR 13285)), which would revoke the "housewares exemption," rather than under § 121.4010 (21 CFR 121.4010).

The Commissioner notes that the new § 121.14 would affirm that substances migrating from food-contact articles intended for use in the household, food service establishments, and food dispensing equipment are food additives that must be used subject to a food additive regulation if they are not generally recognized as safe (GRAS). When § 121.14 is made final, it will make subject to the food additive regulations a number of currently marketed acrylonitrile copolymer housewares. Continued marketing of these products will be permitted by the final § 121.14, pending promulgation of appropriate food additive regulations or denial of the petitions submitted. Petitions for use of acrylonitrile copolymers that are submitted in response to the issuance of § 121.14 will be evaluated on the basis of the data requested in § 121.4010. The failure to comply with the acrylonitrile monomer migration limits set forth in § 121.4010 may result in denial of the petitions. A general guideline for extraction studies of housewares will be set forth in the preamble to § 121.14 when it is published as a final regulation.

6. Two comments stated that the list in proposed § 121.2010(a) of the prior-sanctioned uses of acrylonitrile copolymers was too limited and ignored commercial reality. The comments suggested changing the prior-sanctioned uses from "films for wrapping food" to "films, sheet, and molded containers for packaging food."

The Commissioner concludes that the prior-sanctioned uses of acrylonitrile copolymers, in general, are not as broad as the uses suggested by the comments. The list of prior-sanctioned uses of acrylonitrile copolymers in proposed § 121.2010(a) was taken directly from the articles by A. J. Lehman referenced in the preamble to the proposal. These articles are the basis of the prior-sanctioned uses listed in proposed § 121.2010(a). Additional prior-sanctioned uses of acrylonitrile copolymers, determined from letters submitted with comments, are identified and discussed in paragraph 7 of this preamble.

7. One comment stated that the scope of the prior-sanctioned uses of acrylonitrile butadiene and acrylonitrile/butadiene/styrene resins listed in proposed § 121.2010(a), i.e., films for wrapping food, did not include all the uses approved at the time the Food Additives Amendment of 1958 was enacted. The comment supplied various prior-sanction letters as evidence of the widespread use of various acrylonitrile copolymers prior to 1958.

The Commissioner has reviewed the prior-sanction letters included in the comment, as well as other applicable correspondence on the matter, and agrees that the regulation should be revised to incorporate the following uses that were not recognized in the proposal as having been prior-sanctioned.

The Commissioner notes that the first inquiry concerning the use of an acrylonitrile copolymer that appears in FDA files was dated November 1, 1940. This correspondence did not result in a prior sanction but did lead to further correspondence indicating that FDA in 1943 conducted limited feeding tests for various rubber products, including an acrylonitrile copolymer. This work was done for the Office of Rubber Director, War Production Board. Details of the testing are sketchy, but analysis of later correspondence indicates no apparent observation of adverse effects.

The first prior sanction for an acrylonitrile resin is a letter from Dr. A. J. Lehman, Chief, Division of Pharmacology, FDA, dated November 18, 1948. In this letter, FDA offered no objection to the use of a resin composed of polyvinyl chloride/polyvinyl acetate copolymers, and acrylonitrile/butadiene copolymers for use as a film intended to wrap oleomargarine, provided it passed the solubility tests in use at the time. The maximum acrylonitrile content of the copolymer was less than 30 percent.

The second documented prior sanction for an acrylonitrile resin is a letter dated February 2, 1949, in which the Meat Inspection Division, U.S. Department of Agriculture (USDA) offered no objection to the use of a coating containing acrylonitrile/butadiene copolymer on papers intended to contact meat. The protocol for the extractions called for extraction up to 4 months or longer until equilibrium was reached on coatings ranging from 0.001 inch to 0.002 inch. The test solvents were analyzed for monomeric acrylonitrile, hydrogen cyanide, and total amount of the film soluble in the solvent. Literature submitted at the time indicates that the basic resin consisted primarily of polyvinyl chloride with the remainder being a butadiene/acrylonitrile rubber. The commercial literature indicated that these same resins were suitable for extrusion and molding as well as films, though extruded or molded products were not considered in the review of the polymer system. The prior sanction for this use was specifically for "Meade Wrap Paper" and "Meade Lard Liner Paper." Further extension of this approval to milk filter discs was denied by FDA in 1960.

A third prior sanction was issued by FDA on June 29, 1949. The letter covered the use of two films for "food packaging purposes." The material was tested for total solubility, acrylonitrile monomer extraction, and hydrogen cyanide extraction according to USDA protocol. The stated use of the film was as a wrapper for oleomargarine. As in the earlier USDA prior sanction, the polymers were vinyl chloride resins incorporating a butadiene/acrylonitrile copolymer. There was also an earlier letter issued by FDA stating that there was no objection to a change in the vinyl components formulation to include the use of polyvinyl acetate at a level of 5 percent in the vinyl resin component.

The first nonfilm prior sanction was a letter issued on January 21, 1955, offering no objection to the use of an acrylonitrile/butadiene/styrene copolymer in the making of containers and piping for handling food products. The early correspondence indicated that the container use would primarily be as tote boxes, i.e., essentially for repeated-use articles. Patent literature indicates that the acrylonitrile content of the copolymer was in the range of 0 to 30 percent.

On June 12, 1956, a letter was issued by FDA offering no objection to the use of either a resin consisting of polyvinyl chloride blended with acrylonitrile/butadiene copolymer or a resin consisting of neoprene blended with polystyrene and acrylonitrile/butadiene copolymer as components of conveyor belts for use with fresh fruit, vegetables, and fish.

c. Two comments stated that limita-

The Commissioner finds that heptane mer migration applies to single-use arti-

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On March 7, 1957, a letter was issued by FDA stating that a resin blend consisting of polyvinyl chloride and acrylonitrile/butadiene copolymer containing less than 9 percent acrylonitrile was acceptable as extruded pipe for use in food processing.

On March 27, 1957, a letter was issued by FDA stating that styrene/acrylonitrile copolymers were acceptable as food packaging. A similar letter on the same copolymer had been issued by USDA on March 15, 1957, permitting its use for packaging meat and meat food products. The acrylonitrile content of the copolymer was less than 30 percent.

On May 14, 1957, another letter was issued by FDA stating that the acrylonitrile/styrene copolymer was suitable for general food-contact use. Data available indicate that, again, the acrylonitrile content of the copolymer was less than 30 percent.

Additionally, there was a letter that issued on November 18, 1954, over the signature of Dr. A. J. Lehman, offering no objection to a basic copolymer of acrylonitrile/butadiene/styrene as a coating for paper or plastic intended to contact food but questioning the presence of a "soap" constituent in the copolymer. The acrylonitrile content of the copolymer did not exceed 30 percent.

The various prior-sanctioned uses of acrylonitrile copolymers discussed above have been identified in § 121.2010. Section 121.2010 expressly limits the content of the subject copolymers and resins to less than 30 percent acrylonitrile, since all prior-sanctioned applications were below that level.

The Commissioner is also aware of the presence in the marketplace of various acrylonitrile copolymer containers intended to contact food that are neither prior-sanctioned nor permitted by current regulations. These containers are primarily used as margarine tubs and apparently have been marketed in the belief that they were prior-sanctioned. The Commissioner notes that the scope of some of the pre-1958 approvals was not completely clear and is of the opinion that the industry used these products in good faith believing them to be the subject of prior sanctions. Thus, the Commissioner concludes that it is appropriate to authorize the continued use of acrylonitrile copolymers in food-contact applications where the user in good faith believed that the use was prior-sanctioned, subject to the requirement that each use meet the requirements for safe use established by the interim food additive regulation. In addition, each use that is not the subject of a prior sanction or of a current food additive regulation may continue only if: (1) by August 13, 1976, the user notifies FDA of the use and establishes that the product has been used in the good faith belief that it was prior-sanctioned; and (2) by December 13, 1976, the user files a food additive petition. If these requirements are met, the copolymers may continue to be marketed until appropriate food additive regulations are issued or until the applicable petition has been denied by FDA.

8. One comment contended that proposed § 121.2010(b) was inappropriate because it stated that food-contact articles containing acrylonitrile resins yielding unlawfully high extractives were deemed to be adulterated foods.

The Commissioner advises that food-contact articles are subject to regulatory action under the Federal Food, Drug, and Cosmetic Act as adulterated food if they contain components that may migrate to food at unsafe levels. (See *Natick Paperboard Corp.* v. *Weinberger*, 525 F.2d 1103 (1st Cir. 1975); *United States* v. *An Article of Food • • • Pottery • • •* (*Cathy Rose*), 370 F. Supp. 371 (E.D. Mich., 1974).)

CHEMISTRY

9. One comment stated that acrylonitrile copolymers regulated in § 121.2520 *Adhesives*, § 121.2571 *Components of paper and paperboard in contact with dry food*, and § 121.2577 *Pressure-sensitive adhesives*, as well as those acrylonitrile copolymers regulated under § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* and restricted to type VIII foods (dry solids with the surface containing no free fat or oil) should be exempt from compliance with acrylonitrile extraction limitations.

The Commissioner concludes that acrylonitrile copolymers used in compliance with §§ 121.2520, 121.2571, and 121.2526 (type VIII food only) would not reasonably be expected to migrate to food and, therefore, that no extraction data are necessary for these uses. However, data available to FDA indicate that migration may reasonably be expected to occur from pressure-sensitive adhesives, and they should therefore be subject to the extraction limitations. Representative data in support of this conclusion are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

10. Two comments requested less stringent requirements for acrylonitrile copolymers intended as components of repeated-use articles such as conveyor belts, piping and storage boxes, than those established for components of single-use articles.

The Commissioner concludes that separate restrictions on the extraction of acrylonitrile monomer from acrylonitrile copolymers intended for use as components of repeated-use articles are appropriate. In repeated-use applications much less acrylonitrile monomer migrates to any specific quantity of food because the time of contact with the acrylonitrile food-contact article is much shorter than in the case of single-use articles. Additionally, extraction of acrylonitrile monomer from repeated-use articles is self-limiting; migration will thus be greatest at a time equivalent to initial batch usage. Therefore, §§ 121.2010 and 121.4010 have been modified to include specific restrictions on extraction of acrylonitrile monomer from repeated-use articles. Section 121.4010 also provides for the submission of additional data on acrylonitrile monomer extraction from repeated-use articles.

11. One comment questioned whether the use of GRAS substances should be permitted in acrylonitrile copolymers when there are no data on how such substances interact with acrylonitrile and/or the contents of the package.

The Commissioner concludes that the comment is insufficiently precise to permit a specific reply. Food additives are not ordinarily tested for their reaction products with GRAS substances unless there are specific data or reasons to indicate the formation of undesirable substances. Any reaction product of GRAS substances with acrylonitrile would be expected, with few exceptions, to be less extractable and less toxic than acrylonitrile monomer. Thus, the requirements of the regulation should ensure the safety of the food even if there is interaction like that suggested in the comment.

12. One comment asked if acrylonitrile copolymers should be subjected to the same testing as polyvinyl chloride.

The Commissioner concludes that separate test programs must be set forth for each of these polymer systems to provide the data necessary to answer the specific safety questions raised. The migration of vinyl chloride monomer from polyvinyl chloride is due primarily to the presence of unreacted monomer trapped in the polymer, whereas the acrylonitrile monomer migration is due both to a breakdown of reversible acrylonitrile/mercaptan complexes and to the presence of unreacted monomer trapped in the polymer.

13. Seven comments requested clarification of § 121.4010(b), which specifies the required testing. Specific comments concerning the testing for mercaptan complexes are as follows:

a. One comment asked if each end user must test for migration.

The Commissioner concludes that there is no necessity for each end user to test for migration of mercaptans, mercaptan/acrylonitrile complexes, or increased acrylonitrile monomer due to reversible complexes. The testing of the copolymers by the basic manufacturers will provide the data sought by the Commissioner.

b. One comment asked for identification of the scientific evidence upon which the conclusion was reached that mercaptans or any other materials form reversible complexes.

The Commissioner states that the presence of reversible acrylonitrile/n-dodecylmercaptan complexes in acrylonitrile copolymers was first reported by E.I. duPont de Nemours and Co. in food additive petition (FAP 3B2926). Further data submitted by Rohm & Haas and Vistron confirmed this phenomenon. These data are on file with the Hearing Clerk, Food and Drug Administration. Additionally, standard textbook references define this reaction.

c. Two comments stated that limitations on mercaptans are not necessary because of acrylonitrile end-test specifications.

The Commissioner finds that because the amount of acrylonitrile monomer available for migration is proportional, in part, to the level of complex in the acrylonitrile copolymer, it is necessary to prescribe limitations on the use of the mercaptan or on the level of the acrylonitrile/mercaptan complex present in the copolymer. Additionally, very little toxicological data are available on most mercaptans and their complexes. Therefore, their use can be permitted only under circumstances in which there is virtually no migration.

d. Two comments stated that quarterly reports on reversible complexes are unnecessary.

The Commissioner agrees that quarterly reports are not necessary. The regulation is revised to state that where reversible acrylonitrile/mercaptan complexes are encountered, reports will be required within 360 days after issuance of this regulation. Where accelerated testing shows the absence of the acrylonitrile/mercaptan complex or the formation of a stable acrylonitrile/mercaptan complex, such data should also be submitted.

e. One comment stated that extraction testing should be required only where reversible complexes are present.

The Commissioner agrees that long-term (6 months) testing is necessary only where accelerated tests described in the regulation show reversible complexes to be present. Otherwise, testing necessary to establish equilibrium acrylonitrile migration is adequate.

f. Questions have arisen as to the levels of acrylamide extractable from acrylonitrile copolymers.

The Commissioner concludes that, while there are no data to suggest that acrylamide is extractable from acrylonitrile copolymers at unsafe levels, data on the levels of acrylamide extractable from the copolymer should nonetheless be submitted to and reviewed by FDA. Section 121.4010(e) requires the submission of those data.

14. Five comments requested that, because there is no known use for acrylonitrile copolymer with highly alcoholic foods, 50 percent alcohol should be deleted as a mandatory test and made a requirement only where use of the copolymers with highly alcoholic foods is sought.

The Commissioner advises that interest has been expressed in the use of acrylonitrile copolymers as liquor bottles. Extraction testing with 50 percent alcohol is appropriate where petitioners are requesting this use. However, extraction testing with 50 percent alcohol is not necessary in all cases. Therefore, § 121.4010 is modified to delete the list of mandatory test solvents and to require testing with food simulating solvents appropriate to the intended conditions of use.

15. Three comments questioned the use of heptane as a food-simulating solvent because heptane attacks the polymer.

The Commissioner finds that heptane is an appropriate food-simulating solvent where the acrylonitrile copolymers are not attacked by heptane. When heptane, a solvent that exaggerates the extractions obtained from food oils, is used for extraction testing, the amount of additive extracted may be divided by a factor of five to approximate actual food oil extractions. The Commissioner concludes that where heptane is not suitable, oils should be used in place of heptane to determine the extent of migration. The results obtained using a food oil represent actual extraction and are not divided by a factor of five.

16. One comment stated that the method of acrylonitrile analysis should be validated by FDA.

The Commissioner points out that, in addition to the validation data submitted by the petitioners, the various methods submitted are currently undergoing evaluation and validation studies in the Bureau of Foods. In the meantime, copies of the methodologies submitted by various petitioners are available upon request from the Division of Food and Color Additives, HFF–330, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

17. Four comments requested clarification of proposed § 121.4010(a). Specific points raised by the comments are as follows:

a. The use of 212° F temperature for acrylonitrile/mercaptan complex decomposition testing was said to be unrealistic.

The Commissioner realizes that 212° F is not a realistic-use temperature for existing acrylonitrile copolymers. However, data from 212° F testing aids in the development of data for Arrhenius plots for extrapolation of acrylonitrile monomer migration. This type of data may aid in the reduction or elimination of long-term extractions and is useful in prescribing appropriate end-tests for the tested acrylonitrile copolymer. A protocol for development of Arrhenius plots is available from the Division of Food and Color Additives, HFF–330, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

b. One comment stated that the maximum temperature for acrylonitrile testing should be limited to 150° F.

The Commissioner finds that 150° F is not an appropriate temperature for testing all acrylonitrile copolymers. The Commissioner notes that in § 121.2627 (21 CFR 121.2627), use-temperatures up to 190° F are permitted. The extraction testing should be appropriate for the intended conditions of use.

c. One comment stated that allowances should be made in the permissible acrylonitrile levels to take into account the surface-to-volume ratio of large containers.

The Commissioner agrees with the thrust of the comment and has modified the regulations to include the volume to surface ratio factor in establishing appropriate limits on acrylonitrile monomer migration. A limit of 0.003 milligrams/square inch acrylonitrile monomer migration applies to single-use articles with volume to surface ratios of 10 milliliters or more per square inch of food-contact surface. For single-use finished food-contact articles with volume to surface ratios of less than 10 milliliters per square inch of food-contact surface, a limit on acrylonitrile monomer migration of 0.3 parts per million calculated on the basis of the volume of the container is established. Large volume finished food-contact articles are most frequently repeated-use articles; guidelines for acrylonitrile monomer migration testing of repeated-use articles are also included in the regulation.

TOXICOLOGY

18. One comment stated that 1-year subchronic acrylonitrile monomer feeding studies in nonrodent mammals would not be meaningful because they are not sufficient to determine carcinogenicity in the animal being studied. The comment suggested 90-day studies as a suitable substitute.

The Commissioner concludes that a 6-month acrylonitrile monomer feeding study in dogs would be appropriate in lieu of the 1-year proposed study. A 6-month study has in fact been completed. A shortened study is appropriate in part because of the demonstrated unwillingness of dogs to drink water containing acrylonitrile from bottles. Results of this study will be made available to the public when received by FDA.

19. One comment questioned the need for studying "synergistic toxic effects" between acrylonitrile monomer and the cyanide ion and suggested that the requirement be deleted from the regulation.

The Commissioner concludes that the requested study is pertinent for products like acrylonitrile copolymers where acrylonitrile monomer and hydrogen cyanide have been detected in extracts.

20. One comment suggested that, when protocols of toxicological testing are presented to FDA, they should be acknowledged in writing.

The Commissioner agrees with this statement and points out that it is standard procedure for the agency to respond in writing to toxicological protocols. Copies of protocols and all pertinent letters and memoranda have been made part of the administrative record of this regulation and are on file with the Hearing Clerk, Food and Drug Administration.

21. One comment stated that in using a 100-to-1 safety factor where there is a no-effect level of 38 parts per million (ppm), the interim safe level to be permitted in food for humans should be 0.4 ppm rather than 0.3 ppm.

The Commissioner concludes that under normal food-packaging conditions the allowable contribution of acrylonitrile monomer should be based on its contribution to the total daily diet. However, the growing use of acrylonitrile copolymers to package soft drinks, a use that may result in more substantial exposure of the consumer to acrylonitrile-copolymer-packaged foods, dictates use

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of the more conservative figure of 0.3

The potential for HCN migration is of

1. In Subpart D, in § 121.1148 by add-

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of the more conservative figure of 0.3 ppm.

22. Five comments questioned the proposed acrylonitrile migration limit of 0.3 ppm because it is based on the assumption that all food in the diet would be exposed to acrylonitrile copolymers. Since this level of exposure would never be approached, the comments proposed that a more realistic safe figure under current acrylonitrile copolymer food-packaging practices could be as high as 4 to 5 ppm of permitted acrylonitrile monomer migration.

The Commissioner notes that FDA requests exaggerated extraction and feeding studies for most indirect food additives to anticipate any future developments. These precautions are particularly pertinent in a rapidly developing field like acrylonitrile copolymer food packaging. Because of the rapidly expanding use of acrylonitrile, a conservative judgment is appropriate at this time. The Commissioner concludes that revision in the level of permissible migration should await the receipt of final toxicological testing results, a complete evaluation of the extraction and analytical testing in the numerous acrylonitrile copolymer petitions, and a comprehensive analysis by industry of the total daily dietary exposure to acrylonitrile copolymer packaging.

The Commissioner acknowledges that the limit of 0.3 ppm acrylonitrile monomer migration established in the regulation does not allow for the relatively small part of the food in the total diet currently packaged in acrylonitrile copolymers. However, petition data have shown that polymers can readily be prepared that result in acrylonitrile migration levels much below 0.3 ppm. Therefore, it is not reasonable at this early stage in the expanding use of acrylonitrile copolymers to revert to less pure copolymers yielding 4 to 5 ppm acrylonitrile migration levels. When the requested toxicological and chemical testing are completed and the analysis of acrylonitrile use in packaging is completed by industry, the Commissioner will be able to evaluate thoroughly the toxicological significance of the present feeding studies in relation to the actual ingestion of acrylonitrile monomer.

23. One comment stated that acrylonitrile copolymer systems have been used in food-contact applications for 20 years without any history of ill effects.

The Commissioner is aware of the history of use of acrylonitrile copolymers, but concludes that, in the absence of well-controlled animal studies, one cannot assume the safety of a food-packaging formulation.

24. One comment on the draft environmental impact statement stated that the proposed 0.3 ppm extractive limit was based on one unpublished animal feeding study conducted 22 years ago and stated further that FDA has admitted that the study was inadequate to demonstrate the carcinogenic property of acrylonitrile or to establish a no-effect level.

The Commissioner concludes the statements in the comment do not accurately interpret the statements made in the preamble to the proposal of November 4, 1974. The Commissioner notes that the proposal states specifically that there have been no findings that demonstrate a carcinogenic potential for acrylonitrile monomer. Both the older 2-year rat feeding study at George Washington University and the 2-year rat feeding study done by the Public Health Service failed to show carcinogenic potential for acrylonitrile monomer at the levels fed. Although no final report was written on the Public Health Service feeding study, one of the two scientists conducting the study was subsequently employed by FDA as a toxicologist and was able to supply the agency with information concerning certain conclusions of the study, including the conclusion that acrylonitrile was not found to be a carcinogen. In addition to these two studies, the carcinogenic potential of acrylonitrile is being tested by Dr. Cesare Maltoni in Italy in a rat feeding study that will be completed in 1976, and will also be tested in rat feeding studies undertaken by the Manufacturing Chemists Association, in response to the November 4, 1974 proposal.

The Commissioner stated in the proposal that the data on hand, in view of current toxicological test standards, are inadequate to set a definitive no-effect level for acrylonitrile monomer. However, no data have been presented indicating that the previously accepted no-effect level (highest level fed at which no statistically significant effects were noted) of 38 ppm is not safe. The finding of hind leg paralysis in pregnant rats in the Public Health Service feeding study was observed only when the animals were fed at a level of 500 ppm of the diet. Therefore, the Commissioner concludes that the data available are adequate to support this interim action while more definitive data are being developed.

25. One comment compared the chemical similarity of acrylonitrile to vinyl chloride, drawing the conclusion that because vinyl chloride has been found to be a carcinogen FDA should question the safety of acrylonitrile.

The Commissioner, as stated in paragraph 24 of this preamble, has no data indicating that acrylonitrile monomer is a carcinogen. The Commissioner concludes that the question of structural similarity is most relevant in judging the potential for carcinogenicity where there is an absence of data derived from studies where the compound has been studied directly in chronic feeding studies.

26. Five comments questioned in general the migration of acrylonitrile monomer from acrylonitrile copolymer bottles. Specific comments were as follows:

a. One comment quoted migration data from food additive petitions indicating up to 0.52 ppm acrylonitrile monomer for the duPont NR–16 copolymer and up to 0.3 ppm for the Lopac II polymer and stated that these levels were not properly considered before regulating these copolymers.

The Commissioner states that all data available to the agency were considered in the evaluation of these two polymers. The Commissioner notes that both of these polymers have been tested in accordance with § 121.4010. In the opinion of FDA, neither polymer will migrate in excess of the limit specified in § 121.4010, when used to package food in accordance with regulations issued for their use. No specific response can be made to the contention that the migration levels cited in the comment were not considered; the levels cited appear in a number of contexts in the data and the comment did not refer to any one in particular.

The Commissioner is of the opinion that the testing criteria for all indirect food additives are heavily weighted in favor of the consumer to assure the safety of the food additives. In the case of acrylonitrile copolymers, testing for 6 months at 120° F is a more severe situation than would be encountered in actual use. Degradation of the reversible acrylonitrile/mercaptan complexes is considerably greater at 120° F than at the average 72° F temperature of the home. Moreover, degradation of reversible complexes and the release of trapped monomeric acrylonitrile from a copolymer are correspondingly lower at refrigeration temperatures.

Also, some tests, like accelerated aging at higher temperatures than would normally be encountered, are requested for the purpose of establishing rapid maximum extraction tests for the polymer. These tests will ordinarily produce migration data that to the untrained reviewer might appear to be excessive migration.

The Commissioner has placed on public display in the office of the Hearing Clerk, Food and Drug Administration, the only data thus far received on long-term storage of soft drinks in acrylonitrile bottles. These data were presented by the Vistron Corp. after analysis of samples of Seven-Up and Pepsi Cola stored in laboratories and offices without refrigeration for 4 years. The data indicate no acrylonitrile migration in excess of 0.01 ppm.

b. One comment questioned the safety of the migration of hydrogen cyanide from acrylonitrile bottles and cited levels of up to 0.4 ppm in 3 percent acetic acid, stating that FDA has not established safety standards for this compound.

The Commissioner finds, as in the case of the acrylonitrile monomer extractions, that the hydrogen cyanide extractions were performed under conditions more severe than those that will be encountered in ordinary storage or use. The acrylonitrile copolymers under the conditions of use prescribed in their respective regulations would not be expected to produce any significant hydrogen cyanide migration to foods. This is further discussed in paragraph 27 of this preamble.

c. One comment stated that FDA had not established safety standards for *n*-dodecylmercaptan, the chain transfer agent used in manufacturing a number of acrylonitrile copolymers.

The Commissioner advises that a 30-day pilot feeding study and a progress report on a 2-year feeding study, including reproduction data, on *n*-dodecylmercaptan have been submitted to FDA. These data are available from the Public Records and Documents Center, Food and Drug Administration, HFC–18, 5600 Fishers Lane, Rockville, MD 20852. Under the conditions of use specified in § 121.2625, there would be virtually no migration of this additive.

27. In addition to comments on the proposal and the draft environmental impact statement, an objection was made concerning the regulation for acrylonitrile/butadiene/styrene copolymer under § 121.2633 (21 CFR 121.2633) published in the FEDERAL REGISTER of September 4, 1975. The objection was not received within the time allotted for comment on the regulation, but will be discussed here because it bears on the safety of acrylonitrile copolymers. The objection questioned the safety of hydrogen cyanide (HCN) that may migrate in small quantities from acrylonitrile copolymers into food packaged in acrylonitrile containers.

The Commissioner is aware that HCN is formed during the manufacture of acrylonitrile copolymers and that small amounts of it are trapped within the polymer. Under highly exaggerated extraction testing conditions (120° F for 6 months), HCN was found at levels up to 0.5 ppm in acetic acid test solutions used to test a specific, rubber modified, acrylonitrile copolymer. When tested under more realistic conditions (73° F for 6 months), migration of HCN from the copolymer was found to be less than 0.1 ppm. Under actual use conditions the Commissioner expects even less migration of this substance.

The Commissioner, recognizing that there exists the potential for low level migration of both HCN and acrylonitrile monomer from certain of the acrylonitrile copolymers, set forth in the proposal a requirement for tests to determine whether there exists a synergistic effect from the simultaneous ingestion of low levels of these two substances. That requirement is made final in this document.

The toxicity of HCN has been widely studied. In the opinion of the Commissioner, HCN poses no acute health hazard at the level of migration found even during the exaggerated extraction testing of the acrylonitrile copolymer bottle. However, the Commissioner, after reviewing applicable food additive petitions, finds that the issue of the possible chronic toxicity of ingestion of small amounts of HCN over long periods of time, even though not considered a health hazard by FDA toxicologists, has not been fully documented by the petitioners. Therefore, the Commissioner is modifying § 121.4010(e) to include a requirement for a complete literature search on the issue of chronic toxicity of ingested HCN.

The potential for HCN migration is of concern primarily in those copolymers intended for use as beverage bottles. Of the four regulations permitting acrylonitrile copolymers as beverage bottles, only one, § 121.2629 *Acrylonitrile/styrene copolymer* (21 CFR 121.2629), is currently in use in the United States as a beverage bottle. The Commissioner notes with interest that the firm manufacturing this copolymer removes HCN from the copolymer prior to fabrication into a bottle. Extraction tests submitted in the petition for this bottle indicate no detectable HCN under exaggerated test conditions with analytical determinations in 3 percent acetic acid utilizing methodology sensitive to 50 parts per billion (ppb). The Commissioner urges other acrylonitrile copolymer manufacturers to develop similar procedures for the removal of HCN from their acrylonitrile copolymers. Although the HCN apparently presents no hazard, it is always good practice to eliminate contaminants if possible.

As there have been no data submitted to FDA defining any health hazard from the long-term ingestion of small quantities of HCN, it would be premature to require additional feeding studies at this time. The Commission will review chronic exposure data from the literature review and data submitted in response to the HCN and acrylonitrile monomer synergism study and will determine the need for additional feeding studies. Should such studies be deemed necessary, appropriate limitations on HCN will be included in § 121.4010 and additional toxicological feeding studies will be required.

Additionally, the Commissioner will institute studies within FDA to define the degree of exaggeration represented by 120° F storage of beverages for a 6-month period and will consider the results when prescribing any limitation on HCN that may be included in § 121.4010.

The Commissioner has carefully considered the environmental effects of the regulations and, because the action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration. This assessment is separate from the environmental impact statement that is being prepared for plastic bottles, although that statement will discuss bottles made from acrylonitrile.

No inflation impact assessment has been prepared for the regulations as the proposed regulation was published prior to the requirement for consideration of the inflation impact of proposed regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In Subpart D, in § 121.1148 by adding new paragraph (e) to read as follows:

§ 121.1148 Ion-exchange resins.

* * * * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

2. In Subpart E new § 121.2010 is added to read as follows:

§ 121.2010 Acrylonitrile copolymers and resins.

(a) Acrylonitrile copolymers and resins listed in this section, containing less than 30 percent acrylonitrile and complying with the requirements of paragraph (b) of this section, may be safely used as follows:

(1) *Films.* (i) Acrylonitrile/butadiene styrene copolymers—no restrictions.

(ii) Acrylonitrile/butadiene/styrene copolymers—no restrictions.

(iii) Acrylonitrile/butadiene copolymer blended with vinyl chloride-vinyl acetate (optional at level up to 5 percent by weight of the vinyl chloride resin) resin—for use only in contact with oleomargarine.

(iv) Acrylonitrile styrene copolymer—no restrictions.

(2) *Coatings.* (i) Acrylonitrile/butadiene copolymer blended with polyvinyl chloride resins—for use only on paper and paperboard in contact with meats and lard.

(ii) Polyvinyl chloride resin blended with either acrylonitrile/butadiene copolymer or acrylonitrile/butadiene styrene copolymer mixed with neoprene, for use as components of conveyor belts to be used with fresh fruits, vegetables, and fish.

(iii) Acrylonitrile/butadiene/styrene copolymer—no restrictions.

(iv) Acrylonitrile/styrene copolymer—no restrictions.

(3) *Rigid and semirigid containers.* (i) Acrylonitrile/butadiene/styrene copolymer—for use only as piping for handling food products and for repeated-use articles intended to contact food.

(ii) Acrylonitrile/styrene resin—no restrictions.

(iii) Acrylonitrile/butadiene copolymer blended with polyvinyl chloride resin—for use only as extruded pipe.

(b) Limitations for acrylonitrile monomer extraction for finished food-contact articles, determined by using methods of analysis available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204, are as follows:

(1) In the case of single-use articles having a volume to surface ratio of 10 milliliters or more per square inch of food-contact surface—0.003 milligram/square inch when extracted to equilibrium at 120° F with food-simulating solvents appropriate to the intended conditions of use.

(2) In the case of single-use articles having a volume to surface ratio of less than 10 milliliters per square inch of food-contact surface—0.3 part per million calculated on the basis of the volume

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of the container when extracted to equilibrium at 120° F with food-simulating solvents appropriate to the intended conditions of use.

(3) In the case of repeated-use articles—0.003 milligram/square inch when extracted at a time equivalent to initial batch usage utilizing food-simulating solvents and temperatures appropriate to the intended conditions of use.

The food-simulating solvents shall include, where applicable, distilled water, 8 percent or 50 percent ethanol, 3 percent acetic acid, and either *n*-heptane or an appropriate oil or fat.

(c) Acrylonitrile monomer may present a hazard to health when ingested. Accordingly, any food-contact article containing acrylonitrile copolymers or resins that yield acrylonitrile monomer in excess of that amount provided for in paragraph (b) of this section shall be deemed to be adulterated in violation of section 402 of the act.

3. In Subpart F, in § 121.2507 by adding new paragraph (e) to read as follows:

§ 121.2507 Cellophane.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

4. In Subpart F, in § 121.2514 by adding new paragraph (h) to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(h) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

5. In Subpart F, in § 121.2526 by adding new paragraph (e) to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010, except where the copolymers are restricted to use in contact with food only of the type identified in paragraph (c) table (2) under category VIII.

6. In Subpart F, in § 121.2536 by adding new paragraph (n) to read as follows:

§ 121.2536 Filters, resin-bonded.

* * * * *

(n) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

7. In Subpart F, in § 121.2543 by adding new paragraph (d) to read as follows:

§ 121.2543 Packaging materials for use during the irradiation of prepackaged foods.

* * * * *

(d) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

8. In Subpart F, in § 121.2562 by adding new paragraph (i) to read as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * * * *

(i) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

9. In Subpart F, in § 121.2569 by adding new paragraph (d) to read as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * *

(d) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

10. In Subpart F, in § 121.2577 by adding new paragarph (c) to read as follows:

§ 121.2577 Pressure-sensitive adhesives.

* * * * *

(c) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

11. In Subpart F, in § 121.2591 by adding new paragraph (e) to read as follows:

§ 121.2591 Semirigid and rigid acrylic and modified acrylic plastics.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

12. In Subpart F, in § 121.2597 by adding new paragraph (e) to read as follows:

§ 121.2597 Polymer modifiers in semirigid and rigid vinyl chloride plastics.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

13. In Subpart F, in § 121.2600 by adding new paragraph (e) to read as follows:

§ 121.2600 Vinylidene chloride copolymer coatings for polycarbonate film.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

14. In Subpart F, in § 121.2614 by adding new paragraph (c) to read as follows:

§ 121.2614 Nitrile rubber modified acrylonitrile-methyl acrylate copolymers.

* * * * *

(c) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

15. In Subpart F, in § 121.2625 by adding new paragraph (f) to read as follows:

§ 121.2625 Acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer.

* * * * *

(f) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

16. In Subpart F, in § 121.2627 by adding new paragraph (e) to read as follows:

§ 121.2627 Acrylonitrile/butadiene/styrene/methyl methacrylate copolymer.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

17. In Subpart F, in § 121.2629 by adding new paragraph (e) to read as follows:

§ 121.2629 Acrylonitrile/styrene copolymer.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

18. In Subpart F, in § 121.2633 by adding new paragraph (e) to read as follows:

§ 121.2633 Acrylonitrile/butadiene/styrene copolymer.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

19. In Subpart F, in § 121.2634 by adding a new paragraph (f) to read as follows:

§ 121.2634 Ultra-filtration membranes.

* * * * *

(f) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

20. In Subpart H, new § 121.4010 is added to read as follows:

§ 121.4010 Acrylonitrile copolymers.

Acrylonitrile copolymers may be safely used on an interim basis as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) Limitations for acrylonitrile monomer extraction for finished food-contact articles, determined by using methods of analysis available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204, are as follows:

(1) In the case of single-use articles having a volume to surface ratio of 10 milliliters or more per square inch of food contact surface—0.003 milligram/square inch when extracted to equilibrium at 120° F with food-simulating solvents appropriate to the intended conditions of use.

(2) In the case of single-use articles having a volume to surface ratio of less than 10 milliliters per square inch of food contact surface—0.3 part per million calculated on the basis of the volume of the container when extracted to equilibrium at 120° F with food-simulating solvents appropriate to the intended conditions of use.

(3) In the case of repeated-use articles—0.003 milligram/square inch when extracted at a time equivalent to initial batch usage utilizing food-simulating solvents and temperatures appropriate to the intended conditions of use.

The food-simulating solvents shall include, where applicable, distilled water, 8 percent or 50 percent ethanol, 3 percent acetic acid, and either *n*-heptane or an appropriate oil or fat.

(b) Where necessary, current regulations permitting the use of acrylonitrile copolymers shall be revised to specify limitations on acrylonitrile/mercaptan complexes utilized in the production of acrylonitrile copolymers. Such copolymers, if they contain reversible acrylonitrile/mercaptan complexes and are used in other than repeated-use conditions, shall be tested to determine the identity of the complex and the level of the complex present in the food-contact article. Such testing shall include determination of the rate of decomposition of the complex at temperatures of 100° F, 160° F, and 212° F using 3 percent acetic acid as the hydrolic agent. Acrylonitrile monomer levels, acrylonitrile/mercaptan complex levels, acrylonitrile oligomer levels, descriptions of the analytical methods used to determine the complex and the acrylonitrile migration, and validation studies of these analytical methods shall be submitted by June 9, 1977, to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, D.C. 20204, unless an extension is granted by the Food and Drug Administration for good cause shown. Analytical methods for the determination of acrylonitrile complexes with *n*-dodecylmercaptan, *n*-octyl mercaptan, and 2-mercaptoethanol are available upon request from the Division of Food and Color Additives.

(c) The following data shall be provided for finished food-contact articles intended for repeated use:

(1) Qualitative and quantitative migration values at a time equivalent to initial batch usage, utilizing solvents and temperatures appropriate to the intended conditions of use.

(2) Qualitative and quantitative migration values at the time of equilibrium extractions, utilizing solvents and temperatures appropriate to the intended conditions of use.

(3) Data on the volume and/or weight of food handled during the initial batch time period(s), during the equilibrium test period, and over the estimated life of the food-contact surface.

(d) Where acrylonitrile copolymers represent only a minor component of a polymer system, calculations based on 100 percent migration of the acrylonitrile component may be submitted in lieu of the requirements of paragraphs (a), (b), and (c) of this section in support of the continued safe use of acrylonitrile copolymers.

(e) On or before September 13, 1976, any interested person shall satisfy the Commissioner of Food and Drugs that toxicological feeding studies adequate and appropriate to establish safe conditions for the use of acrylonitrile copolymers have been, or soon will be, undertaken. Toxicity studies of acrylonitrile monomer shall include (1) lifetime feeding studies with a mammalian species, preferably with animals exposed in utero to the chemical, (2) studies of multigeneration reproduction with oral administration of the test material, (3) assessment of teratogenic and mutagenic potentials, (4) subchronic oral administration in a nonrodent mammal, (5) tests to determine any synergistic toxic effects between acrylonitrile monomer and cyanide ion, and (6) a literature search on the effects of chronic ingestion of hydrogen cyanide. Data on levels of acrylamide extractable from acrylonitrile copolymers shall also be submitted. Protocols of testing should be submitted for review to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St. SW., Washington, D.C. 20204.

(f) Acrylonitrile copolymers may be used in contact with food only if authorized in § 121.2010 or in Subpart F of this part, except that other uses of acrylonitrile copolymers in use prior to June 14, 1976, may continue under the following conditions:

(1) On or before August 13, 1976, each use of acrylonitrile copolymers in a manner not authorized by § 121.2010 or Subpart F of this part shall be the subject of a notice to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St. SW., Washington, DC 20204. Such notice shall be accompanied by a statement of the basis, including any articles and correspondence, on which the user in good faith believed the use to be prior-sanctioned. The Commissioner of Food and Drugs shall, by notice in the FEDERAL REGISTER, identify any use of acrylonitrile copolymers not in accordance with this paragraph. Those uses are thereafter unapproved food additives and consequently unlawful.

(2) Any use of acrylonitrile copolymers subject to paragraph (f) (1) of this section shall be the subject of a petition submitted on or before December 13, 1976, in accordance with § 121.51, unless an extension of time is granted by the Food and Drug Administration for good cause shown. Any application for extension shall be by petition submitted in accordance with the requirements of Part 2 of this chapter. If a petition is denied, in whole or in part, those uses subject to the denial are thereafter unapproved food additives and consequently unlawful.

(3) Any use of acrylonitrile copolymers subject to paragraph (f) (1) of this section shall meet the acrylonitrile monomer extraction limitation set forth in paragraph (a) of this section and shall be subject to the requirements of paragraph (b) of this section.

(g) In addition to the requirements of this section, the use of acrylonitrile copolymers shall comply with all applicable requirements in other regulations in this part.

Any person who will be adversely affected by the provisions of the foregoing order, other than the issuance of § 121.2010, may at any time on or before July 14, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall be effective June 14, 1976, except that § 121.2010 is effective July 14, 1976.

(Secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371).)

Dated: June 8, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-17121 Filed 6-9-76;11:02 am]

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

Chlortetracycline Soluble Powder

The Food and Drug Administration (FDA) approves new animal drug application (65-096V) filed by Philips-Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing safe and effective use of chlortetracycline soluble powder as an aid in the control and treatment of bacterial pneumonia and bacterial enteritis of calves and swine. The approval is effective June 14, 1976.

The Commissioner of Food and Drugs is amending § 546.110c (21 CFR 546.110c) to reflect this approval.

In addition, the Commissioner concludes that the regulation should reflect those conditions of use for chlortetracycline that were evaluated by the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, and deemed to be effective by the Academy and the Food and Drug Administration. Those conditions of use are identified by a footnote. Submitted applications that include such conditions of use need not include data required by § 514.111 (21 CFR 514.111) to establish the effectiveness of the drug for such usage, but they may require bioequivalency and safety data.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the

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safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 546 is amended in § 546.110c by revising paragraph (c)(2) and adding new paragraph (c)(5)(iii) and (iv) to read as follows:

§ 546.110c Chlortetracycline powder (chlortetracycline hydrochloride powder).

• • • • • •

(c) • • •

(2) *Sponsor.* No. 010042 in § 510.600(c) of this chapter for conditions of use as in paragraph (c)(5)(i) and (ii) of this section; No. 000010 for conditions of use as in paragraph (c)(5)(iii) and (iv) of this section.

• • • • • •

(5) • • •

(iii) *Swine.* It is used as chlortetracycline hydrochloride in drinking water as follows:

(a) *Amount.* One gram per gallon to provide approximately 10 milligrams per pound of body weight daily.[1]

(b) *Indications for use.* It is used as an aid in the control and treatment of bacterial enteritis (scours) caused by *Escherichia coli* and bacterial pneumonia associated with *Pasteurella spp., Hemophilus spp.*, and *Klebsiella spp.*[1]

(c) *Limitations.* Prepare a fresh solution twice daily, as sole source of chlortetracycline, administer for not more than 45 days, do not slaughter animals for food within 5 days of treatment.

(iv) *Calves.* It is used as a chlortetracycline hydrochloride drench as follows:

(a) *Amount.* One level tablespoonful per each 98 pounds of body weight every 12 hours to provide approximately 10 milligrams per pound of body weight daily.[1]

(b) *Indications for use.* It is used as an aid in the control and treatment of bacterial enteritis (scours) caused by *Escherichia coli* and bacterial pneumonia (shipping fever) associated with *Pasteurella spp., Hemophilus spp.*, and *Klebsiella spp.*[1]

(c) *Limitations.* As sole source of chlortetracycline, administer for not more than 5 days, do not slaughter animals for food within 24 hours of treatment.

[1] These claims are NAS/NRC reviewed and are deemed effective. Applications for these uses need not include the effectiveness data specified by § 514.111 of this chapter.

Effective date: This amendment shall be effective June 14, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: June 3, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-17122 Filed 6-11-76;8:45 am]

Title 23—Highways

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Revision of Supplement C (Volume 103—Annual Work Program)

● The purpose of this notice is to extend and modify the provisions of Supplement C (Volume 103—Annual Work Program) to 23 CFR Part 1204 (40 FR 53730) ●

Each State carrying out a highway safety program pursuant to 23 U.S.C. 402 has been required by the National Highway Traffic Safety Administration and the Federal Highway Administration to submit an Annual Work Program consisting of the State's overall plan for achieving its objectives for the year of the program in order to receive its share of highway safety funds that year. This notice extends through Fiscal Year 1977 the policies and procedures for submission of Annual Work Programs set out in Supplement C. In addition, this notice announces certain revisions made to Supplement C by NHTSA and FHWA.

Beginning with Fiscal Year 1977, the fiscal year will commence October 1 instead of July 1. To reflect the new fiscal year, the date for submission of the Annual Work Program is hereby changed from May 1 to July 1.

A second revision concerns those States that are scheduled to participate in a Highway Safety Management System pilot program. NHTSA and FHWA hereby exempt the States that implement the pilot program from the requirement that they submit a Fiscal Year 1977 Annual Work Program.

A final revision allows the States to reduce the paperwork load imposed by the AWP by incorporating portions of their Comprehensive Plans by reference.

In consideration of the foregoing, Supplement C (Volume 103—Annual Work Program) to 23 CFR Part 1204 is amended as follows:

1. Paragraph 2 of Chapter III, *Annual Work Program Submission and Approval*, is amended as follows:

The Annual Work Program shall be submitted no later than July 1 to NHTSA and FHWA. This date will provide for an adequate review period and for executing the Federal-aid AWP agreement prior to October 1.

2. Paragraph 7 is added to Chapter III, *Annual Work Program Submission and Approval*, as follows:

7. A State that participates in the pilot program of the new Highway Safety Management System Plan is hereby exempt during the period of its participation from the requirement to submit a Fiscal Year 1977 Annual Work Program.

3. Paragraph 6 is added to Chapter IV, *Content of Annual Work Program*, as follows:

6. To avoid duplication of information previously provided in the Comprehensive Plan (CP) the States may use the following procedures to meet the provisions of Supplement C. To the extent that the following data are in the CP, they may be incorporated in the AWP by appropriate reference:

a. The Program Analysis Section (Chapter IV, Paragraph 3).

b. The Subelement Plan (Form HS–57) data for two future years (FY +1, FY +2).

c. The narrative discussion of activities in subelements implemented entirely with State and local funds where such funds are not used in matching Section 402 funds (Chapter IV, Paragraph 4.c).

(Pub. L. 89–564, 80 Stat. 731, 23 U.S.C. 401 et seq., delegations at 49 CFR 1.48 and 49 CFR 1.50.)

Issued on June 8, 1976.

Effective date: June 14, 1976.

JAMES B. GREGORY,
National Highway Traffic Safety Administrator.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-17245 Filed 6-11-76;8:45 am]

PART 1250—POLITICAL SUBDIVISION PARTICIPATION IN STATE HIGHWAY SAFETY PROGRAMS

This notice announces that the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) have adopted new guidelines for determining the extent of political subdivision participation in State Highway Safety Programs. These new guidelines replace the previous uncodified directive on this subject, NHSB Order 462–8, "Political Subdivision Participation in State Highway Safety Programs," dated November 21, 1968. The new guidelines (1) specify the NHTSA and FHWA field office policy and procedures to be followed in determining the extent of political subdivision program participation and expenditures, (2) interpret the intent of Congress in providing for political subdivision participation, and (3) provide examples of political subdivision expenditures of 402 funds.

Under the Highway Safety Act of 1966 (23 U.S.C. 402(b)(1)(C)), every State highway safety program must provide that, at least 40 percent of all Federal funds apportioned to the State under that section for any fiscal year be expended by the State's political subdivisions. The only exception to this requirement is when the Secretary determines there is an insufficient number of local highway safety programs in the State to justify requiring such a percentage expenditure over a particular fiscal year. These guidelines are provided to assist the States in their compliance with the requirements of 23 U.S.C. 402(b)(1)(C).

The agencies plan to codify many of the existing directives in the highway safety program. These directives will be adapted to the CFR format, without any change in substance, and will be published in the FEDERAL REGISTER at a later date.

Chapter II of Title 23, Code of Federal Regulations, is hereby amended by adding Subchapter C—General Provisions, consisting of Part 1250—Political Subdivision Participation in State Highway Safety Programs, as set forth below.

Effective date: June 14, 1976.

Issued on: June 7, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.
JAMES B. GREGORY,
National Highway Traffic Safety Administrator.

Sec.
1250.1 Scope.
1250.2 Purpose.
1250.3 Policy.
1250.4 Determining local share.
1250.5 Waivers.

AUTHORITY: 23 U.S.C. 315, 402(b); and delegations of authority at 49 CFR 1.48 and 1.50.

§ 1250.1 Scope.

This part establishes guidelines for the States to assure their meeting the requirements for 40 percent political subdivision participation in State highway safety programs under 23 U.S.C. 402(b)(1)(C).

§ 1250.2 Purpose.

The purpose of this part is to provide guidelines to determine whether a State is in compliance with the requirement that at least 40 percent of all Federal funds apportioned under 23 U.S.C. 402 will be expended by political subdivisions of such State.

§ 1250.3 Policy.

To assure that the provisions of 23 U.S.C. 402(b)(1)(C) are complied with, the NHTSA and FHWA field offices will:

(a) Prior to approving the State's Annual Work Program (AWP), review the AWP and each of the subelement plans which make up the AWP. The NHTSA Regional Administrator will review the 14½ safety standard areas for which NHTSA is responsible and the FHWA Division Administrator will review the 3½ safety standard areas for which FHWA is responsible. The narrative description for each subelement plan should contain sufficient information to identify the funds to be expended by, or for the benefit of the political subdivisions.

(b) Withhold approval of a State's AWP, as provided in Highway Safety Program Manual Volume 103, Chapter III, Paragraph 3c, where the program does not provide at least 40 percent of Federal funds for planned local program expenditures.

(c) During the management review of the State's operations, determine if the political subdivisions had an active voice in the initiation, development and implementation of the programs for which such sums were expended.

§ 1250.4 Determining local share.

(a) In determining whether a State meets the requirement that at least 40 percent of Federal 402 funds be expended by political subdivisions, FHWA and NHTSA will apply the 40 percent requirement sequentially to each fiscal year's apportionments, treating all apportionments made from a single fiscal year's authorizations as a single entity for this purpose. Therefore, at least 40 percent of each State's apportionments from each year's authorizations must be used in the highway safety programs of its political subdivisions prior to the period when funds would normally lapse. The 40 percent requirement is applicable to the State's total Federally funded safety program irrespective of Standard designation or Agency responsibility.

(b) When Federal funds apportioned under 23 U.S.C. 402 are expended by a political subdivision, such expenditures are clearly part of the local share. Local safety project related expenditures and associated indirect costs, which are reimbursable to the grantee local governments, are classifiable as the local share of Federal funds. Illustrations of such expenditures are the cost incurred by a local government in planning and administration of project related safety activities, driver education activities, traffic court programs, traffic records system improvements, upgrading emergency medical services, pedestrian safety activities, improved traffic enforcement, alcohol countermeasures, highway debris removal programs, pupil transportation programs, accident investigation, surveillance of high accident locations, and traffic engineering services.

(c) When Federal funds apportioned under 23 U.S.C. 402 are expended by the State or a State agency for the benefit of a political subdivision, such funds may be considered as part of the local share, provided that the political subdivision benefitted has had an active voice in the initiation, development, and implementation of the programs for which such funds are expended. In no case may the State arbitrarily ascribe State agency expenditures as "benefitting local government." Where political subdivisions have had an active voice in the initiation, development, and implementation of a particular program, and a political subdivision which has not had such active voice agrees in advance of implementation to accept the benefits of the program, the Federal share of the cost of such benefits may be credited towards meeting the 40 percent local participation requirement. Where no political subdivisions have had an active voice in the initiation, development, and implementation of a particular program, but a political subdivision requests the benefits of the program as part of the local government's highway safety program, the Federal share of the cost of such benefits may be credited towards meeting the 40 percent local participation requirement. Evidence of consent and acceptance of the work, goods or services on behalf of the local government must be established and maintained on file by the State, until all funds authorized for a specific year are expended and audits completed.

(d) State agency expenditures which are generally not classified as local are within such standard areas as vehicle inspection, vehicle registration and driver licensing. However, where these Standards provide funding for services such as: driver improvement tasks administered by traffic courts, or where they furnish computer support for local government requests for traffic record searches, these expenditures are classifiable as benefitting local programs.

§ 1250.5 Waivers.

While the 40 percent requirement may be waived in whole or in part by the Secretary or his delegate, it is expected that each State program will generate political subdivision participation to the extent required by the Act so that requests for waivers will be minimized. Where a waiver is requested, however, it will be documented at least by a conclusive showing of the absence of legal authority over highway safety activities at the political subdivision levels of the State and will recommend the appropriate percentage participation to be applied in lieu of the 40 percent.

[FR Doc.76-17045 Filed 6-11-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–2030]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available

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from the Federal Insurance Administra- be contrary to the public interest. The

Title 27—Alcohol, Tobacco Products and

It has, therefore, been impractical for of the entire section; and (3) by sub- and public procedure thereon under 5

from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Alabama	Coosa	Castleberry, town of	June 7, 1976, emergency	Apr. 4, 1975	010050
Illinois	Saline	Eldorado, city of	July 21, 1975, emergency; June 1, 1976, withdrawal.		170596A
Kentucky	Bullitt	Shepherdsville, city of	June 7, 1976, emergency	May 24, 1974 Mar. 5, 1976	210028A
Louisiana	Jefferson	Jean Lafitte, village of	Sept. 30, 1975, emergency; Mar. 26, 1976, regular.	Mar. 26, 1976	220371A
Michigan	Barry	Hope, township of	June 7, 1976, emergency		260681
Missouri	Ripley	Naylor, city of	do	Mar. 1, 1975 Nov. 21, 1975	290314A
Nebraska	Dixon	Newcastle, village of	do	Sept. 19, 1975	310806
New Hampshire	Coos	Lancaster, town of	Nov. 12, 1971, emergency; Apr. 13, 1973, regular; July 20, 1975, suspended; June 1, 1976, reinstated.	Apr. 13, 1973	335277A
Pennsylvania	Delaware	Brookhaven, borough of	May 26, 1976, suspension withdrawn.	Feb. 9, 1973	420403A
Utah	Tooele	Unincorporated areas	June 7, 1976, emergency		490140
Vermont	Lamoille	Hyde Park, town of	do	Dec. 6, 1974	500230
Do	do	Hyde Park, village of	do	Aug. 30, 1974	500231
•	•	•	•	•	•
Alabama	Marengo	Thomaston, town of	June 8, 1976, emergency	Jan. 10, 1975	010273
Louisiana	De Soto	South Mansfield, village of,	do	Mar. 26, 1976	220813
New Hampshire	Merrimack	Salisbury, town of	do	Feb. 21, 1975	330121
New York	Allegany	Angelica, village of	do	Dec. 6, 1974	360023
Do	Wayne	Wolcott, town of	do	June 28, 1974	360901
•	•	•	•	•	•
Kansas	Coffey	New Strawn, city of	June 11, 1976, emergency	Nov. 22, 1974	200067
Maine	Hancock	Brooksville, town of	do	Feb. 21, 1975	230276
Michigan	Eaton	Carmel, township of	do		[1] 260082
Minnesota	Crow Wing	Fifty Lakes, city of	do	Oct. 18, 1974	270096
Ohio	Fairfield	Pickerington, village of,	do	June 28, 1974	390162A
Pennsylvania	Fulton	Bethel, township of	do		422429
Do	Allegheny	Versailles, borough of	do	Mar. 29, 1974	420081

[1] New community number.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: June 3, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17060 Filed 6-11-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-27]

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Imported Tobacco Statistics

● The purpose of these amendments to 27 CFR Part 275 is to relieve importers of cigars, cigarettes, cigarette papers, or cigarette tubes from the requirement that they prepare an extra copy of the customs importation form for the use of the Bureau of Alcohol, Tobacco and Firearms (ATF). ●

The preparation of these extra copies first became a requirement in the early 1960's. At the time, the procedures for taxpaying imported tobacco articles were changed so that importers would no longer be required to prepare two separate forms. Under the older procedures, an internal revenue tax return and a separate customs importation form had to be prepared. The internal revenue tax was paid to the internal revenue district director, whereas the customs duties were paid to Customs. Under the procedures instituted in 1961, however, the importer was required to prepare only the importation form, which would contain both internal revenue tax information and customs duty information. Thus, Customs was able to collect both the internal revenue tax and the customs duties. Since under the new procedures importers did not submit a copy of the tax return to ATF, it was required that they prepare one additional copy of the customs importation form for use by ATF.

A recent study by ATF concluded that the extra copies of the importation forms now serve only one useful purpose. They are used by ATF as source documents for statistics showing imported, taxable tobacco articles. The study further concluded that the requirement for the preparation of these extra copies could be eliminated if an acceptable, alternative source for tobacco statistics could be found. For any alternative source to be acceptable, it would have to show the eight internal revenue tax classes for cigars.

The Bureau of the Census also publishes statistics on imported tobacco articles, which it compiles from customs importation forms. Until recently, these census statistics reported imported cigars only according to the two categories by which customs duties are levied.

It has, therefore, been impractical for ATF to discontinue its statistics compiled from the extra customs importation forms since no alternative source of these statistics, based on tax classification, was available.

Through the efforts and cooperation of the Bureau of the Census, the U.S. Customs Service and the International Trade Commission, item 170.7200 of the Tariff Schedules of the United States (TSUS) was recently amended. As of January 1, 1975, TSUS item 170.7200, which is one of the two categories under which customs duties are levied on cigars, shows a further breakdown into TSUS items 170.7210 through 170.7280. These eight TSUS items correspond to the eight internal revenue tax classes, small cigars and class A through G large cigars, respectively. Since importers are required to indicate the TSUS item number on the importation forms, Census now compiles statistics on imported cigars according to the eight internal revenue tax classes. This will permit ATF to obtain statistics on imported tobacco articles directy from the Bureau of the Census and will eliminate the need for the extra customs importation form now required to be sent to ATF.

In consideration of the foregoing, 27 CFR Part 275 is amended as follows:

Paragraph 1. Section 275.11 is amended (1) by amending the definition of the obsolete term "collector of customs" to show that the current term is "district director of customs"; (2) by adding, in alphabetical order, a definition for the term "District director of customs" which reflects the current U.S. Customs Service organizational title; (3) by revising the definition of "Region" to show that the Bureau is no longer part of the Internal Revenue Service; and (4) by revising the definition of "This chapter" to show that the Bureau's regulations are now codified in Title 27. As amended, § 275.11 reads as follows:

§ 275.11 Meaning of terms.

• • • • •

Collector of customs. Wherever used in this part shall mean a district director of customs as defined in this section.

• • • • •

District director of customs. The district director of customs at the headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port.

• • • • •

Region. A Bureau of Alcohol, Tobacco and Firearms region.

• • • • •

This chapter. Chapter I, Title 27, Code of Federal Regulations.

• • • • •

Par. 2. Section 275.81 is revised (1) by deleting the requirement that importers prepare an extra copy of the customs entry form; (2) by changing the format of the entire section; and (3) by substituting the term "district director of customs" for the obsolete term "collector of customs". As revised, §275.81 reads as follows:

§ 275.81 Taxpayment.

(a) *General.* The provisions of this section apply to cigars, cigarettes, cigarette papers, and cigarette tubes upon which internal revenue tax is payable, and which are imported into the United States from a foreign country or are brought into the United States from Puerto Rico, the Virgin Islands, or a possession of the United States.

(b) *Method of payment.* The internal revenue tax shall be determined and paid to the district director of customs before the cigars, cigarettes, cigarette papers, or cigarette tubes are removed from customs custody. The tax shall be paid on the basis of a return on the customs form by which the cigars, cigarettes, cigarette papers, or cigarette tubes are released from customs custody.

(c) *Required information.* When cigars, cigarettes, cigarette papers, or cigarette tubes enter the United States for consumption, or when they are removed for consumption, the importer shall include on the customs form internal revenue tax information. The internal revenue tax information will consist of the following:

(1) *For cigarette papers:* For books or sets of each different numerical content, the importer will show the number of books or sets, the number of papers in each book or set, the rate of tax, and the tax due.

(2) *For cigarette tubes:* The importer will show the number of tubes, the rate of tax, and the tax due.

(3) *For cigarettes:* The importer will show whether the cigarettes are small (class A) or large (class B), the number of cigarettes, the rate of tax, and the tax due.

(4) *For cigars:* For each TSUS item number under which the cigars are being reported, the importer will show the number of cigars, the rate of tax, and the tax due.

(d) *Exceptions.* The provisions of this section shall not apply to:

(1) Cigars, cigarettes, cigarette papers, or cigarette tubes released from customs custody and transferred in bond to a U.S. manufacturer of tobacco products or cigarette papers and tubes (see §§ 275.85 and 275.135);

(2) Puerto Rican products on which the tax is prepaid or deferred (see Subpart G); and

(3) Taxpayments of cigars from class 6, customs bonded manufacturing warehouses (see § 275.151).

(68A Stat. 907, as amended, 72 Stat. 1417 (26 U.S.C. 7652, 5703))

Because this Treasury decision relieves importers from the requirement that they prepare an extra copy of the customs form and is liberalizing in nature, it is found that it is not necessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on June 14, 1976.

This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Signed: April 19, 1976.

REX D. DAVIS,
Director.

Approved: June 4, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-17128 Filed 6-11-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-159]

PART 175—EQUIPMENT REQUIREMENTS

Personal Flotation Devices—Exceptions

This amendment will revoke the exception from Personal Flotation Device (PFD) carriage requirements granted to persons using a canoe or kayak that is enclosed by a deck and spray skirt when they are wearing a certain specified type of vest lifesaving device (33 CFR 175.17(a)).

Notice of proposed rulemaking was published on February 4, 1975 (40 FR 5167) proposing revocation of 33 CFR 175.17(a) on October 1, 1975. This action was to be taken under the authority of Sections 5 and 39 of the Federal Boat Safety Act of 1971 (46 USC 1454, 1488).

The original comment period was from February 4, 1975 to April 17, 1975. This comment period was extended to May 31, 1975 by the April 22, 1975 issue of the FEDERAL REGISTER (40 FR 17762) and extended again to July 15, 1975 by the June 12, 1975 issue of the FEDERAL REGISTER (40 FR 25026).

During the period of February 4, 1975 to July 15, 1975 written and oral comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing this final rule.

In the March 28, 1973 issue of the FEDERAL REGISTER, the Coast Guard published new requirements for the carriage of personal flotation devices (PFD's) on board recreational boats. These PFD regulations were established in Part 175 of Title 33, Code of Federal Regulations. Section 175.17 (Exceptions) of the PFD regulations provides that:

§ 175.17 Exceptions. (a) A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with § 175.15(a) (Personal Flotation Devices required on canoes and kayaks) if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 pounds of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less

than 12 mil polyvinylchloride film and has

ing. These comments emphasized that

vices ready for inspection almost every

Guard approval using plastic foam have

ments for personal flotation devices

device can be removed in time of need.

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than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive bouyancy in fresh water, if worn by a person who weighs 90 pounds or less.

* * * * *

This exception was granted because white water canoeing requires special lifesaving equipment allowing maximum freedom of movement to manage the canoe and because the configuration of such canoes does not allow readily accessible stowage of lifesaving equipment. It was further recognized that, at the time of issuance of the regulations, there was no Coast Guard approved PFD of suitable characteristics on the market which would satisfy the requirements of the white water canoeist.

The Coast Guard, while granting this exception, considered that in the near future suitable PFD's would be developed which would be satisfactory for white water canoeing and which could be approved under existing PFD specifications (e.g. Type III). Therefore, in the preamble of the Notice of Proposed Rulemaking, dated 6 October 1972 (37 FR 21262), the Coast Guard served notice of its intent to allow the exception in § 175.17(a) to apply only until 1 July 1974.

Since promulgation of the PFD regulation, the Coast Guard has approved numerous Type III PFD's which, in the judgment of the Coast Guard, are suitable for use by white water canoeists.

In view of the presently approved devices and in the anticipation of further devices being submitted for approval, the Coast Guard is revoking the exception granted in 33 CFR 175.17(a). However, to allow additional time for operators to obtain approved PFD's this revocation will become effective on 1 October 1977, rather than 1 July 1974, as initially proposed, or 1 October 1975 as proposed in the February 4, 1975 notice of proposed rulemaking.

This amendment has been developed in accordance with the requirements of Section 6 of the Federal Boat Safety Act of 1971. The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered. The transcript of the proceedings of the meetings of the National Boating Safety Advisory Council at which this regulation was discussed are available for examination in Room 4224, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council at this address.

Several comments suggested that insufficient comment time was allowed on this regulation change. These comments were received early in the comment period and because of this the Coast Guard extended its comment period twice. The Coast Guard considers that the comment time, as extended, was adequate.

Several comments suggested that the Coast Guard should require the wearing of PFD's in white water because the requirement for carriage only is misleading. These comments emphasized that while boating in white water a PFD is useless unless worn. While the wearing of PFD's is much safer than just having one available, the requirement to wear PFD's at all times can be overly restrictive since there are times when one may rationally choose not to wear a PFD. The best way to insure the wearing of PFD's is through education, experience, and the designing of a more wearable PFD.

Several comments suggested that the Coast Guard should not require the wearing of PFD's not having Coast Guard approval that are described by 33 CFR 175.17(a). When the Coast Guard made the concession to allow the use of PFD's not having Coast Guard approval on these boats described by 33 CFR 175.17 (a) it was only with the stipulation that these devices be worn, thus settling for some margin of safety. After 1 October 1977 there will be no problem of the Coast Guard requiring the wearing of a PFD not having Coast Guard approval.

Several comments mentioned the economic burden that would result by removing the exception without a transition period. The Coast Guard agrees and has provided for the suggested transition period by changing the effective date from October 1, 1975 until October 1, 1977. In addition, there is no restriction on the use of additional equipment. This means that a person who has purchased a PFD not having Coast Guard approval can use that PFD as additional equipment as long as he also carries the required Coast Guard approved PFD.

Several comments suggested that Coast Guard approved PFD's that are suitable for use on kayaks or canoes with spray and deck skirts are not readily available for purchase. The Coast Guard agrees and has provided for a transition period by changing the effective date from October 1, 1975 to October 1, 1977 to allow time for a larger number of suitable PFD's to be introduced on the market and made available to the public.

Several comments mentioned that many white water enthusiasts wear a PFD not having Coast Guard approval and carry an approved PFD stowed in the boat. They commented that this puts them in compliance but is really a mockery of the regulation. It is important to have a consistent scheme of regulation within the framework of maximum personal freedom. The carriage requirement for PFD's provides a reasonable and necessary minimum safety standard, while still allowing choice as to what will be worn. In these cases PFD's not having Coast Guard approval are being used as additional equipment. This use is in compliance with regulations and is not a mockery of the law.

Several comments suggested that the exception is effectively no exception at all because it fails to recognize that the vast majority of white water vests not having Coast Guard approval use plastic foam as the buoyant material. These comments pointed out that the air cell type device described in § 175.17 (a) was in use at the time when the PFD regulation went into effect but since then many PFD's not having Coast Guard approval using plastic foam have become available. Many of these PFD's have now been submitted for approval or have been approved. These comments suggested that the Coast Guard extend the exception to cover these PFD's, allow these PFD's to be used for a period of two years or more and then revoke the exception. The Coast Guard carefully reviewed this course of action. After this review and consultation with NBSAC it was decided that broadening the exception would not encourage manufacturers to get their devices approved. Also broadening the exception would serve to increase the impact of eventual elimination of the exception in 1977. Therefore the idea was not adopted.

Several comments noted that white water enthusiasts use kits to design and build their own PFD's and some design their own PFD's. They wanted to know if it would be possible to have their individual kits approved and if field tests were possible. The Coast Guard approval process assures the user, within a certain probability, that the device will perform as it is designed and as required by Coast Guard Regulations. The basic design of the device is evaluated when submitted to the Coast Guard. Subsequently, an approval will be issued for the device based on this initial evaluation. Many of the tests performed on the device are destructive in nature and are intended to evaluate many aspects of the PFD design, such as seam width, seam strength, buoyancy, the strength of thread. In order to test all of these aspects of a PFD design it is not possible to conduct such evaluations in the field. The kits themselves cannot be approved because the varying levels of skill of the individuals constructing the kits creates construction variables. These variables make Coast Guard approval of the kits themselves impossible since there is no way to evaluate the performance of the completed PFD from an evaluation of the kit prior to construction. Testing and approval of an assembled kit, or an individual design, would destroy this one of a kind PFD as a necessary part of the approval process.

Several comments suggested that the cost for the approval process discriminates against the individual who makes his own device and the small manufacturer. As stated previously, it is not the cost that will not allow the Coast Guard to approve a device made by an individual for himself, it is the fact that the device will have to be destroyed in order to be tested for approval. The small manufacturer can obtain Coast Guard approval as well as the large. The cost for the initial evaluation must be the same for both a small manufacturer and a large manufacturer in that the same tests must be done on the same number of prototypes. For follow-up inspection a small manufacturer can utilize a procedure where he will call the inspector to his plant when he has produced enough devices for inspection. In this way, he will not be paying a continuing cost as would be the large manufacturer who has devices ready for inspection almost every week. It is recognized that due to economies of scale the cost of approvals is proportionally lower for the large manufacturer than the small manufacturer, however, this problem exists in all industries. The Coast Guard tries to keep approval problems to a minimum and does not consider the difference enough to make a significant impact on the sales of the small manufacturer.

Several comments suggested that the PFD's that do not have Coast Guard approval are better for their activities than the Coast Guard approved devices. Many of these PFD's have been submitted for Coast Guard approval or have later models that have received CG approval. It is felt that by October 1, 1977 the majority of the PFD's on the market for these activities will have Coast Guard approval. The Coast Guard also allows additional equipment to be on board. As long as the boater carries adequate Coast Guard approved PFD's on board he may carry or wear any additional equipment he wishes. Part of the Coast Guard approval procedures for PFD's is the follow-up lot inspections. Therefore a PFD not having Coast Guard approval that appears to be identical to a later model of the same PFD that has Coast Guard approval would not be acceptable as a Coast Guard approved PFD because it was not subject to a lot inspection.

Several comments suggested that the flotation padding located in the areas may be needed at a different location. The Coast Guard requirements for personal flotation devices are performance requirements and the specific location of flotation padding or any other component of the PFD are not specified. The completed device must comply with the general performance requirements. There are several Coast Guard approved PFD's suitable for white water use with flotation padding for a white water PFD specified by the comments.

Several comments suggested that the Coast Guard does not test PFD's for use in the white water environment. These comments are, in part, correct. The Coast Guard approves personal flotation devices for use by the general boating public. These approval tests include general tests for construction and performance. In some cases additional tests are performed. For example, a PFD that is identified as a competition ski jump vest must pass a 75 mph impact test instead of the usual 35 mph impact test. The Coast Guard is encouraging white water groups to establish specifications they believe are necessary for white water PFD's and to submit these to the manufacturers and the Coast Guard. The Coast Guard will make an effort to get manufacturers to develop, and submit to the Coast Guard for approval, PFD's designed with these specifications in mind.

Several comments suggested that flotation requirements for PFD's vary with the volume of water. These comments indicated that high volume water requires greater flotation than low volume water. The Coast Guard requirements for personal flotation devices specify a minimum amount of flotation, however, there is no upper limitation on the flotation which may be provided by a particular device. Education and experience will enable the white water enthusiasts to determine the amount of buoyancy his PFD should have as he moves up from low volume water which may require a PFD with only the minimum amount of flotation to high volume water which may require a PFD that exceeds the minimum amount of flotation.

One comment suggested that there are no approved PFD's that are suitable for women that are appropriate for white water use. All PFD's that are submitted for Coast Guard approval are evaluated on both men and women in the appropriate size range for the particular device. Perhaps there may not be many approved personal flotation devices suitable for women that are appropriate for white water use. However, it must be left to the white water enthusiast and the manufacturers of personal flotation devices to develop PFD's that are suitable for white water use. The Coast Guard does not have the authority to require manufacturers to submit PFD's to the Coast Guard for approval, it can only evaluate those devices submitted to it. The Coast Guard will make an effort to get manufacturers to develop and subsequently submit to the Coast Guard PFD's for use by women in the white water environment. Most of this effort, however, must come from the white water enthusiast and the PFD manufacturer.

Several comments suggested that some Coast Guard approved devices are not suitable for use in white water. The Coast Guard requirements for carriage of Coast Guard approved devices have been developed so that they apply for use by the general boating public. Certain devices may not be as appropriate as others under certain circumstances. However, it is through a detailed education program as well as the experience of many of the white water enthusiasts that the proper choice of device to be carried will be made by the user. The adequacy of devices is something that must be left up to the user, as what one considers adequate in a particular instance is not what another will consider adequate under the same circumstances. The user's choice should not be limited by the Coast Guard.

Several comments suggested that sometimes the wearing of a PFD may be dangerous. The Coast Guard requirements specify only the carriage of Coast Guard approved personal flotation devices and only the wearing of the device listed under the present exception. The wearing of a PFD in general is not dangerous. What is dangerous is becoming trapped in a PFD while still in the water and not being able to remove it at will. The types of closures allowed under present Coast Guard regulations are simple to operate and are tested to assure that they can be operated by an individual while in the water so that the device can be removed in time of need. Additionally there will be no requirement that PFD's be worn—only carried.

A few comments suggested that if a wet suit is worn a PFD need not be worn. While the wet suit may provide the same buoyancy as does a Coast Guard approved personal flotation device, most wet suits do not provide the buoyancy in the same location as will be necessary to get Coast Guard approval for a PFD. Since the wet suit does not provide the same performance as would a PFD, the wearing of wet suits would not affect the requirement for carriage of personal flotation devices.

One comment mentioned a Coast Guard publication that instructed Coast Guard personnel not to wear a life preserver over a wet suit because it may be dangerous. The person wanted to know the effect of this instruction on the recreational boater. There are occasions when all Coast Guard personnel are required to wear life preservers. These life preservers are not approved for use on recreational boats. They have larger amounts of buoyancy and are more difficult to don than the Type I Coast Guard approved PFD. It was found that when these life preservers were worn over wet suits and the person remained still in the water, the life preserver tended to roll the person in the water and may cause an unconscious person to float face down. Because of this the Coast Guard has told their personnel not to wear a life preserver over a wet suit. Other experiments of Coast Guard personnel wearing Coast Guard approved PFD's of lesser buoyancy over wet suits indicate that this is not a problem with these devices. The recreational boater is not limited in his choice of PFD's as Coast Guard personnel are. In addition the recreational boater is not required to wear a PFD. In high volume white water enthusiasts have found that in PFD's worn over their wet suits are necessary. The recreational boater through experience will be able to determine for himself when it is more advantageous to wear a PFD than to carry it.

One comment mentioned that canoes and kayaks are used in surf as a form of surfboard. This person said that if surfboard users are not required to wear a PFD then canoes and kayak operators should not be required to wear a PFD. The Coast Guard has determined that canoes and kayaks are boats and therefore, subject to Coast Guard regulations. In addition, the only PFD required to be worn, until October 1, 1977, is the PFD described in § 175.17 of Title 33 CFR. Coast Guard approved PFD's are only required to be carried.

Some comments suggested the Coast Guard accept a PFD recognized by the International Canoe Federation (ICF) in lieu of a Coast Guard approved device. The Coast Guard approval system is more stringent than ICF requirements. For example, the ICF has a minimum buoyancy requirement of 6 kilograms/13.2 lbs, while the Coast Guard's minimum requirement is 15.5 lbs. Also ICF does not have factory inspections of

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product runs at the manufacture site similar to the Coast Guard's approval program. Therefore, the Coast Guard cannot accept an ICF recognized device in lieu of a Coast Guard approved device.

Several comments suggested that if all persons in a canoe or kayak are wearing a helmet and flotation device, the approval requirement for the PFD should be waived. This suggestion is not acceptable because it allows for any form of flotation device without any check on the standards of construction or performance of that device.

Several comments suggested that the Coast Guard should not regulate white water craft. The Coast Guard has the authority and the responsibility to regulate all boats used on waters subject to the jurisdiction of the United States. In keeping with this responsibility and authority, the dangers associated with white water activity, justify the need for regulation.

Several comments suggested that this would be an unenforceable regulation. The Coast Guard will enforce the law on all waters that are subject to Coast Guard jurisdiction. It is anticipated that the majority of States will adopt this requirement into their state laws and that many states will enforce the regulation on waters subject to their exclusive jurisdiction as well as on waters subject to concurrent jurisdiction with the Federal Government. In addition all laws and regulations to a certain extent depend on the voluntary compliance of citizens.

Several comments suggested that education through the various white water clubs and associations is a better approach than a regulation. The Coast Guard has always put a great deal of emphasis on education and considers education the best method in the long run. However, in this case, a combination of a regulation and education is the best approach. This regulation provides the minimum PFD requirements and therefore is necessary to the combined approach.

Several comments suggested that white water enthusiasts endanger no one but themselves and that the Coast Guard is interfering with their personal freedom. The Coast Guard has been given the authority and responsibility to regulate boating safety on all waters subject to the jurisdiction of the United States. The requirement to carry a Coast Guard approved PFD or to wear a PFD described by § 175.17(a) is not an unreasonable infringement of personal freedom. A person using a boat improperly equipped is endangering other boaters and any potential rescuer. Additionally tragedies resulting from improper use can have social effects such as increased insurance rates, hospital costs, and public assistance costs to families left destitute.

Several comments suggested that the Coast Guard should exempt members of white water, canoe, or kayak clubs from the PFD regulations. Although club members may be safer boaters, the Coast Guard does not want to discriminate for or against any boaters because of their association with a particular group. In addition, the Coast Guard does not want to establish a precedent of allowing special groups special privileges.

Several comments suggested that the exception be extended to cover all canoes. The Coast Guard limited the exception to kayaks or canoes enclosed by a deck and spray skirt because this particular type of construction limits the type of PFD's available and in 1971 there were no Coast Guard approved PFD's available that filled this special requirement. There are and were more Coast Guard approved PFD's available that are appropriate for canoes not equipped with a deck and spray skirt and therefore it is not considered necessary to extend this exception to all canoes.

One comment suggested that the exception be written to read: canoe and kayak * * * instead of canoe or kayak. This comment said that the use of "or" implied that this regulation affects all canoes and only kayaks that were enclosed by a deck and spray skirt. The use of the word "or" may have been confusing so the text has been changed to read * * * "kayak or canoe" * * * to make clear that all kayaks and canoes with deck and spray skirts are covered by the exception.

One person commented that there is no representation for white water enthusiasts on the National Boating Safety Advisory Council (NBSAC). NBSAC consists of seven representatives from the States, seven representatives of the boating public, and seven representatives from the boating industries. In addition, NBSAC meetings are open to the public and public participation at these meetings is encouraged. There are many diverse types of recreational boating conducted within the United States. To have a representative from each specialized activity would not be feasible. Within the structure of public representation on NBSAC and public participation in the meeting, a reasonable representation of the boating public is achieved.

Several comments suggested that the same PFD law should apply to all recreational boats because it would cause less confusion for both the recreational boater and enforcement personnel. The Coast Guard agrees with this comment but believes it is important to allow for a transition period, which will permit manufacturer to develop appropriate equipment.

Several comments suggested that the real safety problems lie with "indiscriminate" canoe and kayak rental. These comments suggested that an inexperienced person could rent a canoe or kayak equipped with Coast Guard approved PFD's (usually type IV throwable devices that most white water enthusiasts consider to be useless in white water) and run white water with a false sense of security. These comments suggested that these are the people that are being killed in white water accidents. Although not directly related to this regulation, this is a problem that should be dealt with. This is an area where education is needed. Expert voluntary groups can provide invaluable assistance to the Coast Guard in this area.

In view of the presently approved devices the Coast Guard will revoke the exception granted in 33 CFR 175.17(a). However, to allow additional time for operators to obtain approved PFD's this revocation will become effective on October 1, 1977, rather than October 1, 1975 as proposed in the proposed Notice of rulemaking in the February 4, 1975 issue of the FEDERAL REGISTER (40 FR 5167).

In consideration of the foregoing 33 CFR § 175.17 paragraph (a) is revised to read as follows:

§ 175.17 Exceptions.

(a) Before October 1, 1977, a person using a kayak or canoe that is enclosed by a deck and spray skirt need not comply with § 175.15(a) if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 pounds of positive buoyancy in fresh water; if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 10 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive buoyance in fresh water, if worn by a person who weighs 90 pounds or less.

* * * * * *

(46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1).)

This amendment shall become effective October 1, 1977.

Signed at Washington, D.C., on June 4, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.76-17203 Filed 6-11-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

SALE OF STATE LOTTERY TICKETS

Miscellaneous Amendments

This document amends relevant postal regulations to be consistent with the Randolph-Sheppard Act Amendments of 1974 regarding the sale of State Lottery tickets at vending facilities operated by licensed blind persons. See section 203(a)(3) of Pub. L. 93-516, 20 U.S.C. 107a (Supp. IV, 1974).

In addition, regulations on philatelic windows and postal stores are amended to clarify postal procedures on the distribution of less-than-bulk quantities of commemorative stamps and to state postal policy on the sale of packaged stamps.

Other minor and editorial changes and corrections are also made to the regulations.

Accordingly, effective immediately, title 39, Code of Federal Regulations is amended as follows:

PART 232—POSTAL LOSSES AND OFFENSES

§ 232.3 [Amended]

1. In § 232.3, in the undesignated paragraph immediately before paragraph (a), and in paragraphs (h), (u) and (x), strike out the words "of this chapter" and insert "of the Postal Service Manual" in lieu thereof; in paragraph (b) strike out "§ 123.7 of this chapter" and insert "§ 123.44 of the Postal Service Manual" in lieu thereof; in paragraph (i) strike out "§ 123.3 of this chapter" and insert "§ 124.81 of the Postal Service Manual" in lieu thereof; in paragraph (l) strike out "§ 123.7 of this chapter" and insert "§ 123.44 of the Postal Service Manual" in lieu thereof; in paragraph (n) strike out "§ 124.5 of this chapter" and insert "§ 124.4 of the Postal Service Manual" in lieu thereof; in paragraph (w) strike out "§ 123.2 of this chapter" and insert "§ 124.2 of the Postal Service Manual" in lieu thereof; in paragraph (y) strike out "§§ 142.8, 144.2(b)(1), and 144.3(d)(1)(iii) of this chapter" and insert "§§ 142.8, 144.221, and 144.341c of the Postal Service Manual" in lieu thereof; in paragraph (z) strike out "§ 142.8(b) of this chapter" and insert "§ 142.82 of the Postal Service Manual" in lieu thereof; paragraph (p) is revised to read as follows:

§ 232.3 Serious offenses.

* * * * * *

(p) *Lottery.* Immediately submit the mail matter or a report thereon. Report also any lottery operation within the post office or on Postal Service property, except the vending or exchange of State Lottery tickets at vending facilities operated by licensed blind persons, where such lotteries are authorized by state law. (See §§ 123.351 and 123.42 of the Postal Service Manual and §§ 232.6(f) and 243.2(g)(4)(i) of this chapter.)

* * * * * *

2. Paragraph (f) of § 232.6 is revised to read as follows:

§ 232.6 Conduct on postal property.

* * * * * *

(f) *Gambling.* Participating in games for money or other personal property, the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of lottery tickets, is prohibited on postal premises. This prohibition does not apply to the vending or exchange of State Lottery tickets at vending facilities operated by licensed blind persons where such lotteries are authorized by state law. (See §§ 123.351 and 123.42 of the Postal Service Manual and §§ 232.3(p) and 243.2(g)(4)(i) of this chapter.)

* * * * * *

PART 243—CONDUCT OF OFFICES

3. Paragraph (g)(4)(i) of § 243.2 is revised to read as follows:

§ 243.2 Quarters.

* * * * * *

(g) *Vending stands and vending machines.* * * *

(4) *Articles to be sold or vended*—(i) *Approved articles.* Vending of the following at vending facilities operated by licensed blind persons is approved: newspapers, periodicals, confections, tobacco products, foods, beverages and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the state licensing agency, and chances for any lottery authorized by state law and conducted by an agency of a state.

* * * * * *

PART 257—PHILATELY

4. In § 257.1 strike out "17¢" in paragraph (c)(3)(ii) and insert "18¢" in lieu thereof; strike out the words "Philatelic Sales Division, Washington, D.C. 20036" in paragraph (c)(4) and insert "Philatelic Sales Branch, Washington D.C. 20265" in lieu thereof; revise paragraph (c)(3)(iii) and add new paragraph (c)(3)(iv) to read as follows:

§ 257.1 Commemorative stamps.

* * * * * *

(c) *Sale of commemorative stamps.* * * *

(3) *Philatelic windows and postal stores.* * * *

(iii) *Availability of back-issue commemoratives.* Post offices which maintain or establish special philatelic windows should request the Stamp Management Branch, Stamps Division, U.S. Postal Service, Washington, D.C. 20260, to keep them informed of available back-issue commemoratives. Listings of available back issues will periodically appear in the Postal Bulletin.

(iv) *Packaged stamps.* Philatelic windows, postal stores, stamp collecting centers, and the Philatelic Sales Branch may sell stamps withdrawn from sale after the withdrawal date provided they are incorporated in a philatelic product such as the mint set or collecting kit.

* * * * * *

(39 U.S.C. 401, 404.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-17117 Filed 6-11-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20566; RM-2479]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations (Albany, Eugene, and Grants Pass, Oregon)

1. Paragraph 10 of the *Report and Order* No. 40722, Docket No. 20566, released May 24, 1976 at 41 F.R. 21781 is revised to read:

10. Accordingly, *It is ordered*, That effective July 1, 1976, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) is amended with respect to the following enumerated communities:

City:	Channel No.
Albany, Oreg.	260, 300
Grants Pass, Oreg.	245, 262

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17176 Filed 6-11-76;8:45 am]

[Docket No. 20070; RM-1970]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments

1. The Commission here considers the Notice of Proposed Rule Making in this docket, adopted May 29, 1974 (30 Fed. Reg. 20401), proposing amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) by assigning Channel 224A to Ogallala, Nebraska, as its second FM assignment. Commenting parties are Ogallala Broadcasting Company ("OBC"), petitioner and licensee of Ogallala's full-time AM Station KOGA,[1] and opposing party, Industrial Business Corporation ("IBC"), licensee of FM Station KIBC(FM) in Ogallala.

2. At the time the Notice of Proposed Rule Making was issued, OBC and IBC were in a comparative hearing as adversaries for use of the only FM channel assigned to Ogallala, Nebraska. In his initial decision, the Administrative Law Judge found for IBC on the grounds that to grant its application would:

* * * bring to Ogallala a much needed second aural service in contrast with the OBC proposal to primarily duplicate its existing KOGA programming * * * [T]he best practicable service to the public would result from [this] second aural local expression. FCC 73D-55 at para. 44 (October 11, 1973).

The grant has since become final and IBC has commenced operation of its FM station. It was after this that OBC obtained nighttime facilities for its AM station. Thus, each of the parties has one of Ogallala's two full-time aural services.

3. IBC opposes the current proposal, arguing that Ogallala (pop. 4,796) is too small to support three local radio stations. In support of its allegation, IBC has submitted a document, "An Economic Analysis of the Ogallala/Keith County, Nebraska Market," prepared by communications consultants Rolland C. Johnson and Robert T. Blair. This study, as reviewed and discussed by broadcast economist Richard P. Doherty, compares Ogallala with other three-station

[1] See Memorandum Opinion and Order granting OBC's application for permission to provide nighttime service, 48 F.C.C. 2d 1212 (1974).

(viz., 2 FM and 1 AM) markets not located near major markets. The study

terms we have been provided a sufficient

[Docket No. 20532; RM-2495]

will therefore assign Channel 244A to

Commission's Rules, Parts 73 and 74 of

Rules to provide a mechanism for the

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(viz., 2 FM and 1 AM) markets not located near major markets. The study indicates that the average comparable city with one AM and two FM stations has 376% more people than Ogallala and is located in a county with a 602% larger population than Ogallala's county. Also, those average cities are said to have twice the number of retail establishments and triple the retail sales.[2] OBC presented a list of communities which are as small as Ogallala and have three local broadcast stations and argued that adoption of its request would further the objectives of this Commission in the asignment of FM channels.[3]

4. IBC also asserts that should Channel 224A be assigned to Ogallala and OBC be granted a license to operate a station on that channel, IBC's FM station (Channel 228A) would not be able to survive OBC's competition. It points to what it says is Ogallala's inadequate population and economic base as well as what it sees as significant competitive advantages flowing to OBC from its combined AM–FM operation. OBC does not accept this reasoning, nor does it view the community's situation in the same light. According to OBC, Ogallala is a growing community which warrants the assignment of a second FM channel.

5. Before we discuss the significance which attaches to the economic issues raised by IBC, we note that IBC did not question the view expressed in the Notice that the proposed assignment would be consistent with applicable engineering criteria. Our own subsequent review confirms the fact that except as the matters raised by IBC, there is no question that the assignment would be consistent with Commission policy. Thus, the issue becomes one of determining if the other points raised are sufficient to overcome this view.

6. Since much argument revolves about the question of Ogallala's ability to support another station, it is important to point out that it is not necessary for a petitioner to establish the ability of the community to support an additional station. The showing in rule making is directed to the need for an additional service, rather than to the economic support issue per se. Necessarily, the relative size of a community and its growth pattern is pertinent to the making of the assignment, for it offers some guidance on how many channels to assign and where to assign them. In those terms we have been provided a sufficient showing to justify assigning a second FM channel to a community of this size. That is not to say that the economic arguments offered in an effort to show that the community could not support the station would have no value or importance. Rather, this narrower issue is one which should be examined at the application stage. The line of cases regarding the ability of a community to support an additional station make it clear that the only point the Commission may properly consider is the impact on the public interest, not the effect on the competition position of one station or another. IBC's assertion that it may not be able to oppose an OBC application in a hearing on this issue cannot be dispositive. It is the responsibility of such a party alleging such an issue to connect its assertions about revenue impact with a resulting loss to the public in terms of public service programming. Examination of such a showing is better done when on a hearing record, with the testimony subject to cross examination. Resolving such issues on the pleadings alone, as would have to be the case in rule making, would be notably less effective. In terms of the criteria which are applied to rule making proceedings, the assignment has been shown to be warranted. It would provide a second local FM service to Ogallala and FM service to an area that has relatively few nighttime aural services available. While not all places of this size have two FM assignments, this is frequently due to congestion in the FM band or the preclusion such an assignment might cause. In this area of the country, neither of these matters argues against this proposal. Ogallala is the county seat and has grown 17.1% from 1960 to 1970. Thus, we believe that the assignment can properly be made in this instance.

7. In view of the foregoing, *it is ordered*, That effective July 16, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) is amended to read as follows:

City:	*Channel No.*
Ogallala, Nebr.	224A, 228A

8. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules and Regulations.

9. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: June 2, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17168 Filed 6-11-76;8:45 am]

[Docket No. 20532; RM-2495]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations Table of Assignments

1. The Commission here considers a "Request for Reconsideration" submitted on behalf of the A–C Corporation which asks for review of the Report and Order[1] in Docket No. 20532 in which a request to assign Channel 237A to Mineola, Texas, was denied.

2. The Mineola portion of this proceeding was initiated after the Commission received a "Petition for Rule Making" filed by A–C Corporation (A–C) which sought the assignment of Channel 237A to Mineola as a first FM assignment to the community. An opposition to the A–C petition noted that Channel 244A could be assigned to Mineola and asked that Channel 237A be assigned instead to Gilmer, Texas. Thereafter, the Commission issued a Notice of Proposed Rule Making[2] seeking comments, inter alia, on the proposed assignment of Channel 244A to Mineola, Texas. The Commission failed to receive comments from A–C and, consistent with our policy and the procedures set forth in the Appendix, refrained in the Report and Order from making the assignment to Mineola. Immediately after the release of the Report and Order, A–C corresponded with the Commission indicating that on August 18, 1975, it had, in fact, forwarded comments to the Commission indicating continued interest in the assignment of Channel 244A at Mineola but that unexplainably, the comments had apparently never arrived at the Commission. A–C, quoting from the text of the comments it forwarded to the Commission, reiterated.

The proposed new frequency of 244A for Mineola is very satisfactory to us since it is our intention to file for this frequency and serve our area with an FM service.

A–C, noting that the assignment of Channel 244A to Mineola would provide the opportunity for a first local nighttime service to the community, urged the Commission as part of its reconsideration to assign Channel 244A to Mineola as originally proposed in the Notice.

3. We continue to believe as we stated in the Notice that the public interest would be served by the assignment of Channel 244A to Mineola. Such an assignment would provide the community with its first full-time aural service. Although the whereabouts of A–C's comments which were mailed to the Commission remains unknown, we believe the requisite expression of interest and intent as manifested by the original petition and the prompt response to the action taken in our Report and Order has been sufficiently demonstrated and we will therefore assign Channel 244A to Mineola as proposed.[3]

4. To make the assignment of Channel 244A at Mineola, the channel must be deleted from Canton, Texas, which presents no problem since no interest in the operation of a station on Channel 244A at Canton has been expressed.[4] A preclusion study is not required since the proposal to assign Channel 244A would provide a first FM assignment to a community not located near a major population center.

5. Accordingly, *it is ordered*, That effective July 16, 1976, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended to read as follows:

City:	*Channel No.*
Canton, Tex.	----
Mineola, Tex.	244A

6. *It is further ordered*, That the "Petition for Reconsideration" filed by the A–C Corporation is granted.

7. Authority for the actions taken herein is found in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: June 2, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.17169 Filed 6-11-76;8:45 am]

[2] A considerable amount of additional data and arguments was offered by both parties. Much of this material was filed late, but in light of our decision to defer resolution of this economic issue, there is no need to decide the question of which party is responsible for causing the filing of unauthorized or late filed pleadings.

[3] See para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185, adopted July 25, 1962 (FCC 62–867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 734, 758 (1963)).

[1] FM Channel Assignments—Mineola, Gilmer and Canton, Texas, 41 Fed. Reg. 10066, March 9, 1976.

[2] 40 Fed. Reg. 28098, June 24, 1975.

[3] The transmitter site for a station operating on Channel 244A at Mineola must be located approximately 2.75 miles west of the community.

[4] Section 73.207(a) of the Commission's Rules requires a minimum mileage separation of 65 miles between stations operating on the same channel. Canton and Mineola are only 32 miles apart.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Editorial Amendments

1. A revised edition of Parts 73 and 74, Volume III of the Commission's Rules and Regulations, August 1976, will contain the following editorial amendments updating certain rules and deleting parts of others which no longer apply.

2. Concluding that the adoption of these amendments will serve the public interest, the prior notice of rule making, effective date provisions, and public procedure are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553 (b)(3)(b), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

3. Therefore, it is ordered, That pursuant to sections 4(i), 303(r), and 5(a)(1) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, Parts 73 and 74 of the Commission's Rules and Regulations are amended as set forth in the attached Appendix, effective June 21, 1976.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: June 4, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

§ 73.34 [Amended]

1. In § 73.34(a) (1) through (6) the year for renewal of license is changed to 1977; par (a) (7) through (12) changed to 1978; and par (a) (13) through (18) changed to 1979.

2. In § 73.69 par 3 of the Note following 73.69(d)(5) is amended to read as follows:

§ 73.69 Antenna (phase) monitors.

* * * * *

NOTE.—* * *.

(3) Each station operating by remote control, when adopting the schedule specified in § 73.114(a)(9)(iii) for observations at the transmitter, shall install a type-approved antenna monitor and provide phase indications at the remote control point, for observation and logging pursuant to § 73.113(a)(3)(ii).

* * * * *

§ 73.202 [Amended]

3. In § 73.202(b), Table of FM Assignments, footnote 1 for Dodgeville and Platteville, Wisconsin is deleted.

§ 73.518 [Amended]

4. In § 73.518(a) (1) through (6) the year for renewal of license is changed to 1977; par (a) (7) through (12) changed to 1978; and par (a) (13) through (18) changed to 1979.

§ 73.630 [Amended]

5. In § 73.630(a) (1) through (6) the year for renewal of license is changed to 1977; par (a) (7) through (12) changed to 1978; and par (a) (13) through (18) changed to 1979.

§ 73.906 [Amended]

6. In § 73.906 the Note following par (d) is deleted.

§ 74.15 [Amended]

7. In § 74.15(d) (1) through (6) the year for renewal of license is changed to 1977; par (d) (7) through (12) changed to 1978; and par (d) (13) through (18) changed to 1979.

[FR Doc.76-17170 Filed 6-11-76;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL PROVISIONS

PART 310—BRIDGE TOLL PROCEDURAL RULES

Procedures for Modifying Orders

● Purpose. A new section is being added to the Bridge Toll Procedural Rules to provide a mechanism for the modification of orders setting toll rates.

A number of orders issued by the Federal Highway Administration dealing with the rates of tolls to be charged on bridges are now in effect. There is no procedure in the regulations for those operating under orders to raise or lower the tolls set by the order. This amendment is designed to afford such procedure.

The amendment provides that those operating under existing orders petition for modification of the order when they wish to raise or lower their toll rates. It requires that those wishing to modify the order present evidence of changed circumstances, certain financial data, and justify the reasonableness of the proposed new toll rates. The amendment also clarifies the burden of proof, provides that the proceedings will be conducted in accordance with the procedures set out in Part 310 and, unless complaints are received or the Administrator so orders, allows proposed new rates to go into effect automatically 60 days after publication of notice in the FEDERAL REGISTER.

Since this amendment relates to pleading and practice before the Federal Highway Administration and does not affect substantive rights or liabilities, notice and public comment are unnecessary. As such, the amendment is effective on the date of issuance.

In consideration of the foregoing, 49 CFR Part 310 is amended as follows:

1. A new section is added as follows:

§ 310.4a Modification of orders setting toll rates.

(a) This section establishes procedures by which respondents whose toll rates were set by the Administrator may petition for modification of the order setting the rates.

(b) Proceedings under this section are commenced by the respondent filing with the Administrator a petition for modification of an order, but no petition for modification of an order will be considered within the period of 6 months after the order setting the rates goes into effect, unless that order provides otherwise.

(c) The respondent shall give notice of the filing of a petition by publishing in newspapers of general circulation in the areas served by bridge or bridges in question a notice setting forth the rate proposed to be imposed if the order is modified.

(d) The petition for modification shall contain the following:

(1) The toll rate proposed to be charged if the order is modified, the basis of the proposed rate, an explanation of how the rate was derived, and an explanation of how it is just and reasonable, including a statement of the changed circumstances that justify the modification.

(2) The toll bridge revenue and use of such revenue, for the period since the imposition of the order, and the projected future toll revenues from the existing rate, for a 5-year period subsequent to the date the petition is filed.

conducted. Instead written public com- the park area to provide goods or serv- activities" for "business operations" in

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(3) The projected toll bridge revenue and use of such revenue from the proposed rate for the 5-year period subsequent to the date the petition is filed.

(4) The capital investment and debt structure of the bridge, including amortization schedules.

(5) The revenue, expenses, capital investment, and debt structure, including amortization schedules of all facilities and programs owned or operated by the respondent.

(6) A summary of all the evidence upon which the petitioner will rely in support of the petition for modification.

(7) Proof of publication of the Notice required by paragraph (c) of this section.

(e) The respondent petitioning for the modification of an order shall have the burden of proof as the proponent of an order under the Administrative Procedure Act, 5 U.S.C. section 556(d).

(f) Upon receiving a petition for modification, the Administrator shall publish a notice containing the petition in the Federal Register.

(g) The proposed toll rate shall become effective 60 days after the publication of the FEDERAL REGISTER notice unless:

(1) the Administrator orders otherwise, or

(2) one or more complaints are received pursuant to § 310.3.

(h) In the event the Administrator stays the proposed toll rate, or complaints are received pursuant to § 310.3, the Administrator shall proceed to investigate and decide the petition in accordance with procedures set out in this part.

(Sec. 133(b), Pub. L. 93-87, 87 Stat. 267 (33 U.S.C. 526(a)); Sec. 2, 6, Pub. L. 92-434, 86 Stat. 731, 732 (33 U.S.C. 535, 535(d).)

Issued: June 8, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator

[FR Doc.76-17202 Filed 6-11-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Ravalli National Wildlife Refuge, Montana

The following special regulation is issued and is effective on June 1, 1976.

§ 33.5 Special regulations: sport fishing, for individual wildlife refuge areas.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

Sport fishing using only a single line and hook or hooks, with or without a pole, is permitted throughout the year on a portion of the Ravalli National Wildlife Refuge. The open area is approximately 4 miles of the Bitterroot River, which borders the refuge on the west, and the Burnt Fork Creek and its related oxbow (Francois Slough). Sport fishing shall be in accordance with all applicable State regulations.

The fishing area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Fish and Wildlife Service, 711 Central Avenue, Billings, Montana.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 30, 1976.

R. C. TWIST,
Refuge Manager, Ravalli National Wildlife Refuge.

JUNE 1, 1976.

[FR Doc.76-17210 Filed 6-11-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Ozark National Scenic Riverways, Missouri Commercial Activities

A proposal was published in the FEDERAL REGISTER of March 31, 1976 (41 FR 13612) to amend § 7.83 of Title 36 of the Code of Federal Regulations. The purpose of the amendment is to specifically define the types of commercial activities which may not be engaged in within Ozark National Scenic Riverways, except in accordance with a permit, contract, or other written agreement with the United States, as provided in Part 5 of the general regulations.

Interested persons were given an opportunity to participate in this rulemaking by submission of written comments to the Regional Director, Midwest Region, National Park Service within 15 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER. In addition to this notice, a concentrated effort was made to make all persons known to be interested in this matter aware of this proposal by means of individual letters and through publication of notices in 13 newspapers.

Written comments were received in the form of letters and petitions There were 231 letters in favor of the regulation and five letters plus petitions containing 2,435 names opposing the regulation. The petitions, in addition to opposing the regulation, also requested a public hearing on the matter.

All comments received have been given careful consideration. This study has required delay of implementation of the regulation past the desirable effective date in late April or early May, but it has now been determined that the regulation should become final without substantive change from the proposed regulation.

Most comments received, whether favoring or opposing the regulation, were rather general in expressing a position. There were few specific comments on the effects of the regulation or suggestions for changes. The limited number of substantive questions and recommendations which were stated in the responses are summarized below.

A. The petitions submitted as comments state opposition to the proposal, claiming that it declares competition illegal.

This is not a correct interpretation of either the intent or the effect of this regulation. Competition to provide goods and services in the vicinity of and within Ozark National Scenic Riverways now exists and will continue to exist under the new regulation. It is only on lands and waters within the Riverways that commercial enterprises will be subject to control. Within this area, as in all other areas of the National Park System, the National Park Service has been assigned, by law, responsibility for safeguarding against unregulated and indiscriminate commercial use. The process of providing such safeguards necessarily involves some restriction on competition within park areas, but this has been found by the Federal courts to be within the authority granted to the National Park Service by the Act of October 9, 1965, 79 Stat. 969, 16 U.S.C. 20–20g (1970).

B. The petitions also state that the regulation will result in preferential treatment of a privileged few and will deprive other persons of the right to compete and make a livelihood.

It is only by restricting the extent of commerical operations in park areas that the safeguards mentioned above can be achieved. Areas of the National Park System are established to protect and provide for the enjoyment of unique or exceptional resources, and commercial operations within park areas must contribute to these purposes. Unrestricted commercial operations would prevent the National Park Service from carrying out its responsibilities for resource protection and visitor enjoyment within the Riverways.

Implementation of this regulation will in no way prevent the operation of commercial enterprises, including equipment rental services, to continue outside the boundaries of Ozark National Scenic Riverways. It is only those operations which these firms may wish to conduct within the boundaries which will fall within the scope of this regulation. If they choose to conduct their activities entirely outside the boundaries of the Riverways, these businesses may continue to compete with each other without any control being imposed by the National Park Service.

C. The petitions demand that a public hearing on this regulation be held within the Riverways.

The National Park Service wishes to be responsive to public comments in its decisions, to the extent which is possible, consistent with its legislative mandates and administrative responsibilities. Public hearings, meetings, or workshops on National Park Service regulations are not required by statute and are not normally

conducted. Instead, written public comment is solicited to assist in the making of decisions so that interested persons in all geographic locations will have an opportunity to participate. The extent to which additional forms of public participation in rulemaking are utilized is a matter within the agency's discretion. In the case of Ozark National Scenic Riverways, a single hearing within or near the park area would not provide an opportunity adequate for the expression of views broadly representative of the divergent interests and needs of the American public, because a large number of park users come, in particular, from the metropolitan areas of St. Louis, Kansas City, and Springfield.

Additionally, public hearings were not considered necessary in this case because the regulation simply involves a clarification and is not a departure from existing practice. The National Park Service at Ozark National Scenic Riverways, in administering the provisions of the general regulations on business operations, has not permitted unrestricted commercial activities. This regulation more fully defines these restricted activities but will not change the manner or extent of control which will be applied.

At the time this regulation was proposed, it was realized that there was insufficient time to allow the usual period of 30 days for public comment, due to the impending beginning of the heavy use season. Only 15 days was given in this instance, but to compensate for this shortened time period, a concentrated effort was made to make all interested persons aware of the proposal so that comments could be made. Individual letters were sent to all known opponents of the controls which have been placed on canoe rental operations within the Riverways, as well as to individuals and groups who were thought to have a particular interest in this subject. Twenty-four letters went to the former and approximately fifty to the latter, all mailed on the date of the official notice in the FEDERAL REGISTER. In addition, public notices were published in local newspapers on the same day and in other newspapers shortly thereafter. In all, notices were published in thirteen papers, including St. Louis, Kansas City, and Springfield, Missouri.

D. It was suggested by one letter in opposition to the regulation that it would give the National Park Service jurisdiction over all businesses within a certain radius of the Riverways.

This regulation does not extend National Park Service jurisdiction outside the established boundaries of Ozark National Scenic Riverways. Without regard for the location at which a commercial operation is based, the National Park Service intends by this regulation to exercise control only over those activities which take place inside the boundaries. Thus, a business which operates totally outside the boundaries remains unaffected by any regulatory actions of the National Park Service. It is only when a commercial operation seeks to enter the park area to provide goods or services that this regulation will become applicable.

E. One letter suggested that the regulation would have the effect of increasing the flow of automobile traffic within the park area.

The National Park Service does not foresee any signficant relationship between the implementation of this regulation and increases in vehicular traffic. Persons renting canoes outside the Riverways and performing their own delivery and retrieval services will continue to do so without regard for the regulation. There may be an increase in the number of such people, when this regulation makes it clear that non-permit commercial firms may not perform these services, but this increase would be offset by a decrease in traffic from these firms.

F. A comment was made that the regulation did not bear any relationship to any purpose for which Ozark National Scenic Riverways was established.

A review of the rationales for this regulation, as they are stated in the FEDERAL REGISTER notice of March 29, 1976, clearly shows the relationship between this regulation and legislation pertaining both to Ozark National Scenic Riverways specifically and to the National Park System in general. In authorizing the National Park Service to contract with concessioners, Congress has recognized that control over commercial operations within the parks is essential to the preservation of park resources and to ensuring visitor enjoyment of these resources. In this instance, the controls imposed on commercial outfitters by the National Park Service through permits are effective in controlling the numbers of rental canoes, rental rates, safety characteristics, and information on visitor use of the park area.

Experience at Ozark National Scenic Riverways has shown that the general National Park Service regulation restricting business operations, § 5.3 of 36 CFR, is not specific enough to cover operations which are conducted partially within and partially outside the boundaries when no separate and identifiable charge is made for activities and services performed within its boundaries. It is for this reason that the National Park Service proposed an amendment to § 7.83 which would clearly state the manner in which the intent of applicable legislation and § 5.3 would be applied at Ozark National Scenic Riverways.

The National Park Service believes that it has valid reasons, as described above and in the notice of proposed rulemaking, to promulgate a special regulation in order to provide for control of all business activities in Ozark National Scenic Riverways. It has responded, to the extent possible, to public comment on the proposal and has determined that the regulation is essential to the orderly management of the Riverways.

The only changes from the proposed regulation which are being made in the final regulation set forth below are the substitution of the term "commercial activities" for "business operations" in the heading and first sentence of paragraph (c). These changes are made to conform with terminology which is expected to be used in a revision of 36 CFR Part 5 which is now under consideration but has not yet been published as a proposal.

Normal procedure for the promulgation of Federal regulations requires that there be a period of at least 30 days between publication of a notice of final rulemaking and the effective date of the regulation. In this instance, however, circumstances require that the regulation set forth below be effective upon publication. At Ozark National Scenic Riverways, the boating season has begun and people in large numbers are renting canoes in and near the Riverways. A number of new commercial operations have begun renting canoes to the public and, despite statements from the National Park Service that the practice will not be allowed to continue, some firms are performing services for the public within the boundaries of the Riverways, without the necessary permits. It is feared that the scope of such activities will continue to grow until a regulation sufficiently specific to provide necessary control can become effective. Immediate implementation of this regulation may prevent continued growth of these operations and lessen the complexity of its enforcement. To provide adequate notice of the provisions of this regulation, letters will be sent to all commercial operations known to be engaging in activities prohibited by the regulation.

The notice of proposed rulemaking in this action (41 FR 13612) was executed by the Acting Regional Director, Midwest Region. However, this final notice is being executed by the Associate Director, National Park Service, in order to expedite its publication. This action is taken under the authority of National Park Service Order No. 82 (39 FR 13904), which therefore replaces National Park Service Order No. 77 (39 FR 7478) in the list of authorities cited in the proposal.

Effective date: This regulation shall become effective on June 14, 1976.

Section 7.3 of Title 36, Code of Federal Regulations, is hereby amended by the addition of a paragraph (c), as follows:

§ 7.83 Ozark National Scenic Riverways.

* * * * *

(c) *Commercial Activities.* The activities listed herein constitute commercial activities which are prohibited within the boundaries of Ozark National Scenic Riverways, except in accordance with the provisions of a permit, contract, or other written agreement with the United States. The National Park Service reserves the right to limit the number of such permits, contracts or other written agreements, when, in the judgment of the Service, such limitation is necessary in the interest of visitor enjoyment, public safety, or preservation or protection of the resources or values of the Riverways.

(1) The sale or rental of any goods or

Code of Federal Regulations. The new

as provided in chapter 1 of the Internal Reve-

from such transaction is deposited in the

(C) The payment of the principal on in-

(2) Any nonqualified withdrawal from a fund shall be treated—

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(1) The sale or rental of any goods or equipment to a member or members of the public which is undertaken in the course of an ongoing or regular commercial enterprise.

(2) The performance of any service or activity for a member or members of the public in exchange for monetary or other valuable consideration.

(3) The delivery or retrieval within the boundaries of Ozark National Scenic Riverways of watercraft or associated boating equipment which has been rented to a member or members of the public at a location not within the Riverways, when such delivery or retrieval is performed by a principal, employee or agent of the commercial enterprise offering the equipment for rental and when these services are performed as an integral part, necessary complement, or routine adjunct of or to the rental transaction, whether or not any charge, either separately or in combination with any other charge, is made for these services.

(4) The performance, by a principal, employee, or agent of a commercial enterprise, within the boundaries of Ozark National Scenic Riverways of any other service or activity for which a fee, charge or other compensation is not collected, but which is an integral part, necessary complement, or routine adjunct of or to any commercial transaction undertaken by that enterprise for which monetary or other valuable consideration is charged or collected, even though such transaction is initiated, performed, or concluded outside the boundaries of the Riverways.

(5) The solicitation of any business, employment, occupation, profession, trade, work or undertaking, which is engaged in with some continuity, regularity or permanency for any livelihood, gain, benefit, advantage, or profit.

JOHN E. COOK,
Associate Director,
Park System Management.

[FR Doc.76-17362 Filed 6-11-76;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

PART 391—FEDERAL INCOME TAX ASPECTS OF THE CAPITAL CONSTRUCTION FUND

Joint CCF Regulations

On January 29, 1976 there appeared in the FEDERAL REGISTER (41 FR 4256) a joint publication by the Departments of Commerce and the Treasury of the Joint Capital Construction Fund (CCF) regulations under § 607 of the Merchant Marine Act, 1936, as amended, which are to appear in Part 3 of Title 26 of the Code of Federal Regulations. This publication in part adopted the June 15, 1972 publication (37 FR 11877) of the interim CCF regulations and in part published new proposed regulations.

This notice hereby establishes a new Part 391 in Chapter II of Title 46 of the Code of Federal Regulations. The new part contains the joint CCF regulations as published in the FEDERAL REGISTER on January 29, 1976. The purpose of this publication is to provide persons working in the maritime industry, who are familiar with Title 46 of the Code of Federal Regulations, easy access to the joint CCF regulations.

Accordingly, there is hereby established a new Part 391 in Chapter II of Title 46 of the Code of Federal Regulations to read as follows:

Sec.
391.0 Statutory provision; section 607, Merchant Marine Act, 1936, as amended.
391.1 Scope of section 607 of the Act and the regulation in this part.
391.2 Ceiling on deposits.
391.3 Nontaxability of deposits.
391.4 Establishment of accounts.
391.5 Qualified withdrawals.
391.6 Tax treatment of qualified withdrawals.
391.7 Tax treatment of nonqualified withdrawals.
391.8 Certain corporate reorganizations and changes in partnerships, and certain transfers on death.
391.9 Consolidated returns. [Reserved]
391.10 Transitional rules for existing funds.
391.11 Definitions.

AUTHORITY: Sections 204(b) and 607(1), Merchant Marine Act, 1936, as amended (46 U.S.C. 114, 1177), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707), July 23, 1973.

§ 391.0 Statutory provisions: section 607, Merchant Marine Act, 1936, as amended.

SEC. 607 (a) Agreement Rules.

Any citizen of the United States owning or leasing one or more eligible vessels (as defined in subsection (k)(1)) may enter into an agreement with the Secretary of Commerce under, and as provided in, this section to establish a capital construction fund (hereinafter in this section referred to as the "fund") with respect to any or all of such vessels. Any agreement entered into under this section shall be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f). The deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulations prescribe or are set forth in such agreement; except that the Secretary of Commerce may not require any person to deposit in the fund for any taxable year more than 50 percent of that portion of such person's taxable income for such year (computed in the manner provided in subsection (b)(1)(A)) which is attributable to the operation of the agreement vessels.

(b) Ceiling on Deposits.

(1) The amount deposited under subsection (a) in the fund for any taxable year shall not exceed the sum of:

(A) That portion of the taxable income of the owner or lessee for such year (computed as provided in chapter 1 of the Internal Revenue Code of 1954 but without regard to the carryback of any net operating loss or net capital loss and without regard to this section) which is attributable to the operation of the agreement vessels in the foreign or domestic commerce of the United States or in the fisheries of the United States.

(B) The amount allowable as a deduction under section 167 of the Internal Revenue Code of 1954 for such year with respect to the agreement vessels.

(C) If the transaction is not taken into account for purposes of subparagraph (A), the net proceeds (as defined in joint regulations) from (i) the sale or other disposition of any agreement vessel, or (ii) insurance or indemnity attributable to any agreement vessel, and

(D) The receipts from the investment or reinvestment of amounts held in such fund.

(2) In the case of a lessee, the maximum amount which may be deposited with respect to an agreement vessel by reason of paragraph (1)(B) for any period shall be reduced by any amount which, under an agreement entered into under this section, the owner is required or permitted to deposit for such period with respect to such vessel by reason of paragraph (1)(B).

(3) For purposes of paragraph (1), the term "agreement vessel" includes barges and containers which are part of the complement of such vessel and which are provided for in the agreement.

(c) Requirements as to Investments.

Amounts in any fund established under this section shall be kept in the depository or depositories specified in the agreement and shall be subject to such trustee and other fiduciary requirements as may be specified by the Secretary of Commerce. They may be invested only in interest-bearing securities approved by the Secretary of Commerce; except that, if the Secretary of Commerce consents thereto, an agreed percentage (not in excess of 60 percent) of the assets of the fund may be invested in the stock of domestic corporations. Such stock must be currently fully listed and registered on an exchange registered with the Securities and Exchange Commission as a national securities exchange, and must be stock which would be acquired by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and the preservation of their capital. If at any time the fair market value of the stock in the fund is more than the agreed percentage of the assets in the fund, any subsequent investment of amounts deposited in the fund, and any subsequent withdrawal from the fund, shall be made in such a way as to tend to restore the fund to a situation in which the fair market value of the stock does not exceed such agreed percentage. For purposes of this subsection, if the common stock of a corporation meets the requirements of this subsection and if the preferred stock of such corporation would meet such requirements but for the fact that it cannot be listed and registered as required because it is nonvoting stock, such preferred stock shall be treated as meeting the requirements of this subsection.

(d) Nontaxability for Deposits.

(1) For purposes of the Internal Revenue Code of 1954—

(A) Taxable income (determined without regard to this section) for the taxable year shall be reduced by an amount equal to the amount deposited for the taxable year out of amounts referred to in subsection (b)(1)(A).

(B) Gain from a transaction referred to in subsection (b)(1)(C) shall not be taken into account if an amount equal to the net proceeds (as defined in joint regulations)

from such transaction is deposited in the fund.

(C) The earnings (including gains and losses) from the investment and reinvestment of amounts held in the fund shall not be taken into account,

(D) The earnings and profits of any corporation (within the meaning of section 316 of such Code) shall be determined without regard to this section, and

(E) In applying the tax imposed by section 531 of such Code (relating to the accumulated earnings tax), amounts while held in the fund shall not be taken into account.

(2) Paragraph (1) shall apply with respect to any amount only if such amount is deposited in the fund pursuant to the agreement and not later than the time provided in joint regulations.

(e) Establishment of Accounts.

For purposes of this section—

(1) Within the fund established pursuant to this section three accounts shall be maintained:

(A) The capital account,

(B) The capital gain account, and

(C) The ordinary income account.

(2) The capital account shall consist of—

(A) Amounts referred to in subsection (b)(1)(B),

(B) Amounts referred to in subsection (b)(1)(C) other than that portion thereof which represents gain not taken into account by reason of subsection (d)(1)(B),

(C) 85 percent of any dividend received by the fund with respect to which the person maintaining the fund would (but for subsection (d)(1)(C)) be allowed a deduction under section 243 of the Internal Revenue Code of 1954, and

(D) Interest income exempt from taxation under section 103 of such Code.

(3) The capital gain account shall consist of—

(A) Amounts representing capital gains on assets held for more than 6 months and referred to in subsection (b)(1)(C) or (b)(1)(D), reduced by—

(B) Amounts representing capital losses on assets held in the fund for more than 6 months.

(4) The ordinary income account shall consist of—

(A) Amounts referred to in subsection (b)(1)(A),

(B) (i) Amounts representing capital gains on assets held for 6 months or less and referred to in subsection (b)(1)(C) or (b)(1)(D), reduced by—

(ii) Amounts representing capital losses on assets held in the fund for 6 months or less,

(C) Interest (not including any tax-exempt interest referred to in paragraph (2)(D)) and other ordinary income (not including any dividend referred to in subparagraph (E)) received on assets held in the fund,

(D) Ordinary income from a transaction described in subsection (b)(1)(C), and

(E) 15 percent of any dividend referred to in paragraph (2)(C).

(5) Except on termination of a fund, capital losses referred to in paragraph (3)(B) or in paragraph (4)(B)(ii) shall be allowed only as an offset to gains referred to in paragraph (3)(A) or (4)(B)(i), respectively.

(f) Purposes of Qualified Withdrawals.

(1) A qualified withdrawal from the fund is one made in accordance with the terms of the agreement but only if it is for:

(A) The acquisition, construction, or reconstruction of a qualified vessel,

(B) The acquisition, construction, or reconstruction of barges and containers which are part of the complement of a qualified vessel, or

(C) The payment of the principal on indebtedness incurred in connection with the acquisition, construction or reconstruction of a qualified vessel or a barge or container which is part of the complement of a qualified vessel.

Except to the extent provided in regulations prescribed by the Secretary of Commerce, subparagraph (B), and so much of subparagraph (C) as relates only to barges and containers, shall apply only with respect to barges and containers constructed in the United States.

(2) Under joint regulations, if the Secretary of Commerce determines that any substantial obligation under any agreement is not being fulfilled, he may, after notice and opportunity for hearing to the person maintaining the fund, treat the entire fund or any portion thereof as an amount withdrawn from the fund in a nonqualified withdrawal.

(g) Tax Treatment of Qualified Withdrawals.

(1) Any qualified withdrawal from a fund shall be treated—

(A) First as made out of the capital account,

(B) Second as made out of the capital gain account, and

(C) Third as made out of the ordinary income account.

(2) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the ordinary income account, the basis of such vessel, barge, or container shall be reduced by an amount equal to such portion.

(3) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the capital gain account, the basis of such vessel, barge, or container shall be reduced by an amount equal to—

(A) Five-eighths of such portion, in the case of a corporation (other than an electing small business corporation, as defined in section 1371 of the Internal Revenue Code of 1954), or

(B) One-half of such portion, in the case of any other person.

(4) If any portion of a qualified withdrawal to pay the principal on any indebtedness is made out of the ordinary income account or the capital gain account, then an amount equal to the aggregate reduction which would be required by paragraphs (2) and (3) if this were a qualified withdrawal for a purpose described in such paragraphs shall be applied, in the order provided in joint regulations, to reduce the basis of vessels, barges, and containers owned by the person maintaining the fund. Any amount of a withdrawal remaining after the application of the preceding sentence shall be treated as a nonqualified withdrawal.

(5) If any property the basis of which was reduced under paragraph (2), (3), or (4) is disposed of, any gain realized on such disposition, to the extent it does not exceed the aggregate reduction in the basis of such property under such paragraphs, shall be treated as an amount referred to in subsection (h)(3)(A) which was withdrawn on the date of such disposition. Subject to such conditions and requirements as may be provided in joint regulations, the preceding sentence shall not apply to a disposition where there is a redeposit in an amount determined under joint regulations which will insofar as practicable, restore the fund to the position it was in before the withdrawal.

(h) Tax Treatment of Nonqualified Withdrawals.

(1) Except as provided in subsection (1), any withdrawal from a fund which is not a qualified withdrawal shall be treated as a nonqualified withdrawal.

(2) Any nonqualified withdrawal from a fund shall be treated—

(A) First as made out of the ordinary income account,

(B) Second as made out of the capital gain account, and

(C) Third as made out of the capital account.

For purposes of this section, items withdrawn from any account shall be treated as withdrawn on a first-in-first-out basis; except that (i) any nonqualified withdrawal for research, development, and design expenses incident to new and advanced ship design, machinery and equipment, and (ii) any amount treated as a nonqualified withdrawal under the second sentence of subsection (g)(4), shall be treated as withdrawn on a last-in-first-out basis.

(3) For purposes of the Internal Revenue Code of 1954—

(A) Any amount referred to in paragraph (2)(A) shall be included in income as an item of ordinary income for the taxable year in which the withdrawal is made.

(B) Any amount referred to in paragraph (2)(B) shall be included in income for the taxable year in which the withdrawal is made as an item of gain realized during such year from the disposition of an asset held for more than 6 months, and

(C) For the period on or before the last date prescribed for payment of tax for the taxable year in which this withdrawal is made—

(i) No interest shall be payable under section 6601 of such Code and no addition to the tax shall be payable under section 6651 of such Code.

(ii) Interest on the amount of the additional tax attributable to any item referred to in subparagraph (A) or (B) shall be paid at the applicable rate (as defined in paragraph (4)) from the last date prescribed for payment of the tax for the taxable year for which such item was deposited in the fund, and

(iii) No interest shall be payable on amounts referred to in clauses (i) and (ii) of paragraph (2) or in the case of any nonqualified withdrawal arising from the application of the recapture provision of section 606(5) of the Merchant Marine Act of 1936 as in effect on December 31, 1969.

(4) For purposes of paragraph (3)(C)(ii), the applicable rate of interest for any nonqualified withdrawal—

(A) Made in a taxable year beginning in 1970 or 1971 is 8 percent, or

(B) Made in a taxable year beginning after 1971, shall be determined and published jointly by the Secretary of the Treasury and the Secretary of Commerce and shall bear a relationship to 8 percent which the Secretaries determine under joint regulations to be comparable to the relationship which the money rates and investment yields for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1970.

(i) Certain Corporate Reorganizations and Changes in Partnerships.

Under joint regulations—

(1) A transfer of a fund from one person to another person in a transaction to which section 381 of the Internal Revenue Code of 1954 applies may be treated as if such transaction did not constitute a nonqualified withdrawal, and

(2) A similar rule shall be applied in the case of a continuation of a partnership (within the meaning of subchapter K of such Code).

(j) Treatment of Existing Funds.

(1) Any person who was maintaining a fund or funds (hereinafter in this subsection

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referred to as "old fund") under this section forty-eight States on the one hand and

account and the basis of the vessel shall overdeposit on hand at any time is an revenues from cargo handling opera-

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referred to as "old fund") under this section (as in effect before the enactment of this subsection) may elect to continue such old fund but—

(A) May not hold moneys in the old fund beyond the expiration date provided in the agreement under which such old fund is maintained (determined without regard to any extension or renewal entered into after April 14, 1970),

(B) May not simultaneously maintain such old fund and a new fund established under this section, and

(C) If he enters into an agreement under this section to establish a new fund, may agree to the extension of such agreement to some or all of the amounts in the old fund.

(2) In the case of any extension of an agreement pursuant to paragraph (1)(C), each item in the old fund to be transferred shall be transferred in a nontaxable transaction to the appropriate account in the new fund established under this section. For purposes of subsection (h)(3)(C), the date of the deposit of any item so transferred shall be July 1, 1971, or the date of the deposit in the old fund, whichever is the later.

(k) **Definitions.**

For purposes of this section—

(1) The term "eligible vessel" means any vessel—

(A) Constructed in the United States and, if reconstructed, reconstructed in the United States,

(B) Documented under the laws of the United States, and

(C) Operated in the foreign or domestic commerce of the United States or in the fisheries of the United States.

Any vessel which (i) was constructed outside of the United States but documented under the laws of the United States on April 15, 1970, or (ii) constructed outside the United States for use in the United States foreign trade pursuant to a contract entered into before April 15, 1970, shall be treated as satisfying the requirements of subparagraph (A) of this paragraph and the requirements of subparagraph (A) of paragraph (2).

(2) The term "qualified vessel" means any vessel—

(A) Constructed in the United States and, if reconstructed, reconstructed in the United States,

(B) Documented under the laws of the United States, and

(C) Which the person maintaining the fund agrees with the Secretary of Commerce will be operated in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States.

(3) The term "agreement vessel" means any eligible vessel or qualified vessel which is subject to an agreement entered into under this section.

(4) The term "United States," when used in a geographical sense, means the continental United States including Alaska, Hawaii, and Puerto Rico.

(5) The term "United States foreign trade" includes (but is not limited to) those areas in domestic trade in which a vessel built with construction-differential subsidy is permitted to operate under the first sentence of section 506 of the Act.

(6) The term "joint regulations" means regulations prescribed under subsection (l).

(7) The term "vessel" includes cargo handling equipment which the Secretary of Commerce determines is intended for use primarily on the vessel. The term "vessel" also includes an ocean-going towing vessel or an ocean-going barge or comparable towing vessel or barge operated on the Great Lakes.

(8) The term "noncontiguous trade" means (i) trade between the contiguous forty-eight States on the one hand and Alaska, Hawaii, Puerto Rico and the insular territories and possessions of the United States on the other hand, and (ii) trade from any point in Alaska, Hawaii, Puerto Rico, and such territories and possessions to any other point in Alaska, Hawaii, Puerto Rico, and such territories and possessions.

(l) **Records; Reports; Changes in Regulations.**

Each person maintaining a fund under this section shall keep such records and shall make such reports as the Secretary of Commerce or the Secretary of the Treasury shall require. The Secretary of the Treasury and the Secretary of Commerce shall jointly prescribe all rules and regulations, not inconsistent with the foregoing provisions of this section, as may be necessary or appropriate to the determination of tax liability under this section. If, after an agreement has been entered into under this section, a change is made either in the joint regulations or in the regulations prescribed by the Secretary of Commerce under this section which could have a substantial effect on the rights or obligations of any person maintaining a fund under this section, such person may terminate such agreement.

§ 391.1 Scope of section 607 of the Act and the regulations in this part.

(a) *In general.* The regulations prescribed in this part provide rules for determining the income tax liability of any person a party to an agreement with the Secretary of Commerce establishing a capital construction fund (for purposes of this part referred to as the "fund") authorized by section 607 of the Merchant Marine Act, 1936, as amended (for purposes of this part referred to as the "Act"). With respect to such parties, section 607 of the Act in general provides for the nontaxability of certain deposits of money or other property into the fund out of earnings or gains realized from the operation of vessels covered in an agreement, gains realized from the sale or other disposition of agreement vessels or proceeds from insurance for indemnification for loss of agreement vessels, earnings from the investment or reinvestment of amounts held in a fund, and gains with respect to amounts or deposits in the fund. Transitional rules are also provided for the treatment of "old funds" existing on or before the effective date of the Merchant Marine Act of 1970 (see § 391.10).

(b) *Cross references.* For rules relating to eligibility for a fund, deposits, and withdrawals and other aspects, see the regulations prescribed by the Secretary of Commerce in titles 46 (Merchant Marine) and 50 (Fisheries) of the Code of Federal Regulations.

(c) *Code.* For purposes of this part, the term "Code" means the Internal Revenue Code of 1954, as amended.

§ 391.2 Ceiling on deposits.

(a) *In general*—(1) *Total ceiling.* Section 607(b) of the Act provides a ceiling on the amount which may be deposited by a party for a taxable year pursuant to an agreement. The amount which a party may deposit into a fund may not exceed the sum of the following subceilings:

(i) The lower of (*a*) the taxable income (if any) of the party for such year (computed as provided in chapter 1 of the Code but without regard to the carryback of any net operating loss or net capital loss and without regard to section 607 of the Act) or (*b*) taxable income (if any) of such party for such year attributable under paragraph (b) of this section to the operation of agreement vessels (as defined in paragraph (f) of this section) in the foreign or domestic commerce of the United States or in the fisheries of the United States (see section 607(b)(1)(A) of the Act),

(ii) Amounts allowable as a deduction under section 167 of the Code for such year with respect to the agreement vessels (see section 607(b)(1)(B) of the Act),

(iii) The net proceeds (if not included in subdivision (i) of this paragraph) from (*a*) the sale or other disposition of any agreement vessels or (*b*) insurance or indemnity attributable to any agreement vessels (see section 607(b)(1)(C) of the Act and paragraph (c) of this section), and

(iv) Earnings and gains from the investment or reinvestment of amounts held in such fund (see section 607(b)(1)(D) of the Act and paragraphs (d) and (g) of this section).

(2) *Overdeposits.* (i) If for any taxable year an amount is deposited into the fund under a subceiling computed under subparagraph (1) of this paragraph which is in excess of the amount of such subceiling for such year, then at the party's option such excess (or any portion thereof) may—

(*a*) Be treated as a deposit into the fund for that taxable year under another available subceiling, or

(*b*) Be treated as not having been deposited for the taxable year and thus, at the party's option, may be disposed of either by it being—

(*1*) Treated as a deposit into the fund under any subceiling available in the first subsequent taxable year in which a subceiling is available, in which case such amount shall be deemed to have been deposited on the first day of such subsequent taxable year, or

(*2*) Repaid to the party from the fund.

(ii) (*a*) When a correction is made for an overdeposit, proper adjustment shall be made with respect to all items for all taxable years affected by the overdeposit, such as, for example, amounts in each account described in § 391.4, treatment of nonqualified withdrawals, the consequences of qualified withdrawals and the treatment of losses realized or treated as realized by the fund. Thus, for example, if the party chooses to have the fund repay to him the amount of an overdeposit, amounts in each account, basis of assets, and any affected item will be determined as though no deposit and repayment had been made. Accordingly, in such a case, if there are insufficient amounts in an account to cover a repayment of an overdeposit (as determined before correcting the overdeposit), and the party had applied the proceeds of a qualified withdrawal from such account towards the purchase of a qualified vessel (within the meaning of § 391.11(a)(2)), then such

account and the basis of the vessel shall be adjusted as of the time such withdrawal was made and proceeds were applied, and repayment shall be made from such account as adjusted. If a party chooses to treat the amount of an overdeposit as a deposit under a subceiling for a subsequent year, similar adjustments to affected items shall be made. If the amount of a withdrawal would have exceeded the amount in the fund (determined after adjusting all affected amounts by reason of correcting the overdeposit), the withdrawal to the extent of such excess shall be treated as a repayment made at the time the withdrawal was made.

(*b*) If the accounts (as defined in § 391.4) that were increased by reason of excessive deposits contain sufficient amounts at the time the overdeposit is discovered to repay the party, the party may, at his option, demand repayment of such excessive deposits from such accounts in lieu of making the adjustments required by (*a*) of this subdivision (ii).

(iii) During the period beginning with the day after the date an overdeposit was actually made and ending with the date it was disposed of in accordance with subdivision (i) (*b*) of this subparagraph, there shall be included in the party's gross income for each taxable year the earnings attributed to any amount of overdeposit on hand during such a year. The earnings attributable to any amount of overdeposit on hand during a taxable year shall be an amount equal to the product of—

(*a*) The average daily earnings for each one dollar in the fund (as determined in subdivison (iv) of this subparagraph),

(*b*) The amount of overdeposit (as determined in subdivision (vi) of this subparagraph), and

(*c*) The number of days during the taxable year the overdeposit existed.

(iv) For purposes of subdivision (iii) (*a*) of this subparagraph, the average daily earnings for each dollar in the fund shall be determined by dividing the total earnings of the fund for the taxable year by the sum of the products of—

(*a*) Any amount on hand during the taxable year (determined under subdivision (v) of this subparagraph), and

(*b*) The number of days during the taxable year such amount was on hand in the fund.

(v) For purposes of this subparagraph—

(*a*) An amount on hand in the fund or an overdeposit shall not be treated as on hand on the day deposited but shall be treated as on hand on the day withdrawn, and

(*b*) The fair market value of such amounts on hand for purposes of this subparagraph shall be determined as provided in § 20.2031-2 of the Estate Tax Regulations of this chapter but without applying the blockage and other special rules contained in paragraph (e) thereof.

(vi) For purposes of subdivision (iii) (*b*) of this subparagraph, the amount of overdeposit on hand at any time is an amount equal to—

(*a*) The amount deposited into the fund under a subceiling computed under subparagraph (1) of this paragraph which is in excess of the amount of such subceiling, less

(*b*) The sum of—

(*1*) Amounts described in (*a*) of this subdivision (vi) treated as a deposit under another subceiling for the taxable year pursuant to subdivision (i) of this subparagraph,

(*2*) Amounts described in (*a*) of this subdivision (vi) disposed of (or treated as disposed of) in accordance with subdivision (i) or (ii) of this subparagraph prior to such time.

(vii) To the extent earnings attributed under subdivision (iii) of this subparagraph represent a deposit for any taxable year in excess of the subceiling described in subparagraph (1)(iv) of this paragraph for receipts from the investment or reinvestment of amounts held in the fund, such attributed earnings shall be subject to the rules of this subparagraph for overdeposits.

(3) *Underdeposit caused by audit adjustment.* [Reserved]

(4) *Requirements for deficiency deposits.* [Reserved]

(b) *Taxable income attributable to the operation of an agreement vessel*—(1) *In general.* For purposes of this section, taxable income attributable to the operation of an agreement vessel means the amount, if any, by which the gross income of a party for the taxable year from the operation of an agreement vessel (as defined in paragraph (f) of this section) exceeds the allowable deductions allocable to such operation (as determined under subparagraph (3) of this paragraph). The term "taxable income attributable to the operation of the agreement vessels" means the sum of the amounts described in the preceding sentence separately computed with respect to each agreement vessel (or share therein) or, at the party's option, computed in the aggregate.

(2) *Gross income.* (i) Gross income from the operation of agreement vessels means the sum of the revenues which are derived during the taxable year from the following:

(*a*) Revenues derived from the transportation of passengers, freight, or mail in such vessels, including amounts from contracts for the charter of such vessels to others, from operating differential subsidies, from collections in accordance with pooling agreements and from insurance or indemnity net proceeds relating to the loss of income attributable to such agreement vessels.

(*b*) Revenues derived from the operation of agreement vessels relating to commercial fishing activities, including the transportation of fish, support activities for fishing vessels, charters for commercial fishing, and insurance or indemnity net proceeds relating to the loss of income attributable to such agreement vessels.

(*c*) Revenues from the rental lease, or use by others of terminal facilities, revenues from cargo handling operations and tug and lighter operations, and revenues from other services or operations which are incidental and directly related to the operation of an agreement vessel. Thus, for example, agency fees, commissions, and brokerage fees derived by the party at his place of business for effecting transactions for services incidental and directly related to shipping for the accounts of other persons are includible in gross income from the operation of agreement vessels where the transaction is of a kind customarily consummated by the party for his own account at such place of business.

(*d*) Dividends, interest, and gains derived from assets set aside and reasonably retained to meet regularly occurring obligations relating to the shipping or fishing business directly connected with the agreement vessel which obligations cannot at all times be met from the current revenues of the business because of layups or repairs, special surveys, fluctuations in the business, and reasonably forseeable strikes (whether or not a strike actually occurs), and security amounts retained by reason of participation in conferences, pooling agreements, or similar agreements.

(ii) The items of gross income described in subdivision (i) (*c*) and (*d*) of this subparagraph shall be considered to be derived from the operations of a particular agreement vessel in the same proportion that the sum of the items of gross income described in subdivision (i) (*a*) and (*b*) of this subparagraph which are derived from the operations of such agreement vessel bears to the party's total gross income for the taxable year from operations described in subdivision (i) (*a*) and (*b*) of this subparagraph.

(iii) In the case of a party who uses his own or leased agreement vessels to transport his own products, the gross income attributable to such vessel operations is an amount determined to be an arm's length charge for such transportation. The arm's length charge shall be determined by applying the principles of section 482 of the Code and the regulations thereunder as if the party transporting the product and the owner of the product were not the same person but were controlled taxpayers within the meaning of § 1.482-1(a)(4) of the Income Tax Regulations of this chapter. Gross income attributable to the operation of agreement vessels does not include amounts for which the party is allowed a deduction for percentage depletion under sections 611 and 613 of the Code.

(3) *Deductions.* From the gross income attributable to the operation of an agreement vessel or vessels as determined under subparagraph (2) of this paragraph, there shall be deducted in accordance with the principles of § 1.861-8 of the Income Tax Regulations of this chapter, the expenses, losses, and other deductions definitely related and therefore allocated and apportioned thereto and a ratable part of any expenses,

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losses, or other deductions which are not definitely related to any gross income of the party. Thus, for example, if a party has gross income attributable to the operation of an agreement vessel and other gross income and has a particular deduction definitely related to both types of gross income, such deductions must be apportioned between the two types of gross income on a reasonable basis in determining the taxable income attributable to the operation of the agreement vessel.

(4) *Net operating and capital loss deductions.* The taxable income of a party attributable to the operation of agreement vessels shall be computed without regard to the carryback of any net operating loss deduction allowed by section 172 of the Code, the carryback of any net capital loss deduction allowed by section 165(f) of the Code, or any reduction in taxable income allowed by section 607 of the Act.

(5) *Method of accounting.* Taxable income must be computed under the method of accounting which the party uses for Federal income tax purposes. Such method may include a method of reporting whereby items of revenue and expense properly allocable to voyages in progress at the end of any accounting period are eliminated from the computation of taxable income for such accounting period and taken into account in the accounting period in which the voyage is completed.

(c) *Net proceeds from transactions with respect to agreement vessels.* [Reserved]

(d) *Earnings and gains from the investment or reinvestment of amounts held in a fund*—(1) *In general.* (i) Earnings and gains received or accrued by a party from the investment or reinvestment of assets in a fund is the total amount of any interest or dividends received or accrued, and gains realized, by the party with respect to assets deposited in, or purchased with amounts deposited in, such fund. Such earnings and gains are therefore required to be included in the gross income of the party unless such amount, or a portion thereof, is not taken into account under section 607(d)(1)(C) of the Act and § 391.3(b)(2)(ii) by reason of a deposit or deemed deposit into the fund. For rules relating to receipts from the sale or other disposition of nonmoney deposits into the fund, see paragraph (g) of this section.

(ii) Earnings received or accrued by a party from investment or reinvestment of assets in a fund include the ratable monthly portion of original issue discount included in gross income pursuant to section 1232(a)(3) of the Code. Such ratable monthly portion shall be deemed to be deposited into the ordinary income account of the fund, but an actual deposit representing such ratable monthly portion shall not be made. For basis of a bond or other evidence of indebtedness issued at a discount, see § 391.3(b)(2)(ii)(b).

(2) *Gain realized.* (i) The gain realized with respect to assets in the fund is the excess of the amount realized (as defined in section 1001(b) of the Code and the regulations thereunder) by the fund on the sale or other disposition of a fund asset over its adjusted basis (as defined in section 1011 of the Code) to the fund. For the adjusted basis of nonmoney deposits, see paragraph (g) of this section.

(ii) Property purchased by the fund (including property considered under paragraph (g)(1)(iii) of this section as purchased by the fund) which is withdrawn from the fund in a qualified withdrawal (as defined in § 391.5) is treated as a disposition to which subdivision (i) of this subparagraph applies. For purposes of determining the amount by which the balance within a particular account will be reduced in the manner provided in § 391.6(b) (relating to order of application of qualified withdrawals against accounts) and for purposes of determining the reduction in basis of a vessel, barge, or container (or share therein) pursuant to § 391.6(c), the value of the property is its fair market value on the day of the qualified withdrawal.

(3) *Holding Period.* Except as provided in paragraph (g) of this section, the holding period of fund assets shall be determined under section 1223 of the Code.

(e) *Leased vessels.* In the case of a party who is a lessee of an agreement vessel, the maximum amount which such lessee may deposit with respect to any agreement vessel by reason of section 607(b)(1)(B) of the Act and paragraph (a)(1)(ii) of this section (relating to depreciation allowable) for any period shall be reduced by the amount (if any) which, under an agreement entered into under section 607 of the Act, the owner is required or permitted to deposit for such period with respect to such vessel by reason of section 607(b)(1)(B) of the Act and paragraph (a)(1)(ii) of this section. The amount of depreciation depositable by the lessee under this paragraph is the amount of depreciation deductible by the lessor on its income tax return, reduced by the amount described in the preceding sentence or the amount set forth in the agreement, whichever is lower.

(f) *Definition of agreement vessel.* For purposes of this section, the term "agreement vessel" (as defined in § 391.11(a)(3) and 46 CFR § 390.6) includes barges and containers which are the complement of an agreement vessel and which are provided for in the agreements, agreement vessels which have been contracted for or are in the process of construction, and any shares in an agreement vessel. Solely for purposes of this section, a party is considered to have a "share" in an agreement vessel if he has a right to use the vessel to generate income from its use whether or not the party would be considered as having a proprietary interest in the vessel for purposes of State or Federal law. Thus, a partner may enter into an agreement with respect to his share of the vessel owned by the partnership and he may make deposits of his distributive share of the sum of the four subceilings described in paragraph (a)(1) of this section. Notwithstanding the provisions of subchapter K of the Code (relating to the taxation of partners and partnerships), the Internal Revenue Service will recognize, solely for the purposes of applying this part, an agreement by an owner of a share in an agreement vessel even though the "share" arrangement is a partnership for purposes of the Code.

(g) *Special rules for nonmoney deposits and withdrawals*—(1) *In general.* (i) Deposits may be made in the form of money or property of the type permitted to be deposited under the agreement. (For rules relating to the types of property which may be deposited into the fund, see 46 CFR § 390.7(d), and 50 CFR § 259.) For purposes of this paragraph, the term "property" does not include money.

(ii) Whether or not the election provided for in subparagraph (2) of this paragraph is made—

(*a*) The amount of any property deposit, and the fund's basis for property deposited in the fund, is the fair market value of the property at the time deposited, and

(*b*) The fund's holding period for the property begins on the day after the deposit is made.

(iii) Unless such an election is made, deposits of property into a fund are considered to be a sale at fair market value of the property, a deposit of cash equal to such fair market value, and a purchase by the fund of such property for cash. Thus, in the absence of the election, the difference between the fair market value of such property deposited and its adjusted basis shall be taken into account as gain or loss for purposes of computing the party's income tax liability for the year of deposit.

(iv) For fund's basis and holding period of assets purchased by the fund, see paragraph (d)(2) and (3) of this section.

(2) *Election not to treat deposits of property other than money as a sale or exchange at the time of deposit.* A party may elect to treat a deposit of property as if no sale or other taxable event had occurred on the date of deposit. If such election is made, in the taxable year the fund disposes of the property, the party shall recognize as gain or loss the amount he would have recognized on the day the property was deposited into the fund had the election not been made. The party's holding period with respect to such property shall not include the period of time such property was held by the fund. The election shall be made by a statement to that effect, attached to the party's Federal income tax return for the taxable year to which the deposit relates, or, if such return is filed before such deposit is made, attached to the party's return for the taxable year during which the deposit is actually made.

(3) *Effect of qualified withdrawal of property deposited pursuant to election.* If property deposited into a fund, with respect to which an election under subparagraph (2) of this paragraph is made, is withdrawn from the fund in a qualified withdrawal (as defined in § 391.5) such withdrawal is treated as a disposition of such property resulting in recognition by the party of gain or loss (if any) as provided in subparagraph (2) of this paragraph with respect to nonfund property. In addition, such withdrawal is treated as a disposition of such property by the fund resulting in recognition of gain or loss by the party with respect to fund property to the extent the fair market value of the property on the date of withdrawal is greater or less (as the case may be) than the adjusted basis of the property to the fund on such date. For purposes of determining the amount by which the balance within a particular account will be reduced in the manner provided in § 391.6(b) (relating to order of application of qualified withdrawals against accounts and for purposes of determining the reduction in basis of a vessel, barge, or container (or share therein) pursuant to § 391.6(c), the value of the property is its fair market value on the day of the qualified withdrawal. For rules relating to the effect of a qualified withdrawal of property purchased by the fund (including deposited property considered under subparagraph (1)(ii) of this paragraph as purchased by the fund), see paragraph (d)(2)(ii) of this section.

(4) *Effect of nonqualified withdrawal of property deposited pursuant to election.* If property deposited into a fund with respect to which an election under subparagraph (2) of this paragraph is made, is withdrawn from the fund in a nonqualified withdrawal (as defined in § 391.7(b)), no gain or loss is to be recognized by the party with respect to fund property or nonfund property but an amount equal to the adjusted basis of the property to the fund is to be treated as a nonqualified withdrawal. Thus, such amount is to be applied against the various accounts in the manner provided in § 391.7(c), such amount is to be taken into account in computing the party's taxable income as provided in § 391.7(d), and such amount is to be subject to interest to the extent provided for in § 391.7(e). In the case of withdrawals to which this subparagraph applies, the adjusted basis of the property in the hands of the party is the adjusted basis on the date of deposit, increased or decreased by the adjustments made to such property while held in the fund, and in determining the period for which the party has held the property there shall be included, in addition to the period the fund held the property, the period for which the party held the property before the date of deposit of the property into the fund. For rules relating to the basis and holding period of property purchased by the fund (including deposited property considered under subparagraph (1)(ii) of this paragraph as purchased by the fund) and withdrawn in a nonqualified withdrawal see § 391.7(f).

(5) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). X Corporation, which uses the calendar year as its taxable year, maintains a fund describer in § 391.1 X's taxable income (determined without regard to section 607 of the Act) is $100,000, of which $80,000 is taxable income attributable to the operation of agreement vessels (as determined under paragraph (b)(1) of this section). Under the agreement, X is required to deposit into the fund all earnings and gains received from the investment or reinvestment of amounts held in the fund, an amount equal to the net proceeds from transactions referred to in § 391.2(c), and an amount equal to 50 percent of its earnings attributable to the operation of agreement vessels provided that such 50 percent does not exceed X's taxable income from all sources for the year of deposit. The agreement permits X to make voluntary deposits of amounts equal to 100 percent of its earnings attributable to the operation of agreement vessels, subject to the limitation with respect to taxable income from all sources. The agreement also provides that deposits attributable to such earnings may be in the form of cash or other property. On March 15, 1973, X deposits, with respect to its 1972 earnings attributable to the operation of agreement vessels, stock with a fair market value at the time of deposit of $80,000 and an adjusted basis to X of $10,000. Such deposit represents agreement vessel income of $80,000. At the time of deposit, such stock had been held by X for a period exceeding 6 months. X does not elect under subparagraph (2) of this paragraph to defer recognition of the gain. Accordingly, under subparagraph (1)(iii) of this paragraph, the deposit is treated as a deposit of $80,000 and X realizes a long-term capital gain of $70,000 on March 15, 1973.

Example (2). The facts are the same as in example (1), except that X elects in accordance with subparagraph (2) of this paragraph not to treat the deposit as a sale or exchange. On July 1, 1974, the fund sells the stock for $85,000. The basis to the fund of the stock is $80,000 (see subparagraph (1)(ii)(*a*) of this paragraph). With respect to non fund property, X recognizes $70,000 of long-term capital gain on the sale includible in its gross income for 1974. With respect to fund property, X realizes $5,000 of long-term capital gain (the difference between the amount received by the fund on the sale of the stock, $85,000, and the basis to the fund of the stock, $80,000), an amount equal to which is required to be deposited into the fund with respect to 1974, as a gain from the investment or reinvestment of amounts held in the fund. Since the fund held the stock for a period exceeding 6 months, the $5,000 is allocated to the fund's capital gain account under § 391.4(c).

Example (3). The facts are the same as in example (2), except that the fund sells the stock on July 1, 1974, for $75,000. As the basis to the fund of the stock is $80,000 with respect to fund property, X realizes a long-term capital loss on the sale (the difference between the amount received by the fund on the sale of the stock, $75,000, and the basis to the fund of the stock, $80,000), of $5,000, an amount equal to which is required to be charged against the fund's capital gain account under § 391.4(e). Under subparagraph (2) of this paragraph, X recognizes $70,000 of long-term capital gain with respect to nonfund property on the sale which is includible in its gross income for 1974.

Example (4). The facts are the same as in example (2), except that on July 1, 1974, X makes a qualified withdrawal (as defined in § 391.5(a)) of the stock and uses it to pay indebtedness pursuant to § 391.5(b). On the disposition by X considered to occur under subparagraph (3) of this paragraph (2), X recognizes $70,000 of long-term capital gain with respect to nonfund property, which is includible in its gross income for 1974, and a long-term capital gain of $5,000 with respect to fund property, an amount equal to which is allocated to the fund's capital gain account under § 391.4(c). The fund is treated as having a qualified withdrawal of an amount equal to the fair market value of the stock on the day of withdrawal, $85,000 (see subparagraph (3) of this paragraph). In addition, $85,000 is applied against the various accounts in the order provided in § 391.6(b). The basis of the vessel with respect to which the indebtedness was incurred is to be reduced as provided in § 391.6(c).

Example (5). The facts are the same as in example (2), except that X withdraws the stock from the fund in a nonqualified withdrawal (as defined in § 391.7(b)). Under subparagraph (4) of this paragraph, X recognizes no gain or loss with respect to fund or nonfund property on such withdrawal. An amount equal to the basis of the stock to the fund ($80,000) is applied against the various accounts in the order provided in § 391.7(c), and is taken into account in computing X's taxable income for 1974 as provided in § 391.7(d). In addition, X must pay interest on the withdrawal as provided in § 391.7(e). The basis to X of the stock is $10,000 notwithstanding the fact that the fair market value of such stock was $85,000 on the day of withdrawal (see subparagraph (4) of this paragraph).

§ 391.3 Nontaxability of deposits.

(a) *In general.* Section 607(d) of the Act sets forth the rules concerning the income tax effects of deposits made with respect to ceilings described in section 607(b) and § 391.2. The specific treatment of deposits with respect to each of the subceilings is set forth in paragraph (b) of this section.

(b) *Treatment of deposits*—(1) *Earnings of agreement vessels.* Section 607(d)(1)(A) of the Act provides that taxable income of the party (determined without regard to section 607 of the Act) shall be reduced by an amount equal to the amount deposited for the taxable year out of amounts referred to in section 607(b)(1)(A) of the Act and § 391.2(a)(1)(i). For computation of the foreign tax credit, see paragraph (i) of this section.

(2) *Net proceeds from agreement vessels and fund earnings.* (i)(*a*) Section 607(d)(1)(B) provides that gain from a transaction referred to in section 607(b)(1)(C) of the Act and § 391.2(a)(1)(iii) (relating to ceilings on deposits of net proceeds from the sale or other disposition of agreement vessels) is not to be taken into account for purposes of the Code if an amount equal to the net proceeds from transactions referred to in such sections is deposited in the fund. Such gain is to be excluded from gross income of the party for the taxable year to which such deposit relates. Thus, the gain will not be taken into account in applying section 1231 of the Code for the year to which the deposit relates.

(*b*) [Reserved]

(ii)(*a*) Section 607(d)(1)(C) of the Act provides that the earnings

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(including gains and losses) from the investment and reinvestment of

(ii) (*a*) For taxable years beginning after December 31, 1969, and prior to

section 607(b)(1)(A) of the Act and § 391.2(a)(1)(i) (relating to taxable in-

(2) Amounts referred to in section 607(b)(1)(C) of the Act and § 391.2(a)(1)

(for purposes of this section referred to as "short-term capital losses"). For rules

taken into account in applying the tax

(including gains and losses) from the investment and reinvestment of amounts held in the fund and referred to in section 607(b)(1)(D) of the Act and § 391.2(a)(1)(iv) shall not be taken into account for purposes of the Code if an amount equal to such earnings is deposited into the fund. Such earnings are to be excluded from the gross income of the party for the taxable year to which such deposit relates.

(b) However, for purposes of the basis adjustment under section 1232(a)(3)(E) of the Code, the ratable monthly portion of original issue discount included in gross income shall be determined without regard to section 607(d)(1)(C) of the Act.

(iii) In determining the tax liability of a party to whom subparagraph (1) of this paragraph applies, taxable income, determined after application of subparagraph (1) of this paragraph, is in effect reduced by the portion of deposits which represent gain or earnings respectively referred to in subdivision (i) or (ii) of this subparagraph. The excess, if any, of such portion over taxable income determined after application of subparagraph (1) of this paragraph is taken into account in computing the net operating loss (under section 172 of the Code) for the taxable year to which such deposits relate.

(3) *Time for making deposits.* (i) This section applies with respect to an amount only if such amount is deposited in the fund pursuant to the agreement and not later than the time provided in subdivision (ii), (iii), or (iv) of this subparagraph for the making of such deposit or the date the Secretary of Commerce provides, whichever is earlier.

(ii) Except as provided in subdivision (iii) or (iv) of this subparagraph, a deposit may be made not later than the last day prescribed by law (including extensions thereof) for filing the party's Federal income tax return for the taxable year to which such deposit relates.

(iii) If the party is a subsidized operator under an operating-differential subsidy contract, and does not receive on or before the 59th day preceding such last day, payment of all or part of the accrued operating-differential subsidy payable for the taxable year, the party may deposit an amount equivalent to the unpaid accrued operating-differential subsidy on or before the 60th day after receipt of payment of the accrued operating-differential subsidy.

(iv) A deposit pursuant to § 391.2(a)(3)(i) (relating to underdeposits caused by audit adjustments) must be made on or before the date prescribed for such a deposit in § 391.2(a)(4).

(4) *Date of deposits.* (i) Except as otherwise provided in subdivisions (ii) and (iii) of this subparagraph (with respect to taxable years beginning after December 31, 1969, and prior to January 1, 1972), in § 391.2(a)(2)(i), or in § 391.10(b), deposits made in a fund within the time specified in subparagraph (3) of this paragraph are deemed to have been made on the date of actual deposit.

(ii) (*a*) For taxable years beginning after December 31, 1969, and prior to January 1, 1971, where an application for a fund is filed by a taxpayer prior to January 1, 1972, and an agreement is executed and entered into by the taxpayer prior to March 1, 1972.

(*b*) For taxable years beginning after December 31, 1970, and prior to January 1, 1972, where an application for a fund is filed by a taxpayer prior to January 1, 1973, and an agreement is executed and entered into by the taxpayer prior to March 1, 1973, and

(*c*) For taxable years beginning after December 31, 1971, and prior to January 1, 1975, where an agreement is executed and entered into by the taxpayer on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year, deposits in a fund which are made within 60 days after the date of execution of the agreement, or on or before the due date, with extensions thereof, for the filing of his Federal income tax return for such taxable year or years, whichever date shall be later, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of each such taxable year or years to which such deposits relate, whichever day is earlier.

(iii) Notwithstanding subdivision (ii) of this subparagraph, for taxable years beginning after December 31, 1970, and ending prior to January 1, 1972, deposits made later than the last date permitted under subdivision (ii) but on or before January 9, 1973, in a fund pursuant to an agreement with the Secretary of Commerce, acting by and through the Administrator of the National Oceanic and Atmospheric Administration, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of such taxable year, whichever is earlier.

(c) *Determination of earnings and profits.* [Reserved]

(d) *Accumulated earnings tax.* As provided in section 607(d)(1)(E) of the Act amounts, while held in the fund, are not to be taken into account in computing the "accumulated taxable income" of the party within the meaning of section 531 of the Code. Amounts while held in the fund are considered held for the purpose of acquiring, constructing, or reconstructing a qualified vessel or barges and containers which are part of the complement of a qualified vessel or the payment of the principal on indebtedness incurred in connection with any such acquisition, construction, or reconstruction. Thus, for example, if the reasonable needs of the business (within the meaning of section 537 of the Code) justify a greater amount of accumulation for providing replacement vessels than can be satisfied out of the fund, such greater amount accumulated outside of the fund shall be considered to be accumulated for the reasonable needs of the business. For a further example, although amounts in the fund are not taken into account in applying the tax imposed by section 531 of the Code, to the extent there are amounts in a fund to provide for replacing a vessel, amounts accumulated outside of the fund to replace the same vessel are not considered to be accumulated for the reasonable needs of the business.

(e) *Nonapplicability of section 1231.* If an amount equivalent to gain from a transaction referred to in section 607(b)(1)(C) of the Act and § 391.2(c)(1) and (5) is deposited into the fund and, therefore, such gain is not taken into account in computing gross income under the provisions of paragraph (b)(2) of this section, then such gain will not be taken into account for purposes of the computations under section 1231 of the Code.

(f) *Deposits of capital gains.* In respect of capital gains which are not included in the gross income of the party by virtue of a deposit to which section 607(d) of the Act and this section apply, the following provisions of the Code do not apply: the minimum tax for tax preferences imposed by section 56 of the Code; the alternative tax imposed by section 1201 of the Code on the excess of the party's net long-term capital gain over his net short-term capital loss; and, in the case of a taxpayer other than a corporation, the deduction provided by section 1202 of the Code of 50 percent of the amount of such excess. However, section 56 may apply upon a nonqualified withdrawal with respect to amounts treated under § 391.7(d)(2) as being made out of the capital gain account.

(g) *Deposits of dividends.* The deduction provided by section 243 of the Code (relating to the deductions for dividends from a domestic corporation received by a corporation) shall not apply in respect of dividends (earned on assets held in the fund) which are deposited into a fund, and which, by virtue of such deposits and the provisions of section 607(d) of the Act and this section, are not included in the gross income of the party.

(h) *Presumption of validity of deposit.* All amounts deposited in the fund shall be presumed to have been deposited pursuant to an agreement unless, after an examination of the facts upon the request of the Commissioner of Internal Revenue or his delegate, the Secretary of Commerce determines otherwise. The Commissioner or his delegate will request such a determination where there is a substantial question as to whether a deposit is made in accordance with an agreement.

(i) *Special rules for application of the foreign tax credit*—(1) *In general.* For purposes of computing the limitation under section 904 of the Code on the amount of the credit provided by section 901 of the Code (relating to the foreign tax credit), the party's taxable income from any source without the United States and the party's entire taxable income are to be determined after application of section 607(d) of the Act. Thus, amounts deposited for the taxable year with respect to amounts referred to in

section 607(b)(1)(A) of the Act and § 391.2(a)(1)(i) (relating to taxable income attributable to the operation of agreement vessels) shall be treated as a deduction in arriving at the party's taxable income from sources without the United States (subject to the apportionment rules and subparagraph (2) of this paragraph) and the party's entire taxable income for the taxable year. Amounts deposited with respect to gain described in section 607(d)(1)(B) of the Act and § 391.2(c) (relating to net proceeds from the sale or other disposition of an agreement vessel and net proceeds from insurance or indemnity) and amounts deposited with respect to earnings described in section 607(d)(1)(C) of the Act and paragraph (b)(2)(ii) (relating to earnings from the investment and reinvestment of amounts held in a fund) of this section are not taken into account for purposes of the Code and hence are not included in the party's taxable income from sources without the United States or in the party's entire taxable income for purposes of this paragraph.

(2) *Apportionment of taxable income attributable to agreement vessels.* For purposes of computing the overall limitation under section 904(a)(2) of the Code the amount of the deposit made with respect to taxable income attributable to agreement vessels pursuant to § 391.2(a)(1)(i) which is allocable to sources without the United States is the total amount of such deposit multiplied by a fraction the numerator of which is the gross income from sources without the United States from the operation of agreement vessels and the denominator of which is the total gross income from the operation of agreement vessels computed as provided in § 391.2(b)(2). For purposes of this paragraph, gross income from sources without the United States attributable to the operation of agreement vessels is to be determined under sections 61 through 863 of the Code and under the taxpayer's usual method of accountnig provided such method is reasonable and in keeping with sound accounting practice. Any computation under the per-country limitation of section 904(a)(1) shall be made in the manner consistent with the provisions of the preceding sentences of this subparagraph.

§ 391.4 Establishment of accounts.

(a) *In general.* Section 607(e)(1) of the Act requires that three bookkeeping or memorandum accounts are to be established and maintained within the fund: The capital account, the capital gain account, and the ordinary income account. Deposits of the amounts under the subceilings in section 607(b) of the Act and § 391.2 are allocated among the accounts under section 607(e) of the Act and this section.

(b) *Capital account.* The capital account shall consist of:

(1) Amounts referred to in section 607(b)(1)(B) of the Act and § 391.2(a)(1)(ii) (relating to deposits for depreciation),

(2) Amounts referred to in section 607(b)(1)(C) of the Act and § 391.2(a)(1)(iii) (relating to deposits of net proceeds from the sale or other disposition of agreement vessels) other than that portion thereof which represents gain not taken into account for purposes of computing gross income by reason of section 607(d)(1)(B) of the Act and § 391.3(b)(2) (relating to nontaxability of gain from the sale or other disposition of an agreement vessel),

(3) Amounts representing 85 percent of any dividend received by the fund with respect to which the party would, but for section 607(d)(1)(C) of the Act and § 391.3(b)(2)(ii) (relating to nontaxability of deposits of earnings from investment and reinvestment of amounts held in a fund), be allowed a deduction under section 243 of the Code, and

(4) Amounts received by the fund representing interest income which is exempt from taxation under section 103 of the Code.

(c) *Capital gain account.* The capital gain account shall consist of amounts which represent the excess of (1) deposits of long-term capital gains on property referred to in section 607(b)(1)(C) and (D) of the Act and § 391.2(a)(1)(iii) and (iv) (relating respectively to certain agreement vessels and fund assets), over (2) amounts representing losses from the sale or exchange of assets held in the fund for more than 6 months (for purposes of this section referred to as "long-term capital losses"). For purposes of this paragraph and paragraph (d)(2) of this section, an agreement vessel disposed of at a gain shall be treated as a capital asset to the extent that gain thereon is not treated as ordinary income, including gain which is ordinary income under section 607(g)(5) of the Act (relating to treatment of gain on disposition of a vessel with a reduced basis) and § 391.6(e) or under section 1245 of the Code (relating to gain from disposition of certain depreciable property). For provisions relating to the treatment of short-term capital gains on certain transactions involving agreement vessels or realized by the fund, see paragraph (d) of this section. For rules relating to the treatment of capital losses on assets held in the fund, see paragraph (e) of this section.

(d) *Ordinary income account.* The ordinary income account shall consist of:

(1) Amounts referred to in section 607(b)(1)(A) of the Act and § 391.2(a)(1)(i) (relating to taxable income attributable to the operation of an agreement vessel),

(2) Amounts representing (i) deposits of gains from the sale or exchange of capital assets held for 6 months or less (for purposes of this section referred to as "short-term capital gains") referred to in section 607(b)(1)(C) or (D) of the Act and § 391.2(a)(1)(iii) and (iv) (relating respectively to certain agreement vessels and fund assets), reduced by (ii) amounts representing losses from the sale or exchange of capital assets held in the fund for 6 months or less (for purposes of this section referred to as "short-term capital losses"). For rules relating to the treatment of certain agreement vessels as capital assets, see paragraph (c) of this section.

(3) Amounts representing interest (not including any tax-exempt interest referred to in section 607(e)(2)(D) of the Act and paragraph (b)(4) of this section) and other ordinary income received on assets held in the fund (not including any dividend referred to in section 607(e)(2)(C) of the Act and subparagraph (5) of this paragraph),

(4) Amounts representing ordinary income from a transaction (involving certain net proceeds with respect to an agreement vessel) described in section 607(b)(1)(C) of the Act and § 391.2(a)(1)(iii), including gain which is ordinary income under section 607(g)(5) of the Act and § 391.6(e) (relating to treatment of gain on the disposition of a vessel with a reduced basis) or under section 1245 of the Code (relating to gain from disposition of certain depreciable property), and

(5) Fifteen percent of any dividend referred to in section 607(e)(2)(C) of the Act and paragraph (b)(3) of this section received on any assets held in the fund.

(e) *Limitation on deduction for capital losses on assets held in a fund.* Except on termination of a fund, long-term (and short-term) capital losses on assets held in a fund shall be allowed only as an offset to long-term (and short-term) capital gains on assets held in the fund, but only if such gains are deposited into the fund, and shall not be allowed as an offset to any capital gains on assets not held in the fund. The net long-term capital loss of the fund for the taxable year shall reduce the earliest long-term capital gains in the capital gain account at the beginning of the taxable year and the next short-term capital loss for the taxable year shall reduce the earliest short-term capital gains remaining in the ordinary income account at the beginning of the taxable year. Any such losses that are in excess of the capital gains in the respective accounts shall reduce capital gains deposited into the respective accounts in subsequent years (without regard to section 1212, relating to capital loss carrybacks and carryovers). On termination of a fund, any net long-term capital loss in the capital gain account and any net short-term capital loss remaining in the ordinary income account is to be taken into account for purposes of computing the party's taxable income for the year of termination as a long-term or short-term (as the case may be) capital loss recognized in the year the fund is terminated. With respect to the determination of the basis to a fund of assets held in such fund, see § 391.2(g).

§ 391.5 Qualified withdrawals.

(a) *In general.* (1) A qualified withdrawal is one made from the fund during the taxable year which is in accordance with section 607(f)(1) of the Act, the agreement, and with regulations pre-

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scribed by the Secretary of Commerce and which is for the acquisition, construction, or reconstruction of a qualified vessel (as defined in § 391.11(a)(2)) or barges and containers which are part of the complement of a qualified vessel (or shares in such vessels, barges, and containers), or for the payment of the principal of indebtedness incurred in connection with the acquisition construction, or reconstruction of such qualified vessel (or a barge or container which is part of the complement of a qualified vessel).

(2) For purposes of this section the term "share" is used to reflect an interest in a vessel and means a proprietary interest in a vessel such as, for example, that which results from joint ownership. Accordingly, a share within the meaning of § 391.2(f) (relating to the definition of "agreement vessel" for the purpose of making deposits) will not necessarily be sufficient to be treated as a share within the meaning of this section.

(3) For purposes of this section, the term "acquisition" means any of the following:

(i) Any acquisition, but only to the extent the basis of the property acquired in the hands of the transferee is its cost. Thus, for example, if a party transfers a vessel and $1 million in an exchange for another vessel which qualifies for nonrecognition of gain or loss under section 1031(a) of the Code (relating to like-kind exchange), there is an acquisition to the extent of $1 million.

(ii) With respect to a lessee's interest in a vessel, expenditures which result in increasing the amounts with respect to which a deduction for depreciation (or amortization in lieu thereof) is allowable.

(iii) [Reserved]

(b) *Payments on indebtedness.* Payments on indebtedness may constitute qualified withdrawals only if the party shows to the satisfaction of the Secretary of Commerce a direct connection between incurring the indebtedness and the acquisition, construction, or reconstruction of a qualified vessel or its complement of barges and containers whether or not the indebtedness is secured by the vessel or its complement of barges and containers. The fact that an indebtedness is secured by an interest in a qualified vessel, barge, or container is insufficient by itself to demonstrate the necessary connection.

(c) *Payments to related persons.* Not withstanding paragraph (a) of this section, payments from a fund to a person owned or controlled directly or indirectly by the same interests as the party within the meaning of section 482 of the Code and the regulations thereunder are not to be treated as qualified withdrawals unless the party demonstrates to the satisfaction of the Secretary of Commerce that no part of such payment constitutes a dividend, a return of capital, or a contribution to capital under the Code.

(d) *Treatment of fund upon failure to fulfill obligations.* Section 607(f)(2) of the Act provides that if the Secretary of Commerce determines that any substantial obligation under the agreement is not being fulfilled, he may, after notice and opportunity for hearing to the party, treat the entire fund, or any portion thereof, as having been withdrawn as a nonqualified withdrawal. In determining whether a party has breached a substantial obligation under the agreement, the Secretary will consider among other things, (1) the effect of the party's action or omission upon his ability to carry out the purposes of the fund and for which qualified withdrawals are permitted under section 607(f)(1) of the Act, and (2) whether the party has made material misrepresentations in connection with the agreement or has failed to disclose material information. For the income tax treatment of nonqualified withdrawals, see § 391.7.

§ 391.6 Tax treatment of qualified withdrawals.

(a) *In general.* Section 607(g) of the Act and this section provide rules for the income tax treatment of qualified withdrawals including the income tax treatment on the disposition of assets acquired with fund amounts.

(b) *Order of application of qualified withdrawals against accounts.* A qualified withdrawal from a fund shall be treated as being made: first, out of the capital account; second out of the capital gain account; and third, out of the ordinary income account. Such withdrawals will reduce the balance within a particular account on a first-in-first-out basis, the earliest qualified withdrawals reducing the items within an account in the order in which they were actually deposited or deemed deposited in accordance with this part. The date funds are actually withdrawn from the fund determines the time at which withdrawals are considered to be made.

(c) *Reduction of basis.* (1) If any portion of a qualified withdrawal for the acquisition, construction, or reconstruction of a vessel, barge, or container (or share therein) is made out of the ordinary income account, the basis of such vessel, barge, or container (or share therein) shall be reduced by an amount equal to such portion.

(2) If any portion of a qualified withdrawal for the acquisition, construction or reconstruction of a vessel, barge, or container (or share therein) is made out of the capital gain account, the basis of such vessel, barge, or container (or share therein) shall be reduced by an amount equal to—

(i) Five-eighths of such portion, in the case of a corporation (other than an electing small business corporation, as defined in section 1371 of the Code), or

(ii) One-half of such portion, in the case of any other person.

(3) If any portion of a qualified withdrawal to pay the principal of an indebtedness is made out of the ordinary income account or the capital gain account, then the basis of the vessel, barge, or container (or share therein) with respect to which such indebtedness was incurred is reduced in the manner provided by subparagraphs (1) and (2) of this paragraph. If the aggregate amount of such withdrawal from the ordinary income account and capital gain account would cause a basis reduction in excess of the party's basis in such vessel, barge, or container (or share therein), the excess is applied against the basis of other vessels, barges, or containers (or shares therein) owned by the party at the time of withdrawal in the following order: (i) Vessels, barges, or containers (or shares therein) which were the subject of qualified withdrawals in the order in which they were acquired, constructed, or reconstructed; (ii) agreement vessels (as defined in section 607(k)(3) of the Act and § 391.11(a)(3)) and barges and containers which are part of the complement of an agreement vessel (or shares therein) which were not the subject of qualified withdrawals, in the order in which such vessels, barges, or containers (or shares therein) were acquired by the party; and (iii) other vessels, barges, and containers (or shares therein), in the order in which they were acquired by the party. Any amount of a withdrawal remaining after the application of this subparagraph is to be treated as a nonqualified withdrawal. If the indebtedness was incurred to acquire two or more vessels, barges, or containers (or shares therein), then the basis reduction in such vessels, barges, or containers for shares therein) is to be made pro rata in proportion to the adjusted basis of such vessels, barges, or containers (or shares therein) computed, however, without regard to this section and adjustments under section 1016(a)(2) and (3) of the Code for depreciation or amortization.

(d) *Basis for depreciation.* For purposes of determining the allowance for depreciation under section 167 of the Code in respect of any property which has been acquired, constructed, or reconstructed from qualified withdrawals, the adjusted basis for determining gain on such property is determined after applying paragraph (c) of this section. In the case of reductions in the basis of any property resulting from the application of paragraph (c)(3) of this section, the party may adopt a method of accounting whereby (1) payments shall reduce the basis of the property on the day such payments are actually made, or (2) payments made at any time during the first half of the party's taxable year shall reduce the basis of the property on the first day of the taxable year, and payments made at any time during the second half of the party's taxable year shall reduce the basis of the property on the first day of the succeeding taxable year. For requirements respecting the change of methods of accounting, see § 1.446-1(e)(3) of the Income Tax Regulations of this chapter.

(e) *Ordinary income treatment of gain from disposition of property acquired with qualified withdrawals.* [Reserved]

§ 391.7 Tax treatment of nonqualified withdrawals.

(a) *In general.* Section 607(h) of the Act provides rules for the tax treatment of nonqualified withdrawals, including rules for adjustments to the various accounts of the fund, the inclusion of amounts in income, and the payment of interest with respect to such amounts.

(b) *Nonqualified withdrawals defined.* Except as provided in section 607 of the Act and § 391.8 (relating to certain corporate reorganizations, changes in partnerships, and transfers by reason of death), any withdrawal from a fund which is not a qualified withdrawal shall be treated as a nonqualified withdrawal which is subject to tax in acordance with section 607(h) of the Act and the provisions of this section. Examples of nonqualified withdrawals are amounts remaining in a fund upon termination of the fund, and withdrawals which are treated as nonqualified withdrawals under section 607(f)(2) of the Act and § 391.5(d) (relating to failure by a party to fulfill substantial obligation under agreement) or under the second sentence of section 607(g)(4) of the Act and § 391.6(c)(3) (relating to payments against indebtedness in excess of basis).

(c) *Order of application of nonqualified withdrawals against deposits.* A nonqualified withdrawal from a fund shall be treated as being made: First, out of the ordinary income account; second out of the capital gain account; and third, out of the capital account. Such withdrawals will reduce the balance within a particular account on a first-in-first-out basis, the earliest nonqualified withdrawals reducing the items within an account in the order in which they were actually deposited or deemed deposited in accordance with this part. Nonqualified withdrawals for research, development, and design expenses incident to new and advanced ship design, machinery, and equipment, and any amount treated as a nonqualified withdrawal under the second sentence of section 607(g)(4) of the Act and § 391.6(c)(3), shall be applied against the deposits within a particular account on a last-in-first-out basis. The date funds are actually withdrawn from the fund determines the time at which withdrawals are considered to be made. For special rules concerning the withdrawal of contingent deposits of net proceeds from the installment sale of an agreement vessel, see § 391.2(c)(6).

(d) *Inclusion in income.* (1) Any portion of a nonqualified withdrawal which, under paragraph (c) of this section, is treated as being made out of the ordinary income account is to be included in gross income as an item of ordinary income for the taxable year in which the withdrawal is made.

(2) Any portion of a nonqualified withdrawal which, under paragraph (c) of this section, is treated as being made out of the capital gain account is to be included in income as an item of long-term capital gain recognized during the taxable year in which the withdrawal is made.

(3) For effect upon a party's taxable income of capital losses remaining in a fund upon the termination of a fund (which, under paragraph (b) of this section, is treated as a nonqualified withdrawal of amounts remaining in the fund), see § 391.4(e).

(e) *Interest.* (1) For the period on or before the last date prescribed by law, including extensions thereof, for filing the party's Federal income tax return for the taxable year during which a nonqualified withdrawal is made, no interest shall be payable under section 6601 of the Code in respect of the tax on any item which is included in gross income under paragraph (d) of this section, and no addition to such tax for such period shall be payable under section 6651 of the Code. In lieu of the interest and additions to tax under such sections, simple interest on the amount of the tax attributable to any item included in gross income under paragraph (d) of this section is to be paid at the rate of interest determined for the year of withdrawal under subparagraph (2) of this paragraph. Such interest is to be charged for the period from the last date prescribed for payment of tax for the taxable year for which such item was deposited in the fund to the last date for payment of tax for the taxable year in which the withdrawal is made. Both dates are to be determined without regard to any extensions of time for payment. Interest determined under this paragraph which is paid within the taxable year shall be allowed as a deduction for such year under section 163 of the Code. However, such interest is to be treated as part of the party's tax for the year of withdrawal for purposes of collection and in determining any interest or additions to tax for the year of withdrawal under section 6601 or 6651, respectively, of the Code.

(2) For purposes of section 607(h)(3)(C)(ii) of the Act, and for purposes of certain dispositions of vessels constructed, reconstructed, or acquired with qualified withdrawals described in § 391.6(e), the applicable rate of interest for any nonqualified withdrawal—

(i) Made in a taxable year beginning in 1970 and 1971 is 8 percent.

(ii) Made in a taxable year beginning after 1971, the rate for such year as determined and published jointly by the Secretary of the Treasury or his delegate and the Secretary of Commerce. Such rate shall bear a relationship to 8 percent which the Secretaries determine to be comparable to the relationship which the money rates and investment yields for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1970. The determination of the applicable rate for any such taxable year will be computed by multiplying 8 percent by the ratio which (*a*) the average yield on 5-year Treasury securities for the calendar year immediately preceding the beginning of such taxable year, bears to (*b*) the average yield on 5-year Treasury securities for the calendar year 1970. The applicable rate so determined shall be computed to the nearest one-hundredth of 1 percent. If such a determination and publication is made, the latest published percentage shall apply for any taxable year beginning in the calendar year with respect to which publication is made.

(3) No interest shall be payable in respect of taxes on amounts referred to in section 607(h)(2)(i) and (ii) of the Act (relating to withdrawals for research and devclopment and payments against indebtedness in excess of basis) or in the case of any nonqualified withdrawal arising from the application of the recapture provision of section 606(5) of the Merchant Marine Act, 1936, as in effect on December 31, 1969.

(f) *Basis and holding period in the case of property purchased by the fund or considered purchased by the fund.* In the case of a nonqualified withdrawal of property other than money which was purchased by the fund (including deposited property considered under § 391.2(g)(1)(ii) as purchased by the fund), the adjusted basis of the property in the hands of the party is its adjusted basis to the fund on the day of the withdrawal. In determining the period for which the taxpayer has held the property withdrawn in a nonqualified withdrawal, there shall be included only the period beginning with the date on which the withdrawal occurred. For basis and holding period in the case of nonqualified withdrawals of property other than money deposited into the fund, see § 391.2(g)(4).

§ 391.8 Certain corporate reorganizations and changes in partnerships, and certain transfers on death.

[Reserved]

§ 391.9 Consolidated returns. [Reserved]

§ 391.10 Transitional rules for existing funds.

(a) *In general.* Section 607(j) of the Act provides that any person who was maintaining a fund or funds under section 607 of the Merchant Marine Act, 1936, prior to its amendment by the Merchant Marine Act of 1970 (for purposes of this part referred to as "old fund") may continue to maintain such old fund in the same manner as under prior law subject to the limitations contained in section 607(j) of the Act. Thus, a party may not simultaneously maintain such old fund and a new fund established under the Act.

(b) *Extension of agreement to new fund.* If a person enters into an agreement under the Act to establish a new fund, he may agree to the extension of such agreement to some or all of the amounts in the old fund and transfer the amounts in the old fund to which the agreement is to apply from the old fund to the new fund. If an agreement to establish a new fund is extended to amounts from an old fund, each item in the old fund to which such agreement applies shall be considered to be transferred to the appropriate account in the manner provided for in § 391.8(d) in the new fund in a nontaxable transaction which is in accordance with the provisions of the agreement under which such old fund was maintained. For pur-

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poses of determining the amount of in-

tary of Commerce determines is intended

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poses of determining the amount of interest under section 607(h)(3)(C) of the Act and § 391.7(e), the date of deposit of any item so transferred shall be deemed to be July 1, 1971, or the date of the deposit in the old fund, whichever is the later.

§ 391.11 Definitions.

(a) As used in the regulations in this part and as defined in section 607(k) of the Act—

(1) The term "eligible vessel" means any vessel—

(i) Constructed in the United States, and if reconstructed, reconstructed in the United States,

(ii) Documented under the laws of the United States, and

(iii) Operated in the foreign or domestic commerce of the United States or in the fisheries of the United States. Any vessel which was constructed outside of the United States but documented under the laws of the United States on April 15, 1970, or constructed outside the United States for use in the U.S. foreign trade pursuant to a contract entered into before April 15, 1970, shall be treated as satisfying the requirements of subdivision (1) of this subparagraph and the requirements of subparagraph (2)(i) of this section.

(2) The term "qualified vessel" means any vessel—

(i) Constructed in the United States and, if reconstructed, reconstructed in the United States,

(ii) Documented under the laws of the United States, and

(iii) Which the person maintaining the fund agrees with the Secretary of Commerce will be operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States.

(3) The term "agreement vessel" means any eligible vessel or qualified vessel which is subject to an agreement entered into under section 607 of the Act.

(4) The term "vessel" includes cargo handling equipment which the Secretary of Commerce determines is intended for use primarily on the vessel. The term "vessel" also includes an ocean-going towing vessel or an ocean-going barge or comparable towing vessel or barge operated in the Great Lakes.

(b) Insofar as the computation and collection of taxes are concerned, other terms used in the regulation in this part, except as otherwise provided in the Act or this part, have the same meaning as in the Code and the regulations thereunder.

The following table shows the correspondence between the provisions in 26 CFR Part 3 and 46 CFR Part 391.

26 CFR	*46 CFR*
3.0	391.0.
3.1	391.1.
3.10	391.10.
3.2	391.2.
3.4	391.4.
3.11(a)(2)	391.11(a)(2).
3.4	391.4
3.3(b)(2)(ii)	391.3(b)(2)(ii).
3.3(b)(2)(ii)(b)	391.3(b)(2)(ii)(b).
3.5	391.5.
3.6(b)	391.6(b).
3.6(c)	391.6(c).
3.11(a)(3)	391.11(a)(3)
3.5	391.5.
3.6(b)	391.6(b)
3.6(c)	391.6(c).
3.7(b)	391.7(b).
3.7(c)	391.7(c).
3.7(d)	391.7(d).
3.7(e)	391.7(e).
3.7(f)	391.7(f).
3.1	391.1.
3.2	391.2.
3.4(c)	391.4(c).
3.4(e)	391.4(e).
3.5(a)	391.5(a).
3.5(b)	391.5(b).
3.4(c)	391.4(c).
3.6(b)	391.6(b).
3.6(c)	391.6(c).
3.7(b)	391.7(b).
3.7(c)	391.7(c).
3.7(d)	391.7(d).
3.7(e)	391.7(e).
3.3	391.3.
3.2	391.2.
3.2(a)(1)(i)	391.2(a)(1)(i).
3.2(a)(1)(iii)	391.2(a)(1)(iii).
3.2(a)(1)(iv)	391.2(a)(1)(iv).
3.2(a)(3)	391.2(a)(3).
3.2(a)(4)	391.2(a)(4).
3.2(a)(2)(i)	391.2(a)(2)(i).
3.10(b)	391.10(b).
3.2(c)(1) and (5)	391.2(c)(1) and (5).
3.7(d)(2)	391.7(d)(2).
3.2(a)(1)(i)	391.2(a)(1)(i).
3.2(c)	391.2(c).
3.2(a)(1)(i)	391.2(a)(1)(i).
3.2(b)(2)	391.2(b)(2).
3.4	391.4.
3.2	391.2.
3.2(a)(1)(ii)	391.2(a)(1)(ii).
3.2(a)(1)(iii)	391.2(a)(1)(iii).
3.3(b)(2)	391.3(b)(2).
3.3(b)(2)(ii)	391.3(b)(2)(ii).
3.2(a)(1)(iii) and (iv).	391.2(a)(1)(iii) and (iv).
3.6(e)	391.6(e).
3.2(a)(1)(i)	391.2(a)(1)(i).
3.2(a)(1)(iii) and (iv).	391.2(a)(1)(iii) and (iv).
3.2(a)(1)(iii)	391.2(a)(1)(iii).
3.6(e)	391.6(e).
3.2(g)	391.2(g).
3.5	391.5.
3.11(a)(2)	391.11(a)(2).
3.2(f)	391.2(f).
3.7	391.7.
3.6	391.6.
3.11(a)(3)	391.11(a)(3).
3.7	391.7.
3.8	391.8.
3.5(d)	391.5(d).
3.6(c)(3)	391.6(c)(3).
3.6(c)(3)	391.6(c)(3).
3.2(c)(6)	391.2(c)(6).
3.4(e)	391.4(e).
3.6(e)	391.6(e).
3.2(g)(1)(ii)	391.2(g)(1)(ii).
3.2(g)(4)	391.2(g)(4).
3.8	391.8.
3.9	391.9.
3.10	391.10.
3.8(d)	391.8(d).
3.7(e)	391.7(e).
3.11	391.11.

Effective date: June 14, 1976.

By Order of the Assistant Secretary for Maritime Affairs.

Dated: June 3, 1976.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.76-17279 Filed 6-11-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 5]

[Notice No. 299]

BOTTLES PER SHIPPING CASE

Proposed Rulemaking

The Director, Bureau of Alcohol, Tobacco and Firearms (ATF), with the approval of the Secretary of the Treasury or his delegate, is considering amending the labeling and advertising of distilled spirits regulations as they pertain to bottles per shipping case.

BACKGROUND

On December 10, 1973, the Distilled Spirits Council of the United States (DISCUS) petitioned ATF for amendment of its prescribed standards of fill for distilled spirits by requesting that standards in metric units be established. After holding a formal public hearing on this issue, ATF adopted and printed in the FEDERAL REGISTER of March 10, 1976, Treasury decision ATF-25. This Treasury decision adopted metric standards of fill for distilled spirits and also standardized the number of bottles to be packed in a shipping case or container. T.D. ATF-25 is to become effective on October 1, 1976, after which metric standards may optionally be utilized. After December 31, 1979, such standards are mandatory.

A new section, § 5.49, was added to the regulations. This section standardized the number of bottles packed per shipping case when bottles are filled according to the new metric standards of fill. In the case of bottles filled according to the new 200 ml standard, this section prescribes that such bottles will be packed 60 bottles to the case. Although neither ATF nor DISCUS initially proposed the adoption of a 200 ml standard of fill, a number of comments were received in support of a 200 ml size. The advantages of a 200 ml standard, such as being a round number easy to work with in the metric system, and having a broader acceptance in international trade, led ATF to adopt this standard in its metric scheme of sizes.

While ATF received favorable comments in support of a 200 ml standard of fill, none of the persons in favor of this size specifically addressed the matter of the number of bottles to be packed per case for this standard. Thus, ATF was placed in the position of having to decide upon the case shipping requirements solely on the basis of the best information it had available at that time. Ultimately ATF chose the 60 bottles per case requirement principally on the premise that the 200 ml standard, packed 60 bottles to the case, would result in an even liter content for each case—that is 12 liters per case. We felt that an even liter figure such as this would facilitate recordkeeping requirements by all levels of the distilled spirits trade.

Obviously ATF would have preferred to have solicited industry members' comments on this case packing requirement before its adoption; however, we felt that it would be unfair if we were to solicit opinions from only a portion of the industry. This would have amounted to notification or at least a strong indication to select industry members that we were about to adopt a 200 ml standard and this would have given them a competitive advantage over others. Moreover, since we knew that the entire industry was anxious (as were we) to have the new metric standards implemented, it did not seem practical to air the 200 ml case packing issue and thereby delay further the adoption of metric standards of fill.

PROPOSAL FOR AMENDMENT

On March 29, 1976, DISCUS petitioned ATF to amend the case packing requirement for the 200 ml standard from 60 to 48 bottles per case. In their petition DISCUS indicates that many industry members cannot utilize existing case packaging equipment to pack a case of the size which would be required to pack sixty 200 ml bottles to the case. Further, they indicate that difficulties would arise in palletizing, warehousing and the overall handling of such cases. In view of the circumstances under which ATF adopted the 60 bottles per case requirement, we are receptive to the proposed change to 48 bottles per case if it will better serve the interests and needs of all parties involved.

However, we wish to stress that our final decision will be based upon what case packing requirement is best for the industry and public in general rather than upon which one may better suit the needs of a few. In view of this we particularly invite comments which go beyond a mere expression of preference. To make a fair and equitable decision on this matter, ATF must know why an interested party favors a particular number—that is, does it reduce handling problems, lower costs, eliminate the need for new equipment or major overhauls of existing equipment, etc. Again, we especially invite input of this nature from all interested parties.

SUBMISSION OF WRITTEN COMMENTS

Interested persons who wish to participate in the making of the proposed rule are invited to submit written comments or suggestions. Written comments should be submitted, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (Attn: Chief, Regulations and Procedures Division) on or before July 14, 1976. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure.

The proposed regulations are to be issued under the authority contained in section 27 U.S.C. 205 (49 Stat. 981, as amended).

PROPOSED REGULATION

On the basis of the foregoing, it is proposed that the regulation pertaining to bottles per shipping case (27 CFR Part 5) be amended as follows:

Paragraph (a) of § 5.49 is amended by changing the bottles per case requirement for 200 ml bottles from 60 per case to 48 per case. As amended, paragraph (a) of § 5.49 reads as follows:

§ 5.49 Bottles per shipping case.

(a) *General.* Distilled spirits, whether domestically bottled or imported subject to the metric standards of fill prescribed in § 5.47a, shall be packed with the following number of bottles per shipping case or container:

Bottle sizes:	*Bottles per case*
1.75 ---------- liters	6
1.00 ---------- do	12
750 ---------- milliliters	12
500 ---------- do	24
200 ---------- do	48
50 ---------- do	120

Signed: May 20, 1976.

REX D. DAVIS,
Director.

Approved: June 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.76-17247 Filed 6-11-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 832]

EMPLOYMENT OF CIVIL AIR PATROL

Cadet Program

The existing part is designated as Subpart A—General Information, of Part 832, Sections 1 through 6. The Department of the Air Force proposes to add a new Subpart B, consisting of Sections 10 through 16.

This new Subpart describes the Civil

§ 832.13 Encampments and confer-

Force Academy. Its purpose is to acquint

the USAF Chief of Chaplains, are de-

DEPARTMENT OF HEALTH,

dicated and measured output from ultra-sonic therapy equipment.

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This new Subpart describes the Civil Air Patrol (CAP) cadet program and tells how the Air Force supports it. It clarifies the cadet eligibility requirements, updates the cadet activities, and clarifies Air Force support.

Interested persons are invited to comment on the proposed rulemaking on or before July 14, 1976. Written data, views, arguments concerning the proposal must be submitted in writing to Headquarters, USAF/REV, Washington, D.C. 20330. Comments and suggestions submitted will be available for public inspection and copying at the above address.

The proposed Subpart will read as follows:

Subpart B—Cadet Program

Sec.
832.10 Cadet program.
832.11 Eligibility requirements.
832.12 Recognition of achievement.
832.13 Encampments and conferences.
832.14 Cadet special activities and programs.
832.15 Orientation visits.
832.16 Air Force support.

Subpart B—Cadet Program

§ 832.10 Cadet program.

The CAP is responsible for providing aerospace education and training to its cadet members. The cadet program is designed to give each cadet:

(a) An aerospace education, including:

(1) The social, political, economic, scientific, vocational, educational, and international facets of aerospace.

(2) An introduction to a variety of aerospace matters (such as meteorology, theory of flight, navigation, aircraft power plants, rockets, and missiles) as necessary to develop an informed and aerospace-minded citizenry.

(b) Training in citizenship, character development, leadership, customs and courtesies of the Service, and exercise of command through self-government in the cadet organization.

§ 832.11 Eligibility requirements.

Any boy or girl 13 years of age (or enrolled in the seventh grade) through 17 years of age, who meets such prerequisities as the CAP corporation may from time to time establish, is eligible for cadet membership. Cadets may retain their cadet status until age 21. Eligibility for special activities or training may vary according to the type of activity or training being conducted.

§ 832.12 Recognition of achievement.

(a) Under the provisions of part 888, this chapter, any cadet who successfully completes all the requirements and is awarded the CAP General Billy Mitchell Award can enlist in the Air Force, Air Force Reserve, or Air National Guard as an airman, pay grade E–2, provided he meets all other Air Force requirements.

(b) A cadet who receives the CAP General Mitchell Award or higher achievements can be afforded training credit when applying for enlistment in the ROTC program as provided for in Part 870 of this chapter.

§ 832.13 Encampments and conferences.

(a) Type A encampments are conducted under supervision of CAP personnel with Air Force advice, assistance, and cooperation. They are conducted annually at selected Air Force bases and do not last more than 14 days. They enable cadets to live in the environment of an active Air Force installation; to acquire firsthand knowledge of Air Force activities; and to learn of career opportunities in the Air Force.

(1) The encampment commander (a CAP officer) prescribes the uniforms the CAP members wear during the encampment. He is responsible for the conduct of CAP personnel, and for compliance with the directives issued by the commander of the host base.

(2) National Headquarters, CAP, establishes the encampment attendance quota for each CAP wing.

(b) Type B encampments are conducted under the same type of supervision as Type A encampments, and their staff composition is the same. However, these encampments are conducted at community, state, or Federal facilities (including other Department of Defense Installations). They are scheduled for a series of weekends, or during a continuous encampment period. The program may include training in emergency services, moral leadership, general leadership, and briefings at nearby aerospace facilities.

(c) CAP regional conferences are held annually in each of the eight CAP regions, at a location within each region. These conferences are conducted to assess progress during the current year, to establish goals for the coming year, and to present briefings by Air Force representatives on programs or activities which relate to CAP's role as an auxiliary of the Air Force. Selected cadets participate in these conferences to advise on the cadet program, and to gain further understanding of the overall CAP program in preparation for leadership positions within their unit or wing.

§ 832.14 Cadet special activities and programs.

(a) *International Air Cadet Exchange.* Originated in 1948, this annual exchange fosters international understanding, goodwill, and friendship among the youth of the participating countries through a common interest in aerospace. The CAP exchanges cadets with similar organizations in Canada, Central and South America, Europe, and the Middle and Far East.

(b) *Cadet Officer's School.* This school is designed to increase the effectiveness of cadet officers. The curriculum includes psychology of leadership, problem-solving techniques, public speaking, physical fitness, and orientation trips. Instruction is divided between seminars, lectures, and field exercises.

(c) *Air Force Academy Survival Course.* This course is planned and conducted by Air Force personnel at the Air Force Academy. Its purpose is to acquaint the cadets with techniques and methods of survival.

(d) *Communications and Electronics Course.* This course is designed for outstanding cadets who have demonstrated an interest in the field of electronics. The course is planned and conducted by Air Force personnel at selected Air Force bases. The curriculum includes communications principles, radio operating training, tours, and practical laboratory exercises.

(e) *Federal Aviation Administration (FAA) Cadet Orientation Program.* This program is conducted at the FAA Academy. The course is designed to acquaint cadets with the history and organization of FAA, and to develop an understanding of FAA functions and responsibilities.

(f) *Space Flight Orientation Course.* This course is held annually at an outer-space-oriented facility. It is designed to further the aerospace education of cadets, and to motivate them toward careers in aerospace and allied sciences. The course includes history, philosophy, and objectives of space guidance, navigation instrumentation, and communication and system engineering.

(g) *Air Training Command (ATC) Familiarization Course.* This familiarization program for cadets is conducted at selected ATC undergraduate pilot and navigator training bases. It is designed to stimulate interest in an Air Force career. Each cadet receives training in the flight simulator, attends physiological training, and is briefed on the overall operation of the Air Force pilot training program.

(h) *Air Force Logistics Command (AFLC) Orientation Course.* This course is held annually at an AFLC Air Logistics Center. It is designed to further the aerospace education of cadets through an understanding of the Air Force logistics system. The curriculum may include acquisition, storage, distribution, maintenance repair and modification, data processing support, instrumentation, communications, and practical application of the logistics system.

(i) *Medical Services Orientation Program.* This program is planned and supervised by Air Force medical personnel, and is designed to acquaint cadets with the various fields of medical services available in the Air Force and civilian life.

(j) *Cadet Competitions.* Regional and national competitions, including drill and other aerospace-oriented competitive events, may be held annually at selected Air Force installations. Each region selects a team as its representative at the national competition.

(1) Location of the national competition is established through National Headquarters, CAP.

(2) Air Force commanders provide suitable facilities and competent judges, if available, when requested by the Commander, CAP–USAF.

(k) *Chaplain Sponsored Conferences.* These annual conferences, (Christian Encounter Conferences) sponsored by the USAF Chief of Chaplains, are designed to stimulate the moral and spiritual development of the CAP cadet. Personnel and career counseling and spiritual guidance are provided by prominent clergymen, laymen, and national leaders who discuss problems of youth, marriage, home life, and other topics of interest. Cadets also participate in a well-rounded program of social and recreational activities.

(l) *Cadet Flying Programs.* The CAP corporation provides funding annually to help defray costs for cadet flight training and flight orientation programs. Flight training may be to solo level in glider or powered aircraft. Orientation flights are to motivate cadets through exposure to flying operations.

§ 832.15 Orientation visits.

Selected groups of cadets may participate in orientation visits to enhance or supplement the cadet training program. Examples are visits to Air Force installations, the Air Force Academy, the Air Force Museum, and FAA Air Traffic Control facilities. These visits are intended to serve as motivational activities, as well as to provide educational exposure to supplement academic instruction within the cadet training program.

§ 832.16 Air Force support.

The authority for Air Force support to CAP is outlined in 10 U.S.C. 9441. The Air Force is authorized to provide services and facilities to the CAP which include, but are not limited to; available billeting, messing, emergency medical care, limited exchange privileges, and transportation. DOD and Air Force directives provide guidance as to the scope of such services and facilities that are authorized for CAP. Air Force installation commanders should contact the appropriate USAF–CAP wing or region liaison officer for assistance on CAP programs or activities conducted on their installation.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76–17153 Filed 6–11–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1050]

[Docket No. 76N–0034]

ULTRASONIC THERAPY AND SURGERY PRODUCTS

Performance Standard

Pursuant to authority of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 42 U.S.C. 263b et seq.), the Food and Drug Administration (FDA) proposes to amend Chapter I of Title 21 of the Code of Federal Regulations by adding new Part 1050 (21 CFR Part 1050) to the radiological health regulations (Subchapter J), and prescribing a performance standard for ultrasonic therapy and surgery products in new § 1050.10. Comments on this proposal must be submitted on or before August 13, 1976.

The proposed radiation safety performance standard would be applicable to all ultrasonic therapy and surgery products except those ultrasonic products designed for use in dentistry or in surgical removal of cataracts. An ultrasonic therapy or surgery product is defined in the proposal (§ 1050.10(b)(25)) as any device intended to generate and emit ultrasonic radiation for therapeutic or surgical purposes at ultrasonic frequencies above 16 kHz (kilohertz), or generators or applicators designed or specifically designated for use in such devices.

Ultrasonic energy is capable of inducing damage in cells and tissues through thermal, mechanical, and cavitational mechanisms. A variety of biological effects have been reported from exposure to ultrasound, including changes in blood flow, altered tissue metabolism, edema, necrosis, altered membrane permeability, mitotic delay, and thrombocyte disruption. The positive and potentially deleterious effects associated with ultrasound exposure, the lack of quantitative dose-response information on the effects of ultrasound on biological tissues and systems, and the sparse information about immediate and delayed effects associated with human exposure to ultrasound require that a regulatory performance standard be developed that will ensure that exposures prescribed for therapy can accurately be delivered to patients. This will avoid unnecessary exposure of tissues which might result in risk of injury.

The importance of equipment calibration as it relates to accurate exposure delivery was recognized in "A Study of the Dimensions and Problems Associated with Equipment Malfunctions and Accidents in Hospitals" conducted for the California Hospital Association. Also, laboratory evaluations and field surveys conducted by the Bureau of Radiological Health, Food and Drug Administration, have shown large differences between indicated and measured output from ultrasonic therapy equipment.

There are presently two voluntary standards in the United States for ultrasonic therapy equipment—the "American Standards Specification for Ultrasonic Therapeutic Equipment" and the "International Electrotechnical Commission (IEC) Recommendation for Testing and Calibration of Ultrasonic Therapeutic Equipment." However, no manufacturer currently follows all of the necessary radiation safety recommendations in these standards. Therefore, there is a need for a regulatory performance standard for such equipment to protect the public health and safety.

The concepts underlying this proposed standard were reviewed in September 1974 by the Techuical Electronic Product Radiation Safety Standards Committee (TEPRSSC), a permanent statutory committee that by law must be consulted before the promulgation of electronic product performance standards established under Pub. L. 90–602. On October 24, 1974 a subcommittee meeting of the TEPRSSC was held at the request of the full committee to review and comment on portions of the draft standard that had been presented to the full committee in September 1974. FDA has also consulted with nonagency ultrasound experts and met with researchers, users, and industry representatives during development of the proposed standard. Discussions were held with representatives of professional organizations, including the Acoustical Society of America, the Council on Physical Medicine and Rehabilitation of the American Medical Association, the American Physical Therapy Association, and the American Institute of Ultrasound in Medicine. Drafts of the proposed standard have been made available to the public and sent to many interested parties, including manufacturers, and comments and evaluations were requested. Radiation control and public health agencies, including FDA regional radiological health representatives, have also participated in the development of the proposed standard. Additionally, many of the provisions in this proposal were either initiated or revised in response to information brought forth during a workshop on ultrasound therapy which was held on November 28 through 30, 1973, for users and researchers in the field.

The intent of this proposed performance standard is to require that ultrasonic therapy and surgery equipment be capable of delivering a prescribed amount of ultrasonic energy to the patient and to ensure that sufficient information on beam characteristics is supplied to allow medical personnel to make informed judgments regarding the application of ultrasound energy.

The scientific and technical bases for provisions of the proposed performance standard are as follows:

(1) *Applicability* (§ 1050.10(a)). Ultrasonic therapeutic and surgical equipment used in physical medicine and rehabilitation employs piezoelectric transducers

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO 333–A5]

GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Hearing on Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Correction

In FR Doc. 76–16267, appearing on page 22568, in the issue of Friday, June 4, 1976, in Proposal No. 1, change the last word of the first line of the paragraphs describing the amendments to both §§ 912.41 and 912.50 from "submitting" to "substituting".

tude spatially averaged over the effective plus 10 percent of the difference between

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driven by electrical oscillators. The common frequency range is between 800 kHz (kilohertz) and 1 MHz (megahertz), although frequencies from 89 kHz to 3 MHz have been used. Applicator diameters for physical medicine and rehabilitation usage range from about 1 to 4 inches. In contrast, ultrasonic equipment used in dentistry or for the surgical removal of cataracts operates at frequencies around 20 kHz and employs small vibrating needles. Since the modes of operation and intended use of this latter class of ultrasonic product is so completely different from the former group, it is impossible to include such dental and cataract removal equipment under the present proposed standard. However, FDA is investigating the radiation safety problems associated with dental and cataract removal equipment.

(2) *Definitions* (§ 1050.10(b)). The definitions in this proposed standard are consistent with those in the American National Standards Institute Standard for Acoustical Terminology sponsored by the Acoustical Society of America. They are also consistent with those of the Institute of Electrical and Electronics Engineers and those in existing FDA radiation safety performance standards.

(3) *Indication of ultrasonic power and intensity* (§ 1050.10(c)(1)). It is important to have the ultrasonic power indicated since the temperature rise of a given volume of tissue is dependent on this factor. Indication of effective intensity is the information most used by therapists.

The requirement that indicators be calibrated for emissions greater than 10 percent of maximum is the same as the IEC recommendation. It is impractical and unnecessary to require calibration at less than 10 percent of the maximum emission.

(4) *Treatment time* (§ 1050.10(c)(2)). It is important to have a means to terminate exposure after a preset time because some appplicators are designed for stationary use without the operator's presence. An accurate indication of the duration of emission is necessary since the total energy delivered to the patient depends on this factor. The requirements concerning the accuracy of the timer were chosen to be both technically feasible and consistent with the precision required in current therapy practice.

(5) *Pulse duration and repetition rate* (§ 1050.10(c)(3)). For pulsed operation it is necessary to know the pulse duration and repetition rate, as well as the threatment time, to ascertain the actual duration of patient exposure. Therefore, if there are controls for varying pulse duration and repetition rate, the magnitudes of these quantities must be indicated.

(6) *Ultrasonic frequency* (§ 1050.10(c)(4)). Knowledge of the ultrasonic frequency is important because the absorption of ultrasound energy by human tissue is frequency dependent. Although there are presently no ultrasound therapy products that allow variation of frequency, it is anticipated that some may be manufactured in the future.

(7) *Visual indicator* (§ 1050.10(c)(5)). Since under normal circumstances the presence of ultrasound radiation is not detectable by the human senses, the proposal requires a visual indicator for the operator.

(8) *Labeling of operation and service controls* (§ 1050.10(d)(1) and (d)(2)). These requirements refer to those controls that affect such treatment parameters as ultrasonic power, treatment time, pulse duration, pulse repetition rate, and ultrasonic frequency. If a certain operation function has both an indicator, such as a meter, and a control, such as a knob, then each must be labeled clearly to assure adequate therapy control. However, labeling of the appropriate unit of measure would be necessary only for the indicator when both an indicator and control are supplied for a particular function.

Easily accessible service controls, in addition to being labeled for function, must be labeled "for service adjustment only."

(9) *Labeling on generators* (§ 1050.10(d)(3)). Ultrasonic frequency must be specified on a generator label unless there is an operation control for varying it. This information is useful because the absorption of ultrasound energy by human tissue is frequency dependent.

The type of waveform (continuous or amplitude modulated) would be required on the generator label. Furthermore, if the waveform is amplitude modulated, the modulation parameters and an illustration of the waveform would be required on a label to determine the relationship between peak and average outputs.

(10) *Applicator label* (§ 1050.10(d)(4)). Information would be required to allow matching of compatible applicators and generators. Applicators typically have shorter lifetimes than generators because they are more susceptible to damage and deterioration. Replacing an applicator can have a considerable effect on output calibration; applicators therefore would be required to be individually labeled and designated for the proper generator.

Labels on the applicator would be required to state certain operational parameters that are related to ultrasound energy exposure or absorption.

(11) *Label specifications* (§ 1050.10(d)(5)). The required labels described above must be permanent, legible, and clearly visible. The Director, Bureau of Radiological Health may approve alternate labeling if the physical nature of the product precludes compliance with the label requirements.

(12) *Product certification* (§ 1050.10(e)(1)). Compliance certification tests by the manufacturer must account for all measurement errors and uncertainties. Because compliance is required for the product's useful life, compliance testing must also account for increases in emission and degradation in radiation safety that occur with age.

(13) *Compliance test conditions* (§ 1050.10(e)(2)). To maintain proper calibration under all conditions of operation, compliance tests must be made for all possible combinations of adjustments of the controls.

Water is designated as the standard measurement medium since water and human tissue are very similar in propagating ultrasound radiation. Free field (infinite medium) conditions may be approximated by distilling and degassing water, and by using suitable absorbing and reflecting materials. Measurement methods shown to produce equivalent results would be acceptable.

To ensure effective equipment calibration, operation of the equipment must be insensitive to typical variations in line voltage. Therefore, tests for compliance must be made over a specified range of line voltages.

(14) *Measurement parameters* (§ 1050.10(e)(3)). A detector having dimensions of less than one wavelength is necessary to ensure that the ultrasound radiation field pattern can be accurately detected and depicted.

(15) *Informational requirements* (§ 1050.10(f)). The information required by this proposal to be provided to service agents and users is the minimum that should be supplied by manufacturers.

The informational requirement in § 1050.10(f)(2)(ii) is necessary to allow determination of both energy distribution within the treatment beam, and the effective intensity. Therefore, field plots would be required. Furthermore, knowledge of the effective radiating area of an applicator is useful only if the user has assurance that the beam is radiated along the applicator axis. Misplacement of the transducer(s) within the applicator could cause a deviation in the direction of propagation from that normally expected. Therefore, the orientation of the ultrasound field with respect to the applicator must be specified.

Section 1050.10(f)(2)(iii) would require that the precision of the physical quantities required on labels and indicators, in terms of percentage error, be provided to users.

A warning to users not to adjust any controls other than operation controls would be required by § 1050.10(f)(2)(iv).

The Commissioner of Food and Drugs proposes to order that this standard be made applicable to all ultrasonic therapy and surgery products manufactured on or after a date that is 1 year after the date of publication of the final regulation in the FEDERAL REGISTER.

On the basis of a complete environmental impact analysis report, the Commissioner concludes that promulgation of this proposed standard for ultrasonic therapy and surgery products will not significantly affect the quality of the human environment and, therefore, that no environmental impact statement is necessary pursuant to § 6.1(b) (21 CFR 6.1(b)). In addition, the Commissioner has carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued by the Department of Health, Education, and Welfare and no major inflation impact has been found. Copies of the FDA Environmental Assessment Report, Environmental Impact Analysis Report and Inflation Impact Assessment are on file and available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I, Subchapter J of Title 21 of the Code of Federal Regulations by adding new Part 1050, consisting of the following section:

PART 1050—PERFORMANCE STANDARDS FOR SONIC, INFRASONIC, AND ULTRASONIC RADIATION-EMITTING PRODUCTS

§ 1050.10 Ultrasonic therapy and surgery products.

(a) *Applicability.* The provisions of this section are applicable as specified herein to all ultrasonic therapy and surgery products manufactured on or after (1 year after the date the final regulation is published in the FEDERAL REGISTER), except for ultrasonic products designed for use in dentistry or in the surgical removal of cataracts.

(b) *Definitions.* The following definitions apply to words and phrases used in this section:

(1) "Amplitude modulated waveform" means a waveform in which the ratio of the temporal-maximum pressure amplitude spatially averaged over the effective radiating surface to the root-mean-square pressure amplitude spatially averaged over the effective radiating surface is greater than 1.05.

(2) "Applicator" means that portion of a fully assembled ultrasonic therapy or surgery product that is designed to emit ultrasonic radiation and which includes one or more ultrasonic transducers and any associated housing.

(3) "Beam cross-section" means the surface in any plane consisting of the points at which the intensity is greater than 5 percent of the spatial maximum intensity in that plane.

(4) "Beam nonuniformity ratio" means the ratio of the temporal-average spatial-maximum intensity to the temporal-average effective intensity.

(5) "Centroid of a surface" means the point whose coordinates are the mean values of the coordinates of the points of the surface.

(6) "Collimating applicator" means an applicator that does not meet the definition of a focusing applicator as specified in paragraph (b)(15) of this section and for which the ratio of the area of a least one beam cross-section, whose centroid is 12 centimeters from the centroid of the effective radiating surface, to the area of the effective radiating surface is less than two.

(7) "Continuous-wave waveform" means a waveform in which the ratio of the temporal-maximum pressure amplitude spatially averaged over the effective radiating surface to the root-mean-square pressure amplitude spatially averaged over the effective radiating surface is less than or equal to 1.05.

(8) "Diverging applicator" means an applicator that does not meet the definitions of a collimating applicator or a focusing applicator as specified in paragraphs (b)(6) and (15) of this section.

(9) "Effective intensity" means the ratio of the ultransonic power to the focal area for focusing applicators. For all other applicators, the effective intensity is the ratio of the ultrasonic power to the effective radiating area. Effective intensity is expressed in watts per square centimeter (Wcm^{-2}).

(10) "Effective radiating area" means the area consisting of all points of the effective radiating surface at which the intensity is 5 percent or more of the maximum intensity at the effective radiating surface, expressed in square centimeters (cm^2).

(11) "Effective radiating surface" means the surface consisting of all points 5 millimeters from the applicator face.

(12) "Focal area" means the area of the focal surface, expressed in square centimeters (cm^2).

(13) "Focal length" means the distance between the centroids of the effective radiating surface and the focal surface, for a focusing applicator, expressed in centimeters (cm).

(14) "Focal surface" means the beam cross-section with the smallest area of a focusing applicator.

(15) "Focusing applicator" means an applicator in which the ratio of the area of the beam cross-section with the smallest area to the effective radiating area is less than one-half.

(16) "Generator" means that portion of a fully assembled ultrasonic therapy or surgery product that supplies electrical energy to the applicator. The generator may include, but is not limited to, a power supply, ultrasonic frequency oscillator, service controls, operation controls, and a cabinet to house these components.

(17) "Maximum beam nonuniformity ratio" means the maximum value of the beam nonuniformity ratio characteristic of a model of an ultrasonic therapy or surgery product.

(18) "Operation control" means any control used during operation of an ultrasonic therapy or surgery product that affects the ultrasonic radiation emitted by the applicator.

(19) "Pressure amplitude" means the instantaneous value of the modulating waveform, and is $P_1(t)$ in the expression for a pressure wave, $p(t)=p_1(t)\ p_2(t)$, where $p(t)$ is the instantaneous pressure, $p_1(t)$ is the modulating envelope, and $P_2(t)$ is the relative amplitude of the carrier wave normalized to a peak height of one. All are periodic functions of time, t, at any point in space. The period of $p_1(t)$ is greater than the period of $p_2(t)$.

(20) "Pulse duration" means a time interval, expressed in seconds, beginning at the first time the pressure amplitude exceeds the minimum pressure amplitude plus 10 percent of the difference between the maximum and minimum pressure amplitudes, and ending at the last time the pressure amplitude returns to this value.

(21) "Pulse repetition rate" means the repetition frequency of the waveform modulating the ultrasonic carrier wave expressed in pulses per second (pps).

(22) "Service control" means any control provided for the purpose of adjustment that is not used during operation and can affect the ultrasonic radiation emitted by the applicator, or can alter the calibration or accuracy of an indicator or operation control.

(23) "Ultrasonic frequency" means the frequency of the ultrasonic radiation carrier wave, expressed in Hertz (Hz).

(24) "Ultrasonic power" means the total power emitted in the form of ultrasonic radiation by the applicator averaged over each cycle of the ultrasonic radiation carrier wave, expressed in watts.

(25) "Ultrasonic therapy and surgery product" means:

(i) Any device intended to generate and emit ultrasonic radiation for therapeutic or surgical purposes at ultrasonic frequencies above 16 kilohertz (kHz); or

(ii) Generators or applicators designed or specifically designated for use in devices as specified in paragraph (b)(25)(i) of this section.

(26) "Ultrasonic transducer" means a device used to convert electrical energy of ultrasonic frequency into ultrasonic radiation or vice versa.

(c) *Performance requirements.* The requirements of this paragraph are applicable to each ultrasonic therapy or surgery product as defined in paragraph (b)(25) of this section when the generator and applicator are designated or intended for use together, or to each generator when the applicator(s) intended for use with the generator does not contain controls that effect the functioning of the generator.

(1) *Ultrasonic power and intensity—*(i) *Continuous wave waveform operation.* A means shall be incorporated to indicate the magnitudes of the temporal-average ultrasonic power and the temporal-average effective intensity when emission is of continuous-wave waveform. The error in the indication of the temporal-average ultrasonic power shall not exceed ±20 percent for all emissions greater than 10 percent of the maximum emission.

(ii) *Amplitude modulated waveform operation.* A means shall be incorporated to indicate the magnitudes of the temporal-maximum ultrasonic power and the temporal-maximum effective intensity when the emission is of amplitude-modulated waveform. The sum of the errors in the indications of the temporal-maximum ultrasonic power and the ratio of the temporal-maximum effective intensity to the temporal-average effective intensity specified in paragraph (d)(3)(ii) of this section shall not exceed ±20 percent for all emissions greater than 10 percent of the maximum emission.

(2) *Treatment time.* A means shall be

waveform, and the ratio of the tem-

procedures that could be used to in-

during working hours, Monday through

[33 CFR Part 117]

66.1, S-18 highway drawbridge at St. Charles" from the listing.

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(2) *Treatment time.* A means shall be incorporated to enable the duration of emission of ultrasonic radiation for treatment to be preset and such means shall terminate emission at the end of the preset time. Means shall also be incorporated to enable termination of emission at any time. Means shall be incorporated to indicate the magnitude of the duration of emission (expressed in minutes) to within 0.5 minute of the preset duration of emission for settings less than 5 minutes, to within 10 percent of the preset duration of emission for settings of from 5 minutes to 10 minutes, and to within 1 minute of the preset duration of emission for settings greater than 10 minutes.

(3) *Pulse duration and repetition rate.* A means shall be incorporated for indicating the magnitudes of pulse duration and pulse repetition rate of the emitted ultrasonic radiation, if there are operation controls for varying these quantities.

(4) *Ultrasonic frequency.* A means shall be incorporated for indicating the magnitude of the ultrasonic frequency of the emitted ultrasonic radiation, if there is an operation control for varying this quantity.

(5) *Visual indicator.* A means shall be incorporated to provide a clear, distinct, and readily understood visual indicator when and only when electrical energy of appropriate ultrasonic frequency is being applied to the ultrasonic transducer (s).

(d) *Labeling requirements.* In addition to the requirements of §§ 1010.2 and 1010.3 of this chapter, each ultrasonic therapy and surgery product shall be subject to the applicable labeling requirements of this paragraph.

(1) *Operation controls.* Each operation control shall be clearly labeled identifying the function controlled and, where appropriate, the units of measure of that function. If a separate control and indicator are associated with the same function, then labeling the appropriate units of measure of that function is required for the indicator but not for the control.

(2) *Service controls.* Each service control that is accessible without displacement or removal of any part of the ultrasonic therapy or surgery product shall be clearly labeled identifying the function controlled and shall include the phrase "for service adjustment only."

(3) *Generators.* (i) Generators shall bear a label that states the brand name, model designation, and unique serial number or other unique identification so that it is individually identifiable; ultrasonic frequency (unless there is an operation control for varying this quantity); and type of waveform (continuous wave or amplitude modulated).

(ii) Generators employing amplitude-modulated waveforms shall also bear a label that provides the following information: Pulse duration and pulse repetition rate (unless there are operation controls for varying these quantities), an illustration of the amplitude-modulated waveform, and the ratio of the temporal-maximum effective intensity to the temporal-average effective intensity. (If this ratio is a function of any operation control setting, then the range of the ratio shall be specified, and the waveform illustration shall be provided for the maximum value of this ratio.)

(4) *Applicators.* Each applicator shall bear a label that provides the following information:

(i) The brand name, model designation, and unique serial number or other unique identification so the applicator is individually identifiable;

(ii) A designation of the generator(s) for which the applicator is intended; and

(iii) The ultrasonic frequency, effective radiating area, maximum beam nonuniformity ratio, type of applicator (focusing, collimating, diverging), and for focusing applicators the focal length and focal area.

(5) *Label specifications.* Labels required by this paragraph shall be permanently affixed to or inscribed on the ultrasonic therapy or surgery product; they shall be legible and clearly visible. If the size, configuration, or design of the ultrasonic therapy or surgery product would preclude compliance with the requirements of this paragraph, the Director, Bureau of Radiological Health, may approve alternate means of providing such label(s).

(e) *Tests for determination of compliance.*—(1) *Tests for certification.* Tests on which certification pursuant to § 1010.2 of this chapter is based shall account for all measurement errors and uncertainties. Such tests shall also account for increases in emission and degradation in radiation safety that occur with age.

(2) *Test conditions.* Except as provided in § 1010.13 of this chapter, tests for compliance with each of the applicable requirements of this section shall be made:

(i) For all possible combinations of adjustments of the controls listed in the operation instructions.

(ii) With the ultrasonic radiation emitted into the equivalent of an infinite medium of distilled, degassed water at 30° C for measurements concerning the ultrasonic radiation.

(iii) With line voltage variations in the range of ±10 percent of the rated value specified by the manufacturer.

(3) *Measurement parameters.* Measurements for determination of the spatial distribution of the ultrasonic radiation field shall be made with a detector having dimensions of less than one wavelength in water or an equivalent measurement technique.

(f) *Informational requirements.*—(1) *Servicing information.* Manufacturers of ultrasonic therapy or surgery products shall provide or cause to be provided to servicing dealers and distributors, and to others upon request, at a cost not to exceed the cost of preparation and distribution, adequate instructions for operation, service, and calibration, including a description of those controls and procedures that could be used to increase radiation emission levels, and a schedule of maintenance necessary to keep equipment in compliance with this section. The instructions shall include adequate safety precautions that may be necessary regarding ultrasonic radiation exposure.

(2) *User information.* Manufacturers of ultrasonic therapy or surgery products shall provide as an integral part of any user instruction or operation manual that is regularly supplied with the product, or, if not so supplied, shall cause to be provided with each ultrasonic therapy or surgery product, and to others upon request, at a cost not to exceed the cost of preparation and distribution:

(i) Adequate instructions concerning assembly, operation, safe use, any safety procedures and precautions that may be necessary regarding the use of ultrasonic radiation, and a schedule of maintenance necessary to keep the equipment in compliance with this section. The operation instructions shall include a discussion of all operation controls, and shall describe the effect of each control.

(ii) Adequate description of the spatial distribution of the ultrasonic radiation field and the orientation of the field with respect to the applicator. This will include a textual discussion with diagrams, plots, or photographs representative of the beam pattern. If there is more than one ultrasonic transducer in an applicator and their positions are not fixed relative to each other, then the description must specify the spatial distribution of the ultrasonic radiation field emitted by each ultrasonic transducer and present adequate examples of the combination field of the ultrasonic transducers with regard to safe use. The description of the ultrasonic radiation field shall state that such description applies under conditions specified in paragraph (e)(2)(ii) of this section.

(iii) Adequate description, as appropriate to the product, of the uncertainties in magnitude expressed in terms of percentage error, of the ultrasonic frequency, effective radiating area, and, where applicable, the ratio of the temporal-maximum effective intensity to the temporal-average effective intensity, pulse duration, pulse repetition rate, focal area, and focal length. The errors in indications specified in paragraphs (c)(1) and (c)(2) of this section shall be stated in the instruction manual.

(iv) A listing of controls, adjustments, and procedures for operation and maintenance, including the warning "Caution—use of controls or adjustments or performance of procedures other than those specified herein may result in hazardous radiation exposure."

Interested persons may, on or before August 13, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office

during working hours, Monday through Friday.

Dated: June 8, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76–17126 Filed 6–11–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

[33 CFR Part 117]

Coast Guard

[CGD 76–068]

DRAWBRIDGE OPERATION REGULATIONS

Bayou Boeuf, La.; Notice of Proposed Rule Making

At the request of the Parish of Lafourche, Louisiana, the Coast Guard is considering revising the regulations of the pontoon bridge on State Route 307 across Bayou Boeuf, mile 1.3, at Kraemer, Louisiana, to require at least 12 hours notice from 9 p.m. to 5 a.m. daily. The draw would continue to open on signal from 5 a.m. to 9 p.m. This change is being considered because of limited openings during this period.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District will forward any comments received before July 20, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended as follows:

§ 117.510 [Amended]

In § 117.540(b), by adding the words "Bayou Boeuf, mile 1.3, S–307 highway drawbridge at Kraemer" immediately after the words "Bayou DuLarge, mile 23.2, S–315 highway drawbridge, near Theriot," in the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4).)

Dated: June 8, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76–17204 Filed 6–11–76;8:45 am]

[33 CFR Part 117]

[CGD 76–077]

DAWBRIDGE OPERATION REGULATIONS

Bayou Lafourche, La.; Notice of Proposed Rule Making

At the request of the Lafourche Parish Police Jury and the Louisiana Department of Highways, the Coast Guard is considering revising the regulations for three drawbridges across Bayou Lafourche at mile 58.2, mile 58.7, and mile 66.1 to require at least 6 hours notice at all times. The drawbridges at mile 58.2 and mile 66.1 are presently required to open on signal from 5 a.m. to 9 p.m. and to open on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given. The drawbridge at mile 58.7 is presently required to open on signal. This change is being considered because of limited requests for openings.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the Office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before July 20, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Adding a new § 117.245(j)(4–a) to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * *

(j) * * *

(4–a) Bayou Lafourche, La.; U.S. 90 drawbridge, mile 58.2, Raceland; U.S. 90 drawbridge, S. 307, Raceland, mile 58.7; and S. 18 drawbridge, Lafourche, mile 66.1. The draws shall open on signal if at least 6 hours notice is given.

* * * * *

§ 117.510 [Amended]

2. In § 117.540(b), by deleting the words "Bayou Lafourche, mile 58.2, U.S. 90 highway drawbridge at Raceland" and the words "Bayou Lafourche, mile 66.1, S–18 highway drawbridge at St. Charles" from the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4).)

Dated: June 8, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76–17205 Filed 6–11–76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket 76–GL–11]

AIRWORTHINESS DIRECTIVES

General Electric CF6–6

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation regulations by adding an airworthiness directive applicable to CF6–6 engines. There have been instances of overpressure in the compressor which resulted in severe damage to the engine. Since this condition is likely to exist or develop in other engines of the same type, the proposed airworthiness directive would require elimination from the fan booster of the material that caused the overpressure.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 15, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GENERAL ELECTRIC: Applies to Models CF6–6D and CF6–6D1 Turbofan Engines.

Compliance required by July 1, 1977, unless previously accomplished.

To prevent excessive overpressure in the high pressure compressor, remove the abradable material from the inside diameter of the Fan Stator Shroud Mid Ring (Booster Stage) in accordance with General Electric Service Bulletin (CF6–6) 72–647 or subsequent FAA Approved Revision thereto.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and

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made a part hereof pursuant to 5 U.S.C. the Board before taking final action on

(9) Monthly load-factor data on the General Pending Review Under Section

made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Company, Cincinnati, Ohio 45215. These documents may also be examined at the FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

Issued in Des Plaines, Illinois, on June 4, 1976.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.76-16958 Filed 6-11-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 232]

[EDR-299; Docket 29380]

TRANSPORTATION OF MAIL; REVIEW OF ORDERS OF POSTMASTER GENERAL

Amendment and Reissuance of Part

Notice is hereby given that the Civil Aeronautics Board has under consideration substantial amendments to and the reissuance of Part 232 of the Economic Regulations which governs procedures and requirements for review of orders of the Postmaster General as they are affected by Section 405(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 760; 49 U.S.C. 1375.

The principal features of the proposal are described in the Explanatory Statement and the proposed reissuance of Part 232 is set forth in the Proposed Rule. The rule is proposed under the authority of Sections 204 and 405 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760; 49 U.S.C. 1324, 1375.

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so thorugh submission of comments in letter form to the Docket Section at the above address, without the necessity of filing additional copies thereof. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. upon receipt thereof.

All relevant material received on or before July 14, 1976, will be considered by the Board before taking final action on the proposed rule.

Dated: June 9, 1976.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

EXPLANATORY STATEMENT

Section 405(b) of the Federal Aviation Act empowers the Postmaster General to: (1) designate for the transportation of mail any schedule of aircraft regularly operated by an air carrier; (2) require an air carrier to establish additional schedules for the transportation of mail; and (3) disapprove, alter, or amend any schedule or change in any schedule designated for the transportation of mail. Any such order by the Postmaster General may not become effective until ten (10) days after its issuance, and any person aggrieved may petition the Board for review of the order prior to the expiration of that ten (10) day period.

When the public convenience and necessity require, the Board is empowered to amend, revise, suspend, or cancel such orders of the Postmaster General. The Board is further empowered to postpone the effective date of such orders pending review thereof, and to prescribe regulations under which an aggrieved person may apply for such review.

Currently, Part 232 contains only a general requirement that applications for review contain the facts relied upon to establish that the public convenience and necessity require amendment, revision, suspension or cancellation of Section 405(b) orders without elaboration on that general requirement. Nor does Part 232 contain any provision with respect to the filing and content of answers to such applications.

Although to date there have been only ten Board cases arising under Section 405(b), the pleadings received in those cases have generally not contained the type of detailed infromation which is desirable in resolving the immediate questions which such cases present: (1) whether the Board should review the Postmaster General's order; and (2) if so, whether the Board should stay the Postmaster General's order pending such review. In view of the relatively short time periods involved in Section 405(b) cases—ten days (10) from issuance to effectiveness of the order—and the statutory mandate that the Board give preference to such cases, the Board has tentatively concluded that it is desirable to require more detailed information in the pleadings.

A. The proposed rule would require applications and answers to contain certain data which would enable the Board to assess more fully the economic impact of the Postmaster General's order on the affected carrier, the Postal Service's need for the order, and alternatives to the order. Specifically, the proposed rule would require the applicant to specify: [1] (1) an estimate of the economic impact (including non-mail revenues) on the carrier of complying with the order; (2) a history of the flight in question and any predecessor flight operated in the market at or about the same hours, including when it was first operated and whether or not it has been operated continuously since that time; (3) a detailed statement of the reasons for the schedule change, including copies of any economic data considered by carrier management in reaching that determination; (4) any other schedule changes in the affected market which accompany the schedule change in question, or a statement to the effect that there are no such changes; (5) monthly load-factor data on the flight in question for the most recent twelve-month period; and (6) profit and loss data (on a fully allocated cost basis, by CAB functional account number) for the flight in question for the most recent twelve-month period. It is recognized that where the order does not disapprove, alter, or amend a carrier-initiated schedule change, the applicant may not have such information readily available. Where the schedule change is carrier-initiated, however, producing the information quickly should not be a burden because such information is of the type which management would find useful in making schedule changes or additions.

With regard to answers to applications for review, the Postmaster General and/or the U.S. Postal Service must submit the following information where applicable: (1) the Postal Service's critical time frame for the movement of the mail in question by class of mail (priority and nonpriority) together with a detailed explanation of the operational factors which support that estimate; (2) the alternate air and surface services (including air taxi service) available in the market in question and, where appropriate, an explanation of why such services are unacceptable; (3) an estimate of the average amount of mail which will be tendered to the carrier if the order in question is upheld, broken down by class of mail (priority and nonpriority); (4) the volume of mail historically carried on that flight or flights, and (5) an estimate of the amount of mail historically carried on the flight or flights in question which could be accommodated on other flights serving the market, together with an explanation of how that estimate was arrived at.

B. The proposed rule would also deal with the problem that applications to postpone the effective date of orders of the Postmaster General pending review are generally received by telegram either shortly before or on the effective date of the order in question. Such applications are confirmed in writing at a later date by a formal application. In view of the statutory mandate to expedite Section 405(b) cases, the Board tentatively concludes that in order to be better able to act quickly and responsibly on requests to postpone the effective date of an order of the Postmaster General, current procedures should be improved. We therefore propose to amend those procedures by: (1) requiring the filing of an application to postpone the effective date of a Postmaster General's order within three days of such an order; (2) requiring the above-mentioned detailed information in certain applications for review, which must be summarized in the application to postpone; and (3) affording the Postmaster General an opportunity to file a timely answer to applications for postponement. All of the above information is to be filed prior to the effective date of the order so as to enable the Board to fulfill its responsibilities under the Act more effectively.

[1] Where the particular item does not apply to the order in question, the applicant must so indicate.

PROPOSED RULE

The Board proposes to revise Part 232 of the Economic Regulations (14 CFR Part 232) as follows:

PART 232—TRANSPORTATION OF MAIL: REVIEW OF ORDERS OF POSTMASTER GENERAL

Sec.
232.1 Applications for review.
232.2 Answers to applications for review.
232.3 Applications to postpone the effective date of an order of the Postmaster General; answers thereto.
232.4 Filing and service of applications and answers.

§ 232.1 Applications for review.

(a) Any person who would be aggrieved by an order of the Postmaster General issued under and within the meaning of section 405(b) of the Act may, within not more than 10 days after the issuance of such order, apply to the Board for a review thereof.

(b) An application for review filed under this part shall be made in writing and shall be conspicuously entitled Application for Review of Order of the Postmaster General under Section 405(b) of the Act. Except as otherwise provided in paragraph (c) of this section, such application for review shall specify:

(1) The schedule affected and identity of the order complained of;

(2) The manner in which the applicant is or would be aggrieved by the order;

(3) The relief sought;

(4) The facts relied upon to establish that the public convenience and necessity require that such order be amended, revised, suspended, or canceled by the Board;

(5) An estimate of the economic impact (including nonmail revenues) on the carrier of complying with the Postmaster General's order;

(6) A history of the flight(s) in question and any predecessor flight(s) operated in the market at or about the same hours, including when it was (they were) first operated and whether or not it has (they have) been operated continuously since that time;

(7) A detailed statement of the reasons for the schedule change, including copies of any economic data considered by carrier management in reaching that determination;

(8) Any other schedule changes in the affected market which accompany the schedule change in question, or a statement to the effect that there are no such changes;

(9) Monthly load-factor data on the flight in question for the most recent twelve-month period; and

(10) Profit and loss data (on a fully allocated cost basis, by CAB functional account number) for the flight in question for the most recent twleve-month period.

(c) Where the application is for review of an order which does not involve disapproval, alteration, or amendment of a change or changes which the applicant sought to make in its own schedule(s), the application need not include items 5 through 10, inclusive, specified in paragraph (b) of this section, but may include, instead, a separate statement(s) to the effect that the information described in such items is unavailable to the applicant at the time of the filing or that such item is not applicable to the particular order complained of.

§ 232.2 Answers to applications for review.

(a) Any interested person may, within not more than ten days after the filing of an application for review, serve and file with the Board an answer in opposition to, or in support, of such applications. Such answer shall set forth the economic data and other facts upon which it is based.

(b) An answer of the Postmaster General or U.S. Postal Service shall contain the following particular information, where applicable:

(1) The Postal Service's critical time frame for the movement of the mail in question by class of mail (priority and nonpriority) together with a detailed explanation of the operational factors which support that estimate;

(2) The alternate air and surface services (including air taxi service) available in the market in question and, where appropriate, an explanation of why such services are unacceptable;

(3) An estimate of the average amount of mail which will be tendered to the carrier if the order in question is upheld, broken down by class of mail (priority and nonpriority);

(4) The volume of mail historically carried on that flight or flights; and

(5) An estimate of the amount of mail historically carried on the flight or flights in question which could be accommodated on other flights serving the market, together with an explanation of how that estimate was arrived at.

§ 232.3 Applications to postpone the effective date of an order of the Postmaster General; answers thereto.

(a) Any person who would be aggrieved by an order of the Postmaster General under and within the meaning of Section 405(b) of the Act may, within not more than three days after the issuance of such order, apply to the Board for a postponement of the effective date of that order pending review.

(b) An application for postponement of the effective date filed under this part may be made in writing or by telegram, and shall be conspicuously entitled Application for Postponement of the Effective Date of Order of the Postmaster General Pending Review Under Section 405(b) of the Act. Such application for postponement shall specify:

(1) The schedule affected and identity of the order complained of;

(2) The manner in which the applicant is or would be aggrieved by the order;

(3) The relief which will be sought;

(4) That the applicant intends to file a timely application for review of the order under section 232.1; and

(5) A summary of the justification and facts relied upon the establish that the stay should be granted.

(c) Any interested person may, within not more than five days after the service of an application for postponement of the effective date, serve and file with the Board an answer in opposition to, or in support of, the application. Answers shall specify the nature of the person's interest and the facts relied upon to establish that a postponement of effective date should, or should not, be granted.

§ 232.4 Filing and service of applications and answers.

(a) An application or answer filed hereunder shall be deemed to have been filed on the date on which it is actually received by the Board at its offices in Washington, D.C.

(b) At the time a written or telegraphic application or answer is filed under this part, a copy thereof shall be served by personal service or registered mail upon the Postmaster General and upon the air carrier operating or ordered to operate the mail service in question. Each copy so served shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this section.

(c) The execution, number of copies, and verification of a written application or answer filed under this part, and the formal specifications of papers included in such application or answer shall be in accordance with the requirements of the Rules of Practice relating to applications generally (see Part 302 of this chapter).

[FR Doc.76-17244 Filed 6-11-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 561-6]

[40 CFR Part 55]

ENERGY-RELATED AUTHORITY: NEW YORK

Compliance Date Extension; Revised Proposal

On March 30, 1976 (41 FR 13371), under the provisions of Sections 119 and 301 of the Clean Air Act, 42 U.S.C. 1857 et seq. ("the Act"), the Environmental Protection Agency (EPA) proposed to amend the provisions of 40 CFR Part 55 by adding a new subpart HH to that regulation providing for the issuance of a compliance date extension to Niagara Mohawk Power Corporation, Albany Station Units 1, 2, 3 and 4, Glenmont, New York ("the sources").

Interested parties participated in the are hereby amended to read § 227.3 date extension which extends the time

poses of ESECA; (2) coal and coal transportation facilities will be available dur-

ance with air pollution requirements by the time the extension expires.

yet converted to the use of coal. However, the source will not be excused

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Interested parties participated in the proposed rulemaking by sending comments to EPA. The New York State Department of Environmental Conservation (NYSDEC) objected to EPA's proposed requirement under 40 CFR § 55.1670(a)(1) that the sources comply with 6 NYCRR Part 227.3(a), and argued that they should be required to meet the more stringent emission limitation of 6 NYCRR Part 227.3(c)(2) instead. According to the State, each source will be considered a modified source upon conversion and that as such the more stringent emission limitation is applicable.

The regulatory provisions used as the basis for this argument are Parts 201 and 227 of 6 NYCRR. Part 201.3 requires any person who plans to construct or modify an air contamination source to file an application with the Commissioner of the NYSDEC for a permit to construct or a certificate to operate. Part 227.3(c)(2) provides for a more stringent emission limitation in cases of coal fired stationary combustion installations of more than 250 million BTU per hour rated total heat input for which an application for a permit to construct pursuant to 6 NYCRR Part 201 was received by the NYSDEC after August 11, 1972.

Nowhere in the regulation is a definition of the term "modification" provided. However, the application forms for a permit to operate or construct prepared by the NYSDEC do provide a definition of a modified source which covers a situation like the one at hand. Application of this more stringent emission limitation will require a reduction in particulate matter emissions from 0.173 [Part 227.3(a)] to 0.1 lbs. per million BTU heat input [Part 227.3(c)(2)]. Final compliance with this more stringent emission limitation will require the installation of electrostatic precipitators at all four Units of the Albany Generating Station ordered to convert. Since the schedule proposed on March 30, 1976 already calls for the installation of electrostatic precipitators at all such Units, the EPA finds that the more stringent emission limitation is achievable within the 30 month period provided therein. The EPA also agrees with the State interpretation of its regulation and is hereby inviting the public to comment in this regard on or before June 29, 1976. The Environmental Protection Agency finds good cause for not extending the period further in view of the relatively minor effect of the change proposed in this notice, the length of the original comment period and the urgent need for final promulgation of these rules.

In consideration thereof, the proposed rulemaking of March 30, 1976 published at 41 FR 13371 is revised as follows:

1. Page 13375, § 55.1670(a)(1) and § 55.1670(a)(1)(B) are amended by deleting references to § 227.3(a) and substituting § 227.3(c)(2) in their place.

In addition, any references to § 227.3(a) in the preamble to the said proposal are hereby amended to read § 227.3(c)(2).

Dated: June 4, 1976.

GERALD M. HANSLER, P.E.,
Regional Administrator.

[FR Doc.76-17259 Filed 6-11-76;8:45 am]

[40 CFR Part 55]

[FRL 560-5]

ENERGY-RELATED AUTHORITY: KANSAS

Proposed Compliance Date Extension

The Administrator of the United States Environmental Protection Agency proposes to amend 40 CFR Part 55 by adding a new § 55.872 to subpart R to provide for the issuance of a compliance date extension to Kansas City, Kansas Board of Public Utilities, Kaw Station, Units K-1 and K-3, Kansas City, Kansas. This proposed rulemaking is based upon the authority granted the Administrator in Sections 119 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), and is in accordance with the procedures provided in 40 CFR Part 55.

BACKGROUND

Congress enacted on June 22, 1974, the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (Pub. L. 93-319, 88 Stat. 246, 15 U.S.C. 791), "to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment . . ."

ESECA authorizes and directs the Administrator of the Federal Energy Administration (FEA) under section 2(a) of ESECA (15 U.S.C. 792) to prohibit until January 1, 1985, the use of petroleum products or natural gas as the primary energy source at certain powerplants and major fuel buring installations. Section 3 of ESECA (added to the Clean Air Act, 42 U.S.C. 1857c-10, as a new section 119) provides that the Administrator of the Environmental Protection Agency (EPA) must take certain actions in response to the issuance of FEA prohibition orders.

Section 119 requires the Administrator of EPA to take specific steps intended to assure that national primary ambient air quality standards (NPAAQS) are not jeopardized by increased emissions resulting from conversions to coal necessitated by the issuance of FEA prohibition orders. In addition, to treat equitably those ordered sources which must convert to coal and whose primary energy source was, prior to September 15, 1973, oil or natural gas, section 119(c) provides for relief in the form of "compliance date extensions" (CDE). If certain conditions are met, an ordered source, situated in an AQCR in which the NPAAQS for a specific pollutant is being attained, may be issued a compliance date extension which extends the time required to meet specified air pollution control requirements for that pollutant. An ordered source situated in an AQCR in which the NPAAQS for a specified pollutant is not being attained, will be issued a compliance date extension which provides for meeting currently applicable air pollution requirements for that pollutant as soon as practicable, and FEA cannot make its section 2 ESECA order effective before the date the source should be able to meet these requirements. Since section 119(c) of ESECA and the granting of compliance date extensions constitute new approaches to problems addressed elsewhere in the framework of the Clean Air Act, a brief explanation of that statute is appropriate.

THE CLEAN AIR ACT, AS AMENDED

Under the Clean Air Act, as amended, each state submitted a plan (known as the state implementation plan or SIP) for approval by the EPA Administrator. Each SIP is designed to provide for attainment and maintenance of national primary and secondary ambient air quality standards. The SIP for Kansas was approved by the Administrator on May 31, 1972 (37 FR 10842). Under section 110 of the Clean Air Act, all NPAAQS are to be met as expeditiously as practicable. The attainment date for NPAAQS for sulfur oxides and particulate matter in Kansas was July 31, 1975.

National primary standards are established at levels calculated to protect the public from adverse health effects. National secondary standards represent the ambient air concentration levels necessary to protect against adverse effects on property and crops (welfare related), and are generally more stringent than national primary standards. Pollutants for which standards have been promulgated include sulfur oxides, particulate matter, hydrocarbons, carbon monoxide, nitrogen oxides, and photochemical oxidants, but increased coal burning will most significantly result in increased emission of sulfur oxides and particulate matter.

The SIPs now in effect generally provide for meeting national ambient air quality standards by requiring sources of these pollutants not to exceed specified limits on the amounts of pollutants emitted into the ambient air. These emission limitations, the dates by which they must be met, and other applicable air pollution requirements may be the subjects of compliance date extensions under section 119(c).

THE RELATIONSHIP BETWEEN ESECA AND THE CLEAN AIR ACT

Under section 2(a) and (b) of ESECA, the Administrator of the Federal Energy Administration (FEA) must by order prohibit any powerplant from burning natural gas or petroleum products as its primary energy source if he finds that (1) burning coal at that powerplant is practicable and consistent with the purposes of ESECA; (2) coal and coal transportation facilities will be available during the period the order is in effect; (3) such a prohibition will not impair the reliability of service at that powerplant; and (4) the powerplant, on June 22, 1974, had the capability and necessary plant equipment to burn coal. On June 30, 1975, the Administrator of FEA issued orders under section 2 of ESECA to 74 generating units at 32 powerplants. FEA's authority to issue prohibition orders expires on June 30, 1977, and its authority to enforce these orders will expire on January 1, 1985.

Section 119 of the Clean Air Act additionally provides that, having received FEA prohibition orders, sources which on or after September 15, 1973, convert to the use of coal as their primary energy source are eligible for "compliance date extensions" (CDE) for applicable air pollution requirements if the Administrator of EPA determines that certain other conditions, provided for in section 119(c) and (d), are met. In particular, section 119(c) provides that a compliance date extension may be issued only if the EPA Administrator finds that (i) the source cannot burn coal which is available to it in compliance with all applicable primary standard conditions (PSC) and any applicable regional limitations (RL) (described in more detail below); and (ii) the source has submitted and EPA has approved a compliance plan with certain specified features. Upon the grant of a compliance date extension, in accordance with section 119(d)(1)(B), EPA will certify to the Administrator of FEA the earliest date the source can burn coal and comply with any applicable PSC or RL. This certification date represents the earliest date FEA can make its prohibition order effective against the source.

EFFECT OF A COMPLIANCE DATE EXTENSION

Any compliance date extension will be specific to an individual source and will be issued on a unit-by-unit basis. It may affect requirements for one pollutant only, or for more than one. The determination whether or not the NPAAQS for a pollutant is being attained in the AQCR will dictate which of two possible effects of the grant of a CDE concerning that pollutant to that source will result:

(1) If the NPAAQS for a particular pollutant is being attained in the AQCR in which the source is situated, a compliance date extension may permit, for a specified period of time, the burning of coal resulting in emissions of that pollutant in excess of applicable air pollution requirements, including state implementation plan emission limitations for the pollutant for whch the standard is being met, so long as all NPAAQS are maintained. Sources granted such extensions must achieve compliance with state implementation plan requirements as soon as practicable, but no later than December 31, 1978. Meanwhile, the source must enter into an enforceable compliance schedule to assure compliance with air pollution requirements by the time the extension expires.

In addition, when a compliance date extension is issued to a source situated in an AQCR in which the NPAAQS is being attained for the pollutant for which the CDE is granted, "primary standard conditions" (PSC) must be imposed by EPA, in consultation with appropriate states. Primary standard conditions are emission limitations, requirements respecting the pollution characteristics of coal, or other enforceable measures for control of emissions, which the Administrator determines must be met by a converting source in order to assure, throughout the term of the extensions, that the burning of coal by that source will not cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard. Once the PSC is met, the source may begin coal burning so long as any applicable regional limitations (discussed below) are also met.

(2) If a source is situated in an AQCR in which the NPAAQS is being exceeded for a specific pollutant, an additional condition, the "regional limitation," is imposed in connection with the issuance of a CDE under section 119(c)(2)(D). FEA is precluded from making its prohibition order effective against a source to which an RL applies prior to the date the source should be able to comply with the RL. When the regional limitation is applicable for a given pollutant, the source may not violate any requirement, including emission limitations, under the applicable SIP concerning that pollutant.

For example, a source located in an AQCR in which primary standards for sulfur oxides are being met, but standards for particulate matter are not being met, may receive a CDE and could exceed applicable SIP emission limitations for sulfur oxides so long as it complies with prescribed primary standards conditions for sulfur oxides. The source, however, would be required to meet the regional limitation (the implementation plan requirements) for particulate matter at all times, even after conversion to coal, and it must be taking steps before conversion to assure that those requirements will be met by the effective date of the FEA's prohibition order. If, at any time subsequent, it is determined that the national primary standard is being attained in that AQCR, the source would no longer be subject to the regional limitation and necessary primary standard conditions for particulate matter will be prescribed. The source could burn coal in violation of extended SIP particulate matter requirements as soon as such primary standard conditions are met.

Interim requirements which must be met prior to conversion to coal (such as requirements to meet increments contained in compliance schedules for PSCs, RLs, and all extended requirements) may be imposed and enforced by EPA under section 119 of the Clean Air Act even though the source has not yet converted to the use of coal. However, the source will not be excused from compliance with any applicable air pollution requirement until it has fulfilled all applicable conditions on the extension (PSCs or RLs) and has actually made the conversion to coal. The "effective date" of the CDE is, therefore, the date on which the conditions are met and compliance with applicable air pollution requirements is excused as provided by the terms of the CDE.

DETERMINING WHETHER A CDE MAY BE GRANTED

Within 90 days after the issuance of a Section 2(a) prohibition order, a source eligible for a CDE is required at 40 CFR Part 55 (40 FR 18438, April 28, 1975) to submit specified information necessary to enable the Administrator of EPA either to find that the source can comply with all applicable air pollution requirements without a CDE or to issue a CDE and impose appropriate conditions, limitations, and interim requirements thereon.

Information submitted under 40 CFR Part 55, ambient air quality monitoring data, atmospheric simulation modelling data, and any other relevant information available to the Administrator will form the basis for the Administrator's findings on ability to meet applicable PSCs and RLs, and approvability of plans for compliance.

A. COAL AVAILABILITY

In order to receive a compliance date extension, a source must show that it cannot burn coal which is available to it in compliance with all applicable air pollution requirements without a CDE. This showing should include documentation of efforts to obtain coal of such quality that it can be burned in compliance with applicable requirements. Such documentation might include copies of advertisements for coal of suitable specified quality or within a suitable specified range of characteristics; records of contacts with named suppliers, and relevant correspondence or telephone memoranda.

B. ABILITY TO COMPLY WITH PRIMARY STANDARD CONDITIONS AND REGIONAL LIMITATIONS

Once EPA has determined the appropriate primary standard conditions necessary to protect NPAAQS throughout the period that applicable requirements are extended, and has determined whether the regional limitation applies, a finding must be made that the source can comply with applicable PSC and RL before a compliance date extension may be granted. Such a finding of ability to meet applicable primary standard conditions and regional limitations may involve several more limited findings. For example, the Administrator may find that a specific source can meet applicable PSC and/or RL by one or more of the following: obtaining through advertisement (or other means) coal with appropriate sulfur and ash content; upgrading pollution control equipment presently in

place; installation of new control equipment; or the use of supplemental

CERTIFICATION TO FEA

Requests for public hearing must be

under consideration proposed amend-

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place; installation of new control equipment; or the use of supplementary control systems (only for purposes of meeting primary standard conditions) at isolated powerplants which will assume responsibility for violation of NPAAQS in the area affected by such plant's emissions.

C. APPROVABLE COMPLIANCE SCHEDULES

Before a CDE may be issued, the source must submit and EPA must approve (or modify if necessary) a plan for compliance (based upon continued usage of coal as primary energy source) with the requirements of the applicable SIP (and any applicable New Source Performance Standard or National Emission Standard for Hazardous Pollutants) for which an extension has been granted. Specifically, EPA must require that the source achieve the most stringent degree of emission reduction that such source would have been required to achieve under the applicable implementation plan which was in effect on the date of submittal of such compliance plan under 40 CFR Part 55 (or if no applicable implementation plan was in effect on such date, under the first applicable implementation plan which takes effect after such date).

Such compliance plans are enforceable by EPA under section 119(g)(2). Once an extension is granted, it will extend the date for compliance with specified air pollution requirements. Such requirements may be those imposed at the state, federal, or local level, whether or not they are included in the applicable state implementation plan. Where the requirements affected by an extension are not federally enforceable (e.g., state or local requirements which are not part of an EPA approved implementation plan), EPA must, in order to make the appropriate certification to FEA, require submission of a compliance plan for meeting these requirements to determine the date by which the source can comply, but EPA does not have authority to enforce such compliance plans. However, state and local authorities may independently establish, adopt and enforce appropriate schedules for each of their own requirements so long as the burning of coal by the source is not thereby prohibited prior to January 1, 1985.

D. REPORTING AND MONITORING REQUIREMENTS

Any source subject to a CDE (including those subject to RL) must furnish regular status reports to the Enforcement Division Director of the appropriate EPA regional office at six month intervals dating from the issuance of the CDE, as required by 40 CFR Part 55.04(g). Such status reports will summarize the sources' progress toward achieving compliance with all applicable air pollution requirements. Sources are also required, at 40 CFR Part 55.04(a)(2)(i)(F) or (a)(2)(ii)(F), to notify the appropriate Enforcement Division Director no later than ten days after the date that each incremental step towards final compliance is required is, in fact, completed (or if not, the reason for failure and a schedule for completion).

The Administrator may find that new or additional ambient air quality monitors are needed to monitor ambient air concentrations of pollutants to determine the effect on air quality of a conversion to coal and, in some cases, to determine compliance with PSCs. Where this finding is made, the source will be required, under 40 CFR Part 55.04(f), to install such monitors, and to report on the data produced at those monitors in the sources' semi-annual report under 40 CFR Part 55.04(g).

FINDINGS UNDER SECTION 119

The Administrator of the Environmental Protection Agency, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposes to issue a compliance date extension to Kansas City, Kansas Board of Public Utilities, Kaw Station, Units K–1 and K–3, 2015 Kansas Avenue, Kansas City, Kansas, for Kansas Air Pollution Emission Control Regulation 28–19–31C which limits emissions of sulfur oxides, and for KAPEC Regulation 28–19–31A which limits emissions of particulate matter, based upon these preliminary findings.

(i) The sources are subject to section 2(a) FEA prohibition orders Nos. 009 and 011, respectively, and converted (or will convert) after September 15, 1973, to coal as their primary energy source;

(ii) The Administrator, pursuant to section 119(c)(2)(A), finds that the sources cannot burn coal available to them in compliance with Kansas Air Pollution Emission Control Regulations 28–19–31A and 28–19–31C;

(iii) The sources can comply with all conditions upon which a compliance date extension may be granted for KAPEC 28–19–31C in that:

(a) The sources are presently burning coal. EPA has determined, after consultation with the State of Kansas Department of Health and Environment, that the sources must burn coal of no more than 2.4 percent sulfur for Unit K–1, and 5.6 percent sulfur for Unit K–3, in order to assure compliance with Regulation 28–19–31C, and finds that such coal will be available to the sources for burning on August 1, 1976.

(b) the Administrator finds that the compliance plan provides for compliance with KAPEC 28–19–31C on the basis of coal usage by August 1, 1976, that the compliance plans provide for compliance as soon as practicable, and that the compliance plans are therefore approvable under section 119(c).

(iv) The sources can comply with all conditions upon which a compliance date extension may be granted to KAPEC 28–19–31A in that:

(a) The regional limitation for particulate matter is applicable since the NPAAQS for total suspended particulate matter is being exceeded in the AOCR in which the sources are situated;

(b) The sources can burn coal and comply with KAPEC 28–19–31A to satisfy the regional limitation requirement by December 31, 1978, for Unit K–1, and September 1, 1977, for Unit K–3, such compliance is as soon as practicable and the compliance plans are therefore approvable.

COMPLIANCE WITH CONDITIONS UPON WHICH CDES ARE GRANTED

A. COMPLIANCE WITH REGIONAL LIMITATIONS

Final compliance with the regional limitation for particulate matter by the sources will require the installation of a new electrostatic precipitator for Unit K–1 and can be achieved by December 31, 1978, and up-grading of existing equipment for Unit K–3, by September 1, 1977, in accordance with the compliance plan proposed herein.

B. COMPLIANCE WITH PRIMARY STANDARD CONDITIONS

No Primary Standard Conditions are applicable.

C. FINAL COMPLIANCE WITH EXTENDED AIR POLLUTION REQUIREMENTS

The Administrator has determined that the following dates for achieving full compliance (on the basis of coal usage) with air pollution requirements proposed to be extended by CDEs provide for compliance as soon as practicable, as provided by section 119(c)(2)(C):

Source	Location	Pollutant	Regulation involved	Date of adoption	Effective date of extension	Final compliance date [1]
Kansas City, Kansas Board of Public Utilities Kaw Station:						
Unit K–1	2015 Kansas, Kansas City, Kans.	SO,	Kansas air pollution emission control regulation, 28–19–31C.	Nov. 30, 1970	Regional limitation applies.	Aug. 1, 1976
Unit K–3	do	do	do	do	do	Do.
Unit K–1	do	Particulate matter.	Kansas air pollution emission control regulation, 28–19–31A.	do	do	Dec. 31, 1978
Unit K–3	do	do	do	do	do	Sept. 1, 1977

[1] Increments of progress, enforceable against the source, to enable final compliance by the proposed date (including the date by which contracts will be entered into, initiation of onsite construction, and completion of onsite construction, etc., are available for public inspection during business hours at the U.S. Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108.

CERTIFICATION TO FEA

The Administrator proposes to certify under section 119(d)(1)(B), December 31, 1978, for Unit K–1, and September 1, 1977, for Unit K–3, to the Administrator of FEA as the earliest date upon which Kansas City, Kansas Board of Public Utilities, Kaw Station, Units K–1 and K–3, can burn coal in compliance with all applicable regional limitations. These dates, December 31, 1978, and September 1, 1977, represent the earliest dates upon which the FEA can, through its Notice of Effectiveness, make its orders Nos. 009 and 011 effective against these sources.

PUBLIC PARTICIPATION

Interested parties are hereby notified that the public will be afforded an opportunity for oral and written presentations of data, views, and arguments. Information upon which the Administrator bases this proposed rulemaking is available for public inspection during business hours (7:15 a.m. to 4:00 p.m.) at the Region VII Office of the U.S.E.P.A., 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Information available includes: the EPA Regional Office Evaluation Summary for the action proposed herein (including an evaluation of the expeditiousness of proposed compliance schedules); compliance schedules including increments of progress, providing for final compliance with air pollution requirements extended by the CDE; compliance schedules including increments of progress, providing for meeting PSCs and RLs; information submitted by Kansas City, Kansas Board of Public Utilities under 40 CFR Part 55 (including the sources' documentation on the issue of coal availability); air quality data and analyses relevant to the source, including ambient air quality monitoring records for the AQCR in which the source is situated, atmospheric simulation modelling data used to determine applicability of RLs; written comments (or a summary of verbal comments, if any) made by the State of Kansas Department of Health and Environment; and copies of the FEA prohibition order and supporting background documents.

The Administrator specifically invites the public to comment on the following aspects of the proposed compliance date extension:

(i) The availability of coal for the purpose of meeting air pollution requirements without a CDE;

(ii) The ability of the source to meet all RLs; and

(iii) The expeditiousness of the proposed compliance schedules for meeting state implementation plan requirements on the basis of coal usage.

Comments and requests for public hearing received within 30 days from the date of publication of this notice will be considered. All such comments and requests should be directed to:

Shirley Shepard, Regional Hearing Clerk, Region VII, U.S. Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Requests for public hearing must be accompanied by a statement supporting the need for such a hearing, including an indication of which issues are to be raised and a brief summary of the information to be offered at the hearing.

If the hearing officer finds that there is significant public interest or that there is pertinent and substantial information to be offered, a public hearing will be held no sooner than 30 days from this notice. If such a hearing is deemed appropriate, prominent notice will be published in the AQCR in which the source is situated, identifying the date, time, place, and subject of such a hearing, and describing the rules under which the hearing will be conducted.

Due consideration shall be given to all timely relevant public comment whether submitted as a written comment or adduced at a public hearing, and where appropriate, proposed rulemaking then under consideration will be modified to reflect such comments.

This proposed rulemaking is based upon the authority of sections 119 and 301 of the Clean Air Act of 1970, as amended (42 U.S.C. 1857 et seq.).

Dated: May 27, 1976.

JEROME H. SVORE,
Regional Administrator.

It is proposed to amend Part 55 of Chapter I, Title 40 of the Code of Federal Regulations, by adding a new § 55.872 to subpart R as follows:

§ 55.872 Compliance date extension.

(a) The Administrator issues a Compliance Date Extension to Kansas City, Kansas Board of Public Utilities, Kaw Station, Units K–1 and K–3, 2015 Kansas Avenue, Kansas City, Kansas (the source), upon the following conditions:

(1) *Regional Limitation.* The sources shall comply with KAPEC Regulation 28–19–31C by August 1, 1976; and 28–19–31A by December 31, 1978, for Unit K–1, and by September 1, 1977, for Unit K–3.

(2) Test procedures to determine compliance with (a)(1) above, shall be in accordance with EPA Test Methods 5 and 6.

(3) The source shall not, until December 31, 1978, for Unit K–1, and September 1, 1977, for Unit K–3, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

(b) [Reserved]

[FR Doc.76–17080 Filed 6–11–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release No. 33–5715, 34–12506; File No. S7–638]

ANNUAL, QUARTERLY AND CURRENT REPORTS

Advance Notice of Registration Intention

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to Forms 10–K (17 CFR 249.310) and 10–Q (17 CFR 249.308a) under the Securities Exchange Act of 1934. Forms 10–K and 10–Q are used for annual and quarterly reports, respectively, filed pursuant to section 13 or 15(d) of that Act.

The proposed amendments would provide a space on the cover pages of Form 10–K and Form 10–Q which a registrant could use to indicate its intention to file a registration statement on either Form S–7 (17 CFR 239.26), Form S–9 (17 CFR 239.22), or Form S–16 (17 CFR 239.27), on or before the date of its next filing on either Form 10–K or Form 10–Q.

This advance notice would be optional with the registrant, and compliance with the pre-filing notice provision would not be a condition to the use of Forms S–7, S–9, or S–16. However, it is expected that compliance with the notice provision would enable the staff to review promptly the annual, quarterly, and current reports filed by registrants under the Securities Exchange Act and, in most cases, thereby expedite its review of registration statements on Forms S–7, S–9, or S–16, when filed.

The amendments are proposed pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d), and 23(a) thereof. Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the effect that the proposed amendments would have on competition and is not aware, at this time, of any burden that such amendments, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the anti-competitive effects, if any, the proposal would likely engender.

All interested persons are invited to submit their views and comments on the above proposals, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before July 30, 1976. Such communications should refer to File No. S7–638. All such communications will be available for public inspection.

The text of the proposed Amendments to Form 10–K and Form 10–Q is set forth below.

1. Form 10–K is proposed to be amended to add the following to the end of the facing sheet of the Form:

§ 249.310 Form 10–K, annual report pursuant to section 13 or 15d of the Securities Exchange Act of 1934.

"(Optional) Indicate by check mark whether the registrant intends to file a registration statement on any of the following forms on or before the date of its next filing on Form 10–Q.

Form S–7 ____ Form S–9 ____ Form S–16 ____"

2. Form 10–Q is proposed to be amended to add the following to the end of the facing sheet of the Form:

§ 249.308a Form 10–Q, for quarterly ____ Form S–7

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§ 249.308a Form 10–Q, for quarterly reports under section 13 or 15d of the Securities Exchange Act of 1934.

"(Optional) Indicate by check mark whether the registrant intends to file a registration statement on any of the following forms (a) on or before the date of its next filing on Form 10–Q, or, (b) if this report is for the third quarter of the registrant's fiscal year, on or before the date of its next filing on Form 10–K. Form S–7 ____ Form S–9 ____ Form S–16 ____"

(Secs 13, 15(d), 23(a), 48 Stat. 894, 895, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; secs. 4, 6, 78 Stat. 569, 570–574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; 15 U.S.C. 78m, 78o(d), 78w(a).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 2, 1976.

[FR Doc.76–17207 Filed 6–11–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR THE REPUBLIC OF KOREA

Information for Investors

A.I.D. has under consideration authorizing a guaranty of amounts not to exceed $25 million for a housing guaranty program for the Republic of Korea to be carried out by the Korea National Housing Corporation ("KNHC"), an instrumentality of the Government of the Republic of Korea. KNHC desires to receive proposals from eligible U.S. investors as defined below, for a loan to KNHC not to exceed $25 million, the repayment of which would be guaranteed by A.I.D. as to the principal and interest on such loan. Interested parties should be aware that as of the date of this announcement, A.I.D. has not yet authorized the issuance of a guaranty, and that KNHC desires to discuss with interested eligible U.S. investors the terms on which such a loan investment would be made if A.I.D. authorizes a guaranty.

If A.I.D. authorizes a guaranty, the eligible U.S. investor and the terms of the loan must be acceptable to A.I.D. and disbursements of the loan would be subject to certain conditions required of KNHC by A.I.D. The guaranty, if authorized, would be backed by the full faith and credit of the United States of America and would be issued pursuant to authority in Section 221 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan would be used for the financing of lower income housing projects and rehabilitation of housing projects in Korea.

Eligible investors interested in extending a guaranteed loan to KNHC should communicate promptly with counsel for KNHC:

Duncan Cameron, Esquire, Cameron, Hornbostel, & Adelman, 1707 H Street, N.W., Washington, D.C. 20006.

Subject to A.I.D.'s approval of KNHC's construction schedule, A.I.D.'s preliminary estimate is that the construction schedule will make possible full disbursement of a loan of not to exceed $25 million, in stages, within approximately 36 months from the date a loan agreement is signed.

Investors eligible to receive a guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations; partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95% owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

It is presently contemplated that the loan terms will provide for repayment in full not later than the 26th anniversary of the initial disbursement of the principal amount thereof. The interest rate shall be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee not less than one-half of 1 percent per annum on the the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300, SA–2, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. Subject to A.I.D. approval, the borrower will select a lender and negotiate the terms of the proposed loan.

Dated: June 3, 1976.

DONALD A. GARDNER,
Acting Director, Office of Housing, Agency for International Development.

[FR Doc.76–17213 Filed 6–11–76;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE TWELFTH NATIONAL BANK REGION

Meeting

A meeting of the Regional Advisory Committee for Banking Policies and Practices for the Twelfth National Bank Region will be held at Manor Vail, Vail, Colorado, on July 1 and July 2, 1976. The meetings will be held from 9:00 A.M. until 12:00 Noon each day. Both sessions will be open to the public and interested members of the public will be admitted on a first come basis.

Topics to be discussed include EFT, CBCT's, POS Terminals, National Classification of Participated National Credits and Legislation and Litigation.

Persons or groups planning to make statements please submit three copies to Mr. Kent Glover, Regional Administrator of National Banks, Twelfth National Bank Region, 1405 Curtis Street, Suite 3000, Denver, Colorado, 80202 prior to June 20, 1976.

Dated: June 8, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76–17161 Filed 6–11–76;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 22]

RESERVE INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to Reserve Insurance Company, Chicago, Illinois, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1976.

The company was last listed as an acceptable surety on Federal bonds at 40 FR 29256, July 10, 1975.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Reserve Insurance Company.

Dated: June 7, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76–17248 Filed 6–11–76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 7, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Tactical Electronic Warfare will hold sub-group meetings in the Pentagon, July 7–8, 1976 from 9:00 a.m. to 5 p.m. each day.

The group will receive classified briefings and discussions on current and future electronic warfare programs.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8845.

JAMES L. ELMER,
Major, USAF, Executive Directorate of Administration.

[FR Doc.76–17152 Filed 6–11–76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Change of Meeting

This is to provide notice of change of meeting for the Organized Crime Task

University of Oregon Library, Documents

The meeting is open to the public. It

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Force of the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels previous meeting dates of July 7–9, 1976.

The Organized Crime Task Force will meet on July 21–23, 1976. The meeting will be held at the Ramada Inn, 1900 N. Ft. Myer Drive, Board Room, Arlington, Virginia. The meeting will be open to the public.

Discussion will focus on the recommendations made by the National Advisory Committee on Criminal Justice Standards and Goals and the review of the entire Report of the Organized Crime Task Force.

Meeting times: July 21 and 22—9 a.m.–9 p.m. July 23—9 a.m.–Noon.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-17212 Filed 6-11-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-9706]

IDAHO

Opening of Lands Formerly in Project No. 341

JUNE 7, 1976.

In an order issued March 25, 1976, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for license for Project No. 341. The project lands are depicted on maps filed with the commission and lie within the following described unsurveyed legal subdivision:

BOISE MERIDIAN SALMON NATIONAL FOREST

T. 24 N., R. 18 E.,
Sec. 26.

The project area, as amended, encompasses 1.9 acres in Lemhi County within the Salmon National Forest.

Beginning at 10:00 a.m. on July 12, 1976, the lands described above shall be opened to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Regional Forester, U.S. Forest Service, 324 25th Street, Ogden, Utah 84401.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.76-17154 Filed 6-11-76;8:45 am]

National Park Service

[Order No. 9]

BLUE RIDGE PARKWAY, VA. AND N.C., ADMINISTRATIVE OFFICER, ET AL.

Delegations of Authority

Section 1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds; and may execute and approve revocable special use permits having a term 10 years or less for use of Government-owned lands and facilities. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Blue Ridge Parkway.

Sec. 2. *General Supply Officer.* The General Supply Officer may execute, approve and administer contracts not in excess of $25,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by Blue Ridge Parkway.

Sec. 3. *General Supply Specialist.* The General Supply Specialist may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Specialist in behalf of any office or area administered by Blue Ridge Parkway.

Sec. 4. *Procurement Clerk (Typing).* The Procurement Clerk (Typing) may issue purchase orders not in excess of $500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Sec. 5. *Unit Managers, Facility Managers, District Rangers, Subdistrict Rangers, Maintenance Foremen, WS–10, Administrative Services Assistants, Signmaker Foreman, District Clerks, and Youth Conservation Corps Project Managers and Camp Directors.* The Unit Managers, Facility Managers, District Rangers, Subdistrict Rangers, Maintenance Foreman (not below WS–10), Administrative Services Assistants, Signmaker Foreman, District Clerks, and Youth Conservation Corps Project Managers and Camp Directors, who are employees of the Blue Ridge Parkway, may issue field purchase orders (SF–44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Sec. 6. *Revocation.* This order supersedes Order No. 8 dated September 2, 1975 (40 FR 55371) published November 28, 1975. (National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 5 (37 FR 7721), as amended.)

Dated: April 26, 1976.

JOE BROWN,
Superintendent,
Blue Ridge Parkway.

[FR Doc 76-17116 Filed 6-11-76;8:45 am]

[Order No. 2]

ADMINISTRATIVE OFFICER, ET AL.; KLAMATH FALLS GROUP

Delegation of Authority

Section 1. *Administrative Officer, Klamath Falls Group.* The Administrative Officer, Klamath Falls Group, may execute, approve, and administer contracts, not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by the Klamath Falls Group.

Section 2. *Procurement Agent.* The Procurement Agent, Klamath Falls Group, may execute, approve, and administer contracts not in excess of $15,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Procurement Agent in behalf of any office or area administered by the Klamath Falls Group.

Section 3. *Administrative Clerk.* The Administrative Clerk, Crater Lake National Park, may execute, approve, and administer purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Section 4. *Administrative Clerk.* The Administrative Clerk, Lava Beds National Monument, may execute, approve, and administer purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Section 5. *Administrative Clerk.* The Administrative Clerk, John Day Fossil Beds National Monument, may execute, approve, and administer purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Section 6. *Revocation.* This order supersedes Order No. 1 published June 13, 1972 (37 FR 11736).

(National Park Service Order No. 77 (38 F.R. 7478) as amended; Pacific Northwest Region Order No. 3 (37 F.R. 6325) as amended.)

Dated: May 3, 1976.

ERNEST J. BORGMAN,
General Superintendent,
Klamath Falls Group.

[FR Doc.76-17115 Filed 6-11-76;8:45 am]

[Order No. 1]

ADMINISTRATIVE TECHNICIAN; WHITE SANDS NATIONAL MONUMENT, N. MEX.

Delegation of Authority

Secion 1. *Administrative Technician.* The Administrative Technician may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77, 38 FR 7478, as amended. Southwest Region Order No. 5, 37 FR 7722 as amended).

Dated: May 13, 1976.

JAMES M. THOMSON,
Superintendent.

[FR Doc.76-17114 Filed 6-11-76;8:45 am]

Office of the Secretary

[INT FES 76-31]

BONNEVILLE POWER ADMINISTRATION

Notice of Availability of Final Supplement to Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a Final Location Supplement to its Final Fiscal Year 1976 Proposed Program. Contained in the Final Location Supplement are the impacts of constructing 500–kV transmission facilities required to integrate generation to be provided by a nuclear facility near Satsop in Grays Harbor County, Washington into the BPA main transmission grid.

Copies of the Final Location Supplement are available for inspection in the library of the headquarters office of Bonneville Power Administration, 1002 NE Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and in the Seattle Area Office, 415 First Avenue North, Room 250, Seattle, Washington 98109.

Copies are also available at Government Depository Libraries. (See attached list.)

A limited number of single copies are available and may be obtained by writing to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Dated: June 8, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

GOVERNMENT DEPOSITORY LIBRARIES

IDAHO

Boise Public Library, Reference Department, 715 Capitol Blvd., Boise, Idaho 83706.
University of Idaho, Library—U.S. Documents, Moscow, Idaho 83843.
Documents Division, Idaho State University Library, Pocatello, Idaho 83209.

MONTANA

Documents Librarian, Montana State University Library, Bozeman, Montana 59715.
University of Montana Library, Documents Division, Missoula, Montana 59801.

OREGON

Southern Oregon State College Library, Documents Section, Ashland, Oregon 97520.
Documents Division, Library, Oregon State University, Corvallis, Oregon 97331.
University of Oregon Library, Documents Section, Eugene, Oregon 97403.
Harvey W. Scott Memorial Library, Pacific University, Forest Grove, Oregon 97116.
Eastern Oregon State College Library, Eighth at K, LaGrande, Oregon 97850.
Northrup Library, Linfield College, McMinnville, Oregon 97128.
Oregon College of Education Library, Monmouth, Oregon 97361.
Aubrey R. Watzek Library, Lewis and Clark College, Attention: Reference Department, 0615 S. W. Palatine Hill Road, Portland, Oregon 97219.
Library Association of Portland, 801 S. W. Tenth Avenue, Portland, Oregon 97205.
Documents Librarian, Portland State University Library, P.O. Box 1151, Portland, Oregon 97207.
Eric V. Hauser Memorial Library, Reed College, 3203 S. E. Woodstock, Portland, Oregon, 97202.
Oregon State Library, State Library Building, Salem, Oregon 97301.
Willamette University Library, 900 State Street, Salem, Oregon 97301.

WASHINGTON

Documents Division, Mabel Zoe Wilson Library, Western Washington State College, 516 High Street, Bellingham, Washington 98225.
Documents Department, Library, Central Washington State College, Ellensburg, Washington 98926.
Everett Community College Library, 801 Wetmore Avenue, Everett, Washington 98201.
Documents Center, Washington State Library, Olympia, Washington 98504
Port Angeles Public Library, 207 S. Lincoln Street, Port Angeles, Washington 98362
Washington State University Library, Serial-Record Section, Pullman, Washington 99163.
Henry Suzzallo Memorial Library, University of Washington, Seattle, Washington 98195
Fort Vancouver Regional Library, Attention: Reference Librarian, 1007 E. Mill Plain Blvd., Vancouver, Washington 98663.
Northwest Collection, Penrose Memorial Library, Whitman College, Walla Walla, Washington 99362.

[FR Doc.76-17211 Filed 6-11-76;8:45 am]

OIL SHALE ENVIRONMENTL ADVISORY PANEL

Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on June 24, 1976, at the Outlaw Inn in Rock Springs, Wyoming. The Panel will convene at 8:30 a.m. in the Robber's Roost Room for its formal meeting to be followed by a tour of growth impact areas in the afternoon.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of this meeting is to discuss with community leaders and to view first hand impacts of rapid community growth associated with energy development projects. The Panel will also receive reports from Interior officials and consider any other matters requiring panel action at that time.

The meeting is open to the public. It is expected that space will permit 50 persons to attend the meeting in addition to the panel members. Interested persons may make brief presentations to the Panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, at the Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, Telephone No. (303) 234–3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Panel Office.

CHRIS FARRAND,
Deputy Assistant Secretary
of the Interior.

JUNE 8, 1976.

[FR Doc.76-17113 Filed 6-11-76;8:45 am]

DICKEY/LINCOLN SCHOOL TRANSMISSION–EIS PROJECT

Public Meeting

This notice is published to inform interested citizens of the public meetings to be held by the U.S. Department of the Interior. Information concerning preliminary transmission line corridor studies from the Dickey-Lincoln School Transmission-EIS Project will be described. The meeting will occur on the following days at the following locations:

The University of Maine, Folsom Hall Room 105, Presque Isle, Maine, on July 14, 1976, at 7:30 pm.; Bangor City Hall, Council Chambers, 3rd floor, Harlow Street, Bangor, Maine, on July 15, 1976, at 7:30 p.m.; Augusta Civic Center, Lincoln/Oxford Room, Community Drive, Augusta, Maine, on July 16, 1976, at 7:30 p.m.; Concord Public Library, Auditorium, 45 Green Street, Concord, New Hampshire, on July 19, 1976, at 7:30 p.m.; Berlin City Hall, Auditorium, Main Street, Berlin, New Hampshire, on July 20, 1976, at 7:30 p.m.; Montpelier City Hall, Memorial Room, Main Street, Montpelier, Vermont, on July 21, 1976, at 7:30 p.m.

The U.S. Army Corps of Engineers has requested the U.S. Department of the Interior to conduct transmission line corridor studies from the proposed Dickey/Lincoln School Hydro Electric Project. The purpose of these studies is to: (1) Determine how to move the electricity to be generated to the New England Grid System and; (2) determine the most feasible alternatives for transmission line corridors between the Dickey/Lincoln School Transmission Project and points of distribution in New England.

All interested parties are invited to attend these meetings. Comments received will assist the Department in

evaluating factors pertinent to these all children at or below such levels [illegible]

Soil Conservation Service

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evaluating factors pertinent to these studies.

Dated: June 11, 1976.

GEORGE W. TOMAN,
Assistant Manager.

[FR Doc.76-17445 Filed 6-11-76;10:44 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced-Price Meals and Free Milk

Pursuant to sections 9 and 17 of the National School Lunch Act, as amended (42 U.S.C. 1758 and 42 U.S.C. 1766), and sections 3 and 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772 and 1773(e)), the income poverty guidelines for determining eligibility of children for free and reduced-price meals in the National School Lunch Program (7 CFR Part 210), School Breakfast Program (7 CFR Part 220), Child Care Food Program (7 CFR Part 226), and commodity only schools (7 CFR Part 210.-15a), and for free milk in the Special Milk Program (7 CFR Part 215) during the period July 1, 1976–June 30, 1977 are prescribed by the Secretary in the following tables.

Under the legislation and applicable regulations, schools, and institutions which charge for meals separately from other fees, are required to serve free meals and free milk to all children from families whose income is at or below the applicable family size income level indicated by the Secretary's guidelines. Schools, and institutions which charge for meals separately from other fees, are required to serve reduced-price meals to all children from families whose income is at or below 95 percent above the applicable family size income levels in the guidelines.

Each State agency is required to prescribe income guidelines for both free and reduced-price meals and free milk by family size, for use by schools and institutions in the State. The State guidelines for free meals and for free milk may not be less than the applicable family size income level prescribed by the Secretary, and may not exceed the Secretary's guidelines by more than 25 percent. The State guidelines for reduced-price meals must be established at 95 percent in excess of the Secretary's guidelines.

For the convenience of State agencies, the tables also show the Secretary's income poverty guidelines when increased by 25 percent and when increased by 95 percent. The increased figures represent the maximum levels to be prescribed by State agencies in determining eligibility for free meals and free milk, and the mandatory level for reduced-price meals, respectively. The Secretary's guidelines remain the minimum level for free meals and free milk; all children at or below such levels shall be served free meals and free milk. Guidelines for the Island of Guam are identical to those established for the State of Hawaii.

Income poverty guidelines July 1, 1976–June 30, 1977

Family size	Secretary's guidelines	Guideline levels when increased by— 25 pct	95 pct
48 STATES, DISTRICT OF COLUMBIA, TERRITORIES EXCLUDING GUAM			
1	$2,940	$3,680	$5,730
2	3,860	4,830	7,530
3	4,780	5,980	9,320
4	5,700	7,130	11,110
5	6,550	8,190	12,770
6	7,360	9,210	14,410
7	8,160	10,200	15,910
8	8,920	11,150	17,390
9	9,610	12,010	18,740
10	10,300	12,870	20,090
11	10,990	13,730	21,430
12	11,680	14,590	22,770
Each additional family member	690	860	1,340
ALASKA			
1	$3,680	$4,600	$7,180
2	4,830	6,040	9,420
3	5,980	7,480	11,660
4	7,120	8,900	13,880
5	8,180	10,220	15,950
6	9,230	11,540	18,000
7	10,190	12,740	19,870
8	11,150	13,940	21,740
9	12,010	15,010	23,420
10	12,870	16,080	25,100
11	13,720	17,150	26,760
12	14,570	18,210	28,410
Each additional family member	850	1,060	1,650
HAWAII AND GUAM			
1	$3,270	$4,080	$6,380
2	4,290	5,360	8,370
3	5,310	6,640	10,360
4	6,330	7,910	12,340
5	7,260	9,080	14,160
6	8,190	10,240	15,970
7	9,040	11,300	17,630
8	9,890	12,360	19,290
9	10,660	13,330	20,790
10	11,430	14,290	22,290
11	12,200	15,250	23,790
12	12,970	16,210	25,290
Each additional family member	770	960	1,500

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the change in the Consumer Price Index from 1974 to April 1976. This procedure is specified by section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758). The Consumer Price Index is not computed for the State of Hawaii for the month of April. Therefore, the Secretary's income proverty guidelines for Hawaii and Guam are based upon the change in the Consumer Price Index for Hawaii from 1974 to March 1976.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Consumer Income, Current Population Reports, series P–60, No. 86, December 1972. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following:

(1) Monetary compensation for services, including wages, salary, commissions, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) Government civilian employee or military retirement or pensions or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (1) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this notice, does not include any income or benefits received under any Federal program which are excluded from consideration as income by any legislative prohibition, for example, income received by volunteers for services performed in the National Older Americans Volunteer Program as stipulated in the 1973 amendments to the Older American Act of 1965, Public Law 93–29 (87 Stat. 30); nor does the term include income used for the following special hardship conditions which could not be reasonably anticipated or controlled by the household:

(1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein; (3) special education expenses due to the mental or physical condition of a child; and (4) disaster or casualty losses. Furtermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, e.g., the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1964.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced-price meals; *Provided, however,* That Children whose parents or guardians become unemployed shall be eligible for free or reduced-price meals or free milk during the period of unemployment, if the loss of income causes the family income to be within the eligibility criteria of the school food authority.

Effective date: This notice shall become effective July 1, 1976.

Dated: June 10, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-17427 Filed 6-11-76;8:45 am]

Soil Conservation Service

BEAVER CREEK WATERSHED PROJECT, OHIO

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Beaver Creek Watershed Project, Hancock, Henry, Wood, and Putnam Counties, Ohio, USDA–SCS–EIS–WS–(ADM)–75–1–(F)–OH.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve clearing and minor obstruction removal on approximately 42 miles of existing channels, and channel enlargement by excavation on approximately one mile of existing channel. All channel reaches where work is proposed involve perennial streams that have been previously modified or created by channel excavation.

The Beaver Creek Watershed Project will provide improved water management for both agricultural and urban lands within a northwest Ohio flatland (till and lake plain) watershed. Approximately 90 percent of the watershed area is utilized exclusively for agricultural production.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply of copies are available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 344, 341 Old Federal Building, Columbus, Ohio 43215.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-17151 Filed 6-11-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0194]

CALGON CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3199) has been filed by the Calgon Corp., Calgon Center, Box 1346, Pittsburgh, PA 15230, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for safe use of diallyldiethylammonium chloride polymer with acrylamide and diallyldimethylammonium chloride as a retention and/or drainage aid in the manufacture of paper and paperboard intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 3, 1976.

DONALD W. RIESTER,
Acting Director, Bureau of Foods.

[FR Doc 76-17123 Filed 6-11-76;8:45 am]

[Docket No. 75N-0203; DESI 8076]

TETRACAINE HYDROCHLORIDE AND BENZOCAINE TOPICAL SOLUTION

Withdrawal of Approval of New Drug Application

A notice (DESI 8076; Docket No. 75N-0203) was published in the FEDERAL REGISTER of December 9, 1975 (40 FR 57379), in which the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of the following drug product which has been used to produce anesthesia of accessible mucous membranes, primarily in the practice of dentistry.

NDA 8–076; Neotopanol Solution containing tetracaine hydrochloride and benzocaine; Cook-Waite Laboratories, Inc., Division of Sterling Drug Inc., 90 Park Ave., New York, NY 10016.

The basis of the proposed action was that the drug product lacks substantial evidence of effectiveness as a fixed combination for its labeled indications. By letter of December 22, 1975, the firm waived its opportunity for a hearing by requesting withdrawal of approval of the new drug application, and approval is now being withdrawn.

All drug products that are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any persons who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

On January 2, 1976, Cetylite Industries, Inc., 42–38 27th St., Long Island City, NY 11101, sponsor of a related product, Cetacaine Topical Anesthetic containing benzocaine, butyl aminobenzoate, and tetracaine hydrochloride (no NDA), requested a hearing concerning its product. This request for a hearing is under review and the marketing of this product may continue pending a ruling on the request.

No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the above listed drug product, Neotopanol Solution, will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 8–076 and all amendments and supplements applying thereto, is withdrawn effective June 24, 1976.

Shipment in interstate commerce of the above product or any identical, related, or similar product, not the subject of an approved new drug application, except for the one described above that may continue to be marketed pending ruling on the request for a hearing will then be unlawful.

Dated: June 6, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-17124 Filed 6-11-76;8:45 am]

[Docket No. 75N-0300; DESI 11145]

CERTAIN THIAZIDES

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Notice of Opportunity for Hearing

A notice (DESI 11145; Docket No. FDC–D–322) (now Docket No. 75N–0300) was published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21751), concerning the effectiveness of the single-active-entity thiazide drug products described below. Thiazides are used to treat high blood pressure and to relieve excessive accumulation of fluids in body tissues. The notice invited comment from interested persons concerning various aspects of the use of thiazides in pregnancy and stated that such issues were to be brought before the Obstetries and Gynecology Advisory Committee of the Food and Drug Administration. Interested persons were invited to and did make presentations to the Advisory Committee at its meeting on July 17, 1975. Pertinent portions of the minutes of that meeting are on file in the office of the Hearing Clerk, Food and Drug Administration.

Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 3, 1976.

DONALD W. RIESTER,
Acting Director, Bureau of Foods.

[FR Doc 76-17123 Filed 6-11-76;8:45 am]

[Docket No. 75N-0203; DESI 8076]

TETRACAINE HYDROCHLORIDE AND BENZOCAINE TOPICAL SOLUTION

Withdrawal of Approval of New Drug Application

A notice (DESI 8076; Docket No. 75N-0203) was published in the FEDERAL REGISTER of December 9, 1975 (40 FR 57379), in which the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of the following drug product which has been used to produce anesthesia of accessible mucous membranes, primarily in the practice of dentistry.

NDA 8–076; Neotopanol Solution containing tetracaine hydrochloride and benzocaine; Cook-Waite Laboratories, Inc., Division of Sterling Drug Inc., 90 Park Ave., New York, NY 10016.

The basis of the proposed action was that the drug product lacks substantial evidence of effectiveness as a fixed combination for its labeled indications. By letter of December 22, 1975, the firm waived its opportunity for a hearing by requesting withdrawal of approval of the new drug application, and approval is now being withdrawn.

All drug products that are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any persons who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

On January 2, 1976, Cetylite Industries, Inc., 42–38 27th St., Long Island City, NY 11101, sponsor of a related product, Cetacaine Topical Anesthetic containing benzocaine, butyl aminobenzoate, and tetracaine hydrochloride (no NDA), requested a hearing concerning its product. This request for a hearing is under review and the marketing of this product may continue pending a ruling on the request.

No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the above listed drug product, Neotopanol Solution, will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 8–076 and all amendments and supplements applying thereto, is withdrawn effective June 24, 1976.

Shipment in interstate commerce of the above product or any identical, related, or similar product, not the subject of an approved new drug application, except for the one described above that may continue to be marketed pending ruling on the request for a hearing will then be unlawful.

Dated: June 6, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-17124 Filed 6-11-76;8:45 am]

[Docket No. 75N-0300; DESI 11145]

CERTAIN THIAZIDES

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Notice of Opportunity for Hearing

A notice (DESI 11145; Docket No. FDC–D–322) (now Docket No. 75N–0300) was published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21751), concerning the effectiveness of the single-active-entity thiazide drug products described below. Thiazides are used to treat high blood pressure and to relieve excessive accumulation of fluids in body tissues. The notice invited comment from interested persons concerning various aspects of the use of thiazides in pregnancy and stated that such issues were to be brought before the Obstetries and Gynecology Advisory Committee of the Food and Drug Administration. Interested persons were invited to and did make presentations to the Advisory Committee at its meeting on July 17, 1975. Pertinent portions of the minutes of that meeting are on file in the office of the Hearing Clerk, Food and Drug Administration.

Thiazides should be used with caution

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Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 and may be seen in that office during working hours Monday through Friday.

This notice announces final conclusions concerning the appropriate uses of, and requires labeling changes for, thiazide diuretics and offers opportunity for a hearing on certain indications. Requests for a hearing are due by July 14, 1976.

1. Fovane Tablets, containing benzthiazide; Pfizer Laboratories, Div. of Pfizer, Inc., 235 East 42d St., New York, NY 10017 (NDA 12–128).

2. Esidrix Tablets, containing hydrochlorothiazide; Ciba Pharmaceutical Co., Div. of Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901 (NDA 11–793).

3. Exna Tablets, containing benzthiazide; A. H. Robins Co., 1407 Cummings Dr., Richmond, VA 23220 (NDA 12–489).

4. Saluron Tablets, containing hydroflumethiazide; Bristol Laboratories, Div. of Bristol-Myers Co., Thompson Rd., P. O. Box 657, Syracuse, NY 13201 (NDA 11–049).

5. Renese Tablets, containing polythiazide; Pfizer Laboratories (NDA 12–845).

6. Metahydrin Tablets, containing trichlormethiazide; Lakeside Laboratories, Inc., 1707 E. North Ave., Milwaukee, WI 53201 (NDA 12–594).

7. Diuril Syrup, containing chlorothiazide; Merck Sharp & Dohme, Div. of Merck and Co., Inc., West Point, PA 19486 (NDA 11–870).

8. Diuril Lyovac Powder for Injection, containing chlorothiazide as the sodium salt; Merck Sharp & Dohme (NDA 11–145).

9. Diuril Tablets, containing chlorothiazide; Merck Sharp & Dohme (NDA 11–145).

10. Naqua Tablets, containing trichlormethiazide; Schering Corp., 60 Orange St., Bloomfield, NJ 07003 (NDA 12–265).

11. Hydrodiuril Tablets, containing hydrochlorothiazide; Merck Sharp & Dohme (NDA 11–835).

12. Enduron Tablets, containing methyclothiazide; Abbott Laboratories, 14th St. & Sheridan Rd., N. Chicago, IL 60064 (NDA 12–524).

13. Oretic Tablets, containing hydrochlorothiazide; Abbott Laboratories (NDA 11–971).

14. Naturetin Tablets, containing bendroflumethiazide; E. R. Squibb & Sons, Inc., Georges Rd., New Brunswick, NJ 08903 (NDA 12–164).

The notice of May 19, 1975, stated that the Director of the Bureau of Drugs had reevaluated available data and the labeling for thiazide diuretics and had concluded that the labeling should be modified to:

1. Eliminate the indication "hypertension of pregnancy" because this did not represent an established condition.

2. Eliminate the indication "edema due to pregnancy" because this was improperly broad and made no reference to the various processes which might cause edema.

3. Eliminate the indication "prevention of the development of toxemia during pregnancy" because available data did not show that thiazides were effective for this purpose and, in fact, rather tended to show that they were ineffective.

These changes left "toxemia of pregnancy," an indication considered probably effective, as the only labeled indication for thiazide diuretics that made specific reference to pregnancy. Thiazide would also be indicated for treatment of edema or hypertension, as defined in the labeling without reference to pregnancy, when these conditions were present during pregnancy and in light of the labeled precautions and contraindications related to pregnancy. Thus, the May 19, 1975 notice described the effectiveness classification for thiazide diuretics as follows:

1. These thiazide drugs in the dosage forms listed above are effective as adjunctive therapy in the treatment of edema due to congestive heart failure, hepatic cirrhosis, and corticosteroid and estrogen administration; edema caused by renal disorders such as nephrotic syndrome, acute glomerulonephritis, and chronic renal failure; and in the management of hypertension when used alone or as adjunctive therapy. The routine use of diuretics in an otherwise healthy pregnant woman is contraindicated and possibly hazardous.

2. These drugs are less than effective (probably effective) for treatment of toxemia of pregnancy; angina accompanying congestive heart failure and/or hypertension; and "drug induced" edema.

3. The drugs lack substantial evidence of effectiveness for all of their other labeled indications (i.e., hypertension of pregnancy, severe edema when due to pregnancy, prevention of the development of toxemia of pregnancy, edema of localized origin, and premenstrual acne flare).

The notice of May 19, 1975, invited comment before FDA's Obstetrics and Gynecology Advisory Committee on a number of important questions related to the use of thiazide diuretics in pregnancy. The Advisory Committee met on July 17, 1975, and received comment from, among others, Dr. Tom Brewer, a physician with a longstanding interest in toxemia of pregnancy and maternal nutrition; Dr. Ronald Chez, Chairman of the Committee on Nutrition of the American College of Obstetrics and Gynecology; and Dr. Leon Chesley, Professor of Obstetrics and Gynecology of the State University of New York Downstate Medical Center.

No person requested a hearing on the indications regarded as lacking substantial evidence of effectiveness, and no comment before the Advisory Committee supported these indications.

No data have been received in support of the indications classified as less than effective (probably effective) in the May 19, 1975 notice, and the Advisory Committee concluded that there was no satisfactory evidence that thiazides are effective in the treatment of toxemia of pregnancy. The less-than-effective indications are now regarded as lacking substantial evidence of effectiveness.

Although the indication "edema due to pregnancy" was considered by the Director of the Bureau of Drugs as too broad, the Committee was asked to consider whether there were instances in which it was appropriate to treat edema during pregnancy. The Committee concluded it was appropriate, taking into account the hazards of such therapy, to use diuretics during pregnancy for the same indications for which they would be used if no pregnancy existed, such as congestive heart failure or edema associated with renal disorders, and in addition, that there were occasional patients with anasarca (generalized edema), without apparent cardiac or renal disease, who would benefit from a short course of a diuretic.

The Committee also was asked whether a section of the labeling stating that "Usage of thiazides in women of childbearing age requires that the potential benefits of the drug be weighed against its possible hazards to the fetus" should refer to "pregnant women" rather than "women of childbearing age." They concluded that the warning properly should refer to women who were actually pregnant.

The Director of the Bureau of Drugs has considered available information, including testimony before the Obstetrics and Gynecology Advisory Committee and the recommendations of that Committee, and concludes that the labeling for thiazide diuretics, including promotional labeling, should be further modified with respect to the sections relating to use of the diuretics in pregnancy to:

1. Eliminate the indication "toxemia of pregnancy."

2. Add to the Indications section a brief discussion of edema during pregnancy and a limited indication for short term diuretic use in women with severe discomfort not relieved by rest.

3. Emphasize in the Indications section that routine use of diuretics in pregnancy is inappropriate and potentially hazardous, that diuretics do not prevent toxemia, and that there is not satisfactory evidence that they are useful in treatment of toxemia, and remove similar wording from the Contraindications section.

4. Eliminate reference to "women of childbearing age" in the pregnancy warning and substitute "pregnant women."

In addition, the indications "angina due to congestive heart failure and/or hypertension" and "drug induced edema" now lack substantial evidence of effectiveness and they are to be eliminated from the labeling.

Also, the indication for management of hypertension has previously been included in the labeling both of oral forms of the thiazide drugs and of chlorothiazide sodium for injection. The Director of the Bureau of Drugs believes that this indication was applicable to and intended for oral forms of the drug which are for chronic use. The indication is not appropriate, he believes, for the parenteral product; the only possible use for a parenteral product in patients with hypertension (without congestive heart failure) would be the treatment of hypertensive emergencies. Substantial evidence to show that the parenteral drug is effective for hypertensive emergencies is lacking.

The above modifications of the labeling are reflected in paragraph B.2. *Labeling conditions* in this notice.

Accordingly, the May 19, 1975 notice is amended to read as set forth below:

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug product.

In addition to the holders of the new drug applications specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has considered the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that:

1. Thiazides are effective as adjunctive therapy in edema associated with congestive heart failure, hepatic cirrhosis, and corticosteroid and estrogen therapy. They have been found useful in edema due to various forms of renal dysfunction such as nephrotic syndrome, acute glomerulonephritis, and chronic renal failure.

Oral forms of the drugs are also effective in the management of hypertension either as the sole therapeutic agent or to enhance the effectiveness of other antihypertensive drugs in the more severe forms of hypertension.

2. The drugs lack substantial evidence of effectiveness for all other indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Such preparations are in a form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations and their labeling bears adequate information for safe and effective use of the drug. Those parts of the labeling indicated below are substantially as follows:

Except for the following revised sections of the labeling, all other sections are unchanged from those in the initial implementation notice on these drugs published in the FEDERAL REGISTER of July 26, 1972 (37 FR 14896):

INDICATIONS

(Drug) is indicated as adjunctive therapy in edema associated with congestive heart failure, hepatic cirrhosis, and corticosteroid and estrogen therapy.

(Drug) has also been found useful in edema due to various forms of renal dysfunction such as:
Nephrotic syndrome;
Acute glomerulonephritis; and
Chronic renal failure.

(For oral forms only:) (Drug) is indicated in the management of hypertension either as the sole therapeutic agent or to enhance the effectiveness of other antihypertensive drugs in the more severe forms of hypertension.

Usage in Pregnancy. The routine use of diuretics in an otherwise healthy woman is inappropriate and exposes mother and fetus to unnecessary hazard. Diuretics do not prevent development of toxemia of pregnancy, and there is no satisfactory evidence that they are useful in the treatment of developed toxemia.

Edema during pregnancy may arise from pathological causes or from the physiologic and mechanical consequences of pregnancy. Thiazides are indicated in pregnancy when edema is due to pathologic causes, just as they are in the absence of pregnancy (however, see Warnings, below). Dependent edema in pregnancy, resulting from restriction of venous return by the expanded uterus, is properly treated through elevation of the lower extremities and use of support hose; use of diuretics to lower intravascular volume in this case is illogical and unnecessary. There is hypervolemia during normal pregnancy which is harmful to neither the fetus nor the mother (in the absence of cardiovascular disease), but which is associated with edema, including generalized edema, in the majority of pregnant women. If this edema produces discomfort, increased recumbency will often provide relief In rare instances, this edema may cause extreme discomfort which is not relieved by rest. In these cases, a short course of diuretics may provide relief and may be appropriate.

CONTRAINDICATIONS

Anuria.
Hypersensitivity to this or other sulfonamide-derived drugs.

WARNINGS

Thiazides should be used with caution in severe renal disease. In patients with renal disease, thiazides may precipitate azotemia. Cumulative effects of the drug may develop in patients with impaired renal function.

Thiazides should be used with caution in patients with impaired hepatic function or progressive liver disease, since minor alterations of fluid and electrolyte balance may precipitate hepatic coma.

Thiazides may add to or potentiate the action of other antihypertensive drugs. Potentiation occurs with ganglionic or peripheral adrenergic blocking drugs.

Sensitivity reactions may occur in patients with a history of allergy or bronchial asthma.

The possibility of exacerbation or activation of systemic lupus erythematosus has been reported.

Usage in Pregnancy. Thiazides cross the placental barrier and appear in cord blood. The use of thiazides in pregnant women requires that the anticipated benefit be weighed against possible hazards to the fetus. These hazards include fetal or neonatal jaundice, thrombocytopenia, and possibly other adverse reactions which have occurred in the adult.

Nursing Mothers. Thiazides appear in breast milk. If use of the drug is deemed essential, the patient should stop nursing.

USAGE IN PREGNANCY

(This is eliminated as a separate section and its content is now included in the WARNINGS section.)

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application or an approved abbreviated new drug application may be continued provided that, on or before August 13, 1976, the holder of the application submits (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

c. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of (1) any of the drugs for treatment of toxemia of pregnancy, angina accompanying congestive heart failure and/or hypertension, and "drug induced" edema; or (2) parenteral forms for use in hypertension.

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Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to above in this section on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 14, 1976, a written notice of appearance and request for hearing, and (2) on or before August 13, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to above in this section may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours Monday through Friday.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11145, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFD–130), Rm. 14B–03, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket Number shown in the heading of this notice); Hearing Clerk, Food and Drug Administration, Rm. 4–65, Parklawn Building.

Other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: May 12, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–17125 Filed 6–11–76;8:45 am]

Office of the Secretary

NATIONAL INSTITUTE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 12 of the Statement of Organization, Functions, and Delegations of Authority for the National Institute of Education of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER (40 FR 37071, August 25, 1975), is amended to provide for the reorganization within the Office of Planning, Budget, and Policy Analysis. The amended statement should be inserted in Section 12.20 G, and should read as follows:

G. Office of Planning, Budget, and Program Analysis: Carries out responsibilities for the formulation, presentation, and execution of the NIE budget; the development and operation of the Institute's annual and long-range planning processes; program evaluation and analysis; analysis and development of Federal educational research policy; coordination of NIE participation in international educational R&D activities; monitoring the activities of the Equal Educational Opportunity Committee to include analysis of Institute programs as they relate to equality of educational opportunity; programmatic coordination within the Institute and with other Federal agencies.

1. Program Analysis and Budget Division: Carries out responsibilities for the budget formulation, presentation, and execution; development and maintenance of program planning processes; program evaluation and analysis.

2. Policy Analysis and Development Division: Carries out responsibilities for conducting policy analysis and studies related to NIE programs and activities; the analysis and development of Federal educational research policy; coordination of NIE participation in international educational R&D activities; monitoring the activities of the Equal Educational Opportunity Committee to include analysis of Institute programs as they relate to equality of educational opportunity; programmatic coordination within the Institute and with other Federal agencies.

Dated: June 4, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–17235 Filed 6–11–76;8:45 am]

HEALTH RESOURCES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 F.R. 1456, January 9, 1974, as amended), is amended to reflect the following change in the organization and functions of the National Center for Health Services Research under Section 7–B:

ORGANIZATION AND FUNCTIONS

Under the National Center for Health Services Research (7C00 through 7C45), insert the following statement immediately following the statement for the Division of Health Care Information Systems and Technology (7C45):

Division of Intramural Research (7C57). Provides professional expertise required by the National Center to undertake directly health services research, demonstration, and evaluation activities. Specifically: (1) Designs and carries out research, demonstration, and evaluation projects which address the critical issues and research questions identified in the research plan of the National Center; (2) provides information, analyses, and technical support to the Division of Extramural Research and the Division of Demonstration and Assessment with regard to the structure and content of contracts awarded by the Center and the monitoring of grants; (3) provides consultation and technical assistance to HRA, the Office of the Assistant Secretary for Health, and the Department with regard to the development, experimental design, management, and interpretation of research projects; (4) prepares and participates in the dissemination of reports which describe and analyze the findings of research, demonstration, and evaluation projects undertaken by the Center; (5) analyzes program operations to ensure responsible administration of resources allocated for intramural research; (6) provides a summary of findings of current intramural research projects and informs the Office of Policy Analysis and Program Development of results that might have an impact on health policy and legislation; and (7) maintains liaison with professional and scientific organizations, foundations, and other groups engaged in health services research activities.

Dated: June 7, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–17236 Filed 6–11–76;8:45 am]

CENTER FOR DISEASE CONTROL

Statement of Organization, Functions, and Delegations of Authority

Part 9 (Center for Disease Control) of the Statement of Organization Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1461, January 9, 1974, as amended most recently, and in pertinent part, at 40 FR 57703, December 11, 1975) is amended to reflect changes in the organization of the National Institute for Occupational Safety and Health (9C00), as follows: (1) disestablishment of the Western Area Laboratory for Occupational Safety and Health (9C44); (2) transfer of the major functions of the Western Area Laboratory for Occupational Safety and Health (9C44) to the Appalachian Laboratory for Occupational Safety and Health (9C41); and (3) editorial changes in certain division level statements for clarity.

SEC. 9–B *Organization and Functions*, is hereby amended under the heading entitled "NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (9C00)," as follows:

1. Delete "nonmalignant" from item (1) under Appalachian Laboratory for Occupational Safety and Health (9C41), and add the following items: "(6) designs and conducts research programs in agricultural and noncoal mining safety and health; (7) conducts accident investigations and safety research designed to prevent or mitigate occupational trauma in all industries."

2. Delete the section entitled Western Area Laboratory for Occupational Safety and Health (9C44) in its entirety.

3. Delete "safety and" from item (1) of the Division of Criteria Documentation and Standards Development (9C48).

4. Change item (2) under Division of Technical Services to read: "(2) prepares and annually revises the legislatively mandated toxic substances list."

Dated: June 4, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–17237 Filed 6–11–76;8:45 am]

SOCIAL SECURITY BENEFIT INCREASES

Cost-of-Living Increase

Correction

In FR Doc. 76–13843, appearing at page 19999, in the issue for Friday, May 14, 1976, on page 20001, in the second column of the table entitled *"Table for determining primary insurance amount and maximum family benefits beginning June 1976,"* the fifteenth figure now reading "23.20," should read "24.20."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N–76–549]

REDLINING AND DISINVESTMENT AS A DISCRIMINATORY PRACTICE IN RESIDENTIAL MORTGAGE LOANS

Public Meeting

Pursuant to Section 106.3 of the Department of Housing and Urban Development's regulation establishing the procedure for scheduling fair housing public meetings (24 CFR 106.3; 40 FR 20079 (5–8–75)), notice is hereby given of a public fact-finding meeting to be conducted by the Assistant Secretary for Fair Housing and Equal Opportunity. The subject of the meeting will be discrimination in residential mortgage loans through disinvestment and redlining practices in relationship to Title VIII of the 1968 Civil Rights Act.

The meeting will be held in Philadelphia, Pennsylvania; Wednesday the 14th of July, 1976 from 6:00 p.m. to 9:00 p.m. and will continue on Thursday the 15th and Friday the 16th of July, 1976 at 9:00 a.m. in the William J. Green, Jr. Federal Building, Room 3306, 600 Arch Street.

The purpose of the meeting is to obtain information respecting the practice of redlining and disinvestment as it relates to the practice of discrimination in residential mortgage loans. Attendance is open to the interested public, but limited to the space available. To the extent that time permits, the Presiding Officer will allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, before, during or after the meeting.

For further information concerning this meeting, contact James H. Blair, Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Dated at Washington, D.C., June 9, 1976.

JAMES H. BLAIR,
Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc.76–17258 Filed 6–11–76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N–76–544]

CENTRAL LAKE ESTATES SOUTH

Hearing

In the matter of Central Lake Estates South—76–66–IS OILSR No. 0–1825–09–540, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Central Lake Estates South, Atgar Development Corporation, Jack Klear, President, its officers and agents, hereinafter referred to as "Respondent" being

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1706(d) and 24 CFR 1720.160(d), notice

DEPARTMENT OF

(Pub. L. 89–564, 80 Stat. 731, 23 U.S.C. 402

subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Atgar Development Corporation, Jack Klear, President, and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 6, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 21, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 7, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76–17215 Filed 6–11–76;8:45 am]

[Docket No. N–76–547]

OAKWOOD HILLS

Hearing

In the matter of Oakwood Hills, Units 1, 2, 3, 4, and 5 76–69–IS, OILSR No. 0–1175–09–317 and (A–C), pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Oakwood Hills, Units 1, 2, 3, 4, and 5, Ecological Development Corporation of America, Ivan Goch, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Ecological Development Corporation of America, Ivan Goch, President and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 29, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 21, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 17, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76–17216 Filed 6–11–76;8:45 am]

[Docket No. N–76–545]

WESTFIELD

Hearing

In the matter of Westfield, Units 1, 2, & 3—76–12–IS OILSR Nos. 0–0802–09–183, 0–0802–09–183(A), 0–0802–09–183(B), pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Westfield Units 1, 2, & 3, Robert Risher, Vice President, Land and Leisure, Inc., its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Westfield, Units 1, 2, and 3, Robert Fisher, Vice President, Land and Leisure, Inc., and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 6, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 21, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 17, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76–17217 Filed 6–11–76;8:45 am]

[Docket No. N–76–546]

WILLIAMS DOUBLE BRANCH ESTATES

Hearing

In the matter of Williams Double Branch Estates—76–13–IS OILSR No. 0–3868–09–1023, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Williams Double Branch Estates, Bruce Williams, Vice President WLE, Inc., its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 17, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Williams Double Branch Estates, Bruce Williams, Vice President WLE, Inc., and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 21, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearings: All Affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 17, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1976.

JOHN W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76–17218 Filed 6–11–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

HIGHWAY SAFETY PROGRAM

Program Approval Policy

The purpose of this notice is to repeal the highway safety Program Approval Policy of the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA), concerning the three categories of conditional program approval, published June 13, 1975 (40 FR 25246) and revised on August 27, 1975 (40 FR 38185), November 20, 1975 (40 FR 54022), and January 12, 1976 (41 FR 1838), in accordance with the provisions of Pub. L. 94–280, enacted May 5, 1976.

The Program Approval Policy established three categories of conditional program approval to be followed by FHWA and NHTSA Regional Administrators and FHWA Division Administrators in their review of State Annual Work Programs and Comprehensive Plans for highway safety.

Pub. L. 94–280 provides that the Secretary of Transportation may not withhold any highway safety funds from States that do not require helmets to be worn by motorcycle riders 18 years of age or older. It also provides that the Secretary shall conduct a study on the adequacy and appropriateness of the highway safety program standards and that

Until such report is submitted, the Secretary shall not, pursuant to subsection (c) of section 402 of title 23, United States Code, withhold any apportionment or any funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with such section 402.

To reflect these statutory provisions, the three categories of conditional program approval enumerated in the Program Approval Policy are hereby cancelled and Comprehensive Plans for States in these categories shall be approved until September 30, 1977, the end of the current planning cycle.

Despite the cancellation of the Program Approval Policy, we want to emphasize that programs affected by this action are important and should remain part of the States Comprehensive Highway Safety Program.

The NHTSA Regional Administrators and FHWA Regional Administrators and/or Division Administrators are authorized to act in accordance with this notice.

(Pub. L. 89–564, 80 Stat. 731, 23 U.S.C. 401–406, as amended)

Effective date: June 14, 1976.

Issued on: June 8, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

JAMES B. GREGORY,
National Highway Traffic Safety Administrator.

[FR Doc.76–17246 Filed 6–11–76;8:45 am]

CIVIL AERONAUTICS BOARD

[76–5–156; Docket 29326]

DISCOUNTS CHANGES APPLICABLE TO CAPACITY—CONTROLLED EXCURSION FARES

Various Carriers; Order Vacating Suspension

Correction

In FR Doc. 76–16257 appearing on page 22623 in the issue of June 4, 1976 the 1st paragraph should read as follows:

"Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of May, 1976."

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North-Central Pacific Passenger Fares

In FR Doc. 76–16258 appearing on page 22623 in the issue of June 4, 1976 the 1st paragraph should read as follows:

"Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of May, 1976."

[Order 76–5–120; Docket 28744; Agreement CAB 25762]

CONTINENTAL AIR LINES, INC. AND RIO AIRWAYS, INC.

Suspension of Service; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of May 1976.

In the matter of: application of Continental Air Lines, Inc. for authority to suspend service temporarily over segment 3 of Route 29. (Docket 28744) Agreement between Continental Air Lines, Inc. and Rio Airways, Inc. (Agreement CAB 25762). Published at 41 FR 22120, June 1, 1976.

Ordering paragraph "6" should read as follows:

"6. Frontier Airlines, Trinity Airways, the City of Midland, the Midland Chamber of Commerce, the City of Odessa, the Odessa Chamber of Commerce, the Lubbock Chamber of Commerce, the Tulsa Chamber of Commerce Civic Parties, the City of Wichita Falls, the Texas Aeronautics Commission, and the Air Line

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Pilots Association be and they hereby are made parties to Docket 28744; and"

Dated: June 8, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17242 Filed 6-11-76;8:45 am]

[Order 76-6-49 Docket 27573; Agreement C.A.B. 25880; Agreement C.A.B. 25881; R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Joint Traffic Conferences

Issued under delegated authority June 8, 1976.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

Agreement CAB	Specific commodity item No.	Description and rate
25880	1021	Greyhounds,[1] 296c/kg,[2] minimum weight 500 kg, from Sydney to Guam.
25881:		
R-1	1407	Floral and nursery stock and seeds,[1] 117c/kg, minimum weight 1,000 kg, from Brussels/Amsterdam to New York.
R-2	0007	Fruits and vegetables,[1] 150c/kg, minimum weight 300 kg, from Tokyo to Honolulu.

[1] See applicable tariff for complete commodity descriptions.
[2] Based on 02lb rate. United Kingdom penny equals United States $0.02605.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that:

Agreements C.A.B. 25880 and C.A.B. 25881, R-1 and R-2, are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17240 Filed 6-11-76;8:45 am]

[Docket 29357]

McGREGOR, SWIRE AIR SERVICES LIMITED, FOREIGN AIR FREIGHT FORWARDER RENEWAL (U.K.)

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 19, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects and shows reason for postponement on or before July 6, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 8, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-17239 Filed 6-11-76;8:45 am]

[Docket 21162; Order 76-6-55]

OHIO/INDIANA POINTS NONSTOP SERVICE INVESTIGATION

Order Denying Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of June 1976.

On May 14, 1976, Wright Air Lines, Inc., filed a motion to consolidate its application in Docket 29260 with the instant investigation. Wright's application in Docket 29260 seeks certificate authority in the Cleveland-Dayton market. The motion to consolidate is coupled with a motion for leave to file an otherwise unauthorized document.[1] In support of its motions, Wright states, in pertinent part, that prior to the April 20, 1976 filing by Allegheny for exemption authority in the Cleveland-Indianapolis market (Docket 29161) Wright had no knowledge of the inadequate service provided by Allegheny in the Cleveland-Dayton market; that Allegheny has an average Cleveland-Dayton load factor of 84 percent; and that Wright is ideally suited to provide service in the Cleveland-Dayton market.

Allegheny and North Central each filed motions for leave to file unauthorized answers coupled with answers opposing consolidation of Wright's application.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Wright's motion to consolidate.[2] Wright has not demonstrated that there is any necessary relationship between the Cleveland-Dayton market and the Cleveland-Indianapolis market or any of the other markets in issue herein. Consolidation of Wright's application would, therefore, make the instant proceeding larger without any economic justification for doing so.

Accordingly, it is ordered:

1. That the motions of Wright Air Lines, Inc., Allegheny Airlines, Inc., and North Central Airlines, Inc., for leave to file otherwise unauthorized documents be and they hereby are granted; and

2. That the motion of Wright Air Lines, Inc., to consolidate with the instant proceeding its application in Docket 29260 be and it hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17243 Filed 6-11-76;8:45 am]

[Docket 29296; Order 76-6-54]

U.S.-GERMANY CARGO MATTERS

Request To Engage In Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of June 1976.

On May 21, 1976, Seaboard World Airlines, Inc. (Seaboard) petitioned the Board for permission to engage in discussions with Pan American World Airways, Inc. (Pan American) and Deutsche Lufthansa Aktiengesellschaft (Lufthansa), as well as government representatives, covering various interrelated matters involving cargo air transportation between the United States and the Federal Republic of Germany. These subjects include substitute service via surface transport, carriage of Germany-U.S. freight by charters, U.S./Germany cargo rate levels and their relationships to rates in neighboring markets, interline arrangements, and airport cargo facilities. In support of its petition, Seaboard states that these issues were the subject of intergovernmental

[1] Motions to consolidate applications in the instant proceeding were due on March 3, 1976.

[2] We will, however, grant the various motions to file otherwise unauthorized documents.

consultations between the United States and Germany from April 26 to April 28, 1976, and that the understanding reached between the two Governments contemplated working group meetings among the three carriers, and representatives of the two Governments, prior to further intergovernmental negotiations expected to take place in September 1976.

The Board will herein authorize the proposed discussions consistent with the April 28, 1976 Memorandum of Consultations between the United States and the Federal Republic of Germany.[1] Any intercarrier agreement reached will, of course, be subject to Board approval under section 412 of the Act prior to implementation.

Accordingly, it is ordered that:

1. Seaboard World Airlines, Inc., Pan American World Airways, Inc. and Deutsche Lufthansa Aktiengesellschaft may engage in discussions on the subject of cargo air transportation between the United States and the Federal Republic of Germany;

2. The authority granted herein will expire September 30, 1976;

3. The U.S. carrier participants shall notify the Civil Aeronautics Board in writing sufficiently in advance of the proposed meetings to insure the presence of a U.S. Government observer at said meetings.

4. This order will be served on all U.S.- and foreign-flag carriers holding certificate or permit authority to provide scheduled cargo service between the U.S. and the Federal Republic of Germany.

This order will be pubished in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-17241 Filed 6-11-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 562-2, OPP-180064]

DEPARTMENT OF AGRICULTURE

Crisis Exemption To Use Malathion To Control Citrus Blackfly in Florida

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture (U.S.D.A.) has availed itself of a crisis exemption for the use of the pesticide malathion to control a citrus blackfly infestation in Palm Beach County, Florida. This exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the U.S.D.A. has submitted in writing the following certified information.

The citrus blackfly (*Aleurocanthus woglumi, Ashby*) poses a serious threat to the United States citrus production, according to U.S.D.A. This pest was first identified in Florida on February 5, 1976, in Broward County, Florida; the pest has now also been found in Palm Beach County, adjacent to Boca Raton. No pesticide registered for this particular use to eradicate or control the citrus blackfly was readily available; the time element was so critical that there was no time to request a specific exemption.

The present infestation covers approximately 6 square miles of Palm Beach County. Repeated applications of malathion spray (20 ounces active ingredient per 100 gallons of water) will be made to host trees with high pest populations scattered throughout urban areas in the Boca Raton environs; control efforts for this pest began on April 29, 1976. All spray applications will be made by ground equipment. The program will be directed by U.S.D.A. personnel or by personnel of the Florida State Department of Agriculture and Consumer Services, all trained and experienced in the use of pesticides.

All spray applications are currently being made with ground equipment to minimize drift. Spray operations are stopped when hazardous drift conditions occur. The control program is being monitored to assess its environmental impact. Malathion is presently being applied under a previous crisis exemption for citrus blackfly in adjacent Broward County, as mentioned above.

In accordance with section 166.8 of the controlling regulations, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, an application for a specific exemption shall accompany the required certified information. The U.S.D.A has submitted such an application; however, this notice does not constitute a decision on the application. The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M Street, S.W., Washington, D.C. 20460.

Dated: June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-17263 Filed 6-11-76;8:45 am]

[FRL 562-1, OPP-180070]

DEPARTMENT OF AGRICULTURE

Crisis Exemption To Use Malathion, Dimethoate, and Guthion To Control Citrus Blackfly in Florida

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture (USDA) has availed itself of a crisis exemption for the use of the pesticides malathion, dimethoate, and guthion to control a citrus blackfly infestation in Broward County, Florida. This exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the USDA has submitted in writing the following certified information.

The citrus blackfly (*Aleurocanthus woglumi*, Ashby) poses a serious threat to the United States citrus production. This pest was identified in Florida on February 5, 1976, in Broward County. No pesticide registered for this particular use to eradicate or control the citrus blackfly was readily available; the time element was so critical that there was no time to request a specific exemption.

The present infestation covers approximately 200 square miles. Repeated applications of malathion spray (12 ounces active ingredient per 100 gallons of water) were made to host trees with high pest populations scattered throughout urban areas (Fort Lauderdale and environs). If necessary, commercial citrus groves were to be treated with dimethoate (½ pound active ingredient per 100 gallons of water). The initial three spray applications of azinphosmethyl (guthion) were to be made at 20-day intervals to host nursery stock within the regulated area (½ pound active ingredient per 100 gallons of water). Subsequent applications were to be made at 10-day intervals until stock was sold or moved. Azinphosmethyl could also be used as a dip (⅜ pound active ingredient per 100 gallons of water). The plants would be dipped for 15 seconds, after which they could be moved or sold. All nonhost plants in the nursery were to receive a single application of malathion at the rate of 12 ounces active ingredient per 100 gallons of water. Nonhost nursery plants could be moved or sold after treatment. All spray applications were made by ground equipment. The program was directed by personnel of the USDA or by Florida State Department of Agriculture and Consumer Services, Division of Plant Industry personnel, trained and experienced in the use of pesticides.

As mentioned, all spray applications were made with ground equipment to minimize drift. Spray operations were to be stopped when excessive drift conditions occurred. The control program was being monitored to assess its environmental impact.

In accordance with § 166.8 of the controlling regulations, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, an application for a specific exemption shall accompany the required certified information. The USDA has submitted such an application; how-

[1] The Board prefers that the proposed discussions be held in Washington, D.C.

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ever, this notice does not constitute a de-

crude oil. Based on this review and in

ever, this notice does not constitute a decision on the application. The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M Street, S.W., Washington, D.C. 20460.

Dated June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-17262 Filed 6-11-76;8:45 am]

[FRL 561-8, OPP-50181]

BASF WYANDOTTE CORP.

Issuance of Experimental Use Permit for Sodium Salt of Bentazon on Rice

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to BASF Wyandotte Corporation, Parsippany, New Jersey 07054. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172. Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 7969-EUP-6) allows the use of 9,600 pounds of the herbicide sodium salt of bentazon on rice to evaluate control of certain broadleaf weeds, rushes, sedges, cattails, and water plantains. A total of 9,600 acres is involved; the program is authorized only in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas. The experimental use permit is effective from April 30, 1976, to April 30, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-17261 Filed 6-11-76;8:45 am]

[FRL 562-3, PP39]

DOW CHEMICAL CO., ET AL.

Pesticide and Food Additive Petitions, Notice of Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP 6F1766. Dow Chemical Co., Health and Environmental Research, PO Box 1706, Midland MI 48640. Proposes that 40 CFR 180.342 be amended by establishing a tolerance for combined residues of the insecticide chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite, 3,5,6-trichloro-2-pyridinol, in or on the raw agricultural commodity sweet potatoes at 0.1 part per million (ppm). Proposed analytical method or determining residues is by gas chromatography using flame photometric detection. PM12

PP 6F1787. FMC Corp., 100 Niagara St., Middleport NY 14105. Proposes that 40 CFR 180.254 be amended by establishing a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl - 7-benzofuranyl-N-methylcarbamate), and its carbamate metabolite, 2,3-dihydro-2,2 - dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites, 2,3 - dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-7-benzofurandiol in or on the raw agricultural commodity grapes at 0.4 ppm of which no more than 0.2 ppm is carbamates. Proposed analytical method for determining residues is by gas chromatography using a nitrogen specific coulson electrolytic conductivity detector. PM12

PP 6F1789. FMC Corp. Proposes amending 40 CFR 180.254 by establishing tolerances for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate), its carbamate metabolite, 2,3-dihydro-2,2-dimethyl-3 - hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro - 2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3 - dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodities squash at 0.8 ppm of which no more than 0.6 ppm is carbamates, melons at 0.6 ppm of which no more than 0.4 ppm is carbamates, and cucumbers at 0.4 ppm of which no more than 0.2 ppm is carbamates. Proposed analytical method for determining residues is by gas chromatography using a nitrogen specific coulson electrolytic conductivity detector. PM12

FAP 6H5134. FMC Corp. Proposes that 21 CFR 123 and 561 be amended by the establishment of a regulation permitting the use of the insecticide carbofuran (2,3-dihydro-2,2 - dimethyl-7-benzofuranyl-N-methylcarbamate), on the commodity grapes with tolerance limitations for residues of the insecticide and its carbamate metabolite 2,3 - dihydro - 2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites, 2,3 - dihydro - 2,2-dimethyl - 7 - benzofuranol, 2,3-dihydro-2,2 - dimethyl-3-oxo-7-benzofuranol, and 2,3 - dihydro-2,2-dimethyl-3,7-benzofurandiol at 6 ppm in raisin waste, of which no more than 3 ppm are carbamates, 2 ppm in dried grape pomace, of which no more than 1.5 ppm are carbamates, and 2 ppm in raisins, of which no more than 1 ppm is carbamates. PM12

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, East Tower, Room 401, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at (202) 755-0135. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-17264 Filed 6-11-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CANADIAN ALLOCATION PROGRAM

Allocation Notice for the July 1 Through December 31, 1976 Allocation Period

In accordance with the provisions of FEA's Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the allocation notice specified in § 214.32 for the allocation period commencing July 1, 1976 is hereby published.

The issuance of Canadian crude oil rights for the July 1, 1976 allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists the name of each refiner and other firm to which rights have been issued; the number of rights, expressed in barrels per day, issued to each such refiner or other firm; and the specific first or second priority refineries for which such rights are applicable.

The issuance of Canadian crude oil rights is made pursuant to the provisions of § 214.31, which provide that rights are issuable to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian crude oil included in the refinery's volume of crude oil runs to skills or consumed or otherwise utilized by the facility during the base period, November 1, 1974 through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by FEA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions as provided by § 214.31(d).

FEA has reviewed the information contained in affidavits, supplemental affidavits, and initial reports filed pursuant to Subpart D of Part 214, information in any comments submitted as to the affidavits, and other information relating to the capability of each refiner or other firm to replace reported base period volumes of Canadian crude oil with other crude oil. Based on this review and in accordance with the procedures specified in § 214.33 and § 214.34, FEA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by FEA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e), each refiner or other firm which has been issued Canadian crude oil rights is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian crude oil subject to allocation under Part 214 equal to the number of rights specified in the Appendix.

The total average volume of Canadian crude oil which is anticipated to be authorized by Canada for export to the United States, and therefore subject to allocation under Part 214, for the six month allocation period commencing July 1, 1976, is 420,000 barrels per day. It is expected that monthly exports will be greater than 420,000 barrels per day at the beginning of the six month period and less than 420,000 barrels per day at the end of the period. Any change in the average export level anticipated for this allocation period would be reflected in revised allocations for this period pursuant to a supplemental allocation notice.

Adjustments to issuances of rights to reflect reductions in export levels of Canadian crude oil have been made pursuant to § 214.31(b) as to second priority refineries. No adjustments thereunder have been made as to rights issuances for first priority refineries. In this regard the adjusted base period volumes for all first priority refineries total 264,216 barrels per day, and those for second priority refineries submitting nominations total 468,729 barrels per day. To conform to the anticipated Canadian export level of 420,000 barrels per day a factor of 0.332354 was applied to all second priority base period volumes which, as so adjusted, total 155,784 barrels per day. For any month in which the Canadian export level is not 420,000 barrels per day, firms owning second priority refineries can calculate their refinery's daily allocations for the month by multiplying the refinery's base period Canadian crude oil runs (as adjusted under the regulations) by the following fraction:

$$\frac{\text{Announced Canadian Exports for Month (Barrels per Day)} = 264{,}216}{468{,}729}$$

On or prior to the fiftieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with EPA the supplemental affidavit specified in § 214.41(b) to conform the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the fiftieth day preceding each allocation period.

Within 30 days following the close of each six-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before July 14, 1976.

Issued in Washington, D.C. on June 8, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*Canadian Allocation Program rights for July 1, 1976 allocation period*

Refiner/refinery	Priority	Allocation (barrels per day)
Amoco:		
Whiting, Ind.	II	5,801
Casper, Wyo.	II	994
Mandan, N. Dak.	II	2,989
Sugar Creek, Mo.	II	106
Arco:		
Cherry Point, Wash.	II	11,875
East Chicago, Ind.	II	3,591
American Petrofina: El Dorado, Ark.	II	65
Ashland:		
Buffalo, N.Y.	II	12,215
Findlay, Ohio	II	730
St. Paul Park, Minn.	I	44,707
Apco: Arkansas City, Kans.	II	0
Dow: Bay City, Mich.	II	920
Clark: Blue Island, Ill.	II	6,236
Consumers Power:		
Esserville, Mich.	I	13,872
Marysville, Mich.	I	27,306
Continental:		
Billings, Mont.	I	25,994
Denver, Colo.	II	1,542
Ponca City, Okla.	II	895
Wrenshall, Minn.	I	20,651
CRA:		
Coffeyville, Kans.	II	106
Phillipsburg, Kans.	II	57
Scotts Bluff, Nebr.	II	133
Crystal Refining: Carson City, Mich.	II	367
Detroit Edison: River Rouge, Mich.	II	0
Exxon: Billings, Mont.	I	15,908
Farmers Union: Laurel, Mont.	I	13,430
Gladieux: Fort Wayne, Ind.	II	257
Gulf: Toledo, Ohio	II	6,405
Husky:		
Cheyenne, Wyo.	II	1,617
Cody, Wyo.	II	298
Koch: St. Paul, Minn.	I	74,353
Lake Superior Distrio Power: Ashland, Wis.	I	125
Laketon: Laketon, Ind.	II	47
Lakeside: Kalamazoo, Mich.	II	412
Little America: Casper, Wyo.	II	747
Marathon: Detroit, Mich.	II	3,424
Mobil:		
Buffalo, N.Y.	II	8,307
Ferndale, Wash.	II	15,103
Joliet, Ill.	I	4,854
Murphy: Superior, Wis.	I	25,938
NCRA: McPherson, Kans.	II	278
Pasco: Sinclair, Wyo.	II	236
Phillips:		
Great Falls, Mont.	II	406
Kansas City, Kans.	II	1,114
Rock Island: Indianapolis, Ind.	II	343
The Refinery Corp.: Commerce City, Colo.	II	58
Shell:		
Anacortes, Wash.	II	18,585
Wood River, Ill.	II	2,882
Sun: Toledo, Ohio	II	5,460
Standard Oil of Ohio: Toledo, Ohio.	II	9,699
Tenneco: Chalmette, La.	II	587
Tesoro: New Castle, Wyo.	II	225
Texaco:		
Anacortes, Wash.	II	13,703
Casper, Wyo.	II	459
Lockport, Ill.	II	413
Thunderbird:		
Cut Bank, Mont.	II	184
Kevin, Mont.	I	2,206
Total Leonard: Alma, Mich.	II	3,233
Union Oil of California: Lemont, Ill.	II	3,892
United Refining:		
Warren, Pa.	II	3,296
West Branch, Mich.	II	569

[FR Doc.76-17044 Filed 6-8-76;3:12 pm]

FEDERAL MARITIME COMMISSION

CELTIC BULK CARRIERS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 6, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 10035-2, between Irish Shipping Ltd. and Reardon Smith Line, Ltd., extends the scope of the Agreement to include all European ports. The present scope is limited to Antwerp.

Dated: June 9, 1976.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17253 Filed 6-11-76;8:45 am]

CITY OF LOS ANGELES AND MATSON TERMINALS INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 6, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Frank Wagner, Deputy City Attorney, City of Los Angeles, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Agreement No. T-2356-2, between the City of Los Angeles (City) and Matson Terminals Inc. (Matson) modifies the parties' basic agreement providing for the preferential berth assignment of approximately 45 acres and wharf area at Berths 207-9. The purpose of the modification is to extend the basic agreement's term for a further period of four months, or until such time as a new preferential berth assignment superseding Agreement No. T-2356 is approved by the Federal Maritime Commission and becomes effective, if such effective date occurs prior to November 30, 1976. As compensation during the extended term, Matson shall continue to pay at the rate set forth in the basic agreement as a credit against the amount of compensation due under the new preferential berth assignment that will succeed Agreement No. T-2356-2 provided that the new preferential berth assignment is approved by the Federal Maritime Commission.

Dated: June 8, 1976.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17255 Filed 6-11-76;8:45 am]

GLOBAL TERMINAL & CONTAINER SERVICES, INC. AND ATLANTICA, SOCIETA PER AZIONI

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 6, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. N. Barbera, Executive Vice President, Global Terminal & Container Services, Inc., Post Office Box 273, Jersey City, New Jersey 07303.

Agreement No. T-3306, between Global Terminal & Container Services, Inc., (Global) and Atlantica, Societa per Azioni (Atlantica), provides for the operation of a container chassis management service by Global at its marine terminal facility located at New York Harbor. Atlantica is to furnish Global a fleet of container chassis adequate to handle the number of containers it anticipates it will put through Global's facility for the current calendar year. These chassis are to be utilized by Global in a common pool, together with chassis supplied by other users of Global's facility under the same terms and conditions as set forth in the subject agreement. Global will provide the necessary management services for the movement and control of the chassis consisting of: (1) reporting services; (2) repair services; (3) per diem chassis rental billing and collection services; and (4) accounting services. As compensation, Global is to receive all per diem charges for chassis rentals which will be billed and collected by Global directly from the users of the chassis. In addition, Atlantica will pay to Global Atlantica's share of the common pool's total chassis operating costs, such share to be computed in accordance with the formula set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: June 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76 17254 Filed 6-11-76;8:45 am]

GLOBAL TERMINAL & CONTAINER SERVICES, INC. AND ATLANTICA, SOCIETA PER AZIONI

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 6, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the

agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. N. Barbera, Executive Vice President, Global Terminal & Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Agreement No. T-3307, between Global Terminal & Container Services, Inc. (Global) and Atlantica, Societa per Azioni (Atlantica), is a container terminal service agreement providing that Global will furnish Atlantica container terminal and stevedoring services at its facility at New York harbor. Atlantica is bound by the agreement to use Global's facility exclusively for containerships trading to and from the Port of New York. As compensation, Global is to receive rates negotiated between the parties plus all applicable tariff charges for demurrage, truck loading and unloading, and rail loading and unloading, which are to be assessed in accordance with the tariff it will file with the Commission.

Dated: June 8, 1976.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17256 Filed 6-11-76;8:45 am]

[Docket No. 74-28; 74-39]

INTERNATIONAL PAPER COMPANY V. LYKES BROTHERS STEAMSHIP COMPANY, INC.

Adoption of Environmental Negative Declaration

By publication in the FEDERAL REGISTER, notice was given that the Federal Maritime Commission's Office of Environmental Analysis had determined that environmental issues relative to the above referenced proceeding did not constitute major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. and that the preparation of a detailed environmental impact statement was not required under Section 4332(2)(c) of NEPA.

Thirty days were permitted for filing exceptions to the Negative Declaration. In the absence of exceptions the determination was to become final. No exceptions have been filed.

Notice is hereby given that the Environmental Negative Declaration has become final and is adopted as the determination of the Federal Maritime Commission.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17257 Filed 6-11-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F-393]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in intrastate electric rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agenecies of the Federal Government before the South Carolina Public Service Commission involving the application of the Carolina Power and Light Company for increases in its intrastate rates and charges (Docket Nos. 18361 and 18387).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-17208 Filed 6-11-76;8:45 am]

[Federal Property Management Regulations Temporary Regulation G-27]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes a certain delegation of authority to represent the consumer interests of the executive agencies of the Federal Government in a transportation regulatory proceeding which has been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires June 30, 1976.

4. *Revocation.* This revocation identifies the delegation which is no longer in force due to completion of the proceeding for which it was issued. Accordingly, the following FPMR temporary regulation is hereby revoked:

NUMBER, DATE, AND SUBJECT
G-8, Feb. 11, 1971, Delegation of authority to the Secretary of Housing and Urban Development—Regulatory Proceeding.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-17209 Filed 6-11-76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

THE ADVISORY COMMITTEE ON NATIONAL GROWTH POLICY PROCESSES

Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. § 10(a), that the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages will conduct a public meeting just on June 25, 1976, in Room 2010 of the New Executive Office Building located at 17th & H Street, N.W., Washington, D.C. The meeting will begin at 9:30 A.M. (The June 25 meeting date of the Committee constitutes a change in the June meeting date announcement which was published in the Federal Register, Vol. 41, No. 49, dated Thursday, March 11, 1976, which indicated that the Committee would meet both on June 24 and June 25, 1976.)

The objectives and scope of activities of the Advisory Committee on National Growth Policy Processes is "• • • to develop recommendations as to the establishment of a policy-making process and structure within the Executive and Legislative branches of the Federal Government as a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, and a system for coordinating these efforts with appropriate multistate, regional and state governmental jurisdictions."

The summarized agenda for the meeting is as follows:

1. Reports by the Chairman, Executive Director and Study Group Leaders.

2. Discussion and review of Study Group recommendations on improvements in the Federal policy-making process and structure relating to state and local governmental jurisdiction coordination and decision-sharing.

3. Review and discussion of rough draft recommendations on improvements needed within the Executive and Legislative Branches of the Federal Government relating to the development of national long-range and integrative policy alternatives.

In the event the Committee does not complete its consideration of the items on the agenda on June 25, 1976, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee will conduct

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the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to the Advisory Committee on National Growth Policy Processes, 1750 K Street, N.W., 8th Floor, Washington, D.C. 20006, at least five days before the meeting. Members of the public that wish to make oral statements should inform Katherine Soaper, telephone (202) 254-6836, at least five days before the meeting, and reasonable provisions will be made for their appearance on the agenda.

The Advisory Committee is maintaining a list of persons interested in the operations of the Committee and will mail notice of its meetings to those persons. Interested persons may have their names placed on this list by writing James E. Thornton, Executive Director, The Advisory Committee on National Growth Policy Processes, 19750 K Street, N.W., 8th Floor, Washington, D.C. 20006.

Dated: June 8, 1976.

ARNOLD A. SALTZMAN,
Chairman, The Advisory Committee on National Growth Policy Processes.

[FR Doc.76-17160 Filed 6-11-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR EARTH SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Earth Sciences.
Date and time: July 1 and 2, 1976-9:00 a.m. to 5:00 p.m. each day.
Place: Rm. 628, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. William E. Benson, Chief Scientist, Division of Earth Sciences, Rm. 310, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4210.
Purpose of panel: To provide advice and recommendations concerning support for research in earth sciences.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. §22(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-17162 Filed 6-11-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-62 issued to Carolina Power and Light Company which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 2, located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

This amendment makes changes in the Appendix B Environmental Technical Specifications to allow the conduct of a condenser chlorination study required by the NPDES permit. In addition, this amendment permits the drywell to be purged without the standby gas treatment system provided that certain release and sampling procedures are followed, and adds reporting requirements for environmental surveillance programs and special studies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because the Commission has determined that this is not a major action significantly affecting the quality of the human environment, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendment dated April 20, 1976 and supplement dated May 7, 1976, (2) Amendment No. 16 to License No. DPR-62, (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-16996 Filed 6-11-76;8:45 am]

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Provisional Operating License No. DPR-19 to the Commonwealth Edison Company (the licensee), which revised the license and its appended Technical Specifications for operation of the Dresden Nuclear Power Station Unit No. 2 (the facility) located in Grundy County, Illinois. The amendment is effective as of its date of issuance.

The amendment revised the provisions in the license and its Technical Specifications for the facility to authorize operation (1) with additional 8 by 8 uranium 235 fuel assemblies, and (2) using modified operating limits based on an acceptable evaluation model that conforms with Section 50.46 of 10 CFR Part 50, and with operating limits based on the General Electric Thermal Analysis Basis (GETAB), in accordance with the licensee's applications for the amendment as referenced in the last paragraph of this notice.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with item (2) above was published in the FEDERAL REGISTER on December 2, 1975 (40 FR 55908). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on item (2) above. Prior public notice of item (1) above was not required since the action does not involve a significant hazards consideration. In connection with the action on § 50.46 regarding emergency core cooling system (part of item 2) the Commission has issued a Negative Declaration and Environmental Impact Appraisal. In connection with the action identified as item (1) of this Notice, the Commission has determined that the action will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared.

For further details with respect to this action, see (1) the applications for amendment dated July 1, 1975, September 3, 1975, March 15, 1976, and supplements dated July 7 and 10, August 25, September 19, 1975, February 26, 1976, April 6, 9, 19, 26, and 28, and May 17 and 21, 1976, (2) the April 8, 1975 Quad Cities Unit No. 2 licensee submittal in Docket No. 50-265 which is applicable to Dresden 2 and is the non-proprietary version of the Dresden 2 proprietary submittal dated July 21, 1975, (3) Amendment No. 21 to License No. DPR-19, (4) the Commission's concurrently issued related Safety Evaluation, and (5) the Commission's Negative Declaration dated May 21, 1976 (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451. A single copy of items (2) through (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of May 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-16997 Filed 6-11-76;8:45 am]

[Docket No. 50-237]

DRESDEN NUCLEAR POWER STATION UNIT 2

Negative Declaration Regarding Proposed Changes to the Technical Specifications of License DPR-19

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-19. These changes would authorize the Commonwealth Edison Company (the licensee) to operate the Dresden Nuclear Power Station Unit 2 (located in Grundy County, Illinois) with changes to the limiting conditions for operation associated with fuel assembly specific power (average planar linear heat generation rate) which would limit maximum fuel clad temperature in case of a loss of coolant accident, in accordance with the Acceptance Criteria for Emergency Core Cooling System (10 CFR 50.46 and Appendix K to 10 CFR Part 50).

The U.S. Nuclear Regulatory Commission, Division of Operating Reactors has prepared an Environmental Impact Appraisal for the proposed changes to the Technical Specifications of License No. DPR-19, Dresden Unit 2, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Dresden Nuclear Power Station Units 2 and 3 published in November 1973. The Environmental Impact Appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois.

Dated at Bethesda, Maryland, this 21st day of May 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc 76-16998 Filed 6-11-76;8:45 am]

[Docket Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 24, 24, and 21 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised the licenses for operation of the Oconee Nuclear Station, Units No. 1, No. 2, and No. 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

The amendments would allow the dry storage of new fuel assemblies in fuel storage racks located in Unit No. 3 spent fuel pool.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated April 16, 1976, (2) Amendments No. 24, 24, and 21 to License Nos. DPR-28, DPR-47, and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-16999 Filed 6-11-76;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 17 and No. 16 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments modify operating limits in the Technical Specifications to allow operation of Turkey Point Nuclear Generating Unit 4, following refueling for core Cycle 3. The operating limits for Unit 3 set forth in its Technical Specifications remain unchanged although the Unit 3 Technical Specifications will be modified to reflect the revisions to the Unit 4 Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments were not required

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since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 25, 1976, and supplements dated February 25, April 21, May 10, May 13, and May 19, 1976, (2) Amendments Nos. 17 and 16 to Licenses Nos. DPR–31 and DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–17000 Filed 6–11–76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, an IAEA draft Safety Guide on Quality Assurance Programme Preparation is being developed. A draft of this Safety Guide was approved by the IAEA Technical Review Committee on Quality Assurance which met in April 1976. As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meeting on August 30, 1976. The draft Safety Guide as approved by the Technical Review Committee is now available for public comment and the NRC staff is soliciting U.S. public comment on the draft.

In order to have them in time for the August 1976 meeting of the Senior Advisory Group, comments on this draft Safety Guide are requested by July 16, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 1st day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–17001 Filed 6–11–76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, a Safety Guide on Fire Protection in Nuclear Power Plants is being developed. A draft of this Safety Guide was approved by the IAEA Technical Review Committee on Design which met in April 1976. As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meeting in October 1976. The draft Safety Guide as approved by the Technical Review Committee is now available for public comment and the NRC staff is soliciting U.S. public comment on the draft.

In order to have them in time for the October 1976 meeting of the Senior Advisory Group, comments on this draft Safety Guide are requested by August 16, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 3rd day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–17002 Filed 6–11–76;8:45 am]

[Docket Nos. 50–514 and 50–515]

PORTLAND GENERAL ELECTRIC CO. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. Lawrence R. Quarles
Richard S. Salzman

Dated: June 4, 1976.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76–17003 Filed 6–11–76;8:45 am]

[Docket Nos. 50–259 and 50–260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR–33 and Amendment No. 19 to Facility Operating License No. DPR–52 issued to Tennessee Valley Authority (the licensee) which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments revise the provisions in the Technical Specifications to require annual reporting of the nonradiological environmental monitoring program.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 7, 1975, and (2) Amendment No. 22 to License No. DPR–33 and Amendment No. 19 to License No. DPR–52. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–17004 Filed 6–11–76;8:45 am]

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR–3 issued to Yankee Atomic Electric Company (the licensee) which revised Technical Specifications for operation of the Yankee Nuclear Power Station located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

This amendment changes the restrictions in the Technical Specifications relating to the allowable Linear Heat Generation Rate (LHGR) for operation of the reactor based on the results of the licensee's additional ECCS performance analysis for Core XII and in compliance with 10 CFR Part 50, § 50.46.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since this amendment relates to substantially the same matters identified in the Notice of Proposed Issuance of Amendment to Facility Operating License, published in the FEDERAL REGISTER on October 17, 1975 (40 FR 48735), which was implemented by issuance of Amendment No. 21 on December 4, 1975, and such differences as do exist, do not involve a significant hazards consideration. No request for a hearing or petition for leave to intervene was filed following notice of the earlier proposed action.

For further details with respect to this action, see (1) Amendment No. 21 with related Safety Evaluation, dated December 4 ,1975 (2) the Commission's Negative Declaration with supporting Environmental Impact Appraisal dated November 5, 1975, publisher in FEDERAL REGISTER December 4, 1975 (40 FR 57869), (3) the application for amendment dated February 20, 1976, (4) Amendment No. 26 to Facility Operating License No. DPR–3, and (5) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

A copy of items (1), (2), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reator Branch No. 1, Division of Operating Reactors.

[FR Doc.76–17005 Filed 6–11–76;8:45 am]

[Docket Nos. 50–440 and 50–441]

CLEVELAND ELECTRIC ILLUMINATING CO. PERRY NUCLEAR POWER PLANT, UNITS 1 & 2

Issuance of Revision to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Cleveland Electric Illuminating Company to conduct certain site activities in connection with the Perry Nuclear Power Plant, Units 1 and 2, prior to a decision regarding the issuance of a construction permit. Notice of the Limited Work Authorization (LWA 1) was published in the FEDERAL REGISTER on October 29, 1974 (39 FR 38125).

At that time no activities were authorized relating to the turbine buildings and other buildings adjacent to them. The staff has now found that there is no need to reorient the turbine building, and determined that these activities could begin. Construction of the turbine buildings and other buildings immediately adjacent to them is within the scope of activities authorized in 10 CFR 50.10 (e)(1).

A copy of (1) the Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated April 1974; (5) the Commission's letter of authorization, dated October 21, 1974; and (6) the Commission's letter revising the Limited Work Authorization to include the turbine building construction activities dated June 4, 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Perry Public Library, 3753 Main Street, Perry Township, Ohio.

Dated at Rockville, Maryland, the 4th day of June 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.17166 Filed 6–11–76;8:45 am]

[Docket No. P–636–A]

FLORIDA POWER & LIGHT CO.

Antitrust Hearing

Before the Atomic Safety and Licensing Board.

On July 14, 1975, the Florida Power and Light Company filed an application with the U.S. Nuclear Regulatory Commission (the Commission) for licenses to construct and operate two 1140 megawatt nuclear power plants. The application included information requested by the Attorney General of the United States for an antitrust review of the proposed nuclear power plants.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Part 2 and Part 50 of Title 10, Code of Federal Regulations, the Notice published in the FEDERAL REGISTER on March 15, 1976 (41 FR 10969) by the Commission, and the Memorandum and Order issued June 8, 1976, by the Atomic Safety and Licensing Board, notice is hereby given that a hearing will be held, pursuant to subsection 105(c) of the Act, to determine whether the activities under the proposed licenses will create or maintain a situation inconsistent with the antitrust laws.

This hearing will be held by an Atomic Safety and Licensing Board appointed to conduct this proceeding. The members of the Board designated by the Acting Chairman of the Atomic Safety and Licensing Board Panel are John M. Frysiak, Esq., Daniel M. Head, Esq., and

[Docket No. 50–334]

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Ivan W. Smith, Esq., who has been named Chairman. The time and place of the hearing will be set by the Board.

The record of this antitrust proceeding to date is available for public inspection in the public document room of the Nuclear Regulatory Commission at 1717 H Street, N.W., Washington, D.C. Further documents relating to this proceeding will also be placed in the public document room and will be available for inspection by members of the public.

Any person who wishes to make an oral or written statement setting forth his position on the antitrust aspects of this proceeding but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of Section 2.715 of the Commission's Rules of Practice, 10 CFR Part 2. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing.

Papers required to be filed in this proceeding may be filed by mail or telegram to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, N.W., Washington, D.C. Pending further order of the designated Atomic Safety and Licensing Board, parties are required to file, pursuant to the provisions of Section 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Issued at Bethesda, Maryland this 8th day of June 1976.

By order of the Atomic Safety and Licensing Board established to rule on petitions for intervention.

DANIEL M. HEAD,
Chairman.

[FR Doc.76-17164 Filed 6-11-76;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation (the licensee), for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York.

The amendment would change the license to allow more fuel to be stored at the R. E. Ginna Nuclear Power Plant by modifying the storage racks in the spent fuel pool. The proposed modifications would increase the storage capacity from 210 to 595 fuel assemblies by replacing the existing storage racks with those of a design capable of accommodating an increased number of assemblies in accordance with the licensee's application for amendment dated January 30, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 14, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1757 N Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 30, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489, and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of June, 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.76-17165 Filed 6-11-76;8:45 am]

[Docket No. PRM-50-17]

BOSTON EDISON CO., ET AL.

Filing of Petition for Rule Making

Notice is hereby given that Lowenstein, Newman, Reis, and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C., by letter dated May 7, 1976, has filed with the Nuclear Regulatory Commission a petition for rule making on behalf of The Boston Edison Company, Florida Power and Light Company, and Iowa Light and Power Company.

The petitioners request the Commission to amend 10 CFR Part 50 and 10 CFR Part 2 of its regulations with respect to the issuance of amendments to operating licenses for production and utilization facilities. The petitioners state that in cases where the Commission determines that there is no "significant hazards consideration" the Commission may issue an amendment to an operating license followed by notice and publication in the FEDERAL REGISTER and, in such cases, interested members of the public who wish to object to the amendment and request a hearing may do so, but the request for hearing does not delay the effectiveness of the amendment.

The petitioners request the Commission to initiate a rule making proceeding to amend 10 CFR 50.58(b), 50.91, and 10 CFR 2.105(a)(3) in accordance with the suggested amendments set out in section V of the petition. The petitioner's draft amendments would specify criteria for determining when a proposed amendment to an operating license involves no "significant hazards considerations" and, therefore, may be issued by the Commission without prior public notice and opportunity for hearing.

The petitioners state that although questions frequently arise as to whether proposed amendments do or do not involve "significant hazards considerations" the Commission has not published criteria in its regulations or elsewhere for making such determinations, and although § 50.59 does set forth criteria for determining when a proposed change, test, or experiment involves an "unreviewed safety question," not every such question involves a "significant hazards consideration." The petitioners state further that the time has come for the Commission to publish criteria to guide its Staff in making "significant hazards considerations" determinations and that such guidance is essential today in light of the large number of reactors which are now in operation and which are scheduled for operation in the near future.

A summary of the petitions' proposed rule is set out in section IV of the petition as follows:

The amendments to Part 50 which petitioners proposed the Commission adopt require that the Staff take into consideration, in determining whether a proposed operating license involves a significant hazards consideration, whether the proposed amendment will (1) substantially increase the probability or consequences of a major credible accident or (2) reduce the plant's safety margins substantially below those previously evaluated and below those approved for similar facilities. If the Staff reaches a negative conclusion as to these two criteria, the proposed amendment will not involve a significant hazards consideration and prior public notice need not be given.

Petitioners submit that the criteria established in the proposed rule which requires a determination of substantiality with regard to reactor accidents and plant safety margins are consistent with statutory provisions and congressional intent as discussed above. Petitioners believe that these criteria will help reduce the uncertainty and unnecessary delay in the Commission's procedures for approving license amendments without compromising the rights of members of the public to participate in Commission proceedings involving significant safety considerations.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C 20555, Attention: Docketing and Service Section by August 13, 1976.

Dated at Washington, D.C. this 9th day of June 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-17284 Filed 6-11-76;8:45 am]

[Docket No. 50-334]

DUQUESNE LIGHT CO., ET AL. (BEAVER VALLEY POWER STATION, UNIT NO. 1)

Order Convening Evidentiary Hearing

The Regulatory Staff of the Commission has informed the Atomic Safety and Licensing Board that all parties and attorneys have agreed that a convenient place would be Washington, D.C. for the previously announced evidentiary hearing set for Monday, June 21, 1976.

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission that an evidentiary hearing on this proceeding shall convene at 9:30 a.m. on Monday, June 21, 1976 in the South Courtroom, Room 358 of the United States Tax Court Building, 400 Second Street, N.W., Washington, D.C.

Issued: June 9, 1976, Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-17285 Filed 6-11-76;8:45 am]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Intent To Issue a Revised Draft Environmental Statement and Reopening of Comment Period for the Atlantic Generating Station, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, a notice of availability of a Draft Environmental Statement relating to the proposed construction and operation of the Atlantic Generating Station, Unit Nos. 1 and 2 was published in the FEDERAL REGISTER (41 FR 15061) on April 9, 1976. The proposed location for the Station is off the southeastern coast of New Jersey about 2.8 statute miles offshore of Atlantic and Ocean Counties.

The Nuclear Regulatory Commission hereby issues a notice of intent to publish a Revised Draft Environmental Statement for the proposed Atlantic Generating Station. This Revised Statement will include applicable results of the liquid pathway study currently being prepared by the Commission.

The Commission also hereby notices that the comment period is reopened on the Draft Environmental Statement issued by the Commission on April 8, 1976. Upon completion of the Revised Draft Environmental Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the Revised Draft Environmental Statement, with a request for comments from interested persons on the Revised Draft Statement.

The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. This subsequent FEDERAL REGISTER notice will also include an appropriate closing date for receipt of comments on both the Draft Environmental Statement published in April 1976 and the Revised Draft Environmental Statement for the proposed Atlantic Generating Station, Unit Nos. 1 and 2. Upon consideration of comments submitted with respect to the Draft Statements, the staff will issue a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Rockville, Maryland this 8th day of June 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-17286 Filed 6-11-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of ACRS Working Groups, Subcommittees, and the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed Subcommittee and full Committee meetings published in FR Vol. 41, Monday, May 17, 1976, page 20230. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Working Group and Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the July 8-10, 1976 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-1406, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m. e.d.t.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Emergency Core Cooling Systems (ECCS).* June 15, 1976, Washington, DC to discuss current items relating to ECCS such as the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria, effects of plugging of steam generator tubes, FLECHT Test modifiers and best estimate calculations. Notice has been published in FR Vol. 41, May 27, 1976, page 21710.

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- *Westinghouse Water Reactors (RESAR–3S), June 16, 1976, Washington, DC to discuss the Reference Safety Analysis Report–3S (RESAR–3S) pertaining to the Westinghouse Nuclear Steam Supply System. Notice has been published in FR Vol. 41, May 27, 1976, page 21708.
- *Security of Nuclear Facilities*, June 17, 1976, Chicago, IL. Postponed until late August or early September.
- *Emergency Core Cooling Systems (ECCS), June 17, 1976, Washington, DC to discuss changes to the Combustion Engineering, Inc. evaluation model such as the geometry correction method for extrapolating FLECHT reflood heat transfer coefficients to 16 x 16 fuel bundle geometry, to discuss planned improvements to emergency core cooling systems, and to discuss the status of development of a "best estimate" evaluation model. Notice has been published in FR Vol. 41, May 27, 1976, page 21709.
- *General Electric Water Reactors*, June 21 and 22, 1976, Washington, DC to develop information for consideration by the ACRS in its review of General Electric Standard Safety Analysis Reports 238 and 251 pertaining to the nuclear steam supply system. Notice has been published in FR Vol. 41, June 3, 1976, page 22431.
- *Clinch River Breeder Reactor (CRBR), June 23 and 24, 1976, Washington, DC to discuss current status of review and NRC Staff positions. Notice has been published in FR Vol. 41, June 7, 1976, page 22893.
- *Peaking Factors*, June 24, 1976, Washington, DC to continue discussion of methods of measuring power distribution in reactors whose cores have been fabricated by the Westinghouse Electric Corporation. Notice has been published in FR Vol. 41, June 7, 1976, page 22893.
- *Diablo Canyon Nuclear Power Station, Units 1 and 2*, June 25 and 26, 1976, San Luis Obispo, CA to continue the review of the application of the Pacific Gas and Electric Company for an operating license. Notice has been published in FR Vol. 41, June 10, 1976, page 23495.
- *Light Water Breeder Reactor*, June 6, 1976. Washington, DC. Rescheduled for July 20, 1976 in Pittsburgh, PA.
- *Fire Protection*, July 7, 1976, Washington, DC to review a proposed Regulatory Guide on Fire Protection.
- *Regulatory Guides*, July 7, 1976, Washington, DC to review working papers regarding future Regulatory Guides and proposed changes to existing Guides.
- *North Anna Power Station, Units 1 and 2*, July 7, 1976, Washington, DC to review the application of the Virginia Electric and Power Company for an operating license for Units 1 and 2.
- *Safety of Operating Reactors*, July 7, 1976, Washington, DC to consider potential requirements for the periodic review of operating reactors.
- *Peaking Factors*, July 19, 1976, Washington, DC to continue discussion of methods of measuring power distribution in reactors whose cores have been fabricated by Combustion Engineering, Inc.
- *Light Water Breeder Reactor*, July 20, 1976, Pittsburgh, PA to discuss matters related to the development of the light water breeder reactor to be installed in the Shippingport Nuclear Plant.
- *Emergency Core Cooling Systems, (ECCS), July 21, 22, and 23, 1976, Hanford, WA to review the EXXON ECCS evaluation model and to review basic research concerning ECCS.
- *Waste Management*, July 22 and 23, Washington, DC to review recent Nuclear Regulatory Commission and Energy Research and Development Administration nuclear waste management documents and plans.
- *Emergency Core Cooling Systems, (ECCS), July 28, 29, and 30, 1976, Idaho Falls, ID to review work at Aerojet Nuclear Corporation pertaining to ECCS and, in particular, code development and experimental programs.
- *Diablo Canyon Nuclear Power Station, Units 1 and 2*, (Tentative) August 3, 1976, Los Angeles, CA to continue the review of the application of the Pacific Gas and Electric Company for an operating license.
- *Peaking Factors*, August 6, 1976, Washington, DC to continue discussion of methods of measuring power distribution in reactors whose cores have been fabricated by the General Electric Company.
- *Regulatory Guides*, August 11, 1976, Washington, DC to review working papers regarding future Regulatory Guides and proposed changes to existing Guides.
- *North Anna Power Station, Units 1 and 2*, August 11, 1976, Washington, DC to continue the review of the application of the Virginia Electric and Power Company for an operating license for Units 1 and 2.
- *Peaking Factors*, August 20, 1976, Washington, DC to continue discussion of methods of measuring power distribution in reactors whose cores are fabricated by the Babcock and Wilcox Company.
- *Three Mile Island Nuclear Station, Unit 2*, August 27, 1976, Harrisburg, PA to review the application of the Metropolitan Edison Company for an operating license.

FULL COMMITTEE MEETINGS

July 8–10, 1976

A. *Diablo Canyon Nuclear Power Station, Units 1 and 2 Seismicity and Seismic Design—Operating License Review.

B. *Westinghouse Electric Corporation Reference Safety Analysis Report–3S (RESAR–3S)—Preliminary Design Approval.

C. *Clinch River Breeder Reactor (CRBR)—Review of Current Status.

August 12–14, 1976

Agenda to be announced.

Dated: June 10, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-17442 Filed 6-11-76;10:35 am]

[Docket No. 50-549]

NEW YORK STATE POWER AUTHORITY (GREENE COUNTY NUCLEAR POWER PLANT)

Consideration of Joint Hearings; Request for Comments

A utility in the State of New York which plans to construct a nuclear power plant must apply both to the Nuclear Regulatory Commission ("Commission") for permits and licenses to construct and operate the plant and to the New York State Board on Electric Generation Siting and the Environment ("Siting Board") for a Certificate of Environmental Capability and Public Need for construction, operation, and maintenance of the plant. Various persons and governmental agencies may be admitted as parties to the proceedings before either the Commission or the Siting Board, or both.

In the last several months there have been discussions between the Commission and the Chairman of the Siting Board on ways to better coordinate the exercise of their respective licensing authorities. One possible coordination mechanism which the Commission and the Siting Board are considering is the conduct of joint hearings. Joint hearings before the Commission and the Siting Board on matters within their concurrent jurisdiction (the National Environmental Policy Act of 1969 and Article VIII of the New York State Public Service Law, respectively) offer the potential to avoid unnecessary duplication and reduce the effort and costs which would otherwise be incurred by the parties were separate proceedings held. In addition, the holding of joint hearings offers the potential of materially assisting both agencies in compiling a full and complete evidentiary record on matters within their concurrent jurisdiction. On the other hand, there is the possibility that the conduct of joint hearings could give rise to difficulties in developing and implementing a common procedural format for the hearing.

The Commission and the Chairman of the Siting Board are considering a draft protocol which could be used for the conduct of joint hearings on aspects of applications by persons proposing to construct and operate nuclear power plants within the State of New York that are within the concurrent jurisdiction of both agencies. The draft protocol is primarily directed at future applications, but could be applied to the pending applications of the Power Authority of the State of New York to construct the Greene County Nuclear Power Plant in Greene County, New York.

Since the conduct of joint hearings will substantially affect the course of proceedings before the Commission and the Siting Board, and because the concept of joint hearings is a relatively new one, the Commission and the Chairman of the Siting Board have determined that public comments should be solicited. Any person desiring to submit comments on the feasibility and desirability of the conduct of joint hearings by the Commission and the Siting Board in general, and on the draft protocol, in particular, and its possible application to the proceedings on the Greene County plant, may do so by filing a written statement with:

Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

and

Samuel R. Madison, Secretary, State of New York, Board on Electric Generation Siting, and the Environment, Empire State Plaza, Albany, New York 12223.

Any comments submitted should be filed by July 14, 1976.

The proposed protocol is set forth below. Copies of any written statements filed in response to this notice will be available for public inspection at the following locations:

Nuclear Regulatory Commission, Public Document Room, 1717 H Street, N.W., Washington, D.C.

Nuclear Regulatory Commission, Local Public Document Room, Catskill Public Library, Franklin Street, Catskill, New York.

New York Public Service Commission, Agency Building Three, Empire State Plaza, Albany, New York 12223.

Copies of this notice are being served on all parties and petitioners for leave to intervene in the Greene County proceedings before both the Commission and the Siting Board.

Dated at Washington, D.C. this 10th day of June 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

DRAFT PROTOCOL FOR THE CONDUCT OF JOINT HEARINGS BEFORE THE UNITED STATES NUCLEAR REGULATORY COMMISSION AND THE NEW YORK BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

I. STATEMENT OF PURPOSES

---------- has applied to the United States Nuclear Regulatory Commission (NRC) for a permit to construct the ---------- plant located at ---------, New York, and applied to the New York State Board on Electric Generation Siting and the Environment (Siting Board) for a Certificate of Environmental Compatibility and Public Need for construction, operation, and maintenance of the facility, ---------- have petitioned to intervene as parties to the proceedings before either the NRC or the Siting Board, or both agencies.

A joint hearing before the NRC and the Siting Board on matters within their concurrent jurisdiction (the National Environmental Policy Act of 1969 and Article VIII of the New York State Public Service Law, respectively) would avoid unnecessary duplication, thereby expediting the decision-making process and reducing the time, effort, and costs which would otherwise be incurred by the parties were separate proceedings held. In addition, the holding of joint hearings will materially assist both agencies in compiling a full and complete evidentiary record on matters within their concurrent jurisdiction.

II. LOCATION OF JOINT HEARING

The joint hearing will be held in the vicinity of the proposed location for the ---------- plant and such other locations as may be suitable.

III. COMPOSITION OF THE JOINT HEARING BODIES

The joint hearings shall, for the NRC, be held before an Atomic Safety and Licensing Board (ASLB) and, for the Siting Board, a hearing body composed of a Presiding Examiner appointed by the New York State Department of Public Service and an Associate Examiner appointed by the New York State Department of Environmental Conservation (DEC).

IV. PROCEDURES FOR THE JOINT HEARING

A. *Transcript.* There shall be a single transcript of the evidence adduced at the joint hearing.

B. *Status Of Counsel For Agency Staffs.* For the purposes of preparing for and holding the joint hearing, Public Service Commission (PSC) Staff Counsel and Counsel for the DEC Staff shall be accorded all the rights and remedies of an interested State under § 2.715(c) of the NRC Rules of Practice [10 CFR 2.715(c)]. And for the purposes of preparing for and holding the joint hearing, Counsel for the NRC Staff shall be accorded all the rights and remedies of a party under Part 70 of the PSC Rules of Procedure [16 NYCRR 70.1 et seq.].

C. *Motions.* Presentation, disposition, form, content, and answers to a motion made before one hearing body, but not the other, shall be governed by that hearing body's rules of practice. Unless made orally on the record during the joint hearing, motions made before both hearing bodies shall be in writing, shall state with particularity the grounds and relief sought, and shall be accompanied by such supporting material as may be suitable. Within 10 business days after service of a written motion before both hearing bodies, a party may file an answer in support of, or in opposition to, the motion, accompanied by supporting material.

D. *Rulings.* The hearing bodies shall each make necessary rulings on procedural questions in accordance with the rules and regulations governing the respective agencies. Any objection to evidentiary offerings and motions shall be heard by both bodies and separate rulings by each body shall be made thereon. Where both bodies rule that an evidentiary offering is objectionable, the offering shall not be received in evidence and, except upon the concurrence of the hearing bodies, shall not be subject to cross-examination. Where only one body rules an evidentiary offering objectionable, the offering shall be received in evidence only by the other body. In such an instance, the ruling that the evidence is objectionable shall be entered into the transcript of the joint hearing, but the evidence so entered shall not be part of the evidentiary record of the body ruling that it is objectionable.

E. *Consolidation.* In view of the provisions of Section 145(1) of Article VIII of the New York Public Service Law, which prohibits the Presiding Examiner from consolidating the representation of governmental bodies or agencies, there shall be no consolidation of governmental bodies or agencies which are parties to the Siting Board proceeding.

V. COMMONALITY OF EVIDENTIARY RECORD

In order to assist both agencies in compiling a full and complete evidentiary record, any evidence or offer of proof on a matter within their concurrent jurisdiction submitted to one hearing body shall be deemed submitted to both hearing bodies. During the pendency of the joint hearing, no evidence or offer of proof shall be excluded on the ground that it is beyond the scope of specification of controverted issues. However, objections may be made for the purposes of the NRC proceeding on the ground that matters are beyond the scope of specification of controverted issues, and, after the conclusion of the joint hearing, the ASLB shall afford the parties to the NRC proceeding an opportunity to move to strike any evidence previously received and objected to on the ground that the evidence is beyond the scope of specification of controverted issues.

VI. PREHEARING CONFERENCES

Prior to the evidentiary hearing, the hearing bodies shall schedule and hold one or more joint prehearing conferences for the following purposes:

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(1) Determining those matters which are properly the subject of the joint hearing;
(2) Formalizing and designating contentions already proffered as matters in controversy in the NRC proceeding;
(3) Considering the necessity or desirability of amending pleadings;
(4) Obtaining stipulations and admissions of fact and of the contents and authenticity of documents;
(5) Considering, to the extent feasible, identification of witnesses, limitation of the number of expert witnesses, and other measures to expedite the presentation of evidence;
(6) Setting of the hearing schedule, including the order in which subject areas shall be heard;
(7) Determining the necessity or desirability of site visits by the hearing bodies;
(8) Setting, in accordance with Section 145(3) of Article VIII of the New York Public Service Law, a date for filing notices of intent to submit testimony on a site not primarily proposed or alternatively listed by the applicant or an alternate facility or source of power not discussed by the applicant; and
(9) Considering any other measure which may expedite the orderly conduct and disposition of the joint hearing.

VII. WRITTEN TESTIMONY

A. *Use Of Written Testimony.* Unless otherwise allowed by the concurrence of the hearing bodies upon a showing of good cause, the direct testimony of a witness shall be submitted in written form. The proposed written testimony of an expert witness shall contain a statement of the witness' professional qualifications.

B. *Service Of Written Testimony.* Each party shall serve copies of its proposed written testimony on every other party and the hearing bodies in accordance with a schedule to be set jointly by the hearing bodies. In no event shall proposed written testimony be served less than 10 business days prior to the session at which that testimony is scheduled to be presented.

C. *Form Of Written Testimony.* Written testimony shall be typewritten and double spaced on paper measuring eight and one-half inches in width and 11 inches in length. The top, bottom, and left margins should be at least one and one-half inches. The name of the witness should be typed at the top center of each page one inch from the edge. The number for each page should be typed at the bottom center one inch from the edge. Each page should contain line numbers on the left side of the page.

VIII. SERVICE OF DOCUMENTS

Documents shall be served on each person on the attached list, or any revised list issued by the agencies, in the numbers specified. Service may be made by personal delivery, first class, certified, or registered mail, telegraph, or as otherwise authorized by law.

IX. CONDUCT OF EVIDENTIARY HEARING

A. *Commencement.* The evidentiary hearing shall commence at the place and on the date and time specified jointly by the hearing bodies.

B. *Preliminary Matters.* After such opening statements as members of the hearing bodies may wish to make and disposition of all preliminary matters, the hearing bodies shall hear all persons wishing to make limited appearances. Upon the completion of limited appearances, opening statements, if any, of the parties will be heard.

C. *Order Of Evidentiary Hearing.* The evidentia hearing shall commence with cross-examination of the applicant's direct case, after which there shall be an adjournment to allow the other parties time to prepare and serve their cases. The hearing shall resume with the presentation and cross-examination of these other parties' cases. The hearing bodies may provide for the presentation and cross-examination of these other parties' cases on a subject matter basis.

D. *Order For Cross-Examination.* Parties shall conduct cross-examination and recross-examination, if any, in the following order: applicant, PSC Staff, DEC Staff, Intervenors, and NRC Staff. If they concur, the ASLB and the Presiding Examiner may change this order to accommodate the convenience of the parties, consistent with the orderly and expeditious conduct of the joint hearing.

E. *Rebuttal and Surrebuttal.* Rebuttal and surrebuttal cases, if any, shall, to the extent possible, be conducted at a single hearing session. The hearing bodies may provide for the presentation and cross-examination of rebuttal and surrebuttal cases on a subject matter basis.

F. *Procedure After Conclusion Of Joint Hearing.* After the conclusion of the joint hearing, each hearing body shall set a schedule for the submission of briefs, findings, conclusions, and recommendations as may be required under its own rules of practice. Each agency shall separately issue such decisions, certificates, licenses, or permits as may be called for under its governing laws, rules, and regulations.

X. PARTICIPATION

A party may participate pro se or by an attorney or other representative designated by that party. A party may designate an individual to conduct examination or cross-examination on that party's behalf regardless of whether that individual is the party's designated attorney or representative. A party is responsible for any examination or cross-examination conducted on its behalf.

XI. STANDARD OF CONDUCT

Any individual participating in the joint hearing shall conform to the standards of conduct and responsibility for attorneys appearing before courts of the United States or of the State of New York. Failure of an individual to conform to these standards will be ground for refusing to permit that individual's continued participation in the joint hearing.

XII. COOPERATION AMONG AGENCY STAFFS

The staffs of the Nuclear Regulatory Commission, the Public Service Commission, and the Department of Environmental Conservation shall cooperate to avoid unnecessary duplication in discharging their respective responsibilities in the joint hearing. The staffs shall consult each other in conducting their analyses and in preparing for, and participating in, the joint hearing. To the maximum extent possible, the staffs should avoid presenting repetitive evidence and should, if at least two of the staffs are in agreement on the merits of an issue, present only one set of testimony or one witness on that issue on behalf of the agreeing staffs.

[FR Doc.76-17441 Filed 6-11-76;10:34 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-238]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

JUNE 7, 1976.

By the Chief, Common Carrier Bureau.

The applications listed herein have been found, upon initial review to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309 (D) (1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Satellite Communications Services

349-DSE-P/L-76, Clinton Cablevision. For authority to construct and operate a domestic communications satellite receive-only earth station at this location Lat. 41°50'50" Long. 90°13'49". Rec. Freq: 3700–4200 MHz. Emission 36000F9, 10 meter antenna.

350-DSE-P/L-76, Cox Cable Communications, Inc., Morristown, Indiana. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location Lat. 39°38'47" Long. 85°40'55" Rec. freq: 3700–4200 MHz. Emission 36000F9, using a 10 meter antenna.

351-DSE-P-76, News-Press Gazette Co. D B/A St. Joseph Cablevision St. Joseph, Missouri. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°44'19" Long. 94°45'09". Rec. Freq: 3700–4200 MHz. Emission 34000F9, using a 10 meter antenna.

352-DSE-P/L-76, RCA Alaska Communications, Inc., Shageluk, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62°39'25" Long. 159°31'44". Rec. Freq. 3700–4200 MHz. Trans. Freq. 5925–6425 MHz Emission 25.7 F9. using a 4.5 meter antenna.

353-DSE-P/L-76, Potomac Valley Television Co., Inc., Cumberland, Maryland. For authority to construct and operate a domestic communications satellite received-only earth station at this location. Lat. 39°38'58" Long. 78°45'41" Rec. Freq. 3700–4200 MHz. Emission 36000F9. using an 11 meter antenna.

[FR Doc.76-17175 Filed 6-11-76;8:45 am]

[Report No. 809]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 7, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21776-CD-P-76, Radio Broadcast Company (KWU209), C.P. for additional facilities to operate on 72.86 MHz, control to be located at a new site described as Loc. #5: 3600 Conshohocken, Philadelphia, Pennsylvania.

22126-CD-P-76, David M. Crouch dba Cactus Communications, Inc. (KUS217), C.P. for additional facilities to operate on 454.100 MHz to be located at a new site described as Loc. #2: 7711 Louis Pasteur Drive, San Antonio, Texas.

22127-CD-P-(2)-76, Nashville Mobilphone, Inc. (KUD203), C.P. for additional facilities to operate on 35.22 MHz at (2) new sites described as Loc. #2: 0.5 miles N of Old Hickory Blvd. & 1 mile W. of Granny White Pike, Nashville, Tennessee; and Loc. #3: 1¼ miles E. of U.S. 31 & East of Anderson Lane, Hendersonville, Tennessee.

22128-CD-P-76, Phenix Communications Company of Georgia, Inc. (KU0603), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #2: 1932 Wynnton Road, Columbus, Georgia.

22129-CD-P-76, South Shore Radio-Telephone, Inc. (KUC967), C.P. for additional facilities to operate on 454.225 MHz to be located at a new site described as Loc. #2: Hines Hospital, Maywood, Illinois.

22130-CD-MP-(3)-76, Telephone Answering Bureau, Inc. (KWT998), Modification of C.P. for additional facilities to operate on 152.09 MHz, base, and 454.050 MHz, repeater, at Loc. #2: Mt. Mansfield, near Underhill, Vermont; and for additional facilities to operate on 459.050 MHz, control, at Loc. #3: 217 South Union Street, Burlington, Vermont.

22131-CD-P-76, William G. Bowles Jr., dba Mid-Missouri Mobilfone (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located 2.5 miles NW of Rolla on Camp Creek Rd., Missouri.

22132-CD-P-76, Buckeye Communications Company (KUS347), C.P. to reinstate expired C.P. operating on 152.24 MHz, located 50 W. Broad Street, Columbus, Ohio.

22145-CD-P-76, Radio Telephone Service, Inc. (New), C.P. for a new station to operate on 152.21 MHz to be located 2½ miles SSW of Bluefield, East River Mountain, Virginia.

22146-CD-P-(2)-76, Wyoming Telephone Company, Inc. (New), C.P. for a new station to operate on 152.66 & 152.54 MHz to be located approximately 3 miles SW of Pinedale, Wyoming.

22147-CD-P-76, Southwestern Bell Telephone Company (new), C.P. for a new 1-way station to operate on 152.84 MHz to be located at 2205 NW Third Street, Amarillo, Texas.

22148-CD-P-76, E. B. Brownell dba Worland Services (new), C.P. for a new Dispatch station to operate on 158.55 MHz to be located South 7th Street and Big Horn River, Thermopolis, Wyoming.

22149-CD-P-76, The Lincoln Telephone & Telegraph Company (KUS403), C.P. to relocate facilities operating on 35.58 MHz to be located 2 miles East of Beatrice, Nebraska.

22150-CD-R-76, The Mountain States Telephone & Telegraph Company (KAR68) (developmental), Renewal of License expiring June 1, 1976. Term: June 1, 1976 to June 1, 1977.

22151-CD-P/ML-76, Anserphone, Inc. (KQK-587), C.P. to change antenns system and relocate facilities operating on 152.21 MHz to be located at Loy's Corner, 1 mile North of Girard, Ohio, Loc. No. 2.

22152-CD-R-76, General Telephone Company of California (KWT906) (developmental), Renewal of license expiring July 14, 1976. Term: July 14, 1976 to July 14, 1977.

22153-CD-R-76, Pacific Northwest Bell Telephone Company (KF2010) (developmental), Renewal of License expiring July 14, 1976. Term: July 14, 1976 to July 14, 1977.

22155-CD-R-76, New York Telephone Company (KC5161) (developmental), Renewal of License expiring July 6, 1976. Term: July 6, 1976 to July 6, 1977.

22157-CD-R-76, Walnut Hill Telephone Company, Inc. (KLB682), Renewal of License expiring July 1, 1976. Term: July 1, 1976 to July 1, 1978.

22158-CD-R-76, Redfield Telephone Company, Inc. (KLB515), Renewal of License expiring July 1, 1976. Term: July 1, 1976 to July 1, 1978.

22160-CD-P-76, Kern Valley Dispatch (new), C.P. for a new station to operate on 152.12 MHz to be located 6 miles South of Kernville, California.

22161-CD-P-76, William L. Eisele dba Lake Shore Communications (KJU804), C.P. for additional facilities to operate on 152.21 MHz located 4 miles NW of LaPorte, Junction of Johnson RD. 250 N. & road 500 west, LaPorte, Indiana.

22162-CD-P-76, William L. Eisele dba Lake Shore Communications (KSJ818), C.P. for additional facilities to operate on 152.21 MHz located at Junction of Route 49 and Road 750 North, Four Miles North, Valparaiso, Indiana.

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22163–CD–MP–76, Gulf Central Communications & Electronics, Inc. (KLF621), C.P. for additional facilities to operate on 72.18 MHz, control, located North side of SPRR tracks, 1 mile West of LaPayette, Louisiana.

22164–CD–MP–76, Gulf Central Communications & Electronics, Inc. (KWT974), C.P. for additional facilities to operate on 72.18 MHz, control, located North side of SPRR tracks, 1 mile West of LaPayette, Indiana.

22165–CD–MP–76, Gulf Central Communications & Electronics, Inc. (KWT975), C.P. for additional facilities to operate on 72.18 MHz, control, located North side of SPRR tracks, 1 mile West of LaPayette, Indiana.

22166–CD–P–(2)–76, P. L. Woodbury dba Mobilfone of Kansas (KWH 300), C.P. for additional facilities to operate on 454.100 & 454.175 MHz located 2 miles East of McPherson, Kansas.

MAJOR AMENDMENTS

20332–CD–P–(2)–75, Texas Comco, Inc., Hereford, Texas (new), Amend base frequency 454.375 MHz to read 454.325 MHz. All other particulars to remain as reported on PN No. 718 dated September 9, 1974.

20850–CD–P–(6)–75, Summit Mobile Radio Company, Buckfield, Maine. Amend base frequency 152.06 MHz to 152.18 MHz. All other particulars to remain as reported on PN No. 732 dated December 16, 1976.

CORRECTIONS

22117–CD–P–(3)–76, Radio Telephone Service, Inc. Correct entry to include 43.22 and 43.58 MHz. All other particulars to remain as reported on PN No. 808 dated June 1, 1976.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Informative

The following application is a major action as edfined by Section 1.11305 of the Commisison's Rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petitions to Deny on Environmental grounds pursuant to Section 1.1311 of the Commission's Rules:

23154–CD–P–76, South Shore Radio-Telephone, Inc. (New), Lowell, Indiana.

RURAL RADIO SERVICE

60356–CR–P/L–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 158.04 MHz located 23.5 miles SW of Bairoil, Wyoming.

60357–CR–P/L–76, Vernon H. Johnson dba Grants Radiotelephone Service (KOA47) (reinstatement), C.P. to reinstate expired facilities operating on 158.67 MHz, located 16 miles NE of Grants, New Mexico, La Mosca Peak, New Mexico.

POINT TO POINT MICROWAVE RADIO SERVICE

3993–CF–P–76, Triple-C, Inc. (WOI31), 3 Miles SSE of Blanchard, Oklahoma. Lat. 35°05'57" N., Long. 97°38'10" W. C.P. to add 6226.9V towards Norman, Oklahoma via power split; 6226.9V towards Chickasha, Oklahoma via power split; and 6226.9H towards Purcell, Oklahoma via power split.

4018–CF–P–76, The Western Union Telegraph Company (KS489), 4.7 Miles SE of Lebanon, Indiana, Lat. 40°01'17" N., Long. 86°-24'09" W. C.P. to add 3790V towards Indianapolis, Indiana on azimuth 143.4 degrees.

4019–CF–P–76, Same (New), Merchants Bank Bldg., Indianapolis, Indiana. Lat. 39°45'-59" N., Long. 86°09'28" W. C.P. for a new station on 3990V towards Lebanon, Indiana on azimuth 323.6 degrees.

4040–CF–MP–76, United States Transmission Systems, Inc. (KFA82), Highway 10, East of Viva, Louisiana. Lat. 30°44'00" N., Long. 91°37'44" W. Mod. C.P. to replace transmitter, correct coordinates to the above, change frequencies to 6226.9H towards St. Francisville, Louisiana on azimuth 88.0 degrees and 6197.2H towards Washington, Louisiana on azimuth 260.0 degrees.

4041–CF–MP–76, Same (KFA65), 4.0 Miles NE of Washington, Louisiana. Lat. 30°40'19" N., Long. 92°01'14" W. Mod. C.P. to replace transmitters, correct coordinates to the above, change frequencies to 5974.8H towards Viva, Louisiana on azimuth 79.6 degrees and 5974.8V towards Eunice, Louisiana on azimuth 255.0 degrees.

4042–CF–MP–76, Same (KFA67), 5.5 Miles North of Eunice, Louisiana. Lat. 30°34'36" N., Long. 92°25'43" W. Mod. C.P. to replace transmitter, correct coordinates to the above; change frequencies to 6197.2V towards Washington, Louisiana on azimuth 74.8 degrees and 6226.9V towards Kinder, Louisiana on azimuth 261.3 degrees.

4043–CF–MP–76, Same (KFA79), 3.2 Miles NE of Kinder, Louisiana. Lat. 30°31'25" N., Long. 92°49'23" W. Mod. C.P. to replace transmitter, correct coordinates to the above, change polarization on 5974.8 from H to V towards Gillis, Louisiana on azimuth 255.7 degrees and change frequency to 5945.2V towards Eunice, Louisiana on azimuth 81.1 degrees.

4044–CF–MP–76, Same (KFA80), Highway 171, 4.3 Miles NNW of Gillis, Louisiana. Lat. 30°25'59" N., Long. 93°13'49" W. Mod. C.P. to replace transmitter, change frequencies to 5945.2V towards Kinder, Louisiana on azimuth 74.5 degrees and 6226.9H towards Starks, Louisiana on azimuth 255.5 degrees.

4045–CF–MP–76, Same (KFA81), 1.4 Miles NNW of Starks, Louisiana. Lat. 30°20'03" N., Long. 93°40'00" W. Mod. C.P. to replace transmitter, correct coordinates to the above, change frequencies to 5974.8H towards Gillis, Louisiana on azimuth 75.2 degrees and 5974.8V towards Evadale, Texas on azimuth 200.7 degrees.

4046–CF–MP–76, United States Transmission Systems, Inc. (KFA84), 5.5 Miles SSE of Evadale, Texas. Lat. 30°16'49" N., Long. 94°02'27" W. Mod. C. P. to replace transmitters, correct coordinates to the above; change frequency to 6197.2V towards Loeb, Texas on azimuth 254.8 degrees.

4047–CF–MP–76, Same (New) 3.0 Miles NNW of Loeb, Texas. Lat. 30°14'20" N., Long. 94°12'59" W. C.P. for a new station on 5974.8V twoards Evadale, Texas on azimuth 74.7 degrees and 5974.8H towards Sour Lake, Texas on azimuth 256.1 degrees.

4048–CF–MP–76, Same (KFB21), Highway 105, 6.5 Miles NW of Sour Lake, Texas. Lat. 30°10'36" N. Long. 94°30'16" W. Mod. C.P. to replace transmitter, correct coordinates to the above; change frequencies to 6197.2H towards Loeb, Texas on azimuth 76.0 degrees and 6226.9V towards Hardin, Texas on azimuth 248.4 degrees.

4049–CF–P–76, Same (New), 3.5 Miles SSE of Hardin, Texas. Lat. 30°06'24" N., Long. 94°42'48" W. C.P. for a new station on 5945.2V towards Sour Lake, Texas on azimuth 68.3 degrees and 5945.2H towards Dayton, Texas on azimuth 246.2 dgrees.

4050–CF–MP–76, Same (KFB22), Highway 90W, 5.0 Miles South of Dayton, Texas. Lat. 30°00'36" N., Long. 94°57'31" W. Mod. C.P. to replace transmitters, change frequencies to 6226.9H towards Hardin, Texas on azimuth 66.1 degrees and 6197.2H towards Humble, Texas on azimuth 257.9 degrees.

4051–CF–P–76, Same (New), 3.5 Miles SSW of Humble, Texas. Lat. 29°57'04" N., Long. 95°16'20" W. C.P. for a new station on 5974.8H towards Dayton, Texas on azimuth 77.7 degrees and 5974.8V towards Houston, Texas on azimuth 313.2 degrees.

4052–CF–MP–76, Same (KFB23), 2.0 Miles WNW of Downtown Houston, Texas. Lat. 29°45'50" N., Long. 95°24'47" W. Mod. C.P. to replace transmitters, change frequency to 6197.2V to 6197.2V towards Humble, Texas on azimuth 33.2 degrees.

4066–CF–P–76, Southern Pacific Communications Company (WQ035) Southern Pacific Station, El Centro, California. Lat. 32°47'36" N., Long. 115°33'03" W. C.P. to add 6226.9V towards Holtville, California on azimuth 95.4 degrees.

4067–CF–P–76, Same (New), 6.5 Milese SE of Holtville, California. Lat. 32°46'19" N., Long. 115°17'09" W. C.P. for a new station on 5974.8H toward El Centro, California on azimuth 275.5 degrees and 5945.2V towards Midway Wells, California on azimuth 114.6 degrees.

4068–CF–P–76, Same (WQ034), Southern Pacific Bldg., Midway Wells, California. Lat. 32°42'36" N. Long. 115°07'33" W. C.P. to add point of communications at 6226.9V towards Holtville, California on azimuth 294.7 degrees.

3981–CF–P–76, General Telephone Company of Kentucky (KYC62), Morehead CO, 154 East Second Street, Morehead, Kentucky. Lat. 38°11'01" N., Long. 83°26'05" W. C.P. to change polarity from V to H on 10955; replace transmitters and increase power on 10715V & 10875V; replace antenna toward Morehead R.S., Kentucky on azimuth 106 degrees.

3982–CF–P–76, Same (KYC63), Morehead R.S., 1.7 miles East of Morehead Kentucky. Lat. 38°10'38" N., Long. 83°24'24" W. C.P. to change polarity from V to H on 11485; replace transmitter and increase power on 11245V & 11405V; replace antenna; toward Morehead CO., on azimuth 286 degrees.

The following Renewal Application for the term ending February 1, 1981 has been received: Pioneer Telephone Company, 7905–CF–R–76, WQO50, Lacrosse, Washington.

4001–CF–P–76, Puerto Rico Communications Authority (WWT52), El Yunque, (U.S. Forest) Rd. #191, Luquillo, Puerto Rico. Lat. 18°18'45" N., Long. 65°47'31" W. C.P. to add 2178.0V toward a new point of communication at Culebra, Puerto Rico on azimuth 90.1 degrees.

4002–CF–P–76, Same (WWY89), Culebra, Pedro Marquez St., Culebra, Puerto Rico. Lat. 18°18'17" N., Long. 65°18'09" W. C.P. to add 2128.0V toward a new point of communication at El Yunque, Puerto Rico on azimuth 270 degrees.

4015–CF–P–76, American Telephone and Telegraph Company (KZA49), 2.75 miles West of Attica, New York. Lat. 42°51'42" N., Long. 78°20'19" W. C.P. to add 3870.0H, decrease power on 3710H and 3790H toward Middleport, New York on azimuth 340 degrees.

4016–CF–P–76, Same (WPE78), 1.6 miles SW of Middleport, New York. Lat. 43°11'37" N., Long. 78°30'03" W. C.P. to add 3990.0H, decrease power on 4070.0H and 4150.0H toward Attica, New York on azimuth 160 degrees; add 3910.0H, decrease power on 3750.0H & 3830.0H toward Olcott, New York on azimuth 316 degrees.

4017–CF–P–76, Same (WPE79), 1.9 miles SE of Olcott, New York. Lat. 43°19'45" N., Long. 78°40'45" W. C.P. to add 3950.0H and decrease power on 4030.0H & 4110.0H toward Middleport, New York on azimuth 136 degrees; add 3870.0H toward Toronto, Canada on azimuth 311 degrees.

3803–CF–MP–76, Microwave Transmission Corporation (WAU 218), 3.5 miles South of Ojal, California. (Lat. 34°24'17"N., Long. 119°14'41" W.): Modification of construction permit (1369–CF–P–76)—(a) to add 10855H MHz toward Broadcast Peak, California and (b) to replace transmitter (11098 MHz) toward Broadcast Peak, California, on azimuth 281 degrees/45 minutes.

3804–CF–MP–76, Microwave Transmission Corporation (KUV 78), 16 miles NW of Santa Barbara, California. (Lat. 34°31'31" N., Long. 119°57'29" W.): Modification of construction permit to add 11665H MHz toward San Antonio Hill, California, on azimuth 305 degrees/30 minutes.

3805–CF–MP–76, Microwave Transmission Corporation (WDD 52), 1.7 mile East of Casmalia, California. (Let. 64°50'30" N., Long. 120°29'53" W.): Modification of construction permit to replace transmitter (10735H MHz) toward Cuesta Ridge, California, on azimuth 346 degrees/05 minutes.

3994–CF–P–76, Eastern Microwave, Inc. (WQR 72), 1.4 mile SE of Hookstown, Pennsylvania. (Lat. 40°34'37" N., Long. 80°27'24" W.): Construction permit to add 11135.0H MHz toward Coraopolis, Pennsylvania, on azimuth 106.7 degrees.

3998–CF–MP–76, United Wehco, Inc. (WPE 65), 2 miles ENE of Malvern, Arizona. (Lat. 34°22'41" N., Long. 92°47'06" W.): Modification of construction permit (5397–C1–P–73) to add new points of communications, 6228.9H and 6345.5H toward Arkadelphia, Arizona, on azimuth 226.0 degrees.

3999–CF–P–76, United Video, Inc. (WOE 68), 1 mile N. of Scullin, Oklahoma. (Lat. 34°32'11" N., Long. 96°51'41" W.): Construction permit to add 6345.5H MHz toward Sulpher, Oklahoma and 6345.5V MHz toward Pauls Valley, Oklahoma, on azimuths 259.5 and 297.6 degrees, respectively.

4008–CF–P–76, Tower Communication Systems Corp. (New), Richfield, Ohio. (Lat. 41°14'53" N., Long. 81°35'56" W.): Construction permit for new station—10975H MHz toward Akron (W.), Ohio, on azimuth 176.5 degrees.

4004–CF–P–76, Tower Communication Systems Corp. (New), 0.16 mile on Dreisbach Road, Akron, Ohio. (Lat. 41°03'41" N., Long. 81°35'02" W.): Construction permit for new station—11385V MHz toward Canton (W.), Ohio, on azimuth 160.2 degrees.

4005–CF–P–76, First Television Corporation (New), ¼ mile N. of Route 50, 1 mile East of Berlin, Maryland. (Lat. 38°22'50" N., Long. 75°11'18" W.): Construction permit for new station—6360.3V MHz toward Salisbury, Maryland, on azimuth 99.2 degrees.

3919–CF–AL–(3)–76, Telecommunications of Oregon, Inc. Application for assignment of radio station licenses from Telecommunications of Oregon, Inc., Assignor, to Western Telecommunications, Inc., Assignee, for the following stations in the Point to Point Microwave Radio Service.

KPV 56, Goodnoe Hill, Washington.
KPV 59, Spout Springs, Oregon.
KOS 36, LaGrande, Oregon.

3920–CF–AL–(18)–76, Telecommunications, Inc. Application for assignment of radio station licenses from Telecommunications, Inc., Assignor, to Western Telecommunications, Inc., Assignee, for the following stations in the Point to Point Microwave Radio Service.

KPR 28, Capitol Peak, Washington.
KPR 29, Aberdeen, Washington.
KPZ 61, Wicklup Mtn., nr. Astoria, Oregon.
WHA 88, Scappoose, Oregon.
WHA 89, Silver Lake, Washington.
WHA 90, Seattle, Washington.
WHA 91, Mt. Defiance, Oregon.
WHA 92, Satus Peak, Washington.
WHA 93, Rattlesnake, Washington.
WHA 94, Jump Off Joe Butte, Washington.
WHA 95, Dayton, Washington.
WHA 96, Rosalia, Washington.
WHA 97, Browne Mtn., nr. Spokane, Washington.
WIV 64, Portland, Oregon (TOC).
WIV 67, Seattle, Washington (KING–TV).
WIV 68, Yakima, Washington (KIMA–TV).
WIV 70, Spokane, Washington (KXLY–TV).
WOE 80, Denver, Colorado (temp. fixed).

4039–CF–P–76, American Television & Communications Corporation (WAT 977), Carter Mtn. (WVIR–TV), Charlottesville, Virginia. (Lat. 37°59'00" N., Long. 78°28'54" W.): Construction permit to add 6226.9H MHz and 6286.2H MHz, via power split, toward Charlottesville (Virginia Television Company, Inc.), Virginia, on azimuth 355.2 degrees.

[FR Doc.76–17177 Filed 6–11–76;8:45 a.m.]

[Docket No. 20831; File No. TS 42–75]

HOWARD STEVEN STROUTH AND THE WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order

By the Commission: Commissioner Reid absent.

1. We have before us for consideration (1) a formal complaint filed by Howard Steven Strouth (Strouth) on September 16, 1975, pursuant to Section 208 of the Communications Act of 1934, as amended, (the Act) directed against The Western Union Telegraph Company (Western Union) and (2) an answer and a motion to dismiss timely filed on October 22, 1975, by Western Union. Strouth alleges that Western Union unlawfully divulged to a third party a copy of, and additional information concerning, a telegram he sent on September 21, 1974. For the reasons set forth herein, we will designate this matter for hearing to determine whether Western Union has violated Section 605 of the Act.

2. The telegram in question was sent by Strouth from New York City via Western Union addressed to himself in Calgary, Alberta, Canada, and signed with the name of Bernard Hirschhorn,[1] an attorney in New York City. The purpose of the telegram appears to have been to indicate that Hirschhorn was familiar with certain information relevant to a lawsuit then being prosecuted by Strouth against Norsul Oil & Mining Ltd. (Norsul) in the Supreme Court of Alberta in Calgary. On September 23, 1974, Strouth prepared an affidavit to which he attached a copy of the telegram for the purpose of offering it as evidence in court. In the affidavit, he represented the September 21, 1974 telegram to be one "* * * which I have received from Bernard Hirschhorn." Although the affidavit, which contained other statements relevant to the lawsuit, was admitted into evidence on October 4, 1974, Strouth claims that the telegram and his statement concerning it were never entered into evidence in court.

3. Prior to the October hearing, attorneys for Norsul apparently came into possession of the affidavit and copy of the telegram attached thereto.[2] In their pretrial preparation Norsul's attorneys requested the assistance of another attorney in New York City to confirm the telegram. Western Union admits that this attorney, acting on behalf of Norsul, by telephone, "* * * inquired and received from Western Union employees certain limited information relating to the telegram sent on September 21, 1974." Western Union does not disclose specifically what "limited information" was then given to Norsul's attorney or whether the substance of the telegram was divulged. However, it does appear that information concerning the contents of the telegram could have been divulged during that telephone conversation prior to any presentation by the attorney to Western Union of the telegram Strouth had attached to his September 23, 1974 affidavit. Western Union further admits that Norsul's attorney subsequently was given a copy of the telegram from its files and the symbols on the telegram were explained to him. Finally, Western Union admits that thereafter on October 3, 1974, one of its employees executed an affidavit prepared by Norsul's attorney, specifying information previously given to him by Western Union employees concerning the telegram and attaching to it the file copy of the telegram.[3] The record does not reveal whether Norsul's attorney at any time presented a copy of the telegram attached to Strouth's September 23, 1974 affidavit to Western Union before obtaining the file copy of the telegram sent by Strouth to himself bearing Bernard Hirschhorn's signature. As a result of Western Union's alleged unlawful divulgence of the telegram and information concerning it, Strouth claims that additional hearings were held in both Calgary and New York City, requiring his attendance or that of his attorney, and additional legal fees and expenses were incurred.[4] He therefore asks us to award him $10,000 in damages and

[1] Strouth admitted that he sent the telegram in a letter addressed to the Commission dated February 11, 1975.

[2] The present record does not reveal whether Norsul obtained a copy of the telegram by normal service of process or by other means. Western Union claims that Strouth provided a copy of the telegram to Norsul's representatives.

[3] The affidavit stated in pertinent part the following information concerning the telegram:

(1) The telegram was sent on September 21, 1974, at 11:28 p.m. eastern daylight time.

(2) The telegram was called in from telephone number (212) 322–8700 which appears in the Queens telephone directory as the number for the Hilton Inn at JFK Airport.

(3) The telegram was charged to Dr. Howard Strouth, 120 Wall Street, New York, N.Y. 10004, telephone number (212) 944–4065.

(4) The individual calling in the telegram gave his name as Bernard Hirschhorn and his telephone number as that of the Hilton Inn at JFK Airport.

[4] A Commission of Inquiry was instituted by the Supreme Court in Calgary to investigate the circumstances surrounding the telegram by taking the deposition of Hirschhorn in New York. Hirschhorn denied sending the telegram in his deposition. We are informed that Strouth's suit against Norsul in the Calgary court is still proceeding.

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to assess punitive damages against Western Union.

4. Western Union denies that it unlawfully divulged information concerning the telegram in violation of Section 605 of the Act since, it asserts, the full text of the telegram had been divulged by Strouth prior to the acts of its employees. Western Union argues that, once the telegram was published by Strouth, its existence, contents, substance, purport, effect or meaning had already been divulged and hence could be confirmed by Western Union employees without violation of Section 605. It concludes that the effect of the actions of its employees was to authenticate that which had already been divulged. Finally, Western Union contends that Section 605 does not prohibit disclosure of the name, address and telephone number of any person billed for a telegram and claims that this was the only information divulged by its employees not evident on the telegram previously disclosed by Strouth in his September 23, 1974 affidavit.

DISCUSSION

5. Western Union seeks dismissal of the complaint on grounds that Strouth did not verify it in accordance with Section 1.721 of the Commission's Rules because he failed to state that he believed the complaint's allegations to be true. We will deny the motion to dismiss. We do not agree that failure of the verification provided in the complaint to specifically state that Strouth believes the allegations contained therein to be true violates Section 1.721 of our rules. That rule merely provides a suggested form of verification for formal complaints filed thereunder. It clearly provides that:

"The following form may be used in cases to which it is applicable, *with such alterations as circumstances may render necessary.*" (Emphasis added.)

Strouth has advised that the form of verification he used was the only one acceptable to the United States Consul in Costa Rica.[1] We believe that the form used constitutes an alteration in our suggested form rendered necessary by the requirement of the United States Consul. Furthermore, we view the form of verification provided to be in substantial compliance with Section 1.721 of our rules. Strouth has made certain representations in the complaint and has verified that he has been informed of the contents thereof. Therefore, we will hold him no less responsible for the truthfulness of those representations than we would had the form of verification suggested in our rules been used. The purpose of our procedural rules governing complaints is to make it easy, not difficult, for users of common carrier services to assert their rights under the Communication Act. In addition, these rules are designed to give a defendant notice of the nature of a claim and of the theory upon which the complaint seeks relief. We have previously made clear our intent that our procedural rules governing complaints should be liberally construed to achieve these objectives. The Bunker-Ramo Corp. et al., 25 FCC 2d 691, 696 (1970).

6. We now turn to the merits of the complaint and consider whether it states a cause of action under the Communications Act. For this purpose we must accept as true the material allegations therein. *Conely* v. *Gibson*, 355 U.S. 41 (1957). The issue therefore becomes whether Western Union violated Section 605 of the Communications Act by supplying a file copy of, and additional information concerning, the telegram to one other than its sender or addressee. Section 605 provides, in part:

> • • • no person receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, (1) to any person other than the addressee, his agent, or attorney, (2) to a person employed or authorized to forward such communication to its destination, (3) to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, (4) to the master of a ship under whom he is serving, (5) in response to a subpena issued by a court of competent jurisdiction, or (6) on demand of other lawful authority.

The original purpose of Section 605 was to prohibit blatant public or private encroachments on the privacy of telecommunication messages and to ensure the integrity of the communications system. *Nardone* v. *United States*, 302 U.S. 379, 383, 58 S. Ct. 275, 82 L. Ed. 314 (1937). Section 605, as amended in 1968, is designed to regulate, among other things, the conduct of communications common carrier personnel by prohibiting unauthorized divulgence of interstate communications by persons assisting in receiving or assisting in transmitting such communications. S. Rep. N. 1097 90th Cong., 2d Sess. (1968); 2 U.S. Cong. & Admin. News (1968) p. 2197.

7. We have in the past ordered a hearing to determine whether certain carriers had violated Section 605 and whether damages should be awarded for such violation. Sidney Gelb et al., 21 FCC 2d 407 (1970); 30 FCC 2d 679 (1971). We believe that Section 605, when read in conjunction with other provisions of the Act, vests in the sender of a telegram the right to seek an award of damages for injuries sustained as the result of a carrier's unlawful divulgence of its "existence, contents, substance, purport, effect or meaning." Section 206 of the Act provides that if any carrier commits an act prohibited by the Act, the carrier may be held liable for damages; and, under Section 207 "any person" claiming to be so damaged by a common carrier may either make a complaint to this Commission requesting damages or file suit in federal district court. If a complaint is filed with this Commission, Section 209 specifically authorizes us to award damages after a hearing on the complaint. We therefore conclude that Strouth, as the sender of the telegram, is entitled to seek damages from Western Union as the carrier of the telegram for injuries sustained as the result of any unlawful divulgence in violation of Section 605.

8. The prohibitions of Section 605 apply to those employees of a carrier who have intimate knowledge of the content of a communication. The section recognizes that the integrity of the communications system demands that the public be assured that employees of carriers who come to know the content of messages will in no way breach the trust which such knowledge imposes on them. *United States* v. *Russo*, 250 F. Supp. 55, 59 (Eastern District, Pennsylvania, 1966). "Persons" within the meaning of the section include both the carrier itself and persons employed by the carrier. *United States* v. *Finn*, 502 F. 2d 938, 942 (7th Cir. 1974). Carriers are responsible for violations committed by their employees. Moreover, it has been held that Section 605 specifically applies to telegram operators who either learn the content of the message or handle a written record of communications in the course of their employment. *United States* v. *Russo, supra*, p. 59. Although we are unable to determine from the record before us the identity of the persons who provided over the telephone "limited information" to Norsul's attorney concerning the Strouth telegram, Western Union admits that they were its employees. In addition, Western Union's employee who subsequently executed the affidavit prepared by Norsul's attorney stated that he was an "• • • employee of Western Union, fully conversant with the transmission, routing and billing of the telegrams transmitted in the normal course of a business day." Therefore, it appears that those employees of Western Union who disclosed information concerning the telegram were bound by the restrictions of Section 605 and that Western Union is thereby liable if any unlawful acts were committed by them in doing so.

9. The basic question before us therefore is whether any of the following alleged acts by Western Union's employees constituted an unlawful divulgence within the meaning of Section 605: (1) the disclosure during a telephone conversation with the New York attorney acting on behalf of Norsul of certain "limited information" concerning the telegram; (2) the disclosure in an affidavit signed by Western Union's Manager of Customer Services of certain information concerning the telegarm; and (3) the attachment of a file copy of the telegram to that affidavit. Divulgence within the meaning of Section 605 has been defined as the transmitting of a message to a third person without the consent of the sender. *U.S.* v. *Gruber*, 123 F. 2d 307, 309 (2d Cir 1941). We note that Western Union has not claimed to have had the direct consent of the sender of the telegram, whether he was either Strouth or Mr. Hirschhorn. Moreover, at least on the present record none of the acts of Western Union's employees appears to be conduct exempted under the provisions of Section 605—from the general rule against divulgence.[2] Western Union makes no claim that disclosures its employees made were in response to a subpena issued by a court of competent jurisdiction or on demand of other lawful authority. We therefore must consider whether the alleged actions of Strouth in filing the copy of the telegram in court or otherwise making a copy of it available to representatives of Norsul prior to the actions of Western Union's employees constituted implied consent to divulge or publish its existence or contents.

10. Even if, assuming arguendo, Western Union is correct in contending that once a communication has been made a matter of public record by its sender, subsequent disclosure of its existence and contents by the carrier for the purpose of confirming that which has been made a matter of public record would not violate Section 605 on the theory that all persons are presumed to have constructive knowledge of what is part of the public record, it is not clear on the present record whether the telegram was ever divulged by the sender, recipient, or agent prior to the acts of Western Union's employees in question. Western Union has not established the date upon which the telegram was allegedly filed in the Supreme Court of Alberta. More important, Western Union fails to make any showing that the alleged filing of the telegram in the Calgary proceeding actually made it a matter of public record. On the contrary, Strouth asserts that the telegram was never "used" in court as evidence in that proceeding. Finally, we are unwilling to accept on the record before us Western Union's argument that it was relieved from the restrictions of Section 605 when Strouth provided a copy of the telegram to Norsul. Section 605 clearly proscribes divulgence or publication of an interstate or foreign wire communication "• • • to any person other than the addressee, his agent, or attorney • • •" except for those exceptions in clauses (2) through (6). (See footnote number 6.) We find no support for Western Union's contention that the statute allows a carrier to divulge a telegram to a third party for purposes of verifying its existence and contents on the theory that the sender has implicitly consented to such divulgence merely by providing a copy of the message to the third party. The mere possession of a copy of a telegram by a third party, in and of itself without a more convincing manifestation of intent, certainly does not indicate either express or implied consent of the sender to its divulgence by a carrier.

11. Furthemore, we reject Western Union's argument that Section 605 does not prohibit the disclosure of telegraph company billing records. Western Union's reliance is misplaced on cases holding that disclosure for submission as evidence in a criminal proceeding of telephone toll records kept in the ordinary course of business by telephone companies is not proscribed by Section 605.[3] The holdings of these cases with regard to telephone toll records have never been extended to telegraph records of any form. Section 605 seeks to protect the integrity of communications from unscrupulous common carrier employees who are in a position to have knowledge of either the contents thereof, or the identity of those persons involved in the communication, or both.[4] Telephone calls are "fleeting and ephemeral things." Russo, supra, p. 59. Telephone company accounting and toll records do not show, nor can they be associated with, any records of either the content or substance of conversations or the identity of the particular persons engaged in them. Moreover, those telephone company employees handling accounting and toll records have no means of obtaining such knowledge. However, telegraph billing records are associated with a copy of the message sent, the name of the person sending the telegram, and the name of the person to whom the telegram is sent. Thus, telegraph company employees having access to the billing records of a telegram also have access to both the content and substance of the message and the identity of the parties to the communication. Section 605 proscribes the divulgence of such information by common carrier employees except in response to a subpena issued by a court of competent jurisdiction or on demand of other lawful authority.

CONCLUSIONS

12. There appear to be questions of fact which must be resolved before we can determine whether Western Union has violated Section 605. The attachment of a file copy of the telegram to the affidavit clearly did divulge the subject matter and contents of the message and the identity of the parties involved. There is inadequate information to determine whether the Western Union employees who divulged such information had the consent of the sender to do so. Furthermore, we are not provided with the extent of the information concerning the telegram orally given by Western Union employees to Norsul's attorney. Our record does not reveal what the "limited information" orally provided to Norsul's attorney during his telephone conversation with unnamed employees of Western Union prior to the execution of the affidavit was. Nor are we provided with the date of this conversation which Western Union admits took place. Finally, we are unable to determine the extent of the damages, if any, allegedly suffered by Strouth. Accordingly, we will designate this matter for evidentiary hearing.

13. In view of the foregoing, *It is ordered*, That pursuant to the provisions of Sections 4(i), 4(j), 206, 207, 208, 209, 409 and 605 of the Communications Act of 1934, as amended, this matter is designated for hearing on the following issues:

(1) Whether Western Union has violated Section 605 of the Communications Act; and

(2) What damages, if any, should be awarded to Strouth for any violation found under issue (1).

14. *It is further ordered*, That the hearing in this proceeding shall be held before an Administrative Law Judge at a time and place to be specified by subsequent order; and that such Administrative Law Judge shall upon closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in Sections 1.276 and 1.277 of the Commission's Rules (47 C.F.R. Sections 1.276 and 1.277), after which the Commission shall issue its decision as provided in Section 1.282 of the Commission's Rules (47 C.F.R. Section 1.282).

15. *It is further ordered*, That Mr. Howard Steven Strouth and The Western Union Telegraph Company and the Chief, Common Carrier Bureau, are made parties to this proceeding.

16. *It is further ordered*, That, the burden of proof with regard to the issues specified herein shall be upon Strouth.

17. *It is further ordered*, That, where appropriate, the burden of production of relevant evidence shall be assigned by the Administrative Law Judge to such party as is in exclusive control of evidence.

18. *It is further ordered*, That Western Union's motion to dismiss is hereby denied.

Adopted: June 1, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17171 Filed 6-11-76;8:45 am]

[Docket No. 20820, File No. BPCT-4674,
Docket No. 20821, File No. BPCT-4826]

MIDWEST ST. LOUIS, INC. AND NEW LIFE EVANGELISTIC CENTER, INC.

Application Construction Permit for a New Television Broadcast Station

By the Commission:

1. The Commission has before it the applications of Midwest St. Louis, Inc., St. Louis, Missouri, and New Life Evangelistic Center, Inc., St. Louis, Missouri,

[1] Strouth resides in San Jose, Costa Rica.

[2] Clauses (2) through (6) of Section 605 are intended to be exceptions to the rest of the first sentence, thus listing the persons to whom communications can be divulged. *United States* v. *Finn*, *supra*, p. 942.

[3] See *United Stataes* v. *Covello*, 410 F. 2d 536 (2d Cir. 1968), *cert. den.*, 396 U.S. 879 (1969); *U.S. v. Cerone*, 452 F. 2d 274, 280 (7th Cir. 1971), *cert. den.*, 92 S. Ct. 1169; *U.S. v. Barnard*, 490 F. 2d 907, 913-914 (9th Cir. 1973), cert. den., 416 US 959; *U.S. v. Kohne*, 347 F. Supp. 1178, 1183 (D.C. Pa. 1972).

[4] Section 605 was derived from Section 27 of the 1927 Radio Act by applying identical language to wire as well as radio communications. Like telegraph operators, radiogram operators have access to the content of the communication as well as the parties involved. Thus, the idea of Section 27 in prohibiting the divulgence of such information was carried on by Section 605 as it applied to wire communication.

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for construction permits for a new commercial television broadcast station to operate on channel 24, St. Louis, Missouri. These applications are mutually exclusive, in that, operating on the same channel in the same community, they would cause mutually destructive interference. Therefore, under the Ashbacker doctrine,[1] they must be designated for comparative hearing in a consolidated proceeding to determine which proposal, if granted, would better serve the public interest, convenience and necessity.

2. We would first note that Midwest St. Louis, Inc. ("Midwest") currently has pending before the Commission an application (File No. BSTV–13 for authority to conduct subscription television (STV) operations over the facilities of the proposed station. Since STV authorizations are granted only to licensees or permittees of television stations,[2] it will not be possible to act on Midwest's STV application unless Midwest prevails in the hearing and receives the construction permit for channel 24. Furthermore, inasmuch as licensees with STV authorizations are still required to provide "at least the minimum hours of non-subscription programming required by section 73.651,"[3] examination of the STV application is not necessary to the basic comparison of the competing applications. (However, the STV programming proposal may be compared under the standard comparative issue. See paragraph 11, below.) Accordingly, we will defer action on the STV application pending the outcome of this hearing.[4]

THE NEW LIFE EVANGELISTIC CENTER, INC. APPLICATION

3. To construct and operate the proposed station for one year, New Life Evangelistic Center, Inc. ("New Life") will require an estimated[5] $487,003. To finance the proposed station, New Life relies upon a combination of existing capital, loans from banks, deferred credit from equipment manufacturers, program contracts and profits from existing operations. New Life has shown the availability of $100,632 from funds on hand (excess of current and liquid assets over current liabilities); $106,540 from program contacts; $135,132 from loans from banks (net of interest); and $2,000 from loans from individuals. These availabe funds total $344,304, thereby failing to satisfy the Commission's requirement that applicants demonstrate the availability of funds to construct and operate the station for one year without the necessity of assuming profits from the operation of the station.[6]

4. In considering what funds appear to be available to New Life, the Commission has reached the following judgments: Two of the five submitted agreements to purchase advertising are not in contract form, but are, in fact, letters expressing an intent to purchase advertising time, lacking specificity regarding manner and time of performance. The remaining three agreements are in contractual form but likewise lack specificity as to the time of performance or the duration of the agreement. Thus, we have not credited New Life with the availability of some $33,500 in advertising revenues.[7] "Profits from existing Operations" appears to refer to New Life's ongoing fund-raising activities. Since New Life is primarily a religious organization and appears to subsist primarily on charitable donations, "profits" from operations are too speculative to be considered a reliable source of funds for construction and operation of the station. Thus, an additional $125,000 claimed by New Life has not been considered available. Also, "pledges" shown by New Life totalling $56,230 appear to have been assigned to the North St. Louis Trust Co., as collateral for the abovementioned $141,500 bank loan and do not appear available for construction or operations.[8] Finally, New Life has shown an agreement with another bank for a 1-to-1 line of credit: for each $1,000 certificate of deposit purchased by a New Life subscriber and pledged as collateral, the bank is prepared to lend New Life $1,000. New Life has submitted statements from two individuals pledging to purchase such certificates, but there has not been a showing that they have actually done so, or have the financial capacity to do so. Accordingly, those funds have not been considered available to the applicant.

5. It is also necessary at this point to consider New Life's request that its list of members of the public who have pledged funds for the construction and operation of the station be held confidential and not available for public inspection. New Life expresses the fear that "[a] significant temptation and risk exists that certain members of the St. Louis community will circularize New Life's donors * * * if the names and addresses are made public." New Life also indicates that it will make a copy of the list available to Midwest, if Midwest agrees to keep the list confidential.

6. We have decided to treat New Life's request as one made pursuant to section 0.459 of the rules, that information submitted to the Commission not be made routinely available for public inspection. (While submitted without reference to section 0.459, New Life's request substantially complies with the requirements of paragraphs (a) and (b) of that section.) As we understand it, these pledges have been assigned to North St. Louis Trust Co., as collateral for its loan to New Life. Thus, the pledges could not be considered part of the funds available to New Life for construction and operation, but only as evidence of the collateral provided for its loan. As set forth in its letter, North St. Louis Trust Co. has verified each pledge, "the collateral has been agreed to be pledged, financial statements have been reviewed, credit reports on each person reviewed and all currently satisfy our credit requirements." Under the circumstances, we do not see that the pledges are necessary to substantiate the availability of the loan. In keeping with the recognition that confidentiality should be the exception rather than the rule, see, e.g., Drachsler, The Freedom of Information Act and the Right of Non-Disclosure, 28 Administrative Law Review, 1, 7 (1976), rather than grant New Life's request for confidential treatment, we will simply return the documents concerning the pledges under separate cover.

7. Finally, New Life has requested a waiver of section 73.685(a) of the rules (minimum field intensity over the entire principal community to be served). According to New Life, "approximately eight residences fall outside of the proposed * * * principal community contour but within the City of Saint Louis." In support of its waiver request, New Life notes, among other things, that its proposed transmitter site is available on exceptionally favorable terms; that the site is in line with other television transmission antennas in St. Louis, thereby minimizing receiver antenna orientation problems; and that aeronautical safety considerations preclude greater antenna height above ground. In reviewing New Life's application, it has been difficult to determine, in part because of an eccentric municipal boundary, whether, in fact, a waiver of the rule is required. Thus, in view of the insignificant nature of the deviation, New Life has clearly demonstrated good cause for a waiver of the rules, should its application be granted, and the Administrative Law Judge is hereby authorized to grant New Life's waiver request.

MIDWEST ST. LOUIS, INC.'S APPLICATION

8. *Studio Transmitter Site Availability.* Midwest has proposed to locate its antenna on the transmission tower of KETC–TV, channel 9, St. Louis. It has submitted an agreement between itself and the St. Louis Educational Television Commission, licensee of KETC–TV, which permits Midwest to "utilize [KETC–TV's] * * * transmission Tower location for the purpose of * * * filing" its construction permit application. The agreement further commits Midwest and KETC–TV to enter into negotiations for location of a transmitter building and lease of antenna space should the Commission grant Midwest's application. However, the negotiation of a contract is subject to a number of conditions, including, among others, an engineering study of possible electrical interference; a structural analysis of the tower, and compliance of the transmitter building with requirements of the St. Louis County Planning Commission. Under the circumstances, we believe that the availability of Midwest's proposed transmitter location is subject to so many contingencies that it cannot be said that there is a reasonable assurance that the site will be available. See Milam and Lansman, 4 RR 2d 469 (Rev. Bd. 1965). Accordingly, an appropriate issue will be specified.

9. *Main Studio Location.* A further issue will apparently be required in connection with Midwest's proposal to locate its main studio at the transmitter location, outside the principal community to be served. Section 73.613(b) permits authorization of such locations, providing good cause is shown, and the public interest would not be disserved. In support, Midwest has asserted that the selection was made "for reasons of economy," and that the distance between the site and downtown St. Louis can normally be traversed "in about 30 minutes." We believe this showing is insufficient to satisfy the requirement of section 73.613(b). Assuming, for the purpose of discussion only, that "economy" itself constitutes good cause, the statement made by Midwest is conclusory. Moreover, in the absence of a demonstration of facilities available to serve the public (and also in view of the uncertainty concerning the availability of the site (see paragraph 5, above), it is not possible to conclude, merely from the statement of "normal" driving time, that the public interest would be served by authorization of a main studio at the proposed location.

10. *Financial Qualifications.* To construct and operate the proposed station for one year, Midwest will require an estimated[9] $2,299,000. Midwest has also estimated its costs for the proposed subscription television operation at $1,513,200. Its total cash requirement, $3,812,200, is to be met with a letter of credit from its parent corporation, Midwest Radio-Television, Inc.[10] Midwest Radio-Television, Inc., has demonstrated sufficient current assets in excess of liabilities to fulfill this commitment. However, if Midwest's proposed transmitter site is not available, see paragraph 8, above, it could be forced to incur significant expenses not included in its proposal. Therefore, should it develop that the proposed transmitter site is not available, this Order contains a limited issue to assess the impact of such a development on Midwest's estimated financial requirements and its financial qualifications.

11. With the exception of the matters discussed above, the Commission finds the applicants legally, technically, and otherwise qualified to own, operate and construct a commercial television broadcast station. However, because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below. Because New Life appears to propose predominantly religious programming and Midwest proposes a subscription television service, evdience regarding programming may be received under the standard comparative issue.

Accordingly, *It is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Midwest St. Louis, Inc., and New Life Evangelistic Center, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the followng issues:

(1) To determine, with respect to the application of New Life Evangelistic Center, Inc.:

(a) The funds available for the construction and operation of the proposed station.

(b) Whether, in the light of the evidence adduced pursuant to the above issue, New Life Evangelistic Center, Inc. is financially qualified to own and operate the proposed station.

(2) To determine, with respect to the application of Midwest St. Louis, Inc.:

(a) Whether the proposed transmitter location is available to the applicant.

(b) Whether, in light of the evidence adduced pursuant to the above issue (a), additional funds will be required to construct and operate the proposed station.

(c) Whether, in light of the evidence adduced pursuant to issues (a) and (b), Midwest St. Louis is financially qualified to own and operate the proposed station.

(d) Whether good cause exists for authorizing, pursuant to section 73.613(b) of the rules, the location of Midwest St. Louis, Inc.'s main studio outside the principal community to be served, and whether location of the main studio as proposed would be consistent with the operation of the proposed station in the public interest.

(3) To determine, on a comparative basis, which of the above-captioned applications, if granted, would better serve the public interest.

(4) To determine, in the light of the evidence on issues (1), (2) and (3) above, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: May 25, 1976.

Released: June 8, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17173 Filed 6-11-76;8:45 am]

[1] Ashbacker Radio Corp. v. FCC, 326 U.S. 327, 66 S. Ct. 148, 90 L. Ed. 108.

[2] 47 C.F.R. § 73.642(a).

[3] 47 C.F.R. § 73.643(c).

[4] Midwest's STV application is also mutually exclusive with the tendered application of Evans Broadcasting Corp., licensee of KDNL–TV, channel 30, St. Louis, for subscription television authority, and, should Midwest prevail in this proceeding, it will then be necessary to undertake comparative evaluation of the STV proposals.

[5] From information contained in the application, the estimate may be itemized as follows: Down payment on transmitting equipment, $132,520; 11 monthly payments on transmitting equipment, $136,752; down payment on studio equipment, $3,751; 13 monthly payments on studio equipment, $24,380; remodeling buildings, $20,000; other items (legal, engineering and installation expense and FCC grant fee), $49,600; and working capital, $120,000.

[6] Ultravision Broadcasting Co., 1 FCC 2d 544,5 RR 2d 343 (1965).

[7] Because of the vagueness of these agreements, we find it unnecessary to decide whether they otherwise constitute an adequate demonstration of advertising revenue. Cf., Erwin O'Connor Broadcasting Co., 25 RR 2d 782,787 (1972).

[8] As with the advertising agreements, supra, note 6 and associated text, the assignment of the pledges appears to avoid the necessity for deciding whether they constitute a sufficiently assured source of funds, i.e., do the pledgors have the financial capacity to fulfill the pledges.

[9] Based on information contained in the application, this estimate can be itemized as follows: Equipment, including installation, $1,612,000; Studio and transmitter site rental, $48,000; other items (legal and engineering expense and FCC grant fee), $50,000; pre-operating period salaries, $14,000; and first year operating expenses, $575,000.

[10] Midwest Radio-Television, Inc., is licensee of WCCO AM–FM and TV, Minneapolis, Minnesota.

TV BROADCAST APPLICATIONS

Ready and Available for Processing

By the Chief, Broadcast Bureau.

Notice is hereby given, pursuant to section 1.572(c) of the Commission's rules, that on July 30, 1976, the TV broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's rules, an application in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 29, 1976 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on July 29, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to section 309(d)(1) of the Communciations Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: June 7, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

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TELEVISION BROADCAST APPLICATIONS

BPCT-4904 New, Rockford, Illinois
Lloyd Hearing Aid Corp.
Channel 39
ERP, Vis.: 741 kW HAAT: 170 feet

BPCT-4905 New, Sheridan, Wyoming
Duhamel Broadcasting Enterprises
Channel 12
ERP, Vis.: 316 kW HAAT: 1220 feet

BPCT-4906 New, Fort Worth, Texas
Channel 21, Inc.
Channel 21
ERP, Vis.: 1803 kW HAAT: 1970 feet

BPCT-4910 New, Dickinson, North Dakota
Myer Broadcasting Company
Channel 7
ERP, Vis.: 235 kW HAAT: 870 feet

BPCT-4911 New, Topeka, Kansas
Amatero Group, Inc.
Channel 43
ERP, Vis.: 1150 kW HAAT: 1120 feet

BPCT-4912 New, Longview, Texas
Channel 16, Inc.
Channel 51
ERP, Vis.: 631 kW HAAT: 750 feet

BPCT-4925 New, Columbus, Ohio
Commercial Radio Institute
Channel 28,
ERP, Vis.: 1916 kW HAAT: 990 feet

BPCT-4926 New, Phoenix, Arizona
The Legend of Cibola TV Co.
Channel 33
ERP, Vis.: 589 kW HAAT: 1800 feet

BMPCT-7630 WTVY-TV, Dothan, Alabama
WTVY, Inc.
Channel 4
ERP, Vis.: 100 kW HAAT: 1875 feet

[FR Doc.76-17174 Filed 6-11-76;8:45 am]

[Docket No. 9944, File No. BP-14,016;
Docket No. 20819, File No. BP-14,036]

WEST SIDE RADIO, INC., ET AL.

Applications for Construction Permits

By the Commission:

1. The Commission has before it the above-captioned applications of West Side Radio, Inc. (West Side) Tracy, California, and Olympic broadcasters, Inc., T/A Olympia Broadcasters, Inc. (Olympic) Carmichael, California, which are mutually exclusive since mutually destructive interference would result if both were granted.

2. These applications have been before the Commission for many years. West Side's application was filed originally on August 21, 1950; Olympic's, on March 25, 1960. The reason for the unusually long delay in designating these applications is that they were filed prior to the adoption of the Clear Channel Report and Order (Docket 6741), 31 FCC 565, 21 RR 1801 (1961). As a result, action had to be withheld pending development of criteria and procedures for applications on channels adjacent to class I-A stations. Section 1.569 of the rules was adopted by the Commission in 1961. That section entitled "Applications for Frequencies Adjacent to Class I-A Channels," enumerates certain requirements which must be met before applications for stations within 30 kHz of class I-A channels can be acted upon. The applicants in this proceeding have finally resolved their difficulties with the relevant subsection 1.569.[1] Further, both applicants have amended their respective applications with regard to their legal, financial and technical qualifications. Hence, these applications can now be designated for hearing.

3. In the engineering material submitted with its application West Side has calculated the area and population to be served by its proposed facility based upon maximum expected operating values (MEOV's) rather than upon the theoretical values. Although MEOV's must be used for computing interference and overlap theoretical values must be used in determining service contours. As a result the area and population which West Side proposes to serve cannot be determined. Showings with respect to the areas and populations issue should be made with this in mind.

4. Inasmuch as West Side's application was accepted for filing prior to July 13, 1964, section 73.28(d) of the rules applies. Section 73.28(d)(3) states that, upon a showing that a need exists, a class II, III, or IV station may be assigned to a channel available for such class, even though interference will be received within its normally protected contours provided that, inter alia, the interference received does not affect more than ten percent of the population in the proposed station's normally protected primary service area. Since West Side's proposed service contours are based upon MEOV's rather than upon theoretical values, it cannot be positively determined whether West Side's proposed daytime operation compiles with the provisions of section 73.28(d)(3). Commission engineering studies of West Side's proposal indicate that the signal of co-channel station KMPC, Los Angeles, interferes with West Side's proposed daytime service area. The only question is whether the interference involves less than or greater than ten percent of the population in the normally protected (0.5 mV/m) service area. Accordingly, an issue concerning the amount of daytime interference to be received by the West Side proposal will be added. If it is determined that the West Side proposal would receive interference from station KMPC involving more than ten percent of that population, then it will have to be determined whether the service to be provided by West Side justifies a waiver of section 73.28(d)(3). Olympic, on the other hand, has submitted data to establish that its proposed operation would result in a population loss of approximately six percent during daytime hours. Accordingly, a 73,28(d) issue is not warranted with respect to Olympic's application. The nighttime portions of both proposals comply with the ten percent rule since each would be the first station in its respective community.

5. Upon review of the applications, it appears that both proposed nighttime operations will protect all co-channel and adjacent channel domestic and foreign stations, existing and proposed, except for each other's with which each is mutually exclusive, and co-channel class I-B station KIRO, Seattle Washington. Using the relevant skywave field factor and critical angle curves,[2] it appears that West Side's proposed 0.025 mV/m—10 percent contour would overlap the 0.5 mV/m—50 percent contour of station KIRO, in contravention of section 73.182(a)(1)(ii) of the rules.[3] Therefore, an issue will be added to determine whether West Side's proposed operation will cause objectionable interference to station KIRO, Seattle. With regard to Olympic's proposal, the proposed 0.025 mV/m—10 percent contour overlaps KIRO's 0.5 mV/m—50 percent contour in the Pacific Ocean. This is not objectionable. However, Olympic's proposed 0.025 mV/m—10 percent contour loops around and returns to land in an area where KIRO's 50 percent signal is greater than 0.5 mV/m. Accordingly, an interference issue will be included to determine whether the 20 to 1 protection ratio of section 73.182 is being violated.

[1] Until February 16, 1973, neither applicant was able to comply with section 1.569(b)(2)(iv) which requires that applicants for stations on certain frequencies (including 710 kHz), as a condition to processing, provide data to indicate that no interference or prohibited overlap would be caused to presently specified class II-A assignments assuming, inter alia, that such facilities be located at the nearest point on the boundary of the nearest state specified by the Clear Channel Decision. Since section 73.22 of the rules provides for a class II-A assignment for Nevada or Idaho on 720 kilohertz, these applicants would have had to show that their respective proposals would not cause interference or overlap to a class II-A station located at the nearest point on the California-Nevada border to their respective sites. However, that class II-A station has now been assigned to Las Vegas, Nevada, and neither of the proposed stations would cause interference to, or involve overlap with that facility. Additionally, both applicants have been granted waivers of section 1.569(b)(2)(i) which requires that applicants for stations on clear channels locate their transmitter sites inside the area encompassed by a 500-mile extension of the 0.5 mV/m—50 percent nighttime contour of class I-A stations on unduplicated channels. Although the proposed transmitter sites for both applicants are located outside of the area encompassed by the 500-mile extension of the 0.5 mV/m—50 percent nighttime skywave contour of class I-A station WLW, Cincinnati, Ohio (700 kHz, 50 kW, U), waivers were granted based upon a determination that the mountainous terrain of the California-Nevada border area would enable assignment of a class II-A station on 700 kHz which could serve the required unserved area, without involving first adjacent channel overlap with either proposal.

[2] See the note to section 73.185 of the rules which states that figures 1 and 6 of section 73.190 of the rules rather than figures 1a and 6a will be used in applying provisions of section 73.185 for applications filed before September 29, 1965, for new or changed facilities on certain clear channels, including 710 kilohertz.

[3] For example, at 330° true from West Side's proposed site, West Side's proposed 0.025 mV/m—10 percent contour extends over 350 miles, far beyond KIRO's 0.5 mV/m—50 percent contour.

6. It appears that Olympic's proposed 5 mV/m contour penetrates the nearby city of Sacramento, California (9 miles from Carmichael). The population of Sacramento, according to the 1970 census is 254,413, whereas Carmichael's population is 37,625. Thus, under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), a presumption arises that Olympic realistically intends to serve Sacramento, the larger community. However, Olympic submitted with its application, material in an attempt to rebut the aforementioned presumption.

7. Included in its rebuttal material was an affidavit by its consulting engineer stating that the proposed station's power of 250 watts is a minimum power permitted by the Commission's rules, and that the directional array proposed by Olympic is dictated by the applicant's obligation to protect other broadcast stations from interference. In addition, Olympic has alleged that Carmichael has problems and needs which are separate and distinct from those in Sacramento, and that the broadcast stations serving Sacramento have never been responsive to the particular problems and needs of Carmichael. Further, Olympic asserts that its proposed programming is designed to be responsive to the problems and needs of Carmichael, and the nearby communities of Rancho Cordova and Folsum, all of which have no local transmission service. Finally, Olympic alleges that the communities of Carmichael and Rancho Cordova will be able to generate sufficient advertising revenues to support the proposed station.

8. We have reviewed the data submitted by Olympic and find that it has effectively rebutted the presumption that it is realistically proposing to serve Sacramento rather than its specified community. The quantum of proof required to rebut the presumption will vary depending upon the engineering characteristics of a given proposal. Progressive Broadcasting Co., 34 RR 2d 991 (1975). In particular, the applicants' proposed power, antenna directionalization, and coverage are factors to be considered in determining the nature of the showing required, Policy Statement, supra. Although Olympic's 5.0 mV/m contour will penetrate Sacramento, the Commission believes that this penetration will be caused by factors other than Olympic's desire to serve the larger community. First, it is noted that Olympic proposes to operate with a power of 250 watts, the minimum power permitted by the Commission's rules. Also, its proposed transmitter site is located east of the center of Carmichael, away from Sacramento which is nine miles to the west. Further, it appears that the shape of the proposed directional pattern which result in 5.0 mV/m penetration of Sacramento, is dictated by the necessity to protect co-channel class I-B station KIRO, Seattle, Washington. Thus, since the applicant will use no more power than is necessary to meet the city coverage requirements for Carmichael, and since the resulting penetration of Sacramento is occasioned by technical requirements beyond its control, we will consider Olympic as proposing a local transmission service for Carmichael. See Howard L. Burriss, 27 FCC 2d 290, 20 RR 2d 1087 (1971), Pettit Broadcasting Co., 27 FCC 2d 985, 21 RR 2d 317 (1971), and cases cited therein.

9. Although the technical aspects of Olympic's showing are sufficient in themselves to support our finding that the applicant has effectively rebutted the 307(b)—suburban presumption, we note that Olympic has also submitted data indicating that Carmichael has distinct problems and needs apart from those of Sacramento, that it proposes to program to meet those needs, and that as a separate community of considerable size, possesscs the economic potential to supply sufficient revenues to support a local transmission service of its own.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[4] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service, daytime and nighttime, from the respective proposals, and the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine whether the interference received from station KMPC, Los Angeles, California, would affect more than ten percent of the population within the normally protected primary service area of the proposed operation of West Side Radio, Inc., in contravention of section 73.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the proposal of West Side Radio, Inc. would cause objectionable interference to station KIRO, Seattle Washington, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary services to such areas and populations.

4. To determine whether the proposal of Olympic Broadcasters, Inc., T/A Olympic Broadcasters, Inc. would cause objectionable interference to station KIRO, Seattle, Washington, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

12. *It is further ordered*, That KIRO, Inc., licensee of station KIRO, Seattle, Washington, is made a party to this proceeding.

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

14. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually, or if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of

[4] There are some discrepancies which would have to be resolved in the event of a grant of either application. While they are minor and do not require specification of issues in this hearing, it is appropriate to note them here.

With regard to Olympic's application:

MEOV's have been specified at all azimuths on the horizontal plane. Accordingly, it is necessary to specify MEOV's at all azimuths at each vertical angle.

With regard to West Side's application:

(i) The field ratios should be included on the polar plot of the horizontal pattern.

(ii) West Side has indicated that a theoretical pattern with MEOV's is proposed. However, some vertical sections of the proposed pattern are labeled "standard pattern." While it is permissible to use either theoretical or standard patterns (since the application was filed prior to 1971), West Side must be consistent in using entirely theoretical patterns or entirely standard patterns.

(iii) MEOV's must be specified at each azimuth in the vertical if there are MEOV's specified for that azimuth on the horizontal plane.

(iv) The labeling of the azimuths of the lower stacked section on each page containing two stacked sections is not correct.

(v) There are several misplots of the pattern; for example:

(a) At 301 degrees true on the horizontal polar plot, the theoretical pattern is plotted as over 80 mV/m while it should be less than 71 mV/m.

(b) At 165 degrees true, the MEOV on the horizontal polar plot is not equal to the MEOV on the 0 degree stacked section.

(c) The MEOV's on the 317 degree true vertical section are not equal to those on the various stacked sections at 317 degrees true.

The discrepancies in (v), above, are simply examples of misplots; the entire pattern must be examined to ensure that the theoretical pattern is plotted properly and that the MEOV's are consistent.

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such notice as required by section 1.594 (g) of the rules.

Adopted: May 29, 1976.

Released: June 8, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17173 Filed 6-11-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-698]

ARKANSAS-MISSOURI POWER CO.

Filing of Letter Agreement

JUNE 7, 1976.

Take notice that on May 21, 1976, Arkansas-Missouri Power Company (Ark-Mo) tendered for filing a Letter of Agreement dated May 13, 1976 between the Arkansas Electric Cooperative (Arkco) and Ark-Mo. Ark-Mo states that the Agreement provides for the sale by Ark-Mo of short-term firm power for the period between June 1, 1976 and May 31, 1976, and that revenues therefrom should be about $1,471,500 for the 12-month period. Ark-Mo requests an effective date of June 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17139 Filed 6-11-76;8:45 am]

[Docket No. ER76-496]

BANGOR HYDRO-ELECTRIC CO.

Compliance Filing

JUNE 7, 1976.

Take notice that on May 21, 1976, Bangor Hydro-Electric Company (Bangor) tendered for filing a rate schedule which is stated to be applicable to service to Swans Island Electric Cooperative (Swans Island). By order issued May 7, 1976, in this docket, the Commission, inter alia, ordered Bangor to tender for filing an appropriate rate schedule for service to Swans Island.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17142 Filed 6-11-76;8:45 am]

[Docket No. E-9417]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Filing of Additional Information

JUNE 8, 1976.

Take notice that on May 28, 1976, Consolidated Edison Company of New York, Inc. (Con Ed) tendered for filing additional information requested by Commission letter of July 10, 1975, with respect to its filing in the above-captioned docket. Con-Ed states that by letter dated April 25, 1975, it submitted for filing an agreement for the exchange of an entitlement in the Pumped Storage Hydro-Electric Project (Project) Northfield, Massachusetts which is owned by Connecticut Light and Power Company, Hartford Electric Light Company and Western Massachusetts Electric Company (NU Companies) for an equivalent amount of gas turbine or fossil steam capacity owned by Con-Ed (Exchange Agreement).

By letter dated July 10, 1975, the Commission requested further information regarding (i) the economic dispatch of Northfield pumped storage capacity and (ii) an explanation of the impact of the exchange transaction on the fuel and purchased power costs of the NU Companies, and the treatment of such fuel and purchased power costs in the operation of the NU Companies' fuel adjustment clause. Con-Ed states that the requested information is being submitted herewith.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17150 Filed 6-11-76;8:45 am]

[Project No. 2761]

EL DORADO COUNTY WATER AGENCY

Application for Preliminary Permit

JUNE 8, 1976.

Public notice is hereby given that an application for a preliminary permit was filed on September 22, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the El Dorado County Water Agency (Correspondence to: W. P. Walker, Chairman, El Dorado County Water Agency, 2850 Cold Springs Road, Placerville, California 95667; with copies to: Joseph V. Flynn, 3122 Serano Court, Camino, California 95709; and Robert L. McCarty Esq., McCarty & Noone, 1225 Connecticut Avenue, N.W., Washington, D.C. 20036) for the proposed South Fork American River Project No. 2761, to be located on the South Fork of the American River and its tributaries. The proposed project would be located in El Dorado and Toiyabe National Forests and the Folsom District, Bureau of Land Management, in El Dorado and Alpine Counties, California.

According to the application, the proposed project would provide for the conservation of water for domestic, irrigation, manufacturing, municipal, and industrial uses, with power to be produced through the releases of water made for these uses. The project would have an installed capacity of approximately 300,000 kW.

The proposed project would consist of four developments.

The Plum Creek Development would consist of the Forni Diversion Dam, the Forni Tunnel and Pipeline, the Sherman Canyon Diversion Dam, the Silver Fork Pipeline and Tunnel, the Alder Creek Tunnel, the Alder Creek Dam and Reservoir with a storage capacity of approximately 129,000 acre-feet, Plum Creek Tunnel, Plum Creek Power Plant with an installed capacity of 80,000 kW, and Plum Creek Tailrace Tunnel.

The El Dorado Development would consist of the El Dorado Pipeline replacing the existing ditch, flume, and tunnel section of Project No. 184, currently licensed to Pacific Gas and Electric Company; the El Dorado Forebay, currently licensed as part of Project No. 184; the El Dorado Pipeline and Tunnel replacing facilities currently licensed as parts of Project No. 184; the El Dorado Penstock; and the El Dorado Power Plant, with an installed capacity of 800,000 kW to be located slightly downstream from the existing El Dorado powerhouse of Project No. 184.

The Coloma Development would consist of the Coloma Dam, Coloma Afterbay Dam, and powerhouse at each of the two dams with a total installed capacity of 45,000 kW.

The Salmon Falls Development would consist of the Salmon Falls Dam and Reservoir with a capacity of approximately 112,000 acre-feet, the Salmon Falls Afterbay Dam, and powerhouses at each of the two dams with a total installed capacity of 95,000 kW.

The power developed by the proposed project would be sold to a public utility or utilities for use and distribution.

A preliminary permit does not authorize the construction of a project. A permit, if issued, gives the permittee during the period of the permit the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make protest with reference to said application should on or before August 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17148 Filed 6-11-76;8:45 am]

[Docket No. ER76-701]

KENTUCKY UTILITIES CO.

Filing of Revised Fuel Clause

JUNE 7, 1976.

Take notice that on May 24, 1976, Kentucky Utilities Company (Kentucky) tendered for filing a revised fuel clause applicable to service rendered to the City of Nicholasville, Kentucky. Kentucky requests that the proposed revised fuel clause be permitted to become effective as of October 24, 1974, the effective date of the fuel clause presently being utilized.

Kentucky states that the instant filing is made in order to comply with Section 35.14 of the Commission Regulations as same have been amended by Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17141 Filed 6-11-76;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG CORP. GAS TRANSMISSION

Deferring Procedural Dates

JUNE 7, 1976.

On May 21, 1976, Staff Counsel filed a motion to defer the procedural dates fixed by the order issued June 27, 1975, as most recently modified by notice issued April 28, 1976, in the above-designated proceeding, pending Commission action on the settlement proposal filed on May 19, 1976.

Notice is hereby given that the procedural dates in the above matter are deferred pending further action by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17134 Filed 6-11-76;8:45 am]

[Docket No. ER76-530]

MISSOURI POWER & LIGHT CO.

Filing of Proposed Settlement

JUNE 4, 1976.

Take notice that on May 27, 1976, Missouri Power & Light Company (MPL) submitted a proposed settlement of all issues in this docket. MPL states that the proposed settlement would increase its rates for wholesale municipal customers by $80,647, resulting in $993,106 in total annual revenues from such customers. MPL further states that the Cities of Perry and Owensville, Missouri, will not be affected by the rate increase until such time as MPL is no longer contractually precluded from increasing the cities' rates.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, on or before June 17, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17131 Filed 6-11-76;8:45 am]

[Docket No. G-7645]

MOBIL OIL CORP.

Petition for Declaratory Order

JUNE 8, 1976.

Take notice that on May 24, 1976, Mobil Oil Corporation (Petitioner), 150 East 42nd Street, New York, New York, 10017, filed pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)), a petition for an order declaring whether Mobil can and should continue a sale to the City of Guymon, Oklahoma, from leases subsequently dedicated to interstate service under contract with Cities Service Gas Company.

Petitioner states that it makes a jurisdictional sale of gas to Cities Service Gas Company under a 1946 contract for the life of reserves in the Guymon-Hugoton Field, Texas County, Oklahoma. Petitioner also makes a non-jurisdictional sale from the same field to the City of Guymon, Oklahoma which will expire August 31, 1976. The contract with Cities Service is subject to gas reserved to the city of Guymon. Mobil has encouraged Guymon to obtain its future supply from a source other than Mobil either by contract for purchase or by a Section 7(a) application. In the interim Mobil wishes to extend its contract with Guymon for a period not to exceed September 1, 1977, pending Commission approval of a Section 7(a) application by Guymon unless Guymon otherwise obtains an adequate supply of gas. In the event Cities Service contracts to supply Guymon or be required to supply Guymon under a Section 7(a) order, Mobil will commit the reserved volume to Cities Service. Therefore, Petitioner states the total volume available to Cities Service will remain the same. Mobil requests an order by the Commission stating that Mobil will not be held in violation of its FPC certificate and rate schedule (FPC Gas Rate Schedule No. 283) under the Natural Gas Act for renegotiating its contract with Guymon for the one year period while the latter's 7(a) application is pending. Petitioner alleges that recent Commission orders and policy pronouncements tend to confuse the legal status of this and similar situations. Interpretation of these certificate and contract obligations is necessary for future planning. In conclusion, Mobil requests an order permitting it to continue to supply Guymon on an interim basis.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-17157 Filed 6-11-76;8:45 am]

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[Docket No. ER76-702]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

JUNE 7, 1976.

Take notice that Niagara Mohawk Power Corporation, on May 24, 1976, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and Central Hudson Gas and Electric Corporation, dated September 19, 1975.

The service to be rendered by Niagara Mohawk Power Corporation (Niagara) provides for the transmission of capacity and energy between (a) Niagara's interface with the Rochester Gas and Electric Corporation transmission system and (b) Niagara's transmission connection at its Leeds Substation with the Central Hudson Gas and Electric Corporation (Central Hudson) or such other eastern terminus as may be mutually agreed upon from time to time.

Transmission capacity to be made available to Central Hudson will be that amount required to transmit Central Hudson's share of power and energy from the Sterling Nuclear Power Plant. Central Hudson's share of this plant is 17 percent of maximum plant rating.

Copies of this filing were served upon the following:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602.
Orange and Rockland Utilities, Inc., 75 West Route 59, Spring Valley, NY 10977.
Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, NY 14649.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17135 Filed 6-11-76;8:45 am]

[Docket No. ER76-704]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

JUNE 7, 1976.

Take notice that Niagara Mohawk Power Corporation, on May 24, 1976, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and Orange and Rockland Utilities, Inc., dated September 19, 1975.

The service to be rendered by Niagara Mohawk Power Corporation (Niagara) provides for the transmission of capacity and energy between (a) Niagara's interface with the Rochester Gas and Electric Corporation transmission system and (b) Niagara's transmission connection at its Leeds Substation, with Orange and Rockland Utilities, Inc. (Rockland) or such other eastern terminus as may be mutually agreed upon from time to time.

Transmission capacity to be made available to Rockland will be that amount required to transmit Rockland's share of power and energy from the Sterling Nuclear Power Plant. Rockland's share of this plant is 33 percent of maximum plant rating.

Copies of this filing were served upon the following:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602.
Orange and Rockland Utilities, Inc., 75 West Route 59, Spring Valley, NY 10977.
Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, NY 14649.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 75-17140 Filed 6-11-76;8:45 am]

[Docket No. ER76-703]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

JUNE 8, 1976.

Take notice that Niagara Mohawk Power Corporation, on May 24, 1976, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and Long Island Lighting Company, dated September 19, 1975.

The service to be rendered by Niagara Mohawk Power Corporation (Niagara) provides for the transmission of capacity and energy between (a) Niagara's interface with the Rochester Gas and Electric Corporation transmission system and (b) Niagara's transmission connection at its Leeds Substation, with Orange and Rockland Utilities, Inc. (Rockland) or such other eastern terminus as may be mutually agreed upon from time to time.

Transmission capacity to be made available to Rockland will be that amount required to transmit Rockland's share of power and energy from the Sterling Nuclear Power Plant. Rockland's share of this plant is 33 percent of maximum plant rating.

Copies of this filing were served upon the following:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602.
Orange and Rockland Utilities, Inc., 75 West Route 59, Spring Valley, NY 10977.
Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, NY 14649.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-17136 Filed 6-11-76;8:45 am]

[Docket No. ER76-705]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

JUNE 7, 1976.

Take notice that Niagara Mohawk Power Corporation, on May 24, 1976, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and Central Hudson Gas and Electric Corporation, dated September 19, 1975.

The service to be rendered by Niagara Mohawk Power Corporation (Niagara) provides for the transmission of capacity and energy between (a) Niagara's East Volney Station and (b) Niagara's transmission connection at its Leeds Substation with Central Hudson Gas and Electric Corporation (Central Hudson) or such other eastern terminus as may be mutually agreed upon from time to time.

Transmission capacity to be made available to Central Hudson will be that amount required to transmit Central Hudson's share of power and energy from the Nine Mile Point 2 Nuclear Power Plant. Central Hudson's share of this plant is 9 percent of maximum plant rating.

Copies of this filing were served upon the following:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602.
Long Island Lighting Company, 175 East Old Country Road, Hicksville, NY 11801.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17140 Filed 6-11-76;8:45 am]

and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17149 Filed 6-11-76;8:45 am]

NORTHERN ILLINOIS GAS CO.

Application

[Docket No. G-10632]

JUNE 8, 1976.

Take notice that on May 24, 1976,[1] Northern Illinois Gas Company (NI-Gas), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application[2] pursuant to Section 1(c) of the Natural Gas Act for a declaration of NI-Gas' continuing exemption from the provisions of the Natural Gas Act notwithstanding its participation in a scheme for the rescheduling of deliveries of natural gas for which Northern Natural Gas Company (Northern) seeks authorization in Docket No. CP76-355,[3] all as more fully set forth in the application on file with the Commission and open to public inspection.

NI-Gas notes that in Docket No. CP 76-355 Northern has filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing deliveries of natural gas under an arrangement in which NI-Gas would reduce its takes of gas from Northern from October 1, 1976, through March 31, 1977, and October 1, 1977, through March 31, 1978, by an aggregate amount equal to 12,000,000 Mcf in each period and in which Northern would deliver or cause to be delivered to NI-Gas from April 1, 1977, through September 30, 1977, and April 1, 1978, through September 1, 1978, an amount equal to the total volume of 1,000 Btu per cubic foot gas by which deliveries to NI-Gas were reduced in each preceding period. NI-Gas states that it is advised that Northern needs to increase the volumes rescheduled with NI-Gas[4] in order to minimize disruption of service to Northern's customers in the winter periods. It is stated further that because of its storage capacity NI-Gas projects that it would be able to accept further reductions of deliveries from Northern during the winter periods if equivalent volumes of gas would be delivered over the summer periods for injection in its storage fields. Since the summer deliveries would replace volumes of gas normally delivered to NI-Gas by Northern in the winter periods, there would be no net increase in annual deliveries by Northern to NI-Gas, the application states.

NI-Gas states that all of the natural gas delivered to NI-Gas pursuant to the rescheduling arrangement would be received within the State of Illinois and would be ultimately consumed within the State of Illinois. It is stated further that there is involved only a rescheduling of deliveries and not an exchange of natural gas in interstate commerce. Accordingly, NI-Gas requests that the Commission declare that NI-Gas would continue to be exempt from the provisions of the Natural Gas Act notwithstanding its participation in the scheme for the rescheduling of deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17143 Filed 6-11-76;8:45 am]

[Docket No. ER76-83]

OHIO POWER CO.

Extension of Procedural Dates

JUNE 7, 1976.

On May 3, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 14, 1975, as most recently modified by notice issued March 25, 1976, in the above-designated proceeding. The motion states that the parties to this proceeding have been notified and none objects to the proposed dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, June 29, 1976.
Service of Intervenor Testimony, July 13, 1976.
Service of Company Rebuttal, July 27, 1976.
Hearing, August 10, 1976 (10:00 e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17137 Filed 6-11-76;8:45 am]

[Docket No. ER76-375]

OTTER TAIL POWER CO.

Filing

JUNE 7, 1976.

Take notice that on May 17, 1976, Otter Tail Power Company (Otter Tail) tendered for filing a response to the Commission's letter of January 16, 1976, in which the Commission notified Otter Tail that its filing of December 19, 1975, was deficient. The instant filing is intended to cure the deficiencies noted in the Commission's letter of January 16, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17138 Filed 6-11-76;8:45 am]

[Docket Nos. RP76-53 and RP76-60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Conference

JUNE 7, 1976.

Take notice that on June 23, 1976, at 10:00 A.M., an informal conference will be convened of all interested persons with a view towards settling this proceeding. The conference will be held in Room 6200 at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17132 Filed 6-11-76;8:45 am]

[Docket No. RP76-17]

TEXAS GAS TRANSMISSION CORP.

Informal Conference

JUNE 7, 1976.

Take notice that on Thursday, June 17, 1976, Staff is convening an informal con-

[1] The application was tendered for filing May 24, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until June 1, 1976. Thus, filing was not completed until the later date.

[2] The pleading is styled "Petition of Northern Illinois Gas Company to Intervene [in Docket No. CP76-355] and Application for Declaration of Continuing Exemption under Section 1(c) of the Natural Gas Act [in Docket No. G-10632]".

[3] Notice published May 13, 1976 (41 FR 19771).

[4] The proposal by Northern is said to be a continuation, with modifications providing for deliveries of increased volumes, of that arrangement authorized by order of September 30, 1975, in Docket No. CP75-336.

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ference for the purpose of discussing the issues in the above-referenced docket with a view toward settling this proceeding. The conference will start at 10:00 a.m., EDT in Room 3401, North Building, Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17133 Filed 6-11-76;8:45 am]

[Docket Nos. RP71-7; RP76-104; PGA76-4; DCA76-2]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

JUNE 8, 1976.

Take notice that on May 21, 1976, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, third Revised Volume No. 1, the following revised tariff sheets:

Seventeenth Revised Sheet No. 3-A
Superseding Substitute Sixteenth Revised Sheet No. 3-A
First Alternate Seventeenth Revised Sheet No. 3-A
Superseding Alternate Sixteenth Revised Sheet No. 3-A
Second Alternate Seventeenth Revised Sheet No. 3-A
Superseding Substitute Sixteenth Revised Sheet No. 3-A
Third Alternate Seventeenth Revised Sheet No. 3-A
Superseding Alternate Sixteenth Revised Sheet No. 3-A

These revised tariff sheets are proposed to become effective as of July 1, 1976.

Alabama-Tennessee states that the purposes of such revised tariff sheets are to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on July 1, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline Company and bring up to date the Adjustment under Section 22 of the General Terms and Conditions resulting in a reduction from 1.53¢ to 1.15¢ per Mcf.

The revised tariff sheets provide for the following rates:

[In cents]

Rate schedule	17th revised sheet 3-A	1st alternate 17th revised sheet 3-A	2d alternate 17th revised sheet 3-A	3d alternate 17th revised sheet 3-A
G-1:				
Demand	$1.63	$2.32	$1.63	$2.32
Commodity	82.30	80.14	81.79	79.63
SG-1: Commodity	94.21	97.09	93.70	96.58
I-1: Commodity	87.67	82.14	87.15	81.63

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17187 Filed 6-11-76;8:45 am]

[Docket No. RI76-129]

BYRON OIL INDUSTRIES, INC.

Petition for Special Relief

JUNE 8, 1976.

Take notice that on May 26, 1976, Byron Oil Industries, Inc. (Petitioner), 15991 Trowbridge Road, Chesterfield, Missouri 63017, filed a petition for specipicate as a party in any hearing therein, cial relief in Docket No. RI76-129, pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure, and Section 2.56a(g) of the Commission's General Policy and Interpretations.

Petitioner states that it is engaged in an active drilling program in Adams and Weld Counties, Colorado, but that Petitioner is effectively precluded from pursuing its development program unless special relief is granted. Petitioner requests approval of an increase from 75.768 cents per Mcf for residue gas to 308.00 cents per Mcf for the sale of natural gas available for delivery and sale to Northern Natural Gas Company and which is being sold and delivered to Panhandle Eastern Pipeline Company pursuant to Commission authorization in Docket No. CP76-247.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17198 Filed 6-11-76;8:45 am]

[Docket No. RI75-132]

CABOT CORP. (SW)

Proposed Settlement Conference

JUNE 8, 1976.

Take notice that a settlement conference will be held in the above-referenced docket at 10 A.M. (EST) on July 14, 1976, at the Federal Power Commission, 825 North Capitol Street, N.E., Room 8402, Washington, D.C. 20426. All interested parties are invited to attend this meeting.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17199 Filed 6-11-76;8:45 am]

[Docket No. CP76-378]

COLORADO INTERSTATE GAS CO.

Application

JUNE 7, 1976.

Take notice that on May 24, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-378 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale for resale and delivery of natural gas under revised service agreements with Citizens Utilities Company (Citizens) and the City of Trinidad, Colorado (Trinidad), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes (1) to increase the minimum pressure for deliveries to Citizens from the White Rock and Huerfano sales meter stations from 260 psig and 225 psig, respectively, to 325 psig, (2) to render service to Citizens until November 1, 1986, in lieu of to November 1, 1996, and (3) to increase the Rate Schedule PS-1 peaking service annual capacity obligation to Trinidad from 8,450 Mcf to 16,900 Mcf of gas. Applicant states that the proposed changes in service would not require any additional facilities or operational changes by Applicant, nor would they affect Applicant's total peak day or annual transmission system sales or delivery capacity.

The application states that Applicant's existing service agreement with Citizens under Rate Schedule P-1 provides for minimum delivery pressures at the White Rock and Huerfano sales meter stations of 260 psig and 225 psig, respectively, and that Citizens has informed Applicant that if the delivery pressure were to drop to the contract minimums as these points Citizens would not be able to maintain its system pressure when its volumetric obligations would be at a maximum. Further, it is said, Citizens, in anticipation of increased contract minimums, replaced 7.7 miles of line with 8-inch pipe

during the summer of 1975; whereas, if the present contract minimums were to be retained, Citizens would be forced to use 10-inch pipe in order to meet its maximum delivery obligations. Applicant emphasizes that, in the ordinary course of its system operations, it maintains pipeline pressures in excess of 325 psig at both delivery points. Applicant also proposes to continue service to Citizens, beyond the expiration of the present service agreement on November 1, 1976, until November 1, 1986, and states that this would bring the Citizens agreement generally into line with Applicant's other resale service agreements.

The application states that Trinidad currently purchases peaking service gas from Applicant under Rate Schedule PS-1 and during the winter season, November 1 through March 31, may purchase up to 1,690 Mcf per day of such gas, with delivered limited to a maximum capacity volume of 8,450 Mcf or 5 days at maximum load. It is stated further that Trinidad will require a peaking service capacity volume of at least 12,213 Mcf for fiscal year 1977 and that because of projected customer growth this demand is expected to increase in future years. Accordingly, Applicant proposes to increase the peaking service capacity volume to 16,900 Mcf or 10 days at maximum load. It is stated that the increase of 8,450 in annual peaking service capacity volume would not increase Trinidad's total annual contract quantity of 1,150,000 Mcf and that additional annual gas purchased under Rate Schedule PS-1 would result in less gas' being available under Rate Schedule G-1.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17183 Filed 6-11-76;8:45 am]

[Docket No. CP76-380]

COLUMBIA GULF TRANSMISSION CO.

Application

JUNE 7, 1976.

Take notice that on May 24, 1976, Columbia Gulf Transmission Company (Applicant) P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP76-380 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities on an existing platform in Block 250, Eugene Island Area, offshore Louisiana, owned by Applicant, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to install and operate a 3,500 horsepower gas-fired, turbine-driven compressor package. It is estimated that the facilities would cost $2,087,613, and Applicant states that they will be financed with current working funds.

The application states that the platform in Block 250 and certain other facilities (collectively referred to as the C-N-T pipeline) were installed under authority of a temporary certificate issued in Docket No. CP74-204 on January 10, 1975. The capacity of the C-N-T pipeline is said to be 2,250,000 Mcf at 14.73 psia of gas per day which is shared equally by Applicant, Tennessee, and Natural. Applicant states that in addition to its 75,000 Mcf per day capacity entitlement, it requires capacity to handle an additional 94,000 Mcf of gas per day. It is noted that although Tennessee and Natural are using their capacity entitlement in the C-N-T pipeline, they do not want additional capacity at this time. Accordingly, Applicant proposes to install and operate the compression facilities to handle the additional gas. The application states that the addition of the compression facilities would allow the pressure at the Block 250 platform to be maintained so that additional gas from Blocks 313 and 314 in the Eugene Island Area can enter the pipeline facilities and be transported onshore through the Blue Water Project, which is jointly owned by Applicant and Tennessee.

The application notes that Applicant's capacity in the C-N-T pipeline is proposed in the application in Docket No. CP74-204 to be used to attach Blue Water Project reserves of Exxon Company, U.S.A., in Block 314 in which Columbia Gas Transmission Corporation (Columbia Transmission) has purchase rights. Deliveries of gas from Block 314 to Applicant for Columbia Transmission during March 1976 are said to have averaged 74,376 Mcf of gas per day. Applicant states that it has constructed a pipeline to connect the C-N-T pipeline to the "A" production platform operated by Texaco Inc. in Block 313 through which gas production from Texaco's interest in the Block 313 reserves are delivered for the account of Columbia Transmission. Deliveries from Block 313 have averaged 33,998 Mcf of gas during March 1976 and are anticipated to reach 41,000 Mcf in the latter part of 1976, Applicant states.

The application states that Exxon is presently installing a second platform in Block 314 and that the wells to be drilled from this platform would be completed in reservoirs underlying Blocks 314 and 332 in the Eugene Island Area. The gas to be produced from the reservoirs underlying Block 332 is said to be dedicated to Columbia Transmission, Natural, Northern Natural Gas Company (Northern), and Trunkline Gas Company (Trunkline). It is stated that Applicant is negotiating with Northern and Trunkline to transport gas onshore for them through the C-N-T pipeline and the Blue Water Project. The application indicates that dry gas reserves from this area are estimated to be 286,206,000 Mcf.

Applicant requests that the applicable provisions, if any, of Section 2.65 of the Commission's General Policy and Interpretations (18 CFR 2.65) be waived in order that Applicant may effectuate the policy of the Commission set forth in Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) that jurisdictional pipelines should take all steps necessary for the protection of as reliable and adequate service as present supplies will permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this

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application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17182 Filed 6-11-76;8:45 am]

[Docket No. ES 76-58]

EL PASO ELECTRIC CO.

Application

JUNE 7, 1976.

Take notice that on May 21, 1976, El Paso Electric Company (Applicant), filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to engage in negotiations with underwriters regarding the proposed issuance and sale of between 1,000,000 and 1,500,000 shares of common stock via negotiated offering. The sale of common stock is desirable in order to finance the Applicant's construction requirements and is necessary, in the judgment of the Company, to maintain a sound capital structure. Applicant estimates that the proposed issuance would raise approximately between $11,000,000 and $16,500,000.

Applicant is incorporated under the laws of the State of Texas, with its principal business office at El Paso, Texas and is engaged in the generation, transmission, distribution and sale of electrical energy in the States of Texas and New Mexico.

Applicant proffers that in view of market conditions now prevailing with respect to utility common stock and because of the relatively large size of this financing, it is presently believed that the sale of the common stock could best be accomplished by a negotiated underwriting.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[RF Doc.76-17186 Filed 6-11-76;8:45 am]

[Docket No. RI76-126]

ENERGY DEVELOPMENT CORP.

Petition for Special Relief

JUNE 8, 1976.

Take notice that on May 24, 1976, Energy Development Corporation (Petitioner), P.O. Box 8502, Roanoke, Virginia 24014, filed a petition for special relief in Docket No. RI76-126, pursuant to Order No. 481. Petitioner seeks a price of $3.78 per Mcf for the sale of gas from the Sandy River District, Iaeger E. C. Quadrangle, McDowell County, West Virginia, to Consolidated Gas Supply Corporation. Petitioner states that it is unable to commence deliveries on a viable economic basis unless the relief is granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-17200 Filed 6-11-76;8:45 am]

[Docket No. RI76-127]

BILL J. GRAHAM

Petition for Special Relief

JUNE 8, 1976.

Take notice that on May 13, 1976, Bill J. Graham (Petitioner), 201 West Building, P.O. Box 5321, Midland, Texas 79701, filed in Docket No. RI76-127 a petition for special relief pursuant to Order No. 481 and Section 2.76 of the Commission's General Policy and Interpretations. Petitioner seeks a rate of $1.07 per Mcf for the sale of natural gas to El Paso Natural Gas Company from certain properties located in Pecos County, Texas. Petitioner asserts that without a substantial price increase it will be unable to perform necessary remedial work, and that if such remedial work is not undertaken, abandonment of the properties is imminent.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17201 Filed 6-11-76;8:45 am]

[Docket No. CP66-111]

GREAT LAKES GAS TRANSMISSION CO.

Application To Amend Permit

JUNE 7, 1976.

Take notice that on May 21, 1976, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP66-111 an application pursuant to Executive Order No. 10485 to amend its permit to construct, operate, maintain, and connect a parallel second pipeline crossing of the St. Mary's River at the international boundary between the United States and Canada, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

Applicant states that in view of the increased requirements for natural gas in Sault Ste. Marie, Ontario, and the degree of dependence upon natural gas for fuel in the area, it has been determined that a second pipeline crossing of the St. Mary's River is necessary and prudent in order to protect the public served in the event of an outage of the existing single river crossing upon which the market is now totally dependent for its natural gas supply. It is stated that the additional crossing does not involve the transportation of any additional volumes of gas at this time over and above those which can be transported by means of the existing pipeline crossing. The length of the U.S. portion is estimated to be 1,100 feet.

The application indicates that the estimated cost of the U.S. portion of the crossing is $366,000 which cost will be financed by Applicant from internally generated funds.

Applicant asserts that the subject proposal does not in any way change the importation or exportation previously authorized but is to augment the physical facilities to insure continued service to the Sault Ste. Marie market.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-17181 Filed 6-11-76;8:45 am]

[Docket No. CP76-376]

GREAT LAKES GAS TRANSMISSION CO.

Application

JUNE 8, 1976.

Take notice that on May 21, 1976, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP76-376 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order that increased volumes of natural gas may be delivered to Michigan Consolidated Gas Company (Michigan Consolidated) at Sault Ste. Marie, Michigan, and to TransCanada Pipelines Limited (TransCanada) at Sault Ste. Marie, Ontario, and that the security of the latter service may be improved, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that Applicant proposes to enlarge its facilities serving Sault Ste. Marie, Michigan, and Sault Ste. Marie, Ontario, in order to transport the volumes required by Michigan Consolidated and TransCanada to supply those markets and additionally proposes to install a second crossing of the St. Mary's River in order to protect the public served against an outage of the existing single river crossing upon which the market is now totally dependent for its natural gas supply. Applicant proposes to install a total of approximately 14.85 miles of 12-inch loop pipeline to parallel its lateral line presently serving Sault Ste. Marie. It is stated that this loop would be constructed from Valve No. 3 on the existing right-of-way and would run approximately 14.64 miles to the St. Mary's River where a second 12-inch crossing of the river will be made. It is said that the river crossing would be approximately 0.59 mile in length; 0.21 mile or 1,100 feet on the American side and 0.38 mile or 2,009 feet on the Canadian side.

Applicant estimates the total cost of the pipeline looping will be $2,546,900 which includes the cost of the U.S. portion of the second river crossing of approximately $366,000. The balance of the estimated $1,086,600 cost of the river crossing or $720,600 would be paid by TransCanada for construction on the Canadian side, it is stated. The application indicates that Applicant would finance its costs from funds generated internally, together with borrowings from banks under short-term lines of credit, if required, and that it is contemplated that any bank borrowing would be retired with funds generated internally.

It is asserted that TransCanada has requested Applicant to increase deliveries at Sault Ste. Marie, Ontario by 3,400 Mcf per day effective November 1, 1976, and that Michigan Consolidated has requested that its deliveries at Sault Ste. Marie, Michigan, be increased from 9,000 Mcf to 12,000 Mcf per day. Applicant states that a corresponding reduction in volumes would be made at other delivery points at which it is delivering gas to these companies and that no new volumes of natural gas beyond those previously authorized to be imported and exported and no new sales are involved in the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17192 Filed 6-11-76;8:45 am]

[Docket No. ER76-708]

INTERSTATE POWER CO.

Filing of Letter Agreement

JUNE 8, 1976.

Take notice that on April 5, 1976, Interstate Power Company (Interstate) tendered for filing a copy of a letter agreement certifying the completion of interconnection facilities between Interstate and the Public Utilities Commission of Springfield, Minnesota and the initiation of service as of February 17, 1976. Interstate states that the Electric Service Agreement between Interstate and the Public Utilities Commission of Springfield, Minnesota, designated Interstate Power Company FPC No. 114, was accepted for filing to become effective on the date of completion of interconnection facilities pursuant to the Commission's letter of July 18, 1974, and Section 1.1 of the Agreement.

According to Interstate, a monthly facilities charge of $1,183.00 to begin with the March, 1976 billing month has been agreed upon by Interstate and the Public Utilities Commission of Springfied pursuant to Section 2.2 of the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17196 Filed 6-11-76;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Motion for Approval of Stipulation and Agreement

JUNE 8, 1976.

Take notice that on May 19, 1976 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) filed a proposed Stipulation and Agreement to settle all matters in controversy in the above captioned docket along with a motion for its approval.

Docket No. RP75-104 was initiated on May 29, 1975 when Lawrenceburg filed revised tariff sheets reflecting an increase in rates and a change in rate design from two service rates, one firm and one excess, to a single firm service rate. By Commission order issued June 27, 1975 the proposed rates were accepted for filing and suspended for one day to become effective July 1, 1975, subject to refund. The revised service agreements were rejected since no certificate approval authorizing such revised service had been obtained, and the curtailment plan based on those tariff sheets was similarly rejected.

On July 14, 1975 Lawrenceburg filed revised tariff sheets reflecting the two service rates, which filing was accepted by letter order dated August 11, 1975. On June 23, 1975 Lawrenceburg filed in Docket No. CP75-370 for a certificate of public convenience and necessity for the change to a single firm rate. The requested certificate was granted by order issued October 31, 1975. On November 17, 1975 Lawrenceburg filed revised tariff sheets in the instant Docket No. RP75-104 reflecting a change to a single firm rate, which filing was accepted by order issued December 17, 1975 and suspended for one day until November 1, 1975, when it went into effect subject to refund.

[Docket No. RP76-101]

NORTHERN NATURAL GAS CO.

Proposed Changes in Rates and Charges

JUNE 8, 1976.

Take notice that Northern Natural Gas Company (Northern) on May 28, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to be effective July 1, 1976. Northern states that the proposed changes would increase revenues from jurisdictional sales and service by approximately $19,000,000 based on the twelve months ended December 31, 1975, as adjusted.

Northern states that the proposed changes are necessary to reflect increased costs of service, including increased costs of purchased gas, and to provide a reasonable return on its investment. Northern requests that the Commission waive its Regulations to the extent necessary to permit the proposed changes to become effective July 1, 1976.

Northern states that copies of the filing were mailed to all of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17197 Filed 6-11-76;8:45 am]

[Docket No. RP76-102]

NORTHERN NATURAL GAS CO.

Proposed Changes in Rates and Charges

JUNE 8, 1976.

Take notice that Northern Natural Gas Company (Northern) on May 28, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to be effective July 1, 1976. Northern states that the proposed changes would increase revenues from jurisdictional sales and service by approximately $19,000,000 based on the twelve months ended December 31, 1975, as adjusted.

Northern states that the proposed changes are necessary to reflect increased costs of service, including increased costs of purchased gas, and to provide a reasonable return on its investment. Northern requests that the Commission waive its Regulations to the extent necessary to permit the proposed changes to become effective July 1, 1976.

Northern states that copies of the filing were mailed to all of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17198 Filed 6-11-76;8:45 am]

[Docket No. RP76-103]

NORTHERN NATURAL GAS CO.

Proposed Changes in Rates and Charges

JUNE 8, 1976.

Take notice that Northern Natural Gas Company (Northern) on May 28, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to be effective July 1, 1976. Northern states that the proposed changes would increase revenues from jurisdictional sales and service by approximately $19,000,000 based on the twelve months ended December 31, 1975, as adjusted.

Northern states that the proposed changes are necessary to reflect increased costs of service, including increased costs of purchased gas, and to provide a reasonable return on its investment. Northern requests that the Commission waive its Regulations to the extent necessary to permit the proposed changes to become effective July 1, 1976.

Northern states that copies of the filing were mailed to all of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17199 Filed 6-11-76;8:45 am]

[Docket No. CP76-369]

NORTHWEST PIPELINE CORP.

Application

JUNE 8, 1976.

Take notice that on May 20, 1976, Northwest Pipeline Corporation (Applicant), 1100 Southwest Sixth Avenue, Portland, Oregon 97204, filed in Docket No. CP76-369 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to enable Applicant to transport and exchange natural gas with Pacific Gas and Electric Company (PG&E), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 16-inch tap and valve at the point of interconnection between Applicant's existing 26-inch transmission line and PG&E's existing 30-inch transmission line in Section 19, Township 39 North, Range 1 East, Skagit County, Washington. Applicant states that the facilities would enable it to receive up to 100,000 Mcf of natural gas per day from PG&E for transportation to Applicant's customers in Oregon and Washington. Applicant further states that it would redeliver to PG&E at the point of interconnection up to 100,000 Mcf of natural gas per day for transportation to PG&E's customers in California.

Applicant estimates the cost of the facilities to be $1,000,000 which would be financed from funds on hand or from short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17195 Filed 6-11-76;8:45 am]

[Docket No. CP76-368]

PACIFIC GAS TRANSMISSION CO.

Application

JUNE 8, 1976.

Take notice that on May 20, 1976, Pacific Gas Transmission Company (Applicant), 245 Market Street, San Francisco, California 94106, filed in Docket No. CP76-368 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to enable Applicant to transport and exchange natural gas with Pacific Gas and Electric Company (PG&E), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 16-inch tap and valve at the point of interconnection between Applicant's existing 26-inch transmission line and PG&E's existing 30-inch transmission line in Section 19, Township 39 North, Range 1 East, Skagit County, Washington. Applicant states that the facilities would enable it to receive up to 100,000 Mcf of natural gas per day from PG&E for transportation to Applicant's customers in Oregon and Washington. Applicant further states that it would redeliver to PG&E at the point of interconnection up to 100,000 Mcf of natural gas per day for transportation to PG&E's customers in California.

Applicant estimates the cost of the facilities to be $1,000,000 which would be financed from funds on hand or from short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17194 Filed 6-11-76;8:45 am]

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Direct testimony has been filed by Lawrenceburg and the Commission Staff. No rebuttal testimony has been filed because the parties have been involved in settlement negotiations. There are no intervenors in the proceeding.

The settlement negotiations have resulted in the execution of the Stipulation and Agreement offered for the Commission's approval. Under the terms of the agreement, there will be a "locked-in period" extending from July 1, 1975 through October 31, 1975 reflecting the period in which the two rate schedules were applied. No refunds will be made for this period since Lawrenceburg failed to realize its rate of return, even after adjusting actual costs to stipulated settlement costs, because of the effect of required continued use of the two-part rate and the deepening curtailment on the system which resulted in unanticipatedly advantageous rates to Lawrenceburg Gas Company, one of its two jurisdictional customers.

Refunds applicable to revenues collected during the continuing period, on and after November 1, 1975, will be based on the difference between the filed rates and the settlement rates plus interest at 9% per annum.

The allocation of all costs of service except the cost of purchased gas will be on an "unmodified Seaboard" basis for the "locked-in period" and up to the date that the Commission order approving the Stipulation and Agreement becomes final and non-appealable. After that date, such costs will be allocated by the United method approved by the Commission in Opinion No. 671 dated October 31, 1973 in Docket No. RP72-75.

The bases and calculations in support of the rate changes underlying the Settlement Agreement were submitted by Lawrenceburg in Appendices A-D.

Lawrenceburg states that copies of the filing were served upon all parties on the official service list.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 22, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17188 Filed 6-11-76;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Extension of Time

JUNE 7, 1976.

On June 2, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1975, as most recently modified by notice issued May 7, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, June 29, 1976.
Service of Company Rebuttal, July 13, 1976.
Hearing, July 27, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17185 Filed 6-11-76;8:45 am]

[Docket No. RP76-106]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed Changes in Rates and Charges

JUNE 8, 1976.

Take notice that on May 28, 1976, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes to the following tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2:

THIRD REVISED VOLUME NO. 1

Thirtieth Revised Sheet No. 5
Fifth Revised Sheet No. 5A
First Revised Sheet No. 8
Third Revised Sheet No. 9
First Revised Sheet No. 10
First Revised Sheet No. 11
Sixth Revised Sheet No. 119
Fifth Revised Sheet No. 120-A

SECOND REVISED VOLUME NO. 2

Ninth Revised Sheet No. 220
Third Revised Sheet No. 270
First Revised Sheet No. 407
First Revised Sheet No. 433

The proposed tariff sheet changes would produce increased jurisdictional revenues of $35.9 million based on sales and transportation volumes for the test year, twelve months ended February 29, 1976, as adjusted.

Natural states that the jurisdictional rates as filed were designed to enable Natural to recover its increased jurisdictional cost of service for the test period which is based on the twelve months ended February 29, 1976, adjusted to include the annualized effect of changes which are known and measurable with reasonable accuracy and which will become effective by November 30, 1976. Natural states that the principal increased costs result from a proposed increase in overall rate of return to 10.57%, which would permit a rate of return to equity of 15.50%, a change in depreciation rate to 5.75%, additional return requirements for production advances committed for expenditure prior to November 30, 1976, which advances were contracted prior to Commission Order Terminating Advance Payment Program issued December 31, 1975, additional plant facilities and increased offshore transportation costs.

Copies of this filing have been served on the customers of Natural and interested public bodies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17190 Filed 6-11-76;8:45 am]

[Docket No. CP76-385]

NORTHERN NATURAL GAS CO.

Application

JUNE 8, 1976.

Take notice that on May 27, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-385 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant, operating as and through its Peoples Natural Gas Division (Peoples), to construct and operate facilities to increase the compression horsepower at its Dalhart compressor station in Dallam County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the gas supply for its Bivins, Texas-to-Clayton, New Mexico, pipeline is purchased by Applicant from Colorado Interstate Gas Company (CIG) and that Peoples provides natural gas service to approximately 2,167 customers from the Bivins-Clayton pipeline system which are, for the most part, rural customers who require natural gas as fuel for their irrigation pump engines during the irrigation season. Applicant notes that on January 20, 1976, the Commission issued a temporary certificate to CIG in Docket No. CP75-347 authorizing the sale of an additional 7,000 Mcf per day in contract demand gas volumes to Peoples at Bivins, resulting in a total contract demand of 42,000 Mcf of gas per day, and states that to transport and deliver effectively the increased volumes along the Bivins-Clayton pipeline, especially during peak periods, which occur during the irrigation season, requires an increase in available horsepower at the Dalhart compressor station.

The application states that the most economical means of providing the increased horsepower at the Dalhart compressor station is to turbocharge the existing 600 hp. compressor unit, which would result in an increase of approximately 200 hp. The estimated cost of the proposed construction is $28,563, which would be financed with cash on hand.

Any person desiring to be heard or to make any protest with reference to said

application should on or before July 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB.
Secretary.

[FR Doc.76-17193 Filed 6-11-76;8:45 am]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Order Granting Late Intervention

JUNE 8, 1976.

On August 25, 1975, as completed on October 29, 1975, Sierra Pacific Power Company (Sierra) tendered for filing a revised tariff sheet reflecting a proposed rate increase. Notice of Sierra's filing was issued on November 5, 1975, with protests or petitions to intervene due on or before November 17, 1975. An untimely petition to intervene was filed by the Secretary of the Navy on May 6, 1976. Having reviewed the above petition to intervene, we believe that the Secretary of the Navy has sufficient interest in these proceedings to warrant intervention and that good cause exists for permitting the late filing.

The Commission finds: The participation of the Secretary of the Navy in these proceedings may be in the public interest, and good cause exists for permitting the late filing.

The Commission orders: (A) The Secretary of the Navy is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedule heretofore established for the orderly and expeditious determination of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB.
Secretary.

[FR Doc.76-17194 Filed 6-11-76;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

JUNE 8, 1976.

Take notice that on May 28, 1976, South Georgia Natural Gas Company (South Georgia) tendered for filing Alternate Twentieth Revised Sheet No. 3A to Original Volume No. 1 of its FPC Gas Tariff.

South Georgia states that the above sheet represents a rate change under its PGA Clause for the purpose of tracking a rate increase filing made by Southern Natural Gas Company on May 28, 1976. The instant filing will increase South Georgia's jurisdictional rates by $826,632. An effective date of July 1, 1976 is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17191 Filed 6-11-76;8:45 am]

[Docket No. ER76-710]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

New Delivery Point

JUNE 8, 1976.

Take notice that on May 27, 1976 Public Service Company of Indiana, Inc. (PSI) tendered for filing an agreement dated May 1, 1976 between Jackson County Rural Electric Membership Corporation and PSI. This agreement is the second supplement to a contract between the same parties which is designated as PSI's Electric Tariff Original Volume No. 2.

The supplement provides for its amending of Exhibit A to the contract by the addition of reference to a new delivery point designated as the Heltonville delivery point. PSI states it will notify the Commission of the date on which service commences from this point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB.
Secretary.

[FR Doc.76-17195 Filed 6-11-76;8:45 am]

[Docket Nos. RP73-114; RP74-24; and RP74-73; PGA76-3; DCA76-2; R&D76-2]

TENNESSEE GAS PIPELINE CO.

Proposed Rate Change Under Tariff Rate Adjustment Provisions

JUNE 7, 1976.

Take notice that on May 14, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1976, consisting of the following revised tariff sheets:

Twelfth Revised Sheet Nos. 12A and 12B and Alternate Twelfth Revised Sheet Nos. 12A and 12B

Tennessee states that the purpose of Twelfth Revised Sheet Nos. 12A and 12B is to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, and XXV of the General Terms and Conditions of its FPC Gar Tariff, consisting of a PGA rate adjustment, including producer rate increase which will become effective July 1, 1976, pursuant to Opinion Nos. 749 and 749-A, a rate adjustment to reflect curtailment demand charge credits and an R&D rate adjustment.

Tennessee also states that Twelfth Revised Sheet Nos. 12A and 12B reflect rates which are based in part on small producer purchases at rates above the levels established by Opinion No. 742. In recognition of the Commission's past practice by suspending such rates, Tennessee states that it is also filing Alternate Twelfth Revised Sheet Nos. 12A and 12B which reflect rates exclusive of increases due to small producer purchases above the levels set by Opinion

No. 742. Alternate Twelfth Revised Sheet

Development Corporation (EDC) from

Raleigh, N.C. 27601, attorney for appli-

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No. 742. Alternate Twelfth Revised Sheet Nos. 12A and 12B are to be effective on July 1, 1976, in the event the Commission suspends Twelfth Revised Sheet Nos. 12A and 12B.

Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-17184 Filed 6-11-76;8:45 am]

[Docket No. CP74-150]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition to Amend

JUNE 7, 1976.

Take notice that on May 24, 1976, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-150 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner seeks authorization to continue the transportation of natural gas in interstate commerce for Public Service Electric and Gas Company (Public Service) under an amended transportation agreement, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By order issued in the instant docket on June 13, 1974 (51 FPC 1902), Petitioner is authorized to transport on an interruptible basis for Public Service, an existing customer of Petitioner under Rate Schedule CD-3, such quantity of natural gas that Public Service makes available for transportation, not to exceed the volume curtailed by Petitioner from Public Service's Rate Schedule CD-3 contract demand, pursuant to a transportation agreement on file with the Commission as Petitioner's Rate Schedule X-71. The transportation service takes place between a point on Petitioner's offshore Texas lateral pipeline, where gas is delivered to Petitioner by Public Service's subsidiary, Energy Development Corporation (EDC), from the Colorado Delta Field, Brazos Area, offshore Matagorda County, Texas, and Petitioner's existing points of delivery to Public Service in New Jersey. Petitioner charges Public Service 22 cents per Mcf at 14.7 psia for each Mcf of gas transported and purchases a quantity of gas from EDC equal to 10 percent of the scheduled daily delivery to Public Service for Petitioner's own use as make-up for compressor fuel and line loss.

Petitioner states that it has amended the transportation agreement with Public Service and proposes to continue the transportation service under the amended agreement which is said to (1) lower the quantities of gas sold to Petitioner for compressor fuel and line loss make-up from 10 percent to 4.4 percent, (2) make provision for transition to a heat value unit of measurement, and (3) provide for change in the transportation rate upon appropriate filing with the Commission. These changes are said to conform to the terms of more recent long-haul transportation agreements entered into by Petitioner and approved by the Commission, of which Petitioner cites as examples its Rate Schedules X-81 through X-86. With respect to the gas for line loss and compressor fuel make-up, Petitioner states that its system-wide company use factor, based upon present pipeline throughput, is approximately 4 percent; and for ease of administration in transporting gas for others, Petitioner reserves compressor fuel and line loss volumes on a rate zone basis, with deliveries in Zone 3 as in the instant case requiring a 4.4 percent reservation. Petitioner reserves the right to change the percentage of reserved gas based upon a determination by Petitioner that a change is warranted by operating conditions.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-17180 Filed 6-11-76;8:45 am]

[Docket No. RP75-74; PGA 76-3]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

JUNE 8, 1976.

Take notice that Transwestern Pipeline Company (Transwestern) on May 28, 1976, tendered for filing as part of its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Third Revised Sheet No. 5
Third Revised Sheet No. 6
Alternate Third Revised Sheet No. 5
Alternate Third Revised Sheet No. 6

These sheets are issued pursuant to the Commission's Opinion Nos. 749 and 749-A to track Transwestern's increased cost of purchased gas at July 1, 1975 due to producer increases allowed as a result of such Commission Opinions 749 and 749-A, inclusive of a Special Surcharge Adjustment based on the estimated deferral of such producer increases up to the proposed effective dates.

Transwestern has proposed an effective date of August 1, 1976 for Third Revised Sheet Nos. 5 and 6, in order to assist its customer, Pacific Lighting Service Company, in meeting state regulatory requirements. As an alternative, Transwestern has proposed an effective date of July 1, 1976 for Alternate Third Revised Sheet Nos. 5 and 6.

Copies of the filing were served upon the company's jurisdictional customers and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-17189 Filed 6-11-76;8:45 am]

[Docket Nos. G-16380, G-16382, RP61-18, RP63-1, and RP65-1]

UNITED GAS PIPE LINE CO.

Filing of Refund Plan

JUNE 8, 1976.

Take notice that on May 14, 1976, Southern Natural Gas Company (Southern) filed with the Commission a plan for the flow through of refunds disbursed by United Gas Pipe Line Company in the captioned dockets. Southern states that its plan is designed to comport with the provisions of settlement agreements in Docket Nos. G-13258, G-18512, G-20509, RP60-15, and RP64-31. Southern further states that it has not recovered a revenue deficiency shown in a prior order and that it is, accordingly, retaining $44,121.60 as an offset to its claimed revenue deficiency.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17197 Filed 6-11-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 68]

ASSIGNMENT OF HEARINGS

JUNE 8, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 116200 (Sub-No. 2), United Parcel Service, Inc., now being assigned for continued hearing on June 15, 1976, at the New York Hilton Hotel, 1335 Avenue of the Americas, New York, N.Y.
MC 87113 Sub-No. 14, Wheaton Van Lines, application dismissed.
MC 14786 (Sub-No. 16), Greyhound Van Lines, Inc., application dismissed.
MC 41098 (Sub-No. 39), Global Van Lines, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17249 Filed 6-11-76;8:45 am]

[Notice No. 67]

ASSIGNMENT OF HEARINGS

JUNE 9, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION [1]

MC 135874 (Sub-51), LTL Perishables, Inc. now being assigned July 28, 1976 (3 days), at Omaha, Nebraska, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.17250 Filed 6-11-76;8:45 am]

[Notice No. 270]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 11, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 1, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76217. By the order of June 7, 1976 the Motor Carrier Board approved the transfer to Reese Associates, Inc., Greensburg, Pa., of a portion of the operating rights in Certificate No. MC 21996 issued August 24, 1964, to Reliable Transfer, Inc., Uniontown, Pa., authorizing the transportation of various commodities from Uniontown, Connellsville, and Greensburg, Pa., to specified areas in Pennsylvania and West Virginia. William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-76464. By order of June 7, 1976, the Motor Carrier Board approved the transfer to Barnett Truck Line, Inc., Kinston, North Carolina, of Certificate No. MC 116336, No. MC 116336 (Sub-No. 2), No. MC 116336 (Sub-No. 3), and No. MC 116336 (Sub-No. 5), issued June 28, 1960, September 10, 1963, March 16, 1964, and March 1, 1967, respectively, authorizing the transportation of fertilizer, animal and poultry feed, fertilizer materials, animal and poultry drugs, tonics, medicines, insecticides, and disinfectants and cleaning compounds, from Norfolk and Portsmouth, Va., to specified points in North Carolina. Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc 76 17079 Filed 6-11-76;8:45 am]

[Notice No. 71]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 11, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 47583 (Sub-No. 28TA), filed May 28, 1976. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Ave., Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vermiculite*, from the plantsite and storage facilities of Diversified Insulation at or near Wellsville, Kans. to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Tennessee, Texas and Wyoming; and (2) *materials, equipment and supplies* used in the manufacturing and distribution of cellulose and vermiculite products, from points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South

[1] This notice corrects the docket number.

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Dakota, Tennessee, Texas, and Wyoming to the plantsite and storage facilities of Diversified Insulation at or near Wellsville, Kans., for 180 days. Supporting shipper: Diversified Insulation, Wellsville, Kans. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 108119 (Sub-No. 49TA), filed May 27, 1976. Applicant: E. L. MURPHY TRUCKING COMPANY, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and accessories necessary for the installation thereof*, from the facilities of Certain-teed Products Corp. located at McPherson, Kans., to points in North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certain-Teed Products, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 108341 (Sub-No. 48TA), filed May 24, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, 3027 N. Tryon St., Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Plasterco, Va., to Little Rock, Ark., for 180 days. Supporting shipper: United States Gypsum Company, 53 Perimeter Center East, Atlanta, Ga. 30346. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd., Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 109772 (Sub-No. 27TA), filed May 27, 1976. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Ave., Los Angeles, Calif. 90022. Applicant's representative: Arthur J. Woodard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used motor vehicles* (except those which have been repossessed, embezzled, stolen or wrecked, and except trailers), in secondary movements, in truckaway service between points in California on the one hand, and, on the other El Paso, Tex., 180 days. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 111170 (Sub-No. 230TA), filed May 26, 1976. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 West Ave., El Dorado, Ark., 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill liquids*, in bulk, in tank vehicles, between Bastrop, La., on the one hand, and, on the other, Camden and Pine Bluff, Ark. and Natchez, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Paper Company, P.O. Box 2328, Mobile, Ala. 36601. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111274 (Sub-No. 14TA), filed May 25, 1976. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Formac shake panels*, between the plantsite of Wilson Enterprises, Elk Grove Village, Ill., and Etna Green, Ind., under a continuing contract, or contracts, with Wilson Enterprises, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Wilson Enterprises, 1950 Prat Blvd., Elk Grove Village, Ill. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Rm. 1386, Chicago, Ill. 60604.

No. MC 112750 (Sub-No. 327TA), filed May 28, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities), between Baltimore, Md., and Richmond, Va., on the one hand, and, on the other, points in West Virginia, under a continuing contract, or contracts with Federal Reserve Bank of Richmond, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Federal Reserve Bank of Richmond, 8th and Franklin Streets, Richmond, Va. 23261. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113908 (Sub-No. 377TA), filed May 26, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate*, in bulk, from North East, Pa. and its commercial zone to Memphis, Tenn. and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Keystone Foods, Inc., North East, Pa. 14787. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, BOp, 600 Federal Building, 911 Walnut, Kansas City, Mo. 64106.

No. MC 117036 (Sub-No. 21TA), filed May 26, 1976. Applicant: H. M. KELLY, INC., R.D. #1, P.O. Box 87, New Oxford, Pa. 17350. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt paving blocks and slabs, precast concrete pavers and materials and supplies* used in the installations thereof, on vehicles equipped with mechanical boom unloaders, from Leesport (Berks County) and Mt. Pleasant Township (Adams County), Pa. to points in Massachusetts, New York, Michigan, Ohio, Maryland and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hastings Pavement Co., 410 Lakeville Road, Lake Success, Long Island, N.Y. 11040. Send protests to: Robert P. Amerine, Dist. Supv., Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 117322 (Sub-No. 12TA), filed May 25, 1976. Applicant: LESTER NOVOTNY, doing business as CHATFIELD TRUCKING, R.R. 2, P.O. Box 55, Chatfield, Minn. 55923. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from Pewaukee, Wis. to Los Angeles and San Francisco, Calif. and Seattle, Wash. Supporting shipper: Quad Graphics, Inc., DuPlainville Road, Pewaukee, Wis. 53072. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118202 (Sub-No. 55TA), filed May 27, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from Pewaukee, Wis. to Los Angeles and San Francisco, Calif. and Seattle, Wash. Supporting shipper: Quad Graphics, Inc., DuPlainville Road, Pewaukee, Wis. 53072. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118535 (Sub-No. 85TA), filed May 26, 1976. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N. W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular, routes, transporting: *Recycled waste material*, in bulk, in pneumatic tank, from the plantsite and storage facilities of Grumman Ecosystems Corporation located in St. Louis, Mo. to Appleton, Green May, Menasha, Oshkosh, Waupum, and Winnebago, Wis., for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Grumman Ecosystems Corporation, 1111 Stewart Avenue, Bethpage, N.Y. 11714. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission-Bop, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119968 (Sub-No. 10TA), filed May 28, 1976. Applicant: A. J. WEIGAND, INC., Corner of County Road 102 and Twp. Road 419, Bolivar, Ohio 44612. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquids*, in bulk, from Baltimore, Md. to the plantsite of Schenley Distillers, Inc., at Schenley, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schenley Distillers, Inc., 36 East Fourth Street, Cincinnati, Ohio 45202. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 124896 (Sub-No. 13TA), filed May 25, 1976. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485 (Thorne and Ralston Sts.), Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation, when moving in mixed shipments with bananas, from Charleston, S.C. to Chicago, Milan, and Peoria, Ill.; Ft. Wayne, Indianapolis, Lafayette and Terre Haute, Ind.; Bellefontaine, Cincinnati, Akron, Canton, Cleveland, Columbus, Springfield, and Toledo, Ohio; Detroit, Grand Rapids, Decatur, and Saginaw, Mich.; McKeesport, Philadelphia, and Pittsburgh, Pa.; New York and Lynbrook, N.Y.; Dry Ridge and Louisville, Ky.; Charleston, W. Va.; and Nashville, Tenn. and the commercial zones of the respectively named destination cities. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Del Monte Banana Co., 1201 Brickell Ave., Miami, Fla. 33101 and Chiquita Brands, Inc., Prudential Center, Boston, Mass. Send protests to: Archie W. Andrews, Dist. Supvr., Bureau of Operation, ICC, P.O. Box 26896, Raleigh, N.C. 27611.

MC 124502 (Sub-No. 1TA), filed May 28, 1976. Applicant: ALLEGANY COUNTY TRANSIT AUTHORITY, 1000 Lafayette Ave., Cumberland, Md. 21502. Applicant's representative: Jeremy Kahn, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, mail and newspaper* in the same vehicle with passengers, between Cumberland, Md. and Frostburg, Md., serving all intermediate points: From Cumberland via U.S. Highway 48, to its intersection with Maryland Highway 53, thence over Maryland Highway 53 to its intersection with U.S. Highway 220 (also from Cumberland via U.S. Highway 220), thence over U.S. Highway 220 Keyser, W. Va., thence over U.S. Highway 220 to its intersection with Maryland Highway 135, at or near McCoole, Md., thence over Maryland Highway 135 to its intersection with Maryland Highway 36, thence over Maryland Highway 36 to Frostburg, and return over same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 10 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, I.C.C., 416 Old Post Bldg., Wheeling, W. Va. 26003.

No. MC 126276 (Sub-No. 150TA, filed May 27, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container closures*, from the plant and warehouse sites of American Can Company, located at Batavia and West Chicago, Ill. to Brundidge, Ala., under a continuing contract with American Can Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, 915 Harger Road, Oak Brook, Ill. 60521. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 136008 (Sub-No. 74TA), filed May 25, 1976. Applicant: JOE BROWN COMPANY, INC., 2 Third St. N.E., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 N. May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker* (in bulk in dump vehicles), from the plant of Martin Marietta Cement Company at Tulsa, Okla. to the plant of Universal Atlas Cement Division of U.S. Steel Corporation at Independence, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Steel Corporation, 600 Grant Street, Pittsburgh, Pa. 15230. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 136247 (Sub-No. 11TA), filed May 28, 1976. Applicant: WRIGHT TRUCKING, INC., 409 17th Street, S.W., P.O. Box 346, Jamestown, N. Dak. 58401. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass beverage containers*, from Rosemount, Minn. to Jamestown, N. Dak., restricted to traffic originating at the plantsite and storage facilities of Brockway Glass Company, Inc., and destined to the plantsite and facilities of Coca-Cola Bottling Co., located at Jamestown, N. Dak., under a continuing contract with Coca-Cola Bottling Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coca-Cola Bottling Co., 1016 10th Street S.E., Jamestown, N. Dak. 58401. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136318 (Sub-No. 40TA), filed May 28, 1976. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Hickory, N.C. to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to (1) traffic originating at the facilities utilized by Thomasville Furniture Industries, Inc. and: (2) to traffic moving under a continuing contract or contracts with Thomasville Furniture Industries, Inc. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, N.C. 27360. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Room CC516, Mart Office Building, Charlotte, N.C. 28205.

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No. MC 136605 (Sub-No. 15TA), filed May 26, 1976. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle-board*, from the U.S.-Canada International Boundary line located at or near Sweetgrass, Mont. to points in Nevada, California, and Arizona, on traffic originating at Slave Lake and Mitsue, Alberta, Canada. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: V. W. B. Hamilton, Transportation Coordinator, Weldwood of Canada Limited, 1055 West Hastings Street, Vancouver, B.C., Canada V6E 2E9. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 139922 (Sub-No. 3TA), filed May 26, 1976. Applicant: C. A. BOYD, doing business as C. A. BOYD TRUCKING, Route 7, Box 166, Sylvania, Ga. 30467. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides or skins*, green, salted, from Richmond County, Ga. to points in New Hampshire and Vermont, 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shapiro Packing Co., Inc., P.O. Box 119, Augusta, Ga. 30903. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 139926 (Sub-No. 5TA), filed May 25, 1976. Applicant: MILLER TRUCKING COMPANY, INC., 105 S. 8th Street, P.O. Drawer D, Stroud, Okla. 74079. Applicant's representative: C. L. Phillips, 1411 N. Classen, Room 248 Classen Terrace Bldg., Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: (1) *Road paving asphalt* in bulk, from Tulsa, Cyril, Okmulgee and Ponca City, Okla., to points in Missouri; and (2) *road paving asphalt*, from Arkansas City, Kans., to points in Missouri, (1) and (2) are under a continuing contract with Southern Missouri Oil Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Missouri Oil Company, Inc., 529 Main, Cabool, Mo. 65689. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 140146 (Sub-No. 3TA), filed May 27, 1976. Applicant: JEFFREY P. JENKS, doing business as JENKS CARTAGE COMPANY, 9644 Old Johnnycake Ridge Rd., Mento, Ohio 44060. Applicant's representative: Talikka, Ulrich, and Laird, One New Market Place, Penthouse Level, Painesville, Ohio 44077. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid membrane forming concrete curing compound and air entraining admixture* in drums and products used in manufacturing same, between the Murphy-Phoenix Co. plant site at Madison, Ohio and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Missouri, Mississippi, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with The Murphy-Phoenix Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Murphy-Phoenix Company, 9505 Cassius Avenue, Cleveland, Ohio 44105. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 141343 (Sub-No. 1TA), filed May 26, 1976. Applicant: WILLIAM H. COOKE, doing business as WILLIAM COOKE TRUCKING, 5512 Thomas Avenue South, Minneapolis, Minn. 55410. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, (a) from the plantsite of Schweigert Meat Company, located in Minneapolis, Minn., to points in Buffalo, Rochester, and Syracuse, N.Y.; Chicago, Ill.; Cincinnati, Ohio and Alachua, Fla; and (b) from Denison, Iowa and Crete, Nebr. to Alachua, Fla. Restriction: Service from Crete and Denison is restricted to the transportation in mixed loads with traffic originating in Minneapolis, Minn., under a continuing contract with Schweigert Meat Company, for 180 days. Supporting shipper: Schweigert Meat Company, 2605 Emerson Avenue North, Minneapolis, Minn. 55411 Send protests to: A N Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141362 (Sub-No. 4TA), filed May 26, 1976. Applicant: GEORGE A. SPARKS, doing business as ESCONDIDO TRUCK & EQUIPMENT, 630 Daisy, Escondido, Calif. 92027 Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed supplement, dry*, in bulk, from points in San Diego County, Calif., to points in Pinal and Pima Counties, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Protein Resources, Inc., 380 So. Twin Oaks Valley Road, San Marcos, Calif. 92069. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141739 (Sub-No. 3TA), filed May 25, 1976. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 1523 18th NE, Puyallup, Wash. 98371. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose Fiber products, insulating materials, fibred (fibromulch) ground cover and borates*, from the facilities of Fibron Corp., located in Portland, Oreg., to points in Arizona, Colorado, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and points of entry on the U.S.-Canadian boundary in Washington, Idaho and Montana to points in B.C., Alberta, Sask. and Manitoba; and (2) *Borates*, from points in California to Portland, Oreg., under a continuing contract with Fibron Corp., for 180 days. Supporting Shipper: Fibron Corp., 6507 N. Richmond St., P.O. Box 03061, Portland, Oreg. 97203. Send protests to: L. D. Boone, T/S, Interstate Commerce Commission, Room 858, 915 2nd Ave., Seattle, Wash. 98714.

No. MC 141990 (Sub-No. 1TA), filed May 27, 1976. Applicant: G & L TRUCKING AND LEASING CO., Gibson Road, SE, Camden, Ark. 71701. Applicant's representative: Julian D. Streett, 139 Jackson Street, Camden, Ark. 71701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, clay, dirt, gravel, wash gravel and sand* in bulk, from points in Calhoun and Columbia Counties, Ark., to East Carroll, West Carroll, Morehouse, Union, Clairborne, Webster, Bossier, Caddo, De Soto, Red River, Bienville, Lincoln, Ouachita, Richland, and Madison Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Triangle Gravel Co., Inc., P.O. Box 4430, Monroe, La. 71201. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 142000 (Sub-No. 1TA), filed May 27, 1976. Applicant: LOWELL SAMPSON, INC., 400 E. Lundy Lane, Leland, Ill. 60531. Applicant's representative: Albert A. Andrin, 180 N. La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and bone meal, meat meal, blood meal and meat and bone meal tankage*, from Rochelle, Ill. to points in Iowa, Indiana, Wisconsin and Battle Creek, Grand Rapids and Holland, Mich.; and (2) *dry rendered tankage, dry blood, meat and bone meat and meat meal*, from points listed in (1) above to Rochelle, Ill., for 180 days. Supporting shipper: Swift Fresh Meats Company, a division of Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 142047 (Sub-No. 1TA), filed May 28, 1976. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rags and wiping cloths*, from the plantsites and shipping facilities of Mt. Vernon Wiping Cloth, Inc., located in the Bronx, New York, N.Y., to points in New Jersey, Ohio, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and California, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mt. Vernon Wiping Cloth, Inc., 415 Soundview Ave., Bronx, N.Y. 10473. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142055 (Sub-No. 1TA), filed May 27, 1976. Applicant: THOMAS H. PRESLEY, doing business as PRESLEY'S TRUCKING SERVICE, P.O. Box 46, Shuqualak, Miss. 39361. Applicant's representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and structural tile*, between the plant and facilities of Delta-Shuqualak Brick & Tile Company, Inc. located at or near Shuqualak, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee, under a continuing contract, or contracts, with Delta Brick & Tile Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Delta Brick & Tile Company, Inc., P.O. Box 539, Indianola, Miss. 38751. Send protests to: District Supervisor Alan C. Tarrant, Interstate Commerce Commission, Bureau of Operations, Rm. 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 142100TA, filed May 26, 1976. Applicant: KENNETH R. HAUK, doing business as KEN'S EXPRESS, 1590 Keeven Lane, Florissant, Mo. 63031. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, watches and other valuable jewelry, portable electronic calculators, and citizen band radios*, between points in St. Louis County, Mo., and Fairview Heights, Alton, and Belleville, Ill., under a continuing contract, or contracts, with Venture Stores, a division of the May Department Stores Co., and the E. I. Du Pont de Nemours & Co., for 180 days. Applicant has also filed and underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Venture Stores, a division of May Department Stores Co., 615 Northwest Plaza, St. Ann, Mo. 63074 and E. I. du Pont de Nemours & Co., 11708 Northline Industrial Blvd., Maryland Heights, Mo. 63043. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 142102TA, filed May 27, 1976. Applicant: JOHN ROSS, doing business as JOHN ROSS TRUCKING, 1050 NW. 125th St., Miami, Fla. 33168. Applicant's representative: John P. Bond, 2766 Douglas Rd., Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crated and uncrated new furniture*, from points at or near Miami, Fla., to points in Georgia, North Carolina, South Carolina, and Virginia; and (2) *crated and uncrated furniture components and furniture raw materials*, from Guntown, Miss., New Albany, Miss., and Memphis, Tenn., and points in North Carolina and South Carolina, to points at or near Miami, Fla., under a continuing contract, or contracts with Melville, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Melville, Inc., 3754 NW. 54th St., Miami, Fla. 33142. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 142103TA, filed May 28, 1976. Applicant: OCEANAIR TRUCKING & WAREHOUSING, INC., Building 2140, Door 513, Miami International Airport Drive, Miami, Fla. 33148. Applicant's representative: John P. Bond, 2766 Douglas Rd., Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, class A and B explosives, household goods, livestock, commodities requiring special handling and special equipment, and commodities requiring refrigeration), between points in Dade County, Fla., all shipments having prior or subsequent movement by water, under a continuing contract, or contracts, with All-Americas Forwarding Co., for 180 days. Supporting shipper: All-Americas Forwarding Co., Bldg. 2140, Miami International Airport Drive, Miami, Fla. 33148. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 142104TA filed May 25, 1976. Applicant: A. T. NICHOLS TRUCKING CO., INC., P.O. Box 94, Millers Creek, N.C. 28651. Applicant's representative: Charlotte S. Bennett, P.O. Box 889, Wilkesboro, N.C. 28697. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from North Wilkesboro, N.C., and its commercial zone, to points in Tennessee, Virginia, and West Virginia, under a continuing contract, or contracts with Ray Shepherd Lumber Company, Inc., for 180 days. Supporting shipper: Ray Shepherd Lumber Company, Inc., P.O. Box 1343, North Wilkesboro, N.C. 28659. Send protests to: District Supervisor, Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Rd., Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 142104 (Sub-No. 1TA), filed May 25, 1976. Applicant: A. T. NICHOLS TRUCKING CO., INC., P.O. Box 94, Millers Creek, N.C. 28651. Applicant's representative: Charlotte S. Bennett, P.O. Box 889, Wilkesboro, N.C. 28697. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise and commodities* as dealt in by Lowe's Companies, Inc., both retail and wholesale, and *such equipment, materials, and supplies* used in connection therewith, including, but not limited to, general commodities, forest products, building materials, between Lowe's Companies, Inc. stores located in Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract, or contracts, with Lowe's Companies, Inc. for 180 days. Supporting shipper: Lowe's Companies, Inc., P.O. Box 1111, North Wilkesboro, N.C. 28656. Send protests to: District Supervisor, Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 142108TA, filed May 25, 1976. Applicant: AVON CORRUGATED CORP., Campanelli Circle, Canton, Mass. 02021. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk crackers, consisting of flour, shortening, malt, and sale in bulk containers*, from the plantsite of Keebler Co., Macon, Ga., to the plantsite of Handy Pax, Canton, Mass., under a continuing contract or contracts with Handy Pax Inc., for 180 days. Supporting shipper: Handy Pax Inc., Companelli Circle, Canton, Mass. 02021. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 142109TA, filed May 25, 1976. Applicant: BRUCE MATTILA TRUCKING, 5601 E. Glenmore Rd., Minnetonka, Minn. 55343. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum waste and scrap*,

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from points in Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, North Dakota, South Dakota, and Wisconsin, to Rosemount, Minn.; and (2) *recycled aluminum*, from Rosemount, Minn., to points in Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, North Dakota, South Dakota, and Wisconsin, under a continuing contract, or contracts, with Spectro Alloys Corp., Rosemount, Minn., for 180 days. Supporting shipper: Spectro Alloys Corp., Rosemount, Minn. 55068. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142110TA, filed May 26, 1976. Applicant: CHARLES WOODROW LAURAMORE, Rt. 1, Box 188, Glen Saint Mary, Fla. 32040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Fargo, Ga., to Jacksonville, Fla., under a continuing contract or contracts with St. Regis Paper Company, for 180 days. Supporting shipper: St. Regis Paper Company, P.O. Box 18020, Jacksonville, Fla. 32229. Send protests to: District Supervisor, G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 116248 (Sub-No. 8TA), filed May 18, 1976. Applicant: TRI-STATE BUS LINES, INC., 301 North Fourth Street, P.O. Box 947, Paducah, Ky. 42001. Applicant's representative: Charles Carter Baker, Jr., 18th Floor, Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage; express and newspapers* when transported on the same vehicle with passengers, between Paducah, Ky., and Leitchfield, Ky., serving all intermediate points; from Paducah, Ky., over U.S. Highway 62, and/or the Western Kentucky Parkway and/or Interstate 24 to Leitchfield, Ky., and return over the same routes, between St. Charles, Ky., and Earlington, Ky., via U.S. 41 and/or U.S. Alternate 41 serving all intermediate points. This authority shall be tacked and joined at Paducah, Madisonville, Central City, Beaver Dam, and Leitchfield, Ky., with authority in Docket 116248. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Tennessee Lines, Inc., B. J. Green, District Manager, 711 Fifth Avenue South, Nashville, Tenn. 37203. Send protests to: Transportation Specialist, Kenneth R. Inman, Interstate Commerce Commission, Suite 2006, 100 North Main Street, Memphis, Tenn. 38103.

No. W 543 (Sub-No. 7TA), filed May 19, 1976. Applicant: SEATRAIN LINES, INC., Port Seatrain, Weehawken, N.J. 07087. Applicant's representative: Richard V. Parks (same address as applicant). Authority sought to operate as a *common carrier by water*, in the transportation of *general commodities*, in marine-type containers/trailers with or without wheels, by non-self-propelled vessels with the use of separate towing vessels, between Weehawken, N.J. (Port of New York), and Boston, Mass., including all intermediate ports via inland waterways, restricted to traffic having a prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support: Applicant has filed two verified statements by its own officers in support of the application. No shipper or public support statements have been tendered. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Room 618, Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17251 Filed 6-11-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 9, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 29, 1976.

FSA No. 43172—*Freight, All Kinds from Los Angeles, California.* Filed by Pacific Southcoast Freight Bureau, Agent, (No. 269), for and on behalf of Union Pacific Railroad. Rates on freight, all kinds, in carloads and tank-car loads, as described in the application, from Group 19 viz.: Los Angeles, California, on the UPRR, to Group 26 viz.: Portland, Oregon, on the UPRR.

Grounds for relief—Market competition.

Tariff—Supplement 54 to Pacific Southcoast Freight Bureau, Agent, tariff 1-T, I.C.C. No. 1966. Rates are published to become effective on July 6, 1976.

FSA No. 43173—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A., (No. WEE-17), for itself and interested rail carriers. Rates on general commodities, between ports in the Caribbean, and rail carriers terminal in Freeport, Texas.

Grounds for relief—Water competition.

Tariff—Seatrain International, S.A., tariff GC-1, I.C.C. No. 21, F.M.C. No. 81. Rates are published to become effective on July 8, 1976.

FSA No. 43174—*Volcanic Scoria or Slag to Peoria, Illinois.* Filed by Southwestern Freight Bureau, Agent (No. B-601), for interested rail carriers. Rates on volcanic scoria or slag, not pumice stone, in carloads, as described in the application, from specified points in New Mexico and Texas, to Peoria, Illinois.

Grounds for relief—Market competition.

Tariff—Supplement 140 to Southwestern Freight Bureau, Agent, tariff SW/W-2006-J, I.C.C. No. 5056. Rates are published to become effective on July 10, 1976.

FSA No. 43175—*Rubber to Pinson Valley, Alabama.* Filed by Southwestern Freight Bureau, Agent (No. B-602), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, also rubber compounds, NOIBN, loose or in packages, in carloads, as described in the application, from Addis and Port Allen, Louisiana, to Pinson Valley, Alabama.

Grounds for relief—Rate relationship.

Tariff—Supplement 20 to Southwestern Freight Bureau, Agent, tariff 13-F, I.C.C. No. 5209. Rates are published to become effective on July 13, 1976.

FSA No. 43176—*Brick or Tile Raw Materials Between Points in Southern Territory.* Filed by M. B. Hart, Jr., Agent (No. A6346), for interested rail carriers. Rates on brick or tile raw materials, in carloads, as described in the application, between points in southern territory, including Ohio and Mississippi Rivers crossings, Virginia cities and Washington, D.C.

Grounds for relief—Short-line distance formula and grouping.

Tariffs—Supplements 47 and 3 to Southern Freight Association, Agent, tariffs 763-F and 763-G, I.C.C. Nos. S-1241 and S-1313, respectively. Rates are published to become effective on July 9, 1976.

FSA No. 43177—*Soil Compounds to Points in Southwestern and WTL Territories.* Filed by Southwestern Freight Bureau, Agent (No. B-605), for interested rail carriers. Rates on copper carbonate, manganese, zinc sulphate, etc., in carloads, as described in the application, from Erda, Utah, to points in southwestern and western trunk-line territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 258 to Southwestern Freight Bureau, Agent, tariff 270-F, I.C.C. No. 4832, and supplement 15 to Western Trunk Line Committee, Agent, tariff W-200-E, I.C.C. No. A-4936. Rates are published to become effective on July 13, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.17252 Filed 6-11-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 7, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

COMM. ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING

Sports Betting and College Athletics, single-time, college athletic directors, football and basketball coaches, George Hall, 395-6140.

COMMUNITY SERVICES ADMINISTRATION

Energy Data Form, CSA-488, quarterly, CSA energy grantees, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census: Survey of Local Government Tax Revenues and Intergovernmental Revenues, RS-5B, annually, South Dakota county auditors, Ellett, C. A., 395-5867.

Reconciliation Questionnaire, Housing Unit Coverage Check, 1976 Census of Travis County, Texas (Part of 1980 Decennial Census), DD-805, single-time, possible missed housing units in Travis County, Sunderhauf, M. B., Maria Gonzalez, 395-6140.

Reconciliation Questionnaire for Household Roster's Check 1976 Census of Travis County, Texas, DD-132, single-time, Responsible member of mail return households, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, 1976 Survey of Hospital Staff, single-time, national census of 7,500 hospitals, Richard Eisinger, Strasser, A., 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, National Flood Insurance Program Annual Report, annually, communities participating in the NFIP Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF LABOR

Employment and Training Administration, Unemployment Insurance Program Quality Outline, single-time, UI claimants and 16 state agencies, Human Resources Division, Strasser, A., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Mineral Industry Manpower and Investment Relationship, 6-PI 10, single-time, mining companies, Cynthia Wiggins, 395-5631.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Manufactured Dairy Products, monthly, manufacturers of dairy products, Hulett, D. T., 395-4730.

Food and Nutrition Service:
Application for Participation (Child Care Food Program), FNS-341, annually, institutions administered by Food and Nutrition Service, Burgess, F. Guinn, 395-5870.

DEPARTMENT OF JUSTICE

Department and Other Internship Program—Internship Student Application, LEAA 5500-3, on occasion, students applying for internship positions, Caywood, D. P. 395-3443.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
Occupational Wage Survey Program, BLS 2751A, other (see SF-83), establishments in specified SICs and SMSAs, Strasser, A., 395-5867.

Employment and Training Administration:
FSB and SUA—Monthly Activity Report, Characteristics of Claimants and Benefit Rights and Experience, MA5-141, MA 5-142, MA5-143, weekly, State Employment Security Agencies, Strasser, A., 395-5867.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:
Long Form Application for Grazing License or Permit, 4115-4, on occasion, grazing license or permit applicants, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Local Government Tax Revenues Iowa Counties, RS-5, annually, Iowa counties, Ellett, C. A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Project Completion Report, annually, institute of higher education, Marsha Traynham, 395-4529.
Report on ESEA Title I Comparability Requirements—P.L. 8910 as amended, OE-4524, annually, State Educational Agencies, Marsha Traynham, 395-4529.
Quarterly Program Progress Report (ESAA), OE257, quarterly, LEA's and institutions, Marsha Traynham, 395-4529.
Progress Report (FY 1975) Cooperative Education Program, OE-411, annually, institutions of post-secondary education, Marshal Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Title I Loan Report (Property Improvement Loan), FH-4, on occasion, banks, savings and loans, credit unions, lenders community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF JUSTICE

Departmental and Other Internship-Institutional Application, LEAA5500-1, on occasion, Educational Institutions participating in program, Marsha Traynham, 395-4529.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:
Desert Land Annual Proof (Testimony of Witness), 2520-3, on occasion, witnesses to desert land entry improvements, Marsha Traynham, 395-4529.

Bureau of Mines:
Natural Gas Processing Plant Report, 6-1305-M, monthly, natural gas processing plants, Cynthia Wiggins, 395-5631.

Bureau of Land Management:
Alaska Townlot Deed Application, 2560-5, on occasion, Alaska townlot deed applicants, Marsha Traynham, 395-4529.

Bureau of Mines:
Gypsum (Production and Sales), 6-1218-A, annually, gypsum producers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-17301 Filed 6-11-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 8, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Survey/Questionnaire for Budgeting and Accounting, SSA-3289, single-time, 132 medicare contractors, Caywood, D. P., 395-3443.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs, Application for Enrollment as an Alaska Native, Family Tree Chart, Names and Addresses, single-time, applicants for enrollment under Settlement Act, Caywood, D. P., 395-3443.

REVISIONS

VETERANS ADMINISTRATION

Request for Supplemental Information on Medical and Nonmedical Applications, LTR. 9-615, on occasion, insured veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Grazing License or Permit Short Form Application, 4115-5, annually, grazing license or permit applicants, Lowry, R. L., 395-3772.

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EXTENSIONS

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board, Aircraft Passenger Questionnaire, NTSB6221.1, on occasion, aircraft passengers, Caywood, D. P., 395–3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–17386 Filed 6–11–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 9, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service Quarterly Showing, quarterly, State Title XIX agencies, Human Resources Division, Caywood, D. P., 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Default Counseling Contractor's Monthly Report, HUD–9906, monthly, HUD-approved counseling agencies, Community and Veterans Affairs Division, C. Louis Kincannon, 395–3532.

REVISIONS

VETERANS ADMINISTRATION

Application for Change of Permanent Plan (nonmedical—life insurance), 29–1550, on occasion, insured veterans, Caywood, D. P., 395–3443.

Certificate of Personal Surety on Guardian's Bond, VA–27–4721, on occasion, personal surety, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Operating Budget—PHA-Aided Mutual-Help Projects, HUD–53046, annually, public housing agencies, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration, Project Dawn—IV—Drug Abuse Warning Network, on occasion, physicians-medical personnel, Richard Eisinger, 395–6140.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–17387 Filed 6–11–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON CORPORATE DISCLOSURE

Notice of Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Advisory Committee on Corporate Disclosure will conduct an open meeting on July 12 and 13 at 500 North Capitol Street, Washington, D.C. 20549, in Room 776 beginning at 10:00 A.M.

The summarized agenda for the meeting is as follows:

1. Status Report on the Committee's Questionnaire Interview Survey.
2. Conclusion of discussion of the goals of the Committee's work.
3. Discussion of the objectives of an ideal corporate disclosure system.
4. Discussion of the legal liability implications of disclosure of forward-looking and other varieties of "soft" information.
5. Discussion of such other matters as may properly be brought before the Committee.

Further information may be obtained by writing Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosure, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 7, 1976.

[FR Doc.76–17206 Filed 6–11–76;8:45 am]

federal register

MONDAY, JUNE 14, 1976

PART II:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Endangered Status for 159 Taxa of Animals

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Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Endangered Status for 159 Taxa of Animals

The U.S. Fish and Wildlife Service hereby determines 159 taxa of U.S. and foreign vertebrates and invertebrates which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, to be Endangered species, pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 87 Stat. 884: hereinafter, the Act).

Background

On May 22, 1975, the Fund for Animals, Inc., requested the U.S. Fish and Wildlife Service to list as Endangered species, pursuant to the Act, 216 taxa of plants and animals which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora which are not already on the U.S. List of Endangered Wildlife.

The Convention was drafted at an international conference held in Washington, D.C., from February 12 to March 2, 1973: it is a treaty for the conservation of wild flora and fauna. Membership is open to all nations, whether interested primarily as producers or consumers of wildlife, that wish to reduce the impact of international trade on Endangered species. The Convention consists of two interdependent parts: the text, which establishes basic principles, operating procedures and organizational implementation; and Appendices I, II, and III which list only those species that participating States agree meet the criteria for inclusion in the appendices. Appendix I includes all species threatened with extinction which are or may be affected by trade. No party to the Convention may allow trade in specimens of species included on Appendix I except in accordance with the provisions of the Convention. The provisions for export of Appendix I species require the prior grant and presentation of an export permit; the import of an Appendix I species requires the prior grant and presentation of an import permit and either an export permit or a re-export certificate.

The United States Government signed the Final Act of the Conference on March 3, 1973; the United States Senate gave its Advice and Consent on August 3, 1973. On September 13, 1973, the Convention was ratified by the President of the United States, and shortly thereafter the United States deposited its instrument of ratification with the Convention's Depository Government in the Swiss Confederation. By July 1, 1975, the Convention had been ratified by enough nations (10) to enter into force, and the State Department has now been notified of 23 nations that have ratified it.

Acting upon the May 22, 1975, request from the Fund for Animals, Inc., to place all Appendix I species on the United States list of Endangered Fauna and Flora, the Fish and Wildlife Service published in the Federal Register (40 FR 44329) on September 26, 1975, a proposed rulemaking that would determine all of the 216 taxa on Appendix I that are not already on the U.S. List, as Endangered species under the Act. Certain necessary conditions of the Act had to be met with regard to final determinations of Endangered species, and based upon those considerations, the Fish and Wildlife Service now issues a final rulemaking that determines 159 of the 216 taxa proposed on September 26, 1975, to be Endangered species. No determinations are made in the present rulemaking on 56 of the remaining 57 taxa for the following reasons:

(1) A considerable amount of data was received on the Mexican beaver (*Castor canadensis mexicanus*), and particularly on the Southern sea otter (*Enhydra lutris nereis*). Data for the beaver and otter are still being analyzed to determine what action will be taken.

(2) We have been notified by the International Council for Bird Preservation that the Peregrine falcon (*Falco peregrinus babylonicus*), Himalayan monal (*Tophopporus imepejanus*), Tibetan snowcock (*Tetraogallus tibetanus*), Bengal florican (*Eupodotis bengalensis*), New Zealand parakeet (*Cyanoramphus novaezelandiae*), and the Principe parrot (*Psittacus erithacus princeps*) may be neither Threatened nor Endangered species. We are holding in abeyance a determination on these species pending clarification of their actual status.

(3) The Governors of the States (and Trust Territories) in which two of the pearly mussels (*Lampsilis satura* and *Epioblasma* (=*Dysnomia*) *walkeri*) and the Marianas mallard (*Anas oustakti*) are resident were inadvertently not notified of our proposal as required by the Act. They are now being notified and a final determination on these species will be postponed until the mandatory 90-day periods allowed Governors for comments have expired.

(4) Seventy-four of the species (45 taxa) on Appendix I of the Convention were plants. Regulations governing plants have not as yet been finalized, and consequently we are delaying action on listing of plants pending their publication.

A determination has been made in the present rulemaking on one of the 57 species not determined to be Endangered herein, the so-called Glacier bear. We have concluded, based on evidence provided by the State of Alaska, that the Black bear (*Ursus americanus emmonsii*) is neither an Endangered nor Threatened species. The so-called Glacier bear is an uncommon color variety of *Ursus americanus emmonsii*. Consequently it does not qualify for listing under the Act.

Summary of Comments

A total of 309 letters were received pertaining to the proposed rulemaking published on September 26, 1975. Five of these letters opposed the overall listing; the remainder favored the proposal entirely, or had only minor reservations. Three of the five opposing letters implied that the Fish and Wildlife Service had not based the proposal on a finding that each species proposed was "in danger of extinction throughout all or a significant portion of its range" as required by the Act, nor had it shown satisfactorily that any of the five factors to be considered in determining a species to be Endangered or Threatened had been adequately addressed. The Fish and Wildlife Service's response to these criticisms is contained in the "Description of the Rulemaking" section of the current rulemaking. The two additional opposing letters to the proposal offered no substantive data or interpretations of the Act to support their views.

Several letters pointed out that *Hippotragus niger variani* should bear the vernacular name "Giant sable antelope" rather than "Sable antelope" as it appeared in the proposal. Also, the range of the species should have read "Angola" rather than "Southern Africa." These errors have been corrected in the present rulemaking.

The State of Alaska, Department of Fish and Game, presented substantial data to demonstrate that the Glacier bear should not be determined as an Endangered species. These data have been analyzed and we have concluded that the so-called Glacier bear is neither an Endangered nor Threatened species. It is an uncommon color variety of the black bear, *Ursus americanus emmonsii*, and as such does not qualify for listing under the Act.

The New Mexico Department of Game and Fish, and the Texas Parks and Wildlife Department objected to a determination of the Mexican beaver (*Castor canadensis mexicanus*) as an Endangered species. They provided substantial data to support their opposition, and no action is taken herein pending an appraisal of the status of this species.

Of the 309 letters received concerning the proposal, 291 specifically spoke to the Southern sea otter (*Enhydra lutris nereis*). Petitions signed by many hundreds of persons were received. Only two letters were in opposition to determining this species as Endangered; 289 favored the determination. In support of the listing, several organizations provided voluminous data that are currently being analyzed; one of the opposing letters contained no substantive data. The other opposing letter was from the State of California, which submitted several volumes of information supporting their claim. In view of the quantity and complexity of data received, we are delaying action on this species so that we may more adequately evaluate all the data that was submitted in support of listing the otter as well as that submitted by the State of California in opposition to the determination.

A circus group requested that the Bactrian camel (*Camelus bactrianus*) and the Asian elephant (*Elephas maximus*), traditional circus animals, be excluded from the final rulemaking, but presented no substantive data to support the request. There are large domesticated populations of both of these species, but the Bactrian camel is extremely endangered, if not extinct, in the wild, and the Asian elephant is very depleted. A proposal to list domesticated Asian elephants and Bactrian camels as "captive self-sustaining populations" may be initiated within the near future.

Several other letters noted errors in spellings and ranges for various species. These have been corrected in the present determination.

As a result of the September 1975 proposal, the Fish and Wildlife Service received only one comment (favorable) on the molluscs. However, all of the mollusks in that proposal, as well as a number of other molluscan and crustacean species, appeared in a Notice of Review published in the Federal Register (39 FR 37078) on October 17, 1974. That Notice of Review received many comments, some pertaining to the species listed in the September proposal. We therefore feel that it is appropriate to discuss comments pertaining to these species even though the comments were not received directly as a result of the proposal but rather from the earlier Notice. Of the comments received on the molluscs, only the Tennessee Valley Authority and the States of Kentucky and Michigan had objections to listing any of the species. These objections, and the Service's response to them are as follows:

The TVA believes that *Dysnomia florentina* is extinct. Isom and Yokely recently reported *Dysnomia florentina* in the Duck River (The American Midland Naturalist, 1965). Isom and Yokely presently are employed or on contract with the TVA. We will consider this mussel as facing extinction until such time as it has been more explicitly demonstrated that it is extinct.

The TVA stated that the subspecific designation *gubernaculum* is of questionable value. Our information, however, is that it is at least a subspecies (Ohio State University Museum of Zoology, Museum of Fluviatile Molluscs and others) and very likely a true species (U.S. National Museum).

The TVA stated that *Dysnomia turgidula* was synonymous with *D. deviata* and *D. curtisi*. The animal formerly classified as *D. deviata* now is known to be the female of *D. Turgidula* according to reports we have from the U.S. National Museum, the Museum of Fluviatile Molluscs and the Ohio State University Museum of Zoology. Records of *D. deviata* were considered in our determination of the status of *D. turgidula*. *D. turgidula* is not synonymous with *D. curtisi*. Even if it were, it would be seriously threatened by channelization and pollution in *curtisi*'s only habitat; the Black River in Missouri.

The TVA synonymizes *Lampsilis orbiculata* and *Lampsilis higginsi*. It considers the total distribution as widespread. Our information from the U.S. National Museum, the Ohio State University Museum of Zoology and the Illinois Natural History Survey is that these are at least separate subspecies.

The TVA stated that *Lampsilis virescens* is probably a form of the widespread *L. anodontoides*. We can find no evidence of this in the recent literature where Isom, Yokely, Stansbery, and others have all considered this as a distinct species.

The TVA considers *Pleurobema plenum* to be a form of *P. cordatum*. It is, however, recognized in the literature as a species by Stansbery, Morrison, Williams, and Athearn, and as a subspecies by Burch, Van der Schalie, and others. The provisions of the Endangered Species Act of 1973 apply to subspecies as well as species.

The TVA synonymizes *Quadrula sparsa* with *Quadrula metancvra*. However, this is at variance with comments we have received from the U.S. National Museum, the Museum of Fluviatile Molluscs, and the Ohio State University Museum of Zoology.

The TVA questioned the taxonomic status of *Toxolasma cylindrella* and suggested that it was probably a form of *Carunculina moesta*. Information from Dr. David H. Stansbery concerning soft part anatomy shows that *Toxolasma cylindrella* is a valid species.

The State of Michigan considers *Dysnomia sulcata perobliqua* in Michigan to be *Dysnomia sulcata delicata* and possibly extinct. We have no objections to the name change and have made the correction in the current listing.

The State of Kentucky stated that *Pleurobema plenum* does not seem to be especially rare and is not endangered at the present time. We concur with Kentucky that *Pleurobema plenum* is the least endangered of the mussels listed herein. Nevertheless, data available to us indicate that this species is more properly classified as Endangered than Threatened and therefore it appears in the present determination.

Description of the Rulemaking

Section 4(a) of the Act states that the Secretary may determine a species to be an Endangered species or a Threatened species because of any of the following five factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

With regard to each of the species determined by this rulemaking to be Endangered species, there has been a decline in numbers due to factors 1, 2, or 4 above, or to a combination of all three. The United States Government recognized this endangerment when it signed the Convention's Final Act, when the Senate gave its Advice and Consent, and when the President ratified the Convention. The species determined herein to be Endangered have entered, or could potentially enter, heavily into hitherto unregulated international commerce. Some of these, such as the Clouded leopard, have been exposed to over-utilization for commercial purposes involving the fur trade; others, such as the Giant Sable antelope, have been over-exploited for food and sport. Given the precarious position of each species, international trade is detrimental to the survival of all, but presently no satisfactory mechanism to control or regulate such trade is effectively in operation. Also, many of these species have suffered habitat losses which added to the other factors, creates cumulative effects very detrimental to their survival.

The Convention has now been ratified by a sufficient number of nations to make it operational. As more nations ratify, it should become a stronger international regulator. Until such time, however, the high commercial importance of each of the species herein determined to be Endangered, and the inadequacy of existing regulatory mechanisms to control international trade continue to be factors of major concern. It is primarily for these reasons that the listing action is imperative, e.g., to provide an interim regulatory mechanism to restrict U.S. trade in these species, and ultimately a supportive measure to further insure the intent of the Convention.

Effect of the Rulemaking

For foreign species herein determined to be Endangered species, the principal effect of this rulemaking will be to restrict their importation and exportation into and from the United States. Except under permit, it will be unlawful to import or to export any of these species. Any shipment in transit through the United States is considered an importation and an exportation whether or not it has entered the country for customs purposes. In addition, it will be unlawful, except under permit, to deliver, receive, carry, transport, or ship in interstate commerce in the course of a commercial activity any of these species; and to sell or to offer them for sale in an interstate or foreign commercial activity. A commercial activity is considered to mean the actual or intended transfer of wildlife from one person to another person in the pursuit of gain or profit.

All of the above prohibitions will apply to native species herein determined to be Endangered species and, in addition, it will be unlawful, except under permit or in special circumstances, to take such species within the United States. "Take" is defined by the Act as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Upon receipt of a complete application, the Fish and Wildlife Service may issue a permit authorizing any of the above activities for scientific research or for enhancing the propagation or survival of the species determined herein to be Endangered. Persons who may be ef-

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fected by this rulemaking are advised to consult sections 17.21 through 17.23 (see FEDERAL REGISTER, Vol. 40, No. 188, pp. 44423–44425, or the Code of Federal Regulations, Title 50, Part 17) for details on prohibited acts and permits relative to Endangered species listed under the Act.

The determination of the United States species listed herein as Endangered species will make them eligible for the protection provided by Section 7 of the Act which reads as follows:

INTERAGENCY COOPERATION

Sec. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

No critical habitat is presently being determined for United States species. That action, if and when it occurs, will be a separate rulemaking.

This rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (U.S.C. 1531–1543; 87 Stat. 884). The amendments will become effective on July 14, 1976.

Dated: June 1, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

Accordingly, Part 17, Subpart B, Section 17.11 Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations is amended as set forth below:

In Section 17.11, add the following:

§ 17.11 Endangered and threatened wildlife.

* * * * *

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
MUSSELS							
Birdwing pearly mussel	*Conradilla caelata*	Not available	Powell and Clinch Rivers in Virginia and Tennessee, Duck River in Tennessee.	Entire range	E	14	Not available
Dromedary pearly mussel	*Dromus dromas*	do	Powell and Clinch Rivers in Virginia and Tennessee.	do	E	14	Do.
Curtis' pearly mussel	*Epioblasma (-Dysnomia) florentina curtisi.*	do	Black River in Missouri.	do	E	14	Do.
Yellow-blossom pearly mussel	*Epioblasma (-Dysnomia) florentina florentina.*	do	Duck River in Tennessee	do	E	14	Do.
Sampson's pearly mussel	*Epioblasma (-Dysnomia) sampsoni.*	do	Wabash River in Indiana and Illinois.	do	E	14	Do.
White cat's paw pearly mussel	*Epioblasma (-Dysnomia) sulcata delicata* (including *perobliqua*).	do	Detroit River in Michigan and the St. Joseph River in Ohio, Michigan, and Indiana.	do	E	14	Do.
Green-blossom pearly mussel	*Epioblasma (-Dysnomia) torulosa gubernaculum.*	do	Clinch River in Virginia and Tennessee.	do	E	14	Do.
Tuberculed-blossom pearly mussel	*Epioblasma (-Dysnomia) torulosa torulosa.*	do	Lower Ohio River in Kentucky and Illinois, Nolichucky River in Tennessee, and Kanawha River in West Virginia.	do	E	14	Do.
Turgid-blossom pearly mussel	*Epioblasma (-Dysnomia) turgidula.*	do	Duck River in Tennessee	do	E	14	Do.
Fine-rayed pigtoe pearly mussel	*Fusconaia cuneolus*	do	Clinch River in Virginia and Tennessee, Powell River in Virginia and Tennessee, and Paint Rock River in northern Alabama.	do	E	14	Do.
Shiny pigtoe pearly mussel	*Fusconaia edgariana*	do	Powell River in Virginia and Tennessee, Clinch River in Virginia and Tennessee, Paint Rock River in Alabama, and Holston River in Virginia.	do	E	14	Do.
Higgins' eye pearly mussel	*Lampsilis higginsi*	do	Mississippi River in Minnesota, Wisconsin, and Illinois; Meramec River in Missouri; St. Croix River in Wisconsin and Minnesota.	do	E	14	Do.
Pink mucket pearly mussel	*Lampsilis orbiculata orbiculata*	do	Green River, Ky.; Kanawha River in West Virginia; Tennessee River (Tenn. and Ala.); Muskingum River, Ohio.	do	E	14	Do.
Alabama lamp pearly mussel	*Lampsilis virescens*	do	Paint Rock River system in Alabama.	do	E	14	Do.
White warty-back pearly mussel	*Plethobasis cicatricosus*	do	Tennessee River Tennessee and Alabama.	do	E	14	Do.
Orange-footed pimpleback	*Plethobasis cooperianus*	do	Tennessee River, Tennessee and Alabama, Duck River, Tennessee.	do	E	14	Do.
Rough pigtoe pearly mussel	*Pleurobema plenum*	do	Tennessee River, Tenn.; Green River, Ky.; Clinch River, Va. and Tenn.).	do	E	14	Do.
Fat pocketbook pearly mussel	*Potamilus (-Proptera) capax*	do	White River, Ark., St. Francis River (Ark. and Mo.).	do	E	14	Do.
Cumberland monkeyface pearly mussel.	*Quadrula intermedia*	do	Powell and Clinch Rivers (Va. and Tenn.), Duck River, Tenn.	do	E	14	Do.
Appalachian monkeyface pearly mussel.	*Quadrula sparsa*	do	Powell and Clinch Rivers (Va. and Tenn.).	do	E	14	Do.
Pale lilliput pearly mussel	*Toxolasma (-Carunculina) cylindrella*	do	Duck River, Tenn., Paint Rock River, Ala.	do	E	14	Do.
Nicklin's pearly mussel	*Unio (possibly Megalonaias) nickliniana.*	do	Mexico	do	E	14	Do.
Tampico pearly mussel	*Cyrtonaias tampicoensis tecomatensis.*	do	do	do	E	14	Do.
Cumberland bean pearly mussel	*Villosa (-Micromya) trabilis*	do	Cumberland and Rockcastle Rivers, Ky.	do	E	14	Do.
FISH							
Asian bonytongue	*Scleropages formosus*	do	Borneo, Bauka, Sumatra, Malaya, Thailand.	do	E	14	Do.
Ikan temolek	*Probarbus jullieni*	do	Menam River (Thailand); Mekong River (Cambodia, Laos, and Vietnam); Pahang River (Malaya).	do	E	14	Do.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
REPTILES							
Chinese alligator	*Alligator sinensis*	do	Lower Yangtze River drainage of China.	do	E	14	Do.
Black caiman	*Melanosuchus niger*	do	Amazon basin	do	E	14	Do.
Apaporis River caiman	*Caiman crocodilus apaporiensis*	do	Apaporis River of Columbia	do	E	14	Do.
Broad-snouted caiman	*Caiman latirostris*	do	Brazil, Uruguay, Argentina, Paraguay.	do	E	14	Do.
Tomistoma	*Tomistoma schlegelii*	do	Borneo, Sarawak, Sumatra, Southern Malay Peninsula.	do	E	14	Do.
African dwarf crocodile	*Osteolaemus tetraspis tetraspis*	do	West Africa	do	E	14	Do.
Congo dwarf crocodile	*Osteolaemu tetraspis osborni.*	do	Congo River drainage	do	E	14	Do.
African slender-snouted crocodile	*Crocodylus cataphractus*	do	Western and Central Africa	do	E	14	Do.
Siamese crocodile	*Crocodylus siamensis*	do	Southeast Asia, Malay Peninsula	do	E	14	Do.
Mugger crocodile	*Crocodylus palustris palustris*	do	India, Pakistan, Bangladesh, Iran	do	E	14	Do.
Ceylon mugger crocodile	*Crocodylus palustris kimbula*	do	Ceylon	do	E	14	Do.
Philippine crocodile	*Crocodylus novaeguineae mindorensis.*	do	Philippine Islands	do	E	14	Do.
Spotted pond turtle	*Geoclemmys (-Damonia) hamiltonii.*	do	Northern India, Pakistan	do	E	14	Do.
Three-keeled Asian turtle	*Geoemyda (-Nicoria) tricarinata*	do	Central India to Bangladesh and Assam.	do	E	14	Do.
Indian sawback turtle	*Kachuga tecta tecta*	do	Ganges, Brahmaputra, and Indus drainages of India.	do	E	14	Do.
Burmese peacock turtle	*Morenia ocellata*	do	Southern Burma	do	E	14	Do.
Geometric turtle	*Geochelone (-Testudo) geometrica*	do	Cape Province, South Africa	do	E	14	Do.
Angulated tortoise	*Geochelone (-Testudo) yniphora*	do	Madagascar	do	E	14	Do.
Indian flap-shell tortoise	*Lissemys punctata punctata*	do	Ganges and Indus drainages of India, Pakistan, and Bangladesh.	do	E	14	Do.
Cuatro Cienegas soft-shell turtle	*Trionyx ater*	do	Cuatro Cienegas basin, Mexico	do	E	14	Do.
Black soft-shell turtle	*Trionyx nigricans*	do	Pond near Chittatong, East Pakistan.	do	E	14	Do.
Indian soft-shell turtle	*Trionyx gangeticus*	do	Pakistan, India, Bangladesh, and Nepal.	do	E	14	Do.
Peacock soft-shell turtle	*Trionyx hurum*	do	Ganges and Brahmaputra drainages of India and Bangladesh.	do	E	14	Do.
Komodo Island monitor	*Varanus komodoensis*	do	Komodo, Rinlja, Padar, and western Flores Islands of Indonesia.	do	E	14	Do.
Yellow monitor	*Varanus flavescens*	do	West Pakistan through India to Bangladesh.	do	E	14	Do.
Bengal monitor	*Varanus bengalensis*	do	Persia, Afganistan, India, Ceylon, Burma, Thailand, South Vietnam, Malay Peninsula, Java.	do	E	14	Do.
Desert monitor	*Varanus griseus*	do	North Africa to Near-east, Caspian Sea through U.S.S.R. to West Pakistan, Northwest India.	do	E	14	Do.
Indian python	*Python molorus molurus*	do	Ceylon and India	do	E	14	Do.
AMPHIBIANS							
Japanese giant salamander	*Andrias (-Megalobatrachus) davidianus japonicus.*	do	Honshu and Kyushu Islands, Japan	do	E	14	Do.
Chinese giant salamander	*Andrias (-Megalobatrachus) davidianus davidianus.*	do	Western China	do	E	14	Do.
Cameroon toad	*Bufo superciliaris*	do	Equatorial Africa	do	E	14	Do.
Monteverde toad	*Bufo periglenes*	do	Monteverde, Coast Rica	do	E	14	Do.
African viviparous toads	*Nectophrynoides* ssp.	do	Tananala, Guinea, Africa	do	E	14	Do.
Panamanian golden frog	*Atelopus varius zeteki*	do	Panama	do	E	14	Do.
BIRDS							
Solitary tinamou	*Tinamus solitarius*	do	Brazil, Paraguay, Argentina	do	E	14	Do.
Abbott's booby	*Sula abbotti*	do	Christmas Island in Indian Ocean	do	E	14	Do.
Frigate bird	*Fregata andrewsi*	do	East Indian Ocean Islands	do	E	14	Do.
Campbell Island flightless teal	*Anas aucklandica nesiotis*	do	Campbell Island, New Zealand	do	E	14	Do.
Pink-headed duck	*Rhodonessa caryophyllacea*	do	India	do	E	14	Do.
Harpy eagle	*Harpia harpyja*	do	Mexico, Central America, Bolivia, Brazil, Argentina.	do	E	14	Do.
Greenland white-tailed eagle	*Haliaeetus albicilla groenlandicus.*	do	Greenland and adjacent Atlantic Islands.	do	E	14	Do.
Peregrine falcon	*Falco peregrinus peregrinus*	do	Europe, Russia	do	E	14	Do.
Black-fronted piping-guan	*Pipile jacutinga*	do	Argentina	do	E	14	Do.
Mitu	*Mitu mitu mitu*	do	Amazonian Colombia, Brazil, Peru, Bolivia.	do	E	14	Do.
Elliot's pheasant	*Syrmaticus ellioti*	do	Southeastern China	do	E	14	Do.
Montezuma quail	*Cyrtonyx montezumae merriami.*	do	Mexico	do	E	14	Do.
Cuba sandhill crane	*Grus canadensis nesiotes*	do	Cuba, Isle of Pines	do	E	14	Do.
Black-necked crane	*Grus nigricollis*	do	Tibet	do	E	14	Do.
White-naped crane	*Grus vipio*	do	Mongolia	do	E	14	Do.
Lord Howe wood rail	*Tricholimnas sylvestris*	do	Lord Howe Island	do	E	14	Do.
Nordmann's greenshank	*Tringa guttifer*	do	Assam, Pakistan, Sakhalin Island, Siberia, Ussuriland, Japan, Korea, Malaya, Burma.	do	E	14	Do.
Khar tiruut (sakhiul)	*Larus relictus*	do	India, China, Tibet, South America	do	E	14	Do.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
MAMMALS							
Pygmy hog	*Sus salvanius*	do	Northern India, Bhutan	do	E	14	Do.
Visayan warty pig	*Sus cebifrons*	do	Philippine Islands	do	E	14	Do.
Wild water buffalo	*Bubalus bubalis*	do	India, Nepal, Bhutan	do	E	14	Do.
Anoa	*Anoa depressicornis*	do	Celebes	do	E	14	Do.
Mountain anoa	*Anoa quarlesi*	do	Celebes	do	E	14	Do.
Banteng	*Bos javanicus*	do	Java, Bali, Borneo	do	E	14	Do.
Gaur	*Bos gaurus*	do	India, Burma, Malaya	do	E	14	Do.
Kouprey	*Bos sauveli*	do	Cambodia, Laos, South Vietnam	do	E	14	Do.
Wild yak	*Bos grunniens*	do	Tibet	do	E	14	Do.
Tibetan antelope	*Pantholops hodgsoni*	do	Tibet	do	E	14	Do.
Dorcas gazelle	*Gazella dorcas*	do	Algeria, Egypt, Libya, Morocco, Tunisia.	do	E	14	Do.
Addax	*Addax nasomaculatus*	do	Algeria, Chad, Egypt, Libya, Mauritania, Niger, Sudan.	do	E	14	Do.
Arabian oryx	*Oryx leucoryx*	do	Oman, Saudi Arabia, Yemen	do	E	14	Do.
Scimitar-horned oryx	*Oryx tao*	do	Algeria, Chad, Mali, Niger, Upper Volta.	do	E	14	Do.
Hirola	*Hippotragus hunteri*	do	Kenya, Somalia	do	E	14	Do.
Nilgiri tahr	*Hemitragus hylocrius*	do	India	do	E	14	Do.
Walia ibex	*Capra ibex walie*	do	Ethiopia	do	E	14	Do.
Mountain nyala	*Tragelaphus buxtoni*	do	Ethiopia	do	E	14	Do.
Lesser kudu	*Strepsiceros imberbis*	do	Ethiopia, Somalia	do	E	14	Do.
Giant panda	*Ailuropoda melanoleuca*	do	China	do	E	14	Do.
Red panda	*Ailurus fulgens*	do	Nepal, India, Burma, China	do	E	14	Do.
Sea otter	*Enhydra lutris*	do	Alaska, California, Oregon, Washington, Japan, U.S.S.R.	do	E	14	Do.
Ethiopian wolf	*Canis simensis*	do	Ethiopia	do	E	14	Do.
Red wolf	*Canis rufus*	do	Texas, Louisiana	do	E	14	Do.
Mexican wolf	*Canis lupus baileyi*	do	Mexico	do	E	14	Do.
Asiatic lion	*Panthera leo persica*	do	India	do	E	14	Do.
Tiger	*Panthera tigris*	do	Asia	do	E	14	Do.
Snow leopard	*Panthera uncia*	do	Asia	do	E	14	Do.
Jaguar	*Panthera onca*	do	Mexico, Central America, South America.	do	E	14	Do.
Cheetah	*Acinonyx jubatus*	do	Africa, Asia	do	E	14	Do.
Florida panther	*Felis concolor coryi*	do	Florida	do	E	14	Do.
Margay	*Felis wiedi*	do	Mexico, Central America, South America.	do	E	14	Do.
Ocelot	*Felis pardalis*	do	Texas, Mexico, Central America, South America.	do	E	14	Do.
Black-footed ferret	*Mustela nigripes*	do	Montana, Wyoming, South Dakota	do	E	14	Do.
Marbled polecat	*Vormela peregusna*	do	Europe, Asia	do	E	14	Do.
Wyoming toad	*Bufo hemiophrys baxteri*	do	Albany County, Wyo.	do	E	14	Do.
Houston toad	*Bufo houstonensis*	do	Texas	do	E	14	Do.
Puerto Rican boa	*Epicrates inornatus*	do	Puerto Rico	do	E	14	Do.
Virgin Islands boa	*Epicrates monensis granti*	do	Virgin Islands	do	E	14	Do.
Round Island boa	*Casarea dussumieri*	do	Round Island	do	E	14	Do.
Jamaican boa	*Epicrates subflavus*	do	Jamaica	do	E	14	Do.
Fiji Island iguana	*Brachylophus fasciatus*	do	Fiji Islands	do	E	14	Do.
Fiji Island crested iguana	*Brachylophus vitiensis*	do	Fiji Islands	do	E	14	Do.
Rhinoceros iguana	*Cyclura cornuta*	do	Haiti	do	E	14	Do.
Lesser Antillean iguana	*Iguana delicatissima*	do	Lesser Antilles	do	E	14	Do.
Blue iguana	*Cyclura lewisi*	do	Grand Cayman Island	do	E	14	Do.
Jamaican iguana	*Cyclura collei*	do	Jamaica	do	E	14	Do.
Ricord's iguana	*Haitia (-Cyclura) ricordi*	do	Haiti	do	E	14	Do.
Anegada ground iguana	*Cyclura pinguis*	do	Anegada Island	do	E	14	Do.
Virgin Islands ground iguana	*Cyclura stejnegeri*	do	Virgin Islands	do	E	14	Do.
Chuckwalla	*Sauromalus varius*	do	Baja California	do	E	14	Do.
Solomon Island skink	*Corucia zebrata*	do	Solomon Islands	do	E	14	Do.
Round Island skink	*Leiolopisma telfairi*	do	Round Island	do	E	14	Do.
Mauritius skink	*Leiolopisma mauritiana*	do	Mauritius	do	E	14	Do.
Grand Cayman skink	*Leiolopisma cumingi*	do	Grand Cayman Island	do	E	14	Do.
Blue-tailed mole skink	*Leiolopisma laterale*	do	Australia	do	E	14	Do.
Pygmy mole skink	*Leiolopisma acrum*	do	Australia	do	E	14	Do.
Grand Cayman ground lizard	*Leiocephalus* ssp.	do	Grand Cayman Island	do	E	14	Do.
Round Island day gecko	*Phelsuma guentheri*	do	Round Island	do	E	14	Do.
Round Island gecko	*Gehyra pamwestralis*	do	Round Island	do	E	14	Do.
Round Island burrowing gecko	*Gehyra macrocephala*	do	Round Island	do	E	14	Do.
Round Island bavay's gecko	*Gehyra bavayi*	do	Round Island	do	E	14	Do.
Round Island keeled gecko	*Gehyra carinata*	do	Round Island	do	E	14	Do.
Round Island boettger's gecko	*Gehyra boettgeri*	do	Round Island	do	E	14	Do.
Round Island burrowing skink	*Leiolopisma ocellatum*	do	Round Island	do	E	14	Do.
Round Island bavay's skink	*Leiolopisma bavayi*	do	Round Island	do	E	14	Do.
Round Island keeled skink	*Leiolopisma carinatum*	do	Round Island	do	E	14	Do.
Round Island boettger's skink	*Leiolopisma boettgeri*	do	Round Island	do	E	14	Do.
Round Island burrowing snake	*Typhlina braminus*	do	Round Island	do	E	14	Do.
Round Island day snake	*Casarea dussumieri*	do	Round Island	do	E	14	Do.
Round Island keeled snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.
Round Island boettger's snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.
Round Island burrowing snake	*Typhlina braminus*	do	Round Island	do	E	14	Do.
Round Island day snake	*Casarea dussumieri*	do	Round Island	do	E	14	Do.
Round Island keeled snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.
Round Island boettger's snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Round Island burrowing snake	*Typhlina braminus*	do	Round Island	do	E	14	Do.
Round Island day snake	*Casarea dussumieri*	do	Round Island	do	E	14	Do.
Round Island keeled snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.
Round Island boettger's snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.
Round Island burrowing snake	*Typhlina braminus*	do	Round Island	do	E	14	Do.
Round Island day snake	*Casarea dussumieri*	do	Round Island	do	E	14	Do.
Round Island keeled snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.
Round Island boettger's snake	*Ungaliophis* ssp.	do	Round Island	do	E	14	Do.

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Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Mindoro zone-tailed pigeon	*Ducula mindorensis*	do	Philippines	do	E	14	Do.
Bahaman or Cuban parrot	*Amazona leucocephala*	do	West Indies (Cuba, Bahamas, Cayman Islands).	do	E	14	Do.
Red-spectacled parrot	*Amazona pretrei pretrei*	do	Brazil, Argentina	do	E	14	Do.
Vinaceous breasted parrot	*Amazona vinacea*	do	Brazil	do	E	14	Do.
Glaucous macaw	*Anodorhynchus glaucus*	do	Paraguay, Uruguay, Brazil	do	E	14	Do.
Indigo macaw	*Anodorhynchus leari*	do	Brazil	do	E	14	Do.
Little blue macaw	*Cyanopsitta spixii*	do	do	do	E	14	Do.
Red-capped parrot	*Pyrrhopsitta pileata*	do	do	do	E	14	Do.
Golden parakeet	*Aratinga guaruba*	do	do	do	E	14	Do.
Hook-billed hermit	*Ramphodon dohrni*	do	do	do	E	14	Do.
Resplendent quetzal	*Pharomachrus mocinno mocinno.*	do	Central America	do	E	14	Do.
Do	*Pharomachrus mocinno costaricensis.*	do	Costa Rica	do	E	14	Do.
Giant scops owl	*Otus gurneyi*	do	Islands of Marinduque and Mindanao, Philippines.	do	E	14	Do.
Helmeted hornbill	*Rhinoplax vigil*	do	Malaya, Sumatra, Borneo	do	E	14	Do.
Banded cotinga	*Cotinga maculata*	do	Brazil	do	E	14	Do.
White-winged cotinga	*Xipholena atro-purpurea*	do	do	do	E	14	Do.
Koch's pitta	*Pitta kochi*	do	Philippines	do	E	14	Do.
Western rufous bristlebird	*Dasyornis broadbenti litoralis*	do	Australia	do	E	14	Do.
White-breasted silvereye	*Zosterops albogularis*	do	Norfolk Island	do	E	14	Do.
Red siskin	*Spinus cucullatus*	do	South America	do	E	14	Do.
MAMMALS							
Howler monkey	*Alouatta palliata (villosa)*	do	Mexico, Ecuador, Colombia	do	E	14	Do.
Golden langur	*Presbytis geei*	do	Assam, Bhutan	do	E	14	Do.
Langur	*Presbytis pileatus*	do	Assam, India, Burma	do	E	14	Do.
Do	*Presbytis entellus*	do	Tibet, India, Nepal, Ceylon, Pakistan, Kashmir, Sikkim, Bangladesh.	do	E	14	Do.
Proboscis monkey	*Nasalis larvatus*	do	Borneo	do	E	14	Do.
Gibbons	*Hylobates* spp	do	China, Burma, India, Assam, Thailand, Sumatra, Java, Borneo.	do	E	14	Do.
Siamang	*Symphalangus syndactylus*	do	Malay Peninsula, Sumatra	do	E	14	Do.
Giant armadillo	*Priodontes giganteus (maximus).*	do	Venezuela, Guyana, Argentina	do	E	14	Do.
Scaly anteater	*Manis temminckii*	do	Africa	do	E	14	Do.
Hispid hare	*Caprolagus hispidn*	do	India, Nepal	do	E	14	Do.
Beaver	*Castor fiber birulai*	do	Mongolia	do	E	14	Do.
Australian native mouse	*Zyzomys pedunculatus*	do	Australia	do	E	14	Do.
Do	*Notomys aquilo*	do	do	do	E	14	Do.
Chinchilla	*Chinchilla brevicaudata boliviana.*	do	Bolivian Andes	do	E	14	Do.
Gray wolf	*Canis lupus monstrabilis*	do	Texas, New Mexico, Mexico	do	E	14	Do.
Spotted linsang	*Prionodon pardicolor*	do	Nepal, Assam, Burma, Indochina	do	E	14	Do.
Brown bear	*Ursus arctos pruinosus*	do	Tibet	do	E	14	Do.
Do	*Ursus arctos*	do	Italy	do	E	14	Do.
Long-tailed otter	*Lutra longicaudis*	do	South America	do	E	14	Do.
Marine otter	*Lutra felina*	do	Peru, Chiloe Island, Straits of Magellan.	do	E	14	Do.
Southern river otter	*Lutra provocax*	do	Chile, Argentina	do	E	14	Do.
Flat-headed cat	*Felis planiceps*	do	Malay Peninsula, Borneo, Sumatra	do	E	14	Do.
Black-footed cat	*Felis nigripes*	do	Southern Africa	do	E	14	Do.
Costa Rican puma	*Felis concolor costaricensis*	do	Nicaragua, Costa Rica, Panama	do	E	14	Do.
Temminchik's cat	*Felis temmincki*	do	Tibet, Sumatra	do	E	14	Do.
Leopard cat	*Felis bengalensis bengalensis*	do	Eastern Asia	do	E	14	Do.
Jaguarundi	*Felis yagouaroundi eacomitli*	do	Mexico	do	E	14	Do.
Do	*Felis yagouaroundi fossata*	do	Mexico, Nicaragua	do	E	14	Do.
Do	*Felis yagouaroundi panamensis*	do	Nicaragua, Costa Rica, Panama	do	E	14	Do.
Do	*Felis yagouaroundi tolteca*	do	Mexico	do	E	14	Do.
Marbled cat	*Felis marmorata*	do	Nepal, Malaya, Burma, Sumatra, Borneo.	do	E	14	Do.
Andean cat	*Felis jacobita*	do	Chile, Peru, Bolivia, Argentina	do	E	14	Do.
Bobcat	*Felis (Lynx) rufus escuinapae*	do	Central Mexico	do	E	14	Do.
Clouded leopard	*Neofelis nebulosa*	do	Southeast Asia	do	E	14	Do.
Asian elephant	*Elephas maximus*	do	India, Burma, Thailand, Indochina, Malay Peninsula, Sumatra, Ceylon.	do	E	14	Do.
Przewalski's horse	*Equus przevalskii*	do	Mongolia	do	E	14	Do.
Mountain zebra	*Equus zebra zebra*	do	Southern Africa	do	E	14	Do.
Asian tapir	*Tapirus indicus*	do	Burma, Thailand, Indochina, Sumatra.	do	E	14	Do.
Babirousa	*Babyrousa babyrussa*	do	Celebes, Togian Islands, Buru Island, Sula Island.	do	E	14	Do.
Bactrian camel	*Camelus bactrianus*	do	Mongolia, China	do	E	14	Do.
Musk deer	*Moschus moschiferus moschiferus.*	do	South-central Asia	do	E	14	Do.
Hog deer	*Axis (Hyelaphus) porcinus annamiticus.*	do	India, Thailand, Indochina	do	E	14	Do.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Philippine deer	*Axis (Hyelaphus) calamianensis*	do	Calamian Islands in Philippines	do	E	14	Do.
South Andean huemal	*Hippocamelus bisulcus*	do	Chile, Argentina	do	E	14	Do.
North Andean huemal	*Hippocamelus antisensis*	do	Ecuador, Peru, Bolivia, Chile, Argentina.	do	E	14	Do.
Pampas deer	*Ozotoceras bezoarticus*	do	Brazil, Paraguay, Uruguay, Argentina.	do	E	14	Do.
Pudu	*Pudu pudu*	do	Southern South America	do	E	14	Do.
Mountain anoa	*Bubalus (Anoa) quarlesi*	do	Celebes	do	E	14	Do.
Lechwe	*Kobus leche*	do	Southwest Africa	do	E	14	Do.
Giant sable antelope	*Hippotragus niger variani*	do	Angola	do	E	14	Do.
Dorcas gazelle	*Damaliscus dorcas dorcas*	do	South Africa	do	E	14	Do.
Saiga antelope	*Saiga tatarica mongolica*	do	Mongolia	do	E	14	Do.
Goral	*Naemorhedus goral*	do	East Asia	do	E	14	Do.
Sumatran serow	*Capricornis sumatraensis*	do	Sumatra	do	E	14	Do.
Chamois	*Rupicapra rupicapra ornata*	do	Italy	do	E	14	Do.
Straight-horned markhor	*Capra falconeri jerdoni*	do	Pakistan-Afghanistan border	do	E	14	Do.
Kabal markhor	*Capra falconeri megaceros*	do	Afghanistan, Pakistan	do	E	14	Do.
Chiltan markhor	*Capra falconeri chiltanensis*	do	Pakistan	do	E	14	Do.
Urial	*Ovis orientalis orhion*	do	Cyprus	do	E	14	Do.
Argali	*Ovis ammon hodgsoni*	do	Tibet	do	E	14	Do.
Shapo	*Ovis vignei*	do	Kashmir	do	E	14	Do.

2. Add the following footnote to the end of the table in § 17.11:
14—41 FR ____; June ____, 1976

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federal register

MONDAY, JUNE 14, 1976

PART III:

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

■

MOTOR VEHICLE OCCUPANT CRASH PROTECTION

Notice of Proposed Rulemaking and Public Hearing

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 571]

[23 CFR Part 1204]

[OST Docket No. 44; Notice 76-8]

OCCUPANT CRASH PROTECTION

HIGHWAY SAFETY PROGRAMS STANDARDS

Proposed Rulemaking and Public Hearing

As Secretary of Transportation, I am ultimately responsible for deciding whether to amend Federal Motor Vehicle Safety Standard 208, which provides for occupant crash protection in motor vehicles. My involvement is also required because some of the possible courses of action involve recommending new legislation. I have decided that it is in the public interest to set forth the issues prior to such decision and to hear up to six hours of argument, addressed to these issues, by interested parties in a public session on August 3, 1976. Written comments on these issues, or issues raised at the public session, may also be submitted to me on or before September 17, 1976. I will issue a written decision on or before January 1, 1977. At the outset, I wish to make it clear that no decision has been made in this matter.

This notice will briefly summarize the background and current status of FMVSS 208, will set forth in more detail the specific issues, including pertinent facts and analyses, which must be addressed in attempting to reach a decision in the public interest, and will describe the various alternative regulatory and legislative actions under consideration. This notice, together with the appendices hereto, is being sent to the FEDERAL REGISTER today for publication and will satisfy the other requirements of the Administrative Procedure Act for a notice of proposed rulemaking. The public session on August 3, 1976, and the subsequent period designated for written comments will satisfy the other requirements of the Administrative Protective Act with regard to rulemaking, and, at the time that I publish my written decision, I will, unless facts at the hearing develop which make this an inappropriate procedure, issue a final rule amending FMVSS 208.

In September 1966, Congress passed the National Traffic and Motor Vehicle Safety Act of 1966 (The Safety Act), the purpose of which was "to reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents". Pursuant to the Safety Act, the Secretary of Transportation is charged with the responsibility of establishing motor vehicle safety standards to protect the public against "unreasonable risk of accidents occurring as a result of the design, construction or performance of motor vehicles" and also against "unreasonable risk of death or injury to persons in the event accidents do occur". In January 1968, the National Highway Traffic Safety Administration (NHTSA), acting upon authority delegated to it by the Secretary of Transportation,[1] proposed the original version of FMVSS 208. FMVSS 208 provides that manufacturers must ensure that their automobiles are equipped with occupant crash protection systems such as seat belts, air cushions, etc.

The present form of FMVSS 208 was first introduced in 1972 and requires manufacturers to provide occupant protection in vehicles by one of three options: (1) a completely passive restraint system[2] providing protection in frontal, lateral, and roll-over crashes, or (2) a passive restraint system providing protection in frontal crashes combined with lap seat belts providing protection in lateral and roll-over crashes, or (3) lap and shoulder seat belts at the front outboard positions and lap seat belts for all other positions. The vast majority of manufacturers have adopted the lap and shoulder seat belt option.[3] The present version of FMVSS 208 was revised in 1973 to require an ignition interlock system to increase the wearing of seat belts, but Congress, as a result of public dissatisfaction with the ignition interlock system, voided that requirement in 1974 and the rule was amended accordingly that same year. Because of the public expression of dissatisfaction with the interlock system, Congress, in its 1974 legislation, also ordered that there be no requirement in the future of an occupant restraint system other than seat belts, unless such a requirement were first submitted to Congress subject to being disapproved by a concurrent resolution.

Ever since FMVSS 208 was first promulgated in 1968, NHTSA has anticipated that passive restraints might eventually become required equipment. Indeed, from 1971 until 1974 when FMVSS 208 was most recently amended, as described above, the standard explicitly called for the adoption of mandatory passive restraints in the future. The attractiveness of passive restraints is twofold. First it has been thought they would perform more effectively in preventing injuries than would seat belts, and second, because seat belts are not used consistently, passive restraints, which require no action by the occupant, would ensure more widespread crash protection. However, the prospect of mandating passive restraints in automobiles has become increasingly controversial. Questions of effectiveness, cost, and suspected hazards, as well as the philosophical problems of restricting individuals' freedom of choice with regard to how much they pay for safety protection, have been raised by opponents of the air bag. It is in the context of this controversy that I must make a decision as to the future of passive restraints.

In 1974 and 1975 the nation experienced significant reductions in highway deaths and injuries due, in large part, to the eneforcement of the 55 mph speed limit. To achieve further reduction in deaths and injuries will require increased use of occupant restraints. It is a question involving thousands of lives or deaths and tens of thousands of serious injuries per year. Furthermore, the annual cost to our society in terms of lost resources represented by those who are killed or maimed in traffic accidents is perhaps incalculable. However, we live at a time of increasing citizen awareness of and concern about the impact of Federal regulations in our lives. Many are questioning whether increased government regulation is in the nation's best interest. The public, of course, should always make a distinction between safety regulation and economic regulation as we in the Department attempt to do. The success of governmental regulatory policy in any area, however, will ultimately depend upon the support it receives within the body politic. Recent Congressional action to ban ignition interlock systems and to prohibit any Federal requirement that motorcycle operators wear safety helmets reflect the belief of many that there are limits to the Federal government's role in forcing the individual to take action to protect himself or herself. Thus this case presents a problem of balancing the need for motor vehicle safety with a concern for the limitations on the Federal government's role in regulating aspects of our national life.

This decision also involves the difficult task of assessing and comparing the safety benefits and costs of alternative occupant restraint systems. While the legislative history of the Safety Act indicates that safety is the overriding consideration, the cost of a standard must also be examined. Marginal increments in safety benefits which can be achieved only at great cost are not in the public interest. Of course reducing safety benefits and costs to quantitative terms which can be measured is extremely difficult. In addressing the issue of the costs and benefits involved, I will set forth the data upon which I base my analysis.

There have been prior opportunities for public comment on this subject.

[1] The Secretary's regulations, delegating authority to NHTSA, exist to ensure that routine business can be conducted without the Secretary's personal participation and to ensure administrative finality at the NHTSA level when the Secretary so desires, but do not operate to divest the Secretary of any authority. The fact that, on this occasion, I am personally deciding whether, and if so how, to amend FMVSS 208, does not therefore necessitate a formal revocation of NHTSA's authority in this matter.

[2] A "passive restraint system" is a system that affords crash protection without requiring action on the part of the vehicle's occupant. To date, two passive restraint systems have been developed which appear to be capable of meeting the injury protection criteria of FMVSS 208 in frontal crash conditions—the air cushion restraint system (air bag) and the passive belt (a shoulder belt and knee bolster system in which the shoulder belt deploys automatically).

[3] General Motors has offered a passive restraint system, an air cushion restraint system (air bag), as an option on its luxury cars for the years 1974, 1975, and 1976; however, G.M. has now announced its intention not to offer this option in the future. Volkswagen has recently introduced an optional passive belt system in the 1976 Rabbit.

Most recently, NHTSA held hearings on the matter on May 19–23, 1975. But because the issues involved are so difficult, because the public and Congressional interest in this matter is so substantial, and because another hearing is required in any event prior to a final rule being promulgated, I have decided to conduct personally up to six hours of discussion in a public session on the issues which I perceive as being basic to the decision. This will assure that I have the benefit of the latest views and recommendations of concerned and knowledgeable citizens, manufacturers of automobiles and occupant restraint equipment, experts in crash protection, and public officials, both Federal and State. I invite their comments on and analysis of the following issues and alternatives. I repeat that no decision has been made in this matter.

Finally, the current passenger-car requirements of FMVSS 208 apply to automobiles manufactured on or before August 31, 1976, and expire thereafter. In view of the August 3, 1976, date of the public hearing, the need to provide time after the hearing for written submissions to the public docket, the time necessary to formulate and write a decision, and the period required for Congressional review, if necessary, of that decision, a final resolution of any proposal to amend FMVSS 208 may not be reached until substantially after January 1, 1977. Therefore, in the interim, I have decided to propose an amendment of FMVSS 208 to extend the passenger-car requirements of the present standard for one year so as to apply to automobiles manufactured on or before August 31, 1977.

ISSUES TO BE ADDRESSED

The following issues are considered relevant to the formulation of a final rule for occupant crash protection. It is recommended that all participants at the hearing address their remarks to one or more of the issues set forth below.

I. APPROPRIATE ROLE OF THE FEDERAL GOVERNMENT IN PRESCRIBING MOTOR VEHICLE SAFETY STANDARDS

By virtue of the Safety Act, the Federal government has declared its intent "to reduce deaths and injuries resulting from traffic accidents". As Secretary of Transportation I am charged with the duty of effecting this purpose through the promulgation of Federal motor vehicle safety standards specifying the safety characteristics and crashworthiness of vehicles.[4] The goal of motor vehicle safety expressed in the statute is clear and unequivocal. The question arises, however, as to the precise nature of the government's duty in this area and how to achieve the important end of motor vehicle safety while preserving, to the extent possible, both individual freedom of choice and the role of the marketplace in making economic decisions. In the democratic society in which we live, I believe it is my responsibility as a Federal official to consider these important concerns when prescribing safety standards.

Under the terms of the Safety Act, the Federal government's duty in prescribing safety standards is to protect the public "against unreasonable risk of death or injury to persons in the event accidents do occur." I believe that what constitutes an "unreasonable" risk of death or injury is a difficult but critical issue. Some would argue that because occupants of motor vehicles are currently provided with lap and shoulder belts to protect them against injury in traffic accidents, and that because NHTSA estimates show that lap and shoulder belts, when worn, are about as effective as any of the passive restraint systems, passive restraints do not provide protection against any unreasonable risks. In other words, an individual's decision not to wear a safety belt should be assumed to be the act of a reasonable person so that it does not give rise to an unreasonable risk. Others would maintain that most people do not wear their safety belts and are consequently exposed to a substantial risk of death or injury. This becomes an "unreasonable" risk in the context of the ready availability of passive restraints which require no action on the part of the occupant, thus offering the prospect of drastic reductions in casualties. Some contend that the resolution of this issue lies in whether passive restraints are in fact feasible, superior in performance, economical, and reliable; if so, perhaps it does occasion an "unreasonable risk" not to install them in all automobiles. In any event, a resolution of this issue is certainly fundamental to my decision.

In considering a mandate of any particular crash protection system, such as passive restraints, we are talking about government regulations which restrict individuals' freedom to choose the degree of safety protection they want and how much they are willing to pay for it. Individuals should be able to exercise some freedom of choice about how much they are willing to pay for safety protection in private transportation systems. Those who put a premium on freedom of choice contend that it is not the role of the Federal government to protect citizens absolutely from deaths and injuries in automotive accidents. Rather, government should only ensure that adequate protection is provided which individuals can avail themselves of if they so choose. On the other hand, the stated purpose of the Safety Act is unequivocally "to reduce deaths and injuries to persons resulting from traffic accidents." While safety standards must be "reasonable," according to the statute, individual freedom of choice is not one of the statutorily explicit prescribed considerations and, arguably, should not be allowed to interfere arbitrarily with the basic purposes of the Act.

Mandating passive restraints in motor vehicles might create, additionally, a problem of equity. The issuance of a passive restraint standard will result in the manufacture of vehicles equipped with air bags or passive belts rather than lap and shoulder seat belts. These passive restraint-equipped vehicles will cost more, but, in tests to date, have been found to provide no materially greater protection to those individuals who already use lap and shoulder seat belts. Nevertheless, these individuals will have to pay more for their automobiles, without any measurable benefit, to help provide passive restraints to those who choose not to wear seat belts. Thus, those who currently wear seat belts would be forced to subsidize those who do not. How public policy should deal with such a subsidy is an issue upon which I would welcome comment.

Personal convenience is another aspect of individual freedom of choice. The Federal government's experiences with ignition interlock systems demonstrate that, despite reasonable cost and demonstrable safety benefits, personal convenience can be of overwhelming importance. In this regard, passive restraint systems appear to be very attractive; they probably are more convenient than safety belts in that they do not require any action by the automobile occupant to be effective.

Government regulation in the safety area, as elsewhere, tends to limit the role of the marketplace in making economic decisions, and thereby also to inhibit innovation. Certainly, mandating passive restraints does not comport with the ideal of a free enterprise economy. On the other hand, there are limitations to the benefits that the free market can provide. Some people supported the original passage of the Safety Act because they concluded that the traditional marketplace mechanism was not effective in satisfying our society's need for automotive safety. It is difficult to believe, for instance, that there would be seat belts in every car today if their installation had had to rely on the demands of the marketplace. The extent to which Federal regulations governing occupant crash protection should strive to preserve the role of the marketplace is an issue upon which I invite discussion.

SPECIFIC QUESTIONS RELATION TO THE FEDERAL ROLE

1. Does the unwillingness of many people to wear safety belts expose them to an "unreasonable" risk of death or injury requiring additional occupant crash protection? Does the government have the duty to protect a citizen from danger when a citizen has chosen not to use available means (e.g., lap and shoulder belts) to protect himself? Does the answer depend on how readily available and feasible the additional protection is, and at what cost?

2. What weight should be given to considerations of personal freedom of choice and convenience in regulations concerning occupant crash protection?

[4] The statute itself states that in prescribing safety standards the Secretary is required to consider, among other things:

(1) Relevant available motor vehicle safety data, including the results of research, development testing and evaluation activities; (2) whether any proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle for which it is prescribed; and (3) the extent to which such standards will contribute to carrying out the purposes of the Safety Act.

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3. Should individuals who now use their lap and shoulder belts be required to purchase more expensive passive restraint systems in order to contribute to achieving a societal goal of increased motor vehicle safety?

4. Will passive restraints be available in the marketplace at a reasonable cost for those who would choose them without government regulatory action?

5. To what extent should regulations governing occupant crash protection seek to preserve the role of the marketplace in making economic decisions?

II. BENEFITS AND COSTS OF ALTERNATIVE OCCUPANT RESTRAINT SYSTEMS

The legislative history of the Safety Act indicates that an assessment of the "practicability" of safety standards should include consideration of technical feasibility and economic factors. Therefore, I will briefly describe the alternative systems available, summarize and compare their benefits and costs, and discuss the extent to which data is available to support these analyses. A more detailed benefit/cost analysis is provided in Appendix A.

A. Feasibility and Performance of Alternative Occupant Restraint Systems

Occupant restraint systems are of two general types—active and passive. The active systems available today are the familiar lap and shoulder seat belts and lap seat belts. In these, the occupant of a vehicle is protected by the belts from being thrown about and from impacting the hard surfaces of the passenger compartment in the event that an accident occurs. Clearly, to be effective, seat belts must be used. Provided they are used, lap and shoulder seat belts can reduce the likelihood of death in severe automobile accidents by roughly 60% and reduce the severity or avoid the occurrence of injuries by 30% to 60%.

Two passive restraint systems—the air cushion restraint system (air bag) and the passive belt—have been developed which appear to be capable of meeting the injury criteria of FMVSS 208 under frontal crash conditions. The air cushion restraint system consists of an air cushion and a sensor system which activates it. The sensor detects the impact of a crash by measuring the vehicle's deceleration. Provided the deceleration is sufficiency intense—typically corresponding to an impact into a fixed barrier at 12 mph—the sensor sends a signal to a device which deploys the air cushion by rapidly inflating it. Typical times for deployment and inflation range from 35 to 70 milliseconds. In the event of an accident, the passenger, rather than impacting the hard surfaces of the vehicle passenger compartment, is cushioned by the air bag. In this way, the incidence or severity of injury is considerably reduced. The need for protection in lateral and roll-over crash conditions will likely require that air-bag equipped cars also have lap belts, although this is a point of some disagreement. Estimates of the effectiveness of the air bag in reducing the risk of death and severe injury under crash conditions indicate the air bag (with lap belt) and lap and shoulder seat belt to be of roughly equivalent effectiveness—provided the latter is worn.

The so-called "passive belt" system, recently introduced as an option in the Volkswagen Rabbit, consists of a shoulder belt that, upon closing of the door, deploys automatically to protect and restrain the upper torso and a fixed knee bolster to protect and restrain the lower torso. Experience with the passive belt is limited, although engineering judgment would suggest that it is roughly as effective as a lap and shoulder belt. Its advantage over the lap and shoulder belt is that it deploys automatically.

In view of the availability today of both the air bag and passive belts, the technological feasibility of passive restraint systems does not appear to be a serious issue. Nevertheless, the feasibility of manufacturing millions of vehicles per year that will be equipped with passive restraint systems that reliably meet the requirements of the standard for the lifetime of the vehicle is another question and an issue upon which I invite comment.

B. Benefits of Alternative Systems

The direct benefits of occupant restraint systems are usually assessed in terms of the number of fatalities prevented and the number of injuries avoided or reduced in severity. For some systems, such as the lap and shoulder seat belts, field data has been accumulated which can be used to estimate these benefits. The passive restraint systems have not been evaluated in the field as extensively. In these cases, we must rely on engineering judgment and laboratory simulations. Laboratory simulations can, of course, never duplicate the full spectrum of real-world collisions and thus there is greater uncertainty in the accuracy of the estimates of the benefits of the passive systems.

Table 1, which follows, shows the estimated number of fatalities prevented and the number of injuries avoided or reduced in severity annually for various occupant restraint systems. These estimates show that a substantial reduction in fatalities and injuries can be achieved with either passive restraints or lap and shoulder seat belts—provided that belt usage rates are sufficiently high. If a 70% usage rate could be achieved with lap and shoulder belts, the benefits would be nearly the same as with full-front air cushion restraints. A 70% usage rate corresponds to seat belt usage levels achieved through effective enforcement of laws mandating the wearing of seat belts now in effect in Australia, New Zealand and many European countries. Australia was the real pioneer in this area, achieving a stable level of seat belt use of 70% in urban areas. Canada's Ontario Province has recently enacted a similar law, and initial usage appears to be around 60% and rising. Traffic deaths and injuries have dropped significantly as a consequence.

In the United States, on the other hand, NHTSA believes the usage levels will likely be only 15% for lap and shoulder belts plus an additional 5% for the lap belt part of the assembly alone. Using the results achieved with the ignition interlock system as a guide, NHTSA has estimated that 35% lap and shoulder belt plus an additional 5% lap belt usage is the probable upper limit to the usage rate that can be achieved voluntarily. Clearly, the unwillingness of most automobile occupants to "buckle-up" has caused this nation to forego much of the potential benefits of safety belts.

In addition to the direct benefits in terms of the reduced number of deaths and injuries, occupant restraint systems may indirectly benefit automobile owners through reduced automotive insurance rates. For example, some insurance companies offer premium reductions to owners of air bag-equipped automobiles. It has been suggested that a $1.6 billion saving on automobile insurance would be realized annually if air bags were mandated. I look forward to hearing from representatives of the insurance industry as to what they believe the impact of the various alternative restraint systems would be on the cost of automobile insurance to consumers.

Finally, it is important to emphasize that these estimates of benefits apply to the 1975 car population and injury severity distribution. If the average size of cars becomes smaller, the number of fatalities and injuries could increase substantially. If so, the resulting need for effective occupant crash protection systems will be greater. This is a factor which must be considered in my decision.

TABLE 1.—*Benefits of occupant crash protection systems* [1]

System	Fatalities prevented per year	Injuries reduced or avoided per year
Lap and shoulder (15 pct) and lap (5 pct) belts	3,000	159,300
Lap and shoulder (35 pct) and lap (5(pct) belts	6,300	342,600
Lap and shoulder belt (70 pct usage)	11,500	641,400
Lap and shoulder belt (100 pct usage)	16,300	916,400
Lap belt (100 pct usage)	10,900	438,700
Driver-only air cushion [2]	9,200	[4] 168,600
Full-front air cushion [3]	11,200	[4] 171,800
Passive belts [4]	8,200	373,300
Mandatory option: [5]		
5 pct air cushion	3,400	182,700
10 pct air cushion	4,100	182,100
25 pct air cushion	6,400	180,300

[1] These estimates assume the car population and occupant fatality rates to be that of 1975 (approximately 100,000,000 cars and 27,200 people, respectively), 10,000,000 cars to be manufactured annually, and the distribution of injuries by severity to be the same as in 1975. The discussion in app. A gives the basis for these calculations.

[2] Assumes 20 pct lap belt usage by driver and 15 pct lap and shoulder belt plus 5 pct lap belt by other front seat occupants.

[3] Assumes 20 pct lap belt usage by all front seat occupants.

[4] Assumes 60 pct passive belt usage: i.e., 40 pct of people disconnect the system.

[5] This refers to a situation in which the Federal Government requires manufactures to make passive restraints available to the consumer as an option. These estimates assume 20 pct safety belt wearing by all front seat occupants.

[4] One obtains these relatively low injury estimates because the air cushion does not deploy unless the accident severity exceeds that corresponding to a crash into a fixed barrier at 12 mi/h.

C. Cost of Alternative Systems

The direct cash costs of occupant restraint systems are of three kinds. First, there are the start-up costs associated with research and engineering development and design. Second, there are the individual unit costs which represent the cost of producing the occupant restraint system for an individual motor vehicle, and third, any costs of replacement plus higher fuel costs due to the additional weight of the protection system increase operating costs.

Below, in Table 2, is a listing of the NHTSA estimates of the total cash costs of various restraint systems expressed in terms of the cost per automobile. In some cases, high and low estimates are given to indicate the range of estimates that have been quoted by various sources other than NHTSA.

TABLE 2.—*Cash costs of occupant crash protection systems* [1]

Restraint system	Cost per automobile		
	Low	NHTSA	High
Lap belt		$30	
Lap and shoulder belt	$50	60	$70
Driver-only air cushion		110	200
Full-front air cushion	100	[2] 190	350
Passive belt		90	

[1] These estimates do not include the cost of lap belts for rear seat occupants. These belts would add roughly $20 to the cost of all restraint systems.

[2] This assumes all cars would be equipped with the air cushion. If the air cushion is offered as an option, a very rough estimate of the cost is taken to be twice this price because of the greater unit cost associated with smaller production lots.

These results clearly show that there are significant differences in the estimated costs of different systems. The NHTSA estimate of the cost of full frontal air cushions is more than three times that of the lap and shoulder safety belt. There is a wide variation in the range of cost estimates for some systems. The air cushion is the most controversial in this regard, with cost estimates varying by greater than a factor of three. I intend to use the public hearing to attempt to reconcile these differing cost estimates so that I fully understand the potential economic impact on the consumer of any decision.

Among the indirect costs of a new, more costly occupant restraint system would be a reduction in automobile sales and attendant loss of automotive manufacturing jobs that might result from the higher price of automobiles. Although data is limited, the available information on the sales/cost elasticity of automobiles yields estimates of from −0.27 to −1.5, with −1.0 being typical; a sales/cost elasticity of −1.0 means that an increase of one percent in the cost of an automobile decreases total sales by one percent. However, the savings in automobile insurance, medical costs, etc., might ultimately compensate, in terms of the national economy, for this loss by increasing people's income and thereby stimulating car sales. In addition, increased business and jobs for the suppliers of occupant restraint systems might also compensate for the decrease in automobile sales.

D. Comparison of Benefits and Costs, Benefit/Cost Ratios

In order to compare quantitatively the various alternatives, it is perhaps useful to consider the ratio of cash benefits to cash costs. Of course, to do this requires that the benefits and costs be described in the same terms. Thus, one must address the question of the "value" of a life and the "cost" of injuries. That is, what is the dollar value of a life saved, an injury reduced or eliminated? To many, such notions are abhorrent—a life saved is of unlimited value and cannot be measured. Nonetheless, methods have been developed by economists and actuaries to estimate the dollar value of these benefits. One approach is to use the lost potential income, medical costs, and legal expenses to measure the value of a life or the cost of an injury. Alternatively, one could consider the extent to which individuals will typically risk injury or death—e.g., how much will they spend on automotive safety to reduce the risk of injury and death. Using approaches such as these, economists and actuaries have developed estimates of the dollar costs of deaths and injuries which can be used to quantify in dollar proxy terms the value of the safety benefits of a particular crash protection system. Comparisons of these dollar benefits with cash costs are given in the following table for various occupant protection systems.

Again, the wide range of cost estimates for a given system yields a wide variance in benefit/cost ratios. It must be kept in mind in assessing benefit/cost ratios that such ratios do not spell out all the benefits and costs of a given system, only the cash benefits and costs. Finally, consideration of the total benefits and costs of a proposal are at least as important as their ratio.

TABLE 3.—*Benefit/cost ratios of occupant crash protection systems* [1]

	Benefit/cost ratio		
	Low cost	NHTSA estimated cost	High cost
Lap and shoulder (15 pct) and lap (5 pct) belt	2.4	2.0	1.7
Lap and shoulder (35 pct) and lap (5 pct) belt)	5.0	4.1	3.5
Lap and shoulder belt (70 pct usage)	9.1	7.6	6.5
Lap and shoulder belt (100 pct usage)	12.2	10.1	6.1
Lap belt (100 pct usage)		13.7	
Driver-only air cushion		3.1	1.7
Full-front air cushion	4.2	2.2	1.2
Passive belts		4.0	
Mandatory option:			
5 pct air cushion		1.8	
10 pct air cushion		1.7	
25 pct air cushion		1.5	

[1] The cost/benefit ratios in table 3 reflect the so-called steady state or equilibrium values that would be achieved over a long period of time. Because the benefits of an occupant protection system are realized after the cost is paid, most economists would agree that the benefits should be discounted to reflect the income lost by an early safety investment whose payoff comes later. Also, because only about 10 pct of the fleet would be equipped with any new protection system each year, the benefits of the system would be realized incrementally—at roughly 10 pct a year—while the full annual costs are borne immediately. Because of this transition, it takes several years before a new system would be cost-beneficial. For example, for the full front air cushion, it has been estimated that the cumulative benefits would not exceed the cumulative costs for from 5 to 7 years after this system was required.

E. The Availability of Sufficient Field Data To Evaluate Passive Occupant Restraints

There exists only limited field experience with passive restraint systems. General Motors has offered the air cushion as an option in certain 1974–76 models cars. Although G.M.'s original goal was to sell 100,000 air cushion cars per year, less than 10,000 have been sold to date, and G.M. plans to discontinue the option after 1976. Altogether, including the original test fleets manufactured by Ford and G.M., there are roughly 12,000 air cushion-equipped vehicles on the highway today, and fewer than 100 air cushion field deployments have been investigated.[5] There is even less field data available on the passive belt.

Because of this limited field experience, some have argued that, in view of the potentially significant cost of passive restraints, more field data should be developed before a decision is made on mandating passive restraints. I invite comment on the desirability and practicability of a field test of passive restraints.

SPECIFIC QUESTIONS ABOUT ALTERNATIVE OCCUPANT RESTRAINT SYSTEMS AND THEIR BENEFITS AND COSTS

1. Are the air cushion and passive belt systems technologically feasible?

2. Are the cash estimates presented of the costs and benefits of various occupant crash protection systems reasonably accurate?

3. What would be the effect of a shift to smaller cars?

4. What effect will the decision on FMVSS 208 have on automobile insurance rates?

5. What effect will the decision on FMVSS 208 have on sales employment in the automotive industry?

6. To what extent should benefits, costs, and benefit/cost ratios be weighed in arriving a decision?

7. Are there sufficient data available at present to assess adequately the effectiveness of the various occupant restraint systems?

[5] According to NHTSA, air bag-equipped cars on the road today have traveled approximately 240,000,000 miles. NHTSA has documented only 89 air bag deployments in that time. In these accidents 4 deaths and an additional 20 injuries at the moderate level or greater occurred. This field experience is probably not sufficient to calculate air bag effectiveness with precision. Of the 4 fatalities resulting from crashes in air bag-equipped cars, one was a 6-week old unrestrained infant who sustained a fatal head injury from being thrown into the dash as a result of emergency braking before the actual crash. In two others, the crash was so severe the occupant compartment was destroyed; in these two crashes no restraint system would have been of any help. The cause of the fourth fatality is uncertain; it appears the driver was slumped across the steering wheel (either passed out or dead) at the time his vehicle impacted a tree; an autopsy was not performed to determine the actual cause of death.

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8. Are there other existing feasible active or passive restraint systems that have not been identified?

III. PUBLIC ACCEPTANCE OF OCCUPANT RESTRAINT SYSTEMS

Public acceptance is necessarily of great consequence to the success of Federal efforts to increase automotive safety. While temporary gains can be achieved with unpopular and restrictive safety regulations, experience with the ignition interlock requirement and motorcycle helmet laws shows that safety regulations which significantly curtail personal freedom are frequently overturned. And, unfortunately, the public perception of the safety program usually becomes more negative. A consideration of reasonableness requires, among other things, examination of the public acceptability of a proposal.

A. Voluntary Safety Belt Usage

Generally speaking, the concept of voluntary safety belt usage has met with public acceptance. While some lament the fact that many of their fellow citizens do not use seat belts, objections to affording people a choice have been few. The resulting level of usage has been the source of some debate; safety experts disagree as to the percentage of people who are now "buckling-up". Estimates range from as low as 15% to as high as 45%. NHTSA, using experience with the ignition-interlock as a guide, believes that 40% (35% for the full lap and shoulder belt plus an additional 5% for the lap belt part of the assembly alone) is a reasonable upper limit to voluntary safety belt usage with present safety belt designs. Actual current usage rates are estimated by NHTSA to be near 20% (15% plus 5%); trends suggest a slight growth of usage with time.

B. Mandatory Safety Belt Usage Laws

Past experience with State mandatory usage laws suggests that this approach has very low public acceptability. While citizens of other countries may find such laws an effective and acceptable way to promote automotive safety, citizens of the United States have shown considerable opposition to the enactment of laws which require them to take actions to protect themselves on the highways. Although the 1973 Highway Safety Act promised additional Section 402 funds to States which passed mandatory seat belt usage laws, Congress, concerned primarily with the civil liberties impact of this provision, never provided funds for the implementation of this section and completely eliminated this feature in the recently enacted 1976 Federal Highway Act. NHTSA held a National Safety Belt Conference in November 1973 to help legislators and others work to get safety belt usage laws passed. In 1974, bills were introduced in or passed by at least one house of over 20 State legislatures. Only Puerto Rico, however, in 1974, actually passed a law mandating seat belt usage. Some bills were re-introduced in 1975–76, but in dwindling numbers. Support for such laws appears to be waning.

C. Public Acceptance of Passive Restraints

Many argue that passive restraints, especially the air cushion, would meet with public acceptability because of the personal convenience they afford when contrasted with safety belts. The additional cost would be outweighed by the safety benefits and added convenience. Others point to the potential hazards of air bags to demonstrate the likely unacceptability of passive restraints. They say that when one considers the additional costs of passive restraints and the limited increment in safety benefits compared to lap and shoulder belts (if worn), the unacceptability of passive restraints is assured. Mandating passive restraints would represent a significant and unprecedented increase in the cost of automobile safety. Public indifference to safety, it is argued, implies that additional costs of this magnitude are unacceptable.

The G.M. and Volkswagen experiences with offering optional passive restraints do not give conclusive evidence regarding public acceptability. The economic situation, the move to smaller cars, lack of advertising, and the public's general apathy about spending money for safety all complicate analysis of the G.M. effort to sell the air cushion—although it is clear that G.M. sold substantially fewer of these systems (10,000 total) than they had planned (100,000 annually). The passive belt has been available only recently, and, although about 30,000 have been sold to date, we simply do not know how the general public would react to passive belts. I earnestly invite comment on this question as it will certainly weigh in my decision on occupant crash protection.

D. Air Bag "Hazards"

In the past, critics of the air bag have argued that there are major potential safety hazards associated with their use which could outweigh the benefits they afford in occupant protection. The following have been prominently mentioned.

1. Hearing damage due to acoustic shock from air bag inflation.
2. Eye damage as a result of eyeglass breakage and other trauma due to air bag deployment.
3. Toxicity of chemicals used for air bag deployment.
4. Unreliability of air bag actuation: (a) Inadvertent actuation, (b) failure to actuate when needed.
5. Air bag-inflicted injury to improperly positioned occupants.
6. Improper disposal of air bag actuators.

Both laboratory experience and the limited field experience during the past several years indicate that these factors do not constitute a significant risk. No case of poisoning or hearing or eye damage has been encountered in thousands of laboratory deployments. Experience with the G.M. and other fleets has demonstrated the reliability of bag deployment and has produced no significant air bag injuries to improperly positioned occupants. Field as well as laboratory results confirm, however, that improper positioning certainly lessens the degree of protection afforded by the air bag. This fact reinforces the value of the lap belt, apart from the basic protection it provides. Improper disposal of air bag actuators is, of course, a matter of concern to mnaufacturers because of the potential product liability considerations, but we have no evidence to suggest that they will be unable to deal satisfactorily with the problem.

The reliability of any system, particularly any new system, is always important. There is good reason to believe that the air bag system will work when it is supposed to and will not "go off" when it is not supposed to.[6] This is not to say that, should the air bag system be mandated, there will not be start-up problems. In any event, I want to encourage any further discussion that will shed light on this issue.

SPECIFIC QUESTIONS ABOUT PUBLIC ACCEPTANCE

1. What level of voluntary usage of safety belts is most likely in the future?
2. Should State mandatory safety belt usage laws be proposed?
3. What, if any, Federal laws should be enacted to induce the States to enact such laws?
4. Ar passive restraints—the air cushion and passive belt systems—acceptable to the public from both a convenience and a cost point of view?
5. Do "air bag hazards" constitute a meaningful risk?
6. How should the issue of public acceptance weigh in my decision?

THE ALTERNATIVES

This section delineates the more plausible alternative courses of action along with their pros and cons. Set forth below are the formal rule changes that would be required by each alternative and, in conjunction with the foregoing discussion of the issues involved and the following description of the alternatives, is intended to constitute the formal notice of proposed rulemaking as required by the Administrative Procedure Act. While I have attempted to focus on what appear to be the more plausible alternatives, I also want to encourage those with additional suggestions to submit their proposals to me either orally at the public hearing or in writing. I will also be considering the adoption of various combinations or refinements of the alternatives listed below and therefore specifically invite comment on such possibilities.

[6] There have been six recorded non-collision (inadvertent) deployments of air bags. Three occurred in service garages; inattention or unfamiliarity with the system by mechanics was the cause in every case. One occurred during a fire and explosion of a propane tank in a vehicle—a highly unusual circumstance. One was caused when sensor wiring was abraided by a pulley to the engine and resulted in the recall of 2,000 air bag-equipped vehicles to correct this manufacturing error. The one remaining incident was traced to the quality of a sensor which was actuated apparently by concentrated electromagnetic radiation.

ALTERNATIVE I: CONTINUATION OF EXISTING REQUIREMENT

Under this alternative, the present three-option version of FMVSS 208, described earlier, would be extended for some period into the future, and research directed toward developing effective passive restraint systems would continue. While the length of the extension is open to discussion, the proposed amendment below is written for a three-year extension—to August 31, 1979.

Supporters of this alternative would contend that most consumers appear to favor safety belts over passive restraints and that the Federal government should respect this choice. Moreover, safety belt usage is increasing as more comfortable and convenient systems become available. Thus, the present form of FMVSS 208 is working effectively and should not be changed. Many would argue that the Federal government has met its obligation under the Safety Act and to go further would not be consistent with the appropriate Federal role. Supporters would also point out that this option minimizes additional cost to consumers and does not place reliance on what some believe to be the untested technology of passive restraints. They would conclude that the public is assured under this alternative that there will be reliable, relatively inexpensive crash protection systems (e.g., lap and shoulder safety belts) available.

Those opposing this approach would maintain that, in view of low safety belt usage rates, this alternative will not produce the substantial additional safety benefits that would result from the other alternatives. They would view this as a timid aproach to highway safety that is inconsistent with the spirit of the Safety Act. While research on passive restraints might continue, this decision woud likely signal the end of the availability and further large-scale commercial development of the air cushion restraint system—a passive protection system that many believe offers considerable safety benefits.

ALTERNATIVE II: STATE MANDATORY SAFETY BELT USAGE LAWS

This approach would also retain the present three-option version of FMVSS 208 for some period of time. Concurrently, the Department of Transportation would propose a new Traffic Safety Standard which would cause the States to adopt and enforce safety belt usage laws or otherwise to achieve a usage level much higher than being experienced today. Pursuant to the 1973 Highway Safety Act, however, Congress would have to enact such a Traffic Safety Standard.

Everyone would agree that this approach is the quickest way to realize substantial safety benefits. Practically all automobiles are now equipped with safety belts while passive restraints, if mandated, would be introduced into the fleet at a rate of about only 10% per year, thus requiring many years before their full benefits could be realized. If a usage rate of 70% could be achieved, proponents argue, the resulting safety benefits would be essentially the same as the more expensive passive systems. They point out that mandatory safety belt usage laws have worked in other countries and, with effective enforcement, levels of usage near 70% have been achieved. Not only would usage laws quickly realize much of the potential safety benefits of safety belts that are now being lost, it is claimed, they would do so at no additional cash cost to consumers. Effectively enforced State mandatory safety belt usage laws, enforced by Federal law, are the most cost-beneficial safety proposal the Federal government could bring about. While supporters of this option would rather achieve these high levels of usage through voluntary actions, they believe it is quite unlikely that usage rates in excess of about 40% could be achieved voluntarily. Thus unless safety belt usage is increased by law, they conclude, the nation will not realize the substantial potential safety benefits seat belts could provide.

Opponents of mandatory usage laws would argue that it is not the Federal government's role to induce States to require a citizen to protect himself. They would view the requirement to "buckle-up" as an invasion of individual liberty and an inconvenience that will not be readily accepted by the American people. Recent Congressional actions rescinding regulations mandating the ignition-interlock system and motorcycle helmet laws, they would argue, demonstrate that the American people are opposed to requirements which substantially interfere with personal behavior in the name of safety. Opponents also would point to NHTSA's lack of success in stimulating mandatory usage laws to indicate the futility of this proposal.

ALTERNATIVE III: FEDERAL FIELD TEST OF PASSIVE RESTRAINTS

Under this alternative, the present three-option version of FMVSS 208 would be extended for a period of time while a Federally sponsored field test of passive restraint systems is conducted. The motor vehicle safety data collected in this field test would then be used in formulating a future decision on mandating passive restraints. An adequate field test and evaluation of data could cost from $50 million to $150 million and Congressional approval of a supplemental appropriation to NHTSA would be required.

Among the questions posed by such a field test is how passive restraints would be introduced into the automobile fleet. Should manufacturers be subsidized to introduce passive restraints into one or more of their models? Should the government subsidize individual consumers who elect to have passive restraints installed in their cars? Or should the test be conducted by installing passive restraints in government vehicles? Which approach would ensure that an adequate number of test vehicles will be developed?

Supporters of a Federal field test generally believe that while passive restraints may be mandated eventually, there is insufficient data regarding effectiveness and practicability to justify such a requirement at this time. In view of the substantial cost of mandatory passive restraints and the relatively small cost of a field test, they would argue, the Federal government must ensure that these issues are settled before embarking on such a program. Furthermore, a field test will undoubtedly cause further technological development of passive restraints and also reduce the possibility of serious start-up problems in manufacturing if passive restraints are later mandated. The air cushion would remain an available option to consumers under this alternative and the issue of potential air bag hazards would be even more satisfactorily addressed.

This alternative would likely meet opposition from both those in favor of and those opposed to mandatory passive restraints. The former are sufficiently confident of the data available to conclude that a field test is not needed. And, because of the time needed to prepare for, conduct, and evaluate the field test, the purported potential benefits of passive restraints could be delayed for as much as five years. The latter typically argue that there is sufficient data available to show that passive restraint systems do not provide significantly better protection than the lap and shoulder belts—provided belts are worn—and yet the passive systems are more costly. Others opposed to a field test believe that a $50 million–$150 million expenditure on a field test would be a waste of Federal funds.

ALTERNATIVE IV: MANDATORY PASSIVE RESTRAINTS

Under this alternative, FMVSS 208 would be amended to require passive restraint systems for all automobiles manufactured after a given date. The effective date of the amendment would be determined primarily by the amount of lead time needed by automotive manufacturers to comply with the amended standard. The proposed amendment set forth below would be effective on August 31, 1979, in time for the 1980 model year.

Among the questions entailed in mandating passive restraints is that of which seating positions should be protected. Because of the relatively low occupancy rates for rear seats and the protection afforded rear seat occupants by the back of the front seat, it is generally agreed that rear seat passive restraints would not be justified. Since all cars have drivers and the average front-seat occupancy is 1.4, providing the driver with a passive restraint system would be the most cost-beneficial action. Also, the technology of the air cushion restraint system is such that a driver-side passive restraint system appears to be relatively easy technologically since the air bag would be stored in the steering wheel column assembly without modification of the rest of the car interior. Protecting all front seat occupants (a "full front"

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air cushion) would additionally require redesign of the dashboard. With these considerations in mind, the proposed amendment set forth in Appendix B calls for driver-side passive restraints starting August 31, 1979, and full-front passive restraints starting two years later.

This amendment to FMVSS 208 would not become effective until sixty calendar days of continuous session of Congress have passed after its promulgation and only if a concurrent resolution disapproving the amendment is not adopted during that time by both Houses of Congress.

Those favoring this alternative would argue that, in view of the low level of safety belt usage and the limited prospects for increase usage in the future, there is a further "need for motor vehicle safety" as defined by the Safety Act and that a mandate of passive restraints will meet that need. They argue that lives would be saved and injuries will be reduced or avoided at a reasonable cost to consumers. Furthermore, supporters of mandatory passive restraints believe both laboratory simulations and field experience have shown passive restraints to be practicable so that there is no need for additional field data. They would further argue that the additional cost of passive restraints will be mitigated, at least in part, by reduced automobile insurance rates. Finally, they would point out that while comparable benefits could be achieved at lower cost through a higher rate of usage of safety belts, voluntary usage will not reach the requisite levels, and mandatory usage laws are unacceptable to people.

Arguing against this alternative would be those who believe that a mandate of passive restraints would not be in the public interest and would unnecessarily reduce the consumer's freedom of choice. They would claim that experience with passive restraints as an option suggests that consumers prefer the less costly lap and shoulder belts to the air cushion restraint system. Furthermore, they would contend passive restraints, while more costly, would provide no additional safety benefit to those who have been sufficiently interested in personal safety to use their safety belts. The subsidization by seat belt wearers of non-seat belt wearers is claimed to be unfair and contrary to sound public policy. The lack of sufficient field data on the effectiveness, reliability, and feasibility of passive restraints is cited as an additional reason for opposing mandatory passive restraints. Finally, in view of the need for air cushions to be supplemented by lap belts to provide protection in non-frontal crashes, it is argued that air cushions do not constitute a totally passive restraint proposal. The need to buckle a lap belt for complete protection remains, so that personal convenience and actual effectiveness of air cushion passive restraints are overstated.

ALTERNATIVE V: MANDATORY PASSIVE RESTRAINT OPTION

Here FMVSS 208 would be amended to require that automobile manufacturers provide consumers with the option of passive restraints in some or all of their models. The extent to which the option should be available is open to discussion. The proposed amendment set forth in Appendix B requires, that, within each size class,[7] manufacturers must make this option available in at least one model. Under this proposal, most consumers would be able to obtain passive restraints, if they choose, in a reasonable range of models.

This amendment to FMVSS 208 would not become effective until sixty calendar days of continuous session of Congress have passed after its promulgation and only if a concurrent resolution disapproving the amendment is not adopted during that time by both Houses of Congress.

Those in favor of this option would argue that this alternative would realize the advantages of passive restraint systems for those who choose them while preserving the consumer's freedom of choice. As a consequence, the marketplace would also provide incentives for the further development of occupant crash protection systems to meet the safety needs of consumers at the least cost and inconvenience.

Those opposing this option would argue that the safety benefits of passive restraints would not be realized because consumers would choose the less expensive, less protective, active systems. And the optional nature of passive systems would raise their unit cost even higher, thus further discouraging the purchase of passive systems. They would argue that the marketplace has not in the past and will not in the future adequately provide for society's needs in automotive safety. Some automotive manufacturers have pointed out the potentially burdensome cost of providing this option on numerous models of their cars—especially if consumers do not exercise the option in large numbers. The extent to which consumers would select optional passive restraints and the unit costs of passive restraints under this alternative are difficult to anticipate.

HEARING PROCEDURES

The hearing will be conducted in a manner comparable to a Congressional hearing, and will be held on Tuesday, August 3, 1976, at the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C. The hearing schedule will be from 9:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:00 p.m. We will seek to assure a fair opportunity for proponents of all positions to present their views.

Participants will be permitted a maximum of ten minutes each. Written copies of presentations will be helpful, but are not required. Additionally, written presentations of any interested person, including those who may not have sufficient time to express their full views at the hearing, may be submitted directly to me on or before September 17, 1976 (send to Secretary of Transportation, Washington, D.C. 20590, and indicate FMVSS 208 Hearing on the envelope). These submissions will be available for public inspection and copying from the docket clerk, both before and after September 17, 1976, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, Nassif Building, 400 7th Street, S.W., Washington, D.C., from 9:00 a.m. to 5:30 p.m. local time, Monday through Friday, except Federal holidays.

Requests to testify will be accepted from public officials, representatives of recognized civic, public interest, or industry organizations, and concerned and knowledgeable citizens. Time allotments will be governed by the number of received; if the requests exceed the available time, we will ask prospective witnesses with similar views to combine their presentations. In the event that accommodation cannot be made, witnesses will be chosen by lot.

Any public official, representative of an organization, or other individual desiring to participate at the hearing should write directly to me at the above address on or before July 12, 1976, providing the following information.

1. Name.
2. Business address.
3. Telephone number during normal working hours.
4. Capacity in which presentation will be made (i.e., public official, organization representative, knowledgeable citizen).
5. Principal issue to be addressed (i.e., appropriate Federal role, benefits vs. costs, or public acceptance) and basic position on the issue and the identified alternatives.
6. Time desired, which must be ten minutes or less.
7. Written copy of presentation, if one is to be submitted.

Envelopes should be marked FMVSS 208 Testimony, and may be mailed or hand-delivered to the Executive Secretary, Room 10203, Nassif Building (DOT Headquarters), 400 7th Street, SW., Washington, D.C.

The public and the press are invited to attend the hearing, which will be transcribed electronically. The transcript and all written submissions will become a part of the record in this proceeding.

The holding of this hearing should not necessarily be viewed as a precedent for the way in which I will handle similar matters in the future.

Issued in Washington, D.C., June 9, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

FORMAL RULE CHANGES

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that Standard No. 208 (49 CFR 571.208) be amended in accordance with one of five alternatives as follows:

[7] "Size class" refers to the size of the wheelbase conforming to the subcompact, compact, intermediate, standard, and full-size division automobiles.

§ 571.208 [Amended]

ALTERNATIVE I

The dates "August 31, 1976" and "August 15, 1977" would be changed to read "August 31, 1979" wherever they appear in S4.1.2, S5.3, S6.2, and S6.3.

ALTERNATIVE II

The dates "August 31, 1976" and "August 15, 1977" would be changed to read "August 31, 1979" wherever they appear in S4.1.2, S5.3, S6.2, and S6.3.

ALTERNATIVE III

The dates "August 31, 1976" and "August 15, 1977" would be changed to read "August 31, 1979" wherever they appear in S4.1.2, S5.3, S6.2, and S6.3.

ALTERNATIVE IV

1. S4.1.2 would be amended to read:

S4.1.2 *Passenger cars manufactured from September 1, 1973, to August 31, 1981.* Each passenger car manufactured from September 1, 1973, to August 31, 1979, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3. Each passenger car manufactured from September 1, 1979, to August 31, 1981, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2. or S4.1.2.3, except that it shall meet the requirements of S4.1.3 at the driver's position. A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3.

2. A new S4.1.3 would be added to read:

S4.1.3 *Passenger cars manufactured on or after September 1, 1981.* Each passenger car manufactured on or after September 1, 1981, shall—

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each rear designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2; and

(c) Either—

(1) Meet the lateral crash protection requirements of S5.2 and the roll-over crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 through S7.3A, and meet the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant.

3. The dates "August 31, 1976" and "August 15, 1977" would be changed to read "August 31, 1979" wherever they appear in S5.3, S6.2 and S6.3.

ALTERNATIVE V

1. S4.1.2 would be amended in part to read:

S4.1.2 *Passenger cars manufactured from September 1, 1973, to August 31, 1981.* Each passenger car manufactured from September 1, 1973, to August 31, 1979, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3. Each passenger car manufactured from September 1, 1979 to August 31, 1981, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2., or S4.1.2.3, except that, upon the prospective purchaser's offer of purchase and specification of passive restraint as described by S4.1.3, a passenger car shall meet the passive restraint requirements of S4.1.3 at the driver's position, unless its manufacturer produces a passenger car of a different model with passive restraint protection that has a wheelbase which falls within the same wheelbase range as the requested vehicle, based on the wheelbase ranges specified in (a) through (e). A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3.

(a) The wheelbase range that is 100 inches or less.

(b) The wheelbase range that is more than 100 inches and less than 110 inches.

(c) The wheelbase range that is 110 inches to 120 inches.

(d) The wheelbase range that is more than 120 inches but less than 123 inches.

(e) The wheelbase range that is 123 inches or more.

2. A new S4.1.3 would be added to read:

S4.1.3 *Passenger cars manufactured on or after September 1, 1981.* Each passenger car manufactured on or after September 1, 1981, shall meet the requirements of S.4.1.2.1, S4.1.2.2, or S4.1.2.3 of S4.1.2, except that, upon the prospective purchaser's offer of purchase and specification of passive restraint as described in (a) through (c), a passenger car shall—

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each rear designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2; and

(c) Either—

(1) Meet the lateral crash protection requirements of S5.2 and the roll-over crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 through S7.3A, and meet the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant. However, a passenger car need not meet the requirements of (a) through (c) if its manufacturer produces a passenger car of a different model that has the passive protection described in (a) through (c) and that has a wheelbase which falls within the same wheelbase range as the requested vehicle, based on the following wheelbase ranges: 100 inches or less; more than 100 inches and less than 110 inches; 110 inches to 120 inches; more than 120 inches but less than 123 inches; and 123 inches or more.

(3) The dates "August 31, 1976" and "August 15, 1977" would be changed to read "August 31, 1979" wherever they appear in S5.3, S6.2, and S6.3.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 109, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1410(b)).)

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with Office of Management and Budget Circular A–107.

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

In consideration of the foreging, if Alternative II is to be implemented, in addition to the proposed change to Standard No. 208 (49 CFR 571.208) set forth above with respect to Alternative II, Highway Safety Program Standard No. I/M (23 CFR Part 1204) is hereby proposed as follows:

I. *Scope.* This standard establishes minimum requirements for a State highway safety program for safety belt use.

II. *Purpose.* The purpose of this standard is to establish State safety belt use programs which will significantly reduce highway deaths and injuries and resultant societal costs.

III. *Definition.* For the purpose of this standard, "safety belt" means a lap belt, shoulder belt, or other belt or combinations of belts designed to be installed in any motor vehicle to restrain the operator and any passengers in the vehicle during motor vehicle crashes or other sudden decelerations.

IV. *Requirements.* A. Each State shall develop and maintain a safety belt use program to achieve, within three years after the date of the issuance of this standard, a statewide safety belt use rate of at least 70 percent by occupants of motor vehicles which have been required by Federal regulation to be equipped initially with safety belts and which are operated on the public streets, roads or highways of the State.

B. Annually, beginning one year after the issuance of this standard, each State shall conduct a road-side survey providing a sufficient number of representative observations to estimate reliably the statewide safety belt use rate. The survey plan and methodology shall be decided cooperatively by each State and the National Highway Traffic Safety Administration.

V. *Supplemental components.* Each State shall adopt such of the following measures as appear necessary to attain the safety belt use rate specified in section IV:

A. *Safety belt use law and enforcement program.* A State safety belt use law shall be enacted and enforced that—

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1. Requires the use of safety belts by the occupants of motor vehicles which are in operation on the public streets, roads or highways of the State;

2. Exempts any person or class of persons from the law's requirements upon finding that requiring such person or class of persons to use safety belts would be unreasonable; and

3. Provides a fine for a violation equivalent to a fine for a minor moving traffic law offense.

B. *Safety belt use educational program.* An educational program shall be designed and implemented to encourage safety belt use and to inform the citizens of the State about the individual and societal benefits of safety belt use, including:

1. A public information program;

2. An elementary and secondary school program; and

3. In-service training for State and local personnel directly involved in the development and maintenance of the safety belt use program.

C. *Safety belt installation and maintenance law.* A State safety belt installation and maintenance law shall be enacted that requires that (1) no person shall operate any motor vehicle on the streets, roads and highways of the State unless each of its seating positions is equipped with the same number of safety belts with which it was required by Federal law or regulation to be equipped at the time of the vehicle's manufacture and all of the safety belts with which it is required by State law or regulation to be equipped; and (2) no person shall wholly or partially remove or disconnect any safety belt that was required by Federal law or regulation to be installed in a motor vehicle at the time of the vehicle's manufacture, or that is required by State law or regulation to be installed in a vehicle, except temporarily for cleaning, repair, or replacement with equivalent or improved safety belts.

(Sec. 101, Pub. L. 89-564, 80 Stat. 731, 23 U.S.C. 402.)

APPENDIX A—BENEFIT/COST ANALYSIS

This appendix details the analysis that led to the benefits and cost information presented in section II of the basic issues.

I. SOCIETAL COST BASE LINE

As a base-line condition for the calculations which follow, estimates are made here of (1) the annual number of fatalities and injuries to all passenger car front seat occupants and (2) the associated total societal cost, assuming no restraint system usage. The severity of such injuries are expressed in terms of the Abbreviated Injury Severity Scale (AIS Scale):

AIS injury level

AIS injury level	*Description*
1	Minor (e.g., simple sprain).
2	Moderate (e.g., simple fracture).
3	Severe (e.g., severe fracture or dislocated major joints).
4	Serious non-fatal (e.g., amputated limbs, severe skull fracture, and survivable organ injuries).
5	Critical non-fatal (e.g., major spinal cord injury, critical organ injuries).
6	Fatal.

Estimates of the number and distribution of severity of such injuries, derived from recent data, are given below in Table A1.

TABLE A1.—*Severity distribution of highway accident injuries*

AIS injury level	Number per year	Percentage of total
1	2,290,000	84.2
2	332,000	12.2
3	54,400	2.0
4	13,600	0.5
5	2,700	.1
6	27,200	1.0
Total	2,719,900	

The figures for AIS 4 and 5 may appear anomalous with respect to AIS 6 (fatal); these values result because of the definitions of the AIS injury levels.

Using estimates of the societal cost per injury at each level of severity, we can calculate the annual societal cost of injuries. The results are shown below in Table A2.

TABLE A2

SOCIETAL COSTS OF HIGHWAY ACCIDENT INJURIES AND DEATHS[1]

AIS injury level:	*Annual society cost (millions of dollars)*
1	710
2	740
3	310
4	1,140
5	510
6	7,790
Total	11,200

[1] A 7 percent discount rate has been used for long-term societal costs or benefits.

These figures demonstrate the magnitude of the highway safety problem—over $11 billion per year in societal costs due to passenger car occupant injuries and deaths alone. This table also shows the importance of protection at higher severity levels if we are to achieve major safety improvements.

II. BENEFITS

To determine the benefits that result from a particular crash protection system, both the effectiveness of the system in reducing or avoiding injuries (when used) and the rate of usage must be known.

II.1 OCCUPANT CRASH PROTECTION SYSTEM EFFECTIVENESS

Available field data do not provide a definitive basis for estimating the effectiveness of all existing occupant crash protection systems. However, results of engineering tests involving animals, cadavers, and human volunteers, subjected to crashes under a variety of controlled test conditions, do provide a basis for estimating the relative effectiveness of alternative systems. Using the most extensive field test results available (i.e., those for lap and lap-and-shoulder belt systems), taken together with the relative effectiveness estimates from laboratory data, one can construct the table of occupant crash protection system effectiveness estimates shown below in Table A3.

TABLE A3.—*Occupant crash protection system effectiveness estimates*

AIS injury level	Lap belt	Lap and shoulder belt	Air cushion	Air cushion and lap belt	Passive belt and knee bolster	Knee bolster
1	0.15	0.30	0	0.15	0.20	0.10
2	.22	.57	.22	.33	.40	.15
3	.30	.59	.30	.45	.45	.20
4 to 6	.40	.60	.40	.60	.50	.25

These effectiveness numbers mean that, at a given injury severity level, a particular protection system will reduce injuries of that severity (from that which would occur with no protection) by a fraction whose numerical value equals the effectiveness number—e.g., a lap and shoulder belt reduces the number of fatalities (AIS 6) by an estimated 60 percent.

Multiplying these effectiveness numbers by the number of occurrences from Table A1 or the societal cost given in Table A2 gives the total effectiveness at 100% usage. The latter is more appropriate as it more accurately reflects the impact of a system and also will be useful in calculating benefit/cost ratios. These results are shown below in Table A4.

TABLE A4.—*Occupant crash protection system benefits at theoretical 100-pct usage*

[In millions of dollars]

AIS injury level	Lap belt	Lap and shoulder belt	Air cushion	Air cushion and lap belt	Passive belt and knee bolster	Knee bolster
1	110	210	0	110	140	70
2	160	420	160	240	300	110
3	90	190	90	140	140	60
4	460	680	460	680	570	290
5	200	310	200	310	250	130
6	3,120	4,670	3,120	4,670	3,890	1,950
Total	4,140	6,480	4,030	6,150	5,290	2,600

The results in Table A4 show the maximum possible benefits of the various protection systems listed. If the actual usage rate is less than the theoretical limit of 100%, the benefits are reduced commensurately.

II.2 OCCUPANT CRASH PROTECTION USAGE

Estimates of active belt systems benefits will be made using two different projections for rates of voluntary usage. The nominal projection assumes 15% usage of lap and shoulder belt combinations and an additional 5% usage of the lap belt only. The other "optimistic" projection assumes 35% usage of lap and shoulder belt combinations, plus 5% lap belt only. The nominal projection is believed to correspond to usage rates that will be experienced in practice and should represent a lower bound for usage rates in the future.

The optimistic projection is thought to represent the likely upper limit of belt usage in the absence of mandatory seat belt use laws.

In calculating the benefits of air cushion restraint systems, we assume a 98% rate of readiness for air bags and a 20% rate of safety belt wearing. For passive belts, a 60% usage rate is assumed (e.g., a 40% "system defeat rate").

Mandatory seat belt use laws are assumed to result in a use rate of 70% for lap and shoulder belts.

Finally, in calculating the benefits for a situation in which both air cushions and lap-and-shoulder belts were available—such as with a mandatory passive restraint option—we shall assume that air bags are in 5%, 10%, and 25% of the cars with the remainder of the cars having lap-and-shoulder belts. The lap belt usage rate with air bags is taken to be 20% as is the usage rate for lap and shoulder belts.

II.3 COMPARISON OF BENEFITS

Table A5 compares the estimated (steady state) annual savings—in terms of lives saved, injuries reduced or avoided, and societal costs—if all vehicles are equipped with the various protection systems indicated.

TABLE A5.—*Annual benefits of occupant crash protection systems*

System	Fatalities saved	Injuries avoided or reduced	Societal benefits (billions of dollars)
15 pct lap and shoulder, 5 pct lap only	3,000	159,300	1.18
35 pct lap and shoulder, 5 pct lap only	6,300	342,600	2.48
70 pct lap and shoulder	11,500	641,400	4.55
Air cushion and lap belt:			
Full front	11,200	171,800	4.23
Driver only	9,200	168,600	3.44
Passive belt and knee bolster	8,200	373,300	3.02
Mandatory option:			
5 pct air cushion	3,400	182,700	1.36
10 pct air cushion	4,100	182,100	1.60
25 pct air cushion	5,400	186,300	2.06

III. BENEFIT/COST RATIOS

Table A6 presents a set of benefit/cost ratios derived from the benefit data in Table A5 and from estimates of total incremental life cycle costs shown in Table A7.

TABLE A6.—*Benefit/cost ratio of occupant crash protection systems*

System	Benefit/cost[1] Low	NHTSA	High
15 pct lap and shoulder, 5 pct lap only	2.4	2.0	1.7
35 pct lap and shoulder, 5 pct lap only	5.0	4.1	3.5
70 pct lap and shoulder	9.1	7.6	6.5
Air cushion and lap belt:			
Full front	4.2	2.2	1.2
Driver only		3.1	1.7
Passive belt and knee bolster		4.0	
Mandatory option:			
5 pct air cushion		1.8	
10 pct air cushion		1.7	
25 pct air cushion		1.5	

[1] Assumes 10,000,000 new cars per year.

TABLE A7.—*Cost of occupant crash protection systems*[1]

	Cost Low	NHTSA	High
Lap belt		30	
Lap and shoulder belt	50	60	70
Driver-only air cushion		110	200
Full-front air cushion	100	[2] 190	350
Passive belt and knee bolster		90	

[1] This does not include the cost of lap belts for rear seat occupants—typically about $20 per car.

[2] This assumes all cars would be equipped with the air cushion. If air cushions are to be offered as an option, a very rough estimate of the cost is taken to be twice this price.

It is useful in comparing the advantages of various alternatives, to compute the incremental benefits and costs—e.g., the additional benefits and costs relative to the current state of affairs. Forming the ratio of the incremental benefits and costs gives an indication of the relative merits of the different alternatives. These results, using NHTSA's cost estimates, are shown below in Table A8.

TABLE A8

INCREMENTAL BENEFIT/COST RATIO OF OCCUPANT CRASH PROTECTION SYSTEMS

System:	*Incremental benefit cost*
35 pct lap and shoulder	[1]
5 pct. lap only	
70 pct. lap and shoulder	[1]
Air cushion and lap belt:	
Full front	2.4
Driver only	4.5
Passive belt and knee bolster	8.1
Mandatory option:	
5 pct. air cushion	1.1
10 pct. air cushion	1.3
25 pct. air cushion	1.1

[1] This infinite value results as the incremental cost of this option is zero. This, of course, ignores the costs of enforcement and the time people spend "buckling up".

All of the discussion of benefits and cost presented to this point has focused on the steady state, or equilibrium condition—i.e., that situation expected to exist long after a particular system has been put into effect. If one examines the transition period after a new protection system is mandated, one finds that while the full annual costs are realized immediately, the benefits are realized in increments of roughly 10% per year. Thus it takes a period of time for the cumulative benefits to exceed the cumulative costs—even for a system whose steady-state benefit/cost ratio exceeds unity by a sizeable amount. Depending upon the cost figures used, for example, it would take 5 to 7 years before a mandatory passive restraint requirement would break even.

[FR Doc.76-17127 Filed 6-11-76;8:45 am]

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federal register

MONDAY, JUNE 14, 1976

PART IV:

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report; June 1976

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OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report; June, 1976

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of June 1, 1976, of the 44 rescissions and 111 deferrals contained in the first fifteen special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, October 3 and 20, November 18, December 1, 1975, January 6 and 23, February 6, March 18, April 13 and 26, and May 13, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

No rescissions are presently pending before the Congress. Table A summarizes the disposition of rescissions proposed during fiscal year 1976 and Attachment A details each proposal and its disposition.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of June 1, 1976, $5,491.1 million in 1976 budget authority was being deferred from obligation and another $144.8 million in 1976 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during the first eleven months of fiscal year 1976.

INFORMATION FROM SPECIAL MESSAGES

The fifteen special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V)
Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II)
Monday, September 15, 1975 (Vol. 40, No. 179, Part V)
Monday, September 29, 1975 (Vol. 40, No. 189, Part V)
Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII)
Thursday, October 23, 1975 (Vol. 40, No. 206, Part III)
Thursday, November 20, 1975 (Vol. 40, No. 225, Part VI)
Thursday, December 4, 1975 (Vol. 40, No. 234, Part II)
Friday, January 9, 1976 (Vol. 41, No. 6, Part V)
Wednesday, January 28, 1976 (Vol. 41, No. 19, Part V)
Wednesday, February 11, 1976 (Vol. 41, No. 29, Part VII)
Tuesday, March 23, 1976 (Vol. 41, No. 57, Part V)
Friday, April 16, 1976 (Vol. 41, No. 75, Part VI)
Thursday, April 29, 1976 (Vol. 41, No. 87, Part IV)
Monday, May 17, 1976 (Vol. 41, No. 96, Part VI)

JAMES T. LYNN,
Director.

Table B

STATUS OF 1976 DEFERRALS

	Amount* (in millions of dollars)
Deferrals proposed by the President	8,775.3
Routine Executive Releases (-$2,575.8M) and adjustments (-$245.2M) 1/ through June 1, 1976	-2,791.0
Overturned by the Congress 2/	
Agriculture:	
Agricultural Research Service	
Construction (D76-68) (overturned December 4, 1975)	-7.6
Animal and Plant Health Inspection Service	
Construction-Fleming Key animal import center (D76-69) (overturned December 10, 1975)	-6.3
Agricultural Stabilization and Conservation Service	
Agriculture conservation program (D76-70) (overturned December 19, 1975)	-90.0
Farmers Home Administration	
Rural water and waste disposal grants (D76-72) (overturned December 19, 1975)	-50.0
Soil Conservation Service	
Watershed and flood prevention (D76-73) (overturned December 19, 1975)	-22.5
Watershed and flood prevention (D76-95) (overturned April 12, 1976)	-18.0
Resource conservation and development (D76-74) (overturned December 19, 1975)	-5.0
Food and Nutrition Service	
Special supplemental food program (D76-106) (overturned April 12, 1976)	-61.0
Forest Service	
Youth Conservation Corps (D76-101) (overturned March 9, 1976)	-23.7
Corps of Engineers-Civil:	
Revolving Fund (D76-96) (overturned April 14, 1976)	-.7
Health, Education, and Welfare:	
Health Services Administration	
Indian health facilities (D76-39, D76-97) (overturned March 9, 1976)	-14.9
Interior:	
Bureau of Reclamation	
Construction and rehabilitation (D76-13) (overturned December 4, 1975)	-1.0
Bureau of Indian Affairs	
Construction (D76-103) (overturned March 9, 1976)	-10.9

Table A

STATUS OF 1976 RESCISSION PROPOSALS

	Amount* (in millions of dollars)
Rescissions proposed by the President	3,328.7
Accepted by the Congress:	
Helium fund (R76-6) 1/	47.5
Access highways to public recreation areas on certain lakes (R76-2) 2/	15.0
Public lands development roads and trails (R76-40) 3/	4.9
National Park Service, road construction (R76-41) 3/	58.5
State Department-Mutual educational and cultural exchange (R76-42) 3/	8.0
Consumer Product Safety Commission (R76-27A) 3/	2.7
Selective Service System (R76-44) 3/	1.8
Total accepted by the Congress	138.3
Rejected by the Congress	3,190.4

*Detail does not add to total due to rounding.
1/ Included in the first 1976 rescission bill (P.L. 94-111).
2/ The Department of Transportation and Related Agencies Appropriations Act (P.L. 94-134) rescinded $25 million under this head and appropriated $10 million under a separate section of Federal-Aid Highway Amendments of 1974 (23 U.S.C. 101).
3/ Included in the second 1976 rescission bill (P.L. 94-249)

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	Amount* (in millions of dollars)
Justice:	
Law Enforcement Assistance Administration	
Juvenile justice and delinquency prevention (D76-98)(overturned March 4, 1976).....	-15.0
EPA: (all overturned December 19, 1975)	
Research and development	
Air research (D76-79).....	-2.0
Water research (D76-80).....	-4.6
Abatement and Control	
Air control agency grants (D76-81).....	-3.8
Water quality control agency grants (D76-82).....	-10.0
Clean lakes grants (D76-83).....	-15.0
Other Independent Agencies:	
Community Services Administration	
Emergency energy conservation (D76-49) (overturned November 3, 1975).....	-16.5
Total, deferrals overturned by the Congress 2/.....	-378.4
Currently before the Congress.....	5,605.9 3/

* Detail does not add to total due to rounding.

1/ Adjustments include, for example, termination of Agriculture and Health, Education, and Welfare deferrals under the continuing resolution upon approval of associated appropriation acts. An amount equal to $907.8 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "adjustments" entry above because these adjustments are included in calculating the amount shown on the line "Deferrals proposed by the President."

2/ Does not include $10 million in funds reported as deferred by the General Accounting Office and overturned by the Congress on July 10, 1975.

3/ Includes $114.8 million of outlays in two Treasury deferrals--D76-25E and D76-67.

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ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of June 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture							
Agriculture Research Service: Construction	R76-15	[225]	12-01-75			225	02-24-76
Agriculture Stabilization and Conservation Service: Water Bank Act Program	R76-16	[12,500]	12-01-75			12,500 1/	02-24-76
Forestry Incentives Program	R76-17	[18,750]	12-01-75				
	R76-17A	[18,750]	01-23-76			18,750 2/	02-24-76
Farmers Home Administration: Rural Water and Waste Disposal Grants	R76-18	[150,000]	12-01-75			150,000 3/	02-24-76
Rural Development Grants	R76-19	[12,344]	12-01-75				
	R76-19A	[12,344]	01-23-76			12,344 4/	02-24-76
Rural Housing for Domestic farm labor	R76-20	[9,375]	12-01-75			9,375 5/	02-24-76
Mutual and self-help housing	R76-21	[12,287]	12-01-75			12,287 6/	02-24-76
Self-help housing land development fund	R76-22	[1,498]	12-01-75			1,498	02-24-76
Rural housing insurance fund	R76-23	[10,000]	12-01-75			10,000	02-24-76
	R76-29	[500,000]	01-23-76			500,000	03-18-76

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Rural community fire protection grants	R76-24	[4,375]	12-01-75			4,375 7/	02-24-76
Agriculture Marketing Service: Payments to States and possessions	R76-25	[2,000]	12-01-75			2,000 8/	02-24-76
Food and Nutrition Service: Special milk program	R76-30	[40,000]	01-23-76			40,000	03-18-76
Forest Service: Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
Department of Commerce							
Economic Development Administration: Economic development assistance programs	R76-31	[4,000]	01-23-76			4,000	03-18-76
Department of Defense-Civil							
Corps of Engineers-Civil: Construction, general	R76-32	[3,600]	01-23-76			3,600	03-18-76
Department of Health, Education, and Welfare							
Health Services Administration: Health Services	R76-33	[127,804]	01-23-76			127,804 9/	03-18-76
Indian health service	R76-34	[5,294]	01-23-76			5,294	03-18-76
Center for Disease Control: Preventive health services	R76-35	[7,690]	01-23-76			7,690	03-18-76
Alcohol, Drug Abuse and Mental Health Administration: Alcohol, drug abuse and mental health	R76-36	[56,500]	01-23-76			56,500	03-18-76

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Health Resources Administration:							
Health resources	R76-37	[69,000]	01-23-76			69,000 12/	03-18-76
Office of Education:							
Elementary and secondary education	R76-9	[220,404]	11-18-75				
	R76-9A	[210,404]	01-23-76			210,404 11/	02-20-76
Indian education	R76-38	[15,000]	01-23-76			15,000	03-18-76
School assistance in federally affected areas	R76-10	[220,968]	11-18-75				
	R76-10A	[243,773]	01-23-76			243,773 12/	02-20-76
Education for the Handicapped	R76-11	[36,375]	11-18-75			36,375 13/	02-20-76
Occupational, vocational, and adult education	R76-12	[14,241]	11-18-75			14,241 12/	02-20-76
Higher education	R76-13	[768,140]	11-18-75			768,140	02-20-76
Library resources	R76-14	[28,975]	11-18-75			28,975 12/	02-20-76
Assistant Secretary for Human Development:							
Child Development and Head Start	R76-5	[,000]	07-25-75			[illegible]000	10-24-75
Grants for the Developmentally Disabled	R76-39	[2,000]	01-23-76			2,000	03-18-76
Department of Housing and Urban Development:							
Housing Production and Mortgage Credit:							
Farm Housing Finance and Development Agencies	R76-26	[620,000] 14/	12-1-75			620,000	02-24-76
Community Planning and Development:							
Rehabilitation [illegible]	R76-28	[,000]	[illegible]				

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of the Interior							
Bureau of Land Management:							
Public lands development roads and trails	R76-40	[8,800] 17/	01-23-76	4,900 18/	03-25-76	3,900	03-24-76
National Park Service:							
Road construction	R76-41	[58,500] 19/	01-23-76	58,500 18/	03-25-76		
Bureau of Mines:							
Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 20/		
Department of State							
Mutual educational and cultural exchange activities	R76-42	[8,000]	01-23-76	8,000 18/	03-25-76		
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	21/	21/	90,000 21/	04-16-76
Access Highways to Public Recreation Areas on Lakes	R76-2	[25,000]	07-01-75	25,000 22/	11-24-75 22/	22/	11-24-75
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75
Other Independent Agencies							
Community Services Administration:							
Economic Opportunity Programs:							
Research and Demonstration	R76-7	[2,500] 23/	07-25-75				
Community and Economic Development	R76-8	[7,500] 23/	07-25-75				
Community services programs	R76-43	[2,500] 24/	01-23-76			2,500	03-18-76

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Consumer Product Safety Commission:							
Salaries and expenses	R76-27	[5,225]	12-01-75				
	R76-27A	[6,431]	01-23-76	2,656 18/26/	03-25-76	(6,431)25/ 3,775 27/	02-24-76 03-25-76
Selective Service System:							
Salaries and expenses	R76-44	[1,775]	01-23-76	1,775 18/	03-25-76		
TOTAL		0		138,331 28/		3,170,383 29/	

1/ $2.5 million of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
2/ $3,750,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
3/ $25 million of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
4/ $2,869,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
5/ $1,875,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
6/ $2,250,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
7/ $875,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
8/ $400,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
9/ $24,645,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
10/ $2,000,000 of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
11/ $161,634,000 of this amount becomes available on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
12/ $194,265,000 of this amount was proposed for rescission without being withheld.
13/ $35 million of this amount becomes available for obligation on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
14/ $4 million of this amount becomes available for obligation on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
15/ $10 million of this amount becomes available for obligation on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
16/ For 1976, $15 million in contract authority and $15 million to liquidate that contract authority.
17/ See deferral D76-12.
18/ P.L. 94-289.
19/ See deferral D76-18.
20/ P.L. 94-111.
21/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55. The funds deferred were released on April 16, 1976, because of Congressional inaction on the related rescission request.
22/ P.L. 94-134, signed November 24, 1975, rescinds the $25 million in R76-2 and makes new appropriations of $10 million.
23/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975. They were reappropriated in P.L. 94-206 which became law on January 28, 1976, and are available for obligation.
24/ Appropriated in P.L. 94-157.
25/ Released as required.
26/ Includes $400,000 of transition quarter funds.
27/ Includes $806,000 of funds appropriated for the transition quarter to be made available July 1, 1976.
28/ Total includes R76-2 at $15 million ($25 million rescinded minus $10 million appropriated).
29/ The amounts proposed for rescission in R76-7 and R76-8 ($10 million) and $10 million from R76-2 must be added to the amount made available to derive the total for rescissions rejected by the Congress ($3190.4 million).

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STATUS OF DEFERRALS

ATTACHMENT B

B-1

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Agricultural Research Service									
Construction	D76-68		7,570	12-01-75 12-05-75		2/	-7,570 3/		0
Animal and Plant Inspection Service									
Construction	D76-69		6,314	12-01-75 12-15-75		4/	-6,314 5/		0
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75 05-26-76	[-122] 9/				2,232
Agricultural Stabilization and Conservation Service									
Commodity Credit Corporation Administrative Expenses	D76-71		2,787	12-01-75 12-18-75	-2,787				0
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667 6/	
	D76-28A	[31,667]		09-10-75 10-03-75				-31,667 6/	
	D76-28B		63,333	10-03-75 10-21-75				-63,333 7/	0
	D76-70		90,000	12-01-75 12-24-75		-90,000 8/			0
Water Bank Act Program	D76-29	[536]		07-25-75 10-03-75				-536 6/	
	D76-29A		1,072	10-03-75 10-21-75				-1,072 7/	0
	D76-104		8,072	03-18-76 02-24-76	-8,072				0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Forestry Incentives Program	D76-30	[3,750]		07-25-75 10-03-75				-3,750 6/	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 7/	0
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500 6/	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 7/	0
	D76-72		50,000	12-01-75 12-24-75		-50,000 10/			0
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75 10-03-75				-1,250 6/	
	D76-32A		2,500	10-03-75 10-21-75				-2,500 7/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75 10-03-75				-2,050 6/	
	D76-33A		3,300	10-03-75 10-21-75				-3,300 7/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75 10-03-75				-1,625 6/	
	D76-34A		1,625	10-03-75 10-21-75				-1,625 7/	0
Soil Conservation Service									
Watershed and flood prevention operations	D76-73		22,500	12-01-75 12-24-75		-22,500 11/			0
	D76-95		18,000	01-23-76 04-13-76		-18,000 12/			0
Resource conservation and development	D76-74		8,960	12-01-75 12-24-75		-8,960 13/			0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Agricultural Marketing Service									
Payments to States and Possessions	D76-35	[800]		07-25-75 10-03-75				-400 6/	
	D76-35A		800	10-03-75 10-21-75				-800 7/	0
Food and Nutrition Service									
Special supplemental food program	D76-105		61,000	03-18-76 04-13-76		-61,000 14/			0
Forest Service									
Youth Conservation Corps	D76-101		23,680	02-06-76 03-10-76			-23,680 15/		0
Forest Roads and Trails	D76-36		280,000	07-25-75 01-22-76	-1,383				278,657
Expenses, Brush Disposal	D76-37		27,113	07-25-75 01-22-76	-2,040				25,073

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Licensee Programs	D76-38	[95]		07-25-75 02-06-76				-95 6/	
	D76-38A		153	02-06-76					153
TOTAL		110,580	759,511		-18,282	-246,460	-37,564	-265,670	306,115

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.
2/ Impoundment resolution H. Res. 910 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 5, 1975, following Senate passage of S. Res. 313.
3/ Impoundment resolution S. Res. 313 passed the Senate on December 4, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 911 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 15, 1975.
5/ Impoundment resolution, S. Res. 324, passed the Senate on December 10, 1975, rejecting this deferral.
6/ Subsequently incorporated in a supplementary report.
7/ Enactment of P.L. 94-122 (October 21, 1975) ended deferrals of funds provided by the continuing resolution.
8/ Impoundment resolution H. Res. 912 passed the House on December 19, 1975, rejecting this deferral.
9/ This amount will be available for obligation on July 1, 1976.
10/ Impoundment resolution H. Res. 914 passed the House on December 19, 1975, rejecting this deferral.
11/ Impoundment resolution H. Res. 915 passed the House on December 19, 1975, rejecting this deferral.
12/ Impoundment resolution H. Res. 1032 passed the House on April 12, 1976, rejecting this deferral.
13/ Impoundment resolution H. Res. 916 passed the House on December 19, 1975, rejecting this deferral.
14/ Impoundment resolution H. Res. 1129 passed the House on April 12, 1976, rejecting this deferral.
15/ Impoundment resolution S. Res. 385 passed the Senate on March 9, 1976, rejecting this deferral.

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
General Administration									
Special foreign currency	D76-106		1,220	03-18-76 03-30-76	-1,220				0
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75 11-14-75 02-25-76				-769 1/ -1,489 2/	4,994
Promote and Develop Fishery Products	D76-3		1,355	07-01-75 12-30-75 02-25-76	-377			-173 1/ +516 3/	1,321
Fishermen's Guaranty Fund	D76-75		152	12-01-75 02-25-76	-102				50
Office of the Assistant Secretary for Science and Technology									
Scientific and Technical research and services	D76-76		1,187	12-01-75					1,187
Maritime Administration									
Ship construction	D76-107		231,000	03-18-76					231,000
TOTAL			242,166		-1,699			-1,915	238,552

1/ Reflects a revised unobligated balance brought forward from FY 1975.
2/ Reflects a reduction in estimated loan repayments.
3/ Reflects higher estimates of gross receipts from customers duties on imported fishery products.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

B-6

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75 09-09-75	-1,793,590				0
	D76-108		2,245,945	03-18-76					2,245,945
Military Construction, All Services	D76-5	[233,630]		07-01-75 05-27-75 07-29-75 08-25-75 09-08-75 10-06-75 10-15-75 10-24-75 11-03-75 11-03-75 12-04-75 12-09-75 01-06-76	-1,582 -1,752 -15,046 -5,515 -34,524 -16,415 -5 -32,798 -31,256			245 3,399 -98,381	0
	D76-86		596,074	01-06-76 02-03-76 02-13-76 02-17-76 03-24-76 03-31-76 04-05-76 04-13-76 04-22-76 05-14-76	-4,766 -18,609 -11,248 -53,965 -35,653 -145,215 -48,718 -21,410 -6,743				249,747
TOTAL		233,630	4,635,609		-2,278,810			-94,737	2,495,692

1/ Subsequently incorporated in D76-86

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Corps of Engineers-Civil Revolving fund	D76-96		700	01-23-76 04-15-76			-700 1/		0
Canal Zone Government Capital Outlays	D76-87		155	01-06-76					155
Wildlife Conservation Military Reservations	D76-6		432	07-01-75 09-19-75 09-24-75 04-12-76				-13 2/3/ -31 2/ -1 3/	387
TOTAL			1,287				-700	-45	542

1/ Impoundment resolution S. Res. 408 passed the Senate on April 14, 1976, rejecting this deferral.
2/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
3/ Reflects a decrease in anticipated receipts for the year.

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Health Services Administration									
Health Services	D76-57	[1,082]		10-20-75 01-06-76				-1,082 1/	0
	D76-57A		1,623	01-06-76 01-28-76				-1,623 2/	0
Indian Health Facilities	D76-39		1,000	07-25-75 03-10-76			-1,000 3/		0
	D76-97		13,908	01-23-76 03-10-76			-13,908 3/		0
National Institutes of Health									
National Cancer Institute	D76-58	[7,000]		10-20-75 01-06-76				-7,000 1/	0
	D76-58A		7,000	01-06-76 01-28-76				-7,000 2/	0
National Heart and Lung Institute	D76-59	[2,700]		10-20-75 01-06-76				-2,700 1/	0
	D76-59A		12,700	01-06-76 01-28-76				-12,700 2/	0
National Institutes of Dental Research	D76-60	[518]		10-20-75 01-06-76				-518 1/	0
	D76-60A		518	01-06-76 01-20-76				-518 2/	0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
National Institute of Arthritis, Metabolism, and Digestive Diseases	D76-88		2,752	01-06-76 01-28-76				-2,752 2/	0
National Institute of Neurological and Communicative Disorders and Stroke	D76-61	[682]		10-20-75 01-06-76				-682 1/	0
	D76-61A		682	01-06-76 01-28-76				-682 2/	0
National Institutes of General Medical Sciences	D76-62	[2,318]		10-20-75 01-06-76				-2,318 1/	0
	D76-62A		5,812	01-06-76 01-28-76				-5,812 2/	0
National Institute of Child Health and Human Development	D76-63	[1,234]		10-20-75 01-06-76				-1,234 1/	0
	D76-63A		1,234	01-06-76 01-28-76				-1,234 2/	0
Division of Research Resources	D76-89		42,896	01-06-76 01-28-76				-42,896 2/	0
Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Office of the Director	D76-64	[572]		10-20-75 01-06-76				-572 1/	0
	D76-64A		884	01-06-76 01-28-76				-884 2/	0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75 10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75 10-20-75				-2,426 1/	0
	D76-40B	[2,753]		10-20-75 01-06-76				-2,753 1/	0
	D76-40C		8,910	01-06-76 01-28-76				-8,910 2/	0
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75 07-25-75	-22,000				0
Office of the Assistant Secretary for Health									
Assistant Secretary for Health	D76-65	[753]		11-18-75 01-06-76				-753 1/	0
	D76-65A		773	01-06-76 01-28-76				-773 2/	0
Scientific Activities Overseas (Special Foreign Currency)	D76-8	[3,652]		07-01-75 04-26-76				-3,652 1/	
	D76-8A		14,319	04-26-76 05-18-76	[-2,012] 6/				14,319
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75 10-10-75	-8,000				0
	D76-52		2,968	09-10-75 02-20-76	-2,968				0
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 4/	0
Higher Education	D76-9		49,040	07-01-75					49,040

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Higher Education	D76-83		9,500	07-25-75 09-10-75				-9,500 4/	0
Library Resources	D76-84		10,437	07-25-75 09-10-75				-10,437 4/	0
Social and Rehabilitative Service									
Public Assistance Child Welfare Services	D76-45	[1,000]		07-25-75 10-03-75				-1,000 1/	0
	D76-45A	[2,000]		10-03-75 01-06-76				-2,000 1/	0
	D76-45B		3,000	01-06-76 01-28-76				-3,000 2/	0
Social Security Administration									
Limitation on Construction	D76-54	[14,910]		09-24-75 03-18-76				-14,910 1/	0
	D76-54A		15,098	03-18-76 05-21-76	[-2,430] 6/				15,098
Special Institutions Howard University	D76-10	[8,174]		07-01-75 11-18-75				-8,174 1/	0
	D76-10A		12,225	11-18-75 05-26-76	[-3,279] 7/				12,225

B-12

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307 1/	0
	D76-11A	[8,307]		07-25-75 07-15-75 11-06-75	-3,665 -390			-4,252 1/	0
	D76-11B		4,252	12-01-75 11-24-75 04-22-76 06-01-76	-558 -445 [-500] 6/			-401 5/	2,848
TOTAL		70,797	318,045		-40,190		-14,908	-240,214	93,530

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 94-206 (January 28, 1976) ended deferral of these funds provided by the Continuing Resolution.
3/ Impoundment resolution, S. Res. 366, passed the Senate on March 9, 1976, rejecting this deferral.
4/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of these funds provided by the Continuing Resolution.
5/ Reflects a revised unobligated balance brought forward from FY 1975.
6/ This amount will be available for obligation on July 1, 1976. A supplementary report increasing the amount deferred for FY 1976 to $13.5 million will be transmitted later in the month.
7/ This amount will be available for obligation on July 1, 1976.

B-15

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

B-13

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-76
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12	[25,847]		07-01-75					
				01-20-76	-947				
				02-06-76				-8,800 1/	
								-16,100 2/	
	D76-12A	[16,100]		02-06-76					
				04-13-76				-16,100 2/	
	D76-12B		20,000	04-13-76					20,000
Oregon and California grant lands	D76-102		3,016	02-06-76					3,016
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75					
				07-25-75				-1,030 2/	0
	D76-13A		1,030	07-25-75					
				12-08-75			-1,030 3/		0
Upper Colorado River Storage Project	D76-14		1,150	07-01-75					
				01-19-76	-1,150				0
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75					
				01-22-76	-1,212				5,118
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					
				01-22-76	-7,270				14,200
National Park Service									
Road Construction	D76-18		238,092	07-01-75					
				12-15-75	-1,000				
				01-20-76	-34,034			-58,500 4/	144,558

B-14

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Geological Survey									
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Mines and Minerals	D76-110		688	05-13-76					688
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Construction	D76-103		10,881	02-06-76					
				03-10-76			-10,881 5/		0
Road Construction	D76-20	[68,470]		07-01-75					
				02-06-76				-68,470 2/	0
	D76-20A		69,339	02-06-76					69,339
TOTAL		111,447	405,400		-45,613	-11,911	-169,000		290,323

1/ See rescission R76-40.
2/ Subsequently incorporated in a supplementary report.
3/ Impoundment resolution, S. Res. 226, passed by the Senate on December 4, 1975, rejecting this deferral.
4/ See rescission R76-41.
5/ Impoundment resolution, S. Res. 386, passed the Senate on March 9, 1976 rejecting this deferral.

B-15

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Law Enforcement Assistance Administration									
Salaries and expenses	D76-98		15,000	01-23-76					0
				03-11-76		-15,000 1/			0
TOTAL			15,000			-15,000			

1/ Impoundment resolution, H. Res. 1058, passed the House of March 4, 1976, rejecting this deferral.

B-16

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Employment and Training Administration									
Grants to States for Unemployment Insurance and Employment Services	D76-109		15,000	03-18-76					15,000
Advances to the unemployment trust fund and other funds	D76-99		1,800,000	01-23-76					1,800,000
Departmental Management									
Working Capital Fund	D76-77		977	12-01-75					
				12-08-75		-977			0
Pension Benefit Guaranty Corporation									
Pension Guaranty Fund	D76-78		[1,431]*	12-01-75					[1,431]*
TOTAL			1,815,977			-977			1,815,000

* Annexed Budget item. Not included in totals. This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing needs by $1,431 thousand for FY 1976.

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STATUS OF DEFERRALS

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FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Acquisition, operation and maintenance of buildings abroad (special foreign currency)	D76-90		2,275	01-06-76					2,275
International Center, Washington, D.C.	D76-66		2,572	11-18-75 05-27-76		[-1,861] 1/			2,572
Refugee and Migration Affairs Special Assistance to refugees from Cambodia and Vietnam	D76-85	[28,493]		12-01-75 01-23-76					
	D76-85A		28,493	01-23-76 03-31-76	-28,493			-28,493 2/	0 0
TOTAL		28,493	33,340		-28,493			-28,493	4,847

1/ This amount will be available for obligation on July 1, 1976.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

B-18

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Coast Guard Acquisition, Construction and Improvements	D76-21	[707]		07-01-75 01-06-76				-707 1/	0
	D76-91		1,061	01-06-76					1,061
Federal Aviation Administration Construction, National Capitol Airports	D76-92		8,679	01-06-76					8,679
Civil Supersonic Aircraft Development Termination	D76-22	[7,686]		07-01-75 11-24-75 01-06-76				-6,000 2/ -1,686 3/	0
	D76-93		2,179	01-06-76					2,179
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration National Scenic and Recreational Highway	D76-55		90,000	09-24-75 04-16-76	-90,000 4/				0
TOTAL		8,393	177,743		-90,000			-8,393	87,743

1/ Subsequently incorporated in D76-91.
2/ P.L. 94-134, signed November 24, 1975, transferred $6 million from "Civil supersonic aircraft development termination" to FAA "Operations."
3/ Subsequently incorporated in D76-93.
4/ The funds were released because of Congressional inaction on the related rescission request, R76-1.

STATUS OF DEFERRALS

B-19

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Office of the Secretary State and Local Government Fiscal Assistance Trust Fund	D76-24		93,820	07-01-75 07-31-75 08-11-75 10-01-75 11-01-75 12-01-75 01-01-76 03-01-76 04-01-76 05-01-76 06-01-76	-286 -18 -3,185 -81 -168 -84 -5 -21 -7,833 -13				82,250
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 1/		07-01-75 09-10-75				-38,391 1/ 1/	
	D76-25A	[57,587] 1/		09-10-75 10-20-75				-57,587 1/ 1/	
	D76-25B	[75,856] 1/		10-20-75 11-18-75				-75,856 1/ 1/	
	D76-25C	[75,856] 1/		11-18-75 01-23-76				-75,856 1/ 1/	
	D76-25D	[95,017] 1/		01-23-76 04-26-76				-95,017 1/ 1/	
	D76-25E		113,732 1/	04-26-76					113,732 1/
	D76-67		11,833 1/	11-18-75 12-01-75 01-01-76 02-01-76 04-01-76	-9,409 1/ -693 1/ -203 1/ -432 1/				1,096 1/

B-20

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Loans to the District of Columbia for Capital Outlay	D76-53		39,370	09-10-75					39,370
			132,790 BA			-11,170 BA			121,620 BA
TOTAL		342,707 O	125,565 O			-10,737 O		-342,707 O	114,828 O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Research and Development	D76-79		2,000	12-01-75 12-22-75		-2,000 1/			0
	D76-80		4,600	12-01-75 12-22-75		-4,600 2/			0
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	-4,000				0
	D76-81		3,750	12-01-75 12-22-75		-3,750 3/			0
	D76-82		10,000	12-01-75 12-22-75		-10,000 4/			0
	D76-83		15,000	12-01-75 12-22-75		-15,000 5/			0
TOTAL			39,350		-4,000	-35,350			0

1/ Impoundment resolution H. Res. 920 passed the House on December 19, 1975, rejecting this deferral.
2/ Impoundment resolution H. Res. 921 passed the House on December 19, 1975, rejecting this deferral.
3/ Impoundment resolution H. Res. 922 passed the House on December 19, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 923 passed the House on December 19, 1975, rejecting this deferral.
5/ Impoundment resolution H. Res. 924 passed the House on December 19, 1975, rejecting this deferral.

STATUS OF DEFERRALS

B-22

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Rare Silver Dollar Program	D76-48	[1,790]		07-25-75 02-06-76				-1,790 1/	
	D76-48A		1,850	02-06-76					1,850
TOTAL		1,790	1,850					-1,790	1,850

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

B-23

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Research and Program Management	D76-84		2,900	12-01-75 05-26-76	-2,900				0 0
TOTAL			2,900		-2,900				

STATUS OF DEFERRALS

B-24

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-76
Community Services Administration Economic Opportunity Program Emergency Energy Conservation Services	D76-89		16,500	07-25-75 10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75 07-24-75	-14,500				0
Foreign Claims Settlement Commission Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bi-centennial Administration	D76-27		1,000	07-01-75 04-27-76	-1,000				0
	D76-111		500	05-13-76					500
Interstate Commerce Commission Payment for directed rail services	D76-94		13,700	01-06-76					13,700
National Science Foundation Salaries and expenses	D76-100		10,000	01-23-76					10,000
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75 10-01-75 12-09-75	-600 -900 -17,000		-16,500		0 35,281
TOTAL			68,781						
TOTAL, ALL DEFERRALS		565,090BA 342,707O	649,789BA 125,565O		-2,535,094BA -10,737O	-296,810BA	-81,583BA	-810,257BA -342,707O	5,491,095BA 118,828O

1/ Impoundment resolution S. Res. 267 passed the Senate October 3, 1975, rejecting this deferral.

[FR Doc.76-17385 Filed 6-10-76;3:00 pm]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1976)

Title 18—Conservation of Power and Water Resources (Part 150–End)	$4.10
Title 21—Food and Drugs (Part 500–599)	3.75
Title 26—Internal Revenue Part 1 (§§ 1.641–1.850)	4.45
Title 26—Internal Revenue (Parts 2–29)	4.05

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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presidential documents

Title 3—The President

Proclamation 4445 • June 11, 1976

Temporary Quantitative Limitation on the Importation Into the United States of Certain Articles of Stainless Steel or Alloy Tool Steel

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (19 U.S.C. 2251 (d)(1)), hereinafter referred to as "the Trade Act", the United States International Trade Commission, hereinafter referred to as "USITC", on January 16, 1976, reported to the President (USITC Report 201-5) the results of its investigation under subsection (b) of section 201 of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that certain articles of stainless steel or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry or industries producing articles like or directly competitive with the imported articles. The USITC recommended the imposition of certain quantitative restrictions on imports of the above specified articles.

2. On March 16, 1976, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the injury or threat thereof, found to exist by the USITC, through the negotiation of orderly marketing agreements pursuant to section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)); and announced my intention to negotiate such agreements limiting the export from foreign countries and the import into the United States of certain articles of stainless steel or alloy tool steel. I also announced my intention to unilaterally impose quantitative restrictions if satisfactory orderly marketing agreements were not negotiated successfully. On March 16, 1976, in accordance with Section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to negotiate orderly marketing agreements and stating the reasons why my decision differed from the action recommended by the USITC.

3. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief shall be proclaimed and take effect within 90 days after a Presidential determination to negotiate orderly marketing agreements under subsection (4) or (5) of section 203(a) of the Trade Act (19 U.S.C. 2253(a) (4), (5)).

4. Pursuant to the authority vested in the President by the Constitution and the statutes of the United States, including section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)), an orderly marketing agreement was concluded on June 11, 1976, between the Government of the United States of America and the Government of Japan limiting the export from Japan and the import into the United States of certain articles of stainless steel (except razor blade steel) or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the TSUS, to be implemented as set forth in this proclamation.

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5. Agreements not having been reached with other countries, I am also providing import relief, pursuant to section 203(a)(3) and (5), (e)(1) and (g)(2) of the Trade Act (19 U.S.C. 2253(a)(3) and (5), (e)(1) and (g)(2)), through the imposition of quantitative restrictions on the import into the United States (except as provided for in paragraph 4 above) of certain articles of stainless steel or alloy tool steel as hereinafter proclaimed.

6. In accordance with section 203(d)(2) of the Trade Act (19 U.S.C. 2253 (d)(2)) I have determined that the level of import relief hereinafter proclaimed pursuant to section 203(a) of the Trade Act (19 U.S.C. 2253(a)) permits the importation into the United States of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States in the 1971–1975 period, which I have determined to be the most recent representative period for imports of such articles.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253) and section 301 of title 3, United States Code, and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) An orderly marketing agreement was entered into on June 11, 1976, between the Government of the United States of America and the Government of Japan with respect to the trade in certain articles of stainless steel or alloy tool steel. Said orderly marketing agreement is to be implemented, according to its terms, as set forth in paragraphs (5), (6), (7) and (8) of this proclamation, and in the Annex to this proclamation.

(2) Items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07 and 609.08 in Part I of Schedule XX to the GATT are modified to conform with the quantitative restrictions set forth in the Annex to this proclamation.

(3) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(4) The President's authority under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)) to negotiate and conclude orderly marketing agreements with respect to products covered by this proclamation with any country or instrumentality, imports from which are subject to restrictions under this proclamation, and to suspend the effectiveness, in whole or in part, of such quantitative restrictions on imports from those countries is hereby delegated to the Special Representative for Trade Negotiations (hereinafter referred to as the "Special Representative").

(5) The Special Representative is hereby directed to take such actions and perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment, or termination of the agreement described in paragraph (1) of this proclamation, and any subsequent agreement or agreements negotiated pursuant to paragraph (4) of this proclamation, including modifications or amendments thereof. In order to carry out said directive, the special Representative is hereby authorized to delegate to appropriate officials or agencies of the United States authority to perform any functions necessary for the administration and implementation of said agreement or agreements. The Special Representative is hereby authorized to make any changes in part 2 of the Appendix to the TSUS which may be necessary to carry out said agreement or agreements, such changes to be effective on or after the date of their publication in the FEDERAL REGISTER.

(6) The authority to make changes in the quantitative restrictions provided for in this proclamation, as set forth in the Annex to this proclamation, is hereby delegated to the Special Representative.

(7) The Commissioner of Customs shall take such action as the Special Representative shall direct to carry out the agreement described in paragraph (1) of this proclamation and any subsequent agreement or agreements negotiated pursuant to paragraph (4) of this proclamation, or any modifications thereof, with respect to entry or withdrawal from warehouse, for consumption in the United States of products covered by such agreement or agreements.

(8) This proclamation shall be effective as to those articles entered, or withdrawn from warehouse, for consumption on or after June 14, 1976, and before the close of June 13, 1979, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June in the year of our Lord nineteen hundred and seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by adding the following new headnote 2:

"2. *Quantitative limitations on stainless steel and alloy tool steel.*—The provisions of this headnote apply to items 923.20 to 923.24, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 6, part 2B.

(a) *Definitions.*—For the purposes of this subpart—

(i) the term *"restraint period"* refers to a 12-month period beginning June 14 in one year and ending at the close of June 13 of the following year;

(ii) the term *"European Economic Community"* refers to an instrumentality of the Governments of Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom;

(iii) the term *"alloy tool steel"* in item 923.24 refers to alloy steel which contains the following combinations of elements in the quantity, by weight, respectively indicated:

not less than 1.0% carbon and over 11.0% chromium; or

not less than 0.3% carbon and 1.25% to 11.0% inclusive chromium; or

not less than 0.85% carbon and 1% to 1.8% inclusive manganese; or

0.9% to 1.2% inclusive chromium and 0.9% to 1.4% inclusive molybdenum; or

not less than 0.5% carbon and not less than 3.5% molybdenum; or

not less than 0.5% carbon and not less than 5.5% tungsten;

(iv) the term *"razor blade steel"* in item 923.20 refers to stainless steel strip not over 0.010 inch in thickness and not over 0.9 inch in width, containing by weight not less than 0.6 percent and not over 0.75 percent carbon, and containing by weight not less than 11.5 percent and not over 14.7 percent chromium, certified at the time of entry to be used in the manufacture of razor blades.

(b) *Timing.*—No more than 60 percent of the respective aggregate quantity of articles provided for in item 923.20, 923.21, 923.22, 923.23 or 923.24, the product of a foreign country or instrumentality, may be entered during the first 6 months of any restraint period.

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(c) *Shortfall.*—During the last 3 months of a restraint period, should the Special Representative for Trade Negotiations determine that any quota quantity for a country or instrumentality under an item hereof is unlikely to be used during that restraint period, the Special Representative may modify the quota quantities for that item during such restraint period to reallocate the shortfall to other suppliers, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. A shortfall shall be considered likely when, inter alia, less than 66⅔% of the quota quantity is entered in the first 9 months of a restraint period or less than 80% of the quota quantity is entered in the first 10 months of a restraint period.

(d) *Allocation.*—If the Special Representative determines that it is necessary or appropriate, to assure equitable treatment, he may allocate or reallocate a specific quota quantity to any country or instrumentality subject to restriction (either individually or by inclusion in the "other" country groupings), either on an item by item basis, or for all items.

(e) *Carryover.*—Whenever the quota quantity or base limit, whichever is less, specified for an item for importation from Japan has not been entered during any restraint period, the shortfall may be entered in the same item during the first 30 days of the following restraint period and not be counted against the quota quantity therefor, provided that the amount of shortfall so entered does not exceed 4 percent of the base limit as specified in the table in headnote 2(f), for the restraint period during which the shortfall occurs. If in accordance with the provisions of headnote 2(f) all or part of a base limit of any item for Japan has been reallocated to the base limit of one or more other items for Japan, such amounts will not be considered a shortfall, and therefore not available for carryover.

(f) *Adjustments.*—Upon appropriate request of the Government of Japan for an adjustment of the quota quantities between items as provided for herein, the Special Representative shall modify the provisions of this subpart accordingly, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. The modification in the quota quantities for imports from Japan cannot exceed the percentage of the respective base limits shown below and must be accompanied by an equal tonnage reduction in the quota quantity from Japan for one or more of the other items during the same restraint period.

Item	Restraint periods					
	June 14, 1976–June 13, 1977		June 14, 1977–June 13, 1978		June 14, 1978–June 13, 1979	
	Base limit	Maximum increase	Base limit	Maximum increase	Base limit	Maximum increase
	1,000 s. tons	*Percent*	*1,000 s. tons*	*Percent*	*1,000 s. tons*	*Percent*
923.20	38.6	10	38.9	10	39.8	10
923.21	5.6	1	5.9	1	6.3	1
923.22	13.0	1	14.0	3	14.5	3
923.23	5.7	1	5.9	3	6.0	3
923.24	3.5	1	3.7	3	3.8	3

(g) *United States International Trade Commission (USITC) surveys.*—The USITC shall conduct mandatory surveys with respect to products of the types subject to import restraints under each item involved as follows:

(i) *Quarterly.*—Surveys by calendar quarter to obtain from domestic producers monthly data on production, shipments, prices, employment, and man-hours. The initial surveys shall cover the fourth quarter of 1975 and the first two quarters of 1976; subsequent surveys will cover individual quarters; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import restraints. The USITC shall publish the results of these surveys within 45 days (as soon a feasible and not later than 60 days in the case of prices) of the end of a quarter. Such surveys will be conducted monthly, upon written request of the Special Representative to the USITC, if the Special Representative determines that monthly reporting is necessary.

(ii) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, orders, and inventories, and annual data on capital expenditures, capacity, and research and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the fourth quarter of 1975 and calendar year 1975, as appropriate, and calendar year 1976, and the results shall be published by March 31, 1977. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import restraints in this subpart are in effect."

(b) by inserting in numerical sequence the following new provisions:

"Item	Articles	Quota quantity (in short tons) effective on or after— June 14, 1976	June 14, 1977	June 14, 1978
	Whenever, in any restraint period the respective aggregate quantity of articles specified below for item 923.20, 923.21, 923.22, 923.23, or 923.24, the product of a specified foreign country or instrumentality, has been entered (whether, for tariff purposes, in schedule 6 or in parts 1, 2, and 5 of schedule 8), no article in such item the product of such country or instrumentality may be entered during the remainder of such restraint period:			
923.20	Sheets and strip of stainless steel (except razor blade steel) of the types provided for in items 608.85, 608.88, 609.06, 609.07, and 609.08:			
	Japan	38,600	38,900	39,300
	European Economic Community	15,800	16,300	16,600
	Canada	8,800	8,900	9,200
	Sweden	6,700	7,100	7,400
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	2,600	2,800	2,900
	Other (total)	3	3	3
923.21	Plates of stainless steel of the types provided for in items 608.85 and 608.88:			
	Japan	5,600	5,900	6,300
	European Economic Community	2,900	3,000	3,100
	Canada	400	500	500
	Sweden	3,300	3,400	3,600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	700	700	700
	Other (total)	None	None	None
923.22	Bars of stainless steel of the types provided for in item 608.52:			
	Japan	1,300	14,000	14,500
	European Economic Community	2,500	2,600	2,700
	Canada	1,500	1,600	1,700
	Sweden	1,500	1,500	1,600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	5,100	5,200	5,300
	Other (total)	2	2	2
923.23	Wire rods of stainless steel of the types provided for in items 608.76 and 608.78:			
	Japan	5,700	5,900	6,000
	European Economic Community	7,400	7,600	7,900
	Canada	None	None	None
	Sweden	4,000	4,100	4,200
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	None	None	None
	Other (total)	None	None	None
923.24	Alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08:			
	Japan	3,500	3,700	3,800
	European Economic Community	3,400	3,500	3,600
	Canada	1,900	2,000	2,000
	Sweden	8,500	8,600	8,700
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	3,600	3,700	3,800
	Other (total)	6	6	6"

[FR Doc.76-17571 Filed 6-11-76;4:45 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is amended to show that one position of Public Information Officer is excepted under Schedule C.

Effective June 15, 1976, § 213.3360(a) is amended as set out below:

§ 213.3360 Consumer Product Safety Commission.

(a) Two Special Assistants, one Director of Congressional Relations, and one Public Information Officer to the Chairman.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-17395 Filed 6-14-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Staff Assistant to the Assistant Secretary for Legislative Affairs is excepted under Schedule C.

Effective June 15, 1976, § 213.3384 (a) (60) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(60) One Staff Assistant to the Assistant Secretary for Legislative Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958, Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-17393 Filed 6-14-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Director, Women's Bureau is reestablished under Schedule C.

Effective June 15, 1976, § 213.3315 (f) (2) is amended as set out below:

§ 213.3315 Department of Labor.

• • • • • •

(f) *Women's Bureau.* • • •

(2) Two Special Assistants to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-17394 Filed 6-14-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Revision of Conduct Regulations

Part 0, Subtitle A, Title 7, Code of Federal Regulations, is amended to provide more specific guidance to USDA employees to enable them to act in a manner that will not create the appearance of a conflict of interest, and to clarify and update certain provisions, as follows:

Subpart A—General Provisions

1. In § 0.735–2, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g) respectively.

2. In § 0.735–2, paragraph (c) is amended, and a new paragraph (d) added to read as follows:

§ 0.735–2 Definitions.

In this part:

• • • • • •

(c) "Conflict of interest" means a situation in which a Federal employee's private interest, usually of an economic nature, conflicts with his or her Government duties and responsibilities.

(d) "Appearance of conflict of interest" means a situation where it could reasonably be concluded that an employee's private interest is in conflict with his or her Government duties and responsibilities, even though there may not actually be such a conflict.

• • • • • •

3. In § 0.735–3, the first sentence of paragraph (a) is amended, paragraphs (b) and (e) are amended, and a new paragraph (f) is added to read as follows:

§ 0–735.3 Counseling and advisory service.

(a) The Assistant General Counsel, Legislation, Litigation, Research and Operations shall serve as the Department Counselor and designee to the Civil Service Commission on matters covered by the regulations in this part • • •.

(b) The Director of Personnel and the Chief, Security and Employee Relations Division, Office of Personnel, shall be Department Deputy Counselors.

• • • • • •

(e) Each new employee shall be furnished at the time of hiring a copy of this part. Current employees shall be furnished a copy of these regulations within 90 days following issuance. Subsequent changes to these regulations will be furnished employees upon issuance. Each employee shall be reminded of the regulations in this part semiannually.

(f) The regulations in this part will be discussed with each employee annually in conjunction with the employee's performance evaluation. Each employee will certify on the performance evaluation form or other agency form that he or she has a copy of this part and has discussed it with his or her supervisor.

4. A new section 0.735–6 is added to read as follows:

§ 0.735–6 Responsibilities of supervisors.

(a) Supervisors, because of their day to day relationships with employees, are responsible to a large degree for maintaining high standards of ethics and conduct. They must become familiar with the regulations in this part and apply the standards to themselves and employees they supervise.

(b) Supervisors shall advise an employee who comes to them with questions on matters covered by these regulations, or as they consider appropriate, shall refer the employee or the questions to a Counselor designated in section 0.735–3.

Subpart B—Conduct and Responsibilities of Employees

5. Section 0.735–12 is amended to read as follows:

§ 0.735–12 Gifts, gratuities, entertainment, and favors.

(a) Except as provided in paragraphs (c) and (f) of this section, employees shall not solicit or accept, for themselves, or another person, directly or indirectly, any gift, gratuity, favor, entertainment, loan, unusual discount, special consideration or any other thing of monetary value (including complimentary meals and beverages, tangible items, tickets and passes) from any interested party. An "interested party" is any person, firm, corporation, other entity, or an individual acting in behalf thereof, which:

(1) Has or is seeking to engage in, procurement activities or other contractual, business or financial relations with the Department;

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(2) Conducts operations or activities that are regulated by the Department; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the employee concerned.

(b) Gifts, gratuities, favors, entertainment, loans, unusual discounts, special considerations and any other thing of monetary value bestowed upon members of the employee's immediate family are considered to be the same as if bestowed upon the employee. Acceptance of items, no matter how innocently offered or accepted from "interested parties" may be a source of embarrassment to the Department and the employee involved, may affect the objective and impartial judgment of the employee, and may impair confidence of the public in the integrity of the employee and the Department.

(c) The restrictions in paragraph (a) of this section do not prohibit:

(1) Exchange of social gifts in an obvious family or personal relationship (such as those between the employee and parents, spouse, children, or close personal friends of the employee) when the circumstances make it clear that it is those relationships rather than the business of the "interested party" which are the motivating factors;

(2) Exchange of customary social courtesies which are wholly free of any embarrassing or improper implications, and which are of trivial value (e.g., soft drink or cup of coffee);

(3) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as automobile and home mortgage loans;

(4) Acceptance of unsolicited advertising or promotional material of clearly trivial value, such as: pens, pencils, note pads, calendars, and other things of nominal or trifling value. (Acceptance of gifts, such as meat products, alcoholic beverages, fruit baskets, boxes of candy, wallets, jewelry, and cuff links is, however, stricted prohibited);

(5) Acceptance of food and refreshments of nominal value on infrequent occasions when the interest of the Government is served by participation of Department employees in industry-sponsored activities at which a luncheon or dinner may be served, and where the discussion of matters of mutual interest to the Government and industry will take place.

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit the voluntary giving or acceptance of a gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration or other thing from a foreign government unless authorized by Congress as provided in 5 U.S.C. 7342. (All requests for acceptance of foreign decorations shall be forwarded through the Chief, Personnel Division, Foreign Agricultural Service, for the approval of the Chief of Protocol, Department of State.)

(f) Neither this section nor § 0.735–13 (a) precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel, and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his or her behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits; nor does it allow an employee to be reimbursed for travel on official business under Agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967 (46 Comp. Gen. 689).

6. Section 0.735–13 is amended to read as follows:

§ 0.735–13 Outside employment and activities.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his or her Government employment whether on his or her behalf, or for private individuals, firms, companies, institutions, or State or local Governments. Incompatible activities include but are not limited to:

(1) Outside employment or activity (including the acceptance of a fee, compensation, gift, payment of expenses or any other thing of monetary value) which may result in, or create the appearance of, a conflict of interest;

(2) Outside employment or activity which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner;

(3) Outside work or activity that takes the employee's time and attention during his or her official work hours;

(4) Outside work or activity which may be construed by the public to be official acts of the Department, or a nature closely paralleling the work of the Department;

(5) Outside work or activity, which involves participation in a commercially sponsored broadcast, or which relates to a written discussion of policies or official work of the Department, unless authorized in advance by the Office of Communication;

(6) Outside work or activity which involves permission, or the appearance of permission to use an employee's name in the advertising of organizations commercializing the results of research conducted by the Department, regardless of any merits which such enterprises may appear to possess;

(7) Outside work or activity which may involve the use of information secured as the result of employment in the Department and to the detriment of the public service; and

(8) Any outside work or activity which may tend to bring criticism of, or cause embarrassment to the Department.

(b) Outside employment (including self-employment) is permitted to the extent that it does not conflict with other requirements of this part, or tend to create a conflict of interest, or appearance of conflict of interest, between the private interests of an employee and the employee's official responsibilities. The employee's outside work shall not reflect discredit on the Government or the Department.

(c) Except as provided in paragraphs (c) (1) through (4) of this section, employees shall obtain advance approval for outside employment whether paid or unpaid. Each agency shall establish the approval level and shall advise each employee. A record of each approval shall be filed in the employee's official personnel folder. The term employment as used in this paragraph does not include:

(1) Memberships in, or volunteer work with, charitable, religious, social, fraternal, recreational, public service, civic, or similar nonbusiness and nonprofit organizations;

(2) Memberships in professional organizations;

(3) Performance of duties in the Armed Forces, Reserve or National Guard; and

(4) Unless required by Agency regulations, employment which obviously has no direct or indirect relationship with the Department.

(d) In considering requests for approval of outside employment, the following criteria should be applied:

(1) The provisions of applicable law;

(2) The policies incorporated in this part including the possibility of conflict of interest or appearance of conflict of interest;

(3) The general attendance record of the employee;

(4) The nature of the employee's official duties in relation to the nature of the duties which will comprise the outside employment; and

(5) The amount of time and hours of work required by the outside employment.

(e) Employees are specifically prohibited from acting as the agent of a foreign principal registered under the Foreign Agent's Registration Act (18 U.S.C. 219).

(f) No employee, whether in a duty or nonduty status, shall accept employment, with or without compensation, from any foreign government, corporation, partnership or individual without written prior approval from a counselor designated under § 0.735–3.

(g) It is the policy of the Department to grant permission to an employee to teach, lecture, or write including teaching, lecturing or writing, for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, provided:

(1) Prior written authorization is obtained from the Agency Head, or a counselor designated under § 0.735–3;

(2) Such teaching, lecturing, or writing is not performed at or for any educational institution or other organization that discriminates because of race, creed, color, sex, age, or national origin in the admission or subsequent treatment of students;

(3) Such teaching, lecturing, or writing is not dependent on information obtained as a result of his or her employment with the Department, except when that information has been made available to the general public or when the Agency Head or Agency Head's designee gives specific authorization for the use of nonpublic information in the public interest; and

(4) Such teaching, lecturing or writing is not otherwise incompatible with the provisions of this part.

(h) Articles prepared officially are the property of the Government, and authors thereof may not accept payment for such articles published in outside journals, magazines or newspapers.

(i) Employees may not accept honorariums for written articles, speaking engagements, or addresses on radio or television or other appearances performed as part of their official duties. This restriction on the acceptance of honorariums applies even if the government official endorses the check to a charitable organization or asks that the check be sent to a charitable organization.

(j) No employees, except special Government employees, shall accept compensation for services as consultants or advisors to any organization, public or private, in any manner which draws upon the experience, competence, or professional standing acquired or enhanced by or through their position in this Department unless they have received permission from their Agency Head. Special Government employees shall not use their employment with the Department for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for themselves or another.

7. Section 0.735–23 is amended by revising paragraph (c) and by adding paragraph (e) as follows:

§ 0.735–23 Miscellaneous provisions.

* * * * *

(c) Employees are obligated to give information to authorized representatives of the Department when called upon if the inquiry relates to official matters and the information is obtained in the course of employment or as a result of relationships incident to such employment. This shall include the furnishing of a signed statement. Failure to respond to requests for information or to appear as a witness in an official proceeding may result in disciplinary penalty. (Nothing herein shall be deemed to infringe upon an employee's right to invoke the protection of the Fifth Amendment to the Constitution with respect to self incrimination.)

* * * * *

(e) Employees shall not purchase products or receive services directly or indirectly from persons, firms, or establishments for which such employees conduct inspection, grading, or similar regulatory activities without the express approval of their supervisor. Supervisors shall utilize the following criteria in granting such approvals:

(1) Proximity of the employee to other retail outlets;

(2) The number of retail outlets in the commuting area;

(3) Whether the outlet is a sole source;

(4) Whether the firm is selling the item or service at the prevailing price to the general public as well as the employee; and

(5) Whether the outlet is open to the general public.

These amendments were approved by the Civil Service Commission on December 12, 1975, and are effective June 15, 1976.

EARL L. BUTZ,
Secretary.

JUNE 9, 1976.

[FR Doc.76–17281 Filed 6–14–76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 530, Amendment 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 4–10, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 530 (41 F.R. 22550). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

§ 908.830 [Amended]

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 908.830 (Valencia Orange Regulation 530 (41 FR 22550) are hereby amended to read as follows:

"(i) District 1: 292,000 cartons;

"(ii) District 2: 358,000 cartons."

(Secs. 1 19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17304 Filed 6–14–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 427.1]

PART 1807—TITLE CLEARANCE AND LOAN CLOSING

Designation of Attorneys

On page 8190 of the FEDERAL REGISTER of February 25, 1976, there was published a notice of proposed rulemaking to amend § 1807.1(e). Interested parties were given until March 26, 1976, to submit comments, suggestions or objections regarding the proposed amendment. All comments submitted with respect to the proposed amendment have been considered.

As a result of comments received, the use of a borrower's attorney who is not a designated attorney is now allowed under certain limited circumstances. It is further provided that any qualified attorney may apply for approval as a loan closer.

Accordingly, § 1807.1(e) as amended, reads as follows:

price rules. Moreover, this action will imputed May 15, 1973 prices in calculat- The FEA is concerned about imposing

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§ 1807.1 General.

. . . . . .

(e) *Approval of attorneys.* The State Director is responsible for approving loan closing attorneys within his jurisdiction without any discrimination whatsoever. Any attorney who wishes to be approved should apply to the State Director on Form FmHA 427–14, "Agreement to Provide Loan Closing Services." This form must be properly completed and executed. The State Director will approve any qualified attorney who applies provided the attorney complies with the bonding and insurance requirements prescribed in § 1890.2, (a)(1) (i) and (iv) of this Chapter. This approval will be for the county or area in which the attorney can provide the legal services required of the attorney by this Instruction. Only in a rare case will there be less than two attorneys designated in a county. The State Director, at his discretion may consult with the Office of the General Counsel and/or the local or State bar association as to the professional qualifications of a proposed designated attorney. In addition, a borrower, who prior to application for a loan has retained an attorney, may request that the attorney be approved for his loan. Such approval will be given for closing that particular loan by the County Supervisor if the attorney has the required bonding and insurance and to the best of the County Supervisor's knowledge the attorney is in good standing with the bar association. Subpart C of Part 1918 of this Chapter provides the method by which attorneys may be debarred.

. . . . . .

Effective date: This amendment is effective on June 15, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

JUNE 8, 1976.

[FR Doc.76-17307 Filed 6-14-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Changes in the Price Regulations for Natural Gas Liquids and Natural Gas Liquid Products

On October 15, 1975, the Federal Energy Administration ("FEA") issued a Notice proposing changes in the Mandatory Petroleum Price Regulations covering the prices of natural gas liquids and natural gas liquid products, including propane (40 FR 49105, October 21, 1975). Comments were invited from interested persons by November 3, 1975, and seventeen comments were received. A public hearing on the proposal was held November 6, 1975, at which approximately ten interested persons presented statements.

The October 15 Notice proposed several changes in the natural gas liquids price rules of Subpart K, to include provisions which were inadvertently omitted from Subpart K and to adapt existing provisions more specifically to gas plant operations. Because the proposals were intended to effect the same price policy reflected in the original provisions of Subpart K, they were proposed to be made effective as of January 1, 1975, the effective date of the Subpart (39 FR 44407, December 24, 1974).

The specific changes proposed in the October 15 Notice concerned:

The use of adjusted May 15, 1973 prices in sales of unfractionated natural gas liquids;

The use of an imputed May 15, 1973 price in sales of unfractionated natural gas liquids from "new" gas plants;

Increased non-product cost allowances in sales of unfractionated natural gas liquids;

An annualized computation of increased product cost recovery by natural gas liquid processors;

Certification of adjusted May 15, 1973 prices;

Use of imputed May 15, 1973 natural gas prices where a natural gas stream was not processed on May 15, 1973;

Continuation of the special propane rule for refiners of crude oil.

The October 15 Notice also requested comment on whether first sale prices for natural gas liquid products should be adjusted according to location of sale.

As discussed in more detail below, the proposals of the October 15 Notice are adopted substantially as proposed. No action is being taken with respect to the issue of whether first sale prices for natural gas liquid products should be adjusted according to location of sale. Although comment was requested on this issue, no specific proposal was made.

I. ADJUSTED MAY 15, 1973 FIRST SALE PRICES FOR NATURAL GAS LIQUIDS

In adopting Subpart K, FEA determined that the May 15, 1973 price levels of natural gas liquids and natural gas liquid products, which generally serve as a reference point under the price regulations, were in disequilibrium. Accordingly, a new § 212.164 was adopted, which permits the use of adjusted May 15, 1973 first sale prices for purposes of determining current lawful prices of natural gas liquid products and natural gas liquids. Section 212.164(a) specifies for natural gas liquid products adjusted May 15, 1973 first sale prices which may be used in lieu of actual prices on that date in all cases. However, as pointed out in the October 15 Notice, § 212.164(b) specifies for natural gas liquids an adjusted May 15, 1973 first sale price which may be used in lieu of actual prices on that date *only* "• • • if the first sale price [for natural gas liquids] was determined on May 15, 1973 by reference to first sale prices of natural gas liquid products, less a specified percentage or amount to take into account the costs of further processing needed before the natural gas liquids could be sold separately as natural gas liquid products • • •."

FEA proposed to amend § 212.164(b) to make clear that the adjusted May 15, 1973 first sale price for natural gas liquids could be used wherever the May 15, 1973 first sale prices for natural gas liquids represented an ascertainable discount from the weighted average of the prices charged on May 15, 1973 for natural gas liquid products sold at the nearest sales point for such products on that date. FEA also proposed that such May 15, 1973 discounts be maintained on a percentage rather than on a cents per gallon basis, so that producers and processors of natural gas liquids would share the benefits of the price adjustment authorized under § 212.164(b).

Section 212.164(b) is amended as proposed in the October 15 Notice for the reasons set forth therein.

A substantial number of comments described the proposal as a "new concept" implementing "new reductions" in the price permitted to be charged for mixed natural gas liquids. Such comments, however, were based on the erroneous assumption that unless a contract in effect on May 15, 1973 specifically called for a mixed stream price to be discounted from component product prices, a mixed stream could be sold at a price which reflected the full amount of the § 212.164 adjusted prices for the component products. That this interpretation is without basis in the regulations was pointed out in the October 15 Notice.

Certain comments also stated that an adjusted price for mixed streams that does not equal the adjusted price for the component products results in either a disincentive to continued production of mixed streams by producers without fractionation capability, or provides an artificial incentive for such producers to obtain a fractionating capability. However, the maintenance of the May 15, 1973 pricing differentials between mixed streams and fractionated products simply reflects the historic costs associated with fractionating mixed streams, and should not therefore involve any incentive to operate differently than on May 15, 1973.

The fact that the misinterpretation of the adjusted price rule for mixed streams described above has been widespread was confirmed by the comments submitted in this proceeding and it is for this reason, among others, that the proposed amendment is adopted effective January 1, 1975. Thus, in light of the probability that many gas processing firms implemented prices for natural gas liquids using adjusted May 15, 1973 first sale prices during a period when § 212.164(b) contained no specific provision for the use of such adjusted prices, the FEA has concluded that provision for the use of adjusted May 15, 1973 prices should be made on a retroactive basis. This will avoid the imposition of undue financial hardship on the many firms which were misguided in their attempts to comply with the natural gas liquids

price rules. Moreover, this action will more effectively implement the original price policy adopted by FEA in promulgating Subpart K, since it was thought that § 212.164(b) would be adequate to cover most, if not all, first sales of natural gas liquids at the time it was adopted.

Several persons commented that the provisions of the proposed amendment to § 212.164(b) would impose certain administrative burdens, noting in particular that sales of the mixed stream and the component products were not always made at the same point on May 15, 1973 so that the differential between the prices for these items could not easily be ascertained. It should be noted in this regard that the rule proposed in the October 15 Notice and adopted today does not require a firm to ascertain the discount represented by the differential between its May 15, 1973 first sale price for the mixed stream and the May 15, 1973 first sale price for the component products derived from that stream; the rule simply requires that a firm ascertain the discount represented by the differential between its mixed stream first sale price and the first sale prices of natural gas liquid products at the nearest sales point for such products on May 15, 1973. It is FEA's intention that permitting the referenced product prices to be identified without requiring the seller to trace the mixed stream actually sold on May 15, 1973 will provide the flexibility necessary to alleviate the administrative burden which might otherwise be involved.

II. IMPUTED MAY 15, 1973 PRICES FOR NATURAL GAS LIQUIDS

When Subpart K was adopted, a special price rule for natural gas liquid products processed in "new" gas plants was included, in order to provide an incentive for the construction of new plants. However, through oversight, a comparable provision was not included for mixed streams processed in new plants. Accordingly, the October 15 Notice proposed to add a new provision to § 212.164 to impute May 15, 1973 first sale prices for natural gas liquids processed in "new" gas plants based on a price of $.115 per gallon for the propane content, $.12 per gallon for the butane content, and $.13 per gallon for the natural gasoline content.

Section 212.164 is amended by the addition of a new paragraph (d) as proposed in the October 15 Notice. The majority of those persons commenting on this proposal supported its adoption.

Certain comments submitted in opposition to this proposed amendment simply recommended no change in the original Subpart K price rules respecting new plants. These comments apparently reflect an assumption that the price rule of § 212.164, which is applicable by its terms only to natural gas liquid products processed in new plants, could also be applied to impute May 15, 1973 prices to natural gas liquids processed in new plants. This is not the case, as was pointed out in the October 15 Notice. Thus, absent the adoption of a new price rule to provide specifically for the use of imputed May 15, 1973 prices in calculating current lawful prices for natural gas liquids processed in a new gas plant, no imputed May 15, 1973 first sale price for such streams would be otherwise available, and the Subpart K price rules would operate to provide an incentive only for the increased production of natural gas liquid products. The proposed rule is therefore adopted to provide the needed incentive for the production of mixed natural gas liquid streams as well. The amendment is also being adopted effective January 1, 1975 to facilitate application of the Subpart K price rules to mixed streams processed in new plants since that date and to conform to the intent with which the Subpart K rules were originally adopted.

III. NON-PRODUCT COST ALLOWANCES

Subpart K permits first sale prices for natural gas liquid products to be increased by a maximum of ½ cent per gallon to reflect actual non-product cost increases incurred since May, 1973. No comparable provision was included for increasing first sale prices of natural gas liquids. As stated in the October 15 Notice, comments received by FEA indicated that FEA's initial understanding that no significant non-product cost increases had been experienced in processing and selling mixed streams was incorrect. Accordingly, addition of a provision to § 212.165 for mixed stream price increases not to exceed ⅜ cents per gallon to reflect increased non-product costs was proposed.

The proposed amendment also provided that first sale prices for natural gas liquid products derived from such mixed streams could include an increment to reflect increased non-product costs which, when added to the non-product cost increment included in the price of the mixed stream, would not exceed ½ cent per gallon. Certification by sellers of mixed streams of the non-product cost increment included in the first sale prices of mixed streams was also proposed, in order to implement this proposal.

Section 212.165 is amended as set forth in the October 15 Notice for the reasons set forth therein.

Most of the comments submitted in opposition to this proposed amendment were critical of the imposition of a per gallon limitation on the amount of non-product cost increases which could be recovered in prices charged for product since such a limitation inevitably inhibits the recovery of such costs by firms whose increased non-product costs incurred exceed the limit. Several persons offered cost data indicating that, with respect to certain individual gas plant operations at least, per gallon increases in non-product costs are being incurred which exceed the limitations originally set forth in § 212.165 as well as those which were proposed. The burden associated with obtaining an exception from the limitations was cited as the most onerous effect of both the original regulation and the proposed amendment.

The FEA is concerned about imposing costly, time consuming requirements on processors subject to its regulations, but in adopting the original Subpart K price rules the FEA concluded that adoption of a rule which did not place a per gallon limit on the amount of non-product costs that could be included in product prices by a gas processor would be impracticable and would present an unreasonable administrative burden for FEA. FEA has undertaken to minimize the difficulties connected with the exceptions process, which must to the extent they remain, be compared to the administrative burden which would be assumed by the FEA if the agency adopted a rule permitting the unlimited passthrough of increased non-product costs. To date, the number of exception requests received by the FEA in this regard has not been sufficient to indicate that the per gallon non-product cost limitations imposed generally restrict the ability of affected firms to recover their increased non-product costs through prices charged for product. Thus, there does not appear to be sufficient justification for the removal or adjustment of these limitations except in the manner set forth in the October 15 notice. The non-product cost data which are being accumulated through the exceptions process may soon afford a basis for further rulemaking in this area, however.

As with several of the other amendments adopted today, certain objections to the adoption of this proposal were based on assertions that the current price rule regarding increased non-product costs is adequate. This view appears to proceed from the erroneous assumption that the price rule permitting gas processing firms to add an increment of no more than ½ cent per gallon to natural gas liquid product prices to reflect increased non-product costs was also applicable to prices charged for mixed natural gas liquid streams. As was indicated in the October 15 Notice, the original Subpart K price rules do not provide for a non-product cost increase to be included in lawful prices charged for mixed streams.

The amendment is therefore adopted to permit processors of these mixed streams to recover, in prices charged for those streams, the non-product cost increases they have incurred. Like the other amendments adopted today, it is being adopted effective January 1, 1975 to more effectively implement the original price policy adopted by FEA in promulgating Subpart K and to avoid the imposition of undue financial hardship on the many firms which erroneously applied the Subpart K price rules.

IV. UNRECOUPED INCREASED PRODUCT COSTS

The October 15 Notice stated that since crude oil refiners are permitted to follow a "twelve month rule" in apportioning a pro-rata amount of increased costs to propane prices because of the seasonal pricing of that product, it appeared that a similar provision should be adopted for natural gas liquid processors.

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Section 212.167 is amended as set forth in the October 15 Notice for the reasons set forth therein. All of the comments submitted in this proceeding reflected support for the proposal to amend § 212.167. However, it was apparent from the comments that the preamble to the amendments proposed in the October 15 Notice caused some confusion as to the effect of the original Subpart K "banking" provisions. In describing the proposed amendment to § 212.167, FEA stated that "(a)n additional aspect of the proposal described above is that it would permit processors to apportion costs attributable to propane to prices charged for butane and natural gasoline." Persons commenting on this aspect of the proposal have expressed concern that the FEA may be interpreting the original § 212.167 price rule to preclude this type of cost apportionment. The FEA has not adopted such an interpretation. The cost allocation provisions of § 212.167 have always permitted gas processing refiners to apportion costs attributable to propane to prices charged for the other natural gas liquid products. Thus, in amending the cost allocation price rule effective January 1, 1975, the FEA continues to provide flexibility in the apportionment of increased product costs to butane and natural gasoline while modifying the cost apportionment restrictions applicable to propane prices so that the proportionate allocation of increased product costs to propane is measured on an annual basis rather than on the monthly basis which was required under the original Subpart K price rules.

V. CERTIFICATION OF ADJUSTED MAY 15, 1973 PRICES AND NON-PRODUCT COST INCREMENTS BY SELLERS OF NATURAL LIQUIDS

The October 15 Notice proposed that certain certifications be required by sellers of natural gas liquids and natural gas liquid products in order to facilitate the flow of information needed for compliance with the Subpart K price regulations.

A new section 212.171 is adopted in a slightly different form from that proposed in the October 15 Notice, but for substantially the same reasons set forth in the proposal. The corrective amendments to Subpart K issued on August 27, 1975, require that, in calculating the per gallon amount of product cost increases which may be included in lawful prices for liquid products, firms which sell those products in first sale transactions must make reference to the adjustments to May 15, 1973, prices included in the lawful prices charged by their suppliers of mixed natural gas liquids. In addition, the amendments adopted today contain provisions which require that, in calculating the per gallon increment representing non-product cost increases which may be included in the lawful price for natural gas liquid products, firms which sell those products in first sale transactions must make reference to the per gallon amount of non-product cost increases included in the lawful prices charged by their suppliers of mixed natural gas liquids.

In order to facilitate the flow of information necessary for compliance with these provisions, the FEA is adopting a certification provision to require that sellers of natural gas liquids certify to their purchasers the incremental amounts included in their prices for natural gas liquids which are relevant for the purpose of computing lawful prices for the natural gas liquid products derived therefrom in accordance with the Subpart K price rules.

However, this information is needed only in connection with a first sale of natural gas liquids, so that the seller of natural gas liquid products may calculate its maximum lawful prices for those products. Accordingly, the certification requirement adopted today is limited to first sales of natural gas liquids, in response to the several comments which objected to the certification requirements contained in the October 15 proposal as being extensive and unnecessary. This modification from the proposed requirement should minimize the burden imposed upon gas processing firms in this regard. Such certifications are required with respect to all first sales of natural gas liquids since January 1, 1975.

VI. CALCULATION OF INCREASED PRODUCT COSTS ATTRIBUTABLE TO "NEW" NATURAL GAS LIQUIDS AND NATURAL GAS LIQUID PRODUCTS

The October 15 Notice noted that the Subpart K regulations provided for the use of an imputed May 15, 1973 price of natural gas where a gas stream from which natural gas liquids have been extracted was not sold on May 15, 1973. The regulation did not, however, permit the use of an actual price of natural gas where a gas stream was sold after May 15, 1973. FEA therefore proposed to amend § 212.168 to provide that, where a natural gas stream was not sold on May 15, 1973, the lowest of the actual initial sales price of the residue gas, 23 cents per thousand cubic feet (MCF), or 23 cents per million BTU for residue gas may be used as an imputed May 15, 1973 price for the gas stream.

Section 212.168 is amended as proposed in the October 15 Notice for the reasons set forth therein. No opposition to the adoption of this amendment was expressed.

VII. SPECIAL PROPANE RULE FOR REFINERS OF CRUDE OIL

The original "twelve month rule" which limited refiners of crude oil in their allocation of crude oil in their allocation of increased costs to propane prices specified the twelve month period of August 1, 1974 through July 31, 1975 during which refiners were required to comply with certain specific limitations of the special propane rule. At the time the special propane rule was adopted, the close of this period coincided with the expiration date of the Emergency Petroleum Allocation Act of 1973. Inasmuch as the duration of propane price controls was uncertain at the time of the October 15 Notice, it was proposed simply to annualize the special propane rule by deleting the references to specific years.

The substance of that proposal has already been adopted in connection with the revisions to Subpart E that were required by the Energy Policy and Conservation Act (41 FR 5111, February 4, 1976; 41 FR 15330, April 12, 1976). The Rule now appears in modified form at § 212.83(c)(1)(iii)(A).

Consideration of the comments received in this proceeding have, however, led FEA to conclude that the special propane rule should be modified in one respect. Clauses (I) through (IV) of the rule are retained in their present form. The clauses limit the amount of (I) increased crude oil costs, (II) increased non-product costs, (III) increased costs of propane purchased, and (IV) increased costs of propane produced from natural gas, which may be attributed to propane during a twelve month period.

Clause V in its present form precludes the application of any increased costs (determined pursuant to clauses (I) through (IV) which are incurred in one twelve month period to propane prices in the subsequent twelve month period. This provision does not appear to be appropriate, however, except with respect to the prohibition against carrying forward costs incurred prior to July 1, 1974, and not recovered through July 31, 1974. The rationale for this initial prohibition was essentially that increased costs which were attributable to propane in greater than proportional amounts prior to the adoption of the "special propane rule" should not be permitted to be carried forward for application to propane prices after the proportionate restrictions on cost allocation of the special propane rule were adopted. However, since the proportionate cost allocation regulations have been in effect for propane since August 1, 1974, no further absolute prohibition against the carry-forward of unrecovered increased costs is justified. The rationale for the original prohibition is in applicable, and the general restraints on the carry-forward of unrecovered increased costs applicable to general refinery products are adequate to insure that no undue price increases occur. Moreover, continuation of a year-to-year prohibition on the carry-forward of unrecovered increased costs would be a disincentive to increasing propane inventories during the summer period immediately prior to July 1.

Accordingly, the "special propane rule" is amended in clause V to limit the applicability of the prohibition on the carry-forward of unrecovered increased costs to August 1, 1974.

VIII. FIRST SALE PRICES FOR NATURAL GAS LIQUID PRODUCTS ACCORDING TO LOCATION OF SALE

A possible amendment to the Subpart K price rules to provide for application of the adjusted May 15, 1973 first sale prices in a manner that would also fully preserve historical geographical price differentials in the maximum lawful prices permitted to be charged for natural gas

liquid products has not been adopted. However, with respect to this issue, FEA stated in the October 15 Notice that it would consider such an amendment but would not adopt it absent a convincing showing that an amendment was necessary and feasible. FEA has concluded that such a showing has not been made.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133 and Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275; Energy Policy and Conservation Act, Pub. L. 94–163; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 212 of Chapter II, Title 10 Code of Federal Regulations, is amended as set forth below, effective January 1, 1975.

Issued in Washington, D.C., June 10, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended in paragraph (c)(1)(iii)(A)(V) to read as follows:

§ 212.83 Price rule.

• • • • •

(c) *Allocation of increased costs.*

• • • • •

(1) *Allocation of increased costs incurred in the period "t."*

• • • • •

(iii) Propane—(A) *Special propane rule.*

• • • • •

(V) May not apportion to propane any increased costs incurred prior to July 1, 1974 and not recovered through July 31, 1974.

• • • • •

2. Section 212.164 is amended by the revision of paragraph (b), by the redesignation of paragraph (d) as paragraph (e), and by the addition of a new paragraph (d) to read as follows:

§ 212.164 Adjusted May 15, 1973 first sale price.

• • • • •

(b) *Natural gas liquids.* For purposes of determining lawful prices of natural gas liquids in a first sale, if the first sale price of natural gas liquids on May 15, 1973, represented a discount from the lawful first sale prices of natural gas liquid products at the nearest sales point for such products on that date, a firm may use, in lieu of the actual May 15, 1973 first sale prices of natural gas liquids, first sale prices of natural gas liquids computed on the basis of not more than $.085 per gallon for the propane content, not more than $.09 per gallon for the butane content, and not more than $.10 per gallon for the natural gasoline content, provided that the natural gas liquids first sale prices thus computed shall be reduced by the same percentage discount from the adjusted first sale prices for the component natural gas liquid products as the actual May 15, 1973 first sale prices of natural gas liquids were reduced from the actual May 15, 1973 selling prices of natural gas liquid products at the nearest sales point of the natural gas liquids purchaser for such products.

• • • • •

(d) *Imputed May 15, 1973 first sale prices for natural gas liquids from new gas plants where groundbreaking did not occur until January 1, 1975, or thereafter.* For purposes of determining lawful prices of natural gas liquids produced in a gas plant where groundbreaking did not occur until January 1, 1975 or thereafter, a firm may use as the weighted average price at which natural gas liquids were lawfully priced in first sale transactions on May 15, 1973, prices computed on the basis of not more than $.115 per gallon for propane content, not more than $.12 per gallon for butane content, and not more than $.13 per gallon for natural gasoline content.

• • • • •

3. Section 212.165 is revised to read as follows:

§ 212.165 Increased non-product costs.

The first sale price of natural gas liquids may be increased, to reflect non-product cost increases which have been incurred since May 15, 1973, by an amount which is not more than $.00375 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart. The first sale price of natural gas liquid products may be increased, to reflect non-product cost increases which have been incurred since May 15, 1973, by an amount which, when added to the amount of non-product costs certified as included in prices charged for purchased natural gas liquids is not more than $.005 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart. Records shall be maintained to show that the increased non-product costs attributable to gas plant operations, under customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, are sufficient to justify the amount of the price increase permitted under this section on a dollar-for-dollar pass-through basis.

4. Section 212.167 is revised in paragraphs (c) and (f), to read as follows:

§ 212.167 Allocation of increased product costs.

• • • • •

(c) *Increased product costs allocable to propane.* The total amount of increased product costs allocable to the price of propane derived from a particular volume of natural gas for each twelve month period of August 1 through July 31, shall not exceed the amount of increased product costs determined pursuant to paragraphs (a) and (b) of this section to be attributable to that volume of natural gas and allocable to the sales volume of natural gas liquid products derived therefrom multiplied by

$$\left(\frac{V_p}{V_n}\right)$$

Where:

V_n = The total volume of all natural gas liquid products derived from that volume of natural gas and sold during the current period Aug. 1 through July 31, and

V_p = The total volume of propane derived from that volume of natural gas and sold during the current period Aug. 1 through July 31.

• • • • •

(f) *Carry-forward of unrecovered increased product costs.* Increased product costs calculated pursuant to this section and not recovered in sales revenues in the current month may be carried forward for recovery in a subsequent month, provided that such unrecovered increased product costs shall be allocated to prices as provided in this section.

5. Section 212.168 is revised to read as follows:

§ 212.168 Increased product costs for natural gas liquids and natural gas liquid products derived from a new gas stream.

For purposes of determining increased product costs attributable to natural gas liquids and natural gas liquid products produced from a new gas stream where no sale of the residue gas was made on May 15, 1973, a firm shall use as its May 15, 1973 price for the residue gas, the lower of: 23 cents per thousand cubic feet (MCF) or 23 cents per million British thermal units (MMBTU) of residue natural gas, whichever is consistent with the sales terms of the contract under which the residue gas is currently sold; or the actual price at which the residue gas was sold on the first day following May 15, 1973 on which a sale was made.

6. Part 212 is being revised by the addition of a new § 212.171, to read as follows:

§ 212.171 Certification requirements.

(a) *Certification to purchasers of natural gas liquids.* Each seller of natural gas liquids shall certify to each purchaser in a first sale transaction: (1) the per gallon increment included in the price charged to that purchaser which results from the use by the seller of an adjusted May 15, 1973 selling price under § 212.164, in determining the lawful price to that purchaser; and (2) the per gallon increment included in the price charged to that purchaser which reflects non-product cost increases incurred by the seller and included in prices pursuant to § 212.165.

[FR Doc.76-17428 Filed 6-10-76;4:50 pm]

Title 17—Commodity and Securities

the 1975 Amendments amended Section numerous issues they raised were mini-

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Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12482]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Brokers and Dealers Effecting Transactions in Municipal Securities

Adoption of amendments to the uniform net capital rule (Rule 15c3-1) pertaining to the Commission's financial responsibility and reporting program for transactions in municipal securities.

The Securities and Exchange Commission today announced the adoption of certain amendments to Rule 15c3-1 [17 CFR 240.15c3-1], the uniform net capital rule ("the Rule"), under the Securities Exchange Act of 1934. The amendments deal with overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities, certain receivables arising from municipal securities underwritings, haircuts on municipal notes, aged fails to deliver municipal securities, indebtedness collateralized by municipal securities, and the alternative net capital requirement. The amendments, which become effective on June 1, 1976, are intended primarily to succeed certain of the temporary amendments to the Rule adopted in Securities Exchange Act Release No. 11854 (Nov. 20, 1975) ("Release No. 11854") [40 FR 57786 (Dec. 12, 1975)] as part of the Commission's financial responsibility and reporting program pertaining to transactions in municipal securities.

The Commission also invites further comment from interested members of the public concerning undue concentration requirements for municipal securities and the definition of a ready market for municipal securities. With respect to these issues, the Commission extends until October 1, 1976, the temporary provisions concerning undue concentrations, and continues the suspension of the Rule's provisions prescribing capital charges for municipal securities lacking a ready market.

Introduction

Prior to the Securities Acts Amendments of 1975,[1] (the "1975 Amendments") municipal securities were included within the definition of "exempted securities" as defined in Section 3(a)(12) of the Securities Exchange Act of 1934 (the "Act"). The 1975 Amendments, inter alia, excised municipal securities from the class of exempted securities for purposes of Section 15(c)(3) of the Act, effective December 1, 1975.[2] Moreover, the 1975 Amendments amended Section 15(c)(3) to require the Commission to establish minimum financial responsibility requirements for "all brokers and dealers" no later than September 1, 1975. While thus subjecting brokers and dealers who effect transactions in municipal securities to Commission financial responsibility regulation, Congress, nonetheless, remained cognizant that the often unique structure of the municipal securities industry might indicate financial responsibility rules different from those applicable to other members of the securities industry. In particular, Congress noted that "it may not be appropriate to apply the existing net capital rules to firms that are solely brokers in municipal securities, whose only customers are professional securities dealers and banks. The limited risks inherent in this form of business may justify less stringent rules without danger to the public."[3]

The 1975 Amendments became law on June 4, 1975. At that time the Commission was completing development of a uniform net capital rule, which was adopted pursuant to Section 15(c)(3) on June 26, 1975, effective September 1, 1975.[4] Thus it was contemplated that the Rule would be in place by the time municipal securities brokers and dealers became subject to Section 15(c)(3) on December 1, 1975. Accordingly, the Commission, directed to establish minimum financial responsibility standards for brokers and dealers effecting transactions in municipal securities consistent with the protection of investors, and cognizant of the unique features of this industry, included a request for comments on this subject in the release adopting the Rule.[5] The Commission reiterated this request in Securities Exchange Act Release No. 11561 (July 30, 1975) [40 FR 33082 (Aug. 6, 1975)], soliciting public comment concerning any special problems which the Rule would pose to the municipal securities industry. When certain members of the public requested additional time in which to present their views and supporting data on these matters, the Commission extended the public comment period until October 15, 1975.[6]

In response to these releases, the Commission received a number of thoughtful comment letters. Salient among the numerous issues they raised were minimum net capital requirements under Rules 15c3-1(a) and (f) [17 CFR 240.15c3-1(a) & (f)], the appropriate haircuts for municipal notes, the treatment of undue concentrations in municipal securities, and the fact that municipal securities trading markets are structurally different from the markets on which the Rule's nonmarketability provisions were premised. More generally, the Commission became aware of the need to prescribe emergency temporary relief from a number of the Rule's provisions, to enable newly registering brokers and dealers effecting transactions in municipal securities to make a smooth transition to the requirements of the Rule, and to allow the Commission to consider and develop appropriate permanent capital standards for brokers and dealers effecting transactions in municipal securities.

Accordingly, on November 20, 1975, the Commission issued Release No. 11854, which adopted, inter alia, certain amendments, temporary amendments, and interpretations to the Rule primarily designed to afford brokers and dealers effecting transactions solely in municipal securities a period of transition during which these firms could adjust to net capital regulation. This transitional program, which became effective on December 1, 1975, involved many provisions of the Rule. Through an amendment to Rule 15c3-1(g) [17 CFR 240.15c3-1(g)], the Commission permitted brokers and dealers to treat municipal securities as exempted securities until January 1, 1976, the effective date of the computational provisions of the Rule. Another amendment to this provision afforded brokers and dealers effecting transactions solely in municipal securities the option of operating under all provisions of the Rule beginning December 1, 1975, instead of computing capital for one month under former Rule 15c3-1. With respect to the computational provisions of the Rule, the Commission adopted temporary amendments, expiring in most cases on June 1, 1976, relating to the treatment of overnight bank loans incurred by brokers and dealers effecting transactions solely in municipal securities, receivables arising out of participation in municipal securities underwritings, undue concentrations of municipal securities, aged fails to deliver municipal securities, and indebtedness collateralized by municipal securities. The nonmarketability provisions of the Rule were suspended as applied to municipal securities, pending the development of ready market criteria suitable for municipal securities. The Commission also provided, on a temporary basis, a modified variant of the alternative net capital requirement found in Rule 15c3-1(f) [17 CFR 240.15c3-1(f)], available to certain municipal securities "brokers' brokers." Permanent amendments to the Rule adopted in Release No. 11854 included separate classification of municipal notes for haircut purposes, definitional amendments in order to allow transactions with registered bank municipal securities dealers to be treated

[1] Act of June 4, 1975, Pub. L. No. 94-29, 89 Stat. 97.

[2] "The [Senate Banking, Housing and Urban Affairs] Committee has concluded the time has come to revise the Exchange Act to subject municipal securities professionals to essentially the same regulatory scheme that applies to other securities activities." S. Rep. No. 75, 94th Cong., 1st Sess. 43 (1974).

[3] Id. at 48.

[4] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975). However, Rule 15c3-1(g)(1) provided that computations of aggregate indebtedness and net capital for purposes of Rule 15c3-1(a) might, until January 1, 1976, be made pursuant to the capital rule to which a broker or dealer was subject prior to September 1, 1975. This effectively postponed the effective date of all provisions except Rule 15c3-1(a) (minimum net capital requirements) and Appendix D (satisfactory subordination agreements) until January 1, 1976.

[5] Securities Exchange Act Release No. 11497, at 4 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[6] Securities Exchange Act Release No. 11656 (Sept. 16, 1975), 40 FR 43743 (Sept. 23, 1975).

as non-customer transactions, and the addition of a definition of "municipal securities." Finally, in order to clarify the impact of certain of the Rule's provisions upon brokers and dealers effecting transactions in municipal securities, the Commission issued interpretations pertaining to the minimum net capital requirements for newly registered brokers and dealers, and to the treatment of free shipments of securities.

In Release No. 11854, the Commission again established a public comment period, expiring February 29, 1976, concerning appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities, particularly directed to those areas affected by the transitional program adopted in that release. Public comment, especially by way of impact studies and other appropriate statistical compilations, was solicited with specific reference to the issues of undue concentrations of municipal securities, the definition of a ready market in municipal securities, and haircuts on municipal bonds.

Interested members of the public responded with several well-considered discussions of all these issues.[7] Reaction to the transitional program embodied in Release No. 11854 was generally favorable. Indeed, many commentators suggested that several of the temporary amendments to the Rule might form the basis of more permanent provisions which would recognize, consistent with the protection of investors, unique features of the municipal securities marketplace. Some commentators requested that the Commission review the temporary amendment to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)] respecting overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities, scheduled to expire on April 1, 1976, in conjunction with the other temporary amendments to the Rule, which expire on June 1, 1976. The Commission determined that this was appropriate, and extended the temporary amendment respecting overnight loans until June 1, 1976.[8]

The Commission believes that the temporary amendments to the Rule adopted in Release No. 11854 have served their primary purpose of providing newly registered brokers and dealers effecting transactions in municipal securities a transitional period in which to adjust to the requirements of the Rule. The Commission has determined that it is now appropriate to initiate the next phase of its program for the net capital regulation of these brokers and dealers. This involves the adoption of more permanent provisions, summarized above, relating to the net capital requirements of brokers and dealers effecting transactions in municipal securities. Each of these amendments to the Rule is discussed below, and the text thereof is set forth at the end of this release.

The amendments adopted herein are intended to recognize certain unique features of the municipal securities marketplace, in a manner consistent with the public interest and the protection of investors. While the Commission believes that the regulatory solutions adopted herein achieve these purposes, the Commission wishes to receive comment from the public concerning appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. To this end, the Commission again solicits the comments of interested members of the public pertaining to these matters, with particular reference to the amendments adopted today.

Amendments to Rule 15c3-1 Effective on June 1, 1976

Amendment to Rule 15c3-1(c)(1)(i)—Overnight Indebtedness Incurred by Brokers and Dealers Effecting Transactions Solely in Municipal Securities

In many cases, a purchasing dealer of municipal securities will fail to take delivery of the securities on settlement date because of delays in issuing instructions to the clearing bank or broker. Delivery, when made, may occur too late in the day to allow the purchasing dealer to accomplish same day redelivery to a purchaser to whom he has resold the securities. In such circumstances, the dealer may finance the transaction by borrowing against the securities failed to deliver on an overnight basis.

A fail to receive offset by a fail to deliver is excluded from aggregate indebtedness ("AI") pursuant to Rule 15c3-1(c)(1)(iii) [17 CFR 240.15c3-1(c)(1)(iii)]. However, once the municipal securities are received (and not redelivered on the same day) and the dealer borrows against them, his position is long in fail to deliver and short in bank loan. Since these securities are not carried long in the proprietary or other accounts of the broker or dealer (where they would receive a maximum haircut of 5% pursuant to Rule 15c3-1(c)(2)(vi)(B) [17 CFR 240.15c3-1(c)(2)(vi)(B)]), the indebtedness they secure must be included in AI pursuant to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)].

In Release No. 11854, the Commission took note of the historical prevalence of overnight loans in the municipal securities industry, as well as the consequent suggestions of certain commentators that immediate inclusion of these loans in AI might prove disruptive to newly registered brokers and dealers effecting transactions solely in municipal securities.[9] The Commission responded to these expressions of concern by adopting a temporary amendment to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)] permitting, until April 1, 1976, brokers and dealers effecting transactions solely in municipal securities to exclude from AI overnight loans offset by municipal securities failed to deliver outstanding not more than one business day.[10] Subsequently, this temporary amendment was extended until June 1, 1976, to permit the Commission to review the overnight loans issue in conjunction with other questions arising from the application of the Rule to brokers and dealers effecting transactions in municipal securities.[11]

The concept of appraising a broker's or dealer's liquidity and financial condition by measuring his net capital against his aggregate indebtedness achieves viability only to the extent that "aggregate indebtedness" provides a rational and substantially accurate measurement of all the liabilities incurred by brokers and dealers. In 1955, the Commission's former net capital rule contained nine exclusions from AI.[12]

A tenth exclusion was added during the life of former Rule 15c3-1. In the course of the development of the uniform net capital rule, interested members of the public urged the Commission to provide further exclusions, involving many items including overnight bank loans collateralized by securities failed to deliver. During the three-year developmental process, each of these suggestions was carefully evaluated. "On the basis of impact studies and comments, several new and significant items were excluded from AI, including deferred tax liabilities, credit balances in the accounts of general partners, subordinated liabilities not the subject of a satisfactory subordination agreement, liabilities representing the amounts [required to be on deposit and] on deposit in Special Reserve Bank Accounts, credit balances representing amounts payable for money market instruments outstanding as long as three days, and fails to receive offset by matching fails to deliver."[13] The Commission determined, however, that "exclusion of overnight loans from AI would eliminate one of the most important indicia of a broker's or dealer's liquidity,"[14] and would reduce the viability of the AI concept as a rational measure of liquidity to a level detrimental to the public interest and the protection of investors.

The temporary amendment to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)] adopted in Release No. 11854 was intended solely to provide new registrants effecting transactions solely in municipal

[7] The Commission wishes to note its appreciation to the comments submitted by the Municipal Securities Rulemaking Board.

[8] Securities Exchange Act Release No. 12288 (March 31, 1976), 41 FR 15842 (April 15, 1976).

[9] Securities Exchange Act Release No. 11854, at 8 (Nov. 20, 1975), 40 FR 57786 (Dec. 12, 1975) [hereinafter cited as Release No. 11854].

[10] *Id.* at 8-9.

[11] Securities Exchange Act Release No. 12288 (March 31, 1976), 41 FR 15342 (April 15, 1975).

[12] *See* 20 FR 2611 (1955) (adoption by the Commission of substantially revised definition of aggregate indebtedness).

[13] Release No. 11854 at 8.

[14] Id.

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securities the opportunity to make an orderly transition to net capital regulation. The temporary amendment did not represent a judgment by the Commission that exclusion of overnight loans incurred by these firms would be any less damaging to the AI concept than exclusion of the overnight loans taken by firms conducting a general securities business.

The Commission notes that the alternative net capital requirement provided by Rule 15c3-1(f) [17 CFR 240.15c3-1(f)] provides for lesser capital charges in respect to overnight loans, relying instead upon other modes of customer protection provided by Rule 15c3-3 [17 CFR 240.15c3-3]. Later in this release, the Commission amends the alternative net capital requirement set forth in Rule 15c3-1(f) [17 CFR 240.15c3-1(f)] to provide that until January 1, 1977, brokers and dealers effecting transactions solely in municipal securities may operate thereunder with net capital not less than the greater of $25,000 or 4% of aggregate debit items, computed under Exhibit A to Rule 15c3-3,[12] the Formula for Determination of Reserve Requirements of Brokers and Dealers ("the Reserve Formula"). This provisional amendment is intended to afford these brokers and dealers and the Commission a period during which the appropriateness of the alternative as a financial responsibility standard for such firms may be examined in the light of practical experience. The Commission points out that under the alternative capital requirement, only overnight loans collateralized by securities offset by customer long positions increase a broker's or dealer's required net capital, and then only at the rate of 4% of the market value of the securities, as opposed to 6⅔% of the overnight indebtedness under the AI method.

The Commission encourages brokers and dealers effecting transactions solely in municipal securities to study this method of capital computation, and to compare their capital requirements thereunder with those indicated by the AI method. In order to afford these brokers and dealers an additional transitional period and an opportunity to familiarize themselves with the alternative, the Commission amends Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)] to delay until October 1, 1976 the expiration of the temporary amendment thereto respecting overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities.

Later in this release, the Commission invites public comment concerning whether the computation of net capital under the alternative, as amended herein, provides an appropriate measure of the financial responsibility of brokers and dealers effecting transactions solely in municipal securities. The Commission also solicits public comment, particularly by way of impact studies and other appropriate statistical compilations, concerning the treatment of overnight loans incurred by brokers and dealers effecting transactions solely in municipal securities under both the AI concept and the alternative capital requirement.

[12] 17 CFR 240.15c3-3a (1975).

AMENDMENTS TO RULE 15c3-1(c)(2)(iv)(C)—RECEIVABLES ARISING FROM UNDERWRITING SYNDICATES AND JOINT ACCOUNTS

In its original form, Rule 15c3-1(c)(2)(iv)(C) [17 CFR 240.15c3-1(c)(2)(iv)(C)] required the deduction from net worth of good faith deposits arising in connection with an underwriting and outstanding longer than eleven business days. Furthermore, profits derived from participation in an underwriting syndicate were treated as "unsecured receivables" which, pursuant to Rule 15c3-1(c)(2)(iv)(E) [17 CFR 240.15c3-1(c)(2)(iv)(E)], were deducted from net worth. These provisions were premised upon industry practices followed in the underwriting of corporate securities. However, as the Commission pointed out in Release No. 11854, municipal securities underwriting syndicates and joint accounts generally "operate on a much more protracted timetable than their corporate securities counterparts."[13] The Commission noted that the duration and conduct of public offerings of municipal securities might be an appropriate matter for consideration by the Municipal Securities Rulemaking Board ("the Board"),[14] and, as an interim measure, temporarily amended Rule 15c3-1(c)(2)(iv)(C) [17 CFR 240.15c3-1(c)(2)(iv)(C)] to permit inclusion in net worth of receivables and good faith deposits arising from participation in municipal securities underwritings and outstanding no longer than ninety days from settlement of the underwriting with the issuer.[15]

The Commission has been apprised that the Board is developing regulatory standards which would, inter alia, establish time limits within which managing underwriters must remit good faith deposits and distribute syndicate or joint account profits. The Board anticipates that such rules will be adopted during the summer of 1976. In this light, the Commission has determined that it is appropriate to extend the temporary amendment to Rule 15c3-1(c)(2)(iv)(C) [17 CFR 240.15c3-1(c)(2)(iv)(C)] until October 1, 1976. In the interim, the Commission will consider whether it is appropriate to coordinate in some fashion the net capital treatment of these receivables with such remittance standards as the Board may seek to establish.

AMENDMENT TO RULE 15(c)3-1(c)(2)(vi)(B)(1)—HAIRCUTS ON MUNICIPAL NOTES

Rule 15c3-1(c)(2)(vi) [17 CFR 240.15c3-1(c)(2)(vi)] prescribes certain deductions from net worth, known as "haircuts," which are to be taken against the market value of securities long or short in the proprietary or other accounts of a broker or dealer. In release No. 11854, the Commission amended Rule 15c3-1(c)(2)(vi)(B) [17 CFR 240.15c3-1(c)(2)(vi)(B)], which sets forth haircuts applicable to municipal securities, in order to separately classify municipal notes.[19]

The resultant provision, Rule 15c3-1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3-1(c)(2)(vi)(B)(*1*)], specifies haircuts on such securities ranging to a maximum of ¾ of 1%, in the case of a municipal note possessing a scheduled maturity at date of issue of 366 days but less than 456 days.

Certain interested members of the public have since noted that there exist a relatively few municipal notes bearing scheduled maturities as long as two years. Presently, such securities do not fall within the definitional parameters of Rule 15c3-1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3-1(c)(2)(vi)(B)(*1*)], and therefore receive the 2% haircut applicable to municipal bonds of similar scheduled maturity. The Commission has determined that it is appropriate to provide haircuts for such notes conforming to the graduating scale established for municipal notes by Rule 15c3-1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3-1(c)(2)(vi)(B)(*1*)]. Accordingly, effective June 1, 1976, the Commission amends Rule 15c3-1(c)(2)(vi)(B)(*1*) [17 CFR 240.15c3-1(c)(2)(vi)(B)(*1*)] to provide that a municipal security which bears a scheduled maturity at date of issue of 456 days but less than 732 days, and which otherwise meets the provision's definition of a municipal note, shall receive a haircut of 1%.

AMENDMENTS TO RULE 15c3-1(c)(2)(vi)(m) & (f)(3)(iii)—UNDUE CONCENTRATIONS

Rule 15c3-1(c)(2)(vi)(M) [17 CFR 240.15c3-1(c)(2)(vi)(M)] essentially provides that a deduction from net worth equal to half the appropriate haircut shall be taken against long or short positions in the securities of an issuer of a single class or series, the market value of which positions exceeds ten percent of tentative net capital. A similar provision, Rule 15c3-1(f)(3)(iii) [17 CFR 240.15c3-1(f)(3)(iii)], applies to computations under the alternative net capital requirement.

In Release No. 11854, the Commission exempted positions in municipal securities from the undue concentration provisions until June 1, 1976.[20] On this occasion, the Commission related the suggestions of certain commentators that the existing contours of these provisions would unduly penalize certain historically safe positioning practices in the municipal securities industry.[21] The Commission concluded that while it might not be appropriate to apply the present undue concentration criteria to municipal securities, undue concentration requirements appropriate for these securities should be developed.[22] To that end, the Commission solicited public comment and impact studies concerning this matter.[23]

[13] Release No. 11854 at 9.
[14] *Id.*
[15] *Id.* at 9–10.
[19] Release No. 11854 at 11.
[20] *Id.* at 12.
[21] *Id.*
[22] *Id.*
[23] *Id.* at 27.

The public has responded to this invitation by submitting several thoughtful discussions of undue concentration standards for positions in municipal securities. Some commentators have suggested that positions in a particular municipal issue should not be considered undue concentrations until their aggregate market value exceeds the greater of 10% of tentative net capital or one million dollars, or even ten million dollars in the case of municipal notes. Other proposed solutions would increase the minimum required proportion of tentative net capital to well above 10%, or would exempt from undue concentration charges municipal securities maintained in inventory as long as forty-five business days. Finally, some suggested solutions would involve the imposition of capital charges increasing in proportion to time in inventory. However, the Commission has not received the requested impact data indicating the contours of undue concentrations in municipal securities. The Commission prefers to defer for an additional brief period definitive resolution of this question until it receives more substantial empirical data and statistical analysis of positioning practices of brokers and dealers effecting transactions in municipal securities. The Commission later in this release again solicits public comment, particularly by way of impact studies and other appropriate statistical compilations, which will enable the Commission to identify a point at which inventoried municipal securities become unduly concentrated. In order to afford time for the development and consideration of such data, the Commission has determined that it is appropriate to continue the undue concentration exemption for municipal securities until October 1, 1976. In the interim, the Commission will continue to monitor brokers and dealers effecting transactions in such securities to insure that investors are protected during the development of such undue concentration criteria.

CONTINUATION OF SUSPENSION OF RULE 15c3-1(c)(2)(vii)—NONMARKETABLE MUNICIPAL SECURITIES

Rule 15c3-1(c)(2)(vii) [17 CFR 240.15c3-1(c)(2)(vii)] provides that, for purposes of computing net capital, the entire carrying value of securities lodged in a broker's or dealer's proprietary or other accounts for which there is no ready market shall be deducted from net worth. In turn, Rule 15c3-1(c)(11)(i) [17 CFR 240.15c3-1(c)(11)(i)] states that a ready market is deemed to exist when there exists a recognized established market comprising independent bona fide offers to buy and sell, so that a price reasonably related to last sale or current bid or offer quotations can be determined almost instantaneously. A ready market is also deemed to exist, pursuant to Rule 15c3-1(c)(11)(ii) [17 CFR 240.15c3-1(c)(11)(ii)], when the securities in question collateralize a loan which the broker or dealer demonstrates to its Examining Authority is adequately secured.

In Release No. 11854, the Commission concluded that "the present structure of the municipals marketplace does not resemble the corporate securities markets on which the marketability provisions of the Rule [discussed above] were premised."[24] Accordingly, the Commission indefinitely suspended Rule 15c3-1(c)(2)(vii) [17 CFR 240.15c3-1(c)(2)(vii)] as applied to municipal securities, pending the development of appropriate marketability criteria for municipal securities. The Commission coupled this action with a specific solicitation of public comment concerning what constitutes a ready market for municipal securities.[25]

The public's response to this invitation essentially proceeded along two distinct lines of thought. First, certain commentators suggested that there should exist an initial presumption of marketability, which would be deemed progressively rebutted, in the form of increasing charges to capital, the longer a given class or series of municipal securities remained positioned in a broker's or dealer's inventory. The second approach which emerged from the public comments would involve the addition of a third subparagraph to Rule 15c3-1(c)(11) [17 CFR 240.15c3-1(c)(11)], stating in essence that a ready market for a given municipal security would be deemed to exist if a bona fide bid therefor can be obtained within one business day from a municipal securities dealer or through a municipal securities broker at a level consistent with a municipal security of comparable quality, maturity and interest rate.

The Commission wishes to give further consideration to these proposals and such others as may emerge. In order to facilitate this process, the Commission desires, and solicits below, further public comment, especially by way of empirical analysis and statistical compilation, concerning what constitutes a ready market for municipal securities. In the meantime, in order to afford the Commission and interested members of the public time to explore this matter further, the Commission continues the suspension of Rule 15c3-1(c)(2)(vii) [17 CFR 240.15c3-1(c)(2)(vii)] as applied to municipal securities.

AMENDMENT TO RULE 15c3-1(c)(2)(ix)—AGED FAILS TO DELIVER

Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] requires that appropriate haircuts be applied to securities failed to deliver outstanding fifteen business days or longer (eleven business days or longer after January 1, 1977). In Release No. 11854, the Commission took notice of the difficulties frequently encountered by brokers and dealers in obtaining possession of municipal securities in order to permit the timely elimination of fails to deliver.[26] The Commission observed that the relative inefficiency of municipal securities clearance and settlement facilities, taken together with the practical unavailability of other options, such as "buying-in" or borrowing municipal securities, frequently leaves brokers and dealers effecting transactions in municipal securities no alternative but to await delivery of municipal securities failed to receive in order to cover contra fails to deliver.[27] In these circumstances, the Commission found it appropriate to temporarily amend Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] to delay the onset of haircuts against municipal securities failed to deliver until the fail had been outstanding twenty-five business days.[28] This temporary amendment is scheduled to expire on June 1, 1976.

Comments received from interested members of the public indicate that the conditions discussed above have not improved materially since the issuance of Release No. 11854, and are not likely to improve appreciably in the immediate future. Accordingly, the Commission has determined that it is appropriate in the public interest to amend Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] to provide that municipal securities failed to deliver shall not be subjected to haircuts until the fail is outstanding twenty-one business days or longer (twenty-five business days or longer until January 1, 1977). The Commission intends to review this amendment from time to time in light of improvements in municipal securities clearance and settlement facilities arising from correlative action by the Commission and the Board.

AMENDMENT TO RULE 15c3-1(c)(2)(xiii)—INDEBTEDNESS COLLATERALIZED BY EXEMPTED SECURITIES

Rule 15c3-1(c)(2)(xiii) [17 CFR 240.15c3-1(c)(2)(xiii)] permits brokers and dealers to deduct from net worth 4% of indebtedness collateralized by exempted securities, in lieu of including the indebtedness in AI,[29] provided that the collateral is not carried long and does not represent contra securities failed to deliver. In Release No. 11854, the Commission observed that a frequent practice in the municipal securities industry is to deliver previously sold municipal securities failed to deliver against payment by draft. Inasmuch as municipal securities lost their exempted status under the Act on December 1, 1975, the Rule 15c3-1(c)(2)(xiii) [17 CFR

[24] Id. at 20.
[25] Id. at 27.
[26] Id. at 13.
[27] Id.
[28] Id.
[29] The Commission calls attention to proposed amendments to Rule 15c3-1(c)(2)(xiii) which would clarify that the option of charging 4% of such indebtedness to net worth is available only if the indebtedness would be otherwise includable in AI. See Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976).

municipal securities, outstanding longer

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240.15c3-1(c)(2)(xiii)] option of deducting 4% of the liability on the draft from net worth would thereafter have been unavailable.[20] Accordingly, the Commission adopted a temporary amendment to this provision, expiring June 1, 1976, which preserved the option in the case of indebtedness collateralized by municipal securities. On this occasion, the Commission noted that "it may well be appropriate after further public comment to continue this treatment permanently."[21]

Comments received from interested members of the public subsequent to the issuance of Release No. 11854 indicate that it is appropriate to perpetuate the currently equal treatment of indebtedness collateralized by municipal securities and indebtedness collateralized by exempted securities. Accordingly, the Commission has determined to make permanent the temporary amendment to Rule 15c3-1(c)(2)(xiii) [17 CFR 240.15c 3-1(c)(2)(xiii)].

AMENDMENT TO RULE 15c3-1(f)(1)—ALTERNATIVE NET CAPITAL REQUIREMENT

Rule 15c3-1(f)(1)(i) [17 CFR 240.15c 3-1(f)(1)(i)], the central provision of the alternative net capital requirement ("the alternative"), essentially provides that brokers and dealers electing to operate under the alternative must maintain net capital at least equal to the greater of $100,000 or 4% of aggregate Reserve Formula debit items. In Release No. 11854, the Commission took note of the statement of the Senate Committee on Banking, Housing and Urban Affairs that "it may not be appropriate to apply the existing net capital rules to firms that are solely brokers in municipal securities, whose only customers are professional securities dealers and banks. The limited risks inherent in this form of business may justify less stringent rules without danger to the public."[22] The Commission, indicating that its analysis of public comments suggested a similar conclusion, adopted Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)], a modified variant of the alternative available to certain municipal securities brokers ("brokers' brokers") who deal only with "non-customers" as defined in the Rule.[23] This temporary provision requires those firms operating thereunder to maintain net capital at least equal to the greater of $25,000 or 4% of aggregate Reserve Formula debit items.

Rule 15c3-3,[24] the Commission's customer protection rule, is designed to safeguard customers' funds and securities, and funds realized through the utilization of customers' securities. The present significance of the customer protection rule is that the Commission need no longer rely solely upon the liquidity concepts underlying Rule 15c3-1 [17 CFR 240.15c3-1] to provide adequate protection for customers and their assets. Eventually, it may be appropriate in the public interest and for the protection of investors for the concepts embodied in Rule 15c3-3 [17 CFR 240.15c3-3] to assume even greater significance. The Commission, when adopting the alternative, observed that "[u]ltimately, it may prove possible for Rule 15c3-3 [17 CFR 240.15c3-3] in some form to replace the liquidity requirements of the net capital rule and become the primary source of protection to customer assets held by the broker or dealer. The alternative approach adopted today moves in that direction."[25]

Rule 15c3-3 [17 CFR 240.15c3-3] and the alternative both operate on the premise that, in order to protect customers, financial responsibility rules should impose requirements proportionate to the amount of customer business engaged in by brokers and dealers. Thus, only obligations owing to or from customers or arising out of the utilization of customers' assets generally are includable in the Reserve Formula; similarly, net capital requirements under the alternative increase in direct proportion to the extent of a firm's customer related activity. In this sense, the alternative constitutes a financial responsibility standard more rationally related to the protection of a firm's customers.

The essence of the financial responsibility standard established by the alternative is the requirement that brokers and dealers maintain net capital of not less than 4% of aggregate Reserve Formula debit items. The minimum dollar requirement, initially fixed at $100,000, not only prescribes a minimum amount of net capital which firms utilizing the alternative must possess, but also reflects the Commission's judgment concerning which brokers and dealers may, consistent with the protection of investors, elect to operate under the alternative. The original minimum dollar requirement of $100,000 evidences the Commission's conclusion that the alternative initially should constitute an experimental pilot program restricted to amply capitalized firms which could engage in such a program consistent with the public interest and the protection of investors.

The Commission believes that the alternative method of capital computation thus far has proven itself as an appropriate standard of financial responsibility for the firms involved in this initial test program. A significant number of brokers and dealers have elected to compute capital thereunder, and there is no evidence that the alternative has produced a reduction in the protections the Rule affords the investing public. Similarly, initial experience with Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)], the modified alternative net capital requirement for certain municipal securities brokers' brokers, introduced in Release No. 11854, appears to have established a scheme of net capital regulation which is consistent with the public interest and the protection of investors, and appropriate for the relatively small number of municipal securities brokers to whom it is available. Comments received since the adoption of Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)] uniformly suggest that this provision be incorporated permanently into the Rule.

The Commission has determined that it is consistent with the protection of investors to institute an additional pilot phase for the alternative, which will proceed on a trial basis, in order to afford the Commission an opportunity to monitor most closely the performance of the alternative as a regulatory tool for the protection of customers, and to provide the Commission maximum flexibility to take action appropriate to protect the investing public. Accordingly, the Commission has determined that until January 1, 1977, brokers and dealers effecting transactions solely in municipal securities may operate under the general alternative net capital requirement, Rule 15c 3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)], provided that such brokers and dealers maintain net capital at least equal to the greater of $25,000 or 4% of aggregate Reserve Formula debit items. The Commission therefore amends Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)] to lower, until January 1, 1977, the $100,000 minimum net capital requirement thereunder to $25,000, as applied to brokers and dealers effecting transactions solely in municipal securities.

The Commission also amends Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)], the modified alternative net capital requirement available to certain municipal securities brokers' brokers, to delay its expiration until January 1, 1977. Of course, the amendment to Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)] adopted today enables these municipal securities brokers' brokers to effect transactions until January 1, 1977, with institutions and other persons within the definition of "customer" found in Rule 15c3-1(c)(6) [17 CFR 240.15c3-1(c)(6)], while operating under the alternative. However, if the Commission were to determine that it was appropriate in the public interest to perpetuate Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c 3-1(f)(1)(ii)], but to eliminate today's amendment to Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)], such municipal securities brokers would be required to return the scope of their business to the confines prescribed by Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)].

During this period, the Commission will evaluate the performance of Rule 15c3-1(f)(1)(i) [17 CFR 240.15c3-1(f)(1)(i)] as amended herein, and will continue to evaluate Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c3-1(f)(1)(ii)]. The Commission solicits the views of all interested persons concerning the amendments to these provisions adopted herein. The Commission particularly welcomes impact studies, trial capital computations, trend data, and other appropriate statistical computations detailing the effect of these amendments upon brokers and dealers effecting transactions solely in municipal securities, and directed to the specific questions posed by the Commission later in this release. The Commission encourages these brokers and dealers to operate under the alternative during this trial period, and to perform comparative required net capital computations under both the alternative and the AI concept.

The Commission takes this occasion to point out certain salient features of the alternative. Only brokers and dealers not exempt from Rule 15c3-3 [17 CFR 240.15c3-3] pursuant to paragraphs (k)(1) and (k)(2)(ii) thereof may elect the alternative. Election of the alternative is effected by transmitting written notification, signed by a principal of the firm, to both the broker's or dealer's Examining Authority and the appropriate Regional Office of the Commission. (Municipal securities brokers already operating under Rule 15c3-1(f)(1)(ii) [17 CFR 240.15c 3-1(f)(1)(ii)] need not give additional notice of their intention to operate under Rule 15c3-1(f)(1)(i) [17 CFR 240.15c 3-1(f)(1)(i)] as amended herein.) No particular form of written notice is required. Brokers and dealers computing net capital under the alternative are required by Rule 15c3-1(f)(3) [17 CFR 240.15c3-1(f)(3)] to apply the adjustments to net worth prescribed by Rule 15c3-1(c)(2) [17 CFR 240.15c3-1(c)(2)]. Certain variations upon these adjustments set forth in Rule 15c3-1(f)(3) [17 CFR 240.15c3-1(f)(3)] do not apply to municipal securities, therefore brokers and dealers effecting transactions solely in municipal securities will not be required to change their method of computing net capital. Pursuant to Rule 15c3-1(f)(5) [17 CFR 240.15c3-1(f)(5)], firms electing the alternatives must compute the Rule 15c3-3 reserve requirements on a weekly basis; this provision also contains certain technical modifications to Reserve Formula calculations applicable to brokers and dealers operating under the alternative.

In order to provide brokers and dealers effecting transactions solely in municipal securities an opportunity to study and evaluate the alternative, the Commission earlier in this release extended the temporary amendment to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)] pertaining to overnight bank loans incurred by such brokers and dealers until October 1, 1976. This action will afford these firms the opportunity to familiarize themselves fully with the alternative before electing to operate thereunder. During this time, brokers and dealers effecting transactions solely in municipal securities may find it appropriate to perform trial capital computations under the alternative. The Commission's Regional Offices and the District Offices of the NASD stand ready to assist firms in familiarizing themselves with the alternative.

TEXT OF AMENDMENTS TO RULE 15c3-1

Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Commission amends § 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

1. By revising § 240.15c3—1(c)(1)(i), (2)(iv)(C), amending (2)(vi)(B)(*1*) and revising (f)(1)(i), and (ii) as follows:

§ 240.15c3-1 Net capital requirements for brokers and dealers.

* * * * * * *

(c) * * *

(1) * * *

(i) Indebtedness adequately collateralized by securities which are carried long by the broker or dealer and which have not been sold or by securities which collateralize a secured demand note pursuant to Appendix (D) to this section 17 CFR 240.15c3-1d; indebtedness adequately collateralized by spot commodities which are carried long by the broker or dealer and which have not been sold; or, until October 1, 1976, indebtedness adequately collateralized by municipal securities outstanding for not more than one business day and offset by municipal securities failed to deliver of the same issue and quantity, where such indebtedness is incurred by a broker or dealer effecting transactions solely in municipal securities who is either registered with the Commission or temporarily exempt from such registration pursuant to 17 CFR 240.15a-1(T) or 17 CFR 240.-15Ba2-3(T):

* * * * * * *

(2) * * *

(iv) * * *

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in subdivision (c)(2)(iv)(E) below), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding longer than thirty (30) days from the date they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) business days from the settlement of the underwriting with the issuer; and, until October 1, 1976, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer, and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days from settlement of the underwriting with the issuer;

* * * * * * *

(vi) * * *

(B)(*1*) In the case of any municipal security which has a scheduled maturity at date of issue of 731 days or less and which is issued at par value and pays interest at maturity, or which is issued at a discount, and which is not traded flat or in default as to principal or interest, the applicable percentages of the market value on the greater of the long or short position in each of the categories specified below are:

(*i*) Less than 30 days to maturity—0%.

(*ii*) 30 days but less than 91 days to maturity—1/8 of 1%.

(*iii*) 91 days but less than 181 days to maturity—1/4 of 1%.

(*iv*) 181 days but less than 271 days to maturity—3/8 of 1%.

(*v*) 271 days but less than 366 days to maturity—1/2 of 1%.

(*vi*) 366 days but less than 456 days to maturity—3/4 of 1%.

(*vii*) 456 days but less than 732 days to maturity—1%.

* * * * * * *

(ix) Deducting from the contract value of each failed to deliver contract which is outstanding 11 business days or longer (21 business days or longer in the case of municipal securities) the percentages of the market value of the underlying security which would be required by application of the deduction required by subparagraph (c)(2)(vi) or where appropriate, paragraph (f) of this section. Provided, that such deduction shall be increased by any excess of the contract price of the fail to deliver over the market value of the underlying security or reduced by any excess of the market value of the underlying security over the contract value of the fail but not to exceed the amount of such deduction. Provided, however, until January 1, 1977 the deduction provided for herein shall be applied only to those fail to deliver contracts which are outstanding 15 business days or longer (25 business days or longer in the case of municipal securities).

* * * * * * *

(xiii) Deducting, at the option of the broker or dealer, in lieu of including such amounts in aggregate indebtedness, 4 percent of the amount of any indebtedness secured by exempted securities or municipal securities not carried long in the proprietary or other accounts of the broker or dealer or representing exempted or municipal securities failed to deliver.

* * * * * * *

(f)(1)(i) A broker or dealer who is not exempt from the provisions of 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i) may elect not to be subject to the limitations of paragraph (a) of this section respect-

[20] Release No. 11854 at 14.
[21] Id.
[22] S. Rep. No. 75, 94th Cong., 1st Sess. 48 (1974); see Release No. 11854 at 17.
[23] Release No. 11854 at 17. Simultaneously, the Commission amended the Rule's definitions of "customer" and "non-customer," Rule 15c3-1(c)(6) and (7), to make it clear that registered municipal securities bank dealers are treated as non-customers for purposes of the Rule. Id. at 15–16.
[24] 17 CFR 240.15c3-3 (1975).
[25] Securities Exchange Act Release No. 11497, at 3 (June 26, 1975), 40 FR 29795 (July 16, 1976).

Other Seasonally Employed Farmworker

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ing aggregate indebtedness as defined in subparagraph (c)(1) of this section and certain deductions provided for in subparagraph (c)(2) of this section. Provided, that in order to qualify to operate under this paragraph (f), such broker or dealer shall at all times maintain net capital equal to the greater of $100,000 (until January 1, 1977, $25,000 in the case of a broker or dealer effecting transactions solely in municipal securities) or 4 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a) and shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing of its election to operate under this provision. Once a broker or dealer has determined to operate pursuant to the provisions of this paragraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

(ii) In the case of a municipal securities broker, as defined in section 3(a)(31) of the Securities Exchange Act of 1934, who is not exempt from the provisions of 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i), and who effects transactions only on a payment versus delivery basis with other brokers or dealers or municipal securities brokers or municipal securities dealers, and who does not hold funds or securities for, or owe money to, customers and does not otherwise carry accounts of, or for, customers, in order to qualify to operate under this paragraph (f) such municipal securities broker shall at all times, until January 1, 1977, maintain net capital equal to the greater of $25,000 or 4 percent of aggregate debit items computed in accordance with Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a. Provided, that in order to qualify to operate under this paragraph (f), such municipal securities broker shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a municipal securities broker has determined to operate pursuant to this subparagraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

. . . . . .

§ 15c3-1 [Amended]

2. The last sentence of § 240.15c3-1(c)(2)(vi)(M) and paragraph (f)(3)(iii) is amended to read as follows:

"*Provided further*, That until October 1, 1976, this paragraph shall not apply to municipal securities."

PUBLIC PROCEDURE

In Release No. 11854, the Commission established a public comment period beginning November 20, 1975, and expiring February 29, 1976, concerning the appropriate capital requirements for brokers and dealers effecting transactions in municipal securities, and indicated its intention to adopt amendments to Rule 15c3-1 [17 CFR 240.15c3-1] succeeding the temporary amendments adopted therein, which were to expire on June 1, 1976. The amendments to Rule 15c3-1 [17 CFR 240.15c3-1] adopted herein are framed in light of considerations disclosed in the public's response to this invitation. The Commission finds, pursuant to 5 U.S.C. § 553(b)(3)(B) (1970), that further notice and public procedure respecting these amendments to Rule 15c3-1 [17 CFR 240.15c3-1] is impracticable and unnecessary in the public interest. The Commission finds that the amendments to Rule 15c3-1 [17 CFR 240.15c3-1] adopted herein relieve regulatory restrictions within the meaning of 5 U.S.C. section 553(d)(1) (1970), and, pursuant to 5 U.S.C. section 553(d)(3) (1970), finds further that it is necessary that these amendments become effective on June 1, 1976, less than 30 days from the publication thereof, in order to preserve continuity with the temporary amendments adopted in Release No. 11854, which otherwise expire on that date.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

The amendments to Rule 15c3-1 [17 CFR 240.15c3-1] set forth in this release are adopted pursuant to the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and 23(a) thereof. The Commission has determined that these amendments and temporary amendments impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and that the amendments and temporary amendments are necessary and appropriate to implement the provisions of the Act, and particularly the Commission's mandate under section 15(c)(3) thereof to establish minimum financial responsibility requirements for all brokers and dealers.

SOLICITATION OF PUBLIC COMMENT

The Commission invites the views of all interested members of the public concerning the amendments to Rule 15c3-1 [17 CFR 240.15c3-1] adopted herein, until July 31, 1976, in order to assist the Commission in the implementation of this phase of its program for the net capital regulation of brokers and dealers effecting transactions in municipal securities.

Moreover, the Commission again solicits the views of all interested members of the public, including the Board, concerning appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. In particular, the Commission invites public comment addressed to the following questions:

1. On the basis of impact studies and other appropriate statistical compilations, what undue concentration criteria should be established for municipal securities; in particular, what position value and time-in-inventory parameters evidence undue concentration in municipal securities?

2. With reference to the contours of a "ready market" for municipal securities, do there exist or can there by evolved uniform criteria for determining whether a bid for a given municipal security is at a level consistent with a municipal security of comparable quality, maturity and interest rate? In light of impact data and other appropriate statistical compilations, are there other possible definitions of a ready market for municipal securities which would be more appropriate?

3. On the basis of impact studies, trial capital computations, and other appropriate statistical compilations, is it appropriate for brokers and dealers effecting transactions solely in municipal securities to operate under Rule 15c3-1(f)(1)(i) and (ii) [17 CFR 240.15c3-1(f)(1)(i) and (ii)], as amended herein, rather than under the AI concept assuming the expiration of the temporary amendment to Rule 15c3-1(c)(1)(i) [17 CFR 240.15c3-1(c)(1)(i)]?

4. On the basis of impact studies, trial capital computations and other appropriate statistical compilations, is it necessary to adjust the treatment of certain items under the alternative net capital requirement to reflect essential differences between the clearance and settlement mechanisms for corporate securities and their counterparts in the municipal securities industry? What would be the effect of modifications suggested in response to this question upon minimum net capital requirements for brokers and dealers effecting transactions solely in municipal securities, computed under the alternative as amended herein? Interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than July 31, 1976. Reference should be made to File No. S7-603. All comments received will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 26, 1976.

[FR Doc.76-17377 Filed 6-14-76;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart C—Migrant and Other Seasonally Employed Farmworker Programs

CHANGES IN TITLES AND NOMENCLATURE

Notice is hereby given that the Department of Labor, Employment and Training Administration, is amending 29 CFR Part 97, Subpart C, Migrant and Other Seasonally Employed Farmworker Programs. The amendments consist of changes of titles and nomenclature required by Secretary's Order 14-75 (40 FR 54485), which changed the name of the Manpower Administration to the Employment and Training Administration.

Since the changes are merely changes of titles and nomenclature and are, therefore, not substantive, proposed rulemaking is not required by the Administrative Procedures Act. The amendments, therefore, shall become effective July 15, 1976.

Accordingly, 29 CFR Part 97, Subpart C, is amended as follows:

1. Throughout the subpart, the term "Manpower Administration" is changed to "Employment and Training Administration."

2. Throughout the subpart, the acronym "ARDM" is changed to the acronym "RA."

3. In § 97.202 Scope and purpose of this subpart., paragraph (a), in the phrase "Migrant and Seasonal Farmworker Manpower Programs," the term "Manpower" is deleted.

4. In § 97.203 Definitions., in the definition of "Section 303," the term "Manpower" is deleted.

5. In § 97.211 Announcement of State planning estimates and invitation to submit Funding Requests., paragraph (a)(4), the term "Assistant Regional Director for Manpower" is changed to "Regional Administrator, Employment and Training Administration (RA)."

6. In § 97.214 Submission of Funding Request., paragraph (b), the term "Assistant Regional Director for Manpower" is changed to "RA."

7. In § 97.267 Procurement standards., paragraph (b), the acronym "MA" is changed to "ETA".

(Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), secs. 702(a) and 303; S.O. 14-75 (40 FR 54485), unless otherwise noted.)

Signed at Washington, D.C., this 3d day of June 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-17277 Filed 6-14-76;8:45 am]

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 640 (40 FR 4415) as amended by Administrative Order No. 642 (41 FR 3878), the Secretary of Labor appointed and convened Industry Committee No. 12 for Industries in American Samoa, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 12 are hereby published, revising Part 697, Title 29, Code of Federal Regulations as follows:

Sec.
697.1 Wage rates.
697.2 Notices.
697.3 Effective date.

AUTHORITY: Secs. 5, 6, 8, 52 Stat. 1062, 1064; 29 U.S.C. 205, 206, 208.

§ 697.1 Wage rates.

Every employer shall pay to each of his employees in American Samoa who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.54 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.66 an hour thereafter.

(2) This industry shall include the canning, freezing, preserving, and other processing of any kind of fish, shellfish, and other aquatic forms of animal life, the manufacture of any byproduct thereof, and the manufacture of cans and related activities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Amendments of 1966.

(b) *Shipping and transportation industry.* (1) The minimum wage for this industry is $1.57 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.70 an hour thereafter.

(2) This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including storage and lighterage operations: *Provided, however,* That this industry shall not include the operation of tourist bureaus and of travel and ticket agencies: *Provided, further:* That this industry shall not include bunkering of petroleum products or activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity: *Provided, further,* That this industry shall not include any activity brought within the purview of Section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(c) *Tour and travel services industry.* (1) The minimum wage for this industry is $1.45 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.50 an hour thereafter.

(2) This industry shall include the operation of tourist bureaus and of travel and passenger ticket services and agencies: *Provided, however,* That this industry shall not include the operation of a freight shipping agency: *Provided, further,* That this industry shall not include any activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(d) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.64 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.70 an hour thereafter.

(2) This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(e) *Construction industry.* (1) The minimum wage for this industry is $1.35 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.45 an hour thereafter.

(2) This industry shall include all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways and streets, catchments, dams, and any other structure.

(f) *Hotel industry.* (1) The minimum wage for this industry is $1.10 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.15 an hour thereafter.

(2) This industry shall include all activities in connection with the operation of hotels, motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public, including such activities as are engaged in by a hotel or motel or other lodging facility on its own linens or on garments of its guests; *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(g) *Retailing, wholesaling and warehousing industry.* (1) The minimum wage

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for this industry is $1.30 an hour for a

contracts, as well as carriers of all types

§ 697.3 Effective date.

ASPR as amended by changes published

operations of the Lock in Crooked River,

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

for this industry is $1.30 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.35 an hour thereafter.

(2) This industry includes all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing and other distribution of commodities including but without limitation the wholesaling, warehousing and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and sales offices engaged in the distribution of products manufactured outside of American Samoa, industrial distributors, mail order establishments, brokers and agents, and public warehouses: *Provided, however,* That this industry shall not include retailing and wholesaling activities included within other industry wage orders which are applicable in American Samoa.

(h) *Laundry and dry cleaning industry.* (1) The minimum wage for this industry is $1.00 an hour effective December 13, 1974.

(2) The laundry and dry cleaning industry is that industry which is engaged in laundering, cleaning, pressing or repairing clothing or fabrics, except such activities as are engaged in by a hotel or motel on its own linens or on articles of its guests.

(i) *Bottling and dairy products industry.* (1) The minimum wage for this industry is $1.10 an hour for the period ending 1 year from the date specified in § 697.3 and $1.25 an hour thereafter.

(2) The bottling and dairy products industry includes the bottling, sale and distribution of soft drinks in bottles and other containers and the processing or recombining of fluid milk and cream for wholesale and retail distribution and the manufacture of butter, natural and processed cheese, condensed and evaporated milk, malted milk, ice cream, and frozen desserts; including also any warehousing operations incidental to the above activities of firms engaged in these activities.

(j) *The printing and publishing industry.* (1) The minimum wage for this industry is $1.30 an hour for the period ending 1 year from the date specified in § 697.3 and $1.40 an hour thereafter.

(2) The printing and publishing industry is that industry which is engaged in printing, job printing, duplicating and publishing, other than the publishing of a weekly, semi-weekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(k) *The finance and insurance industry.* (1) The minimum wage for this industry is $1.45 an hour for the period ending 1 year from the date specified in § 697.3 and $1.60 an hour thereafter.

(2) The finance and insurance industry includes all banks and trust companies, credit agencies other than banks, holding companies, other investment companies, collection agencies, brokers and dealers in securities and commodity contracts, as well as carriers of all types of insurance, and insurance agents and brokers.

(l) *The private hospitals and educational institutions industry.* (1) the minimum wage for this industry is $1.20 an hour for the period ending 1 year from the date specified in § 697.3 and $1.30 an hour thereafter.

(2) This industry shall include all activities performed in connection with the operation of private hospitals, nursing homes and related institutions primarily engaged in the care of the sick, the aged or the mentally ill or defective who reside on the premises of such institutions, private schools for the mentally or physically handicapped or for gifted children, preschools, elementary or secondary schools, or institutions of higher education: *Provided however,* That this industry shall not include employees of the Government of American Samoa or employees of any agency or corporation of the Government of American Samoa: *Provided, further,* That this industry shall not include any activity to which the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(m) *The government employees industry.* (1) The minimum wage for this industry is $1.20 an hour for the period ending 1 year from the date specified in § 697.3 and $1.30 an hour thereafter.

(2) This industry is defined as the governmental activities of an employee of the Government of American Samoa and of an employee of any agency or corporation of the Government of American Samoa, including both governmental activities brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966 (hospital and educational institutions) and by the Fair Labor Standards Amendments of 1974 (all other government employees): *Provided, however,* That this industry shall not include any employee of the United States or its agencies.

(n) *The miscellaneous industry.* (1) The minimum wage for this industry is $1.10 an hour for the period ending 1 year from the date specified in § 697.3 and $1.15 an hour thereafter.

This industry shall include every activity not included in any other industry defined in this § 697.1, regardless of whether such activities were brought within the purview of section 6 of the Fair Labor Standards Act prior to the 1961 Amendments, by the 1961 Amendments, by the 1966 Amendments, or by the 1974 Amendments.

§ 697.2 Notices.

Every employer subject to the provisions of § 697.1 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.1 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective July 1, 1976 (except as to the laundry and dry cleaning industry).

Signed at Washington, D.C. this 9th day of June 1976.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.76-17423 Filed 6-14-76;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

ADOPTION OF 1975 ASPR WITH AMENDMENTS

The purpose of this document is to announce that the 1975 edition of the Armed Services Procurement Regulations (ASPR) is being promulgated in the Federal Register system. This document also provides for an updating mechanism that will keep current the ASPR being adopted today.

On June 17, 1975 (40 FR 25643) the Director of the Federal Register (OFR) requested public guidance on the advisability of incorporating by reference into the FEDERAL REGISTER/Code of Federal Regulations system the 1975 edition of the ASPR. Based on the comments received, OFR decided to deny incorporation by reference Notice of this denial was published on May 5, 1976 (41 FR 18558). The May 5 notice, however, provided for publication of the text of the ASPR in three volumes of the Code of Federal Regulations.

Officials of the ASPR Committee and OFR held several discussions during the past year in order to work out an acceptable format for the ASPR publication. As a result of those meetings, two basic decisions were made:

1. Not to print the full text of the ASPR in the daily FEDERAL REGISTER; and

2. To waive the normal CFR numbering requirements.

The May 5 OFR notice explains the first decision as being in the public interest for reasons of economy of printing. The full text of the ASPR runs to over 3,000 pages and a normal press run for the FEDERAL REGISTER would be over 50,000 copies. In that document, OFR provided for free distribution of the CFR volumes to any FEDERAL REGISTER subscriber who made timely application.

The decision to waive CFR numbering requirements was made in order to facilitate printing of the CFR volumes. The numbering used is the codification system employed by ASPR in its looseleaf edition. OFR has prepared a detailed explanation note for each of the CFR volumes so that the user doing research will be able to correlate the text of the present ASPR with the text found in former CFR editions.

The contents of the three CFR volumes will be the July 1, 1975 edition of the

ASPR as amended by changes published in the Defense Procurement Circulars (DPC) 75–1 to 75–4. The revision date on the cover of each volume will be November 1, 1975.

Since November of last year, the ASPR Committee has issued other DPC's further amending the ASPR. Because of deadlines imposed on the CFR production, these DPC's will not be reflected in the November 1, 1975 CFR volumes. However, by separate Federal Register document, the Department of Defense will update the CFR volumes by publishing in the FEDERAL REGISTER the contents of each DPC insofar as it amends the ASPR. These Federal Register documents will identify the specific portions of the ASPR being amended, describe the substance and effect of each amendment, state the effectiveness and reprint in full the change pages to the ASPR. Since the CFR is not a looseleaf system, appropriate identifiers will be placed on the change pages so that users of the CFR volumes will be able to quickly locate the amended portions of their volumes.

Therefore, in consideration of the above, the following amendments are made.

Subchapter A of Chapter I of Title 32, Code of Federal Regulations, is amended by deleting the material presently codified in Parts 1–30 inclusive and replacing it with the July 1, 1975 edition of the Armed Services Procurement Regulation (ASPR) as amended by Defense Procurement Circulars 75–1 to 75–4.[1] The ASPR consists of Sections I–XXVI and Appendices A–N. In lieu of full text publication in the FEDERAL REGISTER, the ASPR text will receive primary publication in the FEDERAL REGISTER/Code of Federal Regulations system as three CFR volumes entitled 32 CFR, Parts 1–39 (Volumes I, II and III).

Effective date: June 15, 1976.

(10 U.S.C. 2202.)

T. G. CASSIDY,
Executive Secretary, Armed Services Procurement Regulation Committee.

EDITORIAL NOTE: Based on current publication schedules, the Office of the Federal Register now estimates that the three CFR volumes containing the 1975 Armed Services Procurement Regulations will be printed and distributed about August 1, 1976.

[FR Doc.76-17379 Filed 6-14-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

The Inland Route, Michigan

On 9 March 1976 there was published in the FEDERAL REGISTER (41 FR 10068), a notice of proposed rulemaking to amend 33 CFR 207.476 with respect to paragraph (c)(2) to change the hours of operations of the Lock in Crooked River, Alanson, Michigan during the months of June, July and August. Interested parties were given the opportunity to submit comments or objections on or before 8 April 1976.

No comments have been received and accordingly, the proposed amendment is hereby established without change and is set forth below effective on June 15, 1976.

(Sec. 7, River and Harbor Act of Aug. 8, 1917, (40 Stat. 266; 33 U.S.C. 1).)

Dated: April 26, 1976.

VICTOR V. VEYSEY,
Assistant Secretary of the Army (Civil Works).

§ 207.476 The Inland Route—Lock in Crooked River, Alanson, Michigan, use, administration and navigation.

* * * * *

(c) *Schedule of seasonal operation.*

(1) * * *

(2) June 1 thru August 31—6 a.m., e.s.t., to 11 p.m., e.s.t., daily.

* * * * *

[FR Doc.76-17320 Filed 6-14-76;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Katmai National Monument, Alaska; Fishing

A proposal was published at page 7110 of the FEDERAL REGISTER of February 17, 1976, to amend paragraph (a) of § 7.46 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to provide for bait fishing, on an experimental basis, in the Naknek River from November 15 through March 31.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. One comment was received supporting the amendment. No other comments, suggestions, or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect July 15, 1976.

(5 U.S.C. 553; 16 U.S.C. 3; 16 U.S.C. 431.)

Paragraph (a) of § 7.46 is amended to read as follows:

§ 7.46 Katmai National Monument.

(a) Fishing. (1) Fishing is permitted only with artificial lures; however, bait, as defined by regulations of the Alaska Department of Fish and Game, may be used from November 15 through March 31 of each year on the Naknek River from markers located just above Trefon's Cabin downstream to the Monument Boundary.

* * * * *

GILBERT E. BLINN,
Superintendent, Katmai National Monument.

[FR Doc.76-17300 Filed 6-14-76;8:45 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Rocky Mountain National Park, Colorado; Fishing

A proposal was published at page 20640 of the FEDERAL REGISTER of May 12, 1975, to amend paragraph (a) of § 7.7 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to increase the number of non-native trout which may be taken by park visitors, protect the greenback cutthroat trout (*Salmo clarki stomias*) an endangered species, by prohibiting its taking and closing certain waters to the taking of fish; permit the use of fish bait in certain waters by children twelve years of age or under, and delete the Special Management Area on the Colorado River. The long range objective of management is to restore the dynamics of the natural aquatic ecosystems and at the same time to provide protection for the fishery resource which will insure a high quality angling experience for park visitors.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Only one comment was received and it contained a minor objection to one part of the proposed amendment. The proposed amendment is hereby adopted with the following minor change. Bear Lake, which was formerly open to fishing during the winter months, is now closed to all fishing to protect the greenback cutthroat trout (*Salmo clarki stomias*), an endangered species, which was recently reintroduced in keeping with the objective of restoring this formerly extirpated native species to Park waters. Accordingly, on page 3, paragraph (3)(iv), the words "is closed to all fishing from April 1 to October 31, inclusive" have been deleted. This closure is mandated by the Endangered Species Act. The amendment shall take effect July 15, 1976.

(39 Stat. 535, 16 U.S.C. 3; 38 Stat. 800; 16 U.S.C. 195; 45 Stat. 1537; 16 U.S.C. 198c; 87 Stat. 884; 16 U.S.C. 1536; 34 FR 13879; 38 FR 7478; 39 FR 12369.)

Paragraph (a) of § 7.7 is amended to read as follows:

§ 7.7 Rocky Mountain National Park.

(a) Fishing. (1) Possession limit. Possession limit shall mean the numbers, sizes, or species of fish that may be in the possession of a person regardless if fresh or preserved. All fish a person does not elect to keep, or which does not meet the possession requirements, shall be carefully and immediately returned to the waters from which they were taken.

(i) The possession limit shall be sixteen (16) fish, of which at least all but six (6) fish must be non-native brook trout (char) not exceeding eight (8) inches in length.

(ii) No greenback cutthroat trout (*Salmo clarki stomias*), an endangered species, may be taken or possessed.

(iii) The possession or use of natural bait including worms, insects, fish eggs or parts thereof for fishing purposes is prohibited except as provided by State of

[1] A copy of the 1975 edition of ASPR and Defense Procurement circulars 75–1 to 75–4 has been filed as part of the original document.

Colorado Statutes in those portions of

1. In § 60.4 paragraph (b) is amended

§ 114–25.4801 Supply Activity Report.

PART 114–41—AUDIT OF

ing comments were submitted to the

Comment. Several commenters ex-

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Colorado Statutes in those portions of Shadow Mountain Lake, the Colorado River, and Lake Granby where the Rocky Mountain National Park boundaries adjoin Shadow Mountain National Recreation Area; and except that such possession and use is permitted by persons of twelve (12) years of age or under who fish in Boulder Brook above its confluence with Glacier Creek, Sprague Lake, Mill Creek above its confluence with Glacier Creek, and East Inlet Creek below East Inlet Falls.

(3) Waters closed to fishing.

(i) Big Thompson River in Forest Canyon above its confluence with Spruce Creek.

(ii) Fay Lake drainage above 10,200 feet elevation.

(iii) Hidden Valley Creek above its confluence with Fall River.

(iv) Bear Lake.

. . . . . .

ROGER J. CONTOR,
Superintendent,
Rocky Mountain National Park.

[FR Doc.76-17294 Filed 6-14-76;8:45 am]

Title 40—Protection of Environment

[FRL 562-8]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of Utah

Pursuant to the delegation of authority for the standards of performance for twelve (12) categories of new stationary sources (NSPS) to the State of Utah on May 13, 1976, EPA is today amending 40 CFR 60.4, Address, to reflect this delegation. A Notice announcing this delegation is published today in the FEDERAL REGISTER. The amended § 60.4, which adds the address of the Utah Air Conservation Committee to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on May 13, 1976, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6.

Dated: June 10, 1976.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (TT) to read as follows:

§ 60.4 Address.

. . . . . .

(b) . . .

(TT)—State of Utah, Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113.

. . . . . .

[FR Doc.76-17433 Filed 6-14-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Aircraft; Deletion and Reservation of Subpart

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Subpart 114-38.53 of Chapter 114, Title 41 of the Code of Federal Regulations, is deleted and reserved.

Material previously contained in Subpart 114-38.53 has been converted to Part 413 of the Departmental Manual and Operational Procedures Memoranda issued by the Office of Aircraft Services. These directives will remain in effect until reissued under new Parts 350 to 354 of the Departmental Manual.

This amendment relates only to matters of internal Department practice. It is therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on June 15, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

JUNE 4, 1976.

[FR Doc.76-17292 Filed 6-14-76;8:45 am]

MISCELLANEOUS AMENDMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on June 15, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

JUNE 4, 1976.

PART 114-25—GENERAL

Subpart 114-25.48—Reports

Section 114-25.4801 is revised to read as follows:

§ 114-25.4801 Supply Activity Report.

Unless excepted under the provisions of FPMR 101-25.4801(c), each bureau and office shall:

(a) Prepare GSA Form 1473, Supply Activity Report, in accordance with the instructions, and

(b) Submit the original and two copies of a consolidated report to the Office of Management Services (PM) within 45 calendar days after the close of each fiscal year. Negative reports are required and may be submitted in memorandum form.

PART 114-27—INVENTORY MANAGEMENT

Subpart 114-27.2—Management of Shelf-Life Materials

The headings to §§ 114-27.206 and 114-27.206-1 are redesignated to read as follows:

§ 114-27.207 Control and inspection.

§ 114-27.207-1 Agency controls.

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114-38.1—Reporting Motor Vehicle Data

§ 114-38.101 [Amended]

Section 114-38.101(d) is amended by changing the reference in the fourth line from "IPMR 114-38.103(b)" to "IPMR 114-38.101(b)".

§ 114-38.102 [Amended]

Section 114-38.102 is amended by revising the last sentence to read as follows:

. . . Section II is to be completed by all bureaus and offices owning vehicles.

Section 114-38.102-1 is amended to read as follows:

§ 114-38.102-1 Reporting period and submission.

Both Standard Form 82 and Standard Form 82d shall be submitted in triplicate to the Office of Management Services (PM) within 60 calendar days after the close of each fiscal year.

Subpart 114-38.9—Motor Vehicle Replacement Standards

§ 114-38.901 [Amended]

Section 114-38.901(b) is amended by deleting the words "25 percent of" from the second sentence.

PART 114-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 114—39.8—Accidents and Claims

Section 114-39.801 is revised to read as follows:

§ 114-39.801 General.

The reporting procedures established by FPMR 101-39.8 are in addition to the Departmental reporting requirements in 485 DM 4 (DI-134) and 451 DM 4 (Solicitor's Office Form 26).

PART 114-41—AUDIT OF TRANSPORTATION PAYMENTS

Subpart 114-41.3—Freight Transportation Services Furnished for the Account of the United States

Section 114-41.304-2(a) is revised to read as follows:

§ 114-41.304-2 Limited authority to use commercial forms and procedures.

(a) As provided in 205 DM 9, the head of each bureau and office may authorize the use of commercial forms for small domestic shipments. FPMR Temporary Regulation G-23 and GSA Bulletin FPMR G-120 set forth the procedures to be followed in connection with such use.

. . . . . .

PART 114-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114-46.4—Disposal

Section 114-46.407, is revised to read as follows:

§ 114-46.407 Reports.

The report on exchange/sale transactions shall be prepared in accordance with FPMR 101-46.407 and submitted to the Office of Management Services (PM) within 60 calendar days after the close of each fiscal year.

[FR Doc.76-17293 Filed 6-14-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121k—REGIONAL EDUCATION PROGRAM FOR HANDICAPPED PERSONS

Awards of Grants and Contracts

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 11, 1975 (40 FR 52628-52630) setting forth a proposed amendment to Title 45 of the Code of Federal Regulations, which would add a new Part 121k to govern the administration of the Regional Education Program (under section 625 of the Education of the Handicapped Act, as amended; 20 U.S.C. 1424a). The proposed regulation sets forth rules and criteria governing the award of grants and contracts to institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specifically designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

Pursuant to section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), interested parties were invited to submit comments, suggestions, or objections regarding the proposed regulation. These written comments were considered in the formulation of the final regulation. The following comments were submitted to the Office of Education regarding the proposed regulation. After the summary of each comment, a response is set forth stating changes which have been made in the regulation or the reasons why no change is deemed necessary. The comments are arranged in the order of the sections of the final regulation.

SUMMARY OF COMMENTS AND RESPONSES

1. § 121k.2 *Definitions.*

Comment. A commenter suggested that the word "crippled" be removed from the regulation and in its stead insert the categories of physical disability specified in the 1973 Vocational Rehabilitation Act.

Response. No change has been made in the regulation. The nomenclature used in specifying the handicapped persons eligible for participation in this program was mandated by Congress in the legislation establishing this program. (see 20 U.S.C. 1424a(c)).

2. § 121k.15(b) *Application requirements.*

Comment. A commenter suggested that the deaf should not be included among the handicapped groups whose mainstreaming into regular programs is to be encouraged. The commenter suggested that, for most purposes, the ideal situation would be to have classes only for the deaf.

Response. No change has been made in the regulation. The U.S. Office of Education recognizes that some deaf persons may not be capable of successful integration into regular education programs. However, it is the Office of Education's position that, whenever possible, all necessary assistance should be provided those handicapped persons who seek this objective and for whom this objective is possible. Additionally, the applicable section does not require this integration. Rather it requests information on those services that will assist in this integration.

Comment. One commenter, emphasizing the ability of the blind to participate effectively in the standard school environment, suggested that the regulation would have the effect of encouraging the blind to attend only those schools which have programs for the handicapped. The commenter feared this would make the blind less independent, denying them the freedom to choose the school of their choice.

Response. No change has been made in the regulation. The U.S. Office of Education recognizes that the blind are often capable of successful integration into a regular education program. The regulation does not require that the blind participate solely at those institutions which have programs for the handicapped. Rather, it is the intent of this regulation to make specially designed programs available to those handicapped persons who desire them. The programs are to be designed to facilitate mainstreaming, where feasible.

3. § 121k.16(f) *Initial year application.*

Comment. Several commenters expressed concern that this regulation would conflict with the responsibilities of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare.

Response. No change has been made in the regulation. The U.S. Office of Education and the Rehabilitation Services Administration have many clientele in common. However, the services provided by the Rehabilitation Services Administration through the State Vocational Rehabilitation Agencies relate primarily to tuition cost, subsistence allowances, and special equipment.

Section 121k.19(b) specifically excludes the use of funds provided in this part for purposes of payment of tuition or subsistence allowances. Section 121k.19(c) governs the use of these funds for purchase of equipment.

4. § 121k.17(a) *Priorities.*

Comment. A commenter questioned whether assigning priority to programs serving multi-state regions or large population centers would result in handicapped populations being concentrated in a few institutions, thus discouraging integration into regular school programs.

Response. No change has been made in the regulation. The assigning of priority consideration to programs serving multi-state regions or large population centers is mandated by the legislation establishing this program (20 U.S.C. 1424a(b)(1)).

5. § 121k.18 *Criteria for evaluation of applications.*

Comment. A commenter suggested that two criteria be added to those presented in the proposed regulation: (1) Evidence of the involvement of handicapped students in assessment of needs for services to be provided by the applicant; and (2) Evidence of cooperation with existing agencies serving handicapped students and evidence of utilization of existing resources for services to handicapped students.

Response. No change has been made in the regulation. 1. The U.S. Office of Education encourages consumer input and participation in funded projects. However, it is anticipated that many applicants would be entering the area of support services for the handicapped for the first time and would not necessarily have established extensive and formal relationships with a representative cross-section of handicapped persons. Therefore, it has been determined that such a prerequisite would impact unfairly on those applicants. 2. Section 121k.16(f) requires applicants to describe how coordination with other agencies will be effected.

6. § 121k.19 *Services, activities, and resources to be supported.*

Comment. Several commenters suggested additional services to be included under this section. Such services as physical and occupational therapy, driver education for the handicapped, reading/study skills, cooperative work experience, independent living skills, and vision care were suggested, among others.

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Response. No change has been made in the regulation. The services cited in this section are illustrative of the services which could be supported under this authority and are not meant to be all-inclusive. Other appropriate services may be supported.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by adding a new Part 121k, to read as set forth below.

Effective date: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalogue of Federal Domestic Assistance Program No. 13.560, Regional Education Program for Handicapped Persons.)

Dated: April 22, 1976.

T. H. BELL,
Commissioner of Education.

Approved: June 8, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

PART 121k—REGIONAL EDUCATION PROGRAMS

Subpart A—General

Sec.
121k.1 Scope.
121k.2 Definition of handicapped persons.
121k.3 Purpose.
121k.4 Eligible parties.

Subpart B—Applications; Activities

121k.15 Application requirements.
121k.16 Initial year application.
121k.17 Priorities.
121k.18 Criteria for evaluation of applications.
121k.19 Services, activities, and resources to be supported.
121k.20 Auxiliary activities.

AUTHORITY: Section 625 of Pub. L. 91-230, as amended, 88 Stat. 584 (20 U.S.C. 1424a), unless otherwise noted.

Subpart A—General

§ 121k.1 Scope.

(a) This part applies to programs funded under section 625 of the Act.

(b) Programs funded under this part are subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1421a)

§ 121k.2 Definition of handicapped persons.

For the purposes of this part, the term "handicapped persons" means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, or in other ways health impaired and by reason thereof require special education programming and related services.

(20 U.S.C. 1424a(c))

§ 121k.3 Purpose.

Payment of Federal funds under this part may be made to eligible parties for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

(20 U.S.C. 1424a(a))

§ 121k.4 Eligible parties.

Parties eligible to receive Federal funds under this part are institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies.

(20 U.S.C. 1424a(a))

Subpart B—Applications; Activities

§ 121k.15 Application requirements.

Applications for funds under this part shall be submitted to the Commissioner in accordance with Subparts B and C of Part 100a of this chapter and shall contain the following additional information:

(a) A description of the handicapping conditions of the persons to be served;

(b) Specification of the resources and services needed by the handicapped persons to be served which will assist in the successful integration of those handicapped persons into a nonhandicapped school population and regular educational program;

(c) A plan for provision of an integrated comprehensive range of services and resources specified in paragraph (b) of this section to assist handicapped participants in competing academically with nonhandicapped students;

(d) Provision for a survey covering the geographical area from which potential participants in the program will be drawn, and assessment of the needs of such participants;

(e) A description of the procedures and resources which will be used to determine and provide the services necessary to meet the special individual needs of each handicapped person who will participate in the program;

(f) A description of the objectives of the program in relation to the specific services which will be provided for the handicapped persons to be served; and

(g) A description of the procedures which will be used for evaluation of the programs as required under § 100a.276 of this chapter, including the evaluation of:

(1) The services to be provided;

(2) The resources to be used;

(3) The progress of the handicapped persons to be served;

(4) The strategies for followup of the handicapped persons participating; and

(5) The needs assessment carried out under paragraph (d) of this section.

(20 U.S.C. 1424a)

§ 121k.16 Initial year application.

An initial year application for funds under this part shall contain, in addition to the information required under § 121k.15, the following:

(a) A description of the geographical region or regions or population centers to be served, including the demographic characteristics;

(b) The anticipated number of handicapped participants to be served in the program who currently are not being provided with an appropriate and/or adequate education program;

(c) The estimated number of handicapped persons to be served annually under the program;

(d) The criteria which will be used to determine whether a person is handicapped for purposes of participating in the program;

(e) A description of sources of support and supplementary services such as housing, health care, and recreation, which will be available for use in the program;

(f) A description of how the requirement under § 100a.275 of this chapter for coordination with other agencies will be met; and

(g) A plan for long range funding which includes strategies for increasing the amount of funds for the program from sources other than under this part.

(20 U.S.C. 1424a)

§ 121k.17 Priorities.

Priority consideration for Federal funds under this part will be given to:

(a) Programs serving multistate regions or large population centers;

(b) Programs adapting existing programs of vocational, technical, postsecondary, or adult education to the special needs of handicapped persons; and

(c) Programs designed to serve areas where a need for these services is clearly demonstrated.

(20 U.S.C. 1424a(b))

§ 121k.18 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, applications will be evaluated on the basis of the following factors:

(a) Whether the program under this part will be carried out in facilities easily accessible to physically handicapped persons;

(b) Whether the program will be located in an area in which public transportation is readily available, or transportation will be provided at reasonable cost to handicapped persons participating in the program;

(c) Whether the program will serve handicapped persons for whom other appropriate education programs are not readily available; and

(d) The likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding under this part as measured by evidence of financial and other commitment of the applicant to the program and other funds available to the program.

(20 U.S.C. 1424a)

§ 121k.19 Services, activities, and resources to be supported.

(a) *Illustrative services.* The following is an illustrative list of the types of resources, services, and activities which may be supported (in whole or in part) under this part:

(1) Interpreters;
(2) Tutors;
(3) Notetakers and readers;
(4) Wheelchair attendants;
(5) Guidance counselors;
(6) Auditory training;
(7) Job placement and followup;
(8) Preparatory and orientation services;
(9) Supplementary learning experiences;
(10) Instructional media;
(11) Inservice training relating to the handicapped participants in the program, for teachers and other educational staff;
(12) Administrative expenses such as employment of a director, administrator, or coordinator for the program; and
(13) Planning and evaluation activities.

(20 U.S.C. 1424a)

(b) *Tuition.* Federal funds provided under this part shall not be used for the payment of tuition or subsistence allowances.

(c) *Construction and remodeling.* Federal funds provided under this part shall not be used for costs of construction (as defined in § 121.2 of this chapter), except for the costs of minor remodeling (as defined in § 100.1 of this chapter) which, for the purposes of this part, may include the acquisition, installation, modernization, or replacement of equipment.

(20 U.S.C. 1404, 1424a)

§ 121k.20 Auxiliary activities.

(a) Applications for Federal funds under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1424, 1424a)

[FR Doc.76-17308 Filed 6-14-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20710; RM-2544]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Ida Grove and Carroll, Iowa

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Ida Grove and Carroll, Iowa).

1. On February 24, 1976, the Commission issued a *Notice of Proposed Rule Making*, 41 FR 7430, in the above-entitled matter proposing the deletion of Channel 224A from Carroll, Iowa, and its assignment to Ida Grove, Iowa. The proceeding was instituted on the basis of a petition filed by Midwest Industries. There were no oppositions to the proposal. Supporting comments were filed by the petitioner.

2. Ida Grove is a community of 2,261 persons,[1] and the seat of Ida County, population 9,190. It is located in northwest Iowa, approximately 45 miles east of Sioux City, Iowa, and 35 miles northwest of Carroll, Iowa. It has no AM, FM or TV broadcast facilities.

3. Carroll is a community of 8,716 persons, located in Carroll County, population 22,912. It is served by unlimited-time AM Station WCIM (Class III) and Class C FM Station WCIM-FM, operating on Channel 229. Carroll is also assigned Channel 224A, which is unoccupied and unapplied for.

4. Petitioner stated that local industry consisted of farm equipment and plaster manufacturing, commercial trucking and general contracting. It submitted information regarding civic and recreational activities, and also stated that an elementary, a junior high and high school were located in Ida Grove. Petitioner further stated that a local facility would fill an important need for coverage of general events in the community and of important news items including storm alerts, nighttime sports, disasters affecting the area, and school announcements. It also added that there was an important need to provide a new local competitive advertising outlet for retail businesses in Ida Grove and Ida County. Petitioner, in its supporting comments, has reaffirmed its intention to apply for the channel if it is assigned.

5. The assignment of Channel 224A to Ida Grove, by deleting the assignment at Carroll, complies with the minimum mileage separation rule, provided the site for an FM station at Ida Grove is located at least 7 miles southeast of the community. The proposed assignment would preclude the use of Channel 224A in Carroll, Iowa. However, no other new preclusion would occur on Channel 224A or on pertinent adjacent channels.

6. We believe that it would be in the public interest to assign Channel 224A to Ida Grove, Iowa. It has been shown that there is a demand for its use. The assignment of the channel would provide the community with an opportunity to institute a first local broadcast transmission service. Channel 224A at Carroll has remained vacant and unapplied for, and no interest has been shown for its use at Carroll, Iowa, in response to the *Notice* herein.

[1] All population figures are taken from the 1970 U.S. Census.

7. Authority for the adoption of the amendments contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and in § 0.281 of the Commission's Rules and Regulations.

8. In view of the foregoing, *it is ordered*, That effective July 19, 1976, the FM Table of Assignments is amended to read as follows:

City:	*Channel No.*
Carroll, Iowa	229
Ida Grove, Iowa	224A

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: June 4, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17383 Filed 6-14-76;8:45 am]

[Docket No. 20129; RM-1989, RM 2019, FCC 76-509]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Muncie, Indiana and Eaton, Ohio

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Muncie, Indiana and Eaton, Ohio).

1. The Commission has before it the *Notice of Proposed Rule Making/Memorandum Opinion and Order*, 39 Fed. Reg. 29201 (1974), in this proceeding and responsive filings[1] by Ball State University ("Ball State"), McGraw-Hill Broadcasting Company ("McGraw-Hill"), Muncie Broadcasting Corporation ("MBC") and the Corporation for Public Broadcasting ("CPB"). All of these filings are directed to the use of FM Channel 221A at Muncie, Indiana, primarily on a reserved basis by an educational station. In addition to the proposal to use the channel at Muncie, we have a petition for reconsideration of our *Memorandum Opinion and Order* denying the petition for rule making to add Channel 221A to Eaton, Ohio. The petition was filed by Western Ohio Broadcasting Service, Inc. ("Western Ohio"), licensee of FM Station WCTM-FM, Eaton, Ohio. It seeks to have the Commission again consider the possibility of assigning Channel

[1] Included in these filings are two sets of reply comments from Ball State. It sought and we grant leave for the filing of a response to the McGraw-Hill reply comments. McGraw-Hill's first formal filing in this proceeding. Similarly, leave is granted to MBC to file its additional reply comments.

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221A to Eaton, Ohio, as a second FM assignment.

2. The allegation in the Western Ohio petition for reconsideration is that the Commission relied on an inaccurate understanding of the factual situation regarding the Eaton proposal when we decided to reject it. Specifically, it is said that we relied on the fact that an assignment as Western Ohio proposed would create a short-spacing in violation of our rules. However, Western Ohio asserted, that an earlier agreement with the station with which the short-spacing would occur, had been reinstated and it had agreed to change its site. Thus, it is said, the premise for the denial did not exist as the earlier withdrawal of the agreement to change site was removed as an impediment before the Commission acted.

3. Even if we agree that the Commission was incorrect in not accepting the fact that the station (WCWT(FM), Centerville, Ohio) was willing to change site,[3] there are other problems with the Eaton proposal, unconnected with this issue, which require our affirming the earlier denial. First of all, there is a serious question about the need for a second FM assignment for a community as small as Eaton with a population of only 6,020 persons. Also, the proposal would be in conflict with our policy which calls for not intermixing classes of channels, and, we have not been offered a showing to justify an exception to this policy. This proposal cannot reasonably prevail over Muncie where it would preclude use of the channel in a place 10 times as large where it is much more needed. Thus, it is clear that grant of the petition for reconsideration would not be in the public interest. As a result, the petition must be denied.

4. We now turn to the question of a use of Channel 221A as a commercial assignment to Muncie. Each time the Commission examined the situation before, it concluded that an additional commercial channel could not be added based on the showing which had been provided. In issuing the subject *Notice* the Commission again refused to propose assigning the channel for commercial use and proposed its use on an educational reserved basis instead. Nonetheless, the desire for a second commercial FM channel for Muncie as expressed by MBC continues unabated and is at the heart of the filing by MBC. This is in contrast with the lack of response from a proponent for another community. In the *Notice of Proposed Rule Making/Memorandum Opinion and Order* which denied MBC's proposal, we also denied a conflicting proposal for use of Channel 221A at Alexandria, Indiana. This action was based on our determination that the need for the channel at Muncie for educational use was greater than for its commercial use at Alexandria. Unlike MBC, the Alexandria proponent has made no attempt to relitigate the issue of an Alexandria assignment.

5. Since the responses to the *Notice* do not offer any new counterproposals for use of Channel 221A, the only points now to be resolved are whether to assign Channel 221A to Muncie and if so, whether to do so on a reserved basis. Although MBC continues to argue in favor of using the channel commercially, it urges that if this were not to be done, action on Channel 221A should be deferred pending disposition of MBC's pending Channel 285A proposal. In the latter proposal MBC points out that this channel could be made available for use in Muncie if a number of channel changes were effected. After reviewing the petition, we have been persuaded that it merits exploration. Thus, simultaneously with our action here, we have adopted a *Notice of Proposed Rule Making* seeking comments on that proposal. We believe that this provides MBC with the relief it seeks and that its specific assertions about the need for or the availability of Channel 221A for commercial use need not be discussed further. As is made clear in the following discussion, even without the availability of Channel 285A, we would not proceed differently with Channel 221A. However, it should be noted that inauguration of both services is likely to be enhanced by proceeding in the manner we have chosen. In response to MBC's concern about possible delay, it should understand that it is the Commission's firm intention to act promptly in the Channel 285A proceeding.

6. As the *Notice* in this proceeding pointed out, Channel 221A ordinarily is intended for commercial rather than educational use, and a party desiring an educational channel would be expected to select such from the group of 20 channels (201–220) reserved for this purpose. A rule making petition is not a necessary step in such cases except in the Mexican border area. However, because Muncie area residents rely on reception of a Channel 6 television station at Indianapolis, some 50 miles or so from Muncie, the possibility of interference has to be taken into account in considering the use of the reserved educational channels. These educational channels are immediately above the frequency band set aside for television Channel 6, and their use raises the possibility of interference to Channel 6 television reception. Generally speaking, the lower the frequency (that is, the lower the channel number), the greater the potential for interference, all other things being equal. Also, the stronger the FM signal is in relation to that of the television station, the worse the interference problem. In the present case, because of concern about possible Channel 6 interference, it has become clear that Ball State cannot look to the educational portion of the band for a solution to its present inability to increase its present 10-watt Channel 214 operation.[4] To remedy this problem, it proposes to use Channel 221A, and it hopes to obtain support from the Office of Education of the Department of Health, Education and Welfare for construction of the new facilities and as a result of the eligibility it would obtain by increasing its facilities, gain operational support from the Corporation for Public Broadcasting. With its present limited facilities, however, the station is not eligible for CPB support. The only other filing is that of CPB whose response is essentially an endorsement of the proposal to increase Ball State's facilities.

7. Muncie presently has two educational stations WBST(FM) and WWHI (FM), which are licensed to Ball State University and Muncie Community Schools, respectively. Station WBST (FM) operates on Channel 214 as a Class D station with 10 watts transmitter power output and WWHI(FM) operates with 310 watts ERP and an antenna height of 79 feet. Ball State has been exploring methods of obtaining more substantial facilities. At first it attempted to use one of the noncommercial educational FM channels, but it had to abandon this approach because the potential for serious interference to Channel 6 reception prevented it from using the Class B equivalent facilities desired. From the facts on hand, there seems to be little dispute that if an educational service is to be provided to Muncie and environs, it cannot come through the use of one of the channels currently set aside for noncommercial assignments. Thus, Ball State offered and the Commission agreed to consider the subject proposal for use of Channel 221A and to make other changes necessary to permit utilization of that channel. Although the proposal was designed to minimize the interference potential, the Commission acknowledged in the *Notice of Proposed Rule Making* that it could involve some interference potential. The only difference from the situation pertaining to present operations in Muncie would be one of degree.

8. McGraw-Hill, licensee of Channel 6 at Indianapolis expresses concern about

[3] While we do not believe this to be as clear as petitioner asserts, the issue is not crucial in light of the independent reasons that necessitate our action denying the petition for reconsideration.

[4] It has agreed to dismiss its pending application (File No. BPED–1181, which proposed operation on an educational channel) upon the taking of favorable action in this proceeding.

the proposal. It argues that not only would interference occur if the proposal were adopted, but it charges that in fact such interference already exists. Ball State offers material to refute McGraw-Hill's contentions, arguing that not only would significant harm not result to Channel 6 reception, but matters would well be improved[5] by our deciding in favor of this proposal.

9. The question of possible interference to Channel 6, traceable to its proximity to the educational portion of the FM band is not unique to this case. It has been vexing broadcasters (commercial and educational) as well as the Commission for some time, and during this period the Commission has been exploring various possible solutions. In particular, the Commission has been interested in establishing a reliable method of determining the extent of the interference potential and its import in various types of cases. Although the Commission earlier issued a technical report on the issue, even this report, R–6702, at the time did not purport to resolve all disputes.[6] In fact, Ball State argues here that the Report needs modification for use in the present circumstances and has developed its own formula, derived from this Report. This formula is said to show that the potential for interference in the Muncie area is quite limited. McGraw-Hill disputes the legitimacy of using a substitute formula and argues that the Commission should rely on its own formula contained in R–6702 in resolving the issues in this case. The original formula as employed by McGraw-Hill shows a greater potential for interference than does the Ball State substitute formula. The parties also are in dispute about another key point, the extent to which such interference could be corrected. Some discussion is required to explain the context of these disputes.

10. As matters now stand, Ball State operates with 10 watts on Channel 214 and Station WWHI operates on Channel 218 with 310 watts and an antenna height above average terrain of 79 feet. Ball State proposes to vacate its present channel and operate on Channel 221A. Station WWHI in turn would move from Channel 218 to Channel 217 to accommodate the presence of Ball State on Channel 221A.[7] Ball State has accepted the responsibility for assuming the costs of the channel change for Station WWHI and has agreed to aid that station in the correction of any interference problems which might arise from the change in frequency. This arrangement meets with Station WWHI's approval but not that of McGraw-Hill. McGraw-Hill does not dispute the assertion that the ending of an operation on Channel 214 would be beneficial in terms of lessening problems with reception of Channel 6, but it does not accept this step as counter-balancing the effect of a change of Station WWHI to Channel 217. That step, it argues, could produce serious problems by itself.

11. Even though the Commission cannot predict the exact impact the proposal would have, it is possible for the Commission to resolve this dispute and reach a judgment on the proposed use of Channel 221A. In doing so we need to consider the Commission's Report (R–6702) which attempts to provide a formula for use in analyzing the potential for Channel 6 interference. The parties do not dispute what the unmodified R–6702 formula shows about the potential for interference. Both sides agree that if the formula is used in this fashion, it would show that the change of frequency for Station WWHI from Channel 218 to Channel 217 would increase the diameter of the area of interference around the FM station from the present 0.982 miles to 1.24 miles. However, Ball State does not stop there. It asserts that the report's formula is designed for use in two situations. In areas so close to the television stations that its viewers would rely on "rabbit ears" antennas, or to areas at or beyond the television station's Grade B contour, areas where of necessity the television signal is weak. Ball State asserts that neither condition applies in this instance and points out that Muncie lies between the Grade A and Grade B contours of Channel 6. It contends that its modified formula better described the potential for interference in such circumstances. McGraw-Hill not only disputes the appropriateness of using Ball State's variation on the R–6702 formula to show that interference would be no problem, it contends that the formula aside, no worsening of what it charges are already significant interference problems should be tolerated.

12. Ball State asserts that it has been unaware that any interference problems from its present operation have remained uncorrected. McGraw-Hill on the other hand, contends that such interference continues and argues that field tests it has made show that the picture quality of Channel 6 reception in the Muncie area has been significantly degraded by interference, and it points to letters from two television repairmen as indicating such interference problems sometimes are beyond correction.[7] In response, Ball State points out that McGraw-Hill has mentioned only seven cases of alleged interference, a number Ball State says is inadequate to demonstrate the existence of a significant interference problem. Ball State mentions two other points as well to support its view that the interference problem has been exaggerated. The first is that a sizeable number of homes in the Muncie area need not depend on off-the-air reception but could be viewing Channel 6 via the local cable systems. A sizeable number of residents are said to be already doing so. Ball State also questions how it is possible for the problems to be so severe as McGraw-Hill now asserts and yet nothing was heard about it earlier. McGraw-Hill response is that the failure of Ball State to receive such complaints only shows that these people suffer the interference quietly and often are unaware of its cause.

13. Since this is not the first case of its kind, the Commission is able to employ its experience in evaluating the competing allegations. From the information presented, it is clear that the present case is at neither extreme in terms of the degree of interference potential. Typically, matters are at their worst when the television signal is at its weakest and the FM signal the strongest. Conversely, they are best when the FM signal is its strongest where the television signal is too, as in the case of locating both antennas on the same tower. Here, Muncie lies between the Channel 6 Grade A and Grade B contours. In a situation like this, it is not unreasonable to expect that some interference could be expected to occur. Even so, if the potential for interference were allowed to be the sole determinant, we would foreclose making any possible educational assignment in large areas of the country. In addition to the degree of interference potential, we need to consider whether it could feasibly be corrected. To do this we would take into account the population density in the area of the proposed educational station as well as the engineering facts of the case. At that point, a balance could be drawn. If we were to adopt this proposal, the lowest channel in use would be Channel 217. Use of all channels below that would in effect be foreclosed to protect Channel 6 recep-

[5] Of course, it is not necessary that we find that any such improvement would take place before we could act. Rather, since we have concluded that in other respects the proposal is meritorious, the question is whether the information on the Channel 6 issue provides cause for altering this judgment.

[6] The Commission has recently begun a proceeding in Docket No. 20735 to explore various issues relating to the assignment policies to govern educational channel usage. That proceeding, as well as Docket No. 19183, deal with Channel 6 interference, but resolution of the dispute here does not need to await resolution of these issues on an overall basis.

[7] If this took place, the lowest channel in use in the area would be 217 rather than 214 as is now the case. About 10 miles away there is another 10 watt operation, but it has agreed to change channel to avoid problems with Ball State's station.

[7] One asserts that they are not correctable, the other that some of them can be cured or improved, but not all can be.

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tion. This is a substantial degree of protection, even if it is less than McGraw-Hill seeks.

14. Whether this provides adequate protection turns on a number of points. Whether we agree with Ball State's suggested substitute formula as a means of describing the interference potential or not is a matter we do not have to resolve. Likewise, we do not need to rely on the availability of Channel 6 through the local cable television system. Even if the original formula is used, the area where intereference could be expected is relatively small. This doughnut-shaped newly affected, area, at worst, would extend no more than an additional ¼ mile from the FM station. We do not see this as posing a major problem, particularly as the population density in the area is not high. Nor, are we persuaded that such problems as might occur would be beyond correction. McGraw-Hill offers the partly ambiguous assertions of two repairmen on this point, but even they are not in agreement about whether it is possible to correct interference problems. Moreover, the specific examples McGraw-Hill cites are few, and the results of its tests are at best, inconclusive. Even if these tests could be taken as showing that interference would occur, it does not show that such interference would be beyond cure, as no attempt was made to employ the remedial measures Ball State has previously used to such good effect. Also of importance is the fact that the examples mentioned by McGraw-Hill were limited to cases in which the television antenna, generally speaking, had to point in the direction of the FM station in order to be oriented in the direction of Channel 6. Television antennas are directionalized in that they are designed to get the best reception when facing the desired stations. Thus, if in being oriented to the television station, they also face a nearby FM station, any adverse effect due to the presence of an FM signal is at its worst. At other locations in the area around the FM station, this adverse effect is diminished because the antennas facing the TV stations tend to discriminate against the unwanted FM signal. Obviously, only a small proportion of the homes in the area have to face the FM station when oriented toward Channel 6. Even if some relatively few cases of interference do occur under these circumstances, we have been given no basis for concluding that they would be beyond correction. All of this leads us to conclude that the anticipated consequences of the changes here proposed would not be so great as to preclude favorable action on them. We further note that Ball State has unambigously undertaken responsibility for all necessary corrective efforts. Having considered these matters, we find that McGraw-Hill contentions are not persuasive and adoption of our proposal will serve the public interest. We are also concerned that if the proposal were denied, it would end any chance for significant public radio service originating in the Muncie area. Channel 221A can be assigned consistent with all applicable spacing and other requirements, and its assignment on a reserved basis is consistent with the prior actions in similar cases cited in the *Notice*. We believe the assignment to be clearly in the public interest in that it would provide a much needed educational service with facilities adequate to cover the area. Since the licensee of Station WWHI on Channel 218 as well as Ball State on Channel 214 have expressed their willingness to modify their licenses to specify operation on Channel 217, and Channel 221A, respectively, such changes can be ordered without the need to issue a formal Show Cause Order.

15. *Accordingly, it is ordered,* Pursuant to Sections 4(i), 303 (g) and (r) and 307 (b) of the Communications Act of 1934, as amended, That, effective July 15, 1976, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City:	Channel No.
Muncie, Ind	*221A, 281

16. *It is further ordered,* That effective July 15, 1976, pursuant to Section 316 of the Communications Act of 1934, as amended, license held by Muncie Community Schools for Station WWHI(FM), Muncie, Indiana, is modified to specify operation on Channel 217 in lieu of Channel 218 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 15, 1976, of its acceptance of this modification.

(b) The licensee may continue to operate on Channel 218 under its outstanding authorization until it is ready to operate on the new frequency.

(c) The licensee shall submit to the Commission by August 16, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WWHI(FM) on Channel 217, at Muncie, Indiana.

(d) Ten days prior to commencing operation on Channel 217, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(e) The licensee shall not commence operation on Channel 217 until the Commission specifically authorizes it to do so.

17. *It is further ordered,* That effective July 15, 1976, pursuant to section 316 of the Communications Act of 1934, as amended, the license held by Ball State University for Station WBST(FM), Muncie, Indiana, is modified to specify operation on Channel *221A in lieu of Channel 214 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 15, 1976, of its acceptance of this modification.

(b) The licensee may continue to operate on Channel 214 under its outstanding authorization until it is ready to operate on the new frequency.

(c) The licensee shall submit to the Commission by August 16, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WBST(FM) on Channel *221A at Muncie, Indiana.

(d) Ten days prior to commencing operation on Channel *221A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(e) The licensee shall not commence operation on Channel *221A until the Commission specifically authorizes it to do so.

18. *It is further ordered,* That the petition for reconsideration is denied;

19. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 1, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-17380 Filed 6-14-76;8:45 am]

[Docket No. 20645, FCC 76-511]

PART 73—RADIO BROADCAST SERVICES

Report and Order

In the matter of: amendment of the rules governing the design and measurement of radiation patterns for standard broadcast stations with directional antennas.

By the Commission: Commissioner Reid absent.

1. This proceeding was instituted as a result of a recommendation by the Association of Federal Communications Consulting Engineers (AFCCE), an organization which represents many consulting engineers practicing before the Commission. *Notice of Proposed Rule Making in Docket No. 20645,* FCC 75-1262, 40 FR 54826 (1975). Amendments to §§ 73.150 and 73.152 of our rules were proposed. Those sections govern the design of directional antenna patterns for standard broadcast stations. As extended, comments were due on January 29, 1976, and reply comments were due on February 9, 1976.

2. Comments were submitted by AFCCE, Ralph Bitzer, Hatfield and Dawson, Robert A. Jones, E. Harold Munn, and Robert M. Silliman and John A. Moffet d/b/a Silliman, Moffet and Kowalski (SMK). Reply comments were received from Clear Channel Broadcasting Service (CCBS), an informal organization composed of the licensees of certain Class I-A clear channel broadcast stations.

3. Presently, the rules require that a proposed directional antenna pattern be computed with an assumed loss resistance of one ohm located at the loop (or the base if the tower is less than one-quarter wavelength) of each tower. The proposed rules would keep the one ohm loss requirement only as an upper limit on the effective field (RMS) of the pattern. The lower limit on the theoretical RMS would be the value required by § 73.189(b)(2) for a station of the proposed class, as adjusted for the nominal power of the station. All of the parties commenting applauded the proposed modification and urged its adoption. However, AFCCE and CCBS argue that the minimum efficiency specified in § 73.189(b)(2) should be adjusted by the factor of 1/1.05 to compensate for the factor of 1.05 used in computing the standard pattern.

4. In paragraph 16 of the *Notice* we discussed our proposals to make minor changes in the manner in which patterns must be plotted and submitted in order to foster uniformity and clarity. Also in paragraph 16, we discussed some minor changes in the definitions used in computing the modified standard pattern pursuant to § 73.152. The changes were designed to clarify some ambiguities in the present rule. Most parties did not comment on these proposals. However, Hatfield and Dawson indicated that they were in favor of these modifications. AFCCE indicated agreement with one exception and suggested two additional modifications. As proposed, the rules would have required that rectangular plots of patterns be labeled in increments of not less than 10 degrees. AFCCE suggests that labeling in 10 degree increments would unduly clutter the pattern and recommends 20 degree increments instead. AFCCE also suggests that we specifically permit the use of logarithmic scales on rectangular plots. CCBS agrees with AFCCE's suggestions. AFCCE also agrees with our proposal to replace the variable "Q" used in § 73.152 with another letter to avoid confusion with the "Q" representing a different quantity in § 73.150. However, AFCCE indicates that our proposed replacement of

[1] Commissioner Reid absent.

"Q" by "J" might also result in confusion

8. All parties proposing these modifica- RMS or RSS. CCBS also wants to amend

main purpose in suggesting a substitute "Q" to take account of departures from make to remove ambiguities. When we

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"Q" by "J" might also result in confusion due to the extensive use of a lower case "j" in other areas of engineering calculations. CCBS replies that all letters of the alphabet are used in one equation or another, and that any letter alleviating the present ambiguity would be suitable. Therefore, CCBS sees no reason why "J" should not replace "Q".

5. The proposed modifications included an attempt to eliminate the possibility of zero "null fill" even with the quadrature addition of "Q" in both the standard and modified standard patterns. We noted that the amount of null fill is presently determined, in part, by $f(\theta)$, the vertical plane distribution factor for the shortest element in the array. If the shortest tower is greater than one-half wavelength, $f(\theta)$ has a value of zero at some vertical angle. This leads to the possibility of a prediction of no radiation in a particular direction since even the term designed to compensate for a null in the theoretical pattern is reduced to zero. Therefore, we proposed to calculate $f(\theta)$ based on the shortest tower in the array, or, if the shortest tower were taller than one-half wavelength, on an assumed tower height of one-half wavelength.

6. Many of the comments dealt with this proposal. Several of those commenting noted that $f(\theta)$ for towers greater than one-half wavelength has values, at certain vertical angles, greater than $f(\theta)$ for one-half wavelength towers. Thus, our proposed solution would eliminate the problem of zero nulls, but would create a misleading, small amount of null fill in other areas. Before discussing the various suggestions aimed at solving this problem, we will define a new variable to make the discussion of the alternatives unambiguous. We will replace the variable $f(\theta)$ in the definition of "Q" in § 73.150 and in the equation in § 73.152 with the variable $g(\theta)$. Thus, for instance, in § 73.150, we have:

7. Hatfield and Dawson suggested that, in cases where the shortest tower is greater than one-half wavelength, $g(\theta)$ be the $f(\theta)$ for the shortest tower or $f(\theta)$ for a one-half wavelength tower, whichever is greater. SMK proposed that $g(\theta)$ be the greater of $f(\theta)$ for the shortest tower and $f(\theta)$ for the tallest tower, but if the shortest tower is greater than one-half wavelength, then $g(\theta)$ should be the greater of $f(\theta)$ for the tallest tower and $f(\theta)$ for a one-half wavelength tower. AFCCE proposes, and CCBS agrees, that $g(\theta)$ include a quadrature component of 0.15. Thus, AFCCE and CCBS would prefer that $g(\theta)$ be computed as follows:

Q is the greater of the following quantities:

$$0.025\ g(\theta)E_{r.m.s.}$$

or

$$6.0\ g(\theta)\sqrt{P_{av.}}$$

In our present rules, then, $g(\theta)$ is equal to $f(\theta)$ for the shortest tower.

$$\sqrt{f(\theta)^2+0.15^2}$$

Then, it would be normalized so that it is equal to one when θ is equal to zero.

8. All parties proposing these modifications indicated that our normal assumption of sinusoidal current distribution in a thin wire was sufficiently incorrect for electrically tall towers that one of these methods is necessary to compensate for the differences between the actual situation and the assumption. To achieve further accuracy, Hatfield and Dawson would provide for experimental determination of $f(\theta)$ based on actual measurements.

9. Our present rule concerning the calculation of modified standard patterns (note to § 73.152(a)(2)) is silent on the question of overlapping spans of augmentation. However, it has been our policy to prohibit such overlap. SMK have proposed that the note be amended to permit overlap of spans of augmentation, but have not proposed the method by which this would be accomplished. SMK indicate that it is their experience that situations may arise where more than one augmentation is necessary and it is possible that these augmentations may overlap.

10. In its reply comments, CCBS raises several issues which it says must be resolved in this proceeding so that studies made in conjunction with Docket 20642[1] will be more meaningful. Specifically, CCBS asks that an additional "Q", independent of the vertical angle, be utilized in computing the standard pattern. This is necessary, says CCBS, to take into account the effects of guy wires, imperfections and asymmetries in the ground system, and similar departures from the idealized conditions assumed in the present calculations. This second "Q" would be the same amplitude as the present "Q" on the horizontal plane, but would not vary with the vertical angle as does the present "Q". CCBS also proposes to change the method of computing the "Q" (which we have proposed to denote as "J" in this proceeding) used in the equation for the augmented pattern in § 73.152. This "Q" is used in determining the maximum amount of augmentation, and is multiplied by what we have redescribed as $g(\theta)$ to determine the augmented radiation in the vertical plane. Since $g(\theta)$ is always less than one if θ is greater than zero and is equal to one if θ is zero, the maximum augmentation always occurs on the horizontal plane. CCBS points out that an array which is adjusted so that it is sufficiently different from the predicted pattern that augmentation is required may very well have its maximum difference from the predicted values at a vertical angle above the horizontal. Thus, CCBS proposes that "Q" in the augmented pattern be determined experimentally from skywave measurements including directional to non-directional ratio tests. In the absence of such determinations, CCBS proposes that nulls in arrays include a factor on the order of ten percent of the RMS or RSS. CCBS also wants to amend the rules to predict the propagation of skywave signals by what CCBS calls more accurate methods.

[1] In Docket 20642 we are looking toward the amendment of the rules which govern the use of the 25 clear channels listed in Section 73.25(a) of our rules. See *Notice of Inquiry and Notice of Proposed Rule Making in Docket 20642*, FCC 75-1331, released December 12, 1975.

DISCUSSION

11. Our reasons for proposing the amendment setting the one-ohm-loss RMS as an upper bound and the minimum efficiency specified in § 73.189(b)(2) as a lower bound were fully discussed in our *Notice;* further elaboration is unnecessary. Since all parties are in favor of the one-ohm-loss RMS being the upper bound and since we agree such a change would be in the public interest, we will adopt that amendment.[2] However, AFCCE and CCBS propose that the lower bound which we proposed be multiplied by 1/1.05 to further decrease the lower bound. This would compensate for the addition of the extra five percent when the standard pattern is computed, and amounts to a request that the standard RMS meet minimum efficiency rather than the theoretical RMS. The rationale underlying the standard pattern is discussed in our *Report and Order in Docket 16222*, 27 FCC 2d 77, 20 RR 2d 1745 (1971). As indicated there, one of the main purposes of the adoption of the standard pattern was to achieve a uniform method of determining the tolerance needed in adjusting patterns. Previously, this tolerance was determined by the applicant who specified maximum expected operating values (MEOV) which often reflected allocation considerations instead of the necessary tolerance for adjustment. We fully hope that, when an array is built and proved in, the theoretical—not the standard—pattern will be achieved since that would occur in an ideal situation. Departures from the theoretical pattern should occur only in non-ideal circumstances; the standard pattern is designed to cover these departures. Therefore, it is appropriate that the theoretical RMS meet our minimum efficiency requirements rather than the standard RMS. Accordingly, we will retain our present minimum efficiency requirements.[3]

12. The several minor changes discussed in paragraph 16 of the *Notice* will be adopted with one exception. AFCCE and CCBS have valid points in suggesting that rectangular plots of patterns which are labeled in ten degree increments would be unduly cluttered. Therefore, we will adopt the recommended twenty degree increments. Similarly, we will incorporate in the rules our policy of permitting logarithmic scales on rectangular plots. As for the substitution of "J" for "Q" in the equation in § 73.152, we agree with CCBS that "J" is an adequate substitute. Our

[2] Attached hereto is Appendix B which describes the method of calculating the multiplying constant for a theoretical pattern with an assumed loss resistance of one ohm per tower.

[3] We also note that any departure from our minimum efficiency requirements would run afoul of our agreements with neighboring countries.

main purpose in suggesting a substitute was to eliminate the possibility of confusion regarding the standard and augmented pattern equations. It does not matter what variable names are used as long as it is sufficiently clear what they represent.

13. We have conducted studies using the various proposals for $g(\theta)$. We have taken sample vertical sections from patterns where $f(\theta)$ approaches zero at the same vertical elevation angle where the theoretical radiation approaches zero, and have calculated the result which would be obtained using each of the sundry proposals for $g(\theta)$. Use of $f(\theta)$ for a one-half wavelength tower, whether alone as we proposed or in conjunction with other values as proposed by Hatfield and Dawson and SMK, leads to unrealistically high values of field strength in areas of the pattern which are not near nulls if the tower height is appreciably greater than one-half wavelength. In addition, with the Hatfield and Dawson or SMK approach, the null occurs at a different vertical angle than the null in the theoretical pattern. Accordingly, we reject proposals for $g(\theta)$ that involve $f(\theta)$ for one-half wavelength towers, except, of course, when the pertinent tower is actually a one-half wavelength tower. That leaves us with the AFCCE proposal to compute $g(\theta)$ by adding 0.15 in quadrature with $f(\theta)$ for the shortest tower (if it is over one-half wavelength) and normalizing so that $g(\theta)$ is equal to one when θ is zero. As we did with the other proposals, we have plotted the results that would obtain with 0.15 in quadrature. We find that 0.15 in quadrature does not provide sufficient "null fill". However, since we believe that adding a value in quadrature to compute $g(\theta)$ is the most appropriate method, we studied other values ranging from 0.15 to 0.4. Our conclusion is that 0.25 in quadrature provides a reasonable "null fill" and it is this method of computation of $g(\theta)$ which we adopt. (Of course, it will be normalized so that $g(\theta)$ is equal to one when θ is zero.)

14. With regard to SMK's request that the note to § 73.152(a)(2) be amended to specifically state that overlapping spans of augmentation are permitted, we note that SMK has not proposed a method of calculating the augmentation in the area of overlap. Moreover, our experience with modified standard patterns has indicated that it is unnecessary to propose spans which overlap. Accordingly, we will not adopt the requested provision; instead, we will modify the note to clearly prohibit such overlap. However, since our experience with modified standard patterns is somewhat limited due to the relatively few stations which have availed themselves of the rule, we stand ready to institute an inquiry into this area in the future should this prohibition become a problem.

15. The argument by CCBS that several issues must be resolved in this proceeding so that meaningful studies relating to Docket 20642 can be made is not persuasive. The addition of a second "Q" to take account of departures from idealized conditions is, we believe, unnecessary. The first "Q" is designed to do just that; in addition, there is a five percent tolerance added into the standard pattern calculations to cover such eventualities. It is also unnecessary to have a "Q" which is independent of vertical angle. Similarly, we will not adopt the proposal to determine "J" in the equation in § 73.152 on an experimental basis using directional to non-directional ratio tests. While it may be true that the vertical radiation of a pattern sufficiently distorted to require augmentation may not have a "J" which is proportional to $g(\theta)$, we have consistently held that there is no effective method of determining the actual vertical radiation characteristics of an array other than inference with the horizontal pattern. *Capital Cities Broadcasting Corp.*, 20 FCC 2d 768 (1969); 49 FCC 2d 626 (1974), *supplemented in* 51 FCC 2d 649 (1975).[4] We think that the state of the art has not changed sufficiently since those decisions that effective measurements are now possible. Accordingly, we continue our policy that the vertical radiation pattern must be inferred from the horizontal pattern, and we continue to believe that the method described in § 73.152 is an appropriate method of inference. As for the use of directional to non-directional ratio tests based on actual skywave measurements, we note that our rules make no provision for the use of such measurements. Consideration of a possible amendment to permit such measurements is well beyond the scope of this proceeding. Similarly, we reject the proposal by Hatfield and Dawson that the $f(\theta)$ or $g(\theta)$ be determined from measurements. It must be remembered that one of the aims of the adoption of the standard pattern was to eliminate the need for referring to measurements other than to establish compliance with the standard pattern. Once it is proven that the actual pattern is within the bounds of the standard pattern, the standard pattern radiation values are utilized in all future studies. We do not wish to incorporate the measured data into our determinations unless absolutely necessary. In that case, we have provided two methods of augmentation in § 73.152 of our rules. We think that is sufficient.

16. The proposal by CCBS that we amend our rules to provide for a more accurate determintion of skywave propagation is outside the scope of this proceeding. We limited our inquiry here to determinations of radiation from directional antennas; it does not extend to consideration of the propagated signal. Accordingly, further discussion of this matter is unnecessary.

17. There are several other minor amendments to the rules which we will make to remove ambiguities. When we adopted the standard pattern, we noted that minor changes would be accomplished pursuant to existing procedures, *Report and Order in Docket 16222, supra*, at para. 44, except when the minor change modifies a standard pattern, *id.* at note 10. Our experience has indicated that many have forgotten our statement; accordingly, we will include that policy in the rule.

18. Section 73.152 provides for augmentation of the standard pattern only after the array is constructed and it is shown that measured fields exceed the standard pattern. However, in paragraph 15 of our earlier *Report and Order*, we indicated a willingness to accept augmentation in certain cases prior to construction. Our more than five years of experience with this policy has shown a need for a more definitive statement of when pre-construction augmentation is permissible. We see augmentation being used only after a good faith attempt to adjust an array within standard pattern limits has failed. Augmentation should not be used as a substitute for proper adjustment of the array. The main situation where augmentation prior to issuance of the initial construction permit would be appropriate is when it is fairly clear that augmentation would be necessary. This might occur, for instance, with a daytime-only station proposing to add nighttime operation with the same parameters, and the daytime proof-of-performance showed that augmentation would be necessary.

19. Once construction is completed, augmentation may be appropriate. § 73.152 provides two methods of augmentation. The first possible method is to increase the size of the entire pattern if the measured fields systematically exceed the original standard pattern, and if objectionable interference would not occur. The rules are unclear on the method of enlarging the original pattern. We are therefore amending the rules to specify that the method of enlargement shall be by use of a larger multiplying constant in computing the theoretical pattern on which the standard pattern is based.

20. One of our intentions in adopting the standard pattern was to facilitate computerized interference studies, particularly for nighttime allocations. However, we have failed to specify that our past policy of determining interference levels from the radiation on the plotted patterns has changed. Accordingly, we are amending § 73.150 to indicate that, in the event of a discrepancy between the calculated and plotted values of a standard pattern, the calculated value will prevail. There is an exception: Plotted values will prevail when protection of foreign stations is involved. This change does not eliminate the need for filing actual plots of patterns, nor will it lessen the requirements of accuracy in plotting the patterns.

21. We are aware that most engineering consultants depend on computer calculations of directional antenna pat-

[4] The latter decision was recently affirmed by the United States Court of Appeals for the District of Columbia Circuit, *WBEN, Inc. v. Federal Communications Commission*, No. 74-1601 (filed May 18, 1976).

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terns. We are in favor of this development. However, we are also aware that some consultants are using computers to develop the parameters for an array based on certain constraints concerning the number of towers, land area, protection requirements, and so forth. While we find nothing wrong with this method *per se*, we note that the computer's tendency to work with eight or nine significant figures leads some consultants to specify field ratios or phasing with unrealizable precision. While we do not think that a rule is necessary at this stage, we note that field ratios and phasing for the various elements in a directional array should not be specified with more precision than can be indicated on the proposed antenna monitor and/or base current meters.

22. There remains the question whether the amendments which we adopt herein should apply to pending applications. Some of the amendments, such as the changes dealing with the one-ohm-loss requirement, are not involved in this question since any application which complies with the present rule will also comply with the proposed rule. However, other amendments, such as adoption of $g(\vartheta)$ for towers greater than one-half wavelength, set restrictions that could adversely affect pending applications. With regard to the adoption of $g(\vartheta)$, we stated in our *Notice, supra*, at para. 14, that the situation which would arise when "Q" is zero and when the theoretical pattern is also zero, leading to a predicted radiation of zero, is "a condition which, in practice, is impossible to attain or maintain." Accordingly, we will apply the amended rules to all pending, as well as future, applications so that unrealistic situations will be avoided.

23. The text of the rule amendments which we are adopting is set forth in Appendix A.

24. *Accordingly, it is ordered*, That effective July 15, 1976, Part 73 of the rules and regulations is amended as set forth below. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

25. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: June 1, 1976.

Released: June 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 73.150 paragraphs (a), (b)(1)(i) and (b)(2) are amended to read as follows:

§ 73.150 Directional antenna systems.

(a) For each station employing a directional antenna, all determinations of service provided and interference caused shall be based on the inverse fields of the standard radiation pattern for that station. (As applied to nighttime operation the term "standard radiation pattern" shall include the radiation pattern in the horizontal plane, and radiation patterns at angles above this plane, as required by paragraph (b)(1) of this section.) In the event of a discrepancy between the calculated and plotted values of a standard pattern, the calculated values will prevail with respect to protection of domestic stations while the plotted (notified) values will prevail with respect to protection of foreign stations.

NOTE.—Applications for new stations or for major changes in existing stations *must* use a standard pattern. Stations proposing minor changes may, if they wish, utilize the formerly acceptable theoretical pattern with maximum expected operating values (MEOV) unless the minor change would modify an existing standard pattern.

(b)(1)(i) The standard radiation pattern shall be based on the theoretical radiation pattern. The theoretical radiation pattern shall be calculated in accordance wth the following mathematical expression:

$$E(\phi,\theta)_{th}=\left|k\sum_{i=1}^{n}F_i f_i(\theta)\angle S_i\cos\theta\cos(\phi_i-\phi)+\psi_i\right| \quad (1)$$

where:

$E(\phi,\theta)_{th}$ Represents the theoretical inverse distance fields at one mile for the given azimuth and elevation.

k Represents the multiplying constant which determines the basic pattern size. It shall be chosen so that the effective field (RMS) of the theoretical pattern in the horizontal plane shall be no greater than the value computed on the assumption that nominal station power (see § 73.14(c)) is delivered to the directional array, and that a lumped loss resistance of one ohm exists at the current loop of each element of the array, or at the base of each element of electrical height lower than 0.25 wavelength, and no less than the value required by § 73.189(b)(2) of this part for a station of the class and nominal power for which the pattern is designed.

n Represents the number of elements (towers) in the directional array.

i Represents the i^{th} element in the array.

F_i Represents the field ratio of the i^{th} element in the array.

θ Represents the vertical elevation angle measured from the horizontal plane.

$f_i(\theta)$ Represents the vertical plane distribution factor of the i^{th} antenna.

For a typical vertical antenna with a sinusoidal current distribution:

$$f(\theta)=\frac{\cos(G\sin\theta)-\cos G}{(1-\cos G)\cos\theta} \quad (2)$$

where G is the electrical height of the tower.

See also Section 73.190, Figure 5.

S_i Represents the electrical spacing of the i^{th} tower from the reference point.

ϕ_i Represents the orientation (with respect to true north) of the i^{th} tower.

ϕ Represents the azimuth (with respect to true north).

ψ_i Represents the electrical phase angle of the current in the i^{th} tower.

The standard radiation pattern shall be constructed in accordance with the following mathematical expression:

$$E(\phi,\theta)_{std}=1.05\sqrt{|E(\phi,\theta)_{th}|^2+Q^2} \quad (3)$$

where:

$E(\phi,\theta)_{std}$ Represents the inverse fields at one mile which are deemed to be produced by the directional antenna in the horizontal and vertical planes.

$E(\phi,\theta)_{th}$ Represents the theoretical inverse distance fields at one mile as computed in accordance with Eq. 1, above.

Q is the greater of the following quantities:

$$0.025\ g(\theta)E_{rss}$$

or

$$6.0\ g(\theta)\sqrt{P_{kw}}$$

where:

$g(\theta)$ Is the vertical plane distribution factor, $f(\theta)$, for the shortest element in the array (see Eq. 2, above; also see Section 73.190, Figure 5). If the shortest element has an electrical height in excess of 0.5 wavelength, $g(\theta)$ shall be computed as follows:

$$g(\theta)=\frac{\sqrt{|f(\theta)|^2+0.0625}}{1.030776} \quad (4)$$

E_{rss} Is the root sum square of the amplitudes of the inverse fields of the elements of the array in the horizontal plane, as used in the expression for $E(\phi,\theta)_{th}$ (see Eq. 1, above), and is computed as follows:

$$E_{rss}=k\sqrt{\sum_{i=1}^{n}F_i^2} \quad (5)$$

P_{kw} Is the nominal station power, expressed in kilowatts; see Section 73.14(c). If the nominal power is less than one kilowatt, $P_{kw}=1$.

(2) All patterns shall be computed for integral multiples of five degrees, beginning with zero degrees representing true north, and, shall be plotted to the largest scale possible on unglazed letter-size paper (main engraving approximately 7'' x 10'') using only scale divisions and subdivisions of 1, 2, 2.5, or 5 times 10^{nth}. The horizontal plane pattern and other azimuthal patterns shall be plotted on polar coordinate paper, with the zero degree point corresponding to true north. Patterns for elevation angles above the horizontal plane may be plotted in polar or rectangular coordinates, with the pattern for each angle of elevation on a separate page. Rectangular plots shall begin and end at true north, with all azimuths labelled in increments of not less than 20 degrees. If a rectangular plot is used, the ordinate showing the scale for radiation may be logarithmic. Minor lobe and null detail occurring between successive patterns for specific angles of elevation need not be submitted. Values of field strength on any pattern less than ten percent of the maximum field strength plotted on that pattern shall be shown on an enlarged scale. Rectangular plots with a logarithmic ordinate need not utilize an expanded scale unless necessary to show clearly the minor lobe and null detail. The direction and distance toward each existing station with which interference may be involved shall be indicated on the horizontal plane pattern, and, as appropriate, on patterns for other angles of elevation, with all directions referred to true north.

* * * * *

2. Section 73.152(a)(2) is amended to read as follows:

§ 73.152 Modification of directional antenna data.

* * * * *

(a)(2) Where any excessive measured field does not result in objectionable interference to another station a modified standard radiation pattern shall be submitted, encompassing all measured fields, and shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation.

NOTE.—Where measured fields exceed the values shown on the standard radiation pattern, but objectionable interference does not result, and, accordingly, a modified standard radiation pattern is submitted, the modified pattern may be larger than the original pattern (*i.e.*, have a higher RMS value) if the measured fields systematically exceed the confines of the original pattern. The larger pattern shall be computed by using a larger multiplying constant, k, in the theoretical pattern equation (Eq. 1) in § 73.150(b)(1)(i). Alternatively, where the measured field exceeds the pattern in discrete directions, but objectionable interference does not result, the pattern may be expanded over sectors including these directions. A combination of both types of expansion may sometimes be desirable. Where sector expansion, or "augmentation", is desired, it shall be achieved by application of the following equation:

$$E(\phi,\theta)_{aug}=\sqrt{|E(\phi,\theta)_{std}|^2+\left\{Jg(\theta)\cos\left(180\frac{D_A}{S}\right)\right\}^2}$$

where:

$E(\phi,\theta)_{std}$ is the standard pattern field at some particular azimuth and elevation angle, bifore augmentation, computed pursuant to Section 73.150(b)(1)(i), Eq. 3.

$E(\phi,\theta)_{aug}$ is the field in the direction specified above, after augmentation.

$J=\sqrt{|E(\phi,\theta)_{aug}|^2-|E(\phi,\theta)_{std}|^2}$

in which $E(\phi,\theta)_{aug}$ and $E(\phi,\theta)_{std}$ are the fields in the horizontal plane at the main azimuth of augmentation (i.e., θ= zero degrees; ϕ= main azimuth of augmentation).

$g(\theta)$ is defined in § 73.150(b)(1)(i).

S is the angular range, or "span", over which augmentation is applied. The span is centered on the main azimuth of augmentation. At the limits of the span, the augmented pattern merges into the unaugmented pattern. Spans shall not overlap one another.

D_A is the absolute horizontal angle between the azimuth at which the augmented pattern value is being computed and the main azimuth of augmentation. (D_A cannot exceed 1/2 S.)

* * * * *

APPENDIX

METHOD OF CALCULATION OF MULTIPLYING CONSTANTS USED IN COMPUTER PROGRAMS FOR STANDARD BROADCAST DIRECTIONAL ANTENNA CALCULATIONS

The various steps in the calculation of the multiplying constant are:

(a) Compute the no-loss multiplying constant; that is, the multiplying constant assuming that the nominal power is radiated.

(b) Compute the no-loss loop currents (base currents if the tower is less than 90 electrical degrees).

(c) Compute the total power loss using the no-loss currents.

(d) Adjust the multiplying constant to take account of the power loss; that is, adjust so that the nominal power is the input power to the array rather than the radiated power.

NOTE.—In the following description, the angle ϑ is the vertical elevation angle above the horizontal plane. Also, the term "*rms*" means the root-mean-square field intensity based on a multiplying constant of one.

The no-loss multiplying constant is computed by the power flow integration method:

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$$K=\frac{(C1)\ (\sqrt{P_{nom}})}{\text{rms}_{hem}}$$

where:

K = the no-loss multiplying constant;

$C1$ = 152.15158 mV/m; this is the horizontal radiation from a standard hemispherical radiator in millivolts per meter at one mile; this was derived in Constants for Directional Antenna Computer Programs, 43 FCC 2d 544, 28 RR 2d 959 (1973);

P_{nom} = the nominal power in kilowatts;

rms_{hem} = the root-mean-square effective field intensity over the hemisphere, which may be obtained by integrating the rms at each vertical elevation angle over the hemisphere. The Commission's computer performs the integration using the trapezoidal method of approximation:

$$\text{rms}_{hem}\simeq\sqrt{\frac{\pi\Delta}{180}\left[\frac{\text{rms}_0^2}{2}+\sum_{m=1}^{l}\text{rms}_{m\Delta}^2\cos m\Delta\right]}$$

where:

Δ = the interval, in degrees, between the equally-spaced sampling points at the different vertical elevation angles θ;

m = integers from 1 to l, which give the elevation angle θ in degrees when multiplied by Δ;

l = one less than the number of intervals; it is equal to $90/\Delta-1$;

rms_θ = the root-mean-square field intensity at the specified elevation angle θ:

$$\text{rms}_\theta=\sqrt{\sum_{i=1}^{n}\sum_{j=1}^{n}F_iF_jf_i(\theta)f_j(\theta)\cos\Psi_{ij}J_0(S_{ij}\cos\theta)}$$

where:

i = i^{th} tower;

j = j^{th} tower;

n = number of towers in the array;

F_i = field ratio of the i^{th} tower;

$f_i(\theta)$ = vertical radiation characteristic of the i^{th} tower;

F_j = field ratio of the j^{th} tower;

$f_j(\theta)$ = vertical radiation characteristic of the j^{th} tower;

Ψ_{ij} = difference in the electrical phase angles of the currents in the i^{th} and j^{th} towers in the array;

S_{ij} = spacing in degrees between the i^{th} and j^{th} towers in the array;

$J_0(S_{ij}\cos\theta)$ = Bessel function of the first kind and zero order of the apparent spacing between the i^{th} and j^{th} towers.

Next, the no-loss loop current (the current at the current maxima) for a typical tower is computed:

$$I_i=\frac{KF_i}{(C2)\ (1-\cos G_i)}$$

where

I_i = the loop current in amperes in the i^{th} tower;

K = the no-loss multiplying constant computed above;

F_i = the field ratio for the i^{th} tower;

$C2$ = 37.256479; this was derived in Constants for Directional Antenna Computer Programs, supra;

G_i = the height, in electrical degrees, of the i^{th} tower.

NOTE.—If non-typical towers are used, different loop current equations may be required.

If the tower is less than 90 electrical degrees in height, the base current is computed by multiplying the sine of the tower height by the loop current.

Using the no-loss currents, the total power loss would be:

$$P_{loss}=\frac{R}{1000}\sum_{i=1}^{n}I_i^2$$

where:

P_{loss} = the total power loss in kilowatts;

R = the assumed resistance in ohms; for standard pattern calculations, this would be at least one ohm;

i = the i^{th} tower;

n = the number of towers in the array;

I_i = the loop current (or base current if the tower is less than 90 electrical degrees in height) for the i^{th} tower.

Finally, the multiplying constant must be adjusted to change the assumption from nominal power being radiated to nominal power being the input power to the array prior to taking account of the assumed loss resistance:

$$K_\Omega=K\sqrt{\frac{P_{nom}}{P_{nom}+P_{loss}}}$$

where:

K_Ω = the multiplying constant after adjustment for the assumed loss resistance;

K = the no-loss multiplying constant computed above;

P_{nom} = the nominal power in kilowatts;

P_{loss} = the total power loss in kilowatts.

The multiplying constant $K\Omega$ is then used to compute the theoretical pattern used in generating the standard pattern.

[FR Doc.76-17167 Filed 6-14-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Purchase of Used Central Office Equipment by an REA Telephone Borrower From Another REA Telephone Borrower

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by Pub. L. 93-32, REA proposes to issue Supplement No. 3 to REA Bulletin 344-1 (Telephone), Methods of Purchasing Materials and Equipment for Use on Systems of Telephone Borrowers. The proposed supplement establishes the procedures whereby an REA Telephone Borrower may purchase used central office equipment from another REA Telephone Borrower. On issuance of Supplement No. 3 to REA Bulletin 344-1, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the proposed supplement may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 15, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

The text of the proposed supplement is as follows:

Appendix A to Part 1701 is amended by the addition of a new Supplement No. 3 which reads as follows:

SUPPLEMENT NO. 3 TO REA BULLETIN 344-1

Subject: Purchase of Used Central Office Equipment.

To: REA Telephone Borrowers and Consulting Engineers.

Purpose: The purpose is to establish a procedure whereby REA will consider for approval the purchase of used central office equipment by an REA borrower from another REA borrower.

General: Paragraph II A of Bulletin 344-1 makes provision for purchasing used equipment in specific cases, generally for additions to existing central offices. REA will consider approving the purchase of used central office equipment by an REA borrower from another REA borrower and the use of loan funds for the purchase under these conditions:

1. The equipment being purchased was originally purchased as REA acceptable material.

2. The equipment being purchased has an expected life equal to that of the equipment to which it is being added and is compatible with that equipment.

3. The purchase price of the equipment approximates the original cost, less depreciation (see Exhibit I). REA will advance funds only for the approximate original cost of the equipment itself less the accumulated depreciation. No funds will be allowed for the seller's installation costs, i.e., labor, overhead, etc.

4. Funds are available in the purchasing borrower's loan budget for the purpose involved.

Procedure: 1. The purchasing borrower will provide the seller with a purchase order and an indication of whether a release of liens is desired.

2. The selling borrower will follow the procedure outlined in Bulletin 415-1 for the sale of property furnishing REA with a completed REA Form 793.

3. The purchasing borrower will provide REA with the following:

a. A copy of the purchase order.

b. List of equipment to be purchased.

c. Age of the equipment.

d. Certification from the seller that the selling price was determined in accordance with the procedure outlined in Exhibit I.

e. A description of the equipment to which the purchased equipment is to be added, together with a switching diagram and the age of the existing office.

4. REA will notify the purchasing borrower and the selling borrower as to the action taken.

EXHIBIT I

[To arrive at the approximate cost that will be financed by REA, the following format shall be used]

	Cost	Percent
Original cost of equipment being sold per A/C 221	$100,000	83.583
Original cost of installation per A/C 221	20,000	16.417
Total actual book value ($100,000÷$120,000=83.583 pct, $20,000÷$120,000=16.417 pct)	120,000	100.000
Depreciation record, applicable to equipment being sold, per A/C 171.122, C.O.E.	40,000	
	Percent	Cost
Depreciation recorded on cost of equipment	83.583	$33,433.20
Depreciation recorded on cost of installation	16.417	6,566.80
Total	100.000	40,000.00
Original cost of equipment		100,000.00
Less associated depreciation		33,433.00
Net amount REA will finance		66,567.00

The cost of the equipment, installation and depreciation reserve should be arrived at by preparing an analysis of accounts 221 and 171:221. This is the only acceptable basis for arriving at the allowable amount that can be financed with REA funds. No estimates will be accepted.

Dated: June 8, 1976.

JOHN H. ARNESEN,
Acting Assistant Administrator-Telephone.

[FR Doc.76-17282 Filed 6-14-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[24 CFR Part 1917]

[Docket No. FI-1165]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Edwardsville, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Edwardsville, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review in the foyer of the Borough Building, Main Street, Edwardsville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Benjamin Kaczynowski, Main Street, Edwardsville, Pennsylvania 18704. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limits	547		1,840
	Confluence with Toby Creek	546		300

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17232 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1167]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for Borough of Forty Fort, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Forty Fort, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in City Hall, 1271 Wyoming Avenue, Forty Fort, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify J. J. McCulloch, Mayor of Forty Fort, 1271 Wyoming Avenue, Forty Fort, Pennsylvania 18704. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Downstream corporate limits	551	(1)	300
	End of levee, vicinity of Fort St	552	(1)	30
	Upstream corporate limits	554	(1)	2,400
Abrahams Creek of Forty Fort	Forty Fort levee	540	2,400	140
	50 ft downstream of Wyoming Ave	545	600	20
	Pearl St	546	280	120

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17224 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1168]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Fox Chapel, Allegheny County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Fox Chapel, Allegheny County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Chambers, Borough Building, 401 Fox Chapel Road, Pittsburgh, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor T. Mitchell, Jr., 401 Fox Chapel Road, Pittsburgh, Pennsylvania 15238. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Squaw Run	South corporate limits		60	320
	Fox Chapel Rd		80	60
	Field Club Rd		60	320
	Squaw Run Rd		70	40
	do		160	360
	Squaw Run Rd East		120	60
	Old Mill Rd		80	70
	Campbells Lake Dam		200	140
Squaw Run, tributary No. 1	East of Fox Chapel Rd	800	[1] 120	
Squaw Run, tributary No. 2	North of Hunt Rd, below confluence with tributary No. 3	850	[1] 140	
	North of Hunt Rd above confluence with tributary No. 3	870	[1] 100	
Squaw Run, tributary No. 3	Hunt Rd	890	[1] 80	
Squaw Run, tributary No. 4	Below Fairview Rd	1,020	[1] 60	
	Fairview Rd	1,090	[1] 120	
Glade Run	Squaw Run Rd East		160	240
	Fox Chapel Rd		120	80
	East corporate limits		160	120
	West corporate limits		120	160
	East corporate limits		100	160

[1] Total width.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17219 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1169]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Highspire, Dauphin County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Highspire, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board, Borough Municipal Building, 640 Eshelman Street, Highspire, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Roger Williamson, 640 Eshelman Street, Highspire, Pennsylvania 17034. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the

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above-named community on September 13, 1976.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River....	White House Lane (east corporate limits, extended).	303	[1] 800	(2)
	Burd Run confluence	304	260	(2)
	Railroad St. (extended)	304	1,740	(2)
	Laurel Run confluence	305	780	(2)
	West corporate limits	306	560	(2)

[1] 100-yr flood boundary width measured south from north corporate limits.
[2] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17221 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1170]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Hummelstown, Dauphin County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Hummelstown, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the lobby of the Borough Hall, 136 South Hanover Street, Hummelstown.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Marion Alexander, 136 South Hanover Street, Hummelstown, Pennsylvania 17036. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Swatara Creek..	Downstream corporate limit	327	350	(1)
	Reading R.R. bridge	328	60	(1)
	North Duke St. and West Duke St. bridge.	333	35	(1)
	Wall Street (extended)	336	20	(1)
	Upstream corporate limit	339	25	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17222 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1173]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Larksville, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Larksville, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mayor's Office, New Borough Building, State Street, Larksville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Dubinski, New Borough Building, State Street, Larksville, Pennsylvania 18704. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River....	At southwest corporate limits	545	(1)	960
	Delaware-Hudson R.R. Bridge	546	(1)	420
	Eastern corporate limits	546	(1)	1,310

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17225 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1174]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Luzerne, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII) of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 § 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Luzerne, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Hall, Academy Street, Luzerne.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor George Shonk, 141 Tener Street, Luzerne, Pennsylvania 18709. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Toby Creek	North corporate limit	648	10	60
	Conrail Bridge	625	10	40
	Main Street Bridge	598	(1)	140
	Routes 115, 309 bridge	577	115	100
	Grove Street Bridge	571	20	(2)

[1] A0 zone.
[2] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17226 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1176]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Marysville, Perry County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevates for the Borough of Marysville, Perry County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the lobby of the Borough Hall, Overcrest Road, Marysville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert J. Sadler, P.O. Box A, Overcrest Road, Marysville, Pennsylvania 17053. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Corporate limits (downstream)	326	(1)	220
	Rockville Bridge	327	(1)	100
	Weaver Rd. (extended)	327	(1)	340
	Perry St. (extended)	328	(1)	630
	Weaver St. (extended)	329	(1)	170
	Corporate limits (upetream)	332	(1)	90
Mill Creek	do	(2)	420	30
	Kings Highway State Rd.	(2)	190	100
	State Rd. (Routes 11 to 15)	328	250	370

[1] Corporate limits.
[2] Not defined.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17231 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1177]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Mercer, Mercer County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Mercer, Mercer County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Chambers, Borough Building, 145 North Pitt Street, Mercer, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor David L. Davis, 145 North Pitt Street, Mercer, Pennsylvania 16137. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Brandy Springs Run	Shenango St	1,146	125	100
	West corporate limits	1,154	150	75
Unnamed Tributary	Shenango St	1,168	110	25
Neshannock Creek	South corporate limits	1,094		200
	Wilson Ave	1,096	1,200	200
	do	1,098	1,300	275
Mill Creek	East corporate limits	1,098	80	1,550
	North corporate limits	1,100	200	350
Otter Creek	McKinley Ave	1,100	250	450
Munnel Run	Home St	1,110	130	160
	U.S. Route 19	1,145	30	30

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-17229 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1178]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Muncy, Lycoming County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Muncy, Lycoming County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mayor's Office, New Borough Hall, North Washington Street, Muncy, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Donald B. Wilt, Mayor, 23 North Main Street, Muncy, Pennsylvania 17756. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

[24 CFR Part 1917]

flood hazard areas. In order to partici-

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West branch, Susquehanna River.	Pepper St. (extended)	503	1,880	
	West Penn St. (extended)	504	1,470	
	High St. (extended)	504	3,320	
Glade Run	Carpenter St	505	550	1,400
	East Penn St	506	450	90
	East corporate limits	507	160	50

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17228 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1179]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Pringle, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Pringle, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Secretary's office, Borough Building, Evans Street, Pringle.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joseph Kopack, Borough Building, Evans Street, Pringle, Pennsylvania 18704. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Toby Creek	Along northern corporate limits	571	(1)	175
			Area flooded	
Do	East of Grove St. and north of Division St.	564	Entire area within the levee.	

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17227 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1171]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Johnstown, Cambria County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128) and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Johnstown, Cambria County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the City Hall Lobby, Main and Market Streets, Johnstown.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Herbert Pfuhl, Jr., 101 City Hall, Main and Market Streets, Johnstown, Pennsylvania 15901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Stony Creek	South corporate limits	1,196		40
	Bridge St	1,192		780
Sams Run	Woodland St		170	120
	Coleman Ave		140	320
Cheney Run	Saylor St		260	400
	Obsorne St		140	300
Solomon Run	East corporate limits		250	40
	Oak St		280	750
Elk Run	Butler Ave		980	200
	Penn Central RR		440	300
St. Clair Run	Fairfield Ave		120	150
Strayer Run	Glenn St		140	420
	Penn Central RR		100	500

NOTE.—The 100-yr floods of Conemaugh River, Little Conemaugh River, and Stony Creek below Bridge St. confined to the channels.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17220 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1166]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Fairview, York County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Fairview, York County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, R.D. 1, New Cumberland.

Any person having knowledge, information, or wishing to make a comment

on these determinations should immedi-

lication of this notice in a newspaper of

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on these determinations should immediately notify Mr. Edward R. McCullum, Secretary of the Board of Supervisors, R. D. 1, New Cumberland, Pennsylvania 17070. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	South corporate limits (extended)	301	(1)	80
	Route 76 Bridge (downstream side)	306	(1)	100
	Route 76 Bridge (upstream side)	306	(1)	120
Yellow Breeches Creek.	Penn Central R.R. Bridge	313	(1)	60
	Old York Rd. Bridge	313	(1)	200
	Springer Lane Bridge	315	(1)	90
	Route 83 Bridge	321	(1)	150
	Greenlane Dr. Bridge	326	(1)	145
	Spangler's Mill Rd. Bridge	334	(1)	30
	Limekiln Rd. Bridge	344	(1)	340
	Route 76 Bridge	351	(1)	160
	Sheepford Rd. Bridge	358	(1)	130
	Bridge of Lisburn Rd.	367	(1)	100
	Route 114 Bridge	371	(1)	500
	Lisburn Rd. Bridge	375	(1)	240

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17233 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1172]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Lower Swatara, Dauphin County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Lower Swatara, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the office of the Secretary, Lower Swatara Township Building, 30 Olmsted Drive, Middletown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Charles E. Boyer, 30 Olmstead Drive, Middletown, Pennsylvania 17057. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Extreme northwest end of township near Lumber St. in Highspire.	304	90	
	White House Lane (extended)	303	20	
	End of airport at Middletown Corp. limit.	300	100	
Swatara Creek	Pennsylvania Turnpike	308		700
	Vine St. Bridge	309		10
	Route 283	311		960
	Fulling Mill Rd. (extended)	312		280
	Longview Dr. (extended)	314		100
	Reading R.R. Bridge	317		580
	Fiddlers Elbow Bridge	324		360

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17223 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1175]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Mahoning, Montour County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Mahoning, Montour County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Meeting Room at the Township Building, 1101 Bloom Street, Danville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Henry W. Eyer, Chairman of the Board of Supervisors, 1101 Bloom Street, Danville, Pennsylvania 17821. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Downstream corporate limits	458		160
	Borough of Danville corporate limits (downstream).	459		960
	Borough of Danville corporate limits (upstream).	462		1,460
	Toby Run	462		700
	Upstream corporate limits	464		1,000
Mahoning Creek	Borough of Danville corporate limits	468	40	40
	Upstream corporate limits	477	0	40

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: May 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17230 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1150]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Dumont, N.J.

The Federal Insurance Administrator, in accordance with section 110 of the Food Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128) and 24 CFR Part 1917 (§ 1917.4-(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Dumont, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Dumont, New Jersey must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

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Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 50 Washington Avenue, Dumont, New Jersey 07628.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor George Cerrato, 50 Washington Avenue, Dumont, New Jersey 07628. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hirschfeld Brook	Lafayette Ave	26	350	20
	West Madison Ave	36	50	50
Hirschfeld Brook Tributary	Shadyside Ave	87	220	30
	Virginia Ave	98	570	60
	Cresskill Ave	107	860	220
	Lenox Ave	115	130	200

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76 17335 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1181]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Riverside, Northumberland County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), (42 U.S.C. 4001–4128) and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Riverside, Northumberland County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Building, Borough of Riverside, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Lester Leech, R.D. 6, Danville, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	East corporate limits	461	60	(1)
	East Route 54 bridge	460	20	(1)
	West Route 54 bridge	460	20	(1)
	Mahoning Creek confluence (outside corporate limits)	459	140	(1)
	Kipps Run confluence	457	620	(1)
	West corporate limits	456	780	(1)

(1) Outside corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17329 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1184]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Steelton, Dauphin County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Steelton, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Secretary's office, Municipal Building, 123 North Front Street, Steelton, Pennsylvania 17113.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. J. Richard Stouffer, 123 North Front Street, Steelton, Pennsylvania 17113. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976 whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Franklin St. (extended)	312	1,500	(1)
	Francis St	312	1,560	(1)
	Trewick St	311	1,720	(1)
	Mohn St. (extended)	309	1,580	(1)
	T St. (extended)	306	420	(1)

(1) Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76 17332 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1144]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Valparaiso, Fla.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), (42 U.S.C. 4001–4128) and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Valparaiso, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Valparaiso must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Valparaiso, Florida 32580.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John B. Arnold, Jr. P.O. Box 296, Valparaiso, Florida 32580. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Boggy Bayou	Tennessee Ave	7	810	
	Mississippi Ave	7	50	
	Florida Ave	7	160	
Tom's Bayou	John Sims Parkway	6	180	40

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17337 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1143]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of Groton, New London County, Conn.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128) and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Groton, New London County, Connecticut.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Planning Office, Town Hall, 45 Fort Hill Road, Groton, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Clinton H. Strong, Town Manager, 45 Fort Hill Road, Groton, Connecticut 06340. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Eccleston Brook	200 ft south of London Rd	36	300	18
	1,000 ft south of London Rd	34	130	150
	200 ft south of confluence with Fishtown Brook	21	200	160
	1,700 ft north of Connecticut Route 215	20	200	300
	Connecticut Route 215	19	180	160
	U.S. Route 1		20	70
Fishtown Brook	South Fishtown Rd	30	30	700
	North Fishtown Rd		250	80
	Farmstead Ave	27	120	60
	Fishtown Rd	22	190	190
Groton Reservoir			(1)	(1)
Pohegrut Reservoir			(1)	(1)
Paquonock Lake			(1)	(1)
Great Brook	North Route 184		80	250
Hempstead Brook	do		200	20
Beaverdam Brook	Route 12		250	950

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Mystic River	Interstate 95	11	200
	West Main St	11	880
	School St. (extended)	11	1,100
	Charles St. (extended)	11	1,000
Mumford Cove	Balsam Rd	11	150

[1] All of it.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17336 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1180]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Reserve, Allegheny County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128) and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Reserve, Allegheny County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township of Reserve must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Office, 33 Lonsdale Street, Pittsburgh, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Gilbert G. Britenbaugh, 33 Lonsdale Street, Pittsburgh, Pennsylvania 15212. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976 whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Hoffman Run	Downstream corporate limits	803	50	10
	Johnson St. (extended)	838	20	30
	Otto St.	862	30	60
	515 ft upstream from Otto St	880	30	30
Spring Garden Run	Downstream corporate limits	906	70	130
	Hazlett St	915	50	130
	Beech St	939	50	90
	Wilson Rd	954	50	140
	Faber St. (extended)	980	50	50
	Quail Hill Rd. (extended)	1,002	25	25
	Ramage Rd	1,100	30	50
	Maplewood Dr. (extended)	1,110	50	60

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-17328 Filed 6-14-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1182]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Spring, Centre County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980 which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128) and 24 CFR Part 1917 § 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Spring, Centre County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, R.D. 2, Bellefonte, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John H. Auman, Secretary of the Board of Supervisors, Box 110D, R.D. 2, Bellefonte, Pennsylvania 16823. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

[24 CFR Part 1917]

Program, the Township must adopt flood plain management measures that are

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Spring Creek	Northern corporate limit	720	300	10
	Northern corporate limit of the borough of Bellefonte.	729	180	8
	Western corporate limit of the borough of Bellefonte.	752	205	10
	Western corporate limit	758	10	470
Unnamed tributary	Interstate 80 overpass		70	70
	Jacksonville Rd		80	40
	Interstate 80 access road		60	60
Logan Branch	Southern corporate limit of the borough of Bellefonte.		20	120
	Route 425 (extended)		180	60
	Route 532 overpass		160	120
	Western corporate limit		280	300
Gap Run	do		2,540	140
	Route 144		2,280	40
	Norntown Rd		4,240	200
	Unnamed road near Sunset St		40	40
Phantom Lake	In the vicinity of Route 64 and L.R. 14026.		(1)	

[1] Area flooded—all of area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued May 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17330 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1183]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of West Chillisquaque, Northumberland County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of West Chillisquaque, Northumberland County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Montandon Post Office, Main Street, Montandon, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William C. Burrey, Secretary of the Board of Supervisors, Box 57, Montandon, Pennsylvania 17850. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch, Susquehanna River.	North corporate limit	465	2,360	(1)
	L.R. 49053 (extended)	464	1,700	(1)
	Penn Central R.R. (Con Rail)	461	4,360	(1)
	South corporate limit	458	1,700	(1)
Chillisquaque Creek	Route 147	488	120	110
	900 ft upstream from Route 147	458	10	260
	T 573	466	(1)	70
	LR 49054	470	(1)	70

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17331 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1185]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of West Lebanon, Lebanon County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of West Lebanon, Lebanon County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Community Room, Township Building, 22nd and Church Streets, Lebanon.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Kenneth Colvin, President of the Council, West Lebanon Township Building, 22nd and Church Streets, Lebanon, Pennsylvania 17042. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or September 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Quittapahilla Creek	16th St	450	(1)	820
	400 ft downstream of 16th St	449	(1)	400

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–17333 Filed 6–14–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1186]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of West Wyoming, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), (42 U.S.C. 4001–4128) and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of West Wyoming, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mayor's office, Borough Building, 8th and Shoemaker Avenue, West Wyoming, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Mizin, 17 Florida Avenue, West Wyoming, Pennsylvania 18644. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Abrahams Creek	Lehigh Valley RR. Bridge	561	350	4,250
	Bridge St. (extended)	564	340	4,200
	Harding Ave. (extended)	583	140	500
	5th St.	599	290	----
	Shoemaker Ave.	606	360	150

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17334 Filed 6–14–76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

MARYLAND

Proposed Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this chapter. On July 5, 1973, a notice was published in the FEDERAL REGISTER of the approval of the Maryland plan and of the adoption of Subpart O of Part 1952 containing the decision (38 FR 17837). On April 21, 1976, the State of Maryland submitted a supplement to its plan involving a developmental change (see Subpart B of 29 CFR Part 1953).

2. *Description of the Supplement.* The supplement submitted by the State concerns the State's Compliance Operations Manual. The manual is in two Parts. Part I entitled "Administrative Procedures" contains instructions pertaining to such matters as preparing citations, grouping of violations, types of violations, preparing penalties, procedures for handling workplace safety and health complaints, accident investigations and follow-up inspections. Part II, which is entitled "Field Operations" concerns procedures for the conduct of inspections and covers such matters as advance notice, preparation of inspection, opening and closing conferences, inspections of construction sites, imminent danger procedures and health inspections. In addition, the manual contains procedures for consultation services which are rendered by the designated agency.

3. *Location of Supplement for Inspection and Copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, Suite 15220, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Maryland 21202.

4. *Public Participation.* Interested persons are hereby given until July 15, 1976, in which to submit written data, views and arguments concerning the proposed supplement. The submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary of Labor for Occupational Safety and Health, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subject and issue involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart O of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C. this 8th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17426 Filed 6–14–76;8:45 am]

[29 CFR Part 1952]

NORTH CAROLINA

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina plan and adoption of Subpart I of Part 1952 containing the decision and describing the plan. By letter dated February 13, 1976, from T. Avery Nye, Jr., North Carolina Commissioner of Labor, to Donald E. MacKenzie, Regional Administrator, Occupational Safety and Health Administration, the State of North Carolina submitted supplements to its plan involving developmental changes (see Subpart B, 29 CFR Part 1953). Following regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for his determination as to whether they should be approved. The supplements are described below.

2. *Description of the supplements.* (a) Advisory Council. The State has certified that the State Advisory Council for Occupational Safety and Health has been appointed by the Commissioner of Labor. The Council meets regularly to assist and advise the Commissioner on matters pertaining to occupational safety and health.

(b) Merit system. All personnel in the North Carolina Department of Labor are now covered by the State merit system which the U.S. Civil Service Commission (by letter dated January 22, 1976) has found to be in "substantial conformity with the 'Standards for a Merit System of Personnel Administration' ".

(c) Staff training. All North Carolina compliance personnel have attended basic training courses at the OSHA Institute in Chicago and subsequent refresher courses conducted by the State.

(d) Consultative Services. North Carolina Department of Labor has publicly disseminated information on the availability of consultation services.

(e) Management Information System. The State has fully implemented a manual Management Information System which provides the quarterly statistical reports required by the Assistant Secretary as well as internal management data. Conversion to an automated system is contemplated.

(f) Enforcement. The State has certified that enforcement of standards under the approved North Carolina State plan began on July 1, 1973.

(g) Salary scale. The State plan has been updated to show current salary scales.

(h) Serious violation. The State has clarified its plan to include the requirement that in order for a violation to be deemed serious, the employer must have known or with the exercise of reasonable diligence should have known of the violation.

(i) Administrative procedures. The State's amended Administrative Procedures Act which establishes new requirements for the promulgation and filing of State rules, regulations, and standards has been added to the State plan.

(j) Regulations. In accordance with plan commitments the State has promulgated the following regulations:

(1) Rules of Practice for Variances, Limitations, Variations, Tolerances and Exemptions (7B .0400).

(2) Rules of Procedure for Promulgating, Modifying, or Revoking Occupational Safety and Health Standards (7B .0500)

(3) Procedures of the State Advisory Council on Occupational Safety and Health (7B .0700).

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Ave., NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 15220, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Maryland 21202.

4. *Public Participation.* Interested persons are hereby given until July 15, 1976, in which to submit written data, views and arguments concerning the proposed supplement. The submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary of Labor for Occupational Safety and Health, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subject and issue involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart O of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C. this 8th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17425 Filed 6–14–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 13, 81, and 83]

[Docket No. 20813; FCC 76–455]

RADIOTELEGRAPHY USE IN MARITIME SERVICES

Notice of Proposed Rule Making Relating to Frequencies, Operating Procedures, Technical Standards, Etc.

In the Matter of Amendment of Parts 2, 13, 81, and 83 to implement changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974.

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given. It will be noted that in the instant proceeding we are treating those matters which concern radiotelegraphy with particular attention to A1 Morse calling and working and to narrow-band direct-printing (radioteleprinter). In addition, the proposed amendments to Part 2 of the rules, set forth below, include the changes in frequency allocations for radiotelephony. Other matters relating to the use of radiotelephony will be treated in a future action.

2. The problem of poor maritime communications has been one that has occupied this Commission's attention for some time. This problem exists in both maritime radiotelephony and radiotelegraphy.

3. In the maritime radiotelephony service, the congestion in the band 1605–4000 kHz was intolerable for a number of years. To solve this problem, the Commission instituted a two phase program: (1) that vessels within 20 miles of shore (except in Alaska) employ very high frequencies (VHF) in the maritime services band 156–162 MHz; that the channel spacing in that band be reduced by one-half and (2) that vessels beyond 20 miles from shore employ frequencies in the band 2000–2850 kHz; that frequencies in this band be converted from double sideband to single sideband mode of operation; and that the use of double sideband be discontinued effective January 1, 1977. The program to date has been a success and with the discontinuance of double sideband there will be a vast improvement in marine radiotelephony to the extent that we may say without qualification that our program to greatly improve marine radiotelephony has been successfully completed.

4. In the maritime radiotelegraphy services, the problem area appears to center around the service being rendered by public coast radiotelegraph stations and this has had a negative effect on the modernization of radiotelegraph ship stations. To delineate the problem areas, we initiated a Notice of Inquiry in Docket No. 19544 (1972) with the expectation that an in-depth review of the total complex of public coast radiotelegraph station operations and related matters would provide a more firm basis upon which the Commission could address possible overall remedies to apparent economic, operational, and technical problems associated with public coast radiotelegraph stations. To date we have not reached any final decision on this matter. However, the comments filed in this proceeding by users indicate that the service rendered by most of the public coast radiotelegraph stations is generally below an acceptable user level. The record is replete with reports of understaffing of operating positions; of operators expected to function efficiently while attempting to provide service on a mixture of radio and land line facilities; of partial or complete discontinuance of the listening watch on one or more of the ship station calling bands; and of poorly maintained transmitting and receiving equipment. A natural consequence of this is that operators aboard ship experience extended delays in contacting most coast stations.

5. It is our statutory purpose to promote the safety of life and property through the use of wire and radiocommunications and it is our duty to encourage the larger and more effective use of radio in the public interest. The nations of the world recognize an internationally adopted, uniform radiotelegraphy communications system of public correspondence in which the business of ships as well as the personal requirements of the crews and passengers are served. While participation by U.S. ships is voluntary,[1] no U.S. large passenger or cargo ship has put to sea without the ability to participate fully in radiotelegraphy public correspondence on high frequencies. While U.S. coast stations are operated by private industry, in contrast to government operation in most other countries, it is the United States as a government which is criticized in the international arena for the poor radiotelegraphy service provided to international shipping. In the area of marine radiotelegraphy this requires no less than our assuring an efficient system, adequately staffed with coast station operators providing service on sufficient frequencies to significantly reduce relays. As in maritime radiotelephony, we fully intend to take what actions are necessary to remove the problems that now affect marine public coast radiotelegraph stations.

6. The proposed action in this proceeding is a logical corollary to our public coast efforts. It will assure vessels of

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 8th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17425 Filed 6–14–76;8:45 am]

[1] Participation by these categories of vessels is voluntary only in regard to the use of high frequencies (3–30 MHz). Such vessels are required by statute to fit for the use of medium frequencies (.3–3 MHz).

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having a suitable frequency capability

having a suitable frequency capability to access the coast stations and also provide an incentive for coast stations to increase the number of channels they guard on their own motion.

7. A World Maritime Administrative Radio Conference (WMARC) was convened by the International Telecommunication Union (ITU) in Geneva, Switzerland, April 22–June 8, 1974, which amended the international Radio Regulations applicable to the maritime mobile service. The changes in frequency allocations made by the WMARC are limited to those for the maritime mobile service and these are set forth in full detail below. The following summary of changes in the international Radio Regulations will, we believe, provide an over-all perspective of the amendments adopted at the 1974 WMARC.

A1 Morse radiotelegraphy, ships: the allocated spectrum was decreased from 896 to 588.8 kHz; the number of channels was increased from 684 to 924. Schedule to implement: 6–2–76 through 5–31–77.

Narrow-band direct-printing, ships: the allocated spectrum was increased from 87.5 to 170.6 kHz; the number of channels was increased from 12 to 338 channels. Schedule to implement: 6–1–77 through 6–30–77.

Narrow-band direct-printing, coast: no previous allocation; new allocation of 130.6 kHz, divided into 257 channels. Schedule to implement: 6–1–77 through 6–30–77.

Radiotelephony—duplex, ships: the allocated spectrum was increased from 469.6 to 545.6 kHz; the number of channels was increased from 137 to 176 channels. Schedule to implement: 1–1–78 at 0001 GMT.

Radiotelephony—duplex, coast: the allocated spectrum was increased from 469.6 to 545.6 kHz; the number of channels was increased from 137 to 176 channels. Schedule to implement: 1–1–78 at 0001 GMT.

Radiotelephony—simplex, ship and coast: the allocated spectrum was decreased from 54.9 to 50.3 kHz; the number of channels remained the same at 16 channels.

Digital selective calling: no previous allocation; new allocation of 12.2 kHz (9 channels) for ships and 5.4 kHz (9 channels) for coast stations. Schedule to implement: Start 6–1–77.

Oceanographic data transmission: no change from the 1967 WMARC.

8. The 1974 WMARC amended the international Radio Regulations in regard to A1 Morse radiotelegraphy as follows:

Completely revised the current calling procedure (initially adopted by the ITU International Radio Conference, Atlantic City, 1947).

Provided for the use of frequencies which are not harmonically related.

Urged that Administrations, in assigning the available (new) frequencies, distribute them uniformly to ship stations; and assure that the ship stations operate within the assigned channels.

9. The 1974 WMARC amended the international Radio Regulations to include frequencies, technical standards and operating procedures for the use by ship and coast stations of narrow-band direct-printing telegraphy and data transmission systems (radioteleprinter). Frequencies were also included in the amended Radio Regulations for the use by ship and coast stations of digital selective calling, but left to the ITU's International Radio Consultative Committee (CCIR) to finalize technical characteristics of the digital selective calling system.

10. In this Notice of Proposed Rule Making the Commission is proposing amendments to its rules to implement the extensive changes in operational procedures and frequencies adopted at the 1974 WMARC. The 1974 WMARC revisions to the ITU Radio Regulations, in order to obtain conference approval, include many permitted departures and exceptions. In contrast thereto, the proposed amendments to the rules, to the extent practicable, adhere to the main theme and intent of the revised Radio Regulations. To provide reasonable assurance that these new operational procedures will provide the intended improvement in communications to vessels at sea, it is necessary, in our opinion, that changes also be made to various technical provisions in these rules. We believe these technical changes are essential if United States vessels are to have a sufficient operational capability to cooperate in the production of and to take advantage of the improvement offered by the new procedures. These provisions are discussed in greater detail in the paragraphs which follow.

11. In this Notice we suggest that the harmonic relationship type shipboard transmitters be fitted with a frequency synthesis generator, replacing the presently used piezo electric crystals. WMARC Resolution MAR2–4, recognizing the benefits of frequency synthesizers, states that ships should, as soon as possible, utilize equipment which is capable of operating in accordance with the new channelling arrangement contained in Appendix 15D [2]; and that, after January 1, 1976, new installations of equipment shall be capable of operating in accordance with the new channelling arrangement contained in Appendix 15D. The harmonic relationship shipboard transmitters in current usage are not capable of operating in accordance with the new channelling arrangement of Appendix 15D, and they are not capable of operating on the calling frequencies of Appendix 15C.[3]

The addition of a frequency synthesizer to the currently used harmonic relationship shipboard transmitters will permit the United States to comply with the provisions of WMARC Resolution MAR 2–4, since operation on all of the frequences of Appendices 15D and 15C would then be possible. Further, use of such a unit permits the frequency tolerance to be tightened to meet all requirements and recommendations adopted by the 1974 WMARC and, most probably, any changes which may be adopted at the forthcoming 1979 ITU radio conference. In accordance with WMARC Resolution MAR 2–4, we are also proposing that harmonic relationship type shipboard transmitters not be installed aboard new ships, or as replacement equipment aboard existing ships, after January 1, 1976, (see paragraphs 25–28, below).

CALLING PROCEDURE

12. The current calling procedure for A1 Morse radiotelegraphy employed by a ship station to establish communication with a coast station was first adopted at the ITU International Radio Conference (IRC), Atlantic City, 1947. This procedure has been in world-wide use without change up to the present time. As adopted in 1947, 9 frequencies spaced 1 kHz were provided in the band 4177–4187 kHz. In each of the other calling bands between 4000 and 18000 kHz, the calling frequencies are in harmonic relationship with those in the 4 MHz[4] calling band. The calling frequencies in the 22 MHz band are not harmonically related to those in the 4–18 MHz bands. As developed by the 1947 IRC and later implemented, ships were, through the licensing process, distributed over these 9 harmonic frequencies, and coast stations scanned the calling bands looking for calls from ship stations. Once communication is established the ship station shifts to a ship working frequency. While the limits of the calling bands were not changed, the number of harmonic frequencies in each of the calling bands were increased from 9 to 17 by the 1967 WMARC. It is most clear that the 1947 IRC procedure is not adequate to meet the needs of today's maritime services.

13. The new procedure adopted at the 1974 WMARC differs in substance from the procedure adopted at the 1947 IRC. The new procedure employs the same harmonic relationship scheme for the bands 4–18 MHz (see description in footnote [4]), providing 18 frequencies, two of which are common on a world-wide basis. The other 16 are divided into four groups of four each, which are designated for use by four groups of countries. In contrast to the 1947 procedure, the 1974 calling frequencies are "spot" or "fixed" frequencies, that is, the ship transmits on a specific frequency which is guarded by a receiver at designated coast stations. Once communication is established, the ship station shifts to a ship working frequency.

[2] Set forth below in § 83.318(c).
[3] Set forth below in § 83.317(a).
[4] Two MHz crystals are in more common usage than 4 MHz crystals. Thus, taking as an example the 4 MHz calling frequency 4178 kHz, the harmonics for the bands 4–18 are the 2nd, 3rd, 4th, 6th, and 8th harmonics of a crystal for the frequency 2089 kHz.

14. There are a number of technical and operational benefits of the new calling procedure. One accrues from the reduced bandwidth required to be covered by the coast station receivers, which results in an improved signal to noise ratio. Under this condition, ship station transmissions should be heard at substantially greater distances. The degree of improvement in signal to noise ratio depends on the bandwidth of the receiver involved. Generally, a coast station receiver provides a bandwidth of several kilohertz, in which case the improvement is likely to be in the range of 6 to 9 dB. There are operational benefits, since the coast station will not have to scan each of the calling bands; and the number of ships on any specific frequency is substantially reduced. The disadvantage in the new calling procedure is economic, that is, the coast stations must modify or replace receivers used to cover the calling channels; and the ship station transmitters, particularly the older types, must be modified to provide a greater number of frequencies and the frequency tolerance must be tightened.

TECHNICAL PERFORMANCE REQUIREMENTS

15. United States vessels plying international routes and operating radiotelegraphy on high frequencies in the maritime bands are expected to have a sufficient transmit and receive capability to communicate with concerned coast and ship stations along routes and at ports of interest. In order to do this, under the International Radio Regulations as amended at the 1974 WMARC, a number of changes are required in radiotelegraphy equipment, as discussed in the following paragraphs.

FREQUENCY TOLERANCE—SHIPS

16. As concerns frequency tolerance, the channel spacing was reduced for both calling and working frequencies. As between calling and working frequencies, the channel spacing for working frequencies poses a substantially more stringent requirement. A working frequency channel spacing of 500 Hz was adopted for the bands between 4 and 25 MHz, except that in the 6 MHz band the spacing is 750 Hz. Since the transmitter used on working frequencies is also used on calling frequencies, the stability requirement for working frequencies is more stringent and is, therefore, controlling. There are, however, two other considerations which must be taken into account, first, the ship station is usually fitted with one high frequency transmitter which operates on A1 Morse and, if a modulator is provided, on radiotelephony. The second consideration concerns those actions which may be taken at the World Administrative Radio Conference (WARC) to be convened in 1979, having technical impact upon the frequency tolerance of transmatters referred to above. In the table below we have paraphrased actions taken at ITU Radio Conferences held between 1932 and 1974, as concerns changes in frequency tolerances applicable to transmitters aboard ship stations employing A1 emission and operating in the band 4–29.7 MHz:

Frequency tolerance changed	ITU radio conference	Period and tolerance (parts per million) [5], Ship stations—4–29.7 MHz—emission A1
.....	1932	Before and after 1933: 1,000 p/m.
Yes.....	1938	Before 1944: 1,000 p/m; after 1944: 500 p/m.
Yes.....	1947	Before 1953: 500 p/m; after 1953: 200 p/m.
No.....	1959	Before and after 1966: 200 p/m.
Yes.....	1967	Before 1973: 200 p/m; after 1973: 50 p/m.
Yes.....	1974	Before 1977: 200 p/m; after 1977: 200 p/m, 50 p/m, 40 p/m, and 30 p/m.

17. Complaints have been received from vessel operators regarding the repeated need to modify transmitters to meet new and different frequency tolerances. In examining the above table it is apparent that with the exception of the 1959 Conference, each ITU Radio Conference since 1932 has changed the frequency tolerance applicable to ship transmitters using A1 emission. We view these complaints as reasonable, yet the industry has not proposed that a near state of the art tolerance be installed in ship transmitters, as a means of avoiding the need for repeated changes. At the present time administrations are preparing for yet another ITU Radio Conference to be convened in 1979, the agenda of which will permit further changes in frequency tolerance applicable to ship transmitters. Each person can view the paraphrased actions of earlier ITU Conferences, above, and form an opinion regarding the probability that the 1979 Conference will or will not further change ship station frequency tolerances.

18. In doing so, bear in mind, first, that ship station A1 emission tolerances adopted at the 1974 WMAR are substantially less stringent than those which are practical from current technology; and, second, that the multiple tolerances and indicated values required and recommended for A1 emission by the 1974 WMARC are difficult, if possible, to justify from the technical point of view. In the band 4–29.7 MHz, for A1 Morse, the 1974 WMARC requires a tolerance of 50 ppm for both calling and working frequencies, but recommends for the calling frequencies a tolerance of 40 ppm between 4 and 23 MHz and a tolerance of 30 ppm in the 25 MHz band. The following table indicates the consequences of these actions:

[5] ppm×frequency (in MHz=tolerance (in Hz), for example: 50 (ppm)×8.364 (frequency)=±418.200 (Hz). Further: 0.1%=1,000 ppm; 0.05%=500 ppm; 0.02%=200 ppb; 0.005%=50 ppm; 0.003%=30 ppm.

Band (megahertz)	Calling channels [1]		Working channels	
	Required 50 p/m	Recommended 40 p/m	Required 50 p/m [1]	Needed (parts per million) [2]
4.....	Out.....	In.....	In.....	59.2
6.....	Out.....	In.....	Out.....	39.5
8.....	Out.....	In.....	Out.....	29.6
12.....	Out.....	In.....	Out.....	19.7
16.....	Out.....	In.....	Out.....	14.8
22.....	Out.....	In.....	Out.....	11.2
25.....	Out.....	In [3].....	Out.....	9.9

[1] "In" means the indicated frequency tolerance (in parts per million) will retain the transmitted carrier within the adopted channel width; whereas "out" means it will not do so.
[2] To retain the transmitted carrier within the adopted channel width (±250 Hz for all A1 morse working frequencies) the indicated tolerance (in parts per million) is needed.
[3] The recommended frequency tolerance is 30 p/m for the 25 MHz band.

19. From the above table it is apparent that there is no coherence between the required frequency tolerance, for either calling or working frequencies, and the adopted channel widths. Such absence of coherence, if generally applied, would make management of the frequency spectrum by the Commission an impossible task. There is an interlocking relationship between frequency tolerance, emitted bandwidth and authorized channel width. The frequency tolerance and emitted bandwidth must be such that they are contained within the authorized channel width. Only by this arrangement can the user of one channel be assured of protection from interference from another user on the adjacent channel. The frequency tolerances adopted by the 1974 WMARC, and referred to above, are inadequate to restrict the user to an assigned channel.

20. To provide coherence in management of the frequency spectrum, as discussed above and hereinafter, we will adopt a frequency tolerance which will restrict the user to the assigned channel. We believe it is important that this change in tolerance be combined with other actions herein proposed, that is, increase in number of available frequencies and the suggested use of a frequency synthesis generator, to provide a flexibility of operation in A1 Morse ship transmitters which will fulfill the current requirements. The combining of these measures and their incorporation into transmitter types such as the 2013, ET 8065A, CRM–T1A–1000, etc., can be accomplished on a combined basis at a substantially lower cost than if each measure is implemented separately. Further, the life of these type transmitters would be extended and, insofar as we can anticipate, would be capable of meeting changes in technical requirements likely to be adopted at the 1979 ITU Conference.

21. In the Appendix we have, therefore, proposed a value of frequency tolerance of 20 Hz, which is the same value as is currently applicable to radiotelephony transmitters. In regard to an effective date, we are proposing that compliance by ship stations be based

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on date of type acceptance, either before or after January 1, 1976. This approach is feasible since approximately 81% of the existing A1 Morse transmitters operating between 4 and 24 MHz will require modification of type acceptance to increase the number of available frequencies (discussed later) and to meet the tighter frequency tolerance, and the remaining 19% appear to be adequate.

22. The harmonic relationship type transmitter, generally, has been type accepted for operation on frequencies below 24 MHz, but has not been type accepted for operation on frequencies in the 25 MHz band. It is probable that the tuning range is capable of covering the 25 MHz band without modification of this type transmitter and we are, therefore, looking to the concerned manufacturers to respond to this matter in their comments. If this extension of tuning range is feasible, we will expect affected ship stations to have the capability to operate in the 25 MHz band.

NUMBER OF CHANNELS—SHIPS

23. Of the 702 U.S. ship stations authorized to employ HF A1 Morse radiotelegraphy, 163 are fitted with transmitters which do not utilize the harmonic relationship scheme of operation (see paragraph 11, above). Usually the harmonic type transmitters fit ten 2 MHz crystals and employ the harmonics thereof to obtain output frequencies in the 4, 6, 8, 12, and 16 MHz bands. (Where 4 MHz crystals are employed, no operation in the 6 MHz band is provided.) Such transmitters have a capability of operating on 50 frequencies. Additional crystals can be provided, which can be plugged-in by the ships radio officer, to provide additional frequencies, or alternatively to permit operation in the 22 MHz band. Where such plug-in crystals are used, the radio officer cannot be sure of the output frequency, since frequency measuring test equipment is not normally provided aboard ship. Such an arrangement is not feasible with a frequency tolerance of 20 Hz.

24. The A1 Morse calling bands between 4 and 27.5 MHz include a minimum of 104 frequencies, composed of 18 families of 5 frequencies each, plus 10 frequencies at 22 MHz and 4 frequencies at 25 MHz. The frequencies in the 22 and 25 MHz bands are not harmonically related. The A1 Morse working bands include 820 frequencies, of which 53 families of 5 frequencies each (265 total) are harmonically related. If we look at the calling and working frequencies on the basis of number of 2 MHz crystals which would be required to operate on those frequencies which are harmonically related, exclusive of the frequencies at 22 and 25 MHz, 71 crystals would be required. The 71 crystals would permit operation on 335 frequencies, leaving 569 frequencies on which no operation was possible. If we use a rounded figure of 30,000 for the number of ships using these frequencies and presume that the distribution of ships using harmonically related equipment, to ships which do not use harmonically related equipment, is the same on a world-wide basis as it is in the United States, then we will have approximately 25,000 ships on 355 frequencies and 5,000 on 569 frequencies. The 1974 WMARC, on the other hand, urges administrations, in the assignment of frequencies to ship stations, to distribute the available frequencies uniformly to those ships.

25. The harmonic relationship scheme of operation was written into the International Radio Regulations for the maritime services at the International Radiotelegraph Conference, Madrid, 1932, and it has continued to appear in each amendment of the International Radio Regulations adopted thereafter. The 1974 WMARC, for the first time, recognized the limitations and the complications thereby injected into amendment of the frequency allocation table by such a scheme and looks to its future discontinuance. While provisions must be made for the continued use of existing transmitters using this scheme, the Commission in this rule making is adopting measures to preclude installation of such transmitters on new ships or as new replacement transmitters on existing ships. However, if the crystal oscillator section of these transmitters is replaced by a frequency generator, to provide a capability to operate on all of the A1 Morse calling and working frequencies, including those which are harmonically related and those which are not harmonically related, we will continue to authorize their use for radiotelegraphy aboard existing ship stations, provided that they meet the other applicable provisions of the rules. Where such type transmitter is employed, additionally, for radiotelephony and/or radioteleprinter, it must be capable, also, of operation on all the frequencies available for radiotelephony and/or radioteleprinter under the International Radio Regulations as adopted at the 1974 WMARC. When used for radiotelephony and/or radioteleprinter, such type transmitter must be capable, also, of meeting the other applicable provisions of the rules.

HARMONIC RELATIONSHIP TYPE TRANSMITTERS—SHIP

26. With regard to the impracticality of installing harmonic relationship type transmitters on new ships or as new replacement transmitters on existing ships, there are two different areas of difficulty.

We presume that the first area of difficulty can be resolved, that is, that the harmonic relationship type transmitters currently installed aboard ship can be modified to incorporate a frequency synthesis generator in lieu of the current 10-crystal 2 MHz oscillator and that this modification can be type accepted. Such a modification, properly type accepted, will provide the changes needed to meet the frequency tolerance and number of channels required, as discussed above. With this modification, we plan to continue to authorize the use of these modified transmitters aboard existing ships.

27. Turning now, to the second area of difficulty, we are reluctant to perpetuate the harmonic relationship scheme (see paragraph 25, above), developed in the 1940's and now obsolete, employed in transmitter types such as the 2013, ET8065, and others, to generate the required output frequencies. We believe it is timely that we discontinue consideration of transmitters such as the 2013, ET8065, and similar types, for installation aboard new ships or as new replacement transmitters aboard existing ships once the current implementation changes are complete.

28. Accordingly, we propose to include in the Radio Equipment List, Equipment Acceptable for Licensing, appropriate footnotes to accomplish the following:

Except as provided in the next subparagraph, below, to discontinue the availability of the type transmitters set forth in Appendix 2, hereto, for use in a ship station after May 31, 1977;

To permit the continued licensing of transmitters modified as discussed in paragraph 25, above, aboard existing ships; and

To preclude the installation of transmitters modified as discussed in paragraph 25, above, aboard new ships, or as new replacement transmitters aboard existing ships.

COAST STATIONS—CALLING CHANNELS

29. The new A1 Morse calling procedure, described in paragraphs 6, 7 and 8, above, has a direct impact on procedures and receiving equipment used at coast radiotelegraph stations. Under the old procedure the coast station operator, electronically or mechanically, slowly tuned the receiver across the 17 channels in each of the calling bands at 4, 6, 8, 12, 16, or 22 MHz, listening for calls from ship stations. Under the new WMARC HF calling procedures, coast station licensee must provide a reception capability on each ship calling frequency required to be guarded, subject, of course, to propagation variations.

30. For example, referring to proposed Section 81.209, station WSL at Amagansett would be required to guard 20 different frequencies. This will require the coast station licensee to install additional receiving devices in order to comply with the new calling requirements. It is also reasonable to forecast that the new calling procedure, once established, will continue in service for many years, thus there would be adequate time to depreciate new receivers that may be required.

31. The last inspection of coast radiotelegraph stations indicated that service had been discontinued on various calling bands without prior authorization by the Commission. To assure that coast radiotelegraph stations provide service on predetermined bands of calling frequencies, the proposed language of paragraph (a) of Section 81.209 has been made specific and the frequency table associated therewith lists the frequencies which each coast station will guard.

32. The above inspection also revealed that some stations are in violation of Section 81.104(a)(3)(i) in that they do not provide for efficient reception of ship station frequencies. Several types of deficiencies were noted: the receiving antennas available provided no increase in receiver output signal level as compared to no antenna; multiple receivers were connected directly to a single antenna with no intervening isolating or distribution amplifier; that no means were provided to minimize the attenuation of incoming signals or interaction between recivers; and that general servicing of station equipment was poor. To assure that these deficiencies are corrected and that the principles of good engineering practice are applied to public coast radiotelegraph stations, we are proposing the addition of a new paragraph (b) to the revised Section 81.209.

33. In order for the new calling procedure adopted by the WMARC to be effective, it is necessary that coast station receivers used on ship calling frequencies meet certain minimum technical standards. The proposed standards are set forth in a new paragraph (c) of Section 81.209. We believe these proposed receiver standards are practicable, are well within the state of the art, should be readily attainable, and that they will facilitate and augment use of the new calling procedure.

34. In the table of proposed Section 81.209(a), each public coast radiotelegraph station is shown as guarding three of the calling channels. Two of these channels are the common calling channels (channel series 5 and 6), which would be used by non-United States operated vessels. As concerns the third channel, it is proposed that stations located on the East Coast share one channel, that coast stations on the Gulf Coast share a second (different) channel, and that coast stations on the West Coast share a third (different) channel. It is proposed that the guard by coast stations of the new 25 MHz calling channels would start on or before June 1, 1977. As discussed in paragraph 36, below, we view this as an interim arrangement.

35. The above arrangement of channels to be guarded by coast stations results from several considerations. The 1974 WMARC permits some ship stations to fit only one of the two common channels (Series 5 or 6). The 1974 WMARC cautions, however, against the use of the common calling channels except where necessary. To provide coverage to vessels fitted with only one of these common channels, the coast stations must guard both common channels. Most United States vessels currently are fitted with the harmonically related type transmitter and, until the suggested frequency synthesis conversion is made, are limited to 10 channels. Some arrangement, such as the above, is needed to minimize the number of ship transmitter channels which are used for calling purposes, including both United States and foreign coast stations. Further, to comply with the cautioning against use of the common channels, at least one additional calling channel must be provided at each coast station, which must be included in the ship transmitter. It is deemed impractical to attempt to use one calling channel for both East and Gulf Coasts, or for the East, Gulf and West Coast. Further, we are doubtful that it is desirable to include all coast stations, on either of the three coasts, on one frequency, however, the limitations in number of channels available in ship transmitters permits no other alternative.

36. Accordingly, we are proposing the three channel guard arrangement discussed above. The total number of ship transmit calling channels for a vessel traversing all three coasts would be 5 channels, plus two for working frequencies, would be 7 channels; which leaves 3 channels for other communications. For ships travelling to foreign ports, or which require 22 and/or 25 MHz frequencies, it would seem doubtful that these three (remaining) channels would be adequate. Until the capability of ship transmitters is increased to include all calling channels, we are required to resort to an interim arrangement. By May 31, 1977, as proposed, all United States registry vessels will be fitted for the use of all calling channels. Thus, we believe it is appropriate that on or about that date a further adjustment should be made in the third calling channel guarded by coast stations, to decrease the number of coast stations sharing those channels.

OTHER PROVISIONS

37. The 1974 WMARC included extensive provisions in the amended Radio Regulations in regard to frequencies for and the use of narrow-band direct-printing (NB–DP). These provisions include:

Tables of frequencies for paired operation, that is, coast station frequencies which are to be used for transmission to ships, which are paired with frequencies to be used by the ship in transmissions to the coast station.

A table of frequencies for non-paired operation, that is, frequencies which may be used by a ship station for transmission, in which the frequencies to be used by the coast station are not specified.

Changed or additional technical provisions;

Operational procedures for the use of NB–DP, including those for use when patched through the coast station.

These provisions are, generally, included in the attached Appendix.

38. Proposals are also included in the attached Appendix to permit the interim use of the digital selective calling frequencies for calls from a coast station to a ship, or from ship to a coast station by radioteleprinter (NB–DP).

39. In rearranging the allocations in the maritime mobile service bands, the 1974 WMARC shifted the limits of the bands available to coast stations, among others, for radiotelegraphy. These shifts necessitate changes in assignments of a number of frequencies licensed to various coast stations, as set forth in the attached Appendix.

40. The permitted power which may be used by an operator holding a Restricted Permit type of operator license (Restricted Radiotelephone Operator Permit) was increased from 1000 to 1500 watts peak envelope power. The conditions relating to types of equipment which may be used by that category of Permit were not changed. In the attached Appendix we have made a corresponding change in the rules to increase the permitted power from 1000 to 1500 watts.

41. The minimum period between transmission by coast radiotelegraph stations of traffic lists, previously two hours, was reduced to one hour. This change is reflected in the rules set forth in the attached Appendix.

42. The new tables of frequencies available for use by ship and coast stations are set forth in the attached Appendix. The tables include A1 Morse, calling and working; digital selective calling; and working frequencies for narrow-band direct-printing, paired and non-paired.

43. A conflict has existed for some years between the technical and operational requirements applicable to A1 transmitters. The manufacturers can, technically, shape by filtering the keying voltage/pulse to attenuate the out-of-band emissions, as prescribed by section 83.136(a)(1) and (a)(3). Operationally, however, when the A1 transmitter is keyed with a series of dots, full power is not developed in those dots. When the transmitted signal is attenuated, as it is with distance, the dots are not heard, which makes communication either difficult or impossible. To correct this problem, we are relaxing the requirements by expanding the authorized bandwidth from 0.3 to 0.4 kHz, as set forth in the attached Appendix.

44. To provide for the transition from the current usage of frequencies to usage as amended by the 1974 WMARC, we are redesignating sections as follows:

From sec.—	To sec.—	Remarks
83.315	83.332	Sec. 83.332 will be deleted June 1, 1977.
83.317	83.333	Sec. 83.333 will be deleted June 1, 1977.
83.318	83.334	Sec. 83.334 will be deleted June 1, 1977.
83.319	83.335	Sec. 83.335 will be deleted June 1, 1977.
83.320	83.336	Sec. 83.336 will be deleted June 1, 1977.
83.321	83.337	Sec. 83.337 will be deleted June 1, 1977.
83.328	83.338	
83.329	83.339	
83.330	83.340	

45. With deletion of Section 83.337 (formerly Section 83.321—Ship radiotelegraph frequency plan) it will be necessary to employ an alternative arrangement for the assignment of frequencies to ship stations. One of the consequences resulting from the substantial changes adopted at the 1974

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WMARC, for the bands between 4 and 27.5 MHz, bears directly on licensing of ship stations for use of the various types of services. Under the 1967 WMARC agreement, administrations were urged to distribute the available frequencies evenly to ship stations under their jurisdiction. Accordingly, radiotelegraph ship stations have been authorized, on the ship station license, to use specific frequencies in the bands designated for Al calling, high traffic, low traffic and narrow-band direct-printing. Under the 1974 WMARC, with one exception, (par. 41), the need to list specific frequencies on the ship station license no longer exists. The Al Morse calling frequencies used by the ship station are dictated by the calling frequencies which are guarded by coast stations. The frequencies used by the ship station for narrow-band direct-printing are, also, dictated by those available at the coast station. The frequencies to be used for digital selective calling are available to all ships. On the other hand, it is necessary to distribute the Al Morse working frequencies evenly to United States registry vessels.*

46. In Appendix 3, attached, we show which Al Morse working frequencies (by Series Nos.) will be included on the ship station license at the time of next modification. As set forth in proposed Section 83.319(c), we indicated the two Series Nos. (Al working frequencies) which, on a routine basis, should be used. However, any of the other Series Nos. may be used by the ship station when the two indicated Series Nos. are not adequate. Upon completion of the installation of the required frequencies about ship, United States vessels should, to the maximum extent practicable, operate on those Al Morse working frequencies which are not harmonically related (see Section 83.319(a)).

47. Appendix 3 has been prepared from our files, which are in constant use, and it is possible that some vessel(s) has been overlooked. Such oversight should be called to our attention by the most convenient means, either in writing or by telephone. In Appendix 3, to provide as complete data as practicable, we have also included those small recreational vessels which are authorized to employ Al Morse radiotelegraphy, but which under Section 83.315, are not required to fit frequency synthesis units.

48. Any application for modification of license to comply with any rule amendments adopted herein may be submitted without a fee.

49. Editorial changes will also be made in Part 13 of the Rules (Commercial Radio Operators) so that the operator requirements in Part 13 will conform with those in Parts 81 and 83.

50. Comments are specifically invited to the proposed requirement that shipboard transmitters be capable of operation on all frequencies of Appendices 15c and 15d of the Radio Regulations. Comments are also invited as to alternative methods of implementing WMARC 1974 regulations, as well as the desirability of requiring a frequency tolerance of 20 Hz.

51. The proposed amendments to the rules, as set forth in the Appendix are issued pursuant to the authority contained in Section 303(c), (f), (g), and (r) of the Communications Act of 1934, as amended, and in the Final Acts of the World Maritime Administrative Radio Conference, Geneva, 1974, which sets forth amendments to the international Radio Regulations, Geneva, 1968 Edition.

52. Pursuant to applicable procdeures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before July 26, 1976, and reply comments on or before August 10, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

53. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: May 17, 1976.

Released: June 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 2, 81, and 83 of Chapter I, Title 47, Code of Federal Regulations, are amended as follows:

A. PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In Section 2.303, the existing paragraph is amended and designated as (a) and a new paragraph (b) is added, to read as follows:

§ 2.303 Other forms of identification of stations.

(a) The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing form of identification readily recognized internationally. Reference should be made to the appropriate part of the rules for complete information on identification procedures for each service.

Class of station	*Identification, other than assigned call sign*
• •	• • •
Ship telephone	When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 MHz: Name of ship. Digital selective call.
Ship telegraph	Digital selective call.
Public coast (radiotelephone).	The approximate geographic location in a format approved by the Commission. Coast station identification number.
Public coast (radiotelegraph).	Coast station identification number.
• •	• • •

(b) Digital selective calls will be authorized by the Commission and will be formed by groups of numbers (0 through 9), however, the first digit must be other than 0, as follows:

(1) Coast station identification number: 4 digits.

(2) Ship station selective call number: 5 digits.

(3) Predetermined group of ship stations: 5 digits repeated 5 times, or 2 different digits repeated alternatively.

2. Section 2.106 is amended to read as follows:

§ 2.106 Table of Frequency Allocations.

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Band (in kilohertz) 7	Service 8	Class of station 9	Frequency 10	Nature (of services and stations) 11
• •	• •	• •	• •	• •
4063 to 4143.6	Maritime mobile	Ship		Ship (telephony, duplex).
4143.6 to 4146.6 (US82)	do	Ship; coast	4145	Ship; coast (telephony, simplex).
4146.6 to 4162.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
4162.5 to 4166	do	Ship; buoy; Interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
4166 to 4170	do	Ship	4168	Ship (wide-band telegraphy, facsimile and special transmission systems).
4170 to 4177.25	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
4177.25 to 4179.75	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
4179.75 to 4187.2	do	do		Ship (calling, Al Morse telegraphy).
4187.2 to 4188	do	do	4187.6	Ship (digital selective calling).
4188 to 4219.4	do	do		Ship (working, Al Morse telegraphy).
4219.4 to 4349.4	do	Coast		Coast (wide-band and Al Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
4349.4 to 4356.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
4356.75 to 4357.4	do	do	4357	Coast (digital selective calling)
4357.4 to 4438	do	do		Coast (telephony, duplex).
• •	• •	• •	• •	• •
6200 to 6218.6	Maritime Mobile	Ship		Ship (telephony, duplex).
6218.6 to 6224.6 (US82)	do	Ship; coast		Ship; coast (telephony, simplex).
6224.6 to 6244.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
6244.5 to 6248	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
6248 to 6256	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
6256 to 6267.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
6267.75 to 6269.75	do	do		Ship (nonpaired, narrow-band direct printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
6269.75 to 6280.8	do	do		Ship (calling, Al Morse telegraphy).
6280.8 to 6282	do	do	6281.4	Ship (digital selective calling).
6282 to 6325.4	do	do		Ship (working, Al Morse telegraphy).
6325.4 to 6493.9	do	Coast		Coast (wide-band and Al Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems) (NG27).
6493.9 to 6505.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
6505.75 to 6506.4	do	do	6506	Coast (digital selective calling).
6506.4 to 6525	do	do		Coast (telephony, duplex).
• •	• •	• •	• •	• •
8195 to 8291.1	Maritime mobile	Ship		Ship (telephony, duplex).
8291.1 to 8297.3 (US82)	do	Ship; coast		Ship; coast (telephony, simplex).

*The Commission is exploring with various government agencies the need for reserving several Series Numbers from Section 83.319 (d) for maritime mobile use by Government ship stations.

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Band (in kilohertz)	Service	Class of station	Frequency	Nature (of services and stations)
7	8	9	10	11
8297.3 to 8300	do	Ship		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8033 to 8328	do	do		Ship (wide-band telegraphy, facsimile and special transmission systems).
8328 to 8331.5	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
8331.5 to 8343.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
8343.5 to 8357.25	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8357.25 to 8357.75	do	do	8357.5	Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8357.75 to 8359.75	do	do		Ship (working, A1 Morse telegraphy).
8359.75 to 8374.4	do	do		Ship (calling, A1 Morse telegraphy).
8374.4 to 8376	do	do	8375.2	Ship (digital selective calling).
8376 to 8435.4	do	do		Ship (working, A1 Morse telegraphy).
8435.4 to 8704.4	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
8704.4 to 8718.25	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
8718.25 to 8718.9	do	do	8718.5	Coast (digital selective calling).
8718.9 to 8815	do	do		Coast (telephony, duplex).
•	•	•	•	•
12330 to 12429.2	Maritime mobile	Ship		Ship (telephony, duplex).
12429.2 to 12439.5 (US82).	do	Ship; coast		Ship; coast (telephony, simplex).
12439.5 to 12479.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
12479.5 to 12483	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
12483 to 12491	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
12491 to 12519.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
12519.75 to 12526.75	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
12526.75 to 12539.6	do	do		Ship (working, A1 Morse telegraphy).
12539.6 to 12561.6	do	do		Ship (calling, A1 Morse telegraphy).
12561.6 to 12564	do	do	12562.3, 12562.8.	Ship (digital selective calling).
12564 to 12652.3	do	do		Ship (working, A1 Morse telegraphy).
12652.3 to 13070.8	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
13070.8 to 13099.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
13099.75 to 13100.8	do	do	13100, 13100.5.	Coast (digital selective calling).
13100.8 to 13200	do	do		Coast (telephony, duplex).
•	•	•	•	•
16460 to 16587.1	Maritime mobile	Ship		Ship (telephony, duplex).
16587.1 to 16596.4 (US82).	do	Ship; coast		Ship; coast (telephony, simplex).
16596.4 to 16636.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
16636.5 to 16640	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
16640 to 16650	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
16650 to 16694.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).

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Band (in kilohertz)	Service	Class of station	Frequency	Nature (of services and stations)
7	8	9	10	11
16694.75 to 16705.8	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
16705.8 to 16719.8	do	do		Ship (working, A1 Morse telegraphy).
16719.8 to 16748.8	do	do		Ship (calling, A1 Morse telegraphy).
16748.8 to 16752	do	do	16749.9, 16750.4.	Ship (digital selective calling).
16752 to 16859.4	do	do		Ship (working, A1 Morse telegraphy).
16859.4 to 17196.9	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
17196.9 to 17231.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
17231.75 to 17232.9	do	do	17232, 17232.5.	Coast (digital selective calling).
17232.9 to 17360	do	do		Coast (telephony, duplex).
•	•	•	•	•
22000 to 22124	Maritime mobile	Ship		Ship (telephony, duplex).
22124 to 22139.5 (US82)	do	Ship; coast		Ship; coast (telephony, simplex).
22139.5 to 22160.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
22160.5 to 22164	do	Ship; buoy; interrogating coast.		Ship; buoy; interrogating coast (oceanographic data transmission).
22164 to 22192	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
22192 to 22225.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22225.75 to 22227	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22227 to 22247	do	do		Ship (calling, A1 Morse telegraphy).
22247 to 22250	do	do	22248, 22248.5.	Ship (digital selective calling).
22250 to 22310.5	do	do		Ship (working, A1 Morse telegraphy).
22310.5 to 22561	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
22561 to 22594.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22594.75 to 22596	do	do	22595, 22595.5.	Coast (digital selective calling).
22596 to 22720	do	do		Coast (telephony, duplex).
•	•	•	•	•
25.01 to 25.07	Land mobile	Base; land mobile	25.02 to 25.06 (NG32).	Industrial.
25.07 to 25.76	Maritime mobile	Ship		Ship (calling, A1 Morse telegraphy).
25.76 to 25.0901	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
25.0901 to 25.11	do	do		Ship (working, A1 Morse telegraphy).
25.11 to 25.33	Land mobile	Base; land mobile	25.12 to 25.32 (NG32).	Industrial.
•	•	•	•	•

B. PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In Section 81.143, paragraph (c) is amended and new paragraphs (d), (e) and (f) are added to read as follows:

§ 81.143 Narrow-band direct-printing radiotelegraph equipment.

• • • • • •

(c) (1) Class F1 emission shall be used, with a tonal frequency shift of 170 Hertz.

(2) When frequency shift keying is effected by applying audio signals to the input of a single-sideband transmitter, the suppressed (residual) carrier, when it falls outside the authorized bandwidth, shall be suppressed to the level prescribed by § 81.140. Further, the center audio frequency between the ±85 Hz tones shall be 1700 Hz, ±5 Hz, above the suppressed (residual) carrier.

(d) The higher of the emitted frequencies shall correspond to "space" (start), and the lower of the emitted frequencies shall correspond to "mark" (stop).

(e) Where an error control system is employed the apparatus shall be provided with a simple device to bypass the error control system to permit transmission and reception over the radio path of uncorrected signals conforming with (a), above.

(f) When an error-detecting and correcting system is used for direct-printing telegraphy in the maritime mobile service, a 7-unit ARQ system or a 7-unit forward acting error-correcting and indicating time diversity system, using the same code, shall be employed.

2. In Section 81.152, paragraph (d) is amended to read as follows:

§ 81.152 Operator required.

• • • • • •

(d) *Description of station*	*Minimum operator authorization*
Public coast telegraph, all classes	T–2.
Coast telephone, all classes, except in Alaska:	
Exceeds 250 W carrier power or 1,500 W peak envelope power	T–2 or P–2.
250 W or less carrier power; or 1,500 W or less peak envelope power operating on frequencies below 30 MHz	T–3 or P–3.
250 W or less carrier power, or 1,500 W or less peak envelope power operating on frequencies above 30 MHz	RP.
Coast telephone in Alaska:	
Exceeds 250 W carrier power; or 1,500 W peak envelope power, class I station	T–2 or P–2.
Exceeds 250 W carrier power, or 1,500 W peak envelope power, class II or class III station	T–3 or P–3.
250 W or less carrier power, or 1,500 W or less peak envelope power, all classes	RP.
Marine fixed, except in Alaska	T–3 or P–3.
Marine fixed, in Alaska	RP.
Marine utility coast	RP.
Shipyard base	RP.

• • • • • •

3. In Section 81.184, paragraphs (a) and (b) are amended and note deleted, to read as follows:

§ 81.184 Transmission of traffic lists by coast stations.

(a) Public coast stations are authorized to transmit, on their normal working frequencies in the appropriate bands, lists of official call signs (or, alternatively in the use of radiotelephony, the names of the respective ships), in alphabetical order insofar as practicable, of all mobile stations for which they have traffic on hand. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency that they are about to transmit such call lists on a specified frequency. These traffic lists shall be transmitted at intervals of:

(1) In the case of radiotelephony, at least two hours and not more than four hours during the working hours of the coast station.

(2) In the case of radiotelegraphy, at least one hour and not more than four hours during the working hours of the coast station.

(b) An announcement on a calling frequency that a coast station is about to transmit a call list on a specified working frequency shall be as brief as practicable, but in any event shall not be repeated more than twice.

4. The present text of Section 81.203 is redesignated 81.223 and a new Section 81.203 is adopted to read as follows:

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§ 81.203 Digital selective calling frequencies.

(a) The carrier frequencies set forth in the table below are available for use by each coast station authorized to employ frequencies in the band 4–27.5 MHz for calls to ship stations by means of digital selective calling. The associated reply frequencies are also shown.

Coast station transmit to ships (kilohertz) [1]	*Coast station receive from ships (kilohertz)* [1]
4357	4187.6
6506	6281.4
8718.5	8375.2
13100	12562.3
13100.5	12562.8
17232	16749.9
17232.5	16750.4
22595	22248
22595.5	22248.5

[1] These frequencies are available for use effective June 1, 1977.

(b) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, coast station authorized to employ narrow-band direct-printing (NB–DP) for communications with ship stations may, effective June 1, 1977, use the frequencies designated in paragraph (a) of this section for calls to ship stations fitted for the use of narrow-band direct-printing equipment.

(c) In using the frequencies indicated for transmission, coast stations should make reasonable effort to avoid the creation of interference to other coast stations employing the same frequencies.

(d) In calling ship stations by narrow-band direct-printing, the coast station shall use the ship station selective call number (5 digits) and effect self-identification by the use of the coast station identification number (4 digits).

(e) Calls to a ship station shall employ the following format:

Ship station selective call number, repeated twice;

"DE," sent once; and

Coast station identification number, repeated twice.

(f) When the ship station does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes.

5. The present text of Section 81.204 is redesignated § 81.224 and a new Section 81.204 is adopted to read as follows:

§ 81.204 Assignable frequencies—Narrow-band direct-printing radiotelegraph and data transmission systems.

(a) Each of the specific frequencies set forth in the following table under the column headed "coast transmit" may be licensed as an assigned frequency for use by coast stations employing narrow-band direct-printing radiotelegraphy for communication with ship stations employing the same system, subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided*, That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations:

[In kilohertz]

Series No.	4 MHz band		6 MHz band		8 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
1	4350	4170.5	6491.5	6256.5	8705	8344
2	4350.5	4171	6495	6257	8705.5	8344.5
3	4351	4171.5	6495.5	6257.5	8706	8345
4	4351.5	4172	6496	6258	8706.5	8345.5
5	4352	4172.5	6496.5	6258.5	8707	8346
6	4352.5	4173	6497	6259	8707.5	8346.5
7	4353	4173.5	6497.5	6259.5	8708	8347
8	4353.5	4174	6498	6260	8708.5	8347.5
9	4354	4174.5	6498.5	6260.5	8709	8348
10	4354.5	4175	6499	6261	8709.5	8348.5
11	4355	4175.5	6499.5	6261.5	8710	8349
12	4355.5	4176	6500	6262	8710.5	8349.5
13	4356	4176.5	6500.5	6262.5	8711	8350
14	4356.5	4177	6501	6263	8711.5	8350.5
15			6501.5	6263.5	8712	8351
16			6502	6264	8712.5	8351.5
17			6502.5	6264.5	8713	8352
18			6503	6265	8713.5	8352.5
19			6503.5	6265.5	8714	8353
20			6504	6266	8714.5	8353.5
21			6504.5	6266.5	8715	8354
22			6505	6267	8715.5	8354.5
23			6505.5	6267.5	8716	8355
24					8716.5	8355.5
25					8717	8356
26					8717.5	8356.5
27					8718	8357

Series No.	12 MHz band		16 MHz band		22 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
1	13071.5	12491.5	17197.5	16660.5	22561.5	22102.5
2	13072	12492	17198	16661	22562	22103
3	13072.5	12492.5	17198.5	16661.5	22562.5	22103.5
4	13073	12493	17199	16662	22563	22104
5	13073.5	12493.5	17199.5	16662.5	22563.5	22104.5
6	13074	12494	17200	16663	22564	22105
7	13074.5	12494.5	17200.5	16663.5	22564.5	22105.5
8	13075	12495	17201	16664	22565	22106
9	13075.5	12495.5	17201.5	16664.5	22565.5	22106.5
10	13076	17496	17202	16665	22566	22197
11	13076.5	12496.5	17202.5	16665.5	22566.5	22107.5
12	13077	12497	17203	16666	22567	22198
13	13077.5	12497.5	17203.5	16666.5	22567.5	22108.5
14	13078	12498	17204	16667	22568	22199
15	13078.5	12498.5	17204.5	16667.5	22568.5	22199.5
16	13079	12499	17205	1668	2256[illegible]	22200
17	13079.5	12499.5	17205.5	16668.5	22569.5	22200.5
18	13080	12500	17206	16669	22570	22201
19	13080.5	12500.5	17206.5	16669.5	22570.5	22201.5
20	13081	12501	17207	16670	22571	22202
21	13081.5	12501.5	17207.5	16670.5	22571.5	22202.5
22	13082	12502	17208	16671	22572	22 23
23	13082.5	12502.5	17208.5	16671.5	22572.5	22203.5
24	13083	12503	17209	16672	22573	22204
25	13083.5	12503.5	17209.5	16672.5	22572.5	22204.5
26	13084	12504	17210	16673	22574	22205
27	13084.5	12504.5	17210.5	16673.5	22574.5	22205.5
28	13085	12505	17211	16674	22575	22206
29	13085.5	12505.5	17211.5	16674.5	22575.5	22206.5
30	13086	12506	17212	16675	22576	22207
31	13086.5	12506.5	17212.5	16675.5	22576.5	22207.5
32	13087	12507	17213	16676	22577	22208
33	13087.5	12507.5	17213.5	16676.5	22577.5	22208.5
34	13088	12508	17214	16677	22578	22209
35	13088.5	12508.5	17214.5	16677.5	22578.5	22209.5
36	13089	12509	17215	16678	22579	22210
37	13089.5	12509.5	17215.5	16678.5	22579.5	2210.5
38	13090	12510	17216	16679	22580	11
39	13090.5	12510.5	17216.5	16679.5	22580.5	11 5
40	13091	12511	17217	16680	22581	22212
41	13091.5	12511.5	17217.5	16680.5	22581.5	22212.5
42	13092	12512	17218	16681	22582	22213
43	13092.5	12512.5	17218.5	16681.5	22582.5	22213.5
44	13093	12513	17219	16682	22583	22214
45	13093.5	12513.5	17219.5	16682.5	22583.5	22214.5
46	13094	12514	17220	16683	22584	22215
47	13094.5	12514.5	17220.5	16683.5	22584.5	22215.5
48	13095	12515	17221	16684	22585	22216
49	13095.5	12515.5	17221.5	16684.5	22585.5	22216.5
50	13096	12516	17222	16685	22586	22217
51	13096.5	12516.5	17222.5	16685.5	22586.5	22217.5
52	13097	12517	17223	16686	22587	22218
53	13097.5	12517.5	17223.5	16686.5	22587.5	22218.5
54	13098	12518	17224	16687	22588	22219
56	13098.5	12518.5	17224.5	16687.5	22588.5	22219.5

Series No.	12 MHz band		16 MHz band		22 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
56	13099	12519	17225	16688	22589	22220
57	13099.5	12519.5	17225.5	16688.5	22589.5	22220.5
58			17226	16689	22590	22221
59			17226.5	16689.5	22590.5	22221.5
60			17227	16690	22591	22222
61			17227.5	16690.5	22591.5	22222.5
62			17228	16691	22592	22223
63			17228.5	16691.5	22592.5	22223.5
64			17229	16692	22593	22224
65			17229.5	16692.5	22593.5	22224.5
66			17230	16693	22594	22225
67			17230.5	16693.5	22594.5	22225.5
68			17231	16694		
69			17231.5	16694.5		

(b) The procedures set forth in this paragraph shall be used, except in cases of distress, urgency or safety, when communicating by means of narrow-band direct-printing (NB–DP) radiotelegraphy with ship stations. In that regard:

(1) Traffic may be exchanged with or without the use of error-correcting equipment.

(2) For communication between two stations, the ARQ mode should be used when available.

(3) For transmissions to two or more ship stations, the forward-error-correcting mode should be used when available.

(4) When using (paired) frequencies set forth in paragraph (a) of this section, the coast station shall receive the ship station on the frequencies, indicated in the table under "coast receive," which are paired with the frequencies used by the coast station. Cross-band operation is prohibited between coast station transmissions on frequencies listed in another section of this part and ship station transmissions on frequencies listed in paragraph (a) of this section.

(5) When receiving ship station transmissions on (non-paired) NB–DP frequencies, the coast station shall transmit on one or another of the frequencies listed in Section 81.206. Special arrangements may be made between a coast station and ship stations, or shipping companies, for the use of specific frequencies.

(6) Calls to ship stations by NB–DP shall normally be made by radio-teleprinter on the frequencies of Section 81.203(a), or on the NB–DP frequencies assigned to the coast station. The routine use of A1 Morse radiotelegraphy frequencies for the setting up of a NB–DP circuit is not authorized. Provided, however, That coast stations may, when the above alternatives are unsuccessful, call ship stations by A1 Morse radiotelegraphy, shift to A1 Morse radiotelegraphy working frequencies, and complete arrangements for setting up a NB–DP circuit.

(c) Subject to and in accordance with the provisions of paragraph (a) and (b) of this section, coast radiotelegraph stations may, upon grant of a proper application, be authorized to employ the coast transmit frequencies specified in the indicated Series No., as set forth in paragraph (a) of this section, as follows:

Call letters of coast station:	*NB–DP series No., available June 1, 1977*
KFS	1, 3, 16, 28, 47
KHK	10, 22, 42
KLB	8, 33, 50
KLC	8, 17, 48
KOK	6, 30, 49
KPH	13, 14, 21, 22, 38
WAX	10, 15, 36
WCC	13, 14, 21, 22, 38
WLO	5, 7, 54
WNU	2, 19, 52, 57
WOE	6, 21, 26, 42
WPA	11, 22, 44
WSC	9, 18, 40
WSL	1, 3, 16, 28, 47

7. The present text of Section 81.205 is redesignated § 81.225 and a new Section 81.205 is adopted to read as follows:

§ 81.205 Narrow-band direct-printing (NB–DP) operating procedure.

(a) When both terminals of the NB–DP circuit are satisfied that the circuit is in operable condition, the message preamble shall be transitted in the following format:

One carriage return and one line feed:

Serial number or number of the message;

The name of the office of origin;

The number of words;

The date of handing in of the message;

The time of handing in of the message; and

Any service instructions. (See CCITT, Geneva 1972, Section 6 of the General provisions applying to all methods of working.)

(b) Upon completion of transmission of the preamble, the address, the text and the signature shall be transmitted as received from the sender.

(c) Upon completion of transmission of the signature, the coast station shall, following the signal "COL", routinely repeat all service indications in the address and for figures or mixed groups of letters, figures or signs in the address, text or signature.

(d) In telegrams of more than 50 words, routine repetition shall be given at the end of each page.

(e) The provisions of paragraphs (a) through (d) of this section may or not, at the discretion of the user, be utilized when a direct connection between ship station and addressee, or vice versa, is employed.

8. In Section 81.206, the table following paragraph (a) is amended by the deletion and, in lieu thereof, the addition of direct replacement frequencies, as follows:

Area	Delete (kilohertz) [1]	Direct replacement (kilohertz) [2]
North Atlantic	6502	6333.5
	6505.5	6337
	6512.5	6344
	17247.4	16904.9
	22599	22348.5
	22617	22366.5
South Atlantic	8722	8453
	13078.5	12660
	17199.2	16861.7
	22569	22318.5
Central Pacific	4358	4228
	8714	8445
	17184.8	16847.3
South Pacific	8714	8445
	8722	8453
	13078.5	12660
	17206.8	16871.3
	22569	22318.5
Puerto Rico	8726	8457
	13119	12700.5

[1] The deleted frequencies will be removed from service on or before July 31, 1976, or simultaneous with implementation of the direct replacement frequencies.

[2] The direct replacement frequencies will be brought into service between June 2 and July 31, 1976.

9. In Section 81.207, paragraph (e) is amended and a new paragraph (f) is added to read as follows:

§ 81.207 Frequencies for call and reply.

. . . . . .

(e) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed until June 1, 1977.

. . . . . .

(f) The frequencies set forth in the table below are available for use by coast radiotelegraph stations for calls to ship stations by means of digital selective calling. The associated reply frequencies are also shown.

Coast transmit to ships (Kilohertz) [1]	*Coast receive from ships (Kilohertz)* [1]
4357	4187.6
6506	6281.4
8718.5	8375.2
13100	12562.3
13100.5	12562.8
17232	16749.9
17232.5	16750.4
22595	22248
22595.5	22248.5

[1] These frequencies are available for use effective June 1, 1977.

10. The present text of Section 81.208 is redesignated § 81.218 and subparagraph (d)(3) thereof is deleted.

11. The numbering of six sections (§§ 81.209 through 81.214) is changed and redesignated (§§ 81.219 through 81.224), as follows:

Changed from—	*Changed to and redesignated*
81.209	81.219
81.210	81.220
81.211	81.221
81.212	81.222
81.213	81.223
81.214	81.224

12. A new Section 81.209 is added, to read as follows:

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§ 81.209 Watch on ship calling frequencies.

(a) Coast stations shall maintain a continuous listening watch, subject to normal variations in radio propagation, during their working hours for calls from ship stations on frequencies as set forth in the following table:

[Kilohertz]

Area	Channel series	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
WAX, WCC, WMH, WOE, WSC, WSL, WSV.	C3	4181	6271.5	8362	12543	16721	22228	25071
	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
KLC, WLO, WNU, WPA, WPD.	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
	C9	4183.4	6275.1	8366.8	12550.2	16733.6	22236	25071
KHK, KFS, KLB, KOK, KPH.	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
	C13	4185	6277	8370	12555	16740	22240	25075

(b) The receiving installation employed on each designated frequency shall fulfill the following requirements:

(1) The receiving antennas provided shall be capable of effective and efficient reception of calls from ship stations on each of the designated frequencies.

(2) The transmission lines connecting antennas and receivers shall provide a minimum of attenuation of incoming signals.

(3) When more than one receiver is operated from a single antenna, means shall be provided to minimize the attenuation of incoming signals and interaction between receivers.

(c) The receivers employed shall:

(1) Be capable of being accurately set to and of being reset to any one of the designated calling frequencies in each band for which the receiver is intended to operate. The time required to set or to reset the receiver to frequency shall not exceed 5 seconds.

(2) Have a selectivity capability such that it will reject signals on adjacent channels 500 Hz removed.

(3) Have a long term frequency stability of not more than 50 Hz, and shall not require recalibration more often than once each 90 days.

(4) Have a minimum sensitivity of 2 microvolts across receiver input terminals of 50 Ohms, or equivalent.

(5) Provide a power output and audio frequency response adequate to drive headphones, loudspeakers, and/or recording equipment, as necessary to meet normal station operations. The harmonic audio distortion shall not exceed five percent (5%) at any rated output power.

C. PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.131, paragraph (b) is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * * *

(b) * * *

Frequency ranges:		*Tolerance—parts in 10^6 unless shown as hertz*
(1)	From 100 to 535 kHz:	
(i)	For transmitter using A2H emission, type accepted or type approved before Jan. 1, 1976	50 Hz
(ii)	For transmitters using other than A2H emissions and classes of emission specified in (2) and (3), below, type accepted or type approved before Jan. 1, 1976	1,000
(iii)	For transmitters, type accepted or type approved after Jan. 1, 1976	20 Hz
(2)	From 100 to 535 kHz: Emergency transmitter only, the use of which is certified solely to safety communications or defined in sec. 83.6(a), type accepted or type approved:	
(i)	Before Jan. 1, 1976	3,000
(ii)	After Jan. 1, 1976	20 Hz
(3)	Survival craft stations on 500 kHz: For transmitters, type accepted or type approved:	
(i)	Before Jan. 1, 1976	5,000
(ii)	After Jan. 1, 1976	20 Hz
(4)	Ship stations from 1,605 to 2,070 and 2,080 to 3,500 kHz:	
(i)	For transmitters using other than A3A, A3H, and A3J emissions, type accepted or type approved before Jan. 1, 1976	200
(ii)	For transmitters using A3A, A3H, and A3J emissions, type accepted or type approved before Jan. 1, 1976	50 Hz
(iii)	For transmitters type accepted or type approved after Jan. 1, 1976	20 Hz
(5)	Ship stations from 2,070 to 2,080 kHz: For transmitters type accepted or type approved:	
(i)	Before Jan. 1, 1976	50
(ii)	After Jan. 1, 1976	20 Hz

Frequency ranges:		*Tolerance—parts in 10^6 unless shown in hertz*
(6)	Survival craft stations on 2,182 kHz: For transmitters type accepted or type approved:	
(i)	Before Jan. 1, 1976	200
(ii)	After Jan. 1, 1976	20 Hz
(7)	Stations when using frequencies within the band 4,000 to 27,500 kHz:	
(i)	Ship stations using emission A1 with transmitters type accepted or type approved:	
	(a) Before Jan. 1, 1976	50
	(b) After Jan. 1, 1976	20 Hz
(ii)	Ship stations using frequencies allotted for narrow-band direct-printing telegraph and data transmission system with transmitters type accepted or type approved:	
	(a) Before Jan. 1, 1976	50 Hz
	(b) After Jan. 1, 1976	20 Hz
(iii)	Ship stations using A3A, A3H, or A3J emissions with transmitters type accepted or type approved:	
	(a) Before Jan. 1, 1976	50 Hz
	(b) After Jan. 1, 1976	20 Hz
(iv)	Ship stations using emissions other than (i), (ii), or (iii), above, with transmitters type accepted or type approved:	
	(a) Before Jan. 1, 1976	50
	(b) After Jan. 1, 1976	20 Hz
(v)	Survival craft stations on 8364 kHz with transmitters type accepted or type approved:	
	(a) Before Jan. 1, 1976	200
	(b) After Jan. 1, 1976	20 Hz

* * * * * *

2. In Section 83.133, the table following paragraph (a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kHz)
A1	0.16A1	0.1
A2	2.66A2	2.8
A3	6A3	8.0
A9	3.2A9	[1] 8.0
F1	0.3 F1 [1]	[1] 0.5
F3	16F3 [2]	[2] 20.0
F3	36F3 [1]	[3] 40.0
F9	2000F9	20000
PO	(4)	(4)
A3A	2.8A3A	[4] 3.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
A3B	5.6A3B	7.0

[1] * * *
[2] * * *
[3] * * *
[4] * * *
[4] Variable.

* * * * * *

3. In Section 83.134, paragraph (d) is amended to read as follows:

§ 83.134 Transmitter Power.

* * * * * *

(d) Other than for the frequencies specified in § 83.360 and as may be specified in the specific limitations in § 83.351, transmitter power for telephony on frequencies below 27.5 MHz shall not exceed the following values in watts:

Area	Frequency band (MHz)	Class of emission	Transmitter power
Great Lakes Area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2-27.5	Any	150
Other than the above	2-4	Ship to shore:	
		A3	[1] [3] 400
		A3H, A3A, A3J	[1] [2] [3] 150
		Ship to ship:	
		A3	150
		A3H, A3A, A3J	150
	4-27.5	Any	[4] 1500

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kHz is 150 W.
[2] Except for the limitation specified in footnote 1 to this table, for cargo vessels of 300 gross tons and over this value is 500 W.
[3] Except for the limitation specified in footnote 1 to this table, passenger vessels of 5,000 gross tons and over this value is 1,000 W.
[4] For passenger vessels of 5,000 gross tons and over this value is 3000 W.

* * * * * *

4. In Section 83.143, paragraph (c) is amended and new paragraphs (d), (e), and (f) are added to read as follows:

§ 83.143 Narrow-band direct-printing radiotelegraph equipment.

* * * * * *

(c) (1) Class F1 emission shall be used, with a total frequency shift of 170 Hertz.

(2) When frequency shift keying is effected by applying audio signals to the input of a single-sideband transmitter, the suppressed (residual) carrier, when it falls outside the authorized bandwidth shall be suppressed to the level prescribed by § 83.136. Further, the center audio frequency between the ±85 Hz tones shall be 1700 Hz, ±5 Hz, above the suppressed (residual) carrier.

(d) The higher of the emitted frequencies shall correspond to "space" (start), and the lower of the emitted frequencies shall correspond to "mark" (stop).

(e) Where an error control system is employed the apparatus shall be provided with a simple device to by-pass the error control system to permit transmission and reception over the radio path of uncorrected signals conforming with (a), above.

(f) When an error-detecting and correcting system is used for direct-printing telegraphy in the maritime mobile service, a 7-unit ARQ system or a 7-unit forward acting error-correcting and indicating time diversity system, using the same code, shall be employed.

5. In Section 83.155, paragraphs (d) and (e) are amended to read as follows:

§ 83.155 Operator(s) required by Title III of Communications Act of 1934.

* * * * * *

(d) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act is equipped with a radiotelephone station shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

(e) Each vessel of the United States transporting more than six passengers for hire, which in accordance with Part III of Title III of the Communications Act is equipped with a radiotelephone installation, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

6. In Section 83.156, paragraph (b) is amended to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

* * * * * *

(b) Each cargo ship of the United States which is not subject to Part II of

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Title III of the Communications Act but which in accordance with the radio provisions of the Safety Convention is equipped with a radiotelephone station, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power such operator shall, as a minimum, hold a radiotelephone second-class operator license.

7. Section 83.159 is amended to read as follows:

§ 83.159 Operator requirements for noncompulsory stations.

Description of station	*Minimum operator authorization*
Public ship telegraph, all categories.	T–2.
Public or limited ship telephone, more than 250 watts carrier power or 1,500 watts peak envelope power.	T–2 or P–2.
Public or limited ship telephone, not more than 250 watts carrier power or 1,500 watts peak envelope power.	R.P.
Marine utility ship	R.P.
Ship radiolocation-test, using radar only.	P–2, with ship radar endorsement, or T–2, with ship radar endorsement.

8. [Not used]

9. The present text of § 83.315 is redesignated § 83.332 and a new § 83.315 is adopted to read as follows:

§ 83.315 Authorized frequencies.

(a) The tables in §§ 83.316, 83.317, 83.318, 83.319, 83.320 and 83.321 set forth the carrier frequencies, which, when authorized by a station license may be used by ship stations employing A1 Morse or narrow-band direct-printing radiotelegraphy for communication with ship or coast stations.

(b) Frequencies available for assignment for manual Morse radiotelegraphy in the bands between 90 kHz and 27.5 MHz are designated in the respective sections, as follows:

(1) In § 83.316, ship calling and working frequencies, 90–160 and 405–535 kHz.

(2) In § 83.317, Calling frequencies—A1 Morse radiotelegraphy. (C1–C18)

(3) In § 83.318, Digital selective calling frequencies.

(4) In § 83.319, Working frequencies—A1 Morse radiotelegraphy. (W1–W62)

(5) In § 83.320, Working frequencies—Narrow-band direct-printing telegraph and data transmission systems—paired. (R1–R69)

(6) In § 83.321, Working frequencies—Narrow-band direct-printing telegraph and data transmission systems—nonpaired. (P1–P28)

(c) Frequencies in the bands between 2 and 27.5 MHz assigned in accordance with this section to a station or a particular vessel will be retained on the license of that station, should the station be relicensed at a later date to a different licensee.

(d) After June 1, 1977, each radiotelegraph ship station aboard vessels of 1600 gross tons and over which ply international routes, and which are fitted for operation on frequencies in the bands between 4 and 27.5 MHz, shall be capable of operating on all of the frequencies in each band for the type of service (A1 Morse, narrow-band direct-printing, etc.) intended to be provided by the ship station.

10. The present text of § 83.317 is redesignated § 83.333 and a new § 83.317 is adopted to read as follows:

§ 83.317 Calling frequencies — A1 Morse radiotelegraphy.

(a) Ship radiotelegraph calling frequencies in the bands between 2 and 27.5 MHz are set forth in the seven tables of this section. All of these frequencies are available to all properly authorized ship stations. In paragraphs (c) through (f) the calling frequencies are arranged by Channel Series numbers. The Channel Series which is routinely guarded by coast radiotelegraph stations at United States locations is marked by appropriate footnote. The specific frequencies of the Channel Series which are guarded at a coast station will vary subject to normal propagation conditions. For vessels operating internationally, the calling frequencies which are routinely guarded at coast stations at other than United States locations can be determined by reference to the ITU publication entitled "List of Coast Stations". The world-wide plan for the distribution and use of calling frequencies appears in Appendix 15C and Resolution No. MAR 2–5 to the current edition of the ITU Radio Regulations.

(b) Each ship station aboard a vessel of 1600 gross tons or over which is authorized to employ A1 Morse radiotelegraphy shall be fitted for use of channel series 1 through 18, as follows:

[Band]

Channel series	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
1	4180.2	6270.3	8360.4	12540.6	16720.8	22230	25071
2	4180.6	6270.9	8361.2	12541.8	16712.4	22230	25071
3	4181	6271.5	8362	12543	16724	22228	25071
4	4181.4	6272.1	8362.8	12544.2	16725.6	22228	25071
5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
7	4182.6	6273.9	8365.2	12547.8	16730.4	22238	25071
8	4183	6274.5	8366	12549	16732	22238	25071
9	4183.4	6275.1	8366.8	12550.2	16733.6	22236	25071
10	4183.8	6275.7	8367.6	12551.4	16735.2	22236	25071
11	4184.2	6276.3	8368.4	12552.6	16736.8	22242	25075
12	4184.6	6276.9	8369.2	12553.8	16738.4	22242	25075
13	4185	6277.5	8370	12555	16740	22240	25075
14	4185.4	6278.1	8370.8	12556.2	16741.6	22240	25075
15	4185.8	6278.7	8371.6	12557.4	16743.2	22246	25075
16	4186.2	6279.3	8372.4	12558.6	16744.8	22246	25075
17	4186.6	6279.9	8373.2	12559.8	16746.4	22244	25075
18	4187	6280.5	8374	12561	16748	22244	25075

(c) World-wide common channels.

Channel Series 5 (C5): 4181.8, 6272.7, 8363.6, 12545.4, 16727.2, 22232.0, 25073.0 kHz.[1]
Channel Series 6 (C6): 4182.2, 6273.3, 8364.4, 1254.6, 16728.8, 2234.0, 25073.0 kHz.[1]

[1] Routinely guarded by all coast radiotelegraph stations.

(d) East Coast.

[In kilohertz]

C1	C2	C3[1]	C4
4180.2	4180.6	4181.0	4181.4
6270.3	6270.9	6271.5	6272.1
8360.4	8361.2	8362.0	8362.8
12540.6	12541.8	12543.0	12544.2
16720.8	16722.4	16724.0	16725.6
22228.0	22228.0	22228.0	22228.0
22230.0	22230.0	----------	22230.5
25071.0	25071.0	25071.0	25071.0

[1] Routinely guarded by all east coast radiotelegraph stations.

(e) Gulf Coast, Puerto Rico, and Virgin Islands.

[In kilohertz]

C7	C8	C9[1]	C10
4182.6	4183.0	4183.3	4183.8
6273.9	6274.5	6275.1	6275.7
8365.2	8366.0	8366.8	8367.6
12547.8	12549.0	12550.2	12551.4
16730.4	16732.0	16733.6	16735.2
22236.0	22236.0	22236.0	22238.0
22238.0	22238.0	----------	22238.0
25071.0	25071.0	25071.0	25071.0

[1] Routinely guarded by all gulf coas adiotelegraph stations.

(f) West Coast, Guam, and Hawaii.

[In kilohertz]

C11	C12	C13[1]	C14
4184.2	4184.6	4185.0	4185.4
6276.3	6276.9	6277.5	6278.1
8368.4	8369.2	8370.0	8370.8
12552.6	12553.8	12555.0	12556.2
16736.8	16738.4	16740.0	16741.6
22242.0	22240.0	22240.0	22250.0
22242.0	22242.0	----------	22242.0
25075.0	25075.0	25075.0	25075.0

[1] Routinely guarded by all west coast radiotelegraph stations.

(g) American Samoa.

[In kilohertz]

C15	C16	C17	C18
4185.8	4180.2	4186.6	4187.0
6278.7	6279.3	[1] 6279.9	6280.5
8371.6	8372.4	[1] 8373.2	8374.0
12557.4	12558.6	12559.8	12561.0
16743.2	16744.8	16746.4	16748.0
22244.0	22244.0	22244.0	22244.0
22246.0	22246.0	----------	22248.0
25075.0	25075.0	25075.0	25075.0

[1] Routinely guarded.

(h) The frequencies set forth in this paragraph are available for use by any ship station authorized to employ A1 Morse radiotelegraphy. The conditions of use are set forth in Section 83.323 (b) and (c).

kHz	*kHz*
2089.75	2091.25
2090	2091.50
2090.25	2091.75
2090.50	2092
2090.75	2092.25
2091	

(i) Initial calls by ship stations shall be made on the appropirate frequencies of Channel Series 3, 9, 13, or 17. Routinely, calls shall not be made on Channel Series 5 or 6 until after calls on the appropriate frequencies of Channel Series, 3, 9, 13, or 17 have been unsuccessful.

(j) The transition by ship stations from the calling frequencies set forth in Section 83.334 (C1 through C9 and CS) to the calling frequencies set forth in this Section (C1 through C18) shall be effected in an orderly manner and shall commence June 1, 1976 and be completed on or before June 1, 1977. During the interim period between June 1, 1976 and June 1, 1977, the calling frequencies set forth in this section and in Section 83.334 will be available for use by ship stations. Effective June 1, 1977, Section 83.334 is deleted.

10. The present text of Section 83.318 is redesignated Section 83.334 and a new Section 83.318 is added to read as follows:

§ 83.318 Digital selective calling frequencies.

(a) The frequencies set forth in the table below are available for use by ship stations for calls to coast radiotelegraph stations by means of digital selective calling. The associated reply frequencies are also shown.

Ship station transmit to coast (kHz)[1]	*Ship station receive from coast (kHz)*[1]
4187.6	4357
6281.4	6506
8675.2	8718.5
12562.3	13100
12562.8	13100.5
16749.9	17232
16750.4	17232.5
22248	22595
22248.5	22595.5

[1] These frequencies are available for use effective June 1, 1977.

(b) When the frequencies specified in paragraph (a) of this section are used for calling by narrow-band direct-printing, the procedures set forth in Section 83.329 shall be applicable.

11. The present text of § 83.319 is redesignated § 83.335 and a new § 83.319 is adopted to read as follows:

§ 83.319 Working Frequencies—A1 Morse Radiotelegraphy.

(a) Ship radiotelegraph working frequencies are set forth in Table (d) of this section. The first line in each Series Nos. 1–53, inclusive, indicates the harmonically related assignable carrier frequencies in the 4, 6, 8, 12, and 16 MHz bands. The other frequencies listed: In Series Nos. W1–W53 opposite (a), (b) and (c); all 22 and 25 MHz frequencies; and the frequencies indicated in Series Nos. W54–W62, inclusive are not necessarily harmonically related.

(b) Two Series Nos. of working frequencies, for example W1 and W31, are assigned to each radiotelegraph ship station. Frequencies from the two Series Nos. assigned to each radiotelegraph ship station should be used for normal working. Other Series Nos., and frequencies therefrom, may be used by a ship station when the frequencies of the two assigned Series Nos. are not adequate.

(c) The transition by ship stations from A1 Morse radiotelegraph working frequencies set forth in Sections 83.333 (H1 through H11) and 83.335 (L1 through L49) to the working frequencies set forth in this section (W1 through W62) shall be effected in an orderly manner and shall be completed on or before May 31, 1977. During the interim period prior to June 1, 1977, both the old frequencies (§§ 83.333 and 83.335) and the new frequencies (§ 83.319) are available for use by ship stations. Effective June 1, 1977, Section 83.333 and 83.335 are deleted.

TABLE (d)

[In kilohertz]

Series No.	Bands						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W 1	4188.5	6282.7	8377	12565.5	16754	22250.5	25091.5
(a)				12566	16754.5	22251	
(b)			8377.5		16755		
(c)				12566.5	16755.5		
W 2	4189	6283.5	8378	12567	16756	22251.5	25092
(a)				12567.5	16756.5	22252	
(b)			8378.5		16757		
(c)				12568	16757.5		
W 3	4189.5	6284.2	8379	12568.5	16758	22252.5	25092.5
(a)				12569	16758.5	22253	
(b)			8379.5		16759		
(c)				12569.5	16759.5		
W 4	4190	6285	8380	12570	16760	22253.5	25093
(a)				12570.5	16760.5	22254	
(b)			8380.5		16761		
(c)				12571	16761.5		
W 5	4190.5	6285.7	8381	12571.5	16762	22254.5	25093.5
(a)				12572	16762.5	22255	
(b)			8381.5		16763		
(c)				12572.5	16763.5		
W 6	4191	6286.5	8382	12573	16764	22255.5	25094
(a)				12573.5	16764.5	22256	
(b)			8382.5		16765		
(c)				12574	16765.5		
W 7	4191.6	6287.2	8383	12574.5	16766	22256.5	25094.5
(a)				12575	16766.5	22257	
(b)			8383.5		16767		
(c)				12575.5	16767.5		
W 8	4192	6288	8384	12576	16768	22257.5	25095
(a)				12576.5	16768.5	22258	
(b)			8384.5		16769		
(c)				12577	16769.5		
W 9	4192.5	6288.7	8385	12577.5	16770	22258.5	
(a)				12578	16770.5	22259	
(b)			8385.5		16771		
(c)				12578.5	16771.5		
W10	4193	6289.5	8386	12579	16772	22259.5	25096
(a)				12579.5	16772.5	22260	
(b)			8386.5		16773		
W(b)				12580	16773.5		
(c)				12580.5	16774	22260.5	25096.5
W11	4193.5	6290.2	8387	12581	16774.5	22261	
(a)				12581.5	16775		
(b)			8387.5		16775.5		
(c)				12582	16776	22261.5	25097
W12	4194	6291	8388	12582.5	16776.5	22262	
(a)					16777		
(b)			8388.5		16777.5		
(c)				12583	16778	22262.5	25097.5
W13	4194.5	6291.7	8389	12583.5	16778.5	22263	
(a)				12584	16779		
(b)			8389.5		16779.5		
(c)				12584.5	16780	22263.5	25098
W14	4195	6292.5	8390	12585	16780.5	22264	
(a)				12585.5	16781		
(b)			8390.5		16781.5		
(c)				12586	16782	22264.5	25098.5
W15	4195.5	6293.2	8391	12586.5	16782.5	22265	
(a)				12587	16783		
(b)			8391.5		16783.5		
(c)				12587.5	16784	22265.5	25099
W16	4196	6294	8392	12588	16784.5	22266	
(a)				12588.5	16785		
(b)			8392.5		16785.5		
(c)				12589	16786	22266.5	25099.5
W17	4196.5	6294.7	8393	12589.5	16786.5	22267	
(a)				12590	16787		
(b)			8393.5		16787.5		
(c)				12590.5	16788	22267.5	25100
W18	4197	6295.5	8394	12591	16788.5	22268	
(a)				12591.5	16789		
(b)			8394.5		16789.5		
(c)				12592			

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[In kilohertz]

Series No.	Bands 4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W 19	4197.5	6296.2	8395	12592.5	16790	22268.5	25100.5
(a)				12593	16790.5	22269	
(b)			8395.5		16791		
(c)				12593.5	16791.5		
W 20	4198	6297	8396	12594	16792	22269.5	25101
(a)				12594.5	16792.5	22270	
(b)			8396.5		16793		
(c)				12595	16793.5		
W 21	4198.5	6297.7	8397	12595.5	16794	22270.5	25101.5
(a)				12596	16794.5	22271	
(b)			8397.5		16795		
(c)				12596.5	16795.5		
W 22	4199	6298.5	8398	12597	16796	22271.5	25102
(a)				12597.5	16796.5	22272	
(b)			8398.5		16797		
(c)				12598	16797.5		
W 23	4199.5	6299.2	8399	12598.5	16798	22272.5	25102.5
(a)				12599	16798.5	22273	
(b)			8399.5		16799		
(c)				12599.5	16799.5		
W 24	4200	6300	8400	12600	16800	22273.5	25103
(a)				12600.5	16800.5	22274	
(b)			8400.5		16801		
(c)				12601	16801.5		
W 25	4200.5	6300.7	8401	12601.5	16802	22274.5	25103.5
(a)				12602	16802.5	22275	
(b)			8401.5		16803		
(c)				12602.5	16803.5		
W 26	4201	6301.5	8402	12603	16804	22275.5	25104
(a)				12603.5	16804.5	22276	
(b)			8402.5		16805		
(c)				12604	16805.5		
W 27	4201.5	6302.2	8403	12604.5	16806	22276.5	25104.5
(a)				12605	16806.5	22277	
(b)			8403.5		16807		
(c)				12605.5	16807.5		
W 28	4202	6303	8404	12606	16808	22277.5	25105
(a)				12606.5	16808.5	22278	
(b)			8404.5		16809		
(c)				12607	16809.5		
W 29	4202.5	6303.7	8405	12607.5	16810	22278.5	25105.5
(a)				12608	16810.5	22279	
(b)			8405.5		16811		
(c)				12608.5	16811.5		
W 30	4203	6304.5	8406	12609	16812	22279.5	25106
(a)				12609.5	16812.5	22280	
(b)			8406.5		16813		
(c)				12610	16813.5		
W 31	4203.5	6305.2	8407	12610.5	16814	22280.5	25106.5
(a)				12611	16814.5	22281	
(b)			8407.5		16815		
(c)				12611.5	16815.5		
W 32	4204	6306	8408	12612	16816	22281.5	15207
(a)				12612.5	16816.5	22282	
(b)			8408.5		16817		
(c)				12613	16817.5		
W 33	4204.5	6306.7	8409	12613.5	16818	22282.5	25107.5
(a)				12614	16818.5	22283	
(b)			8409.5		16819		
(c)				12614.5	16819.5		
W 34	4205	6307.5	8410	12615	16820	22283.5	25108
(a)				12615.5	16820.5	22284	
(b)			8410.5		16821		
(c)				12616	16821.5		
W 35	4205.5	6308.2	8411	12616.5	16822	22284.5	25108.5
(a)				12617	16822.5	22285	
(b)			8411.5		16823		
(c)				12617.5	16823.5		
W 36	4206	6309	8412	12618	16824	22285.5	25091.5
(a)				12618.5	16824.5	22286	
(b)			8412.5		16825		
(c)				12619	16825.5		
W 37	4206.5	6309.7	8413	12619.5	16826	22286.5	25092
(a)				12620	16826.5	22287	
(b)			8413.5		16827		
(c)				12620.5	16827.5		
W 38	4207	6310.5	8414	12621	16828	22287.5	25092.5
(a)				12621.5	16828.5	22288	
(b)			8414.5		16829		
(c)				12622	16829.5		
W 39	4207.5	6311.2	8415	12622.5	16830	22288.5	25093
(a)				12623	16830.5	22289	
(b)			8415.5		16831		
(c)				12623.5	16831.5		
W 40	4208	6312	8416	12624	16832	22289.5	25093.5
(a)				12624.5	16832.5	22300	
(b)			8416.5		16833		
(c)				12625	16833.5		

[In kilohertz]

Series No.	Bands 4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W 41	4208.5	6312.7	8417	12625.5	16834	22300.5	25094
(a)				12626	16834.5	22301	
(b)			8417.5		16835		
(c)				12626.5	16835.5		
W 42	4209	6313.5	8418	12627	16836	22301.5	25094.5
(a)				12627.5	16836.5	22302	
(b)			8418.5		16837		
(c)				12628	16837.5		
W 43	4209.5	6314.2	8419	12628.5	16838	22302.5	25095
(a)				12629	16838.5	22303	
(b)			8419.5		16839		
(c)				12629.5	16839.5		
W 44	4210	6315	8420	12630	16840	22303.5	25095.5
(a)				12630.5	16840.5	22304	
(b)			8420.5		16841		
(c)				12631	16841.5		
W 45	4210.5	6315.7	8421	12631.5	16842	22304.5	25096
(a)				12632	16842.5	22305	
(b)			8421.5		16843		
(c)				12632.5	16843.5		
W 46	4211	6316.5	8422	12633	16844	22305.5	25096.5
(a)				12633.5	16844.5	22306	
(b)			8422.5		16845		
(c)				12634	16845.5		
W 47	4211.5	6317.2	8423	12634.5	16846	22306.5	25097
(a)				12635	16846.5	22307	
(b)			8423.5		16847		
(c)				12635.5	16847.5		
W 48	4212	6318	8424	12636	16848	22307.5	25097.5
(a)				12636.5	16848.5	22308	
(b)			8424.5		16849		
(c)				12637	16849.5		
W 49	4212.5	6318.7	8425	12637.5	16850	22308.5	25098
(a)				12638	16850.5	22309	
(b)			8425.5		16851		
(c)				12638.5	16851.5		
W 50	4213	6319.5	8426	12639	16852	22250.5	25098.5
(a)				12639.5	16852.5	22251	
(b)			8426.5		16853		
(c)				12640	16853.5		
W 51	4213.5	6320.2	8427	12640.5	16854	22251.5	25099
(a)				12641	16854.5	22252	
(b)			8427.5		16855		
(c)				12641.5	16855.5		
W 52	4214	6321	8428	12642	16856	22252.5	25099.5
(a)				12642.5	16856.5	22253	
(b)			8428.5		16857		
(c)				12643	16857.5		
W 53	4214.5	6321.7	8429	12643.5	* 16858	22253.5	25100
(a)				12644		22254	
(b)			8429.5				
(c)				12644.5	16719		
W 54	4215	6322.5	8430	12645	16707	22254.5	25100.5
(a)				12645.5	16707.5	22255	
(b)			8430.5	12530	16708		
(c)				12646	16708.5		
W 55	4215.5	6323.2	8431	12546.5	16709	22255.5	25101
(a)				12647	16709.5	22256	
(b)			8431.5	12530.5	16710		
(c)				12547.5	16710.5		
W 56	4216	6324	8432	12548	16711	22256.5	25101.5
(a)				12548.5	16711.5	22257	
(b)			8432.5	12531	16712		
(c)				12549	16712.5		
W 57	4216.5	6324.7	8433	12549.5	16713	22257.5	25102
(a)				12550	16713.5	22258	
(b)			8433.5	12531.5	16714		
(c)				12550.5	16714.5		
W 58	4217		8434	* 12551	16715	22258.5	25102.5
(a)				12552	16715.5	22259	
(b)			8434.5	12532.5	16716		
					16716.5		
W 59	4217.5		* 8435	12528	16717	22259.5	25103
W 60	4218		8358.5	12528.5	16717.5	22260	25103.5
W 61	4218.5		8359	12529	16718	22260.5	25104
W 62	* 4219		8359.5	12529.5	16718.5	22261	25104.5

12. The present text of § 83.320 is redesignated § 83.336 and a new § 83.320 is adopted to read as follows:

§ 83.320 Working frequencies—Narrow-band direct-printing telegraph and data transmission systems—paired.

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems—paired with coast station frequencies, for use in the bands between 4 and 23 MHz are set forth in paragraph (d), below. The use of these frequencies is subject to the applicable provisions of Subpart E of this Part and to Sections 83.329 and 83.330.

(b) The transition by ship stations from the narrow-band direct-printing working frequencies set forth in Section 83.336 (N1 through N10) to the NB–DP working frequencies set forth in this section (R1 through R69) shall be effected in an orderly manner and shall commence June 1, 1977 and be completed on or before June 30, 1977. During the interim period prior to July 1, 1977, the old frequencies set forth in Section 83.336 will be available until July 1, 1977, and the new frequencies set forth in this section will be available com-

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mencing June 1, 1977. Effective July 1, 1977, Section 83.336 is deleted.

(c) The frequencies set forth in paragraph (d), below, are available for use by radiotelegraph ship stations authorized to employ narrow-band direct-printing. The ship station shall transmit to a coast station on the frequencies which are paired with the Series No. used by the coast station for transmission.

(d) The frequencies set forth in the following table are available for communication by radioteleprinter with coast stations when used in accordance with the technical criteria set forth in § 83.143 and other sections of Subpart E of this part.

[In kilohertz]

Series No.	4 MHz band		6 MHz band		8 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R1	4350	4170.5	6494.5	6256.5	8705	8344
R2	4350.5	4171	6495	6257	8705.5	8344.5
R3	4351	4171.5	6495.5	6257.5	8709	8345
R4	4351.5	4172	6496	6258	8706.5	8345.5
R5	4352	4172.5	6496.5	6258.5	8707	8346
R6	4352.5	4173	6497	6259	8707.5	8346.5
R7	4353	4173.5	6497.5	6259.5	8708	8347
R8	4353.5	4174	6498	6260	8708.5	8347.5
R9	4354	4174.5	6498.5	6260.5	8709	8348
R10	4354.5	4175	6499	6261	8709.5	8348.5
R11	4355	4175.5	6499.5	6261.5	8710	8349
R12	4355.5	4176	6500	6262	8710.5	8349.5
R13	4356	4176.5	6500.5	6262.5	8711	8350
R14	4356.5	4177	6501	6263	8711.5	8350.5
R15			6501.5	6263.5	8712	8351
R16			6502	6264	8712.5	8351.5
R17			6502.5	6264.5	8713	8352
R18			6503	6265	8713.5	8352.5
R19			6503.5	6265.5	8714	8353
R20			6504	6266	8714.5	8353.5
R21			6504.5	6266.5	8715	8354
R22			6505	6267	8715.5	8,54.5
R23			6505.5	6267.5	8716	8355
R24					8716.5	8355.5
R25					8717	8356
R26					8717.5	8376.5
R27					8718	8357

Series number	12 MHz band		16 MHz band		22 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R1	13071.5	12491.5	17197.5	16660.5	22561.5	22192.5
R2	13072	12492	17198	16661	22562	22193
R3	13072.5	12492.5	17198.5	16661.5	22562.5	22193.5
R4	13073	12493	17199	16662	22563	22194
R5	13073.5	12493.5	17199.5	16662.5	22563.5	22194.5
R6	13074	12494	17200	16663	22564	22195
R7	13074.5	12494.5	17200.5	16663.5	22564.5	22195.5
R8	13075	12495	17201	16664	22566	22196
R9	13075.5	12495.5	17201.5	16664.5	22565.5	22196.5
R10	13076	12496	17202	16665	22566	22197
R11	13076.5	12496.5	17202.5	16665.5	22566.5	22197.5
R12	13077	12497	17203	16666	22567	22198
R13	13077.5	12497.5	17203.5	16666.5	22567.5	22198.5
R14	13078	12498	17204	16667	22568	22199
R15	13078.5	12498.5	17204.5	16667.5	22568.5	22199.5
R16	13079	12499	17205	16668	22569	22200
R17	13079.5	12499.5	17205.5	16668.5	22569.5	22200.5
R18	13080	12500	17206	16669	22570	22201
R19	13080.5	12500.5	17206.5	16669.5	22570.5	22201.5
R20	13081	12501	17207	16670	22571	22202
R21	13081.5	12501.5	17207.5	16670.5	22571.5	22202.5
R22	13082	12502	17208	16671	22572	22203
R23	13082.5	12502.5	17208.5	16671.5	22572.5	22203.5
R24	13083	12503	17209	16672	22573	22204
R25	13083.5	12503.5	17209.5	16672.5	22573.5	22204.5
R26	13084	12504	17210	16673	22574	22205
R27	13084.5	12504.5	17210.5	16673.5	22574.5	22205.5
R28	13085	12505	17211	16674	22575	22206
R29	13085.5	12505.5	17211.5	16674.5	22575.5	22206.5
R30	13086.5	12506	17212	16675	22576	22207
R31	13086.5	12506.5	17212.5	16675.5	22576.5	22207.5
R32	13087	12507	17213	16676	22577	22208
R33	13087.5	12507.5	17213.5	16676.5	22577.5	22208.5
R34	13088	12508	17214	16677	22578	22209
R35	13088.5	12508.5	17214.5	16677.5	22578.5	22209.5
R36	13089	12509	17215	16678	22579	22210
R37	13089.5	12509.5	17215.5	16678.5	22579.5	22210.5
R38	13090	12510	17216	16679	22580	22211
R39	13090.5	12510.5	17216.5	16679.5	22580.5	22211.5
R40	13091	12511	17217	16680	22581	22212
R41	13091.5	12511.5	17217.5	16680.5	22581.5	22212.5
R42	13092	12512	17218	16681	22582	22213
R43	13092.5	12512.5	17218.5	16681.5	22582.5	22213.5
R44	13093	12513	17219	16682	22583	22214
R45	13093.5	12513.5	17219.5	16682.5	22583.5	22214.5
R46	13094	12514	17220	16683	22584	22215
R47	13094.5	12514.5	17220.5	16683.5	22584.5	22215.5
R48	13095	12515	17221	16684	22585	22216
R49	13095.5	12515.5	17221.5	16684.5	22585.5	22216.5

Series number	12 MHz band		16 MHz band		22 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R50	13066	12516	17222	16685	22586	22217
R51	13066.5	12516.5	17222.5	16685.5	22586.5	22217.5
R52	13067	12517	17223	16686	22587	22218
R53	13067.5	12517.5	17223.5	16686.5	22587.5	22218.5
R54	13068	12518	17224	16687	22588	22219
R55	13068.5	12518.5	17224.5	16687.5	22588.5	22219.5
R56	13069	12519	17225	16688	22589	22220
R57	13069.5	12519.5	17225.5	16688.5	22589.5	22220.5
R58			17226	16689	22590	22221
R59			16226.5	16689.5	22590.5	22221.5
R60			17227	16690	22591	22222
R61			17227.5	16690.5	22591.5	22222.5
R62			17228	16691	22592	22223
R63			17228.5	16691.5	22592.5	22223.5
R64			17229	16692	22593	22224
R65			17229.5	16692.5	22593.5	22224.5
R66			17230	16693	22594	22225
R67			17230.5	16693.5	22594.5	22225.5
R68			17231	16694		
R69			17231.5	16694.5		

13. The present text of Section 83.321 is redesignated Section 83.337 and a new § 83.321 is adopted to read as follows:

§ 83.321 Working frequencies—narrow-band direct-printing telegraph and data transmission systems—non-paired.

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems—non-paired with coast station frequencies, for use in the bands between 4 and 25.5 MHz are set forth in paragraph (b), below. The frequencies are available for use by radiotelegraph ship stations authorized to employ narrow-band direct-printing and are subject to the applicable provisions of Subpart E of this Part and to Sections 83.329 and 83.330.

(b) Narrow-band direct-printing—nonpaired

	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
P1	4177.5	6268	8207.6	12520	16695	22226	25076.5
P2	4178	6268.5	8258.1	12520.5	16695.5	22226.5	25076.8
P3	4178.5	6269	8258.6	12521	16696		25077.2
P4	4179	6269.5	8260.1	12521.5	16696.5		25077.8
P5	4179.5		8260.6	12522	16697		25078.3
P6			8357.5	12522.5	16697.5		25078.8
P7				12523	16698		25079.3
P8				12523.5	16698.5		25079.8
P9				12524	16699		25080.3
P10				12524.5	16699.5		25080.8
P11				12525	16700		25081.3
P12				12525.5	16700.5		25081.8
P13				12526	16701		25082.3
P14				12526.5	16701.5		25082.8
P15					16702		25083.3
P16					16702.5		25083.8
P17					16703		25084.3
P18					16703.5		25084.8
P19					16704		25085.3
P20					16704.5		25085.8
P21					16705		25086.3
P22					16705.5		25086.8
P23							25087.3
P24							25087.8
P25							25088.3
P26							25088.8
P27							25089.3
P28							25089.8

(c) The frequencies set forth in paragraph (b) of this section are available for use by ship stations effective July 16, 1977.

14. In § 83.324, paragraph (d) is deleted and designated "reserved"; and paragraph (e) is amended to read as follows:

§ 83.324 Frequencies for working.

• • • • •

(d) [Reserved]

(e) Working frequencies in the band 2 to 27.5 MHz are listed in Section 83.319. Frequencies in the band 2065–2107 kHz are not available for assignment to aircraft.

• • • • •

15. The present text of § 83.328 is redesignated § 83.338 and a new § 83.328 is adopted to read as follows:

§ 83.328 Al Morse radiotelegraph operating procedure.

(a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 485–515 kHz during each 500 kilohertz silence period, i.e., for three minutes twice an hour beginning at x h. 15 and x h. 45, Greenwich mean time.

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 13A to the ITU Radio Regulations.

(c) Before transmitting a ship station shall take precautions to ensure that its emissions will not interfere with transmissions already in progress; if such interference is likely, the station shall await an appropriate break in the communications in progress. This requirement does not apply to stations where unattended operation is possible through automatic means on frequencies dedicated to narrow-band direct-printing.

(d) In order to reduce interference, ship stations shall, within the means at their disposal, endeavour to select for calling the band with the most favorable propagational characteristics for effecting reliable communication. In the absence of more precise data, a ship station shall, before making a call, listen for the signals of the station with which it desires to communicate. The strength and intelligibility of such signals are useful as a guide to propagational conditions and indicate which is the preferable band for calling.

(e) Method of calling. The call consists of:

(1) The call sign of the station called, not more than twice; the word "DE"; the call sign of the calling station, not more than twice; if useful, the frequency on which the called station should reply; and the letter "k".

(2) When the calling station has more than one radiotelegram to transmit to the station called, the service abbreviation followed by the figure giving the number of such telegrams (i.e., "QTC2"), should precede the letter "k".

(3) For normal calling, the call may be transmitted twice at an interval of not less than one minute; thereafter it shall not be repeated until after an interval of three minutes.

(4) A ship station calling a coast station in any of the frequency bands allocated to the maritime mobile service between 4 and 27.5 MHz shall use one of the frequencies set forth in Section 83.317.

(f) Method of reply. The reply to calls consists of: The call sign of the calling station, not more than twice; the word "DE"; and the call sign of the station called, once only.

(g) In addition to compliance with all applicable sections of this part, the operation of ship stations using radiotelegraphy shall comply with the applicable provisions of Article 39 of the ITU Radio Regulations.

16. The present text of § 83.329 is redesignated § 83.339 and a new Section 83.329 is adopted to read as follows:

§ 83.329 Calling by narrow-band direct-printing (NB–DP).

(a) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, ship stations employing narrow-band direct-printing (NB–DP) may, effective June 1, 1977, use the frequencies designated in Section 83.318 to call United States coast radiotelegraph stations.

(b) Where it is known that the coast station maintains a watch on other frequencies for ship station calls by NB–DP, the ship station should make its initial NB–DP call on those frequencies.

(c) Calls to a coast station or other ship station shall employ the following

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format: Coast station identification number, repeated twice; "DE", sent once; and ship station selective call number, repeated twice.

(d) When the coast station does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes.

17. The present text of § 83.330 is redesignated § 83.340 and a new Section 83.330 is adopted to read as follows:

§ 83.330 Narrow-band direct-printing (NB–DP) operating procedure.

(a) The procedures set forth in this section shall be used, except in cases of distress, urgency or safety, when communicating by means of narrow-band direct-printing (NB–DP) radiotelegraphy with a coast radio-telegraph station or with other ship stations. In that regard:

(1) Traffic may be exchanged with or without the use of error-correcting equipment.

(2) For communication between two stations, the ARQ mode should be used when available.

(3) For transmissions from one coast station or ship station to two or more other stations, the forward-error-correcting mode should be used when available.

(4) Information regarding the services provided by each station open to public correspondence is indicated in the List of Coast Stations and in the List of Ship Stations, together with information on charging.

(b) Calls to coast stations shall normally be made by radioteleprinter on the NB–DP frequencies on which the coast station maintains a watch.

(1) The transmit frequencies and frequencies on which coast stations maintain a watch are indicated in the List of Coast Stations.

(2) When using (paired) frequencies set forth in § 83.320, the ship station shall employ the ship station frequencies paired with the frequencies in use by the coast station, that is, when the coast station employs, for example, Series No. 1, the ship station shall also employ Series No. 1. Cross-band operation between a coast station on, for example, Series No. 1 and a ship station on, for example, Series No. 14 is prohibited.

(3) When using (non-paired) frequencies set forth in § 83.321, the coast station will transmit on one of the frequencies set forth in § 81.206. Special arrangements may be made between ship stations, or shipping companies, and coast stations for the use of specific frequencies.

(c) As an exception to the procedure specified in paragraph (b), above, under other than normal circumstances, ship stations may call coast stations on A1 Morse radiotelegraphy calling frequencies, shift to A1 Morse radiotelegraphy working frequencies, and complete arrangements for setting up a NB–DP circuit.

(1) The routine use of A1 Morse radiotelegraph frequencies for the setting up of a NB–DP circuit with United States coast stations is not authorized: *Provided, however,* That A1 Morse radiotelegraph frequencies may be used by a ship station to set up a NB–DP circuit when efforts to establish the circuit on NB–DP frequencies has proven unsuccessful.

(d) In calling the coast station by NB–DP, the ship station shall use the coast station identification number (4 digits) and effect self-identification by the use of the ship station selective call number (5 digits).

(e) When both terminals of the NB–DP circuit are satisfied that the circuit is in operable condition, the ship station shall indicate by the following procedure, prior to transmission of the message preamble, which of two modes are to be used in the exchange of traffic:

(1) Conversational mode, where the stations concerned are connected directly either automatically or under manual control; or

(2) Store-and-forward mode, where traffic is stored at the coast station until the circuit to the called station can be set up, either automatically or under manual control.

(3) When the conversational mode is selected, this shall be supplied to the receiving station by transmission of the following: One carriage return and one line feed; "DIR/TLX"; telex destination code (2 or 3 numbers). (See CCITT, Geneva 1972, Annex to Recommendation F69.); the land subscribers telex number; and "+", indicating end of sequence.

(4) When the store-and-forward mode is selected, this shall be supplied to the receiving station by transmission of the following: One carriage return and one line feed; "TLX"; telex destination code (2 or 3 numbers. (See CCITT, Geneva 1972, Annex to Resolution F69.); the land subscribers telex number; and "+", indicating end of sequence.

(f) Following completion of the procedure set forth in subparagraphs (e) (3) or (e)(4), above, the message preamble shall be transmitted as follows: Serial number or number of the message; the name of the office of origin; the number of words; the date of handing in of the message; the time of handing in of the message; and any service instructions. (See CCITT, Geneva 1972, section 6 of the General provisions applying to all methods of working).

(g) Upon completion of transmission of the preamble, the address, text and signature shall be transmitted as received from the sender.

(h) Upon completion of transmission of the signature, the transmitting station shall, following the signal "COL", routinely repeat all service indications in the address and for figures or mixed groups of letters, figures or signs in the address, text or signature.

(i) In telegrams of more than 50 words, routine repetition shall be given at the end of each page.

(j) The provisions of paragraphs (f) through (i) of this section may or not, at the discretion of the user, be utilized when a direct connection between ship station and addressee is employed.

18. Section 83.332, formerly designated 83.315, is added to read as follows:

§ 83.332 Authorized frequencies.[1]

(a) The tables in §§ 83.316, 83.333, 83.334, 83.335, 83.336, and 83.337, indicate the carrier frequencies, except for § 83.336 which indicates assigned frequencies, which when authorized by station licensee, may be used by ship stations employing radiotelegraphy for communications with ship or coast stations (public or limited). The assigned frequencies of § 83.336 are midway between the minimum and maximum values of instantaneous frequency.

(b) Frequencies in the bands between 2 and 26 MHz assigned in accordance with this section to a station or a particular vessel, may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee.

(c) Frequencies available for assignment in the bands between 2 and 23 MHz are designated in the ship radiotelegraph frequency plan appearing in Table 2 of § 83.337. Table 2 of § 83.337 provides appropriate cross-reference, by symbol, to the applicable table and, in turn, to a specific series of frequencies:

(1) Table 1a, § 83.333—High traffic ship radiotelegraph working frequencies.

(2) Table 1b, § 83.334—Ship radiotelegraph calling frequencies.

(3) Table 1c, § 83.335—Low traffic ship radiotelegraph working frequencies.

(4) Table 1d, § 83.336—Ship radiotelegraph working frequencies—narrow-band direct printing telegraph and data transmission systems.

(d) The frequencies 4186.5, 6279.7, 8373, 12559.5, 16746, and 22262.5 kHz are special ship station calling frequencies and shall be used only for calling those coast stations which maintain, during their hours of service, a continuous watch on these frequencies. These special calling frequencies may be used by ship stations which have been authorized use of frequencies in accordance with § 83.334.

19. Section 83.333, formerly designated 83.317, is added to read as follows:

§ 83.333 High traffic ship radiotelegraph working frequencies.[1]

(a) High traffic ship radio telegraph working frequencies in the bands between 4 and 23 MHz are set forth in Table 1a. Application may be made for two high traffic ship working frequency column symbols from the "H" series, which includes one or more frequencies in each of the 4, 6, 8, 12, 16, and 22 MHz bands. If more than two symbols of the "H" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies (see § 83.334), except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

[1] This section will continue in force until but not beyond June 1, 1977.

(b) TABLE 1A—*High Traffic Ship Radiotelegraph Working Frequencies*

[In kilohertz]

Symbol	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz
H1	4172.5	6258.75	8342, 8343, 8344, 8345	12505.5, 12513, 12514.5, 12516, 12517.5	16662, 16674, 16684, 16686, 16688, 16690	22189, 22215
H2	4173.5	6260.25	8342, 8343, 8344, 8347	12505.5, 12513, 12514.5, 12516, 12520.5	16662, 16674, 16684, 16686, 16688, 16694	22191, 22219
H3	4174	6261	8342, 8343, 8344, 8348	12511.5, 12513, 12514.5, 12516, 12522	16666, 16682, 16684, 16686, 16688, 16696	22195, 22219
H4	4175	6262.5	8342, 8343, 8344, 8350	12504, 12513, 12514.5, 12516, 12525	16670, 16672, 16684, 16686, 16688, 16700	22197, 22209
H5	4175.5	6263.25	8342, 8343, 8344, 8351	12507, 12513, 12514.5, 12516, 12526.5	16658, 16676, 16681, 16686, 16688, 16702	22201, 22213
H6	4176.5	6264.75	8342, 8343, 8344, 8353	12505.5, 12513, 12514.5, 12516, 12529.5	16662, 16674, 16684, 16686, 16688, 16706	22215, 22187
H7	4177	6265.5	8342, 8343, 8344, 8354	12510, 12513, 12514.5, 12516, 12531	16660, 16680, 16684, 16686, 16688, 16708	22207, 22193
H8	4177.5	6266.25	8342, 8343, 8344, 8355	12511.5, 12513, 12514.5, 12516, 12532.5	16660, 16682, 16684, 16686, 16688, 16710	22213, 22199
H9	4173	6259.5	8342, 8343, 8344, 8346	12501, 12513, 12514.5, 12516, 12519	16670, 16672, 16681, 16686, 16688, 16692	22221, 22205
H10	4174.5	6261.75	8342, 8343, 8344, 8349	12507, 12513, 12514.5, 12516, 12523.5	16668, 16676, 16684, 16686, 16688, 16698	22221, 22211
H11	4176	6264	8342, 8343, 8344, 8352	12508.5, 12513, 12511.5, 12516, 12528	16662, 16678, 16684, 16686, 16688, 16704	22203, 22217

20. Sections 83.334 and 83.335, formerly designated 83.318 and 83.319, respectively, are added to read as follows:

§ 83.334 Ship radiotelegraph calling frequencies.[2]

(a) Ship radiotelegraph calling frequencies in the bands between 2 and 23 MHz are set forth in Table 1b. Application may be made for one calling frequency column symbol from the "C" series, which includes one frequency in each of the 4, 6, 8, 12, 16, and 22 MHz bands. One 2 MHz calling frequency is also included in frequency column symbols "C2B" through "C7B". If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol.

(b) TABLE 1B—*Ship radiotelegraph calling frequencies*

[In kilohertz]

Symbol	2 MHz	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz
C1	-------	4178.5	6267.75	8357	12535.5	16714	22225
C2A	-------	4179	6268.5	8358	12537	16716	22230
B	2089.75	4179.5	6269.25	8359	12538.5	16718	22227.5
C3A	2090	4180	6270	8360	12540	16720	22235
B	2090.25	4180.5	6270.75	8361	12541.5	16722	22232.5
C4A	2090.5	4181	6271.5	8362	12543	16724	22240
B	2090.75	4181.5	6272.25	8363	12544.5	16726	22237.5
C5A	2091	4182	6273	8364	12546	16728	22245
B	2091.25	4182.5	6273.75	8365	12547.5	16730	22242.5
C6A	2091.5	4183	6274.5	8366	12549	16732	22250
B	2091.75	4183.5	6275.25	8367	12550.5	16734	22247.5
C7A	2092	4184	6276	8368	12552	16736	22255
B	2092.25	4184.5	6276.75	8369	12553.5	16738	22252.5
C8A	-------	4185	6277.5	8370	12555	16740	22260
B	-------	4185.5	6278.25	8371	12556.5	16742	22257.5
C9	-------	4186	6279	8372	12558	16744	22265
C8	-------	4186.5	6279.75	8 73	12559.5	16746	22262.5

[1] May be used by ship stations only to establish communications relating to the safety of life.

(c) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed.

(1) Frequencies available: 4186.5, 6279.70, 8373.0, 12559.5, 16746.0, and 22262.5 kHz.

(2) Transmission on the frequencies set forth in paragraph (c)(1) of this section shall be limited to calling necessary to establish communication and, thereafter, to informing the receiving station of the working frequency or frequencies to be used. Ship station working frequencies for radioteleprinter are set forth in § 83.320 of this part. The frequencies set forth in paragraph (c)(1) shall not be employed for working.

(3) Unless other arrangements have been made with concerned coast stations, the ship station expecting calls by radioteleprinter should maintain a receiver on the frequency or frequencies, set forth in paragraph (c)(1), most likely to be usable for the propagation path involved.

(4) The radioteleprinter equipment shall conform to the standard technical requirements set forth in subpart E of this part.

(5) Since ship stations and coast radiotelegraph stations will share use of the frequencies set forth in paragraph (c)(1), station licensees should:

(i) Avoid the creation of interference to transmissions already in progress.

(ii) In initiating calls, transmit the call sign of the station called three times, followed by "DE", followed by the call sign of the calling station, transmitted three times. For example, "WYY WYY WYY DE WXXX WXXX WXXX".

(iii) When the station called does not reply, the call should not be repeated on the same frequency until after an interval of at least 15 minutes.

(6) Calling and station identification shall be effected by radioteleprinter.

(7) The higher frequency of the transmitted signal shall correspond to "space" (start) and the lower frequency of the transmitted signal shall correspond to "mark" (stop).

(8) The radioteleprinter equipment shall operate at a modulation rate of 50 bands.

§ 83.335 Low traffic ship radiotelegraph working frequencies.[2]

(a) Low traffic ship radiotelegraph working frequencies are set forth in Table 1c. Application may be made for one low traffic working frequency column symbol form the "L" series, which includes two frequencies from the 4, 6, 8, 12, 16, and 22 MHz bands. A primary frequency to be used for working each frequency band having two frequencies available must be indicated by suffixing the frequency column symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "L" series is allocated for a particular licensee, the frequency column symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies (see § 83.334), otherwise either "A" or "B" may be applied for.

[2] This section will continue in force until but not beyond June 1, 1977.

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(b) TABLE 1C.—*Low traffic ship working frequencies*[1]

[Kilohertz]

Symbol	4 MHz		6 MHz		8 MHz		12 MHz		16 MHz		22 MHz	
	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"	Group "A"	Group "B"
L1	4188	4212.5	6282	6318.75	8376	8425	12564	12634.5	16752	16850	22272.5	22335
L2	4188.5	4213	6282.75	6319.5	8377	8426	12565.5	12639	16754	16852	22272.5	22335
L3	4189	4213.5	6283.5	6320.25	8378	8427	12567	12640.5	16756	16854	22275	22337.5
L4	4189.5	4214	6284.25	6321	8379	8428	12568.5	12642	16758	16856	22275	22337.5
L5	4190	4214.5	6285	6321.25	8380	8429	12570	12643.5	16760	16858	22277.5	22340
L6	4190.5	4215	6285.75	6322.5	8381	8430	12571.5	12645	16762	168 0	22277.5	22340
L7	4191	4215.5	6286.5	6323.25	8382	8431	12573	12646.5	16764	16862	22280	22342.5
L8	4191.5	4216	6287.25	6324	8383	8432	12574.5	12648	16766	16864	22280	22342.5
L9	4192	4216.5	6288	6324.75	8384	8433	12576	12649.5	16768	16866	22282.5	22345
L10	4192.5	4217	6288.75	6325.5	8385	8434	12577.5	12651	16770	16868	22282.5	22345
L11	4193	4217.5	6289.5	6326.25	8386	8435	12579	12652.5	16772	16870	22285	22347.5
L12	4193.5	4218	6290.25	6327	8387	8436	12580.5	12654	16774	16872	22285	22347.5
L13	4194	4218.5	6291	6327.75	8388	8437	12582	12655.5	16776	16874	22287.5	22350
L14	4194.5	4219	6291.75	6328.5	8389	8438	12583.5	12657	16778	16876	22287.5	22350
L15	4195	4219.5	6292.5	6329.25	8390	8439	12585	12658.5	16780	16878	22290	22352.5
L16	4195.5	4220	6293.25	6330	8391	8440	12586.5	12660	16782	16880	22290	22352.5
L17	4196	4220.5	6294	6330.75	8392	8441	12588	12661.5	16784	16882	22292.5	22355
L18	4196.5	4221	6294.75	6331.5	8393	8442	12589.5	12663	16786	16884	22292.5	22355
L19	4197	4221.5	6295.5	6332.25	8394	8443	12591	12664.5	16788	16886	22295	22357.5
L20	4197.5	4222	6296.25	6333	8395	8444	12592.5	12666	16790	16888	22295	22357.5
L21	4198	4222.5	6297	6333.75	8396	8445	12594	12667.5	16792	16890	22297.5	22360
L22	4198.5	4223	6297.75	6334.5	8397	8446	12595.5	12669	16794	16892	22297.5	22360
L23	4199	4223.5	6298.5	6335.25	8398	8447	12597	12670.5	16796	16894	22300	22362.5
L24	4199.5	4224	6299.25	6336	8399	8448	12598.5	12672	16798	16896	22300	22362.5
L25	4200	4224.5	6300	6336.75	8400	8449	12600	12673.5	16800	16898	22302.5	22365
L26	4200.5	4225	6300.75	6337.5	8401	8450	12601.5	12675	16802	16900	22302.5	22365
L27	4201	4225.5	6301.5	6338.25	8402	8451	12603	12676.5	16804	16902	22305	22367.5
L28	4201.5	4226	6302.25	6339	8403	8452	12604.5	12678	16806	16904	22305	22367.5
L29	4202	4226.5	6303	6339.75	8404	8453	12606	12679.5	16808	16906	22307.5	22370
L30	4202.5	4227	6303.75	6340.5	8405	8454	12607.5	12681	16810	16908	22307.5	22370
L31	4203	4227.5	6304.5	6341.25	8406	8455	12609	12682.5	16812	16910	22310	22372.5
L32	4203.5	4228	6305.25	6342	8407	8456	12610.5	12684	16814	16912	22310	22372.5
L33	4204	4228.5	6306	6342.75	8408	8457	12612	12685.5	16816	16914	22312.5	22325
L34	4204.5	4229	6306.75	6343.5	8409	8458	12613.5	12687	16818	16916	22312.5	22325
L35	4205	4208.5	6307.5	6312.75	8410	8417	12615	12625.5	16820	16834	22315	22327.5
L36	4205.5	4209	6308.25	6313.5	8411	8418	12616.5	12627	16822	16836	22315	22327.5
L37	4206	4209.5	6309	6314.25	8412	8419	12618	12628.5	16824	16838	22317.5	22330
L38	4206.5	4210	6309.75	6315	8413	8420	12619.5	12630	16826	16840	22317.5	22330
L39	4207	4210.5	6310.5	6315.75	8414	8421	12621	12631.5	16828	16842	22320	22332.5
L40	4207.5	4211	6311.25	6316.5	8415	8422	12622.5	12633	16830	16844	22320	22332.5
L41	4208	4211.5	6312	6317.25	8416	8423	12624	12634.5	16832	16846	22270	22335
L42	4187.5	4212	6281.25	6318	8375	8424	12562.5	12636	16750	16848	22270	22335
L43	4188	4212.5	6282	6318.75	8376	8425	12564	12637.5	16752	16850	22272.5	22337.5
L44	4188.5	4213	6282.75	6319.5	8377	8426	12565.5	12639	16754	16852	22272.5	22337.5
L45	4189	4213.5	6283.5	6320.25	8378	8427	12567	12640.5	16756	16854	22275	22340
L46	4189.5	4214	6284.25	6321	8379	8428	12568.5	12642	16758	16856	22275	22340
L47	4190	4214.5	6285	6321.75	8380	8429	12570	12643.5	16760	16858	22277.5	22342.5
L48	4190.5	4215	6285.75	6322.5	8381	8430	12571.5	12645	16762	16860	22277.5	22342.5
L49	4191	4215.5	6286.5	6323.25	8382	8431	12573	12646.5	16764	16862	22280	22345

[1] The frequency symbols are suffixed by the letters "A" or "B" to indicate the primary working frequency in each band. [See §§ 83.324(c) and 83.319(a).]

21. Sections 83.336 and 83.337, formerly designated 83.320 and 83.321, respectively, are added to read as follows:

§ 83.336 Ship radiotelegraph working frequencies — narrow-band direct-printing telegraph and data transmission systems.[1]

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems in the bands between 4 and 23 MHz are set forth in Table 1d. Application may be made for one narrow-band direct-printing frequency column symbol from the "N" series, which includes one frequency in the 4 MHz band and two frequencies in each of the 6, 8, 12, 16, and 22 MHz bands. A primary frequency to be used for working in each frequency band having two frequencies available must be indicated by suffixing the frequency column symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "N" series is allocated for a particular licensee, the frequency symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies (see § 83.318), otherwise either "A" or "B" may be applied for.

[1] This section will continue in force until but not beyond June 1, 1977.

(b) TABLE 1D.—*Ship radiotelegraph working frequencies—narrow band direct printing telegraph and data transmission systems*

[Kilohertz]

Symbol	4 MHz[1]	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz
N1A	4166.5	6248.5	8332	12484	16641	22165
B	4166.5	6253.5	8337	12494	16651	22175
N2A	4167	6249	8332.5	12485	16642	22166
B	4167	6254	8337.5	12495	16652	22176
N3A	4167.5	6249.5	83 3	12486	16643	22167
B	4167.5	6254.5	8338	12496	16653	22177
N4A	4168	6250	8333.5	12487	16644	22168
B	4168	6255	8338.5	12497	16654	22178
N5A	4168.5	6250.5	8334	12488	16645	22169
B	4168.5	6255.5	8339	12498	16655	22179
N6A	4169	6251	8334.5	12489	16646	22170
B	4169	6256	8339.5	12499	16656	22180
N7A	4169.5	6251.5	8335	12490	16647	22171
B	4169.5	6256.5	8340	12500	16657	22181
N8A	4170	6252	8335.5	12491	16648	22172
B	4170	6257	8340.5	12501	16658	22182
N9A	4170.5	6252.5	8336	12492	16649	22173
B	4170.5	6257.5	8341	12502	16659	22183
N10A	4171	6258	8336.5	12493	16650	22174
B	4171	6258	8341.5	12503	16660	22184

[1] In addition, 4171.5 and 4172 kHz are available for use when frequency column symbols N1 through N10 are assigned.

§ 83.337 Ship radiotelegraph frequency plan.[1]

(a) The ship radiotelegraph frequency plan for the band between 2 and 23 MHz is set forth in Table 2. Applicants other than the companies listed in Table 2 must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C1, C5, or C8, H2, and H11 for a high traffic ship, or C1, C5, or C8 and L22 for a low traffic ship. For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group: Marine Communications, Inc.; A. B. Miller and Co.; C. D. Muncey; E. F. Murphy, Alfred Abrams, et al.

(b) TABLE 2.—*Ship radiotelegraph frequency plan*

[For columns of frequencies designated by these symbols, see sec. 83.332]

	Calling frequency column symbols	High traffic ship working frequency column symbols	Low traffic ship working frequency column symbols	Narrow-band direct-printing working frequency column symbols
RCA Communications, Inc.	C3, C5, C7, C9...	H1, H3, H5, H7, H9.	L1, L3, L5, L7, L9, L11, L13, L15, L17, L19, L21, L23, L25, L27, L29, L31, L33, L35, L37, L39, L41, L43, L45, L47.	N1, N3, N5, N7.
ITT World Communications, Inc.	C2, C4, C6, C8...	H4, H6, H8, H10..	L2, L6, L8, L10, L14, L16, L18, L20, L24, L28, L32, L34, L36, L40, L42, L48, L49.	N4, N6, N8.
Tropical Radio Telegraph Co.	C1, C5, C8	H2, H11	L4	N2, N9.
Matson Navigation Co	do	do	L12	N10.
Other applicants:				
A–C	do	do	L22	Do.
D–L	do	do	L26	Do.
M	do	do	L30	Do.
N–R	do	do	L38	Do.
S	do	do	L44	Do.
T–Z	do	do	L46	Do.

APPENDIX 2

(Refer to paragraph 18 of the instant Notice of Proposed Rule Making)

Effective May 31, 1977, the following type transmitters are not available for use for radiotelegraphy in a ship station:

(1) As a transmitter to be installed initially aboard a new ship; or

(2) As a transmitter to be installed to replace an existing transmitter.

[1] This section will continue in force until but not beyond June 1, 1977

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Manufacturer	Basic type	Remarks
ITT Mackay Marine Division, Mackay Radio & Telegraph Co	156 167 2003 2006 2013	(1)
RCA Corp	ET-8019 ET-8023 ET-8039 ET-8052 ET-8063 ET-8065	(1)
Radiomarine Corp	ET-8065 CRM-T1A-1000 CRM-T1B-1000 CRM-T1C-1000	(1)
Communications Associates	CA-35	(2)

[1] A number of grants have been made for type acceptance of modifications of the basic transmitter. Each modification granted retained the basic identification number (for example 2013), but added suffix letters, or a combination of letters and numbers (for example, 2013AP, 2013AP1, 3013BP, 2013BP1, etc.). Withdrawal of authority, under the conditions specified above, is applicable to all transmitters the identification of which includes the basic type number listed. Such transmitters which were licensed and in use aboard ship prior to June 1, 1977, may continue to be used when modified to meet the frequency tolerance specified in sec. 83.131 and operate on the frequencies set out in secs. 83.317 and 83.319.

[2] This transmitter does not employ the harmonic relationship scheme; it meets the frequency tolerance requirements, will operate in all of the maritime mobile bands, but does not provide the required number of frequencies. A question has been raised as to whether full output power can be obtained on all of the calling and working frequencies.

APPENDIX 3

PROPOSED ASSIGNMENT OF A1 MORSE WORKING FREQUENCIES AND SELECTIVE CALLING NUMBERS

The attached 27 pages provide a listing of ship stations currently licensed by the Commission for the use of radiotelegraphy. Reading horizontally from left to right, the information in the first 6 columns has been taken from the ship station authorizations.

The coding listed under the column headed "Series No." (for example, "W1 W32") designates the A1 Morse Working frequencies proposed to be assigned to the respective vessels. The specific frequencies which correspond to the indicated coding are set forth in proposed section 83.319(d)(1) through 83.319(d)(6).

The number appearing opposite each vessel in the last column, headed "Ident. No.", is the selective calling number proposed to be assigned to the indicated vessel. These numbers will be used by ship stations fitted for the use of digital selective calling and/or narrow-band direct-printing radiotelegraphy. Upon finalization of the instant proceeding, the Commission will register these identification numbers, for the respective vessels, with the International Telecommunication Union as provided by the International Radio Regulations.

Licensees are requested: To inform the Commission of vessels which should be added to or deleted from the attached Appendix; of transmitter types in use aboard the respective vessels which differ from the listed transmitters; or of changes which should be made in other particulars deemed appropriate by the ship station licensee.

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Achilles	WJIT	Newport Tankers	2009A	2010A	2013D1F	W01 W32	10600
Adabelle Lykes	WLCP	Lykes Bros. S/S	2012B	2010A	MRU35A	W02 W33	10601
Adm. Wm. M. Callaghan	KGYE	American Export	2012A	2010A	2013AF	W04 W35	10602
Afoundria	KYFX	Litton Industries	2012A	2017A	2013E1F	W05 W36	10603
African Comet	KCMV	Farrell	2012A	2010A	2013AF	W06 W37	10604
African Crescent	KAAQ	do	2012D	2017A	2013E1F	W07 W38	10605
African Dawn	WLDP	do	2012A	2010A	2013AF	W08 W39	10606
African Lighting	KAEE	do	153B	140A	167A	W09 W40	10607
African Mercury	KCOJ	do	2012A	2010A	2013AF	W10 W41	10608
African Meteor	KCNX	do	2012A	2010A	2013AF	W11 W42	10609
African Neptune	KAFV	do	2012A	2010A	2013AF	W12 W43	10610
African Sun	KCOA	do	2012A	2010A	2013AF	W13 W44	10611
Almee Lykes	WLBO	Lykes Bros. S/S	2012BP	2010A	MRU35A	W14 W45	10612
Alamince	KBNA	A. & M. College of Texas	2012B	2010A	2013BF	W15 W46	10613
Alaska Mail	KAAV	Alaskan Mail Line	2012AP	2010A	2013AFF	W16 W47	10614
Alaska Standard	WIIDN	Standard Oil of California	5009A	2010A	2013D1F	W17 W48	10615
Alaskan	WTGO	Hendy International	ET 8051B	ET 8043	CRM T1B 1000MB	W18 W49	10616
Albany	KQYL	Orden Marine	2012D	2017A	2013E1F	W19 W50	10617
Alcoa Seaprobe	WCGZ	Ocean Search Inc	2012A	2010A	MRU27A FM2	W21 W52	10618
Alex Stephens	WJEN	Waterman SS	2012A	2010A	2013BF	W22 W53	10619
Alexander Agassiz	KEYI	Regents of University of California	2012BP	2010A	2013BP	W23 W54	10620
Allison Lykes	KADK	Lykes Bros. S/S	2012BP	2010A	MRU35A	W24 W55	10621
Almeria Lykes	WDOU	do	2012A	2010A	MRU35A	W25 W56	10622
Alpha Helix	KLFK	Regents of University of California	2012AP	2010A	2013AP	W26 W57	10623
American Archer	KFCS	U.S. Lines	ET 8051	ET 8043	2013 C2F	W27 W58	10624
American Argosy	KFCA	do	ET 8051	ET 8043	2013 C2F	W28 W59	10625
American Astronaut	WZJG	do	ET 8051A	ET 8043	CRM-T1A 1000M	W29 W60	10626
American Challenger	WMEP	do	ET 8051	ET 8043	ET 8065MB	W30 W61	10627
American Accord	KPEZ	do	2012B	2017B	2313D1F	W31 W62	10628
American Ace	KFCV	do	2012B	2017B	2413D1F	W01 W32	10629
American Alliance	KFEM	do	2012B	2017B	2413D1F	W02 W33	10630
American Apollo	KEOD	do	ET 8051B	ET 8043	ET 8063A	W04 W35	10631
American Aquarius	WYBI	do	ET 8051B	ET 8043	ET 8063A	W05 W36	10632
American Champion	WMEY	do	ET 8051	ET 8043	ET 8065MB	W06 W37	10633
American Charger	KGTR	do	ET 8051	ET 8043	ET 8065MB	W07 W38	10634
American Chieftain	WJNA	do	ET 8051	ET 8043	ET 8065MB	W08 W39	10635
American Condor	KSLE	American Condor S/S	2012D	2017A	2013E1F	W09 W40	10636
American Corsair	WIGK	U.S. Lines	ET 8051	ET 8043	ET 8065	W10 W41	10637
American Courier	WAXH	do	ET 8051	ET 8043	ET 8065M	W11 W42	10638
American Eagle	WMJG	American Eagle Tanker	2009A	2010A	2413D1F	W12 W43	10639
American Grain	KXUU	American Wheat Co	2012D	2017A	2013E1F	W13 W44	10640
American Lancer	WZJB	U.S. Lines	ET 8051A	ET 8043	CRM T1A 1000M	W14 W45	10641
American Lark	WZJF	do	ET 8051A	ET 8043	CRM T1A 1000M	W15 W46	10642
American Leader	KFEJ	do	2012B	2017B	2413D1F	W16 W47	10643
American Ledgend	KFEY	do	ET 8051	ET 8043	2013C MOD2F	W17 W48	10644
American Legacy	KFGJ	do	2012B	2017B	2413D1F	W18 W49	10645
American Legion	WZJC	do	ET 8015A	ET 8043	CRM T1A 1000M	W19 W50	10646
American Liberty	WZJD	do	ET 8051A	ET 8043	CRM T1A 1000M	W21 W52	10647
American Lynx	WZJE	do	ET 8051A	ET 8043	CRM T1A 1000M	W22 W53	10648
American Mail	KGXA	American Mail	2012AP	2010A	2013APF	W23 W54	10649
American Oriole	KEUY	American Foreign S/S	2312D	2017A	2013E1F	W24 W55	10650
American Racer	KNDF	U.S. lines	2012B	2010A	2013BF	W25 W56	10651
American Ranger	KNKW	do	2012B	2010A	2313B	W26 W57	10652
American Reliance	KNKX	do	2012B	2010A	2313BF	W27 W58	10653
American Rice	WKOM	American Rice S/S	2012D	2017A	2013E1F	W28 W59	10654
American Sun	WNEJ	Sun Oil	2012A	2010A	2013AF	W29 W60	10655
American Trader	KVKV	American T. & P	2012A	2010A	2313A	W30 W01	10656
American Wheat	WHTI	Freighters Inc	2012D	2017C	2013C1F	W31 W62	10657
Amoco Connecticut	KHSA	Amoco Shipping	2012C	2017A	2013A	W01 W32	10658
Amoco Delewere	KVXW	do	2012A	2017A	MRU33A	W02 W33	10659
Amoco New York	KVKH	do	2012C	2017A	2013A	W04 W35	10660
Amoco Virginia	KIXO	do	ET 8051	ET 8043	ET 8065M	W05 W36	10661
Anchorage	KXMJ	Sealand Service	2012A	2010A	MRU27A	W06 W37	10662
Andrew Jackson	KCQE	Waterman SS	2012D	2017A	2013E1F	W07 W38	10663
Aquadilla	KADP	Puerto Rico Maritime	2012AP	2010A	2013AF	W08 W39	10664
Arco Anchorage	WCIO	Arco Comm. Inc	ET 8051B	ET 8043A	CRM T1C 1000	W09 W40	10665
Arco Fairbanks	WQWB	do	ET 8051B	ET 8043A	CRM T1C 1000	W10 W41	10666
Arco Heritage	KAHA	do	ET 8051B	ET 8043	CRM T1A 1000M	W11 W42	10667
Arco Juneau	KSBG	do	ET 8051B	ET 8043A	CRM T1C 1000	W12 W43	10668
Arco Prudhoe Bay	KPFD	do	2012 MOD2	2017A	2013A/2F	W13 W44	10669
Arco Sag River	WLDF	do	2012A2	2017A	2013A/2F	W14 W45	10670
Arlcibo	KYVN	Puerto Rico Maritime	2012B	2010A	2006B	W15 W46	10671
Arlipa	KCQN	Litton Indistries	2012D	2017A	2013E1F	W16 W47	10672
Arthur Middleton	KFCJ	States SS	2012B	2017B	2013D1F	W17 W48	10673
Ashley Lykes	WBAR	Lykes Bros. SS	2012BP	2010A	MRU35A	W18 W49	10674
Atlantic Communicator	KFBN	Arco Comm. Inc	ET 8051	ET 8043	ET 8065C	W19 W50	10675
Atlantic Endeavor	KALD	do	ET 8051	ET 8043	ET 8065M	W21 W52	10676
Atlantic Enterprise	KALC	do	ET 8051	ET 8043	ET 8065M	W22 W53	10677
Atlantic Prestige	WLDU	do	ET 8051A	ET 8043	CRM T1A 1000M	W23 W54	10678
Atlantic Trader	KCSX	Hendy International	2012D	2017C	2013C1F	W24 W55	10679
Atlantis II	KADC	Woods Hole Oceanographic Institute	ET 8051	ET 8043	ET 8065	W25 W56	10680
Austin	KNFS	Trinidad Corp	2012C	2017A	CA35M5	W26 W57	10681
Austral Endurance	KIRF	Farrell Lines	2012A	2010A	2006B1	W27 W58	10682
Austral Ensign	WPQJ	do	2012A	2010A	2006B1	W28 W59	10683
Austral Entente	KIRH	do	2012A	2010A	2006B1	W29 W60	10684
Austral Envoy	WPQK	do	2012A	2010A	2006B1	W30 W61	10685
Austral Patriot	KNKY	do	2012B	2010A	2013BF	W31 W62	10686
Austral Pilgrim	KPEX	do	2012B	2010A	2013BF	W01 W32	10687
Austral Pilot	KNKZ	do	2012B	2010A	2013BF	W02 W33	10688
Australia Bear	WEZT	Pacific Far East	2012A	2010A	MRU27A	W04 W35	10689
Avila	KAKL	Hendy International	2012B	2017A	2013D1F	W05 W36	10690
Azelea City	KOOJ	Sealand Service	2012D	2017A	2013E1F	W06 W37	10691
Bald Butte	WKIY	Chas Kurz & Co	ET 8051	ET 8043	ET 8065M	W07 W38	10692
Baltimore	W8IS	Sealand Service	2012A	2010A	MRU 27A	W07 W39	10693
Baltimore Trader	KASJ	American T. & P	2012A	2017A	2013AF	W08 W40	10694
Bar 265	KCUC	Brown & Root Inc			MK 150 S.5	W09 W41	10504
Bar 280	KCUF	do			MR 150 S.5	W10 W42	10505
Bar 297	KCUH	do			MR 150 S.5	W11 W43	10507
Bar 316	WJCN	do			MR 150 S.5	W12 W44	10513
Bar 323	KCUG	do			MR 150 S.5	W13 W45	10508
Bar 324	KCSG	do			MR 150 S.5	W14 W46	10501
Bar 331	WJCX	do			MR 150 S.5	W15 W47	10514
Barnacle	WV8K	F. B. Mossman			N551	W16 W48	10695
Bay State	WIEB	Department of Commerce	ET 8051C	ET 8043A	ET 8065C	W17 W49	10696
Beauregard	KCVU	Litton Industries	2012D	2017A	2013E1F	W18 W50	10697
Bethflor	KVUZ	Bethlehem Steel	ET 8051C	ET 8043A	CRM T1C 1000	W19 W51	10698

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Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Blenville	KOOC	Sealand Service	2012D	2017A	2013E1F	W21 W52	10699
Birch Coull	KLDJ	Petroleum Tankers	ET 8851	ET 8843	2013C MOD2F	W22 W53	10700
Bhe Falcon	KKXS	Blue Falcon Inc	2010A			W23 W54	10701
Borinquen	KPCV	Puerto Rico Maritime	ET 8851A	ET 8843	CRM T1A 1000B	W24 W55	10702
Boston	WNDW	Sealand Service	2012A	2010A	2013A	W25 W56	10703
Bradford Island	KCZG	Cities Service Tankers	2012A	2010A	2013AF	W26 W57	10704
Brazos	KGYK	Sabine T. & T	ET 8851C	ET 8843A	ET 8 65C	W27 W58	10705
Brinton Lykes	WLAO	Lykes Bros. SS	2012BP	2010A	MRU35A	W28 W59	10706
Brooklyn	KGBD	Hudson Waterways	2012C	2017A	MRU33A	W29 W60	10707
Buckeye Pacific	KKTQ	Sealand Service	ET 8819CA	ET 8819CA	20 3B	W30 W61	10708
C. V. Lightning	KAFP	American Export Isbrandtsen	ET 8851A	ET 8843	CRM T1A 1000M	W31 W62	10709
C. V. Sea Witch	KAFO	do	ET 8851A	ET 8843	CRM T1A 1000M	W32 W33	10710
C. V. Staghound	KAFQ	do	ET 8851A	ET 8843	CRM T1A 1000M	W32 W33	10711
Cable	WVJB	Murphy Pacific Marine	2012B	2010A	2013BF	W34 W35	10712
Californian	KPZK	Matson Navigation	2012D	2017A	2013E1F	W35 W36	10713
Do	WHJI	United Vintners	2012B	2017B	2013BF	W36 W37	10714
Canada Mail	WGNW	American Mail	2012BP	2010A	2013BPF	W37 W38	10715
Cantigny	KDYC	International Ocean Transport	2012C	2017A	2013A P1F	W38 W39	10716
Carbide Seadrift	KFTU	Union Carbide	ET 8851C	ET 8843A	ET 8 65C	W39 W40	10717
Carbide Texas City	KFGF	do	ET 8851C	ET 8843A	ET 8365C	W14 W41	10718
Carolina	KOCI	Puerto Rico Maritime	2012AP	2010A	2013A	W11 W42	10719
Carter Braxton	KFEB	Waterman SS	2012B	2012B	CA35MS	W12 W43	10720
Chancellorsville	KUCG	Keystone Shipping	2012D	2017A	2013E1F	W13 W44	10721
Charlestown	KPHS	Sealand Service	2012A	2010A	2013AF	W14 W45	10722
Charlotte Lykes	WLOW	Lykes Bros. SS	2012BP	2010A	MRU35A	W15 W46	10723
Chatham	KHRV	Waterman SS	ET 8824A	ET 8825	ET 8 23X	W16 W47	10724
Chelsea	KNCX	Keystone Shipping	2012C	2017A	2013A MOD2F	W17 W48	10725
Cherokee	KFGI	Santa Fe International			CA35MS	W18 W49	10611
Cherry Valley	WIBK	Keystone Shipping	2012C	2017A	2013A MOD2F	W19 W50	10726
Chevron California	WOGN	Chevron Shipping	2012C	2017A	2013A MOD2F	W21 W52	10727
Chevron Hawaii	KNFD	do	2012C	2017A	2013A MOD2F	W22 W53	10728
Chevron Mississippi	KMRB	do	2012C	2017A	2013 MOD2F	W23 W54	10729
China Bear	WEZP	Pacific Far East	2012A	2011A	MRU27A	W24 W55	10730
Chocktaw I	KLHY	Santa Fe International			CA35MS/CL35	W25 W56	10731
Chocktaw II	WCGI	do			CA35MS/CL35	W26 W57	10515
Christobal	KCNQ	Panama Canal	ET 8851C	ET 8843	ET 8065C	W27 W58	10732
Christopher Lykes	KPLF	Lykes Bros. SS	2012BP	2010A	MRU35A	W28 W59	10733
Cities service Baltimore	KEHO	International Ocean Transport	ET 8851	ET 8843	3013C MOD2F	W29 W60	10734
Cities Service Miami	WIJI	do	ET 8851	ET 8843	3013C MOD2F	W30 W61	10735
Cities Service Norfolk	KNEC	do	ET 8851	ET 8843	3013C MOD2F	W31 W62	10736
Citrus Packer	KHVN	Waterman SS	2012D	2017C	3013C1F	W01 W32	10737
City of Alma	KEDU	do	155B	149A	167A	W02 W33	10738
Colorado	KPHB	States Marine	2012B	2010R	HFT 1KJ	W04 W35	10739
Do	KWFE	Sabine T. & T	ET 8851C	ET 8843A	ET 8065C	W05 W36	10740
Columbia	KGYS	U.S. Steel	ET 8851C	ET 8843A	ET 8065C	W06 W37	10741
Do	KQIX	Ogden Marine	2012C	2017A	3013A MOD2F	W07 W38	10742
Columbia Brewer	KRHE	Columbia SS	ET 8824R	ET 8825	ET 8823X	W08 W39	10743
Columbia Fox	KYDC	do	ET 8824R	ET 8825	ET 8823X	W09 W40	10744
Columbia Mariner	KBVY	do	ET 8824R	ET 8825	ET 8823X	W10 W41	10745
Columbia Owl	WFZM	do	ET 8824R	ET 8825	ET 8823K	W11 W42	10746
Columbia Star	KYFG	do	ET 8824R	ET 8825	ET 8823X	W12 W43	10747
Connecticut	KETD	Connecticut Transport	2009A	2010A	3013D1F	W13 W44	10748
Coronado	KRSG	Keystone Shipping	2012C	2017A	3013A MOD2F	W14 W45	10749
Cotton State	KREG	States Marine	155AY	155AY	167BX	W15 W46	10750
Council Grove	KFRJ	International Ocean Transport	2012D	2017A	3013E1F	W16 W47	10751
Curb	KFUF	Murphy Pacific Marine	2012B	2010A	3013BF	W17 W48	10752
Cyclone	WGWO	Storm Drilling Co	2012C	2017A		W07 W38	10753
Cyrus E. King	KCFC	Frank R. Hamlett Jr			(HOMEMADE) HF 1	W18 W49	10754
David D. Irwin	KPEA	Delnor Corp	ET 8851C	ET 8843A	ET 8065C	W19 W50	10755
David E. Day	KFRR	Hendy International	155B	149A	3013E1	W21 W52	10756
Defiance	KRBS	Moore McCormack	2012A	2010R	3013A1	W22 W53	10757
Del Oro	WLCJ	Delta Steamship Lines	ET 8851	ET 8843	ET 8065M	W23 W54	10758
Del Rio	WGMU	Delta SS	ET 8851	ET 8843	ET 8065M	W21 W55	10759
Del Sol	WLCI	do	ET 8851	ET 8843	ET 8065M	W25 W56	10760
Dela Uruguay	KPNA	do	ET 8851A	ET 8843	CRM T1A 1000N	W26 W57	10761
Delaware Getty	KCBE	Getty Oil	ET 8851	ET 8843	ET 8065C	W27 W58	10762
Delaware Sun	KJDN	Delaware Sun Shipping	ET 8851	ET 8843	ET 8065C	W28 W59	10763
Delta Argentina	WNBM	Delta SS	ET 8851A	ET 8843	CRM T1A 1000M	W29 W60	10764
Delta Brasil	WNBW	do	ET 8851A	ET 8843	CRM T1A 1000M	W30 W61	10765
Delta Mar	KICF	do	2012C	2017A	3013A MOD 2F	W31 W62	10766
Delta Mexico	WHIX	do	ET 8851A	ET 8843	CRM T1A 1000M	W01 W32	10767
Delta Norte	KHIA	do	2012C	2017A	3013A MOD 2F	W02 W33	10768
Delta Paraguay	KYDA	do	ET 8851A	ET 8843	CRM T1A 1000M	W01 W35	10769
Delta Snd	KYDA	do	2012C	2017A	3013A MOD 2F	W05 W36	10770
Detroit	WFJH	Sealand Service	2012B	2010A	2013B	W06 W37	10771
Discoverer I	WPGS	Offshore International S.A	2012BP	2010A	2013BPF	W07 W38	10772
Doctor Lykes	KGDC	Lykes Bros. SS	2012D	2017A	2013E1F	W08 W39	10773
Do	KHNB	do	2012A	2010A	MRU27A	W09 W40	10774
Dolly Turman	WLDD	do	2012BP	2010A	MRU35A	W10 W41	10775
E. W. Thornton	WPHA	Reading & Bates Offshore Drill	2012B	2010A	2013B	W11 W42	10776
Eagle Charger	KMLK	Eagle Terminal Tankers	2012A	2010A	2013AF	W12 W43	10777
Eagle Courier	WIGF	United Maritime	ET 8851	ET 8843	ET 8065M	W13 W44	10778
Eagle Leader	KMLD	Eagle Terminal Tankers	2012A	2010A	2013AF	W14 W45	10779
Eagle Transporter	KMJE	United Maritime	ET 8851	ET 8843	ET 8065M	W15 W46	10780
Eagle Traveler	WKJP	Sea Transport	ET 8851	ET 8843	ET 8065M	W16 W47	10781
Eagle Voyager	KESN	United Maritime	ET 8851	ET 8843	ET 8065M	W17 W48	10782
Eastern Sun	KFBT	Eastern Sun Shipping	ET 8851	ET 8843	ET 8065C	W18 W49	10783
Eclipse	KJFA	Mobil Oil	2012C	2017A	2013A MOD 2F	W19 W50	10784
Edgar M. Queen	KEOC	Bankers Trust	ET 8851B	ET 8843	CRM T1B 1000M	W21 W52	10785
El-Taino	KCGH	Transamerican Trailer	2012C	2017A	MRU35A	W22 W53	10786

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Elizabeth Lykes	WLTP	Lykes Bros. SS	2012BP	2010A	MRU35A	W23 W54	10787
Elizabethport	KFEN	Sealand Service	2012D	2017A	2013E1F	W25 W55	10788
Ellen B. Scripps	WEMN	Regents of University of California			2813BP1	W26 W56	10789
Empire State IV	WIMW	Sunny Maritime Coll	2012D	ET 8843	2813E1F	W27 W57	10790
Entu	KIUW	Vantage SS	ET 851	ET 8843	ET 8852	W28 W59	10791
Eric K. Holzer	WLAG	Transamerican Trailer	2012A	2010A	2813A MOD2F	W29 W60	10792
Erna Elizabeth	WIJK	Albatross Tanker	2009A	2010A	CA35MS	W30 W61	10793
Evening Star	KDDJ	Walter C. Maertins			ART 13	W31 W62	10794
Exbrook	KIHP	American Export	2012D	2017A	2813E1F	W01 W32	10795
Excelsior	KYGT	do	155B	149A	167A	W02 W33	10796
Exchester	KIBS	do	155B	149A	167A	W04 W35	10797
Exford	KIND	do	2012D	2017A	2813E1F	W05 W36	10798
Export Adventurer	KSGK	do	2012A	2010A	2813AF	W06 W37	10799
Export Agent	KEHL	do	2012A	2010A	2813AF	W07 W38	10800
Export Aide	WOKB	do	2012A	2010A	2813AF	W08 W39	10801
Export Ambassador	WEXF	do	2012A	2010A	2813AF	W09 W40	10802
Export Banner	WFGT	do	2012A	2010A	2813AF	W10 W41	10803
Export Bay	WOKC	do	2012A	2010A	2813AF	W11 W42	10804
Export Builder	KEXB	do	2012A	2010A	2813AF	W12 W43	10805
Export Buyer	KCAO	do	2012A	2010A	2813AF	W13 W44	10806
Export Challenger	WLSG	American Export Isbrandtsen	ET 8851A	ET 8843	CRM T1A 1000M	W14 W45	10807
Export Champion	WLCO	do	ET 8851A	ET 8843	CRM T1A 1000M	W15 W46	10808
Export Commerce	WOKS	do	ET 8851A	ET 8843	CRM T1A 1000M	W16 W47	10809
Export Courier	KAAG	do	ET 8851A	ET 8843	CRM T1A 1000M	W17 W48	10810
Export Defender	KFGM	American President Lines	2012B	2017B	2813D1F	W18 W49	10811
Export Democracy	KFCO	do	ET 8851	ET 8843	CA35MS	W19 W50	10812
Export Diplomat	KFCD	do	2012B	2017A	2813D1F	W21 W52	10813
Export Freedom	WCJS	American Export	2012C	2017A	2813A MOD2F	W22 W53	10814
Export Leader	WCJV	do	2012C	2 17A	2813A MOD2F	W23 W54	10815
Export Patriot	WCJY	do	2 12C	2 17A	2813A MOD2F	W24 W55	10816
Exporter	KHQZ	do	155H	149A	167B	W25 W56	10817
Express	KQVI	do	2 1A	149A	167A	W26 W57	10818
Exxon Baltimore	WIMK	Exxon Comm	ET 8 51A	ET 8743	CRM T1A 1000M	W27 W58	10819
Exxon Bangor	KEAH	do	2 12D	ET 8743	2 13E1F	W28 W59	10820
Exxon Baton Rouge	WAFA	do	2 12A	2 1A	2813AF	W29 W60	10821
Exxon Boston	WIMJ	do	ET 8 51A	ET 8743A	CRM T1A 1000M	W13 W61	10822
Exxon Chester	KEAG	do	2 12D	ET 8 43	2 13E1F	W31 W62	10823
Exxon Florence	KEAK	do	2 12D	ET 8 43	2 13E1F	W01 W32	10824
Exxon Gettysburg	KIVP	do	2 12D	ET 8 43	2 13E1F	W 2 W33	10825
Exxon Houston	KIBA	do	2 12D	2 10A	2 13BF	W 4 W35	10826
Exxon Huntington	KEAJ	do	2 12D	ET 8743	2 13E1F	W 5 W36	10827
Exxon Jamestown	KIYO	do	2 12D	ET 8 43	2 13E1F	W 6 W37	10828
Exxon Lexington	KIYP	do	2 12D	ET 8 43	2 13E1F	W 7 W38	10829
Exxon New Orleans	WNDM	do	2 12B	2 1A	2 13BF	W 8 W39	10830
Exxon Newark	KEAF	do	2 12D	ET8 43	2813E1F	W09 W43	10831
Exxon Philadelphia	WNFJ	do	2 12A	2 1 A	2 13AF	W11 W41	10832
Exxon San Francisco	KAAC	do	2 12A	2 1 A	2813AF	W11 W42	10833
Exxon Seattle	KNHL	do	ET 8 51	ET 8743	ET 8 65M	W12 W43	10834
Exxon Washington	KIYN	do	2 12D	ET 8 43	2 13E1F	W13 W44	10835
F. S. Bryant	KIQT	Standard Oil of California	2 12D	2 17A	2813E1F	W14 W45	10836
F. V. Hunt	KFVH	Tracor/Mas, Inc	2 12B			W15 W46	10837
Fairisle	KWXG	Panoceanic Tankers	ET 8 24A	ET 8 25	ET 8 23X	W16 W47	10838
Fairland	KOEP	Sealand Service	2 12D	2017A	2813E1F	W17 W48	10839
Fairlee	WKOB	Hubbard Broadcasting			ET 8343	W18 W49	10840
Floridian	WKJW	Containerships	2 12A	2 17A		W19 W53	10841
Flying Dragon	KGEA	Pacific Far East	ET 8819C	ET 8343	ET 8316AX	W21 W52	10842
Flying endeavor	WDIB	American Export	155B	149A	156A	W22 W53	10843
Flying Enterprise II	KWTI	do	ET 8824A	ET 8825	ET 8223X	W23 W54	10844
Flying Fish	KBXX	do	15511	149A	156A	W24 W55	10845
Flying Foam	KFVY	American Export Isbrandtsen	158A	149A	167BY	W25 W56	10846
Flying Hawk	WMRX	American Export	155AY	155AY	167BX	W26 W57	10847
Fort Fetterman	KVNQ	Chas Kurz & Co	2012C	2017A	CRM TJA 1000M	W27 W58	10848
Fort Hoskins	KIEC	Tankships	2012D	2017A	2813E1F	W28 W59	10849
Fort Worth	KQDL	Trinidad	2012D	2017C	CA35M5	W29 W60	10850
Fortaleza	WEWW	Transocean Transportation	2012C	2017A	2013A	W33 W61	10851
Fortuna	WOQO	Alaska SS	158AY	158AY	167BY	W31 W63	10852
Frederick Lykes	WHTW	Lykes Bros. SS	2012HP	2010A	MRU35A	W01 W32	10853
Grines Mill	KUOL	Chas Kurz & Co	2012C	2017A	2013E1F	W02 W33	10854
Galveston	KBGA	Sealand Service	2012A	2010A	MRU37 10A	W04 W35	10855
Gateway City	KYTB	Coastal Ship	2012D	2017A	2013E1F	W05 W36	10856
Genevieve Lykes	WZJA	Lykes Bros. SS	2012HP	2010A	MRU35A	W06 W37	10857
George S. Long	WPSC	Weyerhauser SS	2012B	2010A	2013B	W07 W38	10858
George Walton	KFEU	States SS	2012B	2017B	2813D1F	W08 W39	10859
Glomar Challenger	WNCU	Global Marine	ET 8851A	ET 8843	CRM T1A 1000M	W09 W40	10860
Glomar Conception	WPGN	do	ET 8851	ET 8843	ET 8065M	W10 W41	10861
Glomar Grand Banks	KPOT	do	ET 8851C	ET 8843A	CRM T1C 1000	W11 W42	10862
Glomar Grand Isle	KKFE	do	ET 8851	ET 8843	ET 8065M	W12 W43	10863
Glomar Tasman	KIAD	do	ET 8824A	ET 8825	ET 8223D1X	W13 W44	10864
Glory of the Sea	KWGQ	do	ET 8824A	ET 8825	ET 8823X	W14 W45	10865
Golden Bear	KIYG	U.S. Maritime Commission	ET 8851A	ET 8843	CRM T1A 1000M	W15 W46	10866
Do	WEZD	Pacific Far East	2012A	2010A	MRU27A	W16 W47	10867
Golden Dolphin	KIBM	Aeron Shipping	ET 8851C	ET 8843A	CRM T1C 1000B	W17 W48	10563
Golden Endeavor	WDBU	do	ET 8851C	ET 8843A	CRM T1C 1000B	W18 W49	10869
Golden Gate	KIOH	Keystone Shipping	ET 8851B	ET 8843	CRM T1B 1000M	W19 W49	10870
Golden Noon	KQKO	Fred F. Noonan	ET 8824A	ET 8825	RDCO 3J2	W21 W52	10871
Gray	KRXR	Verity Marine	155B	149A	167B	W22 W53	10872
Great Republic	WMRM	Moore McCormack	2012A	2010A	2036A1	W23 W54	10873
Green Bay	KPGS	Central Gulf SS	155H	145A	167A	W24 W56	10874
Green Cove	KHZR	do	ET 8819CA	ET 8819CA	ET 8319AX	W25 W56	10875
Green Forest	WMBE	do	2012D	2017A	2813E1F	W26 W57	10876
Green Harbour	KIBJ	do	2012C	2017A	2813A MOD2F	W27 W58	10877
Do	WEDE	do	ET 8824A	ET 8825	ET 8823X	W28 W59	10878
Green Island	KIBK	do	2012C	2017A	2813A MOD2F	W29 W60	10879
Do	KEDG	do	ET 8824A	ET 8325	ET 8323X	W30 W61	10880
Green Lake	KGWZ	do	2 12D	2017A	2 13E1F	W31 W62	10881
Green Point	KAOD	do	ET 8819CA	ET 8319CA	ET 8319AX	W01 W32	10882
Green Port	WOWF	do	2012D	2017A	2813E1F	W02 W33	10883
Green Ridge	KKPR	do	2012D	2017A	2813C1F	W04 W35	10884
Green Springs	KPCT	do	2012D	2017A	2813E1F	W05 W36	10885
Green Valley	KHAG	do	2012C	2017A	2813A 2F	W06 W37	10886
Green Wave	WHAD	do	2012D	2017A	2813E1F	W07 W38	10887
Guadallipe	KSHF	Sabine T. & T	ET 8351C	ET 8343A	ET 8065C	W08 W39	10888
Guayama	WHGO	Sealand Service	2012A	2010A	MRU27A/MRU337 10	W09 W40	10889

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Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Gulf Banker	WLDH	Lykes Bros. SS	2412BP	2010A	2113BPF	W11 W41	10890
Gulf Commander	KSBC	Walter Huthnance Drilling Co			CA35MS/CL35	W11 W42	10512
Gulf Crest	KIMH	Blackships, Inc	ET 8051	ET 8043	ET 8065M	W12 W43	10891
Gulf Deer	WPIR	do	ET 8051C	ET 8043A	ET 8065C	W13 W44	10892
Gulf Farmer	WLDN	Lykes Bros. SS	2412BP	2010A	2113BPF	W14 W45	10893
Gulf King	WAKL	Blackships, Inc	ET 8051	ET 8043	ET 8 65M	W15 W46	10894
Gulf Knight	KGNT	do	ET 8051	ET 8043	ET 8 65M	W16 W47	10895
Gulf Lion	KKKO	do	ET 8051C	ET 8043A	ET 8065C	W17 W48	10896
Gulf Merchant	KGMK	Lykes Bros. SS	2412BP	2010A	2 13BPF	W18 W49	10897
Gulf Oil	WEMS	Blackships, Inc	ET 8 51	ET 8043	ET 8 65M	W19 W50	10898
Gulf Pride	WJIK	do	ET 8 51	ET 8 43	ET 8 65M	W21 W52	10899
Gulf Prince	KARC	do	ET 8051	ET 8043	ET 8 65M	W22 W53	10900
Gulf Queen	KLIC	do	ET 8051	ET 8043	ET 8 65M	W23 W54	10901
Gulf Seal	KKIX	Delships, Inc	ET 8051C	ET 8 43	CA 35MS	W24 W55	10902
Gulf Shipper	KEMP	Lykes Bros. SS	2412BP	2010A	2013BPF	W25 W56	10903
Gulf Spray	KEJD	Delships, Inc	ET 8 51	ET 8043	ET 8 65M	W26 W57	10904
Gulf Supreme	KGXM	Gulf Oil Corp	ET 8051	ET 8043	ET 8 65M	W27 W58	10905
Gulf Tiger	KKIW	Blackships	ET 8051C	ET 8043A	ET 8065C	W28 W59	10906
Gulf Trader	KRHI	Lykes Bros. SS	2412BP	2010A	2 13BPF	W29 W60	10907
Harding	KQRB	Bonito Maritime	ET 8010CA	ET 8043	ET 8010AX	W30 W61	10908
Hastings	KYRI	Waterman SS	2412D	2 17A	2013E1F	W31 W62	10909
Hawaii	WEBW	States SS	ET 8051	ET 8043	ET 8065M	W1 W32	10910
Hawaii Bear	WGJA	Pacific Far East	ET 8051C	ET 8043	ET 8065C	W02 W33	10911
Hawaiian	KPZP	Matson Navigation	2412D	2017A	2013E1F	W04 W35	10912
Hawaiian Citizen	KCUN	do	ET 8051	ET 8043	ET 8065C	W05 W36	10913
Hawaiian Enterprise	KSLO	do	2012A	2010A	2013AF	W06 W37	10914
Hawaiian Legislator	KVQR	do	ET 8051C	ET 8043R	ET 8065C	W07 W38	10915
Hawaiian Monarch	WNKP	do	2012R	2010A	2 13AF	W08 W39	10916
Hawaiian Princess	WEMF	do	2012D	2010A	2013I1F	W09 W41	10917
Hawaiian Progress	KNIJ	do	2012A	2010A	2013AF	W11 W41	10918
Hawaiian Queen	KSVE	do	2412A	2010A	2013AF	W11 W42	10919
Hercules	KCSK	Brown & Root			MR 151 0 5	W12 W43	10502
Hess Bunker	KHIX	Hess Tankship	ET 8051C	ET 8043A	ET 8 65C	W13 W44	10920
Hess Petrol	KMCB	do	ET 8051C	ET 8043A	ET 8 65C	W14 W45	10921
Hess Refiner	KGYI	do	2412D	2017A	2013E1F	W15 W46	10922
Hess Trader	WSKC	do	ET 8051C	ET 8043A	ET 8 65C	W16 W47	10923
Hess Voyager	KNFE	do	ET 8051A	ET 8043	CRM T1A 1000M	W17 W48	10924
Hillyer Brown	KKLA	Standard Oil of California	2412C	2017A	2 13D1F	W18 W49	10925
Hong Kong Mail	WNFD	American Mail	2412AP	2010A	2 13APF	W19 W51	10926
Hoosier State	KPCD	Global Bulk Transport	155B	149A	167A	W21 W52	10927
Hope	WHNJ	People to People Health Foundation	2409A	2 10A	2 13D1F	W22 W53	10928
Horizon	KSLF	Regents of University of California	2412AP	2 10A	2 13AP	W23 W54	10929
Houston	KHQG	Trinidad Corp	2412D	2017A	CA35M3	W24 W55	10931
Do	WFZV	Sealand Service	2412A	2010A	2 13A	W25 W56	10931
Howell Lykes	WLBP	Lykes Bros. SS	2412BP	2010A	2 13BP	W26 W57	10932
Hugh Gordon	KCUJ	Brown & Root			MR 150 0.5	W27 W58	10508
Humacao	KGDW	Puerto Rico Maritime	2 12A	2 10A	2 13AF	W28 W59	10933
Hurricane	KOGL	Storm Drilling	ET 8051C	ET 8043A		W29 W61	10934
Do	KXVG	American President	2412D	2 17A	2 13D1F	W3 W61	10935
Iberville	KFCE	Waterman SS	2412D	2017B	2013D1F	W31 W62	10936
Idaho	KNKF	States Marine	2 12B	201 A	IFFT 1KJ	W 1 W32	10937
Idaho Standard	KXAX	Standard Oil of California	2412D	2 17B	2 13C1F	W02 W33	10938
Independence	KPHI	American Export	ET 8 38	ET 8043	ET 8039	W 4 W35	10939
Indian Mail	KADB	American Mail	2 12AP	2010A	2 13AIF	W 5 W36	10940
Inger	KGSA	Fox Shipping	2 12B	2017A	2013C1F	W 6 W37	10941
J. E. Poole	KAPO	Marquette Cement	2 12B	2 1 A		W 7 W38	10942
J. H. Tuttle	KKOZ	Standard Oil of California	2412D	2017A	2 13E1F	W 8 W39	10943
J. L. Hannah	KKYD	do	2412D	2017C	2013C1F	W 9 W41	10944
Jacksonville	KWAH	Sealand Service	2012A	2010A	2013AF	W1 W41	10945
James	KHCV	James River Transport	2012D	2017A	2013E1F	W41 W42	10946
James Lykes	WHTS	Lykes Bros. SS	2 19A	2010A	MRU27A	W12 W43	10947
James M. Gillis	WEWP	University of Miami	ET 8051	ET 8043	ET 8065	W13 W44	10948
Japan Bear	WEZM	Pacific Far East	2412A	2 10A	MRU27A	W14 W45	10949
Japan Mail	WLRL	American Mail	2412B	2010A	2 12B	W15 W46	10950
Jean Lykes	WLAH	Lykes Bros. SS	2409A	2010A	MRU35A	W16 W47	10951
Jeff Davis	WEIN	Waterman SS	2412BP	2010A	2013BPF	W17 W48	10952
Jirafa	KNVP	J. Ray McDermott			CA35MS/CL35	W18 W49	10953
Joe Pickering	KVBH	La Dock Co			CA35MS	W10 W50	10954
John B. Waterman	KFCL	Waterman SS	2012B	2017B	2013D1F	W21 W52	10955
John Elliot Pillsbury	KNFA	University of Miami	ET 8051		ET 8065	W22 W53	10956
John Lykes	KIHD	Lykes Bros. SS	2409A	2010A	MRU35A	W23 W51	10957
John Penn	KERL	Waterman S	2012H	2017H	2013D1F	W24 W55	10958
John Tyler	KFCH	do	2012B	2017H	2013D1F	W25 W56	10959
Joseph D. Potts	KACF	Mathiasen Tankers	2012A	2010A	2013AF	W26 W57	10960
Joseph Hewes	KFCT	Waterman S	2012B	2017B	2013D1F	W27 W58	10961
Joseph Lykes	WHTR	Lykes Bros. SS	2409A	2010A	MRU35A	W28 W59	10962
Julesburg	KINQ	Chas Kurz & Co	2012D	2017A	2013E1F	W29 W60	10963
Julie	KPMX	Plaza Shipping	2012D	2017A	2013E1F	W30 W61	10964
Keva Ideal	KMHM	Keva Corp	2012D	2017A	2013E1F	W31 W62	10965
Keystoner	KIGR	Keystone Tankship	ET 8051	ET 8043	2013C3F	W01 W32	10966
Keytanker	KIBF	do	ET 8051	ET 8043		W02 W33	10967
Kopaa	KUTH	Matson Navigation	2412A	2010A	2013AF	W04 W35	10968
Korean Mail	WJGH	American Mail	2012AP	2010A	2013APF	W05 W36	10969
L. B. Meaders	KCSL	Brown & Root			MR 153 0.5	W09 W37	10503
La Salle	KXUW	Waterman SS	2012B	2017B	2013D1F	W37 W38	10970
Lash Atlantico	WEZU	Prudential Grace Lines	2012A	2010A	MRU27A	W08 W39	10971
Lash Espana	WEZA	do	2012A	2010A	MRU27A	W09 W40	10972
Lash Italia	WJAJ	do	2012A	2010A	MRU27A	W10 W41	10973
Lash Pacifico	WJEZ	do	2012A	2010A	MRU27A	W11 W42	10974
Lash Turkiye	WMIG	do	2012A	2010A	MRU27A	W12 W43	10975
Leland I. Doan	WLDE	Marine Interests	ET 8051	ET 8043	ET 8065M	W13 W44	10976
Leslie Lykes	WHTU	Lykes Bros. SS	2409A	2010A	MRU35A	W14 W45	10977
Letitia Lykes	KNEG	do	2012BP	2010A	MRU35A	W15 W46	10978

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Liberty Bell	KONC	Pan Pacific Fishories			8A	W16 W47	10979
Lompoc	KORW	Hendy International	2412C	2017A	2013E1F	W17 W48	10980
Long Beach	KPDV	Litton Industries	ET 8051A	ET 8043	CRM T1A 1000M	W18 W49	10981
Los Angeles	WTKD	Sealand Service	2012D	2017A	2013K1F	W19 W50	10982
Louis Lykes	WLCV	Lykes Bros. SS	2012BP	2010A	MRU35A	W21 W52	10983
Louisiana Brimstone	KQTM	Hendy International	2012D	2017A	2013C1F	W22 W53	10984
Louisiana Getty	WSSS	Getty Oil	2012A	2017A	2013A MOD2F	W23 W54	10985
Louisiana Sulphur	KKWG	Oceanic Sulphur	2012D	2017A	2013E1F	W24 W55	10986
Lurline	WLVD	Matson Navigation	2012C	2017A	2013A MOD2F	W25 W56	10987
Lyman Hall	KHRD	Waterman SS	2012B	2017A	2013D1F	W26 W57	10988
M. M. Dant	WJIA	States SS	ET 8051	ET 8043	ET 8065M	W27 W58	10989
Madaket	KOXH	Waterman SS	2012D	2017A	2013E1F	W28 W59	10990
Maiden Creek	KPBU	Sealand Service	155B	149A	167B	W29 W60	10991
Mallory Lykes	KLPN	Lykes Bros. SS	2012BP	2010A	MRU35A	W30 W61	10992
Manhatten	WJAF	Mahatten Tanker	ET 8051	ET 8043	ET 8065M	W31 W62	10993
Margaret Lykes	WJIN	Lykes Bros. SS	2012BP	2010A	MRU35A	W01 W32	10994
Marine Chemical Transporter	KVNZ	Marine Transport Line	2012A 2	2017A	2013A MOD2F	W02 W33	10995
Marine Chemist	KMCB	Marine Chemical Navigation	ET 8051B	ET 8043	CRM T1E 1000M	W04 W35	10996
Marine Duval	WQUI	Marine Transport Lines	2012A	2010A	2013AF	W05 W36	10997
Marine Eagle	WAYP	Marine Chemical Carriers	2012A	2010A	2013AF	W06 W37	10998
Marine Electric	WGOH	Marine Transport	ET 8051C	ET 8043A	ET 8065C	W07 W38	10999
Marine Floridian	KQMZ	do	ET 8051C	ET 8043A	ET 8065C	W08 W39	11000
Marine Texan	KGYQ	Marine Sulphur Carriers	ET 8051C	ET 8043A	ET 8065C	W09 W40	11001
Mariposa	KFCP	Pacific Far East	2412B	2017B	2006A1	W10 W41	11002
Marjorie Lykes	KAXP	Lykes Bros. SS	2012BP	2010A	MRU35A	W11 W42	11003
Maryland Trader	KFTZ	American T. & P	2012A	2010A	2013AF	W12 W43	11004
Marymar	WKFO	Calmar Shipping	ET 8051A	ET 8043	CRM T1A 1000M	W13 W44	11005
Mason Lykes	KNFN	Lykes Bros. SS	2012BP	2010A	MRU35A	W14 W45	11006
Massachusetts	WNIJ	International Ocean Transport	2 12C	2017A	MRU38A	W15 W46	11007
Matsonia	KHRC	Matson Navigation	2 12C	2017A	2013A MOD2F	W16 W47	11008
Mayaguez	WFZK	Sealand Service	2012D	2017C	21130C1F	W17 W48	11009
Do	KAAI	Puerto Rico Maritime	2 12A	2013A	2 13AF	W18 W49	11010
Mayo Lykes	KBNG	Lykes Bros. SS	2012B	2013A	MRU35A	W19 W50	11011
McDermott Barge No. 11	WNVH	J. Ray McDermott			CA35MS/CL35	W21 W52	11012
McDermott Barge No. 12	WNWB	do			CA35MS/CL35	W22 W53	11013
McDermott Barge No. 16	WNWD	do			CA35MS/CL35	W23 W54	10522
McDermott Barge No. 17	WNWE	do			CA35MS/CL35	W24 W55	11014
McDermott Barge No. 2	WNVV	do			RM150S	W25 W56	11015
McDermott Barge No. 20	WNVF	do			CA35MS/CL35	W26 W57	11016
McDermott Barge No. 21	WNVG	do			CA35MS/CL35	W27 W58	11017
McDermott Barge No. 22	WNWF	do			CA35MS/CL35	W28 W59	11018
McDermott Barge No. 23	WNWG	do			CA35MS/CL35	W29 W60	10509
McDermott Barge No. 27	KUBK	do			RM150S	W31 W61	10517
McDermott Barge No. 28	KNRG	do			RM150S	W31 W62	10518
McDermott Barge No. 3	WGLM	do			RM150S	W1 W72	10519
McDermott Barge No. 4	WGLN	do			CA35MS/CL35	W02 W33	10520
McDermott Barge No. 5	WNVK	do			CA35MS/CL35	W24 W35	11019
McDermott Barge No. 7	WNVC	do			CA35MS/CL35	W05 W36	11020
McDermott Barge No. 8	WNVE	do			CA35M	W06 W37	11021
McDermott Barge No. 9	WJAH	do			CA35MS/CL35	W07 W38	11022
Meadowbrook	KIHS	Chas Kurz & Co	2412D	ET 8043	2013E1F	W08 W39	11023
Melville	WECH	Regents of University of California	2012AP	2017A	2013A1F	W09 W41	11024
Merrimac	WGMD	Ogden Merrimac	2012C	2017A	2013C1F	W11 W41	11025
Michigan	KAIP	States SS	2012B	2010A	HFT 1KJ	W11 W42	11026
Mill Spring	KUCS	Chas Kurz & Co	2 12C	2017A	2013E1F	W12 W43	11027
Mobil Aero	WLBY	Socony Mobil Oil	2409A	2010A	2011A	W13 W44	11028
Mobil Artic	KSFY	Mobil Oil	2012C	2017A	2013A MOD2F	W14 W45	11029
Mobil Fuel	WGEB	do	ET 8051	ET 8043	ET 8065M	W15 W46	11030
Mobil Gas	KOHD	do	2012C	2017A	2013A MOD2F	W16 W47	11031
Mobil Lube	WKIM	Socony Mobil Oil	2409A	2010A	2013D1F	W17 W48	11032
Mobil Meridian	KGSM	Mobil Oil	ET 8051	ET 8043	ET 8065M	W18 W49	11033
Mobil Oil	WMTO	Socony Mobil Oil	2409A	2010A	2013D1F	W19 W50	11034
Mobile	KFTH	Sealand Service	2012A	2010A	2013A	W21 W52	11035
Mobil No. 1	WVAG	Texas Instruments			MR 102	W22 W53	11036
Mobil No. 2	WVAI	do			MR 102	W23 W54	11037
Mobil Power	KIEH	Knurr Marine	ET 8051	ET 8043	ET 8065M	W24 W55	11038
Mohawk	KPHA	Mohawk Shipping	2012D	2017A	2013E1F	W25 W56	11039
Monmouth	KFLF	Charles Kurz & Co	2012D	2017A	2013E1F	W26 W57	11040
Montana	WXGO	States Marine Lines	2012B	2010A	HFT 1KJ	W27 W58	11041
Monterey	KFCN	Pacific Far East	2012B	2017H	2006A1	W28 W59	11042
Montpelier	WGCS	Victory Carriers	2012BP	2010A	2013HFF	W29 W60	11043
Moon	KAIB	American Condor SS	2012D	2017A	2013E1F	W30 W61	11044
Mormacaltair	WMSM	Moore McCormack	ET 8051A	ET 8043	CRM T1A 1000M	W31 W62	11045
Mormacape	WMDX	do	ET 8051A	ET 8043	CRM T1A 1000M	W01 W32	11046
Mormacargo	WMRG	do	ET 8051A	ET 8043	CRM T1A 1000M	W02 W33	11047
Mormacbay	WMDW	do	ET 8051A	ET 8043	CRM T1A 1000M	W04 W35	11048
Mormacdrago	WMSD	do	ET 8051A	ET 8043	CRM T1A 1000M	W05 W36	11049
Mormaclen	WMDL	do	ET 8051A	ET 8043	CRM T1A 1000M	W06 W37	11050
Mormaclake	WMDY	do	ET 8051A	ET 8043	CRM T1A 1000M	W07 W38	11051
Mormaclynn	WMRU	do	ET 8051A	ET 8043	CRM T1A 1000M	W08 W39	11052
Mormacove	WMDG	do	ET 8051A	ET 8043	CRM T1A 1000M	W09 W40	11053
Mormacpride	WMDV	do	ET 8051A	ET 8043	CRM T1A 1000M	W10 W41	11054
Mormacrigel	WMSF	do	ET 8051A	ET 8043	CRM T1A 1000M	W11 W43	11055
Mormacscan	WMDZ	do	ET 8051A	ET 8043	CRM T1A 1000M	W12 W43	11056
Mormactrade	WMRH	do	ET 8051A	ET 8043	CRM T1A 1000M	W13 W44	11057
Mormacvega	WMRJ	do	ET 8051A	ET 8043	CRM T1A 1000M	W14 W45	11058
Mount Navigator	KNAR	Mount Shipping	2012B	2017A	2013F	W15 W46	11059
Mount Vernon Victory	KCDF	Mount Vernon Tanker	2409A	2 10A	2 13D1F	W16 W47	11060
Nancy Lykes	WCUU	Lykes Bros., SS	2409A	2010A	MRU35A	W17 W48	11061
Neches	KYNK	Sabine T. & T	ET 8051C	ET 8043	ET 8 65C	W18 W49	11062
Neptune	KAAU	Richard T. Race	2012B		N551	W19 W51	11063
Nevada Standard	KQUC	Standard Oil of California	2012D	2017A	2 13E1F	W21 W52	11064
New Jersey Sun	KEAL	N.J. Sun Shipping	ET 8051	ET 8043	ET 8065C	W22 W53	11065
New York Getty	KHTS	Getty Oil	ET 8051	ET 8043	ET 8 65C	W23 W54	11066
New Yorker	WIPL	Sealand Service	2409A	2010A	2 13BF	W24 W55	11067
New Zealand Bear	WGJO	Pacific Far East	ET 8051C	ET 8043	ET 8 65C	W25 W56	11068
Newark	WNDO	Sealand Service	2 12A	2010A	2013A F	W26 W57	11069
Noonday	KQJJ	Waterman SS	2012D	2017C	2013C1F	W27 W58	11070
Notre Dame Victory	KFLC	Ecological Tankers	2012C	2017A	2013A MOD2F	W28 W59	11071
Oakland	KPIV	Litton Industries	ET 8051A	ET 8043	CRM T1A 1000M	W29 W61	11072
Ogden Challenger	WGHK	Ogden Marine	2409A	2010A	2013D1F	W31 W61	11073
Ogden Champion	KIGP	do	2012A	2 10A	2 13A F	W31 W62	11074
Ogden Wabash	WGWC	Willamette Tsnasport	2012A	2013A	2013A F	W01 W32	11075
Ogden Willamette	WOWA	Ogden Marine	2012A	2010A	2013A F	W02 W33	11076
Ogden Yukon	KLHA	Sea Transport	2012D	2017A	2013E1F	W04 W35	11077
Old Dominion State	KASG	States Marine	2012A	2010A	2013A	W05 W36	11078

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Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Omega	WNHA	William R. Lamphear			ET 8 63A	W 6 W37	11079
Optimist	WQHB	Optimist Yachts	ART13		ET 8 63A	W 7 W38	11080
Oregon	KKFW	States SS	ET 8851	ET 8843	ET 8 65M	W 8 W39	11081
Oregon Mail	KCAK	American Mail	2012BP	2010A	2 13B1F	W 9 W40	11082
Oregon Standard	KTKW	Standard Oil of California	2012D	2017C	2 13C1F	W1 W41	11083
Overseas Alaska	WEHV	Maritime Overseas	2.12A	2010A	2013AF	W11 W42	11084
Overseas Aleutian	KFGK	Ocean Transport	2012A	2010A	2013AF	W12 W43	11085
Overseas Alice	WOYL	Intercontinental Bulktank	ET 8851B	ET 8843	CRM T1B 1000M(B)	W13 W44	11086
Overseas Anchorage	KLFE	Global Seaways	2009A	2010A	2312D1F	W14 W45	11087
Overseas Artic	KLEZ	Maritime overseas	2012A	2010A	2013AF	W15 W46	11088
Overseas Evelyn	KFGL	do	2012B	2017H	2013D1F	W16 W47	11089
Overseas Joyce	WGNJ	do	2009A	2010A	CA35MS	W17 W48	11090
Overseas Juneau	WWND	do	2012C	2017A	MRU35A	W18 W49	11091
Overseas Natalie	WLEB	Ocean Tankships	2012B	2010A	2313B	W19 W50	11092
Overseas Traveler	WBUC	Intercontinental Transportation	2012C	2017A	2013A MOD2F	W21 W52	11093
Overseas Ulla	WHLC	Ocean Transport	2009A	2010A	2013D1F	W22 W53	11094
Overseas Valdez	WOVS	Overseas Bulktank	ET 8851B	ET 8843	CRM T1B 1000M(B)	W23 W54	11095
Overseas Vivian	KAAZ	Ocean Tankships	ET 8851B	ET 8843	CRM T1A 1000M	W24 W55	11096
Pacific Bear	WEZB	Pacific Far East	2012A	2010A	MRU27A	W25 W56	11097
Panama	KPGL	Litton Industries	ET 8851A	ET 8843	CRM T1A 1000M(B)	W26 W57	11098
Pasadena	KIIG	Trinidad Corp	2012B	2017B	CA35MS	W27 W58	11099
Pecos	KTSN	Sabine T. & T	2012C	2017A	2313E1F	W28 W59	10529
Penn Leader	KKJZ	Penn Shipping	ET 8824A	ET 8825	ET 8 23X	W29 W60	10530
Penn Sailor	KIYM	Penntrans Co	155AY	167BX	CRM T1A 1000M	W30 W61	10531
Pennmar	KNVE	Calmar Shipping	ET 8851A	ET 8843	CRM T1A 1000M	W31 W62	10532
Pennsylvania Sun	WHSJ	Sun Oil Co	2009A	2010A	2313D1F	W11 W32	10533
Perryville	KUTN	Keystone Shipping	2012D	2017A	2313E1F	W32 W33	10534
Philadelphia	WJGO	Sealand Service	2012A	2010A	MRU27A/MR337 10A	W34 W35	10535
Philippine Mail	KFIP	American Mail Lines	2012B	2010A	2313B	W45 W36	10536
Phillips California	KHBL	Phillips Petroleum	2012B	2017H	2313D1F	W36 W37	10537
Phillips Washington	KEMA	do	2012B	2017B	2313D1F	W37 W38	10538
Pine Tree State	KSLD	States Marine	2012D	2017A	2313E1F	W38 W39	10539
Pioneer Commander	WJSB	U.S. Lines	ET 8851	ET 8843	ET 8865	W09 W40	10540
Pioneer Contender	WMEC	do	ET 8851	ET 8843	ET 8865	W13 W41	10541
Pioneer Crusader	WHVO	do	ET 8851	ET 8843	ET 8865	W11 W42	10542
Pioneer Moon	WJJX	do	ET 8851	ET 8843	ET 8865M	W12 W43	10543
Pittsburg	KOBA	Sealand Service	2012B	2010A	2313G1	W13 W44	10544
Planet	KAER	American Condor SS	2012D	2017A	2313E1F	W14 W45	10545
Platte	KIYR	Platte Transport	2012C	2017A	2013A MOD2F	W15 W46	10546
Ponce	WEZY	Sealand Service	2012D	2017C	2013C1F	W16 W47	10547
Ponce De Leon	WJJR	Transamerican Trailer	2012A	2010A	2313AF	W17 W48	10548
Portland	WNDF	Sealand Service	2012A	2010A	2313AF	W18 W49	10549
Portmar	WKFI	Calmar Shipping	ET 8851A	ET 8843	CRM T1A 1000M	W19 W50	10550
Poseidon	WILN	Jack N. Wheeler			N551	W21 W52	10551
Potomac	KPGN	Empire Transport	2012D	2017A	2313E1F	W22 W53	10552
President Adams	KFDO	American President Line	2012B	2017B	CA35MS	W23 W54	10553
President Fillmore	KRDH	do	2009A	2010A	MR102	W24 W55	10554
President Grant	KNLH	do	2009A	2010A	MR102	W25 W56	10555
President Harrison	WCJI	do	2009A	2010A	2006A1	W26 W57	10556
President Jefferson	WFUE	do	2012A	2010A	2006B1	W27 W58	10557
President Johnson	WVHS	do	2012A	2010A	2006B1	W28 W59	10558
President Lincoln	WGXY	do	2009A	2010A	MR102	W29 W60	10559
President Madison	WCDP	do	2012A	2010A	2006B1	W30 W61	10560
President McKinley	WVFZ	do	2009A	2010A	MR102	W31 W62	10561
President Monroe	WLDK	do	2009A	2010A	2006A1	W32 W32	10562
President Pierce	WUBV	do	2012A	2010A	2006B1	W12 W33	10563
President Polk	WNEI	do	2009A	2010A	2006A1	W04 W35	10564
President Taft	WLDT	do	2009A	2010A	MR102	W45 W26	10565
President Tyler	WGNF	do	2009A	2010A	MR102	W06 W37	10566
President Van Buren	WWPI	do	2009A	2010A	MR102	W07 W38	10567
Providence Getty	KTJM	Getty Oil Co	2012C	2017A		W08 W39	10568
Prudential Oceanjet	KNUS	Prudential Grace	2012B	2010A	2313HF	W09 W40	10569
Prudential Sealet	KFFJ	do	2012B	2010A	2313B	W19 W41	10570
Puerto Rican	WDJU	Hendy International	2012A	2017A	MRU35A	W11 W42	10571
Puerto Rico	WFJK	Transamerican Trailer	2012C	2017A	MRU35A	W12 W43	10572
Pure Oil	KQSI	Union Oil Co. of California	ET 8851C	ET 8843A	ET 8865C	W13 W44	10573
Rachel V	WAKI	Rachel V SS Corp	ET 8824A	ET 8825	ET 8 23X	W14 W45	10574
Rambler	KNLA	Malmondes Transport	2012D	2017A	2013E1F	W15 W46	10575
Raphael Semmes	KGJN	Sealand Service	2012D	2017A	2313E1F	W16 W47	10576
Red Jacket	KAAJ	American Export Isbrandtsen	2012A	2010A	2306B1	W17 W48	10577
Reefer Star	WIHJ	Star Kist Foods	ET 8851C	ET 8843A	CA35MS/CL35	W18 W49	10578
Rice Queen	KWXR	Western Ocean Transport	2012D	2017A	2013D1F	W19 W50	10579
Robert D. Conrad	WHBA	Maritime Operations	ET 8851	ET 8843	ET 8865M	W21 W52	10580
Robert E. Lee	KORD	Waterman SS	2012C	2017A	2013A MOD2F	W22 W53	10581
Robert Toombs	WJDD	do	2012B	2010A	2013D1F	W23 W54	10582
Ruth Lykes	KOHB	Lykes Bros. SS	2012HP	2010A	MRU35A	W24 W55	10583
Sabine	KGFA	Sabine T. & T	ET 8851C	ET 8843A	ET 8865C	W25 W56	10584
Saint Louis	KMMF	Sealand Service	2012A	2010A	MRU27R/MR337 10A	W26 W57	10585
Sam Houston	KDGA	Waterman SS	2012C	2017A	2013A MOD2F	W27 W58	10586
Samuel Chase	KFCR	do	ET 8851	ET 8843	CA35MS	W28 W59	10587
San Antonio	KIQJ	Trinidad Corp	2012D	2017A	2013E1F	W29 W60	10588
San Francisco	WTKA	Sealand Service	2012D	2017A	2013E1F	W30 W61	10589
San Juan	KFER	do	2012D	2017A	2013E1F	W31 W62	10590
Do	WRGO	Puerto Rico Maritime	2012A	2010A	MRU27R/MR337 10A	W01 W32	10591
San Pedro	KTSQ	Sealand Service	2012A	2010A	2013AF	W02 W33	10592
Sandy Lake	KGPM	Chas Kurz & Co	2012D	2017C	2013C1F	W04 W35	10593
Sansinena 11	WSIN	Hendy International	2012A	2017A	2013A	W05 W36	10594
Santa Barbara	WLGS	Prudential Grace	ET 8851	ET 8843	ET 8863A	W06 W37	10595
Santa Clara	WKJO	Commerce Tankers	ET 8851	ET 8843	ET 8865M	W07 W38	10596
Do	WLGP	Prudential Grace	ET 8851	ET 8843	ET 8863A	W08 W39	10597

Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Santa Cruz	KPCM	do	ET 8851	ET 8843	ET 8863A	W09 W40	10598
Santa Elena	WLGR	do	ET 8851	ET 8843	ET 8863A	W10 W41	10599
Santa Ines	KIIIW	do	2012D	2017A	2013E1F	W11 W42	10450
Santa Isabel	WLGT	do	ET 8851	ET 8843	ET 8863A	W12 W43	10451
Santa Lucia	KRFC	do	ET 8851	ET 8843	ET 8863A	W13 W44	10452
Santa Magdalena	KAAH	do	ET 8851	ET 8843	ET 8865	W14 W45	10453
Santa Maria	WIAE	Hendy International	2012C	2017A	2013D1F	W15 W46	10454
Do	KAFC	Prudential Grace	ET 8851	ET 8843	ET 8865M(B)	W16 W47	10455
Santa Mariana	WSNA	do	ET 8851	ET 8843	ET 8865M(B)	W17 W48	10456
Santa Mercedes	WIBH	do	ET 8851	ET 8843	ET 8865M	W18 W49	10457
Santa Monica	WSKX	do	2001A	2002A	2003A	W19 W50	10458
Santa Paula	WRNW	Union Oil	2009A	2010A	2013D1F	W21 W52	10459
Santa Rita	WJBA	States SS	ET 8851	ET 8843	ET 8865M	W22 W53	10460
Sealand Commerce	WEUJ	Sealand Service	2012A	2017A	2013A MOD2F	W23 W54	10461
Sealand Consumer	WCIF	do	2012C	2017A	2013A MOD2F	W24 W55	10462
Sealand Economy	WNDJ	do	2012C	2010A	2013AF	W25 W56	10463
Sealand Exchange	KFOU	do	2012A	2017A	2013A MOD2F	W26 W57	10464
Sealand Finance	WJKO	do	2012A	2017A	2013A MOD2F	W27 W58	10465
Sealand Galloway	KIILX	do	2012A	2017A	2013A MOD2F	W28 W59	10466
Sealand Maket	KJVG	do	2012A	2017A	2013A MOD2F	W29 W60	10467
Sealand McLean	WIGA	do	2012A	2017A	2013A MOD2F	W30 W61	10468
Sealand Producer	WIBJ	do	2012C	2017A	2013A MOD2F	W31 W62	10469
Sealand Resources	WJKD	do	2012A	2017A	2013A MOD2F	W01 W32	10470
Sealand Trade	WEUI	do	2012A	2017A	2013A MOD2F	W02 W33	10471
Sealand Venture	KIJH	do	2012A	2010A	2013AF	W04 W35	10472
Seatrain Carolina	WSII	Hudson Waterways	2012D	2017A	2013E1F	W05 W36	10473
Seatrain Florida	WRCX	do	2012D	2017C	2013C1F	W06 W37	10474
Seatrain Georgia	KEJT	Seatrain Lines	2012D	2017C	2013C1F	W07 W38	10475
Seatrain Maine	KRLO	Hudson Waterways	2012D	2017C	2313C1F	W08 W39	10476
Seatrain Maryland	KWOY	do	2012D	2017A	2013E1F	W09 W40	10477
Seatrain Ohio	KUSV	do	2012D	2017A	2013E1F	W10 W41	10478
Seatrain Puerto Rico	KNGR	do	2012D	2017A	2013E1F	W11 W42	10479
Seatrain San Juan	WIWL	do	2012D	2010A	2013E1F	W12 W43	10480
Seatrain Washington	KXAW	do	2012D	2017A	2013E1F	W13 W44	10481
Seattle	KVWH	Sealand Service	2012A	2010A	MRU27AFM2	W14 W45	10482
Sedco 703	KVFL	Sedco, Inc			MRU35A	W15 W46	10483
Sheldon Lykes	KEAY	Lykes Bros. SS	2012BP	2010A	MRU35A	W16 W47	10484
Shenandoah	WIEN	Marine Transport	2012AP	2010A	2013AF	W17 W48	10485
Shirley Lykes	WJDH	Lykes Bros. SS	2012BP	2010A	MRU35A	W18 W49	10486
Siesta	WAYY	Theodore L. Hopkins	ART13B		ART13B	W19 W50	10487
Silver Dove	KPZC	Geneva SS Co	ST 8924A	ET 8825	ET 8823X	W21 W52	10488
Silver Swan	KPYA	Oswego SS Co	ST 8924A	ET 8825	ET 8823X	W22 W53	10489
Sinclair Texas	WJDG	Dover Tanker	2012BP	2010A	2013B1F	W23 W54	10490
Sister Katingo	KPJC	Nautilus Petroleum	ET 8851	ET 8843	ET 8865M	W24 W55	10491
Socony Vacuum	KIGL	Socony Mobil Oil	ET 8851	ET 8843	ET 8865C	W25 W56	10492
Sohio Intrepid	KACK	Mathiasen's Tankers	2012A	2017A	2013AF	W26 W57	10493
Sohio Resolute	KAGN	do	2012A	2017A	2013AF	W27 W58	10494
Solon Turman	WNAJ	Lykes Bros. SS	2009A	2010A	MRU35A	W28 W59	10495
Sovereign	KNCG	Sovereign International	2010A			W29 W60	10496
Spirit of Liberty	WNGI	Keystone Shipping	2012A	2010A	2013A MOD2F	W30 W61	10497
Spitfire	KOPC	American Bulk	2012D	2017A	2013E1F	W31 W62	10498
Star	KAIY	American Foreign	2012D	2017A	2013E1F	W01 32	10499
State of Maine	WIWY	U.S. Maritime Academy	ET 8851C	ET 8843	ET 8865C	W02 W33	11200
Steel Advocate	WPIV	Isthmian Lines	2012D	2017C	2013C1F	W04 W35	11201
Steel Surveyor	KVOU	do	ET 8819CA	ET 8819CA	ET 8819AX	W05 W36	11202
Stella Lykes	KSJA	Lykes Bros. SS	2012BP	2010A	MRU35A	W06 W37	11203
Stonewall Jackson	KDDW	Waterman SS	2012C	2017A	2013A MOD2F	W07 W38	11204
Sugar Islander	KCKB	Pyramid Sugar Transport	2012C	2017A	MRU33A	W08 W39	11205
Summit	KXDW	Litton Industries	2012C	2017A	2013A MOD2F	W09 W40	11206
Sunshine State	WEUB	States Marine Lines	2012A	2010A	2013A	W10 W41	11207
Tamara Guilden	WNCL	Zim American Israell	2012B	2010A	2013BPF	W11 W42	11208
Tampa	KKJA	Sealand Service	2012A	2010A	MRU27A FM2	W12 W43	11209
Tampico	KSVB	Mathiasen's Tankers	ET 8851C	ET 8843A	CRM T1C 1000B	W13 W44	11210
Tatallina	KRIIC	Juan Perlo	ET 8824A	ET 8825	ET 8823X	W14 W45	11211
Tex	WEQX	Alton SS	ET 8851C	ET 8843A		W15 W36	11212
Texaco California	KCVE	Texaco, Inc	2012C	2017A	2013A	W16 W47	11213
Texaco Connecticut	KFGY	do	2012C	2017A	2013A	W17 W48	11214
Texaco Florida	KEHS	do	2012C	2017A	2013A	W18 W49	11215
Texaco Georgia	WLDW	do	2012C	2017A	2013A	W19 W50	11216
Texaco Illinois	KKTO	do	2012C	2017A	2013C1F	W21 W52	11217
Texaco Kansas	KYNF	do	2012D	2017A	2013E1F	W22 W53	11218
Texaco Maryland	KADG	do	2012A	2010A	2013A	W23 W54	11219
Texaco Massachusetts	KAAD	do	2012A	2010A	2013A MOD2F	W24 W55	11220
Texaco Minnesota	KODU	do	2012D	2017A	2013E1F	W25 W56	11221
Texaco Mississippi	KWEQ	do	2012D	2017A	2013E1F	W26 W57	11222
Texaco Montana	KNDL	do	2012A	2010A	2013AF	W27 W58	11223
Texaco New Jersey	KQQX	do	2012D	2017A	2013C1F	W28 W59	11224
Texaco New York	KGRY	do	2012C	2017A	2013A MOD2F	W29 W60	11225
Texaco North Dakota	KFDG	do	ET 8851	ET 8843	ET 8865C	W30 W61	11226
Texaco Rhode Island	WFDW	do	2012A	2010A	2013AF	W31 W62	11227
Texaco Wisconsin	WIGK	do	ET 8851	ET 8843	ET 8865C	W01 W32	11222
Texan	KPZI	Hendy International	2012D	2017A	2013E1F	W02 W33	11230
Texas Clipper	KVWA	Texas Maritime Academy	2012B	2017B	2013D1F	W04 W35	11219
Texas Sun	WIED	Sun Oil	2009A	2010A	2013D1F	W05 W36	11238
Texas Trader	KTHO	American T. & T	2012A	2010A	2013AF	W06 W37	11232
Thetis	KMJH	Eye Marine	2009A	2010A	2013D1F	W07 W38	11233
Thomas A	KATS	Academy Tankers	2012D	2017C	2013C1F	W08 W39	11234
Thomas E. Cuffe	WIST	Pacific Far East	2012A	2010A	MRU27A FM2	W09 W40	11235
Thomas G. Thompson	KGWT	University of Washington	ET 8851	ET 8843	ET 8865	W10 W41	11236
Thomas Jefferson	KFEI	Pacific Far East	2012B	2017B	2013D1F	W11 W42	11237
Thomas Lynch	KLIM	Waterman SS	2012B	2017B	2013D1F	W12 W43	11238
Thomas M	KIHW	Petroleum Tankers	ET 8851	ET 8843	2013C MOD2F	W13 W44	11239
Thomas Q	KENG	Academy Tankers	2012D	2017C	2013C1F	W14 W45	11240
Thomas Washington	KGWU	Regents of University of California	ET 8851	ET 8843	ET 8865	W15 W46	11241
Thompson Lykes	KFIX	Lykes Bros. SS	2009A	2010A	MRU35A	W16 W47	11242
Tille Lykes	WDOF	do	2012A	2010A	MRU27A FM2	W17 W48	11243
Topa Topa	KSNS	Waterman SS	2012D	2017A	2013E1F	W18 W49	11244
Transchamplain	WPGI	Hudson Waterways	2012A	2010A	2013AF	W19 W50	11245
Transcolorado	KOEW	do	2012AP	2010A	2013APF	W21 W52	11246
Transcolumbia	KPGQ	do	2012AP	2010A	2013APF	W22 W53	11247
Transeastern	KRBY	do	2009A	2010A	CA35MS	W23 W54	11248
Transerie	WRUY	do	2012D	2017C	2013C1F	W24 W55	11249
Transglobe	WSAX	Globe Waterways	155B	149A	167A	W25 W56	11250
Transindiana	KABP	Hudson Waterways	2012AP	2010A	2013A	W26 W57	11251
Transoneida	KSKE	Matson Navigation	2012A	2012A	2013AF	W27 W58	11252

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Vessel name	Call sign	Owner	Main transmitter	Reserve transmitter	High frequency transmitter	Series number	Identification number
Transontario	KUQY	Hudson Waterways	2812A	2810A	2813AF	W28 W50	11233
Transpacific	KVMI	Cefer Cargo Ships	155B	149A	167A	W29 W60	11254
Transpanama	KSNP	Hudson Waterways	2812D	2817A	2813E1F	W30 W61	11255
Transsuperior	KYMR	do	2812D	2817A	2813E1F	W31 W62	11256
Trident	KIEA	University of Rhode Island	2812BP	2810A	2813BPF	W61 W32	11257
Trinity	KYRH	Sabine T. & T	ET 8851C	ET 8843	ET 8065C	W92 W33	11258
Tullahoma	KYSG	Chas Kurz & Co	2812D	2817C	2813C1F	W34 W35	11259
Tustumena	WNGW	State of Alaska	2812BP	2810A	2813BP	W45 W36	11260
Typhoon	KDCG	Storm Drilling	ET 8851B	ET 8843		W46 W37	11261
Ultramar	WHDI	Aries Marine Shipping	ET 8851C	ET 8843A	CRM TIC 1000B	W07 W38	11262
Ultrasea	WJCG	do	ET 8851C	ET 8843A	CRM TIC 1000B	W08 W39	11263
USNS Tug Gear	KSIP	U.S. Navy	2812BP	2810A	2813BPF	W09 W40	11264
Utah Standard	KQTI	Standard Oil of California	2812D	2817A	2813E1F	W10 W41	11265
Valley Forge	WRGL	Keystone Shipping	2812A	2810A	2813A MOD2F	W11 W42	11266
Vantage Defender	WHGY	National Transport	2809A	2810A	2813D1F	W12 W43	11267
Vantage Horizon	KCUW	Vantage SS	2812A	2810A	2813AF	W13 W44	11268
Vantage Venture	KKIV	do	155B	155B	156B	W14 W45	11269
Velma Lykes	KVMU	Lykes Bros. SS	2812H	2810A	MRU35A	W15 W46	11270
Virginia Trader	KVKE	American T. & T	2812A	2810A	2813AF	W16 W47	11271
Wacosta	KWMY	Scaland Service	2812D	2817A	2813E1F	W17 W48	11272
Walter Rice	KCSE	Fox Shipping	2812D	2817C	2813C1F	W18 W49	11273
Warrior	KOKY	Litton Industries	2812D	2817A	2813E1F	W19 W50	11274
Washington	WPHI	States SS	ET 8851	ET 8843	ET 8065M	W21 W52	11275
Washington Mail	WLRK	American Mail	2812H	2810A	2813B	W22 W53	11276
Washington Standard	WSUL	Standard Oil of California	ET 8824R	ET 8825	ET 8023X	W23 W54	11277
Western Comet	KFBM	Western Tankers	2801K	2802K	2803L	W24 W55	11278
Western Pacesetter I	KHDB	Western Oceanic			CA35MS7C1L35	W25 W56	11279
Western Pacesetter II	KFBX	do			CA35MS7C1L35	W26 W57	11280
Western Pacesetter III	WDBT	do			CA35MS7C1L35	W27 W58	11281
Western Sun	KEHJ	Western Sun Shipping	ET 8851	ET 8843	ET 8065C	W28 W59	11282
William T. Steele	WSTD	Texas City Tankers	2812D	2817A	2813E1F	W29 W60	11283
Williamsburgh	WGDA	Ammdep SS	2812C	2817A	MRU33A	W30 W61	11284
Wilmington Getty	KTKX	Getty Oil	2812C	2817A	2813A MOD2F	W31 W62	11285
Windsor Victory	KOWX	Winco Tankers	ET 8851C	ET 8843A	ET 8065C	W01 W32	11286
Wyoming	WLGF	States SS	2812B	2810A	TEFT 1KJ	W02 W33	11287
Yellowstone	KPUZ	Rio Grande Transport	2812D	2817A	2812E1F	W04 W35	11288
Young America	WGLW	American Export	2812A	2810A	2813A	W05 W36	11289
Zoella Lykes	WEIN	Lykes Bros	2149A	2810A	MRU35A	W06 W37	11290
Glomar Coral Sea	KUBL	Global Marine	ET 8851C	ET 8843	CRM TIC 1000	W07 W38	11291
Hughes Glomar Explorer	WCHG	Summa Corp	ET 8851C	ET 8843	CRM TIC 1000	W08 W39	11292
Pioneer Contractor	KBJB	U.S. Lines	ET 8851	ET 8843	ET 8065M	W09 W40	11293
San Jacinto	KYSF	Sabile T. & T	ET 8851C	ET 8843A	CRM TIC 1000B	W10 W41	11294
Santa Ana	KGTP	Prudential Grace	ET 8851	ET 8843	ET 8065M	W11 W42	11295

[FR Doc.76-17007 Filed 6-14-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20334; RM-2413; FCC 76-510]

FM BROADCAST STATIONS

Table of Assignments; Muncie, Indiana

In the matter of amendment of § 73.202(b), table of Assignments, FM Broadcast Stations (Muncie, Indiana).

1. The Commission has before it a petition for rulemaking filed by Muncie Broadcasting Corporation ("MBC"), a statement of Tri City Radio Corporation ("Tri-City") in response to the petition, and MBC's reply to this statement.

2. At issue is MBC's proposal to make a series of channel changes in various Indiana communities in order to make possible the assignment of Channel 285A to Muncie, Indiana, as a second commercial FM assignment. MBC is licensee of a Class II daytime-only station in Muncie and Tri City is licensee of a Class IV full-time AM station in Muncie. Tri City is licensee of a Class B FM station operating on Muncie's only present FM channel. The issue of a possible second FM assignment for Muncie is not a new one; it has been raised by MBC before the Commission on several occasions. In a separate case (Docket No. 20129) MBC had objected to the Commission's refusal to propose assigning Channel 221A as a commercial assignment. MBC did indicate a willingness to drop its objection to assigning Channel 221A on a non-commercial reserved basis if its proposal here (for Channel 285A) were to receive favorable action. In a companion action today we acted to confirm the proposal in the notice in Docket No. 20129 and have assigned Channel 221A to Muncie for educational use. Ordinarily, the expectation is that one of the 20 channels reserved for educational use would be so utilized, but this was not feasible in Muncie because of the potential for interference to reception of Channel 6 TV posed by use of an educational channel. An educational station with significant coverage could be made possible only through use of Channel 221A. Accordingly, we reserved use of Channel 221A for educational purposes even though this precluded making it available to provide Muncie with its second local commercial FM service. This decision did not express a Commission view that such a second commercial FM service was not needed in Muncie. Indeed, we acknowledged the fact that the record supported the view that Muncie could warrant such a second assignment if another channel (such as Channel 285A here proposed) could be appropriately utilized. That, of course, is the question we address here.

3. That a second commercial FM assignment could be justified for Muncie, a city of 69,080 population, needs no extended discussion. Under the Commission's population criteria, a city of this size could warrant as many as 4 FM channels. Clearly a proposal for a second commercial channel merits exploration unless there is a basis for believing that problems exist in doing so or that other even more needed assignments would be foreclosed. It has been argued that problems are involved here which would show that the proposed Channel 285A assignment should not be made. There are three points we have been asked by Tri City to examine: the other channel changes necessary if Channel 285A is to be assigned; the intermixture of classes of channels which would be brought about at Muncie; and the possible reception problems a station on Channel 285A might face. Before considering these questions we should note that the proposal to assign Channel 285A to Muncie does not involve any problem with preclusion on Channel 285A or the various adjacent channels so as to foreclose favorable action on the proposal. Also, if the channel were assigned, an applicant should be able to find a site from which it could operate and comply with the applicable spacing and city coverage requirements. Thus, in terms of the usual criteria, the proposal clearly merits consideration. That being the case, the question becomes one of evaluating whether the three alleged problem areas are sufficient to foreclose consideration of the subject proposal.

4. In order to assign Channel 285A to Muncie it would be necessary to substitute Channel 228A for Channel 285A assigned to Marion, Indiana,[1] and to substitute Channel 224A for Channel 228A at Kokomo, Indiana. Also, Channel 228A would have to be substituted for Channel 224A at Lafayette, Indiana. Finally, Channel 228A would have to be deleted as Berne, Indiana's only assignment, with no substitute channel being available as a replacement. However, no interest has ever been expressed in the use of this channel.

[1] Since this channel is used at Hartford City, Indiana, rather than Marion, petitioner suggests a change in the Table to reflect this use. We agree that such would be appropriate. It should be noted that no modification of the station location specified in the station's license is involved. The Table would merely be conformed to the actual use of the channel.

5. MBC is willing to reimburse the affected stations for the cost of the channel changes, and the record discloses no significant preclusion or other problems which would occur by virtue of these channel substitutions. Although concern has been expressed because of the proposed removal of the channel assigned to Berne, Indiana, this is not an insuperable difficulty. The channel was assigned to this community of less than 3,000 persons in 1973, upon the specific representation by the petitioner that prompt action would be taken to effectuate use of the channel, but neither the petitioner nor any other party has stepped forward in the intervening three years. The channel would never have been assigned without the expression of interest. Now that it seems clear that there is no such present interest, there is no purpose in refusing to examine whether the channel could be better used elsewhere. Under these circumstances, the lack of a replacement channel is not a necessary obstacle to our consideration of the proposal. Likewise, the fact that some existing stations would have to change channel is not in itself a necessary barrier to favorable action. Their views on the specific changes proposed will be obtained in response to the Orders to show cause we are issuing.

6. Tri City is correct that the Commission ordinarily does not favor an intermixture of classes of channels as would occur here at Muncie. However, there have been exceptions in cases like this one where no additional Class B channels are available and petitioner has expressed a willingness to operate on a Class A channel if it were assigned. In view of the size of Muncie and the lack of any other acceptable way of providing a needed second FM channel, we do not believe that intermixture needs to be viewed as an impediment to making the assignment.

7. Finally, the suggestion has been made that there is a possibility that any station established on Channel 285A would receive interference from the city's existing operation on Channel 281. Channel 281 is 4 channels (800 kHz) removed from Channel 285A. Tri City argues that in such circumstances there is a serious interference potential, and it cites some cases where this has presented a problem. MBC, however, disputes the applicability of these cases, and it cites other situations where such frequency relationships have not produced problems. It also notes that it, not another party, would be affected by any such problem. Nonetheless, it expresses an eagerness to proceed.

8. While it cannot be known at this point that no interference problem could result, we have not been offered a showing adequate to indicate that we should not proceed with this approval. Assignments four channels apart do not violate any of the Commission's engineering criteria embodied in the Table of FM Assignments. In fact, the Commission has made many assignments four channels apart, including an A and a B channel in the same city. Tri City has not offered any evidence to document the likelihood of special problems here. Moreover, it is clear that there is no way the assignment could cause harm to Tri City. In view of MBC's acceptance of any risk involved, we intend to proceed with a consideration of the subject proposal to bring Muncie a second commercial FM service on which comments are invited.

9. The Commission proposes to amend the FM Table of Assignments, § 73.202 (b) of the Commission's Rules with regard to the communities listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Muncie, Ind	281	*221A, 281, 285A
Berne, Ind	228A	
Hartford City, Ind		228A
Kokomo, Ind	228A	224A
Lafayette, Ind	224A	228A
Marion, Ind	285A	

10. *It is ordered*, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Three J Radio Corp., shall show cause why its license for Station WWHC, Channel 285A, Hartford City, Indiana, should not be modified to specify operation on Channel 228A at Hartford City, Indiana.

11. Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station WWHC may, not later than July 15, 1976, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Three J Radio Corp. may, not later than July 15, 1976, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on Three J Radio Corp. to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Three J Radio Corp. is deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 9 above are found to be in the public interest.

12. *It is further ordered*, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Booth American Co. shall show cause why its license for Station WKMO, Channel 228A, Kokomo, Indiana, should not be modified to specify operation on Channel 224A at Kokomo, Indiana.

13. Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station WKMO may, not later than July 15, 1976, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Booth American Co. may, not later than July 15, 1976, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on Booth American Co. to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Booth American Co. is deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 9 above are found to be in the public interest.

14. *It is further ordered*, that pursuant to section 316 of the Communications Act of 1934, as amended, Tiprad Broadcasting Co. shall show cause why its license for Stations WXUS, Channel 224A at Lafayette, Indiana, should not be modified to specify operation on Channel 228A at Lafayette, Indiana.

15. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WXUS may, not later than July 15, 1976, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Tiprad Broadcasting Co. may, not later than July 15, 1976, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on Tiprad Broadcasting Co. to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Tiprad Broadcasting Co. is deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission if the channel changes referred to in paragraph 9 above are found to be in the public interest.

16. *It is further ordered*, That the Secretary of the Commission shall send a copy of this order by certified mail, return receipt requested, to Three J Radio Corp., Station WWHC, Hartford City, Indiana; Booth American Co., Station WKMO, Kokomo, Indiana; and Tiprad Broadcasting Co., Station WXUS, Lafayette, Indiana, the parties to whom the orders to show cause are directed.

17. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set forth below.

18. Interested parties may file comments on or before July 15, 1976, and

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reply comments on or before July 26, 1976.

Adopted: June 1, 1976.

Released: June 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

1. Pursuant to authority found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments, Section 73.202 (b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(b) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-17381 Filed 6-14-76;8:45 am]

[1] Commissioner Reid absent.

[47 CFR Part 73]

[Docket No. 19703; RM-1964]

TELEVISION BROADCAST STATIONS

Table of Assignments; Fresno, Calif.

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Fresno, California).

1. The Commission has before it the Notice of Proposed Rule Making adopted in this proceeding on March 7, 1973, and responsive filings from petitioner, Capital Cities Communications, Inc.[1] and other parties.

2. In response to petitioner's request, the Commission proposed to substitute television Channel 34 for Channel 30 at Fresno, California. Petitioner sought a modification of license for its station now operating on Channel 30 to specify Channel 34. This, petitioner alleged, was necessary in order to correct the unusual interference problems its station had experienced. Now, petitioner indicates that a change in channel no longer appears necessary, and it seeks withdrawal of its proposal so that it will be able to proceed along different lines to deal with these interference problems.

3. The Commission's decision to begin the proceeding was based on petitioner's request. Now that petitioner no longer desires to proceed in this manner, there is no reason not to terminate the proceeding. As a result of this action, the channels assigned to Fresno remain unchanged.

4. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules and Regulations.

5. *Accordingly, it is ordered,* That the subject proposal is denied and the proceeding is terminated.

Adopted: June 4, 1976.

Released: June 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-17382 Filed 6-14-76;8:45 am]

[1] Petitioner changed its name after the proceeding began from Capital Cities Broadcasting Corporation to Capital Cities Communications, Inc.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 210, 211, 212]

NAPHTHAS, GAS OILS AND "OTHER PRODUCTS"

Proposed Exemption From the Mandatory Petroleum Allocation and Price Regulations; Public Hearing

The Federal Energy Administration (FEA) hereby gives notice that, following a preliminary analysis of the impact of regulation of naphthas, gas oils and "other products" (as defined in 10 CFR 211.51) pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA), it has tentatively concluded that these products should be exempted from its Mandatory Petroleum Allocation and Price Regulations. Therefore, by this notice of proposed rulemaking, FEA is proposing an amendment to be submitted to the Congress in accordance with the provisions of Section 12 of the EPAA, to exempt naphthas, gas oils and "other products" from the application of the Mandatory Petroleum Allocation and Price Regulations (10 CFR Parts 210, 211 and 212) thereby converting the EPAA to standby authority with respect to the pricing and the allocation thereof.

FEA also gives notice that it will hold a public hearing and receive written comments with respect to its preliminary findings and views concerning this proposed exemption and all other pertinent factors related to this proposal and the potential removal of FEA controls from naphthas, gas oils and "other products." If, after all comments received during the public comment period are fully considered, FEA concludes that its preliminary findings and views are correct, amendments to exempt naphthas, gas oils, and "other products" from regulation will be submitted to the Congress.

Because supplies of crude oil and refined petroleum products have generally been sufficient since the end of the 1973 oil embargo, and FEA's domestic crude oil allocation (entitlements) program equalizes refiners' crude costs to a competitive range, it has been apparent for some time that the complex regulatory program created for the embargo shortage period may no longer be necessary to assure that the original objectives of the program are achieved with regard to some or all products. On the basis of evidence available to FEA, the existence of the price and allocation regulations now tends more to create market distortions than to achieve the objectives of the EPAA.

Although supplies were generally adequate for most of 1975, the future of the EPAA and of the national energy policy was uncertain. In addition, the exemption procedures provided by former Section 4(g) of the EPAA were mechanically somewhat cumbersome. Exemptions could apply, for example, to only one product at a time, and could remain in effect for only 90 days. These limitations, together with the uncertain future of the EPAA, prevented FEA from formulating and implementing a decontrol program during 1975.

On December 22, 1975, the President signed into law the Energy Policy and Conservation Act, which among other things, extended the EPAA, eliminated the cumbersome exemption procedures of section 4(g)(2) and provided new and more flexible exemption procedures in section 455, which added section 12 to the EPAA. In the Conference Report to accompany S. 622, the conferees stated with respect to section 455 of the EPCA:

> The United States still faces a critical energy problem. However, the dimensions of that problem are far different from those which existed in 1973 and were addressed by the EPAA. There is no longer a general shortage of either crude oil or refined petroleum products, with the possible exception of propanes. In many ways, the supply side of the market has returned to near the pre-embargo conditions which prevailed in 1972.
>
> In view of these changed conditions, a comprehensive regulatory structure • • • may no longer be necessary.
>
> Extension of the EPAA and its conversion to a standby authority offers, in addition, the potential for a smooth transition of petroleum markets from a closely regulated state to a large unregulated status subject to standby pricing and allocation authority. [Conference Report to Accompany S. 622, Report No. 94-516, p. 203-204, December 8, 1975.]

FEA recently held a public hearing and received written comments on the reevaluation of FEA regulations issued under section 4(a) of the EPAA. The overwhelming majority of the comments received in that proceeding confirmed the supply situation noted in the Conference Report and advocated the exemption of all refined petroleum products from FEA price and allocation regulations. Following analysis of these comments and other available information, FEA proposed and adopted amendments exempting residual fuel oil from the regulations. FEA has also proposed the exemption of middle distillates from the price and allocation regulations. FEA is continuing the examination of its regulations in light of the comments received in the reevaluation proceeding and other available information with a view toward the exemption of all refined petroleum products where the regulations issued pursuant to section 4(a) of the EPAA are no longer necessary to achieve the objectives of that legislation.

Section 455 of the EPCA provided somewhat more flexibility in the exemption of products. Certain products may be exempted in the same proceeding, for example, and an exemption is no longer limited to 90 days in length. FEA may propose to exempt an oil or product from the regulation prescribed under section 4(a) of the EPAA if it determines that the exemption is consistent with the attainment of the public policy objectives specified in section 4(b)(1) of the EPAA and that the regulation with the exemption provides for the attainment of those objectives, to the maximum extent practicable. An amendment exempting crude oil, residual fuel oil, or a refined petroleum product with respect to a class of persons or transactions with respect to any market level, must be submitted to the Congress before it takes effect. An exemption amendment may take effect if not disapproved by either House within 15 days under expedited Congressional review procedures.

Any amendment submitted to Congress which proposes to exempt crude oil (if permissible under and consistent with the requirements and limitations of section 8 of the EPAA), residual fuel oil, or any refined petroleum product from the allocation regulations must be accompanied by a finding that the oil or product is no longer in short supply and that the exemption would not have an adverse impact on the supply of any other oil or product.

Any proposed exemption with respect to price must be accompanied by a finding that (1) competition and market forces would provide adequate protection for the consumer, and (2) such amendment would not result in inequitable prices for any class of user.

Any exemption amendment submitted to the Congress must also be accompanied by an analysis of and FEA's views on the potential economic impact of such amendment.

Any oil or refined petroleum product which is exempted from the regulation under section 4(a) of the EPAA is subject to the reimposition of the controls if FEA determines that reimposition is necessary for and consistant with the objectives specified in section 4(b)(1). Subsequent reexemption of that oil or refined petroleum product would not be subject to Congressional review.

FEA is considering the exemption of naphthas, gas oils and "other products" from the Mandatory Petroleum Allocation and Price Regulations at this time because recent surplus supplies indicate that market conditions appear to justify an end to controls. For purposes of this proposed exemption, "naphthas" means petroleum fractions other than motor gasoline, aviation gasoline, aviation jet fuel or special naphthas, hexane or other specific hydrocarbon constituents, made up predominantly of hydrocarbons whose boiling points fall within the temperature range of 85° to 430° F. "Gas oils" means petroleum fractions made up predominantly of material which boils at or above 430° F. including heavy aromatic gas oil used as carbon black feedstock, but excluding process oils and refined lubricating oils. "Other products" is used herein as that term is defined in 10 CFR 211.202:

> "Other products" means allocated products which are not subject to allocation under Subparts D through J of this part, including benzene, toluene, mixed xylenes, hexane, lubricants, greases, special naphthas (solvents), lubricant base stock oils and process oils.

Naphthas, gas oils, and "other products," as set forth above, constitute only about 6% of total domestic refinery yield.

Section 12(c)(2) of the EPAA requires that an exemption amendment apply to only one refined petroleum product or one refined product category, and specifies that all or any portion of the group of refined petroleum products (other than motor gasoline, No. 2 oils and propane) constitutes a single product category. FEA is proposing the exemption of naphthas, gas oils, and "other products" as a single product category in a single notice of proposed rulemaking, and has issued a single document containing its preliminary findings and views related to the exemption. Upon conclusion of this rulemaking, FEA will determine whether an exemption of this product category should be adopted and will, as required by Section 12 of the EPAA, submit any exemption amendment for this product category to the Congress for review of FEA's findings and views supporting such exemption.

Comments are requested on whether the refiners' price rules should be amended in this proceeding to limit, between now and the effective date of the exemption proposed herein, the reallocation of increased product costs and increased non-product costs (including any unrecovered increased costs which have been banked for future recovery) which is currently permitted with respect to the products proposed to be exempted.

The refiners' cost allocation formulae of § 212.83(c) provide that the portion of a refiner's total increased costs of crude oil and increased non-product costs which are incurred in a month of measurement and which are attributable on a proportionate volumetric basis to the quantity of exempt products produced from crude oil must be excluded from the amount of increased costs which may be passed through in prices charged for covered (i.e., non-exempt) products. Increased costs incurred with respect to purchases of exempt products are excluded from the total of increased costs of purchased product permitted to be included in maximum allowable prices charged for covered products. These exclusions effectively prevent increased costs incurred beginning with the month prior to the effective date of the exemption of a product and attributable to that exempt product from being passed through in prices charged for non-exempt products. However, in light of the substantial amounts of unrecovered increased costs currently allocable to maximum allowable prices for naphthas, gas oils, and "other products", and in consideration of the fact that these costs could be reallocated under current price rules to maximum allowable prices for gasoline and other general refinery products prior to the effective date of any exemption, FEA proposes to limit the reallocation of any such costs, effective as of the date of this notice, if the proposed exemption of naphthas, gas oils, and "other products" is adopted. Although no specific amendment to § 212.83 is being proposed in this regard, FEA requests comments on both the extent and the effective date of this proposed limitation in light of the seasonal pricing patterns for gasoline and any other historic pricing practices relevant to this

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issue. FEA also requests comments on the method by which this limitation would be most effectively implemented, including the manner of determining which portion of the general refinery products bank is properly attributable to products proposed to be exempted in this proceeding. Further conforming amendments to the Mandatory Petroleum Price Regulations, beyond the simple exemption proposed herein, may be necessary so that the price rules fully reflect the exemption of products pursuant to this proceeding.

FEA has determined on the basis of currently available data that this exemption would be consistent with the attainment of the objectives set forth in section 4(b)(1) of the EPAA, as amended by section 451 of the EPCA. Those objectives are as follows:

(a) Protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;

(b) Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(c) Maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(d) Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(e) The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(f) Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(g) Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

(i) Fuels, and

(ii) Minerals essential to the requirements of the United States, and for required transportation related thereto;

(h) Economic efficiency; and

(i) Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

FEA's preliminary conclusions, based on information currently available to FEA, are that since an adequate supply is anticipated, the allocation and pricing of naphthas, gas oils, and "other products" are not necessary to protect the public health safety and welfare (section 4(b)(1)(A)); the maintenance of agricultural operations (section 4(b)(1)(B)); or the maintenance of exploration for and production or extraction of fuels (section 4(b)(1)(F)). Adequate supply and the positive effects of increased competition should insure that the proposed exemption is consistent with the preservation of an economically sound petroleum industry (section 4(b)(1)(C)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products (section 4(b)(1)(E)); economic efficiency (section 4(b)(1)(G)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(H)). The proposed exemption should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(D)). FEA emphasizes that these conclusions are preliminary and invites specific data, views and arguments with respect to the relationship between the objectives of the EPAA and the exemption contemplated by this proposal. Any information received with respect to the objectives will be considered by FEA in formulating its final conclusions.

FEA's specific preliminary findings and views on the exemption proposed hereby and the data and information in support thereof are set forth in a document entitled "Preliminary Findings and Views Concerning the Exemption of Naphtha, Gas Oil and 'Other Products' From The Mandatory Petroleum Allocation and Price Regulations" ("Preliminary Findings"). Interested persons may obtain copies of the Preliminary Findings by writing FEA, Office of Communications and Public Affairs, Publications Distribution Center, Washington; D.C. 20461. Copies will also be available at the FEA Press Room, Room 3138, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Tentative conclusions as set forth in the Preliminary Findings include:

(1) Naphthas, gas oils and "other products" are not in short supply.

Sufficient refining capacity exists, both in the U.S. and abroad, to adequately satisfy projected U.S. demand.

(2) Exemption of naphthas, gas oils and "other products" from the Mandatory Petroleum Allocation and Price Regulations would not have an adverse impact on the supply of any other oil or refined product subject to the Act.

(3) Competition and market forces are adequate to protect consumers, following such an exemption from regulation. In fact a greater degree of competition would be expected after exemption than exists under current regulations.

(4) Such an exemption from regulation will not result in inequitable prices for any class of user.

The Preliminary Findings also indicate FEA's tentative views concerning the potential economic impacts of exempting napthas, gas oils and "other products" from the Manadatory Petroleum Allocation and Price Regulations. It is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. In addition, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the gross national product, small business or the supply and availability of energy resources as fuel or feedstock for industry. FEA believes that the proposed exemption may have a positive effect on competition. The proposed exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis concludes that there will be no effect of the proposed exemption on the rate of unemployment in the United States, on the Consumer Price Index on the implicit price deflator for the gross national product.

Although FEA has not proposed a specific effective date for this exemption, FEA is aware that a certain time must be provided between the date of promulgation of this amendment, should it be adopted, and the date on which it takes effect, to permit parties currently subject to the regulations to make alternative supply arrangements. FEA has tentively concluded that thirty to forty-five days should provide sufficient time for completing such arrangements without unduly delaying the implementation of the exemption, and specifically requests comments from interested parties as to the adequacy of this conclusion.

Public hearings in this proceeding will be held beginning at 9:30 a.m. on July 1, 1976, and will be continued if necessary, on July 2, in Room 2105, 2000 M Street, N.W., Washington, D.C., in order to receive comments from interested persons.

Any person who has an interest in the proposed amendment or who is a representative of a group or class of persons that has an interest in the proposed amendment, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., 20461, and must be received before 4:30 p.m., June 24, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. The person making the request should describe briefly the interest concerned; if appropriate, to state he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 30, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., EST, Wednesday, June 28, 1976, and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, 2000 M Street, N.W. Washington, D.C., 20461, before 4:30 p.m., EST, on June 30, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. before 4:30 p.m., EST, June 28, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Interested persons are also invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box HO, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to the FEA, Executive Communications, with the designation "Exception of Naphthas, Gas Oils and "Other Products." Fifteen copies should be submitted. All comments received by July 7, 1976, and all relevant information will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The inflationary impact of this proposal has been considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator commented as follows:

As the draft notice of proposed rulemaking indicates, FEA has prepared an environmental assessment for these proposed revisions to 10 CFR. EPA intends to review this assessment prior to commenting on the environmental impact of the proposed rulemaking. Should we identify any environmental concerns as a result of that review, we will provide comments to FEA during the general review period outlined in the draft notice of proposed rulemaking.

In addition, the FEA has determined through an environmental assessment that exemption of gas oils and "other products" from regulation will not significantly affect the quality of the human environment. As a result, no environmental impact statement will be prepared respecting these products. However, the assessment of the environmental impact of exempting naphthas has not been completed, and a final decision on whether the preparation of an environmental impact statement for this product is required has been deferred pending completion of this hearing. Accordingly, FEA invites public comments and information concerning the environmental effects, if any, of this aspect of the proposal or any reasonable alternative. FEA will review the information thus received to determine whether any new facts are adduced which would lead to the conclusion that this proposal may significantly affect the quality of the human environment and take any further action under the National Environmental Policy Act of 1969 as may be appropriate.

Copies of the environmental assessment on the proposed exemption of gas oils and "other products" will be available upon request from the FEA Office of Communications and Public Affairs, Room 2140, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. Copies of the document will also be available for public review in the FEA Information Access Reading Room, Room 3116, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. Interested persons may submit comments and information concerning this environmental assessment to Executive Communications, Room 3309, Federal Energy Administration, Box HO, Washington, D.C. 20461.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, it is proposed to amend Parts 210, 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., June 10, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 210.35 is amended by adding paragraphs (c), (d) and (e) to read as follows:

§ 210.35 Exempted products.

* * * * *

(c)(1) Naphthas as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Naphthas as defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

(d)(1) Gas oils as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Gas oil as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(e)(1) Other products as defined in § 211.202 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Benzene, greases, hexane, lubricant base oil stocks, lubricants, special naphthas (solvents), toluene, unfinished oils, xylene and other finished products, as those terms are defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

2. Section 211.1 is amended in paragraph (b) by adding new subparagraphs (6) and (7) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.*

* * * * *

(6) Notwithstanding the provisions of Subpart J of this part, naphthas and gas oils are excluded from this part.

(7) Notwithstanding the provisions of Subpart K of this part, other products as defined in § 211.202 of this part are excluded from this part.

3. Subpart C of Part 212 is amended by adding a new § 212.56 to read as follows:

§ 212.56 Naphthas, gas oils, and general refinery products other than propane, butane, and natural gasoline.

Naphthas, gas oils, and general refinery products other than propane, butane, natural gasoline, and aviation gasoline are exempt from the provisions of this part.

[FR Doc.76-17407 Filed 6-10-76;4:06 pm]

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INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1109]

[Ex Parte No. 324]

STANDARDS AND PROCEDURES FOR ESTABLISHING RAILROAD RATES

Notice of Proposed Rulemaking and Order; Seasonal, Regional, or Peak Period Demand for Services

JUNE 10, 1976.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of June 1976.

On February 5, 1976, Pub. L. 94–210, the Railroad Revitalization and Regulatory Reform Act of 1976 (RRRRA), was enacted (90 Stat. 31). Its purpose is to provide "means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railway system of the United States, and to promote the revitalization of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness, and economy • • •" Embodied in the RRRRA are many changes in the Commission's responsibilities under Part I of the Interstate Commerce Act, the Regional Rail Reorganization Act of 1973, and other related statutes.

Pursuant to section 202(d) of the RRRRA, section 15 of the Interstate Commerce Act was amended by the addition of a new sub-paragraph (17) which reads as follows:

> Within 1 year after the date of enactment of this paragraph, the Commission shall establish, by rule, standards and expeditious procedures for the establishment of railroad rates based on seasonal, regional, or peak-period demand for rail services. Such standards and procedures shall be designed to (a) provide sufficient incentive to shippers to reduce peak-period shipments, through rescheduling and advance planning; (b) generate additional revenues for the railroads; and (c) improve (i) the utilization of the national supply of freight cars, (ii) the movement of goods by rail, (iii) levels of employment by railroads, and (iv) the financial stability of markets served by railroads. Following the establishment of such standards and procedures, the Commission shall prepare and submit to the Congress annual reports on the implementation of such rates, including recommendations with respect to the need, if any, for additional legislation to facilitate the establishment of such demand-sensitive rates.

It is clear that the intent of section 202(d) of the RRRRA is to facilitate the publication of demand-sensitive rates. The regulations and procedures proposed herein, set forth below, are designed for that purpose, i.e., to encourage the publication of seasonal, regional, and peak-period rates for rail service by removing any impediments to their publication and by establishing a regulatory climate conducive to experimentation in railroad ratemaking.

In order to encourage experimentation in ratemaking with regard to the publication of seasonal, regional, or peak-period rates, the carriers are hereby assured that such publications will be viewed as having been filed to improve "(i) the utilization of the national supply of freight cars, (ii) the movement of goods by rail, (iii) levels of employment by railroads, and (iv) the financial stability of markets served by railroads". In those instances where a protestant has presented sufficient cause to warrant suspension and/or investigation, the proceeding involving seasonal, regional or peak-period rates will be accorded priority. Further, it is the Commission's intent to be liberal in permitting changes or rescissions of innovative rates to ensure that such rates are not frozen in instances where the reason for their publication has expired, or where, for reasons beyond the control of the carrier, the experimental rates have failed to accomplish the purpose for which they were filed.

Congress, as an indication of its concern, has directed that the Commission submit to it annual reports of the implementation of seasonal, regional, and peak-period rates, "including recommendations with respect to the need, if any, for additional legislation to facilitate the establishment of demand-sensitive rates." To accomplish the objectives of 15(17), as amended, including the reporting requirement, we propose to adopt the standards and procedures below. In the event a proceeding is instituted, the proposed regulations will ensure development of an adequate record. Thus, we believe the new rules will facilitate expeditious decisions without imposing burdensome evidentiary requirements.

To assist the Commission in complying with the objectives of section 202(d) of the RRRRA and to assure the formulation of appropriate standards, respondents and other interested parties wishing to comment on the proposed rules, set forth below, should do so by filing written statements of facts and arguments. Where possible, these comments should be submitted in the format set forth in Appendix A. Comments are desired on all matters addressed in Appendix A, but a significant change in procedures is suggested by the Part III G proposed establishment of a Commission policy allowing publication of demand-sensitive rates by proponent carrier or carriers subject to cancellation on 30 days' notice after a specific date without suspension of the cancellation. Thus, comments on that proposal would be of particular interest.

For purposes of identification and to assist us in reporting to Congress, we propose to require a notice on the title page of the tariff indicating that the tariff or supplement contains seasonal, regional, or peak-period rates. Such a requirement will inform the Commission of all proposals of this nature so that expeditious handling may be accorded. A similar special notation in transmittal letters is proposed in order to provide notice to other interested parties. (See proposed rules § 1109.10(a) to (d) inclusive.)

Guidelines for the submission of cost and revenue data have been established (see proposed rules § 1109.10(e) and (h)), to assist the carriers in preparing a justification statement (optional) or their evidentiary case if a formal proceeding is instituted. The cost and revenue data has been confined to the minimum information needed to determine whether the proposed rate complies with the section 15(17) mandate to develop a standard designed to "generate additional revenues for the railroads." The definitions of the terms used in formulating the guidelines are set forth in § 1109.10(h)(1). Although the guidelines place emphasis on the variable cost level, this should not preclude the parties to this proceeding from suggesting other appropriate standards. It is our intention that the procedures ultimately adopted will provide the flexibility necessary for innovative ratemaking.

As previously indicated, section 15(17) as amended, requires the Commission to submit annual reports to Congress. Accordingly, the proposed regulations require rail carriers to submit appropriate information within 45 days following the last day of the effective seasonal, regional or peak-period rates. (See proposed rule § 1109.10(1).)

Wherefore, in order to provide opportunity for full consideration of the proposed rules and any related matters:

It is ordered, That a proceeding be, and it is hereby, instituted under section 15 (17) of the Interstate Commerce Act with the objective of creating standards and expeditious procedures for the establishment of railroad rates based on seasonal, regional, or peak-period demand for rail services.

It is further ordered, That all common carriers by railroad subject to Part I of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person interested in this proceeding shall notify this Commission, by filing with the Office of Proceedings, Interstate Commerce Commission, Room 5342, Washington, D.C. 20423, on or before 30 days from the date of service of this notice, the original and one copy of a statement of his interest. Inasmuch as the Commission desires wherever possible: (a) To conserve time, (b) to avoid unnecessary expense to the public, and (c) to have service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intent to participate shall include a detailed specification of the extent of such person's interest: including (1) whether such interest extends merely to receiving Commission releases in this proceeding; (2) whether such person genuinely wishes to participate by receiving or filing initial and/or reply statements, and by attending and/or participating in the public hearing if deemed necessary; (3) if participation as described in (2) is desired, whether such person will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission; and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding. The Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must filed.

It is further ordered, That in view of the fact that section 202(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 requires completion of this proceeding within 12 months of the date of enactment (February 5, 1976), an expedited procedure will be followed in this proceeding and extension of any due dates established herein are not contemplated. Following the preparation of the service list, a procedural order will be entered designating due dates for submission of evidence and arguments. No oral hearing is contemplated unless a need therefor is later determined.

And it is further ordered, That a copy of this notice and order be served on each respondent, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register for publication therein.

By the Commission. (Chairman Stafford did not participate.)

ROBERT L. OSWALD,
Secretary.

It is proposed to amend § 1109.10 by adding thereto as follows:

§ 1109.10 Standards and expeditious procedures for establishing railroad rates based on seasonal, regional, or peak-period demand for rail services.

(a) *Definition.* The phrase seasonal, regional, or peak-period rates, refers to rates which are intended to (1) provide sufficient incentive to shippers to reduce peak-period shipments, through rescheduling and advance planning; (2) generate additional revenues for the railroad; and (3) improve (i) the utilization of the national supply of freight cars, (ii) the movement of goods by rail, (iii) levels of employment by railroads, and (iv) the financial stability of markets served by the railroads, as required by section 15(17) of the Interstate Commerce Act.

(b) *Title page.* In addition to requirements of 49 C.F.R. § 1300.3, a tariff title page must also state whether the tariff or supplement contains seasonal, regional, or peak-period rates as defined in § 1109.10(a).

(c) *Letters of transmittal.* In connection with seasonal, regional or peak-period rates filed with the Commission, letters of transmittal (required by 49 C.F.R. 1300.29) must also bear the following notation, when applicable:

> This tariff (or supplement or loose leaf amendment) contains seasonal, regional, or peak-period rates (see item(s) ____) within the meaning of 49 C.F.R. § 1109.10(a).

(d) *Notice to subscribers.* When applicable, the same information required in § 1109.10(c) shall also be transmitted to each subscriber to the publication.

(e) *Justification statements.* Justification statements may be filed concurrently with seasonal, regional, or peak-period tariffs to show that the proposed rates fall within the purview of § 1109.10 (a). Information of the type specified in § 1109.10(h), if included in the justification statement, would assist the Commission in its initial evaluation of the proposal.

(f) *Protest(s) and investigation.* Protests to a tariff (or supplement) making reference on the title page to § 1109.10 (a) must be verified and filed in accordance with § 1100.42(f). In the event of investigation or suspension, these proceedings will be accorded priority, and modified procedure (49 C.F.R. § 1100.45 to 1100.54), to the extent feasible, will be followed.

(g) *Reply to protest.* Replies to protests of rate proposals under this section should be filed and served promptly in accordance with § 1100.42(e). Respondents are urged to submit the cost and revenue data specified in § 1109.10(h) unless previously furnished under § 1109.10(e).

(h) *Initial statement.* In order to expedite the proceedings in the event of the suspension of tariff schedules, setting forth seasonal, regional or peak-period rates or in the event that investigation without suspension of such schedules is ordered, respondent railroad or railroads shall submit in writing, under verification, within 20 days following service of the order of suspension or investigation cost and revenue data of the type hereinafter specified.

(1) *Definitions.* (i) "Traffic at issue" is that traffic affected by the proposed seasonal, regional, or peak-period rates. For seasonal or peak-period rates it includes similar traffic handled during the so-called "off-seasonal" or "off-peak" periods.

(ii) "Study period" is defined as follows:

(A) For seasonal or peak-period rates, the study period shall consist of the 12-month period ending on the last effective day of the seasonal or peak-period rates. For example, if the seasonal or peak-period rates are effective July 1 through September 30, 1976, the "study period" shall be October 1, 1975 through September 30, 1976. Based on the foregoing, the "off-season" or "off-peak" period will be that period from October 1, 1975 through June 30, 1976.

(B) For regional rates, the study period shall consist of a 12-month period, the first month of which shall not precede by more than 15 months the date on which the tariff proposal is filed.

(2) *Cost and Revenue Data.* (i) For seasonal or peak-period rates, cost and revenue data shall include: (but see 1109.10(h)(4) below).

(A) *The Seasonal or Peak-Period (Specify Period), indicating:*

(*1*) The total variable costs and total revenues (in dollars), assuming the proposed seasonal or peak-period rates were in effect for the specified period; and, the revenue-to-variable cost ratio (percent) resulting therefrom, and

(2) The total variable costs and total revenues (in dollars), assuming the proposed seasonal or peak-period rates were not in effect for the specified period; and, the revenue-to-variable cost ratio (percent) resulting therefrom.

(B) *Off-Seasonal or Off-Peak Period (Specify Period)*, indicating the actual or estimated total variable costs and total revenues (in dollars) on the traffic at issue; and, the revenue-to-variable cost ratio (percent) resulting therefrom.

(C) *Full Study Period (Specify Period)*, indicating the total variable costs and total revenues (in dollars) for the full study period, and the revenue to variable cost ratios (percent) resulting therefrom, based on a combination of (2)(i)(a) and (2)(ii) on the one hand, and (2)(a)(i) (b) and (2)(a)(ii) on the other hand.[1]

(ii) For regional "all year" rates, cost and revenue data shall include:

(A) The total variable costs and total revenues (in dollars) for the 1-year study period, assuming the regional rates were in effect, and

(B) The total variable costs and total revenue (in dollars) for the 1-year study period, assuming the proposed rates were not in effect.

(3) *Accompanying Explanation.* A full explanation of the methods, procedures and data used to determine the total variable costs and total revenues as required in items (2) above shall be submitted.

(4) *Alternative Data.* The submission of the above evidence represents data which the Commission believes would provide a basis for meaningful analysis of the lawfulness of such rates. However, respondent railroads may justify their proposal on the basis of other relevant evidence or cost levels. A full explanation of the methods and procedures used shall be provided.

(i) *Reporting Requirements.* Commencing with the year ending December 31, 1976, and for subsequent years thereafter, until further order, all common carriers by rail, subject to section 20, Part I of the Interstate Commerce Act, shall submit annual information reports showing those seasonal, regional, or peak-period rates published in accordance with section 15(17) of the act, the total mile-

[1] Cost/revenue comparisons are to be submitted for the seasonal or peak-period, off-season or off-peak period and full study period. This will enable the Commission to examine the data on an annual basis, so that costs for a portion of the period would not necessarily be controlling.

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age hauled, tonnage carried, and revenues derived therefrom compared with the same statistics from the preceding year. In addition, these reports, which shall be filed with the Commission within 45 days following the last day of the effective seasonal, regional, or peak-period rates, as defined by § 1109.10(a), shall show whether the rates accomplished their intended purpose.

APPENDIX A—MANNER IN WHICH EVIDENCE SHOULD BE SUBMITTED

To expedite analysis of the evidence, parties filing representations in this proceedings (including evidence, if any, related to the National Environmental Policy Act of 1969) are requested to do so in accordance with the following format:

PART I. ANALYSIS OF SEASONAL, REGIONAL, OR PEAK-PERIOD RATES FOR RAIL SERVICES

A. Any commodities and circumstances for which seasonal, regional, or peak-period ratemaking should be encouraged.

B. Data and comments regarding potential for improvements in rail services and revenues should seasonal, regional, and peak-period rates be established pursuant to the proposed rules.

C. Comments on how specific historical information should be used to identify patterns of seasonality, e.g. how might the following topics be used to analyze historical monthly data:

(1) Carloadings & tonnage (by car type);
(2) Car orders (by car type) and unfilled orders;
(3) Commodity production and demand;
(4) Monthly commodity prices;

D. Comments regarding the extent to which seasonal and peak rate differentials result in a greater utilization of rail plant and equipment through the shifting of demand for rail service to periods of under-utilization, noting:

(1) Any class or classes of shippers who will adjust their shipment patterns in response to the rate differential,

(2) And estimating the changes in traffic and net revenues expected to result from such rate differentials.

PART II. COMMENTS ON EXPEDITED PROCEDURES AND EFFECT OF PROPOSED RULES

Comments on the effect, impact or practicality of the rules contained in Appendix A (§ 1109.10(a) to § 1109.10(h)), including (1) emphasis on the advisability of requiring the proponent railroads to come forth with specified cost data (§ 1109.10 (e) and (h)); and (2) any additional information that may assist the Commission in its reports to Congress.

PART III.—OTHER ISSUES

A. Goals (other than those proposed in the RRRRA) that seasonal, regional, or peak-period rates may achieve, explaining what weight these goals should be given in Commission decisions.

B. Comments on why seasonal, regional or peak-period rates have not been widely published in the past, including a discussion of regulatory procedures or further statutory modifications which might be required to encourage such rates.

C. The weight to be given to "comparing the levels of employment," "the movement of goods by rail," and "the financial stability of markets served by the railroads" in Commission decision making.

D. Address whether seasonal volume requirements should be permitted as part of seasonal, regional, or peak-period ratemaking.

E. The term "regional rates" is not defined in the statute and no attempt has been made to define it in the proposed rules. Comments regarding (a) the need for such a definition, and (b) if a definition is needed, what should be included therein, are requested.

F. The applicability and use of Section 207 of the RRRRA to seasonal, regional, or peak-period rates.

G. Comments on establishment of a Commission policy allowing publication of demand-sensitive rates by proponent carrier or carriers subject to cancellation on 30 days' notice after a specific date without suspension of the cancellation.

H. Any other pertinent comments falling within the scope of this proceeding.

[FR Doc.76-17401 Filed 6-14-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Meeting

In accordance with Pub. L. 92-463 dated 6 October 1972, notice is given of a meeting of the Army Advisory Panel on ROTC Affairs on 9 July at the Rodeway Inn, Tacoma, Washington. The proposed schedule of activities is as follows:

0800 Opening Remarks and Introductions
0830 Remarks Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs)
0900 Department of the Army/U.S. Army Training and Doctrine Command Briefings
1000 Briefings by Representatives of Army National Guard and Army Reserve
1300–1500 Panel Discussion of ROTC Topics

The meeting is open to the public.

ERCOLE M. BARONE,
Lieutenant Colonel, GS Executive Secretary, Army Advisory Panel on ROTC Affairs.

[FR Doc.76-17318 Filed 6-14-76;8:45 am]

U.S. ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: US Army Medical Research and Development Advisory Panel.
Date of Meeting: 8-9 July 1976.
Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, DC.
Time: 0830-1600.
Proposed Agenda: Subjects to be considered include briefings on disease hazards and environmental factors which have in the past affected military operations in the Middle-East, Army Medical Department support for contingency planning, communicable disease and immunology, medicinal chemistry, neuropsychiatry, surgery, research budget, contract management, personnel policies, medical aspects of equipment development, and health care operations.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the panel at the time and in the manner permitted by the panel. Interested persons wishing to participate should advise the Executive Secretary, SGRD-RP, Room 8G045, Forrestal Building, Washington, D.C. 20314.

PHILLIP E. WINTER,
Col. MC, Executive Secretary, U.S. Army Medical Research and Development Advisory Panel.

[FR Doc.76-17319 Filed 6-14-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Change of Meeting

This is to provide notice of change of meeting for the Juvenile Justice and Delinquency Prevention Task Force of the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels the previous meeting date of June 26, 1976 which was published in the FEDERAL REGISTER on June 9, 1976.

The Juvenile Justice and Delinquency Prevention Task Force will be meeting at the Airport Park Hotel, 600 Avenue of Champions, Inglewood, California on Friday, June 25, 1976 from 8:30 a.m. to 5 p.m. The meeting will be open to the public.

The agenda includes the following items:

Consideration of minutes of the June 4–5, 1976 Task Force Meeting.
Report of the NAC June 16–19, 1976 meeting.
Action by the Task Force of NAC requested changes of the Juvenile Justice Standards.
Final Task Force Approval of the Revised Juvenile Justice and Delinquency Prevention Standards and Goals Volume.

The rescheduling one day earlier was necessitated by the unavailability of several members on the originally scheduled meeting day, the impossibility of rescheduling the meeting at a later date because of the early July deadline for the submission of the Task Force's report to LEAA for editing and publication, and the proximity of the Independence Day holiday weekend.

For further information, contact Richard Van Duizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor, Office of General Counsel.

[FR Doc.76-17582 Filed 6-14-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKERSFIELD DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Bakersfield, California, Multiple Use Advisory Board will meet July 23 and 24, 1976, for a field trip of the Eureka Valley Sand Dunes and a formal meeting in Bishop, California, July 24, 1976, at the Bank of America Conference room, 536 North Main Street, Bishop, and Westerner Motel conference room, 150 E. Elm St., Bishop.

The agenda of the two-day meeting will include a tour of the Eureka Valley Sand Dunes for the Advisory Board members, Friday, July 23, 1976, from 1:30 p.m., until approximately 6:00 p.m. On Saturday, July 24, 1976, the Board will hold a formal meeting at the Bank of America Conference room, 536 North Main Street, from 9:00 a.m. to Noon, for a staff presentation on the Eureka Valley Sand Dunes, BLM staff briefing on the proposed Eureka Dunes Management Plan, discussion on rechartering of the Multiple Use Advisory Board, and to receive public inputs on the Eureka Dunes Management Plan and Board rechartering. The Board will re-convene at 1:00 p.m., July 24, 1976, at the conference room of the Westerner Motel, 150 E. Elm Street, Bishop, to consider possible resolutions and advice to the District Manager on the Eureka Valley Sand Dunes Management Plan and the Board's rechartering.

The tour and formal meetings will be open to the public and comments will be received by the Board Saturday, July 24, 1976, between 9:00 a.m. and Noon, at the Bank of America conference room. Public statements to the Board must not exceed five minutes and be limited in content to recommendations concerning the Eureka Valley Sand Dunes Management Plan, and size, composition, operations and charter of the Bakersfield District Multiple Use Advisory Board. Written statements or requests for time to make oral presentations should be made to Chairman Homer Harrison, C/O Bakersfield District Manager, 800 Truxton Avenue, Bakersfield, California 93301, by the close of business Thursday, July 22, 1976.

Dated: June 7, 1976.

LOUIS A. BOLL,
Bakersfield District Manager.

[FR Doc.76-17322 Filed 6-14-76;8:45 am]

V41116 JUN 15 76 UMI

Bureau of Land Management

[INT DES 76-22]

CHALLIS PLANNING UNIT, CUSTER COUNTY, IDAHO; DOMESTIC LIVESTOCK GRAZING

Environmental Statement, Extension of Time Period for Comments

The Bureau of Land Management published in the FEDERAL REGISTER of June 7, 1976 (41 FR 22850), a notice concerning the availability of the Draft Environmental Statement for Domestic Livestock Grazing for the Challis Planning Unit in Custer County, Idaho. The statement addresses itself to the domestic livestock grazing management on 340,000 acres of national resource lands in the Challis Planning Unit.

Due to failure of the printing contractor to make timely distribution of all the draft statements, the public hearings are being rescheduled and the period for receiving comments has been extended.

The public hearings are now scheduled to be held at the American Legion Hall, Challis, Idaho, on July 13, 1976, at 9 a.m. MDT, and in the Alturas Room, Rodeway Inn, Boise, Idaho, July 15, 1976, at 9 a.m. MDT.

The comment period has been extended to July 30, 1976. Written comments pertaining to the statement will be accepted by the State Director, Idaho State Office, Federal Building, 550 West Fort Street, Boise, Idaho 83702, until that date.

ARNOLD E. PETTY,
Acting Associate Director.

[FR Doc.76-17435 Filed 6-14-76;8:45 am]

[NM 28086]

NEW MEXICO

Application

JUNE 7, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Dietrich Exploration Company, Inc., has applied for one 3-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 27 N., R. 13 W.,
Sec. 26, W½SW¼, SE¼SW¼ and SW¼SE¼;
Sec. 27, S½NE¼ and NE¼SE¼;
Sec. 35, N½NE¼.

This pipeline will convey natural gas across 1.460 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-17321 Filed 6-14-76;8:45 am]

[Cheyenne 073252]

WYOMING

Notice of Application

JUNE 8, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Utilities, Inc. filed an application for a right-of-way to construct a 12¾ inch pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 95 W.,
sec. 4;
sec. 5;
sec. 9.
T. 33 N., R. 95 W
sec. 19;
sec. 29;
sec. 30;
sec. 33;
sec. 33.
T. 33 N., R. 96 W.,
sec. 13;
sec. 14;
sec. 24.

The pipeline will transport natural gas from a point in the NE¼ sec. 14, T. 33 N., R. 96 W., to a point in the SW¼ sec. 10, T. 32 N., R. 95 W., in Fremont County Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-17391 Filed 6-14-76;8:45 am]

[Operational Order No. 7]

Geological Survey

PRODUCTION AND ROYALTY MEASUREMENT, EQUIPMENT, AND TESTING PROCEDURES

Notice of Proposed Geothermal Resources

Notice is hereby given that pursuant to 30 CFR 270.11 the Chief, Conservation Division, Geological Survey, proposes to approve GRO Order No. 7 for geothermal operations conducted in the Central and Western Regions as set forth below.

The purpose of proposed GRO Order No. 7 is to provide requirements relative to production and royalty measurement, equipment, and testing procedures.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 650, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, with a copy to the Area Geothermal Supervisor, U.S. Geological Survey, Mail Stop 92, 345 Middlefield Road, Menlo Park, California 94025, on or before July 12, 1976.

It is hereby certified that the economic impact of Geothermal Resources Operational Order No. 7 have been carefully evaluated in accordance with OMB Circular A-107.

W. A. RADINSKI,
Acting Director.

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 7

EFFECTIVE-----

Production and Royalty Measurement, Equipment, and Testing Procedures

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and 270.12 and in accordance with 30 CFR 270.60, 270.64, 270.74, and 270.75. All geothermal production and the resulting produced energy (electricity) or byproducts, and leasehold operational utilization thereof, shall be measured and monitored in accordance with the provisions of this Order.

All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. References in this Order to approvals, determinations, or requirements are to those given or made by the Area Geothermal Supervisor (Supervisor) or his delegated representatives.

All metering systems shall be approved by the Supervisor prior to installation. Field production metering shall be accomplished with sufficient accuracy to assure that royalty calculations using such measurement data will result in fair market value to the Government, and to enable evaluation of well and reservoir production performance and trends. Where royalty is due on other than a well production basis, i.e., plant output in kilowatt hours or production of byproducts, metering systems used in that regard shall also be approved by the Supervisor.

1. *Metering.* The general requirements and accuracy for measuring production and utilized energy or byproducts of geothermal resources are outlined below:

A. *Measurement of Production.* Surface facilities and measuring devices shall be installed so that the production mass flow rate (or volume, when appropriate) of water and/or steam and the pressure and temperature of the produced fluids from each well are accurately determined. If metering is not to be accomplished on a continuous basis, each well shall be gauged periodically at the frequency prescribed by the Supervisor.

The operator shall maintain detailed records available for inspection by the Supervisor concerning the performance measurements relative to each well. The record shall show average flow rates, temperature, pressure, and any other pertinent data gathered. Except for emergency shut-down or drilling operations, vented production shall also be measured and reported.

Each well shall be equipped to permit fluid sampling for determining the enthalpy and chemical content of produced geothermal fluids. Enthalpy and chemical analysis for each well shall be provided the Supervisor yearly or more frequently if required by the Supervisor.

B. *Royalty Metering.* Metering systems involved in the calculation of royalty values due shall be designed, installed, operated, and maintained to attain the accuracy herein specified. However, the Supervisor may require greater accuracy where conditions dictate that necessity and the technology exists, or may permit a lesser degree of accuracy when physical problems, such as severe corrosion or scaling, preclude attainment of the desired standards.

(1) *Steam.* Dry steam metering systems and the mass flow calculations derived therefrom shall be designed and maintained to achieve an accuracy of ±2.0% of the measured flow.

(2) *Hot Water.* Hot water metering systems and the mass flow or volumetric calculations derived therefrom shall be designed and maintained to achieve an accuracy of ±1.0% of the measured flow.

(3) *Steam and Water (two-phase flow).* Metering of two-phase flow shall be designed and maintained to achieve the maximum reasonable attainable accuracy consistent with the nature of the production to be measured. Due to the complexity and difficulties involved in this type of metering, the Supervisor shall establish the initial accuracy limits for each specific installation based on the nature of existing flow conditions, and commensurate with the then existing state-of-the-art. If approved, the operator shall, upon request, demonstrate to the satisfaction of the Supervisor that the metering system(s) employed is operating within the prescribed range of accuracy. The Supervisor is authorized, when warranted, to require modifications in the system consistent with new technology to improve the accuracy of measurement or, when required accuracy is not attainable, to direct that the two-phase fluid flow be separated and the steam and water metered individually.

(4) *Heat Content.* Where the heat content of produced water or steam is the primary use, including but not limited to heating a greenhouse comlex, space heating, and plant processing, metering systems shall be designed and maintained to achieve an accuracy of —2.0% for both the input and discharge flows.

(5) *Electrical Power Output or Consumption.* Where the resource sales payment is equated to kilowatts of electric power output or geothermal-producer electricity is consumed in geothermal operations, the metering systems shall be designed and maintained to achieve an accuracy of ±0.5%.

(6) *Byproducts.* When the byproduct is in liquid form, metering accuracies shall be maintained within ±1.0%. When the byproduct is a solid, measurement thereof shall be either by volume or weight and shall be accurate to ±1.0%.

(7) *Waste Heat.* Waste heat shall be metered in accordance with the standards set forth in 1.B.(4) when such measurements are involved in royalty calculations.

C. *Non-Royalty Metering.* Measurement of produced or injected fluids that are not involved directly in royalty calculations, such as waste waters or injected waters shall be metered with accuracies sufficient to evaluate well, reservoir, and project performance. Such metering systems shall be designed and maintained to achieve an accuracy of ±5.0%, unless otherwise specified by the Supervisor.

2. *Commingling Production.* In accordance with 30 CFR 270.64, the Supervisor may authorize a lessee to commingle production from wells on a lease with production from other leases held by the lessee or by other lessees subject to such conditions as the Supervisor may prescribe. Where utilization of the geothermal resource for energy and/or byproducts involves commingling production from two or more leases, the following conditions and requirements shall be met:

A. The surface facilities, metering, and fluid sampling systems employed shall be approved by the Supervisor.

B. The commercially utilized production leaving each lease shall be measured in accordance with the standards set forth in Section 1 hereof, either on or off the leasehold, in a manner that will allow accurate allocation and royalty calculation for that lease.

3. *Common Storage.* Where commercial utilization involves common storage from two or more leases, e.g., a common brine evaporation pool for production of chemical byproducts, the contributions of each lease to that facility shall be measured in accordance with the standards set forth in Section 1 hereof, either on or off the leasehold, in a manner that will allow accurate allocation and royalty calculation for that lease. The surface facilities, metering, and fluid sampling systems employed shall be approved by the Supervisor.

4. *Meter Testing and Maintenance.* All meters and metering systems will be maintained in acceptable working condition and shall be inspected, tested, and adjusted to meet appropriate design standards. The frequency and stringency of tests shall be prescribed by the Supervisor. The Supervisor may witness any periodic metering system test or inspection, and the operator shall schedule an acceptable time and date for such tests when requested by the Supervisor.

A. *Royalty Meter Tests and Inspections.* The following tests and inspections shall be performed on all meters involved in royalty calculations. Depending on inspection results, the Supervisor may alter the inspection frequencies herein specified.

(1) *Orifice Meter Tests and Inspections.*

(a) Visual functional inspection shall be performed as part of the daily well check. Recorders shall be inspected for malfunctions at that time and repaired if necessary.

(b) Recorders shall be inspected and the calibration checked with master test gauges at least once per month. The equipment used for the calibration check shall verify the differential and static pressure ranges. Field error of a meter exceeding ±1.0% of the meter's differential and static pressure ranges shall require removal of that instrument and installation of a recalibrated instrument.

(c) Orifice plates and meter tube runs shall be inspected by the operator for wear and recalipered to the nearest thousandth of an inch. Worn plates or runs shall be remachined or replaced. The inspection period shall depend on well performance and in the production demand, but meter runs and accessory equipment shall be inspected at intervals not exceeding six months.

(2) *Turbine Meter Tests and Inspections.*

(a) Daily readout checks shall be made to verify functional operation.

(b) At least once every six months, the turbine meter shall be checked for accuracy with a prover. If a discrepancy in excess of ±0.5% over limited range or ±1.0% over stated range is noted, the meter shall be inspected for bearing wear, turbine damage, or corrosion and repaired or replaced as necessary.

(3) *Electrical Meters (Power Meters).*

(a) Inspect daily for function.

(b) A detailed check and inspection shall be accomplished at least once each month.

(c) At least every six months, the meter shall be calibrated with a master meter. The meter shall be repaired or replaced if a discrepancy greater than ±0.5% is found.

(4) *Other Types of Meters.*

(a) Where metering systems depend on static and differential pressure measurements, e.g., venturi or nozzles, testing shall be as outlined above for orifice meters in 4.A.(1).

(b) Testing procedures and frequencies for all other metering systems shall be as approved by the Supervisor.

B. *Non-Royalty Meter Tests and Inspections.* Metering systems measuring produced or injected fluids which are not involved in royalty calculation shall normally be checked at least weekly for functional operation, and be inspected, calibrated, and/or proven at yearly intervals, or at such other intervals as may be required by the Supervisor to demonstrate an overall accuracy of ±5.0%.

5. *Application for Meter Installation.* All metering systems shall be approved by the Supervisor prior to installation. Approval may be obtained by inclusion of the required details in a Plan of Exploration, Development, or Production, or separately by submission of a Sundry Notice, in triplicate, to the Supervisor.

Applications shall include the following information:

A. Purpose of the meter and whether it will be involved in royalty calculations.

B. Location; e.g., Well No. 53-6, SE¼SE¼, Section 6, T. 3 S., R. 10 E., M.D.M.

C. What is to be metered, such as steam, water or combination thereof, and appropriate physical characteristics, such as the temperature, pressure, density, corrosive or scaling tendencies, and a chemical analysis.

D. Anticipated average and range of daily rates to be metered.

E. If the meter is involved in royalty calculations, the estimated monthly gross dollar value that will be measured by the meter and how the measurement will be used in royalty calculations.

F. Drawing of the installation showing piping, locations of equipment, and valves.

G. If not shown in a drawing, indicate (a) type of meter, manufacturer, model number, and range of coverage; (b) pressure ratings of piping, valves, and other equipment; and, (c) design code or standards used for installation design.

H. Anticipated accuracy.

I. Proposed inspection, testing or calibration procedures, and the testing schedule.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.76-17283 Filed 6-11-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 4, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

This statement is made as of June 16, Box 2088, Albuquerque, New Mexico Record access procedures: A request s

V41116 JUN 15 76 UMI

Written comments or a request for additional time to prepare comments should be submitted by June 25, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALASKA

Juneau Division

Juneau, *Alaska Governor's Mansion*, 716 Calhoun St.

Nome Division

St. Michael, *St. Michael Redoubt Site*, at St. Michael Bay

CALIFORNIA

Los Angeles County

Malibu, *Humaliwo (Malibu Site)*, 23200 Pacific Coast.

KENTUCKY

Breckinridge County

Addison vicinity, *Holt, Joseph, House and Chapel*, SW of Addison on KY 144.

Fayette County

Lexington, *Lexington Cemetery and Henry Clay Monument*, 833 W. Main St.

Jefferson County

Louisville, *Cherokee Triangle Area Residential District*, roughly bounded by Bardstown Rd. from Sherwood Rd. to Broadway, E to jct. of Grinstead Dr. and Cherokee Parkway.

LOUISIANA

Natchitoches Parish

Natchitoches vicinity, *Narcisse Prudhomme Plantation*, SE of Natchitoches on Cane River Rd.

MARYLAND

Anne Arundel County

Annapolis vicinity, *Old Colony Cove Site*, S of Annapolis.
Elkridge vicinity, *Elkridge Site*, E of Elkridge.

NEW MEXICO

Bernalillo County

Albuquerque, *Armijo, Salvador, House*, 618 Rio Grande Blvd. NW.

Taos County

Taos vicinity, *Turley Mill and Distillery Site*, 11 mi N of Taos on NM 230.

NEW YORK

Cayuga County

Aurora, *Aurora Steam Grist Mill*, Main St.

Columbia County

Stuyvesant Falls, *Stuyvesant Falls Mill District*, New St. and SR 22.

OHIO

Brown County

Fayetteville vicinity, *Ursuline Center*, NE of Fayetteville off OH 251.

Erie County

Sandusky, *Engels & Krudwig Wine Company Building*, 220 E. Water St.

Franklin County

Columbia, *East Town Street Historic District*, Grant Ave. to Lester Dr., Franklin Ave. to Rich St. (both sides).

Lorain County

Columbia Center, *Columbia Baptist Church*, 25514 Royalton Rd.

Vermilion vicinity, *Mill Hollow House (Benjamin Bacon House)*, SE of Vermilion on N. Ridge Rd.

WASHINGTON

Clark County

Ridgefield vicinity, *Quathlapotl Village Site*, W of Ridgefield.

WISCONSIN

Ashland County

Bayfield vicinity, *Apostle Islands Lighthouses*, N and E of Bayfield on Michigan, Raspberry, Outer, Sand, and Devil Islands (also in Bayfield County).

Door County

Baileys Harbor vicinity, *Cana Island Lighthouse*, NE of Baileys Harbor on E side of Cana Island.

Green County

Monroe, *Chenoweth, Frank L., House*, 2004 10th St.

Ozaukee County

Cedarburg, *Hamilton Historic District*, irregular pattern around jct. of Hamilton and Green Bay Rds.
Waubeka vicinity, *Stony Hill School*, NE of Waubeka on C.R. I.

Rock County

Janesville, *Lappin-Hayes Block*, 20 E. Milwaukee St.

OUTER CONTINENTAL SHELF

Galveston vicinity, *U.S.S. Hatteras*, S of Galveston in Gulf of Mexico.

VIRGIN ISLANDS

St. Croix Island

Christiansted, *Christiansted Historic District*, triangle roughly bounded by the harbor, Peter's Farm Hospital St. and New St.
Christiansted vicinity, *Coakley Bay*, E of Christiansted at Coakley Bay.
Christiansted vicinity, *Diamond School*, W of Christiansted on Centerline Rd.
Christiansted vicinity, *Fair Plain Archeological District*, WSW of Christiansted.
Christiansted vicinity, *Friedensfeld Midlands Moravian Church and Manse*, W of Christiansted.
Christiansted vicinity, *Great Pond Archeological Site*, E of Christiansted.
Christiansted vicinity, *La Grande Princesse School*, NE of Christiansted.
Christiansted vicinity, *Lower Granard Archeological District*, S of Christiansted.
Christiansted vicinity, *Upper Salt River Archeological District*, W of Christiansted.
Frederiksted vicinity, *Aklis Archeological Site*, S of Frederiksted.
Frederiksted vicinity, *Prosperity Archeological Site*, N of Frederiksted.
Frederiksted vicinity, *River Archeological Site*, NE of Frederiksted.
Frederiksted vicinity, *St. Georges Archeological Site*, E of Frederiksted off Centerline Rd.
Frederiksted vicinity, *Whim*, 1.7 mi. SE of Frederiksted on Centerline Rd.

St. John Island

Coral Bay vicinity, *Estate Carolina*, W of Coral Bay on King Hill Rd.
Coral Bay vicinity, *Fortsberg*, SE of Coral Bay.
Cruz Bay, *Keating's Inn*.
Cruz Bay, *Enighed*, Cruz Bay Quarter.

St. Thomas Island

Charolte Amalie, *Charlotte Amalie Historic District*.
Charlotte Amalie vicinity, *Botany Bay Archeological District*, W of Charlotte Amalie.
Charlotte Amalie vicinity, *Estate Botany Bay*, W of Charlotte Amalie.
Charlotte Amalie vicinity, *Hassel Island, S* of Charlotte Amalie in St. Thomas Harbor.
Charlotte Amalie vicinity, *Krum Bay Archeological District*, NNW of Charlotte Amalie.
Charlote Amalie vicinity, *Krum Bay Archeological District*, W of Charlotte Amalie.
Charlotte Amalie vicinity, *Magens Bay Archeological District*, N of Charlotte Amalie.
Charlotte Amalie vicinity, *Tutu Plantation House*, 3 mi. NE of Charlotte Amalie.

[FR Doc.76-16990 Filed 6-14-76;8:45 am]

DAVID HAYWARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 9, 1976.

Dated: May 19, 1976.

DAVID HAYWARD.

[FR Doc.76-17324 Filed 6-14-76;8:45 am]

Office of the Secretary

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 16, 1976.

Dated: June 2, 1976.

EARL D. DRYER,

[FR Doc.76-17323 Filed 6-14-76;8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 16, 1976.

Dated: May 19, 1976.

FREDERICK L. PERETSEN.

[FR Doc.76-17325 Filed 6-14-76;8:45 am]

JOHN R. VOGEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 16, 1976.

Dated: May 26, 1976.

JOHN R. VOGEL.

[FR Doc.76-17326 Filed 6-14-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Modification of System Notice

Notice is hereby given that pursuant to 5 U.S.C. 301 and 552a and 43 U.S.C. 1461, the Department of the Interior has under consideration modification of the system notice for a system of records which it maintains which is subject to section 3 of the Privacy Act of 1974.

By notice published in the FEDERAL REGISTER on September 26, 1975, 40 FR 44517-44521, the Department adopted a system notice describing the Bureau of Indian Affairs Indian Loan Files (Interior/BIA—13). The Department is now planning computerization of some aspects of the system; this action requires a modification of the system notice. The language of the notice as it is proposed to be revised is set out below.

Comments on the proposed modification may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. All comments received on or before July 15, 1976 will be considered.

Copies of any comments received may be inspected at Room 6525 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 4, 1976.

System Name: Indian Loan Files—Interior, BIA-13

System location: (1) Office of Tribal Resources Development, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245; (2) Area and Agency offices; (3) Division of ADP Services, Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, New Mexico 87103, or another facility operated by or under contract to the Department of the Interior. (See appendix for addresses).

Categories of individuals covered by the system: (1) Applicants who applied for or received loans; (2) Applicants who applied for or received guaranteed or insured loans.

Categories of records in the system: Loan applications and supporting documents, record of payment cards, guaranty agreements, eligibility certificates, default documents, and/or promissory notes, including financial transactions recording obligations, disbursements, repayments of loans, and payment of premiums, and interest subsidies.

Authority for maintenance of the system: 25 U.S.C. 482, 461, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain a record of payments and unpaid balances and to provide information on payments made for paying interest subsidy, credits obtained, service loans, and premiums paid by lenders. (2) Disclosure or transfer to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now maintained by the BIA; (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records; (4) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or foreign, charged with the responsibility of enforcing or implementing the statute, rule, order or license violated or potentially violated; (5) A history of funds obligated, disbursed and repaid to be used to monitor the program and improve the management of the loan funds.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage—maintained in manual form in file folders and in computerized data files; (2) Retrievability—indexed by individual's name, control number or tribal name; (3) Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records; (4) Disposal—destroy seven years after loan is paid, canceled, or otherwise disposed of. Automated files will be periodically purged of information on paid in full or cancelled loans. History files will be retained.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Notification procedure: System Manager or, with respect to records maintained in the office for which he is responsible, an Area of Field Office Director, or an Agency superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedure: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual loan applicants.

[FR Doc.76-17436 Filed 6-14-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETING

Cancellation

The June 22, 1976 meeting of the Shippers Advisory Committee, announced in the June 4, 1976, issue of the FEDERAL REGISTER (41 FR 22369), is canceled. The Committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). At its meeting of June 8, 1976, the Committee recommended regulations it deemed appropriate to the current supply situation, and requested that the meeting scheduled for June 22 be canceled.

Dated: June 10, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-17303 Filed 6-14-76;8:45 am]

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced-Price Meals and Free Milk

Pursuant to sections 9 and 17 of the National School Lunch Act, as amended (42 U.S.C. 1758 and 42 U.S.C. 1766), and sections 3 and 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772 and 1773(e)), the income poverty guidelines for determining eligibility of children for free and reduced-price meals in the National School Lunch Program (7 CFR Part 210), School Breakfast Program (7 CFR Part 220), Child Care Food Program (7 CFR Part 226), and commodity only schools (7 CFR Part 210.-15a), and for free milk in the Special Milk Program (7 CFR Part 215) during the period July 1, 1976—June 30, 1977 are prescribed by the Secretary in the following tables.

Under the legislation and applicable regulations, schools, and institutions

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which charge for meals separately from other fees, are required to serve free meals and free milk to all children from families whose income is at or below the applicable family size income level indicated by the Secretary's guidelines. Schools, and institutions which charge for meals separately from other fees, are required to serve reduced-price meals to all children from families whose income is at or below 95 percent above the applicable family size income levels in the guidelines.

Each State agency is required to prescribe income guidelines for both free and reduced-price meals and free milk by family size, for use by schools and institutions in the State. The State guidelines for free meals and for free milk may not be less than the applicable family size income level prescribed by the Secretary, and may not exceed the Secretary's guidelines by more than 25 percent. The State guidelines for reduced-price meals must be established at 95 percent in excess of the Secretary's guidelines.

For the convenience of State agencies, the tables also show the Secretary's income poverty guidelines when increased by 25 percent and when increased by 95 percent. The increased figures represent the maximum levels to be prescribed by State agencies in determining eligibility for free meals and free milk, and the mandatory level for reduced-price meals, respectively. The Secretary's guidelines remain the minimum level for free meals and free milk; all children at or below such levels shall be served free meals and free milk. Guidelines for the Island of Guam are identical to those established for the State of Hawaii.

Income poverty guidelines July 1, 1976–June 30, 1977

Family size	Secretary's guidelines	Guideline levels when increased by— 25 pct	95 pct
48 STATES, DISTRICT OF COLUMBIA, TERRITORIES EXCLUDING GUAM			
1	$2,940	$3,680	$5,730
2	3,980	4,930	7,580
3	4,780	5,980	9,320
4	5,700	7,130	11,110
5	6,540	8,180	12,770
6	7,380	9,240	14,410
7	8,160	10,200	15,910
8	8,920	11,150	17,390
9	9,610	12,010	18,740
10	10,300	12,870	20,090
11	10,990	13,730	21,430
12	11,680	14,590	22,770
Each additional family member	660	860	1,340
ALASKA			
1	$3,680	$4,600	$7,180
2	4,930	6,040	9,420
3	5,980	7,480	11,660
4	7,130	8,900	13,890
5	8,180	10,230	15,960
6	9,230	11,540	18,000
7	10,190	12,740	19,870
8	11,150	13,940	21,740
9	12,010	15,018	23,428
10	12,870	16,088	25,100
11	13,730	17,150	26,760
12	14,570	18,210	28,410
Each additional family member	850	1,060	1,650
HAWAII AND GUAM			
1	$3,270	$4,080	$6,380
2	4,290	5,360	8,370
3	5,310	6,640	10,360
4	6,330	7,910	12,340
5	7,360	9,080	14,160
6	8,190	10,240	15,970
7	9,040	11,300	17,630
8	9,890	12,360	19,290
9	10,660	13,330	20,790
10	11,430	14,290	22,290
11	12,200	15,250	23,790
12	12,970	16,210	25,290
Each additional family member	770	960	1,500

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the change in the Consumer Price Index from 1974 to April 1976. This procedure is specified by section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758). The Consumer Price Index is not computed for the State of Hawaii for the month of April. Therefore, the Secretary's income poverty guidelines for Hawaii and Guam are based upon the change in the Consumer Price Index for Hawaii from 1974 to March 1976.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Consumer Income, Current Population Reports, series P–60, No. 86, December 1972. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following:

(1) Monetary compensation for services, including wages, salary, commissions, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) Government civilian employee or military retirement or pensions or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this notice, does not include any income or benefits received under any Federal program which are excluded from consideration as income by any legislative prohibition, for example, income received by volunteers for services performed in the National Older Americans Volunteer Program as stipulated in the 1973 amendments to the Older American Act of 1965, Public Law 93–29 (87 Stat. 30); nor does the term include income used for the following special hardship conditions which could not be reasonably anticipated or controlled by the household:

(1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein; (3) special education expenses due to the mental or physical condition of a child; and (4) disaster or casualty losses. Furtermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, e.g., the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1964.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced-price meals; *Provided, however*, That Children whose parents or guardians become unemployed shall be eligible for free or reduced-price meals or free milk during the period of unemployment, if the loss of income causes the family income to be within the eligibility criteria of the school food authority.

Effective date: This notice shall become effective July 1, 1976.

Dated: June 10, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

NOTE.—This document was originally published on Monday, June 14, 1976, at 41 FR 23988.

[FR Doc.76–17427 Filed 6–11–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ALSEMGEEST, ADRIANOS A. C., ET AL.

Export Privileges Restored

In the matter of Alsemgeest, Adrianos A.C.; Alsemgeest, W. & A., N.V.; Delft, Handelmaatschappij N.V.; Gebrs Melman; Gintz, Franz; Gryp, Andre; Hanke, A. & Company; Hanke-Chemie; Hanke, Franz; Hanke, Franz Gunther; Hanke-Ziegler, A.G.; Hannoco, S.P.R.L.; Handelmaatschappij, J.; Smits Import-Export, N.V.; Hayashi, Tadami; Industriele Handelsonderneming v/h Rotterdamsche Production; Kato, Motohisa; Kato, Toshio; Klaasen, A.A.; Klaasen, J.M.A. Lai, Chun Sing; Lai, I.K.; Lai, S.K.; Li, Hsiu Kuang; Mandatare, Treuhand, A.G.; Maru, Tadami; Masumoto, Yoshio; Melman, Petrus; Meyns, Peter; Munich, Kurt; Nanyang Bros. Tobacco Co.; Newark, M. & Co., Ltd.; Obegi, Les Fils de Basile; Obegi, Maurice; Obegi, Raymond; Khan Ghoumrok; Polycomex, S.A.; Pun, Tsze; Rei Shu Ko; Rohimport Trust; Ryuwa Sangyo Co.; SERTI, S.A.; Seto, Wai Man; Siegwart & Hanke; Smits, J.; Smits, J. Import-Export, N.V.; Smits, J. K.; Societe d'Etudes et de Recherches Technique et Industrielles; Spaeth, Anneliese; Speeth, Karl-Heinz; Takeno, Yonesaburo; TRACOPORT, N.V.; Van de Looveren, N.V., A.M.M.; Van Woerkom, J.C.M.A.; Wing Yick Cheong Co.; Levee and Co.

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. § 2021 et seq., and § 2041 et seq., certain parties were denied full export privileges; their names appear on the Table of Denial and Probation Orders, 15 CFR Part 388, Supp. I & II. The current activities of those parties have been scrutinized with view to restoring their export privileges.

The Director, Compliance Division, reported that no party listed above is suspect or is known to have failed to comply with the terms of probation.

The Hearing Commissioner, in view of the Compliance Divisions report, recommends the respondents be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report relative to the respondents he has recommended for restoration and there are none presently suspect in connection with any violations of the United States export laws or U.S. Department of Commerce export regulations. It is fair, fitting and proper that respondents who have so manifested their intentions to comply and are in compliance with the export regulations, be restored to full export privileges. Restoration is in accord with the purpose and intent of the law, the regulations and the policies of this Department.

Therefore, It is ordered, the parties listed above are hereby unconditionally restored to all United States export privileges.

Dated: June 7, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76 17317 Filed 6–14–76;8:45 am]

SCHIFTER AND CO., ET AL.

Amended Order Conditionally Restoring Export Privileges

In the matter of Schifter & Co., Alice Helm, Gerard W. Verschoor, Herbert E. Schifter, Dr. Franz Helm, Holland GeVe Corp.

By Order effective July 20, 1971, 36 F.R. 13339, the respondents, Gerard W. Verschoor and Holland GeVe Corp., were denied all export privileges for an indefinite period because of non-compliance with the Export Administration Regulations in failing to reply to interrogatories concerning facts and circumstances surrounding their employment and relationship with Schifter & Co., et al., parties then denied all export privileges; Orders of May 21 and 25, 1964, 29 F.R. 6697 and 7163. On February 25, 1975, Schifter & Co., Schifter and the Helms were restored to export privileges to the extent of and limited to transactions in commodities exportable under General License, G–DEST, and under certain conditions of probation.

Gerard W. Verschoor has petitioned for his export privileges to be restored. He made representation that his involvement in exports is limited to the purchase and sale of secondhand automobiles, i.e., he is a used car dealer.

The Hearing Commissioner recommended that respondents Verschoor and GeVe be restored to the same extent as Schifter et al., and that probation be imposed in the same manner and subject to the same terms and conditions. He also recommended that Schifter's probation period, including Verschoor and GeVe, be limited to and terminated on May 31, 1982.

I have considered the record and the recommendation of the Hearing Commissioner. I find that conditional restoration of the export privileges of respondents, Verschoor and GeVe, limiting restoration to general license commodities and placing them on probation for a period ending May 31, 1982, under identical terms and conditons as respondents Schifter & Co., et al., is consistent with the purposes of the Export Administration Act of 1969, as amended, 50 U.S.C. § 2401 et seq., and the regulations issued thereunder, 15 CFR Part 368 et seq., Accordingly, It is ordered, the Order of February 25, 1975, 40 FR 10701, is amended by adding the names of respondents Gerard W. Verschoor and Holland GeVe Corp., thereto, and terminating the period of probation (unless sooner accomplished by appropriate order) on May 31, 1982.

Dated: June 7, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76 17316 Filed 6–14–76;8:45 am]

Domestic and International Business Administration

NATIONAL INSTITUTES OF HEALTH ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

• • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 74–00508–33–46040. Applicant: National Institutes of Health, Hematology Service, Clinical Pathology Department, Bldg. 10, Rm 5N–242, Bethesda, Maryland 20014. Article: Electron Microscope, Model EM–10. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 75–00297–33–46500. Applicant: University of Tennessee, Department of Ornamental Horticulture, P.O. Box 1071, Knoxville, Tennessee 37901. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 75–00337–33–46500. Applicant: UCLA School of Medicine, 710 Westwood Plaza, Los Angeles, California 90024. Article: Ultramicrotome, Model LKB 8800A. Date of denial without

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prejudice to resubmission: January 29, 1976.

Docket number: 75-00344-33-46500. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, Georgia 30902. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00060-33-90000. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75246. Article: Computerized Axial Body Scanner. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00067-33-90000. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, Minnesota 55901. Article: EMI Scanner Body System (Prototype Design). Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00111-33-46070. Applicant: Medical College of Georgia, Department of Pathology, Augusta, Georgia 30902. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00125-56-17500. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: (2) Recording Current Meters, Model No. 4. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00139-33-46070. Applicant: George Washington University, School for Medicine and Health Sciences, 2300 I Street, N.W., Washington, D.C. 20037. Article: Scanning Electron Microscope, Model JSM-35U. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00159-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, Washington 98195. Article: Six (6) Recording Current Meters, Model 4. Date of denial without prejudice to resubmission: January 29, 1976.

Docket number: 76-00179-33-46500. Applicant: University of Rochester School of Medicine and Dentistry, 600 Elmwood Avenue, Rochester, New York 14642. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00189-01-77030. Applicant: Brown University, Providence, RI 02912. Article: Fourier Nuclear Magnetic Resonance Spectrometer, WP-60. Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00193-33-90000. Applicant: Orange Memorial Hospital, Inc., 1416 South Orange Avenue, Orlando, Florida 32806. Article: EMI Scanner System: Date of denial without prejudice to resubmission: February 13, 1976.

Docket number: 76-00251-33-46500. Applicant: University of Minnesota, 237 Unit K-E, Laboratory Medicine and Pathology, Minneapolis, MN 55455. Article: Ultramicrotome, Model LKB 8800A and accessories. Date of denial without prejudice to resubmission: January 29, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-17364 Filed 6-14-76;8:45 am]

VIRGINIA INSTITUTE OF MARINE SCIENCE, ET AL.

Application for Duty-Free Entry of Scientific Articles

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 9581 in the FEDERAL REGISTER of Friday, March 5, 1976 the following amendment is hereby made to reflect more fully the intended uses of the article:

Docket number: 76-00292. Applicant: University of North Carolina at Charlotte, Department of Biology, UNCC Station, Charlotte, North Carolina 28223. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be a multipurpose instrument used as a research instrument by graduates and faculty and as a training scope and teaching aid in several formal courses.

The article is intended to be used for educational purposes in the following courses:

Biology 231: Cell Biology—The structural, functional, and genetic aspects of cells as well as the principles underlying living systems.

Biology 474: Virology—The fundamental aspects of some submicroscopic organisms including methods of study, identification and classification, replicative cycles and selected topics in viral genetics.

Biology 395C: Advanced Microbiology—A highly laboratory oriented course designed to follow general microbiology. Emphasis is on application of techniques and planning and execution of an individual research project.

Biology 497: Investigations in Biology—Individual research projects.

Non-credit: Short course in Electron Microscope Technique—Intensive instruction in scope operation, maintenance, and photographic technique.

Application received by Commissioner of Customs: February 12, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-17363 Filed 6-14-76;8:45 am]

Maritime Administration

[Docket No: S-513]

WATERMAN STEAMSHIP CORP.

Application

Notice is hereby given that Waterman Steamship Corporation (Waterman) has applied to amend its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB-115 to increase from 32 to 40 the maximum number of sailings permitted to be made on its subsidized service on Trade Route No. 18 between U.S. Atlantic and Gulf ports and ports in Southwest Asia from Suez to Burma, and Africa on the Red Sea and Gulf of Aden.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on June 28, 1976, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Administration.

Dated: June 10, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc 76-17408 Filed 6-14-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Authority and Functions

This order effective May 19, 1976 supersedes the material appearing at 40 FR 58876 of December 19, 1975.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority of the Assistant Secretary for Domestic and International Business and prescribes the general functions of the Domestic and International Business Administration (DIBA). The organizational structure of DIBA and the assignment of functions therein are prescribed in Department Organization Order 40-1.

.02 This revision provides for the transfer of the Bureau of International Economic Policy and Research (BIEPR) to the Assistant Secretary for Policy; it provides for the transfer of the International Commodities Division from the Office of Import Programs, Bureau of Resources and Trade Assistance, to the Assistant Secretary for Policy; it provides for the transfer of the energy resources and industry programs formerly assigned to the Office of Energy Policy and Programs, Assistant Secretary for Policy, to the Assistant Secretary, DIB; and it also provides for the transfer of the functions, personnel, funds, property and records relating to such transfers.

SECTION 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Public Law 80-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SECTION 3. *Scope of authority.* .01 The Domestic and International Business Administration is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Assistant Secretary for Domestic and International Business shall be the head of the Domestic and International Business Administration.

.03 The Assistant Secretary for Domestic and International Business shall be assisted by the Deputy Assistant Secretary for Domestic and International Business who shall perform such duties as the Assistant Secretary shall assign, and shall assume the duties of the Assistant Secretary during the latter's absence. In addition, the Assistant Secretary shall be assisted by the following DIBA officials in carrying out his responsibilities:

a. The Deputy Assistant Secretary for Domestic Commerce.

b. The Deputy Assistant Secretary for International Commerce who shall also be the National Export Expansion Coordinator.

c. The Deputy Assistant Secretary for East-West Trade.

d. The Deputy Assistant Secretary for Field Operations.

e. The Deputy Assistant Secretary for Resources and Trade Assistance.

f. The Director of the Office of Energy Programs.

SEC. 4. *Redesignation and transfer.* Pursuant to the authority vested in the Secretary of Commerce by law:

a. The functions, personnel, funds, property, and records of the Bureau of International Economic Policy and Research (BIFPR) are hereby transferred to the Assistant Secretary for Policy.

b. The functions, personnel, funds, property, and records of the International Commodities Division in the Office of Import Programs, Bureau of Resources and Trade Assistance are hereby transferred to the Assistant Secretary for Policy.

c. The functions, personnel, funds, property, and records associated with energy resource and industry programs, formerly assigned to the Office of Energy Policy and Programs, Assistant Secretary for Policy, are hereby transferred to an Office of Energy Programs reporting to the Assistant Secretary for Domestic and International Business.

SEC. 5. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary, DIB, is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512 et seq.: 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.) conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, including authority to issue or modify orders restricting surface transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Order T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, as amended by Executive Order 11725 of June 27, 1973, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

i. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

j. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.);

k. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

l. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.), and Section 941 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 941), as it relates to certification of special dividend distributions.

m. Section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the U.S. of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15);

n. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

o. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;

p. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended, and extended by the Equal Export Opportunity Act (Public Law 92-412, 86 Stat. 644), and the Export Administration Act Amendments of 1974 (Public Law 93-500, 88 Stat. 1552) and the authority under those Acts delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970, as continued in effect by Executive Orders 11683 of August 29, 1972, 11798 of August 14, 1974, and 11818 of November 5, 1974, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determinations required by Section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and

2. The submission of reports to the President and to the Congress required by Section 10 of the Act;

q. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

r. Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July

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Maritime Administration

[Docket No: S-512]

WATERMAN STEAMSHIP CORP.

Application

Notice is hereby given that Waterman Steamship Corporation (Waterman) has applied to amend its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB-115 to increase from 32 to 40 the maximum number of sailings permitted to be made on its subsidized service on Trade Route No. 18 between U.S. Atlantic and Gulf ports and ports in Southwest Asia from Suez to Burma, and Africa on the Red Sea and Gulf of Aden.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on June 28, 1976, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Administration.

Dated: June 10, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc 76-17407 Filed 6-14-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Authority and Functions

This order effective May 19, 1976 supersedes the material appearing at 40 FR 58876 of December 19, 1975.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority of the Assistant Secretary for Domestic and International Business and prescribes the general functions of the Domestic and International Business Administration (DIBA). The organizational structure of DIBA and the assignment of functions therein are prescribed in Department Organization Order 40-1.

.02 This revision provides for the transfer of the Bureau of International Economic Policy and Research (BIEPR) to the Assistant Secretary for Policy; it provides for the transfer of the International Commodities Division from the Office of Import Programs, Bureau of Resources and Trade Assistance, to the Assistant Secretary for Policy; it provides for the transfer of the energy resources and industry programs formerly assigned to the Office of Energy Policy and Programs, Assistant Secretary for Policy, to the Assistant Secretary, DIB; and it also provides for the transfer of the functions, personnel, funds, property and records relating to such transfers.

SECTION 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Public Law 80-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SECTION 3. *Scope of authority.* .01 The Domestic and International Business Administration is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Assistant Secretary for Domestic and International Business shall be the head of the Domestic and International Business Administration.

.03 The Assistant Secretary for Domestic and International Business shall be assisted by the Deputy Assistant Secretary for Domestic and International Business who shall perform such duties as the Assistant Secretary shall assign, and shall assume the duties of the Assistant Secretary during the latter's absence. In addition, the Assistant Secretary shall be assisted by the following DIBA officials in carrying out his responsibilities:

a. The Deputy Assistant Secretary for Domestic Commerce.

b. The Deputy Assistant Secretary for International Commerce who shall also be the National Export Expansion Coordinator.

c. The Deputy Assistant Secretary for East-West Trade.

d. The Deputy Assistant Secretary for Field Operations.

e. The Deputy Assistant Secretary for Resources and Trade Assistance.

f. The Director of the Office of Energy Programs.

SEC. 4. *Redesignation and transfer.* Pursuant to the authority vested in the Secretary of Commerce by law:

a. The functions, personnel, funds, property, and records of the Bureau of International Economic Policy and Research (BIFPR) are hereby transferred to the Assistant Secretary for Policy.

b. The functions, personnel, funds, property, and records of the International Commodities Division in the Office of Import Programs, Bureau of Resources and Trade Assistance are hereby transferred to the Assistant Secretary for Policy.

c. The functions, personnel, funds, property, and records associated with energy resource and industry programs, formerly assigned to the Office of Energy Policy and Programs, Assistant Secretary for Policy, are hereby transferred to an Office of Energy Programs reporting to the Assistant Secretary for Domestic and International Business.

SEC. 5. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary, DIB, is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512 et seq.: 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.) conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, including authority to issue or modify orders restricting surface transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Order T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, as amended by Executive Order 11725 of June 27, 1973, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

i. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

j. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.);

k. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

l. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.), and Section 941 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 941), as it relates to certification of special dividend distributions.

m. Section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the U.S. of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15);

n. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

o. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;

p. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended, and extended by the Equal Export Opportunity Act (Public Law 92-412, 86 Stat. 644), and the Export Administration Act Amendments of 1974 (Public Law 93-500, 88 Stat. 1552) and the authority under those Acts delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970, as continued in effect by Executive Orders 11683 of August 29, 1972, 11798 of August 14, 1974, and 11818 of November 5, 1974, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determinations required by Section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and

2. The submission of reports to the President and to the Congress required by Section 10 of the Act;

q. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

r. Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July

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29, 1968, as they relate to the exportation from the United States of commodities and products to or on behalf of Southern Rhodesia.

s. Executive Order 11651 of March 3, 1972, regarding Textile Trade Trade Agreements;

t. The Act of October 27, 1972 (Public Law 92-598; 84 Stat. 271) relating to the participation of the U.S. in the International Exposition on the Environment to be held in Spokane, Washington, in 1974;

u. Section 6 of the Federal Water Pollution Control Act amendments of 1972 (Public Law 92-500; 86 Stat. 816; 33 U.S.C. 1251 nt. (Supp. IV 1974)) relating to the preparation of a report from the Secretary of Commerce to the President and to the Congress on the effects of pollution abatement on international trade;

v. Sections 5(b) and 5(c) of Executive Order 11846 of March 27, 1975, relating to the monitoring of imports of certain industrial products under orderly marketing agreements.

.02 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Assistant Secretary may redelegate his authority, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 6. *Functions.* The Assistant Secretary, acting as such and as head of DIBA, shall be the principal officer of the Department to conduct Commerce activities aimed at promoting progressive domestic business policies and growth and at strengthening the international trade position of the United States. In this respect he shall:

a. Propose general Federal policies for the Secretary to establish for promoting the business economy;

b. Develop and implement new programs to accomplish national objectives for improving and expanding the economic strength of the United States.

c. Conduct Commerce programs involving the expansion of international commerce, expansion of East-West trade and other commercial relations; promotion of business-consumer relations; domestic and international labor-management relations; import quota administration; export administration; the collection, analysis and dissemination of selected information on various industries, commodities and markets; the preparation and execution of plans for industrial mobilization readiness; industrial energy resources and utilization; and participate in domestic and international trade fairs and exhibitions as is necessary to the performance of DIBA's functions.

d. Consult with and encourage cooperation and participation of the business community in the Department's domestic and international business programs;

e. Coordinate the Department's domestic and international business programs with other Federal agencies;

f. Provide executive secretariat services and administrative support to the Foreign-Trade Zones Board; and

g. Provide staff support for the industry policy and sector advisory committees, which are the responsibility of the Assistant Secretary for Policy, including identification of product sectors of manufacturing.

SEC. 7. *Savings provisions.* All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, proceedings, hearings, investigations, or other actions issued, undertaken, pending or entered into by or for DIBA shall continue and remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

SEC. 8. *Transitional provisions.* The Assistant Secretary for Administration, in cooperation with the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Policy, shall determine the amount of funds, positions and personnel to be transferred.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17366 Filed 6-14-76;8:45 am]

[Dept. Organization Order 10-2]

ASSISTANT SECRETARY FOR POLICY

Authority and Functions

This order effective May 19, 1976 supersedes the material appearing at 41 FR 8519 of February 27, 1976.

SECTION 1. *Purpose.* .01 This order prescribes the authority and functions of the Assistant Secretary for Policy.

.02 This revision reflects the transfer to the Assistant Secretary for Policy of the organizations and functions of: (1) the International Commodities Division in the DIBA Office of Import Programs; and (2) the DIBA Bureau of International Economic Policy and Research. It also provides for the transfer to DIBA of the functions and personnel associated with the energy resource and industry programs in the former Office of Energy Policy and Programs, renamed as the Office of Energy and Strategic Resource Policy.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by the Act of February 14, 1903 (15 U.S.C. 1504), is hereby designated as the Assistant Secretary for Policy (the "Assistant Secretary"). The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. *Redesignation and transfer.* .01 The Office of Energy Policy and Programs is hereby redesignated as the Office of Energy and Strategic Resource Policy. The functions, personnel, funds, property and records associated with energy policy matters shall remain with the redesignated office. The functions, personnel, funds, property and records associated with energy resource and industry programs are hereby transferred to DIBA. The functions, personnel, funds, property and records of the International Commodities Division transferred from DIBA are assigned to the Office of Energy and Strategic Resource Policy.

.02 The Bureau of International Economic Policy and Research is hereby transferred from DIBA and is assigned to the Assistant Secretary for Policy.

SEC. 4. *Delegation of authority.* Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary for Policy is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903, (15 U.S.C. 1512 et seq., 15 U.S.C. 171 et seq.) as amended, as necessary to carry out the functions of the offices under him;

b. Section 4221 of the Internal Revenue Code of 1954, (26 U.S.C. 4221) and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

c. Sections 135 and 104 of the Trade Act of 1974 (88 Stat. 1978, 19 U.S.C. 2155 and 2114) and Section 4(d) of Executive Order 11846 of March 27, 1975, relating to direct negotiation support and the policy matters associated with industry policy and sector advisory committees;

d. Sections 5(b) and 5(c) of Executive Order 11846 of March 27, 1975, relating to quantitative import restrictions and monitoring of imports under orderly market agreements.

e. The Foreign Investment Study Act of 1974 (Public Law 93-479, 88 Stat. 1450, 15 U.S.C. 78b. note), which provides for a comprehensive, overall study of foreign direct investments in the United States. The functions thereunder shall be carried out in close coordination with the Bureau of Economic Analysis (Department Organization Order 35-1A, subparagraph 3.01d.), including thereunder to the extent feasible the division of assignment of responsibilities. Any regulations established to carry out functions under the Act and reports to be submitted to the Congress are to be issued by the Secretary; and

f. Executive Order 11858, of May 7, 1975, relating to foreign investment in the United States.

SEC. 5. *Functions.* The Assistant Secretary shall:

a. Serve as the principal adviser to the Secretary on matters relating to the assessment of regulatory impacts on business and industry, on policy matters associated with energy and resource development, on international economic policy development, and on other selected policy development matters of direct concern to the Secretary;

b. Provide for the Secretary coordinative and integrative services on broad policy matters concerning more than one operating unit of the Department; and

c. Serve as Executive Director of the Department Policy Council.

SEC. 6. *Office of the Assistant Secretary for Policy.* The Office of the Assistant Secretary shall consist of:

a. A Special Assistant and Director of Special Studies; and

b. Such Departmental offices as the Assistant Secretary, in conjunction with the Assistant Secretary for Administration, may establish for the purpose of assisting him in carrying out his functions and responsibilities. A list of these offices is appended hereto, and shall be kept current by the Assistant Secretary. These offices currently include the Office of Energy and Strategic Resource Policy, the Office of Policy Development and Coordination, the Office of Regulatory Economics and Policy and the Bureau of International Economic Policy and Research.

SEC. 7. *Transitional provisions.* The Assistant Secretary for Administration, in cooperation with the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Policy, shall determine the amount of funds, positions and personnel to be transferred.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

APPENDIX

DEPARTMENTAL OFFICES COMPRISING THE OFFICE OF ASSISTANT SECRETARY FOR POLICY

Office of Energy and Strategic Resource Policy
Office of Policy Development and Coordination
Office of Regulatory Economics and Policy
Bureau of International Economic Policy and Research

[FR Doc.76-17365 Filed 6-14-76;8:45 am]

[Dept. Organization Order 35-2A]

BUREAU OF THE CENSUS

Authority Delegation

This order effective May 17, 1976 further amends the materials appearing at 40 FR 42765 of September 16, 1975, 40 FR 58879 of December 19, 1975 and 41 FR 8519 of February 27, 1976.

Department Organization Order 35-2A of August 4, 1975 is hereby further amended as shown below. The purpose of this amendment is to delegate, to the Director, Bureau of the Census, the Secretary's authority under Sections 282, 410, 608, and 609 of the Trade Act of 1974.

SEC. 3. *Delegation of Authority.* A new subparagraph .01d. is added to read as follows:

"d. Sections 282, 410, 608, and 609 of the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978), which require the Secretary, in cooperation with other government agencies, to provide, monitor, or coordinate certain trade information and to provide import and export statistics to Congress and the International Trade Commission. Section 608 amends section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) to provide for the establishment of uniform statistical data on imports, exports, and production. The functions under the Trade Act of 1974 shall be carried out in close coordination with the Assistant Secretary for Domestic and International Business. Any regulations established to carry out functions under the Act and reports to be submitted to the Congress are to be issued by the Secretary."

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17368 Filed 6-14-76;8:45 am]

[Dept. Organization Order 35-2B]

BUREAU OF THE CENSUS

Statement of Organization and Assignment of Functions

This order effective April 27, 1976 supersedes the material appearing at 40 FR 56703 of December 4, 1975.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 The major changes made in the Bureau's organization and assignment of functions include: the consolidation of the Associate Director for Administration and the Associate Director for Field Operations and User Services into one Associate Director for Administration and Field Operations with Assistant Directors for Administration and Field Operations (Section 4.); the consolidation of the Congressional Liaison Office with the present Program Planning Staff which is retitled the Program and Policy Development Office (subparagraph 3.03a.); the transfer of the Geography Division to the Associate Director for Administration and Field Operations (subparagraph 4.01a.); consolidation of the Management Information System Staff with the Management and Organization Division and change of division name to Organization and Management Systems Division (subparagraph 4.02d.); assignment of Agriculture Census functions to the retitled Assistant Director for Economic and Agriculture Censuses (paragraph 6.02); and the creation of an Electronic Data Processing Planning and Management Division. (subparagraph 8.01d.)

SEC. 2. *Organization structure.* The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The Director determines policies and directs the programs of the Bureau, taking into account applicable legislative requirements and the needs of users of statistical information. He is responsible for the conduct of the activities of the Bureau of the Census and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Management and Budget.

.02 The Deputy Director assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 Staff Elements.

a. The Program and Policy Development Office shall assist in the overall planning, review and evaluation of Bureau programs. The Office shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long range policy and resource planning for the Bureau as a whole. The Office shall provide emergency planning support to the Bureau and shall assist and advise the Director in these matters. It shall advise on all Congressional matters related to the Bureau's activities and serve as the primary point of coordination for maintaining liaison on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

b. The Public Information Office shall, under the policy guidance of the Director of the Bureau and in liaison with the Departmental Office of Communications (as provided by DOO 15-3), develop public information programs and coordinate and review for clearance the release and distribution of information disseminated by the Bureau.

c. The Equal Employment Opportunity Officer designated under the provisions of subparagraph 3.02b. of Department Organization Order 10-5, "Assistant Secretary for Administration," shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202-713, "Equal Employment Opportunity" and shall participate in the planning and direction of the Equal Employment Opportunity program.

SEC. 4. *Office of the Associate Director for Administration and Field Operations.* .01 The Associate Director for Administration and Field Operations shall provide administrative management services to all components of the Bureau; direct programs of field data collection and non-computer processing operations; conduct programs of geographical services; and direct the coordination of the Bureau's user program through both Headquarters and Regional Offices and advise the Director in these fields. He shall have direct responsibility for the following units:

a. The Geography Division shall plan, coordinate and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

b. The Data User Services Division shall devise, test, and apply techniques of improving access to the Census data base, research new techniques for incorporation into regular Bureau operations and procedures to improve all services to

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data users; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, maps, etc.; prepare general-purpose statistical compendia such as the Statistical Abstract of the United States and its supplements and coordinate and prepare technical reports that cross subject-matter lines or concern the Bureau as a whole.

.02 The Assistant Director for Administration shall assist the Associate Director for Administration and Field Operations and provide direction and coordination for the following administrative units:

a. The Administrative Services Division shall provide administrative services to include physical security, property, space and facilities management, procurement control, library, communications, records disposition, files, mail and forms management and related administrative operations.

b. The Budget Division shall perform budget functions which shall include preparation of official budget estimates and justification and allocation and control of all funds.

c. The Finance Division shall perform financial analysis, maintenance of financial accounts, coordination of payroll and leave audits, and preparation of financial reports.

d. The Organization and Management Systems Division shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management systems; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; prepare special analytical reports on management matters; develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of administrative and management data; and support management in planning and controlling its programs and projects.

e. The Personnel Division shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

f. The Publications Services Division shall provide publication, printing and graphic art services, including publications design and distribution planning and control.

.03 The Assistant Director for Field Operations who shall also head the Field Division shall assist the Associate Director for Administration and Field Operations and provide direction and coordination for the following administrative units:

a. The Data Preparation Division located in Jeffersonville, Indiana, shall carry out non-computer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as is specifically delegated; and administer through its Pittsburg, Kansas branch, a personal census service to furnish information about individuals as reflected by Census records, as provided by law.

b. The Field Division shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the Regional Offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

SEC. 5. *Office of the associate director for demographic fields.* .01 The Associate Director for Demographic Fields shall plan and direct the social and demographic statistical programs and advise the Director in these fields and shall have and direct the following units:

a. The Office of Demographic Analysis shall provide support in developing law enforcement statistics; conduct research on the need for additional statistics; develop data sources; conduct research into possible data gaps; develop recommendations to fill these needs; and develop reports and publications.

b. The Demographic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over the development of statistical data collection in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform non-mechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

c. The Housing Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; and conduct research for and prepare special analytical reports, monographs, and special studies.

d. The International Statistical Programs Center shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical activities; conduct research on international statistical programs of methodology and content and coordinate other research of similar nature in the Bureau; assemble, through foreign publications, exchange data for use by the Government and the public and provide statistical information to foreign governments and international organizations; and prepare analytical studies of information available for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

e. The Population Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; and conduct special studies and publish analytical reports and monographs.

f. The Statistical Methods Division shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.02 The Assistant Director for Demographic Censuses shall assist the Associate Director for Demographic Fields; shall direct and provide planning and coordination for the demographic censuses and shall have and direct the following unit:

The Demographic Census Staff shall provide overall direction for program planning of demographic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing procedures, instructions and controls, and computer programming; and organize and conduct pretest research programs.

SEC. 6. *Office of the Associate Director for Economic Fields.* .01 The Associate Director for Economic Fields shall plan and direct the economic statistical programs and advise the Director in these fields; he shall have and direct the following units:

a. The Construction Statistics Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform non-mechanical processing for current Division programs; and conduct research and prepare special analytical reports, monographs, and studies.

b. The Business Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and

prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

c. The Foreign Trade Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform non-mechanical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare special reports, monographs, and studies.

d. The Governments Division shall formulate and develop overall plans and programs for the collection of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of Government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare special analytical reports, monographs, and special studies.

e. The Industry Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare special analytical reports, monographs, and special studies.

.02 The Assistant Director for Economic and Agriculture Censuses shall assist the Associate Director for Economic Fields; he shall direct and provide planning and coordination for the following units:

a. The Agriculture Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

b. The Economic Census Staff shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

c. The Economic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing and dissemination of statistical data from surveys or censuses relating to the transportation industry.

SEC. 7. *The Office of the Associate Director for Statistical Standards and Methodology.* .01 The Associate Director for Statistical Standards and Methodology shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques, programs for the enhancement of the availability and utility of data to meet State and local government needs, and shall advise the Director in these fields; he shall have and direct the following units:

a. The Center for Census Use Studies shall plan, coordinate, and develop systems that will allow efficient interrelating of Census Data with other local and State data to meet specific needs; explore current uses and future needs of Census and local data; and investigate the benefits of cooperative data collection between the Bureau and other local, State, and Federal agencies and the level of detail and form in which Census data should be made available to local users both in the Government and private sector; develop and analyze programs to allow the rapid conversion of Census data into information useful to local communities for analysis; publish reports relating to such programs; and serve as Census liaison to Federal agencies sponsoring the studies.

b. The Research Center for Measurement Methods shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

.02 The Assistant Director for Statistical Standards and Methodology shall assist the Associate Director for Statistical Standards and Methodology in providing technical direction and coordination in these program areas and shall provide planning and coordination for the following unit:

The Statistical Research Division shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; provide guidance to theoretical and applied statisticians and subject matter specialists in the Bureau and other organizations on all aspects of mathematical, statistical, and research problems; and shall perform Bureau review and clearance of proposals of any Bureau organization for requests for information from the public that require the approval of the Office of Management and Budget under DAO 216-8, dealing with the Federal Reports Act, 44 U.S.C. 3501.

SEC. 8. *The Office of the Associate Director for Electronic Data Processing.* The Associate Director for Electronic Data Processing shall plan and direct programs for electronic data processing operations and techniques, and advise the Director in these matters. The Associate Director shall have and direct the following units:

.01 The Computer Services Division shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; and plan and perform associated coordination, scheduling of computer processing, staging, and tape library services.

.02 The Systems Software Division shall design tests to measure relevant significant factors of programs during their developmental stages and evaluate the results therefrom; modify existing executive systems to improve efficiency; develop general purpose programs; research new programming languages and techniques; provide support for computer related training; and conduct research and development concerned with new equipment needs, conceptual methods, and systems designs for the various programs of the Bureau.

.03 The Engineering Division shall plan and perform engineering services, including research, development, equipment requirements and maintenance activities, to provide and support electromechanical and electronic equipment required for data processing.

.04 The Electronic Data Processing Planning and Management Division shall provide EDP support and coordination to divisions utilizing EDP services; conduct long-range planning, research and development concerned with new equipment needs; and coordinate data keying and computer processing operations between program divisions and the EDP area.

SEC. 9. *The Regional Offices.* .01 The principal field structure of the Bureau shall consist of twelve Regional Offices, each headed by a Field Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Administration and Field Operations. The location and geographic area covered by each Regional Office shall be as shown in Exhibit 2.

.02 Each Regional Office shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

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.03 As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the Regional Offices.

.04 The Seattle Regional Office shall have an Area Office in San Francisco, and the Kansas City Regional Office shall have an Area Office in St. Paul, Minnesota, which shall carry out assigned field data collection programs.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17360 Filed 6-14-76;8:45 am]

[Dept. Organization Order 20-8]

OFFICE OF PERSONNEL

Statement of Organization and Assignment of Functions

This order effective May 25, 1976 supersedes the material appearing at 32 FR 10384 of July 14, 1967.

SECTION 1. *Purpose.* .01 This order prescribes the functions and organization of the Office of Personnel.

.02 This complete revision establishes a new organization structure and assignment of functions within the office, reflects the assignment of personnel programs and responsibilities not included in the previous order, and updates language and internal references. The major changes are as follows: the Policy Division is abolished and responsibility for personnel program evaluation, manpower information systems, and records and reports is assigned to the new Program Evaluation and Systems Division (paragraph 5.03); the remaining functions are assumed by the new Policy Staff along with responsibility for labor-management relations and the personnel management aspects of the Freedom of Information Act and the Privacy Act (paragraph 5.02); the Compensation Division is renamed the Classification and Executive Assignments Division (paragraph 5.04); the Equal Employment Opportunity and Special Employment Programs Division is established and assumes responsibility for EEO programs and special employment programs from the Career Management Division along with upward mobility programs from the Employee Development Division (paragraph 5.05); the Career Management Division is renamed the Career Management and Employment Services Division with added responsibilities for performance evaluation and employee welfare and services programs (paragraph 5.06); the Employee Development Division is renamed the Employee Development and Awards Division (paragraph 5.07).

SEC. 2. *Status and line of authority.* The Office of Personnel, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3. *Delegation of authority.* In addition to the authority implicit in and essential to carrying out the functions assigned to the Office and related to the exercise of such functions, the Director, Office of Personnel:

a. Is delegated the authority vested in the Assistant Secretary for Administration to take final action on all matters pertaining to personnel programming and management, including the direction, administration and processing of all personnel matters;

b. Is authorized to redelegate such authority to appropriate officials of the Office of Personnel and of operating units of the Department, subject to such conditions in the exercise of such authority as may be prescribed; and

c. As Director of Personnel for the Department, shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration in all matters of personnel utilization, management and administration.

SEC. 4. *Functions.* Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall;

a. Have Departmentwide staff responsibility for all matters relating to personnel management and administration, including manpower controls, recruitment, employee utilization and development, job classification, pay administration, labor relations, training, employee benefits and services, equal employment opportunity (except as otherwise provided by directives of the Department), personnel management evaluation, occupational health, and incentives programs;

b. Perform services in the functional areas enumerated in subparagraph a. above required by the Office of the Secretary and other selected organizational units of the Department; and

c. Establish and maintain close working relationships with the U.S. Civil Service Commission and other Government agencies as appropriate.

SEC. 5. *Organization.* Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The Deputy Director shall be the principal operating aide to, and serve as the authorized alternate for, the Director, shall carry out special assignments to support and assist the Director, and shall supervise the Policy Staff.

.02 The Policy Staff shall serve as the technical personnel management policy adviser to the Director, his staff, and the Department's operating units. In conjunction with the division chiefs, the Staff shall plan the development and issuance of Department personnel policy, regulations, programs, and instructions; coordinate within the Office of Personnel the development of legislative proposals on personnel matters, and coordinate comments on proposed legislation, Civil Service Commission issuances, various Department orders and other issuances requiring clearance or concurrence of the Director of Personnel. It shall be responsible for the personnel management aspects of the Freedom of Information Act and the Privacy Act within the Office of Personnel. The Staff shall also plan, direct and review the labor-management relations policies and programs of the Department, and shall provide technical advise, guidance and assistance to the Director and his staff and to operating units on all aspects of labor-management relations.

.03 The Program Evaluation and Systems Division shall plan, schedule, and coordinate personnel management program evaluation surveys throughout all organizational units of the Department; monitor the issuance of reports of findings, providing evaluation and analysis of the effectiveness of personnel management programs; and shall coordinate the personnel management evaluation system within the Department and with the Civil Service Commission. The Division shall be responsible for the personnel management information system; for developing and maintaining surveillance of automated personnel systems in use throughout the operating units; for ensuring compliance with Civil Service Commission requirements for the Central Personnel Data File—and ultimate conversion to the Federal Personnel Management Information System; and shall serve as the control point for all Departmentwide personnel management forms, reports, statistical evaluations and analyses.

.04 The Classification and Executive Assignments Division shall plan and coordinate Departmentwide programs and activities in the areas of position classification, pay administration, ad the Executive Assignment System; maintain liaison with the Civil Service Commission on matters dealing with executive personnel and related program activities; formulate and issue policy guidance on matters peculiar to excepted positions and overseas allowances and differentials; and shall develop a variety of special salary schedules applicable to Department organizations throughout the country. The Division shall serve as the Department's review level on all classification appeals originating within the Department.

.05 The Equal Employment Opportunity and Special Employment Programs Division shall provide technical advice and guidance to the Director, his staff and the operating units on the equal employment opportunity program and the affirmative action plans as they pertain to or involve the personnel management programs. The Division shall develop the Affirmative Action Plan for the Department and approve the affirmative action plans for operating units; represent the Department in the Federal Women's Program and the Spanish-speaking Program, providing leadership in the promotion and administration of these programs; administer the Department's Special Employment Programs, and coordinate such programs closely with the Civil Service Commission; provide staff guidance to Personnel Officers of the Department on the implementation, special funding and reporting requirements of these programs; and shall monitor or prepare the Department's narrative and statistical reports pertaining to the special employment programs, equal employment opportunity and the affirmative action plans.

.06 The Career Management and Employment Services Division shall plan and develop the career management programs, and all programs pertaining to the staffing, employee utilization, performance evaluation, and welfare of the work force. The Division shall provide staff assistance, policy guidance and interpretation to the operating units on all matters pertaining to employment, recruitment, placement, employee relations and career-management programs; maintain contacts with colleges, outside organizations, and other Federal agencies on matters pertaining to these programs; and monitor a variety of employee services programs, serving as the Department's liaison between the Civil Service Commission and the operating unit Personnel Offices.

.07 The Employee Development and Awards Division shall plan, direct, review and evaluate Department Programs for employee training and development, and shall monitor the Executive Development Programs for the Department. The Division shall plan and operate the Department's Management Training Center; provide staff assistance to operating units on interpretation and implementation of the Government Employees Training Act; and coordinate and approve Department nominations for special programs. The Division shall also administer the Department awards and recognition programs and provide staff assistance to operating unit Personnel Offices on all phases of the suggestions, awards and recognition programs; provide the Executive Secretary to the Incentive Awards Board; plan, schedule and oversee the Department's annual and special awards and employee-recognition ceremonies as required, and shall represent the Department with the Civil Service Commission on all matters of training, employee development and awards.

.08 The Medical Division shall plan and coordinate Departmentwide policies and programs in employee health services, represent the Director of Personnel in maintaining professional medical liaison with the U.S. Public Health Service, U.S. Civil Service Commission and other appropriate agencies; and provide advice, assistance and consultative services to operating units in employee health matters as requested. The Division shall be responsible for planning and administering the employee health service program for the Department's central health unit.

.09 The Operations Division shall plan, organize and administer a complete operating personnel management program responsive to the needs of the Office of the Secretary and other organizational units as specified by the Director of Personnel. The program shall include all activities relating to recruitment and placement, appointment, promotion, separation, employee relations, employee recognition and incentives, labor-management relations, job classification and various employee services and benefits programs. The Division shall develop the Affirmative Action Plan and administer and coordinate the equal opportunity program for employment for all the organizational units serviced.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-17367 Filed 6-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, July 19, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 3510, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472-3000.

LIONEL M. BERNSTEIN,
Executive Secretary, Review Panel on New Drug Regulation.

JUNE 8, 1976.

[FR Doc.76-17390 Filed 6-14-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-334; FDAA-506-DR]

TRUST TERRITORY OF THE PACIFIC ISLANDS

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Deelgation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 9, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Trust Territory of the Pacific Islands resulting from Typhoon Pamela beginning about May 15, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Trust Territory of the Pacific Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the Trust Territory of the Pacific Islands to have been adversely affected by this declared major disaster:

Truk District.

The Saipan/Guam Troposcatter facilities located on Guam, but owned by the Trust Territory of the Pacific Islands, which sustained damage caused by Typhoon Pamela.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 9, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-17392 Filed 6-14-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. SA-74-4]

BELT RAILWAY CO. OF CHICAGO

Waiver of Railroad Safety Appliance Standards

The Belt Railway Company of Chicago (BRC) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with certain railroad safety appliance standards. The BRC seeks exemption from the provisions of 49 C.F.R. 231.30, which govern safety appurtenances required on locomotives used in switching service.

The requested waiver would apply to six locomotives which bear BRC road numbers 600 through 605. These locomotives were built by the American Locomotives Company (ALCO) and are of a road service design type. The locomotives are identified ALCO century 424 models. The BRC employs these locomotives primarily in belt-line and transfer service but does occasionally assign them to yard switching service.

Petitioner seeks a permanent waiver for these locomotives and notes that during the roughly nine years the units have been in service no problems or accidents involving the footboards or safety appliances have been experienced. BRC states that modification costs and loss of service time required to virtually rebuild these locomotives would be inordinately expensive when compared with any benefits derived from such work.

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In seeking this waiver petitioner asserts that the design of these locomotives will not reasonably permit the required modifications. HRC notes that the required modifications would necessitate cutting the side sill in order to inset the steps and would cause a significant reduction of the walkway area ahead of the steps leading to the cab. Furthermore, reforging of all vertical handholds will be required in order to comply with the clearance requirements.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if requested by any interested person prior to June 30, 1976. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number SA–74–4) and shall be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before July 30, 1976, will be considered by the FRA before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of the Safety Appliance Acts (Secs. 2, 4 and 6, 27 Stat. 531, as amended, Secs. 1 and 3, 32 Stat. 943, as amended, secs. 1–6, 36 Stat. 298–299, as amended. Sec. 6(e) and (f), 80 Stat. 939; 45 U.S.C. 2, 4, 6, 8, 10, 11–16, 49 U.S.C. 1655).

Issued in Washington, D.C., on June 9, 1976.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel, Safety Regulation Division, Federal Railroad Administration.

[FR Doc.76–17296 Filed 6–14–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24869; order 76–6–73]

BAGGAGE ALLOWANCES

Order Relating to Overseas and Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of June, 1976.

By Order 76–3–81, decided February 25, 1976 and effective March 13, 1976, the Board issued its final opinion in Baggage Allowance Tariff Rules In Overseas & Foreign Air Transportation, Docket 24869, which, among other things, ordered cancellation of all tariffs for excess-baggage charges in overseas and in foreign air transportation within 90 days (June 10, 1976). On June 7, 1976, the Board received a communication from the United States Department of State requesting the Board to defer for 30 days the cancellation date previously ordered. See Attachment.

Upon consideration of the request and all other relevant matters, we have decided to grant the request of the Department of State for the reasons outlined in their communication.

Accordingly, it is ordered That: Ordering paragraphs 3 and 4 of Order 76–3–81 are hereby amended to require that the excess-baggage rate of one percent of the applicable one-way first-class fare per kilogram be canceled prior to July 11, 1976, and to provide for the approval of IATA Resolution 311 through July 10, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

BEFORE THE CIVIL AERONAUTICS BOARD

Baggage allowance tariff rules in overseas and foreign air transportation.

PETITION TO MODIFY ORDER 76–3–81 [1]

During consultations with the Government of the United Kingdom last week, the representatives of the United Kingdom raised the question of excess baggage charges in the light of Board Order 76–3–81, which withdraws approval of certain IATA resolutions and cancels tariffs for excess baggage charges effective June 11, 1976. The United Kingdom representatives were made aware of the Board's objectives and its desire for early implementation of these objectives. They stated in reply that it was likely the United Kingdom would submit a letter to the Department of State containing a justification for extending the effective date for cancellation of the tariffs.

The Department of State believes that such a letter from the United Kingdom may contain information which might constitute a change in circumstances warranting Board reconsideration of the question of extension. However, in view of the brief time remaining before June 11, it is physically impossible for the Department to receive and transmit to the Board for its timely consideration any representation likely to be made by the United Kingdom. Since the Department believes that it would be desirable to know whether foreign governments will support the Board's objectives, the Department recommends, and hereby requests, that the Board grant an extension of no more than 30 days of the effective date for the cancellation of the relevant tariffs.

Dated: June 7, 1976.

Respectfully submitted,

PHILLIP R. TRIMBLE,
Assistant Legal Advisor, U.S. Department of State.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served on all parties to the proceeding, by mailing a copy postage prepaid, first class mail, this 7th day of June, 1976.

PHILLIP R. TRIMBLE,
Assistant Legal Adviser for Economic and Business Affairs.

[FR Doc.76–17398 Filed 6–14–76;8:45 am]

[1] Communications with respect to this petition should be sent to the above official.

[Docket 28457; Order 76–6–84]

CITIES AND CHAMBERS OF COMMERCE OF MIDLAND AND ODESSA, TEXAS

Order Dismissing Petition for Investigation of Air Service to the East

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 10th day of June, 1976.

On October 31, 1975, Midland and Odessa (Midland/Odessa) by joint petition [1] requested the Board to institute an investigation to determine the need for service between Midland/Odessa and the east including, among other points, Atlanta, Chicago, New York, and Washington. [2] In support of its petition, Midland/Odessa states that it has the potential for generating sufficient traffic to major eastern points [3] based on its generation of approximately 1,000 O&D passengers per day in 1974, increased traffic potential based on per capita average income and geographic isolation, the response to increased service to Austin and Denver, and the experience of other Texas cities which indicate that those cities having single-plane/single-carrier service to the north and east generate a large percent of their total traffic in those markets. In addition, petitioners contend that they are alone among the cities generating within 10 percent of 369,320 O&D passengers in 1974 that have no single-plane or single-carrier service to Boston, Chicago, Louisville, New York, St. Louis, and Washington and that most of those cities within 10 percent of 369,320 O&D passengers in 1974 are served by at least two trunklines plus one or two local service carriers while Midland/Odessa is served only by one trunk and one local service carrier.

Braniff Airways filed an answer in support of Midland'/Odessa's petition and stated its intention to consolidate its pending application in Docket 25768 for authority between points in Texas, on the one hand, and points in the Ohio Valley and Northeastern United States, on the other, if the Board institutes an investigation of Midland/Odessa's service to the east. [4] On April 13, 1976, Braniff amended its application in Docket 25768 to include Midland/Odessa as an intimate point and contemporaneously filed a new application in Docket 29136 to amend its certificate to include Midland/Odessa as one of the intermediate points between El Paso and New York.

Upon consideration of the pleadings and all the relevant facts, we have decided that Midland/Odessa's petition should be dismissed without prejudice.

Due to the considerable number of applications filed which require an evidentiary hearing, the Board's ability to set many cases for immediate hearing is necessarily limited. The Board has adopted general standards, set forth in section 399.60(b) of its Policy Statements, for determining the degree of relative priority to which each matter requiring a hearing is entitled based on the comparative public interest factors involved therein. In the area of routes, the Board will generally afford a priority hearing to those applications which present the potential for greater service benefits to a substantial segment of the public, as well as indicating the prospect of economic operations for the carrier concerned.

Initially, we find that the very small amounts of traffic in the markets in question do not justify granting Midland/Odessa's petition or Braniff's application for a priority hearing. The largest of the markets, Midland/Odessa-New York, generated only 5,880 O&D passengers in 1974 or 8 per day in each direction while the smallest market, Midland/Odessa-Atlanta, generated 2,100 O&D passengers in 1974 or approximately 3 passengers per day each way. [5] Even assuming that single-plane service would result in stimulation sufficient to double the traffic in these markets, such traffic still would not be sufficient to merit a priority hearing. [6] Moreover, single-plane service would not capture all the potential traffic since it would often be more convenient to make a one-stop connection at Dallas which would offer non-stop service to such cities as Atlanta, Chicago, New York, and Washington, rather than to use single-plane multistop service to these cities.

Further, considering the minimal traffic involved, the service deficiencies alleged by Midland/Odessa do not appear to constitute a denial of reasonable access to points east of Texas sufficient to warrant a priority hearing. Most significant in our conclusion is the current service in Dallas/Fort Worth and Houston markets. These markets were the two largest in 1974 for Midland/Odessa, with 77,960 and 66,030 O&D passengers, respectively. [7] In the Midland/Odessa-Dallas market, Continental offers three and one-half nonstop round trips during the week and TXI, four daily nonstop round trips. In the Houston market, Continental operates t hree and one-half daily one-stop round trips and TXI two and one-half daily one-stop round trips. [8] This service is relevant to the instant petition because it provides Midland/Odessa passengers traveling to such cities as Atlanta, Chicago, New York, and Washington with numerous convenient connecting services from Dallas/Fort Worth and Houston to these and many other northern and eastern points served by several trunk carriers.

Furthermore, Braniff's answer in support of Midland/Odessa's petition and its subsequent application amendment in Docket 25768 and new application in Docket 29136 do not present any facts which would lead us to a different conclusion.

In view of these circumstances, we find that Midland/Odessa's petition does not present facts which warrant an investigation at this time.

Accordingly, it is ordered That:

1. The petition and request for waiver of the environmental evaluation of the Cities and Chambers of Commerce of Midland and Odessa, Texas, be and they hereby are dismissed; and

2. The motion by Braniff Airways, Inc., for leave to file an otherwise unauthorized document, be and it hereby is granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–17400 Filed 6–14–76;8:45 am]

[Docket 28744]

CONTINENTAL AIR LINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 11, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties, and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 28, 1976, and the other parties on or before August 4, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 10, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc. 76–17396 Filed 6–14–76;8:45 am]

[Docket 24869; order 76–6–72]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Affirming Staff Action and Denying Motion Relating to Excess Baggage Charges

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 9th day of June, 1976.

On May 21, 1976, the Board's staff rejected tariff revisions proposed by Pan American World Airways, Inc. (Pan American) to establish excess-baggage rates in overseas and foreign air transportation at one percent of the normal economy fare per kilogram. [1] Pan American has now filed a petition for review of this staff action, urging that the Board reverse the staff.

In support of its petition, Pan American alleges that the staff's action does not comply with Section 403 of the Federal Aviation Act and Part 221 of the Board's Economic Regulations; that the rejection is based on the substantive merits of the tariff filing not on a technical or formal defect of the tariff; that the tariff does establish an appropriate and fully justified excess-baggage charge for a six-month interim period; and that the rejection authority does not extend to cases where the tariff is substantively defective because of an "insufficient" justification. Pan American alleges that it did comply with the Board's regulations and that if the Board wished to remove the carrier's tariff, the most appropriate course would be to suspend its filing rather than reject it.

In a separate motion filed concurrently, Pan American requests that the Board modify Order 76–3–81 to postpone the required cancellation of the existing excess-baggage charge tariff rules until 40 days after the Board has considered and acted upon the petition for review of staff action rejecting Pan American's excess-baggage charge tariffs. [2] In support of its motion, Pan American alleges that absent such an extension Pan American will be without an effective tariff for excess-baggage charges as of June 10, 1976. Pan American further asserts that, even if it chooses to file a different tariff on less than statutory notice, it has no assurance that a tariff would be permitted to become effective other than one establishing a charge of seven-tenths of one percent, for effect June 10, 1976, a charge which the carrier alleges is uneconomic. Absent the extension Pan American requests, which it alleges is necessitated by an improper Board staff action in reject-

[1] Both cities are served through the Midland Air Terminal, located between and 10 miles distant from each city. Midland/Odessa is currently served by Continental Air Lines and Texas International Airlines (TXI).

[2] Petitioner also filed a request for a waiver of the environmental evaluation under sec. 312.6 of the Board's Procedural Regulations. In view of our determination herein not to institute a route proceeding, the request for a waiver will be dismissed as moot.

[3] The markets in which Midland/Odessa specifically seks improved service had the following number of pasengers in 1974: Atlanta (2,100). Chicago (4,640), New York (5,880), Washington (2,400).

[4] Braniff's answer was accompanied by a motion for leave to file an otherwise unauthorized document on February 9, 1976. The motion will be granted.

[5] Other cities mentioned by Midland/Odessa had the following Midland/Odessa O&D passengers in 1974: Chicago (4,640) and Washington (2,400).

[6] Only 13.9 percent of Midland/Odessa's traffic presently travels north and east. Although traffic may expand somewhat with the institution of first single-plane service, considering the relatively small amounts of traffic in these markets it does not appear that the amount of traffic convenienced would be significant.

[7] The other four top markets for Midland/Odessa in terms of 1974 O&D traffic were Austin (17,560), El Paso (16,990), Los Angeles (16,140), and San Antonio (15,830).

[8] O.A.G., April 15, 1976.

[1] Rejection Notice No. B–3676, dated May 21, 1976.

[2] An answer in opposition has been filed by Mr. Donald L. Pevsner, Attorney-at-Law.

Petition of Midland/Odessa, Exhibit MAP–15, at 2. Midland/Odessa currently receives single-plane service in all of these markets.

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ing Pan American's tariff, the carrier contends that it will not have a proper procedural opportunity to have its rate proposal considered and will be compelled to file a tariff setting forth a charge which it does not consider proper or compensatory.

We will deny Pan American's motion to postpone the required tariff cancellation and affirm the staff's action taken under delegated authority rejecting Pan American's tariff. In Order 76–3–81 served March 12, 1976, the Board directed cancellation of existing excess-baggage charge tariff rules by June 10, 1976. Petitions for reconsideration were denied by Order 76–5–26 dated May 10, 1976. In both of the above orders, emanating from a full investigation to which Pan American was a party, the Board stated that all tariffs should be accompanied by a thorough economic justification unless the carriers chose to rely on the Board's findings therein that excess-baggage costs amounted to seven tenths of one percent of the economy fare per kilogram. In its tariff proposing a charge of one percent per kilogram, the carrier stated "Pan American respectfully declines the Board's invitation to file for 0.7 percent of normal economy fares without justification." No economic justification in support of its one percent per kilogram filing was presented.

As Pan American quotes in its petition for review of staff action, section 221.165(b) of the Board's Economic Regulations requires that the justification submitted with a tariff filing include:

> Economic data and/or information in support of the new or changed matter, including, *in cases where pertinent,*
>
> (1) Estimates of costs of service, with supporting details and references to sources, and
>
> (2) Estimates of the aggregate effect of the new or changed matter upon such carrier's traffic and revenues, and an explanation of the basis for the estimates (including, where available, data as to past traffic and revenues.) (Emphasis added)

In view of the Board's statement in Order 76–3–81 that filings proposing excess-baggage rates of other than seventenths of one percent of the economy fare should be accompanied by a thorough economic justification, there is little question but that the requirements of section 221.165(b) (1) and (2) were "pertinent" to Pan American's rejected tariff. The contents of Pan American's justification were essentially the same as contained in its petition for reconsideration which we considered and denied by Board Order 76–5–26. Disagreement with the Board's views is not a basis for justification in support of a tariff filing. Pan American's justification thus clearly did not meet the requirements of section 221.165 of the Board's Economic Regulations, and was therefore properly rejected by the staff.

We do not believe that Pan American's support for a 30-day extension of time has significant merit; however, by separate order we are contemporaneously granting a request of the Department of State for a 30-day deferral of the tariff cancellation date previously ordered.

Accordingly, it is ordered, That:

1. The action taken under delegated authority in Rejection Notice No. B–3676, be and hereby is affirmed; and

2. The motion of Pan American World Airways, Inc. to modify Order 76–3–81 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–17399 Filed 6–14–76;8:45 am]

[Docket 29295]

UNITED STATES-LATIN AMERICA ALL-CARGO SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 14, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 13, 1976, and the other parties on or before August 31, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 9, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–17397 Filed 5–14–76;8:45 am]

COMMISSION ON CIVIL RIGHTS

KENTUCKY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) to this Commission will convene at 7:30 pm. and end at 11:00 pm. on July 15, 1976, at the Galt House, Fourth Street at River Road The Commissioner Room, 2nd Floor, Louisville, Kentucky 40202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is programmatic planning for fiscal year '77. Planning for followup to the Louisville school desegration hearing.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–17313 Filed 6–14–76;8:45 am]

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10:00 p.m. on July 12, 1976, at Route 1, Box 420, Lutherville, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss plans for new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–17314 Filed 6–14–76;8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. and end at 9:00 p.m. on July 14, 1976, at the Ramada Inn, New Brunswick, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Paza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss the abortion project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–17315 Filed 6–14–76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for Development, Office of the Administrator, St. Lawrence Seaway Development Corporation.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–17312 Filed 6–14–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 562–6; FAP5H5096/PW6]

FOOD ADDITIVE PETITION

Notice of Withdrawal

On July 25, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 31259) that Chemagro Agricultural Div. Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120 had filed a petition (FAP 5H5096). This petition proposed the establishment of a tolerance for residues of the insecticide S-[2-(ethylsulfinyl) ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in tomato pomace at 2 ppm from application of the pesticide to growing tomatoes.

Chemagro Agricultural Div., Mobay Chemical Corp. has withdrawn this petition without prejudice pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act.

[21 U.S.C. 348].

Dated: June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.76–17431 Filed 6–14–76;8:45 am]

[FIFRA Docket No. 246, et al.; (FRL 562–4)]

MALLINCKRODT, INC.

Order Denying Petition for Reconsideration

BACKGROUND

On February 17, 1976, I issued a final Decision and Order[1] pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 135 et seq. My final order cancelled the registrations of several mercurial products used as biocides in or on the following: oil-based paints; water-based paints; golf course turf (summer disease control); golf course turf (snow mold control); seed; and fabrics used in wearing apparel.

On March 2, I granted a temporary stay of the effectiveness of the entire February 17 Order. This stay did not affect the administrative finality of the order; it merely postponed enforcement pending judicial review.

On March 26, I granted a motion for reconsideration of my February 17 Order solely as it related to water-based paints. The motion was not based upon new evidence; rather, it alleged that I had erroneously decided the matter upon the record which had been before me. All parties interested in the water-based paint reconsideration filed their briefs with me on April 16. On May 27, I concluded that I had erred on the basis of the record which had been before me, and I modified my February 17 Order so as to reinstate the registrations of mercurials used in water-based paints.

On April 16, two months after my February 17 Order was issued, Mallinckrodt, Inc., a party to the consolidated mercury proceedings, filed a pleading which challenged my February 17 Order as it related to mercurials used on golf greens (for snow mold control). Mallinckrodt did not ask that I reconsider my order based upon the record before me. Instead, Mallinckrodt filed three affidavits with its pleading which reflected newly-discovered evidence. Mallinckrodt styled its pleading as a motion for reconsideration, or, in the alternative, as a motion to reopen the hearing.

In an order entered May 3, I denied both alternative motions. The motion for reconsideration was improper both becaue it was based upon new evidence and because it was substantially out of time. 40 CFR 164.110(c). The motion to reopen was improper because such a motion may only be filed prior to the issuance of a final order. 40 CFR 164.110(b). My denial was specifically without prejudice to Mallinckrodt's right to file a petition for reconsideration under 40 CFR 164, subpart D, which is the appropriate course for one wishing to challenge a final cancellation order based upon new evidence.

Under the "subpart D" procedures, the petitioner must show that there is substantial new evidence which may materially affect the final order, that the evidence was not available to me at the time of the final order, and that the evidence could not, with due diligence, have been discovered by the parties prior to the final order. 40 CFR 164.131(a). If I find that the petition makes such a showing, I am then to call for a formal public hearing before an Administrative Law Judge to determine whether the final order should be revised. 40 CFR 164.131(c), 164.132.

MALLINCKRODT'S PETITION

On May 5, Mallinckrodt filed the above-captioned petition asking that I reconsider my February 17 Order insofar as it cancels registrations of mercurial fungicides for control of snow mold on golf course greens. The petition is based upon new evidence as reflected in three affidavits, and has been properly filed in accordance with the "subpart D" procedures. On May 20, EPA's General Counsel's Office filed an "Answer of Agency Staff" opposing Mallinckrodt's petition.[2] This Answer was itself supported by two affidavits. Finally, on May 24, Mallinckrodt filed a reply to the Staff Answer.

Mallinckrodt continues to insist in its petition and reply that its alternative motions of April 16 were appropriate. Mallinckrodt in effect contends that since I had stayed the effectiveness of the entire cancellation order and had granted a motion for reconsideration on the water-based paints portion of the order, the snow mold portion of the order was not really final.

I find this argument totally unpersuasive, and I stand by my order of May 3 denying Mallinckrodt's alternative motions. The stay which I granted on March 2 is a stay of enforcement pending judicial review; it in no way "opened up" my cancellation order for further administrative review. The motion for reconsideration which I granted on March 26 was specifically limited to water-based paints; it in no way "opened up" other portions of my order for further administrative review. The fact that I granted a proper motion for reconsideration for one discrete part of my order is no reason to grant an improper motion relating to another discrete part.

DISPOSITION OF PETITION

In determining to cancel the registrations of mercurials used for snow mold treatment on golf greens, one of my key conclusions was that adequate non-mercurial substitutes exist. See p. 37 of my February 17 Decision. In finding that the substitutes were "adequate," however, I did not find that they were necessarily equal to the mercurials in terms of total effectiveness. In fact, I conceded that the mercurials might provide "more complete control." Id. Nevertheless, I felt that the non-mercurials were sufficiently adequate to warrant cancellation of the mercurials in light of the risk involved.

One of the principal non-mercurial substitutes discussed in my Decision was chloroneb, particularly as a control for

[1] In Re: Chapman Chemical Company, et al., FIFRA Docket No. 246 et al., (Consolidated Mercury Cancellation Proceeding).

[2] Normally I would consult directly with the Agency staff, including the General Counsel's office, in deciding whether to grant a petition for reconsideration under "subpart D." Once the ten-day period for filing motions for reconsideration of a final order has run without any motions being filed, there is no longer a "proceeding" within the contemplation of 40 CFR 164.7, which governs ex parte communications. My decision on whether to grant such a petition is thus analogous to a decision on whether to initiate cancellation or suspension proceedings under FIFRA, for which I consult with the Agency staff. In the case of the instant petition, the General Counsel's Office chose to file formal pleadings and abide by the ex parte prohibitions of 40 CFR 164.7 out of caution, since my reconsideration of the water-based paint portion of the February 17 Order was still pending.

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gray snow mold.[3] The crux of Mallinckrodt's petition is that new evidence indicates an "unacceptable breakdown of control where chloroneb was used last winter" (Mallinckrodt's petition at p. 3), and that the "recent failures of chloroneb indicate that there is no adequate substitute" for Mallinckrodt's mercurial products (Id. at p. 4).

As noted above, only if I find that Mallinckrodt has presented "substantial new evidence which may materially affect" my prior cancellation order am I to grant Mallinckrodt's petition and call for a new hearing.[4] Mallinckrodt's evidence consists of three affidavits, two from witnesses who testified for EPA in the consolidated mercury proceeding (Vargas, Cole) and one from a Mallinckrodt employee (Small). Vargas states that he has collected turf samples from two locations which "indicate an unexplained failure in disease control of chloroneb formulations." He notes that there "appears" to be a change in the fungus population and that cultures "are now being examined in the laboratory" to determine the cause of the two unexplained failures.

Cole relates that he has received turf samples for diagnosis from three states, and that "In all instances the turfgrass areas were reported to be severely diseased in spite of the chloroneb fungicide treatment. At this point in time I do not know the reason for these control failures." In a supplemental affidavit (filed with the Staff Answer), Cole elaborates that his samples came from six golf courses, that he has "no basis to judge the quality or accuracy of the (chloroneb) treatments," and that the winter of 1975–76 was generally acknowledged to be a severe snow mold winter in the areas represented by his turf samples. He also states that to his knowledge, "there is no documented instance of tolerance or resistance to chloroneb" by the gray snow mold fungus, and that "there is no substantive evidence available to suggest reduction in chloroneb's efficacy" against gray snow mold.

Small says that a recent review of golf courses at various locations made him aware of "widespread evidence of failure" of all non-mercurials registered for snow mold control. He then reports on his observations of non-mercurial "failures" at two locations and on "failures" he has "been informed of" at nine other golf courses.

The Staff Answer argues that Mallinckrodt has submitted no documented cases of resistance to non-mercurials, and that none of the alleged control "failures" were shown to be directly attributable to the failure of non-mercurials. The Staff stresses that the failures are "unexplained" by Mallinckrodt's affiants, and characterizes the petition as being based on "preliminary and speculative" data.

The Staff also argues that reasons other than chloroneb failure are just as logical to account for the "unexplained" control failures, such as improper timing of application, improper application, and improperly low dosage rates. To substantiate this point, the Staff submitted an affidavit by an employee (Haschen) of a manufacturer of chloroneb formulations. Haschen also states that his company's information at least partially contradicts reports on "failures" from four of the golf courses referred to by Mallinckrodt's affiants, and that his company has positive reports on chloroneb from at least 70 listed golf courses (it is not clear to what extent these reports reflect experience from the 1975–76 winter).

After carefully examining the pleadings filed by Mallinckrodt and the Agency Staff, I conclude that Mallinckrodt has not presented substantial new evidence which could materially affect my February 17 Order. In my judgment, Mallinckrodt's petition consists of evidence which is largely preliminary and speculative. Cole in essence says that he has samples from two locations indicating an "unexplained" failure in disease control and that cultures are now being examined in the laboratory. Vargas in essence says that samples from six locations were sent to him, that turf was "reported" to be severely diseased, but that he has no substantive evidence to suggest a reduction in chloroneb's efficacy against gray snow mold. Small, Mallinckrodt's employee, in essence says that he has "been informed" of several "failures" and has observed two under severe snow mold disease conditions.

Evidence supporting a "subpart D" petition need not be so overwhelming and conclusive as to present a prima facie case for modification. It should, however, consist of something more substantial than preliminary reports of an observed phenomenon where there are logical explanations for such a phenomenon at variance from the petitioner's explanation, and where the reports provide no documentation to refute such other explanations. Mallinckrodt's petition does not in my judgment contain evidence which approaches the requisite substantiality.

In view of the foregoing, and particularly in view of the fact that my February 17 Order is not based upon the assumption that non-mercurials are totally equivalent to mercurials, Mallinckrodt's petition fails to convince me that a new hearing is warranted. Mallinckrodt's petition is therefore denied. In accordance with 40 CFR 164.131(b), this Order shall be published in the FEDERAL REGISTER as soon as practicable.

Dated: June 9, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-17429 Filed 6-14-76;8:45 am]

[3] The principal winter diseases which affect golf greens are fungi known as the "snow mold complex," including primarily gray snow mold and pink snow mold. While not entirely clear from its pleadings, Mallinckrodt's arguments on reconsideration appear to be largely limited to consideration of chloroneb's affect on gray snow mold.

[4] 40 CFR 164.131. The other necessary criteria—that the evidence was not available to me and could not with due diligence have been made available prior to the final order—are met here since Mallinckrodt's evidence relates to the performance of chloroneb throughout the 1975–76 winter.

[OPP-31007; FRL 562-5]

PESTICIDE PRODUCTS

Changed Use Patterns; Receipt of Registration Application

Applications to register pesticide products entailing a changed use pattern have been made to the Environmental Protection Agency (EPA) pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is given in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by this Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before July 15, 1976 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning the following applications should be directed to the designated Product Manager, Registration Division (WH–567), Office of Pesticide Programs, at the above address or by telephone (202) 755–9315. Notice of approval or denial of the applications to register the pesticide products listed will be announced in the FEDERAL REGISTER. The label furnished by each applicant as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: June 8, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 438–RUU. O. M. Scott & Sons, Marysville OH 43040. SCOTTS INSECT CONTROL PLUS LAWN FERTILIZER. Active Ingredients: Pirimiphos-Ethyl (2 - diethylamino-6-methylpyrimidin-4-yl diethyl phosphoronate) 0.60%. Application proposes a change in the use pattern to include a new use on grass and dichondria lawns to control sod webworms, chinch bugs, and flea beetles. Application also proposes that the product be classified for general use. PM12

EPA File Symbol 438–RUU. O. M. Scott & Sons. SCOTTS INSECT CONTROL. Active Ingredients: Pirimiphos-Ethyl (2-diethylamino - 6 - methylpyrimidin-4-yl-diethyl phosphorothioate). Application proposes a change in the use pattern to include a new use on grass or dichondra lawns to control sod webworms, chinch bugs, hyperodes weevil, flea beetles, and vegetable weevils. Application also proposes that the product be classified for general use. PM12.

[FR Doc.76-17430 Filed 6-14-76;8:45 am]

[FRL 563-1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS)

Delegation of Authority to State of Utah

On December 23, 1971 (36 FR 24876), and March 8, 1974 (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). Sections 111(c) and 112(d) of the Act direct the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On July 28, 1975, Calvin L. Rampton, Governor, State of Utah, submitted a request on behalf of the Utah Air Conservation Committee for delegation of authority to implement and enforce the NSPS. Included in that request and subsequent documentation were copies of Utah Air Conservation Regulations which incorporate by reference the Federal emission standards and testing procedures; also included were copies of the Utah Air Conservation Act and authoritative interpretations which provide the State with authority to enforce the NSPS. After a thorough review of that request, the Regional Administrator determined that the State procedures and authority were adequate. Pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Governor Rampton on May 13, 1976, that authority to implement and enforce twelve categories of NSPS was delegated to the State of Utah on behalf of the Utah Air Conservation Committee:

HONORABLE CALVIN L. RAMPTON,
Governor of Utah,
State Capitol,
Salt Lake City, Utah 84113.

DEAR GOVERNOR RAMPTON: This letter is in response to your initial July 28, 1975, request for delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) for the twelve source categories promulgated by EPA as of the date of your request. I would like to commend you, your staff, the Utah State Division of Health, and the Utah Air Conservation Committee for the diligence and excellence of Utah's efforts to assume responsibility for implementing and enforcing the NSPS.

EPA has reviewed the pertinent statutes of the State of Utah and the regulations of the Utah Air Conservation Committee, and has determined that they provide for an adequate and effective procedure, subject to the conditions noted, for implementation and enforcement of twelve categories of NSPS by the State of Utah and the Utah Air Conservation Committee. Therefore, we hereby grant delegation of the NSPS to the State of Utah on behalf of the Utah Air Conservation Committee, subject to the conditions set forth in paragraphs 1 through 13, the authority over all sources in the State included in the list of source categories noted below which are subject to the Standard of Performance for New Stationary Sources promulgated in 40 CFR Part 60 as of July 28, 1975. The twelve (12) categories of new sources subject to this delegation are fossil fuel-fired steam generators; incinerators; Portland cement plants; nitric acid plants; sulphuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Utah Air Conservation Committee, which reports will contain a listing of all new sources located within the State, a listing and summary of compliance status for each such source with applicable emission standards, and a status report on enforcement actions taken or pending against all violators of the Utah Air Conservation Act and regulations thereunder. A listing of modifications or proposed modifications to the Utah Air Conservation Act and regulations thereunder shall be included in the report.

2. Enforcement of the NSPS in the State of Utah will be the primary responsibility of the Utah Air Conservation Committee. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms and conditions of this delegation, EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources which are subject to the NSPS.

3. The delegation to the State of Utah does not include the authority to implement and enforce NSPS for sources owned or operated by the United States which are located within the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Part 60.

4. The State of Utah will at no time grant a variance pursuant to UCA 26–24–11 from compliance with any standard or requirement of NSPS Federal regulations. EPA will consider any source requesting or receiving a variance to remain subject to applicable Federal regulations. EPA may institute an enforcement action against the source pursuant to Section 113 of the Clean Air Act if violations of Federal regulations occur. The granting of such a variance by the State shall also constitute grounds for revocation of delegation by EPA.

5. Subdelegation by the Utah Air Conservation Committee to regional or local air pollution control authorities in the State shall not act to relieve the Utah Air Conservation Committee from the primary responsibility for implementation and enforcement of NSPS, nor from any of the conditions contained in the delegation from EPA.

6. The Utah Air Conservation Committee shall utilize and require to be utilized those methods specified in 40 CFR Part 60 in performing source and emission tests pursuant to the regulations. Alternate or equivalent methods shall not be utilized without prior written concurrence by EPA. Any change in test method authorized by the State must be reported in writing to EPA.

7. Determinations of applicability like those specified in 40 CFR 60.5 shall be consistent with those which have already been made by the EPA. Novel determinations must be concurred upon by EPA.

8. Waivers of performance and emission tests and the basis therefore, shall be included in the semi-annual postdelegation's reports to the EPA.

9. All emission data received or obtained by the Utah Air Conservation Committee shall be available to the public to the extent required by the Clean Air Act, as amended.

10. If at any time there is a conflict between a State regulation and Federal regulation, the Federal regulation must be applied if it is more stringent than that of the State.

11. If the Regional Administrator determines that the State procedure for implementation and enforcement of the NSPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Governor of the State of Utah.

12. The Utah Air Conservation Committee shall provide public notice and an opportunity for public comment consistent with 40 CFR 51.18(h), during its new source review procedures prior to approving or disapproving the construction or modification of a source subject to NSPS regulations.

13. Acceptance of this delegation of presently promulgated NSPS does not commit the State of Utah and the Utah Air Conservation Committee to request or accept delegation of future standards and requirements. Both the State and EPA must act independently in order to effect an amended or additional delegation regarding new future Federal standards or requirements.

A notice announcing this delegation will be published in the near future in the FEDERAL REGISTER. The Notice will state, among other things, that effective immediately, all reports required pursuant to the Federal NSPS by sources located in the State of Utah should be submitted to the Executive Secretary, Utah Air Conservation Committee, Utah State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113. Any such reports which have been or may be received by EPA, Region VIII, will be promptly transmitted to the Committee.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice or objections within ten (10) days of the date of receipt of this letter, the State and the Air Conservation Committee will be deemed to have accepted all of the terms of this delegation.

Best Personal regards

Sincerely yours,

JOHN A. GREEN,
Regional Administrator.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses: Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113. Environmental Protection Agency, Region VIII, Enforcement Division, 1860 Lincoln Street, Denver, Colorado 80203. Environmental Protection Agency, Division of Stationary Source Enforcement, Waterside Mall, Room 3202, 401 M Street, S.W., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the twelve (12) categories of NSPS should be submitted to

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the EPA, Region VIII Office, and should also be submitted to the State agency at the following address: Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the State agency only.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 7).

Dated: May 14, 1976.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.76-17484 Filed 6-14-76;8:45 am]

[FRL 562-7]

TOXIC POLLUTANT EFFLUENT STANDARDS

Availability of Reports

The Environmental Protection Agency has proposed Toxic Pollutant Effluent Standards under the authorities in the Federal Water Pollution Control Act Amendments of 1972 (see 41 FR 23576). The Agency announced in that proposed rulemaking the availability of copies of the supporting criteria documents, technology assessments and economic impact assessment from the National Technical Information Service (NTIS), Springfield, Virginia 22151. The Report subject matter, EPA Report numbers and cost for these documents are listed below:

EPA report No. and subject:	Cost
EPA-440/9-76-007; Wastewater treatment technology—Aldrin/Dieldrin Manufacturing	$4.00
EPA-440/9-76-009; Wastewater treatment technology—DDT Manufacturing	5.00
EPA-440/9-76-011; Wastewater treatment technology—Endrin Manufacturing	5.50
EPA-440/9-76-013; Wastewater treatment technology—Toxaphene Manufacturing	6.00
EPA-440/9-76-015; Wastewater treatment technology—Pesticide Formulating	6.00
EPA-440/9-76-008; Criteria document—Aldrin/Dieldrin	5.00
EPA-440/9-76-010; Criteria document—DDT	6.00
EPA-440/9-76-012; Criteria document—Endrin	6.00
EPA-440/9-76-014; Criteria document—Toxaphene	4.50
EPA-230/3-76-016; Economic impact assessment	4.50

Dated: June 9, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.76-17432 Filed 6-14-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

COAL RESEARCH DEVELOPMENT AND DEMONSTRATION PROGRAM

Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the Energy Research and Development Administration (ERDA) has commenced the preparation of a draft programmatic environmental impact statement (EIS) relating to the long-term impact of commercial application of coal conversion and utilization technology to be developed by ERDA's coal research development and demonstration program.

The coal research development and demonstration program covers the full range of coal technology development beginning with laboratory research and involving scale-up through process development units, pilot plants and demonstrations with the intent of developing technology for commercial use. The program encompasses technology for coal liquefaction and gasification, direct combustion of coal, development of advanced power systems, various combined cycles, and magnetohydrodynamic systems using coal and in-situ coal gasification.

The program EIS will address the potential environmental impacts of large scale commercial coal conversion and utilization industry and identify those steps that must be taken in the coal program today to minimize or eliminate predictable future adverse environmental impacts. It will include analyses and data concerning the environmental, health, and safety impacts of each commercial possibility based upon technology developed by the ERDA research and development program. Not only the immediate impact of plant construction but the cumulative impacts of growth and the long-term impacts of a large and diverse industry dispersed throughout the country will be considered. The statement will also discuss the impact of conjunctive developments including transportation and service facilities for the plant and its worker population. Socioeconomic impacts relating to community dislocations and strain on services and financial resources will be addressed as a basis for developing policy in anticipating the problems of growth.

An interagency Task Force has been established to advise in the preparation of the statement.

The draft statement will be circulated for public review, and comments received will be considered in the preparation of the final statement. The final statement will provide environmental input into ERDA decisions affecting the future program.

Copies of documents to be utilized in the preparation of this statement will be available for public inspection at:

Public Document Room, ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.

All interested agencies, organizations or persons desiring to submit comments or suggestions for consideration in connection with the preparation of the draft environmental impact statement should submit them to W. H. Pennington, Acting Director, Office of NEPA Coordination, Mail Station E-201, U.S. Energy Research and Development Administration, Washington, D.C. 20545 (301-353-4241). Comments and views should be received on or before July 30, 1976. Those desiring a copy of the draft environmental impact statement when it is issued should notify Mr. Pennington.

Dated at Germantown, Maryland, this 10th day of June 1976.

For the Energy Research and Development Administration,

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-17384 Filed 6-14-76;8:45 am]

FEDERAL MARITIME COMMISSION

COLUMBUS LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., on or before June 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy or any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward Aptaker, Esquire, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

In the matter of Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck, trading as Columbus Line; Associated Container Transportation (Australia) Ltd., Australia Shipping Commission, trading as Australia National Line; Farrell Lines Incorporated; Refrigerated Express Lines (A/Asia) Pty. Ltd.

Agreement No. 10245, among Columbus Line, Associated Container Transportation (Australia) Ltd., Australia National Line, Farrell Lines Incorporated and Refrigerated Express Lines (A/Asia) Pty. Ltd. (REL) provides for the carriage of meat under a single voyage by REL from Northwest Australian ports to East and Gulf Coast ports of the United States.

By order of the Federal Maritime Commission.

Dated: June 11, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17533 Filed 6-14-76;8:45 am]

[INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 1151-R]

DAVIS VAN & STORAGE, INC.

Order of Revocation

By letter dated May 6, 1976, Davis Van & Storage, Inc., 912 5th Street, Davis, California 95616 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1151-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 4, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Davis Van & Storage, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1151-R issued to Davis Van & Storage, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1151-R be and is hereby revoked effective June 4, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Davis Van & Storage, Inc.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc.76-17388 Filed 6-14-76;8:45 am]

FARRELL LINES INC. AND PACIFIC FAR EAST LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 6, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward Aptaker, Esquire, Morgan, Lewis and Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. T-3313, between Farrell Lines Incorporated (Farrell) and Pacific Far East Line, Inc. (PFEL) is a letter agreement which provides for a cooperative arrangement between the parties. As a result of PFEL's discontinuance of subsidized freight service on Route 27, PFEL has excess capacity at Pier 96 in the San Francisco Bay area which they are willing to make available to Farrell. The purpose of this agreement is to document the understandings which have been reached between Farrell and PFEL with respect to Farrell's present and future use of the terminal facilities on Pier 96. As compensation, Farrell shall pay $500,000 for the initial five years (with options to renew). In addition Farrell shall pay tariff charges for terminal services performed for them.

By order of the Federal Maritime Commission.

Dated: June 10, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-17389 Filed 6-14-76;8:45 am]

FEDERAL POWER COMMISSION

CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Meeting

Agenda; meeting of curtailment strategies-technical advisory committee; Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426; July 22-23, 1976[1], 9 a.m.; Presiding: Mr. Franklin W. Lipshultz.

1. Call to order—Mr. Lipshultz.
2. Discussion to outline the Final Report of the Curtailment Strategies-Technical Advisory Committee—Mr. John F. O'Leary, TAC Chairman.
3. Assignment of work to committee members—Mr. John F. O'Leary.
4. Selection of next meeting date.
5. Adjournment—Mr. Franklin W. Lipshultz.

NGS-1 (Subgroup).

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17515 Filed 6-11-76; 2:39 pm]

[Docket Nos. CP73-258, CP73-259, CP73-267, CP73-268, CP73-269, and CP73-270]

EL PASO EASTERN CO., ET AL.

Final Environmental Impact Statement; Availability

JUNE 15, 1976.

Notice is hereby given in the above dockets that on June 15, 1976, as required by Section 2.82(b) of Commission Order No. 415-C, a Final Environmental Impact Statement (FEIS) prepared by the staff of the Federal Power Commission was made available. The FEIS deals with the applications filed by El Paso Eastern Company, Transco Energy Company, Transco Terminal Company, and Transcontinental Gas Pipe Line Corporation in Docket Nos. CP73-258, CP73-259, CP73-267, CP73-268, CP73-269, and CP73-270 for a certificate of public convenience and necessity under Sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria; for the construction and operation of a (1) LNG

[1] This meeting replaces a previously scheduled meeting of the Curtailment Strategies-Technical Advisory Committee which was to be held June 22-23. The meeting of June 22-23 has been cancelled.

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importation terminal at Raccoon Island, Gloucester County, New Jersey, and (2) approximately 22.74 miles of 36-inch diameter pipeline loop on Transcontinental Gas Pipe Line Corporation's existing Marcus Hook-Woodbury line at Gloucester, New Jersey; and for the sale in interstate commerce of the LNG.

This FEIS has been circulated to Federal, state, and local agencies and all parties to the proceeding. The FEIS has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and at its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17648 Filed 6-14-76;8:45 am]

[Docket No. CP76-386]

DISTRIGAS OF MASSACHUSETTS CORP.

Application

JUNE 8, 1976.

Take notice that on May 28, 1976, Distrigas of Massachusetts Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP76-386 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of liquefied natural gas (LNG) in interstate and Massachusetts commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell LNG which Distrigas Corporation seeks authorization in Docket No. CP76-9[1] to import from Algeria and in Docket No. CP76280[2] to sell to Applicant. Applicant proposes to make the following sales, expressed in billion Btu:

	July 1 to Dec. 31, 1976	Jan. 1 to June 30, 1977	July 1 to Dec. 31, 1977
INTERSTATE CUSTOMERS			
The Brooklyn Union Gas Co.	1,410	2,115	3,172
The Connecticut Gas Co.	150	225	338
New Jersey Natural Gas Co.	30	45	68
Providence Gas Co.	270	405	608
South Jersey Gas Co.	180	270	405
Valley Gas Co.	36	54	81
MASSACHUSETTS CUSTOMERS			
Bay State Gas Co.	270	405	608
Fall River Gas Co.	45	68	101
Haverhill Gas Co.	30	45	68

[1] Notices published July 29, 1975 (40 FR 31834) and May 13, 1976 (41 FR 19779).
[2] Notices published March 18, 1976 (41 FR 11357) and May 13, 1976 (41 FR 19779).

Applicant states that it is negotiating with Boston Gas Company for the sale of 6,755 billion Btu of LNG.

The application states that the proposed initial base price would be $2.30 per million Btu, adjusted for losses and uses plus costs incurred under Applicant's Rate Schedule TS-1.

The application states further, that Applicant's existing facilities at its Everett, Massachusetts, terminal are adequate to make the proposed sales and that no additional facilities would be required.

Any person desiring to be heard or to make any protest with reference to said application shoud on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-17179 Filed 6-14-76;8:45 am]

[Docket No. CP75-287]

NORTHWEST PIPELINE CORP.

Petition To Amend

JUNE 8, 1976.

Take notice that on June 1, 1976, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-287 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act in said docket, by which petition Petitioner seeks authorization to (1) sell and deliver an increased seasonal quantity of natural gas pursuant to its Rate Schedule SGS-1, (2) deliver natural gas from the Jackson Prairie Storage Project during an extended withdrawal season, (3) inject natural gas into the Jackson Prairie Storage Project during the withdrawal season, and (4) sell and deliver reallocated volumes of peak day, seasonal, and best-efforts gas pursuant to Rate Schedule SGS-1, all as more fully set forth in the appendix hereto and in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it has been determined that consistent with the orderly development of the Jackson Prairie Storage Project the seasonal withdrawal quantity should be increased to not less than 10,100,000 Mcf of gas and that the cushion gas inventory should be increased to not less than 15,200,000 Mcf. The proposed changes are said to represent an increase of 800,000 Mcf in the working gas inventory and an increase of 1,200,000 Mcf in the cushion gas inventory. The Jackson Prairie Storage Project participants, which include Petitioner, Washington Natural Gas Company, and Washington Water Power Company, are said to have agreed that the continued expansion of the seasonal quantity would permit the extension of the withdrawal season from the period, October 15 to April 15, to the period, October 1 to April 30.

The petition to amend states that the proposal to inject gas during the withdrawal season would permit maximum utilization of Petitioner's available gas supply during periods of low demands, e.g., weekends and holidays. It is stated that the gas injected during the withdrawal season would not be used to increase the seasonal withdrawal quantity proposed herein; but to the extent such volumes would be injected, they would be used in computing the daily deliverability from the Jackson Prairie Storage Project and would reduce the injection requirements during the next succeeding summer injection cycle.

Petitioner states that the proposed increase in seasonal quantity would not require the construction of any additional facilities on Petitioner's transmission system.

The proposed allocations for the 1976-77 heating season and thereafter are set forth in the appendix hereto.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX.—*Allocations of gas from the Jackson Prairie storage project*

	Currently effective (1,000 ft³)				Proposed for the 1976-77 heating season and thereafter (1,000 ft³)			
	Daily quantity			Seasonal quantity	Daily quantity			Seasonal quantity
	Firm	Best efforts	Total		Firm	Best efforts	Total	
California-Pacific Utilities Co.	4,229	1,015	5,244	131,094	2,987	718	3,705	100,552
Cascade Natural Gas Co.	20,714	6,265	33,109	827,709	18,886	4,522	23,408	635,840
Intermountain Gas Co.	22,314	5,342	27,656	691,830	15,771	3,775	19,546	530,970
Northwest Natural Gas Co.	37,076	8,874	45,950	1,149,223	26,210	6,273	32,483	882,389
Peoples Natural Gas, division of Northern Natural Gas Co.	724	172	896	22,008	514	120	634	17,313
Southwest Gas Corp.	8,992	2,135	11,077	277,498	11,600	2,775	14,375	390,553
Washington Natural Gas Co., and Washington Water Power Co., jointly	200,661	47,867	247,868	6,200,638	224,032	53,587	277,619	7,542,423
Total	300,000	71,800	371,800	9,300,000	300,000	71,770	371,770	10,100,000

[FR Doc.76-17178 Filed 6-14-76;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, July 1, 1976, Thursday, July 15, 1976, Thursday, July 22, 1976, Thursday, July 29, 1976.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JUNE 10, 1976.

[FR Doc.76-17302 Filed 6-14-76;8:45 am]

FEDERAL RESERVE SYSTEM

BENSON BANCSHARES, INC.

Order Suspending Further Consideration of Application To Become a Bank Holding Company

Benson Bancshares, Inc., Benson, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 88 per cent or more of the voting shares of Swift County Bank, Benson, Minnesota.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. During the course of its consideration of the instant application, the Board has become aware of certain facts that raise questions whether provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78(a) et seq.) were fully observed in the acquisition of shares of Bank by the principals of Applicant. These questions may have a bearing on the Board's evaluation of the managerial resources of Applicant and Bank. Accordingly, the Board has determined that advice from the Securities and Exchange Commission, as to whether certain facts in the record on the instant application give rise to such a violation, is necessary to make a proper assessment of the managerial resources of Applicant and Bank and is therefore necessary to the Board's ultimate decision on the application.

Accordingly, further consideration of the application is hereby suspended pending receipt of the views of the Securities and Exchange Commission which today have been solicited.

By order of the Board of Governors,[1] effective June 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17371 Filed 6-14-76;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Wallich.

DALE SPRAGUE ENTERPRISES, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Dale Sprague Enterprises, Inc., Blue Mound, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of The Farmers State Bank of Blue Mound, Blue Mound, Kansas ("Bank"). The factors that are considered in acting on this application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and Section 225.4(b)(2) of the Board's Regulation Y, for permission to engage de novo in general insurance agency activities in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 51241). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a nonoperating corporation organized for the purposes of becoming a bank holding company through the acquisition of Bank and engaging in the business of a general insurance agency. The proposed transaction involves the transfer of control of Bank from individuals to a corporation controlled by the same individuals. Upon acquisition of Bank, Applicant would control 0.03 per cent of the total deposits of commercial banks in Kansas.[1]

[1] All banking data are as of December 31, 1975.

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Bank holds deposits of approximately $3.1 million, representing 8.2 per cent of the total deposits in commercial banks in the relevant banking market and ranks as the fifth largest of seven commercial banks operating in the market.[2] Since this proposal merely represents a reorganization of Bank's present ownership with no immediate change in Bank's operations, and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources nor have any other adverse effects on competition in any relevant area. Accordingly, the Board concludes that the competitive considerations are consistent with approval of the application to become a bank holding company.

The financial condition and managerial resources of Bank and Applicant are regarded as satisfactory and the future prospects for each appear favorable. Although Applicant will incur debt in connection with the proposal, the projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to the banking factors are consistent with approval of the application. Considerations relating to convenience and needs also are regarded as being consistent with approval of the application to acquire Bank. It is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Also incident to the reorganization of Bank's ownership, Applicant proposes to engage de novo in the business of a general insurance agency pursuant to § 225.-4(a)(9)(iii)(a) of the Board's Regulation Y. Presently, there are no general insurance agencies in Blue Mound. Thus, it does not appear that engaging de novo in the business of a general insurance agency would have any significant adverse effects on existing or future competition. To the contrary, approval of the application would provide residents of the area with a convenient source of insurance services, which the Board regards as being in the public interest. Moreover, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act, and the balance of the public interest factors the Board must consider under § 4(c)(8) of the Act, both favor approval of Applicant's proposal.

[2] The relevant banking market is approximated by Linn County, Kansas.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the commencement of insurance agency activities shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective June 9, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17370 Filed 6-14-76;8:45 am]

TRINITY CAPITAL CORP.

Formation of Bank Holding Company

Trinity Capital Corporation, Los Alamos, New Mexico, has applied for the Board's approvel under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Los Alamos National Bank, Los Alamos, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 6, 1976.

Board of Governors of the Federal Reserve System, June 8, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17372 Filed 6-14-76;8:45 am]

WESBANCO, INC.

Formation of Bank Holding Company

Wesbanco, Inc., Wheeling, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 30, 1976.

Board of Governors of the Federal Reserve System, June 8, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17373 Filed 6-14-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 8, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before July 6, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests clearance of a revision of Form 318, Request for Subsidiary Communications Authorization. Form 318 is required to be filed by licensees or permittees of FM Broadcast Stations requesting authority to establish or modify a subsidiary communication authorization pursuant to Sections 1.533, 1.539, and 72.293 of the Commission's Rules. Form 318 has been revised to include visual transmissions. Licensees or permittees seeking to renew a subsidiary communications authorization will no longer file Form 318 but will instead be required to file FCC Form 303-R. The FCC anticipates receiving 200 requests annually and estimates that burden will average 40 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-17378 Filed 6-14-76;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson and Lilly. Absent and not voting: Governors Wallich and Partee.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-51]

RENEWAL OF ADVISORY COMMITTEES

Determination

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) and the Office of Management and Budget Circular No. A-63 Revised, dated March 27, 1974, the NASA Administrator has determined that the renewal of the following existing NASA advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

1. Applications Steering Committee (ASC) Ad Hoc Advisory Subcommittee for Evaluation of Advanced Applications Flight Experiment (AAFE) Program Proposals
2. ASC Ocean Dynamics Advisory Subcommittee
3. ASC Space Processing Advisory Subcommittee
4. ASC Space Processing Payload Advisory Subcommittee
5. NASA Historical Advisory Committee
6. NASA Wage Committee
7. Research and Technology Advisory Council (RTAC)
8. RTAC Committee on Aerodynamics and Configurations
9. RTAC Committee on Aeronautical Propulsion
10. RTAC Committee on Guidance, Control and Information Systems
11. RTAC Committee on Materials and Structures
12. RTAC Committee on Space Propulsion and Power
13. RTAC Panel on Aviation Safety & Operating Systems
14. RTAC Panel on Aviation Safety & Operating Systems Ad Hoc Panel on Terminal Configured Vehicles
15. RTAC Panel on Aviation Safety & Operating Systems, Subcommittee on Aviation Safety Reporting System
16. RTAC Panel on General Aviation Technology
17. RTAC Panel on Research
18. RTAC Panel on Space Vehicles
19. Space Program Advisory Council (SPAC)
20. SPAC Applications Committee
21. SPAC Life Sciences Committee
22. SPAC Physical Sciences Committee
23. SPAC Space Systems Committee
24. Space Science Steering Committee, Ad Hoc Advisory Subcommittee to Review Proposals for a Payload for the Lunar Polar Orbiter
25. Stratospheric Research Advisory Committee

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

JUNE 9, 1976.

[FR Doc.76-17295 Filed 6-14-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19566; 70-5390]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and Proposed Guarantee of Borrowings by Unaffiliated Coal Mining Company

JUNE 8, 1976.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, an electric utility company and a registered holding company, and its electric utility subsidiary company, Pennsylvania Power Company ("Penn Power"), 1 East Washington Street, New Castle, Pennsylvania 16103, have filed post-effective amendments to their application-declaration, as previously amended, with this Commission designating Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, as further amended by said post-effective amendments, summarized below, for a complete statement of the proposed transactions.

Ohio Edison and Penn Power along with Duquesne Light Company ("Duquesne"), the Cleveland Electric Illuminating Company and the Toledo Edison Company, all unaffiliated with Ohio Edison or Penn Power, have entered a joint development program for power generation and transmission known as the Central Area Power Coordination Group ("CAPCO"). On December 22, 1969, Ohio Edison, Penn Power and Duquesne, as buyers, entered into a 25-year coal supply agreement with the North American Coal Corporation, as seller, for supplying the coal requirements of a CAPCO generating unit and a supplementary agreement to develop a new mine also to supply the said unit. These agreements were assigned by the seller to its wholly-owned subsidiary, Quarto Mining Company ("Quarto"). On November 30, 1971, the CAPCO companies entered into an agreement directly with Quarto to provide for the coal requirements of other CAPCO company generating units and to provide for additions to the new mine and the development of other new mines.

Ohio Edison and Penn Power have previously been authorized in this proceeding to (1) enter into certain transactions to finance the operation and expansion of the Quarto mining activities and (2) incur short-term borrowings in connection with their normal operations. The authority granted to Ohio Edison and Penn Power in these matters expires June 30, 1976 (HCAR Nos. 18511, 19066 and 19298, dated July 26, 1974, June 30, 1975 and December 16, 1975, respectively).

Ohio Edison and Penn Power now request authority through June 30, 1977, to make short-term borrowings and guarantees of borrowings by Quarto and the Quarto owner-trustee up to $166,000,000 by Ohio Edison and $30,000,000 by Penn Power. In no event would the amount outstanding exceed 10% of the aggregate of (1) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by company presently outstanding and (2) the present aggregate of the par value of, or started capital represented by, the outstanding shares of all classes of stock and of the surplus of such company, paid in, earned and other, if any. The amount of permissible unsecured indebtedness under the companies' charters is in each case similarly restricted.

The short-term borrowings to be made by Quarto and/or the Owner-Trustee, the repayment of which are to be guaranteed by the CAPCO companies, will be primarily under lines of credit established with five banks as follows:

Bank name	Amount	Expected terms	Estimated effective rates with prime at 7 pct	
			½ utilization	Full utilization
	Millions		*Percent*	*Percent*
Cleveland Trust Co	$5	117 pct of prime	8.19	8.19
The Chase Manhattan Bank, National Association.	15	110 pct of prime and 10 pct of prime fee on line in lieu of balances.[1]	9.10	8.40
Central National Bank of Cleveland.	5	Prime rate; ½ pct commitment fee on unused line.	7.50	7.00
Mellon Bank, National Association.	20	107 pct of prime	7.49	7.49
Society National Bank of Cleveland.	3	Prime plus 1 pct	8.00	8.00
Union Commerce Bank	6	Prime plus ¾ pct	7.75	7.75
Total weighted average	54		8.06	7.82

[1] Fee amount subject to reduction based upon account balance.

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In addition to the authority to guarantee short-term borrowings by Quarto and/or the owner-trustee, as outlined above, Ohio Edison and Penn Power also request authority to borrow from banks for their own respective accounts. Those borrowings will be evidenced by notes maturing not more than 9 months from their date of issue and will be prepayable at any time without penalty. Ohio Edison requests authority to borrow up to the following amounts from the following banks upon the terms indicated:

Bank	Amount of line	Interest rate	Average compensating balances	Effective rate (based on prime rate of 6¾ pct.)
	Millions			*Percent*
Group of 51 banks headed by 1st National Bank of Akron.	$80	Prime	None	[1] 7.44
The Chase Manhattan Bank, National Association.	20	110 pct of prime	10 pct of line	8.25
Citibank, National Association	20	do	do	8.25
Cleveland Trust Co	15	do	do	8.25
Irving Trust Co	12	do	do	8.25
Morgan Guaranty Trust Co	12	do	do	8.25
National City Bank, Cleveland, Ohio.	10	do	do	8.25
Central National Bank of Cleveland	5	do	do	8.25
Society National Bank of Cleveland	2	do	do	8.25
Total	135			[2] 8.02

[1] Treating normal working balances as compensating balances.
[2] Weighted average effective cost.

Ohio Edison also requests authority to borrow funds from the trust departments of the following banks on the following terms:

Trust department	Amount	Interest rate [1]
Cleveland Trust Co	$10,000,000	Highest rate of General Motors Acceptance Corp. commercial paper with maturity from 30 to, and including, 180 d plus ¼ pct.
First National Bank of Akron	[2] 5,000,000	Ford Motor Credit Co., 180-d commercial paper rate.
Akron National Bank & Trust Co.	2,000,000	General Motors Acceptance Corp. 180-d commercial paper, plus ⅛ pct.

[1] The rates noted would be converted to the annual simple interest equivalent since they are quoted on a discount basis. The interest payable by Ohio Edison on outstanding loans would change from time to time based on changes in the commercial paper rates specified.
[2] Subject to approval of Ohio Edison's board of directors, this amount may be increased to $10,000,000.

Penn Power also requests authority to borrow the following amounts from banks on the following terms:

Bank	Amount of line	Interest rate	Average compensating balances	Effective rate (base on prime rate of 6¾ pct)
	Millions			*Percent*
Group of 9 banks	$11	Prime	None	[1] 7.52
1st National City Bank of New York	5	110 pct of prime	do	8.10
Total	16			[2] 7.70

[1] Treating normal working balances as compensating balances.
[2] Weighted average effective rate.

NOTE.—Taking into account a fee in lieu of compensating balances equal to 10 pct of the prime rate times the line of credit.

These short-term borrowings together with guarantees in connection with Quarto are not to exceed $166,000,000 in the case of Ohio Edison and $30,000,000 for Penn Power. The proceeds from the issue and sale of the notes will be used by Ohio Edison and Penn Power for their construction programs or to reimburse their treasuries for such construction expenditures.

It is stated that the Pennsylvania Public Utilities Commission has jurisdiction over certain aspects of the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions (in addition to fees and expenses previously authorized for payment in this file) are estimated at (i) $4,500, including legal fees of $2,400 for Ohio Edison and (ii) $1,500 for Penn Power including legal fees of $600.

Notice is further given that any interested person may, not later than June 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendments, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exception from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17374 Filed 6-14-76;8:45 am]

[Release No. 12518; SR-PBW-76-6]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 7, 1976.

On April 12, 1976, the Philadelphia Stock Exchange, Inc. ("PHLX") 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103,[1] filed with the Commission, pursuant to section 19 (b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to permit PHLX to monitor and regulate transactions of its officers and employees in underlying securities which are the subject of options trading on that exchange and permit officers and employees of PHLX to engage in transactions in options listed other than on PHLX. The Pacific Stock Exchange, Inc. ("PSE") and the Chicago Board Options Exchange, Inc. ("CBOE") presently have provisions that are like PHLX's proposal.[2]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12332, April 12, 1976) and by publication in the FEDERAL REGISTER (41 FR 16535, April 19, 1976).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 12, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17376 Filed 6-14-76;8:45 am]

[1] The Exchange's name was recently changed from the PBW Stock Exchange, Inc. to the Philadelphia Stock Exchange, Inc.; the file number referenced above (SR-PBW-76-6) contained the Exchange's prior initials (PBW) and was assigned before the name-change.

[2] CBOE Constitution Article XI, Section 11.4 and PSE Rule VI, Section 85.

[Release No. 12524; SR-OCC-76-2]

THE OPTIONS CLEARING CORP.

Order Approving Proposed Rule Change Submitted by the Options Clearing Corporation

JUNE 8, 1976.

On March 30, 1976, The Options Clearing Corporation ("OCC") (6150 Sears Tower, 233 South Wacker Drive, Chicago, Illinois), submitted pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, a proposed rule change amending Rule 604 of the Rules of The Options Clearing Corporation. The rule change codifies OCC's treatment of the custody of margin deposits held by OCC on behalf of OCC's clearing members.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (41 F.R. 17826, June 2, 1976), and the public was invited to submit comments. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12355, April 20, 1976. No letters of comment were received.

The Commission has reviewed the proposed rule change contained in File No. SR-OCC-76-2 and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-76-2 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-17375 Filed 6-14-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 8, 1976, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Elkins Institute, Inc., Memphis, Tennessee, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: June 8, 1976.

R. S. BIELAK,
Director, VA Regional Office.

[FR Doc.76-17327 Filed 6-14-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NEVADA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974 notice was published in the FEDERAL REGISTER (39 FR 1008) of the approval of the Nevada plan and the adoption of Subpart W to Part 1952 of Title 29 containing the decision.

The Nevada plan provides for the adoption of Federal standards as State standards by reference. The Nevada State plan submitted on December 12, 1972, and designated as Subpart W sets forth the State's schedule for the adoption of Federal standards. By letter dated February 13, 1976, from Ralph Langley to Gabriel Gillotti and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, as published in the Federal Register (37 FR 22102) dated October 18, 1972, and all amendments thereto through July 28, 1975, 29 CFR Part 1926 as published in the Federal Register (37 FR 27503) dated December 16, 1972, and all amendments thereto through July 4, 1974. These standards, which are contained in Department of Occupational Safety & Health, Nevada Industrial Commission Occupational Safety and Health Standards and Safety and Health Standards for Construction, were promulgated by resolution adopted by Department of Occupational Safety and Health of the Nevada Industrial Commission between July 1, 1973, and June 27, 1975, pursuant to Nevada Occupational Safety and Health Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the comparable Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA 450 Golden Gate Avenue, Room 9470, San Francisco, California 94102; Director, Department of Occupational Safety and Health, 515 East Musser Street, Carson City, Nevada, 89714; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Nevada State plan as a proposed change and making the Regional Administrator—OSHA's approval effective upon publication for the following reasons:

1. The standards are identical to the comparable Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would be unnecessary.

This decision is effective June 15, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at San Francisco, California this 23rd day of April, 1976.

GABRIEL J. GILLOTTI,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76-17424 Filed 6-14-76;8:45 am]

Office of the Secretary

[TA-W-745]

ALATEX, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-745 investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress shirts at the Brantley, Alabama plant of Alatex, Inc. Andalusia, Alabama.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15484). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alatex, Inc. its customers, the U.S. Department of

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Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absoutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Brantley plant declined 14.0 percent in 1975 compared to 1974 and decined 4.3 percent in the first quarter of 1975 compared to the first quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales declined 9.8 percent in 1974 compared to 1973 and declined 27.3 percent in 1975 compared to 1974. Sales declined 25.6 percent in the first quarter of 1975 compared to the first quarter of 1974.

Plant production declined 50.2 percent in 1975 compared to 1974 and declined 21.1 percent in the first quarter of 1975 compared to the first quarter of 1974.

INCREASED IMPORTS

Imports of men's dress and sport shirts, woven and knit, increased from 137,467 thousand units in 1974 to 151,541 thousand units in 1975, an increase of 10.2 percent.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that retail firms selling men's dress shirts manufactured by Alatex, Inc. have increased their purchases of men's dress shirts from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced at the Brantley, Alabama plant of Alatex, Inc. contributed importantly to the total or partial separation of the workers of Alatex, Inc. In accordance with the provisions of the Act, I make the following certifications.

"All employees at the Brantley, Alabama plant of Alatex, Inc. who became totally or partially separated from employment on or after March 16, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17416 Filed 6-14-76;8:45 am]

[TA-W-74]

ALATEX, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-747: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress shirts at the Troy and Pike plants in Troy, Alabama of Alatex, Inc., Andalusia, Alabama.

The notice of investigation was published in the FEDERAL REGISTER on April 20, 1976 (41 FR 16620). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alatex, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysis and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Troy, Alabama plant declined 13.7 percent in 1975 compared to 1974. Production workers at the Troy plant declined 11.0 percent in the first quarter of 1975 compared to the first quarter of 1974.

The average number of production workers at the Pike plant decreased 24.6 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of men's dress shirts declined 9.8 percent in 1974 compared to 1973 and declined 27.3 percent in 1975 compared to 1974. Company sales of men's dress shirts declined 25.6 percent in the first quarter of 1975 compared to the first quarter of 1974.

Production at the Troy plant declined 13.9 percent in 1975 compared to 1974 and declined 13.8 percent in the first quarter of 1975 compared to the first quarter of 1974.

Production at the Pike plant declined 37.2 percent in 1975 compared to 1974 and declined 18.4 percent in the first quarter of 1975 compared to the first quarter of 1974.

INCREASED IMPORTS

Imports of men's and boys' dress and sport shirts, woven and knit, increased from 137,467 thousand units in 1974 to 151,541 thousand units in 1975, an increase of 10.2 percent.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that retail firms selling men's dress shirts manufactured by Alatex, Inc. have increased their purchases of men's dress shirts from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced at the Troy and Pike plants of Alatex, Inc. contributed importantly to the total or partial separation of the workers of Alatex, Inc. in accordance with the provisions of the Act, I make the following certifications.

"All employees of the Troy and Pike plants in Troy, Alabama of Alatex, Inc. who became totally or partially separated from employment on or after March 16, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington D.C. this 2nd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17417 Filed 6-14-76;8:45 am]

[TA-W-891]

BEAUNIT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976, the Department of Labor received a petition dated May 4, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Humacao, P.R. plant of Beaunit Corporation, Raleigh, North Carolina (TA-W-891).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with acetate and nylon fabrics used mostly for lingerie produced by Beaunit Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-17422 Filed 6-14-76;8:45 am]

[TA-W-816]

BELLE COUNTER CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-816; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 26, 1976 in response to a worker petition received on April 26, 1976 which was filed by the United Shoe Workers of Amerioa on behalf of workers and former workers producing counters for shoes at the Belle Counter Company, Belle, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20041). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Belle Counter Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that there are no separately identifiable imports of shoe counters. The product is not listed as a separate item of any U.S. Tariff Schedule grouping. In additon, industry spokesman indicated that there are no imports of this item.

Imports of shoes which incorporate counters of the same origin are not like or directly competitive with shoe counters produced by Belle Counter Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the Belle Counter Company are not being imported in increasing quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 2d day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17421 Filed 6-14-76;8:45 am]

BROWN SHOE CO. WAREHOUSE

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-692: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on that date which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen, and Helpers of America on behalf of workers and former workers of the Brown Shoe Company Warehouse, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14228). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brown Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with articles produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Empolyment of workers engaged in warehousing operations at the St. Louis

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warehouse of Brown Shoe Company declined eight percent in 1975 compared to 1974 and declined two percent in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments by the St. Louis warehouse declined 30 percent in 1975 from 1974. The St. Louis warehouse stores and distributes only women's footwear all of which is produced by Brown Shoe Company at plants in Arkansas, Illinois, Missouri, Mississippi, and Tennessee.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear increased from 183.0 million pairs in 1970 to 198.6 million pairs in 1975. Imports increased relative to domestic production and consumption from 78.7 percent and 44.0 percent respectively in 1970 to 105.1 percent and 51.3 percent respectively in 1975. Imports increased both absolutely and relative to domestic production and consumption in 1975 compared to 1974.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation reveals that declines in shipments and related employment reductions at the St. Louis warehouse were due to reduced production of women's footwear by Brown Shoe Company. Customers of women's footwear produced by Brown and stored at the St. Louis warehouse indicated that increased imports of women's footwear influenced their decisions to reduce purchases from Brown.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced by Brown Shoe Company contributed importantly to the separation of workers of the St. Louis warehouse. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

"All workers engaged in the storage and distribution of women's footwear at the Brown Shoe Company warehouse on Gustine Avenue, St. Louis, Missouri, who became or will become totally or partially separated from employment on or after February 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17414 Filed 6-14-76;8:45 am]

[TA-W-764]

COPPERWELD STEEL CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-764: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America AFL-CIO on behalf of workers and former workers producing carbon and alloy steel bars and billets at the Warren, Ohio plant of Copperweld Steel Company, a subsidiary of Copperweld Corporation, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 17029-17030) on April 23, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Copperweld Steel Company, its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that with respect to carbon steel bars, the first two criteria have been met and the third and fourth criteria have not been met. The investigation also revealed that with respect to alloy steel bars, the first three criteria have been met and the fourth criterion has not be met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 16 percent in 1975 compared to 1974. Workers are used interchangeably in the production of both products.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 23 percent in 1975 compared to 1974. Production declined 25 percent in 1975 compared to 1974.

INCREASED IMPORTS

Carbon steel bars and alloy steel bars accounted for more than 95 percent of plant output. Imports of carbon steel bars increased from 876.6 thousand net tons in 1971 to 935.9 thousand net tons in 1972 before declining in each succeeding year through 1975. In 1975, imports of carbon steel bars were 488.7 thousand net tons. The ratio of impors to domestic shipments was 13.1 percent in 1971 and declined in each succeeding year to 7.7 percent in 1975.

Imports of alloy steel bars declined from 99.4 thousand net tons in 1971 to 44.4 thousand net tons in 1974 before increasing to 74.5 thousand net tons in 1975. The ratio of imports to domestic shipments declined from 4.6 percent in 1971 to 1.4 percent in 1974 before increasing to 3.1 percent in 1975.

CONTRIBUTED IMPORTANTLY

Most customers of Copperweld reported that they do not purchase imported carbon steel or alloy steel bars. Those that do have reduced purchases of imported steel bars. Those customers that reduced purchases from Copperweld indicated that their decisions to do so were prompted by excessive inventory levels. These excessive inventories were caused by large purchases in 1974 followed by declining demand for steel products in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel and alloy steel bars and billets produced at the Warren, Ohio plant of the Copperweld Steel Company, a subsidiary of Copperweld Corporation, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17419 Filed 6-14-76;8:45 am]

[TA-W-603]

CRUCIBLE, INC., SPECIALTY METALS DIVISION

Notice of Amended Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on April 16, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to all employees of the Syracuse, New York plant of the Specialty Metals Division of Crucible, Inc., a subsidiary of Colt Industries as well as all employees of the Specialty Metals Division of the same company employed at the Division's sales offices and warehouses in the following cities:

Auburn, Maine	Detroit, Mich.
Caldwell, N.J.	Chicago, Ill.
Charlotte, N.C.	Dallas, Tex.
Cleveland, Ohio	Portland, Oreg.
Indianapolis, Ind.	Syracuse, N.Y.
Cincinnati, Ohio	

The notice of certification was published in the FEDERAL REGISTER (41 FR 17030) on April 23, 1976.

In an oversight, the following district sales offices and warehouses were omitted from the original certification:

Columbus, Ohio; Los Angeles, California; and Minneapolis, Minnesota. Furthermore, one of the certified offices was incorrectly listed as Auburn, Maine rather than Auburn, Massachusetts.

Accordingly the certification issued on April 16, 1976 is hereby amended to include the additional locations and the correction listed above.

Signed at Washington, D.C. this 18th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17412 Filed 6-14-76;8:45 am]

[TA-W-613]

DO-ALL BRASSIERE CORP.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-613: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on that date which was filed by the Corset and Brassiere Workers' Union, Local 32, on behalf of workers and former workers of the Do-All Brassiere Corporation engaged in the production of brassieres.

The notice of investigation was published in the FEDERAL REGISTER of March 12, 1976 (41 FR 10639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Do-All Brassiere, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 12 percent from 1973 to 1974. Employment decreased 21 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The sales value of Do-All's product declined 7 percent between 1973 and 1974, and then declined 22 percent in 1975 compared to 1974.

INCREASED IMPORTS

U.S. imports of brassieres have increased in absolute terms each year from 1971 through 1975. Imports increased from 6.2 million dozen in 1974 to 6.9 million dozen in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Do-All Brassiere Corporation increased their purchases of imported brassieres. Customers indicated that styling of imported brassieres was causing the shift to imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the Do-All plant contributed importantly to the total or partial separations of the workers at that firm. In accordance with provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of brassieres at the Do-All Brassiere Corporation, located in Brooklyn, New York, to became totally or partially separated from employment on or after February 12, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17413 Filed 6-14-76;8:45 am]

[TA-W-107, 411-468, 476-482, 563, 593]

GENERAL MOTORS CORP.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-107, 411-468, 476-482, 563, 593: investigations regarding certifications of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 18, 1975 in response to worker petitions (TA-W-107, 409-482, 563, 593) received on the same date which were filed by the International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW) and the International Union of Electrical, Radio and Machine Workers (IUE) on behalf of workers and former workers engaged in the production of full size cars, subcompact cars and components for such cars at seventy-seven (77) plants of the General Motors Corporation, Detroit, Michigan. This determination applies to workers at the sixty-eight (68) plants which produced components for General Motors automobiles.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 1342-3) on January 7, 1976. A public hearing was properly requested by the UAW and was held on January 26, 1976.

The information upon which the determinations were made was obtained principally from officials of General Motors Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a signficant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directy competitive with those produced by the firm or subdivision are being imported in increased quantities, either absolutely or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers declined from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Willow Springs, Illinois—9.1 percent; Mansfield, Ohio—6.5 percent; Flint, Michigan (Chevrolet)—12.3 percent; Livonia, Michigan—19.5 percent; Lordstown, Ohio—14.3 percent; Cleveland, Ohio—3.4 percent; Pittsburgh, Pennsylvania—22.7 percent;

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Grand Blanc, Michigan—10.6 percent; Grand Rapids, Michigan (No. 1)—4.1 percent; Fairfield, Ohio (Hamilton)—3.5 percent; Kalamazoo, Michigan—8.1 percent; Marion, Indiana—16.4 percent; Casting—Saginaw, Michigan—14.8 percent; Tonawanda, New York—19.5 percent; Massena, New York—15.0 percent; Electrical Products—Anderson, Indiana—10.4 percent; New Brunswick, New Jersey—9.6 percent; Kokomo, Indiana—10.4 percent; Muncie, Indiana—21.4 percent; Anderson, Indiana (Guide Division)—12.5 percent; Climate Control—Dayton, Ohio—15.8 percent; Lockport, New York—9.2 percent; Buffalo, New York—13.5 percent; Bearings—Clark, New Jersey—8.2 percent; Software—Tecumseh, Michigan—4.7 percent; Grand Rapids, Michigan (No. 2)—19.2 percent; Hardware—Elyria, Ohio—15.3 percent; Columbus, Ohio—9.6 percent; Flint, Michigan (Coldwater Road)—14.9 percent; Detroit, Michigan—4.3 percent; Trenton, New Jersey—13.6 percent; Foundries—Defiance, Ohio—8.8 percent; Danville, Illinois—11.0 percent; Saginaw, Michigan—15.5 percent; Manufactured Parts—Bay City, Michigan—13.5 percent; Saginaw, Michigan—22.3 percent; Axles—Buffalo, New York—26.9 percent; Detroit, Michigan—15.2 percent; Lansing, Michigan—8.8 percent; Warren, Michigan—7.7 percent; Transmissions and Chassis—Muncie, Indiana—5.2 percent; Parma, Ohio—18.0 percent; Toledo, Ohio—3.0 percent; Engines—Flint, Michigan (V-8)—8.0 percent; Flint, Michigan—23.7 percent; Flint, Michigan (AC Spark Plug)—9.9 percent; Rochester, New York—2.6 percent; Tonawanda, New York—13.9 percent; Body Assembly—Lansing, Michigan—0.1 percent; Pontiac, Michigan—19.4 percent; Forging—Tonawanda, New York—20.6 percent; Detroit, Michigan—7.2 percent; Miscellaneous—Saginaw, Michigan—8.3 percent; Dayton, Ohio—10.1 percent; Saginaw, Michigan (Chevrolet)—14.2 percent.

The average number of hourly workers increased from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Flint, Michigan (No. 1)—16.4 percent; Castings—Bedford, Indiana—2.6 percent; Electrical Products—Olathe, Kansas—6.4 percent; Bearings—Bristol, Connecticut—6.6 percent; Sandusky, Ohio—2.1 percent; Software—Cleveland, Ohio (Euclid)—4.6 percent; Livonia, Michigan—2.6 percent; Hardware—Syracuse, New York—2.7 percent; Transmissions and Chassis—Ypsilanti, Michigan (Willow Run)—3.5 percent; Engines—Milwaukee, Wisconsin—172.9 percent.

The average number of hourly workers did not change at the Diesel Equipment Division Grand Rapids, Michigan plant from model year 1974 to model year 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of parts for use in General Motors subcompact cars and Chevrolet full size cars declined in real terms from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Mansfield, Ohio—2.5 percent; Flint, Michigan (Chevrolet)—29.7 percent; Livonia, Michigan—46.9 percent; Lordstown, Ohio—22.7 percent; Pittsburgh, Pennsylvania—27.1 percent; Grand Blanc, Michigan—8.6 percent; Fairfield, Ohio (Hamilton)—10.0 percent; Kalamazoo, Michigan—23.2 percent; Casting—Saginaw, Michigan—27.7 percent; Bedford, Indiana—12.4 percent; Tonawanda, New York—43.7 percent; Massena, New York—45.6 percent; Electrical Products—New Brunswick, New Jersey—12.1 percent; Kokomo, Indiana—27.0 percent: Anderson, Indiana (Guide Division)—10.9 percent; Climate Control—Lockport, New York—31.0 percent; Buffalo, New York—30.5 percent.

Bearings—Clark, New Jersey—26.9 percent; Bristol, Connecticut—24.5 percent; Sandusky, Ohio—24.6 percent; Software—Grand Rapids, Michigan (No. 2)—15.9 percent; Hardware—Elyria, Ohio—13.0 percent; Columbus, Ohio—7.1 percent; Flint, Michigan (Coldwater Road)—18.6 percent; Detroit, Michigan—17.9 percent; Trenton, New Jersey—11.7 percent; Foundries—Defiance, Ohio—21.5 percent; Danville, Illinois—15.6 percent; Saginaw, Michigan—9.9 percent; Manufactured Parts—Bay City, Michigan—11.2 percent; Saginaw, Michigan—13.3 percent; Axles—Buffalo, New York—33.1 percent; Lansing, Michigan—36.5 percent; Warren, Michigan—20.8 percent; Transmissions and Chassis—Muncie, Indiana—20.4 percent; Parma, Ohio—26.6 percent; Toledo, Ohio—19.1 percent; Ypsilanti, Michigan (Willow Run)—20.4 percent; Engines—Flint, Michigan—34.4 percent; Flint, Michigan (AC Spark Plug)—9.5 percent; Rochester, New York—5.8 percent; Tonawanda, New York—37.2 percent; Body Assembly—Pontiac, Michigan—20.1 percent; Forging—Tonawanda, New York—22.9 percent; Detroit, Michigan—16.1 percent; Miscellaneous—Saginaw, Michigan—2.5 percent; Saginaw, Michigan (Chevrolet)—8.7 percent; Grand Rapids, Michigan—9.7 percent.

Sales of parts for use in General Motors subcompact cars and Chevrolet full size cars increased in real terms from model year 1974 to model year 1975 by the following percentages at the petitioning auxiliary plants listed below: Stamping—Willow Springs, Illinois—24.0 percent; Flint, Michigan (No. 1)—38.3 percent; Cleveland, Ohio—8.6 percent; Grand Rapids, Michigan (No. 1)—30.7 percent; Marion, Indiana—6.8 percent; Electrical Products—Anderson, Indiana—5.2 percent; Muncie, Indiana—0.1 percent; Climate Control—Dayton, Ohio—3.2 percent; Software—Cleveland, Ohio (Euclid)—2.0 percent; Livonia, Michigan—7.4 percent; Hardware—Syracuse, New York—11.4 percent; Axles—Detroit, Michigan—17.0 percent; Engines—Flint, Michigan (V-8)—3.3 percent; Milwaukee, Wisconsin—884.9 percent; Body assembly—Lansing, Michigan—16.0 percent; Miscellaneous—Dayton, Ohio—1.2 percent.

Sales of parts for use in General Motors subcompact cars and Chevrolet full size cars remained unchanged in real terms from model year 1974 to model year 1975 at the Delco Remy Olathe, Kansas plant.

Neither the Fisher Body Division Tecumseh, Michigan plant nor the Fisher Body Division Detroit, Michigan central parts plant sold or produced parts for the allegedly affected cars in model year 1974 or model year 1975.

INCREASED IMPORTS

Retail sales of new automobiles in the U.S. declined 18.3 percent from MY 1973 to MY 1974 and delcined 14.4 percent from MY 1974 to MY 1975. Sales of domestically built cars declined more rapidly, falling 19.6 percent from MY 1973 to MY 1974 and 20.4 percent from MY 1974 to MY 1975. Imports of new cars declined 14:0 percent from MY 1973 to MY 1974 and then increased 4.6 percent from MY 1974 to MY 1975. Imports increased their share of domestic consumption from 22.8 percent in MY 1973 to 24.0 percent in MY 1974 and to 29.3 percent in MY 1975.

The decline in retail sales of full size cars was more pronounced than the decline in the market as a whole. Sales of full size cars fell by 1.5 million units or 39.6 percent from MY 1973 to MY 1974 and fell by 0.7 million units or 32.4 percent from MY 1974 to MY 1975. Sales of domestically produced full size cars fell even more sharply, decreasing 39.7 percent from MY 1973 to MY 1974 and 39.9 percent from MY 1974 to MY 1975. Sales of imported full size cars, which are produced only in Canada, decreased from 26 thousand units comprising 0.7 percent of the market in MY 1973 to 21 thousand units comprising 0.9 percent of the market in MY 1974. In MY 1975, import sales rose abruptly to 182 thousand units comprising 12.0 percent of the domestic full size car market.

The decline in retail sales of subcompact cars was less pronounced than the decline in the market as a whole. Sales of subcompact cars fell by 365 thousand units or 15.0 percent from MY 1973 to MY 1974 and fell by 188 thousand units or 9.1 percent from MY 1974 to MY 1975. Sales of domestically produced subcompact cars declined 11.8 percent from MY 1973 to MY 1974 and 25.0 percent from MY 1974 to MY 1975. Sales of imported subcompact cars decreased from 1,630 thousand units comprising 67.0 percent of the U.S. subcompact car market in MY 1973 to 1,360 thousand units comprising 65.7 percent of the market in MY 1974. In MY 1975, import sales declined slightly in absolute terms to 1,349 thousand units but rose to 71.7 percent of domestic sales.

In contrast to the full size and subcompact markets, domestic sales of luxury small cars rose sharply during the same period, increasing 30.8 percent from MY 1973 to MY 1974 and 64.6 percent from MY 1974 to MY 1975. Sales of domestically produced luxury small cars increased 91.8 percent from MY 1973 to MY 1974 and 71.0 percent from MY 1974 to MY 1975. Sales of imported luxury small cars decreased 10.2 percent from MY 1973 to MY 1974 and then increased 55.3 percent from MY 1974 to MY 1975. The market share held by imports declined steadily from 59.8 percent in MY 1973 to 41.0 percent in MY 1974 and to 38.7 percent in MY 1975.

Sales of imported intermediate cars declined 19.1 percent from MY 1973 to MY 1974 and 6.9 percent from MY 1974 to MY 1975. Sales of imported compact cars increased 8.7 percent from MY 1973 to MY 1974 and then decreased 58.2 percent from MY 1974 to MY 1975.

CONTRIBUTED IMPORTANTLY

The Department of Labor previously determined that increased imports of Chevrolet full size cars from Canada and overseas imports of subcompact cars "contributed importantly" to the total or partial separation of workers employed in the production of Chevrolet full size cars and General Motors subcompact cars at three General Motors assembly plants. (41 FR 18487-9). The determination of injury to workers producing Chevrolet full size cars was based upon the finding that imports of Chevrolets from Canada increased from MY 1974 to MY 1975, and the Canadian built Chevrolets were perfect substitutes for the domestically produced Chevrolets, and that the increase in Chevrolet imports was equal to 29 percent of the decline in domestic Chevrolet production.

The determination of injury to workers producing General Motors subcompact cars was based on the finding that sales of imported subcompact cars, including those produced in Canada, as a percentage of domestic subcompact car consumption increased from 65.7 percent in MY 1974 to 71.7 percent in MY 1975 and that consumers in the MY 1975 period shifted their purchases to foreign subcompacts. Sales of subcompacts imported from overseas increased from 54.6 percent to 65.9 percent of domestic subcompact car sales.

It was further determined that imports of cars other than full size Chevrolets and subcompacts had a negligible impact on General Motors domestic production of full size and subcompact cars.

Nearly all of the auxiliary plants produce only a fraction of their output for use in full size Chevrolets and General Motors subcompact cars. Further, in terms of value, more than one-third of the content of Chevrolets imported from Canada in MY 1975 was supplied by the petitioning General Motors auxiliary plants. Consequently, the impact of subcompact and full size Chevrolet imports on sales of General Motors' domestic auxiliary plants is reduced by (1) the degree to which the petitioning auxiliary plants produced parts for use in cars other than full size Chevrolets and General Motors subcompacts and (2) the degree to which the petitioning auxiliary plants supplied parts for use in Canadian built Chevrolets that were exported to the United States.

Less than one-fourth of the ouput of each petitioning auxiliary plant was produced for use in full size Chevrolets. Since more than one-third of the content of imported Chevrolets was supplied by the petitioning auxiliary plants and since the increase in Chevrolet imports from MY 1974 to MY 1975 was equal to only 29 percent of the decline in domestic Chevrolet production, the Canadian content of increased imports of full size Chevrolets could explain only 19.3 percent (29 percent discounted by one-third) of the decline in General Motors production of parts for use in full size Chevrolets. After an allowance is made for declines in sales of parts for use in other cars, increased Chevrolet imports could account for between 10 percent and 20 percent of the decline in total plant sales at twelve auxiliary plants. Not more than one-fifth of the output at any of the twelve plants was produced for use in full size Chevrolets. Only one of the twelve plants produced a significant proportion of its output (more than one-fourth) for use in full size Chevrolet and General Motors subcompact cars, but sales of parts for use in such cars increased by 24.0 percent from MY 1974 to MY 1975 at that plant. The remaining auxiliary plants produced less than one-fourth of their output for use in such cars.

Four of the petitioning auxiliary plants produced a significant proportion of their output for use in General Motors subcompact cars. The Lordstown, Ohio stamping plant produced all of its output for such use. The Massena, New York casting plant; the Buffalo, New York axle plant and the Tonawanda, New York engine plant produced one-fourth to slightly over one-third of their output for subcompact cars. It is concluded that increased imports of full size and subcompact cars contributed importantly to decreased sales and employment only at the four plants listed above. Declines in dollar sales (in real terms) and in employment at those plants are as shown below.

Sales of parts for use in Chevrolet full size cars and General Motors subcompact cars and total plant employment declined by the following percentages from MY 1974 to MY 1975 at the plants listed below: Lordstown, Ohio stamping plant—22.7 percent and 14.3 percent; Massena, New York casting plant—45.6 percent and 15.0 percent; Buffalo, New York axle plant—33.1 percent and 26.9 percent; and Tonawanda, New York engine plant—37.2 percent and 13.9 percent.

The remaining petitioning auxiliary plants include cases TA-W-107, 414, 415, 417-468, 476-482, 563, 593. Petition TA-W-482 was filed on behalf of workers believed to be producing automotive software at the Grand Blanc, Michigan plant of the Fisher Body Division. It was subsequently determined that the only Fisher Body Division plant in Grand Blanc produced automotive stampings and not software.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases in imports like or directly competitive with General Motors subcompact cars contributed importantly to the total or partial separation of workers producing parts for such General Motors cars at the Lordstown, Ohio stamping plant; Massena, New York casting plant; Buffalo, New York axle plant; and Tonawanda, New York engine plant of the General Motors Corporation. I further conclude that increases of imports like or directly competitive with General Motors cars did not contribute importantly to the total or partial separation of workers at the remaining sixty-four (64) petitioning auxiliary plants.

In accordance with the provisions of the Act, I make the following certifications:

All hourly and salaried workers of the General Motors Corporation, Lordstown, Ohio stamping plant (TA-W-411), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the General Motors Corporation, Massena, New York casting plant (TA-W-413), engaged in employment relatcd to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the General Motors Corporation, Buffalo, New York axle plant (TA-W-416), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All hourly and salaried workers of the General Motors Corporation, Tonawanda, New York engine plant (TA-W-412), engaged in employment related to the production of parts for use in General Motors subcompact cars who became totally or partially separated on or after November 18, 1974 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of June 1976.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.76-17410 Filed 6-14-76;8:45 am]

[TA-W-759]

GREEN RIVER STEEL CORP.

Notice of Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-759: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976,

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which was filed by the United Steelworkers of America on behalf of workers producing alloy steel bars and billets at the Owensboro, Kentucky plant of the Green River Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 17645) on April 27, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Green River Steel Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers declined 2 percent from 1973 to 1974, and then decreased 6 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Steel billets account for 80 percent of Green River's sales Company sales declined 4 percent from 1973 to 1974, and then declined 14 percent in 1975.

INCREASED IMPORTS

Alloy steel billets are not separately identified in the Tariff Schedules of the United States (Annotated), but are included with the data on alloy steel ingots, castings, blooms, billets, slabs, and sheet bars. Imports of these products decreased from 1973 to 1974, and then increased from 1974 to 1975. Ratios of imports to domestic shipments and consumption increased from .28 and .28 percent, respectively, in 1974, to .34 and .34 percent in 1975.

Imports of alloy steel bars decreased from 1973 to 1974, and then increased from 1974 to 1975. Ratios of imports to domestic shipments and consumption of alloy steel bars increased from 1.2 percent and 1.2 percent, respectively, in 1974, to 2.9 percent and 2.9 percent, respectively, in 1975, but remained below the 5 year average from 1971 through 1975.

CONTRIBUTED IMPORTANTLY

Customers for most of the company's sales stated that they decreased purchases due to slow business conditions in the forging industry and that they did not switch to imports. It was also stated that boron-treated bars and billets similar to those produced by the Green River Steel Corporation are not produced abroad.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with alloy steel bars and billets produced at the Owensboro, Kentucky plant of the Green River Steel Corporation did not contribute importantly to the total or partial separations at that plant.

Signed at Washington, D.C. this 28th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17418 Filed 6-14-76;8:45 am]

[TA-W-793]

GTE SYLVANIA, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-793: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 9, 1976 in response to a worker petition received on April 9, 1976 which was filed on behalf of workers and former workers producing automated equipment and television tube yokes at the respective GET Sylvania, Inc. plants in Emporium, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17645). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed during the Department's investigation reveals that the petitioning plants produce custom made products for GTE Sylvania and that the petitioning plants are the only suppliers of the respective products for GTE Sylvania. There are no imports of the products produced at the petitioner's plants.

The production of yokes is dependent upon the production of television picture tubes by GTE Sylvania as the yokes are custom designed for use in television picture tubes produced by GTE Sylvania, Inc. The sale of monochrome and color television picture tubes by GTE Sylvania declined 18.4 percent in 1974 compared to 1973 and declined 36.3 percent in 1975 compared to 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of yokes and automated equipment which are produced by the GTE Sylvania Yoke and Equipment Development plants in Emporium, Pennsylvania did not contribute importantly to the total or partial separations of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17420 Filed 6-14-76;8:45 am]

[TA-W-734]

MODERNE GLOVE CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-734: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing

Workers of America on behalf of workers and former workers producing leather dress gloves at the Moderne Glove Company, Gloversville, New York.

The notice of investigation was published in the FEDERAL REGISTER April 13, 1976 (41 FR 15492). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Moderne Glove Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directy competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria has been met, criterion (3) has not been met.

The evidence developed in the Department's investigation reveals that imports of leather dress and semi-dress gloves have declined absolutely and relatively in every year from 1972 through 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that artices like or directly competitive with those produced by Moderne Glove Company are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17415 Filed 6-14-76;8:45 am]

[TA-W-380]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP.

Notice of Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on February 22, 1976 the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance applicable to all hourly, piecework and salaried workers engaged in employment related to the production of specialty steel at the Aliquippa plant of Universal-Cyclops Specialty Steel Division, Aliquippa, Pennsylvania. The notice of certification was published in the FEDERAL REGISTER (41 FR 9639) on March 5, 1976.

On the basis of a further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the certification issued by the Department on February 22, 1976 is hereby revised to change the impact date to include within the coverage of the certification additional workers who became totally or partially separated several days prior to the impact date.

Such revised certification is hereby made as follows:

"All hourly, piecework and salaried workers engaged in employment related to the production of specialty steel at Universal Cyclops Specialty Steel Division of Cyclops Corporation, Aliquippa plant, located in Aliquippa, Pennsylvania who became totally or partially separated from employment on or after February 28, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 1st day of June 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-17411 Filed 6-14-76;8:45 am]

Office of the Secretary

[TA-W-746]

ALATEX, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-746: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's dress shirts at the Andalusia, Alabama and Enterprise, Alabama plants of Alatex, Inc., Andalusia, Alabama.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alatex, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Andalusia, Alabama plant declined 4.8 percent in 1974 compared to 1973 and 18.3 percent in 1975 compared to 1974. Plant employment declined 25.0 percent in the second quarter of 1975 compared to the same quarter of 1974.

The average number of production workers at the Enterprise plant declined 2.3 percent in 1974 compared to 1973 and declined 14.1 percent in 1975 compared to 1974. Plant employment declined 17.1 percent in the second quarter of 1975 compared to the same quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of men's dress shirts declined 9.8 percent in 1974 compared to 1973 and declined 27.3 percent in 1975 compared to 1974. Company sales of men's dress shirts declined 38.1 percent in the second quarter of 1975 compared to the same quarter of 1974.

Production at the Andalusia plant declined 13.2 percent in 1975 compared to 1974 and declined 18.4 percent in the second quarter of 1975 compared to the same quarter in 1974.

Production at the Enterprise plant declined 36.3 percent in 1975 compared to 1974 and declined 35.1 percent in the second quarter of 1975 compared to the same quarter of 1974.

INCREASED IMPORTS

U.S. imports of men's and boys' dress shirts, woven and knit, increased from 191,113 thousand units in 1971 to 199,346 thousand units in 1972. U.S. imports then decreased in 1973 and again in 1974 when imports were 137,467 thousand units. Imports increased in 1975 to 151,541 thou-

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sand units, an increase of 10.2 percent compared to 1974.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that retail firms selling men's dress shirts manufactured by Alatex, Inc. have increased their purchases of men's dress shirts from foreign sources because of of price competition.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced by Alatex, Incorporated contributed importantly to the total or partial separation of the workers of the Andalusia, Alabama and Enterprise, Alabama plants of Alatex, Inc., Andalusia, Alabama. In accordance with the provisions of the Act, I make the following certification:

All employees at the Andalusia, Alabama and Enterprise, Alabama plants of Alatex, Inc. who became totally or partially separated from employment on or after March 16, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2nd day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-17267 Filed 6-14-76;8:45 am]

[TA-W-796]

ALLEGHENY LUDLUM STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-796: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 16, 1976 in response to a worker petition received on April 16, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheet and strip at the New Castle, Indiana plant of Allegheny Ludlum.

The notice of investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20040). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegheny Ludlum, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the New Castle plant increased 23 percent from 1973 to 1974. Average weekly hours declined 10 percent during the same period. Employment declined 43 percent from 1974 to 1975. Average weekly hours during this period declined 11 percent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of stainless strip by Allegheny Ludlum declined 2 percent in quantity from 1973 to 1974. Sales declined 39 percent from 1974 to 1975. New Castle accounts for about 1 percent of Allegheny Ludlum's sales of strip.

Annual sales of stainless sheet increased 42 percent from 1973 to 1974. Sales declined 50 percent from 1974 to 1975. New Castle accounts for about 40 percent of Allegheny Ludlum's sales of sheet.

INCREASED IMPORTS

Imports of stainless steep strip declined 9.1 percent from 1970 to 1971. Imports increased 52.7 percent from 1971 to 1972. Imports declined 36.9 percent from 1972 to 1973 and 1.9 percent from 1973 to 1974. Imports increased 36.5 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 3.0 percent and 3.2 percent, respectively, in 1974 to 6.9 percent and 6.8 percent in 1975.

Imports of stainless steel sheet increased 14.4 percent from 1970 to 1971. Imports declined 48.6 percent from 1971 to 1972 and 11.9 percent from 1972 to 1973. Imports increased 39.0 percent from 1973 to 1974. Imports declined 5.0 percent from 1974 to 1975. The ratios of imports to domestic shipments and consumption increased from 10.5 percent and 10.0 percent, respectively, in 1974 to 22.4 percent and 19.1 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Allegheny Ludlum have indicated that they have reduced purchases from Allegheny Ludlum and increased purchases of imported stainless steel products. The price differential between domestic and imported steel was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel sheet and strip produced by the New Castle plant of Allegheny Ludlum contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the New Castle, Indiana plant of Allegheny Ludlum Steel Corporation who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of May 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-17272 Filed 6-14-76;8:45 am]

[TA-W-894]

BABCOCK & WILCOX CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Tubular Products Works, Beaver Falls, Pa. of Babcock & Wilcox Co., New York, New York (TA-W-894). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel tubing and pipes produced by Babcock & Wilcox Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17275 Filed 6-14-76;8:45 am]

[TA-W-651]

BRISTOL LABORATORIES

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-651: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing pharmaceuticals at the Bristol Laboratories plant located in Syracuse, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bristol Laboratories, its customers, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Bristol Laboratories declined 24 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production by the Bristol Labs Division of ampicillin, hetacillin, bleomycin, and oxacillin declined 31 percent, 55 percent, 7 percent, and 6 percent, respectively, from 1974 to 1975. Production of most non-penicillin antibiotics declined 100 percent at the Syracuse plant by 1975 as a result of the U.S. Food and Drug Administration ruling that reduced the permissible level of penicillin trace contamination of non-penicillin products to zero. Production by the Bristol Labs Division of all antibiotics not discontinued at the Syracuse plant as a result of the FDA ruling declined 4 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of antibiotics increased in each year from 1970 through 1975. Antibiotic imports increased 2 percent from 1974 to 1975. Bristol's own imports of ampicillin trihydrate (nonsterile), tetracycline base, and tetracycline phosphate complex increased from 1974 to 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they had not switched their purchases to imports. Bristol's imports of antibiotics in 1975 did not contribute to separations at the Syracuse plant. The imports of ampicillin trihydrate were upgraded at the Syracuse plant when a sterile capacity problem developed at Bristol's Italian plant. The imports of tetracycline in 1975 had no impact on employment at the Syracuse plant since tetracycline production was discontinued at the plant prior to 1975 in order to meet the FDA ruling on penicillin trace contamination of non-penicillin products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with antibiotics produced at the Bristol Laboratories plant located in Syracuse, N.Y. did not contribute importantly to the total or partial separation of the workers at that plant.

Signed at Washington, D.C., this 3rd day of June 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-17265 Filed 6-14-76;8:45 am]

[TA-W-740]

DUBOW SPORTING GOODS DIVISION, GOLF BALL, INC.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-740: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of former workers producing golf clubs and golf balls at the Dubow Sporting Goods Division, Golf Ball, Incorporated, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on April 16, 1976 (41 FR 16235). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Dubow Sporting Goods Division, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria has been met, criterion (3) has not been met.

The evidence developed in the Department's investigation reveals that imports of golf clubs have declined both absolutely and relative to domestic production and consumption in 1975 compared to 1974. Net exports of golf clubs have exceeded net imports by more than a 2 to 1 ratio in each year from 1973 to 1975.

Imports of golf balls have declined both absolutely and relative to domestic

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production and consumption in each year from 1973 to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that articles like or directly competitive with those produced by the Dubow Sporting Goods Division, Golf Ball, Incorporated are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of June 1976.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.76-17266 Filed 6-14-76;8:45 am]

[TA-W-876]

INDUSTRIAL MICA CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 27, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Industrial Mico Co., Englewood, N.J. a division of Columbia Technical Corp., Woodside, N.Y. (TA-W-876). Accordingly, the Director, (Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with mica insulators proposed by Industrial Mica Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17271 Filed 6-14-76;8:45 am]

[TA-W-893]

NL INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 28, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Chemical Workers Basic Union on behalf of the workers and former workers of St. Louis, Missouri plant of Titanium Pigment Division of NL Industries, New York, New York (TA-W-893). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with titanium dioxide pigment produced by NL Industries, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17276 Filed 6-14-76;8:45 am]

[TA-W-763]

OHIO STEEL TUBE CO., A SUBSIDIARY OF COPPERWELD CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-763: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976, in response to a worker petition received on March 29, 1976, which was filed on behalf of workers and former workers producing seamless and welded carbon and alloy pipe and tubing at Ohio Steel Tube Company, a Subsidiary of Copperweld Corporation, located in Shelby, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17645). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ohio Steel Tube Company, its customers, the International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of eligibility of requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion was not met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Average annual employment of production workers increased 3.0 percent in 1974 compared to 1973, and decreased 18.0 percent in 1975 from 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of seamless carbon and alloy tubing decreased 2.4 percent in 1974 compared to 1973 and decreased 2.6 percent in 1975 from 1974.

Sales and production of welded carbon and alloy tubing decreased 3.9 percent in 1974 from 1973 and decreased 35.9 percent in 1975 from 1974.

INCREASED IMPORTS

During the period 1971–1975 imports of carbon steel pipe and tubing varied from year to year. Imports were recorded at 1774.0 thousand tons in 1971 and constituted 27.6 percent of domestic shipments. Imports in absolute terms declined in 1972 and 1973. In 1974 imports increased, both relatively and absolutely. Import levels in 1975 were, in absolute terms, lower than in 1974 but the ratio of imports to domestic shipments was 22.8 percent, a slight increase over the 1974 level.

Imports of alloy pipe and tubing increased each year compared to the previous year in the period 1972–1975. In 1971, imports were 34.7 thousand tons and the ratio of imports to domestic shipments was 3.1 percent. Imports were 81.3 thousand tons in 1975 and the ratio of imports to domestic shipments was 5.8 percent.

CONTRIBUTED IMPORTANTLY

Customers indicated that they did not purchase imports.

Three of Ohio Steel Tube Company's customers are auto manufacturers. Auto sales declined sharply in the middle of 1974 and continued doing so through 1975. Reductions in purchases from Ohio Steel Tube Company are attributable to this decline.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with seamless and welded carbon and alloy pipe and tubing produced at Ohio Steel Tube Company, a Subsidiary of Copperweld Corporation, Shelby, Ohio, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 28th day of May 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-17273 Filed 6-14-76;8:45 am]

[TA-W-889]

STATION STREET CORP.

Investigation Regarding Certification of Eligibility To Apply for Workers Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 26, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Station Street Corporation, Biddeford, Maine (TA-W-889). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportcoats produced by Station Street Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17274 Filed 6-14-76;8:45 am]

[TA-W-677]

SUN CLOTHES, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act fo 1974 the Department of Labor herein presents the results of TA-W-677: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and women's swimwear and men's leisure shirts at the Philadelphia, Pennsylvania plant of Sun Clothes, Inc. Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14234). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sun Clothes, Inc., its customers, the U.S. International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially seperated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one and two have been met, criteria three and four have not.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 4.6 percent in 1975 compared to 1974. Salaried worker employment remained constant in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 30.3 percent in 1975 compared to 1974. Production of men's swimwear accounted for 85 percent of total production in 1975.

INCREASED IMPORTS

Imports of men's and boys' swimsuits declined from 117.0 thousand dozens in 1974 to 116.9 thousand dozens in 1975. The ratios of imports to domestic shipments and consumption declined from 8.8 percent and 8.0 percent, respectively in 1974 to 8.3 percent and 7.7 percent, respectively in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers of men's swimwear manufactured by Sun Clothes, Inc. have not purchased men's swimwear from foreign sources.

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CONCLUSION

After careful review of the facts I conclude that increases of imports like or directly competitive with men's swimwear produced at the Philadelphia, Pennsylvania plant of Sun Clothes, Inc. did not contribute importantly to the total or partial separation of the workers at the above mentioned location.

Signed at Washington, D.C., this 7th day of June 1976.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc. 76-17268 Filed 6-14-76;8:45 am]

[TA-W-878]

TEXTRON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 1, 1976 the Deparument of Labor received a petition dated April 28, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of Meadville, Pa. plant of Talon, a division of Textron, Incorporated, Providence, R.I. (TA-W-878). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with zippers produced by Textron, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17269 Filed 6-14-76;8:45 am]

[TA-W-887]

WASHBURN WIRE CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On May 19, 1976 the Department of Labor received a petition dated April 30, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the New York City plant of the Washburn Wire Company, Philipsdale, Rhode Island (TA-W-887). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with round and spring wire produced by Washburn Wire Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the data on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 25, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of May 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-17270 Filed 6-14-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 69]

ASSIGNMENT OF HEARINGS

JUNE 10, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 103926 (Sub 47), W. T. Mayfield Sons Trucking Co. now assigned July 7, 1976 at Washington, D.C. is now cancelled and being transferred to Modified Procedure.
MC 71043 (Sub-No. 9), LaPoete Transit Co., Inc., now being assigned for continued hearing on July 21, 1976 (2 days) in Room 288, Tax Court, 2nd Floor Federal Building and Courthouse, 46 East Ohio Street, Indianapolis, Ind.
MC 136786 (Sub-No. 85), Robco Transportation, Inc., now assigned June 17, 1976, at St. Paul, Minn. is canceled and application dismissed.
MC 114457 (Sub-No. 249), Dart Transit Company, now assigned June 14, 1976, at Chicago, Ill. is canceled and application dismissed.
MC 130189 (Sub 2), Shenandoah Tours, Inc. now assigned July 12, 1976 (1 week) at Lynchburg, Virginia and will be held at the Federal Courtroom, 2nd Floor, U.S. Post Office and Federal Building, Church Street.
MC 138875 (Sub 27), Shoemaker Trucking Company now assigned July 26, 1976 (5 days) at Boise, Idaho and will be held in Room 429, U.S. Courthouse and Federal Building, 500 West Forte Street.
MC 135874 (Sub 51), LTL Perishables, Inc. now assigned July 28, 1976 (3 days) at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaza, 110 North 14th Street.
MC-F 12664, United Transports, Inc.—Control—Simanek, Inc. now assigned July 26, 1976 (2 days) at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaze, 110 North 14th Street.
MC 136786 (Sub 91), Robco Transportation, Inc. now assigned July 23, 1976 (1 day) at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaza, 110 North 14th Street.
AB 6 (Sub 26), Burlington Northern, Inc., Abandonment Between Mailland and Skidmore, Within Holt and Nodaway Counties, Missouri and will be held at the Masonic Hall.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17406 Filed 6-14-76;8:45 am]

[Ruling No. 127]

BUREAU OF OPERATIONS

Sixty-Day Exemption; Administrative Ruling

JUNE 8, 1976.

The following is an administrative ruling of the Bureau of Operations made in response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the Act. Rulings of this kind are tentative and provisional and are made in the absence of authoritative decisions upon the subject by the Commission.

QUESTION

Would an application accompanied by a State certificate and filed on behalf of a class or group of carriers invoke the 60 day automatic exemption provision of section 204(a)(4a) of the Interstate Commerce Act?

ANSWER

No.

The language of the 60 day exemption provision is in the singular, i.e. "Where an application is made in good faith for the exemption of a motor carrier * * *" (emphasis supplied). No terms are used to indicate that the 60 day provision was intended to be available to other than an individual carrier. This is particularly significant in view of the earlier language of the section, which empowers the Commission to determine whether a single State carrier or class of motor carriers is engaged in transportation in interstate or foreign commerce is such an insignificant amount that it or they are entitled to a certificate of exemption.

It also appears that the State certificate which must accompany an application for the automatic 60 day exemption must be an individual certificate for each carrier, since it must contain an opinion of the State board that the applicant is entitled to a certificate of exemption. Such an opinion would seem to require a finding based on facts pertaining to each individual applicant.

The Commission's decision in Winter, Exemption Application, 32 M.C.C. 679, 684 appears to support this view, in that while two applications for the exemption were embraced in the same Commission proceeding, each constituted a separate and distinct application supported by separate certificates from the same State, notwithstanding that the operations for which the exemption was sought were to be performed for the same shipper and were similar in all respects.

There the Commission held that the applicants, as well as other individual applicants who sought the exemption for the same type of operation, would collectively form a "class of motor carriers," and their operations would be in fact of such nature, character, and quantity, if exempt from regulation, so as to affect or impair regulation of regulated motor carriers operating in interstate or foreign commerce.

The Commission also stated that it did not view section 204(a)(4a) as contemplating such a result, or that collectively such an aggregate of exemptions would be in consonance with the national transportation policy enunciated in the act.

LEWIS R. TEEPLE,
Acting Director.

[FR Doc.76-17404 Filed 6-14-76;8:45 am]

[Notice No. 272]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 321(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 15, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76512, filed May 30, 1976. Transferee: RALPH M. RENSING, doing business as NORRENBERNS TRUCK SERVICE, Box 52, Trenton, Illinois 62293. Transferor: HENRY H. NORRENBERNS, doing business as NORRENBERNS TRUCK SERVICE, 210 North Commercial, Albers, Illinois 62215. Applicant's representative: David E. Guymon, Esq., 26 East Washington Street, Belleville, Illinois 62220. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 77018, issued May 28, 1976, as follows: *Coal, agricultural commodities, and livestock,* over specified regular routes, From Albers, Ill., to St. Louis, Mo., serving intermediate and off-route points within ten miles of Albers, and off-route points in St. Louis County, Mo.; and *General Commodities,* with the usual exceptions,

From St. Louis, Mo., to Albers, Ill. serving specified intermediate and off-route points. Transferee presently holds no authority from this Commission, Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76543, filed June 7, 1976. Transferee: CITY DELIVERY SERVICE, INC. P.O. Box 722, Boise, Idaho 83701. Transferor: VOGT TRANSFER & STORAGE CO., P.O. Box 565, Ontario, Oregon 97914. Applicants' representative: Kenneth G. Bergquist, Attorney at Law, P.O. Box 1775, Boise, Idaho 83701. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 110625, issued May 5, 1954, as follows: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Nyssa, Oreg., and points in Oregon within 50 miles of Nyssa, on the one hand, and, on the other, points in Owyhee, Canyon, and Payette Counties, Idaho; and between points in Oregon and Idaho within three miles of Nyssa. Transferee is presently authorized to operate as a common carrier under Certificate of Registration No. MC 121044 (Sub-No. 1) and subs thereafter. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76600, filed May 25, 1976. Transferee: NORTHEAST HEAVY HAULING, INC., 115 Great Plain Road, Danbury, Connecticut 06810. Transferor: WESTFAIR TRANSPORT CORP., 31 Victory Street, Stamford, Connecticut 06902. Applicant's representative: David J. Kiernan, Practitioner, 164 Amherst Street, Wethersfield, Connecticut 06109. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC-112718, issued September 22, 1965, as follows: *New pianos, heavy machinery and equipment, and steel,* Between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17405 Filed 6-14-76;8:45 am]

[Notice No. 273]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 14, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 4, 1976. Pursuant to Section 17(8) of the

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Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76278. By order of June 7, 1976, the Motor Carrier Board approved the transfer to General Motor Lines, Inc., Roanoke, Va., of Certificates Nos. MC–58549 Sub 5, MC–58549 Sub 11, MC–58549 Sub 12, MC–58549 Sub 14, MC–58549 Sub 17, and MC–58549 Sub 20, issued March 18, 1954, August 7, 1972, February 1, 1972, June 30, 1972, September 25, 1974, and November 11, 1974, respectively, to Cline Mundy, doing business as General Motor Lines, Roanoke, Va., authorizing the transportation of general commodities between specified points in Virginia and between Bristol, Va., and Elizabethton, Tenn. Francis W. McInery, Esquire, 1000 Sixteenth Street, N.W., Washington, D.C. 20036.

No. MC–FC–76411. By order of June 8, 1976, the Motor Carrier Board approved the transfer to Mercer Bros., Trucking Co., Wilson, North Carolina, of Certificate No. MC–124050, issued July 6, 1970, to James Nathan Flowers, Doing Business as Flowers Trucking Company, Selma, North Carolina, authorizing the transportation of fertilizer in bags or containers from Norfolk, Va., to points in that part of North Carolina East of U.S. Highway 15 (except Henderson). Jerry D. Mercer, P.O. Box 952, Wilson, North Carolina, 27893, applicants' representative.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–17402 Filed 6–14–76;8:45 am]

federal register

TUESDAY, JUNE 15, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DELEGATION OF AUTHORITY AND ORGANIZATIONAL STATEMENT

Reorganization and Republication

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76N-0196]

RECODIFICATION, EDITORIAL, AND CROSS-REFERENCE AMENDMENTS

The Food and Drug Administration is recodifying all of Chapter I of Title 21 of the Code of Federal Regulations to provide orderly development of regulations, furnish ample room for expansion in the years ahead, and provide the public and affected industries with regulations that are easy to find, read, and understand.

The thirteenth in a series of recodification documents, which reorganizes and recodifies the delegation of authority and organizational statement portions of the general regulations, is published elsewhere in this issue of the FEDERAL REGISTER. These regulations now appear in Subparts H and M of Part 2 of Subchapter A—General.

To provide uniformity and continuity during the recodification, the Commissioner concludes that the references to the recodified material should be amended at this time.

Due to the complexity and volume of cross-references involved in the recodification of these regulations, supplemental documents will be issued at a later date, if necessary.

Therefore, Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 2—ADMINISTRATIVE PRACTICES AND PROCEDURES

§ 2.66 [Amended]

1. Section 2.66(a) is amended by changing the reference "(21 CFR 2.120)" to read "(21 CFR 5.1)".

§ 2.68 [Amended]

2. Section 2.68(a) is amended by changing the reference "(21 CFR 2.120)" to read "(21 CFR 5.1)".

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

§ 6.4 [Amended]

3. Section 6.4(a)(2) is amended by changing the reference "§ 2.121" to read "§§ 5.20 through 5.52".

PART 7—PROTECTION OF PRIVACY

§ 7.43 [Amended]

4. Section 7.43(a)(2) is amended by changing the reference "§ 2.175" to "§ 5.115".

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: June 8, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-17129 Filed 6-14-76;8:45 am]

[Recodification Docket No. 13; Docket No. 76N-0196]

REORGANIZATION AND REPUBLICATION

The Food and Drug Administration is recodifying the delegation of authority and organizational statement portions of the general regulations, effective June 15, 1976.

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

This is the thirteenth in a series of recodification documents that will eventually include all regulations administered by FDA.

The following table shows the relationship of the CFR section numbers under the former Subparts H and M of Part 2 to their redesignation reflected in new Part 5:

Old section:	New Section
2.120	5.1
2.121 [1]	5.20
2.121(b)	5.21
2.121(c)	5.22
2.121(d)	5.23
2.121(e)	5.24
2.121(f)	5.25
2.121(h)	5.26
2.121(i)	5.27
2.121(j)	5.28
2.121(k)	5.30
2.121(l)	5.31
2.121(m)	5.29
2.121(n)	5.32
2.121(o)	5.33
2.121(p)	5.34
2.121(q)	5.35
2.121(r)	5.36
2.121(s)	5.37
2.121(t)	5.38
2.121(u)	5.39
2.121(v)	5.40
2.121(w)	5.41
2.121(x)	5.42
2.121(z)	5.43
2.121(aa)	5.44
2.121(bb)	5.45
2.121(cc)	5.46
2.121(dd)	5.47
2.121(ee)	5.48
2.121(ff)	5.49
2.121(gg)	5.50
2.121(hh)	5.51
2.121(ii)	5.52
2.171	5.100
2.172	5.105
2.173	5.110
2.175	5.115

[1] Introductory text and paragraph (a).

The changes being made are nonsubstantive in nature and for this reason notice and public procedure and delayed effective date are not prerequisite to this promulgation. For the convenience of the user, the entire text of Part 5 is set forth below.

Dated: June 8, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

Therefore, 21 CFR is amended by redesignating Subparts H and M of Part 2 as Part 5, republished to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

Sec.
5.1 Delegations from the Secretary and Assistant Secretary.

Subpart B—Redelegations of Authority from the Commissioner of Food and Drugs

5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.
5.21 Delegations regarding hearings and review boards.
5.22 Delegations regarding imports.
5.23 Delegations regarding certification of true copies and use of Department seal.
5.24 Delegations regarding disclosure of official records.
5.25 Delegations regarding certification of color additives.
5.26 Delegations regarding certification of insulin.
5.27 Delegations regarding certification of antibiotic drugs.
5.28 Delegations regarding approval of new animal drug applications and supplements thereto for drugs for animal use.
5.29 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new animal drug applications and supplements thereto for drugs for animal use.
5.30 Delegations regarding approval of new-drug applications and supplements thereto for drugs for human use.
5.31 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new-drug applications and supplements thereto for drugs for human use.
5.32 Delegations regarding designation of official master and working standards for antibiotic drugs.
5.33 Delegations regarding emergency functions.
5.34 Delegations regarding enforcement activities.
5.35 Delegations regarding certification following inspections.
5.36 Delegations regarding grants and fellowships.
5.37 Delegations regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.
5.38 Delegations regarding issuance of notices of filing of petitions and notices of proposed rule making pertaining to food standards, food additives, and color additives.
5.39 Delegations regarding termination of exemptions for new drugs for investigational use in human beings or in animals.
5.40 Delegations regarding detention of meat, poultry, eggs, and related products.
5.41 Delegations regarding approval of schools providing food-processing instruction.
5.42 Delegations regarding issuance of reports of minor violations.
5.43 Delegations relating to granting and withdrawing variances from performance standards for electronic products.

Sec.
5.44 Delegations relating to exemptions from performance standards for electronic products.
5.45 Delegations relating to testing programs and methods of certification and identification for electronic products.
5.46 Delegations relating to notification of defects in, and repair or replacements of, electronic products.
5.47 Delegations relating to manufacturer's resident import agents.
5.48 Delegations relating to requiring manufacturers to provide data to ultimate purchasers of electronic products.
5.49 Delegations relating to directing dealers and distributors of electronic products to provide data to manufacturers.
5.50 Delegations relating to acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulations.
5.51 Delegations regarding issuance and revocation of licenses for the propagation or manufacture and preparation of biological products.
5.52 Delegations regarding issuance of notices implementing the provisions of the Drug Amendments of 1962.

Subpart C—Organization

5.100 Headquarters.
5.105 Assistant General Counsel for Food and Drugs, Office of General Counsel, Department of Health, Education, and Welfare.
5.110 FDA Public Records and Documents Center.
5.115 Field structure.

AUTHORITY: Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).

Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

§ 5.1 Delegations from the Secretary and Assistant Secretary.

(a) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs with authority to redelegate (35 FR 606 as amended) all authority delegated to him by the Secretary of Health, Education, and Welfare as follows.

(1) Functions vested in the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Filled Milk Act (21 U.S.C. 61–63), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), and The Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953, including authority to administer oaths vested in the Secretary of Agriculture by 7 U.S.C. 2217.

(2) Functions vested in the Secretary under section 301 (Research and Investigation); section 307 (International Cooperation); section 310 (Health Education and Information); section 311 (Federal-State Cooperation); and section 314(f) (Interchange of Personnel with States) of the Public Health Service Act (42 U.S.C. 241, 242l, 242o, 243, 246(f)) which relate to the functions of the Food and Drug Administration.

(3) Functions vested in the Secretary under sections 354 through 360F of the Public Health Service Act (42 U.S.C. 263b through 263n) which relate to electronic product radiation control.

(4) Functions vested in the Secretary under section 361 of the Public Health Service Act (42 U.S.C. 264) which relate to the law enforcement functions of the Food and Drug Administration concerning the following products and activities: biologicals (including blood and blood products); interstate travel sanitation (except interstate transportation of etiological agents under 42 CFR 72.25); food (including milk and food service sanitation and shellfish sanitation); and drugs, devices, cosmetics, and electronic products, and other items or products regulated by the Food and Drug Administration.

(5) Functions vested in the Secretary under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262 and 263) which relate to biological products.

(6) Functions vested in the Secretary pertaining to section 302(a) of the Public Health Service Act (42 U.S.C. 242(a)) which relate to the determination and reporting requirements with respect to the medicinal and scientific requirements of the United States for controlled substances.

(7) Functions vested in the Secretary pertaining to section 303 of the Public Health Service Act (42 U.S.C. 242a) which relate to the authorization of persons engaged in research on the use and effect of drugs to protect the identity of their research subjects with respect to drugs scheduled under Public Law 91–513 for which a notice of claimed exemption for an investigational new drug is filed with the Food and Drug Administration and with respect to all drugs not scheduled under Public Law 91–513.

(8) Functions vested in the Secretary pertaining to section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1241) which relate to the determination of the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of narcotic addicts.

(9) Functions vested in the Secretary pertaining to section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) which relate to the determination of the qualifications and competency of practitioners wishing to conduct research with controlled substances listed in Schedule I of the Act, and the merits of the research protocol.

(10) Functions vested in the Secretary pertaining to provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) which relate to administration of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(11) Functions vested in the Secretary under section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(12) Functions vested in the Secretary under section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(13) Functions vested in the Secretary under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(14) Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. 1 of 1953.

(15) Function of issuing all regulations of the Food and Drug Administration. The reservation of authority contained in Chapter 2–000 of the Department Organization Manual shall not apply.

(16) Functions vested in the Secretary under Executive Order 11490, section 1103(5), and those portions of sections 1103(1), 1103(3), 1103(4), 3001(2), 3001(3), 3002(1), 3002(2), 3002(3), 3004, and 3009 which relate to food, drugs, and biologicals. In the performance of these emergency functions the Commissioner shall coordinate his activities with the Administrator, Health Services and Mental Health Administration, in order that preemergency plans shall be developed in consonance with postattack organization plans and structure of the Department for the Emergency Health Service.

(17) Function vested in the Secretary of authorizing and approving miscellaneous and emergency expenses of enforcement activities.

(18) Function vested in the Secretary under the Federal Advisory Committee Act, Public Law 92–463, to make determinations that advisory committee meetings are concerned with matters listed in 5 U.S.C. 552(b) and therefore may be closed to the public for those committees under the administrative jurisdiction of the Commissioner of Food and Drugs. This authority may not be redelegated. This authority is to be exercised in accordance with the requirements of the Act and only with respect to the following:

(i) Meetings, to the extent that they directly involve review, discussion or consideration of records of the Department which are exempt from disclosure under 5 U.S.C. 552(b) (4), (6), and (7), namely, (*a*) records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential; (*b*) personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (*c*) investigatory files compiled for law enforcement purposes;

(ii) Meetings to the extent that they involve the review, discussion, and evaluation of specific drugs and devices regulated by FDA which are intended to result in recommendations for regulatory decisions under the Federal Food, Drug, and Cosmetic Act and which are concerned with matters listed in 5 U.S.C. 552(b) (4), (5), and (7);

(iii) Meetings held for the sole purpose of considering and formulating advice which the comittee will give or any final report it will render, *Provided:*

(*a*) The meetings will involve solely the internal exepression of views and judgments of the members and it is

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essential to close the meeting or portions thereof to protect the free exchange of such views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under 5 U.S.C. 552(b);

(b) The meeting is closed for the shortest time necessary, summarizing the work of the committee during the closed session, and a report, prepared by the executive secretary will be made available promptly to the public.

(c) When feasible, the public is given a timely opportunity to present relevant information and views to the committee; and

(d) Concurrence for closing the meetings for such purpose is obtained from the Office of the General Counsel and the Office of Public Affairs.

(19) Functions vested in the Secretary under the second sentence of section 309 (Health Conferences) of the Public Health Service Act (42 U.S.C. 242n) to call for a conference and invite as many health authorities and officials of State or local public or private agencies or organizations as deemed necessary or proper on subjects related to the functions of the Food and Drug Administration.

(20) Functions vested in the Secretary under section 501 (Gifts) of the Public Health Service Act (42 U.S.C. 219) to accept offers of unconditional gifts, of other than real property, provided such gifts are of $1,000 value or less and the total costs associated with acceptance of property will not exceed the cost of purchasing a similar item and the cost of normal care and maintenance.

(21) Functions vested in the Secretary under section 362 of the Public Health Service Act (42 U.S.C. 265) which relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health when such functions relate to the law enforcement functions of the Food and Drug Administration.

(22) Functions vested in the Secretary under section 1003(b)(3), Title X, of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3246b(b)(3)) to waive any matching requirements for programs or projects of State and local governments funded under Title X of that act where it is determined that State or local governments concerned cannot reasonably obtain any non-Federal contributions.

(b) The Assistant General Counsel in charge of the Food and Drug Division has been authorized to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 305 of the Federal Food, Drug, and Cosmetic Act, section 4 of the Federal Import Milk Act, and section 9(b) of the Federal Caustic Poison Act.

(c) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs, with authority to redelegate, the authority delegated to him by the Assistant Secretary for Administration and Management: (1) To certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or to certify the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.

(2) To establish volunteer service programs and accept volunteer services for use in the operation of a health care facility or the provision of health care under section 223 of the Public Health Service Act (42 U.S.C. 217b).

Subpart B—Redelegations of Authority from the Commissioner of Food and Drugs

§ 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

(a) Final authority of the Commissioner of Food and Drugs is redelegated as set forth in this subpart. Further redelegation of the authority vested herein is not authorized. Authority redelegated herein to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

(b) The Deputy Commissioner of Food and Drugs and the Associate Commissioner for Compliance are authorized to perform all the functions of the Commissioner of Food and Drugs.

§ 5.21 Delegations regarding hearings and review boards.

(a) The Directors and Deputy Directors of Bureaus, Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials to hold informal hearings which relate to their assigned functions under sections 305, 404(b), and 801(a) of the Federal Food, Drug, and Cosmetic Act, section 6 of the Fair Packaging and Labeling Act, section 9(b) of the Federal Caustic Poison Act, and section 5 of the Federal Import Milk Act. Officials so designated are delegated authority vested in the Secretary of Agriculture by 7 U.S.C. 2217 (43 Stat. 803) to administer or to take from any person an oath, affirmation, affidavit, or deposition for use in any prosecution or proceeding under or in enforcement of any law as cited in this section.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to appoint review boards as provided by § 601.41 of this chapter.

(c) The Director and Deputy Director of the Bureau of Radiological Health are authorized to hold hearings under section 360(a) of the Public Health Service Act, and to designate officials to hold informal hearings under section 360(a) of the act.

§ 5.22 Delegations regarding imports.

(a) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials who may request, under section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices, or cosmetics imported, or offered for import, in order to determine whether such articles are in compliance with the act.

(b) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau are authorized to request, under section 360(a) of the Public Health Service Act, from the Secretary of the Treasury samples of electronic products imported or offered for import in order to determine whether such articles are in compliance with the act.

(c) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau may, under section 360B(b) of the Public Health Service Act, exempt persons from issuing a certification as required by section 358(h) of the act, for electronic products imported into the United States for testing, evaluation, demonstrations, or training, which will not be introduced into commerce and upon completion of their function, will be destroyed or exported in accord with Bureau of Customs regulations.

(d) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to exercise all of the functions of the Commissioner of Food and Drugs under section 362 of the Public Health Service Act (42 U.S.C. 265) that relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health, and such functions relate to the law enforcement functions of the Food and Drug Administration.

§ 5.23 Delegations regarding certification of true copies and use of Department seal.

(a) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Administration, and to cause the seal of the Department to be affixed to such certifications:

(1) Associate and Deputy Associate Commissioners.

(2) Assistant and Deputy Assistant Commissioners.

(3) Director of the Executive Secretariat.

(4) Director and Deputy Director of the Office of Legislative Services.

(5) The FDA Regulations Officer and the Federal Register Liaison Officer and their alternates, and Director, Public Records and Documents Center of the Office of Compliance.

(6) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(7) Director of the Office of Planning and Evaluation, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of the Bureau of Drugs.

(8) Associate Director for Management, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Regulatory Guidance; Food Technology; and Food Service of the Bureau of Foods.

(9) Associate Director and the Director of the Division of Compliance of the Bureau of Biologics.

(10) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(11) Associate Director for Administration of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau.

(12) Assistant Director for Program Operations and the Director of the Division of Compliance of the Bureau of Medical Devices and Diagnostic Products.

(b) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents.

(1) Associate and Deputy Associate Commissioners.

(2) The Director of the Division of Personnel Management of the Office of Administration and the Chief of the Career Development and Training Branch of that Division and Office.

(c) The Federal Register Writer and his alternates of the Office of Compliance are authorized to certify true copies of FEDERAL REGISTER documents.

§ 5.24 Delegations regarding disclosure of official records.

(a) The following officials are authorized to make determinations to disclose official records and information in accordance with Part 4 of this chapter.

(1) The Director and Deputy Director of the Bureau of Drugs, and the Associate Director and Deputy Associate Director for Compliance and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of that Bureau.

(2) The Director and Deputy Director of the Bureau of Foods, and the Associate Director and Deputy Associate Director for Compliance and the Director of the Division of Regulatory Guidance of that Bureau.

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(4) The Director and Deputy Director, Bureau of Radiological Health, and the Director of the Division of Electronic Products and the Director of the Division of Compliance of that Bureau.

(5) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(6) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(b) The Chief of the Drug Listing Branch of the Division of Drug Labeling Compliance of the Bureau of Drugs is authorized to sign affidavits regarding the presence or absence of records of Registration of Drug Establishments.

(c) The Chief of the Records Section of the Administrative Services Branch, Division of Management Services, Office of Administration, is authorized to sign affidavits regarding the presence or absence of records in the files of that section.

§ 5.25 Delegations regarding certification of color additives.

The Director and Deputy Director of the Bureau of Foods, the Associate Director and Deputy Associate Director for Technology, and the Director and Deputy Director of the Division of Color Technology of that Bureau are authorized to certify batches of color additives for use in foods, drugs, or cosmetics, under section 706 of the Federal Food, Drug, and Cosmetic Act.

§ 5.26 Delegations regarding certification of insulin.

The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of drugs containing insulin, pursuant to section 506(a) of the Federal Food, Drug, and Cosmetic Act.

§ 5.27 Delegations regarding certification of antibiotic drugs.

The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Bureau of Drugs, the Director and Deputy Director of the Division of Drug Product Quality of that Bureau, and the Chief and Assistant Chief of the Certification Services Branch of that Division and Bureau are authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to sections 507(a) and 512(n) of the Federal Food, Drug, and Cosmetic Act.

§ 5.28 Delegations regarding approval of new animal drug applications and supplements thereto for drugs for animal use.

The Director of the Bureau of Veterinary Medicine is authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new animal drug applications, and new animal drug application supplements, for new animal drugs submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act. The Director of the Division of Veterinary Medical Review of the Bureau of Veterinary Medicine is authorized to perform the functions of the Commissioner with regard to the approval of applications for animal feeds containing new animal drugs.

§ 5.29 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new animal drug applications and supplements thereto for drugs for animal use.

The Director of the Bureau of Veterinary Medicine is authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new animal drug applications and new animal drug application supplements for drugs for animal use submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

§ 5.30 Delegations regarding approval of new-drug applications and supplements thereto for drugs for human use.

(a) The Director, Deputy Director, and Associate Director for New Drug Evaluation of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to approval of new-drug applications and supplements thereto which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, except those pertaining to ingredients packaged together with containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section.

(1) The Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; Oncology and Radiopharmaceutical Drug Products; and Drug Advertising of the Bureau of Drugs are authorized to perform all of the functions of the Commissioner of Food and Drugs with regard to approval of supplemental applications to approved new-drug applications which are for drugs for human use and have been submitted pursuant to §§ 314.1(c) and 314.8 of this chapter, except those pertaining to ingredients packaged together with

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containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section.

(2) The Associate and Deputy Associate Director for Drug Monographs and the Director of the Division of Generic Drug Monographs of the Bureau of Drugs are authorized to perform all of the functions of the Commissioner of Food and Drugs regarding the approval of abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and have been submitted pursuant to §§ 314.1 (f) and 314.8 of this chapter, except those pertaining to ingredients packaged together with containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to perform all of the functions of the Commissioner of Food and Drugs with regard to the approval of new-drug applications which are for drugs for human use and which pertain to ingredients packaged together with containers intended for the collection, processing, or storage of blood or blood components and which have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

§ 5.31 Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new-drug applications and supplements thereto for drugs for human use.

(a) The Director and Deputy Director of the Bureau of Drugs are authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new-drug applications and abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act and §§ 314.1 and 314.8 of this chapter, except those pertaining to ingredients packaged together with containers intended for the collection, processing, or storage of blood and blood components for which authority has been delegated in paragraph (b) of this section, and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new-drug applications and abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and which pertain to ingredients packaged together with containers intended for the collection, processing, or storage of blood or blood components and which have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act and §§ 314.1 and 314.8 of this chapter, and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

§ 5.32 Delegations regarding designation of official master and working standards for antibiotic drugs.

The Director, Deputy Director, and Associate Director for Pharmaceutical Research and Testing of the Bureau of Drugs, and the Director of the National Center for Antibiotics Analysis of that Bureau are authorized to designate official Food and Drug Administration master and working standards for antibiotic drugs under § 430.5 of this chapter.

§ 5.33 Delegations regarding emergency functions.

Each Regional Food and Drug Director is authorized, during any period when normal channels of direction are disrupted between the Food and Drug Administration headquarters and his region, to fully represent the Food and Drug Administration within his region in consonance with the Department of Health, Education, and Welfare regional emergency plans and to exercise the authority of the Commissioner for supervision of and direction to all Food and Drug Administration activities and use of resources within his region for continuity and for Federal Emergency Health Service operations. These same officials are authorized to provide in Regional Emergency Plans for the delegation of Food and Drug Administration regional authorities to heads of field activities when such activities are cut off from national and regional headquarters.

§ 5.34 Delegations regarding enforcement activities.

(a) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of Form FD–200a entitled "Identification Record" and Form FD–200b entitled "Specification of General Authority" are designated by the Commissioner of Food and Drugs:

(1) To conduct examinations, inspections, and investigations; to collect and obtain samples; to have access to and to copy and verify records; and to supervise compliance operations, for the enforcement of the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, the Federal Caustic Poison Act, the Import Milk Act, the Filled Milk Act, the Tea Importation Act, and section 361 of the Public Health Service Act.

(2) To administer oaths and affirmations under section 1 of the Act of January 31, 1925 (Ch. 124, 43 Stat. 803); sections 12 to 15 of Reorganization Plan No. IV, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

(b) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of Form FD–200a entitled "Identification Record" and Form FD–200c entitled "Specification of General and Special Authority" are designated by the Commissioner of Food and Drugs:

(1) To perform the duties enumerated in paragraph (a) (1) and (2) of this section.

(2) As officers and employees having the authority to request and the authority to have access to and copy and verify records and reports required by sections 505 (i) and (j), 507 (d) and (g), and 512 (l) and (m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (i) and (j), 357 (d) and (g), and 360b (l) and (m)).

(c) The Food and Drug Administration official credentials referred to in paragraphs (a) and (b) of this section are described as follows:

(1) Form FD–200a entitled "Identification Record" bears a color photograph, description, and signature of the bearer, an identification number, an expiration date, the Department of Health, Education, and Welfare seal with blue imprint centered to the left of the photograph and the Food and Drug Administration symbol centered to the right of the photograph.

(2) Form FD–200b entitled "Specification of General Authority" bears the holder's name, his general authority, an identification number, an expiration date, and the Commissioner's signature.

(3) Form FD–200c entitled "Specification of General and Special Authority" bears the holder's name, his general and special authority, an identification number, an expiration date, and the Commissioner's signature and is superimposed in the lower right corner with a red, white, and blue stripe imprint.

(4) Both Form FD–200b and Form FD–200c bear the name of the Department of Health, Education, and Welfare, Public Health Service, and Food and Drug Administration and are superimposed with the Department seal with blue imprint.

(d) The Director and Deputy Director of the Bureau of Radiological Health are authorized to refuse admission of noncomplying electronic product imports and to notify the Secretary of the Treasury of such refusal under section 360(a) of the Public Health Service Act and are authorized to refuse or to grant permission and time extensions to bring such products into compliance, and are authorized to supervise or designate an official to supervise such operations under section 360(b) of the act.

(e) The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 360A(a) of the Public Health Service Act relating to electronic product safety and inspection of electronic product manufacturers' premises, and to perform all of the functions of the Commissioner of Food and Drugs under section 360A(b) of the act relating to the establishment, maintenance, and inspection of electronic product manufacturers' records.

(f) The Director and Deputy Director of the Bureau of Radiological Health are authorized to designate officials to make accident and investigation reports under section 360A(d) of the Public Health Service Act.

(g) The Director, Deputy Director, and Associate Director of the Bureau of Biologics and the Director of the Division of Compliance of that Bureau may authorize, pursuant to section 351(c) of the Public Health Service Act (42 U.S.C. 262 (c)), any officer, agent, or employee to enter and inspect any establishment which is subject to the provisions of section 351 of the act (42 U.S.C. 262).

§ 5.35 Delegations regarding certification following inspections.

Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to issue certificates of sanitation under § 1240.20 of this chapter.

§ 5.36 Delegations regarding grants and fellowships.

(a) The Associate and Deputy Associate Commissioner for Science are authorized to approve or disapprove all applications for grants and fellowships and to select officials to serve as program managers to exercise scientific oversight and to monitor grantee progress.

(b) The Associate and Deputy Associate Commissioner for Administration and the Director and Deputy Director of the Division of Contracts and Grants Management of the Office of Administration are authorized to execute grant awards upon approval by the Associate or Deputy Associate Commissioner for Science under sections 301, 307, 311, and 356 of the Public Health Service Act, and to notify grantees of officials who will serve as the FDA program manager for their grant.

(c) The Associate and Assistant Commissioners, the Directors of Bureaus, the Director, National Center for Toxicological Research, and the Executive Director of Regional Operations are authorized to award service fellowships in the FDA Staff Fellowship Program under section 301 of the Public Health Service Act.

§ 5.37 Delegations regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

The Director and Deputy Director of the Bureau of Drugs and the Assistant Director for Regulatory Affairs are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food, Drug, and Cosmetic Act regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

§ 5.38 Delegations regarding issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.

The Director of the Bureau of Foods is authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of notices of filing of petitions and notices of proposed rulemaking pertaining to food standards, food additives, and color additives.

§ 5.39 Delegations regarding termination of exemptions for new drugs for investigational use in human beings or in animals.

(a) The Director and Deputy Director of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new drugs for investigational use in human beings under § 312.1 and in animals under § 312.9 of this chapter, except those which pertain to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262). The Associate Director and Deputy Associate Director for New Drug Evaluation and the Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; and Oncology and Radiopharmaceutical Drug Products of the Bureau of Drugs are authorized to notify sponsors and invite correction prior to termination action on such exemptions.

(b) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of those exemptions for new drugs for investigational use in human beings under § 312.1 and in animals under § 312.9 of this chapter pertaining to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262).

(c) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new animal drugs for investigational use in animals under § 511.1 of this chapter.

§ 5.40 Delegations regarding detention of meat, poultry, eggs, and related products.

The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to perform and to designate other officials to perform all the functions of the Commissioner of Food and Drugs under:

(a) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(b) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(c) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.)

§ 5.41 Delegations regarding approval of schools providing food-processing instruction.

The Director and Deputy Director of the Bureau of Foods are authorized to perform all of the functions of the Commissioner of Food and Drugs under § 128b.10 of this chapter regarding the approval of schools giving instruction in retort operations, processing systems operations, aseptic processing and packaging systems operations, and container closure inspections.

§ 5.42 Delegations regarding issuance of reports of minor violations.

(a) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 306 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of written notices or warnings:

(1) The Director and Deputy Director of the Bureau of Drugs and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(2) The Director and Deputy Director of the Bureau of Foods and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(4) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(5) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(b) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings.

§ 5.43 Delegations relating to granting and withdrawing variances from performance standards for electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to grant and withdraw variances from the provisions of performance standards for electronic products established in Subchapter J of this chapter.

§ 5.44 Delegations relating to exemptions from performance standards for electronic products.

The Director of the Bureau of Radiological Health is authorized to exempt from performance standards any electronic product intended solely or predominantly for departments or agencies of the United States under section 358 (a)(5) of the Public Health Service Act.

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§ 5.45 Delegations relating to testing programs and methods of certification and identification for electronic products.

The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to review and evaluate industry testing programs under section 358(g) of the Public Health Service Act, and to approve or disapprove alternate methods of certification and identification and to disapprove testing programs upon which certification is based under section 358(h) of the act.

§ 5.46 Delegations relating to notification of defects in, and repair or replacement of, electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs relating to notification of defects in, and repair or replacement of, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter. The Director of the Division of Compliance of the Bureau of Radiological Health is authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the Public Health Service Act.

§ 5.47 Delegations relating to manufacturer's resident import agents.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to reject manufacturers' designations of resident import agents pursuant to § 1005.25(b) of this chapter.

§ 5.48 Delegations relating to requiring manufacturers to provide data to ultimate purchasers of electronic products.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to require manufacturers to provide performance and technical data to the ultimate purchaser of electronic products under section 360A(c) of the Public Health Service Act.

§ 5.49 Delegations relating to directing dealers and distributors of electronic products to provide data to manufacturers.

The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to direct dealers and distributors of electronic products to furnish information on first purchasers of such products to the manufacturer of the product under section 360A(f) of the Public Health Service Act.

§ 5.50 Delegations relating to acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulations.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to accept assistance from State and local authorities engaged in activities related to health or safety or consumer protection on a reimbursable basis or otherwise, under section 360E of the Public Health Service Act.

§ 5.51 Delegations regarding issuance and revocation of licenses for the propagation or manufacture and preparation of biological products.

The Director and Deputy Director of the Bureau of Biologics and the Associate Director of that Bureau are authorized to issue licenses under section 351 of the Public Health Service Act (42 U.S.C. 262) for propagation or manufacture and preparation of biological products as specified in the act, and to revoke such licenses at the manufacturer's request.

§ 5.52 Delegations regarding issuance of notices implementing the provisions of the Drug Amendments of 1962.

The Director and Deputy Director of the Bureau of Drugs are authorized to issue notices and amendments thereto implementing section 107(c)(3) of the Drug Amendments of 1962 (Pub. L. 87-781) by announcing new or revised efficacy findings on human drugs that are or were subject to the provisions of sections 505 and 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 and 357).

Subpart C—Organization

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

OFFICE OF THE COMMISSIONER [1]

Commissioner of Food and Drugs.
Deputy Commissioner.
Administrative Law Judge.
Associate Commissioner for Compliance.
Hearing Clerk.
Associate Commissioner for Medical Affairs.
Associate Commissioner for Science.
Associate Commissioner for Administration.
Assistant Commissioner for Public Affairs.
Assistant Commissioner for Planning and Evaluation.
Assistant Commissioner for Professional and Consumer Programs.

BUREAU OF BIOLOGICS [2]

Office of the Director.
Division of Compliance.
Division of Virology.
Division of Blood and Blood Products.
Division of Control Activities.
Division of Pathology.
Division of Bacterial Products.

BUREAU OF DRUGS [1]

Office of the Director.
Office of Planning and Evaluation.
Associate Director for Drug Monographs.
Division of OTC Drug Evaluation.
Division of Biopharmaceutics.
Division of Generic Drug Monographs.
Associate Director for Biometrics and Epidemiology.
Division of Biometrics.
Division of Poison Control.
Division of Drug Experience.
Associate Director for Compliance.
Division of Methadone Monitoring.
Division of Drug Product Quality.
Division of Drug Labeling Compliance.
Division of Drug Manufacturing.
Associate Director for Pharmaceutical Research and Testing.
Division of Drug Biology.
Division of Drug Chemistry.
National Center for Antibiotics Analysis.
National Center for Drug Analysis.
Associate Director for New Drug Evaluation
Division of Anti-Infective Drug Products.
Division of Cardio-Renal Drug Products.
Division of Surgical-Dental Drug Products.
Division of Metabolism and Endocrine Drug Products.
Division of Neuropharmacological Drug Products.
Division of Oncology and Radiopharmaceutical Drug Products.
Division of Drug Advertising.
Associate Director for Information Systems.
Division of Drug Information Resources.
Division of Information Systems Design.
Medical Library.

BUREAU OF FOODS [1]

Office of the Director.
Associate Director for Compliance.
Division of Regulatory Guidance.
Division of Compliance Programs.
Division of Industry Programs.
Division of Food and Color Additives.
Associate Director for Sciences.
Division of Chemistry and Physics.
Division of Toxicology.
Division of Pathology.
Division of Microbiology.
Division of Mathematics.
Associate Director for Technology.
Division of Food Technology.
Division of Chemical Technology.
Division of Color Technology.
Division of Cosmetics Technology.
Associate Director for Nutrition and Consumer Sciences.
Division of Consumer Studies.
Division of Food Service.
Division of Nutrition.

BUREAU OF MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS [1]

Office of the Director.
Division of Compliance.
Division of Diagnostic Product Standards and Research.
Division of Medical Device Standards and Research.
Division of Classification and Scientific Evaluation.

BUREAU OF RADIOLOGICAL HEALTH [1]

Office of the Director.
Division of Compliance.
Division of Biological Effects.
Division of Electronic Products.
Division of Radioactive Materials and Nuclear Medicine.
Division of Training and Medical Applications.

BUREAU OF VETERINARY MEDICINE [1]

Office of the Director.
Division of Compliance.
Division of New Animal Drugs.
Division of Nutritional Sciences.
Division of Veterinary Medical Review.
Division of Veterinary Research.

EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS [1]

Office of the Executive Director.
Division of Field Operations.
Division of Planning and Analysis.
Division of Federal-State Relations.

[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20852.
[2] Mailing address: 8800 Rockville Pike, Bethesda, MD 20014.
[3] Mailing address: 200 C St. SW., Washington, D.C. 20204.

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH [4]

Office of the Director.
Office of Program and Resource Planning.
Division of Animal Husbandry.
Division of Microbiology and Immunology.
Division of Diet Preparation.
Division of Facilities Engineering and Maintenance.
Division of Chemistry.
Division of Scientific Information Systems.
Division of Analytical Services.
Division of Carcinogenic Research.
Division of Teratogenic Research.
Division of Mutagenic Research.
Division of Molecular Biology.

§ 5.105 Assistant General Counsel for Food and Drugs, Office of General Counsel, Department of Health, Education, and Welfare.

Assistant General Counsel for Food and Drugs, Room 6-57, 5600 Fishers Lane, Rockville, MD 20852.

§ 5.110 FDA Public Records and Documents Center.

The FDA Public Records and Documents Center, HFC-18, is located in Rm. 4-62, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852. Telephone: 301-443-6310.

§ 5.115 Field structure.

REGION I

Regional Field Office: 585 Commercial Street, Boston, MA 02109.
Winchester Engineering and Analytical Center: 109 Holton Street, Winchester, MA 01890.

REGION II

Regional Field Office: 850 Third Avenue, Brooklyn, NY 11232.
District Office: 850 Third Avenue, Brooklyn, 11232.
District Office: 599 Delaware Avenue, Buffalo, NY 14202.
District Office: 20 Evergreen Place, East Orange, NJ 07018.
District Office: Post Office Box S-4427, San Juan Station, San Juan, PR 00905.

REGION III

Regional Field Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.
District Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.
District Office: 900 Madison Avenue, Baltimore, MD 21201.

REGION IV

Regional Field Office: 880 West Peachtree Street, Atlanta, GA 30309.
District Office: 880 West Peachtree Street, Atlanta, GA 30309.
District Office: 297 Plus Park Boulevard, Nashville, TN 37217.
District Office: Post Office Box 118, Orlando, FL 32802.

REGION V

Regional Field Office: Room A-1945, 175 West Jackson Boulevard, Chicago, IL 60607.
District Office: Room 1222, 433 West Van Buren Street, Chicago, IL 60607.
District Office: 1141 Central Parkway, Cincinnati, OH 45202.
District Office: 1560 East Jefferson Avenue, Detroit, MI 48207.
District Office: 240 Hennepin Avenue, Minneapolis, MN 55401.
Minneapolis Center for Microbiological Investigations: 240 Hennepin Avenue, Minneapolis, MN 55401.

REGION VI

Regional Field Office: 3032 Bryan Street, Dallas, TX 75204.
District Office: 3032 Bryan Street, Dallas, TX 75204.
District Office: Room 222, 423 Canal Street, New Orleans, LA 70130.
Houston Section: Suite 250, 1440 North Loop, Houston, TX 77009.

REGION VII

Regional Field Office: 1009 Cherry Street, Kansas City, MO 64106.
District Office: 1009 Cherry Street, Kansas City, MO 64106.

REGION VIII

Regional Field Office: 721 19th Street, U.S. Customhouse, Denver, CO 80202.
District Office: 721 19th Street, U.S. Customhouse, Denver, CO 80202.

REGION X

Regional Field Office: Room 5003, 909 First Avenue, Seattle, WA 98104.
District Office: Room 5003, 909 First Avenue, Seattle, WA 98104.

REGION IX

Regional Field Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.
District Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.
District Office: 1521 West Pico Boulevard, Los Angeles, CA 90015.

REGION X

Regional Field Office: Room 5003, 909 First Avenue, Seattle, WA 98104.
District Office: Room 5003, 909 First Avenue, Seattle, WA 98104.

[4] Mailing address: Jefferson, AR 72079.

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federal register

TUESDAY, JUNE 15, 1976

PART III:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIVING OPERATIONS

Emergency Temporary Standards

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Diving Operations

Pursuant to sections 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1596, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76, and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations, is amended by adding a new occupational safety and health standard for diving operations as Subpart T, beginning at § 1910.401. The standard, set forth below is issued as an emergency temporary standard (ETS) and, in accordance with section 6(c) (2) and (3) of the Act, will be superseded by a permanent standard within six months. The standard takes effect on July 15, 1976, and applies to all employments covered by the Act.

Pursuant to section 6(c)(3), the Occupational Safety and Health Administration (OSHA) will shortly commence a rulemaking proceeding under section 6(b) of the Act. The ETS will serve as a proposed final rule, along with other subsidiary proposals which will be published pursuant to 29 CFR 1911.12. It is OSHA's intention to publish an additional proposal, encompassing those areas of occupational safety and health considered appropriate for the agency's permanent regulation of diving operations.

The development of a permanent standard will be conducted pursuant to section 6(b) of the Act, under which the Secretary's determination of the substantive provisions of the final standard will be based on the entire record developed, including public comments and, if requested, informal rulemaking hearings.

The United States Coast Guard which has jurisdiction over certain matters of maritime safety and health (see 40 FR 33681, August 11, 1975) will participate with OSHA in developing permanent occupational safety and health standards for diving operations. In order to maximize the resources and expertise available to the respective agencies, a joint rulemaking proceeding is contemplated. The Coast Guard has indicated its intention to promulgate under its statutory authority occupational safety and health standards applicable to diving operations from inspected vessels, in deepwater ports, and from artificial islands and structures on the Outer Continental Shelf.

Appended to this standard is a Memorandum of Understanding between OSHA and the Coast Guard setting forth certain procedures for coordination and joint activities during the effective period of the ETS and in developing permanent standards (Appendix A).

Of course, if appropriate, employers may seek temporary or permanent variances under the Act and implementing regulations during the period in which this ETS is in effect. Thus under section 6(b)(6)(A) of the Act and 29 CFR 1905.10, any employer may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof if he can establish that he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alternation of facilities cannot be completed by the effective date, provided that he is taking all available steps to safeguard his employees against the hazards covered by the standard and he has an effective program for coming into compliance with the standard as quickly as practicable. Similarly, under section 6(d) of the Act and 29 CFR 1905.11, any affected employer may apply to the Secretary for a rule or order for a variance from a standard if he can demonstrate by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by the employer will provide employment and places of employment to his employees which are as safe and healthful as these which would prevail if he complied with the standard.

Background

On August 8, 1975, the United Brotherhood of Carpenters and Joiners of America, AFL–CIO, filed a petition, requesting that the Occupational Safety and Health Administration issue an emergency temporary standard for commercial diving operations within the United States and its coastal waters, including those located on the Outer Continental Shelf. The petition alleged that American divers, some of whom are memers of petitioner's union, are exposed to grave danger and that an ETS is necessary to protect commercial divers on offshore oil exploration projects and in other operations from toxic gas, chemical, and pressure exposures which in the aggregate create a hostile and dangerous environment adversely affecting diver safety and health (Exh. 1).

The petition urged the Secretary to issue a comprehensive diving standard substantively based on the following:

(1) The American National Standards Institute (ANSI) Z–135 Standard for Diving (modified Draft #13);

(2) The U.S. Navy Standard Air Decompression Table (Repetitive Group "O") for dives not in excess of 190 feet;

(3) The U.S. Navy Surface Decompression Tables, excluding all "exceptional exposure dives;"

(4) A procedure for 21 days' advance validation by the Secretary of Labor of diving tables outside of U.S. Navy optimum dive tables;

(5) The "Compressed Air for Human Respiration" standard of the Compressed Gas Association (Pamphlet G–7); and

(6) The "Commodity Specification for Air" standard of the Compressed Gas Association (Pamphlet G–7.1).

After review of the petition and supporting evidence by OSHA staff, and consultation with the petitioner and other parties having potentially adverse interests, the Secretary concluded that the public interest would be served by holding an OSHA fact-finding hearing. The hearing was to accomplish two objectives—to ascertain the nature and extent of the occupational safety and health hazards associated with diving operations, and to provide a basis for determining the appropriateness of an ETS for diving. Public announcement of the hearings was made in the FEDERAL REGISTER (40 FR 49123, October 22, 1975).

The hearings, presided over by a Department of Labor Administrative Law Judge, were held during a four-day period, November 11–14, 1975, in Washington, D.C. Evidence was presented by twenty-five witnesses producing some 874 pages of recorded transcript. The witnesses included: several medical experts experienced in hyperbaric medicine from the United States, and one from the United Kingdom; diving contractors representing both large and small firms located throughout the country (East Coast, Great Lakes, Gulf States, and the West Coast); academic and independent research physiologists experienced in the formulation of diving tables and work practice protocols; commercial divers and other diving personnel, some of whom had sustained employment related injuries; diving program administrators; maritime attorneys familiar with the legal aspects of diving-related personal injuries; representatives of the petitioner (United Brotherhood of Carpenters and Joiners, AFL–CIO) and the principal industry trade association (Association of Diving Contractors); and representatives of government agencies with personnel engaged in diving. Government submissions were received from the U.S. Navy, the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce, the Bureau of Land Management of the Department of Interior, and the National Park Service also of the Interior Department.

In addition, a large number of parties elected to supply written comments in lieu of oral testimony. Documents and exhibits were also supplied in great numbers from witnesses and other interested persons. All participants were given until December 8, 1975, to submit post-hearing comments.

Shortly after the conclusion of OSHA's public fact-finding inquiry, the Department of Labor assembled a Federal agency task force to outline the contents of possible government diving regulations. In addition to OSHA, members of the group represented the National Institute for Occupational Safety and Health (NIOSH), the U.S. Coast Guard, the Navy, and NOAA. All participants had been either experienced in, or associated with, diving for a number of years. The task force also retained and consulted with outside diving experts. These experts represented a cross-section of skills, experience, and training, including expertise in hyperbaric medicine, physiology, the development

of diving tables and other diving protocols and in a wide variety of operational diving modes and techniques.

Substantial technical input was provided by the diving research group of NIOSH and its contractor, the Undersea Medical Society, with the formulation of a "National Plan for Safety and Health of Divers in the Quest for Subsea Energy" (Contract No. 210–75–0073, January 1976, hereinafter "NIOSH I"). In addition, OSHA has had the benefit of the preliminary work product of a second NIOSH diving project, "Safe Work Practices and Medical Procedures" (April-May 1976, hereinafter "NIOSH II").

Supplementing the testimony obtained from the fact-finding inquiry and the technical assistance received from various government agencies and outside consultants, OSHA has had the opportunity to evaluate a considerable amount of documentary material relating to diving safety and health (see attached list of references). Particular attention has been given to the following major documents: the diving manuals of the U.S. Navy, NOAA, and the Association of Diving Contractors (ADC); draft proposals of the ANSI Z–135 Standards Committee for Commercial Diving Safety; diving regulations from several foreign countries including the United Kingdom, Australia, France and Canada; state diving codes of Oregon and Florida; and the medical and scientific papers of symposia devoted to diving safety and health. In addition, many members of the diving community with significant expertise and interest in diving safety and health have continued to make their experience and views available to the agency.

Findings and Determinations

The Assistant Secretary has reviewed the entire record and evaluated all pertinent materials available to the Department with respect to occupational safety and health hazards associated with diving. The Assistant Secretary finds that divers work in an underwater environment which is inherently hazardous, and are subject to working conditions which pose life threatening risks on a daily basis. Because of the nearly complete absence of regulatory safeguards to protect them against these inherently hazardous working conditions, the Assistant Secretary has determined that such divers are exposed to a grave danger from exposure to substances or agents which are toxic or physically harmful within the meaning of section 6(c)(1)(A) of the Act (29 U.S.C. 655(c)(1)(A)).

The Assistant Secretary also finds, based on the evidence in the record, that unsafe work practices exist in the diving industry which have caused, and unless abated, will continue to cause serious injury, permanent disability and death among members of the diving community. Such practices increase both the gravity of the dangers to which divers are exposed, and the urgency of the need for immediate occupational safety and health regulations.

In addition, the Assistant Secretary has also concluded that, as a result of heightened activity in recent years in the diving industry primarily attributable to the nation's need to secure additional energy and mineral resources, divers are now being exposed to increased safety and health risks. These new risks are associated with, among other things, deeper and longer dives, the use of new operational modes and techniques, diving tables, and breathing mixtures which have not been tested to the same extent as previously. The Assistant Secretary has determined that these circumstances further require issuance of this emergency temporary standard because their existence augments both the inherent high risk and the existence of unsafe practices within the industry. The Assistant Secretary has further determined that such circumstances in themselves constitute a grave danger from exposure to new hazards within the meaning of section 6(c)(1)(A).

The Assistant Secretary has further determined that the issuance of an emergency temporary standard at this time is the required statutory response to the existence of the grave danger from exposure within the diving industry and that this ETS is necessary to protect divers from the grave dangers to which their occupation subjects them.

1. *Inherent danger and absence of regulation.* Working in an underwater environment is inherently hazardous in that it subjects divers continually to life-threatening safety and health hazards including several toxic substances and harmful physical agents.

Because of the hostile environment in which he works, the diver's place of employment is unique among all occupations. Divers must at all times be protected against harmful physical agents such as high pressure, temperature extremes, and unpredictable sea states. Toxic substances, due to contaminated breathing mixtures and the dependence on compressed gases, subject the diver's entire body to abnormal stress, organ dysfunction, sensory derangement, and other adverse physiological changes. In order to accomplish their work mission divers must be equipped with various types of tools such as oxy-arc cutting instruments, electric arc welders, and various explosive devices which can be hazardous in and of themselves; any faulty and improper equipment necessarily compounds the risk of danger. In addition, the diver is faced with many other hazards such as falling, loose, or sharp underwater objects which can crush, cut, or foul the diver's gear. Because the diver's work is in an isolated environment, even otherwise minor accidents can result in major tragedies unless medical assistance and treatment is obtained quickly.

Protection against these and the other hazards divers face can be afforded only by following the various procedures, equipment, and competence standards. A diver's well-being depends on the diver's protective equipment and the apparatus used to supply him with a life sustaining gas mixture, the diver's own competence and experience as well as the competence of his support team, the diving procedures used to permit the diving operation to be carried out safely, and the emergency procedures to be used if an accident should occur. A failure of any of these elements could be disastrous for the diver. The tolerances for error may be very slight. For example, in very deep dives a change of as little as one quarter of one percent in the proportion of oxygen in the diver's breathing mixture can mean the difference between death and survival (Tr. 46).

These factors—the diver's exposure to the unique hazards of undersea activity, his isolation from aid in the event of an accident or injury, the complex nature of his protective system, and the slight tolerance for error which exists in the operation of that system—all combine to create a situation in which the potential for serious or fatal injury to the diver is great. The factors creating this potential are present in few if any other occupations.

The total absence of any uniform and enforceable occupational safety and health diving standards places divers in increased jeopardy. There are no comprehensive occupational safety and health regulations applicable to the diving industry. A voluntary code has been established by the Association of Diving Contractors (ADC), but no uniform standards exist which are capable of being enforced or have application throughout the diving industry. Although a few states such as Oregon and Florida have promulgated diving safety codes, other states with significant diving populations have not. Compounding the problem is the fact that much of the diving which is currently done and most of the increased diving activity will be in areas which are outside the jurisdiction of individual states. Therefore only Federal agencies with appropriately comprehensive jurisdiction and authority are capable of addressing the problem of diving safety and health on a nation-wide basis.

Promulgation of an ETS for diving is necessary under the aforementioned circumstances in order to reduce the existing and future exposures to grave dangers. Pursuing regulatory strategies of either no regulation or delayed promulgation would have resulted in the increased likelihood of irreparable injury to significant portions of the diving population, and have been otherwise contrary to the agency's statutory responsibilities and basic policies of the Act.

Because of the inherent hazards associated with diving, the likelihood of increased activity with high risk potential, and the absence of any enforceable standards within this area, immediate adoption of an occupational safety and health standard is considered critical to the affected diving population. Fur-

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ther delay in the promulgation of an appropriate OSHA standard would be unjustifiable in light of the high risk potential of the industry. The Assistant Secretary believes the decision to issue an emergency temporary standard is fully in consonance with the goal of the Act to assure safe and healthful working conditions.

2. *Occurrence of unsafe practices.* It is clear that there are now occurring within the diving industry unsafe practices which cause and threaten to continue to cause serious injury and even death.

Diving is a highly competitive industry which has been in a period of rapid expansion. There is demand for more diving, deeper diving, and longer diving. While employers are concerned with employee safety and health, the economic pressures are such as to provide a temptation to underbid competitors at the expense of safety and health considerations. Evidence presented at the hearing indicated that this is a significant problem (e.g., Tr. 303, 595, 601).

Training, experience, and physical fitness are clearly major factors in diver safety; yet employers have acknowledged their difficulty in recruiting divers who are sufficiently qualified to perform the types of diving activities which the employers are now contracting to perform (Tr. 151–54, 637–38). As a result, employees who lack the necessary competence to perform their dive or underwater work task safely have been exposed to situations which were too difficult for their level of skills (Tr. 566, 601–603). Not only are some of the divers unqualified, but some diving supervisors apparently lack the necessary competence as well (e.g., Tr. 543, 594, 619). Even when an employer establishes, by a manual or otherwise, a system of safe practices, unless there is a requirement to follow them, diving supervisors and other employees may act in a contrary fashion (Tr. 155–156). Likewise, the ADC Manual is a document which is not agreed to in all of its respects by all ADC members (e.g., Tr. 161), is not presently enforceable against any member who deviates from it (Tr. 830–831), and of course is not binding on the many diving contractors unaffiliated with the ADC. Consequently, as a result of deviations from accepted safe practices, there have been instances of diving operations in which divers have been permitted to dive below 220 FSW without any bell (Tr. 316, 544, 546, 550–53, 591–92, 595–6, 617, Exh. 47); untested diving tables are in use (Tr. 262); appropriate diving tables are present but have not been properly used or followed (Tr. 541, 543, 594, 629); or there has been no protective device to keep the propellers from cutting or entangling a diver's umbilical during live-boating (Tr. 341–42, 544–48, 595). Some of these incidents have ended in tragedy. (Exhs. 11, 41, 44, 45, 47–50; PHC 13, 14 (appendices); Reference M).

Moreover, in addition to such instances of unsafe work practices, other circumstances, including lack of a decompression chamber for onsite recompression treatment, inadequate diving platforms and barge layouts, and inadequate communications, have also been identified as contributing to diving accidents (Tr. 258–59). It has further been reported that equipment failure and equipment misuse have been at the root of many accidents, and that inadequate training of the persons involved was to a large extent responsible for this situation (Tr. 163).

These same factors which currently lead to certain unsafe practices are likely to be exacerbated as the diving industry expands into newer, deeper, and more complex areas. The situation will likely result in the involvement of more employers and divers who lack the experience and competence to do the kind of sophisticated work required, and will create further competitive pressures to reduce margins of safety in work operations. As one expert witness testified:

> It does not take much foresight to make three basic predictions for 1976 and the years that follow: (1) The quantity of diving in American waters will increase as the incentives for exploration follow rising petroleum needs; (2) the standard offshore diving setup will have 1,000 to 1,200 foot capability and these capabilities will be used; and (3) more divers will die (Tr. 14).

The evidence shows that some divers have already been killed or seriously injured in the course of their employment. The record indicated a number of deaths and serious injuries associated with diving which were related to or arose out of the course of employment (Exhs. 11, 41, 44, 45, 47–50; PHC 13, 14 (appendices)). While the testimony elicited at the fact finding hearing produced conflicting statistical evidence as to specific mortality and morbidity rates, the Assistant Secretary concludes that there is substantial evidence to support a finding that work-related hazards have manifested themselves as disabling injuries, illnesses and fatalities. The Secretary believes that examination of U.S. Coast Guard investigations of divers' deaths supports this conclusion.

The Assistant Secretary therefore finds as a result of these unsafe practices that divers are actually exposed, and will continue to be exposed with increased frequency, to grave dangers in their work. This factor further compels the conclusion that action pursuant to section 6(c) of the Act is warranted.

3. *New hazards occasioned by industry expansion.* As a result of heightened activity in the industry, divers are being exposed to new safety and health risks. Primarily as a result of the nations' need to secure new energy and mineral resources, the diving industry has been the scene recently of rapid expansion on submerged coastal lands and those further off shore on the Outer Continental Shelf. During all phases of operations, divers play a critical role. Consequently, such operations are requiring dives which are deeper, more frequent, and of longer duration than ever before. These extremely deep diving operations will continue because of the locations of many of the new areas set aside for exploration and production. Because of operational complexities, it is necessary for such diving often to be done for long periods of time. There is a clear likelihood that this trend will extend into the foreseeable future. As a result of this heightened intensity divers are being subjected to greater stress and fatigue, which further increase the risk of hazards usually present and associated with diving, per se. This new activity also raises the opportunity for diver exposure to long term hazards such as adversely subtle physiological changes, and diseases such as osteonecrosis (NIOSH I, 2–1, 3–1, et seq.).

The development and increasing use of new diving technology and operational modes has caused a re-evaluation of previously known hazards, and has resulted in the emergence of new health hazards which have the capability of affecting the diver's health.

The nature of off-shore activity has brought about the use of relatively new diving techniques and operational equipment. Deep dives of longer duration and involving complex underwater tasks are utilizing with increasing frequency saturation or saturation-excursion mode diving in which divers work and live under a highly pressurized environment for prolonged periods of time. While this mode does offer distinct operational advantages, it nevertheless creates exposures to new hazards, and has caused a re-examination of known hazards. In the deeper diving modes, exotic mixtures of inert gases are required to maintain environmental balance and the life support of divers. A miscalculation in adjusting the breathing mixture could cause tragedy. Highly precise decompression protocols must be employed in order to safely remove the diver from his pressurized surroundings. Prolonged exposure under pressure has caused re-evaluation of existing decompression sickness etiology. High Pressure Nervous Syndrome is one of the likely occurrences if the proper precautions during compression are not taken. (NIOSH I, 12–1, et seq.) New concern has been raised with respect to emotional stress and chronic fatigue to long term confinement. (NIOSH I, 5–1, et seq.)

Further industry expansion is virtually certain, making it increasingly difficult for diving employers to secure either adequately trained personnel, or, apparently, the equipment necessary to do the newly required operations in a safe manner.

All available data indicates a clear trend toward the increasing need for commercial divers, especially those with deep sea experience. However, there exists only a limited number of personnel who are adequately trained to accomplish the complex and demanding tasks associated with off-shore operations. Because of the nature of these operations, increasing numbers of competent and experienced surface support personnel will also be needed. The record indicates that poorly trained and inexperienced persons are significant factors in diving accident causation (e.g. Tr. 151–54, 637–38). The lack of qualified persons, specifically trained for deep diving operations, is likely to cause an increased incidence of mortality and morbidity. This increased demand for deeper diving is likely to place some employers in a position where they will be unfamiliar with the newer operational modes, and unable to secure the proper equipment necessary to perform a particular operation in a safe manner. An absence of appropriate equipment or the presence of poorly maintained equipment will pose a definite hazard to affected workers.

The nature and scope of projected diving activity in the United States is analogous to that in other parts of the world, where there have been marked rises in fatalities, serious injuries and diving related illnesses.

The agency has taken note of the increase in accidents in international diving which has paralleled a rise in international diving activity similar to the increase in diving activity which is taking place in this country. As of January, 1976, at least 27 divers were reported to have been killed in the European North Sea operations over a four-year period, and almost half the number died in 1975 alone. This mortality rate is even more significant given the fact that the North Sea diver population is just over 1000, and has a fatality rate of 10 per 1000 for North Sea divers which represents a rate 220 times than that for factory workers (Tr. 117,256; Exhs. 44, 45; PHC 6, Reference N). Although not within the jurisdiction of OSHA regulations, many of the activities in these areas are conducted either directly by, or through affiliates of, American companies. In addition, many of the persons who dive in these foreign waters, are the same ones who dive in American waters.

Despite some differences in environment and climatic conditions, the foreign operations are in many respects similar to those being conducted here, or similar to those likely to be operated here in the near future (NIOSH I, xv–xvi).

For the reasons set out above, the Secretary concludes that the nature and intensity of the diving industry's recent activities have subjected, and are likely to continue to subject, divers to new hazards within the meaning of section 6(c)(1)(A) of the Act.

4. *The standard is necessary to protect divers from grave danger.* All aspects of the standard are necessary to protect divers from the grave dangers to which their occupation subjects them. These myriad hazards stem from the fact that once a diver descends into the water his safety, and ultimately his life, depend on the proper functioning of his equipment and the carrying out of safe practices. This system includes the competence, training and physical fitness of the diver; the competence and training of the diver's support personnel; the operating procedures used to assure that the diver is not unnecessarily exposed to unsafe situations; the equipment needed to protect the diver from the hostile undersea environment; and a means to monitor and record the time-pressure-gas mixture exposure. A failure in any of these elements exposes the diver to grave and potentially fatal dangers. Accordingly, to protect divers from these grave dangers the standard must, and does, ensure the adequacy of all these components.

The dangerous consequences of a failure of any of these components are described in detail later in this preamble as are the ways in which the standard responds to those hazards. A few examples are cited to illustrate that a diver is only as safe as the weakest link in this chain of components and that in order to protect divers from the grave dangers inherent in their occupation the standard must cover all of those links.

First, the standard has various requirements designed to ensure that all personnel, including divers and the support team, are adequately trained and competent to perform their assigned tasks. Such competence is vital to diver safety. For instance, an inadequately trained diver may, in a moment of panic, hold his breath during ascent from a dive (Tr. 198–200). Doing so, even during a relatively short ascent from shallow water will subject the diver to a possible gas embolism, a serious condition in which gas bubbles are forced into the bloodstream and can block bloodflow to the brain and other organs (Tr. 46; Exh. 6, 3–23, 8–9; NIOSH II, E–43). The standard addresses this danger by requiring employers to ensure that divers have a working knowledge of physiology as it applies to diving.

Second, the standard requires that divers be medically fit to dive. A person who, for example, is chronically unable to equalize sinus or middle ear pressure risks severe damage to those organs by subjecting himself to the increases in pressure inherent in diving (Exh. 6, 3–18–20). The standard prohibits a person with a chronic condition of this type from diving.

Third, the standard contains provisions to insure that safe operating procedures are employed. Without such procedures diver safety is impossible. For example, a diver engaged in a deep dive requiring long decompression time is isolated from surface assistance because he cannot ascend rapidly without suffering severe decompression sickness. If, therefore, he cuts himself badly or breaks a leg he may die from blood loss or shock before he can be safely brought to the surface (e.g. Tr. 592–3). To protect against this danger the standard requires the use of diving bells with standby divers for specified deep dives. The bell provides a safe refuge in which the injured diver can be treated.

Fourth, the standard requires that equipment and tools used in diving operations be appropriate and well maintained. A failure in almost any piece of the necessary equipment is potentially disastrous. For example, a malfunctioning air compressor which becomes overheated or pumps lubricating oil can introduce a level of carbon monoxide or oil mist in the respirable air that will affect the health or even imperil the life of the diver. The standard attempts to prevent such problems by requiring a prescribed level of respirable air purity fed to the diver.

As the preceding examples illustrate, a diver's safety from the grave dangers he faces on his job depends on safe practices, equipment, and levels of competence; and to protect divers the standard must cover each of those components.

5. *The standard can be readily implemented.* To assure compliance on an almost immediate basis (a 30-day delay in the effective date is provided to permit familiarization with the standard), only the most basic and minimum requirements necessary for assurance of safe and healthful working conditions, and other corollary rules necessary to assure that these requirements are properly maintained, have been included in the emergency temporary standard. Because of the unique and highly specialized nature of diving operations, OSHA obtained considerable technical advice from various members of the diving community including information regarding the capability of the industry to comply with the standard. Based on this information, the Assistant Secretary has concluded that the standard can be readily complied with. This conclusion that requirements of this emergency regulation can be readily implemented without significantly affecting the operations within the diving community as a whole is supported in part by the fact that much of the standard is based upon the ANSI Z–135 draft standard and the ADC Manual of Safe Diving Practices. This fact indicates that most of the requirements of the standard will be familiar to employers and that the types of requirements imposed by this ETS are considered generally feasible by the industry itself.

The basis for these findings and a fuller discussion of the hazards and the necessity for the standard are contained in the sections which follow.

Nature of the Diving Industry

According to a March 1975 census taken by NOAA, the commercial diving population in the United States numbers 2305. Commercial divers perform a variety of underwater tasks, and may be engaged in diving in any the country's coastal waters, the Outer Continental Shelf (OCS), throughout the Great Lakes region, and in many of the nation's rivers and inland lakes (Exh. 12).

As reported by the Undersea Medical Society, prior to about 1960 almost all commercial diving in the United States centered around harbor areas and inland waterways, and consisted mainly of construction, repair and salvage work. Until that time, except for scientific exploration and occasional salvage operations, the United States Navy did the bulk of the country's deep-sea diving. However, within the past decade and a half, in conjunction with this nation's quest for expansion of its share of the world's energy and mineral resources, new areas, mainly those located in coastal waters and other further off-shore areas have been opened for exploitation. Recent international

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political and economic circumstances have caused this trend to be accelerated (NIOSH I, A–1).

According to the U.S. Department of Interior's Bureau of Land Management, there are currently over 2,000 oil and gas producing facilities in the Gulf of Mexico, and an additional five off California's Santa Barbara channel (Tr. 17). NOAA places the present diver population in the Gulf of Mexico at 905 full-time and 450 part-time divers (Exh. 12, Table 2, p. 7). Several states, namely Alaska, California, Texas and Louisiana have recently proceeded to expand their off-shore leasing activities. In addition, the Federal government has initiated a program of leasing new sections of the Outer Continental Shelf (Tr. 14–31; Exhs. 23, 24). Sales have recently been made off the West Coast near Southern California, and sites along the mid-Atlantic Coast (Baltimore Canyon) and in the Gulf of Alaska are scheduled for leasing during 1976. Although water depths of the Baltimore Canyon area range from 130–500 feet seawater (FSW), the ocean floor in the area of the new Southern California leases is 650 FSW at its shallowest and in some places exceeds 2,400 FSW. Of the six most recent lease proposals, the water depth for potential oil and gas exploration exceeds 650 FSW. Deep water and temperature adversity is also forecast for the Alaska drilling areas.

While the majority of inland and harbor diving occurs at depths less than 100 FSW, the off-shore diver works with oil rigs which regularly require operations at depths reaching 380 FSW. It is not uncommon for dives to be required at 500–600 FSW. Exploration from mobile drilling units is beginning to take place in depths approaching and sometimes exceeding 1,000 FSW. More diving at these deeper depths can be anticipated.

The Department of Interior's provisional plan schedule anticipates that some 400 new platforms and up to 70 new underwater pipelines will be constructed in the near future. Paced by the rapidly expanding offshore petroleum and material extraction industry, the need for trained and experienced divers has and will become markedly increased. Divers are utilized in each of the three phases of this industry: exploration, development and production. During the initial exploration phase, each deep water rig utilizes between 5–10 divers, with the average using seven. One diving contractor has suggested that this expansion of off-shore activity alone will result, at a minimum, in the need for approximately 1,000 new divers (Tr. 151).

The configuration of the commercial diving industry is such that 90 percent of all off-shore operations are conducted by some 23 contractors who employ over half of the country's commercial divers. In addition, there are approximately 400 small and medium sized diving companies, whose work principally, but not exclusively, is confined to harbors and inland waterways. In much of the diving industry, the work is seasonal. All diving contractors, but especially the smaller ones, depend on part-time divers to fill temporary manpower needs.

With the projected increased demand for deep sea divers, concern has been raised as to the availability of adequately trained and experienced personnel to fill the existing and anticipated manpower void (see, e.g., Tr. 151–152). The previous training of divers being introduced into these operations, whether in the military, in shallow water diving, or in diving schools, is in many cases not well-suited to the more hazardous diving modes required.

Although, some diving contractors have developed an extensive training capability within their own organizations, most employers have not been able to do so. The result is that divers entering this field may not bring with them the necessary experience to be able to function safety. Similar factors may result in the entry into the field of new employers who do not possess sufficient relevant safety and health experience.

The diving industry, which is thus entering its most expansive stage of development, is in an area of employment devoid of mandatory occupational safety and health regulations, save for certain voluntary efforts by the industry itself. While the efforts, particularly as represented in the ADC diving manual, have had some measure of success and are to be complimented and encouraged, they do not have the force of law behind them, nor are they universally accepted. Efforts to establish a consensus standard have also not yet reached fruition. Thus, although diving is recognized by one of the nation's leading insurance carriers as an occupation with high-risk classification (Exh. 14), no enforceable set of national safety and health standards have, prior to this ETS, ever been established.

Work Practices and Hazards

Divers are called upon to utilize their skills in activities involving construction, repair, salvage, inspection, rescue and scientific exploration (see, e.g., Tr. 149).

The work environment of the driver is inherently a hostile one, posing a multiplicity of hazardous conditions. This situation with its inherent potentiality for high risk is being exacerbated by the increasing physical and mental demands resulting from the application of technological innovations.

Traditionally the diver has worked alone. Today, however, although many jobs still call for a single diver, a significantly growing number of assignments are requiring the use of diving teams employing backup and support specialists.

The diver must rely on an external life-support system while underwater, and must perform under a variety of highly specific performance constraints. These constraints include diminished sensory and perceptual capabilities, interference with cognitive processes and psychomotor skills, and reduced physical working capacity. Factors such as environmental, psychological, and/or physiological stress, inappropriate human engineering efforts, and inadequate selection and training further hamper the diver's efforts. The diver must make highly specific adaptations to his equipment, his environmental working conditions, the work strategies he uses to do the job, and the stresses which reduce his effectiveness (NIOSH I, 6–1).

In diving, several techniques and modes are available. These include self-contained (SCUBA), surface-supplied, bell, mixed-gas, and saturation diving. Their appropriateness for any particular situation depends on a number of factors, including the depth, time, and nature of the operation to be performed, as well as the experience and technical capabilities of the employer and his employees (see, e.g., Tr. 147; NIOSH I, 8–4, 5).

SCUBA diving, with the diver carrying his own air supply, is used primarily for inspections and search activities. Diver inwater mobility and quick operation setup are its principal assets. Breathing resistance, the diver's difficulty in physically orienting himself to the worksite, limited breathing gas supply and particularly the absence of clear voice communications with the surface limit the usefulness of SCUBA in commercial activities (e.g., NIOSH II, C–45–48).

Surface-supplied techniques, both helmet and mask, are commonly used throughout the diving industry (e.g., NIOSH II, C–48–52). This method involves providing the working diver with his breathing mixture, whether air or mixed gas, through a hose from a source located on the working platform surface. This is a reliable method of supplying the diver with life support and, because he is tethered to the surface, facilitates control over his activities below. The major safety limitation, however, involves the duration of inwater decompression; for while the diver is in the water undergoing decompression, he is continuously subjected to the temperatures, currents and other factors of the environment. A protracted stay induces fatigue and increases the likelihood of weather shifts which will affect surface operations (NIOSH II, C–6).

When a dive is particularly deep or lengthy, therefore, bell diving becomes appropriate (e.g., NIOSH II, C–52–55). An open bottom bell affords the diver environmental protection during decompression. Though it does not provide all the safety features of a closed transfer-under-pressure bell, it provides significant safety advantages when compared to the safety of a surface-supplied, inwater diver. Thus, with a bell the diver has a short umbilical, is always close to a sanctuary and can be decompressed in the safety of a deck chamber, and a dive can be readily aborted in the event of difficulty (NIOSH II, C–7).

Mixed-gas diving is carried out with mixtures of oxygen and inert gases such as helium, and/or nitrogen. This mode replaces air diving when the partial pressure of the oxygen and nitrogen in the compressed air pose the likelihood of

toxic effects. At present, mixed-gas diving is generally used from 150 to about 500 FSW. Generally, mixed-gas divers are hose-supplied and use semi-closed breathing. Diving may be done from bells or may be surface-supplied (Exh. 31, p. 2).

Mixed-gas diving can be divided into three categories: short duration, medium duration, and total saturation. Short duration profiles are used or minor repair, adjustment or inspection, and other typical diving support tasks. Working time is usually 15 to 30 minutes. This diving mode is characterized by relatively short decompression. Medium duration diving includes dives which generally last up to one hour or more, depending on depth, and may involve a long decompression time(NIOSH I, 2T–2).

The third category is total saturation diving, which is used in situations where the diver will be exposed to high pressures for long periods. For diving depths exceeding 400–500 FSW over two hours, saturation diving must be employed. The advantage of saturation diving is that once the body tissues become saturated at any given depth with all the inert gas they can absorb, the decompression penalty from this exposure remains the same regardless of the length of time endured at that ambient pressure (Exh. 31, p. 3).

Whatever the diving technique or mode used, the ability of diving and support teams to act effectively and safely is dependent upon the level of competence of each of its members. Ensuring that personnel meet the required qualifications and are in good physical condition is the responsibility of the employer, as no single aspect of diving safety is as important as the skill of the individual diver (see NIOSH II, B–1, et seq.). Improper actions by the diver can quickly lead to dangerous situations; panic in an emergency can mean death. The time between normality and emergency is often measured in seconds. The diver must be in excellent physical and emotional health to continuously and clearly perceive his own situation (NIOSH II, C–26).

In addition to well-trained personnel, sound operating procedures are necessary to ensure that diving operations are conducted in a safe and efficient manner (see NIOSH II, C–1 et. seq.). However, no single set of procedures can anticipate all operating situations. Sound judgment, an ability to recognize present or developing hazards, and maximum attention to personnel safety must continue to be the cornerstones of safe diving operations.

Underwater task assessment, determining what the diver must do to complete the job, is a basic element of effective planning (NIOSH II, C–2). Task assessment in diving is closely related to safety. If operations lack appropriate tools or materials for a given task, makeshift equipment or rigging which may endanger the diver may be used instead. Improper task evaluation may require an extension of bottom time, necessitating unplanned decompression or extending decompression time.

Environmental conditions often affect the choice of diving procedure and frequently determine whether diving can be carried out. Wave height and period, sea and air temperatures, weather conditions, underwater visibility and currents, and the nature of the bottom all have significant influence on diving safety. Although the exact conditions cannot be known until the operation begins, proper planning calls for attention to the selection of techniques and equipment which will yield maximum safety under anticipated conditions (NIOSH II, C–3).

Surface water conditions also govern whether diving may or may not be conducted safely. Surface water conditions can, within limits, be predicted and must be considered in planning the operation. Techniques and equipment can be selected to minimize hazards, if they are anticipated beforehand (NIOSH II, C–3).

Maintenance of diver warmth is a key step in planning. Anticipated temperatures must be evaluated, and appropriate passive or active thermal protection must be provided. High water temperatures can create situations which may expose the diver to heat prostration, while cold water operations cause rapid heat loss from the diver's body surface. This normally demands insulating suits of varying degrees of complexity, depending upon the thermal gradient. In deep diving when helium-oxygen is employed, heat loss is so great that it inhibits the body's ability to maintain normal body temperature. Such diving often requires suits equipped with supplementary heating (Exh. 6, 3–16, 17, 8–9; NIOSH II, C–3).

The type and quantity of equipment used is also critical to the conduct of a safe operation (NIOSH II, C–9; D–1, et seq.). All equipment used in diving operations must be in proper operating condition and thoroughly tested prior to use. The safety implications of equipment failure or misuse for the diver and possibly the surface crew are so severe that the greatest attention must be given to equipment condition (NIOSH II, C–28).

In addition to familiarity with his personal equipment, the diver must also be competent in using the tools he will employ and familiar with the tasks to be undertaken. This familiarity requires training and continuous practice to develop the required proficiency. The person in charge of the diving operation must ensure, before the dive is made, that the diver understands how the task is to be executed and its inherent dangers (NIOSH II, C–27). This is especially true because many of the work tasks performed by divers, such as cutting, welding, and using explosives, are themselves very hazardous.

It is important that the depth of the dive site be known with precision, by accurate measurement. Of even greater importance to safety is the continuous knowledge of the diver's depth on a real-time basis, because this will determine his decompression regimen (NIOSH II, C–10, 11).

An immediately available source of emergency breathing gas is a necessity in case a diver loses his primary supply. This reserve supply may take many forms, but proper administration of a diving operation requires that it be available to the working diver. In deep diving, methods of supplying additional gas to the diver to permit proper ascent in emergency situations must be carefully assessed. Diving bells, both open and closed, must be equipped with a reserve breathing gas supply. This will usually entail having a primary topside supply and a reserve cylinder supply on the bell for immediate switchover (NIOSH II, C–11, 12).

Communications of all forms are vital to safe diving. Whether to advise vessels in the area of the operation, summon emergency aid, or coordinate operations between the diver and the surface, good communications are essential and must be properly planned (NIOSH II, C–20).

Commercial divers work from a wide variety of surface platforms. These range from exploratory drilling ships and construction barges to offshore supply boats, tugs, bridges, tops of dams, and scaffoldings. A safe diving platform should be stable, secure, and have adequate working space. A proper platform is an important component of overall safety. For instance, the vessel should always be equipped with a diving platform, ladder, or stage for diver safety while entering and leaving the water. Also, all supplies, particularly compressed gas equipment, must be secured in a way which precludes their being dislodged by vessel motion. Emergency supplies that are stowed must be immediately accessible (NIOSH II, C–21–23).

Proper planning for emergencies and development of contingency plans is a requirement for all diving activities. Specific written instructions, which are understood and available to all members of the diving team, must be provided for all emergency situations (NIOSH II, C–23). Potential emergencies for which contingency planning is necessary include loss of voice communications, interruption of the surface gas supply, severance of the diver's umbilical (hose bundle), diver entanglement or entrapment, uncontrolled ascent to the surface (blowup), and an acute illness or injury to the diver while he is in the water (See, e.g., NIOSH II, C–49).

A standby diver is essential for most diving operations. His responsibility is to go to the aid of the working diver immediately. Dispatching the standby diver should not be delayed. At the first indication of working diver distress, the standby diver should be deployed. The order to reach the diver who needs help quickly (NIOSH II, C–23).

In an emergency many forms of outside aid may be required, and careful consideration must be given to this before the operation is undertaken. Necessary emergency information includes telephone numbers of recompression facilities, USCG, air transportation, closest hospital, and consulting physician trained in hyperbaric medicine. The remoteness of many diving sites places a

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premium on effective first aid treatment in medical emergencies. Diving operations require that reasonably comprehensive medical supplies and first aid treatment instructions be available. At least one person trained in first-aid must be at every dive site (NIOSH II, C-24).

Knowledge of recompression treatment is essential in diving operations, particularly those involving dives requiring stage decompression. Situations can range from simple joint pain to life-threatening central nervous system (CNS) involvement and gas embolism. This contingency must be properly planned for. Required equipment, including a decompression chamber on site, is necessary where there is extended stage decompression and clear emergency instructions must be provided for every diving operation (NIOSH II, C-24).

Fire is a potential danger on diving platforms, especially in pressurized chambers or wherever compressed oxygen is being used.

Special precautions, such as monitoring the oxygen level in decompression chambers and eliminating combustibles to the extent feasible, need to be taken to protect against fire. In addition, emergency fire fighting and evacuation plans must be incorporated into the emergency procedures planning on every dive site (NIOSH II, C-33).

The quantity and quality of a diver's breathing gas are of fundamental importance to the diver's safety. The quality of compressed air should always be considered, as oil, carbon monoxide and carbon dioxide can be significant contaminants. Compressors should be well maintained and have impurity-free intakes. All premixed gases, even when tagged for composition, should be checked onsite for oxygen content before use to avoid errors which could produce anoxia or oxygen toxicity at depth. Similarly, use of compressed air from compressors requires a knowledge of the type and condition of the compressor to assure oil and carbon-monoxide-free breathing gas (NIOSH II, C-28, 29).

Location of the compressor intake is important. The intake must be situated so that it cannot draw in exhaust fumes, regardless of shifts in the prevailing wind. Also, the compressor intake should not draw from the vicinity of exhaust from the ship's engines or other operating machinery (NIOSH II, C-30).

Breathing gas must be available in sufficient quantity and pressure to permit normal and emergency operations to be conducted. Sufficient reserves must be available for all anticipated emergency circumstances. Backup sources must be available in case the primary source is lost (NIOSH II, C-19).

Hoses are a diver's life line, and their integrity must be protected to assure safety. All hoses comprising the diver's life support which are exposed to potential damage as a result of falling objects, personnel, traffic, etc., must be protected. All breathing gas hoses should be oxygen cleaned so as to purge them of contaminants which could otherwise react with the oxygen under pressure in the breathing mixture (NIOSH II, C-30).

Live boating, the practice of supporting a tethered diver from a vessel underway, is a technique often used to inspect newly laid pipelines and in other situations requiring diver mobility over long distances. This useful procedure has certain inherent hazards which require special consideration.

The propellers of vessels used for live boating must be equipped with shrouds or similar devices which will prevent the tether/umbilical from becoming entangled in the propellers. Clear, audible voice communications must exist between the diver and tender at all times during the operation. Tending a diver engaged in live boating requires special techniques and the tender must be familiar with such techniques (NIOSH II, C-37).

In the water, particularly in case of limited visibility, a number of underwater jobsite hazards may be present. Fouling by debris, structures, new and old rigging, rocks, and numerous other items is not uncommon. If the diver is fouled and indicates panic or is unable to free himself, the person in charge of the diving operation must immediately dispatch the standby diver to follow the working diver's lifeline and assist in freeing him. In situations involving entry into confined areas such as wrecks, tunnels, sewer outfalls or other situations in which entrapment is possible, a second diver must tend the primary diver at the point of entry (NIOSH II, C-40-41).

Divers have been killed working in the vicinity of major inflow/outflow pipes, sluices, etc., in which extremely high local currents may be encountered. If such conditions are anticipated, the employer must take special precautions to protect the divers from these hazards (NIOSH II, C-41).

Physiological Hazards

Divers are particularly, and in some cases uniquely, susceptible to certain kinds of physiological hazards. The nature of the employment requires divers to be exposed constantly to a hostile environment. On any dive, he must adapt to such potentially harmful physical agents as pressure, breathing mixtures, and water in addition to thermal exposure. One pervasive variable is the element of depth. Increased depth means increased pressure, approximately 1 atmosphere (14.7 pounds per square inch) for every 33 feet of depth. While every increase in pressure does not necessarily create a proportionately greater risk of a diver's encountering a physiological hazard, some medical hazards are inherently pressure-related.

When a person is exposed to a hyperbaric environment, the elevated gas pressure that he must breathe causes an increase in the quantity of gas dissolved in his body. Subsequent ascent to a lesser environmental pressure can cause this gas to come out of solution, and this can produce, either directly or indirectly, a condition called decompression sickness. As discussed more fully below, decompression sickness may be manifested as rash, pain, paralysis or even death. It can be prevented by controlling the ascent of the diver in such a way that the pressure of the gases in solution never exceeds some critical pressure, which is related to the ambient pressure. The plan or procedure for the regulation of an ascent in order to prevent the formation or growth of bubbles is called a decompression schedule or table. Many factors go into the determination of decompression schedule and its effectiveness in returning a diver to the surface safely (NIOSH II, E-1).

Gases enter or leave body tissues depending on whether their partial pressure in arterial blood is greater or less than their partial pressure in the tissues. The rate at which gases are taken up or eliminated by any tissue depends on the partial pressure gradient between the blood and tissue, the respective solubilities of the gas in blood and the tissue, the rate of blood flow through the tissue, and the diffusion rate and path of the gas within the tissue (NIOSH II, E-2).

The deeper the diving depth, the greater the initial gradient for gas uptake and the greater the maximum amount of gas which can be taken up. The longer an exposure, the closer each tissue will come to reaching equilibrium with the arterial gas consumption. Once equilibrium between the gas being breathed and tissue has been reached, however, no additional gas will be taken up even if the exposure is extended in time. This condition is called saturation (NIOSH II, E-3).

Bubbles will form in biologic systems only if gas micronuclei are present. Doppler ultrasonic monitoring has shown that some bubbles always exist during decompression, even in the absence of symptoms of decompression sickness, and have been identified as causing disturbances in the linings of the blood vessels and in the blood itself, and as the cause of long term, subtle physiological effects to various organs of the body (Tr., 260, 695-702; NIOSH I, 3-1-25; NIOSH II, E-5).

Bubbles are directly involved in causing the symptoms of decompression sickness. The term decompression sickness is applied to any group of signs or symptoms which result from a reduction in ambient pressure. The symptoms manifest themselves in a number of different ways: a critical bubble volume which can block a blood vessel or bend a nerve ending beyond its pain-provoking threshold; a blood-bubble interaction which can cause various forms of hematological disorder, and various autoimmune responses; or bubble-tissue interactions leading to extravascular biochemical abnormalities. The major categories of acute decompression sickness are: (1) Limb bends and cutaneous manifestations; (2) audio-vestibular disorder; (3) spinal cord involvement; (4) brain center involvement; and (5) chokes (NIOSH I, 7-4).

The symptoms may vary from mild local pain or itching of the skin to collapse with unconsciousness and sudden death. Decompression sickness usually causes symptoms shortly after a dive or other pressure exposure, or before reaching the surface from deeper dives (Tr., 45-46, Exh. 27; Exh. 28; Exh. 6, 8-11, 12, 13; NIOSH II, E-40).

One of the common terms used for decompression sickness is "bends". The term bends is accurately used for decompression sickness with "pain only" symptoms. Bends affect joints, and are characterized by a deep, steady pain which is not relieved by movement or changing the position of the limb (NIOSH II, E-40, 41).

Another common type of decompression sickness has cutaneous manifestations, i.e., only the skin is involved. There may be itching or burning sensation, and blotching or mottling of the skin. This is a relatively mild form of decompression sickness which is seen somewhat less frequently than local pain (NIOSH II, E-41).

Central nervous system (CNS) decompression sickness may take a number of different forms, varying from localized numbness, to paralysis, to collapse with unconsciousneses. The following signs and symptoms may indicate CNS involvement: numbness, weakness, pain in the abdominal region, unconsciousness, shock, visual disturbances, nausea and vomiting, speech difficulty, dizziness and lack of balance, among other abnormal sensations. Any CNS involvement is considered a serious decompression sickness (NIOSH II, E-41).

Decompression sickness involving the audiovestibular system is seen more often during decompression from very deep dives. It may manifest itself as partial or total hearing loss or ringing of the ears—usually unilateral—or a sudden severe vertigo, dizziness and nausea (NIOSH II, E-41).

The word "chokes" is applied to a type of decompression sickness occurring when a diver experiences shortness of breath with coughing or wheezing, or may notice pain when taking a deep breath. The victim may suddenly lose consciousness and collapse NIOSH II, E-42).

As another result of exposure to a hyperbaric environment, divers as a class are subjected to an increased risk of sustaining skeletal damage. This condition, known as dysbaric osteonecrosis (also known as aseptic bone necrosis, avascular necrosis, or commonly as "bone rot"), is the result of gas absorption into and release from tissue which cause, in varying degrees, a deadening of the bone and marrow. Although the disease was initially recognized in 1911, it was not until 1941 that it was identified in divers, and only recently have its pathogenesis and etiology been significantly explored. In its earliest stages, dysbaric osteonecrosis appears as lesions in the shafts of the long bones. Increased risk of additional lesions are likely to occur with extended diving experience. If the lesion is situated near a joint, a structural failure may occur. Such failure will result in pain and limitation of movement, followed by the development of degenerative arthritis. A juxta-articular lesion can be a sufficient joint disorder to require that diving be discontinued for those found to have such a condition. While the use of physiologically tested decompression tables will not eliminate skeletal damage entirely, such tables are likely to reduce its incidence. Data suggests an extremely high incidence where there has been an absence of proper diving protocols. Studies also suggest several apparent predisposing factors, helpful in identifying those divers with the greatest susceptibility or highest risk of developing osteonecrosis. They include: (1) obesity, (2) age, (3) prior decompression sickness, and (4) number, depth, and duration of dives (Tr., 64-70, 86-98, 461-64; Ex. 2; Ex. 28; NIOSH I, 2-1-17; NIOSH II, E-42).

Other medical problems which are not true decompression sickness can occur as a result of reduction of ambient pressure. The most prominent of these is gas embolism, usually caused by overexpansion of the lung when a diver holds his breath while ascending. Gas thus forced into the bloodstream will continue to expand as the ascent continues. If any gas bubbles become too large to pass through the blood vessels, an obstruction or embolus will form and block the proper flow of blood. The bubbles of air forced into the bloodstream may be carried directly to the brain; they may lodge in the arteries or the spinal cord; or they may flow under the skin and collect around the heart or in the chest causing collapse of a lung. This condition can rapidly cause dramatic and very serious symptoms—weakness, disorientation, visual and hearing disturbances, vertigo, nausea, shock and unconsciousness (Tr. 46; Exh. 6-3-23, 8-9; NIOSH II, E-43).

Related problems arise due to gas being forced into other body spaces. Pneumothorax occurs if the membrane lining the outside of the lungs ruptures, causing gas to escape from the lung into the chest cavity and the lung to collapse. Another condition sometimes associated with decompression is mediastinal emphysema, which is the result of air being forced into the tissues around the heart and the major blood vessels. During decompression, the air trapped here may rapidly expand, causing circulation stress, pain, and shortness of breath (Exh. 6, 8-9, 10; NIOSH II, E-43).

Other pressure-related problems may arise as a diver descends in the water whenever the pressure in the natural air passages of the body (lungs, ear and sinuses, teeth, and intestines), or in certain items of equipment which put an air space next to the diver's body or face, cannot be equalized due to blockages which trap air in the passages. This situation is known as barotrauma (or a "squeeze") and can be painful. If the pressure imbalance is great enough, it can result in ruptured blood vessels or other tissue damage (Exh. 6, 3-18-20).

Barotrauma can affect the middle ear, external ear, teeth, lungs, intestines, face, or whole body (Exh. 6, 8-7). The most frequently occuring otologic problem associated with diving is aural barotrauma, resulting from a pressure differential between the middle ear and external environment. During ascent or descent, alternobaric vertigo may occur as a result of unequal middle ear pressure equalization. An upsurge in persistent and permanent cochlear and vestibular injuries associated with various phase of diving have also been reported. One type has involved several cases of round window fistulas in which severe neurosensory hearing loss and tinnitus have been experienced. A second type of inner ear injury has been traced to exposure to extended deep dives in which breathing mixture composition changes were involved (NIOSH I, 1-3-8).

With the recent advent of more frequent and deeper exposures, such as occur in saturation diving, in combination with the use of different inert gases, increased instances of ear squeezes involving auditory and vestibular dysfunction have occurred resulting in vertigo and hearing loss. Divers cannot perform sophisticated underwater operations if their auditory-communication and vestibular-orientation systems are malfunctioning. In the diving environment, the otolithic system which conveys information about linear motion and direction of gravity may become distorted causing critical confusion as to upward and downward directions (NIOSH I, 1-1).

A further compression-related physiological hazard is the High Pressure Nervous Syndrome (HPNS). This is a condition due to too much compression at depths greater than 500 feet causing changes in the electrical activity of the brain, tremors, fatigue, nausea, and dizziness. Its onset makes effective work difficult at these depths and may set the limit for man in deep diving. It indicates the need for compression profiles or tables at the depths where High Pressure Nervous Syndrome has been observed (Tr. 263-4; NIOSH J, 1-5, 12-1 et seq.).

In addition to the hazards caused, directly or indirectly, by the high pressure to which a diver is exposed, he is also exposed to a number of hazards which are associated with his breathing mixture.

The fact that a diver breathes a compressed mixture, whether air or a mixture of gases (O_2-N, O_2-He, or O_2N-He, usually) below approximately 190 feet, and is dependent upon special equipment (the compressor and gas cylinders, helmet or mask, and hose) to bring the breathing mixture to him, poses certain physical risks for him. The diver's life is directly dependent upon the quantity and quality of his breathing mixtures. Any deviation from prescribed procedures can result in a number of serious respiratory problems. In very deep diving, the margin of error is very narrow. When one is dealing with a special mix, a change of a quarter of one percent of oxygen in the

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mix may be the difference between death by asphyxiation or survival. Because of the particular nature of the underwater environment, any problem with the breathing mixture is potentially very grave (Tr. 38–39, 46; Ex. 6–8–5).

While underwater, a diver must breathe air or other gases at the pressure of the water surrounding him. Oxygen must be in all breathing mixtures, but it becomes toxic when the partial pressure in the mixture exceeds certain limits and must therefore be diluted with an inert gas. Nitrogen is an appropriate diluent for shallow dives, and helium has proved adequate for deeper dives. However, alternatives do exist. Neon and hydrogen are the most likely alternatives to helium and nitrogen. Several factors influence their respective usages including cost, availability, storage, efficiency and physiological side effects. Nitrogen could be used safely at depths in the range of less than 150–200 FSW. At 150 FSW most divers experience the beginnings of nitrogen narcosis, which can cause enough deterioration in memory and mental capacity to be an operational problem, and impair judgment enough to be a serious safety factor. In addition, nitrogen is highly soluble in body fluids, making it difficult to remove safely during decompression. Furthermore, its density makes it difficult to breathe at increased pressures. Helium on the other hand is light, easy to breathe, has a low solubility and is not narcotic. However, it does have three drawbacks especially as depths approach those of the outer continental shelf: distortion of voice communication (at 400–600 FSW); considerable heat loss as a result of its high thermal conductivity; and a tendency to produce hyperexcitability of the nervous system in conjunction with rapid decompression (HPNS). Safe alternative practices are available such as nitrogen saturation, excursion dives from shallow habitats, helium adjustment, employing speech unscramblers, adding a heat capability to equipment, slowing the rate of compression, or using trimex (helium, oxygen and nitrogen). Neon has successfully been substituted for helium under controlled conditions for dives as deep as 640 FSW; and hydrogen may be used after taking proper precautions with respect to flammability and explosive hazards. Another practice involves multigas mixtures and gas sequencing. Several benefits accrue from this practice: reduced costs, improved decompression, reduced chilling, improved voice communication, and lessening of the effects of HPNS. However, the practice is also suspected under certain conditions of producing vestibular decompression, skin lesions and itching (NIOSH I, 8–1 et seq.).

The characteristic dangers of breathing under water are: oxygen deficiency, oxygen poisoning, nitrogen narcosis, and chemical irritants. The following disorders all result in a shortage of oxygen reaching the cells for normal metabolism.

(1) *Hypoxia*, which is any situation in which the tissue cells fail to receive or utilize enough oxygen due to a loss or inadequacy of the air supply. It can be caused by a number of factors, including lack of adequate oxygen in the breathing mixture. Depending on the severity of the condition, symptoms include drowsiness, inability to think clearly, lack of fine-muscle control, discomfort, rapid breathing, and unconsciousness (Ex. 6, 3–14, 8–6).

(2) *Carbon dioxide poisoning (hypercapnia)*, which is a build-up of carbon dioxide in the breathing supply or in the body as a result of inadequate ventilation; failure of carbon dioxide removal equipment (as in a closed or semiclosed SCUBA); increased carbon dioxide production during work or while under stress; controlled or "skip" breathing; excessive dead space in the equipment; or contamination of the breathing mixture with carbon monoxide. The most common source of hypercapnia is the diver's own metabolic processes, and the most common cause is the failure to properly ventilate the breathing apparatus. The symptoms include confusion, inability to think clearly, unconsciousness and convulsions. Breathing an excess of carbon dioxide may increase the possibility of decompression sickness, and will speed the onset of oxygen poisoning (Ex. 6, 3–15; NIOSH I, 9–3).

(3) *Asphyxia*, which is simultaneous hypoxia and hypercapnia. Hypoxia and hypercapnia do not always occur together; however, when hypoxia becomes severe enough to halt breathing, carbon dioxide rapidly builds up in the body resulting in asphyxia (Ex. 6, 3-15).

(4) *Carbon monoxide poisoning*, which is caused by induction of exhaust fumes into the air supply compressor. Carbon monoxide is highly toxic because it combines with hemoglobin 200 times more readily than does oxygen, displacing large quantities of oxygen and rapidly bringing about hypoxia. The symptoms are almost identical with those of hypoxia (Ex. 6, 3–16; NIOSH, 9–10).

An excess of oxygen can be a problem as well as the lack thereof. Partial pressures of oxygen in excess of that encountered at normal atmospheric conditions may be toxic to the body, depending on both the partial pressure and the exposure time. From approximately 0.6 to 1.6 atm O_2, with exposure times varying from days to hours, lung toxicity may occur which is first manifested as lung irritation and can lead to lung tissue damage if the exposure is continued. Above partial pressures of 1.6 atm O_2, central nervous system oxygen toxicity occurs. Established depth and bottom time limits normally preclude the possibility of the development of inwater oxygen toxicity in air diving. It may be encountered while administering 100% oxygen during surface decompression procedures or recompression treatment if the diver is not constantly monitored inside the chamber for the related symptoms of oxygen toxicity. It is also a potential problem for divers breathing mixed gas below approximately 190 feet. The symptoms most often encountered, in the approximate order of their likelihood of appearance, are muscular twitching, nausea, dizziness, tunnel vision, abnormal hearing, breathing difficulty, anxiety and confusion, unusual fatigue, incoordination, and convulsions (Ex. 6, 3–20, 8–6; NIOSH I, 9–2; 10–3–5; NIOSH II, E–7–9).

Similarly, an excess of nitrogen can produce toxic effects. High partial pressures of nitrogen in the breathing mixture produce nitrogen narcosis. There is a wide variance in susceptibility to it among individuals, but its symptoms can begin to be experienced below 100 feet and are particularly prevalent below 150 feet in air diving. The narcosis is characterized by a slowing of mental activity, fixation of ideas, slowing of reaction time and a general euphoria. The greatest hazard of nitrogen narcosis is that it may cause the diver to disregard the job or particularly his personal safety (Ex. 6, 3–20, 8–6; NIOSH I 8–7, 9–8, 9).

The presence of irritating chemicals contaminating the breathing mixture can result in pulmonary edema. For instance, oxides of nitrogen from diesel engine exhaust can cause serious lung damage; likewise, oil from a compressor can cause a serious problem if it gets into the breathing mixture (Tr. 47, 596–600; Ex. 48; Ex. 6, 8–6; NIOSH I, 9–10–13).

Finally, there are hazards associated with the water itself as a work environment. Drowning is a risk faced by anyone who goes into the water. A diver, like a swimmer, can fall victim to overexertion, panic, inability to cope with rough water, or the effects of cold water or heat loss. Divers wearing lightweight or SCUBA gear can drown if they lose or ditch their mask or mouthpiece. This could be the direct result of failure of the air supply, or of panic in a hazardous situation. Drowning with deep-sea gear is rare. It can happen, however, if the helmet is not properly secured and comes off, or if the diver is trapped in a head-down position with the spit cock open, his chin pressing on the chin button, or his suit torn. According to the U.S. Navy Diving Manual, the prevention of drowning is best achieved by the establishment of safe diving practices and the careful selection of diving personnel (Ex. 6, 8–7).

A diver is often called upon to perform difficult work tasks under extreme circumstances. Much of the work involves heavy construction in deep water, work which often involves the manipulation of large and heavy objects at depths and in diving conditions which are bordering on the limits of technology. The normal hazards of such work are compounded by the fact that the diver is working on a vessel or in the sea, dressed in cumbersome gear, limited in his mobility and visibility, and sometimes restricted to a confined space. The risk of serious trauma is therefore always present, and injuires, such as severe crushing, amputation, head injuries, compound fractures and burns must be anticipated and protected against.

Chronic fatigue and deterioration has also been identified as a particular problem for divers working under stress in the saturation mode, where they may

be under pressure for twenty or more days (Tr. 36).

Additionally, any medical emergency, such as appendicitis or heart attack, becomes most serious when it occurs to a diver when in the water under pressure, particularly to those in a saturation mode where the decompression from the pressures experienced at saturation may take as long as a week. There is accordingly a need for careful planning concerning how to respond to such emergencies.

Summary and Explanation of the Standard

The standard is divided into five substantive portions: General; Personnel Requirements; Operational Procedures; Diving Equipment and Systems; and Recordkeeping Requirements. Thus, to a considerable extent, it follows the format established by the ANSI Z–135 draft and the ADC Manual.

A. General

The standard applies to diving and related operations and activities associated with all employments covered by the Act including general industry, construction, maritime, shipbuilding, shipbreaking, ship repairing, and longshoring. Included in this coverage is diving engaged in for educational, scientific and research purposes, as well as diving engaged in by underwater instructors. Of course, diving by persons engaged in recreational or sport diving or other diving not in an employment context are beyond the jurisdiction of the Act. In addition, agencies of the United States, individual states and their political subdivisions, including state educational institutions, are not included in the definition of "employer" under section 3(5) of the Act and therefore are not subject to OSHA jurisdiction.

The standard does not apply insofar as another Federal agency exercises statutory authority to prescribe or enforce regulations affecting occupational safety and health.

Accordingly, the standard applies to every place of employment within OSHA territorial jurisdiction where diving operations are carried out. That is, it applies to all work operations carried out for an employer in which a type of diving such as SCUBA, surface-supplied, mixed gas, bell or saturation diving is performed.

While an issue was raised at the hearing as to the appropriateness of including scientific and educational divers and underwater instructors in such a standard, the Assistant Secretary concluded that, despite certain differences in operational techniques and modes among the various classes of divers, the commonality of the underwater environment and attendant similarity of work-related hazards called for uniform treatment and inclusion for purposes of the ETS. For example, requirements for medical examinations, training, and emergency procedures are deemed essential to safe work practices regardless of the nature of the employer's operations.

Although the scope of this standard is broad, covering every diving operation, the specific provisions of the proposed standard that will apply to any particular employer depend in certain respects upon the nature of the diving operation that is planned. Thus, for instance, certain requirements are limited to stage decompression diving only. Others apply only to SCUBA diving, and so on. In that way, the standard avoids placing unnecessary requirements on employers where they are inappropriate in view of the nature of their operations.

Pursuant to the statutory framework, the responsibility for compliance with the requirements of the ETS is placed upon the affected employers. In general, employers engaged in diving operations are required to do the following:

(a) Employ competent employees;

(b) Have and maintain a safe practices manual;

(c) Follow safe and healthful work procedures;

(d) Use appropriate tools, equipment, and systems; and

(e) Record and report job-related fatalities and serious illnesses, injuries, and accidents.

Each of these general responsibilities is elaborated upon in the substantive sections of the standard.

B. Personnel Requirements

OSHA believes that the safety and health of divers depend in large part upon their own competence and physical fitness. The standard place the responsibility on the employer to assure that his divers and surface support personnel are both competent and physically fit to perform their assigned tasks in a safe and healthful manner.

The concept of competence within the meaning of the standard includes proficiency with every aspect of a task to which a diver is assigned, to be acquired through appropriate training or equivalent experience, so that it may be performed safely. Where an employee lacks such competence in any necessary area, the employer must require the employee to take appropriate training, or he must assign another employee who possesses the necessary competence.

An essential element of employee competence for a diver is the diver's ability to meet the required physical qualifications of the standard. These basic physical qualifications must be determined on the basis of a physical examination (with a re-examination required after certain prescribed injuries or illnesses). To that end, the standard requires every employer to make available at his cost the services of a licensed physician to perform medical examinations designed to ascertain the employee's fitness to perform his assigned tasks.

The standard provides a table of tests to be administered by the examining physician at the initial examination (Table I), dependent in part on the nature of the diving engaged in. At the same time, there is a provision whereby a physician can utilize alternative medical tests or procedures if he can demonstrate that they are at least equally effective in establishing the diver's medical qualifications. Morever, certain physical conditions which are deemed totally inconsistent with safe and healthful diving are designated as disqualifying conditions.

While the responsibility necessarily lies with the employer to determine whether an employee is likely materially to impair his health by continued diving and therefore should be withdrawn or appropriately limited in his diving activities, he must make this determination on the basis of the examining physician's written report to him. The standard prescribes that the examining physician's written report indicate the results of the tests given in the medical examination as well as offer an opinion as to the effects of diving on various of the diver's vital systems, i.e., pulmonary, muscular, cardiac, skeletal, and nervous systems; on the ability of his gas-containing organs for effective external communications; and on the likelihood of aggravating existing evidence of bone necrosis. The physician must also offer an opinion as to the existence of any of the enumerated disqualifying conditions and recommend any limitations upon the employee's activities as a diver.

This physician's report, which must not include information extraneous to the employee's physical qualifications as a diver, must be given to the employer with a copy provided to the employee. The employee also has the right to examine any other materials in his medical record and may request the transfer of his record or a copy thereof to another physician or employer.

The employer is required to keep the physician's written reports and a copy of the information he provided the physician as the medical record of each affected employee for at least five years.

C. Operations Procedures

The operations procedures sections of the standard establish basic procedures which must be followed when engaging in diving operations. A large portion of the emphasis within the applicable sections is placed upon proper planning and effective communication between the employer and his employees of the procedures to be followed in carrying out a particular diving operation. They also set forth certain requirements which must be included within a planned diving operation depending on the type of diving operation that is being carried out. These are intended to be minimum requirements of general applicability and no inference should be drawn that items omitted from this standard, which in particular situations are necessary for safe and healthful diving operations, need not be followed. As elsewhere, the responsibility for assuring that these operational requirements are met is placed upon the employer.

The first requirement which an employer must meet is to develop, maintain,

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and comply with a safe practices manual. It is expected that this manual, which is to be made available to each employee, will comprehensively present the safety and health practices required in the areas of work assignments, operations to be followed, and equipment to be used, for each type of diving operation that an employer engages in. It must also include a description of the procedures to be followed in the case of certain specified emergencies.

This manual must include at a minimum the requirements of this standard, and, in addition, must indicate whatever other safe practices the employer requires in the carrying out of particular diving operations. These too should be equally directed, as the requirements of this standard, towards ensuring the safety and health of the employees. Existing manuals may be used to meet this requirement of maintaining a safe practices manual to the extent that they meet the specific provisions of the standard and to the extent that they are actually followed in the carrying out of an employer's diving operations.

The standard anticipates that the safe practices manual will not be sufficient for all occasions. It therefore provides that, prior to commencing a diving operation, the employees must be instructed in the details of the dive to be performed. For situations not included in the manual, instructions must be given to the affected employees in how to conduct the operation safely. Although circumstances may not always make it feasible to provide these instructions in writing, this must be done whenever there is sufficient time to do so.

Employees should be familiar with the requirements of both the manual and any operational diving plan which affects them. Immediately before any operation, the employer must ensure that the diver inspects his personal equipment and tools. Similarly, the employer and affected employees must consult together whenever there are hazardous activities or conditions in the vicinity which would threaten the safety of the operation or the health of the employees so that the employer may decide whether to suspend the operation temporarily. In any event, the employer must not require a diver to dive against his will.

Prior to the commencement of any diving operations, several requirements must be met. A list of available sources of emergency aid, equipment and professional assistance, and instructions for establishing contact with them in case of emergency, must be available at the worksite as well as at any field operations office or principal place of business. Two-way communications necessary to the requisition of such emergency aid must be available or accessible to the worksite.

There must also be first-aid supplies at the worksite, and at least one employee on site must be trained in first-aid.

Two of the most important general operational requirements involve the use of decompression chambers and decompression protocols. The standard requires that a decompression chamber be present at the worksite for all dives requiring stage decompression in excess of 30 minutes. One of the most difficult, and hence hazardous, periods for a diver is the required time spent for physiological adjustment as a result of exposure to water pressures. During this decompression or recompression period the diver's body is subjected to extremely stressful conditions which are capable of producing a variety of diseases or illnesses. Several factors increase the risk of danger: the deeper the dive (i.e., the greater the water pressure), the more exotic the breathing mixture; the longer the bottom time (duration of the dive), the more severe the exposure; and the increased frequency (repeated number) of dives over a short period, the lessening of the diver's ability to tolerate pressure exposure. All of these components prolong the period needed for decompression, and the longer the decompression period the greater the likelihood of a hazard-inducing occurrence.

When the decompression period takes placed in the water (at staged depth intervals) the serious risks attendant to decompression, per se, are heightened because of the potential trauma and uncertainty associated with prolonged underwater exposure. Isolation and inability to render immediate medical treatment aggravates the diver's already high risk situation. To lessen these risks, the standard requires the presence of a decompression chamber for dives in which stage decompression in excess of 30 minutes is involved. These chambers provide a controlled environment for physiological adjustments to the decompression process. They remove the diver from underwater exposure hazards, and allow immediate accessibility in the event of medical or other exigency. They can be used in an emergency as a hyperbaric treatment facility, including for the recompression of divers who exhibit symptoms of decompression sickness.

Although the presence of an onsite decompression chamber is optimally desirable whenever stage decompression is required, the evidence suggests that the highest risk of decompression-related hazards occurs when prolonged periods of decompression are anticipated. These usually occur at the deeper depths where the likelihood of remoteness and isolation are great.

Most shallow water diving occurs in inland waters and harbor areas. Inasmuch as the transportation and medical facilities are often in proximity of shallow diving operation sites, the standard allows dives with decompression times of less than 30 minutes to be performed without the presence of an onsite decompression chamber. This would permit dives of relatively long duration at shallow depths, and some deeper dives with short bottom times using only in-water decompression procedures.

Of course, any employer who plans stage decompression dives, whether or not in excess of 30 minutes decompression time, must include the location of a decompression chamber and medical facilities in the list of emergency aid to be available at the dive site. In the event of a medical or other emergency a diver could thus be transported and treated promptly at a nearby medical facility.

With respect to decompression protocols, including tables, the standard requires that appropriate tables devised in accordance with tested physiological criteria be available at the dive site and adhered to. In so requiring that decompression tables and schedules be devised in accordance with tested physiological criteria, the standard embodies, in general terms, the current state of the art (See, generally, NIOSH I, 2T–1 et seq.). Adherence to tables devised in accordance with sound physiological principles is likely to produce a minimum of adverse symptoms while undergoing the necessary decompression or recompression so essential to the well-being of the diver.

Because of the many variables involved and the extensive theoretical and experimental research that is still needed, adoption of a single set of tables (e.g., those of the U.S. Navy) was deemed inappropriate for inclusion within an OSHA standard at this time. Furthermore, evidence in the record suggested the inherent inapplicability of military diving tables for commercial purposes (e.g., Tr., 169–70, 457). As more information and research data on diving tables becomes available, OSHA anticipates that a more sophisticated and detailed protocol will be developed for incorporation into a subsequent diving standard.

Other general operational requirements include the following:

(1) Inspection of tools, equipment, and systems to ensure that they are in proper working condition prior to and throughout an operation;

(2) A safe means of entering and leaving the water;

(3) Special precautions for adverse thermal exposures;

(4) A standby diver ready to reach a diver within five (5) minutes for all dives below 100 FSW, or which are unusually hazardous; and at the point of entry of any restricted area in which a diver is working;

(5) Special precautions when diving near underwater suction hazards;

(6) The use of specified warning signals;

(7) A reserve breathing gas supply sufficient for life support until the diver can safely be returned to a refuge or the surface whenever a dive involves stage decompression;

(8) An operable, two-way audio communication system between the diver and the surface (tender); and

(9) A sharp knife to be carried on every dive.

Each of these general operational requirements is necessary to protect employees engaged in diving from the grave danger to which they are exposed.

There is one other requirement relating to general operations procedures. The employer is obligated to record certain information pertaining to each diving exposure to which a diver is subjected. This record includes such vital information as depth, bottom time, and decompression schedule used. This record is considered essential to the safety of diving operations in that it acts as a check upon departures from the dive plan and provides a body of data which allows for the pinpointing of problems which may have arisen in the course of the operation and on the basis of which improvements can be made in future operations. A separate record must be made for each diver with a unique exposure. Such records must be kept for five (5) years.

In addition to the general operations procedures, the standard requires certain procedures considered necessary for inclusion in an ETS, which are specific to different modes and types of diving. These practices concern self-contained diving, surface-supplied diving, saturation diving, mixed-gas diving, bell diving, and live-boating respectively.

For self-contained diving (SCUBA), the standard allows for the use of a buddy diver or a safety line operated with pull signals in lieu of the general two-way audio communications requirement between the diver and the surface. It requires that the planned time, including decompression time, of a SCUBA dive not exceed the air supply duration of the cylinders (disregarding the emergency supply). Moreover, it requires that the cylinder pressure be determined immediately before each dive.

For surface-supplied diving, the standard requires the employer to assign a sufficient number of employees to ensure the diver's safety and health and to make possible effective response in case of emergency. Also, it establishes that the depth of each dive be determined prior to its commencement.

For saturation diving, the basic specific requirement is that the employer develop and include in the safe practices manual an evacuation plan to be put into effect in case it should become necessary to rescue or retrieve a manned HOPV in an emergency.

In regard to mixed-gas diving, the standard sets the basic requirement that the breathing mixture be composed of a physiologically appropriate mixture of gases, taking into account the depth and duration of the dive. Specifically, it sets a limit of 220 FSW as the depth below which air shall not be used as the breathing mixture, and it provides that the use of air between 190 FSW and 220 FSW be limited to dives not exceeding 10 minutes in bottom time. This is in recognition of the fact that air dives have been conducted safely in such operations as pipeline laying down to 220 FSW under that time limitation, notwithstanding the fact that 190 FSW has long been recognized in the U.S. Navy Air Tables and elsewhere as the outer safety limit for longer duration air diving.

For bell diving, a minimum of two divers must be used for all dives involving a closed bell. The standard requires that either a closed or open bell must be used whenever a dive exceeds 220 FSW or 120 minutes decompression time. Below 300 FSW, only a closed bell must be used. These limits were chosen because of evidence in the record that bells are advisable when there is mixed gas diving and that the absence of bells in circumstances where this standard would require their use have unnecessarily placed divers in peril with sometimes tragic results (Tr. 316, 544, 546, 550–53, 591–92, 595–96; 617; Exh. 47). Compliance with the bell requirements are deemed essential to diver safety.

The purpose of this requirement is to provide a place of refuge for a diver whose work takes him to severe depths or requires a lengthy decompression and to allow for the raising of a diver in trouble to the surface under pressure. A wide range of bells, from relatively simple underwater shelters to highly sophisticated habitat-type systems, exist which satisfy this requirement.

The standard also concerns itself with potential bell diving emergencies by requiring the availability of adequate means of rescuing a bell in distress. A standby diver must be on site to attend a distressed bell at the surface.

Finally, for liveboating, there is a requirement that a protective device be installed around the propeller while the boat is underway; that divers engaged in live-boating operations carry a reserve breathing gas supply (bailout bottles) with them; and that a standby diver be available for all such operations.

Diving Equipment and Systems

In the sections concerning diving equipment and systems, the standard establishes certain basic hardware requirements which are deemed essential to diver safety and health. It also provides for the periodic testing of certain equipment, and the recording of the results of such testing, to ensure that the equipment remains in proper working order throughout the diving operations. As elsewhere, the employer is responsible for ensuring that the requirements of these sections are met.

Specifically, the equipment and systems covered are:

1. Helmets and masks;
2. Dry suits;
3. Gas supply hoses;
4. Air compressors and systems for respirable air;
5. Human occupancy pressure vessels (HOPV's);
6. Depth gauges; and
7. Compressed gas equipment.

Helmets and masks (other than oral-nasal) must be capable of ventilating at least 4.5 cubic feet per minute (cfm) when supplied at the manufacturer's recommended pressure. They must be equipped with a two-way audio-communication system (unless used for SCUBA). Surface-supplied masks and helmets must have non-return valves. When appropriate, the material they are made out of must be resistant to salt-water corrosion.

Dry suits (or similar buoyancy changing equipment) must be equipped with exhaust valves to minimize the possibility of blowup.

Gas supply hoses must be rated for a bursting pressure at least 4 times greater than maximum working pressure, and a working pressure no less than the maximum pressure exposure plus 100 pounds per square inch (psi). They must be marked at prescribed intervals, kink resistant, and capable of the required flow rates for the system used. They must be tested at least annually to twice the maximum working pressure. Hose fittings must be salt-water resistant, where appropriate, and of a kind that cannot be accidently disengaged. When not in use, the hoses must be protected from the possibility of foreign matter entering into them. When necessary, they should also be cleaned so as to remove contaminants which could otherwise react with oxygen under pressure. The hoses and fittings used in oxygen service must be tagged or otherwise marked for identification.

Volume tanks used in compressed air systems must comply with the American Society of Mechanical Engineers (ASME) Code for Boiler and Pressure Vessels, Section VIII, Unfired Pressure Vessels, and, where applicable, must be approved by the Coast Guard. In addition, they must be equipped with a check valve on their inlet side, a pressure gauge, and a relief valve so as to prevent excessive pressure buildup. All air compressor intakes must be located in an area free of contamination or piped externally to a contamination-free area. The standard also establishes certain air purity requirements for respirable air to the diver.

Similarly, all HOPV's must conform to the requirements of the same ASME Code, and, where applicable, satisfy Coast Guard approval procedures. Hard piping systems, fittings and tubings carrying pure, high pressure oxygen must be of corrosion resistant metals. HOPV internal oxygen outlets must have nonreturn or shut-off valves. Shut-off valves used in oxygen systems above 125 psi must be slow-opening. A means must be provided to prevent the oxygen concentration from rising above 25 percent of the atmospheric content, and the possibility of continuous monitoring of the oxygen concentrations while the HOPV is in use must be established. Combustibles must be eliminated to the extent feasible through proper design and outfitting. There must be the possibility of maintaining continuous visual observation of persons in the HOPV from the exterior. An anti-suction device must be installed inside the HOPV on the exhaust outlet. There must also be two-way audio-communication while the HOPV is in use.

Depth gauges must be deadweight tested or calibrated against a master-reference at least every six months; and cards or labels to that affect must be attached to the gauges. The depth gauges must be installed so as to allow a system check of their accuracy.

Compressed gas equipment, such as cylinders, must be stored in a well ven-

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tilated area and protected from heat or falling. They must have protection caps over the necks and valves when not in use. Oxygen systems must employ oxygen compatible pressure regulators to control flow.

To keep track of his equipment and its testing, the employer is required to maintain an equipment log. The log must contain information concerning the testing of gas supply hoses and fittings, the procedures followed in the oxygen cleaning of hoses, the maintenance and repairs to the air compressor and air system, and the testing and calibration of gauges. Entries into the log must identify the equipment or part, the nature of the work, the date of the work, and the person performing the work. This log must be kept at least five (5) years.

RECORDKEEPING REQUIREMENTS

Employers engaged in diving, like all employers, must comply with the basic OSHA requirements for the recording and reporting of occupational injuries and illnesses which are contained in 29 CFR Part 1904. In addition to the reporting of all occupationally related fatalities and of hospitalizations of five or more employees, which is required by that regulation, the diving standard requires employers to report to OSHA all occurrences necessitating a medical reexamination under the standard, i.e., all decompression sicknesses with vestibular or central nervous system dysfunction, and all illnesses or injuries requiring hospitalization of 72 hours or more, or requiring medical treatment by an attending physician for five or more days.

Finally, any manual, written instruction, record, or log required to be kept by the standard must be made available for inspection and copying to an authorized representative of OSHA upon request.

INFLATION AND ENVIRONMENTAL IMPACT

Pursuant to section 5(b)(8) of Secretary's Order 15–75 (40 FR 227, November 24, 1975), which pertains to standards issued under section 6(c) of the Act, notice is hereby given that an inflation impact analysis will be prepared and made available prior to the promulgation of any permanent standard resulting from this Emergency Temporary Standard.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued thereunder (29 CFR Part 1999) require that Federal agencies assess their proposed major actions to determine whether a significant impact on the quality of the human environment may result, and if necessary to prepare an environmental impact statement. It has been determined that, at this point, the issuance of this occupational safety and health standard is not a major Federal action significantly affecting the quality of human environment, and that an environmental impact statement is therefore not necessary.

PUBLIC PARTICIPATION

This emergency temporary standard shall serve as a proposed rule in the rulemaking proceeding being commenced under section 6(b) of the Act. Additional proposals concerning this matter will soon be published. At the time of such publication, all interested persons will be invited to submit written data, views and arguments concerning this standard and the additional proposals, including comments on inflationary and environmental impacts. Interested persons will also be invited to file objections and to request a hearing on the proposals.

Anyone wishing to comment at this time may do so by submitting such comments in quadruplicate to the Docket Officer, Docket No. H–103, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3620, 3rd and Constitution Avenue, NW., Washington, D.C. 20210 (telephone: 202/523–8076). All comments will be available for public inspection and copying at the above address, will be part of the record of this proceeding, and will not have to be resubmitted at a later date.

LIST OF REFERENCES

A. Transcript of Informal Fact-Finding Hearing on Diving, Nov. 11–14, 1975 (4 vol.).

B. Hearing Exhibits:

1. United Brotherhood of Carpenters and Joiners of America, AFL–CIO, Petition submitted 8/14/75.
2. NIOSH Symposium on Dysbarism-Related Osteonecrosis.
3. Proposed American National Standard on Diver Safety of the American National Standards Institute, Final Draft of ANSI Z–135 Committee.
4. Manual on Safe Practices in Commercial Diving Operations (Association of Diving Contractors).
5. National Oceanic and Atmospheric Administration Diving Manual.
6. U.S. Navy Diving Manual (1973).
7. British Diving Standard, "Offshore Installation (Diving Operations) Regulations 1974, Statutory Instrument No. 1229".
8. Affidavit of Paul Woodhall, President, Professional Divers Local 1012, United Brotherhood of Carpenters and Joiners of America, formerly President International Association of Professional Divers, Inc.
9. "Compressed Air for Human Respiration Standard", prepared by Compressed Gas Association.
10. "Commodity Specification for Air, American National Standard," prepared by Compressed Gas Association.
11. U.S.C.G.—Reports Concerning Deaths of Commercial Divers.
12. NOAA—"An Analysis of the Civil Diving Population of the United States".
13. Oregon Safety Code—"Commercial Diving and Compressed Air Work."
14. "Hazardous Occupations and Avocations" from statistical Bulletin, Mar. '74 Metropolitan Life.
15. "The Effects of Abnormal Physical Conditions at Work: Medical Hazards of Diving."
16. Regulation for Control and Prevention, Occupational Diseases; Amended Nov. 11, 1964; Dept. of Commerce, Bureau of Workmen's Compensation, Tallahassee, Florida.
17. Underwater Association Code of Practice for Scientific Diving, Second Edition 1974; Natural Environment Research Council, London, England.
18. Santa Fe Engineering Corp., U.S. Gulf Coast Diving, Safety and Emergency Information.
19. The Principles of Safe Diving Practices CIRIA Underwater Engineering Group 6 Storey's Gate London, SWIP 3AU, London, England.
20. Comments received: a. Government of the District of Columbia Minimum Wage and Industrial Safety Board; b. Dept. of Transportation, U.S. Coast Guard; c. Dept. of Interior, National Park Service; d. National Oceanic and Atmospheric Administration.
21. Notices of Intent to Appear.
22. Notice of Hearing 10–22–75.
23. Dept. of Interior News Releases concerning OCS Lease Sale through 1978.
24. Dept. of Interior News Releases Leasing Schedule.
25. Estimates of Undiscovered Recoverable Resources, Production Profiles & Facilities Required. (Dept. of Interior)
26. Regulations Pertaining to Mineral Leasing Operation & Pipelines on the Outer Continental Shelf. (Dept. of Interior)
27. The Harry G. Armstrong Lecture: "Decompression Sickness: Advances and Interpretations" (A. Behnke)
28. "Medical Aspects of Commercial Diving and Compressed Air Work", E. Kindwall, in *Occupational Medicine, Principles & Practical Applications.*
29. "Selections and Training of Physicans and Paramedics for Offshore Diving", Preliminary Draft of Part 5T of the NIOSH–UMS National Plan for Safety and Health of Divers.
30. Statement of Andre Galerne.
31. "Compression and Decompression Protocols," Preliminary Draft of Part 2T of the NIOSH–UMS National Plan for Safety and Health of Divers.
32. "Effects of Drugs under Hyperbaric Conditions," Preliminary Draft of Part 11 of the NIOSH–UMS National Plan for Safety and Health of Divers.
33. "Selection & Training of Professional Divers," Preliminary Draft of Part 5 of the NIOSH–UMS National Plan for Safety and Health of Divers.
34. US underwater fatality statistics—1973.
35. Medical Research Report. EA 7104 Occupational Safety and Health Problem of the Diving Industry in Offshore Petroleum Production.
36. Theory & Development of Subsaturation Decompression Procedures for Depths in Excess of 400 feet.
37. Summary of Employee Relations Practice Patterns in the Diving Industry.
38. Minutes of 1st. Meeting, International Diving Contractors Assoc.—at No. 9 Upper Belgrave St., London, 17 July 1967.
39. Letter from S. Strauss (ADC) to OSHA commenting on Carpenter's petition.
40. Letters submitted by Ed Forsyth: A. Letter from Buckland; B. Letter from Hansen; C. Letter from Smith.
41. Representations by W. Hunter: A. List of Fatalities; B. Particulars of Darrel Taylor; C. Death Certificate of Dave McAllister; D. Records of James Johnson.
42. Diving in Construction Operations, National Safety Council Data Sheet.
43. Pg. 443, Hearing before Subcommittee on Labor of the Committee of Labor & Public Welfare, United States Senate—Ninety-Third Congress, Second Session—on a Review of the Occupational Safety and Health Act of 1970.
44. Article "Oil Rig, Diving Fatalities Mount." 10/23/75 *ENR* (Engineering News Record).
45. "Offshore deaths Worst Since 1965" Article *Offshore Engineer* Jan. 75.
46. Article "400 North Sea Divers are just not up to Standard" *Offshore Services* 2/75.
47. Statement of Len Andrew regarding the death of Mack Andrew, 8/7/69.
48. Medical report of Dr. Jenkins concerning Mr. James Onion.

49. Medical Report of Dr. Kindwall concerning Mr. Chandler Rashly.
50. A Diving Log of Mr. John Alvenus Aug. 23, 1972. B. Bends and Related Accident Depth on John Alvenus, Aug. 23, 1972.
51. 02 5th International Hyperbaric Congress proceedings 1973, Vol. II.
52. Letter from Stanley R. Strauss to OSHA concerning the incidence of bends, dated 10–20–75.
53. Preliminary comment of the ADC regarding hazards in commercial diving and the necessity of an emergency temporary standard, dated November 13, 1975.
54. Letter to H. W. Gillen, M.D. from Donald Boone, President International Association of Professional Divers, Inc. Dated 12/29/72
55. Comment of Donald Stevens, Diving Operations Supervisor, Normandeau Assoc.
56. Qualification of Joseph Carroll.

C. Post Hearing Comments:

PHC 1. Letter from Robert H. Harrison, Standards Specialist, Kentucky Department of Labor to Ms. J. Goodell, OSHA, dated November 11, 1975.

PHC 2. Letter from Jack S. Mixer, Logan Diving Inc., to Ms. J. Goodell, OSHA, dated November 11, 1975.

PHC 3. Letter from J. E. Logan, V. P. Logan Engineering & Contracting Co. to Ms. J. Goodell, OSHA, dated November 11, 1975 and attaching replies to Diving Standards Questionnaire.

PHC 4. Letter from W. J. O'Neill, Dive Director, Westinghouse Electric Corp. to Mr. Arnoldus, OSHA, dated November 18, 1975 attaching a paper entitled "Safety Considerations in Undersea Life Support."

PHC 5. Letter from Edward L. Beckman, M.D. to Jay Arnoldus, OSHA dated November 17, 1975, attaching a document entitled "Development of an Improved Decompression Table for Commercial Diving."

PHC 6. Article from October 75 issue of *Ocean Industries*, "North Sea work has high risks."

PHC 7. Letter from Eric P. Kindwall, M.D. to Jeffrey D. Doranz, Solicitor Office, to Jay Arnoldus, OSHA, dated November 26, 1975.

PHC 8. Letter from Peter A. Williams, Program Director Highline Community College, to Jay Arnoldus, OSHA, dated November 26, 1975.

PHC 9. Letter from Robert J. Pleasure, United Brotherhood of Carpenters and Joiners of America, to Nathaniel Spiller, Solicitor's Office, dated November 21, 1975 attaching a statement made before the Select Committee on the Outer Continental Shelf and Exhibits A–H.

PHC 10. Letter from James P. Moran, President, North Shore School of Skindiving, Inc. to OSHA, dated December 1, 1975.

PHC 11. Letter from J. F. Crofton, President Crofton Diving Contractors, dated, December 8, 1975.

PHC 12. Letter from Glen H. Egstrom, Ph.D., University of California, Los Angeles, to Jay Arnoldus, OSHA dated December 3, 1975.

PHC 13. Additional comments of the Association of Diving Contractors, dated December 8, 1975.

PHC 14. United Brotherhood of Carpenters and Joiners of America—"Memorandum In Support of Petition Requesting Adoption of Generally Recommended Safety and Health Procedures for Commercial Diving as an Emergency Temporary Standard Issued Under the Authority of the Occupational Safety and Health Act."

PHC 15. Letter of George H. R. Taylor, Executive Secretary, AFL–CIO Standing Committee on Occupational Safety and Health to Ms. Joanne Goodell, OSHA, dated December 8, 1975 with 2 attachments.

PHC 16. Statement of James R. Stewart, Diving Officer, University of California, San Diego, attaching the *Marine Technicians Handbook* of the Scripps Institute of Oceanography.

PHC 17. Telegram to OSHA from F. J. Van Antwerp, Durocher Dock and Dredge, Inc. dated December 5, 1975.

PHC 18. Telegram to OSHA from Podesta Divers, INC., dated December 1, 1975.

PHC 19. Letter from C. F. Logan, President, Logan Diving & Salvage Co. dated December 5, 1975 attaching portions of a NOAA Report dated March 15, 1975.

PHC 20. Letter from John P. Ripp, V.P.-Treas. Ripp-Tide to John Dunlop, Secretary of Labor, dated December 2, 1975.

PHC 21. Letter from Barry Sullivan, Washington Representative The National Association of Dredging Contractors, to John Dunlop, Secretary of Labor, dated December 5, 1975.

PHC 22. Letter from Rex Caffall II, of Trans Divers to Logan Diving Inc., dated December 3, 1975.

PHC 23. Letter from Joseph G. Elkins, Divers Inc. to OSHA December 5, 1975.

PHC 24. Letter from Larry B. Kennedy, Director, Administrative Services, Hydro Tech Inernational, Inc. to Mr. J. J. LoRocca, OSHA dated December 4, 1975.

PHC 25. Letter from Bill Boudreaux, Aqua Sports Inc. to John Dunlop, Secretary of Labor dated December 5, 1975.

PHC 26. Letter from Jack S. Mixer, V. P. Logan Diving Inc. To Mr. Joseph J. LaRocca, OSHA, dated December 1, 1975.

PHC 27. Letter from Central Pacific Divers to OSHA dated December 2, 1975.

PHC 28. Memo from Logan Diving Inc. to all Divers and Diving Companies dated November 26, 1975.

PHC 29. Letter from Ed Fite, Aqua-Venture dated December 1, 1975.

PHC 30. Letter from Habert C. Faitel, Dearborn, Chairman, "NIX ON OSHA" committee dated December 1975 attaching a pamphlet by Alan Stang entitled *OSHAcrats.*

PHC 31. Letter from J. E. Logan, President, Underwater Survey Inc.* to Mr. J. J. LaRocca, OSHA, dated December 3, 1975.

PHC 32. Copy of Letter from Phillip Burton, member of Congress to A. L. Podesta, manager, Podesta Divers, dated December 8, 1975.

PHC 33. Letter from Jon Hardy, General Manager, National Association of Underwater Instructors to OSHA dated December 9, 1975 with attachments.

PHC 34 Letter from C. F. Logan, Logan Diving & Salvage Co. to Joseph J. LaRocca, OSHA dated December 4, 1975, attaching portions of a NOAA report of March, 1975 and comments and suggestions applying to the ADC manual.

D. List of hearing exhibits.

E. Certification of hearing record with list of post hearing comments.

F. Letters from Congressmen and members of the public received after the certification of the hearing record (unnumbered).

G. National Institute for Occupational Safety and Health *et. al.*, National Plan for the Safety and Health of Divers in their Quest for Subsea Energy (19 reports) (NIOSH I).

H. National Institute of Occupational Safety and Health, NIOSH-Terrytown Labs-Undersea Medical Society Diving Standards Project Technical Narrative (preliminary report pursuant to "Safe Work Practices and Medical Procedures" contract on diving (NIOSH II).

I. "Dysbaric Osteonecrosis", In Davidson, J. K., ed. *Aseptic Necrosis of Bone* (New York, 1976) includes British Medical Research Council Decompression Registry techniques for skeletal radiological investigation of divers.

J. Directory of world-wide, shore-based hyperbaric chambers, Vol. I U.S. and Canada, NAVSHIPS 0994–010–4011 (1974).

K. U.S. Navy Diving Operations Handbooks, NAVSHIPS 0994–009–6010 (1974).

L. Underwater Zero-Gravity Simulation Trainer, NASA Marshall Space Flight Center, Huntsville, Alabama.

M. U.S. Coast Guard—Diving Fatality Reports.

N. "Medical Implications of Oil Related Industry", British Medical Association—Scottish Council.

O. Foreign diving standards—United Kingdom, France, Canada, Australia.

P. Report on the International Diving Symposium (Belle Chasse, La.)—1/75.

Q. Report on the International Diving Symposium (New Orleans, La.)—1/76.

R. Marine Technical Society Journal (Vol. 6—No. 1)—1/7/72.

S. Miscellaneous technical papers related to diving.

T. Miscellaneous newspaper and magazine clippings related to diving.

Accordingly, pursuant to sections 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596, 1599, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76, and 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended by adding a new Subpart T as set forth below.

Subpart T shall become effective on July 15, 1976.

1. Part 1910 is amended by adding the following Subpart to the table of contents.

Subpart T—Diving Operations

GENERAL

Sec.
1910.401 Scope and application.
1910.402 Definitions.
1910.403 Effective date.

PERSONNEL REQUIREMENTS

1910.410 Personnel qualifications.
1910.411 Medical requirements.

OPERATIONS PROCEDURES

1910.420 Safe practices manual.
1910.421 General operations procedures.
1910.422 Specific operations procedures.

DIVING EQUIPMENT AND SYSTEMS

1910.430 General.
1910.431 Helmets and masks.
1910.432 Dry suits (variable volume).
1910.433 Gas supply hoses.
1910.434 Air compressors and systems for respirable air.
1910.435 Human occupancy pressure vessels (HOPV).
1910.436 Depth gauges.
1910.437 Compressed gas equipment (except SCUBA cylinders).
1910.438 Equipment log.

RECORDKEEPING REQUIREMENTS

1910.440 Recording and reporting.
1910.441 Availability of records.

2. Subpart T is added as follows:

Subpart T—Diving Operations

GENERAL

§ 1910.401 Scope and application.

(a) This subpart applies to every place of employment within the inland and territorial waters of the United States, or within any State, the District of Columbia, the Commonwealth of Puerto

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Rico, the Virgin Islands, American Samoa, Guam, The Trust Territory of the Pacific Islands, Wake Island, Johnston Island, the Canal Zone, or within the Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U.S.C. 1331), where diving and related operations are carried out, except that this subpart will not apply to working conditions with respect to which other Federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(b) This subpart applies to diving and related operations conducted in connection with all types of work and all employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring.

(c) This subpart requires employers engaged in diving operations to be responsible for:

(1) Ensuring that all employees engaged in diving operations are competent to perform their work assignments in a safe and healthful manner, as provided in §§ 1910.410 and 1910.411;

(2) Developing, maintaining and complying with a safe practices manual, as provided in § 1910.420;

(3) Following safe and healthful operations procedures, as provided in §§ 1910.421 and 1910.422;

(4) Ensuring the use of appropriate tools, equipment and systems as provided in §§ 1910.430–1910.438; and

(5) Recording and reporting job-related fatalities and serious illnesses, injuries and accidents, and making all required records available to the Assistant Secretary for Occupational Safety and Health, in accordance with §§ 1910.440 and 1910.441.

§ 1910.402 Definitions.

As used in this subpart, the listed terms are defined as follows:

"Anti-suction devise": a device to prevent suction injury, which is used on the internal exhaust outlet of a human occupancy pressure vessel (HOPV); examples are a pipe nipple in which holes have been drilled or a wire cage.

"Bell diving": a mode of diving using a diving bell.

"Blowout": Uncontrolled loss of gas or liquid from a wellhead.

"Bottom time": the period of time between the beginning of descent to the bottom (working level) and the beginning of ascent from the bottom (working level).

"Breathing mixture": a mixture of gases and/or air breathed by a diver, containing an appropriate proportion of oxygen.

"Bursting pressure": the pressure exerted by a medium such as a breathing mixture at which the containment vessel theoretically fails structurally.

"Decompression": the controlled continuous reduction of environmental pressure to any intermediate depth level or to atmospheric pressure.

"Decompression chamber": a HOPV used to decompress divers by reducing pressure under safe and controlled conditions; it may also be used in the treatment of decompression sickness by recompression.

"Decompression table (protocol)": a time profile of pressure and breathing gas which reduces the pressure on the diver in a manner intended to prevent decompression sickness.

"Diver": an employee who uses equipment underwater which supplies compressed breathing gas from a self-contained source or remote source, enabling him to breathe under water at ambient pressure.

"Diving bell": a device which allows the diver to be transported to and from the underwater work site in an enclosed, dry compartment. The bell may have an open bottom, or it may be sealed.

"Dry suit (variable volume)": a diving suit capable of being inflated for buoyancy or insulation, which keeps the diver's body essentially dry. A "wet suit", in contrast, allows water to contact the diver's body.

"Employer": a person engaged in a business affecting commerce who has employees, but not including the United States or any State or political subdivision of a State. See 29 CFR Part 1975.

"Exhaust valve": a valve controlling the venting of gas from a HOPV, diver's helmet, or suit.

"FSW": a foot of sea water; a unit of pressure generally defined as $\frac{1}{33}$ of a standard atmosphere, which represents the pressure exerted by a foot of water having a specific gravity of 1.027.

"Hard piping": permanent or semi-permanent, rigid piping, as distinguished from temporary, flexible hoses.

"Helmet (open-circuit and/or surface-supplied)": breathing and protective equipment which covers the diver's head.

"HOPV": Human Occupancy Pressure Vessel. A pressure vessel which, in normal operation, is intended to contain a human being.

"Life-support equipment": equipment designed to provide an appropriate respirable atmosphere and other protection, e.g., thermal, as required.

"Live-boating": the practice of supporting a diver from a vessel which is underway.

"Mask (open circuit and/or surface-supplied)": breathing and protective equipment which covers a diver's face.

"Mixed-gas diving": a diving mode in which the diver is supplied with a gas mixture other than air.

"No-decompression diving": diving which involves depths and times shallow and short enough so that controlled ascent can be made without stops or stages.

"Non-return valve": a one-way check valve installed at the point where the hose attaches to the diver's helmet, designed to prevent the loss of helmet breathing mixture or to prevent a suction should the hose be cut or the gas supply fail.

"Oxygen cleaning": special cleaning precautions that must be taken to ensure that oxygen under pressure does not ignite flammables on contact.

"Oxygen compatibility": the ability to come into contact with high pressure oxygen without oxidation occurring.

"Pneumofathometer": a device for measuring depth by slowly forcing air or gas through a tube from the surface to the site to be measured. The pressure required to force gas to the end of the tube is the pressure exerted on the outlet of the tube.

"Receiver": a pressure vessel for the storage of gases (except SCUBA cylinders).

"Repetitive dive": a dive where the decompression requirement is increased by a preceding dive or dives.

"Saturation diving": a mode of diving in which the diver's body is essentially saturated with inert gas; additional time spent at pressure does not therefore result in additional uptake of gas nor require an increase in decompression time.

"SCUBA": self-contained underwater breathing apparatus. See self-contained diving.

"Self-contained diving": a diving mode which allows the diver to carry his own breathing gas supply and be independent of the surface with regard to breathing gas.

"Stage decompression": the controlled reduction of environmental pressure with programmed stops at various depths.

"Standby diver": a diver suited and ready to go to the aid of another diver.

"Surface-supplied diving": a mode of diving in which the diver receives breathing gas by hose from the surface.

"Working pressure": the normal operating pressure exerted by a medium such as a breathing mixture. The ratio of the bursting pressure to the working pressure is the factor of safety.

§ 1910.403 Effective date.

This subpart is effective July 15, 1976.

Personnel Requirements

§ 1910.410 Personnel qualifications.

(a) *General.* Each employer engaged in diving operations shall ensure that all employees engaged as divers or in surface support operations are competent to perform their work assignments in a safe and healthful manner, in accordance with the provisions of this subpart.

(b) *Employee competence.* Employee competence, which must be ensured by the employer, shall include at least the following:

(1) Knowledge and skills in diving gained through training or experience, including among other things knowledge of:

(i) Diving procedures and techniques,

(ii) Emergency procedures,

(iii) Physiology as it relates to diving, and

(iv) Diving equipment;

(2) Familiarity with procedures and proficiency in the use of tools, equipment and devices relevant to the assigned tasks; and

(3) For employees engaged as divers, physical qualifications for such activities,

as determined in accordance with the requirements of § 1910.411.

(c) *Competence training.* Where an employee does not possess competence in the safe use of a tool, equipment, or device, or knowledge of diving procedures and techniques as required by this section, the employer shall require the employee to undergo appropriate training or shall assign another employee who possesses necessary competence.

§ 1910.411 Medical requirements.

(a) *General requirements.* Every employer shall provide or make available at no cost to the employee the services of a licensed physician to perform medical examinations, as required by this section, for all employees engaged as divers, so as to establish the employee's physical qualifications to perform the assigned tasks.

(b) *Information provided to the examining physician.* The employer shall provide the following information to the examining physician:

(1) A copy of this subpart.

(2) A description of the affected employee's duties for which he is being examined, and of the physical demands placed upon the employee by said duties.

(3) Upon request of the physician, information from previous reports of physicians concerning the affected employee.

(c) *Initial examination.* (1) Within 30 days after the effective date of this subpart, all employees engaged as divers shall be provided an initial medical examination, except as described in paragraph (c)(2) of this section, which shall include the following:

(i) A complete work history;

(ii) All the tests listed in Table I; and

(iii) Any additional tests deemed necessary by the examining physician to prepare the written report required by paragraph (f) of this section.

(2) If an employee can show, to the satisfaction of the employer after consultation with the examining physician, that within one year prior to the effective date of this subpart, he has had a comprehensive medical examination comparable to the examination required by this section, and that the results of this examination did not indicate the presence of any of the conditions listed in paragraphs (f)(1)(ii) or (h) of this section, no initial examination is required, unless there is reason to believe that the employee's medical condition has changed in the interim. In any event, at the termination of one year from the date of his comparable medical examination, such employee shall be given an initial medical examination as required in paragraph (c)(1) of this section.

(d) *Re-examination after injury or illness.* Following an injury or illness to a diver requiring 72 hours or more hospitalization, or requiring treatment by an attending physician for a period of at least 5 days, or involving decompression sickness with vestibular or central nervous system dysfunction, the employer shall provide or make available, at no cost to the employee, a medical examination. The employee shall not be permitted to return to work as a diver until, based on the physician's report, he is physically fit to do so. The examining physician shall determine the scope of the examination in light of the nature of the injury or illness.

Table I—Medical Tests for Diving

Tests	*Comments*
History and physical	Include predisposition to unconsciousness, vomiting, cardiac arrest, impairment of oxygen transport, serious blood loss, or anything which, in the opinion of the examining physician, will interfere with effective underwater work.
Chest X-ray	PA (Projection: 14 by 17).
Bone and joint X-ray	Required only for divers involved in decompression dives. British Medical Research Council techniques and interpretation recommended. (See app. B.)
EKG: STD (12L)	Baseline.
EKG: Stress	Required only if medically indicated. Proved and mechanical capacity calculated for: FEV (forced expiratory reserve volume); FVC (forced vital capacity); and MEFR (maximum expiratory flow rate).
Pulmonary function	
Audiogram	In accordance with American National Standard Specifications for Audiometers, ANSI S3.6–1969(R1973).
Dry chamber	Required only for divers involved in decompression dives, if medically indicated. The test is as follows: The diver is taken to 165 FSW (6 ATA) in a chamber to test his ability to withstand pressure and to clear his ears.
EEG	Required only if medically indicated.
Visual acuity and color blindness.	
Complete blood count	
Routine urinalysis	

(e) *Alternative medical examinations.* If the examining physician determines that medical examinations and tests other than those specified in this section and Table I would be at least equally effective in determining a diver's physical qualifications, the employer may accept such medical examinations and tests, provided that the employer obtains a statement from the physician setting forth the alternative examination and the rationale for substitution and informs each affected employee of the fact that such alternative examination will be made available.

(f) *Physician's written report.* (1) With respect to each medical examination required by this section, the employer shall obtain a written report from the examining physician, containing the following information:

(i) A statement indicating the results of the medical examinations and tests given in accordance with this section;

(ii) An opinion, based on the employee's medical history and the results of the tests required in Table I, as to whether exposure to the physical demands placed upon the employee by the duties in which he will be engaged would result in any of the following:

(A) Increased risk of material impairment of the employee's health;

(B) Excessive stress to the pulmonary, muscular, cardiac, and skeletal systems;

(C) Interference with the effective external communication of the gas-containing organs of the body;

(D) Excessive burden on the central and peripheral nervous system; or

(E) Aggravation of any existing radiological evidence of aseptic bone necrosis;

(iii) An opinion as to whether the employee, on the basis of his medical history and the results of the examination and required tests, has any of the conditions listed in paragraph (h) of this section;

(iv) Any recommended limitations upon the employee's activities as a diver; and

(v) A statement that the employee has been informed by the examining physician of any medical conditions which require further examination or treatment.

(2) The written report shall not reveal specific findings or diagnoses unrelated to occupational exposure to the underwater environment.

(3) A copy of the physician's written report shall be provided to the employee. In addition, any materials in the employee's medical file pertaining to the medical examination required by this section shall be made available to the employee or former employee examined, upon written request by the employee or his representatives.

(g) *Withdrawal of employee.* The employer shall determine, on the basis of the physician's written report or any opinions by a consulting physician, whether an employee's health would be materially impaired, in any manner indicated in paragraph (f)(1) of this section, by continued diving, or whether there are necessary limitations on the employee's activities as a diver. If indicated by the determination, the employer shall withdraw the employee from such exposure or shall appropriately limit the employee's activity.

(h) *Disqualifying conditions.* If an employee has any of the following conditions, as found by the examining physician, the employer shall withdraw the employee from diving:

(1) History of epileptiform disease or syncopal attacks;

(2) Cystic or obstructive disease of lungs;

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(3) Chronic inability to equalize sinus and middle ear pressure;

(4) Significant central nervous system disease;

(5) Significant joint disorders of the shoulder, hip, or knee;

(6) Significant cardiac abnormalities; e.g., pathological heart block, valvular disease, interventricular septal defects etc.; and

(7) Chronic alcoholism.

(j) *Medical recordkeeping.* The employer shall establish and maintain an accurate medical record for each employee subject to the medical requirements of this section.

(1) The record shall include:

(i) Physician's written reports; and

(ii) A copy of the information provided to the physician as required by paragraph (b) of this section.

(2) This record shall be maintained by the employer for at least 5 years and shall be made available as provided in § 1910.441.

(3) Upon request by the employee or former employee, the employer shall transfer the employee's medical record or a copy thereof to a physician designated by the employee or former employee or to another employer.

OPERATIONS PROCEDURES

§ 1910.420 Safe practices manual.

(a) *General.* (1) Each employer engaged in diving operations shall develop and maintain a safe practices manual and shall follow the procedures set out in such manual for all diving operations.

(2) The manual shall specifically incorporate and be in accordance with the requirements of this subpart, and shall be developed so as to provide for the safety and health of employees involved in diving operations.

(b) *Content.* (1) The manual shall contain comprehensive safety and health requirements for each type of diving operation engaged in by the employer.

(2) These requirements shall include provisions for:

(i) The assignment of competent employees, to enable the operation to be performed without jeopardy to the safety and health of the employees involved;

(ii) General and specific operations procedures which shall incorporate and be consistent with applicable procedures contained in this subpart;

(iii) The use of appropriate tools, equipment and systems, which shall comply with the requirements of §§ 1910.430–1910.438;

(iv) Fire, emergency and evacuation procedures in accordance with paragraph (d) of § 1910.421, and for the rescue or retrieval of manned HOPV's in accordance with paragraphs (c) and (e) of § 1910.422.

(c) *Availability.* The manual shall be readily available at the work site, shall be provided to all employees involved in diving operations, and shall be made available, upon request, to the Assistant Secretary or his designee.

§ 1910.421 General operations procedures.

(a) *General.* All diving operations shall comply with the operations procedures contained in this section. These procedures shall, in accordance with § 1910.420, be included in the safe practices manual.

(b) *Emergency aid.* (1) The employer shall develop and maintain a list of the available sources of emergency aid, equipment, and professional assistance, with their call or phone numbers, and instructions for establishing contact with them. The list shall be available at the work site, at the employer's principal place of business and at the field operations offices. This list shall include, at least, the following forms of emergency aid as appropriate for the type of diving operations engaged in:

(i) Decompression chamber;

(ii) Hospital or medical treatment facility;

(iii) Air transportation;

(iv) Consulting physician; and

(v) U.S. Coast Guard Search and Rescue Unit.

(2) Two-way communications, necessary to the requisition of the emergency aid, equipment, and professional assistance listed in paragraph (b)(1) of this section, shall be available or accessible to the work site.

(c) *First-aid.* (1) First-aid supplies, approved by a consulting physician, including a copy of the *American Red Cross Advance First-Aid Manual,* shall be readily available at the work site.

(2) A mechanical or automatic oxygen resuscitator, with sufficient oxygen supply and in proper working order, shall be ready for immediate use at the work site.

(3) In the absence of a physician at the work site, an employee who has a valid certificate in first-aid training from the American Red Cross, or equivalent training, including training in the use of an oxygen resuscitator, shall be available at the work site to render first-aid.

(d) *Fire and emergency procedures*—(1) *Fire fighting equipment.* Fire fighting equipment shall be available and ready for use at the work site whenever sources of ignition and flammable or combustible materials are present.

(2) *Emergency procedures plan.* (1) The employer shall establish and comply with an emergency procedures plan, which shall include steps to be taken in case any of the following emergencies occur during the dive, including the decompression interval:

(i) Loss of voice communications;

(ii) Interruption of the surface gas supply;

(iii) Parting of the diver's life support hose bundle (umbilical);

(iv) Diver entanglement or entrapment;

(v) Oxygen poisoning;

(vi) Decompression sickness;

(vii) Unplanned positive buoyant ascent (blowup);

(viii) Physical injury; or

(ix) Acute illness.

(3) *Fire and emergency evacuations.* The employer shall ensure that prior to commencing diving operations at the work site, all members of the diving team are familiar with the emergency procedures including emergency evacuation procedures, the fire fighting procedures, and the emergency station assignments.

(4) The emergency procedures plan shall be included in the safe practices manual required by § 1910.420.

(e) *Hazards to diving operations.* (1) The employer shall notify those in the vicinity whose activities may interfere with or pose a hazard to the diving operations, such as underwater blasting or movement of surface vessels, of the planned diving operation and daily start and finish times.

(2) Whenever hazardous activities in the vicinity of the diving operations, or whenever conditions, such as weather or sea-state, are such that they may interfere with the ability of an employee to perform safely underwater or impair his health, the employer, after consultation with the affected employee, shall not allow such employee to dive for the duration of such hazardous activity or adverse condition.

(f) *Temporary impairments.* The employer shall ensure that no employee dive for the duration of a temporary physical impairment such as a cold, alcoholic intoxication or its after effects, influence of drugs, respiratory or middle ear disease, skin or external ear infection, excessive fatigue or emotional distress, even if not an injury or illness described in § 1910.412(d), if the impairment is likely to materially interfere with the employee's ability to perform safely underwater, or impair his health. The employer shall consult with the affected employee before making such determination and in no event shall require an employee to dive against the employee's will.

(g) *Inspection of tools, equipment and operational systems.* (1) The employer shall ensure that all tools, equipment, and operational systems used in diving operations are appropriate, in proper working order, and in compliance with §§ 1910.430–1910.438.

(2) Tools, equipment, and operational systems used in diving operations shall be inspected at the commencement of each day's diving operations, and monitored throughout the operations, by the person immediately in charge of the diving operation in which they will be used.

(3) The employer shall ensure that each employee engaged as a diver in the diving operation shall inspect the equipment and tools to be used personally by him.

(h) *Pre-dive instructions.* (1) Prior to commencing and engaging in each diving operation, the employer shall instruct each employee involved as to the details of the procedures to be followed in the operation, and as to appropriate fire and emergency procedures.

(2) For each diving operation varying from or supplementing the personnel, procedures, tools, equipment and systems or emergency requirements described in

the safe practices manual, the employer shall give specific instructions covering the additional information necessary to ensure safety and health. Where known to the employer sufficiently in advance of the diving operation, the essential information shall be reduced to writing and a copy shall be given to affected employees.

(i) *Means for entering and leaving the water.* The employer shall provide safe means for entering the water from the diving platform and for leaving the water for employees engaged as divers and for the rescue of the surface support personnel in the event they fall into the water.

(j) *Human occupancy pressure vessel (HOPV).* A HOPV, specifically a decompression chamber, shall be available and ready for use at the work site, for any dive in which stage decompression in excess of 30 minutes is involved.

(k) *Thermal exposure.* Special precautions shall be taken by the employer to protect any employee from adverse thermal exposure while engaged in diving.

(l) *Standby diver.* A qualified standby diver shall be suited and ready to reach a diver in the water within 5 minutes, whenever dives are made in excess of 100 FSW requiring stage decompression, or in shallower depths when warranted by the nature of the work or exposure. Two divers in the water working together shall be considered as meeting this requirement.

(m) *Underwater hazardous conditions.* (1) Whenever a diver enters any structure, tunnel, wreck, pipe, or other similarly restricted area underwater, a standby diver shall be available at the point of entry to tend the diver who is within the restricted area.

(2) Special precautions shall be taken by the employer to protect any employee diving in the vicinity of underwater suction hazards, such as sluices, major inflow/outflow pipes and the like.

(n) *Warning display.* In addition to any other warning signals used, the following warning signals shall be displayed at the diving operation site, so as to be visible for 360 degrees around the horizon during daylight operations:

(1) Where diving is done from any vessel in international waters, a rigid replica of the international flag "A" (white and blue pennant), not less than one meter in height.

(2) Where diving is done from any other worksite, the American dive flag. This flag shall be square and have a red field with a white diagonal stripe from the upper hoist to the lower fly. The width of the diagonal stripe shall be one-fourth of the length of the flag's side. Stiffening shall be used if necessary to ensure all around visibility. Where diving takes place from vessels and waterborne platforms less than 65 feet in length, the flag shall be at least 0.6 meter square. Where diving takes place from other platforms, including fixed structures such as piers, the flag shall be one meter square.

(o) *Reserve breathing gas supply.* A reserve breathing gas supply shall be provided for each diver engaged in a diving operation requiring stage decompression. The supply shall be sufficient for life support until the diver can be safely returned to a place of refuge or to the surface.

(p) *Decompression protocols.* Appropriate decompression protocols, including decompression schedules or tables which are devised in accordance with tested physiological criteria, shall be adhered to. The protocols shall be used only for the diving operations for which they were designed. These decompression protocols shall be included in the safe practices manual and available at the dive site.

(q) *Communications.* An operating, 2-way audio comunications system shall be provided for communications between the diver and the surface (tender), except as permitted by paragraph (a)(1) of § 1910.422.

(r) *Diver's personal equipment.* A sharp knife shall be carried by all divers while in the water.

(s) *Employer's record of dives.* (1) The employer shall make and maintain a record of information concerning each diving exposure to which each diver is subjected. The record shall contain the following:

(i) Name and address of the employer;

(ii) Location and date of diving operation;

(iii) Names of divers, tenders, and person immediately in charge of the diving operation;

(iv) Depth of dive;

(v) Bottom time;

(vi) Type of equipment used;

(vii) Estimated environmental conditions (sea state, underwater visibility, water temperature, and underwater currents);

(viii) Decompression schedule used;

(ix) Gas used and composition;

(x) Type of work performed;

(xi) Type of diving equipment worn;

(xii) Any unusual conditions (other than environmental); and

(xiii) Repetitive dive designations, or time of last pressure exposure.

(2) For a diving operation involving more than one diver, where the exposures are uniform, a single record applicable to all divers is sufficient. Where the exposure of any diver varies in any respect, a separate record of these variations shall be kept.

(3) These records shall be maintained by the employer for at least 5 years.

§ 1910.422 Specific operations procedures.

In addition to the general operations procedures required by § 1910.421, employers engaged in diving operations shall comply with the following specific operations procedures contained in this section.

(a) *Self-contained diving.* (1) The communications required by paragraph (q) of § 1910.421 need not be provided for an employee engaged in a self-contained diving operation who is accompanied by another diver (buddy), or who can communicate with the surface tender through a safety line using pull signals.

(2) The planned time of a self-contained diving operation, including decompression time, shall not exceed the air supply duration of the cylinders (without regard to the reserve emergency cylinders).

(3) The cylinder pressure shall be determined immediately before each dive.

(b) *Surface-supplied diving.* (1) The employer shall assign a sufficient number of employees to each diving operation to ensure the safety and health of the employees engaged as divers and to make possible effective response in case of an emergency.

(2) The depth of each dive shall be determined prior to the start of operations.

(c) *Saturation diving.* The employer shall develop and include in the safe practices manual an evacuation plan for saturation diving, for rescue or retrieval of all manned HOPV's in such emergencies as:

(1) Storms or blowouts, requiring evacuation of the work site (work platform); or

(2) After loss of power which affects the ability to maintain life support systems.

(d) *Mixed-gas diving.* (1) The breathing mixture shall be composed of a mixture of gases that is physiologically appropriate for the depth and duration of the dive.

(2) Air shall not be used as the breathing mixture for dives in excess of 220 FSW. Dives between 190 FSW and 220 FSW on air shall be limited to 10 minutes bottom time.

(e) *Bell diving.* (1) A minimum of 2 divers shall be used for all dives where a closed diving bell is used.

(2) The employer shall develop and include in the safe practices manual an evacuation plan for rescue or retrieval of the bell in case of an emergency requiring rescue. A standby diver shall be on site to attend the bell at the surface in an emergency.

(3) (i) Open or closed bells shall be provided and used for al dives of 220 FSW and deeper, and for all dives which require more than 120 minutes of in-water decompression time.

(ii) Closed bells shall be provided and used for all dives of 300 FSW and deeper.

(f) *Live-boating.* (1) When live-boating, a protective device shall be installed to prevent the hose from becoming entangled in the propeller.

(2) The employer shall ensure that divers engaged in the live-boating operation carry a reserve breathing gas supply.

(3) A standby diver shall be available, in accordance with paragraph (l) of § 1910.421, for all live-boating operations.

DIVING EQUIPMENT AND SYSTEMS

§ 1910.430 General.

Employers engaged in diving operations shall ensure the use of tools, equipment and systems which comply with the requirements of this subpart.

§ 1910.431 Helmets and masks.

(a) *General.* (1) All open-circuit helmets and masks (except oral-nasal)

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shall be capable of ventilating at least 4.5 cubic feet per minute (cfm) of gas when supplied at the pressure recommended by the manufacturer of the equipment.

(2) An operating, 2-way, audio-communication system shall be incorporated into all helmets and masks used for diving operations. This requirement need not be met in the case of a SCUBA diver (self-contained diver) who is accompanied by another diver (buddy), or can communicate with the surface tender through a safety line using pull signals.

(b) *Surface-supplied helmets and masks.* (1) All surface-supplied helmets and masks shall be equipped with non-return valves.

(2) Surface-supplied helmets and masks used in salt water shall be made of materials resistant to corrosion from salt water.

(3) Surface-supplied helmets and masks shall seal readily and positively and be capable of ventilating at least 4.5 cfm of gas when supplied at the pressure recommended by the manufacturer of the equipment, as provided in paragraph (a) (1) of this section.

§ 1910.432 Dry suits (variable volume).

Dry suits or similar buoyancy changing equipment shall be equipped with exhaust valves to minimize the possibility of blowup.

§ 1910.433 Gas supply hoses.

(a) *Rating of gas supply hoses.* (1) Gas supply hoses shall have a rated bursting pressure of at least 4 times greater than their maximum working pressure.

(2) In no case shall the working pressure be less than the maximum depth of the dive (converted to pounds per square inch (psi)) plus 100 psi.

(b) *Properties of gas supply hoses.* Hoses shall be kink resistant and capable of the required flow rates for the system used.

(c) *Testing of gas supply hoses and fittings.* (1) Gas supply hoses and fittings shall be tested at least annually to twice their maximum working pressure plus 100 psi. In addition, such testing shall be done after each exposure to rough usage, or unusual conditions.

(2) Information concerning the tests performed on gas supply hoses and fittings shall be entered in the equipment log in accordance with the requirements of § 1910.438.

(d) *Marking of gas supply hoses.* (1) All hoses shall be marked in 10 ft. increments starting at the diver's end, up to 50 ft., and at 50 ft. increments thereafter, to enable the tender to determine how much hose is payed out.

(2) Hoses shall not be used for determining depth. A pneumofathometer or similarly reliable and accurate method shall be used instead.

(e) *Resistance of hose fittings to salt water.* All hose fittings used in salt water service shall be made of materials resistant to corrosion in such a medium, such as brass, stainless steel, monel or other material equally resistant to corrosion.

(f) *Design of hose fittings.* The connections of all hose fittings shall be of a type that cannot be accidentally disengaged from the compressor or gas system.

(g) *Protection of hoses.* All gas supply hoses shall be taped, capped or plugged when not in use to prevent foreign matter from entering the hoses.

(h) *Oxygen cleaning of hoses.* When oxygen cleaning is necessary to prevent ignition of ignitable gases or other materials within the hoses with oxygen, when placed into use, the cleaning process shall be described in the equipment log, in accordance with § 1910.438. Steps shall be taken to prevent contamination between the time of cleaning and the use of the equipment.

§ 1910.434 Air compressors and systems for respirable air.

(a) *Volume tanks or receivers.* Volume tanks or receivers manufactured after the effective date of this subpart and used in compressed air systems for respirable air shall comply with the design and construction requirements of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels–1976. Tanks or receivers manufactured before the effective date of this subpart shall be maintained in conformity with the code requirements to which they were built. Tanks or receivers which are subject to U.S. Coast Guard approval procedures, shall be used only if they have such approval. All volume tanks or receivers shall be equipped with a check valve on their inlet side, a pressure gauge, and a relief valve set so as to prevent pressure buildup in excess of the maximum working pressure.

(b) *Recording of maintenance and repairs performed.* An entry shall be made in the equipment log, in accordance with § 1910.438, of all maintenance and repairs performed on the compressors and the air systems. These entries shall include such information as belt or oil changes on the compressor, any engine maintenance or repairs performed, or any other change or repair to any part of the air system, such as a filter change.

(c) *Air purity requirements.* Air supplied as a breathing mixture to a diver shall not contain a level of carbon monoxide greater than 20 parts per million, or a level of carbon dioxide greater than 1,000 parts per million. The air shall be devoid of any noxious or pronounced odor.

(d) *Air compressor intakes.* All air compressor intakes shall be located in an area free of exhaust fumes and other contamination. The air intakes of air compressors permanently installed in an enclosed space shall be piped externally to a source clear of exhaust fumes and other contaminants.

§ 1910.435 Human occupancy pressure vessels (HOPV).

(a) *General HOPV requirements.* Human occupancy pressure vessels manufactured after the effective date of this subpart shall conform to the requirements of ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1976. HOPV's manufactured before the effective date shall be maintained in conformity with the code requirements to which they were built. HOPV's which are subject to U.S. Coast Guard approval procedures shall be used only if they have such approval. They shall be labelled accordingly.

(b) *Oxygen piping on HOPV's.* (1) Hard piping systems, fittings, and tubing carrying pure, high pressure (up to 2500 psi) oxygen shall be made of corrosion resistant metals, such as copper, brass, 300 series stainless steel, or monel.

(2) HOPV internal oxygen outlets shall have non-return valves or shut-off valves.

(3) All shut-off valves used in an oxygen system above 125 psi shall be of the slow-opening type, such as a needle type valve.

(c) *Installed oxygen system.* On HOPV's with installed oxygen decompression systems, a means shall be provided to prevent the oxygen concentration from rising above 25 percent of the atmospheric content. A means shall also be provided to enable a continuous reading of the oxygen concentration when the HOPV is in operation.

(d) *Fire protection.* All HOPV's shall be designed and equipped to eliminate internal combustible materials and sources of ignition to the extent feasible.

(e) *Illumination.* All HOPV's shall be illuminated to permit continuous visual observation of the diver from the exterior.

(f) *Anti-suction device.* An anti-suction device shall be installed inside the HOPV on the exhaust outlet.

(g) *Audio-communication.* An operating, 2-way, audio-communication shall be provided while a HOPV is in operation.

§ 1910.436 Depth gauges.

(a) *Testing and calibration.* (1) Depth gauges shall be deadweight tested or calibrated against a master-reference gauge every six months, or any time there is reason to believe they are not functioning properly. A card or label shall be attached to the gauges showing date of test or calibration.

(2) An entry shall be made in the equipment log, in accordance with § 1910.438, identifying the gauges tested or calibrated and describing the type of testing or calibration performed.

(b) *Installation to allow checking.* Depth gauges shall be so installed as to allow a system check of their accuracy.

§ 1910.437 Compressed gas equipment (except SCUBA cylinders).

(a) *Securing of cylinders.* Compressed gas cylinders shall be stored in a well ventilated area, protected from heat, and secured from falling.

(b) *Protection cap.* Compressed gas cylinders shall have a protection cap over the cylinder neck and valve when not in use.

(c) *Pressure regulator (Oxygen).* Oxygen systems shall employ oxygen compatible pressure regulators to control flow.

§ 1910.438 Equipment log.

(a) The employer shall have and maintain an equipment log in which at least the following information shall be entered:

(1) The procedures followed in testing gas supply hoses and fittings and the results of such tests.

(2) The procedures followed in the oxygen cleaning of hoses and the methods and materials used to assure cleanliness. The hoses and fittings used in oxygen service shall be identified by a tagging system or similar method.

(3) The maintenance and repairs to the air compressor and the air system.

(4) The testing and calibration of depth gauges.

(b) For each entry in the equipment log, the equipment or part shall be identified, the nature of the work shall be described, the date on which the work is performed shall be noted, and the individual performing the work shall sign and print his name together with the name and address of the company or employer by whom he is employed.

(c) The equipment log shall be kept by the employer for a period of at least 5 years.

RECORDKEEPING REQUIREMENTS

§ 1910.440 Recording and reporting.

(a) *Recording.* The recording of occupational injuries and illnesses by employers shall be in accordance with the requirements of 29 CFR Part 1904.

(b) *Reporting.* (1) The employer shall report to the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor, the occurrence of any of the following employment related accidents, injuries, or illnesses:

(i) Any fatality;

(ii) Any hospitalization of five or more employees;

(iii) Any injury or illness to any diver requiring 72 hours or more hospitalization;

(iv) Any injury or illness to a diver requiring at least 5 days treatment by an attending physician;

(v) Decompression sickness with vestibular or central nervous system dysfunction.

(2) The report shall be made within 48 hours after the occurrence. It may be either oral or in writing, by telephone or telegram. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries or illnesses. The Area Director may require such additional report, in writing or otherwise, as he deems necessary concerning the accident.

§ 1910.441 Availability of records.

(a) *Inspection of records.* Upon the request of an authorized representative of the Assistant Secretary for Occupational Safety and Health, the employer shall make available for inspection and copying any manual, written instruction, record, or log that is required to be kept by this subpart.

(b) *Transfer of records.* In the event the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this subpart.

APPENDIX A—MEMORANDUM OF UNDERSTANDING BETWEEN THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION OF THE DEPARTMENT OF LABOR AND THE UNITED STATES COAST GUARD OF THE DEPARTMENT OF TRANSPORTATION

This Memorandum of Understanding is entered into by the Occupational Safety and Health Administration (OSHA), Department of Labor, and the United States Coast Guard (USCG), Department of Transportation.

I. PURPOSE

This Memorandum of Understanding is entered into for the purpose of:

(1) Providing the basis upon which OSHA and the USCG shall cooperate on occupational safety and health matters pertaining to diving operations;

(2) Implementing and enforcing the OSHA Emergency Temporary Standard (ETS) on diving operations, to be published in June 1976, issued pursuant to Section 6(c) of the Occupational Safety and Health Act (the Act), 29 USC 655;

(3) Coordinating logistical support necessary to the proper conduct of ETS regulatory activities;

(4) Providing a procedure for interagency consideration of questions of respective Agency responsibilities which may arise in the course of administering the ETS;

(5) Providing for a tentative joint rulemaking procedure for developing permanent standards (regulations) for diving operations.

II. IMPLEMENTING PROCEDURES

(1) General. a. The Assistant Secretary of Labor for OSHA and the Commandant of the USCG shall each designate one senior official, who shall be responsible for coordinating and effectuating the provisions of this Memorandum.

b. Each Agency shall establish procedures for the dissemination to the other Agency of information and documents pertinent to enforcement of the ETS.

(2) Enforcement of ETS: a. Inspections of work sites involving vessels inspected by the USCG, deepwater ports, and artificial islands and fixed structures on the Outer Continental Shelf, shall be made jointly by personnel from each Agency. Citations issued by OSHA for violations of the ETS, and proceedings on these citations shall be pursuant to the Act and implementing regulations.

b. Accident and complaint investigations shall have priority over general scheduled inspections.

c. Inspection scheduling shall be coordinated between the Agencies by the OSHA area director and the local USCG Officer-in-Charge, Marine Inspection.

d. Inspections of all other work sites covered by the ETS made jointly by compliance officers from each Agency, except where at the determination of the USCG such USCG personnel are not readily available.

e. No advance notification of inspections shall be given to the employer/operator of affected work sites except where notice is necessary to assure the safe arrival and departure of compliance personnel.

(3) Logistics and Support. a. Pursuant to 14 USC 141, the USCG may provide OSHA such logistical and administrative support as may be required to implement the ETS.

b. When access to an offshore worksite is required, the USCG may furnish transportation to compliance personnel. When in the judgment of the U.S. Coast Guard District Commander such resources are not reasonably available because of other Coast Guard missions of higher priority, the OSHA area director may secure transportation from private charter sources.

III. INTERPRETATIONS AND POLICY DEVELOPMENT

(1) Interpretation of Memorandum: a. Each Agency shall interpret its assigned responsibilities in a manner which best achieves the purposes of this Memorandum.

b. In the event a dispute arises concerning interpretation of this Memorandum, the matter shall be brought as soon as possible to the attention of the OSHA regional Administrator and the local USCG District Commander for resolution.

c. If the matter is unable to be solved at the local level, it shall be promptly referred to the designated senior Agency officials, who shall confer and seek mutual resolution.

(2) Policy Cordination: a. A committee composed of three representatives of each Agency shall be established to:

(1) Evaluate regulatory policy of the Agencies with respect to commercial diving;

(2) Review legislative initiatives affecting the scope of this Memorandum, and

(3) Coordinate Agency positions regarding legal issues raised in the course of enforcing or administering the ETS.

IV. PROCEDURE FOR PROMULGATING A PERMANENT STANDARD (REGULATION)

(1) General: a. To the maximum extent possible under existing statutes and regulations, each agency shall cooperate fully with the other to promulgate a final permanent standard (regulation) within six months from the effective date of the ETS.

b. Agency resources and expertise shall be shared and exchanged for the duration of the project.

c. All relevant information and data shall be freely exchanged.

d. Necessary agency clearances and approvals shall be expedited and given priority status.

(2) Conduct of the Rulemaking Procedure: a. If practicable, public activities pursuant to this rulemaking activity shall be conducted under the joint auspices of OSHA and the USCG.

b. To the maximum extent possible, all documents relevant to the conduct of the rulemaking proceedings shall be jointly developed.

c. Public input, including opportunities for hearings and comments shall be maximized and encouraged.

d. In developing and scheduling procedures for the conduct of this rulemaking, each agency shall satisfy its own procedural requirements.

e. Every effort shall be made to obtain a final rule which is mutually satisfactory both as to substantive content and agency jurisdiction.

V. LIMITING PROVISION

This Memorandum of Understanding shall be limited to matters pertaining to occupational safety and health in diving operations.

VI. EFFECTIVE DATE

This Memorandum of Understanding shall take effect simultaneously with the publication of the ETS in the Federal Register, and shall terminate upon the effective date of Coast Guard standards on occupational safety and health matters pertaining to diving operations. This Memorandum may be amended at any time by mutual written agreement of the Agencies and may be terminated by either agency upon thirty days notice.

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Dated: June 9, 1976.

O. W. SILER,
Commandant, U.S. Coast Guard, Department of Transportation.

Dated: June 9, 1976.

MORTON CORN,
Assistant Secretary for Occupational Safety and Health, Department of Labor.

APPENDIX B—BRITISH MEDICAL RESEARCH COUNCIL TECHNIQUES

SKELETAL RADIOLOGICAL INVESTIGATION FOR DIVERS

The basic skeletal survey should include views of the head and proximal parts of the shafts of the humerus and femur on each side and projections of each knee including the distal two-thirds of the shaft of the femur and the proximal third of the shaft of the tibia.

The early demonstration of dysbaric osteonecrosis demands high quality radiographs which clearly demonstrate the bone trabeculae. This will require the optimum screen/film combination, an adequate ratio grid and a focal spot size of 1 or 1.2 mm. A smaller size with a high-speed rotating tube should be used if this is available. Gonad protection should always be used. A list of recommended projections and specimen radiographs illustrating these views should be available for the radiographer. Where possible the radiographs should be checked before the patient leaves the X-ray room or Department and preferably this should be done by the radiologist responsible for the interpretation. It is of considerable advantage to have the surveys done in as few centers as possible so that the radiography technicians become closely involved in the work and are fully aware of the problems in interpretation and the need for high quality radiographs.

SHOULDER JOINT

The objective is to obtain a radiograph of the entire articular cortex of the humeral head in unobscured profile. An 18 by 24 cm (10/8) film is recommended. An anteroposterior projection of each shoulder is taken with the patient lying supine and the trunk rotated to bring the scapula on the side to be radiographed flat against the table top. With the arm in the supine position (palm up), pulled down and abducted 10° the beam is centered one inch (24.5 mm) below the tip of the coracoid process of the scapula. The beam should be collimated by bringing in the diaphragms to show only the head and the proximal third of the shaft of the humerus. This view should show a clear joint space. The patient should hold his breath while the film is exposed.

SHOULDER JOINT WITH ARM IN INTERNAL ROTATION

An 18 by 24 cm (19/18) film is recommended. An anteroposterior projection of each shoulder joint is taken with the patient placed in a supine position and the trunk rotated to bring the scapula on the side to be radiographed flat against the table top. The humeral head is then internally rotated by turning the forearm to the prone position (palm down), with the elbow slightly flexed and the humerus abducted approximately 10°. The beam is centered 1 inch (24.5 mm) below the tip of the coracoid process of the scapula. The beam should be collimated by bringing in the diaphragms to show only the head and the proximal third of the shaft of the humerus. The patient should hold his breath during the exposure.

HIP JOINT

The objective is to obtain a radiograph demonstrating the head of the femur. To obtain comparable radiographs at serial follow-up, the femoral neck should be in a standard position. A 24 by 30 cm film (10/12) is recommended. A separate antero-posterior projection of each hip joint is taken with the patient placed in a supine position and the foot on the side under investigation kept at 90° to the table top. The beam should be centered over the head of the femur, that is, 1 inch (24.5 mm) below the mid point of the line joining the anterior-superior iliac spine and the mid point of the upper border of the pubic symphysis. The beam should be collimated by bringing in the diaphragms to show only the head, neck and immediate subtrochanteric area of the femoral shaft. The edge of the gonad protector should be as near to the femoral head as possible but not obscuring it.

KNEE JOINT

The object is to ensure a comparable density between the lower two-thirds of the femur and the upper third of the tibia. It is recommended that the kV is lowered, the mA raised and use made of a grid. Two projections are used. A 30 by 40 cm film (15/12) is recommended for both. An antero-posterior projection of each knee is made with the knee extended to include the lower two-thirds of the femur and the upper third of the tibia and fibula. The beam should be centered at the level of the upper border of the patella.

A lateral projection of each knee joint is made with the patient rotated so that the lateral border of the knee to be examined is against the table. The opposite leg should be positioned so that a line through both anterior-superior iliac spines is at right angles to the table top. In this way the projection of the knee joint is more likely to be a true lateral. The field should include the lower two-thirds of the femur and the upper third of the tibia and fibula. The beam should be centered at the level of the upper border of the patella.

Should there be doubt in the diagnosis then the following additional views may be of value.

HIP JOINT WITH LEG IN LATERAL POSITION

A 24 by 30 cm (10/12) film is recommended. A lateral projection of the hip joint increases the potential radiation dose to the gonads. However, it may be of value in identifying an early lesion particularly when there is a structural failure with a translucent subcortical band. A separate lateral projection of each hip joint is taken with the patient supine. The knee and hip on the side to be examined are flexed so that the foot is flat on the table top directly opposite the other knee. The thigh is then abducted maximally and the knee supported by a sandbag. The beam is centered over the head of the femur, that is, 1 inch (24.5 mm) below the mid point of the line joining the anterior-superior iliac spine and the upper border of the pubic symphysis. The projection should include the head, neck and immediate subtrochanteric region of the femur.

FURTHER COMMENTS

The gonads must always be protected from ionizing radiation by a lead shield. If this is done, estimation of the radiation dose received by the patient indicates that the basic skeletal survey can be safely repeated at intervals of six months.

It is debatable whether the routine surveys should include the additional projections. However, when doing this type of work, it is not always practical or easy to recall a man for a repeat or extended radiographic examination. In this situation it is worthwhile to include the additional projections as they may help to indicate more clearly whether or not an abnormality is present. When the recall is easy then the survey should be confined to the basic views.

Probably the greatest fault lies in underpenetration of the radiographs. Because of this trabecular detail is not clearly seen and consequently small dense areas close to the joint surface will not be identified. During the process of repair granulation tissue grows from the living bone into the necrotic bone and new bone is laid on the trabeculae causing an overall increase in bone bulk. Therefore, there is more tissue for the X-rays to penetrate and, unless the kilo voltage is increased possibly as much as 10 kV, a pale, underpenetrated radiograph will result. When this happens small dense areas will be identified and this is one of the commonest causes of misinterpretation and failure to identify osteonecrosis. Other difficulties in interpretation arise from malrotation of the shoulder joint resulting in the superior border of the greater tuberosity appearing as a dense layer which could be misinterpreted as osteonecrosis. Further faults will arise from inadequate projection, exposure, etc.

Tomography may be required to improve definition particularly in the femoral head and sometimes in the humeral head where detail is obscured by overlying bone. In general however, good quality radiographs preclude the need for frequent use of tomography.

(Secs. 6(c), 8(c), 84 Stat. 1596, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8–76; 29 CFR Part 1911).

Signed at Washington, D.C. this 9th day of June 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–17409 Filed 6–10–76;4:54 pm]

federal register

TUESDAY, JUNE 15, 1976

PART IV:

THE PRESIDENT

EMERGENCY PREPAREDNESS FUNCTIONS

Executive Order 11921

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Executive Order 11921 June 11, 1976

Adjusting Emergency Preparedness Assignments to Organizational and Functional Changes in Federal Departments and Agencies

By virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Reorganization Plan No. 1 of 1973 (87 Stat. 1089), the National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*), the Defense Production Act of 1950, as amended (50 App. U.S.C. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 App. U.S.C. 2251 *et seq.*), Executive Order No. 11490 of October 28, 1969, is hereby amended as follows:

SECTION 1. The "Table of Contents" is amended as follows: (a) In Part 6, delete "Post Office Department" and substitute therefor "United States Postal Service".

(b) After Part 15 insert "15A Environmental Protection Agency.".

(c) After Part 22 insert "22A National Credit Union Administration.".

(d) After Part 28 insert "28A United States Information Agency.".

SEC. 2. The phrase "the Office of Emergency Preparedness" is deleted wherever it occurs, and in its place is inserted the phrase "the Federal Preparedness Agency (GSA)".

SEC. 3. At the end of Section 102(a) add a new sentence as follows:

"The activities undertaken by the departments and agencies pursuant to this order, except as provided in Section 3003, shall be in accordance with guidance provided by, and subject to evaluation by, the Administrator of General Services who has established within the General Services Administration a subordinate agency, the Federal Preparedness Agency, to assume those functions of the former Office of Emergency Preparedness transferred to the Administrator of General Services by Section 3 of Executive Order No. 11725 of June 27, 1973.".

SEC. 4. Amend Section 301(13) to read as follows:

"(13) administration of customs laws, tax laws, the laws on control of alcohol, alcoholic beverages, tobacco, and firearms, and Title XI (Regulation of Explosives) of the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40);".

SEC. 5. (a) In Section 401(27) delete the phrase "Management (OEP)" and substitute therefor "Policy (35 FR 6421)".

(b) Add a new Section 401(28) as follows:

"(28) Develop, under the guidance of the Department of the Interior, plans and programs designed to help meet water requirements in an emergency in watershed areas regulated by the Corps of Engineers or other Department of Defense elements.".

(c) Add a new Section 401(29) as follows:

"(29) Develop plans for emergency assistance to public water supply utilities, working as necessary through agencies having primary responsibility, and with State and local governments.".

(d) Add a new Section 401(30) as follows:

"(30) In coordination with the Department of Transportation and other responsible Federal agencies, and in cooperation with the Tennessee Valley Authority in matters affecting the Tennessee River and certain of its tributaries, and with respect to all other inland waterways, canals, harbors, and navigation channels within the United States and possessions and territories, develop emergency plans and procedures for improvement, restoration, rehabilitation, operation and maintenance of components of Federally authorized river and harbor projects; locating and removing obstructions to navigation; accomplishing dredging to clear and straighten navigation channels; collecting, compiling, and publishing information on the physical characteristics and facilities of ports of the United States and possessions and territories for the use and benefit of navigation.".

SEC. 6. (a) Amend the title of Part 6 to read "Part 6—United States Postal Service".

(b) In Section 601(1), delete the phrase "Post Office activities" and substitute therefor "Postal Service activities"; and delete the phrase "Post Office Department" and substitute therefor "United States Postal Service".

(c) Delete Section 601(2)(d) and renumber 601(2)(e) as Section 601(2)(d).

SEC. 7. (a) Amend Section 702(6) to read as follows:

"(6) "Water" means all usable waters, from all sources, within the jurisdiction of the United States, which can be managed, controlled and allocated to meet emergency requirements.".

(b) Amend Section 703(3) to read as follows:

"(3) *Water.* Develop overall plans for the management, control, and allocation of the water resources of the nation in an emergency. Establish a system of priorities for the use of water in periods of emergency. Coordinate the emergency water planning efforts of those departments and agencies having specific statutory or delegated water responsibilities. Coordinate the overall plans with those developed by the Environmental Protection Agency to provide potable water for community needs. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture. Provide national leadership and coordination for the development of Federal emergency plans for the management and allocation of water resources in the national interest during an emergency. Coordinate emergency water resource planning at the State, interstate, and local levels through the appropriate Federal departments and agencies concerned with each area of planning.".

SEC. 8. (a) Amend Section 801(4) to read "(4) defense against hazardous agents (nuclear, biological and chemical) and effects pertaining to agricultural activities; and".

(b) Amend Section 803(2) to read as follows:

"(2) *Stockpiles.* Take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agricultural items stockpiled for survival purposes.".

(c) Amend Section 804(2) to read as follows:

"(2) *Nuclear, biological, and chemical hazards protection for agriculture.* Develop, in consonance with overall planning of the Environmental Protection Agency, plans for a national program, direct Federal activities, and furnish technical guid-

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ance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops or products thereof; (b) protective measures, treatment and handling of livestock, including poultry or products thereof, which have been exposed to or affected by radiation; and, (c) use of crops, agricultural commodities on farms and ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Develop plans for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from hazardous agents (nuclear, biological and chemical) and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.".

(d) Add a new Section 804(4) as follows:

"(4) Develop, under guidance of the Department of the Interior, plans and programs for water to be used in agricultural production and food processing in an emergency.".

SEC. 9. (a) In Section 901(1), delete the phrase "involving the following:" and substitute therefor "otherwise assigned, including:".

(b) Amend Section 901(1)(h) to read "(h) Construction, use and management of highways, streets, and appurtenant structures; and".

(c) Add a new Section 901(1)(i) as follows: "(i) Domestic distribution of health resources.".

(d) Amend Section 902(3) to read as follows:

"(3) *Industry evaluation.* Identify those industrial products which are essential, or of very great importance, to mobilization readiness, national defense, or postattack survival and recovery; identify the facilities capable of producing the identified products and evaluate the importance of such facilities to the national security.".

(e) Add a new Section 902(6) as follows:

"(6) *Water claimancy.* Develop a system and procedures to provide essential industrial water resource claimancy requirements to the Department of the Interior in an emergency.".

(f) At the end of Section 903(7), add the following new sentence: "Claimancy for resources shall include materials, manpower, equipment, supplies, services, and water.".

(g) Add a new Section 906 as follows:

Sec. 906. *National Oceanic and Atmospheric Administration's National Marine Fisheries Service functions.* Under a redelegation of authority from the Department of Agriculture to the Department of Commerce, the National Oceanic and Atmospheric Administration shall develop overall plans and programs to ensure that the fishing industry continues to produce essential protein. This includes responsibility for priority and allocation functions, acting as claimant agency for critical materials and additional facilities, labor supply, production and processing of fishery products, and the control and protection of fishing vessels.".

SEC. 10. (a) Amend Section 1101 to read as follows:

"Section 1101. *Résumé of Responsibilities.* The Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, social security benefits, and educational programs as defined below.".

(b) Amend Section 1102(1) to read as follows:

"(1) "Emergency health services" means medical and dental care for the civilian population in all of the specialties and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification, and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services, rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to hazardous agents (nuclear, biological and chemical); sanitary aspects of disposal of the dead; and food and milk sanitation. It shall be undestood that health services for the purposes of this order do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication; wholesomeness of meat and meat products, and poultry and poultry products, in establishments under continuous inspection service by the Department of Agriculture; veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Department of Agriculture; livestock; agricultural commodities stored or harvestable on farms and ranches; agricultural lands and water.".

(c) Delete Section 1102(6) and renumber Section 1102(7) as Section 1102(6).

(d) Delete Section 1103(2) and renumber all following subsections.

(e) Delete Section 1106 and renumber Section 1107 as Section 1106.

SEC. 11. (a) Amend Section 1301(3) to read as follows:

"(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity (service, equipment and facilities), or any portion thereof, to meet overall essential civil and military needs;".

(b) Amend Section 1303(1) to read as follows:

"(1) Allocating specifically designated civil air carrier type aircraft to the Civil Reserve Air Fleet (CRAF) and to the War Air Service Program (WASP).".

(c) Amend Section 1303(2) to read as follows:

"(2) Emergency resource management of the National Aviation System, which is the physical complex of civil airmen, aircraft (including air carrier and general aviation aircraft), airports, airspace, airways and facilities and services, regulations, plans, standards, procedures and practices associated with the complex, for emergency management of the National Airspace System, and for control of civil and military air traffic, except as provided in Part 15 herein. In the performance of these responsibilities:

"(a) The Secretary of Transportation, assisted by the Civil Aeronautics Board as appropriate, shall, with respect to WASP and CRAF aircraft, be responsible for the functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003 and and 3005. When CRAF is activated by the Secretary of Defense, the Secretary of Transportation retains the responsibility for the claimancy function for CRAF aircraft.

"(b) The Secretary of Transportation, assisted by the Secretary of Defense, shall, with respect to the CRAF program, specifically when civil air carrier aircraft allocated thereto are withdrawn for use in the program, retain responsibility for claimancy as provided in Section 3001.".

(d) Amend Section 1303(3) to read as follows:

"(3) Emergency resource management of all Federal, State, city, local and other highways, roads, streets, bridges, tunnels, and appurtenant structures, and publicly-owned highway maintenance equipment, including:

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"(a) The adaptation, development, construction, reconstruction and maintenance of the nation's highway and street systems to meet emergency requirements; and

"(b) The regulation of highway traffic in an emergency through a national program in cooperation with all Federal, State, and local governmental units concerned to assure efficient and safe utilization of available road space.".

SEC. 12. (a) In Section 1502, amend all before subsection (1) to read as follows:

"Sec. 1502. *Functions.* The Civil Aeronautics Board, under the coordinating authority of the Secretary of Transportation, shall exercise emergency resource management of the WASP. Except for those functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003, and 3005, which have been reserved to the Secretary of Transportation with assistance from the Civil Aeronautics Board as appropriate. The Civil Aeronautics Board, in exercising emergency resource management of the WASP, shall:".

(b) Add a new Section 1502(6) as follows:

"(6) *Interagency assistance.* Assist the Secretary of Transportation in planning for those responsibilities enumerated in Section 1303(2)(a).".

SEC. 13. Add a new part after Part 15 as follows:

"PART 15A—ENVIRONMENTAL PROTECTION AGENCY

"Section 1550. *Résumé of responsibilities.* The Administrator of the Environmental Protection Agency is responsible for diagnosis of quality problems and hazards in the environment which would impede the survival and recovery efforts of the nation and for developing coordinated Federal plans and fostering State and local plans designed to prevent or minimize the long-term ecological impact of hazardous agents introduced into the environment in an emergency situation, and to assist and coordinate with all primary resource agencies regarding plans to preserve the quality of a resource needed in an emergency.

"Sec. 1551. *Definitions.* As used in this part:

"(1) "Potable water" means drinkable water from all sources required for use in community water supply systems.

"(2) "Hazardous agents" means nuclear, biological, and chemical, or other agents introduced into the environment in an emergency to affect adversely the health of the population and to impede resumption of normal operations of a community or nation.

"Sec. 1552. *Functions.* The Administrator of the Environmental Protection Agency shall:

"(1) Develop, in coordination with the Department of the Interior and other responsible Federal agencies, emergency plans to assure the provision of potable water supplies to meet community needs; develop plans and procedures to safeguard water quality under emergency conditions; and develop emergency programs and procedures designed to assure the availability of materials and equipment for water supply systems.

"(2) Provide guidance on acceptable emergency levels for hazardous agents, and support plans of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment.

"(3) Develop these plans in close coordination with appropriate primary resource and support agencies.".

SEC. 14. Delete "10995" in Section 1802 and substitute therefor "11556".

SEC. 15. Amend Section 1901 to read as follows:

"Section 1901. *Functions.* The Federal Power Commission shall assist the Department of the Interior, in conformity with Part 7, in the preparation of national emergency plans and the development of preparedness programs for electric power and natural gas in accordance with current agreements between the Secretary of the Interior and the Chairman of the Federal Power Commission.".

SEC. 16. (a) In Section 2001(12) delete the language after "materials" and substitute therefor:

"in accordance with such guidance as may be provided by the National Security Council and, with respect to the economic and disposal aspects of stockpiling of strategic and critical materials by the Council on Economic Policy.".

(b) Delete "10995" in Section 2002(3) and substitute therefor "11556".

SEC. 17. Add a new part after Part 22 as follows:

"PART 22A—NATIONAL CREDIT UNION ADMINISTRATION

"Section 2250. *Functions.* The Administrator of the National Credit Union Administration shall:

"(1) *Credit union operations.* Provide instructions to all State and Federally chartered credit unions for the development of emergency plans to be put into effect as soon as possible after an attack upon the United States in order to guarantee continuity of credit union operations.

"(2) *Economic stabilization.* Provide guidance and funds as necessary to credit unions that will contribute to stabilization of the nation's economy by helping to establish and maintain a sound economic base for continuing operations, combating inflation, maintaining confidence in public and private financial institutions, and promoting thrift.".

SEC. 18. (a) Amend Section 2301(1) to read as follows:

"(1) *Manpower functions.* Assist the Department of Labor in sustaining readiness for the mobilization of civilian manpower by: (a) being prepared for rapid expansion of the Foundation's current operation as a central clearinghouse for information covering all scientific and technical personnel in the United States and its possessions; and (b) developing, in consultation with the Department of Labor, the Selective Service System, and the Department of Defense, plans and procedures to assure the most effective distribution and utilization of the nation's scientific and engineering manpower in an emergency.".

(b) Amend Section 2301(2) to read as follows:

"(2) *Specific functions.* (a) Provide leadership in developing, with the assistance of Federal and State agencies and appropriate non-governmental organizations, the ability to mobilize scientists, in consonance with overall civilian manpower mobilization programs, to perform or assist in performance of special tasks, including the identification of and defense against unconventional warfare; (b) advance the national radiological defense capability by including, in consultation with appropriate agencies, pertinent scientific information and radiological defense techniques in the Foundation's science education programs for science, mathematics and engineering teachers; (c) assemble data on the location and character of major scientific research facilities, including non-governmental as well as governmental facilities, and their normal inventories of types of equipment and instruments which would be useful in identification and an analysis of hazards to human life in the aftermath of enemy attack; and (d)

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prepare to carry on necessary programs for research and for training of scientific manpower.".

SEC. 19. Add a new part after Part 28 as follows:

"PART 28A—UNITED STATES INFORMATION AGENCY

"Section 2850. *Functions.* (a) The Director of the United States Information Agency shall prepare national emergency plans and develop preparedness programs for the continuation of essential emergency foreign information activities. These plans and programs shall be designed to develop a state of readiness which will permit continuing necessary activities under all conditions of national emergency including attack upon the United States.

"(b) The Director shall (1) develop plans for the formulation and execution of foreign information programs utilizing the Agency's overseas posts and all media designed to promote an intelligent understanding abroad of the status of the emergency within the United States and the efforts, policies, activities, needs, and aims of the United States in dealing with the international situation then existing; (2) develop emergency plans and programs, and emergency organizational structures required thereby, as an integral part of the continuing activities of the United States Information Agency on the basis that it will have the responsibility for carrying on such programs during an emergency; (3) provide and maintain the capability necessary for simultaneous direct radio broadcasting in major languages to all areas of the world, and wireless teletype to all United States Embassies; (4) provide advice to the executive branch on foreign opinion, and its implications for United States policies, programs, and official statements; (5) maintain liaison with the information agencies of friendly nations for the purpose of relating the United States Government information programs and facilities to those of such nations; (6) participate in the development of policy with regard to the psychological aspects of defense and develop plans for assisting the appropriate agencies in the execution of psychological operations with special attention to overseas crises short of war; (7) maintain United States Information Service staffs abroad for the conduct of public information for all agencies of the Government, recognizing that in a theater of operations the United States Information Agency would make available to the appropriate Commander all United States citizen personnel on the staff of the Agency, who agree to remain, to serve in support of psychological operations; and (8) lend appropriate support in psychological warfare to the military command in the theater or theaters of active military operations, and provide daily guidance and basic informational materials.

"(c) The Director shall insure development of appropriate plans necessary under this Part and issue emergency instructions required to implement all appropriate plans developed under this Part.".

SEC. 20. (a) Executive Order No. 11522 of April 6, 1970, and Executive Order No. 11746 of November 7, 1973, are hereby superseded.

(b) Section 7 of Executive Order No. 11556 of September 4, 1970, is hereby superseded.

Gerald R. Ford

THE WHITE HOUSE,
June 11, 1976.

[FR Doc.76-17534 Filed 6-11-76;3:43 pm]

EDITORIAL NOTE: Executive Order 11490, as amended by Executive Order 11921 of June 11, 1976, has been reprinted in its entirety for the convenience of the reader.

EXECUTIVE ORDER 11490—ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO FEDERAL DEPARTMENTS AND AGENCIES [AS AMENDED]

SOURCE: The provisions of Executive Order 11490 of Oct. 28, 1969, appear at 34 FR 17567, 3 CFR, 1966–1970 Comp., p. 820, unless otherwise noted.

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national emergency type situation that might conceivably confront the nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national emergency preparedness plans and has provided funds for the accomplishment thereof; and

WHEREAS this national emergency preparedness planning activity has been an established program of the United States Government for more than twenty years:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered as follows—

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18	Federal Communications Commission.
19	Federal Power Commission.
20	General Services Administration.
21	Interstate Commerce Commission.
22	National Aeronautics and Space Administration.
22A	National Credit Union Administration.
23	National Science Foundation.
24	Railroad Retirement Board.
25	Securities and Exchange Commission.
26	Small Business Administration.
27	Tennessee Valley Authority.
28	United States Civil Service Commission.
28A	United States Information Agency.
29	Veterans Administration.
30	General Provisions.

PART 1—PURPOSE AND SCOPE

SECTION 101. *Purpose.* This order consolidates the assignment of emergency preparedness functions to various departments and agencies heretofore contained in the 21 Executive orders and 2 Defense

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Mobilization orders listed in Section 3015 of this order. Assignments have been adjusted to conform to changes in organization which have occurred subsequent to the issuance of those Executive orders and Defense Mobilization orders.

SEC. 102. *Scope.* (a) This order is concerned with the emergency national planning and preparedness functions of the several departments and agencies of the Federal Government which complement the military readiness planning responsibilities of the Department of Defense; together, these measures provide the basic foundation for our overall national preparedness posture, and are fundamental to our ability to survive. The activities undertaken by the departments and agencies pursuant to this order, except as provided in Section 3003, shall be in accordance with guidance provided by, and subject to evaluation by, the Administrator of General Services who has established within the General Services Administration a subordinate agency, the Federal Preparedness Agency, to assume those functions of the former Office of Emergency Preparedness transferred to the Administrator of General Services by Section 3 of Executive Order 11725 of June 27, 1973.

(b) The departments and agencies of the Federal Government are hereby severally charged with the duty of assuring the continuity of the Federal Government in any national emergency type situation that might confront the nation. To this end, each department and agency with essential functions, whether expressly identified in this order or not, shall develop such plans and take such actions, including but not limited to those specified in this order, as may be necessary to assure that it will be able to perform its essential functions, and continue as a viable part of the Federal Government, during any emergency that might conceivably occur. These include plans for maintaining the continuity of essential functions of the department or agency at the seat of government and elsewhere, through programs concerned with: (1) succession to office; (2) predelegation of emergency authority; (3) safekeeping of essential records; (4) emergency relocation sites supported by communications and required services; (5) emergency action steps; (6) alternate headquarters or command facilities; and (7) protection of Government resources, facilities, and personnel. The continuity of Government activities undertaken by the departments and agencies shall be in accordance with guidance provided by, and subject to evaluation by, the Director of the Federal Preparedness Agency (GSA).

(c) In addition to the activities indicated above, the heads of departments and agencies described in Parts 2 through 29 of this order shall: (1) prepare national emergency plans, develop preparedness programs, and attain an appropriate state of readiness with respect to the functions assigned to them in this order for all conditions of national emergency; (2) give appropriate consideration to emergency preparedness factors in the conduct of the regular functions of their agencies, particularly those functions considered essential in time of emergency, and (3) be prepared to implement, in the event of an emergency, all appropriate plans developed under this order.

[Sec. 102 amended by EO 11921 of June 11, 1976]

SEC. 103. *Presidential Assistance.* The Director of the Federal Preparedness Agency (GSA), in accordance with the provisions of Executive Order No. 11051 of September 27, 1962, shall advise and assist the President in determining national preparedness goals and policies for the performance of functions under this order and in coordinating the performance of such functions with the total national preparedness program.

[Sec. 103 amended by EO 11921 of June 11, 1976]

SEC. 104. *General and Specific Functions.* The functions assigned by Part 30, General Provisions, apply to all departments and agencies having emergency preparedness responsibilities. Specific functions are assigned to departments and agencies covered in Parts 2 through 29.

SEC. 105. Construction. The purpose and legal effect of the assignments contained in this order do not constitute authority to implement the emergency plans prepared pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

PART 2—DEPARTMENT OF STATE

SECTION 201. *Functions.* The Secretary of State shall prepare national emergency plans and develop preparedness programs to permit modification or expansion of the activities of the Department of State and agencies, boards, and commissions under his jurisdiction in order to meet all conditions of national emergency, including attack upon the United States. The Secretary of State shall provide to all other departments and agencies overall foreign policy direction, coordination, and supervision in the formulation and execution of those emergency preparedness activities which have foreign policy implications, affect foreign relations, or depend directly or indirectly, on the policies and capabilities of the Department of State. The Secretary of State shall develop policies, plans, and procedures for carrying out his responsibilities in the conduct of the foreign relations of the United States under conditions of national emergency, including, but not limited to (1) the formulation and implementation, in consultation with the Department of Defense and other appropriate agencies, and the negotiation of contingency and post-emergency plans with our allies and of the intergovernmental agreements and arrangements required by such plans; (2) formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral States; (3) formulation and execution of political strategy toward hostile or enemy States, including the definition of war objectives and the political means for achieving those objectives; (4) maintenance of diplomatic and consular representation abroad; (5) reporting and advising on conditions overseas which bear upon the national emergency; (6) carrying out or proposing economic measures with respect to other nations, including coordination with the export control functions of the Secretary of Commerce; (7) mutual assistance activities such as ascertaining requirements of the civilian economies of other nations, making recommendations to domestic resource agencies for meeting such requirements, and determining the availability of and making arrangements for obtaining foreign resources required by the United States; (8) providing foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs, and determination of the value thereof; (9) protection or evacuation of American citizens and nationals abroad and safeguarding their property; (10) protection and/or control of international organization and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States; (11) documentary control of persons seeking to enter or leave the United States; and (12) regulation and control of exports of items on the munitions list.

PART 3—DEPARTMENT OF THE TREASURY

SECTION 301. *Functions.* The Secretary of the Treasury shall develop policies, plans, and procedures for the performance of emergency functions with respect to (1) stabilization aspects of the monetary, credit, and financial system; (2) stabilization of the dollar in relation to foreign currencies; (3) collection of revenue; (4) regulation of financial institutions; (5) supervision of the Federal depository system; (6) direction of transactions in government securities; (7) tax and debt policies; (8) participation in bilateral and multilateral financial arrangements with foreign governments; (9) regulation of foreign assets in the United States and of foreign financial dealings (in consultation with the Secretaries of State and Commerce); (10) development of procedures for the manufacture and/or

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issuance and redemption of securities, stamps, coins, and currency; (11) development of systems for the issuance and payment of Treasury checks; (12) maintenance of the central government accounting and financial reporting system; (13) administration of customs laws, tax laws, the laws on control of alcohol, alcoholic beverages, tobacco, and firearms, and Title XI (Regulation of Explosives) of the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40); (14) suppression of counterfeiting and forgery of government securities, stamps, coins, and currency; (15) protection of the President and the Vice President and other designated persons; (16) granting of loans (including participation in or guarantees of loans) for the expansion of capacity, the development of technological processes, or the production of essential material; and (17) to the extent that such functions have not been transferred to the Secretary of Transportation, enforcement of marine inspection and navigation laws.

[Sec. 301(13) amended by EO 11921 of June 11, 1976]

SEC. 302. *Financial Coordination.* The Secretary shall assume the initiative in developing plans for implementation of national policy on sharing war losses and for the coordination of emergency monetary, credit, and Federal benefit payment programs of those departments and agencies which have responsibilities dependent on the policies or capabilities of the Department.

PART 4—DEPARTMENT OF DEFENSE

SECTION 401. *Functions.* In addition to the civil defense functions assigned to the Secretary of Defense by Executive Order No. 10952, the Secretary of Defense shall perform the following emergency preparedness functions:

(1) Provide specific strategic guidance as required for emergency preparedness planning and programming, including, for example, guidance regarding such factors as accessibility of foreign sources of supply and estimated shipping loss discounts and aircraft losses in the event of war.

(2) Develop and furnishing quantitative and time-phased military requirements for selected end-items, consistent with defined military concepts, and supporting requirements for materials, components, production facilities, production equipment, petroleum, natural gas, solid fuels, electric power, food, transportation, and other services needed to carry out specified Department of Defense current and mobilization procurement, construction, research and development, and production programs. The items and supporting resources to be included in such requirements, the periods to be covered, and the dates for their submission to the appropriate resource agency will be determined by mutual agreement between the Secretary of Defense and the head of the appropriate resource agency.

(3) Advise and assist the Federal Preparedness Agency (GSA) in developing a national system of production urgencies.

(4) Advise and assist the Federal Preparedness Agency (GSA) in developing a system, in conjunction with the Department of State, for the international allocation of critical materials and products among the United States and the various foreign claimants in the event of an emergency, including an attack on the United States.

(5) Plan for and administer priorities and allocations authority delegated to the Department of Defense. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Federal Preparedness Agency (GSA).

(6) Assist the Department of Commerce and other appropriate agencies in the development of the production and distribution controls plans for use in any period of emergency.

(7) Develop with industry, plans for the procurement and production of selected military equipment and supplies needed to fulfill emergency requirements, making maximum use of plants in dispersed

locations, and, where essential and appropriate, providing for alternative sources of supply in order to minimize the effects of enemy attack.

(8) Develop with industry, plans and programs for minimizing the effect of attack damage to plants producing major items of military equipment and supply.

(9) Recommend to the Federal Preparedness Agency (GSA) measures for overcoming potential deficiencies in production capacity to produce selected military supplies and equipment needed to fulfill emergency requirements, when necessary measures cannot be effected by the Department of Defense.

(10) Furnish information and recommendations, when requested by the Federal Preparedness Agency (GSA), for purposes of processing applications for defense loans under Title III of the Defense Production Act of 1950, as amended.

(11) Furnish advice and assistance on the utilization of strategic and critical materials in defense production, including changes that occur from time to time.

(12) Analyze problems that may arise in maintaining an adequate mobilization production base in military-product industries and take necessary actions to overcome these problems within the limits of the authority and funds available to the Department of Defense.

(13) Assist the Secretary of Commerce with respect to the identification and evaluation of facilities important to the national defense.

(14) Advise and assist the Federal Preparedness Agency (GSA) in the development and review of standards for the strategic location and physical security of industries, services, government, and other activities for which continuing operation is essential to national security, and exercise physical security cognizance over the facilities assigned to him for such purpose.

(15) Develop and operate damage assessment systems and assist the Federal Preparedness Agency (GSA) and other departments and agencies in their responsibilities as stated in Section 3002(2); participate with the Federal Preparedness Agency (GSA) in the preparation of estimates of potential damage from enemy attack.

(16) Advise and assist the Federal Preparedness Agency (GSA) in the development of over-all manpower policies to be instituted in the event of an emergency, including an attack on the United States, including the provision of information relating to the size and composition of the Armed Forces.

(17) Advise on existing communications facilities and furnish military requirements for commercial communications facilities and services in planning for and in event of an emergency, including an attack on the United States.

(18) Furnish military requirements for all forms of transportation and transportation facilities in planning for and in the event of emergency, including an attack upon the United States.

(19) Assist the Federal Preparedness Agency (GSA) in preparation of legislative programs and plans for coordinating nonmilitary support of emergency preparedness programs.

(20) Develop plans and procedures for the Department of Defense utilization of nonindustrial facilities in the event of an emergency in order to reduce requirements for new construction and to provide facilities in a minimum period of time.

(21) Advise and assist the Federal Preparedness Agency (GSA) in (1) determining what key foreign facilities and operating rights thereto are important to the security of the United States, and (2) obtaining through appropriate channels protection against sabotage.

(22) Develop plans and procedures to carry out Department of Defense responsibilities stated in the National Censorship Agreement between the Department of Defense and the Federal Preparedness Agency (GSA).

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(23) Advise and assist the Department of State in planning for the evacuation of dependents from overseas areas, United States teachers and administrators in the overseas dependents schools, and such other United States citizens as may be working in United States schools overseas.

(24) Develop plans for implementation of approved Department of State/Department of Defense policies and procedures for the protection and evacuation of United States citizens and certain designated aliens abroad.

(25) Develop plans and procedures for the provision of logistical support to members of foreign forces, their employees and dependents as may be present in the United States under the terms of bilateral or multilateral agreements which authorize such support in the event of a national emergency.

(26) Develop with the Department of Transportation and Federal Communications Commission plans and programs for the control of air traffic, civil and military, during an emergency.

(27) Develop with the Federal Communications Commission and the Office of Telecommunications Policy (35 FR 6421) plans and programs for the emergency control of all devices capable of emitting electromagnetic radiation.

(28) Develop, under the guidance of the Department of the Interior, plans and programs designed to help meet water requirements in an emergency in watershed areas regulated by the Corps of Engineers or other Department of Defense elements.

(29) Develop plans for emergency assistance to public water supply utilities, working as necessary through agencies having primary responsibility, and with State and local governments.

(30) In coordination with the Department of Transportation and other responsible Federal agencies, and in cooperation with the Tennessee Valley Authority in matters affecting the Tennessee River and certain of its tributaries, and with respect to all other inland waterways, canals, harbors, and navigation channels within the United States and possessions and territories, develop emergency plans and procedures for improvement, restoration, rehabilitation, operation and maintenance of components of Federally authorized river and harbor projects; locating and removing obstructions to navigation; accomplishing dredging to clear and straighten navigation channels; collecting, compiling, and publishing information on the physical characteristics and facilities of ports of the United States and possessions and territories for the use and benefit of navigation.

[Sec. 401 amended by EO 11921 of June 11, 1976]

PART 5—DEPARTMENT OF JUSTICE

SECTION 501. *Functions.* The Attorney General shall perform the following emergency preparedness functions:

(1) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(2) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(3) *Judicial and legislative liaison.* In cooperation with the Federal Preparedness Agency (GSA), maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(4) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents, and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(5) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of State and Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(a) The location, restraint, or custody of alien enemies.

(b) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(c) Apprehension of deserting alien crewmen and stowaways.

(d) Investigation and control of aliens admitted as contract laborers.

(e) Control of persons entering or departing from the United States at designated ports of entry.

(f) Increased surveillance of the borders to preclude prohibited crossings by persons.

(6) *Alien property.* Develop emergency plans, in consultation with the Department of State, for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(7) *Security standards.* In consultation with the Department of Defense and with other executive agencies, to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(8) *Drug Control.* Develop emergency plans and procedures for the administration of laws governing the import, manufacture, and distribution of narcotics. Consult with and render all possible aid and assistance to the Office of Emergency Preparedness, the Department of Health, Education, and Welfare, and the General Services Administration in the allocation, distribution, and, if necessary, the replenishment of Government stockpiles of narcotic drugs.

[Sec. 501(3) amended by EO 11921 of June 11, 1976]

SEC. 502. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(1) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions if learning; and assist the States in preparing for the conduct of intrastate and interstate law enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(2) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when avail-

(23) Advise and assist the Department of State in planning for the evacuation of dependents from overseas areas, United States teachers and administrators in the overseas dependents schools, and such other United States citizens as may be working in United States schools overseas.

(24) Develop plans for implementation of approved Department of State/Department of Defense policies and procedures for the protection and evacuation of United States citizens and certain designated aliens abroad.

(25) Develop plans and procedures for the provision of logistical support to members of foreign forces, their employees and dependents as may be present in the United States under the terms of bilateral or multilateral agreements which authorize such support in the event of a national emergency.

(26) Develop with the Department of Transportation and Federal Communications Commission plans and programs for the control of air traffic, civil and military, during an emergency.

(27) Develop with the Federal Communications Commission and the Office of Telecommunications Policy (35 FR 6421) plans and programs for the emergency control of all devices capable of emitting electromagnetic radiation.

(28) Develop, under the guidance of the Department of the Interior, plans and programs designed to help meet water requirements in an emergency in watershed areas regulated by the Corps of Engineers or other Department of Defense elements.

(29) Develop plans for emergency assistance to public water supply utilities, working as necessary through agencies having primary responsibility, and with State and local governments.

(30) In coordination with the Department of Transportation and other responsible Federal agencies, and in cooperation with the Tennessee Valley Authority in matters affecting the Tennessee River and certain of its tributaries, and with respect to all other inland waterways, canals, harbors, and navigation channels within the United States and possessions and territories, develop emergency plans and procedures for improvement, restoration, rehabilitation, operation and maintenance of components of Federally authorized river and harbor projects; locating and removing obstructions to navigation; accomplishing dredging to clear and straighten navigation channels; collecting, compiling, and publishing information on the physical characteristics and facilities of ports of the United States and possessions and territories for the use and benefit of navigation.

[Sec. 401 amended by EO 11921 of June 11, 1976]

PART 5—DEPARTMENT OF JUSTICE

SECTION 501. *Functions.* The Attorney General shall perform the following emergency preparedness functions:

(1) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(2) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(3) *Judicial and legislative liaison.* In cooperation with the Federal Preparedness Agency (GSA), maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(4) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents, and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(5) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of State and Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(a) The location, restraint, or custody of alien enemies.

(b) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(c) Apprehension of deserting alien crewmen and stowaways.

(d) Investigation and control of aliens admitted as contract laborers.

(e) Control of persons entering or departing from the United States at designated ports of entry.

(f) Increased surveillance of the borders to preclude prohibited crossings by persons.

(6) *Alien property.* Develop emergency plans, in consultation with the Department of State, for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(7) *Security standards.* In consultation with the Department of Defense and with other executive agencies, to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(8) *Drug Control.* Develop emergency plans and procedures for the administration of laws governing the import, manufacture, and distribution of narcotics. Consult with and render all possible aid and assistance to the Office of Emergency Preparedness, the Department of Health, Education, and Welfare, and the General Services Administration in the allocation, distribution, and, if necessary, the replenishment of Government stockpiles of narcotic drugs.

[Sec. 501(3) amended by EO 11921 of June 11, 1976]

SEC. 502. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(1) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions if learning; and assist the States in preparing for the conduct of intrastate and interstate law enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(2) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when avail-

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able, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and, in coordination with the Department of Labor, for the development of Federal prisoner skills to appropriately augment the total supply of manpower, advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(3) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

PART 6—UNITED STATES POSTAL SERVICE

SECTION 601. *Functions.* The Postmaster General shall prepare plans and programs for emergency mail service and shall cooperate with indicated Federal agencies, in accordance with existing agreements or directives, in the following national emergency programs:

(1) *Registering of persons.* Assist the Department of Health, Education, and Welfare in planning a national program and developing technical guidance for States, and directing Postal Service activities concerned with registering persons and families for the purpose of receiving and answering welfare inquiries and reuniting families in civil defense emergencies. The program shall include procurement, transportation, storage, and distribution of safety notification and emergency change of address cards in quantities and localities jointly determined by the Department of Defense and the United States Postal Service.

(2) *Other emergency programs.* (a) Censorship of international mails. (Department of Defense; Department of the Treasury; Federal Preparedness Agency (GSA))

(b) Provision for emergency mail service to Federal agencies at both regular and emergency sites. (General Services Administration)

(c) Emergency registration of Federal employees. (Civil Service Commission)

(d) Registration of enemy aliens. (Department of Justice)

[Sec. 601 amended by EO 11921 of June 11, 1976]

PART 7—DEPARTMENT OF THE INTERIOR

SECTION 701. *Résumé of Responsibilities.* The Secretary of the Interior shall prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; (4) minerals; and (5) water, as defined in Section 702 of this part.

SEC. 702. *Definitions.* As used in this part:

(1) "Electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(2) "Petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(3) "Gas" means natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage.

(4) "Solid fuels" means all forms of anthracite, bituminous, subbituminous, and lignitic coals, coke, and coal chemicals produced in the coke-making process.

(5) "Minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the

Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified and at the facilities designated in an agreement between the Secretary of the Interior and the Secretary of Commerce as being within the emergency preparedness responsibilities of the Secretary of the Interior.

(6) "Water" means all usable waters, from all sources, within the jurisdiction of the United States, which can be managed, controlled and allocated to meet emergency requirements.

[Sec. 702(6) amended by EO 11921 of June 11, 1976]

SEC. 703. *Resource functions.* With respect to the resources defined in Section 702, the Secretary of the Interior shall:

(1) *Minerals development.* Develop programs and encourage the exploration, development, and mining of strategic and critical minerals for emergency purposes.

(2) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and evaluation of essential facilities.

(3) *Water.* Develop overall plans for the management, control, and allocation of the water resources of the nation in an emergency. Establish a system of priorities for the use of water in periods of emergency. Coordinate the emergency water planning efforts of those departments and agencies having specific statutory or delegated water responsibilities. Coordinate the overall plans with those developed by the Environmental Protection Agency to provide potable water for community needs. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture. Provide national leadership and coordination for the development of Federal emergency plans for the management and allocation of water resources in the national interest during an emergency. Coordinate emergency water resource planning at the State, interstate, and local levels through the appropriate Federal departments and agencies concerned with each area of planning.

(4) *Electric power and natural gas.* In preparedness planning for electric power and natural gas, the Federal Power Commission shall assist the Secretary of the Interior as set forth in Section 1901 of this order.

[Sec. 703(3) amended by EO 11921 of June 11, 1976]

PART 8—DEPARTMENT OF AGRICULTURE

SECTION 801. *Résumé of Responsibilities.* The Secretary of Agriculture shall prepare national emergency plans and develop preparedness programs covering: (1) food resources, farm equipment, fertilizer, and food resource facilities as defined below; (2) lands under the jurisdiction of the Secretary of Agriculture; (3) rural fire control; (4) defense against hazardous agents (nuclear, biological and chemical) and effects pertaining to agricultural activities; and (5) rural defense information and education.

[Sec. 801(4) amended by EO 11921 of June 11, 1976]

SEC. 802. *Definitions.* As used in this part:

(1) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order, the term "food resources" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

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(2) "Farm equipment" means machinery, equipment, and repair parts manufactured primarily for use on farms in connection with the production or preparation for market or use of "food resources".

(3) "Fertilizer" means any product or combination of products for plant nutrition in form for distribution to the users thereof.

(4) "Food resource facilities" means plants, machinery, vehicles (including on farm), and other facilities (including farm housing) for the production, processing, distribution, and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

SEC. 803. *Functions.* With respect to food resources, food resource facilities, lands under the jurisdiction of the Secretary, farm equipment, and fertilizer, the Secretary of Agriculture shall:

(1) *Production, processing, storage, and distribution.* Develop plans for priorities, allocations, and distribution control systems and related plans, including control of use of facilities designed to provide adequate and continuing production, processing, storage, and distribution of essential food resources in an emergency, and to provide for the domestic distribution of farm equipment and fertilizer.

(2) *Stockpiles.* Take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agricultural items stockpiled for survival purposes.

(3) *Land management.* Develop plans and direct activities for the emergency protection, management, and utilization of the lands, resources, and installations under the jurisdiction of the Secretary of Agriculture and assist in the development of plans for the emergency operation, production, and processing of forest products in cooperation with other Federal, State, and private agencies.

[Sec. 803(2) amended by EO 11921 of June 11, 1976]

SEC. 804. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Agriculture shall:

(1) *Rural fire defense.* In cooperation with Federal, State, and local agencies, develop plans for a national program and direct activities relating to the prevention and control of fires in the rural areas of the United States caused by the effects of enemy attack.

(2) *Nuclear, biological, and chemical hazards protection for agriculture.* Develop, in consonance with overall planning of the Environmental Protection Agency, plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops or products thereof; (b) protective measures, treatment and handling of livestock, including poultry or products thereof, which have been exposed to or affected by radiation; and, (c) use of crops, agricultural commodities on farms and ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Develop plans for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from hazardous agents (nuclear, biological and chemical) and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.

(3) *Defense information and education.* Conduct a defense information and education program in support of the Department's emergency responsibilities.

(4) Develop, under guidance of the Department of the Interior, plans and programs for water to be used in agricultural production and food processing in an emergency.

[Sec. 804 amended by EO 11921 of June 11, 1976]

PART 9—DEPARTMENT OF COMMERCE

SECTION 901. *Résumé of Responsibilities.* The Secretary of Commerce shall prepare national emergency plans and develop preparedness programs covering:

(1) The production and distribution of all materials, the use of all production facilities (except those owned by, controlled by, or under the jurisdiction of the Department of Defense or the Atomic Energy Commission), the control of all construction materials, and the furnishing of basic industrial services except those otherwise assigned, including:

(a) Production and distribution of and use of facilities for petroleum, solid fuels, gas, electric power, and water;

(b) Production, processing, distribution, and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

(c) Domestic distribution of farm equipment and fertilizer;

(d) Use of communications services and facilities, housing and lodging facilities, and health, education, and welfare facilities;

(e) Producton, and related distribution, of minerals as defined in Subsection 702(5), and source materials as defined in the Atomic Energy Act of 1954, as amended; and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior;

(f) Distribution of items in the supply systems of, or controlled by, the Department of Defense and the Atomic Energy Commission;

(g) Construction, use, and management of civil aviation facilities; and

(h) Construction, use and management of highways, streets, and appurtenant structures; and

(i) Domestic distribution of health resources.

(2) Federal emergency operational control responsibilities with respect to ocean shipping, ports, and port facilities, except those owned by, controlled by, or under the jurisdiction of the Department of Defense, and except those responsibilities of the Department of the Treasury with respect to the entrance and clearance of vessels. The following definitions apply to this part:

(a) "Ocean shipping" includes all overseas, coastwise, intercoastal, and Great Lakes shipping except that solely engaged in the transportation of passengers and cargo between United States ports on the Great Lakes.

(b) "Port" or "port area" includes any zone contiguous to or associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(c) "Port facilities" includes all port facilities, port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between oceangoing vessels and other media of transportation, or in connection therewith (including the Great Lakes).

(3) Scientific and technological services and functions, essential to emergency preparedness plans, programs, and operations of the Federal departments and agencies, in which the Department of Commerce has the capability, including, but not limited to:

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(a) Meteorological and related services;

(b) Preparation, reproduction, and distribution of nautical and aeronautical charts, geodetic, hydrographic, and oceanographic data, and allied services for nonmilitary purposes;

(c) Standards of measurement and supporting services; and,

(d) Research, development, testing, evaluation, application, and associated services and activities in the various fields and disciplines of science and technology in which the Department has special competence.

(4) Collection, compilation, and reporting of census information and the provision of statistical and related services, as required, for emergency planning and operations.

(5) Regulation and control of exports and imports, under the jurisdiction of the Department of Commerce, in support of national security, foreign policy, and economic stabilization objectives.

(6) Regulation and control of transfers of capital to, and reinvestment of earnings of, affiliated foreign nationals pursuant to authority conferred by Executive Order No. 11387 of January 1, 1968.

[Sec. 901 amended by EO 11921 of June 11, 1976]

SEC. 902. *Production Functions.* Within the areas designated in section 901(1) hereof, the Secretary of Commerce shall:

(1) *Priorities and allocations.* Develop control systems for priorities, allocation, production, and distribution, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials and other resources made available under such systems for designated programs and the construction and operation of facilities assigned to them.

(2) *New construction.* Develop procedures by which new production facility construction proposals will be reviewed for appropriate location in light of such area factors as locational security, availability of labor, water, power, housing, and other support requirements.

(3) *Industry evaluation.* Identify those industrial products which are essential, or of very great importance, to mobilization readiness, national defense, or postattack survival and recovery; identify the facilities capable of producing the identified products and evaluate the importance of such facilities to the national security.

(4) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex, including shortages of resources, and conduct studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(5) *Loans for plant modernization.* Develop plans, in coordination with the Small Business Administration, for providing emergency assistance to essential small business establishments through direct loans or participation loans for the financing of production facilities and equipment.

(6) *Water claimancy.* Develop a system and procedures to provide essential industrial water resource claimancy requirements to the Department of the Interior in an emergency.

[Sec. 902 amended by EO 11921 of June 11, 1976]

SEC. 903. *Maritime Functions.* Within the areas designated in section 901(2) of this part, the Secretary of Commerce shall develop plans and procedures in consonance with international treaties, under coordinating authority of the Secretary of Transportation and in cooperation with other appropriate Federal agencies and the States and their political subdivisions, to provide for Federal operational control of ocean ports and shipping, including:

(1) *Shipping allocation.* Allocation of specific ocean shipping to meet the national requirements, including those for military, foreign assistance, emergency procurement programs, and those essential to the civilian economy.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter, or requisition, by breakout from the national defense reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping, directly or indirectly.

(4) *Traffic control.* Provisions for the control of passengers and cargo through port areas to assure an orderly and continuous flow of such traffic.

(5) *Traffic priority.* Administration of priorities for the movement of passengers and cargo through port areas.

(6) *Port allocation.* Allocation of specific ports and port facilities to meet the needs of the Nation and our allies.

(7) *Support activities.* Performance of supporting activities needed to carry out the above-described functions, such as: ascertaining national support requirements for ocean shipping, including those for support of military and other Federal programs and those essential to the civil economy; maintenance, repair, and arming of ships; recruiting, training, and assigning of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, repair, and other facilities; and provision, maintenance, and restoration of port facilities. Claimancy for resources shall include materials, manpower, equipment, supplies, services, and water.

[Sec. 903(7) amended by EO 11921 of June 11, 1976]

SEC. 904. *Census Functions.* Within the area designated in section 901(4) hereof, the Secretary of Commerce shall:

(1) Provide for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes.

(2) Plan, create, and maintain a capability for the conduct of postattack surveys to provide information on the status of surviving populations and resources as required for the programs of the Federal Preparedness Agency (GSA).

(3) Provide for and maintain the ability to make estimates of attack effects on industry, population, and other resources for use within the Department of Commerce.

[Sec. 904(2) amended by EO 11921 of June 11, 1976]

SEC. 905. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Commerce shall:

(1) *Weather functions.* Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by radiological fallout in event of attack and make this information available to Federal, State, and local authorities for public dissemination.

(2) *Geodetic, hydrographic, and oceanographic data.* Provide geodetic, hydrographic, and oceanographic data and services to the Department of Defense and other governmental agencies, as appropriate.

SEC. 906. *National Oceanic and Atmospheric Administration's National Marine Fisheries Service functions.* Under a redelegation of authority from the Department of Agriculture to the Department of Commerce, the National Oceanic and Atmospheric Administration shall develop overall plans and programs to ensure that the fishing industry continues to produce essential protein. This includes responsibility for priority and allocation functions, acting as claimant agency for critical materials and additional facilities, labor supply, production and processing of fishery products, and the control and protection of fishing vessels.

[Sec. 906 added by EO 11921 of June 11, 1976]

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PART 10—DEPARTMENT OF LABOR

SECTION 1001. *Résumé of Responsibilities.* The Secretary of Labor shall have primary responsibility for preparing national emergency plans and developing preparedness programs covering civilian manpower mobilization, more effective utilization of limited manpower resources, including specialized personnel, wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, research, labor-management relations, and critical occupations.

SEC. 1002. *Functions.* The Secretary of Labor shall:

(1) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources, such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(a) *Manpower management.* Recruitment, selection and referral, training, employment stabilization (including appeals procedures), proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities;

(b) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers; and

(c) *Improving mobilization base.* Programs for more effective utilization of limited manpower resources, and, in cooperation with other appropriate agencies, programs for recruitment, training, allocation, and utilization of persons possessing specialized competence or aptitude in acquiring such competence.

(2) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, including investigation, compliance, and appeals procedures; statistical studies of wages, salaries, and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(3) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(4) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies, including those identified as a result of resource and requirements studies.

(5) *Labor-management relations.* Develop, after consultation with the Department of Commerce, the Department of Transportation, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups, including representatives of labor and management, plans and procedures, including organization plans for the maintenance of effective labor-management relations during a national emergency.

PART 11—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECTION 1101. *Résumé of Responsibilities.* The Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, social security benefits, and educational programs as defined below.

[Sec. 1101 amended by EO 11921 of June 11, 1976]

SEC. 1102. *Definitions.* As used in this part:

(1) "Emergency health services" means medical and dental care for the civilian population in all of the specialities and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification, and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services, rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to hazardous agents (nuclear, biological and chemical); sanitary aspects of disposal of the dead; and food and milk sanitation. It shall be understood that health services for the purposes of this order do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication; wholesomeness of meat and meat products, and poultry and poultry products, in establishments under continuous inspection service by the Department of Agriculture; veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Department of Agriculture; livestock; agricultural commodities stored or harvestable on farms and ranches; agricultural lands and water.

(2) "Health manpower" means physicians (including osteopaths); dentists; sanitary engineers; registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this part by the Director of the Federal Preparedness Agency (GSA) after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(3) "Health resources" means manpower, material, and facilities required to prevent the impairment of, improve, and restore the physical and mental health conditions of the civilian population.

(4) "Emergency welfare services" means feeding; clothing; lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or services; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Such measures include organization, direction, and provision of services to be instituted before attack, in the event of strategic or tactical evacuation, and after attack in the event of evacuation or of refuge in shelters.

(5) "Social security benefits" means the determination of entitlement and the payment of monthly insurance benefits to those eligible, such as workers who have retired because of age or disability and to their dependent wives and children, and to the eligible survivors of deceased workers. It also includes determinations of eligibility and payments made on behalf of eligible individuals to hospitals, home health agencies, extended care facilities, physicians, and other providers of medical services.

(6) "Education" or "training" means the organized process of learning by study and instruction primarily through public and private systems.

[Sec. 1102 amended by EO 11921 of June 11, 1976]

SEC. 1103. *Health Functions.* With respect to emergency health services, as defined above, and in consonance with national civil defense plans, programs, and operation of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Professional training.* Develop and direct a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. Develop and distribute health education material for inclusion in the curricula

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of schools, colleges, professional schools, government schools, and other educational facilities throughout the United States. Develop and distribute civil defense information relative to health services to States, voluntary agencies, and professional groups.

(2) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of emergency health services.

(3) *Biological and chemical warfare.* Develop and coordinate programs for the prevention, detection, and identification of human exposure to chemical and biological warfare agents as may be necessary to carry out the responsibilities involved in the provision of emergency health services, including the provision of guidance and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare.

(4) *Food, drugs, and biologicals.* Plan and direct national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals in an emergency.

(5) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

[Sec. 1103 amended by EO 11921 of June 11, 1976]

SEC. 1104. *Welfare Functions.* With respect to emergency welfare services as defined above, and in consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Federal support.* Cooperate in the development of Federal support procedures, through joint planning with other departments and agencies, including but not limited to the Post Office Department, and Department of Labor, and the Selective Service System, the Department of Housing and Urban Development, and resource agencies, including the Department of Agriculture, the Department of the Interior, and the Department of Commerce, for logistic support of State and community welfare services in an emergency.

(2) *Emergency welfare training.* Develop and direct a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this part, develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools, and develop and distribute civil defense information relative to emergency welfare services to States, voluntary agencies, and professional groups.

(3) *Financial aid.* Develop plans and procedures for financial assistance to individuals injured or in want as a result of enemy attack and for welfare institutions in need of such assistance in an emergency.

(4) *Non-combatant evacuees to the Continental United States.* Develop plans and procedures for assistance, at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.

SEC. 1105. *Social Security Functions.* With respect to social security, the Secretary of Health, Education, and Welfare shall:

(1) *Social security benefits.* Develop plans for the continuation or restoration of benefit payments to those on the insurance rolls as soon as possible after a direct attack upon the United States, and prepare plans for the acceptance and disposition of current claims for social security benefits.

(2) *Health insurance.* Develop plans for the payment of health insurance claims for reimbursement for items or services provided by hospitals, physicians, and other providers of medical services submitted by or on behalf of individuals who are eligible under the Medicare program.

SEC. 1106. *Education Functions.* With respect to education, the Secretary of Health, Education, and Welfare shall:

(1) *Program guidance.* Develop plans and issue guidance for the continued function of educational systems under all conditions of national emergency. Although extraordinary circumstances may require the temporary suspension of education, plans should provide for its earliest possible resumption.

(2) *Educational adjustment.* Plan to assist civilian educational institutions, both public and private, to adjust to demands laid upon them by a large expansion of government activities during any type of emergency. This includes advice and assistance to schools, colleges, universities, and other educational institutions whose facilities may be temporarily needed for Federal, State, or local government programs in an emergency or whose faculties and student bodies may be affected by the demands of a sudden or long-standing emergency.

(3) *Post-attack recovery.* Develop plans for the rapid restoration and resumption of education at all levels after an attack. This includes assistance to educators and educational institutions to locate and use surviving facilities, equipment, supplies, books, and educational personnel. Particular emphasis shall be given to the role of educational institutions and educational leadership in reviving education and training in skills needed for post-attack recovery.

(4) *Civil defense education.* In consonance with national civil defense plans, programs, and operations of the Department of Defense, develop and issue instructional materials to assist schools, colleges, and other educational institutions to incorporate emergency protective measures and civil defense concepts into their programs. This includes assistance to various levels of education to develop an understanding of the role of the individual, family, and community for civil defense in the nuclear age.

[Former sec. 1106 revoked and new sec. 1106 redesignated from sec. 1107 by EO 11921 of June 11, 1976]

PART 12—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 1201. *Résumé of Responsibilities.* The Secretary of Housing and Urban Development shall prepare national emergency plans and develop preparedness programs covering all aspects of housing, community facilities related to housing, and urban development (except that housing assets under the jurisdiction and control of the Department of Defense, other than those leased for terms not in excess of one year, shall be and remain the responsibility of the Department of Defense).

SEC. 1202. *Definition.* As used in this part:

(1) "Emergency housing" means any and all types of accommodations used as dwellings in an emergency.

(2) "Community facilities related to housing" means installations necessary to furnish water, sewer, electric, and gas services between the housing unit or project and the nearest practical source or servicing point.

(3) "Urban development" means the building or restoration of urban community, suburban, and metropolitan areas (except transportation facilities).

SEC. 1203. *Housing and Community Facilities Functions.* The Secretary of Housing and Urban Development shall:

(1) *New housing.* Develop plans for the emergency construction and management of new housing and the community facilities related thereto to the extent that it is determined that it may be necessary to provide for such construction and management with public funds and through direct Federal action, and to the extent that such construction of new housing may have to be provided through Federal financial or credit assistance.

(2) *Community facilities.* Develop plans to restore community facilities related to housing affected by an emergency through the repair

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of damage, the construction of new facilities, and the use of alternate or back-up facilities.

SEC. 1204. *Urban Development Functions.* The Secretary of Housing and Urban Development shall:

(1) *Regional cooperation.* Encourage regional emergency planning and cooperation among State and local governments with respect to problems of housing and metropolitan development.

(2) *Vulnerability and redevelopment.* In cooperation with the Federal Preparedness Agency (GSA), develop criteria and provide guidance for the design and location of housing and community facilities related to housing to minimize the risk of loss under various emergency situations. Develop criteria for determining which areas should be redeveloped in the event of loss or severe damage resulting from emergencies.

[Sec. 1204(2) amended by EO 11921 of June 11, 1976]

SEC. 1205. *Civil Defense Functions.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Housing and Urban Development shall:

(1) *Transitional activities.* Develop plans for the orderly transfer of people from fallout shelters and from billets to temporary or permanent housing, including advice and guidance for State and local government agencies in the administration thereof. These plans shall be coordinated with national plans and guidance for emergency welfare services of the Department of Health, Education, and Welfare.

(2) *Temporary housing.* Develop plans for the emergency repair and restoration for use of damaged housing, for the construction and management of emergency housing units and the community facilities related thereto, for the emergency use of tents and trailers, and for the emergency conversion for dwelling use of non-residential structures, such activities to be financed with public funds through direct Federal action or through financial or credit assistance.

(3) *Shelter.* In conformity with national shelter policy, assist in the development of plans to encourage the construction of shelters for both old and new housing, and develop administrative procedures to encourage the use of low-cost design and construction techniques to maximize protection in connection with national programs.

PART 13—DEPARTMENT OF TRANSPORTATION

SECTION 1301. *Résumé of Responsibilities.* The Secretary of Transportation, in carrying out his responsibilities to exercise leadership in transportation matters affecting the national defense and those involving national or regional transportation emergencies, shall prepare emergency plans and develop preparedness programs covering:

(1) Preparation and promulgation of over-all national policies, plans, and procedures related to providing civil transportation of all forms—air, ground, water, and pipelines, including public storage and warehousing (except storage of petroleum and gas and agricultural food resources including cold storage): *Provided* that plans for the movement of petroleum and natural gas through pipelines shall be the responsibility of the Secretary of the Interior except to the extent that such plans are a part of functions vested in the Secretary of Transportation by law;

(2) Movement of passengers and materials of all types by all forms of civil transportation;

(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity (service, equipment and facilities), or any portion thereof, to meet overall essential civil and military needs;

(4) Determination and identification of the transportation resources available and required to meet all degrees of national emergencies and regional transportation emergencies;

(5) Assistance to the various States, the local political subdivisions thereof, and non-governmental organizations and systems engaged in transportation activities in the preparation of emergency plans;

(6) Rehabilitation and recovery of the Nation's transportation systems; and

(7) Provisions for port security and safety, for aids to maritime navigation, and for search and rescue and law enforcement over, upon, and under the navigable waters of the United States and the high seas.

[Sec. 1301(3) amended by EO 11921 of June 11, 1976]

SEC. 1302. *Transportation Planning and Coordination Functions.* In carrying out the provisions of Section 1301, the Secretary of Transportation, with assistance and support of other Federal, State and local governmental agencies, and the transport industries, as appropriate, shall:

(1) Obtain, assemble, analyze, and evaluate data on current and projected emergency requirements of all claimants for all forms of civil transportation to meet the needs of the military and of the civil economy, and on current and projected civil transportation resources—of all forms—available to the United States to move passengers or materials in an emergency.

(2) Develop plans and procedures to provide—under emergency conditions—for the collection and analysis of passenger and cargo movement demands as they relate to the capabilities of the various forms of transport, including the periodic assessment of over-all transport resources available to meet emergency requirements.

(3) Conduct a continuing analysis of transportation requirements and capabilities in relation to economic projections for the purpose of initiating actions and/or recommending incentive and/or regulatory programs designed to stimulate government and industry improvement of the structure of the transportation system for use in an emergency.

(4) Develop systems for the control of the movement of passengers and cargo by all forms of transportation, except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, including allocation of resources and assignment of priorities, and develop policies, standards, and procedures for emergency enforcement of these controls.

SEC. 1303. *Departmental Emergency Transportation Preparedness.* Except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, the Secretary of Transportation shall prepare emergency operational plans and programs for, and develop a capability to carry out, the transportation operating responsibilities assigned to the Department, including but not limited to:

(1) Allocating specifically designated civil air carrier type aircraft to the Civil Reserve Air Fleet (CRAF) and to the War Air Service Program (WASP).

(2) Emergency resource management of the National Aviation System, which is the physical complex of civil airmen, aircraft (including air carrier and general aviation aircraft), airports, airspace, airways and facilities and services, regulations, plans, standards, procedures and practices associated with the complex, for emergency management of the National Airspace System, and for control of civil and military air traffic, except as provided in Part 15 herein. In the performance of these responsibilities:

(a) The Secretary of Transportation, assisted by the Civil Aeronautics Board as appropriate, shall, with respect to WASP and CRAF aircraft, be responsible for the functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003 and 3005. When CRAF is activated by the Secretary of Defense, the Secretary of Transportation retains the responsibility for the claimancy function for CRAF aircraft.

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(b) The Secretary of Transportation, assisted by the Secretary of Defense, shall, with respect to the CRAF program, specifically when civil air carrier aircraft allocated thereto are withdrawn for use in the program, retain responsibility for claimancy as provided in Section 3001.

(3) Emergency resource management of all Federal, State, city, local and other highways, roads, streets, bridges, tunnels, and appurtenant structures, and publicly-owned highway maintenance equipment, including:

(a) The adaptation, development, construction, reconstruction and maintenance of the nation's highway and street systems to meet emergency requirements; and

(b) The regulation of highway traffic in an emergency through a national program in cooperation with all Federal, State, and local governmental units concerned to assure efficient and safe utilization of available road space.

(4) Emergency plans for urban mass transportation, including:

(a) Providing guidance to urban communities in their emergency mass transportation planning efforts, either directly or through State, regional, or metropolitan agencies;

(b) Coordinating all such emergency planning with the Department of Housing and Urban Development to assure compatibility with emergency plans for all other aspects of urban development;

(c) Maintaining an inventory of urban mass transportation systems.

(5) Maritime safety and law enforcement over, upon, and under the high seas and waters, subject to the jurisdiction of the United States, in the following specific programs:

(a) Safeguarding vessels, harbors, ports, and waterfront facilities from destruction, loss or injury, accidents, or other causes of a similar nature.

(b) Safe passage over, upon, and under the high seas and United States waters through effective and reliable systems of aids to navigation and ocean stations.

(c) Waterborne access to ice-bound locations in furtherance of national economic, scientific, defense, and consumer needs.

(d) Protection of lives, property, natural resources, and national interests through enforcement of Federal law and timely assistance.

(e) Safety of life and property through regulation of commercial vessels, their officers and crew, and administration of maritime safety law.

(f) Knowledge of the sea, its boundaries, and its resources through collection and analysis of data in support of the national interest.

(g) Operational readiness for essential wartime functions.

(6) Planning for the emergency management and operation of the Alaska Railroad, and for the continuity of railroad and petroleum pipeline safety programs.

(7) Planning for the emergency operation and maintenance of the United States-controlled sections of the Saint Lawrence Seaway.

[Sec. 1303 amended by EO 11921 of June 11, 1976]

PART 14—ATOMIC ENERGY COMMISSION

SECTION 1401. *Functions.* The Atomic Energy Commission shall prepare national emergency plans and develop preparedness programs for the continuing conduct of atomic energy activities of the Federal Government. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States and, consistent with applicable provisions of the Atomic Energy Act of 1954, as amended, shall be closely coordinated with the Department

of Defense and the Federal Preparedness Agency (GSA). The Atomic Energy Commission shall:

(1) *Production.* Continue or resume in an emergency essential (a) manufacture, development, and control of nuclear weapons and equipment, except to the extent that the control over such weapons and equipment shall have been transferred to the Department of Defense; (b) development and technology related to reactors; (c) process development and production of feed material, special nuclear materials, and other special products; (d) related raw materials procurement, processing, and development; and (e) repair, maintenance, and construction related to the above.

(2) *Regulation.* Continue or resume in an emergency (a) controlling the possession, use, transfer, import, and export of atomic materials and facilities; and (b) ordering the operation or suspension of licensed facilities, and recapturing from licensees, where necessary, special nuclear materials whether related to military support or civilian activities.

(3) *Public health and safety.* Shut down, where required, in anticipation of an imminent enemy attack on the United States, and maintain under surveillance, all Commission-owned facilities which could otherwise constitute a significant hazard to public health and safety, and insure the development of appropriate emergency plans for nuclear reactors and other nuclear activities licensed by the Commission whether privately-owned or Government-owned.

(4) *Scientific, technical, and public atomic energy information.* Organize, reproduce, and disseminate appropriate public atomic energy information and scientific and technical reports and data relating to nuclear science research, development, engineering, applications, and effects to interested Government agencies, the scientific and technical communities, and approved, friendly, and cooperating foreign nations.

(5) *International atomic energy affairs.* Maintain, in consultation with the Department of State, essential liaison with foreign nations with respect to activities of mutual interest involving atomic energy.

(6) *Health services.* Assist the Department of Health, Education, and Welfare, consistent with the above requirements, in integrating into civilian health programs in an emergency the Commission's remaining health manpower and facilities not required for the performance of the Commission's essential emergency functions.

(7) *Priorities and allocations.* Plan for the administration of any priorities and allocations authority delegated to the Atomic Energy Commission. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Federal Preparedness Agency (GSA).

[Sec. 1401 amended by EO 11921 of June 11, 1976]

PART 15—CIVIL AERONAUTICS BOARD

SECTION 1501. *Definitions.* As used in this part:

(1) "War Air Service Program" (hereinafter referred to as WASP) means the program designed to provide for the maintenance of essential civil air routes and services, and to provide for the distribution and redistribution of air carrier aircraft among civil air transport carriers after withdrawal of aircraft allocated to the Civil Reserve Air Fleet.

(2) "Civil Reserve Air Fleet" (hereinafter referred to as CRAF) means those air carrier aircraft allocated by the Secretary of Transportation to the Department of Defense to meet essential military needs in the event of an emergency.

SEC. 1502. *Functions.* The Civil Aeronautics Board, under the coordinating authority of the Secretary of Transportation, shall exercise emergency resource management of the WASP. Except for those functions enumerated in Sections 3001 (excluding evaluation), 3002, 3003, and 3005, which have been reserved to the Secretary of Trans-

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portation with assistance from the Civil Aeronautics Board as appropriate. The Civil Aeronautics Board, in exercising emergency resource management of the WASP, shall:

(1) *Distribution of aircraft.* Develop plans and be prepared to carry out such distribution and redistribution of all air carrier civil aircraft allocated by the Secretary of Transportation among the civil air transport carriers as may be necessary to assure the maintenance of essential civil routes and services under WASP operations after the CRAF requirements have been met.

(2) *Economic regulations.* Develop plans covering route authorizations and operations, tariffs, rates, and fares charged the public, mail rates, government compensation and subsidy, and accounting and contracting procedures essential to WASP operations.

(3) *Operational controls and priorities.* Develop plans and procedures for the administration of operational controls and priorities of passenger and cargo movements in connection with the utilization of air carrier aircraft for WASP purposes in an emergency.

(4) *Investigation.* Maintain the capability to investigate violations of emergency economic regulations affecting air carrier operations.

(5) *Contracting.* Prepare to perform as a contracting agency, if such an agency is necessary, in connection with distribution and redistribution of aircraft for WASP.

(6) *Interagency assistance.* Assist the Secretary of Transportation in planning for those responsibilities enumerated in Section 1303(2)(a).

[Sec. 1502 amended by EO 11921 of June 11, 1976]

PART 15A—ENVIRONMENTAL PROTECTION AGENCY

SECTION 1550. *Résumé of responsibilities.* The Administrator of the Environmental Protection Agency is responsible for diagnosis of quality problems and hazards in the environment which would impede the survival and recovery efforts of the nation and for developing coordinated Federal plans and fostering State and local plans designed to prevent or minimize the long-term ecological impact of hazardous agents introduced into the environment in an emergency situation, and to assist and coordinate with all primary resource agencies regarding plans to preserve the quality of a resource needed in an emergency.

SEC. 1551. *Definitions.* As used in this part:

(1) "Potable water" means drinkable water from all sources required for use in community water supply systems.

(2) "Hazardous agents" means nuclear, biological, and chemical, or other agents introduced into the environment in an emergency to affect adversely the health of the population and to impede resumption of normal operations of a community or nation.

SEC. 1552. *Functions.* The Administrator of the Environmental Protection Agency shall:

(1) Develop, in coordination with the Department of the Interior and other responsible Federal agencies, emergency plans to assure the provision of potable water supplies to meet community needs; develop plans and procedures to safeguard water quality under emergency conditions; and develop emergency programs and procedures designed to assure the availability of materials and equipment for water supply systems.

(2) Provide guidance on acceptable emergency levels for hazardous agents, and support plans of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment.

(3) Develop these plans in close coordination with appropriate primary resource and support agencies.

[Part 15A added by EO 11921 of June 11, 1976]

PART 16—EXPORT-IMPORT BANK OF THE UNITED STATES

SECTION 1601. *Functions.* (a) Under guidance of the Secretary of the Treasury, the Export-Import Bank shall develop plans for the utilization of the resources of the Bank, or other resources made available to the Bank, in expansion of productive capacity abroad for essential materials, foreign barter arrangements, acquisition of emergency imports, and in support of the domestic economy, or any other plans designed to strengthen the relative position of the Nation and its allies.

(b) In carrying out the guidance functions described above, the Secretary of the Treasury shall consult with the Secretary of State and the Secretary of Commerce as appropriate.

PART 17—FEDERAL BANK SUPERVISORY AGENCIES

SECTION 1701. *Financial Plans and Programs.* The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Farm Credit Administration, and the Federal Deposit Insurance Corporation shall participate with the Federal Preparedness Agency (GSA), the Department of the Treasury, and other agencies in the formulation of emergency financial and stabilization policies. The heads of such agencies shall, as appropriate, develop emergency plans, programs, and regulations, in consonance with national emergency financial and stabilization plans and policies, to cope with potential economic effects of mobilization or an attack, including, but not limited to, the following:

(1) *Money and credit.* Provision and regulation of money and credit in accordance with the needs of the economy, including the acquisition, decentralization, and distribution of emergency supplies of currency; the collection of cash items and non-cash items; and the conduct of fiscal agency and foreign operations.

(2) *Financial institutions.* Provision for the continued or resumed operation of banking, savings and loan, and farm credit institutions, including measures for the re-creation of evidence of assets or liabilities destroyed or inaccessible.

(3) *Liquidity.* Provision of liquidity necessary to the continued or resumed operation of banking, savings and loan, credit unions, and farm credit institutions, including those damaged or destroyed by enemy action.

(4) *Cash withdrawals and credit transfers.* Regulation of the withdrawal of currency and the transfer of credits including deposit and share account balances.

(5) *Insurance.* Provision for the assumption and discharge of liability pertaining to insured deposits and insured savings accounts or withdrawable shares in banking and savings and loan institutions destroyed or made insolvent.

[Sec. 1701 amended by EO 11921 of June 11, 1976]

SEC. 1702. *Sharing of war losses.* Heads of agencies shall, as appropriate, participate with Federal Preparedness Agency (GSA) and the Department of the Treasury in the development of policies, plans, and procedures for implementation of national policy on sharing war losses.

[Sec. 1702 amended by EO 11921 of June 11, 1976]

PART 18—FEDERAL COMMUNICATIONS COMMISSION

SECTION 1801. *Definitions.* As used in this part:

(1) "Common carrier" means any person subject to Commission regulation engaged in providing, for use by the public, for hire, interstate or foreign communications facilities or services by wire or radio; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(2) "Broadcast facilities" means those stations licensed by the Commission for the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations.

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(3) "Safety and special radio services" includes those non-broadcast and non-common carrier services which are licensed by the Commission under the generic designation "safety and special radio services" pursuant to the Commission's Rules and Regulations.

SEC. 1802. *Functions.* The Federal Communications Commission shall develop policies, plans, and procedures, in consonance with national telecommunications plans and policies developed pursuant to Executive Order No. 10705, Executive Order No. 11556, Executive Order No. 11051, the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System", and other appropriate authority, covering:

(1) *Common carrier service.* (a) Extension, discontinuance, or reduction of common carrier facilities or services, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency; and control of all rates, charges, practices, classifications, and regulations for service to Government and non-Government users during an emergency, in consonance with overall national economic stabilization policies.

(b) Development and administration of priority systems for public correspondence and for the use and resumption of leased inter-city private line service in an emergency.

(c) Use of common carrier facilities and services to overseas points to meet vital needs in an emergency.

(2) *Broadcasting service.* Construction, activation, or deactivation of broadcasting facilities and services, the continuation or suspension of broadcasting services and facilities, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency.

(3) *Safety and special radio services.* Authorization, operation, and use of safety and special radio services, facilities, and personnel in the national interest in an emergency.

(4) *Radio frequency assignment.* Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

(5) *Electromagnetic radiation.* Closing of any radio station or any device capable of emitting electromagnetic radiation or suspension or amending any rules or regulations applicable thereto, in any emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

(6) *Investigation and enforcement.* Investigation of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement actions required in the interest of national security.

[Sec. 1802 amended by EO 11921 of June 11, 1976]

PART 19—FEDERAL POWER COMMISSION

SECTION 1901. *Functions.* The Federal Power Commission shall assist the Department of the Interior, in conformity with Part 7, in the preparation of national emergency plans and the development of preparedness programs for electric power and natural gas in accordance with current agreements between the Secretary of the Interior and the Chairman of the Federal Power Commission.

[Sec. 1901 amended by EO 11921 of June 11, 1976]

PART 22—GENERAL SERVICES ADMINISTRATION

SECTION 2001. *Résumé of Responsibilities.* The Administrator of General Services shall prepare national emergency plans and develop preparedness programs designed to permit modification or expansion of the activities of the General Services Administration under the Federal Property and Administrative Services Act of 1949, as amended and other statutes prescribing the duties and responsibilities of the Administrator. These plans and programs shall include, but not be limited to: (1) operation, maintenance, and protection of Federal

buildings and their sites; construction, alteration, and repair of public buildings; and acquisition, utilization, and disposal of real and personal properties; (2) public utilities service management for Federal agencies; (3) telecommunications to meet the essential requirements of civilian activities of executive departments and agencies; (4) transportation management to meet the traffic service requirements of civilian activities of Federal agencies; (5) records management; (6) Emergency Federal Register; (7) Government-wide supply support; (8) service to survival items stockpiles; (9) national industrial reserve; (10) guidance and consultation to Government agencies regarding facilities protection measures; (11) administration of assigned functions under the Defense Production Act; and (12) administration and operation of the stockpile of strategic and critical materials in accordance with such guidance as may be provided by the National Security Council and, with respect to the economic and disposal aspects of stockpiling of strategic and critical materials by the Council on Economic Policy.

[Sec. 2001(12) amended by EO 11921 of June 11, 1976]

SEC. 2002. *Functions.* The Administrator of General Services shall:

(1) *Public buildings.* Develop emergency plans and procedures for the operation, maintenance, and protection of both existing and new Federally-owned and Federally-occupied buildings, and construction, alteration, and repair of public buildings. Develop emergency operating procedures for the control, acquisition, assignment, and priority of occupancy of real property by the Federal Government and by State and local governments to the extent they may be performing functions as agents of the Federal Government.

(2) *Public utility service management.* Develop emergency operational plans and procedures for the claimancy, procurement, and use of public utility services for emergency activities of executive agencies of the Government.

(3) *Communications.* Plan for and provide, operate, and maintain appropriate telecommunications facilities designed to meet the essential requirements of Federal civilian departments and agencies during an emergency within the framework of the National Communications System. Plans and programs of the Administrator shall be in consonance with national telecommunications policies, plans, and programs developed pursuant to Executive Order No. 10705, Executive Order No. 11556, Executive Order No. 11051, and the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System," or other appropriate authority.

(4) *Transportation.* Develop plans and procedures for providing: (a) general transportation and traffic management services to civilian activities of Federal agencies in connection with movement of property and supplies, including the claimancy, contracting, routing, and accounting of Government shipments by commercial transportation in time of emergency; and (b) motor vehicle service to meet the administrative needs of Federal agencies, including dispatch and scheduled Government motor service at and between headquarters, field offices, relocation sites, and other installations of the Federal and State governments.

(5) *Records.* Provide instructions and advice on appraisal, selection, preservation, arrangement, reference, reproduction, storage, and salvage of essential records needed for the operation of the Federal Government after attack, on an emergency basis, including a decentralized system.

(6) *Federal Register.* Develop emergency procedures for providing and making available, on a decentralized basis, a Federal Register of Presidential Proclamations and Executive Orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress during a national emergency.

(7) *Government-wide procurement and supply.* Prepare plans and procedures for the coordination and/or operation of Government-wide supply programs to meet the requirements of Federal agencies under

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emergency conditions, including the development of policies, methods, and procedures for emergency procurement and for emergency requisitioning of private property when authorized by law and competent authority; identification of essential civil agency supply items under the Federal catalog system; development of emergency Federal specifications and standards; determination of sources of supply; procurement of personal property and non-personal services; furnishing appropriate inspection and contract administration services; and establishment, coordination, and/or operation of emergency storage and distribution facilities.

(8) *Survival item stockpiles.* Assist the Department of Health, Education, and Welfare, insofar as civil defense medical stockpile items under its jurisdiction are concerned, and the Department of Defense, insofar as survival items under its jurisdiction are concerned, in formulating plans and programs for service activity support relating to stockpiling of such supplies and equipment. The Administrator shall arrange for the procurement, storage, maintenance, inspection, survey, withdrawal, and disposal of supplies and equipment in accordance with the provisions of interagency agreements with the departments concerned.

(9) *National industrial reserve and machine tool program.* Develop plans for the custody of the industrial plants and production equipment in the national industrial reserve and assist the Department of Defense, in collaboration with the Department of Commerce, in the development of plans and procedures for the disposition, emergency reactivation, and utilization of the plants and equipment of this reserve in the custody of the Administrator.

(10) *Excess and surplus real and personal property.* Develop plans and emergency operating procedures for the utilization of excess and surplus real and personal property by Federal Government agencies with emergency assignments or by State and local governmental units as directed, including review of the property holdings of Federal agencies which do not possess emergency functions to determine the availability of property for emergency use, and including the disposal of real and personal property and the rehabilitation of personal property.

(11) *Facilities protection and building and shelter manager service.* In accordance with the guidance from the Department of Defense, promote, with respect to Federal buildings and installations, a Government-wide program (a) to stimulate protection, preparedness, and control in emergencies in order to minimize the effects of overt or covert attack, including dispersal of facilities; and (b) to establish shelter manager organizations, including safety and service personnel, shelter manager service, first aid, police, and evacuation service.

[Sec. 2002(3) amended by EO 11921 of June 11, 1976]

SEC. 2003. *Defense Production.* The Administrator of General Services shall assist the Federal Preparedness Agency (GSA) in the formulation of plans and programs relating to the certification of procurement programs, subsidy payments, and plant improvement programs provided for by the Defense Production Act of 1950, as amended.

[Sec. 2003 amended by EO 11921 of June 11, 1976]

SEC. 2004. *Strategic and Critical Materials Stockpiles.* The Administrator of General Services shall assist the Federal Preparedness Agency (GSA) in formulating plans, programs, and reports relating to the stockpiling of strategic and critical materials. Within these plans and programs, the Administrator shall provide for the procurement (for this purpose, procurement includes upgrading, rotation, and beneficiation), storage, security, maintenance, inspection, withdrawal, and disposal of materials, supplies, and equipment.

[Sec. 2004 amended by EO 11921 of June 11, 1976]

PART 21—INTERSTATE COMMERCE COMMISSION

SECTION 2101. *Résumé of Responsibilities.* The Chairman of the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, shall prepare national emergency

plans and develop preparedness programs covering railroad utilization, reduction of vulnerability, maintenance, restoration, and operation in an emergency (other than for the Alaska Railroad—see Section 1303(6)); motor carrier utilization, reduction of vulnerability, and operation in an emergency; inland waterway utilization of equipment and shipping, reduction of vulnerability, and operation in an emergency; and also provide guidance and consultation to domestic surface transportation and storage industries, as defined below, regarding emergency preparedness measures, and to States regarding development of their transportation plans in assigned areas.

SEC. 2102. *Definitions.* As used in this part:

(1) "Domestic surface transportation and storage" means rail, motor, and inland water transportation facilities and services and public storage;

(2) "Public storage" includes warehouses and other places which are used for the storage of property belonging to persons other than the persons having the ownership or control of such premises;

(3) "Inland water transportation" includes shipping on all inland waterways and Great Lakes shipping engaged solely in the transportation of passengers or cargo between United States ports on the Great Lakes;

(4) Specifically excluded, for the purposes of this part, are pipelines, petroleum and gas storage, agricultural food resources storage, including the cold storage of food resources, the St. Lawrence Seaway, ocean ports and Great Lakes ports and port facilities, highways, streets, roads, bridges, and related appurtenances, maintenance of inland waterways, and any transportation owned by or pre-allocated to the military.

SEC. 2103. *Transportation Functions.* The Interstate Commerce Commission shall:

(1) *Operational control.* Develop plans with appropriate private transportation and storage organizations and associations for the coordination and direction of the use of domestic surface transportation and storage facilities for movement of passenger and freight traffic.

(2) *Emergency operations.* Develop and maintain necessary orders and regulations for the operation of domestic surface transport and storage industries in an emergency.

PART 22—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SECTION 2201. *Functions.* The Administrator of the National Aeronautics and Space Administration shall:

(1) *Research and development.* Adapt and utilize the scientific and technological capability of the National Aeronautics and Space Administration, consistent with over-all requirements, to meet priority needs of the programs of the Federal Government in an emergency. This will include the direction and conduct of essential research and development activities relating to (a) aircraft, spacecraft, and launch vehicles, (b) associated instrumentation, guidance, control and payload, propulsion, and communications systems, (c) scientific phenomena affecting both manned and unmanned space flights, (d) the life sciences (biology, medicine, and psychology) as they apply to aeronautics and space, and (e) atmospheric and geophysical sciences.

(2) *Military support.* Provide direct assistance as requested by the Department of Defense and other agencies in support of the military effort. This may include (a) undertaking urgent projects to develop superior aircraft, spacecraft, launch vehicles, and weapons systems, (b) developing methods to counter novel or revolutionary enemy weapons systems, (c) providing technical advice and assistance on matters involving air and space activities, and (d) furnishing personnel and facilities to assist in emergency repairs of equipment deficiencies and for other essential purposes.

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PART 22A—NATIONAL CREDIT UNION ADMINISTRATION

SECTION 2250. *Functions.* The Administrator of the National Credit Union Administration shall:

(1) *Credit union operations.* Provide instructions to all State and Federally chartered credit unions for the development of emergency plans to be put into effect as soon as possible after an attack upon the United States in order to guarantee continuity of credit union operations.

(2) *Economic stabilization.* Provide guidance and funds as necessary to credit unions that will contribute to stabilization of the nation's economy by helping to establish and maintain a sound economic base for continuing operations, combating inflation, maintaining confidence in public and private financial institutions, and promoting thrift.

[Part 22A added by EO 11921 of June 11, 1976]

PART 23—NATIONAL SCIENCE FOUNDATION

SECTION 2301. *Functions.* The Director of the National Science Foundation shall:

(1) *Manpower functions.* Assist the Department of Labor in sustaining readiness for the mobilization of civilian manpower by: (a) being prepared for rapid expansion of the Foundation's current operation as a central clearinghouse for information covering all scientific and technical personnel in the United States and its possessions; and (b) developing, in consultation with the Department of Labor, the Selective Service System, and the Department of Defense, plans and procedures to assure the most effective distribution and utilization of the nation's scientific and engineering manpower in an emergency.

(2) *Specific functions.* (a) Provide leadership in developing, with the assistance of Federal and State agencies and appropriate non-governmental organizations, the ability to mobilize scientists, in consonance with overall civilian manpower mobilizaton programs, to perform or assist in performance of special tasks, including the identification of and defense against unconventional warfare; (b) advance the national radiological defense capability by including, in consultation with appropriate agencies, pertinent scientific information and radiological defense techniques in the Foundation's science education programs for science, mathematics and engineering teachers; (c) assemble data on the location and character of major scientific research facilities, including non-governmental as well as governmental facilities, and their normal inventories of types of equipment and instruments which would be useful in identification and an analysis of hazards to human life in the aftermath of enemy attack; and (d) prepare to carry on necessary programs for research and for training of scientific manpower.

[Sec. 2301 amended by EO 11921 of June 11, 1976]

PART 24—RAILROAD RETIREMENT BOARD

SECTION 2401. *Functions.* The Railroad Retirement Board shall:

(1) *Manpower functions.* Within the framework of the over-all manpower plans and programs of the Department of Labor, assist in the mobilization of civilian manpower in an emergency by developing plans for the recruitment and referral of that segment of the Nation's manpower resources subject to the Railroad Retirement and Railroad Unemployment Insurance Acts.

(2) *Benefit payments.* Develop plans for administering, under emergency conditions, the essential aspects of the Railroad Retirement Act and Railroad Unemployment Insurance Act consistent with over-all Federal plans for the continuation of benefit payments after an enemy attack.

PART 25—SECURITIES AND EXCHANGE COMMISSION

SECTION 2501. *Functions.* The Securities and Exchange Commission shall collaborate with the Secretary of the Treasury in the development of emergency financial control plans, programs, procedures, and regulations for:

(1) *Stock trading.* Temporary closure of security exchanges, suspension of redemption rights, and freezing of stock and bond prices, if required in the interest of maintaining economic controls.

(2) *Modified trading.* Development of plans designed to reestablish and maintain a stable and orderly market for securities when the situation permits under emergency conditions.

(3) *Protection of securities.* Provision of a national records system which will make it possible to establish current ownership of securities in the event major trading centers and depositories are destroyed.

(4) *Flow of capital.* The control of the formation and flow of private capital as it relates to new securities offerings or expansion of prior offerings for the purpose of establishing or reestablishing industries in relation to the Nation's needs in or following a national emergency.

(5) *Flight of capital.* The prevention of the flight of capital outside this country, in coordination with the Secretary of Commerce, and the impounding of securities in the hands of enemy aliens.

PART 26—SMALL BUSINESS ADMINISTRATION

SECTION 2601. *Functions.* The Administrator of the Small Business Administration shall:

(1) *Prime contract authority.* Develop plans to administer a program for the acquisition of prime contracts by the Administration and, in turn, for negotiating or otherwise letting of subcontracts to capable small business concerns in an emergency.

(2) *Resource information.* Provide data on facilities, inventories, and potential production capacity of small business concerns to all interested agencies.

(3) *Procurement.* Develop plans to determine jointly with Federal procurement agencies, as appropriate, which defense contracts are to go to small business concerns and to certify to the productive and financial ability of small concerns to perform specific contracts, as required.

(4) *Loans for plant modernization.* Develop plans for providing emergency assistance to essential individual industrial establishments through direct loans or participation loans for the financing of production facilities and equipment.

(5) *Resource pools.* Develop plans for encouraging and approving small business defense production and research and development pools.

(6) *Financial assistance.* Develop plans to make loans, directly or in participation with private lending institutions, to small business concerns and to groups or pools of such concerns, to small business investment companies, and to State and local development companies to provide them with funds for lending to small business concerns, for defense and essential civilian purposes.

PART 27—TENNESSEE VALLEY AUTHORITY

SECTION 2701. *Functions.* The Board of Directors of the Tennessee Valley Authority shall:

(1) *Electric power.* Assist the Department of the Interior in the development of plans for the integration of the Tennessee Valley Authority power system into national emergency programs and prepare plans for the emergency management, operation, and maintenance of the system and for its essential expansion.

(2) *Waterways.* Assist the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, in the development of plans for integration and control of inland waterway transportation systems and, in cooperation with the Department of Defense and the Department of the Interior, prepare plans for the

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management, operation, and maintenance of the river control system in the Tennessee River and certain of its tributaries for navigation during an emergency.

(3) *Flood control.* Develop plans and maintain its river control operations for the prevention or control of floods caused by natural phenomena or overt and covert attack affecting the Tennessee River System and, in so doing, collaborate with the Department of Defense with respect to the control of water in the lower Ohio and Mississippi Rivers.

(4) *Emergency health services and sanitary water supplies.* Assist the Department of Health, Education, and Welfare in the development of plans and programs covering emergency health services, civilian health manpower, and health resources in the Tennessee Valley Authority area and, in collaboration with the Department of the Interior and the Department of Health, Education, and Welfare, prepare plans for the management, operation, and maintenance of the Tennessee River System consistent with the needs for sanitary public water supplies, waste disposal, and vector control.

(5) *Coordination of water use.* Develop plans for determining or proposing priorities for the use of water by the Tennessee Valley Authority in the event of conflicting claims arising from the functions listed above.

(6) *Fertilizer.* Assist the Department of Agriculture in the development of plans for the distribution and claimancy of fertilizer; assist the Department of Commerce and the Department of Defense in the development of Tennessee Valley Authority production quotas and any essential expansion of production facilities, and prepare plans for the management, operation, and maintenance of its facilities for the manufacture of nitrogen and phosphorous fertilizers.

(7) *Munitions production.* Perform chemical research in munitions as requested by the Department of Defense, maintain standby munitions production facilities, and develop plans for converting and utilizing fertilizer facilities as required in support of the Department of Defense's munitions program.

(8) *Land management.* Develop plans for the maintenance, management, and utilization of Tennessee Valley Authority-controlled lands in the interest of an emergency economy.

(9) *Food and forestry.* Assist the Department of Agriculture in the development of plans for the harvesting and processing of fish and game, and the Department of Commerce in the development of plans for the production and processing of forest products.

(10) *Coordination with Valley States.* Prepare plans and agreements with Tennessee Valley States, consistent with Federal programs, for appropriate integration of Tennessee Valley Authority and State plans for the use of available Tennessee Valley Authority resources.

PART 28—UNITED STATES CIVIL SERVICE COMMISSION

SECTION 2801. *Functions.* The United States Civil Service Commission shall:

(1) *Personnel system.* Prepare plans for adjusting the Federal civilian personnel system to simplify administration and to meet emergency demands.

(2) *Utilization.* Develop policies and implementing procedures designed to assist Federal agencies in achieving the most effective utilization of the Federal Government's civilian manpower in an emergency.

(3) *Manpower policies.* As the representative of the Federal Government as an employer, participate, as appropriate, in the formulation of national and regional manpower policies as they affect Federal civilian personnel and establish implementing policies as necessary.

(4) *Manpower administration.* Prepare plans, in consonance with national manpower policies and programs, for the administration of emergency civilian manpower and employment policies within the

executive branch of the Government, including the issuance and enforcement of regulations to implement such policies.

(5) *Wage and salary stabilization.* Participate, as appropriate, with the Federal Preparedness Agency (GSA) and the Department of Labor in the formulation of national and regional wage and salary stabilization policies as they affect Federal civilian personnel. Within the framework of such policies, prepare plans for the implementation of such policies and controls established for employees within the executive branch of the Government, including the issuance and enforcement of necessary regulations.

(6) *Assistance.* Develop plans for rendering personnel management and staffing assistance to new and expanding Federal agencies.

(7) *Recruiting.* Develop plans for the coordination and control of civilian recruiting policies and practices by all Federal agencies in order to increase the effectiveness of the total recruitment efforts during an emergency and to prevent undesirable recruitment practices.

(8) *Reassignment.* Develop plans to facilitate the reassignment or transfer of Federal civilian employees, including the movement of employees from one agency or location to another agency or location, in order to meet the most urgent needs of the executive branch during an emergency.

(9) *Registration.* Develop plans and procedures for a nationwide system of post-attack registration of Federal employees to provide a means for locating and returning to duty those employees who become physically separated from their agencies after an enemy attack, and to provide for the maximum utilization of the skills of surviving employees.

(10) *Deferment.* Develop plans and procedures for a system to control Government requests for the selective service deferment of employees in the executive branch of the Federal Government and in the municipal government of the District of Columbia.

(11) *Investigation.* Prepare plans, in coordination with agencies having responsibilities in the personnel security field, for the conduct of national agency checks and inquiries, limited suitability investigations, and full field investigations under emergency conditions.

(12) *Salaries, wages, and benefits.* Develop plans for operating under emergency conditions the essential aspects of salary and wage systems and such benefit systems as the Federal Employees Retirement System, the Federal Employees Group Life Insurance Program, the Federal Employees and Retired Federal Employees Health Benefits Programs, and the Federal Employees Compensation Program.

(13) *Federal manpower mobilization.* Assist Federal agencies in establishing manpower plans to meet their own emergency manpower requirements; identify major or special manpower problems of individual Federal agencies and the Federal Government as a whole in mobilizing a civilian work force to meet essential emergency requirements; identify sources of emergency manpower supply for all agencies where manpower problems are indicated; and develop Government-wide plans for the use of surplus Federal civilian manpower.

(14) *Distribution of manpower.* Participate in the formulation of policies and decisions on the distribution of the nation's civilian manpower resources, obtain appropriate civilian manpower data from Federal agencies, and establish necessary implementing policies and procedures within the Executive Branch.

(15) *Training.* Develop, organize, and conduct, as appropriate, interagency training programs in emergency personnel management for Federal employees.

[Sec. 2801(5) amended by EO 11921 of June 11, 1976]

PART 28A—UNITED STATES INFORMATION AGENCY

SECTION 2850. *Functions.* (a) The Director of the United States Information Agency shall prepare national emergency plans and develop preparedness programs for the continuation of essential emergency

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foreign information activities. These plans and programs shall be designed to develop a state of readiness which will permit continuing necessary activities under all conditions of national emergency including attack upon the United States.

(b) The Director shall (1) develop plans for the formulation and execution of foreign information programs utilizing the Agency's overseas posts and all media designed to promote an intelligent understanding abroad of the status of the emergency within the United States and the efforts, policies, activities, needs, and aims of the United States in dealing with the international situation then existing; (2) develop emergency plans and programs, and emergency organizational structures required thereby, as an integral part of the continuing activities of the United States Information Agency on the basis that it will have the responsibility for carrying on such programs during an emergency; (3) provide and maintain the capability necessary for simultaneous direct radio broadcasting in major languages to all areas of the world, and wireless teletype to all United States Embassies; (4) provide advice to the executive branch on foreign opinion, and its implications for United States policies, programs, and official statements; (5) maintain liaison with the information agencies of friendly nations for the purpose of relating the United States Government information programs and facilities to those of such nations; (6) participate in the development of policy with regard to the psychological aspects of defense and develop plans for assisting the appropriate agencies in the execution of psychological operations with special attention to overseas crises short of war; (7) maintain United States Information Service staffs abroad for the conduct of public information for all agencies of the Government, recognizing that in a theater of operations the United States Information Agency would make available to the appropriate Commander all United States citizen personnel on the staff of the Agency, who agree to remain, to serve in support of psychological operations; and (8) lend appropriate support in psychological warfare to the military command in the theater or theaters of active military operations, and provide daily guidance and basic informational materials.

(c) The Director shall insure development of appropriate plans necessary under this Part and issue emergency instructions required to implement all appropriate plans developed under this Part.

[Part 28A added by EO 11921 of June 11, 1976]

PART 29—VETERANS ADMINISTRATION

SECTION 2901. *Functions.* The Administrator of Veterans Affairs shall develop policies, plans, and procedures for the performance of emergency functions with respect to the continuation or restoration of authorized programs of the Veterans Administration under all conditions of national emergency, including attack upon the United States. These include:

(1) The emergency conduct of inpatient and outpatient care and treatment in Veterans Administration medical facilities and participation with the Departments of Defense and Health, Education, and Welfare as provided for in interagency agreements.

(2) The emergency conduct of compensation, pension, rehabilitation, education, and insurance payments consistent with over-all Federal plans for the continuation of Federal benefit payments.

(3) The emergency performance of insurance and loan guaranty functions in accordance with indirect stabilization policies and controls designed to deal with various emergency conditions.

PART 30—GENERAL PROVISIONS

SECTION 3001. *Resource Management.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Federal Preparedness Agency (GSA) under Executive Order No. 11051 of September 27, 1962, and subject to the provisions of the preceding parts, the head of each department and agency shall:

(1) *Priorities and allocations.* Develop systems for the emergency application of priorities and allocations to the production, distribution, and use of resources for which he has been assigned responsibility.

(2) *Requirements.* Assemble, develop as appropriate, and evaluate requirements for assigned resources, taking into account estimated needs for military, atomic energy, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements under emergency conditions.

(3) *Evaluation.* Assess assigned resources in order to estimate availability from all sources under an emergency situation, analyze resource availabilities in relation to estimated requirements and develop appropriate recommendations and programs, including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource analysis purposes of the Federal Preparedness Agency (GSA).

(4) *Claimancy.* Prepare plans to claim from the appropriate agency supporting materials, manpower, equipment, supplies, and services which would be needed to carry out assigned responsibilities and other essential functions of his department or agency, and cooperate with other agencies in developing programs to insure availability of such resources in an emergency.

[Sec. 3001 amended by EO 11921 of June 11, 1976]

SEC. 3002. *Facilities protection and warfare effects monitoring and reporting.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Federal Preparedness Agency (GSA) under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the head of each department and agency shall:

(1) *Facilities protection.* Provide facilities protection guidance material adapted to the needs of the facilities and services concerned and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack on facilities or other resources for which he has management responsibility. Guidance shall include, but not be limited to, organization and training of facility employees, personnel shelter, evacuation plans, records protection, continuity of management, emergency repair, dispersal of facilities, and mutual aid associations for an emergency.

(2) *Warfare effects monitoring and reporting.* Maintain a capability, both at national and field levels, to estimate the effects of attack on assigned resources and to collaborate with and provide data to the Federal Preparedness Agency (GSA), the Department of Defense, and other agencies, as appropriate, in verifying and updating estimates of resource status through exchanges of data and mutual assistance, and provide for the detection, identification, monitoring and reporting of such warfare effects at selected facilities under his operation or control.

(3) *Salvage and rehabilitation.* Develop plans for salvage, decontamination, and rehabilitation of facilities involving resources under his jurisdiction.

(4) *Shelter.* In conformity with national shelter policy, where authorized to engage in building construction, plan, design, and construct such buildings to protect the public to the maximum extent feasible against the hazards that could result from an attack upon the United States with nuclear weapons; and where empowered to extend Federal financial assistance, encourage recipients of such financial assistance to use standards for planning design and construction which will maximize protection for the public.

[Sec. 3002 amended by EO 11921 of June 11, 1976]

SEC. 3003. *Critical skills and occupations.* (a) The Secretaries of Defense, Commerce, and Labor shall carry out the mandate of the National Security Council, dated February 15, 1968, to "maintain

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a continuing surveillance over the Nation's manpower needs and identify any particular occupation or skill that may warrant qualifying for deferment on a uniform national basis." In addition, the Secretaries of Defense, Commerce, Labor, and Health, Education, and Welfare shall carry out the mandate of the National Security Council to "maintain a continuing surveillance over the Nation's manpower and education needs to identify any area of graduate study that may warrant qualifying for deferment in the national interest." In carrying out these functions, the Secretaries concerned shall consult with the National Science Foundation with respect to scientific manpower requirements.

(b) The Secretaries of Commerce and Labor shall maintain and issue, as necessary, lists of all essential activities and critical occupations that may be required for emergency preparedness purposes.

SEC. 3004. *Research.* Within the framework of research policies and objectives established by the Federal Preparedness Agency (GSA), the head of each department and agency shall supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving each agency's interest.

[Sec. 3005 amended by EO 11921 of June 11, 1976]

SEC. 3005. *Stockpiles.* The head of each department and agency, with appropriate emergency responsibilities, shall assist the Federal Preparedness Agency (GSA), in formulating and carrying out plans for stockpiling of strategic and critical materials, and survival items.

[Sec. 3005 amended by EO 11921 of June 11, 1976]

SEC. 3006. *Direct Economic Controls.* The head of each department and agency shall cooperate with the Office of Emergency Preparedness and the Federal financial agencies in the development of emergency preparedness measures involving emergency financial and credit measures, as well as price, rent, wage and salary stabilization, and consumer rationing programs.

SEC. 3007. *Financial Aid.* The head of each department and agency shall develop plans and procedures in cooperation with the Federal financial agencies for financial and credit assistance to those segments of the private sector for which he is responsible in the event such assistance is needed under emergency conditions.

SEC. 3008. *Functional Guidance.* The head of each department and agency in carrying out the functions assigned to him by his order, shall be guided by the following:

(1) *National program guidance.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Federal Preparedness Agency (GSA) under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense, technical guidance shall be provided to State and local governments and instrumentalities thereof, to the end that all planning concerned with functions assigned herein will be effectively coordinated. Relations with the appropriate segment of the private sector shall be maintained to foster mutual understanding of Federal emergency plans.

(2) *Interagency coordination.* Emergency preparedness functions shall be coordinated by the head of the department or agency having primary responsibility with all other departments and agencies having supporting functions related thereto.

(3) *Emergency preparedness.* Emergency plans, programs, and an appropriate state of readiness, including organizational readiness, shall be developed as an integral part of the continuing activities of each department or agency on the basis that that department or

agency will have the responsibility for carrying out such plans and programs during an emergency. The head of each department or agency shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, shall be in accordance with policy determinations by the President.

(4) *Professional liaison.* Mutual understanding and support of emergency preparedness activities shall be fostered, and the National Defense Executive Reserve shall be promoted by maintaining relations with the appropriate non-governmental sectors.

[Sec. 3008(1) amended by EO 11921 of June 11, 1976]

SEC. 3009. *Training.* The head of each department and agency shall develop and direct training programs which incorporate emergency preparedness and civil defense training and information programs necessary to insure the optimum operational effectiveness of assigned resources, systems, and facilities.

SEC. 3010. *Emergency Public Information.* In consonance with such emergency public information plans and central program decisions of the Federal Preparedness Agency (GSA), and with plans, programs, and procedures established by the Department of Defense to provide continuity of programming for the Emergency Broadcast System, the head of each department and agency shall:

(1) Obtain and provide information as to the emergency functions or assignments of the individual department or agency for dissemination to the American people during the emergency, in accordance with arrangements made by the Federal Preparedness Agency (GSA).

(2) Determine requirements and arrange for prerecordings to provide continuity of program service over the Emergency Broadcast System so that the American people can receive information, advice, and guidance pertaining to the implementation of the civil defense and emergency preparedness plans or assignments of each individual department or agency.

[Sec. 3010 amended by EO 11921 of June 11, 1976]

SEC. 3011. *Emergency Actions.* This order does not confer authority to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

SEC. 3012. *Redelegation.* The head of each department and agency is hereby authorized to redelegate the functions assigned to him by this order, and to authorize successive redelegations to agencies or instrumentalities of the United States, and to officers and employees of the United States.

SEC. 3013. *Transfer of Functions.* Any emergency preparedness function under this order, or parts thereof, may be transferred from one department or agency to another with the consent of the heads of the organizations involved and with the concurrence of the Director of Federal Preparedness Agency (GSA). Any new emergency preparedness function may be assigned to the head of a department or agency by the Director of the Federal Preparedness Agency (GSA) by mutual consent.

[Sec. 3013 amended by EO 11921 of June 11, 1976]

SEC. 3014. *Retention of Existing Authority.* Except as provided in Section 3015, nothing in this order shall be deemed to derogate from any now existing assignment of functions to any department or agency or officer thereof made by statute, Executive order, or Presidential directives, including Memoranda.

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SEC. 3015. *Revoked Orders.* The following are hereby revoked:

(1) Defense Mobilization Order VI–2 of December 11, 1953.
(2) Defense Mobilization Order I–12 of October 5, 1954.
(3) Executive Order No. 10312 of December 10, 1951.
(4) Executive Order No. 10346 of April 17, 1952.
(5) Executive Order No. 10997 of February 16, 1962.
(6) Executive Order No. 10998 of February 16, 1962.
(7) Executive Order No. 10999 of February 16, 1962.
(8) Executive Order No. 11000 of February 16, 1962.
(9) Executive Order No. 11001 of February 16, 1962.
(10) Executive Order No. 11002 of February 16, 1962.
(11) Executive Order No. 11003 of February 16, 1962.
(12) Executive Order No. 11004 of February 16, 1962.
(13) Executive Order No. 11005 of February 16, 1962.
(14) Executive Order No. 11087 of February 26, 1963.
(15) Executive Order No. 11088 of February 26, 1963.
(16) Executive Order No. 11089 of February 26, 1963.
(17) Executive Order No. 11090 of February 26, 1963.
(18) Executive Order No. 11091 of February 26, 1963.
(19) Executive Order No. 11092 of February 26, 1963.
(20) Executive Order No. 11093 of February 26, 1963.
(21) Executive Order No. 11094 of February 26, 1963.
(22) Executive Order No. 11095 of February 26, 1963.
(23) Executive Order No. 11310 of October 11, 1966.

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